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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–206–AD; Amendment 39–12114; AD 2001–03–10]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, –200, –300, –400, and 747SR Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD); applicable to all Boeing Model 747–100, –200, –300, –400, and 747SR series airplanes; that requires a one-time inspection to determine whether H–11 steel bolts are installed as attach and support bolts at the trailing edge flap transmissions, and replacement of any H–11 steel bolt with an Inconel bolt. The actions specified by this AD are intended to prevent loss of a flap transmission, which could reduce lateral controllability of the airplane.

DATES: Effective March 28, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 28, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Barbara Mudrovich, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2983; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing Model 747–100, –200, –300, –400, and 747SR series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on May 31, 2000 (65 FR 34604). That action proposed to require a one-time inspection to determine whether H–11 steel bolts are installed as attach and support bolts at the trailing edge flap transmissions, and replacement of any H–11 steel bolt with an Inconel bolt. That action also proposed to expand the applicability of the original NPRM to include additional airplanes.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Extend the Compliance Time

Several commenters request that the compliance time for the proposed rule be extended. The commenters' suggestions for an appropriate compliance time range from 16 to 24 months. Most commenters' requests are based on the need for additional time so that subject H–11 steel bolts can be replaced during a scheduled maintenance visit. However, one commenter, who suggests that a compliance time of 18 months would allow accomplishment of the AD during a heavy maintenance visit, also states that the replacement Inconel bolts listed in the service bulletin are not available in sufficient quantity to meet the needs of all affected operators. The commenter points out that, if adequate quantities of replacement bolts are not available, airplanes will be grounded. Similarly, another commenter requests that the FAA coordinate compliance times for this AD with the airplane manufacturer to ensure that an adequate supply of parts is available for replacement of the subject bolts on all airplanes in the worldwide fleet.

The FAA concurs that the compliance time for the actions required by this AD may be extended. In developing an appropriate compliance time for this AD, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the necessary actions, the practical aspect of accomplishing the requirement within an interval of time that parallels normal scheduled maintenance for affected operators, and the availability of replacement parts. In consideration of these factors, the FAA has determined that 18 months represents an appropriate compliance time allowable wherein an acceptable level of safety can be maintained. Paragraph (a) of this AD has been revised accordingly.

Though the FAA is extending the compliance time for the actions required by this AD, it should be noted that the FAA does not concur with the comment that the replacement Inconel bolts listed in the service bulletin are not available in sufficient quantity to meet the needs of all affected operators. The FAA has confirmed with the airplane manufacturer that an adequate supply of bolts is available.

Request To Provide Relief for Operators of Certain Airplanes

One commenter requests various changes to the proposed rule to differentiate between airplanes delivered with H–11 steel bolts and airplanes not delivered with H–11 steel bolts, but that may have had such bolts installed as spares. The commenter states that, to avoid confusion, the proposed AD must be revised to make clear that H–11 steel bolts were not used as attach and support bolts at the trailing edge flap transmissions in airplanes having line number (L/N) 872 and subsequent. The commenter asserts that, while this was apparent in the original NPRM, it was not clear in the supplemental NPRM. The purpose of the commenter's proposed changes is to provide relief to operators of airplanes not delivered with H–11 steel bolts. The commenter specifically requests that the FAA divide the applicability of the AD into three groups, and that operators of certain airplanes be given the option of examining the maintenance records to

determine if any major flap transmission or flap track repair or replacement has been done on the airplane. If no such repair or replacement has been done, no further action would be necessary for that airplane.

The FAA concurs with the intent of the commenter's request, though not with the grouping of airplanes suggested by the commenter. The FAA finds that operators of airplanes that were not delivered with H–11 steel bolts may be allowed to comply with this AD by inspecting the maintenance records for the airplane to determine if H–11 steel bolts may have been installed during a repair or replacement of a flap transmission or flap track. If the inspection of maintenance records conclusively shows that no major repair or replacement of a flap transmission or flap track has been done, then no further action is necessary for that airplane. Therefore, the FAA has revised this final rule to include a new paragraph (b), which offers operators of airplanes having L/N 872 and subsequent the option of an inspection of maintenance records to be performed instead of the inspection in paragraph (a) of this AD. (Subsequent paragraphs have been reordered accordingly.)

Request To Reduce Applicability

One commenter disagrees with the expansion of the applicability that was proposed in the supplemental NPRM. The commenter states that it is an operator's responsibility to track components removed from one airplane and installed on another. The commenter states that it is unfair to penalize operators who are able to track components from airplane to airplane.

The FAA concurs with the commenter's intent. As explained above, the FAA has added paragraph (b) to this final rule to give operators of airplanes that were not delivered with H–11 steel bolts the option to inspect the maintenance records for the airplane to determine if H–11 steel bolts may have been installed during a repair or replacement. If the maintenance records conclusively show that no major repair or replacement of a flap transmission or flap track has been done, then no further action is necessary for that airplane. However, if it cannot be determined from the inspection of the maintenance records if such repair or replacement has been done, this AD requires an inspection for H–11 steel bolts, and follow-on corrective actions, if necessary. No further change to the final rule is necessary in this regard.

Request To Prohibit Future Installation of H–11 Steel Bolts

One commenter requests that the FAA revise the proposed rule to include a statement that no airplane may be modified to introduce H–11 steel bolts into the flap transmissions. The commenter states that such a statement is necessary to ensure that H–11 steel bolts are not installed in the flap transmissions of the subject airplanes (e.g., from spares) after the effective date of this AD. In a related issue addressed separately above, the same commenter proposes dividing the applicability of this AD into three groups, with one group of airplanes—those delivered after the effective date of this AD (Group 3)—requiring no action per this AD.

The FAA does not concur with the commenter's request. Revising the proposed rule to prohibit installation of H–11 steel bolts into the flap transmissions after the effective date of this AD would involve adding a new requirement to this AD, which would necessitate issuing another supplemental NPRM and reopening the public comment period. Considering the criticality of the unsafe condition, the FAA finds that it would be inappropriate to delay issuance of the final rule in this way. This AD will prohibit installation of H–11 steel bolts after 18 months following the effective date of this AD, and the FAA finds that this 18-month interval is adequate to both ensure that all affected operators will be able to comply with this AD in a timely manner and ensure the safety of the affected airplane fleet. No change to the final rule is necessary in this regard.

Request To Allow Deferred Replacement of Bolts

One commenter states that it "seems strange" that the FAA is allowing a compliance time of one year for the inspection but requiring the replacement before further flight of any H–11 steel bolt with an Inconel bolt. Another commenter points out that dispatch relief provided by Boeing Alert Service Bulletin 747–27A2376, dated July 1, 1999, via a torque check of H–11 steel bolts was omitted from the proposed rule.

The commenters make no specific request for a change to the proposed rule. However, the FAA infers that the commenters are requesting that the FAA allow deferred replacement of H–11 steel bolts that are not broken, as provided in the service bulletin. The FAA does not concur with this request. As explained in the original NPRM, though the service bulletin describes an option to defer replacement of an H–11 steel bolt by performing a torque inspection to determine whether the H–11 steel bolt is broken, the FAA has determined that such a deferral would not result in the unsafe condition being addressed in a timely manner. In addition, as explained previously, the FAA is extending the compliance time for the inspection required by this AD from 12 to 18 months. This extension of the compliance time will allow operators to plan appropriately for doing this AD on their airplanes, so that the required actions may be done during a scheduled maintenance visit. No further change to this AD is necessary in this regard.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 1,240 airplanes of the affected design in the worldwide fleet. The FAA estimates that 281 airplanes of U.S. registry will be affected by this AD.

The required inspection will take approximately 2 work hours per airplane at an average labor rate of $60 per work hour. Based on these figures, the FAA estimates the cost impact of this inspection on U.S. operators to be $33,720, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Should an operator be required to accomplish the bolt replacement, it will take approximately 4 work hours per airplane (0.5 hour per transmission), at an average labor rate of $60 per work hour. Required parts will cost approximately $5,049 per airplane. Based on these figures, the FAA estimates the cost impact of the replacement to be $5,289 per airplane.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–03–10 Boeing: Amendment 39–12114. Docket 99–NM–206–AD.

Applicability: All Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, –400F, and 747SR series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of a flap transmission, which could reduce lateral controllability of the airplane, accomplish the following:

Replacement

(a) Except as provided by paragraph (b) of this AD, within 18 months after the effective date of this AD, perform a one-time general visual inspection to determine whether H–11 steel bolts are installed as attach and support bolts at the trailing edge flap transmissions, in accordance with Boeing Alert Service Bulletin 747–27A2376, dated July 1, 1999.

(1) If no H–11 steel bolt is found, no further action is required by this AD.

(2) If any H–11 steel bolt is found, before further flight, replace with an Inconel bolt, in accordance with the alert service bulletin.

Note 2: For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

Alternative Inspection for Certain Airplanes

(b) For airplanes having line number (L/N) 872 and subsequent: Instead of doing paragraph (a) of this AD, it is acceptable to inspect airplane maintenance records to determine if a flap transmission or flap track repair or replacement has been done. This inspection of the maintenance records, if done, is required at the same 18-month compliance time as the inspection required by paragraph (a) of this AD.

(1) If no flap transmission or flap track repair or replacement has been done: No further action is required by this AD.

(2) If any flap transmission or flap track repair or replacement has been done, or if it cannot be determined from the inspection of the maintenance records if such repair or replacement has been done: Within 18 months after the effective date of this AD, do paragraph (a) of this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) Except as provided by paragraph (b) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 747–27A2376, dated July 1, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on March 28, 2001.

Issued in Renton, Washington, on February 8, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–3699 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–224–AD; Amendment 39–12116; AD 2001–03–12]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all British Aerospace (Jetstream) Model 4101 airplanes, that currently requires repetitive inspections to detect loose or migrated levers of the elevator cable tension regulators, and replacement of the regulator assembly with a new assembly, if necessary. This amendment requires modification of the elevator cable tension regulator lever assembly, terminating the repetitive inspections. This amendment is

prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent the elevator cable tension regulator from becoming detached from the splined shaft of the assembly, which could result result in difficulty adjusting the elevators, leading to reduced controllability of the airplane.

DATES: Effective March 28, 2001.

The incorporation by reference of Jetstream Service Bulletin J41–27–059, dated May 31, 2000, as listed in the regulations, is approved by the Director of the Federal Register as of March 28, 2001.

The incorporation by reference of Jetstream Alert Service Bulletin J41–A–27–053, dated September 14, 1999, as listed in the regulations, was approved previously by the Director of the Federal Register as of February 1, 2000 (64 FR 72531, December 28, 1999).

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, ANM–116, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 99–26–18, amendment 39–11478 (64 FR 72531, December 28, 1999), which is applicable to all British Aerospace (Jetstream) Model 4101 airplanes, was published in the **Federal Register** on December 5, 2000 (65 FR 75879). The action proposed to continue to require repetitive inspections to detect loose or migrated levers of the elevator cable tension regulators, and replacement of the regulator assembly with a new assembly, if necessary. The action also proposed to require modification of the elevator cable tension regulator lever assembly, terminating the repetitive inspections.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 57 airplanes of U.S. registry that will be affected by this AD. The repetitive inspection that is currently required by AD 99–26–18 takes approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $120 per airplane, per inspection cycle.

The modification that is required in this AD will take approximately 6 work hours per airplane to accomplish at an average labor rate of $60 per work hour. There will be no charge for required parts. Based on these figures, the cost impact of the requirements of this AD on U.S. operators is estimated to be $20,520, or $360 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–11478 (64 FR 72531, December 28, 1999), and by adding a new airworthiness directive (AD), amendment 39–12116, to read as follows:

2001–03–12 British Aerospace Regional Aircraft (Formerly Jetstream Aircraft Limited British Aerospace (Commercial Aircraft) Limited): Amendment 39–12116. Docket 2000–NM–224–AD. Supersedes AD 99–26–18, Amendment 39–11478.

Applicability: All Model Jetstream 4101 airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the elevator cable tension regulators from becoming detached from the splined shaft of the assembly, which could result in difficulty adjusting the elevators, leading to reduced controllability of the airplane, accomplish the following:

Restatement of Certain Actions Required by AD 99–26–18

Inspection

(a) Within 7 weeks after February 1, 2000 (the effective date of AD 99–26–18, amendment 39–11478), perform a detailed visual inspection of the elevator cable tension regulator lever assembly to detect discrepancies (including looseness and migration along the splines of the elevator cable tension regulator assembly), in accordance with Jetstream Alert Service Bulletin J41–A–27–053, dated September 14, 1999. Repeat the inspection thereafter at intervals not to exceed 1,500 flight hours until accomplishment of paragraph (c) of this AD.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

New Actions Required by This AD

Modification

(b) If any discrepancy is detected during any inspection required by paragraph (a) of this AD: Prior to further flight, perform the requirements of paragraph (c) of this AD.

(c) Except as required by paragraph (b) of this AD: Within 12 months after the effective date of this AD, modify the elevator cable tension regulators in accordance with Jetstream Service Bulletin J41–27–059, dated May 31, 2000.

(d) As of the effective date of this AD, no person shall install any elevator cable tension regulator lever assembly, unless that assembly has been modified in accordance with the requirements of paragraph (c) of this AD.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(g) The actions shall be done in accordance with Jetstream Alert Service Bulletin J41–A–27–053, dated September 14, 1999; and Jetstream Service Bulletin J41–27–059, dated May 31, 2000; as applicable.

(1) This incorporation by reference of Jetstream Service Bulletin J41–27–059, dated May 31, 2000, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Jetstream Alert Service Bulletin J41–A–27–053, dated September 14, 1999, was approved previously by the Director of the Federal Register as of February 1, 2000 (64 FR 72531, December 28, 1999).

(3) Copies may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in British airworthiness directive 006–05–2000.

Effective Date

(h) This amendment becomes effective on March 28, 2001.

Issued in Renton, Washington, on February 8, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–3696 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–54–AD; Amendment 39–12115; AD 2001–03–11]

RIN 2120–AA64

Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes that are equipped with certain main landing gear (MLG) radius rods. This AD requires inspection of the MLG radius rods for cracks and replacement of any cracked rod. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to detect and correct cracks in the MLG radius rods. Such cracks could result in MLG failure during takeoff, landing, or taxi operations, with consequent loss of airplane control.

DATES: This AD becomes effective on April 6, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 6, 2001.

ADDRESSES: You may get the service information referenced in this AD from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–54–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes. The CAA reports an incident where a MLG radius rod cylinder cracked, which allowed the gland nut to separate from the housing and caused the MLG unit to move 30 degrees outboard.

The cause has been traced to a quality control problem with the MLG manufacturer, APPH Ltd. In particular, the cause is inadequate countersinking of a drilled hole for the attachment of a flexible hose on a batch of MLG radius rods, part numbers 1847 and 1862, all suffixes.

What are the consequences if the condition is not corrected? Cracks in the MLG radius rods, if not detected and corrected, could result in MLG failure during takeoff, landing, or taxi operations, with consequent loss of airplane control.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes that are equipped with certain main landing gear (MLG) radius rods. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 2, 2000 (65 FR 65800). The NPRM proposed to require inspection of the MLG radius rods for cracks, with replacement of any cracked rod.

Was the public invited to comment? Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

FAA's Determination

What is FAA's final determination on this issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

—Will not change the meaning of the AD; and

—Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 264 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
10 workhours × $60 per = $600	No parts required for inspection.	$600 per airplane	$600 × 264 = $158,400.

We estimate the following costs to accomplish any necessary MLG radius rod replacements that will be required based on the results of the inspection. We have no way of determining the number of airplanes that may need MLG radius rod replacement:

Labor cost	Parts cost	Total cost per airplane
2 workhours × $60 per hour = $120 to accomplish each MLG radius rod replacement.	$7,315 per MLG radius rod	$120 + $7,315 = $7,435 per MLG radius rod that needs replaced.

Regulatory Impact

Does this AD impact various entities? The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2001–03–11 British Aerospace: Amendment 39–12115; Docket No. 2000–CE–54–AD.

(a) *What airplanes are affected by this AD?* This AD affects HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes, all serial numbers, that are:

(1) Certificated in any category; and

(2) Equipped with a main landing gear (MLG) radius rod, APPH Ltd. part number 1847 or 1862, all suffixes.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and correct cracks in the MLG radius rods. Such cracks could result in MLG failure during takeoff, landing, or taxi operations, with consequent loss of airplane control.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Check the maintenance records to determine whether one of the affected MLG radius rods is installed.	Within the next 200 hours time-in-service (TIS) after April 6, 2001 (the effective date of this AD), unless already accomplished.	As specified in British Aerospace Mandatory Service Bulletin 32–JA 991140, Issued: April 14, 2000.

Actions	Compliance	Procedures
(2) If, by checking the maintenance records, you can positively show that one of the affected MLG radius rods is not installed, then the inspection and possible replacement requirements of this AD do not apply. Make an entry into the aircraft records that shows compliance with this portion of the AD, in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).	Prior to further flight after checking the maintenance records.	Not Applicable.
(3) If, by checking the maintenance records, you find that one of the affected MLG radius rods is installed or you cannot positively show that one of the affected MLG radius rods is not installed, inspect any affected MLG radius rod for cracks.	Prior to further flight after checking the maintenance records, unless already accomplished.	In accordance with procedures in APPH Ltd. Service Bulletin 1847–32–07, dated February 2000; or APPH Ltd. Service Bulletin 1862–32–07, dated February 2000, as applicable.
(4) If any MLG radius rod is found cracked, replace it with an FAA-approved MLG radius rod that is crack free.	Prior to further flight after the inspection.	In accordance with the procedures in the applicable maintenance manual.
(5) Do not install, on any affected airplane, a part number 1847 or 1862 MLG radius rod (all suffixes), unless it has been inspected and if found to be free of cracks as specified in paragraph (d)(3).	As of April 6, 2001 (the effective date of this AD).	Not Applicable.
(6) The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may accomplish the actions required in paragraphs (d)(1) and (d)(2) of this AD.	Not Applicable	Not Applicable.

Note 1: British Aerospace Mandatory Service Bulletin 32–JA 991140, Issued: April 14, 2000; APPH Ltd. Service Bulletin 1847–32–07, dated February 2000; and APPH Ltd. Service Bulletin 1862–32–07, dated February 2000, state if no cracks are found during the inspection required in paragraph (d)(3), check the edge of the one-way restrictor bore and radius sharp edge with a 0.010 to 0.020 inch radius if required. The FAA highly recommends that this be accomplished.

Note 2: British Aerospace Mandatory Service Bulletin 32–JA 991140, Issued: April 14, 2000; APPH Ltd. Service Bulletin 1847–32–07, dated February 2000; and APPH Ltd. Service Bulletin 1862–32–07, dated February 2000, specify reporting the results of the inspections to British Aerospace Regional Aircraft. The FAA highly recommends that each owner/operator submit this information. British Aerospace and the British Civil Airworthiness Authority (CAA) will use this information to determine whether further action is necessary. The FAA will evaluate the information from the British CAA and may initiate further rulemaking action.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 3: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Mr. Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with British Aerospace Mandatory Service Bulletin 32–JA 991140, Issued: April 14, 2000, APPH Ltd. Service Bulletin 1847–32–07, dated February 2000, and APPH Ltd. Service Bulletin 1862–32–07, dated February 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on April 6, 2001.

Note 4: The subject of this AD is addressed in British AD 002–04–2000, not dated.

Issued in Kansas City, Missouri, on February 7, 2001.

William J. Timberlake,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–3799 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–47–AD; Amendment 39–12118; AD 2001–03–14]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B4 Series Airplanes, and Model A300 B4–600, A300 B4–600R, and A300 F4–600R (Collectively Called A300–600) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300 series airplanes and all Airbus Model A300–600 series airplanes, that requires a one-time high frequency eddy current inspection to detect cracking of the splice fitting at fuselage frame (FR) 47 between stringers 24 and 25; and corrective actions, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct cracking of the splice

fitting at fuselage FR 47, which could result in reduced structural integrity of the airplane.

DATES: Effective March 28, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 28, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A300 series airplanes and all Airbus Model A300–600 series airplanes was published in the **Federal Register** on April 5, 2000 (65 FR 17822). That action proposed to require a one-time high frequency eddy current (HFEC) inspection to detect cracking of the splice fitting at fuselage frame (FR) 47 between stringers 24 and 25, and corrective actions, if necessary.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Airplane Model Designation and Change in AD Applicability

Since the issuance of the proposed AD, the FAA has determined that it is necessary to revise the manner in which it specifies the model designation for Airbus Model A300 and A300–600 series airplanes to reflect the designations that appear on the type certificate data sheet (TCDS). This final rule has been revised accordingly.

Additionally, an incorrect reference to Model A300 F4–200 series airplanes has been removed from paragraph (a)(2) of this final rule since that airplane model has not been type certificated in the United States.

Further, since the issuance of the proposed AD, the FAA also has determined that the applicability was stated incorrectly in the proposal. Airbus Model A300 B2K–3C airplanes were inadvertently included in the applicability of the proposed AD. Reference to that model has been removed from the applicability of this final rule.

In addition, the applicability of the proposed AD indicates that "All Model A300–600 series airplanes" and that "Model * * * A300 B4–600, A300 B4–600R, and A300 F4–600R series airplanes on which Airbus Modification 5890 (Airbus Service Bulletin A300–53–0199) has been installed" are among the affected airplanes. However, Model A300 B4–600, A300 B4–600R, and A300 F4–600R series airplanes, which are commonly referred to as "Model A300–600 series airplanes," were mistakenly associated in the applicability of the proposed AD with Model A300 series airplanes on which Modification 5890 has been incorporated. The parallel French airworthiness directive 1999–515–298(B), dated December 29, 1999, indicates that all Model A300–600 series airplanes are affected. The FAA intended to mirror the applicability of the French airworthiness directive in the applicability of the proposed AD. Therefore, the applicability of this final rule has been revised to reflect the affected models as shown in the French airworthiness directive.

Request to Allow Flight with Cracks

One commenter, Airbus, requests that the proposed AD be revised to provide a 100-flight-cycle grace period for splice replacement under certain conditions. That is, this grace period would allow flight with cracks in the area from hole A to the edge, provided that inspection of the area between holes A and J reveals no cracks. Airbus states that flight with such cracks was allowed by the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, in its parallel French airworthiness directive for the following reasons. The commenter notes that its statements are justified in two technical notes and in a laboratory report.

There are three stages of crack propagation of the splice that occur in the following sequence:

- From hole A to the edge;
- Between hole A and hole J (hole B in the laboratory report);
- From hole J to failure of the splice (the duration of this phase is 1,600 flight cycles).

The first inspection specified in the All Operators Telex (AOT) is accomplished to detect cracks from hole A to the edge. If a crack is found, then an inspection is performed between holes A and J. If no crack is found between holes A and J, then a grace period of 100 flight cycles is given for splice replacement. Since the measured crack propagation from hole J to splice failure is 1,600 flight cycles (as measured on the airplane having manufacturer's serial number 255), it is conservative to allow 100 flight cycles as a grace period for splice replacement. In addition, the structure can still sustain ultimate loads with the splice failed and limit loads with the splice plus frame failed. The 100-flight-cycle grace period is provided to allow operators to get a spare splice and plan the work.

The FAA concurs with the commenter's request to provide a 100-flight-cycle grace period for splice replacement under certain conditions, as specified in the referenced AOT's. While it is not the FAA's normal policy to allow flight with known cracks, in light of the technical data submitted by the manufacturer in this case, the FAA has determined that further flight with cracking in the situation described by the commenter can be permitted for the recommended 100-flight-cycle grace period. The FAA recognizes the unusual need that exists due to the work that is required to replace a splice fitting.

Further, the FAA finds that the cracks observed are sufficiently far from other known crack sites so that existing inspection programs can be considered valid independently from one another. In consideration of these findings and based on the FAA's criteria for flight with known cracking, the FAA has determined that further flight with cracking is permissible for a grace period of 100 flight cycles in this specific case.

It should be noted that Airbus specified the 100-flight-cycle grace period in the AOT's that are cited in this final rule. Now that the FAA is allowing that same grace period, this final rule has been revised to more closely parallel the actions and compliance times specified in the AOT's with one exception. (That exception involves contacting the FAA, rather than the manufacturer, for disposition of certain findings, which was explained in the preamble of the proposed AD.) Therefore, the FAA has revised the formatting of this final rule to coincide with the actions and compliance times specified in the AOT's.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that 83 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required one-time HFEC inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $4,980, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–03–14 Airbus Industrie: Amendment 39–12118. Docket 2000–NM–47–AD.

Applicability: All Model A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) series airplanes; and Model A300 B4 series airplanes on which Airbus Modification 5890 (Airbus Service Bulletin A300–53–0199) has been installed; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking of the splice fitting at fuselage frame (FR) 47, which could result in reduced structural integrity of the airplane, accomplish the following:

Inspection and Corrective Actions

(a) Perform a high frequency eddy current (HFEC) inspection to detect cracking of the splice fitting at fuselage FR 47 between stringers 24 and 25 (left- and right-hand sides), in accordance with Airbus All Operators Telex (AOT) A300–53A0350 (for Model A300 series airplanes) or A300–600–53A6123 (for Model A300–600 series airplanes), both dated October 25, 1999; as applicable. Do the inspection at the applicable time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD. Perform applicable corrective actions (e.g., removing the nut at hole "A" and performing an inspection using a shielded probe; replacing the splice fitting with a new splice fitting; performing an inspection around fastener holes "A" to "N" on the face of FR 47 adjacent to the splice fitting), in accordance with and at the times specified in the applicable AOT.

Compliance Times for Inspection of Model A300 Series Airplanes

(1) For Model A300 B4–100 series airplanes: Perform the HFEC inspection at the applicable time specified in paragraph (a)(1)(i) or (a)(1)(ii) of this AD.

(i) For airplanes that, as of the effective date of this AD, have accumulated fewer than 20,000 flight cycles since installation of Airbus Modification 5890 (Airbus Service Bulletin A300–53–0199): Perform the HFEC inspection at the later of the times specified in paragraphs (a)(1)(i)(A) and (a)(1)(i)(B) of this AD.

(A) Within 10,900 flight cycles or 22,000 flight hours since installation of Airbus Modification 5890, whichever occurs earlier.

(B) Within 1,500 flight cycles after the effective of this AD.

(ii) For airplanes that, as of the effective date of this AD, have accumulated 20,000 or more flight cycles since installation of Airbus Modification 5890: Perform the HFEC inspection within 750 flight cycles after the effective date of this AD.

(2) For Model A300 B4–200 series airplanes: Perform the HFEC inspection at the applicable time specified in paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) For airplanes that, as of the effective date of this AD, have accumulated fewer than 20,000 flight cycles since installation of Airbus Modification 5890 (Airbus Service Bulletin A300–53–0199): Perform the HFEC inspection at the later of the times specified in paragraphs (a)(2)(i)(A) and (a)(2)(i)(B) of this AD.

(A) Within 8,950 flight cycles or 18,600 flight hours since installation of Airbus Modification 5890, whichever occurs earlier.

(B) Within 1,500 flight cycles after the effective of this AD.

(ii) For airplanes that, as of the effective date of this AD, have accumulated 20,000 or more flight cycles since installation of Airbus Modification 5890 (Airbus Service Bulletin A300–53–0199): Perform the HFEC inspection within 750 flight cycles after the effective date of this AD.

Compliance Times for Inspection of Model A300–600 Series Airplanes

(3) For Model A300–600 series airplanes on which Airbus Modification 5890 is not installed: Perform the HFEC inspection at the applicable time specified in paragraph (a)(3)(i) or (a)(3)(ii) of this AD.

(i) For airplanes that have accumulated fewer than 10,000 total flight cycles as of the effective date of this AD: Perform the HFEC inspection at the later of the times specified in paragraphs (a)(3)(i)(A) and (a)(3)(i)(B) of this AD.

(A) Prior to the accumulation of 2,500 total flight cycles or 6,400 total flight hours, whichever occurs earlier.

(B) Within 1,500 flight cycles after the effective of this AD.

(ii) For airplanes that have accumulated 10,000 or more total flight cycles as of the effective date of this AD: Perform the HFEC inspection within 500 flight cycles after the effective date of this AD.

(4) For Model A300–600 series airplanes on which Airbus Modification 5890 is installed: Perform the HFEC inspection at the applicable time specified in paragraph (a)(4)(i) or (a)(4)(ii) of this AD.

(i) For airplanes that have accumulated fewer than 10,000 total flight cycles as of the effective date of this AD: Perform the one-time HFEC inspection at the later of the times specified in paragraph (a)(4)(i)(A) and (a)(4)(i)(B) of this AD.

(A) Prior to the accumulation of 6,500 total flight cycles or 16,700 total flight hours, whichever occurs earlier.

(B) Within 1,500 flight cycles after the effective date of this AD.

(ii) For airplanes that have accumulated 10,000 or more total flight cycles as of the effective date of this AD: Perform the HFEC inspection within 500 flight cycles after the effective date of this AD.

Disposition of Certain Crack Findings

(b) Where Airbus AOT A300–53A0350 (for Model A300 series airplanes) or A300–600–53A6123 (for Model A300–600 series airplanes), both dated October 25, 1999, specifies to contact Airbus in case of certain crack findings, this AD requires that a repair be accomplished in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (DGAC) (or its delegated agent). For a repair method to be approved by the Manager, International Branch, ANM–116, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) Except as required by paragraph (b) of this AD, the actions shall be done in accordance with Airbus All Operators Telex A300–53A0350, dated October 25, 1999; or Airbus All Operators Telex A300–600–53A6123, dated October 25, 1999; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 1999–515–298(B), dated December 29, 1999.

Effective Date

(f) This amendment becomes effective on March 28, 2001.

Issued in Renton, Washington, on February 9, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–3852 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–102–AD; Amendment 39–12120; AD 2001–04–02]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Bombardier Model DHC–8–100, –200, and –300 series airplanes, that requires inspection to determine the orientation of the Wiggins fuel couplers of the fuel tank vent line and scavenge line in the right wing at station 249, and follow-on corrective actions. This amendment is necessary to prevent contact between the nuts of the Wiggins fuel couplers and the stiffener on the access panel of the upper surface of the right wing, which could compromise the lightning protection of the fuel tank of the right wing in the event of a lightning strike, and could result in possible fuel tank explosion. This action is intended to address the identified unsafe condition.

DATES: Effective March 28, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 28, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Serge Napoleon, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7512; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–100, –200, and –300 series airplanes was published in the **Federal Register** on November 7, 2000 (65 FR 66657). That action proposed to require inspection to determine the orientation of the Wiggins fuel couplers of the fuel tank vent line and scavenge line in the right wing at station 249, and follow-on corrective actions.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 195 airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the actions (inspection) specified in Part A of of Bombardier Alert Service Bulletin A8–28–32, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these required actions on U.S. operators is estimated to be $11,700, or $60 per airplane.

It will take approximately 2 work hours per airplane to accomplish the actions (rework) specified in Part B of the alert service bulletin, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these required actions on U.S. operators is estimated to be $23,400, or $120 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–04–02 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39–12120. Docket 2000–NM–102–AD.

Applicability: Model DHC–8–100, –200, and –300 series airplanes having serial numbers 003 through 540 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent contact between the nuts of the Wiggins fuel couplers and the stiffener on the access panel of the upper surface of the right wing, which could compromise the lightning protection of the fuel tank of the right wing in the event of a lightning strike, and could result in possible fuel tank explosion, accomplish the following:

General Visual or X-ray Inspection

(a) Within 90 days after the effective date of this AD: Perform a one-time general visual or X-ray inspection to determine the orientation of the Wiggins fuel couplers of the fuel tank vent line and scavenge line in the right wing at station 249, in accordance with Part A of the Accomplishment Instructions of Bombardier Alert Service Bulletin A8–28–32, dated January 14, 2000.

Note 2: For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

Action for Airplanes Having Correctly Oriented Fuel Couplers

(b) For airplanes on which the orientation of all Wiggins fuel couplers is found to be correct, as specified in Bombardier Alert Service Bulletin A8–28–32, dated January 14, 2000: Within 5,000 flight hours after the effective date of this AD, rework the stiffener on the access panel of the upper surface of the right wing in accordance with Part B of the Accomplishment Instructions of the alert service bulletin.

Actions for Airplanes Having an Incorrectly Oriented Fuel Coupler

(c) For airplanes on which the orientation of any Wiggins fuel coupler is incorrect, as specified in Bombardier Alert Service Bulletin A8–28–32, dated January 14, 2000: Prior to further flight, remove the incorrectly oriented Wiggins fuel coupler, and perform a one-time detailed visual inspection to detect damage of the fuel coupler, in accordance with Part A of the Accomplishment Instructions of the alert service bulletin.

Note 3: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(1) If no damage is found: Prior to further flight, reinstall the Wiggins fuel coupler in the correct orientation, as specified in the alert service bulletin, and rework the stiffener on the access panel of the upper surface of the right wing, in accordance with Part B of the Accomplishment Instructions of the alert service bulletin. No further action is required by this AD.

(2) If any damage is found, prior to further flight, blend out the damage and perform a detailed visual inspection of the fuel coupler for cracks, in accordance with the alert service bulletin.

(i) If no crack is found, and blending CAN be accomplished to meet the limits specified in the Accomplishment Instructions of the alert service bulletin: Prior to further flight, reinstall the Wiggins fuel coupler in the correct orientation, as specified in the alert service bulletin, and rework the stiffener on the access panel of the upper surface of the right wing, in accordance with Part B of the Accomplishment Instructions of the alert service bulletin. No further action is required by this AD.

(ii) If any crack is found, or if blending CANNOT be accomplished to meet the limits specified in the Accomplishment Instructions of the alert service bulletin: Prior to further flight, replace the Wiggins fuel coupler with a new or serviceable coupler in the correct orientation, as specified in the alert service bulletin, and rework the stiffener on the access panel of the upper surface of the right wing, in accordance with Part B of the Accomplishment Instructions of the alert service bulletin. No further action is required by this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 4: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the New York ACO.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(f) The actions shall be done in accordance with Bombardier Alert Service Bulletin A8–28–32, dated January 14, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in Canadian airworthiness directive CF–2000–05, dated February 28, 2000.

Effective Date

(g) This amendment becomes effective on March 28, 2001.

Issued in Renton, Washington, on February 9, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–3851 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–253–AD; Amendment 39–12119; AD 2001–04–01]

RIN 2120–AA64

Airworthiness Directives; BAe Systems (Operations) Limited Model BAe 146 and Model Avro 146–RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all BAe Systems (Operations) Limited Model BAe 146 and Model Avro 146–RJ series airplanes, that requires repetitive non-destructive testing inspections to detect cracking at the fuselage end of the inner sidestays of the main landing gear (MLG) by the anti-rotation pin, and replacement of the sidestay with a new sidestay, if necessary. This amendment is necessary to detect and correct fatigue cracking of the inner sidestays of the MLG, which could result in failure of the MLG. This action is intended to address the identified unsafe condition.

DATES: Effective March 28, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 28, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all British Aerospace Model BAe 146 and Model Avro 146–RJ series airplanes was published in the **Federal Register** on October 30, 2000 (65 FR 64632). That action proposed to require repetitive non-destructive testing inspections to detect cracking at the fuselage end of the inner sidestays of the main landing gear by the anti-rotation pin, and replacement of the sidestay with a new sidestay, if necessary.

Manufacturer Name Change

Since the issuance of the proposed AD, the manufacturer has notified the FAA that it has changed its name from British Aerospace to BAe Systems (Operations) Limited. The final rule has been changed to reflect the recent company name change.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 60 Model BAe 146 and Model Avro 146–RJ series airplanes, of U.S. registry will be affected by this AD. It will take approximately 1 work hour per airplane to accomplish the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $3,600, or $60 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–04–01 BAe Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Amendment 39–12119. Docket 2000–NM–253–AD.

Applicability: All Model BAe 146–100A, –200A, and –300A series airplanes, and all Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the inner sidestays of the main landing gear (MLG), which could result in failure of the MLG, accomplish the following:

Inspection

(a) Prior to the accumulation of 8,000 total flight cycles on the MLG sidestays, or within 500 flight cycles after the effective date of this AD, whichever occurs later: Perform a non-destructive testing (NDT) inspection to detect cracking at the fuselage end of the inner sidestays of the MLG by the anti-rotation pin, in accordance with Messier-Dowty Service Bulletin 146–32–148, including Appendix A, dated April 17, 2000. Repeat the inspection thereafter at intervals not to exceed 4,000 flight cycles.

Replacement

(b) If any cracking is found during any inspection required by paragraph (a) of this AD, prior to further flight, replace the sidestay with a new sidestay in accordance with BAE Systems Service Bulletin SB.32–157, dated June 2, 2000.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with Messier-Dowty Service Bulletin 146–32–148, including Appendix A, dated April 17, 2000; and BAE Systems Service Bulletin SB.32–157, dated June 2, 2000; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in British airworthiness directive 001–06–2000.

Effective Date

(f) This amendment becomes effective on March 28, 2001.

Issued in Renton, Washington, on February 9, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–3850 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–19–AD; Amendment 39–12122; AD 2001–04–04]

RIN 2120–AA64

Airworthiness Directives; Dornier Luftfahrt GMBH Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Dornier Luftfahrt GMBH (Dornier) Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 airplanes that have windshield spray nozzle option SCN 3109 installed. This AD requires you to deactivate the windshield spray nozzle heating elements. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by this AD are intended to prevent the windshield spray nozzle heating system from overheating, which could result in smoke in the cockpit and prompt the crew to initiate emergency actions.

EFFECTIVE DATE: This AD becomes effective on April 6, 2001.

ADDRESSES: You may get the service information referenced in this AD from Dornier Luftfahrt GmbH, Product Support, P.O. Box 1103, D–82230 Wessling, Federal Republic of Germany; telephone: (08153) 302631; facsimile: (08153) 304463. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–19–AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified FAA that an unsafe condition may exist on all Dornier Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212

airplanes. The LBA reported an incident where the windshield spray nozzle overheated and generated smoke in the cockpit. This prompted the crew to initiate an emergency evacuation during engine start.

The airplane had windshield spray nozzle option SCN 3109 installed.

What are the consequences if the condition is not corrected? If this system overheats, smoke could enter the cockpit and prompt the crew to initiate emergency actions.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Dornier Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 airplanes that have windshield spray nozzle option SCN 3109 installed.

This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on October 26, 2000 (65 FR 64176). The NPRM proposed to require you to deactivate the windshield spray nozzle heating elements.

Was the public invited to comment? Interested persons were afforded an opportunity to participate in the making of this amendment. We have given due consideration to the comment received.

Comment Disposition

What is the commenter's concern? Dornier requests that FAA withdraw the AD because no airplanes on the U.S. Register have windshield spray nozzle option SCN 3109 installed and, therefore no airplanes are subject to the AD.

What is FAA's response to the concern? We do not concur. Although there may not be any airplanes on the U.S. Register that have this installation, the AD is still justified. Issuing an AD is the only way to assure that:

—The installation is not incorporated on any U.S.-registered airplane in the future; or

—The actions are accomplished on any airplane that is imported from another country and placed on the U.S. Register.

We have not changed the AD as a result of this comment. We have modified the Cost Impact section of this document to reflect the information that Dornier provided.

The FAA's Determination

What is FAA's Final Determination on this Issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

—Will not change the meaning of the AD; and

—Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that 9 airplanes in the U.S. registry could have windshield spray nozzle option 3109 installed. Based on information received from Dornier, none of these 9 airplanes incorporate this option.

Therefore, this AD imposes no cost impact at this time on U.S. owners/operators of these airplanes. The following presents cost data if an airplane with this option installed was imported from another country and placed on the U.S. Register:

Labor cost	Parts cost	Total cost per airplane
1 workhour × $60 per hour = $60	Not applicable	$60 per airplane.

Regulatory Impact

Does this AD impact various entities? The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2001–04–04 Dornier Luftfahrt Gmbh: Amendment 39–12122; Docket No. 99–CE–19–AD.

(a) *What airplanes are affected by this AD?* This AD affects Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 airplanes, all serial numbers, that:

(1) are certificated in any category; and

(2) have windshield spray nozzle option SCN 3109 installed.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent the windshield spray nozzle heating system from overheating, which could result in smoke in the cockpit and prompt the crew to initiate emergency actions.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Action	Compliance time	Procedures
(1) Deactivate the windshield spray nozzle heating elements by cutting wire ME16F20 at the splice at frame 7. Cap (MS2574–2 caps) and stow cables.	Within the next 100 hours time-in-service (TIS) after April 6, 2001 (the effective date of this AD), unless already accomplished.	Dornier All Operators Telefax (AOT) No. AOT–228–30–022, dated September 9, 1998, references this action.
(2) Do not install, on any affected airplane, windshield spray nozzle option SCN 3109.	As of April 6, 2001 (the effective date of this AD).	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Karl M. Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; facsimile: (816) 329–4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may obtain copies of the documents referenced in this AD from Dornier Luftfahrt GmbH, Product Support, P.O. Box 1103, D–82230 Wessling, Federal Republic of Germany; telephone: (08153) 302631; facsimile: (08153) 304463. You may examine these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Note 2: The subject of this AD is addressed in German AD Number 1999–030/2, dated April 8, 1999.

(i) *When does this amendment become effective?* This amendment becomes effective on April 6, 2001.

Issued in Kansas City, Missouri, on February 8, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4048 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–010]

Drawbridge Operation Regulations: Hackensack River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Lincoln Highway Bridge, at mile 1.8, across the Hackensack River at Jersey City, New Jersey. This deviation authorizes the bridge owner to operate the bridge from February 12, 2001 through April 10, 2001, as follows: The draw shall open on signal; except that, Monday through Thursday, 9 a.m. to 4 p.m., at least a one-hour advance notice for bridge openings is required and from 9 p.m. on Friday through 5 a.m. on Monday, at least a four-hour advance notice for bridge openings is required. This action is necessary to facilitate maintenance at the bridge.

DATES: This deviation is effective from February 12, 2001 through April 10, 2001.

FOR FURTHER INFORMATION CONTACT: Judy Yee, Project Officer, First Coast Guard District, at (212) 668–7165.

SUPPLEMENTARY INFORMATION: The Lincoln Highway Bridge, at mile 1.8, across the Hackensack River, has a vertical clearance of 35 feet at mean high water, and 40 feet at mean low water in the closed position. The existing drawbridge operating regulations require the bridge to open on signal at all times.

The bridge owner, New Jersey Department of Transportation, requested a temporary deviation from the drawbridge operating regulations to facilitate necessary structural maintenance at the bridge. This deviation from the operating regulations allows the bridge owner to operate the bridge from February 12, 2001 through April 10, 2001, as follows: The draw shall open on signal; except that, Monday through Thursday, 9 a.m. to 4 p.m., at least a one-hour advance notice for bridge openings is required and from 9 p.m. on Friday through 5 a.m. on Monday, at least a four-hour advance notice for bridge openings is required.

Thirty days notice to the Coast Guard for approval of this maintenance repair was not given by the bridge owner and was not required because this work involves vital, unscheduled maintenance that must be performed without undue delay.

Vessels that can pass under the bridge without an opening may do so at all times during the closed period.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 30, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–4277 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–15–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 99–273; FCC 01–27]

Provision of Directory Listing Information Under the Telecommunications Act of 1934

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopts some of the tentative conclusions contained in the *Subscriber List Information/ Directory Assistance Order and Notice*

of Proposed Rulemaking (SLI/DA Order and Notice). Specifically, the Federal Communications Commission (Commission) concludes that competing directory assistance (DA) providers that offer call completion services provide telephone exchange or telephone toll service and thus are entitled to nondiscriminatory access to all local exchange carrier (LEC) directory assistance, including access to LEC local directory-assistance databases compiled by LECs. In this *First Report and Order*, the Commission also resolves issues relating to directory publishing, specifically, the Commission concludes that the language concerning directory publishing "in any format" encompasses telephone directories on the Internet.

DATES: Effective February 21, 2001.

FOR FURTHER INFORMATION CONTACT: Gregory Cooke, 202/418–2351, Fax 202/418–2345, TTY 202/418–0484, gcooke@fcc.gov, Network Services Division, Common Carrier Bureau, or Pam Slipakoff, 202/418–7705, Fax 202/418–2345, TTY 202/418–0484, pslipako@fcc.gov, Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the *Commission's First Report and Order, CC Docket No. 99–273, FCC 01–27* (*First Report and Order*), adopted January 19, 2001 and released January 23, 2001. The full text of the *First Report and Order* is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the FCC Reference Center, Room CY–A257, 445 12th Street, SW, Washington, DC 20554, or copies may be purchased from the Commission's copy contractor, International Transcription Services, Inc., 445 12th Street, SW, Suite CY–B400, Washington, DC 20554, phone (202) 857–3800.

Synopsis of the First Report and Order in CC Docket No. 99–273

1. In September 1999, the Commission released *SLI/DA Order and Notice, CC Docket Nos. 96–115, 96–98, 99–273, Third Report and Order, Second Order on Reconsideration, and Notice of Proposed Rulemaking*, 14 FCC Rcd 15550 (1999), 64 FR 51910 (September 9, 1999) in which the Commission tentatively concluded that the presence of competing directory assistance providers benefits competition and that such providers are unable fully to compete without nondiscriminatory access to the incumbent LECs' directory assistance databases. This *First Report and Order* adopts some of the tentative conclusions contained in the *SLI/DA Order and Notice*.

2. Specifically, in the *First Report and Order*, the Commission concludes that under section 251(b)(3) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act), competing DA providers that provide offer call completion services for local or toll calls provide telephone exchange or telephone toll service, respectively, as defined within the Act, and thus are entitled to nondiscriminatory access to all directory assistance, including access to local directory-assistance databases compiled by LECs. In this *First Report and Order* the Commission also stated that the competitive provision of directory assistance is a necessary element of competitive local telecommunications market, and that Congress recognized it as such in section 251 of the Act. To the extent that such DA providers qualify under section 251(b)(3) of the Act, the Commission finds that LEC failure to provide such action not only violates section 251(b)(3), but may also violate section 201(b).

3. In the *First Report and Order*, the Commission also explains that, where a DA provider completes the call and charges the customer, this service comes within the meaning of telephone exchange service and telephone toll services as defined in sections 3(47) and 3(48) of the Act, respectively. DA providers that qualify for nondiscriminatory access under section 251(b)(3) of the Act also are subject to obligations such as contributing for universal service, Telecommunications Relay Service, paying appropriate assessments for Local Number Portability administration, and North American Numbering Plan Administration.

4. In addition, the Commission concludes that when a competing local exchange carrier (CLEC) or an interexchange carrier (IXC), having entered an interconnection agreement with the relevant LEC, designates a DA provider to act as their agent, that competing DA provider is entitled to nondiscriminatory access to the providing LECs' local DA database. The Commission declines to adopt rules permitting the LEC to restrict the use of subscriber information to the specific carrier-principal for which the purchase was made. Furthermore, the Commission declines to limit the manner in which DA providers use the information beyond the limitation announced in the *Local Competition Second Report and Order*.

5. In the *SLI/DA Order and Notice* the Commission sought comment on whether DA providers falling outside of 251(b)(3) would nevertheless qualify for protection under sections 201(b) and 202(a). The Commission does not address these issues in the *First Report and Order*, but may address them in a separate proceeding.

6. The Commission also concludes that LECs are not required to grant competing DA providers nondiscriminatory access to non-local directory assistance databases that the LECs acquire form third parties because LECs do not exercise bottleneck control over such databases. However, to the extent that a carrier provides access to national DA information to any other DA provider, including another LEC, it must make that same information available to competing DA providers under nondiscriminatory rates, terms, and conditions as required by this *First Report and Order*.

7. In addition, section 251(b)(3) of the Act and the Commission's rules prohibit LECs from charging discriminatory rates for access to DA databases to competing DA providers that fall within the protection of that section. Thus, LECs must offer access to their DA database at rates that do not discriminate among the entities to which they provide access. Further, failure to provide directory assistance at nondiscriminatory and reasonable rates to DA providers within the protection of section 251(b)(3) may also constitute an unjust charge under section 201(b). The Commission notes that for its requirement that LECs charge nondiscriminatory rates for DA to have any effect, competing DA providers must have access to the pertinent terms, conditions, and pricing data. Thus, in order to make this nondiscrimination requirement meaningful, the Commission would expect carriers to comply with section 252 and make rates, terms, and conditions data available to requesting parties in a timely manner. The Commission also declines to adopt, for DA purposes, the rate methodology for subscriber list information under section 222(e) of the Act. It concludes that, because of the statutory differences between directory assistance and directory publishing, the Commission can not at this time justify setting a rate that would apply to both access to directory assistance databases and directory publishing. The Commission's decision not to impose a specific pricing structure on directory assistance notwithstanding our jurisdiction over DA does not preclude a state commission from doing so. In such cases, the Commission would adopt the state rate as its own, subject to the Title II requirements of reasonableness and nondiscrimination as set forth in this order. Parties that wished to challenge such rates on the basis of non-compliance with Title II could do so before the Commission in an enforcement proceeding.

8. The *First Report and Order* also resolves other issues relating to directory publishing. Specifically, the Commission concludes that the language concerning directory publishing "in any format" in section 222(e) of the Act applies to entities that seek subscriber list information to publish telephone directories on the Internet. In addition, because an Internet directory is published when Internet users are able to access it, a directory publisher that requests subscriber list information for purposes of placing it on the Internet is seeking that information "for the purpose of publishing a directory" within the meaning of section 222(e). The Commission finds that extending the guarantees of section 222(e) to publishers of telephone directories on the Internet will further enhance competition in the market for directory publishing. In addition, the Commission believes that specific LEC-mandated use restrictions are not necessary to ensure that the interests of LECs are protected. Thus, the Commission concludes that publishers of telephone directories on the Internet should be permitted to use the data for the purpose for which it was purchased and should not be restricted in the manner in which they display or allow customers to access the data.

9. Finally, the Commission finds that the oral provisioning of directory assistance does not constitute "publication" for the purposes of section 222(e), and thus conclude that directory assistance should not be regulated under that section. The Commission also concludes that the statutory differences between directory assistance and directory publishing should continue to be observed. In the future, if directory assistance and directory publishing evolve to resemble one another more closely, the Commission may revisit this issue.

Final Regulatory Flexibility Analysis

10. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rule Making* (*Notice*) in this docket, CC Docket No. 99–273. The Commission sought written public comment on the proposals in the *Notice*, including comment on the IRFA. No comments on the IRFA were received. This present Final Regulatory Flexibility Certification (Final Certification) conforms to the RFA.

11. The RFA requires an analysis of any notice-and-comment type rule making if the rule will result in a "significant economic impact" on "a substantial number of small entities." There are four categories of entities that might be affected by the requirements contained in this *First Report and Order*. None of these categories reaches the threshold of a significant economic impact on a substantial number of small entities. First, the requirements adopted herein are expected to have a significant positive economic impact on a substantial number of small competitive directory assistance providers and small directory publishers. Although, the requirements included in this *First Report and Order* do not directly affect these entities, the requirements, once in place, should ensure the ability of these entities to provide services on a competitively neutral basis. Second, the Commission expects these requirements to have a positive economic impact on some CLECs. Many CLECs, both small and large, rely upon small competitive directory assistance providers to outsource their directory assistance services; the requirements contained herein should result in more competition in the directory assistance arena and therefore a savings to these CLECs. Third, these requirements may have an adverse economic impact on incumbent LECs that are Bell Operating Companies (BOCs). Each BOC is a large, national company, affiliated with a Regional Holding Company (RHC). All BOCs and their RHCs have more than 1,500 employees, placing these entities above the small business size standard established by the Small Business Administration. Therefore, although the effect of these requirements may result in a "significant economic impact" to a BOC it will not result in a "significant economic impact" to a small entity. Fourth, the Commission anticipates that any cost incurred as a result of the requirement that small incumbent LECs electronically transfer their directory assistance data will be nominal and will not result in a "significant economic impact" on these small entities. The Commission therefore certifies, pursuant to the RFA, that the requirements adopted in the present *First Report and Order* will not have a significant economic impact on a substantial number of small entities.

Report to Congress

12. The Commission will send a copy of this *First Report and Order*, including a copy of this Final Certification, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the *First Report and Order* and this Final Certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**.

Ordering Clauses

13. Pursuant to Sections 1, 3, 4, 201, 222, 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 153, 154, 201, 222, and 251, the *First Report and Order* is hereby *Adopted*, and the requirements contained herein will become effective February 21, 2001.

14. The Commission's Consumer Information Bureau, Reference Information Center, *Shall send* a copy of this *First Report and Order*, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of Small Business Administration.

15. The Final Regulatory Flexibility Certification for this *First Report and Order*, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 604, is contained herein.

Federal Communions Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4213 Filed 2–20–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 20 and 24

[DA 01–361]

Minor Editorial Amendments to the Commercial Mobile Radio Services and Personal Communications Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends two rule sections so that they use the current, rather than previous, names and subpart designations of the Public Mobile Services, and it also amends another rule section in order to revise an erroneous cross-reference.

DATES: Effective February 21, 2001.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: B.C. "Jay" Jackson, Jr. (202) 418–1309.

SUPPLEMENTARY INFORMATION: This Order makes minor, non-substantive revisions to 47 CFR part 20 and 47 CFR

part 24. Specifically, 47 CFR 20.9, paragraphs (a)(6) through (a)(9), and 47 CFR 20.20, paragraph (e) of this section, are amended to use the current names and subpart designations of Public Mobile Services as set forth in 47 CFR part 22. These sections currently refer to these services by previous names and subpart designations. Additionally, 47 CFR 24.133(a) is amended to revise an erroneous reference to another rule section. Currently the rule refers to a "§ 99.132(f)". However, 47 CFR part 99 no longer exists; the correct reference is to "§ 24.132(f)" (47 CFR 24.132(f)). Because the rule amendments adopted herein are non-substantive, notice and public procedure thereon are found to be unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B), and the required publication may be made less than 30 days prior to the effective date, pursuant to 5 U.S.C. 553(d).

List of Subjects

47 CFR Part 20

Radio.

47 CFR Part 24

Reporting and recordkeeping requirements.

Federal Communications Commission.

Andrew S. Fishel,

Managing Director.

Rule Changes

For reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 20 and 24 as follows:

PART 20—COMMERICAL MOBILE RADIO SERVICES

1. The authority citation for part 20 continues to read as follows:

Authority: 47 U.S.C. 154, 160, 251–254, 303 and 332 unless otherwise noted.

2. Section 20.9 is amended by revising paragraphs (a)(6), (a)(7), (a)(8) and (a)(9) to read as follows:

§ 20.9 Commercial mobile radio service.

(a) * * *

(6) Paging and Radiotelephone Service (part 22, subpart E of this chapter).

(7) Cellular Radiotelephone Service (part 22, subpart H of this chapter).

(8) Air-Ground Radiotelephone Service (part 22, subpart G of this chapter).

(9) Offshore Radiotelephone Service (part 22, subpart I of this chapter).

* * * * *

3. In § 20.20, paragraph (e), in the definition for *Broadband Commercial Radio Service (Broadband CMRS),* remove the words "Domestic Public Cellular Radio Telecommunications Service" and add, in their place, the words "Cellular Radiotelephone Service."

PART 24—PERSONAL COMMUNICATIONS SERVICE

4. The authority citation for part 24 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 309 and 332.

5. Section 24.133 is amended by revising paragraph (a) introductory text to read as follows:

§ 24.133 Emission limits.

(a) The power of any emission shall be attenuated below the transmitter power (P), as measured in accordance with § 24.132(f), in accordance with the following schedule:

* * * * *

[FR Doc. 01–4210 Filed 2–20–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–274; MM Docket No. 00–73; RM–9861]

Radio Broadcasting Services; Hornbrook, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 255A to Hornbrook, California, as that community's first local aural transmission service in response to a proposal filed on behalf of Logan and Company. See 65 FR 33799, May 25, 2000. This document also holds that two amended applications for Channel 254C1 at Keno, Oregon, cannot be considered in this proceeding because the applicants were not eligible to file an application for Channel 254C1 by the counterproposal deadline in this proceeding. Coordinates used for Channel 255A at Hornbrook, are those of a restricted site located 3.7 kilometers (2.3 miles) southwest of the community at 41–53–06 NL and 122–35–03 WL.

DATES: Effective March 26, 2001. A filing window for Channel 255A at Hornbrook, California, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–73, adopted January 24, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Hornbrook, Channel 255A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4209 Filed 2–20–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 37

[OST Docket 98–3648]

Transportation for Individuals With Disabilities—Accessibility of Over-the-Road Buses (OTRBs)

AGENCY: Office of the Secretary, DOT.

ACTION: Interim final rule; correction.

SUMMARY: This rule makes an editorial correction to the preamble of the recently published interim final rule amending the Department of Transportation's regulations concerning accessibility of over-the-road buses (OTRBs). The interim final rule was published in the **Federal Register** on Tuesday, February 6, 2001 (66 FR 9048) and becomes effective on March 8, 2001. Written comments on the interim final rule must be submitted on or before March 8, 2001. The interim final rule may be changed in light of the comments received.

EFFECTIVE DATE: February 21, 2001.

FOR FURTHER INFORMATION CONTACT: Blane A. Workie, Office of the General Counsel, C–50, (202) 366–4723, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The interim final rule amending 49 CFR part 37, erroneously asks whether the Department should "propose requiring acquisition of accessible buses in some situations where on-call service is not permitted"? Instead, the question should have been whether the Department should "propose requiring acquisition of accessible buses in some situations where on-call service is now permitted"? This correction notice is to rectify this typographical mistake.

Issued in Washington, DC, this 9th day of February, 2001 under authority delegated to me by 49 CFR 1.57(l).

Rosalind A. Knapp,

Acting General Counsel.

[FR Doc. 01–4223 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013–1013–01; I.D. 021301C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 outside the Shelikof Strait conservation area in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the pollock total allowable catch (TAC) for Statistical Area 630 outside the Shelikof Strait conservation area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 14, 2001, until 1200 hrs, A.l.t., March 15, 2001.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the pollock TAC in Statistical Area 630 outside the Shelikof Strait conservation area is 5,474 metric tons (mt) as established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season allowance of the pollock TAC in Statistical Area 630 outside the Shelikof Strait conservation area will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 4,874 mt, and is setting aside the remaining 600 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 outside the Shelikof Strait conservation area in the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the amount of the 2001 A season pollock TAC specified for Statistical Area 630 outside the Shelikof Strait conservation area in the GOA constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the 2001 A season pollock TAC specified for Statistical Area 630 outside the Shelikof Strait conservation area constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by 50 CFR 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 13, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4158 Filed 2–14–01; 4:37 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 35
Wednesday, February 21, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–396–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–10, –15, –30, –30F (KC–10A Military), and –40 Series Airplanes; and Model MD–10–10F and MD–10–30F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–10–10, –15, –30, –30F (KC–10A military), and –40 series airplanes, and Model MD–10–10F and MD–10–30F series airplanes, that currently requires, among other actions, performing repetitive ultrasonic inspections of the attaching bolts on the inboard and outboard support on the inboard and outboard flap assembly to detect failed bolts, or verifying the torque of the attaching bolts on the inboard support on the outboard flap; and follow-on actions. This action, among other actions, would add a requirement to verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, and allow repetitive torque verifications. This proposal is prompted by a review that revealed inadvertent omission of a requirement. The actions specified by the proposed AD are intended to prevent in-flight loss of inboard and outboard flap assemblies due to failure of H–11 attaching bolts, which could result in reduced controllability of the airplane.

DATES: Comments must be received by April 9, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–396–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–396–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Ron Atmur, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5224; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–396–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–396–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On August 10, 2000, the FAA issued AD 2000–16–10, amendment 39–11866 (65 FR 50621, August 21, 2000), applicable to certain McDonnell Douglas Model DC–10–10, –15, –30, –30F (KC–10A military), and –40 series airplanes, and Model MD–10–10F and MD–10–30F series airplanes, to require performing repetitive ultrasonic inspections of the attaching bolts on the inboard and outboard support on the inboard and outboard flap assembly to detect failed bolts, or verifying the torque of the attaching bolts on the inboard support on the outboard flap; and follow-on actions. That AD also requires replacing all bolts with bolts made from Inconel, which constitutes terminating action for the repetitive inspection requirements. That action was prompted by an in-flight loss of the inboard flap assembly on an airplane during approach for landing. The requirements of that AD are intended to prevent in-flight loss of inboard and outboard flap assemblies due to failure of H–11 attaching bolts, which could result in reduced controllability of the airplane.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA has reviewed the requirements of AD 2000–16–10 and found that we inadvertently omitted a requirement to verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps. The procedures for this verification were identified in McDonnell Douglas Alert Service Bulletin DC10–57A143, dated December 20, 1999, which was referenced in AD 2000–16–10 as the appropriate source of service information for accomplishing the requirements of that AD. Also, we inadvertently included a requirement to perform an ultrasonic inspection of the attaching bolts on the inboard support on the inboard flap assembly; this area is not subject to the identified unsafe condition. In addition, under certain conditions, that AD only requires repetitive ultrasonic inspections, rather than repetitive torque verifications or ultrasonic inspections, as indicated in the referenced service bulletin. In light of these findings, we find that AD 2000–16–10 needs to be superseded to correct these inaccuracies and adequately address the identified unsafe condition (i.e., failure of H–11 attaching bolts could result in an in-flight loss of inboard and outboard flap assemblies, and consequent reduced controllability of the airplane).

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 2000–16–10 to continue to require repetitive ultrasonic inspections of the attaching bolts on the inboard and outboard support on the outboard flap assembly and on the outboard support on the inboard flap assembly to detect failed bolts, or verifying the torque of the attaching bolts on the inboard support on the outboard flap; and follow-on actions. The proposed AD also would continue to require replacing all bolts with bolts made from Inconel, which would constitute terminating action for the repetitive inspection requirements. Also, the proposed AD would add a requirement to verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, and allow repetitive torque verification in lieu of the repetitive ultrasonic inspections. The actions would be required to be accomplished per McDonnell Douglas Alert Service Bulletin DC10–57A143, dated December 20, 1999.

Cost Impact

There are approximately 412 Model McDonnell Douglas Model DC–10–10, –15, –30, –30F (KC–10A military), and –40 series airplanes, and Model MD–10–10F and MD–10–30F series airplanes of the affected design in the worldwide fleet. The FAA estimates that 244 airplanes of U.S. registry would be affected by this proposed AD.

The inspection/torque verification that is currently required by AD 2000–16–10, and retained in this proposed AD, takes approximately between 2 and 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be between $29,280 and $117,120, or between $120 and $480 per airplane, per inspection cycle.

The bolt replacement that is currently required by AD 2000–16–10, and retained in this proposed AD, takes approximately 288 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $2,987 per airplane. Based on these figures, the cost impact of the currently required replacement on U.S. operators is estimated to be $4,945,148, or $20,267 per airplane.

The cost impact of the new torque verification proposed in this AD is included in the cost estimate above for the inspection/torque verification.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–11866 (65 FR 50621, August 21, 2000), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 2000–NM–396–AD. Supersedes AD 2000–16–10, Amendment 39–11866.

Applicability: Model DC–10–10, –15, –30, –30F (KC–10A military), and –40 series airplanes; and Model MD–10–10F and MD–10–30F series airplanes; as listed in McDonnell Douglas Alert Service Bulletin DC10–57A143, dated December 20, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not

been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent in-flight loss of inboard and outboard flap assemblies due to failure of H–11 attaching bolts, which could result in reduced controllability of the airplane, accomplish the following:

Inspection or Torque Verification, and Corrective Actions, if Necessary

(a) Within 2 months after September 25, 2000, (the effective date of AD 2000–16–10, amendment 39–11866), do an ultrasonic inspection of the attaching bolts on the inboard and outboard support on the outboard flap assembly and on the outboard support on the inboard flap assembly to detect failed bolts, or verify the torque of the attaching bolts on the inboard support on the outboard flap, per McDonnell Douglas Alert Service Bulletin DC10–57A143, dated December 20, 1999.

(1) If no failed bolt is found, repeat the ultrasonic inspection or torque verification every 6 months.

(2) If any failed bolt is found, before further flight, replace the bolt and associated parts with a new Inconel bolt and new associated parts per the service bulletin, except as provided by paragraphs (a)(2)(i) and (a)(2)(ii) of this AD. Accomplishment of the replacement constitutes terminating action for the repetitive requirements of paragraph (a)(1) of this AD for that bolt.

(i) If an Inconel bolt is not available for accomplishment of the replacement, replacement with a new H–11 steel bolt is acceptable provided that operators repeat the ultrasonic inspection or torque verification every 6 months until the requirements of paragraph (c) of this AD are accomplished.

(ii) If a PLI washer is not available for accomplishment of the Inconel replacement, a new Inconel bolt can be temporarily installed without a new PLI washer provided that the bolt is torqued to the applicable value specified in the service bulletin.

Within 6,000 flight hours after an Inconel bolt is torqued, replace the PLI washer with a new washer per the service bulletin.

Torque Verification

(b) For airplanes on which the verification of the torque of the attaching bolts on the inboard support on the outboard flap was done per paragraph (a) of this AD: Within 2 months after the effective date of this AD, verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, per McDonnell Douglas Alert Service Bulletin DC10–57A143, dated December 20, 1999; and do the applicable action(s) specified in paragraph (a)(1) or (a)(2) of this AD.

Bolt Replacement

(c) Within 2 years after accomplishing the initial inspection required by paragraph (a) of this AD or the torque verification required by paragraphs (a) and (b) of this AD, do the action specified in paragraph (a)(2) of this AD for all H–11 bolts.

Accomplishment of the replacement of all H–11 bolts with Inconel bolts constitutes terminating action for the requirements of this AD.

Spares

(d) As of 2 years after the effective date of this AD, no person shall install, on any airplane, an H–11 steel bolt, part number 71658–8–44, 71658–7–44, 71658–7–54, 71658–7–56, 71658–7–29, 71658–9–31, 71658–9–34, 71658–9–38, 71658–9–41, 71658–10–41, 71658–7–26, 71658–7–27, or 71658–8–29, on the inboard or outboard flap assembly.

Alternative Methods of Compliance

(e)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(2) Alternative methods of compliance, approved previously per AD 2000–16–10, amendment 39–11866, are considered to be approved as alternative methods of compliance with this AD.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 13, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4221 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–320–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747–400 series airplanes. This proposal would require an inspection to detect miswiring of diodes in the heating system of the pitot static probes, and corrective action, if necessary. This action is necessary to prevent reduced power to the heating system of the pitot static probes, leading to ice accumulation on the pitot static probes, which could result in erroneous airspeed or altitude indications to the flight crew, and consequent reduced operational safety in all phases of flight. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 9, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–320–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–320–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Don Eiford, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2788; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–320–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–320–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that several operators have found burnt diodes in the heating system of the pitot static probes on certain Boeing Model 747–400 series airplanes. Investigation revealed that diodes in the power reduction circuitry were miswired. The miswiring results in the probe-head heat element always being at full-power, while the probe strut heater is only at half-power. If the probe strut heater is only at half-power, ice may accumulate on the pitot static probes. This condition, if not corrected, could result in erroneous airspeed or altitude indications to the flight crew, and consequent reduced operational safety in all phases of flight.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–30A2078, Revision 1, dated November 16, 2000, which describes procedures for an inspection to detect miswiring of diodes in the heating system of the pitot probes. The inspection involves using a multimeter to verify continuity between certain relay sockets, absence of a diode between certain relay sockets, and diode orientation between certain relay sockets. If any miswiring is found, the service bulletin specifies to rewire per Boeing 747–400 Wiring Diagrams 30–31–11 and 30–31–21. Doing the actions in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require operators to do the actions specified in the service bulletin described previously, except as discussed below.

Differences Between This Proposed AD and the Service Bulletin

Operators should note that, although the service bulletin recommends accomplishing the inspection at the earliest maintenance opportunity when manpower and facilities are available, the FAA has determined that this compliance time may not ensure that the identified unsafe condition is addressed in a timely manner. In developing an appropriate compliance time for this proposed AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the proposed AD. In light of all of these factors, the FAA finds a 15-month compliance time to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Operators also should note that, while the service bulletin describes only an inspection/verification that necessitates use of a multimeter, this proposed AD refers to this inspection/verification as a "special detailed inspection." The definition of a "special detailed inspection" is included as a note in the proposed AD.

Cost Impact

There are approximately 497 airplanes of the affected design in the worldwide fleet. The FAA estimates that 69 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $8,280, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–320–AD.

Applicability: Model 747–400 series airplanes, as listed in Boeing Alert Service Bulletin 747–30A2078, Revision 1, dated November 16, 2000; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced power to the heating system of the pitot static probes, leading to ice accumulation on the pitot static probes, which could result in erroneous airspeed or altitude indications to the flight crew, and consequent reduced operational safety in all phases of flight, accomplish the following:

Inspection

(a) Within 15 months after the effective date of this AD, perform a special detailed inspection to detect miswiring of diodes in the heating system of the pitot static probes by using a multimeter to verify continuity between certain relay sockets, absence of a diode between certain relay sockets, and diode orientation between certain relay sockets, per Boeing Alert Service Bulletin 747–30A2078, Revision 1, dated November 16, 2000. If any miswiring is found, rewire per Boeing 747–400 Wiring Diagrams 30–31–11 and 30–31–21, as referenced in the service bulletin.

Note 2: Inspections accomplished prior to the effective date of this AD per Boeing Alert Service Bulletin 747–30A2078, dated August 24, 2000, are considered acceptable for compliance with the applicable action specified in this amendment.

Note 3: For the purposes of this AD, a special detailed inspection is defined as: "An intensive examination of a specific item(s), installation, or assembly to detect damage, failure, or irregularity. The examination is likely to make extensive use of specialized inspection techniques and/or equipment. Intricate cleaning and substantial access or disassembly procedures may be required."

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 13, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4220 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–251–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 747 series airplanes. This proposal would require repetitive high frequency eddy current inspections to find cracking of the bulkhead frame support at body station 2598 under the hinge support fittings of the horizontal stabilizer, and repair if cracking is found. This action is necessary to find and fix fatigue cracking in the frame support, which could result in inability of the structure to carry horizontal stabilizer flight loads and reduced controllability of the horizontal stabilizer. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 9, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–251–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9–anm–nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–251–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments; in the Rules Docket for examination by

interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–251–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–251–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that a fatigue crack (1.25 inches in length) was found on the bulkhead frame support under the hinge support fittings of the horizontal stabilizer at body station (BS) 2598 on a Model 747–200F series airplane. The airplane had accumulated approximately 13,488 total flight cycles and 58,697 total flight hours at the time the crack was found. Such cracking in the frame support, if not found and fixed, could result in inability of the structure to carry horizontal stabilizer flight loads and reduced controllability of the horizontal stabilizer.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–53A2449, dated June 8, 2000. The service bulletin describes procedures for repetitive open-hole high frequency eddy current inspections to find cracking of the bulkhead frame support located on the left and right sides at BS 2598 under the hinge support fittings of the horizontal stabilizer. If cracking is found, the service bulletin specifies to contact Boeing for repair instructions.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Difference Between Service Bulletin and This Proposed AD

The service bulletin specifies that the manufacturer must be contacted for repair of certain conditions, but this proposal would require the repair of those conditions to be accomplished per a method approved by the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings. For a method to be approved, the approval letter must specifically reference this AD.

Cost Impact

There are approximately 1,314 airplanes of the affected design in the worldwide fleet. The FAA estimates that 258 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours (4 work hours per side) per airplane to accomplish the proposed inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $123,840, or $480 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–251–AD.

Applicability: Model 747 series airplanes, as listed in Boeing Alert Service Bulletin 747–53A2449, dated June 8, 2000, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To find and fix fatigue cracking in the bulkhead frame support at body station (BS) 2598 under the hinge support fittings of the horizontal stabilizer, which could result in inability of the structure to carry horizontal stabilizer flight loads and reduced controllability of the horizontal stabilizer, accomplish the following:

Repetitive High Frequency Eddy Current (HFEC) Inspections

(a) Before the accumulation of 10,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later: Do an open-hole HFEC

inspection to find cracking of the bulkhead frame support under the hinge support fittings of the horizontal stabilizer on the left and right sides at BS 2598, per Figure 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2449, dated June 8, 2000. Repeat the inspection after that at intervals not to exceed 3,000 flight cycles.

Repair

(b) If any cracking is found during any inspection required by paragraph (a) of this AD, before further flight, repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permit

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 13, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4219 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–179–AD]

RIN 2120–AA64

Airworthiness Directives; BAe Systems (Operations) Limited Model BAe 146 and Model Avro 146–RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to all BAe Systems (Operations) Limited Model BAe 146 and Model Avro 146–RJ series airplanes, that would have superseded an existing AD that currently requires a one-time inspection for "drill marks" and corrosion on the underside of the wing top skin, and corrective actions, if necessary. The proposed AD would have required a one-time inspection for "drill marks" and corrosion, and corrective actions, if necessary, per new procedures. For certain airplanes, the proposed AD would have added a requirement for one-time detailed visual and borescopic inspections of the fuel tank, pump, and stringers for paint debris and inadequacy of the existing protective treatment coating; and corrective actions, if necessary. This new action revises the proposed rule by requiring repetitive inspections for "drill marks" and corrosion on the underside of the wing top skin, and corrective actions, if necessary, until all corrective actions and protective treatment actions are done. The actions specified by this new proposed AD are intended to prevent corrosion from developing on the underside of the top skin of the center wing, which could result in reduced structural integrity of the airplane.

DATES: Comments must be received by March 19, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–179–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–179–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–179–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–179–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to all British Aerospace Model BAe 146 and Model Avro 146–RJ series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on July 27, 2000 (65 FR 46119). That NPRM:

- Proposed to supersede AD 98–16–24, amendment 39–10701 (63 FR 42220, August 7, 1998), which is applicable to all British Aerospace Model BAe 146 and certain Model Avro 146–RJ series airplanes.
- Would have continued to require a one-time inspection for "drill marks" and corrosion on the underside of the wing top skin, and corrective actions, if necessary.
- Would have added a requirement for one-time detailed visual and borescopic inspections of the fuel tank, pump, and stringers for paint debris and inadequacy of the existing protective treatment coating; and corrective actions, if necessary.
- Was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority.
- Was intended to prevent corrosion from developing on the underside of the top skin of the center wing, which could result in reduced structural integrity of the airplane.

Actions Since Issuance of Previous Proposal

Due consideration has been given to the comments received in response to the NPRM.

Request to Revise the Inspection and Corrective Action Requirements

One commenter, BAe Systems, requests adding a corrective action to paragraph (a)(1) of the original NPRM, and specifying repetitive inspections until the corrective action is accomplished. The commenter states that inspections of the underside of the wing top skin should continue until the corrective action is accomplished, regardless of whether any discrepancies (drill marks or corrosion) are found. These changes are necessary because operators cannot be sure that the proposed [one-time intrascopic] inspection will identify slight damage that, in the long run, could result in corrosion. The commenter points out that it could take a minimum of 4 years for slight damage (due to "drill marks" in the protective coating) to reach a level that could be detected by an inspection. In addition, the commenter has reported the following findings:

- On a number of production airplanes, during assembly of Stringer Crown Dagger fittings at Ribs 0 and 2, "drill marks" were produced on the underside of the wing top skin. These small marks impaired the protective treatment in that area.
- The terminating action specified in British Aerospace Service Bulletin SB.57–50 was to restore the surface protection per Repair Instruction Leaflet (R.I.L.) HC573H9014. However, following the closing action specified in that R.I.L, paint debris was found in the fuel tanks.

The FAA concurs with the commenter's request to revise the proposed NPRM to require certain corrective actions even if no "drill mark" or corrosion is detected. After considering the information provided by the manufacturer, we have made the following determinations:

- For airplanes on which protective treatment coating has NOT been applied per British Aerospace Service Bulletin SB.57–50, and for airplanes on which the inspection required by AD 98–16–24, amendment 39–10701, has NOT been done, if no "drill mark" or corrosion is detected, paragraph (a)(1) of this AD requires operators to repeat the intrascopic inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 4 years, until the protective treatment coating is applied, which is terminating action.
- For airplanes on which the protective coating HAS been applied prior to the effective date of this AD per Service Bulletin SB.57–50, paragraph (b) of this AD requires operators to do one-time detailed visual and borescopic inspections of the fuel tank, pump, and stringers to detect discrepancies (including paint debris and inadequacy of existing protective treatment coating) at the next scheduled maintenance inspection ("C-check") or within 6 months after the effective date of this AD, whichever occurs first.

We consider that the option to either continue inspections or do the terminating action will avoid placing an undue burden on some operators, while still ensuring an adequate level of safety for the fleet. In addition, we have determined that a shorter compliance time and more detailed inspections are necessary for airplanes on which the protective treatment coating has been applied per Service Bulletin SB.57–50. Paragraphs (a), (a)(1), and (a)(2) of this AD have been revised accordingly.

Request To Revise Company Name

That same commenter requests that we change the name of the company responsible for the Model BAe Avro 146 type certificate from British Aerospace Regional Aircraft American Support to BAe Systems (Operations) Limited in the proposed AD.

The FAA concurs with the commenter's request to change the name of the company to BAe Systems (Operations) Limited. We point out that this name was changed in the Type Certificate Data Sheet, and we have revised the company name throughout this AD accordingly.

Clarification of Service Information

The FAA has revised **Note 3** of this proposed AD to further clarify a reference for an additional source of service information for accomplishing the inspection action, and to add a reference for an additional source of information for accomplishing the protective treatment actions.

Conclusion

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 39 Model BAe 146 and Model Avro 146–RJ series airplanes of U.S. registry that would be affected by this proposed AD.

The inspection for "drill marks" and corrosion that is proposed in this AD action would take approximately 10 work hours per airplane (including access and close) to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $600 per airplane, per inspection cycle.

The inspection for paint debris and inadequacy of the existing protective treatment coating that is proposed in this AD action would take approximately 8 work hours per airplane (including access and close) to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be $480 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

BAe Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Docket 2000–NM–179–AD.

Applicability: All Model BAe 146 series airplanes; and Model Avro 146–RJ airplanes, as listed in British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance per paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent corrosion from developing on the underside of the top skin of the center wing, which could result in reduced structural integrity of the airplane, accomplish the following:

Intrascopic Inspection: "Drill Marks" and Corrosion

(a) For airplanes on which protective treatment coating has NOT been applied per British Aerospace Service Bulletin SB.57–50 [reference Repair Instruction Leaflet (R.I.L.) HC573H9014], and for airplanes on which the inspection required by AD 98–16–24, amendment 39–10701, has not been accomplished as of the effective date of this AD: Within 6 months after the effective date of this AD, perform an intrascopic inspection for "drill marks" and corrosion on the underside of the wing top skin, per British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000.

(1) If no "drill mark" or corrosion is detected, repeat the intrascopic inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 4 years, until the terminating action required by paragraph (c) of this AD is done.

(2) If any corrosion is detected, prior to further flight, repair per a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Directorate; or the Civil Aviation Authority (CAA) of the United Kingdom (or its delegated agent).

(3) If any "drill mark" is detected, or if any corrosion is detected and repaired, prior to further flight, do the terminating action required by paragraph (c) of this AD.

Note 2: Accomplishment of an intrascopic inspection for "drill marks" and corrosion prior to the effective date of this AD, per British Aerospace Service Bulletin SB.57–50, Revision 2, dated March 20, 1997, is acceptable for compliance with the inspection requirements of paragraph (a) of this AD.

Detailed Visual and Borescopic Inspections: Paint Debris and Inadequate Protective Treatment Coating

(b) For airplanes on which protective treatment coating HAS been applied prior to the effective date of this AD per British Aerospace Service Bulletin SB.57–50 (reference R.I.L. HC573H9014): At the next scheduled maintenance inspection ("C-check") or within 6 months after the effective date of this AD, whichever occurs first, do one-time detailed visual and borescopic inspections of the fuel tank, pump, and stringers to detect discrepancies (including paint debris and inadequacy of existing protective treatment coating); per Paragraph D. of the Accomplishment Instructions of British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000.

(1) If no discrepancy is found, no further action is required by this AD.

(2) If any discrepancy is found, prior to further flight, do all applicable corrective actions (including removal of paint debris and testing of paint adhesion), and the terminating action required by paragraph (c) of this AD, per British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000.

Note 3: Paragraph B. of the Accomplishment Instructions of British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000, references R.I.L. HC573H9024 as an additional source of service information for accomplishing the intrascopic inspection. Paragraph C. of the Accomplishment Instructions of the service bulletin references R.I.L. HC573H9032 as an additional source of service information for applying the protective treatment coating.

Note 4: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

Terminating Action

(c) Application of the protective treatment coating, per Paragraph C. of the Accomplishment Instructions of British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000, constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(e) Special flight permits may be issued per §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 13, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4218 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 413, 415 and 417

[Docket No. FAA–2000–7953; Notice No. 00–10]

RIN 2120–AG37

Licensing and Safety Requirements for Launch

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); extension of comment period.

SUMMARY: This action extends the comment period for an NPRM that was published on October 25, 2000. In that document, the FAA proposed to amend its regulations to codify its license application process for launch from a non-federal launch site, and to codify its safety requirements for all licensed launches. This extension is a result of requests from International Launch Services, Lockheed Martin Corporation, Orbital Sciences Corporation, Sea Launch Company, LLC and The Boeing Company to extend the comment period to the proposal.

DATES: Comments must be received on or before April 23, 2001.

ADDRESSES: Comments on this document should be mailed or delivered, in duplicate, to: U.S. Department of Transportation Dockets, Docket No. FAA–2000–7953, 400 Seventh Street, SW., Room Plaza 401, Washington, DC 20590. Comments may be filed and examined in Room Plaza 401, Washington, DC 20590. Comments may be filed and examined in Room Plaza 401 between 10 a.m. and 5 p.m. weekdays, except Federal holidays. Comments also may be sent electronically to the Dockets Management System (DMS) at the following Internet address: http://dms.dot.gov at any time. Commenters who wish to file comments electronically, should follow the instructions on the DMS web site.

FOR FURTHER INFORMATION CONTACT: Michael Dook, Licensing and Safety Division (AST–200), Associate Administrator for Commercial Space Transportation, Federal Aviation Administration, DOT, Room 331, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8462; or Laura Montgomery, Office of the Chief Counsel (AGC–200), Federal Aviation Administration, DOT, Room 915, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3150.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this document are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in duplicate to the Rules Docket address specified above.

All comments received, as well as a report summarizing each substantive public contact with FAA personnel on this rulemaking, will be filed in the docket. The docket is available for public inspection before and after the comment closing date.

The Administrator will consider all comments received on or before the closing date before taking action on this proposed rulemaking. Comments filed late will be considered as far as possible without incurring expense or delay. The proposals contained in this rulemaking may be changed in light of the comments received.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a pre-addressed, stamped postcard with those comments on which the following statement is made: "Comments to Docket No. FAA–2000–7953." The postcard will be date stamped and mailed to the commenters.

Availability of NPRMs

An electronic copy is available on the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) Web page (hhtp://dms.dot.gov/search).

(2) On the search page type in the last four digits of the Docket number shown at the beginning of this notice. Click on "search."

(3) On the next page, which contains the Docket summary information for the Docket selected, click on the proposed rule.

An electronic copy is also available on the Internet through FAA's web page at http://www.faa.gov/avr/arm/nprm/nprm.htm or the **Federal Register's** web page at http://www.access.gpo.gov/su_docs/aces/aces140.html.

Further, a copy may be obtained by submitting a written request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the notice number or docket number of this proposed rule.

Background

The Associate Administrator for Commercial Space Transportation of the Federal Aviation Administration (FAA), Department of Transportation (DOT), published a notice proposing to amend the FAA's commercial space transportation regulations (October 25, 2000, 65 FR 63921). The FAA proposes to amend its regulations to codify its license application process for launch from a non-federal launch site. A non-federal launch site is a launch site not located on a federal launch range. The proposed regulations are also intended to codify the safety requirements for launch operators regarding license requirements, criteria, and responsibilities in order to protect the public from the hazards of launch for launch from a federal launch range or a non-federal launch site.

Extension of Comment Period

In accordance with § 404.13 of Title 14, Code of Federal Regulations, the FAA has reviewed the petitions made by International Launch Services, Lockheed Martin Corporation, Orbital Sciences Corporation, Sea Launch Company, LLC and The Boeing Company for extension of the comment period to Notice No. 00–10. These petitioners jointly requested an extension of time of 180 days to permit more time to address substantial issues in the notice of proposed rulemaking. To allow additional time for a more thorough review of applicable issues and drafting of responsive comments, the FAA finds that there is good cause and it is in the public interest to extend the comment period for an additional 60 days beyond the 120 already provided. Accordingly, the comment period for Notice No. 00–10 is extended until April 23, 2001.

Issued in Washington, DC, on February 15, 2001.

Patricia Grace Smith,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 01–4378 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM96–1–015]

Standards For Business Practices Of Interstate Natural Gas Pipelines

February 14, 2001.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of staff conference organization.

SUMMARY: This document establishes the organizational format for the staff conference to be held on February 27, 2001 to discuss standards to permit shippers to designate and rank the contracts under which gas will flow on a pipeline's system.

DATES: The conference will be held February 27, 2001.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

SUPPLEMENTARY INFORMATION:

Notice Organizing Staff Conference

This notice provides the organizational format for the February 27, 2001, Federal Energy Regulatory Commission staff conference to discuss cross-contract ranking and confirmation standards, as directed by the Commission in Order No. 587–M.[1] The conference will begin at 9:30 a.m. at the Commission's offices, 888 First Street, NE., Washington, DC. All interested persons are invited to attend.

The December 21, 2000, Notice of Conference[2] requested those interested in making presentations or participating in the discussions to indicate their interest by January 16, 2001. Ten requests to make presentations or participate in discussions were received. The conference will be organized in the following format. Members of the audience also will be permitted to participate in the discussions.

I. Introduction to Nomination and Confirmation Practices and the Current GISB Standards

Presentations:
- Sylvia Munson, Co-Chairman of GISB Confirmation and Cross-Contract Ranking Subcommittee
- James Buccigross, Chairman of GISB Executive Committee

II. Presentations and Discussion on Downstream Issues Related to Cross-Contract Ranking

Presentations:
- Representative of Consolidated Edison Co. of NY, Inc. and Orange and Rockland Utilities, Inc.
- Representative of the Interstate Natural Gas Association of America
- Michael E. Novak, National Fuel Gas Distribution Corp.
- Greg Lander, Principal, Skipping Stone, Inc.

Discussion:
- Mark A. Scheel, Manager Regulatory Affairs, Dynegy, Inc.
- Diane McVicker, Principal Analyst, Salt River Project Representative of Wisconsin Distributor Group

III. Presentations and Discussion on Upstream Issues Related to Cross-Contract Ranking

Presentations:
- Lauren Kaestner, Natural Gas Supply Association
- Representative of the Interstate Natural Gas Association of America

Discussion:
- Tommie Hartmann, Natural Gas Supply Association

The Commission has the capability to provide overhead projectors and to display computer generated slide presentations. Presenters must inform Michael Goldenberg either by mail, or E-Mail at the addresses below if they intend to use overheads.[3] Presenters can bring their presentations on their own laptops which will be connected to the Commission's display system. Presenters also can use a Commission computer to display their presentation. The Commission has the capability to display presentations in the following formats, MS Powerpoint 2000 and Corel Presentations 8. Those wanting to use a Commission computer must notify Michael Goldenberg by February 21, 2001. In order to facilitate such presentations, presenters are encouraged to provide their files in advance by sending an E-Mail, with the slide presentation as an attachment, by February 21, 2001, to Michael Goldenberg, so that the presentation can be tested on the Commission computer and available at the conference. If presentations are not provided in advance, the presenter should bring the presentation to the conference on a diskette in one of the specified formats.

In addition, all presentations must be officially filed with the Commission by March 5, 2001 according to the instructions given below regardless whether an advance copy of the presentation was provided by E-Mail. As discussed below, the Commission cannot currently accept Powerplant or Presentation files electronically, but the presentations can be filed electronically if they are converted to one of the accepted formats.

The conference will be transcribed, so those not attending can review the proceedings. Additional comments on the issues raised by the conference can be filed by March 29, 2001.

Presentations and after-conference comments may be filed either in paper format or electronically. Those filing electronically do not need to make a paper filing. For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426 and should refer to Docket No. RM96–1–015.

Presentations and comments filed via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's website at *www.ferc.fed.us* and click on "Make An E-Filing," and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-Mail address upon receipt of comments.

User assistance for electronic filing is available at 202–208–0258 or by E-Mail to *efiling@ferc.fed.us*. Comments should not be submitted to the E-Mail address. All comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington DC 20426, during regular business hours. Additionally, all comments may be viewed, printed, or downloaded remotely via the Internet through FERC's Homepage using the RIMS link. User assistance for RIMS is available at 202–208–2222, or by E-Mail to rimsmaster@ferc.fed.us.

The Capitol Connection offers all Open and special FERC meetings live over the Internet as well as via telephone and satellite. For a reasonable fee, you can receive these meetings in your office, at home or anywhere in the world. To find out more about The Capitol Connection's live Internet, phone bridge, or satellite coverage, contact David Reininger or Julia Morelli at 703–993–3100 or visit the website (*www.capitolconnection.gmu.edu*). The Capitol Connection also offers FERC Open Meetings through its Washington, DC area television service.

In addition, National Narrowcast Network's Hearing-On-The-Line service covers all FERC meetings live by telephone so that interested persons can listen at their desks, from their homes, or from any phone, without special equipment. Billing is based on time on-line. Call 202–966–2211.

Those interested in obtaining transcripts of the conference need to contact Ace Federal Reporters, at 202–347–3700. Anyone interested in purchasing videotapes of the meeting should call VISCOM at 703–715–7999.

Questions about the conference should be directed to: Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, 202–208–2294. michael.goldenberg@ferc.fed.us

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4207 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 54

[REG–130477–00; REG–130481–00]

RIN 1545–AY69, 1545–AY70

Required Distributions From Retirement Plans; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains corrections to a notice of proposed rulemaking and notice of public hearing REG–130477–00 and REG–130481–00 which were published in the **Federal Register** on Wednesday, January 17, 2001 (66 FR 3928). These regulations relate to required minimum distributions from qualified plans, individual retirement plans, deferred compensation plans under section 457 and section 403(b) annuity contracts, custodial accounts and retirement income accounts.

FOR FURTHER INFORMATION CONTACT: Cathy A. Vohs, (202) 622–6090 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking and notice of public hearing that is the subject of these corrections is under sections 401(a), 403(b), 408 and 4974 of the Internal Revenue Code.

Need for Correction

As published REG–130477–00 and REG–130481–00 contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking and notice of public hearing (REG–130477–00 and REG–130481–00), which are the subject of FR Doc. 01–304, is corrected as follows:

1. On page 3930, column 1, in the preamble under the paragraph heading "*Overview*", first full paragraph in the column, first bullet statement, line ten, the language "beginning date sbull no longer need" is corrected to read "beginning date, no longer need".

2. On page 3930, column 2, in the preamble under the paragraph heading "*The Uniform Distribution Period*", first paragraph, line 17, the language "§ 1.401(a)–5 of the new proposed" is corrected to read "§ 1.401(a)(9)–5 of the new proposed".

3. On page 3933, column 1, in the preamble under the paragraph heading "*IRA Reporting of Required Minimum Distributions*" first paragraph, line four, the language "IRAs, IRA trustees determining the" is corrected to read "IRAs, IRA trustees, custodians, and issuers determining the".

4. On page 3933, column 1, in the preamble under the paragraph heading "*IRA Reporting of Required Minimum Distributions*" first paragraph, line 13, the language "require the trustee of each IRA to report" is corrected to read "require the trustee, custodian, or issuer of each IRA to report".

5. On page 3934, column 1, in the preamble under the paragraph heading "*Amendment of Qualified Plans*", first paragraph following the introductory text, lines 2 and 3, the language "Plan made in calendar years beginning on or after January 1, 2000 (ALTERNATIVELY," is corrected to read "Plan made for calendar years beginning on or after January 1, 2001 (ALTERNATIVELY".

6. On page 3934, column 1, in the preamble under the heading "Amendment of Qualified Plans", first paragraph following the introductory text, line 16, the language "section 401(a)(9) or such other date specified" is corrected to read "section 401(a)(9) or such other date as may be specified".

7. On page 3934, column 2, in the preamble under the paragraph heading "Special Analyses" lines 5 thru 13, the language "regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to" is corrected to read "regulatory assessment is not required. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that, when determining the minimum required distribution in cases where a plan participant wishes to designate a trust as beneficiary of the participant's benefit, the reporting burden is primarily on the plan participant, or trustee of the trust named as beneficiary, to supply information rather than on the entity maintaining the retirement plan and the fact that the number of participants per plan to whom the burden applies is insignificant. The recordkeeping burden with respect to section 403(b) contracts under which the pre-1987 account balance must be maintained applies only to issuers and custodians of those contracts, which generally are not small entities. Accordingly, a Regulatory Flexibility Analysis is not required. Pursuant to".

§ 1.401(a)(9)–2 [Corrected]

8. On page 3936, column 2, § 1.401(a)(9)–2, paragraph (a) of A–6, line 7 from the bottom of the paragraph, the language "and § 1.401(a)(9)–4, and not section" is corrected to read "and § 1.401(a)(9)–3, and not section".

§ 1.409(a)(9)–5 [Corrected]

9. On page 3941, column 2, § 1.401(a)(9)–5, paragraph (a) of A–6, line 7, the language "must be computed

[1] Standards For Business Practices Of Interstate Natural Gas Pipelines, Order No. 587–M, 65 FR 77285 (Dec. 11, 2000), 93 FERC ¶ 61,223 (November 30, 2000), III FERC Stats. & Regs. Regulations Preambles ¶ 31,114 (Nov. 30, 2000).

[2] 65 FR 82961 (Dec. 29, 2000).

[3] Upon receipt of each E-Mail, a reply acknowledgment will be sent to the sender's E-Mail address. If a sender does not receive a reply, the sender should call to make sure his/her E-Mail was received.

using of the expected" is corrected to read "must be computed using the expected".

§ 1.401(a)(9)–6 [Corrected]

10. On page 3942, column 3, line 2 of the section heading of § 1.401(a)(9)–6, the language "distributions as annuity payments." is corrected to read "distributions from defined benefit plans.".

11. On page 3944, column 1, § 1.401(a)(9)–6, paragraph (a)(2) of A–3, line 13, the language "the calendar year that contains on the" is corrected to read "the calendar year that contains the".

12. On page 3945, column 2, § 1.401(a)(9)–6, paragraph (a) of A–10, lines 11 and 12 from the bottom of the paragraph, the language "starting date but before the annuity starting date determined under A–2 of" is corrected to read "starting date but before the required beginning date determined under A–2 of".

§ 1.401(a)(9)–8 [Corrected]

13. On page 3947, column 1, § 1.401(a)(9)–8, paragraph (b) of A–2, line 6 from the bottom of the paragraph, the language "401(a)(9)(B)(iii) and (iv) even through" is corrected to read "401(a)(9)(B)(iii) and (iv) even though".

14. On page 3949, column 1, § 1.409(a)(9)–8, paragraph A–13, line 6, the language "section 242(b) was preserved." is corrected to read "section 242(b) of TEFRA was preserved.".

§ 1.403(b)–2 [Corrected]

15. On page 3950, column 1, § 1.403(b)–2, paragraph (c) of A–2, lines 1 and 2, the language "(c) The pre-'86 account balance and the post-'87 account balance have no" is corrected to read "(c) The pre-'87 account balance and the post-'86 account balance have no".

§ 1.408–8 [Corrected]

16. On page 3950, column 3, § 1.408–8, paragraph A–4, second line from the bottom of the column, the language "the IRA or, as permitted under A–8 of" is corrected to read "the IRA or, as permitted under A–9 of".

17. On page 3951, column 3, § 1.408–8, paragraph A–8, line 15, the language "provided in A–4(a) of § 1.401(a)(9)–7 in" is corrected to read "provided in A–4 of § 1.401(a)(9)–7 in"

18. On page 3951, column 3, § 1.408–8, paragraph Q–9, line 3, the language "permitted to distributed from another" is corrected to read "permitted to be distributed from another".

19. On page 3952, column 1, § 1.408–8, paragraph Q–10, line 1, the language "Q–10. Is the trustee of an IRA required" is corrected to read "Q–10. Is the trustee, custodian, or issuer of an IRA required".

20. On page 3952, column 1, § 1.408–8, paragraph A–10, line 1, the language "A–10. Yes. The trustee of an IRA is" is corrected to read, "A–10. Yes. The trustee, custodian, or issuer of an IRA is".

§ 54.4974–2 [Corrected]

21. On page 3952, column 1, § 54.4974–2, paragraph A–1, last line in the column, the language "Q&A–6 provides a special rule for" is corrected to read "Q&A–7 provides a special rule for".

22. On page 3953, column 1, § 54.4974–2, the introductory text of paragraph (b) of A–4, line 7 from the top of the column, the language "A–2 of this section. If the annuity" is corrected to read "A–3 of this section. If the annuity".

23. On page 3953, column 3, § 54.4974–2, paragraph Q–5, line 5, the language "to be distributed under section, what is" is corrected to read "to be distributed under section 401(a)(9), what is".

24. On page 3954, column 1, § 54.4974–2, paragraph A–7, line 5 from the bottom of the paragraph, the language "year which contains the employee's" is corrected to read "year which contains the employee's or individual's".

25. On page 3954, column 1, § 54.4974–2, paragraph A–7, last line of the paragraph, the language "the employee's required beginning date." is corrected to read "the employee's or individual's required beginning date.".

26. On page 3954, column 1, § 54.4974–2, paragraph (b)(1) of A–8, second line from the bottom of the paragraph, the language "employee's death before the employee's" is corrected to read "employee's or individual's death before the employee's or individual's".

27. On page 3954, column 2, § 54.4974–2, paragraph (b)(2) of A–8, last line of the paragraph, the language "employee's date of death." is corrected to read "employee's or individuals date of death.".

Cynthia Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–3635 Filed 2–20–01; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–374, MM Docket No. 01–41, RM–10058]

Digital Television Broadcast Service; Merced, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Sainte 51, L.P., permittee of station KNSO(TV), NTSC channel 51, Merced, California, requests the substitution of DTV channel 5 for station KNSO(TV)'s assigned DTV 38. DTV Channel 5 can be allotted to Merced, California, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (37–04–18 N. and 119–25–53 W.). As requested, we propose to allot DTV Channel 5 to Merced with a power of 12.9 and a height above average terrain (HAAT) of 756 meters.

DATES: Comments must be filed on or before April 9, 2001, and reply comments on or before April 24, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Anne Goodwin Crump, Fletcher, Heald & Hildreth. P.L.C., 11th Floor, 1300 North 17th Street, Arlington, Virginia 22209–3801 (Counsel for Sainte 51, L.P.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–41, adopted February 13, 2001, and released February 14, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under California is amended by removing DTV Channel 38 and adding DTV Channel 5 at Merced.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4208 Filed 2–20–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[I.D. 072600A]

Endangered and Threatened Species; Re-opening of Comment Period and Notice of Public Hearing on Proposed Range Extension for Endangered Steelhead in Southern California

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; public hearing and re-opening of public comment period.

SUMMARY: NMFS is re-opening the public comment period for, and has scheduled a public hearing on, the proposal to extend the current range of endangered steelhead in southern California. NMFS has received several requests for a public hearing that would allow further opportunity for the public to participate in an exchange of information among interested parties and to provide oral and written testimony on the proposal. NMFS has determined that these requests are reasonable and has scheduled a public hearing and re-opened the public comment period to facilitate the receipt of the public's views on the proposal.

DATES: A public hearing is scheduled in San Clemente, California on March 12, 2001, from 6 p.m. to 9 p.m. Written comments on the proposed range extension must be received by March 22, 2001.

ADDRESSES: The public hearing will be held at the City of San Clemente's Community Center Auditorium which is located at 100 N. Calle Seville in San Clemente, CA. Written comments on the proposed range extension and requests for reference materials should be sent to the Assistant Regional Administrator, Protected Resources Division, NMFS, Southwest Region, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Craig Wingert, (562) 980-4021, or Chris Mobley, (301) 713-1401. Copies of the **Federal Register** documents cited herein and additional salmon-related materials are available via the Internet at www.nwr.noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

In August 1997, NMFS listed the Southern California steelhead Evolutionarily Significant Unit (ESU) as an endangered species and defined its southern limit as Malibu Creek in Los Angeles County, CA, based on the information available at that time. On December 19, 2000, (65 FR 79328), NMFS issued a proposed rule to extend the current range of the Southern California steelhead ESU southward to include the population of steelhead recently found in San Mateo Creek which is located in northern San Diego County. This proposal was based on recent information indicating that steelhead had been found in two coastal river watersheds south of Malibu Creek, and had successfully spawned in San Mateo Creek. Within this redefined Southern California steelhead ESU, NMFS proposed to list naturally spawned steelhead and their progeny which reside below naturally occurring and man-made barriers.

NMFS did not announce any public hearings in its December 19, 2000 (65 FR 79328) proposal, but did indicate that it would consider requests for hearings received by February 2, 2001. In late January 2001, NMFS received several requests for a public hearing to be held on this proposal. Requests for a public hearing were received from California Trout, the California Native Plant Society, the Sierra Club, Trout Unlimited, the Surfrider Foundation, South Coast Audubon, and several private individuals. NMFS has determined that these requests are reasonable, and, therefore, has scheduled a public hearing and is re-opening the public comment period to accommodate the hearing as well as provide sufficient notice of the hearing date and location. During the extended public comment period, NMFS is continuing to solicit any specific information, comments, data, and/or recommendations on any aspect of the December 19, 2000, proposal from all interested parties. In particular, NMFS is requesting information or data as described in the **Federal Register** document announcing the proposed range extension (see 65 FR 79328). This information is considered important in helping NMFS make a final determination on its proposal.

NMFS will consider all information, comments, and recommendations received during the extended comment period and the public hearing before reaching a final decision on the proposal.

Dated: February 15, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4290 Filed 2–20–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 010208032-1032-01; I.D. 121200L]

RIN 0648-AM47

Fisheries of the Northeastern United States; Proposed 2001 Specifications for the Atlantic Bluefish Fishery; Regulatory Amendment

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed 2001 specifications for the Atlantic bluefish fishery; regulatory amendment; request for comments.

SUMMARY: NMFS proposes 2001 specifications for the Atlantic bluefish fishery, including a total allowable harvest level (TAL), state-by-state commercial quotas, and recreational harvest limits and possession limits for Atlantic bluefish off the east coast of the United States. The intent of the specifications is to conserve and manage the bluefish resource and provide for sustainable fisheries. NMFS also proposes to amend the regulations implementing the Fishery Management Plan for Atlantic Bluefish (FMP) to specify the procedures for setting the annual TAL.

DATES: Public comments must be received no later than 5:00 p.m., Eastern Standard Time, on March 23, 2001.

ADDRESSES: Send written comments on the proposed specifications should to Patricia A. Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930-2298. Mark on the outside of the envelope: "Comments–2001 Bluefish Specifications." Comments may also be sent via facsimile (fax) to (978) 281-9371. Comments will not be accepted if submitted via e-mail or the Internet.

Send comments on any ambiguity or unnecessary complexity arising from the language used in this proposed rule to the Regional Administrator.

Copies of supporting documents, including the Environmental Assessment, Regulatory Impact Review, Preliminary Regulatory Economic Evaluation (EA/RIR/PREE), and the Essential Fish Habitat Assessment are available from the Regional Administrator at the same address. The EA/RIR/IRFA or PREE are accessible via the Internet at http:/www.nero.gov/ro/doc/nr.htm.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, (978) 281-9104, e-mail at M.A.Raizin@noaa.gov, fax at (978) 281-9135.

SUPPLEMENTARY INFORMATION: Regulations implementing the FMP prepared by the Mid-Atlantic Fishery Management Council (Council) appear at 50 CFR part 648, subparts A and J. Regulations requiring annual specifications are found at § 648.160. The FMP requires that the Council recommend, on an annual basis, TAL, which is comprised of a commercial quota and recreational harvest limit.

The FMP also requires that (1) The TAL for any given year be set based on the fishing mortality rate (F) resulting from the stock rebuilding schedule contained in Amendment 1 to the FMP, or the estimated F in the most recent fishing year, whichever is lower and (2) a total of 17 percent of the TAL be allocated to the commercial fishery, as a quota, with the remaining 83 percent allocated as a recreational harvest limit, with the stipulation that, if 17 percent of the TAL is less than 10.50 million lb (4.8 million kg) and the recreational fishery is not projected to land its harvest limit for the upcoming year, the commercial fishery may be allocated up to 10.50 million lb (4.8 million kg) as its quota, provided that the combination of the projected recreational landings and the commercial quota does not exceed TAL.

The Council's recommendations must include supporting documentation, as appropriate, concerning the environmental, economic, and social impacts of the recommendations. NMFS, after reviewing these recommendations, publishes proposed specifications in the **Federal Register**. After considering public comment, the Administrator, Northeast Region, NMFS, will publish final specifications in the **Federal Register**.

In July, 2000, the Council adopted specifications for the 2000 Atlantic bluefish fishery. However, those specifications, which were submitted to NMFS in March, 2000, could not be published prior to August 25, 2000, that being the effective date of the rule implementing Amendment 1 to the FMP at 50 FR 45844, July 25, 2000. Given that publication of a final rule to implement the 2000 specifications could not take place prior to November, 2000, and would be in effect for less than 2 months, NMFS believed that the administrative burden of a rulemaking could not be justified for such a short period of time. Factored into this decision was the knowledge that the states, under the aegis of the Atlantic States Marine Fisheries Commission (Commission), had previously implemented specifications for the year 2000 that are identical to those adopted by the Council for the 2000 bluefish fishery.

Proposed 2001 Specifications

Proposed TAL

For the 2001 fishery, the stock rebuilding program in the FMP would restrict F to 0.41. However, the 1999 fishery produced an F of only 0.295, so, in accord with the FMP, TAL proposed for 2001 was selected to achieve F=0.295. The 1999 fishery is the most recent year for which landings data are complete and for which an F can be estimated. Therefore, the TAL for 2001 would be 37.84 million lb (17.17 million kg), which is calculated based on the current estimate of biomass and F=0.295. The increase in TAL for 2001 versus 2000 results from an increase in the stock biomass, even though the 2001 TAL is based on a lower F than that specified in the FMP rebuilding program.

Proposed Commercial Quota and Recreational Harvest Limit

If TAL were allocated for the 2001 fishery based on the percentages specified in the FMP, the commercial allocation would be 6.43 million lb (2.92 million kg) with a recreational harvest limit of 31.41 million lb (14.25 million kg). However, recreational landings from 1995 through 1999 were much lower than the recreational allocation for 2001, ranging between 8.30 and 14.7 million lb (3.76 and 6.67 million kg); thus, giving the Council the opportunity to recommend a commercial quota of up to 10.5 million lb (4.76 million kg). Instead, the Council chose to recommend a commercial quota of 9.58 million lb, (4.35 million kg) unchanged from the 1999 commercial quota and identical to the 2000 quota implemented by the states under aegis of the Commission. Under the FMP, this would require transferring 3.15 million lb (1.43 million kg) from the initial 2001 recreational allocation of 31.41 million lb (14.13 million kg), leaving 28.26 million lb (12.82 million kg) for the 2001 recommended harvest limit. The 2001 commercial quota is unchanged from the commercial quota specified by the Commission for 1999 and 2000.

Proposed Recreational Possession Limit

A 2-year projection of the bluefish stock biomass was conducted using an assumed F rate of 0.295. Results indicate that the bluefish stock will increase from an estimated biomass of 35,840 mt (78,919,680 lb) in 2000 to 51,990 mt (114,481,980 lb) in 2001, and 69,720 mt (153,523,440 lb) in the year 2002. The stock is projected to increase substantially in the next 2 years with commensurate increases in recreational harvest limit. However, recreational landings have decreased in the past 2 years from 14,302 mt (31,521,608 lb) in 1997 to 12,334 mt (27,184,136 lb) in 1998 and to 8,253 mt (18,189,612 lb) in 1999. Therefore, the Council recommended an increase in the possession limit from 10 to 15 fish in 2001. The Council believes that this increase will benefit some recreational anglers while landings will not exceed the recreational harvest limit.

Proposed State Commercial Allocations

Proposed state commercial allocations for the recommended 2001 commercial quotas are shown in the following table, based on the percentages specified in the FMP and at § 648.100(d)(1).

State	Percent of quota	2001 Commercial Quota (lb)	2001 Commercial Quota (kg)
ME	0.6685	64,062	29,056
NH	0.4145	39,722	18,023
MA	6.7167	643,661	292,042
RI	6.8081	652,420	296,016
CT	1.2663	121,350	55,059
NY	10.3851	995,204	451,544
NJ	14.8162	1,419,836	644,209
DE	1.8782	179,988	81,664
MD	3.0018	287,662	130,518
VA	11.8795	1,138,412	516,521
NC	32.0608	3,072,386	1,394,005
SC	0.0352	3,373	1,530
GA	0.0095	910	413
FL	10.0597	964,021	437,396
Total	100.000	9,583,010	4,348,008

Regulatory Amendment

The final regulations implementing Amendment 1 to the FMP (50 FR 45844, July 25, 2000), inadvertently did not specify the procedures for setting an annual TAL. Regulatory text needs to be added to § 648.160(a) to reflect the FMP requirement in section 3.1.1.2 of Amendment 1 that requires the Council to use the estimated F for the fishing year preceding the Council submission of the recommended specifications for setting TAL if the estimated F is less than the target F identified in the rebuilding schedule. The portion of Amendment 1 containing this requirement was approved by NMFS on July 29, 1999.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant impact on a substantial number of small entities. A description of the action, why it is being considered, and the legal basis for this action are contained in the preamble. The factual basis for certification is as follows:

An active participant in the commercial sector was defined as being any vessel that reported having landed one or more pounds of bluefish to NMFS-permitted dealers during calendar year 1999. All vessels are considered to be small entities. Of the active vessels reported in 1999, 866 landed bluefish from Maine to North Carolina. The dealer data do not cover vessel activity in the South Atlantic. State trip ticket report data indicate that 609 vessels landed bluefish in North Carolina with some possible double counting. Bluefish landings in South Carolina and Georgia were minuscule, representing less than 1/10 of 1 percent of total coastwide bluefish landings. Therefore, it was assumed that no vessels landed bluefish from those states. In addition, 136 vessels landed bluefish to dealers on Florida's east coast in 1999, as reported by the State of Florida. In 1994, the last time such a vessel survey was done, approximately 2,063 party/charter vessels were estimated to have caught bluefish.

The Council analyzed three alternatives for TAL, each with a 15-fish recreational possession limit for the recreational fishery. Analysis of the preferred alternative, which represents the status quo for the commercial quota compared to the 2000 specifications for bluefish, examined the impacts on industry that would result from a TAL of 37.84 million lb (17.17 million kg) that would allocate 9.58 million lb (4.35 million kg) for the commercial sector and 28.26 million lb (12.81 million kg) for the recreational sector. Results of the analysis indicate that, on a coastwide basis, the preferred alternative could yield increases in revenue to commercial bluefish fishermen of 36 percent compared to 1999 landings. Analysis of the effects of the preferred alternative on fishermen in individual states concluded that the increase in revenues would occur in all states except New York, where 22 of the 192 vessels home ported in that state could have their revenues reduced by 5 percent or more. The Council noted that the negative impact to the State of New York could easily be mitigated by a transfer of commercial quota from another state, as allowed under the FMP, and as accomplished under the Commission's Interstate Plan for Atlantic bluefish in 2000.

The Council further analyzed the impacts on revenues of the increase in the possession limit from 10 to 15 fish for all three alternatives. The 15-fish possession limit is expected to increase angler satisfaction, as it is higher than the 10-fish possession limit implemented each year since 1990. Based on average 1985-1989 landings and angler catch data, the 10-fish bag limit reduced landings by 17.2 percent. Based on the same 1985-1989 average landings and catch data, the implementation of the 15-fish possession limit is expected to increase landings by 7.9 percent from current levels. Relative to the 1999 landings a 7.9 percent increase would not result in landings in excess of the recreational harvest limit. In determining what might constitute "significant economic impacts" on small entities, the analysis considered the potential impact on revenues from changes in commercial quotas from 1999 to 2001 and considered that revenue reduction greater than 5 percent of total revenue might be significant. The analysis considered the effects at the state, county and individual vessel level. Of the 866 Federally permitted vessels landing bluefish in 1999, 31 vessels could have their revenues reduced by 5 percent or more. Of these vessels, 22 were home ported in New York, with the home ports of the other vessels unable to be determined. Under the most restrictive alternative considered, Dare County, NC, and Suffolk County, NY, were considered the most impacted. However, because North Carolina will not be restricted from 1999 landings under the preferred alterative, only Suffolk County, NY, can be expected to be impacted because of a possible reduction in landings of 30 percent for the whole state. Because all the entities effected by this action are considered small entities, the issue of disproportionality with large entities does not pertain. While some vessel owners/operators in New York may have reduced revenues resulting in lower profitability, vessel owners/operators in other states coastwide could see increases in total revenues as a result of the 136 percent increase in the commercial allocation over the 1999 landings. The reduction in total revenues to vessel owners/operators in New York would likely be minimized through transfer to New York state of state quotas from other states that would not utilize their full quotas. Thus, there would not be any significant economic impacts on the identified small entities. Only 31 of the 866 federally permitted vessels that landed

bluefish in 1999 would likely be affected by the preferred action.

The criteria used to determine "a substantial number of small entities" is based on a threshold value of 20 percent of the total number of small entities being directly affected. Only 31 of the 866 federally permitted vessels that landed bluefish in 1999 would likely be affected by the preferred action. As stated earlier, there is the possibility for relief of these vessels through transfer of quota from one state to another. Even if this transfer does not occur, the percent of vessels that would be affected does not constitute a "substantial number."

In making this analysis, the Council used NMFS stock assessment reports, NMFS landings data, state fish ticket reports, NMFS marine recreational fishing statistical survey reports, various NMFS marine recreational fishing and charter/party boat surveys, Bureau of Census data, and various scientific studies and reports covering the biological, economic and social aspects of the bluefish fishery. Using these data, the Council analyzed the potential changes in revenue from 1999 to 2001 for vessels on an individual and state-by-state basis and determined the degree each vessel/state could be impacted by the preferred and other alternatives by comparing landings in 1999 with potential changes created by the proposed quotas for 2001. For the change in the recreational bag limit, the Council analyzed the increase in catch based on a ten-year average of catches before size limits were instituted in the fishery. The availability of a long time series of data enable the use of long-term averages in the analysis. As such, there is little variability or uncertainty in this analysis. In making this analysis the Council assumed that, because average revenue changes were made using 1999 data, revenue changes for 2001 are dependent upon landings in 1999. Further, the Council assumed the conduct of the recreational and commercial sectors of the fishery would be similar to the 1999 fishery. Were these assumptions to change, i.e., if the price structure of the fishery were to change or if either the recreational or commercial sector of the bluefish fishery were to suddenly increase or decrease, the magnitude of the impacts (both positive and negative) identified in this analysis could change. However, given the history of commercial and recreational fisheries participation in the bluefish fishery, it is unlikely that there would be any significant changes during one fishing season that will nullify the predicted impact of the 2001 annual specifications.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this proposed rule. Such comments should be sent to the Regional Administrator (see **ADDRESSES**).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 12, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648, chapter VI, is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801*et seq.*

2. In § 648.160, paragraph (a) is revised to read as follows:

§ 648.160 Catch quotas and other restrictions.

* * * * *

(a) *Annual review.* On or before August 15 of each year, the Bluefish Monitoring Committee will meet to determine the total allowable level of landings (TAL) and other restrictions necessary to achieve the target fishing mortality rate (F) specified in the Fishery Management Plan for Atlantic Bluefish for the upcoming fishing year or the estimated F for the fishing year preceding the Council submission of the recommended specifications, whichever F is lower. In determining the TAL and other restrictions necessary to achieve the specified F, the Bluefish Monitoring Committee will review the following data, subject to availability: Commercial and recreational catch data; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; sea sampling data; impact of gear other than otter trawls and gill nets on the mortality of bluefish; and any other relevant information.

* * * * *

[FR Doc. 01–4168 Filed 2–20–01; 8:45 am]

BILLING CODE 3510-22-S

Notices

Federal Register

Vol. 66, No. 35

Wednesday, February 21, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Colorado Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a meeting of the Colorado Advisory Committee to the Commission will convene at 11:30 a.m. and adjourn at 2:30 p.m. on Thursday, February 15, 2001, at the Wellshire Inn, 3333 South Colorado Boulevard, Denver, Colorado 80222. The purpose of the meeting is to plan a forum in Grand Junction and review other civil rights issues affecting Colorado.

Persons desiring additional information, or planning a presentation to the Committee, should contact John Dulles, Director of the Rocky Mountain Regional Office, 303–866–1040 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 13, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–4249 Filed 2–15–01; 1:47 pm]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of the antidumping duty administrative review.

SUMMARY: In response to November 30, 2000, requests by certain producers/exporters of circular welded non-alloy steel pipe from the Republic of Korea, the Department of Commerce initiated an administrative review of the antidumping duty order on circular welded non-alloy steel pipe from the Republic of Korea, covering the period November 1, 1999, through October 31, 2000. *See, Notice of Initiation of Antidumping and Countervailing Administrative Reviews* 65 FR 82322, (December 28, 2000). Based on timely withdrawals of the requests for review from these companies, we are rescinding this review in its entirety in accordance with section 351.213(d)(1) of our regulations.

EFFECTIVE DATE: February 21, 2001.

FOR FURTHER INFORMATION CONTACT: Greg Campbell or Suresh Maniam, AD/CVD Enforcement, Group I, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2239 and (202) 482–0176, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 ("the Act") by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's ("Department") regulations refer to 19 CFR part 351 (2000).

Background

On November 30, 2000, Shinho Steel Co., Ltd., SeAH Steel Corporation, and Hyundai Pipe Co., Ltd., producers/exporters of circular welded non-alloy steel pipe from the Republic of Korea, each requested administrative review of the subject merchandise for the period November 1, 1999 through October 31, 2000. In accordance with 19 CFR 351.221(c)(1)(i), the Department of Commerce published the initiation of an administrative review of the antidumping duty order. *See, Notice of Initiation of Antidumping and Countervailing Administrative Reviews*, 65 FR 82322, (December 28, 2000). On January 5, 2001, Shinho Steel Co., Ltd., withdrew its request for review. On January 19, 2001, Hyundai Pipe Co., Ltd. withdrew its request for review. On January 30, 2001, SeAH Steel Corporation withdrew its request for review.

Rescission of Review

The Department's regulations, at 19 CFR 351.213(d)(1), provide that the Department will rescind an administrative review if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Since all parties requesting review withdrew their requests for an administrative review within the 90-day deadline, the Department is rescinding this administrative review.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: February 13, 2001.

Susan H. Kuhbach,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–4284 Filed 2–20–01; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–803]

Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Extension of Time Limit for Final Results of Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 21, 2001.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen at (202) 482–4195 or Ron Trentham at (202) 482–6320, Office of AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) requires the Department of Commerce (the Department) to make a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the final results to 180 days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of publication of the preliminary results.

Background

On November 7, 2000, the Department published in the **Federal Register** the preliminary results of the 1999–2000 administrative reviews of the antidumping duty orders on heavy forged hand tools from the People's Republic of China. *See Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China; Preliminary Results and Preliminary Partial Recision of Antidumping Duty Administrative Reviews and Notice of Intent Not to Revoke in Part* (65, FR 66691). The Department did not extend the time limit for the preliminary results of these reviews.

Extension of Time Limit for Final Results of Reviews

We determine that it is not practicable to complete the final results of these reviews within the original time limit. Therefore the Department is extending the time limit for completion of the final results until no later than September 3, 2001. *See* Decision Memorandum from Thomas F. Futtner to Holly A. Kuga, dated concurrently with this notice, which is on file in the Central Records Unit, Room B–099 of the main Commerce building.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: February 8, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–4288 Filed 2–20–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–807]

Polyethylene Terephthalate Film, Sheet, and Strip from Korea; Postponement of Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Extension of Time Limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip from Korea. The review covers three manufacturers/exporters of the subject merchandise and the period June 1, 1999 through May 31, 2000.

EFFECTIVE DATE: February 21, 2001.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Robert James, Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4475 or 482–0649, respectively.

Postponement of Preliminary Results of Review

On July 31, 2000, the Department initiated this administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip from Korea. (65 FR 46687). The current deadline for the preliminary results is March 1, 2001. We determine that it is not practicable to complete this review within the original time frame. (*See* Memorandum to Joseph A. Spetrini dated February 12, 2001.)

Accordingly, we are extending the deadline for issuing the preliminary results of this review until no later than June 29, 2001, (i.e., 120 days) in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended. The deadline for issuing the final results of this review will be no later than 120 days from the publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675 (a)(3)(A)).

Joseph A. Spetrini,

Deputy Assistant Secretary for AD/CVD Enforcement Group III.

[FR Doc. 01–4285 Filed 2–20–01; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–807]

Stainless Steel Wire Rod from Spain; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On October 13, 2000, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on stainless steel wire rod (SSWR) from Spain (65 FR 60905). This review covers one manufacturer/exporter of the subject merchandise (Roldan S.A.). The period of review (POR) is March 5, 1998, through August 31, 1999.

Based on our analysis of the comments received, we have made changes in the margin calculation. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: February 21, 2001.

FOR FURTHER INFORMATION CONTACT: Howard Smith or Lyman Armstrong, Office of AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–3965 or (202) 482–3601, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (2000).

Background

On October 13, 2000, the Department published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on SSWR from Spain. *See Notice of Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Wire Rod from Spain*, 65 FR 60905 (October 13, 2000).

In response to the Department's invitation to comment on the preliminary results of this review, ROLDAN, S.A. (Roldan) and petitioners (*i.e.*, Empire Specialty Steel Inc. (formerly AL Tech Specialty Steel Corp.), Carpenter Technology Corp., Republic Engineered Steels, and the United Steel Workers of America (AFL-CIO/CLC)) filed case briefs on November 13, 2000. On November 20, 2000, Roldan filed a rebuttal brief.

The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

For purposes of this review, SSWR comprises products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime, or oxalate.

SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling, annealing, and/or pickling and/or descaling, are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar.

The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire-drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches in diameter. Two stainless steel grades, SF20T and K-M35FL, are excluded from the scope of the review. The chemical makeup for the excluded grades is as follows:

SF20T

Carbon: 0.05 max
Manganese: 2.00 max
Phosphorous: 0.05 max
Sulfur: 0.15 max
Silicon: 1.00 max
Chromium: 19.00/21.00
Molybdenum: 1.50/2.50
Lead: added (0.10/0.30)
Tellurium: added (0.03 min)

K-M35FL

Carbon: 0.015 max
Silicon: 0.70/1.00
Manganese: 0.40 max
Phosphorous: 0.04 max
Sulfur: 0.03 max
Nickel: 0.30 max.
Chromium: 12.50/14.00
Lead: 0.10/0.30
Aluminum: 0.20/0.35

The products under investigation are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the scope of this review is dispositive.

Period of Review

The POR is March 5, 1998 through August 31, 1999.

Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Holly A. Kuga, Acting Deputy Assistant Secretary, Group II, Import Administration, to Bernard T. Carreau, fulfilling the duties of Assistant Secretary for Import Administration, dated February 12, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B–099, of the main Department building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Use of Facts Available

In accordance with section 776 of the Act, we have determined that the use of facts available is appropriate for certain portions of our calculation of Roldan's U.S. indirect selling expenses. For a discussion of our determination with respect to this matter, see comment 2 of Decision Memorandum, accessible in B–099 and on the Web at http://ia.ita.doc.gov.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculation. These changes are discussed in the relevant sections of the Decision Memorandum.

Final Results of Review

We determine that the following weighted-average percentage margin exists for the period March 5, 1998 through August 31, 1999:

Manufacturer/exporter	Percent margin
Roldan, S.A.	0.60

Assessment

The Department shall determine, and the U.S. Customs Service (Customs) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the importer-specific sales to the total entered value of the same sales. Where the assessment rate is above *de minimis*, we will instruct Customs to assess duties on all entries of subject merchandise by that importer. The Department will issue appraisement instructions directly to Customs.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of SSWR from Spain entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for Roldan will be the rate shown

above except if the rate is *de minimis*, then no cash deposit will be required; (2) for previously reviewed or investigated companies not covered in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 4.73 percent, the "all-others" rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of administrative review for a subsequent review period.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 12, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—Issues in Decision Memorandum

Comments

1. Ministerial Errors
2. Allocation Methodology Used to Calculate U.S. Indirect Selling Expenses

[FR Doc. 01–4283 Filed 2–20–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–401–401]

Certain Carbon Steel Products from Sweden: Rescission of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of countervailing duty administrative review.

SUMMARY: On December 3, 1999, in response to a request from respondent, the Department of Commerce initiated an administrative review of the countervailing duty order on carbon steel products from Sweden. The review covers the period January 1, 1998 through December 31, 1998. In accordance with 19 CFR 351.213(d)(1), the Department is now rescinding this review because SSAB Svenskt Stal AB (SSAB) (respondent) has withdrawn its request for review.

EFFECTIVE DATE: February 21, 2001.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl or Gayle Longest, Office of AD/CVD Enforcement VI, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–2786.

SUPPLEMENTARY INFORMATION: On October 29, 1999, the Department received a request for an administrative review of the countervailing duty order on certain steel products from Sweden from SSAB, for the period January 1, 1998 through December 31, 1998. On December 3, 1999, the Department published in the **Federal Register** (64 FR 67846) a notice of "Initiation of Countervailing Duty Administrative Review" initiating the administrative review. On September 7, 2000, the Department published in the **Federal Register** (65 FR 54229) a notice of "Preliminary Results of Countervailing Duty Administrative Review and Extension of Time Limit for Final Results of Countervailing Duty Administrative Review." On November 2, 2000, the International Trade Commission (ITC) made a negative determination in the sunset review of *Certain Steel Products from Sweden;* thus the order was to be revoked by the Department of Commerce effective January 1, 2000. On December 15, 2000, the Department published in the **Federal Register** (65 FR 78467) a notice of "Revocation of Antidumping and Countervailing Duty Orders" which revoked the countervailing duty order on certain carbon steel products from Sweden, effective January 1, 2000.

On January 17, 2001, respondent withdrew its request for review because of the revocation of the order. The applicable regulation, 19 CFR 351.213(d)(1), states that if a party that requested an administrative review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review, the Secretary will rescind the review. Although the request for recession was made after the 90 day deadline, in accordance with 19 CFR 351.213(d)(1), the Secretary may extend this time limit if the Secretary decides it is reasonable to do so. Due to the fact that SSAB was the only party to request an administrative review, we find it reasonable to accept the party's withdrawal of its request for review. Moreover, we have received no other submissions regarding SSAB's request for withdrawal of the administrative review. Therefore, we are rescinding this review of the countervailing duty order on certain carbon steel products from Sweden for SSAB covering the period January 1, 1998, through December 31, 1998.

This notice is issued and published in accordance with 19 CFR 351.213(d)(4) and 777(i) of the Act.

Dated: February 13, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–4289 Filed 2–20–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–357–815]

Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products From Argentina

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary affirmative countervailing duty determination.

EFFECTIVE DATE: February 21, 2001.

FOR FURTHER INFORMATION CONTACT: Eric B. Greynolds at (202) 482–6071 or Darla Brown at (202) 482–2849, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Preliminary Determination: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to certain producers and exporters of certain hot-rolled carbon steel flat products from Argentina. For information on the estimated countervailing duty rates, please see the "Suspension of Liquidation" section of this notice.

SUPPLEMENTARY INFORMATION:

Petitioners

The petition in this investigation was filed by Bethlehem Steel Corporation, Gallatin Steel Company, IPSCO Steel Inc., LTV Steel Company, Inc., National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., U.S. Steel Group, a unit of USX Corporation, Weirton Steel Corporation, Independent Steelworkers Union, and the Independent Steelworkers of America (the petitioners).

Case History

Since the publication of the notice of initiation in the **Federal Register** (*see Notice of Initiation of Countervailing Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products From Argentina, India, Indonesia, South Africa, and Thailand*, 65 FR 77580 (December 12, 2000) *(Initiation Notice)*, the following events have occurred: On December 8, 2000, and December 20, 2000, we issued countervailing duty questionnaires to the Government of Argentina (GOA).[1] On January 16 and 17, 2001, Siderar Sociedad Anomina Industrial & Commercial (Siderar), a company identified by petitioners as a producer/exporter of the subject merchandise, and the GOA informed us that they were not going to respond to our questionnaire.

Scope of the Investigation

The merchandise subject to this investigation is certain hot-rolled flat-rolled carbon-quality steel products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation.

Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this investigation, regardless of definitions in the *Harmonized Tariff Schedule of the United States* (HTS), are products in which: (i) iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, ASTM specifications A543, A387, A514, A517, A506).
- SAE/AISI grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTS.
- Tool steels, as defined in the HTS.
- Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to this investigation is classified in the HTS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled flat-rolled carbon-quality steel covered by this investigation, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTS subheadings are provided for convenience and U.S. Customs purposes, the Department's written description of the merchandise under investigation is dispositive.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to

[1] Upon the issuance of the questionnaires, we informed the GOA that it was the government's responsibility to forward the questionnaires to all producers/exporters that shipped subject merchandise to the United States during the period of investigation (POI).

the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

Injury Test

Because Argentina is a "Subsidy Agreement Country" within the meaning of section 701(b) of the Act, the International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from Argentina materially injure or threaten material injury to a U.S. industry. On January 4, 2001, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, by reason of imports from Argentina of subject merchandise. *See Hot-Rolled Steel Products from Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine*, 66 FR 805 (January 4, 2001).

Alignment With Final Antidumping Duty Determination

On January 31, 2001, the petitioners submitted a letter requesting alignment of the final determination in this investigation with the final determination in the companion antidumping duty investigation. Therefore, in accordance with section 705(a)(1) of the Act, we are aligning the final determination in this investigation with the final determination in the antidumping duty investigation of hot-rolled carbon steel flat products from Argentina.

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is calendar year 1999.

Use of Facts Available

Siderar and the GOA failed to respond to the Department's questionnaire. Sections 776(a)(2)(A) and 776(a)(2)(B) of the Act require the use of facts available when an interested party withholds information that has been requested by the Department, or when an interested party fails to provide the information requested in a timely manner and in the form required. As described in more detail below, Siderar and the GOA have failed to provide information explicitly requested by the Department; therefore, we must resort to the facts otherwise available.

Furthermore, section 776(b) of the Act provides that in selecting from among the facts available, the Department may use an inference that is adverse to the interests of a party if it determines that a party has failed to cooperate to the best of its ability. In this investigation, the Department requested Siderar and the GOA to submit the information requested in the initial questionnaire. On January 16 and 17 of 2001, Siderar and the GOA informed the Department that they would not participate in the investigation.

The Department finds that by not providing necessary information specifically requested by the Department and failing to participate in any respect in this investigation, Siderar and the GOA have failed to cooperate to the best of their ability. Therefore, in selecting facts available, the Department determines that an adverse inference is warranted.

When employing an adverse inference, the statute indicates that the Department may rely upon information derived from (1) the petition; (2) a final determination in a countervailing duty or an antidumping investigation; (3) any previous administrative review, new shipper review, expedited antidumping review, section 753 review, or section 762 review; or (4) any other information placed on the record. *See* 19 CFR 351.308(c) (2000). As adverse facts available in this preliminary determination, we have relied upon information in the petition, as well as public information from a number of sources, including other countervailing duty proceedings involving steel products from Argentina. The Department's selection of the information used as adverse facts available is discussed in more detail in the program-specific sections below.

Finally, the Statement of Administrative Action accompanying the URAA clarifies that information from the petition is "secondary information." *See* Statement of Administrative Action, accompanying H.R. 5110 (H.R. Doc. No. 103–316) (1994) (SAA), at 870. If the Department relies on secondary information as facts available, section 776(c) of the Act provides that the Department shall, "to the extent practicable," corroborate such information using independent sources reasonably at its disposal. The SAA further provides that to corroborate secondary information means simply that the Department will satisfy itself that the secondary information to be used has probative value. *See* also, 19 CFR 351.308(c) (2000).

Therefore, to satisfy itself that such information has probative value, the Department will examine, to the extent practicable, the reliability and relevance of the information used. However, unlike other types of information, such as publically available data on the national inflation rate of a given country, there typically are no independent sources for data on company-specific benefits resulting from countervailable subsidy programs. The only source for such information is administrative determinations. Thus, if the Department chooses as facts available information based on the Department's prior determinations concerning particular subsidy programs, it is not necessary to question the reliability of the benefit data for that time period.

With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render benefit data not relevant. Where circumstances indicate that the information is not appropriate as adverse facts available, the Department will not use it. *See, cf., Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812 (February 22, 1996) (where the Department disregarded the highest dumping margin as best information available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin). As discussed in more detail below, we do not have any information on the record that would change our determination to rely on previously submitted benefit information from the GOA's supplemental questionnaire responses in another proceeding or other information that was included in the November 13, 2000 petition when analyzing the programs at issue in this investigation.

For those programs in which petitioners did not provide direct information from the GOA or Siderar, we used publicly available sources on the record in another proceeding which we placed on the record of this investigation as necessary. Specifically, for information on equity infusions and government assistance provided during the privatization of the producer of the subject merchandise, we obtained from the Central Records Unit (CRU), room B099 of the main Commerce building, the public version of Attachment 70 of the GOA's November 26, 1993 questionnaire response that was originally placed on the record of the 1991 and 1992 administrative reviews of the CVD order on Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina (C–357–005). This information is included in the February 7, 2001, memorandum to the file, "Calculations for the Preliminary Determination of the Countervailing Duty Investigation: Certain Hot-Rolled Carbon Steel Flat Products from Argentina," a public document on file in room B099 of the CRU. Portions of the GOA's November 26, 1993 supplemental questionnaire response, as well as its February 24, 1994 supplemental questionnaire response from the same proceeding, were also submitted with petitioners' November 13, 2000 petition at Exhibits III–1 and III–2. As discussed more fully in the program-specific sections below, because this information was provided by the GOA with respect to the identical programs alleged in this investigation and the same company, and there is nothing on the record to indicate that the use of such information is not appropriate, we determine that this information is both reliable and relevant for use as facts available in this investigation.

On November 29, 2000, we held consultations with the GOA regarding the countervailing duty petition on certain hot-rolled carbon steel flat products from Argentina. During the consultations, the GOA indicated that Acindar Industria Argentina de Aceros, Sociedad Anomina (Acindar) did not ship subject merchandise to the United States during the POI and, thus, should not be subject to the investigation. For more information, see the November 29, 2000, memorandum to the file, "Consultations with the Government of Argentina Regarding the Countervailing Duty Petition on Certain Hot-Rolled Carbon Steel Flat Products from Argentina," a public document on file in room B099 of the CRU. We preliminarily determine that Acindar did not ship subject merchandise during the POI and, thus, we have not calculated a facts available rate for Acindar nor for the Tax Abatement Program that was included in our *Initiation Notice*.[2] If Acindar subsequently ships subject merchandise to the United States, the "All Others" rate noted in the "Suspension of Liquidation" section of this notice will apply to its imports for cash deposit purposes.

[2] We note that the Tax Abatement Program dealt with regionally specific subsidies allegedly provided to one of Acindar's subsidiaries. Because this allegation is specific to Acindar, we are not including it among the programs preliminarily determined to confer subsidies.

Change in Ownership

In 1989, the GOA embarked upon a reform program designed to restructure the economy, reduce public sector debt, and stabilize the currency. A central element of this program was the privatization of large public enterprises. That same year the GOA codified the privatization procedures under Chapter II of Law 23696. Sociedad Mixta Siderurgica Argentina (SOMISA), whose privatization took place in 1992, was among those companies covered by the law.

During the course of privatization, the GOA restructured SOMISA. In this restructuring, portions of SOMISA's productive assets were transferred to a newly formed company, Aceros Parana S.A. (APSA), while the liabilities and nonproductive assets remained with SOMISA. In 1992, the GOA privatized APSA by selling it in a share transaction to the Technit Group via its subsidiary Propulsura Siderurgica S.A.I.C. (Propulsura). Then, in 1993, APSA was merged with four smaller companies, none of which produced subject merchandise, to form Siderar.

As discussed in further detail below, petitioners contend that SOMISA/APSA received numerous subsidies prior to the restructuring and privatization in 1992. Moreover, they contend that the company remained, for all intents and purposes, the same corporate entity throughout the restructuring and privatization. As a result, petitioners argue that all non-recurring subsidies received by SOMISA and APSA are fully attributable to Siderar.

In this preliminary determination, we have applied our new privatization approach, first announced in a remand determination on December 4, 2000, following the decision of the U.S. Court of Appeals for the Federal Circuit (CAFC) in *Delverde Srl* v. *United States*, 202 F.3d 1360, 1365 (Fed. Cir. 2000), *reh'g en banc denied* (June 20, 2000) (*Delverde III*). We have also applied this new approach recently in *Grain-Oriented Electrical Steel from Italy: Final Results of Countervailing Duty Administrative Review*, 66 FR 2885 (January 12, 2001).

Under this approach, the first requirement is to determine whether the person to which the subsidies were given is, in fact, distinct from the person that produced the subject merchandise exported to the United States. If the two persons are distinct, the original subsidies may not be attributed to the new producer/exporter. The Department would, however, consider whether any subsidy had been bestowed upon that producer/exporter as a result of the change-in-ownership transaction.

On the other hand, if the original subsidy recipient and the current producer/exporter are considered to be the same person, that person benefits from the original subsidies, and its exports are subject to countervailing duties to offset those subsidies. In other words, we will determine that a "financial contribution" and a "benefit" has been received by the "person" that is the firm under investigation. Assuming that the original subsidy had not been fully amortized under the Department's normal allocation methodology as of the POI, the Department would then continue to countervail the remaining benefits of that subsidy.

In making the "person" determination, where appropriate and applicable, we analyze factors such as (1) continuity of general business operations, including whether the successor holds itself out as the continuation of the previous enterprise, as may be indicated, for example, by use of the same name, (2) continuity of production facilities, (3) continuity of assets and liabilities, and (4) retention of personnel. No single factor will necessarily provide a dispositive indication of any change in the entity under analysis. Instead, the Department will generally consider the post-sale entity to be the same person as the pre-sale entity if, based on the totality of the factors considered, we determine that the entity sold in the change-in-ownership transaction can be considered a continuous business entity because it was operated in substantially the same manner before and after the change in ownership.

Using the approach described above, we analyzed the facts available in the petition to determine whether the subsidies received by SOMISA and APSA continued to benefit Siderar during the POI. As noted in the "Use of Facts Available" section of this notice, the GOA and Siderar have declined to participate in this investigation. Therefore, in determining that all of SOMISA's and APSA's non-recurring subsidies are attributable to Siderar, we relied on adverse inferences with respect to the use of facts available, as mandated by section 776(b) of the Act.

Information in the petition indicates that SOMISA, APSA, and Siderar are, for all intents and purposes, the same corporate entity. For example, the petition contains evidence that APSA, the predecessor of Siderar, was sold to Propulsura via a share transaction, suggesting, without other available information, that all assets and

liabilities of APSA were transferred. In addition, page 38 of an article in the *Colombia Journal of World Business*, which was included as Exhibit IV–4 of the November 13, 2000 petition, states that, as of 1993, SOMISA produced hot-rolled steel at its manufacturing facility in San Nicolás. Furthermore, Siderar's website indicates that the company continues to produce hot-rolled steel at the San Nicolas facility.[3] This information demonstrates that SOMISA, APSA, and Siderar all produced hot-rolled steel at the same manufacturing facility, which is indicative of the continuity of the enterprise. In addition, the fact that the same facility produced hot-rolled steel throughout and after the restructuring and privatization periods indicates a continuity of the plant's assets. *See e.g.*, P. Marcus and K. Kirsis, "Siderar: Argentina's Privatization Success Story," *World Steel Dynamics*, a Paine Webber report that was included as Exhibit IV–11 of the November 13, 2000 petition.[4]

On this basis, we preliminarily determine that all subsidies received by SOMISA and APSA are attributable to Siderar. With our "person" determination, all of the elements of a subsidy are established with regard to Siderar.

We also note that information in the petition indicates that the substantial majority of the countervailable non-recurring subsidies were provided to the producer of the subject merchandise during the course of its sale to private interests and were specifically provided for in the bidding and sales documents and contract, as well as in the GOA's law and decrees governing the privatization of the company. Because of our determination that SOMISA, APSA, and Siderar are, for all intents and purposes, the same person, we need not decide whether some of the subsidies at issue have been provided directly to the post-sale entity.

Allocation Period

19 CFR 351.524(d)(2) (2000) states that we will presume the allocation period for non-recurring subsidies to be the average useful life (AUL) of renewable physical assets for the industry concerned, as listed in the Internal Revenue Service's (IRS) 1977 Class Life Asset Depreciation Range System, as updated by the Department of Treasury. The presumption will apply unless a party claims and establishes that these tables do not reasonably reflect the AUL of the renewable physical assets for the company or industry under investigation, and the party can establish that the difference between the company-specific or country-wide AUL for the industry under investigation is significant.

In this investigation, the Department is considering non-recurring subsidies. Regarding non-recurring subsidies, we have allocated, where applicable, all of Siderar's non-recurring subsidies over the AUL listed in the IRS tables for the steel industry and used in the most recently completed administrative review for Argentine steel companies (*see Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Results of Countervailing Duty Administrative Review*, 62 FR 52974 (October 10, 1997) (*Final Results of 1991 Cold-Rolled Flat Products*)). Therefore, in accordance with 19 CFR 351.524(d)(2) (2000), the Department is using, for the purposes of the preliminary determination, an allocation period of 15 years.

Equityworthiness

The Department has previously determined SOMISA to be unequityworthy for the years 1986 through 1987 and 1988 through 1990 (*see Certain Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Countervailing Duty Review*, 56 FR 28527, 28528 (June 21, 1991) (*Cold-Rolled Flat Products*); *Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Preliminary Results of Countervailing Duty Administrative Review*, 62 FR 38257 (July 17, 1997) and *Final Results of 1991 Cold-Rolled Flat Products* (collectively referred to as *1991 Cold-Rolled Flat Products*). No new information or evidence of changed circumstances has been submitted in this review that would lead us to reconsider these findings.

Calculation of Discount Rate and Creditworthiness

For years 1986 through 1990, we used U.S. dollar-denominated discount rates (*see* Private Creditors Interest Rate in U.S. dollars for Argentina as reported in the 1993–1994 *World Debt Tables*). These rates were the same as those used in the most recently completed administrative review for Argentina. *See 1991 Cold-Rolled Flat Products*, 62 FR 38257, 38260.

In the petition, petitioners alleged that SOMISA, the corporate predecessor of Siderar, was uncreditworthy in 1991 and 1992. To support this allegation, petitioners stated that the company had negative operating margins and negative return on sales in each of these two years. Petitioners have stated that financial data for the years prior to 1990 is not publically available. In our initiation, we stated that we did not plan to investigate SOMISA's alleged creditworthiness in 1991 and 1992 on the grounds that the presence of "non-current bank and financial debt" on its 1991–1992 Financial Statement indicated that the company was able to obtain commercial financing. *See* page 14 of the December 4, 2000, Initiation Checklist that accompanied the *Initiation Notice*, the public version of which is on file in room B099 of the CRU.

However, on January 29, 2001, petitioners submitted additional information supporting their claim that SOMISA was uncreditworthy in 1992. Specifically, petitioners contend that in making its decision not to initiate a creditworthy investigation, the Department mistakenly relied on 19 CFR 351.505(a)(4)(ii) (2000), which states that the presence of long-term commercial financing with a government guarantee generally constitutes dispositive evidence that a firm is creditworthy. Petitioners point out that in the preamble to the CVD Regulations, the Department states that:

> We do not believe that the presence of commercial loans is dispositive of whether a government-owned firm could have obtained long-term financing from conventional commercial sources. This is because in our view, in the case of a government-owned firm, a bank is likely to consider that the government will repay the loan in the event of default. Accordingly, paragraph (a)(4)(ii) provides that the presence of comparable commercial loans will be dispositive of creditworthiness only for privately owned companies.

CVD Regulations, 63 FR 65348, 65367.

In addition, further review of the information in the petition indicates that Siderar was in financial distress as of 1992. According to a 1993 article from the *Colombia Journal of World Business* that was included as Exhibit IV–4 of the November 13, 2000 petition, by the start of the 1990s the company was losing approximately 20 million dollars a month. Moreover, the article states that at the time of its privatization, "SOMISA was not a viable economic entity on its own and was in a state of technical insolvency." The article goes on to state that at the time of its sale, SOMISA was having difficulty securing letters of credit and that its suppliers had begun to ship materials on a cash receipt basis, both of which strongly suggest that the company was unable to fulfill its obligations to its creditors.

Based on the information provided by petitioners, we find there is sufficient evidence on the record of this investigation to warrant investigating whether SOMISA was uncreditworthy in 1992. Because the producer of the subject merchandise and the GOA have declined to participate in this investigation, we are relying on adverse facts available and, therefore, have preliminarily determined that the company was uncreditworthy in 1992.[5]

As our 1992 discount rate, we used the peso-denominated lending rate as reported by the International Monetary Fund's (IMF's) *International Statistics*, as published in June 1993. Because we have preliminarily determined the producer of the subject merchandise to be uncreditworthy in 1992, we adjusted this discount rate upwards using the uncreditworthy discount rate methodology as described in 19 CFR 351.505(a)(3)(iii) (2000).

Programs Preliminarily Determined To Confer Subsidies

1. Equity Infusions Bestowed From 1986 Through 1990

Petitioners allege that predecessors of Siderar received equity infusions from the GOA during the years 1986 through 1990, a period in which petitioners contend Siderar's predecessor was unequityworthy. Specifically, petitioners requested that the Department examine the equity infusions provided to SOMISA, a predecessor of Siderar, from 1986 to 1987 and additional infusions provided to SOMISA from 1988 through 1990.

In *Cold-Rolled Flat Products*, we determined that under Decree 2887/78 the GOA provided SOMISA with countervailable equity infusions from 1986 through 1987, a period during which the Department found SOMISA to be unequityworthy. *See* 56 FR 28527, 28528. We also determined in *1991 Cold-Rolled Flat Products* that under the same decree the GOA provided SOMISA with additional countervailable equity infusions from 1988 through 1990, a period in which the Department again found SOMISA to be unequityworthy. *See* 62 FR 38257, 38259.

In accordance with 19 CFR 351.507(c) (2000), we treated the equity infusions as non-recurring subsidies. For each of the infusions received during the years 1986 through 1990, we allocated the subsidy over the time period corresponding to the AUL beginning in the year in which the equity infusions were received using our standard grant allocation methodology. We note that the amounts of the individual equity infusions were obtained from Attachment 70 of the public version of the November 26, 1993 supplemental questionnaire response of the GOA.

In addition, consistent with our treatment of the equity infusions in past proceedings, we have converted the equity infusions into U.S. dollars in order to take into account the periods of high inflation in Argentina and the changes in the Argentine currency that occurred during the time in which the equity infusions were received. *See, e.g., 1991 Cold-Rolled Flat Products*, 62 FR 38257, 38260. Because we converted the equity infusions into U.S. dollars, we used as our discount rate the U.S. dollar-denominated private creditor's interest rate for Argentina as reported in the *World Debt Tables* for 1993 and 1994.

To calculate the net subsidy rate, we then divided the benefit amount allocable to the POI by Siderar's estimated U.S. dollar total sales as of June 30, 2000, which was calculated based on facts available in the petitioners' submission. We converted Siderar's total sales as of June 30, 2000 into U.S. dollars using the average peso/U.S. dollar exchange rate for 1999.[6] On this basis, we preliminarily determine the net countervailable subsidy to be 0.18 percent *ad valorem*.

2. GOA Assumption of SOMISA Debt

Petitioners explain that the GOA restructured SOMISA in 1992 by transferring SOMISA's productive assets to a company named APSA. Petitioners allege that, as a part of this restructuring, the GOA directly assumed 1,237 million pesos of SOMISA's debt. Petitioners allege that APSA should have been liable for this debt and, therefore, APSA (a predecessor of Siderar) received countervailable subsidies that benefitted subject merchandise during the POI.

In *1991 Cold-Rolled Flat Products*, we reviewed the 1992 privatization of SOMISA. *See*, 62 FR 38257, 38262. As explained in that review, the general privatization law (Chapter II of Law 23,696) enabled the GOA to (1) decide which assets would be privatized; (2) reorganize going concerns and transfer assets and liabilities from those concerns prior to privatization; and (3) assume the debt of public enterprises undergoing privatization. Further, debt acquired by SOMISA up to April 1, 1991, was forgiven by the GOA. As stated above in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate in this investigation. Therefore, as adverse facts available, we preliminarily determine that the GOA's assumption of debt constitutes a countervailable subsidy within the meaning of 771(5) of the Act. Because the debt assumption is limited to the producer of the subject merchandise and to government-owned companies in the process of being privatized, we preliminarily determine that the debt assumption is specific under section 771(5A) of the Act. The debt forgiveness also constitutes a financial contribution in the form of a grant because it is effectively a direct transfer of funds within the meaning of section 771(5)(D)(i) of the Act.

In accordance with 19 CFR 351.508(c) (2000), we treated the GOA's 1992 assumption of SOMISA's debt as a non-recurring grant. We allocated the subsidy over the time period corresponding to the AUL beginning in 1992 using our standard grant allocation methodology.[7] We obtained the amount of SOMISA's debt forgiveness from Attachment 8 of the public version of the GOA's February 24, 1994 supplemental questionnaire response, which was included as Exhibit III–2 of the petition. According to this document, the GOA assumed 1,237 million pesos of the company's debt in the course of the company's privatization.

As stated above in the "Creditworthiness and Calculation of Discount Rate" section, we have preliminarily determined that the company was uncreditworthy in 1992. Therefore, when employing our standard grant allocation methodology, we calculated a discount rate in accordance with the formula for constructing a long-term benchmark

[3] See the February 7, 2001, memorandum to the file that placed the information from Siderar's website onto the record of this investigation.

[4] We note that the information in the report was based on a trip to Siderar that Paine Webber representtives took on June 6, 1994.

[5] As noted above, petitioners also alleged that SOMISA was uncreditworthy in 1991. However, we preliminarily determine that no non-recurring subsidies were given in 1991, and, therefore, it is not necessary to make a determination regarding Siderar's creditworthiness in 1991.

[6] The sales value used for the POI for Siderar is based upon the company's Financial Statement at June 30, 2000, which covers the fiscal year July 1, 1999 through June 30, 2000. Siderar's Financial Statement was included as Exhibit IV–3a in the November 13, 2000 petition. To determine an FOB sales value, we deducted the freight and transportation costs reported for the company's selling expenses (8,650,744 pesos) from the company's sales income of 958,440,592 pesos. We also note that the peso and dollar exchange rate is set basically on a one for one basis, thus exchanging the peso sales value to a dollar sales value results in approximately the same value.

[7] We note that by January 1, 1992, the year in which SOMISA's debt was forgiven, Argentina had pegged its currency to the U.S. dollar. This action, in part, resulted in the abatement of the high inflation rates in the country. Therefore, we did not dollarize non-recurring subsidies received since 1992.

interest rate for uncreditworthy companies as stated in 19 CFR 351.505(a)(3)(iii) (2000) and applied that discount rate when utilizing our standard grant allocation methodology.

To calculate the net subsidy rate, we divided the benefit amount allocable to the POI by Siderar's estimated total sales as of June 30, 2000. On this basis, we preliminarily determine the net countervailable subsidy to be 21.79 percent ad valorem.

2. Relief From Liquidation Costs

Petitioners allege that, upon transferring SOMISA's productive assets to APSA, the GOA agreed to cover the liquidation costs of SOMISA Residual.[9] These alleged costs include closing down and dismantling redundant facilities and environmental liabilities. Petitioners provided a portion of the contract between the GOA and APSA for the transfer of shares. *See* the GOA's November 26, 1993 supplemental questionnaire response, which was included as Exhibit IV–16 of the November 13, 2000 petition. Petitioners explain that section 5.9.1(i)–(iv) of this contract stipulates that the GOA will compensate APSA for any obligation or damages incurred due to environmental liabilities which occurs during the first 18 months after privatization. They also state that section 5.8 of the contract stipulates similar indemnities regarding occupational health and safety liabilities.

As explained above, the GOA had the discretion to reorganize going concerns and transfer assets and liabilities from those concerns prior to privatization as well as covering liabilities arising from these actions. As stated above in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate in this investigation. Therefore, based on adverse facts available, we preliminarily determine that the above-mentioned information in the petition indicates that the GOA undertook liquidation costs that should have been attributed to APSA. Because this relief of liquidation expenses is limited to the producer of the subject merchandise and to government-owned companies in the process of being privatized, we preliminarily determine that this program is specific under section 771(5A) of the Act. The relief from the liquidation costs also constitutes a financial contribution in the form of a grant because it is effectively a direct transfer of funds within the meaning of section 771(5)(D)(i) of the Act.

To calculate the countervailable benefit under this program, we treated the GOA's 1992 assumption of liquidation costs as a non-recurring grant. We then allocated the subsidy over the time period corresponding to the AUL beginning in the year in which the liabilities were assumed by the GOA using our standard grant allocation methodology. Because we have preliminarily determined that the company was uncreditworthy in 1992, we used as our discount rate the uncreditworthy benchmark discussed above. We obtained the amount of the liquidation expenses from page 28 of the GOA's November 26, 1993 supplemental questionnaire response, which was included as Exhibit III–1 of the petition. According to this document, the GOA assumed 43,700,000 pesos in claims against the company during the privatization and liquidation process of the company. We have not been able to determine the amount of environmental liabilities assumed by the GOA on behalf of the producer of the subject merchandise. We will continue to try to quantify these liabilities for the final determination. Therefore, for the purpose of this preliminary determination, the estimated subsidy rate is based solely on the reported 43,700,000 figure of assumed relief from liquidation expenses.

To calculate the net subsidy rate, we divided the benefit amount allocable to the POI by Siderar's estimated total sales as of June 30, 2000. On this basis, we preliminarily determine the net countervailable subsidy to be 0.90 percent *ad valorem*.

4. Additional Subsidies From Reorganization/Privatization Under Decree 1144/92

Petitioners allege that, pursuant to Decree 1144/92, the GOA cancelled all of SOMISA's debt that it had incurred from April 1, 1991, through January 1, 1992, exempted SOMISA from the stamp tax and from other taxes which were imposed on the transfer of assets and land, and assumed SOMISA's early retirement benefit liabilities that it had incurred prior to its privatization. In *1991 Cold-Rolled Flat Products*, the Department acknowledged the bestowal of these subsidies under Decree 1144/92 but determined that any potential benefits would have been realized subsequent to the period covered by that proceeding (*see* 62 FR 38257, 38262).

As stated above in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate in this investigation. Therefore, based on adverse facts available, we preliminarily determine that this program conferred countervailable benefits upon Siderar during the POI in the form of (1) retirement payments to employees made by the GOA on behalf of SOMISA; (2) stamp tax exemptions; (3) SOMISA's retention of labor liabilities that should have passed on to APSA, a Siderar predecessor; and (4) the GOA's forgiveness of SOMISA debt that accrued between April 1, 1991, through January 1, 1992. Because this assistance was limited to the producer of the subject merchandise and to government-owned companies in the process of being privatized, we preliminarily determine that this program is specific under section 771(5A) of the Act. The benefits received under this program also constitute a financial contribution in the form of a grant because they are effectively a direct transfer of funds within the meaning of section 771(5)(D)(i) of the Act.

To calculate the benefits under this program, we treated the subsidies described above as non-recurring grants received in 1992. With respect to the stamp tax exemption, we note that this exemption was tied to the capital assets of the company. Therefore, we are also determining this tax exemption to be a non-recurring benefit under 19 CFR 351.524(c)(2) (2000). We then allocated the subsidies over the time period corresponding to the AUL using our standard grant allocation methodology. Because we have preliminarily determined that the company was uncreditworthy in 1992, we used as our discount rate the uncreditworthy benchmark discussed above.

We derived the grant amounts for the retirement payments, retention of labor liabilities, and stamp tax exemptions by using information from the public version of the GOA's November 26, 1993 and February 24, 1994 questionnaire responses, which were included as Exhibits III–1 and III–2 of the petition. According to page 35 of the November 26, 1993 GOA questionnaire response, the amount of the stamp tax exemption was equal to 6,396,179.88 pesos. In addition, according to page 18 of the November 26, 1993 GOA questionnaire response, the GOA also assumed 12,576,399.85 pesos of the company's labor and social security obligations during the company's privatization. Furthermore, according to page 8 of the February 24, 1994 supplemental questionnaire response, the GOA paid 164,470,422.93 pesos to restructure the company's workforce during its privatization.

[9] SOMISA Residual is the name that petitioners use to describe the company that they allege was set up by the GOA to assume all of the unwanted assets and liabilities that the government did not want to attribute to APSA.

We derived the grant amount for the forgiveness of debt that accrued between April 1, 1991, through January 1, 1992 by taking the difference between SOMISA's "Other Debt" liabilities between June 30, 1991, and June 30, 1992. Based upon this data, we derived a reported debt assumption of 126,296,883 pesos. We obtained information on SOMISA's liabilities from the company's 1992 Financial Statement, which was included as Exhibit III–15 of the petition. We assumed that the difference in these liabilities was the result of debt assumed by the GOA. We assumed that the reduction in these liabilities was the result of the GOA's debt assumption because the company could not pay its own liabilities because it was losing approximately 20 million dollars a month during this time and its operations were being supported by the accumulation of debt. *See* R. Mooney and S. Griffith, "Privatizing a Distressed State-Owned Enterprise: Lessons Learned through Privatization Work in Argentina's Steel Sector," *Columbia Journal of World Business* (Spring 1993) which was included as Exhibit IV–4 of the November 13, 2000 petition.

To calculate the net subsidy rate for this program, we divided the above-listed benefit amounts allocable to the POI by Siderar's estimated total sales as of June 30, 2000. On this basis, we preliminarily determine the net countervailable subsidy to be 5.46 percent *ad valorem*.

5. Investment Commitment

Petitioners allege that, at the time of the company's privatization in 1992, the GOA required all bidders to infuse $100 million into the company within two years of the sale. Petitioners allege that the investment commitment constitutes an indirect subsidy induced by GOA action in which the GOA "directed or entrusted" the purchasers of the producer of the subject merchandise to make a $100 million infusion into the company. Petitioners further allege that Siderar continued to benefit from this $100 million contribution during the POI. In support of the allegation, petitioners cite to a section of GOA Law 24,045 and to GOA questionnaire responses from a prior proceeding in which the terms of the investment commitment are described.

As stated above in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate in this investigation. Therefore, based on adverse facts available, we preliminarily determine that the investment commitment was conducted at the behest of the GOA, and that this investment conferred countervailable benefits upon Siderar during the POI. Because this assistance was limited to the producer of the subject merchandise, we preliminarily determine that this program is specific under section 771(5A) of the Act. The investment commitment received under this program also constitutes a financial contribution within the meaning of section 771(5)(D)(iv) of the Act.

Information from the GOA's November 26, 1993 questionnaire response, which was included as Exhibit III–1 in the petition, indicates a portion of the investment commitment was made in 1993. Accordingly, we have treated that portion of the investment commitment as a non-recurring grant received in 1993. In addition, we are assuming that the remaining balance of the investment commitment was made in the following year because the full amount of the investment commitment had to be paid within two years of the company's sale. Thus, we have treated the remaining balance as a non-recurring grant received in 1994. We note that information in the petition indicates that the company was transferred by the GOA to private parties in 1992. Therefore, we have used 1992 as the date of approval for the investment commitment.

To calculate the benefits under this program, we treated the investment commitment as a non-recurring grant. We then allocated the subsidies over the time period corresponding to the AUL using our standard grant allocation methodology. Because we have preliminarily determined that the company was uncreditworthy in 1992, we used as our discount rate the uncreditworthy benchmark discussed above.

To calculate the net subsidy rate, we divided the benefit amounts allocable to the POI by Siderar's estimated total sales as of June 30, 2000. On this basis, we preliminarily determine the net countervailable subsidy to be 2.03 percent *ad valorem*.

6. Rebate of Indirect Taxes (Reembolso)

Under the Reembolso program, the GOA provides a cumulative tax rebate paid upon export and the rebate is calculated as a percentage of the f.o.b. invoice of the exported merchandise. In October 1986, the GOA through Decree 1555/86 established three broad rebate levels covering all products and industry sectors. The rates for levels I, II, and III were 10 percent, 12.5 percent, and 15 percent, respectively. According to the petition, the subject merchandise is classified in level I and is eligible for a 10 percent rebate. The Department has previously found that this program provides a countervailable benefit to Argentine exporters. *See, e.g., Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders: Certain Welded Carbon Steel Pipe and Tube Products From Argentina*, 53 FR 37619 (September 27, 1988).

Under 19 CFR 351.518(a)(4) (2000), the entire amount of the rebate confers a benefit unless the government of the country subject to the investigation has confirmed which inputs are consumed in the production of the exported product and in what amounts, and has confirmed which indirect taxes are imposed on those inputs. We note that according to the company's financial statement covering the POI, it received export rebates under this program during 1999. Because the GOA has not established that the Reembolso rebate only refunds the actual indirect taxes incurred on inputs of items consumed in the production of exports of the subject merchandises, we preliminarily determine that the entire rebate is countervailable under 19 CFR 351.518(a)(4) (2000). Therefore, the calculated net countervailable subsidy for this program during the POI is 10.00 percent *ad valorem*.

7. Pre- and Post-Shipment Export Financing

On September 24, 1982, the Central Bank of Argentina established a post-financing program for exports under Circular OPRAC 1–9. OPRAC 1–9 loans are granted for up to 30 percent of the peso equivalent of the foreign currency in which the export transaction was paid. The term of the loan is 180 days. The interest rate charged on OPRAC 1–9 loans is the regulated rate used by commercial banks, as required under the regulations of the Central Bank of Argentina.

Petitioners allege that Siderar benefitted from pre- and post-export financing during the POI. As stated above in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate in this investigation. Therefore, based on adverse facts available, we preliminarily determine that Siderar received countervailable benefits under this program. We note that according to the company's financial statement covering the POI, it received import and export financing during 1999.

In *Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 49 FR 18006, 18007 (April 26,

1984) (*Investigation of Cold-Rolled Flat Products*), we determined that SOMISA, a predecessor of Siderar, used and benefitted from pre- and post-shipment export financing. In the absence of a response from the GOA and Siderar, we are assuming, as adverse facts available, that the level of financing Siderar and its predecessors received under this program has remained unchanged since the *Investigation of Cold-Rolled Flat Products*. Therefore, to calculate the net subsidy rate for Siderar under this program, we are using the net subsidy rate calculated for its predecessor, SOMISA, in the *Investigation of Cold-Rolled Flat Products*.

We note that in an attempt to corroborate the net subsidy rate calculated in the *Investigation of Cold-Rolled Flat Products*, we reviewed the information in the petition, including SOMISA's 1991 and 1992 Financial Statements and Siderar's June 30, 2000 Financial Statement. However, the petition and the financial statements did not provide any data that could be used to quantify SOMISA's or Siderar's use of the program. On this basis, we preliminarily determine the net countervailable subsidy to be 0.01 percent *ad valorem*.

8. Zero-Tariff Turn Key Bill

Petitioners allege that the GOA, through the state-owned Investment and Foreign Trade Bank (BICE), provides duty exemptions/reductions that are contingent upon export performance.

Information from a World Trade Organization publication indicates that "direct assistance has been provided to exports under turn key contracts." Furthermore, an article from the newspaper *La Nación* states that under the program, companies designated as turn key plants would benefit from "subsidized import tariffs." We note that both of these articles were included in the petition. *See* Exhibits IV–5 and IV–9 of the November 13, 2000 petition, respectively. As stated in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate in this investigation. Therefore, based on adverse facts available, we preliminarily determine that the information in the petition indicates that Siderar received countervailable benefits under this program. Because this program is only available to exporters, we preliminarily determine that this program constitutes an export subsidy under section 771(5A)(A) of the Act. A financial contribution is also conferred by this program in the form of revenue forgone within the meaning of section 771(5)(D)(ii) of the Act.

The article from *La Nación* states that in 1997 the GOA approved under the turn key bill $207 million in tariff exemptions for 114 investment projects, including investment projects undertaken by Siderar. As adverse facts available, we are assuming that Siderar's share of exemptions was equal to those received by the other projects. We note that 19 CFR 351.524(c) (2000) states that tax exemptions can be treated as recurring benefits that are allocated (*e.g.*, expensed) in their entirety to the year of receipt. As adverse facts available, we are assuming that Siderar received the tariff exemptions on a recurring basis in an amount equal to the tariff exemptions that we estimated for 1997. On this basis, we preliminarily determine that Siderar received a countervailable benefit under this program during the POI.

To calculate the benefit from this program, we divided the amount of Siderar's 1999 tariff exemptions by its estimated value of total exports for the POI.[9] We used the estimated value of total exports rather than total sales because this program is an export subsidy under section 771(5A)(B) of the Act. We note that Siderar's estimated tariff exemptions were denominated in U.S. dollars. Therefore, we converted the amount of the tariff exemptions into pesos using the average peso/U.S. dollar exchange rate for 1999. On this basis, we preliminarily determine the net countervailable subsidy rate to be 0.42 percent *ad valorem*.

Suspension of Liquidation

In accordance with section 703(d)(1)(A)(i) of the Act, we have calculated an individual rate for the company under investigation, Siderar. With respect to the "all others" rate, section 705(c)(5)(A)(ii) of the Act provides that if the countervailable subsidy rates established for all exporters and producers individually investigated are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish an "all others" rate for exporters and producers not individually investigated. In this case, although the rate for the only other investigated company is based entirely on facts available under section 776 of the Act, there is no other information on the record upon which we could determine an "all others" rate. As a result, we have used the rate for Siderar as the "all others" rate.

Producer/exporter	Net subsidy rate (percent)
Siderar	40.79 *Ad Valorem*
All Others	40.79 *Ad Valorem*

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise from Argentina, which are entered or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit or bond for such entries of the merchandise in the amounts indicated above. This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

Public Comment

In accordance with 19 CFR 351.310, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination. The hearing is tentatively scheduled to be held 57 days from the date of publication of the preliminary determination at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Requests for a public hearing should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing. In addition, six copies of the business proprietary version and six copies of the non-proprietary version of the case briefs must be submitted to the Assistant Secretary no later than 50 days from the date of publication of the preliminary determination. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Six copies of the business proprietary version and six copies of the non-proprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than 5 days from the date of filing of the case briefs. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 CFR 351.309 and will be considered if received within the time limits specified above.

This determination is published pursuant to sections 703(f) and 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 7, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4281 Filed 2–20–01; 8:45 am]

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[9] Using adverse facts available, we estimated Siderar's export sales as of June 30, 2000, by multiplying the ratio of its export to total shipments in net tons by the total sales figure discussed above. We applied this same ratio to the estimated freight figure discussed above. We then subtracted the estimated freight on export sales from the estimated export sales figure to arrive at an estimated f.o.b. export sales figure as of June 30, 2000.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–063]

Certain Iron-Metal Castings From India: Notice of Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of court decision.

SUMMARY: On January 24, 2001, the United States Court of International Trade (CIT) affirmed the International Trade Administration's remand determination regarding the calculation of subsidies provided under section 80HHC of India's Income Tax Act.

EFFECTIVE DATE: February 21, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Copyak, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

Under section 80HHC of India's Income Tax Act, exporters of iron-metal castings are eligible to claim tax exemptions based on their export profits. In *Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 60 Fed. Reg. 44,849 (Aug. 29, 1995) (the 1990 period of reveiw), the Department calculated these subsidies without adjusting for other subsidies received under India's International Price Reimbursement Scheme (IPRS) and India's Cash Compensatory Support Scheme (CCS). In *Crescent Foundry Co. Pvt. Ltd., et al.* v. *United States*, Slip Op. 00–148 (CIT Nov. 9, 2000), the court remanded the final results of the 1990 administrative review and directed the Department to recalculate these subsidies by subtracting IPRS rebates and CCS rebate from taxable income before determining any section 80HHC benefit. The Department's subsequent remand determination reflected the Court's instructions and was affirmed in *Crescent Foundry Co. Pvt. Ltd, et al.* v. *United States*, Slip Op. 01–6 (CIT Jan. 24, 2001).

In its decision in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 USC section 1516a(e), the Department must publish a notice of a court decision which is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's opinion in *Crescent Foundry Co. Pvt. Ltd, et al.* v. *United States*, Slip Op. 01–6 (CIT Jan. 24, 2001), constitutes a decision not in harmony with the Department's final affirmative results of countervailing duty administrative review. Publication of this notice fulfills the *Timken* requirement.

Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, upon a "conclusive" court decision.

Dated: February 13, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–4286 Filed 2–20–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–063]

Certain Iron-Metal Castings From India: Notice of Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of court decision.

SUMMARY: On January 24, 2001, the United States Court of International Trade (CIT) affirmed the International Trade Administration's remand determination regarding the calculation of subsidies provided under section 80HHC of India's Income Tax Act.

EFFECTIVE DATE: February 21, 2001.

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SUPPLEMENTARY INFORMATION:

Background

Under section 80HHC of India's Income Tax Act, exporters of iron-metal castings are eligible to claim tax exemptions based on their export profits. In *Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 60 Fed. Reg. 44,843 (Aug. 29, 1995) (the 1991 period of review), the Department calculated these subsidies without adjusting for other subsidies received under India's International Price Reimbursement Scheme (IPRS) and India's Cash Compensatory Support Scheme (CCS). In *Kajaria Iron Castings Pvt. Ltd., et al.* v. *United States*, Slip Op. 00–147 (CIT Nov. 9, 2000), the court remanded the final results of the 1991 administrative review and directed the Department to recalculate these subsidies by subtracting IPRS rebates and CCS rebates from taxable income before determining any section 80HHC benefit. The Department's subsequent remand determination reflected the Court's instructions and was affirmed in *Kajaria Iron Castings Pvt. Ltd, et al.* v. *United States*, Slip Op. 01–5 (CIT Jan. 24, 2001).

In its decision in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 USC section 1516a(e), the Department must publish a notice of a court decision which is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's opinion in *Kajaria Iron Castings Pvt. Ltd, et al.* v. *United States*, Slip Op. 01–5 (CIT Jan. 24, 2001), constitutes a decision not in harmony with the Department's final affirmative results of countervailing duty administrative review. Publication of this notice fulfills the *Timken* requirement.

Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, upon a "conclusive" court decision.

Dated: February 13, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–4287 Filed 2–20–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–427–819, C–428–829, C–421–809, C–412–821]

Low Enriched Uranium From France, Germany, the Netherlands, and the United Kingdom: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for preliminary determinations in countervailing duty investigations.

SUMMARY: The Department of Commerce is extending the time limit of the preliminary determinations in the countervailing duty (CVD) investigations of low enriched uranium from France, Germany, the Netherlands, and the United Kingdom from March 2, 2001 until no later than May 7, 2001. This extension is made pursuant to section 703(c)(1)(B) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: February 21, 2001.

FOR FURTHER INFORMATION CONTACT: Michael Grossman (France) at (202) 482–3146; Robert Copyak (Germany) at (202) 482–2209; Stephanie Moore (the Netherlands) at (202) 482–3692; and Eric B. Greynolds (the United Kingdom) at (202) 482–6071, Office of AD/CVD Enforcement VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

Extension of Due Date for Preliminary Determinations

On December 27, 2000, the Department of Commerce (the Department) initiated the CVD investigations of low enriched uranium from France, Germany, the Netherlands, and the United Kingdom. *See Notice of Initiation of Countervailing Duty Investigations: Low Enriched Uranium from France, Germany, the Netherlands, and the United Kingdom*, 66 FR 1085 (January 5, 2001). Currently, the preliminary determinations are due no later than March 2, 2001. However, pursuant to section 703(c)(1)(B) of the Act, we have determined that these investigations are "extraordinarily complicated" and are therefore extending the due date for the preliminary determinations to no later than May 7, 2001.

Under section 703(c)(1)(B), the Department can extend the period for reaching a preliminary determination until not later than the 130th day after the date on which the administering authority initiates an investigation if:

(B) The administering authority concludes that the parties concerned are cooperating and determines that—

(i) The case is extraordinarily complicated by reason of—

(I) The number and complexity of the alleged countervailable subsidy practices;

(II) The novelty of the issues presented;

(III) The need to determine the extent to which particular countervailable subsidies are used by individual manufacturers, producers, and exporters; or

(IV) The number of firms whose activities must be investigated; and

(ii) Additional time is necessary to make the preliminary determination.

Regarding the first requirement, we find that in each case all concerned parties are cooperating. Regarding the second requirement, we find that each of these four cases is extraordinarily complicated for the following reasons.

France

The French CVD investigation is extraordinarily complicated because of the novelty of the issues presented. We are investigating an allegation that the Government of France through its national electric utility, Electricite de France, purchased uranium from the producer of the subject merchandise at prices that constitute "more than adequate remuneration" under section 771(5)(E)(iv) of the Act. This is a novel issue because this is the first time the Department has investigated this type of subsidy allegation.

Germany, the Netherlands, and the United Kingdom

These three investigations are extraordinarily complicated because of the novelty of the issue presented. Petitioners have alleged that a single cumulative CVD rate applicable to all of Urenco Ltd.'s operations in Germany, the Netherlands, and the United Kingdom should be applied. Urenco Ltd. is the holding company for a group of companies located in Germany, the Netherlands, and the United Kingdom which produce enriched uranium for commercial sale. The Urenco Group was created in 1971, pursuant to the Treaty of Almelo, signed by the governments of Germany, the Netherlands and the United Kingdom. Therefore, the Department is investigating, and must determine, whether the subsidies provided by the three Treaty of Almelo countries to the Urenco Group's operations in Germany, the Netherlands, and the United Kingdom should be attributed to the sales of all of Urenco's international operations because Urenco is an "international consortium" under section 701(d) of the Act. To date, the provisions of section 701(d) have never been used in any CVD investigation or administrative review. Thus, we determine this to be a novel issue.

Accordingly, we deem these four investigations to be extraordinarily complicated and determine, with regard to the third requirement noted above, that additional time is necessary to make the preliminary determinations. Therefore, pursuant to section 703(c)(1)(B) of the Act, we are postponing the preliminary determinations in these investigations to no later than May 7, 2001.

This notice is published pursuant to section 703(c)(2) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 9, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4282 Filed 2–20–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Visiting Committee on Advanced Technology, National Institute of Standards and Technology (NIST), will meet Tuesday, March 6, 2001 from 8:30 a.m. to 4 p.m. and Wednesday, March 7, 2001 from 9:15 a.m. to 11 a.m. The Visiting Committee on Advanced Technology is composed of nine members appointed by the Director of NIST; who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include a briefing on construction of the Advanced Measurement Laboratory; a presentation, "In the News: What Are They Saying About NIST?"; and participation by members in the NIST Centennial event, "NIST and Industry: Teaming Up in the New Century." Discussions scheduled to begin at 8:30 a.m. end at 10:15 a.m. on March 6, 2001 and to begin at 9:15 a.m. and to end at 11 a.m. on March 7, 2001, on staffing of management positions at NIST, the NIST budget, including funding levels of the Advanced Technology Program and the Manufacturing Extension Partnership, and feedback sessions will be closed.

DATES: The meeting will convene March 6, 2001 at 8:30 a.m. and will adjourn at 11 a.m. on March 7, 2001.

ADDRESSES: The meeting will be held in the Tenth Floor Conference Room, Administration Building, at NIST, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Janet R. Russell, Administrative Coordinator, Visiting Committee on Advanced Technology, National Institute of Standards and Technology, Gaithersburg, MD 20899–1004, telephone number (301) 975–2107.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration; with the concurrence of the General Counsel, formally determined on February 12, 2001, that portions of the meeting of the visiting Committee on Advanced Technology which involve discussion of proposed funding of the Advanced Technology Program and the Manufacturing Extension Partnership Program may be closed in accordance with 5 U.S.C. 552b(c)(9)(B), because those portions of the meetings will divulge matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency actions; and that portions of meetings which involve discussion of the staffing issues of management and other positions at NIST may be closed in accordance with 5 U.S.C. 552b(c)(6), because divulging information discussed in those portions of the meetings is likely to reveal information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Dated: February 14, 2001.

Karen H. Brown,

Acting Director.

[FR Doc. 01–4245 Filed 2–20–01; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021301D]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Oversight Committee and Advisory Panel, Habitat Oversight Committee, Scientific and Statistical Committee (SSC) and Scallop Committee in March, 2001 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will held between Tuesday, March 6, 2001 and Monday, March 12, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Warwick, RI, Newburyport, Danvers and East Boston, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Tuesday, March 6, 2001, 10 a.m.—Scientific and Statistical Committee

Location: Rossi's, 50 Water Street, Newburyport, MA 01950; telephone: (978) 499-0240.

The SSC committee will develop plans to provide the Council advice on the priorities identified by the Council. These include: (1) Review of fishing mortality and biomass reference points for selected groundfish species and skates; (2) Review of changes in the scallop reference points that might result from a rotational area management strategy and the scientific basis of proposed scallop rotational area management measures as developed by the Council and Scallop Plan Development Team (PDT); (3) Evaluation of the available information on the stock structure of monkfish and its implications for management. Review of the monkfish assessment update (to be done by the Monkfish Monitoring committee, and review of fishing mortality and biomass reference points; (4) Review of the update of whiting status that will be completed by the Whiting PDT; (5) Other issues that it might advise the Council on such as the potential value of marine protected areas (MPAs) and closed areas (quantify benefits from existing closed areas) and multispecies management issues.

Tuesday, March 6, 2001, 9:30 a.m.—Joint Skate Committee and Advisory Panel Meeting.

Location: Radisson Airport Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739-3000.

The agenda will include a review of comments received during scoping period for Skate Fishery Management Plan (FMP). The committee and advisory panel will review Skate PDT report and provide additional guidance to the PDT. They will also develop management alternatives for Draft Skate FMP and public hearing document.

Wednesday, March 7, 2001, 9:30 a.m.—Habitat Oversight Committee.

Location: Sheraton Ferncroft, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978)777-2500.

The agenda will include a discussion of habitat measures, alternatives and analyses to be included in the Groundfish FMP Amendment 13 Draft Supplementary Environmental Impact Statement (DSEIS). The committee will consider preliminary information on required essential fish habitat (EFH) components of proposed Skate and Red Crab FMPs. They will also review EFH Consultation activities, including a proposed General Concurrence for U.S. Army Corps of Engineers Philadelphia District's Nationwide Permit Program.

The Committee will review applications to the Advisory Panel in a CLOSED SESSION.

Monday, March 12, 2001, 9:30 a.m.—Scallop Oversight Committee Meeting.

Location: Airport Holiday Inn, 225 McClellan Highway, East Boston, MA 02128; telephone: (617)569-5250.

The Scallop Oversight Committee will approve problem statements, goals and objectives, and proposed management alternatives outline for Amendment 10.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: February 14, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4296 Filed 2–20–01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021301A]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of three applications for scientific research permits (1290, 1291, 1292).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received applications for ESA section 10(a)(1)(A) scientific research permits from the Northwest Fisheries Science Center, NMFS at Seattle, WA (NWFSC); the U.S. Geological Survey at Cook, WA (USGS); and the U.S. Forest Service at La Grande, OR (USFS).

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on March 23, 2001.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

For permits 1290, 1291, 1292: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737 (ph: 503-230-5400, fax: 503-230-5435).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401).

FOR FURTHER INFORMATION CONTACT: For permits 1290, 1291, 1292: Robert Koch, Portland, OR (ph: 503-230-5424, fax: 503-230-5435, e-mail: Robert.Koch@noaa.gov).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice:

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River (SnR).

Chinook salmon (*O. tshawytscha*): endangered, naturally produced and artificially propagated, upper Columbia River (UCR) spring; threatened, naturally produced and artificially propagated, SnR spring/summer; threatened SnR fall; threatened lower Columbia River (LCR); threatened upper Willamette River (UWR).

Chum salmon (*O. keta*): threatened Columbia River.

Steelhead (*O. mykiss*): endangered, naturally produced and artificially propagated, UCR; threatened SnR; threatened middle Columbia River (MCR); threatened LCR; threatened UWR.

New Applications Received

The Fish Ecology Division of the Northwest Fisheries Science Center, NMFS requests a 5–year permit (1290) for annual takes of 11 of the 12 ESA-listed anadromous fish species identified in this notice (all ESU's except endangered SnR sockeye salmon) associated with research to be conducted in the Columbia River estuary. The purpose of the research is to determine the prevalence and intensity of pathogens in juvenile salmonids. The research will benefit ESA-listed salmonids by contributing information on the extent to which

diseases affect the growth and survival of juvenile salmonids in the estuarine and early ocean environments. This proposed research project is intended to complement the pathogen research that is being conducted by the Environmental Conservation Division, NWFSC, NMFS under scientific research permit 1140 (see 63 FR 18891, April 16, 1998). ESA-listed juvenile fish are proposed to be captured, handled, and released or taken lethally. ESA-listed juvenile fish indirect mortalities are also requested. ESA-listed juvenile fish indirect mortalities are proposed to be retained for research purposes or returned to the water.

The Columbia River Research Laboratory, USGS requests a 5–year permit (1291) for annual takes of SnR sockeye salmon, SnR spring/summer chinook salmon, SnR fall chinook salmon, UCR spring chinook salmon, SnR steelhead, UCR steelhead, and MCR steelhead associated with scientific research at John Day, The Dalles, and Bonneville Dams on the lower Columbia River in the Pacific Northwest. The purpose of the research is to monitor juvenile fish movement, distribution, behavior, and survival from John Day Dam downstream past Bonneville Dam using radiotelemetry technology. The research will benefit ESA-listed fish species by providing information on spill effectiveness, forebay residence times, and guidance efficiency under various flow regimes that will allow Federal resource managers to make adjustments to bypass/collection structures to optimize downriver migrant survival at the hydropower projects. The proposed research is intended to complement the research that is being conducted by USGS under scientific research permit 1130 (see 63 FR 9505, February 25, 1998). ESA-listed juvenile fish are proposed to be obtained from Smolt Monitoring Program (SMP) personnel at Bonneville and/or John Day Dams, handled, and released or implanted with radio transmitters, transported, held for as long as 24 hours, released, and tracked electronically. SMP personnel are authorized to collect ESA-listed juvenile fish under a separate take authorization. ESA-listed juvenile fish indirect mortalities associated with the research are also requested.

The Pacific Northwest Research Station of USFS requests a 2–year permit (1292) for annual takes of UCR spring chinook salmon, UCR steelhead, and MCR steelhead associated with research to be conducted in the Yakima River subbasin, the Wenatchee River subbasin, the Entiat River subbasin, and the Methow River subbasin in Washington. The purpose of the research is to determine the extent and distribution of hybridization between westslope cutthroat trout, rainbow trout, and anadromous steelhead for selected populations in the MCR and UCR Basins. The research will benefit ESA-listed species by providing information on westslope cutthroat trout and rainbow trout/steelhead interactions and could provide insight into possible genetic introgression of introduced rainbow trout stocks in the areas of native rainbow trout/steelhead distribution. USFS also proposes to analyze phenotypic characteristics that may be used by biologists in the future to more definitively distinguish cutthroat trout, rainbow trout/steelhead, and hybrid forms in the field. ESA-listed juvenile fish are proposed to be captured by the use of angling with flies that have barbless hooks. After being captured, the juvenile fish are proposed to be released immediately (in the case of non-target species) or examined for biological information, sampled non-lethally for caudal fin tissue, and released. ESA-listed juvenile fish indirect mortalities associated with the research are also requested.

Dated: February 13, 2001.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–4169 Filed 2–20–01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.020601A]

Marine Mammals; File No. 782-1446-03

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that the Alaska Fisheries Science Center, National Marine Mammal Laboratory, 7600 Sand Point Way, NE, Seattle, WA 98115 has been issued an amendment to scientific research Permit No. 782-1446.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713-2289);

Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115-0070 (206/526-6150); and

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213 (562/980-4001).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Tammy Adams, 301/713-2289.

SUPPLEMENTARY INFORMATION: On December 27,2000 notice was published in the **Federal Register** (65 FR 81844) that an amendment of Permit No. 782-1446, issued May 8, 1998 (63 FR 27265), had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit No. 782-1446 authorizes the permit holder to annually conduct aerial, ground and vessel surveys and capture and tagging studies for stock assessment of harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), Steller sea lions (*Eumetopias jubatus*), and northern elephant seals (*Mirounga angustirostris*).

The amendment now authorizes the capture, sampling and local or gas anesthesia for California sea lions of both sexes and ages 1 month through 5 years at hauling and breeding sites and incidental harassment of northern elephant.

Dated: February 13, 2001.

Eugene Nitta,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–4170 Filed 2–20–01; 8:45 am]

BILLING CODE 3510-22-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

February 15, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: February 21, 2001.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

A notice published in the **Federal Register** on December 29, 2000 (65 FR 82978), established limits for the period January 1, 2001 through March 31, 2001, per the Bilateral Textile Agreement, effected by exchange of letters dated January 10, 1997, May 2, 1997 and December 10, 1997, as amended and extended, concerning textiles and textile products, produced or manufactured in Taiwan. This directive cancels and supersedes that directive.

The Memorandum of Understanding, dated February 9, 2001, between the Governments of the United States and Taiwan establishes new limits for the period January 1, 2001 through December 31, 2001. It also removes Category 622 from Group I and gives it an individual limit.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2001 limits.

These limits may be revised if Taiwan becomes a member of the World Trade Organization (WTO) and the WTO agreement is applied to Taiwan.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000).

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 15, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive cancels and supersedes the directive issued to you on December 26, 2000. Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Bilateral Textile Agreement, effected by the Memorandum of Understanding, dated February 9, 2001, between the Governments of the United States and Taiwan, you are directed to prohibit, effective on February 21, 2001, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001, in excess of the following levels of restraint:

Category	Twelve-month limit
Group I	
200–224, 225/317/326, 226, 227, 229, 300/301/607, 313–315, 360–363, 369–L/670–L/870 [1], 369–S [2], 369–O [3], 400–414, 464–469, 600–606, 611, 613/614/615/617, 618, 619/620, 621, 623, 624, 625/626/627/628/629, 665, 666, 669–P [4], 669–T [5], 669–O [6], 670–H [7] and 670–O [8], as a group.	590,414,162 square meters equivalent.
Sublevels in Group I	
218	22,757,291 square meters.
225/317/326	40,394,130 square meters.
226	7,330,245 square meters.
300/301/607	1,766,924 kilograms of which not more than 1,472,437 kilograms shall be in Category 300; not more than 1,472,437 kilograms shall be in Category 301; and not more than 1,472,437 kilograms shall be in Category 607.
363	12,267,896 numbers.
369–L/670–L/870	50,978,348 kilograms.
611	3,280,217 square meters.
613/614/615/617	20,343,581 square meters.
619/620	14,952,847 square meters.
625/626/627/628/629	19,457,186 square meters.
669–P	353,724 kilograms.
669–T	1,149,681 kilograms.
670–H	19,520,976 kilograms.
Group I subgroup 200, 219, 313, 314, 315, 361, 369–S and 604, as a group.	150,152,129 square meters equivalent.
Within Group I subgroup	
200	735,331 kilograms.
219	16,735,410 square meters.
313	67,991,225 square meters.
314	29,810,202 square meters.
315	22,842,212 square meters.
361	1,477,119 numbers.
369–S	490,037 kilograms.
604	235,788 kilograms.
Group II	
237, 239, 330–332, 333/334/335, 336, 338/339, 340–345, 347/348, 349, 350/650, 351, 352/652, 353, 354, 359–C/659–C [9], 359–H/659–H [10], 359–O [11], 431–444, 445/446, 447/448, 459, 630–632, 633/634/635, 636, 638/639, 640, 641–644, 645/646, 647/648, 649, 651, 653, 654, 659–S [12], 659–O [13], 831–844 and 846–859, as a group.	755,000,000 square meters equivalent.
Sublevels in Group II	
237	718,428 dozen.
239	5,889,744 kilograms.
331	514,862 dozen pairs.
336	122,400 dozen.
338/339	818,999 dozen.
340	1,122,271 dozen.
345	127,893 dozen.
347/348	1,064,931 dozen of which not more than 1,064,931 dozen shall be in Categories 347–W/348–W [14].
352/652	3,247,391 dozen.
359–C/659–C	1,447,633 kilograms.
359–H/659–H	4,867,714 kilograms.
433	15,546 dozen.
434	10,796 dozen.
435	25,633 dozen.
436	5,104 dozen.
438	28,807 dozen.
440	5,580 dozen.
442	43,827 dozen.
443	43,526 numbers.
444	61,991 numbers.
445/446	137,462 dozen.
631	5,165,759 dozen pairs.

Category	Twelve-month limit
633/634/635	1,634,440 dozen of which not more than 959,317 dozen shall be in Categories 633/634 and not more than 850,077 dozen shall be in Category 635.
638/639	6,565,058 dozen.
640	1,058,909 dozen of which not more than 281,710 dozen shall be in Category 640–Y [15].
642	777,133 dozen.
643	517,986 numbers.
644	779,385 numbers.
645/646	4,107,691 dozen.
647/648	5,248,544 dozen of which not more than 5,248,544 dozen shall be in Categories 647–W/648–W [16].
659–S	1,601,702 kilograms.
835	20,483 dozen.
Group II Subgroup 333/334/335, 341, 342, 350/650, 351, 447/448, 636, 641 and 651, as a group.	78,202,812 square meters equivalent.
Within Group II Subgroup	
333/334/335	314,899 dozen of which not more than 170,571 dozen shall be in Category 335.
341	343,328 dozen.
342	214,478 dozen.
350/650	139,460 dozen.
351	356,821 dozen.
447/448	21,242 dozen.
636	391,224 dozen.
641	732,543 dozen of which not more than 256,390 dozen shall be in Category 641–Y [17].
651	447,478 dozen.
Group III Sublevel in Group III	
845	853,769 dozen.
Specific Limit not in a Group	
622	2,650,000 square meters.

[1] Category 870; Category 369–L: only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3016, 4202.92.6091 and 6307.90.9905; Category 670–L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907.

[2] Category 369–S: only HTS number 6307.10.2005.

[3] Category 369–O: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3016, 4202.92.6091, 6307.90.9905 (Category 369–L); and 6307.10.2005 (Category 369–S).

[4] Category 669–P: only HTS numbers 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000.

[5] Category 669–T: only HTS numbers 6306.12.0000, 6306.19.0010 and 6306.22.9030.

[6] Category 669–O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669–P); 6306.12.0000, 6306.19.0010 and 6306.22.9030 (Category 669–T).

[7] Category 670–H: only HTS numbers 4202.22.4030 and 4202.22.8050.

[8] Category 670–O: all HTS numbers except 4202.22.4030, 4202.22.8050 (Category 670–H); 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907 (Category 670–L).

[9] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[10] Category 359–H: only HTS numbers 6505.90.1540 and 6505.90.2060; Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

[11] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010 (Category 359–C); 6505.90.1540 and 6505.90.2060 (Category 359–H).

[12] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[13] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010 (Category 659–C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659–H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659–S).

[14] Category 347–W: only HTS numbers 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.22.3030, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.42.4050, 6203.42.4060, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348–W: only HTS numbers 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.22.3050, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.62.4055, 6204.62.4065, 6204.69.6010, 6204.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

[15] Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

[16] Category 647–W: only HTS numbers 6203.23.0060, 6203.23.0070, 6203.29.2030, 6203.29.2035, 6203.43.2500, 6203.43.3500, 6203.43.4010, 6203.43.4020, 6203.43.4030, 6203.43.4040, 6203.49.1500, 6203.49.2015, 6203.49.2030, 6203.49.2045, 6203.49.2060, 6203.49.8030, 6210.40.5030, 6211.20.1525, 6211.20.3820 and 6211.33.0030; Category 648–W: only HTS numbers 6204.23.0040, 6204.23.0045, 6204.29.2020, 6204.29.2025, 6204.29.4038, 6204.63.2000, 6204.63.3000, 6204.63.3510, 6204.63.3530, 6204.63.3532, 6204.63.3540, 6204.69.2510, 6204.69.2530, 6204.69.2540, 6204.69.2560, 6204.69.6030, 6204.69.9030, 6210.50.5035, 6211.20.1555, 6211.20.6820, 6211.43.0040 and 6217.90.9060.

[17] Category 641–Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

Also effective on February 21, 2001, imports from Taiwan in Category 622 that have already been charged to the Group I limit for the January 1, 2001 through March 31, 2001 restraint period, shall be deducted from the Group I limit and charged to the new one-year restraint limit for Category 622.

The limits set forth above are subject to adjustment pursuant to the current bilateral agreement concerning imports of textile and apparel products from Taiwan.

Products in the above categories exported during 2000 shall be charged to the applicable category limits for that year (see directive dated November 2, 1999) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

These limits may be revised if Taiwan becomes a member of the World Trade Organization (WTO) and the WTO agreement is applied to Taiwan.

The conversion factors are as follows:

Category	Conversion factors (square meters equivalent/category unit)
300/301/607	8.5
333/334/335	33.75
352/652	11.3
359–C/659–C	10.1
359–H/659–H	11.5
369–L/670–L/870	3.8
633/634/635	34.1
638/639	12.5

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–4265 Filed 2–20–01; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Request of the Chicago Mercantile Exchange (CME) for Approval of its Benzene Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of terms and conditions of a commodity futures contract.

SUMMARY: The Chicago Mercantile Exchange (CME or Exchange) has requested that the Commission approve its benzene futures contract, pursuant to the provisions of section 5c(c)(2)(A) of the Commodity Exchange Act as amended. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by the Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interest persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before March 23, 2001.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521 or by electronic mail to secretary@cftc.gov. Reference should be made to the CME benzene futures contract.

FOR FURTHER INFORMATION CONTACT: Please contact Joseph Storer of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC (202) 418–5282. Facsimile number: (202) 418–5527. Electronic mail: jstorer@cftc.gov.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5100.

Other materials submitted by the CME in support of the request for approval may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (2000)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the CME should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC on February 14, 2001.

John R. Mielke,

Acting Director.

[FR Doc. 01–4227 Filed 2–20–01; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0012]

Proposed Collection; Comment Request Entitled Termination Settlement Proposal Forms—FAR (Standard Forms 1435 through 1440)

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0012).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Termination Settlement Proposal Forms—FAR (Standard Forms 1435 through 1440). The clearance currently expires on May 31, 2001.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Comments may be submitted on or before April 23, 2001.

FOR FURTHER INFORMATION CONTACT: Linda Klein, Federal Acquisition Policy Division, GSA (202) 501–3775.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW., Room 4035, Washington, DC 20405. Please cite OMB Control No. 9000–0012, Termination Settlement Proposal—FAR (SF's 1435 through 1440), in all correspondence.

FOR FURTHER INFORMATION CONTACT: Linda Klein, Federal Acquisition Policy Division, GSA (202) 501–3775.

SUPPLEMENTARY INFORMATION:

A. Purpose

The termination settlement proposal forms (Standard Forms 1435 through 1440) provide a standardized format for listing essential cost and inventory information needed to support the terminated contractor's negotiation position. Submission of the information assures that a contractor will be fairly reimbursed upon settlement of the terminated contract.

B. Annual Reporting Burden

Respondents: 864.
Responses Per Respondent: 2.4.
Total Responses: 2,074.
Hours Per Response: 2.5.
Total Burden Hours: 5,185.

C. Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0012, Termination Settlement Proposal Forms—FAR (SF's 1435 through 1440), in all correspondence.

Dated: February 15, 2001.

Al Matera,

Acting Director, Federal Acquisition Policy Division.

[FR Doc. 01–4234 Filed 2–20–01; 8:45 am]

BILLING CODE 6820–34–U

DEPARTMENT OF DEFENSE

Department of the Army

Announcement of Intent to Grant an Exclusive License for U.S. Army-Owned Patents and Patent Application

AGENCY: Picatinny Arsenal, New Jersey, Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Department of the Army announces, that unless there is objection, in fifteen days it will enter into an agreement that would grant Executive license to AZTECH, a non-profit New York corporation with a principal place of business at 2495 Main Street, Suite 418, Buffalo, NY 14214–2152, for U.S. Patent numbers 5,523,742 entitled Motion Sensor, 5,610,590 entitled Motion Sensor, 5,875,309 entitled Personal Motion Event Monitor, and for a United States patent application numbered 09/553,177 entitled Personal Event Monitor with Linear Omnidirectional Response.

FOR FURTHER INFORMATION CONTACT: Mr. John Moran, Chief, Intellectual Property Law Division, AMSTA–AR–GCL, U.S. Army TACOM–ARDEC, Picatinny Arsenal, NJ 07806–5000, Telephone (973) 724–6590, e-mail: jfmoran@pica.army.mil

SUPPLEMENTARY INFORMATION: Written objections must be filed within 15 days from publication date of this notice in the **Federal Register**.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 01–4247 Filed 2–20–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Adopt a Final Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice.

SUMMARY: The Army Corps of Engineers, Los Angeles District, has reviewed the Final Environmental Impact Statement (FEIS) prepared by the U.S. Department of Transportation, Federal Highway Administration (FHWA), dated January 21, 2000, for State Route 125 South, between Otay Mesa and Spring Valley in San Diego, San Diego County, California. The Army Corps of Engineers intends to adopt all or a portion of the FEIS for purposes of compliance with the National Environmental Policy Act (NEPA).

DATES: Written comments must be received by March 23, 2001. This notice solicits comments on the Army Corps of Engineers intent to adopt the FEIS only.

ADDRESSES: U.S. Army Corps of Engineers, ATTN: CESPL–CO–R, San Diego Regulatory Field Office, 16885 West Bernardo Drive, Suite 300A, San Diego, California 92127. Comments may also be submitted, via electronic mail, to: *tdean@spl.usace.army.mil.*

FOR FURTHER INFORMATION CONTACT: Mr. Terry Dean, San Diego Regulatory Field Office, at (858) 674–5386.

SUPPLEMENTARY INFORMATION: The proposed project is to construct a controlled access tollway from Otay Mesa Road to State Route 54 with interchanges at Route 54, future Mount Miguel Road, East "H" Street, Telegraph Canyon Road, Olympic Parkway, and Otay Mesa Road. From Olympic Parkway to SR–54, four lanes would be initially constructed, with grading for the ultimate configuration to accommodate eight mixed flow lanes (plus a truck climbing lane where needed), a wide median for possibly two future high occupancy vehicle (HOV) lanes or a transit facility. The ultimate typical roadbed would be approximately 194 feet in width. From Otay Mesa Road to Olympic Parkway, four lanes (plus a truck climbing lane where needed) would be initially constructed, with grading for the ultimate configuration to accommodate two additional mixed flow lanes, and a wide median for possibly two future HOV lanes or transit facilities. The ultimate typical roadbed would be approximately 170 feet in width. The project would be 11.2 miles in length and the total right-of-way would encompass approximately 760 acres. Impacts to aquatic resources would encompass an area of approximately 8.16 acres of wetlands (of which 0.24 acre is comprised of 34 vernal pools) and 2.15 acres of non-wetland waters of the United States (U.S.).

On April 19, 2000, the Caltrans submitted an application for a Department of the Army permit under Section 404 of the Clean Water Act (CWA) to discharge fill material into 10.34 acres of waters of the U.S., including jurisdictional wetlands, to construct a controlled access tollway from Otay Mesa Road to State Route 54 with interchanges at Route 54, future Mount Miguel Road, East "H" Street, Telegraph Canyon Road, Olympic Parkway, and Otay Mesa Road. Impacts to aquatic resources would encompass approximately 8.16 acres of jurisdictional wetlands (of which 0.24 acre is comprised of 34 vernal pools which are within the NEPA Scope of Analysis) and 2.15 acres of non-wetland waters of the U.S. Specifically, the main stem of the roadway would impact 7.21 acres of waters of the U.S., including 5.65 acres of wetlands and 1.56 acres of non-wetland waters of the U.S.; the East "H" Street interchange would impact 2.15 acres of wetlands; the Telegraph Canyon Road interchange would impact 0.39 acre of wetlands; and the Olympic Parkway interchange would impact 0.59 acre of non-wetland waters of the U.S.

Prior to the development of the Draft EIS (DEIS), several scoping meetings were held by the FHWA/California Department of Transportation (Caltrans) to identify local issues and areas of concern. On June 21, 1996, the DEIS was filed with the U.S. Environmental Protection Agency (EPA). The DEIS was circulated for public review from July 12 to September 3, 1996. During the public review period, the FHWA/Caltrans held a public hearing on August 15, 1996. A Supplemental DEIS was signed on March 29, 1999, and circulated for public review from April 9, 1999, until May 24, 1999. The purpose of the Supplemental DEIS was to address potential impacts on the Federally-listed Endangered Species (the Quino checkerspot butterfly) and to notify the public of several minor design and alignment changes to avoid or minimize Corps jurisdictional impacts and conform to existing topography. A public hearing was held by Caltrans/FHWA on May 12, 1999, relative to the Supplemental DEIS. The FEIS was signed by the FHWA on January 21, 2000, and circulated for public review from February 8, 2000, to March 20, 2000. On June 9, 2000, the FHWA signed the Record of Decision.

The Army Corps of Engineers' Regulatory Program at 33 CFR 320–330 requires compliance with the NEPA, the EPA's 404(b)(1) Guidelines, and a public interest evaluation. Accordingly, for purposes of the Army Corps of Engineers' compliance with the NEPA and to prevent duplication of effort, the Army Corps of Engineers intends to adopt all or a portion of the FEIS. However, we have determined further analysis is necessary to document compliance with our public interest requirements and the 404(b)(1)

Guidelines. We will be distributing a notice to the public of the receipt of an application by the Caltrans and solicit comments on the proposed project. An Environmental Assessment will be prepared to address the additional analysis and comments received in response to the Public Notice.

Comments concerning the Caltrans' proposed project must be provided in response to the Los Angeles District Public Notice of the project application, which we anticipate, will be circulated on February 16, 2001. This Public Notice can be obtained by submitting a written request to Mr. Terry Dean at the above listed address or by accessing our Internet web page at *http://www.spl.usace.army.mil.*

Dated: February 14, 2001.

John P. Carroll,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 01–4291 Filed 2–20–01; 8:45 am]

BILLING CODE 3710–KF–U

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Transfer of Federal Lands to the State of South Dakota

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) and implementing regulations, a DEIS will be prepared to conduct a comprehensive study of the potential impacts of the transfer of Corps of Engineers lands to the State of South Dakota for fish and wildlife purposes, or recreation uses, in perpetuity.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Patsy Freeman, CENWO–PM–AE, U.S. Army Corps of Engineers, 215 North 17th Street, Omaha, Nebraska 68102–4978, telephone at (402) 221–3803, or E-Mail *patricia.l.freeman@usace.army.mil.*

SUPPLEMENTARY INFORMATION: As a result of section 605 of the legislation of the Water Resources Development Act (WRDA) Public Law 106–53, August 17, 1999, as amended by WRDA 2000, Title VI—Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act, the Secretary of the Army is required to transfer approximately 92,000 acres of land and recreation areas at Lake Oahe, Lake Sharpe, Lewis & Clark Lake, and Lake Francis Case in South Dakota to the Department of Game, Fish & Parks of the State of South Dakota (SDGFP) for fish and wildlife purposes, or recreation uses, in perpetuity. These lands are located above the top of the exclusive flood pool levels of the Oahe, Big Bend, Fort Randall and Gavin's Point projects; were acquired by the Secretary for the implementation of the Pick-Sloan Missouri River Basin program; are located outside the external boundaries of a reservation of an Indian Tribe; and are located within the State of South Dakota. Section 605 also states that the following provisions of law shall apply to land transferred to the State: (1) The National Historic Preservation Act, (2) the Archaeological Resources Protection Act of 1979, and (3) the Native American Graves Protection Act and Repatriation Act.

Approximately 54 recreation areas will be transferred. WRDA 2000 requires transfer of recreation areas by January 1, 2002. The legislation also requires 42,000 acres of land to be transferred to the Department of the Interior to be held in trust for two Indian Tribes (Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe). That action is categorically excluded from preparation of a NEPA document and will occur separately.

1. Because the Corps of Engineers has no discretion with respect to transfer of the land, no reasonable alternatives to the transfer of land to the State of South Dakota exist as a result of the legislation associated with the action (WRDA, Public Law 106–53). The alternatives that will be discussed are (1) the transfer of all required lands to the State of South Dakota, and (2) the No Action alternative. NEPA requires consideration of the "No Action" alternative, which in this case would be no transfer (continued management by the Corps of Engineers). Implementation of the "No Action" alternative is not within the authority of the Corps. To rescind Public Law 106–53, congressional action would be required. Since there is no agency decision-making associated with this action, the EIS is being prepared for the purposes of public disclosure.

2. Nothing in the Title VI (title) diminishes or affects (a) any water right of an Indian Tribe; (b) any other right of an Indian Tribe, except as specifically provided in another provision of the title; (c) treaty right that is in effect on the date of enactment of this Act; (d) any external boundary of an Indian reservation of an Indian Tribe; (e) any authority of the State of South Dakota that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in the title; or (f) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of the Act, including the National Historic Preservation Act, the Archaeological Resources Protection Act of 1979, the Fish and Wildlife Coordination Act, the Act entitled "An Act for the protection of the bald eagle" approved June 8, 1940, the Migratory Bird Treaty Act, the Endangered Species Act of 1973, the Native American Graves Protection and Repatriation Act, the Federal Water Pollution Control Act (commonly known as the "Clean Water Act"), the Safe Drinking Water Act, and the National Environmental Policy Act of 1969.

3. Public scoping meeting will be held on the following dates at the following locations: March 12, 2001 at 5PM at the Cedar Shore Resort, 1500 Shoreline Drive in Oacoma, SD; March 13, 2001 at the Wrangler Motor Inn, 800 West Grand Crossing in Mobridge, SD; March 14, 2001 at the Best Western Ramkota Hotel, 920 West Sioux Avenue in Pierre, SD; and March 15, 2001 at Dave's at the Best Western, 1607 East Hwy 50 in Yankton, SD. An Open House session will be held at 5 PM, with the formal session beginning at 7 PM.

Results from the public scoping meeting(s) with the District and Federal, State and local agency coordination will be addressed in the DEIS. Parties interested in receiving notices of public scoping meeting(s) or copies of the Scoping Document should contact Patsy Freeman at the above address.

4. Federal agencies interested in participating as a Cooperating Agency are requested to submit a letter of intent to Colonel Mark E. Tillotson, District Engineer, at the above address.

5. Estimated Date of DEIS availability: July 2001.

Candace M. Gorton,

Chief, Environmental and Economics Section, Planning Branch, Planning, Programs and Project Management Division.

[FR Doc. 01–4248 Filed 2–20–01; 8:45 am]

BILLING CODE 3710–62–P

DEPARTMENT OF ENERGY

[Docket No. EA–232]

Application to Export Electric Energy; OGE Energy Resources, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: OGE Energy Resources, Inc. (OERI) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before March 23, 2001.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On February 6, 2001, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from OERI to transmit electric energy from the United States to Canada. OERI is an Oklahoma corporation created for the purposes of marketing electricity, natural gas and other energy commodities throughout North America. OERI will purchase the power to be exported from electric utilities and Federal power marketing agencies in the United States.

OERI proposes to arrange for the delivery of electric energy to Canada over the existing international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities Co., Detroit Edison Company, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power and Light Inc., Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power, and Vermont Electric Transmission Company. The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by OERI, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the OERI application to export electric energy to Canada should be clearly marked with Docket EA–232. Additional copies are to be filed directly with Michael J. Foster, Esq., Contract Administration, Enogex Inc., 600 Central Park Two, 515 Central Park Drive, Oklahoma City, OK 73105.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select "Regulatory Programs," then "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, D.C., on February 13, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 01–4236 Filed 2–20–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket Nos. FE C&E 01–44, C&E 01–45, C&E 01–46 and C&E 01–47 and Certification Notice–196]

Office of Fossil Energy; Notice of Filings of Coal Capability of Wise County Power Company, LLC, Panda Gila River, LP, CPV Atlantic, Ltd, Partnership and Baytown Energy Center, LP Partnership Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Wise County Power Company, LLC, Panda Gila River, LP, CPV Atlantic, Ltd, Partnership, and Baytown Energy Center, LP, Partnership submitted coal capability self-certifications pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the proposed new baseload powerplants have filed a self-certification in acccordance with section 201(d).

Owner: Wise County Power Company, LLC (C&E 01–44).

Operator: Wise County Power Company, LLC.

Location: Wise County, Texas.

Plant Configuration: Combined-cycle.

Capacity: 700 MW.

Fuel: Natural gas.

Purchasing Entities: Electric Reliability Council of Texas (ERCOT).

In-service Date: January 1, 2003.

Owner: Panda Gila River, L.P.(C&E 01–45).

Operator: Panda Gila River, L.P.

Location: Gila Bend, Arizona.

Plant Configuration: Combined-cycle.

Capacity: 2300 MW.

Fuel: Natural gas.

Purchasing Entities: To be determined.

In-service Date: March 2003.

Owner: CPV Atlantic, Ltd (C&E 01–46).

Operator: CPV Atlantic, Ltd.

Location: St. Lucie County, Florida.

Plant Configuration: Combined-cycle.

Capacity: 250 MW.

Fuel: Natural gas.
Purchasing Entities: Sold into Florida's wholesale power market.
In-service Date: 4th quarter of 2003 or the 1st quarter of 2004.
Owner: Baytown Energy Center, LP (C&E 01–47).
Operator: Calpine Central, L.P.
Location: Chambers County, Texas.
Plant Configuration: Combined-cycle.
Capacity: 722 MW.
Fuel: Natural gas.
Purchasing Entities: 290 MW–340 MW to Bayer; excess sold into the ERCOT wholesale market.
In-service Date: January 2004.

Issued in Washington, D.C., February 13, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 01–4237 Filed 2–20–01; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF ENERGY

NUCLEAR REGULATORY COMMISSION

[Docket No. A–2000–38; FRL–6945–8]

Interagency Steering Committee on Radiation Standards (ISCORS) Cleanup Subcommittee: Draft Approach for Developing a Web Accessible Catalog of Dose and Risk Models and Their Capabilities, and Guidance to Users Regarding the Selection of Dose and Risk Models

AGENCY: U.S. Environmental Protection Agency, U.S. Department of Energy, and the U.S. Nuclear Regulatory Commission.

ACTION: Notice of availability and comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA), U.S. Department of Energy (DOE), and the U.S. Nuclear Regulatory Commission (NRC) are announcing the availability for comment of the draft document, Approach for Developing a Web Accessible Catalog of Dose and Risk Models and their Capabilities. The purpose of the document is twofold and is organized in two Sections: Section 1 is to provide model users with general guidance and performance considerations regarding how to select radiation dose and risk assessment models for use in site cleanup activities and decision making; Section 2 is to provide a catalog of available dose and risk models, to include descriptions of each model's attributes and performance capabilities in response to the model selection and performance considerations presented in Section 1. The complete document will be in the form of an "on-line catalog" accessible via the Internet, where model users can directly download guidance and information on model capabilities, and model developers can directly input performance information concerning their models. It will combine information that has been developed by ISCORS member agencies regarding model selection criteria with the capabilities of specific models. The public comment period for the document containing the model selection criteria will last 120 days from the date of this notice. Specifically, we are seeking comments on: (1) The general approach for the document and use of the Internet for model user and developer access for uploading and downloading information; and (2) the proposed guidance and set of questions to assist a user in selecting an appropriate model that is responsive to the user's needs. Comments should be sent to the EPA or NRC docket or to the agency contacts listed below. Following the close of the comment period, the agencies will review the public comments and suggested changes will be incorporated, where appropriate, in response to those comments. A final draft of the model selection criteria will then be made available to the public. Model-specific capabilities will then be added by model users and developers.

DATES: Comments received by June 21, 2001 will be considered. Comments received after that date will be considered if it is practical to do so, but no assurance can be given for consideration of late comments.

ADDRESSES: Copies of the draft document may be examined or copied for a fee at the EPA Docket Room M1500, Docket No. A–2000–38, First Floor Waterside Mall, 401 M Street, SW., Washington DC 20460; and the NRC Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD, mailing address: Public Document Room, U.S. NRC, O–1F13, Washington, DC 20555–0001. The EPA docket may be inspected from 8 am to 4 p.m., Monday through Friday, excluding Federal holidays in Room M1500 at the address above. NRC documents may be inspected from 7:45 am to 4:15 pm, Monday through Friday, excluding Federal holidays at the address above. The draft document is also available through the Internet at: http://www.iscors.org/cleanup.htm . Copies of all comments received by one agency will be periodically copied and sent to the others.

FOR FURTHER INFORMATION CONTACT: Any of the following points of contact for each agency for technical information (see **ADDRESSES** section above for directions on obtaining a copy of the Draft Approach for Developing a Web Accessible Catalog of Dose and Risk Models and their Capabilities): DOE: Stephen Domotor, telephone: (202) 586–0871, U.S. Department of Energy, Air, Water and Radiation Division, 1000 Independence Avenue, SW, Washington, DC 20585, e-mail Stephen.Domotor@eh.doe.gov; EPA: Ben Hull; Telephone: (202) 564–9382, U.S. Environmental Protection Agency, Mail Stop 6608J, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, e-mail Hull.Benjamin@epa.gov; NRC: Ralph Cady, Telephone: (301) 415–6249, U.S. Nuclear Regulatory Commission, MS T–9F31, Washington, DC 20555, e-mail rec2@nrc.gov.

Dated in Washington, DC, this 1st day of February 2000.

For the U. S. Environmental Protection Agency,

Frank Marcinowski,

Acting Director, Radiotion Protection Division, Office of Radiation and Indoor Air.

Dated in Washington, DC, this 2nd day of February 2000.

For the U. S. Department of Energy,

Andy Wallo, III,

Director, Air, Water and Radiation Division, Office of Environmental Policy and Guidance, Office of Environment, Safety and Health.

Dated in Washington, DC, this 30th day of January 2000.

For the U.S. Nuclear Regulatory Commission,

John T. Greeves,

Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–4269 Filed 2–20–01; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–127–000]

PPL Martins Creek, LLC; Errata Notice; Notice of Application for Commission Redetermination of Exempt Wholesale Generator Status

February 14, 2001.

Take notice that the above-referenced notice (66 FR 10278, February 14, 2001) was inadvertently issued under Docket No. EG01–41–000. Since then, it has been reassigned a new docket number as captioned above.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4193 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Regulatory Commission

[Docket No. RP99–301–013]

ANR Pipeline Company; Notice of Compliance Filing

February 14, 2001.

Take notice that, on January 19, 2001, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, to be effective August 28, 2000:

Second Revised Sheet No. 140
Original Sheet No. 140.1
Second Revised Sheet No. 14P
Original Sheet 14P.1

ANR states that this filing is made in compliance with the Commission's Order dated January 10, 2001 in Docket No. RP99–301–008.

ANR states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before February 23, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4199 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–3211–002]

Citizens Communications Company; Notice of Filing

February 14, 2001.

Take notice that on February 8, 2001, Citizens Communications Company tendered a supplemental filing in compliance with the Commission's August 17, 2000 letter order in this proceeding. Citizens supplements its January 2, 2001 filing with a proposed Notice of Cancellations.

Notice is hereby given that effective the 2d day of January, 2001, the following rate schedules of Citizens Utilities Company, and any and all supplements thereto, on file with the Federal Energy Regulatory Commission are to be canceled:

FERC Electric Tariff Original Volume. No. 2, effective December 1, 1995; FERC Electric Tariff First Revised Volume. No. 3, effective December 1, 1995;

FPC Rate Schedule No. 5, effective March 7, 1964;
FPC Rate Schedule No. 4, effective October 13, 1963;
FPC Rate Schedule No. 6, effective March 7, 1964;
FPC Rate Schedule No. 7, effective March 7, 1964;
FPC Rate Schedule No. 8, effective March 7, 1964;
FPC Rate Schedule No. 10, effective March 7, 1964;
FPC Rate Schedule No. 12, effective October 13, 1963;
FPC Rate Schedule No. 19, effective October 3, 1977;
Rate Schedule FERC No. 26, effective May 15, 1994;
Rate Schedule FERC No. 30, effective June 26, 1985;
Rate Schedule FERC No. 34, effective June 26, 1985;
Rate Schedule FERC No. 36, effective April 1, 1991;
Rate Schedule FERC No. 39, effective March 1, 1995;
Rate Schedule FERC No. 40, effective December 15, 1995.

A copy of this filing and notice of the proposed cancellation have been served on the service list in this docket, on each of Citizens Communications Company's wholesale customers, and on each party to the above referenced rate schedules, as identified in the Certificate of Service attached to the filing. In addition, a copy is available for inspection at the offices of Citizens' Vermont Electric Division and Arizona Electric Division during regular business hours.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 285.211 and 385.214). All such motions and protests should be filed on or before February 26, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4200 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–520–000 and ER01–520–001]

Covert Generating Company, LLC; Notice of Issuance of Order

February 14, 2001.

Covert Generating Company, LLC (Covert) submitted for filing a rate schedule under which Covert will engage in wholesale electric power and energy transactions at market-based rates. Covert also requested waiver of various Commission regulations. In particular, Covert requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Covert.

On February 9, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of

liability by Covert should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Covert is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Covert's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 12, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4241 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG00–6–007]

Dominion Transmission, Inc.; Notice of Filing

February 14, 2001.

Dominion Transmission, Inc., filed revised standards of conduct on January 23, 2001 in accordance with the Commission's December 15, 2000 Order. 93 FERC ¶ 61,284 (2000).

Dominion Transmission, Inc., states that it served copies of the filing on all parties in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest in this proceeding with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before March 1, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4201 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–545–001]

Duke Energy Lee, LLC; Notice of Issuance of Order

February 14, 2001.

Duke Energy Lee, LLC (Duke Lee) submitted for filing a rate schedule under which Duke Lee will engage in wholesale electric power and energy transactions at market-based rates. Duke Lee also requested waiver of various Commission regulations. In particular, Duke Lee requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Duke Lee.

On February 9, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Duke Lee should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Duke Lee is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Duke Lee's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 12, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4239 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–751–000]

Mountain View Power Partners, LLC; Notice of Issuance of Order

February 14, 2001.

Mountain View Power Partners, LLC (Mountain View) submitted for filing a rate schedule under which Mountain View will engage in wholesale electric power and energy transactions at market-based rates. Mountain View also requested waiver of various Commission regulations. In particular, Mountain View requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Mountain View.

On February 9, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Mountain View should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Mountain View is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Mountain View's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 21, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4240 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 1982–017, 2567–009, 2670–014, 2440–040, 2491–025 and 2639–009]

Northern States Power Company (Wisconsin); Notice of Settlement Agreement and Soliciting Comments

February 14, 2001.

Take notice that the following Settlement Agreement has been filed with the Commission and is available for public inspection:

a. *Type:* Settlement Agreement on New License Applications and Existing Licenses.

b.—

Project No.	Project name	Applicant
1982–017	Holcombe	Northern State Power Company—Wisconsin.
2567–009	Wissota	Northern State Power Company—Wisconsin.
2670–014	Dells	Northern State Power Company—Wisconsin/City of Eau Claire, WI.

Project No.	Project name	Licensee
2440–040	Chippewa Falls	Northern State Power Company—Wisconsin.
2491–025	Jim Falls	Northern State Power Company—Wisconsin.
2639–009	Cornell	Northern State Power Company—Wisconsin.

c. *Date Settlement Agreement Filed:* February 1, 2001.

d. *Location:* On the Chippewa River, in Rusk, Chippewa, Eau Claire counties, Wisconsin. The project areas do not occupy lands of the United States.

e. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

f. *Applicant's Contact:* William P. Zawacki, Northern States Power Company—Wisconsin d/b/a Xcel Energy, 1414 West Hamilton Ave. P.O. Box 8, Eau Claire, WI; (703) 836–1136.

g. *FERC Contact:* Mark Pawlowski (202) 219–2795, Email: mark.pawlowski@ferc.fed.us.

h. *Deadline Dates:* Comments due March 15, 2001; reply comments due March 30, 2001.

i. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. Description of Filing: Northern Sates Power Company—Wisconsin filed the Settlement Agreement on behalf of itself and the City of Eau Claire, Wisconsin, U.S. Fish and Wildlife Service, National Park Service, Wisconsin Department of Natural Resources, River Alliance of Wisconsin, Wisconsin Conservation Congress, Chippewa Rod and Gun Club, Lake Holcombe Improvement Association, Lake Wissota Improvement Association, and Lower Chippewa Restoration Coalition Inc. The purpose of the Settlement Agreement is to resolve among the signatories all issues associated with issuance of new licenses for the projects regarding sediment management, water quality, in stream flows, fish habitat, and recreation. Northern States requests that the Commission accept and incorporate into any new license for the projects the protection, mitigation, and enhancement measures stated in the Settlement Agreement. Comments and reply comments on the Settlement Agreement and supporting documentation are due on the dates listed above.

k. Copies of the Settlement Agreement are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance) or at the address listed in item f above.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4204 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC99–101–003]

Northern States Power Company (Minnesota) on Behalf of Itself and Its Public Utility Subsidiaries and New Century Energies, Inc. on Behalf of Its Public Utility Subsidiaries; Notice of Filing

February 13, 2001.

Take notice that on January 16, 2001, Southwestern Public Service Company, an Excel Energy Operating Company, tendered for filing with the Federal Energy Regulatory Commission (Commission), a request for approval to fulfill its Regional Transmission Organization (RTO) commitment by joining the Southwest Power Pool rather than the Midwest Independent Transmission System Operator, Inc.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 384.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 01–4206 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–125–000]

PPL Brunner Island, LLC; Errata Notice; Notice of Application for Commission Redetermination of Exempt Wholesale Generator Status

February 14, 2001.

Take notice that the above-referenced notice (66 FR 10278, February 14, 2001) was inadvertently issued under Docket No. EG01–39–000. Since then, it has been reassigned a new docket number as captioned above.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 01–4191 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–126–000]

PPL Holtwood, LLC; Errata Notice; Notice of Application for Commission Redetermination of Exempt Wholesale Generator Status

February 14, 2001.

Take notice that the above-referenced notice (66 FR 10278, February 14, 2001) was inadvertently issued under Docket No. EG01–40–000. Since then, it has been reassigned a new docket number as captioned above.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 01–4192 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–128–000]

PPL Susquehanna, LLC; Errata Notice; Notice of Application for Commission Redetermination of Exempt Wholesale Generator Status

February 14, 2001

Take notice that the above-referenced notice (66 FR 10278, February 14, 2001) was inadvertently issued under Docket No. EG01–43–000. Since then, it has been reassigned a new docket number as captioned above.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 01–4194 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–37–000]

Salt River Project Agricultural Improvement and Power District and Sacramento Municipal Utility District v. California Power Exchange Corporation; Notice of Complaint

February 14, 2001.

Take notice that on February 12, 2001, the Salt River Project Agricultural Improvement and Power District (SRP) and the Sacramento Municipal Utility District (SMUD) (collectively, Complainants) submitted a Complaint Requesting Fast Track Processing against the California Power Exchange Corporation (PX) pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e. The Complainants allege that the PX is violating the default provisions in its tariff by issuing erroneous notices of default and charging other PX participants for payments owed to the PX and the California Independent System Operator (ISO) by Southern California Edison Company and Pacific Gas & Electric Company. The Complainants request that the Commission direct the PX immediately to: (i) Cease applying the charge back provisions in its tariff; (ii) cease issuing default notices pursuant to the charge back provisions in its tariff; and (iii) rescind all default notices issued previously against the Complainants.

Copies of the filing were served upon the California Power Exchange Corporation, the California Public Utilities Commission, and all persons designated on the official service list compiled by the Secretary in Docket Nos. EL00–95–000, *et al.*

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 5, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before March 5, 2001. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 01–4202 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1207–000, et al.]

West Texas Utilities Company, et al.; Electric Rate and Corporate Regulation Filings

February 14, 2001.

Take notice that the following filings have been made with the Commission:

1. West Texas Utilities Company

[Docket No. ER01–1207–000]

Take notice that on February 9, 2001, West Texas Utilities Company (WTU), tendered for filing a letter agreement, dated February 7, 2001, amending the Control Area Services Agreement Among West Texas Utilities Company and Rayburn Country Electric Cooperative, Inc. (Rayburn) and LG&E Power Marketing, Inc. (the CAS Agreement). Concurrently, WTU filed notices of cancellation for both the CAS Agreement and for the Denison Dam Pooling Agreement between Tex-La Electric Cooperative of Texas, Inc. ("Tex-La"), Rayburn and WTU.

WTU seeks an effective date of March 1, 2001 for the Amendment to the CAS Agreement, and, accordingly, requests waiver of the Commission's notice requirements. WTU seeks an effective date of June 1, 2001 for the two Notices of Cancellation. Copies of the filing have been served on Rayburn, LG&E Power Marketing, Inc., Tex-La and the Public Utility Commission of Texas.

Comment date: March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Commonwealth Edison Company

[Docket No. ER01–1209–000]

Take notice that on February 9, 2001, Commonwealth Edison Company (ComEd), tendered for filing two Firm Point-to-Point Transmission Service Agreements with Wisconsin Public Service Corporation (WPS) under the terms of ComEd's Open Access Transmission Tariff.

ComEd has also mailed a copy of this filing to WPS.

Comment date: March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Cordova Energy Company, LLC

[Docket No. ER01–1210–000]

Take notice that on February 9, 2001, Cordova Energy Company, LLC (Cordova), tendered for filing an amendment to an existing agreement under which Cordova will sell non-firm energy to MidAmerican Energy Company during the start-up and testing phase of the Cordova project.

Cordova requests an effective date on March 1, 2001.

Cordova states that it has served a copy of the filing on the Illinois Commerce Commission, the Iowa Utilities Board, and the South Dakota Public Utilities Commission.

Comment date: March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Tampa Electric Company

[Docket No. ER01–1211–000]

Take notice that on February 9, 2001, Tampa Electric Company (Tampa Electric), tendered for filing a service agreement with Aquila Energy Marketing Corporation (Aquila) under Tampa Electric's market-based sales tariff.

Tampa Electric proposes that the service agreement be made effective on January 12, 2001, and gives notice of its termination as of February 1, 2001.

Copies of the filing have been served on Aquila and the Florida Public Service Commission.

Comment date: March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Arizona Public Service Company

[Docket No. ER01–1212–000]

Take notice that on February 9, 2001, Arizona Public Service Company (APS), tendered for filing a revised Contract Demand Exhibit for Southern California Edison (SCE) applicable under the APS–FERC Rate Schedule No. 120.

Copies of this filing have been served on SCE, the California Public Utilities Commission and the Arizona Corporation Commission.

Comment date: March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. The Detroit Edison Company and Consumers Energy Company

[Docket No. ER01–1222–000]

Take notice that on February 12, 2001, The Detroit Edison Company (Detroit Edison) and Consumers Energy Company (Consumers), tendered for filing a Notice of Cancellation of the Electric Coordination Agreement between Consumers Energy Company (Consumers) and The Detroit Edison Company, jointly designated at Detroit Edison Rate Schedule No. 22 and Consumers Rate Schedule No. 41.

Detroit Edison and Consumers cancel the Electric Coordination Agreement in its entirety as it originally was filed and as it since has been amended, including all supplements thereto, effective March 31, 2001.

Comment date: March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Southern Company Services, Inc.

[Docket No. ER01–1206–000]

Take notice that on February 9, 2001, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Companies), tendered for filing Amendment No. 1 to the Agreement for Network Integration Transmission Service for Tennessee Valley Authority under Southern Companies Open Access Transmission Tariff to Add a Delivery Point. The Amendment No. 1 provides that transmission service under the referenced service agreement Service Agreement No. 160 under Southern Companies Open Access Transmission Tariff (FERC Electric Tariff Original Volume No. 5) (Tariff) [1] is to be provided at one (1) new delivery point and specifies the direct assignment facility charge.

Comment date: March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

[1] SCS has filed to amend the Tariff in Docket No. ER01–668–000. If that amendment is accepted for filing, the Tariff's rate schedule designation will be FERC Electronic Tariff Fourth Revised Volume No. 5.

8. New York Independent System Operator, Inc.

[Docket No. ER01–1213–000]

Take notice that on February 9, 2001 the New York Independent System Operator, Inc. (NYISO), tendered for filing proposed revisions to Sections 5.9–5.16 of its Market Administration and Control Area Services Tariff.

The NYISO requests an effective date of 60 days after the date of this filing (April 10, 2001).

Copies of this filing were served upon all persons who have signed the NYISO Market Administration and Control Area Services Tariff.

Comment date: March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Indiana Michigan Power Company

[Docket No. EC01–67–000]

Take notice that on February 12, 2001, Indiana Michigan Power Company (I&M), a wholly-owned subsidiary of American Electric Power, Inc., a public utility holding company filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities to Wabash Valley Power Association (WVPA). I&M has agreed to sell to WVPA for $550,000 approximately 15 miles of 34.5 kV transmission lines used to deliver power primarily to WVPA member Midwest Energy Cooperative (formerly Fruit Belt Electric Cooperative).

Copies of I&M's filing were served upon WVPA and the public service commissions of Indiana and Michigan.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Georgia Power Company and Southern Power Company

[Docket No. EC01–68–000]

Take notice that on February 12, 2001, Georgia Power Company and Southern Power Company tendered for filing with the Federal Energy Regulatory Commission (Commission) an Application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities necessary to effect the transfer and assignment of certain contracts and rate schedules owned by Georgia Power Company to its corporate affiliate Southern Power Company.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. High Desert Power Trust

[Docket No. EG01–129–000]

Take notice that on February 12, 2001, High Desert Power Trust (Trust) with its principal place of business at BNY Western Trust, 700 South Flower Street, Suite 200, Los Angeles, CA 90017 filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Trust proposes to own a natural gas-fueled combined cycle generating facility with a transmission line and related transmission equipment up to the point of interconnection with the electric transmission provider in San Bernardino County, California (Facility). The approximate net power production of the Facility will be 750 MW. Trust will lease the Facility to High Desert Power Project, LLC (High Desert). The Facility is expected to commence commercial operation in 2003. All output from the Facility will be sold by High Desert exclusively at wholesale.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

12. Harquahala Generating Trust of Delaware, Ltd.

[Docket No. EG01–130–000]

Take notice that on February 13, 2001, Harquahala Generating Trust of Delaware, Ltd. (Trust), a limited liability company with its principal place of business at 1100 North Market Street, Wilmington, DE 19801, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Trust proposes to own a natural gas-fired, combined cycle power plant of approximately 1050 MW capacity in Maricopa County, Arizona. The Trust will lease the facility to Harquahala Generating Company, LLC (Harquahala). The proposed power plant is expected to commence commercial operation in 2003. All output from the plant will be sold exclusively at wholesale by Harquahala.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4238 Filed 2–20–01; 8:45 am]

BILLING CODE 5717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–123–000, *et al.*]

PSEG Lawrenceburg Energy Company LLC, et al.; Electric Rate and Corporate Regulation Filings

February 13, 2001.

Take notice that the following filings have been made with the Commission:

1. PSEG Lawrenceburg Energy Company LLC

[Docket No. EG01–123–000]

Take notice that on February 9, 2001, PSEG Lawrenceburg Energy Company LLC (Applicant), with its principal office at 80 Park Plaza, Newark, New Jersey 07102, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant is a Delaware limited liability company. Applicant will be engaged directly, or indirectly through a Section 2(a)(11)(B) affiliate, and exclusively in owning and operating an 1150 MW natural gas-fired generating facility and certain interconnection facilities necessary to effect the sale of electric energy at wholesale located in Dearborn County, Indiana; selling electric energy at wholesale; and engaging in project development activities with respect thereto.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice. The commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. PSEG Waterford Energy LLC

[Docket No. EG01–124–000]

Take notice that on February 8, 2001, PSEG Waterford Energy LLC (Applicant), with its principal office at 80 Park Plaza, Newark, New Jersey 07102, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant is a Delaware limited liability company. Applicant will be engaged directly, or indirectly through a Section 2(a)(11)(B) affiliate, and exclusively in owning and operating an 850 MW natural gas-fired generating facility and certain interconnection facilities necessary to effect the sale of electric energy at wholesale located in Washington County, Ohio; selling electric energy at wholesale; and engaging in project development activities with respect thereto.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice. The commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Montaup Electric Company v. Boston Edison Company

[Docket Nos. EL99–42–000 and EL99–42–003]

Take notice that on February 6, 2001, Boston Edison Company, tendered for filing a refund report as required by the Commission's December 13, 2000 order in this proceeding, as corrected by its January 5, 2001 Erratum.

Copies of the filing were served upon the parties in this proceeding and the Massachusetts Department of Telecommunications and Energy.

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Morgan Stanley Capital Group, Inc. v. New York Independent System Operator, Inc.

[Docket No. EL00–90–000]

Take notice that on February 2, 2001 the New York Independent System Operator, Inc. (NYISO), filed a report on its implementation of virtual bidding and zonal price capped load bidding in compliance with the Commission's October 5, 2000 order in the above-captioned proceeding. Morgan Stanley Capital Group, Inc. v. New York Independent System Operator, Inc., 93 FERC ¶ 61,017 (2000).

A copy of this filing was served upon all parties in Docket No. EL00–90–000.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4190 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2232–413 South Carolina]

Duke Energy Corporation; Notice of Availability of Environmental Assessment

February 14, 2001.

An environmental assessment (EA) is available for public review. The EA analyzes the environmental impacts of Duke Energy Corporation's (Duke) application to grant a non-project use of project land to City of York (York) to install a pipeline and intake, for raw water withdraw in Lake Wylie, a reservoir for the Catawba-Wateree Hydroelectric Project. Duke's proposed grant would also allow York to withdraw up to 6 million gallons of water per day from Lake Wylie. The Catawba-Wateree Project is on the Catawba River in Lancaster, York, and Fairfield Counties, South Carolina, and Gaston, Lincoln, and Burke Counties, North Carolina.

The EA was written by staff in the Office of Energy Projects, Federal Energy Regulatory Commission. In the EA, Commission staff conclude that approving Duke's application to grant the use would not constitute a major federal action significantly affecting the quality of the human environment. Copies of the EA can be viewed on the web at *www.ferc.fed.us/online/rims.htm*. Call (202) 208–2222 for assistance. Copies are also available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4203 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of Licenses and Soliciting Comments, Motions To Intervene, and Protests

February 14, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No.:* 2440–040.

c. *Date Filed:* February 1, 2001.

d. *Applicant:* Northern States Power Company—Wisconsin d/b/a Xcel Energy.

e. *Name and Location of Project:* The Chippewa Falls Project is located on the Chippewa River, in Chippewa County, Wisconsin. The project does not occupy federal or tribal lands.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r) and section 4.202(a) of the Commission's regulations.

g. *Applicant Contact:* William P. Zawacki, Xcel Energy, 1414 Hamilton Ave., P.O. Box 8, Eau Claire, WI, 54702–0008, (715) 836–1136.

h. *FERC Contact:* Any questions on this notice should be addressed to Mark Pawlowski at (202) 219–2795.

i. *Deadline for filing comments and or motions:* March 15, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington DC 20426.

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Please include the noted project numbers on any comments or motions filed.

j. *Description of Proposal:* The Applicant requests an amendment to increase the minimum flow from 785 cubic feet per second (cfs) from June 1 through April 14 to 1,000 cfs at all times for the benefit of aquatic and recreation resources in the Chippewa Falls Project tailwaters.

k. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (Call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

o. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4195 Filed 2–20–01; 8:45 am]

BILLING CODE 5717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of Licenses and Soliciting Comments, Motions To Intervene, and Protests

February 14, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No:* 2491–025.

c. *Dated Filed:* February 1, 2001.

d. *Applicant:* Northern States Power Company—Wisconsin d/b/a Xcel Energy.

e. *Name and Location of Project:* The Him Falls Project is located on the Chippewa River, in Chippewa County, Wisconsin. The project does not occupy federal or tribal lands.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r) and section 4.202(a) of the Commission's regulations.

g. *Applicant Contact:* William P. Zawacki, Xcel Energy, 1414 Hamilton Av., P.O. Box 8, Eau Claire, WI, 54702–0008, (715) 836–1136.

h. *FERC Contact:* Any questions on this notice should be addressed to Mark Pawlowski at (202) 219–2795.

i. *Deadline for filing comments and or motions:* March 15, 2001.

All documents (original and eight copies) should be filed with: David Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us.efi/doorbell.htm.

Please include the noted project numbers on any comments or motions filed.

j. *Description of Proposal:* The Applicant requests an amendment to increase the bypassed reach minimum flow from 240 cubic feet per second (cfs) from spring ice-out through October 31, and 20 cfs from November 1 through spring ice-out, to 850 cfs April 1 through May 31, and 240 cfs June 1 through March 31. In addition, the Applicant is proposing to release 650 cfs into the bypassed reach periodically during the summer to provide for recretional boating.

k. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (Call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

o. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of any agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4196 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of Licenses and Soliciting Comments, Motions to Intervene, and Protests

February 14, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License

b. *Project No:* 2639–009

c. *Date Filed:* February 1, 2001

d. *Applicant:* Northern States Power Company—Wisconsin d/b/a Xcel Energy

e. *Name and Location of Project:* The Cornell Project is located on the Chippewa River, in Chippewa County, Wisconsin. The project does not occupy federal or tribal lands.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r) and section 4.202(a) of the Commission's regulations.

g. *Applicant Contact:* William P. Zawacki, Xcel Energy, 1414 Hamilton Ave., P.O. Box 8, Eau Claire, WI 54702–0008, (715) 836–1136.

h. *FERC Contact:* Any questions on this notice should be addressed to Mark Pawlowski at (202) 219–2795.

i. *Deadline for filing comments and or motions:* March 15, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Please include the noted project numbers on any comments or motions filed.

j. *Description of Proposal:* The Applicant requests an amendment to increase the minimum flow from 236 cubic feet per second (cfs) to 400 cfs. The Applicant proposes to maintain the Cornell impoundment within 0.5 feet of full pool from April 1 through June 7 and between 1001.0 and 1002.0 feet mean sea level (msl), June 8 though Labor Day, 12 pm to 8 pm. At all other time the impoundment would be maintained between 1000.0 and 1002.0 (msl).

k. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (Call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

o. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4197 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

February 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* 2724–023.

c. *Date filed:* September 30, 1999.

d. *Applicant:* City of Hamilton, Ohio.

e. *Name of Project:* City of Hamilton Hydroelectric Project.

f. *Location:* Ford Canal and Great Miami River, Butler County, Ohio. The project occupies no federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Michael Perry, Electric Department, 10 Journal Square, Suite 300, Hamilton, Ohio, 45011, or telephone (513) 868–5907.

i. *FERC Contact:* Any questions on this notice should be addressed to Nick Jayjack, telephone (202) 219–2825, or E-mail address nicholas.jayjack@ferc.fed.us.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, and is now ready for environmental analysis.

l. The project consists of: (1) An 8-foot-high (average), 1,660-foot-long concrete overflow diversion dam; (2) an 8-foot-high (average), 196-foot-long concrete overflow diversion dam; (3) a 3-mile-long power canal; (4) a concrete headgate structure at the canal entrance; (5) a 93-foot-wide by 63-foot-long by 50-foot-high powerhouse with an installed capacity of 1,500 kilowatts (kW) to be upgraded to 1,940 kW (the turbine-generator units are currently capable of producing 1,940 kW; however, system governors limit output to 1,500 kW); (6) a 21-foot-long spillway adjacent to the powerhouse; (7) a 50-foot-wide, 1,600-foot-long concrete and earthen tailrace; (8) a 0.25-mile-long, 13.2-kilovolt transmission line; (9) generator leads; and (10) appurtenant facilities.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2–A, Washington, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. The Commission directs, pursuant to section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extention of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS," (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4198 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent to File Application for a New License

February 14, 2001.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection:

a. *Type of filing:* Notice of Intent to File an Application for New License.

b. *Project No:* 2213.

c. *Date filed:* November 28, 2000.

d. *Submitted By:* Public Utility District No. 1 of Cowlitz County, Washington.

e. *Name of Project:* Swift Project No. 2.

f. *Location:* In Cowlitz and Skamania Counties on the North Fork Lewis River in Southeast Washington State. The project lies between the FERC licensed Swift No. 1 and Yale Projects.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6.

h. Pursuant to section 16.19 of the Commission's regulations, the licensee is required to make available the information described in section 16.7 of the regulations. Such information is available from the licensee at Public Utility District No. 1 of Cowlitz County, 961 12th Ave, P.O. Box 3007, Longview, Washington 98632. Contact Diana MacDonald at 360–577–7585 or www.cowlitzpud.org.

i. *FERC Contact:* Vince Yearick 202 219–3073 *vince.yearick@ferc.fed.us.*

j. *Expiration Date of Current License:* April 30, 2006.

k. *Project Description:* The project consist of a 3.2 mile power canal, an ungated spillway and discharge channel, two penstocks, a powerhouse containing two Francis type turbines each rated at 35,000 kw, a 0.9 mile 230kv transmission line, and appurtenant facilities.

l. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2213. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2004.

A copy of the notice of intent is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The notice may be viewed on *http://www.ferc.fed.us/online/rims.htm* (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4205 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6946–9]

Agency Information Collection: Activities Up for Renewal; Regulations for A Voluntary Emissions Standards Program Applicable to Manufacturers of Light-Duty Vehicles and Trucks Beginning in Model Year 1997

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection request (ICR) to the Office of Management and Budget (OMB): Regulations for a Voluntary: Emissions Standards Program Applicable to Manufacturers of Light-Duty Vehicles and Trucks Beginning in Model Year 1997 (OMB #2060–0345, approved through 04/30/01). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the collections as described below.

DATES: Comments must be submitted on or before April 23, 2001.

ADDRESSES: U.S. Environmental Protection Agency, Office of Transportation and Air Quality, Certification and Compliance Division, Outreach and Planning Group, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Mail Code 6405J, Washington, D.C. 20460. Interested persons may request a copy of the ICR without charge from the contact person below.

FOR FURTHER INFORMATION CONTACT: Chestine Payton, tel.: (202) 564–9328, fax (202) 565–2057. E-mail address: *payton.chestine@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected Entities: Parties potentially affected by this action are manufacturers of light duty vehicles and light duty trucks.

Title: Regulations for A Voluntary Emissions Standards Program Applicable to Manufacturers of Light-Duty Vehicles and Trucks Beginning in Model Year 1997, OMB 2060–0345, Expiration date 01/31/01.

Abstract: The information collection will be conducted to support averaging, banking, and trading provisions included in the National Low Emission Vehicle (NLEV) program. These averaging, banking, and trading provisions will give the automobile manufacturers a measure of flexibility in meeting the fleet average non-methane organic gas (NMOG) standards and the five-percent cap on Tier 1 vehicles and transitional low emission vehicles (TLEVs) in the ozone transport region (OTR). EPA will use the reported data to calculate credits and debits and otherwise ensure compliance with the applicable production levels and emissions standards. When a manufacturer has opted into the Voluntary National LEV program, reporting will be mandatory.

Manufacturers would submit information regarding the annual sales, calculation, generation, and usage of emission credits in an annual report. In addition, upon transferring credits to another manufacturer, the manufacturer would submit this information along with their annual report. This information will be submitted to EPA in annual reports and will involve approximately 25 respondents at a total annual cost of about $318,995.

EPA currently has in place an ICR and clearance for annual sales/production reporting for light-duty vehicles and trucks. This ICR reflects additional requirements (beyond the annual sales/production reporting requirement) to collate the annual sales/production data, and implement the credit calculation program. In the future, this ICR will be integrated with ICR 783.39, (Reporting and Recordingkeeping Requirements for Motor Vehicle Certification under the Proposed Tier 2 Rule), as part of the consolidation under the certification and fuel program reporting requirements.

The information collection activity complies with the guidelines in 5 CFR 1320.6 except for the following:

First, to provide EPA with a mechanism for auditing the accuracy of these required reports, EPA will require pertinent production information to be maintained and kept for eight model years. The eight-year requirement arises from the phase-in periods and the fact that credits have a four-model year lifetime. EPA enforcement action regarding the credit program could require documentation justifying credit or debit generation from the beginning of the phase-in and/or four-year credit lifetime period. Pertinent production information includes, but is not limited to, the number of vehicles or trucks sold in each averaging set, the EPA engine family, assembly plant, VIN number, and the NMOG standard to which the vehicle or truck is certified. Pertinent information, whether kept by the manufacturer or by a contractor, is subject to auditing by EPA. Consequently, EPA officials will require voluntary entry and access to facilities.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The estimated annual burden attributed to the collection in this ICR is 241.3 hours for each of the 25 potential respondents. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Parties potentially affected by this action are manufacturers of light-duty vehicles and light-duty trucks.

Estimated Number of Respondents: 25.

Frequency of Response: Annually.

Estimated Total Annual Hour Burden Per Respondent: 241.3.

Estimated Total Annualized Cost Burden Per Respondent: $12,759.80.

Send comments on the Agency's need for this information. the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1761.02 and OMB Control No. 2060–0345 in any correspondence.

Dated: February 14, 2001.

Robert D. Brenner,

Acting Assistant Administrator.

[FR Doc. 01–4270 Filed 2–20–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6945–5]

Clean Air Transportation Communities: Innovative Projects to Improve Air Quality and Reduce Greenhouse Gases: Solicitation Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Today's Notice announces the availability of funds and solicits proposals from state, local, multi-state, and tribal agencies involved with climate change and transportation/air quality issues, for pilot projects that have a high potential to spur innovations in the reduction of transportation-related emissions and

vehicle miles traveled (VMT), at the local level and throughout the United States. EPA is particularly interested in projects that incorporate at least one of the following: smart growth efforts that reduce transportation-related emissions, commuter choice, and cleaner vehicles/green fleets (as described elsewhere in this solicitation). To this purpose, EPA will make available financial assistance ranging from $50,000 up to $300,000 to each recipient, in the form of cooperative agreements. EPA hopes to make at least one award to a qualifying tribal agency, and at least one more award to a qualifying multi-state agency, depending upon the merits of the proposals received.

EPA's Office of Transportation and Air Quality (OTAQ) is committed to reducing emissions from the transportation sector through voluntary efforts to slow the growth of VMT—including encouragement of smart growth in land use policies (that is, in short, development patterns designed to minimize VMT)—and promoting the use of cleaner vehicles and clean, renewable fuels. Many states and localities that are dealing with the problems associated with increased transportation-related emissions and VMT (such as congestion and emissions of greenhouse gases (GHG), criteria pollutants, and airborne toxics) are seeking nonregulatory federal assistance. Voluntary efforts that improve the efficiency of the transportation system within the United States, promote development patterns that reduce the growth in VMT, and expand the availability of environmentally-sensitive transportation alternatives play a critical role in helping communities protect the natural environment, human health, economic vitality, and quality of life.

EPA wishes to provide assistance to tribal, state, local, and multi-state agencies that develop innovative proposals for demonstration projects that will yield measurable reductions in VMT, GHG, and/or criteria air pollutants in a coordinated fashion at the community level. To qualify for funding, the applicant must be a tribal, state, local, and multi-state agency that proposes a demonstration project involving new or experimental methods, technologies, or approaches. So that this competition eventually generates even greater benefits among numerous other stakeholders, EPA also requires that such projects be readily replicable in other states and in local and tribal communities. The cooperative agreements will be allocated by OTAQ through the competitive process described in this notice.

DATES: The deadline for submitting Final Proposals is Tuesday, April 24, 2001 (that is, they must be postmarked by that date). To allow for efficient management of the competitive process, OTAQ is requesting organizations to submit an informal Intent to Apply by Wednesday, March 14, 2001. (Instructions for submitting Intents to Apply and final proposals are found in Section IX. below.) Submission of an Intent to Apply is optional; it is a process management tool that will allow OTAQ to better anticipate the total staff time required for efficient review, evaluation, and selection of submitted proposals.

To ensure that every agency interested in participation has an opportunity to gain any needed additional information useful to the application process, OTAQ has scheduled two sets of conference calls. The first pair of calls is primarily intended to help agencies decide whether this competition is appropriate for them prior to the deadline for submitting an Intent to Apply. The second pair of calls is intended to assist agencies with questions about the proper completion and submission of their proposals. The content of the calls is entirely dependent upon the questions asked. The dates and times of these calls, with the call-in phone numbers and access codes, are:

Tues., March 6, from 3—5 p.m., EST (202–260–2025; access code 6898#)

Weds., March 7, from 2:30—4:30 p.m., EST (202–260–2025; access code 6898#)

Tues., March 27, from 3—5 p.m., EST (202–260–2025; access code 6898#)

Thurs., March 29, from 2—4 p.m., EST (202–260–8330; access code 7731#)

Questions and answers from the conference calls will be summarized and posted as soon as possible on the OTAQ website; the precise web location of the summaries will be announced at *"www.epa.gov/otaq/whatsnew.htm"*.

In order to ensure that all applicants have access to the same information, the only forums for posing substantive questions on the competition are these conference calls. Except for responses to procedural questions (e.g. due dates, proposal formats), EPA will not provide other assistance prior to final submission of applications.

ADDRESSES: This Notice can also be accessed on the Office of Transportation and Air Quality Web Page at: *"www.epa.gov/otaq/"*. Click on "What's New" or go directly to *"www.epa.gov/otaq/whatsnew.htm"*. Addresses for submitting informal Intents to Apply and for submitting final proposals can be found in Section IX., below.

FOR FURTHER INFORMATION CONTACT: Mary Walsh, USEPA Office of Transportation and Air Quality, Transportation and Regional Programs Division, 2000 Traverwood Dr., Ann Arbor, MI 48105. Telephone (734) 214–4205; Fax (734) 214–4052; or email *walsh.mary@epa.gov*—or—Joann Jackson Stephens, USEPA Office of Transportation and Air Quality, Transportation and Regional Programs Division, 2000 Traverwood Dr., Ann Arbor, MI 48105. Telephone (734) 214–4276; Fax (734) 214–4052; or email *jackson-stephens.joann@epa.gov*.

SUPPLEMENTARY INFORMATION: *Eligible Entities:* State, local, multi-state, and tribal agencies actively involved with transportation, air quality, and/or climate change issues. Such entities must be interested in undertaking a project with the purpose of reducing transportation sector emissions through voluntary efforts to decrease VMT and/or transportation-related emissions. Eligible entities must already be engaged in some form of partnership with other entities in the community (e.g., non-governmental organizations, departments of transportation, departments of energy, other state organizations, metropolitan planning organizations, councils of government, planning departments, private companies and business associations, public transit agencies, universities, public health organizations, state-wide or community-based non-profit organizations, and so forth) related to transportation and air quality/climate change issues or some aspect of transportation and/or air quality planning. EPA would like to emphasize that it is very interested in receiving applications from tribal governments, which have historically not have had high representation among the recipients of OTAQ grants. In addition, EPA particularly desires that multi-state organizations apply, in the expectation that their proposals would have a high potential for replication among the members of such organizations.

Title: "Clean Air Transportation Communities: Innovative Projects to Improve Air Quality and Reduce Greenhouse Gases: Solicitation Notice"

Background: EPA's Office of Transportation and Air Quality (OTAQ) recognizes that achieving future reductions in transportation-related emissions will require more attention to limiting VMT, through such means as enhancing transportation system efficiency and the availability of transportation alternatives, promoting smart growth initiatives and brownfield/infill redevelopment, and addressing travel behavior. It is worth mentioning that efforts to reduce VMT also yield an array of other potential benefits, including congestion mitigation, more liveable communities, reduced demand for additional construction of roadways (with the associated social, economic, and environmental consequences), reduced water pollution, waste reduction, and improved quality of life as a result of spending less time (and money) on travel.

Historically, OTAQ (formerly the Office of Mobile Sources) has encouraged the adoption of technological means of reducing criteria pollutants and toxic emissions from vehicles, with great success. Per-mile emissions of gaseous criteria pollutants from new vehicles are already reduced over 90% compared to their predecessors before the era of emission controls. However, as of 1999, 62 million people in the United States still lived in areas that do not meet the health-based National Ambient Air Quality Standards for at least one of six major air pollutants. And Americans are, on average, driving more miles every year.

Moreover, with the growing interest in achieving reductions in GHG emissions, the issue of reducing all types of pollutant emissions is even more problematic. The technological measures that have lead to reductions in a vehicle's tailpipe emissions in the past have done little to reduce GHG emissions. The trend toward decreasing average fuel economy in recent years translates directly into increasing GHG emissions on a per-mile basis. Combined with the steady growth in VMT, this means that, while most criteria pollutant emissions have trended downwards in recent years, GHG emissions have been rising steadily.

EPA, its state counterparts, and local governments are increasingly examining travel choice and smart growth strategies as they affect VMT and transportation-related emissions. In this context, OTAQ is committed to encouraging voluntary efforts as an important part of its approach. Voluntary efforts to improve the efficiency of the U.S. transportation system and expand the availability of environmentally-sensitive transportation alternatives are essential elements in helping communities balance their charges to protect the natural environment, human health, economic vitality, and quality of life. This solicitation advances OTAQ's support of such voluntary efforts.

EPA also recognizes that, despite huge gains in vehicle-related emission reductions over the past two decades, there is still the potential to especially reduce GHG emissions with technology that would improve the fuel economy of vehicles, and perhaps further reduce GHG emissions through the use of alternative fuels.

However, consumers have in the past typically ranked fuel economy relatively low, when compared to other attributes they look for when acquiring a vehicle. Consequently, automobile manufacturers have applied recent technological advances to increased vehicle size, power, and luxury, rather than to improved fuel economy. In order to encourage the market penetration of cleaner, more fuel-efficient vehicles and cleaner renewable fuels, EPA desires to help stakeholders promote and expand the use of advanced vehicle and fuel technologies, as they become available. A comprehensive program which combines improved vehicle choices, reduced emissions, and reduced VMT can provide the information and resources that the pu blic needs to make more informed transportation choices.

EPA recognizes that innovations in reducing VMT and encouraging the use of cleaner vehicles and cleaner, renewable fuels have been implemented across the United States in recent years. It is increasingly clear that the most successful of these have not been one-time, stand-alone efforts, but rather have been conceived to fit into a larger, coordinated strategy for transportation-related emissions reduction over a multi-year scheme. Such programs have typically been those most successful in productively capitalizing on partnerships among different types of organizations sharing a common interest in VMT and/or emission reduction, and in leveraging resources through these partnerships and other funding sources. Therefore, EPA desires to help meet its stakeholders' need for seed money and technical assistance to help them implement more multifaceted approaches to VMT reduction and the promotion of cleaner vehicles and fuels that have a higher potential for long-term success.

Therefore, OTAQ seeks to support up to ten pilot projects through seed funding, ranging from $50,000 to $300,000 per award (depending upon the project), and other assistance. OTAQ intends that the assistance award will help communities identify and launch suites of innovative and practical transportation solutions that both reduce impacts on the environment and enhance mobility and access. Through this Notice, OTAQ seeks proposals for pilot projects in support of voluntary, consensus-supported activities to improve community designs, spur transportation innovations, develop and implement incentives, make more efficient use of transportation systems, promote use of cleaner fuels and vehicles, create effective partnerships, support the measurement of results, and recognize exemplary projects. OTAQ encourages applicants to explore comprehensive approaches that combine VMT reduction, smart growth, cleaner vehicles, and clean renewable fuels, thereby providing enhanced opportunities for emissions reductions. In order to encourage the most successful approaches to accomplish these objectives, OTAQ is seeking proposals that represent strong transportation/air quality partnerships among a broad range of perspectives.

Because this sort of funding is made available from EPA under the authority of section 103(b)(3) of the Clean Air Act, the Agency must assure that a project selected for funding meet two "threshold determinations" for funding; in this context:

- It must address the causes, effects, extent, prevention, reduction, and elimination of air pollution—in short, it will act to control pollution.
- It must consist of such activities as research, investigations, experiments, demonstrations, and similar activities that are within the scope of Section 103(b)(3) of the Clean Air Act.

Therefore, the proposals should focus on the learning opportunities they present for future pollution control efforts, rather than on simply addressing pollution problems through well-established methods.

Examples of activities that OTAQ is interested in funding are outlined in Section IV., "Program Emphasis."

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I. Overview and Deadlines
II. Eligible Organizations
III. Funding Issues
IV. Program Emphasis
V. Selection Criteria
VI. Evaluation and Selection
VII. Proposals
VIII. Other Items of Interest
IX. How to Apply

Clean Air Transportation Communities: Innovative Projects to Improve Air Quality and Reduce Greenhouse Gases: Solicitation Notice

Section I. Overview and Deadlines

A. Overview

In today's notice, OTAQ is soliciting proposals to encourage innovations in improving air quality (with regard to both criteria pollutants and GHG) in the U.S., by reducing VMT, promoting smart growth, and encouraging the use of cleaner vehicles and cleaner, renewable fuels. There are serious

environmental implications in relying solely upon the "conventional" approach to transportation—typically, a single driver, in a vehicle that often is not highly fuel-efficient. Clearly, the very limited penetration of traditional alternatives to driving alone (transit, carpooling, and non-motorized modes) into American's travel choices suggests that more integrated and flexible alternatives need to be developed. Ultra-clean, highly fuel-efficient vehicles are beginning to become more available; their use needs to be encouraged. The impact of community design and location on livability and environmental concerns is receiving enhanced visibility with the rise of smart growth initiatives. OTAQ is especially interested in proposals that implement pilot projects allowing the replication of promising practices, methodologies, technologies, incentives, and applications pertinent to these areas. It is looking for the creative, groundbreaking approaches that stakeholders are generating, and wants to see how they actually perform for the lessons that can be gained for future efforts.

Moreover, OTAQ has especially committed in this competition to support community-level efforts that employ a suite of tools for achieving reductions in transportation-related emissions and VMT, to stimulate and reward planning that incorporates individual projects into a coordinated, broader-focus strategy. An example might be a program that integrates a Commuter Choice strategy with the construction of bicycle commuter centers (secure parking, rental, and repair) at transit hubs; or a "Green Fleets"-type program that makes low-emission vehicles and/or vehicles with high fuel economy ratings available for car-sharing, perhaps focusing upon institutions that have a "campus" layout; or a brownfields/infill project that incorporates transit-oriented development programs and practices. Proposals that make an effort to logically integrate various VMT- and emission-reduction program components (both proposed and existing), rather than presenting a piecemeal approach, will receive higher priority.

An important aspect of the evaluation of proposals will be an assessment of their potential effectiveness in bringing these innovations into significant, replicable pilot projects relative to the dollar amount of the grant. Also important in the evaluation will be the degree of innovation, estimated amount of environmental benefit, and apparent resources, capability, and commitment to succeed. Effective leveraging of other sources of available funding will count favorably in the evaluation process. Examples of relevant sources of potential leveraging funds include the Congestion Mitigation and Air Quality (CMAQ) program, the Transportation and Community and Systems Preservation (TCSP) program, the Federal Transit Administration's "New Starts" program (which supports mass transit projects), the U.S. Department of Energy's "Clean Cities" program (which promotes alternative fuel vehicles; see their website at *www.ccities.doe.gov*), the International Council for Local Environmental Initiatives' "Green Fleets" program (see their website at *www.greenfleets.org*), or other state and local funding sources (e.g., HOV lane programs). Special attention should be provided to the details of pilot implementation and the mechanisms proposed to enable broad-scale replication. OTAQ also places a high priority on proposals that indicate clearly how they will estimate and count the tons of emissions reduced as a result of their project.

Interested persons can obtain copies of this solicitation at no charge by accessing "What's New?" on the OTAQ Website at "*www.epa.gov/otaq*" or "*www.epa.gov/otaq/whatsnew.htm*".

B. What Are the Deadlines for This Competition?

In order to efficiently manage the selection process, the Office of Transportation and Air Quality requests that an informal "Intent to Apply" within 30 days of the publication of this notice. (Please provide project title or subject and email address). An "Intent to Apply" simply states in the form of e-mail, phone, or fax that your organization intends to submit a proposal to be received by the deadline. Submitting an "Intent to Apply" does not commit an organization to submit a final proposal. The "Intent to Apply" is an optional submission; those not submitting an "Intent to Apply" may still apply by the deadline.

The deadline for submitting completed final proposals (original and six copies, plus one fully-completed Application for Federal Assistance, forms SF 424 and 424A) is Tuesday, April 24. The Office of Transportation and Air Quality expects to complete the Evaluation/Selection process in May, 2001.

Section II. Eligible Organizations

C. Who Is Eligible To Submit Proposals?

While cooperative agreements with federal agencies are available to a range of governmental and non-profit organizations, for the purposes of this solicitation, proposals may only be accepted from state, local, multi-state, or tribal agencies. EPA strongly encourages applicants to incorporate partnerships with a broad range of agencies and organizations. It will give priority to proposals from agencies actively partnering with organizations showing a diversity of perspectives (e.g., environmental justice, community development, land use/smart growth, etc.).

EPA encourages private sector, not-for profit, and public health organizations that provide leadership in meeting national environmental objectives by effecting substantial reductions in vehicle emissions and VMT to enter into a partnership with an eligible entity. To illustrate, some examples of private sector organizations that might seek partnerships with qualifying agencies to make a proposal include (but are not limited to) local homebuilders' associations pursuing smart growth strategies, car insurance companies offering pay-as-you-drive insurance, car rental companies offering low-emission and/or car sharing products, automobile manufacturing companies and dealers offering per-mile car leases or special incentives for cleaner cars and those using clean renewable fuels, and companies with innovative ideas for reducing commuting via the single-occupant vehicle and encouraging infill and mixed-use development. Likewise, eligible agencies are encouraged to seek out partnerships with these sorts of organizations. Note that applicants must ensure that any financial transactions with project partners comply with applicable EPA assistance regulations relating to procurement contracts, subgrants, and allowable costs contained in 40 CFR Part 31 (in the case of state or local agencies and tribes) and 40 CFR Part 30 (in the case of nonprofit multi state organizations).

D. Why Are Tribal and Multi-State Organizations Particularly Encouraged?

OTAQ wishes to particularly encourage the participation of tribal agencies because it desires to improve its communication and coordination with tribal agencies. It would like to increase awareness of opportunities for tribal agencies to access EPA assistance in achieving their air quality goals. Likewise, through substantial involvement in the assisted activity, OTAQ will have an opportunity to gain better understanding of tribal air management issues and strategies, and their context.

Regarding multi-state organizations, OTAQ believes that such entities, which may represent state, local, regional, or tribal organizations themselves, have unique opportunities for the placement, replication, and dissemination of promising approaches to pollution control. OTAQ wishes to encourage such organizations to step up to the challenge of developing and promoting innovative pilot projects for the control of air pollution through cleaner vehicles and fuels and the reduction of VMT.

Section III. Funding Issues

E. What Is the Amount of Available Funding?

Approximately $750,000 is anticipated to be available in fiscal 2001 for this competition.

F. How Many Agreements Will EPA Award in This Competition?

Subject to the availability of funds, EPA plans to fund as many high-quality projects as possible. The Agency may exercise its discretion to fund a mix of large and small projects.

G. Are Matching Funds Required?

No. However, the Agency will consider voluntary financial or in kind commitments of resources as an evaluation factor which maximizes the effective use of EPA seed money.

H. Can Funding Be Used To Acquire Services or Fund Partnerships?

Yes, provided the recipient follows applicable procurement and subgrant procedures. Please note that EPA will not be a party to these transactions and approval of a funding proposal does not relieve recipients of their obligations to compete for service contracts, conduct cost and price analyses, and use subgrants only for financial assistance purposes in accordance with Section .210 of OMB Circular A–133.

Section IV. Program Emphasis

This program is designed to provide seed money for transportation and air quality projects specifically to spur innovations in transportation to reduce VMT and vehicular emissions, and thereby positively impact air quality and/or climate change. EPA is particularly interested in proposals designed to implement pilot projects which yield measurable reductions in VMT, CO_2, and/or criteria air pollutants and other GHG, and that promote the replication of promising practices, methodologies, technologies, incentives, and applications. EPA considers that the element of innovation lies not solely in the program components proposed, but in how they fit into a comprehensive strategy.

Innovative approaches of particular interest to OTAQ encourage community design that promotes alternatives to the single-occupant vehicle mode of travel, reduce the need to travel, increase use of higher occupancy modes of travel, and promote low- or non-polluting means of travel. As mentioned above, proposals should show how the project will be part of a coordinated plan for VMT and/or transportation-related emissions reduction. Elements that EPA is especially interested in seeing in proposals include the following (although strong proposals that contain elements other than these will certainly be considered):

- Smart Growth/Development Patterns That Minimize VMT—support state, local, multi-state, and tribal efforts to define best practices, implement effective incentives, and design livable communities that would provide better access to jobs, entertainment, and services while reducing miles driven. (To learn more about EPA's land use guidance and policy, access the web page at *www.epa.gov/otaq/traq/traqsusd.htm*).
- "Green Fleets"—type program—support adoption of energy conservation and VMT reduction strategies for light-duty fleets and freight distribution systems; e.g., fleets comprised of cleaner (low-emission) vehicles and/or vehicles with higher fuel economy or that utilize cleaner, renewable fuels. (To learn more about the Green Fleets program developed by the International Council for Local Environmental Initiatives, see their website at *www.greenfleets.org*; "Green Your Fleet" is a downloadable document that gives a basic overview of their program.)
- Commuter Choice—support implementation of employer provided benefits for increased parking cashout, telework, compressed work schedule, carpooling, transit, bus and vanpool ridership, bicycling and pedestrian commuting. (To be considered a Commuter Choice program for the purposes of this solicitation, a project must meet EPA's six conditions for "leaders" described in the Commuter Choice program announcement on its website at: *www.epa.gov/otaq/traq/comchoic/ccweb.htm*; select the document "Commuter Choice Leadership Initiative." EPA's commitments to its partners are also described therein.)
- Clean Vehicles—incentives for the purchase *by individuals* of vehicles designed to emit lower lifetime emissions of GHG and criteria pollutants. (Applicants may wish to review EPA within-class vehicle rankings developed to assist consumers with choosing the cleanest and most fuel efficient vehicle that meets individual needs at: *www.epa.gov/autoemissions.*)

In addition to the examples of possible program elements mentioned above, an applicant might want to consider such elements as:

- Improvements to "connecting" activities at campus institutions (e.g., hospitals and universities)—initiatives focused upon reducing VMT and/or emissions at organizations having various buildings or facilities located over a limited geographic distance that require transportation, teleconferencing, video conferencing, telecommuting or other "connecting" activities as a major component of conducting business (may address movement within the campus area, movement on/off the campus area, or both). This is a high-priority area for innovation.
- Youth demonstration projects to mobilize the implementation of youth-oriented tools. Examples of previously funded projects that engage youth, especially pre-drivers, in transportation/air quality/climate issues include Let Kids Lead Starter Guide (see the website *www.letkidslead.org*), Going Places, Making Choices Curriculum (see the website *www.fourhcouncil.edu/ycc/gpmc*), the Cleaner Cars Module for driver's education, and projects funded through the Mobile Sources Outreach Assistance Competition.
- Real time casual carpool ride matching.
- Pay-as-you-drive car leases.
- Pay-as-you-drive automobile insurance.
- Automobile insurance incentives for driving cleaner vehicles and/or vehicles having higher fuel economy or that utilize cleaner, renewable fuels.
- HOV-lane access for ultra-clean vehicles and/or those having high fuel economy or that utilize cleaner, renewable fuels.

Section V. Selection Criteria

Each eligible proposal (section VIII.R., below, summarizes basic requirements for eligibility) will be evaluated according the criteria set forth below. Proposals which are best able to directly and explicitly address the primary criteria will have a greater likelihood of being selected for award in this assistance competition. Each proposal will be rated according to how well it addresses the criteria. Please note that projects that do not meet the threshold legal criteria for funding under Section 103(b)(3) of the Clean Air Act cannot be considered at all.

I. Primary Criteria

• *Problem:* States clearly the air quality, climate change, and/or transportation problem the proposal is trying to address in terms of the purpose/focus of this solicitation. Be sure to identify what specific types of emissions reductions are needed, and/or the need to reduce VMT.

• *Approach:* Demonstrates an innovative strategy to address environmental goals of improved air quality and/or reduced GHG production from the transportation sector through VMT reduction and use of cleaner vehicles and fuels, coordinated as part of a broad context of efforts to achieve these goals; providing a sound basis for encouraging positive transportation behavior change.

• *Measurement/Effectiveness:* Includes measure of program results; i.e., shows how the project will be evaluated by the applicant in terms of quantifiable reductions in CO_2 emissions, and (if targeted in the problem statement) other pollutant emissions and/or VMT, whether by measurement or modeling, and indicates a significant reduction in tons of CO_2 (and, if targeted, tons of other emissions and/or reductions in VMT). Note: Regardless of what other benefits are identified, all qualifying proposals must indicate that CO_2 emissions will be reduced through implementation of the proposal, and must estimate tons reduced.

• *Cost Effectiveness:* Demonstrates that proposed transportation/air quality/climate change innovation is cost effective (i.e., indicates a relatively high amount of emissions reduction as compared to amount of the grant), including a prediction of emissions reduction from the pilot in a reasonable scenario.

• *Partnering:* Demonstrates how it will make use of an existing coalition or collaborative established to address transportation and air quality/climate change issues (indicate partners in this coalition), and describes how the partner(s) can provide a diversity of perspectives—each applicant must delineate how it and its partner(s) will allocate responsibility for the various aspects of the program to be funded. Applicants should make it clear that they—and their partners—have the skills, resources, previous performance, capability, and commitment to make the proposed project fully successful. Applicants must also demonstrate that any transfers of funding to project partners comply with EPA financial assistance regulations.

• *Replicability:* Demonstrates national or regional applicability (i.e., is designed to have a high potential for being adapted for use elsewhere, and to serve as a resource that will assist others planning similar endeavors; including lessons learned, productive types of contacts/collaborations to make, "roadmap" of the process, etc.).

J. Other Factors to be Considered

• *Integration/leveraging of funding:* Maximizes the effective use of EPA's limited funding through integration with existing programs: this may include coordination with other OTAQ-funded efforts and activities, linkages with other funding programs, such as those mentioned in Section I.A. ("Overview"), or financial or in-kind contributions from non-federal sources.

• *Budget:* Exhibits clearly-stated and appropriate levels of funding; indicating where funds are allocated to provide for interested parties to get information on the project, including costs for materials reproduction.

• *Action-orientation.* Must be capable of generating reductions in CO, and, if targeted, other pollutants and/or VMT, as a direct result of the pilot program.

• *Reasonable time frames.* Timetables must reflect a realistic appreciation of the time required to properly conduct the indicated activity.

• *Past Performance.* The applicant's experience with effectively administering Federal financial assistance and successfully carrying out projects supported by EPA and other Federal agencies will be carefully considered. This may include the results of audits conducted by EPA's Office of Inspector General, other Federal agencies, or State, local or tribal oversight entities. Applicants are strongly encouraged to discuss their performance history and to provide the names of contacts for EPA to obtain additional information.

Note: OTAQ places a high priority on proposals that clearly show how they will count the tons of emissions saved as a result of their implementation, and on those involving partnerships with entities that provide wide range of perspectives on the issue, contributing a broader vision and wider skill mix to the effort. Applicants should show clearly how the approach to reducing VMT and tons of emissions addresses the problem identified without posing other emissions concerns. For example, a vehicle type being promoted for low CO_2 emissions in the context of GHG reduction should not result in even more significant increases in emissions of methane, an even more potent GHG.

Moreover, every applicant should understand that EPA will consider the ramifications that the proposal may generate, and it wishes to ascertain whether each proposal shows consistency with EPA's broader mission beyond the realm of transportation-related emissions. That is, the proposed project should, for example, present no cross-media concerns, and should respect environmental justice considerations.

Section VI. Evaluation and Selection

K. How does the evaluation process work?

The EPA Evaluation Team will be chosen in such a way that it can address a full range of transportation/air quality/climate change matters. Each EPA Regional office will be given the opportunity to review those proposals generated by eligible organizations within that Region. The Evaluation Team will base its evaluation solely on the criteria referenced in this Notice. Completed evaluations will be referred to a Selection Committee representing OTAQ staff and senior managers and Regional representatives who are responsible for further consideration and final selection. Selected proposals will be submitted to EPA's grants office for final approval for award. Applicants will be notified promptly after this process concerning their proposal's status.

Section VII. Proposals

L. What must be included in the proposal?

The proposal must contain a narrative, letters of commitment from partners, and EPA's federal assistance application forms ("Application for Federal Assistance and Budget Information," SF 424 and SF 424A). (Please do not use binders or spiral binding for your submission.) The narrative, which should be approximately 7–8 pages in length, must explicitly address how the proposal meets each of the evaluation criteria. Again, in the course of describing how it meets the criteria, the narrative must include:

(1) A concise statement of the nature of the problem, project background, and objectives;

(2) A detailed project summary—description of specific actions to be undertaken, and the responsible organizations, including estimated time line for each task;

(3) The associated work products to be developed;

(4) An explanation of project benefits;

(5) An explanation of how project outcomes will be designed for replication in other communities;

(6) A detailed budget—clearly explain how funds will be used, including estimated cost for each task, and funds set aside for resources to promote replication;

(7) A detailed explanation of how the project shall be evaluated;

(8) The projected time frame for project from initiation through completion;

(9) Project contact(s) (must provide name, organization, phone, fax, and e-mail), and;

(10) A description of the roles of the applicant and partners.

Special attention should be provided to the details of pilot implementation and the mechanisms proposed to enable broad-scale replication of its innovations. This includes access to tools and information for interested parties seeking to replicate as appropriate and build upon the project's outcomes. This includes materials generated through the project, contact information, keys/barriers to success, a narrative or "roadmap" of the process, etc.

In addition to the narrative, the proposal should include a letter of commitment from each partner organization that briefly summarizes its roles and goals in the partnership. Again, please keep in mind that any contracts or subgrants awarded to partner organizations must comply with applicable regulations.

EPA financial assistance procedures require that the official and complete federal assistance application forms ("Application for Federal Assistance and Budget Information," SF 424 and SF 424A) be submitted by all applicants with their proposals. For those in need of guidance in filling out these forms, an Application Kit for Federal Assistance (which includes the forms) can be obtained from EPA's Grants Administration Division at (202) 564–5305. These forms can also be downloaded from the following website: *www.whitehouse.gov/omb/grants/#forms.*

VIII. Other Items of Interest

M. Does this funding expire at the end of Fiscal Year 2001? Will two-year projects be considered?

Funding does not expire at the end of Fiscal Year 2001. If a proposal with a two-year project period is submitted, OTAQ simply requires that the budget and cost estimate be designed to indicate what will be accomplished in each of the first and second years. However, the total amount of the grant does not change if the project period extends to two years.

N. May an eligible organization submit more than one proposal?

Yes. However, more than one proposal may be submitted only if the proposals are for different projects.

O. May an eligible organization submit a proposal for this fiscal year, even if the organization were previously awarded funding under another program?

Yes. Applicants awarded funding in previous competitions may submit new proposals to fund a different project. As mentioned previously, this program is designed to provide seed money to initiate new projects, or to add new dimensions to existing projects (e.g., new focus on youth, additional locations, innovative approaches, different constituencies). Awards will not be given to extend or supplement an ongoing program if the proposal adds nothing that is new in some significant way.

P. May an eligible organization resubmit a proposal which was previously submitted to another competition for funding, but was not selected?

Yes. However, those proposals will be measured against the evaluation criteria described above.

Q. What is the difference between this solicitation and the Mobile Source Outreach Assistance Competition? Can I apply to both?

These are two distinct competitions, though offered in fiscal year 2001 at approximately the same time. While they may share some goals, such as providing assistance to stakeholders wishing to implement innovative programs that reduce mobile source related emissions, they differ in important ways. While the Mobile Source Outreach Assistance Competition was originated with the expressed purpose of promoting outreach in the mobile source emissions arena, the scope of eligible projects is broader under this solicitation. However, this solicitation limits eligible applicants to state, local, tribal, and multi-state agencies involved with transportation, air quality, and/or climate change issues. Moreover, this competition requires that the applicant demonstrate how CO_2 and, depending upon the problem identified, other emissions and/or VMT will be reduced, and an estimate of those reductions in VMT/tons of emissions through implementation. The demonstration and estimate are not required for the Mobile Source Outreach Assistance Competition.

Applicants to this competition may submit a proposal that includes a component that was submitted to the Mobile Source Outreach Assistance Competition. However, due to the differing nature of the requirements, it is unlikely that an exact duplication of a proposal submitted to one would be suitable to be submitted to the other.

R. What will cause a proposal to be considered ineligible or non-responsive to this solicitation?

A proposal will be determined to be ineligible if :

• It is not submitted by a state, local, tribal, or multi-state agency involved with transportation, air quality, or climate change issues, or;

• It does not satisfy the requirements for funding authorized under section 103 of the Clean Air Act (described in the "Background" section, above).

A proposal will be considered non responsive if:

• It does not address each criterion and each component outlined in Section VII.L., above, or;

• It lacks the completed forms "Application for Federal Assistance and Budget Information," SF 424 and SF 424A, or;

• If hard copies of the proposal are received or postmarked by the U.S. Postal Service after the deadline.

S. Will Letters of Recommendation or Commendation Help a Proposal During its Evaluation?

No. Letters of recommendation or commendation will not be considered. However, letters from partners expressing their commitment to the proposed project will strengthen an application's standing; those documenting successful performance on Federal assistance projects will be given greater weight than letters which express only general support for the applicant.

Section IX. How To Apply

T. How Does One Apply?

Intents to Apply may take the form of email, fax or phone call to the Program Contact, Mary E. Walsh (address listed below; phone: (734) 214–4205; fax: (734) 214–4052; e-mail: *walsh.mary@epa.gov.* Include organization, contact, phone number, and project title/subject. Please submit informal Intents to Apply by Wednesday, March 14, 2001. (Remember, the Intent to Apply is not required and will have no bearing on the judging process, but we do request it for the benefit of our planning process.) Submission of an Intent to Apply or a final proposal does not guarantee funding.

Completed application packages must be postmarked or received via regular mail or express mail on or before midnight, Tuesday, April 24, 2001 (please provide original proposal + six copies—*no binders or spiral binding, please!*—plus one completed set of forms SF 424 and SF 424A, "Application for Federal Assistance and Budget Information"), addressed to: Mary E. Walsh (TRPD), US EPA Office Transportation and Air Quality, 2000 Traverwood Dr., Ann Arbor, MI 48105.

Deadline For Completed Final Proposals

Proposals must be received or postmarked no later than midnight on April 24, 2001.

Dated: February 9, 2001.

Margo Tsirigotis Oge,

Director, Office of Transportation and Air Quality, Environmental Protection Agency.

[FR Doc. 01–4268 Filed 2–20–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6946–8]

Science Advisory Board; Notification of Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that two committees of the USEPA Science Advisory Board (SAB) will meet on the dates and times noted below. All times noted are Eastern Time. All meetings are open to the public, however, seating is limited and available on a first come basis. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included below.

The Research Strategies Advisory Committee (RSAC) of the Science Advisory Board (SAB), will meet on Tuesday, March 6, 2001 and Wednesday, March 7, 2001 in the EPA Ariel Rios Building, Room 6013 North, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. The meeting will begin at 8:30 am and end no later than 5 pm on both days.

The purpose of the meeting is to begin an advisory on second phase of RSAC's review of the Peer Review Program (see 64 FR 46189, August 24, 1999 for additional details), a consultation on the National Program Director process established by ORD to manage large cross-cutting programs and how the Agency obtains science from other sources, a consultation on multi-year research planning, a consultation on performance metrics for science programs, and to plan for the FY 2002 policy budget review and commentary and testimony to Congress likely to be held in May 2001.

As it begins its advisory on EPA's implementation of the peer review program the Committee will examine two to three case studies to better understand how the peer review guidance was followed, how the charge questions helped focus the review, and how the product was improved by the review. The consultation with the National Program Directors will examine how the NPD program works as the NPDs share their experiences in getting science from various sources within and outside the Agency to support the EPA's mission. The multi-year research planning consultation will look at one core and one problem-driven research plan as a basis to inform the committee of this activity, to elicit advice from the individual members about how the process could be improved and to begin to discuss how to measure the success of science programs over time. The performance metrics consultation will build on the points raised during the multi-year planning discussion and explore the implications of the Government Performance and Results Act (GPRA) requirements which requires that outcomes be described for all Federal programs, including science programs. How does one measure the success of environmental science efforts which take time for completion and which contribute to but do not directly result in clean air, water and soil. During the budget discussion the Committee will begin to identify specific themes and issues against which it will evaluate EPA's FY 2002 Science and Technology budget request.

Charge to the Committee—The current RSAC charge with respect to its review of the peer review process at EPA is: (a) Is EPA peer reviewing the right products? (b) Are the peer reviews conducted appropriately? (c) Do the peer reviews make a difference? (d) Does EPA peer review all the science it uses (*e.g.*, data submitted from parties outside the Agency)? (e) Does the RSAC have additional comments/guidance for EPA?

For Further Information—Members of the public desiring additional information about the meeting should contact Dr. Jack Fowle, Designated Federal Officer (DFO), Research Strategies Advisory Committee (RSAC), USEPA Science Advisory Board (1400A), Room 6450, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone/voice mail at (202) 564–4547; fax at (202) 501–0582; or via e-mail at *fowle.jack@epa.gov*. For a copy of the draft meeting agenda, please contact Ms. Wanda R. Fields, Management Assistant at (202) 564–4539 or by FAX at (202) 501–0582 or via e-mail at fields.wanda@epa.gov.

Background materials are available for some of the above discussions. Where available, these can be obtained from Ms. Lisa Matthews, US EPA, Office of Research and Development (8101R), 1200 Pennsylvania Avenue, NW, Washington, DC 20460, (202) 564–6669, fax (202) 565–2431, e-mail *matthews.lisa@epa.gov*.

Providing Oral or Written Comments—Members of the public who wish to make a brief oral presentation to the Committee must contact Dr. Fowle *in writing* (by letter or by fax—see previously stated information) no later than 12 noon Eastern Time, Wednesday, February 28, 2001 in order to be included on the Agenda (see SAB policy on providing comments, below). The request should identify the name of the individual who will make the presentation, the organization (if any) they will represent, any requirements for audio visual equipment (*e.g.*, overhead projector, 35mm projector, chalkboard, etc), and at least 35 copies of an outline of the issues to be addressed or the presentation itself.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes. For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total, unless otherwise stated. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to Dr. Fowle at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file formats: WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information—Additional information concerning the EPA Science Advisory Board, its structure, function, and composition, may be found on our Website (http://www.epa.gov/sab) and in The FY2000 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Dr. Fowle at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: February 12, 2001.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 01–4271 Filed 2–20–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30482B; FRL–6769–3]

Pesticide Product Registrations; Conditional Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of applications submitted by Bayer Corporation, to conditionally register the pesticide products Everest Technical, Everest 70% Water Dispersible Granular Herbicide in Water-Soluble Packets, and Everest 70% Water Dispersible Granular Herbicide containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: By mail: Susan L. Stanton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5218; e-mail address: stanton.susan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

To access a fact sheet which provides more detail on this registration, go to the Home Page for the Office of Pesticide Programs at http://www.epa.gov/pesticides/, and select "fact sheet."

2. *In person.* The Agency has established an official record for this action under docket control number OPP–30482B. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall# 2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, Crystal Mall #2, Arlington, VA (703) 305–5805. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), 1200 Pennsylvania Ave., NW., Washington, DC 20460. Such requests should: Identify the product name and registration number and specify the data or information desired.

A paper copy of the fact sheet, which provides more detail on this registration, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

II. Did EPA Conditionally Approve the Application?

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that

use of the pesticide during the conditional registration period will not cause unreasonable adverse effects; and that use of the pesticide is in the public interest. The Agency has considered the available data on the risks associated with the proposed use of Flucarbazone-Sodium, and information on social, economic, and environmental benefits to be derived from such use. Specifically, the Agency has considered the nature and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of Flucarbazone-Sodium during the period of conditional registration will not cause any unreasonable adverse effect on the environment, and that use of the pesticide is, in the public interest.

Consistent with section 3(c)(7)(C) of FIFRA, the Agency has determined that these conditional registrations are in the public interest. Use of the pesticides are of significance to the user community, and appropriate labeling, use directions, and other measures have been taken to ensure that use of the pesticides will not result in unreasonable adverse effects to man and the environment.

III. Conditionally Approved Registration

EPA published a notice in the **Federal Register** of October 20, 1999 (64 FR 56500) (FRL–6382–8), announcing that Bayer Corporation 8400 Hawthorne Rd., P.O. Box 4913, Kansas City, MO 64120, had submitted applications to conditionally register the pesticide products Flucarbazone-Sodium Technical Herbicide, Flucarbazone-Sodium 70% Water Dispersible Granular In Water Soluble Packets, and Flucarbazone-Sodium 70% Water Dispersible Granular Herbicide (EPA File Symbols 3125–LGG, 3125–LGU, and 3125–LGL), containing the active ingredient flucarbazone-sodium, 4,5-dihydro-3-methoxy-4-methyl-5-oxo-*N*-[[2-(trifluoromethoxy)phenyl]sulfonyl]-1*H*-1,2,4-triazole-1-carboxamide, sodium salt at 95.6%, 70%, and 70% respectively, an active ingredient not included in any previously registered products. The name of the products "Flucarbazone-Sodium" was subsequently changed to "Everest" prior to registration.

The applications submitted by Bayer Corporation were conditionally approved as Everest on September 29, 2000, for one technical and two end-use products, containing the active ingredient flucarbazone-sodium, 4,5-dihydro-3-methoxy-4-methyl-5-oxo-*N*-[[2-(trifluoromethoxy)phenyl]sulfonyl]-1*H*-1,2,4-triazole-1-carboxamide, sodium salt as listed below:

1. EPA Registration Number 3125–533). Product name: Everest Technical Herbicide. For formulation of herbicides for use on spring and winter wheat.
2. EPA Registration Number 3125–534). Product name: Everest 70% Water Dispersible Granular In Water Soluble Packets. For post emergence control of wild oat and green foxtail in spring and winter wheat.
3. EPA Registration Number 3125–535). Product name: Everest 70% Water Dispersible Granular Herbicide. For post emergence control of wild oat and green foxtail in spring and winter wheat.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 1, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 01–3872 Filed 2–20–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6942–3]

Southern Asbestos Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into a settlement with David J. Frazier pursuant to 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, regarding the Southern Asbestos Superfund Site located in Bennettsville, Marlboro County, South Carolina. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from:

Ms. Paula V. Batchelor, U.S. EPA, Region 4 (WMD–CPSB), Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303 (404) 562–8887.

Written comments may be submitted to Ms. Batchelor within thirty (30) calendar days of the date of this publication.

Dated: January 26, 2001.

James T. Miller,

Acting Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01–4272 Filed 2–20–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–284]

Public Safety National Coordination Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This Public Notice advises interested persons that pursuant to the Commission's Rules, notice is hereby given that the charter of the National Coordination Committee, a Federal Advisory Committee established by the Federal Communications Commission, has been renewed for a two-year period commencing February 25, 2001.

DATES: February 25, 2001.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer, Michael J. Wilhelm, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, telephone 202.418.0860, email, mwilhelm@fcc.gov.

SUPPLEMENTARY INFORMATION: Additional information about the NCC and NCC-related matters can be found on the NCC website located at: http://www.fcc.gov/wtb/publicsafety/ncc.html.

Federal Communications Commission.

Jeanne Kowalski,

Deputy Division Chief for Public Safety, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 01–4212 Filed 2–20–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

February 15, 2001.

FCC To Hold Open Commission Meeting Thursday, February 22, 2001

The Federal Communications Commission will hold an Open Meeting on Thursday, February 22, 2001, at 9:30 a.m. in room TW–C305, at 445 12th Street, SW., Washington, DC. The

meeting will focus on a comprehensive review of FCC policies and procedures by the Commissioners and senior agency officials.

Presentations will be made in two panels:

Panel One consisting of the Chiefs of the Wireless Telecommunications Bureau, Common Carrier Bureau, Enforcement Bureau and Consumer Information Bureau, and

Panel Two consisting of the Chiefs of the Office of Engineering and Technology, International Bureau, Mass Media Bureau and Cable Services Bureau.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Media Relations, telephone number (202) 418–0500; TTY (202) 418–2555.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857–3800; fax (202) 857–3805 and 857–3184; or TTY (202) 293–8810. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio tape. ITS may be reached by e-mail: its_inc@ix.netcom.com. Their Internet address is *http://www.itsdocs.com/*.

This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. For information on these services call (703) 993–3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at <http://www.fcc.gov/realaudio/>. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966–2211 or fax (202) 966–1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, telephone (703) 834–0100; fax number (703) 834–0111.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 01–4426 Filed 2–16–01; 3:10 pm]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2464]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

February 9, 2001.

Petitions for Reconsideration and Clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by March 8, 2001. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended (WT Docket No. 99–87, RM–9332, RM–9405, RM–9705); Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies; Establishment of Public Service Radio Pool in the Private Mobile Frequencies Below 800 MHz; and Petition for Rule Making of the American Mobile Telecommunications Association.

Number of Petitions Filed: 14.

Subject: Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems (CC Docket No. 94–102).

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4214 Filed 2–20–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

[Notice 2001–2]

Filing Dates for the Pennsylvania Special Election in the 9th Congressional District

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: Pennsylvania has scheduled a special election on May 15, 2001, to fill the U.S. House of Representatives seat in the Ninth Congressional District vacated by Congressman Bud Shuster.

Committees participating in the Pennsylvania special election are required to file pre- and post-election reports.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory J. Scott, Information Division, 999 E Street, NW., Washington, DC 20463; Telephone: (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION: All principal campaign committees of candidates who participate in the Pennsylvania Special General and all other political committees that support candidates in the Special General shall file a 12-day Pre-General Report on May 3, 2001, with coverage dates from the close of the last report filed, or the day of the committee's first activity, whichever is later, through April 25, 2001; and a 30-day Post-General Report on June 14, 2001, with coverage dates from April 26 through June 4, 2001.

Committees filing monthly that support candidates in the Pennsylvania Special General should continue to file according to the non-election year monthly reporting schedule.

Calendar of Reporting Dates for Pennsylvania Special Elections

COMMITTEES INVOLVED IN THE SPECIAL GENERAL (05/15/01) MUST FILE

Report	Close of books [1]	Reg./cert. mailing date [2]	Filing date
Pre-General	04/25/01	04/30/01	05/03/01
Post-General	06/04/01	06/14/01	06/14/01
Mid-Year	06/30/01	07/31/01	07/31/01

[1] The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

[2] Reports sent registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

Dated: February 15, 2001.

Karl J. Sandstrom,

Commissioner, Federal Election Commission.

[FR Doc. 01–4246 Filed 2–20–01; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 6, 2001.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. David Jackson Swearingen and Susan Gail Swearingen, Nevada, Missouri; to acquire voting shares of 1889 Bancshares, Inc., Nevada, Missouri, and thereby indirectly acquire voting shares of First National Bank of Nevada, Nevada, Missouri.

Board of Governors of the Federal Reserve System, February 14, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–4172 Filed 2–20–01; 8:45 am]

BILLING CODE 6210–01–P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Government in the Sunshine; Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11 a.m., Monday, February 26, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: February 16, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–4447 Filed 2–16–01; 5:04 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of Meeting of the Advisory Committee on Blood Safety and Availability

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of meeting.

The Advisory Committee on Blood Safety and Availability will meet on Thursday April 19, 2001 and Friday April 20, 2001 from 8 a.m. to 5 p.m. The meeting will take place at the Hyatt Regency Hotel on Capitol Hill, 400 New Jersey Ave., NW., Washington, DC 20001. The meeting will be entirely open to the public.

The first item on the agenda will be what should be the Department's current and future actions under its Blood Action Plan to monitor the availability of blood products in the United States. Specific comment will be solicited on what parameters should be monitored, how these parameters should be analyzed, and where responsibility for this activity should rest.

The second item on the agenda will be what, if any, actions the Department of Health and Human Services should take to strengthen current efforts to promote blood safety and availability throughout the world.

Public comment will be solicited at the meeting. Public comment will be limited to five minutes per speaker. Those who wish to have printed material distributed to Advisory Committee members should submit thirty (30) copies to the Executive Secretary prior to close of business April 5, 2001. In addition, anyone planning to comment on either item is encouraged to contact the Executive Secretary at his/her earliest convenience.

FOR FURTHER INFORMATION CONTACT: Stephen D. Nightingale, M.D., Executive Secretary, Advisory Committee on Blood Safety and Availability, Department of Health and Human Services, Office of Public Health and Science, 200 Independence Ave., SW., Room 736–E, Washington, DC 20201. Phone (202) 690–5560. FAX (202) 690–7560, e-mail *StephenDNightingale@osophs.dhhs.gov.*

Dated: February 13, 2001.

Stephen D. Nightingale,

Executive Secretary Advisory Committee on Blood Safety and Availability.

[FR Doc. 01–4243 Filed 2–20–01; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

PHS Policy on Instruction in the Responsible Conduct of Research

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of suspension of "PHS Policy on Instruction in the Responsible Conduct of Research."

SUMMARY: On December 7, 2000, the Office of Research Integrity (ORI), in collaboration with each of the Public Health Service (PHS) Operating Divisions, announced in the **Federal Register** the issuance of a Final Policy on Instruction in the Responsible Conduct of Research. 65 FR 76647. A Draft PHS Policy on Instruction in the Responsible Conduct of Research was announced in the **Federal Register** on July 21, 2000, and made available for public comment until September 21, 2000. In response to the public comment, ORI and the PHS agencies made substantial revisions to the draft policy before its issuance in final form.

Consistent with the President's January 20, 2001, Regulatory Review Plan, on behalf of PHS, ORI hereby suspends implementation of the "PHS Policy on Instruction in the Responsible Conduct of Research" to permit additional review both of the substance of the policy and the process for adoption. Pending completion of that review, institutions that might otherwise be subject to the RCR policy are under no obligation to implement the policy unless further public notice is issued in the **Federal Register**. Any future PHS action taken to implement the RCR policy would provide extended implementation time frames that take into consideration this suspension.

FOR FURTHER INFORMATION CONTACT: Barbara Bullman, J.D., Senior Program Analyst, Division of Education and Integrity, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852, (301) 443–5300.

Chris B. Pascal, J.D.,

Director, Office of Research Integrity.

[FR Doc. 01–4226 Filed 2–20–01; 8:45 am]

BILLING CODE 4150–31–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: TANF High Performance Bonus Report, Assessment of Medicaid and SCHIP Enrollment.

OMB No.: New Collection.

Description: Public Law 104–93 (PRWORA) established the Temporary Assistance for Needy Families (TANF) Program. It also included provisions for rewarding States that attain the highest levels of success in achieving the legislative goals of that program. The purpose of this collection is to obtain data upon which to base the computation for measuring State performance in meeting those goals by providing Medicaid and SCHIP work supports. DHHS will use the information to allocate the Medicaid/SCHIP portion of the bonus grant funds appropriated under the law and implemented by 45 CFR part 270 published on August 30, 2000. States will not be required to submit this information unless they elect to compete in a Medicaid/SCHIP measure for the TANF High Performance Bonus awards in Federal fiscal years 2002 or 2003, or any subsequent Federal fiscal year for which Congress authorizes and appropriates bonus funds.

Respondents: Respondents may include any of the 50 States, the District of Columbia, and the U.S. Territories of Guam, Puerto Rico, and the Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
TANF high performance bonus report, assessment of Medicaid and SCHIP enrollment among individuals after leaving TANF assistance	54	2	40	4,320
Estimated total annual burden hours				4,320

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 14, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–4188 Filed 2–20–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Allergenic Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Allergenic Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 5, 2001, 8:30 a.m. to 5 p.m.

Location: Holiday Inn, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Contact: William Freas or Pearline K. Muckelvene, Center for Biologics Evaluation and Research (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12388. Please call the Information Line for up-to-date information on this meeting.

Agenda: On March 5, 2001, the committee will hear updates on: (1) The Laboratory of Immunobiochemistry personnel, (2) lot release statistics, (3) new guidance documents, (4) research and standardization programs, and (5) a compliance report. The committee will discuss whether master seed stocks of mold strains used for allergenic extracts should be rederived to reduce a theoretical risk of transmissible spongiform encephalopathy transmission. The committee will also discuss the statistical power of clinical studies used to assess bioequivalence as it applies to allergen extract studies. In the afternoon, the committee will discuss particulates that appear in allergen extracts and the effect of these particulates on the safety and efficacy on these products. In closed session, the committee will receive a report on the status of an investigational new drug application and product license application supplement.

Procedure: On March 5, 2001, from 8:30 a.m. to 3:30 p.m., the meeting is open to the

public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by February 17, 2001. Oral presentations from the public will be scheduled between approximately 11:10 a.m. and 11:40 a.m., and between approximately 2:40 p.m. and 3:10 p.m. on March 5, 2001. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before February 21, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On March 5, 2001, from approximately 3:30 p.m. to 5 p.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential information (5 U.S.C. 552b(c)(4)). This portion will be closed to permit discussion of these materials.

FDA regrets that it was unable to publish this notice 15 days prior to the March 5, 2001, Allergenic Products Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Allergenic Products Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 14, 2001.

Bonnie H. Malkin,

Special Assistant to the Senior Associate Commissioner.

[FR Doc. 01–4230 Filed 2–20–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0057]

Determination That Bethanechol Chloride Injection and Tablets Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that bethanechol chloride 5 milligrams (mg) per milliliter (mL) injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets, all formerly marketed by Merck & Co., Inc. (Merck), were not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDA's) for bethanechol chloride drug products, and it will also allow FDA to continue to approve ANDA's for bethanechol chloride drug products.

FOR FURTHER INFORMATION CONTACT: Wayne H. Mitchell, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (the 1984 amendments) (Public Law 98–417), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA sponsors must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the "listed drug," which is a version of the drug that was previously approved. Sponsors of ANDA's do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA). The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug to which the ANDA refers.

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the "Approved Drug Products With Therapeutic Equivalence Evaluations," generally known as the "Orange Book." Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162). Under § 314.161(a)(2) (21 CFR 314.161(a)(2)) the agency must make a determination as to whether a listed drug was withdrawn from sale for reasons of safety or effectiveness if ANDA's that refer to the drug that was withdrawn are approved. Section 314.161(d) provides that if FDA determines that the listed drug was removed from sale for safety or effectiveness reasons, the agency will begin proceedings to withdraw approval of the ANDA's that refer to the drug that was withdrawn from sale.

FDA has received a letter, dated April 7, 2000, from Merck, holder of NDA 6–536 for bethanechol chloride 5-mg/mL injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets, stating that Merck has withdrawn those products from sale. Danbury Pharmacal, Inc., Roberts Laboratories, Inc., Glenwood, Inc., and Sidmak Laboratories, Inc. (Sidmak), all hold approved ANDA's that refer to one or more of Merck's bethanechol chloride drug products. Merck sold its bethanechol chloride drug products under the trade name of Urecholine. In their April 7, 2000, letter, Merck also informed FDA that Merck has assigned the trademark Urecholine to Sidmak for use in the sale of Sidmak's bethanechol chloride drug products.

FDA has reviewed its records and, under § 314.161, has determined that bethanechol chloride 5-mg/mL injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets were not withdrawn from sale for reasons of safety or effectiveness. Accordingly, the agency will list Merck's bethanechol chloride 5-mg/mL injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets in the "Discontinued Drug Product List" section of the Orange Book. The "Discontinued Drug Product List" identifies, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. The approval status of the ANDA's that refer to bethanechol chloride 5-mg/mL injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets is unaffected. ANDA's for bethanechol chloride 5-mg/mL injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets may be approved by the agency.

Dated: February 14, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–4229 Filed 2–20–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–9044]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Provider Reimbursement Manual, Part 1—Chapter 27, Section 2721, 2722 and 2725, Request for Exception to ESRD Composite Rates and Supporting Regulations in 42 CFR 413.170 and 413.184; *Form No.:* HCFA–9044 (OMB# 0938–0296); *Use:* Sections 2721, 2722 and 2525 of the Provider Reimbursement Manual describe the information ESRD facilities must submit in justifying an exception request to their composite rate for outpatient dialysis services.; *Frequency:* On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions and Federal Government; *Number of Respondents:* 291; *Total Annual Responses:* 291; *Total Annual Hours:* 14,000.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's Web Site Address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch,Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: January 25, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–4256 Filed 2–20–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Funds in the HRSA Preview; Withdrawal

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice; withdrawal.

SUMMARY: In the **Federal Register** notice of Friday, July 7, 2000, in Part III "Availability of Funds Announced in the HRSA Preview" of FR Doc. 00–16874, on page 42217, the grant category beginning in the first column under the heading "Partnership for Information and Communication (PIC) MCH Cooperative Agreements, CFDA# 93.110G," is withdrawn from competition because no competition is needed to fund all potential eligibles for this fiscal year. Prospective applicants have been notified directly of this withdrawal.

FOR FURTHER INFORMATION CONTACT: Sue Martone, Division of Child, Adolescent and Family Health, Maternal and Child Health Bureau, Health Resources and Services Administration, Room 18A–30, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; telephone 1–301–443–2250.

Dated: February 14, 2001.

James J. Corrigan,

Associate Administrator for Management and Program Support.

[FR Doc. 01–4231 Filed 2–20–01; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–02]

Notice of Proposed Information Collection: Comment Request; Mortgage Record Change

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Silas C. Vaughn, Single Family Insurance Operations Division,

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Funds in the HRSA Preview; Correction

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice; correction.

SUMMARY: In the **Federal Register** notice of Friday, July 7, 2000, in Part III "Availability of Funds Announced in the HRSA Preview" of FR Doc. 00–16874, on page 42225, the grant category beginning in the first column under the heading "Healthy Start Initiative (HSI)—Eliminating Disparities in Perinatal Health—Border Health, CFDA# 93.926N," is amended to further extend eligibility to applicants in Hawaii and Alaska who meet all requirements for this competition other than proximity to the Mexican border. These requirements include changes enumerated in item (4) of our **Federal Register** notice of Monday, December 4, 2000, in FR Doc. 00–30824, page 75721, beginning in the second column.

FOR FURTHER INFORMATION CONTACT: David de la Cruz, Division of Perinatal Systems and Women's Health, Maternal and Child Health Bureau, Health Resources and Services Administration, Room 18A–30, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; telephone 1–301–443–8427.

Dated: February 14, 2001.

James J. Corrigan,

Associate Administrator for Management and Program Support.

[FR Doc. 01–4231 Filed 2–20–01; 8:45 am]

BILLING CODE 4160–15–U

Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–1994, Ext. 3545 (this is not a toll free number) for information on Mortgage Record Changes (formerly form HUD–92080, Mortgage Record Change).

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Mortgage Record Change.

OMB Control Number, if applicable: 2502–0422.

Description of the need for the information and proposed use: The Mortgage Record Change information is used by FHA-approved mortgages to comply with HUD requirements for reporting the sale of a mortgage between investors, 24 CFR 203.431, and/or the transfer of the mortgage servicing responsibility, 24 CFR 203.502, as appropriate. The information required is used to update HUD's Single Family Insurance System and other related systems. Current data is necessary to establish mortgage premium liability, forward annual premium mortgage data to the appropriate mortgagee/servicer, and maintain premium receivables and program data regarding investors/servicer activity. Without the required data, the premium collection/monitoring function would be severely impeded and program data would be unreliable. The annual expected amount for regular Monthly Insurance Premiums (Section 530) is $3.23 billion and $1.85 billion for Risk-based premiums. This information is essential because HUD does case level accounting in recording premium payments by mortgagees.

Agency form numbers, if applicable: Not applicable. Form HUD–92080 is now obsolete.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The public reporting burden for this collection of information is estimated to average 0.1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The number of respondents is approximately 9,100, the frequency of response is as required, and the volume per respondent is 20—20,000 annually depending on the size of their FHA portfolio.

Status of the proposed information collection: Reinstatement, with change, of previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 12, 2001.

Wayne Eddins,

Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–4187 Filed 2–20–01; 8:45 am]

BILLING CODE 4210–37–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–10]

Notice of Submission of Proposed Information Collection to OMB; 203(k) Rehabilitation Mortgage Insurance

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0527) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Report Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: This information collection covers application qualification and certification processes for participants in HUD–FHAs 203(k) Rehabilitation Mortgage insurance program.

OMB Approval Number: 2502–0527.

Form Numbers: HUD–92700 and HUD–9746–A.

Description of the Need for the Information and Its Proposed Use: This information collection covers application, qualification, and certification processes for participants in HUD–FHAs 203(k) Rehabilitation Mortgage Insurance program.

Respondents: Business or other for profit, Not-for-profit institutions, Federal Government.

Frequency of Submission: On occasion.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
20,500		12.6		1.23		319,450

Total Estimated Burden Hours: 319,450.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 12, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–4181 Filed 2–20–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–11]

Notice of Submission of Proposed Information Collection to OMB; Tenant Opportunities Program (TOP) Semi-Annual Report

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal

DATES: *Comments Due Date:* March 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0087) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk officer for the Department.

This Notice also lists the following information:

Title of Proposal: Tenant Opportunities Program (TOP) Semi-Annual Report.

OMB Approval Number: 2577–0087.

Form Numbers: HUD–52370.

Description of the Need for the Information and Its Proposed Use: HUD announces funding for the Tenant Participation and Tenant Opportunities in Public Housing (TOP) inviting eligible applicants to submit an application for grant funding for this Program. Housing agencies consult with tenants, resident councils adopt written procedures, grant agreements are executed, and the HUD–52370 is submitted. HUD uses this information to evaluate the grantee's progress in carrying out the approved TOP Work Plan/Budget.

Respondents: State, Local or Tribal Government.

Frequency of Submission: Annually.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
958		2		2		3,832

Total Estimated Burden Hours: 3,832.

Status: Reinstatement, with change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 12, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–4182 Filed 2–20–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–12]

Notice of Submission of Proposed Information Collection to OMB; Economic Development and Supportive Services Program; Reporting Requirements

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0211) and should be sent to: Joseph F. Lackey, Jr., OMB Desh Officer, Office of Management and Budget, Room 10235,

New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Economic Development and Supportive Services Program: Reporting Requirements.

OMB Approval Number: 2577–0211.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: Under the Economic Development and Supportive Services Program (EDSS), HUD awarded grants to Housing Agencies (HAs) to provide economic development and supportive services to assist HA residents, the elderly and persons with disabilities to become economically self-sufficient and to live independently. This information collection requires HAs to submit an annual progress report, participant evaluation and assessment data and other information, regarding the effectiveness of the (EDSS) activities.

Respondents: State, Local or Tribal Government.

Frequency of Submission: Annually.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
224		1		8		1,792

Total Estimated Burden Hours: 1,792.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 12, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–4184 Filed 2–20–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–13]

Notice of Submission of Proposed Information Collection to OMB; Description of Materials

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0192) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Description of Materials.

OMB Approval Number: 2502–0192.

Form Numbers: HUD–92005.

Description of the Need for the Information and Its Proposed Use: This information collection provides information on the materials used and assembly required of new single family home construction and improvements. HUD–FHA uses this information to estimate the value of the homes and compute the maximum mortgage amount for FHA insurance.

Respondents: Business or other for-profit, Federal Government.

Frequency of Submission: On occasion.

Reporting Burden

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
2,500		20		.05		25,000

Total Estimated Burden Hours: 25,000.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 12, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–4185 Filed 2–20–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–14]

Notice of Submission of Proposed Information Collection to OMB; Adjustable Rate Mortgages (ARMS)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0322) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Adjustable Rate Mortgage (ARMS).

OMB Approval Number: 2502–0322.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: The Housing and Urban-Rural Recovery Act of 1983 amended the National Housing Act to permit FHA to insure adjustable rate mortgages (ARMS). The terms of all ARMS insured by HUD–FHA are required to be fully disclosed as part of the loan approval process. Additionally, an annual disclosure is required to reflect the adjustment to the interest rate and monthly mortgage amount.

Respondents: Business or other for-profit, Federal Government.

Frequency of Submission: On occasion.

Reporting Burden

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
20,000		5		.07		7,000

Total Estimated Burden Hours: 7,000.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 12, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–4186 Filed 2–20–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

North American Wetlands Conservation Council Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Council will meet to select North American Wetlands Conservation Act (NAWCA) proposals for recommendation to the Migratory Bird Conservation Commission. The meeting is open to the public.

DATES: The Council will meet March 14, 2001, 1 p.m.

ADDRESSES: The meeting will be held at the U.S. Dept. of THE Interior, South, Penthouse, 1849 C St., NW., Washington, DC. The Council Coordinator is located at U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 110, Arlington, Virginia, 22203.

FOR FURTHER INFORMATION CONTACT: David A. Smith, Council Coordinator, (703) 358–1784.

SUPPLEMENTARY INFORMATION: In accordance with NAWCA (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal Council meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding

approval by, the Migratory Bird Conservation Commission, established by the Migratory Bird Conservation Act (16 U.S.C. 715–715d, 715e, 715f–715g). Proposals require a minimum of 50 percent non-Federal matching funds.

Dated: February 5, 2001.

Marshall P. Jones, Jr.,

Acting Director, Fish and Wildlife Service.

[FR Doc. 01–4173 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0098).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*), we are notifying you that an information collection request (ICR) titled "Office of Indian Royalty Assistance Customer Satisfaction Postcard" has been forwarded to OMB for review and approval. We are also soliciting your comments on this ICR which describes the information collection, its expected costs and burden, and how the data will be collected.

DATES: Submit written comments on or before March 23, 2001.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0098), 725 17th Street, NW., Washington, DC 20503. Also, please submit copies of your comments to Dennis C. Jones, Regulations and FOIA Team, Minerals Management Service, Minerals Revenue Management, PO Box 25165, MS 320B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A–613, Denver Federal Center, Denver, Colorado 80225.

PUBLIC COMMENT PROCEDURE:

Please submit your comments to the offices listed in the "**ADDRESSES**" section, or email your comments to us at *MRM.comments@mms.gov*. Include the title of the information collection, the OMB Control Number in the "Attention" line of your comment, and your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your email, contact Mr. Jones at (303) 231–3046, FAX (303) 231–3385. We will post all comments for public review at *http://www.rmp.mms.gov*.

Also, contact Mr. Jones to review paper copies of the comments. Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we withhold their home address from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Dennis C. Jones, Regulations and FOIA Team, telephone (303) 231–3046, FAX (303) 231–3385, email *Dennis.C.Jones@mms.gov*. You may also contact Mr. Jones to obtain at no cost a copy of our submission to OMB, which includes a copy of the postcard that will be used to collect this information.

SUPPLEMENTARY INFORMATION: *Title:* Office of Indian Royalty Assistance Customer Satisfaction Postcard.

OMB Control Number: 1010–0098.

Bureau Form Number: N/A.

Abstract: The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian Lands and the Outer Continental Shelf (OCS). The Secretary of the Interior (Secretary) is responsible for managing the production of minerals from Federal and Indian Lands and the OCS; for collecting royalties from lessees who produce minerals; and for distributing the funds collected in accordance with applicable laws. The Secretary also has an Indian trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. We perform the royalty management functions and assist the Secretary in carrying out DOI's Indian trust responsibility.

MMS's Office of Indian Royalty Assistance (OIRA) often resolves questions and issues related to individual Indian royalty payments. When an individual Indian mineral owner requests assistance from an OIRA office, we include a Customer Satisfaction Postcard, consisting of four questions, when responding to the owner's request to help us determine if our service was effective and to identify how we can improve our service.

Responses to this information collection are voluntary. No proprietary, confidential, or sensitive information is collected.

Frequency: On occasion.

Estimated Number and Description of Respondents: 200 Individual Indian mineral owners.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: 7 hours.

Annual reporting/recordkeeping requirements	Frequency	No. of respondents	Burden hours	Annual burden hours
Customer Satisfaction Postcard ..	On occasion	200	2 minutes	7 hours

Estimated Annual Reporting and Recordkeeping "Non-hour Cost" Burden: N/A.

Comments: The PRA provides that an agency shall not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. Section 3506(c)(2)(A) of the PRA requires each agency * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *" Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, we published a 60-day **Federal Register** Notice on April 19, 2000 (65 FR 21007), with the required 60-day comment period soliciting comments on this information collection. No comments were received.

If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by March 23, 2001.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, telephone (202) 208–7744.

Dated: February 12, 2001.

Lucy Querques Denett,

Associate Director for Royalty Management.

[FR Doc. 01–4225 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Intent to Prepare a Draft Environmental Statement for the General Management Plan, Biscayne National Park, Florida

AGENCY: National Park Service, Interior.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (EIS) for the General Management Plan (GMP), Biscayne National Park, Florida.

SUMMARY: Notice is hereby given that in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 (Pub. L. 91–190, as amended), the National Park Service has begun preparation of a Draft EIS on the GMP for Biscayne National Park. The statement will assess potential environmental impacts associated with various types and levels of visitor use, and resources management within the park. Specific issues to be addressed include appropriate levels and types of visitor use at various park sites, protection of natural resources such as coral reefs and seagrass beds, protection of cultural resources, and concerns regarding land use surrounding the park.

DATES: To determine the scope of issues to be addressed in the Draft GMP and EIS and identify significant issues related to the project, a series of five public meetings were held between January 22 and January 30, 2001. Additional public meetings will be held at a later date and will be announced by local media.

Comments on this planning effort should be received no later than March 9, 2001. In addition, a newsletter with mailback form was distributed to provide information about this planning process and to obtain public input. The newsletter is posted on the Internet at *www.nps.gov/bisc*.

ADDRESSES: Additional comments or requests for information should be addressed to Superintendent, Biscayne National Park, 9700 SW 328th Street, Homestead, Florida 33030.

SUPPLEMENTARY INFORMATION: The draft and final environmental impact statement will be distributed to all known interested parties and appropriate agencies. Full public participation by federal, state, and local agencies as well as other concerned organizations and private citizens is invited throughout the preparation process of this document.

Biscayne National Park boundaries encompass approximately two-thirds of Biscayne Bay, protect a rare combination of terrestrial and undersea life, preserve a scenic subtropical setting and provide outstanding recreational opportunities. Proclaimed as Biscayne National Monument in 1968, the area was redesignated in 1980 as Biscayne National Park to protect both the historical and natural features. These features include the natural environment of Biscayne Bay, the subtropical marine ecosystem, populations of fish and wildlife, and submerged cultural resources. The environmental impact statement will evaluate a range of alternative methods to provide a diverse visitor experience while maximizing protection of resources and operational efficiency.

The responsible official for this environmental impact statement is Jerry Belson, Regional Director, National Park Service, Southeast Region, 100 Alabama Street, SW, 1924 Building, Atlanta, Georgia 30303.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: January 25, 2001.

W. Thomas Brown,

Regional Director, Southeast Region.

[FR Doc. 01–4309 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Preservation Technology and Training Board: Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), that the National Preservation Technology and Training Board will meet on March 27 and 28, 2001, in Murfreesboro, TN.

The board was established by Congress to provide leadership, policy advice, and professional oversight to the National Center for Preservation Technology and Training, as required under the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).

The board will meet in the Bradley Academy Historical and Cultural Center, 415 South Academy Street, Murfreesboro, TN 37130, on Tuesday, March 27, 2001. The meeting will start at 8:30 a.m. and end at approximately noon. Matters to be discussed include officer, committee, university, National Park Service, and center reports, and the status of the grants program.

On Wednesday, March 28, 2001, the meeting will start at 8:30 a.m. and end at or before noon. Matters to be discussed include a review of past accomplishments of the center and a look towards the future of the center and its partners in the preservation community.

This meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with Dr. Neville Agnew, Chair, National Preservation Technology and Training Board, Group Director, Information and Communication, The Getty Conservation Institute, 1200 Getty Center Drive, Suite 700, Los Angeles, CA 90049–1684.

Persons wishing more information concerning this meeting, or who wish to submit written statements, may do so by

contacting Mr. E. Blaine Cliver, Chief, HABS/HAER, National Park Service, 1849 C Street NW–300 NC, Washington, DC 20240, telephone (202) 343–9606. Draft summary minutes of the meeting will be available for public inspection approximately eight weeks after the meeting, at the office of the Manager, National Center for Cultural Resources, 800 North Capitol Street, Suite 350, Washington, DC 20002.

Dated: February 6, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

for

E. Blaine Cliver,

Chief, HABS/HAER,

Designated Federal Official.

[FR Doc. 01–4300 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service, Interior

Notice of Intent to Repatriate Cultural Items in the Possession of the Illinois State Museum, Springfield, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Illinois State Museum, Springfield, IL, that meet the definition of "sacred object" or "object of cultural patrimony" under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not responsible for the determinations within this notice.

The two cultural items are a painted wood altar piece and a large cooking pot.

During the 1930's, these cultural items were purchased in the Hopi area of northern Arizona by Edith DeGroat and donated or loaned temporarily to the Huntington Beach Museum, Huntington, CA. In 1966, these cultural items were transferred by the Huntington Beach Museum, at the request of Miss DeGroat, to the Macon County Museum, Decatur, IL. In 2000, the Macon County Museum placed these cultural items in the possession and control of the Illinois State Museum for NAGPRA repatriation.

Based on examination of the altar piece, documentary evidence from the Macon County Museum, and consultation evidence presented by the representatives of the Hopi Tribe of Arizona and the Katsinmomngwit (Katsina Chiefs), this altar piece is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

Based on examination of the cooking pot, documentary evidence from the Macon County Museum, and consultation evidence presented by the representatives of the Hopi Tribe of Arizona and the Katsinmomngwit (Katsina Chiefs), this cooking pot has been identified as having ongoing historical, traditional, and cultural importance central to the tribe itself, and could not have been alienated, appropriated, or conveyed by any individual. It is estimated to be between 150 and 300 years old. It is blackened from use and has several cracks.

Based on the above-mentioned information, officials of the Illinois State Museum have determined that, pursuant to 43 CFR 10.2 (d)(3), this altar piece is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Illinois State Museum also have determined that, pursuant to 43 CFR 10.2 (d)(4), this cooking pot has ongoing historical, traditional, and cultural importance central to the tribe itself, and could not have been alienated, appropriated, or conveyed by any individual. Finally, officials of the Illinois State Museum have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these items and the Hopi Tribe of Arizona.

This notice has been sent to officials of the Hopi Tribe of Arizona. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Dr. Jonathan E. Reyman, Research Associate-Anthropology, Illinois State Museum, Research and Collections Center, 1011 East Ash Street, Springfield, IL 62703–3535, telephone (217) 785–0069, before March 23, 2001. Repatriation of these objects to the Hopi Tribe of Arizona may begin after that date if no additional claimants come forward.

Dated: February 2, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–4306 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the American Museum of Natural History, New York, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by American Museum of Natural History professional staff in consultation with representatives of the Alabama-Coushatta Tribes of Texas; the Alabama-Quassarte Tribal Town, Oklahoma; the Caddo Indian Tribe of Oklahoma; the Catawba Indian Nation; the Cherokee Nation, Oklahoma; the Chickasaw Nation, Oklahoma; the Chitimacha Tribe of Louisiana; the Choctaw Nation of Oklahoma; the Coushatta Tribe of Louisiana; the Eastern Band of Cherokee Indians of North Carolina; the Kialegee Tribal Town, Oklahoma; the Miccosukee Tribe of Indians of Florida; the Mississippi Band of Choctaw Indians, Mississippi; the Muscogee (Creek) Nation, Oklahoma; the Poarch Band of Creek Indians of Alabama; the Seminole Nation of Oklahoma; the Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; the Thlopthlocco Tribal Town, Oklahoma; the Tunica-Biloxi Indian Tribe of Louisiana; the Tuscarora Nation of New York; and the United Keetoowah Band of Cherokee Indians of Oklahoma.

In an unknown year, human remains representing a minimum of one individual were collected by an unknown collector. Museum records indicate that the remains were found in the vicinity of Shreveport, possibly "Caddo Parish?" or "Bossier Parish?," LA. The American Museum of Natural History acquired these human remains as either a purchase or a gift from C.C. Jones, Jr., in 1877. The museum does not have information on how Mr. Jones, Jr., acquired these human remains. No known individual was identified. No associated funerary objects are present.

This individual has been identified as a Native American, based on geographic, biological, and consultation evidence. Geographic, archeological, and biological evidence further suggests that these human remains are likely culturally affiliated with the Caddo Indian Tribe of Oklahoma. This individual exhibits a type of artificial cranial deformation (typically frontal and fronto-occipital) that is seen in many documented pre-contact Caddoan sites and is associated with the pre-contact development of Caddoan culture around A.D. 800. It is generally accepted that Caddoan peoples introduced artifical cranial deformation to Louisiana. Representatives of the Caddo Indian Tribe of Oklahoma, in consultation with American Museum of Natural History staff, included Caddo and Bossier Parishes in their aboriginal territory.

Based on the above-mentioned information, officials of the American Museum of Natural History have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of one individual of Native American ancestry. Officials of the American Museum of Natural History also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Caddo Indian Tribe of Oklahoma.

This notice has been sent to officials of the Alabama-Coushatta Tribes of Texas; the Alabama-Quassarte Tribal Town, Oklahoma; the Caddo Indian Tribe of Oklahoma; the Catawba Indian Nation; the Cherokee Nation, Oklahoma; the Chickasaw Nation, Oklahoma; the Chitimacha Tribe of Louisiana; the Choctaw Nation of Oklahoma; the Coushatta Tribe of Louisiana; the Eastern Band of Cherokee Indians of North Carolina; the Kialegee Tribal Town, Oklahoma; the Miccosukee Tribe of Indians of Florida; the Mississippi Band of Choctaw Indians, Mississippi; the Muscogee (Creek) Nation, Oklahoma; the Poarch Band of Creek Indians of Alabama; the Seminole Nation of Oklahoma; the Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; the Thlopthlocco Tribal Town, Oklahoma; the Tunica-Biloxi Indian Tribe of Louisiana; the Tuscarora Nation of New York; and the United Keetoowah Band of Cherokee Indians of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Martha Graham, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024–5192, telephone (212) 769–5846, before March 23, 2001. Repatriation of the human remains to the Caddo Indian Tribe of Oklahoma may begin after that date if no additional claimants come forward.

Dated: January 29, 2001.

John Robbins,

Assistant Director, Cultural Resources, Stewardship, and Partnerships.

[FR Doc. 01–4301 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Hastings Museum of Natural and Cultural History, Hastings, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Hastings Museum of Natural and Cultural History, Hastings, NE.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Hastings Museum of Natural and Cultural History professional staff in consultation with representatives of the Klamath Indian Tribe of Oregon.

At an unknown date, human remains representing one individual were recovered from the Lava Beds, OR, and donated to the Hastings Museum by W. Dunn between 1926 and 1931. No known individual was identified. No associated funerary objects are present.

Museum records identify this individual as a Modoc person. Historic documentation and consultation evidence indicate that the Modoc traditionally occupied the area of southern Oregon and northern California that includes lava beds.

At an unknown date, human remains representing one individual were recovered from an unknown location in California by person(s) unknown. In 1936, the Hastings Museum purchased these remains from Vernon Lemley. No known individual was identified. No associated funerary object are present.

Museum records identify this individual as a Modoc person. Historic documentation and consultation evidence indicate that the Modoc traditionally occupied the area of southern Oregon and northern California that includes lava beds.

Based on the above-mentioned information, officials of the Hastings Museum of Natural and Cultural History have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Hastings Museum of Natural and Cultural History also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Klamath Indian Tribe of Oregon.

This notice has been sent to officials of the Klamath Indian Tribe of Oregon. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Teresa J. Kreutzer, Curator, Hastings Museum of Natural and Cultural History, P.O. Box 1286, Hastings, NE 68902, telephone (402) 461–2399, before March 23, 2001. Repatriation of the human remains to the Klamath Indian Tribe of Oregon may begin after that date if no additional claimants come forward.

Dated: January 31, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–4305 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the U.S. Department of Interior, Bureau of Land Management, New Mexico State Office, Santa Fe, NM

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of Interior, Bureau of Land Management, New Mexico State Office, Santa Fe, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the University of Colorado Museum, Eastern New Mexico University; the Maxwell Museum of Anthropology (University of New Mexico), the New Mexico State University Museum, the Museum of New Mexico, the San Juan County Museum, and Bureau of Land Management professional staff in consultation with representatives of the Hopi Tribe of Arizona; the Navajo Nation, Arizona, New Mexico, and Utah; the Pueblo of Acoma, New Mexico; the Pueblo of Jemez, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of San Ildefonso, New Mexico; the Pueblo of Zia, New Mexico; and the Zuni Tribe of the Zuni Reservation.

Between 1966 and 1967, human remains representing three individuals were recovered from site LA 8779 in New Mexico during legally authorized excavations and collections conducted by the Cottonwood Gulch Foundation. These human remains are presently curated at the Maxwell Museum of Anthropology, University of New Mexico. No known individuals were identified. The eight associated funerary object are a pottery effigy, ladle and bowls, a jet bead, and yucca cord fragments.

Based on material culture, architecture, and site organization, site LA 8779 has been identified as a Chacoan outlier occupied between C.E. 1100-1300.

In 1978, human remains representing two individuals were recovered from site LA 89418 in New Mexico during legally authorized excavations and collections by Bill Kight of the Bureau of Land Management. These human remains are presently curated at the Maxwell Museum of Anthropology, University of New Mexico. No known individuals were identified. No associated funerary objects are present.

Based on material culture and site organization, site LA 89418 has been identified as a small Anasazi pueblo occupied between C.E. 900-1300.

In 1979, human remains representing two individuals were recovered from site LA 27211 in New Mexico during legally authorized excavations and collections by the Bureau of Land Management. These human remains are currently curated at the Maxwell Museum of Anthropology, University of New Mexico. No known individuals were identified. The two associated funerary objects are a pottery bowl and pitcher.

Based on material culture and site organization, site LA 27211 has been identified as a small Anasazi pueblo occupied between C.E. 900-1300.

In 1987, human remains representing five individuals were recovered from site LA 50364 in New Mexico during legally authorized excavations and collections by Complete Archaeological Service Associates. These human remains are presently curated by the Museum of New Mexico. No known individuals were identified. No associated funerary objects were present.

Based on material culture and site organization, site LA 50364 has been identified as a small Anasazi pueblo occupied between C.E. 1050-1150.

Continuities of ethnographic materials, technology, and architecture indicate affiliation of Anasazi sites in this area of New Mexico with historic and present-day Puebloan cultures. Oral traditions presented by representatives of the Pueblo of Acoma, New Mexico; the Hopi Tribe of Arizona; and the Zuni Tribe of the Zuni Reservation support cultural affiliation with Anasazi sites in this area of New Mexico.

Based on the above mentioned information, officials of the New Mexico State Office of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 12 individuals of Native American ancestry. Officials of the New Mexico State Office of the Bureau of Land Management also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 10 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the New Mexico State Office of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Pueblo of Acoma, New Mexico; the Hopi Tribe of Arizona; and the Zuni Tribe of the Zuni Reservation.

This notice has been sent to officials of the Hopi Tribe of Arizona; the Navajo Nation, Arizona, New Mexico, and Utah; the Pueblo of Acoma, New Mexico; the Pueblo of Jemez, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of San Ildefonso, New Mexico; the Pueblo of Zia, New Mexico; and the Zuni Tribe of the Zuni Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Stephen L. Fosberg, State Archeologist and NAGPRA Coordinator, New Mexico State Office, Bureau of Land Management, 1474 Rodeo Road, Santa Fe, NM 87502–0115, telephone (505) 438–7415, before March 23, 2001. Repatriation of the human remains and associated funerary objects to the Pueblo of Acoma, New Mexico; the Hopi Tribe of Arizona; and the Zuni Tribe of the Zuni Reservation may begin after that date if no additional claimants come forward.

Dated: February 1, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–4297 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the University of Alaska Museum, Fairbanks, AK and in the Control of the U.S. Department of Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the University of Alaska Museum, Fairbanks, AK and in the control of the U.S. Department of Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Bureau of Land Management and University of Alaska Museum professional staff in consultation with representatives of McGrath Native Village.

In 1961, human remains representing one individual were recovered from a site 3/4 of a mile upriver from McGrath Native Village on lands controlled by the Bureau of Land Management following their disturbance by a bulldozer operated by person(s) unknown. These human remains were given to the University of Alaska Museum, Fairbanks, AK, by Pete Egres. No known individual was identified. No associated funerary objects are present.

Based on geographic location, this individual has been identified as Native American. Based on the estimated age of the human remains (early 20th century or before), oral tradition, and evidence of traditional use of the area, this individual has been culturally affiliated with McGrath Native Village.

Based on the above-mentioned information, officials of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Bureau of Land Management also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and McGrath Native Village. This notice has been sent to officials of McGrath Native Village. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Robert E. King, Alaska State NAGPRA Coordinator, Bureau of Land Management, 222 West 7th Avenue, #13, Anchorage, AK 99513–7599, telephone (907) 271–5510, before March 23, 2001. Repatriation of the human remains to McGrath Native Village may begin after that date if no additional claimants come forward.

Dated: February 6, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–4298 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Bureau of Land Management and University of Alaska Museum professional staff in consultation with representatives of Nulato Village.

In 1948, human remains representing two individuals were recovered near Nulato Village, AK, from the surface of two fallen-in graves during legally authorized archeological investigations conducted by Wendell Oswalt. No known individuals were identified. No associated funerary objects are present.

Based on geographic location, these individuals have been identified as Native American. Based on the estimated age of these human remains (19th-early 20th century), oral tradition, and continuity of occupation of the area of the Nulato Village, these individuals have been culturally affiliated with the Nulato Village.

Based on the above-mentioned information, officials of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Bureau of Land Management also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Nulato Village.

This notice has been sent to officials of the Nulato Village. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Robert E. King, Alaska State NAGPRA Coordinator, Bureau of Land Management, 222 West 7th Avenue, #13, Anchorage, AK 99513–7599, telephone (907) 271–5510, before March 23, 2001. Repatriation of the human remains to the Native Village of Nulato may begin after that date if no additional claimants come forward.

Dated: February 6, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–4299 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Milwaukee Public Museum, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Milwaukee Public Museum, Milwaukee, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Milwaukee Public Museum professional staff and contract specialists in physical anthropology in consultation with representatives of the Seneca Nation of New York and the Haudenosaunee Standing Committee on Burial Rules and Regulations.

At an unknown date, human remains representing one individual were removed from the Reed Site, Richmond, Ontario County, NY, by A. H. Dewey of Rochester, NY. Mr. Dewey donated the remains to the Milwaukee Public Museum in 1923. No known individual was identified. No associated funerary objects are present.

The remains were reportedly removed from a refuse pit at the Reed Site. Historical evidence identifies the Reed Site as a Seneca settlement, occupied circa A.D. 1000–1500.

Based on dental traits and site associations, these human remains are identified as Native American. Historical documentation and consultation evidence provided by representatives of the Seneca Nation of New York and the Haudenosaunee Standing Committee on Burial Rules and Regulations have identified the Reed Site as part of the Seneca's traditional territory.

Based on the above-mentioned information, officials of the Milwaukee Public Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Milwaukee Public Museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Seneca Nation of New York and the Seneca-Cayuga Tribe of Oklahoma.

This notice has been sent to officials of the Seneca Nation of New York, the Haudenosaunee Standing Committee on Burial Rules and Regulations, and the Seneca-Cayuga Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Alex Barker, Anthropology Section Head, Milwaukee Public Museum, 800 West Wells Street, Milwaukee, WI 53233, telephone (414) 278–2786, before March 23, 2001. Repatriation of the human remains to the Seneca Nation of New York and the Seneca-Cayuga Tribe of Oklahoma may begin after that date if no additional claimants come forward.

Dated: February 5, 2001.

John Robbins,

Assistant Director, Cultural Resources, Stewardship, and Partnerships.

[FR Doc. 01–4302 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Milwaukee Public Museum, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Milwaukee Public Museum, Milwaukee, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Milwaukee Public Museum professional staff and contract specialists in physical anthropology, in consultation with representatives of the Pawnee Nation of Oklahoma.

In 1927, A.M. Brooking, founder of the Hastings Museum, Hastings, NE, removed human remains representing one individual from a Skidi Pawnee village four miles east of Cushing, Howard County, NE. In 1928, the Hastings Museum donated these remains to the Milwaukee Public Museum as part of a collection exchange. No known individual was identified. No associated funerary objects are present.

Based on cranial morphology and dental characteristics, these human remains are identified as Native American. Milwaukee Public Museum records state that these remains were removed from a Pawnee village. Consultation evidence indicates that the location of the village is within the traditional territory of the Pawnee Nation of Oklahoma.

Based on the above-mentioned information, officials of the Milwaukee Public Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Milwaukee Public Museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Pawnee Nation of Oklahoma.

This notice has been sent to officials of the Pawnee Nation of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Alex Barker, Anthropology Section Head, Milwaukee Public Museum, 800 West Wells Street, Milwaukee, WI 53233, telephone (414) 278–2786, before March 23, 2001. Repatriation of the human remains to the Pawnee Nation of Oklahoma may begin after that date if no additional claimants come forward.

Dated: February 5, 2001.

John Robbins,

Assistant Director, Cultural Resources, Stewardship, and Partnerships.

[FR Doc. 01–4303 Filed 2–20–01; 8:45 am]

BILLING CODE 4310–70–F

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Civil Procedure

AGENCY: Judicial Conference of the United States, Advisory Committee on Rules of Civil Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Civil Procedure will hold a one-day meeting. The meeting will be open to public observation but not participation.

DATES: March 12, 2001.

8:30 a.m. to 5 p.m.

ADDRESSES: Thurgood Marshall Federal Judiciary Building, Judicial Conference Center, One Columbus Circle, NE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 13, 2001.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 01–4264 Filed 2–20–01; 8:45 am]

BILLING CODE 2210–55–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJP)–1303]

Meeting of the Global Justice Information Network Advisory Committee

AGENCY: Office of Justice Programs, Bureau of Justice Assistance, Justice.

ACTION: Notice of meeting.

SUMMARY: Announcement of a meeting of the Global Justice Information Network Advisory Committee to discuss the Global Initiative, as described in Initiative A07 "Access America: Re-Engineering Through Information Technology."

DATES: The meeting will take place on Thursday, March 15, 2001, from 9 a.m. to 5 p.m. ET.

ADDRESSES: The meeting will take place at the Department of Justice, Office of Justice Programs, 3rd floor Ballroom, 810 7th Street, NW., Washington, DC, 20531; Phone: (202) 616–6500. All attendees will be required to sign in at the security desk, so please allow extra time.

FOR FURTHER INFORMATION CONTACT: To register to attend the meeting, please contact Karen Sublett, Global Network Coordinator, Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street NW., Fourth Floor, Washington, DC 20531; Phone: (202) 616–3463. (This is not a toll-free number). Anyone requiring special accommodations should contact Ms. Sublett at least seven (7) days in advance of the meeting. Due to security measures in the building, members of the public who wish to attend the meeting must register with Ms. Sublett at least (7) days in advance of the meeting.

SUPPLEMENTARY INFORMATION

Authority

The Global Justice Information Network Advisory Committee was established pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended.

Purpose

The Global Justice Information Network Advisory Committee (GAC) will act as the focal point for justice information systems integration activities in order to facilitate the coordination of technical, funding, and legislative strategies in support of the Administration's justice priorities.

The GAC will guide and monitor the development of the Global concept. It will advise the Attorney General, the President (through the Attorney General), and local, state, tribal, and federal policymakers in the executive, legislative, and judicial branches and advocate for strategies for accomplishing a Global Network capability.

The Committee will meet to address the Global Initiative, as described in Initiative A07 "Access America: Re-Engineering Through Information Technology." This meeting will be open to the public, and registrations will then be accepted on a space available basis. Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the Designated Federal Employee (DFE). Further information about this meeting can be obtained from Karen Sublett, DFE, at (202) 616–3463.

Dated: February 14, 2001.

Karen Sublett,

Global Network Coordinator, Office of the Assistant Attorney General (BJA), Office of Justice Programs.

[FR Doc. 01–4189 Filed 2–20–01; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL SCIENCE FOUNDATION

Committee Management; Notice of Establishment

The Deputy Director of the National Science Foundation has determined that the establishment of the Advisory Committee for Cyberinfrastructure is necessary and in the public interest in connection with the performance of duties imposed upon the National Science Foundation (NSF), by 42 USC 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Advisory Committee for Cyberinfrastructure.

Nature/Purpose: The Advisory Committee will be strictly advisory and will prepare a report to the National Science Foundation concerning the broad topic of advanced cyberinfrastructure and the existing Partnerships for Advanced Computational Infrastructure.

Responsible NSF Official: Dr. Ruzena Bajcsy, Assistant Director, Directorate for Computer and Information Science and Engineering, National Science Foundation, 4201 Wilson Boulevard, Suite 1105, Arlington, VA 22230. Telephone: (703) 292–8900.

Dated: February 14, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4159 Filed 2–20–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical and Transport Systems (1190).

Date and Time: March 25, 2001; 1 p.m. to 6 p.m.

Place: Oakland Marriott City Center, 1001 Broadway, Oakland, CA 94607 (510) 451–4000.

Type of Meeting: Closed.

Contact Person: Dr. Farley Fisher, Program Director, Division of Chemical & Transport Systems, Room 525, (703) 292–8371.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY 2001 Research Equipment Panel of proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4166 Filed 2–20–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Computer-Communications Research (1192).
Date/Time: February 22–23, 2001; 8:30 a.m.–6 p.m.
Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.
Type of Meeting: Closed.
Contact Person: John Cozzens, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA Telephone: (703) 292–8912.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate proposals as a part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.
Reason for Late Notice: Conflicting schedules of members and the necessity to proceed with the review of the proposals.

Dated: February 14, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4164 Filed 2–20–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Computer-Communications Research (1192).
Date/Time: March 1–2, 2001; 8:30 a.m.–6 p.m.
Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.
Type of Meeting: Closed.
Contact Person: John Cozzens, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA 22230. Telephone: (703) 292–8912.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate proposals as a part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4165 Filed 2–20–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Development Mechanisms; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting.

Name: Advisory Panel for Development Mechanisms (1141).
Date and Time: April 18–19, 2001, 8:30 a.m.–6 p.m. and April 20, 2001, 8:30 a.m.–5 p.m.
Place: NSF, Room 360, 4201 Wilson Blvd., Arlington, VA.
Type of Meeting: part-open.
Contact Persons: Dr. Judith Plesset and Dr. Susan Singer, Program Directors, Developmental Mechanism, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 292–8417.
Purpose of Meeting: To provide advice and recommendations concerning proppsals submitted to NSF for financial support.
Minutes: May be obtained from the contact person listed above.
Agenda: Open Session: April 20th, 2001; 10 a.m. to 11 a.m.—discussion on research trends, opportunities and assessment procedures in Integrative Biology and Neuroscience with Dr. Mary Clutter, Assistant Director, Directorate for Biological Sciences.
Closed Session: April 18th, 2001, 8:30 a.m. to 6 p.m.; April 19th, 2001, 8:30 a.m. to 6 p.m.; April 20th. 2001, 8:30 a.m. to 10 and 11 a.m. to 5 p.m. To review and evaluate the Development Mechanisms proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4167 Filed 2–20–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel in Earth Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Proposed Review Panel in Earth Sciences (1569).
Date and Time: March 12, 2001; 8:30 a.m.–5 p.m.
Place: National Science Foundation, 4121 Wilson Blvd., Arlington, VA Room II–595.
Type of Meeting: Closed.
Contact Person: Dr. Leonard E. Johnson, Program Director, Continental Dynamics Program, Division of Earth Sciences, Room 785, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–8559.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate Continental Dynamics proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4160 Filed 2–20–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Engineering (1170).
Date & Time: March 12th, 13th, and 14th, 2001 8 a.m.–5 p.m.
Place: National Science Foundation, 4201 Wilson Blvd, Arlington, VA.
Type of Meeting: Part-Open (see Agenda below).
Contact Person: Dr. William S. Butcher, National Science Foundation, Room 585N, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–5344.
Purpose of Meeting: To carry out Committee of Visitors (COV) review for the Division of Engineering Education and Centers and GPRA assessments.

Agenda

Closed: March 12th 8 a.m.–5 p.m. Review the merit review processes covering funding decisions made during the immediately preceding three fiscal years.
Open: March 13th and 14th 8 a.m.–5 p.m. Assess the results of NSF program investments; including a discussion and review of the results focused on NSF and grantee outputs and related outcomes achieved or realized during the preceding three fiscal years.
Reason for Closing: During the closed session, the Committee will be reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they are disclosed. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: February 14, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4162 Filed 2–20–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Mathematical Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Mathematical Sciences (1204).
Date/Time: March 22–24, 2001, 7:30 a.m.–5 p.m.
Place: Room 310, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.
Type of Meeting: Closed.
Contact Persons: Drs. Sidney A. Coon, (703) 292–7382, Brent B. Gordon. (703) 292–4877, and Henry A. Warchall, (703) 292–4861, Program Directors, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate proposals concerning the Mathematical Sciences and Physics Programs, as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4161 Filed 2–20–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Mathematical Sciences; Notice of Meeting

In accordance with the federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis in Mathematical Sciences (1204).
Date and Time: March 26–28, 8:30 A.M. until 5 P.M.
Place: Room 120, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.
Type of Meeting: Closed.
Contact Person: Lloyd E. Douglas, Program Director, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone (703) 292–4862.
Purpose of Meeting: To provide advice and recommendations concerning proposal submitted to NSF for financial support.
Agenda: To review and evaluate proposals concerning the Interdisciplinary Grants in the Mathematical Science Panel as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b (c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4163 Filed 2–20–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission

DATE: Weeks of February 19, 26, March 5, 12, 19, 26, 2001.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of February 19, 2001

Tuesday, February 20, 2001

10:25 a.m.—Affirmation Session (Public Meeting) (If needed)
10:30 a.m.—Briefing on Spent Fuel Pool Accident Risk at Decommissioning Plants and Rulemaking Initiatives (Public Meeting) (Contact: George Hubbard, 301–415–2870)
This meeting will be webcast live at the Web address—*www.nrc.gov/live.html.*

Week of February 26, 2001—Tentative

Monday, February 26, 2001

2 p.m.—Meeting with the National Association of Regulatory Utility Commissioners (NARUC) (Public Meeting) (Contact: Spiros Droggitis, 301–415–2367)
This meeting will be webcast live at the Web address—*www.nrc.gov/live.html.*

Tuesday, February 27, 2001

10:25 a.m.—Affirmation Session (Public Meeting) (If needed)
10:30 a.m.—Briefing on Threat Environment Assessment (Closed–Ex. 1)

Week of March 5, 2001—Tentative

There are no meetings scheduled for the Week of March 5, 2001.

Week of March 12, 2001—Tentative

Monday, March 12, 2001

1:25 p.m.—Affirmation Session (Public Meeting) (If needed)
1:30 p.m.—Discussion of Management Issues (Closed-Ex. 2)

Week of March 19, 2001—Tentative

Thursday, March 22, 2001

10:25 a.m.—Affirmation Session (Public Meeting) (If needed)
10:30 a.m.—Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, 301–415–7360)
This meeting will be webcast live at the Web address—*www.nrc.gov/live.html.*

Week of March 26, 2001—Tentative

There are no meetings scheduled for the Week of March 26, 2001.

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

* * * * *

Additional Information:

By a vote of 5–0 on February 12, the Commission determined pursuant to

U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72–22; Certified Review of LBP–01–03" be held on February 14, and on less than one week's notice to the Public.

By a vote of 5–0 on February 14, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of Carolina Power & Light Company (Shearon Harris Nuclear Power Plant); Orange County's Petition for Review and Request for Immediate Suspension and Stay of the NRC Staff's 'No Significant Hazards Consideration' Determination and Issuance of License Amendment for Shearon Harris Spent Fuel Pool Expansion" be held on February 14, and on less than one week's notice to the public.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, D.C. 20555 (301–415–1969). In addition, distribution of this meeting notice over the Intenet system is available. if you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: February 15, 2001.

Sandra M. Joosten,

Executive Assistant, Office of the Secretary.

[FR Doc. 01–4369 Filed 2–16–01; 10:29 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from January 29, 2001, through February 9, 2001. The last biweekly notice was published on February 7, 2001.

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike, Room O–1F15, Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By March 23, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, 11555 Rockville Pike, Room O–1F15, Rockville, Maryland, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rules and Adjudications Branch, or may be delivered to the Commission's Public Document Room, 11555 Rockville Pike, Room O–1F15, Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: January 15, 2001.

Description of amendment request: The proposed amendment revises the Technical Specification (TS) Design Features Section 5.4.2(f), "Spent Fuel Storage," to remove the existing TS fuel assembly U^{235} loading criterion for fuel assemblies stored in the spent fuel storage pool.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change has no effect on the normal operating, design basis accident, or transient analyses applicable to the TMI [Three Mile Island] Unit 1 fuel storage requirements. Other existing TMI Unit 1 Technical Specification provisions ensure sub-criticality for normal and postulated accident conditions.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. Fuel assembly U^{235} loading is not an initial condition of a design basis accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier. Discussion of fuel assembly U^{235} loading in the TMI Unit 1 UFSAR [Updated Final Safety Analysis Report] ensures that changes to fuel designs that increase fuel reactivity relative to design assumptions for fuel storage are evaluated in accordance with the requirements of 10 CFR 50.59.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety. The proposed change does not affect existing TMI Unit 1 Technical Specification requirements controlling maximum fuel enrichment, allowable enrichment vs. burnup, soluble boron requirements, storage rack spacing, allowable rack locations for fuel assembly storage or sub-criticality requirements for normal and accident conditions. These existing Technical Specification requirements ensure that the current margin of safety is not reduced. The fuel assembly U^{235} loading criterion does not represent an input parameter or limiting design condition for any supporting design basis analyses applicable to the TMI Unit 1 spent fuel storage requirements.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Edward J. Cullen, Jr., Esq., PECO Energy Company, 2301 Market Street, S23–1, Philadelphia, PA 19103.

NRC Section Chief: Marsha Gamberoni.

Carolina Power & Light Company, et al., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant (BSEP), Units 1 and 2, Brunswick County, North Carolina

Date of amendment request: January 17, 2001.

Description of amendment request: The proposed amendments would relax Surveillance Requirement 3.6.1.3.7 by allowing a "representative sample" of excess flow check valves to be tested every 24 months, such that each excess flow check valve will be tested at least once every 10 years.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed license amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The current surveillance requirement frequency requires each reactor instrumentation line excess flow check valve to be tested every 24 months. The excess flow check valves at BSEP are designed to close automatically in the event of a line break downstream of the valve. The proposed change allows a reduction in the number of excess flow check valves to be tested every 24 months to approximately 20 percent of the valves each operating cycle. Industry operating experience demonstrates a high level of reliability for these excess flow check valves. A failure of an excess flow check valve to isolate cannot initiate previously evaluated accidents. Therefore, there is no increase in the probability of occurrence of an accident as a result of this proposed change. The postulated failure of an excess flow check valve to isolate is bounded by the limiting analysis in the Updated Final Safety Analysis Report (UFSAR). For a postulated break of an instrument line upstream of an excess flow check valve, leakage from the line rupture would be minimized by the line size or the flow-restricting orifice in the line. The rate and quantity of process fluid loss from an instrument line rupture is well within the capability of the reactor coolant make-up systems. The proposed change does not alter the design of the plants' instrument lines in any manner, and the integrity and functional performance of the secondary containment and Standby Gas Treatment system are not affected by this proposed change. The potential offsite radiological exposure associated with a postulated instrument line rupture upstream of an excess flow check valve is bounded by the main steam line break analysis and is substantially below the guidelines of 10 CFR 100. Therefore, the proposed license amendments do not involve a significant increase in the consequences of an accident previously evaluated.

2. The proposed license amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change allows a reduced number of excess flow check valves to be tested each operating cycle. No other change in requirements are being proposed. Industry operating experience demonstrates the high reliability of the excess flow check valves. The potential failure of an excess flow check valve to isolate is bounded by the main steam line break analysis. The proposed license amendments do not physically alter the plants and will not alter the operation of the structures, systems, and components described in the UFSAR. Therefore, a new or different kind of accident will not be created.

3. The proposed license amendments do not involve a significant reduction in a margin of safety.

Industry experience with excess flow check valves indicates that they have very low failure rates. The postulated failure of an excess flow check valve to isolate as a result of reduced testing is bounded by the limiting analysis in the UFSAR, which is the main steam line break analysis. For a postulated break of an instrument line upstream of an excess flow check valve, leakage from the line rupture would be minimized by the line size or the flow-restricting orifice in the line. The rate and quantity of process fluid loss from an instrument line rupture is well within the capability of the reactor coolant make-up systems. The proposed change does not alter the design of the plants' instrument line design in any manner, and the integrity and functional performance of the secondary containment and standby gas treatment system are not affected by this proposed change. Therefore, the proposed license amendments do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Richard P. Correia.

Commonwealth Edison Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: October 24, 2000.

Description of amendment request: The proposed amendment would revise the technical specifications to change the Westinghouse references for Best Estimate Large Break Loss of Coolant Accident (LOCA) analysis methodology. Reanalysis of large break LOCA transients, utilizing the NRC approved Westinghouse Best Estimate LOCA model WCOBRA/TRAC, was performed to demonstrate that 10 CFR 50.46 acceptance criteria are satisfied at uprated power conditions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No physical plant changes are being made as a result of using the Westinghouse Best Estimate Large Break LOCA analysis methodology. The proposed TS changes simply involve updating the references in TS 5.6.5.b, "Core Operating Limits Report (COLR)," to reference the Westinghouse Best Estimate Large Break LOCA analysis methodology (i.e., Westinghouse topical report, WCAP–12945–P–A, Volume 1, Revision 2, and Volumes 2 through 5, Revision 1, "Code Qualification Document for Best Estimate LOCA Analysis," March 1998). The plant conditions assumed in the analysis are bounded by the design conditions for all equipment in the plant; therefore, there will be no increase in the probability of a LOCA. The consequences of a LOCA are not being increased, since the analysis has shown that the Emergency Core Cooling System (ECCS) is designed such that its calculated cooling performance conforms to the criteria contained in 10 CFR 50.46, "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors." Furthermore, the re-performance of the Large Break LOCA analysis has no effect on the performance of the ECCS equipment. No other accident consequence is potentially affected by this change.

All systems will continue to be operated in accordance with current design requirements under the new analysis, therefore no new components or system interactions have been identified that could lead to an increase in the probability of any accident previously evaluated in the Updated Final Safety Analysis Report (UFSAR). No changes were required to the Reactor Protection System (RPS) or Engineered Safety Features (ESF) setpoints because of the new analysis methodology.

Based on the analysis, it is concluded that the proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind accident from any accident previously evaluated?

There are no physical changes being made to the plant as a result of using the Westinghouse Best Estimate Large Break LOCA analysis methodology. No new modes of plant operation are being introduced. The configuration, operation and accident response of the Byron Station and the Braidwood Station systems, structures or components are unchanged by utilization of the new analysis methodology. Analyses of transient events have confirmed that no transient event results in a new sequence of events that could lead to a new accident scenario. The parameters assumed in the analysis are within the design limits of existing plant equipment.

In addition, employing the Westinghouse Best Estimate Large Break LOCA analysis methodology does not create any new failure modes that could lead to a different kind of accident. The design of all systems remains unchanged and no new equipment or systems have been installed which could potentially introduce new failure modes or accident sequences. No changes have been made to any RPS or ESF actuation setpoints.

Based on this review, it is concluded that no new accident scenarios, failure mechanisms or limiting single failures are introduced as a result of the proposed changes. Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of Safety?

It has been shown that the analytic technique used in the Westinghouse Best Estimate Large Break LOCA analysis methodology realistically describes the expected behavior of the Byron Station and Braidwood Station reactor system during a postulated LOCA. Uncertainties have been accounted for as required by 10 CFR 50.46. A sufficient number of LOCAs with different break sizes, different locations, and other variations in properties have been considered to provide assurance that the most severe postulated LOCAs have been evaluated. The analysis has demonstrated that there is a high probability that all acceptance criteria contained in 10 CFR 50.46, paragraph b, continues to be satisfied. Based on this review, the proposed TS changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767

NRC Section Chief: Anthony J. Mendiola.

Commonwealth Edison Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: November 7, 2000.

Description of amendment request: The proposed amendment would revise the technical specifications to extend the TS Surveillance Test Interval (STI) from a 92-day STI to an 18-month STI, for the Solid State Protection System (SSPS) slave relay types that meet the acceptance criteria for the reliability assessments performed in accordance with the methodology described in the NRC approved Westinghouse Electric Corporation Topical Reports.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes are consistent with the NRC approved Westinghouse Electric Corporation Topical Reports, WCAP–13877, "Reliability Assessment of Westinghouse Type AR Relays Used as SSPS Slave Relays," WCAP–13878, "Reliability Assessment of Potter & Brumfield MDR Series Relays," and WCAP–13900, "Extension of Slave Relay Surveillance Testing Intervals," that analyze extending the Solid State Protection System (SSPS) slave relay surveillance test interval (STI) for the Westinghouse Type AR slave relays and for the Potter & Brumfield MDR Series slave relays. The reliability assessment of the slave relays was comprised of a failure modes and effects analysis (FMEA) and an aging assessment of the slave relays. WCAP–13877 and WCAP–13878 verified that the Westinghouse Type AR and the Potter & Brumfield MDR Series slave relays are highly reliable and that degradation of the slave relays is sufficiently slow (i.e., the time to failure due to degradation is sufficiently long) that an 18-month STI will adequately identify slave relay failures. A 92-day STI is no more likely to detect significant changes in the SSPS slave relays than an 18-month STI. The results demonstrate that extending the SSPS slave relay STI from 92 days to 18 months does not adversely affect the reliability of the SSPS slave relays utilized in Engineered Safety Features Actuation System (ESFAS) functions.

The high reliability of these slave relays precludes the need for more frequent periodic surveillance testing to verify operability.

As stated in WCAP–13877 and WCAP–13878, the overly conservative 92-day STI can be extended to an 18-month STI without impact or consequence to slave relay reliability. In addition, the proposed changes will not adversely affect the ability of the SSPS to perform its safety function. The same ESFAS instrumentation is being used and the ESFAS reliability is being maintained with the proposed changes. Because the reliability of the slave relays used in the ESFAS applications is so high, elimination of the routine surveillance testing of the slave relays when the reactor is at power will have a positive impact on ESFAS availability and plant safety. The proposed changes will not modify any system interface and will not increase the likelihood of any accident initiator because such events are independent of the proposed changes. Therefore, the probability of an accident previously evaluated is not increased.

The proposed changes will not modify, degrade, or prevent actions or alter any assumptions previously made in evaluating the radiological consequences of any accident described in the Updated Final Safety Analysis Report (UFSAR). The ESFAS instrumentation remains capable of performing its intended safety function of mitigation of consequences of accidents or transients. Therefore, the consequences of an accident previously evaluated are not increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind accident from any accident previously evaluated?

The proposed changes do not alter the performance of the ESFAS. The proposed changes only extend the STI, and no changes to the testing methodology or the way in which the slave relays are tested are being proposed. No new equipment is being installed, and no installed equipment is being operated in a new or different manner with the proposed changes. Extending the STI will maintain the reliability of the slave relays as demonstrated by the NRC approved FMEA and aging assessment, and may improve the reliability of the system by reducing potential test-induced degradation. As documented in WCAP–13877 and WCAP–13878, an STI of 92 days is no more likely to detect significant changes in the SSPS Type AR and MDR Series slave relays than a STI of 18 months.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The proposed changes do not affect the total ESFAS response assumed in the safety analysis. The periodic slave relay functional verification is relaxed because of the demonstrated high reliability of the slave relays and their insensitivity to any short-term wear or aging effects. The Westinghouse Owners Group (WOG) program to extend the STI for the slave relays, as documented in the NRC approved WCAP–13877 and WCAP–13878, has concluded that the slave relays used in the SSPS are highly reliable and that the surveillance testing at a frequency of 18

months, instead of the 92-day STI currently required, does not significantly decrease any margin of safety assumed in the safety analysis. Plant safety will be improved by limiting the amount of on-line testing that will be performed, because on-line testing of the slave relays results in the removal of a train of equipment from service or manipulation of specific safety-related equipment which is then no longer able to perform its safety function if called upon until the surveillance test is completed. The proposed changes also act to improve plant safety by reducing equipment degradation and reducing unnecessary burden on the operating personnel. There are no changes in testing methodology or performance criteria.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.929c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60609–0767.

NRC Section Chief: Anthony J. Mendiola.

Commonwealth Edison Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: November 13, 2000.

Description of amendment request: **The proposed amendment would revise the technical specifications to delete the "Power Range Neutron Flux High Negative Rate," Trip Function from Reactor Trip System Instrumentation. The proposed change allows elimination of this unnecessary function and thereby reduces the potential for a transient. The proposed changes are consistent with the Westinghouse Topical report previously accepted by the NRC.**

Basis for proposed no significant hazards consideration determination: **As required by 10 CFR 50.91(a), the licensee has provided its analysis of he issue of no significant hazards consideration, which is presented below:**

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The removal of the Power Range Neutron Flux High Negative Rate Trip (i.e., Negative Flux Rate Trip (NFRT)) Function does not increase the probability or consequences of reactor core damage accidents resulting from dropper Rod Cluster Control Assembly (RCCA) events previously analyzed. The safety functions of other safety related systems and components, which are related to mitigation of these events, have not been altered. All other primary Reactor Trip System (RTS) and Engineered Safety Features Actuation Systems (ESFAS) protection functions are not impacted by the elimination of the NFRT Function. The NFRT circuitry detects and responds to negative reactivity insertion due to RCCA misoperation events should they occur. Therefore, the NFRT Function is not assumed in the initiation of such events. Because the NFRT Function is being eliminated from the plant, it can no longer actuate and cause a transient. The consequences of accidents previously evaluated in the Updated Final Safety Analysis Report (UFSAR) are unaffected by the proposed changes because no change to any equipment response or accident mitigation scenario has resulted.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind accident from any accident previously evaluated?

The deletion of the NFRT Function does not create the possibility of a new or different kind of accident than any accident previously evaluated in the UFSAR. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes. The proposed changes do not challenge the performance or integrity of any safety related systems. It has been demonstrated that the NFRT Function can be eliminated by the NRC approved methodology described in Westinghouse Topical Report WCAP–11394–P–A, "Methodology for the Analysis of the Dropped Rod Event," dated January 1990. The Braidwood Station and the Byron Station cycle-specific analyses have confirmed that for a dropped RCCA(s) event, no direct reactor trip or automatic power reduction is required to meet the Departure From Nucleate Boiling (DNB) limits for this Condition II, "Faults of Moderate Frequency," event. The NFRT Function is not credited either as a primary or backup mitigation feature for any other UFSAR event. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The margin of safety associated with the licensing basis acceptance criteria for any postulated accident is unchanged. It has been demonstrated that the NFRT Function can be eliminated by the NRC approved methodology described in WCAP 11394–P–A. The Braidwood Station and the Byron Station cycle-specific analyses have confirmed that for a dropped RCCA(s) event, DNB limits are not exceeded with the proposed changes. Conformance to our licensing basis acceptance criteria for Design Basis Accidents (DBAs) and transients with the deletion of the NFRT Function is demonstrated, and DNB limits are not exceeded. The proposed changes will have no adverse effect on the availability, operability, or performance of the safety related systems and components assumed to actuate in the event of a DBA or transient. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767.

NRC Section Chief: Anthony J. Mendiola.

Commonwealth Edison Company, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Date of amendment request: February 29, 2000.

Description of amendment request: **The proposed amendment would reduce the number of safety valves required for overpressure protection at Dresden, Unit 2, by removing from Technical Specifications (TS) Section 3.6.E, the safety valve function of the Target Rock safety/relief valve (SRV). The proposed amendment would move the safety valve lift pressure setpoints from TS Section 3.6.E to TS Section 4.6.E, remove the Target Rock SRV setpoints from TS, and change the number of safety valves from nine to eight. The proposed amendment would also remove footnote "c" of Unit 3, TS Section 4.6.E, since this footnote was only applicable to Unit 3, Cycle 15 which has been completed.**

Basis for proposed no significant hazards consideration determination: **As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:**

Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The probability of an evaluated accident is derived from the probabilities of the individual precursors to that accident. The consequences of an evaluated accident are determined by the operability of plant systems designed to mitigate those consequences. Limits have been established, consistent with Nuclear Regulatory Commission (NRC) approved methods to ensure that fuel performance during normal, transient, and accident conditions is acceptable. The proposed change to reduce the number of required safety valves from nine (9) to eight (8) does not affect the ability of plant systems to adequately mitigate the consequences of an accident previously evaluated.

This conclusion was derived by evaluating all applicable analyses including thermal limit, American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (B&PV) pressurization events, margin to unpiped safety valve, anticipated transient analysis without scram events, Loss Of Coolant Accident (LOCA), station blackout, and 10 CFR 50, Appendix R analyses. Therefore, there is no increase in the probability or consequences of an accident previously evaluated because the analyses supports operation without crediting the Target Rock Safety Relief Valve safety mode function.

Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The requested change has been previously evaluated by evaluating all applicable analyses including thermal limit, ASME B&PV pressurization events, margin to unpiped safety valve, anticipated transient analysis without scram events, station blackout, LOCA, and 10 CFR 50, Appendix R analyses. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the analyses support operation without crediting the Target Rock safety relief valve safety function. No new failure modes will be introduced upon implementation of the proposed changes, therefore, the possibility of a new and different accident has not been created.

Does the change involve a significant reduction in a margin of safety?

Changing the required number of safety valves from nine (9) to eight (8) will not involve any reduction in margin of safety. This conclusion was derived by evaluating all existing analyses including thermal limit, ASME B&PV pressurization events, margin to unpiped safety valve, anticipated transient analysis without scram events, station blackout, LOCA, and 10 CFR 50, Appendix R analyses. The analyses previously evaluated remain valid, therefore, a significant reduction in the margin of safety does not exist.

Therefore, based upon the above evaluation, ComEd has concluded that these changes do not constitute a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767.

NRC Section Chief: Anthony J. Mendiola.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: February 14, 2000.

Description of amendment request: **The proposed amendment would revise the Technical Specifications (TSs) to correct various editorial errors and make other administrative changes. Specifically, the proposed amendment would make administrative changes that revise: (a) Tables 3.6–1 and 4.4–1 to correct listing and editorial errors, (b) TS 3.8.B.10 to reflect the wording in 10 CFR 50.54(m)(2)(iv), (c) Figures 3.10–2 through 3.10–6 to remove these figures, (d) Table 4.1–1 to reflect change in level indication components, (e) TS 4.19.B and 6.14.1.1 to correct editorial errors, (f) TS 6.12.1 to reference the current sections of 10 CFR Part 20, (g) TS 6.12.1 to reflect an organizational title change, and (h) TS 6.13.2 to correct a typographical error.**

Basis for proposed no significant hazards consideration determination: **As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:**

(a) Changes To Tables 3.6–1 And 4.4–1 To Correct Listing And Editorial Errors

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed changes are administrative in nature. The changes involve correcting errors in Table 3.6–1 and additions to Tables 3.6–1 and 4.4–1 to reflect UFSAR [Updated Final Safety Analysis Report] Table 5.2–1 and the IST [inservice testing] Program. These changes do not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed changes would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed changes are administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed changes. Therefore, the proposed changes would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed changes are administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

(b) Change To Section 3.8.B.10 To Reflect The Wording In 10 CFR 50.54(m)(2)(iv)

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed change is administrative in nature. The change involves updating Section 3.8.B.10 to reflect 10 CFR 50.54(m)(2)(iv). This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed change is administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

(c) Deletion Of Figures 3.10–2 Through 3.10–6

(1) Does the proposed license amendment involve a significant increase in the

probability or in the consequences of an accident previously evaluated?

No. The proposed change is administrative in nature. The change involves the deletion of Figures 3.10–2, 3.10–3, 3.10–4, 3.10–5 and 3.10–6. This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed change is administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

(d) Change To Table 4.1–1 To Reflect Change In Level Indication Components

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. This change does not affect possible initiating events for accidents previously evaluated or operation of the facility. While the configuration of the facility has changed with installation of the new level sensors, the safety-related function of theses sensors remains unchanged (i.e., at a predetermined level of approximately 35% of instrument span, a low level alarm will annunciate in the CCR [control room]). The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The safety analysis of the facility remains complete and accurate. The plant conditions for which the design basis accidents have been evaluated are still valid. While the configuration of the facility has changed with installation of the new level sensors, the safety-related function of theses [sic] sensors remains unchanged (i.e., at a predetermined level of approximately 35% of instrument span, a low level alarm will annunciate in the CCR). Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. While the configuration of the facility has changed with installation of the new level sensors, the safety-related function of theses sensors remains unchanged (i.e., at a predetermined level of approximately 35% of instrument span, a low level alarm will annunciate in the CCR). Also, there are no changes to the operation of the facility. Thus the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

(e) Change To Sections 4.19.B And 6.14.1.1 To Correct Editorial Errors

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed changes are administrative in nature. The change in Sections 4.19.B and 6.14.1.1 involve amending "the Semiannual Radioactive Effluent Release Report" to "the Annual Radioactive Effluent Release Report." These changes do not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed changes would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed changes are administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed changes are administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

(f) Change To Section 6.12.1 To Reference The Current Sections Of 10 CFR [Part] 20

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed change is administrative in nature. The change involves updating Section 6.12.1 to reference 10 CFR 20.1601(a) and 10 CFR 20.1601(b). This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed change is administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

(g) Change To Section 6.12.1 To Reflect An Organizational Title Change

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed change is administrative in nature. The change involves updating Section 6.12.1 to use the title "Shift Manager" instead of "Senior Watch Supervisor." This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed change is administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

(h) Change To Section 6.13.2 To Correct A Typographical Error

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed change is administrative in nature. The change involves updating Section 6.13.2 from "DOR [Division of Operating Reactors] Guidelines of NUREG–0588" to "DOR Guidelines or NUREG–0588." This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed change is administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Section Chief: Marsha Gamberoni.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: December 11, 2000.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) to provide editorial revisions, clarifications, and corrections. Specifically, the proposed amendment would: (1) Provide updated information and corrections to the TS cover page, table of contents, and list of figures, (2) revise TS 4.5.E, "Control Room Air Filtration System," to remove an incorrect system test description and provide consistent test values for system flow rate and filter efficiency, (3) revise TS 6.2.1.a, "Facility Management and Technical Support," to reference the Quality Assurance Program Description as the location of the documentation rather than the Updated Final Safety Analysis Report, (4) revise TS 6.9.1.7, "Monthly Operating Report," to change the recipient of the Monthly Operating Report, and (5) correct the periodicity of the Radioactive Effluent Release Report from annual to semiannual in TS 6.15, "Offsite Dose Calculation Manual" and TS 6.16, "Major Changes to Radioactive Liquid, Gaseous and Solid Waste Systems." In addition, the proposed change revises TS Figure 5.1–1B concerning the indicated vent location associated with Indian Point Unit 3 (IP3). The labels for the plant vent and the machine shop are reversed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed license amendment involve a significant increase in the probability or [* * *] consequences of an accident previously evaluated?

The proposed changes consist of editorial changes, administrative changes, clarifications, and corrections to existing TSs. These changes do not involve a change to the design or operation of any plant system nor are any of the safety analyses affected as a result of these changes. Accordingly, the initiators of any accident as well as any system relied upon for the mitigation of an accident are not affected by the proposed changes. Therefore, there is no increase in the probability or in the consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not involve a change to the design or operation of any plant system. These changes include editorial changes, administrative changes, clarifications, and corrections of existing TSs and, therefore, do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

The proposed changes consist of editorial changes, administrative changes, and clarifications to existing TSs and do not involve changes to any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Section Chief: Marsha Gamberoni.

Entergy Operations Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: January 8, 2001.

Description of amendment request: The proposed change revises the lower limit of the allowable containment internal pressure in Technical Specification (TS) 3.6.1.4, "Containment Systems—Internal Pressure," from 14.375 pounds per square inch, absolute (psia) to 14.275 psia.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will the operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: The proposed change revises the lower limit of the allowable containment internal pressure in TS 3.6.1.4 from 14.375 to 14.275 psia. This change will allow

additional operating margin for the containment atmosphere purge (CAP) system during conditions of low atmospheric pressure. The containment minimum pressure parameter is not an accident initiator and does not affect the probability of any initiating event scenario. Although the TSs will allow a lower initial containment internal pressure, the current analyses for the associated design events are not affected since the lower pressure has already been conservatively included. The proposed change in initial containment internal pressure is bounded in the current design. Therefore, this proposed change does not involve an increase in the probability or consequences of an accident previously evaluated.

2. Will the operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: The proposed change affects the TS allowed lower limit on containment internal pressure and consequently the atmospheric range in which the CAP system can be operated. The change in the lower limit on containment internal pressure is encompassed by current design analyses and does not result in a change of analyzed conditions or analyzed operating ranges.

Based on the proposed TS change, CAP system operation will be allowed at a lower atmospheric pressure. This change does not change the function of the system or its method of operation. Although the initial atmospheric pressure at which the CAP system can be initiated is being lowered, this is within the current design of the CAP system and does not change the differential pressures at which it will be operated.

Therefore, the proposed change[d] does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will the operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: The proposed change makes use of the initial containment pressure assumption values used in the current analyses to provide additional operating margin for the CAP system. The margin of safety that was inherent in the results of these safety analyses has been preserved. The associated analyses ensure the negative pressure differential associated with an inadvertent actuation of the containment spray system is acceptable, and ensure that the emergency core cooling system can satisfy its design safety function under worst case conditions. The calculated maximum differential pressure is 0.49 psid [pounds per square inch differential] which is within the design limit of 0.65 psid. The peak clad temperature for the worst case large break loss of coolant accident is 2177°F which is within the acceptance criteria given in 10CFR50.46. Since the proposed change does not affect the initial containment pressure utilized in these analyses, the results of the analyses are unchanged. Therefore, there is no affect on any margin of safety associated with this parameter.

Based on the above No Significant Hazards Consideration Determination, it is concluded that: (1) The proposed change does not constitute a significant hazards consideration as defined by 10CFR50.92; (2) there is a reasonable assurance that the health and safety of the public will not be endangered by the proposed change; and (3) this action will not result in a condition which significantly alters the impact of the station on the environment as described in the NRC final environmental statement.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: N. S. Reynolds, Esquire, Winston & Strawn 1400 L Street NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Exelon Generation Company, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Date of amendment request: September 1, 2000.

Description of amendment request: The proposed amendments would revise the technical specifications to add a new requirement for the Main Steam Line Radiation Monitor mechanical vacuum pump trip function.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Does the change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

The addition of the MSLRM [Main Steam Line Radiation Monitor] automatic trip signal to the MVP [mechanical vacuum pump] has no adverse effect on safety. The addition of Surveillance Requirements (SRs) and the Limiting Condition for Operation (LCO) to our TS enhances current safety features of the plant by establishing controls for a required, and currently functional, safety feature. The automatic trip function of the MVP does not serve as an initiator for any accidents evaluated in Chapter 15, "Accident and Transient Analysis," of the Updated Final Safety Analysis Report. Therefore, this change will not result in an increase of either the probability or consequences of an accident.

Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

These proposed changes involve the addition of the MVP trip input from the Main Steam Line Tunnel High Radiation signal. The addition of this function does not represent a change in operating parameters or equipment configuration for DNPS [Dresden Nuclear Power Station], Units 2 and 3. Operation of DNPS, Units 2 and 3, under the proposed changes does not create the possibility of a new or different type of accident previously evaluated.

Does the change involve a significant reduction in a margin of safety?

These proposed changes create a TS LCO and identify SRs for the MVP trip input from the MSLRM signal. Operation under the proposed change will not change any plant operation parameters, nor any protective system setpoints. The calculations of off site dose demonstrate that with the MVP trip instrumentation operating properly, the doses that result from a CRDA [control rod drop accident] with the MVP operating are well within 10 CFR Part 100, "Reactor Site Criteria," limits. [Therefore, the proposed change does not involve a significant reduction in the margin of safety.]

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767.

NRC Section Chief: Anthony J. Mendiola.

Exelon Generating Company, LLC (Exelon), Docket No. 50–353, Limerick Generating Station, Unit 2, Montgomery County, Pennsylvania

Date of amendment request: November 20, 2000.

Description of amendment request: PECO Energy Company (PECO) proposed changes to the Technical Specifications (TSs) that would revise the heatup, cooldown, and inservice test Pressure-Temperature (P–T) limitations (TS Figure 3.4.6.1–1) of the Limerick Generating Station (LGS), Unit 2, Reactor Pressure Vessel (RPV) to a maximum of 32 Effective Full Power Years (EFPY). In addition, the licensee proposed text changes to both Limiting Condition for Operation 3.4.6.1 and Surveillance Requirement 4.4.6.1.1 to delete the reference to the A' curve on TS Figure 3.4.6.1–1 since this curve will not be included in the proposed Figure 3.4.6.1–1. The licensee also proposed adding an intermediate hydrotest curve (Curve A_{22}) to TS Figure 3.4.6.1–1, which is valid to 22 EFPY. By letter dated January 30, 2001, Exelon stated that it has assumed responsibility, as of the date of the transfer, for the active items on the Limerick Units 1 and 2 dockets previously submitted by PECO, including the subject amendment request.

Moreover, Exelon is revising its TS Bases Section B 3/4.4.6 to update several RPV material chemistry parameters. The licensee identified the need for these revisions during a Certified Material Test Report data search performed by General Electric Company during development of the proposed P–T curves.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below:

1. The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

There are no physical changes to the plant being introduced by the proposed changes to the P–T curves. The proposed changes do not modify the reactor coolant pressure boundary, i.e., there are no changes in operating pressure, materials or seismic loading. The proposed changes do not adversely affect the integrity of the reactor coolant pressure boundary such that its function in the control of radiological consequences is affected. The proposed P–T curves were generated in accordance with the fracture toughness requirements of 10 CFR 50, Appendix G, and American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (B&PV) Code, Section XI, Appendix G, in conjunction with ASME Code Case N–640. The proposed P–T curves were established in compliance with the methodology used to calculate the predicted irradiation effects on vessel beltline materials. Usage of these procedures provides compliance with the intent of 10 CFR 50, Appendix G, and provides margins of safety that ensure that failure of the reactor vessel will not occur. The proposed P–T curves prohibit operational conditions in which brittle fracture of reactor vessel materials is possible. Consequently, the primary coolant pressure boundary integrity will be maintained. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to the P–T curves were generated in accordance with the fracture toughness requirements of 10 CFR 50, Appendix G, and ASME B&PV Code, Section XI, Appendix G, in conjunction with ASME Code Case N–640. Compliance with the proposed P–T curves will ensure that conditions in which brittle fracture of primary coolant pressure boundary materials are possible will be avoided. No new modes of operation are introduced by the proposed changes. The proposed changes will not create any new failure mode from previously evaluated accidents. Further, the proposed changes to the P–T curves do not affect any activities or equipment, and are not assumed in any safety analysis to initiate nor mitigate any accident sequence. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

The proposed changes reflect an update of the P–T curves to extend the reactor pressure vessel operating limit to 32 Effective Full Power Years (EFPY). The revised curves are based on the latest ASME guidance. The revised P–T limits, which provide more operational flexibility than the current limits, were established in accordance with current regulations and the latest ASME Code information. No plant safety limits, set points, or design parameters are adversely affected by the proposed TS changes. These proposed changes maintain the relative margin of safety commensurate with that which existed at the time that the ASME B&PV Code, Section XI, Appendix G, was approved in 1974.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J.W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Exelon Generating Company, 2301 Market Street, Philadelphia, PA 19101

NRC Section Chief: James W. Clifford.

Exelon Generation Company, LLC (Exelon), Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: January 18, 2001.

Description of amendment request: Exelon requested a Technical Specification (TS) change which will revise Surveillance Requirement (SR) 4.9.2.d.1 to clarify that "shorting links" do not need to be removed, if adequate shutdown margin has been demonstrated, when moving a control rod during Operational Condition 5.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. The proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This TS Change Request revises SR 4.9.2.d.1 to clarify that "shorting links" do not need to be removed if adequate shutdown margin has been demonstrated when a control rod is withdrawn during Operational Condition 5. This revision ensures that the words and intent of the SR 4.9.2.d.1 match the words and intent of Limiting Condition for Operation (LCO) 3.9.2.d, and will improve the readability of the SR for plant operators. This change to SR 4.9.2.d.1 will clarify that "shorting links" can remain installed if adequate shutdown margin has been demonstrated any time a control rod is withdrawn in Operational Condition 5. This revision does not impact any accident or transient events. There are no new initiators created by this revision. Additionally, this revision will not impact any existing analyses or requirements contained in the Updated Final Safety Analysis Report. No changes in the operation of the plant during power operation or refueling will occur as a result of this revision. Therefore, the proposed TS revision does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS revision does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed TS revision will not impact any physical changes to plant structures, systems, or components. The design, function, and reliability of the Reactor Protection System will not be impacted by this revision. This revision does not adversely impact any equipment which is required for the prevention or mitigation of accidents or transients. This revision ensures that the words and intent of the SR 4.9.2.d.1 match the words and intent of LCO 3.9.2.d, and will improve the readability of the SR for plant operators. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS change does not involve a significant reduction in a margin of safety.

This proposed revision to SR 4.9.2.d.1 does not affect any safety limits or analytical limits. There are also no changes to accident or transient core thermal hydraulic conditions, minimum combustible concentration limits, or fuel or reactor coolant boundary design limits, as a result of this proposed change. This revision ensures that the words and intent of the SR 4.9.2.d.1 match the words and intent of LCO 3.9.2.d. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General

Counsel, Exelon Generating Company, 2301 Market Street, Philadelphia, PA 19101.

NRC Section Chief: James W. Clifford.

Exelon Generation Company, LLC (Exelon), Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: January 18, 2001.

Description of amendment request: Exelon requested a Technical Specification (TS) change which will revise the Units 1 and 2 TS Table 1.2, "Operational Conditions," to allow placing the reactor mode switch to the REFUEL position during Operational Conditions 3 and 4 to accommodate post maintenance and surveillance testing on control rod drives.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. The proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revision allows a single control rod to be withdrawn under control of the reactor mode switch REFUEL position and the one-rod-out interlock in Operational Conditions 3 and 4. This change does not affect any existing accident initiators. There is no change to the coupling integrity of the control rod during this accident. Although this change would allow an increase in the frequency of single control rod withdrawals in Operational Conditions 3 and 4, the probability of the previously analyzed accidents is not affected.

The onsite and offsite radiological consequences of previously analyzed accidents in Operational Conditions 3 and 4 are not affected by this proposed change. This change does not affect any existing accident mitigators. The shutdown margin combined with the refueling interlocks prevent a rod withdrawal error while in refueling thereby preventing inadvertent criticality. There is no impact on the ability of the Reactor Protection System (RPS) circuitry to mitigate a Control Rod Drop Accident as described in the Safety Analysis Report, nor is there an increase in the number of fuel failures from this accident. As a result, the probability and consequences of previously analyzed accidents are not significantly increased.

2. The proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

There are no new accident initiators created by the proposed revision to Table 1.2. Single control rods can be withdrawn in Operational Conditions 3 and 4 under the existing Technical Specifications to permit control rod recoupling. The proposed revision would expand this provision to other control rod maintenance and testing activities performed in Operational Conditions 3 and 4. The withdrawal of individual control rods in Operational Conditions 3 and 4 is a mode of operation permitted under limited circumstances by the existing TSs. The additional control rod maintenance and testing activities which could be performed in Operational Conditions 3 and 4, are already permitted by the existing TSs in Operational Conditions 1, 2, 4, and 5.

Based on the above, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed TS change does not involve a significant reduction in a margin of safety.

The TSs currently permit single control rod withdrawal for the purpose of control rod recoupling when in Operational Conditions 3 or 4 if the one-rod-out interlock is Operable. This change allows additional activities for which a single control rod may be withdrawn when in Operational Conditions 3 or 4, with the same restriction that the one-rod-out interlock be Operable.

The operability requirements for the one-rod-out interlock and the shutdown margin requirements of TS 3.1.1 ensure the reactor will be maintained subcritical during single control rod withdrawals. Therefore, this change will not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Exelon Generation Company, 2301 Market Street, Philadelphia, PA 19101.

NRC Section Chief: James W. Clifford.

Exelon Generating Company, LLC (Exelon), Docket No. 50–353, Limerick Generating Station, Unit 2, Montgomery County, Pennsylvania.

Date of amendment request: February 1, 2001.

Description of amendment request: Exelon proposed changes that would revise Technical Specification (TS) 2.1 to incorporate revised Safety Limit Minimum Critical Power Ratios due to the cycle-specific analysis performed by Global Nuclear Fuel for Limerick Generating Station, Unit 2, Cycle 7, which will include the use of the GE–14 fuel product line.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The derivation of the cycle specific Safety Limit Minimum Critical Power Ratios (SLMCPRs) for incorporation into the Technical Specifications (TS), and its use to determine cycle specific thermal limits, has been performed using the methodology discussed in "General Electric Standard Application for Reactor Fuel," NEDE–24011–P–A–14 (GESTAR–II), and U.S. Supplement, NEDE–24011–P–A–14–US, June, 2000, which incorporates Amendment 25. Amendment 25 was approved by the NRC [Nuclear Regulatory Commission] in a March 11, 1999 safety evaluation report.

The basis of the SLMCPR calculation is to ensure that greater than 99.9% of all fuel rods in the core avoid transition boiling if the limit is not violated. The new SLMCPRs preserve the existing margin to transition boiling. The GE–14 fuel is in compliance with Amendment 22 to "General Electric Standard Application for Reactor Fuel," NEDE–24011–P–A–14 (GESTAR–II), and U.S. Supplement, NEDE–24011–P–A–14–US, June, 2000, which provides the fuel licensing acceptance criteria. The probability of fuel damage will not be increased as a result of this change. Therefore, the proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The SLMCPR is a TS numerical value, calculated to ensure that transition boiling does not occur in 99.9% of all fuel rods in the core if the limit is not violated. The new SLMCPRs are calculated using NRC approved methodology discussed in "General Electric Standard Application for Reactor Fuel," NEDE–24011–P–A–14 (GESTAR–II), and U.S. Supplement, NEDE–24011–P–A–14–US, June, 2000, which incorporates Amendment 25. Additionally, the GE–14 fuel is in compliance with Amendment 22 to "General Electric Standard Application for Reactor Fuel," NEDE–24011–P–A–14 (GESTAR–II), and U.S. Supplement, NEDE–24011–P–A–14–US, June 2000, which provides the fuel licensing acceptance criteria. The SLMCPR is not an accident initiator, and its revision will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS change does not involve a significant reduction in a margin of safety.

There is no significant reduction in the margin of safety previously approved by the NRC as a result of the proposed change to the SLMCPRs, which includes the use of GE–14 fuel. The new SLMCPRs are calculated using

methodology discussed in "General Electric Standard Application for Reactor Fuel," NEDE–24011–P–A–14 (GESTAR–II), and U.S. Supplement, NEDE–24011–P–A–14–US, June, 2000, which incorporates Amendment 25. The SLMCPRs ensure that greater than 99.9% of all fuel rods in the core will avoid transition boiling if the limit is not violated when all uncertainties are considered, thereby preserving the fuel cladding integrity. Therefore, the proposed TS change will not involve a significant reduction in the margin of safety previously approved by the NRC.

Based on the staff's review of the licensee's evaluation, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Exelon Generating Company, 2301 Market Street, Philadelphia, PA 19101.

NRC Section Chief: James W. Clifford.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: January 13, 2000.

Description of amendment request: The proposed amendment would change the Kewaunee Nuclear Power Plant Technical Specification 3.6, "Containment." The proposed amendment would add limiting condition for operation and allowed outage times for containment penetrations and associated isolation devices to provide clear guidance. Also, the proposed amendment would provide additional information, clarification, and uniformity to the basis of the associated technical specification.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

This Technical Specification [TS] change provides definition for the [Allowable Outage Time] AOT for a containment isolation valve and containment air lock. The original design and design basis of the plant is still maintained and the probability and consequences of previously evaluated accidents is unchanged. In our current Technical Specifications the allowed outage time for a safeguards 480-volt bus is 24 hours. The basis for this outage time states:

"The intent of this TS is to provide assurance that at least one external source and one standby source of electrical power is always available to accomplish safe shutdown and containment isolation and to operate required engineered safety features equipment following an accident."

With one 480-volt safeguards bus out of service an associated motor operated containment isolation valve is also out of service. Since the 24-hour AOT is part of Kewaunee's original design basis, allowing the containment isolation valves to be out of service for 24 hours does not increase the probability or consequences of an accident previously evaluated.

A risk assessment of the probability of a -loss-of-coolant-accident with a train of containment isolation failing during a 4-hour verse a 24-hour time span was conducted. The probability of [loss-of-coolant accident] LOCA coincident with the failure of containment isolation occurring during a 4-hour period versus a 24-hour period is shown on Figure 1[in licensee's submittal]. This change in probability is considered insignificant.

The proposed TS changes do not involve any physical or operational changes to structures, systems or components. The current safety analysis and design basis for the accident mitigation functions of the containment, the airlocks, and the containment isolation valves are maintained. On-site and off-site dose consequences remain unaffected.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The function of the containment vessel is to contain the radiologically hazardous material following a LOCA. By maintaining at least one containment isolation barrier intact the vessel can perform its function. This amendment still ensures that at least one barrier is intact or the leakage is evaluated not to exceed that which is already evaluated and allowed by current technical specification.

The accidents considered are found in the Safety Analysis, Section 14 of the [Updated Safety Analysis Report] USAR. The proposed change does not involve a change to the plant design (structures, systems or components) or operation. No new failure mechanisms beyond those already considered in the current plant Safety Analysis are introduced. No new accident is introduced and no safety-related equipment or safety functions are altered. The proposed change does not affect any of the parameters or conditions that contribute to initiation of any accidents.

3. Involve a significant reduction in a margin of safety.

With one containment barrier intact during plant operation the isolation of containment is still ensured. The plant's original design basis addressed the inability of one of the two containment isolation valves to operate for a 24-hour period. As this AOT has been previously considered, there therefore is no reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bradley D. Jackson, Esq., Foley and Lardner, P.O. Box 1497, Madison, WI 53701–1497.

NRC Section Chief: Claudia M. Craig.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: January 18, 2001.

Description of amendment request: The proposed amendment would change the Kewaunee Nuclear Power Plant Technical Specification 3.10.m for reactor coolant minimum flow from the current value of 85,500 gallons per minute (gpm) to 93,000 gpm due to the replacement of steam generators scheduled for the fall 2001.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The change in Reactor Coolant Minimum Flow value for TS 3.10.m proposed in this amendment request is needed to reflect operating characteristics of the new [Replacement Steam Generators] RSGs. Accident analyses affected by the RSGs have each been evaluated to establish that there is no significant change in the documented results (Attachment 3). These evaluations have shown that the proposed value for Reactor Coolant Minimum Flow is bounded by the Thermal Design Flow value used in the analyses and provides greater margin to safety analysis acceptance criteria (e.g., [Departure from Nucleate Boiling] DNB). All safety analysis acceptance criteria are satisfied. Since Reactor Coolant flow values for the RSG conform to the design bases and are bounded by the existing safety analyses, changing the technical specification within limits of the bounding accident analyses will not cause an increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change is fully consistent with current plant design bases and does not adversely affect any fission product barrier, nor does it alter the safety function of safety related systems, structures, and components depended upon for accident prevention or mitigation. Thus, it does not create the possibility of a new or different kind of accident.

(3) Involve a significant reduction in the margin of safety.

The proposed change does not alter the manner in which Safety Limits, Limiting

Safety System Setpoints, or Limiting Conditions for Operation are determined. It returns TS 3.10.m for Reactor Coolant Minimum Flow to a value slightly higher, thus more conservative, than the value specified for the [Original Steam Generators] OSG when new. It conforms to plant design bases, is consistent with current safety analyses, and limits actual plant operation. Analysis of the effect of the proposed Reactor Coolant Minimum Flow limitation on [Loss-of-Coolant-Accident] LOCA and non-LOCA transients determined that all safety analysis acceptance criteria are satisfied at a [Thermal Design Flow] TDF that bounds the revised Reactor Coolant Minimum Flow and all [Kewaunee Nuclear Power Plant] KNPP safety requirements continue to be met. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bradley D. Jackson, Esq., Foley and Lardner, P.O. Box 1497, Madison, WI 53701–1497.

NRC Section Chief: Claudia M. Craig.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: February 5, 2001.

Description of amendment request: **The proposed amendment would change the Kewaunee Nuclear Power Plant Technical Specification 3.1.d.2 to reduce the maximum allowable leakage of primary system reactor coolant to the secondary system from 500 gallons per day (gpd) through any one steam generator to 150 gpd through any one steam generator. In addition, the proposed amendment would remove reference to voltage based repair criteria.**

Basis for proposed no significant hazards consideration determination: **As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:**

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The change in Leakage of Reactor Coolant value proposed by this request for [Technical Specification] TS 3.1.d.2 complies with [Nuclear Energy Institute] NEI 97–06, "Steam Generator Program Guidelines." [Nuclear Management Company, LLC] NMC evaluated accident analyses affected by [steam generator] SG tube leakage and determined that this change continues to be bounded by the existing licensing and design basis. Design basis accidents and transients, including steam generator tube rupture (SGTR), were analyzed using Westinghouse Model 54F steam generator assumptions as part of steam generator replacement. These evaluations show that the proposed 150 gpd [gallons per day] value for Leakage of Reactor Coolant is bounded by the larger value used in applicable existing design basis accident and transient analyses. The 150 gpd leak rate provides increased margin to acceptance criteria found in these analyses. All acceptance criteria are satisfied and SG primary to secondary leakage values for the [replacement steam generator] RSG conform to the existing design bases and are bounded by the existing safety analyses. Changing the technical specification within limits of the bounding accident analyses cannot change the probability or consequence of an accident previously evaluated. Removal of an allowance for voltage-based alternate repair criteria defaults to a more conservative repair criteria. Thus, nothing in this proposal will cause an increase in the probability or consequence of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The 150 gpd value proposed for maximum allowable Leakage of Reactor Coolant is consistent with current plant design bases and does not adversely affect any fission product barrier, nor does it alter the safety function of safety significant systems, structures and components or their roles in accident prevention or mitigation. The proposed value for maximum allowable leakage through any one steam generator is bounded by currently licensed design basis accident and transient analyses of record. Removal of a reference in the TS to voltage-based repair criteria leaves in its place a more conservative, more restrictive criteria for repair or plugging of steam generator tubes. Thus, this proposal does not create the possibility of a new or different kind of accident.

(3) Involve a significant reduction in the margin of safety.

The proposed change does not alter the manner in which Safety Limits, Limiting Safety System Setpoints, or Limiting Conditions for Operation are determined. It sets TS 3.1.d.2 for Leakage of Reactor Coolant to a lower, thus more conservative, value than that previously specified and approved for use by the NRC [Nuclear Regulatory Commission]. It conforms to plant design bases, is consistent with current safety analyses, and limits actual plant operation within analyzed and licensed boundaries. Analyses of applicable transients were performed using a primary to secondary leakage rate greater than the rate proposed by this request. All safety analysis acceptance criteria are satisfied at this value and all [Kewaunee Nuclear Power Plant] KNPP safety requirements continue to be met. The 150 gpd leak rate proposed by this amendment request is bounded by these analyses. Removal of reference to use of voltage-based repair criteria from TS 3.1.d.2 and its basis leaves an existing and more conservative repair criteria in place. Thus, changes proposed by this request do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bradley D. Jackson, Esq., Foley and Lardner, P.O. Box 1497, Madison, WI 53701–1497.

NRC Section Chief: Claudia M. Craig.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: January 11, 2001.

Description of amendment requests: **The proposed amendment deletes requirements from the Technical Specifications (and, as applicable, other elements of the licensing bases) to maintain a Post Accident Sampling System (PASS). Licensees were generally required to implement PASS upgrades as described in NUREG–0737, "Clarification of TMI [Three Mile Island] Action Plan Requirements," and Regulatory Guide 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident." Implementation of these upgrades was an outcome of the lessons learned from the accident that occurred at TMI, Unit 2. Requirements related to PASS were imposed by Order for many facilities and were added to or included in the technical specifications (TS) for nuclear power reactors currently licensed to operate. Lessons learned and improvements implemented over the last 20 years have shown that the information obtained from PASS can be readily obtained through other means or is of little use in the assessment and mitigation of accident conditions.**

The NRC staff issued a notice of opportunity for comment in the Federal Register on August 11, 2000 (65 FR 49271) on possible amendments to eliminate PASS, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the Federal Register on October 31, 2000 (65 FR 65018). The licensee affirmed the applicability of the following NSHC determination in its application dated January 11, 2001.

Basis for proposed no significant hazards consideration determination: **As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:**

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The PASS was originally designed to perform many sampling and analysis functions. These functions were designed and intended to be used in post accident situations and were put into place as a result of the TMI–2 accident. The specific intent of the PASS was to provide a system that has the capability to obtain and analyze samples of plant fluids containing potentially high levels of radioactivity, without exceeding plant personnel radiation exposure limits. Analytical results of these samples would be used largely for verification purposes in aiding the plant staff in assessing the extent of core damage and subsequent offsite radiological dose projections. The system was not intended to and does not serve a function for preventing accidents and its elimination would not affect the probability of accidents previously evaluated.

In the 20 years since the TMI–2 accident and the consequential promulgation of post accident sampling requirements, operating experience has demonstrated that a PASS provides little actual benefit to post accident mitigation. Past experience has indicated that there exists in-plant instrumentation and methodologies available in lieu of a PASS for collecting and assimilating information needed to assess core damage following an accident. Furthermore, the implementation of Severe Accident Management Guidance (SAMG) emphasizes accident management strategies based on in-plant instruments. These strategies provide guidance to the plant staff for mitigation and recovery from a severe accident. Based on current severe accident management strategies and guidelines, it is determined that the PASS provides little benefit to the plant staff in coping with an accident.

The regulatory requirements for the PASS can be eliminated without degrading the plant emergency response. The emergency response, in this sense, refers to the methodologies used in ascertaining the condition of the reactor core, mitigating the consequences of an accident, assessing and projecting offsite releases of radioactivity, and establishing protective action recommendations to be communicated to offsite authorities. The elimination of the PASS will not prevent an accident management strategy that meets the initial intent of the post-TMI–2 accident guidance through the use of the SAMGs, the emergency plan (EP), the emergency operating procedures (EOP), and site survey monitoring that support modification of emergency plan protective action recommendations (PARs).

Therefore, the elimination of PASS requirements from Technical Specifications (TS) (and other elements of the licensing bases) does not involve a significant increase in the consequences of any accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The elimination of PASS related requirements will not result in any failure mode not previously analyzed. The PASS was intended to allow for verification of the extent of reactor core damage and also to provide an input to offsite dose projection calculations. The PASS is not considered an accident precursor, nor does its existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The elimination of the PASS, in light of existing plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, results in a neutral impact to the margin of safety. Methodologies that are not reliant on PASS are designed to provide rapid assessment of current reactor core conditions and the direction of degradation while effectively responding to the event in order to mitigate the consequences of the accident. The use of a PASS is redundant and does not provide quick recognition of core events or rapid response to events in progress. The intent of the requirements established as a result of the TMI–2 accident can be adequately met without reliance on a PASS.

Therefore, this change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Stephen Dembek.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: January 18, 2001.

Brief description of amendment request: **The amendment request identifies an unreviewed safety question related to the planned replacement of the engineered safety features (ESF) transformers with new transformers having active automatic load tap changers (LTCs). Markups to the Final Safety Analysis Report (FSAR) were included in the application.**

Basis for proposed no significant hazards determination: **As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:**

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Based on the review of the modification details there is an insignificant increase in the probability of a malfunction of equipment important to safety, however there is no increase in the probability of an accident previously evaluated. The modification has no effect on the radiological consequences of accidents previously evaluated. Installation of the LTCs does not impact accident initiators though a failure mode has been identified that can increase the probability of malfunction, a risk study shows this risk is insignificant.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The overall effect of the malfunction of the LTC controllers would lead to a loss of the associated ESF bus which is not a new failure mode that can lead to a new or different kind of accident than previously evaluated. The LTC failure effects are limited to the associated ESF train, therefore this type of failure meets the definition of a single failure as defined in 10 CFR 50 Appendix A for operation under normal (Non T/S [technical specification] action) conditions. Additionally, during the 10 CFR 50.59 evaluation for the LTCs criteria (a)(2)(ii) with respect to accidents of a different type was not met.

3. Does the proposed change involve a significant reduction in margin of safety?

The installation of the replacement transformers with load tap changers will help assure the required minimum NB bus voltage established by Reference 7.10 [design calculations] under a wider variation of grid voltage.

Current Technical Specification Bases for the offsite power distribution system are covered in sections B3.8.1–AC Sources-Operating, B3.8.9–Distribution Systems-Operating, B3.8.2–AC Sources-Shutdown, and B3.8.10–Distribution Systems-Shutdown. These bases ensure that sufficient power will be available to supply the safety-related equipment required for: (1) The safe shutdown of the facility; and (2) The mitigation and control of accident conditions within the facility. The minimum specified independent and redundant AC power and distribution systems satisfy the requirements of General Design Criterion 17 of Appendix A to 10 CFR Part 50. The ACTIONS sections of the applicable Technical Specifications provide requirements specified for various levels of degradation of the power sources and provide restrictions upon continued facility operation commensurate with the

level of degradation. The Operability of the power sources are consistent with the initial condition assumptions of the safety analyses and are based upon maintaining at least one redundant set of onsite AC power sources and associated distribution systems operable during accident conditions coincident with an assumed loss of offsite power and single failure of the other onsite AC source.

The installation of the transformers with automatic load tap changers reduces the possibility of the loss of the offsite power system due to the increased grid voltage variations as documented in the description of the change in section 4.1.4. Therefore, the installation of the transformers with load tap changers will not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Virginia Electric and Power Company, Docket No. 50–338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of amendment request: January 9, 2001.

Description of amendment request: **The proposed administrative changes will remove obsolete license conditions from the Facility Operating License (FOL) and implement associated changes to the Technical Specifications (TS). These changes involve editorial revisions, relocation of license conditions, removal of redundant license conditions covered throughout the license, removal of expired license conditions, and removal of license conditions and TS associated with completed modifications.**

Basis for proposed no significant hazards consideration determination: **As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:**

Criterion 1—The proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to the North Anna Unit 1 Facility Operating License, NPF–4, is administrative (and in part editorial) in nature. The removal of license conditions regarding completed, no longer needed, and expired requirements has no impact on plant operations since these requirements no longer have meaningful applications. The renumbering and/or relocation within the FOL of various license conditions in this proposed administrative change does not alter the technical basis, requirements or the implementation of the affected items. The proposed change is within the current design and licensing bases of the facility. Since this change is administrative only and neither station operations nor design are affected by the change, it does not involve any significant increase in the probability or the consequences of any accident or malfunction of equipment important to safety previously evaluated.

Criterion 2—The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change is administrative (and in part editorial) in nature. The license conditions that are being removed or relocated by this proposed change do not impact station operations or station equipment in any manner. The proposed change does not involve a physical alteration of the plant, nor a change in the methods used to respond to plant transients that has not been previously analyzed. No new or different equipment is being installed and no installed equipment is being removed or operated in a different manner. Consequently, no new failure modes are introduced and the proposed administrative change to the North Anna Unit 1 Facility Operating License does not create the possibility of a new or different kind of accident or malfunction of equipment important to safety from any previously evaluated.

Criterion 3—The proposed license amendment does not involve a significant reduction in a margin of safety.

The proposed change is administrative (and in part editorial) in nature and neither station operations nor design are affected by the change. Since station operations are not affected by the proposed administrative change and no physical change is being made to the station, the change does not impact the condition, design, or performance of any station structure, system or component. Therefore, the proposed administrative change to the North Anna Unit 1 Facility Operating License does not involve a significant reduction in any margin of safety described in the bases of the Technical Specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Donald P. Irwin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

NRC Section Chief: Maitri Banerjee, Acting.

Virginia Electric and Power Company, Docket No. 50–339, North Anna Power Station, Unit No. 2, Louisa County, Virginia

Date of amendment request: January 9, 2001.

Description of amendment request: **The proposed administrative changes will remove obsolete license conditions from the Facility Operating License (FOL). These changes involve editorial revisions, relocation of license conditions, removal of expired license conditions, and removal of license conditions associated with completed modifications.**

Basis for proposed no significant hazards consideration determination: **As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:**

Criterion 1—The proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to the North Anna Unit 2 Facility Operating License, NPF–7, is administrative (and in part editorial) in nature. The removal of license conditions regarding completed, no longer needed, and expired requirements has no impact on plant operations since these requirements no longer have meaningful applications. The renumbering and/or relocation within the FOL of various license conditions in this proposed administrative change does not alter the technical basis, requirements or the implementation of the affected items. The proposed change is within the current design and licensing bases of the facility. Since this change is administrative only and neither station operations nor design are affected by the change, it does not involve any significant increase in the probability or the consequences of any accident or malfunction of equipment important to safety previously evaluated.

Criterion 2—The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change is administrative (and in part editorial) in nature. The license conditions that are being removed or relocated by this proposed change do not impact station operations or station equipment in any manner. The proposed change does not involve a physical alteration of the plant, nor a change in the methods used to respond to plant transients that has not been previously analyzed. No new or different equipment is being installed and no installed equipment is being removed or operated in a different manner. Consequently, no new failure modes are introduced and the proposed administrative change to the North Anna Unit 2 Facility Operating License does not create the possibility of a new or different kind of accident or malfunction of equipment important to safety from any previously evaluated.

Criterion 3—The proposed license amendment does not involve a significant reduction in a margin of safety.

The proposed change is administrative (and in part editorial) in nature and neither station operations nor design are affected by the change. Since station operations are not affected by the proposed administrative change and no physical change is being made to the station, the change does not impact the condition, design, or performance of any station structure, system or component. Therefore, the proposed administrative change to the North Anna Unit 2 Facility Operating License does not involve a significant reduction in any margin of safety described in the bases of the Technical Specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Donald P. Irwin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

NRC Section Chief: Maitri Banerjee, Acting.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: January 8, 2001.

Brief description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to change the acceptance values for Core Spray subsystem flow contained in TS 4.5.1.b.1 from the current value of 6350 gallons per minute (gpm) to 6150 gpm.

*Date of publication of individual notice in **Federal Register**:* January 22, 2001 (66 FR 6701).

Expiration date of individual notice: February 21, 2001.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: June 16, 2000.

Brief description of amendments: The amendments revise TS Table 3.3.10–1, "Post Accident Monitoring Instrumentation," to add the high pressure safety injection (HPSI) cold leg flow and HPSI hot leg flow instrumentation to the table.

Date of issuance: February 8, 2001.

Effective date: February 8, 2001, and shall be implemented within 30 days of the date of issuance.

Amendment Nos.: Unit 1—131 , Unit 2—131, Unit 3—131.

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Technical Specifications.

*Date of initial notice in **Federal Register**:* October 4, 2000 (65 FR 59220)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 08, 2001.

No significant hazards consideration comments received: No.

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: September 14, 2000.

Brief description of amendments: The amendments incorporate changes described below into the Technical Specifications for Culvert Cliffs Units 1 and 2. On September 9, 1996, a final rule amending 10 CFR 50.55a was issued requiring owners to implement, by September 9, 2001, the requirements of the 1992 Edition through the 1992 Addenda of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code Section XI, Subsections IWE and IWL, as modified and supplemented by 10 CFR 50.55a. Calvert Cliffs Nuclear Power Plant, Inc. has developed a program to effect the implementation of Subsections IWE and IWL.

Date of issuance: January 30, 2001.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 240 and 214.

Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** October 18, 2000 (65 FR 62384).

The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated January 30, 2001.

No significant hazards consideration comments received: No.

Detroit Edison Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of application for amendment: November 19, 1999, as supplemented May 31, August 2, October 19, and November 21, 2000.

Brief description of amendment: The amendment revises the Technical Specifications (TSs) by changing (1) the design features description of the fuel storage equipment and configuration to allow an increase in the spent fuel pool (SFP) storage capacity and (2) the description of the high-density spent fuel racks program to clarify that the surveillance program is applicable only to racks containing Boraflex as a neutron absorber. Specifically, the amendment revises the TSs for Fermi 2 to increase the capacity of the SFP from 2,414 to 4,608 fuel assemblies.

Date of issuance: January 25, 2001.

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment No.: 141.

Facility Operating License No. NPF–43: Amendment revises the Technical Specifications

Date of initial in ***Federal Register*** March 13, 2000 (65 FR 13336)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated a January 25, 2001.

No significant hazards consideration comments received: No.

Detroit Edison Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of application for amendment: September 20, 2000.

Brief description of amendment: The amendment changes Technical Specification (TS) 5.5.7.d to decrease the maximum allowed pressure drops across control room emergency filtration (CREF) make-up and recirculation train filters and charcoal absorbers. The words "(CREF only)" are also removed from the TS.

Date of issuance: February 8, 2001.

Effective date: As of the date of issuance and shall be implemented within 60 days

Amendment No.: 142.

Facility Operating License No. NPF–43: Amendment revises the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 1, 2000 (65 FR 65340).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 8, 2001.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: November 30, 2000.

Brief description of amendment: The amendment relocated the boration systems requirements from the Technical Specifications to the Technical Requirements Manual.

Date of issuance: January 31, 2001.

Effective date: As of the date of issuance to be implemented within 60 days from the date of issuance.

Amendment No.: 229.

Facility Operating License No. NPF–6: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 27, 2000 (65 FR 81916).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 2001.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: November 19, 1999, as supplemented October 12, 2000.

Brief description of amendment: The amendment changes the Technical Specification surveillance testing requirements of the charcoal adsorbers in the Standby Gas Treatment System and the Control Room Emergency Ventilation Air Supply System to meet the requested actions of Generic Letter 99–02.

Date of issuance: February 5, 2001.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 269.

Facility Operating License No. DPR–59: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 9, 2000 (65 FR 6410).

The October 12, 2000, supplemental letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2001.

No significant hazards consideration comments received: No.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Dade County, Florida

Date of application for amendments: May 22, 2000, as supplemented October 4, 2000.

Brief description of amendments: Changed the Technical Specifications to incorporate that portion of the August 8, 1996, Final Amended Rule (61 FR 41303) related to revised requirement of inservice inspection of the containment post-tensioning system.

Date of issuance: January 31, 2001.

Effective date: January 31, 2001.

Amendment Nos. 210 and 204.

Facility Operating License Nos. DPR–31 and DPR–41: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** August 9, 2000 (65 FR 48750). The October 4, 2000 letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 31, 2001.

No significant hazards consideration comments received: No.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Dade County, Florida

Date of application for amendments: December 6, 2000.

Brief description of amendments: The amendments delete Technical Specifications (TS) Section 6.8.4.d, "Post Accident Sampling," for Turkey Point Units 3 and 4 and thereby eliminate the requirements to have and maintain the post-accident sampling system (PASS) for those units.

Date of issuance: January 31, 2001.

Effective date: January 31, 2001.

Amendment Nos. 211 and 205.

Facility Operating License Nos. DPR–31 and DPR–41: Amendments revised the TSs.

Date of initial notice in ***Federal Register:*** December 27, 2000 (65 FR 81923).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 31, 2001:

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket No. 50–316, Donald C. Cook Nuclear Plant, Unit 2, Berrien County, Michigan

Date of application for amendment: September 30, 2000, as supplemented November 22, and December 20, 2000.

Brief description of amendment: The amendment would allow an extension of the steam generator tube inspection surveillance requirements of Technical Specification Surveillance Requirement 4.4.5.3. Specifically, the licensee requested to extend the required inspection interval from 40 to 56 calendar months.

Date of issuance: January 30, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 232.

Facility Operating License No. DPR–74: Amendment revises the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 18, 2000 (65 FR 62387).

The supplemental information contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 2001.

No significant hazards consideration comments received: No.

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: June 1, 2000.

Brief description of amendment: The amendment approves changes to Technical Specifications (TSs) 3.3.3.2, "Instrumentation, Movable Incore Detectors"; 3.3.3.3, "Instrumentation, Seismic Instrumentation"; 3.3.3.4, "Instrumentation, Meteorological Instrumentation"; 3.3.3.8, "Loose-Part Detection System"; 3.3.4, "Turbine Overspeed Protection"; and Index Pages vi and vii. The changes relocate the requirements for the incore detectors, seismic instrumentation, meteorological instrumentation, loose-part detection system, and turbine overspeed protection system from the TSs to the Technical Requirements Manual. The Bases for these TSs have been modified to reflect the TS changes.

Date of issuance: January 29, 2001.

Effective date: As of the date of issuance and shall be implemented within 60 days.from the date of issuance.

Amendment No.: 193.

Facility Operating License No. NPF–49: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 29, 2000 (65 FR 71136).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 2001.

No significant hazards consideration comments received: No.

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: July 31, 2000 as supplemented January 5, 2001.

Brief description of amendment: The amendment changes Technical Specifications (TSs) 3.8.1.1, "Electrical Power Systems—A.C. Sources—Operating," and 3.8.1.2, "Electrical Power Systems—A.C. Sources—Shutdown." The changes allow certain EDG surveillance requirements to be performed when the plant is operating instead of shut down as currently required. The index and Bases for these TSs are modified to reflect the changes.

Date of issuance: February 2, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 194.

Facility Operating License No. NPF–49: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 6, 2000 (65 FR 54087).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 2, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: November 18, 1999, as supplemented August 7, 2000.

Brief description of amendment: The amendment to the Kewaunee Nuclear Power Plant Technical Specifications approves an increase in the allowable number of spent fuel assemblies in the spent fuel pools. The addition of the 215 storage locations in the new north canal pool will extend the full-core reserve capability until after the 2009 outage, and increase the total capacity to 1,205 spent fuel assemblies.

Date of issuance: January 23, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 150.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 1 and December 21, 2000 (65 FR 65347 and 65 FR 80471 respectively)

The supplemental information contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 23, 2001.

No significant hazards consideration comments received: No.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: May 12, 2000, as supplemented by letter dated January 25, 2001.

Brief description of amendments: These amendments authorize (1) a design upgrade of the refueling water purification (RWP) system to permit reclassification of this system from Design Class II/non-Seismic Category 1 to Design Class I/Seismic Category 1 to allow filtering of the refueling water storage tank (RWST) water while the RWST is required to be operable, and (2) the use of a temporary reverse osmosis skid mounted system to reduce RWST silica concentration levels while the RWST is required to be operable following upgrade of the RWP system to satisfy reactor coolant chemistry limits.

Date of issuance: January 29, 2001.

Effective date: January 29, 2001, and shall be implemented in the next periodic update to the FSAR Update, following upgrade of the refueling water purification system, in accordance with 10 CFR 50.71(e).

Amendment Nos.: Unit 1—144 ; Unit 2–143.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the FSAR Update.

Date of initial notice in ***Federal Register:*** July 12, 2000 (65 FR 43050).

The January 25, 2001, supplemental letter provided additional clarifying information, did not expand the scope of the application as originally noticed,

and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2001.

No significant hazards consideration comments received: No.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of application for amendments: September 6, 2000 (PCN–274, Supplement 1).

Brief description of amendments: The amendments revised the San Onofre, Units 2 and 3 Technical Specification 3.3.11, "Post Accident Monitoring Instrumentation (PAMI)," to extend the PAMI surveillance frequency from 18 to 24 months to accommodate a 24-month fuel cycle.

Date of issuance: January 30, 2001.

Effective date: January 30, 2001, to be implemented within 30 days of issuance.

Amendment Nos.: Unit 2—176; Unit 3–167.

Facility Operating License Nos. NPF–10 and NPF–15: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 18, 2000 (65 FR 62391).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 30, 2001.

No significant hazards consideration comments received: No.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of application for amendments: October 6, 2000 (PCN–518).

Brief description of amendments: The amendments revise TS 3.7.11, "Control Room Emergency Air Cleanup System (CREACUS)," to establish actions to be taken for inoperable ventilation systems due to a degraded control room pressure boundary. The amendments allow up to 24 hours to restore the pressure boundary to operable status when two ventilation trains are inoperable due to an inoperable pressure boundary in Modes 1, 2, 3, and 4. In addition, a limiting condition for operation note is added to allow the pressure boundary to be opened intermittently under administrative control without affecting CREACUS operability.

Date of issuance: January 30, 2001.

Effective date: January 30, 2001, to be implemented within 30 days of issuance.

Amendment Nos.: Unit 2—177; Unit 3—168.

Facility Operating License Nos. NPF–10 and NPF–15: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 15, 2000 (65 FR 69066).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 30, 2001.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of application for amendment: November 10, 2000.

Brief description of amendment: This amendment will allow: (a) the minimum fuel oil stored in the fuel oil storage tank (FOST) for each emergency diesel generator (EDG) to be raised from 47,100 gallons to 48,500 gallons for Modes 1–4, and from 33,200 gallons to 42,500 gallons for Modes 5 and 6; and (b) the minimum fuel oil maintained in the day fuel tank for each EDG to be raised from 300 gallons to 360 gallons for Modes 1–6.

Date of issuance: February 2, 2001.

Effective date: February 2, 2001.

Amendment No.: 150.

Facility Operating License No. NPF–12: Amendment revises the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 20, 2000 (65 FR 69795).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 2, 2001.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: October 9, 2000, supplemented December 4, 2000.

Brief Description of amendments: The amendments revise Technical Specification 5.5.14, "Technical Specification (TS) Bases Control Program," to provide consistency with the changes in 10 CFR 50.59 which were published in the ***Federal Register*** on October 4, 2000.

Date of issuance: January 31, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 148 and 140.

Facility Operating License Nos. NPF–2 and NPF–8: Amendments revise the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 20, 2000 (65 FR 79907) The supplement dated December 4, 2000, provided clarifying information that did not change the scope of the October 4, 2000, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 31, 2001.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., et al., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: June 14, 2000.

Brief description of amendments: The amendments revised the Technical Specifications (TSs) Surveillance Requirements (SR) 3.8.1.9 and 3.8.1.14 to reduce diesel generators loading requirements from ≥ 6800 kW and ≤ 7000 kW to ≥ 6500 kW and ≤ 7000 kW. These changes will make the above SRs consistent with SRs 3.8.1.3 and 3.8.1.13, which are in the current TSs. In addition, the proposed changes would correct a typographical error in Section 5.6.7, "EDG Failure Report," in the Vogtle TS. This editorial change will correctly reference Regulatory Position C.4 of Regulatory Guide 1.9, Revision 3 instead of Regulatory Position C.5.

Date of issuance: January 31, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: Unit 1—117; Unit 2—95.

Facility Operating License Nos. NPF–68 and NPF–81: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 6, 2000 (65 FR 54087).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 31, 2001.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 2 and 3, Limestone County, Alabama

Date of application for amendments: August 11, 2000 (TS–400) as supplemented by letter dated October 20, 2000.

Brief description of amendments: The amendments revised the surveillance test requirements for excess flow check valves.

Date of issuance: January 29, 2001.

Effective date: January 29, 2001.

Amendment Nos.: 268 and 228.

Facility Operating License Nos. DPR–52 and DPR–68: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 6, 2000 (65 FR 54088). The October 20, 2000, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 2001.

No significant hazards consideration comments received: No.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: December 7, 2000 (ET 00–0041).

Brief description of amendment: The amendment changes Table 3.3.2–1, "Engineered Safety Feature Actuation System Instrumentation," of the Technical Specifications. The change adds Surveillance Requirement (SR) 3.3.2.10 for the following two engineered safety feature actuation system instrumentation in the table: item 6.f, loss of offsite power, and item 6.h, auxiliary feedwater pump suction transfer on suction pressure—low.

Date of issuance: February 06, 2001.

Effective date: February 06, 2001, and shall be implemented including the changes to the Bases for the response times, within 60 days of the date of issuance.

Amendment No.: 136.

Facility Operating License No. NPF–42. The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 27, 2000 (65 FR 81932).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 06, 2001.

No significant hazards consideration comments received: No.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By March 23, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the

Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Entergy Nuclear Operations, Inc., Docket No. 50–286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: December 19, 2000.

Description of amendment request: The amendment revises the Technical Specifications to indicate that quadrant power tilt limits apply only when reactor power is greater than 50 percent.

Date of issuance: December 20, 2000.

Effective Date: As of its date of issuance and shall be implemented within 30 days.

Amendment No.: 204.

Facility Operating License No. DPR–64: Amendment revises the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated December 20, 2000.

Attorney for licensee: Mr. John M. Fulton, Assistant General Counsel Entergy Nuclear Generating Co. Pilgrim Station, 600 Rocky Hill Road Plymouth, MA 02360.

NRC Section Chief: Marsha Gamberoni.

Dated at Rockville, Maryland, this 14th day of February 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–4228 Filed 2–20–01; 8:45 am]

BILLING CODE 7590–01–U

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Form SE, OMB Control No. 3235–0327, SEC File No. 270–289;

Form ID, OMB Control No. 3235–0328, SEC File No. 270–291;

Form ET, OMB Control No. 3235–0329, SEC File No. 270–290; and

Form TH, OMB Control No. 3235–0425, SEC File No. 270–377.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Form SE is used by registrants to file paper copies of exhibits that would be difficult or impossible to submit electronically. The information contained in Form SE is used by the Commission to identify paper copies of exhibits and is filed by individuals, companies or other for-profit organizations that are required to file electronically. It is estimated that 110 registrants file Form SE at an estimated 0.10 hours per response for a total annual burden of 11 hours.

Form ID is used by companies to apply for identification numbers and passwords used in conjunction with the EDGAR electronic filing system. The information provided on Form ID is essential to the security of the EDGAR system. Form ID must be filed every time a registrant or other person obtains or changes an identification number. The form is filed by individuals, companies or other for-profit organizations that are required to file electronically. It is estimated that 7,000 registrants file Form ID at an estimated 0.15 hours per response for a total annual burden of 1,050 hours.

Form ET is used by companies to facilitate the transfer of information submitted to the Commission on magnetic tapes to the EDGAR system. Form ET provides technical information about the magnetic tape cartridge contents and identifies a contact person who can answer any questions about the tape cartridge. Form ET must be filed every time a filing is submitted to the Commission on magnetic tape to identify such filings. The form is filed by individuals, companies or other for-profit organizations that are required to file electronically. It is estimated that 120 registrants file Form ET at an estimated 0.25 hours per response for a total annual burden of 30 hours.

Form TH is used by registrants to notify the Commission that an electronic filer is relying on the temporary hardship exemption for the filing of a document in paper format that would otherwise be required to file electronically as prescribed by Rule 201(a) of Regulation S–T. The form must be filed every time an electronic filer experiences unanticipated technical difficulties preventing the timely preparation and submission of a required electronic filing. It is estimated that 15 registrants file Form TH at an estimated 0.33 hours per response for a total annual burden of 5 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 8, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4257 Filed 2–20–01; 8:45 am]

BILLING CODE 8010–01–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27346]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

February 14, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 12, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 12, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Alliant Energy Corporation, et al.

[70–9837]

Notice of Proposal To Amend Articles of Incorporation To Issue New Preferred Stock; Approve Merger; Increase in Utility Money Pool Borrowing Limits and Long-Term Debt Limits; Order Authorizing Solicitation of Proxies

Alliant Energy Corporation ("Alliant"), a registered holding company, 222 West Washington Avenue, Madison, Wisconsin 53703, and two of its wholly-owned gas and electric utility subsidiary companies, Interstate Power Company ("IPC"), 1000 Main Street, P.O. Box 759, Dubuque, Iowa 52004, and IES Utilities Inc. ("IESU"), Alliant Energy Tower, 200 First Street SE., Cedar Rapids, Iowa 52401, each a public utility subsidiary of Alliant (collectively, "Applicants"), have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 12(c), 12(d) and 12(e) of the Act and rules 43, 44, 45, 54, 62 and 65 under the Act.

Applicants propose to merge IPC into IESU ("Merger", and the surviving company, "New IESU"). IPC and IESU have operated as an interconnected and coordinated electric utility system since 1998 under a System Coordination and Operating Agreement ("SCOA") on file at the Federal Energy Regulatory Commission ("FERC"). Under the SCOA, IPC and IESU allocate costs for joint dispatch of electric generation facilities and certain transmission services are available over their combined transmission systems at a single rate.

Applicants state that the Merger will simplify Alliant's corporate structure and reduce corporate and administrative expenses, as well as allow New IESU to offer competitive rates to consumers.

IPC provides electricity to approximately 167,000 customers in northern and northeastern Iowa, southern Minnesota, and portions of northwestern Illinois. IPC also serves approximately 50,000 natural gas customers in Illinois, Minnesota and Iowa. IPC also owns approximately 2,562 miles of electric transmission lines and 224 substations. Its gas transportation and distribution system consists of approximately 91 miles of pipelines and 916 miles of distribution mains.[1]

[1] IPC's operating revenues for the year ended December 31, 1999 were $342,105,000, of which

Continued

IESU provides retail electric service to more than 345,000 customers and retail natural gas service to more than 181,000 customers in Iowa. IESU also owns approximately 4,448 miles of electric transmission lines and 578 substations which are primarily located in Iowa. Its gas distribution system consists of approximately 139 miles of pipelines and 3,836 miles of distribution mains.[2]

Applicants propose to solicit proxies from the holders of outstanding shares of IESU's preferred stock ("Proxy Solicitation") for use at a special meeting of its stockholders on April 3, 2001, to consider the proposed Merger of IPC into IESU, and a proposed amendment to IESU's Amended and Restated Articles of Incorporation ("Articles of Incorporation") that will authorize the New Class A Preferred Stock ("New Preferred Stock") to be issued in the Merger.

On the closing date, IPU will merge with and into IESU.[3] The Merger will be governed by the Agreement and Plan of Merger ("Merger Agreement"), as amended, between IESU and IPC, dated March 15, 2000.

Under the Merger Agreement, the designations, rights and preferences of each series of the New Preferred Stock will be substantially identical to the corresponding series of IPC preferred stock for which it will be exchanged. The amendment will only authorize enough shares of New Preferred Stock as necessary to carry out an exchange for the existing shares of IPC preferred stock. At the time of the Merger, each share of IPC preferred stock will cease to be outstanding and will be converted into and become the right to receive one share of New Preferred Stock, to be issued in series that will correspond with each series of the former IPC preferred stock.

After the Merger, IESU will continue to serve IPC's customers and will operate as an electric and gas utility company in portions of Iowa, Minnesota and Illinois.

The Merger is subject to affirmative approval by a majority of the votes entitled to be cast by the holders of IESU common stock (all of which are held by Alliant) and the holders of a majority of the outstanding shares of each class of IESU preferred stock voting as individual classes. IESU currently has outstanding 366,406 shares of cumulative preferred stock par value $50 per share, issued in three series (4.30%, 4.80% and 6.10%) ("IESU Preferred Stock"). In addition, an amendment to IESU's Articles of Incorporation is necessary to consummate the Merger and requires the affirmative vote of at least a majority of the outstanding shares of IESU's common stock and of each class of the IESU Preferred Stock, all voting as separate classes, in attendance at the IESU special meeting on April 3, 2001.

Approval at the Merger by the IPC shareholders will require the affirmative vote of holders of a majority of the outstanding IPC common stock (all of which are held by Alliant) and IPC preferred stock entitled to vote, voting together as one class. IPC currently has outstanding 761,381 shares of cumulative preferred stock, par value $50 per share, issued in four series (4.36%, 4.68%, 7.76% and 6.40%).[4]

In addition Applicants seek authorization to increase the limits on New IESU's borrowings from the intrasystem utility money pool ("Utility Money Pool") and its issuances of long-term secured and unsecured debt securities ("Long-Term Debt").

By orders dated December 18, 1998 and December 15, 2000 (HCAR Nos. 26956 and 27307, respectively), the Commission authorized, through June 30, 2004 ("Authorization Period"), IESU and IPC to incur short-term debt by borrowings from the Utility Money Pool in an aggregate amount at any time not to exceed $150 million and $100 million, respectively. Following the Merger, IPC's borrowing authorization will expire. Applicants propose that New IESU'S short-term borrowing limit be increased to $250 million. All other terms, conditions and limitations under the Utility Money Pool will remain the same.

By orders dated November 25, 1998 and December 15, 2000 (HCAR Nos. 26945 and 27306, respectively) ("IESU Orders"), and November 25, 1998 and December 15, 2000 (HCAR Nos. 26946 and 27305, respectively) ("IPC Orders"), the Commission authorized, through the Authorization Period, IESU and IPC to issue and sell Long-Term Debt in the form of senior unsecured debentures, and unsecured subordinated debentures, collateral trust bonds,[5] and to enter into agreements with respect to tax-exempt bonds, in an aggregate amount outstanding not to exceed $200 million for IESU and $80 million for IPC. IPC's authorization will expire following the Merger. Applicants propose to increase New IESU's Long-Term Debt to $300 million. All other terms, conditions, and limits will remain the same.

Applicants request that an order authorizing the solicitation of proxies be issued as soon as practicable under rule 62(d). It appears to the Commission that the application-declaration relating to the proposed solicitation of proxies should be permitted to become effective immediately under rule 62(d).

Alliant Energy states, for purposes of rule 54, that the conditions specified in rule 53(a) are satisfied and that none of the adverse conditions specified in rule 53(b) exist. As a result, the Commission will not consider the effect on the Alliant Energy system of the capitalization or earnings of any Alliant Energy subsidiary that is an exempt wholesale generator or foreign utility company, as each is defined in sections 32 and 33 of the Act, respectively, in determining whether to approve the proposed transactions.

Fees, commissions, and expenses to be incurred in connection with the transactions described in the application-declaration concerning the Proxy Solicitation are expected not to exceed $206,516 with respect to the Proxy Solicitation.

It is stated that the Merger is subject to the approval of the Iowa Utilities Board, the Minnesota Public Utilities Commission, and the Illinois Commerce Commission, and the FERC.

It Is Ordered, under rule 62 under the Act, that the application-declaration regarding the proposed Proxy Solicitation become effective immediately, subject to the terms and conditions contained in rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4258 Filed 2–20–01; 8:45 am]

BILLING CODE 8010–01–M

$294,381,000 (80%) were derived from electric utility operations and $47,724,000 (14%) from gas operations.

[3] IESU's operating revenues for the year ended December 31, 1999 were $800,696,000, of which $627,950,000 (78%) were derived from electric utility operations, $145,825,000 (18%) from gas operations, and $26,921,000 (4%) from steam and other operations.

[2] The surviving entity will be a wholly owned subsidiary of Alliant and will be renamed "Interstate Power and Light Company" pending approval by shareholder proxy.

[4] Alliant owns 92.8% of the aggregate voting power of all IPC shareowners and intends to vote for approval of the Merger. Therefore, approval of the Merger by the IPC shareholders is assured.

[5] The Commission authorized the issuance and sale of collateral trust bonds in the IESU Orders but not in the IPC Orders.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43954; File No. SR–AMEX 01–01]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 by the American Stock Exchange LLC Relating to Amendments to Rule 126(g) and Precedence Based on Size

February 12, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 18, 2001, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. On February 5, 2001, the Amex amended the proposal.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to amend Amex Rule 126(g), Commentary .01, to reduce from 25,000 to 5,000 shares the minimum size block cross that will be permitted to establish size precedence. The text of the proposed rule change is below. Proposed new language is in *italics*. Proposed deletions are in brackets.

Rule 126 Precedence of Bids and Offers

Commentary .01

Order to cross 5,000 [25,000], shares or more, where one or both sides of such cross is for the account of a member or member organization, will be permitted to establish precedence based on size so long as the orders are represented at the post when a sale removing all bids and offers from the Floor takes place. Once the precedence of such orders of *5,000* [25,000] shares or more has been established, the broker handling the cross must then bid and offer the security in accordance with Rule 152.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 1989, the Commission approved on a permanent basis Amex Rule 126(g), Commentary .01, which provides that orders to cross 25,000 shares or more will be permitted to establish precedence over other bids and offers.[4] Procedures under Rule 126(g), Commentary .01 permit size precedence for crosses of 25,000 shares or more to be established when no other order has price or time priority. When an order has time priority, a sale removing all bids and offers from the floor must occur before parity is established, and the order to cross can be accorded precedence based on size. Thus, in order to obtain precedence, orders to cross 25,000 shares or more must have been presented at the specialist's post when the sale removing all bids and offers from the floor had taken place. Once size precedence has been established, the broker handling the cross must then bid and offer the security in accordance with Amex Rule 152.[5]

The Exchange is proposing to reduce from 25,000 to 5,000 shares the minimum size block cross that will be permitted to establish size precedence. The block cross procedures under Amex Rule 126(g) have facilitated executions of large size orders on the Amex as one transaction at a single price, without such orders losing shares to other orders in the trading crowd or on the specialist's book due to Exchange parity rules. In addition, by facilitating the execution of large blocks on the Amex, the proposed rule change will reduce member firms' incentive to route such orders to regional exchanges or the third market in order to avoid losing an excessive number of shares to other orders under existing Amex parity rules. The Exchange notes that, with the start-up of decimal pricing in equities, with a minimum price variation of one cent, it will be less expensive for members to break up proposed block crosses on the Amex Floor, which may result in such crosses being routed to markets in which size precedence is not taken into account in the manner required by Amex rules.

The Exchange believes it is appropriate to permit block size orders of 5,000 shares to establish size precedence. The proposal will bring Amex rules more in line with the New York Stock Exchange ("NYSE") size precedence rules (*e.g.*, NYSE Rule 72), but Amex rules will continue to be more conservative than NYSE rules in that size precedence will be accorded only to crosses, and only when such orders involve 5,000 shares or more. In addition, confining the Exchange's size precedence threshold to 5,000 shares will continue to limit the effects of the rule primarily to active, liquid issues.

2. Statutory Basis

The Amex believes the proposed rule change is consistent with Section 6(b) of the Act[6] in general and furthers the objectives of Section 6(b)(5)[7] in particular in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal**

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* January 23, 2001 letter from Michael Cavalier, Associate General Counsel, Legal and Regulatory, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation, SEC ("Amendment No. 1"). At the Commission's request, the Amex filed Amendment No. 1, which asks that the proposal be implemented on a one-year pilot program basis.

[4] *See* Securities Exchange Act Release No. 26550 (February 15, 1989), 54 FR 7655 (February 22, 1989) (SR–Amex–88–30).

[5] *Id.*

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

The Amex has requested accelerated approval of the proposed rule change. While the Commission will not grant accelerated approval at this time, the Commission will consider granting accelerated approval of the proposal at the close of an abbreviated comment period of 15 days from the date of publication of the proposal in the Federal Register.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to file number SR–Amex–01–01 and should be submitted by March 8, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4261 Filed 2–20–01; 8:45 am]

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[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43950; File No. SR–Amex–01–02]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange LLC to Amend Amex Rule 126(g), Commentary .02 Regarding Agency Cross Transactions

February 12, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 5, 2001, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Amex Rule 126(g), Commentary .02, to reduce the number of shares that may be crossed on an agency basis under the rule from 25,000 shares to 5,000 shares. The text of the proposed rule change is below. Proposed new language is in italics. Proposed deletions are in brackets.

Rule 126 Precedence of Bids and Offers

Commentary .02

When a member has an order to buy and an order to sell an equivalent amount of the same security, and both orders are of *5,000* [25,000] shares or more and are for the accounts of persons who are not members or member organizations, the member may "cross" those orders at a price at or within the prevailing quotation. The member's bid or offer shall be entitled to priority at such cross price, irrespective of pre-existing bids or offers at that price. The member shall follow the crossing procedures of Rule 151, and another member may trade with either the bid or offer side of the cross transaction only to provide a price which is better than the cross price as to all or part of such bid or offer. A member who is providing a better price to one side of the cross transaction must trade with all other market interest having priority at that price before trading with any part of the cross transaction. No member may break up the proposed cross transaction, in whole or in part, at the cross price. A transaction effected at the cross price in reliance on this Commentary .02 shall be printed as "stopped stock".

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in section A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Amex Rule 126, "Precedence of Bids and Offers," sets out rules governing priority and precedence of bids and offers on the Exchange Floor, and generally provides that bids and offers are entitled to precedence based on time, with members bidding at the highest price (offering at the lowest price) entitled to be on parity and divide executions at their price after a previous sale removes all bids and offers from the Floor. Commentary .02 to Amex Rule 126(g)[3] applies only to agency crosses (referred to herein as "clean crosses") to buy and sell orders of 25,000 shares or more (that is, both orders for accounts of non-members). This commentary provides that a member may cross those orders at a price at or within the prevailing quotation, with such orders entitled to priority at the cross price over previously entered bids and offers. When crossing these orders, the member must follow the crossing procedures of Amex Rule 151 and another member may trade with either the bid or offer side of the cross to provide improvement to all or part of the bid or offer. In addition, the member must trade with all other market interest having time priority at that price before trading with any part of the cross transaction.

The Exchange implemented Commentary .02 to facilitate execution of block size crosses on the Amex. In implementing this exception to the Exchange's rules of precedence, the Exchange was responding competitively to regional exchanges that were attracting Amex orders because orders to cross are not readily broken up by other trading interest in those markets which may lack a trading crowd or limit orders on specialists' books.

The Exchange expects that decimal pricing in minimum increments of $.01 will result in increased numbers of cross transactions being broken up because it will be less expensive to provide price improvement than under previous increments. The Exchange believes this will place the Exchange at an increased competitive disadvantage to other markets where crosses can be effected with little or no risk of interference, will deprive customer block size orders of the benefits of primary market pricing, and will detract from primary market liquidity. The Exchange, therefore, believes it is appropriate to reduce the size of agency orders that can be crossed under Rule 126(g), Commentary .02, to 5,000 shares.

Amex clean cross procedures will continue to preserve auction market principles by providing the possibility of price improvement (because members must follow Amex Rule 151 crossing procedures), and by requiring that members trade with other market interest having time priority at that price before trading with any part of the cross transaction. In addition, the Exchange believes the proposal will enhance competition among markets in the execution of agency crosses, and will increase the possibility that pricing of agency crosses will be executed more efficiently and at better prices.

2. Statutory Basis

The Amex believes that the proposed rule change is consistent with section 6(b) of the Act[4] in general and further the objectives of section 6(b)(5)[5] in particular in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to file number SR–Amex–01–02 and should be submitted by March 14, 2001.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4263 Filed 2–20–01; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 34069 (May 19, 1994), 59 FR 27301 (May 26, 1994) (SR–Amex–92–41) (approval order).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43956; File No. SR–EMCC–00–8]

Self-Regulatory Organizations; Emerging Markets Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fee Schedules

February 13, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1], notice is hereby given that on November 29, 2000, the Emerging Markets Clearing Corporation ("EMCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by EMCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will allow EMCC to modify its current fee schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, EMCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. EMCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by EMCC.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

EMCC's input charges for bonds and warrants are set on a sliding scale based upon the time the trade is input into EMCC's system. The last input time frame is currently 11 a.m. (New York time) of SD–2 (or T + 1) and occurs after EMCC performs the calculation of final margin payments on that day. EMCC would prefer that trades received on SD–2 be received in time to be included in the margin calculation for that day so that they can be guaranteed sooner and thus provide more certainty to members. The risk system cut-off time for calculation of final margin is 8 a.m. (New York time) on SD–2, therefore EMCC is setting the cut-off time for incremental fee purposes at 8 a.m. as well. This change has become effective on January 1, 2001.

The proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder applicable to EMCC because it provides for the equitable allocation of dues, fees and other charges among EMCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

EMCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments relating to the proposed rule change have been solicited or received. EMCC will notify the Commission of any written comments received by EMCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act and Rule 19b–4(f)(2) thereunder because the proposed rule change is changing a due, fee, or charge imposed by the self-regulatory organization. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of EMCC. All submissions should refer to File No. SR–EMCC–00–9 and should be submitted by March 14, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4260 Filed 2–20–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43958; File No. SR–NASD–01–03]

Self-Regulatory Organizations: Notice of Proposed Rule Change and Amendment No. 1 Thereto by the National Association of Securities Dealers, Inc. Relating to the Elimination of the Interval Delay Between Executions for Initial Public Offerings and Secondary Offerings in the Nasdaq National Market Execution System

February 13, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 5, 2001, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. On January 31, 2001, the NASD, through Nasdaq, filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change and Amendment No. 1 from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is filing a proposed rule change, on a six-month pilot basis, to eliminate the interval delay between executions against the same market maker at the same price level during the first day of trading of the securities of initial public offerings ("IPOs") and secondary offerings in the Nasdaq National Market Execution System ("NNMS" or "SuperSOES"). Below is the text of the proposed rule change, as amended. Proposed new language is *italicized*.

* * * * *

4710. Participant Obligations in NNMS

(a) No Change.

(b) Market Makers

(1) An NNMS Market Maker in an NNMS Security shall be subject to the following requirements:

(A) No change.

(B) No change.

(C) No change.

(D) (1) Except as provided in subparagraphs (2) *and (3)* below, after the NNMS system has executed an order against a market maker's displayed quote and reserve size (if applicable), that market maker shall not be required to execute another order at its bid or offer in the same security until 5 seconds has elapsed from the time the order was executed, as measured by the time of execution in the Nasdaq system.

(2) For securities included in the Nasdaq 100 Index, after the NNMS system has executed an order against a market maker's displayed quote and reserve size (if applicable), that market maker shall not be required to execute another order at its bid or offer in the same security until 2 seconds has

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] See Letter from Thomas P. Moran, Assistant General Counsel, Nasdaq, to Jack Drogin, Assistant Director, Division of Market Regulation, Commission, dated January 30, 2001 (Amendment No. 1). In Amendment No. 1, the Nasdaq added a footnote to proposed NASD Rule 4710(b)(1)(D)(3) requiring the lead underwriter of a secondary offering to submit a written request to the Nasdaq Market Operations Department for immediate processing of executions in secondary offerings. *See infra* note 4.

elapsed from the time the order was executed, as measured by the time of execution in the Nasdaq system.

(3) For both the fist day of trading of the securities of initial public offerings and the first day of trading of the securities of secondary offerings,[4] after the NNMS system has executed an order against a market maker's displayed quote and reserve size (if applicable), that market maker shall be required to execute another order at its posted bid or offer in that same security as soon as the NNMS system delivers another order to that market maker's quote. After the first day of trading, subsequent multiple executions against the same market maker's quote at the same price level in such securities shall be processed pursuant to subparagraph (D)(2) of this rule if the security is included in the Nasdaq 100 Index, or if not included in that index, multiple executions against the same market maker's quote at the same price level in such securities shall be processed pursuant to subparagraph (D)(1) of this rule.

(c) through (e). No Change.

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II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, the rules governing the Nasdaq Small Order Execution System establish a delay of 17 seconds (15 seconds for quote management and two seconds for system processing) between executions against the same market maker in the same security at the same price level. With the launch of SuperSOES, this delay will be reduced to five seconds (plus two seconds system processing time) for the vast majority of Nasdaq NMS securities. Due to market participants' concerns that significant order flow could potentially produce queuing within the system, Nasdaq recently filed a rule change with the Commission to further reduce the interval delay between executions in Nasdaq securities to two seconds.[5]

Recently, Nasdaq market participants have also raised similar queuing concerns in the context of the rapid flow of orders accompanying IPOs as well as secondary offerings. Accordingly, Nasdaq is making the instant proposal to reduce from five seconds to zero seconds (plus system processing time) the delay between round-lot executions against the same market participant in the same security for the *first* day of trading of all SuperSOES-eligible IPOs and secondary offerings. This means that a market maker will be available for round-lot executions as quickly as the system can transmit instructions between the execution and quote-update engines, an operation that generally requires from one to one and one half seconds.

Under the proposal, Nasdaq will eliminate, during the first day of trading of IPOs and secondary offerings, the NNMS interval delay between executions taking place against the same market maker at the same price level. This proposed rule change will permit orders in these offerings to be processed on the first day of trading as fast as the SuperSOES system will allow. After the first day of trading, the NNMS interval delay between executions against the same market maker at the same price level for these securities would revert, and be determined, like all other NNMS-eligible securities, by whether or not the securities are part of the Nasdaq 100 Index ("Nasdaq 100"). If a security is a part of the Nasdaq 100, the NNMS interval delay between executions against the same market maker at the same price level on subsequent trading days would be two seconds. If a security is not a Nasdaq 100 security, the NNMS interval delay between executions against the same market maker at the same price level on subsequent trading days would be five seconds. Nasdaq proposes to eliminate the NNMS interval delay for the first day of trading of IPOs and secondary offerings on a six-month pilot basis to commence when the SuperSOES system becomes operational. During that time, Nasdaq will monitor the performance of the system under the proposed parameters to determine whether the proposed measures adequately address the concerns expressed by market participants.

In addition, Nasdaq proposes to continue, for the time being, its current practice of using the same interval delay between multiple round-lot executions against the same market participant for odd-lot executions of that same security. For example, if the interval delay in a particular security were five seconds, the interval delay after an odd-lot execution would also be five seconds. Nasdaq will closely monitor odd-lot order entry activity in NNMS to ensure that such activity does not adversely impact market quality.

Nasdaq believes that reducing the interval delay between executions of the first day of trading of NNMS-eligible IPOs and secondary offerings will ensure that customer orders for those securities are processed in the most expeditious manner possible. In turn, such processing will improve market function and aid in the crucial price discovery process.

2. Statutory Basis

Based on the above, Nasdaq believes that the proposed rule change, as amended, is consistent with section 15A(b)(6)[6] of the Act, in that the proposed rule change is designed to promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in processing information with respect to and facilitating transactions in securities, as well as to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

[4] In order to obtain immediate processing of executions in secondary offerings, the lead underwriter of the secondary offering shall communicate its request in writing to the Nasdaq Market Operations Department no later than the business day immediately prior to the start of the trading in the secondary offering. Failure to do so may result in the secondary offering being processed pursuant to the interval delay time frames applicable to the currently trading shares of the issuer. *See* Amendment No. 1, *supra* note 3.

[5] *See* Securities Exchange Act Release No. 43720 (December 13, 2000), 65 FR 79909 (December 20, 2000) (notice of filing and immediate effectiveness of File No. SR–NASD–00–67).

[6] 15 U.S.C. 78*o*–3(b)(6).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–01–03 and should be submitted by March 14, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4259 Filed 2–20–01; 8:45 am]

BILLING CODE 8010–01–M

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43952; File No. SR–Phlx–00–13]

Self-Regulatory Organizations; Order Granting Approval of the Proposed Rule Change, as Amended, by the Philadelphia Stock Exchange, Inc. Relating to Timing Guidelines for Application in Disciplinary Hearings

February 12, 2001.

I. Introduction

On July 13, 2000, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change amending Phlx Rule 960.5(a), (b), (c), and (d) to provide timing guidelines for certain procedures conducted pursuant to Phlx Rule 960.5. On August 23, 2000, the Phlx filed Amendment No. 1 to the proposed rule change.[3] On November 9, 2000, the Phlx filed Amendment No. 2 to the proposed rule change.[4] On November 22, 2000, the Phlx filed Amendment No. 3 to the proposed rule change.[5] On December 13, 2000, the Phlx filed Amendment No. 4 to the proposed rule change.[6] Notice of the proposal, as amended, was published in the **Federal Register** on December 28, 2000.[7] The Commission received no comments on the proposal. On January 11, 2001, the Phlx filed Amendment No. 5 to the proposed rule change.[8] This order approves the proposal, as amended.

II. Description of the Proposal

The Phlx proposes to amend Phlx Rule 960.5 to provide timing guidelines for certain procedures relating to disciplinary hearings. Revised Rule 960.5 proposes to adopt a timing guideline of 120 days for the Chair of the Committee to schedule a hearing date after a hearing has been requested in the written Answer filed by a Respondent in response to a Statement of Charges.[9] The Phlx also proposes a five business day timing guideline [10] for the Chair of the Committee, or its designee, to schedule a hearing date and name a Hearing Panel after receiving a request from Counsel for the Exchange. If the request for a hearing comes from the Respondent, Counsel for the Exchange must request that a hearing date be set and a Hearing Panel be named within ten business days of receiving Respondent's request.[11] Evidence and witness lists must be exchanged between the parties, as well as provided to the members of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Charles Falgie, Director of Enforcement/Counsel, Phlx, to Nancy Sanow, Assistant Director, Division of Market Regulation ("Division"), Commission (Aug. 22, 2000) ("Amendment No. 1"). In Amendment No. 1, the Phlx corrected its rule language and clarified which language of the rule text was to be added and deleted. The Phlx also added a paragraph describing that the proposal would allow the Chair of the Business Conduct Committee ("Committee") to designate another person to oversee the Chairperson's duties pursuant to Phlx rules.

The Phlx indicated that the designee would be a Business Conduct Committee member. Telephone conversation between Charles Falgie, Director of Enforcement/Counsel, Phlx, and Melinda Diller, Attorney, Division, Commission (Sept. 1, 2000).

[4] *See* Letter from Charles Falgie, Director of Enforcement/Counsel, Phlx, to Nancy Sanow, Assistant Director, Division, Commission (Nov. 8, 2000) ("Amendment No. 2"). In Amendment No. 2, the Phlx changed the text of the rule language and revised time limits and the manner in which a Respondent's request for a hearing is handled.

[5] *See* Letter from Charles Falgie, Director of Enforcement/Counsel, Phlx, to Nancy Sanow, Assistant Director, Division, Commission (Nov. 20, 2000) ("Amendment No. 3"). In Amendment No. 3, the Phlx "marked" the filing and the text of the rule language to indicate the changes made in Amendment No. 2, which were not properly indicated.

[6] *See* Letter from Charles Falgie, Director of Enforcement/Counsel, Phlx, to Nancy Sanow, Assistant Director, Division, Commission (Dec. 13, 2000) ("Amendment No. 4"). In Amendment No. 4, the Phlx made a few technical corrections to the text of the proposed rule.

[7] *See* Securities Exchange Act Release No. 43757 (December 20, 2000), 65 FR 82432.

[8] *See* Letter from Charles Falgie, Director of Enforcement/Counsel, Phlx, to Nancy Sanow, Assistant Director, Division, Commission (Jan. 11, 2001) ("Amendment No. 5"). In Amendment No. 5, the Phlx made a few more technical corrections to the text of the proposed rule. The Phlx also clarified that it inadvertently indicated the addition of the term "its" and the deletion of the term "their" between the terms "Respondent" and "in" in the first sentence under proposed Rule 960.5(a)(1). Telephone conversation between Charles Falgie, Director of Enforcement/Counsel, Phlx, and Sapna C. Patel, Attorney, Division, Commission (Jan. 12, 2001). Because Amendment No. 5 only makes minor technical corrections to the proposed rule text, the Commission is not required to solicit comments on it.

[9] *See also* Chicago Board Options Exchange, Rule 17.8. Offers of Settlement, Interpretations and Policies .02 (discussing a similar timing guideline for scheduling a hearing date).

[10] *See* Amendment No. 2, *supra* note 4; *see also* Amendment No. 3, *supra* note 5. The Phlx confirmed that Amendment No. 3 incorrectly indicates that the time periods for scheduling the hearing date and for providing a transcript of the hearing to the Hearing Panel members and the Respondents were initially ten days and later amended to five days. However, these time periods have, and will remain, five days throughout the filing. Telephone conversation between Charles Falgie, Director of Enforcement/Counsel, Phlx, and Sapna C. Patel, Law Clerk, Division, Commission (Nov. 27, 2000).

[11] *See* Amendment No. 2, *supra* note 4; *see also* Amendment No. 3, *supra* note 5.

Hearing Panel, not less than eight business days prior to the scheduled hearing date.[12] Counsel for the Exchange must provide a transcript of the hearing to the Hearing Panel members and the Respondent within five business days of receipt of the transcript. The Respondent, along with being provided a copy of the transcript, will be issued a bill for its portion of the costs of the transcript.[13] The Exchange and the Respondent would bear equally the costs of the transcript, which would include, but will not be limited to, the costs for the court reporter, reproduction of the transcript, and producing copies.[14] The Hearing Panel, on receipt of the transcript, would then have forty-five days to produce a hearing report.[15] Finally, the proposed amendments establish formal procedures for requesting and granting adjournments of the hearing date. Requests would be presented in writing to the presiding person of the Hearing Panel and would be considered for just cause.[16]

The proposed amendments also allow the Chair of the Committee to name a designee on behalf of the Committee.[17] This is proposed for administrative purposes, such as the Chair's unavailability due to illness, the need for recusal, or other circumstances which may arise.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act [18] and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6 of the Act.[19] Section 6(b)(6) of the Act [20] requires the rules of an exchange must provide that Exchange members, and persons associated with Exchange members, are appropriately disciplined for violations of the provisions of the Act, the rules and regulations thereunder, or the rules of the Exchange. Section 6(b)(7) of the Act [21] provides that there be a fair procedure for disciplining Exchange members and persons associated with members.

The Commission believes that the Exchange's codification of certain timing guidelines relating to its disciplinary hearing process should foster a prompt, efficient disciplinary process and clarify the procedures for Exchange members and the general public. The Exchange has represented that, although these timing guidelines are not expressly a part of the Exchange's rules, the Exchange has been following these timing guidelines as a part of Exchange procedure. Furthermore, the time periods indicated throughout Phlx Rule 960.5 are similar to time periods employed by other exchanges.[22] The Commission believes that, by expressly codifying these timing guidelines for disciplinary hearings, the Exchange will be able to impose and monitor compliance with the guidelines more effectively. The Commission also believes that the proposed rule change will improve the speed, fairness, and efficiency of disciplinary hearings, thereby promoting a fair procedure for the disciplining of Exchange members and persons associated with Exchange members.

IV. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with sections 6(b)(6) and 6(b)(7).[23]

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[24] that the proposed rule change, as amended (SR–Phlx–00–13) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[25]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4262 Filed 2–20–01; 8:45 am]

BILLING CODE 8010–01–M

[12] *See also* Cincinnati Stock Exchange, Rule 8.6. Hearings, Sub-Paragraph (b) Notice and List of Documents (discussing a similar time frame for parties to exchange evidence and witness lists).

[13] *See* Amendment No. 1, *supra* note 3.

[14] *See* Amendment No. 1, *supra* note 3.

[15] *See also* Pacific Exchange, Rule 10.7. Decision (discussing a similar time frame after receipt of the transcript in which to produce a report); *see also* Amendment No. 2, *supra* note 4; *see also* Amendment No. 3, *supra* note 5.

[16] *See* Amendment No. 1, *supra* note 3.

[17] *See* Amendment No. 1, *supra* note 3.

The Phlx later confirmed that the Chair of the Committee would name the designee on behalf of the Committee. Telephone conversation between Charles Falgie, Director of Enforcement/Counsel, Phlx, and Sapna C. Patel, Attorney, Division, Commission (Jan. 31, 2001).

[18] The Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(6).

[21] 15 U.S.C. 78f(b)(7).

[22] *See supra* notes 9, 12, and 15.

[23] 15 U.S.C. 78f(b)(6) and 15 U.S.C. 78f(b)(7).

[24] 15 U.S.C. 78s(b)(2).

[25] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974; as Amended; Alterations to Existing Systems of Records

AGENCY: Social Security Administration.

ACTION: Notice of minor non-substantive changes to existing systems of records.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(b)(12)), we are issuing public notice of our intent to amend the following existing systems of records to allow disclosure of personally identifiable information to consumer reporting agencies in accordance with 31 U.S.C. 3711(e):

- Master Beneficiary Record, 60–0090,
- Recovery of Overpayment, Accounting and Reporting, 60–0094; and
- Supplemental Security Income Record and Special Veterans Benefits, 60–0103.

We also are modifying the language in the notice entitled, Supplemental Security Income Record and Special Veterans Benefits to: (1) More accurately describe the records maintained in this system of records, and (2) clarify language in routine use numbered 19 for this system of records. We invite public comments on these proposals.

DATES: These changes are effective immediately on February 21, 2001.

ADDRESSES: Interested individuals may comment on this publication by writing to the SSA Privacy Officer, Social Security Administration, 3–A–6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela McLaughlin, Social Insurance Specialist, Social Security Administration, 3–C–2 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, telephone (410) 965–3677.

SUPPLEMENTARY INFORMATION:

I. Disclosure to Consumer Reporting Agencies

The Privacy Act of 1974, as amended, (5 U.S.C. 552a(b)(12)) permits Federal agencies to disclose certain information to consumer reporting agencies in accordance with 31 U.S.C. 3711(e) without the consents of the individuals to whom the information pertains. The purpose of this disclosure is provide an incentive for individuals to pay the outstanding debts they owe to the Federal government by including information about these debts in the

records relating to those persons maintained by consumer reporting agencies. This is a practice commonly used by the private sector. We are permitted by sections 204(f), 808(e) and 1631(b)(4) of the Social Security Act (the Act) (42 U.S.C. 404(f), 1008(e) and 1383(b)(4)) to disclose to consumer reporting agencies under 31 U.S.C. 3711 information on certain delinquent benefit overpayments that occur under title II, title VIII (special benefits for certain veterans of World War II) and title XVI of the Act, respectively.

In accordance with 31 U.S.C. 3711(e) and requirements of the Office of Management and Budget (OMB), we are publishing this notice in the **Federal Register** (FR) that we may disclose information from the above-mentioned systems of records to consumer reporting agencies. The information disclosed will be limited to that which is needed to establish the identity of the individual debtor, the amount, status, and history of the debt, and the agency or program under which the debt arose.

We have added the following statement after the routine uses section of each of the notices of the above-mentioned systems of records:

Disclosure to Consumer Reporting Agencies: Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701, et. Seq.) as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e), or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e) or 1383(b)(4)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal government, typically, to provide an incentive for debtors to repay delinquent Federal government debts by making these debts part of their credit records. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity, the amount, status, and history of the debt and the agency or program under which the debt arose.

II. Clarifying Amendment to the Supplemental Security Income Record and Special Veterans Benefits System of Records

A. Clarification of Description of Categories of Records Maintained

We have amended the categories of records section of the Supplemental Security Income Record and Special Veterans Benefits to more accurately describe the types of information maintained in the system of records. This amendment is a clarification, not the addition of new types of information in the system. This section of the notice of the system of records states that records concerning ". . . payment amounts, including overpayment amounts and the date and amount of advance payments; . . ."

We are clarifying this description as follows (see italicized language): "* * * payment amounts, including the date and amount of advance payments; *overpayment amounts, including identifying characteristics of each overpayment (e.g., name, SSN and address of the individual(s) involved, recovery efforts made and the date of each action, and planned future actions);* * * *"*

B. Clarification of Routine Use Numbered 19 Applicable to the Supplemental Security Income Record and Special Veterans Benefits System of Records

The routine use numbered 19 for the Supplemental Security Income Record and Special Veterans Benefits provides for disclosure of information from the system to other Federal, State and local government agencies to assist those agencies in administering their programs as well as to assist SSA in administering its programs. We are making a clarifying amendment to this routine use to cite examples of SSA programs for which disclosure may be made under the routine use. The amended routine use provides that disclosure may be made (the clarifying language is italicized):

19. To Federal, State or local agencies (or agents on their behalf) for administering cash or non-cash income maintenance or health maintenance programs (including programs under the Social Security Act). Such disclosures include, but are not limited to, release of information to:

(a) The Department of Veterans Affairs upon request for determining eligibility for, or amount of, DVA benefits or verifying other information with respect thereto;

(b) The Railroad Retirement Board for administering the Railroad Unemployment Insurance Act;

(c) State agencies to determine eligibility for Medicaid;

(d) State agencies to locate potentially eligible individuals and to make determinations of eligibility for the food stamp program;

(e) State agencies to administer energy assistance to low income groups under programs for which the States are responsible;

(f) Department of State and its agents to assist SSA in administering the Social Security Act in foreign countries, the American Institute on Taiwan and its agents to assist in administering the Social Security Act in Taiwan, the VA, Philippines Regional Office and its agents to assist in administering the Social Security in the Philippines, and the Department of Interior and its agents to assist in administering the Social Security Act in the Northern Mariana Islands; and

(g) Federal, State, or local agencies to assist SSA in administering its programs such as the Supplemental Security Income and Special Veterans Benefits programs.

Dated: February 14, 2001.

Darrell Blevins,

SSA Privacy Officer.

60–0090

SYSTEM NAME:

Master Beneficiary Record, Social Security Administration, Office of Systems Requirements.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Telecommunications and Systems Operations, 6401 Security Boulevard, Baltimore, MD 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Social Security beneficiaries who are or were entitled to receive Retirement and Survivors Insurance (RSI), or Disability Insurance (DI) benefits, including individuals who have received a RSI or DI payment since November 1978 even if their payment is not part of an ongoing award of benefits; individuals (non-claimants) on whose earnings records former spouses apply for RSI or DI benefits; persons who are only enrolled in the Hospital or Supplementary Medical Insurance (SMI) programs; and claimants whose benefits have been denied or disallowed.

The system also contains short references to records for persons entitled to supplemental security income payments, black lung benefits or railroad retirement board benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Master Beneficiary Record (MBR) contains information about each claimant who has applied for RSI or DI benefits, or to be enrolled in the Hospital or SMI programs; a record of the amount of Federal tax withheld on

benefits paid to nonresident aliens; and the aggregate amount of benefit payments, repayments and reductions with respect to an individual in a calendar year. A record is maintained under each individual's Social Security number (SSN). However, if the individual has filed on another person's SSN, only a short "pointer" record is maintained. Personal and general data about the claim is maintained under the SSN of that claim. Data about the claimant can be accessed using the claimant's SSN or the SSN on which benefits have been awarded or claimed (claim account number (can)).

There are three types of data in each CAN:

Account data: This includes the primary insurance amount, insured status of the SSN holder (if no monthly benefits are payable), data relating to the computation (use of military service credits, railroad retirement credits, or coverage credits earned under the Social Security system of a foreign country when the claim is based on a totalization agreement), and, if only survivor's benefits have been paid, identifying data about the SSN holder (full name, date of birth, date of death and verification of date of death).

Payment data: This includes the payee's name and address, data about a financial institution (if benefits are sent directly to the institution for deposit), the monthly payment amount, the amount and date of a one-time payment of past due benefits, and, where appropriate, a scheduled future payment.

Beneficiary data: This includes personal information (name, date of birth, sex, date of filing, relationship to the SSN holder, other SSN's, benefit amount and payment status), and, if applicable, information about a representative payee, data about disability entitlement, worker's compensation offset data, estimates and report of earnings, or student entitlement information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 202–205, 223, 226, 228, 1818, 1836, and 1840 of the Social Security Act (the Act).

PURPOSE(S):

Data in this system are used by a broad range of Social Security employees for responding to inquiries, generating follow-ups on beneficiary reporting events, computer exception processing, statistical studies, conversion of benefits, and generating records for the Department of the Treasury to pay the correct benefit amount.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made for routine uses as indicated below. However, disclosure of any information constituting "returns or return information" within the scope of the Internal Revenue Code will not be disclosed unless disclosure is authorized by that statute.

(1) To applicants or claimants, prospective applicants or claimants (other than the data subject), their authorized representatives or representative payees to the extent necessary to pursue Social Security claims and to representative payees, when the information pertains to individuals for whom they serve as representative payees, for the purpose of assisting SSA in administering its representative payment responsibilities under the Act and assisting the representative payees in performing their duties as payees, including receiving and accounting for benefits for individuals for whom they serve as payees.

(2) To third party contacts (e.g., employers and private pension plan) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for, or entitlement to, benefits under the Social Security program when:

(a) The individual is unable to provide information being sought. An individual is considered to be unable to provide certain types of information when:

(i) He/she is incapable or of questionable mental capability;

(ii) He/she cannot read or write;

(iii) He/she cannot afford the cost of obtaining the information;

(iv) He/she has a hearing impairment, and is contacting SSA by telephone through a telecommunications relay system operator;

(v) A language barrier exists; or

(vi) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(i) His/her eligibility for benefits under the Social Security program;

(ii) The amount of his/her benefit payment; or

(iii) Any case in which the evidence is being reviewed as a result of suspected fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

(3) To third party contacts that may have information relevant to SSA's establishment or verification of information provided by representative payees or payee applicants.

(4) To a Social Security beneficiary/claimant when a claim is filed by another individual on the same record which is adverse to the beneficiary, but only information concerning the facts relevant to the interests of each party in a claim e.g.:

(a) An award of benefits to a new claimant precludes an award to a prior claimant; or

(b) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the roll;

(5) To the Department of the Treasury for:

(a) Collecting Social Security taxes or as otherwise pertinent to tax and benefit payment provisions of the Act (including SSN verification services);

(b) Investigating the alleged theft, forgery, or unlawful negotiation of Social Security checks;

(c) Determining the Federal tax liability on Social Security benefits pursuant to 26 U.S.C. 6050F, as amended by Public Law 98–21. The information disclosed will consist of the following:

(i) The aggregate amount of Social Security benefits paid with respect to any individual during any calendar year;

(ii) The aggregate amount of Social Security benefits repaid by such individual during such calendar year;

(iii) The aggregate reductions under section 224 of the Act in benefits which would otherwise have been paid to such individual during the calendar year on account of amounts received under a worker's compensation act; and

(iv) The name and address of such individual;

(d) Depositing the tax withheld on benefits paid to nonresident aliens in the Treasury (Social Security Trust Funds) pursuant to 26 U.S.C. 871, as amended by P.L. 98–21.

(6) To the United States Postal Service for investigating the alleged theft or forgery of Social Security checks.

(7) To the Department of Justice (DOJ) for:

(a) Investigating and prosecuting violations of the Act to which criminal penalties attach;

(b) Representing the Commissioner of Social Security; and

(c) Investigating issues of fraud by agency officers or employees, or violation of civil rights.

(8) To the Department of State for administering the Act in foreign countries through services and facilities of that agency.

(9) To the American Institute of Taiwan for administering the Act in Taiwan through services and facilities of that agency.

(10) To the Department of Veterans Affairs (DVA), Philippines Regional Office, for administering the Act in the Philippines through the services and facilities of that agency.

(11) To the Department of Interior for administering the Act in the Trust Territory of the Pacific Islands through services and facilities of that agency.

(12) To the Social Security agency of a foreign country, to carry out the purpose of an international Social Security agreement entered into between the United States and the other country, pursuant to section 233 of the Act.

(13) To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his/her behalf.

(14) To the Department of Education for determining eligibility of applicants for basic educational opportunity grants.

(15) To the Bureau of the Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to this system of records.

(16) To the Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

(17) To the Office of Personnel Management (OPM), for the study of the relationship of civil service annuities to minimum Social Security benefits, and the effects on the Social Security trust fund.

(18) To State Social Security Administrators for administering agreements pursuant to section 218 of the Act.

(19) To the Department of Energy for its epidemiological research study of the long-term effects of low-level radiation exposure, as permitted by SSA Regulations 20 CFR 401.150(c).

(20) To contractors under contract to SSA (or under contract to another agency with funds provided by SSA) for the performance of research and statistical activities directly relating to this system of records.

(21) To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

(22) To the Department of Labor for conducting statistical studies of the relationship of private pensions and Social Security benefits to prior earnings.

(23) In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Act.

(24) To Federal, State, or local agencies (or agents on their behalf) for administering income maintenance or health maintenance programs (including programs under the Act). Such disclosures include, but are not limited to, release of information to:

(a) RRB for administering provisions of the Railroad Retirement Act relating to railroad employment; for administering the Railroad Unemployment Insurance Act and for administering provisions of the Social Security Act relating to railroad employment;

(b) DVA for administering 38 U.S.C. 1312, and upon request, for determining eligibility for, or amount of, veterans benefits or verifying other information with respect thereto pursuant to 38 U.S.C. 5106;

(c) State welfare departments for administering sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Act requiring information about assigned SSN's for Temporary Assistance for Needy Families (TANF) program purposes and for determining a recipient's eligibility under the TANF program; and

(d) State agencies for administering the Medicaid program.

(25) Upon request, information on the identity and location of aliens may be disclosed to the Department of Justice (DOJ) (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating and, where appropriate, taking legal action against suspected Nazi war criminals in the United States.

(26) To third party contacts such as private collection agencies and credit reporting agencies under contract with SSA and State motor vehicle agencies for the purpose of their assisting SSA in recovering overpayments.

(27) Information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under the routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

(28) Non-tax return information which is not restricted from disclosure by Federal law may be disclosed to General Services Administration (GSA) and National Archives and Records Administration (NARA) for the purpose of conducting records management studies with respect to their duties and responsibilities under 44 U.S.C. 2904 and 2906, as amended by NARA Act of 1984.

(29) Information may be disclosed to the Federal Reserve Bank of New York for the purpose of making direct deposit/electronic funds transfer of Social Security benefits to foreign-resident beneficiaries.

(30) To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) SSA, or any component thereof, or

(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components,

is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Wage and other information which are subject to the disclosure provisions of the Internal Revenue Code (IRC) (26 U.S.C. 6103) will not be disclosed under this routine use unless disclosure is expressly permitted by the IRC.

(31) To the Rehabilitation Services Administration (RSA) for use in its program studies of, and development of enhancements for, State vocational rehabilitation programs. These are programs to which applicants or beneficiaries under titles II and or XVI of the Act may be referred. Data released to RSA will not include any personally identifying information (such as names or SSNs).

(32) Addresses of beneficiaries who are obligated on loans held by the Secretary of Education or a loan made in accordance with 20 U.S.C. 1071, *et. seq.* (the Robert T. Stafford Federal Student Loan Program) may be disclosed to the Department of Education as authorized by section 489A of the Higher Education Act of 1965.

(33) To student volunteers and other workers, who technically do not have the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

(34) To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:

(a) To enable them to protect the safety of SSA employees and customers, the security of the SSA workplace and the operation of SSA facilities, or

(b) To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of SSA facilities.

(35) Corrections to information that resulted in erroneous inclusion of individuals in the Death Master File (DMF) may be disclosed to recipients of erroneous DMF information.

(36) Information as to whether an individual is alive or deceased may be disclosed pursuant to section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), upon request, for purposes of an epidemiological or similar research project, provided that:

(a) SSA determines in consultation with the Department of Health and Human Services, that the research may reasonably be expected to contribute to a national health interest; and

(b) The requester agrees to reimburse SSA for the costs of providing the information; and

(c) The requester agrees to comply with any safeguards and limitations specified by SSA regarding rerelease or redisclosure of the information.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701, *et seq.*) as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e), or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e) or 1383(b)(4)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal government, typically, to provide an incentive for debtors to repay delinquent Federal government debts by making these debts part of their credit records. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity, the amount, status, and history of the debt and the agency or program under which the debt arose.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in magnetic media (e.g., magnetic tape and magnetic disk) and in microform and paper form.

RETRIEVABILITY:

Records in this system are indexed and retrieved by SSN.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the Systems Security Handbook. All magnetic tapes and disks are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microform and paper files are accessible only by authorized personnel and are locked after working hours.

For computerized records, electronically transmitted between SSA's central office and field office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

RETENTION AND DISPOSAL:

Primary data storage is on magnetic disk. A new version of the disk file is generated each month based on changes to the beneficiary's record (adjustment in benefit amount, termination, or new entitlements). The prior version is written to tape and retained for 90 days in SSA's main data processing facility and is then sent to a secured storage facility for indefinite retention.

Selected records also are retained on magnetic disk for on-line query purposes. The query files are updated monthly and retained indefinitely. Microform records are disposed of by shredding or the application of heat after periodic replacement of a complete file.

Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder. (See the notice for the Claims Folders System, 60–0089 for retention periods and method of disposal for these records).

SYSTEM MANAGER AND ADDRESS:

Director, Office of Systems Requirements, Division of Payment Processes, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by writing to the systems manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification, such as a voter registration card, credit card, etc. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth along with one other piece of information such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These

procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Data for the MBR come primarily from the Claims Folders System (60–0089) and/or is furnished by the claimant/beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given to SSA by the beneficiary; and from States regarding Hospital Insurance third party premium payment/buy-in cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

60–0094

SYSTEM NAME:

Recovery of Overpayments, Accounting and Reporting, Social Security Administration, Office of Systems Requirements.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Telecommunications and Systems Operations, 6401 Security Boulevard, Baltimore, MD 21235

PSCs (See Appendix A for PSC address information).

Social Security Administration, Office of Disability Operations, 1500 Woodlawn Drive, Baltimore, MD 21241

Lists of overpaid individuals, which are produced by this computer system, are maintained at each of SSA's field offices. (See Appendix F to this publication for address and telephone information.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Social Security beneficiaries who may have received an overpayment of benefits; persons holding conserved (accumulated) funds received on behalf of a Social Security beneficiary; and persons who received Social Security payments on behalf of a beneficiary and are suspected to have misused those payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying characteristics of each overpayment or instance of misused or conserved funds (e.g., name, SSN and address of the individual(s) involved, recovery efforts made and the date of each action, and planned future actions).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 204(a) of the Social Security Act (42 U.S.C. 404(a)).

PURPOSE(S):

The users of this system are employees of the Social Security field offices, as well as selected personnel of SSA's Program Service Centers (PSC) and the Office of Disability Operations (ODO). The data are used to maintain control of overpayments and misused or conserved funds from the time of discovery to the final resolution and for the proper adjustments of payment and refund amounts. Data adjustment produce accounting and statistical reports at specified intervals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made for routine uses as indicated below. However, disclosure of any information constituting "returns or return information" within the scope of the Internal Revenue Code will not be disclosed unless disclosure is authorized by that statute.

(1) To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

(2) To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or a third party on his/her behalf.

(3) To third party contacts such as private collection agencies and credit reporting agencies under contract with SSA and State motor vehicle agencies for the purpose of their assisting SSA in recovering overpayments.

(4) Information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

(5) Non-tax return information which is not restricted from disclosure by Federal law may be disclosed to the General Services Administration (GSA) and the National Archives and Records Administration (NARA) for the purpose of conducting records management studies with respect to their duties and responsibilities under 44 U.S.C. 2904 and 2906, as amended by NARA Act of 1984.

(6) To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) SSA, or any component thereof; or

(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components,

is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Wage and other information which are subject to the disclosure provisions of the IRC (26 U.S.C. 6103) will not be disclosed under this routine use unless disclosure is expressly permitted by the IRC.

(7) To student volunteers and other workers, who technically do not have the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701, *et seq.*) as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e), or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e) or 1383(b)(4)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal government, typically, to provide an incentive for debtors to repay delinquent Federal government debts by making these debts part of their credit records. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity, the amount, status, and history of the debt and the agency or program under which the debt arose.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in magnetic cartridges, microfiche and paper form.

RETRIEVABILITY:

Records are retrieved by SSN.

SAFEGUARDS:

System security for automated records has been established in accordance with the Systems Security Handbook. This includes maintaining automated records in a secured building, the SSA National Computer Center, and limiting access to the building to employees who have a need to enter in the performance of their official duties. Paper and other non-ADP records are protected through standard security measures (e.g., maintenance of the records in buildings which are manned by armed guards). (See Appendix G for additional information relating to safeguards SSA employs to protect personal information.)

RETENTION AND DISPOSAL:

Magnetic cartridges are updated daily and retained for 75 days. The magnetic cartridges produced in the last operation of the month is retained in security storage for a period of 75 days, after which the tapes are erased and returned to stock. The microfiche records are updated monthly, retained for 3 years after the month they are produced, and then destroyed by application of heat.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Systems Requirements, Division of Payment Processes, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by contacting the appropriate processing office (e.g., PSC, ODO or the most convenient Social Security field office). (See Appendices A and F to this publication for address information), by writing to the systems manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification, such as a voter registration card, credit card, etc. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth along with one other piece of information such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR § 401.40).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

The information for the computer files is received directly from beneficiaries, from Social Security field offices, and as the result of earnings enforcement operations. The paper listings are updated as a result of the computer operations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

60–0103

SYSTEM NAME:

Supplemental Security Income Record and Special Veterans Benefits, Social Security Administration, Office of Systems Requirements.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Telecommunications and Systems Operations, 6401 Security Boulevard, Baltimore, MD 21235.

Records also may be located in the Social Security Administration (SSA) Regional and field offices (individuals should consult their local telephone directories for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file contains a record for each individual who has applied for supplemental security income (SSI) payments, including individuals who have requested an advance payment; SSI recipients who have been overpaid; and ineligible persons associated with an SSI recipient. This file also covers those individuals who have applied for and who are entitled to the Special Veterans Benefits (SVB) under title VIII of the Social Security Act. (This file does not cover applicants who do not have a Social Security number (SSN).)

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains data regarding SSI eligibility; citizenship; residence; Medicaid eligibility; eligibility for other benefits; alcoholism or drug addiction data, if applicable (disclosure of this information may be restricted by 21 U.S.C. 1175 and 42 U.S.C. 290dd–3 and ee–3); income data; resources; payment amounts, including the date and amount of advance payments; overpayment

amounts, including identifying characteristics of each overpayment (e.g., name, SSN, address of the individual(s) involved, recovery efforts made and the date of each action and planned future actions); and date and amount of advance payments; living arrangements; case folder location data; appellate decisions, if applicable; SSN used to identify a particular individual, if applicable; information about representative payees, if applicable; and a history of changes to any of the persons who have applied for SSI payments. For eligible individuals, the file contains basic identifying information, income and resources (if any) and, in conversion cases, the State welfare number.

THIS FILE ALSO CONTAINS INFORMATION ABOUT APPLICANTS FOR SVB.

The information maintained in this system of records is collected from the applicants for title VIII SVB, and other systems of records maintained by SSA. The information maintained includes a data element indicating this is a title VIII SVB claim. It will also include: identifying information such as the applicant's name, Social Security number (SSN) and date of birth (DOB); telephone number (if any); foreign and domestic addresses; the applicant's sex; income data, payment amounts (including overpayment amounts); and other information provided by the applicant relative to his or her entitlement for SVB.

If the beneficiary has a representative payee, this system of records includes data about the representative payee such as the payee's SSN; employer identification number, if applicable; and mailing address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1602, 1611, 1612, 1613, 1614, 1615, 1616, 1631, 1633, 1634 of title XVI and title VIII of the Social Security Act (the Act).

PURPOSE(S):

SSI records begin in Social Security field offices where an individual or couple files an application for SSI payments. SVB records begin in Social Security field offices and Veterans Affairs Regional Office (VARO) where an individual files an application for SVB payments. The SSI and SVB applications contain data which may be used to prove the identity of the applicant, to determine his/her eligibility for SSI or SVB payments and, in cases where eligibility is determined, to compute the amount of the payment. Information from the application, in addition to data used internally to control and process SSI and SVB cases, is used to create the Supplemental Security Income Record (SSR). The SSR also is used as a means of providing a historical record of all activity on a particular individual's or couple's record.

In addition, statistical data are derived from the SSR for actuarial and management information purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made for routine uses as indicated below. However, disclosure of any information constituting "returns or return information" within the scope of the Internal Revenue Code will not be disclosed unless disclosure is authorized by that statute.

(1) To the Department of the Treasury to prepare SSI, Energy Assistance, and SVB checks to be sent to claimants or beneficiaries.

(2) To the States to establish the minimum income level for computation of State supplements.

(3) To the following Federal and State agencies to prepare information for verification of benefit eligibility under section 1631(e) of the Act: Bureau of Indian Affairs; Office of Personnel Management; Department of Agriculture; Department of Labor; Immigration and Naturalization Service; Internal Revenue Service; Railroad Retirement Board; State Pension Funds; State Welfare Offices; State Worker's Compensation; Department of Defense; United States Coast Guard; and Department of Veterans Affairs.

(4) To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

(5) To the appropriate State agencies (or other agencies providing services to disabled children) to identify title XVI eligibles under the age of 16 for the consideration of rehabilitation services in accordance with section 1615 of the Act, 42 U.S.C. 1382d.

(6) To contractors under contract to SSA or under contract to another agency with funds provided by SSA for the performance of research and statistical activities directly relating to this system of records.

(7) To State audit agencies for auditing State supplementation payments and Medicaid eligibility consideration.

(8) To State agencies to effect and report the fact of Medicaid eligibility of title XVI recipients in the jurisdiction of those States which have elected Federal determinations of Medicaid eligibility of title XVI eligibles and to assist the States in administering the Medicaid program.

(9) To State agencies to identify title XVI eligibles in the jurisdiction of those States which have not elected Federal determinations of Medicaid eligibility in order to assist those States in establishing and maintaining Medicaid rolls and in administering the Medicaid program.

(10) To State agencies to enable those agencies which have elected Federal administration of their supplementation programs to monitor changes in applicant/recipient income, special needs, and circumstances.

(11) To State agencies to enable those agencies which have elected to administer their own supplementation programs to identify SSI eligibles in order to determine the amount of their monthly supplementary payments.

(12) To State agencies to enable them to assist in the effective and efficient administration of the SSI program.

(13) To State agencies to enable those which have an agreement with SSA to carry out their functions with respect to Interim Assistance Reimbursement pursuant to section 1631(g) of the Act.

(14) To State agencies to enable them to locate potentially eligible individuals and to make eligibility determinations for extensions of social services under the provisions of title XX of the Act.

(15) To State agencies to assist them in determining initial and continuing eligibility in their income maintenance programs and for investigation and prosecution of conduct subject to criminal sanctions under these programs.

(16) To the United States Postal Service for investigating the alleged theft, forgery or unlawful negotiation of SSI and SVB checks.

(17) To the Department of the Treasury for investigating the alleged theft, forgery or unlawful negotiation of SSI and SVB checks.

(18) To the Department of Education for determining the eligibility of applicants for Basic Educational Opportunity Grants.

(19) To Federal, State or local agencies (or agents on their behalf) for administering cash or non-cash income maintenance or health maintenance programs (including programs under the Act). Such disclosures include, but are not limited to, release of information to:

(a) The Department of Veterans Affairs (DVA) upon request for determining eligibility for, or amount of, DVA benefits or verifying other information with respect thereto in accordance with 38 U.S.C. 5106;

(b) The RRB for administering the Railroad Unemployment Insurance Act;

(c) State agencies to determine eligibility for Medicaid;

(d) State agencies to locate potentially eligible individuals and to make determinations of eligibility for the food stamp program;

(e) State agencies to administer energy assistance to low income groups under programs for which the States are responsible; and

(f) Department of State and its agents to assist SSA in administering the Social Security Act in foreign countries, the American Institute on Taiwan and its agents to assist in administering the Social Security Act in Taiwan, the VA, Philippines Regional Office and its agents to assist in administering the Social Security Act in the Philippines, and the Department of Interior and its agents to assist in administering the Social Security Act in the Northern Mariana Islands.

(g) Federal, State, or local agencies to assist SSA in administering its programs such as the Supplemental Security Income and Special Veterans Benefits program.

(20) To IRS, Department of the Treasury, as necessary, for the purpose of auditing SSA's compliance with safeguard provisions of the Internal Revenue Code (IRC) of 1986, as amended.

(21) To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or a third party on his/her behalf.

(22) Upon request, information on the identity and location of aliens may be disclosed to the DOJ (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating and, where necessary, taking legal action against suspected Nazi war criminals in the United States.

(23) To third party contacts such as private collection agencies and credit reporting agencies under contract with SSA and State motor vehicle agencies for the purpose of their assisting SSA in recovering overpayments.

(24) Information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

(25) Non-tax return information which is not restricted from disclosure by Federal law may be disclosed to General Services Administration (GSA) and National Archives and Records Administration (NARA) for the purpose of conducting records management studies with respect to their duties and responsibilities under 44 U.S.C. 2904 and 2906, as amended by NARA Act of 1984.

(26) To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) SSA, or any component thereof, or

(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components,

is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court, or other tribunal, is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Wage and other information which are subject to the disclosure provisions of the IRC (26 U.S.C. 6103) will not be disclosed under this routine use unless disclosure is expressly permitted by the IRC.

(27) To representative payees, when the information pertains to individuals for whom they serve as representative payees, for the purpose of assisting SSA in administering its representative payment responsibilities under the Act and assisting the representative payees in performing their duties as payees, including receiving and accounting for benefits for individuals for whom they serve as payees.

(28) To third party contacts (e.g., employers and private pension plans) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for, or entitlement to, benefits under the Social Security program when:

(a) The individual is unable to provide information being sought. An individual is considered to be unable to provide certain types of information when:

(i) He/she is incapable or of questionable mental capability;

(ii) He/she cannot read or write;

(iii) He/she cannot afford the cost of obtaining the information;

(iv) He/she has a hearing impairment, and is contacting SSA by telephone through a telecommunications relay system operator;

(v) A language barrier exists; or

(vi) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(i) His/her eligibility for benefits under the Social Security program;

(ii) The amount of his/her benefit payment; or

(iii) Any case in which the evidence is being reviewed as a result of suspected fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

(29) To Rehabilitation Services Administration (RSA) for use in its program studies of, and development of enhancements for, State vocational rehabilitation programs. These are programs to which applicants or beneficiaries under titles II and or XVI of the Act may be referred. Data released to RSA will not include any personally identifying information (such as names or SSNs).

(30) Addresses of beneficiaries who are obligated on loans held by the Secretary of Education or a loan made in accordance with 20 U.S.C. 1071, *et. seq.* (the Robert T. Stafford Student Loan Program) may be disclosed to the Department of Education as authorized by section 489A of the Higher Education Act of 1965.

(31) To student volunteers and other workers, who technically do not have the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

(32) To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, if information is necessary:

(a) To enable them to protect the safety of SSA employees and customers, the security of the SSA workplace and the operation of SSA facilities, or

(b) To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of SSA facilities.

(33) Corrections to information that resulted in erroneous inclusion of individuals in the Death Master File (DMF) may be disclosed to recipients of erroneous DMF information.

(34) Information as to whether an individual is alive or deceased may be disclosed pursuant to section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), upon request, for purposes of an epidemiological or similar research project, provided that:

(a) SSA determines in consultation with the Department of Health and Human Services, that the research may reasonably be expected to contribute to a national health interest; and

(b) The requester agrees to reimburse SSA for the costs of providing the information; and

(c) The requester agrees to comply with any safeguards and limitations specified by SSA regarding rerelease or redisclosure of the information.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701, *et seq.*) as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e), or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e) or 1383(b)(4)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal government, typically, to provide an incentive for debtors to repay delinquent Federal government debts by making these debts part of their credit records. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity, the amount, status, and history of the debt and the agency or program under which the debt arose.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in magnetic media (e.g., magnetic tape) and in microform and microfiche form.

RETRIEVABILITY:

Records are indexed and retrieved by SSN.

SAFEGUARDS:

System security for automated records has been established in accordance with the Systems Security Handbook. This includes maintaining all magnetic tapes and magnetic disks within an enclosure attended by security guards. Anyone entering or leaving that enclosure must have special badges which are only issued to authorized personnel. All authorized personnel having access to the magnetic records are subject to the penalties of the Privacy Act. The microfiche are stored in locked cabinets, and are accessible to employees only on a need-to-know basis. All SSR State Data Exchange records are protected in accordance with agreements between SSA and the respective States regarding confidentiality, use, and redisclosure.

RETENTION AND DISPOSAL:

Original input transaction tapes received which contain initial claims and posteligibility actions are retained indefinitely although these are processed as received and incorporated into processing tapes which are updated to the master SSR tape file on a monthly basis. All magnetic tapes appropriate to SSI information furnished to specified Federal, State, and local agencies for verification of eligibility for benefits and under section 1631(e) are retained, in accordance with the PA accounting requirements, for at least 5 years or the life of the record, whichever is longer.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Supplemental Security Income Systems, Office of Systems Requirements, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by writing to or visiting any Social Security field office and providing his or her name and SSN. (Individuals should consult their local telephone directories for Social Security office address and telephone information.) Applicants for SVB who reside in the Philippines should contact VARO, Philippines. (Furnishing the SSN is voluntary, but it will make searching for an individual's record easier and prevent delay.)

An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification, such as a voter registration card, credit card, etc. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth along with one other piece of information such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR § 401.40).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to, a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. A parent or guardian who requests notification of, or access to, a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55)).

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Data contained in the SSR are obtained for the most part from the applicant for SSI and SVB payments and are derived from the Claims Folders System (60–0089) and the Modernized Supplemental Security Income Claims System. The States and other Federal agencies such as the Department of Veterans Affairs also provide data affecting the SSR.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. 01–4235 Filed 2–20–01; 8:45 am]

BILLING CODE 4015–00–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending February 2, 2001

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2001–8789.
Date Filed: January 29, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC23 EUR–SASC 0074 Dated: 26 January 2001, Expedited Europe-South Asian Subcontinent Resolution 002b, Intended effective date: 1 March 2001.

Docket Number: OST–2001–8810.
Date Filed: January 30, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC12 USA–EUR Fares 0053 dated 30 January 2001, Resolution 015h—USA Add-on Amounts between USA and UK, Intended effective date: 1 April 2001.

Docket Number: OST–2001–8837.
Date Filed: January 31, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC3 0464 dated 19 December 2000, TC3 Areawide Resolutions r1—r10, PTC3 0465 dated 19 December 2000, TC3 Within South Asian Subcontinent Resolutions, r11—r19, PTC3 0466 dated 19 December 2000, TC3 Within South East Asia Resolutions r20—r-31, PTC3 0467 dated 19 December 2000, TC3 Within South West Pacific Resolutions r32—r37, PTC3 0468 dated 19 December 2000, TC3 between South East Asia and South Asian Subcontinent, Resolutions r38—r46, PTC3 0469 dated 19 December 2000, TC3 between South Asian Subcontinent and South West Pacific, Resolutions r47—r54, PTC3 0470 dated 19 December 2000, TC3 between South East Asia and South West Pacific, Resolutions r55—r59, Minutes—PTC3 0478 dated 23 January 2001, Tables—PTC3 Fares 0135 dated 19 December 2000, PTC3 Fares 0136 dated 19 December 2000, PTC3 Fares 0137 dated 19 December 2000, PTC3 Fares 0139 dated 19 December 2000, PTC3 Fares 0140 dated 19 December 2000, PTC3 Fares 0142 dated 19 December 2000, Intended effective date: 1 April 2001.

Docket Number: OST–2001–8838.
Date Filed: January 31, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC3 0471 dated 19 December 2000, TC3 between Japan and Korea Resolutions r1—r12, PTC3 0472 dated 19 December 2000, TC3 between Japan, Korea and South Asian Subcontinent, Resolutions r13—r27, PTC3 0473 dated 19 December 2000, TC3 between Japan, Korea and South East Asia, Resolutions r28—r56, PTC3 0474 dated 19 December 2000, TC3 between Japan, Korea and South West Pacific, Resolutions r57—r105, Minutes—PTC3 0478 dated 23 January 2001, Tables—PTC3 Fares 0138 dated 19 December 2000, PTC3 Fares 0141 dated 19 December 2000, PTC3 Fares 0143 dated 19 December 2000, PTC3 Fares 0144 dated 19 December 2000, Intended effective date: 1 April 2001.

Dorothy Y. Beard,
Federal Register Liaison.

[FR Doc. 01–4273 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending February 2, 2001

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2001–8823.
Date Filed: January 30, 2001.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 20, 2001.
Description

Application of Express One International pursuant to 49 U.S.C. Section 41102 and Part 201, Subpart B of Part 302, applies for the issuance of a certificate of public convenience and necessity authorizing Express One to provide scheduled foreign air transportation of property and mail between any point or points in the United States and any point or territory or possession in the United States and any point or points in the countries listed in this application.

Docket Number: OST–2001–8848.
Date Filed: February 2, 2001.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 23, 2001.
Description

Application of Air Canada Regional Inc. pursuant to 49 U.S.C. Section 41301, and Subpart Q, applies for a Foreign Air Carrier Permit that would enable Air Canada Regional to hold out scheduled foreign air transportation of persons, property and mail between any point or points in Canada, and any point or points in the United States, and to engage in foreign charter operations pursuant to the Department's charter regulations.

Dorothy Y. Beard,
Federal Register Liaison.

[FR Doc. 01–4274 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2001–8891]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Merchant Marine Personnel Advisory Committee (MERPAC) and its working groups will meet to discuss various issues relating to the training and fitness of merchant marine personnel. MERPAC advises the Secretary of Transportation on matters relating to the training, qualifications, licensing, certification and fitness of

seamen serving in the U.S. merchant marine. All meetings will be open to the public.

DATES: MERPAC will meet on Tuesday, March 27, 2001, from 8 a.m. to 4 p.m. and on Wednesday, March 28, 2001, from 8 a.m. to 3 p.m. These meetings may adjourn early if all business is finished. Requests to make oral presentations should reach the Coast Guard on or before March 7, 2001. Written material and requests to have a copy of your material distributed to each member of the committee or subcommittee should reach the Coast Guard on or before March 7, 2001.

ADDRESSES: MERPAC will meet on both days at the RTM STAR Center, 2 West Dixie Highway, Dania Beach, FL 33004. Further directions regarding the location of the RTM STAR Center may be obtained by contacting Ms. Cathy Servideo at (954) 920–3222, extension 7270. Send written material and requests to make oral presentations to Commander Brian J. Peter, Commandant (G–MSO–1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. This notice is available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Commander Brian J. Peter, Executive Director of MERPAC, or Mr. Mark C. Gould, Assistant to the Executive Director, telephone 202–267–0229, fax 202–267–4570, or e-mail mgould@comdt.uscg.mil.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of March 27, 2001 Meeting:

The full committee will meet to discuss the objectives for the meeting. The committee will then break up into the following working groups: Task Statement 24, concerning recommendations on a program to revise the testing for advancement of deck officers to conform to the STCW; Task Statement 25, concerning recommendations on a program to revise the testing for advancement of engineering officers with unlimited horsepower licenses to conform to the STCW; and, Task Statement 26, concerning recommendations on a program to revise the testing for advancement of engineering officers with limited horsepower licenses to conform to the STCW. New working groups may be formed to address any new issues or tasks. At the end of the day, the working groups will make a report to the full committee on what has been accomplished in their meetings. No action will be taken on these reports on this date.

Agenda of March 28, 2001, Meeting:

The agenda includes the following:

(1) Introduction.

(2) Oath of Office to New Member and Re-appointed Members.

(3) Working Group Reports:

(a) Task Statement 24, concerning recommendations on a program to revise the testing for advancement of deck officers to conform to the STCW

(b) Task Statement 25, concerning recommendations on a program to revise the testing for advancement of engineering officers with unlimited horsepower licenses to conform to the STCW

(c) Task Statement 26, concerning recommendations on a program to revise the testing for advancement of engineering officers with limited horsepower licenses to conform to the STCW

(4) Other items to be discussed:

(a) Standing Committee—Prevention Through People

(b) Other items brought up for discussion by the committee or the public

Procedural

Both meetings are open to the public. Please note that the meetings may adjourn early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Executive Director no later than March 7, 2001. Written material for distribution at a meeting should reach the Coast Guard no later than March 7, 2001. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of the meeting, please submit 25 copies to the Executive Director no later than March 7, 2001.

Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: February 12, 2001.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 01–4279 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2001–8895]

Towing Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Towing Safety Advisory Committee (TSAC), its working groups on Licensing Implementation, Fire Suppression, Casualty Analysis, and Voyage Planning will meet as required to discuss various issues relating to shallow-draft inland and coastal waterway navigation and towing safety. All meetings will be open to the public.

DATES: TSAC will meet on Thursday, March 15, 2001, from 8 a.m. to 12:30 p.m. The working groups will meet on Wednesday, March 14, 2001, from 9 a.m. to 3:30 p.m. These meetings may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before March 1, 2001. Requests to have a copy of your material distributed to each member of the Committee or working groups should reach the Coast Guard on or before March 1, 2001.

ADDRESSES: TSAC will meet in room 2415, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. The working groups will begin in the same room and may move to separate spaces designated at that time. Send written material and requests to make oral presentations to Mr. Gerald P. Miante, Commandant (G–MSO–1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. This notice is available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald P. Miante, Assistant Executive Director, telephone 202–267–0229, fax 202–267–4570, or e-mail at: gmiante@comdt.uscg.mil.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meetings

The agenda tentatively includes the following:

(1) Report of the License Implementation Work Group.

(2) Status report on the International Maritime Information Safety System (IMISS).

(3) Status Report on the Automatic Identification System (AIS).

(4) Status report of the rulemaking on Licensing and Manning of Towing Vessels.

(5) Status report of the Navigation and Vessel Inspection Circular (NVIC) on License Implementation.

(6) Status report of the rulemaking on Fire-Suppression Systems and Voyage Planning for Towing Vessels.

(7) Status report of the R&D studies on Mariner Alertness.

(8) Report on recently compiled data and analyses for the towing industry.

(9) Introduction of the "Crew Alertness Campaign."

Procedural

All meetings are open to the public. Please note that the meetings may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Executive Director no later than March 1, 2001. Written material for distribution at a meeting should reach the Coast Guard no later than March 1, 2001. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of a meeting, please submit 25 copies to the Assistant Executive Director no later than March 1, 2001.

Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Assistant Executive Director as soon as possible.

Dated: February 12, 2001.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 01–4278 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–11]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 13, 2001.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov*. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR §§ 11.85 and 11.91.

Issued in Washington, DC, on February 15, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2000–7985.
Petitioner: Ross Aviation, Inc.
Section of 14 CFR Affected: 14 CFR 119.65(a).
Description of Relief Sought: To permit Ross' Director of Maintenance and Chief Inspector to qualify as full-time employees, even though these individuals also serve in these capacities under Air Agency Certificate ROSR023B.

Docket No.: FAA–2000–8472.
Petitioner: Era Aviation, Inc.
Section of 14 CFR Affected: 14 CFR 121.643(a)(2) and (3).
Description of Relief Sought: To allow ERA to operate its DHC–6 airplane under the visual flight rule fuel supply requirements of § 135.209, rather than the fuel supply requirements of § 121.643.

Docket No.: FAA–2000–8580.
Petitioner: Fairchild Dornier.
Section of 14 CFR Affected: 14 CFR 25.562(b)(2).
Description of Relief Sought: To exempt FD from the floor warpage testing requirements of § 25.562(b)(2) for flight crew seats on the 728–100 model aircraft.

Dispositions of Petitions

Docket No.: FAA–2001–8693.
Petitioner: Beverly Air Transport.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit BAT to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 02/08/2001, Exemption No. 7440

Docket No.: FAA–2001–8685.
Petitioner: Advantage Air Charter LLC.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit AAC to operate certain aircraft under par 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 02/08/2001, Exemption No. 7441

[FR Doc. 01–4275 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–12]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain

petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 13, 2001.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No.—, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AG–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to §§ 11.85 and 11.91.

Issued in Washington, D.C., on February 15, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 29703.

Petitioner: Vickers Systems Division, Aeroquip-Vickers Limited.

Section of the 14 CFR Affected: 14 CFR 145.49(a).

Description of Relief Sought/ Disposition: To permit VSD to subcontract the maintenance of certain components to the original equipment manufacturers that are not FAA-certificated repair stations.

Grant, 02/02/2001, Exemption No. 7436

Docket No.: 29332.

Petitioner: SkyWorld Aviation, Inc.

Section of the 14 CFR Affected: 14 CFR 135.163 and 135.181.

Description of Relief Sought/ Disposition: To permit SkyWorld to conduct passenger-carrying operations in single-engine airplanes in certain, limited instrument flight rules (IFR) conditions as were permitted previously by §§ 135.103 and 135.181 before the adoption of Amendment No. 135–70. In addition, the proposed exemption would allow SkyWorld to conduct such operations without equipping its airplanes with (1) two independent electrical power-generating sources, or a standby battery or alternate source of electrical power; and (2) a redundant energy system for gyroscopic instruments.

Denial, 02/05/2001, Exemption No. 7435

Docket No.: 29910.

Petitioner: Japan Turbine Technologies Company, Ltd.

Section of the 14 CFR Affected: 14 CFR 145.47(b).

Description of Relief Sought/ Disposition: To permit JTT to use the calibration standards of the National Research Laboratory of Metrology (NRLM) and the Electrotechnical Laboratory (ETL), Japan's national standards organization, in lieu of the calibration standards of the U.S. National Institute of Standards and Technology (NIST), formerly the National Bureau of Standards (NBS), to test its inspection and test equipment.

Grant, 02/02/2001, Exemption No. 7438

Docket No.: 29768.

Petitioner: ANA Aircraft Maintenance Co., Ltd.

Section of the 14 CFR Affected: 14 CFR 145.47(b).

Description of Relief Sought/ Disposition: To permit ANAM to substitute the calibration standards of the National Research Laboratory of Metrology (NRLM) and the Elctrotechnical Laboratory (ETL), Japan's national standards organizations, for the calibration standards of the U.S. National Institute of Standards and Technology (NIST), formerly the National Bureau of Standards (NBS), to test its inspection and test equipment.

Grant, 01/31/2001, Exemption No. 7437

[FR Doc. 01–4276 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33994]

Summit View, Inc.—Intracorporate Family Exemption—Merger of Pittsburgh Industrial Railroad, Inc. Into The Pittsburgh & Ohio River Railroad Company

Summit View, Inc. (Summit), a noncarrier holding company, and its wholly owned subsidiaries Pittsburgh Industrial Railroad, Inc. (PIRR),[1] a Delaware Corporation, and The Pittsburgh & Ohio River Railroad Company (POHC), have filed a notice of exemption to merge PIRR into POHC, with POHC as the surviving corporation. POHC will acquire the assets and assume all liabilities and obligations of PIRR.[2]

The transaction was expected to be consummated on or shortly after January 31, 2001. The notice indicates that Summit, POHC, and all other carrier subsidiaries of Summit are organized and incorporated under the laws of the State of Ohio. Thus, the transaction will simplify Summit's tax compliance and will reduce administrative costs by eliminating the need to maintain corporate and legal representation in the State of Delaware.

The transaction involves the merger of companies within Summit's corporate family. The merger will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers operating outside the corporate family, the transaction qualifies for the class exemption at 49 CFR 1180.2(d)(3).

As a condition to the use of this exemption, any employees adversely affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60, 84–90 (1979).

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33994, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Kelvin J. Dowd, Esq., Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: February 13, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–4147 Filed 2–20–01; 8:45 am]

BILLING CODE 4915–00–P

[1] *See Summit View, Inc.—Acquisition of Control Exemption—Pittsburgh Industrial Railroad, Inc.*, STB Finance Docket No. 33978 (STB served Jan. 11, 2001).

[2] POHC is a non-operating railroad corporation formed under the laws of the State of Ohio. Once PIRR is merged into POHC, PIRR's separate corporate existence will cease.

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Advisory Council on Transportation Statistics; Meeting

AGENCY: Bureau of Transportation Statistics.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Public law 72–363; 5 U.S.C. App. 2) notice is hereby given of a meeting of the Bureau of Transportation Statistics (BTS) Advisory Council on Transportation Statistics (ACTS) to be held Wednesday, February 28, 2001, 10 am to 4 pm. The meeting will take place at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC, in conference room 3200–3204 of the Nassif Building.

The Advisory Council, called for under section 6007 of Public law 102–240, Intermodal Surface Transportation Efficiency Act of 1991, December 18, 1991, and chartered on June 19, 1995, was created to advise the Director of BTS on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau are of high quality and are based upon the best available objective information.

The agenda for this meeting will include, Director's programs update, Advisory Council report to the Director, data quality, data gaps, identification of substantive issues, review of plans and schedule, other items of interest, discussion and agreement of date(s) for subsequent meetings, and comments from the floor.

Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify Ms. Lillian "Pidge" Chapman, Council Liaison, on (202) 366–1270 prior to February 26, 2001. Attendance is open to the interested public but limited to space available. With the approval of the Chair, members of the public may present oral statements at the meeting. Noncommittee members wishing to present oral statements, obtain information, or who plan to access the building to attend the meeting should also contact Ms. Chapman.

Members of the public may present a written statement to the Council at any time.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Ms. Chapman (202) 366–1270 at least seven days prior to the meeting.

Issued in Washington, DC, on February 14, 2001.

Ashish Sen,

Director.

[FR Doc. 01–4222 Filed 2–20–01; 8:45 am]

BILLING CODE 4910–FE–U

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 5, 2001.

The Department of the Treasury has submitted the following public information collection requirements(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 26, 2001 to be assured of consideration.

Departmental Offices/International Portfolio Investment Data Reporting System

OMB Number: 1505–0023.

Form Number: Treasury International Capital Form CM.

Type of Review: Extension.

Title: Dollar Deposit and Certificate of Deposit Claims on Banks Abroad.

Description: Form CM is required by law and is designed to collect timely information on international portfolio capital movements, including data on total U.S. dollar deposits held by nonbanking business enterprises in the U.S. with banks located outside the United States, foreigners' purchases and sales of long-term securities in transactions with U.S. persons. This information is necessary for compiling the U.S. balance of payments, for calculating the U.S. international investment position, and for formulating U.S. international investment position, and for U.S. financial and monetary policies.

Respondents: Business or other for profit.

Estimated Number of Respondents: 55.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: Monthly.

Estimated Total Reporting Burden: 330 hours.

OMB Number: 1505–0088.

Form Number: Treasury International Capital Form BL–3.

Type of Review: Reinstatement.

Title: Intermediary's Notification of Foreign Borrowing Denominated in Dollars.

Description: Form BL–3 is required by law and is designed to collect timely information on international portfolio capital movements, including notification by banks, other depository institutions, brokers and dealers to United States nonbank borrowers from foreigners that they may have a reporting obligation under the Treasury Internal Capital system. This information is necessary for compiling U.S. balance of payments, for calculating U.S. international investment position, and for formulating U.S. international financial and monetary policies.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 25.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: Monthly.

Estimated Total Reporting Burden: 150 hours.

Clearance Officer: Lois K. Holland (202) 622–1563, Departmental Offices, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Department Reports, Management Officer.

[FR Doc. 01–4176 Filed 2–20–01; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 13, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 23, 2001, to be assured of consideration.

Bureau of the Public Debt (PD)

OMB Number: 1535–0096.
Form Number: PD F 1993.
Type of Review: Extension.
Title: Reinvestment Application.
Description: PD F 1993 is used to request proceeds of matured Series H Savings Bonds be invested in Series HH Savings Bonds.
Respondents: Individuals or households.
Estimated Number of Respondents: 20,000.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden Hours: 5,000 hours.
Clearance Officer: Vicki S. Thorpe (304) 480–6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, West VA 26106–1328.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 01–4177 Filed 2–20–01; 8:45 am]
BILLING CODE 4810–40–U

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 6, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 23, 2001 to be assured of consideration.

U.S. CUSTOMS SERVICE (CUS)

OMB Number: 1515–0217.
Form Number: None.
Type of Review: Extension.
Title: Land Border Carrier Initiative Program.
Description: The Land Border Carrier Initiative Program is designed to prevent smugglers of illicit drugs from utilizing commercial conveyances for their commodities, and to make participation in this program at certain, high-risk locations a condition for use of the Line Release method of processing repetitive entries of merchandise.
Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.
Estimated Number of Respondents: 1,050.
Estimated Burden Hours Per Respondent: 5 hours.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 5,250 hours.
Clearance Officer: J. Edgar Nichols (202) 927–1426 or, Tracey Denning (202) 927–1429, U.S. Customs Service, Information Services Branch, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Room 3.2.C, Washington, DC 20229.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 01–4178 Filed 2–20–01; 8:45 am]
BILLING CODE 4820–02–U

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 5, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 23, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0045.
Form Number: IRS Form 976.
Type of Review: Extension.
Title: Claim for Deficiency Dividends Deductions by a Personal Holding Company, Regulated Investment Company, or Real Estate Investment Trust.
Description: Form 976 is filed by corporations that wish to claim a deficiency dividend deduction. The IRS uses Form 976 to determine if shareholders have included amounts in gross income.
Respondents: Business or other for-profit.
Estimated Number of Respondents/Recordkeepers: 500.
Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	5 hr., 44 min.
Learning about the law or the form.	53 min.
Preparing, copying, assembling and sending the form to the IRS.	1 hr., 2 min.

Frequency of Response: On occasion.
Estimated Total Reporting/Recordkeeping Burden: 3,830 hours.
OMB Number: 1545–0145.
Form Number: IRS Form 2439.
Type of Review: Extension.
Title: Notice to Shareholder of Undistributed Long-Term Capital Gains.
Description: Form 2439 is sent by regulated investment companies and real estate investment trusts to report undistributed capital gains and the amount of tax paid on these gains designated under Internal Revenue Code section 852(b)(3)(D) or 857(b)(3)(D). The company, the trust, and the shareholder file copies of Form 2439 with IRS. IRS uses the information to check shareholder compliance.
Respondents: Business or other for-profit.
Estimated Number of Respondents/Recordkeepers: 8,363.
Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	2 hr., 52 min.
Learning about the law or the form.	35 min.
Preparing and sending the form to the IRS.	40 min.

Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 34,539 hours.
Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 01–4179 Filed 2–20–01; 8:45 am]
BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 13, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 23, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1455.
Regulation Project Number: PS–80–93 Final.
Type of Review: Extension.
Title: Rules for Certain Rental Real Estate Activities.
Description: The regulation provides rules relating to the treatment of rental real estate activities of certain taxpayers under the passive activity loss and credit limitations of Internal Revenue Code section 469.
Respondents: Individuals or households, Business or other for-profit.
Estimated Number of Respondents: 20,100.
Estimated Burden Hours Per Respondent: 9 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 3,015 hours.
Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 01–4180 Filed 2–20–01; 8:45 am]
BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Implementation of Public Law 103–159, Relating to the Permanent Provisions of the Brady Handgun Violence Prevention Act.

DATES: Written comments should be received on or before April 23, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Richard Van Loan, Chief, Public Safety Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8054.

SUPPLEMENTARY INFORMATION:

Title: Implementation of Public Law 103–159, Relating to the Permanent Provisions of the Brady Handgun Violence Prevention Act.
OMB Number: 1512–0544.
Abstract: The permanent provisions of the Brady law, 18 U.S.C. 922(t), provide for the establishment of a national instant criminal background check system (NICS) that a firearms licensee must contact before transferring any firearm to unlicensed individuals. The permanent provisions of the Brady law will apply to all firearms.
Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.
Type of Review: Extension.
Affected Public: Individuals or households.
Estimated Number of Respondents: 106,000.
Estimated Time Per Respondent: 0.
Estimated Total Annual Burden Hours: 1.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2001.

William T. Earle,
Assistant Director (Management) CFO.
[FR Doc. 01–4251 Filed 2–20–01; 8:45 am]
BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Monthly Report—Export Warehouse Proprietor.

DATES: Written comments should be received on or before April 23, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Mary Wood, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8185.

SUPPLEMENTARY INFORMATION:

Title: Monthly Report—Export Warehouse Proprietor.

OMB Number: 1512–0115.

Form Number: ATF F 2140 (5220.4).

Abstract: ATF F 2140 (5220.4) is a report that is completed and filed by proprietors who are qualified to operate export warehouses that handle untaxpaid tobacco products. The report provides a summation of all transactions at the export warehouse and accounts for the untaxable products being handled by these proprietors. No tax will be paid on the tobacco products if they are properly exported.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 221.

Estimated Time Per Respondent: 48 minutes.

Estimated Total Annual Burden Hours: 2,148.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–4252 Filed 2–20–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Explosives Transaction Record.

DATES: Written comments should be received on or before April 23, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Richard Van Loan, Chief, Public Safety Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–7930.

SUPPLEMENTARY INFORMATION:

Title: Explosives Transaction Record.

OMB Number: 1512–0184.

Form Number: ATF F 5400.4.

Abstract: The Explosives Transaction Record is used to verify the qualification and identification of unlicensed persons wishing to purchase explosive materials from licensed dealers, as well as the location in which the explosives are intended for storage and/or use. ATF uses the information in its investigations and inspections to establish leads and determine compliance.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit, individuals or households .

Estimated Number of Respondents: 1,140.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 7,227.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2001.

William T. Earle,

Assistant Director (Management).

[FR Doc. 01–4253 Filed 2–20–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the

Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Special Tax Renewal Registration and Return and Special Tax Location Registration Listing.

DATES: Written comments should be received on or before April 23, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Robert P. Ruhf, Revenue Operations Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8188.

SUPPLEMENTARY INFORMATION:

Title: Special Tax Renewal Registration and Return and Special Tax Location Registration Listing.

OMB Number: 1512–0500.

Form Number: ATF F 5630.5R and ATF F 5630.5RC.

Abstract: All of the information requested on ATF F 5630.5R and ATF F 5630.5RC is essential to the functions of collecting, processing and accounting for alcohol, tobacco and/or firearms special tax payments. The forms identify the taxpayer, tax classes and the particular premises covered by the return.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 350,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 100,500.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–4254 Filed 2–20–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Distilled Spirits Plant (DSP) Processing Records and Reports.

DATES: Written comments should be received on or before April 23, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Richard Mascolo, Chief, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Distilled Spirits Plant (DSP) Processing Records and Reports.

OMB Number: 1512–0198.

Form Number: ATF F 5110.28.

Recordkeeping Requirement ID Number: ATF REC 5110/3.

Abstract: The information collected is necessary to account for and verify the processing of distilled spirits in bond. The information is used to audit plant operations, monitor industry activities for the efficient allocation of personnel resources and the compilation of statistics. The record retention requirement for this information collection is 3 years.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 134.

Estimated Time Per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 3,886.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–4255 Filed 2–20–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8390

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and

other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8390, Information Return for Determination of Life Insurance Company Earnings Rate Under Section 809.

DATES: Written comments should be received on or before April 23, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Information Return for Determination of Life Insurance Company Earnings Rate Under Section 809.

OMB Number: 1545–0927.

Form Number: Form 8390.

Abstract: Life insurance companies are required to provide data so the Secretary of the Treasury can compute the: (1) stock earnings rate of the 50 largest stock companies and (2) average mutual earnings rate. These factors are used to compute the differential earnings rate which will determine the tax liability for mutual life insurance companies.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 150.

Estimated Time Per Respondent: 64 hrs., 55 min.

Estimated Total Annual Burden Hours: 9,738.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 9, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–4293 Filed 2–20–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 970

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 970, Application To Use LIFO Inventory Method.

DATES: Written comments should be received on or before April 23, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application To Use LIFO Inventory Method.

OMB Number: 1545–0042.

Form Number: Form 970.

Abstract: Form 970 is filed by individuals, partnerships, trusts, estates, or corporations to elect to use the last-in first-out (LIFO) inventory method or to extend the LIFO method to additional goods. The IRS uses Form 970 to determine if the election was properly made.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individual or households.

Estimated Number of Respondents: 3,000.

Estimated Time Per Respondent: 13 hours, 58 minutes.

Estimated Total Annual Burden Hours: 41,880.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 12, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–4294 Filed 2–20–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8865

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8865, Return of U.S. Persons With Respect to Certain Foreign Partnerships.

DATES: Written comments should be received on or before April 23, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Return of U.S. Persons With Respect to Certain Foreign Partnerships.

OMB Number: 1545–1668.

Form Number: 8865.

Abstract: The Taxpayer Relief Act of 1997 significantly modified the information reporting requirements with respect to foreign partnerships. The Act made the following three changes: (1) expanded Code section 6038B to require U.S. persons transferring property to foreign partnerships in certain transactions to report those transfers; (2) expanded Code section 6038 to require certain U.S. partners of controlled foreign partnerships to report information about the partnerships; and (3) modified the reporting required under Code section 6046A with respect to acquisitions and dispositions of foreign partnership interests. Form 8865 is used by U.S. persons to fulfill their reporting obligations under Code sections 6038B, 6038, and 6046A.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, and not-for-profit institutions.

Estimated Number of Respondents: 5,000.

Estimated Time Per Respondent: 88 hours, 55 minutes.

Estimated Total Annual Burden Hours: 444,600.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 13, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–4295 Filed 2–20–01; 8:45 am]

BILLING CODE 4830–01–U

Corrections

Federal Register
Vol. 66, No. 35
Wednesday, February 21, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 36

Meeting of the Negotiated Rulemaking Committee on Joint Tribal and Federal Self-Governance

Correction

In proposed rule document 01–3569 beginning on page 10182 in the issue of Tuesday, February 13, 2001, make the following correction:

On page 10182, in the third column, in the file line, the filing time "12:25am" should read "10:25am".

[FR Doc. C1–3569 Filed 2–20–01; 8:45 am]
BILLING CODE 1505–01–D

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 731

RIN 3206–AC19

Suitability

Correction

In rule document 00–33114 beginning on page 82239 in the issue of Thursday, December 28, 2000, make the following correction:

1. On page 82240, in the first column, in the third full paragraph, in the last line, remove "under section available".

§731.301 [Corrected]

2. On page 82246, in the first column, in §731.301(b), "means" should read "mean".

§731.304 [Corrected]

3. On page 82246, in the second column, in §731.304, in the ninth line, "subpart DE" should read "subpart E".

[FR Doc. C0–33114 Filed 2–20–01; 8:45 am]
BILLING CODE 1505–01–D

Reader Aids

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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  - Atlantic Large Whale Take Reduction Plan; published 1-19-01

ENERGY DEPARTMENT
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- Central air conditioners and central air conditioning heat pumps—
  - Energy conservation standards; published 1-22-01
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- Oil and gas extraction; synthetic-based and other non-aqueous drilling fluids; published 1-22-01

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- Telecommunications Act of 1934; directory listing information provision; published 2-21-01

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
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- Yellowstone National Park, John D. Rockefeller, Jr. Memorial Parkway, Grand Teton National Park; snowmobile and snowplane use; limitations and prohibitions; published 1-22-01

SMALL BUSINESS ADMINISTRATION
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- New York annual fireworks displays, NY; safety zones; published 1-22-01

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- Bell; published 2-6-01
- Pratt & Whitney; published 2-6-01

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- Commodity research and promotion program; agency oversight guidelines; comment request; comments due by 2-28-01; published 11-30-00

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service
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- Beef, fresh, chilled, or frozen from Argentina, certification; foot-and-mouth disease; comments due by 2-27-01; published 12-29-00

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- Commercial item acquisitions; contract types; comments due by 2-27-01; published 12-29-00
- High-technology workers; signing and retention; comments due by 2-26-01; published 12-28-00

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- Non-price cap incumbent local exchange and interexchange carriers; Multi-Association Group plan for interstate services regulation; rulemaking petition; comments due by 2-26-01; published 1-25-01
- Telecommunications Act of 1996; implementation—
  - Wireline services offering advanced telecommunications capability; deployment and local competition provisions; comments due by 2-27-01; published 2-6-01

Digital television stations; table of assignments:
- Georgia; comments due by 2-26-01; published 1-11-01
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LIST OF PUBLIC LAWS

This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.J. Res. 7/P.L. 107–1

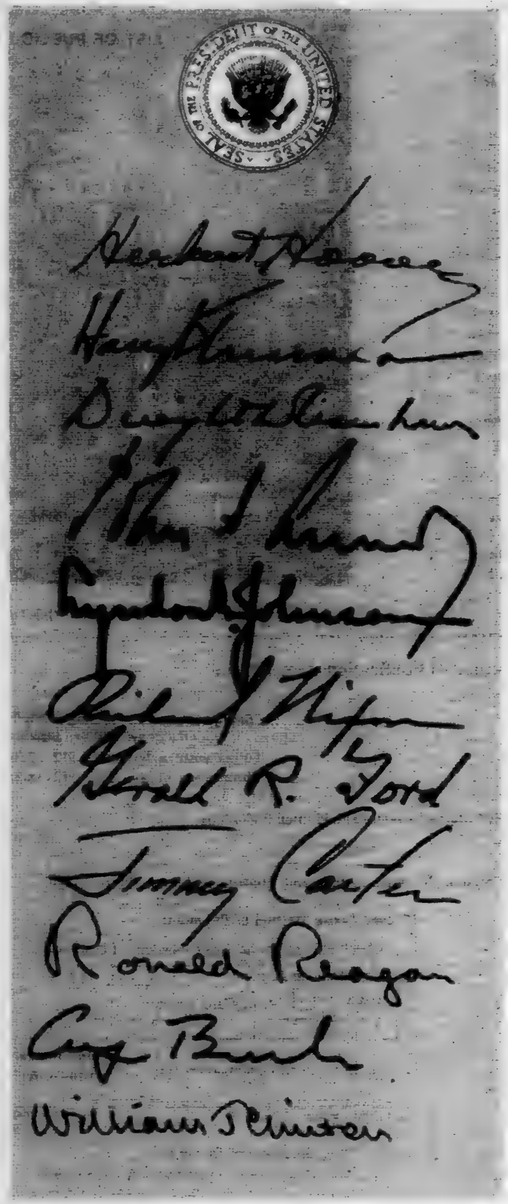
Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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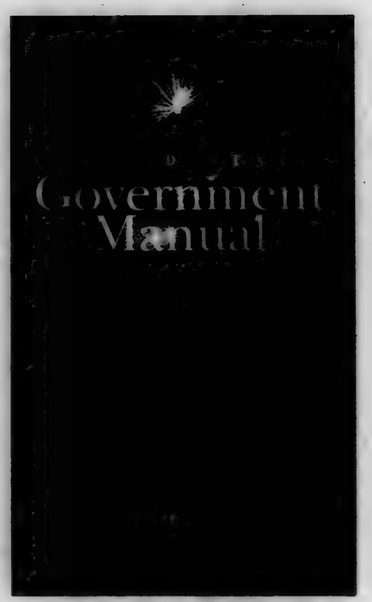
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Particularly helpful for those interested in where to go and who to contact about a subject of particular concern is each agency's "Sources of Information" section, which provides addresses and telephone numbers for use in obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest. The *Manual* also includes comprehensive name and agency/subject indexes.

Of significant historical interest is Appendix B, which lists the agencies and functions of the Federal Government abolished, transferred, or renamed subsequent to March 4, 1933.

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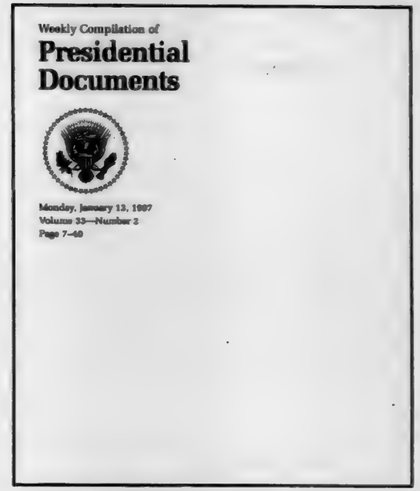
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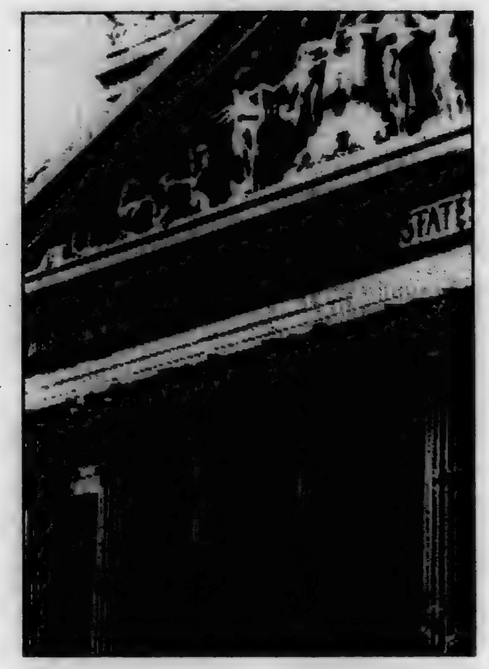
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Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 00–115–3]

Specifically Approved States Authorized To Receive Mares and Stallions Imported From Regions Where CEM Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule; establishment and confirmation of new effective date.

SUMMARY: We are notifying the public of a change in the effective date of a direct final rule that amends our animal import regulations to add Oregon to the list of States approved to receive certain mares and stallions from regions affected with contagious equine metritis. The direct final rule was originally scheduled to become effective on February 16, 2001; however, on February 5, 2001, we published a document in the **Federal Register** that temporarily delayed the effective date by 60 days in order to give Department officials the opportunity for further review and consideration of the new regulations, consistent with the Assistant to the President's memorandum, "Regulatory Review Plan," of January 20, 2001. Department officials have completed their review of the direct final rule and have determined that the rule may be made effective without further delay.

EFFECTIVE DATE: February 16, 2001.

FOR FURTHER INFORMATION CONTACT: Dr. Karen James, Assistant Director, National Center for Import and Export, Technical Trade Services, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–8364.

SUPPLEMENTARY INFORMATION: On December 18, 2000, the Animal and Plant Health Inspection Service published in the **Federal Register** (65 FR 78897–78899, Docket No. 00–115–1) a direct final rule notifying the public of our intention to amend the animal importation regulations in 9 CFR part 93 by adding Oregon to the lists of States approved to receive certain mares and stallions imported into the United States from regions affected with contagious equine metritis (CEM). In that document, we stated that the direct final rule would become effective on February 16, 2001, unless we received written adverse comments or written notice of intent to submit adverse comments in response to the direct final rule by January 17, 2001. We did not receive any written adverse comments or written notice of intent to submit adverse comments, so we were prepared to confirm the February 16, 2001, effective date.

However, on February 5, 2001, we published a document in the **Federal Register** (66 FR 8887, Docket No. 00–115–2) informing the public that we were temporarily delaying for 60 days the effective date of the rule. That action was taken in accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," which was published in the **Federal Register** on January 24, 2001 (66 FR 7701-7702). As we explained in our February 5, 2001, document, the temporary 60-day delay in effective date was necessary to give Department officials the opportunity for further review and consideration of new regulations, as directed by the memorandum of January 20, 2001.

Department officials have completed their review and consideration of our December 18, 2000, direct final rule and have determined that the rule may be made effective without further delay. Therefore, this document serves to establish and confirm February 16, 2001, as the effective date for the direct final rule adding Oregon to the lists of States approved to receive certain mares and stallions imported into the United States from regions affected with CEM that was published in the **Federal Register** on December 18, 2000, at 65 FR 78897–78899.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**.

The rule adds Oregon to the lists of States approved to receive certain mares and stallions imported into the United States from regions affected with CEM. We are taking this action because Oregon has entered into an agreement with the Administrator of the Animal and Plant Health Inspection Service to enforce its State laws and regulations to control CEM and to require inspection, treatment, and testing of horses, as required by Federal regulations, to further ensure the horses' freedom from CEM. This action relieves unnecessary restrictions on the importation of mares and stallions from regions where CEM exists. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon signature.

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 16th day of February 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–4392 Filed 2–21–01; 8:45 am]

BILLING CODE 3410–34–U

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Regulation T]

Credit by Brokers and Dealers; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Foreign Margin Stocks (Foreign List) is composed of certain foreign equity securities that qualify as *margin securities* under Regulation T. The Foreign List is published twice a year by the Board.

EFFECTIVE DATE: March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Financial Analyst,

Division of Banking Supervision and Regulation, (202) 452–2837, or Scott Holz, Senior Counsel, Legal Division, (202) 452–2966, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Listed below is a complete edition of the Board's Foreign List. The Foreign List was last published on August 24, 2000 (65 FR 51519), and became effective September 1, 2000.

The Foreign List is composed of foreign equity securities that qualify as margin securities under Regulation T by meeting the requirements of § 220.11(c) and (d). Additional foreign securities qualify as margin securities if they are deemed by the Securities and Exchange Commission (SEC) to have a "ready market" under SEC Rule 15c3–1 (17 CFR 240.15c3–1) or a "no-action" position issued thereunder. This includes all foreign stocks in the FTSE World Index Series.

It is unlawful for any creditor to make, or cause to be made, any representation to the effect that the inclusion of a security on the Foreign List is evidence that the Board or the SEC has in any way passed upon the merits of, or given approval to, such security or any transactions therein. Any statement in an advertisement or other similar communication containing a reference to the Board in connection with the Foreign List or the stocks thereon shall be an unlawful representation.

There are no additions to the Foreign List. The following four stocks are being removed because they no longer substantially meet the provisions of § 220.11(d) of Regulation T:

Aiwa Co., Ltd.
¥50 par common
Japan Securities Finance Co., Ltd.
¥50 par common
Saibu Gas Co., Ltd.
¥50 par common
Yodogawa Steel Works, Ltd.
¥50 par common

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Foreign List specified in § 220.11(c) and (d). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of the Foreign List as soon as possible. The Board has responded to a request by the public and allowed approximately a one-week delay before the Foreign List is effective.

List of Subjects in 12 CFR Part 220

Brokers, Credit, Margin, Margin requirements, Investments, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 220.2 and 220.11, there is set forth below a complete edition of the Foreign List.

Japan

Akita Bank, Ltd.
¥50 par common
Aomori Bank, Ltd.
¥50 par common
Asatsu-DK Inc.
¥50 par common
Bandai Co., Ltd.
¥50 par common
Bank of Nagoya, Ltd.
¥50 par common
Chudenko Corp.
¥50 par common
Chugoku Bank, Ltd.
¥50 par common
Clarion Co., Ltd.
¥50 par common
Daihatsu Motor Co., Ltd.
¥50 par common
Dainippon Screen Mfg. Co., Ltd.
¥50 par common
Denki Kagaku Kogyo
¥50 par common
Eighteenth Bank, Ltd.
¥50 par common
Futaba Corp.
¥50 par common
Futaba Industrial Co., Ltd.
¥50 par common
Higo Bank, Ltd.
¥50 par common
Hitachi Construction Machinery Co., Ltd.
¥50 par common
Hitachi Software Engineering Co., Ltd
¥50 par common
Hitachi Transport System, Ltd.
¥50 par common
Hokkoku Bank, Ltd.
¥50 par common
Hokuetsu Bank, Ltd
¥50 par common
Hokuetsu Paper Mills, Ltd.
¥50 par common
Iyo Bank, Ltd.
¥50 par common
Japan Airport Terminal Co., Ltd.
¥50 par common
Juroku Bank, Ltd.
¥50 par common
Kagoshima Bank, Ltd.
¥50 par common
Kamigumi Co., Ltd.
¥50 par common
Katokichi Co., Ltd.
¥50 par common
Keisei Electric Railway Co., Ltd.
¥50 par common
Keiyo Bank, Ltd.
¥50 par common
Kiyo Bank, Ltd.
¥50 par common
Komori Corp.
¥50 par common
Konami Co., Ltd.
¥50 par common
Kyowa Exeo Corp.
¥50 par common
Matsushita Seiko Co., Ltd.
¥50 par common
Max Co., Ltd.
¥50 par common
Michinoku Bank, Ltd.
¥50 par common
Musashino Bank, Ltd.
¥500 par common
Namco, Ltd.
¥50 par common
Nichicon Corp.
¥50 par common
Nihon Unisys, Ltd.
¥50 par common
Nippon Comsys Corp.
¥50 par common
Nippon Trust Bank, Ltd.
¥50 par common
Nishi-Nippon Bank, Ltd.
¥50 par common
Nishi-Nippon Railroad Co., Ltd.
¥50 par common
Nissan Chemical Industries, Ltd.
¥50 par common
Ogaki Kyoritsu Bank, Ltd.
¥50 par common
Q.P. Corp.
¥50 par common
Rinnai Corporation
¥50 par common
Ryosan Co., Ltd.
¥50 par common
Sagami Railway Co., Ltd.
¥50 par common
Sakata Seed Corp.
¥50 par common
Santen Pharmaceutical Co., Ltd.
¥50 par common
Shimadzu Corp.
¥50 par common
Shimamura Co., Ltd.
¥50 par common
Sumitomo Rubber Industries, Ltd.
¥50 par common
Taiyo Yuden Co., Ltd.
¥50 par common
Takara Standard Co., Ltd.
¥50 par common
Takuma Co., Ltd.
¥50 par common
Toho Bank, Ltd.
¥50 par common
Toho Gas Co., Ltd.
¥50 par common
Tokyo Ohka Kogyo Co., Ltd.
¥50 par common
Tokyo Tomin Bank, Ltd.
¥500 par common
Uni-Charm Corp.
¥50 par common
Ushio, Inc.
¥50 par common
Yamaha Motor Co., Ltd.
¥50 par common
Yamanashi Chuo Bank, Ltd.
¥50 par common

By order of the Board of Governors of the Federal Reserve System, acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.7(f)(10)), February 15, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–4360 Filed 2–21–01; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–256–AD; Amendment 39–12121; AD 2001–04–03]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB–145 series airplanes, that requires inspection of the bolts on the hinge fittings that attach the spring tab and the servo tab to the rear spar of the elevators for evidence of loosening; inspection of the region of the hinge fittings on the spring tab for interference of the bonding jumpers attached to the hinge fittings with the leading edge of the spring tab; and corrective action, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign airworthiness authority. The actions specified by this AD are intended to prevent the spring tab or the servo tab from becoming disconnected, resulting in structural failure. The action is also intended to prevent damage to the leading edge of the spring tab, which could result in loss of control of the elevator.

DATES: Effective March 29, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 29, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Viswa Padmanabhan, Aerospace Engineer, ACE–117A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6049; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB–145 series airplanes was published in the **Federal Register** on December 8, 2000 (65 FR 76950). That action proposed to require inspection of the bolts on the hinge fittings that attach the spring tab and the servo tab to the rear spar of the elevators for evidence of loosening; inspection of the region of the hinge fittings on the spring tab for interference of the bonding jumpers attached to the hinge fittings with the leading edge of the spring tab; and corrective action, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 71 airplanes of U.S. registry will be affected by this AD.

The initial inspection will take 2 work hours per airplane at an average labor rate of $60 per hour. Based on these figures, the cost impact on U.S. operators of the initial inspection (Part I) specified in the AD is estimated to be $8,520, or $120 per airplane.

The cost impact on U.S. operators of follow-on actions is specified in the following table:

COST OF FOLLOW-ON ACTIONS

Action	Work hours	Cost of labor/ airplane	Cost of parts/ airplane	Cost/ airplane
Corrective action/Part II	6	$360	$71	$431
Corrective action/Part III	6	360	2	362
Repetitive inspection/Part IV	3	180	0	180

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between

the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–04–03 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–12121. Docket 2000–NM–256–AD.

Applicability: Model EMB–145 series airplanes; serial numbers 145004 through 145103 inclusive, 145105 through 145111 inclusive, and 145113 through 145117 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the spring tab or the servo tab from becoming disconnected, resulting in structural failure, and to prevent damage to the leading edge of the spring tab, which could result in loss of control of the elevator, accomplish the following:

Inspection

(a) Within 200 flight hours after the effective date of this AD, conduct a detailed visual inspection, as specified in paragraph (a)(1) or (a)(2) of this AD, as applicable, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 145–55–0009, Change No. 02, dated May 19, 2000.

(1) For airplanes having serial numbers 145004 through 145055 that have not been modified in accordance with EMBRAER Service Bulletin 145–55–0009, dated April 7, 1998: Inspect the bolts attaching the spring tab and servo tab hinge fittings to the rear spar of the left-hand and right-hand elevators for evidence of loosening.

(2) For airplanes having serial numbers 145004 through 145103, 145105 through 145111, and 145113 through 145117: Inspect the region of the hinge fittings on the spring tab for interference of the bonding jumper on the attaching bolts with the leading edge of the spring tab.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

Modification

(b) Perform follow-on corrective actions, as applicable, in accordance with EMBRAER Service Bulletin 145–55–0009, Change No. 02, dated May 19, 2000, as shown in the following table:

TABLE 1.—FOLLOW-ON CORRECTIVE ACTIONS

If . . .	And . . .	And . . .	Then . . .
(1) No discrepancy is found,	[*Reserved*]	[*Reserved*]	Prior to further flight, seal the bolt heads and adjacent hinge fitting surfaces.
(2) Any loose bolt or any interference of the bonding jumpers with the leading edge of the spring tab is found,	The airplanes have serial numbers 145004 through 145055, inclusive.	The airplanes have not been modified in accordance with EMBRAER Service Bulletin 145–55–0009, dated April 7, 1998.	Prior to further flight, accomplish Part II of the service bulletin, including replacing bolts, adding washers, and changing the position of the lockwire and the bonding jumpers.
	(ii) The airplanes have serial numbers 145004 through 145055, inclusive, and 145056 through 145076, inclusive.	The airplanes have been modified in accordance with EMBRAER Service Bulletin 145–55–0009, dated April 7, 1998.	Prior to further flight, accomplish Part III of the service bulletin, including adding washers and changing the position of the lockwire and the bonding jumpers.
	The airplanes have serial numbers 145077 through 145103, inclusive; 145105 through 145111, inclusive; and 145113 through 145117, inclusive.	[*Reserved*]	Prior to further flight, accomplish Part IV of the service bulletin, including adding washers and changing the position of the lockwire and the bonding jumpers.

Repetitive Inspections

(c) Repeat the detailed visual inspection specified in paragraph (a) of this AD, at intervals not to exceed 400 flight hours.

Terminating Action

(d) Within 2,000 flight hours from the effective date of this AD, accomplish Part II, III, or IV, as applicable, of the service bulletin.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(g) The actions shall be done in accordance with EMBRAER Service Bulletin 145–55–0009, Change No. 02, dated May 19, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: A portion of the subject of this AD is addressed in Brazilian airworthiness directive No. 98–05–02, dated May 28, 1998.

Effective Date

(h) This amendment becomes effective on March 29, 2001.

Issued in Renton, Washington, on February 9, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–3879 Filed 2–21–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–142–AD; Amendment 39–12112; AD 2001–03–09]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Bombardier Model CL–600–2B19 series airplanes, that currently requires, among other actions, certain revisions to the Airplane Flight Manual; and removal of all elevator flutter dampers. That AD also requires installation of new elevator flutter dampers, and replacement of shear pins and shear links with new improved shear pins and shear links. This amendment adds airplanes to the applicability of the existing AD; and requires replacing certain shear pins with new, improved shear pins; and, for certain airplanes, inspection of the maintenance records to determine replacement status of the shear pins; and corrective actions, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent premature failure of the shear pins of the elevator damper, which may increase the likelihood of jamming or restricting movement of the elevator and the resultant adverse effect on controllability of the airplane.

DATES: Effective March 29, 2001.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of March 29, 2001.

The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of April 3, 1998 (63 FR 9928, February 27, 1998).

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087 Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Serge Napoleon, Aerospace Engineer, ANE–171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7512; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98–04–45, amendment 39–10356 (63 FR 9928, February 27, 1998), which is applicable to certain Bombardier Model CL–600–2B19 series airplanes, was published in the **Federal Register** on October 31, 2000 (65 FR 64898). The action proposed to continue to require, among other actions, certain revisions to the Airplane Flight Manual (AFM); and removal of all elevator flutter dampers. The action also proposed to continue to require installation of new elevator flutter dampers, and replacement of shear pins and shear links with new improved shear pins and shear links. The action also proposed to add airplanes to the applicability of the existing AD; and to require replacing certain shear pins with new, improved shear pins; and, for certain airplanes, inspection of the maintenance records to determine replacement status of the shear pins; and corrective actions, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 214 Bombardier Model CL–600–2B19 series

airplanes of U.S. registry that will be affected by this AD.

The removal of the elevator dampers and the AFM revision that are currently required by AD 98–04–45, and retained in this AD, take approximately 6 work hours per airplane to accomplish, at an average rate of $60 per work hour. The FAA estimates that all affected U.S. operators have previously accomplished these requirements, therefore, the future cost impact of these requirements is minimal.

The inspections that are currently required by AD 98–04–45, and retained in this AD, take approximately 26 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection requirements of AD 98–04–05 is estimated to be $1,560 per airplane.

The installation of flutter dampers that is currently required by AD 98–04–45 takes approximately 12 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will be provided at no cost to the operators by the manufacturer. Based on these figures, the cost impact of the installation currently required AD 98–04–45 is estimated to be $720 per airplane.

The new actions (i.e., replacement of the shear pins, check of maintenance records, and AFM revision) that are required in this AD will take approximately 21 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts are estimated to cost $801. Based on these figures, the cost impact of these new requirements of this AD on U.S. operators is estimated to be $441,054, or $2,061 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10356 (63 FR 9928, February 27, 1998), and by adding a new airworthiness directive (AD), amendment 39–12112, to read as follows:

2001–03–08 Bombardier, Inc. (Formerly Canadair): Amendment 39–12112. Docket 2000–NM–142–AD. Supersedes AD 98–04–45, Amendment 39–10356.

Applicability: Model CL–600–2B19 series airplanes, having serial numbers 7003 through 7357 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (i) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent premature failure of the shear pins of the elevator damper, which may increase the likelihood of jamming or restricting movement of the elevator and the resultant adverse effect on controllability of the airplane, accomplish the following:

Restatement of Actions Required by AD 98–04–45:

Airplane Flight Manual (AFM) Revision Required by AD 98–04–45

(a) For airplanes having serial numbers 7003 through 7054 inclusive: Within 30 days after January 26, 1994 (the effective date of AD 94–01–09, amendment 39–8791), revise the Limitations Section of the FAA-approved AFM to include the following restrictions of altitude and airspeed operations under conditions of single or double hydraulic system failure; and advise the flight crew of these revised limits. Revision of the AFM may be accomplished by inserting a copy of this AD or AFM Revision 34, dated June 12, 1995, in the AFM. Restrictions of altitude and airspeed operations under conditions of single or double hydraulic system failure are listed in the following tables.

TABLE 1.—SINGLE HYDRAULIC SYSTEM FAILURE

Altitude limit (maximum)	Airspeed limit (maximum)
31,000 feet	0.55 Mach (199 KIAS)
30,000 feet	0.55 Mach (204 KIAS)
28,000 feet	0.55 Mach (213 KIAS)
26,000 feet	0.55 Mach (222 KIAS)
24,000 feet	0.55 Mach (232 KIAS)
22,000 feet	0.55 Mach (241 KIAS)
20,000 feet and below.	252 KIAS

TABLE 2.—DOUBLE HYDRAULIC SYSTEM FAILURE

Altitude limit (maximum)	Airspeed limit (maximum)
10,000 feet	200 KIAS

Note 2: The restrictions described in the AFM Temporary Revision (TR) RJ/30, dated December 16, 1993, meet the requirements of this paragraph. Therefore, inserting a copy of TR RJ/30 in lieu of this AD in the AFM is considered an acceptable means of compliance with this paragraph.

(b) Within 7 days after December 14, 1994 (the effective date of AD 94–24–02, amendment 39–9075), accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD.

(1) Remove the elevator dampers in accordance with Canadair Regional Jet Alert Service Bulletin S.B. A601R–27–041, dated October 28, 1994.

(2) Revise the Limitations Section of the FAA-approved AFM to include the following, which advises the flight crew of daily checks to verify proper operation of the elevator control system. Revision of the AFM may be accomplished by inserting a copy of this AD or AFM Revision 32, dated March 30, 1995, in the AFM.

Note 3: The daily check described in the AFM TR RJ/40, dated October 28, 1994, meets the requirements of this paragraph. Therefore, inserting a copy of TR RJ/40 into the AFM in lieu of this AD is considered an acceptable means of compliance with this paragraph.

"Elevator, Before Engine Start (First Flight of Day)

(1) Elevator—Check: Travel range (to approximately ½ travel) using each hydraulic system in turn, with the other hydraulic systems depressurized."

Inspections Required by AD 98–04–45

(c) For airplanes having serial numbers 7003 through 7049 inclusive: Within 12 months after April 3, 1998 (the effective date of AD 98–04–45, amendment 39–10356), perform the actions required in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, as applicable, in accordance with Section 2.B., Part A, of Canadair Regional Jet Service Bulletin S.B. 601R–27–040, Revision "B," dated September 11, 1995.

(1) Remove the shear pins and shear links of the flutter dampers and perform a visual inspection to detect any deformation or discrepancy of the flutter damper hinge fitting and lug of the horizontal stabilizer. Prior to further flight, replace any deformed or discrepant part with a serviceable part in accordance with the service bulletin.

(2) Perform a visual inspection to detect any deformation or discrepancy of the elevator hinge/damper fitting and shear pin lugs. Prior to further flight, replace any discrepant part with a serviceable part in accordance with the service bulletin.

(3) Perform a fluorescent penetrant inspection and a dimensional inspection to detect any deformation or discrepancy of the shear pin lugs. If any deformation or discrepancy is found on the lugs, prior to further flight, replace the elevator with a new or serviceable elevator in accordance with the service bulletin.

Note 4: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(d) For airplanes having serial numbers 7003 through 7054: Within 12 months after April 3, 1998 (the effective date of AD 98–04–45, amendment 39–10356), install new elevator flutter dampers (P/N 601R75142–7) in accordance with Section 2.B., Part B, of Canadair Regional Jet Service Bulletin S.B. 601R–27–040, Revision "B," dated September 11, 1995.

New Requirements of This AD:

Installation of Shear Pins

(e) For airplanes having serial numbers 7003 through 7142 inclusive, and 7144: Within 12 months after the effective date of this AD, install new shear pins (part number (P/N) 601R24063–31/S) in accordance with Part A of the Accomplishment Instructions of Canadair Regional Jet Service Bulletin S.B. 601R–27–100, Revision "A," dated March 10, 2000. After accomplishment of the installation of new shear pins, Canadair Regional Jet TR RJ/68–1, dated February 15, 2000, may be removed from the AFM.

Inspection of Maintenance Records

(f) For airplanes having serial numbers 7143, and 7145 through 7357 inclusive: Within 14 days after the effective date of this AD, perform a one-time inspection of the maintenance records to determine the replacement status of the shear pins of the elevator flutter dampers, in accordance with Part B of the Accomplishment Instructions of Canadair Regional Jet Service Bulletin S.B. 601R–27–100, Revision "A," dated March 10, 2000.

(1) If the maintenance records indicate that all shear pins were NOT replaced after delivery of the airplane, or if all shear pins were replaced with shear pins having P/N 601R24063–31/S: No further action is required by this AD.

(2) If the maintenance records indicate that any shear pin was replaced after delivery of the airplane with a shear pin having P/N 601R24063–31 or 601R24063–953, or if the maintenance records do not verify that all shear pins having P/N 601R24063–31/S are installed: Accomplish the requirements of paragraph (g) of this AD at the times specified in that paragraph.

AFM Revision and Replacement

(g) For airplanes on which any shear pin of the elevator flutter dampers of the elevators was replaced after delivery of the airplane with a shear pin having P/N 601R24063–31 or 601R24063–953, or for airplanes on which verification of shear pins having P/N 601R24063–31/S is not possible: Accomplish the requirements of paragraphs (g)(1) and (g)(2) of this AD at the times specified in those paragraphs.

(1) Within 30 days after the effective date of this AD, revise the Normal Procedures Section of the AFM by inserting Canadair Regional Jet TR RJ/68–1, dated February 15, 2000, in the AFM, which advises the flight crew of an additional first-flight-of-the-day check of the elevator control system.

(2) Within 12 months after the effective date of this AD, replace the shear pins with new, improved shear pins having P/N 601R24063–31/S, in accordance with Part C of the Accomplishment Instructions of Canadair Regional Jet Service Bulletin S.B. 601R–27–100, Revision "A," dated March 10, 2000. After accomplishment of the installation of new shear pins, the temporary revision required by paragraph (g)(1) of this AD may be removed from the AFM.

Spares

(h) As of the effective date of this AD, no person shall install a shear pin of the elevator flutter dampers having P/N 601R24063–31 or 601R24063–953 on any airplane.

Alternative Methods of Compliance

(i) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

Special Flight Permits

(j) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(k) Except as required by paragraphs (a) and (b)(2) of this AD, the actions shall be done in accordance with Canadair Regional Jet Alert Service Bulletin S.B. A601R–27–041, dated October 28, 1994; Canadair Regional Jet Service Bulletin S.B. 601R–27–040, Revision "B," dated September 11, 1995; Canadair Regional Jet Service Bulletin S.B. 601R–27–100, Revision "A," dated March 10, 2000; and Canadair Regional Jet Airplane Flight Manual Temporary Revision RJ/68–1, dated February 15, 2000; as applicable.

(1) The incorporation by reference of Canadair Regional Jet Service Bulletin S.B. 601R–27–100, Revision "A," dated March 10, 2000; and Canadair Regional Jet Airplane Flight Manual Temporary Revision RJ/68–1, dated February 15, 2000; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Canadair Regional Jet Alert Service Bulletin S.B. A601R–27–041, dated October 28, 1994; and Canadair Regional Jet Service Bulletin S.B. 601R–27–040, Revision "B," dated September 11, 1995; was approved previously by the Director of the **Federal Register** as of April 3, 1998 (63 FR 9928, February 27, 1998).

(3) Copies may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087 Station Centre-ville,

Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 6: The subject of this AD is addressed in Canadian airworthiness directive CF–2000–10, dated March 23, 2000.

Effective Date

(l) This amendment becomes effective on March 29, 2001.

Issued in Renton, Washington, on February 8, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–3697 Filed 2–21–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 26

[TD 8912]

RIN 1545–AX06

Generation-Skipping Transfer Issues; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations that were published in the **Federal Register** on Wednesday, December 20, 2000 (65 FR 79735) relating to the generation-skipping transfer (GST) tax imposed under chapter 13 of the Internal Revenue Code.

DATES: This correction is effective December 20, 2000.

FOR FURTHER INFORMATION CONTACT: James F. Hogan (202) 622–3090 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction are under section 2601 of the Internal Revenue Code.

Need for Correction

As published, the final regulations contain an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8912), that were the subject of FR Doc. 00–31757, is corrected as follows:

§ 26.2601–1 [Corrected]

On page 79740, column 2, § 26.2601–1, paragraph (b)(4)(i)(E), *Example 9.*, line 6, the language "is to pass to the *A*'s issue, per stirpes. Under" is corrected to read "is to pass to *A*'s issue, per stirpes. Under".

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization and Strategic Planning).

[FR Doc. 01–4292 Filed 2–21–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–01–011]

Drawbridge Operation Regulations: Stickney Point Bridge (SR 72), Sarasota, Sarasota County, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Stickney Point Drawbridge (SR 72) across the Gulf Intracoastal Waterway, mile 68.6, Sarasota, Sarasota County, Florida. This deviation allows the drawbridge owner or operator to only open a single leaf from February 26, 2001 to February 28, 2001 from 8 a.m. until 5 p.m., daily. This temporary deviation is requred to allow the bridge owner to safely complete maintenance to the drawbridge.

DATES: This deviation is effective from February 26, 2001 to February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Chief, Operations Section, Seventh Coast Guard District, Bridge Section at (305) 415–6743.

SUPPLEMENTARY INFORMATION: The Stickney Point Drawbridge (SR 72) across the Gulf Intracoastal Waterway at Sarasota, FL is a double leaf bridge with a vertical clearance of 18 feet above mean high water (MHW) measured at the center in the closed position. On January 24, 2001 the owner requested a deviation from the current operating regulation in 33 CFR 117.35 which requires the drawbridge to open promptly and fully when a request to open is given. This temporary deviation was requested to allow necessary maintenance to the drawbridge in a critical time sensitive manner.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.35 for the purpose of maintenance of the drawbridge. Under this deviation, the Stickney Point Drawbridge (SR 72) need only open one leaf from February 26, 2001 to February 28, 2001 from 8 a.m. until 5 p.m., daily.

Dated: February 13, 2001.

G. E. Shapley,

Chief, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 01–4329 Filed 2–21–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–00–005]

RIN 2115–AE47

Drawbridge Operation Regulation; Chef Menteur Pass, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulation governing the operation of the U.S. Highway 90 bridge across Chef Menteur Pass, mile 2.8 at Lake Catherine, Orleans Parish, Louisiana. The rule provides that the draw shall open on signal; except that, from 5:30 a.m. to 7:30 a.m., Monday through Friday except Federal holidays, the draw need open only on the hour and on the half-hour for the passage of vessels. The draw shall open at any time for a vessel in distress. This change will accommodate the navigation needs of commercial fishing vessels while providing the uninterrupted flow of vehicular traffic for commuters en route to work during this period.

DATES: This rule becomes effective on March 26, 2001.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD08–00–005 and are available for inspection or copying at the Bridge Administration Branch, Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, Eighth Coast Guard District at the address given above, telephone 504–589–2965.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On May 10, 2000 the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operating Regulation; Chef Menteur Pass, Louisiana in **Federal Register** (65 FR 30043). The Coast Guard received no letters in response to the NPRM. No public hearing was requested, and none was held.

Background and Purpose

The existing regulation states that the draw of the bridge is required to open on signal, except that from 5:30 a.m. to 7:30 a.m., Monday through Friday except Federal holidays, the draw need not open for the passage of vessels. The draw shall open at anytime for a vessel in distress.

The Coast Guard received numerous complaints from operators of commercial fishing vessels, stating that the existing regulation did not meet the reasonable needs of navigation for local commercial fishermen because they are required to haul in their shrimp nets earlier than necessary to be able to pass through the bridge before the closure time. Local commercial fishermen generally trawl for shrimp during evening hours. This is because brown shrimp feed at night above the bottom. Once daylight occurs they bury themselves in the mud and can no longer be caught with trawl nets. Since the fishermen need to maximize trawling time, they work from sundown until sunrise then enter port and unload their catches. In order for them to transit the U.S. Highway 90 bridge before the 5:30 closure, they must haul in their nets as much as two hours early and head into port. This cuts down trawling time and causes loss of revenue. Based on complaints from local commercial fishermen, the Coast Guard determined that the current operating schedule may not meet the reasonable needs of navigation.

On May 10, 2000 the Coast Guard published a NPRM (65 FR 30043) and a notice of temporary deviation from regulations with request for comments in **Federal Register** (65 FR 29954). The temporary deviation from regulations allowed for the testing of the proposed operating schedule during the month of June.

Discussion of Comments and Changes

No comments regarding the temporary deviation or the NPRM were received.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This rule will have a positive impact on the economic status of the local commercial fishermen as it provides them with adequate time to trawl. It will not create a significant adverse effect for the local motorists who cross the bridge on weekdays en route to work. The motorists will be able to adjust their commuting schedules to accommodate the hour and half-hour drawbridge openings.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. The small entities concerned with this rule are the local commercial fishermen who transit the bridge. This rule will positively affect the local commercial fishermen by affording them adequate time to trawl. They will not be required to haul in their nets early in order to transit through the bridge en route to port.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Bridge Administration Branch, Eighth Coast Guard District at the address above.

Collection of Information

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate.

Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This rule will change an existing special

drawbridge operating regulation promulgated by a Coast Guard Bridge Administration Program action. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.436 is revised to read as follows:

§ 117.436 Chef Menteur Pass.

The draw of the U.S. Highway 90 bridge, mile 2.8, at Lake Catherine, shall open on signal; except that, from 5:30 a.m. to 7:30 a.m., Monday through Friday except Federal holidays, the draw need open only on the hour and on the half-hour for the passage of vessels. The draw shall open at any time for a vessel in distress.

Dated: February 12, 2001.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 01–4330 Filed 2–21–01; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301102; FRL–6766–5]

RIN 2070–[AB78]

Pendimethalin; Re-establishment of Tolerance for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation re-establishes time-limited tolerances for the combined residues of the herbicide pendimethalin and its 3,5-dinitrobenzyl alcohol metabolite in or on fresh mint hay and mint oil at 0.1 and 5.0 part per million (ppm), respectively for an additional 2–year period. These tolerances will expire and are revoked on December 31, 2002. This action is in response to EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on mint. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the FIFRA.

DATES: This regulation is effective February 22, 2001. Objections and requests for hearings, identified by docket control number OPP–301102, must be received by EPA on or before April 23, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control numberOPP–301102 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Libby Pemberton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9364; and e-mail address: pemberton.libby@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food anufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301102. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

EPA issued a final rule, published in the **Federal Register** of May 23, 1997 (62 FR 28355) (FRL–5718–5), which announced that on its own initiative under section 408 of the FFDCA, 21 U.S.C. 346a, as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) it established time-limited tolerances for the combined residues of pendimethalin and its 3,5-dinitrobenzyl alcohol metabolite in or on mint hay, fresh and mint, oil at 0.1 and 5.0 ppm, respectively, with an expiration date of May 31, 1998. EPA has twice extended the expiration date of these tolerances. First in a **Federal Register** notice published March 4, 1998 (63 FR 10545) (FRL–5772–9) until May 31, 1999 and for the second time, March 17, 1999 (64 FR 13086) (FRL–6063–9) until December 31, 2000. EPA established the tolerances because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Such tolerances can be established without providing notice or period for public comment.

EPA received requests to extend the use of pendimethalin on mint for this year's growing season due to the continuation of the emergency situation for Idaho, Oregon, and Washington mint growers. The continuous use of terbacil in past years has resulted in development of resistance to this chemical in kochia and pigweed, resulting in inadequate control of this pest by registered alternatives. After having reviewed the submission, EPA concurs that emergency conditions exist. EPA has authorized under FIFRA section 18 the use of pendimethalin on mint for control of kochia and redroot pigweed in Idaho, Oregon, and Washington.

EPA assessed the potential risks presented by residues of pendimethalin in or on mint hay, fresh and mint, oil. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of May 23, 1997 (62 FR 28355) (FRL–5718–5). Based on that data and information considered, the Agency reaffirms that re-establishment of the time-limited tolerances will continue to meet the requirements of section 408(l)(6). Therefore, the time-limited tolerances are re-established for an additional 2–year period. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations (CFR). Although these tolerances will expire and are revoked on December 31, 2002, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on mint hay, fresh and mint, oil after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA and the application occurred prior to the revocation of the tolerances. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

III. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301102 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before April 23, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit III.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301102, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania

Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

IV. Regulatory Assessment Requirements

This final rule re-establishes time-limited tolerances under FFDCA section 408. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* October 4, 1993 (58 FR 51735). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). "Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a FIFRA section 18 petition under FFDCA section 408, such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

V. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and record keeping requirements.

Dated: February 5, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

§ 180.361 [Amended]

2. In § 180.361, amend paragraph (b), by revising the date for "mint hay, fresh" and "mint oil" from "12/31/01" to read "12/31/02."

[FR Doc. 01–4403 Filed 2–21–01; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 87 and 101

[WT Docket No. 99–327, FCC 00–272]

24 GHz Service; Licensing and Operation

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document is to show rules amended by the Commission in order to implement licensing and operation of the 24 GHz band, shall become effective February 22, 2001. These sections, which contained new information collection requirements, were published in the **Federal Register** December 28, 2000, (OMB No. 3060–0963). This is to let the public know the effective date of the rules that contain new information collection requirements.

EFFECTIVE DATE: The amendments to 47 CFR 101.527 and 101.529 published at 65 FR 59350 (October 5, 2000) are effective February 22, 2001.

FOR FURTHER INFORMATION CONTACT: Jim Shaffer, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418–0680.

SUPPLEMENTARY INFORMATION: On July 25, 2000, the Commission adopted a *Report and Order* ("Order") (FCC 00–272) to implement licensing and operation of the 24.25–24.45 GHz and 25.05–25.25 GHz bands, a summary of which was published in the **Federal Register**. See 65 FR 59350 (October 5, 2000). We stated that the Port 101 of the Commission's rules, 47 CFR Part 101, is amended effective December 4, 2000, except for §§ 101.527 and 101.529 which contains information collections that are not effective until approved by the Office of Management and Budget. We also stated that the Commission will publish a document in the **Federal Register** announcing the effective date for those sections. This statement requires further action by the Commission to establish the effective date, notwithstanding the preceding statement in the summary that the rule change would become effective upon OMB approval. In order to resolve this matter in a manner that most appropriately provides interested parties with proper notice, the rule changes adopted in the Order shall become effective February 22, 2001. The information collection was approved by OMB on December 1, 2000. See OMB No. 3060–0963.

List of Subjects in 47 CFR Part 90

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4320 Filed 2–21–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[FCC 01–30]

33–36 GHz for Federal Government Use

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The document amends the Table of Frequency Allocations, by adding a new footnote, US360, to permit use of the band 33–36 GHz by the Federal Government fixed-satellite service (FSS), space-to-Earth. An existing footnote, G117, also was revised to denote that the Federal Government's use of this band is limited to military systems. This action was taken in response to a request filed by the Administrator, National Telecommunications and Information Administration ("NTIA") for the purpose of advancing, supporting, and accommodating the national defense.

DATES: Effective February 22, 2001.

FOR FURTHER INFORMATION CONTACT: Kathryn Hosford, Office of Engineering and Technology, (202) 418–0652.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order*, FCC 01–30, adopted January 19, 2001, and released January 26, 2001. The full text of this Commission decision is available on the Commission's Internet site at *http://www.fcc.gov*. It is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Summary of the Memorandum Opinion and Order

1. On January 12, 2001, the Administrator, NTIA, requested that the Commission add a United States footnote to the United States Table of Frequency Allocations, 47 CFR 2.106, that would allocate the band 33–36 GHz on a primary basis to the Federal Government fixed-satellite service (space-to-Earth). NTIA stated that this matter involves military functions, as well as specific national security interests of the United States, that the reallocation is essential to fulfill requirements for Federal Government space systems to perform satisfactorily, and that these Department of Defense ("DoD") requirements cannot be accommodated in frequency bands currently allocated for Federal Government fixed-satellite service (space-to-Earth). NTIA indicated that the Federal Government footnote G117 will be modified to limit Federal Government fixed-satellite use of this band to military systems. NTIA also requested expedited consideration, and that the rules be amended without public notice or comment due to the near-term national security interests.

2. Nationally, the band 33–33.4 GHz is shared Federal Government and non-Federal Government spectrum that is allocated to the radionavigation service on a primary basis. In the sub-band 31.8–33.4 GHz, ground based radionavigation aids are permitted only where they are used in cooperation with airborne or shipborne radionavigation devices. Non-Federal Government airborne radionavigation devices are licensed under Part 87 of the Commission's Rules. This allocation, however, is currently unused by non-Federal Government licensees.

3. The band 33.4–36 GHz is allocated to the radiolocation service on a primary basis for the Federal Government and on a secondary basis for non-Federal Government use. However, all non-military radiolocation devices operating in this band are secondary to the military services, except for the sub-band 34.4–34.5 GHz, where weather radars on board meteorological satellites for cloud detection are authorized to operate on an equal basis with military radiolocation devices. In the sub-band 34.2–34.7 GHz, an additional allocation is made for space research service (deep space, Earth-to-space) at Goldstone, California. In the band 33.4–36 GHz, non-Federal Government radiolocation is permitted under part 90 of the Commission's Rules. There is currently only limited non-Federal Government use of the band 33.4–36 GHz. The

majority of these uses are limited to speed control and testing and development purposes.

4. Based on the representations of NTIA that the reallocation is essential to fulfill requirements for Federal Government space systems to perform satisfactorily and that these DoD requirements cannot be accommodated in frequency bands currently allocated for Federal Government fixed-satellite service (space-to-Earth) use, the Commission found that the public interest would best served by accommodating NTIA's request and adding United States footnote US360 to, and amending Federal Government footnote G117 of, the Table of Frequency Allocations. Upon review of the Commission's records, there appeared to be little, if any, impact on non-Federal Government services.

5. Further, the Commission took this action without notice and comment procedures. Section 553 of the Administrative Procedure Act (APA) states that rulemaking proceedings are required "except to the extent that there is involved" (1) a military or foreign affairs function of the United States." 5 U.S.C. 553(a)(1). The Commission's Rules, moreover, state that rule changes including any military, naval, or foreign affairs functions of the United States "will ordinarily be adopted without prior notice." 47 CFR 1.412(b)(1). The APA also includes a good cause exception to rulemaking requirements when such procedures are "impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. 553(b)(3)(B). The Commission noted that, as a general matter, public notice requirements are an essential component of its legal authority. In this instance, however, the Commission found it appropriate to take this action without public notice because this matter involved the exercise of military functions of the United States based on specific national security needs and that good cause exists that notice and public procedures are unnecessary and contrary to the public interest. *See* 5 U.S.C. 553 (a)(1), (b)(3)(B); 47 CFR 1.412(b)(1), (c); *Bendix Aviation Corp.* v. *F.C.C.*, 272 F.2d 533 (D.C. Cir. 1959), *cert. denied sub nom. Aeronautical Radio, Inc.* v. *U.S.*, 361 U.S. 965 (1960). Additionally, due to the near term national security requirements noted by NTIA, the Commission found good cause to expedite this request and make the amendments effective immediately upon publication in the **Federal Register**. 5 U.S.C. 553(d)(3).

List of Subjects in 47 CFR Part 2

Radio, Telecommunications.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 2 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

a. Revise pages 75 and 76.

b. Revise United States footnote US252 and add footnote US360.

c. Revise Federal Government footnote G117.

The addition and revisions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

BILLING CODE 6712-01-P

Page 75

32-40 GHz (EHF)						
United States Table						
Federal Government		Non-Federal Government				FCC Rule Part(s)
32-32.3 INTER-SATELLITE US278 RADIONAVIGATION US69 SPACE RESEARCH (deep space) (space-to-Earth) US262 S5.548		32-32.3 INTER-SATELLITE US278 SPACE RESEARCH (deep space) (space-to-Earth) US262 S5.548				
32.3-33 INTER-SATELLITE US278 RADIONAVIGATION US69 S5.548						Aviation (87)
33-33.4 RADIONAVIGATION US69 US360 G117						
33.4-36 RADIOLOCATION US110 G34						Private Land Mobile (90)
S5.551 US252 US360 G117		S5.551 US252 US360				

International Table		
Region 1	Region 2	Region 3
32-32.3 FIXED S5.547A INTER-SATELLITE RADIONAVIGATION SPACE RESEARCH (deep space) (space-to-Earth)		
S5.547 S5.547C S5.548		
32.3-33 FIXED S5.547A INTER-SATELLITE RADIONAVIGATION		
S5.547 S5.547D S5.548		
33-33.4 FIXED S5.547A RADIONAVIGATION		
S5.547 S5.547E		
33.4-34.2 RADIOLOCATION		
S5.549		
34.2-34.7 RADIOLOCATION SPACE RESEARCH (deep space) (Earth-to-space)		
S5.549		
34.7-35.2 RADIOLOCATION Space research S5.550		
S5.549		
35.2-35.5 METEOROLOGICAL AIDS RADIOLOCATION		
S5.549		
35.5-36 METEOROLOGICAL AIDS EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active)		
S5.549 S5.551A		

| | | |

See 64 FR 45500, August 20, 1999. DTV channel 13 can be allotted to Chattanooga in compliance with the principal community coverage requirements of Section 73.625(a) at reference coordinates (35–09–40 N. and 85–18–52 W.) with a power of 37.0, HAAT of 325 meters and with a DTV service population of 915 thousand.

With this action, this proceeding is terminated.

DATES: Effective April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–268, adopted February 15, 2001, and released February 16, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Tennessee, is amended by removing DTV channel 55 and adding DTV channel 13 at Chattanooga.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4326 Filed 2–21–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–380, MM Docket No. 00–118, RM–9757]

Digital Television Broadcast Service; Lexington, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of WKYT Licensee Corporation, licensee of station WKYT–TV, substitutes DTV channel 13 for DTV channel 59 at Lexington, Kentucky. See 65 FR 41620, July 6, 2000. DTV channel 13 can be allotted to Lexington in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (38–02–23 N. and 84–24–10 W.), with a power of 5.0, HAAT of 300 meters and with a DTV service population of 758 thousand.

With this action, this proceeding is terminated.

DATES: Effective April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–118, adopted February 15, 2001, and released February 16, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Kentucky, is amended by removing DTV channel 59 and adding DTV channel 13 at Lexington.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4325 Filed 2–21–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–377, MM Docket No. 00–182, RM–9957]

Digital Television Broadcast Service; Sumter, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of McLaughlin Broadcasting, Inc., licensee of station WQHB–TV, NTSC channel 63, substitutes DTV channel 39 for DTV channel 38 at Sumter, South Carolina. *See* 65 FR 59796, October 6, 2000. DTV channel 39 can be allotted to Sumter in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (34–06–33 N. and 80–44–35 W.) with a power of 500, HAAT of 269 meters and with a DTV service population of 860 thousand.

With this action, this proceeding is terminated.

DATES: Effective April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–182, adopted February 14, 2001, and released February 15, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under South Carolina, is amended by removing DTV channel 38 and adding DTV channel 39 at Sumter.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4324 Filed 2–21–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–347; MM Docket No. 00–171; RM–9926]

Radio Broadcasting Services; Wells and Woodville, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 234C2 from Woodville, Texas, to Wells, Texas, and modifies the license for Station KVLL to specify operation on Channel 234C2 at Wells in response to a petition filed by Radio Woodville, Inc. *See* 65 FR 59162, October 4, 2000. The coordinates for Channel 234C2 at Wells are 31–12–37 and 94–57–15.

DATES: Effective March 26, 2001.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 00–171, adopted January 31, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Woodville, Channel 234C2 and adding Wells, Channel 234C2.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4321 Filed 2–21–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 000631250–0250–01; I.D. 013100D]

Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Change in Pacific Mackerel Incidental Catch

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Fishing restrictions.

SUMMARY: NMFS announces changes to the restriction on landings of Pacific mackerel for individuals participating in the coastal pelagic species (CPS) fishery and for individuals involved in other fisheries who harvest small amounts of Pacific mackerel. The incidental limit on landings of 20 percent by weight of Pacific mackerel in landings of Pacific sardine, northern anchovy, jack mackerel, and market squid remains in effect; however, CPS fishermen may land up to 1 metric ton (mt) of Pacific mackerel even if they land no other species from the trip. Non-CPS fisherman may land no more than 1 mt or Pacific mackerel per trip. After the harvest guideline of 20,740 mt is reached, all landings of Pacific mackerel will be restricted to 1 mt per trip. This action is authorized by the Coastal Pelagic Species Fishery Management Plan (FMP) and is intended to ensure that the fishery achieves, but does not exceed, the harvest guideline while minimizing the economic impact on small businesses.

DATES: Effective February 22, 2001.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, Southwest Region, NMFS, 562–980–4036.

SUPPLEMENTARY INFORMATION: NMFS closed the directed fishery for Pacific mackerel in the exclusive economic zone (EEZ) off the Pacific coast at 12:01 a.m on October 27, 2000, and imposed an incidental landing limit of 20 percent by weight of Pacific mackerel in landings of Pacific sardine, jack mackerel, northern anchovy, and market squid (65 FR 65272, November 1, 2000, and 65 FR 69483, November 17, 2000). At the time of the closure, 17,829 mt of the 20,740-mt harvest guideline had been landed. The remaining 2,911 mt was needed to allow for an incidental landing of Pacific mackerel by vessels fishing for other coastal pelagic species so that restricting the harvest of other species would not be necessary.

The Pacific Fishery Management Council's (Council) Coastal Pelagic Species Management Team has reviewed the conduct of the fishery through November and December, including the needs of the non-CPS fisheries. Section 2.4 of the FMP provides for setting a small incidental harvest for non-CPS fisheries to minimize discards, but until this action no provision had been made for these harvesters during this fishing season.

There also will be a need to implement further restriction on harvests of Pacific mackerel if the harvest guideline is reached before the end of the fishing season on June 30, 2001, so that bycatch can be minimized. As a result, the Council has recommended that no more than 1 mt of Pacific mackerel may be landed per trip by CPS and non-CPS fishermen after the harvest guideline is reached. This measure will be implemented when the harvest guideline is reached, and announced in the **Federal Register**. The NMFS Southwest Regional Administrator has decided to take this action in accordance with the FMP and its implementing rules. This action was reviewed by members of the Council's Coastal Pelagic Species Advisory Subpanel, the Council, and the State of California.

For the reasons stated here and in accordance with the FMP and its implementing regulations, the following incidental limits are in effect for harvesters of Pacific mackerel:

No fishing vessel may land more than 1 mt of Pacific mackerel per fishing trip, except that fishing vessels with other CPS on board may land more than 1 mt of Pacific mackerel in a fishing trip if the total amount of Pacific mackerel on board the vessel does not exceed 20

percent by weight of the combined weight of all CPS on board the vessel.

Classification

This action is required by 50 CFR 660.509 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 14, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4416 Filed 2–21–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 000822244–01; I.D. 082100B]

RIN 0648–AO65

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Area Closure

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule; extension of expiration date.

SUMMARY: This action extends an emergency interim rule, now in effect, governing the Hawaii-based pelagic longline fishery. The rule closes certain waters to fishing; imposes fishing gear, landing and transhipment restrictions, effort limitations, and fish sale restrictions; and requires increased observer coverage for the fishery. By extending the emergency interim rule that is effective through February 21, 2001, NMFS continues implementation of an order issued by the U.S. District Court for the District of Hawaii while an environmental impact statement (EIS) is being completed for the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP).

DATES: This emergency interim rule is effective from February 22, 2001, through August 20, 2001.

ADDRESSES: Copies of the environmental assessment prepared for the emergency interim rule may be obtained from Dr. Charles Karnella, Administrator, Pacific Islands Area Office (PIAO), NMFS, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI, 96814–4700.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, PIAO, 808–973–2937.

SUPPLEMENTARY INFORMATION: On August 4, 2000, the U.S. District Court for the District of Hawaii, in the case *Center for Marine Conservation v. NMFS*, issued an Order Further Modifying Provisions of Order of Injunction that was implemented by NMFS by an emergency interim rule promulgated on August 25, 2000 (65 FR 51992, August 25, 2000). As intended by the order, the emergency interim rule reduces adverse impacts to sea turtles by the Hawaii-based longline fishery while NMFS prepares an EIS that analyzes the environmental effects of fishing activities conducted under the FMP. The EIS is scheduled for completion by April 1, 2001.

The emergency interim rule, which was revised on November 3, 2000 (65 FR 66186, November 3, 2000), prohibits vessels registered for use with Hawaii longline limited access permits from fishing activities throughout the year in waters between 28° N. and 44° N. lat., from 150° W. to 168° W. long. ("Area A"); limits vessels registered for use with Hawaii longline limited access permits to a total of 154 sets from August 10 through December 31, 2000, and a total of 77 sets from January 1 through March 14, 2001, and requires 100-percent observer coverage for these vessels in waters between 28° N. and 44° N. lat., from 137° W. to 150° W. long., and in waters between 28° N. and 44° N. lat., from 168° W. to 173° E. long. (both areas collectively designated "Area B"). The rule also prohibits Hawaii-based longliners operating in waters between 0° lat. (equator) and 28° N. lat., from 137° W. and 173° E. long. ("Area C") from engaging in directed fishing effort for swordfish; requires deployment of longline gear so that the deepest point of the longline between any two floats reaches a depth greater than 100 m (328.1 ft) below the sea surface; requires permit holders or operators to donate to charity at least 30 percent of their gross revenues from the sale of incidentally caught swordfish from Area C; and prohibits longline vessels from possessing lightsticks aboard the vessels if fishing occurs in any portion of Area C.

Further, pursuant to the Court's Order, NMFS provided observer coverage for the Hawaii longline fishery in Area C at a minimum level of 10 percent by September 21, 2000, and increased the level to 20 percent before November 7, 2000. To ensure these levels of coverage, this rule requires any Hawaii-based longline vessel that NMFS has exempted from carrying NMFS-approved observers in Area C for a specific fishing trip to have aboard the vessel a valid observer waiver form issued by NMFS. For Areas B and C, longline fishing activities are prohibited from March 15 through May 3. During the closure, Pacific pelagic management unit species harvested in Areas B and C (all year in Area A) are prohibited from being landed or transhipped to Hawaii.

This extension of the emergency interim rule implements the Court's order for an additional 180 days until August 20, 2001, unless prior to that expiration date, NMFS completes the environmental impact statement for the FMP and the Court lifts the injunction contained in its Order dated August 4, 2000. Although NMFS has reorganized the sequence of several paragraphs in §§ 660.22 and 660.33(d) and (e), this emergency interim rule is substantively identical to the emergency interim rule published August 25, 2000, as amended by the rule published on November 3, 2000.

Extension of this emergency interim rule is authorized under section 305(c)(3)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that extension of the emergency interim rule is necessary to comply with a valid order of the U.S. District Court.

The AA finds for good cause that providing prior notice and opportunity for public comment for this rule is unnecessary given that the Court ordered the specific actions contained in this rule, thus precluding implementation of any alternative, and is impracticable given the Court's deadline. Similarly, the AA finds, for good cause, under 5 U.S.C. 553(d)(3), that delaying the effectiveness of this rule for 30 days is impracticable given the Court's deadline. Accordingly, the AA is making this rule effective from February 22, 2001, through August 20, 2001.

This emergency interim rule has been determined to be not significant for purposes of Executive Order 12866.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 20, 2001.

Clarence G. Pautzke,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 660.22, paragraphs (z), (aa), and (bb) are suspended, and new paragraphs (ee) through (ll) are added to read as follows:

§ 660.22 Prohibitions.

* * * * *

(ee) Fish for Pacific pelagic management unit species with a vessel registered for use under a Hawaii longline limited access permit using longline gear within the Hawaii emergency closed areas in violation of § 660.33(b)(1), (c)(1), (c)(4), (c)(5), or (d)(1).

(ff) Use a receiving vessel registered for use under a receiving vessel permit to receive from another vessel Pacific pelagic management unit species harvested with longline gear, if the fish were harvested or the transfer occurs within the Hawaii emergency closed areas in violation of § 660.33(b)(2), (c)(2), or (d)(2).

(gg) Land or transship shoreward of the outer boundary of the EEZ around Hawaii Pacific pelagic management species that were harvested with longline gear within the Hawaii emergency closed areas in violation of § 660.33(b)(3), (c)(3), or (d)(3).

(hh) Land or sell swordfish (*Xiphias gladius*) caught by longline gear within the Hawaii emergency longline closed Area C in violation of § 660.33(d)(5).

(ii) Use longline gear to fish for Pacific pelagic management unit species in Hawaii emergency longline closed Area B or Area C without a NMFS-approved observer on board the vessel in violation of § 660.33(e)(1) or (e)(2).

(jj) Possess light sticks on a longline vessel within the Hawaii emergency longline closed Area C in violation of § 660.33(d)(6).

(kk) Fail to carry onboard the vessel or to make available for inspection by an authorized officer an observer waiver form issued by the Administrator, Pacific Islands Area Office, NMFS, or a designee of the Administrator as required under § 660.33(e)(2).

(ll) Direct longline fishing effort toward the harvest of swordfish in Hawaii emergency longline closed Area C.

3. In § 660.23, paragraph (a) is suspended and new paragraph (c) is added to read as follows:

§ 660.23 Notifications.

* * * * *

(c) The permit holder of a vessel registered for use with a Hawaii longline limited access permit or with an agent designated by the permit holder shall provide notice to the Regional Administrator at least 72 hours (not including weekends and holidays) before the vessel leaves port on a fishing trip, any part of which occurs in Area B or Area C, as described in § 660.33(a)(2) or (a)(3). The vessel operator will be presumed to be an agent designated by the permit holder unless the Regional Administrator is otherwise notified by the permit holder. The notice must be provided to the telephone number designated by the Regional Administrator. The notice must provide the official number of the vessel, the name of the vessel, the intended departure date, time, and location, the name of and telephone number of the agent designated by the permit holder to be available between 8:00 a.m. to 5 p.m. (Hawaii time) on weekdays for NMFS to contact in order to arrange observer placement.

§ 660.28 [Amended]

4. In § 660.28, paragraph (c) is suspended.

5. New § 660.33 is added to subpart C to read as follows:

§ 660.33 Hawaii emergency closure.

(a) *Longline fishing restricted areas.* (1) "Area A", as used in this section, is defined as all waters bounded on the south by 28° N. lat., on the north by 44° N. lat., on the east by 150° W. long., and on the west by 168° W. long. (see Figure 2 to this section).

(2) "Area B", as used in this section, is defined as all waters bounded on the south by 28° N. lat., on the north by 44° N. lat., on the east by 137° W. long., and on the west by 150° W. long; and all waters bounded on the south by 28° N. lat., on the north by 44° N. lat., on the east by 168° W. long., and on the west by 173° E. long. (see Figure 2 to this section).

(3) "Area C", as used in this section, is defined as all waters bounded on the south by 0° latitude, on the north by 28° N. lat., on the east by 137° W. long., and on the west by 173° E. long. (see Figure 2 to this section).

(b) *Longline fishing restrictions in Area A.* (1) A vessel registered for use under a Hawaii longline limited access permit may not use longline gear to fish for Pacific pelagic management unit species in Area A.

(2) A vessel registered for use under a receiving vessel permit may not receive from another vessel Pacific pelagic management unit species in Area A.

(3) A vessel registered for use under a Hawaii longline limited access permit or receiving vessel permit may not land or transship Pacific pelagic management unit species that were harvested with longline gear in Area A shoreward of the outer boundary of the EEZ surrounding Hawaii.

(c) *Longline fishing restrictions in Area B.* (1) A vessel registered for use under a Hawaii longline limited access permit may not use longline gear to fish for Pacific pelagic management unit species in Area B from March 15 through May 31.

(2) A vessel registered for use under a receiving vessel permit may not receive from another vessel Pacific pelagic management unit species in Area B from March 15 through May 31.

(3) A vessel registered for use under a Hawaii longline limited access permit or receiving vessel permit may not land or transship Pacific pelagic management unit species that were harvested with longline gear in Area B shoreward of the outer boundary of the EEZ surrounding Hawaii.

(4) From August 7 through December 31, 2000, the number of longline sets allowed in Area B is limited to a total of 154 sets.

(5) From January 1 through March 14, 2001, the number of longline sets allowed in Area B is limited to 77 sets.

(6) Between August 7 through December 31, 2000, the Regional Administrator shall prohibit the use of longline gear to fish for Pacific pelagic management unit species on the date and time that an estimated 154 longline sets will have been made in Area B.

(7) Between January 1 through March 14, 2001, the Regional Administrator shall prohibit the use of longline gear to fish for Pacific pelagic management unit species on the date and time that an estimated 77 longline sets will have been made in Area B.

(8) The Regional Administrator shall determine on the basis of available data when the maximum number of sets will be reached in Area B.

(9) The Regional Administrator will notify each permit holder and each operator of vessels fishing in Area B when further use of longline gear to fish for Pacific pelagic management unit species in Area B is prohibited.

(10) At least 24 hours advance notice will be given of the effective date and

time after which the use of longline gear to fish for Pacific pelagic management unit species in Area B is prohibited, as prescribed in paragraph (b)(9) of this section.

(d) *Longline fishing restrictions in Area C.* (1) A vessel registered for use under a Hawaii longline limited access permit may not use longline gear to fish for Pacific pelagic management unit species in Area C from March 15 through May 31.

(2) A vessel registered for use under a receiving vessel permit may not receive from another vessel Pacific pelagic management unit species in Area C from March 15 through May 31.

(3) Landing or transshipping Pacific pelagic management unit species, that were harvested with longline gear in Area C from March 15 through May 31, shoreward of the outer boundary of the EEZ surrounding Hawaii is prohibited.

(4) For the purpose of this section, "charity" means an entity to which a taxpayer can contribute and deduct the value of any such contribution from taxable income as a "charitable contribution" as defined by the Internal Revenue Code at 26 U.S.C. § 170(c).

(5) Within 30 days of each landing of swordfish caught by longline gear in Area C, the permit holder or operator of a vessel registered for use under a Hawaii longline limited access permit must donate to charity at least 30 percent of the total proceeds from the sale of such swordfish.

(6) A vessel registered for use under a Hawaii longline limited access permit may not possess lightsticks during a fishing trip where part (or all) of the trip involves fishing in Area C.

(7) Any longline gear deployed after November 3, 2000, by a vessel registered for use under a Hawaii longline limited access permit that fishing for Pacific pelagic management unit species in Area C, must be deployed such that the deepest point of the main longline between any two floats, i.e., the deepest point in each sag of the main line, is at a depth greater than 100 m (328.1 ft or 54.6 fm) below the sea surface.

(e) *Emergency closure at-sea observer coverage.* (1) A vessel registered for use under a Hawaii longline limited access permit may not use longline gear to fish for Pacific pelagic management unit species in Area B without a NMFS-approved observer aboard the vessel.

(2) A vessel registered for use under a Hawaii longline limited access permit may not use longline gear in Area C without a NMFS-approved observer aboard the vessel, unless it is issued a written waiver on a per trip basis by the Administrator, Pacific Islands Area Office, NMFS, or a designee. The waiver must be on board the vessel and make available for inspection by an authorized office any time during the trip for which the waiver is valid.

(3) The Regional Administrator may assign NMFS-approved observers to vessels registered for use under Hawaii longline permits:

(i) Based on notice provided by the permit holder or by an agent designated by the permit holder to the Regional Administrator according under § 660.23(c), or,

(ii) According to a list containing vessel names randomly ordered by the Regional Administrator.

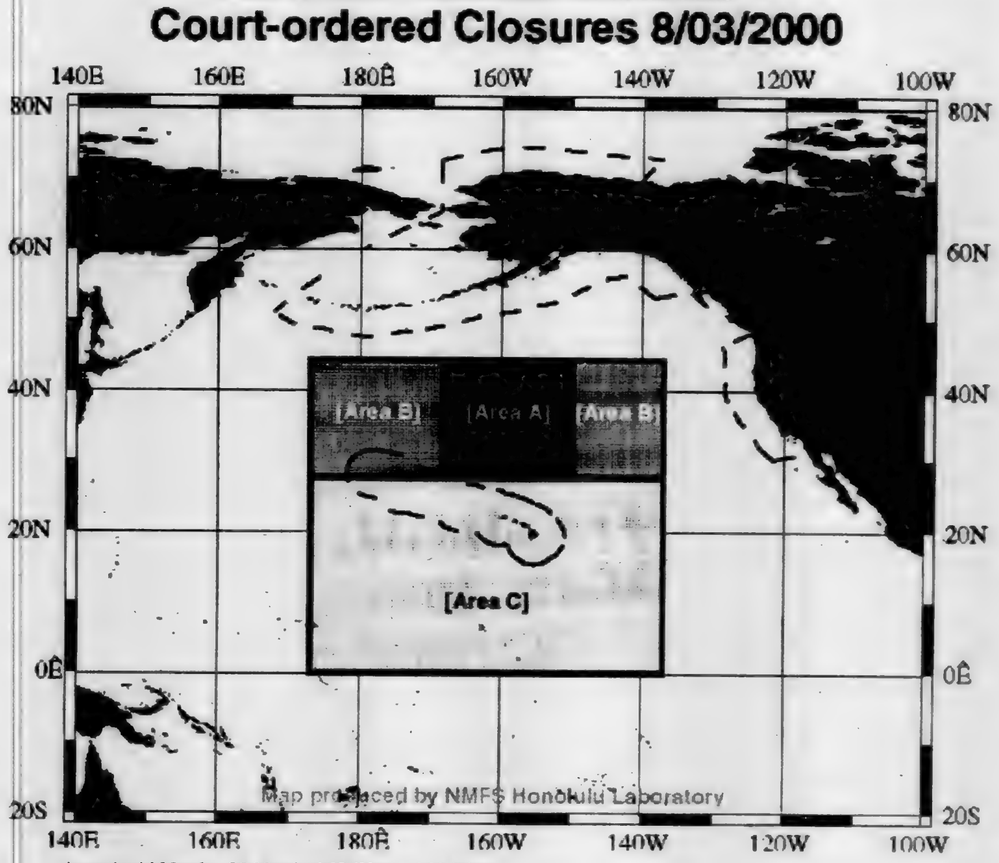
(4) When NMFS notifies the permit holder or the designated agent of the obligation to carry an observer as required under this section, the vessel may not engage in the fishery without taking the observer.

(5) An operator of a vessel registered for use under a Hawaii longline limited access permit must immediately terminate longline fishing in Area C while at sea upon notification by the Regional Administrator that the level of observer coverage is below the 10 percent or 20 percent level of observer coverage established by NMFS.

(6) An operator of a vessel registered for use under a Hawaii longline limited access permit that has been notified by the Regional Administrator as described in paragraph (e)(5) of this section is prohibited from using longline gear in Area C for the remainder of the trip, unless notified by the Regional Administrator that the prohibition has been removed for the vessel.

BILLING CODE 3510-22-S

FIGURE 2 TO § 660.33—LONGLINE FISHING RESTRICTED AREAS



Area A: 44 North - 28 North, 168 West - 150 West
Area B: 44 North - 28 North, 173 East - 168 West and 150 West - 137 West
Area C: 28 North - Equator (0 North), 173 East - 137 West

[FR Doc. 01–4492 Filed 2–20–01; 1:44 pm]
BILLING CODE 3510–22 –C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 021601A]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-pelagic Trawl Gear in the Red King Crab Savings Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

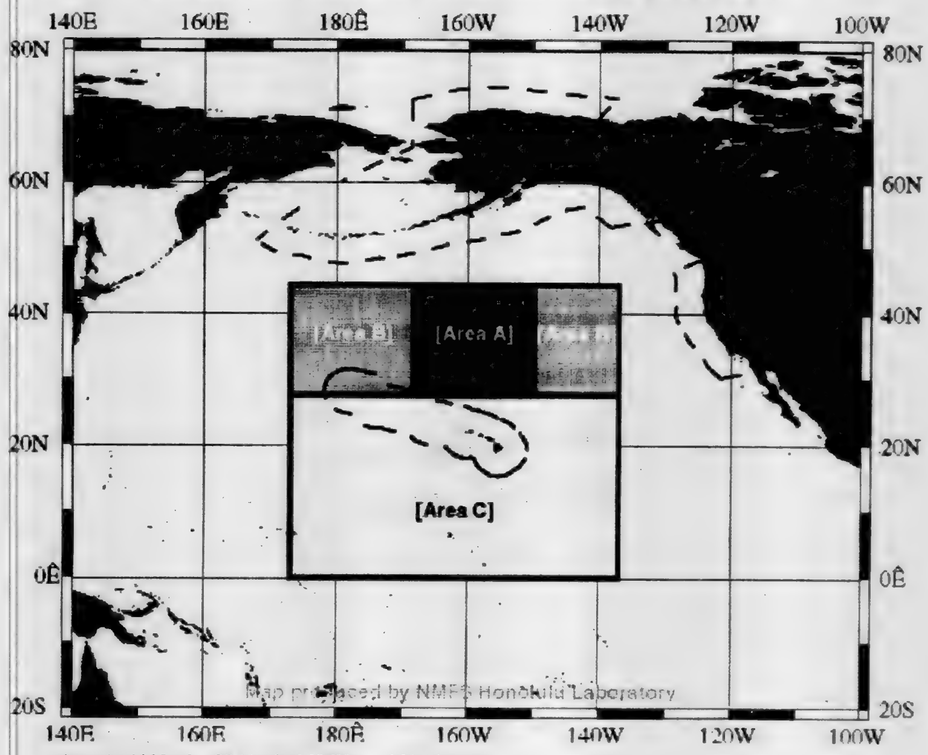
ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for groundfish with non-pelagic trawl gear in the red king crab savings subarea (RKCSS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the amount of the 2001 red king crab bycatch limit specified for the RKCSS.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 18, 2001, until until 2400 hrs, A.l.t., December 31, 2001.

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FIGURE 2 TO § 660.33—LONGLINE FISHING RESTRICTED AREAS



Area A: 44 North - 28 North, 168 West - 150 West
Area B: 44 North - 28 North, 173 East - 168 West and 150 West - 137 West
Area C: 28 North - Equator (0 North), 173 East - 137 West

[FR Doc. 01–4492 Filed 2–20–01; 1:44 pm]
BILLING CODE 3510–22–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 021601A]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-pelagic Trawl Gear in the Red King Crab Savings Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for groundfish with non-pelagic trawl gear in the red king crab savings subarea (RKCSS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the amount of the 2001 red king crab bycatch limit specified for the RKCSS.

DATES: Effective 1200 hrs. Alaska local time (A.l.t.), February 18, 2001, until until 2400 hrs, A.l.t., December 31, 2001.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and CFR part 679.

The 2001 red king crab bycatch limit for the RKCSS is 22,674 animals as established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.21(e)(7)(ii)(B), the Administrator, Alaska Region, NMFS, has determined that the amount of the 2001 red king crab bycatch limit specified for the RKCSS will be caught. Consequently, NMFS is closing the RKCSS to directed fishing for groundfish with non-pelagic trawl gear.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the amount of the 2001 red king crab bycatch limit specified for the RKCSS constitutes good cause to waive the requirement to provide prior notice opportunity for public comment pursuant to the authority set forth at 5 USC 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the amount of the 2001 red king crab bycatch limit specified for the RKCSS constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 16, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01-4411 Filed 2-16-01; 3:57 pm]

BILLING CODE 3510-22-S

Proposed Rules

Federal Register
Vol. 66, No. 36
Thursday, February 22, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 712

Credit Union Service Organizations (CUSOs)

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: NCUA proposes two changes to its rule concerning federal credit union (FCU) investments in and loans to credit union service organizations (CUSOs). The first proposed change clarifies that the list of permissible activities in the CUSO regulation is intended to establish broad categories of permissible activities. The listing of particular activities under these categories is meant to be illustrative not exhaustive of activities that may be permissible. In conjunction with this change, the provision for adding new activities to the regulation is amended to encourage FCUs to seek an advisory opinion from the Office of General Counsel on whether a proposed activity falls within one of the authorized categories before requesting a regulatory amendment. The second proposed change adds a federally-chartered corporation to the category of permissible structures for CUSOs.

DATES: Comments must be received on or before April 23, 2001.

ADDRESSES: Comments should be directed to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. Fax comments to (703) 518–6319. E-mail comments to *regcomments@ncua.gov*. Please send comments by one method only.

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Staff Attorney, Office of General Counsel, at the above address or telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Proposed Changes

The NCUA Board proposes revising § 712.5, the provision governing permissible CUSO activities. Currently, this section lists 17 broad categories of permissible activities and, within many of these categories, there are several subcategories. Questions have arisen from time to time about whether an activity that is not specifically listed is permissible. The Board's intent is that the listings under the broad categories are for illustrative purposes. The Board proposes revising § 712.5 to state this plainly. In conjunction with that change, the Board proposes amending the provision for adding new activities to the regulation to advise FCUs to seek an advisory opinion from the Office of General Counsel as to whether a proposed activity fits into one of the authorized categories before requesting a regulatory change to add a new activity.

These amendments will reduce regulatory burden by allowing the rule to expand as technology expands. In a previous rulemaking, the Board took this same approach with respect to the permissible activity "cyber financial services." 12 CFR 712.5(d)(8). With respect to that activity, the Board agreed with the commenters and rejected listing specific permissible services because "it would be too limiting and, with changing technology, would rapidly become outdated." 64 FR 33184, 33185 (June 22, 1999).

The second proposed change concerns the structure of a CUSO formed as a corporation. The rule limits a CUSO structured as a corporation to a "corporation as established and maintained under relevant state law." 12 CFR 712.3(a). At the time the rule was drafted, that was the only type of corporate structure envisioned for a CUSO falling within one of the permissible activities. It has since been brought to the Board's attention that a CUSO engaging in permissible trust activities may wish to be chartered as a national trust company. The Federal Credit Union Act does not prohibit this structure if the trust company is not a depository institution. Therefore, the Board is revising the rule to include federally-chartered corporations. The Board cautions FCUs that there are specific prohibitions against using the CUSO authority to acquire control either directly or indirectly over other depository institutions. 12 U.S.C. 1757(7)(I); 12 CFR 712.6.

Request for Comment

The NCUA Board is interested in receiving comments on the proposed amendments to part 712.

The NCUA Board is also interested in receiving comment on whether the categories listed in § 712.5 are sufficiently broad to cover all activities and services that relate to the routine daily operations of credit unions.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any proposed regulation may have on a substantial number of small entities (primarily those under 1 million in assets). The proposed amendments will not have a significant economic impact on a substantial number of small credit unions and, therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

NCUA has determined that the proposed regulation does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This proposed rule, if adopted, will apply only to federally-chartered credit unions. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this proposal does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Agency Regulatory Goal

NCUA's goal is to promulgate clear and understandable regulations that impose minimal regulatory burden. We request your comments on whether the proposed rule is understandable and minimally intrusive if implemented as proposed.

List of Subjects in 12 CFR Part 712

Administrative practices and procedure, Credit, Credit unions, Investments, Reporting and record keeping requirements.

By the National Credit Union Administration Board on February 15, 2001.

Becky Baker,

Secretary of the Board.

Proposed Rule

Accordingly, NCUA proposes to amend 12 CFR part 712 as follows:

PART 712—CREDIT UNION SERVICE ORGANIZATIONS (CUSOs)

1. The authority citation for part 712 continues to read as follows:

Authority: 12 U.S.C. 1756, 1757(5)(D), and (7)(I), 1766, 1782, 1784, 1785 and 1786.

2. Amend § 712.3 by revising the third sentence of paragraph (a) to read as follows:

§ 712.3 What are the characteristics of and what requirements apply to CUSOs?

(a) *Structure.* * * * For purposes of this part, "corporation" means a legally incorporated corporation as established and maintained under relevant federal or state law. * * *

* * * * *

4. Amend § 712.5 by revising the second sentence and adding a third sentence to the introductory paragraph to read as follows:

§ 712.5 What activities and services are preapproved for CUSOs?

* * * Otherwise, an FCU may invest in, loan to, and/or contract with only those CUSOs that are sufficiently bonded or insured for their specific operations and engaged in the preapproved activities and services related to the routine daily operations of credit unions. The specific activities listed within each preapproved category are provided in this section as illustrations of activities permissible under the particular category, not as an exclusive or exhaustive list.

* * * * *

5. Add a sentence to the end of § 712.7 to read as follows:

§ 712.7 What must an FCU do to add activities or services that are not preapproved?

* * * Before you engage in the petition process, you should seek an advisory opinion from NCUA's Office of General Counsel as to whether a proposed activity is already covered by one of the authorized categories without filing a petition to amend the regulation.

[FR Doc. 01–4362 Filed 2–21–01; 8:45 am]

BILLING CODE 7535–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–41–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Corporation (Formerly Allison Engine Company) AE 3007A and AE 3007C Model Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Rolls-Royce (RR) Corporation (formerly Allison Engine Company) AE 3007A and AE 3007C model engines with high pressure turbine (HPT) 1st to 2nd stage turbine spacer part number (P/N) 23058369 installed. This proposal would require removal and replacement of the HPT 1st to 2nd stage turbine spacer P/N 23058369 before it reaches its new reduced engine cycle life limit. This proposal is prompted by the results of a detailed component analysis that indicates that the HPT 1st to 2nd stage turbine spacer stresses are higher than predicted. The actions specified by the proposed AD are intended to prevent HPT 1st to 2nd stage turbine spacer failure which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by April 23, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–41–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be submitted to the Rules Docket by using the following Internet address: "9-ane-adcomment@faa.gov." Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Downs, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 E. Devon Ave., Des Plaines, IL 60018; telephone (847) 294–7870, fax (847) 294–7834.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments, as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NE–41–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–41–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The manufacturer's original analysis of the HPT 1st to 2nd stage turbine spacer P/N 23058369 low-cycle fatigue life computed a cleared life of 20,000 cycles. When the part number was reanalyzed for low-cycle fatigue life, it was determined that the stress concentration factor in the cooling slots was incorrect and the stresses associated with the forward cooling slots were higher than predicted. The updated analysis indicates that the low-cycle fatigue life limit of P/N 23058369 should be reduced from 20,000 cycles to 9,400 cycles.

Since an unsafe condition has been identified that is likely to exist or develop on other RR AE 3007A and AE 3007C model engines of the same type design, the proposed AD would require removal and replacement of HPT 1st to 2nd stage turbine spacer P/N 23058369 before it reaches its new reduced engine cycle life limit. This condition, if not corrected, could result in HPT 1st to 2nd stage turbine spacer failure, which could result in an uncontained engine failure and damage to the airplane.

Economic Impact

There are approximately 378 engines of the affected design in the worldwide fleet. The FAA estimates that 300 engines installed on 150 airplanes of U.S. registry would be affected by this proposed AD. It will take approximately 13 work hours per engine to accomplish the removal and replacement of the affected HPT 1st to 2nd stage spacer. The 13 work hours cited include teardown and rebuilding from the module level, but not engine removal. Engines are rarely scheduled off-wing solely for the purpose of replacement of time-expired components. The average labor rate is $60 per work hour. Required parts will cost approximately $10,012 per engine. Based on these figures, the FAA estimates the total cost impact of the proposed AD on U.S. operators, to be $3,237,600. Because most of the fleet field parts are below the new value, special scheduling should not be required.

Regulatory Impact

This proposed rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposed rule.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Rolls-Royce Corporation: Docket No. 2000–NE–41–AD.

Applicability: This AD is applicable to Rolls-Royce (RR) Corporation (formerly Allison Engine Company) AE 3007A and AE 3007C model engines with high pressure turbine (HPT) 1st to 2nd stage turbine spacer part number (P/N) 23058369 installed. These engines are installed on but not limited to Empresa Brasileira de Aeronautica S.A. (EMBRAER) EMB–145 and Cessna 750 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance

Compliance with this AD is required as indicated, unless accomplished previously.

To prevent HPT 1st to 2nd stage turbine spacer-failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

New Reduced Engine Cycle Life Limit

(a) For all RR Corporation AE 3007A and AE 3007C model engines with HPT 1st to 2nd stage turbine spacer, P/N 23058369 installed, remove spacer before reaching the new reduced engine cycle life limit of 9,400 cycles and replace with a serviceable part.

(b) Revise the airworthiness limitations section of the Instruction for Continued Airworthiness, as follows: P/N 23058369=9,400 cycles.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Chicago Aircraft Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago Aircraft Certification Office (ACO).

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Chicago ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on February 13, 2001.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–4393 Filed 2–21–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–002]

RIN 2115–AE47

Drawbridge Operation Regulation; Inner Harbor Navigation Canal, New Orleans, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing a change to the regulation governing the operation of the SR 46 (St. Claude Avenue) bridge, mile 0.5 (GIWW mile 6.2 East of Harvey Lock), the SR 39 (Judge Seeber/Claiborne Avenue) bridge, mile 0.9 (GIWW mile 6.7E), and the Florida Avenue bridge, mile 1.7 (GIWW mile 7.5E), across the Inner Harbor Navigation Canal in New Orleans, Orleans Parish, Louisiana. The proposal would codify the historic accommodation with marine interests that allows the bridges to remain closed-to-navigation and open to vehicular traffic during the morning and afternoon rush hours. The proposed regulation would require the bridges to open on signal; except that, from 6:45 a.m. to 8:30 a.m. and from 4:45 p.m. to 6:45 p.m., Monday through Friday, except federal holidays, the draws need not open for the passage of vessels. The draws shall open at any time for a vessel in distress. This change would allow for the uninterrupted flow of commuter traffic while still providing for the reasonable needs of navigation.

DATES: Comments and related material must reach the Coast Guard on or before April 23, 2001.

ADDRESSES: You may mail comments to Commander (obc), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396, or deliver them to room 1313 at the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Bridge Administration Branch, Eighth Coast Guard District between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, 504–589–2965.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD08–01–002), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like confirmation of receipt of your comments, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of comments received.

Public Meeting

We do not now plan to hold a public meeting. You may submit a request for a public meeting by writing to the Commander, Eighth Coast Guard District, Bridge Administration Branch at the address under **ADDRESSES** explaining why a public meeting would be beneficial. If we determine that a public meeting would aid this rulemaking, we will hold one at a time and place to be announced in the **Federal Register**.

Background and Purpose

To meet the needs of commuters who cross these three bridges in the morning and afternoon en route to and from work in the Lower Ninth Ward area of New Orleans and in St. Bernard Parish, the Coast Guard is proposing to codify the historic accommodation with marine interests that allows the bridges to remain closed-to-navigation and open to vehicular traffic during the morning and afternoon rush hours.

Concerns regarding the ability of vehicular traffic to transit across the Inner Harbor Navigation Canal date back to the 1970's. In June 1976, five New Orleans area legislators, in conjunction with the Dock Board, requested a change in the operating regulations governing their bridges across the Inner Harbor Navigation Canal. The Coast Guard spent many months attempting to reach an amiable resolution to the concerns of both vehicular and marine traffic. In April 1977, the Coast Guard began a test schedule to allow the three bridges to remain closed-to-navigation during the morning and evening while attempting to meet the reasonable needs of navigation.

In August 1977, a second schedule was tested which made some modifications to the original test schedule. No final rule was published following the test period; however, the schedule remained in effect and this schedule continued until 1988.

In 1988, the Louisiana Statute RS 34:28 was amended to require both the St. Claude Avenue and Claiborne Avenue bridges be kept open to vehicular traffic for extended periods during morning and evening rush hours. The Coast Guard objected to the statute stating that the federal government exercises jurisdiction over the operation of bridges over navigable waters. A subsequent Louisiana Attorney General's opinion on Act 453 of 1988 ruled it to be unconstitutional.

In December 1988, the Dock Board, the Corps of Engineers, a representative from the American Waterways Operators, and the Coast Guard met to discuss the operations of the bridges. It was reiterated that the St. Claude bridge, immediately adjacent to the south lock gate of the lock, was controlled by the operations of the lock. It was determined at this meeting that the lock would schedule a river-to-lake lockage followed immediately by a lake-to-river lockage to encompass the rush hour time frame. Following the meeting, another test schedule for the operation of the bridges was published in the Coast Guard Local Notice to Mariners, the local newspaper and by notice from the Port of New Orleans as follows:

(1). Morning Bridge Operations: 6:45 a.m.–8:15 a.m., Monday through Friday. (a). St. Claude Avenue bridge—Closed-to-navigation between 6:45 a.m. and 7 a.m. and remains closed for a continuous one hour period, with the next opening no earlier than 7:45 a.m.; (b). Claiborne Avenue bridge—Closed-to-navigation from 6:45 a.m. to 8:15 a.m.; (c). Florida Avenue bridge—Open to northbound and southbound navigation traffic during one opening not to exceed 10 minutes between 7 a.m. and 8 a.m.

(2). Afternoon Bridge Operations: 4:30 p.m.–6:30 p.m., Monday through Friday. (a). St. Claude Avenue bridge—Closed-to-navigation between 4:45 p.m. and 5:15 p.m. and remains closed for a continuous one hour period, with the next opening no earlier than 5:45 p.m.; (b). Claiborne Avenue bridge—Closed-to-navigation from 4:30 p.m. to 6:30 p.m.; (c). Florida Avenue bridge—Open to northbound and southbound navigation traffic during one opening not to exceed 10 minutes between 5 p.m. and 6 p.m.

This schedule was to be tested for a three-month period. However, during that three-month period, a vessel allision occurred at the Florida Avenue bridge which made the test invalid. The test was continued past this period and no Special Operation Regulation was ever completed.

In 1994, the Coast Guard wrote a letter to the Dock Board to request a meeting to discuss the operation of the lock and bridges as no official Special Operation Regulations had ever been established for the three bridges. Following the meeting, hours for closure for the St. Claude bridge were extended to 6:45 a.m. to 8:15 a.m. and 4:30 p.m. to 6:30 p.m. and the hours for closure for the Florida Avenue bridge were extended to 6:30 a.m. to 8:30 a.m. and 4:30 p.m. to 6:30 p.m.

Since 1988, our office has received only one complaint from a vehicular user of the St. Claude bridge regarding traffic delays at the bridge. No complaints have been received from waterway users.

During the past several years, although no regulation has ever been established, all parties have accepted the spirit of the "closure".

The Coast Guard wishes to codify the accepted historic practices of these three bridges. Presently, the Inner Harbor Navigation Canal Lock averages 32 lockings per day. During the hours of 6:45 a.m. to 8:15 a.m., vehicular traffic averages between 400 and 600 vehicles westbound and between 100 and 200 vehicles eastbound per 15 minute period on the St. Claude Avenue bridge. During the hours of 4:45 p.m. to 6:15 p.m., vehicular traffic averages between 400 and 500 vehicles eastbound and between 100 and 200 vehicles westbound per 15 minute period on the St. Claude Avenue bridge. The Florida Avenue bridge averages approximately 1100 cars during the entire morning curfew and approximately 800 cars during the entire afternoon curfew period. Traffic counts for the SR 39 (Judge Seeber/Claiborne Avenue) were unavailable; however, Claiborne Avenue is the main artery for traffic between Orleans and St. Bernard Parishes and traffic counts would be expected to be higher on this roadway. The Claiborne Avenue bridge also provides a vertical clearance of 40 feet above mean high water in the closed-to-navigation position, which is significantly greater than the other two bridges.

Another factor to be considered is the relocation of the Industrial Canal Lock. The Corps of Engineers has begun driving test piles to relocate the existing lock. The new lock will be located between the Florida Avenue bridge and the Claiborne Avenue bridge. The Florida Avenue bridge has been declared an obstructive bridge and will be replaced within the next several years. During the relocation of the lock, the St. Claude Avenue bridge will be replaced by a new bridge. A temporary bridge is planned to be constructed while the existing bridge is removed and replaced. The Claiborne Avenue bridge will be modified to increase the elevation of the bridge to maintain the existing vertical clearance of the bridge following the relocation of the lock. The subject closures will help relieve traffic-related congestion resulting from construction. As of this date, only the Florida Avenue bridge is scheduled to be replaced. No other bridge permit applications have been received by the Coast Guard at this time.

The Coast Guard has reviewed the implications of the proposed regulations and their effect on the marine traffic transiting through this area. The proposed rule would establish the same operation schedules for all three draws to facilitate the flow of vehicular traffic during rush hours while still meeting the reasonable needs of navigation.

Based upon the information provided, the Coast Guard is proposing a change to the regulation governing the operation of the draws of the SR 46 (St. Claude Avenue) bridge, mile 0.5 (GIWW mile 6.2E), the SR 39 (Judge Seeber/Claiborne Avenue) bridge, mile 0.9 (GIWW mile 6.7E), and the Florida Avenue bridge, mile 1.7 (GIWW mile 7.5E), across the Inner Harbor Navigation Canal in New Orleans, Orleans Parish, Louisiana. The proposed regulation would require the bridges to open on signal; except that, from 6:45 a.m. to 8:30 a.m. and from 4:45 p.m. to 6:45 p.m., Monday through Friday, except federal holidays, the draws need not open for the passage of traffic. The draws shall open at any time for a vessel in distress.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

This proposed rule maintains the existing historically accepted curfews with a minor change allowing the bridge to remain closed-to-navigation an additional 30 minutes.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following small entities: the owners or operators of vessels intending to transit the Inner Harbor Navigation Canal between mile 0.5 and mile 1.7 during the hours of 6:45 a.m. to 8:30 a.m. and 4:45 p.m. to 6:45 p.m., Monday through Friday except federal holidays.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Bridge Administration Branch, Eighth Coast Guard District at the address above.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. This proposal will change an existing special drawbridge operating regulation promulgated by a Coast Guard Bridge Administration Program action. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.458, paragraphs (a) and (b) are redesignated as paragraphs (b) and (c) and a new paragraph (a) is added to read as follows:

§ 117.458 Inner Harbor Navigation Canal, New Orleans.

(a) The draws of the SR 46 (St. Claude Avenue) bridge, mile 0.5 (GIWW mile 6.2E), the SR 39 (Judge Seeber/Claiborne Avenue) bridge, mile 0.9 (GIWW mile 6.7E), and the Florida Avenue bridge, mile 1.7 (GIWW mile 7.5E), shall open on signal; except that, from 6:45 a.m. to 8:30 a.m. and from 4:45 p.m. to 6:45 p.m. , Monday through Friday, except federal holidays, the draws need not open for the passage of vessels. The draws shall open at any time for a vessel in distress.

* * * * *

Dated: February 12, 2001.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 01–4331 Filed 2–21–01; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–336; MM Docket No. 01–36, RM–10047]

Radio Broadcasting Services; Jamestown, Alfred, Canaseraga, NY; and DuBois, PA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Vox Allegany, LLC, requesting the substitution of Channel 270B1 for Channel 270A at Jamestown, New York, and the modification of Station WHUG(FM)'s license accordingly. To accommodate the upgrade, petitioner also proposes the substitution of Channel 246A for Channel 270A at Alfred, New York, and the modification of Station WZKZ(FM)'s license accordingly; the substitution of Channel 270A for vacant Channel 246A at Canaseraga, New York; and the modification of the reference coordinates of Station WMOU–FM, Channel 271B, Du Bois, Pennsylvania. Channel 270B1 can be substituted at Jamestown in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.9 kilometers (4.9 miles) south at petitioner's requested site. The coordinates for Channel 270B1 Jamestown are 42–12–40 North Latitude and 79–22–40 West Longitude. *See* Supplementary Information, *supra*.

DATES: Comments must be filed on or before April 2, 2001, reply comments on or before April 17, 2001.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David G. O'Neil, Esq., 1350 Connecticut Ave., NW., Suite 900, Washington, DC 20036–1701 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making and Order to Show Cause, MM Docket No. 01–36, adopted January 31, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Additionally, Channel 246A can be substituted at Alfred with a site restriction of 7.9 kilometers (4.9 miles) south at Station WZKZ(FM)'s presently authorized site; Channel 270A can be substituted at Canaseraga with a site restriction of 8.8 kilometers (5.5 miles) east at petitioner's requested site; and the reference coordinates for Channel 271B at Du Bois can be modified with a site restriction of 20.3 kilometers (12.6 miles) east at petitioner's requested site. The coordinates for Channel 246A at Alfred are 42–11–25 North Latitude and 77–49–17 West Longitude; the coordinates for Channel 270A at Canaseraga are 42–26–21 North Latitude and 77–40–29 West Longitude; and the coordinates for Channel 271B at Du Bois are 42–11–25 North Latitude and 77–49–17 West Longitude. The allotment of Channel 270B1 at Jamestown will result in a short-spacing to Station CFNY–FM, Channel 271C1, Brampton, Ontario. Therefore, since Jamestown, Alfred, Canaseraga, and Du Bois are located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested, with the allotment at Jamestown being sought as a specially negotiated, short-spaced allotment. In accordance with Section 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest for the use of Channel 270B1 at Jamestown, or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by removing Channel 270A and adding Channel 246A at Alfred; removing Channel 246A and adding Channel 270A at Canaseraga; removing Channel 270A and adding Channel 270B1 at Jamestown.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4322 Filed 2–21–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH70

Endangered and Threatened Wildlife and Plants; Determinations of Prudency and Proposed Designations of Critical Habitat for Plant Species From the Islands of Maui and Kahoolawe, Hawaii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period, and public hearing announcement.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice of a public hearing on the prudency determinations for 38 plants, and the proposed critical habitat designations for 50 plants from the islands of Maui and Kahoolawe, Hawaii. In addition, the comment period which originally closed on February 16, 2001, will be reopened. The new comment period and hearing will allow all interested parties to submit oral or written comments on the proposal. We are seeking comments or suggestions from the public, other concerned agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. Comments already submitted on the proposed rule need not be resubmitted as they will be fully considered in the final determination.

DATES: The comment period for this proposal now closes on April 2, 2001. Any comments received by the closing date will be considered in the final decision on this proposal. The public hearing will be held from 1:00 p.m. to 3:00 p.m. and 6:00 p.m. to 8:00 p.m. on March 20, 2001, on the island of Maui, Hawaii. Prior to the public hearing, the Service will be available from 12:30 to 1:00 p.m. and from 5:30 p.m. to 6:00 p.m. to provide information and to answer questions. The Service will also be available for questions after each hearing session.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Ecoregion Office, 300 Ala Moana Boulevard, Room 3–122, P.O. Box 50088, Honolulu, Hawaii 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

The public hearing will be held at the Renaissance Wailea Beach Resort, Wailea Ballroom, 3550 Wailea Alanui Drive, Wailea, Hawaii.

FOR FURTHER INFORMATION CONTACT: Paul Henson, at the above address, phone 808–541–3441, facsimile 808–541–3470.

SUPPLEMENTARY INFORMATION:

Background

On December 18, 2000, the Service published notice of prudency determinations for 38 plant species and proposed designations of critical habitat for 50 plant species from the islands of Maui and Kahoolawe, Hawaii, pursuant to the Endangered Species Act of 1973, as amended (Act) in the **Federal Register** (65 FR 79192). The original comment period closed on February 16, 2001. The comment period now closes on April 2, 2001. Written comments should be submitted to the Service (see **ADDRESSES** section).

A total of 69 species historically found on Maui and Kahoolawe were listed as endangered or threatened species under the Act between 1991 and 1999. Some of these species may also occur on other Hawaiian islands. At the time each plant was listed, with the exception of six species, we determined that designation of critical habitat was not prudent because designation would increase the degree of threat to the species and/or would not benefit the species. We determined that designation of critical habitat was prudent for *Clermontia samuelii, Cyanea copelandii* ssp. *haleakalaensis, Cyanea glabra, Cyanea hamatiflora* ssp. *hamatiflora, Dubautia plantaginea* ssp. *humilis,* and *Kanaloa kahoolawensis* at the time of their listing in 1999.

Due to litigation, we reconsidered our previous prudency determinations for 63 plants. From this review, we are proposing that critical habitat is prudent for 37 of these species because the potential benefits of designating critical habitat essential for the conservation of these species outweigh the risks of designation. We are proposing that the designation of critical habitat is not prudent for one species, *Acaena exigua,* because such designation would be of no benefit to this species, which may be extinct and for which no genetic material is currently known. In another proposed rule we determined that critical habitat was prudent for 11 species that occur on Maui and/or Kahoolawe as well as on Kauai (65 FR 66808). The remaining 14 species historically found on Maui and/or Kahoolawe, no longer occur on these islands. However, these species do occur on other islands, so proposed prudency determinations will be made in future rules addressing plants on those islands.

This proposed rule also proposes designation of critical habitat for 50 plant species. Fifty-two critical habitat units, covering 13,574 hectares (33,614 acres) on Maui and 4 units covering 207 hectares (512 acres) on Kahoolawe are proposed for designation.

Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to a request from a government agency of the State of Hawaii, the Service will hold a public hearing on the date and at the address described in the **DATES** and **ADDRESSES** sections above.

Anyone wishing to make an oral statement for the record is encouraged

to provide a written copy of their statement and present it to the Service at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to the Service. Legal notices announcing the date, time, and location of the public hearing will be published in newspapers concurrently with the **Federal Register** notice.

Comments from the public regarding the accuracy of this proposed rule are sought, especially regarding:

(1) The reasons why critical habitat for any of these species is prudent or not prudent;

(2) The reasons why any particular area should or should not be designated as critical habitat for any of these species;

(3) Specific information on the amount and distribution of habitat for any of these species;

(4) Land use practices and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(5) Any economic or other relevant impacts resulting from the proposed designations of critical habitat, including any impacts on small entities or families; and

(6) Economic and other potential values associated with designating critical habitat for the 50 plant species such as those derived from non-consumptive uses (*e.g.*, hiking, camping, birding, enhanced watershed protection, increased soil retention, "existence values", and reductions in administrative costs).

Reopening of the comment period will enable the Service to respond to the request for a public hearing on the proposed action. The comment period on this proposal now closes on April 2, 2001. Written comments should be submitted to the Service office listed in the **ADDRESSES** section.

Author

The primary authors of this notice are Christa Russell and Michelle Stephens (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: February 13, 2001.

Rowan W. Gould,

Acting Regional Director, Region 1, Fish and Wildlife Service.

[FR Doc. 01–4379 Filed 2–21–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH08

Endangered and Threatened Wildlife and Plants; Determinations of Whether Designation of Critical Habitat is Prudent for 20 Plant Species and the Proposed Designations of Critical Habitat for 32 Plant Species From the Island of Molokai, Hawaii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment period, and public hearing announcement.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice of a public hearing on the prudency determinations for 20 plants, and the proposed critical habitat designations for 32 plants from the island of Molokai, Hawaii. In addition, the comment period which will close on February 27, 2001, will be extended. The new comment period and hearing will allow all interested parties to submit oral or written comments on the proposal. We are seeking comments or suggestions from the public, other concerned agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. Comments already submitted on the proposed rule need not be resubmitted as they will be fully considered in the final determination.

DATES: The comment period for this proposal now closes on April 2, 2001. Any comments received by the closing date will be considered in the final decision on this proposal. The public hearing will be held from 6:00 p.m. to 8:00 p.m. on March 21, 2001, on the island of Molokai, Hawaii. Prior to the public hearing, the Service will be available from 5:30 p.m. to 6:00 p.m. to provide information and to answer questions. The Service will also be available for questions after the hearing.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Ecoregion Office, 300 Ala Moana Boulevard, Room 3–122, P.O. Box 50088, Honolulu, Hawaii 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

The public hearing will be held at the Mitchell Pauole Center Hall, 90 Ainoa Street, Kaunakakai, Hawaii.

FOR FURTHER INFORMATION CONTACT: Paul Henson, at the above address, phone 808–541–3441, facsimile 808–541–3470.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 2000, the Service published notice of prudency determinations for 20 plant species and proposed designations of critical habitat for 32 plant species from the island of Molokai, Hawaii, pursuant to the Endangered Species Act of 1973, as amended (Act) in the **Federal Register** (65 FR 83158). The original comment period will close on February 27, 2001. The comment period now closes on April 2, 2001. Written comments should be submitted to the Service (see **ADDRESSES** section).

A total of 49 species historically found on Molokai were listed as endangered or threatened species under the Act between 1991 and 1999. Some of these species may also occur on other Hawaiian islands. At the time each plant was listed, with the exception of one species, we determined that designation of critical habitat was not prudent because designation would increase the degree of threat to the species and/or would not benefit the species. We determined that designation of critical habitat was prudent for *Labordia triflora* at the time of its listing in 1999.

Due to litigation, we reconsidered our previous prudency determinations for 48 plants. From this review, we are proposing that critical habitat is prudent for 19 of these species because the potential benefits of designating critical habitat essential for the conservation of these species outweigh the risks of designation. We are proposing that the designation of critical habitat is not prudent for one species, *Pritchardia munroi*, because it would likely increase the threat from vandalism or collection of this species on Molokai. In other proposed rules we determined that critical habitat was prudent for 19 species that occur on Molokai as well as on Kauai, Niihau, Maui, Kahoolawe, and/or Lanai (65 FR 66808; 65 FR 79192; 65 FR 82086). The remaining nine species historically found on Molokai, no longer occur on this island. However, these species do occur on other islands, so proposed prudency determinations will be made in future rules addressing plants on those islands.

This proposed rule also proposes designation of critical habitat for 32 plant species. Twenty-eight critical habitat units, covering 6,446 hectares (15,930 acres) (these numbers were incorrectly given as 6,163 hectares (15,228 acres) in 65 FR 83158), are proposed for designation on the island of Molokai.

Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to a request from a government agency of the State of Hawaii, the Service will hold a public hearing on the date and at the address described in the **DATES** and **ADDRESSES** sections above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to the Service at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to the Service. Legal notices announcing the date, time, and location of the public hearing will be published in newspapers concurrently with the **Federal Register** notice.

Comments from the public regarding the accuracy of this proposed rule are sought, especially regarding:

(1) The reasons why critical habitat for any of these species is prudent or not prudent;

(2) The reasons why any particular area should or should not be designated as critical habitat for any of these species;

(3) Specific information on the amount and distribution of habitat for any of these species;

(4) Land use permits and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(5) Any economic or other relevant impacts resulting from the proposed designations of critical habitat, including any impacts on small entities or families; and

(6) Economic and other potential values associated with designating critical habitat for the 32 plant species such as those derived from non-consumptive uses (*e.g.*, hiking, camping, birding, enhanced watershed protection, increased soil retention, "existence values", and reductions in administrative costs).

Reopening of the comment period will enable the Service to respond to the request for a public hearing on the proposed action. The comment period on this proposal now closes on April 2, 2001. Written comments should be submitted to the Service office listed in the **ADDRESSES** section.

Author

The primary authors of this notice are Christa Russell and Michelle Stephens (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 **ET SEQ.**).

Dated: February 13, 2001.

Rowan W. Gould,

Acting Regional Director, Region 1, Fish and Wildlife Service.

[FR Doc. 01–4380 Filed 2–21–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH10

Endangered and Threatened Wildlife and Plants; Prudency Determinations for Eight Plant Species From the Hawaiian Islands, and Proposed Critical Habitat Designations for Eighteen Plant Species From the Island of Lanai, Hawaii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment period, and public hearing announcement.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice of a public hearing on the prudency determinations for 8 plants and the proposed critical habitat designations for 18 plants from the island of Lanai, Hawaii. In addition, the comment period which will close on February 26, 2001, will be extended. The new comment period and hearing will allow all interested parties to submit oral or written comments on the proposal. We are seeking comments or suggestions from the public, other concerned agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. Comments already submitted on the proposed rule need not be resubmitted as they will be fully considered in the final determination.

DATES: The comment period for this proposal now closes on April 2, 2001. Any comments received by the closing date will be considered in the final decision on this proposal. The public hearing will be held from 6:00 p.m. to 8:00 p.m. on March 22, 2001, on the island of Lanai, Hawaii. Prior to the public hearing, the Service will be available from 5:30 p.m. to 6:00 p.m. to provide information and to answer questions. The Service will also be available for questions after the hearing.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Ecoregion Office, 300 Ala Moana Boulevard, Room 3–122, P.O. Box 50088, Honolulu, Hawaii 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address. The public hearing will be held at the Lanai Public Library Meeting Room, Fraser Avenue, Lanai City, Hawaii.

FOR FURTHER INFORMATION CONTACT: Paul Henson, at the above address, phone 808–541–3441, facsimile 808–541–3470.

SUPPLEMENTARY INFORMATION:

Background

On December 27, 2000, the Service published notice of prudency determinations for 8 plant species and proposed designations of critical habitat for 18 plant species from the island of Lanai, Hawaii, pursuant to the Endangered Species Act of 1973, as amended (Act) in the **Federal Register** (65 FR 82086). The original comment period will close on February 26, 2001. The comment period now closes on April 2, 2001. Written comments should be submitted to the Service (see **ADDRESSES** section).

A total of 37 species historically found on Lanai were listed as endangered or threatened species under the Act between 1991 and 1999. Some of these species may also occur on other Hawaiian islands. At the time each plant was listed, with the exception of three species, we determined that designation of critical habitat was not prudent because designation would increase the degree of threat to the species and/or would not benefit the species. We determined that designation of critical habitat was prudent for *Hedyotis schlechtendahliana* var. *remyi*, *Labordia tinifolia* var. *lanaiensis*, and *Melicope munroi* at the time of their listing in 1999.

Due to litigation, we reconsidered our previous prudency determinations for 34 plants. From this review, we are proposing that critical habitat is prudent for eight of these species because the potential benefits of designating critical habitat essential for the conservation of these species outweigh the risks of designation. We are proposing that the designation of critical habitat is not prudent for one species, *Phyllostegia grabra* var. *lanaiensis*, which is no longer extant in the wild, and for which no genetic material is currently known.

Such designation would not be beneficial to this species. In other proposed rules we determined that critical habitat was prudent for nine species that occur on Lanai as well as on Kauai, Niihau, Maui, or Kahoolawe (65 FR 66808; 65 FR 79192). The remaining 17 species historically found on Lanai no longer occur on this island. However, these species do occur on other islands, so proposed prudency determinations will be made in future rules addressing plants on those islands.

This proposed rule also proposes designation of critical habitat for 18 plant species. Ten critical habitat units, covering 1,953 hectares (4,826 acres), are proposed for designation on the island of Lanai.

Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to a request from a government agency of the State of Hawaii, the Service will hold a public hearing on the date and at the address described in the **DATES** and **ADDRESSES** sections above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to the Service at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to the Service. Legal notices announcing the date, time, and location of the public hearing will be published in newspapers concurrently with the **Federal Register** notice.

Comments from the public regarding the accuracy of this proposed rule are sought, especially regarding:

(1) The reasons why critical habitat for any of these species is prudent or not prudent;

(2) The reasons why any particular area should or should not be designated as critical habitat for any of these species;

(3) Specific information on the amount and distribution of habitat for any of these species;

(4) Land use practices and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(5) Any economic or other relevant impacts resulting from the proposed designations of critical habitat, including any impacts on small entities or families; and

(6) Economic and other potential values associated with designating critical habitat for the 18 plant species such as those derived from non-consumptive uses (*e.g.*, hiking, camping, birding, enhanced watershed protection, increased soil retention, "existence values", and reductions in administrative costs).

Reopening of the comment period will enable the Service to respond to the request for a public hearing on the proposed action. The comment period on this proposal now closes on April 2, 2001. Written comments should be submitted to the Service office listed in the **ADDRESSES** section.

Author

The primary authors of this notice are Christa Russell and Michelle Stephens (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: February 13, 2001.

Rowan W. Gould,

Acting Regional Director, Region 1, Fish and Wildlife Service.

[FR Doc. 01–4381 Filed 2–21–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG13

Endangered and Threatened Wildlife and Plants; Reopening of Public Comment Period on Proposed Critical Habitat for Wintering Piping Plovers

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service, provide notice that the public comment period on the proposed rule to designate critical habitat for wintering piping plovers (*Charadrius melodus*) is hereby reopened. Comments submitted during the prior comment periods need not be resubmitted as they will be incorporated into the public record and will be fully considered in the final determination on the proposal.

DATES: The original comment period, scheduled to close on September 5, 2000, was extended until November 24, 2000. The comment period is now reopened and will close on March 1, 2001. Comments from all interested parties must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: Written comments may be submitted to the Field Supervisor, Ecological Services Field Office, c/o TAMUCC, Box 338, 6300 Ocean Drive, Corpus Christi, Texas 78412; by facsimile at (361) 994–8262; or by email at winterplovercomments@fws.gov. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Allan Strand, Acting Field Supervisor, at the above address (telephone 361/994–9005).

SUPPLEMENTARY INFORMATION:

Background

The piping plover (*Charadrius melodus*) is a small North American shorebird that breeds in the Great Plains, Great Lakes, and upper Atlantic Coast states, and its winter areas include the lower Atlantic and Gulf coasts of the United States. The piping plover on its wintering areas is listed as a threatened species under the Endangered Species Act of 1973, as amended.

The U.S. Fish and Wildlife Service proposed critical habitat for wintering piping plovers on July 6, 2000 (65 FR 41782), and published extensions of the comment period on August 30, 2000 (65 FR 52691), and October 27, 2000 (65 FR 64414). The proposal includes 146 areas along the coasts of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. This includes approximately 2,734 kilometers (1,699 miles) of shoreline along the Gulf and Atlantic coasts and along margins of interior bays, inlets, and lagoons.

Section 4(b)(2) of the Endangered Species Act requires that we designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species. Consequently, we have prepared and made available a draft economic analysis concerning the proposed critical habitat designation, which is available for review and comment at the above Internet and mailing addresses.

Public Comments Solicited

Pursuant to regulations at 50 CFR 424.16(c)(2), we may extend or reopen a public comment period on a proposal to designate critical habitat upon finding that there is good cause to do so. Since the close of the original comment period on proposed designation of critical habitat for wintering piping plovers, we have received a number of comments which provide information relevant to the proposed designation. In the interest of considering the best scientific and commercial information available in making our final determination on the proposal, we find that good cause exists to reopen the public comment period on this proposed action.

We solicit comments on all aspects of the critical habitat proposal, including the draft economic analysis. Our final determination on the proposed critical habitat will take into consideration comments and any additional information received by the date specified above. All previous comments and information submitted during the comment period need not be resubmitted. Written comments may be submitted to the Field Supervisor at the above address.

Author

The primary author of this notice is Steve Spangle, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: February 15, 2001.

Frank S. Shoemaker, Jr.,

Acting Regional Director, Region 2, Fish and Wildlife Service.

[FR Doc. 01–4430 Filed 2–21–01; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 66, No. 36
Thursday, February 22, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Sunshine Act Meeting; Notice

TIME AND DATE: 2 pm, Wednesday, March 28, 2001.

PLACE: Cannon House Office Building, Washington, DC 20510.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Review and approval of the minutes of the March 15th, 2000 Board of Trustees meeting.
2. Report on financial status of the Foundation fund—
   A. Review of investment policy and current portfolio.
3. Report on results of Scholarship Review Panel—
   A. Discussion and consideration of scholarship candidates.
   B. Selection of Goldwater Scholars.
4. Other Business brought before the Board of Trustees.

CONTACT PERSON FOR MORE INFORMATION: Gerald J. Smith, President, Telephone: (703) 756–6012.

Gerald J. Smith,
President.
[FR Doc. 01–4511 Filed 2–20–01; 1:20 pm]
BILLING CODE 4738–01–M

DEPARTMENT OF COMMERCE

Office of Human Resources Management

Commerce Opportunities On-Line (COOL)

ACTION: Proposed collection; Comment request.

SUMMARY: The Department of Commerce (DOC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing and proposed information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 23, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230 or via the Internet at MClayton@doc.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the attention of Thomas R. Kreider, Computer Specialist, (301) 457–6610, U.S. Department of Commerce, Office of Human Resources Management, Office of Employment, Diversity and Classification Programs, 14th & Constitution Ave, NW., Room 5004, Washington, DC 20230, or via e-mail to tkreider@doc.gov.

SUPPLEMENTARY INFORMATION:

Abstract

Commerce Opportunities On-Line (COOL) is a web-based software system that automates the vacancy announcement, application intake, application evaluation, and application referral processes, for positions in the Department of Commerce (DOC).

In the current employment environment qualified job applicants for federal positions are in great demand. The DOC is in direct competition with private industry for the same caliber of candidates with the requisite knowledge and skills to fulfill the mission of the DOC. Consequently, it is imperative that every available technology be employed if the DOC is to remain competitive and meet hiring goals. The information provided by a job applicant will assist the Human Resources Specialists and hiring managers in determining whether an applicant meets the basic qualification requirements and is best qualified for the position being filled. In addition, the electronic transmission will expedite the hiring process by reducing the time used in application evaluation, candidate referral and selection, and in the recruitment paperwork distribution/workflow process.

COOL will provide the DOC with a more user-friendly on-line employment application process and will enable the DOC to process hiring actions in a more efficient and timely manner. The on-line application will provide an electronic real time candidate list that will allow the DOC to review applications from applicants almost instantaneously. Given the immediate hiring needs of the DOC, time consumed in the mail distribution system or paper review of applications delays the decision-making process by several weeks. The implementation of the COOL electronic application will result in increased speed and accuracy in the employment process. It will also streamline labor and reduce costs.

The use of the COOL on-line application fully meets the intent of 5 U.S.C. 2301, which requires that Federal personnel management be implemented consistent with merit system principles.

Since the COOL on-line application will be used as an alternative form of employment application, the collection and use of the information requires Office of Management and Budget (OMB) approval as outlined in Section 6.1 of the Delegated Examining Operations Handbook. The Handbook provides guidance to agencies under a delegated examining authority by the Office of Personnel Management (OPM), under the provisions of 5 U.S.C. 1104.

II. Method of Collection

Application information is collected electronically from the applicant through COOL. Applicants may contact the DOC web site on the Internet where they will find the COOL on-line application and can fill out and submit the form electronically while connected to the web site. Applicants who do not have access to a personal computer are directed to the servicing Human Resources Office for a paper version of the COOL announcement and application.

III. Data

OMB Number: 0690–0019.
Type of Review: Regular collection.
Affected Public: Individuals or households and the Federal Government.
Estimated Number of Respondents: 32,832 respondents per year.
Estimated Time Per Response: It is estimated that, depending on the situation, it could take as little as 10 minutes or as long as two hours to complete the on-line application. This is determined by the nature of the position for which the applicant is applying, and whether this is the applicant's first application in COOL, or if he or she already has a resume completed in COOL, which automatically fills in approximately 75% of the application's fields. On average, the time to complete the on-line application is estimated to be 1 hour.
Estimated Total Annual Respondent Burden Hours: 32,832 hours per year.
Estimated Total Annual Respondent Cost Burden: $820,800 per year.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 16, 2001.

Madeleine Clayton,
Departmental Forms Clearance Officer, Office of the Chief Information Officer.
[FR Doc. 01–4389 Filed 2–21–01; 8:45 am]
BILLING CODE 3510–17–P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Census Advisory Committees

AGENCY: Economics and Statistics Administration, Department of Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Public Law 92–463, as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), we are giving notice of the following Census Advisory Committee (CAC) meetings:

• The CACs on the African American Population, the American Indian and Alaska Native Populations, the Asian Population, the Native Hawaiian and Other Pacific Islander Populations, and the Hispanic Population to be held on March 14, 2001.

• The Joint CAC meeting of the CACs on Race and Ethnic Populations, the CAC of Professional Associations, and the Decennial CAC to be held on March 15, 2001.

• The Decennial CAC meeting to be held on March 16, 2001.

The Joint Advisory Committee Meeting on March 15 will discuss the Census Bureau's Executive Steering Committee on the Accuracy and Coverage Evaluation Policy's recommendation on whether or not to release statistically adjusted Pub. L. 94–171 data products for redistricting. The meetings on March 14 and 16 will discuss selected Census 2000 evaluations and provide opportunities for the Committees to hold working groups on decennial planning issues. We are still finalizing the other details of the meetings' agendas.

DATES: On Wednesday, March 14, 2001, the meeting will begin at 11:30 a.m. and adjourn at 5 p.m. On Thursday, March 15, 2001, the meeting will begin at 8:45 a.m. and adjourn at 5:15 p.m. On Friday, March 16, 2001, the meeting will begin at 8:30 a.m. and adjourn at 1:30 p.m.

ADDRESSES: The meetings will be held at the Doubletree Hotel, 300 Army Navy Drive, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 3631, Federal Building 3, Washington, DC 20233, telephone: (301) 457–2070.

SUPPLEMENTARY INFORMATION: The CACs on the African American Population, American Indian and Alaska Native Populations, the Asian Population, the Native Hawaiian and Other Pacific Islander Populations, and the Hispanic Population are composed of nine members each, appointed by the Secretary of Commerce. The Committees advise the Director, U.S. Census Bureau, and provide an organized and continuing channel of communication between the communities they represent and the Census Bureau on issues concerning race and ethnicity and on issues related to the 2010 Decennial Census, the American Community Survey (ACS), and related programs.

The CAC of Professional Associations is composed of 36 members, appointed by the Presidents of the American Economic Association, the American Statistical Association, the Population Association of America, and the Chairman of the Board of the American Marketing Association. The Committee advises the Director, U.S. Census Bureau, on the full range of Census Bureau programs and activities in relation to the areas of expertise.

The Decennial Census Advisory Committee is composed of a Chair, Vice Chair, and up to 40 member organizations, each appointed by the Secretary of Commerce. The Committee considers the goals of the decennial census and users' needs for information provided by that census. The Committee advises the Secretary of Commerce on policy, research, technological-related issues for the design of the 2010 decennial census, the ACS, and other related programs.

A brief period will be set aside for public comment. However, individuals with extensive statements for the record must submit them in writing to the Commerce Department official named above at least three working days prior to the meeting.

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Census Bureau Committee Liason Officer on (301) 457–2070, TDD (301) 457–2540.

Dated: February 14, 2000.

James Lee Price,
Acting Under Secretary for Economic Affairs, Economics and Statistics Administration.
[FR Doc. 01–4358 Filed 2–21–01; 8:45 am]
BILLING CODE 3510–07–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–824]

Polyvinyl Alcohol From Taiwan: Preliminary Results of Fourth Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of fourth antidumping duty administrative review.

SUMMARY: In response to a request by Chang Chun Petrochemical Co., Ltd.,[1] a producer and exporter of polyvinyl alcohol from Taiwan, the Department of Commerce is conducting an administrative review of the antidumping duty order on polyvinyl

[1] On January 19, 2001, counsel for Air Products and Chemicals, Inc. ("the petitioner") stated that the petitioner's PVA business was sold to Celanese Ltd.

alcohol from Taiwan. The period of review is May 1, 1999, through April 30, 2000.

We preliminarily find that sales of subject merchandise have not been made below normal value. If these preliminary results are adopted in our final results of administrative review, we will instruct the Customs Service not to assess antidumping duties on entries for which the importer-specific rate is *de minimis* (*i.e.*, less than 0.5 percent). Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 22, 2001.

FOR FURTHER INFORMATION CONTACT: Brian Ledgerwood, at (202) 482–3836, or Brian Smith, at (202) 482–1766, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 ("the Act"), as amended, by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all references are made to the Department of Commerce's ("the Department's") final regulations at 19 CFR Part 351 (2000).

Case History

On May 14, 1996, the Department published in the **Federal Register** an antidumping duty order on polyvinyl alcohol ("PVA") from Taiwan. *See* 61 FR 24286. On May 16, 2000, the Department published a notice providing an opportunity to request an administrative review of this order for the period May 1, 1999, through April 30, 2000 (65 FR 31141). On May 31, 2000, we received a timely request for an administrative review from Chang Chun Petrochemical Co., Ltd. ("Chang Chun"). In addition, Chang Chun requested that the Department revoke the antidumping duty order with respect to it. On May 31, 2000, we received a timely request for an administrative review from the petitioner. On July 7, 2000, we published a notice of initiation of this review for Chang Chun (65 FR 41942).

On June 30, 2000, we issued an antidumping questionnaire to Chang Chun. Because the Department disregarded sales that failed the cost test in the last completed review for Chang Chun (at that time) (*see Polyvinyl Alcohol from Taiwan: Final Results of Second Antidumping Duty Administrative Review*, 64 FR 32024, 32025 (June 15, 1999) (hereafter "*Second Administrative Review*–PVA")), the Department had reasonable grounds to believe or suspect that Chang Chun's sales of the foreign like product may have been made at prices below the cost of production ("COP") as provided by section 773(b)(2)(A)(ii) of the Act. Therefore, pursuant to section 773(b)(1) of the Act, we initiated an investigation to determine whether Chang Chun made home market sales during the period of review ("POR") at prices below its COP, and required Chang Chun to respond to the COP section of the questionnaire issued on June 30, 2000.

The Department received Chang Chun's response in August 2000. We issued a supplemental questionnaire to Chang Chun in October 2000. The response to this questionnaire was received in November 2000. On October 6, 2000, Chang Chun withdrew its request for revocation, in part, of the antidumping duty order on polyvinyl alcohol from Taiwan.

Scope of Review

The product covered by this review is PVA. PVA is a dry, white to cream-colored, water-soluble synthetic polymer. This product consists of polyvinyl alcohols hydrolyzed in excess of 85 percent, whether or not mixed or diluted with defoamer or boric acid. Excluded from this review are PVAs covalently bonded with acetoacetylate, carboxylic acid, or sulfonic acid uniformly present on all polymer chains in a concentration equal to or greater than two mole percent, and PVAs covalently bonded with silane uniformly present on all polymer chains in a concentration equal to or greater than one-tenth of one mole percent. PVA in fiber form is not included in the scope of this review.

The merchandise under review is currently classifiable under subheading 3905.30.00 of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope is dispositive.

Period of Review

The POR is May 1, 1999, through April 30, 2000.

Fair Value Comparisons

To determine whether sales of the subject merchandise to the United States were made at prices below normal value, we compared the export price to normal value as described below. In accordance with section 777A(d)(2) of the Act, we compared the export price of individual transactions to the monthly weighted-average price of sales of the foreign like product made in the ordinary course of trade (*see* section 773(a)(1)(B)(i) of the Act).

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by Chang Chun covered by the description in the "Scope of Review" section, above, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. We compared U.S. sales to sales made in the home market within the contemporaneous window period, which extends from three months prior to the U.S. sale and until two months after the sale. Where there were no sales of identical merchandise made in the home market in the ordinary course of trade, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade. In making the product comparisons, we matched foreign like products based on the physical characteristics reported by Chang Chun in the following order: viscosity, hydrolysis, particle size, tackifier, defoamer, ash, color, volatiles, and visual impurities.

Export Price

In accordance with sections 772(a) and (c) of the Act, we calculated an export price for all of Chang Chun's sales since the merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation, and because constructed export price methodology was not otherwise warranted based on the facts of the record. We calculated export price based on the packed, CIF or FOB prices to unaffiliated purchasers in, or for exportation to, the United States. We made deductions, where appropriate, from the starting price for foreign inland freight, foreign brokerage and handling, international freight (including harbor construction taxes), and marine insurance in accordance with section 772(c)(2)(A) of the Act.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating normal value (*i.e.*, the aggregate volume of home market sales of the foreign like product is five percent or more of the aggregate volume of U.S. sales), we compared Chang Chun's volume of home market sales of the foreign like product to its volume of U.S. sales of the subject merchandise, in accordance with 19 CFR 351.404(b). For Chang Chun, we determined that the quantity of foreign like product sold in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States because Chang Chun had sales in its home market which were greater than five percent of its sales in the U.S. market. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based normal value on sales in Taiwan.

Level of Trade

In accordance with section 773(a)(1)(B)(i) of the Act, to the extent practicable, we determined normal value based on sales in the comparison market at the same level of trade ("LOT") as the export price transaction. The normal value LOT is that of the starting-price sales in the comparison market or, when normal value is based on constructed value, that of the sales from which we derive selling, general, and administrative ("SG&A") expenses and profit. For export price, the LOT is also the level of the starting-price sale, which is usually from the exporter to the importer.

To determine whether normal value sales are at a different LOT than export price sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which normal value is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. *See Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731, 61732–33 (November 19, 1997).

As in previous administrative reviews, Chang Chun reported one channel of distribution for its U.S. and home market sales (*see Second Administrative Review*—PVA, 64 FR 32024 (June 15, 1999); *Notice of Final Results of Third Antidumping Duty Administrative Review: Polyvinyl Alcohol from Taiwan*, 65 FR 60615 (October 12, 2000) (hereafter "*Third Administrative Review*—PVA")). Based on Chang Chun's submission of its reported selling functions, we found that the selling activities performed by Chang Chun in both the home market and the United States were similar. In both the home market and the U.S. market Chang Chun made sales directly to customers and provided no post sale services (*e.g.*, typically limited to freight and delivery arrangements). Therefore, we determined that sales in both markets are at the same LOT and consequently no LOT adjustment is warranted. (*See Final Results of Antidumping Duty Administrative Review: PVA From Taiwan*, 63 FR 32810, 32812 (June 16, 1998)).

Cost of Production

As we stated in the "Case History" section, because we disregarded sales below the COP for Chang Chun in the last completed segment of the proceeding (at that time) (*see Second Administrative Review*—PVA, 64 FR 32024 (June 15, 1999)), we had reasonable grounds to believe or suspect that Chang Chun's sales of the foreign like product under consideration for the determination of normal value in this review may have been made at prices below the COP, as provided by section 773(b)(2)(A)(ii) of the Act. Therefore, pursuant to section 773(b)(1) of the Act, we initiated a COP investigation of sales by Chang Chun in the home market.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated the weighted-average COP, by grade, based on the sum of the cost of materials and fabrication, general and administrative ("G&A") expenses, and packing costs. We relied on Chang Chun's submitted COP for PVA. In addition, as we have done in the investigation and previous administrative reviews of this order, we adjusted the joint production costs between PVA and acetic acid using the relative sales value of each product calculated on the basis of a two-year period prior to the period of the less-than-fair-value ("LTFV") investigation (*see* January 30, 2001, preliminary results calculation memorandum and *Third Administrative Review*—PVA, 65 FR 60615 (October 12, 2000), and the accompanying Decision Memorandum at the "Margin Calculations" section).

Consistent with the prior reviews and investigation, we determined that Chang Chun purchased a major input (*i.e.*, vinyl acetate monomer ("VAM")) used in the production of PVA from an affiliated party (*See Final Determination: Polyvinyl Alcohol from Taiwan*, 61 FR 14064, 14071 at Comment 8 and 9 (March 29, 1996)). Pursuant to 19 CFR 351.407(b), we applied the major input rule to determine the value of the VAM. Under the major input rule, we normally will determine the value of a major input purchased from an affiliated person based on the higher of: (1) the price paid by the exporter or producer to the affiliated person for the major input; (2) the amount usually reflected in sales of the major input in the market under consideration; or (3) the cost to the affiliated person of producing the major input. In this case, for the preliminary results, we used the affiliated person's COP, which was higher than the market price or the affiliate's transfer price (*see*, Chang Chun's August 2000 Section D response at page D–27, Exhibits D–2 and D–10, and Chang Chun's November 2000 supplemental response at pages supp-22 and 23). Consistent with 19 CFR 351.407(b), in the previous three reviews the Department used Chang Chun's affiliate's transfer price for VAM, which was the highest of the three values discussed above, for purposes of calculating the weight-average COP. For these preliminary results, we have accepted Chang Chun's valuation of VAM based on its affiliate's COP because it meets the requirements under 19 CFR 351.407(b), as noted above.

B. Test of Home Market Prices

We compared the weighted-average COP, adjusted where appropriate, to the comparison market sales of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below the COP within an extended period of time in substantial quantities, and whether such prices were sufficient to permit the recovery of all costs within a reasonable period of time. On a grade-specific basis, we compared the revised COPs to the comparison market prices, less any applicable movement charges, discounts, and direct and indirect selling expenses.

C. Results of the COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of the respondent's sales of a given product were made at prices below the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." Where 20 percent or more of the respondent's sales of a given product were made at prices below the COP, we disregarded the below-cost sales because such sales were found to be made within an extended period of time in "substantial quantities," in accordance with sections 773(b)(2)(B) and (C) of the Act, and because the below-cost sales of the product were at prices which would not permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. Based on the COP test, we excluded

from our analysis certain comparison-market sales of PVA products.

Price-to-Price Comparisons

We calculated normal value based on packed, FOB or delivered prices to unaffiliated purchasers in Taiwan. We made adjustments to the starting price for returns, where appropriate. We also made deductions, where appropriate, for inland freight (inclusive of inland insurance) pursuant to section 773(a)(6)(B) of the Act. In addition, we made adjustments for differences in the physical characteristics of the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411, as well as for differences in circumstances-of-sale ("COS") in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We made COS adjustments by deducting home market direct selling expenses (*i.e.*, credit expenses) and adding U.S. direct selling expenses (*i.e.*, credit expenses and bank charges). Finally, we deducted home market packing costs and added U.S. packing costs in accordance with 773(a)(6) of the Act.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following margin exists for the period May 1, 1998 through April 30, 1999:

Manufacturer/exporter	Margin (percent)
Chang Chun Petrochemical Co., Ltd	0.00

Pursuant to 19 CFR 351.224(b), the Secretary will disclose to the parties to the proceeding the calculations performed in connection with this review, within five days after the date of publication of the preliminary results of this review. Any interested party may request a hearing within 30 days of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first business day thereafter.

Issues raised in hearings will be limited to those raised in the respective case briefs and rebuttal briefs. Case briefs from interested parties and rebuttal briefs, limited to the issues raised in the respective case briefs, may be submitted not later than 30 days and 37 days, respectively, from the date of publication of these preliminary results. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations and cases cited.

The Department will subsequently issue the final results of this administrative review, including the results of its analysis of issues raised in any such written briefs, not later than 120 days after the date of publication of this notice.

Interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room B–099, within 30 days of the date of publication of this notice. The request should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed.

Cash Deposit and Assessment Requirements

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties. The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the U.S. Customs Service.

If these preliminary results are adopted in the final results, we will instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries covered by this review for which any importer-specific assessment rates calculated in the final results of this review are above *de minimis* (*i.e.*, at or above 0.5 percent), in accordance with 19 CFR 351.106(c)(2). For assessment purposes, we intend to calculate importer-specific assessment rates for the subject merchandise by aggregating the dumping margins calculated for all U.S. sales to each importer and dividing this amount by the total entered value of the sales examined.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this antidumping duty review for all shipments of PVA from Taiwan, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a) of the Act: (1) No cash deposits will be required for PVA from Taiwan that is produced by Chang Chun (unless the margin established for Chang Chun in the final results of this review is above *de minimis*); (2) for exporters not covered in this review, but covered in the LTFV investigation or prior reviews, the cash deposit rate will continue to be the company-specific rate from the LTFV investigation or the prior review; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 19.21 percent, the "All Others" rate made effective by the LTFV investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: January 30, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4405 Filed 2–21–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–836]

Polyvinyl Alcohol from Japan: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by the petitioner, Air Products and Chemicals, Inc.,[1] the Department of Commerce is conducting an administrative review of the antidumping duty order on polyvinyl alcohol from Japan. This review covers one manufacturer/exporter, Kuraray Co., Ltd. ("Kuraray"). The period of review is May 1, 1999, through April 30, 2000.

We preliminarily determine that sales of subject merchandise have been made below normal value. If these preliminary results are adopted in our final results of administrative review, we will instruct the Customs Service to assess antidumping duties on all appropriate entries. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 22, 2001.

FOR FURTHER INFORMATION CONTACT: Barbara Wojcik–Betancourt, at (202) 482–0629, or Brian Smith, at (202) 482–1766, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended ("the Act"), by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all references are made to the Department of Commerce's ("the Department's") final regulations at 19 CFR Part 351 (April 2000).

Background

On May 14, 1996, the Department published in the **Federal Register** an antidumping duty order on polyvinyl alcohol ("PVA") from Japan (61 FR 24286). On May 16, 2000, the Department published in the **Federal Register**, a notice advising of the opportunity to request an administrative review of this order for the period May 1, 1999, through April 30, 2000 (65 FR 31141). On May 31, 2000, we received a request from the petitioner, Air Products and Chemicals, Inc. ("petitioner"), to conduct an administrative review of Kuraray. On June 1, 2000, we received a letter from the petitioner asking the Department to correct the period of review ("POR") for this review, which was incorrectly stated in the petitioner's May 31, 2000, letter requesting initiation of the administrative review. On July 7, 2000, we published a notice of initiation of this review for Kuraray (65 FR 41942).

On July 5, 2000, the Department issued an antidumping questionnaire to Kuraray. Because the Department disregarded sales that failed the cost test in the last completed review for Kuraray (*see Notice of Final Results of the First Antidumping Duty Administrative Review: Polyvinyl Alcohol from Japan*, 65 FR 50182 (August 17, 2000)) ("Final Results of Polyvinyl Alcohol from Japan"), the Department had reasonable grounds to believe or suspect that Kuraray's sales of the foreign like product may have been made at prices below the cost of production ("COP"), as provided by section 773(b)(2)(A)(ii) of the Act. Therefore, pursuant to section 773(b)(1) of the Act, we initiated an investigation to determine whether Kuraray made home market sales during the POR at prices below its COP, and required Kuraray to respond to the COP section of the questionnaire issued in July 2000. The Department received Kuraray's responses to the questionnaire in August and September 2000.

We issued a supplemental questionnaire to Kuraray in November 2000. A response to the supplemental questionnaire was received in December 2000.

Scope of Review

The product covered by this review is PVA. PVA is a dry, white to cream-colored, water-soluble synthetic polymer. This product consists of polyvinyl alcohols hydrolyzed in excess of 85 percent, whether or not mixed or diluted with defoamer or boric acid. Excluded from this review are PVAs covalently bonded with acetoacetylate, carboxylic acid, or sulfonic acid uniformly present on all polymer chains in a concentration equal to or greater than two mole percent, and PVAs covalently bonded with silane uniformly present on all polymer chains in a concentration equal to or greater than one-tenth of one mole percent. PVA in fiber form is not included in the scope of this review.

The merchandise under review is currently classifiable under subheading 3905.30.00 of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope is dispositive.

Period of Review

The POR is May 1, 1999, through April 30, 2000.

Fair Value Comparisons

To determine whether the respondent's sales of the subject merchandise to the United States were made at below normal value, we compared, where appropriate, the export price ("EP") and constructed export price ("CEP") to the normal value, as described below. In accordance with section 777A(d)(2) of the Act, we compared, where appropriate, the export prices and CEPs of individual transactions to the monthly weighted-average price of sales of the foreign like product made in the ordinary course of trade (*see* section 773(a)(1)(B)(i) of the Act).

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by Kuraray covered by the description in the "Scope of the Review" section, above, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. We compared U.S. sales to sales made in the home market within the contemporaneous window period, which extends from three months prior to the U.S. sale until two months after the sale. Where there were no sales of identical merchandise made in the home market in the ordinary course of trade, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade. In making the product comparisons, we matched foreign like products based on the physical characteristics reported by the respondent in the following order: viscosity, hydrolysis, particle size, tackifier, defoamer, ash, color, volatiles, and visual impurities.

Export Price and Constructed Export Price

During the POR, Kuraray sold subject merchandise to the U.S. market (1) directly through its wholly-owned U.S. affiliate (Kuraray America Inc.); (2) through Kuraray America via its wholly-owned home market affiliate (Kuraray Trading Co., Ltd.) (hereafter referred to as Kuraray Trading); or (3) directly through unaffiliated Japanese trading companies.

We examined the facts surrounding the U.S. sales process for those U.S. sales which Kuraray made through its affiliates. Based on the evidence on the record, we found that Kuraray either sells the subject merchandise directly to its U.S. affiliate or through Kuraray Trading, which in turn sells the subject merchandise to the U.S. affiliate. For U.S. sales made only through its U.S.

[1] On January 19, 2001, counsel for Air Products and Chemicals, Inc. ("Air Products") stated that Air Products' PVA business was sold to Celanese Ltd.

affiliate, the U.S. customer contacts Kuraray's U.S. affiliate, who then places the order with Kuraray. Kuraray arranges for delivery of the goods from Japan to the unaffiliated U.S. customer and issues its invoice to its U.S. affiliate for payment of the goods. Even though Kuraray's U.S. affiliate does not have a warehouse, it takes title to the goods once it pays Kuraray for the goods. The U.S. affiliate then issues its sales invoice to the unaffiliated U.S. customer and collects payment for the goods (*see* pages 11 and 12, and 16 through 18, and Exhibits A.3.a.–1, A.3.a.–2 and A.3.c, of the August 31, 2000, antidumping questionnaire response).

For U.S. sales made through Kuraray Trading to the U.S. affiliate, the U.S. affiliate still transmits the U.S. customer's order to Kuraray. However, Kuraray sells the goods to Kuraray Trading in Japan. Kuraray Trading then issues the U.S. affiliate its sales invoice. Kuraray Trading arranges for delivery of the goods from Japan to the unaffiliated U.S. customer, and the U.S. affiliate takes title to the goods once it pays Kuraray Trading for the goods. The U.S. affiliate also issues its sales invoice to the unaffiliated U.S. customer and collects payment for the goods (*see* pages 11 and 12, and 16 through 18, and Exhibits A.3.a.–1, A.3.a.–2 and A.3.c, of the August 31, 2000, antidumping questionnaire response). Therefore, based on the facts on this record, the Department preliminarily determines that these sales were made "in the United States" within the meaning of section 772(b) of the Act, and, thus, should be treated as CEP transactions (*see AK Steel Corp., et al.* v. *United States*, 226 F.3d 1361, 1374 (Fed. Cir 2000)).

For Kuraray's U.S. sales not made in the United States (*i.e.*, not made through its U.S. affiliate), we calculated EP based on the reported packed FOB price between Kuraray and the unaffiliated trading company in Japan. We made deductions, as appropriate, from the starting price for foreign inland freight from the plant to the port of exportation, foreign warehousing expenses, foreign inland insurance, and foreign brokerage and handling expenses, in accordance with section 772(c)(2)(A) of the Act.

For Kuraray's U.S. sales made in the United States through its U.S. affiliate, we based CEP on packed CIF or delivered prices to unaffiliated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight from the plant to the port of exportation, foreign inland insurance, foreign brokerage and handling expenses, international freight, palletization charges, foreign warehousing expenses, U.S. brokerage and handling expenses, U.S. Customs duties (which include harbor maintenance and merchandise processing fees), and U.S. inland freight expenses (freight from port to the customer), in accordance with section 772(c)(2)(A) of the Act.

In accordance with section 772(d)(1) of the Act, we deducted from CEP direct and indirect selling expenses that were associated with Kuraray's economic activities occurring in the United States. We also deducted from CEP an amount for profit, in accordance with section 772(d)(3) of the Act.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating normal value (*i.e.*, the aggregate volume of home market sales of the foreign like product is five percent or more of the aggregate volume of U.S. sales), we compared the respondent's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with 19 CFR 351.404(b). We determined that the quantity of foreign like product sold in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States because Kuraray made sales in its home market which were greater than five percent of its sales in the U.S. market. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based normal value on home market sales in Japan.

Level of Trade/CEP Offset

In accordance with section 773(a)(7) of the Act, to the extent practicable, we determined normal value based on sales in the comparison market at the same level of trade ("LOT") as the EP or CEP transaction. The normal value LOT is that of the starting-price sales in the comparison market or, when normal value is based on constructed value, that of the sales from which we derive selling, general and administrative ("SG&A") expenses and profit. For export price, the LOT is also the level of the starting-price sale, which is usually from the exporter to the importer. For CEP, it is the level of the constructed export sale from the exporter to the affiliated importer.

To determine whether normal value sales are at a different LOT than export price or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which normal value is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the normal value level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between normal value and CEP affects price comparability, we adjust normal value under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

We note that the U.S. Court of International Trade ("CIT") has held that the Department's practice of determining LOT for CEP transactions after CEP deductions is an impermissible interpretation of section 772(d) of the Act. *See, e.g., Borden, Inc.*, v. *United States*, 4 F. Supp. 2d 1221, 1241–42 (CIT 1998) (*Borden*); and *Micron Technology, Inc.* v. *United States*, 40 F. Supp. 2d 481 (CIT 1999). The Department believes, however, that its practice is in full compliance with the statute. On June 4, 1999, the CIT entered final judgement in *Borden* on the LOT issue. *See, i.e., Borden, Inc.* v. *United States*, Court No. 96–08–01970, Slip Op. 99–50 (CIT June 4, 1999). The government has filed an appeal of *Borden*, which is currently pending before the U.S. Court of Appeals for the Federal Circuit. Consequently, the Department has continued to follow its normal practice of adjusting CEP under section 772(d) prior to starting a LOT analysis, as articulated by the Department's regulations at section 351.412.

In this case, Kuraray reported two customer categories (*i.e.*, distributors and end users) and three channels of distribution (sales through unaffiliated distributors to end users, direct sales to end users, and sales through its affiliate to end users) for its home market sales. In its response, Kuraray claims that its sales to unaffiliated home market customers (*i.e.*, end users and distributors) are at the same LOT as its sales made through affiliated customers because Kuraray provides the same selling services to its unaffiliated and affiliated customers. Specifically, Kuraray identified the following selling services to both types of customer: (1) Salespeople visits; (2) inventory maintenance; (3) after-sale service and technical advice; (4) advertising; (5) freight and delivery; and (6) handling of rejected merchandise. Based on our review of the record evidence, we agree with the respondent's claim that all home market sales are at the same LOT (*see* exhibit A.3.c. of the August 31, 2000, submission).

Kuraray had both EP and CEP sales in the U.S. market. Kuraray reported that its EP sales were made through one channel of distribution (*i.e.*, sales through unaffiliated Japanese trading companies to U.S. end users). Kuraray also reported that its CEP sales were made through two channels of distribution (*i.e.*, sales through its U.S. affiliate *via* its home market affiliate and sales through its U.S. affiliate only), which we have treated as one LOT because there is no apparent difference in the selling functions performed by Kuraray (*see* exhibit A.3.c. of the August 31, 2000, submission). In analyzing Kuraray's selling activities for its EP sales, we found that the EP sales involved basically the same selling functions associated with the home market LOT described above (*i.e.*, inventory maintenance, freight and delivery, and handling of rejected merchandise). Therefore, based upon this information, we preliminarily determine that the LOT for all EP sales is the same as that in the home market.

For sales which we categorized as CEP sales, after making the appropriate deductions under section 772(d) of the Act, we found that the remaining expenses associated with selling activities performed by Kuraray are limited to general and administrative expenses that are reflected in the CEP price. In contrast, the normal value prices include selling expenses attributable to selling activities performed by Kuraray for the home market, such as sales support, freight and delivery functions (*see* exhibit A.3.c. of the August 31, 2000, submission). Accordingly, we have concluded that CEP is at a different LOT from the normal value LOT.

We then examined whether a LOT adjustment or CEP offset may be appropriate. In this case, Kuraray only sold at one LOT in the home market; therefore, there is no information available to determine a pattern of consistent price differences between the sales on which normal value is based and the comparison market sales at the LOT of the export transaction, in accordance with the Department's normal methodology as described above (*see Final Results Polyvinyl Alcohol from Japan;* and *Porcelain-on-Steel Cookware from Mexico Final Results of Administrative Review*, 65 FR 30068 (May 10, 2000), and accompanying Decision Memorandum at Comment 6). Further, we do not have information which would allow us to examine pricing patterns based on respondent's sales of other products, and there are no other respondents or other record information on which such an analysis could be based. Accordingly, because the data available do not provide an appropriate basis for making a LOT adjustment, but the LOT in the home market is at a more advanced stage of distribution than the LOT of the CEP, we made a CEP offset adjustment in accordance with section 773(a)(7)(B) of the Act.

Cost of Production Analysis

Pursuant to section 773(b)(1) of the Act, we initiated a COP investigation of sales made by Kuraray in the home market.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated the weighted-average COP, by grade, based on the sum of the cost of materials and fabrication, general and administrative ("G&A") expenses, and packing costs. We relied on the submitted COP data except for the following: (1) we adjusted Kuraray's reported per-unit costs to account for the overstatement of acetic acid amounts; and (2) we adjusted Kuraray's reported labor cost for one product where Kuraray failed to report a value (*i.e.*, a positive value) (*see* Preliminary Results Calculation Memorandum from Team to the File, dated January 30, 2001).

B. Test of Home Market Prices

We compared the weighted-average COP to the comparison-market sales of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below the COP within an extended period of time in substantial quantities, and whether such prices were sufficient to permit the recovery of all costs within a reasonable period of time. On a grade-specific basis, we compared the COP to the comparison-market prices, less any applicable movement charges, discounts, and direct and indirect selling expenses.

C. Results of the COP Test

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of the respondent's sales of a given product were made at prices below the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." Where 20 percent or more of the respondent's sales of a given product were made at prices below the COP, we disregarded the below-cost sales because such sales were found to be made within an extended period of time in "substantial quantities," in accordance with sections 773(b)(2)(B) and (C) of the Act, and because the below-cost sales of the product were at prices which would not permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act.

Based on this test, we excluded from our analysis certain comparison-market sales of PVA products that were made at below-COP prices (*see* Preliminary Results Calculation Memorandum from Team to the File, dated January 30, 2001).

Price-to-Price Comparisons

We calculated normal value based on both packed, FOB or delivered prices Kuraray charged to its unaffiliated purchasers in Japan and packed, FOB or delivered prices Kuraray Trading charged to its unaffiliated purchasers in Japan. We made adjustments to the starting price for discounts, where appropriate. We also made deductions, where appropriate, for inland freight (*i.e.*, plant to warehouse and warehouse to customer), inland insurance and warehousing expenses, pursuant to section 773(a)(6)(B) of the Act.

For all comparisons, we made a circumstance-of-sale adjustment, where appropriate, for differences in credit expenses, pursuant to section 773(a)(6)(C)(iii) of the Act and 19 C.F.R. 351.410(c).

For comparisons to CEP sales, we also deducted from normal value the lesser of comparison-market indirect selling expenses and indirect selling expenses deducted from CEP (the CEP offset), pursuant to section 773(a)(7)(B) of the Act and 19 CFR 351.412(f).

For comparisons to both export price and CEP sales, we made adjustments to normal value for differences in packing expenses, in accordance with section 773(a)(6) of the Act. We also made adjustments to normal value, where appropriate, for differences in costs attributable to differences in the physical characteristics of the merchandise, pursuant to section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following margin exists for the period May 1, 1999, through April 30, 2000:

Manufacturer/exporter	Margin (percent)
Kuraray Co., Ltd.	4.87

Pursuant to 19 CFR 351.224(b), the Department will conduct disclosure within five days after the date of publication of this notice. Any interested party may request a hearing within 30 days of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first business day thereafter.

Issues raised in hearings will be limited to those raised in the respective case briefs and rebuttal briefs. Case briefs from interested parties and rebuttal briefs, limited to the issues raised in the respective case briefs, may be submitted not later than 30 days and 37 days, respectively, from the date of publication of these preliminary results. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations and cases cited.

The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any such written briefs or at the hearing, if held, not later than 120 days after the date of publication of this notice.

Interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room B–099, within 30 days of the date of publication of this notice. The request should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed.

Cash Deposit and Assessment Requirements

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties.

The Department shall determine and the Customs Service shall assess antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review. For Kuraray, for duty assessment purposes, we intend to calculate importer-specific assessment rates by aggregating the dumping margins calculated for all U.S. sales to each importer and dividing this amount by the total entered value of the same sales of subject merchandise for each importer. In accordance with 19 CFR 351.106(c)(2), we will instruct the Customs Service to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.*, at or above 0.50 percent).

Furthermore, the following deposit requirements will be effective upon publication of the final results of this antidumping duty administrative review for all shipments of PVA from Japan, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a) of the Act: (1) The cash deposit rate for Kuraray will be the rate established in the final results; (2) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value ("LTFV") investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (3) the cash deposit rate for all other manufacturers or exporters will continue to be 77.49 percent, the "All Others" rate made effective by the LTFV investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: January 30, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4406 Filed 2–21–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–508–810]

Preliminary Affirmative Countervailing Duty Determination: Pure Magnesium From Israel

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 22, 2001.

FURTHER INFORMATION CONTACT: Marian Wells or Melanie Brown, Office of CVD/AD Enforcement I, Import Administration, U.S. Department of Commerce, Room 3096, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–6309 and (202) 482–4987, respectively.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of pure magnesium from Israel. For information on the estimated countervailing duty rates, please see the "Suspension of Liquidation" section of this notice.

SUPPLEMENTARY INFORMATION:

Petitioners

The petition in this investigation was filed by the Magnesium Corporation of America ("Magcorp"), the United Steel Workers of America, Local 8319, and the United Steelworkers of America, Local 482 (the petitioners).

Case History

Since the publication of the notice of initiation in the **Federal Register** (*see Notice of Initiation of Countervailing Duty Investigation: Pure Magnesium from Israel*, 65 FR 68126 (November 14, 2000) (*Initiation Notice*)), the following events have occurred. On November 8, 2000, we issued countervailing duty questionnaires to the Government of Israel (GOI) and the sole producer/exporter of the subject merchandise, Dead Sea Magnesium Ltd. (DSM). On December 20, 2000, we postponed the preliminary determination of this investigation until no later than February 14, 2001. *See, Pure Magnesium from Israel: Postponement of Time Limit for Preliminary Determination of Countervailing Duty Investigation*, 65 FR 81489 (December 26, 2000). We received responses to our initial questionnaires from the GOI and DSM on January 3, 2001. Between January 11 and 30, 2001, we issued supplemental questionnaires to the GOI and DSM, and we received responses to those questionnaires in January and February.

On January 11, 2001, the petitioners requested that the Department include an additional program, the Israeli Foreign Trade Risk Insurance Corporation (IFTRIC), in our investigation. On January 22, 2001, the GOI and DSM submitted comments opposing the investigation of IFTRIC. On February 12, 2001, the Department declined to investigate the IFTRIC program. *See*, February 12, 2001, Memorandum to Susan H. Kuhbach, Acting Deputy Assistant Secretary, from the Team, Allegation of Possible Subsidy: Magnesium from Israel.

Scope of the Investigation

The scope of this investigation includes imports of pure magnesium products, regardless of chemistry, form, or size, including, without limitation, ingots, raspings, granules, turnings, chips, powder, and briquettes.

Pure magnesium includes: (1) Products that contain at least 99.95 percent primary magnesium, by weight (generally referred to as "ultra-pure" magnesium); (2) products that contain less than 99.95 percent but not less than 99.8 percent pure magnesium, by weight (generally referred to as "pure" magnesium); and (3) chemical combinations of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, that do not conform to an "ASTM Specification for Magnesium Alloy" [1] (generally referred to as "off-specification pure" magnesium); and (4) physical mixtures of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, except that mixtures containing 90 percent or less pure magnesium, by weight, when mixed with lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon slag coagulants, and/or fluorspar, are excluded.

The merchandise subject to this investigation is classifiable under 8104.11.00, 8104.19.00, and 8104.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Comment on Scope

In the *Initiation Notice*, 65 FR at 68126, we invited comments on the scope of this proceeding. On December 1, 2000, we received comments from the petitioners clarifying that finished mixtures containing pure magnesium and/or off-specification pure magnesium that are prepared solely for use as a desulfurizer in steel-making are excluded from the scope of the investigation, unless such mixtures contain only minimal amounts of non-magnesium materials in order to circumvent an antidumping or countervailing duty order. On January 30, 2001, the petitioners submitted proposed language to further clarify their intent with respect to the scope of this investigation. The resulting revised scope language is reflected in the "Scope of Investigation" section above.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (2000).

Injury Test

Because Israel is a "Subsidies Agreement Country" within the meaning of section 701(b) of the Act, the International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from Israel materially injure, or threaten material injury to, a U.S. industry. On December 13, 2000, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, by reason of imports from Israel of the subject merchandise. (*See Pure Magnesium from China, Israel, and Russia: Determinations*, 65 FR 77910 (December 13, 2000).)

Period of Investigation (POI)

The period of investigation (POI) for which we are measuring subsidies is calendar year 1999.

Change in Ownership

DSM, the sole producer/exporter of subject merchandise from Israel, is a joint venture between the Israeli company, Dead Sea Works (DSW) and Volkswagen (VW). DSW, in turn, is owned by the Israeli company Israel Chemicals Ltd. (ICL). The subsidies were received by DSW and later, by DSM, after the formation of the joint venture.

In 1991, the GOI announced its plan to privatize ICL, under the supervision of the Government Corporation Authority. Prior to that, in 1987, the Ministry of Finance, which controlled the Government Corporation Authority, commissioned an investment banking firm, First Boston, to assist in the initial steps of the privatization process of government-owned corporations. The GOI's objective in privatizing these companies was to promote and strengthen free-market mechanisms in Israel, enhance competitiveness, and raise funds to reduce internal and external debt. *See GOI Response* at II–5. First Boston identified a number of government-owned corporations that were suitable for private sale or public offering, suggested schedules for each sale, and addressed technical issues relating to the Government Companies Law, accounting and tax issues, and privatization methods.

In 1988, the Ministry of Finance's Government Economic Committee adopted First Boston's recommendations as the framework for a five-year plan for privatization. The Government Corporation Authority updated this plan in 1991 to include the sale of shares in government-owned companies on the Tel Aviv Stock Exchange. In February 1992, the Committee on Privatization approved the sale of up to 72 percent of ICL through public and private sales.

The GOI privatized ICL through a series of private sales and public offerings of existing shares of ICL conducted in the years 1992 through 1995, and 1997 through 1999. The privatization of ICL, the parent company of DSW/DSM, directly and necessarily resulted in the privatization of the government's interest in DSW/DSM. The first partial privatization was conducted under a prospectus for sale of ICL's shares to the public and its employees that was published on February 19, 1992. According to the prospectus, the share capital of ICL consisted of 1,199,999,999 ordinary shares registered on the Tel Aviv Stock Exchange, and one special state share. Under this prospectus, the state sold 20 percent of ICL's shares, including 226,619,916 shares sold to the public, and 13,068,999 shares sold to ICL employees. The GOI continued to hold the special state share after this and subsequent privatizations. *See* GOI Response at II–9 through II–12 for information relating to shares sold at each privatization.

In this preliminary determination, we have applied our new privatization approach, first announced in a remand determination on December 4, 2000,

[1] The meaning of this term is the same as that used by the American Society for Testing and Materials in its *Annual Book of ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.*

following the decision of the U.S. Court of Appeals for the Federal Circuit (CAFC) in *Delverde Srl* v. *United States*, 202 F.3d 1360, 1365 (Fed. Cir. 2000), *reh'g en banc denied* (June 20, 2000) (*Delverde III*). We have also applied this new approach recently in *Grain-Oriented Electrical Steel from Italy: Final Results of Countervailing Duty Administrative Review*, 66 FR 2885 (January 12, 2001).

Under this approach, the first requirement is to determine whether the person to which the subsidies were given is, in fact, distinct from the person that produced the subject merchandise exported to the United States. If the two persons are distinct, the original subsidies may not be attributed to the new producer/exporter.

On the other hand, if the original subsidy recipient and the current producer/exporter are considered to be the same person, that person benefits from the original subsidies, and its exports are subject to countervailing duties to offset those subsidies. In other words, we will determine that a "financial contribution" and a "benefit" have been received by the "person" that is the firm under investigation. Assuming that the original subsidy had not been fully amortized under the Department's normal allocation methodology as of the POI, the Department would then continue to countervail the remaining benefits of that subsidy.

In making the "person" determination, where appropriate and applicable, we analyze factors such as (1) continuity of general business operations, including whether the successor holds itself out as the continuation of the previous enterprise, as may be indicated, for example, by use of the same name, (2) continuity of production facilities, (3) continuity of assets and liabilities, and (4) retention of personnel. No single factor will necessarily provide a dispositive indication of any change in the entity under analysis. Instead, the Department will generally consider the post-sale entity to be the same person as the pre-sale entity if, based on the totality of the factors considered, we determine that the entity in question can be considered a continuous business entity because it was operated in substantially the same manner before and after the change in ownership.

Using the approach described above, we analyzed the information provided by the GOI and DSM to determine whether the subsidies received by DSW and DSM prior to the privatization of ICL continued to benefit DSM during the POI. When we apply this approach to the facts and circumstances of the instant countervailing duty investigation of pure magnesium from Israel and the relevant privatization of ICL and its subsidiary, DSW/DSM, we find that the pre-sale and post-sale entities are not distinct persons.[2] Therefore, we preliminarily determine that the subsidies provided to DSW/DSM, prior to the privatization of ICL, continue to benefit DSW/DSM post-privatization.

Due to the proprietary nature of the information submitted on the record by DSM, a more specific discussion of the factors considered in the change of ownership transactions of ICL is included in our Memorandum to the File dated February 14, 2001, Change in Ownership in the Countervailing Duty Investigation of Pure Magnesium from Israel (*Change in Ownership Memorandum*).

Creditworthiness

In the *Initiation Notice*, 65 FR at 68128, the Department stated that it would investigate DSM's creditworthiness, based on the petitioners' allegation that DSM has been uncreditworthy since its inception.[3] On January 11, 2001, the Department issued questions concerning DSM's creditworthiness and on February 1, 2001, DSM responded to those questions.

Because the only grants that were approved for DSM in 1996 or subsequent years, were either expensed in the year of receipt or did not give rise to a benefit during the POI, we have not addressed DSM's creditworthiness in this preliminary determination.

Subsidies Valuation Information

Allocation Period

19 CFR 351.524(d)(2) states that we will presume the allocation period for non-recurring subsidies to be the average useful life (AUL) of renewable physical assets for the industry concerned, as listed in the Internal Revenue Service's (IRS) 1977 Class Life Asset Depreciation Range System and updated by the Department of Treasury. The presumption will apply unless a party claims and establishes that these tables do not reasonably reflect the AUL of the renewable physical assets for the company or industry under investigation, and the party can establish that the difference between the company-specific or country-wide AUL for the industry under investigation is significant. The Department will use the criteria found in 19 CFR 351.524(d)(2)(ii) and (iii) to decide whether the presumption has been rebutted.

In this investigation, DSM has alleged that the IRS AUL is inaccurate for DSM and has supplied gross book values of depreciable productive assets, as well as the depreciation expenses recorded in the company's normal accounting records, for purposes of calculating a company-specific AUL. We have reviewed DSM's calculation of AUL and made several minor adjustments which are fully documented in the Department's Calculation Memorandum, dated February 14, 2001, on file in Room B–099 at the U.S. Department of Commerce, Washington, DC 20230. Since DSM's AUL differs significantly from the IRS AUL, we have used DSM's AUL of 21 years to allocate all non-recurring subsidies, in accordance with 19 CFR 351.524(d)(2).

Discount Rates

In selecting a discount rate to allocate non-recurring subsidies over time, the Department prefers to use:

(1) The cost of long-term fixed-rate loans of the firm in question, excluding any loans that the Secretary has determined to be countervailable subsidies;

(2) The average cost of long-term fixed-rate loans in the country in question; or,

(3) A rate that the Secretary considers to be most appropriate. (*See* 19 CFR 351.524(d)(3)(i)).

DSW and DSM reported that they had long-term, variable-rate borrowings but no fixed-rate borrowings. In addition, based on the GOI's response there is no indication that long-term, fixed rate loans were available to private companies in Israel during these years. This is consistent with the Department's finding in the *Final Affirmative Countervailing Duty Determination: Certain Carbon Steel Butt-Weld Pipe Fittings From Israel*, 60 FR 10569, 10570 (February 27, 1995) (*Butt-Weld Fittings*), that during the period examined in that case only variable-rate lending was available on a long-term basis to private companies in Israel. Thus, we lack information on the first two preferred sources for a discount rate.

Lacking fixed interest rates, we looked to DSW and DSM's reported interest rates. DSM stated that the interest rates on its long-term borrowings were calculated as a fixed percentage above the London Interbank Offer Rate (LIBOR). For purposes of this preliminary determination, we have calculated an annual average rate, based on DSM's reported borrowing rate of LIBOR plus the fixed percentage, for the years in which grants were approved to use as DSM's discount rate. This calculation is consistent with the discount interest rate used in *Industrial Phosphoric Acid from Israel: Final Results and Partial Recision of Countervailing Duty Administrative Review*, 64 FR 49460, 49461 (September 13, 1999) (*IPA*). We will request additional information from DSM on its long-term loans which we will examine at verification.

[2] The GOI stated that it only provided subsidies to DSW/DSM because its parent company, ICL, is a holding company and was, therefore, not eligible to receive any of the reported subsidies.

[3] DSM was incorporated in 1996.

I. Programs Preliminarily Determined To Be Countervailable

A. Encouragement of Capital Investments Law (ECIL)

The ECIL is a regional development program aimed at providing assistance to enterprises located in disadvantaged regions of the country. This program is administered under the Law for the Encouragement of Capital Investments 5719–1959. Amendment No. 4 of the Law authorized grants beginning in 1967. The program contributes to the development of industrial enterprises to improve the economic situation in disadvantaged regions by encouraging population distribution, creating new sources of employment, aiding the absorption of immigrants, and developing the economy's production capacity.

There are three mutually exclusive programs under the ECIL: grants, corporate income tax exemptions, and accelerated depreciation of assets. Investment grants are provided to companies as a specified percentage of the company's investment in eligible fixed assets. The amounts vary based on the region in which the assets are located. Companies can also receive reduced tax rates or a full tax exemption for the first two years in certain circumstances. Accelerated depreciation on eligible buildings and equipment is available for qualifying enterprises for the first five years of use at rates of 200 percent of the ordinary rate for equipment and 400 percent of the ordinary rate for buildings, with depreciation on buildings not exceeding 20 percent per annum.

To be eligible for benefits under ECIL applicants must be located within one of the designated development zones and meet one of the following requirements: utilize natural resources and existing plants to their full potential, absorb newly migrated persons, help to spread the population across the country, or create new jobs.

ECIL Grant Program

For purposes of the ECIL program, Israel is divided into three zones—Development Zones A and B, and the Central Zone. DSM is located in Zone A and received ECIL grants for the construction of its magnesium plant.

We preliminary determine that the investment grants provide countervailable subsidies within the meaning of section 771(5) of the Act. The grants are a direct transfer of funds from the GOI providing a benefit in the amount of the grant. The grants are specific within the meaning of section 771(5A)(D)(iv) because they are limited to firms located in a designated geographic regions.

In accordance with 19 CFR 351.524(c)(1), we have treated these grants as non-recurring subsidies and have allocated the benefit over time. To calculate the countervailable subsidy, we divided the benefit attributable to the POI by the value of DSM's total sales during the POI. On this basis, we determine the countervailable subsidy for this program to be 12.99 percent *ad valorem*.

B. Infrastructure Grants

Under the Infrastructure Grant Program, the GOI has established new industrial areas by partially reimbursing companies for their costs of developing the infrastructure in certain geographical zones. DSM received assistance under this program.

We preliminary determine that the investment grants provide countervailable subsidies within the meaning of section 771(5) of the Act. The grants are a direct transfer of funds from the GOI providing a benefit in the amount of the grant. The grants are specific within the meaning of section 771(5A)(D)(iv) because they are limited to firms located in a designated geographic regions.

In accordance with 19 CFR 351.524(c)(1), we have treated these grants as non-recurring subsidies and have allocated the benefit over time. To calculate the countervailable subsidy, we divided the benefit attributable to the POI by the value of DSM's total sales during the POI. On this basis, we determine the countervailable subsidy for this program to be .40 percent *ad valorem*.

C. Encouragement of Industrial Research and Development Law Grants (EIRD)

The EIRD was established in 1984 and is administered by the Office of Chief Scientist (OCS) of the Ministry of Industry and Trade. The benefits under this program include grants, loans, and tax exemptions. The OCS provides grants for 30 to 66 percent of the approved research and development expenditures (R&D), depending on the type of project to be undertaken and the location where the proposed R&D will be done. The typical level of support is 50 percent of the investment. Support for improvements in existing products is 30 percent of the investment. Support for R&D in Development Zone A is 60 percent of the investment. Support for R&D for which sole financing comes from the company performing the R&D is 66 percent of the investment.

Persons applying for a grant are required to submit information to the OCS regarding the nature, aims and budget of the proposed project. The OCS considers the following criteria in determining whether to grant EIRD funds: (1) Whether the applicant company shows innovation in the development of new technologies; (2) the management, production and marketing capabilities of the firm, as well as any marketing strategy for the new product; (3) whether the product will be able to successfully compete in international markets; (4) whether the proposed R&D project will result in the introduction of new technology or scientific manpower. The OCS provided grants to DSM for industrial research and development projects which contribute to the Israeli economy and to its scientific and technological development. There is no indication that DSM's receipt of benefits was related to export performance.

The grants provided under the program are subject to repayment, through the payment of royalties, if the supported R&D yields a commercially successful product. With respect to the grants provided to DSM for production of magnesium, one grant was partially repaid.

We preliminarily determine that the grants received under the EIRD program are countervailable subsidies. The grants are a direct transfer of funds from the GOI. If not repaid, the grants confer a benefit in the amount equal to the difference between the non-specific base rate of 30 percent and the Development Zone A rate of 60 percent. In instances where the grant is repaid, the benefit is the company's interest-free use of money. The EIRD program is specific, at least for R&D undertaken in Development Zone A, because the level of assistance is greater for companies located in that zone.

To calculate the benefit to DSM from the EIRD grants, we first tested whether the amounts approved exceeded 0.5 percent of sales in the year of approval.

If not, we expensed the grant in the year of receipt. DSM received no disbursements in the POI. If the grant exceeded 0.5 percent of sales in the year of approval, we treated it as a zero-rate loan. For "loans" outstanding during the POI, the subsidy was less than 0.005 percent under any calculation methodology. Therefore, we are not computing a benefit for this program. See the February 14, 2001, *Preliminary Affirmative Countervailing Duty Determination: Pure Magnesium from Israel* Calculation Memorandum for DSM.

II. Programs Preliminarily Determined To Be Not Used

The following programs were not used:

A. ECIL Tax Rate benefits
B. ECIL Depreciation Preferences
C. Magnesium Research Institute (MRI) and Consortium Research Programs

Verification

In accordance with section 782(i)(1) of the Act, we will verify the information submitted by the respondents prior to making our final determination.

Suspension of Liquidation

In accordance with section 703(d)(1)(A)(i) of the Act, we have calculated an individual rate for DSM, the sole manufacturer of the subject merchandise. We preliminarily determine that the total estimated net countervailable subsidy rate is 13.39 percent *ad valorem*. Because we only investigated one producer/exporter, DSM's rate will also serve as the "all others" rate. Therefore, the "all others" rate is 13.39 percent *ad valorem*.

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of pure magnesium from Israel which are entered, or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit or bond for such entries of the merchandise in the amounts indicated above. This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration. If our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

Public Comment

In accordance with 19 CFR 351.310, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination. The hearing is tentatively scheduled to be held 57 days from the date of publication of the preliminary determination or the next business day thereafter, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW, Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time. Requests for a public hearing should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing. In addition, six copies of the business proprietary version and six copies of the nonproprietary version of the case briefs must be submitted to the Assistant Secretary no later than 50 days from the date of publication of the preliminary determination.

As part of the case brief, parties are encouraged to provide a summary of the arguments, not to exceed five pages, and a table of statutes, regulations, and cases cited. Six copies of the business proprietary version and six copies of the non-proprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than 5 days from the date of filing of the case briefs. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 CFR 351.309 and will be considered if received within the time limits specified above.

This determination is published pursuant to sections 703(f) and 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 14, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4407 Filed 2–21–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcing a Meeting of the Computer System Security and Privacy Advisory Board

AGENCY: National Institute of Standards and Technology, DOC.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Computer System Security and Privacy Advisory Board (CSSPAB) will meet Tuesday, March 6, 2001, from 9 a.m. until 5 p.m. and Thursday, March 8, 2001, from 9 a.m. until 4 p.m. The Advisory Board was established by the Computer Security Act of 1987 (P.L. 100–235) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to federal computer systems. All sessions will be open to the public. Details regarding the Board's activities are available at *http://csrc.nist.gov/csspab/*.

DATES: The meeting will be held on March 6, 2001, from 9 a.m. until 5 p.m. and on March 8, 2001, from 9 a.m. until 4 p.m.

ADDRESSES: The meeting will take place at the University Place Conference Center and Hotel, Indiana University-Purdue University at Indianapolis, 850 West Michigan Street, Indianapolis, IN.

Agenda

- Welcome and Overview
- Updates on Recent Legislative Issues
- Update on OMB Activities
- Overview of Reorganization of NIST Computer Security Division
- Work Plan Review of Governance Issues
- Work Plan Review of Best Practices Issues
- Work Plan Review of GPEA Process
- Work Plan Review of Security Metrics Issues
- Work Plan Review of Privacy Issues
- Work Plan Review of Baseline Standards Issues
- Review of Plans for Privacy Event in June
- Discussion of Follow-On Actions from December 2001 Meeting
- Public Participation
- Agenda Development for June 2001 Meeting
- Wrap-Up

Note that agenda items may change without notice because of possible unexpected schedule conflicts of presenters.

Public Participation

The Board agenda will include a period of time, not to exceed thirty minutes, for oral comments and questions from the public. Each speaker will be limited to five minutes. Members of the public who are interested in speaking are asked to contact the Board Secretariat at the telephone number indicated below. In addition, written statements are invited and may be submitted to the Board at any time. Written statements should be directed to the CSSPAB Secretariat, Information Technology Laboratory, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899–8930. It would be appreciated if 35 copies of written material wee submitted for distribution to the Board and attendees no later than March 1, 2001. Approximately 15 seats will be available for the public and media.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Roback, Board Secretariat, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930, telephone: (301) 975–3696.

Dated: February 12, 2001.

Karen H. Brown,

Acting Director, NIST.

[FR Doc. 01–4394 Filed 2–21–01; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 001214350-0350-01, I.D. 112700B]

RIN 0648–Z098

Financial Assistance for Research and Development Projects in the Gulf of Mexico and Off the U.S. South Atlantic Coastal States; Marine Fisheries Initiative (MARFIN)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: Subject to the availability of funds, NMFS, through its MARFIN program, financially assists persons in carrying out research and development projects that optimize the use of fisheries in the Gulf of Mexico and off the South Atlantic States of North Carolina, South Carolina, Georgia, and Florida involving the U.S. fishing industry (recreational and commercial), including fishery biology, resource assessment, socio-economic assessment, management and conservation, selected harvesting methods, and fish handling and processing. This notice describes how to apply for such assistance and how NMFS selects applications for funding.

DATES: Applications for funding under this program will be accepted between February 22, 2001 and 5 p.m. eastern daylight time on April 23, 2001. Applications received after that time will not be considered for funding. No facsimile applications will be accepted.

ADDRESSES: Send applications to: Ellie Francisco Roche, Chief, State/Federal Liaison Office, Southeast Regional Office, NMFS, 9721 Executive Center Drive, N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Ellie Roche; telephone (727) 570–5324.

SUPPLEMENTARY INFORMATION:

I. Authority

The Secretary of Commerce (Secretary) is authorized under 15 U.S.C. 713c-3(d) to carry out a national program of research and development addressed to such aspects of U.S. fisheries (including, but not limited to, harvesting, processing, marketing and to associated infrastructures), if not adequately covered by projects assisted under 15 U.S.C. 713c-3(c), as the Secretary deems appropriate.

II. Catalog of Federal Domestic Assistance

This program is described in the "Catalog of Federal Domestic Assistance" (CFDA) under program number 11.433, Marine Fisheries Initiative (MARFIN).

III. Program Description

MARFIN is a competitive Federal assistance program that funds projects that seek to optimize research and development benefits from U.S. marine fishery resources through cooperative efforts involving the best research and management talents to accomplish priority activities. Projects funded under MARFIN provide answers for fishery needs covered by the NMFS Strategic Plan, available from the Southeast Regional Office (see **ADDRESSES**), particularly those goals relating to: rebuilding overfished marine fisheries, maintaining currently productive fisheries, and integrating conservation of protected species and fisheries management. Areas of emphasis for MARFIN are formulated from recommendations received from non-Federal scientific and technical experts, and from NMFS research and operations officials.

IV. Funding Availability

Approximately $2.20 million may be available in fiscal year (FY) 2001 for funding projects. This amount includes possible in-house projects and $750,000 for 1-year projects for red snapper research. (See XI. Project Funding Priorities.) Publication of this notice does not obligate NMFS to award any specific cooperative agreement nor to obligate all or any parts of the available funds.

Project proposals accepted for funding for a project period over 1 year that include multiple project components and severable tasks to be funded during each budget period do not compete for funding in subsequent budget periods within the approved project period. However, funding for subsequent project components is contingent upon the availability of funds and satisfactory performance and will be at the sole discretion of the agency.

V. No Matching Requirements

Cost-sharing is not required for the MARFIN program. Applications must provide the total budget necessary to accomplish the project, including contributions and/or donations. The appropriateness of all cost-sharing will be determined on the basis of guidance provided in applicable Federal cost principles. If an applicant chooses to cost-share, and if that application is selected for funding, the applicant will be bound by the percentage of the cost share reflected in the cooperative agreement award.

The non-Federal share may include the value of in-kind contributions by the applicant or third parties or funds received from private sources or from state or local governments. Federal funds may not be used to meet the non-Federal share of matching funds, except as provided by Federal statute. Third party in-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to the project and use of real or personal property owned by others (for which consideration is not required) in carrying out the projects. 15 U.S.C. 713c-3(c)(4)(B) provides that the amount of the grant is no less than 50

percent of the estimated cost of the project.

Costs incurred in either the development of a project or the financial assistance application, or time expended in any subsequent discussions or negotiations prior to the award, are neither reimbursable nor recognizable as part of the recipient's cost share.

VI. Type of Funding Instrument

The funding instrument will be a cooperative agreement since NMFS will be substantially involved in developing each project's research priorities and assisting in the research.

VII. Eligibility Criteria

A. Eligible applicants include institutions of higher education, hospitals and other nonprofit organizations, commercial organizations, and state, local and Indian tribal governments. Federal agencies or institutions are not eligible. Foreign governments, organizations under the jurisdiction of foreign governments, and international organizations are excluded for purposes of this solicitation since the objective of the MARFIN program is to optimize research and development benefits from U.S. marine fishery resources (see III. Program Description).

B. The Department of Commerce, National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to broadening the participation of Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities in its educational and research programs. DOC/NOAA's goals are to achieve full participation by Minority Serving Institutions (MSI) in order to advance the development of human potential, to strengthen the nation's capacity to provide high-quality education, and to increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. DOC/NOAA encourages all applicants to include meaningful participation of MSIs.

VIII. Award Period

The award period for the project may be up to 3 years, consisting of one, two, or three budget periods. The award period depends upon the duration of funding requested in the application, the decision of the NMFS selecting official on the amount of funding, the results of post-selection negotiations between the applicant and NOAA officials, and pre-award review of the application by NOAA and Department of Commerce (DOC) officials. Normally, each project budget period will be 12 months in duration.

IX. Indirect Costs

The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 25 percent of the Federal share of the total proposed direct costs dollar amount in the application, whichever is less. A copy of the current, approved, negotiated Indirect Cost Agreement with the Federal Government must be included with the application.

X. Application Requirements, Forms and Kit

Before submitting an application under this program, applicants should contact the NMFS Southeast Regional Office for a copy of this solicitation's MARFIN Application Package (see **ADDRESSES**).

Applications for this project's funding must be complete and in accordance with instructions in the MARFIN Application Package. Project applications must identify the principal participants, and include copies of any agreements describing the specific tasks to be performed by participants. Project applications should: give a clear presentation of the proposed work, the methods for carrying out the project, its relevance to managing and enhancing the use of Gulf of Mexico and/or South Atlantic fishery resources, and cost estimates as they relate to specific aspects of the project. Budgets must include a detailed breakdown, by category of expenditures, with appropriate justification for both the Federal and non-Federal shares.

Applications should exhibit familiarity with related work that is completed or ongoing. Where appropriate, proposals should be multi-disciplinary. In addition to referencing specific area(s) of special interest, proposals should state whether the research applies to the Gulf of Mexico only, the South Atlantic only, or to both areas. Successful applicants may be required to collect and manage data in accordance with standardized procedures and formats approved by NMFS and to participate with NMFS in specific cooperative activities that are determined by consultations between NMFS and successful applicants before project grants are awarded. All applications must include funding for the principal investigator to participate in an annual MARFIN Conference in Tampa, FL at the completion of the project.

Coordinated efforts involving multiple institutions or persons are encouraged. Women and minority owned and operated non-profit organizations are encouraged to apply. Applicants should not assume prior knowledge on the part of NMFS as to the merits of the project described in the application. Applications must be one-sided and unbound. All incomplete applications are returned to the applicant. Ten copies (one original and nine copies) of each application are required and should be submitted to the NMFS Southeast Regional Office, State/Federal Liaison Office (**SEE**). The Office of Management and Budget (OMB) has approved 10 copies, under OMB Control No. 0648–0175.

XII. Project Funding Priorities

A. Priority is given to funding projects that have the greatest probability of recovering, maintaining, improving, or developing fisheries; improving the understanding of factors affecting recruitment success; and/or generating increased values and recreational opportunities from fisheries. Projects are evaluated as to the likelihood of achieving these objectives, with consideration of the magnitude of the eventual economic or social benefits that may be realized. Priority is given to funding projects in the subject areas listed below, but proposals in other areas are considered on a funds-available basis. There is no preference between short-term projects and long-term projects.

1. Bycatch

The bycatch of biological organisms (including interactions with sea turtles and marine mammals) by various fishing gears can have wide-reaching impacts from a fisheries management and an ecological standpoint, with the following major concerns:

a. *Shrimp trawl fisheries.* Studies are needed to contribute to the regional shrimp trawl bycatch program (including the southern U.S. Atlantic rock shrimp fishery) being conducted by NMFS in cooperation with state fisheries management agencies, commercial and recreational fishing organizations and interests, environmental organizations, universities, Councils, and Commissions. Specific guidance and research requirements are contained in the Cooperative Bycatch Plan for the Southeast, available from NMFS (see **ADDRESSES**). In particular, the studies should address:

(1) Data collection and analyses to expand and update current bycatch estimates, temporally and spatially emphasizing areas of greatest impact by shrimping. Sampling effort should include estimates of numbers, weight, and random samples of size (age) structure of associated bycatch complex, with emphasis on those overfished species under the jurisdiction of the Councils. Data collection should also include mortality, age, and length information for red drum in both inshore and offshore shrimp fisheries.

(2) Assessment of the status and condition of fish stocks significantly impacted by shrimp trawler bycatch, with emphasis given to overfished species under the jurisdiction of the Councils. Other sources of fishing and nonfishing mortality should be considered and quantified as well.

(3) Identification, development, and evaluation of gear, non-gear, and tactical fishing options to reduce bycatch.

(4) Improved methods for communicating with and improving technology and information transfer to the shrimp industry.

(5) Development and evaluation of statistical methods to estimate the bycatch of priority management species in the Gulf and South Atlantic shrimp trawl fisheries.

b. *Pelagic longline fisheries.* Several pelagic longline fisheries exist in the Gulf and South Atlantic, targeting highly migratory species, such as tunas, sharks, and swordfish. Priority areas include:

(1) Development and evaluation of gear and fishing tactics to minimize bycatch of undersized and unwanted species, including sea turtles, marine mammals, billfish, and overfished finfish species/stocks.

(2) Assessment of the biological impact of longline bycatch on related fisheries.

c. *Reef fish fisheries.* The reef fish complex is exploited by a variety of fishing gear and tactics. The following research on bycatch of reef fish species is needed:

(1) Development and evaluation of gear and fishing tactics to minimize the bycatch of undersized and unwanted species, including sea turtles and marine mammals.

(2) Characterization and assessment of the impact of bycatch of undersized target species, including release mortality, during recreational fishing and during commercial longline, bandit gear and trap fishing.

(3) Determination of the release mortality by depth of red snapper caught on commercial bandit rigs that are electrically or hydraulicly powered.

d. *Finfish trawl fisheries.* Studies are needed on quantification and qualification of the bycatch in finfish trawl fisheries, such as the flounder and fly-net fisheries in the South Atlantic.

e. *Gillnet fisheries.* Studies are needed on quantification and qualification of the bycatch in coastal and shelf gillnet fisheries for sciaenids, scombrids, bluefish and other dogfish sharks of the South Atlantic and Gulf of Mexico (particularly interaction with sea turtles and marine mammals).

f. *Economic considerations of bycatch reduction.*

(1) Develop and test models, using actual or hypothesized data, that explicitly consider the economic impacts to the directed fishery and gains to the bycatch fishery. The models should include the effects of the management systems for the directed and bycatch fisheries and should attempt to describe criteria for the correct level of bycatch reduction (e.g., marginal cost and value of reduction are equal).

(2) Develop economic incentives and other innovative alternatives to gear and season/area restrictions as ways to reduce bycatch. The proposal should attempt to contrast the relative costs, potential gains, and levels of bycatch reduction associated with traditional methods and any innovative alternatives addressed by the proposals.

(3) Describe the costs and returns performance of South Atlantic and Gulf of Mexico shrimp fisheries as necessary background for the economics of bycatch reduction. (See Section XIII.A., regarding collection of information.)

2. Reef Fish

Some species within the reef fish complex are exhibiting signs of being overfished, either because of directed efforts or because of being the bycatch of other fisheries. The ecology of reef fish makes them vulnerable to overfishing, because they tend to concentrate over specific types of habitat with patchy distribution. This behavior pattern can make traditional fishery statistics misleading. Priority research areas include:

a. *Collection of Basic Biological Data for Species in Commercially and Recreationally Important Fisheries*

(1) *Age and growth of reef fish.* (a) Description of age and growth patterns, especially for red, vermilion, gray, and cubera snappers; gray triggerfish; gag; black grouper; hogfish; red porgy; and other less dominant forms in the management units for which data are lacking.

(b) Contributions to the development of annual age-length keys and description of age structures for exploited populations for all species in the complex addressed in the Reef Fish and Snapper/Grouper Management Plans for the Gulf and South Atlantic, respectively, prioritized by importance in the total catch.

(c) Design of sampling systems to provide a production-style aging program for the reef fish fishery. Effective dockside sampling programs are needed over a wide geographic range, especially for groupers, to collect information on reproductive state, size, age, and sex.

(2) *Reproduction studies of reef fish.* (a) Maturity schedules, fecundity, and sex ratios of commercially and recreationally important reef fish, especially gray triggerfish, gag, and red porgy in the Gulf and South Atlantic.

(b) Studies of all species to characterize the actual reproductive contribution of females by age.

(c) Identification and characterization of spawning aggregations by species, area, size group and season.

(d) Effects of fishing on changes of sex ratios for gag, red grouper, and scamp, and disruption of aggregations.

(e) Investigations of the reproductive biology of gag, red grouper and other grouper species.

(3) *Recruitment of reef fish.* (a) Source of recruitment in Gulf and South Atlantic waters, especially for snappers, groupers, and amberjacks.

(b) Annual estimation of the absolute or relative recruitment of juvenile gag, gray snapper, and lane snapper to estuarine habitats off the west coast of Florida and to similar estuarine nursery habitats along the South Atlantic Bight; development of an index of juvenile gag recruitment for the South Atlantic based on historical databases and/or field studies.

(c) The contribution of live-bottom habitat and habitat areas of particular concern (Oculina banks) off Fort Pierce, FL and off west central Florida to reef fish recruitment.

(4) *Stock structure of reef fish.* (a) Movement and migration patterns of commercially and recreationally valuable reef fish species, especially gag in the Gulf and South Atlantic and greater amberjack between the South Atlantic and Gulf.

(b) Biochemical/immunological and morphological/meristic techniques to allow field separation of lesser amberjack, almaco jack, and banded rudderfish from greater amberjack to facilitate accurate reporting of catch.

(c) Stock structure of wreckfish in the South Atlantic and of greater amberjack in the Gulf and South Atlantic.

b. *Population assessment of reef fish.* (1) Effect of reproductive mode and sex change (protogynous hermaphroditism) on population size and characteristics, with reference to sizes of fish exploited in the fisheries and the significance to proper management.

(2) Source and quantification of natural and human-induced mortalities, including release mortality estimates for charter boats, headboats, and private recreational vessels, especially for red snapper and the grouper complex.

(3) Determination of the habitat and limiting factors for important reef fish resources in the Gulf and South Atlantic.

(4) Description of habitat and fish populations in the deep reef community and the prey distributions supporting the community.

(5) Development of statistically valid indices of abundance for important reef fish species in the South Atlantic and Gulf, especially red grouper, jewfish, and Nassau grouper.

(6) Assessment of tag performance on reef fish species, primarily snappers and groupers. Characteristics examined should include shedding rate, effects on growth and survival, and ultimately, the effects of these characteristics on estimations of vital population parameters.

(7) Stock assessments to establish the status of major recreational and commercial species. Innovative methods are needed for stock assessments of aggregate species, including the effect of fishing on genetic structure and the incorporation of sex change for protogynous hermaphrodites into stock assessment models.

(8) Assessment of Florida Bay recovery actions on reef fish recruitment and survival.

c. *Management of reef fish.* (1) Research in direct support of management, including catch-and-release mortalities, by gear and depth.

(2) Evaluation of the use of marine reserves as an alternative or supplement to current fishery management practices and measures for reef fish. Studies should focus on the Experimental Oculina Reef Reserve, the Florida Keys National Marine Sanctuary, as well as on the identification of prime sites for the establishment of reserves in the U.S. south Atlantic and Gulf of Mexico.

(3) Characterization and evaluation of biological impacts (e.g., changes in age or size structure of reef fish populations in response to management strategies).

(4) Evaluation of vessel log data for monitoring the fishery and for providing biological, economic, and social information for management; and methods for matching log data to Trip Information Program samples for indices of effort.

(5) For the U.S. Caribbean, collection of socio-demographic and economic cost and returns data sufficient to evaluate management proposals to limit the use of fish and/or lobster traps.

3. Red Snapper Research

The Sustainable Fisheries Act of 1996 required the Secretary of Commerce to conduct a thorough and independent evaluation of the scientific and management basis for conserving and managing the red snapper fishery. NMFS has developed a research plan to improve the management of red snapper to address this requirement. The research priorities below are based on this research plan.

a. *Red Snapper Bycatch.* The bycatch of red snapper can have significant impacts from a fisheries management and ecological standpoint. Research on bycatch of red snapper should focus on the following:

(1) *Shrimp trawl bycatch of red snapper.* Specific guidance and research requirements are contained in the Cooperative Bycatch Plan for the Southeast, available from NMFS (see **ADDRESSES**). Studies are needed to address:

(a) Identification, development, and evaluation of gear, non-gear, and tactical fishing options to reduce bycatch of red snapper.

(b) Development and evaluation of statistical methods to estimate the bycatch mortality of red snapper in the Gulf shrimp trawl fisheries.

(c) Studies of the survival rates of juvenile red snapper that escape shrimp trawls through bycatch reduction devices (BRDs).

(2) *Directed red snapper fisheries.* The reef fish fishery is exploited by a variety of fishing gear and tactics. The following research on regulatory discards is needed to better evaluate the effectiveness of management measures such as minimum size limits and closed seasons:

(a) Development and evaluation of gear and fishing tactics to minimize the bycatch of or increase the survival of discarded red snapper and other reef fish species.

(b) Characterization and assessment of the impact of bycatch of undersized reef fish species, including release mortality, during recreational and commercial fishing. Research on the catch-and-release mortality of red snapper and other reef fish species, by gear (e.g. capture by commercial bandit rigs that are electrically or hydraulicly powered), fishery (e.g. headboat, private boat, charter boat, commercial), and depth. Studies are needed to specifically relate "sink or swim" data, which can be obtained through observer programs, with long-term survival rates.

(c) Research to document predation rates on discarded red snapper and other reef fish species.

(3) *Economic considerations of bycatch reduction*

(a) Develop and test models, using actual or hypothesized data, that explicitly consider the costs and gains of bycatch reduction. The models should include the effects of the management systems for the directed and bycatch fisheries and should attempt to describe criteria for the correct level of bycatch reduction (e.g., marginal cost and value of reduction are equal). Studies should evaluate alternatives to bycatch reduction devices (BRDs).

(b) Develop economic incentives and other innovative alternatives to gear and season/area restrictions as ways to reduce bycatch. The proposal should attempt to contrast the relative costs, potential gains, and levels of bycatch reduction associated with traditional methods and any innovative alternatives addressed by the proposals.

b. *Red snapper biological information.* Collection of basic biological data on red snapper.

(1) Contributions to the development of annual age-length keys and description of the age structure of red snapper populations.

(2) Design of sampling systems to provide a production-style aging program for the red snapper fishery. Effective dockside sampling programs are needed over a wide geographic range to collect information on reproductive state, size, age, and sex.

(3) Reproduction studies of red snapper.

(a) Maturity schedules, fecundity, and sex ratios of red snapper.

(b) Studies to characterize the actual reproductive contribution of females by age.

(4) Identification of sources of recruitment of red snapper in Gulf waters.

c. *Red snapper population assessment.* (1) Determination of the habitat and limiting factors for important red snapper populations in the Gulf.

(2) Estimates of red snapper abundance, age structure and population dynamics on oil platforms and other artificial structures.

d. *Management of red snapper.* (1) Characterization and evaluation of biological impacts (e.g., changes in age or size structure of red snapper populations in response to management strategies).

(2) Research to evaluate the use of minimum size limits as a management tool in the red snapper fishery.

(3) Texas does not participate in the Marine Recreational Fisheries Statistics Survey (MRFSS); thus, research is needed to collect economics data on Texas anglers. Data requirements include those identified in the MRFSS add-on economic survey developed by NMFS. (See Section XIII.A., regarding collection of information.)

(4) Research to develop bioeconomic models to optimize allocations and benefits derived from the red snapper resource.

4. Coastal Migratory Pelagic Fisheries

The commercial and recreational demand for migratory coastal pelagics has led to overfishing for certain. Additionally, some are transboundary with Mexico and other countries and may ultimately demand international management attention. Current high priorities include:

a. Recruitment indices for king and Spanish mackerel, cobia, dolphin, wahoo, and bluefish, primarily from fishery-independent data sources.

b. Fishery-independent methods of assessing stock abundance of king and Spanish mackerel.

c. Release mortality data for all coastal pelagic species.

d. Improved catch statistics for all species in Mexican waters, with special emphasis on king mackerel, dolphin, and wahoo. This includes length-frequency and life history information.

e. Information on populations of coastal pelagics overwintering off the Gulf of Mexico and the South Atlantic States of North Carolina, South Carolina, Georgia, and Florida, especially concerning population size, age and movement patterns. Calculate the mixing rates for Atlantic/Gulf king mackerel on an annual basis.

f. Development of a practical method for aging dolphin.

g. Basic biostatistics for cobia, dolphin, and wahoo to develop age-length keys and maturation schedules for stock assessments and to evaluate stock structures.

h. Impact of bag limits on total catch and landings of king and Spanish mackerel, dolphin, wahoo, and cobia.

i. Demand and/or supply functions for the commercial king mackerel fisheries, including baseline cost and return data. Cooperative efforts that cover the entire Southeast and employ common methodologies for all geographic areas are strongly encouraged.

j. Sociological and anthropological surveys of coastal pelagic fisheries.

5. Groundfish and Estuarine Fishes

Substantial stocks of groundfish and estuarine species occur in the Gulf and South Atlantic. Most of the database for assessments comes from studies conducted by NMFS and state fishery management agencies. Because of the historic and current size of these fish stocks, their importance as predator and prey species, and their current or potential use as commercial and recreational fisheries, more information on their biology and life history is needed. General research needs are:

a. Red drum. (1) Size and age structure of the offshore adult stock in the Gulf and South Atlantic.

(2) Life history parameters and stock structure for the Gulf and the South Atlantic: Migratory patterns, long-term changes in abundance, growth rates, and age structure. Specific research needs for Atlantic red drum are estimates of fecundity as a function of length and weight and improved coast-wide coverage for age-length keys.

(3) Catch-and-release mortality rates from inshore and nearshore waters.

(4) Estimates of absolute Gulf-wide abundance of red drum.

b. Life history and stock structure for weakfish, menhaden, spot, and croaker in the Gulf and the South Atlantic: Migratory patterns, long-term changes in abundance, growth rates, and age structure and comparisons of the inshore and offshore components of recreational and commercial fisheries.

c. Improved catch-and-effort statistics from recreational and commercial fisheries, including development of age-length keys for size and age structure of the catch, to develop production models. (See Section XIII.A., regarding collection of information.)

d. Abundance and distribution information on spiny dogfish off the coast of North Carolina, and particularly southern North Carolina.

6. Essential Fish Habitat

(a) Determine the effects of fishing gears (e.g., trawls and traps) and practices (e.g., gear retrieval and anchoring) on essential fish habitat (EFH), with emphasis on benthic habitats within the EEZ of the Caribbean, southern U.S. Atlantic, and Gulf of Mexico regions.

(b) Develop scientific data to allow the identification and refinement, as appropriate, of EFH designations for the various life stages of federally managed species.

(c) Develop scientific data to allow the identification and refinement, as appropriate, of Habitat Areas of Particular Concern (HAPC) designation for the various life stages of federally managed species.

(d) Develop GIS mapping protocols and tools to allow the presentation of EFH, HAPC, fishery distribution information, and other relevant data for the southeastern United States, including Puerto Rico and the U.S. Virgin Islands.

7. General

There are many other areas of research that need to be addressed for improved understanding and management of fishery resources. These include methods for data collection, management, analysis, and better conservation. Examples of such research needs include:

a. Identification of fishing communities, characterization of community dependance upon fishery resources and demographics of the families dependent on fishing or fishing related businesses.

b. Development of improved methods and procedures for transferring technology and educating constituency groups concerning fishery management and conservation programs. Of special importance are programs concerned with controlled access and introduction of conservation gear.

c. Design and evaluation of innovative approaches to fishery management with special attention given to those approaches that control access to specific fisheries.

d. Examine the feasibility and efficacy of license buy-back programs.

e. Social, cultural, and /or economic aspects of establishing fishery reserves. Studies should employ accepted data collection methods and should include consumptive users, non-consumptive users, and persons not dependent on use of marine resources. Various management alternatives should be considered in the studies, e.g., exclude all users, exclude all consumptive users, size of reserve, anchoring rules, or any other relevant management tools. (See Section XIII.A., regarding collection of information.)

f. Design and evaluation of limited access options for the red snapper and king mackerel recreational fisheries with specific emphasis on modes of fishing and jurisdictional issues.

g. Estimation of demand models for recreational fishing trips when the target species include a single species, an aggregate of related species, or all species combined. Studies using new data from the Southeast economics add-on to Marine Recreational Fisheries Statistics Survey are highly encouraged.

Priority species include red drum Spanish mackerel, red grouper, wahoo,and dolphin.

h. Sociocultural survey of commercial fishing in the Florida Keys. Proposals should address all fishing enterprises including potential sociocultural effects of large marine reserves in the Tortugas area.

i. Studies to evaluate the value of non-consumptive uses of marine resources, especially as related to diving activities and marine reserves.

XIII. Evaluation Process and Criteria

A. Initial Screening of Applications. Applications are reviewed by NOAA's MARFIN Program Manager to determine whether they are responsive to this solicitation. Applications must: be received by the deadline date (see **DATES**); include OMB form 424 dated and signed by an authorized representative; be submitted by an eligible applicant; address one of the funding priorities; include a budget, statement of work, and milestones; and identify the principal investigator. The applicant will be notified if the application does not conform to these requirements. If the deadline for submission has passed, the application will be returned to the applicant.

B. Evaluation of Proposed Projects.

1. Technical Evaluation. Applications responsive to this solicitation will be evaluated by three or more appropriate private and public sector experts to determine their technical merit. These reviewers provide comments and assign scores to the applications based on the following criteria, with the weights shown in parentheses:

a. Does the proposal have a clearly stated goal(s) with associated objectives that meet the needs outlined in the project narrative? (30 points maximum)

b. Does the proposal clearly identify and describe, in the project outline and statement of work, scientific methodologies and analytical procedures that will adequately address project goals and objectives? (30 points maximum)

c. Do the principal investigators provide a realistic timetable to enable full accomplishment of all aspects of the research? (20 points maximum)

d. Are effective methods proposed that will enable the principal investigators to maintain stewardship of the project performance, finances, cooperative relationships, and reporting requirements? (10 points maximum)

e. Does the budget appropriately allocate and justify costs? (10 points maximum)

5. Are the proposed costs appropriate for the scope of work proposed? (10 points)

2. *Scientific Panel.* Applications together with the technical reviewers' comments and scores are presented to a Scientific Panel composed of NMFS scientific experts. This panel provides comments and rates each proposal as either "Recommended for Funding" or "Not Recommended for Funding" based on qualitative assessments which include a technical evaluation of the merits of the science.

3. *MARFIN Panel.* Proposals that are "Recommended for Funding" by the Scientific Panel are presented to a panel of non-NOAA fishery experts known as the MARFIN Panel. Each member of the MARFIN Panel individually considers the significance of the needs addressed in each proposal, how the project affects industry, and how the project addresses issues that are of highest importance in regional fisheries management. The individuals on the MARFIN Panel provide comments and rate each of these proposals as either "Recommended for Funding" or "Not Recommended for Funding."

4. *Regional Administrator.* The proposals reviewed by the MARFIN Panel are ranked by the Program Manager in the order of preferred funding, based on the number of MARFIN Panel members recommending the proposal for funding, then provided to the Regional Administrator, who is the selecting official. The Regional Administrator also receives the MARFIN Panel members' individual comments, and comments from the Scientific Panel for projects rated as "Recommended for Funding."

The Regional Administrator, in consultation with the Assistant Administrator for Fisheries, determines the projects to be funded. The Regional Administrator will justify in writing any selection he makes that falls outside the MARFIN Panel's order of preferred funding.

The exact amount of funds awarded, the final scope of activities, the project duration, and specific NMFS cooperative involvement with the activities of each project are determined in pre-award negotiations between the applicant, the NOAA Grants Office and the NMFS Program Office. Projects must not be initiated by recipients until a signed award is received from the NOAA Grants Office. Successful applications generally are recommended within 210 days from the date of publication of this notice. The earliest start date of awards average 90 days after each project is selected and after all NMFS/applicant negotiations of cooperative activities have been completed. The earliest start date of awards is about 300 days after the date of publication of this notice. Applicants should consider this selection and processing time in developing requested start dates for their applications.

C. NMFS can, at its discretion:

1. *Consult with members of the fishing industry, management agencies, environmental organizations, and academic institutions.* NMFS may, at its discretion, request comments from members of the fishing and associated industries, groups, organizations, and institutions who have knowledge in the subject matter of a project or who would be affected by a project.

2. *Consult with Government agencies.* Applications may be reviewed by the NMFS Southeast Region Program Office in consultation with the NMFS Southeast Fisheries Science Center, including appropriate operations and laboratory personnel, the NOAA Grants Office and, as appropriate, DOC bureaus and other Federal agencies.

XIII. Other Requirements

A. *Federal policies and procedures.* Recipients and subrecipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal financial assistance awards. Women and minority individuals and groups are encouraged to submit applications under this program. If a grant is made that specifically requires the collection of information from the public, the grantee will be responsible for preparing the documentation necessary to obtain Paperwork Reduction Act (PRA) approval prior to the start of the collection. This approval process takes a minimum of 4 months. This provision especially applies to priorities 1(f)(3), 3(d)(3), 5(c), and 7(e). Information on the PRA process can be found at the following Web site address: www.rdc.noaa.gov/pra.

B. *Past performance.* Any first-time applicant for Federal grant funds is subject to a pre-award accounting survey prior to execution of the award. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

C. *Pre-award activities.* If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that they may have received, there is no obligation on the part of DOC to cover pre-award costs.

D. *No obligation of future funding.* If an application is selected for funding, DOC has no obligation to provide any additional future funding in connection with the award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

E. *Delinquent Federal debts.* No award of Federal funds shall be made to an applicant or to its subrecipients who have any outstanding delinquent Federal debt or fine until either:

1. The delinquent account is paid in full;

2. A negotiated repayment schedule is established and at least one payment is received; or

3. Other arrangements satisfactory to DOC are made.

F. *Name check review.* All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the applicant's management honesty or financial integrity. Potential non-profit and for-profit recipients may also be subject to reviews of Dun and Bradstreet data or other similar credit checks.

G. *Primary applicant certifications.* All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

1. *Nonprocurement debarment and suspension.* Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

2. *Drug-free workplace.* Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR part 26, subpart F, "Government-wide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

3. *Anti-lobbying.* Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000; and

4. *Anti-lobbying disclosures.* Any applicant who has paid or will pay for lobbying using any funds must submit a Form SL-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, appendix B.

H. *Lower tier certifications.* Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to DOC. A form SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

I. *False statements.* A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

J. *Intergovernmental review.* Applications under this program are subject to the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs."

K. *Requirement to buy American-made equipment and products.* Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program.

Classification

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of Executive Order 12866.

Cooperative agreements awarded pursuant to pertinent statutes shall be in accordance with the Fisheries Research Plan (comprehensive program of fisheries research) in effect on the date of the award.

Federal participation under the MARFIN Program may include the assignment of DOC scientific personnel and equipment.

Reasonable, negotiated financial compensation will be provided under awards for the work of eligible grantee workers.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number. This notice contains collection-of-information requirements subject to the Paperwork Reduction Act which have been approved under OMB control number 0648-0175. Public reporting burden for agency-specific collection-of-information elements, exclusive of requirements specified under applicable OMB circulars, is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This includes a requirement to submit up to 10 copies of applications. Send comments regarding this reporting burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**).

Authority: 15 U.S.C. 713c-3(d).

Dated: February 15, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4417 Filed 2–21–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service

[I.D. 021301F]

Marine Mammals and Endangered Species; National Marine Fisheries Service File No. 969-1602; U.S. Fish and Wildlife Service File No. 033958.

AGENCIES: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; U.S. Fish and Wildlife Service, Interior.

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Geo-Marine, Inc., 550 East 15th Street, Plano, TX 75074, has applied in due form for a permit to take all marine mammal species (Cetacea, Pinnipedia, and Sirenia) and sea turtle species

occurring in Puerto Rican waters for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before March 26, 2001.

ADDRESSES: The application and related documents are available for review upon written request or by appointment. (See **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Ruth Johnson, office of Protected Resources, NMFS, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR parts 18 and 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 17 and 222-226).

The Applicant requests authorization to conduct aerial surveys for marine mammals and sea turtles in near-shore waters of Vieques, Puerto Rico. Marine mammal species include: from Suborder Mysticeti, Family Balaenopteridae: Bryde's whale (*Balaenoptera edeni*), fin whale (*Balaenoptera physalus*), sei whale (*Balaenoptera borealis*), humpback whale (*Megaptera novaeangliae*), minke whale (*Balaenoptera acutorostrata*); from Suborder Odontoceti, Family Physeteridae: Sperm whale (*Physeter macrocepahalus*), pygmy sperm whale (*Kogia breviceps*), dwarf sperm whale (*Kogia simus*); from Suborder Odontoceti, Family Ziphiidae: Cuvier's beaked whale (*Ziphius cavirostris*), Blainville's beaked whale (*Mesoplodon densirostris*), Gervis' beaked whale (*Mesoplodon europaeus*), True's beaked whale (*Mesoplodon mirus*); from Suborder Odontoceti, Family Delphinidae: Melon-headed whale (*Peponocephala electra*), short-finned pilot whale (*Globicephala macrorynchus*), Risso's dolphin (*Grampus griseus*), false killer whale (*Pseudorca crassidens*), pygmy killer whale (*Feresa attenuata*), bottlenose dolphin (*Tursiops truncatus*), rough-toothed dolphin (*Steno bredanensis*), Atlantic spotted dolphin (*Stenella frontalis*), pantropical spotted dolphin (*Stenella attenuata*), striped dolphin (*Stenella coeruleoalba*), spinner dolphin (*Stenella longirostris*), clymene dolphin (*Stenella clymene*), common dolphin (*Delphinus delphis (capensis)*), killer whale (*Orcinus orca*), Fraser's dolphin (*Lagenodelphis hosei*); from Order Carnivora, Suborder Pinnipedia, Family Phocidae: Hooded seal (*Cystophora cristata*); from Order Sirenia, Family Trichechidae: West Indian manatee (*Trichechus manatus*). Sea turtle species include: from Suborder Cryptodira, Family Dermochelyidae: Leatherback sea turtle (*Dermochelys coriacea*); from Family Cheloniidae: Green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), loggerhead sea turtle (*Caretta caretta*), olive ridley sea turtle (*Lepidochelys olivacea*).

The surveys would take place from fixed-wing and rotary wing aircraft flying no lower than 500 ft (152 m) above ground or sea level. level. The objective of the surveys is to determine occurrence, migration routes, and habitat utilization for the species occurring in the Inner Range, Atlantic Fleet Weapons Training Facility, Vieques. This area includes all waters surrounding the east end of Vieques for a distance of approximately 2 miles offshore. The results of this study will be used to assist the Navy in the planning of exercises conducted in this area. Data from these surveys would also be used in ongoing section 7 consultation under the ESA.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents associated with this application are in the following locations:

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, Massachusetts 01930 (978/281–9138)

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432 (813/570–5312); and

U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Arlington, VA 22203 (1-800–358–2104).

Dated: January 29, 2001.

Eugene T. Nitta,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

Dated: January 30, 2001.

Timothy J. Van Norman,

Chief, Branch of Permits, Division of Management Authority, U.S. Fish and Wildlife Service.

[FR Doc. 01–4414 Filed 2–21–01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020901E]

Fisheries off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 2001 Bank-specific Harvest Guidelines

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: No harvest guideline for crustaceans.

SUMMARY: NMFS announces that annual harvest guidelines for the commercial lobster fishery around the Northwestern Hawaiian Islands (NWHI) will not be issued for 2001.

ADDRESSES: Copies of background material pertaining to this action may be obtained from Dr. Charles Karnella, Administrator, NMFS, Pacific Islands Area Office, 1601 Kapiolani Blvd., Suite 1101, Honolulu, HI 96814.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru at 808-973-2937.

SUPPLEMENTARY INFORMATION: Under the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region, 50 CFR 660.50(b)(2), NMFS is required to publish by February 28 of each year, the harvest guidelines for lobster Permit Area 1 around the NWHI. The year 2000 NWHI lobster fishery was closed because of concerns raised by NMFS scientists about the health of the fishery and as a precautionary measure to prevent overfishing of the lobster resources. Furthermore, NMFS is under a Court Order issued by the U.S. District Court for the District of Hawaii to keep the crustacean fisheries closed until an Environmental Impact Statement and a Biological Opinion have been prepared and issued for the crustacean fisheries. In addition, recently issued Executive Orders 13178 and 13196 appear to close indefinitely the entire NWHI crustacean fishery. Given these events, NMFS announces that it will not be publishing any harvest guidelines for this fishery for the year 2001. Although no regulatory action has been taken to close the NWHI lobster fishery for 2001, NMFS anticipates that this will occur in the near future. Therefore, no harvest of NWHI lobster resources will be allowed and effectively the harvest guideline will be zero. In addition, there is still uncertainty regarding the model assumptions used by NMFS scientists to estimate the exploitable lobster population. However, as indicated in the NMFS 2001 "Report to Congress" on the status of fisheries, the lobster stock is not overfished. NMFS intends to conduct biological research on the status of NWHI lobster resources and to examine the resulting data for indications as to the appropriate direction for future fishery management actions.

Authority: 16 U.C.S. 1801 *et seq.*

Dated: February 15, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4415 Filed 2–21–01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Intelligence Needs for Homeland Defense Follow-On Initiative will meet in closed session on February 27–28, 2001; March 27–28 2001; and April 24–25, 2001, at Strategic Analysis, Inc., 3601 Wilson Boulevard, Arlington, VA 22201. This Task Force will explore the intelligence ramifications posed by a changing spectrum of threat regimes, including biological, chemical, information, nuclear, and radiological weapons.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will: consider the broad spectrum of intelligence issues from early threat detection to deterrence, through response including attribution; evaluate the collection and analysis of target-related information and weapon unique information; examine the role of HUMINT against these missions as well as the technology that the HUMINT collectors need to be equipped with; consider strategic indications and warning and tactical warning dissemination and how the two need to be merged; analyze methodology to correlate large data flows spatially temporally and functionally (Low SNR); and assess the robustness of today's intelligence apparatus for coping with these challenges.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and Subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR Part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: February 14, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4333 Filed 2–21–01; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Training for Future Conflicts will meet in closed session on February 28, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA 22201. This Task Force will focus on identifying and characterizing what education and training are demanded by Joint Vision 2010/2020, and will address the development and demonstration time phasing over the next two decades for the combined triad of technology modernization, operational concepts, and training.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will also identify those approaches and techniques that potential enemies might take that could prepare them to revolutionize their warfare capabilities, thereby achieving a training surprise against the U.S. or its allies. This review will include, but not be limited to, unique training/education developments which might be spawned by allies or an adversary, training techniques and methodologies which might be transferred from the U.S. or through third parties, and finally, the possibilities emerging as a result of the globalization of military and information technologies, related commercial services and their application by other nations.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board meeting, concerns matters listed in 5 U.S.C. 552b(c)(1), and that accordingly this meeting will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and Subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR Part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: February 14, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4334 Filed 2–21–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board (DSB) Task Force Precision Targeting will meet in closed session March 29–30, 2001; April 19–20, 2001; May 10–11, 2001; June 14–15, 2001; and July 26–27, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA 22201. The Task Force will examine the full range of the precision weapons targeting in tactical military operations, from target execution, location, and identification through mission execution and damage assessment. Target types will include fixed installations and both transportable and mobile military force elements.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. The Task Force will review: all planned precision weapons programs and procurements to determine the degree to which these weapons are compatible with targeting requirements for different target classes; the degree to which existing and planned reconnaissance and surveillance assets are used to effectively develop target sets, real time targeting data and perform battle damage assessment under varied degrees of cover, concealment and deception; our ability to identify and precisely locate targets while minimizing false alarms using automatic target recognition techniques and precision location technologies; and our ability to attack moving targets.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Dated: February 14, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4335 Filed 2–21–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Chemical Warfare Defense will meet in closed session on April 10, 2001, and April 24, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA 22201. The Task Force will assess the possibility of controlling the risk and consequences of a chemical warfare (CW) attack to acceptable national security levels within the next five years.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will assess current national security and military objectives with respect to CW attacks; CW threats that significantly challenge these objectives today and in the future; the basis elements (R&D, materiel, acquisition, personnel, training, leadership) required to control risk and consequences to acceptable levels, including counter-proliferation; intelligence, warning, disruption; tactical detection and protection (active and passive); consequence management; attribution and deterrence; and policy. The Task Force will also assess the testing and evaluation necessary to demonstrate and maintain the required capacity and any significant impediments to accomplishing this goal.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Dated: February 14, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4336 Filed 2–21–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, DoD.

ACTION: Notice.

In compliance with section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995, the Headquarters Air Force Services Agency (HQ AFSVA) announces a continuation of use to the existing Air Force Form (AF) 3211, Customer Comment Card and seeks public comment of the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) waive to minimize the burden of the information collection on respondents; including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received within April 23, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to HQ AFSVA/SVOHL, Lodging Branch, 10100 Reunion Place, Suite 401, San Antonio, TX 78216–4138, ATTN: Lt Col Guy Palumbo or MSgt Suzanne Henson.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call HQ AFSVA/SVOHL at (210) 652–8875 or by fax at (210) 652–7041.

Title, Associated Form, and OMB Number: Customer Comments, AF Form 3211, OMB Number 0701–0146.

Needs and Uses: Each guest of Air Force Lodging and its contract lodging operations are provided access to AF Form 3211. The AF Form 3211 gives each guest the opportunity to comment on facilities and services received. Completion and return of the form is optional. The information collection requirement is necessary for Wing leadership to assess the effectiveness of their Lodging program.

Affected Public: AFI 34–246, Air Force Lodging Program, specifies who is an authorized guest in Air Force Lodging. Some examples of the public include construction contractors and special guests of the Installation Commander.

Annual Burden Hours: 16.67.

Number of Respondents: 200.

Responses Per Respondent: 1.

Average Burden Per Response: 5 Minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are authorized guests of Air Force Lodging. The AF Forms 3211 can be used for assessing background documentation/supporting material for all types of management decisions. Higher headquarters also reviews them during lodging assistance and Innkeeper Award competitions.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–4413 Filed 2–21–01; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–3766–002]

Canal Electric Company; Notice of Filing

February 15, 2001.

Take notice that on January 22, 2001, Canal Electric Company (Canal) tendered for filing with the Federal Energy Regulatory Commission (Commission), a corrected copy of the second restated sixth amendment to the Power Contract between Canal and its retail affiliates Cambridge Electric Light Company and Commonwealth Electric Company (Canal Rate Schedule FERC No. 33, the Seabrook Power Contract). This filing corrects Canal's filing made with the Commission on December 18, 2000 in the above-referenced proceeding, whereby it submitted the Restated Sixth Amendment. This corrected filing re-designates the Seabrook Power Contract in accordance with the requirements of the Commission's Order 614.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 1, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–4351 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–498–002]

Carolina Power & Light Company; Notice of Filing

February 15, 2001.

Take notice that on February 9, 2001, Carolina Power & Light Company (CP&L) amended the filing in this Docket as Ordered by The Commission.

Copies of the filing were served upon the North Carolina Utilities Commission and South Carolina Public Service Commission.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–4344 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1028–001]

Commonwealth Edison Company; Notice of Filing

February 15, 2001.

Take notice that on February 9, 2001, Commonwealth Edison Company (ComEd) filed to amend its January 22, 2001 filing in the above referenced proceeding to withdraw the long-term firm point-to-point transmission service agreement with Dynegy Power Marketing, Inc. (DYPM) which ComEd had designated as Original Service Agreement No. 494 (DYPM Agreement). ComEd is withdrawing the DYPM Agreement because, at the time it was filed, the DYPM Agreement had already been superseded by a subsequent set of transactions requested and confirmed by DYPM.

A copy of this filing is being mailed to each person or company named on the Commission's service list in the above-captioned proceeding. ComEd has also mailed a copy of this filing to DYPM.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the

Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–4347 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–45–000]

Constellation Power Source Generation, Inc.; Notice of Amended and Restated Application for Commission Redetermination of Exempt Wholesale Generator Status

February 15, 2001.

Take notice that on January 19, 2001, Constellation Power Source Generation, Inc. (Constellation) tendered for filing with the Federal Energy Regulatory Commission (Commission), an amended and restated application for redetermination of exempt wholesale generator status.

Any person desiring to be heard concerning the amended and restated application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the amended and restated application. All such motions and comments should be filed on or before March 1, 2001, and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection or on the Internet at *http://www.ferc.fed.us/online/rims.htm* (please call (202) 208–2222 for assistance). Comments and protest may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–4343 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–734–001]

New York State Electric & Gas Corporation; Notice of Filing

February 15, 2001.

Take notice that on February 8, 2001, New York State Electric & Gas Corporation (NYSEG) on February 8, 2001 tendered for filing a fully executed service agreement (Service Agreement) between NYSEG and Conectiv Energy Supply, Inc. (Conectiv) pursuant to section 35.13 of the Federal Energy Regulatory Commission's (Commission's) Regulations, 18 CFR 35.13. NYSEG originally filed a partially executed Service Agreement with the Commission on December 20, 2000 pursuant to Part 35 of the Commission's Regulations, 18 CFR part 35. As of the date of this submission, the Commission had not accepted the Service Agreement with the requested effective date of December 21, 2000. Under the Service Agreement, NYSEG may provide capacity and/or energy to Conectiv in accordance with NYSEG's FERC Electric Tariff, Original Volume No. 3.

NYSEG has requested that the Commission accept the fully executed Service Agreement and that the Service Agreement be given an effective date of December 21, 2000, the effective date originally requested by NYSEG when it filed the partially executed Service Agreement.

NYSEG has served copies of the filing upon the New York State Public Service Commission and Conectiv.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 1, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–4345 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–931–001]

Panda Gila River, L.P.; Notice of Filing

February 15, 2001.

Take notice that on February 7, 2001, Panda Gila River, L.P. (Panda Gila) tendered for filing pursuant to Rule 205, 18 CFR 385.205, an amendment to its Application for Blanket Authorizations, Certain Waivers and Order Approving Rate Schedule originally filed on January 11, 2001 (Application).

The amendment to the Application identified the following changes: (i) The redesignation of the FERC Electric Rate Schedule No. 1 ("Rate Schedule") for market-based rates as "Original Sheet No. 1" of the "FERC Electric Tariff Original Volume No. 1" and the Code of Conduct as "Original Sheet No. 2"; (ii) the addition of a new Paragraph 5 entitled "Prohibited Transactions" to the Rate Schedule which precludes sales to electric utility affiliates under the Rate Schedule and former paragraphs 5, 6 and 7 of the Rate Schedule are now renumbered as paragraphs 6, 7 and 8, respectively; (iii) the amendment of the effective date for the Rate Schedule to April 1, 2001; and (iv) that the initial construction date of Panda Gila's 2,350 MW natural gas-fired generating facility is August 2001.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before February 26, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–4349 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–40–000]

Panhandle Eastern Pipeline Company; Notice of Informal Settlement Conference

February 15, 2001.

An informal settlement conference will be held in the above docket regarding the Kansas ad valorem tax refund issues in the proceedings involving the Panhandle Eastern Pipeline Company system. The conference will be held on February 23, 2001, at the Kansas City Airport Marriott, 775 Brasilia, Kansas City, Missouri. The conference will be held from 8 a.m. to 5 p.m. For questions concerning the conference, please call Deborah Osborne, Dispute Resolution Service. Her telephone number is 202–208–0831 and her e-mail address is *deborah.osborne@ferc.fed.us*. All interested parties in the above-referenced docket are requested to attend.

David P. Boergers,

Secretary.

[FR Doc. 01–4341 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–42–000]

PSEG Fossil LLC; Notice of Amended and Restated Application for Commission Redetermination of Exempt Wholesale Generator Status

February 15, 2001.

Take notice that on January 19, 2001, PSEG Fossil LLC (PSEG Fossil) tendered for filing with the Federal Energy Regulatory Commission (Commission) an amended and restated application for redetermination of exempt wholesale generator status.

Any person desiring to be heard concerning the amended and restated application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the amended and restated application. All such motions and comments should be filed on or before March 1, 2001, and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection or on the internet at *http://www.ferc.fed.us/online/rims.htm* (please call (202) 208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–4342 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1011–001]

Redbud Energy LP; Notice of Filing

February 15, 2001.

Take notice that on February 7, 2001, Redbud Energy LP (Redbud) tendered for filing a revised Electric Rate Tariff FERC No. 1 submitted in connection with its January 19, 2001 filing seeking market rate authority. The revisions are in compliance with the requirements of Order No. 614.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before February 28, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–4346 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1178–001]

Sempra Energy Resources; Notice of Filing

February 15, 2001.

Take notice that on February 9, 2001, Sempra Energy Resources (Sempra) filed tariff pages to be substituted for Attachments B and D to Sempra's original application that was filed on February 6, 2001.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to

the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–4348 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–742–000]

St. Joseph Light & Power Company; Notice of Issuance of Order

February 15, 2001.

St. Joseph Light & Power Company (St. Joseph) submitted for filing a rate schedule under which St. Joseph will engage in wholesale electric power and energy transactions at market-based rates. St. Joseph also requested waiver of various Commission regulations. In particular, St.Joseph requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by St. Joseph.

On February 13, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by St. Joseph should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, St. Joseph is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of St. Joseph's issuance of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 15, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance.

David P. Boergers,

Secretary.

[FR Doc. 01–4340 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–630–001]

Union Power Partners, L.P.; Notice of Filing

February 15, 2001.

Take notice that on February 7, 2001, Union Power Partners, L.P. (UPP) tendered for filing pursuant to Rule 205, 18 CFR 385.205, an amendment to its Application for Blanket Authorizations, Certain Waivers and Order Approving Rate Schedule originally filed on January 11, 2001 (Application).

The amendment to the Application identified the following changes: (i) The redesignation of the FERC Electric Rate Schedule No. 1 (Rate Schedule) for market-based rates as "Original Sheet No. 1" of the "FERC Electric Tariff Original Volume No. 1" and the Code of Conduct as "Original Sheet No. 2"; (ii) the addition of a new Paragraph 5 entitled "Prohibited Transactions" to the Rate Schedule which precludes sales to electric utility affiliates under the Rate Schedule and former paragraphs 5, 6 and 7 of the Rate Schedule are now renumbered as paragraphs 6, 7 and 8, respectively; (iii) the amendment of the effective date for the Rate Schedule to April 1, 2001; and (iv) that the initial construction date of UPP's 2214 MW natural gas-fired generating facility is April, 2001.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before February 26, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–4350 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–69–000, et al.]

Cogentrix/Batesville, LLC, et al.; Electric Rate and Corporate Regulation Filings

February 15, 2001.

Take notice that the following filings have been made with the Commission:

1. Cogentrix/Batesville, LLC; NRG Energy, Inc.

[Docket No. EC01–69–000]

Take notice that on February 13, 2001, Cogentrix/Batesville, LLC and NRG Energy, Inc. tendered for filing an application under section 203 of the Federal Power Act for approval of the transfer of a 51.37 percent non-managing indirect ownership interest in LSP Energy Limited Partnership to NRG Energy, Inc. LSP Energy Limited Partnership owns and operates an approximately 837 MW electric generation facility located in Batesville, Mississippi.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. American Electric Power Service Corporation

[Docket No. ER01–801–001]

Take notice that on February 12, 2001, American Electric Power Service Corporation (AEPSC), pursuant to an unreported letter order dated January 24, 2001, in the above-captioned docket, submitted for filing an original and six copies of rate schedule sheets accepted for filing therein designated according to Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000). The Service Agreements became effective December 28, 2000.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Northeast Utilities Service Company

[Docket No. ER01–1214–000]

Take notice that on February 12, 2001, Northeast Utilities Service Company (NUSCO), tendered for filing a Service Agreement with Engage Energy America LLC (Engage) under the NU System Companies' System Sale For Resale Tariff No. 7.

NUSCO states that a copy of this filing has been mailed to Engage.

NUSCO requests that the Service Agreement become effective on January 1, 2001.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. PECO Energy Company

[Docket No. ER01–1215–000]

Take notice that on February 12, 2001, PECO Energy Company (PECO) filed under Section 205 of the Federal Power Act, 16 U.S.C. S 792 et seq., an Agreement dated January 30, 2001 with Commonwealth Energy Corporation (CEC) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff).

PECO requests an effective date of February 9, 2001 for the Agreement.

PECO states that copies of this filing have been supplied to Commonwealth Energy Corporation and to the Pennsylvania Public Utility Commission.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, the Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–1216–000]

Take notice that on February 12, 2001, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power), filed an Interconnection Agreement (Agreement) with Allegheny Energy Supply Company, LLC as Service Agreement No. 341 under Allegheny Power's Open Access Transmission Tariff. The proposed effective date under the Agreement is July 1, 2002.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. UtiliCorp United Inc.

[Docket No. ER01–1218–000]

Take notice that on February 12, 2001, UtiliCorp United Inc. (UtiliCorp) tendered for filing Service Agreement No. 89 under UtiliCorp's FERC Electric Tariff, Third Revised Volume No. 25, a short-term firm point-to-point transmission service agreement between UtiliCorp's WestPlains Energy-Colorado division and The Legacy Energy Group, LLC.

UtiliCorp requests an effective date for the service agreement of January 31, 2001.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. UtiliCorp United Inc.

[Docket No. ER01–1219–000]

Take notice that on February 12, 2001, UtiliCorp United Inc. (UtiliCorp) tendered for filing Service Agreement No. 90 under UtiliCorp's FERC Electric Tariff, Third Revised Volume No. 25, a non-firm point-to-point transmission service agreement between UtiliCorp's WestPlains Energy-Colorado division and The Legacy Energy Group, LLC.

UtiliCorp requests an effective date for the service agreement of January 31, 2001.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Arizona Public Service Company

[Docket No. ER01–1220–000]

Take notice that on February 12, 2001, Arizona Public Service Company (APS) tendered for filing a Service Agreement to provide Network Integration Transmission Service under APS' Open Access Transmission Tariff to the Ajo Improvement Company.

A copy of this filing has been served on Ajo Improvement Company and the Arizona Corporation Commission.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Consumers Energy Company and International Transmission Company

[Docket No. ER01–1221–000]

Take notice that on February 12, 2001, Consumers Energy Company (Consumers) and International Transmission Company filed the Michigan Electric Coordinated Systems Transmission Interconnection and Control Area Operating Agreement between Consumers Energy Company and International Transmission Company (MECS Agreement). The MECS Agreement replaces and supersedes an existing agreement between Consumers and The Detroit Edison Company regarding the coordinated operation of the power pool commonly known as the Michigan Electric Coordinated Systems.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Allegheny Power

[Docket No. ER01–1223–000]

Take notice that on February 12, 2001 West Penn Power Company, Monongahela Power Company, and The Potomac Edison Company all doing business as Allegheny Power (Allegheny Power) filed changes to the Allegheny Power open-access transmission tariff (OATT) to add a new Attachment L containing generator interconnection procedures and Attachments M and N consisting of form of feasibility study agreement and interconnection and operating agreement. Allegheny states that the changes are necessary in order to implement required coordination with PJM utilities in anticipation of the implementation of the PJM West RTO.

Allegheny requests an effective date of February 12, 2001.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/ online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–4376 Filed 2–21–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6946–7]

Transfer of Confidential Business Information to Contractors

AGENCY: Environmental Protection Agency.

ACTION: Notice of transfer of data and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) will transfer Confidential Business Information (CBI) to its contractor, DPRA, Inc. These data pertain to the quantities of hazardous waste generated and managed, and the disposition of those wastes. These data have been or will be submitted to EPA pursuant to the Biennial Reporting requirements of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended. Some of the information may have a claim of business confidentiality. DPRA, Inc. is assisting EPA in assessing the quality of the Biennial Report data, establishing a national data bases on hazardous waste generation and management, and in developing "The National Biennial RCRA Hazardous Waste Report (Based on 1999 Data)."

DATES: Transfer of confidential data submitted to EPA will occur no sooner than March 5, 2001.

ADDRESSES: Comments should be sent to Regina Magbie, Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Comments should be identified as "Transfer of Confidential Data."

FOR FURTHER INFORMATION CONTACT: Regina Magbie, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, 703–308–7909.

SUPPLEMENTARY INFORMATION:

1. Transfer of Confidential Business Information

The U.S. Environmental Protection Agency is using Biennial Report data to establish a national data base on hazardous waste generation and management. These data will be used to characterize the demographics of and trends in hazardous waste generation and management. Under EPA Contract No. GS–35F–0063K, DPRA, Inc. will assist the Information Management Branch, Communications, Information, and Resources Management Division, Office of Solid Waste, in assessing the quality of the 1999 Biennial Report data, establishing the National Biennial Report data base, and preparing the 1999 National Report based on those analyses. Some of the information being transferred may be claimed as Confidential Business Information (CBI). In accordance with 40 CFR 2.305(h), EPA has determined that DPRA, Inc. requires access to CBI submitted to EPA under the authority of RCRA to perform work satisfactory under the above noted contract. EPA is issuing this notice to inform all submitters of CBI on their 1989, 1991, 1993, 1995, 1997 and 1999 Hazardous Waste Report Forms (EPA Form 8700–13 A/B), or State developed biennial report forms, that EPA may transfer to this firm, on a need-to-know basis, CBI collected under the authority of RCRA. Upon completing their review of materials submitted, DPRA, Inc. will return all material to EPA.

DPRA, Inc. has been authorized to have access to RCRA CBI under the EPA "Contractor Requirements for the Control and Security of RCRA Confidential Business Information Security Manual." EPA will approve the security plan of the contractor to ensure that their facility complies with security procedures outlined in the security manual prior to RCRA CBI being transmitted to the contractors. Contractor personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to confidential information.

Dated: February 6, 2001.

Elizabeth A. Cotsworth,

Director, Office of Solid Waste.

[FR Doc. 01–4401 Filed 2–21–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6947–6]

Coastal Nonpoint Pollution Control Program: Approval Decisions on Pennsylvania and Virginia Coastal Nonpoint Pollution Control Programs

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the Environmental Protection Agency.

ACTION: Notice of Intent to Approve the Pennsylvania and Virginia Coastal Nonpoint Programs.

SUMMARY: Notice is hereby given of the intent to fully approve the Pennsylvania and Virginia Coastal Nonpoint Pollution Control Programs (coastal nonpoint programs) and of the availability of the draft Approval Decisions on conditions for the Pennsylvania and Virginia coastal nonpoint programs. Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. 1455b, requires states and territories with coastal zone management programs that have received approval under section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint programs. Coastal states and territories were required to submit their coastal nonpoint programs to the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) for approval in July 1995. NOAA and EPA conditionally approved the Pennsylvania coastal nonpoint program on October 3, 1997 and the Virginia coastal nonpoint program on February 23, 1998. NOAA and EPA have drafted approval decisions describing how Pennsylvania and Virginia have satisfied the conditions placed on their programs and therefore have fully approved coastal nonpoint programs.

NOAA and EPA are making the draft decisions for the Pennsylvania and Virginia coastal nonpoint programs available for 30-day public comment periods. If no comments are received, the Pennsylvania and Virginia programs will be approved. If comments are received, NOAA and EPA will consider whether such comments are significant enough to affect the decision to fully approve the programs.

Copies of the draft Approval Decisions can be found on the NOAA website at *http://www.ocrm.nos.noaa.gov/czm/6217/* or may be obtained upon request from: Joseph P. Flanagan, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, tel. 301–713–3155, extension 201, e-mail *joseph.flanagan@noaa.gov.*

DATES: Individuals or organizations wishing to submit comments on the draft Approval Decisions should do so by March 26, 2001.

ADDRESSES: Comments should be made to John King, Acting Chief, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, tel. 301–713–3155 extension 195, e-mail *john.king@noaa.gov* or to Fred Suffian, EPA Region 3, 1650 Arch Street (3WP14), Philadelphia, PA 19104, tel. 215–814–5753, e-mail *suffian.fred@epa.gov.*

FOR FURTHER INFORMATION CONTACT: For Pennsylvania, Neil Christerson, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, tel. 301–713–3155, extension 167, e-mail *neil.christerson@noaa.gov;* for Virginia, Elisabeth Morgan, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, tel. 301–713–3155, extension 166, e-mail *elisabeth.morgan@noaa.gov.*

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration).

Dated: February 15, 2001.

Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce.

Diane C. Regas,

Acting Assistant Administrator, Office of Water, Environmental Protection Agency.

[FR Doc. 01–4402 Filed 2–21–01; 8:45 am]

BILLING CODE 3510–06–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6937–1]

Integrated Risk Information System (IRIS); Announcement of 2001 Program; Request for Information

AGENCY: Environmental Protection Agency.

ACTION: Notice; announcement of IRIS 2001 program and request for scientific information on health effects that may result from chronic exposure to chemical substances.

SUMMARY: The Integrated Risk Information System (IRIS) is an Environmental Protection Agency (EPA) data base that contains EPA scientific consensus positions on human health effects that may result from chronic exposure to chemical substances in the environment. On January 12, 2000, EPA announced the 2000 IRIS agenda and solicited scientific information from the public for consideration in assessing health effects from specific chemical substances (65 FR 1863). A supplementary notice issued May 17, 2000 (65 FR 31309) added two additional substances to the agenda. Most of the health assessments listed in the two notices are in progress or near completion. Today, EPA is adding some additional health assessments to the IRIS agenda. This notice describes the Agency's plans, and solicits scientific data and evaluations for consideration in EPA's new assessments.

DATES: Please submit information in response to this notice by April 23, 2001.

ADDRESSES: Please send relevant scientific information to the IRIS Submission Desk in accordance with the instructions provided under "Submission of Information" in this notice.

FOR FURTHER INFORMATION: For information on the IRIS program, contact Amy Mills, National Center for Environmental Assessment (mail code 8601D), U.S. Environmental Protection Agency, Washington, DC 20460, or call (202) 564–3204, or send electronic mail inquiries to mills.amy@epa.gov. For general questions about access to IRIS, or the content of IRIS, please call the Risk Information Hotline at (513) 569–7254.

SUPPLEMENTARY INFORMATION:

Background

IRIS is an EPA data base containing Agency consensus scientific positions on potential adverse human health effects that may result from chronic (or lifetime) exposure to chemical substances found in the environment. IRIS currently provides health effects information on over 500 specific chemical substances.

IRIS contains chemical-specific summaries of qualitative and quantitative health information in support of the first two steps of the risk assessment process, i.e., hazard identification and dose-response evaluation. IRIS information includes the reference dose for non-cancer health effects resulting from oral exposure, the reference concentration for non-cancer health effects resulting from inhalation exposure, and the carcinogen assessment for both oral and inhalation exposure. Combined with specific situational exposure assessment information, the summary health hazard information in IRIS may be used as a source in evaluating potential public health risks from environmental contaminants.

The IRIS Program

EPA's process for developing IRIS consists of: (1) An annual **Federal Register** notice announcing EPA's IRIS agenda and call for scientific information from the public on the selected chemical substances, (2) a search of the current literature, (3) development of health assessments and draft IRIS summaries, (4) peer review within EPA, (5) peer review outside EPA, (6) EPA consensus review and management approval, (7) preparation of final IRIS summaries and supporting documents, and (8) entry of summaries and supporting documents into the IRIS data base.

Assessments Completed in FY 2000 and Early FY 2001

The following assessments were completed and entered into IRIS in FY 2000 and early FY 2001. These assessments were listed in the **Federal Register** of January 12, 2000. All health endpoints, cancer and non-cancer, were assessed unless otherwise noted. Where information was available, both qualitative and quantitative assessments were developed.

Name	CAS No.
Benzene (oral carcinogenicity)	71–43–2
Chloral hydrate	75–87–6
Chlorine dioxide	10049–04–4
Chlorite (sodium salts)	7758–19–2
1,3-Dichloropropene	542–75–6
Ethylene glycol monobutyl ether	111–76–2
Vinyl chloride	75–01–4

Assessments in Progress—Completion Planned for FY 2001 or FY 2002

The following assessments are underway or generally complete, and are planned for entry into IRIS in FY 2001 or FY 2002. These assessments were announced in the January 12, 2000, or May 17, 2000, **Federal Registers**. All health endpoints, cancer and non-cancer, are being assessed unless otherwise noted. Pesticides

denoted with an asterisk (*) will have only oral reference dose and carcinogenicity endpoints assessed. For all endpoints assessed, both qualitative and quantitative assessments are being developed where information is available.

Name	CAS No.
Acetaldehyde	75–07–0
Acetone	67–64–1
Acrolein	107–02–8
Ammonium perchlorate (and associated salts)	7790–98–9
Antimony and compounds	7440–36–0
Arsenic, inorganic	7440–38–2
Benzene (non-cancer endpoints)	71–43–2
Benzo[a]pyrene	50–32–8
Bisphenol-A	80–05–7
Boron	7440–42–8
Bromate	7758–01–2
1,3-Butadiene	106–99–0
Cadmium	7440–43–9
Carbon tetrachloride	56–23–5
Chloroethane	75–00–3
Chloroform	67–66–3
Chloroprene	126–99–8
Chlorothalonil*	1897–45–6
Copper	7440–50–8
Cyclohexane	110–82–7
Dichloroacetic acid	79–43–6
1,2-Dichlorobenzene	95–50–1
1,3-Dichlorobenzene	541–73–1
1,4-Dichlorobenzene	106–46–7
1,1-Dichloroethylene	75–35–4
Di(2-ethylhexyl)phthalate	117–81–7
Diflubenzuron	35367–38–5
Diesel emissions	[N.A.]
Ethylbenzene	100–41–4
Ethylene dibromide	106–93–4
Ethylene dichloride	107–06–2
Ethylene oxide	75–21–8
Formaldehyde	50–00–0
Glyphosate*	1071–83–6
Hexachlorobenzene	118–74–1
Hexachlorocyclopentadiene	77–47–4
Hydrogen sulfide	7783–06–4
Isopropanol	67–63–0
Methyl chloride	74–87–3
Methyl isobutyl ketone (MIBK)	108–10–1
Methyl mercury (noncancer endpts)	22967–92–6
Methyl tert-butyl ether (MTBE)	1634–04–4
Methylene chloride	75–09–2
Mirex	2385–85–5
Nickel (soluble salts)	[N.A.]
Nitrobenzene	98–95–3
Pendimethalin	40487–42–1
Phenol	108–95–2
Quinoline	91–22–5
Pebulate*	1114–71–2
Pentachlorophenol	87–86–5
Phosgene	75–44–5
Polychlorinated biphenyls (PCBs) (noncancer endpts)	1336–36–3
Refractory ceramic fibers	[N.A.]
Styrene	100–42–5
2,3,7,8-TCDD (dioxin)	1746–01–6
Tetrachloroethylene ("perc")	127–18–4
Tetrahydrofuran	109–99–9
Toxaphene	8001–35–2
Trichlopyr	55335–06–3
Trichloroethylene	79–01–6
Uranium (natural)	7440–61–1
Vinyl acetate	108–05–4
Xylenes	1330–20–7
Zinc and compounds	7440–66–6

The following assessments in progress have been delayed and are now expected in FY 2003:

Name	CAS no.
Hexahydro-1,3,5-trinitro-triazine ("RDX")	121–82–4
Silica (crystalline)	14808–60–7

Completed IRIS summaries and support documents for the substances listed above will be provided on the IRIS web site at www.epa.gov/iris. This publicly-available web site is EPA's primary location for IRIS documents. In addition, external peer review drafts of IRIS documents can be found via the "What's New" page of the IRIS web site, as discussed in the January 12, 2000 **Federal Register** notice. Interested parties should check the "What's New" page frequently for the availability of these drafts.

In addition to the assessment of the individual polycyclic aromatic hydrocarbon (PAH) benzo[a]pyrene, EPA conducted a literature review and will be sponsoring a workshop on approaches to assessing the health effects of a larger set of PAHs. As mentioned in the January 12, 2000 **Federal Register**, additional health assessments on this class of chemicals will be considered for initiation in FY 2001.

Assessment Development Input From External Parties

In addition to the opportunity for public input via the IRIS Submission Desk described above, EPA is testing ways to involve the public in the development of health assessment documents that are submitted to EPA by external parties as supporting documents for IRIS. This was described in the January 12, 2000, **Federal Register** notice. Considerable expertise in assessing health risks exists outside of EPA, such as in other government agencies, industries, universities, professional organizations, and other non-governmental organizations. Cooperation between EPA and external parties in the assessment development process can improve the quality of IRIS supporting documents by providing greater scientific input to EPA's assessments.

EPA announced in the January 12, 2000 and May 17, 2000, **Federal Register** notices that external parties are developing several assessment documents with dialogue and feedback from EPA. Currently, external party assessments are addressing ethylene oxide, ethylbenzene, styrene, toxaphene, hexachlorobenzene, and hexahydro-1,3,5-trinito-triazine ("RDX"). When complete, EPA will consider these documents, in whole or in part, as possible sources or supporting documents for IRIS assessments. In FY 2001, EPA will continue to evaluate its experience with these externally-generated assessments in terms of process efficiency and quality of the documents produced. If the experience is positive, EPA will consider inviting similar involvement on future health assessments in the IRIS program.

Information Requested on New Assessments for FY 2001

EPA will continue building and updating the IRIS data base. The Agency recognizes that many of the assessments on IRIS need updating to incorporate new scientific information and methodologies. Further, many additional substances are candidates for adding to IRIS. However, due to limited resources in the Agency to address the spectrum of needs, EPA developed a list of priority substances for attention beginning in FY 2001. The following list of substances are priorities for IRIS due to one or more reasons: (1) Agency statutory, regulatory, or program implementation need; (2) new scientific information or methodology is available that might significantly change current IRIS information; (3) interest to other levels of government or the public; (4) most of the scientific assessment work has been completed while meeting other Agency requirements, and only a modest additional effort will be needed to complete the review and documentation for IRIS.

The following IRIS health assessments have recently begun or will be started in FY 2001, with completion expected in FY 2003. *It is for these substances that the Agency is primarily requesting information from the public for consideration in the assessments.* Unless otherwise noted, noncancer and cancer endpoints will be assessed for each substance. Pesticides denoted with an asterisk (*) will have only oral reference dose and carcinogenicity endpoints assessed. For all endpoints assessed, both qualitative and quantitative assessments are being developed where information is available.

Name	CAS No.
Acrylamide	79–06–1
Alachlor*	15972–60–8
Asbestos	1332–21–4
Azinphos Methyl*	86–50–0
Bromoxynil*	1689–84–5
Chlorpyrifos*	2921–88–2
Diazinon*	333–41–5
Ethanol	64–17–5
Ethion*	563–12–2
Hexachlorobutadiene	87–68–3
Methanol	67–56–1
Methidathion*	950–37–8
Methyl Parathion*	298–00–0
Metolachlor*	51218–45–2
Polycyclic Aromatic Hydrocarbons (PAHs).	[Various]
Toluene	108–88–3
Triallate*	2303–17–5

Submission of Information

As in previous **Federal Registers** announcing the annual IRIS agenda, EPA is soliciting public involvement in new assessments starting in FY 2001. While EPA conducts a thorough literature search for each chemical substance, there may be other articles or unpublished studies we are not aware of. We would greatly appreciate receiving scientific information from the public during the information gathering stage for the list of "new assessments" listed above. Interested persons should provide scientific comments, analyses, studies, and other pertinent scientific information. The most useful documents for EPA are unpublished studies or other primary technical sources that we may not otherwise obtain through open literature searches. Also note that if you have submitted certain information previously then there is no need to resubmit that information. Information from the public is being solicited for 60 days via this notice.

Procedures for Submission

Similar to the process described in the January 12, 2000, **Federal Register**, submissions will be handled in a three-step process:

1. *Submission Inventory:* First, you should simply provide a list within 60 days of this notice briefly identifying all the information (reports, papers, articles, etc.) you wish to submit. The list should specify by name and CASRN (Chemical Abstract Service Registry Number) the chemical substance(s) to which the information pertains, state the type of assessment that is being addressed (e.g., carcinogenicity), and describe briefly the information to be submitted for consideration. Where possible, documents should be listed in scientific citation format, that is, author(s), title, journal, and date. Your cover letter should state that the correspondence is an IRIS submission, describe in general terms the purpose of the submission, and include names, addresses, and telephone numbers of persons to contact for additional information. Mail two copies of the submission to the IRIS Submission Desk, c/o Courtney R. Johnson, National Center for Environmental Assessment (8601D), U.S. Environmental Protection Agency, Washington, DC 20460.

Alternatively, you may submit the submission inventory and cover letter electronically to IRIS.desk@epa.gov. Electronic information must be submitted in WordPerfect format or as an ASCII file. Information will also be accepted on 3.5" floppy disks. All information in electronic form must be identified as an IRIS submission.

2. *EPA Replies to Submission Inventory:* In the second step, EPA will compare the submission inventory to existing files and identify the information that should be submitted. This step will help prevent an influx of duplicative information. You will receive notification requesting full submission of the selected material.

3. *Full Submission of Selected Material:* In the third step, you should send in the information indicated by EPA within 30 days of EPA's reply. Prompt response to EPA will ensure that your material can be considered in the assessment in a timely fashion. Submittals should include a cover letter addressing all of the points in item 1 above. In addition, when you submit results of new health effects studies concerning existing substances on IRIS, you should include a specific explanation of how and why the study results could change the information in IRIS.

Please send two copies, at least one of which should be unbound, to the IRIS Submission Desk, as described in Step 1. The IRIS Submission Desk will acknowledge receipt of your information.

Confidential Business Information (CBI) should not be submitted to the IRIS Submission Desk. CBI must be submitted to the appropriate EPA Office via established procedures for submission of CBI (see 40 CFR, Part 2, Subpart B). If you believe that a CBI submission contains information with implications for IRIS, please note that in the cover letter accompanying the submission to the appropriate office.

You may also request to augment your submission with a scientific briefing to EPA staff. Such requests should be made directly to Amy Mills, IRIS Program Manager (see **FOR FURTHER INFORMATION**).

Dated: January 18, 2001.

George W. Alapas,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 01–2175 Filed 2–21–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6947–3]

Meeting of the Ozone Transport Commission for the Northeast United States

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency is announcing the 2001 Winter Meeting of the Ozone Transport Commission. This meeting is for the Ozone Transport Commission to deal with appropriate matters within the Ozone Transport Region in the Northeast and Mid-Atlantic States, as provided for under the Clean Air Act Amendments of 1990. This meeting is not subject to the provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended.

DATES: The meeting will be held on March 6, 2001 starting at 9 a.m. (est).

ADDRESSES: The Engineers Club at the Garrett-Jacobs Mansion, 11 West Mount Vernon Place, Baltimore, Maryland 21201; (410) 539–6914.

FOR FURTHER INFORMATION CONTACT: Judith M. Katz, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103; (215) 814–2900.

For Documents and Press Inquiries Contact: Allison R. M. Mitchell, Ozone Transport Commission, 444 North Capitol Street NW., Suite 638, Washington, DC 20001; (202) 508–3840; e-mail: ozone@sso.org; website: http://www.sso.org/otc.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at section 184 provisions for the "Control of Interstate Ozone Air Pollution." Section 184(a) establishes an "Ozone Transport Region" (OTR) comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia.

The Assistant Administrator for Air and Radiation of the Environmental Protection Agency convened the first meeting of the commission in New York

City on May 7, 1991. The purpose of the Ozone Transport Commission is to deal with ground level ozone formation, transport, and control within the OTR.

The purpose of this notice is to announce that this Commission will meet on March 6, 2001. The meeting will be held at the address noted earlier in this notice.

Section 176A(b)(2) of the Clean Air Act Amendments of 1990 specifies that the meetings of the Ozone Transport Commission are not subject to the provisions of the Federal Advisory Committee Act. This meeting will be open to the public as space permits.

Type of Meeting: Open.

Agenda: Copies of the final agenda will be available from Allison R. M. Mitchell of the OTC office (202) 508–3840 (by e-mail: ozone@sso.org or via our website at *http://www.sso.org/otc*) on Tuesday, February 27, 2001. The purpose of this meeting is to review air quality needs within the Northeast and Mid-Atlantic States, including reduction of motor vehicle and stationary source air pollution. The OTC is also expected to address issues related to the transport of ozone into its region, including actions by EPA under sections 110 of the Clean Air Act, and to discuss potential regional emission control measures.

Dated: February 14, 2001.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 01–4400 Filed 2–21–01; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice 43]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB Review; Comment Request; Emergency Clearance.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995, the Export-Import Bank of the United States (Ex-Im Bank) has submitted to the Office of Management and Budget (OMB) a request to review and approve two new information collections described below.

DATES: Comments due on or before March 16, 2001.

SUPPLEMENTARY INFORMATION: This notice is soliciting comments from members of the public concerning the proposed collection of information to (1) evaluate whether the proposed collection is necessary for the paper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (minimize the burden of collection of information on those who are to respond: including through the use of appropriated automated collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

OMB Number: Not yet assigned.

Titles and form numbers: Export-Import Bank of the U.S. Foreign Content Report EIB 01–02 and Export-Import Bank of the U.S. Cause Report EIB 01–02–A.

Type of Review: New collection.

Need and Use: The information requested will create less of a burden on our exporters who currently must certify foreign content for each shipment of goods. With the use of the new forms, Ex-Im Bank will now be documenting the amount of foreign content in transactions through up-front reporting and back-end verification.

Affected Public: Business and other for-profit/not-for-profit institutions, Farms.

Respondents: Entities involved in the export of U.S. goods and services, including exporters, banks, and other non-financial lending institutions that act as facilitators.

Estimated annual respondents: 600.

Estimated time per respondent: 2 hours.

Estimated annual burden: 1,200 hours.

Frequency of response: On occasion.

Copies of these submissions may be obtained from Carlista D. Robinson, Export-Import Bank of the United States, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 565–3351. Comments and recommendations concerning the submissions should be sent to Mr. David Rostker, Office Of Management and Budget, Office of Information and Regulatory Affairs, NEOB, Room 10202, Washington, DC 20503.

Carlista D. Robinson,

Agency Liaison Officer.

[FR Doc. 01–4429 Filed 2–21–01; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

February 8, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before March 26, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to *jboley@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at *jboley@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0182.

Title: Section 73.1620, Program Tests.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit and not-for-profit institutions.

Number of Respondents: 1,416.

Estimated Time Per Response: 1–5 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Total Annual Burden: 1,480 hours.

Total Annual Cost: N/A.

Needs and Uses: The notification to the FCC regarding program tests (Section 73.1620(a)) alerts FCC that station construction is complete and the station is ready to broadcast program material. The notification to UHF translator stations (Section 73.1620(f)) alerts the station that the potential for interference exists. The report to FCC regarding deviations (Section 73.1620(g)) ensures that comparative promises relating to services are not inflated.

OMB Control No.: 3060–0621.

Title: Rules and Requirements for C & F Block Broadband PCS Licenses.

Form No.: FCC Form 175.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, businesses or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 3,000.

Estimated Time Per Response: .50 to 20 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Total Annual Burden: 14,044 hours.

Total Annual Cost: N/A.

Needs and Uses: The Commission's rules require applicants to file information so that the Commission can determine whether the applicant is legally, technically and financially qualified to be licensed and to determine whether the applicant(s) claiming different eligibility statuses are entitled to certain benefits.

OMB Control No.: 3060–0767.

Title: Auction Forms and License Transfer Disclosures—Supplement for the Second Report and Order, Order on Reconsideration, and Fifth Notice of Proposed Rulemaking in CC Docket No. 92–297.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, businesses or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 22,000.

Estimated Time Per Response: .25–3.75 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

Total Annual Burden: 762,000 hours.

Total Annual Cost: $45,333,000.

Needs and Uses: The Commission's rules require small business applicants to submit ownership information and gross revenue calculations, and all applicants must submit joint bidding agreements. In the case of default, the FCC retains the discretion to re-auction such licenses. Finally, licensees transferring licenses within 3 years are required to maintain a file of all documents and contracts pertaining to the transfer. Certification is required for entities dropping out of auction to secure certain ownership interests in participants.

OMB Control No.: 3060–0600.

Title: Application to Participate in a FCC Auction.

Form No.: FCC Form 175.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, businesses or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 11,000.

Estimated Time Per Response: .25 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 2,750 hours.

Total Annual Cost: N/A.

Needs and Uses: This information collection allows the FCC to ascertain whether or not applicants for spectrum have ever been in default on any Commission licenses or have ever been delinquent on any non-tax debt owed to a Federal agency. The information will allow the Commission to determine the amount of the up-front payment to be paid by each applicant and will help ensure that auctions are conducted fairly and efficiently, thereby speeding the flow of payments to the U.S. Treasury and accelerating the provision of wireless service to the public.

OMB Control Number: 3060–0261.

Title: Transmitter Measurements, 47 CFR Section 90.215.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Not-for-profit institutions; Individuals or households; and State, local, or tribal governments.

Number of Respondents: 20,075.

Estimated Time Per Response: 2 mins. (0.033 hrs.).

Frequency of Response: Recordkeeping requirement.

Total Annual Burden: 663 hours.

Total Annual Costs: None.

Needs and Uses: This information collection, 47 CFR section 90.251, requires licensees to measure carrier frequency, output power, and modulation of each transmitter authorized to operate with power in excess of two watts when the transmitter is initially installed and when any changes are made that would likely affect such parameters. This information, which is required to be maintained in the station's records, helps to assure proper operation of transmitters—that the equipment is operating within prescribed tolerances, thereby reducing instances of interference to other users.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4319 Filed 2–21–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, February 27, 2001 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Acting Secretary of the Commission.

[FR Doc. 01–4555 Filed 2–20–01; 3:16 pm]

BILLING CODE 6715–01–M

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 66 FR 10503, February 15, 2001.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 a.m., Wednesday, February 28, 2001.

CANCELLATION OF THE MEETING: Notice is hereby given of the cancellation of the Board of Directors meeting scheduled for February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

James L. Bothwell,
Managing Director.
[FR Doc. 01–4476 Filed 2–20–01; 10:23 am]
BILLING CODE 6725–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011547–013.
Title: Israel Discussion Agreement.
Parties: Farrell Lines, Inc., Zim Israel Navigation Co., Ltd., China Ocean Shipping Company, Mediterranean Shipping Company S.A., A.P. Moller-Maersk Sealand, P&O Nedlloyd Ltd., Turkon Container Transportation and Shipping, Inc.
Synopsis: The amendment changes the name of the agreement from the Israel Discussion Agreement to the Eastern Mediterranean Discussion Agreement; adds Egypt and Turkey to the geographic scope; deletes the U.S. Great Lakes from the geographic scope; deletes the Israel Trade Conference as a party; and restates the agreement.

Agreement No.: 011675–004.
Title: SEN/EMC Slot Charter Agreement.
Parties: Senator Lines GmbH, Evergreen Marine Corp. (Taiwan) Ltd.
Synopsis: The agreement revises the slot allocations and the minimum notice period for termination.

Agreement No.: 011737–001.
Title: The MCA Agreement.
Parties: Crowley Liner Services, Inc., Cho Yang Shipping Co., Ltd., CMA CGM S.A., Compania Chilena De Navegacion Interoceanica S.A., Mexican Line Limited, Lykes Lines Limited, LLC, Tecmarine Lines, Inc., Tropical Shipping & Construction Co., Ltd., Allianca Navegacao E. Logistica Ltda.
Synopsis: The proposed amendment adds Allianca Navegacao E. Logistica Ltda. as a party to the agreement. The parties request expedited review.

Agreement No.: 011743–001.
Title: Global Transportation Network Agreement.
Parties: American President Lines, Ltd., APL Co. PTE Ltd., CP Ship Holding, Inc., Crowley Marine Corporation, Hanjin Shipping Co., Ltd., Hyundai Merchant Marine Co., Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Senator Lines GmbH, Wan Hai Lines, Ltd., Yangming Marine Transport Corp., Zim Israel Navigation Company.
Synopsis: The proposed agreement modification adds Wan Hai Lines as a participating carrier in the agreement. The parties request expedited review.

Agreement No.: 011747.
Title: K-Line/HJS All Water Pendulum (Asia-USEC) Slot Charter Agreement.
Parties: Kawasaki Kisen Kaisha, Ltd., Hanjin Shipping Co., Ltd.
Synopsis: The slot charter agreement permits Hanjin to charter space to Kawasaki in the trade between and ports in Asia and points in the Eastern United States via U.S. West Coast ports.

Agreement No.: 011748.
Title: Lauritzen/Hoegh Agreement.
Parties: J. Lauritzen A/S, Leif Hoegh & Co. ASA.
Synopsis: The agreement authorizes the parties, along with specified subsidiaries, to enter into certain arrangements that are ancillary to the purchase of Cool Carriers by Lauritzen. Foremost among the arrangements is a non-compete provision. The agreement will remain in effect until January 1, 2004.

Agreement No.: 011749.
Title: YMUK/HJS Slot Allocation and Sailing Agreement.
Parties: Hanjin Shipping Co., Ltd., Yangming (UK) ltd.
Synopsis: The proposed agreement allows each party to purchase 150 TEUs of space on the other party's vessels in the trade between the U.S. Pacific Coast and Asia.

Agreement No.: 201115.
Title: NY–NJ/Chilean Line Containerized Banana Volume Incentive Agreement.
Parties: Port Authority of New York and New Jersey CSAV—Chilean Line Inc.
Synopsis: The proposed agreement concerns the terms and conditions of a banana import incentive program. The agreement covers program shipments moved by CSAV during the period June 1, 1997 through May 31, 1999.

By Order of the Federal Maritime Commission.

Dated: February 16, 2001.
Bryant L. VanBrakle,
Secretary.
[FR Doc. 01–4422 Filed 2–21–01; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicant

Notice is hereby given that the following applicant has filed with the Federal Maritime Commission an application for license as Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicant should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicant: Bianca R. Lopez, 227 W. Grand Avenue, El Segundo, CA 90245, Sole Proprietor.

Dated: February 16, 2001.
Bryant L. VanBrakle,
Secretary.
[FR Doc. 01–4421 Filed 2–21–01; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of December 19, 2000

In accordance with § 71.5 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on December 19, 2000.[1]

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. To further its long-run objectives, the Committee in the immediate future seeks conditions in reserve markets consistent with maintaining the federal funds rate to an average of around 6-1/2 percent.

[1] Copies of the Minutes of the Federal Open Market Committee meeting of December 19, 2000, which include the domestic policy directive issued at that meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

By order of the Federal Open Market Committee, February 2, 2001.

Donald L. Kohn,
Secretary, Federal Open Market Committee.
[FR Doc. 01–4338 Field 2–21–01; 8:45 am]
BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of January 3, 2001

In accordance with § 71.5 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on January 3, 2001.[1]

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. To further its long-run objectives, the Committee in the immediate future seeks conditions in reserve markets consistent with a reduction of the federal funds rate to an average of around 6 percent.

By order of the Federal Open Market Committee, February 2, 2001.

Donald L. Kohn,
Secretary, Federal Open Market Committee.
[FR Doc. 01–4339 Field 2–21–01; 8:45 am]
BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality (AHRQ)

Statement of Organization, Functions, and Delegations of Authority

Part E, Chapter E (Agency for Healthcare Research and Quality), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (61 FR 15955–58, April 10, 1996, most recently amended at 66 FR 7653 on January 24, 2001) is further amended as follows:

Under *Section E–20. Functions:*

A. Within the statement for the *Division of Human Resource Management (EAA6):*

1. Delete "and organization" in the first sentence;

2. Insert "and" before (3); and

3. Delete (4) and (5).

B. Delete the title and statement for the *Division of Research Synthesis and Translation (EAF4);* and

C. Delete the title and statement for the *Division of User Liaison (EAF5)* and replace with the following:

Division of User Liaison and Research Translation (EAF5). Facilitates the synthesis, translation, and dissemination of existing research findings, data and activities—particularly in research areas to which AHRQ has made substantial contributions—to selected AHRQ stakeholders. Specifically: (1) Coordinates and supports development of speeches and other presentations made by the AHRQ Director; (2) develops research syntheses focused on issues of importance to health systems administrators, large health care purchasers, State and local health policymakers, and others interested in health services research; (3) plans and conducts workshops and seminars to provide research findings and related information to State and local health policymakers to allow them to make better informed health care policy decisions; (4) drafts articles, briefing sheets, and other analytic documents that synthesize and analyze particular topics and issues in health services research or pertaining to agency activities; (5) coordinates and supports ongoing improvement and maintenance of the Agency's research database system; (6) maintains liaison with State and local government organizations, public policy organizations, and with the research community and receives and appropriately transmits information which may impact the Agency's research plan and priority setting process; and (7) develops and implements mechanisms to identify and contact potential users of research findings and related information.

These changes are effective upon date of signature.

Dated: February 12, 2001.
John M. Eisenberg,
Director.
[FR Doc. 01–4375 Filed 2–21–01; 8:45 am]
BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Competitive Supplemental Funds For Comprehensive STD Prevention Systems: Monitoring STD Prevalence and Reproductive Health Services For Adolescent Women in Special Settings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Competitive Supplemental Funds For Comprehensive STD Prevention Systems: Monitoring STD Prevalence and Reproductive Health Services For Adolescent Women in Special Settings, Program Announcement #99000–K, meeting.

Times and Date: 9 a.m.–9:30 a.m., March 8, 2001 (Open).
9:30 a.m.–4:30 p.m., March 8, 2001 (Closed).

Place: National Center for HIV, STD, and TB Prevention, CDC, 8 Corporate Square Blvd, Conference Room 1A, Atlanta, Georgia 30329.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Deputy Director for Program Management, CDC, pursuant to Public Law 92–463..

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99000–K.

Contact Person for More Information: Elizabeth A. Wolfe, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 8 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 14, 2001.
Carolyn J. Russell,
Director, Management Analysis and Services Office, Centers for Disease Control and Prevention CDC.
[FR Doc. 01–4364 Filed 2–21–01; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0058]

Guidance on Applying the Structure/Function Rule; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is requesting comments on the types of information that should be included in a guidance on applying the regulations on statements made for dietary supplements concerning the effect of the product on the structure or function of the body. This action is being taken to assist the agency in preparing a guidance that will be optimally useful for industry and other interested persons.

DATES: Submit written comments on the topics for the proposed guidance by May 23, 2001.

ADDRESSES: Submit written comments on the topics for the proposed guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Copies of this document are available on the Internet at http://vm.cfsan.fda.gov/~dms/ds-ind.html.

FOR FURTHER INFORMATION CONTACT: Rose E. Cunningham, Center for Drug Evaluation and Research (HFD–6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5468.

SUPPLEMENTARY INFORMATION:

I. Background

The Dietary Supplement Health and Education Act (DSHEA) authorizes manufacturers of dietary supplements to claim effects on the "structure or function" of the body, but not to make claims to mitigate, treat, prevent, cure, or diagnose disease (21 U.S.C. 343(r)(6)). To explain how this part of DSHEA was to be implemented, FDA published the "structure/function rule" on January 6, 2000 (65 FR 1000) (§ 101.93(f) and (g) (21 CFR 101.93(f) and (g))). This rule distinguishes between disease claims, which create a requirement that evidence of safety and efficacy be presented to the agency before marketing, and structure/function claims, which do not create such a requirement. In the preamble to that final rule, FDA stated that it would publish guidance on applying the rule. FDA is seeking public comment on the topics that should be included in the guidance.

II. Description of the Guidance

In the preamble to the structure/function rule, FDA stated that it would provide, through guidance, examples of labeling claims that would and would not be considered disease claims under the rule, including examples of product names. FDA also stated that it would issue guidance, if necessary, on the citation of a publication or a reference implying the treatment or prevention of a disease (§ 101.93(g)(2)(iv)(C)). The agency invites comments on whether guidance on this topic is necessary. Because issues pertaining to the substantiation of structure/function claims are outside the scope of the rule (see 65 FR 1000 at 1032), the agency does not plan to address such issues in the guidance that is the subject of this notice. However, the agency does plan to issue a separate guidance on the substantiation of claims.

III. Request for Comments

FDA invites all interested parties to comment on the topics to be included in the guidance, to suggest additional topics for inclusion in the guidance, and to address any other issue appropriate for this guidance. Interested persons may submit to the Dockets Management Branch (address above) written comments by May 23, 2001. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 15, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–4374 Filed 2–21–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1315]

Guidance for Industry on How to Use E–Mail to Submit Information to the Center for Veterinary Medicine; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance for industry (#108) entitled "How to Use E–Mail to Submit Information to the Center for Veterinary Medicine" (CVM). This guidance provides guidelines on how to submit information to CVM as an e-mail attachment by Internet. These electronic submissions are part of CVM's ongoing initiative to provide a method for paperless submissions. This guidance implements provisions of the Government Paperwork Elimination Act (GPEA).

DATES: Submit written comments at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments on the guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Janis R. Messenheimer, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7578, e-mail: jmessenh@cvm.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 29, 2000 (65 FR 40109), FDA published the notice of availability of the draft guidance entitled "How to Use E–Mail to Submit information to the Center for Veterinary Medicine" giving interested persons until August 28, 2000, to submit comments. We received no comments.

In the **Federal Register** of March 20, 1997 (62 FR 13430), FDA published the electronic records; electronic signatures regulation. This rule in part 11 (21 CFR part 11) provides for the voluntary submission of parts, or all, of regulatory records in electronic format without an accompanying paper copy. This rule also established public docket number 97S–0251 to provide a permanent location for a list of the documents or parts of documents that are acceptable for submission in electronic form without paper records and the agency units to which such submissions may be made. CVM will identify in this public docket the types of documents which may be submitted in electronic form. In addition, CVM will identify those documents in guidances or regulations. This docket is accessible on the Internet at http://www.fda.gov/ohrms/dockets/dockets/92s0251/92s0251.htm. The GPEA of 1998 (Public Law 105–277) requires Federal agencies, by October 21, 2003, to provide: (1) For the option of the electronic maintenance, submission, or disclosure of information, if practicable, as a substitute for paper; and (2) for the use and acceptance of electronic signatures, when practicable.

CVM accepts certain types of submissions by e-mail with no requirement for a paper copy. These types of documents are listed in public docket 97S–0251 as required by § 11.2. CVM's ability to receive and process information submitted electronically is limited by its current information technology capabilities and the requirements of the electronic records; electronic signatures regulation. This guidance outlines general standards that should be used for the successful electronic submission of any information by e-mail.

II. Significance of Guidance

This Level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The guidance represents the agency's current thinking about using e-mail to submit information electronically. The document does not create or confer any rights for or on any person and will not operate to bind FDA or the public. Alternative methods may be used as long as they satisfy the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

In the notice announcing the availability of the draft version of this guidance, FDA published notice of the proposed collection of information related to the guidance. The **Federal Register** notice also requested comments on the burden estimates for the guidance documents. No comments were received on the estimated annual reporting burden. The annual reporting burden estimate of 140 hours therefore remains unchanged. In the **Federal Register** of September 21, 2000 (65 FR 57192), the agency announced that it was submitting the collection of information to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. The information collection provisions related to this guidance document have been approved under OMB control number 0910–0453. This approval expires November 30, 2003. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

IV. Electronic Access

Persons with access to the Internet may obtain the document at http://www.fda.gov/cvm.

V. Comments

As with all of FDA's guidances, the public is encouraged to submit written comments with new data or other new information pertinent to this guidance. FDA will periodically review the comments in the docket and, where appropriate, will amend the guidance. The agency will notify the public of any such amendments through a notice in the **Federal Register**.

Interested persons may, at any time, submit written comments on the guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 14, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–4313 Filed 2–21–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1314]

Guidance for Industry on How to Use E–Mail to Submit a Notice of Intent to Slaughter for Human Food Purposes; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance for industry (#87) entitled "How to Use E–Mail to Submit a Notice of Intent to Slaughter for Human Food Purposes." The purpose of this document is to provide guidance to new animal drug sponsors (sponsors) on how to submit an electronic notice of intent to slaughter for human food purposes (slaughter notices) to the Center for Veterinary Medicine (CVM) and the U.S. Department of Agriculture (USDA). This electronic submission is part of CVM's ongoing initiative to provide a method for paperless submissions. This guidance implements provisions of the Government Paperwork Elimination Act (GPEA).

DATES: Submit written comments at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Janis R. Messenheimer, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7578, e-mail: jmessenh@cvm.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 29, 2000 (65 FR 40106), FDA published the notice of availability of the draft guidance entitled "How to Use E–Mail to Submit a Notice of Intent to Slaughter for Human Food Purposes." Interested persons were given until August 28, 2000, to submit comments. FDA received no comments.

In the **Federal Register** of March 20, 1997 (62 FR 13430), FDA published the electronic records; electronic signatures regulation. This regulation (21 CFR part 11) provides for the voluntary submission of parts or all of regulatory records in electronic format without an accompanying paper copy. This rule also established public docket number 92N–0251 to provide a permanent location for a list of the documents or parts of documents that are acceptable for submission in electronic form without paper records and the agency units to which such submissions may be made. CVM will identify in this public docket the types of documents which may be submitted in electronic form, as an e-mail attachment by Internet, as those documents are identified in final guidance or regulations. This docket is accessible on the Internet at http://

www.fda.gov/ohrms/dockets/dockets/92s0251/92s0251.htm.

The electronic submission of slaughter notices is part of CVM's ongoing initiative to provide a method for paperless submissions. The final guidance implements provisions of the GPEA. The GPEA of 1998 (Public Law 105–277) requires Federal agencies, by October 21, 2003, to provide: (1) For the option of the electronic maintenance, submission, or disclosure of information, if practicable, as a substitute for paper; and (2) for the use and acceptance of electronic signatures, when practicable.

Section 512(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(b)(j)) gives FDA the authority to issue regulations setting out conditions for marketing animals treated with investigational new animal drugs for food use. Under this authority, FDA issued § 511.1(b)(4) (21 CFR 511.1(b)(4)), which requires that sponsors obtain authorization to slaughter these animals for use as human food. Under § 511.1(b)(5), CVM issues to sponsors a slaughter authorization letter that sets the terms under which the animals treated with investigational new animal drugs may be slaughtered. USDA also monitors the slaughter of animals treated with investigational new animal drugs under the authority of the Meat Inspection Act (21 U.S.C. 601–95). To assist CVM and USDA with this monitoring, the slaughter authorization states that sponsors must submit slaughter notices each time such animals are to be slaughtered unless CVM waives the notice in the authorization letter. Currently, slaughter notices are submitted to CVM on paper. This guidance will give sponsors the option to submit a slaughter notice as an e-mail attachment to CVM and USDA by the Internet.

Before submitting slaughter notices by e-mail, sponsors should first register and follow the instructions in the guidance for industry (#108) entitled "How to Use E–mail to Submit Information to the Center for Veterinary Medicine."

II. Significance of Guidance

This Level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The guidance represents the agency's current thinking about using e-mail to submit a slaughter notice. This guidance does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

In the notice announcing the availability of the draft version of this guidance, FDA published a notice of the proposed collection of information related to the guidance. The **Federal Register** notice also requested comments on the burden estimates for the guidance documents. No comments were received on the estimated annual reporting burden. The annual reporting burden estimate of 27 hours therefore remains unchanged. In the **Federal Register** of September 21, 2000 (65 FR 57192), the agency announced that it was submitting the collection of information to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. The information collection provisions related to this guidance document have been approved under OMB control number 0910–0450. This approval expires November 30, 2003. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

IV. Electronic Access

Persons with access to the Internet may obtain the document at http://www.fda.gov/cvm.

V. Comments

As with all of FDA's guidances, the public is encouraged to submit written comments with new data or other new information pertinent to this guidance. FDA will periodically review the comments in the docket and, where appropriate, will amend the guidance. The agency will notify the public of any such amendments through a notice in the **Federal Register**.

Interested persons may, at any time, submit written comments on the guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 14, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–4419 Filed 2–21–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0005]

Draft Guidance for Industry on Labeling Over-the-Counter Human Drug Products; Updating Labeling in ANDA's; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled "Labeling Over-the-Counter Human Drug Products; Updating Labeling in ANDA's." This draft guidance is intended to assist manufacturers, packers, and distributors of over-the-counter (OTC) drug products marketed under abbreviated new drug applications (ANDA's) and manufacturers of reference listed drugs (RLD's) to implement the agency's regulation on standardized content and format requirements for the labeling of OTC drug products.

DATES: Submit written comments on the draft guidance for industry by April 23, 2001.

ADDRESSES: Copies of the draft guidance for industry are available on the Internet at http://www.fda.gov/cder/guidance/index.htm. Submit written requests for single copies of the draft guidance to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your request. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Gerald M. Rachanow, Center for Drug Evaluation and Research (HFD–560), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2222.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a draft guidance for industry entitled "Labeling OTC Human Drug Products; Updating Labeling in ANDA's." This is one of several guidances the agency is developing to help manufacturers, packers, and distributors implement the recently issued final rule establishing standardized content and format requirements for the labeling of all OTC drug products. Once finalized, these guidances will supersede all other statements, feedback, and correspondence provided by the agency on these matters since the issuance of the final rule.

In the **Federal Register** of March 17, 1999 (64 FR 13254), FDA published a final rule establishing standardized content and format requirements for the labeling of OTC drug products. This rule is intended to standardize labeling for all OTC drug products so consumers can easily read and understand OTC drug product labeling and use these products safely and effectively.

The regulation for this new standardized labeling requires manufacturers to present OTC drug labeling information in a prescribed order and format. This new format will require revision of all existing labeling.

Following issuance of the final rule, the agency received several inquiries from manufacturers of generic OTC drug products seeking guidance on whether they may convert products to the new labeling format before the applicable innovator (or RLD) product revises its labeling. This guidance addresses those inquiries.

Generally, the agency believes manufacturers of generic OTC drug products (i.e., products marketed under ANDA's) need not wait to implement the new labeling format until after the RLD holder has submitted its labeling. This guidance is intended to facilitate the updating of labeling in ANDA's to meet the new OTC drug products format requirement. Accordingly, the agency has developed labeling examples as guidance for manufacturers to follow. Two such labeling examples are attached to the draft guidance. The additional labeling examples that the agency proposes to develop will be made available for review in this docket and at the Internet site referenced in this draft guidance before the close of the comment period.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The draft guidance represents the agency's current thinking on updating labeling in ANDA's consistent with the new OTC drug products standardized labeling content and format. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such an approach satisfies the requirements of the applicable statutes and regulations.

Interested persons may, on or before April 23, 2001, submit written comments on the draft guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 8, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–4312 Filed 2–21–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0059]

Draft Guidance for Industry on Separate Marketing Applications and Definition of Clinical Data for Purposes of Assessing User Fees; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled "Separate Marketing Applications and Clinical Data for Purposes of Assessing User Fees." This draft guidance revises a procedural guidance entitled "Attachment E—Interim Guidance: Separate Marketing Applications and Clinical Data for Purposes of Assessing User Fees Under the User Fee Act of 1992" issued in July 1993 (the July 1993 interim guidance), which provided guidance on the agency's policy on "bundling" applications and a definition of "clinical data" for user fee purposes. This draft guidance deletes two appendices in the July 1993 interim guidance and directs readers to the agency publication entitled "Approved Drug Products with Therapeutic Equivalence Evaluations" (the Orange Book) for a listing of routes of administration and dosage forms.

DATES: Submit written comments on this draft guidance by March 26, 2001. General comments are welcome at any time.

ADDRESSES: Copies of this draft guidance for industry are available on the Internet at http:/www.fda.gov/cder/guidance and http:/www.fda.gov/cder/pdufa/default.htm. Submit written requests for single copies of the draft guidance entitled "Separate Marketing Applications and Clinical Data for Purposes of Assessing User Fees" to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. The document may also be obtained by fax by calling the FAX Information System at 1–888–CBER–FAX or 301–827–3844. Send one self-addressed adhesive label to assist the office in processing your request. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Michael D. Jones, Center for Drug Evaluation and Research (HFD–5), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041, FAX 301–827–5562, or

Carla A. Vincent, Center for Biologics Evaluation and Research (HFM–110), 1401 Rockville Pike, Rockville, MD 20852, 301–827–3503, FAX 301–827–2875.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a draft guidance for industry entitled "Separate Marketing Applications and Clinical Data for Purposes of Assessing User Fees." This draft guidance revises the July 1993 interim guidance.

The agency is deleting from the 1993 interim guidance the list of routes of administration in appendix A and dosage forms in appendix B.

FDA is deleting appendices A and B so that the guidance reflects current agency policy, as developed over the past few years (see Docket Nos. 93P–0421, 95P–0262, 96P–0317, and 96P–0459). Among other things, in the review of abbreviated new drug applications, the Center for Drug Evaluation and Research generally has not considered different mechanisms of release, particularly for suppository, delayed, and controlled release products, as different dosage forms.

Instead, the draft guidance refers readers to the Orange Book appendix C, "Uniform Terms." Although the Orange Book appendix C is not binding on the agency or industry, it does serve as informal guidance on what the "same" or "identical" dosage form or route of administration would be.

The draft guidance also updates the July 1993 interim guidance for consistency with the agency's good guidance practices (GGP's) regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The agency anticipates making additional revisions to this procedural guidance in the future.

This Level 1 draft guidance is being issued consistent with FDA's GGP's. The draft guidance represents the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations. The draft guidance will be updated as appropriate.

Interested persons may submit to the Dockets Management Branch (address above) written comments on the draft guidance at any time. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 13, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–4311 Filed 2–21–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–03]

Notice of Proposed Information Collection: Comment Request; Management Reviews of Multifamily Projects

AGENCY: Office of the Assistance Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Building, Room 8202, Washington, DC 20410, telephone (202) 708–5221 (this is not a toll-free number) for copies of the proposed forms and other available information.

FOR FURTHER INFORMATION CONTACT: Beverly J. Miller, Director, Policy and Participation Standards Division, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone number (202) 708–3000, (this is not a toll-free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1955 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Management Reviews of Multifamily Projects.

OMB Control Number, if applicable: 2502–0178.

Description of the need for the information and proposed use: The form is completed by HUD staff and Contractor Administrators gathering and recording information during an on-site review of the project operations.

Agency form numbers, if applicable: Form HUD–9834.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents for HUD staff and Contract Administrators is 1,120; the frequency of response is 1, estimated time to prepare form is approximately 4 hours; and the estimated total annual burden hours are 4,480.

Status of the proposed information collection: Reinstatement with change of previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 13, 2001.

Wayne Eddins,

Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–4384 Filed 2–21–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–04]

Notice of Proposed Information Collection: Comment Request; Minimum Property Standards for Housing

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–6409 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Minimum Property Standards for Housing.

OMB Control Number, if applicable: 2502–0321.

Description of the need for the information and proposed use: Section 304(a)(3) of the Housing and Urban Rural Recovery Act of 1983, permits the Secretary of the Department of Housing and Urban Development to assist properties that comply with State and local codes which are the equivalent to model building codes. This Act makes the Secretary responsible for determining equivalence.

Agency form numbers, if applicable: HUD Handbook 4910.1.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: An estimation of the total number of hours needed to prepare the information collection is 10,800, the number of respondents is approximately 1,350, frequency of response is once a year, and the hours per response is 8 hours.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 13, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–4385 Filed 2–21–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–05]

Notice of Proposed Information Collection: Comment Request; Use of Materials Bulletins Used in the HUD Building Products Standards and Certification Program

AGENCY: Office of Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Cocke, Acting Director, Officer of Consumer and Regulatory Affairs, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–6409 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. This Notice also lists the following information:

Title of Proposal: Use of Materials Bulletins Used in the HUD Building Products Standards and Certification Program.

OMB Control Number, if applicable: 2502–0526.

Description of the need for the information and proposed use: This proposed rule would adopt a number of Use of Material Bulletins (UM's) and references related to national voluntary consensus standards in accordance with OMB Circular 119A. This includes supplements to the HUD Building product Standards and Certification Program.

Agency form numbers, if applicable: None.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: An estimation of the total number of hours needed to prepare the information collection is 400, the number of respondents is 20, the frequency of response is on occasion, and hours per response is approximately 20 hours.

Status of the proposed information collection: Extension of a previously approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 13, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–4386 Filed 2–21–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–15]

Notice of Submission of Proposed Information Collection to OMB Prospectus

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 26, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2503–0018) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Prospectus.

OMB Approval Number: 2503–0018.

Form Numbers: HUD–11712, 11712–11, 11717, 11717–11, 1724, 11728, 11728–11, 1731, 1734, 11747, 11747–11, 11772–11.

Description of the Need for the Information and its Proposed Use: GNMA is authorized to guarantee the timely payment of principal and interest on securities which are based on or backed by a pool composed of mortgages insured by the FHA. Forms are used to provide a standard format for the description of securities for each type of mortgage eligible for inclusion in a mortgage-backed securities pool. Since each type of mortgage has different characteristics, it is necessary to have separate prospectuses for each program.

Respondents: Business or other for-profit, Federal Government.

Frequency of Submission: On occasion.

Reporting Burden

No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
655		48		0.25		7,885

Total Estimated Burden Hours: 7,885.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 13, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–4387 Filed 2–21–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Final Recovery Plan for Thirteen Plant Taxa From the Northern Channel Islands

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of a final recovery plan for 13 plant taxa from the northern Channel Islands, California. These taxa include 11 plants listed as endangered, Hoffmann's rock-cress (*Arabis hoffmannii*), Santa Rosa Island manzanita (*Arctostaphylos confertiflora*), island barberry (*Berberis pinnata* ssp. *insularis*), soft-leaved paintbrush (*Castilleja mollis*), island bedstraw (*Galium buxifolium*), Hoffmann's slender-flowered gilia (*Gilia tenuiflora* ssp. *hoffmannii*), Santa Cruz Island bushmallow (*Malacothamnus fasciculatus* var. *nesioticus*), Santa Cruz Island malacothrix (*Malacothrix indecora*), island malacothrix (*Malacothrix squalida*), island phacelia (*Phacelia insularis* var. *insularis*), and Santa Cruz Island fringepod (*Thysanocarpus conchuliferus*) and two plants listed as threatened, Santa Cruz Island dudleya (*Dudleya nesiotica*) and island rush-rose (*Helianthemum greenei*). These threatened and endangered plants are native to Anacapa, San Miguel, Santa Rosa, Santa Cruz, and Santa Catalina Islands. To assure their recovery, they require control of introduced herbivores and weeds, habitat restoration, and reintroduction measures.

ADDRESSES: Recovery plans that have been approved by the U.S. Fish and Wildlife Service are available on the World Wide Web at http://www.r1.fws.gov. Recovery Plans may also be obtained from: Fish and Wildlife Reference Service, 5430 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814, 301/429–6403 or 1–800–582–3421. The fee for the plan varies depending on the number of pages of the plan.

FOR FURTHER INFORMATION CONTACT: Tim Thomas, Fish and Wildlife Biologist, Barstow Field Sub-Office of the U.S. Fish and Wildlife Service, 222 East Main Street, Suite 202, Barstow CA 92311, (phone 760/255–8890).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U. S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, we are working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act as amended in 1988 requires that public notice and an opportunity for public review and comment be provided during recovery plan development. Information presented during the public comment period has been considered in the preparation of the final recovery plan, and is summarized in the appendix to the recovery plan. We will forward substantive comments regarding recovery plan implementation to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions.

All 13 plant taxa covered in this recovery plan are endemic to the northern Channel Islands (Anacapa, Santa Cruz, Santa Rosa, and San Miguel), with the exception of a few populations of island rush-rose that occur on the more southerly island of Santa Catalina. These plants occur in a variety of habitats: coastal terrace, coastal bluff scrub, coastal sage scrub, and chaparral. All 13 plant taxa and their habitats have been variously affected or are currently threatened by one or more of the following: soil loss; historic and continuing habitat alteration by mammals alien to the Channel Islands (pigs, goats, sheep, donkeys, cattle, deer, elk, horses, bison); direct predation by these same alien mammals; habitat alteration by native seabirds; competition with alien plant taxa; and increased vulnerability to extinction due to reduced genetic viability, depressed reproductive vigor, and the chance of extinction from random naturally occurring events because of small numbers of individuals and isolated populations.

The objective of this plan is to conserve the plants so that protection by the Act is no longer necessary. Actions necessary to accomplish this objective include active control programs for introduced animals, implementation of an interagency Conservation Strategy, habitat restoration and weed control, surveys, conservation research, seed storage in cooperating facilities, and development of techniques for germination, propagation, and outplanting.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: February 15, 2001.

Michael J. Spear,

Manager, California/Nevada Operations Office, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 01–4365 Filed 2–21–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Mitten Crab Control Committee Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Aquatic Nuisance Species (ANS) Task Force Mitten Crab Control Committee. The meeting topics are identified in the **SUPPLEMENTARY INFORMATION**.

DATES: The Mitten Crab Control Committee will meet from 9 a.m. to 4:30 p.m., Tuesday, March 6, 2001.

ADDRESSES: The Mitten Crab Control Committee Meeting will be held in the Pavilion Room at the Radisson Hotel, 500 Leisure Lane, Sacramento, California.

FOR FURTHER INFORMATION CONTACT: Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force, at 703–358–2308 or by e-mail at sharon_gross@fws.gov or Kim Webb, Mitten Crab Control Committee Chair, at 209–946–6400.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Aquatic Nuisance Specifies Task Force Mitten Crab Control Committee. The ANS Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

Topics to be covered during the Mitten Crab Control Committee meeting include: a review of the life history of the mitten crab, a description of the California invasion, a review of the draft management plan, an update of the current status, and a discussion of Committee actions to further develop a comprehensive management plan.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 810, 4401 North Fairfax Drive, Arlington, Virginia 22203–1622, and will be available for public inspection during regular business hours, Monday through Friday.

Dated: February 14, 2001.

Cathleen I. Short,

Co-Chair, Acquatic Nuisance Species Task Force, Assistance Director—Fisheries and Habitat Restoration.

[FR Doc. 01–4359 Filed 2–21–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Addition to Ninigret National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Director of the U.S. Fish and Wildlife Service has approved the 114 acre expansion of the Ninigret National Wildlife Refuge.

DATES: This action was effective on February 9, 2001.

FOR FURTHER INFORMATION CONTACT: Andrew French, Chief, Division of Realty, U.S. Fish and Wildlife Service, 2nd Floor, 300 Westgate Center Drive, Hadley, Massachusetts. Telephone 413–253–8590.

SUPPLEMENTARY INFORMATION: This property has been identified as the preferred site for the proposed Rhode Island National Wildlife Complex visitor center. The property is also within the boundary of all the proposed alternatives of the draft Comprehensive Conservation Plan currently proposed for the Rhode Island Complex.

Based on the information contained in the decision document, a categorical exclusion was signed on December 20, 2000, by the Regional Director.

Dated: February 9, 2001.

Marshall P. Jones, Jr.,

Acting Director.

[FR Doc. 01–4356 Filed 2–21–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Notice of Proposed Cooperative Research and Development Agreement (CRADA) Negotiations Under the Technology Transfer Act of 1986

SUMMARY: The United States Geological Survey (USGS) is contemplating entering into a Cooperative Research and Development Agreement (CRADA) with Schering-Plough Animal Health Corporation to seek U.S. Food and Drug Administration approval of the antibacterial florfenicol for use in public and private aquaculture.

Inquiries: If any other parties are interested in similar activities with the USGS, please contact: William H. Gingerich, 2630 Fanta Reed Road, La Crosse, Wisconsin 54603; Telephone 608–783–6451; Internet "bill_gingerich@usgs.gov".

SUPPLEMENTARY INFORMATION: This notice is to meet the USGS requirement stipulated in the Survey Manual.

Susan Haseltine,
Chief Scientist for Biology.
[FR Doc. 01–4412 Filed 2–21–01; 8:45 am]
BILLING CODE 4310–47–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–500–0777–XG–252Z]

Front Range Resource Advisory Council (Colorado) Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C. Appendix, notice is hereby given that the next meeting of the Front Range Resource Advisory Council (Colorado) will be held on March 8 in Canon City, Colorado. The meeting is scheduled to begin at 9:15 a.m. at the Holy Cross Abbey Community Center, 2951 E. Highway 50, Canon City, Colorado. Topics will include a discussion on RAC operations and coordination and an update on the Arkansas River Water Needs Assessment and Arkansas Headwaters Management Plan. All Resource Advisory Council meetings are open to the public. Interested persons may make oral statements to the Council at 9:30 a.m. or written statements may be submitted for the Council's consideration. The Center Manager may limit the length of oral presentations depending on the number of people wishing to speak.

DATES: The meeting is scheduled for Thursday, March 8, 2001 from 9:15 a.m. to 4 p.m.

ADDRESSES: Bureau of Land Management (BLM), Front Range Center, 3170 East Main Street, Canon City, Colorado 81212.

FOR FURTHER INFORMATION CONTACT: Ken Smith at (719) 269–8500.

SUPPLEMENTARY INFORMATION: Summary minutes for the Council meeting will be maintained in the Canon City Center and will be available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting.

Dated: February 9, 2001.

Levi Deike,
Front Range Center Manager.
[FR Doc. 01–4315 Filed 2–21–01; 8:45 am]
BILLING CODE 4310–JB–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–700–01–1220–AL–1784]

Southwest Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; Southwest Resource Advisory Council meeting.

SUMMARY: Notice is hereby given that the Southwest Resource Advisory Council (Southwest RAC) will meet in April, 2001 in Durango, Colorado.

DATES: The meeting will be held on Thursday, April 12, 2001.

ADDRESSES: For additional information, contact Roger Alexander, Bureau of Land Management, 2465 South Townsend Avenue, Montrose, Colorado 81401; phone 970.240.5335; e-mail roger_alexander@co.blm.gov.

SUPPLEMENTARY INFORMATION: The April 12, 2001 meeting will be held at the San Juan Public Lands Center, Sonoran Rooms A & B, 15 Burnett Court in Durango, Colorado. The meeting will begin at 9 a.m. and end no later than 4:30 p.m. The agenda will include a presentation on BLM's oil and gas program responsibilities and RAC business items for 2001. General public comment is scheduled for 9:15 a.m.

Summary minutes for Council meetings are maintained at BLM's Western Slope Center office in Montrose and on the internet at *http://www.co.blm.gov/swrac/swrac.htm* and are available for public inspection and reproduction within thirty (30) days following each meeting.

Dated: February 9, 2001.

Roger Alexander,
Public Affairs Specialist.
[FR Doc. 01–4316 Filed 2–21–01; 8:45 am]
BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–020–1310–00]

Notice of Intent for Planning Analyses

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Intent for Planning Analyses.

SUMMARY: The Jackson Field Office, Eastern States, will prepare Planning Analyses (PA) for consideration of leasing several scattered tracts of Federal mineral estate for oil and gas exploration and development. The PAs will be prepared in concert with Environmental Analyses (EA).

This notice is issued pursuant to Title 40 Code of Federal Regulations (CFR) 1501.7 and Title 43 CFR 1610.2(c). The planning effort will follow the procedures set forth in 43 CFR Part 1600.

The public is invited to participate in this planning process, beginning with the identification of planning issues and criteria.

DATES: Comments relating to the identification of planning issues and criteria will be accepted for thirty days from the date of this publication.

ADDRESSES: Send comments to Bureau of Land Management. Jackson Field Office, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39206.

FOR FURTHER INFORMATION CONTACT: Quazi T. Islam, Physical Scientist, Jackson Field Office, (601) 977–5400.

SUPPLEMENTARY INFORMATION: The BLM has responsibility to consider applications to lease Federal mineral estate for oil and gas exploration and development. An interdisciplinary team will be used in the preparation of the PA/EAs. Preliminary issues, subject to change as a result of public input, are (1) potential impacts of oil and gas exploration and development on the surface resources and (2) consideration of restrictions on lease rights to protect surface resources. A separate analysis will be prepared for all tracts within each state. Tract locations, along with acreages, are listed below.

Alabama, Tuscaloosa County, Huntsville Meridian,

T 18 S, R 8 W, Section 8:N½SW¼, 80.0 acres.

Alabama, Tuscaloosa County, Huntsville Meridian,

T 18 S, R 9 W, Section 18:SE¼NW¼, Section 19: NW¼SE¼ & SW¼SW¼; Section 30: NE¼SE¼; and Section 31: SW¼SW¼, 200.0 acres.

Alabama, Tuscaloosa County, Huntsville Meridian,

T 19 S, R 9 W, Section 8:SE¼SE¼, 40.0 acres.

Alabama, Tuscaloosa County, Huntsville Meridian,

T 19 S, R 8 W, Section 30:NW¼NE¼, SW¼NE¼, E½NW¼, & NE¼SW¼, 200.0 acres.

Louisiana, Lafourche Parish, Louisiana Meridian,

T 14 S, R 18 E, Section 19: S½SW¼, 75.48 acres.

Mississippi, Amite County, Washington Meridian,

T 1 N, R 4 E, Section 26: E½NW¼, and all of Section 39, 403.34 acres.

Due to the limited scope of this PA/EA process, public meetings are not scheduled.

Bruce E. Dawson,
Field Manager, Jackson Field Office.
[FR Doc. 01–4317 Filed 2–21–01; 8:45 am]
BILLING CODE 4310–GJ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–020–1430–EQ; N–73965]

Notice of Realty Action for Proposed Occupancy Lease of Public Lands, Nevada.

AGENCY: Bureau of Land Management, Interior.

ACTION: The proposed leasing of public lands for a year round residence.

The site proposed for leasing under provisions of section 302 of the Federal Land Policy and Management Act (FLPMA) of 1976 and 43 CFR Part 2920 is described as a portion of:

Mount Diablo Meridian, Nevada

T. 31 N., R. 23 E.,
Sec. 11: S½SE¼SE¼NW¼SW¼, N½NE¼NE¼SW¼SW¼, W½NW¼NW¼SE¼SW¼.

The proposal would include approximately 2.59 acres.

The parcel affected by the proposed lease is located adjacent to the airport near the community of Empire, Nevada. No additional development/construction, or surface disturbance of the area would occur as a result of this lease.

No other proposals will be accepted. The subject parcel is currently encumbered by a mobile home, garage, shed, corral, and is fenced. All structures on the subject parcel are owned by the applicant and were originally authorized in a Public Airport Lease that was issued March 10, 1982. The lease was issued pursuant to the Act of May 24, 1928, as amended, (49 U.S.C. 211–214) and the regulations thereunder (43 CFR 2911).

The purpose of the occupancy lease is to segregate the occupied area from the current Public Airport Lease N–12640. Therefore, no other proposals would be acceptable.

The proposal would be authorized by a lease for a term of 10 years. The lease could be renewed at the discretion of the authorized officer.

The subject parcel falls into the Market Rental/Minimum Transaction Value for Small Sites of 5 acres or Less Category, which has determined the rent to be $500.00 per year, for parcels less than 5 acres. This rent determination will be in effect until September 20, 2001 at which time it will be reviewed and adjusted accordingly.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Field Manager, Winnemucca Field Office, 5100 E. Winnemucca Boulevard, Winnemucca, Nevada 89445. In the absence of adverse comments, an application for the proposed use will be processed in accordance with propose application procedures.

FOR FURTHER INFORMATION CONTACT: Mary Figarelle, Realty Specialist, Winnemucca Field Office, 5100 E. Winnemucca Boulevard, Winnemucca, Nevada 89445, or call (775) 623–1500.

Dated: February 7, 2001.

Terry A. Reed,
Field Manager, Winnemucca, Nevada.
[FR Doc. 01–4314 Filed 2–21–01; 8:45 am]
BILLING CODE 4310–HC–U

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated September 6, 2000, and published in the **Federal Register** on September 25, 2000, (65 FR 57621), American Radiolabeled Chemical, Inc., 11624 Bowling Green Drive, St. Louis, Missouri 63146, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Gamma hydroxybutyric acid (2010)	I
Lysergic acid diethylamide (7315)	I
Dimethyltryptamine (7435)	I
Dihydromorphine (9145)	I
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Meperidine (9230)	II
Metazocine (9240)	II
Morphine (9300)	II
Oxymorphone (9652)	II

The firm plans to bulk manufacture small quantities of the listed controlled substances as radiolabeled compounds.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of American Radiolabeled Chemical, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated American Radiolabeled Chemical, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: February 6, 2001.

Laura M. Nagel,
Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.
[FR Doc. 01–4318 Filed 2–21–01; 8:45 am]
BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Extension of Information Collection Request: Comment Request; Prohibited Transaction Class Exemption 81–6

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of the information collection provisions of Prohibited Transaction Exemption 81–4. A copy of the

Information Collection Request (ICR) may be obtained by contacting the office listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section below on or before April 23, 2001.

ADDRESSES: Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N–5647, Washington, DC 20210. Telephone: (202) 219–4782; Fax: (202) 219–4745. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Class Exemption 81–6 permits an employee benefit plan to lend securities to a broker-dealer registered under the Securities Exchange Act of 1934 or to a bank, where the borrowing broker-dealer or bank is a party in interest, provided certain conditions are met. In the absence of an exemption, securities lending transactions would be prohibited under circumstances where the borrowing broker-dealer or bank is a party in interest or disqualified person with respect to the plan under the Employee Retirement Income Securities Act (ERISA) or the Internal Revenue Code (Code).

I. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have a practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

III. Current Actions

The class exemption has two basic information collection requirements. The first requires the borrower of the plan securities to report certain information to the lending plan fiduciary, and the second calls for a written agreement between the lending plan and the borrower. This notice requests comments on the extension of the ICR included in the Prohibited Transaction Class Exemption 81–6. The Department is not proposing or implementing changes to the existing ICR at this time.

Type of Review: Extension of a currently approved collection of information.

Agency: Pension and Welfare Benefits Administration, Department of Labor.

Titles: Prohibited Transaction Class Exemption 81–6.

OMB Number: 1210–0065.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Respondents: 42,000.

Frequency of Response: On occasion.

Responses: 126,000.

Estimated Total Burden Hours: 10,500.

Total Burden Cost (Operating and Maintenance): $47,880.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection request; they will also become a matter of public record.

Dated: February 12, 2001.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 01–4408 Filed 2–21–01; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Extension of Information Collection; Comment Request Prohibited Transaction Class Exemption 82–63

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the information collection request (ICR) incorporated in Prohibited Transaction Class Exemption 82–63 (PTE 82–63) involving compensation arrangements for securities lending services. A copy of the ICR may be obtained by contacting the office listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section below on or before April 23, 2001.

ADDRESSES: Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N–5647, Washington, DC 20210. Telephone: (202) 219–4782; Fax: (202) 219–4745. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

PTE 82–63 allows certain compensation arrangements to be made for the provision by a fiduciary of securities lending services to an employee benefit plan, if the conditions specified in the exemption are met. In the absence of this exemption, certain aspects of these transactions might be prohibited by section 406 of the Employee Retirement Income Security Act. The class exemption has two basic information collection requirements. The first requirement is that the compensation be paid in accordance with a written instrument authorized by a non-lending fiduciary, and the second is that the lending fiduciary furnish the authorizing fiduciary with information needed for the authorizing fiduciary to determine whether the compensation arrangement should be made or renewed.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

III. Current Action

This notice requests comments on the extension of the ICR included in PTE 82–63. The Department is not proposing or implementing changes to the existing ICR at this time.

Type of Review: Extension of a currently approved collection of information.

Agency: Pension and Welfare Benefits Administration, Department of Labor.

Titles: Prohibited Transaction Class Exemption 82–63.

OMB Number: 1210–0062.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Respondents: 42,000.

Frequency of Response: On occasion.

Responses: 42,000.

Estimated Total Burden Hours: 3,500.

Total Burden Cost (Operating and Maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection request; they will also become a matter of public record.

Dated: February 15, 2001.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 01–4409 Filed 2–21–01; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Agency Information Collection Activities: Proposed Collection; Comment Request: Federal Contractor Veterans' Employment Report VETS–100

AGENCY: Veterans' Employment and Training Service, Labor.

ACTION: Extend current collection for three years.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506 C (2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Comments are to be submitted by April 23, 2001.

ADDRESSES: Comments are to be submitted to the Veterans' Employment and Training Service, U.S. Department of Labor, Room S–1316, 200 Constitution Ave., NW., Washington, DC 20210, telephone (202) 693–4701. Written comments limited to 10 pages or fewer may also be transmitted be facsimile to (202) 693–4755. Receipt of submissions, whether by U.S.mail, e-mail or FAX transmittal, will not be acknowledged; however, the sender may request confirmation that a submission has been received, by telephoning VETS at (202) 693–4717 (VOICE) or (877) 670–7008 (TY/TDD).

FOR FURTHER INFORMATION: Contact Ron Bachman, Office of Operations and Programs, Veterans' Employment and Training Service, U.S. Department of Labor, Room S–1316, 200 Constitution Ave., NW., Washington, DC 20210, telephone: (202) 693–4707. Copies of the referenced information collection request are available for inspection and copying through VETS and will be mailed to persons who request copies by telephoning Ron Bachman at (202) 693–4707.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Contractor Veterans Employment Report VETS–100 is administered by the U.S. Department of Labor, is used to facilitate Federal contractor and subcontractor reporting of their employment and new hiring activity. Title 38 U.S.C., section 4212 (d) was amended by the Veterans' Employment Opportunities Act on October 31, 1998, and now requires the collection of information from entities holding contracts of $25,000 or more with Federal Departments or agencies to report annually on (a) the number of current employees in each job category and at each hiring location who are special disabled veterans, the number who are veterans of the Vietnam era, and the number who are other eligible veterans who served on active duty during a war or a campaign or expedition for which a campaign badge has been authorized; (b) the total number of employees hiring during the report period and of those, the number of special disabled, the number who are veterans of the Vietnam era, and the number who are other veterans; and the maximum and minimum number of employees employed by the contractor at each hiring location.

II. Desired Focus of Comments

Currently the Veterans' Employment and Training Service (VETS) is soliciting comments concerning the proposed information collection request for the Federal Contractor Veterans' Employment Report VETS–100. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

This notice requests the Office of Management and Budget approval for the paperwork requirements for the Federal Contractor Veterans' Employment Report VETS–100.

Type of Review: Regular Submission.

Agency: Veterans' Employment and Training Service.

Title: Federal Contractor Veterans' Report VETS–100.

OMB Number: 1293–0005.

Affected Public: Business or other for-profit institutions and not-for-profit institutions.

Total Respondents: 194,580.

Average Time per Response: 30 minutes.

Total Burden Hours: 97,290.

Total Annualized Capital/startup costs: $0.

Comments submitted in response to this notice will be summarized and included in the request for the Office of Management and Budget approval of the information collection request. Comments will become a matter of public record.

Dated: February 13, 2001.

Stanley Seidel,

First Assistant to the Secretary, Veterans' Employment and Training Service.

[FR Doc. 01–4410 Filed 2–21–01; 8:45 am]

BILLING CODE 4910–79–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–029]

National Environmental Policy Act; Mars Exploration Rover-2003 Project

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to prepare an environmental impact statement and to conduct scoping for the Mars Exploration Rover-2003 (MER–2003) project.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and NASA's policy and procedures (14 CFR part 1216 subpart 1216.3), NASA intends to conduct scoping and prepare an environmental impact statement (EIS) for the proposed Mars Exploration Rover-2003 (MER–2003) project. The purpose of this project would be to place two mobile science laboratories (rovers) on the surface of Mars to remotely conduct geological investigations, and to characterize a diversity of rocks and soils, which may hold clues to past water activity.

The MER–2003 project involves two launches in 2003 of identical MER–2003 spacecraft (the MER–A mission and MER–B mission) from Cape Canaveral Air Force Station (CCAFS), Florida. The MER–A launch aboard a Delta II launch system would occur during May or June 2003. The MER–B launch would occur during June or July 2003, also aboard a Delta II launch system. Potential environmental impacts to be considered are those potential impacts associated with normal launches from CCAFS, and radiological and non-radiological risks associated with launch accidents. Each rover and its associated lander in combination (lander-rover) may require the use of up to 11 Radioisotope Heater Units (RHUs) for temperature control and small quantities of curium-244 and cobalt-57 for scientific instrumentation.

DATES: Interested parties are invited to submit comments on environmental concerns in writing on or before April 9, 2001, to assure full consideration during the scoping process.

ADDRESSES: Comments should be addressed to Mr. David Lavery, NASA Headquarters, Code SD, Washington, DC 20546–0001. While hardcopy comments are preferred, comments may be sent by electronic mail to: marsnepa@hq.nasa.gov.

FOR FURTHER INFORMATION CONTACT: David Lavery, 202–358–4800 or by electronic mail at *marsnepa@hq.nasa.gov.*

SUPPLEMENTARY INFORMATION: NASA proposes to launch the MER–2003 spacecraft (MER–A and MER–B) in 2003 to gather scientific data on the geological characteristics of the Martian surface environment in pursuit of NASA's goal of understanding Mars in terms of whether or not life exists or has ever existed on the planet. The MER–2003 project would help NASA ensure continuity of its overall Mars exploration efforts.

The proposed first launch of the MER–A mission would take place during May or June 2003 from CCAFS. A Delta II launch system would be employed to launch the spacecraft on its trajectory to Mars, with an arrival in January 2004. The Delta II launch system would include nine graphite epoxy strap-on solid rocket motors, a liquid bi-propellant first stage, a liquid bi-propellant restartable second stage, and a solid propellant STAR–48B third stage. The MER–B mission would be launched from CCAFS during June or July 2003 using a Delta II launch system, with an arrival at Mars in February 2004.

Each MER–2003 spacecraft would consist of a cruise stage and an entry, descent, and landing (EDL) system which would include an aeroshell, backshell, parachute, and airbags. A lander containing a large rover would be enclosed within the EDL system. The primary function of the EDL system would be to convey its lander-rover safely to the surface of the planet. Each rover would weigh up to approximately 153 kilograms (about 337 pounds). Each rover would carry all science instruments and communications equipment for transmitting to and receiving data from Earth, either by using an existing Mars orbiting spacecraft or by communicating directly with Earth.

Each rover would be equipped with a number of scientific instruments, including: a stereo panoramic camera, a miniature thermal emission spectrometer, a magnetic target array, a Moëssbauer spectrometer, a microscopic surface imager, an alpha-particle X-ray spectrometer (APXS), and a rock abrasion tool. These instruments would be employed to characterize the chemical and geological nature of the landing site and surrounding area, and to provide images for transmission to Earth. Each rover would be designed to function a minimum of 90 sols (1 sol = 1 Martian day = 24 hours, 37 minutes or 1.026 Earth days). The Moëssbauer spectrometer and the APXS both would employ small amounts of radioactive materials as instrument sources. The Moëssbauer spectrometer would utilize up to 1.30×10^{10} becquerels (Bq) (350 millicuries (mCi)) of cobalt-57. The APXS would use up to 1.85×10^{9} Bq (50 mCi) of curium-244. Radioisotope Heater Units (RHUs) would be used on each rover to support survival of science instruments and electronics in the low temperatures on Mars. RHUs may also be required on each lander for thermal control during cruise. Each RHU contains approximately 2.7 grams (about 0.1 ounce) of plutonium dioxide to generate heat. A total of up to eleven RHUs may be required on-board each lander-rover. The inventory of plutonium dioxide on-board each lander-rover could total up to 29.7 grams (1.1 ounces) with a total activity of about 13.5×10^{12} Bq (approximately 365 curies (Ci)).

The proposed MER–2003 missions would employ a technique similar to that demonstrated by the 1996 Mars Pathfinder mission to ensure a safe landing on the surface of Mars. This technique would employ a heat shield, small solid retro-rockets, and a parachute to decelerate the lander as it passes through the Martian atmosphere. A system of airbags would then be used to cushion and protect the lander upon contact with the Martian surface. Once each lander comes to rest the airbags would deflate and the lander petals would unfold. Each rover would then drive off of its lander platform and begin exploring the landing site. NASA has not selected specific landing sites yet but is currently considering potential sites between 15 degrees South to 5 degrees North for the MER–A mission, and between 15 degrees South and 15 degrees North for the MER–B mission.

This EIS will address the purpose and need for the proposed MER–2003 project in detail and the environmental impacts associated with its implementation. The environmental impacts of this project are anticipated to be those associated with the normal launch of both missions. Potential consequences of accident situations will also be addressed.

Written public input and comments on environmental impacts and concerns associated with the Mars Exploration Rover-2003 project are requested.

Jeffrey E. Sutton,

Associate Administrator for Management Systems.

[FR Doc. 01–4363 Filed 2–21–01; 8:45 am]

BILLING CODE 7910–01–P

NATIONAL COUNCIL ON DISABILITY

Advisory Committee Meetings/ Conference Calls

AGENCY: National Council on Disability (NCD).

SUMMARY: This notice sets forth the schedule of the forthcoming meetings/ conference calls for NCD's advisory committee—International Watch. Notice of this meeting is required under section 10(a)(1)(2) of the Federal Advisory Committee Act (P.L. 92–463).

International Watch

The purpose of NCD's International Watch is to share information on international disability issues and to advise NCD's Foreign Policy Team on developing policy proposals that will advocate for a foreign policy that is consistent with the values and goals of the Americans with Disabilities Act.

Work Group: International Convention on the Human Rights of People with Disabilities.

Date and Time: March 8, 2001, 11 a.m.–12 p.m. EST.

Work Group: Inclusion of People with Disabilities in Foreign Assistance Programs.

Date and Time: March 14, 2001, 12 p.m.–1 p.m. EST.

FOR FURTHER INFORMATION CONTACT: Kathleen A. Blank, Attorney/Program Specialist, NCD, 1331 F Street NW, Suite 1050, Washington, DC 20004; 202–272–2004 (Voice), 202–272–2074 (TTY), 202–272–2022 (Fax), kblank@ncd.gov (e-mail).

Agency Mission

NCD is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

This committee is necessary to provide advice and recommendations to NCD on international disability issues.

We currently have balanced membership representing a variety of disabling conditions from across the United States.

Open Meetings/Conference Calls

These advisory committee meetings/ conference calls of NCD will be open to the public. However, due to fiscal constraints and staff limitations, a limited number of additional lines will be available. Individuals can also participate in the conference calls at the NCD office. Those interested in joining these conference calls should contact the appropriate staff member listed above.

Records will be kept of all International Watch meetings/ conference calls and will be available after the meeting for public inspection at NCD.

Signed in Washington, DC, on February 15, 2001.

Ethel D. Briggs,

Executive Director.

[FR Doc. 01–4357 Filed 2–21–01; 8:45 am]

BILLING CODE 6820–MA–M

NATIONAL INDIAN GAMING COMMISSION

Paperwork Reduction Act

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The National Indian Gaming Commission (NIGC), in accordance with the Paperwork Reduction Act of 1995, is submitting to the Office of Management and Budget (OMB) a request to review and extend approval for the following information collection activities: (1) Compliance and Enforcement under the Indian Gaming Regulatory Act (IGRA); (2) approval of Class II and Class III Gaming Ordinances; and (3) National Environmental Policy Act Procedures. The NIGC is also submitting a request for reinstatement of the approval for collection of information related to its review and approval of management contracts for the operation of tribal gaming facilities. OMB previously approved this information collection requirement but the approval has expired. The OMB will consider comments from the public on these information collection activities.

Dates and Addresses: Comments for the NIGC's evaluation of the information collection activities and its request to OMB to extend or approve the information collections must be received by March 31, 2001. When providing comment, a respondent should specify the particular collection activity to which the comment pertains. Send comments to: Office of Information and Regulatory Affairs (Attn: Desk Officer for the National Indian Gaming Commission), Office of Management and Budget, 725 17th Street NW., Washington, DC 20503. The NIGC regulations to which the information collections pertain are available on the NIGC website, www.nigc.gov. A copy of the NEPA procedures for the NIGC are available on request by providing a mailing address to the point of contact for questions and comments listed on the website. Both the regulations and the NEPA procedures are also available by written request to the NIGC (Attn: Ms. Juanita Mendoza), 1441 L Street NW., Suite 9100, Washington, DC, 20005, or by telephone request at (202) 632–7003. This is not a toll-free number. All other requests for information should be submitted to Ms. Mendoza at the above address for the NIGC.

SUPPLEMENTARY INFORMATION:

Title: Compliance and Enforcement under the Indian Gaming Regulatory Act.

OMB Number: 3141–0001.

Abstract: The Indian Gaming Regulatory Act (25 U.S.C. 2701 *et seq.*) [IGRA] governs the regulation of gaming on Indian lands. Although the IGRA places primary responsibility with the tribes for regulating gaming, section 2706 (b) of the Act directs the NIGC to monitor gaming conducted on Indian lands on a continuing basis. The IGRA authorizes the NIGC to access and inspect all papers, books and records relating to gaming conducted on Indian lands. In accordance with this statutory responsibility, 25 CFR 571.7 requires Indian gaming operations to keep permanent financial records. 25 CFR 571.12 and 571.13 require, respectively, an annual independent audit of a tribe's gaming operations and submission of this audit to the NIGC. The NIGC uses this information to fulfill its statutory responsibility to monitor Indian gaming. Additionally, section 2713(a) of the IGRA authorizes the Chairman to issue civil fine assessments and closure orders for violations of the Act or the Commission's regulations. This authority is implemented through 25 CFR part 575. The full Commission

reviews these matters on appeal under 25 CFR part 577.

Estimated Burden: No additional burden is imposed by the requirements to maintain customary business records and to allow NIGC personnel access to those records. The preparation and submission of an annual audit are accomplished on a fixed fee basis. The response to enforcement actions would vary, but 164 hours would represent an average if a respondent utilized all appeal mechanisms.

Respondents: Indian tribes conducting gaming operations.

Estimated Number of Respondents: 220.

Estimated Annual Responses: 951.

Estimated Total Annual Hours Burden: 2,194.

Estimated Total Annual Cost Burden: $1,779,880.

Title: Approval of Class II and Class III Ordinances, Background Investigations and Gaming Licenses under the Indian Gaming Regulatory Act.

OMB Number: 3141–000–3.

Abstract: The IGRA establishes the National Indian Gaming Commission as an independent regulatory agency to oversee Indian gaming. The Act sets standards for the regulation of gaming including requirements for approval or disapproval of tribal gaming ordinances. IGRA section 2705(a)(3) requires the Chairman to review all class II and class III tribal gaming ordinances. In accordance with this provision, 25 CFR 552.2 of the NIGC's regulations requires tribes to submit to the NIGC: (1) A copy of the gaming ordinance to be approved, a copy of the authorizing resolution by which it was enacted by the tribal government, a request for approval of the ordinance or resolution; (2) a description of procedures the tribe will employ in conducting background investigations on key employees or primary management officials; (3) a description of procedures the tribe will use to issue licenses to primary management officials and key employees; (4) copies of all gaming regulations; (5) a copy of any applicable tribal-state compact; (6) a description of dispute resolution procedures for disputes arising between the gaming public and the tribe or management contractor; (7) identification of the law enforcement agent that will take fingerprints and a description of the procedures for conducting criminal history checks; and (8) designation of an agent for service of process. Under 25 CFR 522.3, tribes must submit any amendment to the ordinance or resolution for approval by the Chairman. In this instance, the tribe must provide a copy of the authorizing resolution. The NIGC will use the information collected to approve or disapprove the ordinance or amendment. Section 2710 of the IGRA requires tribes to conduct background investigations on key employees and primary management officials involved in class II and class III gaming. 25 CFR parts 556 and 558 require tribes to perform each investigation using information such as name, address, previous employment records, previous relationships with either Indian tribes or the gaming industry, and licensing relating to those relationships, any convictions and any other information a tribe feels is relevant to the employment of the individuals being investigated. Tribes are then required to submit to the NIGC a copy of the completed employment applications and investigative reports and licensing eligibility determinations on key employees or primary management officials before issuing gaming licenses to those persons. The NIGC will use this information in conducting its review of the suitability determinations and will advise the tribe if it disagrees with any particular determination.

Estimated Burden: The reporting burden for this collection of information is estimated to be 80 hours per response for approval of an initial gaming ordinance, 5 hours per response for an amendment, and 400 hours annually, on the average, for each tribe for submission of matters related to background information and licensing.

Respondents: Indian tribes conducting gaming operations.

Estimated Number of Respondents: 220.

Estimated Annual Responses: 941.

Estimated Total Annual Burden Hours: 89,590 hours.

Estimated Total Annual Cost Burden: $2,758,400.

Title: National Environmental Policy Act Procedures.

OMB Number: 3141–006.

Abstract: The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) was enacted to encourage a national policy of protecting, enhancing, and restoring the quality of the human environment. The Council on Environmental Quality (CEQ), established pursuant to the National Environmental Policy Act (NEPA), promulgated implementing regulations at 40 CFR 1501 *et seq.* NEPA and CEQ's regulations require every Federal agency to establish procedures and strategies that consider the environmental consequences of Federal agency actions. Under NEPA, Federal agencies are required to prepare or cause to be prepared environmental documents relating to actions by the agency that may have significant impact on the environment. The NEPA process will be triggered when a tribe and management contractor seek approval of a management contract under 25 CFR 533 which involves the construction of or significant modification to a gaming facility. NIGC procedures discuss the submission of an environmental assessment for consideration incident to that approval process. NIGC will use the environmental assessment in determining whether there is significant impact on the environment as a result of the construction or significant facility modification and may require mitigations described in the assessment to minimize any impact.

Respondents: Indian tribes seeking approval of a management contract for tribal gaming operations and/or a management contactor.

Estimated Number of Respondents: 50.

Estimated Annual Responses: 15.

Estimated Burden Hours Per Response: 1,300.

Estimated Total Annual Burden Hours: 19,500.

Estimated Total Annual Burden Cost: $1,755,000.

Title: Approval of Management Contracts.

OMB Number: 3141–0004 (expired).

Abstract: Under sections 2710(e) and 2711 of the IGRA, subject to the approval of the NIGC Chairman, an Indian tribe may enter into a management contract for the operation and management of a tribal gaming activity. In approving a management contract, by the terms of the statute, the Chairman shall require and obtain the name, address, and other pertinent background information on each person or entity having a direct financial interest in, or management responsibility for such contract, and in the case of a corporation those individuals who serve on the board of directors of such corporation and each of its stockholders who hold 10 percent or more of its shares; a description of previous experience that each person has had with other Indian gaming contracts or with the gaming industry including any gaming licenses which the person holds; and a complete financial statement of each person listed. Under 25 CFR part 533, the Chairman requires the submission of the contract with original signatures, any collateral agreements to the contract, a tribal ordinance or resolution authorizing the submission and supporting documentation, a three-year business plan which sets forth the parties' goals, objectives, budgets, financial plans, and related matters and income statements and sources and use of funds statements for the previous three years, and, for any contract exceeding five years or which includes a management fee of more than 30 percent, justification that the capital investment required and income projections for the gaming operation require the longer duration or the additional fee. Under 25 CFR part 535, the Chairman may approve a modification to a management contract or an assignment of that management contract based on information similar to that required under part 533. The part also specifies that the Chairman may void a previous management contract approval and allows the parties the opportunity to submit information relevant to that determination. 25 CFR part 537 specifies the requirements for submission of background information in amplification of the statutory requirement for obtaining information on persons and entities having a direct financial interest in or management responsibility for a management contract. Finally, 25 CFR part 539 permits appeals to the Commission from a decision of the Chairman to disapprove a management contract and allows the Indian tribe and the management company an opportunity to provide information relevant to that appeal. The NIGC will use the information collected to either approve or disapprove the contract or, in the case of an appeal, to grant or deny the appeal.

Estimated Burden: The reporting burden for this collection of information is estimated to be 80 hours per response for approval of a new management contract, 40 hours for approval of a management contract amendment, and 40 hours per response for an individual financial background investigation.

Respondents: Indian tribes conducting gaming and management contractors for tribal gaming operations.

Estimated Number of Respondents: 50.

Estimated Annual Responses: 228.

Estimated Total Annual Burden Hours: 9,720.

Estimated Total Annual Cost Burden: $817,000.

Richard B. Schiff,

Acting Chief of Staff, National Indian Gaming Commission.

[FR Doc. 01–4397 Filed 2–21–01; 8:45 am]

BILLING CODE 7565–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meeting

Regular Meeting of the Board of Directors

TIME AND DATE: 2 p.m., Monday, February 26, 2001.

PLACE: Neighborhood Reinvestment Corporation, 1325 G Street, NW, Suite 800, Board Room, Washington, DC 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Jeffrey T. Bryson, General Counsel/Secretary, 202–220–2372 or jbryson@nw.org.

AGENDA:

I. Call to Order
II. Approval of Minutes: November 20, 20, 2000, Regular Meeting
III. Audit Committee Report: January 9, 2001, Meeting
IV. Budget Committee Report: January 25, 2001, Meeting
V. Resolutions of Appreciation
VI. Treasurer's Report
VII. Executive Director's Management Report
VIII. Adjournment

Jeffrey T. Bryson,

General Counsel/Secretary.

[FR Doc. 01–4554 Filed 2–20–01; 3:03 pm]

BILLING CODE 7570–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 314, Certificate of Disposition of Materials.

2. *Current OMB approval number:* 3150–0028.

3. *How often the collection is required:* The form is submitted once, when a licensee terminates its license.

4. *Who is required or asked to report:* Persons holding an NRC license for the possession and use of radioactive byproduct, source, or special nuclear material who are ceasing licensed activities and terminating the license.

5. *The number of annual respondents:* 400.

6. *The number of hours needed annually to complete the requirement or request:* An average of 0.5 hours per response, for a total of 200 hours.

7. *Abstract:* NRC Form 314 furnishes information to NRC regarding transfer or other disposition of radioactive material by licensees who wish to terminate their licenses. The information is used by NRC as part of the basis for its determination that the facility has been cleared of radioactive material before the facility is released for unrestricted use.

Submit, by April 23, 2001, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site (*http://www.nrc.gov/NRC/PUBLIC/OMB/index.html*). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E 6, Washington, DC 20555–0001, by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 14th day of February, 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–4371 Filed 2–21–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–10]

Notice of Issuance of Amendment to Materials License SNM–2506; Nuclear Management Company, LLC; Prairie Island Independent Spent Fuel Storage Installation

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued Amendment 5 to Materials License SNM–2506 held by the Nuclear Management Company, LLC (NMC) for the receipt, possession, transfer, and storage of spent fuel at the Prairie Island Independent Spent Fuel Storage Installation (ISFSI), located in Goodhue County, Minnesota. The amendment is effective as of the date of issuance.

By application dated August 31, 1999, as supplemented November 8, 1999; and March 13, April 6, and October 16, 2000, NMC requested to amend its ISFSI license to specifically permit the storage of burnable poison rod assemblies (BPRAs) and thimble plug devices (TPDs) within the TN–40 casks used at the Prairie Island ISFSI. This amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

In accordance with 10 CFR 72.46(b)(2), a determination has been made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected. Therefore, the publication of a notice of proposed action and an opportunity for hearing or a notice of hearing is not warranted. Notice is hereby given of the right of interested persons to request a hearing on whether the action should be rescinded or modified.

Also in connection with this action, the Commission prepared an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). The EA and FONSI were published in the **Federal Register** on January, 29, 2001 (66 FR 8123).

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of the EA and FONSI are available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/NRC/ADAMS/index.html* (the Public Electronic Reading Room).

Dated at Rockville, Maryland, this 12th day of February 2001.

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–4370 Filed 2–21–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide DG–1096 and Draft Standard Review Plan Section 15.0.2

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public workshop.

SUMMARY: The Executive Director for Operations (EDO) of the Nuclear Regulatory Commission has instructed the NRC staff to resolve several issues resulting from the Independent Safety Assessment of the Maine Yankee Atomic Power Station. Of the eleven items identified by the EDO, four were concerned with analytical code validation, review, documentation and compliance with generic safety evaluations. All of these issues were generic in nature and resulted in the issuance of the two draft documents for public comment that are the subject of this workshop. The public comment period for these draft documents ended on February 15, 2001. It is the purpose of the workshop to exchange information among interested parties on the two documents and the comments received. After considering all comments and information, the NRC would issue the documents in their final form as acceptable guidance to licensees and vendors and to the NRC staff for review of analytical models.

DATES: April 9, 2001, 8 a.m.–5:30 p.m.

ADDRESSES: NRC Auditorium, (TWFN) of the Nuclear Regulatory Commission, 11545 Rockville Pike, Rockville, Maryland 20852.

AGENDA: To be provided.

SUPPLEMENTARY INFORMATION: This notice serves as notification of a public workshop to provide for the exchange of information with all stakeholders regarding the staff's efforts to provide comprehensive guidance for development, assessment and review of analytical methods used to calculate acceptable behavior of design basis events described in Chapter 15 of the Standard Review Plan (SRP) (NUREG–0800). The NRC encourages stakeholders to make presentations at this workshop on the subject documents. In particular should the documents provide additional information on simplified conservative analyses methods or incremental changes to existing evaluation models?

This notice provides only the date, the location and a brief summary of the workshop. The workshop agenda will be provided at the workshop after integrating all requests for presentations.

Workshop Meeting Information

The staff intends to conduct a workshop to provide for an exchange of information related to Draft Regulatory Guide DG–1096 and SRP Section 15.0.2. Persons other than NRC staff and NRC contractors interested in making a presentation at the workshop should notify Norman Lauben, Office of Nuclear Regulatory Research, MS: T10–K08, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, (301) 415–6762, email: gnl1@nrc.gov.

Registration

There is no registration fee for the workshop; however, so that adequate space, materials, etc., for the workshop can be arranged, please provide notification of attendance to Norman Lauben, Office of Nuclear Regulatory Research, MS: T10–K08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, (301) 415–6762, email: gnl1@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Norman Lauben, SMSAB, Division of Systems Analysis and Regulatory Effectiveness, Office of Nuclear Regulatory Research, Washington, DC 20555–0001, telephone (301) 415–6762, email: GNL1@nrc.gov.

Dated at Rockville, Maryland, this 15th day of February 2001.

For the Nuclear Regulatory Commission.

Farouk Eltawila,

Acting Director, Division of Systems Analysis and Regulatory Effectiveness, Office of Nuclear Regulatory Research.

[FR Doc. 01–4372 Filed 2–21–01; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting

TIME AND DATE: 2 p.m., Thursday, March 8, 2001.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

STATUS: Hearing open to the public at 2 p.m.

PURPOSE: In conjunction with the quarterly meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

PROCEDURE: Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m., March 7, 2001. The notice must include the individual's name, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request to participate an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m., March 7, 2001. Such statements must be typewritten, double-spaced and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time allotted for each presentation. The agenda will be available at the hearing.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 408–0297, or via email at cdown@opic.gov.

Dated: February 20, 2001.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 01–4489 Filed 2–20–01; 11:48 am]

BILLING CODE 3210–01–M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: RI 25–51

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. RI 25–51, Civil Service Retirement System (CSRS) Survivor Annuitant Express Pay Application for Death Benefits, will be used by the Civil Service Retirement System solely to pay benefits to the widow(er) of an annuitant. This application is intended for use in immediately authorizing payments to an annuitant's widow or widower, based on the report of death, when our records show the decedent elected to provide benefits for the applicant.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of OPM, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 22,000 RI 25–51 forms will be completed annually. We estimate it takes approximately 30 minutes to complete the form. The annual estimated burden is 11,000 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov

DATES: Comments on this proposal should be received on or before April 23, 2001.

ADDRESSES: Send or deliver comments to Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management 1900 E Street, NW, Room 3349A, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–4368 Filed 2–21–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Pam Shivery, Director, Washington Service Center, Employment Service (202) 606–1015.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR 213 on January 22, 2001 (62 FR 6705). Individual authorities established under Schedule C between December 1, 2000, and December 31, 2000, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 will also be published.

Schedule C

The following Schedule C authorities were established during December 2000:

Department of Agriculture

Staff Assistant to the Director, Legislative Liaison, Executive Secretariat and Public Affairs Staff. Effective December 19, 2000.

Department of Education

Special Assistant to the Assistant Secretary, Office of Legislation and Congressional Affairs. Effective December 1, 2000.

Confidential Assistant to the Special Assistant (White House Liaison and Trip Director). Effective December 1, 2000.

Special Assistant to the Director, Office of Educational Technology. Effective December 4, 2000.

Special Assistant, Region VII to the Secretary's Regional Representative. Effective December 5, 2000.

Confidential Assistant to the Counselor to the Secretary. Effective December 13, 2000.

Confidential Assistant to the Assistant Secretary of Intergovernmental and Interagency Affairs. Effective December 14, 2000.

Department of Housing and Urban Development

Staff Assistant to the Director, Office of Executive Scheduling. Effective December 8, 2000.

Director, Office of Press Relations to the Assistant Secretary for Public Affairs. Effective December 13, 2000.

Advance Coordinator to the Director of Executive Scheduling. Effective December 18, 2000.

Department of the Interior

Special Assistant to the Assistant Secretary for Policy, Management and Budget. Effective December 21, 2000.

Special Assistant to the Director, Office of Intergovernmental Affairs. Effective December 21, 2000.

Department of Labor

Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective December 11, 2000.

Special Assistant to the Assistant Secretary for Employment and Training. Effective December 11, 2000.

Director, Intergovernmental Affairs to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective December 11, 2000.

Special Assistant to the Director of the Women's Bureau. Effective December 15, 2000.

Special Assistant to the Solicitor of Labor. Effective December 15, 2000.

Special Assistant to the Assistant Secretary for Administration and Management. Effective December 15, 2000.

Special Assistant to the Director, Women's Bureau. Effective December 21, 2000.

Special Assistant to the Assistant Secretary, Employment Standards Administration. Effective December 28, 2000.

Department of Transportation

Associate Director for Media Relations and Special Projects to the Assistant to the Secretary and Director of Public Affairs. Effective December 19, 2000.

Department of the Treasury

Senior Advisor to the Assistant Secretary for Financial Institutions. Effective December 1, 2000.

Department of Veterans Affairs

Executive Assistant to the Assistant Secretary for Congressional Affairs. Effective December 13, 2000.

National Aeronautics and Space Administration

Senior Policy Advisor to the Deputy Associate Administrator for Policy and Planning. Effective December 21, 2000.

Office of Government Ethics

Confidential Assistant to the Director, Office of Government Ethics. Effective December 4, 2000.

Office of Personnel Management

Special Assistant to the Director of Communications. Effective December 7, 2000.

Special Assistant to the Director, United States Office of Personnel Management. Effective December 8, 2000.

Small Business Administration

Senior Advisor to the Associate Deputy Administrator of Entrepreneurial Development. Effective December 8, 2000.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–4366 Filed 2–21–01; 8:45 am]

BILLING CODE 6325–01–P

POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting

TIMES AND DATES: 1 p.m., Monday, March 5, 2001; 8:30 a.m., Tuesday, March 6, 2001; 10 a.m., Tuesday, March 6, 2001; and 8:30 a.m. Wednesday, March 7, 2001.

PLACE: Washington, DC, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., in the Benjamin Franklin Room.

STATUS: March 5 (Closed); March 6—8:30 a.m. (Open); March 6—10 a.m. (Closed); March 7 (Closed).

MATTERS TO BE CONSIDERED:

Monday, March 5—1 p.m. (Closed)

1. Financial Performance.
2. Seattle, Washington, Processing and Distribution Center Upgrades.
3. Postal Rate Commission Opinion and Further Recommended Decision in Docket No. R2000–1.
4. Compensation Issues.
5. Personnel Matters.

Tuesday, March 6—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, February 5–6, 2001.
2. Remarks of the Postmaster General/Chief Executive Officer.
3. Fiscal Year 2000 Comprehensive Statement on Postal Operations.
4. Report on Capital Metro Operations.
5. Tentative Agenda for the April 2–3, 2001, meeting in Chicago, Illinois.

Tuesday, March 6—10 a.m. (Closed)

1. Strategic Planning.

Wednesday, March 7—8:30 a.m. (Closed)

1. Strategic Planning.

CONTACT PERSON FOR MORE INFORMATION: David G. Hunter, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

David G. Hunter,

Secretary.

[FR Doc. 01–4531 Filed 2–20–01; 1:58 pm]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43964; File No. SR–DTC–00–18]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Establishment of "LENS-on-the-Web" Procedures and Fees

February 14, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on November 17, 2000, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change establishes "LENS-on-the-Web" procedures and fees whereby DTC participants may order copies of certain notices received by DTC from a menu on DTC's Internet website (*www.DTC.org*) through DTC's Legal Notice System ("LENS").[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In 1991, DTC created LENS to reduce the amount of paper that its participants receive.[4] LENS has been offered to DTC Participants since 1991 over DTC's proprietary PTS 3270 terminal network. Through the proposed rule change, DTC is seeking to offer the same LENS service to its participants over the Internet.[5]

LENS and LENS-on-the-Web allow participants to prescreen certain notices[6] so that participants can avoid receiving and, ultimately, paying for the duplication and distribution of notices that are irrelevant to them. LENS has allowed, where practical, certain enhancements to the historical notice distribution system. Enhancements have included: (1) The identification of CUSIP numbers; (2) participants' ability to search by CUSIP; (3) participants' access to a computer record of past notices with automatic order capability; (4) DTC's distribution of certain notices which would otherwise not be distributed by DTC, given their length or relative importance; and (5) equitable billing.[7]

Pricing for LENS-on-the-Web will be as follows:

Activity	Description	Proposed fee
Access a Notice	Unlimited viewing and/or downloading of a notice during a single user's online session.	$5 per notice.
Subscription	Unlimited viewing and/or downloading of notice(s) by one or more users.	$999 per month per participant number.
E-Mail	E-mail a notice to one or more recipients	$5 per e-mail form.

DTC believes that the proposed rule change is consistent with the requirements of section 17A of the Act[8] and the rules and regulations thereunder applicable to DTC because it promotes efficiencies in the clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, in the public interest, and for the protection of investors.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

DTC has neither solicited nor received written comments from participants. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(iii)[9] of the Act and Rule 19b–4(f)(4)[10]promulgated thereunder because it effects a change in an existing service of DTC that does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and does not significantly affect the respective rights or obligations of the clearing agency or persons using the service and pursuant to section 19(b)(3)(A)(ii)[11] of the Act and Rule 19b–4(f)(2)[12] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by DTC. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submission should file six copies therof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of DTC.

All submissions should refer to File No. SR–DTC–00–18 and should be submitted by March 15, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4354 Filed 2–21–01; 8:45 am]

BILLING CODE 8010–01–M

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[1] 15 U.S.C. 78s(b)(1).

[2] The proposed procedures, attached as Exhibit B to DTC's proposed rule change, are available for inspection and copying in the Commission's Public Reference Room and the principal office of DTC.

[3] The Commission has modified the text of the summaries prepared by DTC.

[4] Securities Exchange Act Release No. 29291 (June 12, 1991), 56 FR 28190 (File No. SR–DTC–91–08) (order approving LENS use by DTC participants).

[5] Initially, DTC intends to make only certain categories of LENS notices and LENS services available through LENS-on-the-Web (For example, asset backed notices and position-check capability will not be included at the outset.). DTC will ultimately, however, make most, if not all, LENS notices and services available over LENS-on-the-Web, provided security issues and processing capacity permit.

[6] These include notices relating to bankruptcies, tax information, corporate status, and transfer agents which are received by DTC and which DTC chooses to make available to participants via LENS and LENS-on-the-Web.

[7] A participant only pays for those notices that it orders.

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(4).

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 240.19b–4(f)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43957; File No. SR–NASD–01–11]

Self-Regulatory Organizations; Notice and Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to EWN II Fees for Subscribers Who Are Not NASD Members

February 13, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 8, 2001, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its subsidiary The Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to section 19(b)(1) of the Act, and Rule 19b–4 thereunder, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq") is herewith filing a proposed rule change to increase the fees associated with the Enterprise Wide Network II ("EWN II") for non-members. Below is the text of the proposed rule change. Proposed new language is in italics; proposed deletion are in brackets.

NASD Rule 7010. System Services

(a)–(e) No Change.
(f) Nasdaq Workstation Service.
(1) No Change.
(2) The following charges shall apply to the receipt of Level 2 or Level 3 Nasdaq Service via equipment and communications linkages prescribed for the Nasdaq Workstation II Service:

Service Charge: [$1,500]*$1,875*/month per service delivery platform ("SDP") *from December 1, 2000 through February 28, 2001 $2,035/month per SDP beginning March 1, 2001*

Display Charge: $525/month per presentation device ("PD")

Additional Circuit/SDP Charge: [$2,700]*$3,075/month from December 1, 2000 through February 28, 2001, and $3,235/month beginning March 1, 2001*

A subscriber that accesses Nasdaq Workstation II Service via an application programming interface ("API") shall be assessed the Service Charge for each of the subscriber's SDPs and shall be assessed the Display Charge for each of the subscriber's API linkages, including an NWII substitute or quote-update facility. API subscribers also shall be subject to the Additional Circuit/SDP Charge.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. Nasdaq has prepared summaries, set forth below in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this filing is to obtain approval for the fees applicable to subscribers to Nasdaq Workstation II ("NWII") who are not NASD members. On December 14, 2000, Nasdaq submitted SR–NASD–00–74 under Rule 19b–4 to increase the fees for such non-members so that Nasdaq could recover costs related to increasing network capacity. The rationale for the fee increase is set forth below. Nasdaq also submitted rule filings to increase the fees for NASD members.[3] Nasdaq requested accelerated approval of SR–NASD–00–74.

On January 4, 2001, the Securities and Exchange Commission published in the **Federal Register** a notice of filing and order granting accelerated approval of SR–NASD–00–74 on a temporary basis until January 31, 2001.[4] The comment period on the rule filing closed on January 25, 2001, and the Commission received no comments. Nasdaq hereby requests that the Commission issue an order granting approval of the rule change.

The following information provides the background and rationale for the fee increase that was described in SR–NASD–00–74. In 1994, Nasdaq rolled out the NWII service, which provided many enhancements to the then-existing Nasdaq Workstation service.[5] As part of the NWII rollout, Nasdaq installed a network, known as the Enterprise Wide Network ("EWN I"), to deliver NWII functionality. To access NWII service, each subscriber location has at least one service delivery platform ("SDP"), or server, that resides on the network and connects to Nasdaq by a dedicated circuit. The SDP functions as the subscriber's gateway from the NWII to the enterprise wide network. Each SDP currently is permitted to support up to eight presentation devices ("PD"), or Nasdaq Workstation IIs, although a firm may elect to have fewer than eight PDs on a single SDP. In addition, a subscriber may obtain NWII service through an application programming interface ("API"), which essentially allows a firm to obtain NWII service using the firm's own hardware (*e.g.*, personal computer) and software systems to access, display, interface with, and operate NWII service.

Due to the ongoing growth in the Nasdaq market and increases in daily share volume after EWN I was installed,[6] Nasdaq became concerned in 1997 that its existing enterprise wide network capacity was rapidly approaching maximization. Specifically, the network's bandwidth—the amount of data that can be transmitted through a given communications circuit in a fixed amount of time—could only handle one and one-half billion shares per day. EWN I was expected to reach maximum circuit capacity during the second quarter of 1999.[7] To avoid the potential for any disruption to the Nasdaq market, Nasdaq contracted in late 1997 with MCI Communications Corporation ("MCI") to build a new network—EWN II—to accommodate increased usage and provide increased circuit capacity.

According to Nasdaq, EWN II is a significant improvement over EWN I. Among other things, the system is fully scaleable and twice as fast as EWN I. The network was originally built with a 128 kilobit ("kb") data stream feed speed scaleable up to T1 speed (1544 kilobits) levels. Nasdaq began converting subscribers to EWN II in 1998 and completed the conversion in 1999. In conjunction with the conversion, the SEC approved fee increases in 1998 relating to EWN II.[8]

Since that time, Nasdaq share volume has continued to increase dramatically. The highest average daily share volume for a month in 2000 was 2.25 billion shares, compared to 1.44 billion in 1999, and less than 1 billion in 1998. The highest peak share volume day in 2000 was 2.88 billion shares, compared to 1.78 billion in 1999, and 1.26 billion in 1998. The highest actual cumulative share volume for a month occurred three times in 2000 at over 40 billion shares, compared to over 30 billion in 1999, and almost 20 billion in 1998. In March 2000, share volume increased by over 103% compared to March 1999. In April 2000, the peak share volume increased by over 103% compared to April 1999.

To accommodate these increases, Nasdaq expanded the EWN II bandwidth from 128 kb to 192 kb in October 2000. The expended bandwidth also gives Nasdaq the ability to support new products as they are introduced and future trading applications that will be developed. As a result of expansion to a 192 kb bandwidth, the fees that WorldCom[9] charges Nasdaq have increased by $375 per month per circuit. Nasdaq proposes to pass on these costs to subscribers for the billing period covered by December 1, 2000 through February 28, 2001.

In order to accommodate additional increases in volume expected to accompany decimalization, Nasdaq will expand EWN II bandwidth to 256kb, and consequently, the fees that WorldCom charges Nasdaq will increase by an additional $160 per month per circuit. As of December 2000, Nasdaq projects that decimalization in penny increments will significantly increase the number of quote updates, such that on high volume days, a 192 kb bandwidth would be inadequate to support quote traffic. Therefore, Nasdaq proposes to pass on the costs associated with the increase to a 256 kb bandwidth effective March 1, 2001.

Under the proposal, the fee charged to a subscriber for an SDP could increase from $1,500 per month for each server to $1,875 per month for December 2000 through February 2001, and then to $2,035 per month, beginning March 1, 2001. The charge for an additional circuit would increase from $2,700 per month to $3,075 per month from December 2000 through February 2001, and then increase again on March 1, 2001 to $3,235 per month.[10]

Although NASD Rule 7010(f)(2) generally applies to both members and non-member subscribers to NWII service, this filing will only effect a change to the fees charged to those subscribers who are not NASD members. As noted above, Nasdaq submitted separate rule filings to impose the proposed new fees on NASD members.

1. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A(b)(5) of the Act,[11] which requires that the rules of the NASD provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the NASD operates or controls. The proposed fees, which will only apply to those who utilize NWII service, simply pass on the costs associated with increasing the capacity of EWN II to keep pace with volume increases. Ensuring adequate capacity is absolutely essential to protecting the integrity of the Nasdaq market, maintaining the confidence of the investing public, and preparing for decimalization.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–NASD–01–11 and should be submitted by March 15, 2001.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission has reviewed the Nasdaq's proposed rule change and finds, for the reasons set forth below, that the proposal is consistent with the requirements of section 15A of the Act[12] and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission believes the proposal is consistent with section 15A(b)(5) of the Act.[13] Section 15A(b)(5) requires that the rules of a registered securities association provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the association operates or controls. The above fee increases proposed by Nasdaq pass on the costs associated with increasing the capacity of EWN II to users of the NWII service. The Commission believes that such a fee increase, necessitated by recent system volume increases is a reasonable means by which Nasdaq

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[1] 15 U.S.C. 78s(b)(1).
[2] 17 CFR 240.19b–4.
[3] *See* SR–NASD–00–73 and SR–NASD–00–79.
[4] Securities Exchange Act Release No. 43768 (December 22, 2000), 66 FR 824 (January 4, 2001.)
[5] NWII provides a windows-based environment and several data management facilities not previously available in Nasdaq's former (pre-1994) workstation service.
[6] When Nasdaq installed EWN I, Nasdaq's average daily share volume (for 1994) was 295 million and projections showed that the average daily share volume for 1997 would be 520 million. In 1997, however, average daily share volume was 650 million.
[7] Similar to any other private network, EWN I was designed to have a maximum circuit capacity (*i.e.*, 2,100 circuits).
[8] *See* Securities Exchange Act Rel. Nos. 40434 (September 11, 1998), 63 FR 49937, and 40716 (December 2, 1998), 63 FR 66819.
[9] MCI and WorldCom merged in September 1998.
[10] As noted above, a T1 circuit supports up to six SDPs, and an SDP supports up to eight PDs. A subscriber will be subject to the additional circuit charge when the subscriber has not maximized capacity on its SDPs by placing eight PDs and/or API servers on an SDP; in such case, the NASD/Nasdaq will charge the additional circuit charge for those "underutilized" SDPs (the difference between the number of SDPs a subscriber has and the number of SDPs the subcriber would need to support its PDs and/or API servers, assuming an eight-to-one ratio). A subscriber also will be subject to the additional circuit charge when the subscriber has not maximized capacity on its T1 circuits by placing six SDPs on a T1 circuit. This pricing structure encourages subscribers to maximize circuit capacity and is aimed at preventing the premature exhaustion of such capacity.
[11] 15 U.S.C. 78o–3(b)(5).
[12] 15 U.S.C. 78o–3.
[13] 15 U.S.C. 78o–3(b)(5).

intends to ensure adequate capacity of its EWN II system.

Nasdaq has requested that the Commission approve this proposed rule change on an accelerated basis. Nasdaq believes that accelerated approval of this proposal is necessary to ensure that the costs associated with the expansion of its network are allocated uniformly among all NWII subscriber, regardless of whether they are members or non-members. The Commission finds good cause for approving the proposed rule change (SR–NASD–01–11) prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register** in that non-members have been on notice since October 2000 that Nasdaq was proposing to pass along the additional costs as described above and no comments were received by the Commission on SR–NASD–00–74.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[14] that the proposed rule change (SR–NASD–01–11) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4355 Filed 2–21–01; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster #9K76]

State of Florida

Citrus County and the contiguous counties of Hernando, Levy, Marion and Sumter in the State of Florida constitute an economic injury disaster loan area as a result of freezing temperatures beginning in December 2000 and continuing. Eligible small businesses and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance as a result of this disaster until the close of business on November 13, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

(Catalog of Federal Domestic Assistance Program No. 59002.)

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12).

Dated: February 13, 2001.

John Whitmore,

Acting Administrator.

[FR Doc. 01–4383 Filed 2–21–01; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3578]

Language and Cultural Enhancement Program; Request for Grant Proposals

AGENCY: Bureau of Educational and Cultural Affairs; State.

SUMMARY: The Office of Citizen Exchanges, Youth Programs Division of the Bureau of Educational and Cultural Affairs announces an open competition for a Language and Cultural Enhancement Program. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to conduct a four-week homestay-based, English Language and Cultural Enrichment program from mid-July to mid-August, 2001 for 50 students from the New Independent States (NIS) of the former Soviet Union selected for the Freedom Support Act (FSA) Future Leaders Exchange (FLEX) program. Approximately 15 of the participants will be students with physical disabilities who were specially recruited and selected. The remaining 35 students will be from more isolated regions of the NIS, where there is less opportunity for quality English instruction. The purpose of the program is to raise the English capability of these students to the level where they are able to attend regular classes when their academic program starts in the fall. Additionally, this program will ease the acculturation process when students transit to their permanent host families and communities. Only one grant will be awarded. Funds requested for this project may not exceed $100,000.

Program Information

Objectives: To prepare a select group of students with special needs to attend school in the fall and perform at a level closer to that of those FSA/FLEX students who make up the majority of the program finalists. To provide students with cultural tools and strategies that will foster a successful exchange experience.

Background: Academic year 2001/2002 will be the ninth year of the FSA/FLEX program, which now includes over 8,000 alumni. This component of the NIS Secondary School Initiative was originally authorized under the FREEDOM Support Act of 1992 and is funded by annual allocations from the Foreign Operations and Department of State appropriations. The goals of the program are to promote mutual understanding and foster a relationship between the people of the NIS and the U.S.; assist the successor generation of the NIS to develop the qualities it will need to lead in the transformation of those countries in the 21st century; and to promote democratic values and civic responsibility by giving NIS youth the opportunity to live in American society for an academic year.

During the program's early years, there was concern that students from the more remote regions of the NIS might be underrepresented because the lack of English competence in those regions could prevent applicants from meeting the rigorous English language requirements of the FLEX recruitment process, including attaining a reasonable score on the Secondary Level English Proficiency (SLEP) examination. To address this concern, a pre-academic year English language enrichment program was developed so that some students from the remote areas could be selected whose SLEP scores were slightly lower than average. In 1996, the FLEX program added a component incorporating students with disabilities, who do have a need for some special language and cultural training before initiating their academic year program. The enhancement program for which proposals are being solicited here is in support of both groups of students.

The essential components of the enhancement program are:

- A four-week course of study in English, approximately 5.5 hours a day, to build on the language skills that the students already have;
- Programming that builds on cultural issues that will have been introduced at the pre-departure orientation for all FSA FLEX students.
- Orientation programming that addresses the special needs of the students with disabilities and their unique adjustment issues.
- Accommodation with volunteer host families for the period of the workshop.
- Preparing the students for the transition to their permanent host families and communities.

Other Components: Two organizations have already been awarded grants to perform the following functions: recruitment and selection of all FLEX students; preparation of cross-cultural materials; pre-departure orientation; international travel from home to host community and return; facilitation of ongoing communication between the natural parents and

placement organizations, as needed; maintenance of a student database and provision of data to Department of State; and ongoing follow-up with alumni upon their return to the NIS.

Additionally, 17 "placement organizations" have been selected through a grants competition to place the 2001–2002 FSA FLEX students in schools and homestays for the academic year, to monitor their progress, and to conduct program-related cultural enrichment activities. The organization selected for the Language and Cultural Enhancement Program will be asked to interact with the placement organizations to ensure the students' smooth transition from this pre-academic training to their permanent placements.

Guidelines: Applicants should consult the Project Objectives Goals and Implementation (POGI) guidelines for a detailed statement of work. The program must take place from mid-July to mid-August, 2001. The venue for the program should be one with minor distractions to enable students to focus on the coursework and experience life in a typical American family and community. It should be conducive to a smooth transition to the students' permanent placements. Whenever possible, the coursework should have a forward-focus that provides opportunities for students to view situations in the context of the host family and community to which they'll be going, rather than the LCE host family with whom they are staying only for the duration of this special program. The region in which the LCE program is taking place should also have resources that can be drawn upon for cultural enrichment. Students with disabilities will need to be carefully assessed by someone with expertise in working with persons with disabilities. This individual(s) should also provide support and serve as a resource on disabilities for the LCE teachers, as well as the students, during the duration of the program. At all times, reasonable accommodations must be provided, as needed, for all participants with disabilities. FLEX participants travel on J–1 visas issued by the Department of State using a government program number. The students are covered by the health and accident insurance policies used by their placement organizations. The grantee organization will acknowledge its responsibility to coordinate with the appropriate organization(s) any time medical treatment is needed for the duration of the students' participation in the enhancement program.

Applicants may assume that grant activity will begin by May 1, 2001. Programs must comply with J–1 visa regulations. Please refer to the Solicitation Package for further information.

Budget Guidelines: Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000. The Bureau anticipates awarding one grant in the amount of $100,000 to support program and administrative costs required to implement this program.

Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. See POGI for allowable costs for the program. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number: All correspondence with the Bureau concerning this RFP should reference the above title and number—ECA/PE/C/PY–01–36

FOR FURTHER INFORMATION, CONTACT: Youth Programs Division, ECA/PE/C/PY, Room 568, U.S. Department of State, 301 4th Street, S.W., Washington, D.C. 20547, tel. (202) 619–6299, fax (202) 619–5311, e-mail *daronson@pd.state.gov* to request a Solicitation Package.

The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Officer Diana Aronson on all other inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet: The entire Solicitation Package may be downloaded from the Bureau's website at *http://exchanges.state.gov/education/rfps.* Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Monday, March 29, 2001. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and seven copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref: ECA/PE/C/PY–01–36, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as other Bureau officers, where appropriate. Eligible proposals will be forwarded to panels of Department of State officers for advisory review. Proposals may also be reviewed

by the Office of the Legal Adviser or by other Bureau elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission. Integration of language and culture components should adhere to stated objectives of this project.

2. *Program planning:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Refer to POGI regarding elements that should be included in a calendar of activities/ timetable.

3. *Ability to achieve program objectives:* Objectives should be measurable, tangible and flexible. Proposals should clearly demonstrate how the organization will meet the program's objectives and plan.

4. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of staff and speakers, program venue, host families) and program content (curriculum, orientation and wrap-up sessions, program meetings, and resource materials).

5. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals. Coordinator responsible for curriculum, materials development and instruction should demonstrate relevant ESL/U.S. culture teaching experience and qualifications.

6. *Institution's Record/Ability:* Proposals should demonstrate an institutional record of successful language/culture programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grant Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

7. *Project Evaluation:* Proposals should include a plan to evaluate the program's success, both as the activities unfold and at the end of the program. A draft survey questionnaire, tests, or other techniques plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicant will be expected to submit a final report after project is concluded.

8. *Cost-effectiveness/ Cost-sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation appropriating funds annually for Department of State's exchange programs.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: February 12, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–4396 Filed 2–21–01; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice #3547]

Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union; Notice of Meeting

The Department of State announces that the Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union (Title VIII) will convene on Thursday, April 19, 2001, beginning at 10 a.m. in Room 1105, U.S. Department of State, 2201 C Street, NW., Washington, DC.

The Advisory Committee will recommend grant recipients for the FY 2001 competition of the Program for the Study of Eastern Europe and the Independent States of the Former Soviet Union in connection with the "Research and Training for Eastern Europe and the Independent States of the Former Soviet Union Act of 1983, as amended." The agenda will include opening statements by the Chairman and members of the Committee and, within the Committee, discussion, approval, and recommendation that the Department of State negotiate grant agreements with certain "national organizations with an interest and expertise in conducting research and training concerning the countries of Eastern Europe and the independent states of the former Soviet Union," based on the guidelines contained in the call for applications published in the **Federal Register** on November 14, 2000. Following committee deliberation, interested members of the public may make oral statements concerning the Title VIII program in general.

This meeting will be open to the public; however, attendance will be limited to the seating available. Entry into the Department of State building is controlled and must be arranged in advance of the meeting. Those planning to attend should notify Temi Johnson, INR/RES, U.S. Department of State, (202) 736–4572 by Monday, April 16, 2001, providing their date of birth, Social Security number, and any requirements for special needs. All attendees must use the 2201 C Street, NW., entrance to the building. Visitors who arrive without prior notification and without a photo ID will not be admitted.

Dated: February 12, 2001.

W. Kendall Myers,

Executive Director, Advisory Committee for Study of Eastern Europe and the Independent States of the Former Soviet Union, U.S. Department of State.

[FR Doc. 01–4395 Filed 2–21–01; 8:45 am]

BILLING CODE 4710–32–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Industry Sector Advisory Committee on Services for Trade Policy Matters (ISAC–13)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of meeting.

SUMMARY: The Industry Sector Advisory Committee on Services will hold a meeting on February 27, 2001, from 9 a.m. to 12 noon. The meeting will be opened to the public from 9 a.m. to 9:45 a.m. and closed to the pubic from 9:45 a.m. to 12 noon.

DATES: The meeting is scheduled for February 27, 2001, unless otherwise notified.

ADDRESSES: The meeting will be held at the Department of Commerce, Conference Room 6057, located at 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Karen Holderman (202) 482–0345, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230 (principal contact), or myself on (202) 395–6120.

SUPPLEMENTARY INFORMATION: During the opened portion of the meeting the following topics will be discussed:

- Services Contribution to the United States Economy
- Services Statistics

Christina Sevilla,

Acting Assistant United States Trade Representative for Intergovernmental Affairs and Public Liaison.

[FR Doc. 01–4388 Filed 2–21–01; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number ANM–01–01]

FAA Policy on Use of the "Aircraft Materials Fire Test Handbook"

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of policy statement; request for comments.

SUMMARY: This notice announces an FAA policy applicable to the use of Report DOT/FAA/AR–00/42, "Aircraft Materials Fire Test Handbook." This notice advises the public that the FAA considers the material flammability tests described in the latest version of that document to be the preferred acceptable test methods for showing compliance with the relevant regulations. This notice is necessary to advise the public of FAA policy and give all interested persons an opportunity to present their views on the policy statement.

DATES: Send all comments on this policy statement on or before March 26, 2001.

ADDRESSES: Send all comments on this policy statement to the individual identified under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Jeff Gardlin, Federal Aviation Administration, Transport Airplane Directorate, Airframe/Cabin Safety Branch, ANM–115, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–2136; fax (425) 227–1320; e-mail: *jeff.gardlin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

You may comment on this policy statement by sending any written data, views, or arguments as you may desire. You should identify the Policy Statement Number ANM–01–01 on your comments, and submit your comments, in duplicate, to the address indicated above. The Transport Airplane Directorate (Transport Standards Staff) will consider all communications received on or before the closing date for comments.

Discussion

The Original Version of the Handbook

In September 1990, the FAA published Report DOT/FAA/CT–99/15, "Aircraft Materials Fire Test Handbook" (referred to throughout this notice as "the Handbook"). The Boeing Company, with the assistance of the former McDonnell Douglas Aircraft Company, developed the Handbook under contract to the FAA.

The 1990 version of the Handbook consisted of chapters outlining in detail the various material flammability tests that Boeing and McDonnell Douglas had used to show compliance with the FAA material flammability regulations. Those specific regulations in Title 14, Code of Federal Regulations (CFR), part 25, are:

§ 25.853 ("Compartment interiors"),

§ 25.855 ("Cargo and baggage compartments"),

§ 25.857 ("Cargo compartment classification"),

§ 25.858 ("Cargo compartment fire detection systems"), and

§ 25.869 ("Fire protection: systems").

At the time of its original publication, the Handbook contained test methods that represented acceptable, but not necessarily the only, methods to show compliance with those regulations. In addition, the Handbook contained other chapters with general information on flammability testing of aircraft material, such as where in the regulations to find requirements, the location of international contacts, and a list of various fire test laboratories.

Modifications to Test Methods in the Handbook

Since the original publication of the Handbook, the FAA has relied on the International Aircraft Materials Fire Test Working Group (IAMFTWG) to review the test methods and advise on areas needing possible revision. The IAMFTWG consists of experts in the materials and fire testing specialties who help refine and support the development of test methods used in aviation. The members of the IAMFTWG include representatives from the airlines, airframe manufacturers, material suppliers, and regulatory authorities, among others. A representative from the FAA's Technical Center chairs this group. The IAMFTWG is a participative technical peer group that contributes to FAA research, but its activities are not regulatory in nature.

Before any modifications to the test methods described in the Handbook have been incorporated, the IAMFTWG has provided data supporting such modifications, and the FAA has reviewed and accepted the data. In addition, the FAA's Transport Airplane Directorate (Transport Standards Staff) has determined whether the modified test methods complied with the applicable regulations.

The following is an example of why and how this procedure has been used in the past to modify and improve test methods.

Example of Why and How a Test Method is Modified

Several IAMFTWG representatives from test laboratories reported problems with testing some new, very fire-resistant panels in the rate-of-heat-release testing apparatus. The test apparatus used three pilot flames, located above the sample material, to ignite any combustible gas by-products emitted by the sample during testing. The problem with this test arose when gases emanating from the samples were extinguishing the upper pilot flames in the test chamber, thus voiding the tests. Consequently, materials that might improve fire safety could not be approved for use because the fire retardant mechanism that improved their flammability also extinguished the pilot flames in the required test method.

After an extensive test program, certain modifications were made to the upper pilot burner in the test apparatus to improve the test:

- The number of pilot flames was increased from 3 to 13, with one outside the flame plume.
- The size of the pilot flames was decreased to minimize the possible heating effect of the increased number of pilots.

Testing showed that this new pilot configuration solved the problem. That is, when a pilot flame would extinguish, it was immediately re-ignited by an adjacent flame without compromising the results of the test. Subsequent testing showed that there was no difference in test results between the 3- and 13-hole pilot configurations for materials that *do not* extinguish the pilot flames. Thus, the Transport Airplane Directorate (Transport Standards Staff) determined that the use of the 13-hole pilot burner would produce results equivalent to the 3-hole burner and, therefore, was an acceptable method to show compliance with the applicable regulations.

Discussion of the Latest Revised Handbook

The FAA has made public the various accepted modifications to the original test methods (outlined in the 1990 version of the Handbook) through drafts of a revised Handbook that have been continually updated. The recently published revised Handbook, dated April 2000, documents these changes to the test methods.

There are four types of chapters in this latest revised version of the Handbook:

1. Required test methods, non-propulsion related (Chapters 1–10, and 15);
2. Required test methods, propulsion related (Chapters 11–14);
3. Non-required test methods (Chapters 18–22); and
4. General information (Appendix A through G).

The *required test methods (non-propulsion)*, as described in Chapters 1 through 10 and Chapter 15, are acceptable methods for showing compliance with, or provide an equivalent level of safety to, the required regulations as outlined in the chapter.

The *required test methods (propulsion)*, as described in Chapters 11 through 14, are not addressed in this policy statement.

The *non-required test methods* described in Chapters 18 through 22 are included in the Handbook for use as test standards in applications where there currently are no requirements. Since these test methods are not required, no process is required for their modification. Therefore, the FAA will update these chapters as needed in the electronic version of the Handbook located at *http://www.fire.tc.faa.gov/index.html?handbook.stm&1*.

The *general information chapters* (Appendices A through G) provide assistance to applicants and test laboratories as a general guide to the certification process. These chapters are not all-inclusive and can be viewed simply as a starting point. The FAA will update the information in these chapters as needed in the electronic version of the handbook.

Preferred Test Methods

As of the date of this policy statement, the FAA considers the following test methods described in Chapters 1 through 10 and Chapter 15 of the "Aircraft Materials Fire Test Handbook," dated April 2000, the preferred test methods to show compliance with, or demonstrate an equivalent level of safety to, the applicable material flammability regulations:

Chapter 1—the 60-second and 12-second Vertical Bunsen Burner Test specified in § 25.853, § 25.858, and Appendix F of part 25.

Chapter 2—the 30-second 45-degree Bunsen Burner Test specified in § 25.857 and Appendix F of part 25.

Chapter 3—the 15-second horizontal Bunsen Burner Test specified in § 25.853 and Appendix F of part 25.

Chapter 4—the 30-second 60-degree Bunsen Burner Wire Test specified in § 25.869 and Appendix F of part 25.

Chapter 5—the Rate of Heat Release Test specified in § 25.853 and Appendix F of part 25.

Chapter 6—the Smoke Test for Cabin Materials specified in § 25.853 and Appendix F of part 25.

Chapter 7—the Oil Burner Test for Seat Cushions specified in § 25.853.

Chapter 8—the Oil Burner Test for Cargo Liners specified in § 25.855 and Appendix F of part 25.

Chapter 9—the Radiant Heat Test for Evacuation Slides, Ramps, and Rafts specified in Technical Standard Order (TSO)–C69C ("Emergency Evacuation Slides, Ramps, Ramp/Slides, and Slide/Rafts").

Chapter 10—the Fire Containment Test of Waste Stowage Compartments to demonstrate compliance with § 25.853.

Chapter 15—the Oil Burner Test for Repaired Cargo Compartment Liners to demonstrate continued compliance with § 25.855.

Although these test methods cannot—and do not—supersede any method specified by and described in the regulations, they represent an acceptable means of compliance with the relevant regulation and, in some cases, a preferred option over the specified method.

Section 25.853 includes a provision for use of "other approved equivalent methods," when referring to the test procedures described in Appendix F of part 25. The FAA has accepted the test methods described in Chapters 1 through 10 and Chapter 15 of the Handbook as providing an equivalent level of safety to the test methods specified in Appendix F of part 25. In addition, these test methods are more repeatable, more reproducible, and easier to conduct.

The FAA encourages applicants to use the test methods outlined in Chapters 1 through 10 and Chapter 15 of the Handbook. However, the FAA will consider other alternative methods that demonstrate an equivalent level of safety on a case-by-case basis along with the necessary supportive data.

Process for Modifying the Preferred Test Methods

New materials and technology may make it necessary to modify the various test methods from time to time in order to address newly identified testing anomalies. In these cases, the FAA requires assurance that such changes do not affect the intended pass/fail criteria of the test (that is, the level of safety provided), but do provide an increase in repeatability, reproducibility, or ease of test conduct.

Changes or modifications to any test method outlined in Chapters 1 through 10 and Chapter 15 will be addressed first through the IAMFTWG. The IAMFTWG will evaluate all suggested changes, modifications, and supportive data. Only changes that do not adversely affect the intended safety level of the test method (pass/fail level) will be considered.

Fire safety experts within the FAA will first approve the modified test methods before forwarding them to the Transport Airplane Directorate (Transport Standards Staff) for a determination of equivalent level of safety. Only if such a determination is made will the changes or modifications be incorporated into the electronic version of the Handbook (accessible at *http://www.fire.tc.faa.gov/index.html?handbook.stm&1*).

Use of the Test Methods

The FAA will consider the test methods in Chapters 1 through 10 and Chapter 15 of the electronic version of the Handbook to be the most current methods. However, the test methods described in the version of the Handbook dated April 2000, will remain acceptable for showing compliance. The test methods described in the regulations, of course, will also remain acceptable methods of compliance.

The test methods described in the Handbook are intended to be adopted *in total*, if they are used. That is, use of one section of a test method from the Handbook and another section of the test method from Appendix F of part 25 for example, is not covered by this policy statement. If an applicant proposes to use sections from more than one version of a test method to show compliance, the applicant first must obtain approval from the cognizant FAA Aircraft Certification Office. The applicant's requests should be coordinated with the Transport Airplane Directorate (Transport Standards Staff).

Effect of General Statement of Policy

The general policy stated in this document is not intended to establish a binding norm; it does not constitute a new regulation and the FAA would not apply or rely upon it as a regulation. The FAA Aircraft Certification Offices (ACO) that certify transport category airplanes should generally attempt to follow this policy, when appropriate. However, in determining compliance with certification standards, each ACO has the discretion *not* to apply these guidelines where it determines that they are inappropriate. Applicants should expect that the certificating officials will consider this information when making findings of compliance relevant to new certificate actions. Applicants also may consider the material contained in this policy statement as supplemental to that currently contained in Report DOT/FAA/AR–00/12, "Aircraft Materials Fire Test Handbook," dated April 2000, when developing a means of compliance with the relevant certification standards.

In addition, as with all typical advisory material, this statement of policy identifies one means, but not the only means, of compliance.

Application of Policy Statement

The FAA considers this policy statement an issue for which public comment is appropriate and, therefore, requests comment on it. However, it is the FAA's intention to immediately apply this policy. Resolution of any public comments received will determine how the policy is applied in the long term for future projects.

Issued in Renton, Washington, on February 14, 2001.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4377 Filed 2–21–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33670]

The Indiana Rail Road Company—Operation Exemption—Monon Rail Preservation Corporation

The Indiana Rail Road Company (INRD), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to operate the property of the Monon Rail Preservation Corporation, consisting of a line between milepost Q217.67, at Hunters, and milepost Q213.41, at Ellettsville, a distance of 4.26 miles in Monroe County, IN.

Because INRD's projected annual revenues will exceed $5 million, INRD has certified to the Board on December 26, 2000, that the required notice of the transaction was posted at the workplace of the employees on the affected line on December 20, 2000. *See* 49 CFR 1150.42(e). According to INRD's certification, the employees on the affected line are not represented by a labor organization and therefore no notice to labor organizations was required. INRD stated in its verified notice that the transaction will become effective on the date of the Board's approval of INRD's operation of the line. The earliest the transaction can be consummated is February 24, 2001 (60 days after INRD's certification to the Board that it had complied with the Board's rule at 49 CFR 1150.42(e)).

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33670, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on John Broadley, Esq., John H. Broadley & Associates, 1054 31st Street, NW., Suite 200, Washington, DC 20007.

Board decisions and notices are available on our website at *http://www.stb.dot.gov*.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Decided: February 14, 2001.

Vernon A. Williams,

Secretary.

[FR Doc. 01–4390 Filed 2–21–01; 8:45 am]

BILLING CODE 4915–00–P

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Federal Register

Thursday,
February 22, 2001

Part II

Environmental Protection Agency

Department of the Interior

Fish and Wildlife Service

Department of Commerce

National Oceanic and Atmospheric Administration

Memorandum of Agreement Between the Environmental Protection Agency, Fish and Wildlife Service and National Marine Fisheries Service Regarding Enhanced Coordination Under the Clean Water Act and Endangered Species Act; Notice

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[FRL–6937–6]

Memorandum of Agreement Between the Environmental Protection Agency, Fish and Wildlife Service and National Marine Fisheries Service Regarding Enhanced Coordination Under the Clean Water Act and Endangered Species Act

AGENCIES: Environmental Protection Agency, Fish and Wildlife Service, Department of Interior, and National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency, Fish and Wildlife Service and National Marine Fisheries Service have signed a Memorandum of Agreement (MOA) addressing interagency coordination under the Clean Water Act and Endangered Species Act. This notice discusses comments received on a draft of the MOA published by the Agencies on January 15, 1999, describes the changes we have made to the draft, and publishes the final MOA.

FOR FURTHER INFORMATION CONTACT: Brian Thompson, Standards and Health Protection Division (4305), U.S. EPA, Office of Science and Technology, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 260–3809, thompson.brian@epamail.epa.gov; Margaret Lorenz, Endangered Species Division, National Marine Fisheries Services, 1315 East West Highway, Silver Spring, MD 20910, (301) 713–1401, margaret.lorenz@noaa.gov; or Mary Henry, Division of Environmental Quality, Fish and Wildlife Service, 4401 N. Fairfax, Arlington, VA 22203, (703) 358–2148, mary_henry@fws.gov.

SUPPLEMENTARY INFORMATION: On January 15, 1999, the Environmental Protection Agency (EPA), Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) published for public comment a draft Memorandum of Agreement (MOA) addressing coordination under the Clean Water Act (CWA) and Endangered Species Act (ESA). 64 Fed. Reg. 2742. We have considered all the public comments submitted on the draft MOA, made revisions, and signed a final version of the document. Today's notice discusses comments we received on the draft MOA, summarizes the changes we have made, and publishes the final MOA.

The MOA is designed to enhance coordination between our agencies so that we can best carry out our responsibilities under the CWA and ESA. In recent years, we have increasingly sought to integrate our programs. For example, EPA now consults with the Services under section 7 of the ESA on EPA's promulgation and approval of water quality standards under section 303(c) of the CWA and approval of State National Pollutant Discharge Elimination System (NPDES) permitting programs under section 402(b). The MOA seeks to enhance the efficiency and effectiveness of consultations on these actions in the future by providing guidance to our regional and field offices and establishing an elevation process to resolve quickly issues that may arise. The MOA also seeks to enhance coordination at the national level by, among other things, establishing a joint national research plan that will prioritize research on the effects of water pollution on endangered and threatened species. We believe that the MOA will help make our work together more productive and timely, to the benefit of endangered and threatened species and the aquatic environment generally, as well as the regulated community and State and Tribal coregulators.

The provisions of the ESA, CWA and our regulations described in the MOA contain legally binding requirements. The MOA itself does not alter, expand, or substitute for those provisions or regulations, nor is it a regulation itself. Thus, it does not impose legally-binding requirements on EPA, States,[1] Tribes,[2] or the regulated community. Rather, the MOA contains internal procedural guidance to our staff to assist us in carrying out existing legal requirements. Based on experience in implementing the MOA, we may change the MOA in the future.

I. Statutory Background

Section 7 of the ESA imposes substantive and procedural obligations on Federal agencies. Section 7(a)(1) of the ESA requires Federal agencies, in consultation with and with the assistance of the Services, to utilize their authorities to further the purposes of the ESA by carrying out programs for the conservation of listed threatened and endangered species. Section 7(a)(2) of the ESA states that Federal agencies shall, in consultation with, and with the assistance of the Services, ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of habitat that has been designated as critical for the species. Section 7(a)(4) of the ESA also requires that Federal agencies confer with the Services on any agency action that is likely to jeopardize the continued existence of any species proposed for listing, or result in the destruction or adverse modification of proposed critical habitat. Regulations outlining the process for section 7 consultation and conferencing are codified at 50 CFR part 402. The ESA also makes it unlawful for any person to "take" any fish or wildlife species that is listed under the Act. ESA 9(a)(1)(B). "Take" is defined to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in such conduct." 16 U.S.C. 1532(19). However, the Services may provide an exemption to the prohibition on take that is incidental to otherwise legal activity through a statement that is attached to a biological opinion. The incidental take statement specifies the terms and conditions necessary to carry out reasonable and prudent measures that will minimize the incidental take.

EPA's authorities under the water quality standards and NPDES permitting programs are contained in sections 303(c), 304(a) and 402 of the CWA. Under section 303(c), the development of water quality standards is primarily the responsibility of States and Tribes qualified for treatment in the same manner as States, with EPA exercising an oversight role. Water quality standards consist of three components: (1) The designated uses of waters, which can include use for public water supplies, propagation of fish and wildlife, recreational, agricultural, industrial and other uses; (2) water quality criteria, expressed in numeric or narrative form, reflecting the condition of the water body that is necessary to protect its designated use, and (3) an antidegradation policy that protects existing uses and provides a mechanism for maintaining high water quality. States and Tribes are required to review their standards every three years and any revisions or new standards must be submitted to EPA for approval. Section 303(c) contains time frames for EPA to review and either approve or disapprove standards submitted by a State or Tribe, and requires EPA to promulgate Federal standards to supersede disapproved State or Tribal standards. In addition, section 303(c) authorizes EPA to promulgate Federal standards whenever the Administrator determines that such standards are necessary to meet the requirements of the CWA. Regulations implementing section 303(c) are codified at 40 CFR part 131.

Under section 304(a) of the CWA, EPA from time to time publishes recommended water quality criteria that serve as scientific guidance for use by States or Tribes in establishing and revising water quality standards. These criteria are not enforceable requirements, but are recommended criteria levels that States or Tribes may adopt as part of their legally enforceable water quality standards. States or Tribes may adopt other scientifically defensible criteria instead of EPA's recommended criteria (see 40 CFR 131.11(b)).

The NPDES permitting program is established by section 402 of the CWA. Any person that discharges a pollutant (other than dredged or fill material) into waters of the United States from a point source must obtain an NPDES permit. See CWA section 301(a). (Dischargers of dredged or fill material must obtain a permit under section 404 of the CWA from the Army Corps of Engineers or an authorized State.) EPA issues permits under section 402 unless a State or Tribe has been approved by EPA to administer the permitting program. Any NPDES permit must contain limitations to reflect the application of available treatment technologies, as well as any more stringent limitations needed to ensure compliance with water quality standards. CWA 301(b). EPA has promulgated regulations governing the administration of the NPDES program. See 40 CFR parts 122, 124–125.

The CWA authorizes States or Tribes to administer the NPDES program provided the program meets the conditions specified in section 402(b) of the Act and EPA regulations. See 40 CFR part 123. Currently, 43 States and the U.S. Virgin Islands have received approval from EPA to operate the NPDES program. Authorized States and Tribes are required to maintain their programs consistent with minimum statutory and regulatory requirements. When EPA approves State or Tribal authority to administer an NPDES program, EPA maintains oversight responsibility, including the authority to review, comment on and, where a permit is "outside the guidelines and requirements" of the CWA, object to State or Tribal draft permits. CWA section 402(d)(2). If EPA objects to a State or Tribal permit and the State or Tribe fails to revise the permit to satisfy EPA's objection, the authority to issue the permit is transferred to EPA. Section 402(c) of the CWA authorizes EPA to withdraw the State's or Tribe's permitting authority if EPA determines the program is not being administered in accordance with the Act.

II. Overview of Public Comments

EPA and the Services received comments from individuals, private industry, environmental organizations and other governmental agencies on the draft MOA. We have not attempted below to summarize or address the detailed contents of each of the public comments. We have, however, considered each of the comments in developing the final MOA. We address in this notice the major themes and concerns raised by the public comments.

Many commenters supported the MOA's goal of fostering early input by the Services into decision-making under the CWA standards and permitting programs. These commenters believed integrating the Services early into existing regulatory processes would help ensure species protection issues are addressed effectively and in a timely manner. Many commenters expressed concern, however, that the MOA would increase burdens on States and viewed the MOA as seeking to shift EPA's section 7 consultation responsibilities to States. Some commenters supported our proposed plan to conduct national programmatic consultations on water quality criteria and permit oversight procedures as likely to reduce the redundancy of State-by-State consultation. Others commenters believed that these programmatic consultations would be inappropriate and inconsistent with the requirements of the ESA. Finally, some commenters believed that the MOA failed to focus adequately on EPA's responsibility under section 7(a)(1) of the ESA to utilize its authorities to carry out programs for the conservation of listed species.

We continue to believe that early involvement of the Services in CWA activities is important to ensuring that species protection concerns are addressed effectively in the water quality standards and permitting programs. The Services have substantial expertise that can help improve decision-making by EPA, States and Tribes. Obtaining their expertise early in the regulatory process helps ensure that their views are meaningfully considered, and that the broadest range of management options are available to ensure the protection of species.

This does not mean, however, that the MOA calls for States and Tribes to "consult" with the Services under section 7 of the ESA, or that burdens in administering their programs will be increased. The MOA cannot, and does not, impose any requirements of section 7 on States and Tribes. Those requirements apply solely to Federal agencies, and EPA continues to be responsible for fulfilling any applicable requirements of section 7 in its administration of the CWA. (While States and Tribes may choose to function as "non-federal representatives" for purposes of informal consultation pursuant to 50 CFR 402.18, the responsibility for compliance with section 7 remains with EPA.)

Moreover, the MOA does not address in any way the obligations of States and Tribes under the CWA or the ESA, other than to note in a few instances requirements of existing laws and regulations. See, e.g., section IX.A. paragraph 2 (noting State/Tribal obligation under EPA CWA regulations to provide copies of draft NPDES permits to the Services). Thus, while the MOA should facilitate greater interaction between the Services and States/Tribes, it does not change the legal requirements that States or Tribes must meet in adopting water quality standards or in issuing NPDES permits, and does not require States or Tribes to perform any information-gathering or other analyses that would not be required under existing legal requirements. Rather, the MOA is intended to enhance communication between the Services, EPA and States/Tribes about how to ensure that water quality standards and NPDES permits will protect endangered and threatened species. In response to comments that the national consultations are inappropriate or inconsistent with the ESA, we will conduct the consultations in accordance with all applicable requirements of the ESA and 50 CFR part 402.

Finally, we agree with the comment that the MOA should put greater emphasis on the development of programs by EPA, in consultation with the Services, for the conservation of listed species under section 7(a)(1) of the ESA. The CWA is a powerful vehicle for improving the quality of the aquatic environment on which many endangered and threatened species depend. EPA's mission under the CWA includes reducing the risks to aquatic

[1] For purposes of the MOA, "States" mean States, Territories and Commonwealths that qualify as States for the programs covered by the Agreement.

[2] For purposes of the MOA, "Tribes" mean those Tribes that are authorized for treatment as States for the programs covered by the Agreement. See CWA 518(e).

life and wildlife due to water quality degradation. Reducing those risks can also help facilitate the recovery of listed species. While the MOA will help ensure that EPA actions meet the substantive requirements of section 7(a)(2) of the ESA, we believe the MOA should also help identify affirmative steps under section 7(a)(1) of the ESA that EPA can take pursuant to its CWA authorities to facilitate the recovery of listed species. We have made appropriate additions to the MOA in this respect, which are noted in the discussion below.

III. Summary of the Final MOA

We have retained in the final MOA the following basic components of the January 1999 draft MOA: (1) Interagency coordination and elevation; (2) national level activities; (3) oversight of State and Tribal water quality standards; (4) State and Tribal NPDES permitting programs. Each of these is addressed below.

A. Interagency Coordination and Elevation

One of the most important objectives of the MOA is to institutionalize strong working relationships among our regional and field offices who have day-to-day responsibility for administering our programs. Ongoing planning and collaboration at the regional/field level are essential to carrying out our programs effectively. Therefore, the MOA directs our staff to establish local/regional review teams that will meet periodically to identify upcoming priorities and workload requirements and generally ensure close coordination on the full range of activities involving water quality and endangered/threatened species protection. These teams will also develop procedures for working with States and Tribes on these matters. We have added language to the MOA stating that the regional review teams should also provide assistance to the interagency oversight panel in conducting a proactive conservation review that will identify ways in which EPA can more fully utilize its authorities for the conservation of listed species.

We also believe that effective coordination among senior managers at the regional level is vital to maintaining effective working relationships. Therefore, in addition to directing regional staff and day-to-day managers to meet on a regular basis through the regional review teams, we have added to the MOA a directive that EPA and Service regional senior managers (e.g., Regional Administrator or Division Director from EPA, Regional Director or Assistant Regional Director from the FWS, Assistant Regional Administrator for NMFS) meet at least annually to review on a programmatic basis ongoing work between our agencies. These meetings will focus on establishing overall priorities, assessing resource needs and providing direction to mid-level managers and staff.

The draft MOA also included a procedure for elevating issues that may arise among our regional and field offices. We have included the elevation procedure in the final MOA with certain revisions. First, one commenter believed that the proposed elevation process applied only to disagreements that may arise in formal section 7 consultations, and requested clarification of the scope of issues addressed by the elevation procedure. We did not intend to use the elevation process solely for issues arising in formal section 7 consultations. It is available to resolve disagreements arising in formal or informal consultations, or other areas of cooperation, such as EPA oversight of State/Tribal NPDES permits. Moreover, because the elevation procedure is generic, we intend to make it available for any issues arising with regard to section 7 consultations on EPA actions under the CWA in areas not specifically addressed by the MOA. The purpose of the elevation procedure is to help us reach informed and timely decisions, and making this procedure available whenever we are engaged in the section 7 process with regard to EPA actions under the CWA will help achieve this objective. The procedures may be used to review matters such as the content or supporting analyses of biological evaluations prepared by EPA or biological opinions prepared by the Services. However, the elevation process does not impair in any way the ultimate authority of EPA or the Services to issue decisions or render determinations that are within each agency's authority under the CWA and the ESA.

Also, to make the elevation process more workable, we have reduced the number of steps involved in the elevation at the regional level. In the final MOA, the first step in any elevation will be to raise an issue to our regional directors/administrators, rather than requiring an intermediate step of elevating the issue to mid-level managers. This revision recognizes that mid-level managers are typically involved in issues on an ongoing basis, and that these managers should seek to resolve issues informally if possible. By eliminating a step in the elevation process, the final MOA will also help speed resolution of issues should elevation be necessary. Much of the MOA is designed, however, to enhance early and ongoing collaboration among our agencies. We continue to believe that issues should be resolved at the lowest levels possible, and enhanced coordination should reduce the likelihood that elevation will be needed.

Some commenters suggested that the results of decisions in an elevation be documented so that they could serve as guidance in other similar circumstances. The agencies will memorialize the results of the elevation in writing where determined to be appropriate (e.g., where the results of the elevation would provide useful guidance to agency staff).

We have also retained in the final MOA an oversight panel that will consist of regional and headquarters personnel to provide oversight and coordination on all aspects of the agreement. In addition, we have amended the draft MOA to specify that the oversight panel, with input from the regional review teams will conduct a "proactive conservation review" (see section V(A)(3)(7)) under section 7(a)(1) of the ESA regarding EPA's authorities and identify ways that EPA can more fully utilize those authorities to carry out programs for the conservation of listed species.

B. National Level Activities

The draft MOA included four national level activities to help better integrate our programs: (1) A water quality standards rulemaking; (2) development of new water quality criteria methodological guidelines; (3) national consultations on EPA's section 304(a) aquatic life water quality criteria recommendations and on procedures to ensure State/Tribal NPDES permits protect listed species, and (4) a joint national research and data gathering plan. The final MOA retains these components basically as contained in the draft MOA, with some changes, in particular with regard to the national consultations, and those changes, as well as relevant public comments, are discussed below.

1. Water Quality Standards Rulemaking

The draft MOA indicated that EPA would propose to amend EPA's water quality standards regulations to provide that water quality shall be not likely to jeopardize the continued existence of a listed species. We stated that such a rule would essentially codify existing protection for endangered and threatened species under the CWA since water quality that is so poor it would likely jeopardize a listed species or destroy or adversely modify critical habitat fails to meet the fundamental requirements of the CWA.

Several commenters believed that this rule would be inconsistent with the CWA because it would remove the flexibility of States and Tribes under section 303(c)(2)(A) to establish use designations based on the uses that are attainable in the waterbody. EPA and the Services do not believe that flexibility will be removed from the States and Tribes to change use designations with use attainability analyses. Any changes in use designations must comply with the long-standing requirements in 40 CFR part 131. Further, any changes in use designations must be approved by EPA under section 303(c) of the CWA. These approvals are subject to the requirements of section 7 of the ESA. With the early coordination envisioned by the Services and EPA to address listed species needs during triennial reviews, more species-specific and site specific information and expertise will complement defensible use attainability analyses performed by the States and Tribes. Justifiable changes can be still made after taking into account the needs of listed species.

2. Development of New Water Quality Criteria Methodological Guidelines

The final MOA provides that the Services will participate in EPA's development of new methodological guidelines for the development of aquatic life criteria under section 304(a) of the CWA. We received no significant comments on this provision, which is unchanged from the January 1999 draft MOA.

3. National Consultations

The draft MOA described national consultations that EPA and the Services intended to undertake regarding EPA's water quality criteria for the protection of aquatic life that EPA has published under section 304(a) of the CWA, and on procedures in the MOA to ensure that State/Tribal NPDES permits will protect listed species. As discussed further below, we have decided to delete the provision for a national permits consultation from the MOA, and have modified in certain respects the discussion of the national criteria consultation.

With regard to the national permits consultation some commenters questioned whether the granting of an exemption from incidental take prohibitions would be appropriate through an incidental take statement issued at the national level without consideration of site-specific circumstances. Other commenters were unclear as to the effect that such a consultation would have on existing state NPDES programs, and were concerned that the agencies not "reopen" those programs through the national consultation.

We have considered these comments and have had further interagency discussions of the merits of this programmatic consultation on the permitting procedures. We have decided to delete the discussion of that consultation from the final MOA and, at this time, do not intend to undertake such a consultation on permitting procedures. Our decision not to conduct a national programmatic consultation does not affect our commitment to follow the procedures in section IX of the MOA for coordination with regard to oversight of State/Tribal NPDES permits. Those procedures are designed to share information that will assist permitting authorities in meeting CWA requirements, including the protection of listed species. They describe those circumstances where EPA would use its oversight authorities to ensure these requirements and objectives are met.

EPA's current practice is to consult with the Services where EPA determines that approval of a State's or Tribe's application to administer the NPDES program may affect federally listed species. We will continue to conduct such consultations on a case-by-case basis. Where formal consultation is undertaken, a biological opinion issued by the Service(s) would include an incidental take statement in accordance with section 7 of the ESA and 50 CFR Part 402. In addition, as discussed elsewhere in today's notice and in the final MOA, EPA consults with the Services regarding its approval of new and revised water quality standards that may affect listed species, and any biological opinion issued as a result of such a consultation would include an incidental take statement in accordance with section 7 of the ESA and 50 CFR Part 402.

With regard to the national criteria consultations, States generally supported our undertaking such consultations as it would streamline the water quality standards adoption and approval process at the State level, and avoid duplication of effort involved in consulting on a State-by-State basis. Other commenters stated that EPA should not consult on the section 304(a) criteria because they are not an agency "action" under section 7. Still others believed that national consultations on aquatic life criteria would not be based on the "best available information" as required by section 7 of the ESA. EPA and the Services have agreed, however, that it is appropriate to conduct these consultations pursuant to section 7(a)(2) for 304(a) aquatic life criteria to ensure the protection of listed species. Moreover, we fully intend to base consultations on the "best available information," as required by section 7, and do not believe that this requirement precludes us from conducting the consultations on a national basis.

Some commenters contended that we should not consult on existing aquatic life criteria, since they are based on old methodologies and that EPA should consult instead only on new criteria. We believe that consulting on EPA's existing section 304(a) aquatic life criteria is warranted because these criteria have been adopted by many States in their water quality standards, and this consultation will assist us in determining whether these criteria are protective of endangered and threatened species. EPA will consider the results of the consultation in deciding whether more stringent criteria would be warranted to protect certain endangered or threatened species. EPA also intends to integrate the national consultation process with ongoing revisions to existing criteria that are underway, as well the development of new criteria.

Commenters raised the additional concern that a national consultation was likely to lead to the development of overly stringent water quality criteria and that consultations should, therefore, continue to take place on a State level. We disagree, since EPA would revise the criteria if it determines that more stringent criteria were in fact needed to protect endangered and threatened species, regardless of whether the consultation occurred on a national or State/Tribal level. Moreover, revisions to the criteria guidance could be targeted to the waters within the geographic range of species of concern (e.g., through recommendations to adopt site-specific criteria). In this way, other waters not needing the additional level of protection would not be affected by the revisions.

Other commenters raised the question whether, under section 7(d) of the ESA, EPA and States could continue to implement existing CWA requirements while the national consultations are ongoing. Section 7(d) prohibits federal agencies and a permit or license applicant, after initiation of consultation, from making an irretrievable or irrevocable commitment of resources that would preclude the formulation or implementation of alternatives identified in the consultation required to meet the requirements of section 7(a)(2) of the ESA. We disagree that the initiation of the national consultations on criteria would limit the ability of EPA, States or

Tribes to continue implementing existing requirements under the CWA. The water quality criteria guidance does not involve any irretrievable or irrevocable commitment of resources. The criteria guidance can, and will, be revised if as a result of the consultations a determination is made that revisions are necessary to comply with section 7(a)(2) of the ESA. Moreover, if in the future EPA proposes to undertake an action that is covered by the national consultations prior to the conclusion of these consultations (e.g., approval or promulgation of an aquatic life criteria identical to or more stringent than EPA's guidance value), EPA will make a determination of compliance with section 7(d) at that time based on the particular facts, recognizing that EPA retains the authority to require revisions to water quality and standards, and promulgate them if necessary. Finally, the aquatic life criteria guidance is fundamentally designed to ensure protection of the aquatic environment and we do not believe that section 7(d) of the ESA would impede their implementation pending completion of consultation.

Since the draft of the MOA was published in January 1999, EPA and the Services have undertaken a series of meetings that have resulted in a broad agreement on the scientific and technical procedures for conducting the consultations. These meetings have led to a realistic assessment of the resources and time necessary to conduct the consultation, and to an understanding that the consultation should be phased and that priorities should be set to deal with the most important pollutants and issues first. As a result, the final MOA states that the consultation will be completed in an expedited manner, rather than the less flexible strict timetable of eighteen months contained in the draft MOA.

4. Joint National Research Plan

The final MOA retains the draft MOA's provisions for the Agencies to establish a joint national research and data gathering plan for prioritizing and funding research on the effect of water pollution on listed species. We received no significant comments on this portion of the MOA, which is unchanged from the 1999 draft.

C. Oversight of State and Tribal Water Quality Standards

We did not receive extensive comments on the provisions in the MOA related to oversight of State/Tribal water quality standards. Some commenters contended that EPA approval of water quality standards is not subject to section 7 of the ESA because EPA approval is non-discretionary. EPA disagrees, since our decision as to whether a particular standard meets the requirements of the CWA involves the exercise of considerable judgment. We believe that where approval of new or revised standards may have an effect on a listed species or designated critical habitat, consultation under section 7(a)(2) is required. Other commenters argued that EPA should consult not only on new and revised standards, but also on existing water quality standards. EPA and the Services have agreed that where information indicates an existing standard is not adequate to avoid jeopardizing listed species, or destroying or adversely modifying designated critical habitat, EPA will work with the State/Tribe to obtain revisions in the standard or, if necessary, revise the standards through the promulgation of federal water quality standards under section 303(c)(4)(B) of the CWA. Some commenters said that it is not appropriate for EPA to compel a State to reopen an existing water quality standard to avoid "jeopardy" because that threshold is not contained in the CWA, and nothing in the CWA requires that water quality be improved whenever doing so would benefit listed species. Again, water-dependent endangered and threatened species are an important component of the aquatic environment that the CWA is designed to protect, and steps to ensure the protection of those species are well within the scope of the CWA.

After consideration of public comments on this aspect of the MOA, we have decided to retain the language of the 1999 draft MOA with no major substantive changes.

D. State/Tribal Permitting Programs

The final MOA addresses the procedures that we will follow in overseeing the operation of State/Tribal NPDES permits to ensure that listed species and critical habitats are protected. Several commenters raised concerns that the coordination process described in the MOA was equivalent to the section 7 consultation process. This is incorrect. Section 7 consultations are governed by the specific procedures contained in 50 CFR part 402. The coordination procedures in the MOA do not track the consultation process. Rather, the coordination procedures simply outline the interaction that we envision between EPA, the Services and the State/Tribe should a particular permit raise issues of concern for listed species. The MOA also makes clear that EPA's oversight of State/Tribal permits will continue to be governed by EPA's CWA authorities. For example, EPA may only object to a permit that is "outside the guidelines and requirements" of the CWA as provided in section 402(d) of the CWA. We are confident that EPA's CWA authorities are sufficiently broad and the MOA sufficiently flexible to address the broad range of situations that arise in the NPDES program.

Some commenters expressed concerns that the permit coordination procedures not be used to "force" States and Tribes to undertake activities not otherwise required by the CWA. As stated previously, the MOA only provides internal procedural guidance for EPA and the Services and does not impose any requirements on States and Tribes. States and Tribes are specifically directed by current EPA regulations under the CWA to provide the Services with copies of draft NPDES permits, and they must consider and respond to any significant comments by any party, including comments provided by the Services. See 40 CFR §§ 124.10(c)(iv) and (e); 124.11; 124.17. See also 40 CFR § 124.59(b) and (c) (addressing consideration of Service comments and coordination between the permitting authority and the Services). The MOA does not augment these existing obligations, but is intended to facilitate the delivery of comments by the Services and EPA to States and Tribes, and the consideration of those comments in the permitting process.

One commenter argued that the MOA was inconsistent with the decision in *AFPA* v. *EPA* 137 F.3d 291 (5th Cir. 1998) because, while it does not place conditions on approval of State NPDES programs, it nonetheless places conditions on "approval" of State permits. This contention is incorrect. First, EPA does not "approve" State/Tribal permits, but rather retains discretionary authority to comment upon and object to permits on a case-by-case basis. The MOA does not change the criteria under which EPA currently exercises that authority—i.e., whether a permit meets applicable CWA requirements—but simply ensures that EPA has the full benefit of the Services' views on potential impacts to Federally listed species and designated critical habitats in determining whether CWA requirements are met.

Several commenters expressed concern that the permit coordination procedures did not recognize the importance of keeping permittees involved in the decision-making process. We believe that the permitting authority should always maintain open communication with permittees to ensure that they are apprised of, and can provide input on, decisions that affect them. We have, therefore, added a clause in the permit coordination procedures stating that EPA will encourage the permitting authority to facilitate the involvement of permittees and permit applicants in this process.

In addition, the draft MOA referred to potential "adverse effects" to listed species in the permit coordination procedures. We were concerned that the use of this wording, which is an ESA term under section 7, could have been read as suggesting that the section 7 process was being followed with regard to State/Tribal permits, where in fact the MOA establishes a coordination procedure to ensure protection of listed species. To avoid any confusion, we have used the words "more than minor detrimental effects" in place of "adverse effects." Our intent remains to work together and with State/Tribal permitting authorities to ensure that concerns about the impacts of State/Tribal permits on listed species are addressed in the permitting process. As discussed elsewhere, the MOA also helps ensure in a variety of ways that water quality standards adopted by States and Tribes are protective of listed species, and implementation of such standards (i.e., standards that have undergone Section 7 consultation) through NPDES permits will help reduce any negative effects of discharges on listed species.

IV. Conclusion

We are confident that implementation of the final MOA will improve the effectiveness of our efforts to protect water quality and conserve endangered and threatened species. The ESA and the CWA contain powerful tools that, when integrated effectively, will advance the objectives of both Acts, and the MOA will help us achieve those goals.

Dated: January 10, 2001.

J. Charles Fox,

Assistant Administrator for Water, U.S. Environmental Protection Agency.

Dated: January 17, 2001.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

Dated: January 18, 2001.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

The text of the final Memorandum of Agreement follows.

Memorandum of Agreement Between the Environmental Protection Agency, Fish and Wildlife Service, and National Marine Fisheries Service Regarding Enhanced Coordination Under the Clean Water Act and the Endangered Species Act

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I. Purpose

This Agreement is designed (1) to improve coordination of the agencies' compliance with the Endangered Species Act (ESA) for actions authorized, funded, or carried out by EPA under sections 303(c) and 402 of the Clean Water Act (CWA), and (2) to provide clear and efficient mechanisms for improved interagency cooperation, thereby enhancing protection and promoting the recovery of threatened and endangered species and their supporting ecosystems, and reducing the need for future listing actions under the ESA. Throughout this Agreement, "Service" or "Services" shall refer to the Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS), as appropriate. In this Agreement "States" refers to States, Territories and Commonwealths that qualify as States for the programs covered by this Agreement, and "Tribes" refers to Tribes that qualify for treatment in the same manner as States under section 518 of the CWA.

II. Goals and Objectives

This Agreement is intended to accomplish the following:

—Use a team approach at the national, regional, and field office levels to restore and protect watersheds and ecosystems to achieve the goals of the ESA and CWA;

—Improve the framework for meeting responsibilities under section 7 of the ESA;

—Enhance the existing process in place to protect and recover Federally-listed and proposed species and the ecosystems on which they depend;

—Improve methods for coordinating compliance with sections 303(c) and 402 of the CWA and section 7 of the ESA;

—Streamline the Federal agency coordination process to minimize the

regulatory burden, workload, and paperwork for all involved parties;
—Ensure a nationally consistent coordination process that allows flexibility to deal with site-specific issues;
—Develop mechanisms for EPA participation in the development and implementation of recovery plans for Federally-listed species threatened by physical, chemical or biological impairment of waters of the United States;
—Provide mechanisms for the Services' participation in development of water quality criteria and standards recognizing any unique requirements for listed and proposed species and designated and proposed critical habitat;
—Identify a collaborative mechanism for planning and prioritizing future CWA/ESA actions and resolving any potential conflicts or disagreements through a structured time-sensitive process at the lowest possible level within the agencies.

III. Guiding Principles

The ESA sets forth the goal of protecting and recovering threatened and endangered species and the ecosystems upon which they depend. It places responsibility on all Federal agencies, including EPA and the Services, to meet that goal. The Clean Water Act (CWA) sets forth a goal of restoring and maintaining the chemical, physical and biological integrity of the Nation's waters. Sections 303(c) and 402 of the CWA (as well as other provisions) are directed toward achieving this goal.

EPA and the Services find the goals of the CWA and ESA compatible and complementary, and are entering into this Agreement to affirm a partnership to enhance the realization of the goals of both Acts. This partnership will also seek to efficiently and effectively fulfill the requirements of section 7 of the ESA.

The primary principle underlying this Agreement is cooperative partnership. The ESA requires the involvement of all Federal agencies in the protection and recovery of our Nation's unique biological resources. As a result of this Agreement, the signatory agencies will better coordinate their efforts and will make it easier for the regulated community and other partners to work with them in achieving the purposes of the CWA and ESA.

While States and Tribes play a critical role in the administration and implementation of sections 303(c) and 402 of the CWA, they are not signatories to this agreement, which only addresses EPA's and the Services' responsibilities under section 7 of the ESA. The Services and EPA remain committed to working with the States and Tribes collaboratively at all levels to ensure that both the CWA and ESA are implemented in a manner that fulfills the goals of both statutes in a timely and efficient manner.

IV. Authorities

A. Fish and Wildlife Service and National Marine Fisheries Service Authorities

This Agreement relates to the following authorities of the Services: Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1544).

B. Environmental Protection Agency Authorities

This Agreement relates to the following authorities of EPA: Sections 303(c), 304(a) and 402 of the Clean Water Act, as amended, 33 U.S.C. 1251–1387.

C. Reservation of Authorities

This Agreement does not modify existing Agency authorities by reducing, expanding, or transferring any of the statutory or regulatory authorities and responsibilities of any of the signatory agencies.

V. Provisions and Understandings

A. Procedures to Facilitate Interagency Cooperation

EPA and the Services intend to work cooperatively to achieve their mutually shared objectives of protecting the quality of waters of the United States and species that depend on those waters. To facilitate collaboration among agency field and regional staff for planning and prioritizing future CWA/ESA actions and resolving any potential conflicts or disagreements through a structured, time-sensitive process at the lowest possible level, the agencies will follow the coordination and elevation procedures described below.

1. Local/Regional Coordinating Teams

The regional offices of EPA and the Services will establish coordinating teams, including representation from field offices, to foster early and recurring collaboration on various activities related to the CWA and the ESA. These teams will, as appropriate:

a. Meet at least twice annually;

b. Identify upcoming workload requirements. This dialogue will allow signatory agencies to become aware of and provide input on upcoming activities such as annual work plans, triennial water quality standards reviews, recovery plan preparation, proposed State or Tribal program assumptions, proposed listings, or proposed habitat conservation planning efforts;

c. Identify high priority areas of concern and opportunities for cooperation;

d. Assist one another in determining which categories of NPDES permits should be identified for review by EPA and the Services for endangered species concerns, including waters of high concern in each State that should be priorities for EPA oversight; and how to identify, in cooperation with States and Tribes, the available information for evaluating effects of permitted discharges on species;

e. Identify current and future research needs and determine which of these research needs are appropriate to convey to the research coordinating committee and which are appropriate for local or regional accomplishment;

f. Identify training needs;

g. Identify ways to reduce the impacts of proposed agency actions on endangered and threatened species; and

h. Assist the oversight panel in conducting a programmatic review of EPA's authorities and identifying ways that EPA can more fully utilize those authorities to carry out programs for the conservation of listed species.

Each of these local/regional coordinating teams will develop mechanisms to facilitate streamlining of various work activities as appropriate to the local circumstances. Such streamlining should facilitate early exchange of information, early prioritization of workload, and early identification of potential problems. Each local group should develop mechanisms to work with States and Tribes, as appropriate, concerning such things as candidate conservation agreements, recovery planning, triennial reviews, and annual CWA priorities. Local/regional coordinating teams may develop mechanisms to involve other Federal agencies such as the U.S. Army Corps of Engineers, the Forest Service, the Federal Energy Regulatory Commission, and non-Federal stakeholders whose actions and interests may impact the CWA/ESA issues.

2. Interagency Elevation Process

The following procedures shall be utilized to elevate any conflict or disagreement between the agencies arising with regard to the activities addressed by this agreement, including formal or informal section 7 consultations, as well as disagreements arising in section 7 consultations on

EPA actions under the CWA that are not specifically addressed by this agreement. The procedures may be used to review matters such as the content of biological evaluations or supporting analyses prepared by EPA or biological opinions prepared by the Services. However, the elevation process does not impair in any way the ultimate authority of EPA or the Services to issue decisions or render determinations that are within each agency's authority under the CWA and the ESA. While decisions by all levels, including decisions to elevate, will be made by consensus to the greatest extent practicable, any one agency can initiate the elevation process. Elevation should be initiated so that all applicable deadlines may be met, taking into account subsequent levels of review. In any elevation, the agencies will jointly prepare an elevation document that will contain a joint statement of facts and succinctly state each agency's position and recommendations for resolution. If the agencies are aware of a dispute, they will defer taking final action, where consistent with applicable legal deadlines, to allow the issue to be resolved through the elevation process.

The time periods specified below are intended to facilitate expeditious resolution of the issues. These time periods should be shortened when necessary for any agency to meet applicable legal deadlines. The time periods begin to run on the date that the elevating agency or agencies notify the next level of the elevation request. All prescribed time frames in the elevation process can be waived by the mutual consent of the participants at any level when the participants believe that progress is being made and that resolution at that level is still possible.

a. *Level 1:* The Level 1 review team consists of staff personnel from EPA and FWS and/or NMFS and field unit line officers or staff supervisors, (*i.e.*, for NMFS, branch/division chiefs; for EPA, branch chiefs; and for FWS, field office supervisors). The overall goal is to design actions to avoid and/or minimize adverse impacts to listed species by jointly working on biological evaluations, concurrences and biological opinions for such actions. General functions include those specified in section V.A.1.

Any contentious issues will be discussed with an attempt to resolve them without elevation. If disputes cannot be resolved among the Level 1 team members, the issue will be raised with the Level 2 review team as soon as possible.

b. *Level 2:* The Level 2 review team consists of all regional executives (*i.e.*, for NMFS and EPA, regional administrators; and for FWS, regional directors). Their function is to resolve any elevated disputes within 21 days of notification of elevation by Level 1 teams, or sooner as necessary to meet mandatory deadlines, and serve as key advisors on policy and process. The Level 2 team (*i.e.*, the regional executives) may confer with field unit line officers or staff supervisors (*e.g.*, for NMFS, branch/division chiefs; for EPA, branch chiefs; and for FWS, field office supervisors) in making any decisions on the elevation. If issues are not resolved by the Level 2 team, the issue will be elevated for Headquarters Review.

c. *Headquarters Review:* This review consists of the Director of NMFS (Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, NOAA), the Director of FWS, and the Deputy Assistant Administrator of Water at EPA or their representatives. These officials shall attempt to issue a decision resolving the issue within 21 days after elevation. Decisions will be binding upon the agencies' field staffs. Agency administrators or their designees shall make every attempt to resolve the dispute before elevation, where necessary, to the Assistant Secretaries of the Departments of Interior/ Commerce and the Assistant Administrator of EPA. Where determined to be appropriate (*e.g.*, where the results of the elevation would provide useful guidance to agency staff), the decision on the elevation should be memorialized in writing and circulated among Agency staff to serve as guidance for future decisions. Assistant Secretary(s) and Assistant Administrator shall resolve any issues within 21 days of elevation. The authority to render any decision that is subject to elevation rests with the agency exercising the statutory or regulatory authority in question.

3. Oversight Panel

The Oversight Panel consists of regional and headquarters personnel from each individual agency. The panel provides oversight and coordination for all aspects of this agreement. Its functions include, but are not limited to:

(1) Maintaining and updating process guidance;

(2) Addressing issues about process implementation;

(3) Incorporating/identifying improvements and revisions into the process;

(4) Convening interagency scientific/ technical reviews, as appropriate;

(5) Facilitating reaching consensus on particular issues at any level upon requests by personnel at that level;

(6) Reviewing and evaluating, at least on an annual basis, the Agreement and its implementation by the three agencies; and

(7) As soon as is practicable and no later than one year after signature of the MOA, conducting a proactive conservation review pursuant to section 7(a)(1) of the ESA which will address EPA's authorities under the CWA for carrying out programs for the conservation of listed species.

4. Sub-Agreements

Regional and field level Federal sub-agreements further implementing this Agreement may be executed by appropriate EPA/Services programs. Any such sub-agreements which clarify roles, procedures, and responsibilities are encouraged. This includes any efforts to protect species and water quality on a watershed or ecosystem basis. Sub-agreements must be consistent with this Agreement and must be approved by Regional offices and reviewed by Headquarters.

5. Guidance/Training

EPA and the Services will hold joint training sessions with regional and field staff to facilitate staff's understanding and implementation of the Agreement, with a goal of providing such training to all relevant personnel within eighteen months. The agencies may issue guidance individually or jointly to assist in carrying out this Agreement.

B. Summary—Section 7 Consultation Process

1. Scope

The regulations that interpret and implement section 7 of the ESA establish a framework for efficient and consistent consultation between Federal agencies regarding listed species and critical habitat.

2. Data and Information Requirements

EPA agrees to include in any biological assessment or evaluation the best available scientific and commercial information. EPA and the Services will exercise their scientific judgment to determine the relevance and validity of the available scientific and commercial information. The Level 1 review teams will provide a venue for collaborating among the agencies on these issues.

3. Information Sharing

The Services will initially provide EPA with a consolidated list of Federally-listed and proposed species and designated and proposed critical habitat by State. EPA will send the list of species and habitat to States and Tribes. The Services agree to provide to

EPA any additions of species or other relevant information as proposed or final rule-making occurs. EPA will provide and update copies of Federal section 304(a) water quality criteria and applicable State and Tribal water quality standards to the Services.

EPA and the Services will share information and analyses used to make decisions under this Agreement when requested, including analyses supporting biological evaluations and biological opinions. The Services will provide to EPA copies of all draft jeopardy biological opinions and draft no jeopardy biological opinions with incidental take statements, unless EPA specifically requests that a draft not be provided.

4. Effects of an Action

All "effects of the action" and "cumulative effects" will be considered in the Services' biological opinions (50 CFR 402.14(c), 402.14(g) (3) and (4), and 402.14(h)). The "effects of an action" include all direct as well as indirect effects that are reasonably certain to occur, even at a later time. Effects of an action include effects of interrelated and interdependent actions associated with the proposed action in question. Cumulative effects include future State or Tribal and private actions that are reasonably certain to occur in the action area that do not involve Federal activities. Water quality criteria and State or Tribal water quality standards establish levels of pollutants from all sources, and so would account for all such effects insofar as water quality is concerned. Since NPDES permits are established to achieve water quality standards, they will account for point source effects insofar as water quality is concerned.

5. Biological Evaluation

Although section 7(c) of the ESA refers to a biological assessment as an element of the consultation process, a biological assessment is required only in the case of a major construction activity, as defined at 50 CFR 402.02. The purpose of a biological assessment is to enable an agency to determine whether a proposed action is likely to adversely affect Federally-listed species and designated critical habitat. A biological assessment also assists an agency in complying with potential ESA "conference" requirements for proposed species and critical habitat under 50 CFR 402.10. For EPA actions that are not major construction activities, an alternative document that may be used for decision-making is a biological evaluation. While a biological evaluation is not required by regulation, EPA will develop such an evaluation where the Agency determines it would be appropriate for determining whether listed species may be affected by the proposed action and for assisting consultation with the Services. The Services recognize that the content and format of the biological evaluation are to be determined by EPA. When preparing biological evaluations, EPA will use as guidance the information requirement described at 50 CFR 402.14(c) (initiation of consultation).

A biological evaluation is an analysis of the potential effects of a proposed action on listed species or their critical habitat based upon the best available scientific or commercial information. The biological evaluation will vary in extent and rigor according to the certainty and severity of an action's deleterious effect. For example, a biological evaluation may be very brief if the expected result of an action is straightforward, is beneficial, or is of little or no consequence. If, on the other hand, the potential effects are severe, large in scope, complex or uncertain in terms of outcome, the analysis would need to be more extensive and rigorous.

A biological evaluation can be used for decision-making prior to and throughout section 7 consultation and for a possible conference on proposed species or critical habitat. The evaluation can be used to make a "may effect" or "no effect" determination, or to support a judgment that the proposed action is or is not likely to adversely affect listed species or their critical habitat.

If early or formal consultation is initiated, a biological evaluation or biological assessment can be used by the appropriate Service in rendering a preliminary or final biological opinion. Therefore, EPA will discuss, as appropriate, the form and nature of the biological evaluation with the Services to ensure that the biological evaluation contains adequate information for evaluating the effects of the proposed action.

6. Timeliness of Actions

In informal and formal consultation, EPA and the Services agree to adhere to time frames set forth in 50 CFR part 402 and supplemental guidance provided in this Agreement, in order to enable EPA to meet statutory and regulatory deadlines under the CWA. EPA will strive to provide advance notice to the Services concerning anticipated consultations, to provide thorough biological evaluations, to comment promptly on draft opinions and to provide, where appropriate, additional available information requested by the Services.

If during informal consultation EPA determines that the action is not likely to adversely affect listed species or critical habitat, then EPA will notify the Services in writing. The Services will respond in writing within 30 days of receipt of such a determination, unless extended by mutual agreement. The response will state whether the Services concur or does not concur with EPA's determination. If the Services do not concur, it will provide a written explanation that includes the species and/or habitat of concern, the perceived adverse effects, supporting information, and a basic rationale.

The Services may request that EPA initiate consultation on a Federal action. The Services do not have the authority, however, to require the initiation of consultation. The Services' written explanation of the request shall include the species and/or critical habitat of concern, manner in which there may be an effect, supporting information, and a basic rationale.

The Services will strive to issue biological opinions within 90 days of an initiation of formal consultation unless the Services and EPA agree to extend the consultation period. The timing of activities during consultation may be further expedited as necessary taking into account legal deadlines for EPA action and the agencies' programmatic needs. EPA, where appropriate, will enter into early consultation with the Services in order to ensure that EPA meets its statutory CWA deadlines for decision-making. In addition, EPA and the Services agree to make every effort to provide prompt and responsive communications to ensure States, Tribes, and permit applicants do not suffer undue procedural delays. Where EPA prepares a biological evaluation, EPA will attempt to provide the Services a biological evaluation at least 90 days before reaching a decision on a proposed action.

7. EPA Responsibility at the Conclusion of Section 7 Consultation

Following issuance of a biological opinion, EPA will determine whether and in what manner to proceed with the action in light of its CWA and section 7 obligations. If a jeopardy opinion is issued, EPA will notify the Services of its final decision on the action.

8. Reinitiation of Formal Consultation

The section 7 regulations define conditions under which EPA or the Services will request reinitiation of formal consultation at 50 CFR 402.16. The Services and EPA will work cooperatively to evaluate any new information to determine if reinitiation is necessary.

C. Proposed Species and Proposed Critical Habitat

The Services will identify proposed species and proposed critical habitat to EPA Regional offices. EPA will evaluate any CWA activities it authorizes, funds, or carries out that are subject to section 7 and determine if they are likely to jeopardize proposed species or result in the destruction or adverse modification of proposed critical habitat. If so, EPA will confer with the Services using the procedures under 50 CFR 402.10. The Services may also initiate a request for conference on a particular action.

D. Recovery Program

Section 7(a)(1) of the ESA provides that Federal agencies shall utilize their authorities in furtherance of the purposes of the ESA by carrying out programs for the conservation and recovery of threatened and endangered species. Section 7 consultation and the recovery planning and implementation process are two primary mechanisms that EPA can use as guides to identify actions that EPA or the Services believe are needed to protect and recover Federally-listed species.

1. Conservation Recommendations To Assist Recovery

The section 7(a)(2) consultation process is primarily intended to ensure that EPA's actions are not likely to jeopardize the continued existence of Federally-listed species or adversely modify their critical habitat. However, under the authority provided in section 7(a)(1), biological opinions may contain discretionary conservation recommendations to promote the recovery of the subject species. (50 CFR 402.02 defines conservation recommendations as suggestions of the Services regarding the development of information or discretionary measures to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans or to develop information.) Implementation of these conservation recommendations would help conserve and recover listed species.

Frequent and informal contact between the Services and EPA is encouraged during all stages in the development of conservation recommendations. During section 7 consultation, the Services will work closely with EPA to identify conservation recommendations and evaluate the feasibility of their implementation.

2. Recovery Planning

Recovery plans are developed in three stages: (a) Technical drafts that are intended to provide agencies an opportunity to assist the Services in developing biologically sound recovery plans; (b) Agency drafts which outline the various tasks the Services feel may be within the jurisdiction of other agencies and are circulated for public comment (the Technical and Agency Draft are sometimes combined into one document to save time); and (c) the final plan.

The Services will invite EPA to serve as members of Recovery Teams where water quality is a concern or EPA has particular expertise, provide to EPA copies of all draft recovery plans that contain water quality related recovery tasks, and actively solicit EPA's involvement during all phases of recovery plan development. The Services will also solicit State or Tribal involvement, where appropriate. EPA will provide the Services with comments related to water quality threats, recovery issues, and will suggest areas where plans could be modified to include specific actions to support the species recovery effort.

3. Recovery Implementation

EPA and the Services will hold recovery planning/implementation discussions or meetings, on at least an annual basis. The members of this group and the geographic area covered by this group will vary among Regions, depending on the geographic range and number of species impacted by water quality. The meetings could be organized on a watershed or ecosystem basis and involve field and/or Regional personnel. These groups will discuss current and upcoming water quality/listed species related activities, and provide input for prioritizing watersheds (e.g., the number of listed species, the seriousness of threats, and the opportunities for conservation/recovery success) for potential future coordinated activities.

E. Candidate Conservation Activities

The Services and EPA will develop watershed and ecosystem based initiatives to identify and remove those conditions that may lead to future listings. Efforts should focus on candidate species and other species of concern and their associated ecosystems. The local/regional coordinating teams will identify specific focus areas.

VI. National Level Activities To Ensure Protection of Species

EPA will take the following steps at the national level to ensure that State and Tribal water quality standards provide protection for endangered and threatened species.

A. National Rulemaking

EPA will propose amendments to its national water quality standards regulations (40 CFR part 131) to include provisions to ensure the protection of endangered and threatened species within 24 months following the execution of this Agreement. EPA will propose to require that water quality not be likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of designated critical habitat, and to provide that mixing zones shall be not likely to cause jeopardy, including a prohibition of mixing zones or variances that would be likely to cause jeopardy, and a requirement that States or Tribes adopt site-specific water quality criteria (tailored to the geographic range of the species of concern) where determined to be necessary to avoid a likelihood of jeopardy.

After consideration of public comment, EPA will adopt appropriate provisions in a final regulation.

B. Development of New Water Quality Criteria Methodological Guidelines

EPA will continue to invite the Services to be represented on EPA's Aquatic Life Criteria Guidelines Committee. EPA has charged this committee with revising and updating EPA's methodological guidelines for issuance of new 304(a) water quality criteria guidance values. As members of the committee, the Services and EPA will ensure that these methodological guidelines take into account the need to protect Federally-listed species. The Services will assist EPA to (1) develop and have peer reviewed a list of surrogate and target endangered and threatened species that could be used in pollutant toxicity testing and (2) assist in the development of biocriteria for streams, rivers, lakes, wetlands, estuaries or marine waters that contain endangered and threatened species or designated critical habitat.

These methodological guidelines are subject to peer review, public notice and comment prior to being finalized. Prior to the public comment period, the Directors will provide the Services' views regarding the guidelines so that the public will have the benefit of the Services' views during the comment

period. The Services will also be invited to participate in the peer review process for the development of new criteria values under section 304(a), and will designate technical experts to provide the Services' views during the peer review process.

C. National Consultation on GWA Section 304(a) Aquatic Life Criteria

1. Overview

Under section 304(a) of the CWA, EPA from time to time publishes water quality criteria that serve as scientific guidance to be used by States or Tribes in establishing and revising water quality standards. These criteria are not enforceable requirements, but are recommended criteria levels that States or Tribes may adopt as part of their legally enforceable water quality standards. States or Tribes may, however, adopt other scientifically defensible criteria in lieu of EPA's recommended criteria (see 40 CFR 131.11(b)). EPA has to date published criteria for the protection of aquatic life for 45 pollutants. EPA has developed an interim-final "Water Quality Criteria and Standards Plan" (EPA, June 1998) to guide the development and implementation of new or modified 304(a) criteria in the coming years.

The objective of EPA's criteria program is to provide scientific information to States and Tribes that will best facilitate the overall protection of the aquatic ecosystem. A better understanding of the effects of water pollution on endangered and threatened species will help achieve this objective. Therefore, EPA and the Services will conduct a section 7 consultation on the aquatic life criteria to assess the effect of the criteria on listed species and designated critical habitat. EPA and the Services will also conduct a conference regarding species proposed for listing and proposed designated critical habitat. EPA will consider the results of this consultation as it implements and refines its criteria program, including decisions regarding the relative priorities of revising existing criteria and developing new criteria.

EPA and the Services have gained considerable experience in evaluating the potential effects on endangered and threatened species of pollutants for which EPA has published recommended aquatic life criteria under section 304(a) of the CWA. For example, the Services have issued biological opinions as a result of section 7 consultations on aquatic life criteria approved by EPA in water quality standards adopted by the States of New Jersey, Alabama, and Arizona, and promulgated by EPA for the Great Lakes Basin. EPA also conducted consultation with the Services regarding aquatic life criteria promulgated by EPA for toxic pollutants for certain waters in California. In addition to these comprehensive formal consultations, EPA and the Services have also conducted informal consultations on State water quality standards approval actions which have covered water quality criteria contained in the standards.

EPA and the Services recognize, however, that conducting consultations on a State-by-State basis is not the most efficient approach to evaluating the effects of water pollution on endangered and threatened species throughout the country. National 304(a) consultations will ensure a consistent approach to evaluating the effects of pollutants on species and identifying measures that may be needed to better protect them. National consultations will also ensure better consideration of effects on species whose ranges cross State boundaries.

2. Procedures for Consultations

The consultations will be conducted in accordance with the procedures in 50 CFR part 402 and the guidance contained in the Services' Consultation Handbook. EPA and the Services also anticipate that the consultations will follow the basic approach described below. The agencies will endeavor to streamline their processes to complete these consultations in an expedited manner.

EPA and the Services anticipate that the national consultations will focus on aquatic and aquatic-dependent species. The consultations will be conducted on a national basis, and therefore, will not be waterbody-specific. In addition, given the numbers of species involved in the consultations, the effects on species will be evaluated to the maximum extent possible based on groupings of species believed to be affected in a similar manner.

The agencies will take a collaborative approach to evaluating the effects of the criteria pollutants on listed species, and joint teams will be established to conduct the consultations. With input from the Services, EPA will prepare a biological evaluation based on the best scientific and commercial data available, and will provide a rationale for any findings regarding the effects of the criteria pollutants on listed species. EPA will make "effects determinations" based on the direct and indirect effects of the 45 pollutants on listed species. EPA will evaluate the effects of pollutants on species in the water column based upon the available toxicological data, principally the data assembled in EPA's criteria development documents as well any more recent toxicological information. EPA will consider other exposure scenarios to aquatic and aquatic-dependent species and provide available information to the Services.

The Services will work collaboratively with EPA in developing their biological opinion, including the development of any reasonable and prudent measures or alternatives to minimize incidental take, if anticipated, or to avoid likely jeopardy to listed species or adverse modification or destruction of designated critical habitat. Any reasonable and prudent measures or alternatives that identify research needs will be mutually developed and will reflect priorities established by the national research and data gathering plan. Should the opinion call for revisions to existing criteria or issuance of new criteria, the opinion will recognize EPA's practice of subjecting new or revised criteria to public notice and comment and external peer review prior to being finalized. EPA believes that the existing criteria provide a significant degree of protection for the aquatic ecosystem (including listed species). The agencies agree that, until any revisions of criteria are completed, the agencies will, to the maximum extent practicable, maintain the status quo by continuing to implement such criteria in water quality standards programs prior to revisions to the criteria.

Because the effects of the criteria pollutants on certain listed species have already been evaluated in biological opinions issued by the Services, the agencies will rely upon the scientific information and conclusions in those consultations to the maximum extent possible. Such prior opinions will remain in effect unless consultation is reinitiated.

The national consultation will provide section 7 coverage for any water quality criteria included in State or Tribal water quality standards approved, or Federal water quality standards promulgated, by EPA that are identical to or more stringent than the recommended section 304(a) criteria. Therefore, separate consultation on such criteria will not be necessary, subject to requirements related to reinitiation of consultation under 50 CFR 402.16. If, during the national consultation, EPA proposes to take an action approving or promulgating numeric standards that are identical to or more stringent than the existing 304(a) criteria, such action will be covered by the national consultation. EPA and the Services agree that EPA may proceed with its action pending the conclusion of the national consultation. EPA will ensure that its action does not have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives in the national consultation by stating that EPA's action is subject to revision based on the results of the consultation.

VII. Joint National Research and Data Gathering Plan and Priorities

EPA and the Services will convene a work group of scientific and technical personnel to develop a research and data gathering plan that supports water quality standards protective of species of concern and the ecosystems they inhabit. The goal of the plan is to identify high priority data and information needed to reduce uncertainty concerning the degree to which water quality criteria and permits are protective of endangered or threatened species. The plan also recognizes the agencies' joint interest in, and responsibility for, funding and conducting research related to endangered and threatened species. The information gathered as a result of this joint plan and the national criteria consultations will be used by EPA in the revision or development of national 304(a) water quality criteria, in review of State and Tribal water quality standards, and the evaluation of permits. Similarly, the Services will use this information in assessing threats and minimizing adverse effects to listed species. The agencies agree that the plan should be completed, if possible, within eighteen months of the signing of this Agreement.

The work group will primarily be concerned with three tasks: (1) Development of the research plan, including the components identified below; (2) evaluating and prioritizing research or data gathering needs identified in consultations on EPA's review of specific State and Tribal water quality standards; and (3) overseeing and coordinating the implementation of the national research/data gathering plan.

A. Existing and New Water Quality Criteria

The national research work group will identify those CWA section 304(a) aquatic life criteria that are the highest priority candidates for additional research based on issues identified in consultations on State and Tribal water quality standards and the national consultations on the aquatic life criteria published by EPA.

The work group will also identify the highest priority areas for the development of new national 304(a) water quality criteria to protect listed species. The work group will take into account new criteria development needs identified in consultations on State and Tribal water quality standards including, in particular, the priority to be given to the development of wildlife criteria for areas where such criteria have not been developed (i.e., outside the Great Lakes Basin).

B. Work Group Report to Agreement Signatories

Within one year of signing this Agreement, the work group will submit a comprehensive report to the signatories of this Agreement (or their successors) that (1) summarizes the range of research options considered by the work group; (2) makes recommendations regarding priority research and data gathering undertakings for existing and new water quality criteria; (3) describes the recommended additional research; (4) estimates the likely cost of the research; (5) evaluates available funding for completing the research; and (6) establishes a specific time frame for completing the research and data gathering.

C. National Research and Data Gathering Plan

After taking into account the recommendations of the work group, the signatories of this Agreement (or their successors) will adopt a national research and data gathering plan within eighteen months of the signing of this Agreement. The plan will identify near-term (1–5 years) priorities reflecting the highest priorities identified by the agencies that can be accomplished with available and anticipated funding sources. The plan will also identify longer term (5–10 years) priorities. The agencies will work to incorporate the plan into their respective budgets, and to achieve economies of scale and increased effectiveness in the use of limited funds by coordinating efforts wherever possible. The agencies will also work to coordinate the plan with other Federal agencies as appropriate.

D. Consultation on State and Tribal Water Quality Standards

On an ongoing basis, the work group will provide expertise and assistance to the field/regional offices regarding research/data gathering issues raised in consultations on State and Tribal water quality standards. Where such consultations identify significant research/data gathering priorities, those priorities will be forwarded for evaluation by the work group. With input from the regional/field offices, the work group will determine the priority of such research and data gathering in relation to other needs contained in the national plan. This process will enable the agencies to rationally allocate their resources as new research/data gathering needs arise.

VIII. Consultation on Water Quality Standards Actions

A. Development of New or Revised State or Tribal Water Quality Standards

EPA will communicate and, where required under section 7 of the ESA, consult with the Services on new or revised State or Tribal water quality standards and implementing procedures that are subject to EPA review and approval under section 303(c) of the CWA.

If a State or Tribe requests, or upon mutual agreement, EPA may, by notifying the appropriate Service(s) in writing, designate a State or Tribe to serve as a non-Federal representative to conduct informal consultation in accordance with 50 CFR 402.08.

1. Scoping of Issues To Be Considered During the Triennial Review Process

Section 303(c) of the CWA requires States to adopt and revise standards at least on a triennial basis. The Services and EPA recognize that to accomplish timely implementation of standards that may affect Federally-listed species and designated critical habitat, early involvement and technical assistance by the Services is needed. In an effort to facilitate collaboration and the consultation process, EPA regional offices will provide the Services annually with a list of all upcoming scheduled triennial reviews for the next 5-year period.

The Services will participate in a meeting with EPA and the State or Tribe to discuss the extent of an upcoming review. EPA will take the lead to schedule the meeting near the start of the triennial review process.

2. Development of State or Tribal Standards

EPA will seek the technical assistance and comments of the Services during a State's or Tribe's development of water quality standards and related policies. The Services will provide the States or Tribes and EPA with information on Federally-listed species, proposed species and proposed critical habitat, and designated critical habitat in the State or on Tribal lands. EPA will provide assistance to the Services in

obtaining descriptions of pollutants and causes of water quality problems within a watershed or ecosystem. The Services will work cooperatively with the States or Tribes to identify any concerns the Services may have and how to address those concerns. EPA will request the Services to review and comment on draft standards, and to participate in meetings with States or Tribes as appropriate. EPA will indicate which of these requests are of high priority, and the Services will make every effort to be responsive to these requests.

Where appropriate, EPA and the Services will encourage the State or Tribe to adopt special protective designations where listed or proposed threatened or endangered species are present or critical habitat is designated or proposed.

EPA will initiate discussions with the Services if there is a concern that a draft State or Tribal standard or relevant policy may impact Federally-listed species or critical habitat.

3. Adoption and Submittal of State or Tribal Standards

States or Tribes adopt new and revised standards and implementing policies from time to time as well as at the conclusion of the triennial review period.

After the final action adopting the standards, the State or Tribe sends its adopted standards to EPA. Once received, EPA is required by the CWA to approve the standards within 60 days or disapprove them within 90 days. Section 7 consultation is required if EPA determines that its approval of any of the standards may affect listed species or designated critical habitat. The time periods established by the CWA require that EPA and the Services work effectively together to complete any needed consultation on a State's or Tribe's standards quickly. In order to provide enough time for consultation with the Services where the approval may affect endangered or threatened species, EPA will work with the State or Tribe with the goal of providing to the Services a final draft of the new or revised water quality standards 90 days prior to the State's or Tribe's expected submission of the standards to EPA. The Services and EPA agree to consult on the final draft, and to accommodate minor revisions in the standards that may occur during the State's or Tribe's adoption process.

4. EPA Develops Biological Evaluation

When needed, EPA will develop a biological evaluation to analyze the potential effect of any new or revised State or Tribe adopted standards that may affect Federally-listed species or critical habitat.

5. EPA Determination of "No Effect," "May Affect," and "Likely To Adversely Affect"

EPA will evaluate proposed new or revised standards and use any biological evaluation or other information to determine if the new or revised standards "may affect" a listed species or critical habitat. For those standards where EPA determines that there is "no effect," EPA may record the determination for its files and no consultation is required. Although not required by section 7 of the ESA for actions that are not major construction activities as defined by 50 CFR 402.02, EPA will share any biological evaluation, "no effect" determination, and supporting documentation used to make a "no effect" determination with the Services upon request.

If EPA decides that the new or revised water quality standards "may affect" a listed species, then EPA will enter into informal consultation (unless EPA decides to proceed directly to formal consultation) to determine whether the standards are likely to adversely affect Federally-listed species or critical habitat. If EPA determines that the species or critical habitat is not likely to be adversely affected, EPA will request the Service to concur with its finding.

Where EPA finds that a species or critical habitat is likely to be adversely affected, EPA will consider, and the Services may suggest, modifications to the standards(s) or other appropriate actions which would avoid the likelihood of adverse effects to listed species or critical habitat. If the likelihood of adverse effects cannot be avoided during informal consultation, then EPA will initiate formal consultation with the Services or EPA may choose to disapprove the standard. In addition, if EPA finds that a proposed species is likely to be jeopardized or proposed critical habitat destroyed or adversely modified by EPA approval of a new or revised State or Tribal standard, EPA will confer with the Services under 50 CFR 402.10.

6. Services' Review of "Not Likely To Adversely Affect" Determination

Within 30 days after EPA submits a "not likely to adversely affect" determination, the Services will provide EPA with a written response on whether they concur with EPA's findings. The Services will provide EPA with one of the three following types of written responses: (1) Concurrence with EPA's determination (this would conclude consultation), (2) non-concurrence with EPA's determination and, if the Services cannot identify the specific ways to avoid adverse effects, a request that EPA enter into formal section 7 consultation (see 7 below), or (3) a request that EPA provide further information on their determination. If it is not practicable for EPA to provide further information, the Services will make a decision based on the best available scientific and commercial information.

7. Formal Consultation

Where EPA intends to request formal consultation, EPA will attempt to do so at least 45 days prior to the State's or Tribe's expected submission of water quality standards to EPA. Formal consultation on new or revised standards adopted by a State or Tribe will begin on the date the Services and EPA jointly agree that the information provided is sufficient to initiate consultation under 50 CFR 402.14(c). The consultation will be based on the information supplied by EPA in any biological evaluation and other relevant information that is available or which can practicably be obtained during the consultation period (see 50 CFR 402.14 (d) and (f)). The Services will make every effort to complete consultation and delivery of a final biological opinion within 90 days, or on a schedule agreed upon with the EPA Regional Office.

If the Service anticipates that incidental take will occur, the Service's biological opinion will provide an incidental take statement that will normally contain reasonable and prudent measures to minimize such take, and terms and conditions to implement those measures. Reasonable and prudent measures can include actions that involve only minor changes to the proposed action, and reduce the level of take associated with project activities. These measures should minimize the impacts of incidental take to the extent reasonable and prudent. Measures are considered reasonable and prudent when they are consistent with the proposed action's basic design, location, scope, duration, and timing. The test for reasonableness is whether the proposed measure would cause more than a minor change to the proposed action. 50 CFR 402.14(i)(2).

Appropriate minor changes can include, for example, a condition stating that the EPA Regional Office will work with the State or Tribe to obtain revisions to the water quality standards in the next triennial review. Where either of the Services believe that there is a need for the standards to be revised more quickly, the Service should work with EPA and the State or Tribe to determine whether any revisions could be developed more quickly than the next anticipated triennial review. Because reasonable and prudent measures should not exceed the scope of EPA actions, reasonable and prudent measures in a water quality standards consultation should not impose requirements on other CWA programs unless agreed to by both EPA and the Services.

The Services may include research or data gathering undertakings as conditions of an incidental take statement contained in a biological opinion where it determines that the way to minimize future incidental take is through research and data gathering. However, to the maximum extent possible, the Services will work with EPA to identify research needs that will be addressed in the National Research and Data Gathering Plan. The Plan identifies high priority data and information needed to reduce the uncertainty inherent in the degree to which water quality criteria would protect listed species. Research and data identified in the Plan has the goal of minimizing any incidental take associated with water quality standards.

Where site specific research or data are needed that are not addressed in the Plan, the biological opinion will explain how the research or data gathering will minimize such take while not altering the basic design, location, scope, duration, or timing of the action.

Where a regional EPA office finds that it is not practicable to complete the research or data gathering requested in the draft opinion, but the Services believe that inclusion of the research condition is important to minimizing incidental take, the Services may elevate the issue in accordance with the procedures in section V.A. of this Agreement. During the elevation process, the agencies will evaluate the need for the research identified by the Service in the water quality standards consultation in light of available resources and the Plan.

Reasonable and prudent measures and terms and conditions should be developed in close coordination with the EPA and the State or Tribe, to ensure that the measures are reasonable, that they cause only minor changes to the proposed action, and that they are within the legal authority and jurisdiction of the Agency to carry out. If the Services, EPA, and the States or Tribe cannot reach agreement on appropriate reasonable and prudent measures or terms and conditions at the level the consultation is being conducted, the decision can be elevated by the procedures discussed in section V.A.

As a general matter, EPA disapproval of a State or Tribal water quality standard is not a minor undertaking because it triggers a legal duty on the part of EPA to initiate promptly Federal rule-making unless the State or Tribe revises the standard within 90 days (see CWA 303(c)(3) and (4)). Where the Services and EPA agree, however, disapproval of a State or Tribal water quality standard may be included as a reasonable and prudent measure in an incidental take statement.

The Services will issue a biological opinion that concludes whether any Federally-listed species are likely to be jeopardized or critical habitat adversely modified or destroyed by the State or Tribe's new or revised water quality standards. If either of the Services makes a jeopardy or adverse modification finding, it will identify any available reasonable and prudent alternatives, which may include, but are not limited to, those specified below. EPA will notify the Services of its final decision on the action.

Some possible ideas for development of specific reasonable and prudent alternatives are:

a. EPA coordinates with the State or Tribe to adopt (or revise) water quality standards necessary to remove the jeopardy situation.

b. EPA disapproves relevant portions of the State or Tribe's adopted standards (see 40 CFR 131.21) and initiates promulgation of Federal standards for the relevant water body (see 40 CFR 131.22). Where appropriate, EPA would promulgate such standards on an expedited basis.

c. Using its authority under section 303(c)(4)(B) of the CWA, EPA promulgates Federal standards as necessary.

8. EPA Action on State or Tribal Standards

After reviewing the biological opinion, EPA will inform the Services of its intended action.

B. Existing Water Quality Standards

If the Services present information to EPA, or EPA otherwise has information supporting a determination that existing State or Tribal water quality standards are not adequate to avoid jeopardizing endangered or threatened Federally-listed species or adversely modifying critical habitat or for protecting and propagating fish, shellfish and wildlife, EPA will work with the State or Tribe in the context of its triennial review process to obtain revisions in the State or Tribal standards. Such revisions could include, where appropriate, adoption of site-specific water quality standards tailored to the geographic range of the species of concern. If a State or Tribe does not make such revisions, the EPA regional office will recommend to the EPA Administrator that a finding be made under section 303(c)(4)(B) of the CWA that the revisions are necessary.

EPA will engage in section 7 consultation to ensure that any revisions to the existing standards are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of designated critical habitat and to minimize any anticipated incidental take. If EPA and the Services disagree regarding the need for revisions in the State or Tribal standards, the issue may be elevated. Consultation will be consistent with the provisions of 50 CFR part 402 and part A above.

C. Consultation on EPA Promulgation of State or Tribal Water Quality Standards

EPA promulgation of State or Tribal water quality standards is a Federal rule-making process and EPA will comply with the consultation requirements of section 7 of the ESA with any promulgation.

IX. Permitting Program Activities

This Agreement establishes a framework for coordinating actions by EPA and the Services for activities under the CWA section 402. These activities are: (1) EPA review of permits issued by States or Tribes with approved permitting programs, and (2) EPA issuance of permits under section 402 of the CWA.

A. Coordination Procedures Regarding Issuance of State or Tribal Permits

EPA has authority and responsibility for overseeing the operation of State/Tribal NPDES programs through, among other means, review of State/Tribal NPDES permits where appropriate. EPA's oversight includes consideration of the impact of permitted discharges on waters and species that depend on those waters. EPA does this by among other things, determining whether State or Tribal permits indeed attain water quality standards. The procedures outlined below are designed to assist EPA in fulfilling these CWA oversight responsibilities.

EPA and the Services agree to follow the coordination procedures below with regard to EPA review of State or Tribal permits in all existing and new permitting programs approved by EPA under section 402 of the CWA. Procedures and time lines for EPA

review and objection to State or Tribal permits are established by statute and regulation. See CWA section 402(d); 40 CFR 123.44. Where EPA determines that exercise of its objection authority is appropriate to protect endangered and threatened species, the Agency will act pursuant to its existing authorities under the CWA (i.e., where the proposed permit would be "outside the guidelines and requirements" of the CWA. See CWA 402(d)(2)). EPA and the Services will follow the coordination procedures below in a manner consistent with these statutory and regulatory procedures:

1. The Services will provide the States or Tribes with information on Federally-listed species and any designated critical habitat in the States or on Tribal lands, with special emphasis on aquatic and aquatic-dependent species.

2. States are obligated under existing CWA regulations to provide notice and copies of draft permits to the Services. See 40 CFR 124.10(c)(1)(iv) and (e). EPA will exercise its oversight authority to ensure that States and Tribes carry out this obligation. EPA and the Services will work with States and Tribes to share information on permits that may raise issues regarding impacts to threatened or endangered species or designated critical habitat.

3. If the Services or EPA are concerned that an NPDES permit is likely to have a more than minor detrimental effect on a Federally-listed species or critical habitat, the Service or EPA will contact the appropriate State or Tribal agency (preferably within 10 days of receipt of a notice of a draft State or Tribal permit) to discuss identified concerns. The Services or EPA will provide appropriate information in support of identified concerns. The Services and EPA will provide copies to each other of comments made to States or Tribes on issues related to Federally-listed species.

4. If unable to resolve identified issue(s) with the State or Tribe, the Services will contact the appropriate EPA Regional Branch not later than five working days prior to the close of the public comment period on the State's or Tribe's draft NPDES permit. Telephone contacts should be followed by written documentation of the discussion with EPA and include or reference any relevant supporting information.

5. If contacted by the Services, EPA will coordinate with the Services and the State or Tribe to ensure that the permit will comply with all applicable CWA requirements, including State or Tribal water quality standards, which include narrative criteria prohibiting toxic discharges, and will discuss appropriate measures protective of Federally-listed species and critical habitat.

6. EPA may make a formal objection, where consistent with its CWA authority, or take other appropriate action, where EPA finds that a State or Tribal NPDES permit will likely have more than minor detrimental effect on Federally-listed species or critical habitat.

For those NPDES permits with detrimental effects on Federally-listed species or critical habitat that are minor, it is the intention of the Services and EPA that the Services will work with the State or Tribe to reduce the detrimental effects stemming from the permit. For those NPDES permits that have detrimental effects on Federally-listed species or critical habitat that are more than minor, including circumstances where the discharge fails to ensure the protection and propagation of fish, shellfish and wildlife, and where the State or Tribe and the Services are unable to resolve the issues, it is the intention of the Services and EPA that EPA would work with the State or Tribe to remove or reduce the detrimental impacts of the permit, including, in appropriate cases, by objecting to and Federalizing the permit where consistent with EPA's CWA authority.

EPA will use the full extent of its CWA authority to object to a State or Tribal permit where EPA finds (taking into account all available information, including any analysis conducted by the Services) that a State or Tribal permit is likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat.

Note: EPA may review or waive review of draft State or Tribal NPDES permits (40 CFR 123.24(d)). EPA will work with the Services through the local/regional coordinating teams to help determine which categories of permits should be reviewed for endangered species concerns. If EPA finds that a draft permit has a reasonable potential to have more than a minor detrimental effect on listed species or critical habitat, and review of a draft permit has been waived, EPA will withdraw this waiver during the public comment period (see 40 CFR 123.24(e)(1)).

7. If EPA objects to a NPDES permit under paragraph 6 above, EPA will follow the permit objection procedures outlined in 40 CFR 123.44 and coordinate with the Services in seeking to have the State or Tribe revise its permit. A State or Tribe may not issue a permit over an outstanding EPA objection. If EPA assumes permit issuing authority for a NPDES permit, EPA will consult with the Service prior to issuance of the permit (as a Federal action) as appropriate under section 7 of the ESA.

8. In the case of State or Tribal permits that have already been issued, if the Services identify a permitted action which is likely to have a more than minor detrimental effect on Federally-listed species or critical habitat, then the Services will contact the State or Tribe to seek to remedy the situation. EPA will provide support and assistance to the Services in working with the State or Tribe. Although EPA may, at the time of permit issuance, object to and assume permit-issuing authority for draft NPDES permits, EPA has no authority to require changes to an already-issued State or Tribal permit. EPA or the Services could request that the State or Tribe use State or Tribal authority to reopen an issued permit if it is likely to have more than minor detrimental effects Federally-listed species or critical habitat.

9. EPA will encourage the State or Tribe to facilitate the involvement of permittees or permit applicants in this process.

B. Issuance of EPA Permits

EPA issuance of a permit is an action subject to section 7 consultation if it may affect listed species or critical habitat. EPA will meet ESA requirements as provided in 40 CFR 122.49(c) and 50 CFR part 402 on the issuance of individual and general NPDES permits. If consultation has been completed on State or Tribal water quality standards and the NPDES permit conforms with those standards, then any ESA section 7 review process should be simplified.

EPA will assure that all permits ensure the attainment and maintenance of State or Tribal water quality standards, including those that have been the subject of consultation or have been determined to have "no effect" on listed species and critical habitat.

EPA and the Services agree to coordinate as follows in the review of EPA-issued permits.

1. The Services will provide to EPA, when requested, information regarding the presence of Federally-listed species, critical habitat, proposed species and proposed critical habitat, including species lists, maps, and other relevant information.

2. EPA will review permit applications and other available information (including that previously provided by the Services) to determine if issuance of a permit may affect any Federally-listed species or critical habitat. If EPA makes a "no effect" finding, EPA will document this determination in the permit record before public notice. During the 30-day public comment period, the Services may submit comments on EPA's determination. The Services may request initiation of consultation on Federally-listed species or critical habitat or conference on proposed species if it believes the proposed action may affect listed species or is likely to jeopardize the continued existence of a species proposed for listing or result in the destruction or adverse modification of proposed designated critical habitat.

3. If EPA determines that the permitted action may affect Federally-listed species or critical habitat, EPA will initiate either informal or formal consultation. If EPA determines that the permitted action is likely to jeopardize proposed species or adversely modify proposed critical habitat, a conference will be initiated.

4. In consultations involving permits, any reasonable and prudent measures (associated with an incidental take statement) will specify the measures considered necessary or appropriate to minimize takings. The Services will describe such measures. EPA may delegate the terms and conditions of the incidental take statement to permittees. The Services will rely on EPA to retain the responsibility to ensure the terms and conditions are carried out. This approach will be reflected in the Services' incidental take statements. Monitoring reports to ensure implementation of reasonable and prudent measures and terms and conditions will be made available to the Services by EPA in accordance with the terms of the incidental take statement.

Reasonable and prudent measures and terms and conditions should be developed in close coordination with the EPA to ensure that the measures are reasonable, that they cause only minor changes to the proposed action, and that they are within the legal authority and jurisdiction of the Agency to carry out. If the Services and EPA cannot reach agreement on appropriate reasonable and prudent measures or terms and conditions at the level the consultation is being conducted, the decision can be elevated by the procedures discussed in section V.A.

5. EPA will facilitate the involvement of permittees or permit applicants in this process.

C. Watershed Planning

Whenever feasible and appropriate, the Services will participate early on in watershed planning processes. The active participation of the Services as a core stakeholder in the development of watershed or basin plans should reduce or eliminate the need for, or facilitate, consultation on EPA-issued permits and coordination on individual State or Tribal NPDES permits and other site-specific actions that are contemplated in watershed plans. Such participation should save the States, Tribes, EPA and Services time and resources while improving protection and recovery efforts for both listed and unlisted species.

X. Support in Administrative and Judicial Proceedings

The Services agree to provide support when requested by EPA in defense of any requirements or actions adopted by EPA as a consequence of reasonable and prudent alternatives, measures or conservation recommendations rendered in biological opinions, or reasonable and prudent measures provided in incidental take statements. Such support in administrative and judicial proceedings will be subject to approval by the Department of the Interior's Office of the Solicitor or NOAA General Counsel's Office and EPA's General Counsel's Office.

XI. Revisions to Agreement

EPA and the Services may jointly revise this document.

XII. Reservation of Agency Positions

No party to this Agreement waives any administrative claims, positions, or interpretations it may have with respect to the applicability or the enforceability of the ESA or the CWA.

XIII. Obligation of Funds, Commitment of Resources

Nothing in this Agreement shall be construed as obligating any of the parties to the expenditure of funds in excess of appropriations authorized by law or otherwise commit any of the agencies to actions for which it lacks statutory authority. It is understood that the level of resources to be expended under this Agreement will be consistent with the level of resources available to the agencies to support such efforts.

XIV. Nature of Agreement

This memorandum is intended only to improve the internal management of EPA and the Services and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

XV. Effective Date; Termination

This memorandum will become effective upon signature by each of the parties hereto. Any of the parties may withdraw from this Agreement upon 60 days written notice to the other parties; provided that any section 7 consultation covered by the terms of this Agreement that is pending at the time notice of withdrawal is identified by the parties, and those activities covered by this Agreement that begin the consultation process prior to and within the 60-day notice period, will continue to be covered by the terms of this Agreement.

XVI. Signatures

Dated: January 10, 2001.
J. Charles Fox,
Assistant Administrator for Water, U.S. Environmental Protection Agency.
Dated: January 17, 2001.
Jamie Rappaport Clark,
Director, U.S. Fish and Wildlife Service.
Dated: January 18, 2001.
Penelope D. Dalton,
Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

[FR Doc. 01–2170 Filed 2–21–01; 8:45 am]
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Federal Register

Thursday,
February 22, 2001

Part III

The President

Executive Order 13201—Notification of Employee Rights Concerning Payment of Union Dues or Fees

Executive Order 13202—Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects

Executive Order 13203—Revocation of Executive Order and Presidential Memorandum Concerning Labor-Management Partnerships

Executive Order 13204—Revocation of Executive Order on Nondisplacement of Qualified Workers Under Certain Contracts

Federal Register
Vol. 66, No. 36
Thursday, February 22, 2001

Presidential Documents

Title 3—

The President

Executive Order 13201 of February 17, 2001

Notification of Employee Rights Concerning Payment of Union Dues or Fees

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.*, and in order to ensure the economical and efficient administration and completion of Government contracts, it is hereby ordered that:

Section 1. (a) This order is designed to promote economy and efficiency in Government procurement. When workers are better informed of their rights, including their rights under the Federal labor laws, their productivity is enhanced. The availability of such a workforce from which the United States may draw facilitates the efficient and economical completion of its procurement contracts.

(b) The Secretary of Labor (Secretary) shall be responsible for the administration and enforcement of this order. The Secretary shall adopt such rules and regulations and issue such orders as are deemed necessary and appropriate to achieve the purposes of this order.

Sec. 2. (a) Except in contracts exempted in accordance with section 3 of this order, all Government contracting departments and agencies shall, to the extent consistent with law, include the following provisions in every Government contract, other than collective bargaining agreements as defined in 5 U.S.C. 7103(a)(8) and purchases under the "Simplified Acquisition Threshold" as defined in the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"1. During the term of this contract, the contractor agrees to post a notice, of such size and in such form as the Secretary of Labor shall prescribe, in conspicuous places in and about its plants and offices, including all places where notices to employees are customarily posted. The notice shall include the following information (except that the last sentence shall not be included in notices posted in the plants or offices of carriers subject to the Railway Labor Act, as amended (45 U.S.C. 151-188)):

"NOTICE TO EMPLOYEES

Under Federal law, employees cannot be required to join a union or maintain membership in a union in order to retain their jobs. Under certain conditions, the law permits a union and an employer to enter into a union-security agreement requiring employees to pay uniform periodic dues and initiation fees. However, employees who are not union members can object to the use of their payments for certain purposes and can only be required to pay their share of union costs relating to collective bargaining, contract administration, and grievance adjustment.

"If you do not want to pay that portion of dues or fees used to support activities not related to collective bargaining, contract administration, or grievance adjustment, you are entitled to an appropriate reduction in your payment. If you believe that you have been required to pay dues or fees used in part to support activities not related to collective bargaining, contract administration, or grievance adjustment, you may be entitled to a refund and to an appropriate reduction in future payments.

"For further information concerning your rights, you may wish to contact the National Labor Relations Board (NLRB) either at one of its Regional offices or at the following address:

National Labor Relations Board

Division of Information

1099 14th Street, N.W.

Washington, D.C. 20570

"To locate the nearest NLRB office, see NLRB's website at www.nlrb.gov."

"2. The contractor will comply with all provisions of Executive Order 13201 of February 17, 2001, and related rules, regulations, and orders of the Secretary of Labor.

"3. In the event that the contractor does not comply with any of the requirements set forth in paragraphs (1) or (2) above, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in or adopted pursuant to Executive Order 13201 of February 17, 2001. Such other sanctions or remedies may be imposed as are provided in Executive Order 13201 of February 17, 2001, or by rule, regulation, or order of the Secretary of Labor, or as are otherwise provided by law.

"4. The contractor will include the provisions of paragraphs (1) through (3) herein in every subcontract or purchase order entered into in connection with this contract unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 3 of Executive Order 13201 of February 17, 2001, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any such subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including the imposition of sanctions for non compliance: Provided, however, that if the contractor becomes involved in litigation with a subcontractor or vendor, or is threatened with such involvement, as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

(b) Whenever, through Acts of Congress or through clarification of existing law by the courts or otherwise, it appears that contractual provisions other than, or in addition to, those set out in subsection (a) of this section are needed to inform employees fully and accurately of their rights with respect to union dues, union-security agreements, or the like, the Secretary shall promptly issue such rules, regulations, or orders as are needed to cause the substitution or addition of appropriate contractual provisions in Government contracts thereafter entered into.

Sec. 3. (a) The Secretary may, if the Secretary finds that special circumstances require an exemption in order to serve the national interest, exempt a contracting department or agency from the requirements of any or all of the provisions of section 2 of this order with respect to a particular contract, subcontract, or purchase order.

(b) The Secretary may, by rule, regulation, or order, exempt from the provisions of section 2 of this order certain classes of contracts to the extent that they involve (i) work outside the United States and do not involve the recruitment or employment of workers within the United States; (ii) work in jurisdictions where State law forbids enforcement of union-security agreements; (iii) work at sites where the notice to employees described in section 2(a) of this order would be unnecessary because the employees are not represented by a union; (iv) numbers of workers below appropriate thresholds set by the Secretary; or (v) subcontracts below an appropriate tier set by the Secretary.

(c) The Secretary may provide, by rule, regulation, or order, for the exemption of facilities of a contractor, subcontractor, or vendor that are in all

respects separate and distinct from activities related to the performance of the contract: Provided, that such exemption will not interfere with or impede the effectuation of the purposes of this order: And provided further, that in the absence of such an exemption all facilities shall be covered by the provisions of this order.

Sec. 4. (a) The Secretary may investigate any Government contractor, subcontractor, or vendor to determine whether the contractual provisions required by section 2 of this order have been violated. Such investigations shall be conducted in accordance with procedures established by the Secretary.

(b) The Secretary shall receive and investigate complaints by employees of a Government contractor, subcontractor, or vendor where such complaints allege a failure to perform or a violation of the contractual provisions required by section 2 of this order.

Sec. 5. (a) The Secretary, or any agency or officer in the executive branch of the Government designated by rule, regulation, or order of the Secretary, may hold such hearings, public or private, regarding compliance with this order as the Secretary may deem advisable.

(b) The Secretary may hold hearings, or cause hearings to be held, in accordance with subsection (a) of this section prior to imposing, ordering, or recommending the imposition of sanctions under this order. Neither an order for debarment of any contractor from further Government contracts under section 6(b) of this order nor the inclusion of a contractor on a published list of noncomplying contractors under section 6(c) of this order shall be carried out without affording the contractor an opportunity for a hearing.

Sec. 6. In accordance with such rules, regulations, or orders as the Secretary may issue or adopt, the Secretary may:

(a) after consulting with the contracting department or agency, direct that department or agency to cancel, terminate, suspend, or cause to be cancelled, terminated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor to comply with the contractual provisions required by section 2 of this order; contracts may be cancelled, terminated, or suspended absolutely, or continuance of contracts may be conditioned upon future compliance: Provided, that before issuing a directive under this subsection, the Secretary shall provide the head of the contracting department or agency an opportunity to offer written objections to the issuance of such a directive, which objections shall include a complete statement of reasons for the objections, among which reasons shall be a finding that completion of the contract is essential to the agency's mission: And provided further, that no directive shall be issued by the Secretary under this subsection so long as the head of the contracting department or agency continues personally to object to the issuance of such directive;

(b) after consulting with each affected contracting department or agency, provide that one or more contracting departments or agencies shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any noncomplying contractor, until such contractor has satisfied the Secretary that such con tractor has complied with and will carry out the provisions of this order: Provided, that before issuing a directive under this subsection, the Secretary shall provide the head of each contracting department or agency an opportunity to offer written objections to the issuance of such a directive, which objections shall include a complete statement of reasons for the objections, among which reasons shall be a finding that further contracts or extensions or other modifications of existing contracts with the noncomplying contractor are essential to the agency's mission: And provided further, that no directive shall be issued by the Secretary under this subsection so long as the head of a contracting department or agency continues personally to object to the issuance of such directive; and

(c) publish, or cause to be published, the names of contractors that have, in the judgment of the Secretary, failed to comply with the provisions of this order or of related rules, regulations, and orders of the Secretary.

Sec. 7. Whenever the Secretary invokes section 6(a) or 6(b) of this order, the contracting department or agency shall report the results of the action it has taken to the Secretary within such time as the Secretary shall specify.

Sec. 8. Each contracting department and agency shall cooperate with the Secretary and provide such information and assistance as the Secretary may require in the performance of the Secretary's functions under this order.

Sec. 9. The Secretary may delegate any function or duty of the Secretary under this order to any officer in the Department of Labor or to any other officer in the executive branch of the Government, with the consent of the head of the department or agency in which that officer serves.

Sec. 10. The Federal Acquisition Regulatory Council (FAR Council) shall take whatever action is required to implement in the Federal Acquisition Regulation (FAR) the provisions of this order and of any related rules, regulations, or orders of the Secretary that were issued to implement this Executive Order. The FAR Council shall amend the FAR to require each solicitation of offers for a contract to include a provision that implements section 2 of this order.

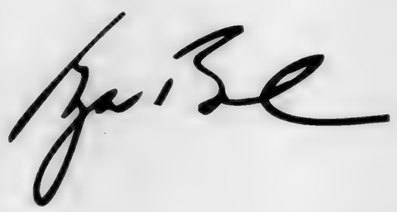
Sec. 11. As it relates to notification of employee rights concerning payment of union dues or fees, Executive Order 12836 of February 1, 1993, which, among other things, revoked Executive Order 12800 of April 13, 1992, is revoked.

Sec. 12. The heads of executive departments and agencies shall revoke expeditiously any orders, rules, regulations, guidelines, or policies implementing or enforcing Executive Order 12836 of February 1, 1993, as it relates to notification of employee rights concerning payment of union dues or fees, to the extent consistent with law.

Sec. 13. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right to administrative or judicial review, or any right, whether substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 14. The provisions of this order shall apply to contracts resulting from solicitations issued on or after the effective date of this order.

Sec. 15. This order shall become effective 60 days after the date of this order.



THE WHITE HOUSE,
February 17, 2001.

[FR Doc. 01–4621
Filed 02–21–01; 11:15 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13202 of February 17, 2001

Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.*, and in order to (1) promote and ensure open competition on Federal and federally funded or assisted construction projects; (2) maintain Government neutrality towards Government contractors' labor relations on Federal and federally funded or assisted construction projects; (3) reduce construction costs to the Federal Government and to the taxpayers; (4) expand job opportunities, especially for small and disadvantaged businesses; and (5) prevent discrimination against Government contractors or their employees based upon labor affiliation or lack thereof; thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects, it is hereby ordered that:

Section 1. To the extent permitted by law, any executive agency awarding any construction contract after the date of this order, or obligating funds pursuant to such a contract, shall ensure that neither the awarding Government authority nor any construction manager acting on behalf of the Government shall, in its bid specifications, project agreements, or other controlling documents:

(a) Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other related construction project(s); or

(b) Otherwise discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related construction project(s).

(c) Nothing in this section shall prohibit contractors or subcontractors from voluntarily entering into agreements described in subsection (a).

Sec. 2. Contracts awarded before the date of this order, and subcontracts awarded pursuant to such contracts, whenever awarded, shall not be governed by this order.

Sec. 3. To the extent permitted by law, any executive agency issuing grants, providing financial assistance, or entering into cooperative agreements for construction projects, shall ensure that neither the bid specifications, project agreements, nor other controlling documents for construction contracts awarded after the date of this order by recipients of grants or financial assistance or by parties to cooperative agreements, nor those of any construction manager acting on their behalf, shall contain any of the requirements or prohibitions set forth in section 1(a) or (b) of this order.

Sec. 4. In the event that an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of the foregoing, performs in a manner contrary to the provisions of sections 1 or 3 of this order, the executive agency awarding the contract, grant, or assistance shall take such action, consistent with law and regulation, as the agency determines may be appropriate.

Sec. 5. (a) The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of any or all of the provisions of sections 1 and 3 of this order, if the agency head finds that special circumstances require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(b) A finding of "special circumstances" under section 5(a) may not be based on the possibility or presence of a labor dispute concerning the use of contractors or subcontractors who are nonsignatories to, or otherwise do not adhere to, agreements with one or more labor organizations, or concerning employees on the project who are not members of or affiliated with a labor organization.

Sec. 6. (a) The term "construction contract" as used in this order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(b) The term "executive agency" as used in this order shall have the same meaning it has in 5 U.S.C. 105, excluding the General Accounting Office.

(c) The term "labor organization" as used in this order shall have the same meaning it has in 42 U.S.C. 2000e(d).

Sec. 7. With respect to Federal contracts, within 60 days of the issuance of this order, the Federal Acquisition Regulatory Council shall take whatever action is required to amend the Federal Acquisition Regulation in order to implement the provisions of this order.

Sec. 8. As it relates to project agreements, Executive Order 12836 of February 1, 1993, which, among other things, revoked Executive Order 12818 of October 23, 1992, is revoked.

Sec. 9. The Presidential Memorandum of June 5, 1997, entitled "Use of Project Labor Agreements for Federal Construction Projects" (the "Memorandum"), is also revoked.

Sec. 10. The heads of executive departments and agencies shall revoke expeditiously any orders, rules, regulations, guidelines, or policies implementing or enforcing the Memorandum or Executive Order 12836 of February 1, 1993, as it relates to project agreements, to the extent consistent with law.

Sec. 11. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right to administrative or judicial review, or any right, whether substantive or procedural, enforce able by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

THE WHITE HOUSE,
February 17, 2001

[FR Doc. 01–4622
Filed 02–21–01; 11:16 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13203 of February 17, 2001

Revocation of Executive Order and Presidential Memorandum Concerning Labor-Management Partnerships

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that:

Section 1. Executive Order 12871 of October 1, 1993, as amended by Executive Orders 12983 and 13156, which established the National Partnership Council and requires Federal agencies to form labor-management partnerships for management purposes, is revoked. Among other things, therefore, the National Partnership Council is immediately dissolved.

Sec. 2. The Presidential Memorandum of October 28, 1999, entitled "Reaffirmation of Executive Order 12871—Labor-Management Partnerships" (the "Memorandum"), which reaffirms and expands upon the requirements of Executive Order 12871 of October 1, 1993, is also revoked.

Sec. 3. The Director of the Office of Personnel Management and heads of executive agencies shall promptly move to rescind any orders, rules, regulations, guidelines, or policies implementing or enforcing Executive Order 12871 of October 1, 1993, or the Memorandum, to the extent consistent with law.

Sec. 4. Nothing in this order shall abrogate any collective bargaining agreements in effect on the date of this order.

THE WHITE HOUSE,
February 17, 2001.

[FR Doc. 01–4623
Filed 02–21–01; 11:16 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13204 of February 17, 2001

Revocation of Executive Order on Nondisplacement of Qualified Workers Under Certain Contracts

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that:

Section 1. Executive Order 12933 of October 20, 1994, which requires, with respect to contracts for public buildings, that successive contractors offer a right of first refusal of employment to employees of the prior contractor, is revoked.

Sec. 2. The Secretary of Labor (Secretary), the Federal Acquisition Regulatory Council, and heads of executive agencies shall promptly move to rescind any orders, rules, regulations, guidelines, or policies implementing or enforcing Executive Order 12933 of October 20, 1994, to the extent consistent with law.

Sec. 3. The Secretary shall terminate, effective today, any investigations or other compliance actions based on Executive Order 12933 of October 20, 1994.

THE WHITE HOUSE,
February 17, 2001.

[FR Doc. 01–4624
Filed 02–21–01; 11:17 am]
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This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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H.J. Res. 7/P.L. 107–1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

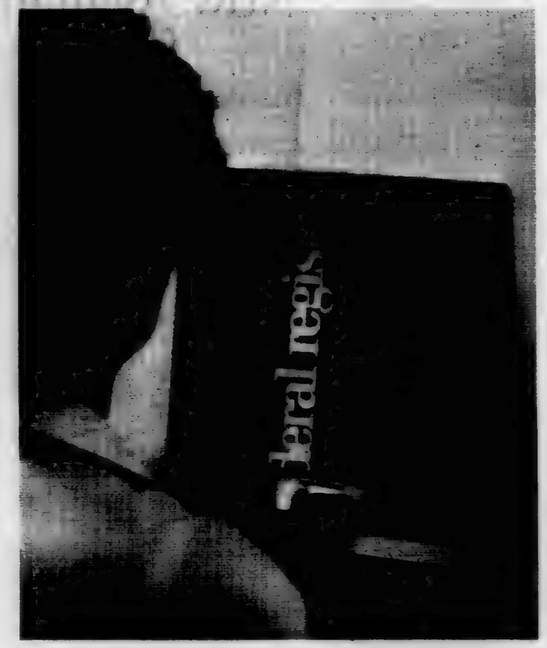
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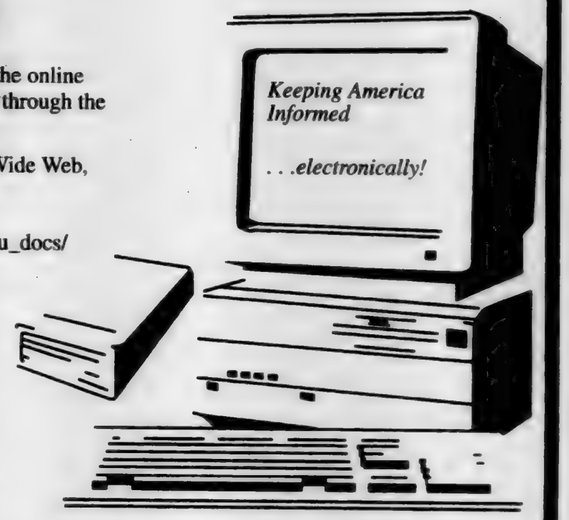
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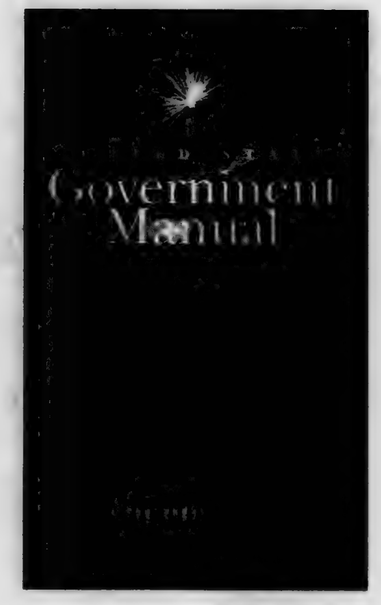
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Rules and Regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 709

Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally-Insured Credit Unions in Liquidation

AGENCY: National Credit Union Administration.

ACTION: Interim final rule with request for comments.

SUMMARY: The National Credit Union Administration (NCUA) is adopting a rule clarifying that as conservator or liquidating agent of a federally-insured credit union, the NCUA Board (Board) will honor a claim for prepayment fees by a Federal Home Loan Bank under the circumstances set forth in the rule.

DATES: Effective February 23, 2001. NCUA welcomes comments on this interim final rule. Comments must be received on or before April 24, 2001.

ADDRESSES: Comments should be directed to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428. You may also fax comments to (703) 518–6319 or e-mail comments to regcomments@ncua.gov. *Please send comments by one method only.*

FOR FURTHER INFORMATION CONTACT: Chrisanthy J. Loizos, Staff Attorney, Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION: Federally-insured credit unions (FICUs) are eligible for membership at the Federal Home Loan Bank in their district provided they meet certain statutory requirements. 12 U.S.C. 1422(12)(B), 1424. As members of a Federal Home Loan Bank, FICUs may receive long term, secured advances for the purpose of providing funds for residential loans. *See* 12 U.S.C. 1430(a). Under the Affordable Housing Program, Federal Home Loan Banks "subsidize the interest rate on advances to members engaged in lending for long term, low- and moderate-income, owner-occupied and affordable rental housing at subsidized interest rates." 12 U.S.C. 1430(j). Federal Home Loan Banks also make advances to members that undertake community-oriented mortgage lending. 12 U.S.C. 1430(i). Under the Community Investment Program, advances to members are "priced at the cost of consolidated Federal Home Loan Bank obligations of comparable maturities, taking into account reasonable administrative costs." *Id.* Therefore, these advances may be available to members at costs lower than alternative sources of funds.

The Board, when acting as conservator or liquidating agent of any FICU, has the power to disaffirm or repudiate contracts or leases (i) to which the credit union is a party; (ii) the performance of which the conservator or liquidating agent, in the conservator's or liquidating agent's discretion, determines to be burdensome; and (iii) the disaffirmance or repudiation of which the conservator or liquidating agent determines, in the conservator's or liquidating agent's discretion, will promote the orderly administration of the credit union's affairs. 12 U.S.C. 1787(c)(1). Repudiation of a contract relieves the Board from performing any unperformed obligations remaining under the contract. Repudiation also entitles the other party to the contract to a claim for damages, which are limited by statute to actual direct compensatory damages determined as of the date of the appointment of the liquidating agent or conservator. *See* 12 U.S.C. 1787(c)(3).

The Federal Credit Union Act establishes an exception to the Board's authority to repudiate contracts entered into by an FICU before the Board is appointed the FICU's conservator or liquidating agent. The Board may not repudiate a contract regarding an extension of credit from any Federal Home Loan Bank to an FICU. 12 U.S.C. 1787(c)(13).

This rule, § 709.12, sets forth the circumstances under which the Board, as conservator or liquidating agent, will honor a claim for prepayment fees by a Federal Home Loan Bank (Bank) when an FICU in conservatorship or liquidation has an outstanding extension of credit with the Bank. The rule tracks one used by the Federal Deposit Insurance Corporation (FDIC) when federally-insured banks with extensions of credit from a Federal Home Loan Bank are conserved or placed in receivership. *See* 12 CFR 360.2(e). Like the Board, the FDIC has the statutory authority to repudiate contracts when appointed conservator or receiver for a federally-insured bank under section 11(e) of the Federal Deposit Insurance Act. 12 U.S.C. 1821(e). Likewise, the Federal Deposit Insurance Act also carves out an exception for extensions of credit from any Federal Home Loan Bank. 12 U.S.C. 1821(e)(13)(A). By providing these exceptions for Federal Home Loan Banks in both the Federal Credit Union Act and the Federal Deposit Insurance Act, Congress recognized that they have a unique role as special lenders to depository institutions.

Prepayment fees are an integral part of the operations of Federal Home Loan Banks because they issue long term obligations in order to make prudent long term advances to members. The prepayment of long term advances can result in losses to a Bank, depending upon reinvestment opportunities available at the time of such prepayment. 54 FR 19155, May 4, 1989. The rule allows the payment of a prepayment fee to the Bank if set forth in a written contract, provided: (1) That the fee does not exceed the present value of any economic loss suffered by the Bank; and, (2) the collateral is sufficient to pay in full the principal and interest due on secured advances and the applicable prepayment fee.

Interim Final Rule

The NCUA Board is issuing this rule as an interim final rule because there is a strong public interest in assuring that FICUs are in the same position as other depository institutions that obtain advances from Federal Home Loan Banks as soon as possible. This interim rule benefits FICUs with no additional burden by giving them the opportunity to receive advances from Federal Home Loan Banks at a lower cost of funds than may be available from alternative sources. Accordingly, for good cause,

the Board finds that, pursuant to 5 U.S.C. 553(b)(3)(B), notice and public procedures are impracticable, unnecessary, and contrary to the public interest; and, pursuant to 5 U.S.C. 553(d)(3), the rule shall be effective immediately and without 30 days advance notice of publication. Although the rule is being issued as an interim final rule and is effective immediately, the NCUA Board encourages interested parties to submit comments.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any regulation may have on a substantial number of small entities. For purposes of this analysis, credit unions under $1 million in assets will be considered small entities.

The NCUA Board has determined and certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule allows FICUs that are members of Federal Home Loan Banks to receive advances at lower rates of interest for the benefit of their members without any additional regulatory burden or expense to credit unions. Accordingly, the NCUA has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

NCUA has determined that this rule does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedures Act. 5 U.S.C. 551. The Office of Management and Budget has determined that this is not a major rule.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This rule will apply to some state-chartered credit unions, but it will not have substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

Agency Regulatory Goal

NCUA's goal is to promulgate clear and understandable regulations that impose minimal regulatory burden. We request your comments on whether this rule is understandable and minimally intrusive.

List of Subjects in 12 CFR Part 709

Credit unions, Liquidations.

By the National Credit Union Administration Board, on February 15, 2001.

Becky Baker,

Secretary of the Board.

For the reasons stated above, NCUA amends 12 CFR part 709 as follows:

PART 709—INVOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS AND ADJUDICATION OF CREDITOR CLAIMS INVOLVING FEDERALLY-INSURED CREDIT UNIONS IN LIQUIDATION

1. The authority citation for part 709 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766, 1767, 1786, 1787, 1788, 1789, 1789a.

2. Amend § 709.0 by revising the first sentence to read as follows:

§ 709.0 Scope.

The rules and procedures in this part apply to charter revocations of federal credit unions under 12 U.S.C. 1787(a)(1)(A), (B), the involuntary liquidation and adjudication of creditor claims in all cases involving federally-insured credit unions, the treatment by the Board as conservator or liquidating agent of financial assets transferred in connection with a securitization or participation or of public funds held by a federally-insured credit union, and the allowance of prepayment fees to Federal Home Loan Banks under specified conditions. * * *

3. Add § 709.12 to part 709 to read as follows:

§ 709.12 Prepayment Fees to Federal Home Loan Bank.

The Board as conservator or liquidating agent of a federally-insured credit union in receipt of any extension of credit from a Federal Home Loan Bank will allow a claim for a prepayment fee by the Bank if:

(a) The claim is made pursuant to a written contract that provides for a prepayment fee but the prepayment fee allowed by the Board will not exceed the present value of the loss attributable to the difference between the contract rate of the secured borrowing and the reinvestment rate then available to the Bank; and

(b) The indebtedness owed to the Bank is secured by sufficient collateral in which a perfected security interest in favor of the Bank exists or as to which the Bank's security interest is entitled to priority under section 306(d) of the Competitive Equality Banking Act of 1987, 12 U.S.C. 1430(e) footnote (1), or otherwise so that the aggregate of the outstanding principal on the advances secured by the collateral, the accrued but unpaid interest on the outstanding principal and the prepayment fee applicable to the advances can be paid in full from the amounts realized from the collateral. For purposes of this paragraph, the adequacy of the collateral will be determined as of the date the prepayment fees are due and payable under the terms of the written contract.

[FR Doc. 01–4361 Filed 2–22–01; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–33]

RIN 2120–AA66

Revision of Legal Descriptions of Multiple Federal Airways in the Vicinity of Douglas; WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the legal descriptions of three Federal airways that use the Douglas, WY, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) in their route structure. Currently, the Douglas VOR/DME and the Converse County, WY, Airport share the same location identifier. The fact that the VOR/DME and the airport are not collocated has led to confusion among users. To eliminate this confusion, the Douglas VOR/DME will be renamed the "Hipsher VOR/DME," and all the airways with "Douglas VOR/DME" included in their legal descriptions will be amended, concurrent with the effective date of this final rule, to reflect the name change.

EFFECTIVE DATE: 0901 UTC, May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

The Rule

This action amends 14 CFR part 71 (part 71) by changing the legal descriptions of three Federal airways that have "Douglas VOR/DME" included as part of their route structure. Currently, the Douglas VOR/DME and the Converse County, WY Airport share the same location identifier. The fact that the VOR/DME and the airport are not collocated has led to confusion among users. To eliminate this confusion, the Douglas VOR/DME will be renamed the "Hipsher VOR/DME," and all the airways with "Douglas VOR/DME" included in their legal descriptions will be amended to reflect the name change. The name change of the VOR/DME will coincide with the effective date of this rulemaking action.

Since this action merely involves editorial changes in the legal description of three Federal airways, and does not involve a change in the dimensions or operating requirements of that airspace, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The airways listed in this document would be published subsequently in the order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E, AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–247 [Revised]

From Scottsbluff, NE, 75 MSL, INT Scottsbluff 307° and Hipsher, WY, 109° radials, 75 MSL, Hipsher; 90 miles 75 MSL, Crazy Woman, WY; INT Crazy Woman 347° and Sheridan, WY, 137° radials; Sheridan; INT Sheridan 327° and Billings, MT, 116° radials; Billings; INT Billings 301° and Helena, MT, 089° radials; to Helena.

* * * * *

V–254 [Revised]

From Hipsher, WY, via Gillette, WY, via Miles City, MT; to Glasgow, MT.

* * * * *

V–547 [Revised]

From Cheyenne, WY; INT Cheyenne 002° and Hipsher 152° radials; Hipsher, WY; to Casper, WY.

* * * * *

Issued in Washington, DC, on February 15, 2001.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 01–4542 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 101

[Docket No.: 000609172–1040–03]

RIN 0607–AA33

Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information; Revocation of Delegation of Authority

AGENCY: Department of Commerce.

ACTION: Final rule.

SUMMARY: The Secretary of Commerce is issuing a final rule to revoke a delegation of authority to the Director of the Census. By that delegation the Secretary authorized the Director of the Census to make a determination regarding the methodology to be used in calculating the tabulations of population to be reported to States and localities pursuant to 13 U.S.C. 141(c). This final rule will require that this determination be made by the Secretary, and establishes an open and fair decision-making process.

DATES: This rule is effective February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Alden F. Abbott, Acting General Counsel, U.S. Department of Commerce, (202) 482–1328.

SUPPLEMENTARY INFORMATION: Through the Census Act, which is codified in title 13 of the United States Code, Congress has delegated to the Secretary of Commerce its broad constitutional authority over the decennial census (see U.S. Constitution Art. I, Sec. 2, Cl.3). On October 6, 2000, the Commerce Department issued a final rule that set forth how the Bureau of the Census will carry out its responsibilities to report tabulations of population to States and localities pursuant to the Census Act. *See* 65 FR 59712 (October 6, 2000). That rule established a process for the release of data to the States and codified the process by which a committee of senior career officials of the Census Bureau would advise the Director of the Census. In addition, that rule contained a delegation of authority from the Secretary to the Director of the Census to make a determination regarding the methodology to be used in calculating the tabulations of population to be reported to States and localities pursuant to 13 U.S.C. 141(c).

The October 6, 2000, final rule delegated the methodological determination to the Census Director. Reflecting the character of its

responsibilities, the position of Census Director is held by a person who is appointed by the President and confirmed by the Senate. At the present time, the Deputy Director, a career civil servant, is serving as Acting Director. It is unlikely that a new Director will be nominated by the President and confirmed by the Senate prior to the time that this decision must be made. Consistent with Congress' delegation of authority specifically to the Secretary to make the decision regarding the tabulations contemplated by 13 U.S.C. 141(c), and in recognition of the accountability properly expected of the person making the methodological decisions underlying those tabulations, the Secretary has determined that, in the current circumstances, he is the appropriate official to make the final determinations concerning the tabulations of populations to be reported pursuant to 13 U.S.C. 141(c). The Secretary will continue to seek the advice of the statistical experts at the Census Bureau to inform his decision. The Secretary, in his discretion, might also seek the advice of other individuals with knowledge of this issue.

The October 6, 2000, rule further established a process for the release of data to the States to meet the requirements of 13 U.S.C. 141(c). The process in the regulation envisioned two scenarios. First, where the decision was made to use sampling to produce the tabulations of population to report to States and localities after a recommendation by the Census Bureau committee to do so, the October 6, 2000, rule incorporated the requirement of section 209(j) of Public Law 105–119 to also release simultaneously data prepared without the use of such statistical method. Second, the October 6, 2000, rule adopted a new requirement (not mandated by section 209(j)) that, if the decision was made to produce tabulations of population without the use of statistical adjustment notwithstanding a recommendation by the Census Bureau committee to do so, data prepared with the use of such method would be made available to the public simultaneously with the release of data prepared without the use of statistical adjustment. Not discussed in the October 6, 2000, rule was the release of data when the Census Bureau committee recommended statistical adjustment not be used and that recommendation was adopted. Because the Department can not rule out situations in which the release of data produced by statistical adjustment might be inappropriate (for instance the release of statistics with material error), the Secretary has decided to remove this section of the regulation for further study.

Administrative Law Requirements

Executive Order 12866

This final rule has been determined to be not significant under section 3(f) of Executive Order 12866.

Administrative Procedure Act

Pursuant to authority at 5 U.S.C. 553(b)(A), this rule of agency organization, procedure and practice is not subject to the requirement to provide prior notice and an opportunity for public comment. This rule of agency organization, procedure and practice is not a substantive rule subject to the requirement, in 5 U.S.C. 553(d), for a 30-day delay in effective date.

Paperwork Reduction Act

This final rule contains no new information collection requests subject to the Paperwork Reduction Act.

Regulatory Flexibility Act

Because this rule is not subject to the requirement to provide prior notice and an opportunity for public comment under 5 U.S.C. 553, or any other law, it is not subject to the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

Unfunded Mandate Reform Act of 1995

This rule contains no Federal mandates, as that term is defined in the Unfunded Mandates Reform Act, on State, local and tribal governments or the private sector.

Executive Order 12630

This rule does not contain policies that have takings implications.

List of Subjects in 15 CFR Part 101

Administrative practice and procedure, Census data.

Donald L. Evans,

Secretary of Commerce.

For the reasons set out in the preamble, 15 CFR part 101 is amended as follows:

PART 101—RELEASE OF DECENNIAL CENSUS POPULATION INFORMATION

1. The authority citation for part 101 continues to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 4, 141, 195; 15 U.S.C. 1512.

2. Section 101.1 is revised to read as follows:

§ 101.1 Report of tabulations of population to States and localities pursuant to 13 U.S.C. 141(c).

(a)(1) The Secretary of Commerce shall make the final determination regarding the methodology to be used in calculating the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c). The determination of the Secretary will be published in the **Federal Register**.

(2) The Secretary shall not make the determination specified in paragraph (a)(1) of this section until after he or she receives the recommendation of the Director of the Census, together with the report of the Executive Steering Committee for A.C.E. Policy, in accordance with paragraph (b)(1) of this section.

(b)(1) The Executive Steering Committee for A.C.E. Policy shall prepare a written report to the Director of the Census analyzing the methodologies that may be used in making the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c), and the factors relevant to the possible choices of methodology. The Director of the Census will forward the Executive Steering Committee for A.C.E. Policy report and his or her recommendation on methodology, if any, to the Secretary of Commerce.

(2) The recommendation of the Director of the Census, together with report of the Executive Steering Committee for A.C.E. Policy described in paragraph (b)(1) of this section, shall be released to the public at the same time it is delivered to the Secretary. This release to the public shall include, but is not limited to, posting of the report on the Bureau of the Census website and publication of the report in the **Federal Register**.

(3) The Executive Steering Committee for A.C.E. Policy is composed of the following employees of the Bureau of the Census:

(i) Deputy Director and Chief Operating Officer;

(ii) Principal Associate Director and Chief Financial Officer;

(iii) Principal Associate Director for Programs;

(iv) Associate Director for Decennial Census (Chair);

(v) Assistant Director for Decennial Census;

(vi) Associate Director for Demographic Programs;

(vii) Associate Director for Methodology and Standards;

(viii) Chief; Planning, Research, and Evaluation Division;

(ix) Chief; Decennial Management Division;

(x) Chief; Decennial Statistical Studies Division;

(xi) Chief; Population Division; and

(xii) Senior Mathematical Statistician.

§ 101.2 [Removed]

3. Section 101.2 is removed.

[FR Doc. 01–4438 Filed 2–22–01; 8:45 am]
BILLING CODE 3510–07–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–01–014]

Drawbridge Operation Regulations; Siesta Key Bridge (SR 758), Sarasota, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Siesta Key Bridge (SR 758) across the Gulf Intracoastal Waterway, mile 71.6, Sarasota County, Sarasota, Florida. This deviation allows the drawbridge owner or operator to only open one leaf of the drawbridge, from 8 a.m. until 5 p.m., on March 5, 2001 and March 6, 2001. This temporary deviation is required to allow the bridge owner to safely complete maintenance on the bridge.

DATES: This deviation is effective from 8 a.m. on March 5, 2001 until 5 p.m. on March 6, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Chief, Operations Section, Seventh Coast Guard District, Bridge Section at (305) 415–6743.

SUPPLEMENTARY INFORMATION: The Siesta Key Bridge across the Gulf Intracoastal Waterway at Sarasota County, Sarasota, is a double leaf bridge with a vertical clearance of 21 feet above mean high water (MHW) measured at the fenders in the closed position with a horizontal clearance of 90 feet. On January 24, 2001, the Florida Department of Transportation, the drawbridge owner, requested a deviation from the current operating regulations in 33 CFR 117.287(b–1). These regulations require the draw to open on signal, except from 11 a.m. to 6 p.m. daily, the draw need only open on the hour, 20 minutes past the hour, and 40 minutes past the hour. This temporary deviation was requested to allow necessary maintenance to the drawbridge in a critical time sensitive manner.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.287(b–1) for the purpose of maintenance on the drawbridge. Under this deviation, the Siesta Key Bridge need only open one leaf from 8 a.m. until 5 p.m., March 5, 2001 and March 6, 2001.

Dated: February 14, 2001.

Greg E. Shapley,

Chief, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 01–4548 Filed 2–22–01; 8:45 am]
BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–01–013]

Drawbridge Operation Regulations; Cortez Bridge (SR 684), Cortez, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Cortez Bridge across the Gulf Intracoastal Waterway, mile 87.4, Sarasota County, Cortez, Florida. This deviation allows the drawbridge owner or operator to only open one leaf of the drawbridge, from 8 a.m. until 5 p.m., on March 12, 2001 and March 13, 2001. This temporary deviation is required to allow the bridge owner to safely complete maintenance on the bridge.

DATES: This deviation is effective from 8 a.m. on March 12, 2001 until 5 p.m. on March 13, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Chief, Operations Section, Seventh Coast Guard District, Bridge Section at (305) 415–6743.

SUPPLEMENTARY INFORMATION: The Cortez Bridge across the Gulf Intracoastal Waterway at Sarasota County, Cortez, FL is a double leaf bridge with a vertical clearance of 25.5 feet above mean high water (MHW) measured at the fenders in the closed position with a horizontal clearance of 90 feet. On January 24, 2001, the Florida Department of Transportation, the drawbridge owner, requested a deviation from the current operating regulations in 33 CFR 117.287(d)(1). Those regulations require the draw to open on signal, except from 7 a.m. to 6 p.m., the draw need only open on the hour, twenty minutes past the hour, and forty minutes past the hour. This temporary deviation was requested to allow necessary maintenance to the drawbridge in a critical time sensitive manner.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.287(d)(1) for the purpose of maintenance on the drawbridge. Under this deviation, the Cortez Bridge need only open one leaf from 8 a.m. until 5 p.m. on March 12, 2001 and March 13, 2001.

Dated: February 14, 2001.

Greg E. Shapley,

Chief, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 01–4547 Filed 2–22–01; 8:45 am]
BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6768–2]

RIN 2060–AH47

National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendment.

SUMMARY: The EPA is issuing this final rule amendment to indefinitely stay the current compliance date of February 27, 2001, for the provisions pertaining to process contact cooling towers (PCCT) for existing affected sources producing poly (ethylene terephthalate) (PET) using the continuous terephthalic acid (TPA) high viscosity multiple end finisher process. On August 29, 2000, the EPA issued a direct final rule (65 FR 52319) and a parallel proposal (65 FR 52392) to stay the compliance date indefinitely because the EPA is in the process of responding to a request to reconsider relevant portions of the rule which may result in changes to the emission limitation applying to PCCT in this subcategory.

On September 20, 2000, the EPA received an adverse comment on the direct final rule for an indefinite stay of compliance. Therefore, the EPA withdrew the direct final rule (65 FR 64161; October 26, 2000). After considering the comments received, the EPA is promulgating the indefinite stay of compliance through this amendment.

EFFECTIVE DATE: February 23, 2001.

ADDRESSES: A docket, No. A–92–45, containing information considered by the EPA in the development of the standards for the Group IV Polymers and Resins, is available for public inspection and copying between 8 a.m. and 5 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M–1500, first floor, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Rosensteel, US EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, telephone (919) 541–5608, fax (919) 541–3470, and electronic mail: rosensteel.bob@epa.gov.

SUPPLEMENTARY INFORMATION:

Docket. The docket is an organized and complete file of all the information considered in the development of this rulemaking. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Clean Air Act (CAA).) The regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of today's action will also be available on the WWW through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules http://www.epa.gov/ttn/oarpg. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Regulated Entities. The regulated category and entities affected by this action include:

Category	SIC	NAICS	Examples of regulated entities
Industry	2821	325211	Facilities that produce PET using the continuous TPA high viscosity multiple end finisher process.

This table is not intended to be exhaustive but, rather, provides a guide for readers likely to be interested in this action. To determine whether your facility is affected by this action, you should carefully examine all of the applicability criteria in 40 CFR part 63, subpart JJJ. If you have any questions regarding the applicability of this final rule amendment to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. Background

On August 29, 2000, we proposed to indefinitely stay the compliance date specified in 40 CFR 63.1311(c) for the provisions contained in 40 CFR 63.1329 for existing affected sources producing PET using the continuous TPA high viscosity multiple end finisher process. The proposed indefinite stay applied only to the PCCT emission limitation at existing affected sources. It did not affect any other provisions of the rule applying to this subcategory or any other subcategories.

We proposed this indefinite stay of the compliance date because the EPA is in the process of responding to a request to reconsider relevant portions of the rule which may result in changes to the emission limitation applying to PCCT in this subcategory, and it is unlikely that the reconsideration process will be complete before actions are necessary to comply with the current PCCT standard. We intend to complete our reconsideration of the rule and take appropriate action as expeditiously as practical. Following our reconsideration of the rule, we will establish a new compliance date for the provisions contained in 40 CFR 63.1329. For these reasons, we are providing an indefinite stay of the compliance date.

We received one adverse comment letter on the proposed indefinite stay, a follow-up letter from the same commenter, and one favorable comment letter. On August 29, 2000, we also issued a parallel direct final rule (65 FR 52319). Because we received an adverse comment, we withdrew the direct final rule on October 26, 2000 (65 FR 64161). In this final amendment, we are addressing the adverse comment and promulgating the proposed rule as presented in the August 29, 2000, **Federal Register** notice without modification.

II. What Does the Final Rule Say?

We are issuing an indefinite stay of the existing source compliance date associated with the PCCT standard for the Group IV Polymers and Resins National Emission Standards for Hazardous Air Pollutant (NESHAP) Emissions (40 CFR 63.1311(c), subpart JJJ) for existing affected sources producing PET using the continuous TPA high viscosity multiple end finisher process.

III. What Are the Major Comments and Responses to Those Comments?

We received one adverse comment which objected to the "open-ended" aspect of the stay. The commenter stated that the EPA must establish a "firm" date for the indefinite stay and the completion of its consideration of KoSa's petition for reconsideration.

After receiving the adverse comment, we discussed with the commenter their concerns regarding the "open-ended" nature of the stay. We explained, as we had stated in the proposal, that we could not set a firm date at this time because it was unclear when our reconsideration of the pending administrative petitions would conclude. We stated that we planned to set a firm date once we completed the reconsideration. The commenter submitted a second comment letter withdrawing its objection to the proposed stay. We also received one comment supporting an indefinite stay.

IV. What Are the Changes Since Proposal?

No changes have been made to the proposed indefinite stay (65 FR 52392). Thus, this final rule amendment is identical to that presented in the proposed rule.

V. What Are the Impacts of the Final Rule?

This indefinite stay affects a single facility. We do not believe that this stay will, as a practical matter, affect the overall effectiveness of the Group IV Polymers and Resins NESHAP.

VI. Administrative Requirements

A. Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) on the basis of the requirements of the Executive Order in addition to its normal review requirements. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Today's action does not fall within any of the four categories described above and, therefore, does not constitute a "significant regulatory action" within the meaning of Executive Order 12866 and was not required to be reviewed by OMB.

B. Executive Order 13132, Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This final rule amendment does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This is because the final action applies to affected sources in the PET facilities, not to States or local governments. Nor will State law be preempted, or any mandates be imposed on States or local governments. Thus, the requirements of section 6 of the Executive Order do not apply to this final action.

C. Executive Order 13084, Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, we may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or we consult with those governments. If we comply by consulting, we are required by Executive Order 13084 to provide to the OMB in a separately identified section of the preamble to the rule, a description of the extent of our prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires us to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's final action does not significantly or uniquely affect the communities of Indian tribal governments because they do not own or operate any of the sources affected by this rule. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

D. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined in Executive Order 12866, and it is based on technology performance and not on health or safety risks.

E. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, we must generally prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least-costly, most cost-effective, or least-burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least-costly, most cost-effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that today's action does not contain a Federal

mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. Instead, this rule amendment provides additional time to comply with certain requirements of the Group IV Polymers and Resins NESHAP. Thus, today's action is not subject to the requirements of sections 202 and 205 of the UMRA.

We also have determined that this action contains no regulatory requirements that might significantly or uniquely affect small governments. This rule does not impose any enforceable duties on small governments, i.e., they own or operate no sources subject to this rule and, therefore, are not required to purchase control systems to meet the requirements of this rule.

F. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 et seq.

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule amendment. The EPA also has determined that this rule amendment will not have a significant impact on a substantial number of small entities. Only one entity is subject to the PCCT standard, and it is not a small entity. In addition, this rule amendment will relieve regulatory burden for the entity subject to the PCCT standard.

G. Paperwork Reduction Act

For the Group IV Polymers and Resins NESHAP, the information collection requirements were submitted to the OMB under the Paperwork Reduction Act. The OMB approved the information collection requirements and assigned OMB control number 2060–0351. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The EPA has amended 40 CFR part 9, section 9.1, to indicate the information collection requirements contained in the Group IV Polymers and Resins NESHAP.

Today's action has no impact on the information collection burden estimates made previously. Therefore, the Information Collection Request has not been revised.

H. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, (15 U.S.C. 272 note), directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or would be otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test method, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials, the National Fire Protection Association, and the Society of Automotive Engineers. The NTTAA requires Federal agencies like the EPA to provide Congress, through OMB, with explanations when the EPA decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards.

I. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This final rule will be effective on February 23, 2001.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: January 19, 2001.

Carol M. Browner,

Administrator.

Title 40 of the Code of Federal Regulations, chapter I, part 63, subpart JJJ is being amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

2. Amend § 63.1311 by revising paragraph (c) to read as follows:

§ 63.1311 Compliance dates and relationship of this subpart to applicable rules.

* * * * *

(c) Existing affected sources shall be in compliance with this subpart (except for § 63.1331 for which compliance is covered by paragraph (d) of this section) no later than June 19, 2001, as provided in § 63.6(c), unless an extension has been granted as specified in paragraph (e) of this section, except that the compliance date for the provisions contained in § 63.1329 is extended to February 27, 2001, for existing affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is PET using a continuous terephthalic acid high viscosity multiple end finisher process.

[Note to paragraph (c): The compliance date of February 27, 2001 for the provisions of § 63.1329 for existing affected sources whose primary product, as determined using the procedures specified in 63.1310(f), is PET using a continuous terephthalic acid high viscosity multiple end finisher process is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for these sources.]

* * * * *

[FR Doc. 01–2220 Filed 2–22–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 99–200; CC Docket No. 96–98; FCC 00–429]

Numbering Resource Optimization

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Federal Communications Commission (FCC or Commission) amended its rules in order to ensure that the numbering resources of the North American Numbering Plan (NANP) are used efficiently, and that all carriers have the numbering resources they need to compete in the rapidly expanding telecommunications marketplace.

DATES: The amendments to 47 CFR 52.15, which contain information collection requirements, are published at 66 FR 9528 (Feb. 8, 2001) and became effective on January 25, 2001.

FOR FURTHER INFORMATION CONTACT: Sanford Williams, (202) 418–2320 or email at *swilliam@fcc.gov* or Cheryl Callahan at (202) 418–2320 or *ccallaha@fcc.gov*.

SUPPLEMENTARY INFORMATION: On December 7, 2001, the Commission adopted a report and order to implement strategies designed to improve the efficient use of numbering resources in the NANP, a summary of which was published in the **Federal Register**. See 66 FR 9528. Sections 52.15(g)(4) and 52.15(k)(1) contain new information collection requirements. We stated that those sections "contain information collections that have not been approved by the Office of Management and Budget (OMB). The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date of those sections." The information collections were approved by OMB on January 25, 2001. See OMB No. 3060–0971. This publication satisfies our statement that the Commission publish a document announcing the effective date of the rules.

List of Subjects in 47 CFR Part 52

Communications common carriers, Telecommunications.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4425 Filed 2–22–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 00–44, FCC 00–343]

Extension of the Filing Requirement for Children's Television Programming Reports (FCC Form 398)

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Commission revised the children's educational television reporting requirements of commercial broadcast television licensees, which involved a number of revisions to FCC Form 398, the Children's Television Programming Report. Certain of these rule and form revisions contained new and modified information collection requirements and were published in the **Federal Register** on November 9, 2000. This document announces the effective date of the revised rules and form.

DATES: The revisions to § 73.3526(e)(11)(iii), published at 65 FR 67283 (November 9, 2000), became effective on January 1, 2001. The revised Form 398 will be used for the quarterly Children's Television Programming Reports due to be filed by April 10, 2001.

FOR FURTHER INFORMATION CONTACT: Kim Matthews, Mass Media Bureau, Policy and Rules Division, (202) 418–2130.

SUPPLEMENTARY INFORMATION: On December 15, 2000, the Office of Management and Budget (OMB) approved the information collection requirements contained in the revised 47 CFR 73.3526(e)(11)(iii) and FCC Form 398 pursuant to OMB Control Nos. 3060–0754. Accordingly, the information collection requirements contained in this rule became effective on January 1, 2001, and the revised form will be used for the quarterly Children's Television Programming Report due to be filed by April 10, 2001.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4424 Filed 2–22–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 991008273–0070–02; I.D. 021601C]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Trip limit reduction.

SUMMARY: NMFS reduces the trip limit in the commercial hook-and-line fishery for king mackerel in the southern Florida west coast subzone to 500 lb (227 kg) of king mackerel per day in or from the exclusive economic zone (EEZ). This trip limit reduction is necessary to protect the overfished Gulf king mackerel resource.

DATES: This rule is effective 12:01 a.m., local time, February 20, 2001, through June 30, 2001, unless changed by further notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, telephone: 727–570–5305, fax: 727–570–5583, e-mail: Mark.Godcharles@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, on February 19, 1998 (63 FR 8353) NMFS implemented a commercial quota of 2.34 million lb (1.06 million kg) for the eastern zone (Florida) of the Gulf migratory group of king mackerel. On April 27, 2000, NMFS divided the Florida west coast subzone of the eastern zone into northern and southern subzones and established a separate quota for the southern Florida west coast subzone of 1,082,250 lb (490,900 kg) (65 FR 16336, March 28, 2000). That quota was further divided into two equal quotas of 541,125 lb (245,450 kg) for vessels in each of two groups fishing with hook-and-line gear and run-around gillnets (50 CFR 622.42(c)(1)(i)(A)(*2*)(*i*)).

In accordance with 50 CFR 622.44(a)(2)(ii)(B)(*2*), from the date that 75 percent of the southern Florida west coast subzone's quota has been harvested until a closure of the subzone's fishery has been effected or the fishing year ends, king mackerel in or from the EEZ may be possessed on board or landed from a permitted vessel in amounts not exceeding 500 lb (227 kg) per day.

NMFS has determined that 75 percent of the quota for Gulf group king mackerel for vessels using hook-and-line gear in the southern Florida west coast subzone will be reached by

February 19, 2001. Accordingly, a 500–lb (227–kg) trip limit applies to vessels in the commercial hook-and-line fishery for king mackerel in or from the EEZ in the southern Florida west coast subzone effective 12:01 a.m., local time, February 20, 2001.

The Florida west coast subzone is that part of the eastern zone south and west of 25°20.4′ N . lat., which is a line directly east from the Miami-Dade County, FL, boundary. The Florida west coast subzone is further divided into northern and southern subzones. The southern subzone is that part of the Florida west coast subzone which from November 1 through March 31 extends south and west from 25°20.4′ N. lat. to 26°19.8′ N. lat.(a line directly west from the Lee/Collier County, FL, boundary), i.e., the area off Collier and Monroe Counties. From April 1 through October 31, the southern subzone is that part of the Florida west coast subzone which is between 26°19.8′ N. lat. and 25°48′ N. lat.(a line directly west from the Monroe/Collier County, FL, boundary), i.e., the area off Collier County.

Classification

This action responds to the best available information recently obtained from the fishery. The reduced trip limit must be implemented immediately because 75 percent of the quota has been harvested. Any delay in implementing this action would be impractical and contradictory to the Magnuson-Stevens Act, the FMP, and the public interest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is waived.

This action is taken under 50 CFR 622.44(a)(2)(iii) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 16, 2001.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4431 Filed 2–16–01; 3:57 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 37
Friday, February 23, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 749

Records Preservation Program

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: NCUA proposes to revise its regulation establishing standards for vital record preservation. The proposal clarifies that a credit union may preserve records in electronic form, as authorized by the Electronic Signatures in Global and National Commerce Act. By eliminating the requirement that a credit union's financial officer be responsible for storing vital records, the revision permits a credit union's board of directors to determine which employee will be responsible for storing vital records under the record preservation program. It also incorporates an appendix to provide suggested guidelines to credit unions on retention periods for various types of records.

DATES: Comments must be received on or before April 24, 2001.

ADDRESSES: Direct comments to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. Fax comments to (703) 518–6319. E-mail comments to regcomments@ncua.gov. *Please send comments by one method only.*

FOR FURTHER INFORMATION CONTACT: Dianne M. Salva, Staff Attorney, Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION: NCUA is proposing a revision of its regulation governing the preservation of vital records. The revision simplifies the regulation by converting it to a question and answer format. It also updates and clarifies the provision of the regulation that currently permits a credit union to store records in any format that can be used to reconstruct the credit union's files. By implementing the record retention provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001, the revision clarifies that credit unions may store records in any electronic format that is accurate, accessible and capable of being reproduced by printing, transmittal or other methods.

The current regulation designates that the credit union's financial officer is responsible for vital records preservation duties. The Board finds that the credit union's board of directors may reasonably assign the duties to another staff member. The revision permits a credit union's board of directors to determine which employee will be responsible for carrying out the vital record preservation duties.

Section 749.2 of the proposal restates the provision in the existing regulation that credit unions whose records are retained by off-site data processors are deemed to be in compliance for those records. The Board notes that credit unions should exercise care in the selection of an off-site data processor to ensure that it is capable of producing the records if requested.

There is a need for guidance in the area of record retention based on the frequency of requests for assistance from credit unions. Although similar guidance is available in the NCUA Accounting Manual for Credit Unions, it will be more accessible as an appendix to the regulation. For those reasons, the revision incorporates an appendix that offers guidance on recommended retention periods for various types of credit union records.

Regulatory Procedures

Paperwork Reduction Act

NCUA has determined that the proposed regulation does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This proposed rule, if adopted, will apply only to all federally insured credit unions. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that the proposed rule does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families.

The NCUA has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Agency Regulatory Goal

NCUA's goal is to promulgate clear and understandable regulations that impose minimal regulatory burden. We request your comments on whether the proposed rule is understandable and minimally intrusive if implemented as proposed.

List of Subjects in 12 CFR Part 749

Archives and records, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on February 15, 2001.

Becky Baker,

Secretary of the Board.

For the reasons set forth in the preamble, it is proposed that 12 CFR Part 749 is revised to read as follows:

PART 749—RECORDS PRESERVATION PROGRAM AND RECORD RETENTION APPENDIX

Sec.

749.0 What is covered in this part?
749.1 What are vital records?
749.2 What must a credit union do with vital records?
749.3 What is a vital records center?
749.4 What format may the credit union use for preserving records?
749.5 What format may credit unions use for maintaining writings, records or information required by other NCUA regulations?

Appendix A to Part 749—Record Retention Guidelines

Authority: 12 U.S.C. 1766, 1783 and 1789, 15 U.S.C. 7001(d).

§ 749.0 What is covered in this part?

This part describes the obligations of all federally insured credit unions to maintain a records preservation program to identify, store and reconstruct vital records in the event that the credit union's records are destroyed. It establishes flexibility in the format credit unions may use for maintaining writings, records or information required by other NCUA regulations. The appendix also provides guidance concerning the appropriate length of time credit unions should retain various types of operational records.

§ 749.1 What are vital records?

Vital records include at least the following records, as of the most recent month-end:

(a) A list of share, deposit, and loan balances for each member's account which:

(1) Shows each balance individually identified by a name or number;

(2) Lists multiple loans of one account separately; and

(3) Contains information sufficient to enable the credit union to locate each member, such as address and telephone number, unless the board of directors determines that the information is readily available from another source.

(b) A financial report, which lists all of the credit union's asset and liability accounts and bank reconcilements.

(c) A list of the credit union's financial institutions, insurance policies, and investments. This information may be marked "permanent" and stored separately, to be updated only when changes are made.

§ 749.2 What must a credit union do with vital records?

The board of directors of a credit union is responsible for establishing a vital records preservation program within 6 months after its insurance certificate is issued. The vital records preservation program must contain procedures for storing duplicate vital records at a vital records center and must designate the staff member responsible for carrying out the vital records duties. Records must be stored every 3 months, within 30 days after the end of the 3-month period. Previously stored records may be destroyed when the current records are stored. The credit union must also maintain a records preservation log showing what records were stored, where the records were stored, when the records were stored, and who sent the records for storage. Credit unions, which have some or all of their records maintained by an off-site data processor, are considered to be in compliance for the storage of those records.

§ 749.3 What is a vital records center?

A vital records center is defined as a storage facility at any location far enough from the credit union's offices to avoid the simultaneous loss of both sets of records in the event of disaster.

§ 749.4 What format may the credit union use for preserving records?

Preserved records may be in any format that can be used to reconstruct the credit union's records. Formats include paper originals, machine copies, micro-film or fiche, magnetic tape, or any electronic format that accurately reflects the information in the record, remains accessible to all persons who are entitled to access by statute, regulation or rule of law, and is capable of being reproduced by transmission, printing or otherwise.

§ 749.5 What format may credit unions use for maintaining writings, records or information required by other NCUA regulations?

Various NCUA regulations require credit unions to maintain certain writings, records or information. Credit unions may use any format, electronic or other, for maintaining the writings, records or information that accurately reflects the information, remains accessible to all persons who are entitled to access by statute, regulation or rule of law, and is capable of being reproduced by transmission, printing or otherwise. The credit union must maintain the necessary equipment or software to permit an examiner access to the records during the examination process.

Appendix A to Part 749—Record Retention Guidelines

Credit unions often look to NCUA for guidance on the appropriate length of time to retain various types of operational records. NCUA does not regulate in this area, but as an aid to credit unions it is publishing this appendix of suggested guidelines for record retention. NCUA recognizes that credit unions must strike a balance between the competing demands of space, resource allocation and the desire to retain all the records that they may need to conduct their business successfully. Efficiency requires that all records that are no longer useful be discarded, just as both efficiency and safety require that useful records be preserved and kept readily available.

A. What Format Should the Credit Union Use for Retaining Records?

NCUA does not recommend a particular format for record retention. If the credit union stores records on microfilm, microfiche, or in an electronic format, the stored records must be accurate, reproducible and accessible to an NCUA examiner. If records are stored on the credit union premises, they should be immediately accessible upon the examiner's request; if records are stored by a third party or off-site, then they should be made available to the examiner within a reasonable time after the examiner's request. The credit union must maintain the necessary equipment or software to permit an examiner to review and reproduce stored records upon request. The credit union should also ensure that the reproduction is acceptable for submission as evidence in a legal proceeding.

B. Who is Responsible for Establishing a System for Record Disposal?

The credit union's board of directors may approve a schedule authorizing the disposal of certain records on a continuing basis upon expiration of specified retention periods. A schedule provides a system for disposal of records and eliminates the need for board approval each time the credit union wants to dispose of the same types of records created at different times.

C. What Procedures Should a Credit Union Follow When Destroying Records?

The credit union should prepare an index of any records destroyed and retain the index permanently. Destruction of records should ordinarily be carried out by at least two persons whose signatures, attesting to the fact that records were actually destroyed, should be affixed to the listing.

D. What Are the Recommended Minimum Retention Times?

Record destruction may impact the credit union's legal standing to collect on loans or defend itself in court. Since each state can impose its own rules, it is prudent for a credit union to consider consulting with local counsel when setting minimum retention periods. A record pertaining to a member's account that is not considered a vital record may be destroyed once it is verified by the supervisory committee. Individual Share and Loan Ledgers should be retained permanently. Records, for a particular period, should not be destroyed until both a comprehensive annual audit by the supervisory committee and a supervisory examination by the NCUA have been made for that period.

E. What Records Should be Retained Permanently?

(1) Official records of the credit union that should be retained permanently are:

(a) Charter, bylaws, and amendments.

(b) Certificates or licenses to operate under programs of various government agencies, such as a certificate to act as issuing agent for the sale of U. S. savings bonds.

(c) Current manuals, circular letters and other official instructions of a permanent character received from the NCUA and other governmental agencies.

(2) Key operational records that should be retained permanently are:

(a) Minutes of meetings of the membership, board of directors, credit committee, and supervisory committee.

(b) One copy of each semiannual and annual (June 30 and December 31) financial report NCUA 5300 or their equivalents.

(c) One copy of each supervisory committee comprehensive annual audit report and attachments.

(d) Supervisory committee records of account verification.

(e) Applications for membership and joint share account agreements.

(f) Journal and cash record.

(g) General ledger.

(h) Copies of the periodic statements of members, or the individual share and loan ledger. (A complete record of the account should be kept permanently.)

(i) Bank reconcilements.

(j) Listing of records destroyed.

F. What Records Should a Credit Union Designate for Periodic Destruction?

Any record not described above is appropriate for periodic destruction unless it must be retained to comply with the requirements of consumer protection regulations. Periodic destruction should be scheduled so that the most recent of the following records are available for the annual supervisory committee audit and the NCUA examination. Records that may be periodically destroyed include:

(a) Applications of paid off loans.

(b) Paid notes.

(c) Various consumer disclosure forms, unless retention is required by law.

(d) Cash received vouchers.

(e) Journal vouchers.

(f) Canceled checks.

(g) Bank statements.

(h) Outdated manuals, canceled instructions, and nonpayment correspondence from the NCUA and other governmental agencies.

[FR Doc. 01–4398 Filed 2–22–01; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Chapter II

Review of Existing Regulations

AGENCY: Minerals Management Service, Interior.

ACTION: Extension of comment period.

SUMMARY: The Minerals Management Service (MMS) hereby gives notice that it is extending the public comment period on a document reviewing our existing regulations, which was published in the **Federal Register** on December 26, 2000 (65 FR 81465). The document requests comments on regulations that could be more performance based, or on regulations that should be eliminated or revised. We also gave a status update on actions by MMS regarding comments previously received on our regulations. MMS will grant a 30-day extension until March 28, 2001.

DATES: Written comments must be received by March 28, 2001.

ADDRESSES: Mail written comments to Department of the Interior; Minerals Management Service; Mail Stop 4230; 1849 C Street NW; Washington DC 20240; Attention: Elizabeth Montgomery, MMS Regulatory Coordinator, Policy and Management Improvement.

FOR FURTHER INFORMATION CONTACT: Elizabeth Montgomery, Policy and Management Improvement, telephone: (202) 208–3976; Fax: (202) 208–4891; and E-Mail: *Elizabeth.Montgomery@mms.gov.*

SUPPLEMENTARY INFORMATION: MMS was asked to extend the deadline for submitting comments on the document, "Review of Existing Regulations, Request for Comment." The requester indicated that more time was needed to comment due to the change of Administration. We believe the extension of time until March 28, 2001, will give the public sufficient time to comment on our existing regulations and on the actions we have taken in response to past comments and enacted legislation.

Dated: February 14, 2001.

George Triebsch,

Chief, Washington Division, Policy and Management Improvement.

[FR Doc. 01–4436 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

46 CFR Parts 25 and 27

[USCG–2000–6931]

RIN 2115–AF53

Fire-Suppression Systems and Voyage Planning for Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period.

SUMMARY: In response to public requests, the Coast Guard is extending the comment period on its supplemental notice of proposed rulemaking (SNPRM) on Fire-Suppression Systems and Voyage Planning for Towing Vessels. Extending the comment period gives the public and the Towing Safety Advisory Committee (TSAC) more time to submit comments and recommendations on the issues raised in our SNPRM. These proposed rules would improve the safety of towing vessels by requiring the installation of fixed fire-extinguishing systems in their engine rooms, and by requiring their owners or operators, and their masters, to ensure that voyage plans are complete before they commence their trips with any barge in tow.

DATES: Comments on the SNPRM must reach the Coast Guard on or before May 8, 2001.

ADDRESSES: You may mail written comments to the Docket Management Facility [USCG–2000–6931], U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. You may also E-mail comments using the Marine Safety and Environmental Protection Regulations Web Page at *http://www.uscg.mil/hq/g-m/regs/reghome.html.*

The Docket Management Facility maintains the public docket for the rulemaking. Comments will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on viewing, or submitting material to, the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329. For information on the SNPRM provisions contact (for fire suppression) Mr. Randall Eberly, P.E., Project Manager, Office of Design and Engineering Standards (G–MSE), telephone 202–267–1861, or contact (for voyage planning) Mr. Robert S. Spears, Project Manager, Office of Standards Evaluation and Development (G–MSR), telephone 202–267–1099.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to submit written data, views, or arguments. If you submit comments, you should include your name and address, identify the SNPRM [USCG–2000–6931; published in the **Federal Register** on November 8, 2000 (65 FR 66941)] and the specific section or question in the document to which your comments apply, and give the reason for each comment. Please submit one copy of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want us to acknowledge receiving your comments, please enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change the proposed rules in view of the comments.

Dated: February 15, 2001.

Joseph J. Angelo,

Director of Standards.

[FR Doc. 01–4549 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–15–P

POSTAL RATE COMMISSION

39 CFR Part 3000

[Docket No. RM2001–1; Order No. 1303]

Proposed Revision to Standards of Conduct

AGENCY: Postal Rate Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes eliminating an ethics provision on procedures for reviewing employees' security holdings for conflicts of interest. These procedures have been overtaken by government-wide ethical standards and new screening procedures. Eliminating this provision will prevent confusion in the administration of the Commission's ethics program.

DATES: Submit comments on or before March 26, 2001.

ADDRESSES: Send comments to Margaret P. Crenshaw, Secretary, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, DC 20268–0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, 202–789–6820.

SUPPLEMENTARY INFORMATION: Currently, the Commission's standards of conduct [39 CFR part 3000] contain a de minimis rule. The de minimis rule provides that security interests held by a Commission employee that are valued below a certain amount will receive a different level of scrutiny for conflicts of interest than security interests valued above the specified amount. The Commission invites the public to comment on its proposal to delete its de minimis rule.

Rationale for the Proposed Change

Currently, rule 103(b) of the Commission's standards of conduct [39 CFR 3000.735–103(b)] requires the chairman of the Commission to determine an appropriate maximum limit on the value of an interest that a Commission employee may have in stocks, bonds, or other form of securities in any one entity. It authorizes the chairman to specifically approve maintaining a security interest above the maximum limit, if he determines that the interest is not so substantial as to be likely to affect the integrity of the service that the employee provides to the Commission.

The Commission finds that this procedure for screening security holdings for potential conflicts of interest has become redundant under the Commission's current screening procedures. Furthermore, 5 CFR part 2640 contains de minimis exemptions from the conflict of interest rules that are intended to govern federal agencies generally. This regulation was promulgated by the Office of Government Ethics (OGE) subsequent to the Commission's adoption of rule 103(b). The OGE has advised the Commission that its generally applicable de minimis exemptions supercede rule 103(b).

Original Purpose of the De Minimis Rule

The Commission's standards of conduct prohibit its employees from having a financial interest in companies "whose interests may be significantly affected by rates of postage, fees for postal services, the classification of mail, or the operation of the Postal Service." Conversely, they allow Commission employees to have a financial interest in companies "whose use of the mail is merely an incidental or minor factor in the general conduct of its business." See 39 CFR 3000.735–103(a).

More than 25 years ago, the Commission's general counsel set up internal guidelines for applying rule 103 that used a three-part test to analyze financial conflicts of interest. Some interests were categorized as conflicts per se, others were categorized as non-conflicts per se, and those that remained required specific approval by the chairman. See memo of general counsel Crutchfield to the Commission staff dated December 26, 1973.

The rigorous financial reporting required by the OGE since 1989, as a practical matter, supercedes this three-part test involving per se categories. The OGE's rules now require that every agency individually analyze every asset held by a policy-making employee that is worth over $1,000 for potential conflicts with that employee's official duties. For that reason, grouping assets into those that are regarded as conflicts per se, those that are regarded as non-conflicts per se, and those that require individual analysis, no longer simplifies the evaluation of financial conflicts that the Commission must perform.

In ethics practice, assuming that financial interests do not present a potentially significant conflict if they are below a certain market value is known as a de minimis rule. Under current rule 103(b), the chairman must select the market value of financial interests that are to be considered de minimis for purposes of conflicts analysis.

The original rationale for the de minimis rule was that most companies are affected to some degree by postal services. Therefore, even where the Commission had already determined that postal activity is a minor part of a particular company's business, the Commission feared that a conflict could arise if an employee were to concentrate investments in a few such companies. See memo to the Commission from David Ruderman, dated July 13, 1993, at 3. Because the Commission now screens all investments worth more than $1,000 for per se conflicts, it has routinely approved the holding of security interests that are above the de minimis amount. Accordingly, the screening procedure required by rule 103(b) has become redundant.

Because the conflicts analysis that current rule 103(b) requires has become redundant, and because it has been superceded by the de minimis rules of 5 CFR part 2640 that apply to federal agencies generally, the Commission proposes that current rule 103(b) be deleted.

Public Comment

Any public comment directed toward this proposal should be submitted within 30 days of the publication of this notice in the **Federal Register**.

Ordering Paragraphs

1. Public comment on the Commission's proposal to delete paragraph (b) from current rule 103 of its standards of conduct should be submitted within 30 days of the publication of this notice in the **Federal Register**.

2. The Secretary is directed to cause this notice of proposed rulemaking to appear in the **Federal Register**.

Dated: February 16, 2001.

Margaret P. Crenshaw,

Secretary.

List of Subjects in 39 CFR Part 3000

Administrative practice and procedure, Postal Service.

For the reasons stated in the preamble, the Postal Rate Commission proposes to amend 39 CFR part 3000 as follows:

PART 3000—STANDARDS OF CONDUCT

1. The authority citation for part 3000 continues to read as follows:

Authority: 39 U.S.C. 3603; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 56 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR parts 2634 and 2636.

2. Revise § 3000.735–103 to read as follows:

§ 3000.735–103 Financial interests.

An employee shall not, either directly or indirectly, have any financial interest (whether by ownership of any stock, bond, security, or otherwise) in any entity or person whose interests may be significantly affected by rates of postage, fees for postal services, the classification of mail, or the operation of the Postal Service. This paragraph does not proscribe interests in an entity or person whose use of the mail is merely an incidental or a minor factor in the general conduct of its business.

[FR Doc. 01–4432 Filed 2–22–01; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS–50639B; FRL–6771–4]

RIN 2070–AD43

Perfluorooctyl Sulfonates (PFOS); Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of public meeting.

SUMMARY: The Environmental Protection Agency (EPA) will conduct a public meeting on the proposed significant new use rule (SNUR) on PFOS published in the **Federal Register** issue of October 18, 2000. At this meeting, persons who filed written comments on the proposed SNUR will have the opportunity to clarify and expand on their comments, and all interested persons will be able to identify issues of concern.

DATES: The public meeting will be held from 9 a.m. to 4 p.m. on March 27, 2001. Interested parties are requested to contact the technical person on or before Friday, March 16, 2001, to schedule presentations at the meeting.

ADDRESSES: The meeting will be held at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Hwy., Arlington, VA.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Annette Washington, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–5315; e-mail address: washington.annette@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may be of particular interest to anyone who filed written comments on the proposed SNUR for PFOS (65 FR 62319, October 18, 2000) (FRL–6745–5), or who uses products containing any of the 90 PFOS chemicals identified in the proposed SNUR. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations", "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS–50639B. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

II. Meeting Procedures

For additional information on the scheduled meeting, including the meeting agenda, contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

The meeting on the proposed PFOS SNUR will be open to the public. Interested parties are requested to contact the technical person on or before Friday, March 16, 2001, to schedule presentations at the meeting. Since seating for outside observers may be limited, those wishing to attend the meeting as observers are also encouraged to contact the technical person at the earliest possible date to

ensure adequate seating arrangements. Inquiries regarding oral presentations and the submission of written statements or chemical specific information should be directed to the technical person. A written meeting summary, including an attendance list and copies of all presentations made at the meeting, will be included in the official record of this proceeding described in Unit I.B.2.

List of Subjects

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements.

Dated: February 14, 2001.

Charles M. Auer,

Director, Chemical Control Division.

[FR Doc. 01–4404 Filed 2–22–01; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: 90-day Finding for a Petition To List the Yellowstone Cutthroat Trout as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) as threatened, under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq*). After review of the petition and all available scientific and commercial information, we find that the petition failed to present substantial information indicating that listing this subspecies of fish may be warranted at this time.

DATES: The finding announced in this document was made on February 15, 2001.

ADDRESSES: Requests for copies of the petition, its accompanying attachments, or other information pertaining to this petition finding should be submitted to Chief, Branch of Native Fishes Management, U.S. Fish and Wildlife Service, 4052 Bridger Canyon Road, Bozeman, Montana 59715. The petition and information used in support of the petition finding are available for inspection, during normal business hours and by appointment, at that address. The petition, as well as the complete list of references for the finding announced in the present document, also may be obtained at our Internet web site *http://www.r6.fws.gov/cutthroat/*.

FOR FURTHER INFORMATION CONTACT: Lynn R. Kaeding at the above address, or telephone 406/582–0717.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that within 90 days of receipt of a petition, to the maximum extent practicable, we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the requested action may be warranted. The finding is based upon all information provided or referenced in the petition and all other information available to us at the time the finding is made. Such 90-day findings are to be published promptly in the **Federal Register**.

On August 18, 1998, we received a formal petition to list the Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) as threatened where it presently occurs in its historic range and to designate critical habitat for this subspecies of fish pursuant to the Act. The petitioners are Biodiversity Legal Foundation, Alliance for the Wild Rockies, Montana Ecosystems Defense Council, and Mr. George Wuerthner.

The Yellowstone cutthroat trout (YCT) is one of 13 subspecies of cutthroat trout recognized by Behnke (1992) that are native to interior regions of western North America. Cutthroat trout owe their common name to the distinctive red slash that occurs just below both sides of the lower jaw. Also among those 13 cutthroat trout subspecies is the finespotted Snake River cutthroat trout (*Oncorhynchus clarki* subsp.), the natural range of which is principally in the far-west, central region of Wyoming and almost entirely surrounded by that of YCT (Behnke 1992).

In their petition, the petitioners considered the finespotted Snake River cutthroat trout a morphological form of YCT. Such merging of taxons is supported by biochemical-genetic studies (cited by Behnke 1992) that revealed almost no differences between the YCT and finespotted cutthroat trout at the several gene loci examined. Nonetheless, the YCT and finespotted cutthroat trout are readily separated on the basis of the sizes and patterns of spots on the sides of the fish's body. The YCT has pronounced, medium to large spots that are round in outline and moderate in number, whereas the spots of the finespotted cutthroat trout are the smallest of any native trout in western North America and so profuse they resemble "a heavy sprinkling of ground pepper" (Behnke 1992).

Although Behnke (1992) considers the YCT and finespotted Snake River cutthroat trout distinct taxonomic entities, for the purposes of the finding described in this notice we will follow the position taken in the petition and consider the YCT and finespotted Snake River cutthroat trout to be a single taxonomic entity, the YCT. However, that position should not be considered the opinion of the Federal government with regard to the taxonomic validity of the finespotted Snake River cutthroat trout. Validation of such taxonomic classifications remains altogether within the domain of taxonomists, geneticists, and other qualified scientists. Furthermore, that position should not be interpreted as our criticism of, or lack of support for, ongoing management actions that treat the finespotted Snake River cutthroat trout as a unique taxonomic entity (e.g., Wichers 2000a).

The historic range of YCT generally consists of the waters of the Snake River drainage (Columbia River basin) upstream from Shoshone Falls, Idaho, and those of the Yellowstone River drainage (Missouri River basin) upstream from and including the Tongue River, in eastern Montana (Behnke 1992). Historic range in the Yellowstone River drainage thus includes large regions of Wyoming and Montana, whereas that of the Snake River drainage includes large regions of Wyoming and Idaho and small parts of Utah and Nevada (Behnke 1992). During their evolutionary history, YCT diverged genetically and morphologically from the other subspecies of cutthroat trout while YCT inhabited only the waters of the Columbia River basin. Soon after the ice of the last glacial period (i.e., the Pleistocene Epoch) receded, about 8,000 years ago, YCT from the Snake River drainage gained entry into the Yellowstone River drainage via connected headwater streams in Two Ocean Pass, south of present-day Yellowstone National Park (Behnke 1992; Trotter 1987). Subsequently, YCT spread downstream in the Yellowstone River drainage. Today, various YCT stocks remain in each of those major river drainages in Montana, Wyoming, Idaho, Utah, and Nevada.

On September 18, 1998, we notified the petitioners that our Listing Priority Guidance, published in the **Federal Register** (63 FR 25502) on May 8, 1998, designated the processing of new listing petitions as a Tier 2 activity (i.e., of lower priority than the processing of emergency listings and pending final listing actions). We further informed the petitioners that we needed to complete a number of pending final rules, 12-month findings (e.g., westslope cutthroat trout (*Oncorhynchus clarki lewisi*) (65 FR 20120)), and other higher-priority activities before we could begin work on a 90-day finding for the YCT petition.

On January 12, 1999, we received Notice of Intent from Earthlaw, legal representatives for the petitioners, alleging that we had violated the Act by failing to make a finding as to whether or not the petition to list the YCT presented substantial information indicating that listing may be warranted. We responded to Earthlaw on February 8, 1999, reiterating that we would not be able to begin an evaluation of the YCT petition until the work on the higher-priority activities was completed. On November 12, 1999, plaintiffs filed a formal complaint in Federal District Court alleging that we had violated the Act by failing to publish a 90-day finding for their petition to list the YCT. On August 29, 2000, we reached a settlement agreement with plaintiffs stating that, among other things, we shall submit to the **Federal Register** a 90-day finding for the YCT on or before February 16, 2001.

Soon after we received the YCT petition, we provided it to natural resources agencies and Indian tribes whose responsibilities included management of YCT and their habitats. We informed those agencies and tribes of our inability to work on the petition at that time but also requested from them information on the present status of YCT, measures then underway to protect the subspecies, and comments and technical critiques pertaining to the petition. The comments that we received in response to that and subsequent requests, along with other information that was available to us, were used in arriving at the conclusions that we describe in the present document.

Petitioners' Assertions

In their petition, the petitioners assert that the range of YCT has been reduced substantially from historic levels and the subspecies faces serious, ongoing threats to its continued survival. The petitioners further assert that seven types of threats jeopardize the continued persistence of YCT. They highlighted four major threats: (1) The continuing negative effects of legal and illegal introductions and stocking of nonnative fishes that subsequently hybridize or compete with YCT, eliminate YCT through competition, or prey upon YCT; (2) excessive harvest by anglers; (3) habitat degradation and fragmentation; and (4) whirling disease (caused by a nonnative parasite).

The three additional threats to YCT identified by the petitioners are: (5) invasion of some YCT habitats by the nonnative New Zealand mud snail; (6) that contemporary management of YCT is fraught with severe deficiencies, including a general lack of emphasis on protecting and restoring habitat necessary for viable, self-sustaining YCT stocks and management programs biased toward protecting only those YCT stocks that are genetically pure; and (7) that effective, coordinated management actions directed toward protection and restoration of YCT and their habitats across the subspecies' range, as well as the mandate needed to apply more of the budgets and personnel of natural resource agencies to those activities, can only be achieved by listing the YCT as threatened under the Act. Although the petitioners acknowledge that several current management programs attempt to reduce some of the alleged threats, they assert that the majority of those threats remain inadequately addressed or entirely unaddressed.

Assessment of the Petition and Other Available Information

In response to our requests, we received information pertaining to YCT from State game and fish departments, the U.S. Forest Service, National Park Service, U.S. Fish and Wildlife Service, and tribal governments (see "References Cited"). State game and fish departments in Montana, Wyoming, and Idaho provided detailed information on the status of YCT in their respective states, as did Yellowstone National Park. We also reviewed information on YCT obtained from scientific journal articles, agency reports, and file documents.

We evaluated whether the information provided or cited in the petition to list YCT as a threatened species met the Act's standard for "substantial information." Substantial information is defined (50 CFR 424.14(b)) as "that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted." Consequently, we will respond to each of the major assertions made in the petition and designated by parenthetical numerals in "Petitioners' Assertions".

(1) The scientific and commercial information available to us does not support the assertion that continuing negative effects of legal and illegal introductions and stocking of nonnative fishes pose a significant threat to the continued existence of YCT. Present-day stocking of fish by management agencies does not pose a threat to extant YCT stocks. In Montana and in Yellowstone National Park, stocking of fishes in waters inhabited by YCT no longer occurs (Graham 1999; Varley 1999). In Idaho, only Henry's Lake, Palisades Reservoir, and Tin Cup Creek are stocked with hatchery cutthroat trout (Moore 2000a), in contrast with the petitioner's allegations. Moreover, during 2000, those few Idaho streams in which the stocking of rainbow trout (*Oncorhynchus mykiss*) continued received mostly sterile rainbow trout; it is anticipated that virtually all hatchery rainbow trout stocked in the range of YCT in Idaho in 2001 will be sterile fish (Moore 2000a). No hatchery rainbow trout of any type are presently stocked into any Idaho streams known to contain genetically pure YCT stocks (Moore 2000a). In Wyoming, maintenance of all subspecies of native cutthroat trout has been a management priority for more than 40 years (Stone 1995); State Game and Fish Commission policy precludes the stocking of fish into waters that are capable of sustaining satisfactory, self-sustaining fisheries (Stone 2000), and no hatchery rainbow trout are stocked into any streams known to contain genetically pure YCT stocks. A biologically based protocol for hatchery rearing and subsequent stocking of fish, with emphasis on management for native fish and wild fish wherever possible, has been followed in Wyoming for many years (Wiley 1995). Only 3 percent of the streams listed in the Wyoming Game and Fish Department's database inventory are stocked annually (Stone 1995).

Nonetheless, many nonnative fishes formerly stocked by management agencies have established self-sustaining stocks within the historic range of YCT. In some instances those nonnative fishes are now a concern to fisheries managers (e.g., Moore 2000a; Varley 1999) because the fish may prey upon or compete with YCT, particularly if the nonnative species move into and colonize new areas. But evidence from Montana, Idaho, and Wyoming indicates the presence of introduced, nonnative fishes does not necessarily portend the imminent decline or elimination of YCT stocks in streams (McDonald 2000; Moore 2000a; Wichers 2000a). Illegal

introductions of nonnative fishes remain a problem, as evidenced by the recent discovery of a reproducing population of nonnative lake trout (*Salvelinus namaycush*) in Yellowstone Lake, in Yellowstone National Park. The petitioners consider those lake trout a major threat to YCT in Yellowstone Lake and its connected streams. Although the National Park Service also considers the lake trout a serious threat to the lake's YCT stocks, the magnitude of that threat cannot be determined at the present time; park personnel are aggressively reducing the lake trout population in the lake, and some important indicators of YCT abundance in the lake actually show evidence of increasing trends (Varley 1999). For example, size of the YCT spawning run in Clear Creek in 1998 was triple the record-low size recorded in 1994 and cited by the petitioners, and numbers of YCT spawning in many smaller tributaries of Yellowstone Lake in 1998 were similar to those recorded in the mid-1980s. The YCT that spawn in those streams live most of the year in Yellowstone Lake. Furthermore, because the lake trout is almost exclusively a lake-dwelling species, its presence in the lake does not pose a threat to YCT stocks outside the immediate Yellowstone Lake area (Varley 1999).

Interbreeding of YCT and introduced, nonnative fishes is a concern to resource management agencies because it can lead to genetic introgression and the loss of genetically pure YCT. There are many examples of such interbreeding throughout the range of YCT (McDonald 2000; Moore 2000a; Wichers 2000a). However, the presence of nonnative fishes in a drainage inhabited by YCT does not always lead to such interbreeding. For example, YCT in the upper region of the Lamar River in Yellowstone National Park have remained genetically pure even though that region is accessible to nonnative, potentially interbreeding rainbow trout that have inhabited lower river areas for 60 years (Varley 1999). Even in the Yellowstone River, Montana, where nonnative rainbow trout are common, large numbers of genetically pure YCT have recently been found (Montana Department of Fish, Wildlife and Parks 2000). Similarly, analyses now underway have revealed numerous, genetically pure YCT stocks in Idaho, and several stocks formerly assumed to be genetically introgressed with rainbow trout have proven to be genetically pure (Moore 2000a).

(2) The scientific and commercial information available to us does not support the assertion that angler harvest poses a significant threat to the continued existence of YCT. Restrictive angling regulations preclude significant negative effects of angler harvest on YCT stocks throughout the subspecies' historic range (Graham 1999; Moore 1998, 2000a; Varley 1999; Wichers 2000a). For example, in Yellowstone National Park, virtually no YCT may be legally harvested by anglers (Varley 1999); the same is true for YCT in their natural habitats in Montana (Montana Department of Fish, Wildlife and Parks 2000).

(3) The scientific and commercial information available to us does not support the assertion that habitat degradation and fragmentation pose significant threats to the continued existence of YCT. The petitioners generally fail to recognize any of the efforts that are ongoing to address the impacts on YCT habitat of various management activities (Graham 1999). For example, the U.S. Forest Service, Targhee National Forest, treats YCT as a Sensitive Species. The Revised Forest Plan incorporates the standards and guidelines from the interagency Inland Native Fish (INFISH) Strategy in managing YCT stocks and their habitats. Biological evaluations are prepared for proposed activities that may affect YCT habitat; those activities must not result in loss of species viability or increase the likelihood of Federal listing of the species under the Act (Reese 1998a). Similarly, the Caribou National Forest applies INFISH or more stringent standards on all forest waters containing native fish, including YCT (Reese 1998b). The YCT is designated a Sensitive Species by the Northern, Intermountain, and Rocky Mountain Regions of the U.S. Forest Service; with that designation comes specific direction applicable to YCT management and conservation on National Forest System lands (Bosworth 2000). That direction includes assisting States in achieving their conservation goals for the subspecies; National Environmental Policy Act compliance is required for all proposed management actions; and management decisions must not result in loss of species viability or create significant trends toward listing under the Act. It is important to recognize that, outside of Yellowstone National Park, most extant YCT stocks inhabit waters on National Forest System lands (Bosworth 2000). During Fiscal Year 1999, 22 projects or activities that benefitted YCT were initiated or completed on those National Forest System lands (Bosworth 2000). Each of the seven National Forests that contains historic YCT habitat is expected to have specific direction associated with conservation of YCT in their forthcoming, revised Land Resource Management Plans (Bosworth 2000). In Montana, there are numerous, ongoing projects to protect and restore habitats for YCT or in other ways benefit the subspecies (McDonald 2000; Montana Department of Fish, Wildlife and Parks 2000). In Idaho, at least 125 actions have been or are being directed at improving YCT stocks and their habitats (Moore 2000a), and many similar actions are being or have been undertaken in Wyoming (Wichers 2000a). Degradation of YCT habitat as the result of land-management activities is rare in Yellowstone National Park, where there has been no livestock grazing or timber harvest, water-quality in the Soda Butte Creek drainage, which includes important habitats for YCT, has been and is being improved as a result of efforts to clean up historic mine wastes (Varley 1999). Habitat fragmentation is a consequence of habitat degradation. Thus management actions directed toward the prevention of habitat degradation, such as those just described, also will reduce the likelihood of habitat fragmentation.

(4) The scientific and commercial information available to us does not support the assertion that whirling disease poses a significant threat to the continued existence of YCT. The presence of the whirling disease parasite, *Myxobolus cerebralis*, is a concern to all managers of YCT (e.g., Varley 1999; Wichers 2000a), but the petitioners provide no evidence that the threat posed by whirling disease is not being effectively countered by ongoing management actions or that the threat is equally applicable to extant YCT stocks across the range of the subspecies. The petitioners generally fail to mention any of the restrictive measures now being taken to limit the spread of the disease. Furthermore, the petitioners wrongly imply that the stocking of hatchery fish is an important factor in the spread of whirling disease. Montana does not stock whirling disease-positive fish (Graham 1999), nor does Wyoming (Wichers 2000a). In addition, although the whirling disease parasite may be present in a stream, the disease may have little effect on the stream's YCT stock. For example, although whirling disease has been documented in some streams in Idaho, there is no evidence of YCT population declines in those streams (Moore 2000a). Similarly, in Wyoming, although whirling disease has been found in one stream, there is no evidence of subsequent declines in that stream's fish stocks (Wichers 2000a).

Factors that affect the intensity of infection by *Myxobolus cerebralis* in various salmonid fishes include host (fish) species and variety, parasite dosage, host age and size when exposed to the parasite, and water temperature (Vincent 2001). Thus there is considerable variation in infection intensity among the species of salmonid fishes and among Montana streams, as well as seasonally within streams. Water temperature can have a particularly important effect on infection intensity, perhaps by affecting parasite-host attachment success or the production of parasites themselves by the alternate host, an aquatic earthworm, *Tubifex tubifex* (Vincent 2001). Studies conducted in Montana show infection rates in salmonid fishes are highest at mean water temperatures between 12 and 15 C (53 to 59 F), and decline rapidly at temperatures below 12 C or above 17 C. The available evidence thus suggests that YCT stocks that inhabit typical cold streams in high-elevation regions are unlikely to be adversely affected by whirling disease. Montana has an extensive research and monitoring program directed toward whirling disease (Montana Department of Fish, Wildlife and Parks 2000), and similar work is underway in Yellowstone National Park and Wyoming (Varley 1999; Wichers 2000a).

(5) The scientific and commercial information available to us does not support the assertion that the nonnative New Zealand mud snail poses a significant threat to the continued existence of YCT. Within the historic range of YCT, the New Zealand mud snail has been found in the Yellowstone River in and near Yellowstone National Park and in the Snake River drainage in the park, Wyoming, and Idaho (Gangloff 1998; Richards et al. In press). However, the petitioners provide no evidence that YCT stocks in those or other areas face important threats from New Zealand mud snail, nor that those threats are equally applicable to other YCT stocks across the range of the subspecies. Whether the form of New Zealand mud snail that occurs in those waters has the potential to spread widely throughout the region, and the types of aquatic habitats that may be most vulnerable to such invasion, are presently unknown (Gangloff et al. 1998). Gangloff et al. (1998) cite evidence suggesting New Zealand mud snail may not be a nutritious food for YCT. Although the effects that New Zealand mud snail may have on YCT in Yellowstone National Park also are presently unknown, the National Park Service is actively monitoring the snail in the park and imposing measures to prevent its spread (Varley 1999). Similarly, elsewhere in Wyoming, monitoring for the presence of New Zealand mud snail is ongoing (Wichers 2000a).

(6) The scientific and commercial information available to us does not support the assertion that contemporary management of YCT does not emphasize protecting and restoring habitat and is biased toward protecting only those YCT stocks that are genetically pure. This assertion is addressed under items 1 and 3 above and elsewhere in this document. According to Graham (2000), the petitioners falsely state that the U.S. Forest Service is facilitating hatchery and stocking programs in lieu of habitat management in Montana. Similarly, Wyoming's management program for YCT is not solely or chiefly based on fish hatcheries; moreover, Wyoming protects all YCT stocks regardless of their genetic characteristics, including those stocks for which no detailed genetics information is available (Stone 1998; Wichers 2000a).

(7) The scientific and commercial information available to us does not support the assertion that only by listing the YCT as threatened under the Act will effective, coordinated management actions directed toward protection and restoration of YCT and their habitats be achieved across the subspecies' range. Each of the items addressed above describes management actions directed toward protection of YCT and their habitats that are being accomplished without the YCT being listed under the Act. Moreover, the petition fails to mention additional, important, and ongoing management and conservation actions directed toward YCT. In Montana, for example, an important conservation agreement involves YCT and their habitats on National Forest System lands (Bosworth 2000; Graham 1999; Montana Department of Fish, Wildlife and Parks 2000), and the State legislature has appropriated substantial funding directed specifically toward management of native trout such as YCT (Montana Department of Fish, Wildlife and Parks 2000). A Memorandum of Agreement for conservation and management of YCT across the historic range of the subspecies was recently signed by the States of Montana, Idaho, Wyoming, Nevada, and Utah, the U.S. Forest Service, and Yellowstone and Grand Teton National Parks (Bosworth 2000; Montana Department of Fish, Wildlife and Parks 2000; Wichers 2000a). The principal goal of that agreement is to ensure the persistence of YCT within the subspecies' historic range. In Yellowstone National Park, National Park Service management policies state that native species like YCT are to be protected and given priority status over nonnative species; the park continues to dedicate the majority of its aquatic resources program to preserving YCT (Varley 1999). Numerous, additional examples of ongoing, progressive management of YCT and their habitats are found in the major documents in "References Cited".

Petition Finding

There is agreement among the principal resource-management agencies that the distribution of YCT has declined from historic levels (Graham 1999; Moore 1998, 2000a; Moser 1998; Varley 1999; Wichers 2000a), although the extent of YCT historic range is largely assumed and the subspecies may not have formerly occurred in all areas (Moore 1998; Wichers 2000a). Nevertheless, those agencies also reported that viable YCT stocks remain in each of the major watersheds occupied historically in the Snake and Yellowstone River drainages. In Montana, 40 genetically pure YCT stocks are known to inhabit at least 433 linear miles of stream (estimated as at least 10 percent of the total stream miles that may have been historically occupied by the fish); YCT in an additional 71 miles of stream are between 90.0 and 99.9 percent pure, and 56 stream miles are inhabited by YCT less than 90.0 percent pure (Montana Department of Fish, Wildlife and Parks 2000). In Idaho, YCT presently inhabit 209 streams or stream segments (totaling 1,629 linear miles) distributed among 13 watersheds in the historic range of the subspecies (Moore 2000a). Moreover, data collected over the past two decades demonstrate YCT stocks in Idaho are stable or increasing in individual size (Moore 2000a, b). In Yellowstone National Park, genetically pure YCT are known to occupy 586 miles of stream; YCT in 212 miles of stream are genetically introgressed with other fishes, primarily rainbow trout; and YCT may also occur in many additional, small streams that have not yet been surveyed (Lutch 2001). Nonetheless, all of those YCT stocks are highly protected by National Park Service policies. In Wyoming exclusive of the park, genetically pure YCT occur in 2,507 miles of stream; an additional 631 miles of stream sustain YCT and nonnative rainbow trout, with which YCT may interbreed (Wiley 2000). In addition, stocking of YCT has resulted in establishment of numerous YCT stocks outside the probable historic range of the subspecies in Wyoming (Wichers 2000a). In the small portion of historic YCT range that lies in Nevada, survey

records indicate YCT occur in 53 miles of stream in the Goose Creek drainage; some of those fish are genetically pure (Haskins II 1999). We found no current information on the occurrence of YCT in Utah.

Our review of the available information also revealed that most of the habitat for extant YCT stocks lies on lands administered by Federal agencies, particularly the U.S. Forest Service and National Park Service. Many of those YCT stocks occur within roadless or wilderness areas or national parks, all of which afford considerable protection to YCT. In addition, there are numerous Federal and State regulatory mechanisms and agency policies and guidelines that, if properly administered and implemented, protect YCT and their habitats throughout the range of the subspecies. The petitioners provide no important evidence that YCT stocks are generally threatened due to an inadequacy of regulatory mechanisms or that such threats, where they may exist, are equally applicable to other YCT stocks across the range of the subspecies. Finally, each of the principal State and Federal agencies responsible for YCT management has a long history of working to conserve the subspecies (Graham 1999; Moore 2000a; Stone 1998; Wichers 2000a; Varley 1999).

In the context of the Act, the term "threatened species" means any species (or subspecies for vertebrate organisms) which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The term "endangered species" means any species which is in danger of extinction throughout all or a significant portion of its range. The Act does not indicate threshold levels of historic population size at which (as the population of a species declines) listing as either "threatened" or "endangered" becomes warranted. Instead, the principal considerations in the determination of whether or not a species warrants listing as a threatened or endangered species under the Act are the threats that currently confront the species and the likelihood that the species will persist in "the foreseeable future." Thus the Act clearly implies that the rate of decline in the population, at the time listing is being considered, is particularly important.

In their petition, the petitioners provide no evidence that the YCT population as a whole is declining toward extinction in the foreseeable future, nor do they present data or models that suggest the extinction probability for the YCT population is high. Although the petitioners provide evidence that YCT stocks in some areas of the subspecies' current range are confronted by important threats, as described in the preceding section of the present notice, they provide no evidence that those threats are not being effectively countered by ongoing management actions or that the threats are equally applicable to other YCT stocks across the range of the subspecies.

Although the petitioners assert that there is widespread genetic variation among YCT stocks, studies have in fact revealed such variation is small (Allendorf and Leary 1988; Leary et al. 1988). The petitioners further assert, either directly or indirectly, that each YCT stock should be evaluated as if it constituted a Distinct Population Segment (DPS), but they provide no evidence that indicates any individual stock or aggregate of stocks is distinct according to established DPS guidelines (61 FR 4722). Although several YCT life-history forms are recognized and occur in many stocks across the subspecies' range, it is not known whether those forms represent genetic differences among forms or simply opportunistic behaviors.

In conclusion, based on the scientific and commercial information available to us, we find that the petition failed to present substantial information indicating that listing the YCT as threatened under the Act may be warranted at this time. Although the petition includes a long list of references, its justification for listing YCT is based on only a few references that often no longer provide current information on YCT (Bosworth 2000; Brassfield 1998; Graham 1999; Stone 1998; Wichers 2000a). Much information on YCT has been gathered during the past decade, and more is being gathered presently (Bosworth 2000; Graham 1999; Montana Department of Fish, Wildlife and Parks 2000; Moore 1998, 2000a,b; Stone 1998; Wichers 2000a). In addition we found the petition to list YCT as a threatened subspecies under the Act contains numerous erroneous or contradictory statements (Bosworth 2000; Brassfield 1998; Moore 1998, 2000a; Reese 1998b; Stone 1998; Varley 1999; Wichers 2000a). At least two of the key State game and fish departments were not even consulted by the petitioners regarding the current distribution or status of YCT in their States (Graham 1999; Moore 2000a). Finally, the petitioners generally discount important, ongoing management actions directed toward the protection of YCT and their habitats.

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Graham, P. J. 1999. Letter dated April 26, 1999, from Patrick J. Graham, Director, Montana Department of Fish, Wildlife and Parks, Helena. 4 pages plus 4 attachments.

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Moore, V. K. 1998. Letter dated October 2, 1998, from Virgil K. Moore, Chief of Fisheries, Idaho Fish and Game Department, Boise. 9 pages (includes 1 attachment).

Moore, V. K. 2000a. Letter dated October 16, 2000, from Virgil K. Moore, Chief of Fisheries, Idaho Fish and Game Department, Boise. 1 page plus 3 attachments (2 are maps).

Moore, V. K. 2000b. Letter dated November 14, 2000, from Virgil K. Moore, Chief of Fisheries, Idaho Fish and Game Department, Boise. 2 pages plus 3 attachments.

Moser, D. C. 1998. Letter dated October 2, 1998, from David C. Moser, Tribal Fisheries Biologist, The Shoshone-Bannock Tribes, Fort Hall, Idaho. 2 pages.

Reese, J. B. 1998a. Letter dated September 30, 1998, from Jerry B. Reese, Forest Supervisor, Targhee National Forest, St. Anthony, Idaho. 3 pages.

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Stone, M. D. 1998. Letter dated October 7, 1998, from Michael D. Stone, Chief of Fisheries, Wyoming Game and Fish Department, Cheyenne. 3 pages.

Stone, M. D. 2000. E-mail dated October 31, 2000, from Michael D. Stone, Chief of Fisheries, Wyoming Game and Fish Department, Cheyenne. 1 page plus 1 attachment.

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Wichers, B. 2000b. Letter dated October 20, 2000, from Bill Wichers, Deputy Director, Wyoming Game and Fish Department, Cheyenne. 1 page plus 2 attachments.

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Wiley, R. W. 2000. E-mail dated November 29, 2000, from Robert W. Wiley, Chief of Fisheries Research, Wyoming Game and Fish Department, Cheyenne. 1 page.

Author

The primary author of this document is Lynn R. Kaeding (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: February 15, 2001.

Marshall P. Jones Jr.,

Acting Director, Fish and Wildlife Service.

[FR Doc. 01–4382 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 66, No. 37
Friday, February 23, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Bureau for Humanitarian Response, Office of Food for Peace; Announcement of Draft Guidelines for Title II Development Activity Programs

Pursuant to the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 480, as amended), notice is hereby given that the Draft Guidelines for Title II Development Activity Programs are being made available to interested parties for the required thirty (30) day comment period.

Individuals who wish to receive a copy of these draft guidelines should contact: Office of Food for Peace, Agency for International Development, RRB 7.06–120, 1300 Pennsylvania Avenue, Washington, DC 20523–0809. Individuals who have questions or comments on the draft guidelines should contact Richard Newberg at the above address or at (202) 712–1828.

The thirty-day comment period will begin on the date that this announcement is published in the **Federal Register**.

Dated: February 8, 2001.

William T. Oliver,

Director, Office of Food for Peace, Bureau for Humanitarian Response.

[FR Doc. 01–4513 Filed 2–22–01; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Economic Research Service

Notice of Intent To Seek Approval To Collect Information

AGENCY: Economic Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR 1320 (60 FR 44978, August 29, 1995), this notice announces the Economic Research Service's (ERS) intention to request approval for a new information collection from Food Stamp Program (FSP) officials in State agencies; from officials of the Special Supplementary Nutrition Program for Women, Infants and Children (WIC) in State agencies; from officials of the National School Lunch Program (NSLP) in State Departments of Education; and from NSLP officials in local school food authorities (SFAs). The purpose of the data collection is to obtain information on the program information systems maintained at the State and local level by these programs.

DATES: Written comments on this notice must be received by April 30, 2001 to be assured of consideration.

ADDRESSES: Requests for additional information should be directed to Parke Wilde, Food Assistance and Rural Economy Branch, Food and Rural Economics Division, Economic Research Service, U.S. Department of Agriculture, 1800 M. St., NW., S2092, Washington, DC 20036–5831. For further information contact: Parke Wilde, 202–694–5633. Submit electronic comments to *pwilde@ers.usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: Paperwork Reduction Act Submission (OMB–83–1).

Type of Request: New collection of information.

Abstract: The Economic Research Service (ERS) of the U.S. Department of Agriculture is responsible for conducting studies and evaluations of the Nation's food assistance programs administered by the Food and Nutrition Service (FNS), U.S. Department of Agriculture. In recent years, there has been growing interest in efforts to utilize program administrative data in ways that improve program operations, reduce program fraud, and better inform program officials as to the characteristics of program participants and eligible non-participants. In particular, there is an interest in matching records from multiple food assistance programs in order to verify program eligibility, assess the characteristics of multi-program participants, and estimate the extent to which program participants enroll in all programs for which they are eligible.

This project has two objectives: (1) To determine the characteristics of administrative data systems used by food stamps, WIC, and child nutrition programs, and (2) to test the feasibility and accuracy of linking data from different nutrition assistance programs. Currently, there is no comprehensive assessment of system capabilities, data-sharing arrangements, and record-linkage projects for food assistance programs. This information is necessary to better understand the potential use of these systems for analyzing multiple program participation and for improving program operations in such areas as one-stop shopping, adjunctive eligibility determination, program integrity, and reduction of administrative and client burden.

This project will conduct a survey to determine the capabilities of information systems maintaining client records for the food assistance programs. The survey will collect information about system architecture, organization of client records, maintenance of historical records, numbers and types of client identifiers, and data sharing arrangements among programs. The survey will be conducted in 26 States. Interviews will be conducted with program officials in State food stamp agencies and State WIC agencies; with officials in the Child Nutrition branch of State Departments of Education; and with officials in three School Food Authorities within each State. Information from the survey will be used to determine the consistency, across States, of information maintained by each food assistance program and the consistency, within States, of information maintained by different programs. Findings from the survey will be presented in tabular format facilitating comparison across both States and food assistance programs.

Information from the survey of food assistance programs will be used to assess the potential for matching client records across major food assistance programs (FSP, WIC, NSLP) within a State for the purpose of estimating rates of shared clientele. This information will be used to recruit four sites into a second phase of the project. The second phase will test the feasibility and accuracy of linking data from different nutrition assistance programs within a site (defined as either an area served by a single SFA or an entire State, depending on data availability), using data extracts requested from each food assistance program in four sites. Records from the three food assistance programs (FSP, WIC, NSLP) will be matched using client identifiers that are common across programs, and using probabilistic record-matching techniques. The study will report on match rates and the sensitivity of match rates to the number of client identifiers used in the matching process. The study will also report rates of multiple program participation and the characteristics of clients enrolled in multiple programs versus those enrolled in a subset of programs for which they are eligible. All client identifiers will be strictly protected and will not be released in any form. The client identifiers will be used in the record linkage process and subsequently stripped from all files. Results from the linked files will be reported only in summary form.

Estimate of Burden: Public reporting burden for this data collection is estimated to average 45 minutes per respondent. The estimate includes time for listening to instructions, gathering data needed, and responding to questionnaire or interview/discussion items.

Respondents: State FSP officials familiar with the State's information system for the FSP; State WIC officials familiar with the State's information system for the WIC Program; State Department of Education officials familiar with the State's information system for the NSLP; and officials of local school food authorities familiar with the SFA's information system for the NSLP.

Estimated Number of Respondents: 156 in total: 26 State FSP officials, 26 State WIC officials, 26 State Department of Education officials, and 78 officials in local school food authorities.

Estimated Total Annual Burden on Respondents: Total of 117.0 hours. Survey of State FSP Officials: 19.5 hours, Survey of State WIC Officials: 19.5 hours, Survey of State DOE Officials: 19.5 hours, Survey of Local SFA Officials: 58.5 hours.

Copies of the information to be collected can be obtained from Parke Wilde, Food Assistance and Rural Economy Branch, Food and Rural Economics Division, Economic Research Service, U.S. Department of Agriculture, 1800 M. St., NW, S2092, Washington, D.C. 20036–5831, 202–694–5633.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) additional uses of data on multiple program participation; (e) ways to minimize the burden of the collection of information on those who are to respond, such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to the address stated in the preamble. All responses to this notice will be considered and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, D.C, this 24th day of January, 2001.

Betsey Kuhn,

Director, Food and Rural Economics Division.

[FR Doc. 01–4520 Filed 2–22–01; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE

Forest Service

Southwestern Region, Arizona, New Mexico, West Texas, and West Oklahoma Amendment of Land and Resource Management Plans in the Southwestern Region

AGENCY: Forest Service, USDA.

ACTION: Cancellation of notice of intent to prepare an environmental impact statement.

SUMMARY: The Southwestern Region of the Forest Service planned to prepare an environmental impact statement on a proposal to amend National Forest land and resource management plans to incorporate standards and guidelines for management of habitat for American peregrine falcon, Little Colorado River spinedace, loach minnow, spikedace, Apache trout, Chihuahua chub, Gila trout, Gila top minnow, razorback sucker, southwest willow flycatcher, cactus ferruginous pygmy owl, Sonora tiger salamander, New Mexico ridgenose rattlesnake, and Pima pineapple cactus. The amendment would have added new standards and guidelines to existing direction for the protection of federally listed threatened and endangered species.

The Notice of Intent to Prepare an Environmental Impact Statement was published in the **Federal Register** on Monday, June 1, 1998 (63 FR 29692–29695). A Revised Notice of Intent to Prepare an Environmental Impact Statement was published in the **Federal Register** on Tuesday, September 28, 1999 (64 FR 52274). Since that time, considerable analysis has gone into reviewing the adequacy of Forest Plans with respect to protection of Federally listed threatened and endangered species. We found that existing direction in the eleven Forest Plans provides adequate protection for the species considered in the consultation. Forest Plans currently allow Forest Supervisors and District Rangers the discretion to apply appropriate protection measures for Federally listed threatened and endangered species when designing site-specific projects. Site-specific projects are subject to consultation as required by Section 7 of the Endangered Species Act, further ensuring the adequacy of protective measures for Federally listed threatened and endangered species.

For these reasons, I hereby cancel the referenced Notices of Intent to Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: Director of Ecosystem Analysis and Planning, 517 Gold Ave. SW, Albuquerque, New Mexico 87102, (505) 842–3251.

Dated: February 16, 2001.

James T. Gladen,

Deputy Regional Forester.

[FR Doc. 01–4471 Filed 2–22–01; 8:45 am]

BILLING CODE 3410–11–U

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 26, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: On November 13, December 8, and

December 29, 2000 and January 5, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (65 FR 67714, 76986 and 82974 and 66 FR 1076) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities:

Chalkboard
6910–04–000–4482
6910–04–000–4485

Services:

Base Supply Center, Fort Buchanan, Fort Buchanan, Puerto Rico
Food Service, EOD Dining Facility, Eglin Air Fore Base, Florida

Janitorial/Custodial

Basewide, Redstone Arsenal, Alabama
Lewiston-Queenston and Whirlpool Rapids Bridges, Niagara Falls, New York
Max Rosenn Courthouse, 197 South Main Street, Wilkes-Barre, Pennsylvania
VA Outpatient Clinic, Charleston, West Virginia

Warehousing & Distribution Service

Defense Supply Center—Philadelphia, Philadelphia, Pennsylvania

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

G. John Heyer,
General Counsel.
[FR Doc. 01–4526 Filed 2–22–01; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 26, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following service has been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Service

Transcription Services, Federal Bureau of Prisons, Washington, DC, NPA: New Vision Enterprises, Inc., Louisville, Kentucky.

G. John Heyer,
General Counsel.
[FR Doc. 01–4527 Filed 2–22–01; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Additions Procurement List; Correction

In the document appearing on page 8776, FR Doc 01–2894, in the issue of February 2, 2001, in the third column the Committee published an addition to the Procurement List for Holder, Label w/Slit, 9905–01–365–2125. The addition notice is amended to indicate that 50% of the Governments Requirement is being added to the Procurement List.

G. John Heyer,
General Counsel.
[FR Doc. 01–4525 Filed 2–22–01; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on March 15, 2001, 10:30 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Public Session

1. Opening remarks and introductions.
2. Presentation of papers and comments by the public.
3. Update on status of Biological Weapons Convention protocol negotiations.

Closed Session

4. Discussion of matters properly classified under Executive Order 12958, dealing with U.S. export control programs and strategic criteria related thereto.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to the address below: Ms. Lee Ann Carpenter, OSIES/EA/BXA MS: 3876, U.S. Department of Commerce, 14 St. & Constitution Ave., NW., Washington, DC, 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on March 7, 2000, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3) of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For more information or copies of the minutes call Ms. Lee Ann Carpenter at (202) 482–2583.

Dated: February 20, 2001.

Lee Ann Carpenter,
Committee Liaison Officer.
[FR Doc. 01–4500 Filed 2–22–01; 8:45 am]
BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–804]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Japan; Amended Final Results of Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final court decision and amended final results of administrative reviews.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer or Richard Rimlinger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–4733.

Applicable Statute: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions in effect as of December 31, 1994. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations as codified at 19 CFR Part 353 (1995).

SUPPLEMENTARY INFORMATION:

Background

On December 28, 2000, the Department of Commerce (the Department) published in the **Federal Register** its notice of *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Japan; Amended Final Results of Antidumping Duty Administrative Review*, 65 FR 82323. In that notice, the Department published the final margins for NTN Corporation and Koyo Seiko Co., Ltd. (Koyo). The classes or kinds of merchandise covered by the review are ball bearings and parts thereof (BBs), cylindrical roller bearings and parts thereof (CRBs), and spherical plain bearings and parts thereof (SPBs). The period of review is May 1, 1992, through April 30, 1993.

The Department has discovered that the margins it published for Koyo were not correct. The margins the Department published were 14.90 percent and 6.53 percent for BBs and CRBs, respectively. The correct margins are 12.15 percent and 3.43 percent for ball bearings and cylindrical roller bearings, respectively.

Amendment To Final Results

Pursuant to section 516A(e) of the Tariff Act, we are amending the final results of administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan and the period May 1, 1992, through April 30, 1993 with respect to Koyo. The revised weighted-average margins are as follows:

Company	BBs	CRBs	SPBs
Japan			
Koyo Seiko	12.15	3.43	(1)

[1] No shipments or sales subject to this review.

The Department will determine and the U.S. Customs Service will assess appropriate antidumping duties on entries of the subject merchandise made by firms covered by these reviews. Individual differences between United States price and foreign market value may vary from the percentages listed above. The Department will issue appraisement instructions with regard to Koyo to the U.S. Customs Service after publication of these amended final results of reviews.

This notice is published pursuant to section 751(a) of the Tariff Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 6, 2001.

Bernard T. Carreau,
Deputy Assistant Secretary, AD/CVD Enforcement II.
[FR Doc. 01–4539 Filed 2–22–01; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–805]

Extruded Rubber Thread From Malaysia; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On November 3, 2000, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on extruded rubber thread from Malaysia (65 FR 66232). This review covers three manufacturers/exporters of the subject merchandise to the United States (Filati Lastex Sdn. Bhd., Heveafil Sdn. Bhd./Filmax Sdn. Bhd, and Rubberflex Sdn. Bhd.). The period of review is October 1, 1998, through September 30, 1999.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Irina Itkin, Office of AD/CVD Enforcement, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–0656.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (2000).

Background

On November 3, 2000, the Department published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on extruded rubber thread from Malaysia. *See Extruded Rubber Thread from Malaysia; Preliminary Results of Antidumping Duty Administrative Review*, 65 FR 66232 (Nov. 3, 2000).

In response to the Department's invitation to comment on the preliminary results of these reviews, Heveafil Sdn. Bhd./Filmax Sdn. Bhd. (Heveafil) and Filati Lastex Sdn. Bhd. (Filati) filed case briefs on November 28, 2000. We did not receive comments from Rubberflex Sdn. Bhd. (Rubberflex) or the petitioner. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

The product covered by this review is extruded rubber thread. Extruded rubber thread is defined as vulcanized rubber thread obtained by extrusion of stable or concentrated natural rubber latex of any cross sectional shape, measuring from 0.18 mm, which is 0.007 inch or 140 gauge, to 1.42 mm, which is 0.056 inch or 18 gauge, in diameter. Extruded rubber thread is currently classifiable under subheading 4007.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this review is dispositive.

Period of Review

The period of review (POR) is October 1, 1998, through September 30, 1999.

Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memo) from Richard W. Moreland, Deputy Assistant Secretary, Import Administration, to Bernard Carreau, fulfilling the duties of Assistant Secretary for Import Administration, dated February 16, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B–099, of the main Department building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculations. These changes are discussed in the relevant sections of the Decision Memo.

Final Results of Review

We determine that the following weighted-average margins exist for the period October 1, 1998, through September 30, 1999:

Manufacturer/exporter	Percentage margin
Filati Lastex Sdn. Bhd	6.00
Heveafil Sdn. Bhd./Filmax Sdn. Bhd	0.04
Rubberflex Sdn. Bhd	0.14

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated importer-specific assessment rates. For Filati and Heveafil, we divided the total dumping margins for the reviewed sales by their total entered value for each importer. We will direct Customs to assess the resulting percentage margins against the entered values for the subject merchandise on each of that importer's entries. However, we will instruct Customs to liquidate without regard to antidumping duties all entries for any importer for whom the assessment rate is *de minimis* (*i.e.*, less than 0.50 percent), pursuant to 19 CFR 351.106(c)(2).

For Rubberflex, we divided the total dumping margins by the entered quantity for each importer. We will direct Customs to assess these per-unit amounts on all entries by these importers.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of extruded rubber thread from Malaysia entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed firms will be the rates shown above, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106, the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 15.16 percent. This rate is the "All Others" rate from the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 16, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—Issues in Decision Memo

Comments

1. Calculation of the CEP Ratio
2. Calculation of Credit Expenses

[FR Doc. 01–4534 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–822, A–583–820]

Continuation of Antidumping Duty Orders on Helical Spring Lock Washers From China and Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Continuation of Antidumping Duty Orders on Helical Spring Lock Washers from China and Taiwan.

SUMMARY: On June 5, 2000, the Department of Commerce ("the Department"), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended ("the Act"), determined that revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan is likely to lead to continuation or recurrence of dumping (65 FR 35605). On January 31, 2001, the International Trade Commission ("the Commission"), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (66 FR 8424). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing notice of the continuation of the antidumping duty orders on helical spring lock washers from China and Taiwan.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, D.C. 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 2, 1999, the Department initiated (64 FR 59160) and the Commission instituted (64 FR 59204) sunset reviews of the antidumping duty orders on helical spring lock washers from China and Taiwan pursuant to section 751(c) of the Act. As a result of its reviews, the Department found that revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan is likely to lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margin likely to prevail were the orders revoked. *See Helical Spring Lock Washers From the People's Republic of China and Taiwan; Final Results of Expedited Sunset Reviews*, 65 FR 35605 (June 5, 2000).

On January 31, 2001, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Helical Spring Lock Washers from China and Taiwan*, 66 FR 8424 (January 31, 2001) and USITC Publication. 3384, (January 2001), Investigation Nos. 731–TA–624–625 (Review).

Scope

The products subject to these antidumping duty orders include helical spring lock washers of carbon steel, of carbon alloy steel, or of stainless steel, heat-treated or non-heat-treated, plated or non-plated, with ends that are off-line. Helical spring lock washers are designed to: (1) Function as a spring to compensate for developed looseness between the component parts of a fastened assembly; (2) distribute the load over a larger area for screws or bolts; and, (3) provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lock washers made of other metals, such as copper. Helical spring lock washers subject to these orders are currently classifiable under subheading 7318.21.0030 of the Harmonized Tariff Schedule ("HTS"). Although the HTS subheading is provided for convenience and customs purposes, the written description of the scope remains dispositive.

Determination

As a result of the determinations by the Department and the Commission that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on helical spring lock washers from China and Taiwan. The Department will instruct the Customs Service to continue to collect antidumping duty deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of these

orders will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to section 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year review of these orders not later than January 2006. This notice is published pursuant to section 703(c)(2) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 6, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4533 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–806]

Silicon Metal From Brazil; Final Results of Antidumping Duty Administrative Review and Determination Not To Revoke In Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On August 4, 2000, the Department of Commerce (the "Department") published the preliminary results of administrative review of the antidumping duty order on silicon metal from Brazil. The merchandise covered by this order is silicon metal from Brazil. The review covers five manufacturers/exporters: Rima Industrial SA ("RIMA"), Companhia Ferroligas Minas Gerais—Minasligas ("Minasligas"), Ligas de Aluminia S.A. ("LIASA"), Companhia Carbureto de Calcio ("CBCC"), Eletrosilex S.A. ("Eletrosilex"). The period of review ("POR") is July 1, 1998, through June 30, 1999.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled *Final Results of the Review*.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Maisha Cryor (RIMA), telephone: (202) 482–5831; Nova Daly (Eletrosilex and Minasligas), 482–0989; Mark Manning (LIASA), 482–3936, and Zev Primor (CBCC), 482–4114; AD/CVD Enforcement, Office IV, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the "Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2000).

Background

On August 4, 2000, the Department published the preliminary results of administrative review of the antidumping duty order on silicon metal from Brazil. *See Silicon Metal From Brazil: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent Not To Revoke Order in Part*, 65 FR 47960 (August 4, 2000). The review covers five manufacturers/exporters, RIMA, LIASA, CBCC, Minasligas and Eletrosilex. The POR is July 1, 1998, through June 30, 1999. We invited parties to comment on our preliminary results of review. We received comments on October 2, 2000, from RIMA, LIASA, CBCC, Eletrosilex and from American Silicon Technologies ("AST"), Elkem Metals Company ("Elkem") and Globe Metallugical Inc. ("Globe") (collectively "petitioners"). On October 16, 2000, we received a rebuttal brief from petitioners, RIMA, LIASA, and CBCC. We held a public hearing on October 25, 2000, to give interested parties the opportunity to express their views directly to the Department. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

The merchandise covered by this administrative review is silicon metal from Brazil containing at least 96.00 percent but less than 99.99 percent silicon by weight. Also covered by this administrative review is silicon metal from Brazil containing between 89.00 and 96.00 percent silicon by weight but which contains more aluminum than the silicon metal containing at least 96.00 percent but less than 99.99 percent silicon by weight. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule ("HTS") as a chemical product, but is commonly referred to as a metal. Semiconductor grade silicon (silicon metal containing by weight not less than 99.99 percent silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to the order. Although the HTS item numbers are provided for convenience and for U.S. Customs purposes, the written description remains dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" ("Decision Memorandum"), dated January 31, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099 ("B–099") of the main Department building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at www.ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Determination Not To Revoke CBCC and LIASA

LIASA

After review of the criteria outlined at sections 351.222(b) and 351.222(d) of the Department's regulations, the Department's practice, the comments of the parties, and the evidence on the record, we have determined that the requirements for revocation have not been met. For the reasons outlined in the Decision Memorandum, we have determined not to revoke the antidumping duty order with respect to subject merchandise produced and also exported by LIASA because its sales were not made in commercial quantities in accordance with 19 CFR 351.222(e). *See*, Memorandum Regarding "Eighth Administrative Review: Commercial Quantities," dated July 30, 2000.

CBCC

After review of the record, the Department determines that although CBCC has had zero or *de minimis* dumping margins for the previous two review periods, during the current review CBCC's weight-averaged

dumping margin is determined to be 0.63 percent, above the *de minimis* rate. A rate must be below 0.50 percent to be *de minimis*. *See*, 19 CFR 351.106(c). Consequently, CBCC has not made sales of subject merchandise "at not less than NV for a period of at least three consecutive years" as required by the Department's regulations. Because one of the requirements to qualify for revocation has not been met, the Department has not addressed the issues of commercial quantities and whether the continued application of the antidumping duty order is necessary to offset dumping with regard to CBCC. As a result of our analysis of factual information submitted to us during the course of this review, we determine not to revoke this order with respect to CBCC.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculations. These changes are discussed in the relevant sections of the Decision Memorandum, accessible in B–099 and on the Web at www.ia.ita.doc.gov.

Final Results of Review

We determine that the following percentage weighted-average margins exist for the period July 1, 1998, through June 30, 1999:

Manufacturer/exporter	Margin (percent)
RIMA	0.00
MINASLIGAS	0.00
LIASA	0.00
CBCC	0.63
ELETROSILEX	93.20

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated exporter/importer-specific assessment rates. With respect to export price, we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each importer. We will direct Customs to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis*, *i.e.*, less than 0.5 percent.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of silicon metal from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rate shown above, except if the rate is less than 0.5 percent, and therefore *de minimis*, the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value ("LTFV") investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 91.06 percent. This rate is the "All Others" rate from the LTFV investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: January 31, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—Issues in Decision Memorandum Comments and Responses

1. Requirements for Revocation with Respect to LIASA
2. Calculation of Home Market Imputed Credit Expenses for RIMA
3. Total Adverse Facts Available ("FA") for Eletrosilex
4. Calculation of Home Market Imputed Credit Expenses for CBCC
5. Circumstance of Sale Adjustment ("COS") for CBCC
6. Calculation of Financial Expense Ratio for CBCC
7. CBCC's Consolidated Financial Statement
8. CBCC's Short-Term Income Offset
9. Allocation of CBCC's Indirect Labor Costs
10. Determination Not To Revoke CBCC and LIASA

[FR Doc. 01–4536 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–828, A–557–809, A–565–801]

Antidumping Duty Orders: Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of antidumping duty orders.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Helen Kramer (Italy) at (202) 482–0405, Juanita Chen (Malaysia) at (202) 482–0409, or Fred Baker (Philippines) at (202) 482–2924, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all references to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1999).

Scope of Investigation

For purposes of these orders, the product covered is certain stainless steel butt-weld pipe fittings (butt-weld fittings). Butt-weld pipe fittings are under 14 inches in outside diameter (based on nominal pipe size), whether finished or unfinished. The product encompasses all grades of stainless steel and "commodity" and "specialty" fittings. Specifically excluded from the

definition are threaded, grooved, and bolted fittings, and fittings made from any material other than stainless steel.

The butt-weld fittings subject to these orders are generally designated under specification ASTM A403/A403M, the standard specification for Wrought Austenitic Stainless Steel Piping Fittings, or its foreign equivalents (*e.g.*, DIN or JIS specifications). This specification covers two general classes of fittings, WP and CR, of wrought austenitic stainless steel fittings of seamless and welded construction covered by the latest revision of ANSI B16.9, ANSI B16.11, and ANSI B16.28. Butt-weld fittings manufactured to specification ASTM A774, or its foreign equivalents, are also covered by these orders.

These orders do not apply to cast fittings. Cast austenitic stainless steel pipe fittings are covered by specifications A351/A351M, A743/743M, and A744/A744M.

The butt-weld fittings subject to these orders are currently classifiable under subheading 7307.23.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

Antidumping Duty Orders

In accordance with section 735(a) of the Tariff Act, the Department made its final determinations that stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines are being sold at less than fair value. (*See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Butt-Weld Pipe Fittings*, 65 FR 81823 (Philippines), 81825 (Malaysia), 81830 (Italy) (December 27, 2000)).[1] On January 29, 2001, the International Trade Commission (the Commission) notified the Department of its final determination pursuant to section 735(b)(1)(A)(i) of the Tariff Act that an industry in the United States is materially injured by reason of less-than-fair-value imports of subject merchandise from Italy, Malaysia, and the Philippines. Therefore, in accordance with section 736(a)(1) of the Tariff Act, the Department will direct Customs officers to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise for all relevant entries of stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines. These antidumping duties will be assessed on all unliquidated entries of stainless steel pipe fittings from Italy and the Philippines, entered, or withdrawn from warehouse, for consumption on or after August 2, 2000, the date on which the Department published its notices of preliminary determination for those countries in the **Federal Register** (65 FR 47388 (Italy) and 47393 (Philippines)). With respect to Malaysia, because the Department made a finding of sales at not less than fair value in the preliminary determination, antidumping duties will be assessed on all unliquidated entries of stainless steel pipe fittings entered, or withdrawn from warehouse, for consumption on or after December 27, 2000, the date on which the Department published its notice of an affirmative final determination in the **Federal Register** (65 FR 81825). Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below. The "All Others" rates apply to all exporters of subject stainless steel butt-weld pipe fittings not specifically listed. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Margin percentage
Italy	
Coprosider S.p.A	26.59
All Others	26.59
Malaysia	
Kanzen Tetsu Sdn. Bhd	7.51
All Others	7.51
Philippines	
Enlin Steel Corporation	33.81
Tung Fong Industrial Co., Inc	33.81
All Others	33.81

This notice constitutes the antidumping duty orders with respect to stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines. Interested parties may contact the Department's Central Records Unit, room B–099 of the main Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

These orders are published in accordance with section 736(a) of the Tariff Act of 1930, as amended. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 6, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4540 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

[1] We received ministerial error allegations with respect to the final determinations for Malaysia and the Philippines. On December 28, 2000, Kanzen Tetsu Sdn. Bhd. (respondent in the Malaysian investigation) and on January 2, 2001, Tung Fong Industrial Co., Inc. (respondent in the Philippines investigation) submitted ministerial error allegations. However, the Department found that these allegations either did not fall within the statutory or regulatory definition of ministerial error or no longer needed correction. *See* memoranda to the file dated January 17, 2001 (with respect to Malaysia) and January 30, 2001 (with respect to the Philippines). *See also* section 735(e) of the Tariff Act and 19 CFR 351.224(f).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Stainless Steel Flanges From India: Bhansali Ferromet Pvt. Ltd.

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty new shipper review.

SUMMARY: This review covers one manufacturer/exporter, Bhansali Ferromet Pvt. Ltd. (Bhansali) and sales of the subject merchandise to the United States during the period August 1, 1998 through July 31, 1999. The final results do not differ from the preliminary results of review, in which we found that the respondent made sales in the United States at prices below normal value.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or Robert James, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, telephone: (202) 482–5222 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's ("the Department's") regulations are to 19 CFR Part 351 (1999).

Background

On September 15, 2000, the Department published in the **Federal Register** the preliminary results of its new shipper review of certain forged stainless steel flanges from India (65 FR 55942, September 15, 2000). We invited parties to comment on our preliminary results of review. We received no comments.

Bhansali submitted a change in its data on November 4, 2000, but this change had no effect on our analysis. On December 5, 2000, the Department published in the **Federal Register** an extension of the deadline for the final results of review (65 FR 75924). The Department has now completed the new shipper review in accordance with section 751 of the Act.

Scope of Review

The products under review are certain forged stainless steel flanges (hereafter, "flanges") from India, both finished and not finished, generally manufactured to specification ASTM A–182, and made in alloys such as 304, 304L, 316, and 316L. The scope includes five general types of flanges. They are weld neck, used for butt-weld line connection; threaded, used for threaded line connections; slip-on and lap joint, used with stub-ends/butt-weld line connections; socket weld, used to fit pipe into a machined recession; and blind, used to seal off a line. The sizes of the flanges within the scope range generally from one to six inches; however, all sizes of the above-described merchandise are included in the scope. Specifically excluded from the scope of this order are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A–351. The flanges subject to this order are currently classifiable under subheadings 7307.21.1000 and 7307.21.5000 of the HTSUS. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the review.

Verification

On December 7, 2000 the Department conducted a verification of the antidumping responses submitted by Bhansali Ferromet Pvt. Ltd. See memorandum to the file from Thomas Killiam, "Sales Verification of Bhansali Ferromet Pvt. LtD.–Stainless Steel Flanges from India," December 20, 2000. No changes in the data or analysis were indicated as a result of the verification.

Final Results of the Review

No changes to our analysis in the preliminary results are warranted for purposes of these final results. Accordingly, the weighted-average dumping margin for Bhansali for the period August 1, 1998 through July 31, 1999, is as follows:

Manufacturer/exporter	Margin (percent)
Bhansali Ferromet Pvt. LtD	4.08

Cash Deposit Requirements

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries, on a per kilogram basis. The Department will issue appropriate instructions directly to the U.S. Customs Service. Furthermore, the following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided by section 751(a) of the Act: (1) For Bhansali, the cash deposit rate will be the rate listed above, (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the most recent final results in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in these final results of review or in the most recent segment of the proceeding in which that manufacturer participated; and (4) if neither the exporter nor the manufacturer is a firm covered in this review or in any previous segment of this proceeding, the cash deposit rate will be 162.14 percent, the all others rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.214.

Dated: January 31, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

[FR Doc. 01–4538 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–601]

Top-of-the-Stove Stainless Steel Cooking Ware From Korea: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results and rescission, in part, of antidumping duty administrative review.

SUMMARY: In response to a request by the Stainless Steel Cookware Committee (the Committee), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on top-of-the-stove stainless steel cooking ware from Korea. The period of review (POR) is January 1, 1999, through December 31, 1999.

We preliminarily determine that certain manufacturers/exporters sold subject merchandise at less than normal value (NV) during the POR. If these preliminary results are adopted in the final results of this administrative review, we will instruct Customs to assess antidumping duties on all appropriate entries. We invite interested parties to comment on the preliminary results. Parties who submit comments in this proceeding should also submit with the argument: (1) a statement of the

issue(s), and (2) a brief summary of the argument (not to exceed five pages).

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Nova Daly (Dong Won) and John Conniff (Daelim), AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; (202) 482–0989 and (202) 482–1009, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (2000).

Background

The Department published an antidumping duty order on top-of-the-stove stainless steel cooking ware (cookware) from Korea on January 20, 1987 (52 FR 2139). On January 13, 2000, the Department published a notice of "Opportunity to Request an Administrative Review" of the antidumping duty order on cookware from Korea (65 FR 2114) covering the period January 1, 1999, through December 31, 1999.

On January 31, 2000, in accordance with 19 CFR 351.213(b), the Committee (the petitioner), whose members are Regal Ware, Inc., All-Clad Metalcrafters, LLC, and Vita-Craft Corporation, requested that we conduct an administrative review of twenty-seven specific manufacturers/exporters of cookware from Korea: Daelim Trading Co., Ltd. (Daelim), Dong Won Metal Co., Ltd. (Dong Won), Chefline Corporation (Chefline), Sam Yeung Ind. Co., Ltd. (Samyeung), Namyang Kitchenflower Co., Ltd., Kyung-Dong Industrial Co., Ltd., Ssang Yong Ind. Co., Ltd. (Ssangyong), O. Bok Stainless Steel Co., Ltd., Dong Hwa Stainless Steel Co., Ltd., Il Shin Co., Ltd., Hai Dong Stainless Steel Ind. Co., Ltd., Han Il Stainless Steel Ind. Co., Ltd., Bae Chin Metal Ind. Co., East One Co., Ltd., Charming Art Co., Ltd., Poong Kang Ind. Co., Ltd., Won Jin Ind. Co., Ltd., Wonkwang Inc., Sungjin International Inc., Sae Kwang Aluminum Co., Ltd., Woosung Co., Ltd., (Woosung), Hanil Stainless Steel Ind. Co., Ltd.,[1] Seshin Co., Ltd., Pionix Corporation, East West Trading Korea, Ltd., Clad Co., Ltd., and B.Y. Enterprise, Ltd. In accordance with 19 CFR 351.221(b), we published a notice of initiation of the review on February 28, 2000 (65 FR 10466).

On March 3, 2000, we issued Section A antidumping questionnaires to each of the twenty-seven manufacturers/exporters listed above. In response to our request for information, Sugjin International, Inc., O. Bok Stainless Steel Co., Ltd., Won Jin Ind. Co., Ltd., Hai Dong Stainless Co., Ltd., Pionix Corporation, Seshin Co., Ltd., Dong Hwa Stainless Steel Co., Ltd., Wonkwang Inc., and Charming Art Co., Ltd., reported that they had no sales or shipments during the POR. Our review of Customs import data indicated that there were no entries of subject merchandise made by these manufacturers/exporters during the POR. Accordingly, we are preliminarily rescinding the review with respect to the above nine manufacturers/exporters of cookware.

The following companies failed to respond to the Department's Section A questionnaire: B.Y. Enterprise, Ltd., Clad Co., Ltd., Sae Kwang Aluminum Co., Ltd., East One Co., Ltd., East West Trading Korea, Ltd., Bae Chin Metal Ind. Co., Han I1 Stainless Steel Ind. Co., Ltd., I1 Shin Co., Ltd., Kyung-Dong Industrial Co., Ltd., Poong Kang Ind. Co., Ltd., and Namyang Kitchen Flower Co., Ltd. On March 28, 2000, we informed each of these companies that because they failed to respond to the Department's questionnaire, we may use facts available (FA) to determine their dumping margins.

On March 17, 2000, counsel for Chefline requested that the Department rescind the review with respect to Woosung. Woosung is Chefline's original corporate name which was changed to Chefline in March 1996. Since Chefline submitted uncontested evidence on the record to support their claim and petitioner did not object to Chefline's request for rescission, we are rescinding the review with respect to Woosung. In addition, on April 3, 2000, Chefline informed the Department that it would not be responding to the Department's Section A questionnaire.

On April 3, 2000, Daelim, Dong Won, Samyeung, and Ssangyong responded to Section A of the antidumping questionnaire. On June 29, 2000, the Department issued Sections B, C and D of the Department's questionnaire to these four companies. Daelim, Dong Won, and Samyeung filed responses to Sections B and C on August 23, 2000. On August 23, 2000, Ssangyong notified the Department that it would no longer participate in this review.

On August 24, 2000, the Department issued Section A supplemental questionnaires to Daelim, Dong Won, and Samyeung. The responses to these supplemental questionnaires were received on September 15, 2000. We issued Section B and C supplemental questionnaires to these companies on September 11, 2000. The responses to the supplemental questionnaires were submitted by the companies on October 2, 2000.

On September 20, 2000, the Department initiated a cost of production (COP) investigation with respect to Dong Won and Samyeung and requested that they respond to Section D of the Department's questionnaire. On September 25, 2000, the Department initiated a COP investigation with respect to Daelim and issued the Section D questionnaire, in accordance with section 773(b) of the Act. We initiated the COP investigations as a result of the petitioner's COP allegations, which are company-specific, employ a reasonable methodology, provide evidence of below cost sales, and include models which are representative of the broader range of cookware products sold by Dong Won, Samyeung, and Daelim in accordance with section 773(b) of the Act. For further discussion on the initiation of the COP investigations, *see* 1999 Administrative Review of Antidumping Duty Order on Top-Of-The-Stove Stainless Steel Cook Ware ("cookware") from Korea: Analysis of Petitioner's Allegation of Sales Below the Cost of Production for Samyeung Ind. Co., Ltd. (Samyeung) dated September 20, 2000 and 1999 Administrative Review of Antidumping Duty Order on Top-Of-The-Stove Stainless Steel Cook Ware ("cookware") from Korea: Analysis of Petitioner's Allegation of Sales Below the Cost of Production for Dong Won Metal Co., Ltd. (Dong Won) dated September 20, 2000. Also, *see* 1999 Administrative Review of Antidumping Duty Order on Top-Of-The-Stove Stainless Steel Cook Ware (cookware) from Korea: Analysis of Petitioner's Allegation of Sales Below the Cost of Production for Dae-Lim Co., Ltd. (Daelim) dated September 25, 2000.

Dong Won's response to the Section D questionnaire was received by the Department on October 18, 2000. On October 25, 2000, Samyeung notified the Department that it would no longer participate in this review. On November 1, 2000, the Department issued a Section D supplemental questionnaire to Dong Won. The response to this supplemental questionnaire was received on November 21, 2000.

[1] Same company as Han I1 Stainless Steel Ind. Co., Ltd. listed above.

Daelim's response to this section of the questionnaire was received on October 31, 2000. On November 26, 2000, the Department issued a Section D supplemental questionnaire to Daelim. The response to this supplemental questionnaire was received on November 30, 2000.

Under section 751(a)(3)(A) of the Act, the Department may extend the deadline for issuing a preliminary determination in an administrative review if it determines that it is not practicable to complete the preliminary review within the statutory time limit of 245 days. On August 15, 2000, the Department published a notice of extension of the time limit for the preliminary results in this case to January 30, 2001. *See Top-of-the-Stove Stainless Steel Cooking Ware From Korea: Extension of Preliminary Results of Antidumping Duty Administrative Review*, 65 FR 51797 (August 25, 2000). The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of Review

The merchandise subject to this antidumping order is top-of-the-stove stainless steel cookware from Korea. The subject merchandise is all non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. The subject merchandise includes skillets, frying pans, omelette pans, saucepans, double boilers, stock pots, dutch ovens, casseroles, steamers, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles and fish poachers. Excluded from the scope of the order are stainless steel oven ware and stainless steel kitchen ware. The subject merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7323.93.00 and 9604.00.00. The HTS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive.

The Department has issued several scope clarifications for this order. The Department found that certain stainless steel pasta and steamer inserts (63 FR 41545, August 4, 1998), certain stainless steel eight-cup coffee percolators (58 FR 11209, February 24, 1993), and certain stainless steel stock pots and covers are within the scope of the order (57 FR 57420, December 4, 1992). Moreover, as a result of a changed circumstances review, the Department revoked the order on Korea in part with respect to certain stainless steel camping ware (1) made of single-ply stainless steel having a thickness no greater than 6.0 millimeters; and (2) consisting of 1.0, 1.5, and 2.0 quart saucepans without handles and with lids that also serve as fry pans (62 FR 3662, January 24, 1997).

Verification

As provided in section 782(i) of the Act, from December 4, 2000, to December 22, 2000, we verified sales and cost information provided by Daelim and Dong Won, using standard verification procedures, including an examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification report and are on file in the Central Records Unit (CRU) located in room B–099 of the main Department of Commerce Building, 14th Street and Constitution Avenue, NW, Washington, DC.

Facts Available (FA)

Application of FA

Section 776(a)(2) of the Act provides that if any interested party: (A) Withholds information that has been requested by the Department; (B) fails to provide such information by the deadlines for submission of the information or in the form or manner requested; (C) significantly impedes an antidumping investigation; or (D) provides such information but the information cannot be verified, the Department shall, subject to section 782(d) of the Act, use facts otherwise available in making its determination.

Section 782(e) of the Act provides that the Department shall not decline to consider information deemed "deficient" under section 782(d) of the Act if: (1) The information is submitted by the deadline established for its submission; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the Department with respect to the information; and (5) the information can be used without undue difficulties.

As stated above, on March 3, 2000, we issued Section A questionnaires to twenty-seven manufacturers/exporters of the subject merchandise. The following companies failed to respond to the Department's Section A questionnaire: B.Y. Enterprise, Ltd., Clad Co., Ltd., Sae Kwang Aluminum Co., Ltd., East One Co., Ltd., East West Trading Korea, Ltd., Bae Chin Metal Ind. Co., Han Il Stainless Steel Ind. Co., Ltd., Il Shin Co., Ltd., Kyung-Dong Industrial Co., Ltd., Poong Kang Ind. Co., Ltd., and Namyang Kitchen Flower Co., Ltd. On March 28, 2000, we informed each of these companies that because they failed to respond to the Department's questionnaire, we may use FA to determine their dumping margins. On April 3, 2000, Chefline informed the Department that it would not be responding to the Department's Section A questionnaire. Because these companies wholly failed to respond to our questionnaire, pursuant to section 776(a)(2)(A) of the Act, we have applied FA to calculate their dumping margins. Further, based on the facts in this review, described below, the Department has preliminarily determined that the use of FA is warranted for Ssangyong and Samyeung.

First, Ssangyong and Samyeung did not respond to Sections B and C of the questionnaire. On April 3, 2000, Ssangyong responded to the Section A questionnaire. On June 29, the Department issued Sections B and C of the questionnaire to Ssangyong. On July 18, 2000, Ssangyong requested an extension to respond to Sections B and C due to its claimed lack of experience in answering the Department's questionnaires. On July 24, 2000, the Department granted Ssangyong an extension until August 18, 2000 to respond to Sections B and C. On August 14, 2000, the Department granted Ssangyong an additional extension until August 23, 2000, for Ssangyong to respond to Sections B and C. *See* Extension Letters from the Department to Ssangyong dated July 24, 2000 and August 14, 2000 (Ssangyong Extension Letters). In both the July 24, 2000 and August 14, 2000 letters, the Department notified Ssangyong that if it did not submit the information requested by the applicable deadline, the Department may find that Ssangyong has not acted to the best of its ability and thus may use an adverse inference in selecting among FA, as provided for in section 776(b) of the Act. Ssangyong subsequently failed to respond to Sections B and C of the questionnaire and, on August 23, 2000, submitted a letter stating that it would not participate further in this proceeding.

On September 20, 2000, the Department initiated a COP investigation and issued a Section D questionnaire to Samyeung. On October 5, 2000, Samyeung requested an

extension for filing a response to Section D based on (1) its claim that the company had limited resources and (2) the concurrent Department deadlines for both the Section D questionnaire and supplemental questionnaires. The Department granted Samyeung an extension on the Section D questionnaire and notified Samyeung that if it did not submit the information requested by the applicable deadline, the Department may find that Samyeung has not acted to the best of its ability and thus may use an adverse inference in selecting among FA, as provided for in section 776(b) of the Act. *See* Extension Letter from the Department to Samyeung dated October 10, 2000 (Samyeung Extension Letter). However, Samyeung failed to respond to the Section D questionnaire and, on October 25, 2000, submitted a letter stating that it would no longer continue to participate in this proceeding. *See* Memorandum on Application of Facts Available for Sam Yeung Ind. Co., Ltd. (Samyeung) in the Preliminary Results of the 1999 Administrative Review, dated January 30, 2001 (Facts Available Memorandum).

Second, in addition to their failure to respond to the Department's questionnaire, the information provided by these two respondents is so incomplete that it cannot serve as a reliable basis for reaching the applicable determination. Ssangyong's failure to respond to Sections B and C of the questionnaire is a critical omission. Without U.S. and home market sales data, the Department cannot calculate a dumping margin for Ssangyong. Likewise, Samyeung's failure to provide cost data is significant. Without cost data, we are unable to determine whether foreign market sales were made below COP and, thus, we are prevented from calculating an accurate normal value and dumping margin for Samyeung. Therefore, we find that the information on the record for Ssangyong and Samyeung is so incomplete that it cannot serve as a reliable basis for reaching the applicable determination and thus, Ssangyong and Samyeung have not satisfied the third criterion under section 782(e) of the Act.

In addition, the Department finds, pursuant to section 776(b) of the Act, that Ssangyong and Samyeung did not act to the best of their ability to comply with requests for information. In its August 23, 2000 letter, Ssangyong stated that "faced with the substantial amount of detailed information that the Department has requested to be submitted in a very short time period, Ssangyong has concluded that it lacks the administrative resources to prepare and submit responses to Sections B and C of the questionnaire and otherwise to continue participating further in the proceeding." Samyeung, in its October 25, 2000 letter, stated that the short time period given to answer the Section D questionnaire was too burdensome for the company to comply. However, we note that Ssangyong was granted two extensions totaling 23 days to respond to the Section B and C questionnaire and Samyeung was granted a two-week extension to respond to the cost questionnaire. Also, neither Ssangyong nor Samyeung requested an additional extension of time to respond to the questionnaire. Further, neither company suggested alternative methods for providing the requested information. We note that it was Ssangyong and Samyeung's responsibility to provide a "full explanation and suggested alternative forms" of responding to the questionnaire under section 782(c) of the Act. The Department considers Ssangyong and Samyeung's refusal to submit their respective questionnaire responses, despite the fact the Department granted extensions of time for filing the responses, and their refusal to participate further in the review, as a failure to cooperate to the best of their ability with respect to our requests for information. Thus, Ssangyong and Samyeung have failed to satisfy the fourth criterion of section 782(c) of the Act.

Lastly, the information cannot be used without undue difficulties. As a result of Ssangyong and Samyeung's failure to provide the necessary information requested, the information provided by Ssangyong and Samyeung is not complete enough to calculate a margin based upon the statutory and regulatory criteria. For example, as discussed above, Ssangyong did not respond to Sections B and C of the Department's questionnaire and Samyeung did not respond to Section D of the Department's questionnaire. Thus, Ssangyong and Samyeung have also failed to satisfy the fifth criterion of section 782(e) of the Act.

Given the above analysis, the Department determines that Ssangyong and Samyeung have not met all five factors enumerated in section 782(e) of the Act. Therefore, for the reasons stated above, the use of FA is warranted for these companies.

Selection of Adverse FA

In selecting from among the facts otherwise available, section 776(b) of the Act authorizes the Department to use an adverse inference if the Department finds that an interested party failed to cooperate by not acting to the best of its ability to comply with the request for information. *See e.g., Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review*, 62 FR 53808, 53819–20 (October 16, 1997).

Because B.Y. Enterprise, Ltd., Clad Co., Ltd., Sae Kwang Aluminum Co., Ltd., East One Co., Ltd., East West Trading Korea, Ltd., Bae Chin Metal Ind. Co., Han Il Stainless Steel Ind. Co., Ltd., Il Shin Co., Ltd., Kyung-Dong Industrial Co., Ltd., Poong Kang Ind. Co., Ltd., Namyang Kitchen Flower Co., Ltd., and Chefline did not cooperate by wholly failing to respond to the Department's questionnaire response, and in order to ensure that they do not benefit from that lack of cooperation, we are employing an adverse inference in selecting from facts otherwise available.

Further, because Ssangyong failed completely to respond to Sections B and C of the questionnaire and Samyeung failed completely to respond to Section D of the questionnaire, the Department was prevented from making critical decisions involving the calculation of Sangyong and Samyeung's dumping margins. In addition, as required by section 782(d) of the Act, Sangyong and Samyeung were put on notice, via Department extension letters and other correspondence, that failure to respond to the Department's requests for information constituted a deficiency which could result in the use of FA. *See, e.g.*, Ssangyong Extension Letters. Moreover, section 782(e) of the Act is not applicable as the information Ssangyong and Samyeung submitted is so incomplete that it cannot serve as a reliable basis for making a preliminary determination. Accordingly, the Department finds that Ssangyong and Samyeung did not act to the best of their ability to comply with the request for information and thus, under section 776(b) of the Act, an adverse inference is warranted.

Pursuant to section 776(b) of the Act, we are basing the margin for the 14 companies listed above on adverse FA for purposes of these preliminary results. As adverse FA, we have used the highest rate calculated for any respondent in any segment of this proceeding. This rate is 31.23 percent. *See Final Determination of Sales at Less Than Fair Value; Certain Stainless Steel Cookware from Korea*, 51 FR 42873 (November 26, 1986) (*Final LTFV Determination*). *Corroboration of Information Used as FA*

Section 776(b) of the Act authorizes the Department to use as adverse FA information derived from the petition, the final determination from the less than fair value (LTFV) investigation, a previous administrative review, or any other information placed on the record.

Section 776(c) of the Act requires the Department to corroborate, to the extent practicable, secondary information used as FA. Secondary information is defined as "[i]nformation derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise." *See* Statement of Administrative Action (SAA) accompanying the URAA, H.R. Doc. No. 103–316 at 870 (1994).

The SAA further provides that the term "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value (*see* SAA at 870). Thus, to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used.

The rate selected was calculated using verified information in the investigation. *See Final LTFV Determination*. The only source for calculated margins is administrative determinations. Thus, in an administrative review, if the Department chooses as adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. Furthermore, we have no new information that would lead us to reconsider the reliability of this rate.

As to the relevance of the margin used for adverse FA, the courts have stated that "[b]y requiring corroboration of adverse inference rates, Congress clearly intended that such rates should be reasonable and have some basis in reality." *F.Lli De Cecco Di Filippo Fara S. Martino S.p.A., v. U.S.*, 216 F.3d 1027, 1034 (Fed. Cir. 2000).

In determining a relevant and reasonable adverse FA rate, the Department notes that the FA rate selected is the highest calculated margin for any respondent in this proceeding. *See Final LTFV Determination*. It is reasonable to assume that if Ssangyong, Samyeung, and the other non-responding parties listed above could have demonstrated that their dumping margins are lower, they would have participated in this review and attempted to do so. *See Rhone Poulenc, Inc. v. United States*, 899 F.2d 1185, 1190–91 (Fed. Cir. 1990). Therefore, given these 14 companies' failure to cooperate to the best of their ability in this review, we have no reason to believe that their dumping margins would be any less than the highest rate we have ever calculated or that other available rates would reasonably ensure that they do not benefit by failing to cooperate fully. None of these companies have previously participated in this proceeding and therefore have been receiving the "All Others" rate of 8.10 percent. The "All Others" rate is obviously not enough to induce cooperation by these companies. We therefore have resorted to the highest calculated rate used throughout the proceeding and the rate that has been used as the FA rate in previous reviews. To further establish the relevance of the FA rate, we looked at the range of sales-specific margins for one of the cooperating respondents. Based on the range of margins, a significant number of sales by Dong Won are above the FA rate. *See* Facts Available Memorandum. Therefore, a rate of 31.23 percent can be considered relevant and, as such, appropriately used as FA for the non-responding parties. Thus, we used the highest rate determined in any segment of this proceeding of 31.23 percent.

Normal Value Comparisons

To determine whether sales of cookware from South Korea to the United States were made at less than NV, we compared the export price (EP) to the NV for both Dong Won and Daelim, as specified in the *EP* and *NV* sections of this notice, below. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual EP transactions.

EP

For Dong Won and Daelim, we used the Department's EP methodology, in accordance with section 772(a) of the Act, because the subject merchandise was sold by each producer outside the United States directly to the first unaffiliated purchaser in the United States prior to importation (or to unaffiliated trading companies for export to the United States) and CEP methodology was not otherwise warranted. We made deductions from the starting price for movement expenses in accordance with section 772(c) of the Act. Movement expenses included, where appropriate, brokerage and handling, international freight, and marine insurance, in accordance with section 772(c)(2)(A) of the Act. For Dong Won, we disallowed a duty drawback adjustment to the starting price. *See* Calculation Memorandum for Dong Won, dated January 30, 2001. *See also* Report on the Verification of the Sales and Cost Responses for Dong Won, dated January 30, 2001.

NV

1. Viability

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is equal to or greater than five percent of the aggregate volume of U.S. sales), we compared the respondent's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1) of the Act. Since Daelim's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume U.S. sales for the subject merchandise, we determined that the home market provides a viable basis for calculating NV. Therefore, pursuant to section 773(a)(1)(B) of the Act, we based NV on home market sales. Because Dong Won's aggregate volume of home market sales of the foreign like product was less than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was not viable. Therefore, we have based NV for Dong Won on third country sales in the usual commercial quantities and in the ordinary course of trade. Since Dong Won's aggregate volume of sales of the foreign like product in Canada were more than five percent of its aggregate volume of U.S. sales of the subject merchandise, we used sales to Canada as the third country comparison sales. Furthermore, the Department noted that Canada was Dong Won's largest third country market for cookware in terms of both value and quantity, and the cookware that Dong Won exported to Canada was more similar to the subject merchandise exported to the United States than the cookware exported to other comparison markets. For a further discussion, *see* Memorandum Re: Selection of Third Country Comparison Market, dated June 28, 2000.

2. COP Analysis

Based on the cost allegations submitted by petitioners on September 20, 2000, and in accordance with section 773(b)(2)(A)(i) of the Act, the Department found reasonable grounds to believe or suspect that Dong Won and Daelim had made sales in the foreign market at prices below the cost of producing the merchandise, in accordance with section 773(b)(1) of the Act. *See Memorandum to Thomas*

Futtner, Administrative Review of Antidumping Duty Order on Top of the Stove Stainless Steel Cooking Ware From Korea: Analysis of Petitioners' Allegation of Sales Below the Cost of Production for Dong Won Metal Co., Ltd. ("Dong Won"), dated May 20, 2000, and *Memorandum to Thomas Futtner, Administrative Review of Antidumping Duty Order on Top of the Stove Stainless Steel Cooking Ware From Korea: Analysis of Petitioners' Allegation of Sales Below the Cost of Production for Dae-Lim Co., Ltd. ("Daelim")*. As a result, the Department initiated COP investigations to determine whether Dong Won and Daelim made foreign market sales during the POR at prices below their COP within the meaning of section 773(b) of the Act. We conducted the COP analysis described below.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated, respectively, COP based on the sum of Daelim and Dong Won's cost of materials and fabrication (COM) for the foreign like product, plus amounts for SG&A, financial expense, and packing costs. Daelim was unable to segregate between its long-term and short-term investment income in its calculation of net interest expense. Therefore, we did not grant Daelim an interest income offset. *See* Cost Verification Report for Daelim, dated January 30, 2001. For the preliminary results, we relied on Dong Won's submitted information without adjustment.

B. Test of Foreign Market Sales Prices

We compared COP to foreign market sale prices of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below the COP. In determining whether to disregard foreign market sales made at prices below the COP, we examined whether such sales were made (1) within an extended period of time in substantial quantities, and (2) at prices which permitted the recovery of all costs within a reasonable period of time, in accordance with sections 773(b)(1)(A) and (B) of the Act. On a product-specific basis, we compared the COP to foreign market prices, less any applicable movement charges, discounts and rebates, and selling expenses.

C. Results of the COP Test

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of the respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in substantial quantities. Where 20 percent or more of the respondent's sales of a given product during the POR were at prices less than the COP, we determined such sales to have been made in substantial quantities within an extended period of time, within the meaning of section 773(b)(2)(B) of the Act. Because we compared prices to POR or fiscal year average costs, we also determined that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act.

We found, looking at Dong Won's third country market sales and Daelim's home market sales, that both made sales at below COP prices within an extended period of time in substantial quantities. Further, we found that these sales prices did not permit for the recovery of costs within a reasonable period of time. Therefore, we excluded these sales from our analysis and used the remaining sales as the basis for determining NV, in accordance with section 773(b)(1) of the Act.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products sold in the foreign markets as described in the "Scope of the Review" section of this notice, above, that were in the ordinary course of trade for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the foreign markets made in the ordinary course of trade (*i.e.*, sales within the contemporaneous window which passed the cost test), we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade, based on the characteristics listed in sections B and C of our antidumping questionnaire, or constructed value (CV), as appropriate.

Level of Trade (LOT)

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same LOT as the US transaction. The NV LOT is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive selling, general and administrative (SG&A) expenses and profit. For EP sales, the U.S. LOT is also the level of the starting-price sale, which is usually from the exporter to the importer.

To determine whether NV sales are at a different LOT than EP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act.

In determining whether separate LOTs actually existed in the home and U.S. markets for each respondent, we examined whether the respondent's sales involved different marketing stages (or their equivalent) based on the channel of distribution, customer categories, and selling functions (or services offered) to each customer or customer category, in both markets.

Dong Won reported sales through one LOT, consisting of two channels of distribution for its Canadian sales. The first channel of distribution was direct sales with two customer categories (*i.e.*, distributors/wholesalers and retailers). The second channel of distribution was also sales to the two customer categories listed above but through Korean trading companies. Dong Won reported only EP sales in the U.S. market. For EP sales, Dong Won reported the same channels of distribution and customer categories as those in the third country market (*i.e.*, direct sales to distributors/wholesalers and retailers and direct sales to distributers/wholesalers and retailers through Korean trading companies). Dong Won claimed in its response that its U.S. and third country market sales were made at the same LOT. For this reason, Dong Won has not asked for a LOT adjustment to NV for comparison to its EP sales.

In analyzing Dong Won's selling activities for the third country and U.S. market, we determined that essentially the same services were provided for both markets. These selling activities in both markets were minimal in nature and limited to some low levels of technical service, warranty, ocean freight, and advertising expenses, with high levels of inland freight expenses. No other services were rendered for either third country or EP sales. Therefore, based upon this information, we have preliminarily determined that the LOT for all EP sales is the same as the LOT for all sales in the third country market. Accordingly, because we find the U.S. sales and third country market sales to be at the same LOT, no LOT adjustment under section 773(a)(7)(A) of the Act is warranted for Dong Won. *See* Memorandum on LOT for Dong Won, dated January 30, 2001.

Daelim reported sales through one LOT, consisting of two channels of distribution for its home market sales. The first channel of distribution was sales through its affiliate in the home market, Living Star. The second channel of distribution was direct sales on a very sporadic basis to its employees or, in extremely limited circumstances, to home market customers. We have preliminarily determined that these direct sales are outside the ordinary course of trade, and therefore have not considered them in the calculation of NV. *See* Memorandum on LOT for Daelim, dated January 30, 2001. Daelim reported only EP sales in the U.S. market. For EP sales, Daelim reported one LOT, consisting of two channels of distribution. The first channel of distribution was sales to unaffiliated U.S. importers. The second channel of distribution was sales to an unaffiliated Korean trading company.

In analyzing Daelim's selling activities for the home market, we determined that the selling activities were minimal in nature and limited to some low levels of technical service, warranty, ocean freight, and advertising expenses, with high levels of inland freight expenses. No selling activities or services were rendered for EP sales. Therefore, based upon this information, we have preliminarily determined that there are differences in the number, type, and degree of selling functions performed in the home market as compared to EP sales.

Section 773(a)(7)(A)(ii) of the Act states that the Department will grant a LOT adjustment only "if the difference in the level of trade is demonstrated to affect price comparability, based on a pattern of consistent price differences between sales at different levels of trade in the country in which normal value is determined." As discussed above, we find that the U.S. market LOT (EP sales) is different from the home market LOT. However, since we have determined that there is only one LOT in the home market, we are unable to calculate "a pattern of consistent price differences between sales at different levels of trade in the country in which normal value is determined." Thus, in this instance, we have not granted Daelim a LOT adjustment to NV.

Date of Sale

For both foreign market and U.S. transactions, Daelim and Dong Won reported the date of the contract (*i.e.*, purchase order) as the date of sale, *i.e.*, the date when the material terms of sale are finalized. The respondents note that the purchase order confirms all major terms of sale—price, quantity, and product specification—as agreed to by the respondents and the customer. During the course of the review, the Department found that there were instances where the material terms of sale had changed after the issuance of an original purchase order. The Department noted and verified that, in those instances where the material terms of sale had changed after the issuance of an original purchase order, a new purchase order had been issued and the new purchase order served as the reported date of sale. For a detailed explanation, *see* Dong Won's sales verification report (January 30, 2001). Therefore, because the Department found that there were no changes in the material terms of sale between the purchase order (or revised purchase order) and the invoice, the Department preliminarily determines that the purchase order date is the most appropriate date to use for the date of sale.

CV

In accordance with section 773(e) of the Act, we calculated CV based on the respondents' respective cost of materials and fabrication employed in producing the subject merchandise, SG&A expenses, the profit incurred and realized in connection with the production and sale of the foreign like product, and U.S. packing costs. We used the cost of materials, fabrication, and G&A expenses as reported in the CV portion of the questionnaire response, adjusted for Daelim as discussed in the COP section above. We used the U.S. packing costs as reported in the U.S. sales portion of the respondents' questionnaire responses. For selling expenses, we used the average of the selling expenses reported for home market sales that survived the cost test, weighted by the total quantity of those sales. For actual profit, we first calculated, based on the home market sales that survived the cost test, the difference between the home market sales value and home market COP, and divided the difference by the home market COP. We then multiplied this percentage by the COP for each U.S. model to derive an actual profit.

Price-to-Price Comparisons

For those comparison products for which there were sales that passed the cost test, we based the respondents' NV on the price at which the foreign like product is first sold for consumption in Korea (Daelim) or Canada (Dong Won), in the usual commercial quantities, in the ordinary course of trade in accordance with section 773(a)(1)(B)(i) of the Act. We based NV on sales at the same LOT as the EP sales.

In accordance with section 773(a)(6) of the Act, we made adjustments to the foreign market price, where appropriate, for discounts, movement expenses (inland freight, brokerage and handling, and international freight). To account for differences in circumstances of sale between the foreign market and the United States, where appropriate, we adjusted the foreign market price by deducting foreign market direct selling expenses (including credit) and commissions and by adding U.S. direct selling expenses (including U.S. credit expenses). Because Dong Won could not substantiate the payment of duties for goods purchased, we disallowed a duty drawback adjustment to the starting price. For a further discussion, *see* Dong Won's sales verification report (January 30, 2001). Where commissions were paid on foreign market sales and no commissions were paid on U.S. sales, we increased NV by the lesser of either: (1) The amount of commission paid on the foreign market sales or (2) the indirect selling expenses incurred on U.S. sales. *See* 19 CFR 351.410(e). In order to adjust for differences in packing between the two markets, we deducted foreign market packing costs and added U.S. packing costs, where appropriate, in accordance with sections 773(a)(6)(A) and (B) of the Act.

With respect to both CV and home market prices, we made adjustments, where appropriate, for inland freight, inland insurance, and discounts. We also reduced CV and home market prices by packing costs incurred in the home market, in accordance with section 773(a)(6)(B)(i) of the Act. In addition, we increased CV and home market prices for U.S. packing costs, in accordance with section 773(a)(6)(A) of the Act. We made further adjustments to home market prices, when applicable, to account for differences in physical characteristics of the merchandise, in accordance with section 773(a)(6)(C)(ii) of the Act. Finally, pursuant to section 773(a)(6)(C)(iii) of the Act, we made an adjustment for differences in circumstances of sale by deducting home market direct selling expenses and adding any direct selling expenses associated with U.S. sales not deducted under the provisions of section 772(d)(1) of the Act.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following weighted-average dumping margins exist for the period January 1, 1999, through December 31, 1999:

Manufacturer/exporter	Margin (percent)
Dong Won Metal Co., Ltd	14.14
Dae-Lim Trading Co., Ltd	1.69
Sam Yeung Ind. Co., Ltd	31.23
Ssang Yong Ind. Co., Ltd	31.23
Chefline Corporation	31.23
B.Y Enterprise, Ltd	31.23
Clad Co., Ltd	31.23
Sae Skwang Aluminum Co., Ltd	31.23
East One Co., Ltd	31.23
East West Trading Korea, Ltd	31.23
Bae Chin Metal Ind. Co	31.23
Han Il Stainless Steel Ind. Co., Ltd	31.23
Il Shin Co., Ltd	31.23
Kyung-Dong Industrial Co., Ltd	31.23
Poong Kang Ind. Co., Ltd	31.23
Namyang Kitchen Flower Co., Ltd	31.23

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within 5 days of the date of publication of this notice. Any interested party may request a hearing within 30 days of the date of publication of this notice. Parties who submit arguments in this proceeding are requested to submit with each argument: (1) A statement of the issue and (2) a brief summary of the argument. All case briefs must be submitted within 30 days of the date of publication of this notice. Rebuttal briefs, which are limited to issues raised in the case briefs, may be filed not later than seven days after the case briefs are filed. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. A hearing, if requested, will be held two days after the date the rebuttal briefs are filed or the first business day thereafter.

The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of the issues raised in any written comments, within 120 days from the publication of these preliminary results.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties. We have calculated importer-specific ad valorem duty assessment rates based on the ratio of the total amount of dumping margins calculated for the examined sales to the entered value of sales used to calculate those duties. We will direct Customs to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis, i.e.*, less than 0.5 percent.

Furthermore, the following deposit requirements will be effective upon completion of the final results of these administrative reviews for all shipments of top-of-stove stainless steel cooking ware from Korea entered, or withdrawn from warehouse, for consumption on or after publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rate established in the final results of this administrative review, except if the rate is less than 0.5 percent *ad valorem* and, therefore, *de minimis*, no cash deposit will be required; (2) for exporters not covered in this review, but covered in the original LTFV investigation or a previous review, the cash deposit rate will continue to be the company-specific rate published in the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews or the LTFV investigation, the cash deposit rate will be 8.10 percent, the "all-others" rate established in the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and this notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: January 30, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4537 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–857, A–201–828]

Notice of Initiation of Antidumping Duty Investigations: Welded Large Diameter Line Pipes From Mexico and Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Initiation of antidumping duty investigations.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Rick Johnson (Mexico) or Nancy Decker (Japan) at (202) 482–3818 and (202) 482–0196, respectively; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Initiation of Investigations

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR Part 351 (2000).

The Petitions

On January 10, 2001, the Department of Commerce (the Department) received petitions filed in proper form by the following parties: Berg Steel Pipe Corp., American Steel Pipe Division of American Cast Iron Pipe Company, and Stupp Corporation (collectively "petitioners"). Additionally, one other domestic producer, although a non-petitioner, issued a statement supporting the petition. The Department received information from the petitioners supplementing the petition on January 22, January 24, January 26, and January 29, 2001.

In accordance with section 732(b) of the Act, the petitioners allege that imports of welded large diameter line pipes (hereafter referred to as LDLP) from Mexico and Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring an industry in the United States.

The Department finds that the petitioners filed these petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and have demonstrated sufficient industry support with respect to each of the antidumping investigations that they are requesting the Department to initiate (*see* the *Determination of Industry Support for the Petitions* section below).

Scope of Investigations

The product covered by this investigation is welded carbon and alloy line pipe, of circular cross section and with an outside diameter greater than 16 inches in diameter, whether or not stencilled. This product is normally produced according to American Petroleum Institute (API) specifications, including Grades A25, A, B, and X grades ranging from X42 to X80, but can also be produced to other specifications. The product currently is classified under U.S. Harmonized Tariff Schedule (HTSUS) item numbers 7305.11.10.30, 7305.11.10.60, 7305.11.50.00, 7305.12.10.30, 7305.12.10.60, 7305.12.50.00, 7305.19.10.30, 7305.19.10.60, and 7305.19.50.00. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope is dispositive. Specifically not included within the scope of this investigation is American Water Works Association (AWWA) specification water and sewage pipe.

As discussed in the preamble to the Department's regulations (62 FR 27323), we are setting aside a period for parties to raise issues regarding product coverage. The Department encourages all parties to submit such comments by February 20, 2001. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of the preliminary determinations.

Determination of Industry Support for the Petitions

Section 771(4)(A) of the Act defines the "industry" as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to the law.[1]

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation," *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) At least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Finally, section 732(c)(4)(D) of the Act provides that if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the administering agency shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition as required by subparagraph (A), or (ii) determine industry support using a statistically valid sampling method.

[1] *See Algoma Steel Corp. Ltd., v. United States*, 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefore from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380–81 (July 16, 1991).

For Mexico and Japan, the petitioners established industry support representing over 50 percent of total production of the domestic like product. Therefore, the domestic producers or workers who support the petition account for at least 25 percent of the total production of the domestic like product, and the requirements of section 732(c)(4)(A)(i) are met. Furthermore, because the Department received no opposition to the petition, the domestic producers or workers who support the petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for or opposition to the petition. Thus, the requirements of section 732(c)(4)(A)(ii) are also met.

Accordingly, the Department determines that the petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act. *See* Industry Support Attachment to the *Initiation Checklist*.

Mexico

Normal Value

The Mexican producers named in the petition are Procarsa SA de CV, Productora Mexicana de Tuberia SA de SV, Tubacero SA, Tuberia Laguna SA de CV, and Tubesa SA de CV. In order to calculate normal value (NV), the petitioners provided an affidavit and supporting documentation listing home market price quotes from one Mexican producer for merchandise which falls within the scope of the petition. These quotes were obtained by a foreign market researcher during the period of investigation. Based on the terms of the price quotes, petitioners made no adjustments to normal value.

Export Price

The petitioners based export price (EP) on average unit value (AUV) data gathered from IM–145 import statistics. Using the month of September 2000, they compared the one HTSUS ten-digit category which corresponds to the products described in the calculation of NV. Petitioners maintain that this methodology is appropriate because the NV was based on price quotes which would be most contemporaneous with September entries. For the purposes of initiation, the Department has based EP on the weighted-average AUVs for the HTSUS category corresponding to the HTSUS category used as the basis for NV using all available data for the calendar year 2000 (*i.e.*, January through November). This decision is consistent with Department practice in other cases in which import statistics were used as

the basis for EP. *See, e.g., Initiation of Antidumping Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products From Argentina, India, Indonesia, Kazakhstan, the Netherlands, the People's Republic of China (the PRC), Romania, South Africa, Taiwan, Thailand, and Ukraine, et. al.*, 65 FR 77568, 77571 (December 12, 2000).

Petitioners then deducted an amount for foreign inland freight, which was a simple average of the separate freight quotes from a Mexican producer, to arrive at a net EP. However, for the purposes of initiation, the Department has adjusted petitioners' foreign inland freight calculation. Specifically, we have adjusted for the difference in distances between: (1) The rate supplied by petitioners; and (2) the distance between the Mexican producer from which the rates were obtained and the presumed ports of export for the merchandise, based on the actual U.S. ports of entry. *See* Attachment B to the *Initiation Checklist.*

Based upon the comparison of EP to NV, the petitioners' estimated dumping margin, as adjusted by the Department, is 49.86 percent.

Japan

Normal Value

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioners based NV for sales in Japan on CV because they could not obtain corresponding home market prices. The petitioners calculated CV by using publicly available cost information from a Japanese producer, information from a U.S. surrogate, and other sources. The amount calculated for CV consisted of COM and SG&A expenses. Consistent with 773(e)(2) of the Act, the petitioners added to CV an amount for profit which was based upon a Japanese producer's financial statements.

Export Price

The petitioners were unable to obtain specific sales or offers for sale of subject merchandise in the United States. Therefore, the petitioners based EP on the average unit values ("AUV") for one ten-digit category of the HTSUS accounting for approximately 40 percent of in-scope imports for consumption from Japan. The petitioners calculated the import AUV using the reported quantity and customs value for imports as recorded in the U.S. Census Bureau's official IM–145 import statistics. In their calculation of estimated dumping margins, the petitioners based EP on import statistics covering the first three quarters of 2000. For the purposes of initiation, the Department has based EP on the weighted-average AUVs for the HTSUS category corresponding to the HTSUS category used as the basis for NV using all available data for the calendar year 2000 (*i.e.*, January through November). This decision is consistent with Department practice in other cases in which import statistics were used as the basis for EP. *See, e.g., Initiation of Antidumping Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products From Argentina, India, Indonesia, Kazakhstan, the Netherlands, the People's Republic of China (the PRC), Romania, South Africa, Taiwan, Thailand, and Ukraine, et. al.*, 65 FR 77568, 77571 (December 12, 2000). We note that customs import value as defined by Technical Documentation for US Exports and Imports of Merchandise on CD-ROM excludes U.S. import duties, freight, insurance and other charges incurred in bringing the merchandise to the United States.

Based upon the comparison of EP to CV, the petitioners calculated an estimated dumping margin of 30.80 percent.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of LDLP from Mexico and Japan are being, or are likely to be, sold at less than fair value.

Allegations and Evidence of Material Injury and Causation

The petitions allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise sold at less than NV. The petitioners contend that the industry's injured condition is evident in the significant increases in imports of LDLP from Mexico and Japan, a shrinking portion of market share, and declining volumes in production, shipment, and capacity utilization. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. We have assessed the allegations and supporting evidence regarding material injury and causation, and have determined that these allegations are properly supported by accurate and adequate evidence and meet the statutory requirements for initiation (*see Initiation Checklist* at Attachment II Re: Material Injury).

Initiation of Antidumping Investigations

Based upon our examination of the petitions on LDLP, and the petitioners' responses to our supplemental questionnaire clarifying the petitions, we have found that they meet the requirements of section 732 of the Act. Therefore, we are initiating antidumping duty investigations to determine whether imports of LDLP from Mexico and Japan are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of each petition has been provided to the representatives of the governments of Mexico and Japan. We will attempt to provide a copy of the public version of each petition to each exporter named in the petition, as appropriate.

International Trade Commission Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine, no later than February 24, 2001, whether there is a reasonable indication that imports of LDLP from Mexico and Japan are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination for any country will result in the investigation being terminated with respect to that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: January 30, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4541 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–819]

Certain Pasta From Italy: Final Results of the Third Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Countervailing Duty Administrative Review.

SUMMARY: On August 8, 2000, the Department of Commerce published in the **Federal Register** its preliminary results of the third administrative review of the countervailing duty order on certain pasta from Italy for the period January 1 through December 31, 1998.

Based on our analysis of the comments received, and the decision of the Court of Appeals for the Federal Circuit in *Delverde S.r.L.* v. *United States*, 202 F.3d 1360 (Fed. Cir. 2000) ("*Delverde III*"), the Department has reexamined its change in ownership analysis and methodology. As a result, we have made changes to Delverde's net subsidy rate. We have also revised Rummo's and Riscossa's net subsidy rate. Therefore, the final results differ from the preliminary results. The final net subsidy rates for each reviewed company are listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Craig Matney, Annika O'Hara, Sally Hastings or Andrew Covington, AD/CVD Enforcement, Group I, Office 1, Import Administration, U.S. Department of Commerce, Room 1780, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–1778, 482–3798, 482–3464 or 482–3534, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act ("URAA"), effective January 1, 1995 ("the Act"). The Department is conducting this administrative review in accordance with section 751(a) of the Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR 351 (1998).

Background

On July 24, 1996, the Department of Commerce ("the Department") published in the **Federal Register** (61 FR 38544) the countervailing duty order on certain pasta from Italy.

In accordance with 19 CFR 351.213(b), this review of the order covers the following producers or exporters of the subject merchandise for which a review was specifically requested: Delverde S.p.A. ("Delverde"); Tamma Industrie Alimentari S.r.L. ("Tamma"); Rummo S.p.A. Molino e Pastaficio ("Rummo"); and Pastificio Riscossa F.lli Mastromauro S.r.L. ("Riscossa"). La Molisana, which had requested to be included in this review, withdrew its request on October 14, 1999. Consequently, the Department rescinded this review with respect to La Molisana. (See *Certain Pasta from Italy: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review*, 65 FR 48479 (August 8, 2000) ("*Preliminary Results*")). This review covers 29 programs.

Since the publication of the *Preliminary Results* the following events have occurred. On August 14, 2000, the European Union ("EU") submitted its case brief. On September 7, 2000, the Government of Italy ("GOI"), the petitioners, and respondents Delverde and Tamma submitted case briefs. Petitioners and respondents Delverde and Tamma filed rebuttal briefs on September 18, 2000. Respondents Rummo and Riscossa did not file case or rebuttal briefs.

On October 5, 2000, we issued a questionnaire to Delverde regarding its change in ownership; we received Delverde's response to this questionnaire on October 23, 2000. On October 13, 2000, we published in the **Federal Register** a notice extending the due date for issuing these final results to February 5, 2001 (*see Certain Pasta from Italy: Notice of Extension of Time Limit for the 1998 Countervailing Duty Administrative Review*, 65 FR 60911).

On December 27, 2000, the Department placed on the record of the instant case a copy of Delverde's response to a supplemental questionnaire regarding its change of ownership that it had submitted in the remand proceeding pursuant to the September 27, 2000 order from the U.S. Court of International Trade ("CIT") in *Delverde III*. The Department did not conduct a hearing in this review because none was requested.

Scope of Review

Imports covered by this review are shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags, of varying dimensions.

Excluded from the scope of this review are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Instituto Mediterraneo Di Certificazione ("IMC"), by Bioagricoop Scrl, by QC&I International Services, by Ecocert Italia, or by the Conzorzio per il Controllo dei Prodotti Biologici.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the *Harmonized Tariff Schedule of the United States* ("*HTSUS*"). Although the *HTSUS* subheading is provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Scope Rulings

The Department has issued the following scope rulings to date:

(1) On August 25, 1997, the Department issued a scope ruling that multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of the countervailing duty order. (*See* August 25, 1997 memorandum from Edward Easton to Richard Moreland, which is on file in the Central Records Unit ("CRU") in Room B–099 of the main Commerce building.)

(2) On July 30, 1998, the Department issued a scope ruling, finding that multipacks consisting of six one-pound packages of pasta that are shrink-wrapped into a single package are within the scope of the countervailing duty order. (*See* July 30, 1998 letter from Susan H. Kuhbach, Acting Deputy Assistant Secretary for Import Administration, to Barbara P. Sidari, Vice President, Joseph A. Sidari Company, Inc., which is on file in the CRU.)

(3) On October 26, 1998, the Department self-initiated a scope inquiry to determine whether a package weighing over five pounds as a result of

allowable industry tolerances may be within the scope of the countervailing duty order. On May 24, 1999, we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing or labeled up to (and including) five pounds four ounces is within the scope of the countervailing duty order. (*See* May 24, 1999 memorandum from John Brinkmann to Richard Moreland, which is on file in the CRU.)

Period of Review

The period of review (POR) for which we are measuring subsidies is from January 1 through December 31, 1998.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the February 5, 2001 *Issues and Decision Memorandum* ("*Decision Memorandum*") from Susan H. Kuhbach, Acting Deputy Assistant Secretary, Import Administration, to Bernard T. Carreau, fulfilling the duties of Assistant Secretary for Import Administration, which is hereby adopted by this notice. Attached to this notice as Appendix I is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, Room B–099 of the Department. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at *http://ia.ita.doc.gov/frn/* under the heading "Italy." The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, and the Department's revised change-in-ownership approach based on the Court's ruling in *Delverde III*, we have made certain changes to Delverde's net subsidy rate. Also, based on our analysis of the GOI's questionnaire responses, one of which was received after the *Preliminary Results*, we have revised our findings and calculation methodology for interest subsidies received by Rummo under Law 598/94. These changes are discussed in the relevant sections of the *Decision Memorandum*. Lastly, we revised Riscossa's overall net subsidy rate due to a clerical error discovered by the Department since the *Preliminary Results*. See February 5, 2001 Calculation Memorandum for Riscossa, a public version of which is on file in room B–099 of the Department's main building.

Final Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for each producer/exporter subject to this administrative review. For the period January 1 through December 31, 1998, we determine the net subsidy rates for producers/exporters under review to be those specified in the chart shown below.

Company	Ad valorem rate percent
Delverde S.p.A./Delverde S.r.L.	4.04
Tamma Industrie Alimentari S.r.L.	3.63
Pastificio Riscossa F.lli Mastromauro S.r.L.	1.13
Rummo S.p.A. Molino e Pastificio	0.71

We will instruct the U.S. Customs Service ("Customs") to assess countervailing duties as indicated above. The Department will also instruct Customs to collect cash deposits of estimated countervailing duties in the percentage detailed above of the f.o.b. invoice prices on all shipments of the subject merchandise from the producers/exporters under review, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

The cash deposit rates for all companies not covered by this review are not changed by the results of this review. Thus, we will instruct Customs to continue to collect cash deposits for non-reviewed companies, except Barilla G. e R. F.lli S.p.A. ("Barilla") and Gruppo Agricoltura Sana S.r.L. ("Gruppo") (which were excluded from the order during the investigation), at the most recent rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order are those established in the *Notice of Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination: Certain Pasta from Italy*, 61 FR 38544 (July 24, 1996), *Certain Pasta from Italy: Final Results of Countervailing Duty Administrative Review*, 63 FR 43905 (August 17, 1998), or *Amendment of Final Results of Countervailing Duty Administrative Review*, 64 FR 51293 (September 22, 1999), whichever notice provides the most recently published countervailing duty rates for companies not reviewed in this administrative review. These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is completed. In addition, for the period January 1 through December 31, 1998, the assessment rates applicable to all non-reviewed companies covered by these orders are the cash deposit rates in effect at the time of entry, except for Barilla and Gruppo (which were excluded from the order during the original investigation).

This notice serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.301. Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)).

Dated: February 5, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix I—Issues discussed in the Decision Memorandum

I. Methodology and Background Information
1. Change in Ownership
2. Subsidies Valuation Information
   A. Benchmarks for Long-term Loans and Discount Rates
   B. Allocation Period
   C. Benefits to Mills
3. Affiliated Parties

II. Analysis of Program
1. Programs Previously Determined to Confer Subsidies
   A. Law 64/86 Industrial Development Grants
   B. Law 488/92 Industrial Development Grants
   C. Law 183/76 Industrial Development Grants
   D. Industrial Development Loans Under Law 64/86
   E. Law 304/90 Export Marketing Grants
   F. Social Security Reductions and Exemptions-Sgravi
   G. Law 598/94 Interest Subsidies
   H. Law 236/93 Training Grants
   I. European Social Fund
   J. Export Restitution Payments
2. Programs Determined Not To Confer Countervailable Subsidies in the POR
   A. Social Security Reductions and Exemptions-Fiscalizzazione
3. Programs Determined to Be Not Used During the POR
   A. Law 113/86 Training Grants
   B. Law 64/86 VAT Reductions
   C. Law 357/94 Tax Benefits
   D. Local Income Tax ("ILOR") Exemptions
   E. Remission of Taxes on Export Credit Insurance under Article 33 of Law 227/77
   F. Export Credits under Law 227/77
   G. Capital Grants under Law 675/77
   H. Retraining Grants under Law 675/77
   I. Interest Contributions on Bank Loans under Law 675/77
   J. Interest Grants Financed by IRI Bonds
   K. Preferential Financing for Export Promotion under Law 394/81
   L. Corporate Income Tax ("IRPEG") Exemptions
   M. Urban Redevelopment under Law 181
   N. Debt Consolidation Law 341/95
   O. Interest Contributions under Law 1329/65
   P. Grant Received Pursuant to the Community Initiative Concerning the Preparation of Enterprises for the Single Market ("PRISMA")
   Q. European Agricultural Guidance and Guarantee Fund ("EAGGF")
   R. European Regional Development Fund ("ERDF")

III. Analysis of Comment
Comment 1: European Social Fund
Comment 2: Change of Ownership Methodology in Preliminary Determination
Comment 3: Interpretation of *Delverde III*
Comment 4: Use of the Successor-in-Interest Test
Comment 5: Shares v. Assets
Comment 6: Subsidies to Delverde/Analysis of Facts on the Record

[FR Doc. 01–4535 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of initiation of process to revoke export trade certificate of review No. 97–00001.

SUMMARY: The Secretary of Commerce issued an export trade certificate of review to Dairy Marketing Information Association. Because this certificate holder has failed to file an annual report as required by law, the Department is initiating proceedings to revoke the certificate. This notice summarizes the notification letter sent to Dairy Marketing Information Association.

FOR FURTHER INFORMATION CONTACT: Vanessa Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") [15 U.S.C. 4011–21] authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III ("the Regulations") are found at 15 CFR part 325. Pursuant to this authority, a certificate of review was issued on April 17, 1997 to Dairy Marketing Information Association.

A certificate holder is required by law (section 308 of the Act, 15 U.S.C. 4018) to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate. The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (sections 325.14(a) and (b) of the Regulations). Failure to submit a complete annual report may be the basis for revocation. (Sections 325.10(a) and 325.14(c) of the Regulations.)

The Department of Commerce sent to Dairy Marketing Information Association, on April 7, 2000, a letter containing annual report questions with a reminder that its annual report was due on June 1, 2000. Additional reminders were sent on December 1, 2000 and on December 12, 2000. The Department has received no written response to any of these letters.

On February 16, 2001, and in accordance with section 325.10(c)(1) of the Regulations, a letter was sent by certified mail to notify Dairy Marketing Information Association that the Department was formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the certificate holder's failure to file an annual report.

In accordance with section 325.10(c)(2) of the Regulations, each certificate holder has thirty days from the day after its receipt of the notification letter in which to respond. The certificate holder is deemed to have received this letter as of the date on which this notice is published in the **Federal Register**. For good cause shown, the Department of Commerce can, at its discretion, grant a thirty-day extension for a response.

If the certificate holder decides to respond, it must specifically address the Department's statement in the notification letter that it has failed to file an annual report. It should state in detail why the facts, conduct, or circumstances described in the notification letter are not true, or if they are, why they do not warrant revoking the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the statements contained in the notification letter (section 325.10(c)(2) of the Regulations).

If the answer demonstrates that the material facts are in dispute, the Department of Commerce and the Department of Justice shall, upon request, meet informally with the certificate holder. Either Department may require the certificate holder to provide the documents or information that are necessary to support its contentions (section 325.10(c)(3) of the Regulations).

The Department shall publish a notice in the **Federal Register** of the revocation or modification or a decision not to revoke or modify (section 325.10(c)(4) of the Regulations). If there is a determination to revoke a certificate, any person aggrieved by such final decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the **Federal Register** (sections 325.10(c)(4) and 325.11 of the Regulations).

Dated: February 16, 2001.

Vanessa Bachman,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 01–4464 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021301E]

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of its Snapper Grouper Committee, Spiny Lobster Committee, Marine Reserves Committee, Advisory Panel Selection Committee (Closed Session), Highly Migratory Species Committee, and Shrimp Committee. The Council will also hold joint meetings of the Snapper Grouper Committee and the Wreckfish Advisory Panel, Controlled Access Committee and the Rock Shrimp Advisory Panel, and a joint meeting of the Executive and Finance Committees. There will also be a full Council Session. Public comment periods will be held during some of the meetings.

DATES: The meetings will be held in March 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Jekyll Island Club Hotel, 371 Riverview Drive, Jekyll Island, GA 31527; Telephone: 800–535–9547 or 912–635–2600, Fax: 912–635–2818.

Copies of the documents are available from Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: 843–571–4366; fax: 843–769–4520; email: kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Meeting Dates

1. *Snapper Grouper Committee Meeting: March 5, 2001, 1:30 p.m. to 5:30 p.m.*

A public scoping meeting on Amendment 13 to the Snapper Grouper FMP addressing permit transfers, SFA provisions, and Section 7 consultation will be held beginning at 1:30 p.m. A document regarding this issue is available from the Council office (see **ADDRESSES**).

Immediately following the public comment period, the Snapper Grouper Committee will meet to review public hearing comments on the use of powerhead gear; develop recommendations for framework measures on the use of powerheads as appropriate; review the status of the peer review concerning red porgy assessment and projections, the stock status for snowy grouper and golden tilefish, and SFA issues; review the Snapper Grouper Assessment Group report and recommendations; and develop preliminary directions to staff as appropriate.

2. *Joint Snapper Grouper Committee and Wreckfish Advisory Panel Meeting: March 6, 2001, 8:30 a.m. to 10:30 a.m.*

The Snapper Grouper Committee will meet jointly with the Wreckfish Advisory Panel to develop recommendations for wreckfish TAC and wreckfish framework actions as needed.

3. *Spiny Lobster Committee Meeting: March 6, 2001, 10:30 a.m. to 12:00 noon.*

A public scoping meeting will address issues in Amendment 7 including tailing permits and management structure. The Spiny Lobster Committee will meet to review a draft options paper for Amendment 7 to the Spiny Lobster FMP and develop recommendations. A document regarding this issue is available from the Council office (see **ADDRESSES**).

4. *Marine Reserves Committee Meeting: March 6, 2001, 1:30 p.m. to 3:30 p.m.*

The Marine Reserves Committee will meet to hear a report on Marine Protected Areas; the status of the Council's Memorandum of Understanding (MOU) with Gray's Reef National Marine Sanctuary; discuss any necessary updates to the NMFS White Paper on marine reserves; review a marine reserves pre-scoping document; and hear an update on the Gulf closed area lawsuit from NOAA General Counsel.

5. *Advisory Panel Selection Committee Meeting (Closed Session): March 6, 2001, 3:30 p.m. to 5:30 p.m.*

The Advisory Panel Selection Committee will meet to review membership applications and develop recommendations.

6. *Highly Migratory Species Committee Meeting: March 7, 2001, 8:30 a.m. to 10:30 a.m.*

The Highly Migratory Species Committee will meet to hear a presentation on NMFS' Highly Migratory Species (HMS) activities, review the status of the HMS and Billfish Advisory Panels, and discuss Council interaction with the NMFS's HMS program.

7. *Shrimp Committee Meeting; March 7, 2001, 10:30 a.m. to 12:00 noon and 1:30 p.m. to 3:00 p.m.*

A Public Scoping Meeting on Amendment 6 to the Shrimp FMP will be held beginning at 10:30 a.m. Items under consideration include permits, night time closures and trawl size restrictions. A scoping document is available from the Council office (see **ADDRESSES**). The Committee will establish sites for additional scoping meetings.

Beginning at 1:30 p.m., the Committee will discuss options for Amendment 6 and provide directions to staff. The Committee will also review the status of NMFS observer coverage for the rock shrimp fishery and the condition of over-wintering shrimp stocks and take action as appropriate.

8. *Joint Controlled Access Committee and Rock Shrimp Advisory Panel Meeting: March 7, 2001, 3:00 p.m. to 5:00 p.m. and March 8, 2001, 8:30 a.m. to 10:30 a.m.*

At the March 7 meeting, the Controlled Access Committee will meet jointly with the Rock Shrimp Advisory Panel (AP) to review the rock shrimp limited access options paper and develop advisory panel recommendations. A scoping document is available from the Council office (see **ADDRESSES**).

At the March 8 meeting, the Committee and the AP will develop recommendations for a draft amendment addressing limited entry and approve them for public hearing.

9. *Joint Executive/Finance Committee Meeting: March 8, 2001, 10:30 a.m. to 12:00 noon*

The Executive Committee will meet jointly with the Finance Committee to hear a report on the Chairmen's and Executive Director's budget meeting with NMFS, discuss staff proposals for additional funding, approve amending $65,000 into the current budget and discuss NMFS response on the Operations Plan.

10. *Council Session: March 8, 2001, 1:30 p.m. to 5:00 p.m.*

From 1:30 p.m. to 1:45 p.m., the Council will have a Call to Order, introductions and roll call, adoption of the agenda, and approval of the November/December 2000 meeting minutes.

From 1:45 p.m. to 2:30 p.m., the Council will hear a report from the Snapper Grouper Committee. Beginning at 1:45 p.m., a public comment period will be held to (1) address any proposed framework changes to the Snapper Grouper FMP addressing the use of powerhead gear by divers off the East Coast of Florida and (2) set the annual wreckfish TAC or other wreckfish framework actions. The Council will then make a decision on the framework actions. A framework document addressing these issues is available from the Council office (see **ADDRESSES**).

From 2:30 p.m. to 3:00 p.m., the Council will hear a report from the Shrimp Committee. Beginning at 2:30, a public comment period will be held on any proposed framework changes to the Shrimp FMP as a result of over-wintering shrimp mortalities. Following the comment period, the Council will decide on framework action. A document regarding this issue is available from the Council office (see **ADDRESSES**).

From 3:00 p.m. to 4:00 p.m., a Public Scoping Meeting will be held beginning at 3:00 p.m. to address (1) a coral framework action to establish additional Habitat Areas of Particular Concern and (2) the development of a comprehensive FMP amendment addressing permit renewal timeframes, operator permits, a consolidated controlled access system and the Atlantic Coast Cooperative Statistics Program's (ACCSP) permits and reporting. A scoping document addressing these issues is available from the Council office (see **ADDRESSES**).

From 4:00 p.m. to 4:15 p.m., the Council will hear a report from the Spiny Lobster Committee.

From 4:15 p.m. to 4:30 p.m., the Council will hear a report from the Marine Reserves Committee and make any required modifications to the MOU between the Council and Gray's Reef National Marine Sanctuary.

From 4:30 p.m. to 4:45 p.m., the Council will hear a report from the Highly Migratory Species Committee.

From 4:45 p.m. to 5:00 p.m., the Council will hear a report from the Controlled Access Committee and approve draft Amendment 5 to the Shrimp FMP, addressing rock shrimp limited access, for the public hearing.

From 5:00 p.m. to 5:30 p.m., the Council will hear a report on the joint meeting of the South Atlantic Fishery Management Council, Gulf of Mexico Fishery Management Council and the Caribbean Fishery Management Council regarding the Dolphin/Wahoo FMP and take any action required.

11. *Council Session: March 9, 2001, 8:30 a.m. to 12:00 noon*

From 8:30 a.m. to 9:00 a.m., the Council will hear a report from the Advisory Panel Selection Committee and appoint new advisory panel members (closed session).

From 9:00 a.m. to 9:15 a.m., the Council will hear a report from the joint Executive and Finance Committee and approve amending the $65,000 into the current budget.

From 9:15 a.m. to 10:15 a.m., the Council will discuss and make recommendations on potential changes to NMFS final rule regarding allowable gear.

From 10:15 a.m. to 10:30 a.m., the Council will hear an update on economic activities and issues.

From 10:30 a.m. to 10:45 a.m., the Council will hear an update on social activities and issues.

From 10:45 a.m. to 11:00 a.m., the Council will hear an update on the ACCSP.

From 11:00 a.m. to 11:15 a.m., the Council will hear a report on the Ecosystem Management Workshop.

From 11:15 a.m. to 11:30 a.m., the Council will hear status reports from NMFS on the: 2000/2001 Mackerel Framework, resubmitted Calico Scallop FMP, resubmitted Sargassum FMP, Golden Crab Amendment 3, and Dolphin Emergency Rule request. The Council will also hear NMFS status reports on landings for Atlantic king mackerel, Gulf king mackerel, Atlantic Spanish mackerel, snowy grouper & golden tilefish, wreckfish, greater amberjack and south Atlantic octocorals.

From 11:30 a.m. to 12:00 noon, the Council will hear agency and liaison reports, and discuss other business and upcoming meetings.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by February 26, 2001.

Dated: February 20, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4532 Filed 2–22–01; 2:43 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020701A]

Marine Mammals; Permit No. 779-1339-00

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Southeast Fisheries Science Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, FL 33149 (Principal Investigator: Dr. Keith D. Mullin) has been issued an amendment to scientific research Permit No. 779-1339-02.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713-2289);

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432 (813/570-5312); and

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281-9250).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Tammy Adams, 301/713-2289.

SUPPLEMENTARY INFORMATION: On September 13, 2000, notice was published in the Federal Register (65 FR 55224) that an amendment of Permit No. 779-1339, issued July 8, 1997 (62 FR 38069), had been granted to the above-named organization. The requested amendment was been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216)but did not include an increase in takes for endangered species. This amendment is granted under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing endangered and threatened species (50 CFR parts 222-227).

Permit 779-1339 authorized the Holder to: (1) harass cetaceans for the purpose of estimating abundance, collecting behavioral data, photography and biopsy sampling, and (2) collect and import biopsy tissue samples taken with a projectile dart from cetaceans. This amendment increased the number of humpback whale biopsy samples that could be taken annually.

Issuance of this amendment, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 20, 2001.

Eugene Nitta,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–4518 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010801B]

Marine Mammals; File No. 473–1433–02.

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Permit No. 473–1433–01, issued to Janice Straley, University of Southeast Alaska, 1332 Seward Avenue, Sitka, Alaska 99835–9498, was amended.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following offices: Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and Regional Administrator, Alaska Region, NMFS, 709 West 9th Street, 4th Floor, Juneau, Alaska 99801, (907/586–7221).

FOR FURTHER INFORMATION CONTACT: Jill Lewandowski, 301/713-2289.

SUPPLEMENTARY INFORMATION: On August 15, 2000, notice was published in the **Federal Register** (65 FR 49785) that an amendment of Permit No. 473–1433, issued December 23, 1997 (62 FR 67052), had been requested by the above-named individual. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The permit has been amended to authorize: (1) 100 sperm whale takes (*Physeter catodon*) by photo-identification; (2) 5 sperm whale takes by suction cup tagging for critter cam; and (3) 25 sperm whale takes for harassment incidental to suction cup tagging with critter cam. No comments were received from the public on this permit amendment.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 16, 2001.

Eugene T. Nitta,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–4519 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force Precision Targeting will meet in closed session March 29–30, 2001; April 19–20, 2001; May 10–11, 2001; June 14–15, 2001; and July 26–27, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA 22201. The Task Force will examine the full range of the precision weapons targeting in tactical military operations, from target execution, location, and identification through mission execution and damage assessment. Target types will include fixed installations and both transportable and mobile military force elements.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. The Task Force will review: All planned precision weapons programs and procurements to determine the degree to which these weapons are compatible with targeting requirements for different target classes; the degree to which existing and planned reconnaissance and surveillance assets are used to effectively develop target sets, real time targeting data and perform battle damage assessment under varied degrees of cover, concealment and deception; our ability to identify and precisely locate targets while minimizing false alarms using automatic target recognition techniques and precision location technologies; and our ability to attack moving targets.

In accordance with section 10(d) of the Federal Advisory Committee Act; Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c) (1), and that accordingly these meetings will be closed to the public.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4482 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Managed Information Dissemination Follow-On Initiative will meet in closed session on February 22–23, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA. The Task Force will review the need and feasibility of a coordinated information dissemination capability within the U.S. Government encompassing tactical, operational, and strategic information. Specifically, they will investigate: detailed and actionable recommendations with respect to enabling "channels" and establishing appropriate "brand identity"; DoD's role in a U.S. strategic information dissemination capability; policy, legal, and economic issues hindering U.S. capabilities; and identify new and emerging technologies capable of enhancing U.S. capabilities.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will review and evaluate the Department's ability to provide information.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board meeting, concerns matters listed in 5 U.S.C. 552b(c) (1), and that accordingly

this meeting will be closed to the public.

Due to critical mission requirements and the limited timeframe to accomplish this review, there is insufficient time to provide timely notice required by section 10(c)(2) of the Federal Advisory Committee Act and Subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR Part 101–6, which further requires publication at least 15 calendar days prior to this meeting.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4483 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Chemical Warfare Defense will meet in closed session on April 10, 2001, and April 24, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA 22201. The Task Force will assess the possibility of controlling the risk and consequences of a chemical warfare (CW) attack to acceptable national security levels within the next five years.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will assess current national security and military objectives with respect to CW attacks; CW threats that significantly challenge these objectives today and in the future; the basis elements (R&D, materiel, acquisition, personnel, training, leadership) required to control risk and consequences to acceptable levels, including counter-proliferation; intelligence, warning, disruption; tactical detection and protection (active and passive); consequence management; attribution and deterrence; and policy. The Task Force will also assess the testing and evaluation necessary to demonstrate and maintain the required capability and any significant impediments to accomplishing this goal.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4484 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Intelligence Needs for Homeland Defense—Follow-On Initiative will meet in closed session on February 27–28, 2001; March 27–28, 2001; and April 24–25, 2001, at Strategic Analysis, Inc., 3601 Wilson Boulevard, Arlington, VA 22201. This Task Force will explore the intelligence ramifications posed by a changing spectrum of threat regimes, including biological, chemical, information, nuclear, and radiological weapons.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will: consider the broad spectrum of intelligence issues from early threat detection to deterrence, through response—including attribution; evaluate the collection and analysis of target-related information and weapon unique information; examine the role of HUMINT against these missions as well as the technology that the HUMINT collectors need to be equipped with; consider strategic indications and warning and tactical warning dissemination and how the two need to be merged; analyze methodology to correlate large data flows spatially temporally and functionally (Low SNR); and assess the robustness of today's intelligence apparatus for coping with these challenges.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552(c)(1), and that accordingly these meetings will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and Subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR Part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4485 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Meetings

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Training for Future Conflicts will meet in closed session on February 28, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA 22201. This Task Force will focus on identifying and characterizing what education and training are demanded by Joint Vision 2010/2020, and will address the development and demonstration time phasing over the next two decades for the combined triad of technology modernization, operational concepts, and training.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will also identify those approaches and techniques that potential enemies might take that could prepare them to revolutionize their warfare capabilities, thereby achieving a training surprise against the U.S. or its allies. This review will include, but not be limited to, unique training/education developments which might be spawned by allies or an adversary, training techniques and methodologies which might be transferred from the U.S. or

through third parties, and finally, the possibilities emerging as a result of the globalization of military and information technologies, related commercial services and their application by other nations.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board meeting, concerns matters listed in 5 U.S.C. 552b(c)(1), and that accordingly this meeting will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4486 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Meeting

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Defense Science & Technology (S&T) will meet in closed session on March 1–2, 2001; March 29–30, 2001; May 3–4, 2001; June 7–8, 2001; June 28–29, 2001; and July 26–27, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA. The Task Force will address the issues involved in assuring that the U.S. continues to gain access to and develop technology from which to gain military advantage.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will consider: future technologies that should be developed and exploited for military applications, particularly potential technologies that provide the U.S. military an asymmetric advantage in conflict, in deployment, and at home; the appropriate mix of in-house, contractor, university and commercial providers of basic and applied research and of advanced development; how DoD can leverage technology that is under development and produced globally in commercial industry, as well as that which is being discovered and demonstrated in the S&T programs funded by both other U.S. agencies and other nations; the situation of and the contribution of the DoD laboratories in this changing world; and how to maintain excellence in in-house S&T endeavors.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. Law 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and subsection 101–6.1015(b) of the GSA Final rule on Federal Advisory Committee Management, 41 CFR part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4487 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Meeting

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Defense Science & Technology (S&T) will meet in closed session on March 1–2, 2001; March 29–30, 2001; May 3–4, 2001; June 7–8, 2001; June 28–29, 2001; and July 26–27, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA. The Task Force will address the issues involved in assuring that the U.S. continues to gain access to and develop technology from which to gain military advantage.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will consider: future technologies that should be developed and exploited for military applications, particularly potential technologies that provide the U.S. military an asymmetric advantage in conflict, in deployment, and at home; the appropriate mix of in-house, contractor, university and commercial providers of basic and applied research and of advanced development; how DoD can leverage technology that is under development and produced globally in commercial industry, as well as that which is being discovered and demonstrated in the S&T programs funded by both other U.S. agencies and other nations; the situation of and the contribution of the DoD laboratories in this changing world; and how to maintain excellence in in-house S&T endeavors.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: February 15, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4488 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

National Reconnaissance Office, Privacy Act of 1974; System of Records

AGENCY: National Reconnaissance Office.

ACTION: Notice to add a system of records.

SUMMARY: The National Reconnaissance Office is adding a system of records notice to its inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on March 26, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: National Reconnaissance Office, 14675 Lee Road Chantilly, VA 20151–1715.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Freimann at (703) 808–5029.

SUPPLEMENTARY INFORMATION: The National Reconnaissance Office systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on February 14, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

QNRO–15

SYSTEM NAME:

Facility Security Files.

SYSTEM LOCATION:

Management Services and Operations, Customer Security Services/ Headquarters Security Services Group National Reconnaissance Office, 14675 Lee Road, Chantilly, VA 20151–1715.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

National Reconnaissance Office (NRO) civilian, military, and contractor personnel who have been issued an NRO badge for entry onto the gated compound and into the facility; all other visitors who do not possess an NRO recognized badge but have been granted access to the NRO compound and facility; and any individuals who make unsolicited contact with the NRO.

CATEGORIES OF RECORDS IN THE SYSTEM:

For badged personnel information includes: Name, Social Security Number, grade or rank, employer, organization, office location, work telephone number, vehicle license plate number, auto emissions compliance (yes or no), date and place of birth, home address and telephone number, point of contact and emergency phone number, badge status, type, number, and issue date, government sponsor, start and expiration dates, approving officer, access and access status, access approval identification, access request date and approval date, access briefing and debriefing dates, investigation and re-indoctrination dates, polygraph date and status, communication message designator and tracking number;

For visit requests information includes: Name, Social Security Number, organization (affiliation), employer of visitor, cleared or uncleared status, the visit point of contact's name and telephone number, visit date, type of badge to be issued, person issuing badge, date issued, location of visit, visit message, visit group identifier, access or certification access date, and any special accommodation or needs, such as handicap parking or wheelchair access;

For unsolicited contacts information may include: Name, Social Security Number, date and place of birth, home address and telephone number, vehicle license plate number, the correspondence received, and occasionally comments on the contact; information may be limited to that which the person making contact is willing to offer; and

For access control information includes: Name, Social Security Number, employment status, access expiration date, picture of employee, work telephone number, vehicle license plate number, date of visit, point of contact, and the times and locations of access to the secure areas of the facility; fields of information for an NRO employee may differ from those for a visitor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947 as amended, 50 U.S.C. 401 et seq.; 5 U.S.C. 301, Departmental Regulations; E.O. 12333; E.O. 12958; and E.O. 9397 (SSN).

PURPOSE(S):

The NRO collects and maintains the records (a) To maintain and provide reports for and on personnel and badge information of the current tenants of authorized facilities; also to create and track the status of visit requests and the issuance of visitor badges; (b) To identify employees and visitors at the entrances of the gated facility; tracking inside the NRO facility the NRO employee and visitor badges as they are used to pass through turnstiles and access office suites and other work areas; (c) To track any unsolicited contacts with the NRO, whether by correspondence or personal contact; to provide a threat assessment program for the Facility Security Services; and to track the investigation and determination of any wrongdoing or criminal activities by NRO employees or facility visitors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD "Blanket Routines Uses" published at the beginning of the NRO compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and automated information systems, maintained in computers and computer output products.

RETRIEVABILITY:

Name, organization (or affiliation), dates of visit, type of badge issued, and active or inactive badge status, Social Security Number, badge expiration date, vehicle license plate number, home address and phone number, date and place of birth, and work address and telephone number.

SAFEGUARDS:

Records are stored in a secure, gated facility, guard, badge, and password access protected. Access to and use of these files are limited to security staff whose official duties require such access. The automated systems in some cases are partitioned and users of the systems may access only those records for which they have access privileges.

RETENTION AND DISPOSAL:

Records are temporary, retained for 3 months to 5 years depending on the type of record; unsolicited contact records are retained for 25 years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Customer Security Services/ Headquarters Security Services Group, Management Services and Operations, National Reconnaissance Office, 14675 Lee Road, Chantilly, VA 20151–1715.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the National Reconnaissance Office, Information Access and Release Center, 14675 Lee Road, Chantilly, VA 20151–1715.

Request should include the individual's full name and any aliases or nicknames, address, Social Security Number, current citizenship status, date and place of birth, and other information identifiable from the record.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed without the United States: I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). Signature.

If executed within the United States, its territories, possessions, or commonwealths: I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). Signature.

RECORD ACCESS PROCEDURES:

Individuals seeking to access information about themselves contained in this system should address written inquiries to the National Reconnaissance Office, Information Access and Release Center, 14675 Lee Road, Chantilly, VA 20151–1715.

Request should include the individual's full name and any aliases or nicknames, address, Social Security Number, current citizenship status, date and place of birth, and other information identifiable from the record.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed without the United States: I declare (or certify, verify, or state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). Signature.

If executed within the United States, its territories, possessions, or commonwealths: I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). Signature.

CONTESTING RECORD PROCEDURES:

The NRO rules for accessing records, for contesting contents and appealing initial agency determinations are published in NRO Directive 110–3A and NRO Instruction 110–5A; 32 CFR part 326; or may be obtained from the Privacy Act Coordinator, National Reconnaissance Office, 14675 Lee Road, Chantilly, VA 20151–1715.

RECORD SOURCE CATEGORIES:

Information is supplied by the individuals (NRO employee, visitor, or person making the unsolicited contact) and by the security staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this exemption has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 326. For additional information contact the system manager.

[FR Doc. 01–4481 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–U

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to amend record system.

SUMMARY: The Department of the Navy proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on March 26, 2001 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B10), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Department of the Navy proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the system of records are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports. The records system being amended is set forth below, as amended, published in its entirety.

Dated: February 14, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01754–3

SYSTEM NAME:

Navy Child Development Services Program (April 28, 1999, 64 FR 22840).

CHANGES:

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Add 'payment records' to entry.

* * * * *

N01754–3

SYSTEM NAME:

Navy Child Development Services Program.

SYSTEM LOCATION:

Navy Child Development or Family Service Centers located at various Navy and Marine Corps activities both in CONUS and overseas. Official mailing addresses of Navy and Marine Corps activities are published as an appendix to the Department of the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps service members and their families or dependents. In certain locations, DOD civilian employees may be eligible for services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; case number; home address and telephone number; insurance coverage; names of parents and children; payment records; performance rating; complaints; background information, including medical, educational references, and prior work experience, information from the Naval Criminal Investigative Service (NCIS), the family advocacy program, base security, and state and local agencies; information related to screening, training, and implementation of the Family Child Care program; and reports of fire, safety, housing, and environmental health inspections. Children's records will also include developmental profiles.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; and E.O. 9397 (SSN).

PURPOSE(S):

To develop child care programs that meet the needs of children and families, provide child and family program eligibility and background information; verify health status of children and verify immunizations, note special program requirements; consent for access to emergency medical care; data required by USDA programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal officials involved in Child Care Services, including child abuse for the purpose of investigation and litigation.

To State and local officials involved with Child Care Services if required in the performance of their official duties relating to investigations.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper and automated records.

RETRIEVABILITY:

By last name of member and Social Security Number.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel. Building or rooms are locked outside regular working hours. Computer files are protected by software programs that are password protected.

RETENTION AND DISPOSAL:

Records are kept for two years after individual is no longer in the Child Development Program and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Personnel Command (Pers-659), 5720 Integrity Drive, Millington, TN 38055–6590.

Record Holder: Navy Child Development or Family Service Centers located at various Navy and Marine Corps activities both in CONUS and overseas. Official mailing addresses of Navy and Marine Corps activities are published as an appendix to the Department of the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the appropriate Navy or Marine Corps activity concerned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Individuals should provide proof of identity and full name.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the appropriate Navy or Marine Corps activity concerned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices. Individuals should provide proof of identity and full name.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from individuals either applying as child care providers or participant of the Family Child Care program; background checks from State and local authorities; housing officers; information from the Family Advocacy program; base security officers and base fire, safety and health officers; and local family child care monitors and parents of children enrolled.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

[FR Doc. 01–4337 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–U

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Navy proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The routine uses being added will permit the collection of debts owed to the U.S. Government.

DATES: This action will be effective on March 26, 2001 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on February 14, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About

Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N04066–1

SYSTEM NAME:

Bad Checks and Indebtedness Lists (May 22, 1996, 61 FR 25637).

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Copy of application, monthly statements, dunning notices, DD139s, correspondence from both AAFES and the collection contractor; Bad Check System (including: Returned Check Ledger; Returned Check Report; copies of returned checks; bank advice relative to the returned check(s); correspondence relative to attempt by the Navy exchange to locate the patron and/or obtain payment; a printed report of names of those persons who have not made full restitution promptly, or who have had one or more checks returned through their own fault or negligence); Accounts Receivable Ledger, detailed by patron; C.O.D. Sales Ledger; NEXCARD data base; MILSTAR, the all-service credit card; and TOP (Treasury Offset program) accounts."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 6011; 31 CFR 285.11, Administrative Wage Garnishment; Federal Claims Collection Act of 1966 (Pub.L. 89–508) and Debt Collection Act of 1982 (Pub.L. 97–365) as amended by the Debt Collection Improvement Act of 1996 (Pub.L. 104–134, section 31001; and E.O. 9397 (SSN)."

PURPOSE(S):

At the end of the first paragraph, add "and to collect indebtedness." Add a new paragraph "Records may also be used by the Army and Air Force Exchange Service (AAFES) or its contractor for the purpose of recouping fees."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add two new paragraphs "To any State and local governmental agency that employs the services of others and that pays their wages or salaries, where the employee owes a delinquent non-tax debt to the United States for the purpose of garnishment.

To the Department of the Treasury, Financial Management Service, for the purpose of collecting delinquent debts owed to the U.S. Government via administrative offset."

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with "Records are kept for ten years and then destroyed. NEXCARD customer master records are saved daily for one month after which they become part of the monthly master files which are saved for a year. The administrator of the NEXCARD retains and stores the year-end master files indefinitely."

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with "The individual; the bank involved; activity sales records; Internal Revenue Service; credit bureaus; AAFES and/or their contractor; and the Defense Manpower Data Center."

* * * * *

N04066–1

SYSTEM NAME:

Bad Checks and Indebtedness Lists.

SYSTEM LOCATION:

Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724 (for all Navy exchanges).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons of Navy exchanges who have passed bad checks; recruits who have open accounts with Navy exchanges; patrons who have made C.O.D. mail order transactions and those patrons who make authorized charge or credit purchases where their accounts are maintained on the basis of an identifying particular such as name and/or Social Security Number; includes all holders of NEXCARDs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of application, monthly statements, dunning notices, DD139s, correspondence from both AAFES and the collection contractor; Bad Check System (including: Returned Check Ledger; Returned Check Report; copies of returned checks; bank advice relative to the returned check(s); correspondence relative to attempt by the Navy exchange to locate the patron and/or obtain payment; a printed report of names of those persons who have not made full restitution promptly, or who have had one or more checks returned through their own fault or negligence); Accounts Receivable Ledger, detailed by patron; C.O.D. Sales Ledger; NEXCARD data base; MILSTAR, the all-service credit card; and TOP (Treasury Offset program) accounts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 6011; 31 CFR 285.11, Administrative Wage Garnishment; Federal Claims Collection Act of 1966 (Pub.L. 89–508) and Debt Collection Act of 1982 (Pub.L. 97–365); and E.O. 9397 (SSN).

PURPOSE(S):

To maintain an automated tracking and accounting system for individuals indebted to the Department of the Navy and to collect indebtedness.

Records in this system are subject to use in approved computer matching programs authorized under the Privacy Act of 1974, as amended, for debt collection purposes.

Records may also be used by the Army and Air Force Exchange Service (AAFES) or its contractor for the purpose of recouping fees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to the Department of the Navy.

To the Internal Revenue Service (IRS) to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim by Navy against the tax payer pursuant to 26 U.S.C. 6103(m)(2) and in accordance with 31 U.S.C. 3711, 3217, and 3718.

To any State and local governmental agency that employs the services of others and that pays their wages or salaries, where the employee owes a delinquent non-tax debt to the United States for the purpose of garnishment.

To the Department of the Treasury, Financial Management Service, for the purpose of collecting delinquent debts owed to the U.S. Government via administrative offset.

Note: Redisclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other Navy purpose or disclosed to another Federal, state, or local agency which seeks to locate the same individual for its own debt collection purpose.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mainframe magnetic tapes, disk drives, printed reports, file folders, and PC hard and floppy disks.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Locked file cabinets, supervised office space, supervised computer tape library which is accessible only through the data center, entry to which is controlled by a 'cardpad' security system, for which only authorized personnel are given the access code. PC entry into the system may only be made through individual passwords.

RETENTION AND DISPOSAL:

Records are kept for ten years and then destroyed. NEXCARD customer master records are saved daily for one month after which they become part of the monthly master files which are saved for a year. The administrator of the NEXCARD retains and stores the year-end master files indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724. Record Holder: Treasurer, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724 (for Navy exchanges).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

In the initial inquiry, the requester must provide full name, Social Security Number, and the activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Commander, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

In the initial inquiry, the requester must provide full name, Social Security Number, and the activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual; the bank involved; activity sales records; Internal Revenue Service; credit bureaus; and the Defense Manpower Data Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–4480 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–U

DELAWARE RIVER BASIN COMMISSION

Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference followed by a public hearing on Wednesday, February 28, 2001. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission offices at 25 State Police Drive, West Trenton, New Jersey.

The conference among the Commissioners and staff will begin at 10 a.m. Topics of discussion will include a progress report on the Commission's Comprehensive Plan; the status of a proposed rulemaking to amend the Comprehensive Plan with respect to water usage reporting requirements; issues relating to development of the PCB TMDL for the Delaware Estuary; a preliminary issues paper for the Flow Management Study; a proposal to institute project review upon retirement of entitlements; and creation of a Delaware Estuary Program office at the Commission. Summaries of the following meetings will be presented: the Toxics Advisory Committee meetings of January 11 and February 26 and the inaugural meeting of the Information Management Advisory Committee on February 1.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed below:

1. *SPS Technologies D–79–88 RENEWAL 3.* A ground water withdrawal renewal project to supply up to 8.7 million gallons (mg)/30 days of water to the applicant's manufacturing plant from existing Well No. 7 in the Upper Reach Frankford Creek watershed. No increase in allocation is proposed. The project is located in Abington Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

2. *Lawrenceville Water Company D–83–26 CP RENEWAL 2.* A ground water withdrawal renewal project to supply up to 21.7 mg/30 days of water to the applicant's public water distribution system from Wells Nos. 4, 5, 6 and 9 in the Stockton Formation. Commission approval on January 12, 1990 was limited to 10 years. The applicant requests that the total withdrawal from all wells remain limited to 21.7 mg/30 days. The project is located in Lawrence Township, Mercer County, New Jersey.

3. *Bristol Township D–90–98 CP.* A project to rerate the applicant's existing 2.25 million gallons per day (mgd) secondary level treatment Croydon Sewage Treatment Plant (STP) to 3.0 mgd and to revise the service area to allow Subdistricts 2, 3 and 4 and the Keystone Industrial Sewer District (Keystone) to convey their sewage directly to the Croydon STP, which currently serves Subdistrict 1. Treated effluent will continue to discharge to the Delaware River in Water Quality Zone 2. The Croydon STP is located on River Road near the Delaware River, approximately 1.3 miles upstream of the Neshaminy Creek confluence in Bristol Township, Bucks County, Pennsylvania.

4. *Delaware State University D–99–76.* A ground water withdrawal project to supply up to 5 mg/30 days of water to the applicant's research facility from new North Well No. 2 and new South Well No. 1 located in the Cheswold aquifer, and to limit the withdrawal from all wells to 5 mg/30 days. The project is located in the City of Dover, Kent County, Delaware.

5. *Warminster Township Municipal Authority D–2000–19 CP.* A ground water withdrawal project to supply up to 10.8 mg/30 days of water to the applicant's public water distribution system from new Well No. NATC–10 in the Stockton Formation, and to limit the withdrawal from all wells to 124.8 mg/30 days. The project is located in Warminster Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

6. *East Marlborough Township D–2000–43 CP.* A project to expand the Wollaston Road 0.125 mgd STP and spray irrigation system to provide secondary treatment of 0.292 mgd. The proposed Unionville Regional STP will include the combined flows from the Baltimore Pike STP (0.15 mgd), the Wollaston Road wastewater treatment plant (0.125 mgd), and the Dolkeith Farms STP (0.015 mgd). The project is located just north of Street Road, approximately 1,500 feet west of Route 82, in East Marlborough Township, Chester County, Pennsylvania, in Water Quality Zone C–5 of the West Branch Red Clay Creek watershed. No surface water discharge is proposed and 0.15 mgd of the Baltimore Pike STP effluent that currently discharges to East Branch Red Clay Creek will be conveyed to the proposed regional plant for treatment and spray application.

7. *Borough of Quakertown D–2000–64 CP.* A project to replace the withdrawal of water from Wells Nos. 5 and 6 in the applicant's public water supply system that have become unreliable sources of supply. The applicant requests that the withdrawal from replacement Well No. 8 in the Brunswick Formation be limited to 9 mg/30 days, and that the total withdrawal from all wells remain limited to 51.1 mg/30 days. The project is located in the Tohickon Creek watershed in Quakertown Borough and Richland Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

8. *Berks-Montgomery Municipal Authority D–2000–70 CP.* A project to rerate the applicant's existing 1.9 mgd tertiary level treatment Swamp Creek STP to treat a maximum monthly flow of 2.1 mgd; the annual average flow will remain 1.9 mgd. The plant is located one-half mile east of the intersection of Congo Road and Swamp Pike in Douglass Township, Montgomery County, Pennsylvania and will continue to serve the Boroughs of Bechtelsville and Boyertown and portions of Colebrookdale and Washington Townships in Berks County; and a portion of Douglass Township in Montgomery County. Treated effluent will continue to discharge to Swamp Creek in the Perkiomen Creek watershed.

In addition to the public hearing, the Commission will address the following at its 1:30 p.m. business meeting: minutes of the January 9, 2001 business meeting; announcements; report on hydrologic conditions in the basin; report by the Executive Director; public dialogue; and resolutions: (1) Authorizing the Executive Director to proceed with a facilitated two-day meeting of the Watershed Advisory Council including a consensus-building workshop; (2) authorizing the Executive Director to contract with the Delaware Department of Natural Resources and Environmental Control to implement elements of the Comprehensive Conservation and Management Plan for the Delaware Estuary; and (3) establishing a Delaware Estuary Program office to be housed at the Commission.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand at (609) 883–9500 ext. 221 with any docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Secretary at (609) 883–9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary, Pamela M. Bush, directly at (609) 883–9500 ext. 203 or through the New Jersey Relay Service at 1–800–852–7899 (TTY) to discuss how the Commission may accommodate your needs. Driving directions to the meeting location are posted on the Commission's web site, at *http://www.drbc.net.*

Dated: February 12, 2001.

Pamela M. Bush,

Commission Secretary.

[FR Doc. 01–4512 Filed 2–22–01; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Fernald

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Fernald. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Saturday, March 10, 2001, 8:30 a.m.–12 noon.

ADDRESSES: Fernald Environmental Management Project Site, Services Building Conference Room, 7400 Willey Road, Hamilton, OH 45219.

FOR FURTHER INFORMATION CONTACT: Lois Yasutis, Phoenix Environmental, 6186 Old Franconia Road, Alexandria, VA 22310, at (703) 971–0030 or (513) 648–6478, or e-mail; *lyasutis@theperspectivesgroup.com.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

8:30 a.m. Call to Order
8:30–8:45 a.m. Chair's Remarks and Ex Officio Announcements
8:45–9:15 a.m. Update on Silos Project
9:15–10:30 a.m. Discussion and Recommendations on Rebaselining Scenarios
10:30–10:45 a.m. Break
10:45–11:45 a.m. Discussion and Recommendations on Rebaselining Scenarios
11:45–12:00 noon Public Comment
12 noon Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Board chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Board chair at the address or telephone number listed below. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer, Gary Stegner, Public Affairs Office, Ohio Field Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to the Fernald Citizens' Advisory Board, c/o Phoenix Environmental Corporation, MS–76, Post Office Box 538704, Cincinnati, OH 43253–8704, or by calling the Advisory Board at (513) 648–6478.

Issued at Washington, DC on February 20, 2001.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–4493 Filed 2–22–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, March 7, 2001; 6 p.m.–9 p.m.

ADDRESSES: Desert Research Institute, 755 East Flamingo Road, Las Vegas, Nevada.

FOR FURTHER INFORMATION CONTACT: Kevin Rohrer, U.S. Department of Energy, Office of Environmental Management, P.O. Box 98518, Las Vegas, Nevada 89193–8513, phone: 702–295–0197, fax: 702–295–5300.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Discussion of the DOE Budget Prioritization process

Copies of the final agenda will be available at the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kevin Rohrer, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Kevin Rohrer at the address listed above.

Issued at Washington, DC on February 20, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–4494 Filed 2–22–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–84–000]

Allegheny Energy Supply Conemaugh, LLC; Notice of Amended Application for Commission Determination of Exempt Wholesale Generator Status

February 15, 2001.

Take notice that, on February 14, 2001, Allegheny Energy Supply Conemaugh, LLC filed a supplement to its Application for Determination of Exempt Wholesale Generator Status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935.

Any person desiring to be heard concerning the amended application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the amended application. All such motions and comments should be filed on or before March 8, 2001 and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection or on the Internet at http://www.ferc.fed.us/online/rims.htm (please call (202)208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4504 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–230–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 16, 2001.

Take notice that on February 13, 2001 Eastern Shore Natural Gas Company (ESNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, certain revised tariff sheets listed on Appendix A to the filing, with an effective date of February 1, 2001.

ESNG states that the purpose of this instant filing is to track rate changes attributable to storage services purchased from Transcontinental Gas Pipe Line Corporation (Transco) under its Rate Schedules GSS and LSS. The costs of the above referenced storage services comprise the rates and charges payable under ESNG's respective Rate Schedules GSS and LSS. This tracking filing is being made pursuant to Section 3 of ESNG's Rate Schedules GSS and LSS.

ESNG states that copies of the filing have been served upon its jurisdictional

customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4507 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–231–000]

Egan Hub Partners, L.P.; Notice of Proposed Changes in FERC Gas Tariff

February 16, 2001.

Take notice that on February 12, 2001, Egan Hub Partners, L.P. (Egan Hub) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, to be effective on March 15, 2001:

Third Revised Sheet No. 87
Fourth Revised Sheet No. 88

Egan Hub states that the purpose of this filing is to revise Section 22 of the General Terms and Conditions of its FERC Gas Tariff to remove provisions no longer applicable, to revise the phone number of the person to whom complaints should be directed regarding Egan Hub's compliance with the Commission's gas marketing affiliate rules and to provide for the posting on Egan Hub's Internet Web site of information regarding shared operating employees and shared facilities, as well as any physical office space barriers and card key protections that may be necessitated by virtue of shared office space, consistent with Commission precedent.

Egan Hub states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the interent in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4508 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

[Docket No. RP01–228–000]

Northern Border Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

February 16, 2001.

Take notice that on February 9, 2001, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on the filing, to become effective March 12, 2001.

Northern Border proposes to make housekeeping changes in its tariff to reflect cross-references to the applicable GISB standards and conform language in a few certain areas of Northern Border's tariff to conform to the GISB standards. The proposed housekeeping tariff changes, when approved will make it easier for the user of Northern Border's tariff to track the GISB standards.

Northern Border copies of this filing have been sent to all of Northern Border's contracted shippers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4503 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–87–001]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

February 16, 2001.

Take notice that on February 9, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Third Revised Sheet No. 95B, with an effective date of April 1, 2001.

Tennessee states that the revised tariff sheets are being filed in compliance with the "Order on Complaint" issued by the Commission in the captioned proceeding on January 10, 2001. *Tennessee Gas Pipeline Company*, 94 FERC ¶ 61,006 (2001) ("Order"). Consistent with the Order, Tennessee proposes to revise Section 3.4(c) of Rate Schedule FS to permit proportionate

releases of capacity and to clarify Section 3.4. Tennessee proposes an effective date of April 1, 2001.

Tennessee states that copies of the filing have been mailed to each of the parties that have intervened in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4506 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–288–011]

Transwestern Pipeline Company; Notice of Negotiated Rate

February 16, 2001.

Take notice that on February 6, 2001, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, proposed to become effective on February 6, 2001:

Seventh Revised Sheet No. 5B.07

Transwestern states that the above sheet is being filed to amend a negotiated rate agreement with Sempra Energy Trading Corporation in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4505 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–229–000]

Trunkline LNG Company; Notice of Proposed Changes in FERC Gas Tariff

February 16, 2001.

Take notice that on February 13, 2001, Trunkline LNG Company (TLNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1–A, the tariff sheets listed on Appendix A attached to the filing to become effective March 15, 2001.

TLNG states that the purpose of this filing, made in accordance with the provisions of Section 154.204 of the Commission's Regulations, is to establish the flexibility under TLNG's tariff to negotiate rates in accordance with the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Rate making for Natural Gas Pipelines, Docket No. RM95–6–000 and Regulation of Negotiated Transportation Services of Natural Gas Pipelines, Docket No. RM96–7–000 issued January 31, 1996 (Policy Statement). This filing establishes a negotiated/recourse rate program applicable to TLNG's Rate Schedule FTS consistent with the Policy Statement as well as other Commission pronouncements respecting negotiated rate filings.

TLNG states that copies of this filing are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–4502 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–381–006]

Wyoming Interstate Company, Ltd.; Notice of Filing of Refund Report

February 16, 2001.

Take notice that on February 9, 2001 Wyoming Interstate Company, Ltd. (WIC) filed a refund report in Docket No. RP99–381–000, et al.

WIC states that the filing and refunds were made to comply with the Federal Energy Regulatory Commission's (Commission) Order of September 27, 2000. These amounts were paid by WIC on December 11, 2000.

WIC states that the refund report summarizes transportation refund

amounts for the period January 1, 2000 through October 31, 2000 pursuant to Article VI of WIC's Stipulation and Agreement as approved in the Commission's September 27, 2000 Order.

WIC states that the copies of WIC's filing are being mailed to all holders of the tariff and to public bodies and that the filing is available for public inspection at WIC's offices in Colorado Springs, Colorado.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before February 23, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4509 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–76–000]

Cove Point LNG Limited Partnership; Notice of Intent To Prepare an Environmental Assessment for the Proposed Cove Point LNG Project, Request for Comments on Environmental Issues, and Notice of Public Meeting and Site Visit

February 16, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Cove Point LNG Project involving the reactivation of offshore facilities, and the construction and operation of onshore facilities by Cove Point LNG Limited Partnership (Cove Point LNG) in Calvert County, Maryland.[1] The proposal anticipates the resumption of liquefied natural gas (LNG) deliveries by tanker ship to the Cove Point LNG import terminal starting in April 2002. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

Summary of the Proposed Project

Cove Point LNG proposes to provide open access LNG tanker unloading services of up to 750,000 dekatherms per day for three customers importing LNG. Cove Point LNG seeks authorization to reactivate, repair or replace the following existing facilities:

- refurbish five LNG unloading arms, and replace five LNG unloading arms with powered emergency release couplings;
- refurbish or replace offshore instrumentation and control systems;
- remove offshore LNG booster pumps and elevated pulpits from piers;
- refurbish and upgrade offshore fire water systems;
- renovate offshore offices and relocate control room to upper level;
- refurbish and upgrade hazard detection, fire protection, and electrical systems;
- refurbish the third gas-turbine electrical generator;
- replace the ten LNG vaporizers within the existing concrete tanks;
- refurbish the third first-stage LNG pump and four cold vapor blowers;
- restage the ten second-stage LNG sendout pumps;
- replace glycol-water heaters for the boiloff gas and fuel gas heater system;
- install nitrogen fire suppressant systems on all LNG storage tank relief vales; and
- decommission the existing 15 million cubic feet per day liquefaction system upon resumption of LNG imports.

Cove Point LNG also seeks authorization to construct and operate the following new facilities at its existing site:

- 850,000-barrel (2.8 billion cubic feet of gas equivalent) double-wall LNG storage tank with spill containment dike;
- 485,000 standard cubic feet per hour nitrogen separation plant to be used for Btu reduction of sendout gas;
- meter station on the 36-inch-diameter transmission pipeline; and
- addition to the administration building.

The location of the project facilities is shown in appendix 1.[2]

In a related application filed under Docket No. CP01–77–000, Cove Point LNG seeks authorization to construct, site and modify the import terminal facilities at the terminal under Section 3(a) of the Natural Gas Act and Part 153 of the Commission's regulations.

Enhancements are also planned for the existing 87-mile-long Cove Point Pipeline, from Calvert County, Maryland to Loudon County, Virginia, pursuant to the Commission's blanket certificate authority and prior notice requirements in Part 157 Subpart F. Cove Point LNG plans to install pig[3] launchers and receivers on the Cove Point Pipeline; smart pig the entire pipeline; replace sections as needed; and uprate the pipeline pressure to 1,250 pounds per square inch under its blanket certificate authority. Transcontinental Gas Pipe Line Corporation (Transco) plans to install: hot taps on the Cove Point Pipeline and Transco's B and C Lines; a meter and regulating station; and 2 miles of 36-inch-diameter pipeline under prior notice procedures.

Land Requirements for Construction

The Cove Point LNG terminal property consists of 1,017 acres on the western shore of the Chesapeake Bay, of which 108 acres are developed for onshore terminal operations. The proposed new onshore facilities would occupy about 6.0 acres within the developed site. Contractor staging and storage would temporarily affect an additional 18.2 acres of land in areas that were used during the initial construction of the facility.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[4] to discover and address concerns the

[1] Cove Point LNG's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register.** Copies are available on the Commission's website at the "RIMS" link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] A pipeline pig is a device used to internally clean or inspect the pipeline. A pig launcher/receiver is a surface facility where pigs are inserted or retrieved from the pipeline.

[4] "We", "us", and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- geology and soils
- water resources, fisheries, and wetlands
- land use
- cultural resources
- vegetation and wildlife
- endangered and threatened species
- air quality and noise
- public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be presented in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section on page 5.

Currently Identified Environmental Issues

We have already identified several environmental issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Cove Point LNG. This preliminary list of issues may be changed based on your comments and our analysis.

- Up to 90 LNG tankers per year would transit the Chesapeake Bay to the terminal by the year 2004.
- A safety exclusion zone, to be established around the offshore pier whenever an LNG tanker is moored, would restrict use around the pier by recreational and commercial fisherman.
- Environmental and technical issues associated with the construction and operation of a new 850,000 barrel LNG storage tank on the site.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to:
- David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas 1, PJ 11.1.
- Reference Docket No. CP01–76–000.
- Mail your comments so that they will be received in Washington, DC on or before March 23, 2001.

comments may also be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm* under the link to the User's Guide. Before you can file comments, you will need to create an account by clicking on "Login to File" and then "New User Account."

Public Scoping Meeting and Site Visit

In addition to asking for written comments, we invite you to attend a public scoping meeting that we will conduct in the project area. The purpose of the scoping meeting is to provide state and local agencies, interested groups, affected landowners, and the general public with an opportunity to learn more about the project and another chance to present us with environmental issues or concerns they believe should be addressed in the EA. A transcript of the meeting will be made so that your comments will be accurately recorded. The location and time is listed below: Thursday, March 15, 2001, 7:00 pm, Holiday Inn, Solomons, MD.

Earlier in the day on March 15, 2001, we will also be conducting a site visit of the Cove Point LNG terminal. Anyone interested in participating in the site visit may contact the FERC's Office of External Affairs identified at the end of this notice for more details. The purpose of the scoping meeting and site visit is limited to environmental issues only. Technical meetings associated with the engineering and cyrogenic design of the facility will be conducted at a later date. Tariff issues and natural gas quality concerns will not be entertained at the scoping meeting and site visit.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the

CIPS menu, and follow the instructions. For assistance with access to CIPS, the helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 01–4510 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

(ER–FRL–6615–8)

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 29, 2001 Through February 02, 2001 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–AFS–L61224–00

Rating LO, Lemhi Pass National Historic Landmark Management Plan, Implementation, Beaverhead-Deerlodge National Forest, Beaverhead County, MT and Salmon-Challis National Forest, Lemhi County, ID.

Summary: EPA expressed lack of objections.

ERP No. D–AFS–L65369–OR

Rating EC2, Mill Creek Timber Sales and Related Activities, To Implement Ecosystem Management Activities, Prospect Ranger District, Rogue River National Forest, Jackson County, OR.

Summary: EPA expressed concerns with potential adverse impacts from roads to water quality and habitat quality, including erosion, mass wasting, fragmentation and the increase of non-native species.

ERP No. D–FHW–D40311–PA

Rating EC2, US Route 15 Improvement Project, from PA–6015, Section G–20 and G–22 Tioga County, Pennsylvania and PIN 6008.22.123 Steuben County, New York, (US Route 15 between PA Route 287 and Presho, New York, Funding and COE Section 404 Permit, Tioga County, PA and Steuben County, NY.

Summary: EPA expressed concerns regarding impacts to terrestrial habitat, streams, wetlands, and residences. EPA requested additional information on minimizing and mitigating potential impacts.

Final EISs

ERP No. F–AFS–G65074–TX

Texas Blowdown Reforestation Project, Implementation, National Forests and Grasslands in Texas, Angeline and Sabine National Forests, San Augustine and Shelby Counties, TX.

Summary: EPA had no additional comments.

ERP No. F–AFS–K65226–00

Sierra Nevada Forest Plan Amendment Project, Implementation, several counties, CA and NV.

Summary: The FEIS only partially addressed our objections regarding the road transportation system and protection to roadless areas. EPA offered qualified support for Modified Alternative B as stated in the FEIS and providing it receives full funding for implementation.

ERP No. F–BIA–L65352–WA

Colville Indian Reservation Integrated Resource Management Plan, Implementation, Colville Indian Reservation, Okanogan and Ferry Counties, WA.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–FHW–F40378–MN

TH–23 Reconstruction, MN–TH–22 in Richmond extending through the Cities of Richmond, Cold Spring and Rockville to I–94, Funding, Stearns County, MN.

Summary: EPA continues to express concern that the action does not provide for a sufficient wetland mitigation plan or a sufficient mitigation plan for lost tree/upland habitat.

ERP No. F–NPS–E61075–FL

Dry Tortugas National Park General Management Plan, Implementation, Monroe County, FL.

Summary: EPA continues to express concerns with implementing the management plan including ecosystem monitoring, the level of mitigation for existing and potential future impacts and enforcement of regulations and visitor use.

ERP No. F–NPS–K60030–CA

Legislative EIS—Timbisha Shoshone Tribal Homeland, To Establish a Permanent Tribal Land Base and Related Cooperative Activities, The Transfer of Federal Land and Acquisition of Private Land, Death Valley National Park, Saline Valley, CA and Lida Ranch near Lida, NV.

Summary: No formal comment letter was sent to the preparing agency.

Dated: February 20, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–4528 Filed 2–22–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6615–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency

Office of Federal Activities, General Information (202) 564–7167 or www.epa.gov/oeca/ofa

Weekly receipt of Environmental Impact Statements Filed February 12, 2001 Through February 16, 2001 Pursuant to 40 CFR 1506.9.

EIS No. 010046, DRAFT EIS, BLM, CA, Northern and Eastern Colorado Desert Plan (Plan), Implementation, Comprehensive Framework for Managing Species and Habitats (BLM), Joshua Tree National Park (JTNP) and Chocolate Mountains Aerial Gunnery Range, California Desert, Riverside, Imperial and San Bernardino Counties, CA, Comment Period Ends: May 26, 2001, Contact: Dick Crowe (909) 697–5216.

EIS No. 010047, DRAFT EIS, BLM, UT, CO, NM, Williams, Questar, Kern River Pipeline Project, To Approve a Petroleum Products Pipeline, and one or two Natural Gas Pipelines and To Amend Forest Plan, UT, NM and CO, Comment Period Ends: April 16, 2001, Contact: LaVerne Steah (801) 539–4114.

EIS No. 010048, DRAFT EIS, FHW, AR, Southeast Arkansas I–69 Connector, Transportation Improvement, Funding, Drew, Lincoln, Cleveland and Jefferson Counties, AR, Comment Period Ends: April 23, 2001, Contact: Amy H. Heflin (501) 324–6435.

EIS No. 010049, FINAL EIS, DOE, CA, National Ignition Facility Project Specific Analysis, Construction and Operation at the Lawrence Livermore National Laboratory, Livermore, CA, Wait Period Ends: March 26, 2001, Contact: Richard Scott (925) 423–3022.

EIS No. 010050, DRAFT EIS, NPS, CA, Santa Cruz Island Primary Restoration Plan, Implementation, Channel Islando National Park, Santa Cruz Island, Santa Barbara County, CA, Comment Period Ends: April 24, 2001, Contact: Alan Schmierer (415) 427–1441.

EIS No. 010051, FINAL EIS, USN, FL, MS, VA, USS Winston S. Churchill (DDG 81), Conducting a Shock Trial, Offshore of Naval Stations, Mayport, FL; Norfolk, VA and/or Pascagoula, MS, Wait Period End: March 26, 2001, Contact: Lyn Carroll (703) 413–4099.

EIS No. 010052, DRAFT EIS, COE, FL, Cape Sable Seaside Sparrow Protection, Interim Operating Plan, Implementation, Everglades National Park, Dade County, FL, Comment Period Ends: April 09, 2001, Contact: Elamr Kurzbach (904) 232–2325.

EIS No. 010053, FINAL EIS, FHW, TX, US–190 Corridor from FM2657 to the East City Limits of Copperas Cove, Transportation Improvements, Major Investment Study, Coryell and Lampasas Counties, TX, Wait Period Ends: March 26, 2001, Contact: Patrick Bauer (512) 536–5950.

Amended Notices

EIS No. 000338, DRAFT EIS, STB, SD, WY, MN, Powder River Basin Expansion Project, Construction of New Rail Facilities, Finance Docket No. 33407 Dakota, Minnesota and Eastern Railroad, SD, WY and MN, Comment Period Ends: March 06, 2001, Contact: Victoria Rutson (202) 565–1545. Published FR—10–06–00—Review Period Reestablished.

EIS No. 000456, DRAFT EIS, AFS, AK, Cholmondeley Timber Sales, Implementation, Harvesting Timber, Tongass Forest Plan, Tongass National Forest, Craig Ranger District, West of Ketchikan and South of Prince of Wales Island, AK, Comment Period Ends: February 28, 2001, Contact: Dale Kanen (907) 826–3271. Revision of FR notice published on 12/29/2000: CEQ Comment Date has been Extended from 02/20/2001 to 02/28/2001.

EIS No. 010002, DRAFT EIS, MMS, AK, Liberty Development and Production Plan, Beaufort Sea Oil and Gas Development, Implementation, To Transport and Sell Oil to the U.S. and World Markets, Right-of-Way Application, Offshore Beaufort Sea Marine Environment and Onshore North Slope of Alaska Coastal Plan, AK, Comment Period Ends: April 13, 2001, Contact: George Valiulis (703) 787–1662. Revision of FR notice published on 02/12/2001: CEQ Comment Date has been extended from 03/13/2001 to 04/13/2001.

Dated: February 20, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–4529 Filed 2–22–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00309; FRL–6763–8]

Fiscal Year 2001 Environmental Justice Through Pollution Prevention Grant Funds; Notice of Availability

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: EPA is soliciting grant proposals under the Environmental Justice Through Pollution Prevention (EJP2) grant program. EPA anticipates that approximately $750,000 will be available for Fiscal Year (FY) 2001. This program promotes pollution prevention approaches that address environmental justice concerns in affected communities. Eligible recipients of the grant funds include incorporated non-profit environmental Organizations, environmental justice organizations, community grassroots organizations, including religious and civic groups, local governments, and federally recognized tribal governments.

DATES: All applications must be received by the EPA contractor, Eastern Research Group (ERG), on or before 5 p.m., e.s.t., April 20, 2001. You must submit your application in accordance with the instructions and requirements laid out in Units I., III., and IV. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408), Environmental Protection Agency, Ariel Rios Bldg., 200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Michele Veney, Office of Pollution Prevention and Toxics (OPPT), Pollution Prevention Division (PPD), 7409, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–4588; e-mail address: veney.michele@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. The Agency has not attempted to specifically describe the entities potentially affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document, the Grant Application, or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and application forms for EJP2 grants, from EPA's EJP2 Internet Home Page at http://www.epa.gov/opptintr/ejp2.

2. *By mail.* You may mail a request for this information to the technical person listed in the **FOR FURTHER INFORMATION CONTACT** section, at the address listed.

C. Where and to Whom Do I Submit My Application?

Please submit one original grant application packet and one copy by mail, by person, or by courier to: EJP2 Grant Program, c/o ERG, 2200 Wilson Blvd., Suite 400, Arlington VA 22201.

D. What is the Deadline for Submitting Applications?

All applications must be received by the EPA contractor, Eastern Research Group (ERG), on or before April 20, 2001. You must submit your application in accordance with the instructions and requirements laid out in Units I., III., IV. of the **SUPPLEMENTARY INFORMATION.**

E. What Other Information Does this Notice Include?

1. Scope and Purpose of the Environmental Justice Through Pollution Prevention Grant Guidance
2. Eligible Applicants and Activities
3. Application Requirements
4. Evaluation of Proposals
5. Process for Awarding Grants
6. Expected Time-frame for Reviewing and Awarding Grants
7. Project Period and Final Reports
8. Definitions
9. Regional Contacts
10. Information Regarding Definition of Small Business

II. Scope and Purpose of EJP2 Grant Program

Since 1995, the EJP2 grant program has funded projects which have sought to encourage innovative, non-regulatory pollution prevention techniques in environmental justice communities.

Over the last 5 years of the program, eligible grant recipients have experimented with a variety of different approaches. With experience, we are better able to assess the types of projects and techniques that might be replicated in other affected communities, and the types of projects that should be deferred. We anticipate having less money than in previous years, and applicants can make better use of their time and energy if all eligibility requirements are followed. This grant program is designed specifically to fund only those projects that directly benefit minority and low-income communities by applying pollution prevention approaches. EPA will not award EJP2 funds to proposals for cleanup and disposal activities, trash collection, recycling, and/or pest removal, and/or other initiatives that are aimed at avoiding the generation of pollution.

This year, EPA will limit eligibility to projects involving:

1. *Helping Small Businesses and Institutions Prevent Pollution in Communities.* Projects in this category should involve forging voluntary partnership programs, demonstration projects, and/or general technical assistance and training.

2. *Fostering Partnerships Between Industrial Facilities and Communities.* Projects in this category should involve helping community residents forge relationships with large industrial facilities in their neighborhoods in an attempt to work with the facilities to make environmental improvements and address community concerns.

3. *Demonstrating Agricultural Pollution Prevention.* Projects in this category should involve providing tools to farm workers on best management practices that attempt to reduce pesticide use and worker exposure.

4. *Improving Tribal Environments.* Projects in this category should involve developing strategies that address environmental concerns and promote the development of tribal environmental legislation essential for pollution prevention.

This year, EPA will not fund projects primarily involving:

1. *Educating Communities about Pollution Prevention.* Projects in this category provided outreach materials and technical assistance on pollution prevention approaches through the medium of television broadcasts, brochures, and newsletters to affected communities.

2. *Promoting Efficient Resource Use Within Communities.* Projects in this category promoted energy efficiency, advocated alternatives modes of transportation, and launched the development of urban gardens.

3. *Fostering Youth Education and Involvement.* Projects in this category involved carrying out educational programs and developing curricula to help youth better comprehend environmental issues and develop their capacity to address environmental problems in their communities.

4. Projects from previous years that fit these various categories are described in more detail in EPA's publication on Promoting Environmental Justice through Pollution Prevention (EPA742K–00–001) and in EPA's Assessment of the Environmental Justice through Pollution Prevention grants program, available in Adobe Acrobat Reader .pdf format on EPA's EJP2 Internet Home Page at: http://www.epa.gov/opptintr/ejp2. Copies of the Assessment are also available by calling (703) 841–0483.

A. Background on EJP2 Grant Program

In 1990, Congress enacted the Pollution Prevention Act, which established a national policy to prevent or reduce pollution at the source whenever possible. EPA has increasingly devoted its attention to actively ensuring fair environmental protection for all communities while trying to empower those most often disenfranchised from the decision-making process, namely the poor and people of color. In its 1992 report, Environmental Equity: Reducing Risk for All Communities, EPA concluded that people of color and low-income communities are subject to higher levels of toxic pollutant exposure than the general population. Recognizing the disproportionate environmental impacts that many minority and low-income communities face, EPA's Office of Pollution Prevention and Toxics (OPPT) is devising ways to aid these communities solve environmental problems through pollution prevention, which is any practice that reduces or eliminates a pollutant prior to recycling, treatment or disposal. EJP2 grants are meant to aid in the approach toward environmental protection by playing a central role in reducing environmental risks while promoting public involvement and increasing economic benefits.

B. How Does EPA Define Environmental Justice

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

C. How is Pollution Prevention Defined Under the Environmental Justice Through Pollution Prevention Grants Program?

EPA has defined pollution prevention as source reduction, which is any practice that reduces or eliminates a pollutant prior to recycling, treatment, or disposal. EPA further defines pollution prevention as the use of other practices that reduce or eliminate the creation of pollutants through:

1. Increased efficiency in the use of raw materials, energy, water, or other resources, and

2. Protection of natural resources by conservation.

To help the public better understand pollution prevention, EPA has established a hierarchy of environmental management practices. In order of preference, these practices include: Pollution prevention and source reduction, recycling, treatment, and safe disposal.

This grant program is focused on applying pollution prevention and source reduction techniques to bring about better environmental protection.

D. How is Pollution Prevention Different from Other EPA Programs?

EPA grant programs have traditionally focused on preventing pollution through reactive means, usually by way of treatment, cleanup, recycling, and/or disposal. EJP2 grants, however, use pollution prevention methods as a preferable approach toward reducing pollution at the source, thereby lessening the need to treat, recycle, and dispose of contaminants. By using proven pollution prevention approaches contaminants have less of a chance to enter the environment and potentially cause adverse environmental health and safety side-effects.

E. What If My Project is Not Pollution Prevention?

EPA, along with other Federal agencies, may have other grant funds available to address your particular needs. For example, EPA's Environmental Justice Small Grants Program, managed by the Office of Environmental Justice, provides grant funding for projects that address environmental justice problems through ways other than pollution prevention. A list of all EPA grant programs can be found in the Catalog of Federal Domestic Assistance. You may also find copies at some 1,300 Federal Deposit Libraries around the nation (usually located at major colleges and/or universities), or at National Agricultural Libraries (usually located in rural or agricultural areas). You may also find the Catalog of Federal Domestic Assistance on the Internet at: http://www.cfda.gov. To purchase copies please call the General Services Administration at (202) 708–5126.

F. What is the Impact of this Program on Small Entities?

The EJP2 grant program is targeted at nonprofit and community organizations, and therefore benefits small entities. We have informed potential grantees by **Federal Register** publication, updates on the EPA web site, and by maintaining a mailing list of interested parties. We have worked to minimize any potential adverse impacts by clarifying the applicability of the guidance, by encouraging applications that stand little chance of funding, and by providing information on successful projects and approaches.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

III. Eligible Applicants and Activities

A. Who May Submit Applications, and May an Applicant Submit More Than One Proposal?

Any incorporated non-profit community organization, local government, or federally recognized tribal government may submit an application upon publication of this solicitation. "Non-profit" organization means any corporation, trust, association, cooperative, or the organization that:

1. Is operated primarily for scientific, education, service, charitable, or similar purposes in the public interest;

2. Is not organized primarily for profit; and

3. Uses its net proceeds to maintain, improve, and/or expand its operations.

While state and local governments and academic institutions are eligible to receive grants, preference will be given to non-profit, community-based/grassroots organizations and state and federally recognized tribal organizations. Organizations must be incorporated by Friday, April 20, 2001 in order to be eligible to receive EJP2 grant funds. For-profit organizations, federal agencies, and individuals are not eligible for this grant. Organizations excluded from applying directly, as well as those inexperienced in grant-writing, are encouraged to develop partnerships and prepare joint proposals with organizations that are eligible for funding. No applicant can receive two grants for the same project at one time. EPA will consider only one proposal per project. Applicants may submit more than one application as long as the applications are for separate and distinct projects.

B. What Types of Projects Are Eligible for Funding?

In past years EPA has encouraged a variety of innovative approaches to pollution prevention through the EJP2 program. The program recently conducted an assessment of previous EJP2 grants. The Assessment includes details on previous grant projects, and factors that contributed to project success. Based on the Assessment, and the fact that the EJP2 program has less money to award in FY 2001, EPA is narrowing the types of projects that will be funded under this program. In past years, this program has been extremely competitive. In the most recent competition, EPA was able to fund fewer than one out of every six applications.

This year, the EJP2 program will only fund projects in four categories:

1. Helping Small Businesses Prevent Pollution in Communities;

2. Fostering Partnerships Between Industrial Facilities and Communities;

3. Demonstrating Agricultural Pollution Prevention;

4. Improving Tribal Environments.

More detail on the types of projects that have been funded is available in the Assessment, and in the EPA Brochure entitled Promoting Environmental Justice Through Pollution Prevention. In the past, EPA has funded grants involving:

1. Fostering Youth Education and Involvement,

2. Educating Communities about Pollution Prevention; and

3. Promoting Efficient Resource Use within Communities.

EPA strongly encourages cooperative efforts between communities, business, industry, and government to address common pollution prevention goals. In addition to narrowing the focus, EPA is encouraging applicants to use already existing information and material rather than use scarce resources to research and develop new initiatives to satisfy a project's goal. EPA urges all applicants to consult the Assessment of EPA's EJP2 Grant Program. The EJP2 Assessment is available by calling: (703) 841–0483, or one can obtain a downloadable version in Adobe Acrobat Reader .pdf format via EPA's EJP2 Internet Home Page at: http://www.epa.gov/opptintr/ejp2.

C. How Much Money May Be Requested? Are Matching Funds Required?

Organizations seeking funds from the EJP2 grant program can request up to $75,000 for projects. EPA no longer requires cost sharing or matching for this grant program from institutions of higher education, hospitals, and other non-profit organizations, unless otherwise required by statute, regulation, Executive Order or official Agency policy. Applicants that are governmental entities, such as state and local governments are subject to a 25% matching or cost-sharing requirement. Matching or cost-sharing requirements may be satisfied through either cash or in-kind contributions.

D. Are There Any Restriction on the Use of Federal Funds?

Yes. EPA grant funds can only be used for the purposes set forth in the grant agreement. Grant funds from this program cannot be used for matching funds for other federal grants, construction, personal gifts (e.g., t-shirts, buttons, and hats), purchasing furniture, litigation, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, the recipient may not use these federal assistance funds to sue the federal government or any other government entities. For more information, refer to 40 CFR 30.27, " Allowable Costs."

IV. Application Requirements

A. What is Required for Applications?

Proposals from eligible organizations must include the information listed below. To save paper, please provide

double-sided copies whenever possible. Please include one original application packet (with original signatures where required) and one copy of the application packet. Proposals that do not include all of the materials listed below will not be considered for funding. To obtain copies of the EJP2 grant program guidance and application package or to obtain more information regarding the EJP2 grant program, please call (703) 841–0483. A complete electronic copy of the EJP2 grant program guidance and application package is also available via the Internet at EPA's EJP2 Internet Home Page at: http://www.epa.gov/opptintr/ejp2.

Grant Application:

The total number of pages per application may not exceed 25 double-sided pages. Pages must be letter size (8 1/2 " x 11"), with normal type size (11 CPI), and have at least 1" margins.

1. One page summary cover sheet must include:

(a) Name of applicant;

(b) Address of applicant;

(c) Phone number + e-mail address for contact;

(d) Project name;

(e) Dollar amount requested from EPA;

(f) Identification of what category the project will address (e.g. helping small businesses prevent pollution in communities, fostering partnerships between industrial facilities and communities, demonstrating agriculturalpollution prevention, or improving tribal environments);

(g) Brief description of the environmental justice issue(s) to be addressed by the project;

(h) Brief description and explanation of the parties contributing to the concern (e.g. small business, an industrial/agricultural facility or farm);

(i) Brief description of what type of pollution prevention approach will be utilized to address the environmental justice issues in the project proposal; and

(j) Brief description of the purpose of the grant proposal.

2. Narrative (no more than 5 pages in length). The narrative should include a:

(a) Description of the affected communities;

(b) Identification of what category the project will address (e.g. helping small businesses prevent pollution in communities, fostering partnerships between industrial facilities and communities, demonstrating agricultural pollution prevention, or improving tribal environments);

(c) Description of the environmental justice issue(s) to be addressed by the project;

(d) Description of the pollution prevention approach that will be utilized in the project;

(e) Description of the involvement of community and partner organizations in developing and implementing the project;

(f) Description of the anticipated environmental results and other benefits for the community;

(g) Description of the approach used to evaluate the project.

3. Letters of commitment, memoranda of understanding, or other documents that highlight significant involvement of other partners in your grant application.

4. Resumes or biographical information regarding the lead and other key personnel in the grant application.

5. Any additional information (e.g., history of the organization(s) and success stories).

6. Key contacts information sheet.

7. Application for Federal Assistance, SF 424, the official form required for all federal grants that requests basic information about the grantee and the proposed project.

8. The Federal Standard Form SF 424A, which provides information on budget and match.

9. Detailed, itemized budget.

10. Certification of Non-Construction, SF 424B

11. Certification Regarding Debarment, Suspension, and Other Responsibility Matters Form.

12. Certification Regarding Lobbying Form.

13. Disclosure of Lobbying Activities Form.

Please note: Your application may be subject to your state's intergovernmental review process, or the consultation requirements of section 204, Demonstration Cities and Metropolitan Development Act. Check with your state's Single Point of Contact to determine your requirements. Applicants from American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands should also check with their Single Point of Contact. If you do not know who your Single Point of Contact is, please call your EPA regional contact (see Unit X) or EPA Headquarters Grants Policy, Information and Training Branch at (202) 564–5325. Federally recognized tribal governments are not required to comply with this procedure.

B. When and Where Must Applications be Submitted?

Applicants must submit one signed original grant application and one copy by mail, by person, or by courier on or before 5 p.m. e.s.t., April 20, 2001 to the following address: EJP2 Grant Program, c/o ERG, 2200 Wilson Boulevard, Suite 400, Arlington VA, 22201. To request additional copies of the grant application, or for any questions please call (703) 841–0483.

V. Evaluation of Proposals

All proposals must meet three requirements in order to be considered for funding by this program:

1. Would the project benefit a minority and/or low-income community?

2. Would the project use a pollution prevention approach to address the environmental problems of the community?

3. Does the project address one or more of the priority funding areas identified for this program in section II of this guidance?

Proposals will be evaluated and scored by the reviewers on the basis of the following four criteria:

1. Is the proposed approach likely to successfully address the community's environmental concerns?

2. Does the project seem cost-effective?

3. Does the project identify a method for measuring and documenting the project's environmental results and other benefits for the community, either quantitatively or qualitatively?

4. Were the affected community, business or other institutions, and other partners and potential participants effectively involved in the development of the proposal?

VI. Process For Awarding and Issuing Grants

A. How Will Applications be Reviewed?

Each EPA Regional office will form a review panel that will review and evaluate all grant applications from communities within that Region. Applications will be screened to ensure that they meet eligibility requirements of this guidance. Postcards of acknowledgment confirming the receipt of a grant package application will be sent to all applicants by April 27, 2001. Official letters notifying grant applicants of the status of their application will be sent out by November 15, 2001.

B. How Will Final Selections be Made?

After individual projects are reviewed and ranked according to the criteria in Unit V., EPA Regional offices will compare the best applications and make final selections. Additional factors that EPA may take into account include geographic and socioeconomic balance, diverse nature of the projects, cost, and projects whose benefits can be sustained after the grant is completed.

The EJP2 grant program has historically been an extremely competitive process. In the most recent competition, EPA was able to fund fewer than one out of every six applications. If your project is not funded, you can refer to information regarding other EPA and federal grant opportunities listed in the Catalog of Federal Domestic Assistance.

Funding decisions for the EJP2 grant program's FY 2001 cycle will be publicly announced by October 31, 2001. Official letters informing all applicants of the status of their application will be sent out not later than November 15, 2001.

VII. Expected Time Frame For Reviewing and Awarding Grants

February 16, 2001. FY 2001 EJP2 Application Guidance is available and published in the **Federal Register**.

February 16, 2001 to April 20, 2001. Eligible grant recipients develop and complete their applications.

April 20, 2001. Applications must be postmarked by this date and mailed to: EJP2 Grant Program c/o ERG, 2200 Wilson Boulevard, Suite 400, Arlington VA, 22201.

April 27, 2001. Postcards will be sent to confirm receipt of grant applications.

April 27, 2001 to October 30, 2001. EPA regional program officials review and evaluate. Applications and select grant finalists. Applicants will be contacted by the Region if their application is being considered for funding. Additional information may be required from the finalists, as indicated in Unit IV. EPA regional grant offices process grants and make awards.

October 31, 2001. EPA expects to release the national announcement of the FY 2001Environmental Justice Through Pollution Prevention Grant Recipients.

November 2, 2001. All projects must begin on or after this date.

November 15, 2001. Official letters will be sent out on or before this date notifying all applicants of the status of their application.

October 1, 2003. All projects must conclude, and funds must be expended by this date.

VIII. Project Period and Final Reports

Activities must be completed and funds spent within the time frame specified in the grant award, usually two years. An additional third year may be allowed if a grant extension is extended. Project start dates will depend upon the grant award date (most projects begin in August or September). The recipient organization is responsible for the successful completion of the project. The recipient project manager is subject to approval by the EPA project officer, but EPA may not designate a particular person as the project manager.

All recipients must submit final reports for EPA approval within sixty (60) days of the end of the project period. Specific report requirements (e.g., Final Technical Report and Financial Status Report) will be described in the award agreement. EPA will collect, review, and disseminate grantees' final reports to serve as model programs.

IX. Definitions

1. *Affected communities.* Individuals or groups of individuals who are subject to an actual or potential health, economic or environmental threat arising from or which arose from pollution sources or proposed polluting sources. Affected parties for example include individuals who live near pollution sources and whose health is or might be endangered or whose economic interest is directly threatened or harmed.

2. *Community Development Financial Institution (CDFI).* An institution that meets the criteria specified in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

3. *Environmental justice.* The fair treatment of people of all races, cultures and incomes with respect to the development, implementation and enforcement of environmental laws, regulation programs and polices. Fair treatment means that no racial ethnic or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from the operation of industrial, municipal, and commercial enterprises, and from the execution of federal, state, local, and tribal programs and polices.

4. *Low-income community.* A population that is classified by the U.S. Bureau of Census as having an aggregated mean income (for a family of four) of $17,029 per year, adjusted for by the cost-of-living index of the locality, and whose income level is at the lowest 25% of the total population of a defined area or jurisdiction.

5. *Non-profit organization.* Any corporation, trust, association, cooperative, or organization that: (1) Is operated primarily for scientific, education, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses its net proceeds to maintain, improve, and/or expand its operations.

6. *People of Color Community.* A population that is classified by the U.S. Bureau of the Census as African American, Hispanic American, Asian, and Pacific American, American Indian Eskimo, Aleut and other nonwhite persons, whose compositions are at least 25% of the total population of a defined area or jurisdiction.

7. *Pollution prevention.* The reduction or elimination of pollutants through source reduction, increased efficiency in the use of raw material energy, water, or other resources; or the protection of natural resources by conservation. Pollution prevention measures reduce the amount of pollutants released into the environment prior to recycling, treatment, and disposal.

8. *Small business.* As defined by the Small Business Administration's (SBA) Small Business Size Regulations in 13 CFR part 121. Because SBA's definition of small business is very complex, and varies by industry, section XI lists information that can help determine if the business you intend to work with qualifies as a small business.

9. *Tribe.* All federally recognized American Indian tribes (including Alaska native villages), pueblos, and rancheros. The term tribe refers only to federally-recognized indigenous peoples. Other indigenous peoples are able to apply for grants as long as they are incorporated and otherwise meet eligibility requirements as a nonprofit organization.

X. Regional Contact Names and Addresses

Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Primary Contact: Ronnie Harrington; Phone: (617) 918–1703; USEPA Region 1 (SAA);e-mail: harrington.veronica@epa.gov; 1 Congress Street, Suite 100 Boston, MA 02114–2023.

Secondary Contact: Pat O'Leary; Phone: (617) 565–3834; e-mail: oleary.pat@epa.gov.

Region 2: New Jersey, New York, Puerto Rico, U.S. Virgin Islands.

Primary Contact: Marcia Seidner; Phone: (212) 637–3584;USEPA Region 2 (SPMMB); e-mail: seidner.marcia@epa.gov; 290 Broadway, 25th Floor New York, NY 10007.

Secondary Contact: Deborah Freeman; Phone: (212) 637–3730; e-mail: freeman.deborah@epa.gov.

Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.

Primary Contact: Jeff Burke; Phone: (215) 814–2761; USEPA Region 3 (3EI00); e-mail:burke.jeff@epa.gov; 1650 Arch Street Philadelphia, PA 19103–2029.

Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Primary Contact: Connie Raines; Phone: (404) 562–9671; USEPA Region 4; e-mail: raines.connie@epa.gov; 61 Forsyth Street, SW. Atlanta, GA 30303–8960.

Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Primary Contact: Phil Kaplan; Phone: (312) 353–4669; USEPA Region 5 (DW-8J); e-mail: kaplan.phil@epa.gov; 77 West Jackson Boulevard Chicago, IL 60604–3590.

Region 6: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Primary Contact: Eli Martinez; Phone: (214) 665–2119; USEPA Region 6 (6EN-XP);e-mail: martinez.eli@epa.gov; 1445 Ross Avenue, Suite 1200 Dallas, TX 75202–2733.

Region 7: Iowa, Kansas, Missouri, Nebraska.

Primary Contact: Althea Moses; Phone: (913) 551–7649; USEPA Region 7 (RAECO);e-mail: moses.althea@epa.gov; 901 North Fifth Street Kansas City, KS 66101.

Region 8: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

Primary Contact: Linda Walters; Phone: (303) 312–6385; USEPA Region 8 (8P–P3T); e-mail: walters.linda@epa.gov; 999 18th Street, Suite 500 Denver, CO 80202–2466.

Secondary Contact: Jean Belille; Phone: (303) 312–6556; e-mail:belille.jean@epa.gov.

Region 9: Arizona, California, Hawaii, Nevada, American Samoa, Guam.

Primary Contact: Eileen Sheehan; Phone: (415) 744–2190; USEPA Region 9 (WST-1-1); e-mail sheehan.eileen@epa.gov; 75 Hawthorne Street San Francisco, CA 94105.

Secondary Contact: John Katz; Phone: (415) 744–2150; e-mail: katz.john@epa.gov.

Region 10: Alaska, Idaho, Oregon, Washington.

Primary Contact: Lucita Valiere; Phone: (206) 553–2964;USEPA Region 10 (01–085); e-mail: valiere.lucita@epa.gov; 1200 Sixth Avenue Seattle, WA 98101.

XI. Information Regarding Definition of Small Business

Small business regulations are contained in Title 13 CFR Part 121, and the Federal Acquisition Regulation 48 CFR part 19.

For the small business definition of the applicable size standard and for size standard questions, you may contact the SBA located in one of the Area Offices of the office of Government Contracting or in Washington, D.C. A downloadable file with a table of the size standards is also available on "SBA ONLINE" under both the financial assistance and government contracting sections. You may reach SBA ONLINE via your computer at (800) 697–4636; or in the Washington Metropolitan Area at (202) 401–9600. The SBA ONLINE home page is on the Internet at: http://www.sbaonline.sba.gov.

Each of the six area offices of the SBA's Office of Government Contracting, and two offices in the Washington, D.C. area, have an employee designated as a Size Specialist. Their addresses and telephone numbers are as follows:

1. Office of Government Contracting, New York Area Office, U.S. Small Business Administration, 26 Federal Plaza, Suite 3108, New York, NY 10278; Phone: (212) 264–7756.

2. Office of Government Contracting, Philadelphia Area Office, U.S. Small Business Administration, 475 Allendale Road, Suite 201, King of Prussia, PA 19406; Phone: (610) 962–3723.

3. Office of Government Contracting, Atlanta Area Office, U.S. Small Business Administration, 1720 Peachtree Road, NW., Suite 318 North, Atlanta, GA 30309; Phone: (404) 347–7587.

4. Office of Government Contracting, Chicago Area Office, U.S. Small Business Administration, 300 South Riverside Plaza, Suite 1975, Chicago, IL 60606–6617; Phone: (312) 353–7674.

5. Office of Government Contracting, Dallas Area Office, U.S. Small Business Administration, 8625 King George Drive, Building C, Dallas, TX 75235–3391; Phone: (214) 767–7639.

6. Office of Government Contracting, San Francisco Area Office, U.S. Small Business Administration, 71 Stevenson Street, 20th Floor, San Francisco, CA 94105–2939; Phone: (415) 975–4853.

7. Office of Size Standards, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416; Phone: (202) 205–6618.

8. Office of Industrial Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416; Phone: (202) 205–6475.

List of Subjects

Environmental protection, grants, pollution prevention, environmental justice.

Dated: February 8, 2001.

William H. Sanders, III

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 01–4553 Filed 2–22–01; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10 a.m. on Tuesday, February 20, 2001, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's supervisory and resolution activities.

In calling the meeting, the Board determined, on motion of Director Ellen S. Seidman (Director, Office of Thrift Supervision), seconded by Director John M. Reich, concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice earlier than February 14, 2001, of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: February 20, 2001.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 01–4639 Filed 2-21-01; 12:46 pm]

BILLING CODE 6714–01–M

FEDERAL ELECTION COMMISSION.

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Thursday, March 1, 2001, at 10 A.M.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advance Notice of Proposed Rulemaking on the Definition of "Political Committee."

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Acting Secretary of the Commission.

[FR Doc. 01–4670 Filed 2–21–01; 2:27 pm]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 8, 2001.

A.Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Pat Allen McClary, Sr., Pat Allen McClary, Jr., Imogene McClary, Diane McNealy McClary, all of Jellico, Tennessee, Donna McNealy McClary, Franklin, Tennessee, Diane McClary Brock, Lafayette, Georgia; to acquire additional voting shares of Union Bancshares of Campbell County, Inc., Jellico, Tennessee, and thereby indirectly acquire additional voting shares of Union Bank, Jellico, Tennessee.

Board of Governors of the Federal Reserve System, February 16, 2001.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. 01–4478 Filed 2–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 19, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Grant County State Bancshares, Inc., Employees Stock Ownership Plan, Swayzee, Indiana; to acquire 30.02 percent of the voting shares of Grant County State Bancshares, Inc., Swayzee, Indiana, and thereby indirectly acquire Grant County State Bank, Swayzee, Indiana.

Board of Governors of the Federal Reserve System, February 16, 2001.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. 01–4479 Filed 2–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 8, 2001.

A.Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Rivers Ridge Holding Company, Sartell, Minnesota; to acquire Bank Vista Leasing Company, Sartell, Minnesota, and thereby engage in leasing personal or real property pursuant to § 225.28(b)(3) of Regulation Y.

Board of Governors of the Federal Reserve System, February 16, 2001.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. 01–4477 Filed 2–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10 a.m., Wednesday, February 28, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions)

involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: February 21, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–4615 Filed 2–21–01; 10:37 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Request for Planning Ideas for the Development of the Children's Health Outcomes Initiative

AGENCY: Agency for Healthcare Research and Quality (AHRQ), DHHS.

ACTION: Notice.

SUMMARY: AHRQ is exploring the feasibility of leading a significant research initiative (Initiative) that will examine the relationships between care management processes (including health systems and clinical care) and children's health outcomes to produce information that can be incorporated into practice and policy. Consistent with research previously funded by AHRQ, outcomes are defined as important dimensions of health attributable to health care, including health perceptions, ability to function, and satisfaction with care. Interventions of interest are broadly defined to include both clinical interventions, organizational characteristics and strategies, and the intersection or combination of both. The purpose of this announcement is to solicit broad input from clinical and social scientists, researchers, clinicians, health systems leaders and others regarding priorities for focusing the Initiative. Recommendations received will be compiled and discussed at an expert meeting convened to discuss the initiative and plan a possible research strategy. This request for suggestions and the expert meeting are preparatory steps of the Initiative, which may lead to a study (or family of studies) commencing in FY 2002.

Nature of Recommendations

AHRQ requests written suggestions as to the priority issues in children's health care that the Initiative should address. Issues should be considered priorities because their impact has not been adequately studied in other research or because their impact can only be evaluated in a large study such as this. Supporting rationale and suggestions for research strategies should be included. Suggestions should address one or more of the following categories:

- *Age of population to be studied:* Child health includes the health care needs of infants, preschoolers, school-age children, and adolescents. Since their needs vary, should the Initiative focus on a particular group or the entire spectrum?
- *General population or priority populations to be studied:* Should the Initiative focus exclusively on the needs of priority populations (as defined by AHRQ: racial and ethnic minorities, low-income populations, people living in rural areas and inner-city, and people living with chronic illnesses and/or disabilities), the needs of children insured through public programs, or the general pediatric population?
- *General health or tracer conditions to be studied:* One approach used to assess care management in adult populations has involved the use of selected "tracer" or sentinel conditions (*e.g.*, diabetes) to derive inferences about overall health system performance. (Kessner DM, Kalk CE, Singer J. Assessing health quality—the case for tracers. The New England Journal of Medicine. 1973;288(4): 189–194.) This strategy may or may not be suitable for children. AHRQ seeks input on the question: Should general health or tracer conditions be used to evaluate the health care organization's impact on child health status? If tracer conditions should be the focus, which conditions (physical, mental or behavioral) should be examined? Examples of experience from research or clinical improvement programs would be particularly helpful.
- *Structures of the health care system to be studied:* What organizational and delivery components of typical child health care settings and characteristics should be examined for their impact on children's health outcomes? Beyond the evolution of managed care arrangements, there is far less understood about practice settings likely to influence the content of care.
- *Clinical processes of care:* An important challenge for this Initiative is establishing priorities for clinical conditions or interventions to be assessed. When assessing clinical processes of care, should the focusing theme be "tracer" conditions (*e.g.*, acute or chronic medical conditions, behavior problems, risk factors for adult disease, etc.) and the clinical processes that effect theses conditions, or should the focusing theme be generic clinical processes (*e.g.*, anticipatory guidance, specialty care, pediatric rehabilitation, etc.) and their impact on broader health outcomes, or should it be a combination of the two? Criteria for selecting priority topics would also be most welcomed. For example, conditions for which current evidence is exceeded by increasing need (*e.g.*, obesity) are of particular interest, as are clinical processes that are broadly applied but for which there is little evidence (*e.g.*, anticipatory guidance), as well as conditions relevant to children with special health care needs, such as rehabilitative services.
- *Outcomes to be measured:* What might be the most salient child health outcomes, long and short term, for which it would be important to elucidate the relationship with the structures and processes of health care under study?
- *Methodologic issues:* There are a number of study designs that are potentially suitable for this effort, including a multi-center study with a single protocol and coordinating center; centers of excellence with specific themes; a follow-back component added to an existing data collection effort; or focused individual projects that include common outcome measures and design features but allow local flexibility. Comments on the relative advantages or disadvantages to these approaches, or other designs, are also most welcomed.
- *Other issues in child health care that do not fit into the categories above.*

DATES: Submit comments on or before March 26, 2001.

ADDRESSES: Submissions should be brief (no more than three pages per recommendation) and may be in the form of a letter or e-mail, preferably with an electronic file in a standard word processing format on 3½ floppy disk or as an attachment. Responses to this request should be submitted to: Howard Bauchner, MD, Scholar in Residence, Agency for Healthcare Research and Quality, 6010 Executive Boulevard, Suite 201, Rockville, MD 20852, Phone: 301/594–5420, Email address: HBauchne@AHRQ.gov.

In order to facilitate the handling of submissions, please include full information about the person submitting the recommendation: (a) Name, (b) title, (c) organization, (d) mailing address, (e) telephone number, and (f) e-mail address. Please do not use acronyms. Electronic submissions are encouraged to HBauchne@AHRQ.gov.

FOR FURTHER INFORMATION CONTACT: Howard Bauchner (301) 594–5420. All responses will be available for public inspection at AHRQ's Center for Outcomes and Effectiveness Research weekdays between 8:30 a.m. and 5 p.m. Arrangements for reviewing the submissions may be made by calling (301) 594–5420.

SUPPLEMENTARY INFORMATION:

Background

Under authorization of Title IX of the Public Health Service Act (42 U.S.C. 299–299c–7) as amended by Public Law 106–129 (1999), the Agency for Healthcare Research and Quality (formerly the Agency for Health Care Policy and Research) is charged with enhancing the quality, appropriateness, and effectiveness of health care services and access to such services. AHRQ accomplishes these goals through scientific research; promotion of improvements in clinical and health systems practices including the prevention of diseases and other health conditions; and improvements in the organization, financing and delivery of health care services. Section 1142 of the Social Security Act (42 USC 1320b–12) enhances and elaborates on AHRQ's program of outcomes and effectiveness research which constitutes a major portion of AHRQ's health services research agenda.

This Initiative would combine AHRQ's commitment to health services research on one of its priority populations: children, and two of its strategic goals: to support improvements in health outcomes and identify strategies to improve access, foster appropriate use, and reduce unnecessary expenditures.

Priority Populations

AHRQ has made a commitment to focus its health services research on certain priority populations: racial and ethnic minorities, women, children, the elderly, low-income populations, people living in rural areas and inner-city, and people living with chronic illnesses and/or disabilities. These are all groups for whom public policy struggles to find effective solutions to improve health care. Health services research has consistently documented the persistent, and at times great, disparities in health status and access to appropriate health care services for certain groups, notably racial and ethnic minorities and low income families and children. Despite the dramatic changes occurring in the organization and financing of children's health services, the knowledge base for guiding these changes or assessing their impact is less well developed than that for adults. Health care issues that exist for people with chronic illnesses and disabilities also require attention. Health services research should do a better job of bringing science-based information to bear on these disparities so that the health of these groups is enhanced.

Strategic Goals

AHRQ has enunciated three strategic goals which will contribute to improving the quality of health care for all Americans. These goals are to (1) support improvements in health outcomes; (2) strengthen quality measurement and improvement; and (3) identify strategies to improve access, foster appropriate use, and reduce unnecessary expenditures. This Initiative would focus on the first and third.

(1) Support Improvements in Health Outcomes

The field of health outcomes research studies the end results of the structure and processes of health care on the health and well-being of patients and populations. (Institute of Medicine, 1996.) A unique characteristic of this research is the incorporation of the consumer's or patient's perspective in the assessment of effectiveness. Policymakers in the public and private sectors are also concerned with the end results of their investments in health care, whether at the individual, community, or population level.

A high priority for AHRQ's outcomes research will be conditions that are common, expensive, and/or for which significant variations in subpopulations, practice or opportunities for improvement have been demonstrated. Also of importance for research will be the type of delivery system or processes by which care is provided and their effects on outcomes, as well as, research on clinical preventive services that lead to the prevention of premature death and disability in the United States.

The outcomes and effectiveness research program grew out of the awareness of significant unexplained variations in clinical practice and the inadequacy of scientific evidence to support many common treatments and procedures. Outcomes and effectiveness research encompasses three main areas of emphasis for the prevention, diagnosis, treatment, and management of illness: (1) Determination of the clinical interventions that are most effective, cost effective, and appropriate; (2) development of methods and data to advance effectiveness research; and (3) dissemination and evaluation of the impact of research findings on clinical practice and outcomes. Other distinctive characteristics of outcomes and effectiveness research include its multi-disciplinary nature; use of a variety of research designs (*e.g.*, observational studies, prospective trials, databases studies) and analytical methods (*e.g.*, decision analysis, utility analysis, and cost-effectiveness analysis); incorporation of both objective and subjective measures of outcomes; and emphasis on policy relevance.

(3) Identify Strategies To Improve Access, Foster Appropriate Use, and Reduce Unnecessary Expenditures.

Adequate access to health care services continues to be a challenge for many Americans. This is particularly so for the poor, the uninsured, members of minority groups, rural residents, and other vulnerable populations. In addition, the changing organization and financing of care has raised new questions about access to a range of health services, including emergency and specialty care. At the same time, examples of inappropriate use of care, including overutilization and misuse of services, continue to be documented.

The increasing portion of our Nation's resources devoted to health care expenditures remains a concern, with some indicators suggesting that the rate of increase may accelerate once again. The continued growth in public spending for Medicare and Medicaid, in particular, raises important questions about the care delivered to the elderly, poor, and people with disabilities. Together, these factors require concerted attention to the determinants of access, use, and expenditures as well as effective strategies to improve access, contain costs, and assure appropriate and timely use of effective services.

Dated: February 15, 2001.

John M. Eisenberg,

Director.

[FR Doc. 01–4530 Filed 2–22–01; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Board of Scientific Counselors, National Institute for Occupational Safety and Health: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH), of the Department of Health and Human Services, has been renewed for a 2-year period through February 3, 2003.

For information, contact Kathleen Rest, Ph.D., Executive Secretary, Board of Scientific Counselors, National Institute for Occupational Safety and Health, 200 Independence Ave., SW., Room 715H, Washington, DC 20201—telephone 202/401–3735 or fax 202/260–4464.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 15, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–4474 Filed 2–22–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Breast and Cervical Cancer Early Detection and Control Advisory Committee Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Breast and Cervical Cancer Early Detection and Control Advisory Committee.

Times and Date: 1 p.m.–4:45 p.m., March 13, 2001 9 a.m.–5 p.m. March 14, 2001.

Place: The Crowne Plaza Hotel, 1325 Virginia Ave, Atlanta, Georgia. Telephone: (404) 768–6660.

Status: Open to the public limited only by the space available.

Purpose: This committee is charged with providing advice and guidance to the Secretary, and the Director of CDC, regarding the need for early detection and control of breast and cervical cancer and to evaluate the Department's current breast and cervical cancer early detection and control activities.

Matters To Be Discussed: The discussion will primarily focus on the role of the CDC in Comprehensive Cancer Control.

Members of the public who wish to make a brief oral presentation at the meeting should contact Ms. Tamikio Bohler (770–488–3199) or Ms. Regina Seider (770/488–3078) by 4:00 p.m. on March 1, 2001, to have time reserved on the agenda. Each individual or group making an oral presentation will be limited to 5 minutes. The request should identify the name of the individual who will make the presentation and an outline of the issues to be addressed. At least 25 copies of the presentation and 25 copies of the visual aids used at the meeting are to be given to Ms. Bohler no later than the time of the presentation for distribution to the Committee and the interested public.

Contact Person for Additional Information: Tamikio Bohler, Division of Cancer Prevention and Control, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, NE, M/S K–64, Atlanta, Georgia 30341–3724, telephone 770/488–3199.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 16, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–4472 Filed 2–22–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; The National Institute on Deafness and Other Communication Disorders Health Information Customer Satisfaction Survey

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute on Deafness and Other Communication Disorders (NIDCD), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: NIDCD Health Information Customer Satisfaction Survey. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* The NIDCD was established in 1988 to conduct and support biomedical and behavioral research and research training in the normal and disordered processes of hearing, balance, smell, taste, voice, speech, and language. In support of its mission, the Institute disseminates health education and information material related to deafness and other communication disorders to health professionals, patients, people in industry, and the public. The NIDCD will conduct a survey to evaluate the efficacy of its health messages and the effectiveness of disseminating health-related information materials through the NIDCD Information Clearinghouse. The proposed survey is expected to yield data that will assist with measuring the effectiveness and efficiency of the NIDCD health education outreach efforts by collecting and then tracking data about the users of the health information. *Frequency of Response:* On occasion. *Affected Public:* Individuals or households; businesses or other for-profit; not-for-profit institutions; State, Local, or Tribal; Federal Government. *Type of Respondents:* Patients and relatives of patients, general public, physicians and other professionals. The annual reporting burden is as follows: *Estimated Number of Respondents:* 1,000; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours Per Response:* .0668; and *Estimated Total Annual Burden Hours Requested:* 668. An estimate of annualized cost to respondents for the hour burden for this information collection is presented in the table below. There are no direct costs to the respondents themselves but the cost to them may be calculated in terms of the costs of their time spent in responding to the questions. The estimated annualized cost to respondents would be: $12,859.00. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The Accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriated automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Marin Allen, Chief, Office of Health Communication and Public Liaison (OHCPL), or Shirley LaBella, Deputy Chief, OHCPL, OD, NIDCD, NIH, Blg. 31, Room 3C–35, 9000 Rockville Pike, Bethesda, MD 20892, or call non-toll-free number (301) 496–7243 or E-mail your request, including your address to: nidcdinfo@nidcd.nih.gov

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received on or before April 24, 2001.

Dated: February 14, 2001.

W. David Kerr,

Executive Officer, NIDCD.

[FR Doc. 01–4586 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Requested; National Survey of Nonhuman Primate Research Use

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Center for Research Resources (NCRR), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on September 12, 2000, page 55031 and allowed 60-days for public comment. One comment was received from the public. The comment did not address issues with questions in the proposed survey, but expressed dislike of some of the concepts and terminology associated with animal research. No changes were required or made to the survey because of this response. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: National Survey of Nonhuman Primate Research Use. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* The National Center for Research Resources (NCRR) seeks to evaluate the support that it provides investigators for scientific research involving nonhuman primates. NCRR wants to ensure that the NIH support structure for nonhuman primate research permits all investigators with meritorious research proposals to have access to scarce animal and specimen resources. NCRR will collect information using an Internet survey. The online survey will be implemented using SSL (Secure Socket Layer) encryption technology and password access. NCRR will use first-class mail and e-mail messages to advise investigators that they have been selected to participate in the survey. *Frequency of Response:* One time survey. *Affected Public:* Not-for-profit institutions. *Type of Respondents:* NIH-supported investigators. The annual reporting burden is as follows: *Estimated Number of Respondents:* 878; *Estimated Number of Responses per Respondent:* 1; *Estimated Burden Hours Per Response:* .30; *Estimated Total Annual Burden Hours:* 439; The annualized cost to respondents is estimated at $178,588. There are no Capital Cost, Operating Cost and/or Maintenance Costs to report.

Requests for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed information collection; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Patricia Newman, Program Analyst, NCRR Office of Science Policy and Public Liaison, 6705 Rockledge Drive, Suite 5046, Bethesda, MD 20892–7965, or call non-toll-free number (301) 435–0866 or E-mail your request, including your address to: *PattyV@ncrr.nih.gov*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before March 26, 2001.

Dated: February 16, 2001.

Louise E. Ramm,

Deputy Director, NCRR.

[FR Doc. 01–4457 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel, NCCAM SEP C–10.

Date: March 8, 2001.

Time: 1:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: 6707 Democracy Boulevard, Building II, Room 106, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lawrence R. Haller, National Center for Complementary and Alternative Medicine, National Institutes of Health, 31 Center Drive, Room 5B50, Bethesda, MD 20892–2182, (301) 402–9011, lh194t@nih.gov.

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4442 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel. ZHL1–PPG–O–M1/Inflamation, Airways Reactivity and Asthma Applications.

Date: March 7, 2001.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: David T. George, MD, PhD, Scientific Review Administrator, NIH, NHLBI, DEA, Review Branch, Rockledge Building II, Room 7188, 6701 Rockledge Drive, MD 20892–7924, 301/435–0288.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4440 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Hear, Lung, and Blood Institute Special Emphasis Panel. ZHL–1–CSR–J–M4, Reference Laboratory to Evaluate therapies for SCD Applications.

Date: March 15, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge II, Bethesda, MD 20892; (Telephone Conference Call).

Contact Person: Robert B. Moore, PhD, Scientific Review Administrator, Review Branch, Room 7192, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, 301/435–3541.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4452 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel. ZHL1 CSR–J M2 R Sibling Donor Cord Blood Banking And Transplantation Applications.

Date: March 13, 2001.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: 6701 Rockledge Dr. II, NIH, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert B Moore, PhD, Scientific Review Administrator, Review Branch, Room 7192, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, 301/435–3541.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4453 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel. PA–99–087—Mentored Quantitative Research Career Development Award (K25).

Date: February 15, 2001.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: 6701 Rockledge Dr., Rm. 4116, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Diane M. Reid, MD, Review Branch, Room 7182, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Disease Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS).

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4462 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Nursing Research Special Emphasis Panel, February 22, 2001, 8:00 a.m. to February 23, 2001, 5:00 p.m., Doubletree Hotel, 1750 Rockville Pike, Rockville, MD 20852, which was published in the **Federal Register** on January 26, 2001, 66 FR 7921.

The meeting will be held March 22–23, 2001 at the Holiday Inn Bethesda, 8120 Wisconsin Ave., Maryland Room, Bethesda, MD 20892. The meeting is closed to the public.

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4443 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, Special Emphasis Panel.

Date: March 2, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, NW., Washington, DC 20037.

Contact Person: Sean O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group, Biomedical Research Review Subcommittee.

Date: March 8–9, 2001.

Time: March 8, 2001, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, Delaware Room, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: L. Tony Beck, Scientific Review Administrator, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., MSC 7003, Bethesda, MD 20892–7003, 301–443–0931, lbeck@mail.nihg.gov.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: March 9, 2001.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: L. Tony Beck, PhD, Scientific Review Administrator, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., MSC 7003, Bethesda, MD 20892–7003, 301–443–0931, lbeck@mail.nihg.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4444 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy:

Name of Committee: Minority Programs Review Committee, MARC Review Subcommittee A.

Date: February 20–21, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, The Delaware Room, Bethesda, MD 20814.

Contact Person: Richard I. Martinez, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes

of Health, Natcher Building, Room 1AS–19G, Bethesda, MD 20892–6200, (301) 594–2849.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4445 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 12, 2001.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Henry J. Haigler, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm. 6150, MSC 9608, Bethesda, MD 20892–9608, 301/443–7216.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 15–16, 2001.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Houmam H. Araj, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 20, 2001.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Houmam H. Araj, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4446 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Minority Programs Review Committee, MBRS Review Subcommittee B.

Date: March 14–15, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael A. Sesma, PhD, Scientific Review Administrator, Office of Scientific Review, NIGMS, Natcher Building, Room 1AS19, 45 Center Drive, Bethesda, MD 20892, (301) 594–2048.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4448 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: March 9, 2001.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: 6700–B Rockledge Drive, Room 2103, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Anna Ramsey-Ewing, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2220, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550, ar15o@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4451 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Acquired Immunodeficiency Syndrome Research Review Committee.

Date: March 8–9, 2001.

Open: March 8, 2001, 8:30 a.m. to 9 a.m.

Agenda: Open for discussion of administrative details relating to committee business and program review.

Place: Holiday Inn Georgetown, Fortune Room, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Closed: March 8, 2001, 9 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, Fortune Room, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Roberta Binder, PhD, Scientific Review Administrator, Division of Extramural Activities, NIAID, 6700B Rockledge Drive, Rm 2155, Bethesda, MD 20892, 301–496–7966, rb169n@nih.gov

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4454 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel. To study the effects of aging and the cancer treatment drugs on cognition in elderly women.

Date: February 12, 2001.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Arthur D. Schaerdel, DVM, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Initial Review Group, Biological Aging Review Committee.

Date: March 5–6, 2001.

Time: 7 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: James P. Harwood, PhD, Deputy Chief, Scientific Review Office, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel, INCHIANTI FOLLOW-UP STUDY.

Date: March 6, 2001.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Arthur D. Schaerdel, DVM, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: March 7, 2001.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Office of Scientific Review, National Institute on Aging, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Initial Review Group, Behavior and Social Science of Aging Review Committee.

Date: March 8, 2001.

Time: 8:30 a.m. to 2:45 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Mary Ann Ann Guadagno, PhD, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel, Supplement to B-Vitamin Atherosclerosis Intervention Trial, PI; Howard Hodis.

Date: March 8, 2001.

Time: 11 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Health Scientific Administrator, Office of Scientific Review, National Institute on Aging, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Initial Review Group, Clinical Aging Review Committee.

Date: March 8–9, 2001.

Time: 7 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: William A. Kachadorian, PhD, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: March 19, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.
Contact Person: Jeffrey M. Chernak, PhD, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Initial Review Group. Neuroscience of Aging Review Committee.
Date: March 21–22, 2001.
Time: 7:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn—Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Louise L. Hsu, PhD, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4461 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.
Date: March 14, 2001.
Time: 8:30 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Woodfin Suites Hotel, Conference Room, 1380 Piccard Drive, Rockville, MD 20850.
Contact Person: Richard E. Weise, PhD, Scientific Review Administrator, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6206, MSC 9619, Bethesda, MD 20892–9619, 301–443–7281.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.
Date: March 19, 2001.
Time: 8:30 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.
Contact Person: Richard E. Weise, PhD, Scientific Review Administrator, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6206, MSC 9619, Bethesda, MD 20892–9619, 301–443–7281.

Name of Committee: National Institutue of Mental Health Special Emphasis Panel.
Date: March 20, 2001.
Time: 11:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Michael J. Kozak, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, MSC 9606, Bethesda, MD 20892–9606 301–443–1340.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.
Date: March 21, 2001.
Time: 8 am to 5 pm.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8210 Wisconsin Ave, Bethesda, MD 20814.
Contact Person: Houmam H Araj, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, Md 20892–9608, 301–443–1340.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.
Date: March 29, 2001.
Time: 11 a.m. to 1:30 p.m
Agenda: To review an evaluate grant applications.
Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Michael J. Kozak, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, MSC 9606, Bethesda, Md 20892–9606, 301–443–1340.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.
Date: April 6, 2001.
Time: 9 a.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Richard E. Weise, PhD, Scientific Review Administrator, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6206, MSC 9619, Bethesda, MD 20892–9619, 301–443–7281.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4463 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel Telephone Conference, "A History of Medicine—Volume–IV Medieval Medicine."
Date: February 21, 2001.
Time: 2:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Library of Medicine, Division of Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Milton Corn, MD, Associate Director, Office of Extramural Programs, National Library of Medicine, National Institutes of Health, One Rockledge Centre, Suite 301, 6705 Rockledge Drive, MSC 6075, Bethesda, MD 20892–6075, (301) 496–4621.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4459 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the PubMed Central National Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: PubMed Central National Advisory Committee.
Date: March 21, 2001.
Time: 8:30 a.m. to 4 p.m.
Agenda: Review of Redesignated PMC System.
Place: National Library of Medicine, Board Room, Bldg. 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.
Contact Person: David J. Lipman, MD, Director, Natl. Ctr. for Biotechnology Information, National Library of Medicine, Department of Health and Human Services, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4460 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Meeting of the Recombinant DNA Advisory Committee

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Recombinant DNA Advisory Committee (RAC) and a Safety Symposium on Gene Transfer Research.

The Safety Symposium on Gene Transfer Research will be held from 8 a.m. to 6 p.m. on March 7, 2001 at the Doubletree Hotel, 1750 Rockville Pike, Rockville, MD 20852. The symposium will explore safety considerations in the Use of Adeno-Associated Virus Vectors in Gene Transfer Clinical Trials.

The RAC meeting will be held from 8:30 a.m. to 5:30 p.m. on March 8, 2001 at the National Institutes of Health (NIH), Building 31, C Wing, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20892. The Committee will review selected human gene transfer protocols; a proposed action to amend the NIH Guidelines with regard to NIH policy on serious adverse event reporting; data management activities related to human gene transfer clinical trials; and other matters to be considered by the Committee.

Both meetings are open to the public with attendance limited to space available. Draft meeting agendas and other information will be posted at the Office of Biotechnology Activities' website: *http://www4.od.nih.gov/oba*

Individuals who wish to provide public comments or who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Kelly Fennington, Program Analyst, Office of Biotechnology Activities by telephone at 301 496–9838 or E-mail at *FenningK@od.nih.gov*

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4455 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: February 28, 2001.
Time: 2:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Victor A. Fung, PhD, Scientific Review Administrator, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 4120, MSC 7804, Bethesda, MD 20892, 301–435–3504, fungv@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 2, 2001.
Time: 12:00 p.m. to 2:30 p.m.
Agenda: To revjew and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6, 2001.
Time: 1:00 p.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Syed Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4144, MSC 7804, Bethesda, MD 20892, (301) 435–1211.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6, 2001.
Time: 12:00 p.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 8–9, 2001.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Bill Bunnag, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 20892–7854, (301) 435–1177, bunnagb@csr.nih.gov.

Name of Committee: Pathophysiological Sciences Integrated Review Group, Respiratory and Applied Physiology Study Section.

Date: March 8–9, 2001.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. James Hotel, 950 24th Street NW., Washington, DC 20037.

Contact Person: Everett E. Sinnett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, (301) 435–1016, sinnett@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8–9, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Clarion Hampshire Hotel, 1310 New Hampshire Ave, NW., Washington, DC 20036.

Contact Person: Jay Joshi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7846, Bethesda, MD 20892, (301) 435–1184.

Name of Committee: Center for Scientific Review Emphasis Panel.

Date: March 8–9, 2001.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Cathleen L. Cooper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7812, Bethesda, MD 20892, 301–435–3566, cooperc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8–9, 2001.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, Washington, DC 20037.

Contact Person: Gloria B. Levin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, (301) 435–1017, levinq@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8–9, 2001.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th St., NW., Washington, DC 20007.

Contact Person: Thomas A. Tatham, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7848, Bethesda, MD 20892, (301) 435–0692, tathamt@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8, 2001.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Select, 480 King Street, Old Town Alexandria, VA 22314.

Contact Person: Yvette M. Davis, VMD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892, 301–435–0906.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8, 2001.

Time: 10:00 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael Oxman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7848, Bethesda, MD 20892, 301/435–3565, oxmann@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8–9, 2001.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Quality Hotel, Courthouse Plaza, 1200 North Courthouse Road, Arlington, VA 22201.

Contact Person: Nancy Shinowara, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7814, Bethesda, MD 20892–7814, (301) 435–1173, shinowan@drg.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8, 2001.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: St. James Hotel, 950 24th Street, NW., Washington, DC 20037.

Contact Person: Everett E. Sinnett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, (301) 435–1016, sinnett@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8, 2001.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 9, 2001.

Time: 8:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Virginian Suites, 1500 Arlington Blvd., Arlington, VA 22209.

Contact Person: Nancy Hicks, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, (301) 435–0695.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 9, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Gaithersburg, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

Contact Person: Gopal C. Sharma, DVM, MS, PhD, Diplomate American Board of Toxicology, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2184, MSC 7818, Bethesda, MD 20892, (301) 435–1783, sharmag@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 9, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Joseph Kimm, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, (301) 435–1249.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 9, 2001.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Chhanda L. Ganguly, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7842, Bethesda, MD 20892, (301) 435–1739.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4441 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biochemical Sciences Integrated Review Group, Physiological Chemistry Study Section.

Date: February 22–23, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Richard Panniers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, 7842, Bethesda, MD 20892, (301) 435–1741.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6, 2001.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Victor A. Fung, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7804, Bethesda, MD 20892, 301–435–3504, fungv@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 11–13, 2001.

Time: 6:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Rockville Courtyard by Marriott, 2500 Research Boulevard, Rockville, MD 20850.

Contact Person: Mushtaq A. Khan, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2176, MSC 7818, Bethesda, MD 20892, (301) 435–1778, khanm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 12–13, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007–3701.

Contact Person: Sharon K. Pulfer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892, (301) 435–1767.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 12, 2001.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171.

Name of Committee: Center for Sci6ntific Review Special Emphasis Panel.

Date: March 12, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20853.

Contact Person: Debora L. Hamernik, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, Bethesda, MD 20892, 301–435–4511, hamernid@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 12, 2001.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Gopal C. Sharma, DVM, MS, PhD, Diplomate American Board of Toxicology, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2184, MSC 7818, Bethesda, MD 20892, (301) 435–1783, sharmag@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 13, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, Washington, DC 20037.

Contact Person: Charles N. Rafferty, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, Bethesda, MD 20892, (301) 435–3562.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 13, 2001.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 14, 2001.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Anshumali Chaudhari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Hematology Subcommittee 2.

Date: March 14–15, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jerrold Fried, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892–7802, 301–435–1777, friedj@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 14–15, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 100 29th St., NW., Washington, DC 20007.

Contact Person: Clare K. Schmitt, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7808, Bethesda, MD 20892, (301) 435–1148, schmittc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 14, 2001.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Jay Cinque, MSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 14, 2001.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jean Hickman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7808, Bethesda, MD 20892, (301) 435–1146.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 14, 2001.

Time: 12:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paul Wagner, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7840, Bethesda, MD 20892, (301) 435–6809.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 16, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4449 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Reproductive Biology Study Section, February 26, 2001, 8:30 am to February 27, 2001, 5:00 pm, Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852 which was published in the **Federal Register** on February 13, 2001, 66 FR 10031–10034.

The meeting will be held at the Hyatt Regency Hotel in Bethesda. The dates and time remain the same. The meeting is closed to the public.

Dated: February 16, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4450 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 28, 2001.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael Micklin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301) 435–1258, micklinm@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 1, 2001.

Time: 1:30 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Gerhard Ehrenspeck, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5138, MSC 7840, Bethesda, MD 20892, (301) 435–1022, ehrenspg@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 1, 2001.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele C. Hindi-Alexander, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188 MSC 7848, Bethesda, MD 20892, 301–435–3554.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 2, 2001.

Time: 10:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Cheri Wiggs, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892 (301) 435–1261.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Experimental Cardiovascular Sciences Study Section.

Date: March 5–6, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Anshumali Chaudhari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007–3701.

Contact Person: Sharon K. Pulfer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892, (301) 435–1767.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5–6, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Governor's House Hotel, 17th & Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Joseph Kimm, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178 MSC 7844, Bethesda, MD 20892 (301) 435–1249.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5–6, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Tracy E. Orr, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 5118, Bethesda, MD 20892, (301) 435–1259, orrt@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5–7, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Jerry L. Klein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892, Bethesda, MD 20892, (301) 435–1213.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5–6, 2001.

Time: 8:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, Palladian East and Center Rooms, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Sally Ann Amero, PhD, Scientific Review Administrator, Center for Scientific Review, Genetic Sciences Integrated Review Group, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892–7890, 301–435–1159, ameros@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5–6, 2001.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7812, Bethesda, MD 20892, (301) 435–3565.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5, 2001.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5, 2001.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Syed Amir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435–1043, amirs@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6–7, 2001.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Suites, 285 North Palm Canyon Drive, Palm Springs, CA 92262.

Contact Person: Randall J. Owens, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 5102, MSC 7852, Bethesda, MD 20892, 301–435–1506.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6–7, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Gaithersburg, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

Contact Person: Gopal C. Sharma, DVM, MS, PhD, Diplomate American Board of Toxicology, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2184, MSC 7818, Bethesda, MD 20892, (301) 435–1783, sharmag@csr.nih.gov.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group Virology Study Section.

Date: March 6–7, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th St., NW., Washington, DC 20007.

Contact Person: Rita Anand, PhD, Scientific Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7808, Bethesda, MD 20892, (301) 435–1151, anandr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6, 2001.

Time: 10:30 a.m. to 11:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Russell T. Dowell, PhD, Scientific Review, Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7818, Bethesda, MD 20892, (301) 435–1169, dowellr@drg.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6, 2001.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexander D. Politis, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, (301) 435–1225, politisa@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6, 2001.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, Palladian East and Center Rooms, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Sally Ann Amero, PhD., Scientific Review Administrator, Center for Scientific Review, Genetic Sciences Integrated Review Group, 6701 Rockledge Drive, Room 2206, MSC7890, Bethesda, MD 20892–7890, 301–435–1159, ameros@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6, 2001.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Abubakar A. Shaikh, DVM, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, MSC 7892, Bethesda, MD 20892, (301) 435–1042, shaikha@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6, 2001.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sherry L. Dupere, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7840, Bethesda, MD 20892, (301) 435–1021.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6, 2001.

Time: 4:30 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lawrence N. Yager, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7808, Bethesda, MD 20892, 301–435–0903, yagerl@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6, 2001.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Francis Marion Hotel, 387 King Street, Charleston, SC 29402 (Telephone Conference Call).

Contact Person: Anita Miller Sostek, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, (301) 435–1260.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6, 2001.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele C. Hindi-Alexander, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7848, Bethesda, MD 20892, 301–435–3554.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 7, 2001.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Victoria S. Levin, MSW, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 435–0912, levinv@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 7, 2001.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 7–9, 2001.

Time: 7:00 p.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications.

Place: Copley Marriott, 110 Huntington Avenue, Boston, MA 02116.

Contact Person: Marjam G. Behar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4178, MSC 7806, Bethesda, MD 20892, (301) 435–1180.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4458 Filed 2–22–01; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Statement of Organization, Functions, and Delegations of Authority

Part N, National Institutes of Health, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 65 FR 38848, June 22, 2000, and redesignated from Part HN as Part N at 60 FR 56606, November 9, 1995) is amended as set forth below to reflect the establishment of the Office of the Ombudsman/Center for Cooperative Resolution within the Office of the Director, NIH.

Section N–B, Organization and Functions, under the heading Office of the Director (NA, formerly HNA) is amended by inserting immediately after the paragraph for the Office of Bioengineering and Bioimaging (HNAC) the following:

Office of the Ombudsman/Center for Cooperative Resolution (NAS, formerly HNAS). (1) Provides overall leadership, direction, and oversight on alternative dispute resolution (ADR) policies, programs, and activities at NIH; (2) acts as the focal point for information and activity relating to conflict management and ADR; (3) advises the NIH Director and staff on matters relating to dispute resolution and conflict management, generally, and to the specific application of ADR throughout NIH; (4) assists managers and employees in a confidential, informal, impartial, and independent way in resolving work-related issues and disputes, including receiving and inquiring into workplace disputes brought to the Ombudsman by any NIH staff member, initiating independent inquiries, identifying and analyzing systemic issues that foster workplace disputes, and making recommendations to the appropriate responsible agency official(s) for changes in policies and procedures; (5) develops and implements ADR policies and procedures and administers ADR programs to facilitate the resolution of workplace disputes; (6) develops and provides conflict prevention services including training and education; and (7) works cooperatively and collaborates with NIH components that administer formal dispute resolution mechanisms.

Delegations of Authority Statement

All delegations and redelegations of authority to offices and employees of NIH that were in effect immediately prior to the effective date of this reorganization and are consistent with this reorganization shall continue in effect, pending further redelegation.

Dated: February 13, 2001.

Ruth L. Kirschstein,

Acting Director, National Institutes of Health.

[FR Doc. 01–4456 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–023–01–1310–MQ–026L–241A]

Call for Nominations for National Petroleum Reserve—Alaska Research and Monitoring Advisory Team

SUMMARY: The purpose of this notice is to solicit public nominations for the Bureau of Land Management's National Petroleum Reserve—Alaska (NPR–A) Research and Monitoring Advisory Team (RMT). The RMT will provide advice and recommendations to the BLM's Northern Field Office Manager on issues pertaining to the adequacy and appropriateness of mitigative stipulations established in the Northeast NPR–A Integrated Activity Plan/Environment Impact Statement, Record of Decision (ROD), 1998.

The ROD directs the BLM to charter the RMT in accordance with the Federal Advisory Committee Act, which requires that membership to the RMT be designed to achieve balanced representation of the various interests relevant to surface resource protection in the NPR–A. The Secretary of the Interior will appoint representatives to the RMT from federal, state and North Slope Borough agencies; oil & gas or related industry; nationally or regionally recognized environmental or resource conservation organizations; academicians employed in natural resource management or the natural sciences; and the public at large. Appointees will serve three-year terms. Members will serve without salary, but will be reimbursed travel expenses according to government travel regulations.

This notice is a call for nominations from the nongovernment categories listed above. One member will be selected from each of four categories:

1—oil & gas or related industry;
2—nationally or regionally recognized environmental or resource conservation organizations;
3—academicians employed in natural resource management or the natural sciences; and
4—the public at large.

Individuals may nominate themselves or others. Nominees will be evaluated on their demonstrated professional or personal qualifications and expertise, such as in arctic biology and the scientific process, relevant to the functions and tasks to be performed by the RMT. Nominees should have a demonstrated commitment to collaborative decisionmaking. All nominations must be accompanied by

letters of reference from represented interests or organizations, and any other information relevant to the nominee's qualifications.

Closing Date: Nominations must be sent to Herb Brownell at the address listed below, postmarked on or before March 28, 2001.

Nomination Form: May be obtained from BLM's Northern Field Office website at http://aurora.ak.blm.gov/npra or by contacting Herb Brownell, Tel: 907–474–2333, 1–800–437–7021; or email at Herb_Brownell@ak.blm.gov.

FOR FURTHER INFORMATION CONTACT: Herb Brownell, Bureau of Land Management, Northern Field Office, 1150 University Avenue, Fairbanks, AK 99709–3844; tel: 907–474–2333.

Dated: February 13, 2001.

Robert W. Schneider,

Manager, Northern Field Office.

[FR Doc. 01–4437 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–JA–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–070–99–5101–00; J–608; UTU–77149, UTU–77164, UTU–78301, FERC Doc. No. CP00–68–000]

San Juan County, NM; La Plata, Montezuma, Dolores, and San Miguel Counties, CO; and San Juan, Grand, Emery, Carbon, Sanpete, Utah, Juab and Salt Lake Counties, UT; Draft EIS for a Refined Petroleum Products Pipeline, Natural Gas Pipelines and Utility Corridor Analysis and Plan Amendments

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Draft Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, a Draft Environmental Impact Statement (DEIS) has been prepared by the Bureau of Land Management (BLM), Utah State Office. The DEIS was prepared to analyze the impacts of proposed transportation of refined petroleum products and natural gas through pipelines located on public lands administered by BLM, National Forest System lands and State and private lands in northwest New Mexico, southwest Colorado, and southeast to north-central Utah. In addition, the draft EIS analyzes utility corridors across the Manti-LaSal and Uinta National Forests which may or may not expand the existing designated corridors and/or identify other corridors. This analysis may result in Forest Plan amendments to the Manti-LaSal and Uinta National Forest Land and Resource Management Plans. The Federal Energy Regulatory Commission (FERC) and United States Forest Service, Manti-LaSal, San Juan and Uinta National Forests, are Cooperating Agencies in accordance with Title 40, Code of Federal Regulations, Section 1501.6. Public reading copies of the DEIS will be available for review at the following locations:

- Salt Lake City, Utah—209 East 500 South
- West Valley City, Utah—2880 West 3650 South
- Payson, Utah—439 West Utah Ave
- Nephi, Utah—22 East 100 North
- Price, Utah—159 East Main
- Moab, Utah—Grand Co. Library, 25 South 100 East
- Durango, Colorado—Durango Public Library, 1188 Second Avenue
- Dolores, Colorado—Dolores Public Library, PO Box 847, Dolores, CO
- Farmington, New Mexico—Farmington Public Library, 100 West Broadway.

In addition, a limited number of copies of the document will be available at the following BLM and Forest Service Offices:

- Bureau of Land Management, Utah State Office, 324 South State, Salt Lake City, Utah
- Uinta National Forest, 88 West 100 North, Provo, Utah
- Filmore Field Office, 35 East 500 North, Filmore, Utah
- Bureau of Land Management, Price Field Office, 125 South, 600 West, Price, Utah
- Manti La-Sal National Forest, 599 West Price River Drive, Price, Utah
- Bureau of Land Management, Moab Field Office, 82 East Dogwood Road, Moab, Utah
- Bureau of Land Management, Monticello Field Office, 435 North Main Street, Monticello, Utah
- Bureau of Land Management, Durango Field Office, 15 Burnett Court, Durango, Colorado
- San Juan National Forest, 100 North Sixth Street, Dolores, Colorado
- Bureau of Land Management, Farmington Field Office, 1235 La Plata Highway.

DATES: Written comments must be post marked on or before April 16, 2001, or *45 days after date of publication in the Federal Register*, whichever is later.

Public meetings will be held at the following locations and dates:

- March 14, 2001, West Valley City, Family Fitness Center, Community Room A, 5415 West, 3100 South, West Valley City, Utah
- March 19, 2001, Senior Citizens Center, 450 East, 100 North, Moab, Utah
- March 20, 2001, Double Tree Inn, 501 Camino Del Rio, Durango, Colorado, and Anasazi Heritage Center, 27501 Highway 184, Delores, Colorado
- March 22, 2001, Farmington Civic Center, (Room B) 200 West Arrington, Farmington, New Mexico
- March 27, 2001, Juab County High School, 802 North 650 East, Nephi, Utah
- March 28, 2001, Payson City Hall, 439 West Utah Ave, Payson, Utah
- March 29, 2001, Association of Governments and Small Business Development Center, 375 South Carbon Ave., Price, Utah

All meetings will begin at 7:00 pm. BLM reserves the right to limit presentations based on public attendance. Only written comments will be made part of the official record. Written comments may be submitted at the meetings or may be mailed to the address below prior to the end of the comment period.

Comments, including names and street addresses of respondents will be available for public review at the BLM Utah State Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They may be published as part of the final EIS and other related documents. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review and disclosure under the FOIA, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, will be made available for public inspection in their entirety.

ADDRESSES: Written comments should be sent to LaVerne Steah, Project Manager, Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, UT 84145–0155 or at the project website: QWK–EIS.ORG. Copies of the DEIS can be obtained through the project web site, or by written request to the above address (hard copy or CD). An executive summary including maps will be mailed to all individuals and organizations on the project mailing list.

FOR FURTHER INFORMATION Please contact Ms. LaVerne Steah at the above address or phone: (801) 539–4114 or e-mail: LaVerne_steah@ut.blm.gov.

SUPPLEMENTARY INFORMATION: Three proponents (Williams Pipeline Company, Questar Pipeline Company and Kerne River Gas Transmission Company) filed right-of-way

applications with the Bureau of Land Management in 1998 and 1999 to construct and operate petroleum products and natural gas pipelines and ancillary facilities on public lands administered by the Bureau of Land Management, National Forest System Lands administered by the United States Forest Service (USFS), and private and state owned lands in the states of New Mexico, Colorado, and Utah. The three projects are independent of each other (each project could be constructed and operated regardless of whether the other two projects are approved). The three projects were analyzed together because they would share common utility corridors across the Manti-LaSal and Uinta National Forests and would cause cumulative impacts.

The BLM and the USFS examined alternative natural gas and petroleum transportation methods and several alternative pipeline route segments to address concerns about (1) potential petroleum products leaks and spill effects on natural resources, water and people; (2) natural gas leaks and failure effects on natural resources and people, and; (3) effects on the character of USFS inventoried roadless and unroaded areas. Two major (30 miles or longer) route alternatives, and two short (5 miles or less) route variations were carried forward in the analysis in addition to the proposed action and the no action alternative. Also, as part of the proposed action is a proposal to amend one or more forest plans following the 1982 regulations (36 CFR, part 219). Public scoping for these projects was completed in two phases. An Initial Notice of Intent to prepare an EIS for these projects was published in the **Federal Register** on April 28, 1999. Nine public meetings were held in Colorado and Utah. An amended Notice of Intent was published on April 19, 2000, as a result of a change in the project scope. This established a new public scoping period between April 19, 2000 and June 9, 2000, during which two additional scoping meetings were held in Utah.

Dated: February 12, 2001.

Sally Wisely,

Utah State Director.

[FR Doc. 01–4467 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–1020–PH; GP01–0104]

Eastern Washington Advisory Council; Meeting

AGENCY: Bureau of Land Management, Spokane District.

ACTION: Notice of the meeting of the Eastern Washington Advisory Council; March 22, 2001, in Spokane, Washington.

SUMMARY: A meeting of the Eastern Washington Resource Advisory Council will be held on March 22, 2001. The meeting will convene at 9 a.m., at the Spokane District Office, Bureau of Land Management, 1103 North Fancher Road, Spokane, Washington 99212–1275. The meeting will adjourn upon conclusion of business, but no later than 4 p.m. Public comments will be heard from 10 a.m. until 10:30 a.m. If necessary, to accommodate all wishing to make public comments, a time limit may be placed upon each speaker. At an appropriate time, the meeting will adjourn for approximately one hour for lunch. Topics to be discussed include Election of Chair, Interior Columbia Basin Ecosystem Management Project Status Report, BLM Work Plan for FY 2001, BLM/Forest Service Fire Program, Charter Renewal and Next Meeting Scheduling.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, Washington 99212; or call 509–536–1200.

Dated: February 14, 2001.

Joseph K. Buesing,

District Manager.

[FR Doc. 01–4466 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service (MMS)

Minerals Management Advisory Board, Outer Continental Shelf (OCS), Scientific Committee (SC)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of vacancies and request for nominations.

SUMMARY: The MMS is seeking interested and qualified individuals to serve on its Minerals Management Advisory Board OCS SC during the period of October 1, 2001, through September 30, 2003. The initial 2-year term may be renewable for up to an additional 4 years. The OCS SC is chartered under the Federal Advisory Committee Act to advise the Director of the MMS on the appropriateness, feasibility, and scientific value of the OCS Environmental Studies Program (ESP) and environmental aspects of the offshore oil and gas program. The ESP, which was authorized by the OCS Lands Act as amended (Section 20), is administered by the MMS and covers a wide range of field and laboratory studies in biology, chemistry, and physical oceanography, as well as studies of the social and economic impacts of OCS oil and gas development. Currently, the work is conducted through award of competitive contracts and interagency and cooperative agreements. The OCS SC reviews the relevance of the information being produced by the ESP and may recommend changes in its scope, direction, and emphasis. The OCS SC comprises distinguished scientists in appropriate disciplines of the biological, physical, chemical, and socioeconomic sciences. Vacancies, which need to be filled, exist in the biological, physical oceanography, and a new requirement, offshore sand and gravel mining disciplines. The selection is based on maintaining disciplinary expertise in all areas of research, as well as geographic balance. Demonstrated knowledge of the scientific issues related to OCS oil and gas development is essential. Selection is made by the Department of the Interior on the basis of these factors; appointments to the Committee are made by the Secretary of the Interior. For more information regarding the Committee, please visit our website at http://www.mms.gov/mmab/ocssc.htm.

Interested individuals should send a letter of interest and resume within 60 days to: Julie Reynolds, Program Planner, Minerals Management Service, 381 Elden Street, Mail Stop 4001, Herndon, Virginia 20170. She may be reached by telephone on (703) 787–1211, or e-mailed at Julie.Reynolds@mms.gov.

Dated: February 16, 2001.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

[FR Doc. 01–4501 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF THE INTERIOR

National Park Service

Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission Notice of Meeting Cancellation

Notice is hereby given in accordance with the Federal Advisory Committee Act that the meeting of the Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission previously scheduled for Tuesday, February 27, 2001 in San Francisco, California will be cancelled.

The Advisory Commission was established by Public Law 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo Counties. Members of the Commission are as follows:

Mr. Richard Bartke, Chairman
Ms. Susan Giacomini Allan
Mr. Michael Alexander
Ms. Lennie Roberts
Mr. Fred Rodriguez
Mr. Redmond Kernan
Mr. Gordon Bennett
Mr. John J. Spring
Mr. Doug Nadeau
Ms. Amy Meyer, Vice Chair
Mr. Douglas Siden
Mr. Dennis J. Rodoni
Ms. Yvonne Lee
Mr. Trent Orr
Ms. Betsey Cutler
Ms. Anna-Marie Booth
Dr. Edgar Wayburn

Dated: February 8, 2001.

Mary Gibson Scott,

Acting General Superintendent, Golden Gate National Recreation Area.

[FR Doc. 01–4308 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 10, 2001. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by March 12, 2001.

Carol D. Shull,

Keeper of the National Register Of Historic Places.

ALASKA
Nome Borough-Census Area:
Swanberg Dredge, Mi. 1 Nome-Council Hwy., Nome, 01000232
COLORADO
Alamosa County:
Denver and Rio Grande Railroad Locomotive No. 169, Along Chamber Dr. within Cole Park, Alamosa, 01000230
KANSAS
Sedgwick County:
Nokomis and Navarre Apartment Buildings, 420–426 N. Topeka Ave., Wichita, 01000234
Virginia Apartment Building, 401–405 E. Third St., Wichita, 01000233
MISSOURI
Callaway County
Pitcher Store, 8513 Pitcher Rd., Fulton, 01000235
NEW JERSEY
Bergen County
Hardenburgh Avenue Bridge, Hardenburgh Avenue over the Tenakill Brook, Demarest Borough, 01000237
Salem County:
Hedge—Carpenter—Thompson Historic District, Bounded by Hedge, Thompson, South Third Sts. and Oak St. Alley, Salem City, 01000236
NEW YORK
Albany County:
Blaisdell, Fletcher, Farm Complex, Westerlo St., Coeymans, 01000246
Hook and Ladder No. 4, Delaware Ave., Albany, 01000247
Bronx County:
Casa Amadeo, Antigua Casa Henandez, 786 Prospect Ave., Bronx, 01000244
Delaware County:
Christian Church, NY 10, East Delhi, 01000250
Dundas Castle, Berry Brook Rd., Roscoe, 01000245
Greene County:
Tripp House and Store Complex, NY 81, Durham, 01000240
Kings County:
Cuyler Presbyterian Church, 358–360 Pacific St., Brooklyn, 01000253
Lewis County:
Martinsburg Town Hall, NY 26 Main St., E, Martinsburg, 01000241
New York County:
Father Francis D. Duffy Statue and Duffy Square, Triangle bounded by Broadway, Seventh Ave., W. 47th. and W. 46th St., New York, 01000243
Orange County:
Stone, Gen. John Hathorn, House, Hathorn Rd., Warwick, 01000252
Queens County:
Bohemian Hall and Park, 29–19 24th Ave., Astoria, 01000239
Rockland County:
St. Paul's United Methodist Church, S. Broadway and Division St., Nyack, 01000251
Steuben County:
District School Number Five, 9436 Dry Run Rd., Campbell, 01000242
Tioga County:
McCarty, John W., House, 118 Main St., Candor, 01000249
Ulster County:
Opus 40, Fite Rd., Saugerties, 01000238
Savage, Augusta, House and Studio, 189 Old Rte. 32, Saugerties, 01000248
NORTH CAROLINA
Watauga County:
Vardell Family Cottages Historic District, 222 Grandfather Ave, 137, 187, 209 Chestnut Circle, Blowing Rock, 01000254
TENNESSEE
Humphreys County:
Johnsonville Historic District, (Civil War Historic and Historic Archeological Resources in Tennessee MPS) Old Johnsonville Rd., Denver, 01000257
Loudon County:
Craigs Chapel AME Zion Church, (Rural African-American Churches in Tennessee MPS) Craigs Chapel Rd., Greenback, 01000256
Roane County:
Tennessee Highway Patrol Building, Jct. of Kingston Ave. and Nelson St., Rockwood, 01000255
TEXAS
Goliad County:
Goliad State Park Historic District, US 183 at San Antonio River, Goliad, 01000258
VERMONT
Franklin County:
St. Ann's Episcopal Church, (Religious Buildings, Sites and Structures in Vermont MPS) Jct. of Church and Town Sts., Richford, 01000259
VIRGINIA
Prince William County:
Quantico Marine Corps Base Historic District, Marine Corps Base Quantico, Quantico, 01000260
WEST VIRGINIA
Cabell County:
Mortimer Place Historic District, Bounded by an alley, 10th St., 12th Ave., and 11th St., Huntington,

01000266
Prichard House, 500 Twelfth, Huntington, 01000261
Fayette County:
Hughart, Dr. John, House, Off WV 41, Landisburg, 01000262
Hancock County:
Marshall House, 1008, Ridge Ave., 01000263
Hardy County:
VanMeter, Garrett, House, Off Reynolds Gap Rd., Old Fields, 01000264
Harrison County:
Quiet Dell School, Off WV 20 on Cty Rte 20/79, Mount Clare, 01000265
Reynolds Farm, Off US 19, Clarksburg, 01000269
Monongalia County:
Willey Law Offices, 178 Chancery Row, Morgantown, 01000267
Monroe County:
Maple Lawn, Cty Rte 219–23, Peterstown, 01000268
WYOMING
Natrona County:
Bishop House, 818 E. Second St., Casper, 01000270
A request for REMOVAL has been made for the following resources:
VIRGINIA
Amherst County:
Athlone, Jct. Of VA 151 and VA 674, Amherst, 92001029
Botetourt County:
Springwood Truss Bridge, VA 630 over James River, Springwood, 78003009
Brunswick County:
Bentfield, SW of Lawrenceville off US 58 and VA 656, Lawrenceville vicinity, 74002109
Loudoun County:
Exeter, E of Leesburg on Edwards Ferry Rd., Leesburg vicinity, 73002032
Lynchburg (Independent City):
Hayes Hall, Dewitt St. and Garfield Ave., Lynchburg (Independent City), 79003284
Mecklenburg County:
Moss Tobacco Factory, Main and 7th Sts., Clarksville, 79003054
Montgomery County:
Bridge over North Fork of Roanoke River, (Montgomery County MPS), S of jct. Of VA 637 and 603 over North Fork of Roanoake River, Ironto vicinity, 89001802
Montgomery White Sulphur Springs Cottage, (Montgomery County MPS), Depot and New Sts., Christiansburg, 89001884
Harrison—Hancock Hardware Company Building, (Montgomery County MPS), 24 E. Main St., Christiansburg, 89001877
Murdock, Elijah, Farm, (Montgomery County MPS), Off VA 643, 1 mi. N of US 460, Yellow Sulphur vicinity, 89001882
Nelson County:
Midway Mill, On the James River at end of VA 743, Midway Mills, 73002042
Norfolk County:
Taylor, Walter Herron, Elementary School, 1410 Claremont Ave., Norfolk vicinity, 98001067
Northampton County:
Caserta, NW of jct.of Rtes. 630 and US 13, Eastville vicinity, 70000816
Westover, VA 630, Eastville vicinity, 82004577
Page County:
Fort Rodes, NW of Luray off VA 615, Luray vicinity, 78003190
Pittsylvania County:
Oak Hill, VA863, Oak Ridge vicinity, 79003068
Pulaski County:
Harvey, Nathaniel Burwell, House, Off VA 812, Dublin vicinity, 86000250,
Richmond County:
Bladensfield, NE of Warsaw off VA 203, Warsaw vicinity, 80004219
Richmond (Independent City):
Manchester Cotton and Wool Manufacturing Co., Hull St. at Mayo's Bridge, Richmond (Independent City), 83003304
Scott-Clarke House, 9 S. 5th St., Richmond (Independent City), 72001524
Roanoke (Independent City):
First Baptist Church, 407 N. Jefferson St., NW, Roanoke (Independent City), 90001840

[FR Doc. 01–4307 Filed 2–22–01; 8:45 am]
BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–413 (Preliminary) and 731–TA–913–918 (Preliminary)]

Stainless Steel Bar From France, Germany, Italy, Korea, Taiwan, and the United Kingdom

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (the Act),[3] that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of stainless steel bar [4] from France, Germany, Italy, Korea, Taiwan, and the United Kingdom that are alleged to be sold in the United States at less than fair value (LTFV).[5]

The Commission also determines,[6] pursuant to section 703(a) of the Act,[7] that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of stainless steel bar from Italy that are alleged to be subsidized by the Government of Italy.[8]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigation under sections 703(b) and 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) and 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

The Commission instituted these investigations effective December 28, 2000, following receipt of a petition filed with the Commission and the Department of Commerce by Carpenter Technology Corp. (Wyomissing, PA); Crucible Specialty Metals (Syracuse, NY); Electralloy Corp. (Oil City, PA); Empire Specialty Steel, Inc. (Dunkirk, NY); Slater Steels Corp., Specialty Alloys Division (Fort Wayne, IN); and the United Steelworkers of America, AFL–CIO/CLC (Pittsburgh, PA), alleging that an industry in the United States is materially injured and threatened with material injury by reason of imports of stainless steel bar from France, Germany, Italy, Korea, Taiwan, and the United Kingdom, that are alleged to be sold in the United States at LTFV, and by reason of imports of stainless steel bar from Italy that are alleged to be subsidized by the Government of Italy. Accordingly, effective December 28, 2000, the Commission instituted countervailing duty investigation No. 701–TA–413 (Preliminary) and antidumping investigations Nos. 731–TA–913–918 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 4, 2001 (66 FR 807). The conference was held in Washington, DC, on January 18, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 12, 2001. The views of the Commission are contained in USITC Publication 3395 (February 2001), entitled Stainless Steel Bar From France, Germany, Italy, Korea, Taiwan, and the United Kingdom: Investigations Nos. 701–TA 413 and 731–TA–913–918 (Preliminary).

Issued: February 13, 2001.
By order of the Commission.
Donna R. Koehnke,
Secretary.

[FR Doc. 01–4435 Filed 2–22–01; 8:45 am]
BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Dennis M. Devaney not participating.

[3] 19 U.S.C. 1673b(a).

[4] For purposes of these investigations, the term "stainless steel bar" includes articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (i.e., cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), products that have been cut from stainless steel sheet, strip, or plate, wire (i.e., cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

[5] Commissioner Lynn M. Bragg determines that there is a reasonable indication that an industry in the United States is threatened with material injury.

[6] Commissioner Dennis M. Devaney not participating.

[7] 19 U.S.C. 1671b(a).

[8] Commissioner Lynn M. Bragg determines that there is a reasonable indication that an industry in the United States is threatened with material injury.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–427]

U.S. Market Conditions for Certain Wool Articles

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation, scheduling of public hearing, and request for public comments.

EFFECTIVE DATE: February 12, 2001.

SUMMARY: Following receipt of a request from the United States Trade Representative (USTR) on January 22, 2001, the Commission instituted Investigation No. 332–427, U.S. Market Conditions for Certain Wool Articles, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) to monitor U.S. market conditions for certain wool articles.

FOR FURTHER INFORMATION CONTACT: For general information, contact Kim Freund (202–708–5402; freund@usitc.gov) of the Office of Industries; for information on legal aspects, contact William Gearhart (202–205–3091; wgearhart@usitc.gov) of the Office of the General Counsel. The media should contact Margaret O'Laughlin, Public Affairs Officer (202–205–1819). Hearing impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information about the Commission may be obtained by accessing its Internet server (http://www.usitc.gov).

Background

As requested by the USTR, the Commission will provide information on U.S. market conditions, including domestic demand, domestic supply, and domestic production for men's and boys' worsted wool suits, suit-type jackets, and trousers; worsted wool fabric and yarn used in the manufacture of such clothing; and wool fibers used in the manufacture of such fabrics and yarn. Also as requested by the USTR, the Commission will provide, to the extent possible, data on:

(1) Increases or decreases in sales and production of the subject domestically-produced worsted wool fabrics;

(2) Increases or decreases in domestic production and consumption of the subject apparel items;

(3) The ability of domestic producers of the subject worsted wool fabrics to meet the needs of domestic manufacturers of the subject apparel items in terms of quantity and ability to meet market demands for the apparel items;

(4) Sales of the subject worsted wool fabrics lost by domestic manufacturers to imports benefiting from the temporary duty reductions on certain worsted wool fabrics under the tariff-rate quotas (TRQs) provided for in headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States (HTS);

(5) Loss of sales by domestic manufacturers of the subject apparel items related to the inability to purchase adequate supplies of the subject worsted wool fabrics on a cost competitive basis; and

(6) The price per square meter of imports and domestic sales of the subject worsted wool fabrics.

The USTR requested that the Commission submit two "annual reports" and an "interim letter" under this investigation. The first annual report, providing data for 1999, 2000, and year-to-date 2000–01, was requested by September 17, 2001, and the second annual report, providing data for 2001 and year-to-date 2001–02, was requested by September 16, 2002. In the interim, the USTR requested that the Commission provide by letter (interim letter) the most comprehensive information available on the factors described above for the period from January 1, 1999, to the present. The Commission was requested to submit this interim letter to USTR within 45 days after the U.S. Department of Commerce publishes a notice in the **Federal Register** soliciting requests from U.S. manufacturers of men's and boys' worsted wool suits, suit-type jackets, and trousers to modify the limitations on the quantity of imports of worsted wool fabrics under the TRQs provided for in HTS headings 9902.51.11 and 9902.51.12.USTR requested that the Commission issue public versions of the interim letter and the two annual reports, as soon as possible thereafter, with any business confidential information deleted.

In the request letter, the USTR referred to Title V of the Trade and Development Act of 2000 (the Act),

which was enacted on May 18, 2000, and implemented by Presidential Proclamation 7383 of December 1, 2000. Title V of the Act temporarily reduces tariffs and establishes TRQs on imports of certain worsted wool fabrics. The fabrics concerned are described in HTS headings 9902.51.11 and 9902.51.12—namely, worsted wool fabrics certified by the importer as suitable for use in men's or boys' suits, suit-type jackets, and trousers. The Act authorizes the President to modify the TRQ limits provided for in HTS headings 9902.51.11 and 9902.51.12, which will be in effect for 3 years beginning on January 1, 2001, subject to his consideration of certain U.S. market conditions. In the request letter, the USTR noted that, under section 504 of the Act, the President is required to monitor U.S. market conditions, including domestic demand, domestic supply, and increases in domestic production for men's and boys' worsted wool suits, suit-type jackets, and trousers; worsted wool fabric and yarn used in the manufacture of such clothing; and wool fibers used in the manufacture of such fabrics and yarn. In Proclamation 7383, the President delegated the authority to modify the TRQ limits to the Secretary of Commerce, and delegated to USTR the authority to monitor these market conditions.

Public Hearing

A public hearing in connection with preparation of the first annual report, as identified above, will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on May 31, 2001. The Commission has not scheduled any other public hearing in connection with this investigation at this time. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436, no later than 5:15 p.m., May 17, 2001. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., May 21, 2001. The deadline for filing post-hearing briefs or statements is 5:15 p.m., June 7, 2001. In the event that, as of the close of business on May 17, 2001, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission (202–205–1806) after May 17, 2001, to determine whether the hearing will be held.

Written Submissions

In connection with preparation of the interim letter for USTR, interested parties are invited to submit written statements (original and 14 copies) concerning the matters to be addressed by the Commission. To be assured of consideration by the Commission, written statements in connection with the interim letter should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on March 7, 2001. Regarding the first annual report, in lieu of or in addition to participating in the above-referenced hearing, interested parties are invited to submit written statements (original and 14 copies) concerning the matters to be addressed by the Commission by no later than the close of business on June 7, 2001.

Commercial or financial information that a person desires the Commission to treat as confidential must be submitted on separate sheets of paper, each marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). The Commission's Rules do not authorize filing of submissions with the Secretary by facsimile or electronic means. All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. The Commission may include confidential business information submitted in the course of this investigation in its reports to the USTR. In the public version of these reports, however, the Commission will not publish confidential business information in a manner that would reveal the individual operations of the firm supplying the information. All submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

List of Subjects

Tariffs, imports, wool, fabric, and suits.

By order of the Commission.

Issued: February 13, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–4433 Filed 2–22–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on February 8, 2001, a proposed consent decree in *United States* v. *Forsch Polymer Corporation*, Civil Action No. 00–N–919, was lodged with the United States District Court for the District of Colorado.

In this action, the United States sought injunctive relief and the payment of civil penalties for Forsch Polymer's alleged violations of the Stratospheric Ozone Protection Requirements set forth at Subchapter VI of the Clean Air Act, and EPA's implementing regulations. Under the proposed decree, the defendant Forsch Polymer Corporation will pay the sum of $32,000 over a one year period. The settlement sum is based upon the financial inability of Forsch Polymer Corporation to pay more. The proposed decree does not require that Forsch Polymer Corporation take any injunctive measures because Forsch Polymer Corporation has certified that it no longer uses the ozone depleting substance that formed the basis of the United States' action.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Forsch Polymer Corporation*, D.J. Ref. 90–5–2–1–06428.

The proposed consent decree may be examined at the Office of the United States Attorney, 1225 17th Street, Suite 700, Denver, CO 80202; and at U.S. EPA Region VIII, 999 18th Street, Denver, Colorado 80202. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of $3.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–4515 Filed 2–22–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Gillette*, Civ. No. 3: CV–96–1200 (M.D. Pa.), was lodged with the United States District Court for the Middle District of Pennsylvania on February 9, 2001. This proposed Consent Decree concerns a complaint filed by the United States of America against Robert Gillette, pursuant to section 309(b) and (d) of the Clean Water Act, 33 U.S.C. 1319 (b) and (d), to obtain injunctive relief from and impose civil penalties against the Defendant for unlawfully discharging and/or filling approximately 1.6 acres of wetlands adjacent to an unnamed tributary of Van Auken Creek, in Waymart Borough, Wayne County, Pennsylvania.

The proposed Consent Decree requires the Defendant to pay a civil penalty for his unauthorized discharges. Under the proposed Consent Decree, the Defendant shall also undertake a supplemental environmental project ("SEP") consisting of the conservation and management of wetlands in Tobyhanna Township, Monroe County, Pennsylvania. The proposed Consent Decree permanently enjoins the Defendant, or any successor of the Defendant, from discharging pollutants into any water of the United States at the Site, except in compliance any permits required to be obtained by federal, state and local laws, rules or regulations.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Acting Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Attention: Joshua M. Levin, P.O. Box 23986, Washington, DC 20026–3986 and should refer to *United States* v. *Gillette*, DJ Reference No. 90–5–1–6–596.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Middle District of Pennsylvania, 228 Walnut Street, Harrisburg, PA 17108. In addition, the proposed Consent Decree may be viewed on the World Wide Web at http://www.usdoj.gov/enrd/enrd-home.html.

Scott A. Schachter,

Assistant Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 01–4514 Filed 2–22–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

[Civil No. 00–3006]

United States of America v. Aktiebolaget Volvo, Trucks North America, Inc., Renault S.A., Renault V.I. S.A., and Mack Trucks, Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Sections 16(b) through (h), that a Complaint, Hold Separate Stipulation and Order, proposed Final Judgment, and Competitive Impact Statement were filed with the United States District Court for the District of Columbia in *United States of America* v. *Aktiebolaget Volvo, Volvo Trucks North America, Inc., Renault S.A., Renault V.I. S.A. and Mack Trucks, Inc.*, Civil No. 1:00CV03006. On December 18, 2000, the United States filed a Complaint in the United States District Court for the District of Columbia alleging the proposed acquisition by Aktiebolaget Volvo of Renault V.I. S.A., which includes Mack Trucks, Inc., from Renault S.A. would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires Aktiebolaget Volvo, among other things, to divest the Volvo Trucks North America, Inc., Low Cab Over Engine Truck Business along with certain other tangible and intangible assets. Copies of the Complaint, Hold Separate Stipulation and Order, proposed Final Judgment, and Competitive Impact Statement are available for inspection in Room 200 of the U.S. Department of Justice, Antitrust Division, 325 Seventh Street, NW., Washington, DC., and at the office of the Clerk of the United States District Court for the District of Columbia, Washington, DC.

Public comment is invited within the statutory 60-day comment period. Such comments and response thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to J. Robert Kramer II, Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, NW., Suite 3000, Washington, DC 20530 (Telephone: 202–307–0924).

Constance K. Robinson,

Director of Operations.

Hold Separate Stipulation and Order

It is hereby stipulated and agreed by and between the undersigned parties, subject to approval and entry by the Court, that:

I. Definitions

As used in this Hold Separate Stipulation and Order:

A. "Purchaser" means the entity to whom defendants divest either the VTNA LCOE Truck Business or the Mack LCOE Truck Business.

B. "AB Volvo" means defendant Aktiebolaget Volvo, a Swedish corporation with its headquarters in Gotenborg, Sweden, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

C. "VTNA" means defendant Volvo Trucks North America, Inc., a Delaware corporation and a wholly owned subsidiary of AB Volvo with its headquarters in Greensboro, North Carolina, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

D. "Renault" means defendant Renault S.A., a French corporation with its headquarters in Boulogne-Billancourt, France, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

E. "Renault V.I." means defendant Renault V.I.S.A., a French corporation and a wholly owned subsidiary of Renault with its headquarters in Lyon, France, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

F. "Mack" means defendant Mack Trucks, Inc., a Pennsylvania corporation and a wholly owned subsidiary of Renault V.I. with its headquarters in Allentown, Pennsylvania, and includes its successors and assigns, and its subsidiaries, division, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

G. "LCOE Truck" means a class 8 low cab over entire straight truck with a cab

placed over or in front of the engine and the capability to accept an attached vocational body.

H. "VTNA LCOE Truck Business" means VTNA's line of LCOE Trucks (which consists of the WX and WXLL) including:

(1) All tangible assets that comprise the VTNA LCOE Truck Business, including research and development activities, all manufacturing equipment, tooling and fixed assets, personal property, inventory, materials, supplies, and other tangible property and all other assets used exclusively in connection with the VTNA LCOE Truck Business; all components, parts, and designs used in LCOE Trucks comprising the VTNA LCOE Truck Business; all licenses, permits and authorizations issued by any governmental organization relating to the VTNA LCOE Truck Business; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to the VTNA LCOE Truck Business, including supply agreements; all lists, contracts, accounts, and credit record of customers; all repair, performance, and VTNA LCOE Truck Business records and all other records relating to the VTNA LCOE Truck Business. The VTNA Truck Business does not include the sale of the VTNA New River Valley, Virginia, plant; and

(2) any and all intangible assets used in the development, production, servicing and sale of the VTNA LCOE Truck Business, including, but not limited to: (a) the Xpeditor, WX, and WXLL brand names and all other intellectual property rights used exclusively in connection with the VTNA LCOE Truck Business; (b) with respect to all other intellectual property rights used in connection with both the VTNA LCOE Truck Business and other nondivested AB Volvo assets (other than intellectual property regarding use of the word "Volvo"), a transferable, license, exclusive in the VTNA LCOE Truck Business field of use; (c) all existing licenses and sublicenses relating exclusively to the VTNA LCOE Truck Business; (d) a transferable, sublicense, exclusive in the VTNA LCOE Truck Business field of use, to all other existing licenses and sublicenses relating to the VTNA LCOE Truck Business; and (e) all research, market evaluations or information relating to plans for improvements or updates to, or product line extensions of the WX or WXLL. Intellectual property rights comprise, but are not limited to, patents, licenses and sublicenses, copyrights, technical information, trademarks, trade names, service marks, service names, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, design tools and simulation capability, all manuals and technical information provided to employees, customers, suppliers, agents, or licensees, and all research data concerning historic and current research and development efforts relating to the VTNA LCOE Truck Business including, but not limited to, designs of experiments and the results of successful and unsuccessful designs and experiments.

I. "Mack LCOE Truck Business" means Mack's line of LCOE Trucks (which includes the MR and LE) including:

(1) All tangible assets that comprise the Mack LCOE Truck Business, including research and development activities, all manufacturing equipment, tooling and fixed assets, personal property, inventory, materials, supplies, and other tangible property and all other assets used exclusively in connection with the Mack LCOE Truck Business; all components, parts, and designs used in LCOE Trucks comprising the Mack LCOE Truck Business; all licenses, permits and authorizations issued by any governmental organization relating to the Mack LCOE Truck Business; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to the Mack LCOE Truck Business, including supply agreements; all lists, contracts, accounts, and credit records of customers; all repair, performance, and Mack LCOE Truck Business records and all other records relating to the Mack LCOE Truck Business. The Mack LCOE Truck Business does not include the sale of the Mack Macungie, Pennsylvania, plant; and

(2) any and all intangible assets used in the development, production, servicing and sale of the Mack LCOE Truck Business, including, but not limited to: (a) The MR and LE brand names and all other intellectual property rights used exclusively in connection with the Mack LCOE Truck Business; (b) with respect to all other intellectual property rights used in connection with both the Mack LCOE Truck Business and other nondivested Renault assets (other than intellectual property regarding use of the word "Mack" or the word "Renault"), a transferable, license, exclusive in the Mack LCOE Truck Business field of use; (c) all existing licenses and sublicenses relating exclusively to the Mack LCOE Truck Business; (d) a transferable, sublicense, exclusive in the Mack LCOE Truck Business field of use, to all other existing licenses and sublicenses relating to the Mack LCOE Truck Business; and (e) all research, market evaluations or information relating to plans for, improvements or updates to, or product line extensions of the MR or LE. Intellectual property rights comprise, but are not limited to patents, licenses and sublicenses, technical information, copyrights, trademarks, trade names, service marks, service names, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, design tools and simulation capability, all manuals and technical information provided to employees, customers, suppliers, agents, or licensees, and all research data concerning historic and current research and development efforts relating to the Mack LCOE Truck Business including, but not limited to, designs of experiments and the results of successful and unsuccessful designs and experiments.

II. Objectives

The Final Judgment filed in this case is meant to ensure defendants' prompt divestiture of the VTNA LCOE Truck Business or, pursuant to the decision of a trustee, the Mack LCOE Truck Business, for the purpose of assuring the establishment of one or more viable competitors in the LCOE Truck industry capable of competing effectively to supply LCOE Trucks in North America and to remedy the anticompetitive effects that the United States alleges would otherwise result from AB Volvo's acquisition of Renault V.I. This Hold Separate Stipulation and Order ensures, prior to such divestitures, that the VTNA and Mack LCOE Truck Businesses operate as competitively independent, economically viable, and ongoing business concerns that will remain independent and uninfluenced by the consummation of AB Volvo's acquisition of Renault V.I., and that competition is maintained during the pendency of the ordered divestitures.

III. Jurisdiction and Venue

The Court has jurisdiction over the subject matter of this action and over each of the parties hereto, and venue of this action is proper in the Untied States District Court for the District of Columbia.

IV. Compliance With and Entry of Final Judgment

A. The parties stipulate that a Final Judgment in the form attached hereto as Exhibit A may be filed with an entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that the United States has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

B. Defendants shall abide by and comply with the provisions of the proposed Final Judgment, pending the Judgment's entry by the Court, or until expiration of time for all appeals of any Court ruling declining entry of the proposed Final Judgment, and shall, from the date of the signing of this Stipulation by the parties, comply with all the terms and provisions of the proposed Final Judgment as though the same were in full force and effect as an order of the Court.

C. Defendants shall not consummate the transaction sought to be enjoined by the Complaint herein before the Court has singed this Hold Separate Stipulation and Order.

D. This Stipulation shall apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the parties and submitted to the Court.

E. In the event (1) the United States has withdrawn its consent, as provided in Section IV(A) above, or (2) the proposed Final Judgment is not entered pursuant to this Stipulation, the time has expired for all appeals of any Court ruling declining entry of the proposed Final Judgment, and the Court has not otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, then the parties are released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

F. Defendants represent that the divestiture ordered in the proposed Final Judgment can and will be made, and that defendants will later raise no claim of mistake, hardship or difficulty of compliance as grounds for asking the Court to modify any of the provisions contained therein.

V. Hold Separate Provisions

Until the divestitures required by the Final Judgment have been accomplished:

A. Defendants shall preserve, maintain, and continue to operate the VTNA and Mack LCOE Truck Businesses as competitively independent, economically viable parts of ongoing competitive businesses, with management, research, design, development, promotions, marketing, sales and operations of such assets held entirely separate, distinct and apart from those of the defendants' other operations. Except as provided in this paragraph, AB Volvo shall not coordinate the research and development, promotions, production, marketing or terms of sale of any products produced by or sold by or through the VTNA LCOE Truck Business with those produced or sold by or through the Mack LCOE Truck Business. Notwithstanding the foregoing provisions, AB Volvo is not prohibited from continuing the historical, regular course of business, system-wide production and sales of VTNA and Mack LCOE Trucks, provided that defendants continue to support and maintain the VTNA and Mack LCOE Truck Businesses as independent, ongoing, economically viable and active competitors in the LCOE Truck industry as required by this Hold Separate Stipulation and Order (including efforts to maintain and increase the sales revenue of the VTNA and Mack LCOE Truck Businesses required under Section V.(C)). Within twenty (20) days after the entry of this Hold Separate Stipulation and Order, defendants will inform the United States of the steps defendants have taken to comply with this Hold Separate Stipulation and Order.

B. Defendants shall take all steps necessary to ensure that (1) the VTNA and Mack LCOE Truck Businesses will be maintained and operated as an independent, ongoing, economically viable and active competitors in the LCOE Truck industry; (2) management of the VTNA and Mack LCOE Truck Businesses (designated in Section V.(J)) will not be influenced by defendants; and (3) the books, records, competitively sensitive sales, marketing and pricing information, and decision-making concerning research, development, marketing, production, distribution or sales of products by or under any of the VTNA and Mack LCOE Truck Businesses will be kept separate and apart from defendants' other operations.

C. Defendants shall use all reasonable efforts to maintain and increase the research, development, sales, and revenues of the products produced by or sold under the VTNA and Mack LCOE Truck Businesses, and shall maintain at 2000 levels or previously approved levels for 2001, whichever are higher, all research, development, product improvement, promotional, advertising, sales, technical assistance, marketing and merchandising support for the VTNA and Mack LCOE Truck Businesses.

D. Defendants shall provide sufficient working capital and lines and sources of credit to continue to maintain the VTNA and Mack LCOE Businesses as economically viable and competitive, ongoing businesses, consistent with the requirements of Sections V(A) and V(B).

E. Defendants shall take all steps necessary to ensure that all the assets of the VTNA and Mack LCOE Truck Businesses are fully maintained in operable condition at no less than current capacity and sales, and shall maintain and adhere to normal product improvement and upgrade and repair and maintenance schedules for those assets.

F. Defendants shall not, except as part of a divestiture approved by the United States in accordance with the terms of the proposed Final Judgment, remove, sell, lease, assign, transfer, pledge or otherwise dispose of any of the VTNA and Mack LCOE Truck Businesses.

G. Defendants shall maintain, in accordance with sound accounting principles, separate, accurate and complete financial ledgers, books and records that report on a periodic basis, such as the last business day of every month, consistent with past practices, the assets, liabilities, expenses, revenues and income of the VTNA and Mack LCOE Truck Businesses.

H. Defendants shall take no action that would jeopardize, delay, or impede the sale of the VTNA and Mack LCOE Truck Businesses.

I. Defendants' employees with primary responsibility for the research, design, development, promotion, distribution, sale, and operation of the VTNA and Mack LCOE Truck Businesses shall not be transferred or reassigned to other areas within the company except for transfer bids initiated by employees pursuant to defendants' regular, established job posting policy. Defendants shall provide the United States with ten (10) calendar days notice of such transfer.

J. Prior to consummation of their transaction, defendants shall appoint Stanley C. Ellspermann to oversee the VTNA LCOE Truck Business and Denis

Leblond to oversee the Mack LCOE Truck Business, and to be responsible for defendants' compliance with this section. Stanley C. Ellspermann shall have complete managerial responsibility for the VTNA LCOE Truck Business, and Denis Leblond shall have complete managerial responsibility for the Mack LCOE Truck Business, subject to the provisions of this Final Judgment. In the event either person is unable to perform his duties, defendants shall appoint, subject to the approval of the United States, a replacement within ten (10) working days. Should defendants fail to appoint a replacement acceptable to the United States within this time period, the United States shall appoint a replacement.

K. Defendants shall take no action that would interfere with the ability of any trustee appointed pursuant to the Final Judgment to monitor and complete the divestiture pursuant to the Final Judgment to a purchaser acceptable to the United States.

L. This Hold Separate Stipulation and Order shall remain in effect until consummation of the divestiture required by the proposed Final Judgment or until further order of the Court.

Dated: December 18, 2000.

For Plaintiff, United States of America:
Frederick H. Parmenter,
Virginia Bar No.: 18184, United States Department of Justice, Antitrust Division, Litigation II Section, 1401 H Street, NW., Suite 3000, Washington, DC 20530, (202) 307–0620.

Respectfully submitted,
For Defendants Aktiebolaget Volvo and Volvo Trucks North America, Inc.:
Kevin Arquit,
Clifford Chance Rogers & Wells LLP, 200 Park Avenue, New York, New York 10166–0153, (202) 878–8375.

For Defendants Renault S.A., Renault S.A. V.I. and Mack Trucks, Inc.:
Richard J. Urowsky,
Sullivan & Cromwell, 125 Broad Street, New York, New York 10004, (202) 558–4812.

Order

It Is So Ordered by the Court, this _____ day of December, 2000.

United States District Judge

Final Judgment

Whereas, plaintiff, the United States of America ("United States"), filed its Complaint on December 18, 2000, and defendants Aktiebolaget Volvo ("AB Volvo"), Volvo Trucks North America, Inc. ("VTNA"), Renault S.A. ("Renault"), Renault V.I.S.A. ("Renault V.I."), and Mack trucks, Inc. ("Mack"), by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or any admission by any party with respect to any issue of law or fact herein;

And whereas, defendants have agreed to be bound by the provisions of this Final Judgment pending its approval by the court;

And whereas, the essence of this Final Judgment is the prompt and certain divestiture of the business and assets identified below to assure that competition is not substantially lessened;

And whereas, the United States requires defendants to make the divestitures ordered herein for the purpose of remedying the loss of competition alleged in the Complaint;

And whereas, defendants have represented to the United States that the divestitures ordered herein can and will be made promptly and that defendants later will raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now, therefore, before taking any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby *Ordered, Adjudged, and Decreed* as follows:

I. Jurisdiction

This Court has jurisdiction over each of the parties hereto and over the subject matter of this action. The Complaint states a claim upon which relief may be granted against defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. "AB Volvo" means defendant Aktiebolaget Volvo, a Swedish corporation with its headquarters in Gotenborg, Sweden, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

B. "VTNA" means defendant Volvo Trucks North America, Inc., a Delaware corporation and a wholly owned subsidiary of AB Volvo with its headquarters in Greensboro, North Carolina, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

C. "Renault" means defendant Renault S.A., a French corporation with its headquarters in Boulogne-Billancourt, France, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

D. "Renault V.I." means defendant Renault V.I. S.A., a French corporation and a wholly owned subsidiary of Renault with its headquarters in Lyon, France, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

E. "Mack" means defendant Mack Trucks, Inc., a Pennsylvania corporation and a wholly owned subsidiary of Renault V.I. with its headquarters in Allentown, Pennsylvania, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

F. "LCOE Truck" means a class 8 low cab over engine straight truck with a cab placed over or in front of the engine and the capability to accept an attached vocational body.

G. "VTNA LCOE Truck Business" means VTNA's line of LCOE Trucks (which consists of the WX and WXLL) including:

(1) All tangible assets that comprise the VTNA LCOE Truck Business, including research and development activities, all manufacturing equipment, tooling and fixed assets, personal property, inventory, materials, supplies, and other tangible property and all other assets used exclusively in connection with the VTNA LCOE Truck Business; all components, parts, and designs used in LCOE Trucks comprising the VTNA LCOE Truck Business; all licenses, permits and authorizations issued by any governmental organization relating to the VTNA LCOE Truck Business; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to the VTNA LCOE Truck Business, including supply agreements; all lists, contracts, accounts, and credit records of customers; all repair, performance, and VTNA LCOE Truck Business records and all other records relating to the VTNA LCOE Truck Business. The VTNA Truck Business does not include the sale of the VTNA New River Valley, Virginia, plant; and

(2) any and all intangible assets used in the development, production, servicing and sale of the VTNA LCOE Truck Business, including, but not limited to: (a) The Xpeditor, WX, and WXLL brand names and all other intellectual property rights used exclusively in connection with the VTNA LCOE Truck Business; (b) with respect to all other intellectual property rights used in connection with both the VTNA LCOE Truck Business and other nondivested AB Volvo assets (other than intellectual property regarding use of the word "Volvo"), a transferable license, exclusive in the VTNA LCOE Truck Business field of use; (c) all existing licenses and sublicenses relating exclusively to the VTNA LCOE Truck Business; (d) a transferable sublicense, exclusive in the VTNA LCOE Truck Business field of use, to all other existing licenses and sublicenses relating to the VTNA LCOE Truck Business; and (e) all research, market evaluations or information relating to plans for, improvements or updates to, or product line extensions of the WX or WXLL. Intellectual property rights comprise, but are not limited to, patents, licenses and sublicenses, technical information, copyrights, trademarks, trade names, service marks, service names, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, design tools and simulation capability, all manuals and technical information provided to employees, customers, suppliers, agents, or licensees, and all research data concerning historic and current research and development efforts relating to the VTNA LCOE Truck Business including, but not limited to, designs of experiments and the results of successful and unsuccessful designs and experiments.

H. "Mack LCOE Truck Business" means Mack's line of LCOE Trucks (which includes the MR and LE) including:

(1) All tangible assets that comprise the Mack LCOE Truck Business, including research and development activities, all manufacturing equipment, tooling and fixed assets, personal property, inventory, materials, supplies, and other tangible property and all other assets used exclusively in connection with the Mack LCOE Truck Business; all components, parts, and designs used in LCOE Trucks comprising the Mack LCOE Truck Business; all licenses, permits and authorizations issued by any governmental organization relating to the Mack LCOE Truck Business; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to the Mack LCOE Truck Business, including supply agreements; all lists, contracts, accounts, and credit records of customers; all repair, performance, and Mack LCOE Truck Business records and all other records relating to the Mack LCOE Truck Business. The Mack LCOE Truck Business does not include the sale of the Mack Macungie, Pennsylvania, plant; and

(2) any and all intangible assets used in the development, production, servicing and sale of the Mack LCOE Truck Business, including, but not limited to: (a) The MR and LE brand names and all other intellectual property rights used exclusively in connection with the Mack LCOE Truck Business; (b) with respect to all other intellectual property rights used in connection with both the Mack LCOE Truck Business and other nondivested Renault assets (other than intellectual property regarding use of the word "Mack" or the word "Renault"), a transferable license, exclusive in the Mack LCOE Truck Business field of use; (c) all existing licenses and sublicenses relating exclusively to the Mack LCOE Truck Business; (d) a transferable sublicense, exclusive in the Mack LCOE Truck Business field of use, to all other existing licenses and sublicenses relating to the Mack LCOE Truck Business; and (e) all research, market evaluations or information relating to plans for, improvements or updates to, or product line extensions of the MR or LE. Intellectual property rights comprise, but are not limited to, patents, licenses and sublicenses, technical information, copyrights, trademarks, trade names, service marks, service names, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, design tools and simulation capability, all manuals and technical information provided to employees, customers, suppliers, agents, or licensees, and all research data concerning historic and current research and development efforts relating to the Mack LCOE Truck Business including, but not limited to, designs of experiments and the results of successful and unsuccessful designs and experiments.

III. Applicability

A. This Final Judgment applies to AB Volvo, VTNA, Renault, Renault V.I., and Mack, as defined above, and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. Defendents shall require, as a condition of the sale or other disposition of all or substantially all of their assets, or of lesser business units that include the VTNA LCOE Truck Business, that the purchaser agrees to be bound by the provisions of this Final Judgment, provided, however, that defendants need not obtain such an agreement from the purchaser of the VTNA LCOE Truck Business or Mack LCOE Truck Business pursuant to this Final Judgment.

IV. Divestitures

A. Defendants are ordered and directed, within ninety (90) calendar days after the filing of the Complaint in this matter, or five (5) days after notice of the entry of this Final Judgment by this Court, whichever is later, to

(1) Divest the VTNA LCOE Truck Business in a manner consistent with this Final Judgment as a viable ongoing business to a purchaser acceptable to the United States in its sole discretion;

(2) enter into an agreement with the purchaser of the VTNA LCOE Truck Business whereby defendants guarantee that the VTNA LCOE Truck Business will be able to use engines which meet United States Environmental Protection Agency 2002 emissions requirements; and

(3) at the option of the purchaser of the VTNA LCOE Truck Business, enter into an agreement to supply reasonable levels of transitional and manufacturing start-up support for a maximum period of 2 years that will enable the purchaser or purchasers to produce VTNA LCOE Trucks.

B. Defendants agree to use their best efforts to divest the VTNA LCOE Truck Business as expeditiously as possible. The United States, in its sole discretion, may extend the time period for the divestiture two additional periods of time, not to exceed thirty (30) calendar days each, and shall notify this Court in such circumstances.

C. In accomplishing the divestiture ordered by this Final Judgment, defendants promptly shall make known, by usual and customary means, the availability of the VTNA LCOE Truck Business. Defendants shall inform any person making inquiry regarding a possible purchase of the VTNA LCOE Truck Business that it is being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment. Defendants shall offer to furnish to all prospective purchasers, subject to customary assurances, all information and documents relating to

the VTNA LCOE Truck Business customarily provided in a due diligence process, except such information or documents subject to the attorney-client or attorney work-product privileges. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

D. Defendants shall provide the purchaser and the United States information relating to any AB Volvo or VTNA personnel involved in the research, design, production, operation, development, marketing and sale of the VTNA LCOE Truck Business to enable the purchaser to make offers of employment. Defendants will not interfere with any negotiations by the purchaser to employ any person whose primary responsibility is the research, design, production, operation, development, marketing or sale of the VTNA LCOE Truck Business.

E. Defendants shall permit prospective purchasers of the VTNA LCOE Truck Business to have reasonable access to personnel and to make inspections of the physical facilities of the VTNA business to be divested; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, sales, marketing, operational, or other documents and information customarily provided as part of a due diligence process.

F. Defendants shall warrant to the purchaser of the VTNA LCOE Truck Business that each asset of the VTNA LCOE Truck Business will be operational on the date of sale.

G. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the VTNA LCOE Truck Business.

H. Defendants shall not take any action that will in any impede or exclude their dealers from distributing, selling, or servicing LCOE Trucks produced by the purchaser of the VTNA LCOE Truck Business.

I. Defendants shall warrant to the purchaser of the VTNA LCOE Truck Business that there are no material defects in the environment, zoning, or other permits pertaining to the operation of each asset, and that following the sale of the VTNA LCOE Business, defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning, or other permits relating to the operation of the VTNA LCOE Truck Business.

J. Unless the United States consents in writing, the divestiture pursuant to Section IV of this Final Judgment, whether by defendants or by a trustee appointed pursuant to Section VI of this Final Judgment, shall include the entire VTNA LCOE Truck Business as defined in Section II. The divestiture of the VTNA LCOE Truck Business shall be accomplished by selling or otherwise conveying the VTNA LCOE Truck Business to a purchaser in such a way as to satisfy the United States, in its sole discretion, that business to be divested can and will be used by the purchaser as part of a viable, ongoing LCOE Truck business. The divestiture of the VTNA LCOE Truck Business, whether pursuant to Section IV or Section VI of this Final Judgment, shall be made to a purchaser in a manner so as to satisfy the United States, in its sole discretion, that it: (1) Has the capability and intent of competing effectively in the development, production and sale of LCOE Trucks; (2) has the managerial, operational, technical and financial capability to compete effectively in the development, production and sale of LCOE Trucks; and (3) is not hindered by the terms of any agreement between the purchaser and defendants that gives either defendant the ability unreasonably to raise the purchaser's costs, to lower the purchaser's efficiency, or otherwise to interfere with the ability of the purchaser to compete effectively.

V. Notice of Proposed Divestitures

Within two (2) business days following execution of a definitive agreement, contingent upon compliance with the terms of this Final Judgment, to effect, in whole or in part, any proposed divestiture pursuant to Sections IV or VI of this Final Judgment, defendants or the trustee, whichever is then responsible for effecting the divestiture, shall notify the United States of the proposed divestiture. If the trustee is responsible, it shall similarly notify defendants. The notice shall set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered to, or expressed an interest in or a desire to, acquire any ownership interest in the VTNA LCOE Business, together with full details of same. Within fifteen (15) calendar days of receipt by the United States of such divestiture notice, the United States may request from defendants, the proposed purchaser, any other third party, or the trustee if applicable, additional information concerning the proposed divestiture, the proposed purchaser, and any other potential purchaser. Defendants and the trustee shall furnish any additional information requested from them within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree. Within thirty (30) calendar days after receipt of the notice, or within twenty (20) calendar days after the United States has been provided the additional information requested from the defendants, the proposed purchaser, any third party, or the trustee, whichever is later, the United States shall each provide written notice to defendants and the trustee, if there is one, stating whether or not it objects to the proposed divestiture. If the United States provides written notice to defendants (and the trustee if applicable) that it does not object, then the divestiture may be consummated, subject only to defendants' limited right to object to the sale under Section VI(B) of this Final Judgment. Absent written notice that the United States does not object to the proposed purchaser or upon objection by the United States, a divestiture proposed under Section IV or Section VI may not be consummated. Upon objection by defendants under the provision in Section VI(C), a divestiture proposed under Section VI shall not be consummated unless approved by the Court.

VI. Appointment of Trustee

A. If defendants have not divested the VTNA LCOE Truck Business within the time period specified in Section IV(A), defendants shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a trustee selected by the United States and approved by the Court to effect the divestiture of the VTNA or Mack LCOE Truck Business. The trustee shall have the right, in its sole discretion, to sell either the VTNA LCOE Truck Business or the Mack LCOE Truck Business. The trustee shall also have the right, in its sole discretion, and upon notice to the defendants and upon consultation with the United States, to add such other assets and agreements concerning necessary parts and components, in order to ensure the viability, competitiveness, and marketability of the Mack LCOE Truck Business.

B. After the appointment of a trustee becomes effective, only the trustee shall have the right to sell the VTNA or Mack LCOE Truck Business. The trustee shall have the power and authority to accomplish the divestiture at the earliest possible time to a purchaser acceptable to the United States at such price and on such terms as are then obtainable for the VTNA or Mack LCOE Truck Business, upon a reasonable effort by the trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and shall have such other powers as the Court shall deem appropriate. Subject to Section VI(D) of this Final Judgment, the trustee may hire at the cost and expense of the defendants, any investment bankers, attorneys, or other agents, who shall be solely accountable to the trustee, reasonably necessary in the trustee's judgment to assist in the divestiture.

C. Defendants shall not object to a sale by the trustee on any ground other than the trustee's malfeasance. Any such objections by defendants must be conveyed in writing to the United States and the trustee within ten (10) calendar days after the trustee has provided the notice required under Section V of this Final Judgment.

D. The trustee shall serve at the cost and expense of defendants, on such terms and conditions as approved by the United States. The trustee shall account for all monies derived from the sale of the VTNA or Mack LCOE Truck Business, and all costs and expenses so incurred. After approval by the Court of the trustee's accounting, including fees for its services and those of any professionals and agents retained by the trustee, all remaining money shall be paid to defendants and the trust shall then be terminated. The compensation of the trustee and of any professionals and agents retained by the trustee shall be reasonable in light of the value of the VTNA or Mack LCOE Truck Business and based on a fee arrangement providing the trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished, but timeliness is paramount.

E. Defendants shall use their best efforts to assist the trustee in accomplishing the required divestiture pursuant to this Section. The trustee and any consultants, accountants, attorneys, and other persons retained by the trustee shall have full and complete access to the personnel, books, records, and facilities of the VTNA and Mack LCOE Truck Business, and defendants shall develop financial or other information relevant to such businesses as the trustee may reasonably request, subject to reasonable protection for trade secrets or other confidential research, development or commercial information. Defendants shall take no action to interfere with or to impede the trustee's accomplishment of the divestiture.

F. After its appointment, the trustee shall file monthly reports with the United States and the Court setting forth the trustee's efforts to accomplish the divestiture ordered under this Final Judgment. To the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry abut acquiring, any interest in the VTNA or Mack LCOE Truck Business, and shall describe in detail each contact with any such person. The trustee shall maintain full records of all efforts made to divest the VTNA or Mack LCOE Truck Business.

G. If the trustee has not accomplished the divestiture of the VTNA or Mack LCOE Truck Business within six (6) months after its appointment, the trustee thereupon shall file promptly with the Court a report setting forth (1) the trustee's efforts to accomplish the required divestiture, (2) the reasons, in the trustee's judgment, why the required divestiture has not been accomplished, and (3) the trustee's recommendations. To the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. The trustee shall at the same time furnish such report to the United States, who shall have the right to make additional recommendations consistent with the purpose of the trust. The Court shall enter thereafter such orders as it shall deem appropriate in order to carry out the purpose of this Final Judgment which may, if necessary, include extending the trust and the term of the trustee's appointment by a period requested by the United States.

VII. Affidavits

A. Within twenty (20) calendar days of the filing of the Complaint in this matter and every thirty (30) calendar days thereafter until the divestiture has been completed, whether pursuant to Section IV or Section VI of this Final Judgment, defendants shall deliver to the United States an affidavit as to the fact and manner of their compliance with Sections IV or VI of this Final Judgment. Each such affidavit shall include, inter alia, the name, address, and telephone number of each person who, at any time after the period covered by the last such report, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contracted or made an inquiry about acquiring, any interest in the VTNA LCOE Truck Business, or after appointment of a trustee under Section VI of this Final Judgment, the Mack LCOE Truck Business, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts that defendants have taken to solicit potential purchasers for the VTNA LCOE Truck Business and to provide required information to potential purchasers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to information provided by defendants, including limitations on information, shall be made within fourteen (14) days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, defendants shall deliver to the United States an affidavit which describes in reasonable detail all actions defendants have taken and all steps defendants have implemented on an ongoing basis to comply with Section VIII of this Final Judgment and the Hold Separate Stipulation and Order entered by the Court. The affidavit also shall describe, but not be limited to, defendants' efforts to maintain and operate the VTNA LCOE Truck Business as an active competitor, maintain its management, staffing, research and development activities, sales, marketing and pricing, and maintain the business in operable condition at current capacity configurations. Defendants shall deliver to the United States an affidavit describing any changes to the efforts and actions outlined in defendants' earlier affidavit(s) filed pursuant to this Section within fifteen (15) calendar days after the change is implemented.

C. Until one year after the divestiture has been completed, defendants shall preserve all records of all efforts made to preserve the business to be divested and to effect the ordered divestiture.

VIII. Hold Separate Order

Until the divestiture required by this Final Judgment has been accomplished, defendants shall take all steps necessary to comply with the Hold Separate Stipulation and Order entered by this Court. Defendants shall take no action that would jeopardize the divestiture ordered by this Court.

IX. Financing

Defendants are ordered and directed not to finance all or any part of any purchase made pursuant to Sections IV or VI of this Final Judgment.

X. No Reacquisition

Defendants may not reacquire any part of the divested assets during the term of this Final Judgment.

XI. Compliance Inspection

For the purposes of determining or securing compliance with this Final Judgment, or of determining whether this Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the United States Department of Justice, including consultants and other persons retained by the United States, upon written request of a duly authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants made to their principal offices, shall be permitted:

1. Access during office hours of defendants to inspect and copy, or at plaintiff's option, to require defendants to provide copies of, all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the custody or possession or under the control of defendants relating to any matters contained in this Final Judgment and the Hold Separate Stipulation and Order; and

2. to interview, either informally or on the record, defendants' officers, employees, and agents, who may have their individual counsel present, regarding any such matters. The interviews shall be subject to the reasonable convenience of the interviewee and without restraint or interference by defendants.

B. upon the written request of a duly authorized representative of the Assistant Attorney General in charge of the Antitrust Division, made to defendants' principal offices, defendants shall submit written reports, under oath if requested, relating to any matter contained in this Final Judgment or the Hold Separate Stipulation and Order as may be requested.

C. no information or documents obtained by the means provided in this Section shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. if at the time information or documents are furnished by defendants to the United States, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) calendar days notice shall be given to defendants by the United States prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which defendants are not a party.

XII. Retention of Jurisdiction

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

XIII. Termination

Unless this Court grants an extension, this Final Judgment will expire upon the tenth anniversary of the date of its entry.

XIV. Public Interest

Entry of this Final Judgment is in the public interest.

Dated: _____, 2001.

Court approval subject to procedures of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16.

_____

United States District Judge

Competitive Impact Statement

The United States, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of This Proceeding

The United States filed a civil antitrust Complaint under Section 15 of the Clayton Act, 15 U.S.C. 25 on December 18, 2000, alleging Aktiebolaget Volvo's ("AB Volvo") acquisition of Renault V.I.S.A. ("Renault V.I."), which includes Mack Trucks, Inc. ("Mack"), from Renault S.A. ("Renault") would substantially lessen competition in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18.

The Complaint alleges the defendants are the two largest producers of heavy duty (class 8), low cab over engine straight trucks ("LCOE Trucks") in the United States. The proposed acquisition would result in AB Volvo accounting for approximately 96 percent of heavy duty LCOE Truck sales in the United States. The Complaint alleges the transaction will substantially lessen competition in the development, production, and sale of heavy duty LCOE Trucks sold in the United States, thereby harming consumers. Accordingly, the prayer for relief in the Complaint seeks: (1) A judgment that the proposed acquisition would violate Section 7 of the Clayton Act; (2) a permanent injunction preventing the defendants from carrying out the acquisition or otherwise combining their businesses or assets; (3) an award to the United States of its costs in bringing the lawsuit; and (4) such other relief as the Court deems proper.

When the Complaint was filed, the United States also filed a proposed settlement permitting AB Volvo to acquire Renault V.I., provided AB Volvo divested its Volvo Trucks North America, Inc. ("VTNA") LCOE Truck Business (a term defined in the proposed Final Judgment) to preserve competition. The settlement consists of a proposed Final Judgment and a Hold Separate Stipulation and Order.

The proposed Final Judgment orders the defendants to divest the VTNA LCOE Truck Business to an acquirer approved by the United States. The defendants must complete the divestiture within ninety (90) calendar days after the filing of the Complaint, or five days after notice of the entry of the Final Judgment, whichever is later. The United States may extend the time period for divestiture two additional periods, each not to exceed 30 days. If the defendants do not complete the divestiture within the prescribed time, then, under the terms of the proposed Final Judgment, the Court will appoint a trustee to achieve the divestiture. If a trustee is appointed, the trustee shall have the option of divesting either the VTNA LCOE Truck Business or the Mack LCOE Truck Business (a term defined in the proposed Final Judgment).

The United States and defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. Description of the Events Giving Rise to the Alleged Violation of the Antitrust Laws

A. The Defendants and the Proposed Acquisition

1. Aktiebolaget Volvo

AB Volvo is a foreign corporation organized and existing under the laws of Sweden with its corporate headquarters and principal place of business in Gotenburg, Sweden. AB Volvo is an international manufacturer of trucks, construction equipment, and engines. AB Volvo, through its subsidiary, VTNA, is the second largest U.S. manufacturer of heavy duty LCOE Trucks. AB Volvo reported revenue of approximately $14.7 billion in 1999.

2. Volvo Trucks North America, Inc.

VTNA is a corporation organized and existing under the laws of the state of Delaware with its corporate headquarters and principal place of business in Greensboro, North Carolina. VTNA produces trucks in Dublin, Virginia. VTNA's 1999 revenues were approximately $2.39 billion.

3. Renault S.A.

Renault is a foreign corporation organized and existing under the laws of France that has its corporate headquarters and principal place of business in Boulogne-Billancourt, France. Renault is an international manufacturer of automobiles, trucks, buses, and engines. Renault reported revenue of approximately $39 billion in 1999.

4. Renault V.I.S.A.

Renault V.I. is a foreign corporation organized and existing under the laws of France with its corporate headquarters and principal place of business in Lyon, France. Renault V.I. is a subsidiary of Renault and produces trucks and truck engines.

5. Mack Trucks, Inc.

Mack is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its corporate headquarters and principal place of business in Allentown, Pennsylvania. Mack, which is a subsidiary of Renault V.I., produces trucks and engines. Mack is the largest United States manufacturer of heavy duty LCOE Trucks. Mack reported revenues of approximately $2.2 billion in 1999.

B. The Proposed Acquisition

On or about July 18, 2000, AB Volvo entered into an agreement with Renault to acquire Renault V.I. from Renault in exchange for 15% of AB Volvo's outstanding voting security which has an approximate value of $1.8 billion. The proposed acquisition would substantially lessen competition in the heavy duty LCOE Truck segment of the heavy duty truck industry and precipitated the United States' antitrust suit.

C. The Heavy Duty LCOE Truck Business and the Competitive Effects of the Acquisition

1. The Heavy Duty LCOE Truck Market

The Complaint alleges the development, production, and sale of heavy duty LCOE Trucks is a line of commerce and a relevant product market within the meaning of Section 7 of the Clayton Act. Heavy duty trucks (or "class 8" trucks) are those trucks capable of carrying the heaviest payload capacities or gross vehicle weights, exceeding 33,000 pounds. In addition to payload capacity, heavy duty trucks are distinguished from lighter duty trucks by large powerful diesel engines and other heavy duty components. Heavy duty LCOE Trucks are configured with the cab located over or in front of the engine, and a windshield which is even with the front bumper. The design gives heavy duty LCOE Trucks superior visibility and maneuverability compared to conventional cab, heavy duty, straight trucks which are designed with their engines in front of the cab. Heavy duty LCOE Trucks have a lower entry point to the cab (18 inches), compared to conventional straight trucks (almost four feet).

The design of heavy duty LCOE Trucks makes them uniquely suited to specific applications. Most heavy duty LCOE Trucks are sold to the refuse industry, which requires heavy duty trucks to handle the weight of the waste material being hauled. Refuse companies often attach a mechanical fork lift to heavy duty LCOE Trucks to lift commercial dumpsters over the cab, emptying them into the body of the truck. Such a mechanical fork lift cannot be used with trucks designed with engines in front of the cab because that design has an extended hood which would block the lift's operation. Similarly, the LCOE design provides superior maneuverability and visibility needed in urban and residential streets and alleys. Finally, the low height for entry into the cab makes the LCOE design significantly preferable for refuse use because drivers need to exit and enter the truck often. The ease of cab entry and the superior maneuverability and visibility of heavy duty LCOE Trucks also makes them the truck of choice for various other applications such as home heating oil delivery in the Northeastern United States, concrete pumping, and aircraft refueling.

There are no good substitutes for heavy duty LCOE Trucks. A sufficient number of purchasers of heavy duty LCOE Trucks would not turn to substitutes in response to a small but significant increase in the price of heavy duty LCOE Trucks to make such price increase unprofitable. Accordingly, the development, production, and sale of heavy duty LCOE Trucks is a relevant product market in which to assess the competitive effects of the proposed acquisition.

The Complaint alleges the United States constitutes the relevant geographic market for the purposes of analyzing the transaction. Virtually all heavy duty LCOE Trucks sold in the United States are manufactured in the United States and almost none are imported. The foreign-headquartered truck manufacturers that sell heavy duty LCOE Trucks in the United States manufacture the trucks at facilities located in the United States. Classifications, standards, and customer preferences for heavy duty LCOE Trucks produced for Asia and Europe differ from those produced for the United States. A small but significant increase in the price of heavy duty LCOE Trucks would not cause a sufficient number of purchasers to switch to trucks manufactured outside the United States to make the price increase unprofitable.

2. Anticompetitive Consequences of the Acquisition

The Complaint alleges that AB Volvo's acquisition of Renault will likely have the following anticompetitive effects: (a) Competition generally in the development, production and sale of heavy duty LCOE Trucks would be substantially lessened; (b) the actual and potential competition between Volvo and Renault would be eliminated; and (c) prices for heavy duty LCOE Trucks would likely increase and the quality, level of service, and product improvement of heavy duty LCOE Trucks would likely decline.

VTNA and Mack are the only significant suppliers of heavy duty LCOE Trucks in the United States. In this highly concentrated market, Mack has approximately a 53 percent market share, and VTNA has approximately a 33 percent market share. VTNA and Mack compete directly and aggressively against one another on the development, production, and sale of heavy duty LCOE Trucks which has benefited consumers through lower prices, higher

quality, better service, and improved products.

The proposed acquisition would substantially increase concentration in an already highly concentrated market. After the acquisition, the combined firm would account for approximately 86 percent of heavy duty LCOE Truck sales in the United States. Using the Herfindahl-Hirschman Index ("HHI," which is defined and explained in Appendix A of the Complaint), the proposed transaction will increase the HHI by more than 4000 points to a post-merger level of about 7508, far in excess of the level which ordinarily raise antitrust concerns.

The proposed acquisition will raise the combined firms' share of industry sales to the level where it will have the ability and incentive to raise prices unilaterally. The heavy duty LCOE Trucks of VTNA and Mack are significantly differentiated from their other competitors' heavy duty LCOE Trucks in terms of their actual and proven track record for reliability, maintenance requirements, and significant components. Mack's and VTNA's heavy duty LCOE Trucks are the closest substitutes for each other and their customers would not divert a sufficient number of their purchases to competing heavy duty LCOE Trucks to defeat a significant price increase by the defendants following a merger.

The Complaint alleges that entry into the production and sale of heavy duty LCOE Trucks in the United States is difficult, time consuming, and expensive, and would not be timely, likely or sufficient to deter the exercise of market power by the combined firm in the readily foreseeable future. Entry, even by an established producer of other types of heavy duty trucks, would require a high sunk capital investment in research and development and equipment and facilities. A new entrant would also need to develop an effective dealer network for selling and servicing heavy duty LCOE Trucks and would need to develop a track record for reliability and maintenance before it would attract significant sales from Mack and VTNA. Even an established producer of other types of heavy duty trucks with a dealer network for those trucks would need in excess of two years to design, produce, and gain customer acceptance of a new heavy duty LCOE Truck.

III. Explanation of the Proposed Final Judgment

The proposed Final Judgment is designed to ensure competition otherwise eliminated as a result of the proposed acquisition is preserved, and to prevent AB Volvo from exercising market power in the heavy duty LCOE Truck market after the acquisition. To maintain competition in the heavy duty LCOE Truck market. Section IV of the proposed Final Judgment orders the defendants to sell the VTNA LCOE Truck Business. The proposed Final Judgment also requires the defendants to negotiate agreements with the purchaser guaranteeing the divested business will meet EPA 2002 emissions standards and, at the purchaser's option, to provide start-up support for the divested LCOE Truck Business for a period of up to two years. The defendants are prohibited by the proposed Final Judgment from taking any action that will impede their dealers from distributing, selling or servicing the divested heavy duty LCOE Trucks.

Under the terms of the proposed Final Judgment, defendants must accomplish the divestiture within ninety (90) calendar days after the date the Complaint is filed, or five days after notice of entry of the Final Judgment, whichever is later, to an acquirer that, in the United States's sole judgment, has the intent and capability (including the necessary managerial, operational, technical and financial capability) of competing effectively in the development, production, and sale of heavy duty LCOE Trucks. The United States may extend the time period for divestiture two additional periods, each not to exceed 30 days. Defendants must use their best efforts to divest the VTNA LCOE Truck Business as expeditiously as possible and, until the ordered divestitures take place, the defendants must cooperate with any prospective purchasers.

If defendants do not accomplish the ordered divestitures within the prescribed time period, Section VI(A) of the proposed Final Judgment provides that the Court will appoint a trustee, selected by the United States, to complete the divestiture. The trustee may divest either the VTNA or Mack LCOE Truck Business. The trustee has the right, upon notice to the defendants and upon consultation with the United States, to add such other assets and agreements concerning necessary parts and components, in order to ensure the viability, competitiveness, and marketability of the Mack LCOE Truck Business.

If a trustee is appointed, the proposed Final Judgment provides the defendants must cooperate fully with the trustee and pay all the trustee's costs and expenses. The trustee's compensation will be structured to provide an incentive for the trustee based on the price and terms of the divestiture and the speed with which it is accomplished. After the trustee's appointment becomes effective, the trustee will file monthly reports with the United States and the Court setting forth the trustee's efforts to accomplish the required divestiture. If the divestiture is not accomplished within six months after the trustee's appointment, the trustee and the United States will make recommendations to the Court, which shall enter such orders as appropriate to carry out the purpose of the Final Judgment.

Until the divestiture is accomplished, the terms of the Hold Separate Stipulation and Order require the defendants to preserve, maintain, and continue to operate the VTNA and Mack LCOE Truck Businesses as independent, economically viable parts of ongoing competitive businesses, with the management, sales, and operations held separate from the post-merger company's other operations. The defendants will appoint two designated persons to monitor and ensure their compliance with these requirements.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal district court to recover three times the damages the person has suffered, as well as the costs of bringing a lawsuit and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no effect as prima facie evidence in any subsequent private lawsuit that may be brought against the defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry of the decree upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**. The United States will evaluate and respond to the comments. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to entry. The comments and the response of the United States will be filed with the Court and published in the **Federal Register**. Written comments should be submitted to: J. Robert Kramer II, Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, N.W., Suite 3000, Washington, D.C. 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. Alternatives to the Proposed Final Judgment

The United States considered, as an alternative to the proposed Final Judgment, a full trail on the merits against the defendants. The United States is satisfied, however, that the diverstiture of either the VTNA or Mack LCOE Truck Business and other relief contained in the proposed Final Judgment will establish, preserve and ensure a viable competitor in the development, production, and sale of heavy duty LCOE Trucks in the United States. Thus, the United States is convinced that the proposed Final Judgment, once implemented by the Court, will prevent AB Volvo's acquisition of Renault V.I. from having adverse competitive effects.

VII. Standard of Review Under the APPA for the Proposed Final Judgment

The APPA requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty (60) day comment period, after which the Court shall determine whether entry of the proposed Final Judgment is "in the public interest." In making that determination, the Court may consider—

(1) The competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trail.

15 U.S.C. 16(e). As the Court of Appeals for the District of Columbia has held, the APPA permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. See *United States* v. *Microsoft Corp.*, 56 F. 3d 1448, 1458–62 (D.C. Cir. 1995).

In conducting this inquiry, "the Court is nowhere compelled to go to trail or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process."[1] Rather,

> absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should * * * carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.[2]

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not "engage in unrestricted evaluation of what relief would best serve the public." *United States* v. *BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988), quoting *United States* v. *Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir.), cert. denied, 454 U.S. 1083 (1981); see also *Microsoft*, 56 F.3d at 1458. Precedent requires that

> the balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is "within the reaches of the public interest." More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.[3]

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. A "proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.'"[4]

Moreover, the court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its complaint, and does not authorize the court to "construct [its] own hypothetical case and then evaluate the decree against that case." *Microsoft*, 56 F.3d at 1459. Since the "court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place," it follows that the court "is only authorized to review the decree itself," and not to "effectively redraft the complaint" to inquire into other matters that the United States might have but did not pursue. Id.

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: February 6, 2001.

Respectfully submitted,

Frederick H. Parmenter,
Senior Trail Attorney, U.S. Department of Justice, Antitrust Division, Litigation II Section, 1401 H Street, NW., Suite 3000, Washington, DC 20530, (201) 307–0620.

[1] 119 Cong. Rec. 24,598 (1973). See *United States* v. *Gillette Co.*, 406 F. Supp. 713, 715 (D. Mass. 1975). A "public interest" determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues and that further proceedings would aid the court in resolving those issues. See H.R. Rep. No. 93–1463, 93rd Cong. 2d Sess. 8–9 (1974), reprinted in 1974 U.S.C.C.A.N. 6535, 6538.

[2] *United States* v. *Mid-America Dairymen, Inc.*, 1977–1 Trade Cas (CCH) 61,508, at 71, 980 (W.D. Mo. 1977); see also *United States* v. *Loew's Inc.*, 783 Supp. 211, 214 (S.D.N.Y 1992); *United States* v. *Columbia Artists Mgmt., Inc.*, 662 F. Supp. 865, 870 (S.D.N.Y. 1987).

[3] *United States* v. *Bechtel Corp.*, 648 F.2d at 666 (citations omitted) (empahsis added); see *United States* v. *BNS, Inc.*, 858 F.2d at 463; *United States* v. *National Broadcasting Co.*, 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *United States* v. *Gillette Co.*, 406 F. Supp. at 716. See also *United States* v. *American Cyanamid Co.*, 719 F.Ed 558, 565 (2d Cir. 1983), cert. denied, 465 U.S. 1101 (1984).

[4] *United States* v. *American Tel. & Tel. Co.*, 552 F. Supp. 131, 151 (D.D.C. 1982) (quoting *Gillette*, 406 F. Supp. at 716), aff'd sub nom. *Maryland* v. *United States*, 460 U.S. 1001 (1983); *United States* v. *Alcan Aluminum, Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985); *United States* v. *Carrols Dev. Corp.*, 454 F. Supp. 1215, 1222 (N.D.N.Y. 1978).

Certificate of Service

I hereby certify under penalty of perjury that a copy of the COMPETITIVE IMPACT STATEMENT has been served upon Aktiebolaget Volvo; Volvo Trucks North America, Inc.; Renault S.A.; Renault V.I.S.A.; and Mack Trucks, Inc., by placing a copy of the aforementioned document in the U.S. Mail, directed to each of the above-named parties at the addresses given below, this 6th day of February, 2001.

Aktiebolaget Volvo and Volvo, Trucks North America, Inc., c/o Kevin Arquit, Esq., Clifford Chance Rogers & Wells LLP, 200 Park Avenue, New York, NY 10166–0153.
Renault S.A., Renault V.I.S.A. and Mack Trucks, Inc., c/o Richard J. Urowsky, Esq., Sullivan & Cromwell, 125 Broad Street, New York, NY 10004–2498.

Federick H. Parmenter,
Virginia Bar No.: 18184, Senior Trial Attorney, U.S. Department of Justice, Antitrust Division, 1401 H Street, NW., Suite 3000, Washington, DC 20530, (202) 307–0620.

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DEPARTMENT OF JUSTICE

Antitrust Division

[Civil No. 00–CV–954 (RMU)]

Public Comments and Response on Proposed Final Judgment United States v. Alcoa Inc. and Reynolds Metals Company

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), the United States of America hereby publishes below the comments received on the proposed Final Judgment in *United States* v. *Alcoa Inc., et al.*, Civil Action No. 00–CV–954 (RMU), filed in the United States District Court for the District of Columbia, together with the United States' response to the comments.

Copies of the comments and response are available for inspection in Room 215 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Washington, DC 20530, telephone: (202) 514–2481, and at the office of the Clerk of the United States District Court for the District of Columbia, United States Courthouse, Third Street and Constitution Avenue, NW., Washington, DC 20001. Copies of any of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,
Director of Operations, Antitrust Division.

United States' Response to Public Comments

Pursuant to the requirements of the Antitrust Procedures and Penalties Act ("APPA" or "Tunney Act"), 15 U.S.C. 16(b)–(h), the United States hereby responds to the two public comments received regarding the proposed Final Judgment in this case.

I. Background

On May 3, 2000, the United States filed a civil antitrust complaint alleging that the proposed acquisition by Alcoa Inc. ("Alcoa") of Reynolds Metals Company ("Reynolds") would, if consummated, violate Section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint alleged that the proposed merger would substantially lessen competition in the refining and sale of both smelter grade alumina ("SGA"), which is used to produce aluminum ingots, and chemical grade alumina ("CGA" or "hydrate"), an ingredient used in numerous industrial and consumer products. This competition has benefited consumers through lower prices and higher output. The proposed merger of Alcoa and Reynolds would substantially increase the concentration of the SGA and CGA markets, and the loss of competition would substantially enhance Alcoa's control over the prices of SGA and CGA, while also increasing the likelihood of anticompetitive coordination among the few remaining competitors in the SGA and CGA markets.

Simultaneously with the filing of the Complaint, the United States filed a proposed Final Judgment and Hold Separate Stipulation and Order that would permit Alcoa to complete its acquisition of Reynolds, but would require divestitures to preserve competition in the relevant markets.[1] The proposed Final Judgment requires Alcoa and Reynolds to divest all of Reynolds' interest in the Worsley Joint Venture, established by agreement dated February 7, 1980, and subsequently amended (the "Worsley Interest") and all assets, interests, and rights owned by Reynolds at Reynolds' alumina refinery located near Corpus Christi, Texas, that are used or held for use for alumina refining (the "Corpus Christi Assets") (collectively referred to as the "Divestiture Assets") to an acquirer or acquirers acceptable to the Antitrust Division of the Department of Justice ("DOJ" or "Department"). The Worsley Interest must be divested within two hundred seventy (270) days after the filing of the Complaint, or five (5) days after notice of entry of the Final Judgment by the Court, whichever is later. The Corpus Christi Assets must be divested within one hundred eighty (180) days after the filing of the Complaint, or five (5) days after notice of entry of the Final Judgment by the Court, whichever is later.

Until the required divestitures are completed, the terms of a Hold Separate Stipulation and Order entered into by the parties apply to ensure that the Divestiture Assets shall be maintained and operated as independent, ongoing, economically viable, and active competitors in the manufacture and sale of SGA and CGA.

On December 14, 2000, the United States notified Alcoa, pursuant to Part VI of the proposed Final Judgment, that it had no objection to Alcoa's proposed sale of the Corpus Christi Assets to BPU Reynolds, Inc., and no objection to Alcoa's proposed sale of the Worsley Interest to Billiton plc.

The United States, Alcoa and Reynolds have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. In compliance with the APPA, the United States filed the Competitive Impact Statement ("CIS") in this docket on June 6, 2000. The Complaint, proposed Final Judgment and CIS were published in the **Federal Register** on June 21, 2000. The 60-day comment period required by the APPA has now expired with the United States having received two comments: one from the American Antitrust Institute and one from Mr. Charles A. Stille.

II. Response to the Public Comments

A. Legal Standard Governing the Court's Public Interest Determination

The Tunney Act directs the Court to determine whether entry of the proposed Final Judgment "is in the public interest." 15 U.S.C. 16(e). In making that determination, the "court's function is not to determine whether the resulting array of rights and liabilities is one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest." *United States* v. *Western Elec. Co.*, 993 F.2d 1572, 1576 (D.C. Cir.), cert. denied, 510 U.S. 984 (1993). The Court should evaluate the relief set forth in the proposed Final Judgment and should enter the Judgment if it falls within the government's "rather broad discretion to settle with the defendant

[1] The Court entered the Hold Separate Stipulation and Order on May 12, 2000.

within the reaches of the public interest." *United States* v. *Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995); *accord United States* v. *Associated Milk Producers*, 534 F.2d 113, 117–18 (8th Cir.), *cert. denied*, 429 U.S. 940 (1976). The Court should review the proposed Final Judgment "in light of the violations charged in the complaint and * * * withhold approval only (a) if any of the terms appear ambiguous, (b) if the enforcement mechanism is inadequate, (c) if third parties will be positively injured, or (d) if the decree otherwise makes a 'mockery of judicial power.'" *Massachusetts Sch. of Law at Andover, Inc.* v. *United States*, 118 F.3d 776 783 (D.C. Cir. 1997) (quoting *Microsoft*, 56 F.3d at 1462). The Tunney Act does not empower the Court to reject the remedies in the proposed Final Judgment based on the belief that "other remedies were preferable," *Microsoft*, 56 F.3d at 1460, nor does it give the Court authority to impose different terms on the parties. *See, e.g., United States* v. *American Tel. & Tel. Co.*, 552 F. Supp 131, 153, n.95 (D. D.C. 1982) ("*AT&T*"), *aff'd sub nom. Maryland* v. *United States*, 460 U.S. 1001 (1983) (mem.); *accord* H.R. Rep. No. 93–1463, at 8 (1974).

B. Response to American Antitrust Institute

The American Antitrust Institute ("AAI") is "pleased" with the proposed Final Judgment but requests a second round of public comment once specific buyers have been found for the Divestiture Assets. AAI expresses concern that Alcoa will sell the assets to a "weak or otherwise inappropriate buyer" and believes that an additional round of comments "will help us avoid this result."

The Department objects to AAI's proposed second round of comments for three principal reasons. First, such a procedure would be inconsistent with procedures that courts have routinely applied in reviewing proposed Final Judgments. Second, such a procedure is unnecessary given the incentives and ability that the Department has to assure that divestitures are accomplished in a manner that protects competition. Third, the procedure proposed by AAI would itself create problems that might make divestitures in antitrust cases more difficult to accomplish.

1. The Tunney Act was enacted in 1974. Since that time, the Department has negotiated hundreds of consent decrees in merger cases that call for the divestiture of assets. In each instance, the public has been accorded an opportunity to comment upon the terms of the proposed Final Judgment. Often the court has proceeded to review and then enter the proposed Final Judgment before the purchaser of the to-be-divested assets has been selected, relying upon the Department to monitor the divestiture process. The Department has been unable to identify a single instance in which a court deferred entry of a proposed Final Judgment that was otherwise in the public interest in order to receive a second round of comments regarding the divestiture selection process.

AAI has offered no basis for subjecting this case to a different process. Without explanation, AAI contends that the Department is subject to "institutional pressure" to accept "any typically competent buyer" and argues that this is not a "sufficiently high standard." Yet, the test that the Department will apply to prospective purchasers in this case is no different than it applies in any other case. The Department is no less interested in assuring the preservation of competition in the SGA and CGA markets than is AAI, but AAI has simply provided the Court with no reason to deviate from the procedures that are routinely followed in other cases that are subject to the Tunney Act.

2. The procedures urged upon the Court by AAI are unnecessary because the Department has the incentives and ability to assure that the divestiture process is conducted in a proper manner. After concluding that the proposed transaction between Alcoa and Reynolds would be anticompetitive, the Department agreed to the proposed Final Judgment as a way to preserve the competition that existed prior to Alcoa's acquisition of Reynolds. Accordingly, the proposed Final Judgment is designed to ensure that the buyers of the divested assets will compete effectively against Alcoa and others in the industry, and the Department conducts a thorough investigation, as described below, before approving any particular purchaser.

The proposed Final Judgment contains provisions that (1) give the United States sole approval of the purchaser(s) of all the divested assets, (2) set forth the standards that the United States applies in evaluating proposed purchasers, and (3) require defendants Alcoa and Reynolds to provide information to the United States about the process undertaken by the defendants to select a buyer, as well as requiring information from defendants and the prospective purchaser for evaluation of the purchaser.

With regard to the standards that the proposed buyers must satisfy to be approved by the United States, Section IV.I. of the Proposed Final Judgment states:

> The divestitures, whether pursuant to Section IV or Section V of this Final Judgment, shall be made to a purchaser or purchasers with respect to whom it is demonstrated to the United States' sole satisfaction that (a) the purchaser or purchasers have the intent to compete effectively in the refining and sale of SGA or CGA; and (b) the purchaser or purchasers have the managerial, operational, and financial capability to compete effectively in the refining and sale of SGA or CGA.

The proposed Final Judgment also gives the United States the means to obtain information necessary to assess the process by which the buyer or buyers are selected, the capability of the buyers, and the transaction terms. Section VI.A. states that notice shall be given that:

> [S]ets forth the details of the proposed transaction and lists the name, address, and telephone number of each person not previously identified who offered to, or expressed an interest in or a desire to, acquire any ownership interest in the business to be divested that is the subject of the binding contract, together with full details of the same.

One the United States receives such notice, Section VI.B. provides that:

> The United States, in its sole discretion, may request from Defendants, the trustee, the proposed purchaser or purchasers, or any other third party additional information concerning the proposed divestitures, the proposed purchaser or purchasers, and any other potential purchaser.

The provision also establishes deadlines by which time the information must be provided.[2]

After obtaining notice that the defendants have entered into a proposed transaction with a prospective purchaser of the divested assets, the Department begins an investigation into the transaction and prospective purchaser to review the selection process and analyze the managerial and financial ability of each purchaser.[3] Typically, Department staff requests from the defendants detailed information about the transaction, any previous or ongoing association with the

[2] Section IV.I. also provides protections against Alcoa's using any agreements with the purchaser or purchasers to prevent them from competing to the fullest extent against Alcoa:

> None of the terms of any agreement between the purchaser or purchasers and Defendants, including any joint venture, governance, operation or shareholder agreements, shall give Defendants the ability to limit the purchaser's capacity or output, to raise a purchaser's costs, to lower a purchaser's efficiency, or otherwise to interfere in the ability of the purchaser or purchasers to compete effectively.

[3] For example, in Fiscal Year 1999 and 2000, the Department resolved 38 merger cases by consent decree, 36 of which involved divestitures.

purchaser, and financial information about the assets. From the purchaser, staff typically will obtain financial statements, the proposal business plan, financing plans, and information about the proposed purchaser's assets. Interviews of relevant personnel, other bidders, competitors, and investment bankers are also often conducted. The Department's team of lawyers, economists, and financial analysts examines this information and makes a recommendation to approve or disapprove the purchaser. This recommendation typically whether the purchaser has the operational, managerial, and financial capacity to compete effectively over the long term, and whether the purchase agreement is free of any terms that might limit the purchaser's ability to compete effectively. This recommendation is reviewed within the Department and approved or disapproved. The parties are informed of the decision and, only if the decision is positive, may they proceed with the sale.

Other provisions permit the United States to review Alcoa's and Reynolds' adherence to the proposed Final Judgment's terms, both before and after the divestitures occur, by imposing obligations on Alcoa and Reynolds to provide information about their compliance with the proposed Final Judgment's divestiture provisions. Section VII.A. requires periodic affidavits "as to the fact and manner of compliance with Section IV or Section V of this Final Judgment." The affidavits must include specific information about the defendants' attempts to solicit a purchaser or purchasers for the divested assets.[4]

In sum, the proposed Final Judgment's provisions empower the United States to review and approve the proposed purchaser or purchasers of the assets to be divested, and with these provisions, the United States is able to ensure that the purchasers of the assets are capable of competing effectively in the relevant markets. The various factors that AAI suggests are relevant to assessing a proposed purchaser, including "financial strength, operational experience, and management quality of the new owners, as well as their history of competitive (or collusive) behavior," are examined by the United States under the provisions of the proposed Final Judgment.

3. The procedures proposed by AAI could actually have a counterproductive effect of making divestitures more difficult to accomplish. In conducting its investigation of proposed divestitures, the Department routinely obtains and relies upon highly sensitive competitive and financial information that a proposed purchaser is willing to provide to the Department on a confidential basis but would not be willing to make available publicly. The procedure envisioned by AAI, requiring the Department to provide a public explanation of why it approved a particular purchaser so that the public could comment, would inevitably require the Department to disclose such information, even though disclosure of such information could itself be competitively undesirable.[5]

Moreover, the procedures proposed by AAI would potentially delay the achievement of effective remedies to anticompetitive mergers. A second round of comments could delay entry of the proposed Final Judgment, which would extend the divestiture deadlines contained therein.

Any needless delay in the consummation of the divestitures would deny the public the benefits of the competition contemplated by the proposed Final Judgment.

A second round of public comment would also risk involving the Court in an inquiry that is not envisioned by the Tunney Act. Courts have repeatedly held that it is not within the "public interest" standard of Tunney Act to determine the "best" remedy or buyer. *See* Western Electric, 999 F.2d at 1516 ("the court's function is not to determine whether the resulting array of rights and liabilities "is one that will best serve society," but only to confirm that the resulting "settlement is, within the reaches of the public interest.,

[4] In addition to these provisions requiring that information be provided to the United States, Section X.A.1. of the proposed Final Judgment obligates Alcoa and Reynolds to permit compliance inspections by representatives of the Department of Justice of their "books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the Defendants * * * relating to any matters contained in this Final Judgment and the Hold Separate Stipulation and Order." Pursuant to Section X.A.2., the United States may also interview, informally or on the record, "officers, employees, and agents * * * regarding any such matters." Section X.B. states that: "Upon the written request of the Assistant Attorney General in charge of the Antitrust Division, Defendants shall submit written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment and the Hold Separate Stipulation and Order."

[5] For example, the Department reviews a prospective purchaser's business plan. Disclosure of such information could itself be anticompetitive by revealing to the defendants the purchaser's strategy for competing against them. It is precisely to guard against this risk that Section X.C. of the proposed Final Judgment provides protections against disclosure of the information obtained by the United States in the course of the approval process.

(citing and quoting *United States* v. *Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir. 1981).") There is no suggestion in the AAI request that the public comment process would be confined to consideration of the purchaser approved by the Department; indeed its comments suggest that it would want the Department to provide information from which AAI could evaluate the competitive potential of all potential buyers and urge the Court to second-guess the Department's decision. This is not an inquiry contemplated by the Tunney Act. *See Microsoft*, 56 F.3d at 1461.

For all of the foregoing reasons, the Court should reject AAI's proposal for a second round of public comments.

C. Response to Mr. Stille

Mr. Stille questions whether Alcoa, as the world's largest aluminum company, is a monopoly and whether there is competition in the aluminum industry in the United States, but does not provide a basis to reject the proposed Final Judgment. In its investigation into what Mr. Stille refers to as the overall "aluminum industry," the Department determined that the industry consists of numerous separate product markets with varying geographic dimensions—some are local, some are worldwide. The Department then assessed the competitive implications of the loss of an independent Reynolds in those markets in which the merging firms compete with each other. After a thorough investigation, the Department concluded that competition would likely be substantially lessened in two markets, the worldwide for SGA and the North American market for CGA. Accordingly, the Department brought a case alleging that anticompetitive effects would be likely in those markets, and obtained relief in those markets designed to remedy the competitive harms posed by the proposed acquisition. Mr. Stille's comment does not offer any basis to conclude that the relief obtained is inadequate to redress the harm alleged in the complaint.

Because he argues for a case—one focused on the "aluminum industry"—different from the one that the Department brought and does not address the relief ordered by the proposed Final Judgment, Mr. Stille's comment raises issues not relevant to this Tunney Act proceeding. The Tunney Act does not contemplate a judicial reevaluation of the government's determination of which violations to allege in the Complaint. "Constitutional questions * * * would be raised if courts were to subject the government's exercise of its prosecutorial discretion to non-deferential review." *Massachusetts Sch. of Law at Andover, Inc.*, 118 F.3d at 783 (citing *Microsoft*, 56 F.3d at 1457–59). The government's decision not to bring a particular case based on the facts and law before it at a particular time, like any other decision not to prosecute, "involves a complicated balancing of a number of factors which are peculiarly within [the government's] expertise." *Heckler* v. *Chaney*, 470 U.S. 821, 831 (1985). Thus, the Court may not look beyond the Complaint "to evaluate claims that the government did not make and to inquire as to why they were not made." *Microsoft*, 56 F.3d at 1459; *see also Milk Producers*, 534 F.3d at 117–18.

The legal precedent discussed above holds that the scope of a Tunney Act proceeding is limited to whether entry of this particular proposed Final Judgment, agreed to by the parties as settlement of this case, is in the public interest. Thus, the entry of a governmental antitrust decree forecloses no private party from seeking and obtaining appropriate antitrust remedies for defendants' activities. Defendants will remain liable for any illegal acts, and any private party may challenge such conduct if and when appropriate.

III. Conclusion

After careful consideration of the comments, the United States concludes that entry of the proposed Final Judgment will provide an effective and appropriate remedy for the antitrust violation alleged in the Complaint and is in the public interest. The United States will move the Court to enter the proposed Final Judgment after the public comments and this Response have been published in the Federal Register, as 15 U.S.C. 16(d) requires.

For Plaintiff United States of America:
Dated: January 16th, 2001.
Respectfully submitted,
Janet R. Urban,
Maryland Bar #222–32–2468.
Mark S. Hegedus,
D.C. Bar #435525.
Andrew K. Rosa,
Hawaii Bar #6366.
Michelle J. Livingston,
D.C. Bar #461268.
Trial Attorneys,
U.S. Department of Justice, Antitrust Division, 325 Seventh Street, NW., Suite 500, Washington, DC 20530, (202) 307–6470, (202) 307–2441 (facsimile).

Certificate of Service

I hereby certify that I have caused a copy of the foregoing United States' Response to Public Comments to be served on counsel for Defendants in this matter in the manner set forth below:

By first class mail, postage prepaid, and by facsimile: Mark Leddy, Cleary, Gottlieb, Steen & Hamilton, 2000 Pennsylvania Avenue, NW., Washington, DC 20006–1801.

Michael H. Byowitz, Wachtell, Lipton, Rosen & Katz, 51 West 52nd Street, New York, NY 10019–6150.

January 16, 2001.

Andrew K. Rosa,

Hawaii Bar #6366, Trial Attorney, Antitrust Division, U.S. Department of Justice, 325 Seventh Street, NW., Suite 500, Washington, DC 20530, (202) 307–0886, (202) 616–2441 (fax).

The American Antitrust Institute

June 22, 2000.

Roger Fones, U.S. Department of Justice, 325 Seventh Street, NW, Suite 500, Washington, DC 20530.

Dear Mr. Fones: We are writing to convey the comments of The American Antitrust Institute regarding the proposed Final Judgment in *United States of America* v. *Alcoa Inc. and Reynolds Metals Company* (U.S. District Court, District of Columbia, Civil Action Number 1:00CV00954). Prior to a decision in that case, please publish these comments in the Federal Register, along with the Government's responses to them, pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h).

We are pleased that the proposed Final Judgment (in conjunction with the European Commission's requirement) would have the defendants sell off all of Reynolds' current alumina-refining capacity as a condition of the lawful merger of these two companies. As one can see from the AAI's monograph analyzing the competitive impact of this merger, previously provided to the Antitrust Division of the U.S. Department of Justice (*http://www.antitrustinstitute.org*, 2/23 link under "Recent Activities"), we focused on the alumina market in our own analysis, because we feel that this market is where the merger poses the largest competitive threat.

Whether the proposed settlement of this investigation will preserve competition in the alumina market, however, cannot be determined at this time. The United States chose to condition its approval of the merger only on certain "divestitures" in the abstract, without having first approved particular buyers for the divested assets, as the antitrust agencies have sometimes done in other mergers. Given that decision, we would ask the Justice Department and the Court to allow a second phase of public comment once specific buyers have been found for the divested assets. At this point, the institutional pressure is great for the Justice Department to accept any typically competent buyer of the assets, and in this industry we feel that that may not be a sufficiently high standard. A second—possibly quite brief—public comment period would help insure that a higher standard is reached.

As Federal Trade Commission Chairman Robert Pitofsky noted in a February 17, 2000, speech about restructuring (including divestitures) in the merger-review process, "the Commission in recent years has often insisted on knowing who the buyer or buyers [of divested assets] are likely to be, and on seeing the buyers' business plan," before entering a consent agreement.[1] Indeed, Chairman Pitofsky noted, "[a] buyer up-front is now required in about 60% of Commission divestitures."[2]

In our view, this is a laudable trend. Consider the conclusions of a 1999 study conducted by the FTC's Bureau of Competition in collaboration with the Bureau of Economics, which Chairman Pitofsky discussed in his February speech. The study reviewed 35 orders entered into between 1990 and 1994 that required the divestiture of assets as a result of FTC action, and determined which ones had succeeded in creating viable operations in the relevant market.[3] The result, according to Chairman Pitofsky, was that "[i]n those instances in which divestiture did not work out, it usually was because the seller engaged in strategic conduct to seek out marginally effective buyers . . . or buyers, because of informational disadvantages and lack of experience in the particular markets involved, were unduly optimistic about their ability to compete effectively with the acquired assets." In other words, ineffective divestitures are generally caused by a poor selection of buyers.[4]

This is precisely our concern in the Alcoa/Reynolds case. We believe the new owners of the divested alumina refineries must be able to run them at least as efficiently as Reynolds has done in the past, and must be at least as well-positioned as Reynolds has been to compete with Alcoa for alumina sales, in order to insure against diminished competition. These determinations must be made on a case-by-case basis, considering the financial strength, operational experience, and management quality of the new owners, as well as their history of competitive (or collusive) behavior. Our research suggests that Alcoa is an unusually well-managed company in an industry where poor, high-cost, tradition-bound management is not uncommon. Thus, many of the potential buyers of the divested assets might have high overhead costs or unsophisticated management practices that would prevent them from competing meaningfully against a newly strengthened Alcoa.

Moreover, a buyer's suitability depends on what it is likely to do with its new alumina

[1] See Robert Pitofsky, "The Nature and Limits of Restructuring in Merger Review" (Feb. 17, 2000), or at *http://www.ftc.gov/speeches/pitofsky/restruct.htm*.

[2] Ibid., note 13, citing Richard G. Parker, "Global Merger Enforcement" (Sept. 28, 1999), available at *http://www.ftc.gov/speeches/other/barcelona.htm*.

[3] Federal Trade Commission Bureau of Competition Staff, "A Study of the Commission's Divestiture Process" (1999).

[4] As reported in the press release announcing the 1999 study of the divestiture process, William Baer, then director of the FTC's Bureau of Competition, assessed the study as follows: "The study confirms the importance of one of the approaches currently being used by the Commission, the so-called 'up-front buyer,' where the buyer of the assets to be divested is identified earlier in the process. The use of the up-front buyer both reduces the likelihood that consumers will be harmed while waiting for the divestiture, and also assures that there will be an acceptable buyer."

capacity. Will it sell at least as much alumina to third parties as Reynolds did, or will it use more of the alumina in its own aluminum smelter? To the extent that the alumina is used internally, will it simply substitute for third-party alumina that the owner previously purchased on the open market, or will it be used to expand aluminum production? The answers to such questions are buyer-specific, and could dramatically affect the future competitive dynamics of the aluminum industry.

For the above reasons, we once again urge the United States to allow some form of public comment on the proposed Final Judgment after buyers are found for the divested assets, even if the comment period is relatively brief. This is an industry with huge barriers to entry, relatively few large players, highly inelastic demand, and a history of antitrust problems. We cannot afford to tip the scales in an anticompetitive direction by allowing Alcoa to find weak or otherwise inappropriate buyers for the assets it is being asked to divest. A public explanation of the Government's reasons for approving specific buyers and a brief public comment on the buyers will help us avoid this result.

Sincerely,

Albert Foer,

President, American Antitrust Institute.

Matthew Siegel,

Research Fellow, American Antitrust Institute.

cc: The District Court for the District of Columbia, The Hon. Joel Klein, Assistant Attorney General for Antitrust.

700 S. Courthouse Road, Arlington, VA, 22204, June 8, 2000.

Ms. Janet Reno, Attorney General, The Department of Justice, Constitution Avenue at 10th Street, NW, Washington, DC 20530.

Dear Ms. Reno: One wonders why the federal government will permit the Aluminum Company of America (ALCOA) to take over Reynolds Metals Company (REYNOLDS).

On May 15, 1911, the Supreme Court dissolved Standard Oil Company.

The 13-year-old lawsuit against AT&T by the Justice Department was settled on January 8, 1982.

Now, the Justice Department is trying to break-up Microsoft Corporation.

If the above mentioned companies were and are monopolies, why isn't ALCOA included in that category, since it will become the world's largest aluminum producer? Where is the competition in the aluminum industry in the United States.

Sincerely,

Charles A. Stille.

[FR Doc. 01–4516 Filed 2–22–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

February 16, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail *King-Darrin@dol.gov*.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration (ETA).

Title: One-Stop Labor Market Information Grant Plan and Progress Reports.

OMB Number: 1205–0417.

Affected Public: State, Local, or Tribal Government and Federal Government.

Frequency: Annually and semi-annually.

Number of Respondents: 54.

Number of Annual Responses: 162.

Estimated Time Per Response: 36 hours to prepare and submit an annual plan and 6 hours to prepare and submit a semi-annual progress report.

Total Burden Hours: 2,592.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: ETA is requesting OMB approval for a grant annual plan narrative and two progress reports as part of the requirements for receiving One-Stop Labor Market Information (OS/LMI) core products and services reimbursement.

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration (ETA).

Title: One-Stop Occupational Employment Statistics Survey Plan and Progress Reports.

OMB Number: 1205–0418.

Affected Public: State, Local, or Tribal Government and Federal Government.

Frequency: Annually and semi-annually.

Number of Respondents: 54.

Number of Annual Responses: 162.

Estimated Time Per Response: 36 hours to prepare and submit an annual plan and 6 hours to prepare and submit a semi-annual progress report.

Total Burden Hours: 2,592.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: ETA is requesting OMB approval for a grant annual narrative and two progress reports as part of the requirements for receiving One-Stop Occupational Employment Statistics survey grant.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–4499 Filed 2–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

None

Volume III

None

Volume IV

None

Volume V

None

Volume VI

None

Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC, this 12th day of February 2001.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–4145 Filed 2–22–01; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL INSTITUTE FOR LITERACY

Advisory Board Meeting

AGENCY: National Institute for Literacy (NIFL).

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Institute for Literacy Board (Advisory Board). This notice also describes the function of the Advisory Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting.

Date and Time: March 8, 2001 from 9:30 a.m. to 4 p.m., and March 9, 2001 from 9:30 a.m. to 12 Noon.

ADDRESSES: National Institute for Literacy, 1775 I Street, NW, Suite 730, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Shelly Coles, Executive Assistant, National Institute for Literacy, 1775 I Street, NW, Suite 730, Washington, DC 20006. Telephone number (202) 233–2027, email scoles@nifl.gov.

SUPPLEMENTARY INFORMATION: The Advisory Board is established under the Workforce Investment Act of 1998, Title II of Public Law 105–220, Sec. 242, the National Institute for Literacy. The Advisory Board consists of ten individuals appointed by the President with the advice and consent of the Senate. The Advisory Board is

established to advise and make recommendations to the Interagency Group, composed of the Secretaries of Education, Labor, and Health and Human Services, which administers the National Institute for Literacy (Institute). The Interagency Group considers the Advisory Board 's recommendations in planning the goals of the Institute and in the implementation of any programs to achieve the goals of the Institute. Specifically, the Advisory Board performs the following function (a) Makes recommendations concerning the appointment of the Director and the staff of the Institute; (b) provides independent advice on operation of the Institute; and (c) receives reports from the Interagency Group and Director of the Institute. In addition, the Institute consults with the Advisory Board on the award of fellowships. The National Institute for Literacy Advisory Board meeting on March 8–9, 2001, will focus on an overview of the NIFL programs and partnership-building efforts with the new Adminsitration; and other relevant literacy activities and issues. Records are kept of all Advisory Board proceedings and are available for public inspection at the National Institute for Literacy, 1775 I Street, NW, Suite 730, Washington, DC 20006, from 8:30 am to 5 p.m.

Dated: February 16, 2001.

Andrew J. Hartman,

Director.

[FR Doc. 01–4495 Filed 2–22–01; 8:45 am]

BILLING CODE 6055–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–338 and 50–339]

Virginia Electric and Power Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration, Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–4 and NPF–7 issued to Virginia Electric and Power Company for operation of the North Anna Power Station, Units 1 and 2, located in Louisa County, Virginia.

The proposed amendments would revise Technical Specifications (TS) Figures 3.4–2 and 3.4–3, and associated Bases, by modifying the reactor coolant system (RCS) pressure/temperature (P/T) limit curves. In addition, these amendments would extend the cumulative core burnup applicability limits for the existing Low Temperature Overpressure Protection System (LTOPS) setpoints and LTOPS enable temperature values, and implement American Society of Mechanical Engineers (ASME) Section XI, Code Cases N–514 and N–640. Code Case N–640 utilizes the ASME Section XI, Appendix A critical initiation stress intensity curve instead of the ASME Section XI, Appendix G critical arrest stress intensity curve. Code Case N–514 allows the resetting of the LTOPS power-operated relief valve lift setpoints.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated[?]

The proposed changes modify the North Anna Units 1 and 2 RCS P/T limit curves and extend the cumulative core burnup applicability limits for the existing LTOPS setpoints and T_{enable} values. The allowable operating pressures and temperatures under the proposed RCS P/T limit curves are not significantly different from those allowed under the existing Technical Specification P/T limits. No changes to plant systems, structures, or components are proposed, and no new allowable operating modes are established. The P/T limits, LTOPS setpoints, and T_{enable} values do not contribute to the probability of occurrence or consequences of accidents previously analyzed. The revised licensing basis analyses utilize acceptable analytical methods, and continue to demonstrate that established accident analysis acceptance criteria are met. Therefore, there is no increase in the probability or consequences of any accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated[?]

The proposed changes modify the North Anna Units 1 and 2 RCS P/T limit curves, and extend the cumulative core burnup applicability of the existing LTOPS setpoints and T_{enable} values. No changes to plant systems, structures, or components are proposed, and no new allowable operating modes are established. Therefore, the proposed changes do not create the possibility of any accident or malfunction of a different type previously evaluated.

3. Does the change involve a significant reduction in the margin of safety[?]

The proposed revised RCS P/T limit curves, and revised LTOPS setpoint and T_{enable} analysis bases do not involve a significant reduction in the margin of safety for these parameters. The proposed revised RCS P/T limit curves use the ASME Section XI Code Case N–640 K_{Ic} stress intensity formulation. The proposed revised LTOPS T_{enable} analysis bases use a plant-specific application of the analysis methodology that supports ASME Section XI Code Case N–514. These analysis features are less restrictive than those associated with the existing analyses, but are conservative with respect to requirements established by ASME Section XI. The effects of RCS pressure and temperature measurement uncertainty are considered in the supporting analyses. The proposed revised RCS P/T limit curves are valid to cumulative core burnups of 32.3 EFPY [effective full-power years] and 34.3 EFPY for North Anna Units 1 and 2, respectively. The proposed revised LTOPS setpoint and T_{enable} analyses support continued use of the existing North Anna Units 1 and 2 Technical Specification LTOPS setpoints and LTOPS enable temperatures to these same cumulative core burnup limits. The analyses demonstrate that established analysis acceptance criteria continue to be met. Specifically, the existing P/T limit curves, LTOPS setpoints, and LTOPS T_{enable} values provide acceptable margin to vessel fracture under both normal operation and LTOPS design basis (mass addition and heat addition) accident conditions. Therefore, the proposed changes do not result in a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 26, 2001, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment requests involve no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendment requests involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Donald P. Irwin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated June 22, 2000, and supplemental letter dated January 4, 2001, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 16th day of February 2001.

For the Nuclear Regulatory Commission.

Stephen R. Monarque,

Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–4475 Filed 2–22–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection OPM 1530

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. OPM 1530, Report of Medical Examination of Person Electing Survivor Benefits Under the Civil Service Retirement System, is used to collect sufficient information from the required medical examination regarding an annuitant's health. This information is used to determine whether the insurable interest survivor benefits election can be allowed.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of OPM, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 500 OPM Forms 1530 will be completed annually. We estimate it takes approximately 90 minutes to complete the form. The annual burden is 750 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before April 24, 2001.

ADDRESSES: Send or deliver comments to: Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street NW., Room 3349A, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–4367 Filed 2–22–01; 8:45 am]

BILLING CODE 6325–60–U

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (The S&P 500 (R) Protected Equity Fund, Inc., Common Stock, $.10 Par Value) File No. 1–15437

February 15, 2001.

The S&P 500 (R) Protected Equity Fund, Inc. ("Issuer") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 12d2–2(d)[2] thereunder, to withdraw its Common Stock, $.10 par value ("Security"), from listing and registration on the New York Stock Exchange ("NYSE").

The Security is currently listed and registered on the NYSE and designated for quotation on the National Market of the Nasdaq Stock Market ("Nasdaq National Market"). The Issuer believes that the dealer market of the Nasdaq National Market has proven a better trading environment for its Security than the auction market of the NYSE. As a result, the Issuer has determined to continue quotation of its Security on the Nasdaq National Market, while withdrawing it from listing and registration on the NYSE in order to avoid the continuing costs of maintaining such listing.

The Issuer's application relates solely to the withdrawal of its Security from listing on the NYSE and registration under Section 12(b) of the Act[3] and shall have no effect upon the Security's continued designation for quotation on the Nasdaq National Market and obligation to be registered under Section 12(g) of the Act.[4]

The Issuer has stated in its application that it has complied with the requirements of NYSE Rule 500 governing the voluntary withdrawal of common stock from listing and registration on the exchange.

Any interested person may, on or before March 9, 2001, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the NYSE and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–4428 Filed 2–22–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 781(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 781(b).

[4] 15 U.S.C. 781(g).

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24858; File No. 812–12188]

Lincoln Benefit Life Company, et al.

February 16, 2001.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an order pursuant to section 26(b) of the Investment Company Act of 1940 (the "1940 Act").

Summary of Application: Applicants seek an order to permit the substitution of shares of certain management investment companies for shares of certain other management investment companies held by Lincoln Benefit Life Variable Annuity Account ("VA Account") and Lincoln Benefit Life Variable Life Account ("VL Account").

Applicants: Lincoln Benefit Life Company ("Lincoln Benefit"), VA Account and VL Account (together, the "Separate Account Applicants"), and IAI Retirement Funds, Inc. ("IAI Applicant").

Filing Date: The application was filed on July 25, 2000, and amended and restated on February 7, 2001.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the SEC and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 13, 2001, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

[5] 17 CFR 200.30–3(a)(1).

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W. Washington, D.C. 20549–0609. Applicants, c/o Carol Watson, Esq., General Counsel, Lincoln Benefit Life Insurance Company, 2940 South 84th Street, Lincoln, Nebraska 68506. Copies to Jorden Burt Boros Ciccehetti Berenson & Johnson, LLP, 1025 Thomas Jefferson Street, N.W., Suite 400 East, Washington, D.C. 20007–0806, Attention: Joan E. Boros, Esq.

FOR FURTHER INFORMATION CONTACT: Joyce M. Pickholz, Senior Counsel, or Keith E. Carpenter, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the SEC, 450 Fifth Street, N.W., Washington, DC 20549 (tel. (202) 942–8090).

Applicants' Representations

1. Lincoln Benefit is a stock life insurance company organized under the laws of the state of Nebraska in 1938. Lincoln Benefit is an indirect wholly-owned subsidiary of the Allstate Corporation.

2. The VA Account and the VL Account are segregated asset accounts of Lincoln Benefit. Lincoln Benefit established the VA Account and the VL Account in 1992, in accordance with the laws of the state of Nebraska. The VA Account and the VL Account are registered as unit investment trusts under the 1940 Act. Lincoln Benefit issues certain variable annuity contracts through the VA Account and variable life insurance policies through the VL Account (together, "Contracts"). The variable interests under the Contracts are registered with the SEC under the Securities Act of 1933 (the "1933 Act").

3. The IAI Applicant was organized as a Minnesota corporation on September 16, 1993. The IAI Applicant currently issues shares in three investment portfolios: IAI Regional Portfolio, IAI Balanced Portfolio, and IAI Reserve Portfolio (collectively the "Replaced Portfolios"). Shares of each of the Replaced Portfolios were sold only to the Separate Account Applicants for the purpose of funding certain Contracts. The IAI Applicant is registered as an open-end management investment company under the 1940 Act and its shares are registered as securities under the 1933 Act. The Replaced Portfolios are managed by Investment Advisors, Inc. ("IAI"). IAI is not affiliated with Lincoln.

4. Lincoln Benefit, on behalf of the Separate Account Applicants, proposes to substitute Class A shares of the Bond Portfolio of the Scudder Variable Life Investment Fund ("SVLIF") for shares of the IAI Reserve Portfolio. SVLIF was organized as a Massachusetts business trust on July 16, 1985. It offers its shares in nine series and two classes. Class A Shares, which the Separate Account Applicants purchase, are offered at net asset value and are not subject to Rule 12b–1 fees. SVLIF is registered as an open-end management investment company under the 1940 Act, and its shares are registered as securities under the 1933 Act. Both classes of shares are sold only to insurance company separate accounts to fund variable life insurance policies and variable annuity contracts. Scudder Kempter Investments, Inc. serves as investment adviser to, among others, the SVLIF Bond Portfolio.

5. Lincoln Benefit, on behalf of the Separate Account Applicants, also proposes to substitute Institutional Class shares of the Balanced Portfolio of the Janus Aspen Series ("JAS") for shares of the IAI Balanced Portfolio, and Institutional Class shares of the JAS Growth Portfolio for shares of the IAI Regional Portfolio. JAS was organized as a Delaware business trust on September 13, 1993. It offers its shares in thirteen portfolios and two or three classes, depending on the portfolio. Institutional Shares, which the Separate Account Applicants purchase, are offered at net asset value and are not subject to Rule 12b–1 fees. Institutional Shares are sold to insurance company separate accounts to fund variable life insurance policies and variable annuity contracts and to certain qualified plans. JAS is registered as an open-end management investment company under the 1940 Act and its shares are registered as a securities under the 1933 Act. Janus Capital serves as investment adviser to, among others, the JAS Balanced Portfolio and the JAS Growth Portfolio. (The SVLIF Bond Portfolio, JAS Balanced Portfolio, and JAS Growth Portfolio, are referred to collectively as the "Replacement Portfolios".)

6. IAI has announced publicly that a management team led by its president and chief investment officer has agreed in principle to acquire most of the business of IAI from its parent. In connection with this transaction, IAI is exiting the mutual fund business and the IAI Applicant has decided to discontinue making the Replaced Portfolios available as underlying investment options for variable insurance products. The IAI Applicant intends to liquidate the Replaced Portfolios as soon as possible after a substitution order is obtained from the SEC.

7. The IAI Applicant wishes to close the Replaced Portfolios primarily because IAI is exiting the mutual fund business. Because the Replaced Portfolios have not attracted sufficient Contract owner ("Owner") interest, IAI has suffered annual operating losses on the Replaced Portfolios and has needed to provide continual fee and expense waivers for the IAI Reserve Portfolio since its inception. In addition, the Replaced Portfolios are not attracting meaningful asset growth and IAI does not foresee significant future growth in the Replaced Portfolios. The small size of the Replaced Portfolios also makes it difficult to manage their assets efficiently.

8. Lincoln Benefit has determined that in light of the impending closure of the Replaced Portfolios, it would be best for the company and the Owners to substitute the shares of the Replaced Portfolios with shares of other mutual funds having similar objectives that are currently available under the Contracts. Accordingly, Applicants request the SEC's approval to effect the following substitutions (collectively referred to as the "Substitutions"):

(a) shares of SVLIF Bond Portfolio (Class A) for shares of IAI Reserve Portfolio;

(b) shares of JAS Balanced Portfolio (Institutional Class) for shares of IAI Balanced Portfolio; and

(c) shares of JAS Growth Portfolio (Institutional Class) for shares of IAI Regional Portfolio. (The SVLIF Bond Portfolio, JAS Balanced Portfolio, and JAS Growth Portfolio are referred to collectively as the "Replacement Portfolios".)

9. Lincoln Benefit will redeem for cash all of the shares of each Replaced Portfolio that it currently holds on behalf of the Separate Account Applicants at the close of business on the date selected for the Substitutions. Lincoln Benefit, on behalf of each Separate Account Applicant, will

simultaneously place a redemption request with each Replaced Portfolio and a purchase order with the corresponding Replacement Portfolio, so that each purchase will be for the exact amount of the redemption proceeds. As a result, at all times monies attributable to Owners then invested in the Replaced Portfolios will remain fully invested and will result in no change in the amount of any Owner's contract value, death benefit or investment in the applicable Separate Account Applicant.

10. The full net asset value of the redeemed shares held by the Separate Account Applicants will be reflected in the Owners' accumulation unit or annuity unit values following the Substitutions. Lincoln Benefit and IAI have undertaken to assume all transaction costs and expenses relating to the Substitutions, including any direct or indirect costs of liquidating the assets of the Replaced Portfolios, so that the full net asset value of redeemed shares of the Replaced Portfolios held by the Separate Account Applicants will be reflected in the Owners' accumulation unit or annuity unit values following the Substitutions.

11. Applicants anticipate that until the Substitutions occur, IAI will conduct the trading of portfolio securities in accordance with the investment objectives and strategies stated in the Replaced Portfolios' prospectuses and in a manner that provides for the anticipated redemptions of shares held by the Separate Account Applicants.

12. As part of the Substitutions, Lincoln Benefit will combine the sub-accounts of the Separate Account Applicants currently invested in the Replaced Portfolios with the sub-accounts currently invested in the corresponding Replacement Portfolios. Applicants state that each of the Contracts gives Lincoln Benefit the right to eliminate or add sub-accounts, combine two or more sub-accounts, or substitute one or more underlying mutual funds or portfolios for others in which one or more sub-accounts are invested. These contractual provisions have also been disclosed in the prospectuses or statements of additional information relating to the contract. Lincoln Benefit will schedule the Substitutions to occur after the issuance of the requested order and any required state insurance department approvals.

13. Applicants represent that affected Owners will not incur any fees or charges as a result of the Substitutions, nor will the rights or obligations of Lincoln Benefit under the Contracts be altered in any way. The proposed Substitutions will not have any adverse tax consequences to Owners. The proposed Substitutions will not cause Contract fees and charges currently being paid by existing Owners to be greater after the proposed Substitutions than before the proposed Substitutions. The proposed Substitutions will not be treated as transfers for the purpose of assessing transfer charges. Lincoln Benefit will not, with respect to shares substituted, exercise any right it may have under the Contracts to impose additional restrictions on transfers for a period of at least 30 days following the proposed Substitutions.

14. Lincoln Benefit has supplemented the prospectuses for the Contracts to reflect the Substitutions. Within five days after the Substitutions, Lincoln Benefit will send to Owners written notice of the Substitutions, identifying the shares of the Replaced Portfolios that have been eliminated and the shares of the Replacement Portfolios that have been substituted. Lincoln Benefit will include in such mailing the applicable prospectus supplement for the Contracts of the Separate Account Applicants describing the Substitutions. Lincoln Benefit does not intend to mail a copy of the prospectus for the Replacement Portfolios to the Owners, because they already will have received a copy of those prospectuses in the ordinary course. Owners will be advised in the Notice that for a period of thirty-one days from the mailing of the Notice (the "Free Transfer Period"), Owners may transfer all assets, as substituted, to any other available subaccount without limitation or charge. In addition, Owners of VA Contracts, who as a result of the Substitutions are receiving variable annuity payments based on the Replacement Portfolios, will be permitted during the Free Transfer Period to transfer the substituted amounts to other sub-accounts, without limitation or charge, notwithstanding any limitation on such transfers in the variable annuity Contracts.

Applicants' Legal Analysis

1. Section 26(b) of the 1940 Act provides that "[i]t shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the [SEC] shall have approved such substitution." Section 26(b) of the 1940 Act was enacted as part of the Investment Company Act Amendments of 1970. Prior to the enactment of these amendments, a depositor of a unit investment trust could substitute new securities for those held by the trust by notifying the trust's security holders of the substitution within five (5) days after the substitution. In 1966, the SEC, concerned with the high sales charges then common to most unit investment trusts and the disadvantageous position in which such charges placed investors who did not want to remain invested in the substituted security, recommended that Section 26 be amended to require that a proposed substitution of the underlying investments of a trust receive prior SEC approval.

2. Applicants' submit that the purposes, terms, and conditions of the Substitution are consistent with the principles and purposes of Section 26(b) and do not entail any of the abuses that Section 26(b) is designed to prevent. Owners will be assessed no charges whatsoever in connection with the Substitutions and their annual fund expense ratios are expected to decrease, in most cases significantly. In addition, to the extent an Owner does not wish to participate in the Substitutions, he or she is free to transfer to any other option available under the relevant Contract prior to the Substitutions and after the Substitutions without any transfer fee. Moreover, as described below, Owners will be substituted into a Replacement Portfolio whose investment objectives, policies and expenses are substantially similar or identical in all material respects to those of the Replaced Portfolio.

3. Applicants submit that the Substitutions do not present the type of costly forced redemption or other harms that Section 26(b) was intended to guard against and is consistent with the protection of investors and the purposes fairly intended by the 1940 Act for the following reasons:

(a) the Substitutions will continue to fulfill Owners' objectives and risk expectations, because the SVLIF Bond Portfolio and JAS Balanced Portfolio have objectives, policies, and restrictions substantially identical in all material respects to the objectives, policies, and restrictions of the corresponding Replaced Portfolios and, of the Portfolios currently available under the Contracts, the JAS Growth Portfolio has investment objectives, policies and restrictions most similar to those of the IAI Regional Portfolio;

(b) after receipt of the Notice informing an Owner of the Substitutions, an Owner may request that his or her assets be reallocated to another sub-account at any time during the Free Transfer Period without any limitation or charges. This right will be granted to Owners of VA Contracts who are receiving variable payments based on the Replaced Portfolios, even though the relevant VA Contracts usually do not permit transfer during the Annuity Period. The Free Transfer Period provides sufficient time for Owners to consider their reinvestment options;

(c) the Substitutions will be at net asset value of the respective shares, without the imposition of any transfer or similar charge;

(d) Lincoln Benefit and IAI have undertaken to assume all expenses and transaction costs, including, but not limited to, legal and accounting fees and any brokerage commissions, in connection with the Substitutions;

(e) the Substitutions will in no way alter the contractual obligations of Lincoln Benefit or the rights and privileges of Owners under the Contracts;

(f) the Substitutions will in no way alter the tax benefits to Owners;

(g) the Substitutions are expected to confer certain economic benefits on Owners by virtue of enhanced asset size and lower expenses, as described below; and

(h) at the time of the Substitutions, the aggregate fees and expenses under each Replacement Portfolio are expected to be lower than those of the corresponding Replaced Portfolio. Applicants agree that Lincoln Benefit will not increase the contract charges or the total separate account charges (net of any waiver or reimbursement) of the sub-accounts that invest in the Replacement Portfolios for those Contract Owners affected by the Substitutions for a period of two years from the Substitution Date. Lincoln Benefit further agrees that if the total operating expenses for any Replacement Portfolio (taking into account any expense waiver or reimbursement) for any fiscal quarter for the two-year period following the Substitution Date exceed on an annualized basis the relevant Maximum Portfolio Expense Limit as stated below (which is the net expense ratio for each corresponding Replaced Portfolio for the fiscal year ended December 31, 1999), Lincoln Benefit will make a corresponding reduction (through waiver or reimbursement) in the separate account expenses for that quarter of the sub-account that invests in such Replacement Portfolio for Contract Owners who were affected by the Substitution. The Maximum Portfolio Expense Limits for the Replacement Portfolios are: 1.01% for the SVLIF Bond Sub-account; 0.97% for the JAS Balanced Sub-account; and 0.88% for the JAS Growth Sub-account.

4. Applicants assert that the Replacement Portfolios and the Replaced Portfolios will have investment objectives and policies that are substantially the same or identical in all material respects.

5. IAI Reserve Portfolio's investment objective is to provide high levels of capital stability and liquidity and, to the extent consistent with these primary objectives, a high level of current income. The IAI Reserve Portfolios pursues its objectives by investing primarily in a diversified portfolio of investment grade debt securities. In order to achieve the objectives of capital stability and liquidity, the IAI Reserve Portfolio maintains a dollar weighted average maturity of its investment portfolio of twenty-five (25) months or less.

6. SVLIF Bond Portfolio's investment objective seeks to provide a high level of income consistent with ha high quality portfolio of debt securities. The SVLIF Bond Portfolio pursues its objective by investing at least 65% of its assets in bond. The SVLIF Bond Portfolio is permitted to invest in corporate bonds, U.S. government and agency bonds, mortgage and asset-backed securities and foreign debt securities. Under normal conditions, the SVLIF Bond Portfolio invests at least 65% of its assets in bonds rated in the top three grades of credit quality. While the SVLIF Bond Portfolio may invest in bonds of any maturity, its managers intend to seek to keep the average duration between four to six years.

7. IAI Balanced Portfolio's investment objective is to maximize total return. The IAI Balanced Portfolio pursues its objective by investing in a broadly diversified portfolio of stocks and debt securities. The IAI Balanced Portfolio's investments in common stocks are primarily in large capitalization companies ($1 billion capitalization at the time of purchase) that IAI believes have solid competitive advantages and extremely high financial quality at attractive fundamental valuations. The IAI Balanced Portfolio is also permitted to invest in all types of debt securities, including securities issued by the U.S. government or its agencies, mortgage and asset-backed securities, zero coupon securities, payment-in-kind bonds and high-yield, non-investment grade debt securities commonly referred to as "Junk Bonds."

8. JAS Balanced Portfolio's investment objective is to seek long-term capital growth, consistent with preservation of capital and balanced by current income. Under normal conditions, JAS Balanced Portfolio pursues its objective by investing 40-60% of its assets in common stocks selected for their growth potential and 40-60% its assets in all types of debt and equity securities which Janus Capital believes have income potential, including investing up to 35% of its assets in Junk Bonds. JAS Balanced Portfolio is also permitted to invest in foreign securities, indexed/structured securities, options, futures, swaps and special situations.

9. IAI Regional Portfolio's investment objective is capital appreciation. The IAI Regional Portfolio pursues its investment objective by investing primarily in the common stocks of issuers headquartered in Minnesota, Wisconsin, Iowa, Illinois, Nebraska, Montana, North Dakota and South Dakota.

10. JAS Growth Portfolios investment objective is to seek long-term capital growth in a manner consistent with the preservation of capital. The JAS Growth Portfolio pursues its investment objective by investing in the common stocks of issuers, of any size, selected by Janus Capital for their growth potential. The LAS Growth Portfolio generally invests in larger more established companies. The JAS Growth Portfolio is also permitted to invest up to 35% of its assets in Junk Bonds as well as foreign equity securities, debt securities, indexed/structured securities, options, futures, swaps and special situations. The JAS Growth Portfolio is also permitted to invest in derivatives for hedging and non-hedging purposes.

11. According to the Applicants, no other investment option currently available under the Contracts has the same regional focus as the IAI Regional Portfolio. Further, Applicants state that they are not aware of any other mutual fund available for purchase by insurance company separate accounts that has that regional focus. From among the current investment options under the Contracts, JAS Growth Portfolio is the nearest math to the IAI Regional Portfolio, because both Portfolios have capital growth as a primary investment objective and both Portfolios use growth potential as a primary criteria in selecting stock in which to invest.

12. Accordingly, Lincoln Benefit has specifically determined that the Replacement Portfolios are appropriate investment vehicles for Owners who have allocated value to the Replaced Portfolios and that the Substitutions will be consistent with Owners' investment objectives and risk expectations.

13. Applicants submit that the fees and expenses of the Replacement Portfolios will be less than the Replaced Portfolios' fees and expenses, even though Lincoln Benefit is entitled to receive a service fee from the investment advisers for each of the

Replacement Portfolios in return for providing certain administrative services and Lincoln Benefit does not receive any such fees from IAI, the adviser to the Replaced Portfolios. Accordingly, Applicants assert that the proposed Substitution poses no concerns in connection with the fees and expenses that will arise therefrom.

EXPENSE RATIOS [1]

[As a percentage of average daily net assets]

	(In percent)
IAI Reserve Portfolio [2]:	
Management Fee	0.45
Other Expenses	1.21
Total Expenses (before waiver)	1.66
Total Expenses (after waiver)	1.01
IAI Balanced Portfolio [3]:	
Management Fee	0.85
Other Expenses	0.34
Total Expenses (before waiver)	0.99
Total Expenses (after waiver)	0.977
IAI Regional Portfolio:	
Management Fee	0.65
Other Expenses	0.23
Total Expenses	0.88
SVLIF Bond Portfolio:	
Management Fee	0.475
Other Expenses	0.095
Total Expenses	0.57
Total Expenses	0.57
JAS Balanced Portfolio:	
Management Fee	0.65
Other Expenses	0.02
Total Expenses	0.67
Total Expenses	0.67
JAS Growth Portfolio:	
Management Fee	0.65
Other Expenses	0.02

EXPENSE RATIOS [1]—Continued

[As a percentage of average daily net assets]

	(In percent)
Total Expenses	0.67

[1] The Expense Ratios for the Replaced Portfolios and the SVLIF Bond Portfolio are based on expenses for the fiscal year ending December 31, 1999. The Expense Ratios for the JAS Portfolios are based on expenses for the fiscal year ending December 31, 1999, restated to show the effect of an amendment to the investment advisory agreement reducing the management fee for both Portfolios. The actual expense ratios for each JAS Portfolio in the fiscal year ending December 31, 1999 was 0.69% of average daily net assets, and the actual management fee was 0.67 of average daily net assets. The reduction in the management fee became effect on May 1, 2000.

[2] IAI voluntarily waived certain expenses for the IAI Reserve Portfolio and the IAI Balanced Portfolios in the fiscal year ending December 31, 1999, and intends to continue to waive expenses in the current fiscal year.

14. Each of the Replacement Portfolios has significantly more assets than the corresponding Replaced Portfolio. It is expected that the lower expense ratios should continue as a result of the significantly greater assets of the Replacement Portfolios.

[3] See note 2 supra.

TOTAL NET ASSETS

[As of December 31, 1999]

	In millions
Replaced Portfolios [1]:	
IAI Reserve	0.6
IAI Balanced	3.8
IAI Regional	13.4
Replacement Portfolios:	
SVLIF Bond	94.0
JAS Balanced	2,453.1

TOTAL NET ASSETS—Continued

[As of December 31, 1999]

	In millions
JAS Growth	2,942.7

[1] As of December 31, 2000, the total Net Assets (unaudited) of the Replaced Portfolios had declined to the following amounts: for IAI Reserve Portfolio, $0.5 million; for IAI Balanced Portfolio, $2.8 million; for IAI Regional Portfolio, $8.2 million.

15. As shown in the following table, the total assets currently invested under the Contracts in the sub-accounts investing in the Replacement Portfolios are significantly greater than the total assets in the sub-accounts investing in the Replaced Portfolios.

TOTAL ASSETS INVESTED UNDER THE CONTRACTS

[As of December 31, 2000 (unaudited)]

	In millions
Replaced Portfolios:	
IAI Reserve	0.5
IAI Balanced	2.8
IAI Regional	8.2
Replacement Portfolios:	
SVLIF Bond	5.9
JAS Balanced	56.2
JAS Growth	101.3

16. The total returns of the Replacement Portfolios generally have been higher than the returns of corresponding Replaced Portfolios. Applicants submit that while there is no guarantee that past performance will continue, the return data provided support their view that the Substitutions are not expected to give rise to diminution in performance or other adverse effects on Contract values.

AVERAGE ANNUAL TOTAL RETURNS

[As of December 31, 1999]

Portfolio	One year (In percent)	Five years (In percent)	Ten years of since inception (In percent)
IAI Reserve	2.89	4.60	4.40 (since 4/7/94).
SVLIF Bond	−0.95	6.95	7.37 (since years).
IAI Balanced	3.87	11.62	10.150 (since 2/3/94).
JAS Balanced	26.76	24.68	20.62 (since 9/1/93).
IAI Regional	18.37	15.29	12.93 (since 1/31/91).
JAS Growth	43.98	29.89	24.28 (since 9/13/93).

Conclusion

For the reasons summarized above, Applicants assert that the requested order meets the standards set forth in section 26(b) of the 1940 Act, and should, therefore, be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4496 Filed 2–22–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43969; File No. SR–CBOE–01–02]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated To Amend Its Rules To Allow for $0.50 Strike Price Intervals for Options Based on Certain Index Portfolio Shares

February 15, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 31, 2001, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend its rules to allow for $0.50 strike price intervals for options based on certain Index Portfolio Shares ("IPSs").

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to establish $0.50 strike price intervals for options based on certain IPSs. More specifically, the Exchange intends to list options on the iShares S&P 100 Index Fund (ticker symbol "OEF"), an IPS which currently trades on the Exchange. OEF is an exchange-traded fund that represents ownership in an open-end management company established to hold a portfolio of stocks replicating the S&P Index ("Index" or "S&P 100"). It holds substantially all of the securities of the Index in approximately the same proportions as reflected in the Index.

The Exchange will list options on OEF pursuant to the criteria set forth in *Interpretations and Policies* .06 under CBOE Rule 5.3.[3] However, the Exchange believes that it is appropriate to amend CBOE Rule 5.5, by adding *Interpretations and Policies* .06, to provide that options on OEF be set to $0.50 or greater strike price intervals. These ½ point increments would correspond favorably to the 5-point increments in certain broad-based index options traded on the Exchange, such as the S&P 100 ("OEX") and S&P 500 ("SPX"), because the size of the OEF-based contract will be approximately one-tenth of the size of the option contracts on the OEX. Accordingly, the Exchange believes that to effectively compliment existing CBOE products and to help ensure efficient trading of OEF options, adopting $0.50 strike price intervals for OEF options is necessary.

The Exchange recognizes that adding series of options for trading under the proposed rule change may result in a slight increase in message traffic; however, the Exchange represents that it has the necessary systems capacity to support any additional series of options that may be added under the proposed rule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [4] in general, and furthers the objectives of Section 6(b)(5) of the Act [5] in particular, in that it will permit trading in options based on OEF pursuant to strike intervals designed to promote just and equitable principles of trade, and thereby will provide investors with the ability to invest in options based on an additional CBOE product.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) [6] of the Act and Rule 19b–4(f)(6) [7] thereunder.[8]

A proposed rule change filed under Rule 19b–4(f)(6) may not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange seeks to have the proposed rule change become operative on January 31, 2001, to allow

[1] 15 U.S.C. 78s(b)(1)

[2] 17 CFR 240.19b–4.

[3] CBOE Rule 5.3 describes the criteria for underlying securities. Specifically, *Interpretations and Policies* .06 under CBOE Rule 5.3 indicates which securities are deemed appropriate for options trading.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6).

[8] Under Rule 19b–4(f)(6)(iii), the Exchange must given written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the rule change, or such shorter time as designated by the Commission. As required, the Exchange has provided the Commission with written notice of its intent to file the proposed rule change.

it to implement these $0.50 strike price intervals immediately.

The Commission believes that it is consistent with the protection of investors and the public interest that the proposed rule change become operative immediately as of January 31, 2001.[9] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–01–02 and should be submitted by March 16, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4498 Filed 2–22–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43968; File No. SR–NASD–01–05]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment Nos. 1 and 2 by the National Association of Securities Dealers, Inc. Relating to Access to, and Fees Assessed for, the Automated Confirmation and Transaction Service

February 15, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 12, 2001, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its subsidiary The Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. On February 8, 2001, Nasdaq amended the proposal.[3] On February 13, 2001, Nasdaq again amended the proposal.[4] Nasdaq filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[5] and Rule 19b–4(f)(6) thereunder,[6] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to amend NASD Rule 7010(g) to create "Nasdaq ACT," an internet-based means for member firms to report trades to the Automated Confirmation and Transaction ("ACT") Service. Nasdaq also proposes to establish fees to be assessed for the use of Nasdaq ACT. The text of the proposed rule change is below. Proposed new language is in *italics*. Proposed deletions are in brackets.

Rule 7010 System Services

(a)–(f) No Change.

(g) Confirmation Transaction Service (ACT):

Transaction Related Charges:

Comparison	$0.0144/side per 100 shares (minimum 400 shares; maximum 7,500 shares)
Automated Give-Up	$0.01/side per 100 shares (minimum 400 shares; maximum 7,500 shares)
Late Report—T+N	$0.288/side
Browse/query	$0.288/query [1]
Terminal fee	$57.00/month (ACT only terminals)
CTCI fee	$575.00/month
Nasdaq ACT	*$300/month (full functionality) or $150/month (up to an average of twenty transactions per day each month)* [2]
Service desk	$57.00/month [2] [3]
Trade Reporting	$.029/side (applicable only to reportable transaction not subject to trade comparison through ACT) [3] [4]
Risk Management Charges	$.035/side and $17.50/month per correspondent firm

Footnotes

[9] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* February 8, 2001 letter from Jeffrey S. Davis ("Davis"), Assistant General Counsel, Nasdaq, to Katherine A. England ("England"), Assistant Director, Division of Market Regulation ("Division"), SEC ("Amendment No. 1"). In Amendment No. 1, Nasdaq converted the proposal to a non-controversial filing pursuant to Section 19(b)(3)(A) and Rule 19b–4(f)(6). 15 U.S.C. 78s(b)(3)(A) and 17 CFR 240.19b–4(f)(6). Nasdaq also asked the Commission to waive the 30-day operative waiting period. The Commission considers Nasdaq's original filing as satisfying the 5-day pre-filing notice requirement. *See* Rule 19b–4(f)(6)(iii). 17 CFR 240.19b–4(f)(6)(iii). For purposes of calculating the 60-day abrogation period, the Commission considers the period to commence as of February 8, 2001, the date of the last substantive amendment to the proposal.

[4] *See* February 13, 2001 letter from Davis to England ("Amendment No. 2"). In Amendment No. 2, Nasdaq completely replaced the original proposed rule language with new language, to correct inaccuracies in the text of the proposed rule as it was originally filed. The new proposed rule language in Amendment No. 2 does not change the substance of the proposal, which creates a new method for accessing ACT, and establishes fees for using the new method of access. Telephone conversation between Davis and Joseph Morra, Special Counsel, Division, SEC, February 13, 2001.

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6).

[1] Each ACT query incurs the $0.288 fee; however, the first accept or decline processed for a transaction is free, to insure that no more than $0.288 is charged per comparison. Subsequent queries for more data on the same security will also be processed free. Any subsequent query on a different security will incur the $0.288 query charge.

[2] *For the purposes of this service only, a transaction is defined as an original trade entry, either on trade date or as-of transactions per month.*

[2] [3] The ACT service desk is available to ACT participants that: (1) do not have access to Nasdaq equipment and that average five or fewer trades per day during the previous calendar quarter; or (2) utilized the Nasdaq Workstation I to report trades as of June 1999, do not have access to Nasdaq equipment, and average 20 or fewer trades per day during the previous calendar quarter.

[3] [4] The trade reporting service charge is applicable to those trades input into ACT for reporting purposes only, such as NSCC Qualified Special Representative reports and reports of internalized transactions.

(h)–(p) No Change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to amend NASD Rule 7010(g) to create Nasdaq ACT, an internet-based ACT service that will permit NASD members to report trades to ACT. Nasdaq ACT will offer functionality that is identical to that offered through the current modes of reporting to ACT, as described below. Nasdaq also proposes to establish fees to be assessed for the use of Nasdaq ACT.

ACT is the Nasdaq system used by members to report and compare trades for clearance and settlement, and to transmit trade reports for regulatory purposes and public dissemination. After members enter trade information into ACT (as required by NASD ACT and trade-reporting rules),[7] the system sends locked-in trades to clearing. Under current NASD rules, members must report trades to ACT for certain transactions executed in the over-the-counter market, including transactions in Nasdaq National Market securities ("NNM"), Nasdaq SmallCap securities ("SmallCap"), Over-the-Counter Bulletin Board ("OTCBB") securities, Nasdaq convertible debt securities, exchange-listed securities effected in the over-the-counter market (*e.g.*, Pink Sheet securities).[8]

There generally are three methods to report trades to ACT: (1) Ordering a Nasdaq Workstation II service ("NWII"); (2) using the Nasdaq ACT Service Desk; or (3) having another firm that has access to ACT through the NWII trade report (commonly known as a "give-up" relationship). Each mode of trade-report entry accomplishes the same result, but they have different characteristics. The NWII offers the full-range of ACT functionality, including entry of trade reports, ACT trade scan, comparison of trade reports, No/Was trade corrections, trade statistics, risk management requests, risk management scan, risk management alerts, clearing broker scan, and various clearing alerts. NWII is the optional delivery mechanism for large NASD members, many of whom use the wide-ranging functionality that it offers in addition to ACT.

The ACT Service Desk was designed as a cost effective method of trade reporting for firms that effect very few transactions in Nasdaq securities or other securities traded in the over-the-counter market.[9] As such, NASD rules limit participation in the ACT Service Desk to only those members who do not have access to Nasdaq equipment and who have effected an average of five or fewer trades per day during the previous calendar quarter.[10] If a firm has reported more than five trades per day during the previous calendar quarter, the firm must either order a NWII to report trades or enter into a give-up arrangement.[11]

In a "give-up" arrangement, a member who reports or accepts a trade in ACT on behalf of another member would identify in the ACT screen give-up box the member on whose behalf the trade was being reported or accepted. Where the executing broker accepts a trade that has been reported by another member, the reporting member would have to report the trade with the executing broker as the contra-side and identify the prime brokerage customer as the contra-side give-up. The executing broker may then accept the trade as presented. This would avoid a second trade report and ensure that the prime brokerage customer is identified to the NASD.

Nasdaq Act will provide the same basic ACT features and functions offered through the NWII service. In the case of Nasdaq ACT, however, clients that use some but not all ACT functionality will have the opportunity to reduce their expenses by purchasing a scaled-back version of the service. Specifically, users will be able to purchase Nasdaq ACT with full ACT functionality for $300 per month per terminal. On the other hand, users that need only the trade entry and trade query function (and not risk management) and who enter an average of 20 or fewer trades per day per month will be assessed $150 per month per terminal.

Nasdaq believes that Nasdaq ACT will be a cost-effective alternative for many users that are currently accessing ACT. For instance, clearing firms use ACT to manage their risk with their clients to ensure that the clients to not extend their trading activity beyond their "cap" limits. Back-office personnel use ACT to compare trades effected on their trading floors. These users do not take advantage of the quote engine or the other execution systems offered on NWII. In addition, some market participants may choose to use Nasdaq ACT to serve as a back-up or redundancy for their NWII terminals.

2. Statutory Basis

Nasdaq believes the proposed rule change is consistent with Section 15A(b)(6) of the Act,[12] which requires, among other things, that the Association's rules must be designed to foster cooperation and coordination with person engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market

[7] *See* NASD Rules 4630, 4640, 4650, 6100, 6400, 6600, and 6700.

[8] *Id.*

[9] The ACT Service Desk is a phone-based service that allows firms to report trades over the phone to Nasdaq Market Operations staff, who in turn input the trades into the Act system for dissemination to the tape. *See generally*, Securities Exchange Act Release No. 27908 (April 17, 1990), 55 FR 15313 (April 23, 1990) (SR–NASD–90–15) (notice establishing ACT Service Desk).

[10] *See* footnote to NASD Rule 7010(g).

[11] *See* footnote to NASD Rule 7010(g).

[12] 15 U.S.C. 78o–3(b)(6)

and a national market system, and, in general to protect investors and the public interest. Nasdaq believes that the proposed rule change is consistent with the purposes of the Act in that it will provide a cost effective and efficient mechanism to report trades, and therefore facilitate clearance and settlement. Additionally, Nasdaq believes the proposed rule change will enhance the process by which members engage in the comparison and clearing of securities transactions.

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(5) of the Act,[13] which requires that the Association's rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) [15] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[16]

Nasdaq has requested that the Commission accelerate the operative date. The Commission finds good cause to designate the proposal to become immediately operative upon filing, because such designation is consistent with the protection of investors and the public interest. Acceleration of the operative date will allow member firms that wish to report trades to ACT via the internet to access the service immediately. The Commission finds no reason to require NASD members to wait 30 days before participating in a service that is designed to be both efficient and cost-effective. For these reasons, the Commission finds good cause to designate that the proposal become operative upon filing.[17]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–01–05 and should be submitted by March 16, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4427 Filed 2–22–01; 8:45 am]

BILLING CODE 8010–01–M

[13] 15 U.S.C. 78o–3(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] The 60-day abrogation period began February 8, 2001. *See* footnote 3, *supra*.

[17] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43971; File No. SR–PCX–00–05]

Self-Regulatory Organizations; Order Granting Partial Approval of Proposed Rule Change and Notice of Filing and Order Granting Partial Accelerated Approval of Amendments No. 2 and 3 to the Proposed Rule Change by the Pacific Exchange, Inc. Relating to Its Automatic Execution System

February 15, 2001.

I. Introduction

On March 8, 2000, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to allow broker-dealer orders to be eligible for automatic execution through the Exchange's Automatic Execution system ("Auto-Ex") on an issue-by-issue basis. The Exchange also proposed to adopt rules to establish means of improving compliance with rules pertaining to the use of Auto-Ex. On June 27, 2000, the PCX filed Amendment No. 1 to the proposed rule change.[3] Notice of the proposed rule change, including Amendment No. 1, was published for comment in the **Federal Register** on July 25, 2000.[4] The Commission received four comment letters with respect to the proposal.[5] On January 18, 2001, the PCX filed Amendment No. 2 to the proposed rule change.[6] On January 26, 2001, the PCX filed Amendment No. 3 to the proposed rule change.[7] This order approves the portions of the proposed rule change relating to provisions to establish means of improving compliance with the Exchange's Auto-Ex rules, as set forth below; grants accelerated approval to Amendments No. 2 and 3 to those portions of the proposed rule change; and solicits comments form interested persons on these amendments.[8]

Below is the final text of the approved portions of the proposed rule change, as amended. Proposed new language is *italicized*; proposed deletions are in brackets.

* * * * *

¶5231 Automatic Execution System

Rule 6.87*(a). Definitions. For purposes of Rule 6:*

(1) The term "Auto-Ex" means the automated execution system feature of POETS that is owned and operated by the Exchange and that provides automated order execution and reporting services for options.

(2) The term "User" means any person or firm that obtains electronic access to Auto-Ex through an Order Entry Firm.

(3) The term "Order Entry Firm" means a member organization of the Exchange that is registered as an Order Entry Firm for purposes of sending orders to the Exchange for execution by Auto-Ex.

(b) Eligible Orders.

(1) [(a).] Only non-broker/dealer customer orders are eligible for execution on the Exchange's *Auto-Ex System* [Automatic Execution System ("Auto-Ex")]. For purposes of this Rule, the term "broker/dealer" includes foreign brokers/dealers.

(2) [(b)] The Options Floor Trading Committee ("OFTC") [9] shall determine the size of orders that are eligible to be executed on Auto-Ex. Although the order size parameter may be changed on an issue-by-issue basis by the OFTC, the maximum order size for execution through Auto-Ex is as follows:

(A)[(1)] Equity Options: the maximum order size for execution through Auto-Ex for equity options is one hundred (100) contracts;[10]

(B)[(2)] Index Options: the maximum order size for execution through Auto-Ex is one hundred (100) contracts for:

(i)[(A)] the PSE Technology Index;

(i)[(B)] the Wilshire Small Cap Index; and

(iii)[(C)] the Morgan Stanley Emerging Growth Index.[11]

(3)[(c)] The [Options Floor Trading Committee] *OFTC* may increase the size of Auto-Ex eligible orders in one or more classes of multiply traded equity options to the extent that other exchanges permit such larger-size orders in multiply traded equity options of the same class or classes to be entered into their own automated execution systems. If the [Options Floor Trading Committee] *OFTC* intends to increase the Auto-Ex order size eligibility pursuant to this Rule, the Exchange will notify the Securities and Exchange Commission pursuant to Section 19(b)(3)(A) of the Exchange Act.

(c) Order Entry Firm Registration

Participation in Auto-Ex as an Order Entry Firm requires registration with the Exchange. Continued registration depends upon the Order Entry Firm's initial and continuing compliance with the following requirements:

(1) Execution of an Auto-Ex Order Entry Firm Application Agreement with the Exchange;

(2) Compliance with all applicable PCX options trading rules and procedures;

(3) Written notice must be provided to all Users regarding the proper use of Auto-Ex; and

(4) Maintenance of adequate procedures and controls that will permit the Order Entry Firm of effectively monitor and supervise the entry of electronic orders by all Users. Order Entry Firms must monitor and supervise the entry of orders by Users to prevent the prohibited practices set forth in subsection (d).

(d) Prohibited Practices. Prohibited practices include, but are not limited to, the following:

(1) Entering an order for an account that is ineligible for execution on Auto-Ex pursuant to subsection (b), above.

(2) Dividing an order involving a single investment decision into multiple smaller lots for the purpose of meeting the order size requirements for Auto-Ex eligibility.

(A) Multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same option series entered within any 15-second period for the account of the same beneficial owner will be presumed to be based on a single investment decision.

(B) Multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same option series entered outside of any 15-second period for the account of the same beneficial owner will be deemed to be separate investment decisions; provided, however, that no Order Entry Firm may divide up to permit an existing order to be divided up to make its parts eligible for entry into Auto-Ex.

(3) Entering orders via POETS to perform a market making function as provided in Rule 6.88(c).

(4) Effecting transactions that constitute manipulation as provided in PCX Rule 4.6(a) and SEC Rule 10b.5.

[(d)] Firms entering orders for execution on Auto-Ex may not divide them up in order to make their parts eligible for entry into Auto-Ex.]

(e)–(k)—[(d)–(j)]–No change.

* * * * *

POETS

¶5231D Pacific Options Exchange Trading System

Rule 6.88 (a)–(b)–No change.

(c) Entering orders via POETS to perform a market making function is prohibited. No member or person associated with a member may use POETS on a regular and continuous basis to simultaneously execute orders to buy and sell series for the account of the same beneficial holder. In making the determination of whether a member or person associated with a member is using the POETS system to perform a market making function, the Exchange will consider the following factors; the simultaneous or near-simultaneous entry of limit orders to buy and sell the same option; and the entry of multiple limit orders at different prices in the same option series.

* * * * *

II. Description of the Proposal

In 1990, the Commission approved the Exchange's POETS system on a pilot program basis and, in 1993, POETS was approved permanently.[12] POETS is

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Michael D. Pierson, Vice President, Regulatory Policy, PCX, to Gordon Fuller, Special Counsel, Division of Market Regulation ("Division"), Commission, dated June 26, 2000 ("Amendment No. 1"). In Amendment No. 1, the PCX revised some of the text of the proposed rule change.

[4] Securities Exchange Act Release No. 43049 (July 18, 2000), 65 FR 45810.

[5] *See* letters from David B. Bayless, Morrison & Foerster LLP ("Morrison & Foerster"), to Jonathan G. Katz, Secretary, Commission, dated August 14, 2000 ("Morrison & Foerster Letter"); David M. Battan, Vice President and General Counsel, Interactive Brokers LLC ("Interactive Brokers"), to Jonathan G. Katz, Secretary, Commission, dated August 15, 2000 ("Interactive Brokers Letter"); Mike Ianni, to Jonathan G. Katz, Secretary, Commission, dated August 9, 2000 ("Ianni E-Mail"); and William M. Thomas, Member of Congress, forwarding a letter from Austin Kalb, Chief Executive Officer, OutSource International Corporation ("OutSource International"), to Jonathan G. Katz, Secretary, Commission, dated August 14, 2000 ("OutSource International Letter").

[6] *See* letter from Cindy Sink, Senior Attorney, Regulatory Policy, PCX, to Sapna Patel, Attorney, Division, Commission, dated January 17, 2001 ("Amendment No. 2"). In Amendment No. 2, the PCX further revised some of the proposed rule text. Specifically, the PCX added a safe harbor provision for orders entered more than 15 seconds apart, eliminated provisions that would have permitted the PCX to nullify certain orders, incorporated a provision prohibiting the use of the Pacific Options Exchange Trading System ("POETS") to perform a market making function, and made other minor technical changes. Revisions made by Amendment No. 2 are incorporated in the description of the proposal in Section II, *infra*.

[7] *See* letter from Cindy Sink, Senior Attorney, Regulatory Policy, PCX, to Sapna Patel, Attorney, Division, Commission, dated January 25, 2001 ("Amendment No. 3"). In Amendment No. 3, the PCX made some minor technical corrections to the proposed rule text.

[8] The Commission is not approving at this time the portion of the proposed rule change that would allow orders for the accounts of brokers-dealers, excluding those orders for Market Makers or Specialists on an exchange who are exempt from the provisions of Regulation T of the Federal Reserve Board pursuant to Section 7(c)(2) of the Act, to be executed on Auto-Ex on an issue-by-issue basis.

[9] Minor technical changes were made to the proposed rule. In subparagraph (b)(2), the reference to "The Options Floor Trading Committee ("OFTC")" was retained in full and not replaced with the "OFTC." in addition, the first letter of the first word in each subsection under subparagraph (c) was capitalized to make the proposed rule text consistent with the rest of the rule text. Telephone conversation between Michael D. Pierson, Vice President, Regulatory Policy, PCX, and Sapna C. Patel, Attorney, Division, Commission, on February 21, 2001.

[10] *See* Securities Exchange Act Release No. 43887 (January 25, 2001), 66 FR 8831 (February 2, 2001) (approval order increasing the maximum order size for execution through Auto-Ex from seventy-five contracts to one hundred contracts).

[11] *Id.*

[12] *See* Securities Exchange Act Release No. 27633 (January 18, 1990), 55 FR 2466 (January 24, 1990) (approving POETS on a pilot basis); Securities Exchange Act Release No. 32703 (July 30, 1993), 58 FR 42117 (August 6, 1993) (approving POETS on a permanent basis). The Auto-Ex system permits eligible market or marketable limit orders sent from member firms to be executed automatically at the displayed bid or offering price. Participating market makers are designated as the contra side to each Auto-Ex order. Participating market makers are assigned by Auto-Ex on a rotating basis, with the first market maker selected at random from the list of signed-on market makers. Automatic executions through Auto-Ex are currently available for public

comprised of an options order routing system ("ORS"), an automatic and semi-automatic execution system ("Auto-Ex"), an on-line book system ("Auto-Book"), and an automatic market quote update system ("Auto-Quote").

The Exchange proposes several definitional changes to PCX Rule 6.87 pertaining to Auto-Ex.[13] Specifically, the Exchange proposes to add new PCX Rule 6.87(a) to codify the terms "Auto-Ex," "User," and "Order Entry Firm." First, the Exchange proposes to define the term "Auto-Ex" to mean the automated execution system feature of POETS that is owned and operated by the Exchange and that provides automated order execution and reporting services for options. Second, the Exchange proposes to define the term "User" to mean any person or firm that obtains electronic access to Auto-Ex through an Order Entry Firm. Third, the Exchange proposes to define the term "Order Entry Firm" to mean a member organization of the Exchange that is registered as an Order Entry Firm for purposes of sending orders to the Exchange for execution by Auto-Ex. The Exchange represents that it is proposing to codify these terms in order to provide users of Auto-Ex with clear and precise definitions for terms used in PCX Rule 6.87.

In addition, the Exchange proposes to add new PCX Rule 6.87(c) to require Order Entry Firms, as defined in proposed PCX Rule 6.87(a), to register with the Exchange as a condition of having access to Auto-Ex. Such registration will require that an Order Entry Firm execute an Order Entry Firm Application Agreement with the Exchange; comply with all applicable PCX options trading rules and procedures; provide written notice to all Users regarding proper use of Auto-Ex; and maintain adequate procedures and controls that will permit the Order Entry Firm to effectively monitor and supervise the entry of electronic orders by all Users. The Exchange represents that it is proposing these rule changes to safeguard the use of Auto-Ex and to obligate Order Entry Firms to inform and supervise Users to ensure compliance with PCX rules and procedures. The Exchange also represents that these proposed changes will protect investors and the public from changes in options prices or markets caused by uses of Auto-Ex that the Exchange believes are prohibited.

Furthermore, the Exchange proposes to add new PCX Rule 6.87(d) to codify certain practices that otherwise are prohibited on Auto-Ex. Proposed PCX Rule 6.87(d) lists four prohibited uses of Auto-Ex: (1) Entering an order for an account that is ineligible for execution on Auto-Ex; (2) dividing an order involving a single investment decision into multiple smaller lots for the purposes of meeting the order size requirements for Auto-Ex eligibility, which includes entering multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same series for the account of the same beneficial owner within the same fifteen second period; (3) entering orders via POETS to perform a market making function; and (4) effecting transactions that constitute manipulation as provided in PCX Rule 4.6(a)[14] and SEC Rule 10b–5[15] under the Act. A detailed explanation of each prohibited practice follows.

First, with regard to the type of orders eligible for execution on Auto-Ex, the Exchange proposes that all orders not eligible under subsection (b) of proposed PCX Rule 6.87 be deemed ineligible orders. The Exchange represents that this proposed rule change will clarify what orders are eligible for execution on Auto-Ex.

Second, the Exchange proposes to replace PCX Rule 6.87(d) with PCX Rule 6.87(d)(2). PCX Rule 6.87(d) states that "firms entering orders for execution on Auto-Ex may not divide them up in order to make their parts eligible for entry into Auto-Ex." The Exchange proposes to replace PCX Rule 6.87(d) with new PCX Rule 6.87(d)(2), which prohibits dividing an order involving a single investment decision into multiple smaller lots for the purpose of meeting the order size requirements for Auto-Ex eligibility. Under proposed PCX Rule 6.87(d)(2), multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same series entered within any fifteen second period for the account of the same beneficial owner will be presumed to be based on a single investment decision. Multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same series entered outside any fifteen second period for the account of the same beneficial owner will be deemed to be separate investment decision; provided, however, that no Order Entry Firm may divide up or permit an existing order to be divided up to make its parts eligible for entry into Auto-Ex.

Third, the Exchange proposes to add PCX Rule 6.88(c) to prohibit Users from using POETS to perform market making functions and to specify in rule 6.87(d) that entering such orders via POETS is a prohibited practice. PCX Rule 6.32 defines a Market Maker as an individual who is registered with the Exchange for the purpose of making transactions as dealer-specialist on the Floor of the Exchange. With regard to entering orders via POETS to perform a market making function, proposed PCX Rule 6.88(c) prohibits a member or associated person of a member from using POETS on a regular and continuous basis to simultaneously execute orders to buy and sell series for the account of the same beneficial holder. In making the determination of whether a member or person is using POETS to perform a market making function, the Exchange will consider the following factors: the simultaneous or near-simultaneous entry of limit orders to buy and sell the same option; and the entry of multiple limit orders at different prices in the same option series. The Exchange proposes this change to prohibit Users from acting as Market Makers through the use of POETS.[16]

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customer orders of twenty contracts or less (or in certain issues, for one hundred contracts or less) in all series of options traded on the Options Floor of the Exchange.

[13] The Exchange proposes to renumber PCX Rule 6.87(a) as PCX Rule 6.87(b)(1) and PCX Rules 6.87(b) and (c) as PCX Rules 6.87(b)(2) and (3). The Exchange also proposes to renumber PCX Rules 6.87(d) through (j) as PCX Rules 6.87(e) through (k).

[14] PCX Rule 4.6 states that "[n]o member, member firm or any participant therein shall effect or induce the purchase or sale or otherwise effect transactions in any security for the purpose of creating or inducing a false, misleading or artificial appearance of activity in such security, or for the purpose of unduly or improperly influencing the market price of such security, or for the purpose of making a price which does not reflect the true state of the market in such security"

[15] 17 CFR 240.10b–5.

[16] *Cf.* PCX Rules 6.89(b) and 6.90(d)(3). PCX Rule 6.89(b) states that "[n]o Floor Broker may knowingly use a Floor Broker Hand-Held Terminal, on a regular and continuous basis, to simultaneously represent orders to buy and sell option contracts in the same series for the account of the same beneficial holder. If the Exchange determines that a person or entity has been sending, on a regular and continuous basis, orders to simultaneously buy and sell option contracts in the same series for the account of the same beneficial holder, the Exchange may prohibit orders for the account of such person or entity from being sent through the Exchange's Member Firm Interface for such period of time as the Exchange deems appropriate."

PCX Rule 6.90(d)(3) states that "[t]erminals may be used to receive brokerage orders only. Terminals may not be used to perform a market making function. No Member may knowingly use a Terminal on a regular and continuous basis to simultaneously represent orders to buy and sell option contracts in the same series for the account of the same beneficial holder. If the Exchange determines that a person or entity has been sending, on a regular and continuous basis, orders to simultaneously buy and sell option contracts in the same series for the account of the same beneficial holder, the Exchange may prohibit orders for the account of such person or entity from being sent through the Exchange's Member Firm Interface for such period of time as the Exchange deems appropriate. Any system used by a Member to operate a Terminal must be separate and distinct from any system that may be used by a Member or any person associated with a Member in connection with market making functions."

[17] *See* Morrison & Foerster Letter supporting the proposed rule change, *supra* note 5. *See also* Interactive Brokers Letter, Ianni E-Mail, and OutSource International Letter opposing the proposed rule change, *Id.*

[18] *See supra* note 4.

[19] *See* Morrison & Foerster Letter, *supra* note 5.

[20] *Id.*

[21] *Id.*

[22] *See* Interactive Brokers Letter and OutSource International Letter, *supra* note 5.

[23] *Id.*

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *See* Interactive Brokers Letter, *supra* note 5.

[28] This commenter noted that the proposal does not prevent customers from placing several orders through different accounts with different broker-dealers to avoid the provisions of the proposed rule change; and that the proposal only addresses successive orders from the same customer, and not "the same problem arising from rapid, successive orders from different customers." *See id.*

[29] *See* Ianni E-Mail, *supra* note 5.

[30] *See supra* note 8.

[31] 15 U.S.C. 78f(b). In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[32] 15 U.S.C. 78f(b)(5).

Finally, the Exchange proposes to add PCX Rule 6.8(d)(4) to codify, as a prohibited practice, effecting transactions that constitute manipulation as provided in PCX Rule 4.6(a) and SEC Rule 10b–5 under the Act. The Exchange represents that this proposed change will prevent members or Users from using Auto-Ex to violate PCX and SEC anti-manipulation rules and to protect investors and the public.

III. Summary of Comments

The Commission received four comment letters regarding the proposed rule change with one commenter supporting, and three commenters opposing, the proposed rule change.[17] These comments were submitted in response to the proposal as it appeared in the **Federal Register** notice.[18] The PCX revised the proposed rule change in Amendments No. 2 and 3 to address many of the commenters' concerns.

Morrison & Foerster stated that the proposal would "protect investors and promote the public interest by prohibiting certain manipulative practices with respect of the use of * * * AutoEx * * * on the Pacific Exchange and [would] make the rules prohibiting such manipulative practices easier to enforce."[19] The commenter suggested that allowing broker-dealer orders to be executed through Auto-Ex would make the PCX "more competitive with other options exchanges, thereby promoting competition among option exchanges, which [would] inure to the benefit of investors generally."[20] The commenter also indicated that the registration of Order Entry Firms and the list of prohibited practices under the proposed rule change would clarify and safeguard the use of Auto-Ex.[21]

Interactive Brokers and OutSource International objected to the proposal because, in their view, it imposed restrictions on the customer's investment activities and attempted to determine the customer's subjective intent in placing certain orders. The commenters suggested that the PCX should instead implement an objective systems/software change to Auto-Ex, similar to the SOES system of the National Association of Securities Dealers, Inc. ("NASD"). These software changes would automatically prevent a member from entering an order into Auto-Ex within fifteen seconds after receiving an Auto-Ex execution.[22] Both commenters argued that the proposal focuses on the subjective intent of individual customers and that there is no way to accurately make a determination that certain multiple orders are based on a single investment decision.[23] They further stated that the proposal makes a "presumption" that a single investment decision was made.[24] Furthermore, these two commenters argued that the proposed rule change does not provide a safe-harbor rule for customers for multiple orders transmitted more than fifteen seconds apart, and that there were also no procedural protections or remedies for customers whose trades are cancelled or price-adjusted in error.[25] They were concerned that the provision of the original proposed rule change allowing nullification of orders would allow exchange floor officials unlimited discretion to enforce the proposed rule and selectively cancel those trades that were unprofitable to market makers.[26]

Interactive Brokers stated that the PCX should not be able to "reach past its members and regulate the manner in which customers themselves formulate and express their investment decisions."[27] This commenter also argued that the proposed rule change did not adequately address or provide solutions for other problems faced by market makers who are exposed to multiple orders in rapid-fire succession.[28] An individual commenter indicated that the proposal was overboard and should apply to orders for the same series and not the same class.[29]

IV. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, except for the portion of the proposal relating to the execution of broker-dealer orders on Auto-Ex,[30] is consistent with the Act and the rules and regulations promulgated thereunder applicable to a national securities exchange and, in particular, with the requirements of Section 6(b).[31] Specifically, the Commission finds that approval of the proposed rule change, except for the portion of the proposed rule change relating to the entry of broker-dealer orders on Auto-Ex, is consistent with section 6(b)(5)[32] of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

The Commission finds that the Exchange's proposed provisions under PCX Rule 6.87(a), codifying and defining the terms "Auto-Ex," "User," and "Order Entry Firm," will help provide Auto-Ex participants with more clarity and guidance and a better understanding of the use of these terms as used in the PCX rules governing Auto-Ex.

The Commission also finds that the Exchange's requirement of registration of all Order Entry Firms may provide safeguards on the use of Auto-Ex. Under proposed PCX Rule 6.87(c), Order Entry Firms must register by entering into an Auto-Ex Order Entry Firm Application Agreement with the Exchange; comply with all PCX options trading rules and procedures; provide written notice to all Users regarding the proper use of Auto-Ex; and maintain adequate procedures and controls to allow Order Entry Firms to monitor and supervise the entry of electronic orders by all Users to prohibit the practices specified in paragraph (d) of the rule.

These prohibited practices are: (1) Entering in ineligible order; (2) dividing an order involving a single investment decision into multiple smaller lots for purposes of meeting the order size requirements; (3) entering orders via POETS to perform a market making function; and (4) effecting manipulative transactions. Commenters mainly raised concerns about the single investment decision presumption of the original proposal. The Exchange revised the proposal to provide an objective safe-harbor rule that would eliminate the subjective single investment decision presumption. Initially, the Exchange

proposed a fifteen second time period in which multiple orders may not be entered on the behalf of the same beneficial owner, but it reserved the right to conclude that multiple orders entered outside of the fifteen second time period could still be considered a single investment decision. The Exchange wanted to prevent the splitting of orders by or on behalf of the same beneficial owner to meet Auto-Ex eligibility, whether these orders were entered within or outside the fifteen second time period.

In response to the commenters' concerns, however, the Exchange added an objective safe-harbor provision, PCX Rule 6.87(d)(2)(B), providing that all orders entered outside of any fifteen second time period for the account of the same beneficial owner will be deemed to be separate investment decisions, and therefore will not be presumed to be a part of a single investment decision.[33] The Commission believes that this safe-harbor rule for multiple orders entered after the fifteen second time period is necessary to provide Users of Auto-Ex with guidance and comfort that their entry of orders after fifteen seconds will not be presumed a single investment decision.

Furthermore, the Exchange responded to commenters' concerns by revising the proposed rule language to reflect that the proposal will only apply to multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same option series. The Commission believes that this provision is appropriate and will allow Users of Auto-Ex more flexibility in placing their orders.

The Exchange also made several other modifications to respond to the commenters' concerns. The Exchange eliminated its proposed provision relating to the nullification of orders, which would have allowed PCX floor officials to execute only the first of orders equaling or adding up to the Auto-Ex size requirement and nullifying any others orders.[34] Furthermore, the Exchange revised its proposed rule text to clarify that it will preclude Order Entry Firms from dividing up or permitting an existing order from being divided up to make its parts eligible for entry into Auto-Ex.[35] The Commission believes that, by eliminating the proposed provision relating to the nullification of orders and retaining the prohibition against the splitting of orders by Order Entry Firms, Users of Auto-Ex will be provided with greater assurance that their orders will be executed. The Commission therefore finds that these revisions to the proposal are consistent with the public interest and the protection of investors.

Finally, the Commission recognizes that proposed PCX Rule 6.88(c), prohibiting the use of POETS to perform a market making function, is consistent with other rules adopted by other exchanges to preclude persons from performing a market making function unless they are registered as market makers.[36]

V. Accelerated Approval of Amendments No. 2 and 3

The Commission finds good cause for approving Amendments No. 2 and 3 to the proposed rule change, except for those portions relating to the execution of broker-dealer orders on Auto-Ex, prior to the thirtieth day after the amendments are published for comment in the **Federal Register** pursuant to section 19(b)(2) of the Act.[37] Both Amendments No. 2 and 3 alter the proposed rule language to address many of the commenters' concerns. Specifically, Amendment No. 2 adds a safe harbor provision for orders entered more than fifteen seconds apart; eliminates provisions that would have permitted the Exchange to nullify certain orders; incorporates a provision prohibiting the use of POETS to perform a market making function; and makes other minor technical changes. Amendment No. 3 simply cleans up minor punctuation and spacing problems in the proposed rule text. Because these amendments address the concerns raised by the commenters, the Commission believes it is not necessary to separately solicit comment on these amendments prior to approving this proposal. Moreover, the Commission finds that these changes to the proposed rule language are necessary to accomplish the intended goals of the Exchange's proposal and therefore believes that acceleration of Amendments No. 2 and 3 is appropriate.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendments No. 2 and 3, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–00–05 and should be submitted by March 16, 2001.

VII. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, and Amendments No. 2 and 3 thereto, except for portions relating to the execution of broker-dealer orders on Auto-Ex, are consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with section 6(b)(5).[38]

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[39] that the proposed rule change (SR–PCX–00–05) is approved, and Amendments No. 2 and 3 thereto are approved on an accelerated basis, except for portions relating to the entry of broker-dealer orders on Auto-Ex.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[40]

Margaret H. McFarland,

Deputy Secretary.

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[33] *See* Amendment No. 2, *supra note* 6.

[34] *See* Amendment No. 1, *supra note* 3.

[35] *See* Amendment No. 2, *supra note* 6.

[36] *See* Securities Exchange Act Release Nos. 43938 (February 7, 2001), 66 FR 10539 (February 15, 2001) (File No. SR–Amex–01–03); 42455 (February 24, 2000), 65 FR 11388 (March 2, 2000) (File No. 10–127) (approving application of ISE for registration as a national securities exchange); and 43939 (February 7, 2001), 66 FR 10547 (February 15, 2001) (File No. SR–Phlx–01–05).

[37] 15 U.S.C. 78s(b)(2).

[38] 15 U.S.C. 78f(b)(5).

[39] 15 U.S.C. 78s(b)(2).

[40] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

Office of Inspector General

[Public Notice 3580]

Notice of Information Collection Under Emergency

REVIEW: Overseas Absentee Ballot Questionnaire.

AGENCY: Department of State.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

Type of Request: Emergency Review.

Originating Office: Office of Inspector General (OIG).

Title of Information Collection: Overseas Absentee Ballot Questionnaire.

Frequency: One Time Collection.

Form Number: None.

Respondents: U.S. Citizens Abroad.

Estimated Number of Respondents: 720.

Average Hours Per Response: 15 minutes.

Total Estimated Burden: 180 hours.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by February 16, 2001. If granted, the emergency approval is only valid for 180 days. Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, (202) 395–5871.

For Additional Information

Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to (Linda Topping, Office of Inspector General, (202) 647–9450, U.S. Department of State, Washington, DC 20520.

Dated: February 15, 2001.

Anne Sigmund,

Acting Inspector General, Department of State.

[FR Doc. 01–4522 Filed 2–22–01; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 3579]

Bureau of African Affairs; AF/PD Professional Internship Program

Introduction

The United States Department of State announces an open competition for an assistance award. Nongovernmental organizations may apply to design and manage a multi-faceted program that consists of the following: (1) Azikiwe Professional Fellowships; and, (2) the COMESA (Common Market of East and Southern Africa) Professional Internship Program.

I. Azikiwe Professional Fellows

The Azikiwe Professional Fellowship Program seeks to establish linkages between young Nigerians and their American counterparts in various sectors. The program is divided into two groups: the "Digital Divide Internships" and "Gatekeepers for the Free Flow of Information."

- Digital Divide Internships will consist of six five-week internships for leaders who will play key roles in bringing Internet connectivity to Nigerian government offices and universities. They would spend one week of orientation at a university before going on to month-long internships at university departments or local and state government offices.
- Gatekeepers for the Free Flow of Information will consist of six five-week internships for library professionals involved in overall management and policy-making in key governmental and private libraries and journalists interested in enhancing their professional skills. The program would demonstrate the crucial role of international technology in modern libraries, train the fellows in the use of the Internet and creation of web pages, and demonstrate the best ways to integrate these technologies into Nigerian libraries. Journalistic Interns would focus on improving professional skills (freedom of press, speech), responsible reporting, and constitutional issues. In both cases, Interns would have a two-week orientation program in Washington (at DoS, Library of Congress, Congressional Research Service, media and newspapers, newspaper libraries, universities and communication organizations, etc.). Following the Washington program, the Interns would be placed for three-weeks in an institution with similar interests to their home organization or media or newspapers.

Both sets of professional fellows would be required to develop a plan of short, medium, and long-term goals for their respective institutions before returning home.

II. COMESA Professional Internship Program

The COMESA program will consist of approximately 10–12 internships lasting from 8–12 weeks with corporations, universities, or trade organizations (particularly those involved in NAFTA, CBI, or WTO issues). The program will stress the development of strong management, administrative, finance, negotiation, and organizational skills among select members of the COMESA Secretariat. In addition, the Interns will develop strategies and techniques focused on learning and developing management skills appropriate for a sub-regional organization. The Program will seek to assist the COMESA Secretariat in enhancing its capacity to handle its burgeoning role as a regional organization focused on economic and trade issues. The AF/PD Professional Internship Program seeks to enhance the professional skills and abilities of the participants by developing the Interns' organizational, Internet, and managerial skills. All Interns will be allotted two days in Washington, DC at the end of their internship to discuss and review the program with AF/PD staff and colleagues. An additional multiplier effect of the program will be to develop future linkages between American and African universities and institutions.

A cooperative agreement will be subject to the availability of funds.

The contract agency will be expected to work closely with AF/PD and Public Affairs Sections of U.S. Embassies in Africa in selecting participants, and in developing and implementing this program.

Authority

22 U.S.C.–2452(a)(2).

Eligible Applicants

Eligible applicants include all nongovernmental institutions, private organizations, and commercial entities.

Availability of Funds

The funding level for this Cooperative Agreement shall be no higher than $374,500. The funding is available for one calendar year which begins at the time the Cooperative Agreement is signed.

Continuing awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Purpose

Primary objectives for the AF/PD Intern Program are to develop professional skills of a variety of individuals in the areas of Internet connectivity, library science, journalism, business and trade development, and the management and administration of selected sub-regional organizations. Moreover, the program is designed to enhance linkages between American institutions, business, media, entrepreneurs, and universities, with African counterparts working in specific professions.

Reporting Requirement

Reporting requirements will be developed in consultation with AF/PD.

Evaluation Criteria

Technically eligible applicants will be competitively reviewed under 9 criteria. The criteria are: (1) Cost effectiveness and cost sharing; (2) Program development, planning, and the ability to achieve objectives and time-lines; (3) Follow-up—Ability to conduct Africa-wide follow-up activities on a minimum biannual basis (4) Institutional capacity; (5) Ability to objectively evaluate program achievements, and provide a final program report; (6) "Multiplier Effect/Impact"—strengthening of bilateral and multilateral linkages and understanding; (7) Ability to coordinate work with AF/PD and Public Affairs Sections at U.S. Embassies; (8) Support for Diversity and gender balance; and (9) Cultural Sensitivity based on country norms.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application Submission and Deadline

The original and ten (10) copies of the application (Standard Form 424) must be submitted to the U.S. Department of State, Ms. Joanna Pisciotta Snearly, Grant Specialist, A/LM/AQM/IP, State Annex #44, Room M–22, 301 4th Street SW., Washington, DC 20547 on or before March 26, 2001.

Where to Obtain Additional Information

A detailed program description and application package may be obtained from Ms. Joanna Pisciotta Snearly, Grant Specialist, U.S. Department of State, A/LM/AQM/IP, State Annex #44, Room M–22, 301 4th Street SW., Washington, DC 20547, telephone (202) 260–6549, fax (202) 205–5466 email jsnearly@pd.state.gov. Please refer to the "AF/PD Professional Internship Program" when requesting information or sending an application.

Dated: February 12, 2001.

William C. Zehnder,

Grant Award Officer, A/LM/AQM/IP, Department of State.

[FR Doc. 01–4521 Filed 2–22–01; 8:45 am]

BILLING CODE 4710–25–U

TENNESSEE VALLEY AUTHORITY

Meeting of the Regional Resource Stewardship Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of meeting.

SUMMARY: The Regional Resource Stewardship Council (Regional Council) will hold a meeting to consider various matters. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2, (FACA).

The meeting agenda includes the following/briefings:

1. Recognition of Contribution of Mayor Eddie Smith, Jr.
2. Overview of river navigation and infrastructure
3. Continuation of aquatic plant management policy recommendation discussion
4. Recommendation from integrated river management subcommittee on integrated management of the Tennessee River system
5. Public comments
6. Subcommittee reports

It is the Regional Council's practice to provide an opportunity for members of the public to make oral public comments at its meetings. Public comment session is scheduled from 1 p.m.–2 p.m. CST. Members of the public who wish to make oral public comments may do so during the Public comments portion of the agenda. Up to one hour will be allotted for the Public comments with participation available on a first-come, first-served basis. Speakers addressing the Council are requested to limit their remarks to no more than 5 minutes. Persons wishing to speak register at the door and are then called on by the Council Chair during the public comment period. Hand-out materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11A, Knoxville, Tennessee 37902.

DATES: The meeting will be held on Friday, March 9, 2001, from 8:30 a.m. to 4:30 p.m. CST.

ADDRESSES: The meeting will be held in Olive Branch, Mississippi, at the Whispering Woods Hotel and Conference Center, 11200 E. Goodman Road, Olive Branch, Mississippi 38654, and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Sandra L. Hill, 400 West Summit Hill Drive, WT 11A, Knoxville, Tennessee 37902, (865) 632–2333. .

Dated: February 14, 2001.

Kathryn J. Jackson,

Executive Vice President, River System Operations & Environment, Tennessee Valley Authority.

[FR Doc. 01–4473 Filed 2–22–01; 8:45 am]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2001–8892]

Commercial Fishing Industry Vessel Advisory Committee; Vacancies

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC). CFIVAC advises and makes recommendations to the Coast Guard on the safety of the commercial fishing industry.

DATES: Application forms should reach us on or before July 6, 2001.

ADDRESSES: You may request an application form by writing to Commandant (G–MOC–3), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001; by calling 202–267–0507; or by faxing 202–267–0506; or by emailing jfwilliams@comdt.uscg.mil. Send your application in written form to the above street address. This notice and the application form are available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Captain Jon Sarubbi, Executive Director of CFIVAC, or Lieutenant Jennifer Williams, Assistant to the Executive Director, telephone 202–267–0507, fax 202–267–0506, email: jfwilliams@comdt.uscg.mil.

SUPPLEMENTARY INFORMATION: The Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) is a Federal advisory committee under 5 U.S.C. App. 2. As required by the Commercial Fishing Industry Vessel Safety Act of 1988, the Coast Guard established CFIVAC to provide advice to the Coast Guard on issues related to the safety of commercial fishing vessels regulated under chapter 45 of Title 46, United States Code, which includes uninspected fishing vessels, fish processing vessels, and fish tender vessels. CFIVAC consists of 17 members as follows: Ten members from the commercial fishing industry who reflect a regional and representational balance and have experience in the operation of vessels to which chapter 45 of Title 46, United States Code applies, or as a crew member or processing line member on an uninspected fish processing vessel; one member representing naval architects or marine surveyors; one member representing manufacturers of equipment for vessels which chapter 45 applies; one member representing education or training professionals related to fishing vessel, fish processing vessels, or fish tender vessel safety, or personnel qualifications; one member representing underwriters that insure vessels to which chapter 45 applies; and three members representing the general public, including whenever possible, an independent expert or consultant in maritime safety and a member of a national organization composed of persons representing the marine insurance industry.

CFIVAC meets at least once a year in different seaport cities nationwide. It may also meet for extraordinary purposes. Its subcommittees and working groups may meet to consider specific problems as required.

We will consider applications for five positions that expire or become vacant in October 2001 in the following categories: (a) Commercial Fishing Industry (two positions); (b) Education/Training (one position); (c) Marine Insurance Underwriter (one position); (d) General Public (one position).

Each member serves for a term of 3 years. A few members may serve consecutive terms. All members serve at their own expense and receive no salary from the Federal Government, although travel reimbursement and per diem are provided.

In support of the policy of the Department of Transportation on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

If you are selected as a member who represents the general public, we will require you to complete a Confidential Financial Disclosure Report (OGE Form 450). We may not release the report or the information in it to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a).

Dated: February 15, 2001.

Joseph J. Angelo,

Director of Standards.

[FR Doc. 01–4550 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2001–8893]

Commercial Fishing Industry Vessel Advisory Committee; Charter Renewal

AGENCY: Coast Guard, DOT.

ACTION: Notice of charter renewal.

SUMMARY: The Secretary of Transportation has renewed the charter for the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) for 2 years from December 10, 2000 until December 10, 2002. CFIVAC is a Federal advisory committee under 5 U.S.C. App. 2. It advises the Coast Guard on the safety of the commercial fishing industry.

ADDRESSES: You may request a copy of the charter by writing to Commandant (G–MOC–3), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001; by calling 202–267–0507; or by faxing 202–267–0506. This notice and the charter are available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Captain Jon Sarubbi, Executive Director of CFIVAC, or Lieutenant Jennifer Williams, Assistant to the Executive Director, telephone 202–267–0507, fax 202–267–0506.

Dated: February 15, 2001.

Joseph J. Angelo,

Director of Standards.

[FR Doc. 01–4551 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–13]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 19, 2001.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to http://dms.dot.gov. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, D.C., on February 20, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2000–8470.

Petitioner: Western Missouri Aviation Foundation, Inc.

Section of 14 CFR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.

Description of Relief Sought/Disposition: To permit WMAF to conduct local sightseeing flights at (1) the Kansas City Downtown Airport, (2) the Johnson County Executive Airport, or (3) the Lee's Summit Airport, for its fundraising event benefiting the WMAF and the Child Abuse Prevention Association, from the date of issuance of this exemption through January 13,

2001, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135. *Grant, 12/28/2000, Exemption No. 7412.*

Docket No.: FAA–2000–8500.
Petitioner: Atlantic Coast Airlines.
Section of 14 CFR Affected: 14 CFR 25.562(c)(5) and 25.785(a).
Description of Relief Sought/ Disposition: To permit ACA the extension of the compliance date regarding the Head Injury Criterion (HIC) for front row passenger seating on Jetstream Series 4100 Model 4101, Serial No. 41101. *Grant, 12/22/2000, Exemption No. 6776A.*

[FR Doc. 01–4543 Filed 2–22–01; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–14]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 19, 2001.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–2001), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 11.85 and 11.91.

Issued in Washington, DC, on February 20, 2001.

Donald P. Byrne,
Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 29450.
Petitioner: Business Air, Inc.
Section of the 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Business Air to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft. *Grant, 12/22/2000, Exemption No. 6876A.*

Docket No.: 29013.
Petitioner: Vintage Flying Museum.
Section of the 14 CFR Affected: 14 CFR 91.315, 119.5(g), and 119.21(a).
Description of Relief Sought/ Disposition: To permit VFM to operate its former military B–17G aircraft, which is certificated in the limited category, for the purpose of carrying passengers on local flights in return for receiving donations. *Grant, 12/22/2000, Exemption No. 7411.*

Docket No.: 30178.
Petitioner: Georgian Aerospace Group Inc.
Section of the 14 CFR Affected: 14 CFR 25.857(e)(4).
Description of Relief Sought/ Disposition: To permit supplemental type certification of the Sabreliner Model 40 and 60 series airplanes, modified for the carriage of cargo. *Grant, 12/21/2000, Exemption No. 7410.*

Docket No.: 28557.
Petitioner: Chromalloy Gas Turbine Corporation.
Section of the 14 CFR Affected: 14 CFR 43.9(a)(4), 43.11(a)(3), and 145.57(a).
Description of Relief Sought/ Disposition: To permit CGTC and other persons holding return-to-service authority under the relevant respective inspection procedures manuals to continue to use electronic signatures in lieu of physical signatures to satisfy the signature requirements of FAA Form 8130–3, Airworthiness Approval Tag. *Grant, 12/29/00, Exemption No. 6513C.*

Docket No.: 30104.
Petitioner: Matsushita Electric Industrial Co.
Section of the 14 CFR Affected: 14 CFR 145.47(b).
Description of Relief Sought/ Disposition: To permit MEI to use the calibration standards of the National Research Laboratory of Metrology (NRLM) and the Electrotechnical Laboratory (ETL) in lieu of the calibration standards of the National Institute of Standards and Technology (NIST) to test its inspection and test equipment. *Grant, 12/22/00, Exemption No. 7413.*

Docket No.: 17145.
Petitioner: United Airlines.
Section of the 14 CFR Affected: 14 CFR 121.665 and 121.697(a).
Description of Relief Sought/ Disposition: To permit UA to continue to use computerized load manifests that bear the printed name and position of the person responsible for loading the aircraft, instead of that person's signature. *Grant, 12/29/00, Exemption No. 2466M.*

[FR Doc. 01–4544 Filed 2–22–01; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–15]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions; correction.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 19, 2001.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to http://dms.dot.gov. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on February 20, 2001.

Donald P. Byrne,
Assistant Chief Counsel for Regulations.

Petition for Exemption

Docket No.: FAA–2000–8372.
Petitioner: Mr. Ronald Coleman.
Section of 14 CFR Affected: 14 CFR 61.109(a)(2)(i) and 61.129(a)(3)(iv).
Description of Relief Sought/ Disposition: To permit a pilot applying for a private or commercial pilot certificate in a single engine airplane in the United States to conduct his/her night cross-country training flight using a multi-engine airplane.

Docket No.: FAA–2000–8498.
Petitioner: Sensenich Wood Propeller Company, Inc.
Section of 14 CFR Affected: 14 CFR 45.11(b).
Description of Relief Sought/ Disposition: To permit Sensenich to stamp the part marking information on the propeller hub to meet the requirement for fireproof identification on propellers, instead of attaching a metal tag with the required information.

Docket No.: FAA–2000–8262.
Petitioner: Airbus Industrie.
Section of 14 CFR Affected: 14 CFR 25.785(h)(1), 25.807(c)(7) and 25.813(3).
Description of Relief Sought/ Disposition: To permit permanent exemption from the requirements of 14 CFR part 25 pertaining to flight attendant direct view, distance between exits, and installation of interior doors between passenger compartments, for A319 corporate jets.

Docket No.: FAA–2001–8643.
Petitioner: Comair, Inc.
Section of 14 CFR Affected: 14 CFR 93.217.
Description of Relief Sought/ Disposition: To permit Delta Connection carriers to conduct domestic operations using Comair's eight international slots at LaGuardia Airport. *Grant, 02/01/2001, Exemption No. 7434.*

Docket No.: FAA–2000–8343.
Petitioner: Phoenix Air, Inc.
Section of 14 CFR Affected: 14 CFR 105.43(a).
Description of Relief Sought/ Disposition: To permit nonstudent parachutists who are foreign nationals to participate in Phoenix-sponsored parachute jumping events without complying with the parachute equipment and packing requirements of § 105.43(a). *Grant, 01/31/2001, Exemption No. 7433.*

Docket No.: FAA–2001–8700.
Petitioner: Trans World Airlines, Inc.
Section of 14 CFR Affected: 14 CFR 121.433(c)(1)(iii), 121.441(a)(1) and (b)(1), and appendix F to part 121.
Description of Relief Sought/ Disposition: To permit TWA to combine recurrent flight and ground training and proficiency checks for TWA's flight crew members in a single annual training and proficiency evaluation program. *Grant, 01/31/2001, Exemption No. 6012C.*

Docket No.: FAA–2000–8341.
Petitioner: Rockwell Collins do Brasil Ltda.
Section of 14 CFR Affected: 14 CFR 145.47(b).
Description of Relief Sought/ Disposition: To permit Rockwell Collins to substitute the calibration standards of the Instituto Nacional de Metrologia, Normalizacao e Qualidade Industrial (INMETRO) for the calibration standards of the U.S. National Institute of Standards and Technology (NIST), formerly the National Bureau of Standards (NBS), to test its inspection and test equipment. *Grant, 01/31/2001, Exemption No. 7432.*

Docket No.: FAA–2000–8099.
Petitioner: Reeve Aleutian Airways.
Section of 14 CFR Affected: 14 CFR 119.67(a)(1).
Description of Relief Sought/ Disposition: To permit Mr. Keith A Campbell to serve as Director of Operations at RAA without holding an airline transport pilot (ATP) certificate. *Denial, 01/29/2001, Exemption No. 6585B.*

Docket No.: FAA–2001–8787.
Petitioner: Flight Alaska, Inc. dba Yute Air.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2),
Description of Relief Sought/ Disposition: To permit Yute Air to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft. *Grant, 01/29/2001, Exemption No. 7428.*

Docket No.: FAA–2000–8286.
Petitioner: Raytheon Aircraft Company.
Section of 14 CFR Affected: 14 CFR 21.325(b)(3).
Description of Relief Sought/ Disposition: To permit Raytheon to obtain airworthiness approval tags for its Hawker Model parts in accordance with §§ 21.21 and 21.203, and export those class II and class III parts located at certain facilities outside of the United States. The amendment requested would allow Raytheon to staff its Chester Distribution Center with Designated Airworthiness Representatives (DAR) rather than Designated Manufacturing Inspection Representatives (DMIR). *Grant, 01/26/2001, Exemption No. 6720B.*

Docket No.: FAA–2000–8421.
Petitioner: Commodore Aviation, Inc.
Section of 14 CFR Affected: 14 CFR 21.325(b)(3).
Description of Relief Sought/ Disposition: To permit Commodore to issue export airworthiness approvals for Class II products manufactured in Tel Aviv, Israel, by Israel Aircraft Industries, Bedek Aviation Group, as an approved supplier to Commodore under Commodore's part manufacturing authority. *Grant, 01/26/2001, Exemption No. 6861A.*

Correction

Docket No.: FAA–2000–8062.
Petitioner: The Boeing Company.
Section of 14 CFR Affected: 14 CFR 25.961(a)(5).
Description of Correction: On October 17, 2000, the FAA issued Summary Notice No. PE–2000–61, Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued (65 FR 63114; October 20, 2000). In that notice, the FAA requested comments on The Boeing Company's petition for exemption to permit a maximum temperature limitation of

80°F for JP–4 and Jet B fuels for use on the Boeing Model 747–400/–400F equipped with Rolls Royce RB211–524G–T/H–T engines.

On January 30, 2001, the FAA issued Summary Notice No. PE–2001–08 (66 FR 8839; February 2, 2001) which inadvertently includes a request for comments on Boeing's petition for exemption. The original comment period on Boeing's request closed on November 13, 2000, and this notice withdraws the summary of Boeing's petition from Summary Notice No. PE–2001–08.

[FR Doc. 01–4545 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc.; Special Committee 159; Global Positioning System (GPS)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given of a request from the Department of Transportation (DOT) for RTCA to develop appropriate material for DOT consideration in preparing its comments on an FCC Notice of Proposed Rule-Making (NPRM), "In the Matter of Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems."

In response to this request, RTCA's Program management Committee has tasked Special Committee 159, Global Positioning System (GPS), to develop a response. Special Committee 159's next recommended submission, the Second Interim Report titled Ultra-Wideband Technology Radio Frequency Inference Effects to Global Positioning System Receivers and Interference Encounter Scenario Development, is being produced in two phases:

Phase I. The report segment produced in the first phase, Preliminary Aviation Approached Segments for the Second Interim Report, has been provided to the Program Management Committee for review and was forwarded to DOT on February 13, 2001. This report represented a work in progress and is posted to the RTCA web site (*www.rtca.org*) on the Program Management Committee (PMC) page.

Phase II. The complete Second Interim Report will finalized in the second phase and will include the phase I work as well as new material. The complete report will be posted to the RTCA web site by March 12, 2001.

The Program Management Committee will consider the completed Second Interim for approval at its meeting on March 27, 2001, before it is forwarded to DOT.

Persons wishing to obtain information, or have questions/comments, should contact RTCA, Inc., Attn: Mr. Jerry Bryant, at (202) 833–9339 (phone), (202) 833–9424 (facsimile), or *jbryant@rtca.org* (e-mail).

Issued in Washington, DC on February 15, 2001.

Janice L. Peters,

Designated Official.

[FR Doc. 01–4546 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–8932]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel CALEDONIA.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. The vessel is currently operating in Washington's San Juan Islands under a small vessel waiver granted pursuant to actions in Docket MARAD–2000–7075. The current application involves a new owner and new operating area. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before March 26, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–8932. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, S.W., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: CALEDONIA. Owner: California Maritime Academy Foundation, Inc.

(2) Size, capacity and tonnage of vessel. According to the applicant: "84.9′ in length by 8.6′ in width, and 9.4′ in depth; accommodating not more than 12 passengers; 99 gross tons."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Vessel's intended use is as a crewed charter vessel [by Alaska and NW Charters, LLC] in S.E. Alaska accommodating not more than 12 passengers. The intended geographic region is from Dixon Entrance on the South to a latitude equal to Skagway, Alaska on the north and to a point 50 miles west of Sitka, Alaska on the west. Thus, the entire S.E. Alaskan waterways area."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1973. Place of construction: Holland—or Foreign.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "We feel this will have little impact on existing operators as we ALREADY operate a Crewed Charter Business in S.E. Alaska (FOR THE PAST THREE YEARS) and are in the process of SELLING our existing Crewed Charter Boat "High Scooter" and thus will ONLY be substituting vessels. Thus, the real impact is very marginal.

Our current web page is *www.alaskanwcharters.com*. There are other existing boats in the region both foreign and U.S., which operate similar operations and most if not all run at 95 to 100% full basis. There are even vessels, which are currently booked into 2002 because the demand for such charters is extremely high. As most of the existing boats have well established client bases—as do we—the impact of this—substitution vessel for our existing vessel will be non-existent."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "As the vessel was built almost 30 years ago and as new vessels of this size are too expensive to make a profitable charter business out of—the impact will again be nonexistent. Additionally, as we are planning some changes and redecorating of the 30 year old vessel—to bring the vessel into 2001 standards—it will actually bring additional business to the vessel and ship builders in the area."

Dated: February 20, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2001–8929]

Frontier Spirit, Frontier Mariner, and Frontier Explorer—Applicability of Preferred Mortgage, Ownership and Control Requirements To Obtain a Fishery Endorsement

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a petition requesting MARAD to issue a determination that the ownership and control requirements and the preferred mortgage requirements of the American Fisheries Act of 1998 and 46 CFR part 356 are in conflict with an international investment agreement.

SUMMARY: The Maritime Administration ("MARAD") is soliciting public comments on a petition from the owners and mortgagees of the vessels FRONTIER SPIRIT—Official Number 951441, FRONTIER MARINER—Official Number 951440, and FRONTIER EXPLORER—Official Number 975015 (hereinafter the "Vessels"). The petition requests that MARAD issue a decision that the American Fisheries Act of 1998 ("AFA"), Division C, Title II, Subtitle I, Public Law 105–277, and our regulations at 46 CFR Part 356 (65 FR 44860 (July 19, 2000)) are in conflict with the U.S.-Japan Treaty and Protocol Regarding Friendship, Commerce and Navigation, 206 UNTS 143, TIAS 2863, 4 UST 2063 (1953) ("U.S.-Japan FCN" or "Treaty"). The petition is submitted pursuant to 46 CFR 356.53 and 213(g) of AFA, which provide that the requirements of the AFA and the implementing regulations will not apply to the owners or mortgagees of a U.S.-flag vessel documented with a fishery endorsement to the extent that the provisions of the AFA conflict with an existing international agreement relating to foreign investment to which the United States is a party. This notice sets forth the provisions of the international agreement that the Petitioner alleges are in conflict with the AFA and 46 CFR Part 356 and the arguments submitted by the Petitioner in support of its request. If MARAD determines that the AFA and MARAD's implementing regulations conflict with the U.S.-Japan FCN, the requirements of 46 CFR Part 356 and the AFA will not apply to the extent of the inconsistency. Accordingly, interested parties are invited to submit their views on this petition and whether there is a conflict between the U.S.-Japan FCN and the requirements of both the AFA and 46 CFR Part 356. In addition to receiving the views of interested parties, MARAD will consult with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than March 26, 2001.

ADDRESSES: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dms.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays. An electronic version of this document and all documents entered into this docket are available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: John T. Marquez, Jr. of the Office of Chief Counsel at (202) 366–5320. You may send mail to John T. Marquez, Jr., Maritime Administration, Office of Chief Counsel, Room 7228, MAR–222, 400 Seventh St., SW., Washington, DC 20590–0001 or you may send e-mail to John.Marquez@marad.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The AFA was enacted in 1998 to give U.S. interests a priority in the harvest of U.S.-fishery resources by increasing the requirements for U.S. Citizen ownership, control and financing of U.S.-flag vessels documented with a fishery endorsement. MARAD was charged with promulgating implementing regulations for fishing vessels of 100 feet or greater in registered length while the Coast Guard retains responsibility for vessels under 100 feet.

Section 202 of the AFA, raises, with some exceptions, the U.S.-Citizen ownership and control standards for U.S.-flag vessels that are documented with a fishery endorsement and operating in U.S.-waters. The ownership and control standard was increased from the controlling interest standard (greater than 50%) of section 2(b) of Shipping Act, 1916 ("1916 Act"), as amended, 46 App. U.S.C. § 802(b), to the standard contained in section 2(c) of the 1916 Act, 46 App. U.S.C. § 802(c), which requires that 75 percent of the ownership and control in a vessel owning entity be vested in U.S. Citizens. In addition, section 204 of the AFA repeals the ownership grandfather "savings provision" in the Anti-Reflagging Act of 1987, Public Law 100–239, section 7(b), 101 Stat 1778 (1988), which permits foreign control of companies owning certain fishing vessels.

Section 202 of the AFA also establishes new requirements to hold a preferred mortgage on a vessel with a fishery endorsement. State or federally chartered financial institutions must now comply with the controlling interest standard of § 2(b) of the 1916 Act in order to hold a preferred mortgage on a vessel with a fishery endorsement. Entities other than state or federally chartered financial institutions must either meet the 75% ownership and control requirements of section 2(c) of the 1916 Act or utilize an approved U.S.-Citizen Trustee that meets the 75% ownership and control requirements to hold the preferred mortgage for the benefit of the non-citizen lender.

Section 213(g) of the AFA provides that if the new ownership and control provisions or the mortgagee provisions are determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party, such provisions of the AFA shall not apply to the owner or mortgagee on October 1, 2001, with respect to the particular vessel and to the extent of the inconsistency. MARAD's regulations at 46 CFR 356.53 set forth a process wherein owners or mortgagees may petition MARAD, with respect to a specific vessel, for a determination that the implementing regulations are in conflict with an international investment agreement. Petitions must be noticed in the **Federal Register** with a request for comments. The Chief Counsel of MARAD, in consultation with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements, will review the petitions and, absent extenuating circumstances, render a decision within 120 days of the receipt of a fully completed petition.

The Petitioners

Spirit Limited Partnership, Mariner Limited Partnership and Explorer Limited Partnership (each a "Vessel Owner" and collectively, the "Vessel Owners") are the owners respectively of the Frontier Spirit, Frontier Mariner and Frontier Explorer. The Vessel Owners, in conjunction with Frontier Spirit Company, Frontier Mariner Company, Frontier Explorer Company, Alaska Frontier Company ("AFCO"), North American Maritime Corporation ("NAMCO") and North Japan Maritime Corporation ("NOMCO"), the owners of direct or indirect interest in the Vessel Owners and indirect interests in the Vessels, are hereinafter collectively referred to as "Petitioner" or "Petitioners."

Ownership, Mortgage Structure, and Contractual Arrangements for the Vessels

The ownership and financing structures of the Vessels are substantially identical. The Petitioner provided the following information about the ownership, mortgage structure and other contractual obligations of the Vessels:

A. Ownership Structure

Spirit Limited Partnership, a Washington limited partnership, is the owner of the Frontier Spirit. The general partner, Frontier Spirit Company, is a Washington corporation that owns 51% of the interest in the partnership. Frontier Spirit Company is wholly owned by AFCO. A majority of AFCO's stock is owned by U.S. Citizens; however, it does not qualify as a U.S. Citizen under the AFA because Japanese entities and individuals own more than 25% of AFCO's capital stock.

The sole limited partner of Spirit Limited Partnership is NAMCO, a Washington corporation owned by an individual Japanese citizen and NOMCO, a Japanese Corporation. NAMCO owns 49% of the interest in the partnership.

The Frontier Mariner is owned by Mariner Limited Partnership, a Washington limited partnership. The general partner, Frontier Mariner Company, is a Washington corporation which owns 51% of the partnership interest. Frontier Mariner Company is also wholly owned by AFCO. NAMCO is the sole limited partner and owns 49% of the partnership interest.

The Frontier Explorer is owned by Explorer Limited Partnership, a Washington limited partnership. The general partner, Frontier Explorer Company, is a Washington corporation which owns 51% of the partnership interest. Frontier Explorer Company is also wholly owned by AFCO. NAMCO is the sole limited partner and owns 49% of the partnership interest.

B. Financing Structure

The Petitioners set forth certain loan and currency swap agreements that the Vessel Owners have entered into with Bank of America, N.A., a U.S. financial institution, to finance the remaining obligations of the Vessel Owners related to the construction of the Vessels. Under these agreements and related loan documents, each of the Vessel Owners is jointly and severally obligated to Bank of America. These agreements are secured by preferred mortgages on each of the Vessels. The Petitioners note that Vessel Owners have also executed security agreements granting UCC security interests in the Vessels, their appurtenances and fishing rights to Bank of America to secure these loans.

In addition to the above, the Petitioners state that the Vessel Owners have entered into a loan agreement with Bank of America pursuant to which Bank of America has agreed to provide them jointly a $1 million line of credit for working capital. Each of the Vessel Owners is jointly and severally obligated to Bank of America under this line of credit loan agreement and related loan documents. The obligations of the Vessel Owners to Bank of America under the line of credit are secured by second preferred mortgages on the Vessels. The Vessel Owners have also executed security agreements granting security interests in the Vessels, their appurtenances and fishing rights to Bank of America to secure these obligations.

Except as described above, Petitioners state that no other mortgages, security interests or other consensual liens affect the assets of the Vessel Owners.

Frontier Spirit Company, Frontier Mariner Company, Frontier Explorer Company, NAMCO, NOMCO, AFCO and AFCO's U.S. Citizen and Non-Citizen shareholders have each guaranteed all of the obligations of the Vessel Owners to Bank of America pursuant to substantially identical Commercial Guaranty agreements in favor of Bank of America.

C. Other Contractual Arrangements

1. Management Agreement

The Petitioners state that each of the Vessel Owners has entered into a Management Agreement with AFCO. Under the agreement, AFCO provides an extensive array of vessel management services to the Vessel Owners including: identifying and recommending qualified licensed officers and other navigational personnel for employment by the Vessel Owner; performing accounting services, including maintenance of payroll records, preparation of tax returns, keeping the general ledger, managing accounts payable and receivable, reconciling bank records and preparing financial statements; coordinating and directing the victualling, supplying fueling and repairing of the Vessel, including the procurement of bait, outfit, equipment and spare or replacement parts; arranging for the payment of all expenses incident to the Vessel's operation; periodic drydocking of the Vessel; making travel arrangements for the licensed officers and other navigational personnel, including airfare, transportation and lodging incidental to rotation of relevant personnel to and from the Vessel; and any other activities incidental to the management of the Vessel.

2. Vessel Manning Agreement.

Petitioners state that each of the Vessel Owners has entered into a Vessel Manning Agreement with NAMCO, dated as of January 1, 2001, under which NAMCO identifies, hires and employs unlicensed processing personnel and quality control technicians for service aboard the Vessels and provides certain related services. Licensed officers and other navigational personnel are not covered by the Vessel Manning Agreement according to the Petitioners, as they are employed directly by the Vessel Owner. The Petitioners assert that the Vessel Manning Agreement contains no terms giving NAMCO or any other Non-Citizen the right to manage, control or direct the Vessel's operations.

3. Marketing Agreement.

The Petitioners submit that each of the Vessel Owners has entered into a marketing Agreement with NOMCO, effective January 1, 2000, governing sales and purchases by the parties of Pacific Cod and other groundfish sold by the Vessel Owners to NOMCO. Petitioners state that these marketing Agreements do not require that any quantity or percentage of a Vessel's catch be sold to NOMCO or the Japanese market; however, NOMCO has a right of first refusal on all fish products sold by the Vessel Owners in the Japanese market. Each of these Agreements is for a term of one year, but is renewed annually unless either party gives notice of termination to the other in writing at least 60 days prior to the end or the term, including any renewal term. The Petitions submit that the Agreements contain no terms giving NOMCO or any other Non-Citizen the right to manage, control or direct the operations of the Vessels.

D. Services Agreement

The Petitioners note that each of the Vessel Owners has entered into a Services Agreement with NOMCO, dated as of January 1, 2001, whereby NOMCO has agreed (1) to supply current market information to the Vessel Owners concerning market demand, processing and handling requirements, prices and trends; and (2) to provide an unsecured, subordinated standby line of credit to the Vessel Owners.

Requested Action

The Petitioners have requested a consolidated filing for the Vessels. MARAD's regulations require at 46 CFR 356.53(c) that a separate petition be filed for each vessel for which the owner or mortgagee is requesting an exemption unless the Chief Counsel authorizes a consolidated filing. The Chief Counsel hereby authorizes the consolidated filing by Petitioners relating to the three Vessels.

The Petitioners seek a determination from MARAD under 213(g) of the Act and 46 CFR 356.53 that they are exempt from the requirements of sections 202, 203 and 204 of the AFA and 46 CFR part 356 on the ground that the requirements of the AFA and 46 CFR Part 356, as applied to Petitioners with respect to the Vessels, conflict with U.S. obligations under U.S.-Japan FCN. The Petitioners request a determination that the restrictions placed on foreign ownership, foreign financing and foreign control of U.S.-flag vessels documented with a fishery endorsement contained in 46 CFR part 356 and sections 202, 203 and 204 of the AFA do not apply to Petitioners with respect to:

(1) the existing ownership interests in the Vessels;

(2) the existing exclusive marketing agreements, loan guaranties, financing and other contractual arrangements between or among the Petitions with respect to the Vessels; and

(3) future loan, financing and other contractual arrangements between or among the Petitioners with respect to the Vessels.

Petitioner's Description of the Conflict Between the FCN Treaty and Both 46 CFR Part 356 and the AFA

MARAD's regulations at 46 CFR § 356.53(b)(3) require Petitioners to submit a detailed description of how the provisions of the international investment agreement or treaty and the implementing regulations are in conflict. The entire text of the FCN Treaty is available on MARAD's internet site at *http://www.marad.dot.gov*. The description submitted by the Petitioner of the conflict between the FCN Treaty and both the AFA and MARAD's implementing regulations forms the basis on which the Petitioners request that the Chief Counsel issue a ruling that 46 CFR Part 356 does not apply to Petitioners with respect to the Vessels. Petitioner's description of how the provisions of the U.S.-Japan FCN are in conflict with both the AFA and 46 CFR Part 356 is as follows:

A. The AFA's Limitations and Restrictions on Foreign Involvement in the U.S. Fishing Industry Are Inconsistent With U.S. Obligations Under the U.S.-Japan FCN.

"1. *The AFA's Restrictions on Foreign Ownership Violate Article VII.*

"a. *The AFA's Restrictions on Foreign Investment Impair Petitioners' Existing Ownership Interests.*

"The AFA's new restrictions on foreign investment in fishing vessels will prohibit the Vessel Owners from employing their Vessels in the U.S. fisheries on and after October 1, 2001, because the extent of the investment by Japanese nationals and Japanese companies in the Vessel Owners exceeds the maximum investment permitted by the AFA to be held by Non-Citizens.[3]

"A vessel cannot be employed lawfully in the fisheries of the United States unless it is documented as a vessel of the United States with a fishery endorsement issued by the U.S. Coast Guard pursuant to 46 U.S.C. Chapter 121. 46 U.S.C. Chapter 121 sets out the requirements which must be met for a vessel to be eligible for documentation with a fishery endorsement, including requirements related to the citizenship of vessel owners.

"The Vessels are fishing vessels, designed and constructed for use in the U.S. fisheries and operated in the U.S. fisheries of the North Pacific Ocean and Bering Sea. The Vessels have no other economically productive uses. Each of the Vessel Owners is eligible to own a vessel with a fishery endorsement under the current standards of 46 U.S.C. Chapter 121 and each of the Vessels is documented as a vessel of the United States with a fishery endorsement. However, the Vessel Owners will be prohibited from owning or operating the Vessels in the U.S. fisheries on and after October 1, 2001 under the new restrictions on foreign investment in fishing vessels imposed by the AFA and MARAD's implementing rules, codified at 46 CFR Part 356 (65 FR 44860 *et seq.*, July 19, 2000). The aggregate of the ownership interests held, directly or indirectly, in the Vessel Owners by Japanese companies and Japanese nationals exceeds 25%—the maximum percentage interest permitted to be held by Non-Citizens under Section 202(a) of the AFA, effective on and after October 1, 2001.[4]

[3] As used herein, "Non-Citizen" has the meaning specified at 46 CFR § 356.3(o).

[4] *See* 46 U.S.C. 12102(c)(1), as amended. The AFA makes two primary changes to the existing limitation on foreign ownership of fishing vessels: (1) The required percentage of U.S. citizen ownership is increased from a "a majority" to 75%; and (2) this new test is to be applied both "at each tier of ownership and in the aggregate," whereas the existing standard is applied solely at each tier of ownership, allowing indirect foreign interests "in the aggregate" to exceed 50%, so long as majority U.S. citizen ownership is maintained "at each tier." *See* 46 CFR 221.3(c) (a U.S. Citizen is a Person who "at each tier of ownership" satisfies the majority ownership standard). Compare, 46 U.S.C. 12102(c), as now in effect, and 46 CFR 67.31(c), with 46 U.S.C. 12102(c)(1), as amended by Section 202(a) of the Act, and 46 CFR 356.9. The Vessels are owned by entities which satisfy the majority U.S. ownership standard of current law at each "tier" of

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The AFA requires MARAD to revoke the fishery endorsement of any fishing vessel whose owner does not comply with this new requirement. AFA Section 203(e). Accordingly, unless exempted from the AFA's new requirements, the Vessel Owners will no longer be permitted to own and operate their Vessels in the U.S. fisheries as of October 1, 2001. As a result, the Vessel Owners will be deprived of income from their Vessels, will be driven into insolvency and will default under the terms of their loan and currency swap agreements with Bank of America, triggering the obligations of their limited partners, general partners and the direct and indirect shareholders of the general partners under their guaranties. Alternatively, the Vessel Owners will be forced to sell the Vessels or their Japanese Investors [5] will be forced to sell some or all of their direct and indirect interests in the Vessel Owners, assuming a buyer for their minority interests can be found.

"b. *The Impairment of Petitioners' Existing Ownership Interests Violates Article VII.1 and the Grandfather Provision of Article VII.2.*

"The impairment of Petitioners' existing ownership interests in the Vessels violates their right to "national treatment" under Article VII.1 and the grandfather provision of Article VII.2 of the U.S.-Japan FCN.

"The U.S.-Japan FCN was one of a series of similar Friendship, Commerce and Navigation ("FCN") Treaties entered into by the United States with various countries after World War II, based on a standard State Department treaty text. All of these treaties reflect U.S. post-war policy to encourage and protect international trade and investment. Herman Walker, Jr., the principal author of the standard FCN treaty text and one of the principal State Department negotiators during this period, has described the FCN treaties as "concerned with the protection of persons, natural and juridical, and of the property interests of such persons." [6] Article VII.1 of the U.S.-Japan FCN guarantees broad "national treatment" for the nationals and enterprises of the U.S. and Japan when doing business within the jurisdiction of the other country. Article XXII.1 of the U.S.-Japan FCN defines "national treatment" as "treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products, vessels or other objects, as the case may be, of such Party." The principle of national treatment is the central principle of all of the post-war FCN treaties. National treatment requires that each State Party must treat nationals of the other in the same way that it treats its own nationals. The treaties focus on business and investment. "The right of corporations to engage in business on a national-treatment basis may be said to constitute the heart of the treaty as an investment instrument." [7] In a case involving interpretation of the U.S.-Japan FCN, the United States Supreme Court noted that the purpose of the FCN treaties was "to assure [foreign corporations] the right to conduct business on an equal basis without suffering discrimination based on their alienage." [8] "[N]ational treatment of corporations means equal treatment with domestic corporations." [9]

"The preamble of the U.S.-Japan FCN provides that guaranteeing nationals of each Party "national * * * treatment unconditionally" is one of the two general principles upon which the U.S.-Japan FCN was based. Use of the word "unconditionally" in this context clearly demonstrates the strength of the drafters' general intent. Accordingly, the exceptions to the principle of national treatment stated in the U.S.-Japan FCN must be narrowly construed.

"The AFA's retroactive prohibition of ownership interests acquired by the Japanese Investors in compliance with existing law clearly denies national treatment to them, to the Vessel Owners and to the other Petitioners. The AFA's new limitation on foreign ownership of fishing vessels is thus inconsistent with the most fundamental principle of the U.S.-Japan FCN.

"The first sentence of Article VII.2 of the U.S.-Japan FCN provides a limited exception to the principle of national treatment for enterprises engaged in "the exploitation of land or other natural resources." Even in that context, however, the second sentence of Article VII.2 (referred to as the "grandfather" provision of Article VII.2) prohibits application of new restrictions and limitations to Japanese nationals or enterprises which have previously "acquired interests" in enterprises owning U.S. fishing vessels or have previously engaged in the business activities now to be restricted. Article VII.2 provides in pertinent part:

> Each Party reserves the right to limit the extent to which aliens may within its territories establish, acquire interests in, or carry on * * * enterprises engaged in * * * the exploitation of land or other natural resources. *However, new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party.*

Emphasis added. The grandfather provision of Article VII.2 thus provides that any new limitations on national treatment placed on alien participation in the sectors covered by the first sentence of Article VII.2 shall not apply to existing enterprises engaged in business within those sectors at the time such new limitations are adopted.

"A study commissioned by the State Department of its past interpretations of the FCN treaties notes that, under the grandfather provision of Article VII.2, "protection is afforded to any privilege granted * * * prior to a change in national treatment; hence at a minimum these foreign enterprises are guaranteed the maintenance of their existing operations. [10] "[R]egulations that force divestiture of interests already acquired or established prior to promulgation of such regulation * * * raise Art. VII questions." [11] Herman Walker, Jr. stated the purpose of the Article VII.2 grandfather provision clearly: "The aim is to * * * guarantee duly established investors against subsequent discrimination. The failure to find a welcome as to entry is of much less importance than would be a failure, once having entered and invested in good faith, to be protected against subsequent harsh treatment." [12] In describing the import of the phrase "new limitations," another State Department study states,

> The net effect [of the second sentence of Article VII.2] is that, although not obligated to allow alien interests to become established in those fields of activity, *rights which have been extended in the past shall be respected and exempted from the application of new restrictions.* [13]

"The second sentence of Article VII(2) is a grandfather clause intended in the interest of fairness to protect legitimately established alien enterprises against retroactive impairment." [14]

"Both State Parties placed great importance on the grandfather provision of Article VII.2 because they recognized that it would not only protect existing property rights but would entitle foreign-owned enterprises to continue to operate in the same manner as before, notwithstanding later limitations placed on the rights of foreign-owned entities to engage in such business activities. It was a "principal negotiating point" of the U.S. side to ensure that the reservations in Article VII.2 would *not* permit retroactive application of any new limitations to companies already engaged in relevant business activities. [15]

"The U.S. negotiators therefore resisted efforts to modify the grandfather provision of Article VII.2, despite strong Japanese efforts to restrict its application. As an indication of the importance the Japanese negotiators attached to the provision, the Japanese Embassy at one point late in the negotiations indicated that the Ministry of Finance might be persuaded to withdraw "all other objections" to the draft treaty if the sentence granting grandfather rights to existing businesses were deleted. [16] Eventually, the Japanese negotiators accepted the language in Article VII.2 without any change after the U.S. agreed to the language appearing in the second sentence of Paragraph 4 of the Protocol. The U.S. State Department agreed to the Protocol language only on the understanding that it in no way undermined the prohibition against application of discriminatory laws to existing enterprises in the second sentence of Article VII.2. [17]

"As adopted, the second sentence of Article VII.2 follows the standard treaty text developed by the State Department and used as the basis for more than a dozen FCN treaties. The Sullivan Study notes the breadth of the protection this sentence affords existing companies otherwise subject to VII.2. The Sullivan Study indicates that an enterprise protected by the Article VII.2 grandfather provision is not only protected as to existing property interests or contract rights, but "is able to enjoy what may be considered normal business growth in terms of acquiring new customers and increasing the dollar volume of its business, but it cannot claim expanded privileges. * * * "[18] In short, the protections afforded existing investments and existing businesses by the second sentence of Article VII.2 were seen by the U.S. as a key part of the U.S.-Japan FCN and similar FCN treaties, providing substantial protections to foreign investors and businesses. The provision affords NAMCO, NOMCO and their Japanese shareholders the right to continue to hold their direct and indirect investments in the Vessel Owners and, more generally, to continue to transact business with the Vessel Owners on the same basis as permitted prior to passage of the AFA. Similarly, the Article VII.2 grandfather provision guarantees the Vessel Owners the right to own and operate the Vessels in the U.S. fisheries on equal terms with wholly U.S. Citizen-owned enterprises.

"NOMCO and the individual Japanese citizens who have invested in the Vessel Owners are clearly entitled to protection as Japanese nationals which, at the time the AFA was adopted, were "engaged in * * * activities" within the United States which the AFA, but for Section 213(g), would prohibit, limit or restrict. NAMCO, Frontier Spirit Company, Frontier Mariner Company, Frontier Explorer Company, the Vessel Owners and AFCO likewise come within the protection of the Article VII.2 grandfather provision by reason of the direct and indirect ownership interests in them held by the Japanese Investors. Thus, the Article VII.2 grandfather provision protects the ownership interests of NOMCO and the Japanese Investors in AFCO and NAMCO; the ownership interests of AFCO [19] and NAMCO in the Vessel Owners; and the Vessel Owners' right to continue to own and operate their respective Vessels in the U.S. fisheries.

"However, as noted above, the Article VII.2 grandfather provision not only protects pre-existing rights and interests acquired, directly or indirectly, by Japanese nationals prior to a discriminatory change in the law, but protects *existing enterprises* from such changes. Accordingly, the Article VII.2 grandfather provision, together with Section 213(g) of the AFA, exempts the Vessel Owners and the Japanese Investors from the new restrictions of Section 202 and 203 of the AFA and 46 C.F.R. Part 356 with respect to (a) the Japanese Investors' existing direct and indirect ownership and financial interests in the Vessel Owners and the Vessels, (b) the continued operations of the Vessels by the Vessel Owners in the U.S. fisheries; and (c) future transactions between or among the Japanese Investors and the Petitioners to further or protect their existing rights and interests in the Vessels and the Vessel Owners, such as by extending loans, taking preferred mortgages or other security in the Vessels or entering into contractual arrangements in furtherance of their existing ownership, financial or other business interests with respect to the Vessels.

"2. *The AFA's Restrictions on Foreign Financing and Foreign "Control" of Fishing Vessels Violate Article VII.*

"a. *The AFA's Restrictions on Foreign Financing and Foreign "Control" of Fishing Vessels Impair Petitioners' Existing Rights and Interests With Respect to the Vessels.*

"The AFA's restrictions on foreign financing and foreign "control" of fishing vessels imposed by Sections 202 and 203 of the AFA impair the existing rights and interests of Frontier Spirit Company, Frontier Mariner Company, Frontier Explorer Company, NOMCO, NAMCO, AFCO and AFCO's Non-Citizen shareholders (the "Non-Citizen Guarantors") under their guaranties in favor of Bank of America and impair the ability of the Japanese Investors to protect and further their existing investment and business interests in the Vessels and the Vessel Owners.

"The harm to Petitioners caused by the AFA consists of three types.

"First, the AFA impairs the existing rights and interests of Petitioners as guarantors of the obligations of the Vessel Owners to Bank of America.

"A "preferred mortgage" is a creature of federal statute and gives the mortgagee a lien on the mortgaged vessel, enforceable in U.S. District Court under a priority scheme that protects the mortgagee from most maritime and non-maritime liens. [20] 46 U.S.C. 31326(b)(1) gives the preferred mortgage lien priority over all liens arising after filing of the mortgage except a limited number of "preferred maritime liens" listed at 46 U.S.C. 31301(5) and provides that a sale of the vessel by order of the District Court terminates all liens or other claims against the vessel, thus ensuring the purchaser clear title and allowing the mortgagee to realize maximum value for its security. Since maritime liens in favor of suppliers, materialmen, repairmen others arise in the course of the ordinary operations of the vessel, protection against such liens is essential to the mortgagee's security, as is the ability to terminate those liens on foreclosure and to sell the vessel "free and clear" of all liens. Absent "preferred mortgage" status, a mortgage provides no protection against maritime liens and little or no security for the lender. Thus, Bank of America's rights under the existing preferred mortgages on the Vessels are valuable rights.

"Current law permits wholly or partly Japanese-owned lenders, such as the Non-Citizen Guarantors, to hold preferred mortgage interests in U.S. fishing vessels directly. [21] As guarantors of the loan and currency swap agreements between the Vessel Owners and Bank of America, the Non-Citizen Guarantors may be required to pay off the obligations of the Vessel Owners in the event they default on repayment of their loans. In this situation, under the law of subrogation, the guarantors will step into the shoes of Bank of America with respect to its existing loan documents, including the preferred mortgages on the Vessels. [22] While neither the AFA nor MARAD's implementing rules expressly address the rights of a guarantor in this situation, the AFA prohibits a Non-Citizen, such as the Non-Citizen Guarantors, (1) from directly acquiring Bank of America's interests in the preferred mortgages; [23] and (2) from holding even a beneficial interest in the mortgages (*i.e.*, as the beneficiary under a mortgage trust arrangement) unless MARAD has previously reviewed and approved the terms of all related loan documents. [24] Acquisition by the Non-Citizen Guarantors of Bank of America's position vis-à-vis the Vessel Owners pursuant to their existing rights under the law of subrogation would result in the invalidation of the Vessels' fishery endorsements. [25]

"The AFA contains a new definition of impermissible Non-Citizen "control" [26] and requires transfers of "control" of fishing vessels to be "rigorously scrutinized" by

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ownership but which do not meet the new 75% U.S. ownership requirements of the AFA.

[5] As used herein, the "Japanese Investors" are NOMCO, NAMCO, their Japanese shareholders and the Japanese shareholders of AFCO.

[6] Herman Walker, Jr., "Modern Treaties of Friendship, Commerce and Navigation," 42 Minn. L. Rev. 805, 806 (1958) (hereinafter, "Modern Treaties").

[7] Herman Walker, Jr., "The Post-War Commercial Treaty Program of the United States," 73 Pol. Sci. Q. 57, 67 (1958).

[8] *Sumitomo Shoji America* v. *Avagliano*, 457 U.S. 176, 187–88 (1982).

[9] *Id.* at 188 n. 18.

[10] Ronny E. Jones, "State Department Practices Under U.S. Treaties of Friendship, Commerce, and Navigation" (1981) (hereinafter "Jones Study") at 57. Petitioners presume that MARAD has access to the Jones Study and to the Sullivan Study referenced below. Petitioners will provide copies of these studies to MARAD on request.

[11] *Id.* at 107.

[12] Modern Treaties at 809.

[13] Charles H. Sullivan, "State Department Standard Draft Treaty of Friendship, Commerce and Navigation" (undated) (hereinafter "Sullivan Study") at 149 (emphasis added).

[14] *Id.* at 148.

[15] Annex, Attachment 2, Department of State Incoming Telegram dated March 20, 1953, p. 1.

[16] Annex, Attachment 3, Memorandum from Frank A. Waring, Counselor of U.S. Embassy for Economic Affairs (undated excerpt).

[17] Annex, Attachment 2, Department of State Incoming Telegram dated March 20, 1053, p. 1, and Attachment 4, Department of State Office Memorandum dated March 23, 1953, pp. 1–2.

[18] Sullivan Study at 150.

[19] Through its wholly owned subsidiaries, Frontier Spirit Company, Frontier Mariner Company and Frontier Explorer Company.

[20] *See, generally*, 46 U.S.C. Chapter 313.

[21] *Compare* 46 U.S.C. 31322(a), as now in effect, with 46 U.S.C. 31322(a)(4), as amended by Section 202(b) of the AFA.

[22] Restatement, Third, Suretyship and Guaranty Section 27 (1996); Restatement of Security Section 141 (1941); Dobbs Law of Remedies Section 4.3(4) (2d ed. 1993); 73 Am.Jur., 2d Subrogation Section 106 (1974); *Petro Paint Mfg. Co.* v. *Freeman*, 170 Wash. 390, 392, 16 P.2d 609 (1932). *See also, Mahler* v. *Szucs*, 135 Wn.2d 398, 412, 957 P.2d 632 (1998); *Livingston* v. *Shelton*, 85 Wn.2d 615, 619, 537 P.2d 774 (1975); *Timms* v. *James*, 28 Wn.App. 76, 80, 621 P.2d 798 (1980); *MGIC Financial Corp.* v. *H.A. Briggs Co.*, 24 Wn.App. 1, 6, 600 P. 2d 573 (1979).

[23] 46 U.S.C. § 31322(a)(4), as amended by Section 202(b) of the AFA, and 46 C.F.R. § 356.19.

[24] 46 U.S.C. § 12102(c)(4)(A), as amended by Section 202(a) of the AFA, and 46 C.F.R. §§ 356.15(d) and 356.21(d).

[25] 46 U.S.C. 12102(c)(4)(A), as amended by the AFA, and AFA Section 203(e). 46 C.F.R. 356.45 would not apply, among other reasons, because the Bank's loans are secured by preferred mortgages on the Vessels.

[26] AFA Section 202(a), codified at 46 U.S.C. 12102(c)(2).

MARAD under this new standard.[27] MARAD has implemented the AFA's new "control" standard by adopting a host of new restrictions and limitations on contractual and other business arrangements between fishing vessel owners and Non-Citizens, including financing transactions, management agreements and marketing agreements.[28] Unless MARAD reviews and approves the loan agreements, preferred mortgages and other financing documents previously executed by the Vessel Owners in favor of Bank of America under these new standards, the Vessels will lose their fishery endorsements and the Vessel Owners will no longer be permitted to own or operate the Vessels in the U.S. fisheries, if the Non-Citizen Guarantors succeed to the rights and interests of Bank of America—even through a qualified Mortgage Trustee.[29] This, in turn, will destroy the value of the Vessels as security under the mortgages and destroy the ability of the Vessel Owners to pay the debts which the mortgages secure. By prohibiting the Non-Citizen Guarantors from succeeding to the interests of Bank of America under the law of subrogation and imposing new conditions and restrictions on the terms of their existing financing arrangements, including a new requirement of administrative review and approval of the loan documents under AFA's new "control" standards, the AFA and MARAD's implementing regulations impair the rights and interests of the Non-Citizen Guarantors under their guaranties and under the existing preferred mortgages and related loan documents.

"The second way in which the AFA's new restrictions on foreign "control" harm the Petitioners is by impairing, prohibiting or restricting their existing contractual arrangements with respect to the Vessels. The Management Agreements between the Vessel Owners and AFCO may be impermissible because of the role played by AFCO, a Non-Citizen, in managing the Vessels. It is similarly uncertain whether the Vessel Manning Agreements between the Vessel Owners and NAMCO and the Marketing Agreements and Services Agreements between the Vessel Owners and NOMCO are permissible. The standards for evaluating such agreements under the AFA and Part 356—individually, in combination with one another and in combination with other factors—are so vague that the permissibility of Petitioners' existing contract arrangements under the AFA cannot be determined except by obtaining an ad hoc decision by MARAD. Accordingly, the AFA requires Petitioners to seek MARAD approval of all of these agreements, unless Petitioners are exempted from the AFA's requirements with respect to these agreements.[30]

"The third way in which the AFA's new restrictions on foreign financing and foreign "control" harm the Petitioners is by restricting the ability of the Japanese Investors and the U.S. companies in which they have invested to enter into future financing and other contractual arrangements with the Vessel Owners in order to protect and further their existing investment and other business interests in the Vessel Owners and the Vessels. The AFA's restrictions on foreign "control" and foreign financing of fishing vessels will limit the ability of the Japanese Investors and the U.S. companies in which they have invested to protect their investments and interests in the Vessels by entering into management agreements, exclusive marketing agreements or by offering the Vessel Owners financing for vessel operations, repairs or improvements. The ability of the Japanese Investors to make loans to support the Vessels' continuing operations or necessary repairs or improvements may be the only means to protect the Vessel Owners from insolvency and default on their loans from Bank of America, potentially jeopardizing Petitioners' investments and triggering the obligations of the Non-Citizen Guarantors on their guaranties. Thus, the AFA's restrictions on the ability of the Japanese Investors to make loans to the Vessel Owners, to take security in the Vessels and to enter into other contractual arsangements related to the Vessels jeopardize the existing financial and business interests of all of the Petitioners.

"The provisions of 46 C.F.R. 356.45 which approve certain loans by Non-Citizens to fishing vessel owners are too restrictive to permit the types of loans which may be necessary to permit Petitioners to protect their ownership and other business interests in the Vessels. Section 356.45(a)(2) permits advances to vessel owners by Non-Citizens "[w]here the basis of the advancement is an agreement between the Non-Citizen and the vessel owner * * * to sell all or a portion of the vessel's catch to the Non-Citizen" but prohibits the lender from taking security in the vessel and limits such loans to the annual "value of the product to be supplied to the [Non-Citizen]." These limitations are not found in existing law and significantly restrict the ability of the Japanese Investors to make loans which business circumstances may require. Section 356.45(b) permits certain types of loans but only if the loan is wholly unsecured and only if the Non-Citizen lender "is not affiliated with any party with whom [the vessel owner] has entered into a mortgage, long-term or exclusive sales or purchase agreement, or other similar contract." Thus, future financing arrangements between the Vessel Owners and the Japanese Investors are severely limited and restricted under these provisions.

"b. *The Restrictions on Foreign Financing and Foreign "Control" of Fishing Vessels Imposed by the AFA and MARAD's Implementing Rules Violate Article VII.1.*

"The new restrictions on foreign financing and foreign "control" of fishing vessels imposed by the AFA and MARAD's implementing regulations violate Article VII.1's national treatment guaranty by (1) Impairing the existing legal rights and interests of the Non-Citizen Guarantors under Bank of America's existing preferred mortgages and related loan documents; (2) subjecting the rights of the Non-Citizen Guarantors under Bank of America's existing loan documents to a new requirement of administrative review and approval by MARAD under the new "control" standards of the AFA and MARAD's implementing rules; (3) impairing the existing rights and interests of Petitioners under existing contracts ancillary to their ownership and financing arrangements with respect to the Vessels; and (4) restricting the ability of Petitioners and the Japanese Investors to extend credit to the Vessel Owners, take preferred mortgages on the Vessels or enter into other contractual arrangements with respect to the Vessels or the Vessel Owners necessary to further or protect the existing financial and business interests of the Japanese Investors.

"Article VII.1 extends full national treatment protection "with respect to engaging in all types of commercial, industrial, financial and other business activities." The negotiating history of the U.S.-Japan FCN leaves no doubt that loans and lending by foreign-owned lenders are entitled to full national treatment under the first sentence of Article VII.1. It follows that the rights and interests of Non-Citizen Guarantors who succeed to the rights of the lender under existing loan documentation are also protected.

"At the fourth informal meeting of the U.S. and Japanese negotiators, the Japanese negotiators argued that foreign-owned banks should be denied national treatment, as well as most-favored-nation protection. One reason given was that their loans could result in the foreign-owned bank lender controlling key industries.[31] For this and other reasons, Japan suggested rewriting Article VII.1, and among other changes deleting "financial" from the activities provided national treatment in the first sentence of the provision.

"A cable from U.S. State Department headquarters in Washington noted that the Japanese proposal, and in particular its interest in denying national treatment to bank loans, reflected an attitude that creates a "difficulty going to heart of treaty."[32] The State Department opposed any change that would delete the word "financial" from the first sentence of Article VII.1. Subsequently, the Japanese side suggested instead adding the word "lending" to the exception provided in the first sentence of Article VII.2, so that the exception would extend to "banking involving depository, lending or fiduciary functions." In response, the State Department reiterated its opposition to any change that would deny foreign lenders the right to full national treatment under Article VII.1.

"A Department cable explained why the exception to national treatment provided by the first sentence of the U.S. draft of Article VII.2 was limited to only the depository and fiduciary functions of banks.[33] The cable states: "Mr. Otabe is incorrect in supposing that the U.S. reservation for banking is based on the reason he alleges. The reservation has to do with receiving and keeping custody of deposits from the public at large: that is, the safekeeping of other people's money, a function of particular trust. It does not have to do with the lending activities of a bank; and the Department does not feel that a reservation is either appropriate or necessary as to a bank's lending its own money."[34] During the second round of informal meetings, the U.S. negotiators continued to oppose adding loans to the banking functions excluded from full national treatment by the first sentence of Article VII.2, and the Japanese government eventually agreed to withdraw its proposed change.[35]

"The exception to national treatment for certain banking functions in the first sentence of Article VII.2 is the same as in the standard FCN treaty text. The Sullivan Study notes that "this reservation is stated in terms intended to circumscribe it as much as possible, thereby maximizing the extent to which the banking business remains subject to the rule [of national treatment] set forth in Article VII(1)."[36] The Sullivan Study notes that the two areas reserved, depositary and fiduciary functions, involve the custody and management of other people's money, and therefore are the most sensitive areas of banking. It is clear, therefore, that the reference in the first sentence of Article VII.2 to "banking involving depository or fiduciary functions" does not include the financing activities of the Non-Citizen Guarantors or the Japanese Investors. Both the U.S. and Japanese negotiators were in full agreement as to the meaning of this phrase. Thus, the financing activities of banks and other lenders are entitled to the full national treatment under Article VII.1.[37]

"The provisions of the AFA and MARAD's implementing rules which restrict the right of Japanese-owned entities to make loans secured by mortgages on U.S. vessels, to enter into contracts with the vessel owner or to make loans or enter into contracts with a vessel owner without prior MARAD approval of the loan or contract terms are inconsistent with the guaranty of national treatment in Article VII.1. The rationale that such activities may be restricted on the grounds that they could result in a degree of control over sensitive industries was specifically considered by the U.S. negotiators and rejected as a valid reason for limiting the Treaty's protections for Non-Citizen lending activities. The control argument presented by Japan at that time is the same argument used to justify the restrictions of the AFA. Although the negotiating history deals largely with banking, the language of Article VII.1 extends the protections of national treatment broadly to "all types of commercial * * * financial and other business activities." Under Article VII.1, neither State Party may restrict loans by nationals of the other to a fishing vessel owner or other contractual arrangements between such foreign nationals and vessel owners.

"The AFA and MARAD's implementing rules impose new restrictions on the ability of the Petitioners and the Japanese Investors, going forward, to protect their existing investments, financial interests and other business interests in the Vessel Owners and the Vessels by, *e.g.*, refinancing existing loans, advancing new loans for operation, repair or improvement of the Vessels or entering into other financing or contractual arrangements with the Vessel Owners. These restrictions are not permitted by Article VII.1 of the Treaty. Article VII.1 extends the Treaty's protection both to loans, mortgages and other financing or contractual arrangements that are now outstanding under the terms of existing financing documents or contracts and to future financing and contractual arrangements by the Japanese Investors with respect to the Vessels or the Vessel Owners.

"For these reasons, Petitioners seek a determination by MARAD that Sections 202 and 203 of the AFA and MARAD's implementing regulations do not apply to Petitioners with respect to (a) existing rights and interests of the Non-Citizen Guarantors under preferred mortgages on the Vessels and associated loan, guaranty and security documents previously executed by the Vessel Owners and the Non-Citizen Guarantors in favor of Bank of America; (b) contracts entered into with respect to the Vessels between or among the Petitioners or the Japanese Investors prior to the effective date of the AFA; and (c) future financing and contractual arrangements between or among the Petitioners or the Japanese Investors with respect to the Vessels.

"3. *The AFA and MARAD's Implementing Rules Impair Petitioners' Legally Acquired Rights in Violation of Article V.*

"The new restrictions imposed by Sections 202 and 203 of the AFA and MARAD's implementing rules on foreign involvement in the U.S. fishing industry are "unreasonable or discriminatory measures" that impair the legally acquired rights and interests of Petitioners in violation of Article V of the Treaty.

"Article V provides that "[n]either Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established. * * *" The provision follows the standard FCN treaty language, except that the language was moved from Article VI.3 in the standard text to a new Article V and certain additional language, not relevant here, was added. According to the Sullivan Study, the provision "offers a basis in rather general terms for asserting protection against excessive governmental interference in business activities or particular activities not specifically covered by the treaty."[38] Herman Walker observed that this language is designed "to account for the possibility of injurious governmental harassments short of expropriation or sequestration."[39] A State Department memorandum to Congress, discussing language very similar to Article V in another treaty, noted that the language "affords one more ground, in addition to all the other grounds set forth in the treaty, for contesting foreign actions which appear to be injurious to American interests."[40]

"The negotiating history confirms that Article V was intended as a general provision prohibiting discrimination against foreign-owned entities not subject to other provisions of the U.S.-Japan FCN. During the negotiations, Japan proposed adding language prohibiting the denial "of opportunities and facilities for the investment of capital." The proposal was not adopted after the U.S. opposed it on the grounds that Article VII fully addressed investment activities and that the additional language was not appropriate in Article V, which addresses issues not limited to investment.[41]

"Thus, Article V was intended as a general prohibition of discriminatory restrictions not covered by other provisions of the U.S.-Japan FCN and of restrictions that do not rise to the level of a "taking." Article V prohibits

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[27] AFA Section 203(c)(2).

[28] *See, generally,* 46 C.F.R. 356.11, 356.13–15, 356.21–25, 356.39–45.

[29] *See* 46 U.S.C. 12102(c)(4)(A), 46 C.F.R. 356.15(d), 356.21(d) and AFA Section 203(e).

[30] Of course, if AFCO and the Vessel Owners are exempt from the ownership requirements of the AFA, then they should also be exempt with respect to their contractual arrangements.

[31] Annex, Attachment 5, Memorandum of Conversation held March 4, 1952, pp. 2–3.

[32] Annex, Attachment 6, Dept. of State Outgoing Telegram dated March 10, 1952, p. 1; *See also,* Attachment 5 at p 3, noting that the "* * * first paragraph of Article VII can be considered the heart of the treaty; it is the basic 'establishment' provision, prescribing the fundamental principle governing the doing of business and the making of investments, in a treaty which is, above all, a treaty of establishment."

[33] Annex, Attachment 7, Dept. of State Outgoing Telegram dated May 21, 1952, p. 3.

[34] *Id.*

[35] Annex, Attachment 8, Memorandum of Conversation concerning discussions on the draft FCN held between October 15, 1952 and March 11, 1953, p. 15.

[36] Sullivan Study at 144.

[37] To the extent that it could be argued that the first sentence of Article VII.2 might permit restrictions on foreign financing or "control" of fishing vessels, the grandfather provision of Article VII.2 would clearly protect the Japanese Investors and the Non-Citizen Guarantors with respect to their existing rights and interests, as the holders of ownership interests and contingent mortgage interests in the Vessels and rights under existing contracts—and with respect to future financing and contractual arrangements undertaken to further or protect those interests. The Japanese Investors and Non-Citizen Guarantors "acquired interests" in the Vessel Owners and the Vessels in reliance on existing law and are thus entitled to national treatment with respect to both their existing rights and interests and with respect to future dealings with the Vessel Owners to further or protect those existing rights and interests.

[38] Sullivan Study at 115.

[39] Herman Walker, Jr., "Treaties for the Encouragement and Protection of Foreign Investment: Present United States Practice," 5 Am. J. Comp. Law 229, 236 (1956).

[40] Annex, Attachment 11, Department of State Instruction dated February 15, 1954, p. 2, (discussing the applicability of Article V of the U.S.-Japan FCN to American lawyers doing business in Japan, and citing May, 1952 memorandum to U.S. Committee on Foreign Relations).

[41] *Id. See also,* Annex, Attachment 12, Department of State Division of Communications & Records Outgoing Airgram dated October 28, 1952, pp. 2–3. The latter indicates that, among other reasons, the State Department opposed the proposed Japanese language because it was concerned that the language "could be construed (but tortuously) as allowing each party latitude with respect to discharging its full obligations under Articles VII and VIII to accord national treatment to the introduction of investment capital and the initiation and development of investment enterprises."

deprivations of both most-favored nation treatment and national treatment. Sullivan Study at 115. Thus, it would apply to the variety of discriminatory prohibitions and restrictions that the AFA and MARAD's implementing regulations impose on Petitioners, based on the Japanese investors' ownership interests, preferred mortgage interests and other contract rights and interests, and on the ability of the Japanese Investors to protect those rights and interests by entering into future transactions with the Vessel Owners.

"The intrusive and discriminatory restrictions imposed by the AFA and MARAD's implementing rules on financing and other business transactions between Non-Citizens, such as the Japanese Investors, and U.S. fishing vessel owners place Non-Citizens and vessel owners in which they have invested at a significant competitive disadvantage. U.S. Citizen investors are free to make loans and to enter into contracts with the fishing vessel owners in which they have invested without restriction. Under 46 CFR 356.45, a Non-Citizen lender is not even permitted to make an unsecured loan to a fishing vessel owner, if (a) the loan exceeds the annual value of the vessel's catch (where an exclusive marketing agreement is involved; [42] or (b) the lender is "affiliated with any party with whom the owner * * * has entered into a mortgage, long-term or exclusive sales or purchase agreement, or other similar contract. * * *"[43] Under these standards, the Japanese Investors will not be permitted to make future loans to the Vessel Owners, secured or unsecured, to protect their existing ownership and other financial interests. Further, the requirement of MARAD review and approval is itself an unreasonable and discriminatory burden, particularly in the absence of coherent standards. The AFA and MARAD's rules thus impose "unreasonable or discriminatory measures" on the Japanese investors and the companies in which they have invested, impairing their legally acquired rights and interests and their ongoing ability to protect those interests in violation of Article V of the U.S.-Japan FCN.

"4. *Application of the AFA and MARAD's Implementing Rules to Petitioners Would Result in a "Taking" in Violation of Article VI.3.*

"The first sentence of Article VI.3 of the Treaty states that "[p]roperty of nationals and companies of either Party shall not be taken within the territories of the other Party except for a public purpose, nor shall it be taken without the prompt payment of just compensation." This "takings" provision precludes expropriations and other measures that substantially impair a Japanese national's direct and indirect property rights. Applying the AFA's new restrictions to prohibit the Petitioners from holding their pre-existing ownership interests, their rights and interests as guarantors under the Bank of America mortgages and other loan documents and their rights under ancillary contracts with the Vessel Owners would deprive them of their property in violation of Article VI.3.

"The term "property" in Article VI.3 includes not simply direct ownership but also a wide variety of property interests, such as those which the Non-Citizen Petitioners have in the Vessel Owners and in the Vessels. The Protocol to the U.S.-Japan FCN explicitly states that "[t]he provisions of Article VI, paragraph 3 * * * shall extend to interests held directly or indirectly by nationals and companies of either Party in property which is taken within the territories of the other Party." Protocol, ¶ 2 (emphasis added). As the United States delegates made clear during the negotiation of the Treaty, the phrase "interests held directly or indirectly" is intended to extend to every type of right or interest in property which is capable of being enjoyed as such, and upon which it is practicable to place a monetary value. These direct and indirect interests in property include not only rights of ownership, but [also] * * * lease hold interest[s], easements, contracts, franchises, and other tangible and intangible property rights.[44]

In short, "all property interests are contemplated by the provision."[45] This necessarily includes the direct and indirect ownership interests which the Petitioners have in the Vessel Owners and in the Vessels and the interests of the Non-Citizen Guarantors, as potential subrogees, under Bank of America's preferred mortgages and other loan documents, together with ancillary contract rights.

"The concept of a taking in this context is broad and "is considered as covering, in addition to physical seizure, a wide variety of whole or partial sequestrations *and other impairments of interests in or uses of property*." Sullivan Study at 116 (emphasis added). Here, the AFA's new restrictions on foreign investment and foreign financing will prohibit the Vessel Owners from using their Vessels in the U.S. fisheries. In effect, the AFA will either deprive the Petitioners of the economic value of their interests in the Vessels by prohibiting their productive use or force divestiture. The impairment of the presently existing rights of the Vessel Owners to use their Vessels in the U.S. fisheries—and the rights of the other Petitioners to hold their existing direct and indirect ownership interests in the Vessel Owners and their contingent mortgage interests in the Vessels—is a sufficient impairment of those rights and interests as to constitute a violation of Article VI.3.

"Further, a taking is permitted under the Treaty only for a "public purpose," and it is clear that application of the AFA's ownership restrictions to the Vessel Owners so as to force a divestiture of the interests of the Japanese Investors to a private party which qualifies as a U.S. Citizen would not satisfy the "public purpose" requirement of the U.S.-Japan FCN. Even if such a forced sale to a private party could be characterized as having a "public purpose," the AFA makes no provision for the "prompt payment of just compensation," as required by Article VI.3. The fact that the AFA and 46 C.F.R. Part 356 fail to provide any compensation scheme—let alone "adequate provision * * * at or prior to the time of taking for the determination and payment thereof"—is another basis for concluding that the AFA's retroactive limitations on foreign ownership and foreign financing of fishing vessels are inconsistent with Article VI.3 of the U.S.-Japan FCN.

"5. *Article XIX.6 Does Not Authorize the Provisions of the AFA and MARAD's Implementing Rules which are Otherwise in Violation of the U.S.-Japan FCN.*

"Article XIX.6 provides that notwithstanding any other provision of the Treaty, "each Party may reserve exclusive rights and privileges to its own vessels with respect to the * * * national fisheries. * * *." This provision does not authorize the discriminatory limitations on Japanese investment and financing contained in the AFA and MARAD's implementing rules.

"Even if Article XIX.6 is interpreted as applying to fishing vessels,[46] it would be irrelevant to the issues presented here with respect to the AFA. Consistent with the Treaty text authorizing a Party to reserve exclusive rights to "its own vessels," the State Department has interpreted Article XIX.6 merely to permit the U.S. to reserve the right to catch or land fish in the U.S. national fisheries to "U.S. flag vessels." [47] The text of Article XIX.6 says nothing about and certainly does not authorize restrictions on foreign ownership or financing of U.S. flag fishing vessels or the ability of foreign-owned enterprises to do business with the owners of U.S. flag fishing vessels—restrictions that otherwise clearly violate Article VII of the Treaty.

"The historical record of the negotiations provides further evidence that Article XIX.6 was not intended to override Article VII's national treatment requirements with respect to foreign investment in or financing of U.S. flag fishing vessels or other dealings between foreign-owned enterprises and fishing vessel owners. At one point, the Japanese negotiators proposed rewriting Article XIX.6 to provide that the national treatment provisions of the Treaty would not extend to "nationals, companies and vessels of the other Party any special privileges reserved to national fisheries." [48] The State Department understood the Japanese suggestion as an attempt to obtain a blanket exception from the entire Treaty for national fisheries.[49] The U.S rejected the Japanese proposal and the language of Article XIX.6 remained unchanged. The issue of Japanese investment in and other dealings with enterprises

[42] *See* § 356.45(a)(2)(i).

[43] *See* § 356.45(b)(1).

[44] Annex, Attachment 10, Memorandum of Conversation dated April 15, 1952 at p. 3.

[45] *Id.*

[46] Article XIX.7 defines "vessel" to exclude "fishing vessels" for purposes of Article XIX.6.

[47] Annex, Attachment 9, Letter to the chairman of the House of Representatives Committee on Merchant Marine and Fisheries from Robert Lee, August 17, 1964, as published in the Jones Study, p. 80.

[48] *See* Annex, Attachment 13, Memorandum of Conversation held April 3, 1952, at 5.

[49] Annex, Attachment 14, Department of State Outgoing Airgram, dated June 12, 1952, at 1–2 (noting that a clearer way to effect the Japanese intent would be by adopting a single comprehensive exception stating that "[t]he provisions of the present Treaty shall not apply with respect to the national fisheries of either Party, or to the products of such fisheries").

owning or operating U.S. flag fishing vessels was left to Article VII.

"Subsequent practice of the State Department confirms this reading of Article XIX.6. In 1964, the State Department reaffirmed the narrow scope of Article XIX.6 in a letter to the House Committee on Merchant Marine and Fisheries. The letter makes clear that the provision merely permits the United States to reserve the right to catch or land fish to U.S. flag vessels.[50] Thus, the text, negotiating history and subsequent State Department practice and understanding all explicitly confirm that Article XIX.6 is irrelevant to laws restricting foreign ownership and control of fishing vessel *owners* and thus does not override the other provisions of the U.S.-Japan FCN dealing with foreign investment and business activity. Article XIX.6 does not exempt the AFA's foreign ownership, financing and control restrictions from Articles V, VI.3, VII or IX.2, each of which bars application of those restrictions to Petitioners with respect to the Vessel Owners and the Vessels.

"This reading of Article XIX.6 in the U.S.-Japan FCN also comports with the State Department's reading of this same language in other FCN treaties to which the U.S. is a party. The Sullivan Study explicitly states that "[t]he crucial element in Article XIX is that it relates to the treatment of *vessels* and to the treatment of their cargoes. *It is not concerned with the treatment of the enterprises which own the vessels* and the cargoes." [51]

"6. *A Broad Interpretation of the Treaty's Protections is in the U.S. Interest.*

"The terms of the U.S.-Japan FCN and the other FCN treaties which share the same language are reciprocal—that is, the principle of "national treatment" applies not only to protect the investments of foreign nationals in the United States but also to protect the investments of U.S. nationals in Japan and other countries. Thus, any interpretation of the U.S.-Japan FCN adopted by MARAD in the present context will also define the rights of U.S. nationals doing business in Japan and other countries, now and in the future. A narrow interpretation of the U.S.-Japan FCN's protections for Japanese enterprises and their investments in the present context will effectively limit the rights of U.S. investors and U.S. businesses in Japan and other countries with which the United States has concluded similar FCN treaties.

"For this reason, the State Department has interpreted the national treatment requirement of the FCN treaties broadly in the past.[52] The U.S. interest in protecting U.S. nationals doing business abroad, as well as the State Department's historical practice in interpreting the FCN treaties, requires an interpretation of the U.S.-Japan FCN which will protect the interests of foreign enterprises and the U.S. companies in which they have invested from the retroactive and discriminatory prohibitions and restrictions of the AFA and 46 CFR Part 356.

"7. *The Government of Japan has Determined that Section 202 of the AFA is Inconsistent with the U.S.-Japan FCN.*

"The United States has agreed in Article XXIV of the Treaty to give "sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the [Government of Japan] may make with respect to any matter affecting the operation of the present Treaty." The Government of Japan has strongly objected to the application of the AFA's new limitations and restrictions on foreign ownership, foreign financing and foreign control of U.S. fishing vessels to Japanese nationals and companies that have invested in the U.S. fisheries prior to the effective date of the Act on the ground that such application would violate the U.S.-Japan FCN. In a letter to Jo Brooks of the Office of Legal Adviser, U.S. Department of State, dated August 30, 1999, the Minister for Economic Affairs of the Embassy of Japan stated that the AFA's "new U.S. citizen ownership and control requirements" "if applied without exception, would impair the legally acquired rights or interests of Japanese nationals and corporations in the United States of America." [53] The Minister for Economic Affairs noted section 213(g) of the AFA and stated the position of the Government of Japan as follows:

As an existing international agreement relating to foreign investment, we would like to refer to the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America, hereinafter referred to as "the Treaty." Paragraph two of Article VII of the Treaty states that "* * * new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party." The Government of Japan is of the view that since the new requirements under the provisions of Subsection 202(c) [54] of the AFA would be recognized as new limitations imposed by the United States, such new requirements would be inconsistent with paragraph two of Article VII of the Treaty if applied to entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations at the time the AFA comes into force.

Moreover, paragraph one of Article V of the Treaty states that "Neither Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established, in their capital, in the skills, arts or technology which they have supplied;—" This provision indicates that any U.S. government measure that impairs the legally acquired rights or interests of Japanese nationals and companies should not be permitted under this Treaty. Therefore, the Japanese nationals and companies that have already invested in fisheries in the United States should be exempted from the application of the new requirements under Subparagraph 202(c) of the AFA.

Accordingly, the Government of Japan is of the view that the entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations should be exempted from the new requirements set forth in the Section 202(c). * * * [55]

In a subsequent letter to the Department of State, dated January 24, 2000, the Embassy of Japan expressed the "concern" of the Government of Japan about regulations proposed by MARAD to implement the AFA.[56] In its January 24, 2000 letter, the Embassy of Japan reiterated the view of the Government of Japan that Section 202 of the AFA is "inconsistent with paragraph two of Article VII and paragraph one of Article V of the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America" and therefore "in accordance with the provision of Section 213(g) of the Act" "will not apply to entities that are engaged in fishery activities and owned or controlled by Japanese nationals or corporations." With respect to MARAD's proposed regulations, the Embassy of Japan noted that the regulations "would require the procedure of an annual petition from Japanese companies that are engaged in fishery activities even before October 1, 2001, in order for the continuation of their activities. To impose such a new burden would be inconsistent with the aforementioned obligations of the United States as stipulated by the Treaty." [57] The Embassy of Japan noted further:

The proposed regulations would require a private company to provide interpretations of the Treaty and the AFA as an attached document to the petition for exemption from the AFA, as prescribed in Section 356.53(b)(3). It is rather the obligation of the Government of the United States as party to the Treaty to do so. [58]

The Government of Japan requested "that the Government of the United States fully ensure * * * that all Japanese companies at present engaged in fishery activities be exempted from the new requirements prescribed in Section 202 of the AFA." [59]

"Thus, the Government of Japan has strongly expressed its view that the AFA's new restrictions on foreign investment, foreign financing and foreign control of U.S. fishing vessels are inconsistent with the U.S.-Japan FCN as applied to companies with existing Japanese investment. In light of the obligation of the United States under Article XXIV of the Treaty to give "sympathetic consideration" to the representations of the Government of Japan concerning the conflict between Section 202 of the AFA and the Treaty and the interest of the United States

[50] *See* fn. 45. *See also,* Jones Study at 80–81.

[51] Sullivan Study at 284 (emphasis added).

[52] *See, generally,* Jones Study.

[53] Annex, Attachment 15 (August 30, 1999 letter from the Minister for Economic Affairs, Embassy of Japan, to Jo Brooks, Attorney-Adviser, Office of Legal Adviser, U.S. Dep't. of State) at 1.

[54] There is no Subsection 202(c) of the AFA. The reference intended is clearly subsection 202(a), amending 46 U.S.C. 12102(c).

[55] Annex, Attachment 15 at 1–2.

[56] Annex, Attachment 16 (January 24, 2000 Letter from the Embassy of Japan to the U.S. Dep't of State at 1.

[57] *Id.*

[58] *Id.* at 2.

[59] Id.

in the protection of its own enterprises and investors abroad, MARAD should acknowledge the conflict between the AFA and the U.S.-Japan FCN and issue an order holding that Petitioners are exempt from the requirements of Section 202 of the AFA and the implementing provisions of Section 203 and 46 C.F.R. Part 356 with respect to the Vessels.

"B. AFA Section 213(g) Exempts Japanese Enterprises and U.S. Enterprises With Japanese Investment From the AFA's Limitations and Restrictions on Foreign Ownership, Foreign Financing and Foreign "Control" of U.S. Fishing Vessels.

"Sections 202 and 203 of the AFA and the implementing regulations published by MARAD on July 19, 2000, codified at 46 CFR Part 356, impose a host of new limitations and restrictions on foreign ownership of fishing vessels, foreign financing of fishing vessels and contractual arrangements between foreign enterprises or U.S. companies with substantial foreign ownership and U.S. fishing vessel owners. As demonstrated above, if applied to Petitioners, these new limitations and restrictions would deprive Petitioners of valuable existing ownership, mortgage, contract and other legal rights and interests in violation of the U.S.-Japan FCN. Application of the new restrictions to bar the Japanese investors or companies in which they have invested from entering into future transactions with the Vessel Owners, particularly financing and ancillary contractual arrangements, would also violate the U.S.-Japan FCN by substantially impairing the ability of the Japanese Investors to protect their existing rights and interests and to carry on their existing lawful business activities in the United States in conformity with existing law and on an equal footing with U.S. Citizens.

"To avoid these results, Congress included a provision in the AFA to ensure that the Act would not contravene U.S. treaty obligations. Section 213(g) provides in pertinent part:

> In the event that any provision of section 12102(c) or section 31322(a) of title 46, United States Code, as amended by this Act, is determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party with respect to the owner or mortgagee on October 1, 2001 of a vessel with a fishery endorsement, such provision shall not apply to that owner or mortgagee with respect to such vessel to the extent of any such inconsistency. * * *

Section 213(g) makes clear that its reach is intended to extend to every "owner" or "mortgagee" holding an ownership or mortgage interest on October 1, 2001, when Sections 202 and 203 of the AFA become effective. Section 213(g) provides explicitly that the exemption does not apply to "subsequent owners and mortgagees" who acquire their interests *after* October 1, 2001 or "to the owner [of the vessel] on October 1, 2001 if any ownership interest in that owner is transferred to or otherwise acquired by a foreign individual or entity *after such date*," (emphasis added).

"Petitioners are "owners" and "mortgagees" who acquired their interests in the Vessels prior to October 1, 2001, and who intend to continue to hold those interests on and after October 1, 2001. The U.S.-Japan FCN is a self-executing treaty which is binding on MARAD as a matter of federal domestic law.[60] Under ordinary principles of statutory construction, the AFA and the Treaty should be construed to avoid conflict and to give effect to each. The federal courts have recognized that federal statutes should be construed in a manner to avoid conflict with international treaties. Thus, federal statutes "ought never to be construed to violate the law of nations if any other possible construction remains."[61] Only where Congress has expressed the clear intent to depart from the obligations of a treaty will the provisions of later federal legislation be found to conflict with and supersede U.S. treaty obligations.[62] Here, it is apparent from the terms of Section 213(g) that Congress affirmatively intended to avoid conflict with international treaties such as the U.S.-Japan FCN by exempting "owners" and "mortgagees" from provisions of the AFA which would otherwise be inconsistent with U.S. treaty obligations. The inconsistency between Sections 202 and 203 of the AFA and the requirements of the U.S.-Japan FCN is demonstrated above with respect to Petitioners. Accordingly, under Section 213(g) of the Act, the provisions of Sections 202 and 203 "shall not apply" to Petitioners "to the extent of * * * such inconsistency."

"The exemption provided by Section 213(g) is not limited to existing property rights, mortgage interests or investment interests in existence on October 1, 2001, but rather applies to fully exempt an "owner" or "mortgagee" on October 1, 2001 "to the extent of the inconsistency" between the Act and the Treaty "with respect to" the vessel in which the owner or mortgagee holds an interest. Petitioners qualify as both "owners" and "mortgagees" "with respect to [the Vessels]."[63] Petitioners are, therefore, exempt from the requirements of the AFA "with respect to [the Vessels]" "to the extent of the inconsistency" between the AFA and the Treaty. As demonstrated above, the "inconsistency" between the AFA and the Treaty is three-fold: (1) The Treaty protects the Petitioners' existing direct and indirect ownership interests in the Vessels and the right of the Vessel Owners to continue to own and operate the Vessels in the U.S. fisheries under existing ownership arrangements—rights and interests which the AFA would impair, prohibit or restrict; (2) the Treaty protects the interests of the Non-Citizen Guarantors in the Bank of America preferred mortgages and other loan documents—interests which the AFA would impair, prohibit or restrict; and (3) the Treaty protects the rights of the Japanese Investors (NOMCO, NAMCO and their Japanese shareholders), the other Petitioners and the Vessel Owners to enter into future transactions between or among themselves with respect to the Vessels to protect or further their existing ownership, financial and other business interests in the Vessels—rights which the AFA would impair, prohibit or restrict. Thus, Section 213(g) exempts Petitioners entirely from the restrictions and limitations of Sections 202 and 203 of the AFA and MARAD's implementing rules with respect to the Vessels."

This concludes the analysis submitted by Petitioner for consideration.

Dated: February 16, 2001.

By Order of the Maritime Administrator.

Joel Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4470 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–81–P

[60] *See, e.g., Zenith Radio Corp.* v. *Matsushita Electric Industrial Co., Ltd.*, 494 F. Supp 1263, 1266 (E.D.Pa. 1980).

[61] *McCulloch* v. *Sociedad Nacional de Marineros de Honduras*, 370 U.S. 10, 21 (1963).

[62] *Id. See also, Sumitomo Shoji America, Inc.* v. *Avagliano*, et al., 457 U.S.176 (1982).

[63] While the Non-Citizen Guarantors do not currently hold the mortgages on the Vessels, they have interests in those mortgages by virtue of their guaranties in favor of Bank of America. Their rights to succeed to the Bank's interest in the mortgages is impaired by the AFA and MARAD's implementing rules. These rights are protected in any event by virtue of status of the Non-Citizen Guarantors as "owners" within the meaning of Section 213(g).

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2001–8928]

GREAT PACIFIC—Applicability of Preferred Mortgage, Ownership and Control Requirements To Obtain a Fishery Endorsement

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a petition requesting MARAD to issue a determination that the ownership and control requirements and the preferred mortgage requirements of the American Fisheries Act of 1998 and 46 CFR Part 356 are in conflict with an international investment agreement.

SUMMARY: The Maritime Administration (MARAD, we, our, or us) is soliciting public comments on a petition from the owners and mortgagees of the vessel GREAT PACIFIC—Official No. 608458 (hereinafter the "Vessel"). The petition requests that MARAD issue a decision that the American Fisheries Act of 1998 ("AFA"), Division C, Title II, Subtitle I, Pub. L. 105–277, and our regulations at 46 CFR Part 356 (65 FR 44860 (July 19, 2000)) are in conflict with the U.S.-Japan Treaty and Protocol Regarding Friendship, Commerce and Navigation, 206 UNTS 143, TIAS 2863, 4 UST 2063 (1953) ("U.S.-Japan FCN" or "Treaty"). The petition is submitted pursuant to 46 CFR 356.53 and section 213(g) of AFA, which provide that the requirements of the AFA and the implementing regulations will not apply to the owners or mortgagees of a U.S.-flag vessel documented with a fishery endorsement to the extent that the provisions of the AFA conflict with an existing international agreement relating to foreign investment to which the United States is a party. This notice sets forth the provisions of the international agreement that the Petitioner alleges are in conflict with the AFA and 46 CFR Part 356 and the arguments submitted by the Petitioner in support of its request. If MARAD determines that the AFA and MARAD's implementing regulations conflict with the U.S.-Japan FCN, the requirements of 46 CFR Part 356 and the AFA will not apply to the extent of the inconsistency. Accordingly, interested parties are invited to submit their views on this petition and whether there is a conflict between the U.S.-Japan FCN and the requirements of both the AFA and 46 CFR Part 356. In addition to receiving the views of interested parties, MARAD will consult with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than March 26, 2001.

ADDRESSES: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, D.C. 20590–0001. You may also send comments electronically via the Internet at http://dms.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays. An electronic version of this document and all documents entered into this docket are available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: John T. Marquez, Jr. of the Office of Chief Counsel at (202) 366–5320. You may send mail to John T. Marquez, Jr., Maritime Administration, Office of Chief Counsel, Room 7228, MAR–222, 400 Seventh St., SW., Washington, D.C., 20590–0001 or you may send e-mail to John.Marquez@marad.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The AFA was enacted in 1998 to give U.S. interests a priority in the harvest of U.S.-fishery resources by increasing the requirements for U.S. Citizen ownership, control and financing of U.S.-flag vessels documented with a fishery endorsement. MARAD was charged with promulgating implementing regulations for fishing vessels of 100 feet or greater in registered length while the Coast Guard retains responsibility for vessels under 100 feet.

Section 202 of the AFA, raises, with some exceptions, the U.S.-Citizen ownership and control standards for U.S.-flag vessels that are documented with a fishery endorsement and operating in U.S.-waters. The ownership and control standard was increased from the controlling interest standard (greater than 50%) of section 2(b) of Shipping Act, 1916 ("1916 Act"), as amended, 46 App. U.S.C. § 802(b), to the standard contained in section 2(c) of the 1916 Act, 46 App. U.S.C. § 802(c), which requires that 75 percent of the ownership and control in a vessel owning entity be vested in U.S. Citizens. In addition, section 204 of the AFA repeals the ownership grandfather "savings provision" in the Anti-Reflagging Act of 1987, Public Law 100–239, § 7(b), 101 Stat 1778 (1988), which permits foreign control of companies owning certain fishing vessels.

Section 202 of the AFA also establishes new requirements to hold a preferred mortgage on a vessel with a fishery endorsement. State or federally chartered financial institutions must now comply with the controlling interest standard of section 2(b) of the 1916 Act in order to hold a preferred mortgage on a vessel with a fishery endorsement. Entities other than state or federally chartered financial institutions must either meet the 75% ownership and control requirements of § 2(c) of the 1916 Act or utilize an approved U.S.-Citizen Mortgage Trustee that meets the 75% ownership and control requirements to hold the preferred mortgage for the benefit of the non-citizen lender.

Section 213(g) of the AFA provides that if the new ownership and control provisions or the mortgagee provisions are determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party, such provisions of the AFA shall not apply to the owner or mortgagee on October 1, 2001, with respect to the particular vessel and to the extent of the inconsistency. MARAD's regulations at 46 CFR § 356.53 set forth a process wherein owners or mortgagees may petition MARAD, with respect to a specific vessel, for a determination that the implementing regulations are in conflict with an international investment agreement. Petitions must be noticed in the **Federal Register** with a request for comments. The Chief Counsel of MARAD, in consultation with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements, will review the petitions and, absent extenuating circumstances, render a decision within 120 days of the receipt of a fully completed petition.

The Petitioners

Great Pacific Limited Partnership (the "Vessel Owner" or the "Partnership"), Wards Cove Packing Company ("Wards Cove"), Dall Head, Inc. ("DHI"), Western Alaska Fisheries, Inc. ("WAF") and Maruha Corporation ("Maruha") are owners of direct and indirect interests in the Vessel Owner and the Vessel. Alyeska Seafoods, Inc. ("Alyeska") is a seafood processor that has entered into loans and other contractual arrangements with the Partnership and its partners and that is owned in substantial part by Maruha. (Each of the above identified parties is referred to hereinafter individually as a "Petitioner" and collectively as the "Petitioners.")

Ownership, Mortgage Structure, and Contractual Arrangements for the Vessel

The Petitioner provided the following information about the ownership, mortgage structure and other contractual obligations of the Vessel:

A. Ownership Structure

Great Pacific Limited Partnership, a Washington limited partnership formed in 1991 for the purpose of acquiring and operating the GREAT PACIFIC, is the owner of the Vessel. DHI, the sole general partner of Great Pacific Limited Partnership, is a Washington corporation which has a 51% interest in the partnership. All of DHI's officers and directors are individual U.S. Citizens and 100% of the issued and outstanding capital stock of DHI is owned by Wards Cove. Wards Cove, a fish processing company which has been engaged in processing salmon and other fish and shellfish species in Alaska since 1912, is owned entirely by U.S. Citizens.

WAF, an Alaska Corporation, is the sole limited partner of Great Pacific

Limited Partnership and has a 49% interest in the partnership. WAF is wholly owned by Maruha, a Japanese corporation.

B. Mortgage Structure

The purchase of the GREAT PACIFIC by Great Pacific Limited Partnership was financed in part by unsecured loans provided by Alyeska to Wards Cove and WAF. The proceeds of these loans, together with additional equity capital provided separately by WAF and Wards Cove, were ultimately contributed as capital to Great Pacific Limited Partnership in proportion to the partners' resulting ownership interests. Great Pacific Limited Partnership used these capital contributions to purchase the GREAT PACIFIC. There are no mortgages or other security interests encumbering the GREAT PACIFIC.

Alyeska assisted in financing the acquisition of the Vessel by the Vessel Owner with the understanding that the fish harvested by the Vessel would be sold to Alyeska and in reliance on the assured revenue stream which sales to Alyeska would provide to the Vessel Owner and its partners.

C. Working Capital Financing and Other Contractual Arrangements

1. Commercial Revolving Credit Line Loan and Security Agreement

Great Pacific Limited Partnership entered into a Commercial Revolving Credit Line Loan and Security Agreement, dated February 10, 1999, with Alyeska under which Alyeska agreed to provide the Partnership an $800,000 working capital revolving line of credit. This line of credit is secured by a security interest in all accounts, contract rights and proceeds arising from the Partnership's sale of fish to Alyeska. The Petitioners state that Alyeska has no right to control the Vessel Owner or the operation, management or harvesting activities of the Vessel under the terms of the Commercial Revolving Credit Line Loan and Security Agreement.

2. Fishing Commitment Agreement

Great Pacific Limited Partnership entered into a Fishing Commitment Agreement with Alyeska, dated April 28, 2000, in which the Partnership agreed that the Vessel will harvest pollock and deliver at least 90% of its total pollock catch each year to Alyeska's processing plant at Dutch Harbor (Unalaska), Alaska. Petitioners note that the terms of the Fishing Commitment Agreement essentially mirror the contractual commitments which Alyeska has made to the other vessel owners delivering to Alyeska under the auspices of the Unalaska Fleet Cooperative. In return for the Partnership's commitment and consistent with Alyeska's arrangements with the other vessel owners who have agreed to deliver fish to its Dutch Harbor processing plant, Alyeska has agreed to pay the Partnership a substantial annual "commitment fee." The term of the Fishing Commitment Agreement is from January 1, 2000 to December 31, 2004, unless sooner terminated by either party. The Agreement is terminable by either party at any time by written notice to the other, with or without cause. The Petitioners state that the Agreement contains no provisions that convey control of the Partnership or the Vessel's operation, management or harvesting activities to Alyeska or any other Non-Citizen.

Requested Action

The Petitioners seek a determination from MARAD under section 213(g) of the Act and 46 CFR 356.53 that they are exempt from the requirements of sections 202, 203 and 204 of the AFA and 46 CFR Part 356 on the ground that the requirements of the AFA and 46 CFR Part 356, as applied to Petitioners with respect to the Vessels, conflict with U.S. obligations under U.S.-Japan FCN. The Petitioners request a determination that the restrictions placed on foreign ownership, foreign financing and foreign control of U.S.-flag vessels documented with a fishery endorsement contained in 46 CFR Part 356 and sections 202, 203 and 204 of the AFA do not apply to Petitioners with respect to:

(1) the existing ownership interests in the Vessels held, directly or indirectly, by the Vessel Owner, WAF, or Maruha;

(2) Alyeska's loans to the Partnership and to the partners of the Partnership; and

(3) the Fishing Commitment Agreement between Alyeska and the Partnership.

Petitioner's Description of the Conflict Between the FCN Treaty and Both 46 CFR Part 356 and the AFA

MARAD's regulations at 46 CFR 356.53(b)(3) require Petitioners to submit a detailed description of how the provisions of the international investment agreement or treaty and the implementing regulations are in conflict. The entire text of the FCN Treaty is available on MARAD's internet site at *http://www.marad.dot.gov*. The description submitted by the Petitioner of the conflict between the FCN Treaty and both the AFA and MARAD's implementing regulations forms the basis on which the Petitioners request that the Chief Counsel issue a ruling that 46 CFR Part 356 does not apply to Petitioners with respect to the Vessels. Petitioner's description of how the provisions of the U.S.-Japan FCN are in conflict with both the AFA and 46 CFR Part 356 is as follows:

"A. The AFA's Limitations and Restrictions on Foreign Involvement in the U.S. Fishing Industry are Inconsistent with U.S. Obligations Under the U.S.-Japan FCN.

"1. *The AFA's Limitations and Restrictions on Foreign Ownership, Foreign Financing and Foreign Control Violate Article VII.*

"(a) *The AFA's Restrictions on Foreign Ownership Impair Petitioners' Existing Ownership Interests.*

"The AFA's new restrictions on foreign investment in fishing vessels will prohibit the Partnership from employing the Vessel in the U.S. fisheries on and after October 1, 2001, because the extent of Japanese investment in the Vessel Owners exceeds the maximum permitted by the AFA.

"A vessel cannot lawfully be employed in the fisheries of the United States unless it is documented as a vessel of the United States with a fishery endorsement issued pursuant to 46 U.S.C. Chapter 121. 46 U.S.C. Chapter 121 sets out the requirements which must be met for a vessel to be eligible for documentation with a fishery endorsement, including requirements related to the citizenship of vessel owners and their investors.

"The GREAT PACIFIC is a fishing vessel, designed and constructed or rebuilt for use in the U.S. fisheries and operated in the U.S. fisheries of the North Pacific Ocean and Bering Sea. The Vessel has no other significant economic uses. The Partnership is eligible to own a vessel with a fishery endorsement under the current standards of 46 U.S.C. Chapter 121, since DHI, a U.S. Citizen, is the sole general partner of the Partnership and owns a majority interest in the Partnership.[9] The Vessel is documented as a vessel of the United States with a fishery endorsement.

"However, the Partnership will be prohibited from owning or operating the Vessel in the U.S. fisheries on and after October 1, 2001, under the new restrictions on foreign investment in fishing vessels imposed by the AFA and MARAD's implementing rules, codified at 46 CFR Part 356.[10] The ownership

[9] *See* 46 U.S.C. § 12102(a)(3) and (c)(1).

[10] 65 FR 44860 *et seq.*, July 19, 2000.

interest held in Great Pacific Limited Partnership by WAF, a Non-Citizen, is 49%. This exceeds the maximum percentage interest—25%—permitted to be held by Non-Citizens under Section 202(a) of the AFA, effective on and after October 1, 2001.[11] The AFA requires MARAD to revoke the fishery endorsement of any fishing vessel whose owner does not comply with this new requirement.[12] Accordingly, unless exempted from the AFA's new requirements, the Partnership will no longer be permitted to own and operate the GREAT PACIFIC in the U.S. fisheries as of October 1, 2001.

"(b) *The AFA's Impairment of Petitioners' Existing Ownership Interests Violates Article VII.1 and the Grandfather Provision of Article VII.2.*

"The AFA's impairment of Petitioners' existing ownership interests in the Vessel violates their right to "national treatment" under Article VII.1 and the grandfather provision of Article VII.2 of the U.S.-Japan FCN.

"The U.S.-Japan FCN was one of a series of similar Friendship, Commerce and Navigation ("FCN") Treaties entered into by the United States with various countries after World War II, based on a standard State Department treaty text. All of these treaties reflect U.S. post-war policy to encourage and protect international trade and investment. Herman Walker, Jr., the principal author of the standard FCN treaty text and one of the principal State Department negotiators during this period, has described the FCN treaties as "concerned with the protection of persons, natural and juridical, and of the property interests of such persons."[13]

"Article VII.1 of the U.S.-Japan FCN guarantees broad "national treatment" for the nationals and enterprises of the U.S. and Japan when doing business within the jurisdiction of the other country. Article XXII.1 of the U.S.-Japan FCN defines "national treatment" as "treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products, vessels or other objects, as the case may be, of such Party." The principle of national treatment is the central principle of all of the post-war FCN treaties. National treatment requires that each State Party must treat nationals of the other in the same way that it treats its own nationals. The treaties focus on business and investment. "The right of corporations to engage in business on a national-treatment basis may be said to constitute the heart of the treaty as an investment instrument."[14] In a case involving interpretation of the U.S.-Japan FCN, the United States Supreme Court noted that the purpose of the FCN treaties was "to assure [foreign corporations] the right to conduct business on an equal basis without suffering discrimination based on their alienage."[15] "[N]ational treatment of corporations means equal treatment with domestic corporations."[16]

"The Preamble of the U.S.-Japan FCN provides that guaranteeing nationals of each Party "national * * * treatment unconditionally" is one of the two general principles upon which the U.S.-Japan FCN was based. Use of the word "unconditionally" in this context clearly demonstrates the strength of the drafters' general intent. Accordingly, the exceptions to the principle of national treatment stated in the U.S.-Japan FCN must be narrowly construed.

"The AFA's retroactive prohibition of the ownership interest in the Partnership acquired by WAF in compliance with existing law clearly denies national treatment to WAF, Maruha and the Partnership. The AFA's new limitation on foreign ownership of fishing vessels is thus inconsistent with the most fundamental principle of the U.S.-Japan FCN.

"The first sentence of Article VII.2 of the U.S.-Japan FCN provides a limited exception to the principle of national treatment for enterprises engaged in "the exploitation of land or other natural resources." Even in that context, however, the second sentence of Article VII.2 (referred to as the "grandfather" provision of Article VII.2) prohibits application of new restrictions and limitations to Japanese nationals or enterprises which have previously "acquired interests" in enterprises owning U.S. fishing vessels or have previously engaged in the business activities now to be restricted. Article VII.2 provides in pertinent part:

> Each Party reserves the right to limit the extent to which aliens may within its territories establish, acquire interests in, or carry on * * * enterprises engaged in * * * the exploitation of land or other natural resources. *However, new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party.*[17]

The grandfather provision of Article VII.2 thus provides that any new limitations on national treatment placed on alien participation in the sectors covered by the first sentence of Article VII.2 shall not apply to existing enterprises engaged in business within those sectors at the time such new limitations are adopted.

"A study commissioned by the State Department of its past interpretations of the FCN treaties notes that, under the grandfather provision of Article VII.2, "protection is afforded to any privilege granted * * * prior to a change in national treatment; hence at a minimum these foreign enterprises are guaranteed the maintenance of their existing operations."[18] "[R]egulations that force divestiture of interests already acquired or established prior to promulgation of such regulation * * * raise Art. VII questions."[19] Herman Walker, Jr. stated the purpose of the Article VII.2 grandfather provision clearly: "The aim is to * * * guarantee duly established investors against subsequent discrimination. The failure to find a welcome as to entry is of much less importance than would be a failure, once having entered and invested in good faith, to be protected against subsequent harsh treatment."[20] In describing the import of the phrase

[11] *See* 46 U.S. 12102(c)(1), as amended. The AFA makes two principal changes to the existing limitation on foreign ownership of fishing vessels: (1) The required percentage of U.S. Citizen ownership is increased from "a majority" to 75%; and (2) this new test is to be applied both "at each tier of ownership and in the aggregate," whereas the existing standard is applied solely at each tier of ownership, allowing foreign interests "in the aggregate" to exceed 50%, as long as majority U.S. ownership is maintained "at each tier." *See* 46 CFR 221.3(c) (a U.S. citizen is a Person who "at each tier of ownership" satisfies the percentage U.S. ownership requirement). *Compare*, 46 USC 12102(c) and 46 CFR 67.31(c), with 46 U.S.C. 12102(c)(1), as amended by Section 202(a) of the Act, and 46 CFR 356.9. In addition, Section 204 of the AFA repeals a provision of prior law which permits 100% foreign owned corporations to own vessels, such as the GREAT PACIFIC, that were documented with a fishery endorsement and operated in the U.S. fisheries prior to July 1987.

[12] AFA Section 203(e).

[13] Herman Walker, Jr., "Modern Treaties of Friendship, Commerce and Navigation," 42 Minn. L. Rev. 805, 806 (1958) (hereinafter, "Modern Treaties").

[14] Herman Walker, Jr., "The Post-War Commercial Treaty Program of the United States," 73 Pol. Sci. Q. 57, 67 (1958).

[15] *Sumitomo Shoji America* v. *Avagliano*, 457 U.S. 176, 187–88 (1982).

[16] *Id.* at 188 n. 18.

[17] Emphasis added.

[18] Ronny E. Jones, "State Department Practices Under U.S. Treaties of Friendship, Commerce, and Navigation" (1981) (hereinfafter "Jones Study") at 57. Petitioners presume that MARAD has access to the Jones Study and to the Sullivan Study referenced below. Petitioners will provide copies of these studies to MARAD on request.

[19] *Id.* at 107.

[20] Modern Treaties at 809.

"new limitations," another State Department study states,

> The net effect [of the second sentence of Article VII.2] is that, although not obligated to allow alien interests to become established in those fields of activity, *rights which have been extended in the past shall be respected and exempted from the application of new restrictions.*[21]

The second sentence of Article VII(2) is a grandfather clause intended in the interest of fairness to protect legitimately established alien enterprises against retroactive impairment."[22]

"Both State Parties placed great importance on the grandfather provision of Article VII.2 because they recognized that it would not only protect existing property rights but would entitle foreign-owned enterprises to continue to operate in the same manner as before, notwithstanding later limitations placed on the rights of foreign-owned entities to engage in such business activities. It was a "principal negotiating point" of the U.S. side to ensure that the reservations in Article VII.2 would not permit retroactive application of any new limits to companies already engaged in relevant business activities.[23]

"The U.S. negotiators therefore resisted efforts to modify the grandfather provision of Article VII.2, despite strong Japanese efforts to restrict its application. As an indication of the importance the Japanese negotiators attached to the provision, the Japanese Embassy at one point late in the negotiations indicated that the Ministry of Finance might be persuaded to withdraw "all other objections" to the draft treaty if the sentence granting grandfather rights to existing businesses were deleted.[24] Eventually, the Japanese negotiators accepted the language in Article VII.2 without any change after the U.S. agreed to the language appearing in the second sentence of Paragraph 4 of the Protocol. The U.S. State Department agreed to the Protocol language only on the understanding that it in no way undermined the prohibition against application of discriminatory laws to existing enterprises in the second sentence of Article VII.2.[25]

"As adopted, the second sentence of Article VII.2 follows the standard treaty text developed by the State Department and used as the basis for more than a dozen FCN treaties. The Sullivan Study notes the breadth of the protection this sentence affords existing companies otherwise subject to VII.2. The Sullivan Study indicates that an enterprise protected by the Article VII.2 grandfather provision is not only protected as to existing property interests or contract rights, but "is able to enjoy what may be considered normal business growth in terms of acquiring new customers and increasing the dollar volume of its business, but it cannot claim expanded privileges. * * *"[26]

"In short, the protections afforded existing investments and existing businesses by the second sentence of Article VII.2 were seen by the U.S. as a key part of the U.S.-Japan FCN and similar FCN treaties, providing substantial protections to foreign investors and businesses. The provision affords WAF and Maruha the right to continue to hold their direct and indirect investments in the Partnership and the Vessel and, more generally, to continue to transact business with the Partnership on the same basis as permitted prior to passage of the AFA. Similarly, the Article VII.2 grandfather provision guarantees the Partnership the right to own and operate the Vessel in the U.S. fisheries on equal terms with wholly domestic enterprises.

"Maruha is clearly entitled to protection as a Japanese enterprise which, at the time the AFA was adopted, was "engaged in * * * activities" within the United States which the AFA, but for Section 213(g), would prohibit, limit or restrict. WAF, Alyeska and the Partnership likewise come within the protection of the Article VII.2 grandfather provision by reason of the direct and indirect ownership interests in them held by Maruha and, in the case of Alyeska, by Marubeni. Thus, the Article VII.2 grandfather provision protects the rights of Maruha, WAF, Marubeni and Alyeska to invest in or transact business with the Partnership and protects the Partnership's right to continue to own and operate the Vessels in the U.S. fisheries.

"As noted above, the Article VII.2 grandfather provision not only protects pre-existing rights and interests acquired, directly or indirectly, by Japanese nationals prior to a discriminatory change in the law, but protects pre-existing enterprises from such changes. Accordingly, the Article VII.2 grandfather provision, together with Section 213(g) of the AFA, exempts the Petitioners from the restrictions of Sections 202, 203 and 204 of the AFA and 46 CFR Part 356, not only (a) with respect to their existing direct and indirect ownership interests in the Partnership and/or the Vessel, but also (b) with respect to existing loan, financing and other contractual arrangements related to the Vessel and (c) with respect to future dealings between or among the Petitioners related to the Vessel and deemed necessary or appropriate to protect or further the existing interests of the Petitioners in the Vessel.

"2. *The AFA's Restrictions on Foreign Financing of Fishing Vessels Violate Article VII.*

"(a) *The AFA's Restrictions on Foreign Financing of Fishing Vessels Impair Petitioners' Rights and Interests With Respect to Vessel Financing.*

"The AFA and MARAD's implementing regulations impair the existing loan, working capital financing and other contractual arrangements described above between Alyeska, WAF, Wards Cove and the Partnership by requiring that all such arrangements be reviewed and approved by MARAD prior to October 1, 2001, under the new standards imposed by the AFA and MARAD's implementing rules. Failure to obtain MARAD approval will result in disqualification of the Partnership to own and operate the Vessel in the U.S. fisheries. Application to Petitioners of the AFA's new restrictions on foreign financing and "control" of fishing vessels impairs Petitioners" rights in violation of Article VII.1.

"The AFA and MARAD's implementing rules require that the terms of all loans provided by a Non-Citizen to a fishing vessel owner must be approved by MARAD under the AFA's new "control" standards.[27] The AFA contains a new definition of impermissible Non-Citizen "control"[28] and requires transfers of "control" of fishing vessels to be "rigorously scrutinized" by MARAD under this new standard.[29] MARAD has implemented the AFA's new "control" standard by adopting a host of new restrictions and limitations on financing, contract and other business arrangements between fishing vessel owners and Non-

[21] Charles H. Sullivan, "State Department Standard Draft Treaty of Friendship, Commerce and Navigation" (undated) (hereinafter "Sullivan Study") at 149 (emphasis added).

[22] *Id.* at 148.

[23] Annex, Attachment Department of State Incoming Telegram dated March 20, 1953, p. 1.

[24] Annex, Attachment 3, Memorandum from Frank A. Waring, Counselor of U.S. Embassy for Economic Affairs (undated excerpt).

[25] Annex, Attachment 2, Department of State Incoming Telegram dated March 20, 1953, p. 1, and Attachment 4, Office Memorandum dated March 23, 1953, pp. 1–2.

[26] Sullivan Study at 150.

[27] *See* AFA Section 202(a), adding 46 U.S.C. § 12102(c)(4)(A); *see also*, 46 CFR §§ 356.15(d) and 356.21(d).

[28] AFA Section 202(a), codified at 46 U.S.C. 12102(c)(2).

[29] AFA Section 203(c)(2).

Citizens.[30] Unless MARAD reviews and approves the terms of the loan documents and contracts previously executed by the Partnership and its partners in favor of Alyeska prior to October 1, 2001 under these new standards, the Vessel will lose its fishery endorsement and the Partnership will no longer be permitted to own or operate the Vessel in the U.S. fisheries.[31] This, in turn, will destroy the value of the Vessel and destroy the ability of the Partnership to generate income to repay the loans. By imposing new conditions and restrictions on the terms of existing loan documents and contracts, including a new requirement of administrative review and approval of those documents and contracts under AFA's new "control" standards, the AFA and MARAD's implementing regulations will impair the contract rights of Petitioners under existing loan documents and contracts.

"MARAD has taken the position that loans by a Non-Citizen minority investor to the U.S. Citizen general partner of a vessel-owning limited partnership are likely to involve an impermissible degree of Non-Citizen control.[32] Presumably, MARAD would take the same position with respect to a loan provided by a parent company or other affiliate of the minority investor, such as Maruha or Alyeska, to fund a portion of the equity contribution of a U.S. Citizen general partner, such as Wards Cove or Dall Head, Inc. Thus, the MARAD is unlikely to approve Alyeska's existing loans to the Vessel Owner and its partners under MARAD's interpretation of the AFA.[33]

"Further, the AFA's restrictions on future financing transactions between Alyeska or other Non-Citizen Petitioners and the Partnership or its U.S. Citizen partners will substantially impair the rights and interests of the Non-Citizen Petitioners in violation of Article VII.1. Existing law permits a Non-Citizen to make loans to the owner of a fishing vessel, secured by a preferred mortgage on the vessel.[34] MARAD has interpreted the AFA's requirements to prohibit Non-Citizen fish processors, such as Alyeska, from holding mortgages or other security interests in fishing vessels.[35] Thus, in the case of Alyeska, the AFA's requirements will prevent Alyeska from making future secured loans to the Partnership, if that should become necessary or desirable to preserve the Partnership's ability to provide fish to Alyeska or to allow the Partnership to make repairs or improvements to the Vessel.

"The AFA's restrictions on foreign financing of fishing vessels will limit and restrict the ability of Maruha and WAF, directly or through Alyeska, to protect their existing investment in the Vessel Owner by offering future financing for major vessel repairs or improvements which may become necessary to permit the Vessel Owner to operate profitably—or at all. Since financing from a financial institution may be unavailable to the Vessel Owner, the ability of Alyeska, WAF and/or Maruha to make loans to support the Vessel's continuing operations may be the only means available to protect the Vessel Owner from insolvency. Thus, the AFA's restrictions on the ability of the Non-Citizen Petitioners to make loans to the Vessel Owner without MARAD approval or to take security in the Vessel jeopardize the existing financial and business interests of Alyeska, WAF and Maruha in the Vessel Owner and the Vessel.

"Finally, the new restrictions imposed by the AFA and MARAD's regulations on the ability of Alyeska to make loans to the Vessel Owner will disrupt Alyeska's ability to ensure a reliable supply of fish to its processing facility. Alyeska's ability to provide financing for operations and for the repair or improvement of the Vessel is a necessary means to ensure a stable supply of fish to its processing plant. A processor's agreement to provide financing to qualified U.S. vessel owners in return for the vessel owner's agreement to sell the vessel's catch exclusively to the processor is a customary means by which vessel owners finance their working capital needs and the acquisition, repair or improvement of their vessels and by which processors secure a reliable supply of fish to their plants. Such financing arrangements between vessel owners and processors, both wholly domestic and Non-Citizen processors, are common and traditional in the Alaska fishing industry. Further, the continued ability of the Vessel Owner to supply fish to Alyeska may depend on the ongoing availability of financing from Alyeska for operating funds, emergency repairs or improvements for which bank financing is not available or not available on a timely basis. Non-Citizen processors, such as Alyeska, which have invested many millions of dollars in shore-based processing plants in remote locations in Alaska, must have the ability, like their wholly domestic competitors, to secure and protect the supply of fish to their plants by financing the repair, improvement or operation of fishing vessels in return for continuing fish deliveries. Just as the Petitioners' existing ownership and loan arrangements with respect to the Vessel are protected by the Treaty, the Treaty protects the ongoing ability of the Non-Citizen Petitioners to modify and restructure existing loans and security arrangements with the Vessel Owner and Wards Cove or Dall Head and to make new loans to and enter into ancillary contractual arrangements with the Vessel Owner and its general partner to protect or further their existing business interests in the Vessel.

"(b) *The Restrictions on Foreign Financing of Fishing Vessels Imposed by the AFA and MARAD's Implementing Rules Violate Article VII.1.*

"The new restrictions on foreign financing of fishing vessels imposed by the AFA and MARAD's implementing regulations violate Article VII.1's national treatment guaranty by (1) subjecting the terms of existing and future loans provided to the Partnership by Alyeska, WAF or Maruha to a new requirement of administrative review and approval by MARAD under the new foreign "control" restrictions of the AFA and MARAD's implementing rules;[36]

[30] *See, generally*, 46 CFR 356.11, 356.13–15, 356.21–25, 356.39–45.

[31] *See* 46 CFR 356.15(d), 356.21(d).

[32] Personal communication with MARAD Office of General Counsel, January 9, 2001 (to the effect that, as a general rule, MARAD does not allow a non-citizen to provide the start up capital to the U.S. Citizen general partner of a vessel-owning limited partnership). *See also*, 46 CFR 356.11(b)(6) (provision of start up capital by Non-Citizen may imply impermissible Non-Citizen control); 356.21 (approval of standard loan documents limited to the loan documents of financial institutions); 356.23 (approval of standard loan convents limited to loans from an "unrelated Non-Citizen Lender") and 356.45(b) (approval of unsecured loans to vessel owners from Non-Citizens limited to loans from Non-Citizens "not affiliated with any party with whom the owner * * * have entered into a mortgage, long-term or exclusive sales or purchase agreement, or other similar contract").

[33] While the amount of the line of credit provided to the Vessel Owner under the Commercial Revolving Line of Credit Loan and Security Agreement is less than the annual value of the fish sold to Alyeska by the Vessel Owner, the sum of the outstanding balance on Alyeska's loan to Wards Cove and the line of credit exceeds that amount. Thus, these loans, in combination, would not be permitted under 46 CFR 356.45(a).

[34] *Compare* 46 U.S.C. 31322(a), as now in effect, *with* 46 U.S.C. 31322(a), as amended by AFA Section 202(b).

[35] 65 Fed. Reg. at 44871 c.2 (July 19, 2000) ("[A]dvancements of funds from Non-Citizen processors will not be permitted where the security for the loan is a security interest in the vessel")

[36] The requirement of MARAD review and approval clearly impairs the Petitioners' existing financing arrangements. Since MARAD has made clear that it generally will not approve loans by a Non-Citizen minority investor to fund equity contributions by a U.S. Citizen generally partner, Alyeska's loans to Wards Cove here will almost certainly result in revocation of the Vessel's fishery

Continued

and (2) prohibiting Alyeska, WAF or Maruha from making loans to the Vessel Owner or taking preferred mortgages or other security interests in the Vessel as security for existing or future loans.

"Article VII.1 extends full national treatment protection "with respect to engaging in all types of commercial, industrial, financial and other business activities." The negotiating history of the U.S.-Japan FCN leaves no doubt that loans and lending by foreign-owned lenders are entitled to full national treatment under the first sentence of Article VII.1.

"At the fourth informal meeting of the U.S. and Japanese negotiators, the Japanese negotiators argued that foreign-owned banks should be denied national treatment, as well as most-favored-nation protection. One reason given was that their loans could result in the foreign-owned bank lender controlling key industries.[37] For this and other reasons, Japan suggested rewriting Article VII.1, and among other changes deleting "financial" from the activities provided national treatment in the first sentence of the provision.

"A cable from U.S. State Department headquarters in Washington noted that the Japanese proposal, and in particular its interest in denying national treatment to bank loans, reflected an attitude that creates a "difficulty going to heart of treaty."[38] The State Department opposed any change that would delete the word *financial* from the first sentence of Article VII.1. Subsequently, the Japanese side suggested instead adding the word "lending" to the exception provided in the first sentence of Article VII.2, so the phrase would have read "banking involving depository, lending or fiduciary functions." In response, the State Department reiterated its opposition to any change that would deny foreign lenders the right to full national treatment under Article VII.1.

"A Department cable explained why the exception to national treatment provided by the first sentence of the U.S. draft of Article VII.2 was limited to only the depository and fiduciary functions of banks.[39] The cable states: "Mr. Otabe is incorrect in supposing that the U.S. reservation for banking is based on the reason he alleges. The reservation has to do with receiving and keeping custody of deposits from the public at large: that is, the safekeeping of other people's money, a function of particular trust. It does not have to do with the lending activities of a bank; and the Department does not feel that a reservation is either appropriate or necessary as to a bank's lending its own money."[40] During the second round of informal meetings, the U.S. negotiators continued to oppose adding loans to the banking functions excluded from full national treatment by the first sentence of Article VII.2, and the Japanese government eventually agreed to withdraw its proposed change.[41]

"The exception to national treatment for certain banking functions in the first sentence of Article VII.2 is the same as in the standard FCN treaty text. The Sullivan Study notes that "this reservation is stated in terms intended to circumscribe it as much as possible, thereby maximizing the extent to which the banking business remains subject to the rule [of national treatment] set forth in Article VII(1)."[42] The Sullivan Study notes that the two areas reserved, depositary and fiduciary functions, involve the custody and management of other people's money, and therefore are the most sensitive areas of banking.

"It is clear, therefore, that the reference in the first sentence of Article VII.2 to "banking involving depository or fiduciary functions" does not include the lending activities of Alyeska, its shareholders or affiliates. Both the U.S. and Japanese negotiators were in full agreement as to the meaning of this phrase. Thus, the financing activities of banks and other lenders are entitled to the full national treatment under Article VII.1.[43]

"The provisions of the AFA and MARAD's implementing rules which restrict the right of Japanese-owned entities to make loans secured by mortgages on U.S. vessels or to make such loans without prior MARAD approval of the loan terms are inconsistent with the guaranty of national treatment in Article VII.1. The rationale that such loan activities may be restricted on the grounds that they could result in a degree of control over sensitive industries was specifically considered by the U.S. negotiators and rejected as a valid reason for limiting the Treaty's protections for such lending activities. The control argument presented by Japan at that time is the same argument used to justify the restrictions of the AFA. Although the negotiating history deals largely with banking, the language of Article VII.1 extends the protections of national treatment broadly to "all types of * * * financial * * * activities." Under Article VII.1, neither State Party may restrict loans by foreign-owned entities, whether secured by vessels of their national flag or otherwise.

"The AFA and MARAD's implementing rules impose new restrictions on the ability of Alyeska, Maruha and WAF, going forward, to protect their existing financial interests in the Partnership and the Vessel by, *e.g.*, re-financing existing loans, advancing new loans for repair or improvement of the Vessel or entering into other financing or contractual arrangements with the Vessel Owner. These restrictions are inconsistent with Article VII.1 of the Treaty. Article VII.1 extends the Treaty's protection both to loans, mortgages and other financing arrangements that are now outstanding under the terms of existing financing documents and to future financing activities by Alyeska, Maruha or WAF involving the Vessel or the Vessel Owner.

Application of the AFA's new "control" standards to restrict the ability of Alyeska, its shareholders or affiliates to do business with the fishing vessel owners that supply fish to Alyeska's processing plant, as they have done in the past and on the same terms as Alyeska's U.S. Citizen competitors, would deny national treatment to Alyeska and its Japanese investors. The State Department has recognized that the exception to the requirement of national treatment that may apply with respect to the ownership of fishing vessels under the first sentence of Article VII.2 does not apply to fish processors.[44] Article VII.1 applies, and

endorsement unless those loans are exempted from the AFA's requirements. *See* AFA Section 203(e).

[37] Annex, Attachment 5, Memorandum of Conversation held March 4, 1952, pp. 2–3.

[38] Annex, Attachment 6, Dept. of State Outgrown Telegram dated March 10, 1952, p. 1. *See also* Annex, Attachment 5 at p. 3, noting that the "* * *" first paragraph of Article VII can be considered the heart of the treaty; it is the basic 'establishment' provision, prescribing the fundamental principle governing the doing of business and the making of investments, in a treaty which is, above all, a treaty of establishment."

[39] Annex, Attachment 7, Dept. of State Outgoing Telegram dated May 21, 1952, p. 3.

[40] *Id.*

[41] Annex, Attachment 8, Memorandum of Conversation concerning discussions on the draft FCN held between October 15, 1952 and March 11, 1953, p. 15.

[42] Sullivan Study at 144.

[43] To the extent that it could be argued that the first sentence of Article VII.2 might permit restrictions on foreign financing of fishing vessels, the grandfather provision of Article VII.2 would clearly protect Alyeska, as the holder of existing debt obligations of the Partnership or its partners. Since Maruha, Marubeni and Western Alaska Fisheries clearly "acquired interests" in Alyeska and the Partnership prior to enhancement of the AFA, those enterprises would be protected from discrimination in the ongoing conduct of their businesses.

[44] Annex, Attachment 9, Letter to the Chairman of the House of Representative Committee on Merchant Marine and Fisheries from Robert Lee, August 17, 1964, as published in the Jones Study, p. 80.

it extends the protection of full and unconditional national treatment to fish processors with Japanese ownership, such as Alyeska. The discriminatory restrictions imposed under the AFA on the ability of Alyeska, to enter into future financing and other contractual arrangements with the Vessel Owners clearly violate Article VII.1.

"For these reasons, Petitioners seek a determination by MARAD that Sections 202 and 203 of the AFA and MARAD's implementing regulations do not apply to Petitioners with respect to (a) existing loans, loan documents and security agreements previously executed by the Vessel Owner in favor of Alyeska, including the vessel acquisition loans, the revolving line of credit and the Fishing Commitment Agreement; or (b) future financing, marketing or other contractual arrangements between the Non-Citizen Petitioners and the Vessel Owner with respect to the Vessel, including loans for repair, improvement or replacement of the Vessel, working capital financing and exclusive marketing agreements.

3. *Application of the AFA and MARAD's Implementing Rules to Petitioners Would Result in a "Taking" in Violation of Article VI.3.*

"The first sentence of Article VI.3 of the Treaty states that "[p]roperty of nationals and companies of either Party shall not be taken within the territories of the other Party except for a public purpose, nor shall it be taken without the prompt payment of just compensation." This "takings" provision precludes expropriations and other measures that substantially impair a Japanese national's direct and indirect property rights. Applying the AFA's new restrictions to prohibit WAF from holding its pre-existing ownership interest in the Vessel Owner or to subject Alyeska's contractual rights under the terms of existing loans to the Vessel Owner and its partners to a new condition of MARAD review and approval—particularly, since MARAD has made clear that it will not approve such loans—would deprive WAF and Alyeska of their property in violation of Article VI.3. Similarly, applying the AFA's new restrictions to prohibit the Vessel Owner from owning and operating the Vessel in the U.S. fisheries would deprive the Vessel Owner and its Japanese investors of their property interests in the Vessel and its fishery endorsement in violation of Article VI.3.

"The term "property" in Article VI.3 includes not simply direct ownership but also a wide variety of property interests, such as those which the Non-Citizen Petitioners have in the Vessel Owners and in the Vessels. The Protocol to the U.S.-Japan FCN explicitly states that "[t]he provisions of Article VI, paragraph 3 * * * shall extend to interests held directly *or indirectly* by nationals and companies of either Party in property which is taken within the territories of the other Party."[45] As the United States delegates made clear during the negotiation of the Treaty, the phrase "interests held directly or indirectly"

is intended to extend to every type of right or interest in property which is capable of being enjoyed as such, and upon which it is practicable to place a monetary value. These direct and indirect interests in property include not only rights of ownership, but [also] * * * lease hold interest[s], easements, contracts, franchises, and other tangible and intangible property rights.[46]

In short, "all property interests are contemplated by the provision."[47] This necessarily includes the direct and indirect ownership interests which Maruha and WAF have in the Vessel Owner and in the Vessel, as well as the rights of Alyeska, an affiliate of Maruha and WAF, under promissory notes, a loan agreement and a marketing agreement executed by the Vessel Owner.

"The concept of a taking in this context is broad and "is considered as covering, in addition to physical seizure, a wide variety of whole or partial sequestrations and other impairments of interests in or uses of property."[48] Here, the AFA's new restrictions on foreign investment and foreign financing will deprive the Vessel Owner of its fishery endorsement and prohibit the Vessel Owner from using its Vessel in the U.S. fisheries. In effect, the AFA will either deprive the Petitioners of the economic value of their interests in the Vessel by prohibiting its only productive use or force divestiture of those interests. The impairment of the Vessel Owner's property interest in its fishery endorsement and the Vessel Owner's presently existing right to use its Vessel in the U.S. fisheries; the impairment of WAF's existing ownership interest in the Vessel Owner; and the impairment of Alyeska's right to hold the debt obligations of the partners of the Vessel Owner, free from discriminatory conditions subsequently attached by law, are each a sufficient impairment of Petitioner's rights and interests as to constitute a violation of Article VI.3.

"Further, a taking is permitted under the Treaty only for a "public purpose," and it is clear that application of the AFA's ownership restrictions to the Vessel Owner so as to force a divestiture by WAF or the Vessel Owner to a private party which qualifies as a U.S. Citizen under the AFA would not satisfy the "public purpose" requirement of the U.S.-Japan FCN. Even if such a forced sale to a private party could be characterized as having a "public purpose," the AFA makes no provision for the "prompt payment of just compensation," as required by Article VI.3. The fact that the AFA and 46 CFR Part 356 fail to provide any compensation scheme—let alone "adequate provision * * * at or prior to the time of taking for the determination and payment thereof"—is another basis for concluding that the AFA's retroactive limitations on foreign ownership and foreign financing of fishing vessels are inconsistent with Article VI.3 of the U.S.-Japan FCN.

"4. *The AFA and MARAD's Implementing Rules Impair Petitioners' Legally Acquired Rights and Interests in Violation of Article V.*

"The new restrictions imposed by the AFA and MARAD's implementing rules on foreign involvement in the U.S. fishing industry are "unreasonable or discriminatory measures" that impair the legally acquired rights and interests of Petitioners in violation of Article V of the Treaty.

"Article V provides that "[n]either Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established * * * " The provision follows the standard FCN treaty language, except that the language was moved from Article VI.3 in the standard text to a new Article V and certain additional language, not relevant here, was added. According to the Sullivan Study, the provision "offers a basis in rather general terms for asserting protection against excessive governmental interference in business activities or particular activities not specifically covered by the treaty."[49] Herman Walker observed that this language is designed "to account for the possibility of injurious governmental harassments short of expropriation or

[45] Protocol, ¶ 2 (emphasis added).

[46] Annex, Attachment 10, Memorandum of Conversation dated April 15, 1952 at p. 3.

[47] *Id.*

[48] Sullivan Study at 116 (emphasis added).

[49] Sullivan Study at 115.

sequestration."[50] A State Department memorandum to Congress, discussing language very similar to Article V in another treaty, noted that the language "affords one more ground, in addition to all the other grounds set forth in the treaty, for contesting foreign actions which appear to be injurious to American interests."[51] The negotiating history confirms that Article V was intended as a general provision prohibiting discrimination against foreign-owned entities not subject to other provisions of the U.S.-Japan FCN. During the negotiations, Japan proposed adding language prohibiting the denial "of opportunities and facilities for the investment of capital." The proposal was not adopted after the U.S. opposed it on the grounds that Article VII fully addressed investment activities and that the additional language was not appropriate in Article V, which addresses issues not limited to investment.[52]

"Thus, Article V was intended as a general prohibition of discriminatory restrictions not covered by other provisions of the U.S.-Japan FCN and of restrictions that do not rise to the level of a "taking." Article V prohibits deprivations of both most-favored nation treatment and national treatment.[53] Thus, it would apply to the discriminatory prohibitions and restrictions which the AFA and MARAD's implementing regulations impose on the Non-Citizen Petitioners' existing ownership interests and other contract rights and on the Non-Citizen Petitioners' ongoing ability to protect those rights and interests by entering into future financing and other transactions with the Vessel Owner.

"The intrusive and discriminatory restrictions imposed by the AFA and MARAD's implementing rules on transactions between Non-Citizens processors, such as Alyeska, and U.S. fishing vessel owners place Non-Citizen processors at a significant competitive disadvantage. U.S. Citizen processors and other lenders are free to make loans and to enter into contracts with fishing vessel owners without restriction. U.S. Citizen processors remain free to secure a reliable supply of fish by making loans, unrestricted in amount, for fishing vessel acquisitions, conversions and improvements in return for exclusive marketing relationships while Non-Citizen processors are prohibited from making similar arrangements. MARAD has stated that Non-Citizen processors will be flatly prohibited from taking security in fishing vessels to secure loans to vessel owners.

"Under 46 CFR 356.45(a), a Non-Citizen lender is not even permitted to make an unsecured loan to a fishing vessel owner, if the amount of the loan exceeds the annual value of the vessel's catch. Under § 356.45(b), a Non-Citizen lender is not permitted to make an unsecured loan, if the lender is "affiliated with any party with whom the owner * * * has entered into a mortgage, long-term or exclusive sales or purchase agreement, or other similar contract. * * * ." On their face, these provisions severely restrict permissible future loans by Alyeska, WAF or Maruha to the Vessel Owner. Thus, loans by Alyeska, WAF or Maruha to the Vessel Owner, which may be necessary to protect their existing interests, are severely restricted under MARAD's interpretation of the AFA.

"Further, the requirement of MARAD review and approval is itself an unreasonable and discriminatory burden, particularly in the absence of coherent published standards.[54] The AFA and MARAD's rules thus impose "unreasonable or discriminatory measures" on Non-Citizen fish processors and other lenders with Japanese ownership, such as Alyeska, WAF and Maruha, impairing their legally acquired rights and interests and their ongoing ability to protect those interests in violation of Article V of the U.S.-Japan FCN.

"5. *Article XIX.6 Does Not Authorize the Provisions of the AFA and MARAD's Implementing Rules which are Otherwise in Violation of the U.S.-Japan FCN.*

"Article XIX.6 provides that notwithstanding any other provision of the Treaty, "each Party may reserve exclusive rights and privileges to its own vessels with respect to the * * * national fisheries. * * *" This provision does not authorize the discriminatory limitations on Japanese investment, financing and related contractual arrangements contained in the AFA and MARAD's implementing rules.

"Even if Article XIX.6 is interpreted as applying to fishing vessels,[55] it would be irrelevant to the issues presented here with respect to the AFA. Consistent with the Treaty text authorizing a Party to reserve exclusive rights to "its own vessels," the State Department has interpreted Article XIX.6 merely to permit the U.S. to reserve the right to catch or land fish in the U.S. national fisheries to "U.S. flag vessels."[56] The text of Article XIX.6 says nothing about and certainly does not authorize restrictions on foreign ownership or financing of U.S. flag fishing vessels or the ability of foreign-owned enterprises to do business with the owners of U.S. flag fishing vessels—restrictions that otherwise clearly violate Article VII of the Treaty.

"The historical record of the negotiations provides further evidence that Article XIX.6 was not intended to override Article VII's national treatment requirements with respect to foreign investment in or financing of U.S. flag fishing vessels or other dealings between foreign-owned enterprises and fishing vessel owners. At one point, the Japanese negotiators proposed rewriting Article XIX.6 to provide that the national treatment provisions of the Treaty would not extend to "nationals, companies and vessels of the other Party any special privileges reserved to national fisheries."[57] The State Department understood the Japanese suggestion as an attempt to obtain a blanket exception from the entire Treaty for national fisheries.[58] The U.S rejected the Japanese proposal and the language of Article XIX.6 remained unchanged.

[50] Herman Walker, Jr., "Treaties for the Encouragement and Protection of Foreign Investment: Present United States Practice," 5 Am. J. Comp. Law 229 at 236 (1956).

[51] Annex, Attachment 11, Department of State Instruction dated February 15, 1954, p. 2, (discussing the applicability of Article V of the U.S.-Japan FCN to American lawyers doing business in Japan, and citing May, 1952 memorandum to U.S. Committee on Foreign Relations).

[52] *Id. See also* Annex, Attachment 12, Department of State Division of Communications & Records Outgoing Airgram dated October 28, 1952, pp. 2–3. The latter indicates that, among other reasons, the State Department opposed the proposed Japanese language because it was concerned that the language "could be construed (but tortuously) as allowing each party latitude with respect to discharging its full obligations under Articles VII and VIII to accord national treatment to the introduction of investment capital and the initiation and development of investment enterprises.

[53] Sullivan Study at 115.

[54] By requiring review and approval of all financing transactions with Non-Citizens, MARAD in effect prohibits all transactions it has not expressly permitted. The "safe harbors" specified in the regulations are narrow indeed. For most transactions, then, Non-Citizens and vessel owners will be subjected to ad hoc decision making by MARAD on the basis of vague and indeterminate standards.

[55] Article XIX.7 defines "vessel" to exclude "fishing vessels" for purposes of Article XIX.6.

[56] Annex, Attachment 9, Letter to the Chairman of the House of Representatives Committee on Merchant Marine and Fisheries from Robert Lee, August 17, 1964. *See* fn. 44.

[57] Annex, Attachment 13, Memorandum of Conversation held April 3, 1952, at 5.

[58] *See* Annex, Attachment 14, U.S. Dept. of State, Outgoing Airgram to U.S. Embassy in Tokyo (June 12, 1952) at 1–2 (noting that a clearer way to effect the Japanese intent would be by adopting a single comprehensive exception stating that "[t]he provisions of the present Treaty shall not apply with respect to the national fisheries of either Party, or to the products of such fisheries").

The issue of Japanese investment in and other dealings with enterprises owning or operating U.S. flag fishing vessels was left to Article VII.

"Subsequent practice of the State Department confirms this reading of Article XIX.6. In 1964, the State Department reaffirmed the narrow scope of Article XIX.6 in a letter to the House Committee on Merchant Marine and Fisheries. The letter makes clear that the provision merely permits the United States to reserve the right to catch or land fish to U.S. flag vessels.[59]

"This reading of Article XIX.6 in the U.S.-Japan FCN also comports with the State Department's reading of this same language in other FCN treaties to which the U.S. is a party. The Sullivan Study explicitly states that "[t]he crucial element in Article XIX is that it relates to the treatment of vessels and to the treatment of their cargoes. It is not concerned with the treatment of the enterprises which own the vessels and the cargoes."[60] Thus, the text, negotiating history and subsequent State Department practice and understanding all explicitly confirm that Article XIX.6 is irrelevant to laws restricting foreign ownership and control of fishing vessel owners and thus does not override the other provisions of the U.S.-Japan FCN dealing with foreign investment and business activity. Article XIX.6 does not exempt the AFA's foreign ownership, financing and control restrictions from Articles V, VI.3 or VII, each of which bars application of those restrictions to Petitioners with respect to the Vessel Owner and the Vessel.

"6. *A Broad Interpretation of the Treaty's Protections is in the U.S. Interest.*

"The terms of the U.S.-Japan FCN and the other FCN treaties which share the same language are reciprocal—that is, the principle of "national treatment" applies not only to protect the investments of foreign nationals in the United States but also to protect the investments of U.S. nationals in Japan and other countries. Thus, any interpretation of the U.S.-Japan FCN adopted by MARAD in the present context will also define the rights of U.S. nationals doing business in Japan and other countries, now and in the future. A narrow interpretation of the U.S.-Japan FCN's protections for Japanese enterprises and their investments in the present context will effectively limit the rights of U.S. investors and U.S. businesses in Japan and other countries with which the United States has concluded similar FCN treaties.

"For this reason, the State Department has interpreted the national treatment requirement of the FCN treaties broadly in the past.[61] The U.S. interest in protecting U.S. nationals doing business abroad, as well as the State Department's historical practice in interpreting the FCN treaties, requires an interpretation of the U.S.-Japan FCN which will protect the interests of foreign enterprises and the U.S. companies in which they have invested from the retroactive and discriminatory prohibitions and restrictions of the AFA and 46 C.F.R. Part 356.

"7. *The Government of Japan has Determined that Section 202 of the AFA is Inconsistent with the U.S.-Japan FCN.*

"The United States has agreed in Article XXIV of the Treaty to give "sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the [Government of Japan] may make with respect to any matter affecting the operation of the present Treaty." The Government of Japan has strongly objected to the application of the AFA's new limitations and restrictions on foreign ownership, foreign financing and foreign control of U.S. fishing vessels to Japanese nationals and companies that have invested in the U.S. fisheries prior to the effective date of the Act on the ground that such application would violate the U.S.-Japan FCN. In a letter to the Office of Legal Adviser, U.S. Department of State, dated August 30, 1999, the Minister for Economic Affairs of the Embassy of Japan stated that the AFA's "new U.S. citizen ownership and control requirements" "if applied without exception, would impair the legally acquired rights or interests of Japanese nationals and corporations in the United States of America."[62] The Minister for Economic Affairs noted Section 213(g) of the AFA and stated the position of the Government of Japan as follows:

> As an existing international agreement relating to foreign investment, we would like to refer to the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America, hereinafter referred to as "the Treaty." Paragraph two of Article VII of the Treaty states that "* * * new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party." The Government of Japan is of the view that since the new requirements under the provisions of Subsection 202(c)[63] of the AFA would be recognized as new limitations imposed by the United States, such new requirements would be inconsistent with paragraph two of Article VII of the Treaty if applied to entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations at the time the AFA comes into force.
>
> Moreover, paragraph one of Article V of the Treaty states that "Neither Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established, in their capital, in the skills, arts or technology which they have supplied;—." This provision indicates that any U.S. government measure that impairs the legally acquired rights or interests of Japanese nationals and companies should not be permitted under this Treaty. Therefore, the Japanese nationals and companies that have already invested in fisheries in the United States should be exempted from the application of the new requirements under Subparagraph 202(c) of the AFA.
>
> Accordingly, the Government of Japan is of the view that the entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations should be exempted from the new requirements set forth in the Section 202(c) * * *[64]

In a subsequent letter to the Department of State, dated January 24, 2000, the Embassy of Japan expressed the "concern" of the Government of Japan about regulations proposed by MARAD to implement the AFA.[65] In its January 24, 2000 letter, the Embassy of Japan reiterated the view of the Government of Japan that Section 202 of the AFA is "inconsistent with paragraph two of Article VII and paragraph one of Article V of the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America" and therefore "in accordance with the provision of Section 213(g) of the Act" "will not apply to entities that are engaged in fishery activities and owned or controlled by Japanese nationals or corporations." With respect to

[59] Annex, Attachment 9, Letter to the Chairman of the House of Representatives Committee on Merchant Marine and Fisheries from Robert Lee, August 17, 1964. *See* fn. 44. *See also*. Jones Study at 80–81.

[60] Sullivan Study a 284 (emphasis added).

[61] *See, generally*, Jones Study.

[62] Annex, Attachment 15, August 30, 1999 letter from the Minister for Economic Affairs, Embassy of Japan, to Jo Brooks, Attorney-Adviser, Office of Legal Adviser, U.S. Dep't. of State) at 1.

[63] There is no Subsection 202(c) of the AFA. The reference intended is clearly subsection 202(a), amending 46 U.S.C. § 12102(c).

[64] Annex, Attachment 15, August 30, 1999 letter from the Minister for Economic Affairs, Embassy of Japan, to Jo Brooks, Attorney-Adviser, Office of Legal Adviser, U.S. Dep't. of State) at 1–2.

[65] Annex, Attachment 16 (January 24, 2000 Letter from the Embassy of Japan to the U.S. Dep't. of State at 1.

MARAD's proposed regulations, the Embassy of Japan noted that the regulations "would require the procedure of an annual petition from Japanese companies that are engaged in fishery activities even before October 1, 2001, in order for the continuation of their activities. To impose such a new burden would be inconsistent with the aforementioned obligations of the United States as stipulated by the Treaty."[65] The Embassy of Japan noted further:

> The proposed regulations would require a private company to provide interpretations of the Treaty and the AFA as an attached document to the petition for exemption from the AFA, as prescribed in Section 356.53(b)(3). It is rather the obligation of the Government of the United States as party to the Treaty to do so.[67]

The Government of Japan requested "that the Government of the United States fully ensure * * * that all Japanese companies at present engaged in fishery activities be exempted from the new requirements prescribed in Section 202 of the AFA."[68]

"Thus, the Government of Japan has strongly expressed the view that the AFA's new restrictions on foreign investment, foreign financing and foreign control of U.S. fishing vessels are inconsistent with the U.S.-Japan FCN as applied to companies with existing Japanese investment. In light of the obligation of the United States under Article XXIV of the Treaty to give "sympathetic consideration" to the representations of the Government of Japan concerning the conflict between Section 202 of the AFA and the Treaty and the interest of the United States in the protection of its own enterprises and investors abroad, MARAD should acknowledge the conflict between the AFA and the U.S.-Japan FCN and issue an order holding that Petitioners are exempt from the requirements of Section 202 of the AFA (and the implementing provisions of Section 203 and 46 CFR Part 356) with respect to the Vessels.

"B. AFA Section 213(g) Exempts Japanese Enterprises and U.S. Enterprises With Japanese Investment From the AFA's New Limitations and Restrictions on Foreign Ownership, Foreign Financing and Foreign "Control" of U.S. Fishing Vessels.

"Sections 202, 203 and 204 of the AFA and the implementing regulations published by MARAD on July 19, 2000, codified at 46 CFR Part 356, impose a host of new limitations and restrictions on foreign ownership of fishing vessels, foreign financing of fishing vessels and contractual arrangements between foreign enterprises or U.S. companies with substantial foreign ownership and U.S. fishing vessel owners. As demonstrated above, if applied to Petitioners, these new limitations and restrictions would deprive Petitioners of valuable existing ownership and contract rights and interests in violation of the U.S.-Japan FCN. Application of the new restrictions to bar Petitioners Alyeska, WAF or Maruha from entering into future transactions with the Vessel Owner, particularly financing and ancillary contractual arrangements, such as exclusive marketing agreements, would also violate the U.S.-Japan FCN by substantially impairing the ability of these Non-Citizen Petitioners to protect their existing rights and interests and to carry on their established businesses in the United States in conformity with past practice and on an equal footing with U.S. Citizens.

"To avoid these results, Congress included a provision in the AFA to ensure that the Act would not contravene U.S. treaty obligations. Section 213(g) provides in pertinent part:

> In the event that any provision of section 12102(c) or section 31322(a) of title 46, United States Code, as amended by this Act, is determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party with respect to the owner or mortgagee on October 1, 2001 of a vessel with a fishery endorsement, such provision shall not apply to that owner or mortgagee with respect to such vessel to the extent of any such inconsistency. * * *

Section 213(g) makes clear that its reach is intended to extend to every "owner" or "mortgagee" holding an ownership or mortgage interest on October 1, 2001, when Sections 202, 203 and 204 of the AFA become effective. Section 213(g) provides explicitly that the exemption does not apply to "subsequent owners and mortgagees" who acquire their interests *after* October 1, 2001 or "to the owner [of the vessel] on October 1, 2001 if any ownership interest in that owner is transferred to or otherwise acquired by a foreign individual or entity *after such date*." (Emphasis added).

Petitioners WAF, Maruha, Wards Cove and the Vessel Owner are "owners" who acquired their interests in the Vessel prior to October 1, 2001, and who intend to continue to hold those interests on and after October 1, 2001.[69] Petitioners WAF, Maruha, Wards Cove and the Vessel Owner have an interest in ensuring that their investments in the Vessel are protected. Such Petitioners also have an interest in ensuring that their interests as "owners" of the Vessel are not adversely affected by the Alyeska loans. Further, Maruha's common ownership interests in both Alyeska and WAF allow Maruha and WAF to assert the interests of Alyeska in the context of this Petition. In short, Maruha's common ownership interests in Alyeska and WAF are sufficient to bring Alyeska within the protection afforded by Section 213(g) to WAF and Maruha as "owners" of the Vessel. Alyeska's loans and the ownership interest acquired by WAF in the Partnership are clearly elements of a financing plan implemented by Maruha and Wards Cove to support acquisition and operation of the Vessel. As such, the Section 213(g) exemption applicable to the "owners" of the Vessel extends to Alyeska and Alyeska's loans. In any event, the interests of the "owners" in protecting their interests in the Vessel and its fishery endorsement permits them to assert the Treaty's protection for the Alyeska loans.

"The U.S.-Japan FCN is a self-executing treaty which is binding on MARAD as a matter of federal domestic law.[70] Under ordinary principles of statutory construction, the AFA and the Treaty should be construed to avoid conflict and to give effect to each. The federal courts have recognized that federal statutes should be construed in a manner to avoid conflict with international treaties. Thus, federal statutes "ought never to be construed to violate the law of nations if any other possible construction remains."[71] Only where Congress has expressed the clear intent to depart from the obligations of a treaty will the provisions of later federal legislation be found to conflict with U.S. treaty obligations.[72] Here, it is apparent from the express terms of Section 213(g) that Congress affirmatively intended to avoid conflict with international treaties such as the U.S.-Japan FCN. The inconsistency between Sections 202, 203 and 204 of the AFA and the requirements of the U.S.-Japan FCN is demonstrated above. Accordingly, under Section 213(g) of the Act, Congress has directed that the provisions of Sections 202 and 203 "shall not apply" to Petitioners "to the extent of * * * such inconsistency."

"The exemption provided by Section 213(g) is not limited to property rights, contract rights, debt interests or investment interests in existence on October 1, 2001, but rather applies to exempt an "owner" from the requirements of the AFA "to the extent of the inconsistency" between the Act and the Treaty. Petitioners qualify as "owners." Petitioners are, therefore, exempt from the requirements of the AFA "to the extent of the inconsistency" between the AFA and the Treaty. As demonstrated above, the "inconsistency" between the AFA and the Treaty is three-fold: (1) The Treaty protects Petitioners' existing ownership interests in the Vessel, which the AFA would impair, prohibit or restrict; (2) the Treaty protects Petitioners' existing financing arrangements related to the Vessel, including the Alyeska loans to WAF and Wards Cove and Alyeska's Commercial Revolving Credit Line Loan and Security Agreement with the Vessel Owner and ancillary contract rights under the Fishing Commitment Agreement between Alyeska and the Vessel Owner, which the AFA would impair, prohibit or restrict; and (3) the Treaty protects future transactions between or among the Petitioners with respect to the Vessel, which the AFA would prohibit or restrict, including future loans, preferred mortgages and other financing and ancillary contractual arrangements, such as exclusive marketing agreements, which Petitioners may deem necessary or appropriate to protect their existing businesses and their existing financial interests in the Vessel and the Vessel Owner. Thus, Section 213(g) exempts Petitioners entirely from the restrictions and limitations of Sections 202, 203 and 204 of the AFA and MARAD's implementing rules with respect to the Vessel.

"The inconsistency between the provisions of the AFA and MARAD's implementing regulations and the requirements of the U.S.-Japan FCN is demonstrated above. Accordingly, under Section 213(g) of the Act, the provisions of Section 202, 203 and 204 "shall not apply" to Petitioners with respect to the Vessel."

This concludes the analysis submitted by Petitioner for consideration.

Dated: February 16, 2001.

By Order of the Maritime Administrator.

Joel Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4469 Filed 2–23–01; 8:45 am]

BILLING CODE 4910–81–P

[65] *Id.*

[67] *Id.* at 2.

[68] Id.

[69] *See* 65 Fed. Reg. at 44874c.1 ("[T]he commenters stated that the rule should make clear that anyone that has an ownership interest may utilize the petition process, e.g., a minority shareholder with a direct or indirect interest. We agree that a minority shareholder should be allowed to petition for an exemption").

[70] *See, e.g., Zenith Radio Corp.* v. *Matsushita Electric Industrial Co., Ltd.*, 494 F. Supp 1263, 1266 (E.D.Pa. 1980).

[71] *McCulloch* v. *Sociedad Nacional de Marineros de Honduras*, 370 U.S. 10, 21 (1963).

[72] *Id. See also, Sumitomo Shoji America, Inc.* v. *Avagliano*, et al., 457 U.S. 176 (1982).

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2001–8930]

MORNING STAR—Applicability of Preferred Mortgage, Ownership and Control Requirements To Obtain a Fishery Endorsement

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a petition requesting MARAD to issue a determination that the ownership and control requirements and the preferred mortgage requirements of the American Fisheries Act of 1998 and 46 CFR Part 356 are in conflict with an international investment agreement.

SUMMARY: The Maritime Administration (MARAD, we, our, or us) is soliciting public comments on a petition from the owners and mortgagees of the vessel MORNING STAR—Official No. 610393 (hereinafter the "Vessel"). The petition requests that MARAD issue a decision that the American Fisheries Act of 1998 ("AFA"), Division C, Title II, Subtitle I, Public Law 105–277, and our regulations at 46 CFR Part 356 (65 FR 44860 (July 19, 2000)) are in conflict with the U.S.-Japan Treaty and Protocol Regarding Friendship, Commerce and Navigation, 206 UNTS 143, TIAS 2863, 4 UST 2063 (1953) ("U.S.-Japan FCN" or "Treaty"). The petition is submitted pursuant to 46 CFR 356.53 and section 213(g) of AFA, which provide that the requirements of the AFA and the implementing regulations will not apply to the owners or mortgagees of a U.S.-flag vessel documented with a fishery endorsement to the extent that the provisions of the AFA conflict with an existing international agreement relating to foreign investment to which the United States is a party. This notice sets forth the provisions of the international agreement that the Petitioner alleges are in conflict with the AFA and 46 CFR Part 356 and the arguments submitted by the Petitioner in support of its request. If MARAD determines that the AFA and MARAD's implementing regulations conflict with the U.S.-Japan FCN, the requirements of 46 CFR Part 356 and the AFA will not apply to the extent of the inconsistency. Accordingly, interested parties are invited to submit their views on this petition and whether there is a conflict between the U.S.-Japan FCN and the requirements of both the AFA and 46 CFR Part 356. In addition to receiving the views of interested parties, MARAD will consult with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than March 26, 2001.

ADDRESSES: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, D.C. 20590–0001. You may also send comments electronically via the Internet at http://dms.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays. An electronic version of this document and all documents entered into this docket are available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: John T. Marquez, Jr. of the Office of Chief Counsel at (202) 366–5320. You may send mail to John T. Marquez, Jr., Maritime Administration, Office of Chief Counsel, Room 7228, MAR–222, 400 Seventh St., SW., Washington, D.C. 20590–0001 or you may send e-mail to John.Marquez@marad.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The AFA was enacted in 1998 to give U.S. interests a priority in the harvest of U.S.-fishery resources by increasing the requirements for U.S. Citizen ownership, control and financing of U.S.-flag vessels documented with a fishery endorsement. MARAD was charged with promulgating implementing regulations for fishing vessels of 100 feet or greater in registered length while the Coast Guard retains responsibility for vessels under 100 feet.

Section 202 of the AFA, raises, with some exceptions, the U.S.-Citizen ownership and control standards for U.S.-flag vessels that are documented with a fishery endorsement and operating in U.S.-waters. The ownership and control standard was increased from the controlling interest standard

(greater than 50%) of section 2(b) of Shipping Act, 1916 ("1916 Act"), as amended, 46 App. U.S.C. 802(b), to the standard contained in section 2(c) of the 1916 Act, 46 App. U.S.C. 802(c), which requires that 75 percent of the ownership and control in a vessel owning entity be vested in U.S. Citizens. In addition, section 204 of the AFA repeals the ownership grandfather "savings provision" in the Anti-Reflagging Act of 1987, Public Law 100–239, section 7(b), 101 Stat 1778 (1988), which permits foreign control of companies owning certain fishing vessels.

Section 202 of the AFA also establishes new requirements to hold a preferred mortgage on a vessel with a fishery endorsement. State or federally chartered financial institutions must now comply with the controlling interest standard of section 2(b) of the 1916 Act in order to hold a preferred mortgage on a vessel with a fishery endorsement. Entities other than state or federally chartered financial institutions must either meet the 75% ownership and control requirements of section 2(c) of the 1916 Act or utilize an approved U.S.-Citizen Mortgage Trustee that meets the 75% ownership and control requirements to hold the preferred mortgage for the benefit of the non-citizen lender.

Section 213(g) of the AFA provides that if the new ownership and control provisions or the mortgagee provisions are determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party, such provisions of the AFA shall not apply to the owner or mortgagee on October 1, 2001, with respect to the particular vessel and to the extent of the inconsistency. MARAD's regulations at 46 CFR 356.53 set forth a process wherein owners or mortgagees may petition MARAD, with respect to a specific vessel, for a determination that the implementing regulations are in conflict with an international investment agreement. Petitions must be noticed in the **Federal Register** with a request for comments. The Chief Counsel of MARAD, in consultation with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements, will review the petitions and, absent extenuating circumstances, render a decision within 120 days of the receipt of a fully completed petition.

The Petitioners

Alyeska Seafoods, Inc. ("Alyeska"), Wards Cove Packing Company ("Wards Cove"), Maruha Corporation ("Maruha") and Western Alaska Fisheries, Inc. ("WAF"), are the owners of direct or indirect interests in Morning Star, L.P. (the "Vessel Owner") and indirect interests in the Vessel. Alyeska is the mortgagee under a preferred mortgage on the Vessel. (Alyeska, Maruha, Wards Cove and WAF are referred to hereinafter as a "Petitioner" and, collectively, as the "Petitioners.")

Ownership and Mortgage Structure of the Vessel

The ownership and mortgage structure for the Vessel is as follows:

A. Ownership Structure

Morning Star, L.P., a Washington limited partnership (the "Vessel Owner"), is the owner of the Vessel. The Vessel Owner was formed in 1997 for the purpose of allowing Alyeska to acquire an interest in the Vessel. The sole general partner of Morning Star, L.P. is Morning Star Management, LLC, a Washington limited liability company which is owned entirely by individual U.S. Citizens and which owns 75% of the interest in Morning Star, L.P. Alyeska is the limited partner of Morning Star, L.P. and owns the remaining 25% interest in the limited partnership.

Alyeska is an Alaska corporation, formed in 1985 to acquire, construct and operate a large seafood processing facility at Dutch Harbor, Alaska. All of the capital stock of Alyeska is owned by Wards Cove, Maruha, WAF and Marubeni. Maruha and Marubeni are publicly traded Japanese corporations. WAF is a wholly-owned U.S. subsidiary of Maruha. Maruha, WAF and Marubeni collectively own more than 25% of the capital stock of Alyeska. Accordingly, Alyeska does not qualify as a U.S. Citizen under the standards of the AFA and MARAD's implementing rules and is therefore a "Non-Citizen," as defined in 46 CFR 356.3(o).

B. Mortgage Structure

Alyeska provided a loan to the Vessel Owner that is secured by a preferred mortgage on the Vessel. This loan remains outstanding and continues to be secured by this preferred mortgage.

C. Exclusive Marketing Agreement

Alyeska agreed to invest in the Vessel Owner and to provide a loan to that entity in order to ensure a stable supply of fish to Alyeska's Dutch Harbor facility and in reliance on the assured revenue stream which sales to Alyeska would generate for the Vessel Owner. The Limited Partnership Agreement of Morning Star, L.P. provides that the Vessel will sell its products primarily to Alyeska Seafoods, Inc. and that Alyeska will pay competitive prices for all such products. The only exceptions to the Partnership's obligation to deliver to Alyeska are where Alyeska lacks capacity to process a delivery and where Alyeska and Morning Star Management agree that the Vessel may sell into other markets.

Requested Action

The Petitioners seek a determination from MARAD under section 213(g) of the Act and 46 CFR 356.53 that they are exempt from the requirements of sections 202, 203 and 204 of the AFA and 46 CFR Part 356 on the ground that the requirements of the AFA and 46 CFR Part 356, as applied to Petitioners with respect to the Vessels, conflict with U.S. obligations under U.S.-Japan FCN. The Petitioners request a determination that the restrictions placed on foreign ownership, foreign financing and foreign control of U.S.-flag vessels documented with a fishery endorsement contained in 46 CFR Part 356 and sections 202, 203 and 204 of the AFA do not apply to Petitioners with respect to:

(1) The existing ownership interests in the Vessels held, directly or indirectly, by the Vessel Owner;

(2) the existing exclusive marketing agreement and other contract rights and interests ancillary to Alyeska's ownership interest in and financing arrangements with the Vessel Owner; and

(3) future loans, financing and other contract arrangements between the Petitioners and the Vessel Owner with respect to the Vessel the existing preferred mortgage interests in the Vessel held by Alyeska.

Petitioner's Description of the Conflict Between the FCN Treaty and Both 46 CFR Part 356 and the AFA

MARAD's regulations at 46 CFR 356.53(b)(3) require Petitioners to submit a detailed description of how the provisions of the international investment agreement or treaty and the implementing regulations are in conflict. The entire text of the FCN Treaty is available on MARAD's internet site at *http://www.marad.dot.gov*. The description submitted by the Petitioner of the conflict between the FCN Treaty and both the AFA and MARAD's implementing regulations forms the basis on which the Petitioners request that the Chief Counsel issue a ruling that 46 CFR Part 356 does not apply to Petitioners with respect to the Vessels. Petitioner's description of how the provisions of the U.S.-Japan FCN are in conflict with both the AFA and 46 CFR Part 356 is as follows:

"A. The AFA's Limitations and Restrictions on Foreign Involvement in the U.S. Fishing Industry Are Inconsistent With U.S. Obligations Under the U.S.-Japan FCN.

"1. *The AFA's Restrictions on Foreign Financing and Foreign "Control" of Fishing Vessels Violate Article VII.*

"a. *The AFA's Restrictions on Foreign Financing and Foreign "Control" of Fishing Vessels Impair Petitioners' Rights and Interests With Respect to Existing Financing and Other Contractual Arraignments.*

"The AFA will nullify the preferred mortgage interest in the Vessel currently held by Alyeska, impair Alyeska's rights and interests under existing financing documents, impair Alyeska's rights and interests under the exclusive marketing provision of the limited partnership agreement governing the Vessel Owner and prevent Alyeska and its Japanese shareholders from protecting their established businesses and interests by entering into future financing and contractual arrangements with the Vessel Owner.

"Current law permits wholly or partly Japanese-owned entities, including Alyeska, Maruha and WAF, to finance U.S. fishing vessels and to hold preferred mortgage interests in U.S. fishing vessels to secure their loans. [7] A "preferred mortgage" is a creature of federal statute and gives the mortgagee a lien on the mortgaged vessel, enforceable in U.S. District Court under a priority scheme that protects the mortgagee from most maritime liens.[8] 46 U.S.C. 31326(b)(1) gives the preferred mortgage lien priority over all liens arising after filing of the mortgage except a limited number of "preferred maritime liens" listed at 46 U.S.C. 31301(5) and provides that a sale of the vessel by order of the District Court terminates all liens or other claims against the vessel, thus ensuring the purchaser clear title and allowing the mortgagee to realize maximum value for its security. Since liens arise in favor of suppliers, materialmen, repairmen and others in the course of the ordinary operations of the vessel, protection against such liens is essential to the mortgagee's security, as is the ability to terminate those liens on foreclosure and to sell the vessel "free and clear" of liens. Absent preferred mortgage status, a mortgage provides little or no security for the lender. Thus, the preferred mortgage which Alyeska holds in the Vessel is a valuable property interest in the Vessel.

"The AFA will prohibit Alyeska from continuing to hold its existing preferred mortgage on the Vessel. Section 202(b) of the AFA amends 46 U.S.C. 31322(a) to disqualify Non-Citizens, such as Alyeska, from holding preferred mortgages on fishing vessels over 100 feet in registered length.

"Further, The AFA contains a new definition of impermissible Non-Citizen "control" [9] and requires transfers of "control" of fishing vessels to be "rigorously scrutinized" by MARAD under this new standard.[10] MARAD has implemented the AFA's new "control" standard by adopting a host of new restrictions and limitations on contractual and other business arrangements between fishing vessel owners and Non-Citizens, including loans and exclusive marketing agreements.[11] Unless MARAD reviews and approves the terms of the preferred mortgage and other financing documents previously executed by the Vessel Owner in favor of Alyeska prior to October 1, 2001 under these new standards, the Vessel will lose its fishery endorsement and the Vessel Owner will no longer be permitted to own or operate the Vessel in the U.S. fisheries.[12] This, in turn, will destroy the value of the Vessels as security under the mortgage held by Alyeska and destroy the ability of the Vessel Owner to repay the debt which the mortgage secures. By prohibiting Alyeska from continuing to hold its existing preferred mortgage on the Vessel and imposing new conditions and restrictions on the terms of Alyeska's existing financing documents, including a new requirement of administrative review and approval of those financing documents under the AFA's new "control" standards, the AFA and MARAD's implementing regulations impair the contract rights and mortgage interests of Alyeska.

"In addition, however, MARAD has made clear that there is no way that Alyeska can preserve its mortgage interest under the AFA. MARAD has interpreted the AFA's requirements to prohibit Non-Citizen fish processors, such as Alyeska, from holding mortgages or other security interests in fishing vessels, even if the mortgage is held by a qualified Mortgage Trustee and the loan and mortgage terms are otherwise acceptable to MARAD.[13] Thus, the AFA's requirements will nullify Alyeska's existing preferred mortgage interest in the Vessel. If Alyeska's mortgage is not released, the Vessel will lose its fishery endorsement, destroying the value of the Vessel as collateral for Alyeska's loan and destroying the Vessel Owner's ability to pay its debts.[14]

"Alyeska's rights and interests under the exclusive marketing provision of the limited partnership agreement governing the Vessel Owner are also impaired by the AFA. Because of the injunction of Section 202(c)(2) of the AFA to "rigorously scrutinize" exclusive marketing agreements with Non-Citizens, 46 CFR 356.43(c) requires a fishing vessel owner to obtain prior MARAD approval before entering into such an agreement "if the agreement * * * contains provisions that in any way convey to the [Non-Citizen] purchaser * * * control over the operation, management or harvesting activities of the vessel, [or] vessel owner * * * other than as provided for in paragraph (b)" of that section. Since the Agreement of Limited Partnership of Morning Star, L.P. contains a variety of provisions related to the rights and obligations of Alyeska and Morning Star Management, LLC with respect to the management of the partnership, none of which are referenced in Section 356.43(b), it could be argued that the agreement "contains provisions that in [some] way convey to [Alyeska] control over * * * the vessel owner." Accordingly, the AFA and Section 356.43(c) render the permissibility of the exclusive marketing provision of the limited partnership agreement and, accordingly, the Vessel Owner's continued eligibility for a fishery endorsement, uncertain.

"Further, even if Alyeska's existing mortgage interest and contract rights were found to be exempt from the requirements of the AFA and MARAD's implementing rules, the AFA's restrictions on future financing

[7] *Compare* 46 U.S.C. 31322(a), as now in effect, with 46 U.S.C. § 31322(a)(4), as amended by Section 202(b) of the AFA.

[8] *See, generally*, 46 U.S.C. Chapter 313.

[9] AFA Section 202(a), codified at 46 U.S.C. 12102(c)(2).

[10] AFA Section 203(c)(2).

[11] *See, generally*, 46 CFR 356.11, 356.13–15, 356.21–25, 356.39–45.

[12] *See* 46 CFR 356.15(d), 356.21(d).

[13] 65 Fed. Reg. at 44871 c.2 (July 19, 2000) ("[A]dvancements of funds from Non-Citizen processors will not be permitted where the security for the loan is a security interest in the vessel").

[14] While Alyeska's 25% limited partnership interest in the Vessel Owner is permissible under the AFA's new Non-Citizen ownership restriction, it is uncertain whether MARAD would approve a preferred mortgage held by a 25% Non-Citizen limited partner, even where the Non-Citizen limited partner is not a fish processor with which the Vessel Owner has entered into an exclusive marketing agreement.

transactions and contractual arrangements between Alyeska or its Japanese shareholders and the Vessel Owner will substantially impair the rights and interests of Alyeska and its Japanese shareholders in violation of Article VII.1. The AFA's restrictions on foreign financing and foreign "control" of fishing vessels will prevent Alyeska and its Japanese shareholders from protecting their investments in Alyeska's Dutch Harbor processing facility and their existing investment in and loan to the Vessel Owner by offering the Vessel Owner financing for operating funds or for vessel repairs or improvements which may become necessary to permit the Vessel Owner to operate profitably—or at all. If alternative financing from a financial institution is unavailable to the Vessel Owner, the ability of Alyeska to make loans to support the Vessel's continuing operations may be the only means available to protect the Vessel Owner from insolvency and default on its existing loan from Alyeska. Thus, the AFA's restrictions on the ability of Alyeska and its Japanese shareholders to make new loans to the Vessel Owner, to take security in the Vessel or to enter into contracts with the Vessel Owner jeopardize the existing investment and other financial interests of Alyeska and its Japanese shareholders in the Vessel Owner and the Vessel.

"Finally, the new restrictions imposed by the AFA and MARAD's regulations on the ability of Alyeska to make loans to and to enter into exclusive marketing arrangements with fishing vessel owners will disrupt Alyeska's ability to secure a reliable supply of fish to its processing facility. Alyeska's ability to offer financing for the operation, construction, acquisition, repair or improvement of fishing vessels is a necessary means to secure a stable supply of fish to its processing plant. A processor's agreement to provide financing to qualified vessel owners in return for the vessel owner's agreement to sell the vessel's catch exclusively to the processor is a customary means by which vessel owners finance the operation, acquisition, repair or improvement of their vessels and processors secure a reliable supply of fish to their plants. Such arrangements between vessel owners and processors, both wholly domestic and Non-Citizen processors, are common and traditional in the Alaska fishing industry. Non-Citizen processors, such as Alyeska, which have invested many millions of dollars in shore-based processing plants in remote locations in Alaska, must have the ability, like their wholly domestic competitors, to secure a reliable supply of fish to their plants by financing the operation, acquisition, repair or improvement of fishing vessels in return for fish deliveries. Just as their existing ownership and mortgage interests are protected by the Treaty, Alyeska and its Japanese shareholders must also be able to modify and restructure their loans and related security arrangements with the Vessel Owner and make new loans to the Vessel Owner with respect to the Vessel in order to further and protect Alyeska's existing investment, mortgage and business interests in the Vessel, as circumstances may require.

"b. *The Restrictions on Foreign Financing and Foreign "Control" of Fishing Vessels Imposed by the AFA and MARAD's Implementing Rules Violate Article VII.1.*

"The new restrictions on foreign financing and foreign "control" of fishing vessels imposed by the AFA and MARAD's implementing regulations violate Article VII.1's national treatment guaranty by (1) depriving Alyeska of its existing preferred mortgage interest, securing its existing loan; (2) subjecting the terms of Alyeska's existing loan documents and exclusive marketing agreement with the Vessel Owner to a new requirement of administrative review and approval by MARAD under the new "control" standards of the AFA and MARAD's implementing rules; (3) depriving Alyeska of the value of its collateral and the income stream from operations on which Alyeska relied in making its loan; and (4) preventing Alyeska or its shareholders from refinancing its existing loan, making new loans to the Vessel Owner, taking a new mortgage on the Vessel or entering into other contractual arrangements with respect to the Vessel or the Vessel Owner necessary to further or protect their existing financial and business interests in the Vessel.

"Article VII.1 extends full national treatment protection "with respect to engaging in all types of commercial, industrial, financial and other business activities." The negotiating history of the U.S.-Japan FCN leaves no doubt that loans and lending by foreign-owned lenders are entitled to full national treatment under the first sentence of Article VII.1.

"At the fourth informal meeting of the U.S. and Japanese negotiators, the Japanese negotiators argued that foreign-owned banks should be denied national treatment, as well as most-favored-nation protection. One reason given was that their loans could result in the foreign-owned bank lender controlling key industries.[15] For this and other reasons, Japan suggested rewriting Article VII.1, and among other changes deleting "financial" from the activities provided national treatment in the first sentence of the provision.

"A cable from U.S. State Department headquarters in Washington noted that the Japanese proposal, and in particular its interest in denying national treatment to bank loans, reflected an attitude that creates a "difficulty going to heart of treaty."[16] The State Department opposed any change that would delete the word *financial* from the first sentence of Article VII.1. Subsequently, the Japanese side suggested instead adding the word "lending" to the exception provided in the first sentence of Article VII.2, so that the exception would extend to "banking involving depository, lending or fiduciary functions." In response, the State Department reiterated its opposition to any change that would deny foreign lenders the right to full national treatment under Article VII.1.

"A Department cable explained why the exception to national treatment provided by the first sentence of the U.S. draft of Article VII.2 was limited to only the depository and fiduciary functions of banks.[17] The cable states: "Mr. Otabe is incorrect in supposing that the U.S. reservation for banking is based on the reason he alleges. The reservation has to do with receiving and keeping custody of deposits from the public at large: that is, the safekeeping of other people's money, a function of particular trust. It does not have to do with the lending activities of a bank; and the Department does not feel that a reservation is either appropriate or necessary as to a bank's lending its own money."[18] During the second round of informal meetings, the U.S. negotiators continued to oppose adding loans to the banking functions excluded from full national treatment by the first sentence of Article VII.2, and the Japanese government eventually agreed to withdraw its proposed change.[19]

[15] Annex, Attachment 2, Memorandum of Conversation held March 4, 1952, pp. 2–3.

[16] Annex, Attachment 3, Dept. of State Outgoing Telegram dated March 10, 1952, p. 1. *See also* Attachment 5 at p. 3, noting that the "* * * first paragraph of Article VI can be considered the heart of the treaty; it is the basic 'establishment' provision, prescribing the fundamental principle governing the doing of business and the making of investments, in a treaty which is, above all, a treaty of establishment."

[17] Annex, Attachment 4, Dept. of State Outgoing Telegram dated May 21, 1952, p. 3.

[18] *Id.*

[19] Annex, Attachment 5, Memorandum of Conversation concerning discussions on the draft FCN held between October 15, 1952 and March 11, 1953, p. 15.

"The exception to national treatment for certain banking functions in the first sentence of Article VII.2 is the same as in the standard FCN treaty text. The Sullivan Study notes that "this reservation is stated in terms intended to circumscribe it as much as possible, thereby maximizing the extent to which the banking business remains subject to the rule [of national treatment] set forth in Article VII(1)."[20] The Sullivan Study notes that the two areas reserved, depositary and fiduciary functions, involve the custody and management of other people's money, and therefore are the most sensitive areas of banking.

"It is clear, therefore, that the reference in the first sentence of Article VII.2 to "banking involving depository or fiduciary functions" does not include the lending activities of Alyeska. Both the U.S. and Japanese negotiators were in full agreement as to the meaning of this phrase. Thus, the financing activities of banks and other lenders are entitled to the full national treatment under Article VII.1.[21]

"The provisions of the AFA and MARAD's implementing rules which restrict the right of Japanese-owned entities to make loans secured by preferred mortgages on U.S. vessels or to make loans or enter into other commercial contracts with a vessel owner without prior MARAD approval of the loan or contract terms are inconsistent with the guaranty of national treatment in Article VII.1. The rationale that such loan activities may be restricted on the grounds that they could result in a degree of control over sensitive industries was specifically considered by the U.S. negotiators and rejected as a valid reason for limiting the Treaty's protections for such lending activities. The control argument presented by Japan at that time is the same argument used to justify the restrictions of the AFA. Although the negotiating history deals largely with banking, the language of Article VII.1 extends the protections of national treatment broadly to "all types of commercial * * * financial and other business activities." Under Article VII.1, neither State Party may restrict loans by foreign-owned entities to the owners of fishing vessels of their national flag or commercial contract arrangements between them.

"The AFA and MARAD's implementing rules impose new restrictions on the ability of Alyeska and its shareholders, going forward, to protect their existing financial interests in the Vessel Owner and the Vessel by, *e.g.*, re-financing existing loans, advancing new loans for operation, repair or improvement of the Vessel or entering into other financing or contractual arrangements with the Vessel Owner. These restrictions are not permitted by Article VII.1 of the Treaty. Article VII.1 extends the Treaty's protection both to loans, mortgages and other financing arrangements that are now outstanding under the terms of existing financing documents and to future financing activities by Alyeska or its shareholders involving the Vessel or the Vessel Owner.

"Application of the AFA's new "control" standards to restrict the ability of Alyeska to do business with the vessel owners that supply fish to its processing plant, as it has done in the past and on the same terms as its U.S. Citizen competitors, would deny national treatment to Alyeska and its Japanese shareholders. The State Department has recognized that the exception to the requirement of national treatment that may apply with respect to the ownership of fishing vessels under the first sentence of Article VII.2 does not apply to fish processors.[22] Article VII.1 applies, and it extends the protection of full and unconditional national treatment to fish processors with Japanese ownership, such as Alyeska. The discriminatory restrictions imposed under the AFA on Alyeska's ability to enter into future financing and other contractual arrangements with the Vessel Owner to ensure a stable supply of fish to Alyeska's Dutch Harbor processing facility clearly violate Article VII.1.

"For these reasons, Petitioners seek a determination by MARAD that Sections 202, 203 and 204 of the AFA and MARAD's implementing regulations do not apply to Petitioners with respect to (a) Alyeska's existing preferred mortgage and associated loan documents previously executed by the Vessel Owner in favor of Alyeska; (b) the exclusive marketing agreement contained in the Morning Star Limited Partnership Agreement; or (c) future financing and ancillary contractual arrangements between Alyeska or its Japanese shareholders and the Vessel Owner, including exclusive marketing agreements.

"2. *Application of the AFA and MARAD's Implementing Rules to Petitioners Would Result in a "Taking" in Violation of Article VI.3.*

"The first sentence of Article VI.3 of the Treaty states that "[p]roperty of nationals and companies of either Party shall not be taken within the territories of the other Party except for a public purpose, nor shall it be taken without the prompt payment of just compensation." This "takings" provision precludes expropriations and other measures that substantially impair a Japanese national's direct and indirect property rights. Applying the AFA's new restrictions to prohibit Alyeska from holding its existing contract rights and preferred mortgage interest in the Vessel would deprive Alyeska of its property in violation of Article VI.3.

"The term "property" in Article VI.3 includes not simply direct ownership but also a wide variety of property interests, such as those which the Non-Citizen Petitioners have in the Vessel Owners and in the Vessels. The Protocol to the U.S.-Japan FCN explicitly states that "[t]he provisions of Article VI, paragraph 3 * * * shall extend to interests held directly or indirectly by nationals and companies of either Party in property which is taken within the territories of the other Party."[23] As the United States delegates made clear during the negotiation of the Treaty, the phrase "interests held directly or indirectly"

is intended to extend to every type of right or interest in property which is capable of being enjoyed as such, and upon which it is practicable to place a monetary value. These direct and indirect interests in property include not only rights of ownership, but [also] * * * lease hold interest[s], easements, contracts, franchises, and other tangible and intangible property rights.[24]

In short, "all property interests are contemplated by the provision."[25] This necessarily includes the preferred mortgage interest which Alyeska has in the Vessel, together with ancillary contract rights granted to Alyeska in the

[20] Charles H. Sullivan, "State Department Standard Draft Treaty of Friendship, Commerce and Navigation" (undated) (hereinafter "Sullivan Study") at 144.

[21] To the extent that it could be argued that the first sentence of Article VII.2 might permit restrictions on foreign financing of fishing vessels, the grandfather provision of Article VII.2 would clearly protect Alyeska and its shareholders with respect to their existing rights and interests, as the holders of ownership and debt interests in the Vessel Owner and mortgage interests in the Vessel, and with respect to future financing activities undertaken to further or protect those interests. Alyeska and its Japanese shareholders clearly "acquired interests" in the Vessel Owner and the Vessel prior to enactment of the AFA and are thus entitled to national treatment in future dealings with the Vessel Owners.

[22] Annex, Attachment 6, Letter to the Chairman of the House of Representatives Committee on Merchant Marine and Fisheries from Robert Lee, August 17, 1964, as published in Ronny E. Jones, "State Department Practices Under U.S. Treaties of Friendship, Commerce, and Navigation" (1981) (hereinafter "Jones Study") at p. 80.

[23] Protocol, ¶ 2 (emphasis added).

[24] Annex, Attachment 7, Memorandum of Conversation dated April 15, 1952 at p. 3.

[25] *Id.*

loan documents and related agreements executed by the Partnership in conjunction with that loan.

"The concept of a taking in this context is broad and "is considered as covering, in addition to physical seizure, a wide variety of whole or partial sequestrations and other impairments of interests in or uses of property."[26] Here, the AFA's new restrictions on foreign investment and foreign financing will prohibit the Vessel Owner from employing the Vessel in the U.S. fisheries. In effect, the AFA will either deprive the Petitioners of the economic value of their interests in the Vessel by prohibiting its productive use, force divestiture by Alyeska of its loan and preferred mortgage interests in the Vessel or force complete divestiture by the Vessel Owner of its interests in the Vessel. The impairment of the presently existing right of the Vessel Owner to employ the Vessel in the U.S. fisheries—and the right of Alyeska to hold its loan and preferred mortgage interests in the Vessel—is a sufficient impairment of those rights and interests as to constitute a violation of Article VI.3.

"Further, a taking is permitted under the Treaty only for a "public purpose," and it is clear that application of the AFA's ownership restrictions to the Vessel Owner so as to force a divestiture of Alyeska's loan and preferred mortgage interests or complete divestiture of the Vessel to a private party which qualifies as a U.S. Citizen would not satisfy the "public purpose" requirement of the U.S.-Japan FCN. Even if such a forced sale to a private party could be characterized as having a "public purpose," the AFA makes no provision for the "prompt payment of just compensation," as required by Article VI.3. The fact that the AFA and 46 CFR Part 356 fail to provide any compensation scheme—let alone "adequate provision * * * at or prior to the time of taking for the determination and payment thereof," as required by Article VI.3—is another basis for concluding that the AFA's retroactive limitations on foreign ownership and foreign financing of fishing vessels are inconsistent with Article VI.3 of the U.S.-Japan FCN.

"3. *The AFA and MARAD's Implementing Rules Impair Petitioners' Legally Acquired Rights in Violation of Article V.*

"The new restrictions imposed by the AFA and MARAD's implementing rules on foreign involvement in the U.S. fishing industry are "unreasonable or discriminatory measures" that impair the legally acquired rights and interests of Petitioners in violation of Article V of the Treaty.

"Article V provides that "[n]either Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established. * * *" The provision follows the standard FCN treaty language, except that the language was moved from Article VI.3 in the standard text to a new Article V and certain additional language, not relevant here, was added. According to the Sullivan Study, the provision "offers a basis in rather general terms for asserting protection against excessive governmental interference in business activities or particular activities not specifically covered by the treaty."[27] Herman Walker observed that this language is designed "to account for the possibility of injurious governmental harassments short of expropriation or sequestration."[28] A State Department memorandum to Congress, discussing language very similar to Article V in another treaty, noted that the language "affords one more ground, in addition to all the other grounds set forth in the treaty, for contesting foreign actions which appear to be injurious to American interests."[29]

"The negotiating history confirms that Article V was intended as a general provision prohibiting discrimination against foreign-owned entities not subject to other provisions of the U.S.-Japan FCN. During the negotiations, Japan proposed adding language prohibiting the denial "of opportunities and facilities for the investment of capital." The proposal was not adopted after the U.S. opposed it on the grounds that Article VII fully addressed investment activities and that the additional language was not appropriate in Article V, which addresses issues not limited to investment.[30]

"Thus, Article V was intended as a general prohibition of discriminatory restrictions not covered by other provisions of the U.S.-Japan FCN and of restrictions that do not rise to the level of a "taking." Article V prohibits deprivations of both most-favored nation treatment and national treatment.[31] Thus, it would apply to the variety of discriminatory prohibitions and restrictions that the AFA and MARAD's implementing regulations impose on Petitioners' existing ownership and mortgage interests and other contract rights and on Petitioners' ongoing ability to protect those rights and interests by entering into future transactions among themselves related to the Vessel.

"The intrusive and discriminatory restrictions imposed by the AFA and MARAD's implementing rules on transactions between Non-Citizen lenders, such as Alyeska, and U.S. fishing vessel owners place the Non-Citizen lenders at a significant competitive disadvantage. U.S. Citizen processors and other lenders are free to make loans and to enter into contracts with fishing vessel owners without restriction. U.S. Citizen processors remain free to obtain a reliable supply of fish by financing fishing vessel acquisitions, conversions, repairs and improvements in return for exclusive marketing relationships while Non-Citizen processors are prohibited from making similar arrangements. As previously noted, MARAD has stated that Non-Citizen processors will be flatly prohibited from taking security in fishing vessels to secure loans to vessel owners. Under 46 CFR 356.45, a Non-Citizen lender is not even permitted to make an unsecured loan to a fishing vessel owner, if (a) the loan exceeds the annual value of the vessel's catch (where an exclusive marketing agreement is involved—*see* § 356.45(a)(2)(i)); or (b) the lender is "affiliated with any party with whom the owner * * * has entered into a mortgage, long-term or exclusive sales or purchase agreement, or other similar contract * * *" (*see* § 356.45(b)(1)). Under these standards, Alyeska's existing loan to the Vessel Owner would no longer be permitted and Alyeska will not be permitted to make future loans to the Vessel Owner to protect its existing interests. Further, the requirement of MARAD review and approval is itself an unreasonable and discriminatory burden, particularly in the absence of coherent published standards. The AFA and MARAD's rules thus impose "unreasonable or discriminatory measures" on Non-Citizen fish processors, such as Alyeska, impairing their legally acquired rights and interests and their ongoing ability to protect those interests in violation of Article V of the U.S.-Japan FCN.

"4. Article XIX.6 Does Not Authorize the Provisions of the AFA and MARAD's Implementing Rules which are Otherwise in Violation of the U.S.-Japan FCN.

"Article XIX.6 provides that notwithstanding any other provision of the Treaty, "each Party may reserve exclusive rights and privileges to its own vessels with respect to the * * * national fisheries * * *." This provision does not authorize the discriminatory limitations on Japanese investment and financing contained in the AFA and MARAD's implementing rules.

"Even if Article XIX.6 is interpreted as applying to fishing vessels,[32] it would be irrelevant to the issues presented here with respect to the AFA. Consistent with the Treaty text authorizing a Party to reserve exclusive rights to "its own vessels," the State Department has interpreted Article XIX.6 merely to permit the U.S. to reserve the right to catch or land fish in the U.S. national fisheries to "U.S. flag vessels."[33] The text of Article XIX.6 says nothing about and certainly does not authorize restrictions on foreign ownership or financing of U.S. flag fishing vessels or the ability of foreign-owned enterprises to do business with the owners of U.S. flag fishing vessels—restrictions that otherwise clearly violate Article VII of the Treaty.

"The historical record of the negotiations provides further evidence that Article XIX.6 was not intended to override Article VII's national treatment requirements with respect to foreign investment in or financing of U.S. flag fishing vessels or other dealings between foreign-owned enterprises and fishing vessel-owners. At one point, the Japanese negotiators proposed rewriting Article XIX.6 to provide that the national treatment provisions of the Treaty would not extend to "nationals, companies and vessels of the other Party any special privileges reserved to national fisheries."[34] The State Department understood the Japanese suggestion as an attempt to obtain a blanket exception from the entire Treaty for national fisheries.[35] The U.S rejected the Japanese proposal and the language of Article XIX.6 remained unchanged. The issue of Japanese investment in and other dealings with enterprises owning or operating U.S. flag fishing vessels was left to Article VII.

"Subsequent practice of the State Department confirms this reading of Article XIX.6. In 1964, the State Department reaffirmed the narrow scope of Article XIX.6 in a letter to the House Committee on Merchant Marine and Fisheries. The letter makes clear that the provision merely permits the United States to reserve the right to catch or land fish to U.S. flag vessels.[36]

"This reading of Article XIX.6 in the U.S.-Japan FCN also comports with the State Department's reading of this same language in other FCN treaties to which the U.S. is a party. The Sullivan Study explicitly states that "[t]he crucial element in Article XIX is that it relates to the treatment of vessels and to the treatment of their cargoes. It is not concerned with the treatment of the enterprises which own the vessels and the cargoes."[37]

"Thus, the text, negotiating history and subsequent State Department practice and understanding all explicitly confirm that Article XIX.6 is irrelevant to laws restricting foreign ownership and control of fishing vessel owners and thus does not override the other provisions of the U.S.-Japan FCN dealing with foreign investment and business activity. Article XIX.6 does not exempt the AFA's foreign ownership, financing and control restrictions from Articles V, VI.3, VII or IX.2, each of which bars application of those restrictions to Petitioners with respect to the Vessel Owners and the Vessels.

"5. *A Broad Interpretation of the Treaty's Protections is in the U.S. Interest.*

"The terms of the U.S.-Japan FCN and the other FCN treaties which share the same language are reciprocal—that is, the principle of "national treatment" applies not only to protect the investments of foreign nationals in the United States but also to protect the investments of U.S. nationals in Japan and other countries. Thus, any interpretation of the U.S.-Japan FCN adopted by MARAD in the present context will also define the rights of U.S. nationals doing business in Japan and other countries, now and in the future. A narrow interpretation of the U.S.-Japan FCN's protections for Japanese enterprises and their investments in the present context will effectively limit the rights of U.S. investors and U.S. businesses in Japan and other countries with which the United States has concluded similar FCN treaties.

"For this reason, the State Department has interpreted the national treatment requirement of the FCN treaties broadly in the past.[38] The U.S. interest in protecting U.S. nationals doing business abroad, as well as the State Department's historical practice in interpreting the FCN treaties, requires an interpretation of the U.S.-Japan FCN which will protect the interests of foreign enterprises and the U.S. companies in which they have invested from the retroactive and discriminatory prohibitions and restrictions of the AFA and 46 CFR Part 356.

"6. *The Government of Japan has Determined that Section 202 of the AFA is Inconsistent with the U.S.-Japan FCN.*

"The United States has agreed in Article XXIV of the Treaty to give "sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the [Government of Japan] may make with respect to any matter affecting the operation of the present Treaty." The Government of Japan has strongly objected to the application of the AFA's new limitations and restrictions on foreign ownership, foreign financing and foreign control of U.S. fishing vessels to Japanese nationals and companies that have invested in the U.S. fisheries prior to the effective date of the Act on the ground that such application would violate the U.S.-Japan FCN. In a letter to Jo Brooks of the Office of Legal Adviser, U.S. Department of State, dated August 30, 1999, the Minister for Economic Affairs of the Embassy of Japan stated that the AFA's "new U.S. citizen ownership and control requirements" "if applied without exception, would impair the legally acquired rights or interests of Japanese nationals and corporations in the United States of

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[26] Sullivan Study at 116 (emphasis added).

[27] *Id.* at 115.

[28] Herman Walker, Jr., "Treaties for the Encouragement and Protection of Foreign Investment: Present United States Practice," 5 Am. J. Comp. Law 229 at 236 (1956).

[29] Annex, Attachment 8, Department of State Instruction dated February 15, 1954, p. 2, (discussing the applicability of Article V of the U.S.-Japan FCN to American lawyers doing business in Japan, and citing May, 1952 memorandum to U.S. Committee on Foreign Relations).

[30] *Id. See also,* Annex, Attachment 9, Department of State Division of Communications & Records Outgoing Airgram dated October 28, 1952, p. 2. The latter indicates that, among other reasons, the State Department opposed the proposed Japanese language because it was concerned that the language "could be construed (but tortuously) as allowing each party latitude with respect to discharging its full obligations under Articles VII and VIII to accord national treatment to the introduction of investment capital and the initiation and development of investment enterprises."

[31] Sullivan Study at 115.

[32] Article XIX.7 defines "vessel" to exclude "fishing vessels" for purposes of Article XIX.6.

[33] Annex, Attachment 6, Letter to the Chairman of the House of Representatives Committee on Merchant Marine and Fisheries from Robert Lee, August 17, 1964. *See* fn. 22.

[34] Annex, Attachment 10, Memorandum of Conversation held April 3, 1952, at p. 5.

[35] Annex, Attachment 11, Department of State Outgoing Airgram dated June 1952, at pp. 1–2 (nothing that a clearer way to effect the Japanese intent would be by adopting a single comprehensive exception stating that "[t]he provisions of the present Treaty shall not apply with respect to the national fisheries of either Party, or to the products of such fisheries").

[36] *See* fn. 22. *See also,* Jones Study at 80–81.

[37] Sullivan Study at 204 (emphasis added).

[38] *See, generally,* Jones Study.

America."[39] The Minister for Economic Affairs noted section 213(g) of the AFA and stated the position of the Government of Japan as follows:

As an existing international agreement relating to foreign investment, we would like to refer to the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America, hereinafter referred to as "the Treaty." Paragraph two of Article VII of the Treaty states that "* * * new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party." The Government of Japan is of the view that since the new requirements under the provisions of Subsection 202(c)[40] of the AFA would be recognized as new limitations imposed by the United States, such new requirements would be inconsistent with paragraph two of Article VII of the Treaty if applied to entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations at the time the AFA comes into force.

Moreover, paragraph one of Article V of the Treaty states that "Neither Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established, in their capital, in the skills, arts or technology which they have supplied;—." This provision indicates that any U.S. government measure that impairs the legally acquired rights or interests of Japanese nationals and companies should not be permitted under this Treaty. Therefore, the Japanese nationals and companies that have already invested in fisheries in the United States should be exempted from the application of the new requirements under Subparagraph 202(c) of the AFA.

Accordingly, the Government of Japan is of the view that the entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations should be exempted from the new requirements set forth in the Section 202(c). * * *[41]

"In a subsequent letter to the Department of State, dated January 24, 2000, the Embassy of Japan expressed the "concern" of the Government of Japan about regulations proposed by MARAD to implement the AFA.[42] In its January 24, 2000 letter, the Embassy of Japan reiterated the view of the Government of Japan that Section 202 of the AFA is "inconsistent with paragraph two of Article VII and paragraph one of Article V of the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America" and therefore "in accordance with the provision of Section 213(g) of the Act" "will not apply to entities that are engaged in fishery activities and owned or controlled by Japanese nationals or corporations." With respect to MARAD's proposed regulations, the Embassy of Japan noted that the regulations "would require the procedure of an annual petition from Japanese companies that are engaged in fishery activities oven before October 1, 2001, in order for the continuation of their activities. To impose such a new burden would be inconsistent with the aforementioned obligations of the United States as stipulated by the Treaty."[43] The Embassy of Japan noted further:

The proposed regulations would require a private company to provide interpretations of the Treaty and the AFA as an attached document to the petition for exemption from the AFA, as prescribed in Section 356.53(b)(3). It is rather the obligation of the Government of the United States as party to the Treaty to do so.[44]

The Government of Japan requested "that the Government of the United States fully ensure * * * that all Japanese companies at present engaged in fishery activities be exempted from the new requirements prescribed in Section 202 of the AFA."[45]

"Thus, the Government of Japan has strongly expressed its view that the AFA's new restrictions on foreign investment, foreign financing and foreign control of U.S. fishing vessels are inconsistent with the U.S.-Japan FCN as applied to companies with existing Japanese investment. In light of the obligation of the United States under Article XXIV of the Treaty to give "sympathetic consideration" to the representations of the Government of Japan concerning the conflict between Section 202 of the AFA and the Treaty and the interest of the United States in the protection of its own enterprises and investors abroad, MARAD should acknowledge the conflict between the AFA and the U.S.-Japan FCN and issue an order holding that Petitioners are exempt from the requirements of Section 202 of the AFA and the implementing provisions of Section 203 and 46 CFR Part 356 with respect to the Vessels.

"B. AFA Section 213(g) Exempts Japanese Enterprises and U.S. Enterprises With Japanese Investment From the AFA's Limitations and Restrictions on Foreign Ownership, Foreign Financing and Foreign "Control" of U.S. Fishing Vessels.

"Sections 202, 203 and 204 of the AFA and the implementing regulations published by MARAD on July 19, 2000, codified at 46 C.F.R. Part 356, impose a host of new limitations and restrictions on foreign ownership of fishing vessels, foreign financing of fishing vessels and contractual arrangements between foreign enterprises or U.S. companies with substantial foreign ownership and U.S. fishing vessel owners. As demonstrated above, if applied to Petitioners, these new limitations and restrictions would deprive Petitioners of valuable existing preferred mortgage interests and contract rights in violation of the U.S.-Japan FCN. Application of the new restrictions to bar Petitioner Alyeska or its Japanese shareholders from entering into future transactions with the Vessel Owner, particularly financing and ancillary contractual arrangements, such as exclusive marketing agreements, would also violate the U.S.-Japan FCN by substantially impairing the ability of Alyeska and its shareholders to protect their existing rights and interests and to carry on their existing lawful businesses in the United States in conformity with past practice and on an equal footing with U.S. Citizens.

"To avoid these results, Congress included a provision in the AFA to ensure that the Act would not contravene U.S. treaty obligations. Section 213(g) provides in pertinent part:

In the event that any provision of section 12102(c) or section 31322(a) of title 46, United States Code, as amended by this Act, is determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party with respect to the owner or mortgagee on October 1, 2001 of a vessel with a fishery endorsement, such provision shall not apply to that owner or mortgagee with respect to such vessel to the extent of any such inconsistency. * * *

Section 213(g) makes clear that its reach is intended to extend to every "owner" or "mortgagee" holding an ownership or mortgage interest on October 1, 2001, when Sections 202, 203 and 204 of the AFA become effective. Section 213(g) provides explicitly that the exemption does not apply to "subsequent owners and mortgagees" who acquire their interests *after* October 1, 2001 or "to the owner [of the vessel] on October 1, 2001 if any ownership interest in that owner is transferred to or otherwise acquired by a foreign individual or entity *after such date*," (emphasis added).

"Petitioners are "owners" and "mortgagees" who acquired their interests in the Vessels prior to October 1, 2001, and who intend to continue to hold those interests on and after October 1, 2001. The U.S.-Japan FCN is a self-executing treaty which is binding on MARAD as a matter of federal domestic law.[46] Under ordinary principles of statutory construction, the AFA and the Treaty should be construed to avoid conflict and to give effect to each. The federal courts have recognized that federal statutes should be construed in a manner to avoid conflict with international treaties. Thus, federal statutes "ought never to be construed to violate the law of nations if any other possible construction remains."[47] Only where Congress has expressed the clear intent to depart from the obligations of a treaty will the provisions of later federal legislation be found to conflict with and supersede U.S. treaty obligations.[48] Here, it is apparent from the terms of Section 213(g) that Congress affirmatively intended to avoid conflict with international treaties such as the U.S.-Japan FCN by exempting "owners" and "mortgagees" from provisions of the AFA which would otherwise be inconsistent with U.S. treaty obligations. The inconsistency between Sections 202 and 203 of the AFA and the requirements of the U.S.-Japan FCN is demonstrated above with respect to Petitioners. Accordingly, under Section 213(g) of the Act, the provisions of Sections 202 and 203 "shall not apply" to Petitioners "to the extent of * * * such inconsistency."

"The exemption provided by Section 213(g) is not limited to ownership or mortgage interests in existence on October 1, 2001, but rather applies to an "owner" or "mortgagee" on October 1, 2001 and extends the exemption "to the extent of the inconsistency" between the Act and the Treaty "with respect to" the vessel in which the "owner" or "mortgagee" holds an interest. Petitioners qualify as "owners" and "mortgagees." Petitioners are, therefore, exempt from the requirements of the AFA "to the extent of the inconsistency" between the AFA and the Treaty. As demonstrated above, the "inconsistency" between the AFA and the Treaty is two-fold: (1) The Treaty protects the existing ownership and preferred mortgage interests of Petitioners in the Vessel and related contract rights (including the exclusive marketing agreement) which the AFA would impair, prohibit or restrict; and (2) the Treaty protects future transactions between Alyeska or its Japanese shareholders and the Vessel Owner, which the AFA would prohibit or restrict, including future loans, preferred mortgages and other financing and contractual arrangements which Petitioners may deem necessary or appropriate to protect their existing businesses and their existing interests in the Vessel and the Vessel Owner. Thus, Section 213(g) exempts Petitioners entirely from the restrictions and limitations of Sections 202, 203 and 204 of the AFA and MARAD's implementing rules with respect to the Vessel."

This concludes the analysis submitted by Petitioner for consideration.

Dated: February 16, 2001.

By order of the Maritime Administrator.

Joel Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4468 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–81–P

[39] **Annex, Attachment 12 (August 30, 1999 letter from the Minister for Economic Affairs, Embassy of Japan, to Jo Brooks, Attorney-Adviser, Office of Legal Adviser, U.S. Dep't. of State) at 1.**

[40] **There is no Subsection 202(c) of the AFA. The reference intended is clearly subsection 202(a), amending 46 U.S.C. § 12102(c).**

[41] **Annex, Attachment 12 at 1–2.**

[42] **Annex, Attachment 13 (January 24, 2000 Letter from the Embassy of Japan to the U.S. Dep't. of State at 1.**

[43] *Id.*

[44] *Id.* at 2.

[45] *Id.*

[46] *See, e.g., Zenith Radio Corp.* v. *Matsushita Electric Industrial Co., Ltd.*, 494 F. Supp 1263, 1266 (E.D.Pa. 1980).

[47] *McCulloch* v. *Sociedad Nacional de Marineros de Honduras*, 370 U.S. 10, 21 (1963).

[48] *Id. See, also, Sumitomo Shoji America, Inc.* v. *Avagliano, et al.*, 457 U.S. 176 (1982).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34009]

Toledo, Peoria & Western Railway Corporation—Trackage Rights Exemption—Peoria and Pekin Union Railway Company

Peoria and Pekin Union Railway Company (P&PU) has agreed to grant overhead trackage rights to Toledo, Peoria & Western Railway Corporation (TP&W) over P&PU's track between the point of connection between The Burlington Northern and Santa Fe Railway Company and P&PU near Darst Street in Peoria, IL, milepost 2.1, and the point of connection between P&PU and TP&W at North Main Street in East Peoria, IL, commonly known as P&PU Junction, milepost 0.0, a distance of approximately 4 miles.[1]

The transaction is scheduled to be consummated on or shortly after February 16, 2001.

The trackage rights will enable TP&W to enhance competitive service for intermodal traffic and provide more efficient and economical routings and service for this traffic.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34009 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Louis E. Gitomer, Esq., Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at *WWW.STB.DOT.GOV*.

Decided: February 15, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–4524 Filed 2–22–01; 8:45 am]

BILLING CODE 4915–00–P

[1] A redacted version of the amendment to the trackage rights agreement between TP&W and P&PU was filed with the verified notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order. A protective order was served on February 14, 2001.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995,

Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Signing Authority for Corporate Officials.

DATES: Written comments should be received on or before April 24, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Majorie D. Ruhf, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8202.

SUPPLEMENTARY INFORMATION:

Title: Signing Authority for Corporate Officials.

OMB Number: 1512–0188.

Form Number: ATF F 5100.1.

Abstract: ATF collects this information in order to assure that only individuals authorized by a regulated business sign the form on the business' behalf. The form identifies the corporation, the individual or office authorized to sign, and documents the authorization. The permittee is required to keep copies of all qualifying documents for 3 years after final discontinuance.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 250.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 16, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–4552 Filed 2–22–01; 8:45 am]

BILLING CODE 4810–31–P

Corrections

Federal Register

Vol. 66, No. 37

Friday, February 23, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 01–19]

Revised Schedule of Navigation Fees

Correction

In notice document 01–3549 beginning on page 9893 in the issue of Monday, February 12, 2001, make the following corrections:

1. On page 9893, at the bottom of the page, in the table, line number "6." should read "7.".

2. On the same page, in the same table, line number "7." should read "8.".

[FR Doc. C1–3549 Filed 2–23–01; 8:45 am]

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Federal Register

Friday,
February 23, 2001

Part II

Office Of Personnel Management

SES Positions That Were Career Reserved During 2000; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During 2000

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 2000.

FOR FURTHER INFORMATION CONTACT: Charles Vaughn, Office of Executive Resources Management, (202) 606–1927.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved at any time during calendar year 2000, regardless of whether those positions were career reserved on December 31, 2000. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish such list by March 1 of the following year. OPM is publishing a consolidated list for all agencies.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000

Agency/organization	Career reserved positions
Advisory Council on Historic Preservation:	
Ofc of the Exec Director	Executive Director.
	Special Assistant.
Department of Agriculture:	
Office of the Inspector General	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigation.
	Asst Inspector General for Audit.
	Dep Assistant Inspector General for Audit.
	Dep Asst Inspector General for Audit.
	Asst Inspector Gen for Pol Dev & Res Mgmt.
	Dep Asst Insp Gen for Invest Immediate Office.
	Deputy Inspector General.
Office of the Chief Economist	Dir Ofc of Risk Assessment & Cost-Benefit Anl.
	Dir Global Change Program Office.
	Director, Office of Energy Policy and New Uses.
World Agricultural Outlook Board	Chairperson.
Office of Chief Information Officer	Director, USDA Program Outreach Division.
	Deputy Chief Information Officer.
Office of Operations	Associate Deputy Director, NTIC.
Office of the Chief Financial Officer	Director Office of Operations.
	Deputy Chief Financial Officer.
National Finance Center	Project Manager.
	Director, Applications Systems Division.
	Dir, Info Resources Management Division.
	Director, Financial Services Division.
	Dir, Thrift Savings Plan Division.
Rural Housing Service	Deputy Director.
	Controller.
	Deputy Administrator for Operations & Mgmt.
	Director Centralized Servicing Center.
Rural Business Service	Deputy Administrator for Business Programs.
Agricultural Marketing Service	Director, Fruit & Vegetable Division.
Agricultural Marketing Service	Director, Cotton Division.
	Director, Dairy Division.
	Director, Livestock Division.
	Director, Tobacco Division.
	Agricultural Marketing Svc, Dir Poultry Div.
	Director, Compliance Staff.
	Director.
	Director.
Grain Inspection, Packers & Stockyards Administration	Dir Field Management Division.
Animal & Plant Health Inspection Service	Deputy Administrator for Management & Budget.
	Deputy Administrator.
	Director, Center for Plant Health Science & Technology.
	Assistant Deputy Administrator for Emergency Programs, PPQ.
Veterinary Services	Director, Northern Region.
	Dir, S E Region, Veterinary Services.
	Director, Western Region.
	Director, South Central Region.
	Deputy Administrator, Wild Life Services.
	Dir, Operational Support, Veterinary Services.
	Dir, Natl Ctr for Veterinary Epidemiology.
	Dir, Natl Ctr for Veterinary Epidemiology.
	Dir, Natl Ctr for Veterinary Epidemiology.
Plant Protection & Quarantine Service	Dep Admr, International Services.
	Director, South Central Region.
	Director, Western Region.
	Director Operational Support PPQ.
	Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Food Safety and Inspection Service	Asst Dep Admin (Admin Mgt).
	Deputy Administrator.
	Deputy Administrator.
	Deputy Administrator.
	U.S. Coordinator for Codex Alimentarious.
	Assistant Deputy Administrator.
	Director.
	Associate Deputy Administrator.
	Assistant Deputy Administrator.
	Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Deputy Administrator.
	Associate Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Asst Deputy Administrator.
	Assistant Deputy Administrator.
	Director.
	Deputy Administrator.
	Director.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Associate Deputy Administrator.
	Deputy Administrator.
	Administrator.
	Assistant Deputy Administrator.
Food and Consumer Service	Deputy Admin for Financial Management.
	Deputy Admin for Management.
	Director, Office of Analysis and Evaluation.
Farm Service Agency	Controller.
	Assistant Dep Administrator for Mgmt.
	Director Management Services Division.
	Director, Budget Division.
	Deputy Administrator for Farm Loan Programs.
Foreign Agricultural Service	Dir, Grain & Feed Div.
	Assistant Deputy Administrator Management.
	Director, Cotton, Oilseeds, Tobacco and Seeds Division.
Risk Management Agency	Asst Manager for Research & Development.
	Director, Insurance Services Division.
Agriculture Research Service	Asst Administrator for Technology Transfer.
	Assistant Administrator for Genetic Resources.
	Dep Admin for Admin & Financial Mgmt.
	Director Office of Pest Management Policy.
	Director, National Animal Disease Center.
	Associate Administrator, Special Interagency Programs.
	Associate Deputy Admin Financial Management.
National Program Staff Office	Deputy Administrator National Program Staff.
	Assoc Dep Admr.
	Assoc Deputy Administrator for Animal PPV&S.
	Assoc Dep Admin for Natural Resources & SAS.
	Associate Deputy Administrator for Crop Production, Product Value and Safety.
Beltsville Area Office	Director Beltsville Area Office.
	Assoc Dir Beltsville Area.
	Dir US National Arboretum.
	Dir Beltsville Human Nutrition Research Ctr.
	Director Plant Sciences Institute.
	Dir Livestock & Poultry Sciences Institute.
	Dir Natural Resources Institute.
North Atlantic Area Office	Director, Eastern Regl Research Center.
	Director, North Atlantic Area.
	Assoc Dir, North Atlantic Area.
	Director, Plum Island Animal Disease Center.
	Director, North Atlantic Area.
South Atlantic Area Office	Associate Dir South Atlantic Area.
	Supervisory Research Geneticist.
	Director, South Atlantic Area.
	Dir, Center for Medical A & V Entomology.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Midwest Area Office	Dir Midwest Area.
	Assoc Dir, Midwest Area.
	Supervisory Veterinary Medical Officer.
	Dir Natl Ctr for Agri Utilization.
Midsouth Area Office	Dir, Southern Regional Res Center, New Orleans.
	Director, Mid-South Area.
	Associate Director, Mid South Area.
Southern Plains Area Office	Director Southern Plains Area.
	Assoc Dir, Southern Plains Area.
	Dir, Subtropical Agricultural Res Laboratory.
Northern Plains Area Office	Director, Northern Plains Area.
	Associate Director, Northern Plains Area Ofc.
	Dir R.L. Hruska US Meat Animal Res Center.
Pacific West Area Office	Director, Western Regional Research Center.
	Dir, Western Human Nutrition Research Center.
	Director, Pacific West Area Office.
	Associate Director, Pacific West Area Office.
	Dir, Western Cotton Research Laboratory.
	Supervisory Soil Scientist.
Cooperative State Res Education, & Extension Service	Deputy Administrator Partnerships.
	Deputy Admin for Rural, Economic & Social Dev.
	Special Asst to the Administrator, Csrees.
	Deputy Administrator, Economic and Community Systems.
	Director, Office of Extramural Programs.
	Deputy Admini Communication Tech Distance Edu.
Economic Research Service	Admr, Economic Research Service.
	Associate Administrator-Economic Rech Svc.
	Dir, Natural Res & Environment Division.
	Director, Information Services Division.
	Budget Coordinator and Strategic Planner.
	Dir Food & Consumer Economics Division.
	Director, Market and Trade Economics Division.
National Agricultural Statistics Service	Admr, National Agricultural Statistics Serv.
	Dir Estimates Div.
	Dir, Systems & Information Division.
	Director, Survey Management Division.
	Deputy Administrator for Field Operations.
	Associate Administrator.
	Dir Census Division.
	Deputy Administrator for Programs & Products.
	Director, Statistics Division.
	Director, Research & Development Division.
	Director, Census & Survey Division.
	Director, Information Technology Division.
	Associate Deputy Administrator (Western U.S.).
	Associate Deputy Administrator (Eastern U.S.).
Natural Resources Conservation Service	Director Engineering Division.
	Dir Ecological Sciences and Technology Divisi.
	Dir, Consv Planning and App.
	Dir, Community Asst & Rural Development Div.
	Dir, Soils (Soil Scientist).
	Director, Strategic Planning Division.
	Director, Operations Management and Oversight.
	Dir Conservation Operations Division.
	Dep Chief for Mgmt & Strategic Planning.
	Spec Asst to the Dep Chf for Soil S/R Assesmt.
	Natural Resources Manager.
	Special Asst to the Chief (Program Manager).
	Deputy Chief for Strategic Planning and Accountability.
	Director, Resource Conservation & Community Development Division.
	Director, Resource Inventory Division.
	Director, Animal Husbandry and Clean Water Programs Division.
	Associate Deputy Chief for Programs, Air, Water & Soil.
	Director, Resource Assessment Division.
	Associate Deputy Chief for Programs (Animal Husbandry).
	Regional Conservationist—Northern Plains.
	Director, Resource Economics & Social Sciences Division.
Forest Service	Dep Chf for Administration.
	Associate Deputy Chief—Administration.
	Dir Forest Pest Mgmt Staff.
	Dir Fiscal & Accounting Services.
	Director Fire and Aviation Staff.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Chief for Operations.
	Deputy Chief Financial Operations.
	Deputy Chief, Business Operations.
	Chief Operating Officer.
	Director, Financial Management Staff.
Research	Director, Vegetation Management & Protection Research Staff.
	Director, Resource Valuation and Use Research Staff.
	Director, Wildlife, Fish & Watershed Research Staff.
	Director, Science Policy, Planning, and Information Staff.
National Forest System	Dir, Range Management Staff.
	Dir, Recreation, Mgmt Staff.
	Dir Timber Management Staff.
	Director, Engineering Staff.
	Director, Lands Staff.
	Dir Land Management Planning Staff.
	Dir, Wildlife & Fisheries Mgmt Staff.
	Dir, Minerals & Geology Staff.
	Director, Watershed & Air Management Staff.
	Dir, Recreation, Heritage, & Wilderness Res.
State & Private Forestry	Dir Cooperative Forestry.
	Director, Forest Health Protection.
Field Units	NE Area Dir, State & Private Forestry, U Darb.
	Dir N Eastern Forest Experiment Station.
	Dir, North Central Forest Exp Station.
	Dir, Pacific NW Forest & Range Exp Station.
	Dir, Pacific SW For & Range Exper Sta.
	Director Rocky Mt Forest & Range Exper Stat.
	Dir S Eastern Forest Experiment Station.
	Director, Forest Products Laboratory.
	Dep Regional Forester, Pacific NW Region.
International Forest System	Dir International Institute of Tropical Forest.
American Battle Monuments Commission:	
Office of Executive Director	Executive Director.
Broadcasting Board of Governors:	
Board of Governors	Director, Office of the Comptroller.
International Broadcasting Bureau	Dir Engineering and Technical Operations.
	Deputy for Engineering Resource Control.
	Deputy for Network Operations.
	Director for Spectrum Management.
	Senior Advisor.
Department of Commerce:	
Department of Commerce	Deputy Director for Financial Services/Deputy CFO.
	Chief Financial Officer and Chief Administrative Officer.
	Deputy Chief Financial Officer/Direct of Budget.
	Deputy Chief Administrative Officer.
	Deputy Chief Financial Officer/Deputy Chief Administrative Officer.
	Chief Information Officer.
	Chief Information Officer.
	Deputy Director for Financial Policy.
	Chief Information Officer & Director for High Performance.
	Computing and Communications.
Office of the Secretary	Director, Office of Information Policy, Planning and Review.
Office of the Chief Financial Officer and Assistant Secretary for Administration.	Director for Y2K Outreach.
	Deputy Director, Office of Budget.
	Deputy Chief Information Officer.
	Director for Administrative Services.
Office of the General Counsel	Asst General Counsel for Finance & Litigation Director, Office of Intelligence Liaison.
Director for Human Resources Management	Director for Human Resources Management.
	Dep Dir of Human Resources Management.
Director for Financial Management	Dir for Financial Management.
Office of Budget Mgmt & Info & Chief Information Officr	Director, Office of Budget.
	Chief Information Officer.
Director for Executive Budgeting & Assistance Mgmt	Dir for Federal Asst & Management Support.
Office of Security and Administrative Services	Director, Office of Security.
	Director, Office of Acquisition Management.
Office of the Assistant Secretary for Administration	Director for Technology Management.
	Deputy Assistant Secretary for Security.
Office of Inspector General	Asst Inspect Genrl for Compliance Admin.
	Asst Inspector General for Syst Evaluation.
Office of Counsel to the Inspector General	Counsel to the Inspector General.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Office of Inspections and Program Evaluation	Assistant Inspector General for Inspections and Program Evaluation.
Office of Audits	Assistant Inspector General for Auditing.
Office of Investigations	Asst Inspector General for Investigations.
Economics and Statistics Administration	Director, Stat—USA.
Bureau of the Census	Assistant Director for Marketing and Customer Liaison.
	Chief, Human Resource Division.
Office of the Director	Assoc Dir for Field Operations.
	Chief Decennial Sys & Contracts Magnt Office.
	Principal Assoc Dir and Chief Financial Offc.
	Principal Associate Director for Programs.
	Special Advisor to the Deputy Director.
	Chief, Policy & Strategic Planning Division.
	Assistant to the Director.
Administrative and Customer Services Division	Chief Admin & Customer Services Division.
Associate Director for Information Technology	Assoc Dir for Information Technology.
Data Preparation Division	Chief National Processing Center.
Associate Director for Economic Programs	Associate Director for Economic Programs.
	Assistant Director for Economic Programs.
Economic Planning and Coordination Division	Chf, Economic Planning & Coordination Div.
Economic Statistical Methods and Programming Division	Chf, Economic Statistical M & P Division.
Agriculture and Financial Statistics Division	Chief Company Statistics Division.
Services Division	Chief Service Sector Statistics Division.
Foreign Trade Division	Chf, Foreign Trade Div.
Governments Division	Chf, Government Div.
Manufacturing and Construction Division	Chf, Manufacturing & Construction Division.
Associate Director for Decennial Census	Associate Director for Decennial Census.
	Asst to the Assoc Dir for Decennial Census.
	Assistant Director for Decennial Census.
Decennial Management Division	Chief Decennial Management Division.
Geography Division	Chf, Geography Div.
Decennial Statistical Studies Division	Chief, Decennial Statistical Studies Div.
Associate Director for Demographic Programs	Associate Dir for Demographic Progs.
	Chf, Population Div.
	Chief Demographic Surveys Division.
Housing & Household Economic Statistics Division	Chf, Housing & Household Econ Statistics Div.
Demographic Statistical Methods Division	Chief, Statistical Methods Division.
Associate Director for Methodolgy & Standards	Chief, Planning, Research, and Evaluation Division.
	Assoc Dir for Methodology & Standards.
Statistical Research Division	Chief Statistical Research Division.
Bureau of Economic Analysis	Associate of Economic Analysis.
Office of the Director	Director.
	Dep Dir, Bur of Economic Analysis.
	Chief Economist.
	Chf Statistician.
Associate Director for Regional Economics	Assoc Dir for Regional Economics.
Associate Director for International Economics	Assoc Dir for International Economics.
Assoc Director for Natl Income, E & W Accounts	Assoc Dir for Natl Inc, Exp, Wealth Accounts.
	Chf Natl Income & Wealth Div.
	Chief International Investment Division.
	Chief, Computer Systems and Services Division.
Director of Administration	Director of Administration.
Office of the Asst Secretary for Export Enforcement	Deputy Assistant Secretary for Export Enforcement.
	Director Office of Export Enforcement.
Office of the Asst Secretary for Economic Development	Chief Financial Officer/Chief Administrative Officer (CFO/CAO).
Office of the Under Secretary	Chief, Financial Officer & Director of Admin.
Office of Consumer Goods	Director Office of Consumer Goods.
DAS for Market Access and Compliance	Dir Trade Compliance Center.
Market Access and Compliance	Director, Office of Eastern Europe, Russia, and Independent State.
Deputy Assistant Secretary for Agreement Compliance	Associate Director for Management.
National Oceanic and Atmospheric Administration	Chief Financial Officer/Chief Admin Officer.
	Dir Staff OFC for International Programs.
	Director, Office of Operations, Management and Information.
Office of International Affairs	Chief Financial Officer/Admin Officer.
Office of Finance and Administration	Director, Budget Office.
	Chief Information Officer.
	Dir for Human Resources Management.
	Dir, Finance Office/Comptroller (FO/Compt).
Office of High Performance Computing and Communications	Dir for High Performance Computing Commun.
Systems Acquisition Office	Information Technology Acquisition Manager.
National Ocean Service	Chf Fin Otcr/Chf Adm Otcr (Dir M & B Ofc).
	Director, National Centers for Coastal Ocean Science and Scientist for Nos.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director, National Centers for Coastal Ocean Science.
	Dir, Office of National Geodtic Survey (NGS).
Strategic Environmental Assessments Division	Chf, Strategic Environmental Assessments Div.
Coastal Monitoring and Bioeffects Assessment Division	Chief Coastal Monitoring Bioeffects Asses Div.
Hazardous Materials Response and Assessment Division	Chf, Hazardous Materials R & A Division.
Office of Assistant Administrator, Weather Services	Dir, Ofc of Aeronautical Charting\Cartography.
Management and Budget Office	Dep Chf Fin Ofc/Chief Adm Officer.
Office—Fed Coordinator—Meteorology	Senior Advisor.
	Dir, Ofc of the Fed Coord for Meteorology.
Office of Meteorology	Dir, Office of Meteorology.
Service Division	Chief, Service Division.
Office of Hydrology	Director, Office of Hydrology.
Hydrologic Operations Division	Chief, Hydrologic Services Division.
Hydrologic Research Laboratory	Chief, Hydrologic Research Laboratory.
Office of Systems Development	Director, Office of Systems Development.
Techniques Development Laboratory	Chief, Techniques Devel Laboratory.
Office of Systems Operations	Dir, Office of Systems Operations.
Systems Integration Division	Chief, Systems Integration Division.
Systems Operating Center	Chief Telecommunications Operations Center.
Engineering Division	Chief, Engineering Division.
WSR–88D Operational Support Facility	Dir, Nexrad Operational Support Facility.
National Data Buoy Center	Director, NOAA Data Buoy Office.
Eastern Region	Dir Eastern Region NWS.
Southern Region	Dir Southern Region, Ft Worth.
Central Region	Director Central Region.
Western Region	Dir, Salt Lake City Region.
Alaska Region	Dir, Alaska Region, Anchorage.
National Centers for Environmental Prediction	Dir Nat'l Severe Storms Lab.
	Dir Natl Ctr for Environmental Prediction.
	Director, Environmental Modeling Center (EMC) and Deputy Director. For Science.
NCEP Central Operations	Director, Central Operations.
	Director, Aviation Weather Center (AWC).
Hydrometeorological Prediction Center	Chf, Meteorological Operations Division.
Climate Prediction Center	Dir Climate Prediction Ctr (CPC).
Storm Prediction Center	Director, Storm Prediction Center.
Tropical Prediction Center	Dir Tropical Prediction Ctr/Natl Hurricane Ct.
National Marine Fisheries Service	Dir Seafood Inspection Program.
	Dir Ofc of Sustainable Fisheries (SF).
	Director, Office of Habitat Protection.
Office of Fisheries Conservation and Management	Chief Intergovernmental & Recreational F & M.
Office of Protected Resources	Dir Ofc of Science & Technology.
Northeast Fisheries Science Center	Science & Research Dir Northeast Region.
Southeast Fisheries Science Center	Science & Research Dir.
Northwest Fisheries Science Center	Science & Research Dir.
Southwest Fisheries Science Center	Science & Research Dir Southwest Region.
Alaska Fisheries Science Center	Science and Research Director.
Office of Asst Administrator Satellite, Data Info Serv	Sr Sci for Environ Satel, D & I Serv (Nesdis)
	Director, Information Technology Mgmt Office.
Director NPOESS Integrated Program	Systems Program Director.
National Climatic Data Center	Director, National Climatic Data Center.
National Oceanographic Data Center	Dir, Natl Oceanographic Data Center.
National Geophysical Data Center	Dir, National Geophysical Data Center.
Office of Systems Development	Dir Ofc of Sys Development.
Ofc of Asst Administrator, Ocean & Atmospheric Research	Program Director for Weather Research.
	Director, Weather and Air Quality Research.
	Dep Asst Admr for Extramural Research.
National Sea Grant College Program	Director, National Sea Grant College Program.
Aeronomy Laboratory	Director, Aeronomy Laboratory.
Air Resources Laboratory	Director Air Resources Laboratory.
Atlantic Ocean and Meteorology Laboratory	Dir, Atlantic Oceanographic & Meteorological.
Geophysical Fluid Dynamics Laboratory	Director.
Great Lake Environmental Research Laboratory	Dir Great Lakes Environmental Research Lab.
Pacific Marine Environmental Research Laboratory	Dir Pacific Marine Environmental Lab.
Space Environment Center	Dir, Space Environment Laboratory.
Environmental Technology Laboratory	Director.
Forecast Systems Laboratory	Director, Forecast Systems Laboratory.
Climate Monitoring and Diagnostics Laboratory	Dir Climate Monitoring & Diagnostics Lab.
Institute for Telecommunication Sciences	Assoc Admr for Telecommunications Science.
ITS, Systems and Networks Division	Deputy Dir for Systems & Networks.
Patent and Trademark Office	Dep Admin for Legislative & International AFF.
	Deputy General Counsel for Intellectual Property and Solicitor.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Chemical Patent Exam Groups	Group Director 110.
	Group Director 120.
	Group Director—130.
	Group Director 150.
	Deputy Group Director—110.
	Group Director—180.
	Deputy Group Dir 150.
Office of Asst Commissioner for Patents	Administrator for Search & Information Res.
	Dep Asst Comm for Patent Process Services.
	Deputy Group Director—1300.
Examing Group Directors	Group Director.
	Group Director.
	Group Director.
	Group Director.
	Group Director.
Electrical Patent Exam Groups	Group Director for 260.
	Group Director 210.
	Group Director for 220.
	Group Director—230.
	Group Director 240.
	Group Director 250.
	Deputy Group Director—250.
	Deputy Group Director—260.
	Deputy Group Director—230.
Mechanical Patent Exam Groups	Group Director—310.
	Group Director—320.
	Group Director—330.
	Group Director—340.
	Group Director—350.
Office of Asst Commissioner for Trademarks	Chairman, Trademark Trial & Appeal Board.
	Deputy Asst Commissioner for Trademarks.
	Director, Trademark Examining Operation.
	Deputy Commissioner for Trademark Examination Policy.
National Institute of Standards and Technology	Deputy Director, NIST Center for Neutron Research.
	Chief, Optical Technology Division.
	Director, Information Technology and Applications Office.
Office of the Director, NIST	Director for Administration and Chief Financial Officer.
	Deputy Director for Management Services.
	Deputy Director for Safety and Facilities.
	Executive Director, Visiting Committee on Advanced Technology Program.
	Director, Boulder Laboratories.
Office of Quality Programs	Director for Quality Programs.
	Dep Dir, Ofc of Quality Programs.
Program Office	Director, Program Office.
	Deputy Director, Information Tech Laboratory.
Office of International and Academic Affairs	Dir International & Academic Affairs.
	Chief Financial Officer.
Office of the Director for Technology Services	Deputy Director, Technology Services.
Manufacturing Extension Partner Ship Program	Assoc Dir for National Programs.
	Dir, Manufacturing Extension Partnership Prog.
	Dep Dir, Manufacturing Ext Partnership Prog.
Directors Office, Technology Innovation	Dir, Ofc of Technol Evaluation & Assessment.
Directors Ofc, Advanced Technology Program	Dir Information Technology Laboratory.
	Associate Dir for Policy & Operations.
	Dep Director, Advanced Technology Program.
	Director, Advanced Technology Program.
	Dir, Materials & Manufacturing Technology Ofc.
	Dir Electronics & Photonics Tech Office.
Electronics and Electrical Engineering Laboratory Ofc	Dir, Electronics & Electrical Eng Laboratory.
	Chief Optoelectronics Division.
	Deputy Director.
	Dir, Office of Microelectronics Programs.
Manufacturing Engineering Laboratory Office	Chief, Office of Manufacturing Programs.
	Dep Dir, Manufacturing Engineering Laboratory.
	Dep Dir, Manufacturing Engineering Laboratory.
Precision Engineering Division	Chief, Precision Engineering Division.
Intelligent Systems Division	Chief, Intelligent Systems Division.
Chemical Science and Technology Laboratory Office	Chief Process Measurements Division.
	Dir, Chemical Sci & Technology Laboratory.
	Dep Dir, Chemical Sci & Technol Laboratory.
Physical and Chemical Properties Division	Chief, Physical & Chemical Properties Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Analytical Chemistry Division	Chief, Analytical Chemistry Division.
Physics Laboratory Office	Mgr, Fundamental Constants Data Center.
	Director, Physics Laboratory.
	Deputy Director, Physics Laboratory.
Electron and Optical Physics Division	Chief Electron & Optical Physics Division.
Atomic Physics Division	Chief, Quantum Metrology Division.
	Chief, Atomic Physics Division.
Time and Frequency Division	Chief, Time and Frequency Division.
Quantum Physics Division	Senior Scientist & Fellow of JILA.
	Senior Scientist & Fellow of JILA.
	Chief, Quantum Physics Division.
Materials Science and Engineering Laboratory Office	Dir, Materials Sci & Eng Laboratory.
Ceramics Division	Dep Dir, Materials Sci & Eng Lab.
	Chief, Ceramics Division.
Materials Reliability Division	Chief Materials Reliability Div.
Reactor Radiation Division	Chief, Reactor Radiation Division.
	Group Leader Neutron Condensed Matter Science.
	Chief, Reactor Operations.
Building and Fire Research Laboratory	Chief, Fire Safety Engineering Division.
	Dir, Building & Fire Research Laboratory.
	Dep Dir, Building & Fire Research Laboratory.
	Chief, Fire Safety Engineering Division.
Building Materials Division	Chf, Building Materials Div.
Building Environment Division	Chief, Building Environment Division.
Fire Science Division	Chief, Fire Science Division.
Computer Systems Laboratory Office	Associate Director for Program Implementation.
Advanced Network Technologies Division	Chief Advanced Network Technologies Div.
Computing and Applied Mathematics Laboratory Office	Associate Director for Computing.
	Chief High Perf Systems & Services Division.
National Technical Information Service	Deputy Director, Natl Technical Info Service.
O/AD for Financial & Administrative Management	Assoc Dir for Finance & Administration.
	Comptroller.
Commodity Futures Trading Commission:	
Office of the General Counsel	Deputy General Counsel (Litigation).
	Deputy General Counsel (Opinions & Review).
	Deputy General Counsel (Reg & Adm).
	Deputy General Counsel.
Office of the Executive Director	Dep Exec Dir.
	Dir, Ofc in Information Resources Mgmt.
	Director, Office of Financial Management.
Division Economic Analysis	Dep Chf Economist.
	Chief Counsel.
	Associate Director for Surveillance.
Division of Enforcement	Deputy Director (Western Operations).
	Deputy Director (Eastern Operations).
	Associate Director.
	Associate Director.
	Associate Director
Division of Trading and Markets	Deputy Director (Contract Markets).
	Chief Counsel.
	Counsel for Special Projects.
Consumer Product Safety Commission:	
Ofc of Executive Dir	Assistant Executive Director for Compliance.
	Associate Executive Dir for Field Operations.
	Asst Exec Director for Information Services.
Office of Hazard Identification & Reduction	Assoc Exec Dir for Engineering Sciences.
	Associate Executive Director for Economic.
	Asst Exec Dir for Hazard I & R.
	Deputy Assistant Executive Director for Hazard Identification and Reduction.
	Assoc. Exec. Director for Epidemiology.
Corporation for National Service:	
Department of the Chief Financial Officer	Senior Director for Budget & Trust Operations.
Office of the Secretary of Defense:	
Office of the Secretary	Asst to the Secry of Def Intelligence Oversig.
	Deputy Assistant to the Secretary of Defense (Intelligence Oversight).
Office of Under Secretary for Policy	Foreign Relations and Defense Policy Manager.
	Foreign Relations and Defense Policy Manager.
Office of the ASD (Strategy & Threat Reduction)	Principal Director for Strategy.
	Director for Nuclear Safety and Security NATO Policy.
	DUSD for Technology Security Policy Director, Technology Security.
Office of Assistant Secretary (SOLIC)	Dep Asst Secy of Defense (Forces & Resources).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dep Asst Secy of Defense (Forces & Resources).
	Director for Programs, Resources and Assessments.
	Dir Requirements & Technology & Acquisition.
	Deputy Assistant Secretary of Defense for Special Operations, Policy and Support.
Director Operational Test and Evaluation	Dep Dir for Live Fire Test & Evaluation.
	Associate Director for Test and Evaluation Studies & Analyses.
	Deputy Director for Resources and Ranges.
Ofc of Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Dep Asst Inspector Gen for Investigations.
	Asst Insp Gen for Adm & Info Management.
	Dep Asst Inspector Gen for Adm & Info Mgt.
	Dir, Audit Planning & Technical Support.
	Director, Contract Management.
	Director, Financial Management.
	Deputy Asst Inspector General for Auditing.
	Asst Inspector General for Auditing.
	Dir for Investigative Operations.
	Director, Acquisition Management Directorate.
	Dep Asst Insp Gen for Criminal Invest P & O.
	Dep Asst Inspect General Auit Policy Oversigh.
	Director, Office of Departmental Inquiries.
Office of the Secretary of Defense:	
Ofc of Inspector General	Director, Office of Intelligence Review.
	Director, Readiness and Logistics Support.
	Director for Audit Follow-Up and Technical Support.
	Deputy Assistant Inspector General for Audit Policy and Oversight.
	Director, Office of Administration and Information Management.
Ofc of Asst Secy of Defense (Reserve Affairs)	Principal Director (Manpower and Personnel).
Ofc Dep Asst Secy (Civilian Personnel P/E Opportunity)	Principal Director and Director, Workforce Relations and Development.
ODASD (Requirements & Resources)	Director, Program and Budget Coordination.
Department of Defense Education Activity	Chief of Educational Support Policy & Legisl.
	Associate Director for Management.
	Deputy Dir Dept of Defense Education Activity for DOD Dependents Schools—(DODDS) Europe.
	Deputy Director, DODEA for Dept. of Defense Dependent Schools—Pacific.
Office Assistant Sec Health Affairs	Dir Info Management Tech & Reengineering.
	Director Acquisition Management & Support.
	General Counsel.
Office of Asst Secy of Def for Public Affairs	Director, AFIS.
	Dir Armed Forces Radio & Television Service.
	Deputy Director, American Forces Information Service.
Deputy Comptroller (Program Budget)	Dir, Prog & Fin Control.
	Dep Dir for Program & Financial Control.
Deputy Comptroller (Management Systems)	Deputy Chief Financial Officer.
Washington Headquarters Services	Director of Personnel and Security.
	Dir, Freedom of Information & Security Review.
	Director Real Estate and Facilities.
	Dep Dir, Real Estate & Facilities.
	Dep Dir, Personnel and Security.
Office of the General Counsel	Deputy General Counsel (IG).
	Dir Def Ofc of Hearings & Appeals.
Office of the Under Secretary of Defense (Acquisition and Technology).	Executive Director, Defense Science Board.
	Director for Defense Procurement.
	Deputy Dir, Cost Pricing & Finance.
	Dep Dir, Contract Pol & Administration.
	Director, Pacific Armaments Cooperation.
	Dep Dir, Def Syst Procurement Strategies.
	Dir Planning & Analysis.
	Dep Dir, Foreign Contracting.
	Dep Dir for Policy Initiatives.
	Dir OSD Studies & FFRDCA.
	Director Ind Capabilities & Assesaments.
	Assistant Deputy Under Secretary of Defense (Acquisition Process Policies).
	Principal Assistant Deputy Under Secretary of Defense (Acquisition Reform).
	Director, Acquisition Resources and Analysis.
	Director, Acquisition Resources and Analysis.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director, Resource Analysis.
	Principal Deputy, Acquisition Resources and Analysis.
	Deputy Director, OSD Studies & FFRDC Programs.
	Deputy Director, Acquisition Management.
Asst to the Sec of Def for Nuclear & Chemical & Biological Defense Programs.	DAS of Def (Nuclear Treaty Programs).
Office of the Director of Defense Research & Engineering	Deputy Assistant to the Under Secretary of Defense (Nuclear Matters).
	Dep Dir Naval Warfare.
	Dep Dir Munitions.
	Sr Staff Special for Air Superiority Systems.
	Dep Dir Land Warfare.
	Dep Dir Electronic Warfare.
	Special Asst Concepts & Plans.
	Deputy Director (Missile Warfare).
	Princ Dep Dir, Strategic & Tactical Systems.
	Deputy Director Air Warfare.
	Dep Dir Arms Control Implementation Compl.
	Asst Dep Dir, Arms Control I & C.
	Dir for Infor Tech.
	Director, Sensor & Electronics Technology.
	Dir. Weapons Technology.
	Deputy Director, Developmental Test and Evaluation.
	Assistant Deputy Under Secretary of DEF (FDP).
	Director for Life Sciences.
	Director for Science and Technology Plans and Programs.
	Assistant Deputy Under Secretary of Defense (Dominant Maneuver).
	Director for Technology Transition.
	Director for Multi-Disciplinary Systems.
OFC of Asst Secy (Command, Control, Commun & Intel)	Assistant Deputy Director, Air Warfare.
	Director, Program Analysis & Integration.
	Director Counterintelligence.
Director, Strategic & Theater Nuclear Forces	Director, International Affairs.
Deputy Assistant Secretary of Defense (Intelligence)	Director, It Acquisition and Investment.
Deputy Assistant Secretary of Defense (Defense-wide C3)	Director, Intelligence Policy and Collection.
DASD (Information Management)	Deputy Director, Communications and C2 Battle Management.
Director for Special Technology	Special Assistant to the DASD (Deputy CIO).
Defense Advanced Research Project Agency (DARPA)	Director, Technology and Evaluation.
	Dir, Contracts Management Office.
	Special Asst, Information Technology.
	Dep Dir for Warfare Info Technology.
	Deputy Director DARPA.
	Prog Manager (Joint Applications Study Group).
	Director, Tactical Technology Office.
	Deputy Director for Management.
	Program Manager, (Acquisition Innovation).
	Director, Microsystems Technology Office.
	Deputy Director, Information Technology Office.
Office of the Joint Chiefs of Staff	Dep Dir for Wargaming, Simulation & Analysis.
Ballistic Missile Defense Organization	Deputy for Program Operations.
	Director, Contracts Directorate.
	Deputy for Technology.
	Asst Dept for Theater Air & Missile Defense.
	Deputy for System Integration.
	Chief Architect/Engineer.
	Deputy Chief Architect/Engineer.
	Asst Deputy for Technical Operations.
	Deputy for System Development.
	Executive Director.
	Deputy Program Manager, National Missile Defense Joint Program Office.
	National Missile Defense Technical Director (NMD TD).
Defense Contract Audit Agency	Deputy Director, DCAA.
	Assistant Director, Operations.
	Asst Dir, Policy & Plans.
	Director, Field Detachment.
	Director, DCAA.
Regional Managers	Deputy Regional Director, Western Region.
	Regional Director, Eastern.
	Regional Director, Northeastern.
	Regional Director, Central.
	Regional Director, Western.
	Regional Director, Mid-Atlantic.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dep Regional Director Eastern Region.
	Deputy Regional Director Northeastern Region.
	Deputy Regional Dir Central Region.
	Dep Reg Dir Mid Atlantic Region.
Defense Logistics Agency	Chief Actuary.
	Dir, Defense Manpower Data Center.
	Dep Commander, Def Construction Supply Ctr.
	Deputy Commander Defense Distribution Center.
	Exe Dir, Resource Planning & Performance Dir.
	Chief Information Officer.
	Dir, Civilian Personnel Mgmt Service.
	Director, Defense Property Accountability System (DPAS) Program Management Office.
	Executive Director Human Resources.
	Executive Director, International Logics.
	Executive Director Logistics Management.
	Director, Defense Automated Printing Service.
	Director, Defense Energy Support Center.
	Deputy Chief Information Officer.
	Executive Director, Electronic Business Office.
	Executive Director.
	Executive Director, Information Technology Policy, Plans and Assessment.
	Executive Director, Business Modernization.
	Executive Director, Logistics Policy and Acquisition Management.
	Program Executive Officer.
Ofc of Staff Dir-Small & Disadvantaged Business Utili	Staff Dir, Small & Disadv Busin Utilization.
Office of General Counsel	General Counsel, DLA.
	Deputy General Counsel (Administration).
Office of the Comptroller	Comptroller.
Office of Deputy Director, Material Management	Executive Director Procurement.
	Deputy Commander, Defense General Supply Ctr.
	Executive Dir. Info System & Technology Dir.
	Deputy Commander (DLSC).
Defense Personnel Support Center	Deputy Commander, DPSC.
Defense Training & Performance Data Center	Deputy Dir Defense Manpower Data Center.
Defense Contract Management Agency	Special Asst for Integrity in Contracting.
	Dep Gen Counsel (Acquisition & Contract Mgmt).
	Executive Director, Contract Mgmt Operations.
	Executive Director, Program Integration (Acquisition).
	Dep Commander, Dep Contract Mgmt Command.
	Executive Director, Business Operations.
	Chief Information Officer.
	General Counsel.
	Deputy General Counsel.
Defense Information Systems Agency	Comptroller.
	Dep Director for Strategic Plans & Policy.
	Special Assistant for Liaison Activities.
	Chief, Technology & Standards Division.
	DEP Dir for C4I Programs.
	Special Asst/Infrastructure & Information Systems Security.
	Dir, Joint Electronic Commerce Prog Office.
	Chief Engineer, Information Systems Security.
	Technical Adv, C4I Sys, Prog & Info Assurance.
	Chief, Networks Division.
	Advisor for Cross Program Integration.
	Chief Spectrum Anal & Mangnt Division.
	Commander, DISA Westhem.
	Deputy Chief Engineering Executive for Electronic Commerce.
	Chief, Policy, Plans, and Appropriated Programs Division.
	Chief, Defense Computing Business Office.
	Chief, Defense Information Systems Network Business Office.
	Principal Information for 2000 Operations.
	Deputy Chief Engineering Executive for Information Processing.
	Assistant for Program Oversight.
	Defense Message Systems Implementation/Integration Manager.
	Chief Engineering Executive for Information Transport.
	Commander, Center for Horizontal Integration.
	Chief, Defense Information Systems Network Support Division.
	Chief, Engineering Executive, Office of Chief Information Officer.
	Chief, Defense Information Systems Network Transition and Integration Division, Operations Directorate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director for Manpower, Personnel and Security.
	Deputy Director for Information Engineering.
Office of the Director	Deputy Manager National Commun Systems.
	Inspector General.
Directorate for Strategic Plans and Policy	Chief Information Officer.
Directorate for C4 & Intelligence Programs	Tech Dir Adv Info Tech Services Joint Prog.
	Dep Dir for C4I Modeling, Simulation & Assess.
	Chief Current Network Operations.
Directorate for Operations	Technical Dir, Space Information Syst Office.
Directorate Disa, for Logistics, F & S Projects	Dep Dir for Procurement & Logistics.
Directorate for Personnel and Manpower	Dep Dir for Personnel & Manpower.
Directorate for Engineering & Interoperability	Assoc Dir for Technical & Management Support.
Directorate for Enterprise Integration	Deputy Director for Joint R A & I.
Defense Threat Reduction Agency	Staff Spec for Spec Tech Program.
	Chief, Weapons Lethality Division.
	Deputy Director, Operations Directorate.
	Director for Electronics and Systems.
	Director for Weapons Effects.
	Chief, Simulation and Test Division.
	Director for Programs.
	Program Director, Special Programs Office.
	Dir for Counterproliferation Programs.
	Comptroller.
	Deputy Director, on Site Inspection Plans and Resources.
	Director, Counterproliferation Support & Operations.
	Director, Acquisition Management.
Defense Security Assistance Agency	Director, Chemical-Biological Defense.
Defense Finance & Accounting Service	Chief Information Officer.
	Deputy Director, Cleveland Center.
Defense Security Service	Deputy Director Defense Finance and Accounting Service.
	Dir, Defense Investigative Service.
	Special Asst to the Director.
	Dir DOD Polygraph Institute.
	Chief Operating Officer.
	Comptroller.
	Principal Deputy Director, Defense Security Service.
	Deputy Director for Standards and Quality.
	Deputy Director for Acquisition and Augmentation.
	Chief of Staff.
	Deputy Director for Security Programs.
	Deputy Director for Field Operations.
	Deputy Director for Resources.
	Deputy Director for Program Analysis and Evaluation.
Department of the Air Force:	
Office of the Secretary	Associate Director, Legislative Liaison.
Office of Administrative Assistant to the Secretary	Administrative Assistant.
	Dep Admin Assistant.
Office of Small & Disadvantaged Business Utilization	Dir, Ofc of Small & Disadv Bus Utilization.
Office of the Inspector General	Deputy Assistant Inspector Gen/Spec Executive Division.
	Executive Director, Defense Cyber Crime Center (DCCC).
Office of ASAF for Financial Management & Comptroller	Principal Dep Asst Secry (Financial Mgmt).
ODAS Budget	Director of Budget Investment.
	Director of Budget Management & Execution.
	Deputy for Budget.
ODAS Cost & Economics	Dep Asst Secy (Cost & Economics).
Office of ASAF for Acquisition	Air Force Program Executive Officer, Launch Systems.
	Principal DAS (Acquisition & Mgmt).
Centralized RFP Support Team Office	Dir, Centralized Rfp Support Team.
ODAS Science, Technology & Engineering	DAS (Science, Technology & Engineering).
ODAS Management Policy & Program Integration	Dep Asst Secy (Mgmt POL & Prog Integration).
ODAS Contracting	Assoc Dep Asst Secy (Contracting).
Air Force Program Executive Office	Program Exec Officer, Info Systems.
	Air Force Program Executive Officer, Weapons.
	Prog Executive Officer for Joint Logistics Systems.
	Air Force Program Executive Officer Space.
Ofc of ASAF for Manpower, Reserve Affairs, Install & Env	Dep for Air Force Review Boards.
	Special Assistant to the Assistant Secretary.
	Associate Deputy Assistant Secretary of the AF (Environment Safety, and Occupational Health).
	Deputy Assistant Secretary of the AF (Personnel, Force Management and Strategy).
Air Force Base Conversion Agency	Dir Air Force Base Conversion Agency.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Air Education & Training Command	Provost, Air University.
Office of the Chief of Staff	Air Force Historian.
Test and Evaluation	Deputy Dir Test & Evaluation.
Deputy Chief of Staff, Communications & Information	Director of Chief Information Office Support.
Deputy Chief of Staff, Installations & Logistics	Asst Dep Chief of Staff Installation & Logist.
	Deputy Director of Supply.
Civil Engineer	Deputy Civil Engineer.
Services	Director of Services.
Maintenance	Associate Director of Maintenance.
Logistics Support & Integration	Director of Plans & Integration.
	Deputy Dir for Global Combat Support System.
Supply	Chief, Aircraft/Missile Support Division.
	Chief, Combat Support Division.
Field Operating Agencies	Dir AF Center for Environmental Excellence.
Deputy Chief of Staff, Plans & Programs	Asst Deputy Chief of Staff Plans & Programs.
Manpower, Organization & Quality	Deputy Director for Manpower and Organization.
Programs	Associate Director of Programs & Evaluation.
Strategic Planning	Dep Dir of Strategic Planning.
Deputy Chief of Staff, Personnel	Asst Deputy Chief of Staff Personnel.
	Dir of Personnel Force Development.
	Dep Dir Personnel Management.
	Director, Palace Compass Program Management Office.
Deputy Chief of Staff, Air and Space Operations	Dep Dir of Operational Requirements.
	Assoc Dir Modeling Simulation & Analysis.
	Director Nuclear Weapons and Counterproliferation Agency.
	Associate Director for Ranges and Airspace.
	Associate Director for Operations.
Air Force Materiel Command	Executive Director.
Personnel	Director, Personnel.
Contracting	Deputy Director Contracting.
Logistics	Deputy Director for Depot Maintenance.
	Deputy Director for Supply Management.
Engineering & Technical Management	Director, Engineering & Technical Mgmt.
Financial Management & Comptroller	Dep Director, Financial Mgmt & Comptroller.
Communications & Information	Director, Communications & Information.
Plans & Programs	Deputy Director, Plans & Programs.
Requirements	Principal Assistant Deputy Chief of Staff/Requirements.
Operations Directorate	Deputy Director of Operations.
Space and Missile Systems Center	Director, Systems Acquisition.
	Executive Director.
	Director Contracting.
	Program Director, Milsatcom JPO.
Electronic Systems Center	Executive Director.
	Prog Dir Strategic & Nuclear Deterrence C2.
	Director, Materiel Systems Group.
	Program Director, Defense Information Infrastructure Air Force.
	Director, Information Programs Office.
	Director, Contracting.
Standard Systems Center	Director, Standard Systems Center.
Aeronautical Systems Center	Executive Director.
	Director System Management.
	Program Director, Mobility SPO.
	Dir Financial Management & Comptroller.
Directors of Engineering	Dir of Engineering F–22.
	Director of Engineering, F–22.
	Director of Engineering Propulsion.
	Director of Engineering Joint Strike Fighter.
Systems Program Offices	Prog Dir Joint Air-to Surface Standoff Miss.
	Program Dir Air to Air Joint SPO.
	Program Director, Air Combat SPO.
Human Systems Center	Executive Director.
Air Force Research Laboratory	Executive Director, AFRL.
	Director, Plans & Programs.
	Assoc Dir for Investment Strategy.
	Director, AFRL Washington Office.
	Associate Director for Weapons.
Air Vehicles Directorate	Assoc Dir for Air Platforms.
Space Vehicles Directorate	Director, Space Vehicles.
Information Directorate	Dir Information.
Air Armaments Center	Director, Plans and Programs.
Directed Energy Directorate	Director Directed Energy.
Materials and Manufacturing Directorate	Director, Materials & Manufacturing.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Sensors Directorate	Assoc Dir for Manufacturing Tech & Afford.
	Director Sensors.
	Associate Director for Sensors.
Propulsion Directorate	Director, Propulsion.
Human Effectiveness Directorate	Director, Human Effectives.
Arnold Engineering Development Center	Executive Director.
Air Armament Center	Executive Director.
Air Force Flight Test Center	Executive Director.
Air Logistics Center, San Antonio	Director, Financial Management.
	Executive Director.
	Product Group Manager, Propulsion Systems.
	Dir, Privatization & Realignment.
Air Logistics Center, Oklahoma City	Director, Financial Management.
	Director, Commodities Management.
	Executive Director.
Air Logistics Center, Warner Robins	Director, Financial Management.
	Director, Technology & Industrial Support.
	Executive Director.
	Director, Logistics Management.
Air Logistics Center, Ogden	Director, Contracting.
	Director, Financial Management.
	Executive Director.
	Director Commodities.
	Director, Logistics Management.
	Director, Logistics Management.
	Director, Contracting.
Air Logistics Center, Sacramento	Director, Financial Management.
Air Force Audit Agency	Center Director, Vice Executive Director.
	Asst and Gen (Materiel & Systems Audits).
	Auditor General of the Air Force.
	Asst Aud Gen (Field Activities).
	Asst Aud Gen (Operations).
	Asst Aud Gen (Financial & Support Audits).
	Deputy Auditor General of the Air Force.
Air Combat Command	Senior Technical Director.
Air Mobility Command	Principal Dep Dir of Operations for Transport.
Air Force Reserve Command	Air Commander 4th Air Force.
	Air Commander 10th Air Force.
	Air Commander 22nd Air Force.
	Assistant Vice Commander.
	Director, Plans.
	Director of Operations.
AF Space Command	Associate Director of Plans & Programs.
AF Operational Test & Eval CTR	Technical Director.
U.S. Central Command	Scientific Advisor.
U.S. Strategic Command	Assoc Dir for Strategic Planning.
	Dep Dir Comd Ctrl Comm Computer & Intel Sys.
U.S. Transportation Command	Dir Program Analysis & Financial Mgmt.
Department of the Army:	
Office of the Secretary	Interagency Coordinator of Military Support to Civil Authorities.
Office Deputy Under Secretary of Army (OPS Research)	Spec Asst for Air & Missil Defense.
	Asst Dep Under Secy of the Army for Oper Res Special Assistant for Electronic Systems.
	Dir, Test and Evaluation Management Agency.
Office Deputy Under Secretary of the Army (Intl Affairs)	Dir of International Dev & Security Asst.
Office Administrative Asst to the Sec of Army	Adm Asst to the Secy of the Army.
	Dep Admin Asst to the Secy of the Army.
	Dir Single Agency Mgr for Pentgon Info Tech.
	Chief, Technical Officer & Director Engineering & Product Development.
Office of the General Counsel	Deputy General Counsel (Ethics & Fiscal).
Ofc Asst Secretary Army (Civil Works)	Deputy Asa (Management & Budget).
	Deputy Asa (Management & Budget).
	Das of the Army (Policy & Legislation).
Ofc Asst Sec Army (Financial Management & Comptroller)	Assistant Deputy Asa for Army Budget.
	Deputy for Cost Analysis.
	Dir of Investment.
	Das of the Army (Financial Operations).
	Spec Adv for Economic Pol & Productivity Prog.
	Director for Business Resources.
Ofc Asst Sec Army (Manpower & Reserve Affairs)	Deputy Assistant Secretary of the Army (Civilian Personnel Policy).
	Deputy Asst Secy of the Army (ARBA).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Ofc Asst Sec Army (Acquisition, Logistics and Technology)	Deputy Assistant Secretary of the Army (Civilian Personnel Policy).
	Das for Res & Tech/Chief Scientist.
	Deputy Asst Secy of the Army (Procurement).
	Dep Asst Secy for Plans & Programs.
	Director for Research.
	Director for Technology.
	Director for Assessment & Evaluation.
	Director, Procurement Policy and Acquisition Reform.
HQDA Army Acquisition Executive	Deputy Prog Mgr for Chem Demilitarization Oper.
	Deputy PEO, Armored Systems Modernization.
	Dep Prog Exec Ofcr, Command & Control Systems.
	Deputy Prog Executive Officer Comm Systems.
	Program Executive Officer Stamis.
	Dep Program Executive Officer for Aviation.
	Dep Peo, Intelligence & Electronic Warfare.
	Deputy Prog Executive Ofcr, Missile Defense.
	Program Manager, National Missile Defense.
	Dep Prog Executive Ofcr Tactical Missiles.
	Prog Manager for Chemical Demi Operations.
	Dep Prog Executive Officer for Fire Supp Sys.
	Program Exec. Ofcr, Intel., Electr. Warfare & Sensors.
Ofc of Dir of Info Sys for Comm, Contl, Comms/Computers	Dir of Army Information.
	Vice Director to the Disc4.
Army Audit Agency	The Auditor General.
	Deputy Auditor General.
	Director, Logistical & Financial Audits.
	Dir, Acquisition & Force Mgmt.
	Director, Policy and Operations Management.
Office, Chief of Staff	Director, Facilities, Housing & Environment.
	Assistant Deputy Chief of Staff for Programs.
Operations Test & Evaluation Command (OCSA FOA)	Tech Dir, Test & Exper Command.
	Dir Evaluation Analysis Center.
Army Center of Military History (OCSA FOA)	Chief Historian.
Office, Assistant Chief of Staff for Installation Mgmt	Dep Asst Chief of Staff for Installation Mgmt.
Office, Deputy Chief of Staff for Logistics	Asst Dir for Transportation.
	Executive Director, Strategic Logistics Agcy.
	Chief Aviation Logistics Office.
	Associate Dir for Supply & Maintenance.
Office Dep Chf of Staff for Operations & Plans	Tech Adv to the DCSOPS.
	Director, Army Model & Simulation Office.
Office, Dep Chief of Staff for Personnel	Director of Manprint.
Army Research Institute (DCSPER FOA)	Dir, Manp & Pers Res Lab & Assoc Dir, Ari.
	Dir, US Army Res Inst & Chief Psychologist.
U.S. Total Army Personnel Command (DCSPER FOA)	Director, Army Declassification Activity.
National Guard Bureau	Program Executive Officer for Information Systems & Chief Information Officer.
Walter Reed Army Institute of Research	Chief Dept of Pharmacology.
USA Space and Missile Defense Command	Prin Assistant Resp for Contracting.
	Dir, Advanced Technology Directorate.
	Director, Weapons Directorate.
	Dir Miss Def Battle Integration Ctr.
Training and Doctrine Command (TRADOC)	Asst Deputy Chief of Staff for Resources Mgmt.
	Adcos for Training Policy Plans and Programs.
	Deputy to the Commanding Gen, CASCOM.
	Asst Dep Chief of Staff for Base OPS Support.
	Asst Dep Chief of Staff for Base OPS Support.
	Asst Dep Chief of Staff for Combat Develop.
	Dep Chief of Staff for Base Operations Supp.
Tradoc Analysis Center	Director of Operations.
	Director of Operations.
	Director.
U.S. Army Nuclear and Chemical Agency	Dir, U.S. Army Nuclear & Chemical Agency.
Military Traffic Mgmt Command	Special Asst for Transportation Engineering.
	Deputy to the Commander.
U.S. Army Forces Command	Deputy Director Resource Management.
	Asst DCS for Pers & Inst Mgmt.
	Assistant Deputy Chief of Staff for Logistics and Readiness.
US Army Signal Command	Technical Director/Chief Engineer.
U.S. Army Corps of Engineers	Dir of Real Estate.
	Director of Human Resources.
	Director of Resource Management.
	Principal Asst Responsible for Contracting.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dep to the Chief of Staff for Prog & Tech Mgmt.
	Deputy Chief of Staff for Corporate Information.
Directorate of Research & Development	Deputy Chief of Staff for Research & Development.
	Asst Dir for Research & Dev (Civil Works Prog).
Directorate of Civil Works	Asst Dir Research & Dev (Military Prog).
	Chief, Programs Management Division.
	Chief, Planning Division.
	Principal Assistant for Civil Works.
	Chief Engineering Division.
	Chf, OPS, Construction & Readiness Division.
Directorate of Military Programs	Chief Policy Review & Analysis Division.
	Chief Construction Division.
	Deputy Director, Military Programs.
	Chief, Programs Management Division.
	Chief, Environmental Restoration Division.
	Chief, Engineering and Construction Division.
	Chief, Installation Support Division.
Directors of Programs Management	Dir Programs Management, MVD.
	Dir Programs Management, NAD.
	Director of Programs Management.
	Director Programs Management.
	Dir Programs Management, POD.
	Dir of Programs Management, SAD.
	Dir Programs Management, SPD.
	Dir Programs Management, SWD.
Directors of Engineering & Technical Services	Director of Engineering & Technical Services.
	Dir Engineering & Technical Services, NWD.
	Dir Engineering & Technical Services, NAD.
	Dir Engineering & Technical Services, LRD.
	Dir Engineering & Technical Services, NWD.
	Dir Engineering & Technical Services, LRD.
	Dir Engineering & Technical Services, POD.
	Dir Engineering & Technical Services, SAD.
	Dir Engineering & Technical Services, SPD.
	Dir of Engineering & Technical Services, SWD.
Engineer Waterways Experiment Station, COE	Director, Geotechnical Laboratory.
	Director Hydraulics Laboratory.
	Director Environmental Lab.
	Director, Structures Laboratory.
	Director Coastal Engineering Research Center.
	Dir Waterways Experiment Station.
Engineer Topographic Laboratories, C of Engineers	Director, Engineer Research and Development.
Construction Engineering Res Lab Champaign, IL	Director.
Cold Regions Research & Engineering Lab Hanover, NH	Director.
U.S. Army Materiel Command	Deputy Chief of Staff for Corporate Information/CIO.
Office of DCS for Logistics & Operations	Asst Dep Chief of Staff for Logs & Operations.
	Dir Army Single Stock Fund/Dir AMC Logistics Systems and Processes.
Special Analysis Office	Chief Special Analysis Office.
Office Deputy Commanding General	Principal Deputy for Logistics.
	Principal Deputy for Acquisition.
	Principal Deputy for Technology.
Office of DCS for Research, Dev and Acquisition	ADCS for RDA Science Technology & Engineering.
	ADCS for RDA—Business OPS/Director AMC TOCR Program.
Office of Deputy Chief of Staff for Ammunition	Asst Deputy Chief of Staff for Ammunition.
Office of DCS for Acquisition	Asst Dep Chief of Staff for RES DAAC & P Mgmt.
Office of Deputy Chief of Staff for Personnel	Dep Chief of Staff for Personnel.
Office of the Deputy Chief of Staff for Res Management	ADCS for Resource MGMT/EXEC Dir for Busin.
	Deputy Chief of Staff for Resource Management.
USA Security Assistance Command	Deputy.
US Army Operations Support Command	Deputy to the Commander.
Natick Soldier Center	Director, Natick Rd & E Center.
U.S. Army Soldier & Biological Command (SBCCOM)	Deputy to the Commander.
	Director for Operations, Remediation and Restoration.
US Army Communications Elect Comd (CECOM)	Director, U.S. Army Materiel Command Acquisition Center.
	Director Cecom Acquisition Center.
	Assoc Dir, Cecom ACQ Center—Washington Operations Office.
	Deputy to the Commander.
Cecom Research, Development & Engineering Center	Dir-Night Vision/Electro Sensors Directorate.
	Dir, Space & Terrestrial Comm Directorate.
	Dir, I & E Warfare Directorate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dir, Software Engineering Directorate.
	Director/Army Systems, Engineer.
	Dir for C4I Log & Readiness Center.
	Assoc Tech Dir Resech Devel & Engineering Ctr.
	Director, Command, Ctrl & Syst Integration Dir.
U.S. Army Research Laboratory	Director US Army Research Laboratory.
	Associate Director for Plans, Programs and Budget.
	Dep Dir Info Sci/Tech Dir of Atmospherics Res.
	Deputy Director.
Survivability/Lethality Analysis Directorate	Director, Survivability/Lethality Analysis Directorate.
Army Research Office	Director.
	Dir, Research & Technology Integration.
	Dir, Information Sci & Technology Directorate.
	Director, Engineering Sciences Directorate.
	Director, Physical Sciences Directorate.
Sensors and Electron Devices Directorate	Deputy Director and Director Electron Devices Research.
Computational and Information Sciences Directorate	Director.
	Dir Corporate Information & Computing Ctr.
	Director.
	Deputy Director.
Weapons and Material Research Directorate	Deputy Director and Directorate Materials Research.
	Director.
Human Research and Engineering Directorate (ARL)	Director, Human R & E Directorate.
U.S. Army Aviation and Missile Command (AMCOM)	Executive Director, Acquisition Center.
	Executive Dir, Integrated Materiel Mgmt Ctr.
	Deputy Executive Director for TMDE.
	Deputy to the Commander.
	Deputy to the Commander.
	Executive Director Acquisition Center.
	Executive Dir Integrated Material Magnt Ctr.
Missile Res Development & Engineering Center (RDEC)	Dir for Systems Simulation & Development.
	Tech Dir for M & D, Res, Dev & Eng Center.
	Dir for System Engineering & Production.
	Associate Director for Systems, Missiles.
	Director for Weapons Sciences.
	Dir for Missile Guidance.
	Director for Propulsion and Structures.
Aviation Research, Development and Engineering Center	Techn Dir (Aviation) & ED–US Army ARD & EC.
	Director of Aviation Engineering.
	Dir of Aeroflight Dynamics.
	Dir of Advanced Syst/Assoc Dir for Technol.
	Assoc Dir for Tech Appl/Dir of Spec Prog.
Tank-Automotive and Armaments Comd (TACOM)	Director of Acquisition Center.
	Director, Integrated Materiel Mgmt Center.
	Dir US Army Armament & Chemical A & L Act.
	Deputy to the Commander.
Tank-Automotive Res, D & E Center (TARDEC)	Vice President for Research.
	President/Director.
	Vice President for Customer Engineering.
	Vice President for Product Development.
US Army Armament Research, D & E Center (ARDEC)	Technical Director for Armament.
	Asst Technical Director (System Development & Engineering).
	A/Tech/Dir (Systems Concepts & Technology.
Warheads, Energetics & Combat Support Armaments Center	Dir, WE & Combat Support Armaments Center.
Fire Support Armaments Centers	Senior Technical Executive for Fire Support.
Close Combat Armaments Center	Senior Technical Executive for Close Combat.
US Army Simulation, Training & Instrumentation Command	Deputy to the Commander.
US Army Test and Evaluation Command, (TECOM)	Tech Dir & Chf Sci.
	Director, Technical Mission.
	Dir, Joint Prog Ofc for Test & Evaluation.
US Army Materiel Systems Analysis Activity	Director.
	Chief, Combat Integration Division.
Headquarters, US Army, Europe	Asst Dep Chf of Staff, Personnel (Civ Pers).
	Asst Dep Chief of Staff Eng for Eng & Housing.
	Assistant Deputy Chief of Staff Res Mangnt.
	Asst Dep Chf Staff for Eng (Intl Affairs).
	Deputy Chief of Staff for Resource Management.
U.S. Army Military District of Washington	Director of Cemetery Operations.
	Deputy to the Commander for Installation Support.
US Army (SBCCOM)—Edgewood Biological Chemical Center	Director, Engineering Directorate.
	Dir, Res & Technology Directorate.
	Technical Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
U.S. Southern Command	Spec Asst for Technology & Requirements Integ.
	Technical Advisor-Sustaining Base/Quality of Life.
Department of the Navy:	
Office of the Secretary	Chief Information Officer.
	Director for Electronic Business and Security.
Office of the Secretary of The Navy	Assistant for Administration.
Office of the Auditor General	Eastern U.S. Audit Services Facilitator.
	Dir, Naval Audit Service Western Region.
	Dir, Naval Audit Service Capital Region.
	Asst. Auditor General for Financial & Force Mgmt. Audits.
	Auditor General of the Navy.
	Deputy Auditor General of the Navy.
	Asst. Auditor General for Infrastructure Audits.
Org Deleted	Asst. Auditor General for Acquisition & Logistics Audits.
	Director, Plans and Policy.
Ofc of the Asst Secy of Navy (Manpwr & Res Affs)	Dir Program & Financial Audits Directorate.
	Dir, Human Resources Operations Center.
	Assist Gen Coun (Manpower & Reserve Affairs).
	Director, Plans, Programs & Diversity.
OAS of Navy (Installations & Environment)	Dep A/S of the Navy (Civilian Persnl P/EEO).
OAS of the Navy (Research, Dev & Acquisition)	Asst General Counsel (Install & Environment).
	Director, Navy Acquisition R & S Improvement.
	Director, Procurement Policy.
	Head, Contract Policy.
	Asst Gen Coun (Res, Dev & Acquisition).
	Director, Acquision Career Management.
Program Executive Officers	Dep Dir Navy International Programs Office.
	Chief Systems Engineer, Theater Air Defense.
	Deputy Program Executive Officer for DD–21.
	Deputy PEO for Aircraft Carriers.
	Director, Plans & Programs Division.
	Chf Engr.
	Asst for Fire Control & Guidance Systems.
	Branch Head, Reentry Systems Branch.
	Dep P/E Officer for Unmanned Aerial Vehicles.
	Dep Prog Exec Officer for Theater Air Defense.
	Technical Plans Officer.
	Head, Res Branch & De Dir, Plans & Progs Div.
	Assistant for Missile Engineering Systems.
	Dep P/E Officer for Cruise Missiles Program.
	Prog Manager for Comm Satellite Programs.
	Dep Prog Officer Submarines.
	Program Executive Officer, Undersea Warfare.
	Asst for Systems Integration & Compatibility.
	Dep Prog Exec Ofcr for ASW, A/S Mission Prog.
	Dep Prog Exec Ofcr for Tactical Air Programs.
	Deputy PEO, Mine Warfare.
	Prog Exec Officer for Space Comms & Sensors.
	PEO for Information Technology.
	AEGIS Deputy Program Manager.
	Prog Exec Officer ASW Assault & Spec Miss Pro.
	Deputy PEO for Enterprise Solutions.
	Chief Engineer, PEO, SCS.
	Deputy PEO for Information Technology Tech Dir.
	Deputy Program Mgr., Future Carrier Program Office.
Ofc of the Asst Secy of Navy (Fin Mgmt Comptroller)	Assoc Dir, Budget & Reports Fiscal Manag Div.
	Asst General Counsel (Financial Management).
	Dir, Investment & Dev Div.
	Dir, Financial Mgmt Pol & Systems Division.
	Director, Program Budget Coordination Division.
	Dir Resource Allocation & Analysis Division.
	Director, Financial Management Division.
	Director, Business and Civilian Resources Division.
Naval Center for Cost Analysis	Dir Naval Center for Cost Analysis.
Office of the Naval Inspector General	Deputy Naval Inspector General.
Office of the General Counsel	Special Counsel for Litigation.
Naval Criminal Investigative Service	Dir Naval Criminal Invest Service.
	Asst Dir of Counterintelligence.
	Special Agent in Charge Norfolk Field Ofc.
	Special Agent in Charge.
	Deputy Director, NCIS.
Chief of Naval Operations	Asst Dept Chf of Naval Operations (Logistics).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Chief of Naval Operations	Dep Dir of Naval Training.
	Asst Dep Chief Naval Oper Res Warfare.
	Asst Dep Chf of Naval Oper Manpower Personnel.
	Assistant Deputy Chief of Naval Operations (Warfare Requirements Programs).
	Director, Special Programs Division.
	Assistant Director, Space, Information Warfare, Command and Control.
	Head, Readiness & Sustainability Branch.
	Associate Director, Assessment Division.
	Tech Dir, Submarine & SSBN Security Program.
	Technical Director.
	Deputy Director for Programming.
	Head Assessment & Affordability Branch.
	Assoc Dir, Expeditionary Warfare Division.
	Director, Logistics Planning and Innovation.
	Dir Naval History/Dir, Naval Historical Ctr.
	Head Deep Submergence Systems Branch.
	Head Deep Submergence Systems Branch.
	Dep Dir Envir Protection Safety Occp Heal Div.
	Director Strategic Sealift Division.
Bureau of Naval Personnel	ACNP for MPN Financial Management.
Bureau of Medicine & Surgery	Dep Commander for Fin Mgmt & Comptroller.
Military Sealift Command	Counsel.
	Comptroller.
	Asst Dept Comdr for Business Operations.
Naval Meteorology & Oceanography Comm, Stennis SC, MS	Technical/Deputy Director.
Ofc of Commander in Chf Allied Forces/Southern Eur	Dir Joint Train Analysis & Simulation Ctr.
	Dep Dir Fleet Maintenance.
	Director, Joint Battle Lab.
	Director, Command, Control Communications and Computer Systems.
	Deputy Director, Shore Activities Readiness.
Ofc of the Commander-in-Chief, U.S. Pacific Command	Chief Information Officer.
CINCPACFLT	Deputy Director Fleet Maintenance.
	Deputy Director Shore Installation Management.
	Executive Director, Planning & Resources.
	Fleet Human Resources Mgr and Policy Director.
Ofc of the Chief of Naval Education and Training	Comptroller.
Naval Recruiting Command	Deputy Commander.
Naval Air Systems Command Headquarters	Acquisition Reform, Strategy and Metrics Executive.
	Executive Dir, Corporate Operations.
	Deputy Commander for Acquisition & Operations.
	Executive Director for Logistics.
	Executive Director for Contracts.
	Deputy Comptroller.
	Counsel, Naval Air Systems Command.
	Assoc Director Weapons Sys Eng Division.
	Deputy Head, Avionics Dept.
	Deputy Head Air Vehicle Dep.
	Dep Head Logistics Management.
	Head, Tactical A & M Contracts Department.
	Head Aircraft Support Dept.
	Head Cost Department.
	Deputy Acquisition Executive.
	Executive Director for Engineering.
	Dir Industrial Operations.
	Head Concepts Analysis Evaluation Plan Dept.
	Head Propulsion & Power Systems Dept.
	Head Propulsion & Power Systems Dept.
	Dep Head Aircraft Sys Engineering Department.
	Head Test Evaluation Engineering Department.
	Head Logistics Support Department.
	Deputy Commander, Naval Air Sys Command.
	Head, Cruise Missiles, UAV & Navair Programs, Contracts Department.
	Dir Budget Formulation Justification Exe Div.
	Deputy Counsel, Navair.
	Executive Dir for Industrial Capabilities.
	Asst Commander for Corporate Operations.
	Joint Eng Data Mgmt I & C Syst Prog Manager.
	Head Air Asw Assault & Special Mission Prog.
	Special Asst for Navy Test & Evaluation.
Naval Air Warfare Center Aircraft Division Lakehurst	Director, Engineering & Research.
	HD Supp Equip Aircraft Launch & Recovery Dept.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Naval Air Warfare Center Aircraft Division	Exec Dir, T & E Group NAWC-Aircraft Div.
	Head, Avionics Department
	Dir of Atlantic Ranges & Facilities Dept.
Naval Air Warfare Center Weapons Div, China Lake, CA	Head, Res and Technology Division.
	Head, Pacific Ranges & Facilities Depart.
	Head, Avionics Dept.
	Head, Syst Engineering Department.
	Director for Test & Evaluation.
	Head Weapons Engineering Dept.
	Dir for Eng, NAWC-Weapons Division.
	Dir Naval Aviation Science & Tech Office.
	Director of Corporate Operations.
	Head, Threat/Target Syst Depart.
Naval Training Systems Center	Executive Director.
	Dir of ACQ, Analysis, Engineering & Research.
Space & Naval Warfare Systems Command	Exec Dir, Contracts.
	Deputy Comptroller.
	Counsel Space & and Naval Warfare Systems Com.
	Chief Engineer Command Sys Prog Directorate
	Executive Dir, Space Tech Systems Prog Dir.
	Director, Washington Operations Office.
	Exec Dir, Undersea Surveillance Prog Dir.
	Exe Dir, Intelligence S & R System Prog Dir.
	Technical Director, SPAWAR.
	Prog Dir Command C & C System Program Dir.
	Program Dir., Adv Concepts & Technologies Dir.
	Executive Director, C4ISR Installations and Logistics Directorate.
	Prog Dir, I & E Warfare Syst Program Dir.
	Deputy Commander.
	Deputy Chief Engineer.
	Dir Strategic Corporate Plann & Devel Office.
Space and Naval Warfare Systems Center	Exec Dep Dir Info Supp Sys Progr Directorate.
	Head Intelligence S & R Department.
	Executive Director.
	Head Navigation & Applied Sciences Dept.
	Head, Command and Control Department.
	Dep Exec Dir Sci Tech Engineering.
	Head Communication & Information Sys Dept.
Space and Naval Warfare Systems Center, Charleston	Dep Executive Dir for Corporate Operations.
Naval Facilities Engineering Command	Executive Director.
	Director Navy Crane Center.
	Director, Special Venture Acquisition Programs.
	Counsel Naval Facilities Engineering Command.
	Deputy Comptroller.
	Director for Contracts Support.
	Chief Engineer.
	Dir of Real Estate Support.
	Dir of Base Closure.
	Director of Environment.
Naval Sea Systems Command	Executive Director.
	Counsel Naval Sea Systems Command.
	Executive Director for Contracts.
	Executive Director/Deputy Comptroller.
	Director, Reactor Materials Divisions.
	Director, Secondary Plant Components Division.
	Head, Advanced Reactor Branch.
	Director, Hydrodynamis Group.
	Dep Dir Surface Ship Design & Sys Eng Group.
	Dir Cost Engineering & Industrial Analysis.
	Dir, Shipbuilding Contracts Division.
	Assistant Deputy Cdr for Industrial OPS.
	Executive Director, Surface Ship Directorate.
	Exec Dir Submarine Directorate.
	Executive Director/Battle Force Systems Eng.
	Director, Corporate Operations.
	Chief Information Officer.
	Executive Director for Logistics, M & I OPS.
	Dep Prog Mgr/Techn Dir, New Attack Submarines.
	Dep Prog Mgr for S & A Submarine Program.
	Dep Prog Manager, Aircraft Carrier Prog Ofc.
	Dir Reactor Plant Components Auxil Equip Div.
	Dep Dir/Advanced Submarine Reactor S&SF Mgmt.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dir Surface Ship Systems Division.
	Dir, Reactor Plant Safety & Analysis Division.
	Dir, Ship S & S Integrity Group.
	Dir Power Systems Group.
	Director, Materials Engineering Office.
	Exec Dir, Ship Design & Engrng Directorate.
	Program Manager for Commissioned Submarines.
	Dir, Surface Systems Contracts Division.
	Dep CDR SSD/Dep PEO for CLW & Auxiliary Ships.
	Director, Office of Resource Management.
	Dir, Reactor Refueling Division.
	Deputy Counsel, Naval Sea Systems Command.
	Dir Environmental Protection Office.
	Deputy Dir Environmental Health & Safety.
	Program Manager, Commercial Ship/Craft Program Office.
	Asst Deputy Commander, Fleet Maintenance Policy and Process Division.
	Asst Deputy CDR Fleet Logistics Support.
	Director, Fleet Readiness Division.
Norfolk Naval Shipyard	Naval Shipyard Nuclear Engineering & Plan Mgr.
	Nuclear Eng & Planning Manager Budget Naval Ship.
Naval Surface Warfare Center	Technical Director.
Naval Undersea Warfare Center	Technical Director.
Naval Surface Warfare Center, Crane Division	Executive Director.
Naval Undersea Warfare Center Div, Keyport, WA.	Executive Director.
Naval Surface Warfare Center, Pt. Hueneme Division	Executive Director.
Naval Surface Warfare Center, Indian Head Division	Director.
Coastal Systems Station	Executive Director.
	Head, Coastal Sci, Technology & Analysis Dept.
	Head, Coastal Warfare Systems Department.
Naval Surface Warfare Center, Carderock Division	Director.
	Assoc Dir for Hydromechanics/Head, Hd.
	Assoc Dir for Syst/P & H Ship S/P Directorate.
	Assoc Dir for Ship A/E S/H S/Directorate.
	Assoc Dir for SS & M/HSS & M Directorate.
	Associate Director for Machinery.
Naval Surface Warfare Center, Dahlgren Division	Head, Weapons Systems Department.
	Head, Combat Systems Department.
	Exec Director.
	Deputy Executive Director.
	Head Strategic & Strike Systems Dept.
	Head, Systems Res & Technology Department.
	Head Joint Warfare Applications Dept.
	Dir, Combat Systems Design & Eng Group.
	Head Warfare Analysis & Systems Dept.
Naval Undersea Warfare Center Division, Newport, RI	Head, Submarine Sonar Department.
	Executive Director.
	Head Test and Evaluation Dept.
	Director for Submarine Combat Systems.
	Director, Submarine Warfare Systems.
	Director, Surface Undersea Warfare.
	Hd, Submarine Electromagnetic Sys Dept.
	Head Combat Control Systems Department.
	Head Torpedo Systems Technology Dept.
Naval Supply Systems Command Hdqtrs	Asst Dep Commander for FIN Mgmt/Comptroller.
	Director, Defense Techology Analysis Office Counsel.
	Assistant Deputy Commander for Electronic Business.
	Executive Director Office of Special Projects.
	Assistant Commander for Fleet Logistics OPS.
	Executive Director.
Naval Inventory Control Point	Vice Commander.
Naval Fleet Material Support Office	Executive Director.
U.S. Marine Corps Headquarters Office	Dep Dir Facilities & Services Division
	Dir Contracts Division.
	Counsel for the Commandant.
	Deputy Counsel for the Commandant.
	Director of Administration and Resources.
	Asst Dep Chf for Prog & Resourc Fiscal Div.
	Asst Dep Chf of Staff for Installations & Log.
	Assistant to the Deputy Commandant of the Marine Corps for M & RA.
	Asst Dep Chf of Staff for Requirements & Prog.
Marine Corps Systems Command	Director, C4I.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Executive Director.
	Deputy for Financial Management.
Marine Corps Materiel Command Albany GA	Deputy Commander for Logistics Operations.
	Executive Director.
Office of Naval Research	Dir, Ship Structures & Systems S&T Div.
	Dir, Mechanics & Energy Conversion S&T Div.
	Director, Marine Corps Science & Technology.
	Director, Physical Sciences S&T Division.
	Executive Director/Technical Director.
	Head Special Programs Department.
	Executive Dir for Acquisition Management.
	Dir Financial Management Comptroller.
	Patent Counsel.
	Counsel, Office of Naval Research.
	Head Engineering.
	Dir Strike Technology Division.
	Dir Math Computer & Information Science Div.
	Dir OAS S & T Processes & Prediction Division.
	Dir OAS at Sensing & Systems Division.
	Head, Industrial and Corporate Programs Department.
	Dir Cognitive & Neural Science & Tech Div.
	Head, Human Systems S & T Department.
	Dir, Biomolecular & Biosyst Sci & Techn Div.
	Head Info Electronics & Surveil Sci Tech Dept.
	Dir of Surveillance Communications Electronic.
	Director, Electronics Division.
	Head Ocean Atmosphere Space Sci Tech Dept.
	Associate Technical Director.
	Director, Naval Fleet/Force Tech Innovation Office.
	Dir Materials Sci and Technology Division.
	Assoc for Integration OAS St Sensing Sys Div.
Naval Research Laboratory	Chf Sci, Lab for Structure of Matter.
	Dir of Research.
	Assoc Dir of Res for Matl Sci & Comp Technol.
	Superintendent, Chemistry Division.
	Superintendent, Optical Sciences Div.
	Superintendent Space Science Div.
	Supt, Radar Div.
	Supt Materials Sci and Tech Division.
	Supt, Acoustics Div.
	Superintendent, Plasma Physics Div.
	Superintendent Electronics Technology Div.
	Superintendent, Info Technol Div.
	Supt, Tactical Electronic Warfare Div.
	Chief Scientist Lab for Compt Phy Fluid Dynam.
	Superintendent, Remote Sensing Division.
	Assoc Dir of Res for Business Operations.
	Chief Sci & Head, Beam Physics Program.
	Superintendent, Marine Meteorology Division.
	Mgr, Joint Space Systems Technology Programs.
	Assoc Dir Res for Ocean & Atmospheric Sci Tec.
	Superintendent Ctr Bio/Molecular Science Eng.
	Head Elect Warfare Strategic Planning Org.
	Assoc Dir of Res for Warfare Sys & Senors Res.
	Superintendent, Space Syst Development Dep.
	Superintendent, Oceanography Division.
	Superintendent, SpaceCraft Engineering Dep.
	Dir, Naval Center for Space Technology.
	Superintendent, Marine Geosciences Division.
Defense Nuclear Facilities Safety Board:	
Defense Nuclear Facilities Safety Board	Dep Gen Counsel for Pol & Litigation.
	Deputy General Manager.
	Tech Adv for Hazards Anal & Health Physics.
	Technical Advisor for Technical Studies.
	Technical Lead for Engineering Programs.
	Technical Lead for Nuclear Weapons Programs.
	Technical Lead for Materials Processing & Environmental Restoration Programs.
	Technical Lead for Materials Processing & Environmental Restoration.
Department of Education:	
Ofc of the Chief Financial Officer	Deputy Chief Financial Officer.
	Dir Financial Management Operations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Office of the Chief Information Officer	Deputy Chief Information Officer.
	Chief Information Officer.
	Dep Chief Info Officer (Operations Engineering).
	Dep Chief Information Officer for Info Management.
	Deputy CIO for Information Assurances.
Office of Management	Chairperson, Education Appeal Board.
	Dir Human Resources Group.
Office of Inspector General	Assistant Inspector General for Audits.
	Dep Asst Insp Gen for Audit Operations.
	Counsel to the Inspector General.
	Deputy Inspector General.
	Asst Inspector General for Operations.
	Asst Inspec General for Operations East Area.
	Asst Inspec Gen for Investigation Services.
	Asst Inspector General for Audit Services.
	Deputy Assistant IG for Audit Services.
	Assistant Inspector General for Audit Services.
	Assistant IG for Investigative Services.
Office of the General Counsel	Asst Gen Coun for Busin & Adm Law.
	Asst General Counsel for Education Equity.
	Asst Gen Counsel for Regulations.
	Asst Gen Coun for Div of Legislative Counsel.
	Asst Gen Coun for Postsecondary Ed & Ed Res.
National Center for Education Statistics	Assoc Commr/Surveys & Cooperative Syst Group.
	Associate Commr for Data Collection and Dissemination.
National Center for Education Statistics	Associate Commr for Data Collection and Dissemination.
	Assoc Comr for Stat Std & Methodology Div.
	Deputy Commissioner.
	Associate Commissioner for Assessment.
Student Financial Assistance	Chief Financial Officer.
	Dir, Financial Mgmt Systems Requirements & Testing.
	Director, Collections.
	Director, Student Aid Awareness.
	Deputy Chief Financial Officer.
Department of Energy:	
Deputy Administrator for Defense Programs	Assoc DAS for Program A & F Management.
Office of Counterintelligence	Deputy Director.
Office of Security and Emergency Operations	Dir Ofc of Classification & Technology.
	Director, Office of Security Affairs.
Office of Independent Oversight & Performance Assurance	Director, Office of Safeguards and Security Evaluations.
Office of Safeguards & Security Evaluations	Director.
	Deputy Director.
Office of Chief Financial Officer	Dir Ofc of Budget.
	Dep Dir Ofc of Budget.
	Director, Budget Analysis Division.
	Director Capital Accounting Center.
	Director, Budget Operations Division.
	Dir Ofc of Dep Accounting & Fin Sys Dev.
	Dir Ofc of Financial Policy.
	Dir Ofc Compliance and Audit Liaison.
	Deputy Controller.
	Controller.
Office of Economic Impact & Diversity	Dir of Sm and Disadv Bus Utlz.
Assistant Secretary for Energy Efficiency & Renewable Energy	Manager, Golden Field Office.
Assistant Secretary for Environment, Safety & Health	Dir Nuclear Operations & Analysis.
	Dir Office of Environmental Compliance.
	Deputy Director Ofc of ES&H Evaluations.
	Dir Office of Enforcement & Investigations.
	Dir Ofc of Nuclear Safety Policy & Standards.
	Dir Occupational Safety & Health Policy.
	Director, Office of Environment, Safety, and Health Evaluations.
Energy Information Administration	Dir, Ofc of Oil and Gas.
	Dir Ofc of Coal Nucl Elec & Altern Fuels.
	Director, Ofc of Energy Markets & End Use.
	Director Economics & Statistics Division.
	Director, Statistical and Methods Group.
	Director, Natural Gas Division.
	Director, Petroleum Division.
	Dir, Ofc of Integration Nal & Forecasting.
	Director, Coal & Electrical Power Division.
	Director, Electrical Power Division.
	Director, International Economic & Greenhouse Gases Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dir Survey Mgmt Div.
Assistant Secretary for Environmental Management	Director, Information Technology Group.
	Director, Office of Research & Development.
	Assoc DAS for Oversight & Self-Assessment.
	Director, Office of Acquisition Management.
	Science Advisor.
Office of Science	Director, Office of Budget.
	Dir Chem Sci Div.
	Dir Adv Egy Proj Div.
	Chf Processes and Tech Br.
	Dir High En Physics Div.
	Director, Human Health & Assessment Div.
	Deputy Dir for Management.
	Dir, Health Effects & Life Sci Research Div.
	Deputy Dir for Nuclear Safety Safeguard.
	Dir, Office of Assessment & Support.
	Assoc Dir Ofc of Computational & Tech Researc.
Office of Fossil Energy	Director, Financial Management Division.
	Director, Materials Partnerships Research Center.
Office of Field Management	Dir, Ofc of Resource Management & Services.
	Deputy Manager, DOE Field Office, CH.
Albuquerque Operations Office	Director, Weapons Surety Division.
	Dir Transportation Safeguards Div.
	Dir, Weapons Programs Div.
	Asst Manager for Management & Administration.
	Carlsbad Area Office Manager.
	Chief Financial Officer.
Chicago Operations Office	Acquisition & Asst Group Manager.
	Fermi Group Manager.
	Asst Mgr for Laboratory Management.
Idaho Operations Office	Assistant Manager for Administration.
	Asst Mgr Ofc of Program Execution.
	Asst Manager for Applied E & T Transfer.
Nevada Operations Office	Chief Counsel.
	Asst Manager for Business & Financial Service.
Ohio Field Office	Manager Ohio Field Ofc.
	Deputy Manager, Ohio Field Office.
	Director, Fernald Environmental Management Projects.
Oakland Operations Office	Field Chf Fin Officer and Business Manager.
	Assoc Manager for Site Management.
Oak Ridge Operations Office	Asst Manager for Administration.
	Chief Financial Officer.
Rocky Flats Office	Manager, Rocky Flats Field Office.
	Dep Asst Mgr for Mail Stabilization & Disp.
	Manager, Rocky Flats Field Office.
Richland Operations Office	Asst Mgr Business Mgmt & Chief Fin Ofcr.
Savannah River Operations Office	Asst Manager for Business & Logistics.
Office of Hearings & Appeals	Dep Dir for Legal Analysis.
Office of Hearings & Appeals	Dep Dir for Financial Analysis.
	Dep Dir for Econ Analysis.
Office of Management and Administration	Dir HQ Personnel Operations Div.
	Director, Office of Administration.
	Associate Dir, Office of Resource Mgmt.
	Dep Dir of Administrative Services (Wash, DC).
	Dep Dir of Personnel.
	Director, Office of Procurement and Assistance Policy.
	Dir Ofc of Mgnt Sys (Competition Advocate).
	Director Ofc Contract & Resource Management.
	Executive Assistant to the Director.
	Dir, Headquarters & Executive Personnel Serv.
	Chief Information Officer/Director of Information Management.
Office of Inspector General	Asst Inspector General for Investigations.
	Manager, Western Regional Audit Office.
	Director, Audit Policy, Plans & Programs.
	Manager, Eastern Regional Audit Office.
	Dir Capitol Regional Audit Office.
	Deputy Asst Inspector Gen for NNSA and Other Dep'l Investigation.
	Spec Asst for Policy and Planning.
	Counsel to the Inspector General.
	Dir, Office of Contractor Employee Protection.
	Asst Inspector General for Resource Mgmt.
	Principal Deputy Inspector General.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Assistant Inspector General for Audits.
	Deputy Inspector General for Inspections.
	Deputy Inspector General for Audits.
	Director for Financial Audits.
	Director for Performance Audits and Administration.
	Manager, Capital Regional Audit Office.
	Assistant Inspector General for Inspections.
	Principal Deputy Inspector General.
	Deputy Inspector General for Audit Services.
	Director of NNSA Audits.
Office of Nuclear Energy, Science & Technology	Dir Advanced Submarine Systems Division.
	Dir Instrumentation & Control Div.
Office of Nuclear Energy, Science & Technology	Asst Program Manager for Surface Ships.
	Deputy Director for Naval Reactors.
	Senior Naval Reactors Rep (Pearl Harbor).
	Director Nuclear Technology Div.
	Dir Reactor Engineering Division.
	Head, Core Manufacturing Branch.
	Dep Director Reactor Materials Division.
	Director, Fiscal Division.
	Asst Manager for Operations.
	Program Manager for Shipyard Matters.
	Dir Nuclear Components Division.
	Senior Naval Reactors Representative.
	Manager, Idaho Branch Office.
	Program Manager Submarine Technology Develop.
	Assoc Dir, Isotope Production & Distribution.
	Asst Manager for Operations.
	Prog Mgr for Analysis & Regulatory Matters.
	Director Acquisition Division.
	Director for Submarine Refuelings.
	Senior Naval Reactors Representative.
	Dep Program Mgr for Commissioned Subs.
	Prog Mgr Prototype & Moored Training Ship.
	Dir Regulatory Affairs.
Office of Nonproliferation and National Security	Dep Dir, Ofc of Security Affairs.
Western Area Power Administration	Chief Administrative Officer.
	Chief Financial Officer.
Environmental Protection Agency:	
Ofc of the Administrator	Director, Office of Executive Support.
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
Office of the Comptroller	Deputy Comptroller.
	Dir Ofc of the Comptroller.
	Director, Annual Planning & Budget Division.
	Director, Financial Services Division.
Office of Planning, Analysis & Accountability	Director, Office of Planning Analy & Account.
	Deputy Director, Office of Planning, Analysis & Accountability.
Office of Environmental Information	Deputy Director, Ofc of Technical Operations & Planning.
	Director, Office of Technical Operations & Planning.
	Director, Office of Planning, Resources & Outreach.
	Director, National Technology Services Division.
Ofc of the Asst Admr for Admin & Resources Management	Director, Ofc of Pol & Resources Mgmt.
	Principal Dep Asst Admr for Amd & Res Mgmt.
Office of Administration	Dir Ofc of Administration.
	Deputy Dir Ofc of Administration.
	Dir, Facilities & Support Services Division.
	Dir, Sfty, Health & Environmental Mgmt Div.
Ofc of Administration & Resources Mgmt—Cincinnati OH	Dir Ofc of Admin and Resources Management.
Office of Administration & Resources Mgmt—RTP, NC	Director Office of Administration & Res Mgmt.
Ofc of Human Resources and Organizational Services	Dir Office of Human Resources & Org Services.
	Dep Dir Ofc of Human Resources & Org Services.
	Assoc Director for Reengineering & Automation.
	Dir Exec Resources & Special Programs Staff.
	Director, Org & Management Consulting Serv.
Office of Acquisition Management	Dir, Superfund/RCRA Regl Procurement Ops/Div.
	Director, Office of Acquisition Management.
	Dep Dir, Office of Acquisition Management.
Office of Grants and Debarment	Dir, Grants Admin Div.
	Director, Office of Grants & Debarment.
Office of the Asst Admr for Enf & Comp Assurance	Director, Ofc of Environmental Justice.
Office of Federal Activities	Dir, International Enforcement Program Div.
Office of Regulatory Enforcement	Director, Office of Regulatory Enforcement.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dep Dir, Office of Regulatory Enforcement.
	Dir Air Enforcement Division.
Office of Criminal Enforcement, Forensics & Training	Dir Natl Enforcement Training Institute.
Office of Criminal Enforcement, Forensics & Training	Dir Ofc of Criminal Enforce Forensics Train.
	Director, Criminal Investigations Division.
	Deputy Director, Office of Criminal Enforcement, Forensics Training.
Office of Compliance	Director, Office of Compliance.
	Dir, Enforcement Planning, T & D Division.
	Dir, Manufacturing, E & T Division.
	Deputy Director, Office of Compliance.
	Dir, Import-Export Program.
Office of Site Remediation Enforcement	Director, Ofc of Site Remediation Enforcement.
	Dep Dir, Ofc of Site Remediation Enforcement.
Federal Facilities Enforcement Office	Dir Federal Facilities Enforcement Office.
Office of the Inspector General	Counsel to the Inspector General.
Office of Investigations	Assist Inspector Gen for Investigations.
	Dep Asst Inspector General for Investigations.
Office of Audit	Asst Inspector General for Audits.
	Dep Asst Inspector General for External Audits.
	Dep Asst Inspector General for Internal Audit.
Office of Management	Assistant Inspector General for Management.
Office of Planning, Analysis & Results	Asst. Inspector General for Planning, Analysis & Results.
Office of Wastewater	Director, Municipal Support Division.
	Deputy Director, Municipal Support Division.
	Director, Permits Division.
Office of Science and Technology	Dir, Standards & Applied Science Division.
	Dir, Standards & Applied Science Division.
	Dir, Health & Ecological Criteria Division.
	Director, Engineering & Analysis Division.
Office of Wetlands, Oceans and Watersheds	Dir, Assessment & Watershed Protection Div.
	Dir, Oceans & Coastal Protection Division.
	Dir, Oceans & Coastal Protection Division.
	Director, Wetlands Division.
Office of Ground Water & Drinking Water	Dir, E & P Implementation Division.
	Director, Standards & Risk Mgmt Division.
	Dir Implementation & Assistance.
Ofc of the Asst Admr for Solid Waste and Emgy Resp	Director, Outreach and Special Projects Staff.
	Director, Federal Facilities Restoration and Reuse Office.
Office of Solid Waste	Dir Hazardous Waste Identification Division.
	Director, Hazardous Waste Minimization & Management Division.
Office of Air Quality Planning and Standards	Dir, Emission Standards Division.
	Dir Air Quality Strategies & Standards Div.
	Dir Emissions Monitoring & Analysis Division.
	Deputy Dir Ofc of Air Quality Planning & Stds.
Office of Transportation & Air Quality	Dir Advanced Technology Support Division.
	Dir Fuels & Energy Division.
	Director, Assessment & Standards Division.
	Director, Certification & Compliance Division.
Office of Radiation & Indoor Air	Director, Indoor Environments Division.
	Director, Radiation Protection Division.
Office of Atmospheric Programs	Director, Acid Rain Division.
	Director, Atmospheric Pollution Prevention Division.
Office of the Asst Admr for Prevention P & T Substances	Dir Ofc of Program Management Operations.
Office of Pesticide Programs	Dir-Registration Division.
	Dir, Biological & Economic Analysis Division.
	Dir, Biological & Economic Analysis Division.
	Dir, Spec Review & Reregistration Division.
	Dir Envir Fate and Effects Division.
	Dir Policy & Special Projects Staff.
	Dir Antimicrobials Division.
	Dir Field & External Affairs Division.
	Dir Inf Resources & Services Division.
	Director, Biopesticides and Pollution Prevention Division.
Office of Pollution Prevention and Toxics	Director, Environmental Assistance Division.
Office of Pollution Prevention and Toxics	Dir, Economics Exposure and Technology Div.
	Director, Chemical Control Division.
	Director, Information Management Division.
	Dir, Pollution Prevention Div.
	Dir Chemical Management Division.
	Dir Health Effects Division.
	Director, of Risk Assessment Division.
Office of Resources Management and Administration	Dir, Ofc of Resources Mgmt & Admin.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Office of Science Policy	Director, Office of Science Policy.
National Health & Environmental Effects Res Lab (RTP)	Dir Natl Health & Envir Effects Res Lab (RTP).
	Assoc Dir for Health NHEERL (RTP).
	Associate Director for Ecology NHEERL (RTP).
	Deputy Director for Management.
Western Ecology Division—Corvallis	Dir Western Ecology Division Corvallis.
Gulf Ecology Division—Gulf Breeze	Director, Gulf Ecology Division.
Mid-Continent Ecology Division	Director, Mid-Continent Ecology Division.
National Exposure Research Laboratory (RTP)	Dir Natl Exposure Res Laboratory (RTP).
	Dep Dir for Management NERL (RTP).
	Assoc Dir for Ecology NERL (RTP).
Environmental Sciences Division—Las Vegas	Dir Environmental Sciences Division.
Ecosystems Research Division—Athens	Dir Ecosystems Res Div Athens.
Human Exposure and Atmospheric Science Division	Director, Human Exposure & Atmospheric Science Division.
National Risk Mgmt Research Laboratory (Cincinnati)	Dir Natl Risk Mgmt Lab (CINN).
	Dep Dir for Mgmt NRML (CINN).
	Dep Dir for Mgmt NRML (CINN).
	Assoc Dir for Health NRML (CINN).
	Director, Water Supply & Water Resources Division.
Air Pollution Prevention and Control Division—RTP	Dir Air Pollution Prevention & Control Div.
Subsurface Processes and Systems Division—ADA	Dir Sub-Surface Process & Systems Division.
National Center for Environmental Assessment	Dir Natl Ctr for Environmental Assessment.
National Center for Environmental Assessment	Associate Director for Health, NCEA.
	Associate Director for Ecology NCEA.
	Deputy Director for Management.
National Center for Environmental Assessment—Washington	Dir Natl Ctr Environ Assessment.
National Center for Environmental Assessment—RTP	Dir Natl Ctr Environ Assessment.
National Center for Environmental Assessment—Cincinnati	Dir Natl Ctr for Environmental Assessment.
Natl Center for Environmental Res & Quality Assurance	Deputy Dir for Mgmt (NCERQA).
	Dir Environmental Engineer Research Division.
	Associate Director for Science (NCERQA).
	Dir Natl Ctr for Env Res & Quality Assurance.
Region I—Boston	Regional Counsel.
	Dir Ofc of Ecosystem Protection.
	Dir Ofc of Site Remediation Restoration.
	Dir, Ofc of Administration & Resources Mgmt.
	Dir, Ofc of Strategic Alignment.
	Director, Office of Environmental Stewardship.
Region II—New York	Asst Regl Admr for Policy and Management.
	Regional Counsel.
	Dir, Office of Emergency & Remedial Response.
	Dir, Div of Environmental Plnng & Protection.
	Dir, Div of Enforcement & Compliance Asst.
	Dir, Div of Environmental Science & Assessment.
	Director, Caribbean Environmental Protection Division.
Region III—Philadelphia	Director, Water Management Division.
	Regional Counsel.
	Director, Hazardous Waste Mgmt Div.
	Director, Environmental Services Division.
	Asst Reg Admin for Policy & Management.
	Dir Chesapeake Bay Program Office.
	Director, Air Protection Division.
	Director, Hazardous Site Cleanup Division.
	Director, Waste & Chemical Management Division.
Region IV—Atlanta	Dir Water Management Division.
	Asst Regional Admin for Policy and Mgmt.
	Regional Counsel.
	Director Waste Management Division.
	Director, Science & Ecosystem Support Div.
	Director, Air, Pesticides and Toxics Management Division.
Region V—Chicago	Director Air Management Division.
	Director Water Management Division.
	Regional Counsel.
	Dir Waste Pesticides & Toxics Division.
	Dir Great Lakes Natl Prog Ofc.
	Director Superfund Division.
	Asst Reg Admr for Resources Management.
Region VI—Dallas	Asst Regional Admr for Management.
	Regional Counsel.
	Director, Compliance A & E Division.
	Dir Superfund Division.
	Dir Water Quality Protection Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Region VII—Kansas City	Dir Multimedia Plain & Permitting.
	Regional Counsel.
	Asst Regional Admin for Policy & Management.
	Dir Superfund Division.
	Dir Air RCRA and Toxics Division.
Region VIII—Denver	Dir Water Wetlands & Pesticides Division.
	Dir Ecosystems Protection & Remediation.
	Dir Ofc of Pollution Prevention State Tribal.
	Dir Ofc of Tech & Mgmt Services.
Region IX—San Francisco	Regional Counsel.
	Director, Water Management Division.
	Director, Air Management Division.
	Regional Counsel.
	Asst Regional Admr for Policy & Management.
	Dir, Strategic Planning & Emerging Issues.
	Dir Superfund Division.
	Director, Cross Media Division.
Region X—Seattle	Regional Counsel.
	Asst Regl Admr for Policy & Management.
	Asst Reg Admr for Water.
	Director, Office of Ecosystems and Communities.
	Director, Office of Environmental Cleanup.
Equal Employment Opportunity Commission:	
Office of the Chairman	Inspector General.
Office of Field Programs	District Director (Baltimore).
	District Director (Baltimore).
	Dist Dir (New York).
	Dist Dir (Atlanta).
	Dist Dir (Houston).
	District Director (Detroit).
	Dist Dir (San Francisco).
	Dist Dir (Dallas).
	Dist Dir (Chicago).
	Dist Dir (St Louis).
	Dist Dir (Miami).
	Dist Dir (Indianapolis).
	Dist Dir (Memphis).
	District Director (Los Angeles).
	Dist Dir (Denver).
	Dist Dir (Birmingham).
	Dist Dir (New Orleans).
	Dist Dir (Phoenix).
	District Dir (San Antonio).
	Dist Dir (Charlotte).
	District Director (Seattle).
	District Director (Cleveland).
	Dist Dir (Philadelphia).
	District Director (Milwaukee).
	Program Manager.
Field Management Programs	Director Field Management Programs.
Field Coordination Programs	Director, Field Coordination Programs.
Federal Communications Commission:	
Office of Inspector General	Inspector General.
Office of the Managing Director	Assoc Managing Director/Human Resources Mgmt.
Office of Engineering & Technology	Assistant Bureau Chief for Technology.
Compliance and Information Bureau	Chief Enforcement Division.
Common Carrier Bureau	Chief, Competitive Pricing Division.
	Chief Accounting & Audits Division.
Mass Media Bureau	Chief Audio Services Division.
	Chief Video Services Division.
Federal Emergency Management Agency:	
Office of the Director	Chief of Staff.
Office of Financial Management	Chief Financial Officer.
	Deputy Chief Financial Officer.
	Senior Procurement Executive.
Office of Human Resources Management	Director, Ofc of Human Resources Management.
Office of Inspector General	Deputy Inspector General.
	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
Mitigation Directorate	Director, Program Support Division.
Response & Recovery Directorate	Div Dir, Human Services Support Division.
	Div Dir, Infrastructure Support Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Federal Insurance Administration	Deputy Administrator.
Federal Energy Regulatory Commission (DOE):	
Ofc of Chief Accountant	Director, Division of Accounting Systems.
	Director, Division of Gas and Oil Operations.
	Dir, Div of Planning & Policy Development.
	Chief Accountant and Deputy Director.
Ofc of Hydropower Licensing	Dir Div of Dam Safety & Inspections.
Office of Finance, Accounting & Operations	Director, Regulatory Accounting Policy.
Federal Labor Relations Authority:	
Office of the Chair	Solicitor.
	Chief Counsel.
Office of Member	Chief Counsel.
Office of Member	Chief Counsel.
Federal Service Impasses Panel	Exec Director FSIP.
Ofc of the Executive Director	Executive Director.
Ofc of the General Counsel	Deputy General Counsel.
	Director of Operations & Resources Management.
Regional Offices	Regional Director—Washington, D.C.
	Regional Director—Boston.
	Regional Director—Atlanta.
	Regional Director—Dallas.
	Regional Director, Chicago Illinois.
	Regional Director, San Francisco.
	Regional Director, Denver.
Federal Maritime Commission:	
Office of the Secretary	Secretary.
Office of the General Counsel	Dep Gen Cnsl for Reports Opinions & Decisions.
Office of the Executive Director	Dep Managing Dir.
	Deputy Executive Director.
Bureau of Consumer Complaints and Licensing	Prog Mgr (Dir Bur of Tariffs C & L).
	Director, Bureau of Consumer Complaints and Licensing.
Bureau of Administration	Dir, Bureau of Administration.
Bureau of Trade Analysis	Prog Manager (Dir Bur of E & A Analysis).
	Director, Bureau of Trade Analysis.
Bureau of Enforcement	Deputy Director Bureau of Enforcement.
Bureau of Enforcement	Dir Bureau of Enforcement.
Federal Retirement Investment Thrift Board:	
Federal Retirement Thrift Investment Board	Director of Investments.
	Director of Contracts & Administration.
	Director of Automated Systems.
	Director of Accounting.
	Director of Communications.
	Associate General Counsel.
	Director of the Office of Benefits & Investments.
Federal Trade Commission:	
Office of the Inspector General	Inspector General.
Ofc of Executive Director	Deputy Exec Dir for Management.
	Chief Information Officer.
	Deputy Executive Director.
General Services Administration:	
Office of the Chief People Officer	Director of Human Resources.
	Chief Information Officer.
	Director Human Resources Policy & Operations.
	Deputy Chief Information Officer.
Office of Governmentwide Policy	Deputy Associate Admin for Acquisition Policy.
	Deputy Assoc Administration for Real Property.
	Director of Intergovernmental Solutions.
	Deputy Associate Administrator for Transportation & Personal Property.
Office of Inspector General	Asst Inspector Gen for Auditing.
	Deputy Inspector General.
	Deputy Asst Inspector General for Auditing.
	Counsel to the Inspector General.
	Asst Inspector Gen for Investigations.
	Dep Asst Inspector General for Investigations.
Office of the Chief Financial Officer	Director of Finance.
Office of the Chief Financial Officer	Director of Budget.
	Chief Financial Officer.
	Dir of Financial Management Systems.
Public Buildings Service	Assistant Commr for Fed Protective Service.
	Asst Comm for Portfolio Management.
	Assistant Commr for Property Disposal.
	Asst Commissioner for Financial & Info System.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Federal Technology Service	Assistant Commissioner for Business Performance.
	Project Management Executive.
	Assistant Commissioner for Serv Development.
	Assistant Commissioner for Service Delivery.
	Asst Commr for Info Technology Integration.
	Assistant Commissioner for Regional Services.
	Asst Commissioner for S P & Business Dev.
	Asst Commissioner for Acquisition.
	Assistant Commissioner for Information Security.
	Assistant Commissioner for Sales.
Office of the Chief Information Officer	Assistant Chief Information Officer.
	Assistant Chief Information Officer.
	Assistant Chief Information Officer.
	Assistant Chief Information Officer.
	Assistant Chief Information Officer.
Federal Supply Service	Asst Commissioner for Acquisition.
	Asst Comr for Transportation & Property Mgt.
	Asst Comm for Bus Management & Marketing.
	Asst Comm for Distribution Mgt.
	Dep Asst Commissioner for Acquisition.
	FSS Chief Information Officer.
	Ast Comm for Vehicle Acquisition & Leasing Svc.
	Assistant Commissioner for Supply.
	Assistant Commissioner for Enterprise Planning.
New England Region	Asst Reg Admr for Public Bldg Service.
Northeast & Caribbean Region	Asst Reg Admr for Public Blds Service.
	Asst Reg Admr for Federal Supply Service.
Mid-Atlantic Region	Asst Reg Admr for Federal Supply Service.
	Asst Reg Admr for Public Blds Service.
	Asst Regl Admr Federal Supply Service.
National Capital Region	Regional Counsel.
	Assistant Regional Administrator, PBS, NCR.
Southeast Sunbelt Region	Asst Reg Admr for Public Blds Service.
	Assistant Reg Admin for Fed Tech Service.
	Asst Reg Admr for Federal Supply & Services.
	Deputy Assistant Regional Administrator, PBS.
Great Lakes Region	Asst Reg Admr for Public Blds Service.
The Heartland Region	Asst Reg Admr for Public Blds Service.
Greater Southwest Region	Asst Reg Admr for Public Blds Service.
	Asst Regional Admin for Federal Tech Service.
	Asst Reg Admr for Federal Supply Service.
Rocky Mountain Region	Asst Reg Admr for Public Blds Service.
Pacific RIM Region	Asst Regl Admr for Public Buildings Services.
	Asst Reg Admr for Federal Supply Services.
	Senior Advisor.
Northwest/Arctic Region	Asst Regional Administrator, PBS Region 10.
Department of Health and Human Services:	
Department of Health & Human Services	Associate Director for Management and Operations.
ODAS for Budget	Dir Div of Integrity & Organ Review.
ODAS for Finance	Dep Asst Sec. Finance.
	Dir, Office of Financial Policy.
ODAS for Grants & Acquisition Management	Dep Asst Secy, OGAM.
OAS for Planning and Evaluation	Dep to Deputy Asst Secry for Plann & Evaluat.
OAS for Public Health and Science	Dir Div of Research Investigations.
	Dir Ofc of HIV/AIDS Policy.
OAS for Public Health and Science	Dep Dir Ofc of Management.
	Reg Health Administrator.
	Director, Office of Research Integrity.
Associate General Counsel Divisions	Assoc Gen Coun, Business & Adm Law Division.
	Dep Assoc Gen Counl, Bus & Adm Law Div.
Office of the Inspector General	Dep Asst Inspector General for Audit.
	Principal Dep Inspector General.
	Deputy Inspector General for Mgmt & Policy.
ODIG for Investigations	Deo Inspector General for Legal Affairs.
	Dep Insp Gen for Investigations.
	Asst Insp General for Criminal Investigations.
	Asst Insp Gen for Civil & Adm Remedies.
	Asst Insp Gen for Investigation P & O.
	Dep Insp General for Enforcement & Compliance.
ODIG for Audit Services	Dep Inspector General for Audit Services.
	Asst Insp Gen for Adm of C/F & Agin Audits.
	Asst Inspector Gen for Health Care Fin Audits.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Asst Inspector Gen for Audit Pol & Oversight.
	Asst Insp Gen for Public Health Serv Audits.
ODIG for Evaluation & Inspections	Dep Insp Gen for Evaluation & Inspections.
Program Support Center	Dir Program Support Center.
	Dep Dir of Operations.
Office of Financial Management Service	Director, Financial Management Service.
Office of Program Support	Dir Ofc of Financial Management.
Health Care Financing Administration	Director, Ofc of Internal Customer Support.
Office of the Actuary (OACT)	Dir, Ofc of the Actuary (Chief Actuary).
Center for Beneficiary Services (CBS)	Deputy Director, Center for Beneficiary Services (Medicare Contractor Mgmt).
Center for Medicaid and State Operations (CMSO)	Director, Ofc of Medicare & Medicaid Cost Est.
Office of Information Services (OIS)	Director, Office of Information Services (Chief Information Officer).
	Dep Dir Ofc of Info Services.
Office of Financial Management (OFM)	Deputy Director, OFC of Financial Management.
	Dir Ofc of Financing Management.
	Dep Dir Ofc Financial Management.
	Dir Program Integrity Group.
	Dir Financial Services Group.
Office of the Administrator	Assoc Admin for Policy & Prog Coordinator.
Center for Substance Abuse Prevention	Dir, Div of State & Community Systems Dev.
Center for Mental Health Services	Director Center for Mental Health Services.
	Dir Div of State & Community Systems Develop.
Centers for Disease Control & Prevention	Director, Financial Management Office.
	Director, Office of Facilities Planning and Management.
Natl Institute for Occupational Safety & Health	Assoc Director for Management & Operations.
National Center for Chronic Disease Prevention & Hlth Promotion	Director, Office on Smoking and Health.
Office of the Commissioner	Senior Advisor for Science.
Office of the Chief Counsel	Deputy Chief Counsel for Program Review.
Office of Management and Systems	Director, Office of Financial Mgmt.
Office of Regulatory Affairs	Assoc Comr for Regulatory Affairs.
	Dep Assoc Comr for Regulatory Affairs.
	Regl Food & Drug Director, NE Region.
	Regl Food & Drug Director MID-Atlantic Region.
	Regl Food & Drug Director, Southeast Region.
	Regl Food & Drug Director, Southwest Region.
	Regl Food & Drug Director, Pacific Region.
	Dir Ofc of Criminal Investigations.
	Regional Food and Drug Director, Central Region.
	Special Advisor.
Center for Biologics Evaluation and Research	Dir, Div of Biostatistics & Epidemiology.
	Dir Ofc of Therapeutics Research & Review.
Center for Biologics Evaluation and Research	Dir Ofc of Blood Research & Review.
	Director, Office of Compliance and Biologics Quality.
	Special Advisor.
Center for Drug Evaluation and Research	Dir, Center for Drug Evaluation & Research.
	Director, Office of Management.
	Assoc Dir for Med Pol Dir Ofc of Drug Eval I.
	Dir, Div of Neuropharmacological Drug Prod.
	Dir, Div of Medical Imaging S & D Products.
	Director, Office of Generic Drugs.
	Associate Director for Drug Monograph.
	Dir, Office of Epidemiology & Biostatistics.
	Dep Dir, Ofc of Epidemiology & Biostatistics.
	Director, Office of Compliance.
	Dir, Div of Scientific Investigations.
	Director, Division of Biopharmacentics.
	Dep Ctr for Pharmaceutical Science.
	Senior Advisor for Policy.
	Deputy for Scientific & Medical Affairs.
	Dir Ofc of Drug Evaluation V.
	Director, Office of Compliance.
Center for Devices and Radiological Health	Dir, Division of Cardiovascular Devices.
	Dir, Div of General & Restorative Devices.
	Dir Office of Compliance.
	Dir, Office of Science and Technology.
	Dir Div of Reproductive Abdominal Ear Throat.
	Dir Ofc of Sys & Management.
Center for Food Safety and Applied Nutrition	Director, Office of Seafood.
	Dir Ofc of Premarket Approval.
	Dir Ofc of Field Programs.
	Dir, Ofc of Plant & Dairy Foods & Beverages.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Director, Office of Food Labeling.
	Dir, Ofc of Pol, P & S Initiatives.
Center for Veterinary Medicine	Director, Office of Science.
	Director, Office of Surveillance.
	Dir, Ofc of New Animal Drug Evaluation.
National Center for Toxicological Research	Director, Div of Biometry.
Health Resources & Services Administration	Director, Office of Special Programs.
	Director, Office of Science and Epidemiology.
HIV/AIDS Bureau	Dep Dir, Bureau of Health Resources Div.
Office of the Director	Director, Div of Financial Management.
	Director, Division of Contracts & Grants.
	Associate Director for Extramural Affairs.
	Associate Director for Disease Prevention.
	Dir, OFC of Medical Applications of Research.
	Associate Director for Administration.
	Director, Office of Policy for Extramural Research Administration.
	Senior Advisor for Policy.
	Director, Office of Reports and Analysis.
Natl Heart, Lung, & Blood Institute	Dir Div of Heart & Vascular Diseases.
	Dir Div of Lung Diseases.
	Dir, Div of Blood Diseases & Resources.
	Director, Division of Extramural Affairs.
	Assoc Dir for International Programs.
	Dir OFC of Biostatics Research.
	Dep Dir Div of Heart Vascular Diseases.
	Dep Dir Div of Epidem & Clinical Application.
	Director, Epidemiology and Biometry Program.
	Director, National Center for Sleep Disorders.
Intramural Research	Chf Lab of Biochemical Genetics.
	Chf Lab of Biochemistry.
	Chief Lab of Biophysical Chemistry.
	Chief Macromolecules Section.
	Chf, Intermediary M & B Section.
	Chf, Lab of Kidney & Electrolyte Metabolism.
	Chief, Lab of Cardiac Energetics.
	Chief, Metabolic Regulation Section.
National Cancer Institute	Assoc Dir for Intramural Management.
	Assoc Director for Extramural Management.
	Associate Director, Cancer Diagnosis Program.
National Cancer Institute	Assistant Director for Financial Management.
	Associate Director, Referral Review and Prog. Coordination.
	Deputy Director for Administrative Operations.
Division of Cancer Biology, Diagnosis and Centers	Chf, Microbial G & B Section, Lab of Biochem.
	Chief, Lab of Biochem Intramural Res Prog.
	Assoc Dir, Extramural Research Program.
	Dep Dir, Div of Cancer Biology Diag & Centers.
	Chief Dermatology BR, Intramural Res Prog.
	Chief, Cell Mediated Immunity Section.
	Chief, Lab of Tumor & Biol Immunology, IRP.
	Dir, Div of Cancer Biology Diagnosis & Ctrs.
	Assoc Dir, Ctrs Training & Resources Prog.
Division of Cancer Etiology	Chief Lab of Biology.
	Chief Laboratory of Molecular Carcinogenesis.
	Chf Lab of Experimental Pathology.
	Dir, Div of Cancer Etiology.
Division of Cancer Prevention & Control	Dep Dir, Div of Cancer Prevention & Control.
	Associate Dir, Surveillance Program, DCPC.
	Assoc Dir, Early D & C Oncology Program.
Ddivision of Extramural Activities	Dir, Div of Extramural Activities.
	Deputy Dir, Div of Extramural Activities.
Division of Cancer Treatment	Chf—Radiation Oncology BR.
	Assoc Dir, Cancer Therapy Evaluation Program.
Natl Institute of Diabetes & Digestive & Kidney Dis	Dir Div Kidney Urologic & Hematlogic Diseases.
	Dir Division of Extramural Activities.
	Chf, Lab of Molecular & Cellular Biology.
	Dep Dir for Management & Operations.
Intramural Research	Chief Section on Biolchemical Mechanisms.
	Chf Sect on Metabolic Enzymes.
	Chf Sect on Physical Chemistry.
	Chief, Section on Molecular Structure.
	Chief Theoretical Biophysics Section.
	Chief, Laboratory of Bio-Organic Chemistry.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Intramural Research	Chief Oxidation Mechanisms Section L B C.
	Chief Laboratory of Biochemistry & Metabolism.
	Clinical Dir & Chief, Kidney Disease Section.
	Chief, Section on Molecular Biophysics.
	Chf, Sec Carbohydrates Lab of Chemistry/NIDDK.
	Chief, Laboratory of Neuroscience, NIDDK.
	Chf, Laboratory of Medicinal Chemistry.
	Chief, Morphogenesis Section.
Natl Inst of Arthr & Musculoskeletal & Skin Diseases	Director, Extramural Program.
	Deputy Dir.
	Associate Director for Management and Operations.
National Library of Medicine	Dep Dir, Natl Lib of Medicine.
	Dep Dir for Res and Education.
	Associate Director for Library Operations.
	Assoc Dir for Extramural Programs.
	Director, Lister Hill National Center for Biomedical Commun.
	Dep Dir Lister Hill Natl Ctr for Biomed Comms.
	Director, Information Systems.
	Dir Natl Ctr for Biotech Info.
	Assoc Dir for Health & Info Prog Development.
	Associate Director for Administrative Management.
Natl Inst of Allergy & Infectious Diseases	Dir, Div of Allergy/Immunology/Transplantatn.
	Chf, Lab of Parasitic Diseases.
	Dir, Div of Microbiology/Infectious Diseases.
	Chief, Lab of Immunogenetics.
	Dir, Div of Extramural Activities.
	Ch, Lab of Microbial Structure and Function.
	Chief Lab of Molecular Microbiology.
	Dir, Div Acquired Immunideficiency Syndrome.
	Chief, Biological Resources Branch.
	Head, Lymphocyte Biology Section.
	Chief, Laboratory of Infectious Diseases.
	Dep Dir Div of Acquired Immunodeficiency.
	Head Epidemiology Section.
	Chief, Laboratory of Malaria Research.
	Dir Div of Intramural Research.
	Dep Chief Lab of Imm & Head Lymp Biol Section.
Natl Inst on Aging	Scientific Director Gerontology Rsch Cntr.
	Clin Director and Chief Clin Physiology Br.
	Associate Dir for Behavioral Sciences Res.
	Assoc Dir Biology of Aging Program.
	Assoc Dir, Office of Extramural Affairs.
	Assoc Dir, Epidemi, Demo, & Biometry Program.
	Assoc Dir, Ofc of Plnng, A & I Activities.
	Assoc Dir Neurosci & Neuropsych of Aging Prog.
	Associate Director for Administration.
Natl Inst of Child Health & Human Development	Chief, Laboratory of Molecular Genetics.
	Chf, Endocrinology & Reproduction Research Br.
	Director Ctr Forres for Mothers & Children.
	Director Cntr for Population Research.
	Chief, Section on Growth Factors.
	Assoc Dir for Prevention Research.
	Chief Laboratory of Mamalian Genes & Develop.
	Chief, Section on Molecular Endocrinology.
	Chief Section Neuroendocrinology.
	Chief Section on Microbial Genetics.
	Chief, Laboratory of Comparative Ethology.
	Associate Director for Administration.
	Dir, Natl Center for Medical Rehab Research.
National Institute of Dental and Craniofacial Research	Chief, Laboratory of Immunology.
	Dir, Extramural Program.
	Associate Director for International Health.
	Associate Director for Management.
Natl Inst of Environmental Health Sciences	Chf Lab of Pulmonary Pathobiology.
	Head Mutagenesis Section.
	Head Mammalian Mutagenesis Section.
	Senior Scientific Advisor.
	Associate Director for Management.
	Chief Lab of Molecular Carcinogenesis.
	Dir Natl Inst of Environmental Health Science.
	Dir Environmental Toxicology Program.
Natl Inst of General Medical Sciences	Dir Genetics Program.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Associate Director for Extramural Activities.
	Director, Division of Pharamcology, Physiology, and Biological Chemistry.
	Dir Bio Phys Sciences Program Branch.
	Dep Dir Natl Institute of General Med Sci.
	Dir, Minority Opportunities in Res Prog Br.
	Associate Director for Administration and Operations.
Natl Inst of Neurological Disorders and Stroke	Dir, Div of Fundamental Neurosciences.
	Associate Director for Administration.
	Dir, Basic Neurosci Prog/Chf/Lab of Neurochem.
	Chf, Lab of Molecular & Cellular Neurobiology.
Intramural Research	Chief Lab of Central Nervous System Studies.
	Chf, Dev & Metabolic Neurology Branch.
	Deputy Chief, Lab of Central Nervous Sys Stud.
	Chief, Neuroimaging Branch.
	Chief, Laboratory of Neurobiology.
	Chief, Laboratory of Neura Control.
	Chief Brain Structural Platicity Section.
	Chief Stroke Branch.
Natl Eye Institute	Chief Laboratory of Retinal Cell & Mol Biolog.
	Chief, Lab of Molecular & Dev. Biology.
Natl Inst on Deafness & Other Communication Disorders	Chief, Laboratory of Sensorimotor Research.
	Director, Division of Human Communication.
	Chief, Laboratory of Cellular Biology.
	Associate Director for Administration.
NIH Clinical Center	Director, Division of Extramural Research.
	Associate Director for Planning.
	Assoc Chf, Position Emission T & R.
	Deputy Director for Management and Operations.
	Chief Financial Officer.
	Chief Operating Officer.
Center for Information Technology	Chief, Computer Center Branch
	Deputy Director.
	Assoc Dir Olc of Computing Resources Services.
John E Fogarty Intl Center	Assoc Dir for Int'l Advanced Studies.
National Center for Research Resources	Dir, Natl Center for Research Resources.
	Dir, Gen Clinical Res Ctr for Res Resources.
	Dep Dir, Natl Center for Research Resources.
	Associate Director for Biomedical Technology.
	Associate Director for Comparative Medicine.
	Associate Director for Research Infrastructure.
Center for Scientific Review	Associate Director for Referral and Review.
	Assoc Dir for Statistics & Analysis.
	Director, Division of Molecular and Cellular Mechanism.
	Director, Division of Physiological Systems.
	Director, Division of Clinical & Population-Based Studies.
National Institute of Nursing Research	Director National Cntr for Nursing Research.
National Human Genome Research Institute	Deputy Director/Director, Division of Extramural Activities.
	Deputy Director.
	Dir Div of Intramural Res Natl Ctr H G R.
	Chief Diag Devel Br Natl Ctr Human Gen Res.
	Chf, Lab of Genetic Dis Res Natl Ctr for HGR.
	Associate Director for Management.
National Institute on Drug Abuse	Assoc Dir for Planning & Resources Management.
	Dir, Office of Extramural Program Review.
	Director Division of Clinical Research.
	Dir, Medications Development Division.
	Chief, Neuroscience Research Branch.
	Associate Director for Clinical Neuroscience & Medical Affs, Division of Treatment Research & Development.
National Institute of Mental Health	Dep Dir, National Institute of Mental Health.
	Associate Director for Special Populations.
	Associate Director for Prevention.
	Exec Ofcr, Natl Institute of Mental Health.
	Dir, Ofc of Legislative Analysis & Coord.
	Dir, Div of Neuroscience & Behavioral Sci.
	Chief, Neuropsychiatry Branch.
	Chief, Child Psychiatry Branch.
	Chief, Biological Psychiatry Branch.
	Chief, Laboratory of Clinical Science.
	Chief, Section on Histopharmacology.
	Director, Office on Aids.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Chief, Section on Clinical and Experimental Neuropsychology.
	Director, Division of Mental Disorders, Behavioral Research and Aids.
	Director, Division of Services and Intervention Research.
	Chief, Section on Cognitive Neuroscience.
National Institute on Alcohol Abuse & Alcoholism	Dir, Natl Institute on Alcohol A & A.
	Director, Division of Basic Research.
	Associate Director for Administration.
Agency for Healthcare Research and Quality	Dir Ctr for Outcomes & Effectiveness Research.
	Executive Officer.
Department of Housing and Urban Development:	
Office of the General Counsel	Director, Office of Research Review, Education, and Policy.
Office of the Inspector General	Assoc Gen Coun for Program Enforcement.
	Asst Inspector General for Investigations.
	Assistant Inspector General for Audit.
	Deputy Inspector General.
	Asst Inspector General for Management & Policy.
	Deputy Asst Inspector Gen for Audit Operation.
	Dep Asst Inspector Gen for Audit.
	Dep Asst Inspector General for Investigation.
	Counsel to the Inspector General.
Office of the Chief Financial Officer	Assistant Chief Financial Officer for Budget.
	Assoc Dep Chief Financial Officer for Account.
	Dep Chief Financial Officer for Accounting.
	Dep Chief Financial Officer for Finance.
	Deputy Chief Financial Officer.
	Assistant Chief Financial Officer for Financial Management.
	Assistant Chief Financial Officer for Accounting.
Office of the Chief Procurement Officer	Director, Office of Procurement & Contracts.
	Senior Advisor for Procurement Planning and Program Liaison.
Departmental Enforcement Center	Chief Counsel.
	Deputy Director, Departmental Enforcement Center.
	Associate Director, Departmental Enforcement Center.
Departmental Real Estate Assessment Center	Deputy Director for Finance.
	Comptroller, Real Estate Assessment Center.
	Director, Real Estate Assessment Center.
Assistant Secretary for Administration	Deputy Director, Office of Human Resources.
	Special Advisor/Comptroller.
	Director, Grants Management Center.
Office of the Chief Information Officer	Information Technology Advisor.
	Deputy Chief Information Officer for it Reform.
Assistant Secy for Housing	Director Office of Financial Services.
	Dir Ofc of Multifamily Asset Management Dispo.
	Housing Fed Housing Adm Comptroller.
	Dir of Multifamily Housing Development.
	Housing—FHA Deputy Comptroller.
	Program Systems Project Officer.
	Director, Office of Asset Management.
	Director, Office of Program Systems Management.
Assistant Secretary for Fair Housing and Equal Opportunity	Director, Office of Investigations.
	Dir, Ofc of Fair Housing I & V Programs.
	Director, Office of Enforcement.
Office of Departmental Equal Employment Opportunity	Dep Dir Ofc of Equal Employment Opportunity.
	Dir, Ofc of Departmental Equal Employ Opport.
Assistant Secretary for Community Planning and Development	Director, Office of Economic Development.
	Director, Ofc of Community Viability.
	Comptroller.
	Deputy Assistant Secretary for Special Needs Programs.
Government National Mortgage Association	Vice President for Finance.
	Vice President, Ofc of Pol, P & R Management.
	Vice President Ofc of Customer Service.
	Vice President Office of Multifamily Programs.
	Vice President, Office of Program Administration.
	Vice President, Office of Multifamily Programs.
	Vice President, Office of Customer Service.
Assistant Secretary for Public and Indian Housing	Gen Dep Asst Secy for Public & Indian Housing.
	Public & Indian Housing-Comptroller.
	Dep Asst Secry for Public & Asst Housing Oper.
	Deputy Public & Indian Housing Comptroller.
	Dir, Ofc of Public Housing Partnership.
	Deputy Asst Sec'y, Office of Troubled Agency Recovery.
Department of the Interior:	
Office of the Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Assistant Inspector General for Management and Policy.
	Assistant Inspector General for Strategic Initiatives.
	Assistant Inspector General for Program Integrity.
	General Counsel.
Office of the Solicitor	Deputy Asst Inspector General for Audits.
	Deputy Assoc Solicitor, General Law.
	Asst Solicitor Bureau of Parks and Recreation.
	Deputy Associate Solicitor—Mineral Resources.
	Associate Solicitor for Administration.
	Dep Assoc Solicitor Land & Water Resources.
Assistant Secretary—Policy, Management and Budget	Dep Associate Solicitor—Indian Affairs.
	Asst Dir for Economics.
	Manager, Science and Engineering.
	Natural Resoruce Damage Assessment Prog Mgr.
	Designated Agency Ethics Official.
	Deputy Asst Secretary Budget & Finance.
	Dir, Ofc of Fin Mgmt & Dep Chf Fin Officer.
	Chief Div of Budget & Program Review.
	Deputy Agency Ethics Staff Officer.
Assistant Secretary—Fish and Wildlife and Parks	Director for Everglades Restoration.
National Park Service	Park Manager—Grand Canyon.
Field Offices	Park Manager—Yosemite (Superintendent).
	Park Manager—Everglades.
	Park Manager—Yellowstone (Superintendent).
	Asst Dir, Design & Construction (Mgr, DSC).
Field Offices	Park Manager—Independence Natl Historic Park.
Field Offices	Executive Dir Regional Ecosystem Office.
	Research Director.
	Director, Technical Services Center.
	Spec Asst to the Dir, Reclamation Serv Center.
Directors Office	Director, Management Services Office.
	Geographic Information Officer.
	Deputy Director, U.S. Geological Survey.
	Regional Director, Eastern Region.
	Regional Director, Western Region.
	Physical Scientist.
	Chief, Office of Administrative Policy and Services.
National Mapping Division	Associate Director for Geography.
	Associate Director for Geography.
	Assoc Chief Programs & Finances.
Field Offices	Associate Division Chief for Operations.
	Chief, EROS Data Center.
	Chief Mid-Continent Mapping Center.
	Chief Rocky Mountain Mapping Center.
	Chief Mapping Applications.
Water Resources Division	Regional Geographer, Eastern Region.
	Associate Division Chief for Water.
	Associate Chief Hydrologist for Program Operations.
	Asst Chief Hydrologist for Water Information.
	Assistant Chief Hydrologist for Research.
Field Offices	Chief, National Water Data Exchange Program.
	Regional Hydrologist Central Region.
	Regl Hydrologist Southeastern Region.
	Regional Hydrologist, Western Region.
	Regional Hydrologist, Northeastern Region.
Geologic Division	Associate Director for Geology.
	Assoc Chief Geologist for Program Operations.
	Associate Chief Geologist for Science.
	Regional Geologist Western Region.
	Regional Geologist, Eastern Region.
Biological Resources Division	Asst Dir. Budget and Administration.
	Associate Chief Biologist for Operations.
	Associate Chief Biologist for Information.
Field Offices	Regional Chief Biologist, Eastern Region.
Bureau of Land Management	Director National IRM/Center.
Field Offices	Regional Director.
	Regional Director.
	Regional Director.
Minerals Management Service	Associate Dir for Policy and Mgmt Improvement.
	Special Assistant to the Director.
Field Offices	Regional Director, Gulf of Mexico OCS Region.
	Asst Program Director for Offshore Compliance & Asset Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Asst Prog Director for Onshore Compliance & Asset Management.
	Regional Director, Alaska OCS Region.
	Regional Director, Pacific OCS Region.
	Dir Program Reengineering Office.
	Deputy Assoc Dir for Royalty Mgmt.
Assistant Secretary—Indian Affairs	Chief Financial Officer.
Bureau of Indian Affairs	Deputy Director, Office of Indian Education Programs.
Office of Hearings and Appeals	Dir, Ofc of Hearings & Appeals.
Department of Justice:	
Office of the Attorney General	Counsel on Professional Responsibility.
	Dep Counsel on Professional Responsibility.
Ofc of the Legal Counsel	Special Counsel.
	Special Counsel.
Office of the Inspector General	Asst Inspector General for Inspections.
	Assistant Inspector General for Audit.
	Assistant Inspector General for Investigation.
	Asst Inspector Gen for Management & Planning.
	Deputy Inspector General.
	General Counsel.
	Dir, Special Investigational Review.
Office of the Deputy Attorney General	Director, Office of Legal Education.
	Director, Professional Responsibility Advisory Office.
	Correctional Prog Ofcr/Sr Dep Asst Dir Prd.
	Correctional Prog Ofcr. Sr Dep Asst Dir Prd.
Justice Management Division	Asst Attorney General for Administration.
	Deputy Asst Attorney General.
	Dir, Security & Emergency Planng Staff.
	Dep Asst Attorney Gen Human Res/Admin.
	Dir Library Staff
	Dir, Facilities and Administrative Svc Staff.
	Dir Telecommunications Services Staff.
	Director Management and Planning Staff.
	Director, Budget Staff.
	Senator Policy Advisor.
	Dep Asst Attorney General, Info Res Mgt.
	Dir Procurement Services Staff.
	Dir, Systems Technology Staff.
	General Counsel.
	Dir, Equal Employment Opportunity Staff.
	Senior Counsel.
	Director, Department Ethics Office.
	Deputy Director, Budget Staff.
	Director, Systems Engineering and Development Staff.
Office of the Controller	Dir Finance Staff.
	Dep Asst Attorney General; Controller.
	Director, Debt Collection Management Staff.
Office of Human Resources and Administration	Asst Dir, Management & Planning Staff.
	Director Personnel Staff.
Office of Info & Admin Services	Director, Ofc of Atty Pers Mgmt.
	Director, Computer Services Staff.
	Director, Information Mgmt & Security Staff.
Executive Office for U.S. Trustees	Executive Officer.
Executive Office for Immigration Review	Chief Immigration Judge.
	Assistant to the Director.
	Chairman, Board of Immigration Appeals.
	General Counsel.
	Attorney-Examiner (Immigration).
	Chief Admin Hearing Officer.
Antitrust Division	Senior Litigator.
	Executive Officer.
	Chief Computers and Finance Section.
	Senior Litigator.
	Senior Litigator, Atlanta Field Office.
	Deputy Chief, Litigation II Section.
Office of Litigation	Dep Dir of Operations.
	Chief, Competition Policy Section.
Civil Division	Director of Management Programs.
	Deputy Director, Commercial Litigation Branch.
	Appellate Litigation Counsel.
	Deputy Director, Tobacco Litigation Team.
	Deputy Director, Appellate Staff.
Commercial Litigation Branch	Spec Litigation Counsel (Foreign Litigation).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Spec Litigation Coun, C/L Branch.
	Deputy Branch Director/Commercial Litigation.
	Deputy Branch Dir Civil Frauds.
	Deputy Branch Director.
Federal Programs Branch	Special Litigation Counsel (Federal Programs).
Torts Branch	Deputy Branch Director.
	Spec Litigation Counsel.
	Spec Litigation Counsel.
	Deputy Branch Director.
	Deputy Branch Director.
	Deputy Branch Director.
Civil Rights Division	Director Office of Consumer Litigation.
	Special Litigation Counsel.
Environment and Natural Resources Division	Executive Officer.
Office of Environmental Resources	Executive Officer.
	Senior Litigation Coun Attorney-Examiner.
	Dep Chf, Environmental Enforcement Section.
Tax Division	Principal Deputy Chief Environ Enforce Sec.
	Chief Civil Trail Section Southwestern Region.
Deputy Assistant Attorney General-I	Executive Officer.
	Special Litigation Counsel.
	Sr Trial Attorney.
	Special Litigation Counsel.
Immigration and Naturalization Services	Spec Litigation Counsel.
	Asst Commissioner for Detention & Deportation.
	Asst Commissioner for Adjudication & Natural.
	Assistant Commissioner for Border Patrol.
	Director of Internal Audit.
	Director of Security.
	Asst Comr, Budget.
	Regional Director Central Region.
	Asst Commissioner Administration.
	District Director.
	Chief Patrol Agent.
	District Dir, Western Reg, Pheonix District.
	Deputy General Counsel.
	Chief Patrol Agent, El Paso, TX.
	Deputy Executive Associate Commissioner for Detention and Removals.
	Associate Commissioner, Field Services Operations.
Associate Commissioner for Information Systems	Deputy Associate Commissioner for Information Resources Management.
Associate Commissioner for Examinations	Asst Comm for Inspections.
Associate Commissioner for Enforcement	Assistant Commissioner for Investigations.
	Assistant Deputy Executive Associate Commissioner, Field Operations.
Executive Associate Commissioner for Management	Assistant Comr, Human Resources & Development.
	Assistant Commissioner for Records.
Regional Offices—INS	District Director, Newark District.
	District Director, Newark District.
	Chief Patrol Agent, McAllen, TX.
	Chief Patrol Agent, Tucson, AZ.
	Regional Counsel, Western Region.
Ofc of the Associate Attorney General	Executive Officer (Principal Assoc Director).
	Deputy Director for Support Services.
Executive Ofc for U.S. Attorneys	Dir Ofc of Mgmt Information Systems Support.
	Dir, Office of Administration & Review.
	Dep Dir for Operations.
	Deputy Director, Financial Management Staff.
Criminal Division	Senior Counsel to the Assistant Attorney General.
	Deputy Chief, Fraud Section.
	Dir Ofc of Asset Forfeiture.
	Senior Appellate Counsel.
	Senior Counsel.
	Executive Officer.
	Dir Intl Criminal Invest Train Asst Program.
	Chief, General Litigation & Legal Advice Sect.
	Senior Counsel for Natl Security Matters.
	Dep Chief Terrorism & Violent Crime Section.
	Chf of International Training & Dev Programs.
	Senior Counsel to the Assistant Attorney General.
	Principal Deputy Chief, Narcotic and Dangerous Drug Section.
	Director, Office of Overseas Prosecutorial Development, Assistance, and Training.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Ofc of Senior Counsels	Sr Counsel for Litigation.
Ofc of Deputy Asst Attorney General I	Counsel to the Office Fraud Section.
Ofc of Deputy Asst Attorney General II	Chf Public Integrity Section.
	Deputy Chief Public Integrity Section.
Federal Bureau of Prisons	Assistant Director for Administration.
	General Counsel.
	Assoc Commr, Fed Prisons Industries, UNICOR.
	Dep Assoc Commr Fed Prison Industries.
	(Warden) Ft Worth, Texas.
	(Warden) Marianna, FL.
	Asst Director for Human Res Mgmt.
	(Warden) Miami, FL.
	Senior Deputy Asst Dir Health Services Div.
	Regional Director Mid Atlantic Division.
	Asst Dir., Community Corrections & Detention.
	Asst Dir, Info, Pol, & Public Afrs Div.
	Gen Counsel, Fed Prison Industries (UNICOR).
	(Warden) Allenwood, Pennsylvania.
	Sr Mgt Counsel, (Federal Bureau of Prisons).
	(Warden) Fort Dix, NJ.
	(Warden) FCC, Floren, CO.
	Correctional Inst Admr (ARD) SCR, Dallas, TX.
	Corrl Inst Admr (SDAD), CC & D Div, Wash, DC.
	(Warden) USP, Florence, CO.
	CIA (Warden) Fed Medical Center, Carswell, TX.
	CIA (Warden) U.S. Penitentiary, Allenwood, PA.
	(Warden) FTC, Oklahoma, OK.
	Senior Dep Asst Dir (Administration).
	CIA (Warden) Frd Corrl Inst/El Reno, OK.
	CIA (Warden) Fed Medical Center/Miami, FL.
	Correctional Prog Offcr/Sr Dep Regl Dir.
	Correctional Inst Admr (Warden) FCI.
	Correctional Program Officer.
	Correctional Prog Officer (WFCI, Estill, SC).
	Correctional Prog Officer (Warden Fed CI, SC).
	Correctional Institution Admin (W, FMC, FTD, MA).
	Correctional Institution Administration.
	Correctional Institution Admr (Warden).
	Correction Institution Administration (Warden, U.S. Penitentiary, Beaumont, TX).
	Correctional Program Officer (Assistant Director).
	Deputy Assistant Director.
	Correctional Program Officer.
	Warden.
	Correctional Institution Administration (Warden).
	Correctional Institution Administration (Warden).
	Correction Program Officer (Sr. Deputy Assistant Director).
	Budget Officer.
	Warden.
	Warden.
	Warden, USP.
	Warden, FCI.
Office of Correctional Programs	Asst Dir Correctional Programs Div.
Northeast Region	Regional Director, Northeast Region.
	Warden, Lewisburg, PA.
	Warden, McKean, PA.
	(Warden), Oakdale, LA.
	Correctional Institution Admr (Warden).
	Warden.
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
Southeast Region	Regional Director, Southeast Region.
	Warden Atlanta.
	Warden, Lexington, Kentucky.
	Warden, Butner, North Carolina.
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
North Central Region	Regional Director, North Central Region.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Warden, Leavenworth, KS.
	Warden, Springfield, MO.
	Warden, Marion, IL.
	Warden, Terre Haute, IN.
	Correctional Institution Admr.
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
South Central Region	Regional Director, South Central Region.
	Warden, El Reno, OK.
	Correctional Institution Administrator (Warden).
Western Region	Regional Director, Western Region.
	Warden, Lompoc, CA.
	Warden, Phoenix, AZ.
	Warden, Federal Correctional Institution.
	Correctional Institution Admr (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
Ofc of Justice Programs	Director of Administration.
	Dep Director, National Institute of Justice.
	General Counsel.
	Director, Corrections Program Office.
	Comptroller.
	Budget Officer.
	Deputy Director, Office for Victims of Crime (Policy and International Programs)
	Director, Drug Courts Program Office.
	Assistant Director, Office of Administration.
Ofc of Juvenile Justice and Delinquency Prevention	Deputy Administrator, Office Discretionary Grants.
Bureau of Justice Statistics	Supervisory Statistician.
U.S. Marshals Service	Assistant Director for Human Resources.
	Assoc Director for Operational Support.
	Senior Management Advisor.
	Assistant Director for Prisoner Services.
	Assistant Director for Business Services.
	Associate Director for Mgmt and Budget.
	Assistant Director for Executive Service.
	Assistant Director for Investigative Servs.
	Assistant Director for Judical Security.
	Asst Director for Organizational Development.
	Assistant Director for Training.
	Assistant Director, Justice Prisoner and Alien Transportation System.
Community Oriented Policing Services	Deputy Director, Office of Community Policing Development.
Department of Labor:	
Office of the Secretary	Deputy Assistant Secretary for Information Technology.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector Gen for Audit.
	Deputy Assistant Inspector General for Audit.
	Asst Inspector Gen for Labor Racketeering.
	Asst Inspector Gen for Mgmt & Counsel.
	Asst Inspector Gen/Analysis Complaints/Eval.
	Assistant Inspector General for Analysis, Complaints and Evaluations.
Bureau of International Labor Affairs	Director of Participant Assistance and Communications.
Office of the Solicitor	Associate Solicitor for Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security.
	Regional Solicitor—Chicago.
	Assoc Solicitor for Civil Rights.
	Assoc Solicitor for Occupational Safety & Hlt.
	Assoc Solicitor for Mine Safety & Health.
	Assoc Solicitor for for Fair Labor Standards.
	Regional Solicitor—Atlanta.
	Assoc Solicitor for Employee Benefits.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.
	Regl Solicitor San Francisco.
	Deputy Solicitor (Regional Operations).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Assoc Sol for Spec Appel & Sup Court Lit.
	Dep Solicitor for Planning and Coordination.
	Associate Solicitor for Black Lung Benefits.
Office of Chief Financial Officer	Deputy Chief Financial Officer.
OAS for Administration and Management	Deputy Asst. Secretary for Administration and Management.
	Director of Human Resources.
	Director of Information Technology.
	Director Office of Budget.
	Director Business Operations Center.
	Director of Civil Rights.
	Director, Management Systems Development and Innovation.
	Director of Safety and Health.
	Deputy Assistant Secretary for Administration and Management.
	Director of Information Technology Operations.
	Deputy Assistant Secretary for Budget and Strategic and Performance Planning.
	Deputy Assistant Secretary for Operations.
	Deputy Director of Budget.
Employment Standards Administration	Dir Ofc of Mgmt., Administration and Planning.
Office of Federal Contract Compliance Programs	Director Division of Programs Operations.
Wage and Hour Division	Asst Admin for Policy Planning & Review.
	Dep Wage & Hour Admin.
	Dep Natl Ofc Program Administrator.
	Deputy Wage and Hour Administrator (Operations).
	Principal Deputy Wage & Hour Administrator.
Office of Workers Compensation Programs	Dir Federal Employees Compensation.
	Dir Coal Mine Workers Compensation.
Pension and Welfare Benefits Administration	Dir of Regulations & Interpretations.
	Dep Asst Secy for Program Operations.
	Director of Exemption Determinations.
	Senior Policy Advisor.
	Regional Director—Boston.
	Regional Director—Atlanta.
	Regional Director—Kansas City.
	Regional Director—San Francisco.
	Dir of Enforcement.
	Deputy Assistant Secy for Budget.
	Dir of Program Devel for Human Resources.
	Dir Div of Agency Programs.
	Director of Health Plan Standards Compliance and Assistance.
	Director of Information Management.
Bureau of Labor Statistics	Associate Commissioner for Field Operations.
	Associate Commissioner for Administration.
	Assoc Commissioner for Employment Projections.
	Assoc Comr for Prices and Living Conditions.
	Assoc Commr Productivity & Technology.
	Deputy Commissioner.
	Assoc Commissioner/Survey Methods Research.
	Assoc Comm for Employment & Unempl Statistics.
	Asst Commr for Indust Prices & Price Indexes.
	Director of Survey Processing.
	Dir of Technology & Computing Svcs.
	Asst Commissioner for Current Employ Analysis.
	Associate Comr for Technology & Survey Processing.
	Asst Comr Compensation Levels & Trends.
	Asst Comr for Safety, H & W Conditions.
	Assoc Comr Compensation & Working Conditions.
	Asst Comm for International Prices.
	Assoc Commr for Publications & Spec Studies.
	Asst Commr for Consumer Prices/Price Indexes.
Employment and Training Administration	Asst Commr for Fedl/State Coop Stat Programs.
	Admr. Ofc of Financial & Administrative Mgmt.
	Director, Office of Income Support.
	Director, Office of Career Transition Assistance.
Occupational Safety & Health Administration	Director, Technical Support.
	Director Safety Standards Programs.
	Director, Federal/State Operations.
	Dir Health Standards Programs.
	Dir, Adm Progs.
Mine Safety and Health Administration	Chf of Standards, Regulations & Variances.
	Director of Administration and Management.
	Director of Technical Support.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Director of Prog Evaluation & Info Resources.
Data Analysis	Asst Commr for Industrial Prices & Price Indexes.
	Assistant Commissioner for Economic Research.
	Asst Commissioner for Federal-State Programs.
	Asst Comm for Survey Methods Research.
Administrative and Internal Operations	Dir Quality & Info Management.
Office of Financial & Administrative Management	Comptroller.
Merit Systems Protection Board:	
Office of the Board, Chairman	Deputy General Counsel.
Office of Planning & Resource Management Services	Director, Office of Administration.
Office of the Clerk of the Board	Clerk of the Board.
Office of Financial and Administrative Management	Director, Financial and Administrative Management.
Office of Policy and Evaluation	Director, Office of Policy & Evaluation.
Office of Information Resources Management	Director, Information Resources Management.
Office of Regional Operations	Director, Office of Regional Operations.
Atlanta Regional Office	Regional Director, Atlanta.
Central Region, Chicago Regional Office	Regional Director, Chicago.
Northeast Region, Philadelphia Regional Office	Regional Director, Philadelphia.
Western Region, San Francisco Regional Office	Regional Director, San Francisco.
Washington, DC Region, Washington Regional Office	Regional Director, Washington, DC.
National Aeronautics and Space Administration:	
National Aeronautics and Space Administration	Manager, Earth Sciences Department.
	Chief Financial Officer (Financial Manager).
	Manager, International Technology Transfer Policy.
	Senior Program Executive, Advanced Technology Program Management.
	Senior Systems Engineer.
	Associate Director for Planning.
Office of the Chief Financial Officer/Comptroller	Deputy Chief Financial Officer.
	Director, Financial Management Division.
	Director, Resources Analysis Division.
	Deputy Dir, Financial Management Division.
Office of Headquarters Operations	Chief, Information Syst & Technol Office.
	Director Headquarters Acquisition Division.
Office of Equal Opportunity Programs	Director, Discrimination Complaints Division.
	Director, Multicultural Prog & Support Div.
Office of Human Resources & Education	Associate Administrator for Human Resources.
	Director, Education Division.
	Director, Personnel Division.
	Director, Management Systems Division.
	Dep Assoc Adm for Human Res & Education.
	Special Asst to the Associate Admr.
Office of Procurement	Asst Admr for Procurement.
	Director, Program Operations Division.
	Director, Contract Management Division.
	Dep Assistant Administrator for Procurement.
	Dir Contract Management Division.
	Director Analysis Division.
Office of External Relations	Dep Assoc Admin for External Relationships.
Defense Affairs	Director, Space Flight Division.
Policy Coordination	Manager, International Technol Transfer Pol.
Office of Management Systems & Facilities	Special Assistant to the Assoc Administrator.
	Director, for Systems Engineering.
Environmental Management	Dir Environmental Management Division.
Security, Logistics & Industrial Relations	Dir, Logistics & Security Division.
Aircraft Management	Director, Aircraft Management Office.
Information Resources Management	Director, Information Resources Mgmt Division.
Facilities Engineering	Deputy Director, Facilities Engineering Div.
	Dir Environmental Management Division.
	Director, Facilities Engineering Division.
Office of Small & Disadvantaged Business Utilization	Assoc Admr for S & D Business Utilization.
Office of Legislative Affairs	Dep Assoc Admin.
	Dep Assoc Admin for Programs.
Office of Space Flight	Spec Asst to Dep Assoc Adm for Space Shuttle.
	Director, Advanced Project Office.
	Senior NASA Representative.
	Dep Assoc Administrator for Space Flight Dev.
Institutions	Deputy Assoc Admr for Space Communications.
	Deputy Associate Admr for Business Mgmt.
Chief Engineer	Techn Asst to the Dep Assoc Adm for Bus Mgmt.
	Tech Asst to the Chief Engineer.
	Deputy Chief.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Senior Engineer.
Mission Director	Asst Mission Dir Mir.
Space Flight Operations	Manager Space Shuttle Syst Integration.
	Mgr, Natl Space Trans Syst Integration & Ops.
	Manager, Safety & Obsolescence.
Space Flight Development	Manager Strategic Utilization & Ops Office.
	Deputy Director, Space Station Program.
	Senior Engineer Space Station Program.
Johnson Space Center	Chief Financial Officer.
	Director of Human Resources.
	Dir of Tech Transfer & Commercialization.
	Chief Information Officer.
	Deputy Chief Information Office.
	Associate Director (Technical).
	Assistant Director, Space Operations.
	Manager Advanced Communications Operations.
	Technical Assistant for External Reviews.
	Associate Director (Management).
	Assistant Director for University Research and Affairs.
	Manager EVA Project Office.
	Director, Public Affairs Office.
	Manager for International Operations.
	Chief Engineer.
Space Operations Office	Manager, Space Operation Mgmt Office.
	Manager, Space Ops Engineering Office.
	Director, Space Operations Office.
	Deputy Dir, Space Operations Office.
	Director Space Operations.
	Space Operations Commercialization Manager.
Space Station Program Office	Space Station Vehicle Manager.
	Director, Management Operations.
	Deputy Space Station Vehicle Manager.
	Manager International Partners Office.
	Tech Asst to the Mgr, Space Station Program.
	Dep Program Manager for Business Management.
	Deputy Program Mgr for Technical Development.
	Manager, Research Programs.
	Manager, Space Station Payloads Office.
	Space Station Program Manager.
Space Shuttle Program Office	Mgr, Space Shuttle Vehicle Engineer Ofc.
	Manager, Shuttle Projects Office (MSFC).
	Mgr, Launch Integration (KSC).
	Mgr, Space Shuttle Business Office.
	Asst Mgr, Space Shuttle Prog Space Flight o/c.
	Asst Manager Space Shuttle Program.
	Manager for Space Shuttle Program Development.
	Manager, Space Shuttle Program Integration.
Mission Operations	Director, Mission Operations.
	Chief Flight Director Office.
	Deputy Director, Mission Operations.
	Asst Dir for Operations.
	Chief Engineer, Mission Operations Directorate.
	Chief Flight Director Office.
Flight Crew Operations	Chief, Aircraft Operations Division.
	Dep Dir, Flight Crew Operations.
	Asst Chief, Aircraft Operations Division.
Engineering	Chief Structures and Mechanics Division.
	Chief, Crew & Thermal Systems Division.
	Deputy Director, Engineering.
	Chief, Automation, R&S Division.
	Director, Engineering.
	Chief Engineer Space Station Program.
	Chief Avionic Systems Division.
	Assistant to the Director, Engineering.
	Deputy Chief, Avionic Systems Division.
	Chief, Aeroscience & Flight Mechanics Div.
	Manager, Advanced Development Office.
	Deputy Mgr, Advanced Development Office.
	Asst Mgr, Advanced Development Office.
	Deputy Manager for Exploration.
	Chief Energy Systems Division.
	Chief Manufacturing Materials, & Process Tech Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director of Engineering for Flight.
Space & Life Sciences	Chief, Medical Sciences Division.
	Assistant Director for Engineering.
	Assistant to the Director for Russian Progs.
	Chief, Flight Crew Support Division.
	Associate Director, Space & Life Sciences.
	Manager Science Payloads Management Office.
	Chief, Solar System Exploration Division.
	Deputy Director, Space and Life Sciences.
	Assistant Director for Flight Programs.
	Assistant Director for Space Medicine.
	Asst Director, Space and Life Sciences.
Information Systems	Dep Dir, Information Systems.
	Director, Information Systems.
Business Management	Procurement Officer.
	Assistant Director, Business & Info Systems.
	Special Assistant to the Director.
	Manager Space Station Business Office.
	Asst Dir Business Management.
	Business Manager.
	Deputy Director, Business Management.
Center Operations	Dir Center Operations.
	Deputy Director, Center Operations.
Safety, Reliability & Quality Assurance	Dir, Safety, Reliability, & Quality Assurance.
	Deputy Director for Russian Projects.
	Deputy Director SR&AQ.
White Sands Test Facility	Manager, NASA White Sands Test Facility.
Kennedy Space Center	Dir Public Affairs.
	Associate Director.
	Chief Counsel.
	Assdir for Advanced Devel & Shuttle Upgrades.
	Dir, Space Station Hardware Integration Ofc.
	Director, Safety Assurance.
	Deputy Director for Planning and Projects.
	Manager Launch Integration (KSC).
	Dep Mgr Elv & Payload Carriers Program Office.
Shuttle Management & Operations	Deputy Director, Safety & Mission Assurance.
	Dir of Shuttle Operations.
	Director Process Integrations.
	Deputy Dir of Shuttle Processing.
	Director Process Engineering.
Safety and Mission Assurance	Dep Dir of Safety and Mission Assurance.
Installation Operations	Director, Installation Operations.
	Deputy Dir, of Installation Mgmt & Operations.
Payload Processing	Director, Expendable Vehicles.
	Director, Logistics Operations.
	Dir Inter Space Station Launch Site Support.
Procurement	Director, Procurement.
Biomedical Office	Director, Biomedical Office.
Marshall Space Flight Center	Chief, Financial Officer.
	Director, Safety & Mission Assurance Office.
	Associate Director.
	Assistant to the Center Dir for Space Station.
	Associate Director (Technical).
	Manager, Space Transportation Prog Office.
	Manager X–34 Program.
	Assistant to the Manager, X–34 Program.
Science Directorate	Deputy Manager for Space Station Research.
	Deputy for Management.
	Assistant Director for Space Propulsion Systems.
	Deputy Director, Science.
	Manager, Microgravity Science and Applications Department.
Program Development	Deputy Manager, Technology Transfer Office.
	Dir, Research & Technology Office.
Engineering Directorate	Deputy Director, Program Development.
	Director, Space Sciences Lab.
	Director, Propulsion Laboratory.
	Director, Syst Anal & Integration Laboratory.
	Dep Dir Structures & Dynamics Laboratory.
	Deputy Dir, Materials & Processes Laboratory.
	Dep Dir, Mission Operations Laboratory.
	Dep Dir, Syst Anal & Integration Laboratory.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director, Propulsion Laboratory.
	Manager, Avionics Department.
	Dir Structures Dynamics Laboratory.
	Deputy Director, Structures & Dynamics Lab.
	Chief Engineer Space Shuttle Main Engine Proj.
	Asst Director Science & Engineering.
	Manager Space Station Furnace Facility.
	Director, Mission Operations Laboratory.
	Dep Manager Super Lightweight External Tank.
	Manager, Engineering Systems Department.
	Deputy Director, Space Sci Laboratory.
	Chf Eng, Reusable Launch Vehicle Project.
	Assistant to the Director, Engineering.
	Deputy Director, Engineering.
	Deputy Manager, Materials, Processes and Manufacturing, Dept.
	Deputy Manager, Structures, Mechanics and Thermal Department.
Avionics Department	Deputy Manager, Avionics Department.
Center Operations Directorate	Director, Information Systems Services Office.
	Director, Procurement Office.
	Dep Dir, Institutional & Program Support.
	Director, Facilities Office.
	Dir Environmental Engineering & Mgnt Office.
	Director Center Operations.
	Deputy Director Center Operations.
Space Shuttle Projects	Manager, External Tank Project.
	Mgr Solid Rocket Booster Project.
	Manager Space Shuttle Main Engine Projects.
	Manager, Reusable Solid Rocket Motor Project.
	Chief Engineer Space Shuttle Main Engine Prog.
Global Hydrology Research Office	Manager, Global Hydrology Research Office.
	Manager, Materials, Processes, and Manufacturing Department.
	Manager Microgravity Research Program Office.
Chandra X–Ray Observatory Program Office	Manager, Observatory Projects Office.
	Dep Mgr. Observatory Program Office.
Flight Projects Directorate	Deputy Director, Flight Projects.
	Assistant to the Director, Flight Projects.
	Manager, Payload Operations and Integration Department.
	Manager, Ground Systems Department.
	Manager, Flight Systems Department.
Space Transportation Directorate	Director, Advanced Transportation Syst Office.
	Dep Manager Space Transportation Prog Olc.
	Manager X–33 Program.
	Manager, Vehicles and Systems Development Department.
	Manager, Technology Evaluation Department.
	Manager, Second Generation RLV Program Office.
	Manager, Pathfinder Program.
	Manager, Pathfinder Program.
	Manager, Subsystem and Components Development Department.
	Deputy Director Space Transportation Directorate.
	Chief Engineer, Space Transportation.
	Manager, Propulsion Research Center.
Technology Transfer	Director, Technology Transfer Office.
	Mgr Earth & Space Sciences Projects.
Customer and Employee Relations Directorate	Director, Customer and Employee Relations.
	Deputy Dir, Customer and Employee Relations.
	Liaison For Diversity Administration.
Stennis Space Center	Director Center Operations & Support Director.
	Deputy Director, NASA Stennis Space Center.
	Liaison For Diversity Administration.
Stennis Space Center	Director Center Operations & Support Director.
	Deputy Director, NASA Stennis Space Center.
	Assoc Director for Institution.
	Director, Propulsion Test Directorate.
	Deputy Director, Propulsion Test Directorate.
	Manager, Test Management Support.
	Chief Financial Officer.
	Director, Commercial Remote Sensing Program Office.
	Special Assistant to the Director.
	Director, Center Operations & Support Directorate.
Office of Space Communications	Chief, Communications Systems Branch.
Ground Networks	Assistant Associate Administrators (Plans).
Communications & Data Systems	Dep Dir, Ground Network Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Office of Public Affairs	Senior Public Affairs Advisor.
Office of Safety & Mission Assurance	Dep Assoc Adm for Safety & Mission Quality.
	Director, Programs Assurance Division.
	Mgr Intl SP Stn Indep A & O Act.
	Technical Advisor for SR M QA Intiatives.
	Dir, Human E & D of Space (HEDS) Indep Assur.
Safety & Risk Management	Director, Safety & Risk Management Division.
Payloads & Aeronautics	Dir, Enterprise Safety & Mission Assurance.
Engineering & Quality Management	Director, Quality Management Office.
Office of Aerospace Technology	Dep Assoc Admin for Aeronautics Mgmt.
	Director, Commercial Dev & Technol Transfer.
	Dir Space Transportation Division.
	Senior Engineer.
	Director, Inter-Enterprise Operations.
Resources & Management Systems	Director, Resources Management Office.
High Performance Aircraft	Assistant Director for Program Evaluation.
High Speed Research	Director, Alliance Development Office.
National Aero-Space Plane	Assistant Dir for Aircraft Certification Serv.
Ames Research Center	Chief Financial Officer.
	Deputy Director of Information Systems.
	Deputy Director Ames Research Center.
	Assistant Director for Information Technology.
	Director, Office of Safety, Environment & Mission Assurance.
	Assistant to the Director.
	Chief, Computational Sciences Division.
	Associate Director for Astrobiology & Space Programs.
	Chief Counsel.
	Associate Director for Systems Management and Planning.
	Director of Aviation Systems Capacity Program.
	Special Assistant for Software Integration.
Aerospace	Dep Dir Flight Projects Office.
	Chief, Space Technology Division.
	Chief, Aviation Systems Research Technology & Simulation.
	Chief, Army/NASA Rotorcraft Division.
	Deputy Director of Aerospace.
Aerophysics	Dir Software Indepentent Vertication Facility.
	Chief, NAS Systems Division.
Astrobiology and Space Research	Director of Space.
	Chief, Life Sciences Division.
	Deputy Director of Astrobiology and Space Research.
Center Operations	Deputy Director, Center Operations.
Research and Development Services	Chief Systems Engineering Division.
	Chief, Wind Tunnel Operations Division.
	Director, Research and Development Services.
	Deputy Director, Research and Development Services.
Dryden Flight Research Center	Dir Aerospace Projects Directorate.
	Chf, Flight Operations Division.
	Asst Chief, Flight Operations Division.
	Director, Intercenter Aircraft Operations.
	Asst Dir for Program Integration.
	Assistant Director of Research Facilities.
	Director, Airborne Science Directorate.
	Associate Director for Operations.
	Director Research Facilities Directorate.
	Chief Information Officer.
	Director, Aerospace Proj Directorate.
	Dep, Director, Aerospace Projects.
	Aerospace Engineer (Ch Engineer.
Langley Research Center	Chief Atmospheric Sciences Division.
	Facility Group Director for the Aerospace Technology Enterprise.
	Dir Independent Prog Assess Office.
	Dir of Education Programs.
	Assistant Director for Planning.
	Special Assistant for Outreach.
	Manager, Hyper-X Phase One Program.
	Dep Dir Indep Progr Assessment Office.
	Associate Director.
	Director.
	Special Assistant to the CFO.
	Director, Aviation Safety Program Office.
	Associate Director for Program Integration.
	Director, Earth and Space Science Program Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director, Facilities and Test Techniques, AAAC.
Aeronautics	Chief, Aeronautics Systems Analysis Div.
	Deputy Director, Airframe Systems Prog Office.
Space & Atmospheric Sciences	Deputy Dir, S & A Sciences Program Group.
	Dir, Aerospace Transportation Program Office.
	Chief, Space Systems and Concepts Division.
Research & Technology	Director.
	Chief Structures Division.
	Chief Information & Electromagnetic Tech.
	Chf, Flight Dynamics & Controls Division.
	Chief, Fluid Mechanics Division.
	Deputy Dir, Research & Technology Group.
	Chief Aerodynamics Division.
	Director, Research & Technology Group.
	Chief, Aero & Gas Dynamics Division.
	Chief, Materials Division.
Technology Applications	Manager Space Technologies Thrust Office.
Internal Operations	Deputy Dir, Internal OPS Group (FE & O).
	Chief Aerospace Mechanical Systems Division.
	Chief Experimental Testing Technology Div.
	Special Asst, Internal Operations Group.
	Special Assistant.
	Procurement Officer.
	Chief Aerospace Mechanical Systems Division.
	Director, Internal Operations Group.
	Chief, Simulation and Research Aircraft Div.
High-Speed Research Project	Director for High-Speed Res Project Office.
	Chief Engineer, High-Speed Research.
Aerospace Transportation Technology Office	Dep Dir Aerospace Trans-Technol Office.
	Dep Dir Aerospace Transportation Tech Ofc.
	Dir Aerospace Transport Technology Office.
Safety, Environmental & Mission Assurance	Dir, Ofc of Safety, E & M Assurance.
Comptroller	Chief Financial Officer.
Glenn Research Center	Special Assistant to the Director for Policy.
	Chief Financial Officer.
	Deputy Director for Operations.
	Assistant Deputy Director for Policy.
Aeronautics	Chf, Internal Fluid Mechanics Division.
	Chf, Aeropropulsion Analysis Office.
	Deputy Director of Aerospace Technology.
	Chief, High-Speed Systems Office.
	Chief, Subsonic Systems Office.
	Chief, Ultra Efficient Engine Technology Office.
Research and Technology	Chief, Space Propulsion Technology Division.
	Chief, Turbomachinery & Propulsion Syst Div.
	Chief, Materials Division.
	Chief, Structures Division.
	Chief, Space Communications Division.
	Chief, Power & On-Board Propulsion Techn Div.
	Chief, Interdisciplinary Technology Office.
Space	Chief Microgravity Division.
	Chief, Space Experiments Division.
	Deputy Director of Space Flight Systems.
	Chief Power Systems Project Office.
	Senior Advisor for Advanced Concepts.
Engineering and Technical Services	Chief, Computer Services Division.
	Chf, Electronics & Control Systems Division.
	Director of Engineering & Technical Services.
	Deputy Dir of Engineering & Tech Services.
	Chief Engineer.
	Chief, Systems Engineering Division.
Administration & Computer Services	Dir, Adm & Computer Services Directorate.
External Programs	Director, External Programs.
Mission Safety & Assurance	Dir, Ofc of Sfty, Environml & Mission Assur.
Office of Space Science	Special Ast to the Deputy Assoc Admin.
	Asst Associate Admr for Technology.
	Technical Assistant to the Director, Office of Space Science.
	Senior Program Executive for Decadal Planning Team (Science).
Solar System Exploration	Science Program Director.
	Director, Mission & Playloa Development Div.
	Senior Program Executive for JPL Programs.
	Dir, Advanced Technol & Mission Studies Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Space Physics	Senior Program Executive for GSFC/APL Progs.
	Science Program Dir, Sun-Earth Connection.
	Sr Sci Prog Executive for Review & Evaluation.
	Director, Research Program Management.
Technology & Information Systems	SR Sci Program Executive for Information Syst.
Astrophysics	Science Program Director, Galaxy & Universe.
	Deputy Dir Astrophysics Division.
	Asst Assoc Admr for Education & Outreach.
	Science Prog Dir, Origins & Planetary Systems.
Office of Life & Microgravity Sciences & Applications	Dir, Space Processing Division.
Microgravity Science & Applications	Dir, Microgravity Sciences & Applications Div.
Life & Biomedical Sciences	Manager, Life Sciences and Technology.
	Dir Life & Biomedical Science & Applics Div.
Flight Systems	Chief Mission Management Branch.
Office of Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigation.
	Manager, Advanced Technology Programs.
	Assistant Inspector General for Inspections, Administrative.
	Investigations, and Assessments.
	Counsel to the Inspector General.
	Assistant Inspector General, Network and Advanced Technology.
	Protections Office.
Office of Space Access & Technology	Manager Systems Integration.
	Manager, Communications Experiments.
	Manager for Propulsion Technology.
	Special Assistant for Special Projects.
Office of Earth Science	Dep Assoc Admr for Mission to Planet Earth.
	Senior Science Advisor for Intl Programs.
	Director, Mission to Planet Earth.
	Senior Engineer, Program Integration.
	Dir Applications & Outreach Division.
	Director, Business Division.
Science	Director Science Division.
Goddard Space Flight center	Dir of University Programs.
	Chief, NASA SOMO Mission Services Offices.
	Associate Director/Program Manager for Explorers.
	Deputy Associate Director for EOS–G Development.
	Associate Director/Program Manager for the Hubble Space Telescope (HST).
	Deputy Associate Director for Hubble Space Telescope (HST). Development.
	Deputy Director for Systems Management.
	Deputy Director of Applied Engineering and Technology for Planning and Development.
Human Resources	Director, Management System Division.
	Director of Human Resources.
Comptroller	Chief Financial Officer/Comptroller.
Management Operations	Dep Dir of Management Operations.
	Associate Director for Acquisition.
Flight Assurance	Director of Flight Assurance.
	Dep Dir of Flight Assurance. .
Flight Projects	Deputy Director of Flight Projects.
	Project Mgr, Opns & Ground Systems.
	Project Mgr, Earth Observing Syst AM Project.
	Geostationary OPL Environmental Satellite PM.
	Dir of Flight Projects.
	Tracking & Data Relay Satellite TDRS Proj Mgr.
	Assoc Dir for Earth Sci Data & Info System.
	Proj Mgr, EOS–PM Proj Flight Proj Direct.
	Project Mgr, Earth Sci D&I Syst Project.
	Dep Dir Flight Projects for Plan & Bus Mgmt.
	Project Manager, POES.
	Associate Director of Flight Projects for EOS.
Applied Engineering & Technology Directorate	Deputy Asso Dir of Flight Proj Cor Net & Miss Serv Proj.
	Asso Dir of Flight Proj for Network & Miss Serv Proj.
	Deputy Director of Applied Eng & Technology.
	Chief Information Systems Center.
Systems, Technology and Advanced Concepts	Dep Dir of Systems, Tech & Advanced Concepts.
Space Sciences	Chief, Lab for Astronomy and Solar Physics.
	Chief, Lab for Extraterrestrial Physics.
	Director of Space Sciences.
	Chief, Goddard Institute for Space Studies.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Chief Laboratory for High Energy Astrophysics.
	Deputy Director of Space Sciences.
Engineering	Chief Engineer.
	Associate Director of Flight Projects.
	Chief, Mechanical System Center.
	Chief, Systems Engineering Division.
	Chief Technology Commercialization Office.
Earth Sciences	Chief Lab for Hydrospheric Processes.
	Chief, Space Data and Computing Division.
	Asst Dir of Earth Sci for Projects Eng.
	Asst Dir of Earth Sci for Projects Eng.
	Chf, Laboratory for Atmospheres.
	Deputy Director for Earth Sciences.
	Director for Earth Sciences.
	Chief Laboratory for Terrestrial Physics.
	Deputy Assoc Dir for Earth Sci D & I Syst.
	Asst Dir of Mission to P/E Prog for Globe.
Office of Policy and Plans	Director of Special Studies.
	Director of Special Projects.
National Archives & Records Administration:	
Archivist of US Dep Archivist of the US/Chf of Staff	Deputy Archivist of the United States.
Office of Administrative Service	Assistant Archivist for Administrative Serv.
Office of the Federal Register	Director of the Federal Register.
Office of Regional Records Service	Asst Archivist for Regional Records Services.
Office of Human Resources and Information Services	Asst Archivist for Human Resources & Info Ser.
Office of Records Services—Washington, DC	Asst Archivist for Records Services.
Office of Presidential Libraries	Asst Archivist for Presidential Libraries.
	Director, Lyndon B. Johnson Library.
National Capital Planning Commission:	
National Capital Planning Commission Staff	Executive Director.
	Assistant Executive Director (Management).
	Deputy Executive Director.
	Assistant Executive Director (Programs).
	General Counsel.
National Endowment for the Arts:	
National Endowment for the Arts	Deputy Chairman for Guidelines, Panel and Council Operations.
	Deputy Chairman for Management and Budget.
	Chief Information Officer.
National Endowment for the Humanities:	
National Endowment for the Humanities	Dir, Office of Planning & Budget.
	Director, Office of Strategic Planning.
National Labor Relations Board:	
Ofc of the Board Members	Executive Secy.
	Deputy Executive Secretary.
	Inspector General.
Div of Enforcement Litigation	Deputy Assoc. Gen. Counsel Appellate Court Br.
	Director, Office of Appeals.
Div of Advice	Associate Gen Counsel, Div of Advice.
	Deputy Assoc Gen Counsel.
	Deputy Assoc Gen Counsel.
Div of Administration	Director of Administration.
	Deputy Director of Administration.
	Chief Information Technology Branch.
Div of Operations Management	Assoc General Counsel, Div of Operation-Mgmt.
	Dep Asso Gen Counsel, Div of Operation-Mgmt.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Asst to the General Counsel.
Regional Offices	Regl Dir Reg 1, Boston.
	Regional Director, Reg. 2, New York.
	Regional Director, Reg. 3, Buffalo.
	Regl Dir Reg 4, Philadelphia.
	Regional Director, Reg. 5, Baltimore.
	Regional Director, Reg. 6, Pittsburgh.
	Regional Director, Reg. 7, Detroit, Mich.
	Regional Director, Reg. 8, Cleveland.
	Regional Director, Reg. 9, Cincinnati.
	Regl Dir Reg 10, Atlanta.
	Regl. Dir., Reg. 11, Winston Salem.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Regional Director, Reg. 12, Tampa.
	Regional Director, Reg. 13, Chicago.
	Regl Dir Reg 14, St Louis.
	Regl Dir Reg 15, New Orleans.
	Regl Dir Reg 16, Ft Worth.
	Regl Dir Reg 17, Kansas City.
	Regl Dir Reg 18, Minneapolis.
	Regl Dir Reg 19, Seattle.
	Regional Dir, Reg 20, San Francisco.
	Regional Director, Reg. 21, Los Angeles.
	Regional Director, Reg 22 Newark.
	Regional Director, Reg 24, Hato Rey Puerto Rico.
	Regl Dir, Reg 25, Indianapolis.
	Regl Dir Reg 26, Memphis.
	Regl Dir Reg 27, Denver.
	Regl. Dir. Reg. 28, Phoenix.
	Regl Dir Reg 29, Brooklyn.
	Regl Dir Reg 30, Milwaukee.
	Regl. Dir., Reg 32, Oakland.
	Regional Director, Reg. 33, Peoria, IL.
	Regl Dir Reg 31, Los Angeles.
	Regional Director, Reg 34, Hartford.
National Science Foundation:	
Office of the Director	Senior Advisor.
	Senior Advisor.
	Senior Advisor.
	Senior Advisor.
	Senior Advisor.
	Senior Staff Associate.
Office of Integrative Activities	Senior Science Advisor.
	Senior Scientist.
Office of the General Counsel	Deputy General Counsel.
Office of Polar Programs	Head Polar Research Support Section.
Office of the Inspector General	Inspector General.
	Dep Inspector Gen & Senior Legal Advisor.
	Associate Inspector General for Efficiency.
	Associate Inspector General for Scientific Integrity.
	Deputy Inspector General.
	Associate Inspector General for Audit.
National Science Board	Senior Policy Officer.
Directorate for Geosciences	Senior Science Associate for Spatial Data and Information.
	Sr Science Assoc for Geosciences Education.
Division of Atmospheric Sciences	Head, Upper Atmosphere Section.
Division of Earth Sciences	Head, Major Projects Section.
	Head, Research Grants Section.
Division of Ocean Sciences	Head Ocean Sciences Research Section.
	Senior Scientist/Section Head.
Directorate for Engineering	Senior Advisor.
Division of Engineering Education & Centers	Deputy Division Director (Education).
	Senior Staff Associate.
	Senior Engineering Advisor.
Division of Design, Manufacture & Industrial Innovation	Senior Advisor, Technology Integration.
	Senior Advisor.
Division of Civil and Mechanical Systems	Senior Advisor.
Directorate for Bilogical Sciences	Deputy Assistant Director.
Division of Environmental Biology	Deputy Division Director.
Directorate for Mathematical and Physical Sciences	Executive Officer.
	Special Assistant to the Assistant Director.
	Senior Science Associate.
Division of Physics	Executive Officer.
Division of Astronomical Sciences	Executive Officer.
Division of Mathematical Sciences	Executive Officer.
Division of Materials Research	Executive Officer.
Directorate for Education & Human Resources	Deputy Assistant Director.
	Dep Asst Dir for Integrative Activities.
Division of Research, Evaluation & Communication	Senior Advisor for Research.
Directorate for Social, Behavioral and Economic Sciences	Senior Advisor.
	Senior Staff Associate.
Division of International Programs	Deputy Division Director.
	Senior Staff Associate.
	Head, Office of Trans-Regional Affairs.
	Senior Advisor.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Directorate for Computer & Info Science & Engineering	Senior Staff Associate.
	Executive Officer.
	Senior Scientist.
Office of Budget, Finance and Award Management	Director, BFA and CFO.
	Executive Officer.
Budget Division	Division Director.
Division of Financial Management	Division Director and Deputy CFO.
Division of Grants & Agreements	Division Director.
Division of Contracts, Policy & Oversight	Division Director.
Office of Information and Resource Management	Deputy Director, OIRM and Deputy CIO.
Division of Information Systems	Dep Dir, of Information Systems.
Division of Human Resource Management	Division Director.
	Deputy Division Director.
Division of Administrative Services	Division Director.
	Deputy Division Director.
National Transportation Safety Board:	
National Transportation Safety Board	Chief Technical Advisor.
Office of the Managing Director	Deputy Managing Director.
	Assoc Managing Dir Safety & Development.
	Assoc Managing Director for Quality Assurance.
Office of Aviation Safety	Director Ofc of Aviation Safety.
	Dep Dir, International Aviation Safety Affairs.
National Transportation Safety Board:	
Office of Aviation Safety	Deputy Director, Tech and Inv Operations.
Office of Research & Engineering	Dir Ofc of Research and Engineering.
	Deputy Dir Ofc of Research and Engineering.
Office of Chief Financial Officer	Chief Financial Officer.
Office of Safety Recommendations and Accomplishments	Dir Ofc of Safety Recommendations & Accomplis.
Nuclear Regulatory Commission:	
Atomic Safety and Licensing Brd Panel	Chief Administrative Judge.
	Deputy Chief Administrative Judge (Executive).
Office of the Chief Information Officer	Dir, Applications Development Division.
	Dir, Information Technology Infrastructure.
	Director, Information Mgmt Division.
	Director, Planning & Resource Mgmt Division.
Office of the Chief Financial Officer	Dir Division of Budget and Analysis.
	Dir Division of Accounting and Finance.
	Special Assistant for Internal Controls.
	Deputy Chief Financial Officer.
Office of the Inspector General	Asst Inspector General for Audits.
	Deputy Inspector General.
	Assistant Inspector Gen for Investigations.
Associate General Counsel for Licensing and Regulation	Deputy Assistant GC/Legislative Counsel.
Associate General Counsel for Hearings, Enforcement and Administration.	Deputy Assistant GC for Administration.
Office of Commission Appellate Adjudication	Dir Ofc of Comm Appellate Adjudication.
Office of Administration	Director Div of Contracts & Prop Mgmt.
	Director, Div of Security.
	Dir, Div of Administrative Services.
	Dir, Div of Facilities and Security.
Incident Response Operations	Director, Incident Response Operations.
	Dep Dir, Incident Response Operations.
Nuclear Regulatory Commission:	
Assistant GC for Hearings and Enforcement	Dep Asst GC for Mtrls, Antitrust & SP.
	Deputy Assistant General Counsel.
	Deputy Assistant GC for Mtrls, Antitrust & SP.
	Chief Nuclear Waste Management Branch.
Office of Human Resources	Special Assistant.
Office of Investigations	Deputy Director, Office of Investigations.
Office of Small Business and Civil Rights	Director.
Office of Nuclear Reactor Regulation	Proj Dir Project Directorate II 1.
	Dir, Prog Mgmt, Policy Dev & Analysis Staff.
Division of Operational Assessment	Deputy Director, Div Incident Response.
	Special Assistant to the Director.
Division of safety Programs	Chief Reactor Analysis Branch.
Division of Licensing and Project Management	Project Dir, Project Directorate I–1.
	Project Director, Project Directorate I–2.
	Project Director, Project Directorate I–4.
	Proj Dir Project Directorate II 2.
	Proj Dir Project Directorate II 2.
	Project Dir Project Directorate II 3.
	Deputy Dir, Div of Reactor Project I/II.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Project Director, Project Directorate I.
	Project Director, Project Directorate II.
	Project Director, Project Directorate IV & Decommissioning.
	Project Director, Project Directorate III.
Division of Inspection Program Management	Chief, Qual Assur, Vendor Insp. Maintenance & Alleg Br.
	Chief, Operator Licensing, Human Perf & Plant Support Br.
	Chief, Inspection Program Branch.
Division of Regulatory Improvement Programs	Chief, License Renewal and Standardization Branch.
	Chief, Events Assess, Generic Comm & Non-Pwr Reactors Branch.
	Chief, Generic Issues, Envir, Financial & Rulemaking Branch.
	Chief, Technical Specifications Branch.
Division of Engineering	Chief, Materials & Chemical Engineering Br.
	Chf, Mechanical Engineering Branch.
	Chief Civil Eng & Geosciences Branch.
	Chief Electrical Engineering Branch.
	Chief, Mechanical & Civil Engineering Branch.
	Chief, Electrical & Instrumentation & Controls Branch.
Division of Systems Safety & Analysis	Chf, Plant Systems Branch.
	Chf, Reactor Systems Branch.
	Chief Probablistic Safety Assessment Branch.
	Chief Containment Sys & Severe Accident Brch.
Office of Nuclear Material Safety and Safeguards	Deputy Director, Spent Fuel Project Ofc.
	Chief Transportation & Storage Safety.
Division of Fuel Cycle Safety & Safeguards	Chief, Operations Branch.
	Chief, Regl & Intl Safeguards Branch.
	Chief Special Projects.
	Chief, Licensing Branch.
	Chief, Licensing and International Safeguards Branch.
Div of Industrial & Medical Nuclear Safety	Chief, Operations Branch.
	Chief, Medical, Acad & Com Use Sfty Branch.
	Chief, Rulemaking and Guidance Branch.
	Chief, Materials Safety and Inspection Branch.
Division of Waste Management	Chf, High Level Waste & Uranium Recovery Proj.
	Chief, Perf Assess & Hydrology Branch.
	Chief, Engineering & Geosciences Branch.
	Deputy Dir, Prog Mgmt Policy Devel & Analysis.
	Chf, Low Level Waste & Decommissioning Proj.
	Chief, Decommissioning Branch.
	Chief, High-Level Waste & Performance Assessment Branch.
	Chief, Uranium Recovery and Low-Level Waste Branch.
Spent Fuel Project Office	Deputy Director, Licensing & Inspection Directorate.
	Dep Dir, Technical Review Directorate.
OFC of Nuc Regulatory Research	Director: Fin Mgt, Procurement & Admin Staff.
	Director for Inspector Special Projects.
	Dir, Program Mgmt, Policy Development & Analysis Staff.
Division of Engineering Technology	Chief, Generic Safety Issues Branch.
	Chief, Elect, M & M Engineer Branch.
	Chief, Structural & Geological Eng Branch.
	Chief, Materials Engineering Branch.
	Chief, Engineering Research Applications Branch.
Division of Systems Analysis and Regulatory Effectiveness	Chief, Regulatory Effectiveness & Human Factors Branch.
	Chief, Safety Margins and Systems Analysis Branch.
Division of Risk Analysis and Application	Chf Reliability & Risk Assessment Branch.
	Chf, Probabilistic Risk Analysis Branch.
	Chief, Radiation Protection, Environ Risk & Waste Mgmt.
Region I	Deputy Regional Administrator.
	Dir, Div of Nuclear Materials Safety.
	Deputy Director, Division of Reactor Projects.
	Director Division of Reactor Safety.
	Director, Division of Reactor Projects.
	Dep Dir, Div of Reactor Safety.
	Dep Dir, Div of Nuclear Materials Safety.
	Director, Millstone Inspection Directorate.
Region II	Deputy Regional Administrator Region II.
	Dir, Div of Nuclear Materials Safety.
	Deputy Director, Division of Reactor Projects.
	Director, Division of Reactor Projects.
	Director, Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
Region III	Director, Division of Reactor Safety.
	Director, Division of Reactor Projects.
	Dep Regional Administrator Region III.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dir, Div of Nuclear Materials Safety.
	Deputy Director Division of Reactor Projects.
	Dep Dir, Div of Reactor Safety.
	Dep Dir, Nuclear Materials Safety.
Region IV	Deputy Regional Administrator Region IV.
	Deputy Director, Div of Reactor Projects.
	Director Div of Reactor Projects.
	Dir, Div of Nuclear Materials Safety.
Region IV	Dir, Division of Reactor Safety.
	Dep Dir, Division of Reactor Safety.
Division of Inspection and Support Programs	Dir, Inspection & Support Programs.
	Chf, Inspection Program Branch.
	Chf, Special Inspections Branch.
Division of Reactor Projects III/IV	Chf, Technical Specification Branch.
	Proj Dir Project Directorate III 1.
	Proj Dir Project Directorate III 2.
	Proj Director Project Directorate III 3.
	Proj Dir, Project Directorate IV–1.
	Chf, Events A & G Communications Sp Insp Brch.
	Proj Dir, N–P Reactor, D & E Proj Directorate.
	Project Dir, Proj Directorate IV–2.
	Chief, Generic Issues & Envir Proj Branch.
Division of Reactor Controls and Human Factors	Chf, Human Factors Assessment Branch.
	Chf, Operator Licensing Branch.
	Chf, Instrumentation & Control Branch.
	Chf, Quality Assur & Maint Branch.
	Project Dir Project Directorate I–3.
Division of Reactor Program Management	Chf, Emergency P & R Protection.
	Chf, Safeguards Branch.
	Project Dir, Standardization Proj Directorate.
	Proj Dir License Renewal & Environmental Rev.
	Special Assistant to the Director.
Division of Regulatory Applications	Chief Regulation Development Branch.
	Chief Waste Management Branch.
Division of Systems Technology	Chief, Accident Evaluation Branch.
	Chf, Radiation Protection & Health Effects Br.
	Chief, Reactor and Plant Systems Branch.
	Chief, Control Instr & Human Factors Branch.
Office of Government Ethics:	
Office of Government Ethics	Deputy Director.
	Deputy Dir, for Government R & S Projects.
	Senior Assoc Director for Agency Programs.
Office of Management and Budget:	
Office of the Director	Deputy Associate Dir for Economic Policy.
	Senior Advisor to the Dep Dir for Management.
	Deputy Associate Director for Legislative Affairs.
Legislative Reference Division	Asst Dir Legislative Reference.
	Chief, Economics, Science & Govt Branch.
	Chief, Resources-Defense-International Branch.
	Chief, Labor, Welfare, Personnel Branch.
	Associate General Counsel for Budget.
Office of Federal Procurement Policy	Associate Administrator for Procurement Law and Legislation.
	Associate Administrator for Acquisition Implementation.
Office of Information and Regulatory Affairs	Chief, Information Policy & Technology Branch.
	Chief, Human Resources and Housing Branch.
	Chief, Commerce and Lands Branch.
	Chief Statistical Policy Branch.
	Chief, Natural Resources Branch.
	Senior Advisor.
Office of Federal Financial Management	Chief, Financial Standards, Reporting and Management Integrity Branch.
	Deputy Controller.
	Chief Federal Financial Systems Branch.
	Senior Advisor to the Director.
Budget Review Division	Dep Asst Dir for Budget Review & Concepts.
	Dep Chief Budget Analysis Branch.
	Chief Budget Analysis Branch.
	Asst Dir for Budget Review.
	Dep Asst Dir for Budget Analysis & Systems.
	Chief, Budget Concepts Branch.
	Chief, Budget Systems Branch.
	Chief, Budget Review Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
International Affairs Division	Chief, State—USIA Branch.
	Chief, Economic Affairs Branch.
Office of Management and Budget:	
International Affairs Division	Dep Assoc Dir for Internatl Affairs.
National Security Division	Chief, Command, Ctrl, Comms, & Intellig Branch.
	Chief, Force Structure & Investment Branch.
	Dep Assoc Dir for National Security.
Associate Director for Educ, Income Maintenance & Labor	Chief Operations Sup Branch.
	Chief, Labor Branch.
	Chief, Education Branch.
	Dep Assoc Dir for Ed, Income Maint & Labor.
	Chf, Income Maintenance Branch.
	Senior Advisor.
Transportation, Commerce, Justice & Services Division	D/A for Transp Commerce, Justice & Services.
	Chief Commerce Branch.
	Chief Transport Branch.
	Chief, Justice/GSA Branch.
Housing, Treasury and Finance Division	Deputy Assoc Dir for Housing Treasury Finance.
	Chief, Treasury Branch.
	Senior Advisor for Cash & Credit Mgmt.
	Chief, Financial Institutions Branch.
	Chief, Housing Branch.
Assoc Dir for Natural Resources, Energy, and Science	Senior Advisor.
Natural Resources Division	Dep Associate Dir for Natural Resources.
	Chief, Agricultural Branch.
	Chief, Environment Branch
Energy and Science Division	Chief Interior Branch.
	Chief, Water and Power Branch.
	Chief Science and Space Programs Branch.
	Dep Assoc Dir for Energy & Science.
	Chief, Energy Branch.
Health Division	Deputy Associate Director for Health.
	Chief Health Programs & Services Branch.
	Chief Health & Financing Branch.
	Chief, Health & Human Services Branch.
	Chief, Health Program & Services Branch.
VA/Personnel Division	Chf Veteran Affairs Branch.
	Deputy Assoc Director for VA & Personnel.
	Chief, Personnel, Portal, Exop Branch.
Office of Personnel Management:	
Office of the Chief Financial Officer	Chief Financial Officer.
	Dep Chf Fin Ofc/Assit Dir for Financial Mgmt.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Audits.
	Assistant Inspector Gen for Investigations.
	Deputy Aig for Audits.
Retirement and Insurance Service	Asst Dir for Retirement Programs.
	Director, Office of Actuaries.
	Asst Dir for Insurance Programs.
Employment Service	Director, Personnel Res & Development Center.
	Director, Staffing Automation.
	Senior Advisor.
	Special Assistant to the Associate Director.
Office of Workforce Relations	Director, Office of Workforce Relations.
	Dir Ctr for Partnership/Labor Mgmt Relations.
	Assistant Dir for Human Resources Development.
Investigations Service	Director, Fed Investigation Systems.
Office of the Chief Information Officer	Chief Information Officer.
Office of Contracting and Administrative Services	Director of Contracting & Administrative Serv.
Office of Merit Systems Oversight and Effectiveness	Associate Director for Merit Systems Oversight.
Office of Special Counsel:	
Headquarters, Office of Special Counsel	Assoc Special Counsel (Prosecution).
	Assoc Spec Counsel (Investigation).
	Deputy Associate Spec Counsel for Prosecution.
	Assoc Special Counsel for Disclosure and Complaints Examination.
	Director for Management.
Office of Special Counsel:	
Headquarters, Office of Special Counsel	Assoc Special Counsel Planning and Oversight.
	Associate Special Counsel for Plan & Advice.
Railroad Retirement Board:	
Board Staff	Chief of Technology Service.
	Director of Hearings and Appeals.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Director of Hearings and Appeals.
	Chief Actuary.
	Director of Field Service.
	Director of Field Service.
	Director of Administration.
	Deputy General Counsel.
	Asst Inspector General for Investigations.
	Chief Financial Officer.
	Assistant Inspector General for Audit.
	Director of Taxation.
	General Counsel.
	Director of Programs.
	Chief Information Officer.
	Dir of Operations.
	Dir of Policy & Systems.
	Dir of Policy & Systems.
	Director of Fiscal Operations.
Securities and Exchange Commission:	
Office of the Executive Director	Associate Executive Director (Finance).
	Associate Executive Director (Administration).
Division of Corporation Finance	Associate Director (Operations).
	Associate Director (Legal).
Small Business Administration:	
Office of the Inspector General	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Deputy Inspector General.
	Assistant Inspector Gen/Inspection & Eval.
	Asst Inspector General for Mgmt Legal Cause.
Office of the General Counsel	Associate General Counsel for General Law.
	Assoc Gen Counsel Litigation.
	Associate General Counsel for Procurement Law.
Office of Equal Employment O & C Rights Compliance	Asst Admr for Equal Employ O & C Right Compl.
Office of Hearings and Appeals	Asst Administrator for Hearings and Appeals.
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
Office of Economic Development	Dep to the Admin for Capital Accss.
Office of Financial Assistance	Assoc Administrator for Financial Assist.
	Dep Assoc Admr for Financial Assistance.
	Asst Admr for Borrower and Lender Servicing.
Office of Surety Guarantees	Assoc Administrator for Surety Guarantees.
Office of Government C & M Enterprise Development	Associate Administrator for Procurement Policy and Liaison.
Office of Minority Enterprise Development	Assoc Admin for Minority Small Bus Cap Owners.
Office of Entrepreneurial Development	Deputy to the ADA for Entrepreneurial Dev.
Office of Information Resources Management	Chief Information Officer.
Office of Human Resources	Asst Administrator for Human Resources.
District Directors	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
Social Security Administration:	
Office of the Inspector General	Deputy Inspector General.
	Counsel to the Inspector General.
Office of Investigations	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigations.
Office of Audits	Asst Inspector Gen for Audits.
	Dep Asst Inspector General for Audits.
Office of Executive Operations	Assistant Inspector General for Executive Operations.
Office of Hearings and Appeals	Assoc Comm for Hearing & Appeals.
	Deputy Assoc Comr for Hearings and Appeals.
	Executive Dir., OFC of Appellate Operations.
Office of Actuary	Chief Actuary.
	Deputy Chief Actuary (Long-Range).
	Deputy Chief Actuary (Short-Range).
Office of Labor-Management and Employee Relations	Dir Ofc Labor-Management Employee Relations.
Office of Finance, Assessment & Management	Senior Financial Executive.
Office of Financial Policy and Operations	Assoc Comr, Office of Fin Policy & Operations.
	Dep Assoc Comm Financial Policy & Operations.
Office of Quality Assurance and Performance Assessment	Assoc Commr for Quality Assurance & Performance Assessment.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Information Technology Systems Review Staff	Dep Assoc Commr for Quality A & P Assessment.
Office of Acquisition and Grants	Dir Information Technology System Review Stf.
Office of Telecommunications and Systems Operations	Assoc Commissioner for Acquisition & Grants.
	Assoc Comm for Telecommunications & Sys Oper.
	Deputy Associate Commissioner for T&SO.
Office of General Law	Dep Assoc Commr for T & S OPS (TELECOMM).
Department of State:	Associate General Counsel for General Law.
Office of the Inspector General	Assistant Inspector General for Audits.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Dep Asst Inspector General for Audits.
Office of the Inspector General	Asst Insp Gen for Policy, Plng and Management.
	Dep Asst Inspector Gen for Inspections.
	Deputy Inspector General.
	Asst Inspector Gen for Security Oversight.
	Senior Inspector—Thematic Review.
Bureau of Intelligence and Research	Executive Director.
Bureau of International Organizational Affairs	Director, Office of International Conferences.
Bureau of Administration	Director, Office of Acquisition.
Bureau of Personnel	Director, OFC of Civil Service Personnel Mgmt.
	SES Long Term Training.
Bureau of Arms Control	Office Director.
	Office Director.
	Office Director.
	Office Director.
	Deputy Asst. Secretary.
Bureau of Nonproliferation	Office Director.
Department of Transportation:	
Asst Secretary for Budget & Programs	Deputy Chief Financial Officer.
Assistant Secretary for Administration	Asst Secy for Administration.
Office of the Senior Procurement Executive	Senior Procurement Executive.
Office of Inspector General	Deputy Inspector General.
	Senior Counsel.
	Associate Deputy Inspector General.
Assistant Inspector General for Auditing	Asst Insp General for Auditing.
	Dep Asst Inspector for Auditing.
Office of Financial, Information Technology and Department-Wide Programs.	Deputy Asst Inspector General.
Office of Aviation	Dep Asst Inspector General for Aviation.
Assistant Inspector General for Investigations	Asst Inspector General for Investigation.
	Dep Asst Inspector General for Investigations.
Office of National Transportation Infrastructure	Deputy Assistant Inspector General for Highways & Highway Safety.
Assistant Inspector General for Martime & Highway Safety	Deputy Asst Inspector General.
Asst Inspector Gen for Competition, Oversight, Rail, Economic, and Special Prog.	Assistant Inspector General for Rail, Transit, and Special Program Audits.
Associate Administrator for Safety	Assoc Admr for Safety.
Office of Safety Enforcement	Director, Office of Safety Enforcement.
Associate Administrator for Pipeline Safety	Assoc Admr for Pipeline Safety.
Associate Admr for Ship Analysis and Cargo Preference	Assoc Admr for Ship Fin A & C Preference.
Associate Admr for Shipbuilding	Director, Office of Shipbuilding and Marine Technology.
Administrator	Executive Director.
Office of Real Estate Services	Dir Ofc of Real Estate Services.
Safety	Program Manager, Safety.
Office of Budget and Finance	Dir Ofc of Budget & Finance.
Office of Acquisition Management	Director, Office of Acquisition Management.
Office of Safety Research and Development	Director, Office of Safety R & D.
Federal Motor Carrier Safety Administration	Director, Office of Motor Carrier Enforcement.
Office of Bus & Truck Standards and Operations	Director, Office of Bus & Truck Standards and Operations.
Office of Enforcement and Compliance	Director, Office of Compliance.
Associate Administrator for Safety Assurance	Associate Administrator for Safety Assurance.
Office of Defects Investigation	Dir—Ofc of Defects Investigation.
Office of Vehicle Safety Compliance	Dir—Ofc of Vehicle Safety Compliance.
Chief of Staff	Director of Finance and Procurement.
Office of the Assistant Commandant for Acquisition	Deputy Assistant Commandant for Acquisition.
Proceedings	Deputy Director—Legal Analysis.
Economic Environmental Analysis and Administrator	Director of Economics, Environmental A & A.
Office of the Administrator	Senior Advisor.
Office of Highway Safety	Dir, Office of Highway Safety.
Office of Motor Carrier Standards	Director, Office of Research and Standards.
Department of the Treasury:	
Assistant Secretary (International Affairs)	Senior Advisor.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Under Secretary for Domestic Finance	Director, Office of Procurement.
Fiscal Assistant Secretary	Fiscal Assistant Secretary.
	Deputy Assistant Secretary for Fiscal Operations and Policy.
	Dep Asst Secretary Accounting Operations.
Financial Management Service	Dir, Regional Financial Center (Chicago).
	Director, Regl Fin Ctr (San Francisco).
	Director, Regl Fin Ctr (Austin).
	Comptroller.
	Director Platform Services Directorate.
	Assistant Commissioner, Governmentwide Accounting.
	Director, Kansas City Financial Center.
	Commr of Financial Management Service.
	Asst Commissioner, Information Resources.
	Assistant Commissioner, Federal Finance.
	Director Operations Group.
	Dep Com Financial Management Service.
	Director Cash Management Directorate.
	Director, Birmingham Debt Management Operations Center.
	Assistant Commissioner, Regional Operations.
	Asst Comr, Management (Chief Fin Ofcr).
	Director, Systems Management Directorate.
	Assistant Commissioner (Agency Services).
	Deputy, Chief Information Officer.
	Chief Accounting Officer.
	Assistant Commissioner, Financial Operations.
	Deputy Director, Operations Directorate.
	Assistant Commissioner Debt Management Sercs.
Bureau of the Public Debt	Commissioner.
	Dep Commr of the Public Debt.
	Asst Commissioner (Savings Bond Operations).
	Asst Commr (Financing).
	Asst Commr (Administration).
	Executive Director.
	Government Securities Policy Advisor.
	Asst Commr/Securities & Accounting Services.
	Assistant Commissioner (Office of Information Technology).
	Asst Commissioner (Public Debt Accounting).
Assistant Secretary (Enforcement)	Dep Dir, Financial Crimes Enforcement Network.
	Director Fincen.
	Executive Assistant Director, Fincen.
	Dir Exe Ofc for Asset Forfeiture.
Bureau of Alcohol, Tobacco and Firearms	Special Agent in Charge (NY Field Division).
	Spec Agen in Charge (Washington Field Div).
	Assistant Director (Inspection).
	Dep Asst Dir (Liaison & Public Information).
	Division Director/Special Agent in Charge.
	Division Director/Special Agent in Charge.
	Division Director/Special Agent in Charge.
	Division Director/Sac, Atlanta.
	Dep Assoc Dir Reg Enforcement Field Operation.
	Deputy Asst Director (Inspection).
	Deputy Asst Dir (Ce Field Operations)—East.
	Deputy Assistant Director (Ce Field Operations)—Central.
	Asst Dir (Science & Technology).
	Asst Dir (Field Operations).
	Associate Chief Counsel (Admin & Ethics).
	Deputy Assistant Director (Ce Field Operations)—West.
	Deputy Asst Dir (Science & Technology).
	Director Laboratory Services.
	Deputy Director.
	Asst Dir (Firearms Explosives & Arson).
	Asst Dir (Alcohol & Tobacco).
	Deputy Assistant Director (Recruitment/Hiring).
Bureau of Alcohol, Tobacco and Firearms	Deputy Asst Director (Alcohol & Tobacco).
	Dep Asst Dir (Firearms Explosives Arson.
	Assistant Director (Firearms, Explosives, and Arson).
	Asst Dir (Liaison & Public Information).
	Chair, Professional Review Board.
US Customs Service	Asst Commissioner for Internal Affairs.
	Associate Chief Counsel (Miami).
	Associate Chief Counsel (Chicago).
	Associate Chief Counsel (New York).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dir OFC of Regulatory Audit.
	Special Agent in Charge, Miami.
	Associate Chief Counsel Enforcement.
	Assoc Chief Counsel (Trade Tariff & Leg).
	Associate Chief Counsel (Houston).
	Dir, Applied Technology.
	Special Agent in Charge—New York.
	Special Agent in Charge—Los Angeles.
	Deputy Assistant Commissioner, Human Resources.
	Deputy Assistant Commissionr, Internal Affairs.
	Regional Special Agent in Charge (SAIC).
	Regional Special Agent in Charge (SAIC).
	Regional Special Agent in Charge (SAIC).
	Deputy Assistant Commissioner, Office of Training and Development.
	Executive Director, Communications Management.
	Director, Asset Acquisition & Management.
	Executive Director, Labor and Employee Relations.
	Director, Office of Trade Compliance.
	Dir Customs Management Center New York.
	Area Dir, Newark.
	Dir Customs Management Center N Atlantic.
	Asst Commissioner, Field Operations.
	Dir Customs Management Center Mid-America.
	Dir Customs Management Center—S. Texas.
	Dir, Customs Management Center—Mid Pacific.
	Project Executive.
	Asst Commissioner, Regulations & Rulings.
	Dir Strategic Trade Center Chicago.
	Deputy Asst Commissioner (Investigations).
	Assoc Chief Counsel (Administration).
	Associate Chief Counsel (Los Angeles).
	Area Director, JFK Airport.
	Asst Commissioner Chief Information Officer.
	Dir Customs Management Center South Florida.
	Special Agent in Charge (New Orleans).
	Assistant Commissioner, Public Affairs.
	Dep Dir, OFC of Regulatory Audit.
	Asst Commissioner; Investigations.
	Director Strategic Trade Center—Plantation.
	Dir Laboratories & Scientific Services.
	Project Executive.
	Deputy Assistant Commissioner, Field Operations.
	Director, Field Operations—Houston.
	Executive Director, Field Programs.
	Exec Dir the Interdiction Committee.
	Assistant Commissioner, Finance.
	Executive Director, Mission Support Service.
	Project Executive.
	Dir Tariff Classification Appeals Division.
	Dir Strategic Trade Center Long Beach.
	Processes and Policy Executive.
	Director, Field Operations—Miami.
	Deputy Assistant Commissioner, International Affairs.
	Director, US Customs Academy.
	Director, OFC of Air Interdiction.
	Special Agent in Charge (Houston).
	Dir Customs Management Center—S California.
	Dir Office of Planning.
	Director, Strategic Trade Center Operations.
	Director, Intelligence and Communications Division.
	Director, Software Development.
	Director, Budget Division.
	Executive Director Customs Management Center.
	Dir Customs Management Center South Pacific.
	Associate Executive Director (West).
	Director, Administration Policy & Planning.
	Asst Commissioner, Strategic Trade.
	Special Agent-in-Charge (San Diego).
	Asst Commissioner, Human Resources Mgmt.
	Regional Special Agent in Charge.
	Director, Ofc of Automated Commercial Systems.
	Port Director, Miami.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Associate Executive Director, East.
	Assistant Commissioner, Office of Training and Development.
	Director, Infrastructure Division.
	Director, Management Inspection.
	Special Agent-in-Charge—Dallas.
	Associate Executive Director, Central.
	Deputy Chief Financial Officer.
	Special Agent in Charge—El Paso.
	Special Advisor (Enforcement).
Secret Service	Director of the Secret Service.
	Deputy Director U.S. Secret Service.
	Asst Director, Investigations.
	Asst Dir (Protective Operations).
	Asst Dir (Protective Research).
	Assistant Director, Administration.
	Assistant Director Inspection.
	Dep Asst Dir (Protective Operations).
	Spec Agent in Charge—Presidential Protective.
	Special Agent in Charge, New York Office.
	Special Agent in Charge, Chicago.
	Special Agent in Charge, Los Angeles Office.
	Dep. Asst. Dir. (Protective Research).
	Assistant Director—Training.
	Asst Director—Govt Liaison and Public Aff.
	Spec Agent in Charge—Vp Protect Div.
	Spec Agent in Charge—Tech Sec Div.
	Spec Agent in Charge—Intelligence Div.
	Spec Agent in Charge—Washington Field Office.
	Spec Agent in Charge—Philadelphia Field Office.
	Spec Agent in Charge, San Francisco Office.
	Special Agent in Charge, Dallas Field Office.
Secret Service	Deputy Chief Counsel.
	Executive Assistant to the Director—Office of Congressional.
	2002 Winter Olympics Coordinator.
	Deputy Asst Dir Investigation.
	Dad—Administration.
	Deputy Special Agent in Charge Pres Prot Div.
	Dad (Uniformed Forces, F & E Dev), Ofc Tmg.
	Dep Special Agent in Charge—PPD White House.
	Dep Asst Dir Investigations.
	Special Agent in Charge—Houston Field Ofc.
	Deputy Assistant Director—Technology.
	Deputy Asst Director Office of Inspection.
	Spec Agent in Charge—Miami Field Office.
	Deputy Special Agent in Charge—VP Prot Div.
	Dep Asst Dir Protective Operations.
	Chf, Info Resources Management Division.
	Spec Agent in Charge—Atlanta Field Office.
	Deputy Asst Dir Protective Operations.
	Special Agent in Charge.
Ofc of the Inspector General	Dep Asst Inspector Gen for Audit (Fin Mgmt).
	Dep Insp Gen Investigation (DAIGI).
	Counsel to the Inspector General.
	Assistant Inspector General for Management Services.
	Assistant Inspector General for Audit.
	Dep Asst Inspect General for Audit Prog Audit.
	Asst Inspector General for Investigations.
Office of the General Counsel	Chief Counsel.
Inspector General for Tax Administration	Deputy Associate Inspector General for Investigations.
	Assistant Inspector General for Management Services.
	Deputy Inspector General for Investigations.
	Associate Inspector General for Audit.
	Counsel to the Treasury Inspector General for Tax Administration.
	Associate Inspector General for Audit (Wage and Investment).
	Associate Inspector General for Audit (Small Business and Tax Exempt).
	Deputy Inspector General for Audit.
Inspector General for Tax Administration	Assistant Inspector General for Information Technology.
	Associate Inspector General for Investigation (Investigative Support).
	Associate Inspector General for Investigations (Field Operations).
Assistant Secretary (Economic Policy)	Sr Economist.
Assistant Secretary (Tax Policy)	Dir (Economic Mod & Computer Applications).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Assistant Secretary (Management)	Deputy Chief Financial Officer.
United States Mint	Associate Dir, Information Resources/Cio.
	Chief Technology Officer.
	Associate Director for Circulation.
	Dep Assoc Dir for Finance & Dep Chief Fin Ofc.
	Associate Director for Numismatics.
	Assoc Dir for Pol & Mgmt Chf Fin Officer.
Internal Revenue Service	Regional Commissioner, Northeast.
	Regional Commissioner, Southeast.
	District Dir, Los Angeles.
	District Director, New Jersey.
	District Director, Illinois.
	District Dir., Manhattan.
	District Dir., Brooklyn.
	District Director, New England.
	District Director, N. Texas.
	District Director, Kansas-Missouri.
	District Director, Michigan.
	District Director, N California.
	District Director, Georgia.
	District Director, Tax Forms and Publications.
	Dir Martinsburg, Computing Center.
	Dir, IRS Data Center Detroit.
	Distrist Director, N Central.
	District Director, Upstate NY.
	District Director, North-South Carolina.
	District Director, Indiana.
	District Director, Kentucky-Tennessee.
	District Director, Pacific—Northwest.
	District Director, Arkansas-Oklahoma.
	District Director, Gulf Coast.
	District Director, Ohio.
	District Director, Midwest.
	District Director, Virginia-West Virginia.
	District Director, Southwest.
	District Director, Rocky Mountain.
	Assistant District Director, Illinois.
	Assistant District Director, Manhattan.
	Assistant District Director, N California.
	Asst District Director, New England.
	Assistant District Director, N Texas.
	Assistant District Director, Delaware-Maryland.
	Regional Director of Appeals-Western Region.
	Natl Dir, Equal Employ Opportunity & Diversity.
	Assistant District Director, Georgia.
	Director, Technical Contract Management Division.
	Director, Submission Processing Division.
	National Director, Commissioner's Review Group.
	Assistant to the Commissioner.
	Director, Exempt Organizations Rulings and Agreements.
	Director, Workforce Relations.
	Special Agent in Charge, New York.
	Special Agent in Charge, Chicago.
	Director, Personnel Operations—AWSS.
	Director Director, Strategy, Research & Program Planning.
	Director, Human Resources—SBSE.
	Commissioner, Tax Exempt & Government Entities Division.
	Director, Exempt Organizations Examinations.
	District Director, Delaware-Maryland.
	Assistant Commissioner (Service Center Operations).
	Asst Deputy Commissioner (Modernization).
	Dir Exempt Organizations Technical Division.
	Director, Compliance Area, Laguna Niguel—SBSE.
	Director, Retailors, Food and Pharmaceuticals.
	Director, Taxpayer Education Area, Brooklyn—SBSE.
	Director, Compliance Area.
	District Director South Texas.
	Director, Taxpayer Education Area, Dallas—SBSE.
	Director of Field Operations (Central Area)—CID.
	Director, Quality Assurance and Performance Management.
	National Director for Financial Management.
	Director, Tax Forms & Publications—W & I.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Director, Legislative Affairs Division.
	Director, Statistics of Income Division.
	Submission Processing Field Director, Memphis.
	Director, Submission Processing Center, Memphis.
	Director, Customer Service Center—Cincinnati.
	Director, Field Operations—Retailers, Food, and Pharmaceuticals.
	Director, Customer Service Center—Brookhaven.
	Director, Submission Processing Center—Kansas City.
	Director, Customer Service Center—Ogden.
	Deputy Chief, Customer Service Field Operations (Atlanta).
	Deputy Division Commissioner, Large and Mid-Size Business.
	Regional Director of Appeals.
	Director, Compliance Area, St. Paul—SBSE.
	Director, Government Entities.
	Director, Field Assistance Area (Greensboro) W & I.
	Director, Field Assistance Area (Indianapolis)—W & I.
	Director, Taxpayer Education Area, Nashville—SBSE.
	Director, Taxpayer Education Area, Seattle—SBSE.
	Compliance Service Field.
	Director, Management and Finance, SBSE.
	Asst Comr (Electronic Tax Administration).
	Director, Criminal Investigation Modernization—CID.
	Special Agent in Charge, Los Angeles.
	Director, Field Assistance Area (Phoenix)—W & I.
	Director, Compliance Area, Denver—SBSE.
	National Director for Financial Analysis.
	Assistant District Director—New Jersey.
	District Director (Illinois District).
	Deputy Chief Human Resources Officer.
	Assistant District Director, Southwest.
	Project Director.
	Deputy Director, International.
	Director, Field Assistance Area, Hartford—W & I.
	Director, Compliance Services—SBSE.
	Privacy Advocate.
	Director, Taxpayer Education Area, Baltimore—SBSE.
	Assistant Commissioner (IS National Operations).
	District Director, Central California.
	National Director of Appeals.
	Director, Appeals—LMSB.
	Project Director, San Francisco—Appeals.
	Director of Investigations, Eastern Area OPS.
	Dir of Investigations.
	Dir of Investigations, Southern Area of OPS.
	Director, Office of National Operations.
	Director of Support Services, Northeast.
	Director of Support Service, Midstates.
	Director of Support Service, Southeast.
	Chief Compliance.
	Air, Customer Serv Compliance & Mgmt Sys Div.
	Associate Inspector General for Audit (Information Systems and Financial Mgmt).
	District Director, Pennsylvania.
	National Dir, Customer Service Operations.
	Regional Director of Information Systems—Western.
	Assistant District Director, Houston.
	District Director, Houston.
	Dir of Investigations, Central Area of OPS.
	Deputy Executive Officer for Customer Service.
	Project Director.
	Deputy Chief Financial Officer.
	Chief Communications and Liaison.
	Special Assistance to Chief, Management and Finance.
	Exec Asst to the Natl Dir Ofc of Quality.
	Director of Procurement.
	Dean School of Information Technology.
	Deputy Commissioner (Operations).
	Director, Compliance Area, Baltimore—SBSE.
	District Director, North Florida District.
	Director, Field Operations—Natural Resources.
	Director, Employee Plans.
	Deputy National Taxpayer Advocate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Project Director, Joint Transition Planning Team Leader.
	National Director, Telephone Operations.
	Project Dir Disciplinary Action Review.
	Natl Dir, Submission Processing Division.
	Assistant District Director, S California.
	Asst Commissioner (Collection).
	Director, Field Assistance—W & I.
	Director, Submission Processing (Cincinnati)—W & I.
	Director, Submission Processing Center, Fresno.
	Executive Ofcr for Service Center Operations.
	Accounts Management Field Director, Brookhaven.
	Accounts Management Field Director, Cincinnati.
	Accounts Management Field Director, Odgen.
	Accounts Management Field Director, Austion—W & I.
	Natl Dir Real Estate Planning & Management.
	Director, Collection Redesign.
	Regional Director of Information Systems—Southeast.
	Deputy National Chief Appeals.
	Area Director Stakeholder Partnership Education and Communication.
	Director, Systems Support Division.
	Executive Director, Monderization Design.
	Assistant Commissioner (IS Field Operations).
	Director, Electronic Tax Administration—W & I.
	Director of Field Operations (Mid-Atlantic Area).
	Director, Compliance Area, Chicago—SBSE.
	Director, Exam, Strategy and Selection—W & I.
	Director, Customer Service Center—Andover.
	Regional Director of International Systems, NE.
	Assistant District Dir, North-South Carolina.
	Director, Customer Service Center—Atlanta.
	Director, Submission Processing Center—Philadelphia.
	National Dir, Customer Serv Planning & Syst.
	Director, Operations Policy and Support—CID.
	Director, Tennessee Computing Center.
	Director of Field Operations (Pacific Area)—CID.
	National Director, Tax Refund Fraud.
	Director, Strategy—CID.
	Deputy Chief, Criminal Investigation.
	Associate Director, Facilities Operations.
	Regional Commissioner, Midstates.
	Asst District Director, Ohio.
	Chief Compliance, SE.
	District Director, S Florida.
	Project Director.
	Director, Submission Processing Center—Brookhaven.
	Director, Natural Resources Industry—LMSB.
	Assistant District Director, Virginia—West Virginia.
	Assistant Commissioner (Product Assurance).
	Assistant Commissioner (International).
	Project Director.
	Director, Compliance Area, Philadelphia—SBSE.
	Asst Dist Dir, Virginia—West Virginia.
	Assistant District Director—Manhatan.
	Director, Submission Processing Center—Ogden.
	Director, Field Operations, Communications, Technology & Media, LMSB.
	Assistant Director Operations (Customer Service Center—Atlanta).
	Deputy National Dir of Appeals.
	Regional Commissioner, Midstates.
	Project Director.
	Director, Program and Project Management Division.
	Dep Chief Info Officer (Info Resources Mgmt).
	Chief Compliance, Western.
	Asst Comr (Forms & Submission Processing).
	Director, Field Assistance Area, Indianapolis—W&I.
	Director, Submission Processing Center—Austin.
	National Director, Compliance Specialization.
	Director, Field Operations (Natural Resources), Houston.
	Director of Field Operations (Midstates Area)—CID.
	National Director, Strategic Planning & Client Services.
	Dean School of Taxation.
	National Director Specialty Taxes.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Regional Chf Compliance, Midstates.
	Director, Field Operations—Heavy Manufacturing, Construction, & Transportation.
	Director, Learning and Education.
	Customer Service Transition Executive.
	Assistant Commissioner Office of Program E & R Analysis.
	National Dir, Electronic Program Operations.
	National Director, Communications.
	Director, Security Standards and Evaluation Office.
	Project Director.
	Director, Compliance Area, Jacksonville—SBSE.
	Director, Compliance Area, Dallas—SBSE.
	Director, Telecommunications and Operations Division.
	Dir Office of System Standards & Evaluation.
	District Director, S California.
	Project Director.
	Accounts Management Field Director.
	Director of Field Operations, North Atlantic Area—CID.
	Director, Field Operations (Heavy Manufacturing), Laguna Niguel.
	Director, Strategy, Research and Performance Management, SBSE.
	Deputy Chief, Management and Finance.
	Project Director.
	Director, Field Operations, Spec—W&I.
	Director Customer Account Services, SBSE.
	Deputy National Director, Submission Processing Div.
	Director, Customer Service Center, Philadelphia.
	Director, Program Filing and Payment Compliance—SBSE.
	Project Director, CIO.
	Director, Field Assistance Area, St Louis—W&I.
	Director, Submission Processing Center—Atlanta.
	Accounts Management Field Director—Andover.
	Project Director.
	Program Executive for Organizational Performance Management.
	National Dir, Multimedia Production Division.
	Director, Field Assistance Area, New Orleans—W&I.
	Deputy Chief, Custoemr Service Field Operations (Dallas).
	Deputy Chief Information Officer (Systems).
	Director, Employee Plans Examination.
	National Dir, Collection Field Operations.
	Compliance Service Field Director—Atlanta.
	Submission Processing Field Director—Philadelphia.
	Director, Compliance—W&I.
	Director, Field Operations—Heavy Manufacturing.
	Modernization Support Program Management Executive.
	Director, Communication, Assistance, Research & Education.
	Director, Compliance Area, Nashville—SBSE.
	Director, Customer Service Center—Memphis.
	Submission Processing Field Director—Brookhaven.
	Executive for Service Center Submission Processing.
	Accounts Management Field Dir, Kansas City—W&I.
	Regional Commissioner, Western.
	Director, Corporate Processing Division.
	Director of Support Services, Western.
	Director, Information Resources Management Office.
	Asst to the Senior Dep Commissioner.
	National Director Compliance Research.
	Chief Human Resource Officer.
	Director, Tax Exempt Bonds.
	Director, Facilities Operations.
	Assistant District Director, Pacific NW.
	Director, Submission Processing Center—Cincinnati.
	Director, Human Resources, Wages & Investment.
	Director, Financial Services and Healthcare Industry.
	Submission Processing Field Director—Ogden.
	Director, Strategy & Finance—W&I.
	Director, Appeals—SB/SE & TE/GE.
	Deputy Commissioner, Small Business/Self Employed Division.
	Deputy Director, Taxpayer Education and Communication, SBSE.
	Deputy Program Executive for Organizational Performance Management.
	Deputy Division Commissioner, Tax Exempt and Government Entities.
	Deputy Director, Procurement.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy CIO (Operations).
	Director, Exempt Organizations.
	Director, International District Operations.
	Deputy Director, Customer Account Services.
	Submission Processing Field Director—Austin.
	District Director, South Texas.
	Director, Compliance Services.
	National Director for Systems & Account Stds.
	Deputy Asst Commissioner (International).
	Project Director.
	Director, Pre-Filing and Technical Guidance—LMSB.
	Deputy Director, Compliance, SBSE.
	Director, Business Systems Requirements.
	Director, Compliance, SBSE.
	Director, Collection Strategy—W&I.
	Chief of Operations Officers.
	Assistant District Director, S Florida.
	Director, Electronic Program Operations—W&I.
	Project Director.
	Director, Research, Analysis & Statistics of Income.
	Executive Director Modernization Design.
	Project Coordinator for Criminal Investigation Division Review.
	Program Executive for TT&SI.
	Asst Commr (Examination & Govntl Liaison).
	Transition Executive for Shared Services.
	Director, Finance and Administrative System Division—CIO.
	Deputy Director Systems Development.
	Director, Taxpayer Education Area, Philadelphia—SBSE.
	Compliance Service Field Director—Philadelphia.
	Submission Processing Field Director—Atlanta.
	Director, Heavy Manufacturing, Transportation & Construction Industry.
	Director, Multimedia—W&I.
	Chief, Customer Service Field Operations.
	Director, Accounts Management—W&I.
	Director, Customer Service Center—Kansas City.
	Chief, Management and Finance, LMSB.
	Accounts Management Field Director—Memphis.
	Moderization Team Executive.
	Chief, Compliance, Western.
	Director, Personnel Policy.
	Director, Field Specialists—LMSB.
	Deputy Chief Operations.
	Natl Director, Electronic Prog Enhancement.
	Director, Field Operations (Financial Services), Laguna Nigules.
	Submission Processing Field Director—Cincinnati.
	Compliance Service Field Director, Ogden—W&I.
	Program Executive for Organization Performance Management.
	Deputy Director, Business Systems Modernization.
	Executive Director Modernization Design.
	Director, Personnel Services.
	Commissioner Wage & Investment Division.
	National Director for Budget.
	Director, Taxpayer Education Area, Ft. Lauderdale—SBSE.
	Director, Research and Management System Division—CIO.
	Chief, Management and Finance.
	Senior Counselor to the Commissioner (Tax Administration, Practice and Professional Responsibility).
	Electronic Tax Administration Modernization Executive.
	Director, Communications, Technology & Media Industry, LMSB.
	Assistant Commissioner (Systems Development).
	Director, Submission Processing Center—Andover.
	Director, Customer Account Services, W&I.
	Compliance Service Field Director—Kansas City.
	Director, Customer Service Center—Fresno.
	Deputy Chief, Agencywide Shared Services.
	Director, Electronic Program Enhancement—W&I.
	Director, EEO and Diversity.
	Assistant District Director, Michigan.
	Director, Taxpayer Education and Community, SBSE.
	Submission Processing Field Director—Andover.
	Accounts Management Field Director, Fresno.
	Project Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Project Director.
	Director of Field Operations (Southeast Area) CID.
	Division Information Officer (Wage & Investment).
IRS Chief Counsel.	
	Asst Chief Counsel (General Litigation).
	Regional Counsel SE Region.
	Asst Chief Counsel (Criminal Tax).
	Asst Chief Counsel (General Legal Services).
	Asst Chief Counsel (Disclosure Litigation).
	District Counsel, New England.
	District Counsel, Ohio.
	District Counsel, New Jersey.
	District Counsel, S Florida.
	Assistant Chief Counsel (International) (Litigation).
	Assistant Chief Counsel (Corporation).
	Dep Asst Chf. Coun (Income Tax & Accounting).
	Assistant Chief Counsel, (Collection, Bankruptcy & Summonses).
	Asst Chief Counsel (Field Service).
	Asst Chf. Coun (Passthroughs/Spec Industries).
	Deputy Asst, Chief Counsel (Corporate).
	Regional Counsel, Midstates.
	Dep Assoc Chief Counsel (Fin & Management).
	Dep Div Counsel/Dep Asst Chief Counsel (Criminal Tax).
	Deputy Associate Chief Counsel (General Legal Services).
	Assistant Chief Counsel (Disclosure & Privacy Law).
	Dep Asst Chief Counsel (Field Service).
	Dep Asst Chief Coun (Financial Inst & Prod).
	Area Counsel (SBSE) (Area 7).
	Area Counsel (SBSE)—Los Angeles.
	Dep Assoc Chf Coun (Enforcement Litigation).
	Area Counsel (SBSE)—Philadelphia.
	Deputy Assoc Chief Counsel (International).
	Area Counsel (SBSE)—Chicago.
	Area Counsel (SBSE)—New York.
	Deputy Division Counsel #1 (SBSE).
	Division Counsel (Large and Mid-Size Business).
	Division Counsel (Small Business/Self Employed).
	Deputy Associate Chief Counsel (Corporate).
	Asst Chf Coun (Fin Institutions & Products).
	Area Counsel (Large & Mid-Size Business) (Area 1) (Financial) Services & Health Care.
	Deputy Associate Chief Counsel #2 (Passthroughs & Special Industries).
	Dep Asst Chief Coun (Income Tax & Accounting).
	Associate Chief Counsel (Procedure & Administration).
	Associate Chief Counsel (Passthroughs & Special Industries).
	Associate Chief Counsel (Corporate).
	Deputy Division Counsel #2 (Small Business/Self Employed).
	Deputy Associate Chief Counsel (Finance and Management).
	Deputy Associate Chief Counsel #1 (ITA).
	Area Counsel (LMSB) (Area 2) (Heavy Manufacturing, Construction and Transportation.
	Special Counsel to the National Taxpayer Advocate.
	Assistant Chief Counsel (International) (Technical).
	Associate Chief Counsel (General Legal Services).
	Assoc Chief Counsel (Enforcement Litigation).
	Area Counsel (LMSB) (Area 5) (Communications, Technology & Media).
	Assistant Chief Counsel (Administrative Provisions & Judicial Practice).
	Special Counsel (Modernization & Strat Plnng.
	Area Counsel (SBSE)—Jacksonville.
	Deputy Associate Chief Counsel (Procedure and Administration).
	Deputy Division Counsel (Large and Mid-Size Business).
	Deputy Chief Counsel, (Technical).
	Area Counsel (SBSE)—Dallas.
	Deputy Associate Chief Counsel #2 (Income Tax and Accounting).
	Deputy Division Counsel, and Deputy Associate Chief Counsel (Tax Exempt & Government Entities).
	Asst Chief Counsel (EBEO).
	Area Counsel, LMSB (Area 3) (Food, Mass Retailers, & Pharmaceuticals).
	Dep Assoc Chief Counsel (Domestic) (Technical).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Associate Chief Counsel (International).
	Assoc Chf Counsel (Finance & Management).
	Associate Chief Counsel/Operating Division Counsel (Tege).
	Dep Assoc Chief Coun (Domestic) (Field Serv).
	Deputy Chief Counsel (Operations).
	Assistant Chief Counsel (EO/ET/GE).
	Associate Chief Counsel (Income Tax and Accounting).
	Area Counsel (LMSB) (Area 4) (Natural Resources).
	Area Counsel (SBSE)—Denver.
	Deputy Associate Chief Counsel #1 (Passthroughs & Special Industries).
	Assoc Chief Counsel (Domestic).
Regional Counsels	Division Counsel/Associate Chief Counsel (Criminal Tax).
	District Counsel—Los Angeles.
Regional Counsels	District Counsel, Pennsylvania.
	District Counsel, Illinois.
	District Counsel, Manhattan.
	District Counsel, N Texas.
	Regional Counsel, S California.
	District Counsel, Western.
	Deputy Regional Counsel, Northeast.
	Regional Counsel, Northeast.
	District Counsel, Pacific Northwest.
	District Counsel, Delaware—Maryland.
	District Counsel, Brooklyn.
	Deputy Regional Counsel, Midstates.
	District Counsel, Houston.
	District Counsel, Rocky Mountain.
U.S. Agency for International Development:	
Office of the Administrator	Counselor to the Agency.
Office of the General Counsel	Deputy General Counsel.
	Asst General Counsel for Ethics & Adm.
Office of the Inspector General	Assistant Inspector General For Management.
	Deputy Assistant Inspector General for Audit.
	Counsel to the Inspector General.
	Deputy Inspector General.
Office of Security	Director, Office of Security.
Office of Equal Opportunity Programs	Dir Ofc of Equal Opportunity Programs.
Bureau for Global Programs, Field Support and Research	Assoc Asst Admr Center For Economic Growth.
	Senior Deputy Assistant Administrator.
	Dep Asst Admr, Ctr for Pop, Health, Nutr.
	Associate Assistant Administrator.
Bureau for Europe and Eurasia	Deputy Asst Administrator.
Bureau for Management	Chf Fin Ofcr, Office of Financial Management.
	Dir Office of Information Resource Management.
	Deputy Director Ofc of Procurement.
	Deputy Director, Office of Human Resources.
Bureau for Management	Dir, Ofc of Admin Services.
	Deputy Director, Opc of Procurement.
	Deputy Asst Admr Bureau for Management.
	Dep Director, Office of Financial Management.
U.S. Arms Control and Disarmament Agency:	
Strategic and Eurasian Affairs Bureau	Chief, Strategic Transition Division.
U.S. International Trade Commission:	
Office of Industries	Dir Ofc of Industries.
Office of Investigations	Dir. Ofc of Investigations.
Department of Veterans Affairs:	
Office of the Secretary and Deputy	Director, Office of EDCA.
Office of the Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General For Investigations.
	Dep Inspector General.
	Asst Inspector Gen for Dept Rev & Magnt Sup.
	Dep Asst Inspector General for Investigations.
	Counselor to the Inspector General.
	Asst Inspector General for Healthcare Inspect.
	Dep Asst Inspector General for Auditing.
	Deputy Assistant Inspector General for Healthcare Inspections.
	Deputy Assistant Inspector General for Management and Administration.
Board of Veterans Appeals	Vice Chairman.
Office Assistant Secretary For Financial Management	Deputy for Management.
	Corefls Project Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Office of Finance	Deputy Assistant Secretary for Finance.
	Assoc Dep Asst Secy for Fiancial Operations.
	Director, Financial Services Center.
Office of Acquisition and Materiel Management	Dep Asst Sec for Acquisition & Materiel Mgmt.
	Assoc Dep Assistant Secy for Acquisitions.
Office of Acquisition and Materiel Management	Assoc Dep Asst Secy for Prog Mgmt & Oper.
	Executive Director/Chief Operating Officer.
Ofc Asst Secy for Planning and Analysis	Chief Actuary.
Office of Human Resources Management	Assoc Dep Asst Secy for Human Res Management.
	Assoc Dep Asst Secy for Human Res Management.
Office of Security and Law Enforcement	Dep Asst Secy for Security & Law Enforcement.
Office of Asst Secretary for Information and Technology	Dir, VA Automation Ctr, Austin, TX.
	Assoc Dep Asst Secy for Telecommunications.
	Assoc Dep Asst Secy for Pol & Prog Assistance.
National Cemetery Administration	Director, Office of Finance and Planning.
	Director, Office of Construction Management.
Veterans Benefits Administration	Deputy Chief Financial Officer.
	Dep Dir Compensation & Pension Service.
	Chief Financial Officer.
Veterans Health Administration	Director, Resource Formulation Office.
	Dir, Office of Real Property Management.
	Dir VA/DOD Medical Sharing Office.
	Dir, Medical Care Cost Recovery Office.
	Dir Emergency Medical Preparedness Office.
	Deputy Director Emergency Medical Prep Ofc.
	Chief Financial Officer.
	Director, Western Area Office.
	Director, Eastern Area Office.
	Director, Facilities Quality Office.
	Dir Consulting Support Office.
	Director, Financial Management Office.
	Associate Chief Financial Officer for Compliance.
	Deputy Chief Financial Officer.
	Associate Chief Facilities Management Officer for Strategic Management.
	Associate Chief Facilities Management Officer for Service Delivery.
	Deputy Associate Chief Facilities Management Officer for Service Delivery.
	Associate Chief Facilities Management Officer for Resource Management.
	Deputy Chief Information Officer.
	Chief Operating Officer.
Veterans Integrated Service Network Directors	Dir Canteen Service.

[FR Doc. 01–4112 Filed 2–22–01; 8:45am]
BILLING CODE 6325–43–M



Federal Register

Friday,
February 23, 2001

Part III

Department of Housing and Urban Development

Federal Property Suitable as Facilities to Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–06]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V Information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: ARMY: Mr. Jeff Holste, Military Programs, U.S. Army Corps of Engineers, Installation Support Center, Planning Branch, 441 G Street, Washington, DC 20314–1000; (202) 761–5737; (These are not toll-free numbers).

Dated: February 15, 2001.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 2/23/01

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. 60101
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520152
Status: Unutilized
Comment: 6082 sq. ft., 1-story, most recent use—airfield fire station, off-site use only.

Bldg. 60103
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520154
Status: Unutilized
Comment: 12516 sq. ft., 2-story, most recent use—admin., off-site use only.

Bldg. 60110
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520155
Status: Unutilized
Comment: 8319 sq. ft., 1-story, most recent use—admin., off-site use only.

Bldg. 60113
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520156
Status: Unutilized
Comment: 4000 sq. ft., 1-story, most recent use—admin., off-site use only.

Alaska

Fort Richardson
Fort Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21199930118
Status: Excess
Comment: 3230 sq. ft., most recent use—admin., off-site use only.

Bldg. 08100
Fort Richardson
Fort Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020157
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldgs. 09100, 09104–09106
Fort Richardson
Fort Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020158
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

5 Bldgs.
Fort Richardson
09108, 09110–09112, 09114
Fort Richardson Co: AK 99505–6500
Landholding Agency: Army

Property Number: 21200020159
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldgs. 09128, 09129
Fort Richardson
Fort Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020160
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldgs. 09151, 09155, 09156
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020161
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldg. 09158
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020162
Status: Unutilized
Comment: 672 sq. ft., most recent use—storage shed, off-site use only.

Bldgs. 09160–09162
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020163
Status: Unutilized
Comment: 11520 sq. ft., concrete, most recent use—NCO–ENL FH, off-site use only.

Bldgs. 09164, 09165
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020164
Status: Unutilized
Comment: 2304 & 2880 sq. ft., most recent use—storage, off-site use only.

Bldg. 10100
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020165
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldg. 00390
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030067
Status: Excess
Comment: 13,632 sq. ft., off-site use only.

Bldgs. 01200, 01202
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030068
Status: Excess
Comment: 4508 & 6366 sq. ft., most recent use—hazard bldg., off-site use only.

Bldg. 01204
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030069
Status: Excess
Comment: 5578 sq. ft., most recent use—VOQ transient, off-site use only.

Bldgs. 01205–01207
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030070
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only.

Bldgs. 01208, 01210, 01212
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030071
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only.

Bldgs. 01213, 01214
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030072
Status: Excess
Comment: 11964 & 13740 sq. ft., most recent use—transient UPH, off-site use only.

Bldgs. 01218, 01230
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030073
Status: Excess
Comment: 480 & 188 sq. ft., most recent use—hazard bldgs., off-site use only.

Bldgs. 01231, 01232
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030074
Status: Excess
Comment: 458 & 4260 sq. ft., most recent use—hazard bldgs., off-site use only.

Bldg. 01234
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030075
Status: Excess
Comment: 615 sq. ft., most recent use—admin., off-site use only.

Bldg. 01237
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030076
Status: Excess
Comment: 408 sq. ft., most recent use—fuel/pol bldg., off-site use only.

Bldg. 01272
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030077
Status: Excess
Comment: 308 sq. ft., most recent use—storage, off-site use only.

Bldg. 03002
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030078
Status: Excess
Comment: 7480 sq. ft., most recent use—storage, off-site use only.

Bldg. 03725
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030079
Status: Excess
Comment: 7200 sq. ft., most recent use—veh. maint. shop, off-site use only.

Bldg. 08109
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030080
Status: Excess
Comment: 1920 sq. ft., most recent use—storage, off-site use only.

Bldg. 21001
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030081
Status: Excess
Comment: 3200 sq. ft., most recent use—family housing, off-site use only.

Bldg. 22001
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030082
Status: Excess
Comment: 1448 sq. ft., most recent use—family housing, off-site use only.

Bldg. 22002
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030083
Status: Excess
Comment: 1508 sq. ft., most recent use—family housing, off-site use only.

Arizona

Bldg. 30012, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21199310298
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage.

Bldg. S–306
Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Landholding Agency: Army
Property Number: 21199420346
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, off-site use only.

Bldg. S–503, Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Landholding Agency: Army
Property Number: 21199520073
Status: Underutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos, off-site use only.

5 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 44101, 44102, 44124, 44125, 44201
Landholding Agency: Army
Property Number: 21199840129
Status: Excess
Comment: various sq. ft. & bdrm units, presence of asbestos/lead paint, most recent use—family housing, off-site use only.

Bldgs. 12521, 13572
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21199920183
Status: Unutilized
Comment: 448 sq. ft. & 54 sq. ft., off-site use only.

Bldgs. 43101–43109
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21199940001
Status: Excess
Comment: 969 sq. ft., per unit, 2-units per bldg., wood/stucco, presence of asbestos/lead paint, most recent use—housing, off-site use only.

Bldg. 72908
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200010079
Status: Unutilized
Comment: 16,491 sq. ft., presence of asbestos/lead paint, most recent use—veh. maint., off-site use only.

Bldg. 63001
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200010080
Status: Unutilized
Comment: 2280 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

8 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 13570, 15701, 70650, 70651, 87848, 87850, 87851, 87853
Landholding Agency: Army
Property Number: 21200010081
Status: Unutilized
Comment: various sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

2 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15542, 15546
Landholding Agency: Army
Property Number: 21200010082
Status: Unutilized
Comment: 552 & 400 sq. ft., presence of asbestos/lead paint, most recent use—restrooms, off-site use only.

2 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15544, 15552
Landholding Agency: Army
Property Number: 21200010083
Status: Unutilized
Comment: 9713 & 2895 sq. ft., presence of asbestos/lead paint, most recent use—classrooms, off-site use only.

Bldg. 15543
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200010084
Status: Unutilized
Comment: 416 sq. ft., presence of asbestos/lead paint, most rocent use—rec. shelter, off-site use only.

7 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15550, 70108, 70109, 84004, 84107, 84108, 87852
Landholding Agency: Army
Property Number: 21200010085
Status: Unutilized
Comment: various sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

34 Bldgs.
Fort Huachuca
Location: 62001–62022, 64001–64012
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200020166
Status: Unutilized
Comment: 658 & 587 sq. ft., presence of asbestos/lead paint, most recent use—one bedroom family housing, off-site use only.

California

Bldg. 104
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910086
Status: Unutilized
Comment: 8039 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 106
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910089
Status: Unutilized
Comment: 1950 sq. ft., presence of asbestos/lead paint, most recent use—office/storage, off-site use only.

Bldg. 125
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910090
Status: Unutilized
Comment: 371 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 340
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910093
Status: Unutilized
Comment: 6500 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 341
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910094
Status: Unutilized
Comment: 371 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 4214
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910095
Status: Unutilized
Comment: 3168 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. 204–207, 517
Presidio of Monterey
Monterey Co: CA 93944–5006
Landholding Agency: Army
Property Number: 21200020167
Status: Unutilized
Comment: 4780 & 10950 sq. ft., presence of asbestos/lead paint, most recent use—classroom/admin/storage, off-site use only.

Bldg. S251
Army Reserve
6357 Woodly Ave.
Van Nuys Co: Los Angeles CA 91406–6496
Landholding Agency: Army
Property Number: 21200040043
Status: Excess
Comment: 800 sq. ft., needs repair, presence of asbestos, most recent use—storage, off-site use only.

Connecticut

Bldg. DKL12
USARC Middletown
Middletown Co: Middlesex CT 06457–
Landholding Agency: Army
Property Number: 21200030084
Status: Unutilized
Comment: 39 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—sentry station, off-site use only.

Georgia

Bldg. 2285
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199011704
Status: Unutilized
Comment: 4574 sq. ft., most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 1252, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220694
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220707
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 4963, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220710
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 2396, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220712
Status: Unutilized

Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 4882, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220727
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4967, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220728
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4977, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220736
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, need repairs, off-site removal only.

Bldg. 4944, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220747
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only.

Bldg. 4960, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220752
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4969, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220753
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4884, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220762
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4964, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220763
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4966, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220764
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4965, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only.

Bldg. 4945, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only.

Bldg. 4979, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only.

Bldg. 4023, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199310461
Status: Unutilized
Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only.

Bldg. 4024, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199310462
Status: Unutilized
Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only.

Bldg 4067, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199310465
Status: Unutilized
Comment: 4406 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only.

Bldg. 11813
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410269
Status: Unutilized
Comment: 70 sq. ft., 1 story, metal, needs rehab, most recent use—storage, off-site use only.

Bldg. 21314
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410270
Status: Unutilized
Comment: 85 sq. ft., 1 story, needs rehab, most recent use—storage, off-site use only.

Bldg. 12809
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410272
Status: Unutilized
Comment: 2788 sq. ft., 1 story, wood, needs rehab., most recent use—maintenance shop, off-site use only.

Bldg. 10306
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410273
Status: Unutilized
Comment: 195 sq. ft., 1 story, wood, most recent use—oil storage shed, off-site use only.

Bldg. 4051, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199520175
Status: Unutilized
Comment: 987 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 2141
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199610655
Status: Unutilized
Comment: 2283 sq. ft., needs repair, most recent use—office, off-site use only.

Bldg. 322
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720156
Status: Unutilized
Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 1737
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720161
Status: Unutilized
Comment: 1500 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 2593
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720167
Status: Unutilized
Comment: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only.

Bldg. 2595
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720168
Status: Unutilized
Comment: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only.

Bldgs. 2865, 2869, 2872
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720169
Status: Unutilized
Comment: approx. 1100 sq. ft. each, needs rehab, most recent use—shower fac., off-site use only.

Bldg. 4476
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720184
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint. shop, off-site use only.

8 Bldgs.
Fort Benning
4700–4701, 4704–4707,
4710–4711
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720189
Status: Unutilized
Comment: 6433 sq. ft. each, needs rehab, most recent use—unaccompanied personnel housing, off-site use only.

Bldg. 4714
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720191
Status: Unutilized
Comment: 1983 sq. ft., needs rehab, most recent use—battalion headquarters bldg., off-site use only.

Bldg. 4702
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720192
Status: Unutilized
Comment: 3690 sq. ft., needs rehab, most recent use—dining facility, off-site use only.

Bldgs. 4712–4713
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720193
Status: Unutilized
Comment: 1983 sq. ft. and 10270 sq ft., needs rehab, most recent use—company headquarters bldg., off-site use only.

Bldg. 305
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810268
Status: Unutilized
Comment: 4,083 sq. ft., most recent use—recreation center, off-site use only.

Bldg. 318
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810269
Status: Unutilized
Comment: 374 sq. ft., poor condition, most recent use—maint. shop, off-site use only.

Bldg. 1792
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810274
Status: Unutilized
Comment: 10,200 sq. ft., most recent use—storage, off-site use only.

Bldg. 1836
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810276
Status: Unutilized
Comment: 2,998 sq. ft., most recent use—admin., off-site use only.

Bldg. 4373
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810286
Status: Unutilized
Comment: 409 sq. ft., poor condition, most recent use—station bldg., off-site use only.

Bldg. 4628
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810287
Status: Unutilized
Comment: 5,483 sq. ft., most recent use—admin., off-site use only.

Bldg. 92
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830278
Status: Unutilized
Comment: 637 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 2445
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830279
Status: Unutilized
Comment: 2,385 sq. ft., needs rehab., most recent use—fire station, off-site use only.

Bldg. 4232
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830291
Status: Unutilized
Comment: 3,720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only.

Bldg. 39720
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199930119
Status: Unutilized
Comment: 1520 sq. ft., concrete block, possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 492
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930120
Status: Unutilized
Comment: 720 sq. ft., most recent use—admin/maint, off-site use only.

Bldg. 880
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930121
Status: Unutilized
Comment: 57,110 sq. ft., most recent use—instruction, off-site use only.

Bldg. 1370
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930122
Status: Unutilized
Comment: 5204 sq. ft., most recent use—hdqts. bldg., off-site use only.

Bldg. 2288
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930123
Status: Unutilized
Comment: 2481 sq. ft., most recent use—admin., off-site use only.

Bldg. 2290
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930124
Status: Unutilized
Comment: 455 sq. ft., most recent use—storage, off-site use only.

Bldg. 2293
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930125
Status: Unutilized
Comment: 2600 sq. ft., most recent use—hdqts. bldg., off-site use only.

Bldg. 2297
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930126
Status: Unutilized
Comment: 5156 sq. ft., most recent use—admin.

Bldg. 2505
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930127
Status: Unutilized
Comment: 10,257 sq. ft., most recent use—repair shop, off-site use only.

Bldg. 2508
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930128
Status: Unutilized
Comment: 2434 sq. ft., most recent use—storage, off-site use only.

Bldg. 2815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930129
Status: Unutilized
Comment: 2578 sq. ft., most recent use—hdqts. bldg, off-site use only.

Bldg. 3815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930130
Status: Unutilized
Comment: 7575 sq. ft., most recent use—storage, off-site use only.

Bldg. 3816
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930131
Status: Unutilized
Comment: 7514 sq. ft., most recent use—storage, off-site use only.

Bldg. 5886
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930134
Status: Unutilized
Comment: 67 sq. ft., most recent use—maint/storage, off-site use only.

Bldgs. 5974–5976
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930135
Status: Unutilized
Comment: 400 sq. ft., most recent use—storage, off-site use only.

Bldg. 5993
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930136
Status: Unutilized
Comment: 960 sq. ft., most recent use—storage, off-site use only.

Bldg. 5994
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930137
Status: Unutilized
Comment: 2016 sq. ft., most recent use—storage, off-site use only.

Bldg. 2214
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21200020171
Status: Unutilized
Comment: 13,508 sq. ft., possible asbestos/lead paint, most recent use—storage/admin., off-site use only.

Bldg. 2233
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21200020172
Status: Unutilized
Comment: 1,720 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. T–1003
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030085
Status: Excess
Comment: 9,267 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1005, T–1006, T–1007
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030086
Status: Excess
Comment: 9,267 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1015, T–1016, T–1017
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030087
Status: Excess
Comment: 7,496 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1018, T–1019
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030088
Status: Excess
Comment: 9,267 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1020, T–1021
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030089
Status: Excess
Comment: 9,267 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldg. T–1022
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030090
Status: Excess
Comment: 9,267 sq. ft., poor condition, most recent use—supply center, off-site use only.

Bldg. T–1027
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030091
Status: Excess
Comment: 9,024 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldg. T–1028
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030092
Status: Excess
Comment: 7,496 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1035, T–1036, T–1037
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030093
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1038, T–1039
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030094
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1040, T–1042
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030095
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1086, T–1087, T–1088
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030096
Status: Excess
Comment: 7680 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldg. P–7751
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030097
Status: Excess
Comment: 192 sq. ft., poor condition, off-site use only.

Bldg. 223
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200040044
Status: Unutilized
Comment: 21,556 sq. ft., most recent use—gen. purpose.

Bldg. 228
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200040045
Status: Unutilized
Comment: 20,220 sq. ft., most recent use—gen. purpose.

Bldg. 2051
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200040046
Status: Unutilized
Comment: 6077 sq. ft., most recent use—storage.

Bldg. 2053
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200040047
Status: Unutilized
Comment: 14,520 sq. ft., most recent use—storage.

Bldg. 2677
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200040048
Status: Unutilized
Comment: 19,326 sq. ft., most recent use—maint. shop.

Hawaii

P–88
Aliamanu Military
Reservation
Honolulu Co: Honolulu HI 96818–
Location: Approximately 600 feet from Main Gate on Aliamanu Drive
Landholding Agency: Army
Property Number: 21199030324
Status: Unutilized
Comment: 45,216 sq. ft., underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations.

Bldg. T–337
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 21199640203
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only.

Illinois

Bldg. 54
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 21199620666
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only.

Kansas

Bldg. 166, Fort Riley

Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21199410325
Status: Unutilized
Comment: 3803 sq. ft., 3-story brick residence, needs rehab, presence of asbestos, located within National Registered Historic District.
Bldg. P–390
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199740295
Status: Unutilized
Comment: 4713 sq. ft., presence of lead based paint, most recent use—swine house, off-site use only.
Bldg. P–68
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820157
Status: Unutilized
Comment: 2236 sq. ft., most recent use—vehicle storage, off-site use only.
Bldg. P–321
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820157
Status: Unutilized
Comment: 600 sq. ft., most recent use—picnic shelter, off-site use only.
Bldg. P–347
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820158
Status: Unutilized
Comment: 2135 sq. ft., most recant use—bath house, off-site use only.
Bldg. S–809
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820160
Status: Unutilized
Comment: 39 sq. ft., most recent use—access control, off-site use only.
Bldg. S–830
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820161
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only.
Bldg. S–831
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820162
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only.
Bldg. P–243
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830321
Status: Unutilized
Comment: 242 sq. ft., most recent use—industrial, off-site use only.
Bldg. P–242
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820202
Status: Unutilized
Comment: 4680 sq. ft., most recent use—storage, off-site use only.
Bldg. P–175
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199930140
Status: Unutilized
Comment: 12,129 sq. ft., most recent use—storage, off-site use only.
Bldg. P–223
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199930146
Status: Unutilized
Comment: 7,174 sq. ft., most recent use—storage, off-site use only.
Bldg. T–236
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199930147
Status: Unutilized
Comment: 4563 sq. ft., most recent use—storage, off-site use only.
Bldg. P–241
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199930148
Status: Unutilized
Comment: 5920 sq. ft., most recent use—storage, off-site use only.
Bldg. T–257
Fort Leaveworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930149
Status: Unulitized
Comment: 5920 sq. ft., most recent use—storage, off-site use only.

Kentucky

Bldg. 02813
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 21200030102
Status: Unutilized
Comment: 60 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—shed, off-site use only.

Louisiana

Bldg. 8405, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640524
Status: Underutilized
Comment: 1029 sq. ft., most recent use—Office.
Bldg. 8407, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640525
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.
Bldg. 8408, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640526
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.
Bldg. 8414, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640527
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8423, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640528
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8424, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 2119964029
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8426, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640530
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8427, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640531
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8428, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640532
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8429, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640533
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8430, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640534
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8431, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640535
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8432, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640536
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8433, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640537
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8446, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640538
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.
Bldg. 8449, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640539
Status: Underutilized
Comment: 2093 sq. ft., most recent use—office.
Bldg. 8450, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640540
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.
Bldg. 8458, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640542
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8459, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640543
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8460, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640544
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8461, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640545
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8462, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640546
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8463, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640547
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8501, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640548
Status: Underutilized
Comment: 1687 sq. ft., most recent use—office.
Bldg. 8502, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640549
Status: Underutilized
Comment: 1029 sq. ft., most recent use—office.
Bldg. 8541, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640551
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8542, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640552
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8543, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640553
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8545, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640555
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8546, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640556
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8547, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640557
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8548, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640558
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.
Bldg. 8549, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640559
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Maryland

Bldg. 370
Fort Meade
Fort Meade Co: Anne Arundel MD 20755–5155
Landholding Agency: Army
Property Number: 21199730256
Status: Unutilized
Comment: 19,583 sq. ft., most recent use—NCO club, possible asbestos/lead paint.
Bldg. 2472
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199740306
Status: Unutilized
Comment: 7670 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 4700
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199740309
Status: Unutilized
Comment: 36,619 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 6294
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199810302
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—custodial, off-site use only.
Bldg. 2478
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199940026
Status: Unutilized
Comment: 2534 sq. ft., needs rehab, presence of asbestos, most recent use—health clinic, off-site use only.
Bldg. 2845
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199940027
Status: Unutilized
Comment: 6104 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 176
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21200020187
Status: Unutilized
Comment: 2441 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 2831
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21200030103
Status: Unutilized
Comment: 9652 sq. ft., presence of asbestos/lead paint, most recent use—dental clinic, off-site use only.

Missouri

Bldg. T599
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army

Property Number: 21199230260
Status: Underutilized
Comment: 18,270 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only.
Bldg. T2171
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199340212
Status: Unutilized
Comment: 1290 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only.
Bldg. T6822
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199340219
Status: Underutilized
Comment: 4000 sq. ft., 1-story wood frame, most recent use—storage, no handicap fixtures, off-site use only.
Bldg. T1497
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199420441
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.
Bldg. T2139
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199420446
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.
Bldg. T–2191
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199440334
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks.
Bldg. T–2197
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199440335
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks.
Bldg. T590
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199510110
Status: Excess
Comment: 3263 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.
Bldg. T2385
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199510115
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.
Bldgs. T–2340 thru T2343
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199710138
Status: Underutilized
Comment: 9267 sq. ft. each, most recent use—storage/general purpose.
Bldg. 1226
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730275
Status: Unutilized
Comment: 1600 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 1271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730276
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 1280
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730277
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.
Bldg. 1281
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730278
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.
Bldg. 1282
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730279
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.
Bldg. 1283
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730280
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 1284
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730281
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 1285
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730282
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.
Bldg. 1286
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730283
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 1287
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730284
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.
Bldg. 1288
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730285
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—dining facility, off-site use only.
Bldg. 1289
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730286
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.
Bldg. 430
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810305
Status: Unutilized
Comment: 4100 sq. ft., presence of asbestos/lead paint, most recent use—Red Cross facility, off-site use only.
Bldg. 758
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810306
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.
Bldg. 759
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810307
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.
Bldg. 760
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810308
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, off-site use only.
Bldg. 761–766
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810309
Status: Unutilized
Comment: 2400 sq. ft. each, presence of asbestos/lead paint, most recent use—classroom, off-site use only.
Bldg. 1650
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810311
Status: Unutilized
Comment: 1676 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only.
Bldg. 2111
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810312
Status: Unutilized
Comment: 1600 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only.
Bldg. 2170
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810313
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 2204
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810315
Status: Unutilized
Comment: 3525 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 2225
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810316
Status: Unutilized
Comment: 820 sq. ft., presence of lead paint, most recent use—storage, off-site use only.
Bldg. 2271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810317
Status: Unutilized
Comment: 256 sq. ft., presence of lead paint, most recent use—storage, off-site use only.
Bldg. 2275
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810318
Status: Unutilized
Comment: 225 sq. ft., presence of lead paint, most recent use—storage, off-site use only.
Bldg. 2318
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810322
Status: Unutilized
Comment: 9267 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 4199
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810327
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 386
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820163
Status: Unutilized
Comment: 4902 sq. ft., presence of asbestos/lead paint, most recent use—fire station, off-site use only.
Bldg. 401
Fort Leonard Wood
Ft. Leonard Wood Go: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820164
Status: Unutilized
Comment: 9567 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 856
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820166
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 859
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820167
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 1242
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820168
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 1265
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820169
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 1267
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820170
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 1272
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820171
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 1277
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820172
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 2142, 2145, 2151–2153
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army

Property Number: 21199820174
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 2150
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820175
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. 2155
Fort Leonard Wood
62001–62022, 74001–64012
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820176
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldgs. 2156, 2157, 2163, 2164
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820177
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 2165
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820178
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. 2167
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820179
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 2169, 2181, 2182, 2183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820180
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 2186
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820181
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 2187
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820182
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. 2192, 2196, 2198
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820183
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 2304, 2306
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820184
Status: Unutilized
Comment: 1625 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 12651
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820186
Status: Unutilized
Comment: 240 sq. ft., presence of lead paint, off-site use only.

Bldg. 1448
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830327
Status: Unutilized
Comment: 8450 sq. ft., presence of asbestos/lead paint, most recent use—training, off-site use only.

Bldg. 2210
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830328
Status: Unutilized
Comment: 808 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 2270
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830329
Status: Unutilized
Comment: 256 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 6036
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Landholding Agency: Army
Property Number: 21199910101
Status: Underutilized
Comment: 240 sq. ft., off-site use only.

Bldg. 9110
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Landholding Agency: Army
Property Number: 21199910108
Status: Underutilized
Comment: 6498 sq. ft., presence of asbestos/lead paint, most recent use—family quarters, off-site use only.

Bldgs. 9113, 9115, 9117
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Landholding Agency: Army
Property Number: 21199910109
Status: Underutilized
Comment: 4332 sq. ft., presence of asbestos/lead paint, most recent use—family quarters, off-site use only.

Bldg. 493
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 21199930158
Status: Unutilized
Comment: 26,936 sq. ft., concrete, presence of asbestos/lead paint, most recent use—store, off-site use only.

Bldg. 1178
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Landholding Agency: Army
Property Number: 21200040058
Status: Unutilized
Comment: 3203 sq. ft., most recent use—fire station, off-site use only.

New Hampshire

Bldg. KG001
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Landholding Agency: Army
Property Number: 21200030104
Status: Excess
Comment: 18,994 sq. ft., presence of asbestos, most recent use—classroom, off-site use only.

Bldg. KG002
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Landholding Agency: Army
Property Number: 21200030105
Status: Excess
Comment: 20,014 sq. ft., presence of asbestos, most recent use—storage/store, off-site use only.

Bldg. KG003
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Landholding Agency: Army
Property Number: 21200030106
Status: Excess
Comment: 3458 sq. ft., presence of asbestos, most recent use—veh. maint., off-site use only.

Bldg. KG005
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Landholding Agency: Army
Property Number: 21200030107
Status: Excess
Comment: 3005 sq. ft., presence of asbestos, most recent use—storage, off-site use only.

New Jersey

Bldg. 178
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740312
Status: Unutilized
Comment: 2067 sq. ft., most recent use—research, off-site use only.

Bldg. 642
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740314
Status: Unutilized
Comment: 280 sq. ft., most recent use—explosives testing, off-site use only.

Bldg. 732
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740315
Status: Unutilized
Comment: 9077 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 3117
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740322
Status: Unutilized
Comment: 100 sq. ft., most recent use—sentry station, off-site use only.

Bldg. 3219
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740326
Status: Unutilized
Comment: 288 sq. ft., most recent use—snack bar, off-site use only.

New Mexico

9 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11201, 12210, 11214, 11217, 11220, 11223, 11244, 11247, 11264
Landholding Agency: Army
Property Number: 21200040062
Status: Unutilized
Comment: 1620 sq. ft. each, major repairs required, presence of abestos, most recent use—housing, off-site use only.

19 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11202, 12209, 11212, 11216, 11219, 11222, 11224, 11227, 11236, 11241, 11242, 11245, 11249, 11253, 11257, 11260, 11263, 11270, 11273
Landholding Agency: Army
Property Number: 21200040063
Status: Unutilized
Comment: 1606 sq. ft. each, major repairs required, presence of abestos, most recent use—housing, off-site use only.

34 MFU Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 21200040064
Status: Unutilized
Comment: 1512 sq. ft. each, major repairs required, presence of abestos, most recent use—housing, off-site use only.

12 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11204, 11207, 11226, 11229, 11232, 11235, 11238, 11251, 11255, 11258, 11261, 11266
Landholding Agency: Army
Property Number: 21200040065
Status: Unutilized
Comment: 1590 sq. ft. each, major repairs required, presence of abestos, most recent use—housing, off-site use only.

Bldg. 23644
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 21200040066
Status: Unutilized
Comment: 80 sq. ft., poor condition, presence of abestos, most recent use—equp. facility, off-site use only.

New York

Bldg. 801
US Military Academy
Highlands Co: Orange NY 10996–1592
Landholding Agency: Army
Property Number: 21200030108
Status: Unutilized
Comment: 27,726 sq. ft., needs repair, possible lead paint, most recent use—warehouse, off-site use only.

Bldg. 109, 110
Fort Hamilton
Brooklyn Co: NY 11252–
Landholding Agency: Army
Property Number: 21200040067
Status: Unutilized
Comment: 39,723 sq. ft., needs repair, presence of asbestos, most recent use—guest house, off-site use only.

Bldg. T–2276
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200040069
Status: Unutilized
Comment: 5310 sq. ft., needs repair, most recent use—officer's quarters, off-site use only.

Oklahoma

Bldg. T–838, Fort Sill
838 Macomb Road
L:awton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removeal only, most recent use—vet facility (quarantine stable).

Bldg. T–954, Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Bldg. T–3325, Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.

Bldg. T1652, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199330380
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5637, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199330419
Status: Unutilized
Comment: 1606 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T–4226
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199440384
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only.

Bldg. P–1015, Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 21199520197
Status: Unutilized
Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only.

Bldg. P–366, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199610740
Status: Unutilized
Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only.

Bldg. T–2952
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710047
Status: Unutilized
Comment: 4,327 sq. ft., possible asbestos and leadpaint, most recent use—motor repair shop, off-site use only.

Bldg. P–5042
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710066
Status: Unutilized
Comment: 119 sq. ft., possible asbestos and leadpaint, most recent use—heatplant, off-site use only.

6 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: P–6449, S–6451, T–6452, P–6460, P–6463, S–6450
Landholding Agency: Army
Property Number: 21199710085
Status: Unutilized

Comment: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off-site use only.

4 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: T–6465, T–6466, T–6467, T–6468
Landholding Agency: Army
Property Number: 21199710086
Status: Unutilized
Comment: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off site use only.

Building P–6539
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710087
Status: Unutilized
Comment: 1,483 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only.

Bldg. T–208
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730344
Status: Unutilized
Comment: 20525 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only.

Bldg. T–214
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730346
Status: Unutilized
Comment: 6332 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only.

Bldgs. T–215, T–216
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730347
Status: Unutilized
Comment: 6300 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–217
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730348
Status: Unutilized
Comment: 6394 sq. ft., possible asbestos/lead paint, most recent use—training canter, off-site use only.

Bldg. T–810
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730350
Status: Unutilized
Comment: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only.

Bldgs. T–837, T–839
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730351
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. P–934
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730353
Status: Unutilized
Comment: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1177
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730356
Status: Unutilized
Comment: 183 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–1468, T–1469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730357
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1470
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730358
Status: Unutilized
Comment: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1940
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730360
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–1954, T–2022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730362
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2180
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730363
Status: Unutilized
Comment: possible asbestos/lead paint, most recent use—vehicle maint. facility, off-site use only.

Bldg. T–2184
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730364
Status: Unutilized
Comment: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2185
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730365
Status: Unutilized
Comment: 151 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–2186, T–2188, T–2189
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730366
Status: Unutilized
Comment: 1656—3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint shop, off-site use only.

Bldg. T–2187
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730367
Status: Unutilized
Comment: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2209
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730368
Status: Unutilized
Comment: 1257 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–2240, T–2241
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730369
Status: Unutilized
Comment: approx. 9500 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–2262, T–2263
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730370
Status: Unutilized
Comment: approx. 3100 sq. ft., possible asbestos/lead paint, most recent use—maint shop, off-site use only.

Bldgs. T–2271, T–2272
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730371
Status: Unutilized
Comment: 232 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–2291 thru T–2296
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730372
Status: Unutilized
Comment: 400 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only.

5 Bldgs.
Fort Sill

T–2300, T–2301, T–2303, T–2306, T–2307
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730373
Status: Unutilized
Comment: various sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2406
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730374
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

3 Bldgs.
Fort Sill
#T–2430, T–2432, T–2435
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730376
Status: Unutilized
Comment: approx. 8900 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–2434
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730377
Status: Unutilized
Comment: 8997 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only.

Bldgs. T–3001, T–3006
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730383
Status: Unutilized
Comment: approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–3025
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730384
Status: Unutilized
Comment: 5259 sq. ft., possible asbestos/lead paint, most recent use—museum, off-site use only.

Bldg. T–3314
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730385
Status: Unutilized
Comment: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–3323
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730387
Status: Unutilized
Comment: 8832 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. T–4021, T–4022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730389
Status: Unutilized
Comment: 442–869 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–4065
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730390
Status: Unutilized
Comment: 3145 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only.

Bldg. T–4067
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730391
Status: Unutilized
Comment: 1032 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–4281
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730392
Status: Unutilized
Comment: 9405 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–4401, T–4402
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730393
Status: Unutilized
Comment: 2260 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–4407
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730395
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining facility, off-site use only.

4 Bldgs.
Fort Sill
#T–4410, T–4414, T–4415, T–4418
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730396
Status: Unutilized
Comment: 1311 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

5 Bldgs.
Fort Sill
#T–44111 thru T–4413, T–4416 thru T–4417
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730397
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only.

Bldg. T–4421
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730398
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only.

10 Bldgs.
Fort Sill
#T–4422 thru T–4427, T–4431 thru T–4434
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730399
Status: Unutilized
Comment: 2263 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only.

6 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4436, T–4440, T–4444, T–4445, T–4448, T–4449
Landholding Agency: Army
Property Number: 21199730400
Status: Unutilized
Comment: 1311–2263 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

5 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: 4441, T–4442, T–4443, T–4446, T–4447
Landholding Agency: Army
Property Number: 21199730401
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only.

Bldg. T–5041
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730409
Status: Unutilized
Comment: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–5044, T–5045
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730410
Status: Unutilized
Comment: 1,798/1,806 sq. ft., possible asbestos/lead paint, most recent use—class rooms, off-site use only.

4 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–5046, T–5047, T–5048, T–5049
Landholding Agency: Army
Property Number: 21199730411
Status: Unutilized
Comment: various sq ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–5420
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730414
Status: Unutilized

Comment: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only.
Bldg. T–5639
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730416
Status: Unutilized
Comment: 10,720 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.
Bldgs. T–7290, T–7291
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730417
Status: Unutilized
Comment: 224/840 sq. ft., possible asbestos/lead paint, most recent use—kennel, off-site use only.
Bldg. T–7775
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730419
Status: Unutilized
Comment: 1,452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only.
Bldg. T–207
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910130
Status: Unutilized
Comment: 19,531 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.
Bldgs. P–364, P–584, P–588
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910131
Status: Unutilized
Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only.
Bldg. P–599
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910132
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—clubhouse, off-site use only.
4 Bldgs.
Fort Sill
P–617, P–1114, P–1386, P–1608,
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910133
Status: Unutilized
Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only.
Bldg. P–746
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910135
Status: Unutilized
Comment: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.
Bldgs. P–1908, P–2078
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910136
Status: Unutilized
Comment: 106 & 131 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only.
Bldg. P–2183
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910139
Status: Unutilized
Comment: 14,530 sq. ft., possible asbestos/lead paint, most recent use—repair shop, off-site use only.
Bldgs. P–2581, P–2773
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910140
Status: Unutilized
Comment: 4093 and 4129 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.
Bldg. P–2582
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910141
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.
Bldgs. P–2912, P–2921, P–2944
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910144
Status: Unutilized
Comment: 1390 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.
Bldg. S–3169
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910145
Status: Unutilized
Comment: 6437 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.
Bldg. P–2914
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910146
Status: Unutilized
Comment: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. P–3469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910147
Status: Unutilized
Comment: 3930 sq. ft., possible asbestos/lead paint, most recent use—car wash, off-site use only.
Bldg. S–3559
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910148
Status: Unutilized
Comment: 9462 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only.
Bldg. S–4064
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910149
Status: Unutilized
Comment: 1389 sq. ft., possible asbestos/lead paint, off-site use only.
Bldg. T–4748
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910151
Status: Unutilized
Comment: 1896 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only.
Bldg. S–5086
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910152
Status: Unutilized
Comment: 6453 sq. ft., possible asbestos/lead paint, most recent use—maintenance shop, off-site use only.
Bldg. P–5101
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910153
Status: Unutilized
Comment: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only.
Bldg. P–5638
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910155
Status: Unutilized
Comment: 300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. S–6430
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910156
Status: Unutilized
Comment: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only.
Bldg. T–6461
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910157
Status: Unutilized
Comment: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only.
Bldg. T–6462
Fort Sill
Lawton Co: Comanche OK 73503–5100

Landholding Agency: Army
Property Number: 21199910158
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only.
Bldg. P–7230
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910159
Status: Unutilized
Comment: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only.
Bldg. S–7960
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 21199930159
Status: Unutilized
Comment: 120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. S–7961
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 21199930160
Status: Unutilized
Comment: 36 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. T–1931
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010126
Status: Unutilized
Comment: 807 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. T–1932
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010127
Status: Unutilized
Comment: 1620 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. S–4023
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010128
Status: Unutilized
Comment: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. S–4063
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010129
Status: Unutilized
Comment: 4820 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only.

South Carolina

Bldg. 3499
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199730310
Status: Unutilized
Comment: 3724 sq. ft., needs repair, most recent use—admin.
Bldg. 2441
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199820187
Status: Unutilized
Comment: 2160 sq. ft., needs repair, most recent use—admin.
Bldg. 3605
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199820188
Status: Unutilized
Comment: 711 sq. ft., needs repair, most recent use—storage.
Bldg. 1765
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21200030109
Status: Unutilized
Comment: 1700 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—training bldg., off-site use only.

Texas

Bldg. T–5901
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199330486
Status: Unutilized
Comment: 742 sq. ft., 1-story wood frame, most recent use—admin., off-site use only.
Bldg. 4480, Fort Hood
Ft. Hood Co: Bell TX 76544—
Landholding Agency: Army
Property Number: 21199410322
Status: Unutilized
Comment: 2160 sq. ft., 1-story, most recent use—storage, off-site use only.
Bldg. P–6615
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199440454
Status: Excess
Comment: 400 sq. ft., 1-story concrete frame, off-site removal only, most recent use—detached garage.
Bldg. 4201, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21199520201
Status: Unutilized
Comment: 9000 sq. ft., 1-story, off-site use only.
Bldg. 7137, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 21199640564
Status: Unutilized
Comment: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only.
Building 4630
Fort Hood
Fort Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21199710088
Status: Unutilized
Comment: 21,833 sq. ft., most recent use—Admin., off-site use only.
Bldgs. P–605A & P–606A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730316
Status: Unutilized
Comment: 2418 sq. ft., poor condition, presence of asbestos/lead paint, historical category, most recent use—indoor firing range, off-site use only.
Bldg. S–1150
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730317
Status: Unutilized
Comment: 8629 sq. ft., presence of asbestos/lead paint, most recent use—instruction bldg., off-site use only.
Bldg. T–5122
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730331
Status: Unutilized
Comment: 3602 sq. ft., presence of asbestos/lead paint, historical category, most recent use—instruction bldg., off-site use only.
Bldg. T–5903
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730332
Status: Unutilized
Comment: 5200 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only.
Bldg. T–5907
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730333
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only.
Bldg. T–5906
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730420
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. P–1382
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199810365
Status: Unutilized
Comment: 30,082 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only.
Bldg. S–1155
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830347
Status: Unutilized
Comment: 2100 sq. ft., good, hazard abatement required, most recent use—instruction bldg., off-site use only.

Bldg. T–5123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830350
Status: Unutilized
Comment: 2596 sq. ft., fair, hazard abatement required, most recent use—instruction, off-site use only historical significance.

Bldg. P–6150
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830351
Status: Unutilized
Comment: 48 sq. ft., fair, hazard abatement required, most recent use—Pumphouse, off-site use only.

Bldgs. P–6331, P–6335, P–6495
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830353
Status: Unutilized
Comment: 36 sq. ft., fair, hazard abatement required, most recent use—pumping station, off-site use only.

Bldg. P–8000
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830354
Status: Unutilized
Comment: 1766 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

9 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8001, P8008, 8014, 8027, 8033, 8035, 8127, 8229, 8265
Landholding Agency: Army
Property Number: 21199830355
Status: Unutilized
Comment: 2456 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

11 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8003, P8011, 8012, 8019, 8043, 8202, 8204, 8216, 8235, 8241, 8261
Landholding Agency: Army
Property Number: 21199830356
Status: Unutilized
Comment: 2358 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P–8003C, P–8220C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830357
Status: Unutilized
Comment: 1174 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P–8004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830358
Status: Unutilized
Comment: 2243 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8005, 8101, 8107, 8141, 8143, 8146, 8150
Landholding Agency: Army
Property Number: 21199830359
Status: Unutilized
Comment: 1804 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009, 8024, 8207, 8214, 8217, 8226, 8256
Landholding Agency: Army
Property Number: 21199830361
Status: Unutilized
Comment: 2253 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009C, 8027C, 8248C, 8256C
Landholding Agency: Army
Property Number: 21199830362
Status: Unutilized
Comment: 681 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8012C, 8039C, 8224C
Landholding Agency: Army
Property Number: 21199830363
Status: Unutilized
Comment: 1185 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P8016
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830364
Status: Unutilized
Comment: 2347 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8021, 8211, 8244, 8270, 8213, 8223, 8243, 8266
Landholding Agency: Army
Property Number: 21199830365
Status: Unutilized
Comment: 249 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P–8022
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830366
Status: Unutilized
Comment: 1849 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

5 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #8022C, 8023C, 8106C, 8127C, 8206C
Landholding Agency: Army
Property Number: 21199830367
Status: Unutilized
Comment: 513 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldgs. P8026, P8028
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830369
Status: Unutilized
Comment: approx. 1850 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8028C, P8143C, P8150C
Landholding Agency: Army
Property Number: 21199830370
Status: Unutilized
Comment: 838 sq. ft., fair, hazard abatement, required, most recent use—detached garage, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8035C, P8104C, 8236C
Landholding Agency: Army
Property Number: 21199830372
Status: Unutilized
Comment: 1017 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8102, 8106, 8108
Landholding Agency: Army
Property Number: 21199830375
Status: Unutilized
Comment: 2700 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8109, P8137
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830376
Status: Unutilized
Comment: 1540 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8112, P8228
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830378
Status: Unutilized
Comment: 1807 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: P8116, 8151, 8158
Landholding Agency: Army
Property Number: 21199830380
Status: Unutilized

Comment: 1691 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8117
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830381
Status: Unutilized
Comment: 1581 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8118, 8121, 8125, 8153, 8119, 8120, 8124, 8168
Landholding Agency: Army
Property Number: 21199830382
Status: Unutilized
Comment: various sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8122, P8123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830383
Status: Unutilized
Comment: approx. 1400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8126
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830384
Status: Unutilized
Comment: 1331 sq. ft., fair, hazard abatement required, most recent use—detached housing, off-site use only.

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: P8131C, 8139C, 8203C, 8231C, 8243C, 8249C, 8261C
Landholding Agency: Army
Property Number: 21199830386
Status: Unutilized
Comment: 849 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldgs. P8133, P8134
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830387
Status: Unutilized
Comment: approx. 2000 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8135, P8136
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830388
Status: Unutilized
Comment: approx. 1500 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8144, 8267, 8148, 8149
Landholding Agency: Army
Property Number: 21199830389
Status: Unutilized
Comment: approx. 2200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8171
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830392
Status: Unutilized
Comment: 1289 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8172
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830393
Status: Unutilized
Comment: 1597 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8173, P8174
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830394
Status: Unutilized
Comment: approx. 2200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8174C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830395
Status: Unutilized
Comment: 670 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P8175
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830396
Status: Unutilized
Comment: 2220 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8200
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830397
Status: Unutilized
Comment: 892 sq. ft., fair, hazard abatement required, most recent use—officers quarters, off-site use only.

Bldg. P8205
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830399
Status: Unutilized
Comment: 1745 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8206, 8232, 8233
Landholding Agency: Army
Property Number: 21199830400
Status: Unutilized
Comment: approx. 2400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8245
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830401
Status: Unutilized
Comment: 2876 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8262C, 8271C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830403
Status: Unutilized
Comment: 1006 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P8269
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830404
Status: Unutilized
Comment: 2396 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

20 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8271, 8002, 8018, 8025, 8037, 8100, 8130, 8132, 8238, 8140, 8142, 8145, 8147, 8210, 8212, 8221, 8242, 8247, 8264, 8257
Landholding Agency: Army
Property Number: 21199830405
Status: Unutilized
Comment: 2777 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. 41
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920208
Status: Unutilized
Comment: 1750 sq. ft., needs repair, most recent use—admin., off-site use only.

Bldg. 919
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920212
Status: Unutilized
Comment: 11,800 sq. ft., needs repair, most recent use—Bde. Hq. Bldg., off-site use only.

Bldg. 923
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920213
Status: Unutilized
Comment: 4440 sq. ft., needs repair, most recent use—admin., off-site use only.

Bldg. 924
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army

Property Number: 21199920214
Status: Unutilized
Comment: 3500 sq. ft., needs repair, most recent use—admin., off-site use only.
Bldg. 3959
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920224
Status: Unutilized
Comment: 3373 sq. ft., needs repair, most recent use—admin., off-site use only.
Bldgs. 3967–3969
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920228
Status: Unutilized
Comment: 5310 sq. ft., needs repair, most recent use—admin., off-site use only.
Bldgs. 3970–3971
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920229
Status: Unutilized
Comment: 3241 sq. ft., needs repair, most recent use—admin., off-site use only.
4 Bldgs.
Fort Sam Houston
S6161, S6162, S6167, S6168
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010132
Status: Unutilized
Comment: 900 sq. ft., needs major repairs, most recent use—admin., off-site use only.
Bldg. S1448
Fort Sam Houston
San Antonio Co: Bexar TX
Landholding Agency: Army
Property Number: 21200010133
Status: Unutilized
Comment: 4200 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. T5001
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010134
Status: Unutilized
Comment: 1186 sq. ft., needs major repairs, possible asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. S6163
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010136
Status: Unutilized
Comment: 3200 sq. ft., needs major repairs, most recent use—admin., off-site use only.
Bldg. S6169
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010137
Status: Unutilized
Comment: 1800 sq. ft., needs major repairs, most recent use—admin., off-site use only.
Bldg. P–2375A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200020202
Status: Unutilized
Comment: 108 sq. ft., presence of lead paint, most recent use—storage, off-site use only.
Bldg. T–5004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200020203
Status: Unutilized
Comment: 4489 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 92043
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020206
Status: Unutilized
Comment: 450 sq. ft., most recent use—storage, off-site use only.
Bldg. 92044
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020207
Status: Unutilized
Comment: 1920 sq. ft., most recent use—admin., off-site use only.
Bldg. 92045
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020208
Status: Unutilized
Comment: 2108 sq. ft., most recent use—maint., off-site use only.
Bldg. P–8219
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200030110
Status: Excess
Comment: 2456 sq. ft., presence of asbestos/lead paint, most recent use—family house, off-site use only.
Bldg. 4422
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030111
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.
Bldg. 4423
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030112
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.
Bldg. 4462
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030113
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.
Bldg. 4463
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030114
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.
Bldg. 4464
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030115
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.
Bldg. 4469
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030116
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.

Virginia

Bldg. 178
Fort Monroe
Ft. Monroe Co: VA 23651–
Landholding Agency: Army
Property Number: 21199940046
Status: Unutilized
Comment: 1180 sq. ft., needs repair, most recent use—storage, off-site use only.
Bldg. T246
Fort Monroe
Ft. Monroe Co: VA 23651–
Landholding Agency: Army
Property Number: 21199940047
Status: Unutilized
Comment: 756 sq. ft., needs repair, possible lead paint, most recent use—scout meetings, off-site use only.
Bldg. TT0114
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020209
Status: Unutilized
Comment: 1440 sq. ft., needs rehab, most recent use—admin., off-site use only.
Bldg. TT0130
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020213
Status: Unutilized
Comment: 861 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only.
Bldg. TT0131
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020214
Status: Unutilized
Comment: 861 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only.
Bldg. TT0132
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020215
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only.

Bldg. TT0133
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020216
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only.
Bldg. TT0139
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020217
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only.
Bldg. TT0158
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020218
Status: Unutilized
Comment: 361 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only.
Bldg. TT0163
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020219
Status: Unutilized
Comment: 1920 sq. ft., needs rehab, presence of asbestos, most recent use—admin., off-site use only.
Bldg. P1530
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020222
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—storage., off-site use only.
Bldgs 1630, 1633, 1636
Fort Eustis
Ft. Eustis Co: VA 23604–
Landholding Agency: Army
Property Number: 21200030119
Status: Unutilized
Comment: 720 sq. ft., most recent use—storehouse, off-site use only.

Washington

13 Bldgs., Fort Lewis
AO402, CO723, CO726, CO727, CO902, CO907, CO922, CO923, CO926, CO927
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630199
Status: Unutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only.
7 Bldgs., Fort Lewis
AO438, AO439, CO901, CO910, CO911
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630200
Status: Unutilized
Comment: 1144 sq. ft., possible asbestos/lead paint, most recent use—dayroom bldgs., off-site use only.
6 Bldgs. Fort Lewis
CO908,CO728,CO921,CO928,C1008
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630204
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only.
Bldg. CO909, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630205
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. CO920, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630206
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. C1249, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630207
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 1164, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630213
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only.
Bldg. 1307, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630216
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 1309, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630217
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 2167, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630218
Status: Unutilized
Comment: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only.
Bldg. 4078, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630219
Status: Unutilized
Comment: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only.
Bldg. 9599, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630220
Status: Unutilized
Comment: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only.
Bldg. A1404, Fort Lewis
Ft. Lewis Co: Pierce WA 98333–
Landholding Agency: Army
Property Number: 21199640570
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only.
Bldg. A1419, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199640571
Status: Unutilized
Comment: 1307 sq. ft., needs rehab, most recent use—storage, off-site use only.
Bldg. E0202
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199710149
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.
Bldg. E0347
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199710156
Status: Unutilized
Comment: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.
Bldg. B1008, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199720216
Status: Unutilized
Comment: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use—medical clinic, off-site use only.
Bldgs. B1011–B1012, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199720217
Status: Unutilized
Comment 992 sq. ft. and 1144 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—office, off-site use only.
Bldgs. C0509, C0709, C0720
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199810372
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, off-site use only.
4 Bldgs.
Fort Lewis
C0511, C0710, C0711, C0719
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199810373
Status: Unutilized
Comment: 1,144 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—dayrooms, off-site use only.
11 Bldgs.

Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: CO528, CO701, CO708, CO721, CO526, CO527, CO702, CO703, CO706, CO707, CO722
Landholding Agency: Army
Property Number: 21199810374
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—dining, off-site use only.

Bldg. 5162
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830419
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. A0631
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830422
Status: Unutilized
Comment: 2207 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. B0813
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830427
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. B0812
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830428
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. 5224
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830433
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only.

Bldg. U001B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920237
Status: Excess
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U001C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920238
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only.

10 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U002B, U002C, U005C, U015I, U016E, U019C, U022A, U028B, U091A, U093C
Landholding Agency: Army
Property Number: 21199920239
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U003A, U004B, U006C, U015B, U016B, U019B
Landholding Agency: Army
Property Number: 21199920240
Status: Unutilized
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U004D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920241
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only.

Bldg. U005A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920242
Status: Unutilized
Comment: 360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, offsite use only.

Bldg. U006A, U024A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920243
Status: Excess
Comment: 1440 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldgs. U007A, U021A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920244
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U014A, U022B, U023A, U043B, U059B, U060A, U101A
Landholding Agency: Army
Property Number: 21199920245
Status: Excess
Comment: needs repair, presence of asbestos/lead paint, most recent use—ofc/tower/support, off-site use only.

Bldg. U015J
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920246
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldgs. U018B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920247
Status: Unutilized
Comment: 121 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U018C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920248
Status: Unutilized
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. U024B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920249
Status: Unutilized
Comment: 168 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U024D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920250
Status: Unutilized
Comment: 120 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—ammo bldg., off-site use only.

Bldg. U027A
Fort Lewis
Ft. Lewis Co: Pierce WA –
Landholding Agency: Army
Property Number: 21199920251
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tire house, off-site use only.

Bldgs. U028A–U032A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920252
Status: Unutilized
Comment: 72 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U031A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920253
Status: Excess
Comment: 3456 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only.

Bldg. U031C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920254
Status: Unutilized
Comment: 32 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. U040D

Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920255
Status: Excess
Comment: 800 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldgs. U052C, U052H
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920256
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldgs. U035A, U035B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920257
Status: Excess
Comment: 192 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U035C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920258
Status: Excess
Comment: 242 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U039A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920259
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U039B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920260
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—grandstand/bleachers, off-site use only.

Bldg. U039C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920261
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

Bldg. U043A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920262
Status: Excess
Comment: 132 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U052A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920263
Status: Excess
Comment: 69 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U052E
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920264
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. U052G
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920265
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

3 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U058A, U103A, U018A
Landholding Agency: Army
Property Number: 21199920266
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U059A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920267
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U093B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920268
Status: Excess
Comment: 680 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

4 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U101B, U101C, U507B, U557A
Landholding Agency: Army
Property Number: 21199920269
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. U102B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920270
Status: Excess
Comment: 1058 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U108A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920271
Status: Excess
Comment: 31,320 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only.

Bldg. U110B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920272
Status: Excess
Comment: 138 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U111A, U015A, U024E, U052F, U109A, U110A
Landholding Agency: Army
Property Number: 21199920273
Status: Excess
Comment: 1000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support/shelter/mess, off-site use only.

Bldg. U112A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920274
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U115A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920275
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U507A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920276
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

Bldg. U516B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920277
Status: Excess
Comment: 500 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only.

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: F0002, F0004, F0003, F0005, F0006, F0008, F0009
Landholding Agency: Army
Property Number: 2119920278
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only.

Bldg. F0022A
Fort Lewis

Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920279
Status: Excess
Comment: 4373 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gen. inst., off-site use only.

Bldg. F0022B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920280
Status: Excess
Comment: 3100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. C0120
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920281
Status: Excess
Comment: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only.

Bldg. A0220
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920282
Status: Excess
Comment: 2284 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—club facility, off-site use only.

18 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: A0337, A0617, B0820, B0821, C0319, C0833, C0310, C0311, C0318, C1019, D0712, D0713, D0720, D0721, D1108, D1153, C1011, C1018
Landholding Agency: Army
Property Number: 2119920283
Status: Excess
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—day room, off-site use only.

Bldg. A0334
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920284
Status: Excess
Comment: 1092 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: C0302, C0303, C0306, C0322, C0323, C0326, C0327
Landholding Agency: Army
Property Number: 2119920285
Status: Excess
Comment: 2340 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—barracks, off-site use only.

12 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: C1002, C1003, C1006, C1007, C1022, C1023, C1026, C1027, C1207, C1301, C1333, C1334
Landholding Agency: Army
Property Number: 21199920287
Status: Excess
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. E1010
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920288
Status: Excess
Comment: 148 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only.

Bldg. D1154
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920289
Status: Excess
Comment: 1165 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—day room, off-site use only.

Bldg. 01205
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920290
Status: Excess
Comment: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only.

Bldg. 01259
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920291
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 01266
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920292
Status: Excess
Comment: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. 1445
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920294
Status Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only.

Bldg. 02082
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920295
Status : Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. 03091, 03099
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920296
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

Bldgs. 03100, 3101
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920297
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. 4040
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920298
Status: Excess
Comment: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only.

Bldgs. 4072, 5104
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920299
Status: Excess
Comment: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. 4295
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920300
Status: Excess
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. 5170
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920301
Status: Excess
Comment: 19,411 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—store, off-site use only.

Bldgs. 6191
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920303
Status: Excess
Comment: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only.

Bldgs. 08076, 08080
Fort Lewis
Ft. Lewis Co: Pierce WA 9843–
Landholding Agency: Army
Property Number: 21199920304
Status: Excess
Comment: 3660/412 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldgs. 08093
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920305
Status: Excess
Comment: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only.

Bldg. 8279
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920306
Status: Excess
Comment: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only.

Bldgs. 8280, 8291
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920307
Status: Excess
Comment: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 8956
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920308
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 9530
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920309
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

Bldg. 9574
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920310
Status: Excess
Comment: 6005 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. shop, off-site use only.

Bldg. 9596
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920311
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only.

Bldg. 9939
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920313
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—recreation, off-site use only.

Bldg. 607
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030120
Status: Unutilized
Comment: 10,120 sq. ft., National Historic Preservation Act requirements, most recent use—office.

Bldg. 614
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030121
Status: Unutilized
Comment: 38,981 sq. ft., National Historic Preservation Act requirements, most recent use—admin.

Bldg. 626
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030122
Status: Unutilized
Comment: 1710 sq. ft., National Historic Preservation Act requirements, most recent use—admin.

Bldg. 628
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030123
Status: Unutilized
Comment: 2621 sq. ft., National Historic Preservation Act requirements, most recent use—admin.

Bldg. 636
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030124
Status: Unutilized
Comment: 9686 sq. ft., National Historic Preservation Act requirements, most recent use—admin.

Bldg. 638
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030125
Status: Unutilized
Comment: 33,822 sq. ft., National Historic Preservation Act requirements, most recent use—admin.

LAND (by State)

Georgia

Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199440440
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential.

Maryland

13 acres
Fort George G. Meade
West side of Rt 175
Ft. Meade Co: Anne Arundel MD 20755–5111
Landholding Agency: Army
Property Number 211999930151
Status: Underutilized
Comment: small paved area, remainder wooded.

New York

Land—6.965 Acres
Dix Avenue
Queensbury Co: Warren NY 12801–
Landholding Agency: Army
Property Number: 21199540018
Status: Unutilized
Comment: 9.6 acres of vacant land, located in industrial area, potential utilities.

300 acres
U.S. Military Academy
Highlands Co: Orange NY 10996–1529
Landholding Agency: Army
Property Number: 21200040070
Status: Unutilized
Comment: approx. 300 acres, contains wetlands and rare flora.

Texas

Old Camp Bullis Road
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199420461
Status: Unutilized
Comment: 7.16 acres, rural gravel road.

Castner Range
Fort Bliss
El Paso Co: El Paso TX 79916—
Landholding Agency: Army
Property Number: 21199610788
Status: Unutilized
Comment: approx. 56.81 acres, portion in floodway, most recent use—recreation picnic park.

Suitable/Unavailable Properties

BUILDINGS (by State)

Georgia

Bldg. 4090
Fort Benning
Ft. Benning Co: Muscogee GA 31905—
Landholding Agency: Army
Property Number: 21199630007
Status: Underutilized
Comment: 3530 sq. ft., most recent use—chapel, off-site use only.

Kansas

Bldg. P–295
Fort Leavenworth
Leavenworth Co: Leavenworth KS 66027—
Landholding Agency: Army
Property Number: 21199810296
Status: Unutilized
Comment: 3480 sq. ft., concrete, most recent use—underground storage, off-site use only.

Missouri

Bldg. 2172
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Landholding Agency: Army
Property Number: 21200040059
Status: Unutilized
Comment: 2892 sq ft., most recent use—operations, off-site use only.

Bldg. 5041
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Landholding Agency: Army
Property Number: 21200040060
Status: Unutilized
Comment: 1000 sq. ft., most recent use—classroom, off-site use only.

Bldg. 5286
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Landholding Agency: Army
Property Number: 21200040061

Status: Unutilized
Comment: 1000 sq. ft., most recent use—range support bldg., off-site use only.

Texas

Bldg. P–2000, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199220389
Status: Underutilized
Comment: 49,542 sq. ft., 3-story brick structure, within National Landmark Historic District.

Bldg. P–2001, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199220390
Status: Underutilized
Comment: 16,539 sq. ft., 4-story brick structure, within National Landmark Historic District.

Land (by State)

North Carolina

.92 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199610728
Status: Underutilized
Comment: municipal drinking waterwell, restricted by explosive safety regs., New Hanover County Buffer Zone.

10 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199610729
Status: Underutilized
Comment: municipal park, restricted by explosive safety regs., New Hanover County Buffer Zone.

257 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199610730
Status: Underutilized
Comment: state park, restricted by explosive safety regs., New Hanover County Buffer Zone.

24.83 acres—Tract of Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199620685
Status: Underutilized
Comment: 24.83 acres, municipal park, most recent use—New Hanover County explosive buffer zone.

Unsuitable Properties

Buildings (by State)

Alabama

12 Bldgs.
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–
Landholding Agency: Army
Property Number: 21200040001–21200040012
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

52 Bldgs., Fort Rucker
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219310016, 219330003, 219340116, 219340124, 219410022, 219520057–219520058, 219640440, 219710091, 219730009, 219740004, 219740006, 219810010, 219830002, 21199910001, 21199930019, 21200010010, 21200040013
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 25203, 25205–25207, 25209
Fort Rucker
Stagofield Areas
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219410020
Status: Unutilized
Reason: Secured area.

Alaska

8 Bldgs., Fort Wainwright
Ft. Wainwright, AK 99703
Landholding Agency: Army
Property Number: 219710090, 219710195–219710198, 219810002, 219810007, 21199920001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured area—Floodway (Some are extensively deteriorated).

Arizona

32 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219014560–219014591
Status: Underutilized
Reason: Secured Area.

10 properties: 753 earth covered igloos; above ground standard magazines
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40.
Landholding Agency: Army
Property Number: 219014592–219014601
Status: Underutilized
Reason: Secured Area.

9 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–5000
Location: 12 miles west of Flagstaff on I–40
Landholding Agency: Army
Property Number: 219030273–219030274, 219120175–219120181
Status: Unutilized
Reason: Secured Area.

Arkansas

177 Bldgs., Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630019–219630029, 219640462–219640477
Status: Unutilized
Reason: Extensive deterioration.

88 Bldgs., Fort Chaffee
Maneuver Training Center
Ft. Chaffee Co: Sebastian AR 72905–1370
Landholding Agency: Army
Property Number: 21200110001–21200110017
Status: Unutilized
Reason: Extensive deterioration.

California

Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material—Secured Area.

11 Bldgs., Nos. 2–8, 156, 1, 120, 181
Riverbank Army Ammunition Plant
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219013582–219013588, 219013590, 219240444–219240446
Status: Underutilized
Reason: Secured Area.

Bldgs. 13, 171, 178 Riverbank Ammun Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219120162–219120164
Status: Underutilized
Reason: Secured Area.

22 Bldgs.
DDDRW Sharpe Facility
Tracy Co: San Joaquin CA 95331
Landholding Agency: Army
Property Number: 219610289, 219610291, 21199930021, 21200010011–21200010013, 21200020028–21200020030, 21200030004–21200030015, 21200040015
Status: Unutilized
Reason: Secured Area.

Bldgs.29, 39, 73, 154, 155, 193, 204, 257
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219520040
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 1103, 1131, 1120, 341, 1160
Parks Reserve Forces Training Area
Dublin Co: Alameda CA 94568–5201
Landholding Agency: Army
Property Number: 219520056, 219830010, 21200110021–21200110022
Status: Unutilized
Reason: Extensive deterioration.

10 Bldgs.
Sierra Army Depot
Herlong Co: Lassen CA 96113
Landholding Agency: Army
Property Number: 21199840015, 21199920033–21199920036, 21199940052–21199940056
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

449 Bldgs.
Camp Roberts
Camp Roberts Co: San Obispo CA
Landholding Agency: Army
Property Number: 21199730014, 219820192–219820235
Status: Excess
Reason: Secured Area—Extensive deterioration.

30 Bldgs.
Presidio of Monterey Annex
Seaside Co: Monterey CA 93944
Landholding Agency: Army
Property Number: 219810380–219810381, 21199930106–21199930108, 21199940050–2119940051
Status: Unutilized
Reason: Extensive deterioration.

32 Bldgs.
Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 21199920037–21199920038, 21200030016–21200030018, 21200040014, 21200110018–21200110020
Status: Unutilized
Reason: Extensive deterioration.

Colorado

Bldgs. T–317, T–412, 431, 433
Rocky Mountain Arsenal
Commerce Co: Adams CO 80022–2180
Landholding Agency: Army
Property Number: 219320013–219320016,
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area—Extensive deterioration.

34 Bldgs. Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219830020–219830030, 21199910008, 21199930022, 21199930025
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 00087, 00088, 00096
Pueblo Chemical Depot
Pueblo CO 81006–9330
Landholding Agency: Army
Property Number: 21200030019–21200030021
Status: Unutilized
Reason: Extensive deterioration.

Connecticut

Bldgs. DK001, DKL05, DKL10
USARC Middletown
Middletown Co: Middlesex CT 06457–1809
Landholding Agency: Army
Property Number: 219810024–219810026
Status: Unutilized
Reason: Extensive deterioration.

Georgia

Fort Stewart
Sewage Treatment Plant
Ft. Stewart Co: Hinesville GA 31314–
Landholding Agency: Army
Property Number: 219013922
Status: Unutilized
Reason: Sewage treatment.

Facility 12304
Fort Gordon
Augusta Co: Richmond GA 30905–
Location: Located off Lane Avenue
Landholding Agency: Army
Property Number: 219014787
Status: Unutilized
Reason: Wheeled vehicle grease/inspection rack.

207 Bldgs.
Fort Gordon
Augusta Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219220269, 219320026, 219410050–219410060, 219410071–219410072, 219410100, 219410109, 219410114–219410115, 219610336, 219630044–219630067, 219640011–219640037, 219710094, 219730020, 219810027, 219830034–219830067, 21199910012, 21199940059, 21200020032, 21200030022
Status: Unutilized
Reason: Extensive deterioration.

3 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220335–219220337
Status: Unutilized
Reason: Detached lavatory.

29 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219520150, 219610320–219610321, 219640046, 219720017–219720022, 219810028–219810031, 219810035, 219830073–219830083, 21199930031–21199930037, 21200030023–21200030028
Status: Unutilized
Reason: Extensive deterioration.

18 Bldgs.
Fort Gillem
Forest Park Co: Clayton GA 30050
Landholding Agency: Army
Property Number: 219620815, 21199920044–21199920051, 21199930026, 21200040019–21200040021
Status: Unutilized
Reason: Extensive deterioration—Secured Area.

Bldg. P8121, Fort Stewart
Hinesville Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21199940060
Status: Unutilized
Reason: Extensive deterioration.

4 Bldgs., Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 219630034, 219830068, 21200020031
Status: Unutilized
Reason: Extensive deterioration.

3 Bldgs., Fort McPherson
Ft. McPherson Co: Fulton GA 30330–5000
Landholding Agency: Army
Property Number: 21200040016–21200040018
Status: Unutilized
Reason: Secured Area.

Hawaii

16 Bldgs.
Schofield Barracks
Wahiawa Co: Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219014836–219014837, 219030361, 21200110024–21200110027
Status: Unutilized
Reason: Secured Area—(Most are extensively deteriorated).

Bldg. T–1305
Wheeler Army Airfield
Wahiawa HI 96857
Landholding Agency: Army
Property Number: 219610348
Status: Unutilized
Reason: Extensive deterioration.

3 Bldgs.
Fort Shafter
Honolulu Co: HI 96819
Landholding Agency: Army
Property Number: 21200030029–21200030031
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–400
Helemano Military Reservation
Wahiawa Co: HI 96786
Landholding Agency: Army
Property Number: 21200110023
Status: Unutilized
Reason: Extensive deterioration.

Illinois

Bldgs. 58, 59 and 72, 69, 64, 105, 135
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Number: 219110104–219110108, 219520417
Status: Unutilized
Reason: Secured Area.

Bldgs. 133, 141 Rock Island Arsenal
Gillespie Avenue
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 219210100, 219620428
Status: Unutilized
Reason: Extensive deterioration.

16 Bldgs.
Charles Melvin Price Support Center
Granite City Co: Madison IL 62040
Landholding Agency: Army
Property Number: 219820027, 21199930042–21199930053
Status: Unutilized
Reason: Secured Area, Extensive deterioration, Floodway.

Indiana

181 Bldgs.
Newport Army Ammunition Plant
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219011584, 219011586–219011587, 219011589–219011590, 219011592–219011627, 219011629–219011636, 219011638–219011641, 219210149–219210151, 219220220, 219230032–219230033, 219430336–219430338, 219520033, 219520042, 219530075–219530097, 219740021–219740026, 219820031–219820032, 21199920063
Status: Unutilized
Reason: Secured Area—(Some are extensively deteriorated.

2 Bldgs.
Atterbury Reserve Forces Training Area
Edinburgh Co: Johnson IN 46124–1096
Landholding Agency: Army
Property Number: 219230030–219230031
Status: Unutilized
Reason: Extensive deterioration.

12 Bldgs., Camp Atterbury
Edinburgh IN 46124
Landholding Agency: Army
Property Number: 219610351–219610352, 219620429–219620434

Status: Unutilized
Reason: Secured Area—Extensive deterioration.

Iowa

96 Bldgs.
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219012605–219012607, 219012609, 219012611, 219012613, 219012615, 219012620, 219012622, 219012624, 219013706–219013738, 219120172–219120174, 219440112–219440158, 219520002, 219520070, 219610414, 219740027
Status: Unutilized
Reason: (Many are in a Secured Area)—(Most are within 2000 ft. of flammable or explosive material.)

27 Bldgs., Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638
Landholding Agency: Army
Property Number: 219230005–219230029, 219310017, 219340091
Status: Unutilized
Reason: Extensive deterioration.

Kansas

37 Bldgs.
Kansas Army Ammunition Plant
Production Area
Parsons Co: Labette KS 67357–
Landholding Agency: Army
Property Number: 219011909–219011945
Status: Unutilized
Reason: Secured Area—(Most are within 2000 ft. of flammable or explosive material.)

Fort Riley
7 Bldgs.
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610628, 219620825–219620826, 219630085
Status: Unutilized
Reason: Extensive deterioration.

121 Bldgs.
Kansas Army Ammunition Plant
Parsons Co: Labette KS 67357
Landholding Agency: Army
Property Number: 219620518–219620638
Status: Unutilized
Reason: Secured Area.

Bldg. P–417
Fort Leavenworth
Leavenworth KS 66027
Landholding Agency: Army
Property Number: 219740029
Status: Unutilized
Reason: Extensive deterioration—Sewage pump station.

Kentucky

Bldg. 126
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles northeast of Lexington, Kentucky.
Landholding Agency: Army
Property Number: 219011661
Status: Unutilized
Reason: Secured Area—Sewage treatment facility.

Bldg. 12
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles Northeast of Lexington, Kentucky.
Landholding Agency: Army
Property Number: 219011663
Status: Unutilized
Reason: Industrial waste treatment plant.

2 Bldgs., Fort Knox
Ft Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 21199940063, 21200110028
Status: Unutilized
Reason: Extensive deterioration.

21 Bldgs., Fort Campbell
Ft Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 21200110029–21200110049
Status: Unutilized
Reason: Extensive deterioration.

Louisiana

528 Bldgs.
Louisiana Army Ammunition Plant
Doylin Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219011714–219011716, 219011735–219011737, 219012112, 219013863– 219013869, 219110131, 219240138–219240147, 219420332, 219610049–219610263, 219620002–219620200, 219620749–219620801, 219820047–219820078
Status: Unutilized
Reason: Secured Area—(Most are within 2000 ft. of flammable or explosive material)—(Some are extensively deteriorated).

17 Bldgs., Fort Polk
Ft. Polk Co; Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 21199920070, 21199920078, 21199940074, 21199940075, 21200030044, 21200040025–21200040029, 21200110050–21200110051
Status: Unutilized
Reason: Extensive deterioration—(Some are in Floodway).

Maryland

143 Bldgs.
Aberdeen Proving Ground
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219011417, 219012610, 219012626, 219012628, 219012634, 219012637–219012642, 219012649, 219012650, 219012658–219012662, 219013773, 219014711, 219610480, 219610489–219610490, 219730077–219730084, 219810070–219810127, 219820081–219820096, 219830114, 2199920081, 21200010046–21200010060, 21200020049–21200020050, 21200040030
Status: Unutilized
Reason: Most are in a secured area.—(Some are within 2000 ft. of flammable or explosive material)—(Some are in a floodway) (Some are extensively deteriorated)

32 Bldgs. Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 219130059, 219310031, 219710186–219710192, 219740068–219740078, 219810065–219810069, 21199910018, 21199910019, 21199930055–21199930058, 21199940084, 21199940085
Status Unutilized
Reason: Extensive deterioration.

Massachusetts

Bldg. 3462, Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 024620–5003
Landholding Agency: Army
Property Number: 219230095
Status: Unutilized
Reason: Secured Area—Extensive deterioration.

Bldgs. 3596, 1209–1211 Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 02462–5003
Landholding Agency: Army
Property Number: 219230096, 219310018–219310020
Status: Unutilized
Reason: Secured Area

Facility No. 0G001
LTA Granby
Granby Co: Hampshire MA
Landholding Agency: Army
Property Number: 219810062
Status: Unutilized
Reason: Extensive deterioration.

Michigan

Detroit Arsenal Tank Plant
28251 Van Dyke Avenue
Warren Co: Macomb MI 48090–
Landholding Agency: Army
Property Number: 21901405
Status: Underutilized
Reason: Secured Area.

Bldgs. 5755–5756
Newport Weekend Training Site
Carleton Co: Monroe MI 48166
Landholding Agency: Army
Property Number: 219310060–219310061
Status: Unutilized
Reason: Secured Area—Extensive deterioration.

25 Bldgs.
Fort Custer Training Center
2501 26th Street
Augusta Co: Kalamazoo MI 49102–9205
Landholding Agency: Army
Property Number: 219014947–219014963, 219140447–219140454
Status: Unutilized
Reason: Secured Area.

10 Bldgs.
Selfridge ANG Base
Selfridge Co: MI 48045
Landholding Agency: Army
Property Number: 21199930059, 21199940089–21199940093, 21200110052–21200110055
Status: Unutilized
Reason: Secured Area.

Minnesota

169 Bldgs.
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Number: 219120165–219120166, 219210014–219210015, 219220227–219220235, 219240328, 219310055–219310056, 219320145–219320156, 219330096–219330108, 219340015, 219410159–219410189, 219420195–219420283, 219430059–219430064, 21199840060
Status: Unutilized
Reason: Secured Area—(Most are within 2000 ft. of flammable or explosive material.)—(Some are extensively deteriorated).

Missouri

83 Bldgs.
Lake City Army Ammo. Plant
Independence Co: Jackson MO 64050–
Landholding Agency: Army
Property Number: 219013666–219013669, 219530134–219530138, 21199910023–21199910035, 21199920082, 21200030049
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material).

9 Bldgs.
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis Co: St. Louis MO 63120–1798
Landholding Agency: Army
Property Number: 219120067–219120068, 219610469–219610475
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated).

14 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219430070–219430078, 219830115–219830116, 21199910020–21199910022, 21199930060
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material (Some are extensively deteriorated).

Montana

19 Bldgs.
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Landholding Agency: Army
Property Number: 219620473–219620475, 219740093–219740101
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Extensive deterioration.

Nevada

Bldg 292
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219013614
Status: Unutilized
Reason: Secured Area.

Bldg 396
Hawthorne Army Ammunition Plant
Bachelor Enlisted Qtrs W/Dining Facilities
Hawthorne Co: Mineral NV 89415–
Location: East side of Decatur Street—North of Maine Avenue
Landholding Agency: Army
Property Number: 219011997
Status: Unutilized
Reason: Within airport runway clear zone Secured Area.

39 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219012013, 219013615–219013643
Status: Underutilized
Reason: Secured Area (Some within airport runway clear zone; many within 2000 ft. of flammable or explosive material).

Group 101, 34 Bldgs.
Hawthorne Army Ammunition Plant Co: Mineral NV 89415–0015
Landholding Agency: Army
Property Number: 219830132
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

New Jersey

218 Bldgs.
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219010440–219010474, 219010476, 219010478, 219010639–219010665, 219010671–219010721, 219012424, 219012427–219012428, 219012430, 219012433–219012466, 219012469–219012472, 219012475, 219012760, 219012763–219012767, 219014306–219014307, 219014311, 219014313–219014321, 219140617, 219230121–219230125, 219420001–219420002, 219420006–219420008, 219530144–219530150, 219540002–219540007, 219740110–219740127
Status: Excess
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material). (Some are extensively deteriorated) (Some are in a floodway)

Structure 403B
Armament Research, Dev. & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219510001
Status: Unutilized
Reason: Drop Tower.

9 Bldgs.
Armament Research
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199940094–21199940099
Status: Unutilized
Reason: unexploded ordnance Extensive deterioration.

Bldg. T05134
Fort Dix
Ft. Dix Co: Burlington NJ 08640–5505
Landholding Agency: Army
Property Number: 21200040031
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 432, 899
Ft. Monmouth
Ft. Monmouth Co: NJ 07703
Landholding Agency: Army
Property Number: 2120010056–21200110057
Status: Unutilized
Reason: Extensive deterioration.

New Mexico

Bldg. 23644
White Sands Missile Range
White Sands Co: Donna Ana NM 88002
Landholding Agency: Army
Property Number: 21200030057
Status: Unutilized
Reason: Extensive deterioration.

New York

Bldgs. 110, 143, 2084, 2105, 2110
Seneca Army Depot
Romulus Co: Seneca NY 14541–5001
Landholding Agency: Army
Property Number: 219240439, 219240440–21940443
Status: Unutilized
Reason: Secured Area, extensive deterioration.

Parcel 19
Stewart Army Subpost, U.S. Military Academy
New Windsor Co: Orange NY 12553
Landholding Agency: Army
Property Number: 219730098
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 12
Watervliet Arsenal
Watervliet NY
Landholding Agency: Army
Property Number: 219730099
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 134
Watervliet Arsenal Co: Albany NY 12189–4050
Landholding Agency: Army
Property Number: 21199840068
Status: Unutilized
Reason: Secured Area.

Bldgs. 4056, 4275
Stewart Army Subpost
New Windsor Co: Orange NY 12553
Landholding Agency: Army
Property Number: 21199930061
Status: Unutilized
Reason: Sewage pump station.

North Carolina

85 Bldgs. Fort Bragg
Ft. Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219620478, 219620480, 219640064, 219640074, 219710102–219710111, 219710224, 219810167, 219830117, 219830120, 21199930062–21199930067, 21200040032–21200040037
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 16, 139, 216, 273
Military Ocean Terminal
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219530155, 219810158–219810160
Status: Unutilized
Reason: Secured Area.

North Dakota

Bldgs. 440, 455, 456, 3101, 3110
Stanley R. Mickelsen
Nekoma Co: Cavalier ND 58355
Landholding Agency: Army
Property Number: 21199940103–21199940107
Status: Unutilized
Reason: Extensive deterioration.

Ohio

190 Bldgs.
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219012476–219012507, 219012509–219012513, 219012515, 219012517–219012518, 219012520, 219012522–219012523, 219012525–219012528, 219012530–219012532, 219012534–219012535, 219012537, 219013670–219013677, 219013781, 219210148, 21199840069–21199840104, 21199930070–21199930072
Status: Unutilized
Reason: Secured Area.

7 Bldgs.
Lima Army Tank Plant
Lima OH 45804–1898
Landholding Agency: Army
Property Number: 219730104–219730110
Status: Unutilized
Reason: Secured Area.

4 Bldgs.
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 219830134, 2119910037, 21199930068, 21200020052
Status: Unutilized
Reason: Extensive deterioration.

Oklahoma

548 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–5000
Landholding Agency: Army
Property Number: 219011674, 219011680, 219011684, 219011687, 219012113, 219013981–219013991, 219013994, 219014081–219014102, 219014104, 219014107–219014137, 219014141–219014159, 219014162, 219014165–219014216, 219014218–219014274, 219014336–219014559, 219030007–219030127, 219040004, 21199910039–21199910040
Status: Underutilized
Reason: Secured Area. (Some are within 2000 ft. of flammable or explosive material)

5 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219140548, 219140550, 219440309, 219510023, 219730342
Status: Unutilized
Reason: Extensive deterioration.

33 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501
Landholding Agency: Army
Property Number: 219310050–219310052, 219320170–219320171, 219330149–219330160, 219430122–219430125, 219620485–219620490, 219630110–219630111, 219810174–219810176
Status: Unutilized
Reason: Secured Area. (Some are extensively deteriorated)

Oregon

11 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012174–219012176, 219012178–219012179, 219012190–219012191, 219012197–219012198, 219012217, 219012229
Status: Underutilized
Reason: Secured Area.

34 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012177, 219012185–219012186, 219012189, 219012195–219012196, 219012199–219012205, 219012207–219012298, 219012225, 219012279, 219014304–219014305, 219014782, 219030362>219030363, 219120032, 21199840107–21199840110, 2119920084–21199920090
Status: Unutilized
Reason: Secured Area.

Pennsylvania

Bldg. T–685, Carlisle Barracks
Carlisle Co: Cumberland PA 17013
Landholding Agency: Army
Property Number: 219610530
Status: Unutilized
Reason: Extensive deterioration.

74 Bldgs.
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640337, 219720093, 219730116–219730128, 219740129–219740132, 219740134, 219740137, 219810177–219810194
Status: Unutilized
Reason: Extensive deterioration.

15 Bldgs.
Defense Distribution Depot
New Cumberland Co: York PA 17000–5001
Landholding Agency: Army
Property Number: 219830135, 21199940108–21199940112, 21200030060, 21200110058–212000110063
Status: Unutilized
Reason: Secured Area.

South Carolina

43 Bldgs., Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219440237, 219440239, 219510017, 219620306, 219620312, 219620317, 219620348–219620351 219640138–219640139, 21199640148–21199640149, 219640167, 219720095, 219720097, 219730130, 219730132, 219730145–219730157, 219740138, 219820102–219820111, 219830139–219830157
Status: Unutilized
Reason: Extensive deterioration.

Tennessee

33 Bldgs.
Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012304–219012309, 219012311–219012312, 219012314, 219012316–219012317, 219012319, 219012325, 219012328, 219012330 219012332, 219012334–219012335, 219012337, 219013789–219013790, 219030266, 219140613, 219330178, 219440212–219440216, 219510025–219510028, 21200040038
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material).

10 Bldgs.
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240447–219240449, 219320182–219320184, 219330176–219330177, 219219520034, 219219740139
Status: Unutilized
Reason: Secured Area.

Bldg. Z–183A
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240783
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Texas

20 Bldgs.
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219012524, 219012529, 219012533, 219012536, 219012539–219012540, 219012542, 219012544–219012545, 219030337–219030345
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

225 Bldgs.
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661–
Location: State highway 43 north
Landholding Agency: Army
Property Number: 219012546, 219012548, 219012555–219610584, 219610635, 219620244–219620287, 219620827–219620837 21200020054–21200020070
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material).

16 Bldgs., Red River Army Depot
Texarkana Co: Bowie TX 75507–5000
Landholding Agency: Army
Property Number: 219420314–219420327, 219430094–219430097
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated).

7 Bldgs., Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610549, 219640172, 219640177, 219640182 219810200–219810201, 219830205
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. T–2916, T–3180, T–3192, T–3398, T–2915
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330476–219330479, 219640181
Status: Unutilized

Reason: Detached latrines.

83 Bldgs. Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219640490–2196440491, 219730160–219730186, 219740146, 219830161–219830197
Status: Unutilized
Reason: Extensive deterioration.

Starr Ranch, Bldg. 703B
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661
Landholding Agency: Army
Property Number: 219640186, 219640494
Status: Unutilized
Reason: Floodway.

Utah

3 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012153, 219012166, 21930366
Status: Unutilized
Reason: Secured Area (Most are extensively deteriorated).

7 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012148–219012149, 219012152, 219012155, 219012158, 219012751, 219240267
Status: Underutilized
Reason: Secured Area.

3 Bldgs.
Dugway Proving Ground
Dugway Co: Toole UT 84002–
Landholding Agency: Army
Property Number: 219013997, 219120012, 219120015
Status: Underutilized
Reason: Secured Area.

59 Bldgs.
Dugway Proving Ground
Dugway Co: Toole UT 84022–
Landholding Agency: Army
Property Number: 219330181–219330182, 219330185, 219420328–219420329, 21199920091–21199920101
Status: Unutilized
Reason: Secured Area.

Bldgs. 3102, 5145, 8030
Deseret Chemical Depot
Tooele UT 84074
Landholding Agency: Army
Property Number: 219820119–219820121
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Virginia

323 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Landholding Agency: Army
Property Number: 219010833, 219010836, 219010839, 219010842, 219010844, 219010847–219010890, 219010892–219010912, 219011521–219011577, 219011581–219011583, 219011585, 219011588, 219011591, 219013559–219013570, 21911042–219110143, 219120071, 219140618–219140633, 219440219–219440225, 219510031–219510033, 219610607–219610608, 219830223–219830267, 21200020079–21200020081
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

13 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Landholding Agency: Army
Property Number: 219010834–21901035, 219010837–219010838, 219010840–219010841, 219010843, 219101845–2190101846, 2190101891, 219011578–219011580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
Secured Area: Latrine, detached structure.

38 Bldgs.
U.S. Armys Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 21924017, 219330210–219330211, 2129330219–219330220, 219330225–219330228, 219520062, 219610597, 219620497, 219620866–219620876, 219630115, 219740156, 219830208–219830210, 21199920117, 21199940128–21199940131, 21200030062, 21200040040, 21200110064–21200110066
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area).

16 Bldgs.
Radford Army Ammunition Plant
Radford, VA 24141
Landholding Agency: Army
Property Number: 219220210–219220218, 219230100–219230103, 219520037
Status: Unutilized
Reason: Secured Area.

Bldg. B7103–01, Motor House
Radford Army Ammunition Plant
Radford, VA 24141
Landholding Agency: Army
Property Number: 219240324
Status: Unutilized
Reason: Secured Area within 2,000 ft. of flammable or explosive material, extensive deterioration.

56 Bldgs.
Red Water Field Office
Radford Army Ammunition Plant
Radford, VA 24141
Landholding Agency: Army
Property Number: 219430341–219430396
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material, secured area.

15 Bldgs.
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427
Landholding Agency: Army
Property Number: 219510030, 219610588, 21199930079, 21200020073, 21200040041–21200040042, 21200110067–21200110069
Status: Unutilized
Reason: Secured area, extensive deterioration.

Bldgs. 2013–00, B2013–00, A1601–00
Radford Army Ammunition Plant
Radford, VA 24141
Landholding Agency: Army
Property Number: 219520052, 219530194
Status: Unutilized
Reason: Extensive deterioration.

22 Bldgs.
Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060–5116
Landholding Agency: Army
Property Number: 21199910050–21199910052, 21199920107–21199920109, 21199940117–21199940127, 21200020078, 21200030063–21200030064, 21200110070–21200110073
Status: Unutilized
Reason: Extensive deterioration.

8 Bldgs.
Fort Story
Ft. Story Co: Princess Ann VA 23459
Landholding Agency: Army
Property Number: 219640506, 219710193, 21200040039
Status: Unutilized
Reason: Extensive deterioration.

14 Bldgs., Fort Eustis
Ft. Eustis Co: VA 23604
Landholding Agency: Army
Property Number: 21199930074–21199930075
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 448, Fort Myer
Ft. Myer Co: Arlington, VA 22211–1199
Landholding Agency: Army
Property Number: 21200010069
Status: Unutilized
Reason: Extensive deterioration.

Washington

657 Bldgs., Fort Lewis
Ft. Lewis Co: Pierce WA 98433–5000
Landholding Agency: Army
Property Number: 219610001, 219610006–219610007, 219610009–219610010, 219610012, 219610042–219610046, 219620512–219620517, 219640193, 219720142–219720151, 219810205–219810243, 219820130–219820132, 21199840118, 21199910063–21199910080, 21199920125–21199920181, 21199930080–21199930105, 21199940134, 21200030065
Status: Unutilized
Reason: Secured Area
Extensive deterioration.

10 Bldgs., Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740162–219740171
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 415, Fort Worden
Port Angeles Co: Clallam WA 98362
Landholding Agency: Army
Property Number: 21199910062
Status: Excess
Reason: Extensive deterioration.

Bldg. U515A, Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920124
Status: Excess
Reason: Gas chamber.

Bldg. 303
Yakima Training Center
Yakima Co: WA 98901
Landholding Agency: Army
Property Number: 21200010074
Status: Unutilized
Reason: Extensive deterioration.

Wisconsin

6 Bldgs.
Badger Army Ammunition Plant
Baraboo Co.: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219011094, 219011209–219011212, 219011217
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material Friable asbestos Secured Area.

153 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219001104, 219001106, 219011108–219011113, 219001115–219011117, 219011119–219011120, 219011122–219011139, 219001141–219011142, 219011144, 219011148–219011208, 219011213–219011216, 219011218–219001234, 219001236, 219011238, 219011240, 219011242, 219011244, 219011247, 219011249, 219011251, 219011256, 219011259, 219011263, 219011265, 219011268, 219011270, 219011275, 219011277, 219011280, 219011282, 219011284, 219011286, 219011290, 219011293, 219011295, 219011297, 219011300, 219011302, 219011304–219011311, 219011317, 219011319–219011321, 219011323
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Friable asbestos. Secured Area.

4 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013871–219013873, 219013875
Status: Underutilized
Reason: Secured Area.

22 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013876–219013878, 219220295–219220311, 219510065–219510067
Status: Unutilized
Reason: Secured Area.

743 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219210097–219210099, 219740184–219740271, 21200020083–21200020155
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

124 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913
Landholding Agency: Army
Property Number: 219510069–219510077
Status: Unutilized
Reason: Secured Area Extensive deterioration.

Bldg. 457
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5136
Landholding Agency: Army
Property Number: 21200110074
Status: Unutilized
Reason: Extensive deterioration.

Land (by State)

Alabama

23 acres and 2284 acres
Alabama Army Ammunition Plant
110 Hwy. 235
Childersburg Co: Talladega AL 35044–
Landholding Agency: Army
Property Number: 219210095–219210096
Status: Excess
Reason: Secured Area.

Indiana

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219012360
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Maryland

Carroll Island, Graces Quarters
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number: 219012630, 219012632
Status: Underutilized
Reason: Floodway, Secured Area.

Minnesota

Portion of R.R. Spur
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112
Landholding Agency: Army
Property Number: 219620472
Status: Unutilized
Reason: Landlocked.

New Jersey

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal Co: Morris NJ 07806–
Landholding Agency: Army
Property Number: 219013788
Status: Unutilized
Reason: Secured Area.

Spur Line/Right of Way
Armament Rsch Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219530143
Status: Unutilized
Reason: Floodway

2.0 Acres, Berkshire Trail
Armament Rsch Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199910036
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured area.

Ohio

0.4051 acres, Lot 40 & 41
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219630109
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Oklahoma

McAlester Army Ammunition Plant
McAlester Co: Pittsburgh OK 74501–
Landholding Agency: Army
Property Number: 219014603
Status: Underutilized
Reason: 2000 ft. of flammable or explosive material.

Texas

Land—Approx. 50 acres
Lone Star Army Ammunition Plant
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219420306
Status: Unutilized
Reason: Secured Area.

Wisconsin

Land
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913—
Location: Vacant land within plant boundaries.
Landholding Agency: Army
Property Number: 219013783
Status: Unutilized
Reason: Secured Area.

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Federal Register

Friday,
February 23, 2001

Part IV

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Initiative for Future Agriculture and Food Systems, FY 2001; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Initiative for Future Agriculture and Food Systems, FY 2001

AGENCY: Cooperative State Research, Education and Extension Service, Agriculture.

ACTION: Notice of Request for Proposals and Request for Input.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) announces the availability of grant funds and requests proposals for the Initiative for Future Agriculture and Food Systems Program (IFAFS) for fiscal year (FY) 2001 to support competitively awarded research, extension and education grants addressing key issues of national and regional importance to agriculture, forestry, and related topics. The amount available for support of this program in FY 2001 is approximately $113,400,000.

This notice sets out the objectives for these projects, the eligibility criteria for projects and applicants, the application procedures, and the set of instructions needed to apply for an IFAFS grant under this authority.

By this notice, CSREES additionally solicits stakeholder input from any interested party regarding the FY 2001 IFAFS for use in development of any future requests for proposals for this program.

DATES: For the FY 2001 competition, a Letter of Intent is requested and is due by March 23, 2001. Project proposals and proposals for Multidisciplinary Graduate Education Traineeship Grants (MGET) must be received by COB April 23, 2001. Proposals received after this date will not be considered for funding. Critical or Emerging Issues proposals must be received by COB on June 1, 2001. Comments regarding this Request for Proposals are invited for six months from the issuance of this notice. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Applicants may e-mail the Letter of Intent to Dr. Rodney Foil at rfoil@reeusda.gov or send the letter by mail to IFAFS; Mail Stop 2213; Cooperative State Research, Education and Extension Service; U.S. Department of Agriculture; 1400 Independence Avenue, S.W.; Washington, D.C. 20250–2213; or fax the Letter to IFAFS at (202) 690–3858. The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Initiative for Future Agriculture and Food Systems; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Centre; 800 9th Street, S.W.; Washington, D.C. 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address: Initiative for Future Agriculture and Food Systems; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, S.W.; Washington, D.C. 20250–2245.

Written user comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; Cooperative State Research, Education and Extension Service; U.S. Department of Agriculture; STOP 2299; 1400 Independence Avenue, S.W.; Washington, D.C. 20250–2299; or via e-mail to: RFP–OEP@reeusda.gov. In your comments, please include the name of the program and the fiscal year of the request for proposals (RFP) to which you are responding.

FOR FURTHER INFORMATION CONTACT: Applicants and other interested parties are encouraged to contact the Program Director listed in the program areas found in the Program Area Description section below, or Dr. Rodney Foil, Director IFAFS, Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2242; 1400 Independence Avenue, S.W. Washington, D.C. 20250–2242; telephone: (202) 720–4423; e-mail: rfoil@reeusda.gov; or Dr. Sally Rockey, Deputy Administrator, CRGAM, Cooperative State Research, Education and Extension Service; U.S. Department of Agriculture; STOP 2240; 1400 Independence Avenue, S.W.; Washington D.C. 20250–2240; telephone: (202) 401–1761 e-mail: srockey@reeusda.gov.

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Stakeholder Input

CSREES is requesting comments regarding this RFP from any interested party. These comments will be considered in the development of any future RFP for the program. Such comments will be forwarded to the Secretary or his designee for use in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(c)(2). This section requires the Secretary to solicit and consider input on a current RFP from persons who conduct or use agricultural research, education and extension for use in formulating future RFPs for competitive programs. Comments should be submitted as provided for in the "Addresses" and "Dates" portions of this Notice.

Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under 10.302, Initiative for Future Agriculture and Food Systems.

Part I—General Information

A. Legislative Authority and Background

Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA) (7 U.S.C. 7621) established in the Treasury of the United States an IFAFS account and authorized the Secretary of Agriculture to establish a research, extension, and education competitive grants program to address critical emerging U.S. agricultural issues related to (1) future food production, (2) environmental quality and natural resource management, or (3) farm income. Grants are to be awarded that shall address priority mission areas related to (a) Agricultural genome, (b) Food safety, food technology and human nutrition, (c) New and alternative uses and production of agricultural commodities and products, (d) Agricultural biotechnology, (e) Natural resource management, including precision agriculture, and (f) Farm efficiency and profitability, including the viability and competitiveness of small- and medium-sized dairy, livestock, crop, and other commodity operations. Priority is to be given to projects that are multistate, multi-institutional, or multidisciplinary or projects that integrate agricultural research, extension and education.

Subject to the availability of funds to carry out this program, the Secretary may award grants to a college or university or a research foundation maintained by a college or university. This represents a change from the FY 2000 solicitation. Section 724 of Public Law No. 106–389, as amended by section 101(3) of H.R. 566 which was enacted by section 1(a)(4) of Public Law No. 106–554, removed Federal research agencies, national laboratories, and private research organizations from eligibility for IFAFS awards.

Grants also may be awarded to ensure that faculty of small and mid-sized academic institutions that have not previously been successful in obtaining competitive grants under subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) (i.e. the CSREES National Research Initiative Competitive Grants Program) receive a portion of the IFAFS grants. Grants are to be awarded to address priorities in United States agriculture that involve research, extension, and education activities as determined by the Secretary in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board; and stakeholders through a public meeting held in July of 1998.

B. Purpose, Priorities and Fund Availability

The purpose of the IFAFS is to support research, education and extension grants that address critical emerging U.S. agricultural issues related to (1) future food production, (2) environmental quality and natural resource management, or (3) farm income.

In awarding IFAFS grants, priority will be given to projects that are multistate, multi-institutional, or multidisciplinary or projects that integrate agricultural research, extension and education. Integrated projects hold the greatest potential to produce and transfer knowledge directly to end users, while providing for educational opportunities to assure agricultural expertise in future generations. The IFAFS also holds great opportunity to bring the agricultural knowledge system to bear on issues impacting small and mid-sized producers and land managers, thus enabling improvements in quality of life and community. In support of the agency's goal to enhance the competitiveness of U.S. agriculture, consideration will also be given to projects (with U.S. institutions as the lead) that incorporate an international dimension with demonstrable domestic benefits.

IFAFS is distinct from other CSREES programs because of its priority on integration of research, extension, and education; its consideration of the concerns of small and mid-sized operations; its emphasis of agricultural production issues; and its goal to support relatively large projects that provide more intensive support to the research, extension, and education system.

There is no commitment by USDA to fund any particular proposal or to make a specific number of awards. Approximately $113,400,000 is available in FY 2001 for programs within the IFAFS for the following priority areas: Agriculture Genome and Agricultural Biotechnology ($32,800,000); Food Safety, Food Technology, and Human Nutrition ($21,900,000); New and Alternative Uses and Production of Agricultural Commodities and Products ($10,000,000); Natural Resource Management, including Precision Agriculture ($29,000,000); and Farm Efficiency and Profitability, Including the Viability and Competitiveness of Small and Medium-sized Dairy, Livestock, Crop, and Other Commodity Operations ($19,000,000). Funds available for each priority area are targets. The number and quality of applications, as well as the need to reach programmatic goals, may necessitate the movement of funds between priority areas. CSREES is not committed to funding any specific amount or make any specific number of MGET awards, however, funds in the amount of $2.2 million will be made available from the aforementioned priority areas to support MGET proposals should they be meritorious.

Funds will be made available to small or mid-sized academic institutions that have not been previously successful in obtaining competitive grants under the National Research Initiative Competitive Grants Research Program.

Two additional requests for proposals will be available in FY 2001. These are new collaborative programs between CSREES/IFAFS and other Federal Agencies. These include the USDA/NSF Microbial Genome Sequencing Project (total joint funding of approximately $9 million) and the USDA/NASA Application of Geospatial and Precision Technology Project (total joint funding of $9.5 million).

The program areas described herein were developed within the context of the authorized purposes of both USDA research, extension, and education (7 U.S.C. 3101) and IFAFS (7 U.S.C. 401), within the framework of the CSREES Strategic Plan (Available at www.usda.gov/ocfo/strat/ree.pdf), and based on stakeholder input.

C. Definitions

For the purpose of awarding grants under this program, the following definitions are applicable:

(1) *Administrator* means the Administrator of the Cooperative State Research, Education, and Extension Service (CSREES) and any other officer or employee of the Department to whom the authority involved may be delegated.

(2) *Assistantship* means institutional support of graduate students for their providing or carrying out teaching or research services.

(3) *Authorized departmental officer* means the Secretary or any employee of the Department who has the authority to issue or modify grant instruments on behalf of the Secretary.

(4) *Authorized organizational representative* means the president or chief executive officer of the applicant organization or the official, designated by the president or chief executive officer of the applicant organization, who has the authority to commit the resources of the organization.

(5) *Budget period* means the interval of time (usually 12 months) into which

the project period is divided for budgetary and reporting purposes.

(6) *Cash contributions* means the applicant's cash outlay, including the outlay of money contributed to the applicant by non-Federal third parties.

(7) *Department* or *USDA* means the United States Department of Agriculture.

(8) *Education activity* means an act or process that imparts knowledge or skills through formal or informal schooling.

(9) *Extension activity* means an act or process that delivers research-based knowledge and educational programs to people, enabling them to make practical decisions.

(10) *Graduate education* means recruitment, enrollment, instruction, mentoring, retention, and graduation of students seeking master's or doctoral degrees; providing resources for thesis research in fields related to the research problems in the project; and support of graduate students through assistantships, fellowships or traineeships.

(11) *Grant* means the award by the Secretary of funds to an eligible organization or individual to assist in meeting the costs of conducting, for the benefit of the public, an identified project which is intended and designed to accomplish the purpose of the program as identified in these guidelines.

(12) *Grantee* means the organization designated in the grant award document as the responsible legal entity to which a grant is awarded.

(13) *Integrated* means to bring together the three components of the agricultural knowledge system (research, education and extension) together around a problem area or activity.

(14) *Internship* means student participation in an experiential learning activity.

(15) *Matching* means that portion of allowable project costs not borne by the Federal Government, including the value of in-kind contributions.

(16) *Peer review* is an evaluation of a proposed project for scientific or technical quality and relevance performed by experts with the scientific knowledge and technical skills to conduct the proposed work or to give expert advice on the merits of a proposal.

(17) *Principal Investigator/Project director* (PI/PD) means the single individual designated by the grantee in the grant application and approved by the Secretary who is responsible for the direction and management of the project.

(18) *Prior approval* means written approval evidencing prior consent by an authorized departmental officer as defined in (2) above.

(19) *Project* means the particular activity within the scope of the program supported by a grant award.

(20) *Project period* means the period, as stated in the award document and modifications thereto, if any, during which Federal sponsorship begins and ends.

(21) *Research activity* means a scientific investigation or inquiry that results in the generation of knowledge.

(22) *Secretary* means the Secretary of Agriculture and any other officer or employee of the Department to whom the authority involved may be delegated.

(23) *Small- and Mid-Sized Institutions* means academic institutions having an enrollment of 15,000 or fewer (including part-time students), and that are no higher than the 50th percentile of academic institutions funded by the National Research Initiative Competitive Grants Program in the past three years and are not within the top 100 Federally funded institutions (see Appendix A.)

(24) *Third party in-kind contributions* means non-cash contributions of property or services provided by non-Federal third parties, including real property, equipment, supplies and other expendable property, directly benefitting and specifically identifiable to a funded project or program.

(25) *Traineeship* means a student centered educational program that addresses knowledge needs, personal and professional skills development, career experiences and global awareness; student is supported like a scholarship or fellowship.

D. Eligibility

Proposals may be submitted by a college or university or a research foundation maintained by a college or university.

Eligible applicants may subcontract to organizations not eligible under these requirements. For Multidisciplinary Graduate Education Traineeship (MGET) proposals, eligible colleges or universities are those with accredited graduate degree programs in the food and agricultural sciences.

E. Matching Requirements

If a grant provides for applied research that is commodity specific and not of national scope, the grant recipient is required to provide funds or in-kind support to match the amount of Federal grant funds provided.

F. Types of Proposals

In FY 2001, it is anticipated that projects will be submitted as New or Resubmitted Proposals as described below:

1. *New proposal.* This is a project proposal that has not been previously submitted to the IFAFS Program. All new proposals will be reviewed competitively using the selection process and evaluation criteria described in Part IV—Selection Process and Evaluation Criteria.

2. *Resubmitted proposal.* This is a proposal that had been previously submitted to the IFAFS but not funded. The resubmitted proposal should clearly indicate the changes that have been made in the project proposal. Further, a clear statement acknowledging comments from the previous reviewers, indicating revisions, rebuttals, etc., can positively influence the review of the proposal. Therefore, for resubmitted proposals, the investigator(s) must respond to the previous panel summary on no more than one page, titled Response to Previous Review, which is to be placed directly after the Project Summary as described in Part III—Preparation of a Proposal. Resubmitted proposals will be reviewed competitively using the selection process and evaluation criteria described in Part IV—Selection Process and Evaluation Criteria.

G. Restrictions on Use of Funds

1. Funds for Buildings and Facilities

IFAFS funds may not be used for the renovation or refurbishment of research spaces; the purchase or installation of fixed equipment in such spaces; or the planning, repair, rehabilitation, acquisition, or construction of buildings or facilities.

2. Funds for Human Cloning

In accordance with the President's Memorandum of March 4, 1997, regarding the use of Federal funds for the cloning of human beings (33 Weekly Comp. Pres. Doc. 278), IFAFS funds shall not be used to support, fund, or undertake any cloning activity that could lead to the creation of a new human being with genetic material identical to that of another human being, including research related directly thereto. The prohibition on use of grant funds to "support" human cloning activity includes using, or making available for use, grant-funded equipment for use in connection with human cloning. This ban does not restrict research into the cloning of plants, animals, or individual human cells that cannot develop into a new human being.

Part II—Program Description

A. Types of Projects To Be Supported

1. *Project grants.* Project grants can be proposed that range in size to a total grant size of up to five million dollars over four years. The amount requested must be commensurate with the activities proposed; support for very large requests of funds will be highly competitive.

Project grants may involve any combinations of institutions and states but may: involve multiple states and/or institutions that conduct research; synthesize previous, ongoing and future research; develop curricula and build educational and research capacity; and transfer information to producers, end users, and the public. The type and number of participating institutions should be appropriate to the project proposed, and should include all participants necessary for successful completion of the project. All IFAFS project grants will be expected to address research, extension and education in a focused project area or through larger endeavors that coalesce around project areas that cannot be addressed through the funding of individual efforts. It is the intent of CSREES to promote collaboration, open communication, exchange of information and resources, and integration of activities among individuals, institutions, states or regions. Larger projects that include many institutions, states or efforts, should minimize isolation and over-competitiveness, reduce duplication of efforts, and provide an accessible source of expert information, technology, and education upon which the public can draw. More focused projects are expected to generate new knowledge and/or apply existing knowledge quickly through outreach and dissemination to specific issues in agriculture where immediate results may be visible.

Dependent on the merits of proposals received, CSREES will ensure that a portion of project grants will be awarded to proposals in which the lead institution (recipient of the Federal funds) is a small- or mid-sized institution (as defined in Part I., C. Definitions). Other institutions or organizations involved in small- and mid-sized institution eligible projects need not meet the criteria described in the definition of a small- and mid-sized institution.

A designated lead institution of each project will administer funds and be responsible for overall management of activities. Larger grant proposals of more than $1 million, or those that are comprised of multifaceted participation by a number of institutions must include how the administration of the grant will be achieved and monitored since proper management of a complex project will influence overall success of the project. Plans for how each project will be maintained and monitored for progress during and beyond the duration of the grant should also be included in the proposal.

2. *Bridge Grants.* Applicants may not directly apply for Bridge grants. Bridge grants only are awarded to small- and mid-sized academic institutions after a review of a submitted Project Grant proposal places the application below the funding cutoff.

Small- and Mid-Sized Institution means academic institutions having an enrollment of 15,000 or fewer (including part-time students), ranked no higher than the 50th percentile of academic institutions funded by the National Research Initiative Competitive Grants Program in the past three years, and are not within the top 100 Federally funded institutions (see Appendix A). Bridge grants are designed to assist small- and mid-sized academic institutions to sustain and enhance important collaborations and activities that might lead to future program success or success in obtaining IFAFS and/or other grants. Institutions eligible for Bridge grants will be considered for a one-time infusion of up to $100,000 if a submitted Project Grant proposal is considered meritorious but ranks below the funding cutoff during the peer review process. Proposals that meet these criteria will be forwarded from each program area review panel to the IFAFS administration to be considered for funding from a limited pool of funds set aside for Bridge Grants.

3. *Critical or Emerging Issues Grants.* IFAFS is offering the opportunity to consider applications based upon critical issues that transcend the specific elements of the individual IFAFS program areas as well as those issues that are of emerging significance. Critical or Emerging Issues grants can be proposed that range in size to a total of $5 million over four years. The amount requested must be commensurate with the activities proposed. Support for very large requests of funds will be highly competitive. See Program Area 16.0 under the "Program Description" for more information regarding the Critical or Emerging Issues Program Area.

4. *Multidisciplinary Graduate Education Traineeship (MGET) Grants.* MGET grants will support innovative, research-based, graduate education and training activities in critical, emerging areas of agricultural sciences. They must be organized upon a cohesive multidisciplinary theme and involve a diverse group of faculty members and other investigators with appropriate expertise in research, education and extension. Depending upon the availability of funds, each grant may receive up to $2,200,000 for a four-year project period which is divided into student support in the amount up to $500,000 per year and into start-up costs up to an additional $200,000 in the first year for appropriate equipment and special purpose materials. Graduate student stipend allowance is $18,000 per year accompanied by a cost-of-education allowance (tuition and normal fees) of $10,500 per year per student. All graduate and other stipend recipients must be citizens or permanent residents of the U.S. See Program Area 17.0 for more information.

B. Program Description

Agricultural Genomics

The IFAFS seeks to sponsor integrated research, education and extension programs in plant, animal and microbe genomics and the development of bioinformatic tools and educational resources with specific applications to agricultural challenges.

A more complete understanding of the entire complement of genes in agriculturally relevant plants, animals and microbes is imperative. More knowledge in this area will have a major impact on the ability of the United States to produce nutritious and safe food, while preserving the environment and sustaining the economic stability of the agricultural enterprise. Greater efforts aimed at identifying, mapping and understanding the function and control of genes responsible for traits in agriculturally important species of plants, animals and microbes are needed. These efforts will lead to the development of new genetic technologies for improvements in yield, pest and pathogen resistance, and the composition, quality, and safety of U.S. agricultural products in the global context.

New bioinformatic and computational biology tools are needed to analyze, interpret and utilize the vast amounts of data that will be generated by genomic research in agriculturally important species. CSREES expects that bioinformatics will be an integral component of any project funded under this Agricultural Genomics program. CSREES is also interested in funding integrated projects primarily dedicated

to the research and development of bioinformatics tools and education programs, hence a separate sub-area in bioinformatics. Prospective applicants who are primarily interested in working on a particular plant, animal or microbial system should address their projects to the relevant section. Those primarily interested in developing bioinformatics tools, software, and training programs should address their proposal to the sub-area on Bioinformatics.

• All agricultural genomics grant recipients are expected to present their project plan at the International Plant, Animal, and Microbial Genome meetings in January in San Diego, CA. Additional information will be made available if an award is made.

• Investigators are expected to explain clearly how the ownership of information and research materials and their public release will be handled. Rapid and unrestricted sharing of genomic sequence data is essential for advancing research on agriculturally important species. Early release of unfinished sequence has already proven useful in accelerating the pace of experimental discovery in non-agricultural fields, such as human health, energy production and bioremediation. At the same time, CSREES recognizes that it also is necessary to allow investigators time to verify the accuracy of their data and to accomplish the goals proposed in their application, which often includes the assembly and annotation of the sequence data.

• In addition to the general data release procedures above, applications for support of genome sequencing projects must include a detailed description of the data release plan. Timely release is strongly encouraged in recognition of the benefits to the broader research community. Release should be accompanied by appropriate information on the reliability of the data (e.g., level of coverage and extent of assembly, extent of contamination with vector and other sequences, statistical measures of accuracy). At a minimum, it is anticipated that sequence data will be released within one month after 3X coverage of the genome (or chromosome for eukaryotic organisms) is achieved. The released data should be provided as assemblies of equal to, or greater than, one kilobase contigs. Subsequent releases of assembled sequences should be provided at least on a monthly basis.

• In the view of some, raw genomic sequences, in the absence of additional demonstrated biological information, lack demonstrated utility and therefore are inappropriate for patent filing. Patent applications on large blocks of primary genomic sequence could stifle future research and the development of future inventions of useful products. However, according to the Bayh-Dole Act, the grantees have the right to elect to retain title to subject inventions and are free to choose to apply for patents should additional biological experiments reveal convincing evidence of utility. CSREES grantees are reminded that the grantee institution is required to disclose each subject invention to CSREES within two months after the inventor discloses it in writing to grantee institution personnel responsible for patent matters. Where appropriate, a plan for apportionment of rights to intellectual property with international partners should be provided.

10.1 Plant Genome. (For clarification on this sub-area, contact the Program Directors, Ed Kaleikau and Liang-Shiou Lin, at (202) 401–5042, e-mail: llin@reeusda.gov.)

Research in plant genomics has advanced rapidly in the past few years. The entire genome of Arabidopsis has been sequenced and is being annotated, and the rice genome will be sequenced and annotated in the near future. Knowledge of these sequences will provide basic information on the genes in a flowering plant species. While genomic tools and resources are currently available for plant research, they will need to be improved and expanded. Additionally, genomic resources will need to be developed for other agriculturally important plant species. Furthermore, if genomic information is to be applied to plant improvement, more research is needed to determine the function of gene sequences.

The IFAFS Plant Genome Program sub-area will support integrated projects of research, education and extension that advance our knowledge of the structure, organization and function of agriculturally important plant genomes. Some examples of education and extension components pertinent to this sub-area include training of graduate and undergraduate students, postdoctoral associates, and/or colleagues (through classes, seminars, workshops, sabbaticals) in the use of genomic resources or outreach to the community through informational seminars and classes on the benefits and methods of genomic research. Wherever appropriate, investigators are encouraged to develop national and international collaborations with research groups already working on the species of interest to maximize the use of structural and functional genomic resources. Collaborations with private industry that have made a significant investment in the species are also encouraged to avoid unnecessary duplication of effort.

Proposals must address at least one of the two specific topic areas below:

(1) *Development or improvement of genomic tools and resources for plant species important to agriculture or forestry.* (a) High throughput genomic approaches to understand genome structure and organization of horticultural (including fruit and vegetable crop species and ornamental plants relevant to U.S. agriculture) and forest plants will be given high priority, particularly those plants that have not been the focus of major study. Proposals that apply marker assisted selection/breeding of horticultural and forest plants are also encouraged. (b) Proposals that extend or complement ongoing research on complex cereal crop genomes already under study will also be considered; potential research areas include innovative approaches to sequence gene-rich regions, synteny of cereal genomes with rice application of marker assisted selection in public breeding programs, and the development of publicly accessible transformation technology.

(2) *Functional analysis of the rice genome.* The U.S. is a participant in the international project to sequence the genome of rice. To build on the sequencing effort now underway, this program area will support (a) functional genomic studies in rice that seek to uncover the function of cereal crop genes by relating a mutant phenotype with sequence information. Examples of approaches include gene tagging, proteomics, microarrays, and development of knockout lines and ESTs. (b) projects for production of strains and sequences of rice that will be made available to the international research community, and for development of a public database to consolidate information on mutagenized populations and phenotypic information about mutants characterized.

10.2 Animal Genome. (For clarification on this sub-area, contact the Program Directors, Ed Kaleikau at (202) 401–6030, e-mail: ekaleikau@reeusda.gov; and Richard Frahm, at (202) 401–4895, e-mail: rfrahm@reeusda.gov.)

Proposals are solicited that address one or more of the following areas in animal genomics: (a) Develop high density comparative gene maps, which include human and mouse, across agricultural animal species (Cattle, sheep, swine, horse, poultry species and aquaculture species); (b) generate ordered and arrayed BAC libraries for those species where such reagents are not presently available (Arrangements must be included in the proposal to distribute these to other U.S. investigators on a cost-recovery basis); (c) develop novel marker (single nucleotide polymorphysims/microarrays) for high through-put genotyping systems using agricultural animal populations to identify quantitative trait loci (QTL) or to apply marker assisted selection; (d) develop computational applications to facilitate comparative gene mapping; and (e) develop education programs on new developments in agricultural animal genome research for outreach to producers.

10.3 Microbial Genome. (For FY 2001, Microbial Genomics will be offered through a separate solicitation for a joint USDA/NSF Microbial Genomics Sequencing Project. See the CSREES website, www.reeusda.gov, under "funding opportunities" for additional information concerning this program.)

10.4 Bioinformatics. (For clarification of this topic area, contact the Program Directors, Ed Kaleikau and Gail Mclean, at (202) 401–6060, e-mail: gmclean@reeusda.gov.)

The vast amounts of data being generated by genomic research only will be of use to plant, animal and microbial improvement and protection if technologies are developed to utilize genomic sequence, gene maps and gene function information. In addition, new cadres of scientists must be trained in the use of these technologies. Because of the interdisciplinary nature of genomic science, bioinformatic research provides an ideal opportunity for a range of scientists, including engineers, computer scientists, chemists, and biologists, to work together in a collaborative environment. Bioinformatic tools and personnel will play a vital role in applying genomic data to the improvement of animal, plant and microbial species of agricultural importance. This program sub-area seeks to support proposals to develop or improve bioinformatic tools and to develop training programs in bioinformatics. Projects may involve experts in computer science, software engineering, genomics, genetics, plant, animal, or microbial improvement, or related sciences as well as individuals with an interest in the development of education and training programs in bioinformatics and computational biology.

Proposals must address at least one of two specific topic areas:

(1) *Development or improvement of bioinformatic tools and resources.* There is an acute need to manage and interpret genomic data efficiently and effectively. The current absence of standardization for data management and storage has led to an increasing number of databases that do not communicate well among themselves. If this trend continues, the progress promised by genomics will be slowed not only for agriculture, but for all fields involved in genomics. As agricultural databases are developed, it is imperative that they exhibit good interconnectivity with new and existing sources of data. To meet this challenge, software programs for bioinformatics must be developed and/or refined; further, other broadly-defined tools are needed to provide the support to handle and interpret the massive amounts of genomic data being generated. Research projects in this area should develop bioinformatics tools with application to agricultural systems. Examples of research areas include: (a) Development or improvement of database management techniques and software; (b) development or improvement of computational tools for analysis of genomic sequence data; and (c) generation of resource web pages for specific classes of proteins, genes or metabolic pathways.

(2) *Development of bioinformatic education programs or courses.* Training programs should address the current gap in the availability of professionals trained in plant, animal, and microbe bioinformatics. The interaction of biologists and computational scientists must be evident in the proposal. Approaches to training may include, but are not limited to: (a) Development of courses at the undergraduate and graduate level in bioinformatics/computational biology; (b) creation of programs which include summer institutes, short courses, sabbaticals or training centers designed to educate and train faculty and or graduate students in bioinformatics; (c) development of secondary education science teaching modules to introduce young students to the bioinformatic/computational biological sciences.

Agricultural Biotechnology

This program area will support research, education, and extension that addresses risks and benefits associated with the use of biotechnology in agriculture. Biotechnology is believed to have great potential for supplying the world's food and fiber needs in a sustainable manner. However, the development of agricultural biotechnology products has resulted in expressions of concern by producers, consumers, media, interest groups, and other stakeholders about possible health, environmental, social, and economic effects. This program area seeks to address those concerns and assist citizens in making informed decisions about the use of this technology in agriculture. Higher priority will be given to proposals that integrate research, education, and extension activities.

The application of biotechnology to agriculture has the potential to provide a number of public benefits. It is expected to increase productivity while reducing the negative environmental effects of traditional production methods by reducing the need for antibiotics, fertilizers, herbicides, hormones, and pesticides. The technology also has the potential to facilitate the development of new food products with improved nutritional benefits, flavor, and shelf-stability, as well as new non-food products, including lubricants, oils and plastics.

Successful application of this technology to food and agriculture is possible only with the approval and acceptance of consumers, environmentalists and other stakeholders. Research, education, and extension focused on identifying and assessing present and predicted benefits and identifying, assessing, and reducing present and predicted risks associated with agricultural biotechnology will aid in addressing the needs and concerns of various stakeholder groups.

Proposals should be submitted to one of the following three areas: Section 11.1 focusing on the impact of agricultural biotechnology on human and animal health; Section 11.2 focusing on social and economic aspects associated with the development and use of biotechnology; or Section 11.3 focusing on the management of potential environmental effects associated with agricultural biotechnology. Proposals that seek to integrate both the biological aspects (Sections 11.1 and 11.3) and social aspects (Section 11.2), should be submitted to the section that best describes the majority emphasis of the proposed project.

Where practicable, graduate training opportunities are encouraged in proposals submitted to this program area. Also, international partnerships are permitted so long as the partnership clearly benefits the understanding of U.S. agricultural biotechnology questions and concerns.

11.1 Effects of Agricultural Biotechnology on Human and Animal Health. (For clarification of this program area, contact the Program Directors,

Daniel Jones at (202) 401–6854; email: ddjones@reeusda.gov; or Deborah Sheely at (202) 401–1924, e-mail: dsheely@reeusda.gov.)

Research, extension, and education activities regarding the effects of genetically modified (GM) organisms and GM food on human and animal health, include but are not limited to: (a) Approaches for anticipating, detecting, and managing allergenicity in food products derived through biotechnology; (b) the role of GM products in the development of antibiotic resistance; (c) secondary metabolite formation and how this may affect food and feed; (d) changes in bioavailability of essential nutrients; (e) development of new and enhanced testing and evaluation methods of biologically modified products that ensure human and animal safety; (f) development of experiential learning opportunities for students, academics, and agricultural professionals to study the effects of GM food and feed on humans and animals; (g) development of outreach programs to explain the risks and benefits of GM food and feed on human and animal health. Where practicable, graduate training opportunities are encouraged in proposals submitted to this program area.

This program area is seeking projects to evaluate or assess the effects of transgenic organisms or food on human and animal health. It will not consider proposals to develop transgenic products of any kind, including those designed to improve human or animal health.

Proposals involving genetically modified functional foods should be directed to section 12.2 (Nutritional Impact of Functional Foods).

11.2 Social and Economic Aspects of Biotechnology. (For clarification of this program area, contact Program Directors, John Michael at (202) 720–8744, jmichael@reeusda.gov; or David Holder at (202) 720–3605, dholder@reeusda.gov.)

This section solicits proposals for research, education and extension activities that deal with the human dimensions associated with agricultural biotechnology. It is concerned with positive and negative economic and social impacts on stakeholders—producers, processors, input manufacturers, consumers, environmentalists, governmental agencies and others; impacts on economic and social institutions, communities, and society; reactions to biotechnology; and people's beliefs and attitudes about biotechnology and the responses of stakeholders, institutions, and communities. "Social and economic" is broadly defined to also include psychological, cultural, ethical, and political aspects of biotechnology. Comparative approaches are invited, including comparisons across geography, culture, history, and technologies. Other approaches are also invited.

The expected outcomes of the program include: (a) objective and complete assessments of perceived and actual benefits and risks associated with agricultural biotechnology; (b) greater stakeholder involvement (civic engagement) in decisions regarding agricultural biotechnology; (c) more informed decisions by public and private decision makers about the development and use of biotechnology; and (d) greater clarity regarding the role of research and educational institutions in helping stakeholders weigh the risks and benefits of alternative approaches and technologies in agriculture.

The following topic areas and their contents are provided as examples and are not intended to be all inclusive:

(a) Business issues—Economic and other impacts of biotechnology on individual firms or groups of firms; firm-level decisions about selling or buying biotechnology products and processes, such as a farmer/farm family decision to plant herbicide-tolerant soybeans; changes in business practices and alliances.

(b) Agriculture and Food System Issues—Impact of biotechnology on the organization, structure and behavior of participants in the agricultural industry from input manufacturers to retailers; changes in economic institutions and government policies; capacity of the food system to segregate genetically modified commodities/products for specific markets; competitiveness of U.S. agriculture in world markets; and impacts of establishing various standards, oversight arrangements and alternative regulations and policies.

(c) Market/Consumer Issues—Needs, desires, and concerns of consumers in domestic and international markets; understanding consumer decisions about the use of biotechnology products, including the influence of culture, product labeling, advertising, scientific information, and recent news events; methods most effective for increasing understanding and improving public and private decision making ability.

(d) Societal Issues—Needs of various publics to gain meaningful information and be involved in decision making processes surrounding the development and use of biotechnology; the role of civic engagement; perceived and actual risks and benefits to consumers and other stakeholder groups or society in general; policy alternatives and analysis; property rights; environmental protection; conflict emergence and resolution; role of ethics.

(e) Institutional Issues—(Economic and social institutions include such things as markets, universities, and the policy-making bodies). Impact of biotechnology on markets; role of public research, education and extension; mechanisms for funding research and disseminating results; role of local, state, federal and international governments.

11.3 Ecological Risk Management of Agricultural Biotechnology. (For clarification of this program area, contact the Program Directors, Deborah Sheely at (202) 401–1924, e-mail: dsheely@reeusda.gov; or Daniel Jones at (202) 401–6854; email: ddjones@reeusda.gov.)

Research, extension, and education activities regarding the management of risks associated with the release of transgenic organisms into the environment. These include, but are not limited to: (a) Techniques to minimize or eliminate potential negative impacts of transgenic products on non-target species, agricultural systems and the environment; (b) management systems to slow the evolution of resistance to transgenic protection against pests and diseases; (c) techniques or methods to prevent the movement of transgenes from transgenic organisms to others; or to prevent their expression in new or unintended organisms; (d) management systems to control the impact of transgenic plants, especially insect resistant or herbicide tolerant plants, on biodiversity of agro-ecosystems; (e) experiential learning opportunities for students, academics, and agricultural professionals to manage environmental risks associated with agricultural biotechnology; and (f) outreach programs to develop and share techniques or methods to manage ecological risks.

Where practicable, graduate training opportunities are encouraged in proposals submitted to this program area.

This program solicits projects designed to manage or reduce ecological risks associated with the release of transgenic organisms into the environment. Projects to assess risks of transgenic organisms (i.e. identification of an ecological hazard, and determining its probability and impact) will not be considered for funding by this program. Research addressing risk assessment should be directed to USDA's Biotechnology Risk Assessment Research Grants Program (http://www.reeusda.gov/crgam/biotechrisk/biotech.htm).

Food Safety and Human Nutrition

This program area concentrates resources on two critical areas in food technology and nutrition: Factors affecting food and nutrition behavior of consumers and the nutritional impact of functional and designer foods. Future food production will be impacted by consumer food choices, and the health and happiness of Americans is dependent upon diets appropriate to individual lifestyles and physical condition. Understanding consumer behavior and how to increase the beneficial components in food will help inform future food production. A key anticipated benefit of this initiative will be to strengthen the existing links among research, teaching, and extension/outreach activities related to nutrition and food technology. Descriptions of the two program subareas are below.

12.1 Consumer Food Choices. (For clarification of this sub-area, contact the Program Directors, Susan Welsh at (202) 720–5544; email: swelsh@reeusda.gov; or Etta Saltos, at (202) 401–5178; e-mail: esaltos@reeusda.gov.)

The most fundamental knowledge gap in nutrition research is in understanding why people choose what they choose to eat and how to effectively intervene to improve diets. Although USDA, together with the Department of Health and Human Services, has formulated Federal nutrition policy in the form of the Dietary Guidelines for Americans for 20 years, we know that many consumers are not following this guidance. According to the Department's 1996 Healthy Eating Index, a measure of how Americans' diets fare in meeting the recommendations of the Dietary Guidelines, only 12 percent of Americans have diets that can be classified as "good;" 71 percent have diets that are considered to "need improvement" and 17 percent are classified as having "poor" diets. Additionally, the prevalence of obesity in the United States increased from 12 percent in 1991 to 18 percent in 1998. In the past decade, the number of U.S. children who are overweight has more than doubled and the incidence of type 2 diabetes in adolescents, once rare, is increasing.

USDA researchers have found that in children the risk of becoming obese increases as family income decreases. The consistent and visible interest of Americans in weight loss diets indicate both an interest in and the difficulties in maintaining desirable weight. Community-based research on food systems has demonstrated limited food choices in low-income communities as insufficient resources limit grocery retail establishments in economically deprived areas. Food intake of low-income individuals is dramatically affected by the availability of food, especially fruits and vegetables. Food stamp recipients sometimes have difficulty stretching food dollars through the month, creating an atmosphere of food insecurity late in the month, affecting food choices.

Food choice behavior is influenced by a variety of factors ranging from available income to physiologic need to societal standards and community resources. Knowledge of how these factors interact to affect food choices is limited. Nutrition experts agree that for nutrition interventions to be successful, they should be behaviorally-based, but the gaps in knowledge of consumer dietary behavior limits development of such interventions. When behaviorally-based nutrition interventions have been implemented, evaluation of the outcomes of such interventions has been limited, primarily due to lack of funds. Research on the strengths and weaknesses of an intervention in relation to its objectives is essential to improving the intervention and in facilitating its application to other situations.

The goal of this program is to fund projects that improve our understanding of factors that affect food and nutrition behavior in consumers, and apply this understanding in the development and evaluation of model nutrition intervention programs that are behaviorally-based. This program invites innovative projects on consumer food and nutrition behavior, including: (a) Research on factors influencing dietary behaviors of at-risk populations, including children and adolescents (at home, in school, and in child care settings), ethnic minorities, low-income individuals, overweight individuals, and older adults; (b) research on behavioral factors that may contribute to the development of obesity; (c) exploration and analysis of the impact of community resources on food choices, including the effect of insecure food systems in low-income communities and prevalence of obesity, unhealthy food choices, and related food behaviors; (d) innovative studies, including longitudinal and non-self-report methods of assessing dietary behavior; (e) multidisciplinary studies to examine current theory-based models of behavior change; (f) development and evaluation of diet regimens and intervention(s) at either the individual or community level; (g) development and evaluation of social marketing approaches to target nutrition and health messages to lead to behavior changes; and (h) development of innovative cross-training programs in nutrition and the social sciences.

12.2 Nutritional Impact of Functional Foods. (For clarification of this sub-area, please contact the Program Directors, Ram Rao at (202) 401–6010; e-mail: rrao@reeusda.gov or Melvin Mathias at (202) 720–4124; e-mail: mmathias@reeusda.gov.)

Functional foods are fresh or processed foods containing significant levels of biologically active components that might provide health benefits or desirable physiological effects beyond basic nutrition. The national and international market for functional foods is growing rapidly as consumers are increasingly interested in including functional foods in their diets. Considerable scientific information demonstrates that some food components have the potential health benefits. Additional research is necessary to substantiate the claims of health benefits of the food components and functional foods. Advances in food technology through both traditional processing methodologies, and genetic engineering of foods, have provided the consumer with ever increasing food choices that claim to offer increased health benefits due to selection in favor of certain components.

The goal of this program is to foster integrated research, education and outreach activities to design and improve functional foods from agriculturally important materials. Collaborative international activities, which may lead to the discovery, development, and use of new functional foods with clear prospects as U.S. agricultural products will be considered. Activities that fully integrate and encompass the design of commercially feasible functional foods, characterization of bioactive components, measurement of health benefits, and consumer outreach programs will be given priority. Integration should include a holistic approach to developing functional foods, including an analysis of impact on the food system and on health. Applicants are strongly encouraged to seek industry collaboration.

Examples of potential integrated research, extension and education activities include, but are not limited to: (a) Creation of foods that have increased amounts of the beneficial components found in fruits, vegetables, grains and animal products; (b) interactive (synergistic or antagonistic) effects of the bioactive components as consumed

in the food; (c) improved processes to enhance stability and bioavailability of bioactive components; (d) the design of functional foods with acceptable sensory attributes; (e) the development of methods to monitor the effectiveness of functional foods on improving health and preventing diseases; (f) analysis to support the issuance of regulatory guidelines to ensure the safety and efficacy of functional food products; and (g) provide information usable by and readily available to health professionals and consumers.

Proposals dealing with genetically modified foods that do not fit under the definition of functional foods described in this section or which deal with risk management of biotechnology derived foods should be directed to Program Area 11.1 (Effects of Agricultural Biotechnology on Human and Animal Health) or 11.2 (Social and Economic Aspects of Agricultural Biotechnology); proposals dealing with consumer choices of functional foods for health should be directed to Program Area 12.1 (Consumer Food Behavior).

New Uses For Agricultural Products (Program Area 13.0)

(For clarification of this program area, contact the Program Director, Carmela Bailey, at (202) 401–6443; e-mail: cbailey@reeusda.gov.)

The goal of this program area is to provide for research, education and extension activities that enhance the competitive value, find new uses for, or establish entirely new non-food agricultural and forestry products, primarily biomass fuel sources and biobased industrial products that can replace petroleum-based fuels and products. This program area addresses the Biomass Research and Development Act of 2000, which calls for expanded public investment in research and development of economically competitive, environmentally sound bioenergy and biobased products, and to advance their availability and widespread use. Further, these efforts address the issues of resource depletion and environmental degradation, while building new markets for agriculture.

A comprehensive, system-based approach is required to accomplish the goals of this program area, which encompasses: (a) The development of crop varieties or agricultural wastes for biomass fuel uses and for biobased industrial products; (b) processing biomass; (c) product development; (d) test, evaluation and certification for commercial use; (e) demonstration of final product(s); (f) consideration of environmental impacts of material selection in early stages of product development; (g) life cycle cost evaluation of final product(s); and (h) establishing marketing networks. Accordingly, integration of these activities to the maximum extent practicable, are strongly encouraged. A system-based approach is expected to accelerate research and development and to result in measurable outcomes, i.e. increased production and use of biofuels and biobased products. This initiative strongly encourages research, education, and extension activities that explicitly recognize, account for, and enhance the interaction among growers, processors, manufacturers, markets and the community. To increase profitability to the farm and rural business sectors, applicants are encouraged to develop proposals which include post-harvest processing and manufacturing activities that add value at the local level. In considering environmental impacts of material choices, applicants should refer to EPA's Guidance on Environmentally Preferable Purchasing (www.epa.gov/oppt/epp/guidancepage.htm).

In addition, to facilitate technology transfer and marketing of biobased products, the product demonstration phase should be of sufficient size to generate data for a life cycle cost evaluation. The evaluation should clearly articulate the scope or boundary and the product alternative(s) for which the comparison is being made. A full life cycle assessment, though desirable, is beyond the scope of this RFP, both in terms of time and available funds. However, applicants are encouraged to demonstrate how they have integrated a life cycle perspective in their proposed product development.

The education component is expected to be an integral part of the proposal and should include graduate training at either the Master's degree level or the doctoral degree level. The number of research assistants should match the size and scope of the proposal. Graduate training programs that include curriculum development and/or internships at relevant private companies or national laboratories, or other innovative educational models are strongly encouraged.

Proposers are also encouraged to incorporate collaborative international activities which may lead to the discovery of new or alternative uses, or which improve the prospects for those uses through enhanced production or commercialization, thus improving the prospects for U.S. farmers in the global market.

Natural Resource Management (Including Precision Agriculture)

Successful management of natural resources in an agricultural landscape should address environmental integrity, quality of life, and economic viability. The purpose of this program area is to address how best to integrate the needs of production agriculture, the environment, and society, such that an acceptable sustainable system results.

This area will focus on key environmental problems that are best addressed using a holistic systems approach in the below stated program areas. Priority will be given to proposals that explicitly address the interaction among production, the environment, and the well-being of producers and the general public. Preference will also be given to multi-state, multi-institutional, and multi-disciplinary projects. The emerging agricultural and natural resource issues to be addressed include: System-wide management of natural resources, particulary involving small and mid-sized tracts of privately owned land within a defined geographic area (watershed or eco-region); encroachment and subsequent environmental impact of invasive native and non-native species (all taxa); conservation of biodiversity; animal waste management; and development and evaluation of precision technologies for efficient and sustainable production and harvesting of agricultural and natural resources.

14.1 Alternative Natural Resource Management Practices for Private Lands. (For further information concerning this program sub-area, contact the Program Director, Larry Biles, at (202) 401–4926; e-mail: lbiles@reeusda.gov.)

As the world's population increases, the demands for delivery of natural resource goods and services will also increase. In addition, there is an increasing demand for diversity in the commodities being produced and an increased recognition that such production changes must be accomplished without adversely impacting our capacity to ensure the delivery of goods, services, and a healthy environment to future generations.

This program will support integrated projects which address methods to maintain environmental integrity, quality of life, and economic viability. The focus of this program is on alternative natural resource management for private lands with emphasis on the development and understanding of integrated natural resources management systems for forest, range, wildlife and aquatic resources that improve our capacity to support natural resources. Proposals should present a scientific framework that qualitatively and quantitatively links production practices, societal preferences, demographics, and economic needs to the impacts on natural resources. Preference will be given to proposals that demonstrate the active participation of the user community that is expected to benefit. Proposals should include a plan for coordination among scientists, state and federal agencies, commodity organizations, environmental groups, and producers to deal with the integrated ecological, technological, economic, social and environmental issues in a specified geographic region.

This sub-area of the initiative is intended to provide the research, extension and education information needed to support the management needs of the small and mid-sized aquatic, range, wildlife, and forest systems owners and managers. Projects should address management practices and technologies that will increase the opportunities for the small to mid-sized manager to operate profitable enterprises that respond to the demands for: (a) Alternative natural resources production, (b) sustainable forestry certification, (c) agroforestry, (d) invasive species management across multiple ownerships, (e) wildlife control and management, (f) nutrient management, (g) maintaining or enhancing biodiversity and ecosystem integrity, including restoration of species and ecosystems, (h) coping with the demands imposed by environmental and regulatory requirements within the increasingly mixed distribution of urban, rural, and wildlands management systems, and (i) training programs to enhance success and adoption of regionally-appropriate practices.

Proposals submitted to this sub-area will enhance our capacity to integrate regionally appropriate data and information to increase long-term, site-specific, and whole system efficiencies and profitability while both minimizing unintended impacts on natural resources and enhancing environmental integrity. Proposals are encouraged that use a whole systems approach (economic, environmental, social and community development) to evaluate the practices most conducive to sustaining small and mid-sized land management systems in the U.S. Partnerships with existing regional and/or long-term projects (including those associated with public lands) also are strongly encouraged.

Proposals should contain a clear plan for technology transfer and adoption. Proposals should clearly describe the type (size and distribution) of the system being evaluated and should include provisions that demonstrate an interdisciplinary problem-solving approach to maintain natural resources sustainability and profitability.

Proposals focusing on the financial security and quality of life of small to mid-sized family-owned pastures should be submitted to Program Area 15.0 (Farm Efficiency and Profitability).

14.2 Non-native Invasive Species. (For clarification of this program area, contact the Program Director, Tom Bewick, at (202) 401–3356; e-mail: tbewick@reeusda.gov.)

The spread of non-native invasive species is one of the greatest threats to the long-term health of agricultural environments. The invasion of plant, animal and microbial pests is a global issue and it is of critical importance to the nation's land and water resources. United States agriculture is both losing income and incurring expenses to address this issue.

This program will focus on newly emerging non-native invasive species that threaten, or are already impacting agricultural, forest and rangeland resources and their associated waterways. In this program, non-native invasive species are defined as species (animal, plant and microbial) that are not indigenous to a particular ecosystem and that have not become naturalized there. Priority will be given to proposals that: (1) Strongly justify their proposed work in terms of impact on U.S. agriculture, and (2) contain a substantial extension and/or public education component in addition to research.

Proposals will be considered that address five key areas: (1) Prevention of introductions (including pathway analysis), (2) prevention of spread of newly established invasive species (3) early detection of and rapid response to invasion, (4) monitoring of control efforts, and (5) quantification of impact of the invasive species (e.g. economic and/or ecological). The emphasis of this program will be to fund proposals that contain objectives that create a measurable outcome that can be realized within a relatively short period of time. Proposals should clearly indicate the nature of the impact expected to result should the proposal be funded. In addition, proposals should present a rationale for how the results of the work will be integrated into an overall management plan.

14.3 Animal Manure Management. (For clarification of this program area, contact the Program Director, Richard Hegg, at (202) 401–6550; e-mail: rhegg@reeusda.gov.)

There is a great need to prevent the degradation of air, soil, and water resources by food animal production systems and to protect the ecological integrity of forest, rangeland, crop, aquatic, estuarine, and marine systems. Proper management of manure resulting from various production systems is one of the most critical issues facing the food animal industry. Animal feeding operations vary by region, species, size, and management requirements, so that each operation is site-specific and must be managed accordingly. Physical, chemical and/or biological treatment techniques may be used to reduce the pollution potential of animal manure. Regulation of animal feeding operations at the local, state and federal level is undergoing rapid change. An overall goal of this program is to improve American agriculture, environmentally and economically.

Proposals for this section will support integrated research, education and extension on regional or multi-state systems that will ultimately reduce adverse environmental and human health impacts of animal manure. Proposals will be considered that develop and evaluate manure management practices, and treatment systems for the protection of natural resources. Proposals which employ a watershed, landscape-scale approach are encouraged and could include the transport and fate of nutrients and/or pathogens from animal manure through air, water and soil. The incorporation of comprehensive nutrient management planning in educational programs is encouraged, as is the development of partnerships with already established waste management centers.

This sub-program will accept proposals which address the following topical areas: (a) Determination of the effects of animal manure nutrient content and quality, and extension of this knowledge to producers or companies who may in turn modify their feed; (b) resolving community and regulatory concerns about siting, land application, health and economic issues; (c) determination and prediction of odor, gas and particulate matter impacts on the atmosphere and society, and development of management strategies to alleviate such impacts; (d) understanding and predicting source, delivery and fate of pathogens, antibiotics and/or endocrine disruptors (hormones) in the environment and their potential effects of the environment; and (e) development and implementation of alternative waste

treatment technologies and alternative animal production systems.

Proposals should indicate which of the following animal groups will be addressed: swine, dairy, beef, poultry or aquaculture. If appropriate, the proposal should address the economic aspects of the described process, methodology, practice, etc. as it affects agriculture and the environment.

Proposals focusing on producing and marketing value-added products from manure should be submitted to IFAFS Program Area 13.0 New Uses for Agricultural Products. Proposals that are predominantly water quality or food safety should be submitted to The Integrated Research, Education and Extension Grant Program. This program description can be found at www.reeusda.gov/1700/funding/11_99-406.htm.

14.4 Application of Geospatial and Precision Technologies. (For FY 2001, the Application of Geospatial and Precision Technologies will be offered through a separate solicitation for a joint USDA/NASA Application of Geospatial and Precision Technologies Program. See the CSREES website, www.reeusda.gov, under "funding opportunities" for additional information concerning this program.)

Farm Efficiency and Profitability (Program Area 15.0)

(For clarification of this program area, contact the Program Director, Don West, at (202) 720–5633; e-mail: dwest@reeusda.gov; Mark Bailey, at (202) 401–1898; e-mail: mbailey@reeusda.gov; or Denis Ebodaghe, at (202) 401–4385; e-mail: debodaghe@reeusda.gov.)

Dramatic changes in the global agricultural environment and in domestic farm programs have created new challenges for U.S. farmers as they strive to maintain the efficiency and profitability of their operations and the financial viability of their families and communities. This program emphasizes the use of existing data and emerging information to synthesize and deliver knowledge that improves profitability for families operating small and medium-sized farms. Proposals that address the concerns of family-owned farms with limited financial resources will be given priority. Proposals should indicate how target audiences will benefit from the proposed programs/projects. Proposals ideally will address issues using a system-wide approach. For instance, a new crop diversification management scheme should consider potential markets, impact on total farm income and availability of inputs, and risk management tools for the new production plan.

All proposals submitted to this program area will undergo a peer review in which the efficiency and profitability of small and medium-sized farms is the most important criterion. New partnerships and new administrative mechanisms that involve universities, industry, profit/non-profit organizations and/or community colleges are also important criteria. Consideration will be given to system approaches useful in meeting the production, marketing, capital and human resource needs associated with dairy, livestock, crop and other commodity operations. This priority area recognizes linkages with natural resources and environmental issues, and the importance of strengthening the financial viability of farm operations, families, and communities. Such proposals should provide information on the connections between the sustainability of small and medium-sized farms and the viability of their communities.

Projects that utilize a systems approach and are national or regional in scope are encouraged as are those that incorporate research, extension, and educational functions. Proposals that incorporate farmer input in problem identification and have high scientific merit in project design, methodology and analytical procedures will be given priority. Appropriate innovative methodologies are encouraged, including those that make use of electronic technology in delivery of extension and formal education programs. Applicants with a strong track record of working with owners and managers of small and medium-sized farms are encouraged to apply.

Applicants are encouraged to submit research, extension, or education proposals that address one or more of the following areas:

(a) Development of management (e.g., pest, crop, animal, nutrient, economic) systems that improve efficiency and profitability, including the reduction of capital and input costs or the diversification of crop and livestock enterprises;

(b) development of effective marketing programs, including the use of farmers' markets, community-supported agriculture, marketing to restaurants and schools, cooperative approaches to use of inputs and marketing, organic production and marketing, Internet marketing, global markets, and agrotourism;

(c) development of farm-based value-added processing and new high-return production and marketing niches;; and

(d) development of programs/projects that improve access to knowledge and decision-making tools (e.g. production decision tools, formal and informal education in entrepreneurship, business planning and marketing for new or modified enterprises, and farm and family financial planning and management) that allow producers to increase options for farm efficiency and profitability in regional and local economies, including planning and building community support; and (e) development of programs/projects that improve access to and management of financial resources, including physical and production capital, financial services, innovative investment capital strategies, human capital (including availability and effective management of labor), and infrastructure and social capital (community resources and institutions). Projects addressing management of risks faced by farmers and ranchers should be directed to the Risk Management Education Program of CSREES.

Critical or Emerging Issues Grants (Program Area 16.0)

(For clarification of this program area, contact the Program Director, Rodney Foil, at (202) 720–7441; e-mail: rfoil@reeusda.gov.) Proposals submitted to this program area (16.0) may not be submitted to any other program area.

IFAFS is offering the opportunity to consider applications based upon critical issues that transcend the specific elements of the individual IFAFS program areas as well as those issues that are of emerging significance.

A number of critical issue areas do not fit clearly within the specified IFAFS program areas announced in this solicitation. Other urgent or unforeseen agricultural problems and opportunities may present themselves after the IFAFS deadline. To permit these two issues areas to be addressed, CSREES is allowing the submission of Critical or Emerging Issues proposals up to six weeks after the IFAFS deadline date. Proposals should relate generally to an area of interest in the IFAFS program but be a critical need that clearly falls outside the boundaries of the existing program areas or be an emerging issue that has recently arisen.

Proposals designated as Critical or Emerging Issues will be judged by a much higher standard of relevance to critical and/or immediate issues than will those projects that address the elements of the program directly. Critical or Emerging Issues grants should make the case for their merit with strong evidence of the uniqueness or urgency of the issue and of the work proposed, and explain why the proposal could not have fit and been submitted to an existing IFAFS program area at the original deadline. The Critical or Emerging Issues grants will be subject to panel review in the subject area concerned, and in addition will undergo a second evaluation in which meritorious Critical or Emerging Issues proposals from all subject panels are considered. It is unlikely that many of these proposals will be funded, and those who submit under this category bear the burden of proof as to the uniqueness and urgency of the need.

Applicants are cautioned to not use the Critical or Emerging proposal category as a way to circumvent the IFAFS deadline date.

Multidisciplinary Graduate Education Traineeship (MGET) Program for Food and Agricultural Sciences (Program Area 17.0)

(For clarification on this sub-area, please contact the Program Director, Howard Sandberg, at (202) 720–2193, e-mail: hsandberg@reeusda.gov.)

The purpose of the MGET program is to meet the challenges of educating scientists, engineers, and educators with graduate level multidisciplinary backgrounds and the technical, professional, and personal skills needed for the career demands of future agriculture. The program is intended to catalyze a cultural change in graduate education, for students, faculty, and universities, by establishing new, innovative models for graduate education and training in a fertile environment for collaborative research, education, and extension that transcends traditional disciplinary boundaries in agriculture. It is also intended to facilitate greater diversity in student participation and preparation and to contribute to the development of a diverse, globally-aware, agricultural research, education, and extension workforce.

Proposals submitted to the MGET program must be innovative, research-based, graduate education and training activities in priority mission areas of agriculture. At least two academic departments must be represented in each grant application. Submissions from multiple institutions are also encouraged. Proposals must be organized upon a multidisciplinary theme and involve a diverse group of faculty members and other investigators with appropriate expertise in research, education and extension. The multidisciplinary theme provides a framework for integrative, collaborative efforts across departments and institutions. Students should gain various strengths while maintaining competence in a major field by focusing on problem-oriented rather than discipline-oriented education and research. The MGET project should offer experience relevant to both academic and nonacademic careers by linking graduate education and research, through internships and mentoring, with research and extension in industry, national laboratory, or other settings. The globalization of graduate education and career opportunities places importance on an international perspective in graduate education, such as through internships abroad or other experiences appropriate to the agricultural education and research areas. The graduate experience should also equip students to understand and integrate scientific, technical, business, social, and ethical issues to confront the challenging agricultural problems of the future. The coherent multidisciplinary theme may draw upon investigators from two or more academic departments within a single institution or from more than one institution. Because the primary emphasis of the MGET program is on innovative approaches to education and training of graduate students, proposals must make clear what is different from existing programs at the institution. Participation of individuals at the undergraduate, graduate and postdoctoral levels may be included if such participation clearly strengthens the graduate traineeship program. Please bear in mind that all stipend recipients must be citizens or permanent residents of the U.S.

MGET projects are expected to incorporate the following features:

- A comprehensive multidisciplinary theme, appropriate for graduate-level education, to serve as the foundation for traineeship activities;
- Integration of the coherent multidisciplinary theme with innovative graduate education and training mechanisms, curricula, and other educational opportunities that foster strong interactions among participating students and faculty;
- An environment that exposes students to a broad base of state-of-the-art technologies and methodologies in agriculture;
- Provision for developing professional and personal elements such as communication, teamwork, and leadership;
- Integrated instruction in ethics and the responsible development of science policy and the conduct of research, education, and extension;
- Opportunities for career development, such as may be provided by internships in international, industrial, national laboratory, or other settings;
- Fostering of a global perspective for students;
- Formal administrative plan and organizational structure that ensures effective management of the requested resources to achieve the goals of the MGET project;
- Institutional strategy and operational plan for student recruitment, mentoring, and retention efforts aimed at members of groups under-represented in science and engineering (i.e., women, racial and ethnic minorities, and persons with disabilities) to ensure preparation of a diverse science and engineering workforce; and
- Well-defined strategy and methodology for internal, external, and independent assessment of project performance.

The Principal Investigator/Project Director (PI/PD) shall be the director of the MGET project, and is expected to be an essential participant in its education, research, and extension activities. The PI will have overall responsibility for administration of the award, management of the project, and for interactions with CSREES. The PI and the home institution are expected to develop an administrative structure for the MGET project that enables faculty members, students, and others involved to interact effectively in furthering the project's goals.

Part III—Preparation of a Proposal

A. Program Application Materials

Program application materials are available at the CSREES website (www.reeusda.gov/IFAFS). If you do not have access to the CSREES web page or have trouble downloading material, you may contact the Proposal Services Unit, Office of Extramural Programs, USDA/CSREES at (202) 401–5048. When calling the Proposal Services Unit, please indicate that you are requesting forms for IFAFS. These materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail) and phone number to psb@reeusda.gov. State that you want a copy of the Program Description and application materials (orange book) for the Fiscal Year 2001 Initiative on Future Agriculture and Food Systems (IFAFS).

B. Content of Proposals and Letter of Intent

1. Letter of Intent

Applicants are strongly encouraged to submit a Letter of Intent before submitting a full proposal. Indicate the

IFAFS program area to which you plan to apply. In addition, this letter should contain these three parts: (1) a descriptive title of the proposed project; (2) names and roles of principle investigator(s)/project director(s) and other key personnel along with their institutions; and (3) a brief statement of approaches and objectives (500 words or less). This information will be used by CSREES staff in planning the review process. Because Letters of Intent will not be distributed for peer review, there will be no feedback from CSREES staff regarding the content of these letters. See Deadline Dates section of this RFP for specific mailing instructions. Failing to submit a Letter of Intent will not preclude applicants from submitting full proposals, however a Letter of Intent is nonetheless encouraged.

2. Project Proposals

a. General. The proposal should follow these guidelines, enabling reviewers to more easily evaluate the merits of each proposal in a systematic, consistent fashion:

(1) The proposal should be prepared on only one side of the page using standard size (8½" x 11") white paper, one inch margins, typed or word processed using no type smaller than 12 point font, and single or double spaced. Use an easily readable font face (e.g., Geneva, Helvetica, Times Roman).

(2) Each page of the proposal, including the Project Summary, budget pages, required forms, and any appendices, should be numbered sequentially.

(3) The proposal should be stapled in the upper left-hand corner. Do not bind. An original and 14 copies (15 total) must be submitted in one package, along with 10 copies of the "Project Summary" as a separate attachment.

(4) If applicable, proposals should include original illustrations (photographs, color prints, etc.) in all copies of the proposal to prevent loss of meaning through poor quality reproduction.

Small or *mid-sized institutions:* An academic institution is eligible as small- or mid-sized if the institution is under 15,000 in total enrollment (including part-time students) and is not listed in Appendix A(Most Successful Universities and Colleges for Receiving Federal and/or National Research Initiative Funds).

b. Cover Page.

Each copy of each grant proposal must contain an "Application for Funding", Form CSREES–661. One copy of the application, preferably the original, must contain the pen-and-ink signature(s) of the proposing principal investigator(s)/project director(s)(PI/PD) and the authorized organizational representative who possesses the necessary authority to commit the organization's time and other relevant resources to the project. Any proposed PI/PD or co-PI/PD whose signature does not appear on Form CSREES–661 will not be listed on any resulting grant award. Complete both signature blocks located at the bottom of the "Application for Funding" form.

Form CSREES–661 serves as a source document for the CSREES grant database; it is therefore important that it be completed accurately. The following items are highlighted as having a high potential for errors or misinterpretations:

(1) Title of Project (Block 6). The title of the project must be brief (80-character maximum), yet represent the major thrust of the effort being proposed. Project titles are read by a variety of nonscientific people; therefore, highly technical words or phraseology should be avoided where possible. In addition, introductory phrases such as "investigation of," "research on," "education for," or "outreach that" should not be used.

(2) Program to Which You Are Applying (Block 7). "IFAFS".

(3) Program Area and Number (Block 8). The name of the program component, e.g. Plant Genome, 10.1 or Behavior of Food Choice, 12.1. should be inserted in this block.

(4) Type of Award Request (Block 13). Check the block for "new", "resubmission" or "renewal."

(5) Principal Investigator(s)/Project Director(s) (PI/PD) (Block 15). The designation of excessive numbers of co-PI/PDs creates problems during final review and award processing. Listing multiple co-PI/PDs, beyond those required for genuine collaboration, is therefore discouraged. Note that providing a Social Security Number is voluntary, but is an integral part of the CSREES information system and will assist in the processing of the proposal.

(6) Type of Performing Organization (Block 18). A check should be placed in the box beside the type of organization which actually will carry out the effort. For example, if the proposal is being submitted by an 1862 Land-Grant institution but the work will be performed in a department, laboratory, or other organizational unit of an agricultural experiment station, box "03" should be checked. If portions of the effort are to be performed in several departments, check the box that applies to the individual listed as PI/PD #1 in Block 15.a.

(7) Other Possible Sponsors (Block 22). List the names or acronyms of all other public or private sponsors including other agencies within USDA and other programs funded by CSREES to whom your application has been or might be sent. In the event you decide to send your application to another organization or agency at a later date, you must inform the identified CSREES Program Director as soon as practicable. Submitting your proposal to other potential sponsors will not prejudice its review by CSREES; however, duplicate support for the same project will not be provided. Complete the "Application for Funding," Form CSREES–661, in its entirety.

(8) One copy of the "Application for Funding" form must contain the signatures (in ink) of the PI/PDs and authorized organizational representative for the applicant organization.

c. Table of Contents. For consistency and ease in locating information, each proposal must contain a detailed Table of Contents just after the cover page. The Table of Contents should contain page numbers for each component of the proposal. Page numbers should begin with the first page of the Project Description.

d. Project Summary. The proposal must contain a Project Summary of 250 words or less on a separate page which should be placed immediately after the Table of Contents and should not be numbered. The names and institutions of all PI/PDs and co-PI/PDs should be listed on this form, in addition to the title of the project. The summary should be a self-contained, specific description of the activity to be undertaken and should focus on: overall project goal(s) and supporting objectives; plans to accomplish the project goal(s); and relevance of the project to IFAFS goals and to U.S. agriculture. The importance of a concise, informative Project Summary cannot be overemphasized. If the lead institution is eligible as a small and mid-size institution (Project Grant or Bridge Grant) as defined in Part I., Section C.(23), of this document include a separate sentence on the Project Summary page indicating that the institution is "eligible for small-and mid-sized and Bridge Grant consideration." For special provisions for MGET proposals, see Part III.,B.4.a.

e. Response to Previous Review. This requirement only applies to Resubmitted Proposals as described under Part I.F.3, Types of Proposals. Resubmitted proposals are proposals that had previously been submitted to IFAFS but not funded. For these proposals, the principle investigator(s)/project director(s) must respond to the previous panel summary on no more than one page, titled Response to Previous Review, which is to be placed directly after the Project Summary. If desired, additional comments and responses to the previous panel summary may be included in the text of the Project Description, subject to the page limitation.

f. Project Description. The written text may not exceed 20 single-or double spaced pages of written text including figures and tables, but excluding citations.

Each proposal's Project Description should contain the following:

(1) Introduction—A clear statement of the long-term goal(s) and supporting objectives of the proposed activities should be included. Summarize the body of knowledge or other past activities which substantiates the need for the proposed project. Describe ongoing or recently completed significant activities related to the proposed project including the work of key project personnel. Preliminary data/information pertinent to the proposed project should be included;

(2) Relevance and significance—The objectives' specific relationship to the goals of the IFAFS and to the particular program area should be stated. Include a description of the significance of the activity and its value in improving agriculture through research, education and extension. Clearly describe the potential impact of the project. (For Critical or Emerging Issues proposals, see Part III.,B.3.)

(3) Approach—The activities proposed or problems being addressed must be clearly stated and the approaches being applied clearly described. The following should be included: (a) A description of the activities proposed; (b) methods to be used in carrying out the project, including the feasibility of the methods; (c) expected outcomes; (d) means by which results will be analyzed, assessed, or interpreted; and (e) how results or products will be used.

(4) Time Table—Provide an expected time line for completing the project in the requested duration.

(5) Collaborative Arrangements—Identify collaborations and provide a full explanation of the nature of the collaborations.

(6) Management Plan—It is expected that larger more complex projects (usually greater than $1 million) will require more extensive and complicated coordination and collaboration than is typically proposed for more focused projects. Therefore, explain how the project will be managed to ensure efficient administration of the grant and how activities will be integrated most effectively. Place this description after the Project Description.

(7) Evaluation and Monitoring of Project—Provide a plan for assessing and evaluating the accomplishments of the stated proposal objectives during the project and describe ways to determine the effectiveness of the end results during and upon termination of the project. In addition to the evaluation and monitoring of accomplishments associated with the project, evaluation and monitoring of the administration of the project must also be included if the project is complex and requires administrative oversight and extensive management. This description should include how funds and resources will be allocated so that collaborative participation of all parties throughout the duration of the project is ensured. (For special provisions regarding MGET proposals, see Part III., B.4.6.)

g. References in Project Description. All references cited should be complete, including titles and all co-authors, and should conform to an accepted journal format.

h. Appendices to Project Description. Appendices to the Project Description are allowed if they are directly germane to the proposed project and are limited to a total of two of the following: reprints (papers that have been published in peer reviewed journals) and preprints (manuscripts in press for a peer reviewed journal; these must be accompanied by a letter of acceptance from the publishing journal).

i. Key Personnel. All senior personnel who are expected to be involved in the effort should be clearly identified. For each person the following should be included:

(1) The roles and responsibilities of each PI/PD should be described;

(2) An estimate of time commitment for each PI/PD; and

(3) Vitae of each PI/PD, senior associate and other professional personnel. This section should include vitae of all key persons who are expected to work on the project, whether or not CSREES funds are sought for their support. The vitae should be limited to two (2) pages in length, excluding publication lists. A chronological list of all publications in refereed journals during the past four (4) years, including those in press, must be provided for each project member for which a curriculum vitae is provided. Also list those non-refereed technical publications which have relevance to the proposed project. All authors should be listed in the same order as they appear on each paper cited, along with the title and complete reference as these usually appear in journals.

j. Conflict-of-Interest List. A Conflict-of-Interest List must be provided for all individuals involved in the project (identified as key personnel). Each list should be on a separate page and include alphabetically the full names of the individuals in the following categories: (a) All collaborators on projects within the past four years, including current and planned collaborations; (b) all co-authors on publications within the past four years, including pending publications and submissions; (c) all persons in your field with whom you have had a consulting or financial arrangement within the past four years who stand to gain by seeing the project funded; and (d) all thesis or postdoctoral advisees/advisors within the past four years (some may wish to call these life-time conflicts). This form is necessary to assist program staff in excluding from proposal review those individuals who have conflicts-of-interest with the personnel in the grant proposal. The Program Director, under the specific area or sub-area, must be informed of any additional conflicts-of-interest that arise after the proposal is submitted.

k. Collaborative and/or Subcontractual Arrangements. If it will be necessary to enter into formal consulting or collaborative arrangements with others, such arrangements should be fully explained and justified. If the need for consultant services is anticipated, the proposal budget narrative should provide a justification for the use of such services, a statement of work to be performed, a resume or curriculum vitae for each consultant, and rate of pay for each consultant. For purposes of proposal development, informal day-to-day contacts between key project personnel and outside experts are not considered to be collaborative arrangements and thus do not need to be detailed.

All anticipated subcontractual arrangements also should be explained and justified in this section. A proposed statement of work and a budget for each arrangement involving the transfer of substantive programmatic work or the providing of financial assistance to a third party must be provided. Agreements between departments or other units of your own institution and minor arrangements with entities outside of your institution (e.g., requests for outside laboratory analyses) are excluded from this requirement.

If you expect to enter into subcontractual arrangements, please note that the provisions contained in 7 CFR Part 3019, USDA Uniform Administrative Requirements for Grant and Other Agreements with Institutions

of Higher Education, Hospitals, and Other Non-Profit Organizations, and the general provisions contained in 7 CFR 3015.205, USDA Uniform Federal Assistance Regulations, flow down to subrecipients. In addition, required clauses from Sections 40–48 ("Procurement Standards") and Appendix A ("Contract Provisions") of 7 CFR 3019 should be included in final contractual documents, and it is necessary for the subawardee to make a certification relating to debarment/suspension.

l. Budget. (1) Budget Form—Prepare the budget, Form CSREES–55, in accordance with instructions provided. Budgets of up to $5 million may be requested. Budgets should be commensurate with activities proposed. A budget form is required for each year of requested support. In addition, a cumulative budget is required detailing the requested total support for the overall project period. The budget form may be reproduced as needed by applicants. Funds may be requested under any of the categories listed on the form, provided that the item or service for which support is requested is allowable under the authorizing legislation, the applicable Federal cost principles, and these program guidelines, and can be justified as necessary for the successful conduct of the proposed project. Applicants must also include a Budget Narrative to justify their budgets (see paragraph (2) below.) For special provisions for MGET proposals, see Part III.B.4.c.

The following guidelines should be used in developing your proposal budget(s):

(A) Salaries and Wages. Salaries and wages are allowable charges and may be requested for personnel who will be working on the project in proportion to the time such personnel will devote to the project. If salary funds are requested, the number of Senior and Other Personnel and the number of CSREES-Funded Work Months must be shown in the spaces provided. Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for time in addition to a regular full-time salary covering the same general period of employment. Salary funds requested must be consistent with the normal policies of the institution.

(B) Fringe Benefits. Funds may be requested for fringe benefit costs if the usual accounting practices of your organization provide that organizational contributions to employee benefits (social security, retirement, etc.) be treated as direct costs. Fringe benefit costs may be included only for those personnel whose salaries are charged as a direct cost to the project.

(C) Nonexpendable Equipment. Nonexpendable equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 (or lower, depending on institutional policy) or more per unit. As such, items of necessary instrumentation or other nonexpendable equipment should be listed individually by description and estimated cost in the Budget Narrative. This applies to revised budgets as well, as the equipment item(s) and amount(s) may change.

(D) Materials and Supplies. The types of expendable materials and supplies which are required to carry out the project should be indicated in general terms with estimated costs in the Budget Narrative.

(E) Travel. The type and extent of travel and its relationship to project objectives should be described briefly and justified. If foreign travel is proposed, the country to be visited, the specific purpose of the travel, a brief itinerary, inclusive dates of travel, and estimated cost must be provided for each trip. Airfare allowances normally will not exceed round-trip jet economy air accommodations. U.S. flag carriers must be used when available. See 7 CFR Part 3015.205(b)(4) for further guidance.

(F) Publication Costs/Page Charges. Include anticipated costs associated with publications in a journal (preparing and publishing results including page charges, necessary illustrations, and the cost of a reasonable number of coverless reprints) and audio-visual materials that will be produced. Photocopying and printing brochure, etc., should be shown in Section I., "All Other Direct Costs" of Form CSREES–55.

(G) Computer (ADPE) Costs. Reimbursement for the costs of using specialized facilities (such as a university-or department-controlled computer mainframe or data processing center) may be requested if such services are required for completion of the work.

(H) All Other Direct Costs. Anticipated direct project charges not included in other budget categories must be itemized with estimated costs and justified in the Budget Narrative. This also applies to revised budgets, as the item(s) and dollar amount(s) may change. Examples may include space rental at remote locations, subcontractual costs, and charges for consulting services, telephone, facsimile, shipping costs, and fees necessary for laboratory analyses. You are encouraged to consult the "Instructions for Completing Form CSREES–55, Budget," of the Application Kit for detailed guidance relating to this budget category. Form AD–1048 must be completed by each subcontractor or consultant and retained by the grantee.

(I) Indirect Costs—Section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310) limits indirect costs for this program to 19 percent of total Federal funds provided under each award. Therefore, the recovery of indirect costs under this program may not exceed the lesser of the institution's official negotiated indirect cost rate or the equivalent of 19 percent of total Federal funds awarded. If no rate has been negotiated, a reasonable dollar amount (equivalent to less than 19 percent of total Federal funds requested) in lieu of indirect costs may be requested, subject to approval by USDA.

m. Budget Narrative. All budget categories, with the exception of Indirect Costs for which support is requested, must be individually listed (with costs) and justified on a separate sheet of paper and placed immediately behind the Budget Form. Explanations of matching funds or lack thereof on commodity-specific projects also are to be included in this section.

n. Matching Funds. If an applicant concludes that matching funds are not required as specified in Part I. E, a justification should be included in the Budget Narrative. CSREES will consider this justification when ascertaining final matching requirements. CSREES retains the right to make final determinations regarding matching requirements.

For those grants requiring matching funds as specified in Part I. E., proposals should include written verification of commitments of matching support (including both cash and in-kind contributions) from third parties. Written verification means:

(1) For any third party cash contributions, a separate pledge agreement for each donation, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (a) the name, address, and telephone number of the donor; (b) the name of the applicant organization; (c) the title of the project for which the donation is made; (d) the dollar amount of the cash donation; and (e) a statement that the donor will pay the cash contribution during the grant period; and

(2) For any third party in-kind contributions, a separate pledge agreement for each contribution, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (a) the name, address, and telephone number of the donor; (b) the name of the applicant organization; (c) the title of the project for which the donation is made; (d) a good faith estimate of the current fair market value of the third party in-kind contribution; and (e) a statement that the donor will make the contribution during the grant period.

The sources and amount of all matching support from outside the applicant institution should be summarized on a separate page and placed in the proposal immediately following the Budget Narrative. All pledge agreements must be placed in the proposal immediately following the summary of matching support.

The value of applicant contributions to the project shall be established in accordance with applicable cost principles. Applicants should refer to OMB Circulars A–21, Cost Principles for Educational Institutions, A–87, Cost Principles for State, Local, and Tribal Governments, A–122, Cost Principles for Non-Profit Organizations, and for-profit organizations, the cost principles in the Federal Acquisition Regulation at 48 CFR 31.2 (see 7 CFR 3015.194).

o. Current and Pending Support. All proposals must contain Form CSREES–663 listing other current public or private support (including in-house support) to which key personnel identified in the proposal have committed portions of their time, whether or not salary support for person(s) involved is included in the budget. Analogous information must be provided for any pending proposals that are being considered by, or that will be submitted in the near future to, other possible sponsors, including other USDA Programs or agencies. Concurrent submission of identical or similar proposals to the possible sponsors will not prejudice proposal review or evaluation by the CSREES for this purpose. However, a proposal that duplicates or overlaps substantially with a proposal already reviewed and funded (or to be funded) by another organization or agency will not be funded under this program. Note that the project being proposed should be included in the pending section of the form.

p. Assurance Statement(s), (Form CSREES–662). A number of situations encountered in the conduct of projects require special assurances, supporting documentation, etc., before funding can be approved for the project. In addition to any other situation that may exist with regard to a particular project, it is expected that some applications submitted in response to these guidelines will involve the following:

(1). Recombinant DNA or RNA Research.

As stated in 7 CFR 3015.205 (b)(3), all key personnel identified in the proposal and all endorsing officials of the proposing organization are required to comply with the guidelines established by the National Institutes of Health entitled, "Guidelines for Research Involving Recombinant DNA Molecules," as revised. If your project proposes to use recombinant DNA or RNA techniques, you must so indicate by checking the 'yes' box in Block 19 of Form CSREES–661 (the Cover Page) and by completing Section A of Form CSREES–662. For applicable proposals recommended for funding, Institutional Biosafety Committee approval is required before CSREES funds will be released.

(2). Animal Care. Responsibility for the humane care and treatment of live vertebrate animals used in any grant project supported with funds provided by CSREES rests with the performing organization. Where a project involves the use of living vertebrate animals for experimental purposes, all key project personnel identified in a proposal and all endorsing officials of the proposing organization are required to comply with the applicable provisions of the Animal Welfare Act of 1966, as amended (7 U.S.C. 2131 *et seq.*) and the regulations promulgated thereunder by the Secretary in 9 CFR Parts 1, 2, 3, and 4 pertaining to the care, handling, and treatment of these animals. If your project will involve these animals, you should check 'yes' on block 20 of CSREES–661 and complete Section B of Form CSREES–662. In the event a project involving the use of live vertebrate animals results in a grant award, funds will be released only after the Institutional Animal Care and Use Committee has approved the project.

(3) Protection of Human Subjects—Responsibility for safeguarding the rights and welfare of human subjects used in any grant project supported with funds provided by CSREES rests with the performing organization. Guidance on this issue is contained in the National Research Act, Pub. L No. 93–348, as amended, and implementing regulations promulgated by the Department under 7 CFR Part 1c. If you propose to use human subjects for experimental purposes in your project, you should check the 'yes' box in Block 21 of Form CSREES–661 and complete Section C of Form CSREES–662. In the event a project involving human subjects results in a grant award, funds will be released only after the appropriate Institutional Review Board has approved the project.

q. Certifications. Note that by signing Form CSREES–661 the applicant is providing certifications required by 7 CFR Part 3017, as amended, regarding Debarment and Suspension and Drug Free Workplace, and 7 CFR Part 3018, regarding Lobbying. The certification forms are included in the application package for informational purposes only. These forms should not be submitted with the proposal since by signing form CSREES–661 your organization is providing the required certifications. If the project will involve a subcontractor or consultant, the subcontractor/consultant should submit a form AD–1048 to the grantee organization for retention in their records. This form should not be submitted to USDA.

r. Compliance with the National Environmental Policy Act (NEPA) Form CSREES–1234. As outlined in 7 CFR Part 3407 (the Cooperative State Research, Education, and Extension Service regulations implementing NEPA), the environmental data for any proposed project is to be provided to CSREES so that CSREES may determine whether any further action is needed. In some cases, however, the preparation of environmental data may not be required. Certain categories of actions are excluded from the requirements of NEPA.

In order for CSREES to determine whether any further action is needed with respect to NEPA, pertinent information regarding the possible environmental impacts of a particular project is necessary; therefore, Form CSREES–1234, "NEPA Exclusions Form," must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion and the reasons therefore. If it is the applicant's opinion that the proposed project falls within the categorical exclusions, the specific exclusion must be identified. Form CSREES–1234 and supporting documentation should be included as the last page of this proposal.

Even though a project may fall within the categorical exclusions, CSREES may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for an activity, if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present which may

cause such activity to have a significant environmental effect.

3. Critical or Emerging Issues Proposals

Proposals submitted to the Critical or Emerging Issues Program Area 16.0 should contain all of the components listed above for a Project grant application. In addition the "Relevance and Significance" section of the proposal should include a statement explaining, with strong evidence, the uniqueness or urgency of the issue and of the work proposed, and an explanation why the proposal could not have fit and been submitted to an existing IFAFS program area at the original deadline.

4. MGET Proposals

Proposals submitted to the MGET Program Area 17.0 should contain all of the components listed above for a Project Grant application with the following exceptions:

a. Project Summary—On the Project Summary Page provide a brief description of the traineeship program, including the multidisciplinary education features, objectives, and related theme.

b. Project Description—The project description section should contain the following items:

(1) List of Participants—Include departmental and institutional affiliation of all faculty members and senior level personnel expected to mentor students or otherwise play an important role in the project;

(2) Vision, Goals, and Thematic Basis—Discuss the vision, goals, and anticipated impact of the proposed MGET project. Describe the thematic basis and unifying aspects of the multidisciplinary research, education, and extension activities to be offered. Discuss what is currently missing from graduate education and training or what could be done more effectively, and how the proposed project will address these issues. How will this project meet national needs for placement of the graduates in the workforce? Benefits to be realized from opportunities for cross-disciplinary cooperation in education, research, and extension should be emphasized. What is new and innovative?

(3) Education and Training—Describe the multidisciplinary education and training activities central to the proposed MGET project. Novel aspects should be emphasized to help reviewers judge potential impacts of proposed activities. Indicate how the proposed educational, research, and extension experiences will be integrated into an effective graduate traineeship program. Needs for interdisciplinary courses must be justified. If planned student training includes international, industrial or other internships, potential mentors should be identified. Describe provisions for developing professional and personal elements such as communication, teamwork, leadership, international perspective, and instruction in ethics, policy, and responsible conduct of science, education and extension. Elaborate on the role of diversity, and on the expected time for completing the degree. The role of undergraduate, graduate, and postdoctoral components, when proposed, must be described with sufficient detail to clarify the benefit to the graduate traineeship program and to justify support.

(4) Major Research Efforts—Describe the major research efforts that are intended to serve as the foundation of the MGET project. At most, five (5) research areas may be described. This restriction is to limit the size of the proposal, not the number of participating faculty members or the scope of the project. In describing research areas, emphasize the cutting-edge aspects as well as how the research areas integrate to form the coherent thematic basis for the multidisciplinary project. Each research area must specify faculty members and principal participants and be written in sufficient detail to enable assessment of scientific merit and impact. Be clear about what is different from existing programs. Needs for special materials, shared instruments, or travel must be justified in the context of the research areas for which they are required.

(5) Recruitment and Retention—Describe plans for recruitment, mentoring, and retention of trainees, including provisions for members of groups under-represented in the food and agricultural sciences. Identify the graduate program(s) in which the MGET graduate students may enroll.

(6) Organization and Management—Describe plans and procedures for organization and management of the proposed activity. The plan should be specific and clear, and include a formal mechanism that assures fair and effective allocation of group resources. Procedures for selecting students and others who will receive stipends or share in group funds must be described, as should methods for allocating use of shared equipment to be acquired with MGET funds. Relationships to other faculty and equipment at the institution, and elsewhere if relevant, should be described as should the relationship to existing grants that provide funds for related training and educational activities.

(7) Performance Assessment—Describe a performance plan and methodology that relates the goals of the project to indicators and specific measurements for assessing progress toward goal achievement. This should involve evaluators external to the project, who can render an objective evaluation and whose expertise spans the education, research, and extension objectives of the project.

(8) Recruitment and Retention History—Explain your capacity to host an MGET site, and past performance and ability to attract well-qualified students, including those from under-represented groups. Provide the following information regarding recruitment and retention of students in the participating departments/programs: (a) Total applicants, (b) total applicants accepted, (c) total applicants enrolled, (d) total students currently enrolled in the program indicating part-time and full-time status, (e) total number of masters and doctorates awarded, (f) average time to degree, (g) other relevant measures of student success. Provide separate data for women, under-represented minorities, and persons with disabilities for each of the above categories. A tabular format should be used with separate tables for each participating department/program.

(9) Recent Training Experience—Provide information about any recent experience with other traineeship programs, including a discussion of outcomes. If the MGET program builds on a recent traineeship experience, discuss what would be the new value-added aspects of the project.

(10) Collaborators—To identify potential conflicts of interest in the review process, provide a consolidated alphabetical list of current and past collaborators during the last four (4) years, and their current institutional affiliation, for all personnel in List of Participants. This list must also include former graduate students and postdoctoral fellows who have been associated with the faculty participants over the last four years.

(11) Existing Facilities and Equipment—Include a brief description of available facilities, including major instruments required. If requested equipment or materials duplicate existing items, explain the need for the additional equipment.

c. Budget—Provide a budget for each year of support requested, not to exceed $500,000 each year for up to four years, exclusive of first-year equipment funds discussed below. The major portion of awarded funds must be used for graduate student stipends, training and educational activities, and for related expenditures, such as student travel, publication costs, and recruitment. Travel funds should be budgeted in each year for the PI/PD and for an additional person to attend annual meetings in Washington, D.C. No funds for faculty research or extension or faculty salaries may be requested, with the exception that up to one month per year of salary support for the PI/PD for management purposes may be requested. Support for short-term visitors and funding of a limited amount of administrative support may be requested. The contribution to the graduate stipend is up to $18,000 per year per student, accompanied with a cost-of-education allowance of up to $10,500 per year per student (tuition and normal fees). List funds requested for graduate students' stipends in A.2.c, cost-of-education allowances in I, and travel in F of the budget form. Undergraduate stipends and postdoctoral stipends may be determined by the institution. If applicable, they should be listed separately on lines A.2.d and A.2.e of the budget form, respectively. All stipend recipients must be citizens or permanent residents of the U.S. Funds for the purchase of shared, special-purpose equipment may be requested. Personnel and shop costs may be requested for developing and constructing special instruments, and for purchasing computer software or other special purpose materials. The total funds requested for equipment, software, and special purpose materials may not exceed $200,000; if awarded, these funds will be provided in the first year of the grant. Limited funds intended to partially defray the costs of research and extension by students may also be requested. Funds for facility renovation or for equipment installation or maintenance are not allowed. For multi-institution projects, the lead institution shall submit the proposal, with other participating institutions included under subcontracts.

C. Submission of Proposals

1. When To submit (Deadline Date)

"Letters of Intent" must be received by March 23, 2001. Proposals must be received by COB (5:00 p.m. EST) on April 23, 2001. Proposals received after this date will not be considered for funding.

2. What To Submit

For full proposals, an original and 14 copies must be submitted. In addition submit 10 copies of the proposal's Project Summary. All copies of the proposals and the Project Summaries must be submitted in one package.

3. Where To Submit

Applicants should e-mail the "Letter of Intent" to Dr. Rodney Foil at rfoil@reeusda.gov or send the letter by mail to IFAFS; Mail Stop 2213; Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture; 1400 Independence Avenue, SW.; Washington, D.C. 20250–2213; or fax the letter to IFAFS at (202) 690–3858.

Applicants are strongly encouraged to submit completed proposals via overnight mail or delivery service to ensure timely receipt by the USDA. The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Initiative for Future Agriculture and Food Systems, c/o Proposal Services Unit, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture; Room 1307, Waterfront Centre, 800 9th Street, SW., Washington, D.C. 20024, (202) 401–5048.

Proposals sent via the U.S. Postal Service must be sent to the following address: Initiative for Future Agriculture and Food Systems, c/o Proposal Services Unit, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2245, 1400 Independence Avenue, S.W., Washington, D.C. 20250–2245.

D. Acknowledgment of Proposals

The receipt of proposals will be acknowledged by e-mail. Therefore, applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES–661. If the applicant's e-mail address is not indicated, CSREES will acknowledge receipt of the proposal by letter.

Once the proposal has been assigned an identification number, please cite that number on all future correspondence. If the applicant does not receive an acknowledgment within 60 days of the submission deadline, please contact the Program Director.

Part IV—Review Process

A. General

All proposals will be reviewed together by a panel in the pertinent program area. Prior to technical examination, a preliminary review will be made for responsiveness to the program area. Proposals that do not fall within the guidelines as stated in the Program Area Description will be eliminated from program competition and will be returned to the applicant.

Individual written comments and in-depth discussions will be provided by a peer review panel prior to recommending applications for funding. Peer review panel members will be selected based upon their training and experience in relevant scientific, extension, or education fields taking into account the following factors: (a) The level of formal scientific, technical education, and extension experience of the individual, as well as the extent to which an individual is engaged in relevant research, education or extension activities; (b) the need to include as peer reviewers experts from various areas of specialization within relevant scientific, education, and extension fields; (c) the need to include as reviewers other experts (producers, range or forest managers/operators, consumers, etc.) who can assess relevance of the proposals to targeted audiences and to program needs; (d) the need to include as peer reviewers experts from a variety of organizational types (e.g., colleges, universities, industry, state and Federal agencies, private profit and non-profit organizations), and geographic locations; (e) the need to maintain a balanced composition of peer review groups with regard to minority and female representation and an equitable age distribution; and (f) the need to include members that can judge the effective usefulness to producers and the general public of each proposal.

B. Evaluation Factors

1. Project Grants

Priority will be given to projects that integrate agricultural research, education and extension and projects that have included the appropriate team to achieve the goals of the project, notably teams that are multistate, multi institutional or multidisciplinary.

The following evaluation factors apply to all proposals.

a. Relevance. All proposals will be judged as to their relevance to critical emerging agricultural issues related to future food production; environmental quality, and natural resource management; or farm income. Further factors include:

(1) Documentation that the research, extension and education activities are directed towards current or likely future problems or problems identified in this document;

(2) Evident linkage of research, extension and education functions.

(3) Evidence of involvement of stakeholders and/or communities of interest.

b. Merit. All proposals will be judged on their scientific, extension, or education merit including:

(1) Novelty, innovation, uniqueness, and originality;

(2) Conceptual adequacy of the research, extension and education components;

(3) Clarity and delineation of objectives;

(4) Adequacy of the description of the undertaking and suitability and feasibility of methodology;

(5) Demonstration of feasibility;

(6) Probability of success of the project;

c. Quality. All proposals will be judged on their quality including:

(1) Selection of most appropriate and qualified individuals to address the problem;

(2) Training and demonstrated awareness of previous and alternative approaches to the problem identified in the proposal, and performance record or potential for future accomplishments;

(3) Time allocated for systematic attainment of objectives;

(4) Institutional experience and competence in subject area;

(5) Adequacy of available or obtainable support personnel, facilities, and instrumentation;

(6) Adequacy of plans for reporting, assessing and monitoring of results of the project over its duration.

(7) The planned administration of the project and its maintenance, partnerships, collaborative efforts, evaluation and monitoring efforts, and the planned dissemination of information over the duration of the project.

2. Bridge Grants

Bridge grants will be judged using the same evaluation factors as Project Grants. In addition the following factor will be applied once a project has been identified for BRIDGE grant consideration:

All proposals under consideration for Bridge grant support will be judged as to the potential that further funding will sustain and enhance important collaborations and activities that might lead to future program success or success in obtaining IFAFS and/or other grants.

3. Critical or Emerging Issues Grants

Critical or Emerging Issues grants will be judged using the same evaluation factors as Project Grants. In addition the following factor will be applied:

All proposals will be evaluated as to the uniqueness or urgency of the issue and of the work proposed and whether support of the project will likely provide results that are applied to an issue that otherwise would not have been funded through typical IFAFS support.

4. Multidisciplinary Graduate Education Traineeship (MGET) Grants

MGET proposals will be judged using the following criteria:

a. How well the proposal addressed recognized needs for highly trained personnel in the research, education and extension programs supporting the food and agricultural system of the U.S.;

b. Whether attention has been given to opportunities for removal of cultural and technical barriers preventing appropriate growth and development of new disciplines with emerging technologies;

c. How well the proposal integrates disciplines across physical, biological and social sciences to meet integrated agricultural and food science needs as well as meeting needs for supplying future extension personnel and practitioners;

d. The intellectual merit, qualifications of the proposed leadership team and the sufficiency of the proposed resources;

e. How well the proposing institution(s) provide abundant opportunities for individuals to concurrently assume responsibilities as researchers, educators, extensionists, and students where all can engage in joint efforts that infuse education with the excitement of discovery and enrich research and extension through the diversity of learning perspectives;

f. How well the proposal integrates diversity into programs, projects, and activities by broadening opportunities and enabling the participation of all citizens—women and men, under-represented minorities, and persons with disabilities—which is essential to the health and vitality of the food and agricultural sciences. CSREES is committed to this principle of diversity and deems it central to the programs, projects, and activities it considers and supports;

g. Successful proposals should include provisions for developing personal and professional competencies in communications, teamwork, leadership, and ethics with opportunities for internships and other career development opportunities should be provided for as appropriate, and an emphasis on the global dimensions of the subject area as an integral part of the program.

C. Conflicts-of-Interest and Confidentiality

During the peer evaluation process, extreme care will be taken to prevent any actual or perceived conflicts-of-interest that may impact review or evaluation. For the purpose of determining conflicts-of-interest, the academic and administrative autonomy of an institution shall be determined by reference to the January 1998 issue of the Codebook for Compatible Statistical Reporting of Federal Support to Universities, Colleges, and Nonprofit Institutions, prepared by Quantum Research Corporation for the National Science Foundation.

Names of submitting institutions and individuals, as well as proposal content and peer evaluations, will be kept confidential, except to those involved in the review process, to the extent permitted by law. In addition, the identities of peer reviewers will remain confidential throughout the entire review process. Therefore, the names of reviewers will not be released to applicants. At the end of the fiscal year, names of panelists will be made available in such a way that the panelists cannot be identified with the review of any particular proposal.

Part V—Additional Information

A. Access To Review Information

Copies of summary reviews, not including the identity of reviewers, will be sent to the applicant PI/PD after the review process has been completed.

B. Grant Awards

1. General

Within the limit of funds available for such purpose, the awarding official of CSREES shall make grants to those responsible, eligible applicants whose proposals are judged most meritorious under the procedures set forth in this RFP. The date specified by the Administrator as the effective date of the grant shall be no later than September 30. It should be noted that the project need not be initiated on the grant effective date, but as soon thereafter as practical so that project goals may be attained within the funded project period. All funds granted by CSREES under this RFP shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations (parts 3015, 3016, and 3019 of 7 CFR).

2. Organizational Management Information

Specific management information relating to an applicant shall be submitted on a one-time basis as part of the responsibility determination prior to the award of a grant identified under this RFP, if such information has not been provided previously under this or another CSREES program. CSREES will provide copies of forms recommended for use in fulfilling these requirements as part of the preaward process.

3. Grant Award Document and Notice of Grant Award

The grant award document shall include at a minimum the following:

(a) Legal name and address of performing organization or institution to whom the Administrator has awarded a grant under the terms of this request for proposals;

(b) Title of project;

(c) Name(s) and address(es) of principal investigator(s) chosen to direct and control approved activities;

(d) Identifying grant number assigned by the Department;

(e) Project period, specifying the amount of time the Department intends to support the project without requiring recompetition for funds;

(f) Total amount of Departmental financial assistance approved by the Administrator during the project period;

(g) Legal authority(ies) under which the grant is awarded;

(h) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award; and

(i) Other information or provisions deemed necessary by CSREES to carry out its respective granting activities or to accomplish the purpose of a particular grant.

The notice of grant award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the grantee that is not included in the grant award document.

C. Funding Mechanisms

The two mechanisms by which grants may be awarded are as follows:

1. *Standard grant.* This is a funding mechanism whereby the Department agrees to support a specified level of effort for a predetermined time period without the announced intention of providing additional support at a future date.

2. *Continuation grant.* This is a funding mechanism whereby the Department agrees to support a specified level of effort for a predetermined period of time with a statement of intention to provide additional support at a future date, provided that performance has been satisfactory, appropriations are available for this purpose, and continued support will be in the best interests of the Federal government and the public. This kind of mechanism normally will be awarded for an initial one-year period, and any subsequent continuation project grants will be awarded in one-year increments. The award of a continuation project grant to fund an initial or succeeding budget period does not constitute an obligation to fund any subsequent budget period. Unless prescribed otherwise by CSREES, a grantee must submit a separate application for continued support for each subsequent fiscal year. Requests for such continued support must be submitted in duplicate at least three months prior to the expiration date of the budget period currently being funded. Decisions regarding continued support and the actual funding levels of such support in future years usually will be made administratively after consideration of such factors as the grantee's progress and management practices and the availability of funds. Since initial peer reviews are based upon the full term and scope of the original application, additional evaluations of this type generally are not required prior to successive years' support. However, in unusual cases (e.g., when the nature of the project or key personnel change or when the amount of future support requested substantially exceeds the grant application originally reviewed and approved), additional reviews may be required prior to approving continued funding.

D. Use of Funds; Changes

1. Delegation of Fiscal Responsibility

Unless the terms and conditions of the grant state otherwise, the grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

2. Changes in Project Plans

a. The permissible changes by the grantee, PI/PD(s), or other key project personnel in the approved project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee and/or the PI/PD(s) are uncertain as to whether a change complies with this provision, the question must be referred to the CSREES Authorized Departmental Officer (ADO) for a final determination.

b. Changes in approved goals or objectives shall be requested by the grantee and approved in writing by the CSREES ADO prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

c. Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the awarding official of CSREES prior to effecting such changes.

d. Transfers of actual performance of the substantive programmatic work in whole or in part and provisions for payment of funds, whether or not Federal funds are involved, shall be requested by the grantee and approved in writing by the ADO prior to effecting such transfers, unless prescribed otherwise in the terms and conditions of the grant.

e. Changes in Project Period: The project period may be extended by CSREES without additional financial support, for such additional period(s) as the ADO determines may be necessary to complete or fulfill the purposes of an approved project. Any extension of time shall be conditioned upon prior request by the grantee and approval in writing by the ADO, unless prescribed otherwise in the terms and conditions of a grant, but in no case shall a grant period of performance exceed 5 years.

f. Changes in Approved Budget: Changes in an approved budget must be requested by the grantee and approved in writing by the ADO prior to instituting such changes if the revision will involve transfers or expenditures of amounts requiring prior approval as set forth in the applicable Federal cost principles, Departmental regulations, or in the grant award.

E. Applicable Federal Statutes and Regulations

Several other Federal statutes and regulations apply to grant proposals considered for review and to project grants awarded under this program. These include, but are not limited to:

7 CFR Part 1.1—USDA implementation of the Freedom of Information Act.

7 CFR Part 3—USDA implementation of OMB Circular No. A–129 regarding debt collection.

7 CFR Part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR Part 3015—USDA Uniform Federal Assistance Regulations,

implementing OMB directives (i.e., Circular Nos. A–21 and A–122) and incorporating provisions of 31 U.S.C. 6301–6308 (formerly the Federal Grant and Cooperative Agreement Act of 1977, Public Law No. 95–224), as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR Part 3016—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7 CFR Part 3017—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

7 CFR Part 3018—USDA implementation of Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

7 CFR Part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Other Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR Part 3052—USDA implementation of OMB Circular No. A–133, Audits of States, Local Governments, and Non-profit Organizations.

7 CFR Part 3407—CSREES procedures to implement the National Environmental Policy Act of 1969, as amended.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR Part 15d (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 *et seq.*—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR Part 401).

F. Confidential Aspects of Proposals and Awards

When a proposal results in a grant, it becomes a part of the record of CSREES transactions, available to the public upon specific request. Information that the Secretary determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as confidential, privileged, or proprietary should be clearly marked within the proposal. The original copy of a proposal that does not result in a grant will be retained by the CSREES for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to the final action thereon.

G. Regulatory Information

For the reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372 which requires intergovernmental consultation with State and local officials. Under the provisions of the Paperwork Reduction Act of 1995, as amended (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, D.C., this 16th day of February 2001.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

Appendix A—Most Successful Universities and Colleges for Receiving Federal and/or National Research Initiative Funds [1]

Baylor College of Medicine
Boston University
Brown University
California Institute of Technology
Carnegie-Mellon University
Case Western Reserve University
Colorado State University
Columbia University
Cornell University
CUNY Mount Sinai School of Medicine
Dartmouth College
Duke University
Emory University
Florida State University
Georgetown University
Georgia Institute of Technology
Harvard University
Indiana University
Iowa State University of Science and Technology
Johns Hopkins University
*Kansas State University
Massachusetts Institute of Technology
Medical College of Wisconsin
Michigan State University
New York University
North Carolina State University
Northwestern University
Ohio State University
Oregon Health Sciences University
Oregon State University
Pennsylvania State University
Princeton University
Purdue University
Rockefeller University
Rutgers, The State University of New Jersey
Scripps Research Institute
Stanford University
State University of New York at Stony Brook
State University of New York at Buffalo
Texas A&M University, College Park
Thomas Jefferson University
Tufts University
Tulane University
University of Alabama Birmingham
University of Arizona
University of California Berkeley
University of California Davis
University of California Irvine
University of California Los Angeles
*University of California Riverside
University of California San Francisco
University of California Santa Barbara
University of Chicago
University of Cincinnati
University of Colorado
University of Florida
University of Georgia
University of Illinois Urbana-Champaign
University of Illinois Chicago
University of Iowa
University of Kansas
University of Maryland Baltimore Prof Sch
University of Maryland College Park
University of Massachusetts Amherst
University of Massachusetts Medical School Worcester
University of Medicine and Dentistry of New Jersey
University of Miami
University of Michigan Ann Arbor
University of Minnesota Twin Cities
University of Missouri Columbia
*University of Nebraska—Lincoln
University of New Mexico
University of North Carolina Chapel Hill
University of Pennsylvania
University of Pittsburgh
University of Rochester
University of South Carolina
University of Southern California
University of Texas at Austin
University of Texas Health Science Center Houston
University of Texas Health Sci. Center San Antonio
University of Texas MD Anderson Cancer Center
University of Texas Medical Branch Galveston
University of Texas SW Medical Center Dallas
University of Utah
University of Virginia
University of Washington
University of Wisconsin Madison
*Utah State University
Vanderbilt University
Virginia Commonwealth University
Wake Forest University
Washington University
*Washington State University
Wayne State University
Woods Hole Oceanographic Institute
Yale University
Yeshiva University, New York

[1] Based on data from the table Federal obligations for science and engineering research and development to the 100 universities and colleges receiving the largest amounts, ranked by total amount received: in fiscal year 1997 of Federal Science and Engineering Support to Universities, Colleges, and Nonprofit Institutions (National Science Foundation, accessible through the Internet at www.nsf.gov/sbe/srs/nsf99331/).

* Annotated institutions are not in the list for the most successful Federally funded, but were among the top 50th percentile of those funded by the National Research Initiative (Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) over the past three years (1997–1999).

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Federal Register

Friday,
February 23, 2001

Part V

Department of the Interior

Minerals Management Service

30 CFR Parts 218, 256, and 260
Outer Continental Shelf Oil and Gas Leasing; Final Rule
Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 178, Part 1; Notice

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 218, 256, and 260

RIN 1010–AC–69

Outer Continental Shelf Oil and Gas Leasing

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: This bidding rule establishes the leasing incentive framework we will use to issue Outer Continental Shelf (OCS) leases after November 2000. It also presents a plain-language revision of the existing rules for bidding systems and joint bidding restrictions. It does not change the current policies on and requirements for bidding systems, joint bidding restrictions, or royalty suspensions for leases issued before December 2000. It does add one minor reporting requirement for all leases issued with royalty suspension and specifies the allocation of royalty relief on a field having leases issued before and after 2000. It also clarifies and rewrites in plain-language the current rental regulations at 30 CFR 218.151 to provide for lessees to pay rental fees during the period of royalty suspension.

DATES: This final rule is effective March 26, 2001.

FOR FURTHER INFORMATION CONTACT: Marshall Rose, Economics Division, at (703) 787–1536.

SUPPLEMENTARY INFORMATION: On September 14, 2000, we published a proposed rule in the **Federal Register** (65 FR 55476) stating that we intend to continue OCS leasing incentives in the deep water Gulf of Mexico (GOM) but will implement incentive provisions differently from previous lease sales. Also, we used this occasion to restate in a plain-language format the existing bidding system rules without altering their meaning. This final rule now modifies some provisions in the September 14, 2000, proposed rule.

We proposed four primary changes to the way we have been implementing leasing incentives. In the future, we will establish in the notice of sale, instead of in regulation, the size and form of royalty relief and associated parameters, such as the water depth demarcations where royalty suspension (RS) volumes apply and the price thresholds above which we interrupt RS. Unlike eligible leases issued from 1996 through 2000, future deep water leases, even those issued with RS volumes, may apply for supplemental royalty relief under our discretionary authority in 30 CFR 203. We will assign RS volumes to individual leases rather than, as previously, to fields. Finally, lessees will owe rental but no minimum royalties in any full year in which they pay no royalties on production. Currently, lessees owe rentals until discovery and then minimum royalties until production under royalty suspension begins. The intent to change the current rule and provide for rentals during royalty suspension periods was not perfectly captured in the proposed regulation, but was included in the preamble to the proposed rule. The preamble explained that rentals during royalty suspension periods are analogous to a holding fee collected during capital recovery periods when net profit share leases pay rental but no royalty. In the proposed rule we asked for comments on these leasing incentive adjustments.

In conjunction with this rulemaking, on November 16, 2000, we published another proposed rule in the **Federal Register** (65 FR 58258) describing adjustments to our discretionary relief process. Among other things, this discretionary proposed rule makes leases issued after November 2000 in water 200 meters or deeper in the GOM wholly west of 87 degrees, 30 minutes West longitude eligible to apply for supplemental royalty relief. Also, it proposed to modify the relief qualification process in ways that should allow more applicants on pre-Act leases to qualify for relief and more flexibility for companies on both pre-Act and all new deep water leases to adjust development plans without sacrificing the chance for relief. We also sought and will consider comments we receive on that rule.

Response to Comments

Thirteen respondents—a joint one from 6 oil and gas industry associations, a separate one from one of those associations, 10 oil and gas companies and the Department of Energy—submitted comments on the leasing incentive and bidding rule. Copies of all the comments we received are available on our website at *http://www.mms.gov/federalregister/PublicComments/rulecomm.htm*.

Several comments took issue with some of our bidding system rules. As we are not proposing to change the substance of the existing rules, we take those comments as indicative of confusion created by our plain-language rewrite. We clarify in this final rule those confusing portions of the proposed rewrite.

The requirement to notify us when royalty-free production begins is the only change from the current regulation that we proposed to the way royalty suspensions apply to eligible leases issued from 1996 through 2000. No respondents objected to this notification requirement and we finalized that provision without modification. The only other new element that affects existing eligible leases is that a future RS lease may be on the same field. The new regulations in § 260.124 govern royalty suspension in this situation.

Most comments addressed specific questions raised in the introduction to the proposed rule. The following summarizes those comments and our responses in four sections—design of future royalty suspensions, adjustable lease-based royalty suspension, rental payments and relief suspension during high prices, and bidding issues.

Design Issues

Four questions sought guidance on design issues for future lease sales. Responses to the question on what factors we should consider, and how we should consider them, when choosing water depths at which to offer royalty relief focused on four items:

- Shortage of rigs capable of drilling in water depths greater than 1600 meters;
- Lack of infrastructure in water depths greater than 1600 meters;
- The multitude of challenges (reservoir connectivity, reservoir performance, rig price fluctuations, limited production experience, undeveloped and relatively untested technology, distance from support infrastructure, higher development costs, and shallow water flow) to operations in water depths greater than 1500 meters; and
- The relatively lower quality of remaining prospects in the 200 to 1600 meter water depth area.

No one suggested ways to rank or measure the relative significance of these factors or how to relate them to the issue of whether we should provide any RS volumes. Also, the comments seem to argue that a rationale can be made for royalty relief in all deep water.

Responses to the question on what elements other than water depth to consider, and how we should consider them, in deciding on the size of RS volumes also can be categorized into four groups:

- Unusual drilling challenges such as subsalt targets, extreme well depths, and drilling encountering high pressure/high temperature zones;
- Unusual production challenges such as distance to available infrastructure, high sulphur and low API gravity crude oils, and areas with a history of poor reservoir performance;
- The value of increased competition from greater bidding interest sparked by royalty relief; and
- Shortage of domestic investment alternatives for the offshore oil and gas industry due to the absence of OCS lands available for leasing outside the GOM.

Again, beyond identification of these elements, the comments offered little in the way of guidance on how to evaluate these considerations relative to others such as the need to obtain fair market value for public resources and the desire to use the incentive efficiently. Nonetheless, like those to the previous question, these comments identify elements we will consider in choosing RS parameters. This rule does not establish those parameters, so those comments will be considered more fully as part of future notice of sale processes that will establish these parameters.

The question on the choice between low RS volumes followed by normal royalty rates or high RS volumes followed by above normal royalty rates found a large preference for the former. The principal reasons given included aversion to variable royalty rates, a wish not to confound the bidding and exploration incentive offered by RS volumes with disincentive changes in other lease terms, and a recognition that supplemental relief can reinforce modest RS volumes where truly needed. One comment did note that smaller, riskier prospects may benefit more from the larger RS volumes than a lower eventual royalty rate.

The final design question about the shift in risk associated with RS volumes elicited no responses that smaller companies feel disadvantaged either in bidding or development relative to larger companies.

One comment suggested that we are defining too narrowly this framework for royalty relief by mentioning only suspension of royalty for a volume of production. The Deep Water Royalty Relief Act (the Act) also authorized suspensions for a time or value of production. To keep open that possibility, we refer to a more general royalty suspension rather than a royalty suspension volume in §§ 260.120, 260.121 and 260.124.

Adjustable Leased-based Royalty Suspension

Responses generally agreed with our observation that lease-based royalty suspension is preferable to field-based royalty suspension. Many comments voiced the need for certainty and stability in lease sale terms and asserted that field-based RS volumes introduce uncertainties into planning that diminish some of the positive impact of royalty relief on prospect economics. Several comments tentatively supported lease-based relief, but worried that intermixing the lease-based program with the field-based program may create uncertainty. We disagree because the proposed provisions confine uncertainty about realization of RS volumes to eligible leases; i.e., those issued under the field-based system. The current regulation makes it clear that a field's RS volume is to be shared by all the leases in a field entitled to share the royalty suspension volume. The new RS leases are simply a new kind of lease entitled to share this volume. The new element is that, unlike with eligible leases or pre-Act leases that qualify for an RS volume, the field's production timing and magnitude do not affect the royalty relief available to the new RS leases. Also, the proposed provisions do not increase the degree of uncertainty faced by eligible or pre-Act leases, had the field-based system continued. New leases issued with lease-based RS volumes share from a volume sufficient to make the field economic, just as would other eligible leases or pre-Act leases that qualify for a royalty suspension.

In the proposed rule, we inadvertently proposed to change the period allowed for a challenge to a field designation from 15 to 30 days in §§ 260.114 and 260.124. We did not mention this as a change in the preamble to the proposed rule because we did not intend to propose this change. No one commented on the change. To avoid the inevitable confusion and administrative problem of different appeal periods for leases issued at different times, we adjust the proposed rule language to retain the 15-day appeal period to all leases.

Additional steps that some respondents requested to reduce the uncertainty for eligible leases are beyond the scope of this rulemaking. The main step identified was designation of which blocks are on which fields before drilling proves the presence of hydrocarbons. Note that we publish the procedure we use to decide on which field a well on a lease lies, so companies can form their own judgment of what we will decide after the well is drilled. It is our position that to do more and actually preview our likely field decision could risk divulging others' proprietary data and possibly misdirect companies if we subsequently acquire new well or other data.

Some responses to our question about basing uniform RS volumes on the needs of a typical tie-back-sized field pointed out that in doing so we should consider additional factors. Those factors include:

- the expectation that the bigger and better situated tie-back fields already have been leased,
- the uncertainty a resource owner faces about access to another's facilities, and
- the chance that user charges will transfer the benefit of the RS from the reserve owner to the facility owner.

Others simply opposed basing RS volumes on tie-backs at all. Those that opposed using tie-backs as a basis argued that many potential tie-back-sized fields may be developed as stand-alones because they have one or more of the following characteristics. The fields:

(1) Consist of multiple reservoirs that require numerous recompletions;

(2) Involve a large numbers of wells because they lack reservoir continuity; or

(3) Depend on the use of secondary recovery techniques (e.g., water injection). Others noted the current absence of infrastructure to host tie-backs in ultra-deep water.

In general, we view situations with these unusual characteristics as exceptions to be handled by the combination of automatic and supplemental relief. An efficient leasing incentive must focus on a standard volume adequate to encourage bidding and exploration on fields not yet leased and the kind of development most likely to occur on those fields. Should experience indicate, we retain the flexibility under this new rule to offer larger RS in the future. In the meantime, offering larger RS volumes based on stand-alone development would grant excessive royalty relief for the way many of the unleased fields are likely to develop.

On the subject of supplemental relief, we received one comment related to the breadth of our royalty relief authority. One respondent noted that the OCS Lands Act gives the Secretary of the Interior discretionary authority to reduce or eliminate royalties on producing or non-producing leases, and that the Act does not specifically prohibit granting discretionary relief outside the GOM west of 87 degrees, 30 minutes West longitude. We disagree because the OCS Lands Act only authorizes royalty relief to increase production, implying that the lease is already on production. Only the Act authorized relief to promote development, implying that a lease has not yet produced, and the Act limits these authorities to the GOM west of 87 degrees, 30 minutes West longitude.

Several responses to our intention to assume two to three leases per field developed as a tie-back argued that we should make no assumption about field size or makeup. Others advocate adjustment in the lease-based relief for fields that prove to underlie fewer leases. Yet many of the same respondents urged certainty and clarity on future royalty relief provisions. Since we typically estimate the economics of unleased and undiscovered resources on a field basis, lease-based relief requires some transformation from field to lease. Our judgment is that we make relief more certain when we estimate a generic field's financial needs and convert this to a lease size before the lease sale. The most logical and administratively simple way to do the conversion is by using typical numbers of leases per field derived from relevant experience. The alternative of waiting to set the RS volume until a field is discovered and its boundaries determined does not eliminate the uncertainty about the RS volume that a lease ultimately receives. In fact, it would reintroduce some of the uncertainty and contention we currently have with the field as the primary basis of royalty relief.

Two features are likely to help correct any errors in an assumption about the specific number of leases per field. First, the assumption of two to three leases per field is based on our experience to date with fields, most of which we recognize are in shallow water and involve a smaller average field size. Our analysis shows that the deep water fields likely to be leased and discovered over the next few years will tend to cover more leases. In that circumstance, lease specific relief set at ½ to ⅓ the volume appropriate for a typical field will result in the actual field getting more royalty relief. Second, if experience proves that two to three leases are not representative for deep water fields, we can then adjust RS volumes for new leases offered in subsequent sales.

Respondents generally applauded our intention to wait at least 3 years before modifying the initial RS volumes and the other parameters. Benefits cited included easier planning and better decisions because a 3-year commitment allows time for seismic acquisition and interpretation. This time period also affords MMS the opportunity to examine how well the program is working over several lease sales. One comment recommended a 5-year commitment coinciding with our 5-year OCS leasing program. While we recognize the value of a multiyear commitment on lease terms, we do not believe it prudent to include it in a regulation. Rapid changes either in the GOM or in the larger oil and gas market may indicate a change in lease terms that can be accomplished more expeditiously in the sale notice.

Rental Policy Change and Relief Suspension During High Prices

Respondents identified three kinds of effects—conflicting message, minimal, and confusion—from our proposal to extend the rental obligation until royalty payments begin. The conflicting message is that rental payments detract from the RS incentive by imposing a payment during the period when we suspend royalties. Others admitted this payment is minimal given the many millions it takes to develop successfully deep water prospects and the value of the royalties saved due to the RS and is consistent with a long tradition of an annual maintenance fee on OCS leases. Confusion could arise because existing lease forms have first a rental then a minimum royalty equivalent to the rental, even before production begins. Future lease forms will impose only a rental during periods when no royalty payments are due and then impose minimum royalties only as a floor for those royalty payments. We do clarify in 30 CFR 218.151 that the due date for rental after a discovery shifts to the end of the lease year.

One comment recommended simply extending minimum royalties to the RS periods, rather than subjecting all future leases to rentals for an extended period. The proposed treatment has a similar effect on future leases sold without an RS, as they would pay no more in fees than they would under the previous rules. While there could be some difference for leases sold with RS, we deem it inadvisable to introduce the administrative burden of making a hypothetical royalty calculation when no royalty is really due. Clarifying the designation of this single holding fee as a rental payment when no royalty is due should help avoid future confusion.

On another rental issue, some respondents expressed concern that we are changing the requirements about collecting rentals from a non-producing part of a partitioned lease. Our requirements on this issue have not changed from what they were before this plain-language rewrite. We do not collect rentals from the non-producing part of a lease. However, when a newly formed lease occurs as a result of segregation, we do collect rental from a non-producing part of a block.

Some respondents opposed having price thresholds set in sale notices and perhaps periodically adjusted, even though any adjustments would apply only to newly issued leases, not those already issued. Price thresholds are oil and gas prices above which lessees owe royalties despite RS. Most comments objected to the reduced predictability amidst all the other uncertainty in deep water development. It is important to reiterate that once set for a given lease, the price threshold will not change. Only future leases would be subject to any new price threshold. One comment opposed adjusting price thresholds in general since oil and gas price increases drive up costs due to increased utilization of rigs, labor, and equipment. We continue to believe it is better to be able to adjust thresholds if necessary for newly issued leases. Otherwise, we could be locked into an inappropriate price threshold. Perceptions about future prices both drive investment decisions and evolve over time, so the option to change price thresholds for new leases benefits the initial threshold choice because it allows for future adjustments.

A related issue drew either no comments or expressions of confusion. Current policy, following the language of the Act, makes royalties due from the whole previous year if that year's average price exceeds the threshold. That fact cannot be known for certain until several months after the end of a year, so lessees could end up at that time owing back royalties for the past year. One alternative is to apply the thresholds on a real time, rather than retrospective basis. The absence of comments on this issue may simply reflect an acceptance of the existing administrative procedures stated in the Act.

Responses to our question about the appropriate magnitude of price thresholds raised a variety of issues. Some wanted no price thresholds, since those willing to take the risks of deep water exploration and production should not be additionally burdened with the risk of losing the RS incentive. Others essentially took the same position by stating that any price thresholds should be so high that they are not breached by historic price fluctuations, since industry bears the brunt of price cycles. We disagree with this position because we design RS terms assuming some price expectations by the lessee, and those terms lose legitimacy when prices diverge too much from those expectations.

Several respondents agreed that the price thresholds with annual inflation adjustments are reasonable but see no reason to change from the levels set in the Act. Absent compelling analysis supporting the Act's choice of price

thresholds, we estimated appropriate ones, given today's economic conditions. Briefly, that estimate involved collecting the price expectations that presumably drive current investment decisions, some based on little or no royalty obligations, and then finding the increases from those prices that match the economic effect of forgiving royalties with reference to the minimum economic field size. Price thresholds of about 10 percent below the ones set in the Act result from this exercise.

Several respondents also commented that regardless of the size of the price thresholds, our policy should be that production does not count against any remaining RS volume when it occurs during a period when prices exceed the threshold. But, this is contrary to the reason for having the thresholds in the first place. That is, at sufficiently high prices, the benefits on revenue preclude the need for relief on this production. If this production does not count against the RS volume, the production at high prices and profits that fully replace the royalty relief gets, in effect, a double incentive.

We have clarified the price threshold language to make it more consistent with the application of the price threshold trigger and collection logistics mandated previously by Congress in the Act. The proposed rule intended maximum flexibility in the timing of the threshold and the collection of royalty by leaving the details for inclusion in future notices of sale. The final rule mimics the previous threshold rule except it does not adopt the calendar year as the time period for always calculating the price threshold. Rather, it allows some flexibility for a different time period. We retain the NYMEX as the pricing benchmark and the royalty collection process after the fixed price threshold time period.

Bidding Rules

We did not ask for comments on our bidding policy rules because we are not proposing to change them. Nevertheless, we received comments on 2 issues—prohibition of agreements after a lease sale and use of multiple bidding systems and variables—that deserve response.

The intent of § 260.303(d) is not to prevent restricted bidders from entering into agreements after we award a lease. Rather, subsection (d) prohibits pre-sale agreements between restricted bidders whereby one restricted bidder would commit to assigning part of a lease to another restricted bidder after the sale is completed. Specifically, subsection (d) prohibits restricted bidders A and B from entering into an agreement *prior* to a lease sale. The reason for this prohibition is to eliminate pre-sale agreements that might cause A to bid on a tract, and implicitly keep B from bidding, or cause B to submit a low bid because, if successful, A may assign a part of the lease to B. The current regulations at § 260.303(c) already prohibit pre-bid agreements between restricted joint bidders. However, to clarify the intent of the new subsection (d), the phrase "prior to a lease sale" is inserted after the word "agreement."

The first sentence in § 260.110 makes it clear that we will apply a single bidding system and variable to each tract in a lease sale. However, we do intend to use multiple systems in a single sale, for instance offering some tracts with a royalty suspension and others with no royalty suspension, as we have for the last 5 years.

Procedural Matters

Regulatory Planning and Review (Executive Order 12866)

According to the criteria in Executive Order 12866, this rule is a significant regulatory action. The Office of Management and Budget (OMB) makes the final determination under Executive Order 12866.

a. This rule will not have an annual economic effect of $100 million or adversely affect an economic sector, jobs, the environment, or other units of government. This action is a plain-language rewrite of current rules and clarification of policies that may be employed for issuing leases with royalty suspensions in lease sales held after November 2000. There is no assurance that the leasing system option provided in this rule will be used in all future offshore sales. For instance, sustained high prices or a shortage of unleased tracts may cause us to discontinue leasing incentives. Even when used, the leasing system option in this rule will not change substantially the net economic value of production from leases eligible for royalty suspension volumes. Royalty suspension should lead to higher bonuses because future production will be more profitable. Also, more tracts should receive bids because royalty relief makes smaller, more remote fields potentially profitable. But, because the government collects the fair market value of a tract in the up-front bid, the risk that the tract will not prove productive is shifted entirely to the bidder. We do not expect bonus bids to offset fully the anticipated royalty savings on a specific tract. Since these offsetting effects on revenue will play out over an extended period and involve uncertainties that will be assessed differently by the different bidders, we cannot predict the ultimate effect on government receipts. Most of the more prospective tracts have been leased already and the incentives we envision for the next several years are smaller than those mandated by the Act. Thus, we don't expect to see the level of bidding activity experienced in the last 5 years, nor the same level of future royalty reduction. At this point we can say that deep water royalty relief will serve primarily to accelerate the timing of production and redistribute realization of fair market value from royalty to bonus collection. As royalty suspension volumes are an incentive to production, they likely encourage timely exploration in hope of finding reserves, since royalty relief has no value unless and until production occurs. This acceleration will have a beneficial effect on offshore oil industry production and jobs in the near term.

b. This rule will not create inconsistencies with other agencies' actions because there are no changes in requirements from the existing rule.

c. This rule is an administrative change that will not affect entitlements, grants, user fees, loan programs, or their recipients. This rule has no effect on these programs or rights of the programs' recipients.

d. This rule will raise novel legal or policy issues. Although this action is basically the rewrite of an existing rule in plain language and sets up a more flexible framework to continue current royalty suspension policies for future sales, it comes at a time when oil and gas prices are unusually high. Some may question the need to continue leasing incentives. We believe royalty suspension remains necessary in a scaled-down and more flexible format because prices can fall as well as rise. Also, a continued program reduces disruptions associated with an abrupt termination of incentives and resultant pressure to continue the rigid, outdated, and expiring terms of the Act.

Regulatory Flexibility (RF) Act

The Department certifies that this rule would not have a significant economic effect on a substantial number of small entities under the RF Act (5 U.S.C. 601 *et seq.*). The provisions of this rule will not have a significant economic effect on offshore lessees and operators, including those that are classified as small businesses. The rule will authorize royalty relief to certain OCS leases awarded in sales held after November 2000. New regulatory provisions will offer firms, large and small, economic incentives to acquire

and develop deep water leases in the GOM.

Companies that extract oil, gas, or natural gas liquids or are otherwise in oil and gas exploration and development activities acquire the vast majority of leases offered at OCS lease sales and will be most affected by this rule. The Small Business Administration (SBA) defines a small business as having:

- Annual revenues of $5 million or less for exploration service and field service companies.
- Fewer than 500 employees for drilling companies and for companies that extract oil, gas, or natural gas liquids.

Under the North American Industry Classification System Code, 211111, Crude Petroleum and Natural Gas Extraction, MMS estimates that a total of 1,380 firms drill oil and gas wells onshore and offshore. The group most affected by this rule is the approximately 130 companies that are offshore lessees/operators. According to SBA criteria, 39 companies qualify as large firms, leaving up to 91 companies that may qualify as small firms with fewer than 500 employees. However, because of the extremely high cost and technical complexity involved in exploration and development in deep water, the vast majority of lessees/operators that will be affected by this rule will be large companies. Nineteen of the 26 lessee/operators that have registered a total of 211 discoveries by mid-year 2000 in deep water (200 meters and greater) are not small and these 19 large firms account for over 91 percent of the total discoveries. The rule envisions limiting incentives to deep water where the presence of large firms is even more prevalent. Virtually all of the prospective tracts in the part of deep water where small firms traditionally operate are already under lease.

This rule would add costs in two areas where there are no costs under the existing rules and the deep water royalty relief terms associated with eligible leases. First, lease terms for eligible leases suspended all payments, including rents and minimum royalties, after start of production on the lease and until the mandated royalty suspension volumes were fully produced. This rule would require that lessees of leases issued in sales after the effective date of this rule must continue to make annual rental payments after a discovery. Rental payments will be due during any year after discovery when no royalty payments are due. Rentals would replace minimum royalties between discovery and start of production for those leases. Experience to date (mid-2000) shows that only four leases are actually producing under the royalty suspension terms set by the Act. Both of the two operators involved happen to be small businesses. If that experience continues for leases issued after this rule, we might expect that perhaps one such lease may produce by 2004, and two more might produce by 2005. Thus, these new leases, irrespective of the size of the lessee, may pay extra rentals ($43,200/lease/year) of $172,800, or an average over the next 5 years of just below $35,000/year. This estimate presumes that these leases will pay rentals instead of "minimum royalties" between discovery and start of production.

Second, the rule would add the requirement that owners of eligible leases notify MMS prior to initiating production on the leases. We estimate it will take an operator one-half hour to draft, finalize, and send such a notification letter. We envision that this letter will be very brief and give only pertinent data such as lease number, area/block, date production is scheduled to commence, and language requesting confirmation of the amount of royalty relief applicable. We currently have six eligible leases with approved Development Operations Coordination Documents (DOCD) and 264 eligible leases with approved Plans of Exploration (POE). For this analysis, we assume that:

(1) All six leases with approved DOCDs will commence production within the first 5 years;

(2) Thirty percent (79) of the 264 leases with approved POEs will drill a discovery well; and

(3) Twenty-five percent (20) of those leases with a discovery well will obtain a DOCD and commence production.

Based on these assumptions, we estimate that a total of 26 eligible leases will commence production within the next 5 years.

At an estimated paperwork cost of $50 per hour or $25 per notification, the total estimated cost of the notification requirement for the first 5 years in which the rule is in effect is $650 or $130 per year.

Thus, total estimated incremental costs associated with this rule are slightly below $35,000 per year on average through 2005. The annual cost will be spread among lessees whose eligible leases commence production and eventually among leases issued after this rule becomes effective and that produce with a royalty suspension. Based on the ratios found above, small business may incur one-tenth to one-third of this incremental cost. The annual cost for a small business with a lease producing under royalty suspension but paying rental would be approximately $44,000 per year. Even if a small business has several eligible leases commencing production, it is clear that the magnitude of the costs do not impose a significant economic effect on a substantial number of small business entities engaged in multi-million dollar drilling and development activities.

Further, any costs associated with the rule must be viewed in light of the substantial economic benefits to be gained from the suspension of royalty payments on the established volume of production. While estimated averaged annual costs are just under $35,000 per year through 2005, lessees that produce stand to gain tens of millions of dollars in royalty relief from the rule. For example, the standard royalty portion (⅛) of a 9 MMBOE royalty suspension volume is worth $25 to $30 million at current oil and gas prices. Again, small business may claim one-tenth to one-third of this benefit. The potential benefit of royalty relief to a small business can be as high as $10 million/year, several orders of magnitude above the extra cost/year under this rule for a small business operating in deep water.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under the SBREFA, 5 U.S.C. 804(2). This rule:

a. Does not have an annual effect on the economy of $100 million or more. This rule rewrites the existing rule and clarifies royalty suspension policies for future sales. This rule does not specify exact royalty suspension parameters, but describes the structure that we will follow in applying sale-specific royalty suspensions to future leases. While royalty suspension volumes for future lease sales are not likely to be as high as the current levels specified in the Act, they will still provide meaningful benefits to large and small business lessees.

In general, royalty suspension redistributes revenues—royalty payments decline during the royalty suspension period, while bonus payments before exploration and tax payments due on extra income to the lessee during the royalty suspension period increase. To benefit from the royalty suspension, the lease must produce. Because only a fraction of tracts leased ultimately produce oil and gas, a relatively small number of tracts actually receive a royalty suspension. To determine the annual effect of the royalty relief system on the economy, both the effects on bonus bids and future royalties need to be considered. Experience from sales (during the 1983 to 1988 period) where leases have had time to run the course of the original lease term show that, on average, only about 15 percent of leases issued go into production. Also, estimates for sales between 1996 and 2000 suggest that bidders bid about a $500,000 premium per royalty suspension lease. Using a ratio of seven leases issued for every one (15 percent) that produces, the Government can expect to collect perhaps $3.5 million in extra bonus revenues for each lease that uses a royalty suspension. That extra bonus will be offset by collection of about $22.5 million less in royalties (e.g., ⅛ of 9 MMBOE times $20/BOE over the production period (e.g., 2010 to 2020). If extra taxes reclaim about ⅓ of the royalty cost savings, those are comparable sums on a present value basis (e.g., 7 × $0.5 approximately = $20 (1⅓ × 0.26 where 0.26 is a discount factor for payments received 10 to 20 years in the future). Thus, even when scaled up to cover sales of hundreds of leases in any one year, this rule will not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Oil prices are not based on the production from any one region, but are based on worldwide production and demand at any point in time. While gas prices are more localized, they historically correlate to oil prices. The rule does not change any existing leasing policies, so it should not cause prices to increase.

c. Does not have significant adverse effects on competition, employment, investment, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises. Leasing on the United States OCS is limited to entities as specified in 30 CFR 256.35. This rule does not change that requirement, so it does not change the ability of United States firms to compete in any way.

Unfunded Mandates Reform Act (UMRA)

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments. The rule describes the existing regulation in plain language and clarifies royalty suspension policies for OCS lease sales held after November 2000. A statement containing additional UMRA (2 U.S.C. 1531 *et seq.*) information is not required.

Takings Implications Assessment (Executive Order 12630)

According to Executive Order 12630, the rule does not have significant Takings Implications. A Takings Implication Assessment is not required because the rule would not take away or restrict a bidder's right to acquire OCS leases.

Federalism (Executive Order 13132)

According to Executive Order 13132, this rule does not have Federalism implications. This rule does not substantially and directly affect the relationship between the Federal and State Governments. This rule affects the collection of royalty revenues and rentals from lessees in the deep water GOM, all of which are outside State jurisdiction. States have no role in this activity with or without this rule. This rule does not impose costs on States or localities. States and local governments play no part in the administration of the deep water royalty relief or rental programs.

Civil Justice Reform (Executive Order 12988)

According to Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act (PRA) of 1995

According to the PRA (44 U.S.C. 3501 *et seq.*), as part of the Notice of Proposed Rulemaking process, OMB approved the collection of information in the proposed regulations and assigned OMB control number 1010–0143. We did not receive any comments opposing the information collection aspects of the proposed rule, and the final rule makes no change in the information collection requirements. The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The title of the collection of information for this rule is "30 CFR Part 260—Outer Continental Shelf Oil and Gas Leasing." The requirement to respond is required to obtain or retain a benefit. The information collection requirements and estimated burdens are:

(1) In § 260.114(c), respondents must notify MMS of their intention to begin production, and they must request confirmation of the size of the royalty suspension volume that applies to their eligible lease. We estimate the burden to be one-half hour per notification, and that we would receive five-to-six notices annually.

(2) In §§ 260.114 and 260.124, there is a provision for a lessee or other affected lessees to request reconsideration of MMS's assignment of a lease that has a qualifying well to an existing field or designate a new field. We estimate the burden can range between 80 and 1,000 hours per request for reconsideration. That wide range reflects the fact that fields can underlie from 1 to more than 10 leases, can include from 1 to several dozen reservoirs, or can require simple to complex geological and geophysical interpretations. Because a favorable field assignment can save a lessee tens of millions of dollars in royalties, we may get as many simple as complex appeals. For purposes of estimating burden, we assume that we receive three or four annually, uniformly spread over the simple to complex range with an average burden of 400 hours.

We estimate the total annual reporting "hour" burden for the 30 CFR part 260 regulations to be about 1,600 hours. This includes the time for reviewing instructions, searching existing data sources, and gathering the data. There are no recordkeeping requirements.

National Environmental Policy Act (NEPA) of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required.

Government-to-Government Relationship with Tribes

According to the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951) and 512 DM 2, we have determined that there are no effects from this action on federally recognized Indian tribes.

List of Subjects

30 CFR Part 218

Continental shelf, Methods of payment, Mineral royalties, Public lands—Mineral resources, Royalty payments. Net profit share payment, Rental payments.

30 CFR Part 256

Administrative practice and procedure, Continental shelf, Environmental protection, Government contracts, Mineral royalties, Oil and gas exploration, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Surety bonds.

30 CFR Part 260

Bidding system, Continental shelf, mineral royalties, Oil and gas leasing, Reporting requirements, Restricted joint bidder, Royalty suspension.

Dated: February 16, 2001.

Piet deWitt,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Minerals Management Service (MMS) amends 30 CFR parts 218, 256, and 260 as follows:

PART 218—COLLECTION OF ROYALTIES, RENTALS, BONUSES AND OTHER MONIES DUE THE FEDERAL GOVERNMENT

1. The authority citation for part 218 continues to read as follows:

Authority: 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 31 U.S.C.A. 3335; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, 1801 *et seq.*

2. In § 218.151, the section heading is revised, an introductory paragraph is added, paragraphs (a) and (b) are revised; paragraphs (c) and (d) are removed; and paragraph (e) is redesignated as paragraph (c) to read as follows:

§ 218.151 Rental Fees.

The annual rental paid in any year is in addition to, and is not credited against, any royalties due from production. The lessee must pay an annual rental as shown in paragraphs (a), (b), and (c) of this section. Discovery means one or more wells on the lease that meet the requirements in 250, subpart A of this title.

(a) This paragraph applies to any lease not covered by paragraph (b) or paragraph (c) of this section.

For—	Issued as a result of a sale held—	The lessee must pay rental—
(1) An oil and gas lease	Before March 26, 2001	On or before the first day of each lease year before the discovery of oil or gas on the lease.
(2) An oil and gas lease	After March 26, 2001	On or before the first day of each lease year before the discovery of oil or gas on the lease, then on or before the last day of each lease year in any full year in which royalties on production are not due.
(3) A mineral lease for other than oil or gas.	Before March 26, 2001	On or before the first day of each lease year before the discovery of paying quantities.
(4) A mineral lease for other than oil or gas.	After March 26, 2001	On or before the first day of each lease year before the date the first royalty payment is due on the lease, then on or before the last day of each lease year in any full year in which royalties on production are not due.

(b) This paragraph applies to any lease created by segregating a portion of a producing lease when there is no actual or allocated production on the segregated portion. The lessee must pay an annual rental for the segregated portion at the rate specified in the lease. The lessee must pay the rental as shown in the following table.

If the lease results from a segregation—	The lessee must pay rental—
(1) Before March 26, 2001	On or before the first day of each lease year before the discovery of oil or gas on the segregated portion.
(2) After March 26, 2001	On or before the first day of each lease year before the discovery of oil or gas on the lease, then on or before the last day of each lease year in any full year in which royalties on production are not due.

(c) * * *

PART 256—LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF

3. The authority citation for part 256 continues to read as follows:

Authority: 42 U.S.C. 6213 and 43 U.S.C. 1331, *et seq.*

4. In § 256.40, the introductory paragraph is revised to read as follows:

§ 256.40 Definitions

The following definitions apply to §§ 256.38 through 256.44 of this part.

* * * * *

5. Part 260 is revised to read as follows:

PART 260—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Subpart A—General Provisions

Sec.
260.1 What is the purpose of this part?
260.2 What definitions apply to this part?
260.3 What is MMS's authority to collect information?

Subpart B—Bidding Systems

260.101 What is the purpose of this subpart?
260.102 What definitions apply to this subpart?
260.110 What bidding systems may MMS use?
260.111 What conditions apply to the bidding systems that MMS uses?

Eligible Leases

260.112 How do royalty suspension volumes apply to eligible leases?
260.113 When does an eligible lease qualify for a royalty suspension volume?
260.114 How does MMS assign and monitor royalty suspension volumes for eligible leases?
260.115 How long will a royalty suspension volume for an eligible lease be effective?
260.116 How do I measure natural gas production on my eligible lease?
260.117 What other provisions apply to royalty suspension volumes for eligible leases?

Royalty Suspension (RS) Leases

260.120 How does royalty suspension apply to leases issued in a sale held after November 2000?
260.121 When does a lease issued in a sale held after November 2000 get a royalty suspension?
260.122 How long will a royalty suspension volume be effective for a lease issued in a sale held after November 2000?
260.123 How do I measure natural gas production for a lease issued in a sale held after November 2000?
260.124 How will royalty suspension apply if MMS assigns a lease issued in a sale held after November 2000 to a field that has an eligible or pre-Act lease?

Bidding System Selection Criteria

260.130 What criteria does MMS use for selecting bidding systems and bidding system components?

Subpart C [Reserved]

Subpart D—Joint Bidding

260.301 What is the purpose of this subpart?
260.302 What definitions apply to this subpart?
260.303 What are the joint bidding requirements?

Authority: 43 U.S.C. 1331 *et seq.*

Subpart A—General Provisions

§ 260.1 What is the purpose of this part?

Part 260 implements the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331 *et seq.*, as amended, by providing regulations to foster competition including, but not limited to:

(a) Implementing alternative bidding systems;

(b) Prohibiting joint bidding for development rights by certain types of joint ventures; and

(c) Establishing diligence requirements for Federal OCS leases.

§ 260.2 What definitions apply to this part?

OCS lease means a Federal lease for oil and gas issued under the OCSLA.

OCSLA means the Outer Continental Shelf Lands Act, (43 U.S.C. 1331 *et seq.*), as amended.

Person includes, in addition to a natural person, an association, a State, or a private, public, or municipal corporation.

We means the Minerals Management Service (MMS).

You means the lessee or operating rights holder.

§ 260.3 What is MMS's authority to collect information?

The Paperwork Reduction Act of 1995 (PRA) requires us to inform you that we may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB approved the information collection requirements in part 260 under 44 U.S.C. 3501 *et seq.* and assigned OMB control number 1010–0143. The PRA also requires us to inform you of the following:

(a) We use the information collected under §§ 260.114(a)(2), (c)(1) and 260.124 (a)(2):

(1) To make decisions on requests for reconsideration of our assignment of a lease that has a qualifying well to an existing field or designate a new field under §§ 260.114(a) and 260.124(a), and

(2) To ensure that the royalty suspension volume is properly allocated among constituent leases in a field under § 260.117.

(b) Respondents are Federal OCS oil and gas lessees and operating rights holders. Responses are required to obtain or retain a benefit. We will protect proprietary information under applicable law and part 250 of this chapter.

(c) You may send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Minerals Management Service, Mail Stop 4230, 1849 C Street, NW., Washington, DC 20240.

Subpart B—Bidding Systems

General Provisions

§ 260.101 What is the purpose of this subpart?

This subpart establishes the bidding systems that we may use to offer and sell Federal leases for the exploration, development, and production of oil and gas resources located on the OCS.

§ 260.102 What definitions apply to this subpart?

Act means the Outer Continental Shelf Deep Water Royalty Relief Act, Pub. L. 104–58, 43 U.S.C. 1337(3).

Eligible lease means a lease that:

(1) Is issued as part of an OCS lease sale held after November 28, 1995, and before November 28, 2000;

(2) Is located in the Gulf of Mexico in water depths of 200 meters or deeper;

(3) Lies wholly west of 87 degrees, 30 minutes West longitude; and

(4) Is offered subject to a royalty suspension volume.

Field means an area consisting of a single reservoir or multiple reservoirs all grouped on, or related to, the same general geological structural feature and/or stratigraphic trapping condition. Two or more reservoirs may be in a field, separated vertically by intervening impervious strata, or laterally by local geologic barriers, or by both.

Highest responsible qualified bidder means a person who has met the appropriate requirements of 256, subpart G of this title, and has submitted a bid higher than any other bids by qualified bidders on the same tract.

Highest royalty rate means the highest percent rate payable to the United States, as specified in the lease, in the amount or value of the production saved, removed, or sold.

Lease period means the time from lease issuance until relinquishment, expiration, or termination.

Lowest royalty rate means the lowest percent rate payable to the United States, as specified in the lease, in the amount or value of the production saved, removed, or sold.

OCS lease sale means the Department of the Interior (DOI) proceeding by which leases for certain OCS tracts are offered for sale by competitive bidding and during which bids are received, announced, and recorded.

Pre-Act lease means a lease that:

(1) Is issued as part of an OCS lease sale held before November 28, 1995;

(2) Is located in the Gulf of Mexico in water depths of 200 meters or deeper; and

(3) Lies wholly west of 87 degrees, 30 minutes West longitude. (See part 203 of this title.)

Production period means the period during which the amount of oil and gas produced from a tract (or, if the tract is unitized, the amount of oil and gas as allocated under a unitization formula) will be measured for purposes of determining the amount of royalty payable to the United States

Qualified bidder means a person who has met the appropriate requirements of § 256, subpart G of this title.

Royalty rate means the percentage of the amount or value of the production saved, removed, or sold that is due and payable to the United States Government.

Royalty suspension (RS) lease means a lease that:

(1) Is issued as part of an OCS lease sale held after November 28, 2000;

(2) Is in locations or planning areas specified in a particular Notice of OCS Lease Sale; and

(3) Is offered subject to a royalty suspension specified in a Notice of OCS Lease Sale published in the **Federal Register**.

Tract means a designation assigned solely for administrative purposes to a block or combination of blocks that are identified by a leasing map or an official protraction diagram prepared by the DOI.

Value of production means the value of all oil and gas production saved, removed, or sold from a tract (or, if the tract is unitized, the value of all oil and

gas production saved, removed, or sold and credited to the tract under a unitization formula) during a period of production. The value of production is determined under part 206 of this title.

§ 260.110 What bidding systems may MMS use?

We will apply a single bidding system selected from those listed in this section to each tract included in an OCS lease sale. The following table lists bidding systems, the bid variables, and characteristics.

For the bidding system—	The bid variable is the—	And the characteristics are—
(a) Cash bonus bid with a fixed royalty rate of not less than 12.5 percent.	Cash bonus	The highest responsible qualified bidder will pay a royalty rate of not less than 12.5 percent at the beginning of the lease period. We will specify the royalty rate for each tract offered in the Notice of OCS Lease Sale published in the **Federal Register**.
(b) Royalty rate bid with fixed cash bonus.	Royalty rate	We will specify the fixed amount of cash bonus the highest responsible qualified bidder must pay in the Notice of OCS Lease Sale published in the **Federal Register**.
(c) Cash bonus bid with a sliding royalty rate of not less than 12.5 percent at the beginning of the lease period.	Cash bonus	(1) We will calculate the royalty rate the highest responsible qualified bidder must pay using either: (i) A sliding-scale formula, which relates the royalty rate to the adjusted value or volume of production, or (ii) A schedule that establishes the royalty rate that we will apply to specified ranges of the adjusted value or volume of production. (2) We will determine the adjusted value of production by applying an inflation factor to the actual value of production. (3) If you are the successful high bidder, your lease will include the sliding-scale formula or schedule and will specify the lowest and highest royalty rates that will apply. (4) You will pay a royalty rate of not less than 12.5 percent at the beginning of the lease period. (5) We will include the sliding-scale royalty formula or schedule, inflation factor and procedures for making the inflation adjustment and determining the value or amount of production in the Notice of OCS Lease Sale published in the **Federal Register**.
(d) Cash bonus bid with fixed share of the net profits of no less than 30 percent.	Cash bonus	(1) If we award you a lease as the highest responsible qualified bidder, you will determine the amount of the net profit share payment to the United States for each month by multiplying the net profit share base times the net profit share rate, according to § 220.022. You will calculate the net profit share base according to § 220.021. (2) You will pay a net profit share of not less than 30 percent. (3) We will specify the capital recovery factor, as described in § 220.020, and the net profit share rate, both of which may vary from tract to tract, in the Notice of OCS Lease Sale published in the **Federal Register**.
(e) Cash bonus with variable royalty rate(s) during one or more periods of production.	Cash bonus	(1) We may suspend or defer royalty for a period, volume, or value of production. Notwithstanding suspensions or deferrals, we may impose a minimum royalty. The suspensions or deferrals may vary based on prices or price changes of oil and/or gas. (2) You may pay a royalty rate less than 12.5 percent on production but not less than zero percent. (3) We will specify the applicable royalty rates(s) and suspension or deferral magnitudes, formulas, or relationships in the Notice of OCS Lease Sale published in the **Federal Register**.
(f) Cash bonus with royalty rate(s) based on formula(s) or schedule(s) during one or more periods of production.	Cash bonus	We will base the royalty rate on formula(s) or schedule(s) specified in the Notice of OCS Lease Sale published in the **Federal Register**.
(g) Cash bonus with a fixed royalty rate of not less than 12.5 percent, at the beginning of the lease period, suspension of royalties for a period, volume, or value of production, or depending upon selected characteristics of extraction, and with suspensions that may vary based on the price of production.	Cash bonus	Except for periods of royalty suspension, you will pay a fixed royalty rate of not less than 12.5 percent. If we award to you a lease under this system, you must calculate the royalty due during the designated period using the rate, formula, or schedule specified in the lease. We will specify the royalty rate, formula, or schedule in the Notice of OCS Lease Sale published in the **Federal Register**.

§ 260.111 What conditions apply to the bidding systems that MMS uses?

(a) For each of the bidding systems in § 260.110, we will include an annual rental fee. Other fees and provisions may apply as well. The Notice of OCS Lease Sale published in the **Federal Register** will specify the annual rental and any other fees the highest responsible qualified bidder must pay and any other provisions.

(b) If we use any deferment or schedule of payments for the cash bonus bid, we will specify and include it in the Notice of OCS Lease Sale published in the **Federal Register**.

(c) For the bidding systems listed in this subpart, if the bid variable is a cash bonus bid, the highest bid by a qualified bidder determines the amount of cash bonus to be paid. We will include the minimum bid level(s) in the Notice of OCS Lease Sale published in the **Federal Register**.

(d) For the bidding systems listed in this subpart, if the bid variable is the royalty rate, the highest bid by a qualified bidder determines the royalty rate to be paid. We will include the minimum royalty rate(s) in the Notice of OCS Lease Sale published in the **Federal Register**.

(e) We may, by rule, add to or modify the bidding systems listed in § 260.110, according to the procedural requirements of the OCSLA, 43 U.S.C. 1331 *et seq.*, as amended by Public Law 95–372, 92 Stat. 629.

Eligible Leases

§ 260.112 How do royalty suspension volumes apply to eligible leases?

Royalty suspension volumes, as specified in section 304 of the Act, apply to eligible leases that meet the criteria in § 260.113. For purposes of this section and §§ 260.113 through 260.117:

(a) Any volumes of production that are not normally royalty-bearing under the lease or the regulations (e.g., fuel gas) do not count against royalty suspension volumes; and

(b) Production includes volumes allocated to a lease under an approved unit agreement.

§ 260.113 When does an eligible lease qualify for a royalty suspension volume?

(a) Your eligible lease may receive a royalty suspension volume only if it is in a field where no current lease produced oil or gas (other than test production) before November 28, 1995. For eligible leases, the bidding system in § 260.110(g) applies only to leases in fields that meet this condition.

(b) You may receive a royalty suspension volume only if your entire lease is west of 87 degrees, 30 minutes West longitude. A field that lies on both sides of that meridian will receive a royalty suspension volume only for those eligible leases lying entirely west of the meridian.

§ 260.114 How does MMS assign and monitor royalty suspension volumes for eligible leases?

(a) We will assign your lease that has a qualifying well (under part 250, subpart A of this title) to an existing field or designate a new field and will notify you and other affected lessees and operating rights holders in the field of that assignment.

(1) Within 15 days of that notification, you or any of the other affected lessees or operating rights holders may file a written request with the Director of MMS (Director) for reconsideration accompanied by a "Statement of Reasons."

(2) The Director will respond in writing either affirming or reversing the assignment decision. The Director's decision is the final action of the Department of the Interior and is not subject to appeal to the Interior Board of Land Appeals under part 290 of this title and 43 CFR part 4.

(b) We have specified the water depth for each eligible lease in the final Notice of OCS Lease Sale. Our determination of water depth for each lease is final once we issue the lease. We have specified in the Notice the royalty suspension volume applicable to each water depth. The minimum royalty suspension volumes for fields in million barrels of oil equivalent (MMBOE) are shown in the following table:

Water depth	Minimum royalty suspension volume
(1) 200 to 400 meters	17.5 MMBOE
(2) 400 to 800 meters	52.5 MMBOE
(3) 800 meters or more	87.5 MMBOE

(c) Before commencing production, you must:

(1) Notify the MMS Regional Supervisor for Production and Development of your intention to start production; and

(2) Request confirmation of the size of the royalty suspension volume that applies to your eligible lease.

(d) When production (other than test production) first occurs from any of the eligible leases in a field consisting only of eligible leases, we will determine what royalty suspension volume applies to the lease(s) in that field. We base the determination for eligible lease(s) on the royalty suspension volumes specified in paragraph (b) of this section and § 260.117(a).

(e) Your eligible lease may obtain more than one royalty suspension volume. If a new field is discovered on your eligible lease that already benefits from the royalty suspension volume from another field, production from that new field receives a separate royalty suspension.

§ 260.115 How long will a royalty suspension volume for an eligible lease be effective?

A royalty suspension volume for an eligible lease will continue through the end of the month in which cumulative production from the leases in a field entitled to share the royalty suspension volume reaches that volume or the lease period ends.

§ 260.116 How do I measure natural gas production on my eligible lease?

You must measure natural gas production on your eligible lease subject to the royalty suspension volume as follows: 5.62 thousand cubic feet of natural gas, measured according to part 250, subpart L of this title, equals one barrel of oil equivalent.

§ 260.117 What other provisions apply to royalty suspension volumes for eligible leases?

In addition to the provisions in §§ 260.111 through 260.116, the provisions in this section apply to royalty suspension volumes on eligible leases.

(a) If a new field consists of eligible leases in different water-depth categories, the royalty suspension volume associated with the eligible lease in the deepest water applies.

(b) If your eligible lease is the only eligible lease in a field, you do not owe royalty on the production from your lease up to the applicable royalty suspension volume.

(c) If a field consists of more than one eligible lease:

(1) Payment of royalties on the eligible leases' initial production is suspended until cumulative production equals the field's established royalty suspension volume;

(2) Only production from leases entitled to share in the field's royalty suspension volume counts as part of this cumulative production; and

(3) The royalty suspension volume for each eligible lease is equal to each lease's actual production (or production allocated under an approved unit agreement) until the field's royalty suspension volume is reached.

(d) This paragraph applies if we add an eligible lease to a field that has an established royalty suspension volume

that we approved under part 203 of this title. This paragraph also applies to a field that has an established royalty suspension volume as a result of production starting from one or more eligible leases in the field. In situations covered by this paragraph:

(1) The field's royalty suspension volume will not change, even if the added lease is in deeper water;

(2) If we granted a royalty suspension volume under part 203 of this title that is larger than the minimum specified for that water depth, the added eligible lease may share in the larger suspension volume;

(3) The eligible lease may receive a royalty suspension volume only to the extent of its production before the cumulative production equals the field's previously established royalty suspension volume; and

(4) Only production from leases entitled to share in the field's previously established royalty suspension volume counts as part of this cumulative production.

(e) A pre-Act lease may receive a royalty suspension volume under part 203 of this title for a field that already has a royalty suspension volume due to eligible leases. If this happens, then:

(1) The eligible and pre-Act leases share a single royalty suspension volume;

(2) The field's royalty suspension volume is the larger of the volume for the eligible leases or the volume MMS grants in response to the pre-Act leases' application; and

(3) The suspension volume for each eligible lease is its actual production from the lease until cumulative production from all leases in the field entitled to share in the field-based suspension volume equals the suspension volume.

(f) If we reassign a well on an eligible lease to another field, the past production from that well:

(1) Will count toward the royalty suspension volume, if any, specified for the field to which it is reassigned; and

(2) Will not count toward the royalty suspension volume, if any, for the field from which it was reassigned.

Royalty Suspension (RS) Leases

§ 260.120 How does royalty suspension apply to leases issued in a sale held after November 2000?

We may issue leases with suspension of royalties for a period, volume or value of production, as authorized in section 303 of the Act. For purposes of this section and §§ 260.121 through 260.124:

(a) Any volumes of production that are not normally royalty-bearing under the lease or the regulations (e.g., fuel gas) do not count against royalty suspension volumes; and

(b) Production includes volumes allocated to a lease under an approved unit agreement.

§ 260.121 When does a lease issued in a sale held after November 2000 get a royalty suspension?

(a) We will specify any royalty suspension for your RS lease in the Notice of OCS Lease Sale published in the **Federal Register** for the sale in which you acquire the RS lease and will repeat it in the lease document. In addition:

(1) Your RS lease may produce royalty-free the royalty suspension we specify for your lease, even if the field to which we assign it is producing.

(2) The royalty suspension we specify in the Notice of OCS Lease Sale for your lease does not apply to any other leases in the field to which we assign your RS lease.

(b) You may apply for a supplemental royalty suspension for a project under part 203 of this title, if your lease lies:

(1) In the Gulf of Mexico,

(2) In water 200 meters or deeper, and

(3) Wholly west of 87 degrees, 30 minutes West longitude.

(c) Your RS lease retains the royalty suspension with which we issued it even if we deny your application for more relief.

§ 260.122 How long will a royalty suspension volume be effective for a lease issued in a sale held after November 2000?

(a) The royalty suspension volume for your RS lease will continue through the end of the month in which cumulative production from your lease reaches the applicable royalty suspension volume or the lease period ends.

(b)(1) Notwithstanding any royalty suspension under this subpart, you must pay royalty at the lease stipulated rate on:

(i) Any oil produced for any period stipulated in the lease during which the arithmetic average of the daily closing prices on the New York Mercantile Exchange (NYMEX) for light sweet crude oil exceeds a threshold price stipulated in the lease, or

(ii) Any natural gas produced for any period stipulated in the lease during which the arithmetic average of the daily closing prices on the NYMEX for natural gas exceeds a threshold price stipulated in the lease.

(2) You must pay any royalty due under this paragraph, plus late payment interest under § 218.54 of this title, no later than 90 days after the end of the period for which royalty is owed.

(3) Any production on which you must pay royalty under this paragraph will count toward the production volume determined under §§ 260.120 through 260.124.

(c) If you must pay royalty on any product (either oil or natural gas) for any period under paragraph (b), you must continue to pay royalty on that product during the next succeeding period of the same length until the arithmetic average of the daily closing NYMEX prices for that product for that period can be determined. If the arithmetic average of the daily closing prices for that product for that period is less than the threshold price stipulated in the lease, you are entitled to a credit or refund of royalties paid for that period with interest under applicable law.

(d) MMS will adjust the threshold oil and gas prices referred to in paragraph (b) for any period stipulated in the lease by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding period.

§ 260.123 How do I measure natural gas production for a lease issued in a sale held after November 2000?

You must measure natural gas production subject to the royalty suspension volume for your lease as follows: 5.62 thousand cubic feet of natural gas, measured according to part 250, subpart L of this title, equals one barrel of oil equivalent.

§ 260.124 How will royalty suspension apply if MMS assigns a lease issued in a sale held after November 2000 to a field that has an eligible or pre-Act lease?

(a) We will assign your lease that has a qualifying well (under part 250, subpart A of this title) to an existing field or designate a new field and will notify you and other affected lessees and operating rights holders in the field of that assignment.

(1) Within 15 days of the final notification, you or any of the other affected lessees or operating rights holders may file a written request with the Director for reconsideration, accompanied by a Statement of Reasons.

(2) The Director will respond in writing either affirming or reversing the assignment decision. The Director's decision is the final action of the Department of the Interior and is not subject to appeal to the Interior Board of Land Appeals under part 290 of this title and 43 CFR part 4.

(b) If we establish a royalty suspension volume for a field, either as a result of an approved application for royalty relief submitted for a pre-Act lease under part 203 of this title or as the result of production starting from one or more eligible leases in the field, then:

(1) Royalty-free production from your RS lease shares from and counts as part of any royalty suspension volume remaining for the field to which we assign your lease; and

(2) Your RS lease may continue to produce royalty-free up to the royalty suspension we specified for your lease, even if the field to which we assign your RS lease has produced all of its royalty suspension volume.

(c) Your lease may share in a suspension volume larger than the royalty suspension with which we issued it and to the extent we grant a larger volume in response to an application by a pre-Act lease submitted under part 203 of this title. To share in any larger royalty suspension volume, you must file an application described in §§ 203.71 and 203.83. In no case will royalty-free production for your RS lease be less than the royalty suspension specified for your lease.

Bidding System Selection Criteria

§ 260.130 What criteria does MMS use for selecting bidding systems and bidding system components?

In analyzing the application of one of the bidding systems listed in § 260.110 to tracts selected for any OCS lease sale, we may, at our discretion, consider the following purposes and policies. We recognize that each of the purposes and policies may not be specifically applicable to the selection process for a particular bidding system or tract, or may present a conflict that we will have to resolve in the process of bidding system selection. The order of listing does not denote a ranking.

(a) Providing fair return to the Federal Government;

(b) Increasing competition;

(c) Ensuring competent and safe operations;

(d) Avoiding undue speculation;

(e) Avoiding unnecessary delays in exploration, development, and production;

(f) Discovering and recovering oil and gas;

(g) Developing new oil and gas resources in an efficient and timely manner;

(h) Limiting the administrative burdens on Government and industry; and

(i) Providing an opportunity to experiment with various bidding systems to enable us to identify those most appropriate for the satisfaction of the objectives of the United States in OCS lease sales.

Subpart C [Reserved]

Subpart D—Joint Bidding

§ 260.301 What is the purpose of this subpart?

The purpose of this subpart is to encourage participation in OCS oil and gas lease sales by limiting the requirement for filing "Statements of Production" to certain joint bidders.

§ 260.302 What definitions apply to this subpart?

For the purposes of this subpart, all terms used are defined as in § 256.40 of this title.

§ 260.303 What are the joint bidding requirements?

(a) You must file a Statement of Production with the Director, according to the requirements of §§ 256.38 through 256.44 of this title if:

(1) You submit a joint bid for any OCS oil and gas lease during a 6-month bidding period; and

(2) You were chargeable for the prior production period with an average daily production from all sources in excess of 1.6 million barrels of crude oil, natural gas equivalents, and liquefied petroleum products.

(b) The Statement of Production that you file under paragraph (a) of this section must state that you are chargeable for the prior production period with an average daily production in excess of the quantities listed in paragraph (a) of this section.

(c) If your average daily production in the prior production period met or exceeded the quantities specified in paragraph (a) of this section, you may not submit a joint bid for any OCS oil and gas lease during the applicable 6-month bidding period with any other person similarly chargeable. We will disqualify and reject these bids.

(d) If your average daily production in the prior production period met or exceeded the quantities specified in paragraph (a) of this section, you may not enter into an agreement prior to a lease sale that would result in two or more persons, similarly chargeable, acquiring or holding any interest in the tract for which the bid is submitted. We will disqualify and reject these bids.

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 178, Part 1

AGENCY: Minerals Management Service, Interior.

ACTION: Final Notice of Sale 178, Part 1.

This Final Notice of Sale 178, Part 1, offers for lease all blocks in the Central Gulf of Mexico except for blocks beyond the United States Exclusive Economic Zone in the area known as the Northern Portion of the Western Gap and certain other deferrals as specified below. A separate offering in late August 2001 of Central Gulf of Mexico blocks in the Western Gap (in the Amery Terrace Area (NG15–09)) is under consideration. If it occurs, it will be known as Sale 178, Part 2.

On March 28, 2001, the Minerals Management Service (MMS) will open and publicly announce bids received for blocks offered in Sale 178, Part 1, Central Gulf of Mexico, pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331–1356, as amended) and the regulations issued thereunder (30 CFR Part 256). Bidders can obtain a "Final Notice of Sale 178, Part 1 Package" containing this Notice of Sale and several supporting and essential documents referenced herein, from the MMS Gulf of Mexico Region's Public Information Unit, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF, or via the MMS Gulf of Mexico Region's Internet site at http://www.gomr.mms.gov. The MMS also maintains a 24-hour Fax-on-Demand Service at (202) 219–1703. The "Final Notice of Sale 178, Part 1 Package" contains information essential to bidders, and bidders are charged with the knowledge of the documents contained in the package.

Location and Time: Public bid reading will begin at 9 a.m., Wednesday, March 28, 2001, in the Sheraton New Orleans Hotel (Armstrong Ballroom, 8th floor), 500 Canal Street, New Orleans, Louisiana. All times referred to in this document are local New Orleans time.

Filing of Bids: Bidders must submit sealed bids to the Regional Director (RD), MMS Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, between 8 a.m. and 4 p.m., prior to the Bid Submission Deadline of 10 a.m., Tuesday, March 27, 2001. If the bids are mailed, mark on the envelope containing all the sealed bids the following: *Attention:* Mr. John Rodi, Contains Sealed Bids for Sale 178, Part 1. If the RD receives bids later than the time and date specified above, he will return the bids unopened to bidders. Bidders may not modify or withdraw their bids unless the RD receives a written modification or written withdrawal request prior to 10 a.m., Tuesday, March 27, 2001. In the event of widespread flooding or other natural disaster, the MMS Gulf of Mexico Regional Office may extend the bid submission deadline. Bidders may call (504) 736–0557 for information about the possible extension of the bid submission deadline due to such an event.

Areas Offered for Leasing

The MMS is offering for leasing all blocks and partial blocks listed in the document "Blocks Available for Leasing in Gulf of Mexico OCS Oil and Gas Lease Sale 178, Part 1" included in the Sale Notice Package. All of these blocks are shown on the following Leasing Maps and Official Protraction Diagrams (which may be purchased from the MMS Gulf of Mexico Regional Office Public Information Unit).

Outer Continental Shelf Leasing Maps—Louisiana Nos. 1 through 12: (These 30 maps sell for $2.00 each)

LA1 West Cameron Area (revised 09/01/99)
LA1A West Cameron Area, West Addition (revised 05/30/97)
LA1B West Cameron Area, South Addition (revised 05/30/97)
LA2 East Cameron Area (revised 09/01/99)
LA2A East Cameron Area, South Addition (revised 09/01/99)
LA3 Vermilion Area (revised 09/01/99)
LA3A South Marsh Island Area (revised 09/01/99)
LA3B Vermilion Area, South Addition (revised 09/01/99)
LA3C South Marsh Island Area, South Addition (revised 09/01/99)
LA3D South Marsh Island Area, North Addition (revised 09/01/99)
LA4 Eugene Island Area (revised 09/01/99)
LA4A Eugene Island Area, South Addition (revised 09/01/99)
LA5 Ship Shoal Area (revised 09/01/99)
LA5A Ship Shoal Area, South Addition (revised 09/01/99)
LA6 South Timbalier Area (revised 09/01/99)
LA6A South Timbalier Area, South Addition (revised 09/01/99)
LA6B South Pelto Area (revised 09/01/99)
LA6C Bay Marchand Area (revised 12/30/94)
LA7 Grand Isle Area (revised 09/01/99)
LA7A Grand Isle Area, South Addition (revised 09/01/99)
LA8 West Delta Area (revised 09/01/99)
LA8A West Delta Area, South Addition (revised 09/01/99)
LA9 South Pass Area (revised 09/01/99)
LA9A South Pass Area, South and East Addition (revised 09/01/99)
LA10 Main Pass Area (revised 09/01/99)
LA10A Main Pass Area, South and East Addition (revised 09/01/99)
LA10B Breton Sound Area (revised 09/01/99)
LA11 Chandeleur Area (revised 09/01/99)
LA11A Chandeleur Area, East Addition (revised 09/01/99)
LA12 Sabine Pass Area (revised 05/30/97)

Outer Continental Shelf Official Protraction Diagrams: (These diagrams sell for $2.00 each)

NG15–03 Green Canyon (revised 09/01/99)
NG15–06 Walker Ridge (revised 09/01/99)
NG15–09 Amery Terrace (revised 10/25/00)
NG16–01 Atwater Valley (revised 09/01/99)
NG16–04 Lund (revised 09/01/99)
NG16–07 Lund South (revised 09/01/99)
NH15–12 Ewing Bank (revised 09/01/99)
NH16–04 Mobile (revised 09/01/99)
NH16–07 Viosca Knoll (revised 09/01/99)
NH16–10 Mississippi Canyon (revised 05/01/96)

Note: A CD–ROM (in ARC/INFO format) containing all of the Gulf of Mexico Leasing Maps and Official Protraction Diagrams, except for those not yet revised to digital format, is available from the MMS Gulf of Mexico Regional Office Public Information Unit for a price of $15.00. Only Amery Terrace (NG15–09) in the Central Gulf is not available on the CD–ROM. The Leasing Maps and Official Protraction Diagrams are also available on our Internet site. See also 65 FR 2191, published on January 13, 2000, and 65 FR 67016, published on November 8, 2000, for the current status of all Gulf of Mexico Leasing Maps and Official Protraction Diagrams.

All blocks are shown on these Leasing Maps and Official Protraction Diagrams. The available Federal acreage of all whole and partial blocks in this sale is shown in the document "List of Blocks Available for Leasing, Sale 178, Part 1" included in the Sale Notice Package. Some of these blocks may be partially leased or transected by administrative lines such as the Federal/State jurisdictional line. Information on the unleased portions of such blocks, including the exact acreage, is found in the document titled "Central Gulf of Mexico Lease Sale 178, Part 1, Unleased Split Blocks and Unleased Acreage of Blocks with Aliquots and Irregular Portions Under Lease," included in the Sale Notice Package.

Areas Not Available for Leasing

The following blocks in the Central Gulf of Mexico Planning Area are not available for leasing: Blocks currently under lease; Mississippi Canyon Block 474, which is under consideration for use as the host location to develop several existing leases termed the "NaKika Project"; Viosca Knoll Block 69 (lease termination is currently under appeal); and the following blocks which are beyond the United States Exclusive Economic Zone in the area known as the Northern Portion of the Eastern Gap are deferred from leasing in this sale by the Department of the Interior: *Lund South (Area NG16–07)* Blocks 172, 173, 213 through 217, 252 through 261, 296 through 305, 349; and the following blocks which are beyond the United States Exclusive Economic Zone in the area known as the Northern Portion of the Western Gap are deferred from leasing in this sale by the Department of the Interior but are under consideration to be offered in a Sale 178, Part 2, in August 2001: *Amery Terrace (Area NG15–09)* Blocks 133 through 135, 177 through 184, 221 through 238, 265 through 281, 309 through 320, 355 through 359.

Leasing Terms and Conditions

Primary lease terms, primary lease term extensions, minimum bids, annual rental rates, royalty rates, and royalty suspension areas are shown on the map "Lease Terms and Economic Conditions, Sale 178, Part 1, Final" for leases resulting from this sale:

Primary lease terms: 5 years for blocks in water depths of less than 400 meters; 8 years for blocks in water depths of 400 to 799 meters; and 10 years for blocks in water depths of 800 meters or deeper;

Primary lease term extensions: Extensions *may* be granted for eligible blocks in water depths less than 400 meters as specified in Notice To Lessees and Operators (NTL) 2000–G22, effective December 22, 2000;

Minimum bids: $25 per acre or fraction thereof for blocks in water depths of less than 800 meters and $37.50 per acre or fraction thereof for blocks in water depths of 800 meters or deeper;

Annual rental rates: $5 per acre or fraction thereof for blocks in water depths of less than 200 meters and $7.50 per acre or fraction thereof for blocks in water depths of 200 meters or deeper, to be paid on or before the first day of each lease year until a discovery in paying quantities of oil or gas is made, then at the expiration of each lease year until the start of royalty-bearing production;

Royalty rates: 16⅔ percent royalty rate for blocks in water depths of less than 400 meters and a 12½ percent royalty rate for blocks in water depths of 400 meters or deeper, except during periods of royalty suspension, to be paid monthly on the last day of the month next following the month in which the production is obtained;

Minimum royalty: After the start of royalty-bearing production: $5 per acre or fraction thereof per year for blocks in water depths of less than 200 meters and $7.50 per acre or fraction thereof per year for blocks in water depths of 200 meters or deeper, to be paid at the expiration of each lease year;

Royalty Suspension Areas: We are offering leases in this sale subject to the new final regulations in 30 CFR Part 260, published in February 2001. Royalty suspension will apply for blocks in water depths less than 200 meters where new deep gas (15,000 feet or greater subsea) is drilled and commences production within the initial primary 5-year lease term, and in water depths of 800 meters or deeper (for oil and gas); see the map titled "Lease Terms and Economic Conditions, Sale 178, Part 1, Final" for specific areas. See the document contained within the Sale 178, Part 1, Final Notice Package titled "Royalty Suspension Provisions, Sale 178, Part 1" for the specific details regarding royalty suspension eligibility and implementation.

The map titled "Stipulations and Deferred Blocks, Sale 178, Part 1, Final" depicts the blocks where four lease stipulations apply: 1. Topographic Features, 2. Live Bottoms, 3. Military Areas, and 4. Blocks South of Baldwin County, Alabama. The texts of the stipulations are contained in the document "Lease Stipulations for Oil and Gas Lease Sale 178, Part 1, Final" included in the Final Sale Notice Package. Also shown on this map are the deferred blocks noted above.

Rounding: The following procedure must be used to calculate minimum bid, rental, and minimum royalty on blocks with fractional acreage: Round up to the next whole acre and multiply by the applicable dollar amount to determine the correct minimum bid, rental, or minimum royalty.

Note: For the minimum bid only, if the calculation results in a decimal figure, round up to the next whole dollar amount (see next paragraph). The minimum bid calculation, including all rounding, is shown in the document "List of Blocks Available for Leasing in Central Gulf of Mexico OCS Oil and Gas Sale 178, Part 1" included in the Sale Notice Package.

Method of Bidding: For each block bid upon, a bidder must submit a separate signed bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 178, Part 1, not to be opened until 9 a.m., Wednesday, March 28, 2001." The total amount bid must be in a whole dollar amount; any cent amount above the whole dollar will be ignored by the MMS. Details of the information required on the bid(s) and the bid envelope(s) are specified in the document "Bid Form and Envelope" contained in the Sale Notice Package.

The MMS published a list of restricted joint bidders, which applies to this sale, in the **Federal Register** at 65 FR 59869, on October 6, 2000. Bidders must execute all documents in conformance with signatory authorizations on file in the MMS Gulf of Mexico Regional Office. Partnerships also must submit or have on file a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, e.g., 33.33333 percent. The MMS may require bidders to submit other documents in accordance with 30 CFR 256.46. The MMS warns bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders. Bidders are advised that the MMS considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including paying the ⅛th bonus on all high bids. A statement to this effect must be included on each bid (see the document "Bid Form and Envelope" contained in the Sale Notice Package).

Bid Deposit: Submitters of high bids must deposit the ⅛th bonus by using electronic funds transfer (EFT) procedures, following the detailed instructions contained in the document "Instructions for Making EFT Bonus Payments" included in the Sale Notice Package. All payments must be electronically deposited into an interest-bearing account in the U.S. Treasury (account specified in the EFT instructions) during the period the bids

are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

Note: Certain bid submitters (i.e., those that do NOT currently own or operate an OCS mineral lease OR those that have ever defaulted on a 1/5th bonus payment (EFT or otherwise)) are required to guarantee (secure) their 1/5th bonus payment. For those who must secure the EFT 1/5th bonus payment, one of the following options may be used: 1. Provide a third-party guaranty; 2. Amend Development Bond Coverage; 3. Provide a Letter of Credit; or 4. Provide a lump sum payment via EFT prior to the sale. The EFT instructions specify the requirements for each option.

Withdrawal of Blocks: The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids: The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block will be awarded to any bidder, unless the bidder has complied with all requirements of this Notice, including the documents contained in the associated Sale Notice Package and applicable regulations; the bid is the highest valid bid; and the amount of the bid has been determined to be adequate by the authorized officer. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance. To ensure that the Government receives a fair return for the conveyance of lease rights for this sale, high bids will be evaluated in accordance with MMS bid adequacy procedures. A copy of the current procedures, "Modifications to the Bid Adequacy Procedures" (64 FR 37560 of July 12, 1999), effective July 1, 1999, is available from the MMS Gulf of Mexico Regional Office Public Information Unit.

Successful Bidders: As required by MMS, each company that has been awarded a lease must execute all copies of the lease (Form MMS–2005 (March 1986) as amended), pay the balance of the cash bonus bid along with the first year's annual rental for each lease issued by EFT in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR 256, Subpart I, as amended. Each bidder in a successful high bid must have on file, in the MMS Gulf of Mexico Regional Office Adjudication Unit, a currently valid certification (Debarment Certification Form) certifying that the bidder is not excluded from participation in primary covered transactions under Federal nonprocurement programs and activities. A certification previously provided to that office remains currently valid until new or revised information applicable to that certification becomes available. In the event of new or revised applicable information, the MMS will require a subsequent certification before lease issuance can occur. Persons submitting such certifications should review the requirements of 43 CFR, Part 12, Subpart D. A copy of the Debarment Certification Form is contained in the Sale Notice Package.

Affirmative Action: The MMS requests that the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS–2033 (June 1985), and the Affirmative Action Representation Form, Form MMS–2032 (June 1985), be on file in the MMS Gulf of Mexico Regional Office Adjudication Unit prior to bidding. In any event, these forms are *required* to be on file in the MMS Gulf of Mexico Regional Office Adjudication Unit prior to execution of any lease contract. Bidders must also comply with the requirements of 41 CFR 60.

Information to Lessees: The Sale Notice Package contains a document titled "Information to Lessees." These Information to Lessees items provide information on various matters of interest to potential bidders.

Dated: February 16, 2001.

Thomas R. Kitsos,

Acting Director, Minerals Management Service.

Piet deWitt,

Acting Assistant Secretary, Land and Minerals Management.

[FR Doc. 01–4491 Filed 2–22–01; 8:45 am]

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H.J. Res. 7/P.L. 107–1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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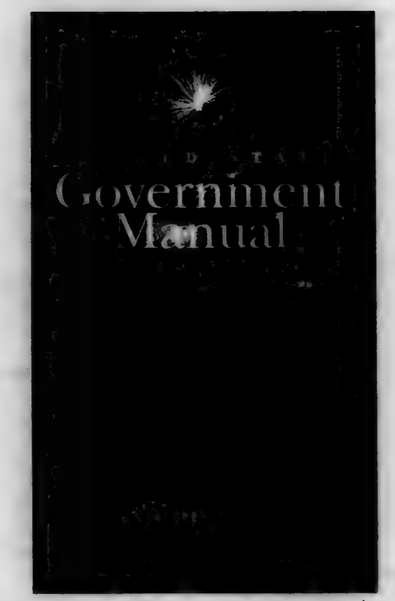
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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AF94

Changes, Tests, and Experiments; Corrections

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correcting amendments.

SUMMARY: This document corrects a final rule appearing in the **Federal Register** on October 4, 1999 (65 FR 53582). This action to correct two editorial errors is necessary for clarity and consistency in the regulations.

DATES: Effective on April 5, 2001.

FOR FURTHER INFORMATION CONTACT: Jayne McCausland [telephone (301) 415–6219, e-mail JMM2@nrc.gov] of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1998 (64 FR 56098), a proposed rule to revise the "Changes, Tests, and Experiments" regulations was published in the **Federal Register**, and on October 4, 1999 (65 FR 53582), the NRC published the final rule. The purpose of the rule was to revise §§ 50.59 and 72.48 to reduce regulatory burden and enhance clarity between the regulations in Parts 50 and 72. After the final rule was published, two minor editorial errors were discovered in § 72.48. Industry identified one error in paragraph (c)(2)(iii) and NRC identified the other error in (c)(2)(vii). In paragraph (c)(2)(iii), the term "(as updated)" was omitted. This term had been used in the proposed rule issued on October 21, 1998 (64 FR 56098), and no public comments had been received on its use. In paragraph (c)(2)(vii), the phrase "as described in the FSAR" had been mispositioned in the sentence, resulting in an inconsistency between this section and § 50.59(c)(2)(vii), which issues the same criterion.

Need for Corrections

As published, the final rule entitled "Changes, Tests, and Experiments" (64 FR 53582; October 4, 1999) contains errors which may prove to be misleading and need to be clarified.

List of Subjects in 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendment to 10 CFR Part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 295 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330—236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 935 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203; 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart j also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h). Subparts K and L are also issued under sec. 133, 96 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.48, paragraphs (c)(2)(iii) and (c)(2)(vii) are revised to read as follows:

§ 72.48 Changes, tests, and experiments.

* * * * *

(c) * * *

(2) * * *

(iii) Result in more than a minimal increase in the consequences of an accident previously evaluated in the FSAR (as updated);

* * * * *

(vii) Result in a design basis limit for a fission product barrier as described in the FSAR (as updated) being exceeded or altered; or

* * * * *

Dated at Rockville, Maryland, this 21st day of February, 2001.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Acting Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 01–4620 Filed 2–23–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM184; Special Conditions No. 25–174–SC]

Special Conditions: Airbus Industrie A300; High-Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Airbus Industrie A300 airplanes modified to an Electronic Cable Specialists design. These modified airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The

modification incorporates the installation of dual Electronic Horizontal Situation Indicators that perform critical functions. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity-radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: The effective date of these special conditions is February 16, 2001. Comments must be received on or before March 28, 2001.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM–114), Docket No. NM184, 1601 Lind Avenue SW., Renton, Washington 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: *Docket No. NM184*. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Meghan Gordon, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–2138; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications recieved on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to these special conditions must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM184." The postcard will be date stamped and returned to the commenter.

Background

On September 18, 2000, Electronic Cable Specialists, 5300 West Franklin Drive, Franklin WI, applied for a Supplemental Type Certificate (STC) to modify Airbus Industrie A300 airplanes. The Model A300 is a large transport category airplane. The Airbus A300 airplanes are powered by two General Electric Model CF6–50 turbofans with a maximum takeoff weight of 363,760 pounds. This aircraft operates with a pilot, copilot, and flight engineer and can hold up to 345 passengers. The modification incorporates the Universal Avionics Systems Corporation (UASC) EFI–550 Electronic Flight Instrument System. Dual EFI–550 flat panel displays will be installed, replacing existing electro-mechanical horizontal situation indicators (HSI's), as the primary navigation Display/HSI. The avionics/electronics and electrical systems installed in this airplane have the potential to be vulnerable to high-intensity radiated fields (HIRF) external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Electronic Cable Specialists must show that the Airbus Industrie A300 airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A35EU, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The regulations included in the certification basis for the Airbus Industrie A300 airplanes include Title 14, Code of Federal Regulations (14 CFR) 21.29(a)(1), based upon Franco/German requirements of part 25 effective February 1, 1965, plus additional requirements listed in the type certificate data sheet that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Airbus Industrie A300 airplanes modified to Electronic Cable Specialists design because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, these Airbus Industrie A300 airplanes must comply with the fuel vent and exhaust emission requirements of part 34 and the noise certification requirements of part 36.

Special conditions, as defined in § 11.19, are issued in accordance with § 11.38 and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should Electronic Cable Specialists apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

As noted earlier, the Airbus Industrie A300 airplanes modified to Electronic Cable Specialists design will incorporate a new Electronic Horizontal Situation Indicator that will perform critical functions. This system may be vulnerable to high-intensity radiated fields external to the airplane. The current airworthiness standards of part 25 do not contain adequate or appropriate safety standards for the protection of this equipment from the adverse effects of HIRF. Accordingly, this system is considered to be a novel or unusual design feature.

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive avionics/electronics and electrical systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved that is equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Airbus Industrie A300 airplanes modified to Electronic Cable Specialists design. These special conditions require that new avionics/electronics and electrical systems that perform critical functions be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications coupled with electronic command and control of the airplane, the immunity of critical avionics/electronics and electrical systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraph 1 or 2 below:

1. A minimum threat of 100 volts rms per meter electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated. Both peak and average field strength components from the Table are to be demonstrated.

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

The threat levels identified above are the result of an FAA review of existing studies on the subject of HIRF, in light of the ongoing work of the Electromagnetic Effects Harmonization Working Group of the Aviation Rulemaking Advisory Committee.

Applicability

As discussed above, these special conditions are applicable to Airbus Industrie A300 airplanes modified to Electronic Cable Specialists design. Should Electronic Cable Specialists apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on the Airbus Industrie A300 airplanes modified to Electronic Cable Specialists design. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for Airbus Industrie A300 airplanes modified to Electronic Cable Specialists design.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions:* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on February 16, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4676 Filed 2–23–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AWP–5]

Establishment of Class D Airspace; Sacramento Mather Airport, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D airspace extending upward from the surface to and including 2,600 feet MSL within a 4.5-mile radius of Sacramento Mather Airport in Sacramento, CA. A review of airspace and procedures has made this action necessary. Last year a Federal Contract Tower commenced operations at this location on a full-time basis, serving a large volume of air cargo and general aviation traffic. The intended effect of this action is to establish Class D airspace consistent with the nature of operations at Sacramento Mather Airport.

EFFECTIVE DATE: May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Jeri Carson, Airspace Specialist, AWP–520.11, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6611.

SUPPLEMENTARY INFORMATION:

Background

On November 28, 2000, the FAA published a document (65 FR 70823) proposing to establish Class D airspace at Sacramento Mather Airport, CA. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal to the FAA. In the ensuing comment period, which closed on January 12, 2001, the FAA received no comments on the proposed action.

The Rule

This action amends 14 CFR part 71 by establishing Class D airspace extending upward from the surface to and including 2,600 feet MSL within a 4.5-mile radius of Sacramento Mather Airport in Sacramento, CA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, through September 15, 2001, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in that Order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 71 of Title 14, Code of Federal Regulations as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AWP CA D Sacramento Mather Airport, CA [New]

Sacramento Mather Airport, CA
(Lat. 38°33'14", long. 121°17'51"W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.5-mile radius of Sacramento Mather Airport.

* * * * *

Issued in Los Angeles, California, on February 12, 2001.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 01–4678 Filed 2–23–01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AWP–15]

Modification of Class D and E Surface Areas; Sacramento Executive Airport, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class D and E airspace areas at Sacramento Executive Airport by reducing the radius of the basic surface area and by removing those portions of airspace defined as a northeast extension to the basic surface area. A review of airspace and procedures has made this action necessary. The intended effect of this action is to reduce the volume of regulatory airspace at Sacramento Executive Airport to only that necessary for safe and efficient operations.

EFFECTIVE DATE: May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Jeri Carson, Airspace Specialist, AWP–520.11, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6611.

SUPPLEMENTARY INFORMATION:

Background

On November 28, 2000, the FAA published a document (65 FR 70824) proposing to revise the Class D and E airspace areas at Sacramento Executive Airport in Sacramento, California. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal to the FAA. In the ensuing comment period, which closed on January 12, 2001, the FAA received no comments on the proposed action.

The Rule

This action amends 14 CFR part 71 by reducing the radius of the basic surface area at Sacramento Executive Airport and by removing those portions of airspace defined as a northeast extension to the basic surface area. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation— (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 Fr 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Class D and E2 airspace areas are published in Paragraphs 5000 and 6002, respectively, of FAA Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, through September 15, 2001, which is incorporated by reference in 14 CFR 71.1. The Class D and E2 airspace designations listed in this document will be published subsequently in that Order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 71 of Title 14, Code of Federal Regulations as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AWP CA D Sacramento Executive Airport, CA [Revised]

Sacramento Executive Airport, CA
(Lat. 38°30'45"N, long. 121°29'37"W)
Sacramento VORTAC
(Lat. 38°26'37"N, long. 121°33'06"W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4-mile radius of Sacramento Executive Airport and within 1.8 miles each side of the Sacramento VORTAC 032° radial, extending from the 4-mile radius southwest to the VORTAC, excluding the airspace within the Sacramento International Airport, CA Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AWP CA E2 Sacramento Executive Airport, CA [Revised]

Sacramento Executive Airport, CA
(Lat. 38°30'45"N, long. 121°29'37"W)
Sacramento VORTAC
(Lat. 38°26'37"N, long. 121°33'06"W)

That airspace within a 4-mile radius of Sacramento Executive Airport and within 1.8 miles each side of the Sacramento VORTAC 032° radial, extending from the 4-mile radius southwest to the VORTAC, excluding the airspace within the Sacramento International Airport, CA Class C airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Los Angeles, California, on February 12, 2001.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 01–4679 Filed 2–23–01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AWP–1]

Establishment of Class E Enroute Domestic Airspace Area, El Centro, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule, request for comments.

SUMMARY: This action establishes a Class E enroute domestic airspace area beginning at 1,200 feet above ground level (AGL) in the vicinity of El Centro, CA, to replace existing Class G uncontrolled airspace within Restricted Area 2510A (R2510A), the Kane West Military Operating Area (MOA), and Kane East MOA.

EFFECTIVE DATE: 0901 UTC June 15, 2001. Comment date: Comments for inclusion in the Rules Docket must be received on or before March 28, 2001.

ADDRESSES: Send comments on the direct final rule in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 01–AWP–1, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Debra Trindle, Air Traffic Division, Airspace Specialist, AWP–520, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6613.

SUPPLEMENTARY INFORMATION: This action will establish a Class E enroute domestic airspace area with a base altitude of 1,200 feet AGL in R2510A, the Kane West MOA, and the Kane East MOA. A review of the airspace in southern California revealed large areas of uncontrolled (Class G) airspace collocated with military Special Use Airspace (SUA). R2510A, Kane West MOA and Kane East MOA are designated for use by the U.S. Marine Corps, Commander, Yuma Marine Corps Air Station, Yuma, AZ. Because this airspace is Class G (uncontrolled) below 14,500 feet mean sea level (MSL), the Los Angeles Air Route Traffic Control Center (ARTCC) cannot use nor provide air traffic services within this airspace during times that it is released to Los Angeles ARTCC. En route domestic airspace areas are intended to create controlled airspace in those areas where there is a requirement to provide Instrument Flight Rules (IFR) en route air traffic control services but the Federal airway segment is inadequate. The intended effect of this action is to establish Class E controlled airspace within the boundaries of the above referenced SUA, thereby replacing the existing uncontrolled, Class G airspace. Class E enroute domestic airspace areas are published in Paragraph 6006 of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking,

comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 01–AWP–1." The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant role" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

* * * * *

Paragraph 6006 Enroute Domestic Airspace Areas

* * * * *

El Centro, CA [Established]

That airspace extending upward from 1200 feet above the surface beginning at long. 116°10′03″W, lat. 32°57′00″, thence proceeding north along long. 116°10′03″W to the southern edge of V460 thence clockwise to the western edge of V137, thence clockwise to the northern edge of V66–458, thence to the point of beginning, excluding that airspace within the Imperial, El Centro, and San Diego Class E5 airspace areas.

Issued in Los Angeles, California, on February 12, 2001.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 01–4680 Filed 2–23–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30233; Amdt. No. 2036]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. Then FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC) /Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPS contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on February 16, 2001.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

Effective Upon Publication

FDC Date	State	City	Airport	FDC No.	Subject
1/31/01	OH	Circleville	Pickaway County Memorial	1/1057	NDB RWY 19, ORIG
1/31/01	OH	Circleville	Pickaway County Memorial	1/1058	VOR OR GPS RWY 19, ADMT 2
1/31/01	MD	Baltimore	Baltimore-Washington Intl	1/1060	ILS RWY 33R ORIG–B
2/1/01	LA	Shreveport	Shreveport Regional	1/1104	LOC RWY 5, AMDT 1A
2/1/01	LA	Shreveport	Shreveport Regional	1/1105	ILS RWY 32, AMDT 4
2/2/01	SC	Greenville	Donaldson County	1/1131	NDB OR GPS RWY 5, AMDT 5A
2/5/01	IN	Gary	Gary/Chicago	1/1175	NDB OR GPS RWY 30, AMDT 7A
2/5/01	TX	Sulphur Springs	Sulphur Springs Muni	1/1184	GPS RWY 36, ORIG
2/5/01	MO	Boonville	Jesse Viertel Memorial	1/1186	GPS RWY 18, ORIG–A
2/5/01	NC	Kenansville	Duplin County	1/1192	GPS RWY 4, ORIG
2/8/01	OK	Norman	University of Oklahoma Westheimer	1/1280	LOC RWY 3, AMDT 3B
2/8/01	OK	Norman	University of Oklahoma Westheimer	1/1288	NDB RWY 3, AMDT 5C

FDC Date	State	City	Airport	FDC No.	Subject
2/7/01	NC	Kenansville	Duplin County	1/1191	GPS RWY 22, ORIG
2/7/01	NY	Westhampton Beach	The Francis S. Gabreski	1/1276	ILS RWY 24, AMDT 8C
2/7/01	NY	Westhampton Beach	The Francis S. Gabreski	1/1277	COPTER ILS RWY 24, AMDT 1
2/7/01	NY	Westhampton Beach	The Francis S. Gabreski	1/1278	NDB OR GPS RWY 24, AMDT 3B
2/7/01	OK	Oklahoma City	Sundance Airpark	1/1290	LOC RWY 17, ORIG–A
2/8/01	NJ	Newark	Newark Intl	1/1332	NDB OR GPS RWY 4R, AMDT 6
2/8/01	NJ	Newark	Newark Intl	1/1333	NDB OR GPS RWY 4L, AMDT 10
2/8/01	NJ	Newark	Newark Intl	1/1335	VOR/DME RWY 22R, AMDT 4A
2/8/01	AZ	Phoenix	Williams Gateway	1/1353	VOR OR TACAN RWY 30C AMDT 1
2/8/01	MO	Fredericktown	Fredericktown Regional	1/1371	RNAV (GPS) RWY 1, ORIG–A
2/8/01	MO	Fredericktown	Fredericktown Regional	1/1372	RNAV (GPS) RWY 19, ORIG–A
2/9/01	IL	Chicago	Chicago O'Hare	1/1405	RNAV (GPS) RWY 9R, ORIG
2/12/01	GA	Douglas	Douglas Muni	1/1446	GPS RWY 4, ORIG–A
2/12/01	GA	Douglas	Douglas Muni	1/1447	GPS RWY 22, ORIG–A
2/12/01	OK	Oklahoma City	Wiley Post	1/1466	VOR RWY 35R, AMDT 3A
2/12/01	OK	Oklahoma City	Wiley Post	1/1470	ILS RWY 17L, AMDT 10
2/12/01	OK	Altus	Altus Muni	1/1472	VOR/DME RNAV RWY 17, AMDT 2
2/12/01	OK	Altus	Altus Muni	1/1473	GPS RWY 17, AMDT 1
2/12/01	OK	Altus	Altus Muni	1/1474	VOR–A, AMDT 4
2/12/01	OK	Altus	Altus Muni	1/1475	VOR OR GPS–B, ORIG
2/12/01	NV	Las Vegas	North Las Vegas	1/1491	GPS RWY 12 ORIG–A
2/12/01	MD	College Park	College Park	1/1503	RNAV (GPS) RWY 15 ORIG–B
2/12/01	GA	Douglas	Douglas Muni	1/1526	NDB RWY 4, AMDT 2B
2/12/01	FL	Jacksonville	Jacksonville Intl	1/1542	ILS RWY 13, AMDT 6
2/13/01	CA	Watsonville	Watsonville Muni	1/1536	VOR/DME OR GPS–A ORIG–B
2/13/01	CA	Salinas	Salinas Muni	1/1537	LOC/DME RWY 31 AMDT 4A
2/13/01	CA	Salinas	Salinas Muni	1/1538	VOR RWY 13, AMDT 11A

[FR Doc. 01–4683 Filed 2–23–01; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30232; Amdt. No. 2037]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region inwhich the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125); telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form douments is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on February 16, 2001.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective March 22, 2001*

Columbus, OH, Port Columbus Intl, NDB RWY 10L, Amdt 8B
Columbus, OH, Port Columbus Intl, NDB RWY 10R, Amdt 7B
Columbus, OH, Port Columbus Intl, NDB RWY 28L, Amdt 13B
Columbus, OH, Port Columbus Intl, ILS RWY 28R, Amdt 2
Columbus, OH, Port Columbus Intl, RNAV (GPS) RWY 10L, Orig
Columbus, OH, Port Columbus Intl, RNAV (GPS) RWY 10R, Orig
Columbus, OH, Port Columbus Intl, RNAV (GPS) RWY 28L, Orig
Columbus, OH, Port Columbus Intl, RNAV (GPS) RWY 28R, Orig
Del Rio, TX, Del Rio Intl, NDB RWY 13, Amdt 3 (CANCELLED)
Del Rio, TX, Del Rio Intl, LOC RWY 13, Amdt 4 (CANCELLED)
Del Rio, TX, Del Rio Intl, NDB RWY 13, Orig
Del Rio, TX, Del Rio Intl, LOC RWY 13, Orig
Houston, TX, William P. Hobby, GPS RWY 4, Orig, CANCELLED
Houston, TX, William P. Hobby, GPS RWY 12R, Orig, CANCELLED
Houston, TX, William P. Hobby, GPS RWY 17, Orig, CANCELLED
Houston, TX, William P. Hobby, GPS RWY 22, Orig, CANCELLED
Houston, TX, William P. Hobby, GPS RWY 30L, Orig, CANCELLED
Houston, TX, William P. Hobby, GPS RWY 35, Orig, CANCELLED
Houston, TX, William P. Hobby, RNAV (GPS) RWY 4, Orig
Houston, TX, William P. Hobby, RNAV (GPS) RWY 12R, Orig
Houston, TX, William P. Hobby, RNAV (GPS) RWY 17, Orig
Houston, TX, William P. Hobby, RNAV (GPS) RWY 22, Orig
Houston, TX, William P. Hobby, RNAV (GPS) RWY 30L, Orig
Houston, TX, William P. Hobby, RNAV (GPS) RWY 35, Orig

** * * Effective April 19, 2001*

New Madrid, MO, County Memorial, NDB RWY 18, Amdt 3
Del Rio, TX, Del Rio Intl, VOR/DME OR GPS–B, Amdt 4 (CANCELLED)
Del Rio, TX, Del Rio Intl, VOR OR GPS–A, Amdt 11 (CANCELLED)
Del Rio, TX, Del Rio Intl, VOR/DME–B, Orig
Del Rio, TX, Del Rio Intl, VOR–A, Orig

** * * Effective May 17, 2001*

Paducah, KY, Barkley Regional, VOR OR GPS RWY 4, Amdt 17
Paducah, KY, Barkley Regional, VOR/DME RWY 22, Amdt 5
Paducah, KY, Barkley Regional, NDB OR GPS RWY 22, Amdt 3
Paducah, KY, Barkley Regional, ILS RWY 4, Amdt 8
Aurora, MO, Aurora Memorial Muni, VOR/DME–A, Amdt 4
Beatrice, NE, Beatrice Muni, VOR RWY 35, Amdt 7
Austin, TX, Austin-Bergstrom Intl, GPW RWY 17R, Amdt 1B
Austin, TX, Austin-Bergstrom Intl, GPW RWY 35L, Amdt 1B
Austin, TX, Austin-Bergstrom Intl, GPW RWY 35R, Orig-B
Duchesne, UT, Duchesne Muni, VOR/DME–A, Orig
Duchesne, UT, Duchesne Muni, VOR/DME OR GPS RWY 25, Amdt 1, (CANCELLED)
Jackson, WY, Jackson Hole, ILS RWY 18, Amdt 7

Note: The FAA published an amendment in Docket No. 30229, Amdt. No. 2035 to Part 97 of the Federal Aviation Regulations (**Federal Register** Vol. 66, No. 30, Page 9916 dated February 13, 2001) under Section 97.27 effective March 22, 2001 which is hereby amended as follows:

Ames, IA, Ames Muni, NDB OR GPS RWY 1, Amdt 1B should read:
Ames, IA, Ames Muni, NDB RWY 1, Amdt 1B

[FR Doc. 01–4682 Filed 2–23–01; 8:45 am]
BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Rel. No. 34-43985]

Delegation of Authority to the Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission is amending its rules to delegate authority to the Director of the Division of Market Regulation to grant or deny exemptions from the provisions of the Execution Quality Disclosure Rules (Rule 11Ac1–5 and Rule 11Ac1–6 under the Securities Exchange Act of 1934). This delegation will facilitate the timely implementation of the Execution Quality Disclosure Rules.

EFFECTIVE DATE: February 26, 2001.

FOR FURTHER INFORMATION CONTACT: Susie Cho, Attorney at (202) 942–9748, Office of Market Supervision, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–1001.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") has adopted an amendment to Rule 30–3 of its Rules of Organization and Program Management governing Delegations of Authority to the Director of the Division of Market Regulation ("Director").[1] The amendment adds new paragraph (a)(69) and new paragraph (a)(70) to Rule 30–3 authorizing the Director to grant or deny exemptions from the provisions of, respectively, Rule 11Ac1–5[2] and Rule 11Ac1–6.[3]

Under Rule 11Ac1–5, market centers that trade national market system securities are required to make available to the public monthly electronic reports that include uniform statistical measure of execution quality. Under Rule 11Ac1–6, broker-dealers that route customer orders in equity and option securities are required, among other things, to make publicly available quarterly reports that identify the venues to which customer orders are routed for execution. Paragraph (c) of Rule 11Ac1–5 and paragraph (d) of Rule 11Ac1–6 provide that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class of persons, securities, or transactions, from any provision or provisions of the respective rules, if the Commission determines that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.

The delegation of authority to the Director is intended to conserve Commission resources by permitting Division staff to grant or deny exemptions, where appropriate and in a timely manner, from the provisions of Rule 11Ac1–5 and Rule 11Ac1–6. The Commission anticipates that the delegation of authority will facilitate the timely implementation of the rules, particularly Rule 11Ac1–5, whose initial compliance date is April 2, 2001. Nevertheless, the staff may submit matters to the Commission for consideration as it deems appropriate. The Commission does not expect that exemptions from Rule 11Ac1–5 and Rule 11Ac1–6 will be routinely issued.

The Commission finds, in accordance with Section 553(b)(3)(A) of the Administrative Procedure Act,[4] that these amendments relate solely to agency organization, procedure, or practice, and do not relate to a substantive rule. Accordingly, notice, opportunity for public comment, and publication of the amendment prior to its effective date are unnecessary.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

Text of Amendment

In accordance with the preamble, the Commission hereby amends Title 17, Chapter II of the Code of Federal Regulations as follows:

PART 200—ORGANIZATION, CONDUCT AND ETHICS, AND INFORMATION AND REQUESTS

Subpart A—Organization and Program Management

1. The authority citation for Part 200, subpart A, continues to read, in part, as follows:

Authority: 15 U.S.C. 77s, 78d–1, 78d–2, 78w, 78*l*(d), 78mm, 79t, 77sss, 80a–37, 80b–11, unless otherwise noted.

* * * * *

2. Section 200.30–3 is amended by adding paragraphs (a)(69) and (a)(70) to read as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(69) Pursuant to paragraph (c) of Rule 11Ac1–5 (17 CFR 240.11Ac1–5), to grant or deny exemptions, conditionally or unconditionally, from any provision or provisions of Rule 11Ac1–5.

(70) Pursuant to paragraph (d) of Rule 11Ac1–6 (17 CFR 240.11Ac1–6), to grant or deny exemptions, conditionally or unconditionally, from any provision or provisions of Rule 11Ac1–6.

* * * * *

Dated: February 20, 2001.

By the Commission.

Margaret H. McFarland,

Secretary.

[FR Doc. 01–4648 Filed 2–23–01; 8:45 am]

BILLING CODE 8010–01–U

[1] 17 CFR 200.30–3.

[2] 17 CFR 240.11Ac1–5.

[3] 17 CFR 240.11Ac1–6.

[4] 5 U.S.C. 553(b)(3)(A).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 33

[Docket No. RM99–4–000; Order No. 642]

Revised Filing Requirements Under Part 33 of the Commission's Regulations

Issued February 15, 2001.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; notice of confirmation of effective date.

SUMMARY: This document informs the industry and the public that Order No. 642, a Final Rule revising the filing requirements in Part 33 of the Commission's regulations for applications, including public utility mergers, under Section 203 of the Federal Power Act (65 FR 70984 (Nov. 28, 2000)) has been reviewed, and the order's January 29, 2001 effective date will not be postponed.

DATES: The effective date of the Final Rule revising 18 CFR part 33 published at 65 FR 70984 remains January 29, 2001.

FOR FURTHER INFORMATION CONTACT: Diana Moss, Office of Markets, Tariffs and Rates, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208–0087.

SUPPLEMENTARY INFORMATION: This notice informs the industry and the public that the Federal Energy Regulatory Commission (Commission) has reviewed Order No. 642 and determined not to delay the order's January 29, 2001 effective date.

Order No. 642, a Final Rule amending the filing requirements in Part 33 of the Commission's regulations for applications, including public utility mergers, under Section 203 of the Federal Power Act, was published in the **Federal Register** (65 FR 70984 (Nov. 28, 2000)) with a January 29, 2001 effective date.

The January 20, 2001 memorandum directed the heads of executive departments and federal government agencies to postpone the effective date of regulations published in the **Federal Register** but which had not yet taken effect for 60 days to ensure that his appointees or their designates had an opportunity to review any new or pending regulations (66 FR 7702, January 24, 2001).

The Commission has reviewed Order No. 642, and determined not to delay its effective date. Order No. 642, therefore, will continue to be effective on January 29, 2001.

David P. Boergers,

Secretary.

[FR Doc. 01–4353 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 352, 357, and 385

[Docket No. RM99–10–000; Order No. 620]

Revisions to and Electronic Filing of the FERC Form No. 6 and Related Uniform System of Accounts

Issued February 15, 2001.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; notice of confirmation of effective date.

SUMMARY: This document informs the industry and the public that Order No. 620, revisions to and electronic filing of the FERC Form No. 6 and related uniform system of accounts, a Final Rule amending Parts 352, 357, and 385 of the Federal Energy Regulatory Commission's regulations, and revising the associated reporting Form No. 6 schedules and instructions (65 FR 81334 (Dec. 26, 2000)) has been reviewed, and the order's January 25, 2001 effective date will not be postponed.

DATES: The effective date of the final rule amending 18 CFR parts 352, 357, and 385 published at 65 FR 81335 remains January 25, 2001.

FOR FURTHER INFORMATION CONTACT: Mary C. Lauermann, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 208–0087.

SUPPLEMENTARY INFORMATION:

This notice informs the industry and the public that the Federal Energy Regulatory Commission (Commission) has reviewed Order No. 620 and determined not to delay the order's January 25, 2001 effective date.

Order No. 620, a Final Rule amending Parts 352, 357, and 385 of the Commission's regulations, and revising the associated reporting Form No. 6 schedules and instructions, was published in the **Federal Register** (65 FR 81335 (Dec. 26, 2000)) with a January 25, 2001 effective date.

The January 20, 2001 memorandum directed the heads of executive departments and federal government agencies to postpone the effective date of regulations published in the **Federal Register**, but which had not yet taken effect, for 60 days to ensure that his appointees or their designates had an opportunity to review any new or pending regulations (66 FR 7702, January 24, 2001).

The Commission has reviewed Order No. 620, and determined not to delay its effective date. Order No. 620, therefore, will continue to be effective on January 25, 2001.

David P. Boergers,

Secretary.

[FR Doc. 01–4352 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–440 Re: Notice No. 900]

RIN: 1512–AA07

Fair Play Viticultural Area (2000R–170P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is establishing a viticultural area located in southern El Dorado County, California, to be known as "Fair Play." Brian Fitzpatrick, President of Fair Play Winery Association, filed the petition for this area. ATF believes that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers identify the wines they may purchase. It will also allow wineries to better designate the specific grape-growing area in which the grapes used in their wine were grown.

EFFECTIVE DATE: April 27, 2001.

FOR FURTHER INFORMATION CONTACT: Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226 (202–927–9347).

SUPPLEMENTARY INFORMATION:

1. Background on Viticultural Areas

What Is ATF's Authority To Establish a Viticultural Area?

ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) on August 23, 1978. This decision revised the regulations in 27 CFR part 4, Labeling and Advertising of Wine, to allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added 27 CFR part 9, American Viticultural Areas, for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

What Is the Definition of an American Viticultural Area?

Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Viticultural features such as soil, climate, elevation, topography, etc., distinguish it from surrounding areas.

What Is Required To Establish a Viticultural Area?

Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

- Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;
- Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;
- Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;
- A description of the specific boundaries of the viticultural area, based on features which can be found

on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

• A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

2. Fair Play Petition

ATF received a petition from Brian Fitzpatrick, President of Fair Play Winery Association, proposing to establish a viticultural area in southern El Dorado County, California, known as "Fair Play." The viticultural area is located entirely within the existing "El Dorado" and "Sierra Foothills" viticultural areas described in 27 CFR 9.61 and 9.120.

The area encompasses approximately 33 square miles. The total acreage of vineyards is approximately 350 acres, of which 250 acres are currently in production. The viticultural area now boasts ten bonded wineries and a number of vineyards ranging in size from less than five acres to over seventy acres.

Notice of Proposed Rulemaking

In response to the petition, ATF published a notice of proposed rulemaking, Notice No. 900, in the **Federal Register** on July 25, 2000 (65 FR 45739), proposing the establishment of the Fair Play viticultural area. The notice requested comments from interested persons by September 25, 2000.

Comments on Notice of Proposed Rulemaking

ATF received one letter in response to Notice No. 900. Sherrie Busby-Graham and Elliot Graham wrote to express support for the establishment of the viticultural area and concurred with the change to the northern boundary proposed by the petitioner. The petitioner wrote to give additional information and suggested a change to the northern boundary. The specific proposal will be discussed in the boundary section of the supplementary information.

What Name Evidence Has Been Provided?

Fair Play viticultural area takes its name from an old gold mining camp during the California gold rush. Although Fair Play was at first only a mining camp, the town later became a trading center and post office for drift and hydraulic mines in the area. The *Alta Californian* newspaper dated December 21, 1853, mentions Fair Play as a prosperous little mining town with several stores and hotels.

Today, the name "Fair Play" is used to designate a former school, an existing crossroads store, and a farm road located within the boundaries. In 1998, residents of Fair Play petitioned the United States Postal Service to acknowledge Fair Play as a postal address. The petition was granted and Fair Play now shares the Zip Code, 95684, with Somerset.

The first commercial vineyard and winery in the viticultural area was established in 1887 by a Civil War veteran, Horace Bigelow. Bigelow planted 4,000 grape vines and by 1898 was producing between 600 and 1,000 gallons of wine each year. Today, the Fair Play viticultural area is gaining recognition as a wine growing area and is featured in the media, on some wine labels, and in the petitioner's promotional materials. The following was provided as name evidence:

• The Aukum, California 1952 (photorevised 1973) U.S.G.S. map used to show the original outlined boundaries proposed by the petitioner and show the town of Fair Play and Fair Play School located within the viticultural area;

• Correspondence from Jim McBroom, Manager of Operations Programs Support with the United States Postal Service, indicating that Fair Play, California 95684 is an authorized last line mailing address;

• An article about the history of the Fair Play area written in 1998 by Doug Noble, Democrat correspondent, for the Mountain Democrat;

• Fair Play Winery Association's 16th annual brochure advertising the "Fair Play Wine Festival;"

• Fair Play Winery Association's 17th annual brochure advertising the "Fair Play Wine Festival;"

• The Articles of Incorporation of the Fair Play Winery Association; and

• An excerpt from a book in progress by historian Erick Costa called Gold and Wine, A History of Winemaking in El Dorado County, California.

What Boundary Evidence Has Been Provided?

The name "Fair Play" is used to designate the entire area bisected by Fair Play Road. The general boundaries are the canyon of the Middle Fork of the Cosumnes River to the north; rugged terrain and higher elevation to the east; a change in soils to the southeast and south; Cedar Creek running through a deep canyon to the southwest; Cedar Creek flowing into a short section of Scott Creek and into a mile long section of the South Fork of the Cosumnes River (near River Pines) thence northerly cross country to the Middle Fork of the Cosumnes River. In support of this approach, the petitioner provided a copy of U.S.G.S. map (Aukum, California) on which the original boundaries proposed by the petitioner are outlined and the town of Fair Play is prominently labeled. The petitioner also provided other maps that show that Fair Play Road runs through the viticultural area, beginning at Grays Corner (shown as Melsons Corner on the U.S.G.S. map) and running generally southeast, east and south to Omo Ranch Road. The Fair Play viticultural area primarily consists of those farms and ranches served by Fair Play Road and its "tributaries."

Sherrie Busby-Graham and Elliot Graham noted in their comments that the area known as "Fair Play" extends more to the north than indicated by the boundaries proposed by the petitioner. During the comment period, the petitioner wrote to say that he had learned about an additional grower just outside of the proposed northern boundary and asked that the border be redrawn to include the vineyard. The petitioner asserts that this additional area possesses the same granitic sandy loam soil that is the benchmark of the Fair Play viticultural area. He suggested using the 2200 foot contour line where it intersects with Grizzly Flat Road, east of Somerset. Then following that line north and then east until it intersects with the section line between Sections 9 and 10. Then following that section line south to Grizzly Flat Road where it adjoins the original proposed boundary line. ATF is adopting this proposed change and amending the boundary to include the additional vineyard.

What Evidence Relating to Geographical Features Has Been Provided?

• Soil: The Fair Play viticultural area is characterized by deep, moderately to well drained, granitic soils of the Holland, Shaver, and Musick series. These soils consist of sandy loams and coarse sandy loams, with an effective average rooting depth between 40 and 60 inches. The soil maps taken from the USDA Soil Survey show the specific areas where each of these soils predominate; the boundaries were specifically designed to include these three soil series, and to exclude other soils which are either not granitic, or shallow, or poorly drained. The areas to the north and east of the boundaries are predominately shallow granitic soils of the Chawanakee and Chaix series. The northern and eastern boundaries are drawn primarily based on terrain and ease of description, but with the intent to generally exclude these soils. The southeastern and southern boundaries of the Fair Play viticultural area, the waterways of Cedar Creek into Scott Creek into the South Fork of the Cosumnes River, lay out a clear geological demarcation where the granitic soils predominate and the volcanic soils begin. Thus, the Fair Play viticultural area has a soil association that sets it apart from the rest of the Sierra Foothills and El Dorado viticultural areas.

• Terrain and Topography: The arable terrain within the Fair Play viticultural area is generally composed of rolling hillsides and rounding ridge tops. At these elevations (2,000–3,000) each vineyard's topographic location in relationship to the immediate surroundings is of utmost importance to minimize the negative effects of late spring frosts. Most of the existing vineyards are situated on the ridge tops or hillsides so there is lower ground for the cold air to drain.

To the east and southeast, the boundaries include terrain too rugged for commercial viticulture. This is also true of Coyote Ridge to the south. Although little vineyard activity is anticipated in these steep canyon lands, the use of the Middle Fork of the Cosumnes River, Cedar Creek, Scott Creek, and South Fork of the Cosumnes River make easily understood and prominent boundaries.

• Elevation: The lowest elevations in the area, about 2,000 feet, occur along Perry Creek and the North and South Forks of Spanish Creeks where they flow west out of the Fair Play viticultural area. The lowest existing vineyards sit at about 2,000 feet near Mt. Aukum. The elevation rises to the north, east and south to a maximum of about 2,800 feet above Slug Gulch Road and Walker Ridge.

To the north, the steep sides of the canyon of the Middle Fork of the Cosumnes River are not suitable for viticulture. The bottom land along the river, ranging from 1,700 to 1,800 feet elevation, is at least two hundred feet lower in elevation than the lowest points included within the boundaries.

The rugged terrain east of the boundaries, and the volcanic "caps" to the southeast and south quickly rise above 2,800 feet.

Elevation is significant because of its effect on growing conditions in the Sierra Nevada Foothills.

• Climatic Features: The U.S.D.A. Soil Survey shows that in this part of Sierra Foothills, rainfall generally increases along with the elevation. The isobars generally run from the northwest to southeast, similar to the general run of the elevation contour lines. The Fair Play viticultural area receives between 35 to 40 inches of rain in an average year, while the lower areas to the west and southwest of Fair Play receive 35 inches or less.

The U.S.D.A. chart for the length of growing season follows the reverse pattern; as elevation increases; the growing season decreases. Fair Play enjoys an average growing season of between about 230 and 250 days; the areas to the west and southwest show over 250 days. Thus, the Fair Play viticultural area enjoys more rainfall, but with a shorter growing season, than the areas to the west and southwest.

Based on the standard University of California at Davis (UCD) temperature summation definition of climatic regions or zones, the Fair Play viticultural area would appear to fall into high Region 3 (less than 3,500 degree days). The areas to the west and southwest fall into low Region 4 (over 3,500 degree days).

3. Regulatory Analyses and Notices

Is This a Significant Regulatory Action as Defined by Executive Order 12866?

It has been determined that this regulation is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this final rule is not subject to the analysis required by this Executive Order.

How Does the Regulatory Flexibility Act Apply to This Final Rule?

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

Does the Paperwork Reduction Act Apply to This Final Rule?

The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

4. Drafting Information

The principal author of this document is Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.168 to read as follows:

§ 9.168 Fair Play.

(a) *Name.* The name of the viticultural area described in this section is "Fair Play."

(b) *Approved Maps.* The appropriate maps for determining the boundary of the Fair Play viticultural area are three United States Geological Survey (U.S.G.S.) topographic maps (7.5 minute series; quadrangles). They are titled:

(1) "Omo Ranch, California," 1952 (photorevised 1973).

(2) "Aukum, California," 1952 (photorevised 1973).

(3) "Camino, California," 1952 (photorevised 1973).

(c) Boundaries. The Fair Play viticultural area is located in El Dorado County, California and is located entirely within the existing Sierra Foothills and El Dorado viticultural areas. The boundary for Fair Play is as follows:

(1) The beginning point of the boundary is the intersection of the Middle Fork of the Cosumnes River and the U.S.G.S. map section line between Sections 26 and 27, T. 9 N., R. 11 E. ("Aukum" Quadrangle);

(2) From the beginning point, the boundary follows northeast along the Middle Fork of the Cosumnes River until it meets an unnamed medium-duty road (Mt. Aukum Road or El Dorado County Road E–16) just as it crosses onto the "Camino" Quadrangle map;

(3) The boundary continues then northeast along Mt. Aukum Road to its intersection with Grizzly Flat Road at the town of Somerset ("Camino" Quadrangle);

(4) The boundary continues east along Grizzly Flat Road to its intersection with the 2200" contour line.

(5) The boundary continues along the 2200" contour line north and then east until it intersects with the U.S.G.S. map section line between Sections 9 and 10, T. 9 N., R. 12 E. ("Camino" Quadrangle):

(6) The boundary then proceeds south along the U.S.G.S. map section line

between Sections 9 and 10, T. 9 N., R. 12 E., to its intersection with the Middle Fork of the Cosumnes River ("Aukum" Quadrangle);

(7) The boundary then follows along the Middle Fork of the Cosumnes River in a southeasterly direction onto the "Omo" Quadrangle map and continues until it meets the range line between R. 12 E. and R. 13 E. ("Aukum" Quadrangle and "Omo Ranch" Quadrangle);

(8) The boundary then follows south along the range line between R. 12 E. and R. 13 E. to its intersection with an unnamed medium-duty road in T. 8 N. (Omo Ranch Road) ("Omo Ranch" Quadrangle);

(9) The boundary then continues west in a straight line approximately 0.3 miles to the point where Cedar Creek intersects with the 3200-foot contour line, within Section 1, T. 8 N.,R. 12 E. ("Omo Ranch" Quadrangle);

(10) The boundary follows along Cedar Creek west and then southwest until it empties into Scott Creek ("Aukum" Quadrangle);

(11) The boundary then proceeds west along Scott Creek until it empties into the South Fork of the Cosumnes River ("Aukum" Quadrangle);

(12) The boundary continues west along the South Fork of the Cosumnes River to its intersection with the U.S.G.S. map section line between Sections 14 and 15, T. 8 N., R. 11 E. ("Aukum" Quadrangle); and

(13) Finally, the boundary follows north along the section line back to its intersection with the Middle Fork of the Cosumnes River, the point of the beginning. ("Aukum" Quadrangle).

Dated: December 20, 2000.

Bradley A. Buckles,

Director.

Dated: January 5, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary, Regulatory, Tariff and Trade Enforcement.

[FR Doc. 01–4633 Filed 2–23–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–441; RE: Notice No. 898]

RIN: 1512–AA07

Realignment of the Boundary of the Walla Walla Valley Viticultural Area and the Eastern Boundary of the Columbia Valley Viticultural Area (99R–141P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule extends the boundary of the Walla Walla Valley viticultural area. This action is the result of petitions filed by growers and winemakers located within the existing area and in the new area being added. This final rule also extends the boundary of the Columbia Valley viticultural area so that it coincides with the boundary of Walla Walla Valley viticultural area.

The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising allow wineries to designate the specific areas where the grapes used to make the wine were grown and enable consumers to better identify the wines they purchase.

EFFECTIVE DATE: April 27, 2001.

FOR FURTHER INFORMATION CONTACT: Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–9347).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of defined American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new part 9 to 27 CFR, providing for the listing of approved American viticultural areas. Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in subpart C of part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Original Designation of the Walla Walla Valley and Columbia Valley Viticultural Areas

The Walla Walla Valley viticultural area was established by Treasury Decision (T.D.) ATF–165 on February 6, 1984 (49 FR 4374). The original petition, filed by the Walla Walla Valley Wine Growers Association, had requested designation of an area of approximately 300,000 acres. At the time of the original petition, ATF had been concerned that the total area to be designated was very large in proportion to the area used for viticulture. ATF and the petitioner agreed to reduce the size of the proposed area to encompass only the locations where grapes were being commercially grown. As approved, the Walla Walla Valley viticultural area consisted of approximately 260,000 acres, and had two wine producers and 60 acres of grapes. The area was within the counties of Walla Walla in Washington State and Umatilla in Oregon.

Later, when the Columbia Valley viticultural area was designated (T.D. ATF–190, November 13, 1984, [49 FR 44895–44899]), the Walla Walla Valley viticultural area was thought to be entirely within the Columbia Valley viticultural area. In preparation for the current rulemaking, we reviewed the maps in question and discovered that there is an area approximately 3 miles long where the eastern boundary of the Walla Walla Valley viticultural area extends beyond the eastern boundary of the Columbia Valley viticultural area.

See our further discussion under "Extension of the Columbia Valley viticultural area."

Petitions for Extension of the Boundaries of Walla Walla Valley

ATF received a petition from Mr. Gaynor S. Derby of Spring Valley Vineyards, requesting that the northern boundary of the existing Walla Walla Valley viticultural area be extended to add approximately 3500 acres to the northeastern part of the approved area. Later, we received a petition from the Walla Walla Valley Winegrowers, a group representing 20 wineries and vineyards located within the existing area or within the area they propose to add. Mr. Norm McKibben of Pepper Bridge Winery submitted the petition on behalf of the group. The Walla Walla Valley Winegrowers petitioned to expand the Walla Walla Valley viticultural area to include all the area requested in the original petition and additional land to the north. The petitioners referred to the evidence submitted with the original petition to show geographic distinctiveness and name recognition. The petitioners also provided supplemental information. Mr. Derby, who petitioned for a smaller extension of the existing area, agreed to support the larger extension proposed by the Walla Walla Valley Winegrowers.

Extension of the Columbia Valley Viticultural Area

This final rule also adjusts the boundary of the Columbia Valley viticultural area. In the original designation of the Columbia Valley viticultural area, ATF stated that the Walla Walla Valley viticultural area was entirely within the Columbia Valley viticultural area. As noted above, our recent review of the maps disclosed that there is a small area near Dixie, Washington, where the Walla Walla Valley viticultural area lies outside the boundaries of the Columbia Valley viticultural area. This overlap occurs in a place where the official boundary of the Columbia Valley moves from the 2000 foot contour line to a state highway. Therefore, we have amended the boundary so it follows the 2000 foot contour line for an additional 3 miles north, and then shifts to the state highway as before. This change extends the common boundary between the two viticultural areas and eliminates the area of overlap and any resulting confusion.

Notice of Proposed Rulemaking

In response to the petitions, ATF published a notice of proposed rulemaking, Notice No. 898, in the **Federal Register** on June 6, 2000 (65 FR 35871), proposing to revise the boundary of the Walla Walla Valley viticultural area and the eastern boundary of the Columbia Valley viticultural area. The notice requested comments from all interested persons by August 7, 2000. ATF received no comments concerning these proposals.

Evidence of Name

Based on historical materials supplied by petitioners in their original petition, there is substantial evidence indicating that the extension to the Walla Walla Valley viticultural area was locally and/or nationally known as Walla Walla Valley:

(a) The original petition stated that Walla Walla Valley "has been known as such since the time of settlement in the 1850's, even prior to the creation of the states of Oregon and Washington."

(b) The Walla Walla Winegrowers noted the U.S.G.S. map of Walla Walla uses the name "Walla Walla Valley" to label an area that corresponds to the original viticultural area and places the name in a second location to the north of the original boundary, in the extended area being added.

(c) Mr. Derby quoted Professor W. D. Lyman's *History of Walla Walla County*, published in 1901. Professor Lyman described the Walla Walla Valley as "a large belt of agricultural land lying south of the Snake River and west of the Blue Mountains, extending across the Oregon Line on the south"—a description which fits the expanded area.

Evidence of Boundaries

The boundary of the original Walla Walla Valley viticultural area was limited to existing grape-growing areas for administrative reasons. In response to the new petitions, we reconsidered the evidence submitted in support of the original boundaries. Evidence provided in the original petition and in the new petitions show that the revised Walla Walla Valley viticultural area is delineated by boundaries corresponding to the following natural features:

- On the southeast, by the point where the north and south branches of the Walla Walla River emerge from the mountainous Umatilla National Forest and join to form the Walla Walla River;
- On the north, by the drainage divide between the Walla Walla River and the Touchet River; and
- On the west, where the Walla Walla River empties into the Columbia River.

Distinguishing Features

According to the original petitioners and the petitioners in the current rulemaking, the entire Walla Walla Valley shares characteristics of topography, soil composition and climate that set it apart from the surrounding area. The evidence in the original petition was presented as applying to the entire valley, and not just to the area that ATF originally proposed for designation as the Walla Walla Valley viticultural area. Therefore, we will summarize the material that was originally published for comment in ATF Notice No. 471 on June 27, 1983 (48 FR 29541–29543), with the understanding that it applies equally to the extension of the Walla Walla Valley viticultural area. We will supplement this information with material supplied by the two petitions for extension.

In his petition to extend the Walla Walla Valley viticultural area, Mr. Gaynor S. Derby quoted from an article titled "Washington Wine and Dining" published in the November 15, 1998, issue of *Wine Spectator:*

> Washington state straddles one of the world's great geological divides: the Cascade Range. To the west of its summits, the maritime influence of the Pacific is supreme, and copious rains produce lush evergreen forests. * * * To the east, the damp sea breezes are blocked, the air warms and vineyards flourish with water provided by the Columbia River. The result is a growing and dynamic wine region. * * *

Topography

The original petition quoted the State of Washington's *Geology and Groundwater Resources of the Walla Walla River Basin, Washington-Oregon*, published in 1965, to describe the topography of the area:

"In the Walla Walla River Basin, the main topographic unit is the valley plain, commonly called the Walla Walla Valley, which de[s]cends from about 1,500′ at the foot of the mountain slopes to about 500′ where the river cuts through the bedrock ridge near Divide. It lies astride the Oregon/Washington border."

Like the original approved area, the extension to the Walla Walla Valley viticultural area ranges from 250 to 600 meters (820 to 1,968 feet) in elevation. It is drained by creeks that generally flow south and east into the Walla Walla River. North of the new boundary, the streams and creeks generally drain into the Touchet River, further to the north.

Soil

The original petition stated that the soils of the valley "are classified by the Soil Conservation Service as Soils of Bottom Lands and Low Terraces, Soils of Loessal Uplands, Soils of Loessal and

Basaltic Uplands and Soils of Loessal and Lake-Laid Terraces, basically all loess derived soils." Most of these soils are classed as I or II irrigated capability units by the Soil Conservation Service. By contrast, the soils west of the Touchet River and along the Snake and Columbia Rivers are classified as Class IV and VI. Soils to the east in the Blue Mountains are considered not suitable for cultivation. We note the areas chosen for soil contrast are outside the expansion to the area.

Climate

As noted in the original petition, the climate of the Walla Walla Valley is distinctive because it has a growing season between 190 and 220 days, the longest within the surrounding six counties. The original petition contrasted places within the Walla Walla Valley with places outside of the valley. The places chosen for contrast included Dayton, Prescott, and Eltopia, Washington, all to the north of the northern extension to the viticultural area.

The Walla Walla Valley receives an average of 12.5 inches of precipitation a year, light in the summer, increasing and peaking in the winter. The Columbia Basin to the west and north receives less than 10 inches of precipitation in a year, and the Blue Mountains to the east and southeast receive 25–45 inches. Again, the places chosen for contrast are outside the extension of the viticultural area.

Boundaries

This final rule revises the boundary of the Columbia Valley viticultural area (described in § 9.74) and revises the boundary of the Walla Walla viticultural area (described in § 9.91).

U.S.G.S. Maps

The Walla Walla Winegrowers provided appropriate U.S.G.S. maps with their proposed boundaries prominently marked.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this final rule is not subject to the analysis required by this Executive Order.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new recordkeeping or reporting requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Section 9.74 is amended by revising paragraphs (c)(43) and (c)(44) to read as follows:

§ 9.74 Columbia Valley.

* * * * *

(c) * * *

(43) Then southwest following Washington Highway 126 and U.S. Highway 12 through Marengo, Dayton, and Waitsburg to a point where an unnamed light-duty road leaves Highway 12 in an easterly direction in Minnick Station, Washington;

(44) Then east following the unnamed light-duty road for approximately 250 feet until it reaches the 2000′ contour line;

* * * * *

Par. 3. Section 9.91 is revised to read as follows:

§ 9.91 Walla Walla Valley.

(a) *Name.* The name of the viticultural area described in this section is "Walla Walla Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Walla Walla Valley viticultural area are two U.S.G.S. maps, in the scale 1:100,000. They are entitled:

(1) "Walla Walla," Washington-Oregon, 1980

(2) "Pendleton," Oregon-Washington, 1983

(c) *Boundaries.* The Walla Walla Valley viticultural area is located within Walla Walla County in Washington State and Umatilla County in Oregon. It is entirely within the Columbia Valley viticultural area. The boundaries are as follows:

(1) The beginning point is on the Walla Walla quadrangle map, in T8N/37E, at the point where the 2,000 foot contour line intersects with an unnamed light duty road approximately 250 feet east of U.S. Highway 12 in Minnick, Washington (on maps measured in metric units, this elevation is between the 600 and 650 meter contour lines),

(2) Then the boundary goes northwest in a straight line for 7 kilometers (km), until it intersects with a power line that runs between T8N and T9N,

(3) Then the boundary follows the power line west for 8 km, where it diverges from the power line and goes west-southwest in a straight line for approximately 33 km to the intersection of 2 unnamed light duty roads in the area marked Ninemile Canyon in the southwest corner of T8N/R33E,

(4) Then the boundary goes south-southwest in a straight line approximately 8 km, until it reaches U.S. Highway 12, about 2.5 km east of Reese, Washington,

(5) Then the boundary goes south in a straight line for approximately 8 km, crossing the Washington-Oregon state line and moving onto the Pendleton U.S.G.S. map, where it meets the 450 m contour line in T6N/R32E, near an unnamed peak with an elevation of 461 m,

(6) Then the boundary follows the 450 m contour line in a generally southeasterly direction until it intersects Dry Creek in T4N/R35E,

(7) Then the boundary goes southeast along Dry Creek (Oregon) until it reaches the 2000 foot contour line,

(8) Then the boundary follows the 2000 foot contour line in a generally northeasterly direction, crossing the Oregon-Washington state line and returning to the Walla Walla U.S.G.S map, until it reaches the point of beginning.

Signed: October 31, 2000.

Bradley A. Buckles,

Director.

Approved: November 14, 2000.

Timothy E. Skud,

Acting Deputy Assistant Secretary, Regulatory, Tariff and Trade Enforcement.

[FR Doc. 01–4646 Filed 2–23–01; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6948–7]

RIN 2060–AH47

National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; extension of compliance.

SUMMARY: The EPA is taking direct final action to extend certain compliance dates contained in national emission standards for hazardous air pollutant emissions for Group IV polymers and resins for the equipment leaks provisions as applied to polyethylene terephthalate (PET) affected sources. We are approving this compliance extension pursuant to section 301(a)(1) of the Clean Air Act (CAA) to complete reconsideration of equipment leaks provisions and any necessary revision to the rule. We are also correcting a referencing error.

DATES: The rule is effective on April 27, 2001 without further notice, unless the EPA receives adverse comment by March 28, 2001 unless a hearing is requested by March 8, 2001. If a hearing is requested, written comments must be received by April 12, 2001.

If we receive such comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–92–45 (Group IV Polymers and Resins), Room M–1500, U.S. EPA, 1200 Pennsylvania Avenue, Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed below. Comments and data may also be submitted electronically by following the instructions provided in the **SUPPLEMENTARY INFORMATION** section. No Confidential Business Information (CBI) should be submitted through electronic mail.

FOR FURTHER INFORMATION CONTACT: Mr. Keith Barnett, U.S. EPA, Organic Chemicals Group, Emission Standards Division (MD–13) Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, telephone (919) 541–5605, fax (919) 541–3470, and electronic mail: barnett.keith@epa.gov.

SUPPLEMENTARY INFORMATION: *Docket.* The docket reflects the full administrative record for this action and includes all the information relied upon by EPA in the development of this rule. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the CAA.) The regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of this action will also be available on the WWW through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the action will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules *http://www.epa.gov/ttn/oarpg*. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Regulated Entities. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Facilities manufacturing PET using a batch dimethyl terephthalate (DMT) process, PET facilities using a continuous DMT process, PET facilities using a batch terephthalic acid (TPA) process, and PET facilities using a continuous TPA process.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by the Group IV Polymers and Resins standards. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated, you should carefully examine the applicability criteria in § 63.1310 of the rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Judicial Review. Under section 307(b)(1) of the CAA, judicial review of this direct final rule is available by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by June 26, 2001. Under section 307(b)(2) of the CAA, the requirements that are the subject of this direct final rule may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

The EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the "Proposed Rule" section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the extension of the compliance dates specified in 40 CFR 63.1311(b) and (d)(6) for polyethylene terephthalate (PET) affected sources if adverse comments are filed. This rule will be effective on April 27, 2001 without further notice, unless we receive adverse comment by March 28, 2001. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

I. Background and Rationale

On September 12, 1996, we promulgated NESHAP for Group IV Polymers and Resins as subpart JJJ in 40 CFR part 63. Section 63.1331 establishes standards for equipment leaks based on the equipment leaks provisions from the Hazardous Organic NESHAP (HON), 40 CFR part 63, subpart H. The final rule required existing sources to comply with 40 CFR 63.1331 beginning March 12, 1997.

Subsequent to the promulgation of the Group IV Polymers and Resins rule, the compliance date for existing PET facilities has been extended to February 27, 2001. In addition, a petition was submitted by two PET manufacturers requesting reconsideration of the technical basis for estimates of emissions, emissions reductions, and costs for equipment leaks emissions control at PET affected sources. A second petition was subsequently filed by a third PET manufacturer requesting the same relief. We elected to act upon the petitioners' requests to reconsider the equipment leaks provisions of the

1996 rule as it applies to PET affected sources.

Our reconsideration has created uncertainty with regard to compliance requirements for the PET equipment leaks provisions. Furthermore, our reconsideration has led the Agency to publish in the **Federal Register** on June 8, 1999, a proposal to deny the petitions (64 FR 30456). We are considering public comments on the proposed denial and will publish a final action on the petitions. Therefore, this period of uncertainty will continue until we publish a final decision. For these reasons, we are providing an extension of the compliance dates associated with the provisions which regulate equipment leaks for PET affected sources for six months to allow time to take final action on the petitions for reconsideration. This extension applies to affected sources in the following regulated subcategories: (1) PET using a batch dimethyl terephthalate process, (2) PET using a continuous dimethyl terephthalate process, (3) PET using a batch terephthalic acid process, and (4) PET using a continuous terephthalic acid process. It does not affect any other provisions of the Group IV Polymers and Resins rule, or any other source categories or subcategories.

II. Authority for Extension of the Compliance Date

By this action, we are providing, pursuant to section 301(a)(1) of the CAA, an extension of the compliance dates specified in 40 CFR 63.1311(b) and (d)(6), only as necessary to complete reconsideration and potential revision of the rule. We intend to complete reconsideration of the rule and, following the notice and comment procedures of section 307(d) of the CAA, take appropriate action as expeditiously as possible. We do not believe this extension will, as a practical matter, impact the overall effectiveness of the rule. We will seek to ensure that the affected parties are not unduly prejudiced by the EPA's reconsideration. The compliance dates will be extended until August 27, 2001.

At the time of publication of the final decision on the petitions, we will establish new compliance dates as necessary to allow PET facilities sufficient time to comply with the final equipment leaks provisions of the rule.

III. Impacts

The extension of the compliance dates for equipment leaks at PET affected sources will not affect the eventual annual estimated emissions reductions or the control cost for the rule.

IV. Administrative Requirements

A. Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine whether the regulatory action is "significant" and therefore subject to review by Office of Management and Budget (OMB) on the basis of the requirements of the Executive Order in addition to its normal review requirements. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This direct final rule does not fall within any of the four categories described above. Instead, the direct final rule will provide an extension of the compliance dates specified in 40 CFR 63.1311(b) and (d)(6) for PET affected sources. The direct final rule does not add any additional control requirements. This direct final rule was determined to be "non-significant" under Executive Order 12866 and was not submitted for review by OMB.

B. Executive Order 13132, Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This direct final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This is because the final action applies to affected sources in PET facilities, not to States or local governments. Nor will State law be preempted, or any mandates be imposed on States or local governments. Thus, the requirements of section 6 of the Executive Order do not apply to this final action.

C. Consultation With Tribal Governments

On November 6, 2000, the President issued Executive Order 13175 (65 FR 67249) entitled, "Consultation and Coordination with Indian Tribal Governments." Executive Order 13175 took effect on January 6, 2001, and revokes Executive Order 13084 (Tribal Consultation) as of that date. The EPA developed this final rule, however, during the period when Executive Order 13084 was in effect; thus, EPA addressed tribal considerations under Executive Order 13084. Under Executive Order 13084, we may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or we consult with those governments. If we comply by consulting, we are required by Executive Order 13084 to provide to the OMB in a separately identified section of the preamble to the rule, a description of the extent of our prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires us to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's direct final rule does not significantly or uniquely affect the communities of Indian tribal governments because they do not own or operate any of the sources affected by this rule. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

D. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined in Executive Order 12866, and it is based on technology performance, and not on health or safety risks.

E. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, we must generally prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least-costly, most cost-effective, or least-burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least-costly, most cost-effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that today's direct final rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. This action does not impose any enforceable duties on State, local, or tribal governments, i.e., they own or operate no sources subject to the Group IV Polymers and Resins NESHAP and therefore are not required to purchase control systems to meet the requirements of the NESHAP. Regarding the private sector, today's action will not add any additional control requirements. Thus, today's action is not subject to the requirements of sections 202 and 205 of the UMRA.

We have also determined that this action contains no regulatory requirements that might significantly or uniquely affect small governments. This action does not impose any enforceable duties on small governments, i.e., they own or operate no sources subject to the NESHAP and, therefore, are not required to purchase control systems to meet the requirements of the NESHAP.

F. Regulatory Flexibility

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this direct final rule. The EPA has also determined that this direct final rule will not have a significant impact on a substantial number of small entities because no small entities are subject to the NESHAP.

G. Paperwork Reduction Act

For the Group IV Polymers and Resins NESHAP, the information collection requirements were submitted to OMB under the Paperwork Reduction Act. The OMB approved the information collection requirements and assigned OMB control number 2060–0351. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The EPA has amended 40 CFR part 9 to indicate the information collection requirements contained in the Group IV Polymers and Resins NESHAP.

Today's action has no impact on the information collection burden estimates made previously. Therefore, the information collection burden estimates have not been revised.

H. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, § 12(d) (15 U.S.C. 272 note), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standard bodies. The NTTAA requires the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The Group IV Polymers and Resins NESHAP includes technical standards. Therefore, the EPA searched for applicable voluntary consensus standards by searching the National Standards System Network (NSSN) database. The NSSN is an automated service provided by the American National Standards Institute for identifying available national and international standards.

The EPA searched for methods potentially equivalent to the methods required by the Group IV Polymers and Resins NESHAP, all of which are methods previously promulgated by the EPA. The NESHAP includes methods that measure: (1) determination of excess air correction factor (%O2) (EPA Method 3B); (2) sampling site location (EPA Method 1 or 1A); (3) volumetric flow rate (EPA Methods 2, 2A, 2C, or 2D); (4) gas analysis (EPA Method 3); (5) stack gas moisture (EPA Method 4); (6) concentration of organic Hazardous Air Pollutants (EPA Method 18 or 25A); and (7) organic compound equipment leaks (EPA Method 21). These EPA methods are found in appendix A to 40 CFR part 60.

No potentially equivalent methods for the methods in the rule were found in the NSSN database search, and none were brought to our attention in comments on the proposed denial of the

petitions. Therefore, the EPA has decided to use the methods listed above.

I. Congressional Review Act

The Congressional Review Act, 5 U.S.C. § 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. § 804(2). This direct final rule will be effective on April 27, 2001.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 20, 2001.

Christine T. Whitman,

Administrator.

For the reasons set out in the preamble, part 63 of Chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart JJJ—[Amended]

2. Section 63.1311 is amended by revising paragraphs (b) and (d)(6) to read as follows:

§ 63.1311 Compliance schedule and relationship of this subpart to existing applicable rules.

* * * * *

(b) New affected sources that commence construction or reconstruction after March 29, 1995 shall be in compliance with this subpart upon initial start-up or September 12, 1996, whichever is later, as provided in § 63.6(b), except that new affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is PET shall be in compliance with § 63.1331 upon initial start-up or August 27, 2001, whichever is later.

* * * * *

(d) * * *

(6) Notwithstanding paragraphs (d)(1) through (5) of this section, existing affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is PET shall be in compliance with § 63.1331 no later than August 27, 2001.

* * * * *

[FR Doc. 01–4652 Filed 2–23–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400, 430, 431, 434, 435, 438, 440, and 447

[HCFA–2001–F2]

RIN 0938–A170

Medicaid Program; Medicaid Managed Care: Delay of Effective Date

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the January 24, 2001 **Federal Register**, this action temporarily delays for 60 days the effective date of the final rule entitled "Medicaid Program; Medicaid Managed Care" published in the January 19, 2001 **Federal Register** (66 FR 6227). That final rule amends the Medicaid regulations to implement provisions of the Balanced Budget Act of 1997 (BBA) that allow the States greater flexibility by permitting them to amend their State plan to require certain categories of Medicaid beneficiaries to enroll in managed care entities without obtaining waivers if beneficiary choice is provided; establish new beneficiary protections in areas such as quality assurance, grievance rights, and coverage of emergency services; eliminate certain requirements viewed by State agencies as impediments to the growth of managed care programs, such as the enrollment composition requirement, the right to disenroll without cause at any time, and the prohibition against enrollee cost-sharing. In addition, that final rule expands on regulatory beneficiary protections provided to enrollees of prepaid health plans (PHPs) by requiring that PHPs comply with specified BBA requirements that would not otherwise apply to PHPs.

The effective date of that rule, which would have been April 19, 2001, is now June 18, 2001. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Additionally, due to this delay in the effective date of the rule, the implementation date of the rule, which would have also been April 19, 2001, is now June 18, 2001. Therefore, provisions of the rule that must be implemented through contracts with managed care organizations, prepaid health plans, health insuring organizations, or enrollment brokers are effective with respect to contracts that are up for renewal or renegotiation on or after June 18, 2001, but no later than June 18, 2002.

To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553 (b)(3)(1). Alternatively, HCFA's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. sections 553(b)(3)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest, in the orderly promulgation and implementation of regulations.

DATES: The effective date of the rule amending 42 CFR parts 400, 430, 431, 434, 435, 438, 440, and 447 published in the January 19, 2001 **Federal Register** (66 FR 6228) is delayed 60 days until June 18, 2001.

Additionally, the implementation date of the rule is delayed until June 18, 2001. Therefore, provisions of the rule that must be implemented through contracts with managed care organizations, prepaid health plans, health insuring organizations, or enrollment brokers are effective with respect to contracts that are up for renewal or renegotiation on or after June 18, 2001, but no later than June 18, 2002.

FOR FURTHER INFORMATION CONTACT: Bruce Johnson (410) 786–0615.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: February 21, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

Approved: February 22, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–4738 Filed 2–22–01; 1:53 pm]

BILLING CODE 4120–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431, 433, 435, 436, and 457

[HCFA–2006–F2]

RIN 0938–AI28

State Child Health; Implementing Regulations for the State Children's Health Insurance Program: Delay of Effective Date

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the January 24, 2001 **Federal Register** (66 FR 2490). That final rule implements provisions of the Balanced Budget Act of 1997 (BBA) related to the State Children's Health Insurance Program (SCHIP). Specifically, the final rule includes provisions related to State plan requirements and plan administration, coverage and benefits, eligibility and enrollment, enrollee financial responsibility, strategic planning, substitution of coverage, program integrity, certain allowable waivers, and applicant and enrollee protections. This final rule also implements the provisions of sections 4911 and 4912 of the BBA, which amended title XIX of the Social Security Act to expand State options for coverage of children under the Medicaid program. In addition, this final rule makes technical corrections to subparts B and F of 42 CFR part 457.

The effective date of that rule, which would have been April 11, 2001, is now June 11, 2001. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(3)(a). Alternatively, HCFA's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. sections 553(b)(3)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest, in the orderly promulgation and implementation of regulations.

The effective date of the rule amending 42 CFR parts 431, 433, 435, 436, and 457 published in the January 11, 2001 **Federal Register** (66 FR 2490) is delayed 60 days until June 11, 2001.

FOR FURTHER INFORMATION CONTACT: Regina Fletcher (410) 786–3293.

(Catalog of Federal Domestic Assistance Program No. 93.767, State Children's Insurance Program)

Dated: February 21, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

Approved: February 22, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–4737 Filed 2–22–01; 1:53 pm]

BILLING CODE 4120–01–M

Proposed Rules

Federal Register
Vol. 66, No. 38
Monday, February 26, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of the Under Secretary for Domestic Finance

17 CFR Part 450

RIN 1505–AA82

Government Securities Act Regulations: Definition of Government Securities

AGENCY: Office of the Under Secretary for Domestic Finance, Treasury.

ACTION: Proposed rule.

SUMMARY: The Department of the Treasury ("Treasury," "We," or "Us") is publishing for comment a proposed amendment to the regulations issued under the Government Securities Act of 1986, as amended ("GSA"). Section 208 of the Gramm-Leach-Bliley Act amended the definition of the term "government securities" in the Securities Exchange Act of 1934, as it applies to a bank, to include qualified Canadian government obligations. To conform to this change in definition, we are proposing a technical amendment to Part 450 of the GSA regulations governing depository institutions' government securities holdings in custody for customers.

DATES: Submit comments on or before March 28, 2001.

ADDRESSES: You may send us hard copy comments at: Government Securities Regulations Staff, Bureau of the Public Debt, 999 E Street NW., Room 315, Washington, DC 20239–0001. You may also send us comments by e-mail at govsecreg@bpd.treas.gov. When sending comments by e-mail, please use an ASCII file format and provide your full name and mailing address. Comments received will be available for downloading from the Internet and for public inspection and copying at the Treasury Department Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220. To visit the library, call (202) 622–0990 for an appointment. This proposed amendment is also available for downloading from Public Debt's web site at the following address: www.publicdebt.treas.gov.

FOR FURTHER INFORMATION CONTACT: Lori Santamorena (Executive Director), Lee Grandy (Associate Director), or Deidere Brewer (Government Securities Specialist), Bureau of the Public Debt, Government Securities Regulations Staff, (202) 691–3632 or e-mail us at govsecreg@bpd.treas.gov.

SUPPLEMENTARY INFORMATION: This proposed rule deals with the recent change in definition of "government securities" in the Securities Exchange Act of 1934 ("the Exchange Act") to include certain Canadian government obligations, as applied to banks. This statutory change affects two groups of GSA regulations—Subchapter A (17 CFR Parts 400–449), issued under Title I of the GSA, and Subchapter B (17 CFR Part 450), issued under Title II of the GSA—which we discuss separately. Because the statutory change is picked up automatically in Subchapter A, we are not proposing any regulatory change to Subchapter A. We are proposing a technical and clarifying change to Subchapter B.

Subchapter A

Title I of the Government Securities Act of 1986[1] (Section 15C of the Exchange Act) requires "government securities brokers" and "government securities dealers" (which may include banks) to provide notice to their regulators and comply with the requirements prescribed by Treasury in 17 CFR, Subchapter A, Parts 400–449. Among those requirements is compliance with rules in Subchapter B (Part 450).[2]

Part 401 provides a series of exemptions for financial institutions. These exemptions include limited government securities brokerage and government securities dealer activities and certain repurchase transactions with customers. Thus, even if a financial institution does not provide notice as a government securities broker or dealer, it may be subject to Subchapter A by virtue of its reliance on the exemptions in Subchapter A. One of the conditions of these exemptions is that a financial institution must comply with the requirements in Subchapter B (Part 450).

The GSA amended the Exchange Act by adding a definition of the term "government securities" at section 3(a)(42) of the Exchange Act.[3] In Subchapter A of the implementing regulations for the GSA,[4] we defined "government securities" at § 400.3(m)[5] as having the meaning set out in section 3(a)(42) of the Exchange Act.

Section 208 of Title II, Subtitle A of the Gramm-Leach-Bliley Act[6] (the "G–L–B Act") amended the definition of "government securities" in the Exchange Act by adding a new subparagraph (E) at section 3(a)(42). The amendment provides that "government securities" means "for purposes of section 15, 15C and 17A as applied to a bank, a qualified Canadian government obligation as defined in section 5136 of the Revised Statutes of the United States." As background, section 5136 of the National Banking Act was amended as a result of the U.S. Canada Free Trade Agreement.[7] The legislative history shows that the U.S., in return for certain commitments made by Canada, agreed to permit U.S., Canadian and other foreign banks to deal in, underwrite, and purchase obligations backed by the Government of Canada or its political subdivisions.[8]

Because section 400.3(m) of the regulations currently defines "government securities" to have the meaning set out at section 3(a)(42) of the Exchange Act, the statutory change to include certain Canadian government obligations will now be automatically incorporated without requiring a technical change. Any U.S. banks that transact business in qualified Canadian government obligations, but not U.S. government securities, may now be subject to the GSA regulations (including the exemptions). U.S. banks currently transacting business in U.S. government securities are already subject to the GSA regulations. We invite comments on the impact on banks of this change in definition of the term "government securities" to include qualified Canadian government obligations, specifically whether particular requirements in the GSA regulations would raise operational issues of which we are unaware.

[1] Pub. L. No. 99–571, 100 Stat. 3208 (1986).
[2] See 17 CFR 403.5(a), (d)(1)(vi).
[3] 15 U.S.C. 78c(a)(42).
[4] 52 FR 27910 (July 24, 1987).
[5] 17 CFR 400.3(m).
[6] Gramm-Leach-Bliley Act sec. 208; Pub. L. No. 106–102, 113 Stat. 1338 (1999).
[7] U.S. Canada Free Trade Agreement sec. 308; Pub. L. No. 100–449, 102 Stat. 1877 (1988).
[8] S. Rep. No. 100–509, at 67 (1988) reprinted in 1988 U.S.C.C.A.N. 2395, 2462.

Subchapter B

As noted above, Subchapter A of the regulations requires institutions subject to Subchapter A (i.e., government securities brokers and dealers and exempt institutions) to also comply with the rules in Subchapter B. In addition, under Title II of the GSA (31 U.S.C. 3121(h), 9110) depository institutions that are not government securities brokers or dealers and that hold government securities for the account of customers must comply with the rules prescribed by Treasury in 17 CFR, Subchapter B, Part 450. Thus, there are three categories of institutions that must follow the rules in Subchapter B—(a) (as required by the rules in Subchapter A), financial institution government securities brokers and dealers and (b) (also as required by the rules in Subchapter A), exempt financial institutions, and (c) depository institutions that are not government securities brokers or dealers and that hold government securities for the account of customers.

Because two of these categories of institutions ((a) and (b)) are based on one statutory authority (Title I of the GSA), and the third category ((c)) is based on another statutory authority (Title II of the GSA), we are proposing a revised regulatory definition of "government securities" at section 450.2(e) that takes this into account. Proposed § 450.2(e)(1), the definition applicable to institutions that are required under the rules in Subchapter A to follow the Subchapter B rules, will include qualified Canadian government obligations. Proposed § 450.2(e)(2) of the definition is narrower and does not include qualified Canadian government obligations. It would be applicable to institutions that are required to follow the Subchapter B rules solely because of the requirements of Title II of the GSA.

Therefore, for institutions required to follow the rules in Subchapter B as a result of the requirements of Subchapter A, proposed § 450.2(e)(1)(i) and (e)(1)(ii) would extend the requirements of Subchapter B to institutions holding qualified Canadian government obligations for customer accounts.

Based on our consultation with staff of the bank regulatory agencies, we understand this proposed change in the definition of "government securities" would not have a material impact on banks. They are not aware of situations in which banks in the U.S. are handling qualified Canadian government obligations for customers. Therefore, we believe this conforming amendment would not have more than a minimal effect on banks.

The G–L–B Act was enacted on November 12, 1999. The effective date of Subtitle A of Title II of the G–L–B Act is 18 months after enactment, or May 12, 2001. Accordingly, after we consider all comments received in response to this proposed amendment, we intend to issue a final amendment to the GSA regulations that will be effective May 12, 2001.

Special Analysis

The proposed rule would only make a technical amendment to the GSA regulations to conform to a change in definition of the term "government securities" made by the G–L–B Act. Based on the very limited impact of the proposed amendment, it is our view that the proposed regulations are not a "significant regulatory action" for the purposes of Executive Order 12866.

For the same reasons, we certify under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) that the proposed regulations, if adopted, will not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis is not required.

List of Subjects in 17 CFR Part 450

Banks, banking, Government securities, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, we propose to amend 17 CFR Part 450 to read as follows:

PART 450—CUSTODIAL HOLDINGS OF GOVERNMENT SECURITIES BY DEPOSITORY INSTITUTIONS

1. The authority citation for Part 450 is revised to read as follows:

Authority: Sec. 201, Pub. L. 99–571, 100 Stat. 3222–23 (31 U.S.C. 3121, 9110); Sec. 101, Pub. L. 99–571, 100 Stat. 3208 (15 U.S.C. 78o–5(b)(1)(A), (b)(4), (b)(5)(B)).

2. Section 450.2 is amended by revising paragraph (e) to read as follows:

§ 450.2 Definitions.

* * * * *

(e) *Government securities* means:

If . . .	Then . . .
(1)(i) A depository institution is a government securities broker or dealer as defined in sections 3(a)(43) and 3(a)(44) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(43)–(44)).	"Government securities" means those obligations described in subparagraphs (A), (B), (C), or (E) of section 3(a)(42) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(42)(A)–(C), (E)).
(ii) A depository institution is exempt under Part 401 of this chapter from the requirements of Subchapter A.	"Government securities" means those obligations described in subparagraphs (A), (B), (C), or (E) of section 3(a)(42) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(42)(A)–(C), (E)).
(2) A depository institution is not a government securities broker or dealer as defined in sections 3(a)(43) and 3(a)(44) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(43)–(44)).	"Government securities" means those obligations described in subparagraphs (A), (B), or (C) of section 3(a)(42) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(42)(A)–(C)).

* * * * *

Dated: February 21, 2001.

Donald V. Hammond,

Acting Under Secretary, Domestic Finance.

[FR Doc. 01–4647 Filed 2–23–01; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AJ44

Well-Grounded Claims

AGENCY: Department of Veterans Affairs.

ACTION: Withdrawal of proposed rule.

SUMMARY: In a document published in the **Federal Register** at 64 FR 67528 on December 2, 1999, the Department of Veterans Affairs (VA) proposed to amend its adjudication regulations concerning a claimant's statutory responsibility to support his or her

claim with evidence adequate to make the claim "well grounded." The proposed rule also addressed VA's duty to help claimants who have filed well-grounded claims obtain evidence pertinent to their claims. This document withdraws that proposed rule.

Subsequent to the publication of the proposed rule, the Veterans Claims Assistance Act of 2000 (VCAA), Pub. L. No. 106–475, 114 Stat. 2096, was signed into law. The VCAA eliminated the claimant's responsibility to file a well-grounded claim and redefined VA's duty to help claimants obtain evidence relevant to their claims. Therefore, we are withdrawing the proposed rule and preparing a new proposed rule to implement the new statutory requirements.

DATES: The proposed rule is withdrawn as of February 26, 2001.

FOR FURTHER INFORMATION CONTACT: Janice Jacobs, Consultant, Policy and Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Ave., NW, Washington, DC 20420, telephone (202) 273–7223.

Approved: February 15, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

[FR Doc. 01–4634 Filed 2–23–01; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[ADL–FRL–6948–8]

RIN 2060–AH47

National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of compliance.

SUMMARY: The EPA is proposing to extend certain compliance dates contained in national emissions standards for hazardous air pollutant emissions for Group IV polymers and resins for polyethylene terephthalate (PET) affected sources. We are proposing this compliance extension pursuant to section 301(a)(1) of the Clean Air Act (CAA) to complete reconsideration of equipment leaks provisions and any necessary revision to the rule.

In the "Rules and Regulations" section of this **Federal Register**, we are approving the extension of compliance dates as a direct final rule without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this approval in the preamble to the direct final rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: *Comments.* Written comments must be received by March 28, 2001, unless a hearing is requested by March 8, 2001. If a hearing is requested, written comments must be received by April 12, 2001.

Public Hearing. Anyone requesting a public hearing must contact the EPA no later than March 8, 2001. If a hearing is held, it will take place on March 13, 2001, beginning at 10:00 a.m.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–92–45 (Group IV Polymers and Resins), Room M–1500, U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**). Comments and data may also be submitted electronically by following the instructions provided in the **SUPPLEMENTARY INFORMATION** section. No Confidential Business Information (CBI) should be submitted through electronic mail.

Public Hearing. If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Maria Noell, U.S. EPA, MD–13, Research Triangle Park, NC 27711, telephone (919) 541–5607.

Docket. The official record for this rulemaking has been established under docket number A–92–45. A public version of this record, including printed, paper versions of electronic comments and data, which does not include any information claimed as CBI, is available for inspection between 8 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at U.S. EPA, Waterside Mall, 401 M Street, SW, Washington, DC 20460. Alternatively, a docket index, as well as individual items contained within the docket, may be obtained by calling (202) 260–7548 or (202) 260–7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Keith Barnett, Organic Chemicals Group, Emission Standards Division (MD–13), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, NC 27711, telephone number (919) 541–5605, fax number (919) 541–3470, and electronic mail: barnett.keith@epa.gov.

SUPPLEMENTARY INFORMATION:

Docket. The docket reflects the full administrative record for this action and includes all the information relied upon by EPA in the development of this rule. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the CAA.)

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of this proposed rule will also be available on the WWW through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the action will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Regulated Entities. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Facilities manufacturing PET using a batch dimethyl terephthalate (DMT) process, PET facilities using a continuous DMT process, PET facilities using a batch terephthalic acid (TPA) process, and PET facilities using a continuous TPA records.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by the Group IV Polymers and Resins standards. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated, you should carefully examine the applicability criteria in § 63.1310 of the rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

For further information, please see the information provided in the direct final rule that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Administrative Requirements

Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, under the Administrative Procedure Act or another statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's proposed rule on small entities, small entity is defined as: (1) A small business that is a business with less than 750 employees; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

This proposed rule would not impose any requirements on small entities, because only one entity is subject to the PCCT standard and it is not a small entity. In addition, this proposed rule would relieve regulatory burden for all entities subject to the rule. After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities.

For information regarding other administrative requirements for this action, please see the direct final/final rule action notice that is located in the "Rules and Regulations" section of this **Federal Register** publication.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 20, 2001.

Christine Todd Whitman,

Administrator.

[FR Doc. 01–4653 Filed 2–23–01; 8:45 am]

BILLING CODE 6560-50-P

Notices

Federal Register
Vol. 66, No. 38
Monday, February 26, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before April 27, 2001.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau of Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC 20523, (202) 712–1365 or via e-mail bjohnson@usaid.gov.

SUPPLEMENTARY INFORMATION:

OMB No.: OMB 0412–0554.
Form No.: None.
Title: Training Results and Information Network (TraiNet).
Type of Review: Renewal of Information Collection.
Purpose: The purpose of this information collection is to enable the planning and reporting of information on all USAID training activities, including in-country training. Data collected by USAID and/or its partners via TraiNet includes measures of results and performance monitoring, training participant and program identification, and costs and cost-sharing.
Annual Reporting Burden:
Respondents: 374.
Total annual responses: 15,720.
Total annual hours requested: 2,620 hours.

Dated: February 16, 2001.

Joanne Paskar,
Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 01–4589 Filed 2–23–01; 8:45 am]
BILLING CODE 8116-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Availability of the No Pablo Fire Environmental Assessment, Decision Notice, and Finding of No Significant Impact for an Amendment to the Huron-Manistee National Forests Land and Resource Management Plan; Alcona, Crawford, Ioeco, Lake, Manistee, Mason, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Ogemaw, Oscoda, and Wexford Counties, Michigan

AGENCY: Forest Service, USDA.

ACTION: Notice of availability of the no pablo fire environmental assessment.

SUMMARY: On January 21, 2001, Huron-Manistee National Forests Supervisor James L. Schuler (Responsible Official) decided to amend the 1986 Huron-Manistee National Forests Land and Resource Management Plan (Forest Plan). Copies of the Environmental Assessment, Decision Notice, and Finding of No Significant Impact are available upon request. This amendment designates approximately 94 acres of Kirtland's warbler essential habitat, Management Area Prescription 4.5. This notice is provided pursuant to National Forest System Land and Resource Management Planning regulations (36 CFR 219.35, 65 FR 67579, November 9, 2000).

DATES: On January 21, 2001, Huron-Manistee National Forests Supervisor James L. Schuler (Responsible Official) decided to amend the 1986 Huron-Manistee National Forests Land and Resource Management Plan (Forest Plan). A legal notice will be published in the Cadillac News and Oscoda County Herald, Michigan newspapers, in accordance with 36 CFR 215.9.

ADDRESSES: Send requests for documents to: Forest Supervisor, Huron-Manistee National Forests, 1755 S. Mitchell St., Cadillac, Michigan 49601.

Alternatively, direct electronic mail to: r9huronmanistee@fs.fed.us Attn: Plan Amendment.

FOR FURTHER INFORMATION CONTACT: James DiMaio, Forest Planner, at 231–775–5023 (8759); TDD 231–745–7701; or direct electronic mail to: r9huronmanistee@fs.fed.us.

Responsible Official: James L. Schuler, Forest Supervisor, 1755 S. Mitchell St. Cadillac, Michigan 49601

SUPPLEMENTARY INFORMATION: Approximately 94 acres of National Forest System lands have been designated as management prescription 4.5 to provide for the Kirtlands' warbler—an endangered species. This is a minor amendment to the Huron-Manistee National Forests Land and Resource Management Plan. This is a non-significant amendment.

Public involvement was an important part of the decision making process for this proposal. On August 11, 2000, we started scoping with mailing of letters to interested parties and a news release to the local newspapers. A second round of public involvement occurred with the issuance of the pre-decisional environmental assessment on November 3, 2000. At the same time, we published a legal notice notifying the public of the availability of the EA for review in the Cadillac News, Cadillac, Michigan, and Oscoda County Herald, Mio, Michigan.

This decision is subject to appeal pursuant to USDA-Forest Service regulations 36 CFR 215.7. Any written appeal must be postmarked or submitted to the Regional Forester, USDA-Forest Service, Easter Region, 310 West Wisconsin Avenue, Suite 500, Milwaukee, WI 53203, within 45 days of the date the legal notice was published in the Cadillac News, Cadillac, Michigan, in accordance with 36 CFR 215.13. The appeal period begins the day following the legal notice publication in the Cadillac News.

Appeals must meet the content requirement of 36 CFR 215.14. The Forest Service is an equal opportunity organization.

Dated: January 12, 2001.

James L. Schuler,
Forest Supervisor.

[FR Doc. 01–4565 Filed 2–23–01; 8:45 am]
BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–801, A–428–801, A–475–801, A–588–804, A–485–801, A–559–801, A–401–801, A–412–801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom; Amendment of Preliminary Results of Antidumping Duty Administrative Reviews, and Notice of Intent To Revoke Orders in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Amendment of Preliminary Results of Antidumping Duty Administrative Reviews, Partial Rescission of Administrative Reviews, and Notice of Intent to Revoke Orders in Part.

EFFECTIVE DATE: February 26, 2001.

FOR FURTHER INFORMATION CONTACT: George Callen or Richard Rimlinger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0180 or (202) 482–4477 respectively.

Summary

On February 5, 2001, the Department of Commerce (the Department) published in the **Federal Register** a *Notice of Preliminary Results of Antidumping Duty Administrative Reviews, Partial Rescission of Administrative Reviews, and Notice of Intent to Revoke Orders in Part*, 66 FR 8931. In that notice, at FR 8932, the Department indicated that, subsequent to the initiation of the review, we received a timely withdrawal of the request we had received for review of the antidumping duty order on ball bearings produced by SNR France. The notice should have indicated that we received a timely withdrawal of the request for review of cylindrical roller bearings rather than ball bearings by SNR France.

Amendment to Preliminary Results

Pursuant to 751(h) of the Tariff Act, we are amending the preliminary results of administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom. Under the section of the notice entitled *Background*, the last paragraph is changed to read as follows:

"Subsequent to the initiation of these reviews, we received timely withdrawals of the requests we had received for review of SKF (France), SKF (Germany), FAG (Germany), SNR (Germany), FAG (Italy), SOMECAT (Italy), Inoue Jikuuke Kogyo (Japan), Izumoto Seiko Co. (Japan), Koyo Romania (Romania), NMB/Pelmec (Singapore), SKF (Sweden), Barden (U.K.), and SNR (U.K.). We also received timely withdrawls of the requests we had received for review of RHP–NSK (U.K.) and SNR (France) with respect to CRBs only. Finally, we received a timely withdrawal of the request that we had received for review of Muro Corporation (Japan) with respect to BBs only. Because there were no other requests for review of the above-named firms, we are rescinding the reviews with respect to these companies in accordance with 19 CFR 351.213(d)."

This notice is published pursuant to section 751(h) of the Tariff Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of Assistant Secretary for Import Administration.

Dated: February 8, 2001.

Bernard T. Carreau,
Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4662 Filed 2–23–01; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–822, A–122–823]

Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada: Amended Final Results of Antidumping Duty Administrative Reviews and Determination Not To Revoke in Part

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Amended Final Results of the Antidumping Duty Administrative Review of Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada and Determination Not to Revoke in Part.

SUMMARY: We are amending our final results of the 1998–99 administrative reviews of the antidumping duty orders on Certain Corrosion Resistant Carbon Steel Products and Certain Cut-to-Length Carbon Steel Plate From Canada and Determination Not to Revoke in Part, published on January 16, 2001 (66 FR 3543), to reflect the correction of ministerial errors made in the final results for corrosion resistant carbon steel flat products. We are publishing this amendment to the final results in accordance with 19 CFR part 351 (1999).

EFFECTIVE DATE: February 26, 2001.

FOR FURTHER INFORMATION CONTACT: Elfi Blum or Abdelali Elouaradia, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482–0197 and (202) 482–1374, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise stated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1999).

Background

On September 8, 2000, the Department of Commerce (the Department) published in the **Federal Register** (65 FR 54481) the preliminary results of its 1998–99 administrative reviews of the antidumping duty orders on certain corrosion-resistant carbon steel flat products and certain cut-to-length carbon steel plate from Canada. The Department published the final results of review on January 16, 2001 (66 FR 3543).

On January 16, 2001, we received timely allegations from petitioners (Bethlehem Steel Corporation, U.S. Steel Group (a unit of USX Corporation), Inland Steel Industries, Inc., AK Steel Corporation, LTV Steel Co., Inc. and National) that the Department made ministerial errors in the final results of reviews regarding Continuous Colour Coat, Ltd (CCC). Respondents did not submit any comments in reply to these ministerial error allegations.

Scope of Review

The products covered by these administrative reviews constitute two separate "classes or kinds" of merchandise: (1) Certain corrosion-resistant carbon steel flat products, and (2) certain cut-to-length carbon steel plate.

The first class or kind, certain corrosion-resistant steel, includes flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (HTS) under item numbers 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, and 7217.90.5090. Included in this review are corrosion-resistant flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been "worked after rolling")—for example, products which have been beveled or rounded at the edges. Excluded from this review are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead ("terne plate"), or both chromium and chromium oxides ("tin-free steel"), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded from this review are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness. Also excluded from this review are certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%-60%-20% ratio.

The second class or kind, certain cut-to-length plate, includes hot-rolled carbon steel universal mill plates (i.e., flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7208.40.3030, 7208.40.3060, and 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000. Included in this review are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been "worked after rolling")—for example, products which have been beveled or rounded at the edges. Excluded from this review is grade X-70 plate. Also excluded is cut-to-length carbon steel plate meeting the following criteria: (1) 100% dry steel plates, virgin steel, no scrap content (free of Cobalt-60 and other radioactive nuclides); (2) .290 inches maximum thickness, plus 0.0, minus .030 inches; (3) 48.00 inch wide, plus .05, minus 0.0 inches; (4) 10 foot lengths, plus 0.5, minus 0.0 inches; (5) flatness, plus/minus 0.5 inch over 10 feet; (6) AISI 1006; (7) tension leveled; (8) pickled and oiled; and (9) carbon content, 0.3 to 0.8 (maximum).

With respect to both classes or kinds, the HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive of the scope of these reviews.

Amended Final Results

CCC

Comment 1: Petitioners allege that, for CCC, the Department did not include indirect selling expenses in the home market, as reported by CCC in its questionnaire response, in its calculation of total cost of production and constructed value (CV).

Department's Position: In its calculations the Department had intended to include indirect selling expenses in the calculation of total cost of production and of CV. This omission constitutes a ministerial error in accordance with section 351.224(f) of the Department's regulations. Accordingly, for these amended final results, we have corrected this error by including the reported indirect selling expenses in our calculations of total cost of production and CV in our model match program.

Comment 2: Petitioners state that, for CCC, the Department incorrectly subtracted packing expenses in its calculations of net price, for cost test purposes, because packing expenses are included in the total cost of production. Moreover, petitioners assert that to make a proper cost to price comparison, packing expenses have to be included in both calculations. Finally, petitioners argue that the Department also failed to subtract the movement expenses from the gross unit price.

Department's Position: We agree with petitioners on both issues. We incorrectly subtracted CCC's packing expenses, instead of movement expenses, from gross unit price to arrive at a net price for cost comparison. For these amended final results, we have corrected the ministerial errors by only subtracting movement expenses to arrive at a gross unit price, for cost comparison purposes, inclusive of packing.

As a result of these corrections, the margin for corrosion-resistant carbon steel flat products from Canada for CCC has changed from 1.81 percent to 2.11 percent.

Amended Final Results of Review

Upon review of the submitted allegations, the Department has determined that the following margins exist for the period August 1, 1998, through July 31, 1999:

Manufacturer/exporter	Margin (percent)
Certain Corrosion-Resistant Carbon Steel Flat Products:	
Continous Colour Coat, Ltd	2.11
Dofasco Inc. and Sorevco Inc	0.51
Certain Cut-to-Length Carbon Steel Plate:	
Clayson Steel Co	0.27
Gerdau MRM Steel Co	0.00
Metaux Russel Inc	68.70

The Department will determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. For assessment purposes, we have calculated importer-specific *ad valorem* duty assessment rates for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total quantity of sales examined. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of these amended final results for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for each reviewed company will be the rate stated above (except that no deposit will be required for firms with zero or *de minimis* margins, *i.e.*, margins less than 0.5 percent); (2) for exporters not covered in this review, but covered in the less-than-fair-value (LTFV) investigation or a previous review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be the "all others" rates established in the LTFV investigations, which were 18.71 percent for corrosion-resistant steel products and 61.88 percent for plate (*see Amended Final Determination of Sales at Less than Fair Value and Anti-Dumping Orders: Certain Corrosion Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Canada*, 60 FR 49582 (September 26, 1995)). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and (a)(2)(A) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.213 and 19 CFR 351.221(b)(5).

Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 16, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–4663 Filed 2–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–837]

Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Japan: Final Results Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On October 19, 2000, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on large newspaper printing presses and components thereof, whether assembled or unassembled, from Japan (65 FR 62700). This review covers the U.S. sales of two manufacturers/exporters, Mitsubishi Heavy Industries, Ltd. and Tokyo Kikai Seisakusho, Ltd. The period of review is September 1, 1998, through August 31, 1999.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the "Final Results of Review" section of this notice.

EFFECTIVE DATE: February 26, 2001.

FOR FURTHER INFORMATION CONTACT: James Nunno or Christopher Priddy, Office 2, AD/CVD Enforcement Group I, Import Administration, Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington,DC 20230; telephone: (202) 482–0783, or (202) 482–1130, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (April 1999).

Background

This review covers two manufacturers/exporters, Mitsubishi Heavy Industries, Ltd. (MHI) and Tokyo Kikai Seisakusho, Ltd. (TKS).

On October 19, 2000, the Department of Commerce published in the **Federal Register** the preliminary results of the antidumping duty order on large newspaper printing presses and components thereof, whether assembled or unassembled, (LNPPs) from Japan. *See Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Japan: Preliminary Results of Antidumping Duty Administrative Review*, 65 FR 62700 (Oct. 19, 2000) (*Preliminary Results*).

We invited parties to comment on our preliminary results of review. At the request of MHI and its affiliate MLP U.S.A., Inc., we held a public hearing on December 20, 2000. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of the Review

The products covered by this review are large newspaper printing presses, including press systems, press additions, and press components, whether assembled or unassembled, whether complete or incomplete, that are capable of printing or otherwise manipulating a roll of paper more than two pages across. A page is defined as a newspaper broadsheet page in which the lines of type are printed perpendicular to the running of the direction of the paper or a newspaper tabloid page with lines of type parallel to the running of the direction of the paper.

In addition to press systems, the scope of this review includes the five press system components. They are: (1) a printing unit, which is any component that prints in monocolor, spot color, and/or process (full) color; (2) a reel tension paster, which is any component that feeds a roll of paper more than two

newspaper broadsheet pages in width into a subject printing unit; (3) a folder, which is a module or combination of modules capable of cutting, folding, and/or delivering the paper from a roll or rolls of newspaper broadsheet paper more than two pages in width into a newspaper format; (4) conveyance and access apparatus capable of manipulating a roll of paper more than two newspaper broadsheet pages across through the production process and which provides structural support and access; and (5) a computerized control system, which is any computer equipment and/or software designed specifically to control, monitor, adjust, and coordinate the functions and operations of large newspaper printing presses or press components.

A press addition is comprised of a union of one or more of the press components defined above and the equipment necessary to integrate such components into an existing press system.

Because of their size, large newspaper printing press systems, press additions, and press components are typically shipped either partially assembled or unassembled, complete or incomplete, and are assembled and/or completed prior to and/or during the installation process in the United States. Any of the five components, or collection of components, the use of which is to fulfill a contract for large newspaper printing press systems, press additions, or press components, regardless of degree of assembly and/or degree of combination with non-subject elements before or after importation, is included in the scope of this review. Also included in the scope are elements of a LNPP system, addition, or component, which taken altogether, constitute at least 50 percent of the cost of manufacture of any of the five major LNPP components of which they are a part.

For purposes of this review, the following definitions apply irrespective of any different definition that may be found in Customs rulings, Customs law or the *Harmonized Tariff Schedule of the United States* (HTSUS): the term "unassembled" means fully or partially unassembled or disassembled; and (2) the term "incomplete" means lacking one or more elements with which the LNPP is intended to be equipped in order to fulfill a contract for a LNPP system, addition or component.

This scope does not cover spare or replacement parts. Spare or replacement parts imported pursuant to a LNPP contract, which are not integral to the original start-up and operation of the LNPP, and are separately identified and valued in a LNPP contract, whether or not shipped in combination with covered merchandise, are excluded from the scope of this review. Used presses are also not subject to this scope. Used presses are those that have been previously sold in an arm's-length transaction to a purchaser that used them to produce newspapers in the ordinary course of business.

Also excluded from the scope, in accordance with the Department's determination in a changed-circumstances antidumping duty administrative review of this order with respect to MHI which resulted in the partial revocation of the order with respect to certain merchandise, are elements and components of LNPP systems, and additions thereto, which feature a 22 inch cut-off, 50 inch web width and a rated speed no greater than 75,000 copies per hour. *See Large Newspaper Printing Presses Components Thereof, Whether Assembled or Unassembled, from Japan: Final Results of Changed Circumstances Antidumping Duty Administrative Review and Intent to Revoke Antidumping Duty Order, In Part*, 64 FR 72315 (Dec. 27, 1999). In addition to the specifications set out in this paragraph, all of which must be met in order for the product to be excluded from the scope of the order, the product must also meet all of the specifications detailed in the five numbered sections following this paragraph. If one or more of these criteria is not fulfilled, the product is not excluded from the scope of the order.

1. *Printing Unit:* A printing unit which is a color keyless blanket-to-blanket tower unit with a fixed gain infeed and fixed gain outfeed, with a rated speed no greater than 75,000 copies per hour, which includes the following features:

- Each tower consisting of four levels, one or more of which must be populated.
- Plate cylinders which contain slot lock-ups and blanket cylinders which contain reel rod lock-ups both of which are of solid carbon steel with nickel plating and with bearers at both ends which are configured in-line with bearers of other cylinders.
- Keyless inking system which consists of a passive feed ink delivery system, an eight roller ink train, and a non-anilox and non-porous metering roller.
- The dampener system which consists of a two nozzle per page spraybar and two roller dampener with one chrome drum and one form roller.
- The equipment contained in the color keyless ink delivery system is designed to achieve a constant, uniform feed of ink film across the cylinder without ink keys. This system requires use of keyless ink which accepts greater water content.

2. *Folder:* A module which is a double 3:2 rotary folder with 160 pages collect capability and double (over and under) delivery, with a cut-off length of 22 inches. The upper section consists of three-high double formers (total of 6) with six sets of nipping rollers.

3. *RTP:* A component which is of the two-arm design with core drives and core brakes, designed for 50 inch diameter rolls; and arranged in the press line in the back-to-back configuration (left and right hand load pairs).

4. *Conveyance and Access Apparatus:* Conveyance and access apparatus capable of manipulating a roll of paper more than two newspaper broadsheets across through the production process, and a drive system which is of conventional shafted design.

5. *Computerized Control System:* A computerized control system, which is any computer equipment and/or software designed specifically to control, monitor, adjust, and coordinate the functions and operations of large newspaper printing presses or press components.

Further, this review covers all current and future printing technologies capable of printing newspapers, including, but not limited to, lithographic (offset or direct), flexographic, and letterpress systems. The products covered by this review are imported into the United States under subheadings 8443.11.10, 8443.11.50, 8443.30.00, 8443.59.50, 8443.60.00, and 8443.90.50 of the HTSUS. Large newspaper printing presses may also enter under HTSUS subheadings 8443.21.00 and 8443.40.00. Large newspaper printing press computerized control systems may enter under HTSUS subheadings 8471.49.10, 8471.49.21, 8471.49.26, 8471.50.40, 8471.50.80, and 8537.10.90. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Richard W. Moreland, Deputy Assistant Secretary for Import Administration, to Bernard T. Carreau, fulfilling the duties of Assistant Secretary for Import Administration, dated February 15, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit in Room B–099 of the main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes to the margin calculations. For a discussion of these changes, see the "Margin Calculations" section of the Decision Memorandum.

Final Results of the Review

As a result of this review, we have determined that the following margins exist for the period September 1, 1998 through August 31, 1999: [1]

Manufacturer/exporter	Margin (percent)
Mitsubishi Heavy Industries, Ltd.	15.72
Tokyo Kikai Seisakusho, Ltd.	0.00

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. For entries of subject merchandise from MHI and TKS, we have calculated importer-specific assessment rates by aggregating the dumping margins calculated for all examined sales and dividing by the entered value of those sales. These rates will be assessed uniformly on all entries of that particular importer made with respect to the U.S. sales examined. In accordance with 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties all entries of the subject merchandise for which the importer-specific assessment rate is zero or *de minimis* (*i.e.*, less than 0.50 percent).

[1] As explained in the *Preliminary Results*, MHI's U.S. sale to the Bergen Record was contracted for during previous administrative review period, covering sales of the subject merchandise for the period September 1, 1997 through August 31, 1998. However, we deferred review of this sale until this administrative review period because the entries relating to this sale were not fully delivered and installed by the conclusion of that review period. *See Preliminary Results*, 65 FR at 62700.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Cash Deposit Requirements

The following deposit requirements shall be effective for all shipments of the subject merchandise from Japan that are entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for MHI and TKS will be the rates established above in the "Final Results of the Review" section; (2) for previously investigated companies not listed above, the cash deposit rates will continue to be the company-specific rates published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters of this merchandise will continue to be 58.69 percent, the all others rate made effective by the less-than-fair value investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulation and the terms of an APO is a sanctionable violation.

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: February 16, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—Issues in Decision Memorandum

Comments

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1. Universe of Home Market Sales
2. Date of Sale
3. Time Period for Selling Expense and Cost Ratios
4. Denominator of the Profit and Selling Expense Ratios Used in Constructed Value
5. Allocation of General and Administrative Expenses to Further Manufacturing
6. Denominator of the General and Administrative Expense Ratio Applied to Further Manufacturing
7. Credit Expenses for the Pre-Production Period
8. Credit Expenses for the Post-Production Period

[FR Doc. 01–4658 Filed 2–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–821]

Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Germany: Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On October 19, 2000, the Department of Commerce published the preliminary results of administrative review of the antidumping duty order on large newspaper printing presses and components thereof, whether assembled or unassembled, from Germany (65 FR 62695). This review covers MAN Roland Druckmaschinen AG, a manufacturer/exporter of the subject merchandise to the United States. The period of review is September 1, 1998, through August 31, 1999.

We gave interested parties an opportunity to comment on the preliminary results. In addition, during January 2001 we requested, and MAN Roland submitted, updated cost and payment information on U.S. and home market sales. Based on our analysis of the comments received and the updated information, we have made changes in the margin calculations. Therefore, the

final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the "Final Results of Review" section of this notice.

EFFECTIVE DATE: February 26, 2001.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Kate Johnson, Office 2, AD/CVD Enforcement Group I, Import Administration, Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–4136, or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (April 1999).

Background

This review covers one manufacturer/exporter, MAN Roland Druckmaschinen AG (MAN Roland).

On October 19, 2000, the Department of Commerce published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on large newspaper printing presses and components thereof, whether assembled or unassembled, from Germany (65 FR 62695) (*Preliminary Results*).[1]

We invited parties to comment on our preliminary results of review. We received case briefs from the petitioner and the respondent on November 27, 2000, and rebuttal briefs from both parties on December 4, 2000. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of the Review

The products covered by this review are large newspaper printing presses, including press systems, press additions and press components, whether assembled or unassembled, whether complete or incomplete, that are capable of printing or otherwise manipulating a roll of paper more than two pages across. A page is defined as a newspaper broadsheet page in which the lines of type are printed perpendicular to the running of the direction of the paper or a newspaper tabloid page with lines of type parallel to the running of the direction of the paper.

In addition to press systems, the scope of this review includes the five press system components. They are: (1) A printing unit, which is any component that prints in monocolor, spot color and/or process (full) color; (2) a reel tension paster (RTP), which is any component that feeds a roll of paper more than two newspaper broadsheet pages in width into a subject printing unit; (3) a folder, which is a module or combination of modules capable of cutting, folding, and/or delivering the paper from a roll or rolls of newspaper broadsheet paper more than two pages in width into a newspaper format; (4) conveyance and access apparatus capable of manipulating a roll of paper more than two newspaper broadsheet pages across through the production process and which provides structural support and access; and (5) a computerized control system, which is any computer equipment and/or software designed specifically to control, monitor, adjust, and coordinate the functions and operations of large newspaper printing presses or press components.

A press addition is comprised of a union of one or more of the press components defined above and the equipment necessary to integrate such components into an existing press system.

Because of their size, large newspaper printing press systems, press additions, and press components are typically shipped either partially assembled or unassembled, complete or incomplete, and are assembled and/or completed prior to and/or during the installation process in the United States. Any of the five components, or collection of components, the use of which is to fulfill a contract for large newspaper printing press systems, press additions, or press components, regardless of degree of assembly and/or degree of combination with non-subject elements before or after importation, is included in the scope of this review. Also included in the scope are elements of a LNPP system, addition or component, which taken altogether, constitute at least 50 percent of the cost of manufacture of any of the five major LNPP components of which they are a part.

For purposes of this review, the following definitions apply irrespective of any different definition that may be found in Customs rulings, U.S. Customs law or the *Harmonized Tariff Schedule of the United States* (HTSUS): the term "unassembled" means fully or partially unassembled or disassembled; and (2) the term "incomplete" means lacking one or more elements with which the LNPP is intended to be equipped in order to fulfill a contract for a LNPP system, addition or component.

This scope does not cover spare or replacement parts. Spare or replacement parts imported pursuant to a LNPP contract, which are not integral to the original start-up and operation of the LNPP, and are separately identified and valued in a LNPP contract, whether or not shipped in combination with covered merchandise, are excluded from the scope of this review. Used presses are also not subject to this scope. Used presses are those that have been previously sold in an arm's-length transaction to a purchaser that used them to produce newspapers in the ordinary course of business.

Further, this review covers all current and future printing technologies capable of printing newspapers, including, but not limited to, lithographic (offset or direct), flexographic, and letterpress systems. The products covered by this review are imported into the United States under subheadings 8443.11.10, 8443.11.50, 8443.30.00, 8443.59.50, 8443.60.00, and 8443.90.50 of the HTSUS. Large newspaper printing presses may also enter under HTSUS subheadings 8443.21.00 and 8443.40.00. Large newspaper printing press computerized control systems may enter under HTSUS subheadings 8471.49.10, 8471.49.21, 8471.49.26, 8471.50.40, 8471.50.80, and 8537.10.90. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Richard W. Moreland, Deputy Assistant Secretary for Import Administration, to Bernard T. Carreau, fulfilling the duties of Assistant Secretary for Import Administration, dated February 15, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file the Central Records Unit in Room B–099 of the main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes to the margin calculations. For a discussion of these changes, see the "Margin Calculations" section of the Decision Memorandum.

Final Results of the Review

As a result of this review, we have determined that the following margin exists for the period September 1, 1998 through August 31, 1999:

Manufacturer/exporter	Period	Margin (percent)
MAN Roland Druckmaschinen AG ...	9/1/98–8/31/99	0.00

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. For entries of subject merchandise from MAN Roland, we have calculated an importer-specific assessment rate by aggregating the dumping margins calculated for all examined sales and dividing by the entered value of those sales. This rate will be assessed uniformly on all entries of that particular importer made with respect to the U.S. sale examined. In accordance with 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties all entries of the subject merchandise for which the importer-specific assessment rate is zero or *de minimis* (*i.e.*, less than 0.50 percent).

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Cash Deposit Requirements

The following deposit requirements shall be effective for all shipments of the subject merchandise from Germany that are entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for MAN Roland will be the rate established above in the "Final Results of the Review" section; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters of this merchandise will continue to be 30.72 percent, the all others rate made effective by the less-than-fair value investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulation and the terms of an APO is a sanctionable violation.

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: February 16, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—Issues in Decision Memorandum

Comments

1. Date of Sale
2. Classification of MAN Roland's U.S. Sale
3. CEP Offset Adjustment
4. Calculation of Imputed Credit Expenses
5. Affiliated Party Commissions
6. Home Market Warranty Expenses
7. U.S. Indirect Selling Expenses Incurred in Germany
8. Allocation of General and Administrative Expenses to Further Manufacturing
9. Treatment of Installation Costs Incurred in the United States
10. Calculation of Constructed Value Profit
11. Inclusion of Home Market Installation Expenses in Home Market Cost of Manufacture for Profit Calculations

[FR Doc. 01–4659 Filed 2–23–01; 8:45 am]

BILLING CODE 3510–DS–P

[1] Also on October 19, 2000, in the context of the same **Federal Register** notice, the Department published the rescission of the concurrent 1997–1998 and 1998–1999 administrative reviews with respect to Koenig & Bauer AG (KBA) and the final determinations of scope inquiries on certain LNPP parts imported from Germany by KBA's U.S. affiliate.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–808]

Stainless Steel Plate in Coils From Belgium; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel plate in coils from Belgium. The review covers exports of this merchandise to the United States for the period November 4, 1998 through April 30, 2000, by ALZ, N.V. (ALZ), manufacturer and exporter of subject merchandise. The respondent ALZ withdrew, on a timely basis, its request for a review and also requested the return or destruction of its information from the record. In light of the petitioners' request to continue the review process, and ALZ's withdrawal of its information from the record, we are preliminarily determining that adverse facts available must be applied with respect to ALZ. For our analysis on this issue see the "Preliminary Results of Review" below.

EFFECTIVE DATE: February 26, 2001.

FOR FURTHER INFORMATION CONTACT: Elfi Blum or Abdelali Elouaradia, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230 at (202) 482–0197 or (202) 482–1374, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act)

by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (2000).

Background

On May 21, 1999, the Department published in the **Federal Register** the antidumping duty order on certain stainless steel plate in coils from Belgium (64 FR 27756). On May 31, 2000, in accordance with 19 CFR 351.213, respondent ALZ and its affiliated U.S. importer TrefilARBED, Inc., and the petitioners, Allegheny Ludlum, AK Steel Corporation (formerly Armco, Inc.), J&L Speciality Steel Inc., North American Stainless, Butler-Armco Independent Union, Zanesville Armco Independent Union, and the United Steelworkers of America, AFL–CIO/CLC (collectively, petitioners), requested a review of the antidumping duty order on certain stainless steel plate in coils from Belgium. On July 7, 2000, we published a notice of "Initiation of Antidumping Review." *See* 65 FR 41942. On August 14, September 5, and September 15, 2000, ALZ responded to sections A, B and D, then C, respectively, of the Department's antidumping questionnaire. On October 5, 2000, ALZ submitted a timely request for withdrawal from the administrative review pursuant to section 351.213(d) of the Department's regulations, and requested the return or destruction of its questionnaire responses. On October 20, 2000, the petitioners stated their request to continue the administrative review, and objected to ALZ's request for the return or destruction of the information submitted in the course of the proceeding. In accordance with the Department's practice, we granted ALZ its request to remove its questionnaire responses from the Department's record. For a detailed discussion regarding the removal of questionnaire responses from the administrative record, *see Memorandum to Barbara E. Tillman through Sally Gannon from Abdelali Elouaradia: Return or Destruction of ALZ, N.V. Questionnaire Response*, December 19, 2000. Given that petitioners also requested a review, we continued conducting this administrative review pursuant to section 751(a) of the Act.

Scope of Review

The product covered by this order is certain stainless steel plate in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (*e.g.*, cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of these orders are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars. In addition, certain cold-rolled stainless steel plate in coils is also excluded from the scope of these orders. The excluded cold-rolled stainless steel plate in coils is defined as that merchandise which meets the physical characteristics described above that has undergone a cold-reduction process that reduced the thickness of the steel by 25 percent or more, and has been annealed and pickled after this cold reduction process.

The merchandise subject to these orders is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.06, 7219.12.00.21, 7219.12.00.26, 7219.12.00.51, 7219.12.00.56, 7219.12.00.66, 7219.12.00.71, 7219.12.00.81, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTS subheadings are provided for convenience and Customs purposes, the written description of the scope of the orders is dispositive.

Period of Review

The period of review (POR) is November 4, 1998 through April 30, 2000.

Verification

We did not verify any information provided by respondents, as provided in section 782(i) of the Tariff Act. For further information please refer to the section on *Application of Facts Available* below.

Application of Facts Available

Pursuant to sections 776(a)(1) and (2) of the Act, if necessary information is not available on the record, or if an interested party or any other person (A) withholds information that has been requested by the administering authority; (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested; (C) significantly impedes a proceeding under the antidumping statute; or (D) provides such information but the information cannot be verified as provided in section 782(i) of the Act, the administering authority shall, subject to section 782(d) of the Act, use the facts otherwise available in reaching the applicable determination. In this case, notwithstanding ALZ's timely withdrawal from the review, the Department is required to continue the review process because the petitioners did not withdraw their request for review. Consequently, ALZ's withdrawal of its participation in the review, and its request that the company's questionnaire responses be removed from the record, constitute a refusal to provide information necessary to conduct the Department's antidumping analysis, pursuant to section 776(a)(2)(A) of the Act. Moreover, ALZ's withdrawal significantly impedes the review process. *See* section 776(a)(2)(C) of the Act. Therefore, the Department must resort to facts otherwise available in reaching the applicable determination. Absent any response on the record from ALZ, sections 782(d) and (e) do not apply.

Section 776(b) of the Act further provides that, in selecting from among the facts otherwise available, the Department may use an inference adverse to the interests of a party that has failed to cooperate by not acting to the best of its ability to comply with a request for information (*see* also the Statement of Administrative Action (SAA), accompanying the URAA, H.R. Rp. No. 316, 103rd Cong., 2d Sess. 870). ALZ's timely withdrawal from the review and its request to return or destroy the company's initial questionnaire responses constitute a refusal to participate in the review, and demonstrate that ALZ failed to cooperate by not acting to the best of its ability to comply with the Department's request for information. Therefore, pursuant to section 776(b) of the Act, the Department has determined that an adverse inference is warranted with respect to ALZ.

As adverse facts available, we have applied 16.0 percent, the highest margin alleged in the petition, which is based on a comparison between ALZ's U.S. price and constructed value (CV). *See* "Import Administration AD Investigation Initiation Checklist" (Initiation Checklist) and *Initiation of Antidumping Duty Investigations: Stainless Steel Plate in Coils from Belgium, Canada, Italy, Republic of South Africa, South Korea and Taiwan*, 63 FR 20580 (April 27, 1998) for a discussion of the margin calculations in the petition. We note that, in making adverse inferences, the SAA authorizes the Department to consider the extent to which a party may benefit from its own lack of cooperation (SAA at 870). Here, for purposes of our preliminary determination, we have carefully analyzed the rates contained in the petition and the rates in the less-than-fair-value (LTFV) investigation. Given that the 16.0 percent rate is the highest rate derived from the petition, and that ALZ's final calculated dumping margin from the LTFV investigation was 9.86 percent, we find that the 16.0 percent rate will prevent ALZ from benefitting from its decision not to participate in this review. If parties wish to submit information which they view as more appropriate or relevant for use as adverse facts available, they should submit that information no later than 15 days after publication of this notice.

Corroboration

Section 776(c) of the Act provides that, when the Department relies on secondary information in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA defines secondary information as "information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review" (*see* SAA at 870). In addition, the SAA clarifies that "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value (*see id.*). The SAA also states that independent sources used to corroborate may include, for example, published price lists, official import statistics and customs data, as well as information obtained from interested parties during the particular investigation (*see id.*).

In this case, to corroborate the margin calculations in the petition, we examined the basis of the price-to-CV rate of 16.0 percent, contained in the petition of March 31, 1998. The U.S. prices in the petition were based on quotes to U.S. customers obtained through market research. The normal value was based on market research data, consumption data from multiple sources, and ALZ's financial statements.

In accordance with section 776(c) of the Act, to the extent practicable, we examined the key elements of the export price and normal value calculations on which the margins in the petitions were based. This information includes evidence such as customs statistics or market studies which are considered reliable because they are based on actual, independent trade data and analysis. We were able to corroborate the U.S. price in the petition by comparing these prices to publicly available information compiled by the U.S. Census Bureau and made available by the International Trade Commission (ITC). The ITC reports quantity and value by HTS numbers. Export Prices which are based on U.S. import statistics are considered corroborated (*see Certain Cut-to-Length Carbon Steel Plate from Mexico: Final Results of Antidumping Duty Administrative Review*, 64 FR 76, 84 (January 4, 1999) (Comment 13) (*CTL Plate from Mexico*). Normal value calculations contained in the petition, similar to the U.S. price calculations, were based on both actual independent trade data and analysis, as well as ALZ's own public information. The Department is aware of no other independent sources of information that would enable us to further corroborate the petition's margin calculations.

The implementing regulation for section 776 of the Act, codified at 19 CFR 351.308(c), states: "(t)he fact that corroboration may not be practicable in a given circumstance will not prevent the Secretary from applying an adverse inference as appropriate and using the secondary information in question." Additionally, we note that the SAA at 870 specifically states that where "corroboration may not be practicable in a given circumstance," the Department may nevertheless apply an adverse inference. The SAA at 869 emphasizes that the Department need not prove that the facts available are the best alternative information. Therefore, based on our efforts, described above, to corroborate information contained in the petition, and in accordance with section 776(c) of the Act which discusses facts available and corroboration, we consider the 16.0 percent margin in the petition to be corroborated to the extent practicable for purposes of this preliminary determination (*see CTL Plate from Mexico*, 64 FR at 84).

Finally, we find that the petition information is relevant with respect to ALZ because, as discussed above, the normal value calculations were partially based on ALZ's publicly available data (Financial Statement), while the U.S. price is an actual price quote from ALZ. Thus, we conclude that the 16.0 percent, the highest rate from the petition, is not outdated, and is relevant with respect to ALZ. Moreover, we find that this rate is a reasonably accurate estimate of ALZ's actual rate from the LTFV investigation, with the built-in increase to prevent ALZ's non-compliance in the future. *See De Cecco v. United States*, 216 F.3d 1027, 1032 (Fed. Cir. June 16, 2000); and *World Finer Foods v. United States*, Consol. Court No. 99–03–00138, Slip Op. 2000–72 (June 26, 2000).

Preliminary Results of Review

As a result of our review, we preliminarily determine the antidumping margin for ALZ, based on total adverse facts available for the period November 4, 1998 through April 30, 2000, to be as follows:

Manufacturer/exporter	Margin (percent)
ALZ, N.V	16.00
All Others	9.86

Any interested party may request a hearing within 30 days of the date of publication of this notice. Any hearing, if requested, will be held 37 days after the date of publication or the first business day thereafter. Case briefs from interested parties may be submitted not later than 30 days after the date of publication. Given the fact that respondent in this proceeding withdrew its information, we invite petitioners to provide relevant public and probative information for use as adverse facts available. Rebuttal briefs, limited to issues raised in case briefs, may be filed not later than five days after the date of filing of case briefs. The Department intends to issue the final results of this administrative review, including its analysis of issues raised in the case and rebuttal briefs, not later than 120 days after the date of publication of this notice.

Upon issuance of the final results of this review, the Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of these reviews for all shipments of stainless steel plate in coils from Belgium entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate established in the final results of this review; (2) for merchandise exported by manufacturers or exporters not covered in these

reviews but covered in the original investigation of sales at LTFV or a previous review, the cash deposit will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this or a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 9.86 percent, the "all others" rate established in the LTFV investigation (64 FR 15476, March 31, 1999).

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review. This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR § 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and (a)(2)(B) of the Act (19 USC 1675(a)) and 19 CFR §§ 351.213. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: January 31, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4664 Filed 2–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–841–804]

Notice of Postponement of the Final Determination of Investigation: Steel Concrete Reinforcing Bars From Moldova

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 26, 2001.

FOR FURTHER INFORMATION CONTACT: Nithya Nagarajan or Michele Mire at (202) 482–5253 or (202) 482–4711, respectively; AD/CVD Enforcement, Office 4, Group II, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR part 351 (2000).

Background

This investigation was initiated on July 18, 2000. *See Initiation of Antidumping Duty Investigations: Steel Concrete Reinforcing Bars from Austria, Belarus, Indonesia, Japan, Latvia, Moldova, the People's Republic of China, Poland, the Republic of Korea, the Russian Federation, Ukraine and Venezuela*, 65 FR 45754 (July 25, 2000). The period of investigation (POI) is October 1, 1999 through March 31, 2000. On January 30, 2001, the Department published the notice of preliminary determination. *See Notice of Preliminary Determination of Sales at Less than Fair Value: Steel Concrete Reinforcing Bars from Moldova*, 66 FR 8338 (January 30, 2001).

Postponement of Final Determination

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by petitioner. The Department's regulations, at 19 CFR 351.210(e)(2), require that requests by respondents for postponement of a final determination be accompanied by a request for extension of provisional measures from a four-month period to not more than six months.

On February 1, 2001, JV CJSC Moldova Steel Works (MSW), the respondent in this investigation, requested that the Department extend the final determination for the maximum statutory period of 135 days after the publication of the preliminary determination. MSW also requested that the Department extend the imposition of provisional measures from a four-month period to not more than six months. Accordingly, since we have made an affirmative preliminary determination, and MSW is the sole producer of the subject merchandise in Moldova, we have postponed the final determination until not later than 135 days after the date of publication of the preliminary determination or June 14, 2001.

This notice is published in accordance with section 735(a)(2) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of Assistant Secretary for Import Administration.

Dated: February 15, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement Group II.

[FR Doc. 01–4661 Filed 2–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Amended Final Results of 1998–1999 Administrative Review and Determination To Revoke Order in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amended final results of 1998–1999 administrative review and determination to revoke order in part.

SUMMARY: On January 10, 2001, the Department published the final results of the administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China.[1] On January 12, 2001, certain respondents filed allegations of ministerial errors and on January 18, 2001, the petitioner filed a response to the allegations. Based on our review of the comments received from all parties regarding potential ministerial errors, we have made certain changes to the margin calculation of respondent Wafangdian Bearing Company Ltd. The final weighted-average dumping margin for this company is now zero. We have, moreover, determined to revoke the antidumping duty order with respect to Wafangdian Bearing Company Ltd. We have also corrected a typographical error in the *Final Results* in which the PRC-wide cash deposit rate was listed as 33.12 percent. The correct PRC-wide cash deposit rate is 33.18 percent.

[1] *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Final Results of 1998–1999 Administrative Review, Partial Rescission of Review, and Notice of Intent to Revoke Order in Part*, 66 FR 1953 (January 10, 2001) (*"Final Results"*).

EFFECTIVE DATE: February 26, 2001.

FOR FURTHER INFORMATION CONTACT: Greg Campbell or Jarrod Goldfedder, Group 1, Office I, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–2239 or (202) 482–0189, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the "Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department of Commerce's ("Department") regulations are to 19 CFR Part 351 (2000).

Background

On January 10, 2001, the Department published the *Final Results*. The period of review ("POR") is June 1, 1998, through May 31, 1999.

On January 12, 2001, ministerial error allegations were submitted by respondents Wafangdian Bearing Company Ltd. ("Wafangdian"), Zhejiang Machinery Import & Export Corp., ("ZMC"), and Luoyang Bearing Corp. (Group). Respondents Wanxiang Group Corporation ("Wanxiang"), China National Machinery Import & Export Corporation ("CMC"), Liaoning MEC Group Co. Ltd., Premier Bearing & Equipment Ltd., Tianshui Hailin Import and Export Corporation/Hailin Bearing Factory, and Weihai Machinery Holding (Group) Co., Ltd. submitted a January 17, 2001, letter to the Department expressing their concurrence with the allegations raised in the January 12, 2001 submission of the other respondents. On January 18, 2001, the petitioner submitted its comments on the January 12 ministerial error allegations.

The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

Merchandise covered by this review includes tapered roller bearings ("TRBs") and parts thereof, finished and unfinished, from the PRC; flange, take up cartridge, and hanger units incorporating TRBs; and tapered roller housings (except pillow blocks) incorporating TRBs, with or without spindles, whether or not for automotive use. This merchandise is currently classifiable under the *Harmonized Tariff Schedule* of the United States ("HTSUS") item numbers 8482.20.00, 8482.91.00.50, 8482.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.99.80.15, and 8708.99.80.80. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the order and this review is dispositive.

Determination To Revoke Order, in Part

The Department "may revoke, in whole or in part" an antidumping duty order upon completion of a review under section 751 of the Act. While Congress has not specified the procedures that the Department must follow in revoking an order, the Department has developed a procedure for revocation that is described in 19 CFR 351.222. This regulation requires, *inter alia*, that a company requesting revocation must submit the following: (1) A certification that the company has sold the subject merchandise at not less than normal value ("NV") in the current review period and that the company will not sell subject merchandise at less than NV during the future; (2) a certification that the company sold commercial quantities of the subject merchandise to the United States in each of the three years forming the basis of the request; and (3) an agreement to reinstatement of the order if the Department concludes that the company, subsequent to the revocation, sold subject merchandise at less than NV. *See* 19 CFR 351.222(e)(1). Upon receipt of such a request, the Department will consider (1) whether the company in question has sold subject merchandise at not less than NV for a period of at least three consecutive years; (2) the likelihood that the company in question will in the future sell the subject merchandise at less than normal value; and (3) whether the company has agreed in writing to its immediate reinstatement in the order, as long as any exporter or producer is subject to the order, if the Department concludes that the company, subsequent to the revocation, sold the subject merchandise at less than NV. *See* 19 CFR 351.222(b)(2).

As noted in the *Final Results*, CMC, Wafangdian, Wanxiang, and ZMC submitted the proper certifications pursuant to 19 CFR 351.222(e)(1), and requested revocation of the antidumping duty order, in part, based on an absence of dumping for at least three consecutive years. Because CMC and ZMC were found to have made sales below normal value in the instant review, these companies do not qualify for revocation. Although Wanxiang sold the subject merchandise at not less than normal value for a period of at least three consecutive years, we determined that Wanxiang does not qualify for revocation of the order because the company did not sell the subject merchandise in the United States in commercial quantities in each of the three years forming the basis of its revocation request.

Wafangdian received a zero margin in each of the last two reviews.[2] In addition, as noted below, Wafangdian's dumping margin in the instant review is zero as a result of our correction of certain ministerial errors. Accordingly, Wafangdian meets the first criterion of 19 CFR 351.222(b)(2). After consideration of the various comments that were submitted in response to the *Preliminary Results*,[3] we determine that Wafangdian is not likely to sell the subject merchandise in the United States below normal value in the future. *See infra*, *"Analysis of Comments Received."* Finally, as stated above, Wafangdian has agreed in writing to the immediate reinstatement in the order, as long as any exporter or producer is subject to the order, if the Department concludes that the Wafangdian, subsequent to the revocation, sold the subject merchandise at less than NV. Therefore, we find that Wafangdian qualifies for revocation of the order on TRBs under 19 CFR 351.222(b)(2).

[2] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Final Results of 1997–1998 Antidumping Duty Administrative Review and Final Results of New Shipper Review*, 64 FR 61837 (November 15, 1999) (*"TRBs X"*) and *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Final Results of 1996–1997 Antidumping Administrative Review and New Shipper Review and Determination Not to Revoke Order in Part*, 63 FR 63842 (November 17, 1998) (*"TRBs XI"*). We note that in *TRBs XI*, we did not conduct a review of Wafangdian. However, pursuant to 19 CFR 351.222(d), we are not required to conduct a review of the intervening year so long as we conduct a review in the first and third years of the three year consecutive time period. For Wafangdian, we conducted a review in *TRBs X* and in the instant review.

[3] *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Preliminary Results of 1998–1999 Administrative Review, Partial Rescission of Review, and Notice of Intent to Revoke Order in Part*, 65 FR 41944 (July 7, 2000) (*"Preliminary Results"*).

Accordingly, we are revoking the order with respect to merchandise produced and exported by Wafangdian.

Analysis of Comments Received

We have addressed all of the comments regarding the ministerial error allegations in the *Memorandum to Susan Kuhbach*, "Ministerial Error Allegations for Final Results of Review" (February 12, 2001). As explained in that memorandum, correction of the ministerial errors for Wafangdian resulted in a zero margin for Wafangdian (*see Memorandum to File*, "Calculations for Amended Final Results for Wafangdian" (February 12, 2001) for the calculation changes made to the final results). Accordingly, as noted above, we have determined to revoke the antidumping duty order with respect to Wafangdian.

In the *Final Results*, we did not address certain comments regarding revocation raised in the briefs and rebuttal briefs of interested parties, noting that those issues were moot because we found the respondents ineligible for revocation (either based on the fact that they did not make sales above normal value in the instant review or that they did not make sales in commercial quantities during the three-year period being analyzed).[4] Since, in light of Wafangdian's amended zero margin, these issues are no longer moot, we have addressed parties' comments regarding revocation in a separate memorandum. *See Memorandum from Richard W. Moreland, Deputy Assistant Secretary, Import Administration, to Bernard T. Carreau, Deputy Assistant Secretary for Import Administration*, "Issues and Decision Memorandum for Amended Final Results" (February 14, 2001). Parties can find a complete discussion of all issues raised in these amended final results and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B–099 of the main Department building. In addition, a complete version of this memorandum can be accessed directly on the Web at http://ia.ita.doc.gov/frn/summary/list.htm. The paper copy and electronic version of this memorandum are identical in content.

Amended Final Results

Based on our review of comments received regarding ministerial errors, we have made the following change to the *Final Results*. We have incorporated into our calculation of Wafangdian's weighted average margin the revisions to certain packing material and labor figures, as detailed in exhibits 6 and 7 of Wafangdian's March 14, 2000 submission.

We have also corrected a typographical error in the PRC-wide cash deposit rate in the final results. The correct PRC-wide (country-wide) cash deposit rate is 33.18 percent.

Based on these revisions, we determine that the following dumping margins exist for the period June 1, 1998 through May 31, 1999:

Manufacturer/exporter	Revised margin (percent)
Wafangdian	0.00
Wanxiang	0.00
CMC	0.82
ZMC	7.37
Liaoning	0.00
Hailin	0.00
Weihai	0.00
Luoyang	4.37
Premier	7.36

We are issuing and publishing this determination and notice in accordance with sections section 751(a)(1) and 771(i) of the Act.

Dated: February 16, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—List of Comments and Issues in the Decision Memorandum

Comment 1: The Department Should Grant Revocations
Comment 2: Limiting Revocation to Certain Trading Companies
Comment 3: Limiting Revocation to Particular Models

[FR Doc. 01–4657 Filed 2–23–01; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See Final Results* and accompanying Decision Memo at Comments 18–21.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Notice of Extension of Time Limit for 1999–2000 Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce is extending the time limit for the preliminary results of the thirteenth review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China. The period of review is June 1, 1999 through May 31, 2000. This extension is made pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: February 26, 2001.

FOR FURTHER INFORMATION CONTACT: Jarrod Goldfeder or Melani Miller, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482–0189 or (202) 482–0116, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 ("the Act") by the Uruguay Round Agreements Act and all citations to the regulations are to 19 CFR Part 351 (2000).

Statutory Time Limits

Section 751(a)(3)(A) of the Act requires the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and a final determination within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

Background

On July 31, 2000, the Department published a notice of initiation of administrative review of the antidumping duty order on tapered roller bearings from the People's Republic of China, covering the period June 1, 1999, through May 31, 2000 (65 FR 46687).[1] The preliminary results for the antidumping duty administrative review of tapered roller bearings from the People's Republic of China are currently due no later than March 2, 2001.

[1] Due to a clerical error, this FR notice failed to portray accurately all the companies participating in the review. An updated company list was reflected in a subsequent **Federal Register** notice. *See Amended Notice of Initiation and Rescission in Part for the 1999–2000 Antidumping Duty Administrative Review*, 65 FR 48968 (August 10, 2000).

Extension of Time Limits for Preliminary Results

Due to the number of companies and complexity of the issues, it is not practicable to complete this review within the originally anticipated time limit (i.e., March 2, 2001). See Memorandum from Team to Richard W. Moreland, "Extension of Time Limit for Preliminary Results," dated, February 20, 2001. Therefore, the Department of Commerce is extending the time limit for completion of the preliminary results to not later than June 29, 2001, in accordance with section 751(a)(3)(A) of the Act.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 20, 2001.

Richard W. Moreland,

Deputy Assistant Secretary for AD/CVD Enforcement.

[FR Doc. 01–4660 Filed 2–23–01; 8:45 am]

BILLING CODE 3510–DS–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 01–C0005]

The West Bend Company, a Subsidiary of Illinois Tool Works, Inc., Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20. Published below is a provisionally-accepted Settlement Agreement with The West Bend Company, A Subsidiary of Illinois Tool Works, Inc., containing a civil penalty of $225,000.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by March 13, 2001.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 01–C0005, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Jimmie L. Williams, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0626, 1376.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: February 20, 2001.

Sadye E. Dunn,

Secretary.

Settlement Agreement and Order

1. The West Bend Company ("West Bend"), a Subsidiary of Illinois Tool Works, Inc. enters into this Settlement Agreement and Order with the staff ("the staff") of the U.S. Consumer Product Safety Commission ("the Commission") in accordance with 16 CFR Part 1118, section 20 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Consumer Product Safety Act ("CPSA").

I. The Parties

2. The Commission is an independent federal regulatory agency responsible for the enforcement of the Consumer Product Safety Act, 15 U.S.C. 2051–2084.

3. West Bend is a subsidiary of Illinois Tool Works, a corporation organized and existing under the laws of the State of Delaware. West Bend's principal offices are located at 400 Washington Street, West Bend, Wisconsin 53095.

II. Staff Allegations

4. Between May, 1997 and December, 1998, West Bend manufactured and sold approximately 16,004 120 volt model 10120 water distillers. These units were manufactured for sale to several companies, who sold the product under their private labels, and to distributors both inside and outside of the United States. These water distillers were then sold to consumers throughout the U.S. for use in or around households or residences. Therefore, West Bend is a "manufacturer" of a "consumer product" "distributed in commerce" pursuant to 15 U.S.C. 2052(a)(1), (4) and (11).

5. The water distiller consists of three pieces: a main housing, a boiling chamber and a depository tank. The boiling chamber is filled with water, and the consumer pushes a button to turn the product on. The main housing then heats up the water, and directs the residual steam through condensing coils. A motor, which sits on top of the distiller, activates and operates a cooling fan that blows over the condensing coils. The water then condenses and drips into the depository tank. The total time for distilling one gallon of water is four hours.

6. A defect within the water distiller's motor made the unit susceptible to voltage surges. When subjected to these surges, the motor produced electrical arcs and would catch on fire. The resultant motor fire would destroy the water distiller, and presented a fire hazard to the consumer.

7. In November, 1998, West Bend learned from its regional distributor that two (2) of its water distillers failed in Taiwan. The consumers reported hearing explosive and popping sounds, and observed flames and smoke coming out of the top of the product. The fires then spread to surrounding combustibles, and damaged the consumers' homes. The regional distributor informed West Bend that he suspected that the motor burned and was the source of the fires.

8. In December, 1998, West Bend contracted with an outside consultant to help it determine the cause of their failures, and received the failed Taiwan unit in Wisconsin. In the interim, West Bend elected to place a fuse in line with the motor circuit, and made the housing material more flame retardant. Upon its initial examination of the failed Taiwan units, West Bend preliminarily opined that voltage surges were causing the product's motor to fail.

9. In January, 1999, West Bend learned of a third water distiller failure in Taiwan in which the unit was reported to have melted. The following day West Bend's General Counsel sent a letter to the Hong Kong counsel of the motor manufacturer, and notified him of West Bend's intent to seek indemnification for the above incidents.

10. On February 1, 1999, the West Bend consultant arranged for the first tests to be conducted on sample water distiller motors. These voltage surge tests were run on February 11, 1999, and reproduced the failure scenario. On February 22, 1999, West Bend's consultant inquired about the "need to determine whether a recall is required." IN April, 1999, West Bend elected to recall the water distillers sold in Taiwan. On April 30, 1999, West Bend's consultant reported that the motors were susceptible to voltage surges, and could fail in castastrophic fashion. Between April, 1999 and August, 1999, six (6) similar water distiller failures occurred in the United States. Again, the fires spead outside of the product, and damaged the consumers' homes. The above information reasonably supported the conclusion that the product contained a defect that could create a substantial product hazard.

11. On August 20, 1999, West Bend notified the Commission about the water distillers.

12. West Bend failed to report to the Commission in a timely manner as required by Section 15(b) of the CPSA, 15 U.S.C. 2064(b). A failure to furnish information under section 15(b) of the CPSA is a prohibited act under 15 U.S.C. 2067(a)(4). West Bend "knowingly" failed to report, as that term is defined in 15 U.S.C. 2069(d), and is subject to a civil penalty, pursuant to 15 U.S.C. 2069(a)(1).

III. Response of West Bend

13. West Bend denies all of the allegations of the staff and in particular denies that it violated the reporting requirements of Section 15(b) of the CPSA, 15 U.S.C. 2064(b) or 16 CFR Part 1115. West Bend believes that it has demonstrated to the Commission that it investigated and dealt with product failures promptly and responsibly and that it reasonably relied on expert consultant advice that the product failures were due to conditions highly unlikely to occur in the United States. In settling this matter, West Bend does not admit any fault, liability or statutory or regulatory violation.

14. West Bend contends that the motor manufacturer improperly assembled some of the cooling motors, making the unit susceptible to voltage surges and causing the motors to fail unsafely. These surges and failures could cause the motor and housing to ignite, presenting a fire hazard to the consumer. West Bend and the motor manufacturer are currently in litigation. See *The West Bend Company* v. *Chiaphua Components Ltd., Case No. 00–C–0617, Eastern District of Wisconsin.*

IV. Agreement of the Parties

15. The Commission has jurisdiction over this matter under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051 *et seq.*

16. West Bend knowingly, voluntarily and completely waivers any rights it may have to:

a. The issuance of a compliant in this matter.

b. an administrative or judicial hearing with respect to the staff allegations discussed in paragraphs 4 through 12 above;

c. judicial review or other challenge or contest of the validity of the Commission's Order;

d. a determination by the Commission as to whether a violation of section 15(b) of the CPSA, 15 U.S.C. 2064(b) has occurred;

e. a statement to findings of fact and conclusion of law with regard to the staff allegations; and

f. to any claims under The Equal Access to Justice Act.

17. Upon provisional acceptance of this Settlement Agreement and order by the Commission, this Settlement Agreement and Order shall be placed on the public records and shall be published in the **Federal Register** in accordance with 16 CFR 1118.20.

18. The Settlement Agreement and Order becomes effective upon final acceptance by the Commission and service of the Final Order upon West Bend.

19. Upon final acceptance of this Settlement Agreement by the Commission, West Bend agrees to pay to the United States Treasury a civil penalty in the amount of Two Hundreds and Twenty Five Thousands Dollars ($225,000.00) within ten calendar days after receipt of service of the Final Order, in settlement of the allegations in paragraphs four through twelve above.

20. West Bend agrees to entry of the attached Order, which is incorporated herein by reference, and to be bound by its terms.

21. This Settlement Agreement and Order are entered into for settlement purposes only and shall not constitute a determination or admission of any fault, liability or statutory or regulatory violation.

22. The Commission's Order in this matter is issued under the provisions of the CPSA, 15 U.S.C. 2051, et seq., and 16 CFR 1118.20, and a violation of this Order may subject West Bend to appropriate legal action.

23. This Settlement Agreement and Order is binding upon and shall inure to the benefit of West Bend, its agents, representatives and employees, and West Bend's corporate parents, assigns or successors.

24. Agreements, understanding, representations, or interpretations made outside of this Settlement Agreement and Order may not be used to vary or to contradict its terms.

25. For the purposes of section 6(b) of the CPSA, 15 U.S.C. 2055(b), this matter shall be treated as if a complaint had been issued, and the Commission may publicize the terms of the Settlement Agreement and Order.

Dated: January 22, 2001.
The West Bend Company.
Neil Halvorson, Esq.,
General Counsel.

Dated: January 24, 2001.
U.S. Consumer Product Safety Commission.
Alan H. Schoem,
Assistant Executive Director, Office of the Compliance.
Eric L. Stone,
Director, Legal Division, Office of Compliance.
Jimmie L. Williams, Jr.,
Trial Attorney, Legal Division, Office of Compliance.

Order

Upon consideration of the Settlement Agreement entered into between the West Bend Company, a Subsidiary of Illinois Tool Works, Inc., and the staff of the U.S. Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and The West Bend Company, and it appearing that the Settlement Agreement and Order is in the public interest, it is

Ordered, that the Settlement Agreement be, and hereby is, accepted, and it is

Further Ordered, that upon final acceptance of the Settlement Agreement and Final Order, The West Bend Company shall pay the Commission a civil penalty in the amount of Two Hundreds and Twenty Five Thousand Dollars ($225,000.00) within 10 calendar days after service of this Final Order upon The West Bend Company.

Provisionally accepted and Provisional Order issued on the 20th day of January, 2001.

By Order of the Commission.
Sadye E. Dunn,
Secretary,
U.S. Consumer Product Safety Commission.
[FR Doc. 01–4559 Filed 2–23–01; 8:45 am]
BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision (ROD) for Joint Use of Airfield Facilities at Kelly Air Force Base (AFB), Texas

AGENCY: Department of the Air Force, DoD.

ACTION: Notice.

SUMMARY: On December 14, 2000, the Air Force signed the ROD for Joint Use of Airfield Facilities at Kelly AFB, Texas.

The Defense Base Closure and Realignment Act requires compliance with the National Environmental Policy Act (NEPA) in implementing base closures and realignments for property disposal (10 U.S.C. 2687 note). The Air Force began a Programmatic Environmental Impact Statement (PEIS) in 1996 to fulfill the NEPA requirements. The analysis was completed in May 1997 and published as the Final Programmatic Environmental Impact Statement for the Disposal of Kelly AFB (FPEIS).

After the publication of the FPEIS the Air Force signed a ROD on July 24, 1997, indicating disposal of Kelly AFB property would be in accordance with the Greater Kelly Development Authority (GKDA) Master Plan. The disposal ROD deferred the decision regarding joint (i.e., military and civilian) use of the airfield facilities until detailed information on civil aircraft operations was available. At the time the disposal ROD was signed, the GKDA Master Plan did not include complete information fully describing the civil aircraft operations elements of the redevelopment.

The GKDA Master Plan, Appendix D published in January 1998, and further refined in October 1999, defined civil aircraft operational scenarios associated with redevelopment of Kelly AFB. A Supplemental Environmental Impact Statement (SEIS) was completed in August 2000, addressing the environmental impacts associated with the anticipated civil aircraft operations. The SEIS addressed noise, air quality, and land use impacts as well as environmental justice concerns related to the updated, projected civil aircraft operations combined with ongoing military aircraft operations. Taking into consideration the results of the SEIS, the Air Force signed a ROD on December 14, 2000 authorizing joint use of the airfield at Kelly AFB.

FOR FURTHER INFORMATION CONTACT: Jonathan D. Farthing, HQ AFCEE/ECA, 3207 North Road, Brooks Air Force Base, Texas 78235–5363, 210–536–3787 or fax to 210–536–3890.

Janet A. Long,
Air Force Federal Register Liaison Officer.
[FR Doc. 01–4566 Filed 2–23–01; 8:45 am]
BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Army

ARMS Initiative Implementation

AGENCY: Department of the Army, DOD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of the next meeting of the Armament Retooling and Manufacturing Support (ARMS) Executive Advisory Committee (EAC). The EAC encourages the development of new and innovative methods to optimize the asset value of the Government-Owned, Contractor-Operated ammunition industrial base for peacetime and national emergency requirements, while promoting economical and efficient processes at minimal operating costs, retention of critical skills, community economic benefits, and a potential model for defense conversion. This meeting will be hosted by the U.S. Army, Operations Support Command. The purpose of the meeting is to update the EAC and public on the status of ongoing actions, new items of interest, and suggested future direction/actions. Topics for this meeting will include—Strategic Planning for the ARMS Program; Legislative Issues Impacting the ARMS Program; Facility Contracting and Leasing; and ARMS Metrics. This meeting is open to the public.

Dates of Meeting: March 28–29, 2001.

Place of Meeting: Grand Casino Gulfport Hotel—Oasis Resort and Spa, 3215 West Beach Boulevard, Gulfport, MS 39501.

Time of Meeting: 8:30 AM–5:00 PM on March 28 and 7:30 AM–12:30 PM on March 29.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Perez, U.S. Army Operations Support Command, Attn: AMSOS–CCM–E, Rock Island Arsenal, IL 61299; Phone (309) 782–3360.

SUPPLEMENTARY INFORMATION: A block of rooms has been reserved at the Grand Casino Gulfport Hotel for the nights of 27–29 March 2001. The Grand Casino Gulfport Hotel is located at 3215 West Beach Boulevard, Gulfport, MS 39501, Local Phone (228) 870–7777. Please make your reservations by calling 800–354–2450. Be sure to mention Public/Private Task Force #22. Reserve your room prior to February 25th to get the Government Rate of $70.00 a night. Also notify this office of your attendance by notifying Mike Perez, perezm@osc.army.mil, 309–782–3360 (DSN 793–3360). To insure adequate arrangements (transportation, conference facilities, etc.) for all attendees, we request your attendance notification with this office by March 1, 2001. Corporate casual is meeting attire.

Gregory D. Showalter,
Army Federal Register Liaison Officer.
[FR Doc. 01–4642 Filed 2–23–01; 8:45 am]
BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Command and General Staff College (CGSC) Advisory Committee

AGENCY: Department of the Army, DOD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

Name of Committee: U.S. Army Command and General Staff College (CGSC) Advisory Committee.

Dates of Meeting: 19–21 March 2001.

Place of Meeting: Bell Hall, Room 113, Fort Leavenworth, Kansas 66027–1352.

Time of Meeting: 1700–2200 on 19 March 2001; 0730–2100 on 20 March 2001; and 0730–1400 on 21 March 2001.

Proposed Agenda:

1700–2200, 19 March 2001: Review of CGSC educational program.
0730–2100, 20 March 2001: Continuation of review.
0730–1030, 21 March 2001: Continuation of review.
1030–1130, 21 March 2001: Executive Session.
1130–1230, 21 March 2001: Report to Commandant.

FOR FURTHER INFORMATION CONTACT: Dr. Philip J. Brookes, Committee's Executive Secretary, USACGSC Advisory Committee, 1 Reynolds Ave., Bell Hall, Room 119, Fort Leavenworth, Kansas 66027–1352; or phone (913) 684–2741.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for the Advisory Committee to examine the entire range of college operations and, where appropriate, to provide advice and recommendations to the College Commandant and faculty.

The meeting will be open to the public to the extent that space limitations of the meeting location permit. Because of these limitations, interested parties are requested to reserve space by contacting the Committee's Executive Secretary at the above address or phone number.

Gregory D. Showalter,
Army Federal Register Liaison Officer.
[FR Doc. 01–4643 Filed 2–23–01; 8:45 am]
BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Board of Advisors to the Superintendent, Naval Postgraduate School

AGENCY: Department of the Navy, DoD.

ACTION: Notice of open meeting.

SUMMARY: The purpose of this meeting is to elicit the advice of the board on the Naval Service's Postgraduate Education Program. The board examines the effectiveness with which the Naval Postgraduate School is accomplishing its mission. To this end, the board will inquire into the curricula, instruction, physical equipment, administration, state of morale of the student body, faculty, and staff; fiscal affairs; and any other matters relating to the operation of the Naval Postgraduate School, as the board considers pertinent. This meeting will be open to the public.

DATES: The meeting will be held on Monday, March 5, 2001, from 9:00 a.m. to 4:00 p.m. and on Tuesday, March 6, 2001, from 9:00 a.m. to 12:00 p.m.

ADDRESSES: The meeting will be held at the National Defense University, Fort McNair, Hill Conference Room, Roosevelt Hall, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mrs. Jaye Panza, Naval Postgraduate School, 1 University Circle, Monterey, California 93943–5000, telephone number (831) 656–2514.

Dated: February 14, 2001.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corp, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–4567 Filed 2–23–01; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF ENERGY

National Nuclear Security Administration; Notice of Availability of the Final Supplemental Environmental Impact Statement for the National Ignition Facility

AGENCY: Department of Energy, National Nuclear Security administration.

ACTION: Notice of availability.

SUMMARY: The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy (DOE), announces the availability of the Final Supplemental Environmental Impact Statement (SEIS) for the National Ignition Facility (NIF) Project-Specific Analysis Portion (Volume III, Appendix I) of the Stockpile Stewardship and Management Programmatic Environmental Impact Statement (SSM PEIS) (DOE/EIS–0236–S1). The NIF, which is being designed as the world's most powerful laser, has been under construction at Lawrence Livermore National Laboratory (LLNL) in Livermore, California since 1997, in accordance with the SSM PEIS Record of Decision (ROD) (61 FR 68014, December 26, 1996).

In September 1997, buried capacitors containing polychlorinated biphenyls (PCBs) were discovered during site excavation for the NIF. The capacitors and contaminated soil were cleaned up to levels protective of human health and the environment in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and its implementing regulations and in consultation with state and federal regulators. This SEIS analyzes how the results of characterization studies completed should affect the manner in which the NNSA proceeds with the construction and operation of NIF. The proposed action is the "No Action" alternative of continuing to construct and to operate NIF at LLNL. The SEIS also evaluates the No Action alternative of ceasing construction of the NIF. The preferred alternative is to construct and operate NIF.

DATES: A ROD for the SEIS will be issued no sooner than 30 days after the U.S. Environmental Protection Agency (EPA) publishes a Notice of Availability of the Final SEIS in the **Federal Register**.

ADDRESSES: To request copies of the Final NIF SEIS, or for additional information, contact: Richard Scott, Document Manager, U.S. Department of Energy, L–293, P.O. Box 808, Livermore, CA 94550. Mr. Scott may also be contacted by telephone (925) 423–3022, facsimile (925) 424–3755, or by e-mail at *richard.scott@oak.doe.gov*. Requests for copies of the Final NIF SEIS may also be addressed to the DOE Oakland Operations Office, Energy Information Center, 1st floor in the North Tower of the Federal Building at 1301 Clay Street in Oakland, CA, (510) 637–1762. The Final NIF SEIS is available for public review at the Oakland Operations Office; LLNL, East Gate Visitors Center on Greenville Road in Livermore CA, (925) 424–4026, and DOE's Freedom of Information Reading Room, Rm. 1E–190, 1000 Independence Avenue, SW, Washington, DC, (202) 586–3142. The Final NIF SEIS is available under the NEPA Analysis module of the DOE NEPA Web Site at *http://tis.eh.doe.gov/nepa/*.

FOR FURTHER INFORMATION CONTACT: For general information on the NNSA NEPA process, please contact: Mr. Henry Garson, NEPA Compliance Officer for Defense Programs, U.S. Department of Energy/NNSA, 1000 Independence Avenue, SW., Washington, DC 20585; or telephone 1–800–832–0885, ext. 30470. For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone 202–586–4600, or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION: The Final NIF SEIS was prepared pursuant to a Joint Stipulation and Order issued by the U.S. District Court for the District of Columbia on October 27, 1997, in partial settlement of the lawsuit, *Natural Resources Defense Council [NRDC] v. Richardson*, Civ. No. 97–936 (SS) (D.D.C.). In that Joint Stipulation and Order, DOE agreed to prepare an SEIS evaluating the reasonably foreseeable significant adverse environmental impacts of continuing to construct and of operating NIF at LLNL with respect to any potential or confirmed contamination in the area by hazardous, toxic, and/or radioactive materials. On September 25, 1998, DOE announced its intent to prepare an SEIS for the NIF portion (Volume III, Appendix I) of the SSM PEIS (63 FR 51341). That Notice of Intent was amended on August 5, 1999 to announce a revised schedule for preparing the Draft SEIS (64 FR 42681).

The Joint Stipulation and Order required further investigations of potential buried wastes and of soil and groundwater contamination in seven site areas. The results of these investigations are as follows. Interviews and searches of historical information indicated a low probability of the existence of additional buried sources of contamination. Magnetometer, electromagnetic induction, and ground-penetrating radar surveys identified no additional potential areas of concern. In December 1998, soil sampling during routine maintenance operations identified residual PCBs in soils in the East Traffic Circle (ETC) Area from a previous landfill closure. This area is outside the NIF Construction Area. The cleanup of the buried capacitors, contaminated soils, and other, nonhazardous items found in 1997 and 1998 resulted in some minor dust emissions. The risks of cancer and noncancer health effects due to PCBs on inhaled dust from the cleanups are estimated to have been orders of magnitude below levels of concern established by the EPA. Information from LLNL's extensive groundwater monitoring program and new information in this SEIS regarding present and potential future groundwater concentrations of PCBs in the study areas indicate that PCB contamination levels are well below concentrations that would impact human health and the environment. No adverse impacts on human health or the environment would result from this low leval of potential contamination.

Impacts on the environment of both alternatives—(1) continue to construct and then operate the NIF at LLNL and (2) cease construction of the NIF—are similar. Concentrations of PCBs in soil or groundwater originating from buried material would be below any level of regulatory concern for all alternatives, and therefore would not adversely affect human health.

DOE held several public hearings on the Draft NIF SEIS: Wednesday, December 1, 1999, at 2 p.m. at the U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC; and Wednesday, December 8, 1999, at 3 p.m. and 6:30 p.m. at LLNL, 7000 East Avenue, Livermore CA. After the public comment period, which ended December 20, 1999, the Department considered and responded to the comments received, revised the Draft NIF SEIS as appropriate, and issued this Final NIF SEIS.

Copies of the Final NIF SEIS have been distributed to appropriate Congressional members and committees, the State of California, local governments, other federal agencies, and other interested parties. DOE intends to issue a ROD no sooner than 30 days following publication of the EPA Notice of Availability of the Final NIF SEIS in the **Federal Register**.

Issued in Washington, DC this 20th day of February, 2001.

Thomas F. Gioconda,

Brigadier General, USAF, Acting Deputy Administrator for Defense Programs, National Nuclear Security Administration, Department of Energy.

[FR Doc. 01–4641 Filed 2–23–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Transmission System Vegetation Management Program

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy (DOE).

ACTION: Notice of supplemental Record of Decision (ROD).

SUMMARY: This supplemental ROD is to clarify Bonneville's decisions regarding its approved herbicide list and procedures that were adopted in its ROD of July 2000, based on its Transmission System Vegetation Management Program Environmental Impact Statement (EIS) (DOE/EIS–0285, May 2000). The remaining text of the supplemental ROD is included in its entirety in the Supplementary Information section of this notice.

ADDRESSES: Additional copies of this supplemental ROD may be obtained by calling Bonneville's toll-free document request line: 1–800–622–4520. The EIS and initial ROD (July 2000) are also available. These documents may also be viewed on Bonneville's website: *http://www.efw.bpa.gov*.

FOR FURTHER INFORMATION CONTACT: Stacy Mason, Environmental Project Manager—KEC–4, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208–3621; telephone number 503–230–5455; fax number 503–230–5699; e-mail *slmason@bpa.gov*.

SUPPLEMENTARY INFORMATION:

a. Decisions

As part of the program that was adopted, Bonneville approved the use of herbicides as one of the tools that could be used to control vegetation on rights-of-way, in electric yards, and at non-electric facilities. Twenty-three herbicide active ingredients were analyzed in the EIS and adopted as the approved herbicide list. Bonneville also adopted a process for adding or eliminating herbicide ingredients to or from our program. The following decisions are being clarified in this supplemental ROD:

(1) *Herbicide Mixtures.* Bonneville will allow the mixture of any herbicides that are on Bonneville's approved herbicide list if the mixture meets all the following conditions: (a) It is an allowed mixture according to the instructions contained in the herbicide label, (b) A Bonneville environmental review of the mixture is conducted in order to provide information regarding toxicity ratings so that appropriate buffers and mitigation measures may be applied, and (c) There are not any known synergistic effects such that the toxicity of the herbicide mixture is greater than that of either herbicide used singly. If there are known or suspected synergistic effects, Bonneville will conduct further environmental analysis consistent with the National Environmental Policy Act (NEPA) prior to the use of the mixture. The NEPA analysis will begin in the form of a supplement analysis tiered to the Final Environmental Impact Statement (FEIS) and ROD and may result in a supplemental EIS depending upon the results of the supplement analysis. The supplement analysis will compare the potential impacts of the mixtures with those disclosed in the FEIS and will include public comment. This analysis will ensure that impacts of the mixtures with synergistic effects are adequately analyzed within the range of alternatives addressed in the FEIS.

(2) *Adjuvants.* Bonneville's adopted process for approving new herbicides will be applied to new adjuvants as well. The environmental review for that process will begin with a supplement analysis tiered to the FEIS and ROD as described above for herbicide mixtures with synergistic effects.

(3) *Herbicide Facility Use Correction.* Bonneville will add glyphosate for potential use at non-electric facilities. The original ROD approved glyphosate for use on rights-of-way and in electric yards. Due to an oversight, glyphosate was mistakenly not approved for use at non-electric facilities for landscape and workyard maintenance. The potential impacts for this herbicide were described in the FEIS.

b. Background

Bonneville is responsible for maintaining a network of transmission lines, substations, and other related facilities throughout the Northwest. As part of that maintenance, Bonneville needs to keep vegetation a safe distance away from our electric power facilities (rights-of-way, electric yards, and non-electric facilities such as maintenance work yards). In our Transmission System Vegetation Management Program EIS and ROD, Bonneville adopted a program for managing vegetation at our facilities. Below is a summary of the decisions we made for our program:

- Promote the establishment of low-growing plant communities on the rights-of-way to "out-compete" trees and tall-growing brush;
- Have all possible vegetation control methods available for use to maintain rights-of-way (manual, mechanical,

biological, and herbicide—spot, localized, broadcast, and aerial application);

- Allow the use of herbicides available to treat any kind of vegetation needing management for rights-of-way;
- Continue our current practice of controlling vegetation in electrical yards using primarily pre-emergent herbicides;
- For other non-electric facilities, continue to have available a variety of methods for use to manage vegetation, including manual and mechanical methods, herbicides, and fertilizers;
- Use the planning steps outlined in the FEIS to guide site-specific vegetation projects and their environmental review tiered to the FEIS;
- Use only a list of herbicides that Bonneville approves for use; and
- Adopt a procedure of environmental review tiered to the FEIS for adding or eliminating herbicide ingredients, or new methods or techniques to the program.

This supplemental ROD addresses three herbicide-use decisions that were overlooked in the original ROD.

c. Rationale for the Decisions

The rationales for adopting the decisions described in this supplemental ROD are as follows:

(1) *Herbicide Mixtures.* Bonneville analyzed the impacts of herbicide active ingredients in the FEIS. In most cases, the toxicity ratings for a herbicide mixture will be the same as that of the single active ingredient in the mixture that has the highest toxicity rating. Therefore, the potential environmental impacts of using the mixture would be the same as using the ingredients singly, and those impacts have been analyzed in the FEIS.

There is a potential that mixing two herbicides could cause a synergistic effect such that the toxicity of the herbicide mixture is greater than that of either herbicide used singly. Therefore, if the mixtures have known synergistic effects, or are likely to have synergistic effects, we would conduct further NEPA review to determine (a) the potential impacts of those effects, (b) if the impacts are consistent with impacts disclosed in the FEIS, and (c) whether the use of the mixture would be allowed in the program. This process ensures that Bonneville will be considering the environmental impact of the use of herbicide mixtures.

(2) *Adjuvants.* Adjuvants are ingredients mixed with herbicides to enhance the usefulness of the herbicide (such as sticking agents, thickening agents, stabilizers, etc.). Adjuvants by themselves can potentially cause environmental impacts. If Bonneville wants to add adjuvants not considered in the FEIS for use in the program, we will develop a supplement analysis, which includes public involvement as discussed in the initial ROD, to make sure the potential impacts are considered.

(3) *Herbicide Facility Use Correction.* Bonneville intended to list glyphosate as a herbicide to be used at non-electric facilities (it was analyzed in the FEIS and approved for use on rights-of-way and in electric yards). The human health toxicity assessment and ecological toxicities and characteristics of glyphosate are as researched and reported in the FEIS. Glyphosate is practically non-toxic to mammals, avian species, and microorganisms. Glyphosate is moderately toxic to aquatic species. Glyphosate has no soil residual activity and must be applied by direct foliar application thereby reducing direct or indirect introduction into water bodies. Keeping in mind that using glyphosate at non-electric facilities typically means for use in landscaping, adding glyphosate for landscaping will potentially decrease or eliminate the use and amount of more toxic active ingredients already approved for use at non-electric facilities.

Issued in Portland, Oregon, on February 16, 2001.

Steven G. Hickok,

Acting Administrator and Chief Executive Officer.

[FR Doc. 01–4640 Filed 2–23–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–294–000 and ER01–294–001]

Ameren Energy Development Company; Notice of Issuance of Order

February 14, 2001.

Ameren Energy Development Company (Ameren Energy) submitted for filing a rate schedule under which Ameren Energy will engage in wholesale electric power and energy transactions at market-based rates. Ameren Energy also requested waiver of various Commission regulations. In particular, Ameren Energy requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Ameren Energy.

On February 9, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Ameren Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Ameren is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Ameren's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 12, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4574 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG01–20–000]

Egan Hub Partners, L.P.; Notice of Filing

February 20, 2001.

On February 12, 2001, Egan Hub Partners, L.P. filed revised standards of conduct under Order No. 637.[1]

[1] Regulation of Short-Term Natural Gas Transportation Services, and Regulation of Interstate Natural Gas Transportation Services, Order No. 637, 65 Fed. Reg. 10156 (February 25, 2000), III FERC Stats. & Regs. ¶ 31,091 (February 9, 2000), Order No. 637–A, 65 Fed. Reg. 35705 (June 5, 2000), III FERC Stats. & Regs. ¶ 21,099 (May 19, 2000), Order No. 637–B, 92 FERC ¶ 61,062 (2000).

Egan Hub Partners, L.P. states that it served copies of the filing on all customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest in this proceeding with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before March 7, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4577 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR01–6–000]

Enogex, Inc; Notice of Petition for Rate Approval

February 21, 2001.

Take notice that on January 23, 2001, Enogex, Inc. (Enogex) filed a petition for rate approval, pursuant to section 284.123(b)(2) of the Commission's regulations, to change the manner in which it charges for fuel use on its system. Enogex proposes to include a new definition of "System Fuel" in the statement of operating conditions; to institute a fuel tracker and to price-adjust the annual fuel tracker to account for fuel on a value equivalent basis; to make the mainline transmission fuel retention percentage applicable to the transportation of all gas received and delivered on Enogex's mainline transmission system, including receipts and deliveries of gas that is first compressed and dehydrated on Enogex's low pressure gathering systems.

Pursuant to section 284.123(b)(2)(ii) of the Commission's regulations, if the Commission does not act within 150 days of the Petition's filing date, the rates proposed therein will be deemed to be fair and equitable and not in excess of an amount that interstate pipelines would be permitted to charge for similar services. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All motions must be filed with the Secretary of the Commission on or before March 8, 2001. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instruction on the Commission's web site at http://www.ferc.fed.us.efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4637 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. GP91–8–012; GP91–10–012]

Jack J. Grynberg, Individual and as General Partner for the Greater Green River Basin Drilling Program: 72–73 v. Rocky Mountain Natural Gas Company, a Division of K N Energy Inc.; Rocky Mountain Natural Gas Company, a Division of K N Energy Inc. v. Jack J. Grynberg, Individually and as General Partner for the Greater Green River Basin Drilling Program: 72–73; Notice of Refund Report

February 21, 2001.

Take notice that on December 21, 2000, Jack J. Grynberg (Grynberg) tendered for filing a Refund Report reflecting refunds due under the Commission's November 21, 2000 "Order Denying Rehearing and on Compliance Filing" (November 2000 Order) issued in the captioned proceedings. In addition, pursuant to Ordering Paragraph (C) of the November 2000 Order, Grynberg stated he transmitted a check for $597,107.97 to Questar Pipeline Company (Questar). Grynberg submitted his refund report and made payment to Questar without prejudice to his ability to seek judicial review of the November 2000 Order and the recovery of amounts paid, with interest, if the November 2000 Order is reversed and no refunds are required.

The refund report documents the ceiling price applicable under the Natural Gas Act and Natural Gas Policy Act of 1978 for each of the four wells for which refunds are due, and the formula used to calculate such refunds. Pursuant to the November 2000 Order, refunds were calculated only for sales prior to July 26, 1989. The amount paid Questar reflects total refunds due with interest through December 21, 2000, subject to a reduction for uncollectible royalties previously paid to the Colorado State Board of Line Commissioners (CSB) and to the U.S. Department of the Interior, Minerals Management Service (MMS). The royalties attributable to the CSB totaled $6,611 and to the MMS totaled $78,690.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with section 385.211 of the Commission's Rules and Regulations, should file on or before March 4, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4636 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

February 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No.:* 1388–032.

c. *Date Filed:* January 12, 2000 and November 9, 2000.

d. *Applicant:* Southern California Edison Company (SCE).

e. *Name of Project:* Lee Vining Hydroelectric Project.

f. *Location:* On Lee Vining Creek in Mono County, California near the town of Lee Vining. The project is located within the Inyo National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant's Contact:* Stephen E. Pickett, 2244 Walnut Grove Ave., Rosemead, CA 91770, (626) 302–4459.

i. *FERC Contact:* Any questions on this notice should be addressed to Doan Pham at (202) 219–2851 or e-mail address *doan.pham@ferc.fed.us.*

j. *Deadline for filing comments, motions to intervene, or protests:* April 2, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Please include the Project Number (1388–032) on any comments, protests, or motions filed.

k. *Description of Amendment:* SCE filed an application to reflect changes in transmission line and related facilities. SCE proposes to remove the 6.4-mile transmission line (located within 30.02 acres of federal lands), extending from the Poole powerhouse to the Lee Vining Substation from the project boundary, because they are part of SCE's interconnected system. In addition, SCE proposes to reduce the boundary line to remove the following features (located within 88.00 acres of federal lands) from the project: (1) A state highway around Rhinedollar Lake, (2) telephone line, (3) the Rhinedollar 12-kV distribution line. SCE also proposes to add about 0.46 acres of federal lands to the project boundary due to the addition of a gaging station and associated conduit downstream of the powerhouse.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the addresses in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "Comments", "Recommendations for Terms and Conditions", "Protest", or "Motion to Intervene", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–4584 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP01–4–003]

Midcoast Interstate Transmission, Inc.; Notice of Compliance Filing

February 21, 2001.

Take notice that on February 14, 2001, Midcoast Interstate Transmission, Inc. (MIT) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with an effective date of November 1, 2001:

Third Revised Sheet No. 83
First Revised Sheet No. 83C
Substitute Fourth Revised Sheet No. 84
Substitute Original Sheet No. 85A
Substitute Original Sheet No. 85B
Substitute Original Sheet No. 85C, and
Substitute Third Revised Sheet No. 86

MIT states that the filing is being made to correct certain pagination and typographical errors that were found in MIT's previous tariff filings in these proceedings. As mandated by Order No. 587–L, the revised tariff sheets are to be effective as of November 1, 2000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims. htm (call 202–208–2222 for assistance).

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4638 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–229–001]

Northern Natural Gas Company; Notice of Motion To Vacate

February 20, 2001.

On February 2, 2001, Northern Natural Gas Company (Northern), P.O. Box 3330, Omaha, Nebraska 68103–0330, filed in Docket No. CP98–229–001 a motion to vacate that portion of an order issued December 22, 1998, in Docket No. CP98–229–000 which permitted Northern to abandon by sale to K N Gas Gathering, Inc., (KNGG) its Liberal facilities in Texas County, Oklahoma, and Stevens and Seward County, Kansas, all as more fully set forth in the motion which is on file with the Commission and open to public inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Northern states that the order, among other things, permitted it to abandon by sale to KNGG its Liberal facilities. It is stated that the related December 30, 1997 Asset Purchase Agreement, as amended, was assigned to ONEOK, Inc. (ONEOK), but that on June 26, 2000, ONEOK exercised its option to terminate that agreement. Therefore, Northern requests that the Commission vacate that portion of the December 22, 1998, order.

Questions regarding the details of this motion should be directed to Michele Winckowski, at (402)–398–7200.

Any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before March 2, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

If the Commission decides to set the motion for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

David P. Boergers,

Secretary.

[FR Doc. 01–4581 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–34–000]

Southern California Edison Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company; Notice of Filing

February 20, 2001.

Take notice that on February 2, 2001, Southern California Edison Company (SCE) and Pacific Gas & Electric Company (PG&E) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Request for Immediate Suspension of Underscheduling Penalty.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.W., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the

Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4576 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–33–000]

Southern California Edison Company; Notice of Filing

February 20, 2001.

Take notice that on February 2, 2001, Southern California Edison Company (SCE) tendered for filing with the Federal Energy Regulatory Commission (Commission) an Emergency Motion for Cease and Desist Order.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the

Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4578 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–795–001]

Transwestern Pipeline Company; Notice of Motion To Vacate

February 20, 2001.

On January 12, 2001, Transwestern Pipeline Company (Transwestern), P.O. Box 3330, Omaha, Nebraska 68103–0330, filed in Docket No. CP98–795–001 a motion to vacate that portion of an order issued April 1, 1999, in Docket No. CP98–795–001 which permitted Transwestern to relocate its Crawford Compressor Station in Eddy County, New Mexico and to abandon by sale to Duke Energy Field Services (Duke) 27.2 miles of the existing Crawford 16-inch lateral, also in Eddy County, New Mexico extending from that compressor station to its downstream connection point with the WT–1 Compressor Station, all as more fully set forth in the motion which is on file with the Commission and open to public inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

It is stated that, after reassessing the gas supply situation at a processing plant recently purchased from Union Pacific Highlands Gathering and Processing Company, Duke has determined that the supply reserves are not as large as previously anticipated. As a result, Transwestern advises that closing of the sale to Duke of the compressor station and the downstream facilities will not take place. Therefore, Transwestern requests that the Commission vacate that portion of the April 1, 1999, order.

Questions regarding the details of this motion should be directed to Keith Petersen, at (402)–398–7319.

Any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before March 2, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(ii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

If the Commission decides to set the motion for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

David P. Boergers,

Secretary.

[FR Doc. 01–4580 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–82–000]

Williston Basin Interstate Pipeline Company; Notice of Request Under Blanket Authorization

February 20, 2001.

Take notice that on February 8, 2001, Williston Basin Interstate Pipeline Company (Williston Basin), 1250 West Century Avenue, Bismarck, North Dakota 58503, filed in Docket No. CP01–82–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate a delivery point in Morton County, North Dakota, under Williston Basin's blanket certificate issued in Docket Nos. CP82–487–000, *et al.*, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Williston Basin states it is requesting authorization to construct and operate a new delivery point to provide natural gas service to BP Mandan Refinery (BP). Williston Basin states that the proposed delivery point facilities to be constructed by Williston Basin include a new tap on its 12-inch transmission line, a high pressure turbine meter, two small buildings, associated piping and valves, and a remote terminal unit. In addition, Williston Basin states that BP plans to install approximately 3,300 feet of 6-inch pipeline from its plant facilities to Williston Basin's proposed delivery point. Williston Basin states that the proposed facilities, along with 3,300 feet of 6-inch pipeline to be constructed by BP, are all located entirely on property owned by BP.

Williston Basin states that BP currently receives natural gas service at the northern area of its plant from Montana-Dakota Utilities Co. (Montana-Dakota), a local distribution company, through an existing delivery point (Point ID 02000) located on Williston Basin's system. Williston Basin states that natural gas deliveries at Point ID 02000 averaged approximately 550 Mcf/d during the past 12 months. Williston Basin states that the quantity of gas to be delivered through the new delivery point for the end-use requirements of BP is estimated to be up to 8,000 Mcf/day. The cost of constructing the new delivery point is estimated by Williston Basin to be $55,000.

Williston Basin states it has determined that construction of the proposed facilities is consistent with Section 46 of the General Terms and Conditions of its Tariff. Williston Basin also states that its Tariff does not prohibit the addition of new delivery points. Williston Basin further states that the addition of the proposed facility will have no significant effect on Williston Basin's peak day or annual requirements, and capacity has been determined to exist on the Williston Basin system to serve this natural gas market.

Williston Basin's contact person for this project is Dale R. Lawrence, (713) 215–4540.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4575 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–38–000, *et al.*]

UGI Utilities, Inc., *et al.*; Electric Rate and Corporate Regulation Filings

February 16, 2001.

Take notice that the following filings have been made with the Commission:

1. UGI Utilities, Inc.; Metropolitan Edison Company; Pennsylvania Electric Company; PECO Energy Company; and PPL Electric Utilities Corporation, Complainants, v. PJM Interconnection, L.L.C. and Utility.com, Inc., Respondents

[Docket No. EL01–38–000]

Take notice that on February 15, 2001, UGI Utilities, Inc., Metropolitan Edison Company, Pennsylvania Electric Company, PECO Energy Company, and PPL Electric Utilities Corporation, tendered for filing a complaint with the Federal Energy Regulatory Commission requesting an order finding violations by PJM Interconnection, L.L.C., and Utility.com, Inc., of their obligations under PJM's tariffs and other governing agreements and ordering appropriate relief. The Complainants request the Commission to act on the complaint on a fast track basis in accordance with the provisions of 18 CFR 385.206(h).

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall also be filed on or before March 8, 2001.

2. Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–1217–000]

Take notice that on February 12, 2001, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power), filed two Interconnection Agreements (Agreements) with Dominion Equipment, Inc. as Service Agreement Nos. 339 and 340 under Allegheny Power's Open Access Transmission Tariff.

The proposed effective dates under the Agreements are no later than October 17, 2001 for Service Agreement No. 339 and no later than March 1, 2002 for Service Agreement No. 340, or a date ordered by the Commission.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Western Systems Power Pool

[Docket No. ER91–195–042]

Take notice that on May 1, 2000, Western Systems Power Pool (WSPP), tendered for filing certain information as required by Ordering Paragraph (D) of the Commission's June 27, 1991 Order (55 FERC ¶ 61,495) and Ordering Paragraph (C) of the Commission's June 1, 1992 Order on Rehearing Denying Request Not to Submit Information, and Granting and Denying In Part Privileged Treatment. Pursuant to 18 CFR 385.211 (1999), WSPP has requested privileged treatment for some of the information filed consistent with the June 1, 1992 order.

Copies of WSPP's informational filing are on file with the Commission, and the non-privileged portions are available for public inspection.

Comment date: February 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Western Systems Power Pool

[Docket Nos. ER91–195–043; ER91–195–044; and ER91–195–045]

Take notice that on January 30, 2001, the Western Systems Power Pool (WSPP), tendered for filing certain information as required by Ordering Paragraph (D) of the Commission's June 27, 1991 Order (55 FERC ¶ 61,495) and Ordering Paragraph (C) of the Commission's and Granting In Part and Denying in Part Privileged Treatment. Pursuant to 18 CFR 385.211(1999), WSPP has requested privileged treatment for some of the information filed consistent with the June 1, 1992 order.

Copies of WSPP's informational filing are on file with the Commission, and the non-privileged portions are available for public inspection.

Comment date: February 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. MidAmerican Energy Company

[Docket No. ES01–20–000]

Take notice that on February 8, 2001, MidAmerican Energy Company submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue promissory notes and other evidences of short-term indebtedness, from time to time, in an aggregate principal amount of up to $500 million outstanding at any one time, on or before April 15, 2003.

Comment date: March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Arizona Public Service Company

[Docket No. ER01–463–002]

Take notice that on February 13, 2001, Arizona Public Service Company (APS), tendered for filing its Compliance to FERC Order ER01–463–000.

A copy of this filing has been served on all parties on the official service list.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. ISO New England, Inc.

[Docket No. ER00–395–005]

Take notice January 30, 2001, ISO New England, Inc., (ISO), tendered for filing Index of Customers for 4th Quarter of 2000.

Comment date: February 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Carolina Power & Light Company

[Docket No. ER01–893–001]

Take notice that on February 13, 2001, Carolina Power & Light Company (CP&L), tendered for filing an amendment to the filing in this Docket as Ordered by The Commission.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Illinois Power Company

[Docket No. ER01–1224–000]

Take notice that on February 13, 2001, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, tendered for filing with the Commission a Service

Agreement for Network Integration Transmission Service and Operating Agreement entered into by Illinois Power and Illinois Power, as retail merchant, pursuant to Illinois Power's Open Access Transmission Tariff.

Illinois Power requests an effective date of February 1, 2001 for the Agreements and accordingly seeks a waiver of the Commission's notice requirement.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Xcel Energy Services, Inc.

[Docket No. ER01–1225–000]

Take notice that on February 13, 2001, Xcel Energy Services Inc. (XES), on behalf of Public Service Company of Colorado (Public Service), tendered for filing an executed umbrella service agreement between Public Service and Northern States Power Company under Public Service's Rate Schedule for the Sale, Assignment, or Transfer of Transmission Rights.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Entergy Services, Inc.

[Docket No. ER01–1226–000]

Take notice that on February 13, 2001, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies), tendered for filing a Non-Firm Point-To-Point Transmission Service Agreement and a Short-Term Firm Point-To-Point Transmission Service Agreement both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Ameren Energy Marketing Company.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Puget Sound Energy, Inc.

[Docket No. ER01–1227–000]

Take notice that on February 13, 2001, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Long-Term Firm Point-To-Point Transmission Service with Idaho Power Company (Idaho Power), as Transmission Customer.

A copy of the filing was served upon Idaho Power.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Avista Corporation

[Docket No. ER01–1228–000]

Take notice that on February 13, 2001, Avista Corporation (Avista), tendered for filing notice that the Mutual Netting Agreement assigned Rate Schedule FERC No. 251, previously filed with the Federal Energy Regulatory Commission by Avista Corporation, formerly known as The Washington Water Power Company, under the Commission's Docket No. ER98–4413–000 with Illinova Energy Partners, Inc. is to be terminated, effective February 16, 2001 by the request of Illinova Energy Partners, Inc., pursuant to its letter dated February 5, 2001.

Notice of the cancellation has been served upon Illinova Energy Partners, Inc.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Pacific Gas and Electric Company

[Docket No. ER01–1230–000]

Take notice that on February 13, 2001, Pacific Gas and Electric Company (PG&E), tendered for filing a Generator Special Facilities Agreement (GSFA) between PG&E and Duke Energy Moss Landing, LLC (Duke) providing for Special Facilities and the parallel operation of Duke's generating facility and the PG&E-owned electric system. This GSFA permits PG&E to recover the ongoing costs associated with owning, operating and maintaining the Special Facilities including the cost of any alterations and additions. As detailed in the GSFA, PG&E proposes to charge Duke a monthly Cost of Ownership Charge equal to the rate for transmission-level, customer-financed facilities in PG&E's currently effective Electric Rule 2, as filed with the California Public Utilities Commission (CPUC). PG&E's currently effective rate of 0.31% for transmission-level, customer-financed Special Facilities is contained in the CPUC's Advice Letter 1960–G/1587–E, effective August 5, 1996, a copy of which is included in this filing. PG&E has requested certain waivers.

Copies of this filing have been served upon Duke, the California Independent System Operator Corporation, and the CPUC.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Southwest Power Pool, Inc.

[Docket No. ER01–1231–000]

Take notice that on February 13, 2001, Southwest Power Pool, Inc. (SPP), tendered for filing an unexecuted service agreement for Network Integration Transmission Service and an unexecuted Network Operating Agreement with Southwestern Public Service Company—Bulk Power Sales (Network Customer).

SPP seeks an effective date of January 14, 2001 for these service agreements.

A copy of this filing was served on the Network Customer.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. PJM Interconnection, L.L.C., Allegheny Power Service Corporation

[Docket No. ER01–1232–000]

Take notice that on February 13, 2001, Allegheny Power Service Corporation, as agent for the Allegheny Power system operating companies (Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company, all doing business as Allegheny Power (hereinafter referred to collectively as Allegheny)), and PJM Interconnection, L.L.C. (PJM), jointly tendered for filing an executed Interim Coordination Agreement (ICA) between Allegheny and PJM, dated as of February 12, 2001.

Allegheny and PJM state that they announced late last year their intent to form PJM West, under which Allegheny would be integrated into the PJM tariff and the energy market and other regional markets operated by PJM.

Allegheny and PJM state that they expect that the definitive agreements to implement PJM West, will be filed with the Commission shortly after March 1, 2001, with a requested effective date on or about December 15, 2001 in compliance with Commission Order No. 2000. Allegheny and PJM state that the ICA is needed to properly handle the interim period before Allegheny's expected integration into PJM's open access transmission tariff on or about December 15, 2001. Under the ICA, Allegheny and PJM will coordinate their procedures for responding to both generator interconnection requests and transmission service requests.

PJM and Allegheny propose an effective date of February 14, 2001 for the Interim Coordination Agreement and accordingly request waiver of 18 CFR 35.3(a).

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Florida Power & Light Company

[Docket No. ER01–1233–000]

Take notice that on February 13, 2001, Florida Power & Light Company (FPL), tendered for filing amendments to its Open Access Transmission Tariff to implement procedures for scheduling secondary service by network customers.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–4572 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Scoping Meetings and Site Visit and Soliciting Scoping Comments

February 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Subsequent License.

b. *Project No.:* 2652–007.

c. *Date Filed:* August 30, 2000.

d. *Applicant:* PacifiCorp.

e. *Name of Project:* Bigfork Hydroelectric Project.

f. *Location:* On the Swan River/Flathead Lake, near the town of Bigfork, Flathead County, Montana. The project does not occupy any fedeal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicant Contact:* Linda Prendergast, Project Manager, PacifiCorp, 825 N.E. Multnomah, Suite 1500, Portland, OR 97232 or telephone (503) 813–6625.

i. *FERC Contact:* Steve Hocking, e-mail address *steve.hocking@ferc.fed.us*, or telephone (202) 219–2656.

j. *Deadline for filing scoping comments:* April 23, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. *Description of the Project:* The project consists of: (1) A 12-foot-high, 300-foot-long concrete diversion dam with a 235-foot-long spillway; (2) a reservoir with 73 surface acres; (3) a water intake structure and 1-mile-long flowline; (4) a forebay structure that directs water into three steel penstocks; (5) a brick powerhouse with three turbine/generator units with a total installed capacity of 4,150 kilowatts; (6) a fish ladder on the right abutment (north end of the dam) and; (7) appurtenant facilities.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on *http://www.ferc.fed.us/rims.htm*. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

n. Scoping Process.

The Commission intends to prepare an Environmental Assessment (EA) for the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Scoping Meetings

FERC staff will conduct one agency scoping meeting and one public scoping meeting. The agency scoping meeting will focus on resource agency and non-governmental organization concerns, while the public scoping meeting is intended primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist Commission staff in identifying the scope of the environmental issues that should be analyzed in the EA. The times and locations of these meetings are as follows:

Agency Scoping Meeting

Date and Time: March 22, 2001; from 10:00 to 2:00 pm

Location: Montana Department of Fish, Wildlife, and Park's offices at 490 North Meridian Road in Kalispell, Montana; phone (406) 752–5501

Public Scoping Meeting

Date and Time: March 21, 2001; from 7:00 pm to 10:00 pm

Location: Marina Cay Resort at 180 Vista Lane, Bigfork, Montana; phone (406) 837–5861

Copies of Scoping Document 1 (SD1) outlining the subject areas to be addressed in the EA were distributed to all parties on the Commission's mailing list for this project. Copies of SD1 will also be available at the scoping meeting or may be viewed on the Commission's website at *http://www.ferc.fed.us/rims.htm*. Call (202) 208–2222 for assistance.

Site Visit

The applicant and Commission staff will conduct a site visit to the project on March 21, 2001. We will meet at 9:00 am at the Bigfork Project powerhouse—295 Bridge Street, Bigfork, Montana. All interested individuals, organizations, and agencies are invited to attend. All participants are responsible for their own transportation to the site. Anyone with questions about the site visit should contact the applicant in item h. above.

Objectives

At the scoping meetings, Commission staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantified data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, Commission staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that

require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

Scoping meetings are recorded by a stenographer and become part of the formal record for the Commission's proceeding on the project. Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and to assist the staff in defining and clarifying the issues to be addressed in the EA.

David P. Boergers,

Secretary.

[FR Doc. 01–4573 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing, Ready for Environmental Analysis Soliciting Motions To Intervene, Protests, Comments, Recommendations, Terms and Conditions, and Prescriptions

February 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New license.

b. *Project No.:* 2416–009.

c. *Date Filed:* October 5, 1999.

d. *Applicant:* Aquenergy Systems, Incorporated.

e. *Name of Project:* Ware Shoals.

f. *Location:* On the Saluda River near the Town of Ware Shoals, within the counties of Laurens, Greenwood, and Abbeville, South Carolina.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Beth Harris, P.E., CHI Energy, Inc., 1311A Miller Road, Greenville, SC 29607, 864–281–9630, ext. 105.

i. *FERC Contact:* Tim Looney at 202–219–2852 or by email at *timothy.looney@ferc.fed.us*

j. Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions: 60 days from the issuance of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice require all intervenors filing documents with Commission to serve a copy of that document on each person of the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. *Description of Project:* The existing project of: (1) A 500-foot-long rubble stone masonry dam 27 feet high and topped with 4½ feet high wooden flashboards; (2) an impoundment having a surface area of 88 acres, with 528 acre-feet of storage at normal water surface elevation of 524 feet mean sea level; (3) a power canal; (4) the intake structure; (5) the powerhouse containing two generating units with an installed capacity of 6,200-kW; (5) the tailrace; and (6) appurtenant facilities. The project would have an annual generation of 23,500,000 kWh.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2–A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "Protest", "Motion to Intervene", "Comments," "Reply Comments," "Recommendations," "Terms and Conditions," or "Prescriptions;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

David P. Boergers,

Secretary.

[FR Doc. 01–4579 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

February 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11877–000.

c. *Date Filed:* January 26, 2001.

d. *Applicant:* SAF Hydroelectric LLC.

e. *Name of Project:* Lower St. Anthony Falls Project.

f. *Location:* On Mississippi River, in Hennepin County, Minnesota. Would utilized the existing U.S. Army Corps of Engineer's Lower St. Anthony Falls Lock and Dam and reservoir.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Douglas A. Spalding, SAF Hydroelectric LLC., C/O Spalding Consultants, 1433 Utica Avenue South, Suite 162, Minneapolis, MN 55416.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. Deadline for filing motions to intervene, protests and comments: 60 days from the date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would utilized the existing U.S. Army Corps of Engineer's Lower St. Anthony Falls Lock and Dam and reservoir and would consist of: (1) A proposed intake; (2) a proposed powerhouse containing one generating unit having an installed capacity of 5MW; (3) a proposed 15 kV transmission line; and (4) appurtenant facilities.

The project would have an annual generation of 39.42 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rule of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "Comments", "Notice of Intent To File Competing Application", "Protest", "Motion To Intervene", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–4582 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File Application for a New License

February 20, 2001.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection:

a. *Type of Filing:* Notice of Intent to File an Application for New License.

b. *Project No:* 620.

c. *Date Filed:* January 29, 2001.

d. *Submitted By:* NorQuest Seafood Inc.

e. *Name of Project:* Chignik.

f. *Location:* On Indian Creek, in Chignik, Alaska.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6.

h. Pursuant to Section 16.19 of the Commission's regulations, the licensee is required to make available the information described in Section 16.7 of the regulations. Such information is available from the licensee at NorQuest Seafoods, Inc. Main Office, 4225 23rd Ave. W., Seattle, Washington 98199. Contact: Ron Soule at 206–281–7022 or email rsoule@norquest.com.

i. *FERC Contact:* Vincent Jones 202 219–2710 *vincent.jones@ferc.fed.us.*

j. *Expiration Date of Current License:* October 4, 2005.

k. *Project Description:* Project consists of a single turbine nozzle driving a 60 kilowatt generator located in the cannery at the end of this wood stave and steel pipeline.

l. The licensee states its unequivocal intent to submit an application for a new license for Project No. 620. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by October 4, 2003.

A copy of the notice of intent is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The notice may be viewed on *http://www.ferc.fed.us/online/rims.htm* (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

David P. Boergers,

Secretary.

[FR Doc. 01–4583 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11856–000]

City of Lockport, New York; Notice Rejecting Application for Preliminary Permit

February 20, 2001.

On August 8, 2000, the City of Lockport, New York (Lockport), filed an application for a preliminary permit, pursuant to Section 5 of the Federal Power Act (FPA), 16 U.S.C. 798, for the Independence Transmission Line Project, located in Lockport, Niagara County, New York. Following notice of the application, timely motions to intervene were filed by Niagara Mohawk Power Corporation (Niagara Mohawk) and Erie Boulevard Hydropower, L.P. (Erie).[1] Lockport seeks a preliminary permit for a project comprising solely the existing Hydraulic Race-Lockport #751 transmission line, a 12-kilovolt line approximately 8,590 feet in length, owned by Niagara Mohawk. The line connects the exempted Project No. 2424, owned by Erie, to Niagara Mohawk's Lockport Substation.

The Commission does not have jurisdiction over transmission lines connected to exempted projects.[2] It has jurisdiction only over primary transmission lines that transmit power from a licensed water power project or other hydroelectric project authorized by Congress.[3] Since the Commission cannot license the line, it does not entertain applications for a preliminary permit therefor. Accordingly, the application for a preliminary permit is rejected.

This notice constitutes final agency action. Requests for rehearing by the Commission of this rejection may be filed within 30 days of the date of issuance of this notice, pursuant to 18 CFR 385.713.

David P. Boergers,

Secretary.

[FR Doc. 01–4585 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

February 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11878–000.

c. *Date filed:* January 31, 2001.

d. *Applicant:* Pacific NW Power LLC.

e. *Name of Project:* East Fork Ditch Project.

f. *Location:* On the East Fork Weiser River, in Adams County, Idaho. Would occupy land administered by the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. John Crockett, Pacific NW Power LLC., 3296 Snowflake Way, Boise, ID 83706 (208) 344–5319.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would utilize the existing irrigation East Fork Ditch and would consist of: (1) a proposed intake structure; (2) a proposed 10,000-foot-long, 30-inch diameter penstock; (3) a proposed powerhouse containing one generating unit having an installed capacity of 2.5 MW; (4) a proposed 1,900-foot-long, 69 kV transmission line; and (5) appurtenant facilities.

The project would have an annual generation of 9.6 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy if also available for inspection and reproduction at the address in item h above.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–4586 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

February 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11879–000.

c. *Date filed:* January 30, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Chester Diversion Dam Project.

f. *Location:* On the Henry's Fork River, in Fremont County, Idaho. Would utilize the existing Bureau of Reclamation's Chester Diversion Dam.

g. *Field Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, Id 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project using the Bureau of Reclamation's Boise Diversion dam and impoundment would consist of; (1) a proposed intake structure (2) a proposed 150-foot-long, 20-foot-diameter steel penstock; (4) a proposed powerhouse containing one generating unit having an installed capacity of 3 MW; (5) a proposed 15 kV transmission line; and (6) appurtenant facilities.

The project would have an annual generation of 12.48 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular

[1] As the motions to intervene were timely and not opposed, they are automatically granted, pursuant to 18 CFR 385.214(c) (2000).

[2] *See* Order No. 70, FERC Stats. & Regs., Reg. Preambles ¶ 30,146 (1980).

[3] *See* 18 CFR 4.70 (2000).

application (see 18 CFR 4.36).
Submission of a timely notice of intent allow is an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protest", "Motion to Intervene", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,
Secretary.
[FR Doc. 01–4587 Filed 2–23–01; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

February 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.
b. *Project No.:* 11869–000.
c. *Date filed:* January 10, 2001.
d. *Applicant:* Fox River Paper Company.
e. *Name of Project:* Risingdale Project.
f. *Location:* On the Housatonic River, in Berkshire County, Massachusetts. No federal facilities of land would be used.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. *Applicant Contact:* Mr. Matthew Rubin, Fox River Paper Company, 26 State Street, Montpelier, VT 05602, (802) 223–7141.
i. *FERC Contact:* Robert Bell, (202) 219–2806.
j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.
k. *All documents (original and eight copies) should be filed with:* David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.
l. The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.
m. *Description of Project:* The proposed project would consist of: (1) An existing 130-foot-long, 22-foot-high concrete and timber crib dam; (2) an existing impoundment having a surface area of 40 acres with negligible storage and a normal water surface elevation of 716 feet msl; (3) the existing intake structure; (4) an existing 200-foot-long, 14-foot-diameter steel penstock; (5) a proposed powerhouse containing one generating unit having an installed capacity of 1,100 kW; and (6) appurtenant facilities
n. The project would have an annual generation of 4.3 GWh that would be sold to a local utility.
o. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.
p. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36).
Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.
q. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.3.6.
r. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.
s. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.
t. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.
u. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protest", "Motion to Intervene", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.
v. Agency Comment—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,
Secretary.
[FR Doc. 01–4589 Filed 2–23–01; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

February 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.
b. *Project No.:* 11871–000.
c. *Date filed:* January 11, 2001.
d. *Applicant:* Symbiotics, LLC.
e. *Name of Project:* Auger Falls Project.
f. *Location:* On the Snake River, in Twin Falls County, Idaho. No federal facilities or land would be used.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID. 83442, (208) 745–8630.
i. *FERC Contact:* Robert Bell, (202) 219–2806.
j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.
All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.
The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.
k. *Description of Project:* The proposed project would consist of: (1) An existing 340-foot-long, 18-foot-high; (2) an existing impoundment having a surface area of 5 acres and negligible storage; (3) a 9,000-foot-long concrete lined canal; (4) three proposed 320-foot-long, 20-foot-diameter steel penstocks; (5) a proposed powerhouse containing three generating units with a total installed capacity of 44 MW; (6) a proposed mile-long 138 kV transmission line; and (7) appurtenant facilities.
The project would have an annual generation of 149 GWh that would be sold to a local utility.
l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.
m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the

Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "Comments", "Notice of Intent To File Competing Application", "Competing Application", "Protest", "Motion To Intervene", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–4590 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

February 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11872–000.

c. *Date Filed:* January 16, 2001.

d. *Applicant:* Gentry Resources Corporation.

e. *Name of Project:* Lake Pleasant Pumped Storage Project.

f. *Location:* On the Agua Fria River, in Maricopa and Yavapai Counties, Arizona. Would utilize the proposed Bureau of Reclamation New Waddell Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Darold E. Proctor, Gentry Resources Corporation, 36847 N. Bivouac Trail, P.O. Box 5611, Carefree, AZ 85377, (480) 595–7636.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would utilize the Bureau of Reclamation's New Waddell Dam and Reservoir as the lower reservoir and would consist of: (1) A proposed upper reservoir would be formed by two dams and a dike (a. a proposed 1,350-foot-long, 300-foot-high rock filled north dam; b. a proposed 1,700-foot-long, 280-foot-high rock filled south dam; and c. a proposed 600-foot-long, 60-foot-high rock filled east dike; (2) the proposed upper reservoir would have a storage capacity of 22,000 acre-feet; (3) four proposed 4,800-foot-long, 28-foot-diameter concrete lined tunnels; (4) four proposed 60-foot diameter steel surge shafts; (5) a proposed powerhouse containing four generating units having a total installed capacity of 800 MW; (6) four proposed 2,700-foot-long, 28-foot-diameter concrete lined tunnels; (7) a proposed 1.5-mile-long 230 kV transmission line; and (8) appurtenant facilities.

The project would have an annual generation of 9,600 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicants(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "Comments", "Notice of Intent To File Competing Application", "Competing Application", "Protest", "Motion To Intervene", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–4591 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

February 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11873–000.

c. *Date filed:* January 23, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Star Falls Project.

f. *Location:* On the Snake River, in Twin Falls and Jerome Counties, Idaho. Would occupy federal land managed by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, Id 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) An existing 400-foot-long, 20-foot-high diversion dam; (2) an existing impoundment having a surface area of 14 acres with negligible storage; (3) two proposed 1,300-foot-long, 24-foot-diameter steel penstocks; (4) a proposed powerhouse containing two generating units having a total installed capacity of

25 MW; (5) a proposed 138 kV transmission line; and (6) appurtenant facilities.

The project would have an annual generation of 104 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "Comments", "Notice of Intent To File Competing Application", "Competing Application", "Protest", "Motion To Intervene", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–4592 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

February 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11876–000.

c. *Date filed:* January 26, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Boise River Diversion Dam Project.

f. *Location:* On the Boise River, in Ada County, Idaho. Would utilize the existing Bureau of Reclamation's Boise River Diversion Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project using the Bureau of Reclamation's Boise Diversion dam and impoundment would consist of: (1) A proposed intake structure (2) a proposed 150-foot-long, 24-foot-diameter steel penstock; (4) a proposed powerhouse containing one generating unit having an installed capacity of 10 MW; (5) a proposed 15 kV transmission line; and (6) appurtenant facilities.

The project would have an annual generation of 41.6 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "Comments", "Notice of Intent To File Competing Application", "Competing Application", "Protest", "Motion To Intervene", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–4593 Filed 2–23–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00707; FRL–6772–8]

EPA-USDA Committee to Advise on Reassessment and Transition (CARAT); Notice of Public Workshop on Drinking Water Assessment Methodology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public workshop.

SUMMARY: The Environmental Protection Agency (EPA)-U.S.Department of Agriculture (USDA) Committee to Advise on Reassessment and Transition (CARAT) will hold a public workshop on February 28, 2001. This workshop will demonstrate the process used to assess the concentrations of pesticide residues in surface and ground water sources of drinking water. An agenda is available on our website at www.epa.gov/pesticides/carat/. It will include a description of the tiered approach that is used to determine concentrations of pesticides in drinking water for the Food Quality Protection Act (FQPA) dietary human health risk assessments, an explanation of the models used at each tier, how monitoring data are factored into the risk assessments, and a case study which is intended to demonstrate the assessment process for an actual reregistration of a pesticide. Planned improvements and future directions for drinking water assessments will also be discussed.

DATES: The workshop will be held on February 28, 2001 from 9 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Radisson Hotel Old Town, 901 North Fairfax Street, Alexandria, VA 22314; telephone number (703) 683–6000.

FOR FURTHER INFORMATION CONTACT: Margie Fehrenbach or Terria Northern, Office of Pesticide Programs (7501C), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–4775 or (703) 305–7093; fax number: (703) 308–4776; e-mail address: fehrenbach.margie@epa.gov or northern.terria@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to persons who are concerned about implementation of the FQPA (Pub. L. 104–170). Passed in 1996, this new law strengthens the nation's system

for regulating pesticides on food. CARAT is preceded by the Tolerance Reassessment Advisory Committee which was established in 1998 in order for EPA and USDA to work together to ensure smooth implementation of FQPA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under FOR FURTHER INFORMATION CONTACT.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access information about CARAT, go directly to the Home Page for EPA's Office of Pesticide Programs at http://www.epa.gov/pesticides/carat.

2. *In person*. The Agency has established an official record for this meeting under docket control number OPP–00707. The official record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to the CARAT. This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record, which includes printed, paper versions of any electronic comments that may be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. Background

CARAT was established in accordance with the Federal Advisory Committee Act as a subcommittee under the auspices of the EPA National Advisory Council for Environmental Policy and Technology (NACEPT). The purpose of CARAT is to provide advice and counsel to the Administrator of EPA and the Secretary of Agriculture regarding strategic approaches for pest management planning and tolerance reassessment for pesticides as required by the FQPA of 1996. CARAT is preceded by the Tolerance Reassessment Advisory Committee and is guided by the principles set forth by the Vice President for EPA and the USDA to work together to ensure smooth implementation of FQPA through use of sound science, consultation with stakeholders, increased transparency, and reasonable transition for agriculture. CARAT is composed of experts that include farmers, environmental/public interest groups, public health officials, pediatric experts, pesticide trade associations and manufacturers, food processors and distributors, academicians, and tribal, State and local governments.

IV. How Can I Participate in this Workshop?

CARAT meetings and workshops are open to the public under section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463). Outside statements by observers are welcome. Oral statements will be limited to 3–5 minutes, and it is preferred that only 1 person per organization present the statement. Any person who wishes to file a written statement may do so before or after the workshop. These statements will become part of the permanent record and will be available for public inspection at the address listed in Unit II.2. of this document.

List of Subjects

Environmental protection, Agriculture, Chemicals, Drinking water, Foods, Pesticides, and Pests.

Dated: February 16, 2001.

Joseph J. Merenda,

Acting Director, Office of Pesticide Programs.

[FR Doc. 01–4779 Filed 2–22–01; 2:56 pm]

BILLING CODE 6560–50–S

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3159–EM]

Arkansas; Amendment No.1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Arkansas (FEMA–3159–EM), dated December 28, 2000, and related determinations.

EFFECTIVE DATE: February 12, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 8, 2001.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–4602 Filed 2–23–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1355–DR]

Oklahoma; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Oklahoma, (FEMA–1355–DR), dated January 5, 2001, and related determinations.

EFFECTIVE DATE: February 9, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Oklahoma is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 5, 2001: Kay County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

G. Clay Hollister,

Acting Chief of Staff.

[FR Doc. 01–4599 Filed 2–23–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1356–DR]

Texas; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA–1356–DR), dated January 8, 2001, and related determinations.

EFFECTIVE DATE: February 6, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Justo Hernandez of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of A. David Rodham as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 01–4598 Filed 2–23–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1356–DR]

Texas; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas, (FEMA–1356–DR), dated January 8, 2001, and related determinations.

EFFECTIVE DATE: February 12, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Texas is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 8, 2001: Armstrong, Bailey, Deaf Smith, Hall, Hemphill, Oldham, Parmer, Potter, and Randall Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–4600 Filed 2–23–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1356–DR]

Texas; Amendment No. 9 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA–1356–DR), dated January 8, 2001, and related determinations.

EFFECTIVE DATE: February 15, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as authorized by the President in a letter dated January 18, 2001, FEMA is extending the time period for Federal funding for debris removal at 90 percent of total eligible costs through July 9, 2001.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–4601 Filed 2–23–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3163–EM]

Wisconsin; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Wisconsin, (FEMA–3163–EM), dated January 24, 2001, and related determinations.

EFFECTIVE DATE: February 15, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Wisconsin is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 24, 2001:

Columbia, Ozaukee and Waukesha Counties for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–4603 Filed 2–23–01; 8:45 am]

BILLING CODE 5718–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 22, 2001.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106–2204:

1. *Chittenden Corporation,* Burlington, Vermont; to merge with Maine Bank Corporation, Portland, Maine, and thereby indirectly acquire Maine Bank and Trust Company, Portland, Maine.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Heartland Bancorp, Inc.,* Bloomington, Illinois; to acquire 100 percent of the voting shares of Court Acceptance Company, Pekin, Illinois, and thereby indirectly acquire First State Bank of Pekin, Pekin, Illinois.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. *Cowboy State Bancorp, Inc.,* Ranchester, Wyoming, to become a bank holding company by acquiring 100 percent of the voting shares of Tongue River Valley Bancshares, Inc., Ranchester, Wyoming, and thereby indirectly acquire Ranchester State Bank, Ranchester, Wyoming.

Board of Governors of the Federal Reserve System, February 20, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–4604 Filed 2–23–01; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Citizens Advisory Committee on Public Health Service (PHS) Activities and Research at Department of Energy (DOE) Sites: Oak Ridge Reservation Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

Name: Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Oak Ridge Reservation Health Effects Subcommittee (ORRHES).

Times and Dates: 12 p.m.–7 p.m., March 19, 2001; 9 a.m.–4 p.m., March 20, 2001.

Place: Oak Ridge Mall, Crown Conference Center, 333 Main Street, Suite 216, Club Room, Oak Ridge, TN 38730 Telephone: 865–482–2008.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Background: Under a Memorandum of Understanding (MOU) signed in October 1990 and renewed in September 2000 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund"). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles. In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 2000, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, pertaining to CDC's and ATSDR's public health activities and research at this DOE site. Activities shall focus on providing the public with a vehicle to express concerns and provide advice and recommendations to CDC and ATSDR. The purpose of this meeting is to receive updates from ATSDR and CDC, and to address other issues and topics, as necessary.

Matters To Be Discussed: Agenda items include a presentation and discussion on the needs assessment from George Washington University, an overview of the ATSDR Public Health Assessment process, updates from the Agenda, Guidance Document, and Outreach/Communications Work Groups, and to receive agency updates. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: LaFreta Dalton, Designated Federal Official, or Marilyn Palmer, Committee Management Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE, M/S E–54, Atlanta, Georgia 30333, telephone 1–888–42–ATSDR(28737), fax 404/639–4699.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 20, 2001.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–4614 Filed 2–23–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Runaway and Homeless Youth Management Information System.

OMB No.: 0970–0123.

Description: In the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) Congress mandated that the Department of Health and Human Services (HHS) report regularly on the status of HHS-funded programs serving Runaway and homeless youth in Basic Center programs (BC), Transitional Living programs (TLP) and Street Outreach programs. Organizations funded under the Runaway and Homeless Youth program are required by statute (42 U.S.C. 5712, 42 U.S.C. 5714–2) to meet several data collection and reporting requirements, including maintaining client statistical records and submitting annual program reports regarding the profile of the youth and families served and the services provided to them. The RHYMIS data supports these organizations as they carry out a variety of integrated, ongoing responsibilities and projects, including legislative reporting requirements, planning and public policy development for runaway and homeless youth programs, accountability monitoring, program management, research, and evaluation. RHYMIS has been redesigned and streamlined to reduce the collection burden upon respondents and to capture key information previously not requested.

Respondents: Not-for-profit institutions.

Annual Burden Estimates:

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
BC/TLP Youth Profile	400	185	.75	55,500
Street Outreach Report	140	2	.40	112
BC/TLP Brief Contacts	400	100	.10	4,000
BC/TLP Turnaways	400	50	.10	2,000
Data Transfer	400	2	.50	400

Estimated Total Annual Burden Hours: 62,012.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Desk Officer for ACF.

Dated: February 20, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–4557 Filed 2–23–01; 8:45 am]

BILLING CODE 4145–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–267]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Medicare Plus Choice Program Requirements Referenced in 42 CFR 422.000–422.700; *Form No.:* HCFA–R–0267 (OMB# 0938–0753); *Use:* Section 4001 of the Balanced Budget Act of 1997 added sections 1851 through 1859 to the Social Security Act to establish a new Part C of the Medicare Program, known as the Medicare+Choice program. Under this program, every individual entitled to Medicare Part A and enrolled under Part B may elect to receive benefits through either the existing Medicare fee-for-service program or a Part C M+C plan. The regulations implementing these sections was published on June 26, 1998. The regulations revising these sections was published on February 17, 1999 and June 29, 2000.; *Frequency:* Other: as needed; *Affected Public:* Business or other for-profit, Individuals or Households, Not-for-profit institutions, Federal Government, and State, Local, or Tribal Government; *Number of Respondents:* 2,450; *Total Annual Responses:* 7,657,534; *Total Annual Hours:* 2,120,006.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to

Paperwork@hcfa.gov, or call the Reports Clearance Office at (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan (HCFA–R–267), Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 14, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–4568 Filed 2–23–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Study of Physician Researchers Concerning Research and Clinical Care Activities

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Department of Clinical Bioethics, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: Study of Physician Researchers Concerning Research and Clinical Care Activities. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* In order to understand the sometimes-conflicting obligations of physicians involved in clinical research, it is important to study their own understanding of their work and responsibilities as researchers and as clinicians treating patients. This study aims to gather this information through interviews with physicians involved in clinical research and other experts knowledgeable about their work. In particular, the study aims to identify and examine what physicians experience as the nature of the conflict between their roles as caregiver and researcher, physicians' most recent case of conflict between treatment and research, pressures on physicians involved in research and how they address or resolve them, conflict between caring for patients and gaining generalizable knowledge, and the influence of the work and institutional setting on physicians undertaking medical research. *Frequency of Response:* Once for the survey administration and for individuals interviewed and on occasion thereafter. *Affected Public:* Individuals. *Type of Respondents:* Physicians involved in clinical research and other interviewees knowledgeable about their practices. *Annual Reporting Burden:* The annual reporting burden follows in the table below. *Annualized Cost to Respondents:* The annualized cost to respondents is estimated at: $11,000. *Capital Costs:* There are no capital costs to report. *Operating or Maintenance Costs:* There are no operating or maintenance costs to report.

RESPONDENT AND BURDEN ESTIMATE INFORMATION

Type of respondents	Estimated number of respondents	Estimated number of response per respondent	Average burden hours per response	Estimated total annual burden hours requested
Physician Researchers	250	1	.5	125
Physician Researchers	80	1	1	80
Non-Physician-Researcher Interviewees	20	1	1	20
Total				225

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Elaine Draper, Ph.D., J.D., Department of Clinical Bioethics, NIH, Building 10, Room 1C118F, 9000 Rockville Pike, Bethesda, MD 20892, or call non-toll-free number (301) 435–8715 or E-mail your request, including your address to: *EDraper@nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before April 27, 2001.

Dated: February 14, 2001.

David K. Henderson,

Deputy Director for Clinical Care.

[FR Doc. 01–4619 Filed 2–23–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Coupled Calcium/Citrate Delivery System and Method for Apheresis Devices

Charles D. Bolan (CC), Susan F. Leitman (CC), Herb Cullis
DHHS Reference No. E–001–01/0 filed 03 Nov 2000
Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: berkleyd@od.nih.gov

The invention is a method and device for eliminating the long recognized physiologic symptoms caused by the use of citrate anticoagulant in apheresis procedures. The adverse effects caused by citrate anticoagulants can be prevented by administration of an intravenous calcium infusion through the return line, coupled to the rate of the citrate infusion administered into the draw line of apheresis devices. The invention automatically couples the calcium infusion rate to the citrate anticoagulant rate. The device calculates and administers the appropriate amount of intravenous elemental calcium to neutralize citrate symptoms, and replaces calcium for donors and patients receiving citrate infusions during the performance of apheresis procedures. The invention fills a long standing need to make apheresis procedures safer, more economical, and more universally applicable to a wider range of donors. In addition, the invention significantly shortens the amount of time necessary for the apheresis procedure, by allowing higher flow rates.

Adaptive Sensitivity Encoding Incorporating Temporal Filtering (TSENSE)

Peter Kellman, Elliot McVeigh (NHLBI)
DHHS Reference No. E–200–00/0
Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: berkleyd@od.nih.gov

The invention is an accelerated magnetic resonance imaging method developed to reduce the total imaging time for gated, segmented cine imaging or to increase the frame rate when imaging dynamic activity, such as heart motion or brain activity. The invention combines temporal filtering (e.g., the UNFOLD method) with a known spatial sensitivity encoding technique (SENSE or SMASH) to achieve a new technique that is the subject of the invention (TSENSE) having a higher degree of alias artifact rejection than could be obtained using either temporal or spatial filtering individually. The new technique tracks changing coil sensitivities over time, which may arise due to chest wall or other body motions, and provides time saving by eliminating a separate reference acquisition. The invention is thus a robust accelerated imaging method that tolerates body motion or change in scan plane without the need to reacquire additional reference images, and the method may be used to reconstruct the full field-of-view with a large temporal bandwidth.

Endoluminal Radiofrequency Cauterization System

Bradford J. Wood (CC)
DHHS Reference No. E–244–00/0 filed 07 Dec 2000
Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: berkleyd@od.nih.gov

The invention is a device for occluding the lumen of a hollow organ, vessel or aneurysm by delivering radio frequency energy to its inner wall. The apparatus uses specialized electrodes that contact the walls of the organ to substantially conform to the inner surface. RF energy is then applied to the electrode at any of a broad range of desired frequencies for selected times at power levels of from 20 to 200 watts. Delivery of RF energy may be regulated by monitoring temperature, tissue impedance or other parameters at or near the site of the electrode. A temperature sensor located near the electrode allows microprocessor-based control of the power delivered to the electrode site as a function of tissue temperature. The device has applications in therapeutic thrombosis of an aneurysm, stopping blood flow to a tumor or bleeding vessel, or reducing stricture or stenosis in, for example, a bronchus, esophagus, intestine segment or a blood vessel. The invention also may be useful in reducing stenosis in a coronary artery or to reduce a restenotic lesion from intimal hyperplasia that may occur after angioplasty.

Radio Frequency Probes for Tissue Treatment and Methods of Use

Bradford J. Wood (CC)
DHHS Reference No. E–186–00/0 filed 10 Jul 2000
Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: berkleyd@od.nih.gov

The invention is a device and method for radio frequency (RF) treatment of tissue that is designed to destroy or damage selected tissue areas without damaging surrounding material. Improvements upon currently available techniques include: easier percutaneous deployment and placement, easier imaging visualization, less bleeding complications, and one-handed deployment. Applications include the treatment of metastatic cancer lesions in the liver, kidney or other solid internal organ. The invention can be used for minimally invasive procedures. For example, RF electrodes may be placed percutaneously to treat a cancer lesion in the liver. Standard medical imaging techniques such as ultrasound can be used to guide the RF electrode into the proper position, and surface markings made on the electrode improve the ultrasound visibility of the instrument. This invention is easily operated using only one hand, allowing the operator's other hand to be free to operate a medical imaging device or manage the delivery of the RF energy. The RF probe has an introducer that carries it to the desired site where a number of RF electrodes are deployed from the introducer into the subject's tissue. The RF electrodes may be deployed by a spring mechanism. The introducer has a biodegradable occluder that reduces tissue injury as the device is inserted into the subject. The occluder is displaced from the distal end of the introducer as the device transitions to a deployed state.

Modifications of HIV Env, Gag and Pol Enhance Immunogenicity for Genetic Immunization

Chakrabarti et al. (NIAID)
DHHS Reference Nos. E–275–00/0 filed 14 Aug 2000 and E–275–00/1 filed 14 Nov 2000
Licensing Contact: Carol Salata; 301/496–7735 ext. 232; e-mail: salatac@od.nih.gov

Protective immunity against human immunodeficiency virus-1 (HIV–1) is likely to require recognition of linear and conformation epitopes from multiple HIV antigens. This invention relates to modified HIV Env, Gag and Pol DNA and proteins with improved ability to elicit antibody and CTL responses. The Env DNA has been modified to expose the core protein for optimal antigen presentation and recognition. This invention also relates to a Gag-Pol fusion protein that is a polyprotein designed to maximize epitope presentation. The effect of

specific mutations in HIV–1 Env on humoral and cellular immune responses after DNA vaccination has been investigated. The modifications of Env enhance antibody production to this viral protein that may facilitate the generation of broadly neutralizing antibodies to HIV. In addition, the immune response to HIV–1 Gag and Pol after plasmid DNA immunization with Rev-independent expression vectors encoding various forms of these proteins has been examined. The Gag-Pol fusion protein induced the most broad and potent CTL responses to Gag and Pol in DNA-vaccinated mice. These DNA sequences and proteins may be important immunogens for the treatment and prevention of HIV infection.

Mucosal Cytotoxic T Lymphocyte Responses

Jay A. Berzofsky (NCI), Igor M. Belyakov (NCI), Michael A. Derby (NCI), Brian L. Kelsall (NIAID), Warren Strober (NIAID)
Serial Number 09/508,552 filed June 12, 2000; DHHS Reference No. E–268–97/4 filed January 10, 2001
Licensing Contact: Peter Soukas; 301/496–7056, ext. 268; e-mail: soukasp@od.nih.gov

This invention claims methods and compositions for inducing a protective mucosal cytotoxic T lymphocyte (CTL) response in a mammal involving administering a soluble antigen or a soluble antigen with one or more active agents such as a cytokine or co-stimulatory molecule to a mucosal surface or tissue. As a preferred embodiment, the invention contemplates intrarectal administration of the peptide vaccine because the inventors have shown that there is a greater CTL response through intrarectal administration rather than intranasal administration. The synthetic peptide vaccines utilized in the invention to elicit protective immune responses after mucosal infection comprise a multideterminant helper peptide containing a cluster of overlapping helper epitopes (a PCLUS or cluster peptide) colinearly synthesized with a peptide epitope target for neutralizing antibodies and CTL. The inventors have generated data showing that an intrarectally administered synthetic multiepitope HIV/SIV peptide vaccine administered to macaques in conjunction with mutant E. coli heat labile enterotoxin as an adjuvant induces mucosal CTL responses that provide better protection against intrarectal SHIV infection when compared to a subcutaneously administered vaccine comprising the same peptides inducing as high or higher systemic CTL responses. The invention is further described in Belyakov et al., Proc. Natl. Acad. Sci. USA 1998 Feb 17;95(4):1709–14 and Belyakov et al., J. Clin. Invest. 102: 2072–2081, 1998.

A Novel Chimeric Protein for Prevention and Treatment of HIV Infection

Edward A. Berger (NIAID), Christie M. Del Castillo
Serial No. 60/124,681 filed 16 Mar 1999 and PCT/US00/06946 filed 16 Mar 2000
Licensing Specialist: Peter Soukas; 301/496–7056 ext. 268; e-mail: soukasp@od.nih.gov

This invention relates to bispecific fusion proteins effective in viral neutralization. Specifically, the invention is a genetically engineered chimeric protein containing a soluble extracellular region of human CD4 attached via a flexible polypeptide linker to a single chain human monoclonal antibody directed against a CD4-induced, highly conserved HIV gp120 determinant involved in coreceptor interaction. Binding of the sCD4 moiety to gp120 induces a conformational change that enables the antibody moiety to bind, thereby blocking Env function and virus entry. This novel bispecific protein displays neutralizing activity against genetically diverse primary HIV–1 isolates, with potency at least 10-fold greater than the best described HIV–1 neutralizing monoclonal antibodies. The agent has considerable potential for prevention of HIV–1 infection, both as a topical microbicide and as a systemic agent to protect during and after acute exposure (e.g. vertical transmission; post-exposure prophylaxis). It also has potential utility for treatment of chronic infection. Such proteins, nucleic acid molecules encoding them, and their production and use in preventing or treating viral infections are claimed.

Antimicrobial Magainin Peptides

Michael A. Zasloff, Hao-Chia Chen, Judith H. Brown, John L. Morell, Charng-Ming Huang (NICHD)
Serial No. 07/280,363 filed 12/06/1988, now U.S. Patent 5,221,732; Serial No. 07/021,493 filed 03/04/1987, now U.S. Patent 4,810,777; Serial No. 07/834,992 filed 02/14/1992, now U.S. Patent 5,567,681; Serial No. 07/963,007 filed 10/19/1992, now U.S. Patent 5,643,876
Licensing Contact: Peter Soukas; 301/496–7056 ext. 268; e-mail: soukasp@od.nih.gov

First isolated from the skin of the African clawed frog *Xenopus laevis*, magainin peptides have been shown by the inventors to have broad-spectrum antimicrobial properties. Both synthetic and natural magainin peptides are active against many species of bacteria and fungi and induce osmotic lysis of protozoa. Magainin peptides are water soluble, nonhemolytic at effective antimicrobial concentrations, have molecular weights of 2500 or less and are amphiphilic. Compositions and methods for their use are claimed in the patents. These inventions are available for nonexclusive or exclusive licensing. The inventions are further described in Zasloff et al., P.N.A.S. USA 1987 Aug.;84(15):5449–53; Marion et al., FEBS Lett. 1988 Jan.18;227(1):21–6; Soravia et al., FEBS Lett. 1988 Feb. 15;228(2):337–40; Westerhoff et al., P.N.A.S. USA 1989 Sep.;86(17):6597–601; and Gwadz et al., Infect. Immun. 1989 Sep.; 57(9):2628–33.

Dated: February 15, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–4616 Filed 2–23–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Plasmids Expressing START Domains of StAR and MLN64

Dr. Yosuke Tsujishita and Dr. James Hurley (NIDDK)
DHHS Reference No. E–020–01/0
Licensing Contact: Marlene Shinn; 301/496–7056 ext. 285; e-mail: shinnm@od.nih.gov

Steroidogenic acute regulatory protein (StAR) manages acute steroidogenesis in the adrenal cortex and gonads by promoting the translocation of cholesterol to the mitochondrial inner membrane where initial steroid biosynthesis is catalyzed. Within StAR are StAR related lipid transfer (START) domains which are 200–210 amino acid motifs that occur in a remarkably wide range of proteins involved in diverse cell functions such as lipid transport and metabolism, signal transduction and transcription regulation. The closest homolog to StAR is MLN64, with 35% sequence identity between their START domains.

The technology embodied in this invention encompasses plasmids expressing START domains of StAR and MLN64. These fragments enable expression of proteins for many biochemical studies and specifically towards cholesterol transfer in acute steroidegenesis. Possible commercial applications include targets for cancer treatment to known over expressed MLN64 in breast carcinoma.

Macromolecular Enzyme Substrates

Glen L. Hortin (CC)
DHHS Reference No. E–233–99/0 filed 31 Jul 2000
Licensing Contact: Dennis Penn; 301/496–7056 ext. 211; e-mail: pennd@od.nih.gov

This invention discloses a new class of reagents used to measure the activity of enzymes. The inventor discovered that connecting a small reagent molecule onto a polymer that serves as a large carrier molecule confers advantages in the measurement of enzyme activity. Advantages of the new class of reagents are: (1) Better modeling of the size of natural targets (substrates) of many biologically important enzymes, (2) improved specificity of measurements, (3) ability to measure the influence of substrates size on enzyme activity (carrier group size can be varied over a wide range), (4) improved substrate solubility, and (5) the potential for easier methods of synthesis and purification of some enzyme substrates. Reagents of this class can be used to measure the activity of components forming and breaking down blood clots, of digestive components, of components of the complement system, and of many other components with essential biological functions.

Efficient Generation of Midbrain Neurons From Mouse Embryonic Stem Cells

Sang-Hun Lee, Nadya Lumelsky, Lorenz Studer and Ronald McKay (NINDS)
DHHS Reference No. E–291–99/0 filed May 1, 2000
Licensing Contact: Norbert Pontzer; 301/496–7735, ext. 284; e-mail: pontzern@od.nih.gov

Parkinson's disease is a progressive neurological disorder affecting an estimated one million patients in the United States. Parkinson's disease occurs when dopamine producing cells in the central nervous system degenerate. Currently patients receive medications to treat the symptoms, but not cure or stop the progression of the disease. As the disease progresses the medications usually become less effective. One encouraging new form of therapy replaces the lost dopamine producing neurons with transplanted cells. A major obstacle to cell replacement therapy has been obtaining sufficient dopamine producing cells. Therapeutic or ethical problems exit for all presently available sources of cells for transplantation.

This invention provides a method for efficiently generating dopaminergic neurons from embryonic stem cells. Embryonic cells are totipotent cells which can proliferate indefinitely in the undifferentiated state. A method of generating specific differentiated cells from embryonic stem cells thus provides a potentially unlimited source of those cells. A sequence of culturing steps involving exposure to specific neurotrophic factors and other agents produces a high percentage of cultured dopaminergic neurons. An unlimited supply of dopaminergic neurons which may be suitable for transplantation is thus provided. Details of some aspects of this invention can be found in Nature Biotechnology Vol. 18, pages 675–679, June 2000.

Methods for Delivering Biologically Active Molecules Into Cells

Jeffrey L. Miller, Urszula Wojda, Paul K. Goldsmith (NIDDK)
DHHS Reference Nos. E–174–98/0 filed 15 Jan 1999 and E–174–98/1 filed 14 Jan 2000
Licensing Contact: Dennis Penn; 301/496–7056 ext. 211; e-mail: pennd@od.nih.gov

The appropriate gene therapy delivery system depends greatly on the cells being targeted and the means by which delivery is anticipated. Numerous clinical trials are currently ongoing for gene therapy, each typically usually a different mode of delivery. It is still too early to determine which mode will be approved and which will be the most effective. The polyethylenimineDNA (PEI–DNA) complex is known to be an effective system for delivery of DNA. In vitro models of a new delivery system based on the cationic properties of PEI have found that the cellular incorporation is significantly enhanced using an Avidin-PEI–DNA complex. Experiments have shown that there is, at a minimum, a 3x to 10x increase in the cellular uptake of the DNA. It is believed that this gene delivery system can be targeted to any cell of interest. It was demonstrated that the transfection can be targeted to native and biotinylated cells. For cells, with a known surface phenotype, biotinylated monoclonal antibodies can be attached to specific sites and the Avidin-PEI–DNA complex then binds and enters the cell via endocytosis.

Alternatively, cells without a known surface phenotype, biotin can be covalently attached to the cell surface and the Avidin-PEI–DNA complex is then able to bind and carry the DNA into the cells. This system appears to be not only applicable to gene therapy, but to the diagnostic market and to the delivery of other anionic materials into cells. This Avidin-PEI–DNA system may find a niche market or it may become utilitarian, such that it can be effectively utilized in more than one gene therapy treatment. This technology is available for immediate licensing and independent commercialization and/or a Cooperative and Development Research Agreement can be considered.

Dated: February 15, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–4617 Filed 2–23–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Co-Exclusive License: Homogeneous Tests for Sequentially Determining Lipoprotein Fractions

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a co-exclusive worldwide to practice the inventions embodied in US Patent Application Serial Number (60/136,709 (PCT/US00/14827) entitled "Homogeneous Tests for Sequentially Determining Lipoprotein Fractions", provisionally filed May 28, 1999 and PCT filed May 26, 2000, to Genzyme Diagnostics, having a place of business

in Cambridge, Massachusetts, and J&S Medical Associates, having a place of business in Framingham, Massachusetts. The United States of America is an assignee to the patent rights of this invention.

The contemplated co-exclusive license may be limited to the development of homogeneous sequential tests for determination of lipoprotein subfractions in biological fluids, with applications to clinical chemistry analyzers. The license may not include the use for Patient-Initiated Diagnostics (PID) in conjunction with the SerSite™ remote-site mailable. device or its equivalents, all covered by claims of US Patent Number 6,036,659.

DATES: Only written comments and/or applications for a license which are received by he NIH Office of Technology Transfer on or before April 27, 2001 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Uri Reichman, Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 496–7056, ext. 240; Facsimile: (301) 402–0220; E-mail: reichman@od.nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent application.

SUPPLEMENTARY INFORMATION: The measurement of the cholesterol content of the lipoproteins subfraction in blood has become the gold standard in the clinical assessment of the risk of coronary artery disease. Current commercial tests involve two or three separate determinations and some of them are rather cumbersome. The subject invention provides a new, homogeneous assay for the sequential determination of the HDL–C and of total cholesterol present in blood. The test can be performed in a single tube and can readily lend itself to automation. The method comprises complexing of the non-HDL–C fraction, performing a first measurement of the cholesterol content of the unbound fraction, disrupting the complex and performing a second measurement of total cholesterol. Subtraction of the first reading from the second provides the value of the cholesterol in the non-HDL subfractions. Optionally, a triglyceride assay can then also be performed on the sample in the same tube.

The prospective co-exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective co-exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 15, 2001.

Jack Spiegel,

Director, Division of Technology, Development and Transfer, Office of Technology Transfer.

[FR Doc. 01–4618 Filed 2–23–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Invitation for Proposals

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Invitation for proposals.

SUMMARY: The Exxon Valdez Oil Spill Trustee Council is asking the public, private organizations, and government agencies to submit proposals for restoration of resources and services injured by the Exxon Valdez oil spill. The Invitation to Submit Restoration Proposals for Federal Fiscal Year 2002, a booklet explaining the process, is available from the Trustee Council office.

DATES: Proposals are due April 13, 2001.

ADDRESSES: Exxon Valdez Oil Spill Trustee Council, 645 "G" Street, Suite 401, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT: The Restoration Office, (907) 278–8012 or toll free at (800) 478–7745 (in Alaska) or (800) 283–7745 (outside Alaska) or via e-mail at restoration@oilspill.state.ak.us.

SUPPLEMENTARY INFORMATION: Following the Exxon Valdez oil spill in March 1989, a Trustee Council of three state and three federal trustees, including the Secretary of the Interior, was formed. The Trustee Council prepared a restoration plan for the injured resources and services within the oil spill area. The restoration plan calls for annual work plans identifying projects to accomplish restoration. Each year proposals for restoration projects are solicited from a variety of organizations, including the public.

Dated: February 20, 2001.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 01–4632 Filed 2–23–01; 8:45 am]

BILLING CODE 4310–R6–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The Klamath Fishery Management Council makes recommendations to agencies that regulate harvest of anadromous fish in the Klamath River Basin. The objectives of this meeting are to hear technical reports, to discuss and develop Klamath fall chinook salmon harvest management options for the 2001 season, and to make recommendations to the Pacific Fishery Management Council and other agencies. The meeting is open to the public.

DATES: The Klamath Fishery Management Council will meet from 3 p.m. to 5 p.m. on Sunday, March 4, 2001.

PLACE: The meeting will be held at the Columbia River Doubletree Hotel, 1401 N. Hayden Island Drive, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Detrich, Project Leader, Fish and Wildlife Service, 1829 South Oregon Street, Yreka, California 96097, telephone (530) 842–5763.

SUPPLEMENTARY INFORMATION: At the March 4, 2001, meeting, the Klamath Fishery Management Council may schedule short follow-up meetings to be held between March 5, 2001, and March 8, 2001, at the Columbia River Doubletree Hotel, 1401 N. Hayden Island Drive, Portland, Oregon, where the Pacific Fishery Management Council will be meeting. For background information on the Klamath Council, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639).

Dated: February 16, 2001.

John Engbring,

California/Nevada Operations Manager, California/Nevada Office, Fish and Wildlife Service.

[FR Doc. 01–4597 Filed 2–23–01; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Extension of Comment Period on Draft Fee Schedules and Guidance for Commercial Filming in Compliance With Public Law 106–206 To Apply in All Units of the National Park Service

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: At the request of segments of the filming community for more time to prepare comments, the National Park Service is extending the deadline for comments on the Public Notice Request for Comments on the draft fee schedules associated with Filming and Photography Location Fees published in the **Federal Register** on December 14, 2000, (65 FR 78186). The original notice established February 12, 2001, as the public comment deadline. That ending date for which comments will be accepted is now extended to March 2, 2001.

ADDRESSES: Comments should be addressed to: Dick Young, Special Park Uses Program Manager, C/O Colonial NHP, P. O. Box 210, Yorktown, VA 23690, or via email at: Dick_S._Young@nps.gov.

FOR FURTHER INFORMATION CONTACT: Dick Young at (757) 898–7846, or (757) 898–2426.

Dated: February 16, 2001.

Dennis Burnett,

Acting Chief, Ranger Activities Division.

[FR Doc. 01–4556 Filed 2–23–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Criminal Division; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: Notice of Information Collection Under Review: Extension of a currently approved collection; Foreign Agents Registration Act Form (Registration Statement) as required by Rule 200(b) of the Act.

The U.S. Department of Justice (DOJ) Criminal Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** on December 1, 2000, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 28, 2001. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the item contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Comments may also be submitted to Mr. Robert B. Briggs, Department Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved information collection.

(2) *Title of the Form/Collection:* Foreign Agents Registration Act Form (registration Statement) as required by Rule 200(b) of the Act.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CRM–153 Criminal Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit, not-for-profit institutions, and individuals or households. Form contains registration statement and information used for registering foreign agents under 22 U.S.C. 611, *et seq.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 54 respondents at 1.5 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 81 annual burden hours.

Dated: February 20, 2001.

Robert B. Briggs,

Department Clearance Officer.

[FR Doc. 01–4608 Filed 2–23–01; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Criminal Division

Agency Information Collection Activities: Proposed Collection; Comments Requested

AGENCY: Notice of Information Collection Under Review: Extension of Currently Approved Collection; Foreign Agents Registration Act Form (Exhibit A) as required by Rule 201(a)(1) of the Act.

The Department of Justice (DOJ), Criminal Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** on December 1, 2000, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 28, 2001. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the item contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory

Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Comments may also be submitted to Mr. Robert B. Briggs, Department Clearance Officer, United Sates Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Extension of A Currently Approved Collection; Foreign Agents Registration Act Form (Exhibit A) as required by Rule 201(a)(1) of the Act.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CRM–157. Criminal Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit, Not-for-profit institutions, and individuals or households. Form is used to register foreign agents as required by 22 U.S.C. 611, *et seq.*, and must be utilized within 10 days of date contract is made or when initial activity occurs, whichever is first.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 127 respondents at .49 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 62.23 annual burden hours.

Dated: February 20, 2001.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 01–4609 Filed 2–23–01; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Criminal Division; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: Notice of information collection under review: Extension of currently approved collection; foreign agents registration act (exhibit B) as required by rule 201(a)(2) of the Act.

The Department of Justice (DOJ), Criminal Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** on December 1, 2000, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 28, 2001. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the item contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Comments may also be submitted to Mr. Robert B. Briggs, Department Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Foreign Agents Registration Act Form (Exhibit B) as required by Rule 201(a)(2) of the Act Exhibit B.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form CRM–155. Criminal Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit, Not-for-profit institutions, and individuals or households. Form is used to augment the registration statement of foreign agents as required by the provisions of 22 U.S.C. 611, *et seq.*, within 10 days of the date a contract is made or when initial activity occurs, whichever is first.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 127 respondents at .33 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 41.91 annual burden hours.

Dated: February 20, 2001.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 01–4610 Filed 2–23–01; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Criminal Division; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: Notice of Information Collection Under Review: Extension of Currently Approved Collection; Foreign Agents Registration Act Form (Amendment) as required by Rule 204(a) of the Act.

The Department of Justice (DOJ), Criminal Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** on December 1, 2000, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 28, 2001. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the item contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Comments may also be submitted to Mr. Robert B. Briggs, Department Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved information collection.

(2) *Title of the Form/Collection:* Foreign Agents Registration Act Form (Amendment) as required by Rule 204(a) of the Act.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CRM–156. Criminal Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit, Not-for-profit institutions, and individuals or households. Form is used in regulation of foreign agents when changes are required under provisions of 22 U.S.C. 611, *et seq.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 175 respondents at 1.5 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 262.5 annual burden hours.

Dated: February 20, 2001.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 01–4611 Filed 2–23–01; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Criminal Division; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: Notice of Information Collection Under Review: Extension of Currently Approved Collection; Foreign Agents Registration Act (Short-Form Registration Statement) as required by Rule 202(e) of the Act.

The Department of Justice (DOJ), Criminal Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** on December 1, 2000, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 28, 2001. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the item contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Comments may also be submitted to Mr. Robert B. Briggs, Department Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW, Suite 1220, Washington, D.C. 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved information collection.

(2) *Title of the Form/Collection:* Foreign Agents Registration Act Form (Short-Form Registration Statement) as required by Rule 202(e) of the Act.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CRM–156. Criminal Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit, Not-for-profit institutions, and individuals or households. Form is used to register foreign agents as required by 22 U.S.C. 611, *et seq.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 388 respondents at .429 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 166.45 annual burden hours.

Dated: February 20, 2001.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 01–4612 Filed 2–23–01; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Criminal Division; Agency Information Collection Activities: Proposed Collection; Comment Requested

ACTION: Notice of Information Collection Under Review: Extension of Currently Approved Collection; Foreign Agents Registration Act Form (Supplemental Registration Statement) as required by Rule 200(a) of the Act.

The Department of Justice (DOJ), Criminal Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** on December 1, 2000, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 28, 2001. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the item contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Comments may also be submitted to Mr. Robert B. Briggs, Department Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technical collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved information collection.

(2) *Title of the Form/Collection:* Foreign Agents Registration Act Form (Supplemental Registration Statement) as required by Rule 200 (a) of the Act

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CRM–154. Criminal Division, U.S. Department of Justice

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit, Not-for-profit institutions, and individuals or households. Form contains supplemental registration and information used in registering foreign agents under 22 U.S.C. 611 *et seq.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 517 respondents at 1.375 hours per response (2 responses annually).

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,421.75 annual burden hours.

Dated: February 20, 2001.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 01–4613 Filed 2–23–01; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: Notice of Information Collection Under Review; Extension of a currently approved collection; Application for Registration (DEA Form 363) and Application for Registration Renewal (DEA Form 363a).

The Department of Justice, Drug Enforcement Administration has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 7, 2000, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until March 28, 2001. This process is conducted in accordance with 5 CR 1320.10. Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 1220, 1331 Pennsylvania Avenue, NW, Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

1. *Type of information collection:* Extension of a currently approved collection.

2. *The title of the form/collection:* Application for Registration (DEA Form 363); Application for Registration Renewal (DEA Form 363a).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection: Form Numbers:* DEA Form 363 and DEA Form 363a. Applicable component of the Department sponsoring the collection: Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: Not-for-Profit institutions and State, Local or Tribal Government. Abstract: Practitioners who dispense narcotic drugs to individuals for maintenance or detoxification treatment must register with the DEA under the Narcotic Addict Treatment Act of 1974. Registration is needed for control measures and is used to prevent diversion.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* 1,114 respondents, .5 hours per response. A respondent will take an estimate of 30 minutes to complete each form.

6. *An estimate of the total public burden (in hours) associated with the collection:* 557 annual burden hours.

Public comments on this proposed information collection are strongly encouraged.

If additional information is required contact: Mr. Robert B. Briggs, Department Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue, NW, Washington, DC 20530.

Dated: February 20, 2001.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 01–4605 Filed 2–23–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: Notice of Information Collection Under Review; Extension of a currently approved collection; Application for Registration (DEA Form 224); Application for Registration Renewal (DEA Form 224a); and Affidavit for Chain Renewal (DEA Form 224B).

The Department of Justice, Drug Enforcement Administration has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 7, 2000, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days of public comment until March 28, 2001. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suit 1220, 1331 Pennsylvania Avenue, NW, Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

1. *Type of information collection:* Extension of a currently approved collection.

2. *The title of the form/collection:* Application for Registration (DEA Form 224); Application for Registration Renewal (DEA Form 224a); and Affidavit for Chain Renewal (DEA Form 224B).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: DEA Form 224, DEA Form 224a, and DEA Form 224B. Applicable component of the Department of Justice sponsoring the collection: Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: Individuals and household, not-for-profit institutions, and State, Local or Tribal Government. Abstract: All firms and individuals who distribute or dispense controlled substances must register with the DEA under the Controlled Substances Act. Registration is needed for control measures over legal handlers of controlled substances and is used to monitor their activities. A revision made to the subject forms requires the respondent to submit their Tax Identification Number or Social Security Number as required by the Debt Collection Improvement Act of 1996 (PL 104–134).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* Regarding DEA Form 224 and DEA Form 224a: 374,701 respondents, 20 hours per response. A respondent will take an estimate of 12 minutes per year to complete a DEA Form 224 or DEA Form 224a. Regarding DEA Form 224B: 12 respondents, 5 hours per response. A respondent will take an estimate of 5 hours per year to complete a DEA Form 224B.

6. *An estimate of the total public burden (in hours) associated with the collection:* 75,000 annual burden hours. If additional information is required contact: Mr. Robert B. Briggs, Department Clearance Officer, United

States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue, NW, Washington, DC 20530.

Dated: February 20, 2001.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 01–4606 Filed 2–23–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: Notice of Information Collection Under Review; Extension of a currently approved collection; Application for Registration (DEA Form 225); Application for Registration Renewal (DEA Form 225a); and Affidavit for Chain Renewal (DEA Form 225B).

The Department of Justice, Drug Enforcement Administration has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 12, 2000, allowing for a 60-day public comment period.

The purpose of this notice is to allow an addtional 30 days for public comment until March 28, 2001. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 1220, 1331 Pennsylvania Avenue NW., Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

1. *Type of information collection:* Extension of a currently approved collection.

2. *The title of the form/collection:* Application for Registration (DEA Form 225); Application for Registration Renewal (DEA Form 225a); and Affidavit for Chain Renewal (DEA Form 225B).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Numbers: DEA Form 225, DEA Form 225a, and DEA Form 225B. Applicable component of the Department sponsoring the collection: Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: Individuals and household, not-for-profit institutions, and State, Local or Tribal Government. Abstract: The Controlled Substances Act requires all firms and individuals who manufacture, distribute, import, export, conduct research or dispense controlled substances to register with DEA. Registration provides a closed system of distribution to control the flow of controlled substances through the distribution chain. A revision made to the subject forms requires the respondent to submit their Tax Identification Number or Social Security Number as required by the Debt Collection Improvement Act of 1996 (PL 104–134).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* Regarding DEA Form 225 and 225a: 9,800 respondents, .5 hours per response. A respondent will take an estimate of 30 minutes to complete a DEA Form 225 or DEA Form 225a. Regarding DEA 225B: 7 respondents, 1 hour per response. A respondent will take an estimate of 1 hour each year to complete a DEA Form 225B.

6. *An estimate of the total public burden (in hours) associated with the collection:* 4,907 annual burden hours.

Public comments on this proposed information collection are strongly encouraged. If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Dated: February 20, 2001.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 01–4607 Filed 2–23–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed extension collection of the following information collections: (1) Medical Travel Refund Request (CM–957); and (2) Employment Information Form (WH–3 and WH–3(Spanish)). Copies of the proposed information collection requests can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before April 27, 2001.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451.

SUPPLEMENTARY INFORMATION:

Medical Travel Refund Request (CM–957)

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Federal Black Lung Benefits Act (FBLBA). When a coal miner files an application for black lung benefits under the Act, the miner is scheduled for medical determination testing. The Black Lung Trust Fund is required to pay for this determination testing and associated travel costs. The CM–957 is used by the miner to record travel expenses incurred while traveling to and from the testing facility.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the extension of approval for this information collection in order to identify and reimburse miners for out-of-pocket medical travel expenses associated with black lung related medical testing.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Medical Travel Refund Request.

OMB Number: 1215–0054.

Affected Public: Individuals or households; Businesses or other for-profit institutions; Not-for-profit institutions.

Total Respondents: 6,000.

Frequency: On occasion.

Total Responses: 6,000.

Average Time per Response: 10 minutes.

Estimated Total Burden Hours: 1,000.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $2,890.

Employment Information Form (WH–3 and WH–3(Spanish))

I. Background

Section 11(a) of the Fair Labor Standards Act, 29 USC 201 et. seq., provides that the Secretary of Labor may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to the Act. Similar provisions are also contained in the Public Contracts Act, The Service Contracts Act, the Davis-Bacon Act, the Consumer Credit Protection Act, the Migrant and Seasonal Agricultural Workers' Protection Act, and the Family and Medical Leave Act, all of which are enforced by the Wage and Hour Division of the U.S. Department of Labor. The Form WH–3 is an optional form used by complainants and others to provide information about alleged violations of the labor standards provisions of the Acts cited above. The form is provided in both English and Spanish versions.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the extension of approval of this information collection in order to carry out its responsibility to meet the statutory requirements to investigate alleged violations of the various labor standards laws enforced by the Wage and Hour Division.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Employment Information Form.

OMB Number: 1215–0001.

Agency Number: WH–3 and WH–3 (Spanish).

Affected Public: Individuals or households; Farms, Businesses or other for-profit; Not-for-profit institutions; Federal government; State, local or Tribal government.

Total Respondents: 39,000.

Frequency: On occasion.

Total Responses: 39,000.

Average Time per Response: 20 minutes.

Estimated Total Burden Hours: 13,000.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 16, 2001.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 01–4644 Filed 2–23–01; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–029]

NASA Advisory Council, Space Flight Advisory Committee (SFAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National

Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Flight Advisory Committee.

DATES: Tuesday, March 13, 2001 from 1:00 p.m. until 2:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, 300 E Street, SW., Room MIC 7A, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Y. Edgington (Stacey), Code M, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–4519.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to seating capacity of the room. The agenda for the meeting is as follows:

- Shuttle upgrades status.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 21, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–4656 Filed 2–23–01; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before April 12, 2001. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to records.mgt@arch2.nara.gov. Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 713–7110. E-mail: records.mgt@arch2.nara.gov.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Army, Agency-wide (N1–AU–00–30, 3 items, 3 temporary items). Records relating to external exposure of individuals to ionizing radiation. Included are dosimeter evaluations, logs and readings, automated dosimetry reports, records of dose to an embryo/fetus, occupational exposure histories, and electronic copies of documents created using electronic mail and word processing. This schedule also increases the retention period of recordkeeping copies of files accumulated in offices other than the Army Ionizing Radiation Dosimetry Center and proposes minor changes in the disposition instructions for files held by the Center. Files held by the Center have a 75 year retention period.

2. Department of the Army, Agency-wide (N1–AU–00–37, 3 items, 3 temporary items). Records that are maintained by radiation safety officers relating to internal exposure of individuals to radioactive materials and to routine radiation safety surveys. Included are dosimeter badge controls, biological specimen analyses, reports relating to the functioning of facilities and equipment, and electronic copies of documents created using electronic mail and word processing. A 75 year retention period was previously approved for records relating to individual exposures accumulated by bioassay labs and by the Army Ionizing Radiation Dosimetry Center.

3. Department of the Army, Army-wide (N1–AU–01–15, 1 item, 1 temporary item). Master file of the Housing Operation Management System, an electronic information system used to maintain accountability of military housing, furnishings, and equipment. The system includes dwelling unit records, furnishings and equipment inventories, customer applications, eligibility certificates, complaints, and investigations.

4. Department of Justice, Federal Bureau of Investigation (N1–65–01–02, 2 items, 2 temporary items). Records created at FBI headquarters and field offices relating to the advertising and filling of vacant FBI support employee (non-agent) positions. Included are such records as applications, interview questions, sound recordings of interviews, score sheets, and electronic copies of documents created using electronic mail and word processing.

5. Department of Justice, Federal Bureau of Investigation (N1–65–01–03, 2 items, 2 temporary items). Hard copy rap sheets generated from an automated system that are used to identify case files for court-ordered expungements. An automated identification and rap sheet system was previously approved for permanent retention.

6. Department of the Treasury, Office of Information Technology Policy and Strategy (N1–56–01–2, 9 items, 9 temporary items). Records that pertain to Year 2000 efforts, including such matters as the development of plans and strategies, the review and testing of computer systems and applications, and program reviews. Files contain plans, copies of contracts, policy letters, correspondence, and electronic copies of documents created using word processing and electronic mail.

7. Department of Veterans Affairs, Office of the Inspector General (N1–15–99–3, 3 items, 3 temporary items). Audit Case Files and Investigative Case Files, which were previously scheduled under General Records Schedule 22, items 1B and 2. Included are reports, correspondence, supporting work papers, and electronic copies of documents created using electronic mail and word processing. Files relating to investigations that attract national media or congressional attention or result in significant changes in agency policies or procedures will be appraised by the National Archives and Records Administration on a case-by-case basis.

8. Federal Reserve System, Board of Governors (N1–82–01–1, 24 items, 20 temporary items). Records documenting the research activities of the Board of Governors of the Federal Reserve System, including the production of statistics and analytical support for the Board and the Federal Open Market Committee. Included are such files as statistical releases, input information for electronic systems, and background files for speeches, congressional reports, and briefings. Also included are electronic copies of documents created using electronic mail and word processing applications. This schedule authorizes the agency to apply the proposed disposition instructions to records in all media. Recordkeeping copies of such files as the Federal Reserve Bulletin, staff studies, and master data files and technical documentation from research program electronic systems are proposed for permanent retention. Permanent databases will be transferred to the National Archives in an electronic medium. Other permanent records will be transferred to the National Archives in an electronic medium if feasible. If transfer in an electronic medium is not feasible, paper or microfilm copies will be transferred.

9. Nuclear Regulatory Commission, Office of Investigations (N1–431–01–1, 3 items, 2 temporary items). Electronic copies of documents created using electronic mail and word processing that pertain to investigation case files. This schedule also increases the retention period of recordkeeping copies of case files that were previously approved for disposal and lengthens the amount of time the agency will retain selected files that were previously approved for permanent retention before transferring them to the National Archives.

10. Tennessee Valley Authority, River Systems Operations and Environment (N1–142–99–14, 5 items, 4 temporary items). Engineering laboratory records relating to projects conducted on behalf of agency offices and other agencies and institutions. These files include such records as raw field data, preliminary reports, model studies, reference copies of technical reports, and electronic copies of documents created using electronic mail and word processing. This schedule increases the retention period for certain of these records, which were previously approved for disposal. Unidentified or highly technical photographs of routine activities accumulated by the engineering laboratory are also proposed for disposal. Significant program records relating to river system projects and studies undertaken ca. 1935 to 1978 by the Project Planning Branch are proposed for permanent retention. However, during archival processing, staff of the National Archives and Records Administration will remove and destroy non-permanent material, such as duplicate copies and technical metadata.

11. Tennessee Valley Authority, Agency-wide (N1–142–00–6, 3 items, 3 temporary items). Records relating to the construction, inspection, survey, and modification of individual pipelines. Included are such records as schedules of activities, position responsibilities, standard inspection reports, and electronic copies of documents created using electronic mail and word processing.

12. Tennessee Valley Authority, Agency-wide (N1–142–00–7, 4 items, 4 temporary items). Temperature charts, pressure charts, and turbine supervisory charts relating to electrical generating equipment at power plants operated using water power, coal, or oil. Also included are electronic copies of documents created using electronic mail and word processing.

Dated: February 14, 2001.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 01–4564 Filed 2–23–01; 8:45 am]

BILLING CODE 7515–01–U

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts; National Council on the Arts 142nd Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on March 9, 2001 from 9:00 a.m.–3:30 p.m. in Room M–09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506.

The meeting will be open to the public on a space available basis. Following opening remarks and announcements, there will be Congressional and budget updates and a guest presentation by folklorist Barre Toelken of Utah State University. This will be followed by presentations on three aspects of cultural heritage. Presenters will be: Barbara Horgan (George Balanchine Trust), Aaron Flagg (jazz trumpeter, Juilliard School), and Mary Louise Defender-Wilson (Native American storyteller). The meeting will also include presentations on international cultural heritage by Christine Vincent (Ford Foundation's

artist collaboration initiative) and James Bau Graves (Center for Cultural Exchange/Portland, ME). Other topics will include: Application Review for Access, Education, Heritage/Preservation, National Heritage Fellowships, and Leadership Initiatives; review of Guidelines for Partnerships, National Heritage Fellowships, American Jazz Masters Fellowships, Folk Infrastructure Initiative, and Arts on Radio and Television; and general discussion.

If, in the course of discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Additionally, discussion concerning purely personal information about individuals, submitted with grant applications, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506, 202/682–5532, TTY–TDD 202/682–5429, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from the Office of Communications, National Endowment for the Arts, Washington, D.C. 20506, at 202/682–5570.

Dated: February 20, 2001.

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines and Panel Operations.

[FR Doc. 01–4558 Filed 2–23–01; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Anthropological and Geographic Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following seven meetings of the Advisory Panel for Anthropological and Geographic Sciences (#1757):

Date & Time: April 22–23, 2001; 8:30 a.m.–6 p.m.

Place: Salon 802, Le Meridien Hotel, 614 Canal Street, New Orleans, LA.

Contact Person: Dr. John Yellen, Program Director for Archaeology and Archaeometry Program, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone (703) 292–7322.

Agenda: To review and evaluate Archaeology proposals as part of the selection process for awards.

Date & Time: April 23–24, 2001; 8:30 a.m.–5 p.m.

Place: Le Meridien Hotel, Rm. 970.

Contact Person: Dr. Mark Weiss, Program Director for Physical Anthropology, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7321.

Agenda: To review and evaluate Physical Anthropology proposals as part of the selection process for awards.

Date & Time: April 19–20, 2001; 8:30 a.m.–5 p.m.

Place: Le Meridien Hotel, Rm. 365.

Contact Person: Dr. Stuart Plattner, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7315.

Agenda: To review and evaluate Cultural Anthropology proposals as part of the selection process for awards.

Date & Time: March 28–29, 2001; 8:30 a.m.–5 p.m.

Place: Rm. 120, Hyatt Regency Menda Salon de Conferencia, Merida, Mexico.

Contact Person: Dr. Stuart Plattner, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7315.

Agenda: To review and evaluate Cultural Anthropology dissertation proposals as part of the selection process for awards.

Date & Time: April 5–6, 2001; 8:30 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Contact Person: Dr. Nina Lam, Program Director for Geography and Regional Science, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7313.

Agenda: To review and evaluate Geography and Regional Science proposals as part of the selection process for awards.

Date & Time: April 19–20, 2001; 8:30 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, Va.

Contact Person: Dr. Nina Lam, Program Director for Geography and Regional Science, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7313.

Agenda: To review and evaluate Geography and Regional Science dissertation proposals as part of the selection process for awards.

Date & Time: April 10, 2001; 8:30 a.m.–2 p.m.

Place: Salon 802, Le Meridien Hotel, 614 Canal Street, New Orleans, LA 70130.

Contact Person: Dr. John Yellen, Program Director for Archaeology and Archaeometry Program, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7322

Agenda: To review and evaluate Archaeometry proposals as part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 20, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4563 Filed 2–23–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological Sciences; Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory for Committee for Biological Sciences; Committee of Visitors (1110)

Date/Time: March 20–22, 2001; 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA. Rm. 680.

Type of Meeting: Part Open, Part Closed (see Agenda)

Contact Person: Dr. Judith Verbeke, Division of Integrative Biology and Neuroscience, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. Telephone: (703) 292–8420.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: To provide oversight review of the Division of Integrative Biology and Neuroscience. Open Sessions: Tuesday March 20, 8:30–10–30 a.m. Wednesday March 21, noon-1:00 p.m.; Thursday 22, 1:00–2:00 p.m.

Reason for Closing: The meeting has some sessions which are closed to the public, when the Committee is reviewing proposal actions that will include privilege intellectual property and personal information that could harm individuals if disclosed. These matters are exempt under U.S.C. (c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 20, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4562 Filed 2–23–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Computer-Communications Research (1192).

Date: March 19, 2001.

Time: 8:30 a.m.–6 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Rm. 1150, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Mukesh Singhal, Program Director, Operating Systems & Compilers (OSC), CISE/CCR, Room 1145 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 (703) 292–8912.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Operating Systems & Compilers proposals as a part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under (4) and (6) of 5 U.S.C. 552b(c), of the Government in the Sunshine Act.

Dated: February 20, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4560 Filed 2–23–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Earth Science Proposal Review Panel; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Earth Sciences Proposal Review Panel (1569).

Date/Time: March 21–23, 2001, 8 a.m.–6 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA Rm. 110.

Type of Meeting: Closed.

Contact Person: Dr. Herman B. Zimmerman, Division Director, Division of Earth Sciences, Room 785, National Science Foundation, Arlington, VA (703) 292–8550.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate earth sciences proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 20, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4561 Filed 2–23–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SKILL STANDARDS BOARD

Notice of Open Meeting

AGENCY: National Skill Standards Board.

ACTION: Notice of open meeting.

SUMMARY: The National Skill Standards Board was established by an Act of Congress, the National Skill Standards Act, Title V, Pub. L. 103–227. The 25-member National Skill Standards Board will serve as a catalyst and be responsible for the development and implementation of a voluntary national system of skill standards and certification through voluntary partnerships which have the full and balanced participation of business, labor, education, civil rights organizations and other key groups.

Time & Place: The meeting will be held from 8:30 am to approximately 12:00 pm on Thursday, March 22, 2001, at the Milton Hershey School, PO Box 830 Hershey, PA 17033, in Cocoa Rooms IV and V. (717) 520–2000.

Agenda: The agenda for the Board Meeting will include: an update from the Board's committees; presentations from representatives of the Education and Training Voluntary Partnership (E&TVP), Hospitality and Tourism Skill Standards Council (HTSSC), Manufacturing Skill Standards Council (MSSC) and Sales & Service Voluntary Partnership (S&SVP).

Public Participation: The meeting, from 8:30 am to 12:00 pm, is open to the public. Seating is limited and will be available on a first-come, first-served basis. Seats will be reserved for the media. Individuals with disabilities should contact Leslie Donaldson at (202) 254–8628 if special accommodations are needed.

FOR FURTHER INFORMATION CONTACT: Dave Wilcox, Executive Deputy Director at (202) 254–8628.

Signed at Washington, DC, 21st day of February, 2001.

Edie West,

Executive Director, National Skill Standards Board.

[FR Doc. 01–4654 Filed 2–23–01; 8:45 am]

BILLING CODE 4510–DF–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 040–08794]

Notice of Consideration of Amendment Request for Molycorp, York, PA, Site and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Source Materials License SMB–1408 issued to Molycorp, Inc., (Molycorp), to plug and abandon ground water monitoring wells at the Molycorp, York, PA, site. Several of these wells are designated in the license and samples are required to be drawn from these designated wells biannually. Molycorp has asserted that this action is needed to begin cleanup activities in the areas surrounding the wells. Molycorp has committed to install new wells in the same locations and screened at the same intervals as the existing wells designated in the license. Prior to installing the new wells, Molycorp has committed to confer with both NRC and the Pennsylvania Department of Environmental Protection to ensure that the new well locations are satisfactory. Molycorp expects to install the new wells in August 2001 and to complete biannual sampling for the year 2001 by sampling the new wells twice before year end. Molycorp's request is contained in a letter to NRC dated January 29, 2001.

If the NRC approves this request, the approval will be documented in a license amendment to NRC License SMB–1408. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a safety evaluation report and either an environmental assessment or a determination of a categorical exclusion.

NRC hereby provides notice that this is a proceeding on an application for an amendment of a license falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules of practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to: Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738, between 7:45 am and 4:15 pm, Federal workdays; or

2. By mail or facsimile addressed to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Attention: Rulemakings and Adjudications Staff.

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally, or by mail, to:

1. The applicant, Molycorp, Inc., 300 Caldwell Avenue, Washington, PA 15301, Attention: George Dawes, and,

2. The NRC staff, by delivery to the General Counsel, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Room 0–15 D21, Rockville, MD 20852–2738, between 7:45 am and 4:15 pm, Federal workdays, or by mail, addressed to the General Counsel, U.S. Nuclear Regulatory Commission, Mailstop 0–15 D21, Washington, DC 20555–0001.

In addition to meeting other applicable requirements of 10 CFR Part 2 of NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and,

4. The circumstance establishing that the request for a hearing is timely in accordance with § 2.1205(d).

FOR FURTHER INFORMATION CONTACT: The application for the license amendment and supporting documentation are available for inspection at NRC's Public Document Room, 11545 Rockville Pike, Rockville MD, 20055, and at NRC's Public Electronic Reading Room on the NRC web site at http://www.nrc.gov/NRC/ADAMS/index.html. Any questions with respect to this action should be referred to Tom McLaughlin, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–5869. Fax: (301) 415–5398.

Dated at Rockville, Maryland, this 16th day of February 2001.

For the Nuclear Regulatory Commission.

Tom McLaughlin,

Project Manager, Facilities Decommissioning Section, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–4626 Filed 2–23–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–318]

Calvert Cliffs Nuclear power Plant, Inc.; Calvert Cliffs Nuclear Power Plant, Unit No. 2, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a temporary exemption from the provisions of 10 CFR 50.44, 10 CFR 50.46, and Appendix K to 10 CFR part 50 for Renewed Facility Operating License No. DPR–69 issued to Calvert Cliffs Nuclear Power Plant, Inc. (CCNPPI or the licensee) for operation of the Calvert Cliffs Nuclear Power Plant, Unit 2 (CCNPP2) located in Calvert County, Maryland.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow the licensee to use a lead fuel assembly with a limited number of fuel rods with advanced cladding material, a zirconium-based alloy, that does not meet the definition of Zircaloy or ZIRLO, which are referred to in Title 10 of the *Code of Federal Regulations*. The lead fuel assembly is scheduled to be loaded into the CCNPP2 reactor core during the upcoming refueling outage and would remain in the core for Cycle 14. The proposed action is in accordance with the licensee's application for exemption dated September 14, 2000, as supplemented on December 21, 2000.

The Need for the Proposed Action

The proposed temporary exemption from 10 CFR 50.44, 10 CFR 50.46, and Appendix K to 10 CFR part 50 is needed because these regulations specifically refer to light-water reactors containing fuel consisting of uranium oxide pellets enclosed in zircaloy or ZIRLO tubes. A new zirconium-based alloy cladding has been developed, which is not the same chemical composition as zircaloy or ZIRLO. Therefore, the licensee needs an exemption to insert an assembly containing fuel rods with the new cladding material into the CCNPP2 reactor core and test it during power operation.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that, with regard to potential radiological impacts to the general public, the proposed temporary exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. The lead fuel assembly, with the zirconium-based alloy cladding, meets the same design basis as the Zircaloy-4 fuel that is currently in the CCNPP2 reactor core. No safety limits will be changed or setpoints altered as a result of using the lead fuel assembly. The Updated Final Safety Analysis Report analyses are bounding for the lead fuel assembly as well as the remainder of the core. The mechanical properties and behavior of the lead fuel assembly during postulated loss-of-coolant-accidents (LOCAs) and non-LOCA transients and operational transients will be essentially the same as those for the current fuel. In addition, the lead fuel assembly represents a small portion of the total core and will be placed in a non-limiting location.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. The proposed action does not involve any historic sites. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the exemption would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for CCNPP2.

Agencies and Persons Contacted

In accordance with its stated policy, on January 18, 2001, the staff consulted with the Maryland State official, Mr. Richard McLean of the Department of Natural Resources, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the licensee's letters dated September 14, 2000, and December 21, 2000, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 20th day of February 2001.

For the Nuclear Regulatory Commission.

Donna M. Skay,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–4628 Filed 2–23–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–286]

Entergy Nuclear Operations, Inc.; Indian Point Nuclear Generating Unit No. 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR–64, issued to Entergy Nuclear Operations, Inc. (the licensee), for operation of the Indian Point Nuclear Generating Unit No. 3 (IP3) located in Westchester County, New York.

Environmental Assessment

Identification of the Proposed Action

The proposed action would modify the Technical Specifications (TSs) by replacing them with Improved Standard Technical Specifications (ISTS). The amendment would also change requirements regarding setpoints or allowable values associated with power range flux, pressurizer pressure, overtemperature delta T, overpower deltaT, low reactor coolant loop flow, high pressurizer water level, steam generator water level, containment pressure, auto stop oil pressure, high steam line differential pressure and high steam flow; it would extend the allowable time to restore an inoperable power operated relief valve to service; it would extend the frequency for the pressure isolation valve leakage testing surveillance from 18 to 24 months; it would change current TS requirements by focusing on ensuring containment integrity at individual component level rather than at a zone level; and it would add main steam check valve operability conditions.

The proposed action is in accordance with the licensee's application for amendment dated December 11, 1998, as supplemented by letters dated December 15, 1998, May 17, 1999, August 16, 2000, September 8, 2000, September 14, 2000, September 27, 2000, November 30, 2000, January 8, 2001, and January 11, 2001.

The Need for the Proposed Action

The proposed action is necessary to allow the licensee to implement the ISTS. The ISTS are based on standard Westinghouse Technical Specifications and have been implemented by several utilities. They are widely considered an improvement over current TSs.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the proposed amendment will have no significant environmental impact. The ISTS are based on the standard Westinghouse TSs and are widely used throughout the industry.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for IP3.

Agencies and Persons Consulted

In accordance with its stated policy, on January 24, 2001, the staff consulted with the New York State official, Jay Dunkelberger of the New York Department of Radiation Health, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated December 11, 1998, as supplemented by letters dated December 15, 1998, May 17, 1999, August 16, 2000, September 8, 2000, September 14, 2000, September 27, 2000, November 30, 2000, January 8, 2001, and January 11, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 16th day of February 2001.

For the Nuclear Regulatory Commission.

George F. Wunder,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–4625 Filed 2–23–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–11]

Sacramento Municipal Utility District Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.72(d) to Sacramento Municipal Utility District (SMUD or applicant). The requested exemption would allow SMUD to maintain a single set of spent fuel records at a records storage facility that satisfies the requirements set forth in ANSI/ASME, NQA–1–1983, Supplement 17S–1 and the standards in ANSI N45.2.9–1974, for the Independent Spent Fuel Storage Installation (ISFSI) at the Rancho Seco Nuclear Generating Station (Docket No. 72–11) in Sacramento County, California.

Environmental Assessment (EA)

Identification of Proposed Action

By letter dated December 13, 2000, SMUD requested an exemption from the requirement in 10 CFR 72.72(d) which states in part that, "Records of spent fuel and high level radioactive waste in storage must be kept in duplicate. The duplicate set of records must be kept at a separate location sufficiently remote from the original records that a single event would not destroy both sets of records." The applicant proposes to store a single set of spent fuel records at a records storage facility that satisfies the requirements set forth in ANSI/ASME, NQA–1–1983, Supplement 17S–1 including the standards in ANSI N45.2.9–1974.

The proposed action before the Commission is whether to grant this exemption pursuant to 10 CFR 72.7.

Need for the Proposed Action

The applicant stated that, pursuant to 10 CFR 72.140(d), the Rancho Seco Quality Manual will be used to satisfy the Quality Assurance (QA) requirements for the ISFSI. The Quality Manual states that QA records are maintained in accordance with commitments to ANSI/ASME, NQA–1–1983, Supplement 17S–1 as well as ANSI N45.2.9–1974. ANSI/ASME NQA–1–1983, Supplement 17S–1 and ANSI N45.2.9–1974 allow for the storage of QA records in a duplicate storage location sufficiently remote from the original records or in a single records storage facility subject to certain provisions designed to protect the records from fire and other adverse conditions. The applicant seeks to provide uniform and consistent recordkeeping procedures and processes for the Rancho Seco Nuclear Generating Station and ISFSI spent fuel records. The applicant states that requiring a separate method of record storage for ISFSI records diverts resources unnecessarily.

ANSI/ASME NQA–1–1983, Supplement 17S–1 and ANSI N45.2.9–1974 provide requirements for the protection of nuclear power plant QA records against degradation. They specify design requirements for use in the construction of record storage facilities when use of a single storage facility is desired. They include specific requirements for protection against degradation mechanisms such as fire, humidity, and condensation. The requirements in ANSI/ASME NQA–1–1983, Supplement 17S–1 and ANSI N45.2.9–1974 have been endorsed by the NRC in Regulatory Guide 1.88, "Collection, Storage and Maintenance of Nuclear Power Plant Quality Assurance Records," as adequate for satisfying the recordkeeping requirements of 10 CFR Part 50, Appendix B. ANSI/ASME NQA–1–1983, Supplement 17S–1 and ANSI N45.2.9–1974 also satisfy the requirements of 10 CFR 72.72 by providing for adequate maintenance of records regarding the identity and history of the spent fuel in storage. Such records would be subject to and need to be protected from the same types of degradation mechanisms as nuclear power plant QA records.

Environmental Impacts of the Proposed Action

Exemption from the requirement to store ISFSI records at a duplicate facility has no impact on the environment. Storage of records does not change the methods by which spent fuel will be handled and stored at the Rancho Seco Nuclear Generating Station and ISFSI and does not change the amount of any effluents, radiological or non-radiological, associated with the ISFSI.

Alternative to the Proposed Action

Since there are no environmental impacts associated with the proposed action, alternatives are not evaluated other than the no action alternative. The alternative to the proposed action would be to deny approval of the exemption and, therefore, not allow storage of ISFSI spent fuel records at a single qualified record storage facility. However, the environmental impacts of the proposed action and the alternative would be the same.

Agencies and Persons Consulted

On January 23, 2001, California State official, Steven Hsu of the Radiological Health Branch of the California Department of Health, was contacted regarding the environmental assessment for the proposed action and had no comments.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.72(d), so that SMUD may store spent fuel records at the ISFSI in a single record storage facility which meets the requirements of ANSI/ASME, NQA–1–1983, Supplement 17S–1 and the standards in ANSI N45.2.9–1974, will not significantly impact the quality of the human environment. Accordingly, the Commission has determined that an environmental impact statement for the proposed exemption is not necessary.

The request for exemption was docketed under 10 CFR Part 72, Docket 72–11. For further details with respect to this action, see the exemption request dated December 13, 2000, which is available for public inspection at the Commission's Public Document Room, One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852, or from the publicly available records component of NRC's Agencywide Document Access and Management System (ADAMS).

ADAMS is accessible from the NRC web site at *http://www.nrc.gov/NRC/ADAMS/index.html* (the Public Electronic Reading Room).

Dated at Rockville, Maryland, this 14th day of February 2001.

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–4630 Filed 2–23–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a proposed revision of a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, DG–1087 (which should be mentioned in all correspondence concerning this draft guide), is titled "Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Hazardous Chemical Release." DG–1087 is a proposed Revision 1 of Regulatory Guide 1.78, and it is being revised to propose guidance on control room habitability during a postulated hazardous chemical release, including chlorine. When Revision 1 of Regulatory Guide 1.78 is issued, it will incorporate and withdraw Regulatory Guide 1.95, "Protection of Nuclear Power Plant Control Room Operators Against an Accidental Chlorine Release," since many of the regulatory positions in these two guides are the same or similar.

This draft guide has not received complete staff approval and does not represent an official NRC staff position.

Comments may be accompanied by relevant information or supporting data. Written comments may be submitted to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, Maryland. Comments will be most helpful if received by April 10, 2001.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC home page (http://www.nrc.gov). This site provides the ability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail *CAG@NRC.GOV*. For information about the draft guide and the related documents, contact Mr. S. Basu at (301) 415–6774; e-mail SXB2@NRC.GOV.

Although a time limit is given for comments on this draft guide, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415–4737 or (800) 397–4209; fax (301) 415–3548. Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Reproduction and Distribution Services Section; or by fax to (301) 415–2289, or by e-mail to <DISTRIBUTION@NRC.GOV>. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 2nd day of February 2001.

For the Nuclear Regulatory Commission.

Farouk Eltawila,

Acting Director, Division of Systems Analysis and Regulatory Effectiveness, Office of Nuclear Regulatory Research.

[FR Doc. 01–4627 Filed 2–23–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Regulatory Guides; Withdrawal

The Nuclear Regulatory Commission is withdrawing Regulatory Guide 8.14, "Personnel Neutron Dosimeters." Revision 1 of Regulatory Guide 8.14, published in August 1977, endorsed ANSI N319–1976, "American National Standard for Personnel Neutron Dosimeters (Neutron Energies Less Than 20 MeV)," which has been replaced by ANSI N13.52–1999, "Personnel Neutron Dosimeters." Regulatory Guide 8.14 does not need to be revised because regulations are in place that require licensees to have an adequate dosimetry program.

Licensees are required by 10 CFR 20.1501 to use dosimetry processors accredited through the National Voluntary Laboratory Accreditation Program (NVLAP). NVLAP requires processors to use new standards for personnel dosimetry, ANSI N13.52–1999 and ANSI N13.11–1993, "Personnel Dosimetry Performance-Criteria for Testing," to maintain an appropriate quality for dosimetry processing.

Licensees should note that the guidance in Regulatory Positions 1.b and 1.c of Regulatory Guide 8.14 regarding the use of calculated neutron dose equivalents is also contained in Regulatory Guide 8.4, "Direct-Reading and Indirect-Reading Pocket Dosimeters." The use of calculated neutron dose equivalents is still applicable because Regulatory Guide 8.4 has not been withdrawn.

Regulatory guides may be withdrawn when they are superseded by the NRC's regulations, when equivalent recommendations have been incorporated in applicable approved codes and standards, or when changes in methods and techniques or in the need for specific guidance have made them obsolete.

Comments and suggestions in connection with regulatory guides being developed and effective guides are encouraged at any time. Written comments may be submitted to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 9th day of February 2001.

For the Nuclear Regulatory Commission.

Margaret V. Federline,

Deputy Director, Office of Nuclear Regulatory Research.

[FR Doc. 01–4629 Filed 2–23–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Form U–6B–2; SEC File No. 270–169; OMB Control No. 3235–0163]

Proposed Collection; Comment Request; Extension

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The Public Utility Holding Company Act of 1935 [15 U.S.C. Section 79A *et seq.*] requires the filing of an application

and/or declaration on Form U–1 for prior Commission approval both for the issue and sale of a security and its acquisition by a company in a registered holding company system.[1] Section 6(b) provides that the Commission shall exempt from the requirement of filing a declaration on Form U–1, by rules and regulations or orders and subject to such terms and conditions, as it deems appropriate in the public interest or for the protection of investors or consumers, certain security issuances and sales.

Section 6(b) also contains a reporting requirement. It directs the issuer of securities exempted under section 6(b) to file with the Commission within ten days of the issue or sale of a certificate notification and directs the Commission to prescribe the form of and information required in this certificate. Rule 20(d) prescribes Form U–6B–2 as the form of certificate of notification to be filed pursuant to section 6(b). Form U–6B–2 is also prescribed by Rule 52(c)(17 CFR 250.52(c)) and rule 47(b)(17 CFR 250.47(b)) as the form of certificate of notification to be filed by a public utility subsidiary company of a registered holding company to notify the Commission of exempt issuances and sales of securities under Rule 52 Exemption of Issue and Sale of Certain Securities approved by state commissions and Rule 47 Exemption of Public Utility Subsidiaries as to Certain Securities Issued to the Rural Electrification Administration. The Commission receives about 89 Form U–6B–2s per year from 89 respondents who each file once, which imposes an annual burden of about 89 hours.

The estimates of the average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 14, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4649 Filed 2–23–01; 8:45 am]

BILLING CODE 8010–01–M

[1] See section 6(a)(requiring prior Commission approval under the standards of section 7 for the issue and sale of securities) and section 9(a)(1)(requiring prior Commission approval under the standards of section 10 for the acquisition of securities).

SECURITIES AND EXCHANGE COMMISSION

[Proposed Form N–6; SEC File No. 270–446; OMB Control No. 3235–0503]

Proposed Collection; Comment Request; Extension

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit to the Office of Management and Budget a request for an extension of this previously approved collection of information.

The title for the collection of information is "Form N–6 Under the Investment Company Act of 1940 and the Securities Act of 1933, Registration Statement of Variable Life Insurance Separate Accounts Registered as Unit Investment Trusts."

On March 13, 1998, the Securities and Exchange Commission proposed a new Form N–6 for insurance company separate accounts that are registered as unit investment trusts that offer variable life insurance policies. The form would be used by these separate accounts to register under the Investment Company Act of 1940 and to offer their securities under the Securities Act of 1933. For these registrants, the proposed form would replace Form N–8B–2, currently used by all unit investment trusts to register under the Investment Company Act, and Form S–6, currently used by all unit investment trusts to offer their securities under the Securities Act. Forms S–6 and N–8B–2 were not designed for variable life insurance registrants and do not reflect fundamental improvements that the Commission has made to other investment company registration forms, including Forms N–1A and N–4, which facilitate clearer and more concise disclosure. If adopted, proposed Form N–6 would:

- Eliminate requirements in the current registration forms that are not relevant to variable life insurance and include items that are specifically addressed to variable life insurance;
- Streamline variable life prospectus disclosure by adopting a two-part format consisting of a simplified prospectus, designed to contain essential information, and a Statement of Additional Information, containing more extensive information that investors could obtain upon request; and
- Provide variable life separate accounts a single, integrated form for Investment Company Act and Securities Act registration, thereby eliminating unnecessary paperwork and duplicative reporting.

The Commission estimates that there are approximately 200 separate accounts registered as unit investment trusts and offering variable life insurance policies that would file registration statements on proposed Form N–6. The Commission estimates that there will be as many as 50 initial registration statements on proposed Form N–6 filed annually. The Commission estimates, therefore, that approximately 250 registration statements (200 post-effective amendments plus 50 initial registration statements) will be filed on Form N–6 annually.

The Commission estimates that the hour burden for preparing and filing a post-effective amendment on proposed Form N–6 will be 100 hours. Thus, the total annual hour burden for preparing and filing post-effective amendments would be 20,000 hours (200 post-effective amendments annually times 100 hours per amendment). The Commission estimates that the hour burden for preparing and filing an initial registration statement on proposed Form N–6 will be 800 hours. Thus, the annual hour burden for preparing and filing initial registration statements would be 40,000 hours (50 initial registration statements annually times 800 hours per registration statement). The total annual hour burden for proposed Form N–6, therefore, is estimated to be 60,000 hours (20,000 hours for post-effective amendments plus 40,000 hours for initial registration statements).

The Commission estimates that the cost burden for preparing and filing a post-effective amendment on proposed Form N–6 will be $7,500. Thus, the total annual cost burden for preparing and filing post-effective amendments would be $1,500,000 (200 post-effective amendments annually times $7,500 per amendment). The Commission estimates that the cost burden for preparing and filing an initial registration statement on proposed Form N–6 will be $20,000. Thus, the annual cost burden for preparing and filing initial registration statements would be $1,000,000 (50 initial registration statements annually times $20,000 per registration statement). The total annual cost burden for proposed Form N–6, therefore, is estimated to be $2,500,000 ($1,500,000 for post-effective amendments plus $1,000,000 for initial registration statements).

The hour and cost burdens would be offset by a decrease in the burdens attributable to Forms N–8B–2 and S–6 because separate accounts registering on Form N–6 would no longer be required to register on Forms N–8B–2 and S–6. The Commission expects that the aggregate burden imposed by Forms N–6, S–6, and N–8B–2 after Form N–6 is adopted will be no greater, and may be less, than the burden currently imposed by Forms S–6 and N–8B–2.

Form N–6 has not yet been adopted, and therefore no variable life separate accounts are currently using Form N–6 to register pursuant to the Securities Act and the Investment Company Act.

The information collection requirements that would be imposed by Form N–6 are mandatory. Responses to the collection of information will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 16, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4650 Filed 2–23–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27347]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

February 16, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 13, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 13, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Dominion Resources, Inc., et al. (70–9807)

Dominion Resources, Inc. ("DRI"), a registered public utility holding company under the Act, and is wholly owned electric utility company subsidiary, Virginia Electric and Power Company ("Vepco"), both located at 120 Tredegar Street, Richmond, VA 23219, have filed an application under sections 9(a)(1) and 10 of the Act.

DRI and Vepco request approval of Vepco's proposed acquisition of three generating facilities ("Generating Facilities") located in Hopewell, Altavista, and Southampton County, Virginia, within Vepco's service area. Vepco would effect the acquisition by purchasing all of the partnership interests in each of the three limited partnerships that currently own the facilities.

Each of the three Generating Facilities is currently both a "qualifying facility" ("QF") under the Public Utility Regulatory Policies Act of 1978, as amended ("PURPA"), and an "exempt wholesale generator" ("EWG") under section 32 of the Act. Each comprises a stoker coal-fired cogeneration facility with a maximum net power production capacity of 62.7 MW and related interconnection facilities that is interconnected with Vepco, to whom it sells all of its energy and capacity through long term power purchase and operating agreements, at the high voltage (115 kV) side of its main step-up transformer. Upon consummation of the proposed acquisition, the Generating Facilities will no longer meet the criteria for QFs and PURPA and for EWGs under the Act. The Generating Facilities would then be operated in the same manner as the rest of Vepco's facilities, and their production would be controlled by the same mechanism that drive the dispatch of Vepco's other facilities. The same system operator responsible for coordination and control of Vepco's other generating units will also be responsible for the Generating Facilities, and their dispatch order will be based on their relative operating expenses compared with the rest of Vepco's generating units, and their capacity and energy will be available for Vepco's native load.

Three California general partnerships ("Partnerships"), LG&E—Westmoreland Southampton ("Southampton"), LG&E—Westmoreland Altavista ("Altavista") and LG&E—Westmoreland Hopewell ("Hopewell") currently own and operate the Generating Facilities. The Partnerships are owned by six limited partnerships and three corporations ("Seller"): Westpower-Franklin, L.P., a Virginia limited partnership, LG&E Southampton, L.P., a California limited partnership, LG&E Power 11 Incorporated, a California corporation, Westpower—Altavista, L.P., a Virginia limited partnership, LG&E Altavista, L.P., a California limited partnership, LG&E Power 12 Incorporated, a California corporation, Westpower-Hopewell, L.P., a Virginia limited

partnership, LG&E Hopewell, L.P., a California limited partnership, and LG&E Power 13 Incorporated, a California corporation.

The acquisition would be effected through a Put and Call Agreement dated November 22, 2000 ("Agreement") that Vepco has entered into with the Sellers. Under the terms of that Agreement, Vepco grants Sellers an absolute right and option to require Vepco to purchase and accept the transfer of the Sellers' interests in the Partnerships (the "Put"). The Sellers may exercise the Put at any time from and after January 5, 2001 and before September 30, 2001. The Sellers also grant to Vepco an absolute and exclusive right and option to require Sellers to sell and transfer to the Company Sellers' interests in the partnerships (the "Call"). Vepco may exercise the Call at any time on or after March 1, 2001 and before September 30, 2001. Through either the Put or the Call, Vepco may acquire the entirety of the Sellers' interests in the Partnerships. When Vepco acquires the Sellers' interests in the Partnerships, the Partnerships will dissolve as a matter of law, and Vepco will directly hold title to the Generation Facilities.

The Sellers will receive approximately $206 million in consideration in exchange for their partnership interests. Vepco will initially finance the acquisition through commercial paper issuances, which at some later date, and possibly combined with other outstanding commercial paper may be refinanced with long-term debt under currently approved issuance authority. Vepco received authorization to issue securities in an amount sufficient to cover the costs of the acquisition in an order from the Virginia State Corporation Commission (PUF 000016, May 26, 2000), that was registered with the Commission on June 8, 2000 (SEC File No. 333–38510). Accordingly, all financings for the acquisition will be accomplished in compliance with rule 52.

Entergy Corporation, et al. (70–8699)

Entergy Corporation ("Entergy"), a registered holding company, 639 Loyola Avenue, New Orleans, Louisiana 70113, and its retail public utility subsidiary companies, Entergy Arkansas, Inc., 425 West Capitol Avenue, Little Rock, Arkansas 72201, Entergy Gulf States, Inc., 350 Pine Street, Beaumont, Texas 77701, Entergy Louisiana, Inc. 4809 Jefferson Highway, Jefferson Louisiana 70121, Entergy Mississippi, Inc. ("Mississippi"), 308 East Pearl Street, Jackson, Mississippi 39201, Entergy New Orleans, Inc. ("New Orleans"), 1600 Perdido Building, New Orleans, Louisiana 70112, as well as Entergy's service company subsidiary, Entergy Services, Inc. ("ESI"), 639 Loyola Avenue, New Orleans, Louisiana 70113, System Energy Resources, Inc., a generating public utility subsidiary company of Entergy, Entergy Operations, Inc., a nuclear management public utility of Entergy, both located at 1340 Echelon Parkway, Jackson, Mississippi 39213, and System Fuels, Inc. ("SFI"), a nonutility subsidiary, 350 Pine Street, Beaumont, Texas 77701 (Mississippi, New Orleans, ESI and SFI, collectively, "Applicants"), have filed a post-effective amendment to their application-declaration under sections 6(a), 7, 9(a), 10, and 12(b) of the Act and rules 43, 45 and 54 under the Act.

In *Entergy Corp, et al.*, Holding Co. Act Release No. 26617 (November 27, 1996) ("1996 Order"), the Commission, among other things, authorized Applicants to engage in short-term borrowings through November 30, 2001 ("Authorization Period") in the following amounts: (1) $103 million for Mississippi; (2) $35 million for New Orleans; (3) $150 million for ESI; and (4) $95 million for SFI [1]

Applicants now request increases in their short-term borrowing limits by the following amounts: (1) $57 million, for a total of $160 million for Mississippi; (2) $35 million, for a total of $60 million for New Orleans; (3) $50 million, for a total of $200 million for ESI; and (4) $105 million, for a total of $200 million for SFI.

The short-term borrowings may take the form of borrowings from the Entergy intrasystem money ("Money Pool") and in the case of Mississippi and New Orleans, issuance and sale of short term notes and commercial paper to banks and dealers in commercial paper. The terms of the commercial paper, bank borrowings, and Money Pool borrowings will remain unchanged from the 1996 Order. Applicants request the proposed increases because of increased fuel costs, increased capital spending on transmission and distribution facilities to improve system reliability, and other general corporate purposes.

Alliant Energy Corporation et al. (70–9735)

Alliant Energy Corporation ("Alliant"), a registered public utility holding company and its wholly owned utility subsidiaries, Wisconsin Power & Light Company ("WPL") and South Beloit Water, Gas & Electric Company ("South Beloit"), each with principal executive offices N16 W23217 Stone Ridge Drive, Waukesha, Wisconsin 53187, American Transmission Company LLC ("Transco"), a Wisconsin limited liability transmission utility subsidiary company of WPL, and ATC Management Inc., a Wisconsin subsidiary corporation of WPL ("Corporate Manager", and together with Alliant, WPL, South Beloit and Transco, "Applicants"), with principal executive offices at 231 W. Michigan Street, Milwaukee, Wisconsin 53203, have filed a post-effective amendment under sections 6(a), 7, 9(a), 10, and 12 of the Act and rules 43, 44, and 54 under the Act to an application-declaration previously filed.

In the original application, filed on September 25, 2000, Applicants sought various grants of authority, including authority to incur short-term debt under a credit agreement between Transco and Bank One, N.A., as agent ("Credit Facility") and through the sale of commercial paper in an aggregate amount not to exceed $125 million outstanding at any time. Transco was also authorized to incur long-term debt consisting of debentures, bank borrowing and other forms of long-term financing. Transco was authorized to issue short-term and long-term debt in an aggregate amount not to exceed $400 million outstanding at any time. Applicants were authorized to use the proceeds from these financings for "general corporate purposes, including working capital requirements, and to fund construction spending to undertake large scale capital improvements to the Wisconsin transmission system necessary to maintain reliability."

Applicants now request that the Commission expressly authorize them to engage in the transactions set forth in Section 3.10 of the Operating Agreement of American Transmission Company LLC.[2] As contemplated by this provision, Applicants intend to use the proceeds from the issuance of the securities authorized in the Order to redeem Member Units from certain Members as described in Section 3.10 of the Operating Agreement. Additionally, WPL and South Beloit request authority to sell the interests in Transco which Transco seeks to redeem. The redemption is designed to reduce the amount of Transco's equity capitalization and will bring Transco's common equity ratio to approximately fifty percent, which is more congruent with industry standards than its current 100% ratio.

[1] Borrowings by ESI and SFI from Entergy and commercial banks are now exempt from prior Commission approval under rules 45 and 52.

[2] Section 3.10 of the Operating Agreement of American Transmission Company LLC provides that:

(a) The Company shall use its best efforts to issue, within 90 days following the Operations Date, long-term debt in an amount equal to approximately 50% of its total initial capitalization.

(b) The net proceeds of such financing shall be distributed to the Members that contributed Transmission Assets in accordance with their respective Percentage Interests, exclusive of the Percentage Interests held by Members that did not contribute Transmission Assets, and the Corporate Manager shall revise Schedule A to reflect such distribution. Members Units redeemed shall be valued at the initial value, as set forth in the definition of Member Unit.

Consolidated Edison, Inc., et al. (70–9711)

Consolidated Edison, Inc. ("CEI"), a New York corporation and a public utility holding company claiming exemption from registration under section 3(a)(1) by rule 2 under the Act, and Consolidated Edison, Inc. ("New CEI"), a Delaware corporation and a wholly owned subsidiary of CEI, both located at 4 Irving Place, New York, New York 10003; CEI's utility subsidiaries, Consolidated Edison Company of New York, Inc. ("CECONY"), 4 Irving Place, New York, New York 10003, Orange and Rockland Utilities, Inc. ("O&R"),[3] Rockland Electric Company ("RECO"), and Pike County Light & Power Company ("Pike"), all located at 1 Blue Hill Plaza, Pearl River, New York 10965; CEI's nonutility subsidiaries, Consolidated Edison Solutions, Inc. and Consolidated Edison Energy, Inc., both located at 701 Westchester Avenue, Suite 201 West, White Plains, New York 10604, Consolidated Edison Communications, Inc., 132 West 31st Street, 13th Floor, New York, New York 10001, Consolidated Edison Development, Inc. ("CEDI"), CED/SCS Newington, LLC, CED Generation Holding Company, LLC, CED Management Company, Inc., CED Operating Company, L.P., Consolidated Edison Energy Massachusetts, Inc., CED–GTM, LLC, CED Ada, Inc., Lakewood Cogeneration, L.P., CED Lakewood, Inc., CED Generation Lakewood Company, all located at 111 Broadway, 16th Floor, New York, New York 10006; Northeast Utilities ("NU"), a registered public utility holding company, 107 Selden Street, Berlin, Connecticut 06037; NU's utility subsidiaries, Connecticut Light and Power Company ("CL&P"), 107 Selden Street, Berlin, Connecticut 06037, Public Service Company of New Hampshire ("PSNH"), North Atlantic Energy Corporation ("NAEC"), both located at 1000 Elm Street, Manchester, New Hampshire 03105, Western Massachusetts Electric Company ("WMECO"), 174 Brush Hill Road, West Springfield, Massachusetts 01089, Holyoke Water Power Company ("HWP"), 1 Canal Street, Holyoke, Massachusetts 01040, and; NU's nonutility subsidiaries, Northeast Utilities Service Company ("NUSCO"), Northeast Nuclear Energy Company ("NNECO"), NU Enterprises, Northeast Generation Company ("NGC"), Northeast Generation Services Company ("NGCS"), Select Energy, Inc., Mode 1 Communications, Inc., The Rocky River Realty Company, Select Energy Portland Pipeline, Inc., and Charter Oak Energy, each located at 107 Selden Street, Berlin, Connecticut 06037, North Atlantic Energy Services ("NAESCO"), 1000 Elm Street, Manchester, New Hampshire 03105, The Quinnehtuck Company, 174 Brush Hill Road, West Springfield, Massachusetts 01089, HEC, Inc., and Reeds Ferry, Inc., both located at 24 Prime Parkway, Natick, Massachusetts 01760; and Yankee Energy System, Inc. ("YES"),[4] a subsidiary exempt gas utility holding company of NU, 107 Selden Street, Berlin, Connecticut 06037; YES's utility subsidiary, Yankee Gas Services Company ("Yankee Gas"), 599 Research Parkway, Meriden, Connecticut 06405; YES's nonutility subsidiaries, Yankee Energy Financial Services Company and NorConn Properties, Inc., both located at 599 Research Parkway, Meriden, Connecticut 06450, Yankee Energy Services Company, 148 Norton Street, P.O. Box 526 Milldale, Connecticut 06467, and R.M. Services, Inc. ("RMS"), located at 639 Research Parkway, Meriden, Connecticut 06450 (collectively, "Applicants") have filed an application-declaration under sections 6(a), 7, 9, 10, 12, 13, 32, and 33 of the Act and rules 42, 43, 44, 45, 53, 54, and 80–92 under the Act.

I. Background and Summary

CEI and NU have previously filed an application-declaration ("Merger Application")[5] seeking approvals related to the proposed merger of CEI and NU ("Merger"). CEI, NU, New CEI, and N Acquisition LLC, a Massachusetts limited liability company, which is directly and indirectly owned by New CEI, have entered into an amended and restated plan of merger dated as of January 11, 2000 ("Merger Agreement"). Under the Merger Agreement, CEI will be merged with and into New CEI, with New CEI being the surviving entity ("New CEI Merger"), and NU will be merged with N Acquisition, with NU being the surviving entity ("NU Merger"). Upon consummation of the Merger, New CEI will own all of the assets of CEI and NU will become a wholly owned subsidiary of New CEI. Applicants now request authority with respect to financing in connection with the Merger, ongoing financings, and other matters pertaining to New CEI and its subsidiaries after giving effect to the Merger.

Upon completion of the Merger, New CEI will wholly own, directly or indirectly, interests in the following twelve public utility companies: (1) CECONY; (2) O&R; (3) RECO; (4) Pike; (5) CL&P; (6) WMECO; (7) PSNH; (8) NAEC; (9) HWP; (10) Holyoke Power and Electric Company; (11) Yankee Gas; and (12) NNECO (collectively, "Utility Subsidiaries").

As explained more fully in the Merger Application, New CEI has proposed to retain O&R as a subsidiary exempt holding company, NU as a subsidiary registered holding company, and YES as a subsidiary of NU and as an exempt public utility holding company (collectively, "Intermediate Holding Companies").

Upon completion of the Merger, New CEI will also own interests in four companies owning nuclear power plants: Maine Yankee Atomic Power Co. ("Maine Yankee"), Yankee Atomic Electric Company, ("Yankee Atomic,") Connecticut Yankee Atomic Power Company ("Connecticut Yankee"), and Connecticut and Vermont Yankee Nuclear Power Company ("Connecticut and Vermont Yankee"). Maine Yankee, Yankee Atomic and Connecticut Yankee have permanently shut down their plants. Connecticut and Vermont Yankee has contracted to sell its nuclear power plant.

Additionally, upon completion of the Merger, New CEI will own, directly or indirectly, approximately 50 other active nonutility subsidiary companies ("Nonutility Subsidiaries").[6]

Collectively, the Utility Subsidiaries, the Intermediate Holding Companies and the Nonutility Subsidiaries are

[3] O&R is a holding company for Rockland Electric Company and Pike County Light & Power Company. O&R is exempt by order under section 3(a)(2) of the Act. *See Rockland Light and Power Co.*, 1 S.E.C. 354 (1936) (Rockland Light and Power Company subsequently became O&R); *Consolidated Edison, Inc.*, Holding Co. Act Release No. 27021 (May 13, 1999) (authorizing CEI's acquisition of O&R and continuation of O&R's exemption under section 3(a)(2)).

[4] By order dated January 31, 2000, *Northeast Utilities*, (Holding Co. Act Release No. 27127), the Commission approved NU's acquisition of YES. YES is the holding company of Yankee Gas and is currently claiming an exemption from registration under section 3(a)(1) of the Act by rule 2.

[5] The Commission issued a notice of the Merger Application on August 11, 2000 ("Merger Notice"). *See Consolidated Edison, Inc. and Northeast Utilities*, (Holding Co. Act Release No. 27211).

[6] A listing and description of the Nonutility Subsidiaries may be found in the Merger Notice.

referred to as the "Subsidiaries." The term "Subsidiaries" shall also include entities that become subsidiaries of New CEI after the consummation of the Merger.

In summary, Applicants request authority for a period through September 30, 2004 ("Authorization Period"), unless otherwise noted, for: (1) New CEI to issue unsecured debt and hybrid debt securities ("Acquisition Debt") and to refund and replace the Acquisition Debt; (2) New CEI to issue New CEI stock to NU shareholders; (3) Applicants to maintain, amend, and/or refinance existing financing arrangements; (4) New CEI to engage in external financing; (5) New CEI and NU to engage in guaranties of other Nonutility Subsidiaries; (6) the Utility Subsidiaries and the Intermediate Holding Companies to issue short-term debt; (7) the Nonutilities to issue debt and equity securities; (8) New CEI to acquire financing subsidiaries; (9) New CEI and the Subsidiaries to establish a New CEI system money pool ("Money Pool"); (10) New CEI to consolidate or otherwise reorganize one or more of the Nonutility Subsidiaries; (11) the Nonutility Subsidiaries to pay dividends to each subsidiaries' direct parent; (12) New CEI to form two subsidiary service companies; (13) certain Subsidiaries to provide sales and services to certain other Subsidiaries under an exemption from the at cost requirements of section 13(b); (14) Nonutility Subsidiaries to engage in certain categories of energy-related activities outside the United States; (15) New CEI and certain of the Subsidiaries to enter into hedging and derivative transaction for existing and anticipated debt; and (16) the allocation of consolidated income tax liabilities among New CEI and the Subsidiaries.

NU received Commission authorization to issue up to $400 million in short-term debt through June 30, 2002 ("NU Short-term Debt").[7] New CEI and NU request authorization for NU to continue being able to issue the NU Short-term Debt from time to time through the Authorization Period. NU also received Commission authorization to issue up to $275 million in short- or long-term debt for the purpose of acquiring YES (the "YES Acquisition Debt") through June 30, 2002.[8] New CEI and NU request authorization for NU to amend, renew, extend, and/or replace the YES Acquisition Debt through the Authorization Period.

In addition, NU intends to continue to provide guaranties and other forms of credit support with respect to the securities or other obligations ("NU Guaranties") of the nonutility subsidiaries of NU in an aggregate amount not to exceed $500 million, as authorized through December 31, 2002.[9] NU seeks authority to continue to be able to issue NU Guaranties up to such amount through the Authorization Period.

New CEI requests authority to issue and sell from time to time preferred stock ("Preferred Stock") of up to $750 million. New CEI also requests authority to tissue secured or unsecured indebtedness having maturities of one year or less ("Short-term Debt"), and secured or unsecured long-term debt ("Debentures") with an aggregate principal amount at any time outstanding (including debt incurred to acquire NU, "Acquisition Debt") of not more than $4.75 billion. New CEI requests authority to issue Short-term Debt and Debentures in place of NU's authorized Short-term Debt and YES Acquisition Debt. If New CEI substitutes the NU Short-term Debt and the YES Acquisition Debt with New CEI issuances, then New CEI's aggregate debt limit will increase to up to $5.245 billion ("New CEI Debt Limit"). Applicants state that any New CEI short- or long-term debt that will be secured debt will not be secured by shares of stock or other securities or property of the Utility Subsidiaries.

New CEI also requests authority to provide guaranties and other forms of credit support ("New CEI Guaranties") with respect to the securities or other obligations of its Nonutility Subsidiaries in an aggregate principal amount not to exceed $2.5 billion at any one time outstanding. New CEI also requests authority to undertake an additional $500 million of guaranties so that it may assume any of the NU Guaranties it deems necessary and appropriate to acquire. As a result, the New CEI Guaranties could aggregate up to $3.0 billion.

The Utility Subsidiaries and Intermediate Holding Companies request authority to issue, sell and have outstanding at any time Short-term Debt in the following aggregate principal amounts: CECONY, $800 million; O&R, $113 million; Pike, $2 million; RECO, $60 million; CL&P, $375 million; WMECO, $250 million; PSNH, $225 million; NAEC, $260 million; Yankee Gas, $100 million; HWP, $5 million; NNECO, $75 million; NU, $400 million; and YES, $50 million.

Applicants propose that the requested financings will be subject to the limits set forth in the paragraphs above and the following limitations (collectively, "Financing Conditions"), unless otherwise indicated: (1) The cost of money relative to the requested Short-term financing shall not exceed 500 basis points over LIBOR for comparable short term or variable rate debt; (2) the effective cost of money on long-term debt will not exceed at issuance 500 basis points over comparable term U.S. Treasury Securities; (3) the maturity of the debt will not exceed 50 years from date of issuance; (4) New CEI will only issue long-term debt that is at the investment grade level; (5) New CEI's common stock equity will be at least 30% of its consolidated capitalization; (6) the common stock equity of NU and each of the Utility Subsidiaries will be at least 30% of the total capitalization, except that under certain circumstances set forth in *Northeast Utilities, et al.*, Holding Co. Act Release No. 27147 (March 7, 2000), NU's consolidated common equity ratio, and the common equity ratios of the NU's utility subsidiaries may decline below 30%; (7) NU's consolidated common equity ratio will be restored above 30% prior to December 31, 2002; and (8) the underwriting fees, commissions, or other similar remuneration paid in connection with the non-competitive issue, sale or distribution of a security under authority granted to this application-declaration will not exceed 5% of the principal amount of the financing.

The proceeds from the financings will be used for general corporate purposes, including: (1) The refunding of the Acquisition Debt and the YES Acquisition Debt; (2) the financing, in part, of investments made by and capital expenditures of New CEI and its Subsidiaries, including, the funding of future investments in exempt wholesale generators ("EWGs"), foreign utility companies ("FUCOs"), subsidiaries that engage in nonutility businesses permitted by rule 58 under the Act ("Rule 58 Subsidiaries"), and exempt telecommunications companies ("ETCs"); (3) the repayment, redemption, refunding or purchase by New CEI or any Subsidiary of any of its own securities by non-affiliates under rule 42; and (4) financing working capital requirements of New CEI and its Subsidiaries.

[7] *See Northeast Utilities, et al.*, Holding Co. Act Release No. 27328 (Dec. 28, 2000).

[8] *See Northeast Utilities, et al.*, Holding Co. Act Release No. 27127 (Jan. 31, 2000).

[9] *See Northeast Utilities, et al.*, Holding Co. Act Release No. 27093 (Oct. 21, 1999).

II. Merger Financing and Outstanding CEI Financing

A. Securities Issued in Connection With the Merger

New CEI is authorized under its Amended and Restated Certificate of Incorporation to issue 510,000,000 shares consisting of 500,000,000 shares of common stock, par value $.10 per share ("Common Stock") and 10,000,000 shares of preferred stock, par value $.01 per share ("Preferred Stock"). The Merger Agreement provides that each CEI common share outstanding immediately prior to closing of the Merger will, at closing, be converted into one share of New CEI common stock.[10] NU common shareholders may elect to receive, in connection with the Merger, a fraction of a share of New CEI stock or cash.[11] The election for the stock or cash consideration will be subject to allocation procedures. Accordingly, New CEI will incur debt to finance cash payments to NU shareholders who elect the cash consideration.

New CEI anticipates that the cash portion of the consideration given for the NU shares will initially be financed through New CEI's issuance of approximately $2.2 billion of unsecured debt or a mix of unsecured debt and hybrid debt securities, the Acquisition Debt, or a combination of the Acquisition Debt and Preferred Stock and cash on hand. The hybrid securities, which are considered debt for financial statement purposes, would be structured to have characteristics of both debt and equity and may have maturities ranging up to 50 years. New CEI requests authorization to issue Acquisition Debt from time to time through the Authorization Period to satisfy the cash portion of the consideration in connection with the NU Merger and to refund and replace any and all Acquisition Debt initially issued. The application states that the Acquisition Debt may include short or long term notes, debentures, medium-term notes and hybrid securities and/or borrowings from banks and other financial institutions. Any long-term debt security will have the designations, aggregate principal amounts, maturities, interest rate(s) or methods of determining the same, terms of payment of interest, redemption provisions, non-refunding provisions, sinking fund terms and other terms and conditions that will be established by negotiation or competitive bidding. The proposed issuance and/or refunding and replacing the Acquisition Debt will be subject to the Financing Conditions.

New CEI also requests authority to issue up to 60 million shares of its Common Stock to NU shareholders to satisfy the stock portion of the Merger consideration.

B. Other Outstanding Securities and Obligations of CEI

Applicants request authorization, to the extent not exempt under rule 52, to maintain in effect through the Authorization Period existing financing arrangements of CEI and the Subsidiaries as of the date of the completion of the Merger,[12] as well as any additional financing arrangements entered into before completion of the Merger,[13] and to enter into Refinancing. Any Refinancing that occurs after completion of the Merger and that is subject to Commission approval under the Act will comply with the Financing Conditions.

III. Requested and Other Transactions After the Merger

A. Preferred Stock and Long-Term Debt

New CEI requests authority to issue and sell from time to time up to $750 million of Preferred Stock subject to the Financing Conditions.

New CEI requests authority to issue and sell from time to time Debentures, subject to the Financing Conditions.

B. Short-Term Debt

New CEI requests authority to issue and sell from time to time unsecured indebtedness having maturities of one year or less ("Short-term Debt"), subject to the Financing Conditions.

C. Common Stock

New CEI proposes during the Authorization Period to issue and/or acquire up to 50 million shares[14] of new CEI Common Stock under New CEI's dividend reinvestment and cash payment plan, certain incentive compensation plans and certain other employee benefit plans and employment or other agreements, as described below.

Both CEI and NU also currently maintain dividend reinvestment plans with a direct stock purchase feature. New CEI will have a similar plan ("New CEI DRIP"). Participants in the current CEI and NU plans will be eligible to become participants in the New CEI DRIP.

CEI and NU currently maintain employee stock option plans. NU also maintains an incentive compensation plan under which stock options and restricted shares may be granted. Upon completion of the Merger, New CEI will assume the CEI and NU stock option plans and each outstanding CEI and NU stock option issued under the various CEI and NU plans. It is currently anticipated that prior to the Merger, CEI will adjust its employee stock options to provide that the options will constitute options to acquire shares of New CEI common stock, on the same terms and conditions as apply to the CEI stock options. Prior to the Merger NU will adjust the terms of all outstanding NU employee stock options to provide that the options will constitute options to acquire, on the same terms and conditions as apply to the NU employee stock options, the same number of shares of New CEI common stock (rounded down to the nearest whole share) as the holder of the option would have received in the NU Merger had the holder exercised the option in full immediately prior to the NU Merger. The amount of the exercise price per share of New CEI common stock (rounded to the nearest cent) under any option will be equal to the aggregate amount of the exercise price of the NU common shares subject to the NU option divided by the total number of shares of New CEI common stock to be subject to the option.

Both CEI and NU maintain various stock plans for employees and directors, including investments in company stock through the employee's 401(k) plan. New CEI has not yet decided what specific plans will be maintained for employees or directors subsequent to the Merger.

In addition, CEI, prior to the Merger, or New CEI, subsequent to the Merger, may enter into employment or other agreements with certain of its officers and employees that may provide for grants of stock options and/or restricted stock or units, which would be satisfied through open market purchases.

D. Guaranties

In addition to New CEI's request to maintain in place existing guaranties at the time of the Merger,[15] New CEI requests authorization for the period

[10] Any CEI common shares held by CEI as treasury shares or owned by New CEI will be canceled without payment for those shares.

[11] See the Merger Application and its notice (Holding Co. Act Release No. 27211) for a more detailed description of the exchange ratio.

[12] These are described in Appendix A to the notice.

[13] Within 90 days following completion of the Merger, New CEI will, under rule 24, notify the Commission of all financing arrangements that CEI entered into prior to the Merger, that will remain in effect upon closing of the Merger and that New CEI will assume.

[14] New CEI requests that this number be adjusted to reflect any stock split.

[15] See Appendix A to this notice for a discussion of these guarantees.

from and after the Merger through the Authorization Period to provide additional guaranties or other credit support for the Nonutility Subsidiaries ("New CEI Guaranties") within the parameters of the Financing Conditions.

E. Utility Subsidiary and Intermediate Holding Companies Financing

The Utility Subsidiaries and Intermediate Holding Companies request authority to issue, sell and have outstanding at any time Short-term Debt in the following aggregate principal amounts: CECONY, $800 million; O&R, $113 million; Pike, $2 million; RECO, $60 million; CL&P, $375 million; WMECO, $250 million; PSNH, $225 million; NAEC, $260 million; Yankee Gas, $100 million; HWP, $5 million; NNECO, $75 million; NU, $400 million; and YES, $50 million (collectively, "Utility Short-term Debt Limits"), subject to the Financing Conditions.[16]

The parent of a Financing Subsidiary may, if required, guarantee or enter into support or expense agreements in respect of the obligations of its Financing Subsidiaries. Any amounts issued by a Financing Subsidiary to third parties will be included in the proposed financing limit, if any, applicable to its immediate parent. However, if a parent guarantees these issuances by the Financing Subsidiary, the guaranties would not be counted against the proposed limits on New CEI Guaranties of NU Guaranties. In other cases, in which the parent company is not authorized to issue similar types of securities, the amount of any guaranty not exempt under rules 45(b)(7) and 52 that the parent company enters into with respect to securities that its Financing Subsidiary issues will be counted against the limitation on New CEI Guaranties of NU Guaranties.

G. New CEI Money Pool

New CEI and the Subsidiaries ("Pool Participants")[17] request authorization to establish a Money Pool. Applicants propose that the Money Pool will principally consist of surplus funds in the treasury of Pool Participants, including New CEI ("Internal Funds"). A Pool Participant's chief financial officer or treasurer, or a designee, will determine on the basis of cash flow projections and other relevant factors, whether a Pool Participant at any time has surplus funds to lend to the Money Pool. Borrowings from the Money Pool would also require the authorization of the borrower's chief financial officer or treasurer, or a designee. The funds available to the Money Pool will be loaned on a short-term basis to those Subsidiaries, other than any public utility holding company, EWG, FUCO, or ETC (collectively, "Nonborrowing Companies"). No loans or borrowings through the Money Pool would be made to the Nonborrowing Companies. Under Massachusetts law, WMECO may not invest in its affiliates through the money pool without specific Massachusetts Department of Telecommunication and Energy approval. The Applicants request that the Commission authorize the participation of WMECO in the Money Pool, but reserve jurisdiction over any contributions of funds by WMECO to the Money Pool, pending completion of the record.

Applicants propose that Consolidated Edison, Inc. Service Company ("CEISCO") administer and maintain the Money Pool at cost and under the direction of an officer in the CEISCO Treasury Organization.

In addition to surplus funds, New CEI proposes to borrow funds through the issuance of short-term notes, selling of commercial paper, or through other borrowings (collectively, "External Funds") as a source of funds for making loans or open account advances to certain of its Subsidiaries through the Money Pool. These borrowings will be subject to the proposed New CEI Short-term debt limits. The Pool Participants, excluding the Nonborrowing Companies, are the potential recipients of the open account advances.

The aggregate outstanding amount of borrowings that each Utility subsidiary may incur will count against the proposed Utility Short-term Debt Limits. Applicants request that, to the extent borrowings from the Money Pool by the Nonutility Subsidiaries are not exempt under rule 52, there be no limitation on the borrowings of the Nonutility Subsidiaries.

Applicants state that they anticipate that the short-term borrowing requirements of the Subsidiaries (other than the Nonborrowing Companies) will be met first with the proceeds of borrowings available through the Money Pool, and thereafter, with the proceeds of external short-term borrowings. Pool Participants that do not have access to the commercial paper market will have priority over other Money Pool borrowers. No Pool Participant would be required to borrow through the Money Pool if it is determined that it could effect a borrowing at a lower cost directly through banks or through the sale of its own commercial paper. All borrowings from and contributions to the Money Pool, including the open account advances, will be documented and will be evidenced on the books of each Participant that is borrowing from or contributing surplus funds to the Money Pool. Any Participant contributing funds to the Money Pool may withdraw those funds at any time without notice to satisfy its daily need for funds. Loans made by the Pool will be open account advances for periods of less than twelve months, although the agent may receive upon demand a promissory note evidencing the transaction. All loans made by the Money Pool from surplus funds are payable on demand by the agent. The interest rate applicable to the loans of External Funds would be equal to New CEI's cost for those External Funds. These loans cannot be prepaid unless New CEI is made whole for any additional costs that may be incurred because of such prepayment. Applicants propose that New CEI be fully reimbursed for all costs that it incurs in relation to loans made to the other Pool Participants.

Funds not required by the Money Pool to make loans (with the exception of funds not required by the Money Pool's liquidity requirements) would ordinarily be invested in one of more short-term investments, including: (1) Interest-bearing accounts with banks; (2) obligations issued or guaranteed by the U.S. government and/or its agencies and instrumentalities, including obligations under repurchase agreements; (3) obligations issued or guaranteed by any state or political subdivision of the state, provide the obligations are not rated less than "A," "A–1" or "P–1" or their equivalent by a nationally recognized rating agency; (4) commercial paper rated not less than "A–1" or "P–1" or their equivalent by a nationally recognized rating agency; (5) money market funds; (6) bank certificates of deposit; (7) Eurodollar funds; or (8) such other investments as are permitted by section 9(c) of the Act and rule 40 under the Act, and, with respect to contributions from WMECO, approved by the Massachusetts Department of Telecommunications and Energy. Applicants proposed that CEISCO, as agent for the Money Pool, will invest the funds not required by the Money Pool to make loans as described above and allocate the earnings on the investments among the Pool Participants that provided the excess funds on a pro rata basis, according to the amount of funds a subsidiary provided.

[16] PSNH and NAEC only seek short-term debt authorization for amounts up to 10% of each company's respective net fixed plant. Short-term debt in excess of such amount requires approval of the New Hampshire Public Utility Commission ("NHPUC").

[17] Consolidated Edison, Inc. Service Company and any FUCO subsidiary of New CEI will not be participants in the Money Pool.

H. Consolidation and Reorganization of Nonutility Subsidiaries

New CEI's nonutility businesses will be conducted principally through Nonutility Holding Company, a new wholly owned subsidiary of New CEI. The Nonutility Subsidiaries are principally involved in energy-related and telecommunications businesses.

New CEI requests authorization under the Act to consolidate or otherwise reorganize, under one or more new or existing subsidiaries, New CEI's ownership interests in one or more Nonutility Subsidiaries not currently owned, directly or indirectly, by a utility company, or sell the equity securities of one or more Nonutility Subsidiaries to a new or existing subsidiary. Alternatively, a Nonutility Subsidiary could dividend the securities of one or more Nonutility Subsidiaries to a new or existing subsidiary. To the extent that such transactions are not exempt under the Act or otherwise authorized or permitted by rule under the Act, New CEI requests authorization to consolidate or otherwise reorganize, under one or more new or existing subsidiaries, New CEI's ownership interests in one or more of Nonutility Subsidiaries that are not currently owned directly or indirectly, by a utility company, the acquisition of the securities of which is exempt from Commission approval under the Act.

I. Payment of Dividends

New CEI requests authorization on behalf of CEI's current and New CEI's future nonexempt Nonutility Subsidiaries (other than Nonutility Subsidiaries that are subsidiaries of public utility companies) to pay dividends to each subsidiaries' direct parent with respect to the securities of the companies, from time to time through the Authorization Period, out of capital and unearned surplus.

NU has already been granted authority for certain of its utilities and nonutilities to pay dividends out of capital or unearned surplus.[18] The Applicants request that this authority remain in effect after the Merger, but only through the Authorization Period.

J. Establishment of Service Companies; Service Agreements; Sales and Services

New CEI intends to form two subsidiary service companies to perform services for the companies in the New CEI System.[19] Subsequent to the Merger, New CEI seeks approval for NU to transfer to New CEI, through sale at book value, all the stock of NUSCO, which will be renamed CEISCO. Additionally, prior to the closing of the Merger, New CEI will establish one new subsidiary service company, Nonutility ServCo. CEISCO will be a direct subsidiary of New CEI and Nonutility ServCo will be a direct subsidiary of the proposed Nonutility Holding Company. Initially, Nonutility Holding Company will issue 1000 shares of common stock, at no or nominal par value, all of which will be subscribed to by New CEI at a price of $1 per share. CEISCO and Nonutility ServCo will, subsequent to the Merger, assume from CECONY, O&R and NUSCO, all of the service functions currently performed for affiliates by CECONY, O&R, and NUSCO.[20] Applicants request, however, a transition period of fifteen months from the date of the order issued in this filing to study and effectuate these changes.

Upon closing of the Merger, New CEI and the Subsidiaries (including the Nonutility Subsidiaries) propose to enter into a new single system wide Service Agreement with CEISCO. The Nonutility Subsidiaries also propose to enter into a Nonutility Service Agreement with Nonutility ServCo.

CEISCO will provide a variety of administrative, management, and support services. The Applicants state that CEISCO's accounting and cost allocation methods will comply with Commission standards for service companies in a registered holding company system, and that its billing system will follow the Commission's Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies. Additionally, charges for all services provided by CEISCO to affiliated companies will be performed on an "at cost" basis in accordance with rules 90 and 91.

Nonutility ServCo will provide specified competitive services to the Nonutility Subsidiaries, which will include: employee recruiting, engineering, hedging and financial derivatives and arbitrage services, electric purchasing for resale, purchasing of electric transmission, system operations and marketing.

New CEI also seeks approval for O&R to provide services at cost to Pike and RECO.

Nonutility ServCo and the Nonutility Subsidiaries propose to provide services to each other at cost or fair market prices. Therefore, they request an exemption from section 13(b) of the Act from the "at cost" requirements of Rules 90 and 91 under the Act. Accordingly, the Nonutility Subsidiaries[21] request authorization to provide services to each other at other than cost, provided that no services will be rendered to an associate power project unless one or more of the following conditions is satisfied: (1) The project is a FUCO or an EWG which derives no part of its income, directly or indirectly, from the generation, transmission, or distribution of electric energy for sale within the United States; (2) the project is an EWG which sells electricity at market-based rates which have been approved by the Federal Energy Regulatory Commission ("FERC"), provided that the purchaser is not one of the Utility Subsidiaries; (3) the project is a "qualifying facility" ("QF") within the meaning of the Public Utility Regulatory Policies Act of 1978, as amended ("PURPA") that sells electricity exclusively (a) at rates negotiated at arms'-length to one or more industrial or commercial customers purchasing such electricity for their own use and not for resale, and/or (b) to an electric utility company (other than a Utility Subsidiary) at the purchaser's "avoided cost" as determined in accordance with the regulations under PURPA; (4) the project is a domestic EWG or QF that sells electricity at rates based upon its cost of service, as approved by FERC or any state public utility commission having jurisdiction, providing that the purchaser of the electricity is not one of the Utility Subsidiaries; or (5) the project is a Rule 58 Subsidiary or any other Nonutility Subsidiary that (a) is partially-owned by New CEI, provided that the ultimate purchaser of such goods or services is not a Utility Subsidiary (or any other entity that New CEI may form whose activities and operations are primarily related to the provisions of goods and services to the Utility Subsidiaries), (b) is engaged solely in the business of developing, owning, operating and/or providing services or goods to Nonutility Subsidiaries described in clauses (1) through (4) immediately above, or (c) does not derive, directly or indirectly, any material part of its income from

[18] *See Northeast Utilities, et al.*, Holding Co. Act Release No. 27147 (March 7, 2000).

[19] Applicants state that New CEI is setting up two service companies in accordance with the order of the NHPUC. *See* NHPUC Order No. 23,594, Docket No. DE 00–009, Dec. 6, 2000, slip op. at 117.

[20] In addition, New CEI requests that the Commission find that the application-declaration is deemed to constitute a filing by CEISCO and Nonutility ServCo on Form U–13–1 for purposes of rule 88 under the Act, or, alternatively, that the filing on Form U–13–1 is not necessary under the Act.

[21] This request does not include NGSC's proposal to provide services to NGC at other than cost, which is a subject of S.E.C. file No. 70–9543.

sources within the United States and is not a public-utility company operating within the United States.

K. Activities of Rule 58 Subsidiaries Outside the United States

New CEI, on behalf of any current or future Nonutility Subsidiaries, requests authority to engage in the type of business activities listed in rule 58 outside of the United States. These activities would include: (1) The brokering and marketing of electricity, natural gas and other energy commodities ("Energy Marketing"); (2) energy management services ("Energy Management Services") including the marketing, sale, installation, operation and maintenance of various products and services related to energy management and demand-side management; and (3) engineering, consulting and other technical support services ("Consulting Serivces") with respect to energy-related businesses and for individuals.

New CEI requests that the Commission: (1) Authorize Nonutility Subsidiaries to engage in Energy Marketing Activities in Canada and reserve jurisdiction over Energy Marketing activities outside the United States and Canada, pending completion of the record; and (2) authorize Nonutility Subsidiaries to provide Energy Management Services and Consulting Services anywhere outside the United States.

L. Hedging and Derivative Transactions

New CEI, and to the extent not exempt under rule 52, the Subsidiaries, request authorization to enter into interest rate hedging transactions with respect to outstanding indebtedness ("Interest Rate Hedges"), subject to certain limitations and restrictions, in order to reduce or manage interest rate costs. Interest Rate Hedges would only be entered into with counterparties ("Approved Counterparties") whose senior debt ratings, or the senior debt ratings of the parent companies of the counterparties, as published by Standard and Poor's, are equal to or greater than BBB-, or an equivalent rating from Moody's Investors Service, Fitch Investor Service or Duff and Phelps.

Interest Rate Hedges will involve the use of financial instruments commonly used in today's capital markets, such as interest rate swaps, caps, collars, floors, and structured notes (*i.e.*, a debt instrument in which the principal and/or interest payments are indirectly linked to the value of an underlying asset or index), or transactions involving the purchase or sale, including short sales, of U.S. Treasury obligations.

In addition, New CEI and the Subsidiaries request authorization to enter into interest rate derivative transactions with respect to anticipated debt offerings ("Anticipatory Derivatives"), subject to certain limitations and restrictions. Anticipatory Derivatives would only be entered into with Approved Counterparties, and would be utilized to fix and/or limit the interest rate risk associated with any new issuance through (1) a forward sale of exchange-traded U.S. Treasury futures contracts, U.S. Treasury obligations and/or a forward swap (each a "Forward Sale"), (2) the purchase of put options on U.S. Treasury obligations (a "Put Options Purchase"), (3) a Put Options Purchase in combination with the sale of call options on U.S. Treasury obligations (a "Zero Cost Collar"), (4) transactions involving the purchase or sale, including short sales, of U.S. Treasury obligations, or (5) some combination of a Forward Sale, Put Options Purchase, Zero Cost Collar and/or other derivative or cash transactions, including, but not limited to structured notes, caps and collars, appropriate for the Anticipatory Derivatives.

M. Tax Allocation Agreement

Applicants request approval of an agreement for the allocation of consolidated tax among New CEI and the Subsidiaries ("Tax Allocation Agreement"). Applicants state that they require this approval because the proposed Tax Allocation Agreement may provide for the retention by New CEI of certain payments for tax losses incurred from time to time, rather than the allocation of such losses to Subsidiaries without payment as would otherwise be required by rule 45(c)(5). As a result of the Merger, New CEI will be creating tax credits that are non-recourse to the Subsidiaries. New CEI believes that it should retain the benefits of those tax credits. Applicants request that the Commission reserve jurisdiction over the Tax Allocation Agreement, pending completion of the record.

Appendix A

Outstanding Financing

CEI Debt and Guaranties

CEI currently maintains two revolving credit agreements. The first is a $175 million facility with seven major banks, which terminates on December 3, 2003. The second is a $175 million facility with thirteen major banks, which terminates on November 28, 2001 (collectively, "CEI Credit Facility"). CEI may borrow directly against these facilities or use them to support the issuance of commercial paper, which is sold through dealers to the market, at a discount from par.

In addition to the financing facilities described above, CEI also currently supports the operations of its nonutility subsidiaries through capital contributions, guarantees and other support arrangements. As of December 31, 2000, CEI had approximately $700 million of guaranties which guarantee payment and performance obligations of the Nonutility Subsidiaries under various agreements.

CEI may also borrow funds from Hawkeye Funding ("Hawkeye"). Hawkeye is a limited partnership and is the lessor on a synthetic lease of a generating station which is currently under construction. This station will be leased to Newington, LLC ("Newington"), an indirect subsidiary of CEI.

Intermediate Holding Companies and the Utility Subsidiaries

CECONY maintains two revolving credit agreements. The first is a $375 million facility with eight major banks that terminates December 23, 2002. The second is a $125 million facility with thirteen major banks that terminates on November 28, 2001. O&R maintains a $100 million facility with thirteen major banks that terminates on November 28, 2001.[22] CECONY and O&R may borrow directly against these facilities or may use them to support the issuance of commercial paper, which is sold through dealers to the market, at discount from par. These facilities do not include letters of credit supporting CECONY and O&R tax-exempt debt.

NU maintains a short-term Credit Agreement dated as of November 17, 2000 ("NU Credit Agreement"), among NU and several banks with the United Bank of California as Administrative Agent. The NU Credit Agreement provides a credit facility of up to $400 million comprised of borrowing commitments and letter of credit commitments. The NU Credit Agreement has a termination date of November 16, 2001.

NU also maintains a short-term credit facility in the amount of $266 million for the YES Acquisition Debt, which terminates February 28, 2001.

Also outstanding is a short-term Credit Agreement dated as of November 17, 2000 ("Regulated Credit Agreement"), among CL&P and WMECO on the one hand and several banks with Citibank, N.A. as Administrative Agent on the other. The Regulated Credit Agreement provides a credit facility of up to $500 million comprised of borrowing commitments. The Regulated Credit Agreement has a termination date of November 16, 2001.

[22] Applicants state that they believe that this credit facility will be extended or renegotiated as well.

On November 9, 2000, NAEC entered into an unsecured $200 million 364-day Term Credit Agreement with four banks, which was approved by the NHPUC.

Yankee Gas currently has a revolving line of credit of $60 million, which terminates November 16, 2001.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4651 Filed 2–23–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of February 26, 2001.

A closed meeting will be held on Thursday, March 1, 2001, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A), and (10) and 17 CFR 200.402(a)(4), (8), (9)(A) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matters of the closed meeting will be:

institution and settlement of injunctive actions; and

institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: February 22, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–4747 Filed 2–22–01; 12:17 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43974; File No. SR–CHX–01–03]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by the Chicago Stock Exchange, Incorporated Extending Pilot Rules Relating to the Securities Industry Transition to Decimal Pricing

February 16, 3001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 19, 2001, the Chicago Stock Exchange, Incorporated ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change, as described in Items I and II below, which Items have been prepared by the CHX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposed rule change on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend, through July 9, 2001, pilot rule changes amending certain CHX rules that have been impacted by the securities industry transition to decimal pricing. Specifically, the pilot rule changes amend portions of Article XX, Rule 37. The pilot currently is due to expire on February 28, 2001. The text of the proposed rule change is available at the Commission and the CHX.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CHX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received regarding the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CHX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On August 24, 2000, the Commission approved, on a pilot basis through February 28, 2001, rule changes amending certain CHX rules that were impacted by the securities industry transition to decimal pricing.[3] The Exchange proposes to extend the current pilot through July 9, 2001.[4]

The Exchange proposes continued pilot approval of three groups of changes to Article XX, Rule 37, which would: (1) Allow specialists to elect, on an issue by issue basis, to either manually or automatically execute limit orders when a trade-through occurs in the primary market; (2) remove the "pending auto-stop" functionality in the Exchange's systems; and (3) allow a specialist, on an issue by issue basis, to establish an auto execution guarantee that is not dependent on the ITS Best Bid or Offer ("ITS BBO") or National Best Bid or Offer ("NBBO") size. The Exchange believes that decimal pricing is likely to continue to affect the CHX trading environment, and the interaction between the CHX and the national market system, in a manner that necessitates extension of these pilot rule amendments, which are designed to minimize any adverse impacts of decimalization on trading operations.[5]

Manual or automatic execution of limit orders when a trade-through

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] See Securities Exchange Act Release No. 43204 (August 24, 2000), 65 FR 53085 (August 31, 2000) (SR–CHX–00–22).

[4] The Exchange notes that following approval of the pilot rule changes, which included changes to the Exchange's then-current price improvement programs, the Commission approved the Exchange's proposed new price improvement program, called SuperMAX 2000, which is a voluntary price improvement program that will govern price improvement of all orders for issues trading in decimal price increments. See Securities Exchange Act Release No. 43742 (December 19, 2000) 65 FR 83119 (December 29, 2000) (SR–CHX–00–37). Because SuperMAX 2000 is intended to replace the Exchange's previous price improvement programs, the Exchange is not requesting an extension of the pilot rule changes that dealt with price improvement.

[5] This proposal does not concern "typographical" amendments to CHX rules, where the sole change that was proposed by the Exchange was the substitution of a decimal price increment for the fractional price increment set forth in certain CHX rules. Those amendments were the subject of a separate submission previously approved by the Commission on a permanent basis. See Securities Exchange Act Release No. 43256 (September 6, 2000), 65 FR 55659 (September 14, 2000) (SR–CHX–00–25).

occurs. The existing pilot amended Article XX, Rule 37(b)(6) to allow a specialist to elect, on an issue by issue basis, to either manually or automatically execute limit orders when a trade-through occurs in the primary market. The rule previously provided that agency limit orders (that are not marketable when entered into the Exchange's MAX automatic execution system) would automatically be filled at the limit price when there was a price penetration of the limit price in the primary market for the subject security. Under the pilot, automatic execution of these limit orders would no longer be mandated. A CHX specialist may elect to provide automatic execution of agency limit orders at the limit price when there is a price penetration of the limit price in the primary market for the subject security. The obligation to fill the order at the limit price remains the same under either election. The Exchange believes that this pilot amendment reasonably anticipates the impact that the decimal pricing environment will have on the national market system, where the number of small orders executed at multiple price levels may increase the number of inadvertent trade-throughs that could lead to unwarranted automated executions of large orders in a CHX specialist's limit order book, exposing the specialist to substantially increased liability.

Removal of the pending auto-stop functionality. For similar reasons, the pilot amends Article XX, Rule 37(b)(10) to eliminate the Exchange's "pending auto-stop" function. Under the rule prior to the pilot, all agency market orders from 100 to 599 shares that were not automatically executed, because, among other things, the order size exceeded the quantity at the ITS BBO, were designated as "pending auto-stop orders." These orders were stopped, and due an execution at the ITS BBO thirty seconds after entry into the Exchange's MAX system, unless the order has been canceled, executed, manually stopped, or put on hold during the thirty second period. Once an order was stopped, a text message to that effect was automatically sent to the order-sending firm.

The Exchange believes that this feature is not practicable in the decimal pricing environment, giving the anticipated dramatic increases in quote traffic and the systems issued associated with generating administrative notifications regarding pending auto-stop. Additionally, trading in decimals will significantly increase stock price points and, as a result, will likely decrease the quantities associated with the ITS BBO price point and increase the rate of change in the ITS BBO price point. Both of these factors will reduce a specialist's ability to offset the pending auto-stop guarantee to a degree that the Exchange is not now able to quantify. Under these circumstances, the Exchange believes that it would be imprudent to continue to provide such a guarantee.

Changes relating to relationship between automatic execution guarantee and BBO size. The Exchange believes that the rationale set forth above relating to the likely decrease in the quantities associated with the BBO price point also supports the Exchange's pilot rule change permitting CHX specialists to designate automatic execution guarantee levels that are not dependent on the BBO. Under the previous versions of the CHX rule,[6] an order was not eligible for automatic execution on the Exchange if the order was larger than the then-current BBO size. If decimalization results in decreased quantities at each price point, this decrease would effect a corresponding decrease in the number of orders eligible for automatic execution on the Exchange. To accommodate customer demand for automatic execution, the Exchange believes that an extension of the pilot rule is necessary. The pilot rule permits a CHX specialist to designate, on an issue-by-issue basis, automatic execution guarantees that could exceed the BBO size. This election would be strictly voluntary and thus would not operate to increase the exposure of any specialist who desired to maintain the protections of the existing rule.

2. Statutory Basis

The CHX believes that the proposed rule is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange. In particular, the CHX believes that the proposed rule is consistent with Section 6(b)(5)[7] of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and to perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

[6] Art. XX, Rule 37(b)(11).

[7] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange did not solicit or receive written comments on the proposed rule change.

III. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Commission finds that the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.[10]

The Commission believes that the proposed rule change should continue to facilitate a smooth transition to decimal pricing. For example, proposed Rules 37(b)(10) and (11) should help to ensure that customer demand for automatic execution will continue to be satisfied in a decimals environment. Specifically, proposed Rule 37(b)(11) permits specialists to guarantee, on an issue-by-issue basis, automatic executions of orders that exceed the ITS BBO and NBBO size at the specified price. The Commission believes that decimal pricing could result in decreased quantities at each price, which would result in a corresponding decrease in the number of orders eligible for automatic execution on the Exchange. Thus, the proposed rule change benefits investors by providing specialists the flexibility to automatically execute orders larger than the current ITS BBO or NBBO size.

In addition, prior to the pilot, Rule 37(b)(10) required all agency market orders from 100 to 599 shares that were not automatically executed because, among other things, the order exceeded the ITS BBO quantity, to be designated as "pending auto-stop orders." These orders were stopped and due an execution at the ITS BBO thirty seconds after entry into the Exchange's MAX system. As stated above, the Commission believes that decimal pricing may result in decreased quantities at each price, which in turn would result in fewer automatic executions. The Commission believes that the proposed rule change may help to alleviate this concern by eliminating the pending auto-stop function. The Commission believes that the removal of this provision will help to ensure that demand for automatic execution continues to be satisfied.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] In approving this rule change, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

The Commission believes that the proposal is consistent with the protection of investors and the public interest and therefore finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The proposed rule change is designed to permit the Exchange to continue, with a minimum of disruption to trading operations, its transition to quoting in decimals, which began in all Exchange listed securities on January 29, 2001, and is scheduled to begin in certain Nasdaq securities on March 12, 2001. In addition, the Commission notes that the proposed rule change is being approved on a pilot basis only, through July 9, 2001. In light of these factors, the Commission finds good cause to approve the proposed rule change on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to the File No. SR–CHX–01–03 and should be submitted by March 19, 2001.

V. Conclusion

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–CHX–01–03) is approved through July 9, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4596 Filed 2–23–01; 8:45 am]

BILLING CODE 8010–01–M

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43973; File No. SR–NASD–99–42]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 Thereto by the National Association of Securities Dealers, Inc. Relating to Performance Fee Arrangements

February 15, 2001.

I. Introduction

On September 2, 1999, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly owned subsidiary, NASD Regulation, Inc. ("NASD Regulation"), submitted to the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to performance fee arrangements.

The **Federal Register** published the proposed rule change for comment on July 21, 2000.[3] The Commission received no comments on the proposed rule change. On January 31, 2001, the Association submitted an amendment to the proposed rule change.[4] This order approves the proposed rule change and grants accelerated approval to Amendment No. 1. The Commission is also soliciting comment on Amendment No. 1 to the proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 43030 (July 12, 2000), 65 FR 45414.

[4] Letter from Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, to Katherine A. England, Assistant Director, Division of Market Regulation, Commission, dated January 30, 2001 ("Amendment No. 1"). Amendment No. 1 amends NASD Rule 2330(f)(2) to clarify that the rule applies to members or persons associated with members that act as investment advisers, whether or not registered as such, and to add a cross-reference to Rule 205–3 of the Investment Advisers Act of 1940 ("Advisers Act"). Amendment No. 1 also states that NASD Regulation will notify its members of amendments to Rule 205–3 within 90 days through a Notice to Members.

II. Description of the Proposed Rule Change

NASD Rule 2330(f) prohibits members and persons associated with members from sharing in customer account profits and gains except under certain conditions. Subparagraph (f)(1)(A) permits sharing in customer account profits and gains where the firm has authorized it and the sharing is proportionate to the member's or associated person's contributions to the account. Subparagraph (f)(2) permits, under certain conditions, members or registered representatives to charge a performance fee (an advisory fee based on a percentage of the capital gains or capital appreciation of an account). Currently, NASD Rule 2330(f)(2) permits the receipts of a performance fee only if: (i) The member or associated person reasonably believes that the customer account meets certain minimum net worth ($1,000,000) or amount invested ($500,000) requirements; (ii) the member or associated person obtains the prior written authorization of the arrangement from the member carrying the account; (iii) the member or associated person reasonably believes that the customer is able to understand the compensation arrangement and its risks; (iv) the compensation agreement is in writing; (v) the member or associated person reasonably believes that the agreement is an arm's length agreement; (vi) the compensation formula takes into account realized and accrued gains and losses over a period of at least one year; and (vii) the member discloses all material information relating to the agreement, including method of compensation and potential conflicts of interest.

According to NASD Regulation, the requirements of NASD Rule 2330(f)(2) have always closely tracked the requirements of Rule 205–3 under the Advisers Act. However, effective August 20, 1998, the Commission amended Rule 205–3 to provide greater flexibility in structuring performance fee arrangements with clients who are financially sophisticated or have the resources to obtain sophisticated financial advice regarding these arrangements.[5] Because the NASD had incorporated the requirements of Rule 205–3 into NASD Rule 2330(f)(2), when the Commission amended Rule 205–3, NASD Rule 2330(f)(2) was no longer consistent with Rule 205–3.

In order to restore consistency, the proposed rule change would permit members and their associated persons

[5] *See* Investment Advisers Act Release No. 1731 (July 15, 1998), 63 FR 39022 (July 21, 1998).

that act as investment advisers to share in customer account profits and gains subject to the provisions of Rule 205–3 under the Advisers Act. The NASD amended Rule 2330(f)(2), to eliminate the conditions set forth in the rule and to incorporate the terms of Rule 205–3, as may be amended from time to time. The NASD stated that this approach represents a decision by the Board to incorporate whatever performance-based standard the Commission may adopt from time to time.[6] Thus, in the future, the proposed rule will conform to any subsequent amendments by the Commission to Rule 205–3. NASD Regulation will notify its members of any subsequent amendments to Rule 205–3 in a Notice to Members within 90 days of the amendment.[7]

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association,[8] and, in particular, the requirements of Section 15A(b)(6) of the Act.[9] The Commission believes that proposed rule change should continue to ensure that NASD members enter into performance fee arrangements only with clients who are financially sophisticated or have the resources to obtain sophisticated financial advice regarding performance fee arrangements. The Commission also believes that cross-referencing Advisers Act Rule 205–3, rather than duplicating the specific provisions of Rule 205–3 in NASD Rule 2330(f)(2), will ensure that NASD Rule 2330(f)(2) remains consistent with Advisers Act Rule 205–3. The Commission notes that otherwise, NASD members acting as investment advisers might be subject to conflicting rules on the same subject. Finally, the Commission believes that NASD Regulation's commitment to issue a Notice to Members within 90 days of any amendments to Advisers Act Rule 205–3 should ensure that members remain aware of the requirements for performance fee arrangements.

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change prior to the thirtieth day after publication in the **Federal Register**. The Commission notes that Amendment No. 1 clarifies that the proposal applies to members acting as investment advisers and cross-references Advisers Act Rule 205–3. The Commission believes that Amendment No. 1 will make the requirements of NASD Rule 2330(f)(2) more clear and, therefore, should help to ensure that members comply with the rule. Accordingly, the Commission finds good cause to accelerate approval of Amendment No. 1 to the proposed rule change, consistent with Sections 15A(b)(6)[10] and 19(b)[11] of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 1 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the File No. SR–NASD–99–42 and should be submitted by March 19, 2001.

V. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the amended proposed rule change (SR–NASD–99–42) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4594 Filed 2–23–01; 8:45 am]

BILLING CODE 8010–01–M

[6] Telephone conversation between Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, and Katherine A. England, Assistant Director, Commission (October 27, 2000).

[7] *See* Amendment No. 1, *supra* note 4.

[8] In approving the proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78o–3(b)(6).

[10] 15 U.S.C. 78o–3(b)(6).

[11] 15 U.S.C. 78s(b).

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43975; File No. SR–PCX–00–27]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the Pacific Exchange, Inc. Relating to Options Trade Reporting

February 16, 2001.

I. Introduction

On August 5, 2000, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to the reporting of options transactions. The proposed rule change was published for comment in the **Federal Register** on November 8, 2000.[3] The Commission received no comments on the proposal. This order approves the proposal.

II. Description of the Proposal

The PCX proposes to adopt new PCX Rule 6.69(a) to require all Exchange members and member organizations who are required to report trades either directly to the Options Price Reporting Authority ("OPRA") or to another party responsible for reporting trades to OPRA, to immediately report all trades to the Exchange for dissemination to OPRA within 90 seconds.

Currently, Commentary .01 to Exchange Rule 6.69 states that trades must be immediately reported at the time of execution. The Exchange proposes to require immediate trade reporting, and in any event, no later than 90 seconds following execution. The Exchange also proposes to amend PCX Rule 10.13 to include violations of proposed Rule 6.69(a) in the Exchange's minor Rule Plan.

III. Discussion

The Commission finds that the proposal is consistent with the requirements of the Act.[4] In particular, the Commission finds that the proposed rule change furthers the objectives of Section 6(b)(5),[5] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 43505 (November 1, 2000), 65 FR 67030.

[4] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f(b)(5).

The Commission believes that the proposal, which requires the reporting of all options transactions immediately, and in any event, within 90 seconds of execution, should help to prevent fraudulent and manipulative acts and practices, as well as to promote just and equitable principles of trade. The Commission believes that the proposed rule change should enable the Exchange to provide timely trade information to investors more efficiently. The enhanced transparency associated with timely trade reporting should facilitate price discovery for investors and assist the Exchange's surveillance of its members' trading in listed options.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[6] that the proposed rule change (SR–PCX–00–27) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4595 Filed 2–23–01; 8:45 am]

BILLING CODE 8010–01–M

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3567]

Bureau of European Affairs; US Bilateral Assistance to Bosnia and Serbia

The Secretary of State issued on March 15, 2000, a waiver of restrictions under Section 566 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2000, for bilateral assistance to the Republika Srpska (RS) and Serbia (excluding Kosovo), as follows:

(1) In the Republika Srpska: Support for civilian police restructuring; USAID and State public diplomacy programs promoting democratization, reconciliation, and free and independent media; the Community Reintegration and Stabilization Project of USAID, as well as its Bosnia Business Development, Economic Reform and Democratic Reform Programs; OSCE-supervised elections and human rights activities; and Trade and Development Agency (TDA) activities designed to assist U.S. businesses in Bosnia. The municipalities of Foca, Pale, and Prijedor are excluded from this waiver, because competent authorities have failed to take necessary and significant steps to apprehend and transfer war crimes indictees to the International Criminal Tribunal for the Former Yugoslavia. These municipalities will not be eligible for new U.S. assistance.

(2) In Serbia: State public diplomacy and USAID programs to support democratic reform, including free and independent media and labor; economic reform and other advisory assistance to the democratic FRY opposition; developing programs with NGOs for the delivery of humanitarian assistance through new distribution mechanisms that are independent of Belgrade regime control; and technical assistance, training grants, and exchanges designed to benefit opposition-controlled municipalities.

The Secretary noted that:

Our bilateral assistance promotes Dayton and an integrated Bosnia. Recipients of U.S. assistance must state in writing their support for Dayton and then act accordingly. Our assistance has promoted the growth of pro-Dayton parties in the RS, development of independent media, minority returns, privatization and market-oriented reform, increased minority representation in the RS police force, and efforts to investigate corruption and curb police abuse.

The promotion of independent media and pro-democracy NGOs has a special significance in the aftermath of the Kosovo conflict. The Milosevic regime in Belgrade has an interest in ensuring that no pro-Western governments can survive in areas of predominantly Serb population. RS authorities have demonstrated their readiness to ensure freedom of movement for members of opposition political parties and the independent media from Serbia. The response from the Belgrade regime has been to curb dissemination of democratically-oriented media from the RS into Serbia and to issue threats against representatives of the RS government.

Section 566 requires publication of a listing and justification of any assistance that is obligated for any country, entity, or canton to which assistance restrictions apply, including a description of the purpose of the assistance project and its location, by municipality.

The following data are for funds obligated during April–July 2000. Locality data are provided where feasible. However, U.S. assistance in Bosnia, including Republika Srpska has largely shifted from physical reconstruction projects to provision of technical assistance and promotion of political and economic reform. As indicated below, assistance in Serbia is geared toward increasing capabilities of political opposition parties and the independent media. U.S. bilateral aid implementers apply strict screening procedures to ensure that aid beneficiaries, whether of business credits or technical assistance, are firms or organizations in which war crimes indictees have no material influence or interest.

USAID: Bosnia/Republika Srpska

The following list gives, in order, Date of Obligation, Amount of Obligation, Project Number, Project Title, Description of Activity, Justification of Assistance and Location.

8/1/00. $489,957. 180–0019. Democratic Governance. TA and training for managers and administrators of Brcko District. Brcko District (Federation and RS).

8/1/00. $1,425,000. 180–0019. Democratic Governance. Fund team of international experts to provide TA to Brcko District (includes RS).

8/1/00. $1,704,087. 180–0014. Business Development Program. TA for reform of commercial, non-banking laws and financial activities, as well as of accounting and auditing standards. Throughout BiH.

8/2/00. $403,262. 180–0022. Media Training. TA and training to independent electronic and print media in Federation and RS.

8/7/00. $167,000. 180–0021. Political and Social Process. TA and training to local civic organizations to target voter constituencies. Throughout BiH.

8/7/00. $170,000. 180–0021. Political and Social Process. Polling to enable political parties to utilize data to develop election messages. Throughout BiH.

8/24/00. $21,1290. 180–0249. Corporate Governance. Provide TA to develop an employers confederation to address legal and regulatory needs of private firms. Throughout BiH.

9/1/00. $4,778,166. 180–0056. Business Development Program. TA for Business Finance portion of the BDP. Throughout BiH.

9/1/00. $3,150,000. 180–0056. Business Development Program. Provide Business Consulting services, including training and TA, to enterprises seeking loan funds. Throughout BiH.

9/1/00. $59,712. 180–0249. Assessment and Evaluation. Conduct survey to assess impact of USAID-funded civic participation and organizing programs. Throughout BiH.

9/29/00. $2,000,000. 180–021. Political and Social Process. Provide assistance in voter education and civic

organizing activities prior to and after BiH general elections. Throughout BiH.

9/28/00. $5,000,000. 180–0004. Municipal Infrastructure and Services. Fund contract extension with Parsons Delaware Inc. to implement the MIS program. Throughout BiH.

9/28/00. $1,500,000. 180–0005. Privatization & Enterprise Restructuring. Develop comprehensive accounting and auditing regime for BiH.

USAID: Serbia

8/1/00. $1,500,000. 180–0021. Political and Social Process. Political party development. Economic program development; for use in opposition election campaigns and to guide polices once the political opposition is elected to office.

8/10/00. $999,775. 180–0019. Democratic Governance. TA to improve local government capabilities.

8/16/00. $604,319. 180–0019. Democratic Governance. TA to improve delivery of constituent services.

8/25/00. $529,792. 180–0032. NGO Development. TA to improve civil society advocacy capabilities.

9/18/00. $1,499,351. 180–0019. Democratic Governance. Targeted municipalities: humanitarian assistance.

9/15/00. $127,684. 180–0021. Political and Social Process. Trade Union get-out-the-vote activities.

9/18/00. $327,984. 180–0032. NGO Development. Improve capabilities of women's groups and other civil society advocates.

9/29/00. $100,009. 180–0021. Political and Social Process. Political party development.

9/29/00. $135,635. 180–0021. Political and Social Process. Election monitoring.

9/29/00. $192,887. 180–0032. NGO Development. Improve capabilities of civil society advocates.

FOR FURTHER INFORMATION CONTACT: Office of the SEED Coordinator, Department of State, 2101 C St NW., Washington, DC 20521, 202–647–0853.

Dated: January 10, 2001.

Larry C. Napper,

Coordinator for East European Assistance, U.S. Department of State.

[FR Doc. 01–4668 Filed 2–23–01; 8:45 am]

BILLING CODE 4710–23–P

DEPARTMENT OF STATE

[Public Notice No. 3544]

Proposed Protocol on Rail Equipment to the Draft Convention Sponsored by UNIDROIT on International Mobile Equipment Finance; Meeting Notice

ACTION: International rail finance—the International Finance Study Group of the State Department's Advisory Committee on Private International Law will meet to review a proposed protocol on rail equipment to the draft UNIDROIT convention on equipment finance, and its effect on cross-border financing and trade involving the railway industry. The meeting will be held in Washington, D.C. on Friday, March 2, 2001.

AGENDA: The meeting will cover developments relating to cross-border financing of rail equipment; the purpose of the proposed UNIDROIT Convention on international interests in mobile equipment; recent revisions to the proposed rail equipment protocol to that convention; and positions that may be adopted for the forthcoming UNIDROIT meeting on the rail protocol in March 2001.

Issues relevant to various organizations will be considered, including international transportation policies of DOT, the Surface Transportation Board (STB), and the Association of American Railroads (AAR).

Comments will be requested on draft provisions of the proposed Railway rolling stock protocol, including the intersection with revisions to Uniform Commercial Code Art.9 in the United States, relevant provisions of Title 49 of the U.S. Code, commercial finance laws of Canada, Mexico and other countries, and related international projects on secured financing, including work underway at UNCITRAL (the United Nations Commission on International Trade Law) on receivables financing and the OAS (Organization of American States) on a model Inter-American national law on secured financing.

Background: The United States is a member state of UNIDROIT, headquartered in Rome, Italy, which seeks to unify private law, often in the economic and commercial law area. The U.S. has been an active participant in negotiations on a multilateral convention (UNIDROIT Convention) to provide for enforceability of international secured finance interests in mobile equipment, together with a protocol on aircraft finance, with provisions for rail equipment and space and satellite equipment to be subsequently considered. The basic convention and aircraft protocol are expected to be finalized in 2001.

A Rail Working Group (RWG) authorized by UNIDROIT has undertaken work on the current draft protocol on provisions specific to rail equipment financing, which will be considered at an international meeting in March 2001 sponsored by UNIDROIT and the Intergovernmental Organization for International Carriage by Rail (OTIF).

The proposed Convention and rail equipment protocol is intended to benefit rail industry exports and increase the capacity of many countries to finance such equipment through private sector capital markets. Key features of the draft Convention as it would be amended by the rail protocol are expected to include: rules on secured financing priorities recognized by the convention; assignments; recognition of existing regional rail registries and possible cross-links between them, and provision for new registry systems or for states to utilize existing systems in other countries for implementation of the convention. Certain key provisions are likely to be optional, such as enhanced and expedited remedies upon default and treatment of insolvency rights.

Attendance: The meeting will be held on Friday, March 2, 2001, from 10:00 a.m. to 4:00 p.m. at the Association of American Railroads (AAR), 50 "F" Street, NW, Washington, D.C. 20001, in the 4th floor conference center. The meeting is open to the public, up to the capacity of the meeting room and subject to rulings of the chair. Persons wishing to attend should contact Peter Bloch, Department of Transportation, Office of General Counsel, (202) 366–9183, fax 366–9188, or Louis P. Warchot at AAR at 202–639–2500, fax 639–2868, not later than Thursday, March 1, 2001.

Documents: The Preliminary Draft Protocol on railway rolling stock, UNIDROIT Doc.4, Study LXXIIH, December 2000 (also available as OTIF Doc. JGR/2, December 2000) is available prior to the meeting by express mail or fax from the Office of Legal Adviser at the above numbers. The position of the AAR concerning the rail protocol can be obtained from the AAR at the above number. The draft UNIDROIT convention as well as the draft aircraft protocol are available at www.UNIDROIT.org/ "International interests in mobile equipment".

Harold S. Burman,

Executive Director, Secretary of State's Advisory Committee on Private International Law, United States Department of State.

[FR Doc. 01–4665 Filed 2–23–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice No. 3545]

Advisory Committee Meeting on Law Applicable to Securities Intermediaries; Meeting Notice

The Study Group on Securities Transactions of the State Department's Advisory Committee on Private International Law will hold a meeting on Monday, March 5, 2001, at the Federal Reserve Bank of New York on proposed treaty rules on law applicable to securities intermediaries, and in particular the law applicable to dispositions of securities held through an indirect holding system.

The meeting will provide an opportunity for public comment and will facilitate preparation of United States positions in connection with draft rules in preparation at the Hague Conference on Private International Law on law applicable to intermediaries.

Agenda: The meeting will review initial draft rules considered by states, organizations and industry representatives invited by the Hague Conference at its first meeting on this subject, that took place January 2001 together with proposed amendments thereto and additional provisions that may be suggested by study group participants.

Subject to availability of time, the meeting will review developments involving direct and indirect holders of securities, transfers of interest, dematerialization and immobilization of securities, the systemic role of multiple indirect holding systems, and whether harmonization by international treaty is feasible. Among other issues, an applicable law regime might address what law governs transfers of securities held through custodial accounts and financial intermediaries; the rights to securities in custodial accounts; the rights of owners of securities as well as entities secured thereby; the relation to third party creditors; and the legal nature of interests in securities held by such intermediaries or through central clearing systems.

Time permitting, the desirability of additional efforts to prepare substantive rules on securities intermediaries by other international bodies, such as the United Nations Commission on International Trade Law (UNCITRAL), UNIDROIT and the OAS will be discussed.

Documentation: The basic study by the Permanent Bureau of the Hague Conference, "Law applicable to disposition of securities held through indirect holding systems", is obtainable at www.hcch.net. Draft articles and proposed revisions thereto are set out in Doc. WP–16 dated February 6 and annexes A–C on the same site. Commentators unable to retrieve these documents may request them from the Office of the Legal Advisor (L/PIL) by contacting Rosie Gonzales at 202–776–8420, by fax 202–776–8482, or by email at pildb@his.com.

Attendance: The public is invited to attend up to the capacity of the meeting room and may participate subject to the rulings of the chair. The meeting will take place at 10:00 a.m. to 4:00 p.m. at the New York Federal Reserve Bank, 33 Liberty Street, NYC in the 10th Floor Board Room. Since access to the building is controlled, persons wishing to attend should, prior to c.o.b. Wednesday, March 2, notify Joyce Hansen, Sr. Vice President, New York Federal Reserve, at 212–720–5024, fax 212–720–1756 or contact Harold Burman, Office of the Legal Adviser, 202–776–8421; fax: 202–776–8482.

Harold S. Burman,

Executive Director, Secretary of State's Advisory Committee on Private International Law, U.S. Department of State.

[FR Doc. 01–4666 Filed 2–23–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice No. 3546]

Proposed Convention Sponsored by UNIDROIT on International Equipment Finance and Draft Protocol on Space Equipment; Meeting Notice

ACTION: The Space Finance Study Group of the State Department's Advisory Committee on Private International Law will meet in Washington, DC on Thursday, March 8 from 10:00 a.m. to 4:00 p.m. The Study Group will review and comment on a draft protocol on space equipment which would amend provisions of a proposed UNIDROIT convention on international secured financing for high-value mobile equipment, with a particular focus on the space equipment industry and implications for the provision of space-based services.

Agenda

The meeting will cover the status and purposes of the proposed (UNIDROIT) Convention on international interests in mobile equipment; the application of asset-based financing to space equipment; the revised draft protocol on space equipment; the revised draft protocol on aircraft; the upcoming meeting on the space protocol and the relationship to the outer space treaty system at the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS); and related developments in the space industry.

The intersection with the Uniform Commercial Code in the United States and secured finance laws in other countries will be considered, as well as related developments on international secured financing at UNCITRAL (the United Nations Commission on International Trade Law) and the OAS (Organization of American States).

The relationship between the proposed Space Equipment Protocol and the outer space treaty system will be reviewed, with particular attention to provisions on control and liability. In addition, options for establishment of an international computer-based registry of financial interests as contemplated by the new treaty system, and its relationship, if any, to the existing registration of space objects at UNCOPUOS, will be examined.

Background

The United States is a member of UNIDROIT (The International Institute for the Unification of Private Law) and has been an active participant in negotiations on a proposed multilateral convention (UNIDROIT Convention) to provide for the creation and enforceability of international secured finance interests in mobile equipment, specifically including at this stage aircraft, to be followed by space and satellite equipment, and railway rolling stock. A Space Working Group (SWG) authorized by UNIDROIT has prepared the current draft protocol on provisions specific to space equipment financing. Completion of the basic Convention and Aircraft Protocol is expected by the fall of 2001.

Completion of protocols on space and rail equipment is expected to follow. The proposed Convention and equipment specific protocols can enhance the development of equipment industries, as well as the capacity of many countries to finance such equipment and related services, through private sector capital markets.

Key features of the draft Convention include the creation of internationally

enforceable financing interests; establishment of an international computer-based registry system for notice and priority of finance interests; and optional provisions on key issues such as certain expedited remedies, insolvency, etc. The convention and space protocol would not amend any provisions of the space treaty system, nor affect the existing object registry functions of UNCOPUOS.

Attendance

The meeting will be held at the International Law Institute (ILI) in Washington, D.C., 1615 New Hampshire Avenue, N.W. The meeting is open to the public, subject to rulings of the Chair. Persons wishing to attend should contact Harold Burman, Office of Legal Adviser (L/PIL), at 202–776–8421, fax 776–8482, email pildb@his.com, or Kenneth Hodgkins, Office of Space and Advanced Technology, (OES/SAT), 202–663–2398, fax 663–2404, email k.hodgkins@state.gov, by Monday, March 5.

Documents

A revised draft space protocol, prepared by the Space Working Group, and a joint report by the Secretariats of UNCOPUOS and UNIDROIT are available in United Nations (UNCOPUOS) document A/AC.105/C.2/L.225, dated Jan. 22, 2001, which also contains a revised draft of the base convention. The base convention is also available at www.UNIDROIT.org. Commentators unable to obtain a timely copy of the space protocol through UN document repositories can request one from the Office of Legal Adviser, by contacting Rosie Gonzales at 202–776–8420, fax 776–8482, or by email at pildb@his.com. Persons unable to attend the meeting can provide comments at any of the above contact points.

Harold S. Burman,

Executive Director, Secretary of State's Advisory Committee on Private International Law, U.S. Department of State.

[FR Doc. 01–4667 Filed 2–23–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3573]

Universal Postal Union Reform Initiatives

ACTION: Notice of briefing.

The Department of State will host a briefing on Thursday, March 15, 2001, to provide an update on reform initiatives at the Universal Postal Union (UPU).

The briefing will be held from 2:00 p.m. until approximately 4:00 p.m., on March 15, 2001, in Room 1205 of the Department of State, 2201 C Street, NW., Washington, DC. The briefing will be open to the public up to the capacity of the meeting room.

The briefing will provide information on the results of the recent meetings of the High-Level Group on the Future of the UPU, and of other significant UPU-related issues. The briefing will be chaired by Ambassador E. Michael Southwick of the Department of State.

Entry to the Department of State building is controlled and will be facilitated by advance arrangements. In order to arrange admittance, persons desiring to attend the briefing should, no later than noon on March 13, 2001, notify the Office of Technical and Specialized Agencies, Bureau of International Organization Affairs, Department of State, preferably by fax, providing the name of the meeting and the individual's name, Social Security number, date of birth, professional affiliation, address and telephone number. The fax number to use is (202) 647–8902. Voice telephone is (202) 647–2752. This request applies to both government and non-government individuals.

All attendees must use the Department of State diplomatic entrance at 22nd and C Streets, NW. One of the following means of identification will be required for admittance: Any U.S. driver's license with photo, a passport, or any U.S. Government agency identification card.

Questions concerning the briefing may be directed to Mr. Neil Boyer at (202) 647–2752 or via email at n.boyer@state.gov.

Dated: February 6, 2001.

Lynne F. Lambert,

Director, Office of Technical and Specialized Agencies, Bureau of International Organization Affairs, Department of State.

[FR Doc. 01–4669 Filed 2–23–01; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[(Order 2001–2–16) Docket OST–99–5948]

Application of Air Excursions, LLC for Issuance of New Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2001–2–16) Docket OST–99–5948.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Air Excursions, LLC fit, willing, and able and awarding it a certificate of public convenience and necessity to engage in interstate air transportation of persons, property and mail as a certificated air carrier.

RESPONSES: Objections and answers to objections should be filed in Docket OST–99–5948 and addressed to the Department of Transportation Dockets, PL–401, 400 Seventh Street, SW., Washington, DC 20590, and should be served on all persons listed in Attachment A to the order. Persons wishing to file objections should do so no later than March 2, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. James Lawyer, Air Carrier Fitness Division (X–56, Room 6401), US Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–1064.

Dated: February 20, 2001.

Susan E. McDermott,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 01–4672 Filed 2–23–01; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 01–05–C–00–BTM To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Bert Mooney Airport, Butte, Montana Submitted by the Bert Mooney Airport Authority, Butte, Montana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use PFC revenue at Bert Mooney Airport, Butte, Montana under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before March 28, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: David P. Gabbert, Manager; Helena Airports District Office; Federal Aviation Administration; 2725 Skyway Drive, Suite 2; Helena, Montana 59602.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Rick Griffith, Airport Manager, at the following address: Bert Mooney Airport, 101 Airport Road, Butte, Montana 59701.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to Bert Mooney Airport, under § 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: David P. Gabbert, Manager; Helena Airports District Office; Federal Aviation Administration; 2725 Skyway Drive, Suite 2; Helena, Montana 59602; Phone (406) 449–5271. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application 01–05–C–00–BTM to impose and use PFC revenue at Bert Mooney Airport, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 20, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by Bert Mooney Airport Authority, Bert Mooney Airport, Butte, Montana was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 22, 2001.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: 8/1/01.

Proposed charge expiration date: 3/31/06.

Total requested for use approval: $185,780.

Brief description of proposed project: Snow removal equipment, security fence, Passenger access lift, Pavement survey, Rehabilitate taxiways C and D, Distance-to-go signs and Runway End Indicator Lights and Radio equipment replacement.

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: On demand non-scheduled Air Taxi/Commercial operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue SW., Suite 540, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Bert Mooney Airport.

Issued in Renton, Washington on February 20, 2001.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 01–4684 Filed 2–23–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Midland International Airport, Midland, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Midland International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before March 28, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Marvin Esterly, Director of Airports, Midland International Airport at the following address: Mr. Marvin Esterly, Director of Airports, P.O. Box 60305, Midland International Airport, Midland, TX 79711–0305.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under Section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610, (817) 222–5613.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Midland International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 7, 2001 the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 29, 2001.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: January 1, 2016.

Proposed charge expiration date: January 1, 2018.

Total estimated PFC revenue: $1,493,866.

PFC application number: 01–04–C–00–MAF.

Brief description of proposed project(s):

Projects To Impose and Use PFC's

1. Reconstruct North Apron Drainage and Fillets.
2. Rehabilitate Runways and Taxiways.
3. Relocate Taxiway Z and Reconstruct Taxiway Z parallel to Runway 16L.
4. Replace ARFF Facility.
5. Reconstruct Taxiway C–H–P Intersection.
6. Reconstruct South Apron.
7. Acquire two (2) ARFF Vehicles.

Proposed class or classes of air carriers to be exempted from collecting PFC's: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Midland International Airport, 9506 La Force Blvd, Midland Texas.

Issued in Fort Worth, Texas on February 8, 2001.

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 01–4685 Filed 2–23–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement Supplemental: Constantine, MI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent supplemental.

SUMMARY: On June 22, 2000, The FHWA issued a Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed improvements to US–131 from the Indiana Toll Road to M–60 including a potential western bypass of the Village of Constantine in St. Joseph County, Michigan. The FHWA is issuing this Notice of Intent to expand its original Notice of Intent dated June 22, 2000, to include the area from M–60 to one mile north of Lovers Lane. The revised study termini will be from the Indiana Toll Road to one mile north of Lovers Lane, a distance of approximately 16 miles.

FOR FURTHER INFORMATION CONTACT: Mr. James Kirschensteiner, Programs and Environmental Engineer, Federal Highway Administration, 315 W. Allegan Street, Lansing, Michigan 48933, Telephone (517) 377–1880, ext. 41 or Mr. Paul Wisney, Manager, Design Division, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone (517) 335–1905.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Michigan Department of Transportation (MDOT), the Indiana Toll Authority and the Indiana Department of Transportation are expanding the northern limit of the US–131 study in St. Joseph County to include the area from M–60 to one mile north of Lovers Lane. This study expansion will permit close examination of traffic congestion and safety issues to determine what improvements can be made to US–131 in the Three River area, including alternative roadways. The US–131 corridor study encompasses approximately 16 miles of US–131 from the Michigan/Indiana state line to the Park/Lockport township line, and includes the village of Constantine and the city of Three Rivers.

Norman R. Stoner,

Assistant Division Administrator, Lansing, Michigan.

[FR Doc. 01–4570 Filed 2–23–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration, Office of Hazardous Materials Safety

Notice of Applications for Modification of Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (*e.g.* to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before March 13, 2001.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW, Washington, DC or at http://dms.dot.gov.

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 20, 2001.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials, Exemptions and Approvals.

Application No.	Docket No.	Applicant	Modification of exemption
4354–M		PPG Industries, Inc., Pittsburgh, PA (See Footnote 1)	4354
8826–M		Phoenix Air Group, Inc., Cartersville, GA (See Footnote 2)	8826
10066–M		CONAX Florida Corporation, St. Petersburg, FL (See Footnote 3)	10066
10143–M		Eurocom, Inc., Irving, TX (See Footnote 4)	10143
10389–M		Great Lakes Chemical Corporation, El Dorado, AR (See Footnote 5)	10389
10695–M		3M Company, St. Paul, MN (See Footnote 6)	10695
10945–M		Structural Composites Industries, Pomona, CA (See Footnote 7)	10945
11244–M		Aerospace Design & Development, Inc., Longmont, CO (See Footnote 8)	11244
11252–M		CCL Container, Don Mills, Ontario, CN (See Footnote 9)	11252
11620–M		CCL Container, Don Mills, Ontario, CN (See Footnote 10)	11620
11759–M		Honeywell International, Inc., Morristown, NJ (See Footnote 11)	11759
12116–M	RSPA–1998–4206	Proserv (North Sea), Ltd., Aberdeen AB11 5RJ, Scotland, UK (See Footnote 12)	12116
12122–M	RSPA–1998–4313	Atlantic Research Corp. Automotive Products Group, Knoxville, TN (See Footnote 13).	12122
12124–M	RSPA–1998–4309	Albermarle Corporation, Baton Rouge, LA (See Footnote 14)	12124
12405–M	RSPA–2000–5766	Air Products and Chemicals, Inc., Allentown, PA (See Footnote 15)	12405
12561–M	RSPA–2000–8305	Rodia, Incorporated, Cranbury, NJ (See Footnote 16)	12561

Application No.	Docket No.	Applicant	Modification of exemption
12580–M	RSPA–2000–8386	Matheson Tri-Gas, East Rutherford, NJ (See Footnote 17)	12580
12595–M	RSPA–2001–8643	Marsulex, Inc., Toledo, OH (See Footnote 18)	12595

(1) To modify the exemption to authorize the use of plastic pallets for the loading of polyethylene drums or composite packagings transporting certain Division 6.1 materials.
(2) To modify the exemption to revise Flight Plan language in Section 7.h. of the exemption to apply to flights inside the United States only.
(3) To modify the exemption to update drawing configurations of the non-DOT specification cylinder pertaining to a self-inflating life raft for shipment of Division 2.2 and Class 9 materials.
(4) To modify the exemption to authorize cargo and passenger-carrying aircraft as additional modes of transportation for Division 2.2 materials in a non-DOT specification container.
(5) To modify the exemption to authorize the transportation of Bromine, Class 8 (6.1) in tank cars to remain standing with unloading connections attached when no product is being transferred.
(6) To modify the exemption to authorize various changes to the packaging and safety control measures for the transportation of ethylene oxide packaged in aluminum cartridges within a fiberboard box.
(7) To modify the exemption to allow for the transportation of additional Division 2.2 materials in non-DOT specification fiber reinforced plastic full composite cylinders.
(8) To modify the exemption to allow for a design change of the non-DOT specification titanium alloy cylinder for the transportation of Division 2.2 materials.
(9) To modify the exemption to authorize additional relief of the testing requirements of the non-DOT specification metal aerosol containers.
(10) To modify the exemption to authorize an increase in the container and burst pressure; allow for the transportation of Division 2.1 materials in non-DOT specification cylinders.
(11) To modify the exemption to authorize the use of an additional specification tank care with increased wall thickness for the transportation of Division 6.1 materials.
(12) To modify the exemption to authorize a change to the maximum operating pressure and volume of non-DOT specification cylinders used for oil well sampling.
(13) To modify the exemption to allow for a design change to use openings in the sidewall for filling the pressure vessel, used as a component of an automobile safety system.
(14) To modify the exemption to allow for the transportation of additional Division 4.3 materials in a non-DOT specification portable tank.
(15) To modify the exemption to authorize 3T, 3AAX and 3AX cylinders as additional packagings for the transportation of Division 2.1, 2.2 and 2.3 materials; and changes to the operational controls concerning pressure and temperature monitoring.
(16) To modify the exemption to allow for the use of the Barber S–2–HD model truck for the transportation of Class 8 materials in DOT Specification 111S100W–2 tank cars.
(17) To reissue the exemption originally issued on an emergency basis for certain non-DOT specification foreign cylinders which are charged for export only transporting certain Division 4.3 materials.
(18) To reissue the exemption originally issued on an emergency basis for the transportation of sulfur dioxide in a tank car using Division 2.3 international placards.

[FR Doc. 01–4673 Filed 2–23–01; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration (DOT).

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before March 28, 2001.

ADDRESSES: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL–401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, DC 20590 or at http://dms.dot.gov.

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 20, 2001.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials, Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12622–N	RSPA–01–8831	Atlantic Research Corporation; Knoxville, TN.	49 CFR 172.200, 172.500.	To authorize the transportation in commerce of Division 1.3C, 1.4C and 2.2 airbags without the required shipping papers and placarding. (mode 1)
12623–N	RSPA–01–8829	General Chemical Corporation, Parsippany, NJ.	49 CFR 174.67(i) & (j)	To authorize rail cars to remain connected while standing without the physical presence of an unloader. (mode 2)

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12625–N	RSPA–01–8830	Smart-Hose Technologies, Inc. Philadelphia, PA.	49 CFR 177.834	To authorize cargo tank motor vehicles to remain connected while standing without the physical presence of an unloader. (mode 1)
12626–N	RSPA–01–8851	SMI Companies Franklin, LA.	49 CFR 173.243(c)	To authorize the manufacture, mark, sale and use of non-DOT specification steel portable tanks equipped with external bottom discharge valves for use in transporting Class 8 material. (modes 1, 3)
12629–N	RSPA–01–8853	Western Sales & Testing of Amarillo, Inc. Amarillo, TX.	49 CFR 173.34(e)	To authorize an alternative method of retest for DOT 3A, 3AA, 3AAX and 3T compressed gas cylinders for use in transporting liquified or nonliquefied compressed gases, or mixtures as presently authorized. (modes 1, 2, 3)
12630–N	RSPA–01–8850	Chemetall GmbH Gesellschaft Langelsheim, DE.	49 CFR 172.102(a)(2) & (c)(7)(ii).	To authorize the transportation in commerce of lithium alkyls, Divisions 4.2, in non-DOT specification IM 101 portable tanks with an equivalent minimum shell thickness less than that prescribed for the material. (modes 1, 2, 3)
12631–N	RSPA–01–8849	Precision Medical Northhampton, PA.	49 CFR 178.57(d)	To authorize the transportation in commerce of a portable cryogenic cylinder containing oxygen, Division 2.2 (mode 1)
12634–N	RSPA–01–8913	Norman International Los Angeles, CA.	49 CFR 173.12(b)(2)	To authorize the manufacture, mark, sale and use of a corrugated fiberboard box as the outer packaging for lab pack applications in accordance with Section 173.12(b). (modes 1, 2)

[FR Doc. 01–4674 Filed 2–23–01; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Customs Service

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of Customs duties. For the quarter beginning January 1, 2001, the interest rates for overpayments will be 8 percent for corporations and 9 percent for non-corporations, and the interest rate for underpayments will be 9 percent. This notice is published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: January 1, 2001.

FOR FURTHER INFORMATION CONTACT: Ronald Wyman, Accounting Services Division, Accounts Receivable Group, 6026 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 298–1200, extension 1349.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 was amended (at paragraph (a)(1)(B) by the Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105–206, 112 Stat. 685) to provide different interest rates applicable to overpayments: one for corporations and one for non-corporations.

The interest rates are based on the short-term Federal rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2000–57 (*see*, 2000–50 IRB 579, dated December 11, 2000), the IRS determined the rates of interest for the second quarter of fiscal year (FY) 2001 (the period of January 1–March 31, 2001). The interest rate paid to the Treasury for underpayments will be the short-term Federal rate (6%) plus three percentage points (3%) for a total of nine percent (9%). For corporate overpayments, the rate is the Federal short-term rate (6%) plus two percentage points (2%) for a total of eight percent (8%). For overpayments made by non-corporations, the rate is the Federal short-term rate (6%) plus three percentage points (3%) for a total of nine percent (9%). These interest rates are subject to change the third quarter of FY–2001 (the period of April 1–June 30, 2001).

For the convenience of the importing public and Customs personnel the following list of IRS interest rates used, covering the period from before July of 1974 to date, to calculate interest on overdue accounts and refunds of Customs duties, is published in summary format.

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate over-payments (Eff. 1–1–99) (percent)
Prior to:				
070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	
070185	123185	11	11	
010186	063086	10	10	
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7
040100	033101	9	9	8

Dated: February 21, 2001.

Charles W. Winwood,

Acting Commissioner of Customs.

[FR Doc. 01–4631 Filed 2–23–01; 8:45 am]
BILLING CODE 4820–02–P

DEPARTMENT OF VETERANS AFFAIRS

Medical Research Service Merit Review Committee, Notice of Meetings

The Department of Veterans Affairs gives notice under the Federal Advisory Committee Act, 5 U.S.C. App., of the following meetings to be held from 8 a.m. to 5 p.m. as indicated below:

Subcommittee for—	Date	Location
Aging & Clinical Geriatrics	March 19, 2001	Holiday Inn Central.
Endocrinology	March 19–20, 2001	Holiday Inn Central.
Hematology	March 21, 2001	Holiday Inn Central.
Nephrology	March 22, 2001	Holiday Inn Central.
Epidemiology	March 23, 2001	Holiday Inn Central.
Alcohol & Drug Dependence	March 26, 2001	Radisson Barcelo.
Respiration	March 26, 2001	Radisson Barcelo.
Surgery	March 26, 2001	Radisson Barcelo.
Neurobiology-C	March 29, 2001	Holiday Inn Central.
General Medical Science	April 5–6, 2001	The Virginian Suites.
Gastroenterology	April 9, 2001	Holiday Inn Central.
Cardiovascular Studies	April 13, 2001	Holiday Inn Central.
Oncology	April 16–17, 2001	Radisson Barcelo.
Neurobiology-D	April 17–18, 2001	Radisson Barcelo.
Immunology	April 17–18, 2001	Governor's House.
Infectious Diseases	April 19–20, 2001	The Virginian Suites.
Mental Hlth & Behav Sc	April 19–20, 2001	Four Points Sheraton.
Medical Research Service Merit Review Committee	June 7, 2001	Holiday Inn Central.

The addresses of the hotels are:
Four Points Sheraton, 1201 K Street, NW, Washington, DC 20005.
Governor's House, 1615 Rhode Island Avenue, NW, Washington, DC 20036.
Holiday Inn Central, 1501 Rhode Island Avenue, NW, Washington, DC 20005.

Radisson Barcelo, 2121 P Street, NW., Washington, DC 20037.
The Virginian Suites, 1500 Arlington Boulevard, Arlington, VA 22209.

These subcommittee meetings are for the purpose of evaluating the scientific merit of research conducted in each specialty by Department of Veterans Affairs (VA) investigators working in VA Medical Centers and Clinics.

The subcommittee meetings will be open to the public for approximately one hour at the start of each meeting to discuss the general status of the program. The remaining portion of each subcommittee meeting will be closed to the public for the review, discussion, and evaluation of initial and renewal projects.

The closed portion of the meetings involves discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols and similar documents. During this portion of the subcommittee meetings, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which could significantly frustrate implementation of proposed agency action regarding such research projects.

As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing portions of these subcommittee meetings is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B). Those who plan to attend or would like to obtain a copy of minutes of the subcommittee meetings and rosters of the members of the subcommittees should contact Dr. LeRoy Frey, Chief, Program Review Division, Medical Research Service, Department of Veterans Affairs, Washington, DC, (202) 408–3630.

Dated: February 15, 2001.

By Direction of the Secretary.

Erwin Huelsewede,

Committee Management Officer.

[FR Doc. 01–4635 Filed 2–23–01; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans, Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 that a meeting of the Advisory Committee on Women Veterans will be held on March 13 and 14, 2001, from 8:30 a.m. until 5:00 p.m., in conference room 230, and March 15, 2001, from 9:00 a.m. until 1:00 p.m., in conference room 830. All meetings will be held at the Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC.

The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women veterans with respect to health care, rehabilitation, compensation, outreach, and other programs and activities administered by the Department of Veterans Affairs designed to meet such needs. The Committee will make recommendations to the Secretary regarding such activities.

All sessions will be open to the public. Those who plan to attend should contact Ms. Maryanne Carson, Department of Veterans Affairs, Center for Women Veterans, 810 Vermont Avenue, NW, Washington, DC 20420, at (202) 273–6193. Tentative agenda follows:

Tuesday, March 13

8:30a Welcome and Introduction of New Member Ms. Joan Furey, Director, Center for Women Veterans
8:45a Review of Agenda, Karen Ray, Col., USA (Ret), Chair
9:00a Presentation of Appointment Certificate and Remarks, The Honorable Anthony Principi, Secretary of Veterans Affairs (tentative)
9:30a Review of 2000 Report
10:00a Break
10:30a Briefing: The Compensation and Pension Process, Veterans Benefits Administration
12:00p Lunch
1:30p Briefing: VA's Transition Assistance Program, Veterans Benefits Administration
2:45p Break
3:00p Briefing: Board of Veterans Appeals
4:15p General Discussion: Committee
5:00p Adjourn

Wednesday, March 14

8:30a Briefing: Center for Women Veterans, Ms. Furey
9:15a Briefings: National Strategic Work Group Study and Women Veterans Coordinator Study, Ms. Carole Turner, Director, Women Veterans Health Program
10:30a Break
10:45a Briefing: Women Veterans Homeless Initiative, Mrs. Gay Koerber, Associate Chief Consultant, Homeless Programs; Mrs. Josephine Hawkins, Program Analyst
11:30p General Discussion: Committee
12:00p Lunch
1:30p Briefing: Legislative Issues and Congressional Affairs, Office of General Counsel
2:30p Briefing: VA and Tricare (tentative)
3:15p Break
4:00p General Discussion: Committee
5:00p Adjourn

Thursday, March 15

9:00a Committee: FY 2001 Report
- Subcommittee Assignments
- Timeline
- General Issues

10:00a Break
10:30a June Site Visit—General Discussion
11:00a Other Issues: Committee
1:00p Adjourn

Dated: February 9, 2001.

By Direction of the Secretary.

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01–4571 Filed 2–23–01; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 66, No. 38
Monday, February 26, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket Number EE–RM–98–440]

RIN 1904–AA77

Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards

Correction

In rule document 01–1790 beginning on page 7170, in the issue of Monday, January 22, 2001, make the following corrections:

1. On page 7187, in table V.11., under the heading "ARI manufacturing costs (in percent), in the third line, " 0.2" should read " 10.2".

2. On page 7190, in table V.18., in the second level heading, " unites" should read "units".

3. On the same page, in the same table, under the heading "Reverse engineering costs", the heading "Rool–up" should read "Roll–up".

4. On page 7191, in table V.19., in the last column on the right, under the heading " as percent of base case total". the following numbers; "0.2, 0.5, and 0.9" should read "−0.2, −0.5, − 0.9"

[FR Doc. C1–1790 Filed 2–23–01; 8:45 am]

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Federal Register

Monday,
February 26, 2001

Part II

Department of Housing and Urban Development

Super Notice of Funding Availability (SuperNOFA) for HUD's Housing, Community Development and Empowerment Programs and Section 8 Housing Voucher Assistance for Fiscal Year 2001; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4630–N–01]

Super Notice of Funding Availability (SuperNOFA) for HUD's Housing, Community Development and Empowerment Programs and Section 8 Housing Voucher Assistance for Fiscal Year 2001

AGENCY: Office of the Secretary, HUD.

ACTION: Super Notice of Funding Availability (SuperNOFA) for HUD Grant Programs.

SUMMARY: This Fiscal Year 2001 Super Notice of Funding Availability (SuperNOFA) announces the availability of approximately $2.75 billion in HUD program funds covering 45 grant categories within programs operated and administered by HUD offices and Section 8 housing voucher assistance.

The General Section of this SuperNOFA provides the application procedures and requirements that are applicable to all the programs in this SuperNOFA. The Programs Section of this SuperNOFA provides a description of the specific programs for which funding is made available and describes any additional procedures and requirements that are applicable to a specific program. Please be sure you read both the General Section and the Program Section of this SuperNOFA to ensure you respond to all the requirements for funding.

APPLICATION DUE DATES: *The information in this* **APPLICATION DUE DATES** *section applies to all programs that are part of this SuperNOFA.* You, the applicant, must submit a completed application to HUD no later than the application due date established for the program for which you are seeking funding. HUD will not accept for review and evaluation any applications sent by facsimile (fax).

ADDRESSES AND APPLICATION SUBMISSION PROCEDURES: *Addresses.* You, the applicant, must submit a complete application to the location identified in the Programs Section of this SuperNOFA. When submitting your application, please refer to the name of the program for which you are seeking funding.

For Applications to HUD Headquarters. If your application is due to HUD Headquarters, you must send the application to the following address: Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410 (see the Program Chart or Programs Section for Room location and additional information regarding the addresses for application submission). Please make sure that you note the room number. The correct room number is very important to ensure that your application is not misdirected.

For Applications to HUD Field Offices. If your application is required to be submitted to a HUD Field Office, please see the Programs Section for the exact office location for submission of your application.

Applications Submission Procedures. Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within ten (10) days of the application due date.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date.

Hand Carried Applications. Hand-carried to HUD Headquarters. If your application is required to be submitted to HUD Headquarters, and you arrange for the application to be hand carried, hand carried applications delivered before and on the application due date must be brought to the specified location at HUD Headquarters and room number between the hours of 8:45 am to 5:15 pm, Eastern time. Applications hand carried on the application due date will be accepted in the South Lobby of the HUD Headquarters Building at the above address from 5:15 pm until 12:00 midnight, Eastern time. This deadline date is firm. Please make appropriate arrangements to arrive at the HUD Headquarters Building before 12:00 midnight, Eastern time, on the application due date.

Hand-carried to HUD Field Office. If your application is required to be submitted to a HUD Field Office, your application must be delivered to the appropriate HUD Field Office in accordance with the instructions specified in the Programs Section of the SuperNOFA. A hand carried application will be accepted at the specified HUD Field Office during normal business hours before the application due date. On the application due date, business hours will be extended to 6:00 pm, local time. (Appendix A–1 to this General Section of the SuperNOFA lists the HUD Field Offices. Please call to find out the hours of operation.) Please be sure to arrive at the HUD Field Office with adequate time to submit the application before the 6:00 pm deadline on the application due date.

Copies of Applications to HUD Offices. The Programs Section of this SuperNOFA may specify that to facilitate the processing and review of your application, a copy of the application also must be sent to an additional HUD location (for example, a copy to the HUD Field Office if the original application is to be submitted to HUD Headquarters, or a copy to HUD Headquarters, if the original application is to be submitted to a HUD Field Office). Please follow the directions of the Programs Section to ensure that you submit your application to the proper location. For some programs, HUD requests additional copies in order to expeditiously review your application, and to ensure that all reviewers receive complete applications to review. HUD appreciates your assistance in providing the copies. Please note that for those applications for which copies are to be submitted to the Field Offices and HUD Headquarters, timeliness of submission will be based on the time your application is received at HUD Headquarters.

FOR APPLICATION KITS, FURTHER INFORMATION AND TECHNICAL ASSISTANCE: The information in this section is applicable to all programs that are part of this SuperNOFA. This section describes how you may obtain application kits, further information about the SuperNOFA and technical assistance. A guidebook to HUD programs, titled "Connecting with Communities: A User's Guide to the HUD Programs and the 2001 SuperNOFA process" is available from the SuperNOFA Information Center and the HUD website at www.hud.gov/grants. This guidebook provides a brief description of all of HUD's programs, a description of the SuperNOFA programs, and eligible applicants for these programs, and examples of how programs can work in combination to serve local community needs. The main sources for obtaining this information are:

The SuperNOFA Information Center, which you may reach by calling 1–800–HUD–8929 or the Center's TTY number at 1–800–HUD–2209; and

HUD's web site on the Internet at http://www.hud.gov/grants.

For Application Kits and SuperNOFA User Guide. HUD is pleased to provide you with the FY 2001 application kits and/or a guidebook to all HUD programs that are part of this SuperNOFA. For some announcements of funding availability in this SuperNOFA, the process for applying for funds is so simple no application kit is required. Where this is the case, the program section for that funding will note that there is no application kit. The application kits are designed to guide you through the application process and ensure that your application addresses all requirements for the program funding you are seeking. *Please note that if there is a discrepancy between information provided in the application kit and the information provided in the published SuperNOFA, the information in the published SuperNOFA prevails.* Therefore, please be sure to review your application submission against the requirements in the SuperNOFA.

You may request general information and application kits from the SuperNOFA Information Center. When requesting an application kit from the SuperNOFA Information Center, please refer to the name of the program of the application kit you are interested in receiving. Please be sure to provide your name, address (including zip code), and telephone number (including area code). To ensure sufficient time to prepare your application, requests for application kits can be made immediately following publication of the SuperNOFA. The SuperNOFA Information Center opens for business simultaneously with the publication of the SuperNOFA.

The SuperNOFA Information Center (1–800–HUD–8929) can provide you with assistance, application kits, and guidance in determining which HUD Office(s) should receive a copy of your application. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. Additionally, you can obtain information on this SuperNOFA and application kits for this SuperNOFA through the HUD web site on the Internet at http://www.hud.gov/grants.

Consolidated Application Submissions. If you, the applicant, would like to apply for funding under more than one program in this SuperNOFA, you need only submit one originally signed SF–424 and one set of original signatures for the other standard assurances and certifications, accompanied by the matrix that is provided in each application kit. As long as you submit one originally signed set of these documents with an application, you need only submit copies of these documents with any additional application you submit. Your application should identify the program for which you have submitted the original signatures for the standard assurances and certifications.

Additionally, the Programs Section may specify additional forms, certifications, assurances, or other information that may be required for a particular program in this SuperNOFA.

For Further Information. For answers to your questions about this SuperNOFA, you have several options. You may call, during business hours, the SuperNOFA Information Center at 1–800–HUD–8929, or you may contact the HUD Office or Processing Center serving your area at the telephone number listed in the application kit for the program in which you are interested. If you are a person with a hearing or speech impairment you may call the Center's TTY number at 1–800–HUD–2209. You may also obtain information on this SuperNOFA and application kits for this SuperNOFA through the HUD web site on the Internet at http://www.hud.gov/grants.

For Technical Assistance. Before the application due date, HUD staff will be available to provide you with general guidance and technical assistance about this SuperNOFA. HUD staff, however, are not permitted to assist in preparing your application. Following selection of applicants, but before awards are made, HUD staff are available to assist in clarifying or confirming information that is a prerequisite to the offer of an award or Annual Contributions Contract (ACC) by HUD.

Satellite Broadcasts. HUD will hold information broadcasts via satellite for potential applicants to learn more about the programs in this SuperNOFA and preparation of the applications. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov/grants.

For Federal Grant Information. The Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106–107) directs each Federal agency to develop and implement a plan that, among other things, streamlines and simplifies the application, administrative and reporting procedures for Federal financial assistance programs administered by the agency. This law also requires the Director of the Office of Management and Budget (OMB) to direct, coordinate, and assist Federal agencies in establishing: (1) a common application and reporting system; and (2) an interagency process for addressing ways to streamline and simplify Federal financial assistance application and administrative procedures and reporting requirements for program applicants.

This law also requires OMB to consult with the grantee community as it works with the Federal agencies to develop and implement the course of action that would be undertaken by the Federal agencies to establish an electronic site for accessing grant information and applications. Over the last few months, OMB has been conducting outreach sessions informing you of the goals of this new law and seeking your input as the Federal agencies work together to achieve implementation.

HUD has been an active member in the Federal agency working groups and has established a common website where you can find information about all the grant programs within HUD. You can access this site from our homepage at www.hud.gov/grants and checking on grant program inventory. This site will be linked with other Federal agencies as the grants common website develops. If you are interested in finding out more about the "Federal Commons" and the work being done by other agencies, please visit the Inter-Agency Electronic Grants Committee (IAEGC) website at www.fedcommons.gov.

INTRODUCTION TO THE FY 2001 SUPERNOFA

HUD'S FY 2001 SuperNOFA Process

Background

This year marks the fourth year that HUD is issuing a SuperNOFA for almost all of its competitive grant programs, and additional programs have been added as noted below. The SuperNOFA approach, in which the great majority of HUD's competitive funds are announced in one document, is designed to simplify the application process, bring consistency and uniformity to the application and selection process, and accelerate the availability of funding. Equally important, the SuperNOFA approach is designed to increase the ability of applicants to consider and apply for funding under a wide variety of HUD programs. The SuperNOFA provides a "menu" of HUD competitive programs. From this menu, communities will be made aware of funding available for their jurisdictions. Nonprofits, public housing agencies, local and State governments, tribal governments and tribally designated housing entities, veterans service organizations, faith-based organizations and others will be able to identify the programs for which they are eligible for funding.

The most creative and novel element of the SuperNOFA is that it places heavy emphasis on the coordination of activities assisted by HUD funds to provide (1) greater flexibility and responsiveness by potential grantees in meeting local housing and community development needs, and (2) greater

flexibility for eligible applicants to determine what HUD program resources best fit the community's needs. The SuperNOFA's promotion of coordination and comprehensive planning of HUD assistance reduces duplication in the delivery of services by organizations and communities, and allows for delivery of a wider more integrated array of services, thereby resulting in more efficient use of HUD funds to more effectively serve a greater number of those most in need of HUD assistance.

Changes Made in the SuperNOFA Process for FY 2001

The FY 2001 SuperNOFA includes more grant assistance funding than in previous years and therefore further increases the ability of applicants to consider and apply for funding under a wide variety of HUD programs. Funding availability announcements that are being added to the Fiscal Year 2001 SuperNOFA are the following:

- Assisted Living Conversion Program (ALCP) for Eligible Multifamily Projects
- Community Development Block Grants for Indian Tribes and Alaska Native Villages
- Early Doctoral Research Program
- Doctoral Research Program
- HUD Urban Scholars Fellowship Program (a post doctoral program)
- Family Self-Sufficiency (FSS) Program Coordinators Program
- Healthy Homes Demonstration and Education Program (replacing the Healthy Homes Initiative Program of Fiscal Year 2000)
- Healthy Homes Research Program (replacing the program for Research to Improve the Evaluation and Control of Residential Lead-Based Paint)
- Indian Housing Drug Elimination Program
- Service Coordinators in Multifamily Housing

With respect to the program NOFA for the Community Development Block Grants for Indian Tribes and Alaska Native Villages (ICDBG), a rule that amends the regulations for this program was published on January 17, 2001 (66 FR 4578) and takes effect on April 16, 2001.

Funding availability announcements that were part of the Fiscal Year 2000 SuperNOFA but for which there will be no funding availability announcements in FY 2001 are the following:

- Public Housing Drug Elimination Technical Assistance for Safety and Security
- Outreach and Assistance Training Grants

Organization of the SuperNOFA

The SuperNOFA is divided into two major sections. The General Section of the SuperNOFA describes the procedures and requirements applicable to all applications. The Programs Section of the SuperNOFA describes each program that is part of this SuperNOFA. For each program, the Programs Section describes the eligible applicants, eligible activities, factors for award, and any additional requirements or limitations that apply to the program.

Please read carefully both the General Section and the Programs Section of the SuperNOFA for the program(s) for which you are applying. Your careful reading will ensure that you apply for program funding for which your organization is eligible to receive funds and that you fulfill all the requirements for that program(s).

As part of the simplification of this funding process, and to avoid duplication of effort, the SuperNOFA provides for consolidated applications for several of the programs that are part of this SuperNOFA. HUD programs that provide assistance for, or complement, similar activities (for example, the Continuum of Care programs and CPD Technical Assistance programs) have a consolidated application that reduces the administrative and paperwork burden applicants would otherwise encounter in submitting a separate application for each program. The Program Chart in this introductory section of the SuperNOFA identifies the programs that have been consolidated and for which a consolidated application is made available to eligible applicants.

As we did in last year's SuperNOFA, HUD is providing copies of the application forms in this publication. The standard forms, certifications and assurances applicable to all programs, or the great majority of programs, in the SuperNOFA follow the General Section as Appendix B. The forms and any additional certifications and assurances that are unique to the individual program will follow that program section of the SuperNOFA.

The specific statutory and regulatory requirements of the programs that are part of this SuperNOFA continue to apply to each program. The SuperNOFA will identify, where necessary, the statutory requirements and differences applicable to the specific programs. *Please pay careful attention to the individual program requirements that are identified for each program. Note that not all applicants are eligible to receive assistance under all programs identified in this SuperNOFA.*

THE PROGRAMS OF THIS SUPERNOFA AND THE AMOUNT OF FUNDS ALLOCATED

The programs that are part of this SuperNOFA are identified in the chart below. The approximate available funds for each program are based on appropriated funds, and for some programs, the available funding includes funds already recaptured. In the event (1) HUD recaptures funds (either for programs for which funding already reflects recaptured funds or other programs for which funding does not reflect recaptured funds), or (2) other funds become available for any program, HUD reserves the right to increase the available funding amount for a program by the additional amounts that become available.

The chart also includes the application due date for each program, the OMB approval number for the information collection requirements contained in the specific program, and the Catalog of Federal Domestic Assistance (CFDA) number.

BILLING CODE 4210-32-P

HUD FY 2001 SUPERNOFA FUNDING

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
HOUSING AND COMMUNITY DEVELOPMENT			
Community Development Technical Assistance (TA)	**Up to $21.18**		
Community Housing Development Organization (CHDO) TA CFDA No. 14.239 OMB Approval No.:2506-0166	Up to $7.6 million	May 22, 2001	HUD Headquarters Room 7251, and one copy to appropriate local HUD Field Offices
HOME TA CFDA No. 14.239 OMB Approval No.:2506-0166	Up to $8 million	May 22, 2001	HUD Headquarters Room 7251, and one copy to appropriate local HUD Field Offices
McKinney-Vento Act Homeless Assistance Programs TA CFDA No. 14.235 OMB Approval No.:2506-0166	Up to $3 million	May 22, 2001	HUD Headquarters Room 7251, and one copy to appropriate local HUD Field Offices
HOPWA TA CFDA No. 14.241 OMB Approval No.:2506-0133	Up to $2.580 million	May 22, 2001	HUD Headquarters Room 7251 and one copy to appropriate local HUD Field Offices
Community Development Block Grant Assistance	**Up to $71.3 million**		
Community Development Block Grants for Indian Tribes and Alaska Native Villages CFDA No. 14,862 OMB Approval No.: 2577-0191	Up to $71.3 million	May 23, 2001	HUD Area ONAP Office

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
UNIVERSITY AND COLLEGE PARTNERSHIPS			
University and College Programs	**$ 27.5 million**		
Community Outreach Partnership Centers (COPC) CFDA No: 14511 OMB Approval No.:2528-0180	$8 million	June 1, 2001	HUD Headquarters Room 7251
Historically Black Colleges and Universities (HBCUs) Program CFDA No.: 14.237 OMB Approval No.: 2506-0122	$10 million	June 1, 2001	HUD Headquarters Room 7251 and one copy to local HUD Field Office
Hispanic-Serving Institutions Assisting Communities (HSIAC) Program CFDA No.: 14.514 OMB Approval No.:2528-0198	$6.5 million	June 1, 2001	HUD Headquarters Room 7251
Alaska Native/Native Hawaiian Institutions Assisting Communities Program (AN/NHIAC) CFDA No.: 14.515 OMB Approval No.:2528-0206	$3 million	June 1, 2001	HUD Headquarters Room 7251
FAIR HOUSING OUTREACH, ENFORCEMENT AND HOUSING COUNSELING			
Fair Housing and Housing Counseling Programs	**$34.05 million**		
Fair Housing – Private Enforcement Initiative (PEI) CFDA No.: 14.410 OMB Approval No.: 2539-0033	$10.5 million	May 2, 2001	HUD Headquarters Room 5224
Fair Housing – Education and Outreach Initiative (EOI) CFDA No.: 14.409 OMB Approval No.: 2539-0033	$3.9 million	May 2, 2001	HUD Headquarters Room 5224

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
Fair Housing Organizations Initiative (FHOI) CFDA No.: 14.413 OMB Approval No.: 2539-0033	$2.1 million	May 2, 2001	HUD Headquarters Room 5224
Housing Counseling – Local Housing Counseling Agencies CFDA No.: 14.169 OMB Approval No.: 2502-0261	$6.6 million	May 3, 2001	Appropriate HUD Homeownership Center (HOC)
Housing Counseling – National, Regional, and Multi-State Intermediaries CFDA No.: 14.169 OMB Approval No.: 2502-0261	$9.95 million	May 3, 2001	HUD Headquarters Room 9166
Housing Counseling – State Housing Finance Agencies CFDA No.: 14.169 OMB Approval No.: 2502-0261	$1 million	May 3, 2001	Appropriate HUD Homeownership Center (HOC)
HEALTHY HOMES AND LEAD HAZARD CONTROL			
Healthy Homes and Lead Hazard Control Programs	**$66 million**		
Lead-Based Paint Hazard Control Program CFDA No.: 14.901 OMB Approval No.: 2539-0015	$59 million	May 17, 2001	Postal Service: HUD Headquarters, Office of Healthy Homes and Lead Hazard Control, Room P3206
Healthy Homes Research CFDA No.: 14.901 OMB Approval No.: 2539-0010	$1.5 million	May 17, 2001	Postal Service: HUD Headquarters, Office of Healthy Homes and Lead Hazard Control, Room P3206

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
Healthy Homes Demonstration and Education Program CFDA No.: 14.900 OMB Approval No.:2539-0015	$5.5 million	May 17, 2001	Postal Service: HUD Headquarters, Office of Healthy Homes and Lead Hazard Control, Room P3206
PUBLIC AND INDIAN HOUSING REVITALIZATION AND DEMOLITION			
Revitalization and Demolition Programs	**$565 million**		
HOPE VI Revitalization Grants CFDA No.: 14.866 OMB Approval No.: 2577-0208	$490 million	June 22, 2001	HUD Headquarters Room 4130 and one copy to appropriate local HUD Field Office
HOPE VI Demolition Grants CFDA No.: 14.866 OMB Approval No.: 2577-0208	$75 million	July 10, 2001	HUD Headquarters Room 4130 and one copy to appropriate local HUD Field Office
DRUG ELIMINATION IN PUBLIC AND ASSISTED HOUSING			
Drug Elimination Programs	**$49.15 million**		
Public Housing Drug Elimination - Technical Assistance (DETAP) CFDA No.: 14.854 OMB Control No.: 2577-0124	$900,000	July 27, 2001	HUD Headquarters Room 4206 and one copy to appropriate local HUD Field Office or Area ONAP Office
Indian Housing Drug Elimination Program CFDA No.: 14.854 OMB Control No.: 2577-0124	$12 million	April 24, 2001	IHDE-IRC P.O. Box 14970 Silver Spring, MD

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
Drug Elimination New Approach Anti-Drug Program (Formerly Safe Neighborhood Grant) CFDA No.: 14.854 OMB Control No.: 2577-0124	$20 million	June 19, 2001	Appropriate Multifamily Hub or Program Center or Area ONAP Office
Drug Elimination Grants for Multifamily Low Income Housing CFDA No.: 14.193 OMB Approval No.: 2502-0476	$16.25 million	May 23, 2001	Appropriate Multifamily Hub or Program Center
ECONOMIC DEVELOPMENT AND EMPOWERMENT			
Economic and Empowerment Programs	**$187.6 million**		
Economic Development Initiative CFDA No.: 14.246 OMB Approval No.: 2506-0153	$10.7 million	July 6, 2001	HUD Headquarters Room 7251 and one copy to appropriate local HUD Field Office
Brownfields Economic Development Initiative CFDA No.: 14.246 OMB Approval No.: 2506-0153	$25 million	May 22, 2001	HUD Headquarters Room 7251 and one copy to appropriate local HUD Field Office
Self-Help Homeownership Opportunity Program (SHOP) CFDA No.: 14.247 OMB Approval No.: N/A	$20 million	May 29, 2001	HUD Headquarters Room 7251
Youthbuild CFDA No.: 14.243 OMB Approval No.: 2506-0142	$52.9 million	May 30, 2001	HUD Headquarters Room 7255 and one copy to appropriate local HUD Field Office

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
ROSS for Resident Management and Business Development CFDA No.: 14.870 OMB Approval No.: 2577-0211	$6 million	May 24, 2001	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC
ROSS for Capacity Building and Conflict Resolution CFDA No.: 14.870 OMB Approval No.: 2577-0211	$5 million	May 24, 2001	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC
ROSS for Resident Service Delivery Models CFDA No.: 14.870 OMB Approval No.: 2577-0211	$24 million	June 26, 2001	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC
ROSS for Service Coordinator Renewals CFDA No.: 14.870 OMB Approval No.: 2577-0211	$20 million	June 28, 2001	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC
Rural Housing and Economic Development Program CFDA No.: 14.250 OMB Approval No.:2506-0169	$24 million	April 6, 2001	HUD Headquarters Room 7255

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
TARGETED HOUSING, HOMELESS AND SECTION 8 VOUCHER ASSISTANCE			
Targeted Housing and Homeless Assistance Programs	**$1591.8 million**		
Continuum of Care Homeless Assistance - Supportive Housing CFDA No.: 14.235 - Shelter Plus Care CFDA No.: 14.238 - Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) CFDA No.: 14.249 OMB Approval No.: 2506-0112	$850 million	May 31, 2001	HUD Headquarters Room 7270 and one copy to appropriate local HUD Field Offices
Housing Opportunities for Persons with AIDS CFDA No.: 14.241 OMB Approval No.: 2506-0133	$25.5 million	April 24, 2001 (for renewals) June 13, 2001 (new requests)	HUD Headquarters Room 7251 and two copies to appropriate local HUD Field Office
Section 202 Supportive Housing for the Elderly CFDA No.: 14.157 OMB Approval No.: 2502-0267	$495.9 million	May 25, 2001	Appropriate local HUD Multifamily HUB or Multifamily Program Center
Section 811 Supportive Housing for Persons with Disabilities CFDA No.: 14.181 OMB Approval No.: 2502-0462	$121.2 million	May 25, 2001	Appropriate local HUD Multifamily Hub or Multifamily Program Center
Assisted Living Conversion Program for Eligible Multifamily Projects CFDA No.: 14.314 OMB Approval No.: 2502-0542	$75 million	June 21, 2001	Appropriate Multifamily Hub Office
Service Coordinators in Multifamily Housing CFDA No.: 14.191 OMB Approval No.: 2577-0198	$24.2	June 21, 2001	Appropriate local HUD Multifamily Hub Office or Multifamily Program Center
Section 8 Housing Vouchers for Persons with Disabilities	**$139.1 million**		

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
Mainstream Housing Opportunities for Persons with Disabilities CFDA No.: 14.857 OMB Approval No.: 2577-0169	$54.1 million	July 20, 2001	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC
Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments and Sections 202, 221(d) and 236 Developments CFDA No.: 14.857 OMB Approval No.: 2506-0169	$20 million	June 15, 2001	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC
Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans CFDA No.: 14.857 OMB Approval No.:2577-0169	$20 million	May 16, 2001 (for submittal of Designated Housing Plans only) July 24, 2001 (for submittal of entire application)	Special Applications Ctr, Room 2401 77 West Jackson Blvd, Chicago, IL Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC
Rental Certificate Housing Choice Voucher Family Self-Sufficiency (FSS) Program Coordinators CFDA No.: 14.855 & 14.857 OMB Approval No.:2577-0198	$45 million	April 25, 2001	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
OTHER EDUCATIONAL PROGRAMS			
Doctoral Education Programs	**Up to 1.3 million**		
Early Doctoral Student Research Grant Program CFDA No.: 14.517 OMB Approval No.:Pending	$150,000	April 26, 2001	University Partnerships Clearinghouse, Aspen Systems 2277 Research Blvd Rockville, MD 20850
Doctoral Dissertation Research Grant Program CFDA No.: 14.516 OMB Approval No.:2528-0213	$600,000	April 26, 2001	University Partnerships Clearinghouse, Aspen Systems 2277 Research Blvd Rockville, MD 20850
HUD Urban Scholars Fellowship Program CFDA No.: 14.518 OMB Approval No.:2528-0214	$550,000	June 5, 2001	University Partnerships Clearinghouse, Aspen Systems 2277 Research Blvd Rockville, MD 20850

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Paperwork Reduction Act Statement. The information collection requirements in this SuperNOFA have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The chart shown above provides the OMB approval number for each program that is part of this SuperNOFA. Where the chart notes that an OMB number is pending, this means that HUD has submitted the information to OMB to obtain an approval number and HUD's request for the number is pending. As soon as HUD receives the approval number, the number will be published in the **Federal Register** and provided to the SuperNOFA Information Center. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

GENERAL SECTION OF THE SUPERNOFA

I. Authority; Purposes of the FY 2001 SuperNOFA; Funding Amount; Eligible Applicants and Eligible Activities

(A) *Authority.* HUD's authority for making funding under this SuperNOFA is the Fiscal Year 2001 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2001 (Pub.L. 106–377, approved October 27, 2000) (FY 2001 HUD Appropriations Act). Generally, the authority is not repeated in the individual program sections of this SuperNOFA. The authority provision of the program sections identify additional laws and regulations that authorize the requirements listed for the funding competitions that make up this SuperNOFA.

(B) *Purposes.* The purposes of this SuperNOFA are to:

(1) *Make funding available to empower communities and residents.* The funding made available by this SuperNOFA will assist community leaders and residents, particularly low- and moderate-income residents, in using HUD funds to develop viable communities and provide decent housing for all citizens, without discrimination.

(2) *Simplify the application process for funding under HUD programs.* For the majority of funding that is part of this year's SuperNOFA, the SuperNOFA continues to provide a single, uniform set of rating factors and submission requirements. This year's SuperNOFA also allows, as did last year's, for you, the applicant, to apply for more than one program with a single application. This year's SuperNOFA also includes funding for the Housing Choice Voucher Program that is available on a first come, first serve basis.

(3) *Promote comprehensive approaches to housing and community development.* Through the SuperNOFA process, HUD encourages you, the applicant, to focus on the interrelationships that exist in a community and in HUD's funding programs, and to build community-wide efforts that coordinate the resources of multiple applicants and programs. To successfully address community needs and solve community problems, and to take advantage of existing resources, HUD encourages members of a community to join together and pool all available resources in a common, coordinated effort. By making all of HUD's competitive funding available in one document, HUD allows you, the applicant, to be able to relate the activities proposed for funding under this SuperNOFA to the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice.

(C) *Funding Available.* As noted in the Introduction Section to the SuperNOFA, the HUD programs that are part of this SuperNOFA are allocated amounts based on appropriated funds. If HUD recaptures funds in any program, HUD reserves the right to increase the available funding amounts by the amount of funds recaptured.

(D) *Restrictions on the Use of HUD Funds in Support of the Sale of Tobacco Products.* Section 211 of the FY 2001 HUD Appropriations Act requires that funds appropriated to HUD may not be used to construct, operate, or otherwise benefit a facility or facilities with a designated portion of that facility which sells or intends to sell predominantly cigarettes or other tobacco products. The Act defines the predominant sale of cigarettes or other tobacco products to mean sales representing more than 35 percent of the annual total in-store, non-fuel sales.

(E) *Eligible Applicants and Eligible Activities.* The Programs Section of the SuperNOFA describes the eligible applicants and eligible activities for each program.

II. Requirements and Procedures Applicable to All Programs

Except as may be modified in the Programs Section of this SuperNOFA, or as noted within the specific provisions of this Section II, the requirements, procedures and principles listed below apply to all programs that are part of this SuperNOFA. Please be sure to read the Programs Section of the SuperNOFA for additional requirements or information.

(A) *Statutory Requirements.* To be eligible for funding under this SuperNOFA, you, the applicant, must meet all statutory and regulatory requirements applicable to the program or programs for which you are seeking funding. If you need copies of the program regulations, they are available from the SuperNOFA Information Center or through the Internet at the HUD web site located at http://www.hud.gov. Among the reasons that HUD may find an application ineligible to receive further funding consideration is if the activities or projects proposed in the application are not eligible activities and projects. In addition (with the exception of the Section 202 and Section 811 programs) HUD may eliminate the ineligible activities from funding consideration and reduce the grant amount accordingly.

(B) *Threshold Requirements.* (1) *Compliance with Fair Housing and Civil Rights Laws.* With the exception of Federally recognized Indian tribes and their instrumentalities, all applicants and their subrecipients must comply with all Fair Housing and civil rights laws, statutes, regulations and executive orders as enumerated in 24 CFR 5.105(a). If you are a Federally recognized Indian tribe, you must comply with the nondiscrimination provisions enumerated at 24 CFR 1000.12.

If you, the applicant—

(a) Have been charged with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination;

(b) Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or

(c) Have received a letter of noncompliance findings under Title VI, Section 504, or Section 109,—

HUD will not rate and rank your application under this SuperNOFA if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the Department before the application deadline stated in the individual program NOFA. HUD's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

(2) *Other Threshold Requirements.* The program section for the funding for which you are applying may specify other threshold requirements.

Additional threshold requirements may be identified in the discussion of "eligibility" requirements in the program section.

(C) *Additional Nondiscrimination Requirements.* You, the applicant and your subrecipients, must comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 1201 *et seq.*), and Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 et seq).

(D) *Affirmatively Furthering Fair Housing.* Unless otherwise specified in the Programs Section of this SuperNOFA, if you are a successful applicant, you will have a duty to affirmatively further fair housing. Again, except as may be provided otherwise in the Programs Section of this SuperNOFA, you, the applicant, should include in your application or work plan the specific steps that you will take to:

(1) Address the elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, you, the applicant, have a duty to carry out the specific activities provided in your responses to the SuperNOFA rating factors that address affirmatively furthering fair housing. Please see the Programs Section of this SuperNOFA for further information.

(E) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Certain programs in this SuperNOFA require recipients of assistance to comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low-and Very Low-Income Persons in Connection with assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements subpart E of this part. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment and other economic opportunities will be directed to (1) low and very low income persons, particularly those who are recipients of government assistance for housing and (2) business concerns which provide economic opportunities to low-and very low-income persons. As noted in the Programs Section of this SuperNOFA, Section 3 is applicable to the following programs:

- Community Development Block Grant Program for Indian Tribes and Alaska Native Villages;
- Historically Black Colleges and Universities (HBCU);
- Hispanic-Serving Institutions Assisting Communities (HSIAC);
- Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC)
- Lead-Based Paint Hazard Control;
- Healthy Homes Demonstration and Education Program;
- Healthy Homes Research Program;
- HOPE VI Public Housing Revitalization and Demolition;
- Indian Housing Drug Elimination Program;
- Public Housing Drug Elimination Program—New Approach Anti-Drug Program
- Resident Opportunities and Self-Sufficiency Program
- Economic Development Initiative (EDI);
- Brownfields Economic Development Initiative (BEDI);
- Self-Help Homeownership Opportunity Program (SHOP);
- Youthbuild Program;
- Continuum of Care Homeless Assistance Programs;
- Housing Opportunities for Persons with AIDS (HOPWA);
- Section 202 Supportive Housing for the Elderly Program;
- Assisted Living Conversion Program;
- Section 811 Supportive Housing for Persons with Disabilities Program;

(F) *Relocation.* Any person (including individuals, partnerships, corporations or associations) who moves from real property or moves personal property from real property directly (1) because of a written notice to acquire real property in whole or in part, or (2) because of the acquisition of the real property, in whole or in part, for a HUD-assisted activity is covered by Federal relocation statute and regulations. Specifically, this type of move is covered by the acquisition policies and procedures and the relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and the implementing governmentwide regulation at 49 CFR part 24. The relocation requirements of the URA and the governmentwide regulations cover any person who moves permanently from real property or moves personal property from real property directly because of acquisition, rehabilitation or demolition for an activity undertaken with HUD assistance.

(G) *Forms, Certifications and Assurances.* You, the applicant, are required to submit signed copies of the standard forms, certifications, and assurances listed in this section, unless the requirements in the Programs Section specify otherwise. Also, the Programs Section may specify additional forms, certifications, assurances or other information that may be required for a particular program in this SuperNOFA.

As part of HUD's continuing efforts to improve the SuperNOFA process, several of the required standard forms have been simplified this year. The standard forms, certifications, and assurances are as follows:

- Standard Form for Application for Federal Assistance (SF–424) (which includes civil rights/fair housing certification);
- Federal Assistance Funding Matrix and Certifications, HUD–424M;
- Standard Form for Budget Information—Non-Construction Programs (SF–424A) or
- Standard Form for Budget Information-Construction Programs (SF–424C), as applicable;
- Standard Form for Assurances—Non-Construction Programs (SF–424B) or
- Standard Form for Assurances—Construction Programs (SF–424D), as applicable; Drug-Free Workplace Certification (HUD–50070);
- Certification of Payments to Influence Federal Transaction (HUD–50071) and if engaged in lobbying, the Disclosure Form Regarding Lobbying (SF–LLL); (Tribes and tribally designated housing entities (TDHEs) established by an Indian tribe as a result of the exercise of the tribe's sovereign power are not required to submit this certification. Tribes and TDHEs established under State law are required to submit this certification.)
- Applicant/Recipient Disclosure/Update Report (HUD–2880);
- Certification Regarding Debarment and Suspension (HUD–2992). This is the certification required by 24 CFR 24.510. (The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, subgrants, or funding of any recipients, or contractors or subcontractors, during any period of debarment, suspension, or placement in ineligibility status, and a certification is required.);
- Certification of Consistency with EZ/EC Strategic Plan (HUD–2990);
- Certification of Consistency with the Consolidated Plan (HUD–2991) if applicable;
- Acknowledgment of Application Receipt (HUD–2993);
- Client Comments and Suggestions (HUD 2994)

Copies of these standard forms follow this General Section of the SuperNOFA. Copies of forms that are particular to an

individual program, follow the funding information for that program.

Also included in the Appendix B to the General Section is the Funding Application for the Section 8 Housing Choice Voucher Program (HUD 52515). Note that Forms SF–424A and SF–424C ask for information which is similar to the same information that is required by form HUD 4123-Cost Summary which is listed as a required form under the ICDBG program section of this SuperNOFA and which is a required application for that program. Also note that there are assurances separate from SF–424B and 424D for the ICDBG program which are specific to that program.

(H) *OMB Circulars and Governmentwide Regulations Applicable to Grant Programs.* Certain OMB circulars also apply to programs in this SuperNOFA. The policies, guidance, and requirements of: OMB Circular No. A–87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments); OMB Circular A–21 (Cost Principles for Education Institutions) OMB Circular No. A–122 (Cost Principles for Nonprofit Organizations); OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations); and the regulations in 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations) and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments)—may apply to the award, acceptance and use of assistance under the programs of this SuperNOFA, and to the remedies for noncompliance, except when inconsistent with the provisions of the FY 2001 HUD Appropriations Act, other Federal statutes or the provisions of this SuperNOFA. Compliance with additional OMB Circulars or governmentwide regulations may be specified for a particular program in the Programs Section of the SuperNOFA. Copies of the OMB Circulars may be obtained from EOP Publications, Room 2200, New Executive Office Building, Washington, DC 20503, telephone (202) 395–7332 (this is not a toll free number) or from the website at http://whitehouse.gov/wh/eop/omb/html/circulars.

(I) *Environmental Requirements.* If you become a grantee under one of the programs in this SuperNOFA that assist physical development activities or property acquisition, you are generally prohibited from acquiring, rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-HUD funds for these types of program activities, until one of the following has occurred:

(1) HUD has completed an environmental review in accordance with 24 CFR part 50; or

(2) For programs subject to 24 CFR part 58, HUD has approved a grantee's Request for Release of Funds (HUD Form 7015.15) following a Responsible Entity's completion of an environmental review.

You, the applicant, should consult the Programs Section of the SuperNOFA for the applicable program to determine the procedures for, timing of, and any exclusions from environmental review under a particular program. For applicants applying for funding under the Sections 202 or 811 Programs, please note the environmental review requirements for these programs.

(J) *Conflicts of Interest.* If you are a consultant or expert who is assisting HUD in rating and ranking applicants for funding under this SuperNOFA, you are subject to 18 U.S.C. 208, the Federal criminal conflict of interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, if you have assisted or plan to assist applicants with preparing applications for this SuperNOFA, you may not serve on a selection panel and you may not serve as a technical advisor to HUD for this SuperNOFA. All individuals involved in rating and ranking this SuperNOFA, including experts and consultants, must avoid conflicts of interest or the appearance of conflicts. Individuals involved in the rating and ranking of applications must disclose to HUD's General Counsel or HUD's Ethics Law Division the following information if applicable: how the selection or non-selection of any applicant under this SuperNOFA will affect the individual's financial interests, as provided in 18 U.S.C. 208; or how the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502. The individual must disclose this information prior to participating in any matter regarding this SuperNOFA. If you have questions regarding these provisions or if you have questions concerning a conflict of interest, you may call the Office of General Counsel, Ethics Law Division, at 202–708–3815 and ask to speak to one of HUD's attorneys in this division.

(K) *Accessible Technology.* The Rehabilitation Act Amendments of 1998 apply to all electronic information technology (EIT) used by a grantee for transmitting, receiving, using, or storing information to carry out the responsibilities of any federal grant awarded. It includes, but is not limited to, computers (hardware, software, wordprocessing, email and web pages) facsimile machines, copiers and telephones. Recipients of HUD funds when developing, procuring, maintaining or using EIT must ensure that the EIT allows (1) employees with disabilities to have access to and use information and data that is comparable to the access and use of data by employees who do not have disabilities; and (2) members of the public with disabilities seeking information or service from a grantee must have access to and use of information and data and comparable to the access and use of data by members of the public who do not have disabilities. If these standards impose on a funding recipient, they may provide an alternative means to allow the individual to use the information and data. However, no grantee will be required to provide information services to a person with disabilities at any location other than the location at which the information services is generally provided.

III. Application Selection Process

(A) *Rating Panels.* To review and rate your applications, HUD may establish panels. These panels may include persons not currently employed by HUD. HUD may include these non-HUD employees to obtain certain expertise and outside points of view, including views from other Federal agencies.

(1) *Rating.* HUD will evaluate and rate all applications for funding that meet the threshold requirements and rating factors for award described in this SuperNOFA. The rating of you, as the "applicant," or of your organization, "the applicant's organization and staff," for technical merit or threshold compliance will include any sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to the project.

(2) *Ranking.* HUD will rank applicants within each program (or, for Continuum of Care applicants, across the three programs identified in the Continuum of Care section of this SuperNOFA). HUD will rank applicants only against other applicants that applied for the same program funding. Where there are set-asides within a program competition, you, the applicant, will compete against only those applicants in the same set-aside competition.

(B) *Threshold Requirements.* HUD will review your application to determine whether it meets all of the threshold requirements described in Section II(B), above. Only if your application meets all of the threshold requirements will it be eligible to be rated and ranked.

(C) *Factors For Award Used To Evaluate and Rate Applications.* For each program that is part of this SuperNOFA, the points awarded for the rating factors total 100. Depending upon the program for which you the applicant seek funding, the program may provide for up to four bonus points as provided in paragraphs (1) and (2) of this Section III(C).

(1) *Bonus Points.* The SuperNOFA provides for the award of up to two bonus points for eligible activities/projects that the applicant proposes to be located in federally designated Empowerment Zones (EZs), Enterprise Communities (ECs), Urban Enhanced Enterprise Communities (EECs), or Strategic Planning Communities and serve the residents of these federally designated areas, and are certified to be consistent with the strategic plan of these federally designated areas. (For ease of reference in the SuperNOFA, these federally designated areas are collectively referred to as "EZs/ECs" and residents of these federally designated areas as EZ/EC residents.) [1] The individual funding announcement will indicate if the bonus points are available for that funding. The application kit contains a certification which must be completed for the applicant to be considered for EZ/EC bonus points. A list of EZs, ECs, EECs and Strategic Planning Communities is attached to this General Section of the SuperNOFA as Appendix A–2 and is also available from the SuperNOFA Information Center, through the HUD web site at *http://www.hud.gov/grants.*

In the BEDI competition, two bonus points are available for federally designated Brownfields Show Case Communities. (Please see BEDI section of this SuperNOFA for additional information). A listing of the federally designated EZs, ECs, and Enhanced ECs and Brownfields Showcase Communities is available from the SuperNOFA Information Center, or through the HUD web site on the Internet at *http://www.hud.gov/grants.*

[1] In December 1994, 72 urban areas and 33 rural communities were designated as Empowerment Zones or Enterprise Communities. These designated areas receive more than $1.5 billion in performance grants and more than $2.5 billion in tax incentives. The Taxpayers Relief Act of 1997 established a second round of designations for 15 new Empowerment Zones. Round II designees were announced in December 1998. Strategic Planning Communities are HUD designations that ranked competitively in the Round II competition but were not selected for EZ designation.

(2) *Court-Ordered Consideration.* For any application submitted by the City of Dallas, Texas, for funds under this SuperNOFA for which the City of Dallas is eligible to apply, HUD will consider the extent to which the strategies or plans in the city's application or applications will be used to eradicate the vestiges of racial segregation in the Dallas Housing Authority's low income housing programs. The City of Dallas should address the effect, if any, that vestiges of racial segregation in Dallas Housing Authority's low income housing programs have on potential participants in the programs covered by this NOFA, and identify proposed actions for remedying those vestiges. HUD may add up to 2 points to the score based on this consideration. This special consideration results from an order of the U.S. District Court for the Northern District of Texas, Dallas, Division. (This Section III(C)(2) is limited to applications submitted by the City of Dallas.)

(3) *The Five Standard Rating Factors.* The majority of programs in this SuperNOFA use the five rating factors described below. Additional details about the five rating factors listed below, and the maximum points for each factor, are provided in the Programs Section of the SuperNOFA. You, the applicant, should carefully read the factors for award as described in the Programs Section of the SuperNOFA. HUD has established these five factors as the basic factors for award in every program that is part of this SuperNOFA. For a specific HUD program, however, HUD may have modified these factors to take into account specific program needs, or statutory or regulatory limitations imposed on a program. The standard factors for award, except as modified in the program area section are:

Factor 1: Capacity of the Applicant and Relevant Organizational Staff
Factor 2: Need/Extent of the Problem
Factor 3: Soundness of Approach
Factor 4: Leveraging Resources
Factor 5: Comprehensiveness and Coordination

The Continuum of Care Homeless Assistance Programs have only two factors that receive points: Need and Continuum of Care.

(D) *Negotiation.* After HUD has rated and ranked all applications and has made selections, HUD may require, depending upon the program, that all winners participate in negotiations to determine the specific terms of the grant agreement and budget. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In this instance, HUD may offer an award to the next highest ranking applicant, and proceed with negotiations with the next highest ranking applicant.

(E) *Adjustments to Funding.*

(1) HUD reserves the right to fund less than the full amount requested in your application to ensure the fair distribution of the funds and to ensure that the purposes of a specific program are met.

(2) HUD will not fund any portion of your application that is not eligible for funding under specific program statutory or regulatory requirements; which does not meet the requirements of this SuperNOFA or which may be duplicative of other funded programs or activities from previous years' awards or other selected applicants. Only the eligible portions of your application (including non-duplicative portions) may be funded.

(3) If funds remain after funding the highest ranking applications, HUD may fund all or part of the next highest ranking application in a given program. If you, the applicant, turn down the award offer, HUD will make the same determination for the next highest ranking application. If funds remain after all selections have been made, remaining funds may be available for other competitions for each program where there is a balance of funds.

(4) In the event HUD commits an error that, when corrected, would result in selection of an otherwise eligible applicant during the funding round of this SuperNOFA, HUD may select that applicant when sufficient funds become available.

(F) *Performance and Compliance Actions of Grantees.* HUD will measure and address the performance and compliance actions of grantees in accordance with the applicable standards and sanctions of their respective programs.

IV. Application Submission Requirements

As discussed in the Introduction Section of this SuperNOFA, part of the simplification of this funding process is to reduce the duplication of effort that has been required of applicants in the past. Before the SuperNOFA process, many of HUD's applicants were required to complete and submit similar applications for HUD funded programs. As the Program Chart above shows, the FY 2001 SuperNOFA provides, as did the previous SuperNOFAs, for consolidated applications for several of

the programs for which funding is available under this SuperNOFA.

V. Corrections to Deficient Applications

After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you, however, to clarify an item in your application or to correct technical deficiencies. You should note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of your response to any rating factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may, however, contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. *Examples* of curable (correctable) technical deficiencies include your failure to submit the proper certifications or your failure to submit an application that contains an original signature by an authorized official. In each case, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by return receipt requested. You must submit clarifications or corrections of technical deficiencies in accordance with the information provided by HUD within 14 calendar days of the date of receipt of the HUD notification. (If the due date falls on a Saturday, Sunday, or Federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or Federal holiday.) If your deficiency is not corrected within this time period, HUD will reject your application as incomplete, and it will not be considered for funding. (Note that the Sections 202 and 811 Programs provide for appeal of rejection of an application on technical deficiency. Please see the Programs Sections for these programs for additional information and instructions.)

VI. Promoting Comprehensive Approaches to Housing and Community Development

(A) *General.* HUD believes the best approach for addressing community problems is through a community-based process that provides a comprehensive response to identified needs. This Section VI of the General Section of the SuperNOFA describes important initiatives that applicants should be aware of.

(B) *Linking Program Activities With AmeriCorps.* You are encouraged to link your proposed activities with AmeriCorps, a national service program engaging thousands of Americans on a full or part-time basis to help communities address their toughest challenges, while earning support for college, graduate school, or job training. For information about AmeriCorps, call the Corporation for National Service at (202) 606–5000, or visit the Americorps website at *www.cns.gov/americorps.*

(C) *Linking Program Activities with USDA.* In this year's SuperNOFA, HUD is working with the Department of Agriculture (USDA) to provide technical assistance to public housing authorities to develop a natural resource stewardship program to enhance the natural environment through activities such as tree planting, creating green spaces in areas devoid of vegetation and protecting areas from erosion and storm water runoff. Further information about this initiative can be found on the U.S. Forest Service website at *www.fs.us/research/rvur/urban/urbanforest.html.*

(D) *Encouraging Visitability in New Construction and Substantial Rehabilitation Activities.* In addition to applicable accessible design and construction requirements, you are encouraged to incorporate visitability standards where feasible in new construction and substantial rehabilitation projects. Visitability standards allow a person with mobility impairments access into the home, but do not require that all features be made accessible. Visitability means at least one entrance at grade (no steps), approached by an accessible route such as a sidewalk; the entrance door and all interior passage doors are at least 2 feet 10 inches wide, allowing 32 inches of clear passage space. A visitable home also serves persons without disabilities, such as a mother pushing a stroller, or a person delivering a large appliance. Copies of the Uniform Federal Accessibility Standards (UFAS) are available from the SuperNOFA Information Center (1–800–HUD–8929 or 1–800–HUD–2209 (TTY)) and also from the Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Room 5230, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 755–5404 or the TTY telephone number, 1–800–877 8399 (Federal Information Relay Service).

(E) *Encouraging Universal Design.* Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The intent of universal design is to simplify life for everyone by making products, communications and the built environment more usable by as many people as possible at little or no extra cost. Universal design benefits people of all ages and abilities. In addition to any applicable required accessibility features under section 504 of the Rehabilitation Act of 1973 or the design and construction requirements of the Fair Housing Act, the Department encourages applicants to incorporate the principles of universal design when developing housing, community facilities, electronic communication mechanisms, or when communicating with community residents at public meetings or events.

(F) *Developing Healthy Homes.* HUD's Healthy Homes Initiative is one of the initiatives developed by the White House Task Force on Environmental Health Risks and Safety Risks to Children that was established under Executive Order 13045 ("Protection of Children from Environmental Health Risks and Safety Risks"). HUD encourages the funding of activities (to the extent eligible under specific programs) that promote healthy homes, or that promote education on what is a healthy home. These activities may include, but are not limited to, the following: educating homeowners or renters about the need to protect children in their home from dangers that can arise from items such as curtain cords, electrical outlets, hot water, poisons, fire, and sharp table edges, among others; incorporating child safety measures in the construction, rehabilitation or maintenance of housing, which include but are not limited to: child safety latches on cabinets, hot water protection devices, proper ventilation and moisture control to protect from mold, window guards to protect children from falling, proper pest management to prevent cockroaches which can trigger asthma, and activities directed to control of lead-based paint hazards. The National Lead Information Hotline is 1–800–424–5323, and information is also available at the following website—*www.hud.gov:80/health/safehome.html.*

(G) *Participation in PATH.* If you are applying for funds that may be utilized for construction or rehabilitation, HUD encourages participation in Partnership for Advancing Technology in Housing (PATH). PATH's goal is to achieve dramatic improvement in the quality of American housing by the year 2010. PATH encourages leaders from the home building, product manufacturing, insurance and financial industries and representatives from federal agencies dealing with housing issues to work together to spur housing design and construction innovations. PATH has a FY 2001 budget of $10 million. PATH will provide technical support in design and cost analysis of advanced technologies to be incorporated in project construction.

Applicants should see *www.pathnet.org* on the Internet for more information, the list of technologies, latest PATH Newsletter, results from field demonstrations and PATH projects. Applicants are encouraged to employ PATH technologies to exceed prevailing national building practices by: reducing costs; improving durability; increasing energy efficiency; improving disaster resistance; and reducing environmental impact.

HUD's objective is to select projects funded under this SuperNOFA which demonstrate high potential opportunities for application of PATH technologies. HUD will provide technical assistance in the form of architectural, engineering and financial analysis to incorporate the specific technologies appropriate to the type of construction and climate. More information about PATH is available at the following website—*www.pathnet.org/about/about.html.*

(H) *Bridging the Digital Divide.* Bridging the Digital Divide is an initiative whose objective is to provide access to computers to low and moderate income families and children who do not have access and therefore may be disadvantaged with respect to education, work and training opportunities. HUD encourages applicants to incorporate education and job training opportunities through initiatives such as HUD's Neighborhood Networks and Twenty/20 Education communities in their programs.

(I) *Neighborhood Networks.* The Neighborhood Networks Initiative enhances the self-sufficiency, employability and economic self-reliance of low-income families and the elderly living in HUD insured and HUD assisted properties by providing them with on-site access to computer and training resources.

(J) *The Twenty/20 Education Communities Initiative.* This initiative (formerly known as Campus of Learners) is designed to transform public housing into safe and livable communities where families undertake training in new telecommunications and computer technology and partake in educational opportunities and job training initiatives.

(I) *Bridging the Gap Initiative.* Bridging the Gap is a HUD initiative aimed at expanding economic and skills building opportunities offered through registered apprenticeship programs in HUD assisted construction related and maintenance activities. Apprenticeship programs have a long history of providing structured, highly competent, safe and comprehensive occupational training which produces highly qualified journey level workers. Through this initiative, HUD seeks to encourage and promote the use of apprenticeship programs in programs sponsored with HUD funds and to ensure the beneficiaries of such apprenticeship programs are HUD's client community of public housing and low-and moderate-income residents of our nation's communities.

VII. Findings and Certifications

(A) *Environmental Impact.* A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Regulations Division, Room 10276, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500.

(B) *Executive Order 13132, Federalism.* Executive Order 13132 (entitled "Federalism") prohibits, to the extent practicable and permitted by law, an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs on State and local governments and are not required by statute, or preempt State law, unless the relevant requirements of section 6 of the Executive Order are met. This SuperNOFA does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

(C) *Prohibition Against Lobbying Activities.* You, the applicant, are subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment), which prohibits recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. You are required to certify, using the certification found at Appendix A to 24 CFR part 87, that you will not, and have not, used appropriated funds for any prohibited lobbying activities. In addition, you must disclose, using Standard Form LLL, "Disclosure of Lobbying Activities," any funds, other than Federally appropriated funds, that will be or have been used to influence Federal employees, members of Congress, and congressional staff regarding specific grants or contracts. Tribes and tribally designated housing entities (TDHEs) established by an Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but tribes and TDHEs established under State law are not excluded from the statute's coverage.

(D) *Section 102 of the HUD Reform Act; Documentation and Public Access Requirements.* Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations codified in 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992 (57 FR 1942), HUD published a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 apply to assistance awarded under this SuperNOFA as follows:

(1) *Documentation and public access requirements.* HUD will ensure that documentation and other information regarding each application submitted pursuant to this SuperNOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations in 24 CFR part 15.

(2) *Disclosures.* HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (update information also reported on Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 5.

(3) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR

4.7 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(E) *Section 103 HUD Reform Act.* HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Ethics Law Division at (202) 708–3815. (This is not a toll-free number.) For HUD employees who have specific program questions, the employee should contact the appropriate field office counsel, or Headquarters counsel for the program to which the question pertains.

VIII. The FY 2001 SuperNOFA Process and Future HUD Funding Processes

Each year, HUD strives to improve its SuperNOFA. The FY 2001 SuperNOFA was revised based on comments received during the FY 2000 funding process. HUD continues to welcome comments and feedback from applicants and other members of the public on how HUD may further improve its competitive funding process.

The description of programs for which funding is available under this SuperNOFA follows this General Section and its appendices.

Dated: February 15, 2001.

Mel Martinez,

Secretary.

APPENDIX A–1.—LIST OF HUD FIELD OFFICES

Jurisdiction	Office	Address and phone numbers
NEW ENGLAND	Boston, MA	HUD—Boston Office, O'Neil Federal Building, 10 Causeway Street, Rm. 375, Boston, MA 02222–1092, OFC PHONE (617) 565–5236
	Hartford, CT	HUD—Hartford Office, One Corporate Center, Hartford, CT 06103–3220, OFC PHONE (860) 240–4844
	Manchester, NH	HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC PHONE (603) 666–7510
	Providence, RI	HUD—Providence Office, 10 Weybosset Street, Sixth Floor, Providence, RI 02903–2808, OFC PHONE (401) 528–5352
	Bangor, ME	HUD—Bangor Office, 202 Harlow Street—Chase Bldg., Suite 101, Bangor, ME 04401–4925, OFC PHONE (207) 945–0468
	Burlington, VT	HUD—Burlington Office, Room 237—Federal Building, 11 Elmwood Avenue, PO Box 879, Burlington, VT 05401–0879, OFC PHONE (802) 951–6290
NY/NEW JERSEY	New York, NY	HUD—New York Office, 26 Federal Plaza—Suite 3541, New York, NY 10278–0068, OFC PHONE (212) 264–4377
	Buffalo, NY	HUD—Buffalo Office, Lafayette Court, 5th Floor, 465 Main Street, Buffalo, NY 14203–1780, OFC PHONE (716) 551–5755
	Camden, NJ	HUD—Camden Office, 2nd Floor—Hudson Bldg., 800 Hudson Square, Camden, NJ 08102–1156, OFC PHONE (856) 757–5088
	Newark, NJ	HUD—Newark Office—13th Floor, One Newark Center, Newark, NJ 07102–5260, OFC PHONE (973) 622–7619
	Albany, NY	HUD—Albany Office, 52 Corporate Circle, Albany, NY 12203–5121, OFC PHONE (518) 464–4200
MID-ATLANTIC	Philadelphia, PA	HUD Philadelphia Office, The Wanamaker Building, 100 Penn Square, East, Philadelphia, PA 19107–3380, OFC PHONE (215) 656–0600
	Baltimore, MD	HUD Baltimore Office, 5th Floor, 10 South Howard Street, Baltimore, MD 21201–2505, OFC PHONE (410) 962–2520
	Pittsburgh, PA	HUD Pittsburgh Office, 339 Sixth Avenue—Sixth Floor, Pittsburgh, PA 15222–2515, OFC PHONE (412) 644–5945
	Washington, DC	(Office Temporarily covered), HUD Washington, DC Office, Suite 300, 820 First Street, NE., Washington, DC 20002–4205, OFC PHONE (202) 275–9200
	Richmond, VA	HUD Richmond Office, 3600 West Broad Street, Richmond, VA 23230–4920, OFC PHONE (804) 278–4500
	Charleston, WV	HUD—Charleston Office, 405 Capitol Street, Suite 708, Charleston, WV 25301–1795, OFC PHONE (304) 347–7036
	Wilmington, DE	HUD—Delaware State Office, One Rodney Square, 920 King Street, Suite 404, Wilmington, DE 19801, OFC PHONE (302) 573–6300
SOUTHEAST/CARRIBEAN	Atlanta, GA	HUD—Atlanta Office, 40 Marietta Street—Five Points Plaza, Atlanta, GA 30303–2806, OFC PHONE (404) 331–4111
	Birmingham, AL	HUD—Birmingham Office, Medical Forum Building, 950 22nd St., North, Suite 900, Birmingham, AL 35203–5301, OFC PHONE (205) 731–2630
	Louisville, KY	HUD—Louisville Office, 601 West Broadway, PO Box 1044, Louisville, KY 40201–1044, OFC PHONE (502) 582–5251

APPENDIX A–1.—LIST OF HUD FIELD OFFICES—Continued

Jurisdiction	Office	Address and phone numbers
	Jackson, MS	HUD—Jackson Office, McCoy Federal Building, 100 W. Capitol Street, Room 910, Jackson, MS 39269–1096, OFC PHONE (601) 965–4700
	Memphis, TN	HUD—Memphis Office, 200 Jefferson Avenue, Suite 1200, Memphis, TN 38103–2335, OFC PHONE (901) 544–3403
	Nashville, TN	HUD—Nashville Office, 235 Cumberland Bend Drive, Suite 200, Nashville, TN 37228–1803, OFC PHONE (615) 736–5213
	Jacksonville, FL	HUD—Jacksonville Office, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, OFC PHONE (904) 232–2627
	Miami, FL	HUD—Florida State Office, 909 SE First Avenue, Miami, FL 33131, OFC PHONE (305) 536–5676
	Greensboro, NC	HUD—Greensboro Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, OFC PHONE (336) 547–4001, 4002, 4003
	San Juan, PR	HUD—Caribbean Office, 171 Carlos E. Chardon Avenue, San Juan, PR 00918–0903, OFC PHONE (787) 766–5201
	Columbia, SC	HUD—Columbia Office, 1835 Assembly Street, Columbia, SC 29201–2430, OFC PHONE (803) 765–5592
	Knoxville, TN	HUD—Knoxville Office, 710 Locust Street, SW, Knoxville, TN 37902–2526, OFC PHONE (423) 545–4384
	Orlando, FL	HUD—Orlando Office, 3751 Maguire Boulevard, Room 270, Orlando, FL 32803–3032, OFC PHONE (407) 648–6441
	Tampa, FL	HUD—Tampa Office, 500, Zack St., #402, Tampa, FL 33602–3945, OFC PHONE (813) 228–2431
MIDWEST	Chicago, IL	HUD—Chicago Office, Ralph Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, OFC PHONE (312) 353–5680
	Detroit, MI	HUD—Detroit Office, 477 Michigan Avenue, Detroit, MI 48226–2592, OFC PHONE (313) 226–7900
	Indianapolis, IN	HUD—Indianapolis Office, 151 North Delaware Street, Suite 1200, Indianapolis, IN 46204–2526, OFC PHONE (317) 226–7034
	Grand Rapids, MI	HUD—Grand Rapids Office, Trade Center Building, 50 Louis Street, N.W., Grand Rapids, MI 49503–2648, OFC PHONE (616) 456–2125
	Minneapolis, MN	HUD—Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401–2195, OFC PHONE (612) 370–3000
	Cincinnati, OH	HUD—Cincinnati Office, 525 Vine Street, Suite 700, Cincinnati, OH 45202–3188, OFC PHONE (513) 684–2967
	Cleveland, OH	HUD—Cleveland Office, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, OFC PHONE (216) 522–4058
	Columbus, OH	(Office Temporarily Covered), HUD—Columbus Office, 200 North High Street, Columbus, OH 43215–2499, OFC PHONE (614) 469–2540
	Milwaukee, WI	HUD—Milwaukee Office, 310 West Wisconsin Avenue, Room 1380, Milwaukee, WI 53203–2289, OFC PHONE (414) 297–3214
	Flint, MI	HUD—Flint Office, 1101 S. Saginaw Street, North Building, Flint, MI 48502–1953, OFC PHONE (810) 766–5082
	Springfield, IL	HUD—Springfield Office, 320 West Washington, 7th Floor, Springfield, IL 62707, OFC PHONE (217) 492–4120
SOUTHWEST	Fort Worth, TX	HUD—Fort Worth Office, 801 Cherry Street, PO Box 2905, Ft. Worth, TX 76113–2905, OFC PHONE (817) 978–5965
	Dallas, TX	HUD—Dallas Office, 525 Griffin Street, Room 860, Dallas, TX 75202–5007, OFC PHONE (214) 767–8300
	Albuquerque, NM	HUD—Albuquerque Office, 625 Silver Avenue SW, Suite 100, Albuquerque, NM 87102–3185, OFC PHONE (505) 346–6463
	Houston, TX	HUD—Houston Office, 2211 Norfolk, #200, Houston, TX 77098–4096, OFC PHONE (713) 313–2274
	Lubbock, TX	HUD—Lubbock Office, 1205 Texas Avenue, Rm. 511, Lubbock, TX 79401–4093, OFC PHONE (806) 472–7265
	San Antonio, TX	HUD—San Antonio Office, 800 Dolorosa, San Antonio, TX 78207–4563, OFC PHONE (210) 475–6806
	Little Rock, AR	HUD—Little Rock Office, 425 West Capitol Avenue #900, Little Rock, AR 72201–3488, OFC PHONE (501) 324–5401
	New Orleans, LA	HUD—New Orleans Office, Hale Boggs Bldg.—501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, OFC PHONE (504) 589–7201
	Shreveport, LA	HUD—Shreveport Office, 401 Edwards Street, Rm. 1510, Shreveport, LA 71101–3289, OFC PHONE (318) 676–3440
	Oklahoma City, OK	HUD—Oklahoma City Office, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102–2233, OFC PHONE (405) 553–7500
	Tulsa, OK	HUD Tulsa Office, 50 East 15th Street Tulsa, OK 74119–4030, OFC PHONE (918) 581–7496

APPENDIX A–1.—LIST OF HUD FIELD OFFICES—Continued

Jurisdiction	Office	Address and phone numbers
GREAT PLAINS	Kansas City, KS	HUD—Kansas City Office, 400 State Avenue, Room 200, Kansas City, KS 66101–2406, OFC PHONE (913) 551–5462
	Omaha, NE	HUD—Omaha Office, 10909 Mill Valley Road, Suite 100, Omaha, NE 68154–3955, OFC PHONE (402) 492–3103
	St. Louis, MO	HUD—St. Louis Office, 1222 Spruce Street #3207, St. Louis, MO 63103–2836, OFC PHONE (314) 539–6560
	Des Moines, IA	HUD—Des Moines Office, 210 Walnut Street, Room 239, Des Moines, IA 50309–2155, OFC PHONE (515) 284–4573
ROCKY MOUNTAINS	Denver, CO	HUD—Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC PHONE (303) 672–5440
	Salt Lake City, UT	HUD—Salt Lake City Office, 257 East, 200 South, Rm. 550, Salt Lake City, UT 84111–2048, OFC PHONE (801) 524–6071
	Helena, MT	HUD—Helena Office, 7 West Sixth Avenue, Power Block Building, Helena, MT 59601, OFC PHONE (406) 449–5048
	Sioux Falls, SD	HUD—Sioux Falls Office, 2400 West 49th Street, Rm. I–201, Sioux Falls, SD 57105–6558, OFC PHONE (605) 330–4223
	Fargo, ND	HUD—Fargo Office, 657 2nd Avenue North, Room 366, Fargo, ND 58108, OFC PHONE (701) 239–5040
	Casper, WY	HUD—Wyoming Office, 150 East B Street, Room 1010, Casper, WY 82601–1969, OFC PHONE (307) 261–6250
PACIFIC/HAWAII	San Francisco, CA	HUD—San Francisco Office, 450 Golden Gate Avenue, Box 36003, San Francisco, CA 94102–3448, OFC PHONE (415) 436–6532
	Honolulu, HI	HUD—Honolulu Office, 7 Waterfront Plaza, #500 Ala Moana Blvd. #500, Honolulu, HI 96813–4918, OFC PHONE (808) 522–8175
	Los Angeles, CA	HUD—Los Angeles Office, 611 W. Sixth Street, Suite 800, Los Angeles, CA 90017, OFC PHONE (213) 894–8007
	Sacramento, CA	HUD—Sacramento Office, 925 L Street, Sacramento, CA 95814, OFC PHONE (916) 498–5220
	Reno, NV	HUD—Reno Office, 3702 S. Virginia Street, Suite G–2, Reno, NV 89502–6581, OFC PHONE (775) 784–5383
	San Diego, CA	HUD—San Diego Office, Symphony Towers, 750 B Street, Suite 1600, San Diego, CA 92101–8131, OFC PHONE (619) 557–5310
	Las Vegas, NV	HUD—Las Vegas Office, 333 N. Rancho Drive-Atrium Bldg., Suite 700, Las Vegas, NV 89106–3714, OFC PHONE (702) 388–6208/6500
	Phoenix, AZ	HUD—Phoenix Office, 400 North Fifth Street, Suite 1600, Phoenix, AZ 85004–2361, OFC PHONE (602) 379–4434
	Santa Ana, CA	HUD—Santa Ana Office, 1600 N. Broadway, Suite 100, Santa Ana, CA 92706–3927, OFC PHONE (714) 796–5577
	Tucson, AZ	HUD—Tucson Office, 33 North Stone Avenue #700, Tucson, AZ 85701–1467, OFC PHONE (520) 670–6000
	Fresno, CA	HUD—Fresno Office, 2135 Fresno Street, Suite 100, Fresno, CA 93721–1718, OFC PHONE (559) 487–5032
NORTHWEST/ALASKA	Seattle, WA	HUD—Seattle Office, 909 First Avenue, Suite 200, Seattle, WA 98104–1000, OFC PHONE (206) 220–5101
	Portland, OR	HUD—Portland Office, 400 SW 6th Avenue #700, Portland, OR 97204–1632, OFC PHONE (503) 326–2561
	Anchorage, AK	HUD—Anchorage Office, 949 East 36th Avenue, Suite 401, Anchorage, AK 99508–4399, OFC PHONE (907) 271–4170
	Boise, ID	HUD—Boise Office, Suite 220, Plaza IV, 800 Park Boulevard, Boise, Idaho 83712–7743, OFC PHONE (208) 334–1990
	Spokane, WA	HUD—Spokane Office, US Courthouse Bldg., 920 W. Riverside, Suite 588, Spokane, WA 99201–1010, OFC PHONE (509) 353–0682

Appendix A–2—List of EZs, ECs, Urban Enhanced Enterprise Communities, Strategic Planning Communities

AK, Anchorage

Ms. Linda Yarbrough, Municipality of Anchorage, Department of Community Planning and Development, P.O. Box 196650, Anchorage, AK 99501, 907–343–4303 (Phone), 907–343–4220 (Fax)

Terrence Booth, Metlakatla Indian Enterprise Community, Metlakatla, AK 99926, 907–886–4441 (Phone), 907–886–7997 (Fax)

AL, Anniston

David Umling, Chambers County Enterprise Community, Anniston, AL 36202, 256–237–6741 (Phone), 256–237–6763 (Fax)

AL, Birmingham

Mr. Keith Strother, City of Birmingham, 710 N. 20th St. City Hall, Third Floor, Birmingham, AL 35203, 205–254–2870 (Phone), 205–254–7741 (Fax)

AL, Epes

John Zippert, Greene and Sumter Enterprise Community, Epes, AL 35460, 205–652–9676 (Phone), 205–652–9678 (Fax)

AR, Blytheville

Sam Scruggs, Mississippi County Enterprise Community, Blytheville, AR 72316, 870–532–2348 (Phone), 870–532–2625 (Fax)

AR, Forrest City

Robert Cole, Eastern Arkansas Enterprise Community, Forrest City, AR 72335, 870–630–2005 (Phone), 870–630–2035 (Fax)

AR, Little Rock

Mr. Henry L. McHenry, County of Pulaski, Enterprise Community Alliance, Inc., 3805 W. 12th St. Suite 205, Little Rock, AR 72204, 501–379–1543 (Phone), 501–379–1571 (Fax)

AZ, Douglas

Art Macias, Jr., Arizona Border Region Enterprise Community, Douglas, AZ 85607, 520–364–7501 (Phone), 520–364–7507 (Fax)

AZ, Nogales

Laura Ornelas, Arizona Border Region Enterprise Community, Nogales, AZ 85621, 520–287–6571 (Phone), 520–287–9159 (Fax)

AZ, Phoenix

Steve Capobres, Arizona Border Region Enterprise Community, Phoenix, AZ 85012–1920, 602–280–1365 (Phone), 602–280–1470 (Fax)

Ms. Jennifer Harper, City of Phoenix, Department of Neighborhood Services, 200 W. Washington St. Fourth Floor, Phoenix, AZ 85003–1611, 602–262–4730 (Phone), 602–534–1555 (Fax)

AZ, San Luis

Frank Carrillo, Arizona Border Region Enterprise Community, San Luis, AZ 85349, 520–627–2027 (Phone), 520–627–3879 (Fax)

AZ, Window Rock

Anthony Perry, Four Corners Enterprise Communities (Navajo Nation, Window Rock, AZ 86515, 520 871–6504 (Phone), 520–871–7381 (Fax)

CA, El Centro

Ken Hollis, Imperial County Enterprise Community, El Centro, CA 92243, 760–337–7814 (Phone), 760–337–8907 (Fax)

CA, Fresno

Becki Mendibles Central California Enterprise Community, Fresno, CA 93727, 559–452–0881 (Phone), 559–452–8038 (Fax)

CA, Indio

John Thurman, Desert Communities Empowerment Zone, Indio, CA 92201, 760–863–8225 (Phone), 760–863–7049 (Fax)

CA, Los Angeles

Ms. Alicia DeCastro, City of Los Angeles, Department of Community Development, 215 W. Sixth St., Third Floor, Los Angeles, CA 90014, 213–485–1023 (Phone), 213–847–0890 (Fax)

Mr. Robert Perez, City of Los Angeles, Department of Community Development, 215 W. Sixth St., Third Floor, Los Angeles, CA 90014, 213–485–8161 (Phone), 213–847–0890 (Fax)

CA, Oakland

Mr. Mahlon Harmon, One Stop Capital Shop, 519 17th St. Sixth Floor, Oakland, CA 94612–2032, 510–238–2353 (Phone), 510–238–7999 (Fax)

CA, San Diego,

Ms. Bonnie Contreras, City of San Diego, Division of Economic Development, 1200 Third Ave. Suite 1300, San Diego, CA 92101–3863, 619–236–6846 (Phone), 619–533–6515 (Fax)

CA, San Francisco

Ms. Anna Yee, City of San Francisco, Enterprise Community Program, 25 Van Ness Ave. Suite 700, San Francisco, CA 94102, 415–252–3130 (Phone), 415–252–3110 (Fax)

CA, Santa Ana

Ms. Shawna Lahey, City of Santa Ana, Community Development Agency, P.O. Box 1988, Santa Ana, CA 92702, 714–647–5372 (Phone), 714–647–6580 (Fax)

CA, Watsonville

Anna Espinoza, Watsonville/City of Santa Cruz Enterprise Community, Watsonville, CA 95076, 831–763–4033 (Phone), 831–761–0736 (Fax)

CO, Denver

Mr. Ernest Hughes, City and County of Denver, Community Planning and Development Agency, 216 16th St. Suite 1400, Denver, CO 80202, 720–913–1547 (Phone), 720–913–1800 (Fax)

CT, Bridgeport

Ms. Janice B. Willis, City of Bridgeport, Office of Central Grants, 999 Broad St. City Hall Annex Chase Bldg., Bridgeport, CT 06604, 203–332–5662 (Phone), 203–332–3060 (Fax)

CT, New Haven

Ms. Diana E. Edmonds, City of New Haven, Office of Business Development, 200 Orange St. Fifth Floor, New Haven, CT 06510, 203–946–7727 (Phone), 203–946–8049 (Fax)

Ms. Sherri Killins, Empower New Haven, Inc., 59 Elm St. Fourth Floor, Suite 410, New Haven, CT 06510, 203–776–2777 (Phone), 203–776–0537 (Fax)

DC, Washington

Ms. Judy Brown, Enterprise Community Programs, Office of Economic Development EZ/EC Urban Task Force, 801 N. Capitol St., Sixth Floor, Washington, DC 20002, 202–442–7205 (Phone), 202–442–7090 (Fax)

DE, Wilmington

Ms. Edwina Bell-Mitchell, Wilmington Enterprise Community/New Castle County, 800 French St. Louis L. Redding Bldg., Ninth Floor, Wilmington, DE 19801, 302–571–4472 (Phone), 302–571–4326 (Fax)

FL, Marianna

Bill Stanton, Jackson County Enterprise Community, Marianna, FL 32447, 850–526–4005 (Phone), 850–526–4008 (Fax)

Stan Whitehurst, Jackson County Enterprise Community, Marianna, FL 32447, 850–526–7669 (Phone), 850–526–4008 (Fax)

FL, Miami

Mr. Bryan K. Finnie, Miami-Dade Empowerment Trust, Inc., 140 W. Flagler St., Suite 1107, Miami, FL 33130, 305–372–7620 (Phone), 305–372–7629 (Fax)

FL, Naples

Barbara Cacchione, Empowerment Alliance of Southwest Florida EC, Naples, FL 34103, 941–649–5000 (Phone), 941–649–5337 (Fax)

FL, Tampa

Ms. Jeanette LaRussa-Fenton, City of Tampa, Department of Business and Community Services, 2105 N. Nebraska Ave. Ybor Service Center, Tampa, FL 33602–2529, 813–274–7986 (Phone), 813–274–7927 (Fax)

GA, Albany

Ms. Julie Duke, City of Albany, Office of the City Manager, P.O. Box 447, Albany, GA 31702, 229–431–3234 (Phone), 229–431–3223 (Fax)

GA, Atlanta

Ms. Charisse Richardson, Atlanta Empowerment Zone Corp., 675 Ponce De Leon Ave., N.E. City Hall East, Second Floor, Atlanta, GA 30308, 404–853–7610 (Phone), 404–853–7315 (Fax)

GA, Augusta

Hilda Alexander, CSRA Enterprise Community, Augusta, GA 30904, 706–667–4179 (Phone), 706–737–1459 (Fax)

GA, Cordele

Robert Cooke, Southwest Georgia United Empowerment Zone, Cordele, GA 31010, 912–273–9111 (Phone), 912–276–0450 (Fax)

Bambi Hayes, Southwest Georgia United Empowerment Zone, Cordele, GA 31010, 912–273–9111 (Phone), 912–276–0450 (Fax)

HI, Kaunakakai

Stacy Crivello, Molokai Enterprise Community, Kaunakakai, HI 96748, 808–553–5123 (Phone), 808–553–3735 (Fax)

Karen M. Holt, Molokai Enterprise Community, Kaunakakai, HI 96748, 808–553–3244 (Phone), 808–553–3370 (Fax)

IA, Des Moines

Ms. Caroline Gathright, City of Des Moines, Division of Neighborhood Planning, 602 E. First St., Des Moines, IA 50309, 515–283–4151 (Phone), 515–237–1713 (Fax)

IL, Chicago

Mr. Wallace Goode, City of Chicago, 20 N. Clark St., 28th Floor, Chicago, IL 60602–5086, 312–744–9623 (Phone), 312–744–9696 (Fax)

IL, E. St. Louis

Mr. Ralph Muhammed, East St. Louis Enterprise Community, 301 River Park Dr., Third Floor, E. St. Louis, IL 62201, 618–482–6642 (Phone), 618–482–6788 (Fax)

IL, Springfield

Ms. Cleatia Bowen, City of Springfield, Office of Economic Development, 231 S. Sixth St., Springfield, IL 62701, 217–789–2377 (Phone), 217–789–2380 (Fax)

IL, Ullin

Donna Raynalds, Southernmost Illinois Delta Empowerment Zone, Ullin, IL 62992, 618–634–9471 (Phone), 618–634–9452 (Fax)

IN, Austin

Donald Campbell, Town of Austin Enterprise Community, Austin, IN 47102, 812–794–2877 (Phone), 812–794–2859 (Fax)
Charlotte Mathis, Town of Austin Enterprise Community, Austin, IN 47102, 812–794–9446 (Phone), 812–794–8765 (Fax)

IN, East Chicago

Mr. John D. Artis, City of East Chicago, Department of Redevelopment and Housing Authority, P.O. Box 498, East Chicago, IN 46312–0498, 219–397–0974 (Phone), 219–397–4249 (Fax)

IN, Gary

Ms. Venus Cobb, City of Gary, Empowerment Zone Office, 840 Broadway First Floor, Gary, IN 46404, 219–886–0047 (Phone), 219–886–9051 (Fax)

IN, Hammond

Ms. Rocharda Moore-Harris, City of Hammond, Department of Planning, 649 Conkey St., Hammond, IN 46324, 219–853–6371 (Phone), 219–853–6334 (Fax)

IN, Indianapolis

Ms. Renia Colbert, City of Indianapolis, Division of Community Development and Financial Services, 200 E. Washington St., City County Bldg., Suite 1841, Indianapolis, IN 46204, 317–327–5860 (Phone), 317–327–5908 (Fax)

KS, Leoti

Sharla Krenzel, Wichita County Enterprise Community, Leoti, KS 67861, 316–375–2182 (Phone), 316–375–4350 (Fax)
Elmer Ridder, Wichita County Entérprise Community, Leoti, KS 67861, 316–375–2731 (Phone), 316–375–4350 (Fax)

KY, Bowling Green

Lisa Ryan, City of Bowling Green Enterprise Community, Bowling Green, KY 42102–0430, 270–393–3658 (Phone), 502–393–3698 (Fax)

KY, London

Jerry Rickett, Kentucky Highlands Empowerment Zone, London, KY 40743, 606–864–5175 (Phone), 606–864–5194 (Fax)

KY, Louisville

Mr. Walter Munday, City of Louisville, Empowerment Zone Community, 200 S. Seventh St., Louisville, KY 40202, 502–574–2682 (Phone), 502–574–4227 (Fax)

KY, Whitley City

Bruce Murphy, McCreary County Enterprise Community, Whitley City, KY 42653, 606–376–2413 (Phone), 606–376–9499 (Fax)

LA, Ferriday

Chip Rogers, Macon Ridge Enterprise Community, Ferriday, LA 71334, 318–757–3033 (Phone), 318–757–4212 (Fax)

LA, Monroe

Mr. Eric Loewe, Ouachita Enterprise Community, P.O. Box 4268, Monroe, LA 71211, 318–329–4031 (Phone), 318–329–4034 (Fax)

LA, New Orleans

Ms. Thelma H. French, City of New Orleans, Office of Federal and State Programs, 1300 Perdido St., Room 2E04, New Orleans, LA 70112, 504–565–6445 (Phone), 504–565–6423 (Fax)

LA, Tallulah

Moses Jr. Williams, Northeast Louisiana Delta Enterprise Community, Tallulah, LA 71282, 318–574–0995 (Phone), 318–574–3132 (Fax)

MA, Lowell

Ms. Kathy Muldoon, City of Lowell, Department of Planning and Development, 50 Arcand Dr., City Hall, JFK Civic Center Bldg., Lowell, MA 01852, 978–446–7150 (Phone), 978–446–7014 (Fax)

MA, Roxbury

Mr. Reginald Nunnally, Boston Empowerment Zone, Boston Business Assistance Center, 20 Hampdon St., Roxbury, MA 02119, 617–445–3413 (Phone), 617–445–5675 (Fax)

MA, Springfield

Mr. Miguel Rivas, City of Springfield, Department of Community Development, 36 Court St., City Hall, Room 313, Springfield, MA 01103, 413–750–2240 (Phone), 413–787–6027 (Fax)

MD, Baltimore

Ms. Diane Bell, Empower Baltimore Management Corp., 34 Market Place, Suite 800, Baltimore, MD 21202, 410–783–4400 (Phone), 410–783–0526 (Fax)

ME, Lewiston

Carole J. Ansheles, City of Lewiston Enterprise Community, Lewiston, ME 04240–7282, 207–777–5144 (Phone), 207–786–4412 (Fax)

MI, Detroit

Ms. Denise Gray, Detroit Empowerment Zone Development Corp., One Ford Place, Suite 1F, Detroit, MI 48202, 313–872–8050 (Phone), 313–872–8002 (Fax)

MI, Flint

Ms. Nancy Jurkiewicz, City of Flint, Flint Area Enterprise Community, 805 Welch Blvd., Flint, MI 48504, 810–341–1499 (Phone), 810–766–7351 (Fax)

MI, Harrison

Edward Kerr, Clare County Enterprise Community, Harrison, MI 48625–0439, 517–539–7805 (Phone), 517–539–2791 (Fax)

MI, Muskegon

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MI, Scottville

Mary L. Trucks, Lake County Enterprise Community, Scottville, MI 49454, 616–757–3785 (Phone), 616–757–9669 (Fax)

MN, Minneapolis

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MN, St. Paul

Mr. Jeremy Lenz, City of St. Paul, Department of Planning and Economic Development, 25 W. Fourth St., 1200 City Hall Annex, St. Paul, MN 55102, 651–266–6603 (Phone), 651–228–3341 (Fax)

MO, East Prairie

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MO, Kansas City

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MO, St. Louis

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MS, Itta Bena

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MS, Jackson

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MS, Sardis

Stuart Guernsey, North Delta Enterprise Community, Sardis, MS 38666, 662–487–1968 (Phone), 662–487–0088 (Fax)

MT, Poplar

Mark Sansaver, Fort Peck Assiniboine and Sioux Tribe EC, Poplar, MT 59255, 406–768–3155 (Phone), 406–768–3581 (Fax)

NC, Charlotte

Mr. Franklin McCrary, Jr., City of Charlotte, Department of Neighborhood Development, 600 E. Trade St., Charlotte, NC 28202, 704–336–5577 (Phone), 704–336–2527 (Fax)

NC, Lumberton

Cynthia Johnson, Robeson County Enterprise Community, Lumberton, NC 28358, 910–618–0722 (Phone), 910–618–1504 (Fax)

NC, Rocky Mount

Terri Anderson, Halifax/Edgecombe/Wilson Enterprise Community, Rocky Mount, NC 27802, 252–972–1609 (Phone), 252–972–1590 (Fax)

ND, Cando

Joanne Rodenbiker, Center of North America REAP Zone, Cando, ND 58324, 701–968–3314 (Phone), 701–968–1747 (Fax)

ND, Dickenson

Shirley Brentrup, Southwest REAP Zone, Dickenson, ND 58601, 701–227–1241 (Phone),

ND, Finley

Kim Sheffield, Griggs-Steele Empowerment Zone, Finley, ND 58230, 701–524–2240 (Phone), 701–524–2241 (Fax)

NE, Omaha

Mr. Herb Patten, City of Omaha, Omaha Enterprise Community/Enterprise Zone, 2421 N. 24th St. Blue Lion Centre, Omaha, NE 68110–2282, 402–444–3514 (Phone), 402–444–3755 (Fax)

NH, Manchester

Mr. William J. Jabjiniak, City of Manchester, Department of Planning and Community Development, One City Hall Plaza, Manchester, NH 03101, 603–624–6505 (Phone), (603–624–6529 (Fax)

NJ, Bridgeton

Mr. Gerard Velasquez, Cumberland Empowerment Zone Corp., 50 E. Broad St., Bridgeton, NJ 08302, 856–459–1700 (Phone), 856–459–4099 (Fax)

NJ, Camden

Mr. Richard H. Cumming, Jr., Camden Empowerment Zone Corp., 617 Carpenter St., Hudson Square Complex, Camden, NJ 08102, 856–365–0300 (Phone), 856–365–1058 (Fax)

NJ, Newark

Ms. Angela Corbo, City of Newark, Department of Administration, 920 Broad St. City Hall, Room B–16, Newark, NJ 07102, 973–733–4331 (Phone), 973–733–3769 (Fax)

NM, Albuquerque

Ms. Sylvia Fettes, City of Albuquerque, Department of Family and Community Services, P.O. Box 1293, Albuquerque, NM 87103, 505–768–2932 (Phone), 505–768–3204 (Fax)

NM, Deming

Richard McInturff, City of Deming Enterprise Community, Deming, NM 88031, 505–546–8848 (Phone), 505–546–6442 (Fax)
John Strand, City of Deming Enterprise Community, Deming, NM 88031, 505–546–8848 (Phone), 505–546–6442 (Fax)

NM, Penasco

Ron Martinez, La Jicarita Enterprise Community, Penasco, NM 87553, 800–458–7323 (Phone), 505–587–1687 (Fax)

NV, Las Vegas

Mr. Douglas Bell, County of Clark, Department of Community Resources Management, P.O. Box 551212, Las Vegas, NV 89106–1212, 702–455–5025 (Phone), 702–455–5038 (Fax)

NY, Bronx

Ms. Maria Canales, Bronx Overall Economic Development Corp., 198 E. 161st St. Suite 201, Bronx, NY 10451, 718–590–6201 (Phone), 718–590–3499 (Fax)

NY, Buffalo

Ms. Paula Alcala Rosner, City of Buffalo, Federal Enterprise Community of Buffalo, Inc., 911 City Hall, Buffalo, NY 14202, 716–851–5032 (Phone), 716–851–4388 (Fax)

NY, Ferndale

Rick Bishop, Sullivan-Wawarsing REAP Zone, Ferndale, NY 12734, 845–295–2632 (Phone), 845–295–2633 (Fax)

NY, New York

Mr. Fernando Fernandez, Upper Manhattan Empowerment Zone Development Corp., Department of Community Affairs, 290 Lenox Ave. Third Floor, New York, NY 10027, 212–410–0030 (Phone), 212–410–9616 (Fax)
Mr. George Glatter, City of New York, Department of Business Services, 110 William St. Third Floor, New York, NY 10038, 212–513–6442 (Phone), 212–618–8987 (Fax)
Mr. James Ilako, New York EZ Corp., 633 Third Ave. 32nd Floor, New York, NY 10017, 212–803–3235 (Phone), 212–803–3294 (Fax)
Mr. Marion Phillips, III, New York Empowerment Zone Corp., 633 Third Ave. 32nd Floor, New York, NY 10017, 212–803–3240 (Phone), 212–803–3294 (Fax)
Ms. June Van Brackle, City of New York, Mayor's Office of the New York City EZ, 100 Gold St. Second Floor, New York, NY 10038, 212–788–6777 (Phone), 212–788–2718 (Fax)

NY, Newburgh

Ms. Sharon Hyder, Kingston-Newburgh Enterprise Corp., 62 Grand St. Suite 211, Newburgh, NY 12550, 914–569–1680 (Phone), 914–569–1630 (Fax)

NY, Owego

Michael Morse, Tioga County REAP Zone, Owego, NY 13827, 607–687–8254 (Phone), 607–687–1435 (Fax)

NY, Rochester

Mr. Philip Banks, City of Rochester, Department of Economic Development, 30 Church St. Room 005A, Rochester, NY 14614, 716–428–6965 (Phone), 716–428–6042 (Fax)

NY, Schenectady

Mr. Anthony Tozzi, City of Schenectady, Department of Development, Jay St., Schenectady, NY 12305, 518–382–5054 (Phone), 518–382–5275 (Fax)

OH, Akron

Mr. Jerry Egan, City of Akron, Department of Planning and Urban Development, 166 S. High St., Akron, OH 44308–1628, 330–375–2090 (Phone), 330–375–2387 (Fax)

OH, Cincinnati

Ms. Susan Paddock, City of Cincinnati, 801 Plum St. City Hall, Room 104, Cincinnati, OH 45202, 513–352–4648 (Phone), 513–352–2458 (Fax)

OH, Clevéland

Ms. Valarie McCall, Cleveland Empowerment Zone, 601 Lakeside Ave. City Hall, Room 335, Cleveland, OH 44114, 216–664–2804 (Phone), 216–420–8522 (Fax)

OH, Columbus

Mr. Jon C. Beard, Columbus Compact Corp., 1000 E. Main St., Columbus, OH 43205, 614–251–0926 (Phone), 614–251–2243 (Fax)

OH, Portsmouth

Bob Walton, Greater Portsmouth Enterprise Community, Portsmouth, OH 45662, 740–354–7541 (Phone), 740–354–3933 (Fax)

OK, Ada

Chris Fields, Tri-County Indian Nations Enterprise Community, Ada, OK 74820, 580–310–2264 (Phone), 580–436–0236 (Fax)

OK, Hugo

Bob Yandell, Southeast Oklahoma EC, Hugo, OK 74743, 580–326–3351 (Phone), 580–326–2305 (Fax)

OK, Oklahoma City

Mr. Carl D. Friend, City of Oklahoma City, Division of Community Development, 420 W. Main St. Suite 920, Oklahoma City, OK 73102, 405–297–2574 (Phone), 405–297–3796 (Fax)

OR, Cave Junction

Tena Marrington, Illinois Valley Community Response Team, Cave Junction, OR 97523, 541–592–2838 (Phone), 541–592–4106 (Fax)

OR, Portland

Ms. Regena S. Warren, County of Multnomah, 421 S.W. Sixth Ave. Suite 200, Portland, OR 97204, 503–988–3020 (Phone), 503–988–3710 (Fax)

OR, Wolf Creek

Louise Dix, Josephine County Enterprise Community, Wolf Creek, OR 97497, 541–866–2600 (Phone), 541–866–2449 (Fax)

PA, Harrisburg

Ms. Terri Martini, City of Harrisburg, Department of Building and Housing Development, Ten N. Second St., MLK City Government Center, Suite 206, Harrisburg, PA 17101–1681, 717–255–6408 (Phone), 717–255–6421 (Fax)

PA, Lock Haven

Maria Boileau, City of Lock Haven Enterprise Community, Lock Haven, PA 17745, 570–893–5907 (Phone), 570–893–5905 (Fax)

PA, Philadelphia

Ms. Eva Gladstein, City of Philadelphia, 1515 Arch St., I Pkwy. Ninth Floor, Philadelphia, PA 19103, 215–683–0462 (Phone), 215–683–0493 (Fax)

PA, Pittsburgh

Ms. Joan Blaustein, City of Pittsburgh, Department of Planning, 200 Ross St. Fourth Floor, Pittsburgh, PA 15219, 412–255–2206 (Phone), 412–255–2838 (Fax)

PA, Uniontown

Joanne Hunt, Fayette Enterprise Community, Uniontown, PA 15401, 724–437–7913 (Phone), 724–437–7315 (Fax)

RI, Providence

Ms. Kim Santos Rose, The Providence Plan, 56 Pine St., Suite 3B, Providence, RI 02903, 401–455–8880 (Phone), 401–331–6840 (Fax)

SC, Allendale

Manuel, Tammy "Lynn" Futch, Allendale County ALIVE Enterprise Community, Allendale, SC 29810, 803–584–3600 (Phone), 803–584–0700 (Fax)

Henry Lefite, Allendale County ALIVE Enterprise Community, Allendale, SC 29810, 803–584–7117 (Phone), 803–584–0700 (Fax)

SC, Charleston

Ms. Geona Shaw Johnson, City of Charleston, Department of Housing and Community Development, 75 Calhoun St., Third Floor, Charleston, SC 29401, 843–973–7285 (Phone), 843–720–3836 (Fax)

SC, Columbia

Mr. Milton Smalls, Sumter/Columbia Empowerment Zone, Department of Community Service, 1225 Laurel St., Columbia, SC 29201, 803–733–6314 (Phone), 803–733–6312 (Fax)

SC, Kingstree

John H. Whittleton, Williamsburg/Lake City Enterprise Community, Kingstree, SC 29558, 843–354–9070 (Phone), 843–354–3252 (Fax)

SC, Sumter

Mr. Talmadge Tobias, City of Sumter, P.O. Box 1449, Sumter, SC 29151–1449, 803–436–2577 (Phone), 803–436–2615 (Fax)

SD, Kyle

Head Herb Wounded, Oglala Sioux-Pine Ridge Empowerment Zone, Kyle, SD 57752, 605–455–1570 (Phone), 605–455–1571 (Fax)

SD, Yale

Lori Hintz, Beadle & Spink Enterprise Community, Yale, SD 57752, 605–599–2991 (Phone), 605–599–2992 (Fax)

TN, Huntsville

Leslie Winningham, Scott-McCreary Enterprise Community, Huntsville, TN 37756, 423–663–3280 (Phone), 423–663–3290 (Fax)

TN, Knoxville

Ms. Jeanette Kelleher, City of Knoxville, Department of Community Development, P.O. Box 1631, Knoxville, TN 37901, 865–215–2116 (Phone), 865–215–2962 (Fax)

Ms. Sherry Kelley Marshall, Partnership for Neighborhood Improvement, P.O. Box 2464, Knoxville, TN 37901, 865–251–5300 (Phone), 865–522–5085 (Fax)

TN, Memphis

Mr. Joseph C. Gibbs, City of Memphis, Business Development Center, 555 Beale St., Memphis, TN 38103–3297, 901–526–9300 (Phone), 901–525–2357 (Fax)

John Sicola, Fayette/Haywood Enterprise Community, Memphis, TN 38103, 901–545–4610 (Phone), 901–545–3519 (Fax)

TN, Nashville

Mr. Paul Johnson, Metropolitan Development and Housing Agency, Department of Community Development, 701 S. Sixth St., Nashville, TN 37206, 616–252–8543 (Phone), 615–252–8559 (Fax)

TN, Rutledge

Marvin Hammond, Clinch-Powell Enterprise Community, Rutledge, TN 37861, 865–828–5927 (Phone), 865–828–5212 (Fax)

Lindy Turner, Clinch-Powell Enterprise Community, Rutledge, TN 37861, 865–828–5927 (Phone), 865–828–5212 (Fax)

TX, Dallas

Mr. Mark G. Obeso, City of Dallas, Department of Housing, 1500 Marilla St., Suite 6D N., Dallas, TX 75201, 214–670–3601 (Phone), 214–670–0156 (Fax)

TX, El Paso

Ms. Cecilia Vazquez, El Paso Empowerment Zone, 201 S. Main St., Suite 1603, El Paso, TX 79901, 915–351–1680 (Phone), 915–351–1679 (Fax)

TX, Houston

Ms. Judith Garrett Butler, City of Houston, Office of the Mayor, P.O. Box 1562, Houston, TX 77252–1562, 713–247–2606 (Phone), 713–247–3905 (Fax)

TX, Mercedes

Yvonne "Bonnie" Gonzalez, Rio Grande Valley Empowerment Zone, Mercedes, TX 78570, 956–514–4000 (Phone), 956–514–4007 (Fax)

TX, San Antonio

Mr. Curley Spears, City of San Antonio, Department of Housing and Community Development, 419 S. Main St., Suite 200, San Antonio, TX 78204, 210–207–6605 (Phone), 210–886–0006 (Fax)

TX, Uvalde

Tammye Carpinteyro, Futuro Enterprise Community, Uvalde, TX 78801, 830–278–6817 (Phone), 830–278–6905 (Fax)

TX, Waco

Mr. George Johnson, Jr., City of Waco, 300 Austin Ave., Waco, TX 76701–2570, 254–750–5640 (Phone), 254–750–5880 (Fax)

UT, Blanding

Larry Rogers, Four Corners Enterprise Community, Blanding, UT 84511, 435–678–1468 (Phone), 435–678–1464 (Fax)

UT, Ogden

Ms. Karen Thurber, City of Ogden, Department of Neighborhood Development, 2484 Washington Blvd. Suite 211, Ogden, UT 84401, 801–629–8943 (Phone), 801–629–8902 (Fax)

VA, Nassawadox

Arthur Carter, Accomack/Northampton Enterprise Community, Nassawadox, VA 23413, 757–442–4509 (Phone), 757–442–7530 (Fax)

VA, Norfolk

Mr. Landis Faulcon, Norfolk Works, Inc., Empowerment 2010, 201 Granby St., Suite 100A, Norfolk, VA 23510, 757–624–8650 (Phone), 757–622–4623 (Fax)

VT, Burlington

Ms. Margaret Bozik, City of Burlington, Office of Community and Economic Development, 149 Church St., City Hall, Room 32, Burlington, VT 05401, 802–865–7171 (Phone), 802–865–7024 (Fax)

WA, Colville

Martin E. Wold, Five Star Enterprise Community, Colville, WA 99114, 509–684–4571 (Phone), 509–684–4788 (Fax)

WA, Seattle

Mr. Ben Wolters, City of Seattle, Office of Economic Development, 600 Fourth Ave., Seattle Municipal Bldg., Room 205, Seattle, WA 98104–1826, 206–684–8591 (Phone), 206–684–0379 (Fax)

WA, Sunnyside

Mike Gregory, Lower Yakima County Enterprise Community, Sunnyside, WA 98944, 509–839–6847 (Phone), 509–839–7462 (Fax)

WA, Tacoma

Dr. Shirl E. Gilbert, III, Tacoma Urban League, 2550 S. Yakima Ave., Tacoma, WA 98405, 253–383–2007 (Phone), 253–383–4818 (Fax)

Ms. Cynthia Spry, Tacoma/Pierce County Chamber of Commerce, P.O. Box 1933, Tacoma, WA 98401–1933, 253–627–2175 (Phone), 253–597–7305 (Fax)

WI, Lac du Flambeau

Karlene Zajicek, Northwoods NiiJii Enterprise Community, Lac du Flambeau, WI 54135, 715–588–3303 (Phone), 715–588–9406 (Fax)

WI, Milwaukee

Mr. Glen Mattison, City of Milwaukee, Community Block Grant Administration, 200 E. Wells St., City Hall, Room 606, Milwaukee, WI 53202, 414–286–3760 (Phone), 414–286–5003 (Fax)

WV, Charleston

Ben Newhouse, Upper Kanawha Valley Enterprise Community, Charleston, WV 25301, 304–340–7060 (Phone), 304–343–3774 (Fax)

WV, Clay

Jerry Sizemore, Central Appalachia Enterprise Community, Clay, WV 25043, 304–587–2034 (Phone), 304–587–2027 (Fax)

WV, Huntington

Ms. Cathy Burns, Huntington WV/Ironton OH Empowerment Zone Inc., P.O. Box 1659, Huntington, WV 25717, 304–696–5533 (Phone), 304–696–4465 (Fax)

WV, Wilcoe

Dr. Clif Moore, McDowell County Enterprise Community, Wilcoe, WV 24895, 304–448–2118 (Phone), 304–448–3287 (Fax)

Appendix B

This appendix to the General Section of the SuperNOFA contains the standard forms, certifications and assurances used by the majority if not all of the programs that are part of the SuperNOFA.

BILLING CODE 4210–33–P

Application for Federal Assistance

OMB Approval No. 0348-0043

	2. Date Submitted (mm/dd/yyyy)	Applicant Identifier
1. Type of Submission Application: ☐ Construction ☐ Non-Construction Pre-application: ☐ Construction ☐ Non-Construction	3. Date Received by State (mm/dd/yyyy)	State Application Identifier
	4. Date Received by Federal Agency (mm/dd/yyyy)	Federal Identifier

5. Applicant Information

Legal Name	Organizational Unit
Address (give city, county, State, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. Employer Identification Number (EIN) (xx-yyyyyyy)

8. Type of Application:
☐ New ☐ Continuation ☐ Revision
If Revision, enter appropriate letter(s) in box(es): ☐ ☐
A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify)

7. Type of Applicant (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Inter-municipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N Nonprofit
O Public Housing Agency
P. Other (Specify)

9. Name of Federal Agency

10. Catalog of Federal Domestic Assistance Number (xx-yyy)
Title:

11. Descriptive Title of Applicant's Project

12. Areas Affected by Project (cities, counties, States, etc.)

13. Proposed Project		14. Congressional Districts of	
Start Date (mm/dd/yyyy)	Ending Date (mm/dd/yyyy)	a. Applicant	b. Project

15. Estimated Funding

Complete form HUD-424-M, Funding Matrix

16. Is Application Subject to Review by State Executive Order 12372 Process?
a. Yes This pre-application/application was made available to the State Executive Order 12372 Process for review on:
Date (mm/dd/yyyy)_____
b. No ☐ Program is not covered by E.O. 12372
or ☐ Program has not been selected by State for review.

17. Is the Applicant Delinquent on Any Federal Debt?
☐ Yes If "Yes," attach an explanation ☐ No

18. To the best of my knowledge and belief, all data in this application/pre-application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number (Include Area Code)
d. Signature of Authorized Representative		e. Date Signed (mm/dd/yyyy)

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form SF-424 (7/97)
Prescribed by OMB Circular A-102

Instructions for the SF-424

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Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency .

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For pre-applications, use a separate sheet to provide a summary description of this project.

Item Entry

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. **Use form HUD-4243-M, Funding Matrix**. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

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form SF-424 (7/97)
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OMB Approval (pending)

Federal Assistance Funding Matrix

The applicant must provide the funding matrix shown below, listing each program for which Federal funding is being requested, and complete the certifications.

Program*	Applicant Share	Federal Share	State Share	Local	Other	Program Income	Total
Grand Totals							

* For FHIPs, show both initiative and component

Instructions for the HUD-424-M

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This form is to be used by applicants requesting funding from the Department of Housing and Urban Development for application submissions for Federal assistance.

Enter the following information:

Program: The HUD funding program you are applying under.

Applicant Share: Enter the amount of funds or cash equivalent of in-kind contributions you are contributing to your project or program of activities.

Federal Share: Enter the amount of HUD funds you are requesting with your application.

State Share: Enter the amount of funds or cash equivalent of in-kind services the State is contributing to your project or program of activities.

Local Share: Enter the amount of funds or cash equivalent of in-kind services your local government is contributing to your project or program of activities.

Other: Enter the amount of other sources of private, non-profit, or other funds or cash equivalent of in-kind services being contributed to your project or program of activities.

Program Income: Enter the amount of program income you expect to generate and contribute to this program over the life of your award.

Total: Please total all columns and fill in the amounts.

OMB Approval No. 0348-0044

Budget Information — Non-Construction Programs

Section A - Budget Summary

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

Section B - Budget Categories

6. Object Class Categories	Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)					
j. Indirect Charges					
k. **Totals** (sum of 6i and 6j)					
7. Program Income	$	$	$	$	$

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Section C - Non-Federal Resources

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) Totals
8.	$	$	$	$
9.				
10.				
11.				
12. **Total** (sum of lines 8 - 11)	$	$	$	$

Section D - Forcasted Cash Needs

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. **Total** (sum of lines 13 and 14)	$	$	$	$	$

Section E - Budget Estimates of Federal Funds Needed for Balance of the Project

	Future Funding Periods (Years)			
(a) Grant Program	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. **Total** (sum of lines 16-19)	$	$	$	$

Section F - Other Budget Information

21. Direct Charges	22. Indirect Charges

23. Remarks

Instructions for the SF-424A

Public Reporting Burden for this collection of information is estimated to average 3.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the later case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a **single** Federal grant program (Federal Domestic Assistance Catalog number) and **not requiring** a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a **single** program **requiring** budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in **Column** (a) and the respective catalog number on each line in Column (b).

For applications pertaining to **multiple** programs where one or more programs **require** a breakdown by function or activity, prepare a **separate sheet** for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (a) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

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Section C. Non-Federal Resources

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f) Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

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Assurances—Non-Construction Programs

OMB Approval No. 0348-0040

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Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.O. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 36701 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a and 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (e) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of

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project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the national Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date Submitted

OMB Approval No. 0348-0041

Budget Information—Construction Programs

Note: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

Cost Classification	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Column a-b)
1. Administrative and legal expenses	$ .00	$ .00	$ .00
2. Land, structures, rights-of-way, appraisals, etc.	$ .00	$ .00	$ .00
3. Relocation expenses and payments	$ .00	$ .00	$ .00
4. Architectural and engineering fees	$ .00	$ .00	$ .00
5. Other architectural and engineering fees	$ .00	$ .00	$ .00
6. Project inspection fees	$ .00	$ .00	$ .00
7. Site work	$ .00	$ .00	$ .00
8. Demolition and removal	$ .00	$ .00	$ .00
9. Construction	$ .00	$ .00	$ .00
10. Equipment	$ .00	$ .00	$ .00
11. Miscellaneous	$ .00	$ .00	$ .00
12. **Subtotal**	$ .00	$ .00	$ .00
13. Contingencies (sum of lines 1-11)	$ .00	$ .00	$ .00
14. **Subtotal**	$ .00	$ .00	$ .00
15. Project (program) income	$ .00	$ .00	$ .00
16. **Total Project Costs** (subtract #15 from #14)	$ .00	$ .00	$ .00
Federal Funding			
17. Federal assistance requested, calculate as follows: Enter eligible costs from line 16c ____ Multiply x ____ % (Consult Federal agency for Federal percentage share). Enter the resulting Federal share.			$ .00

Instructions for HUD-424C

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, D.C. 20503. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency.

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions please contact the Federal agency.

Column a.—If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "Cost Classifications."
If this application entails a change to an existing award, enter the eligible amounts approved under the previous award for the items under "Cost Classification."
Column b.—If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is not allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.
If this application entails a change to an existing award, enter the adjustment (+ or (–)) to the previously approved costs (from column a.) reflected in this application.
Column c.—This is the net of lines 1 through 16 in columns "a." and "b.".

Line 1—Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchase of land which is allowable for Federal participation and certain services in support of construction of the project.
Line 2—Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).
Line 3—Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.
Line 4—Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).
Line 5—Enter estimated engineering costs, such as surveys, tests, soil borings, etc.
Line 6—Enter estimated inspection costs.
Line 7—Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.
Line 8—Enter estimated cost of the construction contract.
Line 10—Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.
Line 11—Enter estimated miscellaneous costs.
Line 12—Total of items 1 through 11.
Line 13—Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)
Line 14—Enter the total of lines 12 and 13.
Line 15—Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.
Line 16—Subtract line 15 from line 14.
Item 17—This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

Assurances — Construction Programs

OMB Approval No. 0348-0042

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other non-discrimination Statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a and 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title
Applicant Organization	**Date Submitted**

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SF-424D (Rev. 4/92)
Prescribed by OMB Circular A-102

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here ☐ if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Signature	**Date**
X	

form HUD-50070 (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1 & .3

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Applicant Name

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Signature	Date (mm/dd/yyyy)

Previous edition is obsolete

form HUD 50071 (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1, & 7485.3

Disclosure of Lobbying Activities

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse side for Instructions and Public Reporting burden statement)

1. Type of Federal Action	2. Status of Federal Action	3. Report Type
☐ a. contract ☐ b. grant ☐ c. cooperative agreement ☐ d. loan ☐ e. loan guarantee ☐ f. loan insurance	☐ a. bid/offer/application ☐ b. initial award ☐ c. post-award	☐ a. initial filing ☐ b. material change **For Material Change Only** year (yyyy) _____ quarter _____ date of last report (mm/dd/yyyy)_____

4. Name and Address of Reporting Entity ☐ Prime ☐ Subawardee Tier _____, if known: Congressional District, if known	5. If Reporting Entity in No. 4 is Subawardee, enter Name and Address of Prime Congressional District, if known
6. Federal Department/Agency	7. Federal Program Name/Description CFDA Number, if applicable _____
8. Federal Action Number, if known	9. Award Amount, if known $
10a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI)	b. Individuals Performing Services (including address if different from No. 10a.) (last name, first name, MI)

(attach continuation sheet(s) if necessary)

11. Amount of Payment (check all that apply) $ _____ ☐ actual ☐ planned 12. Form of Payment (check all that apply) ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	13. Type of Payment (check all that apply) ☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other (specify)_____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11

(attach continuation sheet(s) if necessary)

15. Continuation sheets attached ☐ Yes ☐ No

16. Information requested through this form is authorized by Sec.319, Pub. L. 101-121, 103 Stat. 750, as amended by sec. 10; Pub. L. 104-65, Stat. 700 (31 U.S.C. 1352). This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature _____ Print Name _____ Title _____ Telephone No. _____ Date (mm/dd/yyyy) _____

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Standard Form-LLL (7/97)

Instructions for Completion of SF-LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box (es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box (es). Check all boxes that apply. If other, specify nature.
14. Provide specific and detailed description of the services that the lobbist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just the time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a continuation sheet(s) are attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public Reporting Burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

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DISCLOSURE OF LOBBYING ACTIVITIES CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

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Standard Form - LLL-A

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 3/31/2003)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information Indicate whether this is an Initial Report ☐ or an Update Report ☐

1. Applicant/Recipient Name, Address, and Phone (include area code):

( ) -

2. Social Security Number or Employer ID Number:

- -

3. HUD Program Name

4. Amount of HUD Assistance Requested/Received

5. State the name and location (street address, City and State) of the project or activity:

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).
☐ Yes ☐ No

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD) , involving the project or activity in this application, in excess of $200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9
☐ Yes ☐ No.

If you answered "**No**" to either question 1 or 2, **Stop!** You do not need to complete the remainder of this form.
However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(**Note:** Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity ($ and %)

(**Note:** Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.
I certify that this information is true and complete.

Signature:	Date: (mm/dd/yyyy)
X	

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview.

A. **Coverage.** You must complete this report if:
(1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of $200,000 during the during the fiscal year;
(2) You are updating a prior report as discussed below; or
(3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. **Update reports (filed by "Recipients" of HUD Assistance):**
General. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.
All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to ***either*** questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
2. State the type of other government assistance (e.g., loan, grant, loan insurance).
3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD ***and any other source*** - that have been or are to be, made available for the project or activity. Non-government sources of

funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14445.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

Certification Regarding Debarment and Suspension

U.S. Department of Housing and Urban Development

Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

b. Have not within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (A)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was place when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines this eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (B)

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded,** as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment.

Applicant	Date
Signature of Authorized Certifying Official	Title

Certification of Consistency with the EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, or a Strategic Planning Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of EZ/EC _____

I further certify that the proposed activities/projects will be located within the EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the EZ/EC/Urban Enhanced EC or Strategic Planning Community residents. (2 points)

Name of the Official Authorized to Certify the EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

Funding Application

Section 8 Tenant-Based Assistance
Rental Certificate Program
Rental Voucher Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169 (exp.9/30/2002)

Send the original and two copies of this application form and attachments to the local HUD Field Office

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Eligible applicants (HAs) must submit this information when applying for grant funding for tenant-based housing assistance programs under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). HUD will use the information to evaluate an application based on selection criteria stated in the Notice of Funding Availability (NOFA). HUD will notify the HA of its approval/disapproval of the funding application. Responses are required to obtain a benefit from the Federal Government. The information requested does not lend itself to congidentiality.

Name and Mailing Address of the Housing Agency (HA) requesting housing assistance payments

Application/Project No. (HUD use only)

Do you have an ACC with HUD	No	Yes	Date of Application	Legal Area of Operation (area in which the HA has authority under State and local law to administer the program)
for Section 8 Certificates?	☐	☐		
for Section 8 Vouchers?	☐	☐		

A. Area(s) From Which Families To Be Assisted Will Be Drawn.

Locality (city, town, etc.)	County	Congressional District	Units

B. Proposed Assisted Dwelling Units. (Complete this section based on the unit sizes of the applicants at the top of the waiting list)

	Number of Dwelling Units by Bedroom Size							Total Dwelling Units
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR	
Certificates								
Vouchers								

C. Average Monthly Adjusted Income. Complete this section based on actual incomes of current participants by unit size. Enter average monthly adjusted income for each program separately and only for the unit sizes requested in Section B.

	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR
Certificates	$	$	$	$	$	$	$
Vouchers	$	$	$	$	$	$	$

D. Need for Housing Assistance. Demonstrate that the project requested in this application is responsive to the condition of the housing stock in the community and the housing assistance needs of low-income families residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

E. Housing Quality Standards (HQS). (Check applicable box)

☐ HUD's HQS will be used with no modifications ☐ Attached for HUD approval are HQS acceptability criteria variations

F. New HA Information. Complete this section if HA currently does not administer a tenant-based certificate or voucher program.

Financial and Administrative Capability. Describe the experience of the HA in administering housing or other programs and provide any other relevant information which evidences present or potential management capability for the proposed rental assistance program. Submit this narrative on a separate page.

Qualification as an HA. Demonstrate that the applicant qualifies as an HA and is legally qualified and authorized to administer the funds applied for in this application. Submit the relevant enabling legislation and a supporting legal opinion.

Note: If this application is approved, the HA must submit for HUD approval a utility allowance schedule and budget documents.

G. Certifications. The following certifications are incorporated as a part of this application form. The signature on the last page of this application of the HA representative authorized to sign the application signifies compliance with the terms of these certifications.

Equal Opportunity Certification

The Housing Agency (HA) certifies that:

(1) The HA will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations issued pursuant thereto (24 CFR Part 1) which state that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives financial assistance; and will take any measures necessary to effectuate this agreement.

(2) The HA will comply with the Fair Housing Act (42 U.S.C. 3601-19) and regulations issued pursuant thereto (24 CFR Part 100) which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status, or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing.

(3) The HA will comply with Executive Order 11063 on Equal Opportunity in Housing which prohibits discrimination because of race, color, creed, or national origin in housing and related facilities provided with Federal financial assistance and HUD regulations (24 CFR Part 107).

(4) The HA will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR Part 8) which state that no otherwise qualified individual with handicaps in the United States shall solely by reason of the handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(5) The HA will comply with the provisions of the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and regulations issued pursuant thereto (24 CFR Part 146) which state that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving Federal financial assistance.

(6) The Housing Agency will comply with the provisions of Title II of the Americans with Disabilities Act (42 U.S.C. 12131) and regulations issued pursuant thereto (28 CFR Part 35) which state that subject to the provisions of Title II, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.

The following provisions apply only to housing assisted with Project-Based Certificates:

(7) The HA will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1) which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity.

(8) The HA will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) and regulations issued pursuant thereto (24 CFR Part 135), which require that, to the greatest extent feasible, opportunities for training and employment be given to low-income persons residing within the unit of local government for metropolitan area (or nonmetropolitan county) in which the project is located.

Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Certification Regarding Drug-Free Workplace Requirements

Instructions for Drug-Free Workplace Requirements Certification:

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All *direct charge* employees; (ii) All *indirect charge* employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees or subrecipients or subcontractors in covered workplaces).

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Housing Agency Signature

Signature of HA Representative	Print or Type Name of Signatory	
	Phone No.	Date

Previous editions are obsolete

Page 4 of 4

form HUD-52515 (1/96)
ref. Handbook 7420.8

Acknowledgment of Application Receipt

U.S. Department of Housing and Urban Development

Type or clearly print the Applicant's name and full address in the space below.

(fold line)

Type or clearly print the following information:

Name of the Federal Program to which the applicant is applying: _____

To Be Completed by HUD

☐ HUD received your application by the deadline and will consider it for funding. In accordance with Section 103 of the Department of Housing and Urban Development Reform Act of 1989, no information will be released by HUD regarding the relative standing of any applicant until funding announcements are made. However, you may be contacted by HUD after initial screening to permit you to correct certain application deficiencies.

☐ HUD did not receive your application by the deadline; therefore, your application will not receive further consideration. Your application is:

☐ Enclosed

☐ Being sent under separate cover

Processor's Name _____

Date of Receipt _____

form HUD-2993 (2/99)

Client Comments and Suggestions

U.S. Department of Housing and Urban Development

You are our Client! Your comments and suggestions, please!

The Department of Housing and Urban Development in preparing this Notice of Funding Availability and application forms, has tried to produce a more user friendly, customer driven funding process. Please let us have your comments and recommendations for improvements to this document. You may leave this form attached to your application, or feel free to detach the form and return it to:

The Department of Housing and Urban Development
Office of Grant Management and Compliance
Room 2182
451 7th Street, SW
Washington, DC 20410

Please Provide Comments on HUD's Efforts:

The NOFA (insert title) _____

is: (please check one)

(a) ☐ is clear and easily understandable

(b) ☐ better than before, but still needs improvement (please specify)

(c) other (please specify)

The application form (insert title) _____

is: (please check one)

(a) ☐ is acceptable given the volume of information required by statute and the volume of information required for accountability in selecting and funding projects.

(b) ☐ is simpler and more user-friendly than before, but still needs work (please specify).

(c) other comments (please specify)

Name & Organization (Optional):

Are additional pages attached? ☐ Yes ☐ No

form **HUD-2994** (2/2001)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE

Community Housing Development Organization (CHDO) TA

HOME TA

McKinney-Vento Act Homeless Assistance Programs TA

HOPWA TA

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE (CD–TA) PROGRAMS—CHDO, HOME, McKINNEY-VENTO ACT HOMELESS ASSISTANCE AND HOPWA

Program Overview

Purpose of the Program. The purposes of the technical assistance programs in this SuperNOFA are:

CHDO Technical Assistance. To promote the ability of Community Housing Development Organizations (CHDOs) to maintain, rehabilitate and construct housing for low-income and moderate-income families and to effectively use HOME program funds and other sources of funding to produce affordable housing; facilitate the education of low-income homeowners and tenants; and help women who reside in low- and moderate-income neighborhoods to rehabilitate and construct housing in these neighborhoods.

HOME Technical Assistance. To help HOME participating jurisdictions design and implement HOME programs, including: improving their ability to design and implement housing strategies and incorporate energy efficiency into affordable housing; facilitating the exchange of information to help participating jurisdictions carry out their programs; facilitating the establishment and efficient operation of employer-assisted housing programs and land bank programs; and encouraging private lenders and for-profit developers of low-income housing to participate in public-private partnerships.

McKinney-Vento Act Homeless Assistance Programs Technical Assistance. To provide applicants, potential applicants, grantees, and project sponsors for McKinney-Vento Act funded Emergency Shelter Grants, Supportive Housing Program, Section 8 Moderate Rehabilitation Single Room Occupancy and Shelter Plus Care projects with technical assistance to promote the development of housing and supportive services as part of the Continuum of Care approach, including innovative approaches to assist homeless persons in the transition from homelessness, and to enable them to live as independently as possible.

Housing Opportunities for Persons with AIDS (HOPWA). To train HOPWA grantees, project sponsors, and potential recipients of program funds in comprehensive housing strategies and responsive area programs that assist residents who are living with HIV/AIDS; in the sound management of HOPWA programs to support program operations in an efficient and effective manner, including undertaking community consultations, program planning, housing development and operations, program evaluation and reporting on accomplishments; and to build the capacity of nonprofit organizations to carry out activities as HOPWA project sponsors.

Available Funds. Up to $21.18 million is available for the four CD–TA programs.

Eligible Applicants. Specific eligibility requirements for the four CD–TA programs are found below in Section III(C). Forty percent of the CHDO, HOME and McKinney-Vento Act Homeless Assistance technical assistance funds is limited to qualified providers who have not previously received a CPD technical assistance award. This limitation is not applicable to HOPWA technical assistance.

Application Deadline. May 22, 2001.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed applications (an original and one copy) on or before 12:00 midnight, Eastern time, on May 22, 2001, at the address shown below.

The original application that you submit to Headquarters is considered the official application. Send a copy of your application on or before the application deadline date to the HUD CPD Field Office(s) in which you are seeking to provide services. Only one application per applicant is permitted; however, one application can include as few as one or as many as all four CD–TA programs.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. HUD Headquarters. Your completed application consists of one original application and one copy. Submit your original application to HUD Headquarters, U.S. Department of Housing and Urban Development, CPD Processing and Control Branch, Room 7251, 451 Seventh Street, SW, Washington, DC 20410.

Copy to Field Office. Send a copy of the application to the appropriate CPD Field Office(s) at the address shown on the list of HUD CPD Field Offices included in the application kit.

When submitting your application, please refer to the Community Development Technical Assistance Program. Be sure to include your name, mailing address (including zip code), telephone number (including area code), and fax number (including area code).

For Application Kits. For an application kit and any supplemental information, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to "Community Development Technical Assistance Programs or CD–TA." Please be sure to provide your name, address (including zip code), telephone number (including area code), and fax number (including area code).

For Further Information and Technical Assistance. You may contact the HUD CPD Office serving your area at the telephone number listed in the list of HUD CPD Field Offices included in the application kit, or you may contact Penny McCormack at 202–708–3176, x4391 in HUD Headquarters. Information on this SuperNOFA also may be obtained through the HUD web site on the Internet at http://www/HUD.gov/grants.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www/hud.gov/grants

II. Amount Allocated

(A) The amounts allocated for each CD–TA program are as follows:

CHDO TA funds:
up to $7,600,000 Total
$3,200,000 Single State
$4,400,000 Multi-State

HOME TA funds:
up to $8,000,000

McKinney-Vento Act Homeless Assistance Programs TA funds:
up to $3,000,000

HOPWA TA funds:
up to $2,580,000

(B) Each HUD/CPD Field Office has been allocated a "fair-share" of CD–TA funds for purposes of this competition, except for the HOPWA TA funds which will be awarded only through a national competition (see CD–TA Appendix A for the fair share allocations). The amounts are based on allocations of

HOME and McKinney-Vento Act Homeless Assistance formula funds and competitive programs for which Field Offices have management oversight. These amounts are only for guidance purposes for you to develop your program budgets by Field Office jurisdiction and are not the exact amounts to be awarded to you in each area.

HUD will determine the total amount to be awarded to any provider based upon the size and needs of the provider's service area within each Field Office jurisdiction in which the provider is selected to operate, the funds available for that area, the number of other awardees selected in that area, and the scope of the technical assistance to be provided. Addjtionally, HUD may reduce the amount of funds allocated for Field Office jurisdictions to fund national CD–TA providers and other CD–TA providers for activities which cannot be budgeted or estimated by Field Office jurisdiction. HUD may require selected applicants, as a condition of funding, to provide coverage on a geographically broader basis than applied for in order to supplement or strengthen the intermediary network in terms of the location (service area), types and scope of technical assistance proposed.

(C) In order to reach new technical assistance providers in the HOME, CHDO and McKinney-Vento Act Homeless Assistance program areas, 40% of the funds in each of these three program areas within a Field Office (or at the national level) will be awarded to applicants who have not previously been funded under a CPD technical assistance competition. Therefore, approximately $3.2 million will be awarded to new providers in HOME; $3 million in CHDO; and $1.2 million in McKinney-Vento Act Homeless Assistance. With respect to CHDO funds, 40% of the total funds (single state and multi-state combined) are earmarked for new providers. If qualified new applicants are not found in each program area in each Field Office and/or at the national level, the remaining funds will be made available for previously funded providers. The reverse also is true.

(D) To the extent permitted by funding constraints, HUD intends to provide coverage for as full a range as possible, of eligible CD–TA activities of each CD–TA program in each Field Office jurisdiction. To achieve this objective, HUD will fund the highest ranking providers that bring the required expertise in one or more specialized activity areas, and fund portions of providers' proposed programs in which they have the greatest skill and capability for given geographic areas or on a national basis. HUD also may require national, multi-jurisdictional, or other providers to provide coverage to Field Office jurisdictions which cannot otherwise receive cost-effective support from a CD–TA provider. In selecting applicants for funding, in addition to the rating factors, HUD will apply program policy criteria identified in Section V of this CD–TA Program section of SuperNOFA to select a range of providers and activities that would best serve program objectives for each program serviced by the CD–TA funded under this SuperNOFA.

III. Program Description; Program Award Period; Eligible Applicants; Eligible Activities; and Sub-Grants/Pass Through Funds

(A) *Program Description.* Up to $21.18 million in technical assistance (TA) funds is available from four separate technical assistance programs: Community Housing Development Organization (CHDO) TA, HOME TA, McKinney-Vento Act Homeless Assistance TA, and HOPWA TA (collectively "CD–TA").

The funding of these four CD–TA programs through a single funding availability announcement will not affect the ability of eligible applicants to seek CD–TA funding. Eligible applicants are able to apply for funding under as few as one, and as many as four, separate CD–TA programs, individually or collectively, singularly or in combination. The specific provisions of the four separate CD–TA programs have not been changed. This Community Development Technical Assistance Programs section of the SuperNOFA reflects the statutory requirements and differences in the four different CD–TA programs.

(B) *Program Award Period.*

(1) Cooperative Agreements will be for a period of up to 36 months. HUD, however, reserves the right to:

(a) Terminate awards in accordance with provisions contained in OMB Circular A–102, and 24 CFR parts 84 and 85 anytime after 12 months;

(b) Withdraw funds from a specific provider, if HUD determines that the urgency of need for the assistance is greater in other Field Office jurisdictions or the need for assistance is not commensurate with the award for assistance;

(c) Extend the performance period of individual awardees up to a total of 12 additional months.

(2) In cases where an applicant selected for funding under this CD–TA program section of the SuperNOFA currently is providing CD technical assistance under an existing CD–TA grant/cooperative agreement, HUD reserves the right to adjust the start date of funding under this program to coincide with the conclusion of the previous award, or to incorporate the remaining activities from the previous award into the new agreement, adjusting the funding levels as necessary.

(C) *Eligible Applicants.*

(1) *General.* The eligible applicants for each of the four CD–TA programs are listed in paragraphs (2), (3), (4) and (5) of this Section (C). This paragraph (1) lists requirements applicable to all applicants.

(a) Many organizations are eligible to apply for more than one CD–TA program and are encouraged to do so to the extent they have the requisite experience, expertise and capability.

(b) All applicant organizations must have demonstrated ability to provide CD–TA in a geographic area larger than a single city or county and must propose to serve an area larger than a single city or county.

(c) An organization may not provide assistance to itself, and any organization funded to assist CHDOs under this CD–TA Program section of the SuperNOFA may not act as a CHDO itself within its service area while under award with HUD.

(d) A consortium of organizations may apply for one or more CD–TA programs, but HUD will require that one organization be designated as the legal applicant, where legally feasible. Where one organization cannot be so designated for all proposed activities, HUD may execute more than one cooperative agreement with the members of a consortium. However, in general HUD will not award more than one cooperative agreement per application unless necessary due to legal requirements.

(e) All applicants must meet minimum statutory eligibility requirements for each CD–TA program for which they are chosen in order to be awarded a cooperative agreement. Copies of the Technical Assistance program regulations will be provided with the application kit.

(f) All eligible CD–TA providers may propose assistance using in-house staff, consultants, sub-contractors and sub-recipients, networks of private consultants and/or local organizations with requisite experience and capabilities. Whenever possible, applicants should make use of technical assistance providers located in the Field Office jurisdiction receiving services. This draws upon local expertise and

persons familiar with the opportunities and resources available in the area to be served while reducing travel and other costs associated with delivering the proposed technical assistance services.

(g) All applicants must meet the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA.

(2) *McKinney-Vento Act Homeless Assistance Programs TA Eligible Applicants.*

(a) States, units of general local government, and public housing authorities.

(b) Public and private non-profit or for-profit groups, including educational institutions and area-wide planning organizations, qualified to provide technical assistance on McKinney-Vento Act Homeless Assistance projects.

(3) *CHDO TA Eligible Applicants.* Public and private non-profit intermediary organizations that customarily provide services (in more than one community) related to affordable housing or neighborhood revitalization to CHDOs, or similar organizations that engage in community revitalization, including all eligible organizations under section 233 of the Cranston-Gonzalez National Affordable Housing Act, as amended.

HUD will consider an intermediary as a primarily single State technical assistance provider if it can document that more than 50% of its past activities in working with CHDOs or similar nonprofit and other organizations (on the production of affordable housing or revitalization of deteriorating neighborhoods and/or the delivery of technical assistance to these groups) was confined to the geographic limits of a single State.

(4) *HOME TA Eligible Applicants.*

(a) A for-profit or non-profit professional and technical services company or firm that has demonstrated capacity to provide technical assistance services;

(b) A HOME participating jurisdiction (PJ) or agency thereof;

(c) A public purpose organization responsible to the chief elected official of a PJ and established pursuant to State or local legislation;

(d) An agency or authority established by two or more PJs to carry out activities consistent with the purposes of the HOME program;

(e) A national or regional non-profit organization that has membership comprised predominantly of entities or officials of entities of PJs or PJs' agencies or established organizations.

(5) *HOPWA TA Eligible Applicants.*

(a) Non-profit organizations; and

(b) States and units of general local government.

(D) *Eligible Activities.* Eligible activities as appropriate for each of the four CD–TA programs are listed below:

(1) *CHDO Technical Assistance.* CHDO Technical Assistance funds may be used only for the following eligible activities:

(a) Organizational Support—Organizational support assistance may be made available to community housing development organizations to cover operational expenses and to cover expenses for training and technical, legal, engineering and other assistance to the board of directors, staff, and members of the community housing development organization;

(b) Housing Education—Housing education assistance may be made available to community housing development organizations to cover expenses for providing or administering programs for educating, counseling, organizing homeowners and tenants who are eligible to receive assistance under other provisions of the HOME Program;

(c) Program-Wide Support of Nonprofit Development and Management—Technical assistance, training, and continuing support may be made available to eligible community housing development organizations for managing and conserving properties developed under the HOME Program;

(d) Benevolent Loan Funds—Technical assistance may be made available to increase the investment of private capital in housing for very low-income families, particularly by encouraging the establishment of benevolent loan funds through which private financial institutions will accept deposits at below-market interest rates and make those funds available at favorable rates to developers of low-income housing and to low-income homebuyers;

(e) Community Development Banks and Credit Unions—Technical assistance may be made available to establish privately owned, local community development banks and credit unions to finance affordable housing;

(f) Community Land Trusts—Organizational support, technical assistance, education, training and continuing support under this subsection may be made available to community land trusts (as such term is defined in section 233(f) of the Cranston-Gonzalez National Affordable Housing Act) and to community groups for the establishment of community land trusts; and

(g) Facilitating Women in Homebuilding Professions—Technical assistance may be made available to businesses, unions, and organizations involved in construction and rehabilitation of housing in low- and moderate-income areas to assist women residing in the area to obtain jobs involving such activities, which may include facilitating access by helping such women develop nontraditional skills, recruiting women to participate in such programs, providing continuing support for women at job sites, counseling and educating businesses regarding suitable work environments for women, providing information to such women regarding opportunities for establishing small housing construction and rehabilitation businesses, and providing materials and tools for training such women (in an amount not exceeding 10% of any assistance provided under this paragraph). HUD shall give priority under this paragraph to providing technical assistance for organizations rehabilitating single family or multifamily housing owned or controlled by HUD pursuant to title II of the National Housing Act and which have women members in occupations in which women constitute 25% or less of the total number of workers in the occupation (in this section referred to as "nontraditional occupations").

(2) *HOME Technical Assistance.* HUD will provide assistance to:

(a) Facilitate the exchange of information that would help participating jurisdictions carry out the purposes of the HOME statute, including information on program design and accessibility, housing finance, land use controls, and building construction techniques;

(b) Improve the ability of States and units of local government to design and implement housing strategies, particularly those States and units of local government that are relatively inexperienced in the development of affordable housing;

(c) Encourage private lenders and for-profit developers of low-income housing to participate in public-private partnerships to achieve the purposes of the HOME statute;

(d) Improve the ability of States and units of local government, community housing development organizations, private lenders, and for-profit developers of low-income housing to incorporate energy efficiency into the planning, design, financing, construction and operation of affordable housing;

(e) Facilitate the establishment and efficient operation of employer-assisted housing programs, through research,

technical assistance, and demonstration projects; and

(f) Facilitate the establishment and efficient operation of land bank programs, under which title to vacant and abandoned parcels of real estate located in or causing blighted neighborhoods is cleared for use consistent with the purposes of the HOME statute.

(3) *McKinney-Vento Act Homeless Assistance Programs Technical Assistance.* Funds are available to provide technical assistance to McKinney-Vento Act funded Homeless Assistance projects. Funds may be used to provide technical assistance to prospective applicants, applicants, recipients or other providers (project sponsors) of McKinney-Vento Act funded housing and supportive services for homeless persons. The assistance may include, but is not limited to, written information such as papers, manuals, guides and brochures; person-to-person exchanges; on-site assessments and provision of technical expertise; and training and related costs.

(4) *HOPWA Technical Assistance.* For the purposes of this CD-TA program section of the SuperNOFA, HOPWA technical assistance shall mean the transfer to HOPWA grantees and project sponsors and potential recipients of program funds, the skills and knowledge needed to develop, operate and support HOPWA-eligible projects and activities.

An applicant for HOPWA TA funds must propose activities on a national basis, a regional basis (e.g. serving a multi-state area) or within a State or community. The application should emphasize how activities will advise and train communities and project sponsors in undertaking program planning, community consultations, housing development and operations, coordination with related health-care and other supportive services, and evaluation and reporting on program performance. The Department has established the following national goal for all HOPWA TA projects:

• *National Goal—Sound Management of HOPWA Programs and Projects.*

HOPWA TA funds can be used to help to strengthen the management, operation, and capacity of grantees, project sponsors, and potential applicants to ensure that organizations use funds in a manner that upholds the public trust in the operation of programs. To achieve this goal, HOPWA TA can be used in the following areas:

(i) Management and operations through such activities as:

(*A*) Advising on management practices to ensure responsive, efficient and cost effective facility and program operations;

(*B*) Advising on fiscal management to ensure accountability in the use of funds; and

(*C*) Assisting projects in using the Department's information technology, financial systems and information management systems.

(ii) State, local, and community planning through such activities as:

(*A*) Advising on the coordination of housing with health-care and other related supportive services for eligible persons;

(*B*) Assisting in developing collaborations with local, State and Federal agencies that administer HIV/AIDS-related programs, including programs funded under the Ryan White CARE Act;

(*C*) Creating or linking to existing needs assessments of the area's housing needs of persons living with HIV/AIDS and their families;

(*D*) Creating or linking to comprehensive multiple-year HIV/AIDS housing plans that are undertaken in collaboration with local, State and federal programs including the Ryan White CARE Act programs; and

(*E*) Creating or linking to existing plans that address specialized needs of clients, including assistance for clients with serious mental illness, chronic alcohol and other drug abuse issues, and homelessness.

(iii) Program evaluation through such activities as:

(*A*) Advising on data collection and program evaluation; and

(*B*) Developing and providing program handbooks, guidance materials, audio/visual products, training, and other activities to promote good management practices.

As a part of providing for the sound management of HOPWA programs and projects, HOPWA TA providers should demonstrate an outreach and assistance program to identified underserved populations. The Department has been advised by persons living with HIV/AIDS, HIV/AIDS housing providers, and national organizations, of the continuing disparity in accessing health-care and HIV/AIDS treatment among underserved populations, such as, racial and ethnic minority populations, women, youth, post-incarcerated populations and persons living in rural areas. For the purposes of the HOPWA TA portion of this NOFA, underserved populations are defined as low-income populations living with HIV/AIDS and their families, such as racial or ethnic minority groups, women, persons living in rural areas, youth, post-incarcerated populations, or other underserved groups as determined by your service area, whose housing and related service needs are not currently being met in your service area. To meet this definition of an underserved population, you must present reliable statistics and data sources (i.e. Census, health department statistics, research, scientific studies, Consolidated Plan, and Continuum of Care documentation), showing the unmet need in the provision of housing and supportive services for the identified underserved population under Rating Factor 2, (1). HUD will consider your presentation of statistics and data sources based on soundness and reliability and the specificity of information to the underserved population and the area to be served.

In an effort to meet this continuing need, the highest rated applicants will demonstrate an outreach and assistance program to an identified underserved population as detailed under Rating Factor 3, Soundness of Approach (2) and will support the National HOPWA Goal of Sound Management. Such assistance could include, linking HOPWA grantees and project sponsors to other community based organizations serving an underserved population but may have no or limited experience with providing housing services. Additionally, HOPWA TA providers could provide assistance to collaborations targeting as underserved population funded under the HOPWA competitive program.

(E) *Sub-Grants/Pass-Through Funds.* Applicants may propose to make sub-grants to achieve the purposes of their proposed CD-TA programs in accordance with program requirements in Section IV of this CD-TA Program section of the SuperNOFA. In the case of CHDO TA, these sub-grants (also called "pass-through" funds) may be made for eligible activities and to eligible entities as identified in Section 233(b)(1), (2), and (7) of the Cranston-Gonzalez National Affordable Housing Act. When CHDO TA sub-grants are made to CHDOs, two statutory provisions apply:

(1) The sub-grant amount, when combined with other capacity building and operating support available through the HOME program, cannot exceed the greater of 50% of the CHDO's operating budget for the year in which it receives the funds, or $50,000 annually;

(2) An amount not exceeding 10% of the total funds awarded for the "Women in the Homebuilding Professions" eligible activity may be used to provide materials and tools for training such women.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, applicants are subject to the following requirements:

(A) *Program Requirements for CHDO, HOME and McKinney-Vento Act Homeless Assistance.*

(1) *Profit/Fee.* No increment above cost, no fee or profit, may be paid to any recipient or subrecipient of an award under this CD-TA Program section of the SuperNOFA.

(2) *Demand/Response Delivery System.*

(a) As an awardee, you must operate within the structure of the demand/response system described in this section. You must coordinate your plans with, and operate under the direction of, each HUD Field Office within whose jurisdiction you are operating. When so directed by a Field Office, you will coordinate your activities instead through a lead CD-TA provider or other organization designated by the Field Office.

(b) If selected as the lead CD-TA provider in any Field Office jurisdiction, as an awardee you must coordinate the activities of other CD-TA providers selected under this CD-TA Program section of the SuperNOFA under the direction of the HUD Field Office. Joint activities by CD-TA providers may be required.

(c) Under the demand/response system, CD-TA providers will be required to:

(i) When requested by a Field Office or Government Technical Representative (GTR), market the availability of their services to existing and potential clients to include local jurisdictions in which the assistance will be delivered.

(ii) Respond to requests for assistance from the HUD Field Office(s) with oversight of the geographic service area for which the technical assistance will be delivered, including responding to priorities established by the Field Office in its Grants Management System. CHDOs, HOME PJs, and McKinney-Vento Act Homeless Assistance grantees may request assistance from the CD-TA provider directly, but such requests must be approved by the local HUD Field Office.

(iii) When requested by a Field Office or GTR, conduct a Needs Assessment to identify the type and nature of the assistance needed by the recipients of the assistance. These needs assessments should typically identify the nature of the problem to be addressed by the technical assistance services; the plan of action to address the need including the type of technical assistance services to be provided, the duration of the service, the staff assigned to provide the assistance, anticipated products and/or outcomes, and the estimated cost for the provision of services; and the relationship of the proposed services to the planned or expected Consolidated Plan submission to HUD and to other technical assistance providers providing service within the locality.

(iv) Obtain approval for the Technical Assistance Delivery Plan (TADP) from the HUD Field Office(s) with oversight for the area in which service will be provided. (See Section 3 below).

(v) Work cooperatively with other CD–TA providers in their geographic areas to ensure that clients are provided with the full range of CD–TA services needed and available. CD–TA providers are expected to be knowledgeable about the range of services available from other providers, make referrals and arrange visits by other CD–TA providers when appropriate, and carry out CD–TA activities concurrently when it is cost-effective and in the interests of the client to do so. HUD Field Offices may direct CD–TA providers to conduct joint activities.

(3) *Technical Assistance Delivery Plan (TADP).*

(a) After selection for funding but prior to award, you must develop a TADP for each Field Office jurisdiction or National Program for which you have been selected, in consultation with the Field office and/or GTR.

(b) In developing the TADP, you must follow the Field Office's Business Operating Plan (BOP) and management strategies/workplans for each community/State in the Field Office's jurisdiction. You must use these BOP/management strategies/workplans in determining your priority work activities, location of activities, and organizations to be assisted during the cooperative agreement performance period.

(c) The BOP/grantee management strategies/workplans are part of the Field Office's Grants Management Process (GMP) and should indicate the issues to be addressed by CD–TA, the improved performance expected as a result of CD–TA, and methods for measuring the success of the CD–TA.

(d) The TADP must delineate all the tasks and sub-tasks for each CD program the applicant will undertake in each Field Office jurisdiction. The TADP must show the location of the community/State in which the CD–TA activities will occur, the level of CD–TA funding and proposed activities by location, the improved program performance or other results expected from the CD–TA and the methodology to be used for measuring the success of the CD–TA. A time schedule for delivery of the activities, budget summary, budget-by-task and staffing plan must be included in the TADP.

(4) *Negotiation.* After all applications have been rated and ranked and a selection has been made, HUD requires that all winners participate in negotiations to determine the specific terms of the TADP and the budget. HUD will follow the negotiation procedures described in Section III(D) of the General Section of the SuperNOFA.

(5) *Forms, Certifications and Assurances.* You must submit with your application the forms, certifications and assurances listed in the General Section of this SuperNOFA. After selection for funding but prior to your providing services to a specific community you must submit the CHDO TA designation letter (where applicable).

(6) *Financial Management and Audit Information.* After selection for funding but prior to award, you must submit a certification from an Independent Public Accountant or the cognizant government auditor, stating that your financial management system meets prescribed standards for fund control and accountability required by 24 CFR part 84 for Institutions of Higher Education and other Non-Profit Institutions, 24 CFR part 85 for States and local governments, or the Federal Acquisition Regulations (for all other applicants). The information should include the name and telephone number of the independent auditor, cognizant Federal auditor, or other audit agency as applicable.

(7) *Designation for CHDO Technical Assistance Providers.* CHDO TA providers will be responsible for securing a technical assistance designation letter from a PJ stating that a CHDO or prospective CHDO to be assisted by the provider is a recipient or intended recipient of HOME funds and indicating, at its option, subject areas of assistance that are most important to the PJ.

(8) *Training Sessions.* When conducting training sessions as part of its CD–TA activities, CD–TA providers are required to:

(a) Design the course materials as "step-in" packages (also called "train-the trainer" packages) so that a Field Office or other CD–TA provider may separately give the course on its own;

(b) Arrange for joint delivery of the training with Field Office participation when so requested by the Field Office or by the GTR for national grants; and

(c) When requested by a Field Office and/or GTR, provide for professional videotaping of the workshops/courses and ensure their production in a professional and high-quality manner, suitable for viewing by other CD clients (if this requirement is implemented, additional funds may be requested).

(d) When required by HUD, deliver HUD-approved training courses that have been designed and developed by other HUD contractors or HUD cooperating parties on a "step-in" basis for CD–TA clients, and send trainers to HUD-approved Train-the Trainer sessions.

(9) *Reports to Field Offices and/or GTRs.* CD–TA providers will be required to report to the HUD Field Office(s) with oversight of the geographic area(s) in which CD–TA services are provided or to Headquarters GTRs in the case of national providers. At a minimum, this reporting will be on a quarterly basis unless otherwise specified in the approved TADP.

(10) *Active Participation.* HUD Field Offices will be active participants in the delivery of all technical assistance by funded providers throughout the term of the cooperative agreement.

(11) *CHDO Pass-Through Funds.* CD–TA providers proposing pass-through grants are required to:

(a) Establish written criteria for selection of CHDOs receiving pass-through funds which includes the following:

(i) Participating jurisdictions (PJs) must designate the organizations as CHDOs.

(ii) Generally, the organizations should not have been in existence more than 3 years.

(b) Enter into an agreement with the CHDO that the agreement and pass-through funding may be terminated at the discretion of the Department if no written legally binding agreement to provide assistance for a specific housing project (for acquisition, rehabilitation, new construction or tenant-based rental assistance) has been made by the PJ with the CHDO within 24 months of receiving the pass-through funding.

(12) *CHDO TA Program Limitations.* (a) Pursuant to section 233(d)(1) and (2) of the Cranston-Gonzalez National Affordable Housing Act, funding to any single eligible nonprofit intermediary organization seeking to provide CHDO TA, whether as an independent or joint applicant, is limited to the lesser of 20% of all funds, or an amount not to exceed 20% of the organization's operating budget for any one year (not including funds sub-awarded or passed through the intermediary to CHDOs).

(b) Pursuant to section 233(e), HUD is making available through this CD–TA program section of the SuperNOFA 40% of the total CHDO TA funds to single state providers within the Field Offices. As discussed in Section III(C)(3), CHDO Eligible Applicants, to be considered a single state provider you must be able to document that 50% of your past activities working with CHDOs or similar nonprofits and other organizations was confined to the geographic limits of a single state. Therefore, you can be designated a single state provider in one Field Office jurisdiction only and you should so indicate on your funding matrix submission. In all other Field Offices in which you are applying for CHDO TA funding, you are a multi-state provider. If there are no single state applicants or the qualified single state applicants utilize less than the 40% set-aside in a given Field Office, that Field Office's single state CHDO set-aside will be redistributed among the qualified multi-state providers in that Field Office. Field Offices also may utilize their multi-state set-aside for single state applicants if the reverse is true.

(13) *HOME TA Program Limitations.* Pursuant to section 243(b) of the Cranston-Gonzalez National Affordable Housing Act, funding to any single eligible HOME TA organization, whether as an independent or joint applicant, is limited to not more than 20% of the operating budget of the recipient organization in any one year and is limited to 20% of the funds available under this CD–TA program section of the SuperNOFA.

(14) *CHDO and HOME National TA Program Guidance.* With the funds designated for a national TA program, HUD intends to fund applications which propose activities to support the following purposes:

(a) *CHDO Technical Assistance.* To promote the ability of Community Housing Development Organizations (CHDOs) to own, develop or sponsor housing for low and very-low income families; to facilitate the education of low-income homebuyers, homeowners and tenants; and/or to help women who reside in low-income neighborhoods to rehabilitate or construct housing in their communities. Proposals should directly address how the capacity of CHDOs may be improved to ensure that HOME funds are used effectively, efficiently and in compliance with the HOME rules to develop affordable housing. Emphasis should be placed on basic skills needed to develop, maintain and manage well designed and constructed affordable housing over the long term when using Federal funds.

(b) *HOME Technical Assistance.* To help HOME participating jurisdictions design and implement HOME programs, including: improving their ability to design and implement housing strategies and incorporate energy efficiency into affordable housing, facilitating the exchange of information to help participating jurisdictions carry out their programs; facilitating the establishment and efficient operation of employer-assisted housing programs; and/or encouraging private lenders and for-profit developers of low-income housing to participate in public-private partnerships. Proposals should directly address how the capacity of participating jurisdictions may be improved to ensure that HOME funds are used effectively, efficiently and in compliance with the HOME rules to develop affordable housing. Emphasis should be placed on the basic skills and systems needed to develop, maintain and manage well designed and constructed affordable housing over the long term when using Federal funds.

(15) *Affirmatively Furthering Fair Housing.* Section II(D) of the General Section of the SuperNOFA does not apply to these technical assistance programs.

(B) *Program Requirements for HOPWA Technical Assistance.*

(1) *General Requirements.* The items listed below specify the requirements that apply to the HOPWA TA applications as follows: in Section (A), Paragraphs: (1) On Profit/Fee; (4) Negotiation, except that the TADP reference will apply to a workplan negotiated between the applicant and the GTR for the HOPWA TA grant in HUD Headquarters; (5) Forms, Certifications and Assurances; (6) Financial Management and Audit Information; (8) Training Sessions; (9) Reports to Field Offices and/or GTRs, except that you must report to the HOPWA Headquarters GTR, at a minimum, on a quarterly basis, unless otherwise specified in an approved HOPWA TA workplan and you will be expected to meet the following performance benchmarks: (i) You are required to begin technical assistance activities within one year of your selection (i.e., one year from the date of the signing of your selection letter by HUD); and (ii) you are requested to provide an initial report to the Field Office and the Headquarters GTR on the startup of the planned activities within six months of your selection. Please outline any accomplishments in implementing the funds along with identifying any barriers or issues for which the Department may provide assistance. If a selected project does not meet the appropriate performance benchmark, HUD reserves the right to cancel or withdraw the grant funds.

(2) *Coordination of HOPWA TA Requests.* Except for national meetings, research, information and other activities that are conducted on a program-wide basis in cooperation with HUD Headquarters, as the grantee of HOPWA TA funds, you must work cooperatively with HUD Field Offices. You must notify the applicable HUD Field Office of the planned activities; must consider the views or recommendations of that office, if any; must follow those recommendations, to the degree practicable; and must report to the applicable Field Office on the accomplishments of this assistance.

V. Application Selection Process

(A) Rating and Ranking

(1) HUD will evaluate applications competitively and rank them against all other applicants that have applied for the same CD–TA program (HOME, McKinney-Vento Act Homeless Assistance) within each Field Office or as a National Provider under HOPWA. CHDO applications are similarly evaluated and ranked but are separated into two sub-groups—single State providers and multi-State providers. There will be separate rankings for each CD–TA program, and you will be ranked only against others that have applied for the same CD–TA program.

(2) Once scores are assigned, all applications will be listed in rank order for each CD–TA program for which they applied by Field Office jurisdiction and/or the HOPWA National Program. In each Field Office jurisdiction or National Program area, all applications for the HOME TA program will be listed in rank order on another list, all applications for the McKinney-Vento Act Homeless Assistance TA program will be listed in rank order on another list, and all applications for the HOPWA TA national projects will be ranked separately on another list. All applications for the CHDO TA program will be ranked separately on either the single state provider list or the multi-state provider list. Under this system, a single application from one organization for all CD–TA programs could be assigned different scores and different rankings for each program in different Field Offices.

(3) Applications will be funded in rank order for each CD–TA program by Field Office jurisdiction, except for HOPWA TA national providers and others which cannot be ranked by Field Office jurisdiction. National providers and others will be ranked separately and funded in rank order for each CD–TA program. Irrespective of final scores, HUD may apply program policy criteria to select one applicant in each of the three (CHDO, HOME and McKinney-Vento Act Homeless Assistance) CD–TA programs in each Field Office or nationally, to ensure diversity of methods, approaches, or kinds of projects. HUD will apply these program policy criteria to provide coverage of CD–TA services for minorities; women, particularly women in the homebuilding professions under section 233(b)(7) of the Cranston-Gonzalez National Affordable Housing Act; persons with disabilities; homeless; persons with special needs; and rural areas.

(4) In addition to the authority in the General Section to adjust funding, HUD reserves the right to adjust funding levels for each applicant for each CD–TA program, as follows:

(a) Adjust funding levels for any provider based upon the size and needs of the provider's service area within each Field Office jurisdiction in which the provider is selected to operate, the funds available for that area, the number of other awardees selected in that area, funds available on a national basis for providers that will be operating nationally, or the scope of the technical assistance to be provided;

(b) To negotiate increased grant awards with applicants approved for funding if HUD requests them to offer coverage to geographic areas for which they did not apply or budget, or if HUD receives an insufficient amount of applications.

(5) If funds remain after all selections have been made, remaining funds may be:

(a) Distributed among all HUD Field Offices (in proportion to their fair-share awards) and/or the National Program, or

(b) Made available for other CD–TA program competitions.

(6) If you apply for HOPWA TA funds, you must propose activities that will be carried out on a national, regional, State or community basis. The Department reserves the right to adjust the amount of requested funds that are awarded to correspond with the size of the intended service area in comparison to the planned national scope of activities to ensure the best use of these limited resources. Additionally, HUD may also modify the service area of a selected application, if practicable.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors and maximum points for each factor are provided below. The maximum number of points to be awarded for a CD–TA application is 100. The minimum score for an applicant to be considered in funding range is 55, with a minimum of 11 points in Factor 1. The CD–TA program is not an eligible program for the EZ/EC bonus points, as described in Section III(C)(1) of the General Section of the SuperNOFA.

Rating of the "applicant" or the "applicant's organization and staff", unless otherwise specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to the project.

When addressing the Factors for Award, you should discuss the specific TA projects, activities, tasks, etc. that you suggest be carried out during the term of the cooperative agreement. See Sections IV(A)(2) and (3) of this CD–TA program section for a discussion of the extent to which such activities may be revised at or after the time of award. You should also be specific when detailing the communities, populations (HOPWA only) and/or organizations which you propose to serve, especially in response to Factor 3, Subfactor 2 and in detailing the dollar amounts you have leveraged in Factor 4.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points) (Minimum for Funding Eligibility—11 Points)

In rating this factor, HUD will consider the extent to which the application demonstrates in relation to CD–TA program funding that is requested:

(1) (10 points) Recent, relevant and successful experience of your organization and staff in providing technical assistance in all eligible activities and to all eligible entities for the CD–TA program(s) applied for, as described in the regulations;

(2) (5 points) The relevant experience and competence of your key personnel in managing complex, multi-faceted or multi-disciplinary programs that require coordination with other CD–TA entities or multiple, diverse units in an organization;

(3) (5 points) You have sufficient personnel or access to qualified experts or professionals to deliver the proposed level of technical assistance in each proposed service area in a timely and effective fashion.

Rating Factor 2: Potential Effectiveness of the Application in Meeting Needs of Target Groups/Localities and Accomplishing Project Objectives for Each CD–TA Program for which Funds Are Requested (20 Points)

In rating this factor, HUD will consider the extent to which your application:

(1) (10 points) Identifies high priority needs and issues for the CD program in each community or Field Office jurisdiction for which CD–TA funding is requested, or on a national or regional basis for national HOPWA grants;

(2) (5 points) Outlines a clear and cost-effective plan of suggested TA activities for addressing those needs and aiding a broad diversity of eligible grantees and/or beneficiaries, including those which traditionally have been under-served; and

(3) (5 points) Identifies creative activities to assist eligible grantees in participating in the development of, and improving, local Consolidated Plans and comprehensive strategies.

Rating Factor 3: Soundness of Approach (40 Points)

In rating this factor, HUD will consider the extent to which your application evidences a sound approach in addressing identified needs and:

(1) (15 points) Provides a cost effective plan for designing, organizing, and carrying out the suggested technical assistance activities within the framework of the Demand/Response System or, for HOPWA TA applicants, in addressing the HOPWA TA goal.

(2) (15 points) Demonstrates an effective outreach and assistance program to specifically identified disadvantaged communities, populations (HOPWA only) and/or organizations which previously have been underserved and have the potential to participate in CPD programs.

(3) (5 points) Provides for full geographic coverage, including urban and rural areas, (directly or through a consortium of providers) of a single State or Field Office jurisdiction or is targeted to address the needs of rural areas, minority groups or other under-served groups or for HOPWA TA applicants, addresses other approaches that respond to identified needs.

(4) (5 points) Proposes a feasible, creative plan, which uses state of the art or new promising technology, to transfer models and lessons learned in each of its CD–TA program's activities to grantees and/or program beneficiaries in other CD–TA programs.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) which can be combined with HUD's program resources to achieve program purposes. In evaluating this factor HUD will consider:

The extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of the proposed program activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the award you are seeking. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to partner with the applicant. You also may partner with other program funding recipients to coordinate the use of resources in the target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, memoranda of understanding, or agreements to participate from those entities identified as partners in the application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinate your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process and Continuum of Care homeless assistance strategy, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and coordinate all known activities and if funded, the specific steps you will take to share information on solutions and outcomes with others. Describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) Taken or will take specific steps to work with recipients of technical assistance services to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or on-going in the community.

VI. Application Submission Requirements

In addition to the forms, certifications and assurances listed in Section II(G) of the General Section of the SuperNOFA (collectively referred to as the "standard forms"), your application must, at a minimum, contain the following items (except that the following paragraphs (C), (D), (E), (F), and (G) do not apply to HOPWA TA applicants). The standard forms can be found in Appendix B to the General Section of the SuperNOFA.

(A) Transmittal Letter which identifies the SuperNOFA, the CD–TA programs for which funds are requested and the dollar amount requested for each program, and the applicant or applicants submitting the application. If your organization has never received a CPD technical assistance award, please include a statement to this effect in the transmittal letter. Additionally, HOPWA TA applicants are requested to submit a two-page executive summary outlining the key elements of the proposed TA activities.

(B) Narrative statement addressing the Factors for Award described in Section V(B) of this CD–TA Program section of this SuperNOFA. You should number the narrative response in accordance with each factor for award. This narrative statement will be the basis for evaluating your application. It should include a plan of suggested TA activities as described in Factors 2, 3, and elsewhere. These suggested TA activities may form a starting point for negotiating the TADP described in Section IV(A)(3) of this CD–TA Program section of the SuperNOFA. However, they are used primarily for purposes of rating and evaluation and may be substantially altered and revised during negotiations with the Field Offices on the content of the TADPs (see Section IV(A)(3)) or Headquarters program office for national projects.

(C) Statement that identifies the Field Office jurisdictions in which you propose to offer services. If you will not offer services throughout the full jurisdictional area of the Field Office, your statement should identify the service areas involved (e.g., States, counties, etc.), as well as the communities in which you propose to offer services.

(D) A matrix that summarizes the amount of funds you are requesting for each CD–TA program in each Field Office jurisdiction. (See the CD–TA application kit for a copy of the matrix to be submitted.)

(E) A statement as to whether you propose to use pass-through funds for CHDOs under the CHDO TA program, and, if so, the amount and proposed uses of such funds.

(F) If applying for the CHDO TA program, a certification as to whether you qualify as a primarily single-State provider under section 233(e) of the Cranston-Gonzalez Affordable Housing Act and as discussed in Section III(C)(3) of this CD–TA Program section of this SuperNOFA.

(G) A statement as to whether you propose to be considered for the role of lead CD–TA provider in one or more specific program areas in a Field Office jurisdiction, and if so, your organization's capabilities and attributes that qualify you for the role.

(H) Budget Summary identifying costs for implementing the plan of suggested TA activities by cost category for each CD–TA program for which funds are requested by Field Office or as a National Provider (in accordance with the following):

(1) Direct Labor by position or individual, indicating the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(2) Fringe Benefits by staff position identifying the rate, the salary base the rate was computed on, estimated cost per position, and the total estimated fringe benefit cost;

(3) Material Costs indicating the item, quantity, unit cost per item, estimated cost per item, and the total estimated material costs;

(4) Transportation Costs, as applicable.

(5) Equipment charges, if any. Equipment charges should identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(6) Consultant Costs, if applicable. Indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(7) Subcontract Costs, if applicable. Indicate each individual subcontract and amount;

(8) Other Direct Costs listed by item, quantity, unit cost, total for each item listed, and total other direct costs for the award;

(9) Indirect Costs should identify the type, approved indirect cost rate, base to which the rate applies and total indirect costs.

These line items should total the amount requested for each CD–TA program area. The grand total of all CD–TA program funds requested should reflect the grand total of all funds for which application is made.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(9) and 58.34(a)(9), the assistance provided by these programs relates only to the provision of technical assistance and is categorically excluded from the requirements of the National Environmental Policy Act and not subject to environmental review under the related laws and authorities. This determination is based on the ineligibility of real property acquisition, construction, rehabilitation, conversion, leasing or repair for HUD assistance under these technical assistance programs.

IX. Authority

CHDO Technical Assistance. The CHDO Technical Assistance Program is authorized by the HOME Investment Partnerships Act (42 U.S.C. 12773); 24 CFR part 92.

HOME Technical Assistance. The HOME Technical Assistance Program is authorized by the HOME Investment Partnerships Act (42 U.S.C. 12781–12783); 24 CFR part 92.

McKinney-Vento Act Homeless Assistance Programs Technical Assistance. The Supportive Housing Program is authorized under 42 U.S.C. 11381 *et seq.*; 24 CFR 583.140. The Emergency Shelter Grant, Section 8 Moderate Rehabilitation Single Room Occupancy Program and Shelter Plus Care Technical Assistance Programs are authorized by the FY 2001 HUD Appropriations Act.

HOPWA Technical Assistance. The HOPWA Technical Assistance program is authorized under the FY 2001 HUD Appropriations Act. The HOPWA program is authorized under the AIDS Housing Opportunities Act (42 U.S.C. 12901) and the HOPWA regulations are found at 24 CFR part 574.

APPENDIX A TO CD–TA PROGRAM: "FAIR-SHARE" AMOUNTS ALLOCATED TO EACH HUD CPD OFFICE

HUD CPD field office	CHDO TA single state	CHDO TA multi-state	HOME TA	McKinney-vento act homeless assistance TA	HOPWA TA
Alabama State Office	$48,000	$42,000	$90,000	$40,000	
Alaska State Office	30,000	30,000	50,000	40,000	
Arkansas State Office	30,000	30,000	54,000	40,000	
California State Office	256,000	224,000	480,000	242,000	
Los Angeles Area Office	224,000	196,000	420,000	255,000	
Caribbean Office	57,600	50,400	108,000	40,000	
Colorado State Office	89,600	78,400	168,000	40,000	
Connecticut State Office	35,200	30,800	66,000	40,000	
District of Columbia Office	30,000	30,000	54,000	83,000	
Florida State Office	38,400	33,600	72,000	70,000	
Jacksonville Area Office	76,800	67,200	144,000	49,000	
Georgia State Office	73,600	64,409	138,000	40,000	
Hawaii State Office	30,000	30,000	50,000	40,000	

APPENDIX A TO CD–TA PROGRAM: "FAIR-SHARE" AMOUNTS ALLOCATED TO EACH HUD CPD OFFICE—Continued

HUD CPD field office	CHDO TA single state	CHDO TA multi-state	HOME TA	McKinney-vento act homeless assistance TA	HOPWA TA
Illinois State Office	156,800	137,200	294,000	145,000	.....
Indiana State Office	57,600	50,400	108,000	40,000	.....
Kansas/ Missouri State Office	64,000	56,000	120,000	40,000	.....
St. Louis Area Office	30,000	30,000	50,000	40,000	.....
Kentucky State Office	48,000	42,000	90,000	40,000	.....
Louisiana State Office	64,000	56,000	120,000	40,000	.....
Maryland State Office	38,400	33,600	72,000	40,000	.....
Massachusetts State Office	131,200	114,800	246,000	182,000	.....
Michigan State Office	118,400	103,600	222,000	138,000	.....
Minnesota State Office	41,600	36,400	78,000	52,000	.....
Mississippi State Office	32,000	30,000	60,000	40,000	.....
Nebraska State Office	44,800	39,200	84,000	40,000	.....
New Jersey State Office	89,600	78,400	168,000	52,000	.....
New Mexico State Office	30,000	30,000	50,000	40,000	.....
New York State Office	261,600	204,400	500,000	239,000	.....
Buffalo Area Office	44,800	39,200	104,000	57,000	.....
North Carolina State Office	67,200	58,800	126,000	40,000	.....
Ohio State Office	140,800	123,200	264,000	104,000	.....
Oklahoma State Office	35,200	30,800	66,000	40,000	.....
Oregon State Office	54,400	47,600	102,000	40,000	.....
Pennsylvania State Office	124,800	109,200	234,000	106,000	.....
Pittsburgh Area Office	54,400	47,600	102,000	57,000	.....
South Carolina State Office	35,200	30,800	66,000	40,000	.....
Tennessee Knoxville Area Office	57,600	50,400	108,000	40,000	.....
Texas State Office	160,000	140,000	300,000	88,000	.....
San Antonio Area Office	35,200	30,800	66,000	40,000	.....
Virginia State Office	51,200	44,800	96,000	40,000	.....
Washington State Office	54,400	47,600	102,000	67,000	.....
Wisconsin State Office	57,600	50,400	108,000	54,000	.....
National	.....	1,600,000	2,000,000	.....	2,580,000
Total	3,200,000	4,400,000	8,000,000	3,000,000	2,580,000

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR INDIAN TRIBES AND ALASKA NATIVE VILLAGES

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR INDIAN TRIBES AND ALASKA NATIVE VILLAGES

Program Overview

Purpose of the Program. The purpose of the Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG) is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes as defined in 24 CFR 1003.4.

Available Funds. Approximately $71,284,661 is available for the ICDBG Program.

Eligible Applicants. Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes.

Application Deadline. May 23, 2001.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (one original and two copies) is due on or before 12:00 midnight, Eastern time, on May 23, 2001.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications to the Appropriate Area ONAP. Submit original signed application and two copies to the appropriate Area Office of Native American Programs for your jurisdiction. A list of jurisdictions is given below. A hand carried application will be accepted at the specified HUD Area ONAP during normal business hours before the application due date. On the application due date, business hours will be extended to 6:00 p.m. local time. Please be sure to arrive at the Area ONAP with adequate time to submit the application before the 6:00 p.m. deadline by the application due date.

If you are applying from this geographic location then . . .	send your application to this Area ONAP:
All States East of the Mississippi River, plus Iowa and Minnesota.	Eastern/Woodlands Office of Native American Programs, Grants Management Division, 77 West Jackson Blvd., Room 2400, Chicago, IL 60604–3507, Telephone: (312) 886–4532, Ext. 2815.
Louisiana, Kansas, Oklahoma, and Texas, except West Texas.	Southern Plains Office of Native American Programs, Grants Management Division, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102–3202, Telephone: (405) 553–7525.
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Northern Plains Office of Native American Programs, Grants Management Division, First Interstate Tower North, 633 17th Street, Denver, CO 80202–3607, Telephone: (303) 672–5465.
Arizona, California, and Nevada	Southwest Office of Native American Programs, Grants Management Division, Two Arizona Center, Suite 1650, 400 N. Fifth Street, Phoenix, AZ 85004–2361, Telephone: (602) 379–3865.
New Mexico and West Texas	Southwest Office of Native American Programs, Grants Management Division, Albuquerque Plaza, 201 3rd Street N.W., Suite 1830, Albuquerque, NM 87102–3368, Telephone: (505) 346–6923.
Idaho, Oregon, Washington	Northwest Office of Native American Programs, Grants Management Division, Federal Office Building, 909 First Avenue, Suite 300, Seattle, WA 98104–1000, Telephone: (206) 220–5271.
Alaska	Alaska Office of Native American Programs, Grants Management Division, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508–4399, (907) 271–4603.

In order to expedite the review of your application and to ensure that your application is given a thorough and complete review of all responses to each of the components of the selection criteria, HUD strongly requests that you use separate tabs for each selection criterion and sub-criterion. In order to be rated, make sure the response is beneath the appropriate heading. Keep the responses in the same order as the NOFA. Limit your narrative explanations to 200 words or less and provide the necessary data such as a market analysis, a pro forma, housing survey data, etc., that support the response. Include all relevant material to a response under the same tab. Do not assume the reviewer will search for the answer or information to support the answer elsewhere in the application. Do not include documentation that is not required by the selection criteria because irrelevant information will be disregarded during the review of your application. HUD asks that you do a preliminary rating for your project, providing a score according to the NOFA point system and submit your preliminary rating with your application. This will help to show you how your project might be scored by reviewers. Also, it will help to show you where the strengths and weaknesses of the application are located so that you may improve your application prior to its submission by the deadline date.

For Application Kits. For an application kit and any supplemental material please call the SuperNOFA Information Center at 1–800-HUD–8929 or the appropriate Area ONAP for your jurisdiction as listed above. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209. An application kit also will be available on the Internet through the HUD web site at http://www.hud.gov. When requesting an application kit, please refer to ICDBG and provide your name, address (including zip code), and telephone number (including area code).

For Further Information. You should direct general program questions to the Area ONAP serving your area or to Jackie Kruszek, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, C0 80202; telephone (800) 561–5913. Persons with speech or hearing impairments may call HUD's TTY number (202) 708–0770, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the "800" number, these numbers are not toll-free.

For Technical Assistance. Before the application deadline, we will be available to provide you with general guidance. We cannot, however, provide you with guidance on the actual contents of your application. If applicable, after selection but before award, we will be available to assist you in clarifying or confirming information that is required to address a pre-award requirement or condition.

II. Amount Allocated

Approximately $70,843,800 is available for the ICDBG Program.

General. Title I of the Housing and Community Development Act of 1974 (the CDBG statute) requires grants for Indian tribes be awarded on a competitive basis in accordance with selection criteria contained in a regulation promulgated by the Secretary after notice and public comment. All grant funds awarded in accordance with this NOFA are subject to the requirements of 24 CFR part 1003. Applicants within an Area ONAP's geographic jurisdiction compete only against each other for that Area ONAP's allocation of funds.

Allocations. The requirements for allocating funds to Area ONAPs responsible for program administration are found at 24 CFR 1003.101. Following these requirements, based on an appropriation of $ 70,843,800, the allocations for FY 2001 are as follows:

Eastern/Woodland	$5,481,761
Southern Plains	12,972,631
Northern Plains	10,941,946
Southwest	29,848,823
Northwest	4,180,664
Alaska	5,858,836
Total	$69,284,661

The total allocation includes $440,861 in unused funds from the amount reserved by the Assistant Secretary in Fiscal Year 2000 for Imminent Threat grants. As indicated below, $2,000,000 will be retained to fund Imminent Threat grants.

Grant Ceilings: The authority to establish grant ceilings is found at 24 CFR 1003.100(b)(1). Grant ceilings are established for FY 2001 funding at the following levels:

Area ONAP	Population	Ceiling
Eastern/Woodlands:	ALL	$500,000
Southern Plains:	ALL	750,000
Northern Plains:	ALL	800,000
Southwest:	50,001+	5,000,000
	10,501–50,000	2,500,000
	7,501–10,500	2,000,000
	6,001–7,500	1,000,000
	1,501–6,000	750,000
	0–1,500	550,000
Northwest:	ALL	350,000
Alaska:	ALL	500,000

For the Southwest Area ONAP jurisdiction, the population used to determine ceiling amounts is the Native American population that resides on a reservation or rancheria. Please contact that office before submitting your application if you are unsure of the population level to use to determine the ceiling amount for your tribe or if you believe that the level used for previous years needs to be revised or corrected. The Southwest ONAP must accept any corrections or revisions before you submit your application.

Imminent Threats. The criteria for grants to alleviate or remove imminent threats to health or safety that require an immediate solution are described at 24 CFR part 1003, subpart E. In order to satisfy these criteria, the problem to be addressed must be such that an emergency situation exists or would exist if the problem were not addressed. In addition, you may use funds provided under that subpart only to address imminent threats that are not of a recurring nature and that represent a unique and unusual circumstance that impacts an entire service area. In accordance with the provisions of 24 CFR part 1003, subpart E, we will retain $2,000,000 to meet the funding needs of imminent threat applications submitted to any of the Area ONAPs. The grant ceiling for imminent threat applications for FY 2001 is $350,000. We established this ceiling pursuant to the provisions of 24 CFR 1003.400(c).

You do not have to submit a request for assistance under the imminent threat set-aside (24 CFR part 1003, subpart E) by the deadline established in this NOFA; the deadline applies only to applications submitted for assistance under 24 CFR part 1003, subpart D, Single purpose grants.

If, in response to a request for assistance, an Area ONAP issues you a letter to proceed under the authority of 1003.401(a), then your application must be submitted to and approved by the Area ONAP before a grant agreement may be executed. This application must contain: Standard Form 424, Application for Federal Assistance; a brief description of the proposed project; Form HUD–4123, Cost Summary; Form HUD–4125, Implementation Schedule; Form HUD–2880, Applicant/Recipient Disclosure/Update Report; Form HUD–4126, Certifications; and, Form HUD–50070, Certification for a Drug-Free Workplace.

III. Program Description; Eligible Applicants; and Eligible Activities

Program Description. The purpose of the ICDBG Program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes.

Eligible Applicants. To apply for funding you must be eligible as an Indian Tribe (or as a tribal organization) by the application submission date.

Tribal organizations are permitted to submit applications under 24 CFR 1003.5(b) on behalf of eligible tribes when one or more eligible tribe(s) authorize the organization to do so under concurring resolutions. As is stated in this regulatory section, the tribal organization must itself be eligible under title I of the Indian Self-Determination and Education Assistance Act. A determination of such eligibility must be made by the Bureau of Indian Affairs or the Indian Health Service, as appropriate. This determination must be provided to the ONAPs by the application submission date.

If a tribe or tribal organization claims that it is a successor to an eligible entity, the ONAPs must review the documentation to determine whether it is in fact the successor entity.

Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003.5, a tribal organization that submits an application for activities in the jurisdiction of one or more eligible tribes or villages must include a concurring resolution from each such tribe or village authorizing the submittal of the application. Each such resolution must also indicate that the tribe or village does not itself intend to submit an ICDBG application for that funding round. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the ANCSA Village Corporation, and the ANCSA Regional Corporation.

On March 13, 2000 (65 FR 13298), the Bureau of Indian Affairs published a **Federal Register** notice entitled "Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs." This notice provides a listing of Indian Tribal Entities in Alaska found to be Indian Tribes as the term is defined and used in 25 CFR part 83. Additionally, pursuant to title I of the Indian Self-Determination and Education Assistance Act, ANCSA Village Corporations and Regional Corporations are also considered tribes and therefore eligible applicants for the ICDBG program.

Any questions regarding eligibility determinations and related documentation requirements for entities in Alaska should be referred to the Alaska Area ONAP prior to the application submission date. (See 24 CFR 1003.5 for a complete description of eligible applicants.)

Please note: when used in this NOFA the word "tribe" means an Indian tribe, band, group or nation, including Alaska Indians, Aleuts, Eskimos, Alaska Native Villages, ANCSA Village Corporations, and ANCSA Regional Corporations.

Eligible Activities. Activities that are eligible for ICDBG funding are identified at 24 CFR part 1003, subpart C. Please note that although this subpart has not yet been revised to include the restrictions on activity eligibility which was added to section 105 of the CDBG statute by section 588 of the Quality Housing and Work Responsibility Act of 1998, these restrictions apply. Specifically, ICDBG funds may not be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs. The rating factors included under IV (K) specify many of the activities listed as eligible under part 1003, subpart C. Those listed include new housing construction, housing rehabilitation, land acquisition, homeownership assistance, public facilities and improvements, economic development, and micro-enterprise programs. However, the following eligible activities not clearly identified by the rating factors may be proposed and rated as described below. For a complete description of eligible activities, please refer to 24 CFR Part 1003 Subpart C.

Acquisition of property. This activity can be proposed as Land to Support New Housing or as part of New Housing Construction, Community Facilities or Economic Development depending on the purpose of the land acquisition.

Assistance to Institutions of Higher Learning. If such entities have the capacity, they can help the ICDBG grantees to implement eligible projects.

Assistance to Community Based Development Organizations (CBDO's). Grantees may provide assistance to these organizations to undertake activities related to neighborhood revitalization, community economic development or energy conservation.

Clearance, Demolition. These activities can be proposed as part of Housing Rehabilitation, New Housing Construction, Community Facilities or Land to Support New Housing.

Code Enforcement. This activity can be proposed as Housing Rehabilitation. The activity must comply with the requirements at 24 CFR 1003.202. HUD approval is required prior to demolition of any assisted housing.

Comprehensive Planning. This activity is eligible, and can be proposed, as part of any otherwise eligible project to the extent allowed by the 20 percent cap on the grant for planning/administration.

Energy Efficiency. Associated activities can be proposed under Housing Rehabilitation or Community Facilities depending upon the type of energy efficiency activity.

Lead Based Paint Abatement and Evaluation. These activities can be proposed under Housing Rehabilitation.

Non-Federal Share. ICDBG funds can be used as a match for any non-ICDBG funding to the extent allowed by such funding and the activity is eligible under 24 CFR part 1003, Subpart C.

Privately and Publicly Owned Commercial or Industrial Buildings (real property improvements). These activities can be proposed under Economic Development. Privately owned commercial rehabilitation is subject to the requirements at 24 CFR 1003.202.

Privately Owned Utilities. Assistance to privately owned utilities can be proposed under Community Facilities.

Removal of Architectural Barriers. This includes removing barriers that restrict mobility and access for elderly and severely disabled persons. This activity can be proposed under Housing Rehabilitation or Community Facilities depending upon the type of structure where the barrier will be removed.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, as an applicant you must comply with the following requirements:

Indian Preference. HUD has determined that the ICDBG program is subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). The provisions and requirements for implementing this section are in 24 CFR 1003.510.

Anti-discrimination Provisions. Under the authority of section 107(e)(2) of the CDBG statute, HUD waived the requirement that recipients comply with the anti-discrimination provisions in section 109 of the CDBG statute with respect to race, color, and national origin. You must comply with the other prohibitions against discrimination in section 109 (HUD's regulations for section 109 are in 24 CFR part 6) and with the Indian Civil Rights Act.

Conflict of Interest. In addition to the conflict of interest requirements with respect to procurement transactions found in 24 CFR 85.36 and 84.42, as applicable, the provisions of 24 CFR 1003.606 apply to such activities as the provision of assistance by the recipient or sub-recipients to businesses, individuals, and other private entities under eligible activities that authorize such assistance.

Economic Opportunities for Low and Very Low-Income Persons (Section 3). Section 3 requirements apply to the ICDBG Program, but as stated in § 135.3(c), the procedures and requirements of 24 CFR part 135 apply to the maximum extent consistent with, but not in derogation of, compliance with Indian Preference.

Please note that the requirements in the General Section regarding applicability of affirmatively furthering fair housing do not apply. The requirement is inconsistent with section 106(a) of the Housing and Community Development Act of 1974, as amended, which specifically makes inapplicable to the ICDBG program the requirement of section 104(b)(2) that the grantee certify that it will affirmatively further fair housing.

V. Application Selection Process

You, the applicant, must meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA. HUD will review each application and assign points in accordance with the selection factors described in this section. The maximum number of points is 100.

(A) *Screening for acceptance.* ONAPs will screen applications for single purpose grants. The ONAPs will reject an application that fails this screening and will return the application unrated. The ONAPs will accept your application if it meets all the criteria listed below as items (1) through (6):

(1) Your application is received or submitted in accordance with the requirements set forth under **APPLICATION DUE DATE** in this NOFA;

(2) You are eligible;

(3) The proposed activities are eligible;

(4) Your application contains substantially all the components specified in VI of this notice;

(5) Your application shows that at least 70% of the grant funds are to be used for activities that benefit low and moderate income persons, in accordance with the requirements of 24 CFR 1003.208; and

(6) Your application is for an amount that does not exceed the grant ceilings that are established by the NOFA.

(B) *Threshold review.* ONAPs will rate and rank each application that passes the screening process to ensure that each applicant and each proposed project meets the applicant threshold requirements set forth in 24 CFR 1003.301(a) and the project specific threshold requirements set forth in 1003.302.

(C) *Rating.* The ONAPs will review and rate each project that meets the acceptance criteria and threshold requirements. The total points for all rating factors is 100. This is the maximum any project can receive. As indicated below, please note that to be considered for funding, a project must receive a minimum of 25 points under Rating Factor 1.

(D) *Public Service Projects.* Because there is a statutory 15 percent cap on the amount of grant funds that may be used for public services activities, you may not receive a single purpose grant solely to fund public services activities. Your application, however, may contain a public services component for up to 15 percent of the total grant. This component may be unrelated to the other project(s) included in your application. If your application does not receive full funding, we will reduce the public services allocation proportionately so that it comprises no more than 15 percent of the total grant award. In making such reductions, the feasibility of the proposed project will be taken into consideration. If a proportionate reduction of the public services allocation renders such a project infeasible, the project will not be funded.

(E) *Final Ranking.* We will rank all projects against each other according to the point totals they receive, regardless of the type of project or component under which the points were awarded. We will select projects for funding based on this final ranking, to the extent that funds are available. We will determine individual grant amounts in a manner consistent with the considerations set forth in 24 CFR 1003.100(b)(2). Specifically, ONAPs may approve a grant amount less than the amount requested. In doing so, ONAPs may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, the amount of funds required to achieve project objectives, the reasonableness of the project costs, and the administrative capacity of the applicant to complete the activities in a timely manner.

If the ONAPs determine that there are not enough funds available to fund a project as proposed by the applicant, they may decline to fund that project and may fund the next highest ranking project or projects for which adequate funds are available. The ONAPs may select, in rank order, additional projects for funding if one of the higher ranking projects is not funded or if additional funds become available.

(F) *Tiebreakers.* When rating results in a tie among projects and insufficient resources remain to fund all tied projects, the ONAPs will approve projects that can be fully funded over those that cannot be fully funded. When that does not resolve the tie, the ONAPs will use the following factors in the order listed to resolve the tie:

(*1*) The applicant that has not received an ICDBG over the longest period of time.

(*2*) The applicant with the fewest active ICDBGs.

(*3*) The project that would benefit the highest percentage of low and moderate income persons.

(G) *Pre-award requirements.* If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before we can make a grant award. Please see Section VIII of this NOFA for a definition of such a deficiency and a description of the process to address and correct the deficiency. You must correct all technical deficiencies within the timeframe established by HUD. If they are not corrected, we will not make the grant award and will reject your application.

We also may require a successful applicant to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. We will normally give you no less than thirty (30) calendar days to respond to these requirements. If you do not respond within the prescribed time period or you make an insufficient response, the ONAPs may determine that you have not met the requirements and may withdraw the grant offer. The ONAPs require you to submit supporting documentation if specific questions remain concerning the scope, magnitude, timing, or method of implementing the project; or you have not provided information verifying the commitment of other resources required to complete, operate, or maintain the proposed project. You may not substitute new projects for those originally proposed in your application. We will award, in accordance with the provisions of this NOFA, grant amounts that had been allocated for applicants unable to meet pre-award requirements.

(H) *Definitions.*

Adopt means to approve by formal tribal resolution.

Assure means to comply with a specific NOFA requirement. As an applicant, you should state your compliance or your intent to comply in your application.

Document means to supply supporting written information and/or data in the application that satisfies the NOFA requirement.

Entity Other than Tribe. A distinction is made between the requirements for point award under Rating Factor 3 if a tribe or an entity other than the tribe will assume maintenance and related responsibilities for projects other than economic development and land acquisition for housing. Entities other than the tribe must have the following characteristics: must be legally distinct from the tribal government; their assets and liabilities cannot be considered to be assets and liabilities of the tribal government; claims against such entities cannot be made against the tribal government; and, must have governing boards, boards of directors, or groups or individuals similar in function and responsibility to such boards which are separate from the tribe's general council, tribal council, or business council, as applicable.

Entities other than the tribe may be completely external to the tribe, e.g., a Federal agency, or may be an entity formed or chartered under provisions of tribal law, e.g., a tribally chartered non-profit or for-profit corporation, tribal utility authority, or tribal political subdivision.

If the nature of the entity is such that it is apparent that it is not the tribe, e.g., it is a Federal or state department or agency, information establishing that it is an entity other than the tribe need not be provided. However, if it is *not* apparent that the entity has all of the characteristics stated above, it is the applicant's responsibility to provide information to HUD to establish that this is true. If potential applicants are unsure whether or not a specific entity has the necessary characteristics, a request for review should be submitted to the ONAPs *prior* to the submission of the application for assistance. If an applicant waits to submit the information on entity characteristics with an application and HUD found the information to be inadequate or inconclusive, the award of points would be jeopardized.

Homeownership Assistance Programs. Tribes may apply for assistance to provide direct homeownership assistance to low- and moderate-income households to: subsidize interest rates and mortgage principal amounts for low- and moderate-income homebuyers; finance the acquisition by low- and moderate-income homebuyers of housing that is occupied by the homebuyers; acquire guarantees for mortgage financing obtained by low- and moderate-income homebuyers from private lenders (except that ICDBG funds may not be used to guarantee such mortgage financing directly, and grantees may not provide such guarantees directly); provide up to 50 percent of any downpayment required from a low- and moderate-income homebuyer; or, pay reasonable closing costs (normally associated with the purchase of a home) incurred by a low- or moderate-income homebuyer.

Leverage means resources that you will use in conjunction with ICDBG funds to achieve the objectives of the project. Resources include, but are not limited to: tribal trust funds; loans from individuals or organizations; State or Federal loans or guarantees; other grants; and non-cash contributions and donated services. (See Rating Factor 4 of this NOFA for documentation requirements for point award for leveraged resources.)

Microenterprise Programs. Tribes may apply for assistance to operate programs to fund the development, expansion and stabilization of microenterprises. Microenterprises are defined as commercial entities with five or fewer employees, including the owner. Microenterprise program activities may entail the following assistance to eligible businesses: providing credit, including, but not limited to, grants, loans, loan guarantees, and other forms of financial support for the establishment, stabilization, and expansion of microenterprises; providing technical assistance, advice, and business support services to owners of microenterprises and persons developing microenterprises; and, providing general support, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services to owners of microenterprises and persons developing microenterprises.

Operations and Maintenance (O&M) for Community Facilities. While various items of cost will vary in importance and significance depending on the type of facility proposed, there are items of expense related to the operation of the physical plant which must be addressed in a maintenance and operation plan (tribe assumes responsibility) or letter of commitment (entity other than tribe will assume these responsibilities). These items include daily or other periodic maintenance activities; repairs such as replacing broken windows; capital improvements or replacement reserves for repairs such as replacing the roof; fire and liability insurance (may not be applicable to most types of infrastructure projects such as water and sewer lines); and, security (may not be applicable to many types of infrastructure projects such as roads).

Please note that while it is possible that the service provider may, in its agreement with a tribe, commit itself to cover certain or all facility O&M costs, as defined, these O&M costs *do not include* the program service provision costs related to the delivery of services (social, health, recreational, educational or other) which may be provided in a facility.

Project Cost means the total cost to implement the project. Project cost includes both ICDBG and non-ICDBG funds and resources.

Section 8 standards means housing quality standards contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Unified Rule for Tenant-Based Assistance Under the Section 8 Rental Certificate Program and the Section 8 Rental Voucher Program).

Standard Housing/Standard Condition means housing that meets the housing quality standards (HQS) adopted by the applicant. The HQS adopted by the applicant must be at least as stringent as the Section 8 standards unless the ONAPs approve less stringent standards based on a determination that local conditions make the use of Section 8 standards infeasible. You may submit, before the application due date, a request for the approval of standards less stringent than Section 8 standards. If you submit the request with your application, you should not assume automatic approval by the ONAPs. The adopted standards must provide for a safe house, in physically sound condition with all systems performing their intended design functions; a livable home environment and an energy efficient building and systems that incorporate energy conservation measures; and, an adequate space and privacy for all intended household members.

(I) *General threshold requirement.* According to 24 CFR 1003.301(a), an applicant that has an outstanding ICDBG obligation to HUD that is in arrears, or one that has not agreed to a repayment schedule, will be disqualified from the competition.

(J) *Project specific threshold requirements.* (1) Housing Projects (New Construction, Rehabilitation, Land Acquisition and Homeownership Assistance). For housing projects, you must provide an assurance that households that have been evicted from HUD-assisted housing within the past five years will not be assisted by the proposed project except in emergency situations. The ONAP Administrator will review each emergency situation proposed by an applicant on a case-by-case basis to determine whether an exception is warranted.

You also must provide an assurance that the proposed housing category project is consistent with and, to the extent possible, identified in the Indian Housing Plan (IHP) (One-Year Financial Resources Narrative; Table 2, Financial Resources, Part I., Line 1E; and, Table 2, Financial Resources, Part II) submitted by you or on your behalf for the Indian Housing Block Grant Program under the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4101 *et seq.*). If the IHP for the IHBG program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that when submitted, the IHP will specifically reference the proposed housing category project.

(2) Housing Rehabilitation Projects. For housing rehabilitation projects, you must adopt rehabilitation standards and rehabilitation policies before you submit an application. *You must submit these standards and policies with the application.* You must also provide an assurance that:

(a) All households that receive grant assistance under a housing rehabilitation project will be of low and moderate income status.

(b) Any house to be rehabilitated will be the permanent non-seasonal residence of the occupants; the residents will live in the unit at least nine months per year.

(c) Houses designated for eventual replacement will only receive repairs essential for the health and safety of the occupants.

(d) Project funds will be used to rehabilitate HUD-assisted houses only when the tenant/homebuyer's payments are current or the tenant/homebuyer is current in a repayment agreement. In emergency situations, the ONAP

Administrator may grant exceptions to this requirement on a case-by-case basis.

(e) Houses that have received comprehensive rehabilitation assistance from any ICDBG or other federal grant program within the past 8 years will not be assisted with ICDBG funds to make the same repairs if the repairs are needed as a result of abuse or neglect.

(f) Although you do not have to provide an assurance, grant funds spent on rehabilitation per house must fall within the following limits for each Area ONAP jurisdiction:

(i) Eastern/Woodlands	$35,000
(ii) Southern Plains	20,000
(iii) Northern Plains	35,000
(iv) Southwest	40,000
(v) Northwest	40,000
(vi) Alaska	55,000

(3) Land Acquisition Projects. For land acquisition projects, your application must contain information and documentation, such as a preliminary plot plan or its equivalent, establishing that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low and moderate income households with documented housing needs. A clear objective of the applicant must be to make the most effective and economic use of the land proposed for acquisition.

Your application must clearly demonstrate and document housing assistance needs with a survey that identifies the households to be served, their size, income levels, and the condition of current housing or, if applicable, Table I, Statement of Needs from your Tribe's Indian Housing Plan (IHP). *The survey and/or Table I from the IHP must be submitted with the application.*

Your application must include evidence of a commitment and an ability to construct at least 25 percent of the housing units to be built on the land proposed for acquisition. This evidence must consist of one (or more) of the following: a firm or conditional commitment to construct (or to finance the construction of) the units; documentation that an approvable application for the construction of these units has been submitted to a funding source or entity; or, documentation that these units are specifically identified in the Indian Housing Plan submitted on or on behalf of the applicant as an affordable housing resource with a commensurate commitment of Indian Housing Block Grant (IHBG) resources.

(4) New Housing Construction. New housing construction can only be implemented through a Community Based Development Organization (CBDO). Eligible CBDOs are described in 24 CFR 1003.204(c). You must provide an assurance that you understand this requirement.

You must include in the application, documentation supporting the following determinations: all households to be assisted under a new housing construction project must be of low or moderate income status; no other housing is available in the immediate reservation area that is suitable for the households to be assisted; no other funding sources including an Indian Housing Block Grant can meet the needs of the household(s) to be served; the house occupied by the household to be assisted is not in standard condition and rehabilitation is not economically feasible, the household is currently in an overcrowded house (sharing house with another household(s)), or the household to be assisted has no current residence.

Before you submit an application for new housing construction projects, you must adopt construction standards and construction policies. You must identify the building code to be used when constructing the houses and must document that this code has been adopted. The building code may be a tribal building code or a nationally recognized model code. If it is a tribal code, it must regulate all of the areas and sub-areas identified in 24 CFR 200.925(b). If the code is recognized nationally, it must be the latest edition of one of the codes incorporated by reference in 24 CFR 200.925(c).

You must provide an assurance that any house to be constructed will be the permanent non-seasonal residence of the household to be assisted. This household must live in the house at least nine months per year.

(5) Homeownership Assistance Projects. No project specific thresholds.

(6) Infrastructure. No project specific thresholds.

(7) Buildings. If you propose a facility that would provide health care services funded by the Indian Health Service (IHS), you must assure that the facility meets all applicable IHS facility requirements. We recognize that tribes that are contracting services from the IHS may establish other facility standards. These tribes must assure that these standards at least compare to nationally accepted minimum standards.

(8) Economic Development. Economic development assistance may be provided only when a financial analysis is provided that shows public benefit commensurate with the assistance to the business can reasonably be expected to result from the assisted project. The analysis should also establish that to the extent practicable, reasonable financial support will be committed from non-federal sources prior to disbursement of federal funds; any grant amount provided will not substantially reduce the amount of non-federal financial support for the activity; not more than a reasonable rate of return on investment is provided to the owner; and that grant funds used for the project will be disbursed on a pro-rata basis with amounts from other sources. In addition, it must be established that the project is financially feasible and has a reasonable chance of success.

Microenterprise Projects. No project specific thresholds.

(K) *Factors for Award Used To Evaluate and Rate Applications.* The factors for rating and ranking applications and the points for each factor are provided below. The maximum number of points for all rating factors is 100. This is the maximum any project can receive.

Rating Factor 1: Capacity of the Applicant (35 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. If applicable, past performance in administering previous ICDBG will be taken into consideration. Please specifically address the existence or availability of these resources for the specific type of activity for which you are applying. You must receive a minimum of 25 points under this factor for your proposed activity to be eligible for funding. HUD will not rate any projects further that do not receive a minimum of 25 points under this factor.

Your application must include documentation demonstrating that you possess or can obtain managerial, technical, and/or administrative capability necessary to carry out the proposed project. Your application must address who will administer the project and how you plan to handle the technical aspects of executing the project.

Your application describes the experience and expertise of existing staff in the implementation of the specific activity for which you are applying and what responsibilities they will have in project implementation, as well as those aspects of project implementation that will be contracted to outside parties. (5 points)

Your application addresses overall project management. (5 Points)

Your application addresses financial management. (4 Points)

Your application addresses procurement and contract administration. (3 Points)

Your application addresses environmental reviews. (3 Points)

Your performance in administering ICDBG grants over the preceding 12-month period on any open grant will be evaluated based on the following performance measures. If you do not have any open ICDBG grants, then you will receive 15 points under this sub-factor.

You have had satisfactory progress in meeting the time frames established in the HUD-approved Implementation Schedule for the ICDBG Program. (3 Points)

You have had timely submission of required reports including the Annual Status and Evaluation Report and Federal Cash Transaction Report for the ICDBG Program. (3 Points)

You have submitted close-out documents to HUD in a timely manner. Close-out documents are required for the ICDBG program within 90 days of completion of project activities. (3 Points)

You have submitted in a timely fashion annual audits in accordance with the ICDBG Program requirements. (3 Points)

You have resolved in a timely fashion ICDBG monitoring findings and controlled audit findings or no findings in current reports. (3 Points)

Rating Factor 2: Need/Extent of the Problem (25 Points)

This factor addresses the extent to which there is a need for the proposed project to address a documented problem among the intended beneficiaries.

Your application includes documentation demonstrating that the proposed project meets an essential community development need by fulfilling a function that is critical to the continued existence or orderly development of the community. (10 points)

For public facilities and improvements and economic development projects, the proposed activities benefit the neediest segment of the population, as identified below. You must include information demonstrating that income data were collected in a statistically reliable and independently verifiable manner.

85 percent or more of the beneficiaries are low or moderate income. (15 points)

At least 75 percent but less than 85 percent of the beneficiaries are low or moderate income. (10 points)

At least 55 percent but less than 75 percent of the beneficiaries are low or moderate income. (5 points)

Less than 55 percent of the beneficiaries are low or moderate income. (0 points)

For new housing, housing rehabilitation, land acquisition, and homeownership assistance projects, the proposed activities are limited to low or moderate income beneficiaries. To evaluate need, the applicant must demonstrate that the amount of the Indian Housing Block Grant (IHBG) most recently received by the tribe or its tribally designated housing entity (TDHE) is not sufficient to have a significant impact on identified housing needs of low or moderate income households.

The Indian tribe's IHBG amount was $100,000 or less in IHBG funds. (15 points)

The Indian tribe's IHBG amount was more than $100,000 but at most $300,000 in IHBG funds. (10 points)

The Indian tribe's IHBG amount was more than $300,000 but at most $500,000 in IHBG funds. (5 points)

The Indian tribe's IHBG amount was more than $500,000 in IHBG funds. (0 points)

For programs which will assist in the development, expansion, or stabilization of microenterprises, the owner(s) of the microenterprise must be low or moderate income and the majority of the jobs created or retained will be for low or moderate income persons. To evaluate need, the nature of the jobs created or retained will be evaluated. The owners of the microenterprises are low and moderate income and:

All employees are low or moderate income. (15 points)

At least 75 percent but less than 100 percent of the employees are low or moderate income. (10 points)

At least 55 percent but less than 75 percent of the employees are low or moderate income. (5 points)

Less than 55 percent of the employees are low and moderate income. (0 points)

Rating Factor 3: Soundness of Approach (25 Points)

This factor addresses the quality and cost effectiveness of your proposal, the degree to which your project provides other benefits to community members, and the commitment to sustain your proposed activities.

(1) Your proposed project is a viable and cost effective approach to address the identified need. Appropriate information to include in the application to address this factor is a description of other options considered during project planning, an explanation of how the size, type, and location of the project, if applicable and appropriate, were determined, and a discussion of anticipated cost savings due to innovative program design and/or construction methods. (5 points)

(2) Your proposed project will contribute to community objectives other than the direct objective of the project, such as job creation or retention, education and job training opportunities, economic self-sufficiency, homeownership, and reduction of drug-related crime. (5 points)

(3) Your application demonstrates your commitment to sustain your proposed activities. This commitment must be demonstrated in the following project specific ways:

(a) Public facilities and improvements. (i) If the tribe assumes operation and maintenance responsibilities for public facilities and improvements, a resolution that both adopts the operation and maintenance plan and commits necessary funds must be included in the application.

The plan itself is included and addresses maintenance, repairs, insurance, replacement reserves and includes a cost breakdown for annual expenses; for community buildings only, the source of operating funds is identified for any recreation, social or other services to be provided by other entity/ies and letters of commitment from service providers are included which address both operating expenses and space needs. (15 points)

A resolution adopting the operation and maintenance plan and committing funds is included; the plan is included and addresses most, but not all above items, but does include a satisfactory cost breakdown; for community buildings only, above service provider commitments (if applicable) as well as the source of operating funds are included. Information provided is sufficient to determine that the project will proceed effectively. (10 points)

A resolution adopting the plan and committing funds, or a plan addressing most of the above items is included. Information provided is sufficient to determine that the project will proceed effectively. (5 points)

None of the above criteria are met. (0 points)

(ii) If an entity other than the tribe commits to pay for operation and maintenance for public facilities and improvements, the application must contain a letter of commitment from the entity that assumes the operation and maintenance responsibilities.

Your application contains a letter of commitment from the entity that identifies the maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume, as well as its financial capacity to provide for these responsibilities; for community buildings only, the source of funds for program service provision is identified for any recreation, social or other services to be provided by other entities and letters of commitment from service providers are included which address both these funds and space needs. (15 points)

Your application contains a letter of commitment identifying maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume, but no information regarding the entity's financial capacity is included; for community buildings only, the source of funds for program service provision is identified for any applicable services to be provided and letters of commitment from applicable providers are included which address both these funds and space needs. (10 points)

Your application identifies the maintenance provider and, if applicable, responsibilities for operations the entity will assume, but a letter of commitment is not provided; for community buildings only, letters of commitment to provide services are included but no information regarding the provision of these funds or space needs is provided. (5 points)

None of the above criteria are met. (0 points)

(b) New housing construction, housing rehabilitation, and homeownership assistance projects.

The ongoing maintenance responsibilities are clearly identified for the tribe and/or the participants, as applicable. All participant maintenance responsibilities are included on a statement to be signed by the participant as a condition of receiving grant assistance and the statement to be used is included in the application. (15 points)

Maintenance responsibilities are identified, but in insufficient detail, and the above statement to be signed by the participant is submitted. (10 points)

Tribal maintenance responsibilities are identified but participant responsibilities are either not addressed or do not exist. (5 points)

None of the above criteria are met. (0 points)

(c) Economic development. You must include information or documentation which addresses or provides the following in the application: a description of the organizational system and capacity of the entity that will operate the business; the feasibility and market analysis of the proposed business activity and the financial viability of the project.

Appropriate documents to include in the application to address these items include:

(i) Articles of incorporation, by-laws, resumes of key management positions and board members.

(ii) Business operating plan.

(iii) Market study no more than two years old.

(iv) Feasibility study indicating how the proposed business will capture a fair share of the market.

(v) Detailed cost summary for the development of the project.

(vi) Five year operating or cash flow financial projections.

(vii) For the expansion of an existing business, copies of financial statements for the most recent three years (or the life of the business, if less than three years).

All above documents applicable to the proposed project are included in your application and the chances for financial success are excellent. (15 points)

All or most of the above documents applicable to the proposed project are included in your application and the chances for financial success are reasonable. (8 points)

Neither of the above criteria are met. (0 points)

(d) Micro enterprise assistance. You must include the following information or documentation in the application:

(i) Program description: You must submit a description of the proposed microenterprise program, including the types of entities that will be eligible to apply for funds through the microenterprise program.

(ii) Business plan. You must demonstrate that you will require each microenterprise applicant to submit a business plan. You must describe your process for reviewing and analyzing these plans.

(iii) Underwriting. If a credit program is intended, you must indicate what your underwriting criteria will be. A thorough description of the process for how you will analyze the financial status of microenterprise applications is included.

(iv) Loan terms. If a credit program is intended, you must indicate their range of loan terms (i.e. interest rate, maximum loan amount, duration, loan servicing provisions) and you must also indicate how you will determine the terms offered to individual microenterprise applicants.

(v) Market. You must indicate how you will analyze the market for the proposed microenterprise businesses and ensure that each funded business has a well defined market strategy.

All above documents applicable to the proposed project are included in the application and the chances for success are excellent. (15 points)

All or most of the above documents applicable to the proposed project are included in the application and the chances for success are reasonable. (8 points)

Neither of the above criteria are met. (0 points)

(e) Land Acquisition: Submissions should include the results of a preliminary investigation conducted by a qualified independent entity demonstrating that the proposed site has suitable soil conditions for housing and related infrastructure, available drinking water, access to utilities, vehicular access, drainage, nearby social and community services, and no known environmental problems.

The submissions include all of the above mentioned items and all necessary infrastructure is in place. (15 points)

The submissions demonstrate that the proposed site(s) is/are suitable for housing but that not all necessary infrastructure is in place. A detailed description of resources to be used and a detailed implementation schedule for development of all necessary infrastructure demonstrates that such infrastructure, as needed for proposed housing development, will be developed in time for such development, but no later than two years after site purchase. (8 points)

Neither of the above criteria are met. (0 points)

Rating Factor 4: Leveraging Resources (10 Points)

HUD believes that ICDBG funds can be used more effectively to benefit a larger number of Native American persons and communities if projects are developed that use tribal resources and resources from other entities in conjunction with ICDBG funds. To encourage this, we will award points based on the percentage of non-ICDBG resources provided relative to project costs as follows:

Non-ICDBG resources to project costs	Points
Less than 5 percent	0
At least 5 percent but less than 10 percent	2
At least 10 percent but less than 15 percent	4
At least 15 percent but less than 20 percent	6
At least 20 percent but less than 25 percent	8
25 percent or more	10

Contributions which could be considered as leveraged resources for point award include, but are not limited to: tribal trust funds; loans from individuals or organizations; State or Federal loans or guarantees; other grants; donated goods and services needed for the project; land needed for the project; and, direct administrative costs.

Contributions that will not be considered include, but are not limited to: indirect administrative costs as identified in OMB Circular A–87, attachment A, section F; contributions of resources to pay for anticipated operations and maintenance costs of the proposed project; and, in the cases of expansions to existing facilities, the value of the existing facility.

To be considered for point award, firm and projected commitments must be demonstrated at the time of application.

To demonstrate the commitment of tribal resources, the application must contain a council resolution or legal equivalent that identifies and commits the tribal resources to the project, subject to approval of the ICDBG assistance and favorable outcome of any environmental review required under 24 CFR part 58 for the project.

To demonstrate the commitment of public agency, foundation, or other private party resources, a letter of commitment, memorandum of understanding, and/or agreement to participate, including any conditions to which the contribution may be subject, must be submitted with the application. All letters of commitment must include the donor organization's name, the specific resource proposed, the dollar amount of the financial or in-kind resource and method for valuation, and the purpose of that resource within the proposed project. The commitment must be signed by an official of the organization legally authorized to make commitments on behalf of the organization and must be conditional upon favorable outcome of any environmental review required under 24 CFR part 58 for the project.

HUD recognizes that in some cases, firm commitments of non-tribal resources may not be obtainable by your tribe by the application due date. For such projected resources, your application must include a statement from the contributing entity that describes why the firm commitment cannot be made at the current time and affirms that your tribe and the proposed project meets eligibility criteria for receiving the resource. In addition, a date by which the funding decisions will be made must be included. This date cannot be more than six months from the anticipated date of grant approval notification by HUD. Should HUD not receive notification of the firm commitment within 6 months of the date of grant approval, HUD will recapture the grant funds approved and will use them in accordance with the requirement of 24 CFR 1003.102.

In addition to the above requirements, for all contributions of goods, services and land, you must demonstrate that the donated items are necessary to the actual development of the project and include comparable costs (or time estimates, if appropriate) that support the donation. Land valuation must be established using one of the following methods and the documentation must be contained in the application: a site specific appraisal no more than two years old; an appraisal of a nearby comparable site also no more than two years old; or a reasonable extrapolation of land value based on current area realtor value guides.

Rating Factor 5: Comprehensiveness and Coordination (5 Points)

This factor addresses the extent to which your project planning and proposed implementation reflect a coordinated, community-based process of identifying and addressing needs.

Your application includes a tribal resolution stating that the proposed project is included in an adopted comprehensive community plan. In the case of new housing, housing rehabilitation, land acquisition projects, and homeownership assistance projects, the NAHASDA Indian Housing Plan may be considered a comprehensive community plan. The resolution must identify the title and approval date of the plan and indicate how project implementation will be coordinated with tribal and other efforts directed towards addressing the identified needs. (5 Points)

Your application documents active participation in tribal planning efforts to coordinate your proposed project, but the project is not included in an adopted comprehensive community plan. (3 Points)

Your application contains no documentation regarding the inclusion of the project in a comprehensive community plan or planning process. (0 Points)

VI. Application Submission Requirements

(A) *Demographic data.* You may submit data that are unpublished and not generally available in order to meet the requirements of this section. You must certify that:

(1) Generally available, published data are substantially inaccurate or incomplete;

(2) Data provided have been collected systematically and are statistically reliable;

(3) Data are, to the greatest extent feasible, independently verifiable; and

(4) Data differentiate between reservation and BIA service area populations, when applicable.

(B) *Publication of Community Development Statement.* You must prepare and publish or post the community development statement portion of your application according to the citizen participation requirements of 1003.604.

(C) *Application Submission.* Your application must contain the items listed below. You must also include the forms, standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding and can be found in Appendix B to the General Section of the SuperNOFA. Those forms listed in that Appendix which are not applicable to this funding are: SF 424 A—Standard Form for Budget Information—Non-Construction Programs; SP 424–B—Standard Form for Assurances—Non-Construction Programs; SP 424 C—Standard Form for Budget Information—Construction Programs; and, SP 424 D—Standard Form for Assurances—Construction Programs. In addition, if the application has been submitted by a tribal organization as defined in 24 CFR 1003.5(b), on behalf of an Indian tribe, you must submit concurring resolutions from the Indian tribe stating that the tribal organization is applying on the tribe's behalf. The other required items are as follows:

(1) Community Development Statement that includes:

(a) Components that address the relevant selection criteria;

(b) A brief description or an updated description of community development needs;

(c) A brief description of projects proposed to address needs, including scope, magnitude, and method of implementing the project;

(d) A schedule for implementing the project (form HUD–4125, Implementation Schedule); and

(e) Cost information for each separate project, including specific activity costs, administration, planning, technical assistance, and total HUD share (form HUD–4123, Cost Summary);

(2) Certifications (form HUD 4126);

(3) A map showing project location, if appropriate;

(4) If the proposed project will result in displacement or temporary relocation, a statement that identifies:

(a) The number of persons (families, individuals, businesses, and nonprofit organizations) occupying the property on the date of the submission of the application (or date of initial site control, if later);

(b) The number to be displaced or temporarily relocated;

(c) The estimated cost of relocation payments and other services;

(d) The source of funds for relocation; and

(e) The organization that will carry out the relocation activities;

(5) If applicable, evidence of the disclosure required by 24 CFR 1003.606(e) regarding conflict of interest.

(6) If applicable, the demographic data certification described in Section IV(B) of the NOFA. The data accompanying the certification must identify the total number of persons benefiting from the project and the total number of low-and-moderate persons benefiting from the project. Supporting documentation should include a sample copy of a completed survey form and an explanation of the methods used to collect the data, and a listing of incomes by household.

VII. Clarifying Information

After the application due date, the ONAPs may not, consistent with 24 CFR part 4, subpart B, consider unsolicited information from you. The ONAPs may, however, but is under no obligation to, contact you to clarify an item in the application. You should note, however, that the ONAPs may not seek clarification of items or responses that improve the substantive quality of the applicant's response to any eligibility or selection criterion. The ONAPs will make any requests for clarifying information in writing and will specify the item, or items, that need clarification and a timeframe for response. Failure on your part to provide such requested information will result in the rejection of the application.

VIII. Correction of Technical Deficiencies

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications. Additionally, as indicated under Section V(G) above, only successful applicants will be required to address technical deficiencies and this must be done before we make a grant award. If you do not provide the information necessary to address the deficiency within the time allowed, we will not award you the grant and will reject your application. The ONAPs will notify you in writing and will describe the technical deficiency, what must be done to correct it, and the date by which you must submit this information. The ONAPs will notify you by facsimile or by return receipt requested. Your response must be submitted (postmarked) by no later than the date established by the ONAPs. The ONAPs must provide you at least 14 calendar days to respond to the request.

IX. Error and Appeals

Judgments made within the provisions of this NOFA and the program regulations (24 CFR part 1003) are not subject to claims of error. You may bring arithmetic errors in the rating and ranking of applications to the attention of the ONAPs within 30 days of being informed of your score. If an arithmetic error was made in the application review and rating process that, when corrected, would result in the award of sufficient points to warrant the funding of an otherwise approvable project, the ONAPs may fund that project in the next funding round without further competition.

X. Environmental Requirements

As required by 24 CFR 1003.605, ICDBG grantees must perform environmental reviews of ICDBG activities in accordance with 24 CFR part 58. Grantees may not commit or expend any ICDBG or nonfederal funds on project activities (other than those listed in 24 CFR 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification submitted by the grantee. The expenditure or commitment of ICDBG or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project or activities under consideration.

XI. Authority

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) and the regulations in 24 CFR part 1003.

Appendix A

The non-standard forms, which follow, are required for your ICDBG application.

BILLING CODE 4210–33–P

Cost Summary

Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0191 (exp. 5/31/2003)

See Instructions and Public Reporting Statement on back.

1. Name of Applicant (as shown in Item 5, Standard Form 424)

2. Application/Grant Number (to be assigned by HUD upon submission)

3. ☐ **Original** (check here if this is the first submission to HUD) ☐ **Revision** (check here if submitted with implementation schedule as part of pre-award requirements) ☐ **Amendment** (check here if submitted after HUD approval of grant) Date (mm/dd/yyyy)

4.

Project Name & Project Category (see instructions on back) a	Program Funds (in thousands of $) ICDBG Amount Requested for each activity b	Other Source Amount for each activity c	Other Source of Other Funds for each activity d
	$	$	
5. **Administration** a. General Management and Oversight			
b. Indirect Costs: Enter indirect costs to be charged to the program pursuant to a cost allocation plan.			
c. Audit: Enter estimated cost of Program share of A-133 audits.			
Administration Total *			
6. **Planning** The Project description must address the proposed use of these funds.			
7. **Technical Assistance** Enter total amount of ICDBG funds requested for technical assistance. **			
8. **Sub Total** Enter totals of columns b. and c.	$	$	
9. **Grand Total** Enter sum of column b. plus column c.			$

* The total of items 5 and 6 cannot exceed 20% of the total ICDBG funds requested.

** No more than 10% of ICDBG funds requested may be used for technical assistance. If funds are requested under this line item, a separate project description must accompany the application to describe the technical assistance the application intends to obtain. Only technical assistance costs associated with the development of a capacity to undertake a specific funded program activity are eligible (24 CFR 1003.206).

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

Instructions for Item 4.
Project Name and Project Type

Participants enter the project name and the name of one of the following three categories of activities:

- Housing
- Community Facilities
- Economic Development

Also enter the component name if applicable. Use a separate Cost Summary sheet (form HUD-4123) for each project included in the application.
Examples of categories and/or components including examples of eligible activities are listed below.

Housing

Rehabilitation Component
- Rehabilitation
- Demolition

Land to Support New Housing Component

New Housing Construction Component

Community Facilities

Infrastructure Component
- Water
- Sewer
- Roads and Streets
- Storm Sewers

Buildings Component
- Health Clinic
- Daycare Center
- Community Center
- Multi-purpose Center

Economic Development
- Commercial (wholesale, retail)
- Industrial
- Motel/Hotel
- Restaurant
- Agricultural Development

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0191 (exp. 5/31/2003)

Implementation Schedule

Indian Community Development Block Grant (ICDBG)

See Instructions and Public Reporting Statement on back.
Submit a separate implementation schedule for each project category.

1. Name of Applicant (as shown in Item 5, Standard Form 424)
2. Application/Grant Number (to be assigned by HUD)
3. ☐ Original (First submission to HUD) ☐ Pre-Award Submission ☐ Amendment (submitted after grant approval) — Date (mm/dd/yyyy)
4. Name of Project (as shown on form HUD-4123, Item 4)
5. Effective Date (mm/dd/yyyy) — Expected Completion Date (mm/dd/yyyy) — Expected Closeout Date (mm/dd/yyyy)
6. Environmental Review Status
   ☐ **Exempt** (As described in 24 CFR 58.34)
   ☐ **Under Review** (Review underway; findings not yet made)
   ☐ **Finding of No Significant Impact** (Finding made that request for release of funds for project is not an action which may significantly affect the environment.)
   ☐ **EIS Required** (Finding that project may significantly affect environment or EIS automatically required by 24 CFR 58.37)
   ☐ **Not Started** (Review not yet begun)
   ☐ **Certification** (Environmental review completed; certification and request for release of funds being prepared for submission.)
   ☐ **Categorically Excluded** (as described in 24 CFR 58.35)
7. Tribal Fiscal Year (mm/dd/yyyy)
8. Task List (List tasks such as environmental assessment, acquisition, etc.)
9. Schedule. Use Calendar Year (CY) quarters. Fill-in the CY below. See detailed instructions on back.

	CY 1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	5th Qtr.	6th Qtr.	7th Qtr.	8th Qtr.	Date (mm/dd/yyyy) (if exceeds 8th Quarter)
10. Planned Drawdowns by Quarter (Enter amounts non-cumulatively)	$	$	$	$	$	$	$	$	$Total
11. Cumulative Drawdown (If more than one page, enter total on last page only)	$	$	$	$	$	$	$	$	$Total

Public reporting burden for this collection of Information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Paperwork Reduction Project (2577-0191), Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information require that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

Instructions for Item 9 Schedule: Use Calendar Year (CY) quarters. Fill-in the CY below. If the project begins in May, for example, enter under "1st Qtr." A(April), M(May), J(June). Indicate time period required to complete each activity, e.g., acquisition, by entering "X" under the months it will begin and end. Draw a horizontal line from the first to the second "X". If the completion date will extend beyond the 8th quarter, enter date in the far right column and attach an explanation.

form HUD-4125 (12/97)

page | of pages

Previous editions are obsolete

Certifications

Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0191 (exp. 5/31/2003)

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

The grantee hereby certifies and assures that it will comply with the regulations, guidelines, and requirements with respect to the acceptance and use of Federal funds for this Federally-assisted program. Also, the grantee gives assurances and certifies with respect to the grant that:

A. It possesses the legal authority to apply for the grant and execute the proposed program.

B. The governing body has duly authorized the filing of the application, including all understandings and assurances contained in the application and has directed and authorized the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

C. It will comply with the HUD general administration requirements in 24 CFR Part 85.

D. It will comply with the requirements of Title II of Public Law 90-284 (25 USC 1301) (the Indian Civil Rights Act).

E. It will comply with the Indian preference provisions required in 24 CFR 1003.510.

F. It will establish written safeguards to prevent employees from using positions funded under the ICDBG programs for a purpose that is, or gives the appearance of being, motivated by private gain for themselves, their immediate family or business associates. Nothing in this certification should be construed as to limit employees from benefiting from program activities for which they would otherwise be eligible.

G. It will give HUD and the Comptroller General access and right to examine all books, records, papers, or documents related to the grant for a period of not less than three years after program completion or until resolution of any final audit findings.

H. Neither the applicant nor its principals are presently excluded from participation in any HUD programs, as required by 24 CFR part 24.

I. It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, implementing regulations at 49 CFR part 24 and the requirements of 24 CFR 1003.602.

J. The chief executive officer or other official of the applicant approved by HUD:

1. Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 insofar as the provisions of the Act apply to the applicant's proposed program pursuant to 24 CFR 1003.605.

2. Is authorized and consents on behalf of the applicant and him/her self to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.

Note: Applicants for whom HUD has approved a claim of incapacity to accept the responsibilities of the Federal government for purposes of complying with the environmental review requirements of 24 CFR part 58 pursuant to 24 CFR 1003.605 need not include the provision of paragraph J in their assurance.

K. It will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968 and the regulations in 24 CFR part 135 (Economic Opportunities for Low and Very Low Income Persons) to the maximum extent consistent with, but not in derogation of, compliance with Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 USC. 450e(b)).

L. It will comply with the requirements of the Fire Authorization Administration Act of 1992 (Pub.L. 102-522).

M. It will provide the drug-free workplace required by 24 CFR part 24, subpart F.

N. It will comply with 24 CFR, part 4, subpart A, showing full disclosure of all benefits of the project as collected by Form HUD-2880, Applicant/Recipient Disclosure Report.

O. Prior to submission of its application to HUD, the grantee has met the citizen participation requirements which includes following traditional means of member involvement, as required in 24 CFR 1003.604.

P. It will administer and enforce the labor standard requirements prescribed in 24 CFR 1003.603.

Q. The Program has been developed so that not less than 70 percent of the funds received under this grant will be used for activities that benefit low- and moderate-income persons.

Note: Applicants receiving Imminent Threat Grants need not include the provision of this paragraph in their assurance

Name (type or print)	Title
Signature	Date (mm/dd/yyyy)

Previous editions are obsolete

form HUD-4125 (12/98)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY OUTREACH PARTNERSHIP CENTERS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE COMMUNITY OUTREACH PARTNERSHIP CENTERS PROGRAM (COPC)

Program Overview

Purpose of the Program. To provide funds to community colleges, four-year colleges, and universities to establish and operate Community Outreach Partnership Centers (COPCs) to address the problems of urban areas.

Available Funds. Approximately $8 million.

Eligible Applicants. Public and private nonprofit institutions of higher education granting two- or four-year degrees and accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

Application Deadline. June 1, 2001.

Match. 50% of the total costs of establishing and operating research activities and 25% of the total costs of establishing and operating outreach activities.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 12:00 midnight, Eastern time, on June 1, 2001, at HUD Headquarters.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of an original and two copies. Submit your completed application to: Processing and Control Branch, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC 20410. When submitting your application, please refer to COPC and include your name, mailing address (including zip code) and telephone number (including area code).

For Application Kits. For an application kit and supplemental material you should call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to COPC and provide your name, address (including zip code), and telephone number (including area code). You may also download the application kit on the Internet through the HUD web site at http://www.hud.gov.

For Further Information and Technical Assistance. You may contact Jane Karadbil of HUD's Office of University Partnerships at (202) 708–1537, ext. 5918. If you have a speech or hearing impairment, you may call HUD's TTY number (202) 708–0770, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the "800" number, these numbers are not toll-free. You may also reach Ms. Karadbil via the Internet at Jane_R._Karadbil@hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at the web address listed above.

II. Amount Allocated

Up to $8 million has been allocated to fund grants under the program. This year, HUD will award two kinds of grants—(A) New Grants to applicants who have never received a COPC grant before to undertake eligible work and (B) New Directions Grants to fund previous COPC recipients (as identified in Section III.(B) below) to undertake new directions in their activities. Institutionalization Grants will not be funded under this funding announcement for COPC. HUD will use up to $6.4 million to fund approximately 16 New Grants and up to $1.2 million to fund approximately 8 New Directions Grants.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The main purpose of this COPC Program is to assist in establishing or carrying out outreach and applied research activities addressing the problems of urban areas. But HUD also looks to the program to encourage structural change, both within an institution of higher education and in the way the institution relates to its neighbors. Funding under this program is used to establish and operate local Community Outreach Partnership Centers (COPC). The five key concepts that your COPC Program should include are:

(1) Outreach, technical assistance, and applied research should be provided to neighborhoods and neighborhood-based organizations based on what the residents decide is needed, rather than what the institution concludes is appropriate for that neighborhood;

(2) Community-based organizations and residents should be empowered by the project and be your partners throughout the life of the project and beyond, from planning to implementation to activities beyond the grant;

(3) Your applied research should be related to the outreach activities and be used to influence your activities within the grant period or shortly after it ends. HUD will not fund research without practical application;

(4) The assistance you provide should be primarily by faculty, students, or to a limited extent, by neighborhood residents or community-based organizations funded by the university; and

(5) Your program should be part of your institution's broader effort to meet its urban mission, and be supported by its senior officials, rather than just the work of a few faculty members. Your proposed activities should not duplicate those of other entities in the community and should be appropriate for an institution of higher education to undertake in light of its teaching, and research, and service missions.

(B) *Eligible Applicants.* Eligible applicants for both New Grants and New Directions Grants are public or private nonprofit institutions of higher education granting two- or four-year degrees and accredited by a national or regional accrediting agency recognized by the U.S. Department of Education. For New Grants, only applicants that have never previously received a New Grant, a New Directions Grant, or an Institutionalization Grant are eligible. For New Directions Grants, applicants must meet the following requirements: you must have received a New Grant in FY 1994, 1995, 1996, 1997, or 1998; you must never have received a New Directions Grant; and you must have drawn down (i.e., requests for reimbursement have been processed), by the application due date, at least 75% of the funds you received from any previous COPC award. Joint Community Development Program grantees are not eligible for either kind of funding, nor are FY 1999 and 2000 COPC Grantees.

Consortia of eligible institutions may apply, as long as one institution is designated the lead applicant. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed staffing, and in order to fund as many eligible applicants as possible, HUD has determined that you may be part of only one consortium or submit only one

application or you will be disqualified. HUD will hold you responsible for ensuring that neither you nor any part of your institution, including specific faculty, participate in more than one application. For New Directions Grants, if you originally received funding as a consortium, you are not required to submit again with all the consortium members. Members of a previously approved consortium may submit on their own or as part of their old consortium. However, as with New Grants, only one application from an institution will be permitted.

Different campuses of the same university system are eligible to apply, even if one campus has already received COPC funding. Such campuses are eligible as separate applicants only if they have administrative and budgeting structures independent of other campuses in the system.

(C) *Eligible Activities.* Your COPC Program must combine research with outreach, work with communities and local governments and address the multidimensional problems that beset urban areas. To meet the threshold requirements, your New Grant application must be multifaceted and address three or more urban problems and you must propose at least one distinct activity to address each separate urban problem. Urban problems include issues related to housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, the environment, community organizing, and other areas deemed appropriate by the Secretary. Single purpose applications are not eligible. For example, if you propose to undertake health education for elementary school children, organizing around health issues, and job readiness for the health professions, HUD will deem your application as single purpose, because it really only addresses the problem of health care. Likewise, if you propose to address housing, economic development, and health care problems by developing a Geographic Information System, your application would also be considered single purpose because it does not propose separate and distinct activities for each of the problems you will address. As examples of eligible projects, if you propose a health care project for the elderly, a job training program on construction trades for high school seniors, and an affordable housing fair, you would meet the test of addressing three urban problems, each with a separate activity. Alternatively, if you propose a Geographic Information System to identify economic development potential, an oral history of the neighborhood, and the creation of block watches, you would also meet the test. These are just examples. For more information about the projects that have actually been funded under the program, you should look at the Office of University Partnerships' web site at www.oup.org. If you are applying for a New Directions Grant, you will only be required to address two urban problems and undertake at least one activity for each of these problems.

The statute creating COPC is very specific that the program address the problems of urban areas. HUD uses the Census definition of an urban area: a single geographic place (e.g., a city, town, or village, but not a county) with a population of 2,500 or more. You cannot meet this test by aggregating several places smaller than the population threshold in order to meet this requirement.

Funded research must have a clear near-term potential for solving specific, significant urban problems. You must have the capacity to apply your research results and to work with communities and local institutions, including neighborhood groups, local governments, and other appropriate community stakeholders, in applying these results to specific real-life urban problems.

While the list of eligible and ineligible activities is the same for both New Grant applicants and New Directions Grant applicants, New Directions Grant applicants must demonstrate that the proposed activities either implement new eligible projects in the current target neighborhood(s) or implement eligible projects in a new target neighborhood(s).

Eligible activities include:

(1) Research activities that have practical application for solving specific problems in designated communities and neighborhoods, including evaluation of the effectiveness of the outreach activities. In order to ensure that the primary focus of your project is on outreach, research may not total more than one-quarter of the total project costs contained in any grant made under this COPC funding announcement (including the required 50% match).

(2) Outreach, technical assistance and information exchange activities which are designed to address specific urban problems in designated communities and neighborhoods. Such activities must total no less than three-quarters of your total project costs (including the required 25% match). Examples of outreach activities include, but are not limited to:

(a) Job training and other training projects, such as workshops, seminars, and one-on-one and on-the-job training;

(b) Design of community or metropolitan strategies to resolve urban problems of communities and neighborhoods;

(c) Innovative use of funds to provide direct technical expertise and assistance to local community groups, residents, and other appropriate community stakeholders to assist them in resolving local problems such as homelessness, housing discrimination, and impediments to fair housing choice;

(d) Technical assistance in business start-up activities for low-and moderate-income individuals and organizations, including business start-up training and technical expertise and assistance, mentor programs, assistance in developing small loan funds, business incubators, etc;

(e) Technical assistance to local public housing authorities on welfare-to-work initiatives and physical transformations of public or assisted housing, including development of accessible and visitable housing;

(f) Assistance to communities to improve consolidated housing and community development plans and remove impediments to the design and implementation of such plans;

(g) Assistance to communities to design ways to use HUD's Partnership for Advancing Technology in Housing (PATH) technology such as analyzing building codes and building materials or designing new building systems. (Remember that actual physical development activities are not eligible under COPC.) For more information, see the General Section of the SuperNOFA or visit the website at www.pathnet.org;

(h) Assistance to communities to improve their fair housing planning process;

(i) Services to assist low-income students to attend college, as part of the U.S. Department of Education's Gaining Awareness and Readiness for Undergraduate Program (GEAR UP). (For more information call 202–502–7676 or visit the Department of Education's website at www.ed.gov.); and

(j) Regional projects that maximize the interaction of targeted inner city distressed neighborhoods with suburban job opportunities similar to HUD's Bridges-to-Work or Moving to Opportunity programs.

(3) Funds for faculty development including paying for course time or summer support to enable faculty members to work on the COPC.

(4) Funds for stipends or salaries for students (but the program cannot cover tuition and fees) while they are working on the COPC.

(5) Activities to carry out the "Responsibilities" listed under Section IV (B) below. These activities may include leases for office space in which to house the Community Outreach Partnership Center, under the following conditions:

(a) The lease must be for existing facilities not requiring rehabilitation or construction;

(b) No repairs or renovations of the property may be undertaken with Federal funds; and

(c) Properties in the Coastal Barrier Resource System designated under the Coastal Barrier Resources Act (16 U.S.C. 3501) cannot be leased with Federal funds.

(6) Components of your program may address metropolitan or regional strategies. You must clearly demonstrate how:

(a) Your strategies are directly related to what the targeted neighborhoods and neighborhood-based organizations have decided is needed; and

(b) Neighborhoods and neighborhood organizations are involved in the development and implementation of the metropolitan or regional strategies.

(D) *Ineligible Activities.* Activities ineligible for funding under this program are as follows:

(1) Research activities that have no clear and immediate practical application for solving urban problems or do not address specific problems in designated communities and neighborhoods.

(2) Any type of construction, rehabilitation, or other physical development costs.

(3) Costs used for routine operations and day-to-day administration of institutions of higher education, local governments or neighborhood groups.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, grantees must meet the following program requirements:

(A) *Grant Sizes and Terms.* If you are applying for a New Grant, you may not request less than $250,000 nor more than $400,000. This amount must be spent over a three-year period, and your budget must reflect this period. Since the Statement of Work (in Section VI.(G)) and the Narrative Statement Addressing the Factors for Award (in Section VI.(H)) are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, HUD will not accept a New Grant application that is under $250,000 or over $400,000.

If you are applying for a New Directions Grant, you may not request a grant that exceeds $150,000. This amount must be spent over a two-year period. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, HUD will not accept a New Directions application that is over $150,000.

(B) *Responsibilities.* You are required to:

(1) Employ the research and outreach resources of your institution of higher education to solve specific urban problems identified by communities served by your Center;

(2) Establish outreach activities in areas identified in your application as the communities to be served;

(3) Establish a community advisory committee comprised of representatives of local institutions and residents of the communities to be served to assist in identifying local needs and advise on the development and implementation of strategies to address those issues;

(4) Coordinate outreach activities in communities to be served by your Center;

(5) Facilitate public service projects in the communities served by your Center;

(6) Act as a clearinghouse for dissemination of information;

(7) Develop instructional programs, convene conferences, and provide training for local community leaders, when appropriate; and

(8) Exchange information with other Centers.

The clearinghouse function in Section IV(B)(6) above refers to a local or regional clearinghouse for dissemination of information and is separate and distinct from the functions in (8) above, which relate to the provision of information to the University Partnerships Clearinghouse, which is the national clearinghouse for the program.

(C) *Cap on Research Costs.* No more than 25% of your total project costs (Federal share plus match) can be spent on research activities. You are, however, not required to undertake any research as part of your project. You may apply for a project that is totally for outreach activities.

(D) *Match.* The non-Federal share may include cash or the value of non-cash contributions, equipment and other allowable in-kind contributions as detailed in 24 CFR part 84, and in particular § 84.23 entitled "cost sharing or matching." You may not count as match any costs that would be ineligible for funding under the program (e.g., housing rehabilitation).

(1) If you are a New Grant applicant, you must meet the following match requirements:

(a) *Research Activities.* 50% of the total project costs of establishing and operating research activities.

(b) *Outreach Activities.* 25% of the total project costs of establishing and operating outreach activities.

(2) If you are a New Directions Grant applicant, you must meet the following match requirements:

(a) *Research Activities.* 60% of the total project costs of establishing and operating research activities.

(b) *Outreach Activities.* 35% of the total project costs of establishing and operating outreach activities.

In previous competitions, some applicants incorrectly based their match calculations on the Federal grant amount, not the total project costs. An example of how you should calculate the match correctly and a worksheet for the calculation are included in the application kit. The worksheet, which is also included in the program area section of the SuperNOFA, should be included with your application.

(E) *Administrative.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations), A–21 (Cost Principles for Education Institutions), and A–133 (Audits of States, Local Governments, and Non-Profit Organizations. You may not spend more than 20% of your grant on planning or administrative costs. The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http://whitehouse.gov/WH/EOP/OMB/html/circulars.

V. Application Selection Process

There will be two separate competitions—one for New Grants and one for New Directions Grants. For each type of grant, applications will be rated, ranked, and selected separately. Two types of reviews will be conducted: a threshold review to determine your application's eligibility; and a technical review to rate your application based on the rating factors in Section V.(A) below.

(A) *Additional Threshold Requirements For Funding Consideration.* Under the threshold review, your application can only be rated if you are both in compliance with the requirements of the General Section of the SuperNOFA and if the following additional standards are met:

(1) You have met the statutory match requirements, if applying for a New Grant or the higher match levels described above, if applying for a New Directions Grant.

(2) You have proposed a program in which at least 75% of the total project costs will be for outreach activities.

(3) For New Grants, you have requested a Federal grant between $250,000 and $400,000. For New Directions Grants, you have requested a Federal grant that is no more than $150,000.

(4) You have addressed at least three urban problems, such as affordable housing, fair housing, economic development, neighborhood revitalization, infrastructure, health care; job training, education, crime prevention, planning, the environment, and community organizing and have proposed at least one separate and distinct activity for each problem you propose to address.

(5) You and any part of your organization are participating in only one application.

(6) Your project will operate in an urban area.

(B) *Factors For Award Used To Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA. Unless otherwise noted, New Grant applications and New Directions Grant applications will receive the same number of points on a given factor.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) *For New Grants* (15 points): *For New Direction Grants* (7 points).

(a) The knowledge and experience of your overall proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience pertaining to the specific activities being proposed to be relevant; and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor. The following categories will be evaluated:

(i) Undertaking research activities in specific communities that have a clear near-term potential for practical application to significant urban issues, such as affordable housing, fair housing including accessible and visitable housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, and community organizing;

(ii) Undertaking outreach activities in specific communities to solve or ameliorate significant urban issues;

(iii) Undertaking projects with community-based organizations or local governments; and

(iv) Providing leadership in solving community problems and making national contributions to solving long-term and immediate urban problems.

(2) *For New Directions Grants only* (8 points). The extent to which you performed successfully under your previous COPC grant(s), as measured by:

(a) Your achievement of specific measurable outcome objectives;

(b) Your leveraging of funding beyond the funds originally proposed to be leveraged for that project; and

(c) The effectiveness of your administration of any previous COPC grants (including the timeliness and completeness of your compliance with COPC reporting requirements and your ability to have resolved problems which presented themselves during the grant period). In addressing timeliness of reports, you should compare when your reports were due with when they were actually submitted.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities and your indication of the urgency of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activity and the urgency in meeting the need.

You should use statistics and analyses contained in a data source(s) that is sound and reliable. To the extent that the targeted community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response.

If the proposed activity is not covered under the scope of the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI), you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plan, and other sound and reliable sources appropriate for your program. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where the proposed activity will be carried out. You should document needs as they apply to the area where activities will be targeted, rather than the entire locality or state.

Rating Factor 3: Soundness of Approach (50 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor. The factor will be evaluated based on the extent to which the proposed work plan will:

(1) (10 points) Identify the specific services or activities to be performed. Note that you are not required to undertake research as part of the grant. In reviewing this subfactor, HUD will consider the extent to which:

(a) There is a clear research agenda;

(i) With identifiable research projects and outcomes (e.g., reports, surveys, etc.)

(ii) That identifies each task and who will be responsible for it;

(iii) Which is tied to the outreach agenda (e.g., if you proposed to study the extent of housing abandonment in a neighborhood and then design a plan for reusing this housing, you would be able to demonstrate the link between your proposed research and outreach strategies); and

(iv) Which does not duplicate research by your institution or by others for the target area previously completed or currently underway. If other complementary research is underway, you need to describe how the proposed research agenda would complement it.

(b) There is a clear outreach agenda:

(i) With identifiable outreach projects;

(ii) That identifies each task and who will be responsible for it;

(iii) That involves your institution as a whole (i.e., many academic disciplines and administrative offices);

(iv) That provides for on-site or frequent presence in the target area; and

(v) That does not duplicate outreach activities by your institution or others for the target area previously completed or currently underway.

(2) (10 points) Involve the communities to be served in a partnership for the planning and implementation of your activities. In reviewing this subfactor, HUD will look at the extent to which:

(a) You have formed or will form one or more Community Advisory Committees, representative of the communities' diversity (including businesses, community groups, residents, and others) to be served to develop and implement strategies to address the needs identified in Factor 2. You will be expected to demonstrate that you have already formed such a committee(s) or secured the commitment of the appropriate persons to serve on the committee(s), rather than just describing generally the types of people whose involvement you will seek.

(b) You have involved a wide range of neighborhood organizations and local government entities in the identification of your research and outreach activities.

(c) The committee and your partners will play an active role in all stages of the project and will not serve as merely advisors or monitors.

(d) Your outreach agenda includes training projects for local community leaders, for example, to increase their capacity to direct their organizations or undertake various kinds of community development projects.

(3) (6 points) Help solve or address an urgent problem as identified in Rating Factor 2 and will achieve the purposes of the program within the grant period. In reviewing this subfactor, HUD will look at the extent to which:

(a) You identify specific time phased and measurable objectives to be accomplished; your proposed short and long term program objectives to be achieved as a result of the proposed activities; the tangible and measurable impacts your work program will have on the community in general and the target area or population in particular including affirmatively furthering fair housing for classes protected under the Fair Housing Act; and the relationship of your proposed activities to other ongoing or proposed efforts to improve the economic, social or living environment in the impact area; and

(b) Grant funds will pay for activities you conduct directly, rather than passing funds through to other entities (In order for your application to be competitive, no more than 25 percent of your grant funds should be passed to other entities); and

(c) The activities you propose to undertake are pressing and urgent needs, as identified in the documents described in Factor 2.

(4) (4 points) Potentially yield innovative strategies or "best practices" that can be replicated and disseminated to other organizations, including nonprofit organizations, State and local governments. In reviewing this subfactor, HUD will assess your demonstrated ability to disseminate results of research and outreach activities to other COPCs and communities. HUD will evaluate your past experience and the scope and quality of your plan to disseminate information on COPC results, strategies, and lessons learned through such means as conferences, cross-site technical assistance, publications, etc. The more proactive your plan for providing information to a wide range of audiences, the greater the number of points you will receive.

(5) (8 points) HUD priorities;

(a) (3 points) Further and support the policy priorities of HUD including:

(i) Promoting healthy homes;

(ii) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare to work programs;

(iii) Enhancing ongoing efforts to eliminate drugs and crime from neighborhoods through program policy efforts such as "One Strike and You're Out" or the "Officer or Teacher Next Door" initiative;

(iv) Providing educational and job training opportunities through such initiatives as GEAR UP, Neighborhood Networks, Twenty/20 Education Communities (formerly known as Campus of Learners) and linking to AmeriCorps activities; or

(v) HUD's Partnership for Advancing Technology in Housing (PATH) initiative.

The *Healthy Homes* initiative implements a series of activities to protect children from home hazards such as lead-based paint, radon, fires, and accidents around the home.

The *GEAR UP* initiative promotes partnerships between colleges and middle or junior high schools in low-income communities, to help teach students how they can go to college by informing them about college options, academic requirements, costs, and financial aid, and by providing support services, including tutoring, counseling, and mentoring.

The *Neighborhood Networks* initiative enhances the self-sufficiency, employability, and economic self-reliance of low-income families and the elderly living in HUD-insured and HUD-assisted properties by providing them with on-site access to computer and training resources.

The *Twenty/20 Education Communities* initiative is designed to transform public housing into safe and livable communities where families undertake training in new telecommunications and computer technology and partake in educational opportunities and job training initiatives.

The *Partnership for Advancing Technology in Housing* (PATH) initiative is a voluntary public/private partnership that seeks to speed the creation and widespread use of advanced technologies in order to radically improve the quality, durability, energy efficiency, and environmental performance and affordability of housing. For more information, you can go to the PATH web site at www.pathnet.org.

(b) (5 points) Include activities that affirmatively further fair housing, for example:

(i) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services, or lending;

(ii) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(iii) Providing housing mobility counseling services.

(6) *For New Grants* (12 points): *For New Directions Grants* (7 points). Result in the COPC function and activities becoming part of the urban mission of your institution and being funded in the future by sources other than HUD. The bases for rating an application for this selection factor will be different, depending on whether the application is for a New Grant or a New Directions Grant.

In reviewing this subfactor for a New Grant, HUD will consider the extent to which:

(a) COPC activities relate to your institution's urban mission; demonstrate support and involvement of the institution's executive leadership; are

linked by a formal organizational structure to other units related to outreach and community partnerships; are reflected in budget and planning documents; are part of a climate that rewards faculty work on these activities through promotion and tenure policies; benefit students because they are part of a service learning program or professional training at your institution (rather than just volunteer activities); and are reflected in your curriculum. HUD will look at your institution's commitment to faculty and staff continuing work in COPC neighborhoods or replicating successes in other neighborhoods and to your longer term commitment (e.g., five years after the start of the COPC) of hard dollars to COPC work. HUD will consider the extent to which your proposed activities are appropriate for an institution of higher education because they are tied to your institution's teaching or research mission. In addition, HUD will consider the extent to which your faculty, staff and students from across many disciplines are involved in COPC-like activities as a way of demonstrating your institution's commitment to these kinds of activities.

(b) You have received commitments for funding from sources outside the university for related COPC-like projects and activities in the targeted neighborhood or other distressed neighborhoods. Funding sources to be considered include, but are not limited to, local governments, neighborhood organizations, private businesses, your institution, and foundations.

In reviewing this subfactor for a New Directions Grant, HUD will consider the extent to which your New Directions project will sustain the institutional capacity and commitment of your institution to undertake outreach activities. HUD will be looking for increases in the number of faculty undertaking this kind of work, increases in the number of courses linked to outreach activities and the number of students taking these courses, formal changes in institutional policies related to support of outreach, and other measures of the impact of this work on your institution.

(7) *For New Direction Grants only* (5 points). Previous grantees have a wealth of knowledge that they can and should share with other institutions. If you send a faculty member of your team who has been listed in your application to participate in the peer review process for New Grants, you will receive 5 points.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses the ability of the applicant to secure community resources which can be combined with HUD's program resources to achieve program purposes. This factor measures the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of your proposed program activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the award you are seeking. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to establish partnerships with you. You may also establish partnerships with funding recipients in other grant programs to coordinate the use of resources in the target area. In evaluating this factor, HUD will allocate points as follows:

(1) Five (5) points will be awarded for a match that is 50% over the required match, as described in Section IV(D) above. Fewer points will be assigned depending on the extent of the match. Matching funds must be provided unconditionally in order to be counted for this factor.

HUD is concerned that applicants should be providing hard dollars as part of their matching contributions to enhance the tangible resources going into targeted neighborhoods. Thus, while indirect costs can count towards meeting the required match, they will not be used in calculating match overage. Only direct costs can count in this factor.

(2) Up to an additional 5 points will be awarded for the extent to which you document that matching funds are provided from eligible sources other than your institution (e.g., funds from the city, including CDBG, other State or local government agencies, public or private organizations, or foundations). Fewer points will be assigned depending on the extent of the outside match.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitment, memoranda of understanding, or agreements to participate from any entity, including your own institution, that will be providing matching funds to the project. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed total level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization. Unless matching funds are accompanied by a commitment letter, they will not be counted towards the match.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinated your activities with other known organizations, participate or promote participation in your community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. If you propose to work in a Community Development Block Grant (CDBG) non-entitlement jurisdiction, you will only need to address subfactors (1) and (3). If you are working in a CDBG non-entitlement area, please note that at the beginning of the discussion of this factor.

In evaluating this factor, HUD will consider the extent to which you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions and outcomes with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities the applicant proposes.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or ongoing in the community.

(c) *Selections.* In order to be funded under COPC, you must receive a minimum score of 70. HUD intends to fund at least one eligible applicant that serves colonias, as defined by section 916(d) of the Cranston-Gonzalez National Affordable Housing Act, as long as the applicant receives a minimum score of 70. HUD will select the highest ranking colonias application from among the rated colonias applications.

If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 4, Leveraging Resources shall be selected.

HUD reserves the right to make selections out of rank order to provide for geographic distribution of funded COPCs. If HUD decides to use this option, it will do so only if two adjacent HUD regions do not yield at least one fundable COPC on the basis of rank order. If this occurs, HUD will fund the highest ranking applicant within the two regions as long as the minimum score of 70 points is achieved.

After all applications have been rated and ranked and selections have been made, HUD may require you, if you are selected, to participate in negotiations to determine the specific terms of your Statement of Work and grant budget. In cases where HUD cannot successfully conclude negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

VI. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the "non-standard" forms, can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424*, Application for Federal Assistance.

(B) *HUD–424M*, Federal Assistance Funding Matrix.

(C) *Application Checklist.*

(D) *Transmittal Letter* signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official delegation of signatory authority;

(E) *Abstract.* (1 page limit) An abstract describing the goals and activities of your program.

(F) *Narrative statement addressing the Factors for Award in Section V(B).* (50 page limit, including letters of commitment, tables and maps, but not including letters of matching commitments, the match calculation worksheet, and budget forms). (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For FY 2001 the statement of work and the budget are now a part of Factor 3, Soundness of Approach.

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. Following an activity and tasks under each activity format, your Statement of Work must:

(a) Arrange the presentation of related major activities by project functional category (e.g., economic development, affordable housing, capacity building), summarize each activity, identify the primary persons involved in carrying out the activity, and delineate the major tasks involved in carrying it out.

(b) Indicate the sequence in which the tasks are to be performed, noting areas of work which must be performed simultaneously.

(c) Identify specific numbers of quantifiable intermediate and end products and objectives you will deliver by the end of the award agreement period as a result of the work performed.

(c) Identify whether you propose to work in a Community Development Block Grant (CDBG) entitlement area or not.

(2) Your budget presentation should be consistent with your Statement of Work and include:

(a) Budget Form—The budget form (Form HUD–30003) should be used to prepare the budget.

(b) A narrative explanation of how you arrived at your cost estimates, for any line item over $5,000.

(c) A statement of your compliance with the 20% limitation on "Planning and Administration" Costs.

(d) An explanation of your compliance with the requirement that not more than 25% of the total budget be allocated to research activities (Form HUD–30002).

(e) An explanation of your compliance with the matching requirements (Form).

(3) Your narrative response should be numbered in accordance with each factor and subfactor.

(G) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs.

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF–LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD–50070, Certification of Drug-Free Workplace;

(6) HUD–2992, Certification Regarding Debarment and Suspension;

(7) HUD–2991, Certification of Consistency with the Consolidated Plan; and

(8) HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable);

(H) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comments and Suggestions (HUD–2994).* If you wish to offer comments on the COPC NOFA of this SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities.

IX. Authority

This program is authorized under the Community Outreach Partnership Act of 1992 (42 U.S.C. 5307 note; the " COPC Act"). The COPC Act is contained in section 851 of the Housing and Community Development Act of 1992 (Pub.L. 102–550, approved October 28,

1992) (HCD Act of 1992). Section 801(c) of the HCD Act of 1992 authorized $7.5 million for each year of the 5-year demonstration to create Community Outreach Partnership Centers as authorized in the COPC Act. The FY 2001 HUD Appropriations Act continued the program beyond the initial five-year demonstration by providing funding for Community Outreach Partnership Centers for FY 2001.

Appendix A

The non-standard forms, which follow, are required for your COPC application.

BILLING CODE 4210-32-P

Community Outreach
Partnership Centers Program
Matching Requirements

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180 (exp. 2/28/2003)

	Federal Share $	Match $	Total Cost $	Match as Percent of Total Cost
Research Activities: (list)				
Subtotal				%
Outreach Activities: (list)				
Subtotal				%
Total				

form HUD-30001 (4/96)

Community Outreach
Partnership Centers Program
Matching Requirements

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180
(exp. 2/28/2003)

	Federal Share $	Match $	Total Cost $	Match as Percent of Total Cost
Research Activities: (list)				
Subtotal				%
Outreach Activities: (list)				
Subtotal				%
Total				

form HUD-30001 (4/98)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program.
Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.
The information submitted in response to the notice of funding availability for the COPC program and HSI-WSP program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545).
The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form HUD-30001 (4/98)

Community Outreach
Partnership Centers Program
Breakdown of Outreach and Research Activities

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180
(exp. 2/28/2003)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program.

Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The information submitted in response to the notice of funding availability for the COPC program and HSI-WSP program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545).

The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

	Total Cost $	Percent of Total Project Cost
Total Research Activities		%
Total Outreach Activities		%
Total		

form **HUD-30002** (4/98)

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180 (exp. (2/28/2003)

Community Outreach Partnership Centers Program
Budget (Applicant should duplicate this first page as necessary)

Functional Category	Year 1 Federal $	Year 1 Match $	Year 2 Federal $	Year 2 Match $	Year 3 Federal $	Year 3 Match $	Total Federal $	Total Match $
Name of First Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the COPC program and HSI-WSP program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form **HUD-30003** (11/1999)

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

form HUD-30003 (11/1999)

Community Outreach Partnership Centers Program
Budget

Functional Category	Year 1 Federal $	Year 1 Match $	Year 2 Federal $	Year 2 Match $	Year 3 Federal $	Year 3 Match $	Total Federal $	Total Match $
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultanti								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Planning and Management								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Total of all Categories								

Verification of Match for New Grants

Record of Match Commitments

List of matching sources	Check if commitment letter is included and activity is eligible for match
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Verification of Match (cont'd.)

CALCULATION OF THE MATCH

1. REQUIRED MATCH:

A. Research Total Project Costs::

(Grant request for Research)	+	(Match for Research)	=	(Research Total Project Costs)
_____		_____		_____

Research match should be:

(Research Total Project Costs)	X	50%	=	(Required Research Match)
_____				_____

B. Outreach Total Project Costs::

(Grant request for Outreach)	+	(Match for Outreach)	=	(Outreach Total Project Costs)
_____		_____		_____

Outreach match should be:

(Outreach Total Project Costs)	X	25%	=	(Required Outreach Match)
_____				_____

C. Required Total Match:

(Required Research Match-from 1.A.)	+	(Required Outreach Match-from 1.B.)	=	(Required Total Match)
_____		_____		_____

2. ACTUAL MATCH FOR STATUTORY PURPOSES:

COUNT ONLY THOSE ITEMS WHICH ARE ELIGIBLE AND FOR WHICH THERE ARE COMMITMENT LETTERS, USING THE FORM HUD-30001. THAT FORM AND THE FIRST PART OF THIS WORKSHEET SHOULD CONFORM.

Research match provided: _____

Outreach match provided: _____

Total match provided: _____

Match provided is more than match required:

_____ Yes _____ No

3. ACTUAL MATCH FOR FACTOR 4 PURPOSES:

Actual total match provided (from # 2 above): _____

Minus indirect match: _____

Actual total match for following calculations: _____

4. MATCH OVERAGE

Total Actual Match (w/o indirect costs)(from 3) = _____
Total Required Match (from 1.C.)

(As long as the number produced is more than 1, use only amount to the right of the decimal point to determine overage. If the number is less than 1, there is no match overage and you are not eligible for any points under this subfactor.)

5. MATCH FROM OUTSIDE SOURCES

Total Match from Outside Sources = _____
Total Actual Match (w/o indirect costs) (from 3)

Verification of Match
for New Directions Grants

Record of Match Commitments

List of matching sources	Check if commitment letter is included and activity is eligible for match
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Verification of Match (cont'd.)

CALCULATION OF THE MATCH

1. REQUIRED MATCH:

A. Research Total Project Costs::

_____ (Grant request for Research) + _____ (Match for Research) = _____ (Research Total Project Costs)

Research match should be:

_____ (Research Total Project Costs) X 60% = _____ (Required Research Match)

B. Outreach Total Project Costs::

_____ (Grant request for Outreach) + _____ (Match for Outreach) = _____ (Outreach Total Project Costs)

Outreach match should be:

_____ (Outreach Total Project Costs) X 35% = _____ (Required Outreach Match)

C. Required Total Match:

_____ (Required Research Match-from 1.A.) + _____ (Required Outreach Match-from 1.B.) = _____ (Required Total Match)

2. ACTUAL MATCH FOR STATUTORY PURPOSES:

COUNT ONLY THOSE ITEMS WHICH ARE ELIGIBLE AND FOR WHICH THERE ARE COMMITMENT LETTERS, USING THE FORM HUD-30001. THAT FORM AND THE FIRST PART OF THIS WORKSHEET SHOULD CONFORM.

Research match provided: _____

Outreach match provided: _____

Total match provided: _____

Match provided is more than match required:

_____ **Yes** _____ **No**

3. ACTUAL MATCH FOR FACTOR 4 PURPOSES:

Actual total match provided (from # 2 above): _____

Minus indirect match: _____

Actual total match for following calculations: _____

4. MATCH OVERAGE

Total Actual Match (w/o indirect costs)(from 3)= _____
Total Required Match (from 1.C.)

(As long as the number produced is more than 1, use only amount to the right of the decimal point to determine overage. If the number is less than 1, there is no match overage and you are not eligible for any points under this subfactor.)

5. MATCH FROM OUTSIDE SOURCES

Total Match from Outside Sources = _____
Total Actual Match (w/o indirect costs) (from 3)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES PROGRAM

Program Overview

Purpose of the Program. To assist HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, principally for persons of low and moderate income, consistent with the purposes of Title I of the Housing and Community Development Act of 1974.

Available Funds. Approximately $10 million.

Eligible Applicants. Only HBCUs as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 12876, dated November 1, 1993, are eligible for funding under the HBCU Program.

Application Deadline. June 1, 2001.

Match: None

Additional Information

If you are interested in applying for funding under the HBCU program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 12:00 midnight, Eastern time, on June 1, 2001, at HUD Headquarters with a copy to the appropriate HUD CPD Field Office.

See the General Section of this SuperNOFA for specific procedures covering the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of one original and two copies of your application. Submit your original signed application and one of the two copies to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410. When submitting your application, please refer to the HBCU Program, and include your name, mailing address (including zip code) and telephone number (including area code).

Copies of Applications to HUD Offices. To facilitate processing and review of your application, submit one copy (the second copy) to the Community Planning and Development (CPD) Director in the appropriate HUD Field Office for the HBCU by 6:00 pm, local time, on June 1, 2001.The list of HUD Field Offices with CPD Directors is included in Appendix A.

HUD will accept only *one* application per HBCU. If HUD receives more than one application from a single HBCU, HUD will ask the HBCU to identify which application it wants evaluated. If the HBCU does not respond within the stipulated period (see Section V of the General Section of this SuperNOFA), all of the applications received from the HBCU will be disqualified. You should take this policy into account to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental materials, you should call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to the HBCU Program and provide your name, address (including zip code), and telephone number (including area code). You may also download the application on the Internet through the HUD web site at http://www.hud.gov.

For Further Information and Technical Assistance. You may contact Delores Pruden or Ophelia Wilson, Historically Black Colleges and Universities Program, Office of the Deputy Assistant Secretary for Economic Development, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh St, SW, Washington, DC 20410; telephone (202) 401–6367. (This is not a toll-free number.) If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also obtain information from the HUD Field Office located in your geographic area. Appendix A contains the names, addresses and telephone numbers of the HUD Field Offices. For general information and information regarding training on this HBCU Program section of the SuperNOFA, you can call the SuperNOFA Information Center at 1–800–HUD–8929.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $10 million is being made available for funding under this program section of the SuperNOFA. Additional funds may be available if funds are recaptured, deobligated, appropriated or otherwise made available during the fiscal year.

(A) *Allocation of Funding.* In order to ensure that some previously unfunded HBCUs will receive awards in this competition, approximately $1.5 million of the available funds will be awarded to HBCUs that have not previously been funded under the HUD HBCU program. The FY 1991 competition was the first funded under the current HBCU Program authorization, section 107(b)(3) of the Housing and Community Development Act of 1974. Previously unfunded HBCUs are listed in Appendix B of this HBCU Program section of the SuperNOFA.

The remaining approximately $8.5 million of FY 2001 funds will be awarded to HBCUs that have received funding under such competitions. Previously funded HBCUs are listed in Appendix C of this HBCU Program section of the SuperNOFA.

If recaptured funds are made available, those funds will also be divided proportionately between the two types of applicant funding pools.

HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in a particular application. Awards will be made in the form of grants. The maximum amount awarded to previously unfunded applicants will be up to $300,000 and the maximum amount awarded to previously funded applicants will be up to $500,000.

(B) *Term of Grant.* The maximum period for performance of your proposed program under this SuperNOFA for the HBCU Program is 24 months. The performance period will commence on the effective date of your grant agreement.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* Approximately $10,000,000 is available in funding for the Historically Black Colleges and Universities (HBCU) Program. The HBCU Program assists HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, consistent with the purposes of Title I of the Housing and Community Development Act of 1974.

(1) For the purposes of this program, the term "locality" includes any city,

county, town, township, parish, village, or other general political subdivision of a State or the U.S. Virgin Islands within which an HBCU is located.

(2) If your HBCU is located in a metropolitan statistical area (MSA), as established by the Office of Management and Budget, you may consider your locality to be one or more of these entities within the entire MSA. The nature of the locality for each HBCU may differ, therefore, depending on its location.

(3) A "target area" is the locality or the area within the locality in which your HBCU will implement its proposed HUD grant activities.

(B) *Eligible Applicants.* Only HBCUs as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 12876, dated November 1, 1993, are eligible for funding under the HBCU Program. As indicated in Section II(A)(1) and (2), funds available under this program will be split between two classes of HBCU applicant, which will be rated, ranked, and selected separately.

(C) *Eligible Activities.* (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant (CDBG) Program national objective AND the CDBG eligibility requirements. Eligible activities that may be funded under the HBCU Program are those activities eligible for CDBG funding. The eligible activities are listed in 24 CFR part 570, subpart C, particularly §§ 570.201 through 570.206. Additionally, not less than 51% of the aggregated expenditures of a grant must benefit low and moderate income persons under the criteria specified in 24 CFR 570.208(a) or 570.208(d)(5) or (6).

(2) *National Objectives.* Each activity that may be funded under this SuperNOFA for the HBCU Program must meet one of the three national objectives of the Community Development Block Grant program which are:

(a) Benefit to low- or moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs.

Criteria for determining whether an activity addresses one or more of these objectives are provided at 24 CFR 570.208.

(3) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds include, but are not limited to:

(a) Acquisition of real property;

(b) Clearance and demolition;

(c) Rehabilitation of residential structures including lead-based paint hazard evaluation and reduction; and making accessibility and visitability modifications in accordance with the requirements of section 504 of the Rehabilitation Act of 1973;

(d) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

If you are proposing to undertake any of the activities listed in (a) through (d), you will be required to provide at least two reasonable appraisals/estimates, from a *qualified* entity other than the HBCU, of the cost to complete the activities. This information is to be submitted with your application. Such an entity must be involved in the business of housing rehabilitation, construction, and/or management;

(e) Relocation payments and other assistance for permanently and temporarily relocated individuals, families, businesses, nonprofit organizations, and farm operations where the assistance is:

(i) Required under the provisions of 24 CFR 570.606(b) or (c); or

(ii) Determined by the grantee to be appropriate under the provisions of 24 CFR 570.606(d);

(f) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(g) Special economic development activities described at 24 CFR 570.203;

(h) Assistance to facilitate economic development by providing technical or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(i) Establishment of a new or stabilization of an existing Community Development Corporation (CDC) to undertake or continue HBCU eligible activities. If you are proposing a Community Development Corporation (CDC) component, it may qualify for Community Based Development Organization (CBDO) activities;

(j) Assistance to a (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local entitlement grantee CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS); and

(k) Eligible public service activities, including activities that provide a continuum of care for the homeless; adult basic education classes; GED preparation and testing; HBCU curriculum development of courses which will lead to a certificate or degree in community planning and development; job and career counseling and assessment; citizen participation academies, and public access telecommunications centers; social and medical services; and/or other support activities for low- and moderate-income residents, senior citizens and youth, including the U.S. Department of Education's Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP). (For more information regarding GEAR UP, call 202–502–7676 or visit the Department of Education's website at www.ed.gov);

(l) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, family status and/or disability aware of the range of housing opportunities available to them; and

(m) Payment of reasonable grant administrative costs and carrying charges related to the planning and execution of community development activities assisted in whole or in part with grant funds. HBCU program administrative costs may include capacity building to enhance your HUD HBCU previously funded activities, and/or the creation of new activities under this HUD HBCU grant. Administrative activities in connection with strengthening previous and new activities include hiring staff, supporting and training existing staff, providing software and other tools to provide administrative capability.

(4) *Activities Designed to Promote Training and Employment Opportunities.* In selecting proposed eligible activities, we urge you to consider undertaking activities designed to promote opportunities for training and employment of low-income residents in connection with HUD initiatives such as "Twenty/20 Education Communities (TEC) formerly known as the Campus of Learners" (COL) in public housing and "Neighborhood Networks" (NN) in other Federally-assisted or insured housing. We also encourage you, whenever feasible, to propose

implementing activities in a Federally-designated Urban or Rural (HUD or Department of Agriculture) Empowerment Zone, Urban or Rural Enterprise Community (EZ or EC), or a HUD-approved local CDBG Neighborhood Revitalization Strategy Area or HUD-approved State CDBG Community Revitalization Strategy Area.

(5) *Use of Grant Funds for the Provision of Public Services.* If you plan to use grant funds to provide public services, you are bound by the CDBG statutory requirement that not more than 15% of the total grant amount be used for public service activities that benefit low and moderate income persons. Therefore, you must propose to use at least 85% of the grant amount for activities qualifying under an eligibility category other than public services (as described at 24 CFR 570.201(e)). For example, while HUD encourages HBCUs to use a portion of their grant funds for curriculum development of courses that would lead to a certificate or degree in community planning and development, this activity is considered a public service and subject to the public service cap of 15%.

If you propose an activity which otherwise is eligible it may not be funded if State or local law requires that it be carried out by a governmental entity.

The CDBG Publication entitled "Everything You Wanted to Know About CDBG" discusses the regulations, and a copy can be ordered from HUD's SuperNOFA Information Center at 1–800–HUD–8929 or 1–800–HUD–2209 for the hearing impaired.

(D) *Ineligible CDBG Activities* are listed at § 570.207.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, you are subject to the following requirements:

(A) *Leveraging.* Although a match is not required to qualify for funding, applicants that provide letters evidencing a firm commitment from other Federal (e.g., Americorps Programs), State, local, and/or private sources to provide funding, and/or in-kind goods or services to implement the proposed activities will receive points under Rating Factor 4. These letters must be dated no earlier than the date of this published SuperNOFA. If you do not have evidence of leveraging, you will receive zero (0) points for Rating Factor 4.

Potential Sources of Assistance

- Federal, State and local governments
- Housing Authorities
- Local or national nonprofit organizations
- Banks and private businesses
- Foundations
- Faith Based Communities
- The HBCU

For each match, cash or in-kind contribution to your program, you must submit a letter from the provider on the provider's letterhead. A firm commitment letter should address the following:

- The cash amount contributed or dollar value of the in-kind goods and/or services committed;
- How the match is to be used;
- The date the match will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD HBCU Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services.

(B) *Employment of Local Area Residents (Section 3).* Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(C) *Labor Standards.* If you are awarded a grant, you must comply with the labor standards (Davis-Bacon) as found at 24 CFR 570.603.

(D) *OMB Circulars.* Your grant will be governed by: (1) OMB Circular A–21 entitled "Cost Principles for Educational Institutions"; (2) OMB Circular A–133 entitled "Audits of States, Local Governments, and Non-Profit Organizations"; and (3) the provisions of 24 CFR part 84 entitled "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations. You can access the OMB Circulars at the White House website at http://whitehouse.gov/wh/eop/omb/html/circulars.

(E) *Nondiscrimination.* In addition to the fair housing and other civil rights assurances described under Section II (B) of the SuperNOFA General Section, applicants for the HBCU Program must comply with Section 109 of the Housing and Community Development Act of 1974, as amended. Implementing regulations for Section 109 are found under 24 CFR part 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

V. Application Selection Process

(A) *Rating and Ranking.* (1) *Threshold Review.* HUD will conduct a review to insure that applications are complete and consistent with the threshold requirements of Section II(B), Compliance with Fair Housing and Civil Rights Laws, of the General Section of the SuperNOFA, this HBCU Program section of the SuperNOFA and the HBCU Program regulations (24 CFR 570.404) before reviewing the application for rating and ranking. The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

(2) *Funding of Applications.* To be considered for funding, your application must receive a minimum score of 70 out of the possible total of 100 points possible for Factors 1 through 5. In addition, two bonus points may be awarded for EZ/EC, as described in the General Section of the SuperNOFA. Within each category of eligible applicants, HUD will fund applications in rank order, until it has awarded all available funds for that category of applicant, or until there are no fundable applications remaining in that category. If there is a tie in the point scores of two applications, the rank order will be determined by the score on Rating Factor 3, 4, 2, 1, 5 in that order. HUD will give the higher rank to the application with the most points for a factor in the above order.

If funds remain after approving all fundable applications within a category of applicants, HUD may choose to add those funds to the funds available for the other category of applicants.

(3) *After Selection.* After selection, but prior to award, you will be required to:

(a) Negotiate. After HUD has rated and ranked all applications and HUD has selected the competition winners, HUD requires that all winners participate in negotiations to determine the specific terms of the Statement of Work and the final grant budget. HUD will follow the negotiation procedures described in Section III(D) of the General Section of the SuperNOFA.

(b) Provide Financial Management and Audit Information. If you are selected for funding, you will be required to submit a copy of your most recent audit from an Independent Public Accountant, or the cognizant government auditor, stating that your financial management system meets prescribed standards for fund control and accountability required by OMB Circular A–133, as codified at 24 CFR part 84 and provides your approved fringe benefit and overhead rates.

(B) *Factors For Award Used To Evaluate and Rate Applications.* HUD will use the Factors For Award set forth below to evaluate applications. Your application must contain sufficient information for HUD to review it for its

merits. The score for each factor will be based on the qualitative and quantitative aspects of your response to that factor. You are not to exceed a total of twenty-five (25) pages to respond to Rating Factor 1 through 5. This limitation applies to your narrative response, tables, and maps, and NOT to firm commitment letters, the performance narrative and progress reports for previously funded HBCUs.

The maximum number of points that may be awarded is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which:

(1) *Knowledge and Experience.* (5 Points for previously funded applicants and 25 Points for previously unfunded applicants). Your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants (including technical assistance providers) and contractors in planning and managing the kinds of programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider the extent to which your organization and staff have recent, relevant, and successful experience in:

(a) Undertaking specific successful community development projects with community-based organizations or local governments; and

(b) Providing proven leadership in solving community problems which have a direct bearing on the proposed activity.

(2) *Past Performance* (20 Points for previously funded applicants) For previously funded HBCUs, the extent to which you have been successful with past HUD/HBCU projects. For each open HUD HBCU grant, you must submit copies of the *last two progress reports* and *a performance narrative as outlined in Appendix D.* In applying the rating for this subfactor, HUD will consider your performance, including meeting established target dates and schedules, and amount of funds drawdown.

Rating Factor 2: Need/Extent of the Problem (5 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you *document* the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your community's (State or local government's) Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor. If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include, but are not limited to, Census reports, HUD's Continuum of Care gaps analysis and its E–MAPS (www.hud.gov/emaps), law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plan, community needs analysis such as provided by the United Way, local Urban League, the HBCU and other sound and reliable sources appropriate for the HBCU program. You also may address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where your proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan, the commitment of your institution to sustain the proposed activities, and your actions regarding Affirmatively Furthering Fair Housing.

(1) *Quality of the Work Plan* (35 Points)

(a) *Work Plan Impact* (15 Points) Describe how your proposed activities will:

(i) Expand the role of the HBCU in its community;

(ii) Alleviate and/or fulfill the needs identified in Factor 2;

(iii) Relate to and not duplicate other activities in the target area. Duplicative efforts will be acceptable, if you are able to demonstrate that there is a population in need that is not being served;

(iv) Involve and empower the citizens of the target area; and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and Internet technology.

(b) *Specific Services and/or Activities.* (15 Points) Your work plan must incorporate all proposed activities. HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered.

Describe each proposed activity, and the tasks required to implement and complete the activity. If your proposed work activity triggers federal relocation laws, you should discuss your plan for temporary or permanent relocation of occupants of units affected, including storage or moving of household goods, stipends and/or incentives with your local Community Planning and Development (CPD) Office.

Also, for each activity, describe:

(i) How it meets a CDBG national objective;

(ii) The sequence, duration, and the products to be delivered in 6 month intervals, up to 24 months. You should indicate which staff member, described in your response to Factor 1, will be responsible and accountable for the deliverables; and

(iii) Measurable objectives to be accomplished, e.g. the number of: persons to be trained and employed; houses to be built (pursuant to 24 CFR 570.207) or rehabilitated; minority owned businesses to be started, etc.

(c) *HUD Priorities.* (5 points) The extent to which your proposed application will further and support the policy priorities of HUD including:

(i) Promoting healthy homes;

(ii) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs;

(iii) Enhancing on-going efforts to eliminate drugs and crime from neighborhoods through program policy efforts such as "One Strike and You Are Out" or the "Officer or Teacher Next Door" Initiatives;

(iv) Providing educational, job training, and homeownership opportunities through such initiatives as Neighborhood Networks and Twenty/20 Education Communities (TEC) (formerly known as the Campus of Learners (COL)), and linking programs to Americorps activities; and

(v) The Partnership for Advancing Technology in the Housing (PATH) Initiative.

The *Healthy Homes* initiative implements a series of activities to protect children from home hazards such as lead-based paint, radon, fires and accidents around the home.

The *Neighborhood Networks* (NN) Initiative enhances the self-sufficiency, employability, and economic self-reliance of low-income families and the elderly living in HUD-insured and HUD-assisted properties by providing such residents with on-site access to computer and training resources.

The *Twenty/20 Education Communities (TEC)* (formerly known as the Campus of Learners (COL)) Initiative is designed to transform public housing into safe and livable communities where families undertake training in new telecommunications and computer technology and partake in educational opportunities and job training initiatives.

The *Partnership for Advancing Technology in the Housing (PATH) Initiative* is a voluntary public/private partnership that seeks to speed the creation and widespread use of advanced technologies in order to radically improve the quality, durability, energy efficiency, and environmental performance and affordability of housing. For more information, you can go to the PATH website at www.pathnet.org.

(2) *Institutionalization of Project Activities* (5 Points) The extent to which your project will result in the kinds of activities that will be sustained by the HBCU by becoming part of the mission of the HBCU. HUD will look at the HBCU's monetary commitment to continuing to work in the target area or other similar areas and to its longer term commitment of hard dollars to similar work.

(3) *Affirmatively Furthering Fair Housing* (5 Points) The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services, or lending;

(b) Promoting fair housing through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing mobility counseling.

In evaluating this factor, HUD will consider the extent to which your budget is consistent with the Work Plan and the dollars indicated on the Standard Form (SF) 424. Your budget submission must include:

(i) A budget summary covering the Federal and non-Federal share of the costs proposed by cost category (Appendix D). You should pay particular attention to accurately estimating costs, determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals. *Indirect costs must be substantiated and approved by the cognizant Federal agency or you must provide an indirect cost rate plan.* The indirect cost rate should be indicated in your budget;

(ii) A budget justification, which should be a narrative statement indicating how you arrived at your costs. When possible, you should use quotes from vendors or historical data. You must support all direct labor and salaries with mandated city/state pay scales or other documentation; and

(iii) A budget-by-activity (Appendix D) which includes a listing of tasks to be completed for each activity needed to implement the program, the overall costs for each activity, and the cost for each funding source.

You must submit at least two reasonable appraisals/estimates supplied by *qualified* entities, other than the HBCU, if you are proposing to do any of the following: acquisition of real property; clearance and demolition; rehabilitation of residential, commercial and/or industrial structures; *and/or* acquisition, construction, or installation of public facilities and improvements. You may obtain guidance for securing these estimates from the local HUD's Office of Community Planning and Development.

Rating Factor 4: Leveraging Resources (20 Points)

This factor addresses your ability to secure resources which can be combined with HUD program funds to implement the proposed activities.

In evaluating this factor, HUD will consider the extent to which you have secured firm commitments for additional resources to increase the effectiveness of your proposed activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated solely for the purpose(s) of the award you are seeking. A higher number of points will be awarded for a cash match than in-kind goods or services of the same value. The maximum number of rating points you can receive for leveraging is twenty (20). If you do not have evidence of a firm commitment you will receive zero points for this factor. Use the format in Appendix D, to respond to this factor.

Rating Factor 5: Comprehensiveness and Coordination (5 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in your community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's planning process, contact the local Community Development Agency or the local HUD Field Office.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations *before* submission in order to best complement, support and coordinate all known activities, and if funded, the specific steps you will take to share information on solutions and outcomes with others. You should describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to your proposed activities.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or on-going in the community.

VI. Application Submission Requirements

(A) *Forms, Certifications and Assurances.* Your application must contain the items listed in this Section VI. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the "standard forms"). The standard forms follow the General Section of the

SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the "non-standard forms" can be found in Appendix D to this program section of the SuperNOFA.

Forms applicable to the HBCU application are as follows:

(1) Standard Form SF–424, Application for Federal Assistance.

(2) Standard Form SF–424B, Assurances for Non-Construction Programs.

(3) Standard Form SF–4240, Assurances for Construction Programs.

(4) Form HUD–HUD–50070, Certification for a Drug-Free Workplace.

(5) Form HUD–50071, Certification of Payments to Influence Federal Transactions. If you did do any lobbying then you must also complete the Certification and Disclosure Form Regarding Lobbying (SF–LLL).

(6) Form HUD–2880, Applicant/Recipient Disclosure Update Report.

(7) Form HUD–2992, Certification Regarding Debarment and Suspension. This certification is required by 24 CFR 24.510. (The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, subgrants, or funding of any recipients, or contractors or subcontractors, during any period of debarment, suspension, or placement in ineligibility status, and a certification is required).

(8) Form HUD–2991, Certification of Consistency with the Consolidated Plan; and

(9) Form HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan. EZ/EC bonus points will only be awarded when the HBCU is located within the geographic boundaries of a HUD or Department of Agriculture EZ/EC. If applicable, you will need to indicate on this form if the college or university is located within the geographic boundaries of the EZ/EC.

(B) *Transmittal Letter.* A transmittal letter must accompany your application. Your cover letter must be signed by the *Chief Executive Officer* (usually the President or Provost) of your institution. If the Chief Executive Officer has delegated this responsibility to another official, that person may sign, but a copy of the delegation must also be included.

(C) *Letter Certifying Local Approval.* This letter certifies that the jurisdiction in which your activities will take place approve the implementation of your activities.

(D) *Application Checklist (Appendix D).*

(E) *Abstract/Executive Summary* (one page limit) describing the goals and activities of your project.

(F) *Narrative Statement Responding To the Factors For Award* (25 page limit, including tables and maps, but not including firm commitment letters, the performance narrative and progress reports). The narrative should be numbered in accordance with each factor and subfactor.

Please note that all certification forms must be signed by the authorized certifying official.

Also, HUD will not consider appendices to an application. You must submit your documentation, including firm commitment letters, the performance narrative and progress reports, with your responses to the pertinent factors in order to receive points for it.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program part, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select an alternate property; and will not acquire, rehabilitate, convert, lease, repair or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Handbook entitled "Field Environmental Review Processing for HUD Colonias Initiative Grants," issued January 27, 1998.

IX. Authority

This program is authorized under section 107(b)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(b)(3)), which was added by section 105 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989). The HBCU Program is governed by regulations contained in 24 CFR 570.400 and 570.404, and in 24 CFR part 570, subparts A, C, J, K, and O.

Appendices to the HBCU NOFA

A Field Office Community Planning and Development Directors With Historically Black Colleges And Universities Located Within Their Jurisdiction

B Historically Black Colleges and Universities Previously Unfunded By HUD During Fiscal Years 1991–2000

C Historically Black Colleges and Universities Previously Funded By HUD During Fiscal Years 1991–2000

D HBCU Application Forms

Appendix A—Community Planning and Development (CPD) Directors with Historically Black Colleges and Universities Located Within Their Jurisdiction

Harold Cole, Beacon Ridge Tower, 600 Beacon Parkway West, Suite 300, Birmingham, AL 35209–3144, 205–290–7630 ext. 1027

Anne Golnik, TCBY Tower, 425 West Capitol Avenue, Suite 900, Little Rock, AR 72201–3488, 501–324–6375

John Perry, Richard B. Russell Federal Building, 49 Marietta Street-Five Points Plaza, Atlanta, GA 30303–2806, 404–331–5001 ext. 2449

Ben Cook, 601 West Broadway, PO Box 1044, Louisville, KY, 40201–1044, 502–582–6163 ext. 214

Gregory Hamilton, Hale Boggs Federal Building, 501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, 504–589–7212 ext. 3047

Joseph O'Connor, City Crescent Building, 10 South Howard Street, 5th Floor, Baltimore, MD 21201–2505, 410–962–2520 ext. 3071

Raymond Perry, Acting, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, 313–226–7908 ext. 8055

Emily Eberhardt, Doctor A. H. McCoy Federal Building, 100 West Capitol Street, Room 910, Jackson, MS 39269–1096, 601–965–4700 ext. 3140

Ann Wiedl, Robert A. Young Federal Building, 1222 Spruce Street, Third Floor, St. Louis, MO 63103–2836, 314–539–6524

Charles T. Ferebee, Koger Building, 2306 West Meadowview Rd., Greensboro, NC 27407–3707, 336–547–4005

James Nichol, Southern Bell Tower, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, 904–232–1777 ext. 2136

Carmen R. Cabrera, New San Juan Office Building, 159 Carlos E. Chardon Avenue, San Juan, PR 00918–0903, 787–766–5576 ext. 2005

Lana Vacha, 200 North High Street, Columbus, OH 43215–2499, 614–469–5737 ext. 8240

David Long, 500 West Main Street, Suite 400, Oklahoma City, OK 73102, 405–553–7569

Joyce Gaskins, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, 215–656–0624 ext. 3201

Louis E. Bradley, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201–2480, 803–765–5564

Virginia Peck, John J. Duncan Federal Building, 710 Locust Street SW, Third Floor, Knoxville, TN 37902–2526, 865–545–4391 ext. 121

Katie Worsham, 801 Cherry Street, Fort Worth, TX 76102, 817–978–5951

John T. Maldonado, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, 210–475–6820 ext. 2293

Carlos Renteria, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, 804–278–4503 ext. 3229

Ronald J. Herbert, 820 First Street NE, Suite 450, Washington, DC 20002–4205, 202–275–0994 ext. 3163

Lynn Daniels, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2512, 412–644–2999

Jack Johnson, 909 SE First Avenue, Room 500, Miami, FL 33131–3028, 305–536–4431 ext. 2223

Appendix B—Historically Black Colleges and Universities Previously Unfunded By HUD During Fiscal Years 1991–2000

Alabama

Concordia College
Fredd State Technical College
Selma University
Trenholm State Technical College

Arkansas

Delaware

Delaware State University

Florida

Florida Memorial College

Georgia

Morehouse School of Medicine
Paine College

Louisiana

Southern University at Shreveport/Bossier City

Maryland

University Of Maryland Eastern Shore

Michigan

Lewis College of Business

Mississippi

Hinds Community College
Mary Holmes College

North Carolina

Barber-Scotia College

Ohio

Wilberforce University

Pennsylvania

Cheyney University of Pennsylvania

South Carolina

Clinton Junior College
Denmark Technical College
Morris College

Tennessee

Knoxville College
Lane College

Texas

Jarvis Christian College
Southwestern Christian College

Virginia

West Virginia

Bluefield State College

U.S. Virgin Islands

University of the Virgin Islands

Appendix C—Historically Black Colleges and Universities Previously Funded By HUD During Fiscal Years 1991–2000

Alabama

Alabama A&M University
Alabama State University
Bishop State Community College
Gadsden State Community College
J.F. Drake Technical College
Lawson State Community College
Miles College
Oakwood College
Stillman College
Talladega College
Tuskegee University

Arkansas

Arkansas Baptist College
Philander Smith College
Shorter College
University of Arkansas at Pine Bluff

District of Columbia

Howard University
University of the District of Columbia

Florida

Bethune-Cookman College
Edward Waters College
Florida A&M University

Georgia

Albany State University
Clark Atlanta University
Fort Valley State University
Interdenominational Theological Center
Morehouse College
Morris Brown College
Savannah State University
Spelman College

Kentucky

Kentucky State University

Louisiana

Dillard
Grambling State University
Southern University A & M College System at Baton Rouge
Southern University at New Orleans
Xavier University of New Orleans

Maryland

Bowie State University
Coppin State College
Morgan State University

Mississippi

Alcorn State University
Coahoma Community College
Jackson State University
Mississippi Valley State University
Rust College
Tougaloo College

Missouri

Harris-Stowe State College
Lincoln University

North Carolina

Barber-Scotia College
Bennett College
Elizabeth City State University
Fayetteville State University
Johnson C. Smith University
North Carolina A&T State University
North Carolina Central University
St. Augustine's College
Shaw University
Winston-Salem State University

Ohio

Central State University

Oklahoma

Langston University

Pennsylvania

Lincoln University

South Carolina

Allen University
Benedict College
Claflin College
South Carolina State University
Voorhees College

Tennessee

Fisk University
Lemoyne-Owen College
Meharry Medical College
Tennessee State University

Texas

Huston-Tillotson College
Paul Quinn College
Prairie View A&M University
Saint Philip's College
Texas Southern University
Texas College
Wiley College

Virginia

Hampton University
Norfolk State University
Saint Paul's College
Virginia State University
Virginia Union University

West Virginia

West Virginia State University

Appendix D

The non-standard forms, which follow, are required for your HBCU application.

BILLING CODE 4210–33–P

Application Checklist

The following checklist is provided to ensure that you have submitted all the required items for you to receive funding consideration under this competition. Please insert the appropriate page number of your submission in the box provided.

- ☐ 1. Transmittal Letter signed by the Authorized Certifying Official
- ☐ 2. Standard Form (SF) 424 Application for Federal Assistance
- ☐ 3. Application Checklist
- ☐ 4. Abstract
- ☐ 5. Narrative Statement Addressing the Factors for Award, including the Factor 4 Response Sheet, letters of commitment, and, for previously funded HBCUs, performance narrative(s) and progress reports
- ☐ 6. Budget Documents
- ☐ 7. SF-424B, Assurances - Non-Construction Programs
- ☐ 8. Form HUD-50070, Certification for a Drug-Free Workplace
- ☐ 9. Form HUD-50071, Certification of Payments to Influence Federal Transactions
- ☐ 10. SF-LLL, Certification and Disclosure Regarding Lobbying (if applicable)
- ☐ 11. Form HUD-2880, Applicant/Recipient Disclosure Update Report
- ☐ 12. Form HUD-2992, Certification Regarding Debarment and Suspension
- ☐ 13. Letter Certifying Local Approval
- ☐ 14. Form HUD-2991, Certification of Consistency with the Consolidated Plan
- ☐ 15. Form HUD-2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable, indicate on this form if the college or university is located within the geographic boundaries of the EZ/EC)
- ☐ 16. Form HUD-2993, Acknowledgment of Receipt of Application
- ☐ 17. Form HUD-2994, Client Comments and Suggestions (optional)

RESPONSE SHEET

The information requested below is to be provided by Previously-funded HBCUs only.

Applicant should duplicate this page as necessary.

Performance Narrative. The following information is to be provided for HUD HBCU grant(s). The information will be reviewed in conjunction with the two latest progress reports for the grant(s) which are also to be submitted in response to this subfactor.

The following information is requested for **each** HUD/HBCU grant that you have received since 1991.

Applicant Name _____

Grant Number _____

Grant start date (grant agreement, HUD-1044, executed) _____

Grant end date _____

Amount of HUD Grant funds awarded $ _____

Amount of HUD Grant funds expended $ _____

Balance of Grant funds to be spent $ _____

Total cost of project $ _____

Amount contributed by partners $ _____

Partner percentage of total cost _____ %

Partner Name _____

Amount Contributed $ _____

Partner Name _____

Amount Contributed $ _____

Partner Name _____

Amount Contributed $ _____

Partner Name _____

Amount Contributed $ _____

Grant Goals and Objectives

RESPONSE SHEET

Applicant Name _____

Performance Narrative. (continued)

Were / are Grant Goals and Objectives being met? Yes_____ No _____

Total number of Grant tasks _____

Total number of persons to be served by completion of this Grant _____

For the following questions, please enter a date that is no earlier than the publication date of the SuperNOFA.

Total number of Grant tasks completed as of (enter date) _____

Percentage of Grant tasks completed as of (enter date) _____

Total number of persons served as of (enter date) _____

List measurable Grant results as of	Date

Were / are Grant Target dates and Schedules being met? Yes _____ No _____

Impediments or delays in implementation encountered

Other comments:

RESPONSE SHEET

Applicant Name _____

Performance Narrative. (continued)

Total number of HUD / HBCU Grants you have received _____

Grant Number	Amount of Grant
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
Total	$ _____

Briefly describe the impact that the total amount of HUD/HBCU funds listed above have had on your community.

Budget Summary
Federal Share

Name and Address of Applicant: _____

Detailed Description of Budget

Category 1. Direct Labor Position or Individual	Estimated Hours	Rate/ Hour	Estimated Cost	Total Cost
Total Direct Labor Cost				

Category 2. Fringe Benefits	Rate	Base	Estimated Cost	Total Cost
Total Fringe Benefits Cost				

Category 3. Materials Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Materials Cost				

Budget Summary (con't.)
Federal Share

Detailed Description of Budget

Category 4. Travel a. Transportation (1) Local Private Vehicle	Mileage	Rate/ Mile	Estimated Cost	Total Cost

4. Travel a. Transportation (2) Air/Destination	Trips	Fare	Estimated Cost	Total Cost

4. Travel a. Transportation (3) Other/Item	Quantity	Unit Cost	Estimated Cost	Total Cost

4. Travel b. Per Diem or Subsistence	Days	Rate/ Day	Estimated Cost	Total Cost
Total Travel Cost				

Category 5. Equipment Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Equipment Cost				

Category 6. Consultants Type	Days	Rate/ Day	Estimated Cost	Total Cost
Total Consultants Cost				

Budget Summary (con't.)

Federal Share

Detailed Description of Budget				
Category 7. Subcontracts List individual subcontracts			Estimated Cost	Total Cost
Total Subcontracts Cost				
Category 8. Other Direct Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Other Direct Cost				
Category 9. Indirect Type	Rate	Base	Estimated Cost	Total Cost
Total Indirect Cost				
Total Estimated Costs				

Budget Summary

Non-Federal Share

Name and Address of Applicant: _____

_____

_____

_____

Detailed Description of Budget				
Category 1. Direct Labor Position or Individual	Estimated Hours	Rate/ Hour	Estimated Cost	Total Cost
Total Direct Labor Cost				
Category 2. Fringe Benefits	Rate	Base	Estimated Cost	Total Cost
Total Fringe Benefits Cost				
Category 3. Materials Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Materials Cost				

Budget Summary (con't.)

Non-Federal Share

Detailed Description of Budget

Category		Mileage	Rate/ Mile	Estimated Cost	Total Cost
4. Travel	a. Transportation (1) Local Private Vehicle				
4. Travel	a. Transportation (2) Air/Destination	Trips	Fare	Estimated Cost	Total Cost
4. Travel	a. Transportation (3) Other/Item	Quantity	Unit Cost	Estimated Cost	Total Cost
4. Travel	b. Per Diem or Subsistence	Days	Rate/ Day	Estimated Cost	Total Cost
Total Travel Cost					

Category		Quantity	Unit Cost	Estimated Cost	Total Cost
5. Equipment	Item				
Total Equipment Cost					

Category		Days	Rate/ Day	Estimated Cost	Total Cost
6. Consultants	Type				
Total Consultants Cost					

Budget Summary (con't.)

Non-Federal Share

Detailed Description of Budget

Category				Estimated Cost	Total Cost
7. Subcontracts	List individual subcontracts				
Total Subcontracts Cost					

Category		Quantity	Unit Cost	Estimated Cost	Total Cost
8. Other Direct	Item				
Total Other Direct Cost					

Category		Rate	Base	Estimated Cost	Total Cost
9. Indirect	Type				
Total Indirect Cost					
Total Estimated Costs					

RESPONSE SHEET

Applicant Name: _____

Budget-By-Activity The information that the applicant supplies on this form will be reviewed in conjunction with the narrative response and other documentation for the budget submission requirement.

Activity No.	List Activity and Tasks for Each Activity	Source of Funds: HUD HBCU Grant	Other Federal	State	Local	Private	Total
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
	Subtotal	$	$	$	$	$	$
	Costs of Administering Grant	$	$	$	$	$	$
	Percent of Total	%	%	%	%	%	%
	*Total	$	$	$	$	$	$

*Must equal amounts on SF-424.

Factor 4 Response Format

(Use this form or type on separate pages)

Applicant Name: **RESPONSE SHEET**

Factor 4 - Leveraging Resources (maximum points: **10**). The information that the applicant supplies on this form will be used in conjunction with the narrative response and other documentation to rate Factor 4.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	To Be Applied To Task No.	Commitment Letter Page No.
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
Total		$		

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HISPANIC-SERVING INSTITUTIONS ASSISTING COMMUNITIES (HSIAC)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HISPANIC-SERVING INSTITUTIONS ASSISTING COMMUNITIES PROGRAM (HSIAC)

Program Overview

Purpose of the Program. To assist Hispanic-serving institutions of higher education (HSIs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

Available Funds. Approximately $6.5 million.

Eligible Applicants: Only nonprofit Hispanic-serving institutions of higher education that meet the definition of an HSI established in Title V of the 1998 Amendments to the Higher Education Act of 1965 (Pub.L. 105–244; enacted October 7, 1998).

Application Deadline. June 1, 2001.

Match. None.

Additional Information

If you are interested in applying for funds under the Hispanic-serving Institutions Assisting Communities Program (HSIAC), please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 12:00 midnight, Eastern time, on June 1, 2001 at HUD Headquarters.

See the General Section of this SuperNOFA for specific procedures covering the form of the application submission (*e.g.*, mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of an original signed application and two copies of the application. Submit your completed application to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410. When submitting your application, please refer to HSIAC and include your name, mailing address (including zip code), and telephone number (including area code).

HUD will accept only one application per HSI campus for this program. If your institution submits more than one application, per campus, HUD will ask you to identify which application you want evaluated. Only one application may be evaluated. If you do not respond within the stipulated cure period (see Section V of the General Section of this SuperNOFA), all of your applications will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to HSIAC and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at www.hud.gov/grants.

For Further Information and Technical Assistance. You may contact Jane Karadbil of HUD's Office of University Partnerships at 202–708–1537, extension 5918. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Ms. Karadbil via email at Jane_R._Karadbil@hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov/grants.

II. Amount Allocated

Approximately $6.5 million in FY 2001 funds is being made available under this SuperNOFA for HSIAC.

The maximum grant period is 24 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested and awarded is $400,000. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you submit an application requesting more than $400,000 in HUD funds, the application will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of HSIAC is to assist HSIs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development.

(1) For the purposes of this program, the term "locality" includes any city, county, township, parish, village, or other general political subdivision of a State, Puerto Rico, or the U.S. Virgin Islands within which your HSI is located.

(2) A "target area" is the locality or the area within the locality in which your institution will implement its proposed HUD grant.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of an HSI in Title V of the 1998 Amendments to the Higher Education Act of 1965 (P.L. 105–244) are you eligible to apply. In order for you to meet this definition, at least 25 percent of the full-time undergraduate students enrolled in your institution must be Hispanic and not less than 50 percent of these Hispanic students must be low-income individuals. You are not required to be on the list of eligible institutions prepared by the U.S. Department of Education. However, if you are not, you will be required to certify in the application that you meet the statutory definition. If you are one of several campuses of the same institution, you may apply separately from the other campuses as long as your campus has a separate administrative structure and budget from the other campuses. In addition, in order to fund as many different HSIs as possible, you can only apply if you did not receive an HSIAC grant in FY 2000. If you received an HSIAC grant in FY 1999, you may reapply as long as: (1) you propose an entirely new project for a different activity;

(2) you propose a different project director; and (3) you have drawn down at least 75% of your previous grant by the application due date.

(C) *Eligible Activities.* (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant Program (CDBG) national objective and the CDBG eligibility requirements. A discussion of the national objectives can be found at 24 CFR part 570.208. There are three national objectives:

(a) Benefit to low- and moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs.

(You must ensure that of your aggregate grant expenditures under paragraphs (a), (b), and (c) above, at least 51% are for activities benefiting low- and moderate-income persons.)

You can find the regulations governing activities eligible under the CDBG program at 24 CFR part 570, subpart C, particularly §§ 570.201 through 570.206. Ineligible activities are listed at § 570.207. The CDBG publication entitled "Everything You Wanted to Know About CDBG" discusses the regulations. You can obtain a copy from the SuperNOFA Information Center. If you propose an activity which otherwise is eligible, it may not be funded if State or local law requires that it be carried out by a governmental entity.

In addition, you may not propose the construction or rehabilitation of your institution's facilities unless you can demonstrate that such activities would meet the purpose of this program to expand the role and effectiveness of an HSI in its locality. HUD will scrutinize proposed activities for eligibility. As examples of eligible and ineligible on-campus activities, rehabilitating a library for use by your students would not be an eligible activity, but rehabilitating it to convert it to a micro-business enterprise center for the community would be; or as another example, just undertaking your normal activities (*e.g.*, offering English as a Second Language classes) would not be considered eligible activities because they would not expand your role and effectiveness in community development activities. You should call Jane Karadbil at 202–708–1537, extension 5918 if you have any questions about the eligibility of any activities you may propose. You may also look at the Office of University Partnerships website at www.oup.org for summaries of last year's winners.

(2) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds, under one of the three national objectives, include, but are not limited to:

(a) Acquisition of real property;

(b) Clearance and demolition;

(c) Rehabilitation of residential structures to increase housing opportunities for low- and moderate-income persons and rehabilitation of commercial or industrial buildings to correct code violations or for certain other purposes, *e.g.*, making accessibility and visitability modifications to housing;

(d) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(e) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

(f) Relocation payments and other assistance for temporarily and permanently relocated individuals, families, businesses, and non-profit organizations where the assistance is:

(1) Required under the provision of 24 CFR 570.606 (b) or (c); or (2) Determined by your institution to be appropriate under the provisions of 24 CFR 570.606(d).

(g) Lead-based paint hazard reduction, pursuant to the CDBG regulations;

(h) Special economic development activities described at 24 CFR 570.203, including activities designed to promote training and employment opportunities;

(i) Assistance to facilitate economic development by providing technical assistance or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises.

(j) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS);

(k) Establishment of a Community Development Corporation (CDC) at the institution to undertake eligible activities. If you are proposing a Community Development Corporation (CDC) component, it may qualify for CBDO activities;

(l) Up to 15 percent of the grant for eligible public services activities including:

(i) Work study programs that meet the program requirements of the Hispanic-serving Institutions Work Study program, which can be found at 24 CFR 570.416;

(ii) Outreach and other program activities as described in the Community Outreach Partnership Centers Program section of the SuperNOFA;

(iii) Educational activities including English as a Second Language (ESL) classes, adult basic education classes, GED preparation and testing, and curriculum development of courses that will lead to a certificate or degree in community planning and development;

(iv) Job and career counseling, assessment, training, and other activities designed to promote employment opportunities, not related to special economic development activities;

(v) Capacity building for community organizations;

(vi) Social and medical services for youths, adults, senior citizens, and the homeless;

(vii) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them;

(viii) Day care services and costs for the children of students attending your institution;

(ix) Continuum of care services for the homeless;

(x) Public access telecommunications centers including Twenty/20 Education Communities (formerly known as Campus of Learners) and Neighborhood Networks;

(xi) Activities to use HUD's Partnership for Advancing Technology in Housing (PATH) technology;

(xii) Services to assist low-income students to attend college, as part of the U.S. Department of Education's Gaining Awareness and Readiness for Undergraduate Program (GEAR UP). (For more information, call 202–502–7676 or visit the U.S. Department of Education's website at www.ed.gov).

(m) Up to 20% of your grant for program administration costs related to the planning and execution of community development activities assisted in whole or in part with grant funds. Pre-award planning costs may not be paid out of grant funds.

(D) *Other Requirements.* (1) *Leveraging.* Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (*e.g.*, Americorps Programs), State, local, and/or private sources (including the applicant's own resources). These letters or documents must be dated no earlier than the date of this published SuperNOFA. Potential sources of leveraging assistance include: your own institution (for both direct and indirect costs);

Federal, State and local governments;

Housing authorities

Local or national nonprofit organizations

Banks and private businesses; foundations; and

Faith-based communities.

(2) *Employment of Local Area Residents (Section 3).* Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(3) *Labor Standards.* If you are awarded a grant, you must comply with the labor standards (Davis-Bacon) as found at 24 CFR 570.603.

(4) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), A–21 (Cost Principles for Education Institutions, and A–133 (Audits of States, Local Governments, and Non-Profit Organizations. The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http://whitehouse.gov/wh/eop/omb/html/circulars.

(5) *Nondiscrimination.* In addition to the fair housing and other civil rights assurances described under Section II (B) of the SuperNOFA General Section, you must comply with Section 109 of the Housing and Community Development Act of 1974, as amended. Implementing regulations for Section 109 are found under 24 CFR 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be rated if it is both in compliance with the requirements of the General Section of the SuperNOFA and the following additional standards are met:

(1) You must be an eligible HSI and meet the other eligibility requirements under Section III(B) of this program NOFA;

(2) Your application requests a Federal grant of $400,000 or less over the two-year grant period;

(3) There is only one application from your institution or a campus of your institution;

(4) At least one of the activities in your application is eligible.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. If this experience is found within the HSI, you will receive higher points on this factor than if you have secured this experience from consultants, contractors, and other staff outside your institution. In addition, if you demonstrate that the previous experience is for the project team from the institution proposed for this project, you will receive higher points than if the experiences are for people not proposed to work on this project. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake activities in:

(a) Outreach activities in specific communities to solve or ameliorate significant housing and community development issues;

(b) Undertaking specific successful community development projects with community-based organizations; and

(c) Providing proven leadership in solving community problems which have a direct bearing on the proposed activity.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your targeted community's Five (5) Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor.

If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, HUD Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plans, community needs analyses such as provided by the United Way, your institution, etc., and other sound and reliable sources appropriate for HSIAC. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements. To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (50 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan, the commitment of your institution to sustain the proposed activities, and your actions regarding affirmatively furthering fair housing.

(1) *Quality of the Work Plan* (35 Points) This factor includes your statement of work and budget.

(a) *Specific Services and/or Activities* (12 Points). Specifically, HUD will consider the extent to which your proposed activities will:

(i) Expand the role of your institution in its community;

(ii) Alleviate and/or fulfill the needs identified in Factor 2;

(iii) Relate to and not duplicate other activities in the target area;

(iv) Involve and empower the citizens of the target area in all stages of the proposed project (particularly through an committee, representative of the target community, to guide the project); and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and Internet technology.

(b) *Work Plan Impact* (13 Points). HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

(i) The project you propose can be completed within the two year grant period; and

(ii) The objectives are measurable (e.g., the number of loans made, the number of jobs created), result in measurable improvement to the community (e.g., fifteen more homeowners, twenty more jobs in a specific field), and how well you demonstrate that these objectives will be achieved by your proposed management plan and team and will result directly from your activities.

(c) *Involvement of the Faculty and Students* (5 Points). The extent to which your application proposes to involve your students and faculty, as part of their coursework in outreach and applied research activities. HUD's goal is to encourage you to fund activities similar to those eligible under the COPC program to be undertaken as a complement to those proposed in your HSIAC application. For more information about the COPC program, you can look at the University Partnerships Clearinghouse web site at http://www.oup.org/techassist/copc/techcopc.html.

(d) *HUD Priorities* (5 Points). The extent to which your application will further and support at least one of the following priorities of HUD:

(1) Promoting healthy homes;

(2) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs;

(3) Enhancing ongoing efforts to eliminate drugs and crime from neighborhoods through program policy efforts such as "One Strike and You Are Out" or the "Officer or Teacher Next Door" initiative;

(4) Providing educational, job training, and homeownership opportunities through such initiatives as GEAR UP, Neighborhood Networks, Twenty/20 Education Communities, and linking programs to Americorps; or

(5) HUD's Partnership for Advancing Technology in Housing (PATH) initiative.

The *Healthy Homes* initiative implements a series of activities to protect children from home hazards such as lead-based paint, radon, fires, and accidents around the home.

The *GEAR UP* initiative promotes partnerships between colleges and middle or junior high schools in low-income communities, to help teach students how they can go to college by informing them about college options, academic requirements, costs, and financial aid, and by providing support services, including tutoring, counseling, and mentoring.

The *Neighborhood Networks* initiative enhances the self-sufficiency, employability, and economic self-reliance of low-income families and the elderly living in HUD-insured and HUD-assisted properties by providing them with on-site access to computer and training resources.

The *Twenty/20 Education Community* initiative (formerly known as Campus of Learners) is designed to transform public housing into safe and livable communities where families undertake training in new telecommunications and computer technology and partake in educational opportunities and job training initiatives.

The *Partnership for Advancing Technology in Housing* (PATH) initiative is a voluntary public/private partnership that seeks to speed the creation and widespread use of advanced technologies in order to radically improve the quality, durability, energy efficiency, and environmental performance and affordability of housing. For more information, you can go to the PATH web site at www.pathnet.org.

(2) *Institutionalization of Project Activities* (10 Points). The extent to which your project will result in the kinds of proposed activities being sustained by becoming part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission; demonstrate support and involvement of the institution's executive leadership; are linked by a formal organizational structure to other units related to outreach and community partnerships; are reflected in budget and planning documents; are part of a climate that rewards faculty work on these kinds of activities through promotion and tenure; benefits students because they are part of a service learning program at your institution; and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments to faculty and staff continuing work in the target area or other similar areas and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work. If you have previously received an HSIAC grant, you must describe the progress your institution has made since you received the HSIAC grant in institutionalizing your project activities.

(3) *Affirmatively Furthering Fair Housing* (5 Points). The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(b) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside your institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's process, contact the local Community Development Agency or the local HUD field office. If you propose to work in a Community Development Block Grant (CDBG) non-entitlement jurisdiction, you will only need to address subfactors (1) and (3).

In evaluating this factor, HUD will consider the extent to which you demonstrate that you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally-funded activities, including those proposed or ongoing in the community.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 4, Leveraging, shall be selected.

HUD will not fund specific proposed activities that do not meet eligibility requirements (see 24 CFR part 570, subpart C) or do not meet a national objective in accordance with 24 CFR 570.208.

HUD reserves the right to make selections out of rank order to provide for geographic distribution of funded HSIACs. If HUD decides to use this option, it will do so only if two adjacent HUD regions do not yield at least one fundable HSIAC on the basis of rank order. If this occurs, HUD will fund the highest ranking applicant within the two regions as long as the minimum score of 70 points is achieved.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

V. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the "non-standard forms" can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424*, Application for Federal Assistance.

(B) *HUD–424M*, Federal Assistance Funding Matrix.

(C) *Application Checklist.*

(D) *Transmittal Letter*, signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official designation of signatory authority.

(E) *Abstract/Executive Summary* (one page limit) describing the goals and activities of the project.

(F) *Narrative Statement Addressing the Factors for Award.* (50 page limit, including tables, and maps, but not including any letters of commitment and budget forms) (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For FY 2001, the statement of work and the budget are now part of Factor 3, Soundness of Approach.

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. For each proposed activity, your Statement of Work must:

(a) Arrange the presentation of major related activities (e.g., rehabilitation of a child care center, provision of tutoring services), summarize each activity, identify the primary persons (as described in addressing Rating Factor 1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets a CDBG national objective.

(b) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six month intervals, up to 24 months.

(c) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of houses of be rehabilitated, the number of people to be trained, the number of minority businesses started, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(2) The budget presentation should be consistent with the Statement of Work and include:

(a) A budget by activity, using Form HUD–30004 included in the application kit and in the program area section of the SuperNOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(b) A narrative statement of how you arrived at your costs, for any line item over $5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal

agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution. Guidance for securing these estimates can be obtained from the CPD Director in your HUD field office or from your local government.

(c) A statement of compliance with the 20 percent limitation on "Planning and Administration" costs.

(3) Your narrative statement addressing the factors for award should address all factors for award. You should number the narrative in accordance with each factor and subfactor. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.)

In addressing Factor 4, for each leveraging source, cash or in kind, you must submit a letter, dated no earlier than the date of this SuperNOFA, from the provider on the provider's letterhead that addresses the following:

The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget; How the leveraging amount is to be used; The date the leveraging amount will be made available and a statement that it will be for the duration of the grant period; Any terms and conditions affecting the commitment, other than receipt of a HUD HSIAC Grant; and The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and the program area section of the SuperNOFA for a sample commitment letter.)

(G) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs.

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF-LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD–50070, Certification of Drug-Free Workplace;

(6) HUD–2992, Certification Regarding Debarment and Suspension;

(7) HUD–2991, Certification of Consistency with the Consolidated Plan; and

(8) HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable);

(H) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comment and Suggestions (HUD–2994).* If you wish to offer comments on the HSIAC NOFA of this SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VI. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Handbook entitled "Field Environmental Review Processing for HUD Colonias Initiative Grants" issued January 27, 1999.

VIII. Authority

This program was approved by the Congress under the section 107 of the CDBG appropriation for Fiscal Year 2001, as part of the FY 2001 HUD Appropriations Act. HSIAC is being implemented through this program section of the SuperNOFA and the policies governing its operation are contained herein.

Appendix A

The non-standard forms, which follow, are required for your HSIAC application.

BILLING CODE 4210-32-P

Hispanic-Serving Institutions Assisting Communities

Budget Applicant should duplicate this page as necessary.

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0198 (exp. 9/30/2002)

Activity	Year 1 Federal $	Year 1 Leveraged $	Year 2 Federal $	Year 2 Leveraged $	Total Federal $	Total Leveraged $
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Grand Totals (this page)						

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Hispanic-Serving Institutions Assisting Communities (HSIAC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the HSIAC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form HUD-30004 (12/96)

Hispanic-Serving Institutions Assisting Communities
Budget Applicant should duplicate this page as necessary.

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

Activity	Year 1 Federal $	Year 1 Leveraged $	Year 2 Federal $	Year 2 Leveraged $	Total Federal $	Total Leveraged $
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity Planning and Management						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Grand Totals (all pages)						

form HUD-30004 (12/98)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALASKAN NATIVE/NATIVE HAWAIIAN INSTITUTIONS ASSISTING COMMUNITIES (AN/NHIAC)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE ALASKA NATIVE/NATIVE HAWAIIAN INSTITUTIONS ASSISTING COMMUNITIES PROGRAM (AN/NHIAC)

Program Overview

Purpose of the Program. To assist Alaska Native/Native Hawaiian institutions of higher education (AN/NHIs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

Available Funds. Approximately $3 million, plus $1.2 million in previously unexpended funds, to be divided evenly between Alaska Native institutions of higher education (ANIs) and Native Hawaiian institutions of higher education (NHIs).

Eligible Applicants: Only nonprofit Alaska Native and Native Hawaiian institutions of higher education that meet the definitions of Alaska Native and Native Hawaiian institutions of higher education established in Title III, Part A, Section 317 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998 (Pub.L. 105–244; enacted October 7, 1998).

Application Deadline. June 1, 2001.

Match. None.

Additional Information

If you are interested in applying for funds under the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 12:00 midnight, Eastern time, on June 1, 2001, at HUD Headquarters.

See the General Section of this SuperNOFA for specific procedures covering the form of the application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of an original signed application and two copies. Submit your completed application to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410.

When submitting your application, please refer to AN/NHIAC and include your name, mailing address (including zip code) and telephone number (including area code).

For ANIs, HUD will only accept one application per campus. For NHIs, HUD will only accept one application per institution. If your institution submits more than one application per campus (for ANIs) or more than one application per institution (for NHIs), HUD will ask you to identify which application you want evaluated. Only one application may be evaluated. If you do not respond within the stipulated cure period (see Section V of the General Section of this SuperNOFA), all of your applications will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to AN/NHIAC Program and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at www.hud.gov.

For Further Information and Technical Assistance. You may call Jane Karadbil of HUD's Office of University Partnerships at 202–708–1537, extension 5918. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Ms. Karadbil via email at Jane_R._Karadbil@hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $3 million in FY 2001 funds and $1.2 million in previously unexpended funds is being made available under this SuperNOFA for AN/NHIAC. Of this amount, $2.1 million is being made available for Alaska Native institutions (ANIs) of higher education and $2.1 million is being made available for Native Hawaiian institutions of higher education (NHIs). The performance period of 24 months will commence on the effective date of the grant agreement. The maximum amount which can be requested and awarded to a particular Alaska Native institutions of higher education is $400,000. The maximum amount which can be requested and awarded for a particular Native Hawaiian institution of higher education is $2 million with each application composed of no more than five separate projects, each in a different neighborhood. Each separate project can be for no more than $400,000.

Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you are an ANI and submit an application requesting more than $400,000 in HUD funds, it will be ruled ineligible. If you are an NHI and you submit an application for more than $2 million, it will be ruled ineligible. If you are an NHI and you submit an application in which you request more than $400,000 for any one project, that particular project will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of AN/NHIAC is to assist AN/NHIs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development.

(1) For the purposes of this program, the term "locality" includes any city, county, township, parish, village, or other general political subdivision of a State within which your AN/NHI is located.

(2) A "target area" is the locality or the area within the locality in which your institution will implement its proposed HUD grant.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of either an Alaska Native institution of higher education or a Native Hawaiian institution of higher education, as contained in Title III, Part A, Section 317 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998 (Pub.L. 105–244) are you eligible to apply. If you are an Alaska Native institution of higher education, in order for you to meet this definition, at least 20 percent of your undergraduate headcount enrollment must be Alaska Native

students. If you are a Native Hawaiian institution of higher education, in order to meet this definition at least 10 percent of your undergraduate headcount enrollment must be Native Hawaiian students. You are not required to be on a list of eligible AN/NHIs prepared by the U.S. Department of Education. However, if you are not, you will be required to certify in the application that you meet the statutory definition. If you are an ANI and received a grant in FY 2000, you are not eligible to submit an application in FY 2001. If you are an NHI and received a grant in FY 2000, you are not permitted to submit an application for the same project in a different neighborhood, another project in the same neighborhood, or another project with the same project director as the project funded in FY 2000.

If you are an ANI and your institution has multiple campuses, each one is eligible to apply separately, as long as it meets the above enrollment test. You may undertake as many projects and activities as you want, as long as you do not exceed the $400,000 cap for an application. If you are an NHI, you are permitted to submit only one application, no matter how many separate campuses you have, as long as your institution meets the above enrollment test. You may undertake up to five separate projects, each in a different neighborhood, with each project requesting no more than $400,000. In your application you must describe how each project is separate and distinct; how your proposed activities relate to that project; and that each project will not rely on any part of another project for its successful completion. A project can include one or more of the eligible activities listed below. For example, if you propose a homeownership project, you might rehabilitate housing in a neighborhood, demolish some structures to create spaces for lawns, and provide a loan pool for purchasers of this housing. All these activities could still be viewed as one project. You might also undertake a job training program for welfare-to-work families by rehabilitating a warehouse and offering the job training there. These activities could also be viewed as one project. But if you proposed to create a homeownership loan program and a job training program, these activities would be viewed as two separate projects. Your institution could undertake both, but they would have to be in two different neighborhoods.

(C) *Eligible Activities.* (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant Program (CDBG) national objective and the CDBG eligibility requirements. A discussion of the national objectives can be found at 24 CFR part 570.208. There are three national objectives:

(a) Benefit to low-and moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs.

(You must ensure that of your aggregate grant expenditures under paragraphs (a), (b), and (c) above at least 51% are for activities benefiting low-and moderate-income persons).

You can find the regulations governing activities eligible under the CDBG program at 24 CFR part 570, subpart C, particularly §§ 570.201 through 570.206. Ineligible activities are listed at § 570.207. The CDBG publication entitled "Everything You Wanted to Know About CDBG" discusses the regulations. You can obtain a copy from the SuperNOFA Information Center. If you propose an activity which otherwise is eligible, it may not be funded if State or local law requires that it be carried out by a governmental entity.

In addition, you may not propose the construction or rehabilitation of your institution's facilities unless you can demonstrate that such activities would meet the purpose of this program to expand the role and effectiveness of an AN/NHI in its locality. HUD will scrutinize proposed activities for eligibility. As examples of eligible and ineligible on-campus activities, rehabilitating a library for use by your students would not be an eligible activity, but rehabilitating it to convert it to a micro-business enterprise center for the community would be; or as another example, just undertaking your normal activities (e.g., offering English as a Second Language classes) would not be considered eligible activities because they would not expand your role and effectiveness in community development activities. You should call Jane Karadbil at 202–708–1537, extension 5918 if you have any questions about the eligibility of any activities you may propose. You may also look at the Office of University Partnerships website at www.oup.org for summaries of last year's winners under the Hispanic-serving Institutions Assisting Communities program, a program very similar to this one.

(2) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds, under one the three national objectives, include, but are not limited to:

(a) Acquisition of real property;

(b) Clearance and demolition;

(c) Rehabilitation of residential structures to increase housing opportunities for low- and moderate-income persons and rehabilitation of commercial or industrial buildings to correct code violations or for certain other purposes, e.g., making accessibility and visitability modifications to housing;

(d) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(e) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

(f) Relocation payments and other assistance for temporarily and permanently relocated individuals, families, businesses, and non-profit organizations where the assistance is (1) required under the provision of 24 CFR 570.606(b) or (c); or (2) determined by your institution to be appropriate under the provisions of 24 CFR 570.606(d).

(g) Lead-based paint hazard reduction, pursuant to the CDBG regulations

(h) Special economic development activities described at 24 CFR 570.203, including activities designed to promote training and employment opportunities;

(i) Assistance to facilitate economic development by providing technical assistance or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises.

(j) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS);

(k) Establishment of a Community Development Corporation (CDC) at the institution to undertake eligible activities. If you are proposing a Community Development Corporation (CDC) component, it may qualify for CBDO activities;

(l) Up to 15 percent of the grant for eligible public services activities including:

(i) Work study programs that meet the program requirements of the Hispanic-serving Institutions Work Study program, which can be found at 24 CFR 570.416;

(ii) Outreach and other program activities as described in the Community Outreach Partnership Centers Program section of the SuperNOFA;

(iii) Educational activities including English as a Second Language (ESL) classes, adult basic education classes, GED preparation and testing, and curriculum development of courses that will lead to a certificate or degree in community planning and development;

(iv) Job and career counseling assessment, training, and other activities designed to promote employment opportunities, not related to special economic development activities;

(v) Capacity building for community organizations;

(vi) Social and medical services for youths, adults, senior citizens, and the homeless;

(vii) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them;

(viii) Day care services and costs for the children of students attending your institution;

(ix) Continuum of care services for the homeless;

(x) Public access telecommunications centers including Twenty/20 Education Communities (formerly known as Campus of Learners) and Neighborhood Networks;

(xi) Activities to use HUD's Partnership for Advancing Technology in Housing (PATH) technology;

(xii) Services to assist low-income students to attend college, as part of the U.S. Department of Education's Gaining Awareness and Readiness for Undergraduate Program (GEAR UP). (For more information, call 202–502–7676 or visit the U.S. Department of Education's website at www.ed.gov).

(m) Up to 20% of your grant for program administration costs related to the planning and execution of community development activities assisted in whole or in part with grant funds. Pre-award planning costs may not be paid out of grant funds.

(D) *Other Requirements.* (1) *Leveraging.* Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant's own resources). These letters or documents must be dated no earlier than the date of this published SuperNOFA. Potential sources of leveraging assistance include: your own institution (for both direct and indirect costs); State and local governments; housing authorities; local or national nonprofit organizations; banks and private businesses; foundations; and faith-based communities.

(2) *Employment of local area residents (Section 3).* Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(3) *Labor Standards.* If you are awarded a grant, you must comply with the labor standards (Davis-Bacon) as found at 24 CFR 570.603.

(4) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), A–21 (Cost Principles for Education Institutions, and A–133 (Audits of States, Local Governments, and Non-Profit Organizations. The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http://whitehouse.gov/WH/EOP/OMB/html/circulars.

(5) *Nondiscrimination.* In addition to the fair housing and other civil rights assurances described under Section II (B) of the SuperNOFA General Section, you must comply with Section 109 of the Housing and Community Development Act of 1974, as amended. Implementing regulations for Section 109 are found under 24 CFR 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be considered for rating and ranking if it is in compliance with both the requirements of the General Section of the SuperNOFA and the following additional standards are met:

(1) You must be an eligible Alaska Native or Native Hawaiian institution of higher education and meet the other eligibility requirements in Section III(B) of this program NOFA;

(2) If you are an ANI, you request a Federal grant of $400,000 or less over the two-year grant period; or

(3) If you are an NHI, you request a Federal grant of $2 million or less over the two year grant period composed of no more than five separate projects, each in a different neighborhood, and each of no more than $400,000.

(4) If you are an ANI, there is only one application from your institution or a campus of your institution. If you are an NHI, there is only one application from your institution, no matter how many campuses there are.

(5) At least one of the activities in your application is eligible.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. If this experience is found within the AN/NHI, you will receive higher points on this factor than if you have secured this experience from consultants, contractors, and other staff outside your institution. In addition, if you demonstrate that the previous experience is for the project team from the institution proposed for this project, you will receive higher points than if the experiences are for people not proposed to work on this project. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake activities in:

(a) Outreach activities in specific communities to solve or ameliorate significant housing and community development issues;

(b) Undertaking specific successful community development projects with community-based organizations; and

(c) Providing proven leadership in solving community problems which have a direct bearing on the proposed activity.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your targeted community's Five (5) Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor.

If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, HUD Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plans, community needs analyses such as provided by the United Way, your institution, etc., and other sound and reliable sources appropriate for AN/NHIAC. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (50 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan, the commitment of your institution to sustain the proposed activities, and your actions regarding affirmatively furthering fair housing.

(1) *Quality of the Work Plan* (35 Points).

(a) *Specific Services and/or Activities* (12 Points). Specifically, HUD will consider the extent to which your proposed activities will:

(i) Expand the role of your institution in its community;

(ii) Alleviate and/or fulfill the needs identified in Factor 2;

(iii) Relate to and not duplicate other activities in the target area.

(iv) Involve and empower the citizens of the target area in all stages of the proposed project (particularly through a committee, representative of the target community, to guide the project); and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and Internet technology.

(b) *Work Plan Impact* (13 Points). HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

(i) The project you propose can be completed within the two year grant period; and

(ii) The objectives are measurable (e.g., the number of loans made, the number of jobs created), result in measurable improvement to the community (e.g., fifteen more homeowners, twenty more jobs in a specific field), and how well you demonstrate that these objectives will be achieved by your proposed management plan and team and will result directly from your activities.

(c) *Involvement of the Faculty and Students* (5 points). The extent to which your application proposes to involve your students and faculty, as part of their coursework in outreach and applied research activities. HUD's goal is to encourage you to fund activities similar to those eligible under the COPC program to be undertaken as a complement to those proposed in your AN/NHIAC application.

(d) *HUD Priorities* (5 points). The extent to which your application will further and support at least one of the following priorities of HUD:

(1) Promoting healthy homes;

(2) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs;

(3) Enhancing ongoing efforts to eliminate drugs and crime from neighborhoods through program policy efforts such as "One Strike and You Are Out" or the "Officer or Teacher Next Door" initiative;

(4) Providing educational, job training, and homeownership opportunities through such initiatives as GEAR UP, Neighborhood Networks, Twenty/20 Education Communities, and linking programs to Americorps; or

(5) HUD's Partnership for Advancing Technology in Housing (PATH) initiative.

The *Healthy Homes* initiative implements a series of initiatives to protect children from home hazards such as lead-based paint, radon, fires, and accidents around the home.

The *GEAR UP* initiative promotes partnerships between colleges and middle or junior high schools in low-income communities, to help teach students how they can go to college by informing them about college options, academic requirements, costs, and financial aid, and by providing support services, including tutoring, counseling, and mentoring.

The *Neighborhood Networks* initiative enhances the self-sufficiency, employability, and economic self-reliance of low-income families and the elderly living in HUD-insured and HUD-assisted properties by providing them with on-site access to computer and training resources.

The *Twenty/20 Education Communities* initiative (formerly known as Campus of Learners) is designed to transform public housing into safe and livable communities where families undertake training in new telecommunications and computer technology and partake in educational opportunities and job training initiatives.

The *Partnership for Advancing Technology in Housing* (PATH) initiative is a voluntary public/private partnership that seeks to speed the creation and widespread use of advanced technologies in order to radically improve the quality, durability, energy efficiency, and environmental performance and affordability of housing. For more information, you can go to the PATH web site at www.pathnet.org.

(6) *Institutionalization of Project Activities* (10 points). The extent to which your project will result in the kinds of proposed activities being sustained by becoming part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission; demonstrate support and involvement of the institution's executive leadership; are linked by a formal organizational structure to other units related to outreach and community partnerships; are reflected in budget and planning documents; are part of a climate that rewards faculty work on these kinds of activities through promotion and tenure; benefits students because they are part of a service learning program at your institution; and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments to faculty and staff continuing work in the target area or other similar areas and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work.

(3) *Affirmatively Furthering Fair Housing* (5 points). The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(b) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside the institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's process, contact the local Community Development Agency or the local HUD field office. If you propose to work in a Community Development Block Grant (CDBG) non-entitlement jurisdiction, you will only need to address subfactors (1) and (3).

In evaluating this factor, HUD will consider the extent to which you demonstrate that you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally-funded activities, including those proposed or ongoing in the community.

(C) *Selections.* For ANI applications, each application will be reviewed and rated based on these selection criteria. For NHI applicants, each project in an application will be reviewed and rated separately. If you are an ANI, you must receive a score of at least 70 points on your application in order to be eligible for funding. If you are an NHI, you must receive a score of at least 70 points for a project in order for that project to be eligible for funding. HUD will fund applications (for ANIs) or projects (for NHIs) in rank order, until it has awarded all available funds. HUD will rank and select applications from Alaska Native institutions and Native Hawaiian institutions separately. If, within either of these two categories, two or more applications (for ANIs) or projects (for NHIs) have the same number of points, the application (for ANIs) or project (for NHIs) with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application (for ANIs) or project (for NHIs) with the most points for Factor 4, Leveraging, shall be selected. If all the funds in one category are not awarded, they cannot be transferred to the other category.

HUD will not fund specific proposed activities that do not meet eligibility requirements (see 24 CFR part 570, subpart C), or do not meet a national objective in accordance with 24 CFR 570.208.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

V. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the "non-standard forms" can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424,* Application for Federal Assistance.

(B) *HUD–424M*, Federal Assistance Funding Matrix.

(C) *Application Checklist.*

(D) *Transmittal Letter*, signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official designation of signatory authority. If you are an NHI, this letter should cover your entire application, no matter how many projects are proposed.

(E) *Abstract/Executive Summary* (one page limit for ANIs and three pages for NHIs) describing the goals and activities of the project. If you are an NHI, the abstract should cover your entire application, no matter how many projects are proposed.

(F) *Narrative Statement Addressing the Factors for Award.* (If you are an ANI, there is a 50 page limit including tables and maps, but not including any letters of commitment or budget forms.; If you are an NHI, there is a 50 page limit for each separate project, including tables and maps, but not including any letters of commitment or budget forms, with each project responding to all of the Narrative Statement Addressing the Factors for Award Requirements) (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For FY 2001, the statement of work and the budget are now part of Factor 3, Soundness of Approach.

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. For each proposed activity, your Statement of Work must:

(a) Arrange the presentation of major related activities (e.g., rehabilitation of a child care center, provision of tutoring services), summarize each activity, identify the primary persons (as described in addressing Rating Factor 1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets a CDBG national objective.

(b) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six month intervals, up to 24 months.

(c) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of houses to be rehabilitated, the number of people to be trained, the number of minority businesses started, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(2) The budget presentation should be consistent with the Statement of Work and include:

(a) A budget by activity, using Form HUD–30004 included in the application kit and in the program area section of the SuperNOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(b) A narrative statement of how you arrived at your costs, for any line item over $5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution. Guidance for securing these estimates can be obtained from the CPD Director in your HUD field office or from your local government.

(c) A statement of compliance with the 20 percent limitation on "Planning and Administration" costs.

(3) Your narrative statement addressing the factors for award should address all factors for award. You should number the narrative in accordance with each factor and subfactor. Please do not repeat material in the Statement of Work.

In addressing Factor 4, for each leveraging source, cash or in kind, you must submit a letter, dated no earlier than the date of this SuperNOFA, from the provider on the provider's letterhead that addresses the following:

- The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;
- How the leveraging amount is to be used;
- The date the leveraging amount will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD AN/NHIAC Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and the program area section of the SuperNOFA for a sample commitment letter.) If you are an NHI, you should separate your leveraging sources by project and include the appropriate letters in the Narrative Statement for that project.

(G) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs.

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF–LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD–50070, Certification of Drug-Free Workplace;

(6) HUD–2992, Certification Regarding Debarment and Suspension;

(7) HUD–2991, Certification of Consistency with the Consolidated Plan; and

(8) HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable);

(H) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comments and Suggestion Form (HUD–2994).* If you wish to offer comments on the AN/NHIAC NOFA of this SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VI. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Handbook entitled "Field Environmental Review Processing for HUD Colonias Initiative Grants" issued January 27, 1998.

VIII. Authority

This program was approved by Congress under the section 107 of the CDBG appropriation for fiscal year 2001, as part of the FY 2001 HUD Appropriations Act. AN/NHIAC is being implemented through this program section of the SuperNOFA and the policies governing its operation are contained herein.

Appendix A

The non-standard forms, which follow, are required for your AN/NHIAC application.

BILLING CODE 4210–32–P

Alaska Native/Native Hawaiian Institutions Assisting Communities

Budget Applicant should duplicate this page as necessary.

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0206 (exp. 5/31/2003)

Activity	Year 1 Federal $	Year 1 Leveraged $	Year 2 Federal $	Year 2 Leveraged $	Total Federal $	Total Leveraged $
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Grand Totals (this page)						

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the AN/NHIAC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form HUD-30005 (11/1999)

Alaska Native/Native Hawaiian Institutions Assisting Communities

Budget Applicant should duplicate this page as necessary.

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0206 (exp. 3/31/2000)

Activity	Year 1 Federal $	Year 1 Leveraged $	Year 2 Federal $	Year 2 Leveraged $	Total Federal $	Total Leveraged $
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity **Planning and Management**						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Grand Totals (all pages)						

form HUD-30005 (11/1999)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FAIR HOUSING INITIATIVES PROGRAM (FHIP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE FAIR HOUSING INITIATIVES PROGRAM (FHIP)

Program Overview

Purpose of the Program. To increase compliance with the Fair Housing Act (the Act) and with substantially equivalent State and local fair housing laws.

Available Funds. Approximately $16.5 million is allocated to three (3) Initiatives as follows:

A. Private Enforcement Initiative (PEI) $10.5 million.

B. Education and Outreach Initiative (EOI) $3.9 million.

C. Fair Housing Organizations Initiative (FHOI) $2.1 million.

Eligible Applicants. Eligibility requirements are described in detail under each of the funded Initiatives and Components, set forth below, and eligible applicants may include: Qualified Fair Housing Organizations (QFHOs); Fair Housing Enforcement Organizations (FHOs); public or private, for-profit or not-for-profit organizations or institutions, or other public or private entities that are working to prevent or eliminate discriminatory housing practices; State and local governments or their agencies; and Fair Housing Assistance Program (FHAP) agencies (as defined in Section IV of this program section).

Application Deadline. May 2, 2001.

Match: No matching funds are required for the Education and Outreach or Private Enforcement Initiatives. However, sponsored organizations under the Fair Housing Organizations Initiative (FHOI) must meet the requirements described in Section IV (D)(1)(a) below.

Additional Information

If you are interested in applying for funding under the Fair Housing Initiatives Program (FHIP), please review carefully the General Section of this SuperNOFA, the FHIP Authorizing Statute (Sec. 561 of the Housing and Community Development Act of 1987, as amended) and the FHIP Regulations (24 CFR 125.103–501).

I. Application Due Date, Further Information, and Technical Assistance

Application Due Date. You must submit completed applications for all Initiatives and Components by 12 midnight, Eastern time, on or before May 2, 2001, at HUD Headquarters, at the address shown below.

See the General Section of this SuperNOFA for specific procedures governing the method of application submission (e.g., mailed applications, express mail, overnight delivery, or hand-carried).

Address for Submitting Applications. Your application consists of an original signed application form (SF 424) and all items listed in the Checklist (See Appendix B). Submit your completed application (one original and five copies) to: FHIP SuperNOFA 2001 [Specify the Initiative/Component to which you apply], FHIP/FHAP Support Division, Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development 451 Seventh Street SW., Room 5224, Washington, DC 20410.

When you submit your application, please provide the following information at the front top left corner of the mailing envelope: your organization's name, name of contact person, mailing address (including zip code), telephone number (including area code), and fax number. Applicants for more than one Initiative or Component must submit a separate signed original and five copies for each Initiative or Component.

For Further Information and Technical Assistance. You may contact Myron P. Newry of the FHIP Division, at 202–708–0800 (this is not a toll-free number). Persons with hearing or speech impairments may contact the Division by calling 1–800–290–1617 (this is a toll-free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparing applications. For more information about the date and time of this broadcast, you should consult the HUD web site http://www.hud.gov/grants.

II. Amounts Allocated

In Fiscal Year 2001, $24.0 million was appropriated for the Fair Housing Initiatives Program. Approximately $16.5 million is being made available on a competitive basis to eligible organizations responding to this SuperNOFA. The remaining approximately $7.5 million has been designated for the National Housing Discrimination Audit 2001.

The amount available for each Initiative or Component and the award cap (the maximum amount of funds that can be awarded for each grant) are allocated as follows:

(A) *Private Enforcement Initiative (PEI).* Approximately $10.5 million is allocated; award cap is $250,000; project duration is 12 months.

(B) *Education and Outreach Initiative (EOI).* Approximately $3.9 million is allocated to the Regional/Local/Community-Based Program; award cap is $100,000; project duration is 12 months; applications will be submitted to the following Components:

(1) EOI-General Component. Approximately $3.1 million is allocated.

(2) EOI-Disability Component. Approximately $800,000 is allocated.

(C) *Fair Housing Organizations Initiative (FHOI).* Approximately $2.1 million is allocated; project duration is three years. Award caps are as follows:

Year 1: $350,000; no more than 15 percent of the award may be used by the sponsoring organization for its administrative costs,

Year 2: $350,000; no more than 15 percent of the award may be used by the sponsoring organization for its administrative costs,

Year 3: $350,000; no more than 15 percent of the award may be used by the sponsoring organization for its administrative costs.

III. Program Description; Eligible Applicants; Eligible Activities

Changes to this year's NOFA. This year's FHIP NOFA is substantially different from previous years. The project duration for PEI and EOI awards is 12 months, and three years for FHOI. No FY 2001 funds have been allocated to the EOI-National Program. The instances where the Selecting Official may exercise discretionary authority to select applications out of rank order in each Initiative or Component have been revised as well: (a) the funding diversity provision has been eliminated; and (b) the geographic diversity provision, if applied, will be used to ensure that, to the extent possible, awards from each Initiative or Component will be distributed across more states. Changes also have been made in how the applications are rated. For example, up to five points will be awarded to applications where the applicant and proposed activities are located in areas not served by a State or local agency that participates in the Fair Housing Assistance Program (FHAP). In addition, under PEI and FHOI, points will be deducted if organizations that have received FHIP funding to conduct enforcement-related activities have not complied with the program requirements regarding mandatory referrals and reimbursement of the federal government for compensation resulting from FHIP-funded enforcement activity.

Other Changes. There is no Application Kit; however, a hard copy of the Housing Counseling and this Program NOFA and necessary forms will be available from the SuperNOFA Information Center at www.HUD.gov/grants. We believe the NOFA more

clearly describes the requirements for completing a successful application; all of the forms and certifications needed to complete your application are included in the General and FHIP Sections of the SuperNOFA. [Additional clarification is provided in Appendix A, Most Frequently Asked Questions]

Bonus Points: The SuperNOFA provides for the award of up to two bonus points for eligible activities/projects that the applicant proposes be located in federally designated Empowerment Zones (EZs), Enterprise Communities (ECs), Urban Enhancement Enterprise Communities (EECs), or Strategic Planning Communities and serve the residents of these federally designated areas, and are certified to be consistent with the strategic plan of these federally designated references. (For ease of reference in the SuperNOFA, these federally designated areas are collectively referred to as "EZ/ECs" and residents of these federally designated areas as EZ/EC residents). This NOFA contains a certification which must be completed for the applicant to be considered for EZ/EC bonus points. A list of EZs, ECs, EECs and Strategic Planning Communities is available from the SuperNOFA Information Center, through the HUD web site at *http://www.hud.gov/grants*, and is included in the Appendix to the General Section of the SuperNOFA.

Court Ordered Consideration. For any application submitted by the City of Dallas, Texas, for funds under this SuperNOFA for which the City of Dallas is eligible to apply, HUD will consider the extent to which the strategies or plans in the city's application or applications will be used to eradicate the vestiges of racial segregation in the Dallas Housing Authority's low income housing programs. The City of Dallas should address the effect, if any, that vestiges of racial segregation in the Dallas Housing Authority's low income housing programs have on potential participants in the programs covered by this NOFA, and identify proposed actions for remedying those vestiges. HUD may add up to 2 points to the score based on this consideration. This special consideration results from an order to the U.S. District Court for the Northern District of Texas, Dallas, Division. (This Section is limited to applications submitted by the City of Dallas).

Program Description. The Fair Housing Initiatives Program (FHIP) assists fair housing activities that increase compliance with the Fair Housing Act (the Act) and with the substantially equivalent fair housing laws administered by state and local government agencies (FHAP agencies). All activities funded under this NOFA must support the Department's goal to increase its enforcement actions. Applications selected for funding under EOI will support this goal by developing a complaint referral process that should result in referrals to HUD of credible, legitimate fair housing claims and other information regarding discriminatory housing practices. Applications selected for funding under PEI and FHOI must support this goal by complying with the *Mandatory Referral* requirement described in Section IV.

Activities that are not eligible for funding. You are reminded to read carefully the eligibility requirements for each Initiative and Component. Although all applications selected for funding under this NOFA must contribute to HUD's enforcement goal, enforcement-related activities are not eligible for funding under EOI and there is a limit on the amount of education-related activities that can be funded in an enforcement grant (PEI or FHOI). No awardee may use FHIP funds to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation.

Underserved Populations. Immigrant populations (especially racial and ethnic minorities who are not English-speaking) are increasingly responsible for new household formations in the United States, and they often face formidable barriers because of discriminatory housing practices. Congress has recognized that where we live, perhaps more than any other factor, shapes our life prospects and who we become as individuals. It is especially important that fair housing services be directed to these immigrant populations and to the specific types of discrimination they may encounter. All applicants are encouraged to address the fair housing needs of these populations as follows:

EOI and PEI. In a tie-breaking situation, applications that list a specific example or examples of the outreach that will be conducted to advise immigrant and other underserved populations, as defined in Section IV, below, of the services offered by the project will be ranked higher than applications that do not. It is not sufficient to merely assert you will conduct outreach to these populations.

FHOI. HUD has determined that rural areas and areas with immigrant populations (especially racial and ethnic minorities who are not English speaking) are underserved. HUD has targeted for funding priority those projects which serve rural and immigrant populations that contain large concentrations of persons protected under the Act where either no public or private fair housing enforcement organization exists or the jurisdiction is not sufficiently served by one or more public or private fair housing enforcement organizations. HUD expects to select one application that covers a rural area (see definition in Section IV (17) below) and one in an area with large concentrations of individuals who fall within one or more categories protected under the Act who are immigrants (especially racial and ethnic minorities who are not English speaking).

(A) *Private Enforcement Initiative (PEI).* This Initiative assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act and substantially equivalent State and local fair housing laws. As a condition of funding, you will be required to refer to HUD all cases arising from FHIP-funded enforcement activities (see Mandatory Referrals, Section IV below).

(1) *Eligible Applicants.* Eligible applicants are fair housing enforcement organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the two years prior to the filing of this application (see, 24 CFR 125.401(b)(2) and qualified fair housing enforcement organizations (QFHOs) with at least two years of enforcement-related experience, as noted above, within the three years prior to filing this application, see 24 CFR 125.103. You must certify, in the Statement of Eligibility that you submit with this application, that your organization is an FHO or a QFHO and document in the Statement of Eligibility that your organization has the required one or two years of enforcement-related experience. If you fail to submit the completed Statement of Eligibility, your application will be declared ineligible. You are required also to submit with your application a copy of your Letter of Determination from the Internal Revenue Service (IRS) in support of your 501(c)(3) tax-exempt status. However, failure to provide this document with your application is a technical deficiency and you will have 14 days to provide the requested information (see Section V of the General Section of the SuperNOFA). If you do not provide the requested tax-exempt documentation within the prescribed timeframe, your application will be declared ineligible. You are not eligible if you are currently receiving PEI General Component funding awarded to you under a previous NOFA, and, your grant agreement expires after June 30, 2002.

Eligibility of Successor Organization. HUD recognizes that QFHOs and FHOs may merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO or FHO status upon the successor. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it establishes in the Statement of Eligibility that it is a private, tax-exempt organization with the requisite two years for a QFHO or one year experience for an FHO.

(2) *Eligible Activities* include:

(a) Complaint intake of allegations of housing discrimination, testing, evaluating testing results, or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(b) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(c) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(d) Costs and expenses of litigating fair housing cases, including expert witness fees.

(B) *Education and Outreach Initiative (EOI).* This Initiative assists projects that inform and educate the public about the rights and obligations under the Act and substantially equivalent State and local fair housing laws. Under this Initiative, you must develop a complaint referral process so that activities funded under this Initiative will result in referrals to HUD of credible, legitimate fair housing claims and other information regarding possible discriminatory housing practices. HUD is not soliciting EOI National Program applications under this program NOFA. Applications are solicited for the EOI–Regional/Local/Community-Based Program only—where activities are conducted on a regional/local/community-based level. You may submit your application as a General Component or a Disability Component, depending upon its focus. These Components are explained below.

(1) *Eligible Applicants.* Eligible applicants are QFHOs; FHOs (under this Initiative an FHO need not have engaged in enforcement-related activity for at least one year, see 24 CFR 125.103); public or private, for-profit or not-for-profit organizations or institutions and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices (this category includes entities that will be established as a result of receiving an award under this FHIP NOFA); State or local governments or their agencies; and agencies that participate in the Fair Housing Assistance Program (see the list of FHAP agencies at Appendix C). If you are a disability advocacy group or traditional civil rights organization, you are encouraged to apply under this Initiative.

(2) *Eligible Activities.* The following are eligible activities for either Component: conducting educational symposia; distributing existing fair housing materials throughout your project area; providing outreach and information on fair housing through printed and electronic media; and providing outreach to persons with disabilities and/or their support organizations and service housing providers, and the general public regarding the rights of persons with disabilities under the Act. When conducting your outreach activities, we encourage the use of existing, locally or nationally available fair housing materials; except that you may modify those existing materials in languages other than English or Braille.

Disability Component. Applications that have a special focus on the fair housing needs of persons with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Act and more fully appreciate the forms of housing discrimination that persons with disabilities may encounter, should submit their applications to the an EOI-Disability Component. Although the Component has a disability focus, the funded activities must provide education and outreach to all persons protected under the Act.

General Component. Applications for all other fair housing education and outreach activities should be submitted to the EOI-General Component.

(C) *Fair Housing Organizations Initiative (FHOI).* This Initiative provides assistance to projects that build the capacity of organizations to become viable fair housing enforcement organizations that conduct fair housing enforcement activities in underserved areas (as defined in Section IV) with large concentrations of persons protected by the Act. This is accomplished with the assistance of a sponsoring organization. It is the sponsoring organization that submits the application under this Initiative. The sponsored organization whose enforcement capacity is enhanced by funding under this Initiative, will be allowed to participate in this Initiative for three years contingent upon annual performance reviews. Funds are allocated under this NOFA for three years, and may be distributed to the sponsored organization by the sponsoring organization. The sponsoring organization may receive administrative cost as described below. HUD has targeted for funding under this Initiative, projects that will provide fair housing enforcement services to rural areas or to areas with large concentrations of individuals who fall within one or more categories protected under the Act who are immigrants (especially racial and ethnic minorities who are not English speaking).

(1) *Eligible Applicants.* Only the sponsoring organization is eligible to apply under this Initiative. The sponsoring organization must be a qualified fair housing enforcement organization (QFHO) with at least two years of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the three years prior to the filing of this application, as defined at 24 CFR 125.103. You must certify in the Statement of Eligibility that you submit with this application that your organization is a QFHO. If you fail to submit the completed Statement of Eligibility, your application will be declared ineligible. You are also required to submit a copy of your IRS tax-exempt status with your application. However, failure to provide this document with your application is a technical deficiency, and you will have 14 days to provide the requested information (see Section V of the General Section of the SuperNOFA). If you do not provide the requested tax-exempt documentation within the prescribed timeframe, your application will be declared ineligible.

Eligibility of Successor Organization. HUD recognizes that a QFHO may merge with one or more organizations. The merger of a QFHO into a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO status upon the successor organization. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will consider the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The

successor organization is not eligible to apply under this Initiative unless it can establish that it is a private, tax-exempt organization with the requisite two years experience of a QFHO.

(2) *Eligible Activities.* The proposed activities must build the enforcement capacity of the sponsored organization so that it can undertake all of the following activities by the conclusion of year three of the grant cycle:

(a) Complaint intake of allegations of housing discrimination, testing, evaluating testing results or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(b) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(c) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(D) Costs and expenses of litigating fair housing cases, including expert witness fees.

(3) *Administrative Costs for the Sponsoring Organization.* The sponsoring organization may use no more than 15 percent of the annually awarded funds to cover its costs to administer the grant.

IV. Program Requirements

(A) *Requirements For All Initiatives.* In addition to the Civil Rights Threshold requirements in Section II(B) of the General Section of this SuperNOFA, you must also meet the following requirements:

(1) All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

(2) *Performance Measures and Products.* Your application must demonstrate how your project activities will support HUD goals, identify performance measures/outcomes in support of those goals, and identify current (baseline) conditions and target levels of the performance measures that you plan to achieve. Your application also must contain a strategy for generating project products, with related timelines and milestones. If selected for funding, your final performance measures and products will be negotiated between you and HUD as part of your executed grant agreement.

(3) *Reports and Meetings on Performance Measures and Products.* You are required to report quarterly on the status of project products against your approved milestones and timelines and meet at least semi-annually with HUD to ensure that project activities satisfy grant requirements. In your final grant report, you must describe the status of performance measures in a spreadsheet format or other manner specified by the Department.

(4) *Single Award Limitation/ Preference Must Be Stated.* You may submit applications under all Initiatives and Components but you will receive only one grant with the exception that successful FHOI applicants may receive a grant award under one of the other Initiatives. If you submit more than one application for funding, you must clearly state your preference in two places in each application you submit: (i) The Transmittal Letter and (ii) the Cover Page. If you are selected for funding in more than one Initiative or Component, the Selecting Official may honor your preference if it is in the best interests of the Program. Failure to submit your preference at the time of application will be treated as a technical deficiency, which may be corrected as noted in Section V of the General Section of this SuperNOFA.

(5) *Independence of Awards.* HUD will review each application separately and without reference to other applications submitted by you or others. Although there is no limit on the number of applications that you may submit, applications must be independent and capable of being implemented without reliance on the selection of other applications submitted by you or other applicants.

(6) *Project Starting Period.* For planning purposes, assume a start date no later than September 30, 2001.

(7) *Page Limitation and Formatting Requirements.* The narrative response for each of the five Factors for Award is *limited to ten pages* per factor (this page limit does not include attachments or documents, which also should be numbered, that are required under each factor). Narrative pages exceeding the ten-page limit, including unrequested items, such as brochures and news articles, will not be considered. The text must be double-spaced, and pages must be numbered consecutively (from the beginning of the Factor 1 narrative to the end of the Factor 5 narrative). Please use Courier 12 as the typeface or font for your narrative responses. You should respond fully to each factor. Failure to provide narrative responses to all factors and omitting requested information will result in full points not being allocated under the Factors for Award, which may significantly affect your overall score.

(8) *Training Funds.* All projects, except for FHOI, are 12-month projects. Your proposed budget must set-aside funds to participate in HUD-sponsored or approved training ($3,000 for EOI and PEI; and $6,000 annually for FHOI). Requests to attend HUD-approved training must be submitted to the Governmental Technical Representative (GTR) for approval in advance of the requested training.

(9) *Payment Contingent on Completion.* Payments are contingent on the satisfactory completion of your project activities and products as reflected in your grant or cooperative agreement.

(10) *Accessibility Requirements.* All activities and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.4, 8.6, and 8.54).

(11) *Copyright Materials.* You may copyright any work that is eligible for copyright protection; however, HUD reserves the right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as outlined in 24 CFR 84.36.

(12) *Complaints Against Grantees.* Complaints from the public against FHIP grantees should be forwarded to the Fair Housing and Equal Opportunity (FHEO) Hub Director in the region where the project is located (see Appendix C for list of FHEO Hub Directors). If, after notice and consideration of relevant information, HUD concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, grant, or cooperative agreement terms or conditions or any other applicable statute, regulation or other requirement, HUD will take appropriate action in accordance with 24 CFR 84.62. Such action may include: written reprimand; consideration of past performance in ranking future FHIP applications; reimbursement to HUD of the funds received under the grant; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.

(13) *Avoiding Double Payments.* If you are awarded funds under this SuperNOFA, you (and any subcontractor or consultant) may not charge or claim credit for the activities performed under this project to any other Federal project.

(14) *Ineligible Applications.* Your application will be declared ineligible for any of the following reasons:

(a) *General Section Requirements and Procedures.* If you do not meet the Civil Rights Threshold Requirements set forth in Section II (B) of the General Section of this SuperNOFA.

(b) *Debarment and Suspension.* If you are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency.

(c) *Award Caps.* If you request funding in excess of the maximum allowed under the Initiative or Component for which you are applying. Any amount over the award cap, even if less than one dollar, will be considered excessive. In addition, inconsistencies in the amount requested and/or miscalculations that result in amounts over the award caps will be considered excessive.

(d) *Research Activities.* If your project is aimed solely and primarily at research, including but not limited to surveys or questionnaires.

(e) *Statement of Eligibility.* Your application will be declared ineligible if you fail to submit the completed Statement of Eligibility with your application.

(f) *Ineligible PEI and FHOI Applicants.* (i) If you are not a private, tax-exempt organization. You must submit a copy of the Letter of Determination from the Internal Revenue Service declaring your 501(c)(3) tax-exempt status as a tax-exempt organization, with your application. This documentation should be readable and included as an attachment to your Statement of Eligibility. Failure to submit this documentation with your application will be treated as a technical deficiency, which may be corrected as noted in Section V of the General Section of this SuperNOFA. (ii) If you do not conduct a broad-based and full-service enforcement project that addresses discrimination against all persons protected by the Fair Housing Act on the basis of race, color, religion, sex, disability, familial status, or national origin. (iii) If you are currently receiving PEI General Component funding awarded to you under a previous NOFA, and, your grant agreement expires after June 30, 2002.

(15) *Ineligible Activities.*

(a) *Fair Housing and Free Speech.* None of the amounts made available under this NOFA may be used to investigate or prosecute under the Act any activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is protected by the First Amendment to the U.S. Constitution. This includes activities engaged in for the purpose of achieving or preventing action by a government official or entity.

(b) *Suits against the United States.* No recipient of assistance under this Program may use any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

(c) *Other Litigation.* No recipient of assistance under this Program may use any funds provided by HUD to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation.

(16) *Key Personnel.* If your organization is selected for award, you must certify to HUD whether any key personnel have been convicted of a felony or crime involving fraud or perjury. In advising HUD, you must describe the type of conviction, the date entered and the penalty received and submit a copy of the report from the police or court documenting the conviction. Depending upon the facts, HUD may place special conditions upon the grant.

(17) *Definitions.* The definitions that apply to this FHIP section of the SuperNOFA are as follows:

Broad-based proposals are not limited to a single fair housing issue; instead, they cover multiple issues related to housing discrimination covered under the Act, such as: rental, sales and financing of housing. (See also Full Service Projects below).

Disability advocacy groups mean organizations that traditionally have provided for the civil rights of persons with disabilities. This would include organizations such as Independent Living Centers, and cross-disability legal services groups. Organizations must be experienced in providing services to persons with a broad range of disabilities, including physical, cognitive, and psychiatric/mental disabilities. Organizations must demonstrate actual involvement of persons with disabilities throughout their activities, including on staff and board levels.

Enforcement actions include investigations and charges issued under the Act, settlements with relief equivalent to, or greater than, what HUD would seek had a charge been issued; settlements with relief for a broad class of victims; referrals to the Department of Justice (DOJ), where it has legal authority to take further action: zoning and land use cases [42 U.S.C. 3614(b)]; pattern and practice cases (42 U.S.C. 3614(a)); requests for prompt judicial action; [42 U.S.C. 3610(e)]; and allegations of criminal violations of the Act (42 U.S.C. 3631).

Enforcement proposals are potential complaints under the Act that are timely, jurisdictional, and well-developed, that could reasonably be expected to become enforcement actions if an impartial investigation finds evidence supporting the allegations and the cases proceeded to a resolution with HUD involvement.

Fair Housing Assistance Program (FHAP) Agencies mean State and local government agencies that administer laws substantially equivalent to the Act, as described in 24 CFR part 115.

Fair Housing Enforcement Organization (FHO) means an organization engaged in fair housing activities as defined in 24 CFR 125.103.

Full-service projects must include the following enforcement-related activities in your project application: interviewing potential victims of discrimination; analyzing housing-related issues; taking in complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.

Meritorious claims mean enforcement activities by an organization as defined in 24 CFR 125.103.

Operating budget means your organization's total planned budget expenditures from all sources, including the value of in-kind and monetary contributions, in the period for which funding is requested.

Qualified Fair Housing Enforcement Organization (QFHO) means an organization engaged in fair housing activities as defined in 24 CFR 125.103.

Regional/Local/Community-Based Activities are defined at 24 CFR 125.301(a) & (d).

Rural Areas, according to the Rural Housing and Economic Development Program of Community Planning and Development (CPD), may be defined in one of five ways:

(i) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(ii) A county with no urban population (i.e., city) or 20,000 inhabitants or more; territory, persons and housing units in the rural portions of "extended cities."

(iii) The rural portions of extended cities in the United States as identified by the U.S. Census Bureau.

(iv) Open country which is not part of or associated with an urban area. The United States Department of Agriculture (USDA) describes open country as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers or canals) public parks, commercial and industrial developments, small areas reserved for

recreational purposes, and open space set aside for future development.

(v) Any place with a population not in excess of 20,000 and that is not located in a Metropolitan Statistical Area."

Traditional Civil Rights Organizations mean non-profit organizations or institutions and/or private entities with a history and primary mission of securing Federal civil rights protection for groups and individuals protected under the Act or substantially equivalent State or local laws and that are engaged in programs to prevent or eliminate discriminatory housing practices.

Underserved Areas mean jurisdictions that contain large concentrations of persons protected under the Act and where either no public or private fair housing enforcement organizations exist or the jurisdiction is not sufficiently served by one or more public or private enforcement fair housing organizations.

Underserved Populations mean individuals who fall within one or more of the categories protected under the Act and who are also: (1) Of an immigrant population (especially racial and ethnic minorities who are not English-speaking), (2) in rural populations, (3) among the homeless, and (4) among persons with disabilities who can be historically documented to have been subject to discriminatory practices not having been the focus of Federal, State or local fair housing enforcement efforts.

(B) *Additional Requirements For Private Enforcement Initiative (PEI) and Fair Housing Organizations Initiative (FHOI).*

(1) *Mandatory Referrals.* You must refer to HUD all cases arising from FHIP-funded enforcement activities. In all FHIP-funded cases where you find a basis for filing a complaint on behalf of a bona fide complainant other than your organization, you must file the complaint with HUD unless the complainant refuses, in writing, to do so. In addition to filing with HUD, a bona fide complainant may file in Federal or State Court.

(2) *Outreach Expenses.* The funds awarded for enforcement grants may be used for outreach and education activities (outreach activities) in order to promote awareness of your project's services, as follows: under FHOI, you may designate up to 10 percent of the requested funds for outreach activities; under PEI, you may designate up to 5 percent of the requested funds for outreach activities.

(3) *Tester Requirements.* Testers in your FHIP-funded testing activities must not have prior felony convictions or convictions of crimes involving fraud or perjury. All testers must receive training acceptable to HUD or be experienced in testing procedures and techniques. Testers and the organizations conducting tests, and the employees and agents of these organizations may not:

(a) Have an economic interest in the outcome of the test; however, testers retain their right to recover damages as provided by law;

(b) Be a relative related by adoption, blood, or marriage of any party in a case;

(c) Have had any employment or other affiliation, within the past year, with the person or organization to be tested; or

(d) Be a licensed competitor of the person or organization to be tested in the listing, rental, sale, or financing of real estate.

(4) *Review and Approval of Testing Methodology.* If your Statement of Work (SOW) proposes testing, other than rental testing, prior to your carrying out the testing activities, HUD reserves the right to require, as a product under the SOW, copies of the following documents to be reviewed and approved by HUD prior to your carrying out the testing activities:

(a) The testing methodology to be used, and

(b) The training materials to be provided to testers.

The testing methodology and training materials that you submit to HUD for review and approval are for enforcement purposes and will remain confidential.

(5) *Conflict of Interest and Use of Settlement Funds Certifications.*

(a) You must certify that you will not solicit funds from or seek to provide fair housing educational or other services or products for compensation either directly or indirectly to any person or organization that has been the subject of FHIP-funded testing by your organization during the 12 month period following the test. This does not preclude providing training or technical assistance that is court ordered or contained in a negotiated settlement. HUD reserves the right to negotiate with awardees additional provisions addressing potential conflicts of interest.

(b) You must reimburse the United States for FHIP-funded activities whenever you receive funds as the result of enforcement activities funded in whole or in part by the FHIP program, including testing. You must provide information about reimbursements and/or potential reimbursements in a report that you submit to HUD (see Reports below). To accomplish this, you must reimburse the United States for the FHIP-funded activities in accordance with procedures set forth in your grant or cooperative agreement. This reimbursement requirement does not apply to compensation received as a result of a judgment in State or Federal court. For example:

FHIP grant $15,000 ($10,000 which is for testing: 20 tests @ $500 each). One test results in a $15,000 conciliation. Additional expenses paid from non-FHIP funds: $100.	
Amount of reimbursement to United States:	$400.00
= $500 (Amt. of FHIP funds to conciliate)	.....
−$100 (Deduct non-FHIP funds used)	.....
Subtotal $400	.....

(6) *Reports.* You must provide reports in a format (which may be computer-generated), at a frequency and with contents specified by HUD. At a minimum, the report must include the number and basis of claims/complaints filed with HUD, a FHAP agency, or in Federal/State court and the number and terms of settlements or other outcomes achieved. In the event HUD does not prescribe a format or frequency, you will provide a narrative report within 90 days after all grant activities have ended. You do not have to produce the terms of settlements that a court or other tribunal orders be kept confidential. You will also be required to provide status reports on case referrals you have made to HUD or a FHAP agency. These reports are for enforcement purposes and will remain confidential.

(7) *Enforcement Log.* You are required to record information about the funded project in a case tracking log (or Fair Housing Enforcement Log) in a format prescribed by HUD. Such information must include: the number of complaints of possible discrimination you have received; the protected basis of these complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; the entity to which the case was referred; and the resolution and type of relief sought and received. You must agree to make this log available to HUD. This log will be considered confidential for enforcement purposes.

(C) *Additional Requirements For Education and Outreach Initiative. Complaint Referral Process:* You must develop a process for referring complaints to HUD. HUD expects this complaint referral process will result in an increased number of referrals to HUD of credible, legitimate fair housing claims and other information regarding discriminatory practices.

(D) *Additional Requirements For Fair Housing Organizations Initiative. Sponsored organization's viability and fair housing enforcement capacity.* Over the duration of the grant, the sponsored organization must demonstrate its capacity to become a viable, fair housing enforcement organization that conducts fair housing-related enforcement activities and leverages non-FHIP resources. These are the performance measures that, if not met, may result in termination of the grant, and your description for achieving these measures will be considered when evaluating your application. We will look for this description in your response to Rating Factor 3: Soundness of Approach. Specifically:

(a) Fair Housing-related enforcement activities. The sponsored organization must conduct all of these enforcement-related activities by the conclusion of year 3 of the grant: complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims. Your application must identify which activities the sponsored organization will conduct at the end of the grant year 1, 2 and 3. Your performance measures will be based upon this description, and failure to meet them may result in termination of the grant.

(b) Organizational resources. The sponsored organization must not rely exclusively on FHIP funding. At the conclusion of each grant year, the sponsored organization must show increasing support from sources other than what is awarded under this program. Specifically, at the conclusion of year 1, no less than 5% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be funded from non-FHIP funds; at the conclusion of year 2, no less than 10% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds; and at the conclusion of year 3, no less than 20% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds. Your application must state how you will meet these requirements. Your performance measures will be based upon these requirements, and failure to meet them may result in termination of the grant.

V. Application Selection Process

(A) *Rating and Ranking.* Your application for funding will be evaluated competitively against all other applications submitted under one of the following Initiatives or Components:

(1) Private Enforcement Initiative (PEI)

(2) Education and Outreach Initiative (EOI)-Regional/Local/Community-Based Program:

a. General Component (EOI–GC)

b. Disability Component (EOI-DC)

(3) Fair Housing Organizations Initiative (FHOI)

All eligible applications will be reviewed and points awarded based upon: (1) your narrative responses to the Factors for Award and (2) bonus points, if entitled. The maximum number of points to be awarded for the Factors for Award is 100. This SuperNOFA provides for the award of up to two bonus points for eligible activities/projects located in EZ/EC areas, if applicable. In addition, for applications submitted by the City of Dallas, Texas, HUD may add up to 2 more points to the score based on a special consideration from a court order as described in Section III of the General Section of this SuperNOFA). Applications with a score of seventy (70) points (bonus points are included in this score) or more will be considered of sufficient quality for funding. The Selecting Official will not select for award any application with a score below seventy (70) points. Generally, applications of sufficient quality for funding will be selected in rank order under each Initiative or Component. HUD reserves the right to select applicants out of rank order to achieve greater geographic distribution of awards under each Initiative or Component, as described in Section V (C) below. Selections under each Initiative or Component will continue to be made until either all allocated funds have been obligated or until no applications of sufficient quality remain.

(B) *Tie Breaking. PEI and EOI-General Component.* When two or more applications have the same score, HUD will rank as higher the application that lists one or more examples of the outreach it will engage in to advise immigrant (especially racial and ethnic minorities who are not English-speaking) and other underserved populations, as defined in Section IV of this NOFA, of the services offered by the project. If applying this procedure does not break the tie, the application with the higher score under Rating Factor 3: Soundness of Approach will be ranked higher. If Rating Factor 3 does not break the tie, the application with the higher score under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience will be ranked higher. If Rating Factor 1 does not break the tie, the application requesting the lower FHIP funding will be ranked higher.

FHOI. When two or more applications have the same overall score, the application with the higher score under Rating Factor 3: Soundness of Approach will be ranked higher. If this does not break the tie, the application with the higher score under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience will be ranked higher. If this does not break the tie, the application requesting the lower FHIP funding will be ranked higher.

(C) *Achieving Geographic Diversity of Awards.* HUD reserves the right to select applications out of rank order to ensure that, to the extent possible, applications from more states for each Initiative or Component are selected for funding. If the Selecting Official exercises this discretion, it shall be applied to all qualified applications (applications of sufficient quality for funding " applications that received a score of 70 or more points) in each Initiative or Component in which the Selecting Official applies geographic diversity. The geographic diversity provision will be applied as follows: when there are two or more applications of sufficient quality from the same state, the application(s) with the lower score(s) will be moved to the end of the qualified applicant queue. The applications moved to the end of the qualified applicant queue will retain their rank order.

(D) *Factors for Award Used to Evaluate and Rate All Applications.* The factors for rating and ranking applications and the maximum points for each factor are provided below. Failure to provide the required information under the appropriate Factor will result in a lower score for that Factor—for example, information in the Project Abstract, although useful for developing a project synopsis, is not considered in the evaluation of applications.

Please respond fully to each Factor for Award and, when directed, identify other sources in support of your response. The Factors for Award are set out as follows:

In general. This section applies to all applicants. Your responses to this and the In Addition section below must not exceed 10 pages per factor.

In addition. This section identifies issues to which you must respond, if required, by the particular Initiative or Component for which you are applying.

Attachments. Where certain forms or documents are required for the Initiative or Component under which you are applying, these attachments, will not be

counted toward the 10-page limit on narrative responses for each factor.

Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (20 Points)

You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period. You must also provide performance assessments conducted by your funding sources, including HUD, that have been done of your organization's performance of these activities. This performance assessment must be signed by or attached to a transmittal signed by the authorized representative of the funding source(s).

In General. HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or rely on subcontractors or consultants to perform specific tasks.

(a) (10 Points) *Number and expertise of staff (this includes subcontractors and consultants).* You must show that you have sufficient, qualified staff who will be available to complete the proposed activities. Provide the following information for all staff assigned to or hired for this project, not just key personnel (those persons identified in attachments to Rating Factor 3: Soundness of Approach):

(i) Identify, by name and/or title, all persons that will be assigned to the project. You must describe the knowledge and experience of the proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs. Indicate the percentage of time that key personnel will devote to your project. To receive maximum points, your day-to-day program manager must devote a minimum of 75% of his/her time to the project. You may demonstrate capacity by thoroughly describing your prior experience in fair housing. You should indicate how this prior experience will be used in carrying out your proposed activities. Your application must clearly identify those persons that are on staff at the time this application is filed, and those persons who will be assigned at a later date; describe each person's duties and responsibilities and their expertise (including years of experience) to perform project tasks; indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person is assigned to the project).

(ii) Attach resumes for all key personnel.

(iii) Describe the qualifications to be considered in the selection of staff who will be assigned or hired at a later date, when you expect they will begin working on the project (for example, 30 days from the execution of the grant or cooperative agreement), and how project activities will be carried out until then.

(iv) Describe the racial/ethnic diversity of project staff and the applicant's governing board. If there is no diversity, please explain.

(b) (5 Points) *Organizational experience.* In responding to this subfactor, you must show that your organization has either: (i) conducted a past project or past projects identical or similar in scope and complexity to the project proposed in this application (whether FHIP-funded or not), or (ii) engaged in activities that, although not identical or similar, are readily transferable to the proposed project. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible activities. In rating this factor, HUD will consider experience within the last 5 years to be recent, experience pertaining to the specific activities to be relevant, and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor. If the applicant organization has not engaged in projects similar to the scope and activities proposed in the application, two (2) points will be deducted.

In addition. If you are applying for funding under PEI or FHOI, provide the following information when responding to this subfactor:

(i) Respond completely to all questions in the Statement of Eligibility. For PEI, you must clearly state whether you are a QFHO or an FHO. The requested information must establish that your organization has engaged in each of the enforcement-related activities, for at least one year (if you are an FHO) or two years (if you are a QFHO). For FHOI, you must be a QFHO.

(ii) Describe the procedure you will use to ensure that testers comply with the requirements in Section IV (B) (4) of this program NOFA.

(iii) If you propose to conduct testing other than rental or accessibility testing, document that, at a minimum, you have conducted successful rental or accessibility testing. Provide a general description of when and where the tests occurred, the entities tested, and the overall results of the tests, including complaints filed and the settlements or remedies secured.

FHOI. Provide a statement of organizational capacity and experience of the sponsored organization.

In general.

(c) (5 Points) *Performance on past project(s).* You must describe your organization's past performance record in the projects you cite in the preceding sub-factor in support of your capacity and expertise to perform the project for which you are seeking funding under this NOFA. Include a description of the purpose of the past project and what was accomplished. Attach a copy of the funding entity's performance assessment/review of this project, whether FHIP-funded or not. If the past project was HUD-funded, include a copy of the most recent SF 269A, Financial Status Report.

—Indicate if complaints were filed with HUD or a FHAP agency, the number of complaints that were filed [unless you received a prior PEI or FHOI FHIP award (see (a)(i) below), this number will not be considered when evaluating this response] and provide a status report on the cases filed.

In addition.

(a) If you have received an FHOI or a PEI award under the FY 1998, 1999 or 2000 FHIP NOFA, you must:

(i) discuss your compliance with the mandatory referral requirement of all cases arising from FHIP-funded activities requirement, as described in those NOFAs. Three (3) points will be deducted for this subfactor if you have not complied with the requirement.

(ii) discuss your compliance with the requirement to reimburse the Federal government for compensation received from FHIP-funded enforcement activities. If you have not reimbursed the Federal government for such compensation, explain why you have not. Also, state whether you reported to HUD any likely compensation that may result in such reimbursement. One (1) point will be deducted for this sub-factor if you have not complied with the requirement.

Attachments. All applicants must submit: Statement of Eligibility; resumes of all key personnel; for those who have received funding for other projects, a copy of the most recent performance assessment from the funding source, if it was a HUD funded project, the most recent SF 269. In addition, FHOI, and PEI applicants must submit the Internal Revenue Service's, Letter of Determination declaring your 501(c)(3) status as a tax exempt organization.

Rating Factor 2: Need/Distress/Extent of the Problem (20 Points)

(a) (15 Points) *Documentation of Need.* You must describe the fair housing need, its urgency and how your project is responsive to that need. To justify the need for your project, you must describe the following:

(1) The fair housing need, including:

(a) Geographic area to be served;

(b) Populations protected by the Act that will be served—your project must serve all persons protected by the Act; and

(c) The presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status, or disability and submit data and studies that support this indication.

(2) The urgency of the identified need. For example:

(a) The consequences to persons protected by the Act if your application is not selected for funding;

(b) Whether other fair housing public or private agencies or organizations provide the services identified in your application;

(3) Other sources that support the need and urgency for this project. For example, use reports, statistics, and other data sources that are sound and reliable, including but not limited to, HUD or other Federal, state or local government reports analyses, relevant economic and/or demographic data, including those that show segregation, foundation reports and studies, news articles, and other information that relate to the identified need. Chapter V of the *Fair Housing Planning Guide, Vol. 1* has other suggestions for supporting documentation. You may access the Guide from the HUD web at "www.hud.gov." If the proposed activity is not covered under the scope of the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI), you should so indicate, and use other sound data sources to identify the level of need and the urgency in meeting the need. If your application addresses needs that are identified in the AI, you will receive more points than applicants that do not relate their program to the identified needs. For you to receive maximum points for this factor, there must be a direct relationship between your proposed activities, community needs, and the purpose of the program funding.

To the extent possible, the data you use should be specific to the area where the proposed activity will be carried out. You should document needs as they apply to the area where activities will be targeted, rather than the entire locality or state. If the data presented does not specifically represent your target area, you should discuss why the target areas were proposed.

(4) The link between the need and your proposed activities:

(a) how the proposed activities augment or improve upon on-going efforts by public and private agencies, organizations and institutions in the target area, and/or why, in light of other on-going efforts, the additional funding you are requesting is necessary.

In addition, with respect to (a) Documentation of Need, the following apply to specific FHIP Initiatives or Components:

EOI-Disability Component. Your project must serve all persons protected by the Act. However, your project may, in addition, focus on the need to inform persons with disabilities, housing providers and the public about the rights and obligations under the Act so that these persons more fully appreciate the forms of housing discrimination that those with disabilities may encounter.

PEI and EOI-General Component. If you intend to conduct outreach and inform immigrant [especially racial and ethnic minorities who are not English-speaking) and other underserved populations of the services being offered by the project, please identify the underserved population and list one or more examples of the outreach you will conduct.

FHOI. HUD has targeted for funding under this Initiative, projects that will provide fair housing enforcement services to rural areas or to areas with large concentrations of individuals who fall within one or more categories protected under the Act who are immigrants (especially racial and ethnic minorities who are not English-speaking). Although HUD has targeted these areas, you are still required to justify the need for the sponsored organization by: (i) Demonstrating the presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status, or disability and submit data and studies that support your claim; and (ii) explain why the project area is underserved and why the proposed sponsored organization is needed.

(b) (5 Points) *Underserved Areas.* Up to five points will be awarded when the applicant *and* project area are not served by a State or local FHAP agency. In instances where the applicant is located in an area not served by a FHAP agency but the project activities are conducted in various geographic areas, some that are not served by a State or local FHAP agency, points will be awarded as follows:

5 points will be awarded if more than 80% of the activities are conducted in areas not served by a State or local FHAP agency.

4 points will be awarded if more than 60% but less than 80% of the activities are conducted in areas not served by a State or local FHAP agency.

3 points will be awarded if more than 40% but less than 60% of the activities are conducted in areas not served by a State or local FHAP agency.

2 points will be awarded if more than 20% but less than 40% of the activities are conducted in areas not served by a State or local FHAP agency.

1 point will be awarded if less than 20% of the activities are conducted in areas not served by a State or local FHAP agency.

You must indicate whether (a) you are located in an area that is served by a State or local FHAP agency (see Appendix C for a list of FHAP agencies); (b) the activities you propose will be conducted in a project areas served by a State or local FHAP agency; and (c) explain why the project area is underserved and/or why the proposed organization or activity is needed.

Attachments. None required.

Rating Factor 3: Soundness of Approach (40 Points)

You must describe your project in detail, demonstrate how your project activities will support HUD goals, propose suggested performance measures/outcomes in support of these goals, and identify current baseline conditions and target levels of the performance measures that you plan to achieve. Also attach a Statement of Work (SOW) and budget. Your proposed activities must support HUD's goal to substantially increase the number of enforcement actions.

(5 Points) *Describe Project.* Describe in broad terms the design and objectives of your project and your plan for accomplishing those objectives. Please discuss the following:

(i) Project purpose.

(ii) Persons to be served.

(iii) Geographic area to be served.

(iv) Proposed activities and who will conduct these activities, you or a subcontractor(s) or consultant(s).

(v) The methodology you will use to carryout these activities and tasks.

Information Requirements. Your application must include a description of the enforcement proposals to be referred to HUD to increase enforcement actions. Your description must explain the information you intend to collect and analyze, the type of complaints you anticipate referring to HUD for enforcement purposes, and describe the procedure you will implement for referring such complaints. If you

propose a testing program, you must explain how you plan to structure the tests, train investigators, conduct investigations, etc. This description should make clear the safeguards to be used to ensure that complaints referred to HUD for enforcement action are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated. Describe the procedures you will put in place to ensure that referrals of all complaints are sent to HUD. Failure to provide this description will result in reduced points for this subfactor.

In addition. If you apply under the:

EOI. Enforcement-related activities are not eligible for funding. Describe how activities or final products can be used by other organizations and agencies.

PEI/FHOI. You may conduct limited outreach activities (5% for PEI and 10% for FHOI), as described in Section IV (B) (2). This must be reflected clearly in your SOW and Budget. In general.

(b) (5 Points) *Describe Budget and Financial Controls.* HUD will also assess the soundness of your approach by evaluating the quality, thoroughness, and reasonableness of the budget and financial controls of your organization, including information on your proposed program cost categories. As part of your response, you must prepare a budget that: (1) Is reasonable and cost-effective in achieving the goals identified in your proposed SOW; (2) relates tasks in the SOW to the proposed budget costs; (3) is cost-effective in achieving its anticipated results, as well as in achieving significant impact on fair housing; and (4) documents and justifies all cost categories in accordance with the cost categories indicated in the Budget Narrative Workplan that is discussed in more detail in (a) through (k) below:

Management of project over grant period.

Cost Effectiveness of Program. Discuss and provide supportive facts concerning the extent to which your proposed program is cost effective in achieving the anticipated results of the proposed activities. Also, indicate how the proposed project will achieve a significant impact on the community.

Financial Management Capacity. Identify and provide documentation to support your organization's financial management system. In addition, provide documentation about your capabilities in handling financial resources and maintenance of an adequate accounting and internal control procedures.

FHOI. Provide a statement of transfer of programmatic and management responsibilities from the sponsoring to sponsored organization by the end of grant year 3.

(c) (5 Points) *Describe Support of HUD Goals.* In addition. If you are applying under the:

EOI. Describe the elements of the complaint referral process you will develop as a task under this grant. Explain how the process will result in an increased number of referrals to HUD of credible, legitimate fair housing claims and other information regarding discriminatory practices.

FHOI. Over the course of the grant, the sponsored organization must conduct fair housing-related enforcement activities and leverage non-FHIP resources. These are the performance measures that, if not met, may result in termination of the grant, and your description for achieving these measures will be considered when evaluating your application. Specify:

1. *Fair Housing related enforcement activity.* The sponsored organization must conduct all of these enforcement related activities by the conclusion of year 3 of the grant: complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims. Your application must identify which activities the sponsored organization will conduct at the end of the grant year 1, 2 and 3. Your performance measures will be based upon this description, and failure to meet them may result in termination of the grant.

2. *Organizational resources.* The sponsored organization must not rely exclusively on FHIP funding. Your application must show that at the conclusion of each grant year, the sponsored organization is leveraging non-FHIP resources. Specifically, at the conclusion of year 1, no less than 5% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds; year 2, no less than 10% of the funds supporting the sponsored organization's fair housing enforcement related activities must be from non-FHIP funds.

PEI/FHOI. Describe a procedure to ensure that referrals of all complaints are made as required by this NOFA. Your description should include safeguards to ensure that referred complaints are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated.

(d) (5 Points) *Proposed Performance Measures and Products.* Identify and discuss the specific methods and measures you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document and report the information. The more descriptive and illustrative your plan is for documenting and providing this information, the greater the number of points you will receive. You should: identify current (baseline) conditions and set appropriate target levels and milestones with timelines for such performance measures and proposed products. FHIP funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

Attachments.

(e) (10 Points) *Proposed Statement of Work (SOW), and Financial Management and Audits Information.* The Statement of Work and budget are attachments that will not count toward the 10-page limit on the narrative response to this factor. However, points will be assigned based on the quality and accuracy of the SOW and budget.

Statement of Work—Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should identify all activities and tasks to be performed and by whom (i.e., you or a sub-contractor), and the products that will be provided to HUD and when. The tasks identified in the SOW should be related to the proposed budget costs reflected in the budget.

(f) (10 Points) The Budget Form and the Budget Information—Non-Construction Programs SF–424A, must show the total cost of the project and indicate other sources of funds that will be used for the project. While the costs are based only on estimates, the budget narrative work plan must include information such as quotes obtained from various vendors, or you may rely on historical data. Applicants must round all budget items to the nearest dollar.

A written budget narrative must accompany the proposed budget. It must explain and attach back-up documentation for each cost category. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three (3) sources. Where there are travel costs for subcontractors/consultants, you must show that local subcontractors/consultants are not available and that the combined travel costs (per diem rates should be consistent with Federal Travel Regulations) and rates and fees of the out-of-town subcontractors/consultants do not exceed the rates and fees charged by local subcontractors and consultants.

(a) *Direct Labor—by position or individual,* specify the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(b) *Fringe Benefits—by staff position,* identify the rate, the salary base on which the rate was computed, estimate the cost per position, and the total estimated fringe benefits cost;

(c) *Material Costs—indicate the item,* unit costs per item, the number of items to be purchased, estimated cost per item, and the total estimated material costs;

(d) *Transportation Costs*—where use of a local private vehicle is proposed, costs must indicate the proposed number of miles (travel costs should be consistent with Federal Travel Regulations), rate per mile of travel identified by item, and estimated total private vehicle costs. Where air transportation is proposed, costs should identify the destination(s), number of trips per destination, estimated air fare and total estimated air transportation costs. If other transportation costs are listed, you should identify the other method of transportation selected, the number of trips to be made and destinations, the estimated costs, and the total estimated costs for any other transportation costs.

(e) Per diem—you must identify per diem or subsistence costs per travel day, the number of travel days, and the estimated costs for per diem/subsistence which should total estimated transportation costs. You must use the Federal Travel Regulation for per diem rate for cities listed under "Transportation Costs" in your costs estimates.

(f) Equipment charges—must identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(g) Consultant Costs—indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(h) Subcontract Costs—identify each proposed subcontract and amount (each proposed subcontract must include a separate budget that identifies proposed costs by cost categories). [In addition, your project budget should include any costs related to subcontract(s) with the FHAP agencies and disability advocacy and/or traditional civil rights organizations that account for activities related to the subcontractor's role in the project.] Your application must include a separate detailed budget for each subcontract.

(i) Other Direct Costs—listed by item, quantity, unit costs, total for each item listed, and total direct costs for the award; and

(j) Indirect Costs—should identify your approved indirect cost rate base to which the rate applies and total indirect costs. If you do not have an accepted, Federally negotiated indirect cost rate, you may use direct cost for all of your program costs. Alternately, you may develop a proposed indirect cost rate in accordance with Office of Management and Budget (OMB) Circular A–122, Cost Principles and Procedures for Non-Profit Organizations, and provide supportive documentation on this calculation.

(k) Audit Information—You must submit a certification from an Independent Public Accountant or your cognizant government auditor, stating that the financial management system you employ meets prescribed standards for fund control and accountability required by: OMB Circular A–133, Audits of States, Local Governments and Non-Profit Organizations; OMB Circular A–110 (as codified at 24 CFR part 84), Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and other Non-Profit Organizations; and/or OMB Circular A–102 (as codified at 24 CFR part 85) Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally-Recognized Indian Tribal Governments. This information must contain the name and telephone number of the Independent Auditor, cognizant Federal auditor, or other audit agency, as applicable.

Include All Tasks Shown On This Form

Statement of Work For _____

The applicant, _____, agrees to undertake the following activities in accordance with its FY 2001 application for funding under the _____ Initiative _____Component (if applicable) for a__-month project commencing_____, 2001 in the geographic area of _____. For FHOI, provide a timetable for transfer of activities/responsibilities from the sponsoring to the sponsored organization.

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ADMINISTRATIVE ACTIVITIES

Activities	Tasks	Submitted by	Submitted to
1.	.....	.....	GTR/GTM
2.	.....	.....	GTR/GTM
3.	.....	.....	GTR/GTM
4.	.....	.....	GTR/GTM
5.	.....	.....	GTR/GTM
6. Complete HUD–2880 Disclosure Statements.	Submit Disclosure Statement. If no changes occur, submit statement of no change with final report.	When changes occur	GTR/GTM
7. Complete SF–269A Financial Status Report and Written Quarterly Status Reports on All Activities.	Submit SF–269A and Copy of Written Report	Quarterly	GTR/GTM
8. Voucher for Payment	Submit payment request to LOCCS	Per Payment Schedule.	GTR/GTM
9. Complete Listing of Current or Pending Grants/Contracts/Other Financial Agreeemnts.	Submit Listing for Recipient and any contractors.	45 Days and At end of Grant.	GTR/GTM
10. Prepare summary of First Year (24 month grants).	Submit summary of first year accomplishments.	395 days	GTR/GTM

ADMINISTRATIVE ACTIVITIES—Continued

Activities	Tasks	Submitted by	Submitted to
11. Prepare and Submit Draft of Final Report	Submit Draft of Report. Report Summary should include objectives, accomplishments and results. Complaint and testing activities should summarize data on complaints received and tests conducted by basis and issue and outcomes including Number of credible, legitimate Complaints Filed with HUD, State or local Fair Housing Agency, Department of Justice or Private Litigator; and Types of Relief/Results..	One month before end of grant term..	GTR/GTM
12. Complete Final Report and Provide Copies of All Final Products Not Previously Submitted.	Submit a copy of the Final Report and All Final Products not previously submitted to GTR and GTM..	Within 90 days after end of grant term..	GTR/GTM
13. Submit 2 copies of Final Report and all Final Program Products produced under the Grant (with diskette, where feasible) to HUD..	Activities and database entry sheet(s) to HUD. Copy of HUD database entry sheet(s) or detailed description of items submitted to GTR and GTM.	Within 90 days after end of grant term..	GTR/GTM

KEY PERSONNEL

Title Name

Activities	Tasks	Submitted by	Submitted to
1. Contact HUD and/or other information sources to obtain any appropriate materials prior to development of new materials.	List of materials requested	90 days	GTR/GTM. Submit one copy of all final products to HUD
2. Review/refine referral process to refer potential victims to HUD, DOJ, a state or local agency, or a private attorney.	Copy of Referral Process. All audit-based enforcement actions should be referred to HUD.	45 days	GTR/GTM
3. Intake and process complaints, including testing and referral. Complete Enforcement Log which details complaints received; dates; the protected basis of these complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; to whom the case was referred; and resolution/type of relief sought and received. (PEI and FHOI PROJECTS ONLY).	Submit copy of Enforcement Log and a Report on number of enforcement proposals referred to HUD.	Quarterly	GTR/GTM
4. Non-rental Testing methodology and tester training must be received/approved by HUD.	Submit testing methodology and tester training to HUD for review and approval.	60 days	GTR/GTM GTR/GTM GTR/GTM GTR/GTM GTR/GTM GTR/GTM GTR/GTM GTR/GTM GTR/GTM GTR/GTM GTR/GTM GTR/GTM

If you have a Federally negotiated indirect rate, you should use that rate as the appropriate base in this section. In all other instances, you should include your current overhead rate, if any, which has been tailored to your organization's operating budget. The rate and base used here is illustrative only.

BUDGET NARRATIVE WORKPLAN FORMAT

Name of Organization: _____ Budget Period: _____ months

Position or individual	Estimated hours	Rate per hour	Estimated cost	Federal cost	In-kind cost
		$	$	$	$

BUDGET NARRATIVE WORKPLAN FORMAT—Continued

Name of Organization: _____ Budget Period: _____ months

Position or individual	Estimated hours	Rate per hour	Estimated cost	Federal cost	In-kind cost
		$ $ $	$ $ $	$ $ $	$ $ $
Total direct labor		$		$	$
Fringe benefits	**Rate**	**Base**	**Estimated cost**	**Federal cost**	**In-kind cost**
F.I.C.A.		$	$	$	$
Unemployment Insurance [1]		$	$	$	$
Health Insurance [2]		$	$	$	$
Workers Compensation [1]		$	$	$	$
Total fringe benefits		$		$	$
Materials	**Quality**	**Unit cost**	**Estimated cost**	**Federal cost**	**In-kind cost**
		$ $ $ $	$ $ $ $	$ $ $ $	$ $ $ $
Total materials		$		$*	$
Local travel	**Mileage/ fare**	**Rate/mile**	**Estimated cost**	**Federal cost**	**In-kind cost**
		$ $	$ $	$ $	$ $
Subtotal local travel		$		$	$

* Materials/Equipment prices must be supported by vouchers/cash register receipts of same or similar item or lease quotes from vendor at time of budget negotiation.
[1] Rates may vary by State.
[2] Rates may vary by organization.

Air travel destination	Number of travelers	Roundtrip fare	Estimated cost	Federal cost	In-kind cost
	$	$	$	$	$*
Subtotal air travel		$		$	$
Other travel items	**Quantity**	**Unit cost**	**Estimated cost**	**Federal cost**	**In-kind cost**
		$ $	$ $	$ $	$ $
Subtotal other travel		$		$	$
Per diem subsistence	**Number of travelers**	**Number of days/rate per day**	**Estimated cost**	**Federal cost**	**In-kind cost**
		$	$	$	$
Per diem subsistence		$		$	$
Total travel		$		$*	$
Equipment	**Quantity**	**Unit cost**	**Estimated cost**	**Federal cost**	**In-kind cost**
		$ $ $	$ $ $	$ $ $	$ $ $
Total equipment costs		$		$**	$

Air travel destination	Number of travelers	Roundtrip fare	Estimated cost	Federal cost	In-kind cost
Consultants	Days	Rate per day	Estimated cost	Federal cost	In-kind cost
		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
Total consultants		$		$***	$

* All travel must be grant related and rates cannot exceed the Federal rate.
** Lease/purchase of equipment must be supported by three quotes at time of budget negotiation.
*** Daily rate cannot exceed $406 per day unless waiver is obtained from Grant Officer.

Subcontracts	Rate/service	Quantity	Estimated cost	Federal cost	In-kind cost
			$	$	$
Total subcontracts		$		$*	$

Other direct	Quantity	Unit cost	Estimated cost	Federal cost	In-kind cost
		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
Total other direct		$		$	$

Indirect	Rate	Base	Estimated cost	Federal cost	In-kind cost
	**		$	$	$
Total indirect		$		$	$

	Total estimated cost	Total federal cost	Total in-kind cost
Total costs	$	$	$
Amount to enter on Form 424 funding matrix	$	$	$

* When individual subcontract fees exceed 10% of your grant amount, an itemized budget is required.
** If you have a Federally negotiated indirect rate, you should use that rate as the appropriate base in this section. In all other instances, you should include your current overhead rate, if any, which has been tailored to your organization's operating budget. The rate and base used here is illustrative only.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure additional community resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources.

(10 Points) Firm Commitment of Leveraging. HUD encourages you to secure resources from sources other than what is requested from this program. Community resources may include funding or in-kind contributions, such as work space or services or equipment, allocated to the purpose(s) of your proposal. Resources may be provided by governmental entities (including other HUD programs), public or private non-profit organizations, for-profit private organizations, or other entities willing to work with you. In order to secure points you must establish leveraging of community resources by providing letters of firm commitment from the organizations and/or individuals who will support your project. Each letter of firm commitment must: (i) Identify the organization and/or individual committing resources to the project, (ii) identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 3), and (iii) describe how these resources will be used as part of your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the dollar value of those resources. No points will be awarded for general letters of support endorsing the project from organizations and/or individuals (including elected officials) in your community. The commitment is firm if the offerer conditions it on the making of an award under this program NOFA.

If your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned based on the following scale:

Two points will be awarded if your project will be supported by non-FHIP funds, but those funds are less than 5% of the project's total costs are from non-FHIP funds.

Four points will be awarded if more than 5%, but less than 10% of the project's total costs are from non-FHIP funds.

Six points will be awarded if more than 10% but less than 20% of the project's total costs are from non-FHIP funds.

Eight points will be awarded if more than 20% but less than 30% of the project's total costs are from non-FHIP funds.

Ten points will be awarded if more than 30% of the project's total costs are from non-FHIP funds.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinate your activities with other organizations in the project area, participate or promote participation in the project area's Consolidated Planning process (including Analysis of Impediments to Fair Housing Choice), and create linkages with other activities in the community. In other words, to what extent are you working with others to address community needs in your project area. In evaluating this factor, HUD will consider the extent to which you demonstrate:

(a) (5 points) *How your proposed activities are linked to and coordinated with activities of other organizations in the target community.* This includes a discussion of how FHIP-funded activities will augment and improve on-going efforts by public and private agencies, organizations, and institutions in the target area. Describe in your proposal how your project activities will be coordinated with organizations in your project area, and linked with:

(i) Other proposed or on-going HUD-funded program activities;

(ii) Other proposed or on-going State, Federal, local or privately-funded activities which, taken as a whole, support and sustain a comprehensive system to address the purpose of these programs; and

(iii) Other activities undertaken to address barriers to housing choice identified in the Consolidated Plan's Analysis of Impediments to Fair Housing Choice.

In addition, describe how you will participate in, and/or promote participation in the project area's Consolidated Planning process.

(b) (5 points) *Outreach activities to promote awareness of project activities.* This includes (i) a discussion of how your methods or approaches will ensure that project activities and materials are made available to local groups and organizations, (ii) identification of such groups and organizations in your project area, and (iii) an explanation of how your project will promote coordination with various groups or organizations in your project area. At a minimum, your application should discuss procedures you will use to promote awareness of the services provided by your proposal.

(F) *Applicant Notification and Award Procedures.*

(1) *Notification.* No information will be available to you during the period of HUD evaluation, which begins on the closing date of this program NOFA and lasts approximately 90 days thereafter, except to advise you, in writing or by telephone, if HUD determines that your application is ineligible or has technical deficiencies which may be corrected as described in Section V of the General Section of the SuperNOFA. Selections will be announced by HUD when the evaluation and selection process is completed. HUD will also advise applicants who were not selected of the scores they received. HUD will not release the names of applicants or their scores to third parties. Selections do not become final until final negotiations with HUD are successfully concluded.

(2) *Negotiations.* If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative or grant agreement. HUD will follow the negotiation procedures described at Section III of the General Section of the SuperNOFA. The selection is conditional and does not become final until the negotiations between the applicant and the Department are successfully concluded and the grant or cooperative agreement is executed. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application, the Project Director. HUD will not negotiate with any third party (i.e, a subcontractor, etc.)

(3) *Funding Instrument.* HUD expects to award a cost reimbursable or fixed-price cooperative or grant agreement to each applicant selected for award. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate.

(4) *Adjustments to Grant Amounts.* As provided in Section III of the General Section of the SuperNOFA, HUD may approve an application for an amount lower than the amount requested, fund only portions of your application, withhold funds after approval, and/or require that special conditions be added to your grant agreement, in accordance with 24 CFR 84.14, the requirements of this SuperNOFA, or where:

(a) HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;

(b) An ineligible activity is proposed in an otherwise eligible project;

(c) Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option;

(d) The past record of key personnel warrants special conditions, or

(e) The Selecting Official determines it is in the best interests of the Program.

(5) *Performance Sanctions.* A grantee or subcontractor failing to comply with the procedures set forth in its grant agreement will be liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any Federal agency.

VI. Application Submission Requirements

In addition to the forms, certifications and assurances required of applicants to all HUD programs, which can be found at Section II of the General Section of the SuperNOFA, you must submit with each FHIP application, the forms, certifications and assurances described below and found at Appendix B.

In general.

When applying under any Initiative or Component you must submit the following:

(A) *Transmittal Letter.* Your transmittal letter must identify: (1) The dollar amount requested, (2) the specific FHIP Initiative, or in the case of EOI, the specific Component (General or Disability), for which you are applying, and (3) your preference for selection, if you are applying to more than one Initiative or Component.

(B) *Narrative Statement.* Respond completely to each of the five Factors for Award. Failure to provide the required information in the appropriate Factor will result in a lower score for that Factor—for example, information in the Project Abstract, although useful for developing a project synopsis, will not be considered when evaluating applications. The narrative responses must not exceed 10 pages per factor (required attachments are not counted); text must be double-spaced and pages numbered consecutively (starting with Factor 1 through the end of Factor 5). Please use Courier 12 as the typeface or font for your narrative responses.

Listed below are requirements by Factor:

Award Factor 1: Capacity of Applicant and Relevant Organizational Experience—Statement of Eligibility; Performance Assessments/Evaluation of Past Projects, and if HUD funded, the SF 269a, PEI and FHOI Applicants:

(1) *Testing Experience.* You must document your prior testing experience (see Factor 1: Capacity of the Applicant and Relevant Organizational Experience), and

(2) *Letter of Determination from IRS* of your 501(c)(3) tax-exempt status.

Award Factor 2: Need/Distress/Extent of the Problem.

Submit data and studies that indicate the presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status or disability, and explain why the project area is underserved and why the proposed organization is needed.

Award Factor 3: Soundness of Approach—Statement of Work, Budget Form(s), Budget Narrative. You must submit a certification from an Independent Public Accountant or your cognizant government auditor on your financial management and audit information. In addition, you must describe the information you intend to collect and analyze, the type of complaints you anticipate referring to HUD for enforcement purposes, and describe the procedure you will implement for referring such complaints.

In addition:

Depending upon the Initiative or Component for which you are seeking funding, you must respond to the following points in your narrative responses:

(C) EOI Applicants:

(1) You must describe the elements you will use to develop the process for referring fair housing complaints to HUD.

(D) FHOI Applicants

(1) The sponsored organization must conduct all of these enforcement-related activities by the conclusion of year 3 of the grant: complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims. The application must specify which activities will be conducted in year 1, year 2, and year 3. Even though HUD has targeted for award projects that assist rural and immigrant populations, you must explain why the proposed fair housing enforcement organization is needed.

(2) Performance Measures. You must address the following:

(a) The sponsored organization's capacity to become a viable, fair housing enforcement organization that conducts fair housing related enforcement activities and leverages non-FHIP resources.

(b) That the sponsored organization will meet the required performance measures for sponsored organizations and how these measures will be achieved.

Award Factor 4: Leveraging Resources—Letter(s) of Firm Commitment.

Award Factor 5: Comprehensiveness and Coordination—No Attachments Required.

VII. Corrections to Deficient Applications

Section V of the General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(3), (4), (9), (12), and (13) of HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under related laws and authorities.

IX. Authority

Section 561 of the Housing and Community Development Act of 1987, as amended, (42 U.S.C. 3616) established the Fair Housing Initiatives Program (FHIP)) and the implementing regulations are found at 24 CFR part 125.

Appendix A—Frequently Asked Questions

Q. In previous years, FHIP applicants were not required to submit the Certification of Consistency with the Consolidated Plan, is the Certification required this year?

A. Yes.

Q. Where can I find a copy of the Application Kit?

A. There will be no Application Kit for the FY2001 FHIP SuperNOFA. The NOFA more clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and FHIP Sections of the SuperNOFA.

Q. What are the maximum number of narrative pages that can be submitted for each Rating Factor?

A. The maximum number is 10 pages per factor. This does not include any attachments that may be required under each factor (for example, the proposed statement of work and budget required under Factor 3: Soundness of Approach). The narrative pages must be double spaced and you are encouraged to use Courier 12 font or typeface.

Q. The FHIP SuperNOFA refers to QFHOs and FHOs. What is the difference between them?

A. These terms are defined in the FHIP regulations. Both organizations must be organized as private, tax-exempt, charitable organizations, that have engaged in enforcement-related activities. The amount of enforcement-related experience is an eligibility requirement for PEI, least one year for and FHOI, at least two years. (See 24 CFR 125.103, for a QFHO; and 24 CFR 125.401(b)(2) for an FHO.)

Applicants to PEI and FHOI are required to complete the Statement of Eligibility—where they self-identify as a QFHO or an FHO and provide information, including dates of your enforcement-related activities. The information you provide should enable HUD to determine if your organization meets at least one or two year enforcement-related experience requirement. Your application will be declared ineligible, if you fail to submit the completed Statement of Eligibility with your application.

Q. May an applicant subcontract out a percentage of its activities to subcontactors or consultants, if it is selected for an FHIP award?

A. Yes. However, when the fees to a particular subcontractor or consultant exceed 10% of the grant amount, an itemized budget is required.

Q. Is an organization "engaged in testing for fair housing violations" if it hires a subcontractor or consultant to conduct its testing program?

A. Yes, so long as the applicant analyzes the test results.

Q. Does the SuperNOFA identify what makes an application ineligible?

A. Yes. See the eligibility requirements for each Initiative and Section IV(B)(14) and (15) of the FHIP SuperNOFA.

Q. Are there major differences between this year's SuperNOFA and last year's?

A. Yes, those differences are explained in Section III of the FHIP NOFA. The differences are: (1) Fewer components; (2) Uniform Project Duration and Award Caps; (3) Redesign of FHOI; (4) Changes to Rating system; (5) Changes to Selection Process; (6) No Applicaiton Kit; and (7) No EOI-National Program NOFA.

Q. At what point may an FHOI "sponsored organization" apply under any FHIP Initiative?

A. A sponsored organization is eligible after three (3) years to apply for funds under EOI and, depending upon its record of conducting enforcement-related activities, may be eligible to apply for funds under PEI.

Q. What are award caps?

A. An award cap is the maximum amount that will be awarded under the Initiative for which you are applying. If you request an amount over this maximum amount, your application will be declared ineligible.

Q. Where do you send completed applications?

A. All completed applications must be received by the FHIP Office in Washington, DC. These applications should be mailed to the address stated in the SuperNOFA under the Section Address for Submitting Applications.

Q. What is the best method of knowing that the appropriate person has received my application? Should I follow up with a call?

A. Include with your completed application a complete copy of the Acknowledgment of Application Receipt. Be sure to include your correct mailing address and the person to whom the Acknowledgment should be sent. HUD will not acknowledge the receipt of applications over the telephone.

Q. What is the website address?

A. Http//www.hud.gov/grants.

Q. What is the due date?

A. The due date is outlined in the SuperNOFA under Section I, Application Due Date.

Q. If I have a technical question, can I call HUD?

A. Yes, technical questions should be directed to Myron P. Newry of the [FHIP/FHAP Support Division, at (202) 708–0800 (this is not a toll-free number).] Persons with hearing or speech impairments may call 1–800–290–1617 (this is a toll-free number).

Q. What is meant by geographic diversity?

A. In order to ensure a wider distribution of FHIP funding, the Assistant Secretary may apply the geographic diversity procedure to select qualified applicants out of rank order. It applies only when more than one qualified organization is in the same State, i.e., when more than one qualified organization is in the same State, the selecting official may select the highest ranked among them and the other(s) is moved to the bottom of the qualified applicant queue. If sufficient funds remain, it is possible that applications moved to the end of the queue may be selected for award.

Appendices B and C

Forms that must be filed with all FHIP applications, in addition to the forms found at Section III of the General Section of the SuperNOFA and the list of HUD offices and FHAP agencies are in Appendices B and C that follow:

BILLING CODE 4210–33–P

APPENDIX B
STATEMENT OF ELIGIBILITY

WARNING. Your application will be declared ineligible if you fail to submit this completed statement with your application.

++

PRIVATE ENFORCEMENT INITIATIVE

FOR ALL PEI APPLICANTS:

1) Organizational Status

Is your organization a private, tax-exempt, nonprofit, charitable organization?

❑ **YES** ❑ **NO**

a) If yes, have you attached a copy of the *Letter of Determination* from the Internal Revenue Service confirming your status as a 501(c)(3) tax-exempt organization.

❑ **YES** ❑ **NO**

2) Are you a Qualified Fair Housing Organization (QFHO) or a Fair Housing Organization (FHO) with at least one year's experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims? If you check "no," you are not eligible under this initiative.

❑ **YES** ❑ **NO**

Please check whether you are a QFHO or an FHO, as noted.

❑ **QFHO (with at least 2 years of enforcement-related experience)**

❑ **FHO (with at least 1 year of enforcement-related experience)**

3) Is your project broad-based and full service? If you check "no," your organization is not eligible to apply under this initiative.

❑ **YES** ❑ **NO**

4) Do you currently have a PEI-General Component Grant that will expire after June 30, 2002? If you answer yes, you are not eligible for a PEI award under the FY 2001 FHIP NOFA.

❑ **YES** ❑ **NO**

5) Briefly describe your experiences in each of the following fair housing enforcement activities. Your organization must have engaged in each of these activities for at least one year in the two years preceding the filing of this application. It is not necessary that the activities were conducted simultaneously nor for consecutive/continuous years, as long as each activity has been conducted for at least one year within the past two years. (Do not limit this description to FHIP funded enforcement activities.)

When responding to the following, include dates, so that HUD can readily determine whether you have met the "at least one year" requirement.

a) Number of complaints received and processed, by basis (e.g. race, color, religion, sex, disability, familial status, and national origin) and issue (e.g. rental, sales, lending).

b) Number of complaints referred to HUD for investigation.

c) Describe your testing program, types of tests (rental, sales, lending, insurance), and basis (e.g. race, color, religion, sex, disability, familial status, and national origin), including number of tests conducted (both individual and systemic).

i. Do you contract out portions of your testing program?

❑ **YES** ❑ **NO**

If yes, please explain what is contracted out and what roles you perform.

d) Describe the investigative experience, apart from testing, conducted by your organization.

e) Summarize the complaint outcomes, including judicial and administrative findings; number of pending complaints; and number of awards and amount to plaintiffs of monetary/non-monetary relief.

6) Have you received FHIP awards in the past?

❑ YES ❑ NO

If yes, list all grants in chronological order, starting with the most recent FHIP grant.

Initiative	Component	Grant #	Amount	Start/ End dates

STATEMENT OF ELIGIBILITY

EDUCATION AND OUTREACH INITIATIVE REGIONAL/LOCAL/COMMUNITY-BASED PROGRAMS

1) Please check your appropriate organizational status:

❑ State or local government;

❑ Qualified fair housing enforcement organization (QFHO);

❑ Fair housing enforcement organization (FHO);

❑ Public or private, for-profit and not-for-profit organization or institution and other public or private entity that is formulating or carrying out programs to prevent or eliminate discriminatory housing practices;

❑ Fair Housing Assistance Program (FHAP) Agency (State and local agency funded by FHAP).

2) Are you a college or university proposing an educational project?

❑ YES ❑ NO

3) Have you received FHIP awards in the past?

❑ YES ❑ NO

If yes, list all grants in chronological order, starting with the most recent FHIP grant.

Initiative	Component	Grant #	Amount	Start/ End dates

STATEMENT OF ELIGIBILITY

FAIR HOUSING ORGANIZATIONS INITIATIVE

WARNING. Your application will be declared ineligible if you fail to submit this completed statement with your application.

++

1) **Organizational Status**

Is your organization a private, tax-exempt, nonprofit, charitable organization?

❑ YES ❑ NO

If yes, have you attached a copy of the Letter of Determination from the Internal Revenue Service confirming your status as a 501(c)(3) tax-exempt organization?

❑ YES ❑ NO

2) **Are you a QFHO?**

❑ YES ❑ NO

3) **Is your project broad-based and full service? If you check "no," your organization is not eligible to apply under this initiative.**

❑ YES ❑ NO

4) **Briefly describe your experiences in each of the following fair housing enforcement activities. Your organization must have engaged in each of these activities for at least two years in the three years preceding the filing of this application. It is not necessary that the activities were conducted simultaneously nor for consecutive/continuous years, as long as each activity has been conducted for at least two years within the past three years. (Do not limit this description to FHIP funded enforcement activities.)**

When responding to the following, include dates, so that HUD can readily determine whether you have met the "at least two years" requirement.

a) **Number of complaints received and processed, by basis (e.g. race, color, religion, sex, disability, familial status, and national origin) and issue (e.g. rental, sales, lending).**

b) **Number of complaints referred to HUD for investigation.**

c) **Describe your testing program, types of tests, (rental, sales, lending, insurance), and basis (e.g. race, color, religion, sex, disability, familial status, and national origin), including number of test conducted (both individual and systemic).**

d) **Describe the investigative experience, apart from testing, conducted by your organization.**

e) **Summarize the complaint outcomes, including judicial and administrative findings; number of pending complaints; and number of awards and amount to plaintiffs of monetary/non-monetary relief.**

5. **Have you received FHIP awards in the past?**

❑ YES ❑ NO

If yes, list all grants in chronological order, starting with the most recent FHIP grant.

Initiative	Component	Grant #	Amount	Start/ End dates

APPENDIX C
Checklist for Completeness of Application

Use this checklist to ensure that your application includes all required items

- ☐ Copy of SF-424 (Place a copy of the SF-424 and attached HUD-424-M (Matrix) on top of application package. This should not be the originals.
- ☐ Transmittal Letter
- ☐ Cover Page
- ☐ Checklist
- ☐ Project Abstract outlining project activities
- ☐ Factor No. 1 Response
  - ☐ Attachments: Statement of Eligibility, Performance of Past Projects, SF-269a, *Letter of*
  - ☐ *Determination* from IRS on 501(c)(3), if applicable.
- ☐ Factor No. 2 Response
  - Attachments: No attachments required
- ☐ Factor No. 3 Response
  - Attachments: SOW, Budget Form(s), Budget Narrative, Audit Information.
- ☐ Factor No. 4 Response
  - Attachments: Letter(s) of Firm Commitment
- ☐ Factor No. 5 Response
  - Attachments: No attachments required.

Application Forms and Certifications

- ☐ SF-424 Application for Federal Assistance and HUD-424-M (Matrix)
- ☐ SF-424-A Budget Information - Non-construction Programs
- ☐ SF-424 B Standard Assurances - Non-construction Programs
- ☐ Applicant Disclosure Report (HUD-2880)
- ☐ Certification of Payments to Influence Federal Transactions (HUD-50071)
- ☐ OMB SF-LLL Disclosure of Lobbying Activities
- ☐ Certification for a Drug-Free Workplace (HUD-50070)
- ☐ Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990), if applicable
- ☐ Certification of Consistency with the Consolidated Plan (HUD-2991)
- ☐ Certification Regarding Debarment and Suspension (HUD-2992)
- ☐ List of Current or Pending Financial Agreements
- ☐ Acknowledgment of Application Receipt (HUD-2993)
- ☐ Client Comments and Suggestions (HUD-2994)

Cover Page FY 2001 FHIP Application

Check Initiative/Component (only one box) for which the application is being submitted.
Submit a separate application and 5 copies for each Initiative/Component for which funding is sought.

Applicant Name _____

Initiative/Component	Catalog of Federal Domestic Assistance No.
☐ Private Enforcement Initiative	14-410
Education and Outreach Initiative/Regional-Local-Community Based Program	14-409
☐ General Component	14-409
☐ Disability Component	14-409
☐ Fair Housing Organizations Initiative	14-413

If you submit more than one application, you must indicate in the table below all Initiatives and Components for which you are applying. In addition, if you apply for funding under more than one Initiative or Component, you must state your priority for selection and submit your preference in the table below (you must also indicate your preference selection in the Transmittal letter). If you fail to submit your preference, your application will be technically deficient.

Applicant's Preference for Award

Initiative/Component	Applied (Yes or No)	Rank-Order for Selection Preference
Private Enforcement Initiative		
EOI-Regional-Local-Community based Disability Component		
EOI-Regional-Local-Community based General Component		
Fair Housing Organizations Initiative		

All Current or Pending Grants/Contracts/Other Financial Agreements

All applicants are required to list all current or pending grants, contracts, or other financial agreements. The listing must include the name and address of the funding source, a brief description of the project services/activities, the start and end dates for the grant or contract, and the amount of the contract or grant. This list must be updated during the negotiations for any award under the FY 2001 FHIP, as provided for in the grant agreement schedule of articles.

A blank form is provided for your use, or you may submit the information in any convenient format.

Sample Format

List of Current and Pending Grants/Contracts/Other Financial Agreements

Name and Address of Funding Source	Brief Description of Services/Activities Provided	Dollar Amount of Grant or Contract	Start Date and Expiration Date

All Current and Pending Grants/Contracts/Other Financial Agreements

Name and Address of Funding Source	Brief Description of Services/Activities Provided	Dollar Amount of Grant or Contract	Start Date and Expiration Date

BILLING CODE 4210-32-C

APPENDIX D

FHEO FIELD STRUCTURE - OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

FHEO OFFICES	DIRECTORS	TELEPHONE NO.	AREA COVERED
BOSTON Hub Thomas P. O'Neill Federal Bldg. 10 Causeway Street, Room 375 Boston, MA 02222-1092	Marcella Brown	(617) 565-6977	MA, CT, ME, VT, NH, RI
NEW YORK CITY Hub 26 Federal Plaza New York, NY 10278-0068	Stanley Seidenfeld	(221) 264-1290	NY, NJ
PHILADELPHIA Hub The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380	Wanda S. Nieves	(215) 656-0647	PA, MD, VA, DC WV, DE
ATLANTA Hub Richard B. Russell Federal Building 75 Spring Street, S.W. Atlanta, GA 30303-3388	Gregory King	(404) 331-5001	GA, AL, MS, FL, PUERTO RICO, KY TN, NC, SC
CHICAGO Hub Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard Chicago, IL 60604-3507	Barbara Knox	(312) 353-7776	IL, MN, MI, WI, OH, IN
FORT WORTH Hub 1600 Throckmorton Street Fort Worth, TX 76113-2905	Jamie Jamison	(817) 978-9271	TX, AR, OK, LA, NM
KANSAS CITY Hub Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406	Robbie Herndon	(913) 551-6958	KA, MO, NE, IA

DENVER Hub 633 17TH Street Denver, CO 80202-3607	[Vacant]	(303) 672-5434	CO, UT, WY, SD ND, MT
SAN FRANCISCO Hub Phillip Burton Federal Bldg. 450 Golden Gate Avenue San Francisco, CA 94102-3448	Chuck E. Hauptman	(415) 436-6569	CA, HI, NV, AZ Guam
SEATTLE Hub Seattle Federal Office Bldg. 909 1st Avenue, Suite 200 Seattle, WA 98104-1000	Judith Keeler	(206) 220-5170	WA, OR, ID, AK

APPENDIX E
FHAP AGENCY NAMES & ADDRESSES

NEW ENGLAND REGION

CONNECTICUT

State Agency: Ms. Cynthia Watts Elder
Executive Director
Connecticut Commission on Human Rights and Opportunities
21 Grand Street
Hartford, CT 06106
(860) 541-3400

MASSACHUSETTS

State Agency: Ms. Dorca Gomez
Chairperson
Massachusetts Commission Against Discrimination
Room 601
1 Ashburton Place, 6th Floor
Boston, MA 02108
(617) 727-3990

Localities: Ms. Victoria L. Williams
Director
Boston Fair Housing Commission
City of Boston Office of Civil Rights
One City Hall Plaza, Suite 906
Boston, MA 02201
(617) 635-4408

Mr. Quoc Tran
Executive Director
Cambridge Human Rights Commission
51 Inman Street, 2nd Floor
Cambridge, MA 02139
(617) 349-4396

RHODE ISLAND

State Agency: Mr. Gene L. Booth
Executive Director
Rhode Island Commission for Human Rights
10 Abbott Park Place
Providence, RI 02903-3768
(401) 222-2661

VERMONT

State Agency: Mr. Harvey Golubock
Executive Director
Vermont Human Rights Commission
135 State Street, Drawer 33
Montpelier, VT 05633-6301
(802) 828-2480

NEW YORK/NEW JERSEY REGION

NEW YORK

State Agency: Ms. Evonne W. Gennings-Tolbert
Commissioner
New York State Division of Human Rights
13th Floor
55 West 125th Street
New York, NY 10027
(212) 961-8671

Localities: S. Ram Nagubandi
Acting Commissioner of Human Rights
Rockland County Commission on Human Rights
50 Sanatorium Road, Building P
Pomona, NY 10970
(914) 364-2195

MID-ATLANTIC REGION

DELAWARE

State Agency: Ms. Juana Fuentes-Bowles
Executive Director
Delaware Division of Human Relations
820 North French Street, 4th Floor
Wilmington, DE 19801
(302) 577-3716

MARYLAND

State Agency: Mr. Henry B. Ford
Executive Director
Maryland Commission on Human Relations
6 St. Paul Street, 9th floor
Baltimore, MD 21202
(410) 767-8600

PENNSYLVANIA

State Agency: Mr. Homer C. Floyd
Executive Director
Pennsylvania Human Relations Commission
101 South 2nd Street, Suite 300
Harrisburg, PA 17101
(717) 787-4412

Localities: Mr. Charles F. Morrison
Director
Pittsburgh Commission on Human Relations
908 City - County Building
Pittsburgh, PA 15219
(412) 255-2600

Ms. Diana Rivera-O'Bryant
Executive Director
Reading Commission on Human Relations
1815 Washington Street
Reading, PA 19601
(610) 655-6304

Ms. Cathy Ash
Executive Director
York City Human Relations Commission
225 E. Princess Street
York, PA 17403
(717) 846-2926

VIRGINIA

State Agency: Ms. Lizbeth T. Hayes
Fair Housing Administrator
Virginia Department of Professional and Occupational Regulation,
Fair Housing Administration, Real Estate Board
5th Floor
3600 West Broad Street
Richmond, VA 23230-4917
(804) 367-8500

WEST VIRGINIA

State Agency: Mr. Irvin B. Lee
Executive Director
West Virginia Human Rights Commission
1321 Plaza East, Room 108A
Charleston, WV 25301
(304) 558-2616

Localities: Mr. Marshall Moss
Executive Director
Charleston Human Rights Commission
915 Quarrier Street, Suite 6
Charleston, WV 25301-1400
(304) 348-6880

Ms. Sally M. Lind
Executive Director
Huntington Human Relations Commission
824 5th Avenue, Suite 200
Huntington, WV 25701
(304) 696-5592

DISTRICT OF COLUMBIA

Mr. Charles F. Holman, III
Acting Director
District of Columbia Office of Human Rights
441 4th Street, NW
Washington, DC 20001
(202) 727-3900

SOUTHEAST/CARIBBEAN REGION

FLORIDA

State Agency: Mr. Derick Daniels
Executive Director
Florida Commission on Human Relations
Suite 240
325 John Knox Road, Building F
Tallahassee, FL 32302
(850) 488-7082

Localities: Ms. Charlene Taylor Hill
Executive Director
Jacksonville Equal Opportunity Commission
421 West Church Street, Suite 705
Jacksonville, FL 32202
(904) 630-4911

Mr. Albert Nelson
Executive Director
Orlando Human Relations Department
400 South Orange Avenue
Orlando, FL 32801
(407) 246-2122

Mr. Harry Lamb, Jr.
Interim Director
Palm Beach County Office of Human Rights
215 North Olive Avenue, Suite 130
West Palm Beach, FL 33401
(561) 355-4883

Mr. Leon W. Russell
Human Rights Equal Opportunity Officer
Pinellas County Office of Human Rights
315 Court Street
Clearwater, FL 34616
(727) 464-4880

Mr. Clarence Scott III
Community Affairs Director
St. Petersburg Human Relations Department
175 5th Street North, Room 107
St. Petersburg, FL 33701
(727) 893-7345

Mr. Charles F. Hearns
Administrator
Tampa Office of Human Rights
102 East 7th Avenue
Tampa, FL 33602
(813) 274-5835

Ms. Pat Frank
Chairperson
Hillsborough County Board of County Commissioners
County Center Building, 2nd Floor
601 East Kennedy
Tampa, FL 33602
(813) 272-5735

KENTUCKY

State Agency: Ms. Beverly Watts
Executive Director
Kentucky Commission on Human Rights
332 West Broadway, 7th Floor
Louisville, KY 40202-0069
(502) 595-4024

Localities: Mr. William D. Wharton
Executive Director
Lexington-Fayette Urban County Human Rights Commission
162 East Main Street, Suite 226
Lexington, KY 40507
(606) 252-4931

Ms. Phyllis Atiba-Brown
Director
Louisville and Jefferson County Human Relations Commission
410 West Chestnut Center, Suite 300a
Louisville, KY 40202
(502) 574-3631

GEORGIA

State Agency: Mr. Gordon Joyner
Executive Director and Administrator
Georgia Commission on Equal Opportunity
710 Cain Tower, Peachtree Center
229 Peachtree Street, NE
Atlanta, GA 30303-1650
(404) 656-1736

NORTH CAROLINA

State Agency: Mr. Eddie Lawrence
Executive Director
North Carolina Human Relations Commission
217 West Jones Street
Raleigh, NC 27603
(919) 733-7996

Localities: Mr. Willie Ratchford
Director
City of Charlotte/Mecklenburg County Community Relations Committee (Charlotte)
600 East Trade Street
Charlotte, NC 28202
(704) 336-3380

Mr. Willie Ratchford
Director
City of Charlotte/Mecklenburg County Community Relations Committee (Mecklenburg County)
600 East Trade Street
Charlotte, NC 28202
(704) 336-3380

Ms. Charlotte Caplan
Community Development Director
City of Asheville
70 Court Plaza
Asheville, NC 28802
(704) 259-5721

Mr. Robert Smith
Executive Director
Asheville/Buncombe County Community Relations Council
50 South French Broad Avenue, Room 214
Asheville, NC 28801
(704) 252-4713

Mr. Dan Love
Acting Director
Durham Human Relations Commission
101 City Hall Plaza
Durham, NC 27701
(919) 560-4107

Mr. John E. Shaw
Director
Greensboro Human Relations Department
300 West Washington Street
Greensboro, NC 27401
(336) 373-2038

Mr. Carl A. Byrd, Sr.
Assistant County Manager
New Hanover Human Relations Commission
402 Chestnut Street
Wilmington, NC 28401
(910) 341-7171

Ms. Annette Moore
Director
Orange County Human Relations Commission
P.O. Box 8181
110 South Churton Street
Hillsborough, NC 27278
(919) 967-9251

Mr. Eugene Williams
Director
Winston-Salem Human Relations Commission
2301 North Patterson Avenue
Winston-Salem, NC 27105
(910) 727-2429

TENNESSEE

State Agency: Mr. Julius Sloss
Executive Director
Tennessee Human Rights Commission
Capitol Boulevard Building
530 Church Street, Suite 400
Nashville, TN 37243
(615) 741-5825

Localities: Mr. Douglas Berry
Director
City of Knoxville Department of Community Development
400 Main Street, Suite 503
City County Building
Knoxville, TN 37902
(865) 215-2120

SOUTH CAROLINA

State Agency: Mr. Jesse Washington
Commissioner
South Carolina Human Affairs Commission
2611 Forest Drive
Columbia, SC 29240
(803) 737-7800

MIDWEST REGION

ILLINOIS

Localities: Mr. Sandy Robinson
Manager
Springfield Human Relations Commission and Fair Housing
227 South Seventh Street, Suite 204
Springfield, IL 62701
(217) 789-2271

INDIANA

State Agency: Ms. Sandra Leek
Executive Director
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N-103
Indianapolis, IN 46204-2773
(317) 232-2600

Localities: Ms. Ellen Krulewitch
Director
Elkhart Human Relations Commission
Municipal Building
229 South Second Street
Elkhart, IN 46516
(219) 294-5471

Ms. Leslie Raymer
Director
Fort Wayne Metropolitan Human Relations Commission
One Main Street
City-County Building, Room 680
Fort Wayne, IN 46802
(219) 427-1146

Ms. Doris Carbins
Executive Director
Gary Human Relations Commission
475 Broadway, Suite 401
Gary, IN 46402
(219) 883-4151

Ms. Lynn Bloom
Executive Director
Hammond Human Relations Commission
5925 Calumet Avenue, Room 320
Hammond, IN 46320
(219) 853-6502

Mr. Lonnie Douglas
Executive Director
South Bend Human Relations Commission
1440 County-City Building
South Bend, IN 46601
(219) 235-9355

MICHIGAN

State Agency: Ms. Nanette Lee Reynolds
Director
Michigan Department of Civil Rights
Victor Office Center
201 North Washington, Suite 700
Lansing, MI 48913
(517) 335-3165

OHIO

State Agency: Mr. G. Michael Payton
Acting Executive Director
Ohio Civil Rights Commission
220 Parsons Avenue
Columbus, OH 43215-5385
(614) 466-2785

Localities: Mr. Jerald L. Steed
Executive Director
Dayton Human Relations Council
130 West 2nd Street, Suite 730
Dayton, OH 45402
(513) 228-5854

Mr. Tim Dobeck
Law Director
Parma Law Department
City of Parma
6611 Ridge Road
Parma, OH 44129-5593
(216) 885-8132

Mr. Gary Williams
Assistant Director of Law
Shaker Heights Fair Housing Review Board
3400 Lee Road
Shaker Heights, OH 44120
(216) 491-1440

SOUTHWEST REGION

LOUISIANA

State Agency: Mr. John B. Shepard, Jr.
Director
Louisiana Public Protection Division
One American Place
301 Main Street, 6th Floor
Baton Rouge, LA 70801
(504) 342-7900

OKLAHOMA

State Agency: Mr. Kenneth Kendricks
Interim Director
Oklahoma Human Rights Commission
2101 North Lincoln, Room 480
Oklahoma City, OK 73105
(405) 521-3441

TEXAS

State Agency: Mr. William H. Hale
Executive Director
Texas Commission on Human Rights
6330 Highway 290 East, Suite 250
Austin, TX 78723
(512) 437-3450

Localities: Mr. Charles Gorham
Director
Austin Human Rights Commission
206 East 9th Street, 14th Floor
Austin, TX 78701
(512) 499-3251

Ms. Rosie L. Norris
Fair Housing Administrator
Dallas Office of Housing Compliance, Fair Housing Administrator
1500 Marilla Street, Room 4D North
Dallas, TX 75201
(214) 670-5334

Ms. Vanessa Ruiz Boling
Director
Fort Worth Human Relations Commission
1000 Throckmorton Street
Fort Worth, TX 76102
(817) 871-7525

Mr. Jim Slaughter
Managing Director
Garland Office of Housing and Neighborhood Services
210 Carver Street, Suite 202
Garland, TX 75040
(972) 205-3313

GREAT PLAINS

IOWA

State Agency: Mr. Don Grove
Executive Director
Iowa Civil Rights Commission
c/o Grimes State Office Building
211 East Maple Street, 2nd Floor
Des Moines, IA 50309
(515) 281-4121

Localities: Ms. Louise W. Lorenz
Director
Cedar Rapids Civil Rights Commission
City Hall, Second Floor
Cedar Rapids, IA 52401-1256
(319) 398-5036

Ms. Judith J. Morrell
Director
Davenport Civil Rights Commission
226 West 4th Street
Davenport, IA 52801
(319) 326-7888

Mr. Floyd A. Jones
Executive Director
Des Moines Human Rights Commission
East First and Des Moines Street
Des Moines, IA 50309
(515) 283-4284

Ms. Kelly Larson
Executive Director
Dubuque Human Rights Department
City Hall Annex, Main Street
Dubuque, IA 52001-4932
(319) 589-4190

Mr. Walter Reed, Jr.
Executive Director
Waterloo Commission on Human Rights
620 Mulberry Street
Waterloo, IA 50703
(319) 291-4441

Mr. Rehelio A. Samuel
Executive Director
Lawrence Human Relations Commission
6 East 6th Street, Room 315
Lawrence, KS 66044
(785) 832-3310

Mr. Lionel J. Foster
Director
Mason City Human Rights Commission
10 First Street, N.W.
Mason City, IA 50401
(515) 421-3618

Ms. Joyce Keys
Director
Olathe Human Relations Commission, Housing and Human Services
City of Olathe
300 North Chestnut
Olathe, KS 66061
(913) 782-2600 x6491

Ms. Kaye J. Crawford
Acting Executive Director
Salina Human Relations Department
300 West Ash
Salina, KS 67401
(913) 826-7330

MISSOURI

State Agency: Ms. Donna Cavitte
Executive Director
Missouri Commission on Human Rights, Department of Labor and Industrial Relations
3315 West Truman Boulevard, Suite 212
Jefferson City, MO 65109
(314) 751-3325

Localities: Mr. Michael Bates
Director
Kansas City (MO) Human Relations
City Hall, 4th Floor
414 East 12th Street
Kansas City, MO 64106
(816) 274-1432

NEBRASKA

State Agency: Mr. Alfonzo Whitaker
Executive Director
Nebraska Equal Opportunity Commission
5th Floor
301 Centennial Mall, South
Lincoln, NE 68509
(402) 471-2024

Localities: Ms. Kellie Paris-Asaka
Director
Omaha Human Relations Department
Omaha/Douglas Civic Center
1819 Farnam Street
Omaha, NE 68183
(402) 444-5055

ROCKY MOUNTAINS

COLORADO

State Agency: Mr. H. Rene Ramirez
Director
Colorado Civil Rights Division
1560 Broadway, Suite 1050
Denver, CO 80202
(303) 894-2997

NORTH DAKOTA

State Agency Mr. Mark D. Bachmeier
Deputy Commissioner
North Dakota Department of Labor
State Capitol - 13th Floor
600 E Boulevard Avenue, Department 406
Bismarck, ND 58505-0340
(701) 328-3708

UTAH

State Agency: Mr. Joseph Gallegos, Jr.
Director
Utah Anti-Discrimination Division
160 East 300 South
Salt Lake City, UT 84114
(801) 530-6435

PACIFIC/HAWAII REGION

ARIZONA

State Agency: Ms. Bruna Pedrini
Chief Counsel
Civil Rights and Conflict Resolution Section
Arizona Attorney General's Office
1275 West Washington Street
Phoenix, AZ 85007-2926
(602) 542-5263

Localities: Mr. David Deneau
Lead Equal Opportunity Specialist
City of Phoenix Equal Opportunity Department
251 West Washington St., 7th Floor
Phoenix, AZ 85003
(602) 262-7716

CALIFORNIA

State Agency: Mr. Dennis Hayashi
Director
California Department of Fair Employment and Housing
2014 "T" Street, Suite 210
Sacramento, CA 95812
(916) 227-2873

HAWAII

State Agency: Mr. William D. Hoshijo
Executive Director
Hawaii Civil Rights Commission
830 Punchbowl Street, Room 411
Honolulu, HI 96813
(808) 586-8636

NORTHWEST/ALASKA REGION

State Agency: Ms. Susan J. Jordan
Executive Director
Washington State Human Rights Commission
711 South Capitol Way, #402
Olympia, WA 98504
(206) 753-2558

Localities: Ms. Bailey Delongh
Manager
King County Office of Civil Rights and Compliance
516 Third Avenue, E 224 King County Courthouse
Seattle, WA 98104
(206) 296-7592

Ms. Germaine Covington
Executive Director
Seattle Human Rights Department
Artic Building, 2nd Floor
700 3rd Avenue, Suite 250
Seattle, WA 98104
(206) 684-4500

Mr. Allen Correll
Director
Tacoma Human Rights Department
747 Market Street, Room 808
Tacoma, WA 98402
(206) 591-5151

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING COUNSELING

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HOUSING COUNSELING PROGRAM

Program Overview

Purpose of the Program. The purpose of this program is to provide comprehensive housing counseling through national, regional, multi-state housing counseling agencies, State housing finance agencies, and local HUD-approved housing counseling agencies. Counseling assists homebuyers, homeowners, and tenants to meet their housing needs and resolve their housing problems.

Available Funds. Approximately $17.55 million.

Eligible Applicants. (1) HUD-approved national, regional, or multi-state intermediaries; (2) HUD-approved local housing counseling agencies; and (3) State housing finance agencies.

Application Deadline. May 3, 2001.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Further Information, and Technical Assistance

Application Due Date. If you are a Local Housing Counseling Agency or a State Housing Finance Agency you must submit to the Homeownership Center designated below, and the HOC must receive, a completed application on or before 6:00 pm, local time, May 3, 2001.

If you are a National, Regional or Multi-State Housing Counseling Intermediary, you must submit a completed application on or before 12:00 midnight, Eastern time, on May 3, 2001, to the HUD Headquarters Office designated below.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. If you are a Local Housing Counseling Agency or State Housing Finance Agency, your completed application consists of an original and two copies. Send your completed application to the respective HUD Homeownership Center (HOC) having jurisdiction over the locality, area or State in which your proposed program is located. Your application should be sent to the attention of the Program Support Division Director, and the envelope should be clearly marked "FY 2001 Housing Counseling Grant Application." A list of the HUD Homeownership Centers, including their field office and State jurisdictions, and the Program Support Division Directors appears below.

Homeownership center	Field office	States
U.S. Department of HUD—Detroit Office Mr. John Niebiaszczanski, Patrick V. McNamara Building, SF Program Support Branch 4, 477 Michigan Ave. Rm. 1600, Detroit, MI 48226. For technical questions Contact: Robert Wright (215) 656–0527 x3406.	Albany, Baltimore, Bangor, Boston, Buffalo, Burlington, Camden, Charleston, Cincinnati, Cleveland, Columbus, Detroit, Flint, Grand Rapids, Hartford, Manchester, New York, Newark, Philadelphia, Pittsburgh, Providence, Richmond, Washington, DC, Wilmington.	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.
Atlanta Homeownership Center Ms. Gayle Knowlson, 40 Marietta Street, 8th Floor, Atlanta, GA 30303–2806. Contact: Fellece Sawyer-Coleman (404) 331–5001, x2675.	Atlanta, Birmingham, Caribbean, Chicago and Springfield, Columbia, Coral Gables, Greensboro, Indianapolis, Jackson, Jacksonville, Knoxville, Louisville, Memphis, Nashville, Orlando, Tampa.	Alabama, Puerto Rico, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Denver Homeownership Center Ms. Dawn Davis, Wells Fargo Building, 633 17th Street, Denver, CO 80202–3607. Contact: Irma Devich (303) 672–5216 x1980.	Albuquerque, Denver (Casper, Fargo, Sioux Falls), Dallas, Des Moines, Denver, Fort Worth, Helena, Houston, Kansas City, Little Rock, Lubbock, Milwaukee, Minneapolis, New Orleans, Oklahoma City, Omaha, Salt Lake City, San Antonio, Shreveport, St. Louis, Tulsa.	Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, Wyoming.
Santa Ana Homeownership Center Mr. Jerrold Mayer, 1600 N. Broadway, Suite 100, Santa Ana, CA 92706–3927. Contact: Rhonda J. Rivera, Chief 1–888–827–5605 (714) 796–1200 x3210.	Anchorage, Boise, Fresno, Honolulu, Las Vegas, Los Angeles, Phoenix, Portland, Reno Sacramento, San Diego, San Francisco, Santa Ana, Seattle, Spokane, Tucson.	Alaska, Arizona, California, Hawaii, Oregon, Idaho, Nevada, Washington.

If you are a National, Regional or Multi-State Housing Counseling Intermediary, your completed application also consists of an original and two copies. Submit your completed application to Director, Program Support Division, Office of Single Family Housing, HUD Headquarters, 451 Seventh Street, S.W., Washington, DC 20410, Room 9166. The envelope should be clearly marked, "FY 2001 Intermediary Application.:

Application Kits. Application kits will not be used this year.

For Further Information and Technical Assistance. If you are a local housing counseling agency or State housing finance agency, you may call the HUD Homeownership Center serving your area. If you are a national, regional, or multi-state intermediary, you may call HUD Headquarters, Program Support Division at (202) 708–0317 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Please see above for a list of offices and telephone numbers you can call to receive assistance. Before the application deadline, HUD staff will be available to provide general guidance.

Satellite Broadcast. HUD will hold an informational broadcast via satellite for potential applicants to learn more about

the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov*.

New data collection and performance measurement system. To improve HUD's ability to measure performance and target resources to the most effective housing counseling programs, HUD is undertaking an effort to modify both the Housing Counseling Handbook and the associated 9902 form, our primary data collection instrument. HUD plans to gather quantitative information (to supplement the qualitative and anecdotal information already collected) to measure the performance of each housing counseling program. To ensure that our modifications to the data collection instrument are most effective, however, we would like to hear from you, the potential grantees. If you would like to offer any suggestions or recommendations on how best to measure and assess the impact and outcomes of housing counseling services, please send your comments to Director, Program Support Division, Office of Single Family Housing, HUD Headquarters, Room 9166, 451 Seventh Street, SW, Washington, DC, 20410.

II. Amount Allocated

Under this SuperNOFA, approximately $17.55 million of the $20 million appropriated is made available for eligible applicants. An allocation of up to $1.8 million of the $20 million total in program funding has been set aside for Housing Counseling support which may include continuation of the Housing Counseling Clearinghouse, tuition assistance for housing counselors, and/or other HUD counseling initiatives and activities. An allocation of up to $500,000 of the $20 million appropriated is available for the Home Equity Conversion Mortgage (HECM) Program, as provided in section 255(k) of the National Housing Act (12 U.S.C. 1715z–20). An allocation up to $150,000 is available to assist HUD's Office of Public and Indian Housing with housing counseling support in the Native American Programs.

Local housing counseling agencies, State housing finance agencies, and national, regional and multi-state intermediaries may apply for and receive a grant only under one of the three categories described below. Affiliates and branches of State housing finance agencies or national, regional and multi-state intermediaries that are not HUD-approved can apply for a subgrant under either Category 2 or 3, but not both. (The term "affiliate" or "affiliates" includes the term "branch" or "branches" of the affiliate unless otherwise stated.) A HUD-approved local housing counseling agency applying as an affiliate for a subgrant under either Category 2 or 3 cannot apply directly to HUD for separate funding. Only one source of HUD funds is permissible under any of the three categories or within Category 2 or Category 3. For example, an organization affiliated with two or more intermediaries can only apply to one intermediary for a housing counseling subgrant. Another example is an organization affiliated with an intermediary and a State housing finance agency. This organization can apply to either the intermediary or the State housing finance agency for a housing counseling subgrant but not both.

In situations where an applicant submitted an application under two or more categories or submitted an application to two or more intermediaries within Categories 2 or 3, a decision must be made by the applicant to affirm one funding source. If two or more applications were submitted then the applicant must select one category or one intermediary within Categories 2 or 3, under which to apply and must withdraw all other applications. If two or more grants were awarded then one grant source must be selected and all others forfeited.

III. Applicant Categories

The amount of funds available for allocation are set forth below in three competing categories. Applicants must submit an application under the specific category for which they are eligible to apply for a grant.

(A) *Category 1—Local Housing Counseling Agencies (LHCA).* Approximately $6.6 million has been made available for grants to local HUD-approved housing counseling agencies. Funding is allocated to each HUD field office jurisdiction by a formula that reflects the increased emphasis on the expansion of homeownership opportunities for first-time homebuyers and HUD's intent to ensure appropriate geographical distribution of program funds. For FY 2001, no individual local housing counseling agency may be awarded more than $100,000.

A local HUD-approved housing counseling agency may apply for a grant to HUD, or a subgrant to a state housing finance agency, as an affiliate, or a subgrant to a national, regional, and multi-state intermediary as an affiliate. However, the local HUD-approved housing counseling agency can apply for only one grant or subgrant under any of the three categories or within Category 2 or 3.

There will be no suballocations for field office jurisdictions this year. Allocations for use in local agency programs by HUD Homeownership Centers are as follows:

Philadelphia HOC	1,861,698
Atlanta HOC	1,924,468
Denver HOC	1,469,281
Santa Ana	1,344,553

(B) *Category 2—National, Regional, and Multi-State Intermediaries.* Approximately $9.95 million is being set aside to fund HUD-approved national, regional and multi-state intermediaries that apply for funding under this SuperNOFA. Awards for HUD-approved housing counseling intermediaries may not exceed $1.2 million, except for regional intermediaries, whose awards may not exceed $250,000.

A national, regional or multi-state intermediary may provide a subgrant to an affiliate, but not to an affiliate that applies directly to HUD, a State housing finance agency, or another intermediary in Category 2.

(C) *Category 3—State Housing Finance Agencies (SHFA).* Approximately $1 million is being set aside to fund State housing finance agencies that have a role as a housing counseling agency and/or as an intermediary to affiliates, offering housing counseling services. (State housing finance agencies are defined in 24 CFR 266.5 under the definition of "housing finance agency"). The amount of funding available to each of the four HUD Homeownership Center jurisdictions is as follows:

Homeownership center	Funding allocation
Atlanta, GA	$254,285
Denver, CO	254,285
Philadelphia, PA	267,145
Santa Ana, CA	224,285
Total	$1,000,000

There is no cap on the award amount that a State housing finance agency, or its affiliates, may receive, but HUD will take into consideration prior usage of grant funds as stated in Factor 1. A State housing finance agency may provide a subgrant to an affiliate, but not to an affiliate that applies to HUD or a national, regional, and multi-state intermediary or another State housing finance agency.

IV. Funding Policies

(A) *Remaining and Deobligated Funds/Reallocations.* If funds remain after HUD has funded all approvable grant applications in its Homeownership Center jurisdictions, or Headquarters, or if any funds become available due to deobligation or refusal to accept an award, that amount will be retained by HUD for future housing counseling use or HUD may use that amount (or any part thereof) by allocating it to another HUD office jurisdiction, and/or another allocation category.

(B) *Funding Levels.* The Factors for Award will be used to evaluate your application for funding. If you are a successful applicant, HUD may require that you participate in negotiations to determine the specific grant amount and the terms of the grant agreement. HUD will follow the negotiation procedures described in Section III(D) of the General Section of the SuperNOFA. Housing Counseling grants are fundable for a period of twelve (12) calendar months. This period may begin from the date that your award is executed by HUD, or may begin on a date that is not more than 90 days prior to the date that you are notified of your award, which beginning date shall be determined by HUD.

(C) *Funding Methodology.* As described below, in Section VII(B) of this program section of the SuperNOFA, the Factors for Award will be used to evaluate your application and a maximum of 100 points may be awarded for each application. Only applicants who receive at least 50 points out of the 100 will be considered eligible for funding. All eligible applicants will then be funded in proportion to the score they receive, or as negotiated.

This year's formula will work as follows: every agency that receives a score of 50 points will receive a base award of $2500, then will receive additional funds for every point above that 50 point cutoff. The total number of agencies with scores above 50 will be multiplied by $2500 and that amount will be subtracted from the total available to the HOC. Then, the remaining balance will be divided by the total number of points each agency scores that are above the 50 point cutoff. The division will result in a dollar value for each point. The number of points that each agency scores above the 50 point base will be multiplied by that dollar value. The result of that multiplication will be added to the $2500 base for the total award amount. For example, an agency with a score of 85 would receive $2500 plus the dollar value for each point times 35 (35 being the number of points above the 50 point cutoff). $66,128

(D) *Award Instrument.* All Housing Counseling Program awards shall be made on a cost reimbursement basis in accordance with the requirements in OMB Circular A–87, Cost Principles for State and Local Governments and Indian Tribal Governments; or OMB Circular A–122, Cost Principles for Non-Profit Organizations, as applicable to your organization; and the administrative requirements established in OMB Circular A–102, which was implemented by 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Indian Tribal Governments); OMB Circular A–110, which was implemented by 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations); and OMB Circular A–133 which was implemented by 24 CFR parts 84 and 85. If you receive an award you are also required to ensure that any sub-recipients also comply with the requirements in these circulars.

After selection, but prior to award of funds, you will be required to submit to ensure to HUD's satisfaction that your financial accounting system meets the federal requirements for fund control and accountability as required by these OMB Circulars. You must also submit documentation establishing your organization's indirect cost rate. Such documentation may consist of a certification from, or your most recent audit by, the cognizant Federal agency or an Independent Public Accountant. If your organization does not have an established indirect cost rate, you will be required to develop and submit an indirect cost proposal to HUD or the cognizant Federal Agency as applicable, for determination of an indirect cost rate which will govern your award. Funds will not be awarded until the determination of the Indirect cost rate.

Your submission should include the name and telephone number of the Independent Auditor or the cognizant Federal Auditor. HUD cannot award funds to an organization unless its financial management system meets Federal requirements for funds control and accountability.

V. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* HUD-approved housing counseling agencies provide counseling and advice to tenants and homeowners on property maintenance, financial management, and other matters appropriate to assist tenants and homeowners in improving their housing conditions and meeting responsibilities of tenancy and homeownership. In addition, HUD-approved housing counseling agencies conduct community outreach activities and provide counseling to individuals, including persons with visual or hearing impairments or other disabilities, with the objective of increasing awareness of homeownership opportunities and improving access of low and moderate income households to sources of mortgage credit. HUD believes that this activity is key to the revitalization and stabilization of low income and minority neighborhoods. Agencies assist first-time homebuyers by offering Homebuyer Education and Learning Program (HELP) training sessions. Agencies also meet the counseling needs of eligible persons 62 or older who desire to use the Home Equity Conversion Mortgage (HECM) to convert equity in their homes into a lump sum payment or an income stream that can be used for home improvements, medical costs, and/or living expenses.

(B) *Eligible Applicants.* Under the Housing Counseling Program, HUD contracts with qualified public or private nonprofit organizations to provide housing counseling services. There are three categories of applicants that are eligible to submit applications:

(1) *HUD-approved Housing Counseling Intermediaries.* If you are a housing counseling intermediary, you are responsible for distributing grant funds to affiliated local housing counseling agencies. In FY 2001, you must list all of your affiliates and the cities and states in which you and your affiliates maintain offices, then identify which affiliates will receive funding through this grant award. Your local affiliates are eligible to undertake any or all of the housing counseling activities described for HUD-approved local housing counseling agencies. Local affiliates receiving funding through your organization do not need to be HUD-approved in order to receive funds from you. However, you must be HUD-approved as of the date of this SuperNOFA. You must identify all of your affiliates in your application that will be seeking a subgrant. If your affiliate is not HUD-approved, you must certify the quality of services provided will meet, or exceed, standards for local HUD-approved housing counseling agencies.

HUD will permit you wide discretion in implementing your housing counseling programs with your affiliates, but your application must

clearly define your management responsibilities, the service delivery responsibilities of your affiliates and appropriate time frames for reporting results to HUD.

You can decide how to allocate funding among your affiliates with the understanding that a written record must be kept of how you determined your funding levels. This record must be made available to your affiliates and to HUD. You should budget an amount that reflects your best estimate of the cost to oversee and fund the housing counseling efforts of your affiliates. You must seek other private and public sources of funding to supplement HUD funding. HUD does not intend for its counseling grant funds to cover all costs incurred by an agency participating in this program.

(2) *HUD-approved local housing counseling agencies.* These agencies are private and public non-profit organizations, approved by HUD to provide housing counseling services directly to clients. If you are a HUD-approved local housing counseling agency, HUD will fund your activities according to the budget submitted with your application. The amounts you request should reflect anticipated operating needs for your housing counseling activities, based upon your counseling experience during the previous fiscal year and your current agency capacity.

If you apply directly to HUD, you cannot apply as an affiliate for a subgrant to a State housing finance agency or to a national, regional or multi-state intermediary. In addition, you must disclose all funding sources to HUD. If you are a local housing counseling agency that is not currently HUD-approved, you may receive FY 2001 funding only as an affiliate of a HUD-approved national, regional, or multi-state intermediary; or State housing finance agency.

(3) *State housing finance agencies.* Your primary activity under this grant as a State housing finance agency is to provide housing counseling services as a local housing counseling agency and/or serve as an intermediary distributing counseling funding to local housing counseling organizations that operate in your State or territory. You and your local affiliates are eligible to undertake any or all of the housing counseling activities described for HUD-approved local housing counseling agencies.

As either a housing counseling agency or intermediary, you and your local affiliates do not need to be HUD-approved in order to receive these funds.

As an intermediary, you must list all of your affiliates in your application and designate those affiliates that will be seeking a subgrant. The amount you request should reflect anticipated operating needs for housing counseling activities, based upon the counseling experience during FY 2000 and your current capacity.

In your role as an intermediary, the amount you request should reflect your best estimate of costs to oversee and fund your housing counseling affiliates. The amount you request should reflect anticipated operating needs for housing counseling activities, based on past experience. For State Housing Finance Agencies who participated in the program in FY 1998 or FY 1999, the request should reflect your past usage of HUD housing counseling grant funds. HUD will give you wide discretion to implement your housing counseling program with your affiliates.

As an intermediary, you must execute subgrant agreements with your affiliates that clearly delineate the mutual responsibilities for program management, including appropriate time frames for reporting results to HUD. As part of the subgrant agreement, your affiliate must certify that it has not applied for a grant from any other Housing Counseling grant allocation or category, or another State housing finance agency. Your affiliate may be a local housing counseling agency. Local housing counseling agencies may also be affiliates of national, regional, or multi-State intermediaries or HUD approved local housing counseling agencies. You must decide how to allocate funding among your affiliates and keep a written record of how your determination was made. This record must be made available to the affiliates and to HUD. You must certify that, if your affiliate is not HUD-approved, the quality of services provided will meet, or exceed, standards for local HUD-approved housing counseling agencies.

You must seek other private and public sources of funding to supplement HUD funding. HUD does not expect its counseling grant funds to cover all costs incurred by your organization's participation in this program. You may use the HUD grant to undertake any of the eligible counseling activities.

(C) *Eligible Activities.* Housing counseling services/activities include:

(1) *Homebuyer Education Programs* that offer potential purchasers general information on the homebuying process. These types of programs include HUD's Homebuyer Education and Learning Program (HELP), where HUD's educational materials are used in sessions consisting of approximately eight to twelve (8–12) hours of training. HUD staff at each HUD Homeownership Center will be available to provide you with the HELP materials.

(2) *Pre-purchase Homeownership Counseling, which focuses more specifically on the client's needs and circumstances. This type of counseling covers* purchase procedures, mortgage financing, down payment/closing cost fund accumulation, accessibility requirements, and if appropriate, credit improvement, and debt consolidation.

(3) *Post-purchase Counseling,* including property maintenance, and personal money management.

(4) *Mortgage delinquency and default resolution counseling* including restructuring debt, arrangement of reinstatement plans, loan forbearance, and other loss mitigation tools available.

(5) *Home Equity Conversion Mortgage (HECM) counseling* to assist clients who are 62 years old or older with the complexities of converting the equity in their homes into income to pay living expenses or medical expenses.

(6) *Loss Mitigation Counseling* for clients who may be facing default and foreclosure, and need mortgage default resolution and foreclosure avoidance counseling.

(7) *Marketing and Outreach Initiatives* including providing general information about housing opportunities within your target area and providing housing counseling services and information to persons with disabilities. Under this program, you are required to extend marketing and outreach services to all segments of the population.

(8) *Renter Assistance Counseling* including information about rent subsidy programs, rights and responsibilities of tenants, and lease and rental agreements.

(9) *Fair Housing Assistance* including:

(a) Advocating with lenders, appraisers and developers on behalf of clients to recognize the value of non-traditional lending standards, the vitality of housing values in all areas, and the added value of accessible housing design; and

(b) Advising clients on how to recognize discriminatory acts, and how to file a Fair Housing complaint. (This will require being familiar with the provisions of the Fair Housing Act.)

Your potential clients may include: first-time homebuyers, homebuyers and homeowners eligible for, and applying for HUD, VA, FmHA (or its successor agency), State, local, or conventionally financed housing or housing assistance; or persons who occupy such housing and seek the assistance of a housing counseling agency to address a housing need. You may elect to offer this assistance in conjunction with any HUD housing program; however, to do this, you must be familiar with FHA's single family and multifamily housing programs.

(10) *Mobility Counseling,* to help families and individuals who are seeking new rental housing opportunities understand the wide range of housing options available.

VI. Program Requirements

(A) *General Requirements.* The requirements listed in Section II of the General Section of the SuperNOFA apply to this program.

(B) *Specific Requirements.*

(1) Civil Rights Threshold Requirements—All eligible applicants and subrecipients must meet the Civil Rights Threshold requirements that are listed in Section II(B) of the General Section of the SuperNOFA.

(2) Accessibility—All eligible applicants and subrecipients will make counseling offices and services accessible to persons with a wide range of disabilities and help persons locate suitable housing in locations throughout the applicant's community, target area, or metropolitan area, as defined by the applicant.

(C) *Requirements Applicable to Religious Organizations.* Where your organization is, or you propose to contract with, a primarily religious organization, or a wholly secular organization established by a primarily religious organization, to provide, manage, or operate a housing counseling program, you and your subrecipients must undertake your responsibilities in accordance with the following principles:

(1) You will not discriminate on behalf of or against any segment of the population in the provision of services or in outreach, including those of other religious affiliations.

(2) You will not provide religious instruction or religious counseling, conduct religious services or worship, engage in religious proselytizing, and exert religious influence in the provision of assistance under your housing counseling program.

(D) *Performance Measurement.* You are required to complete and submit a form HUD–9902, Fiscal Year Activity Report. The information compiled from this report provides HUD with its primary means of measuring your program performance.

VII. Application Selection Process

(A) *General.* Your application will be evaluated competitively, and ranked against all other applicants that applied in the same funding category. National, regional, and multi-State applications will be rated and ranked in HUD Headquarters, and initially selected for funding in rank order. Local agency and State housing finance agency applications will be rated and ranked by the HUD Homeownership Centers and initially selected for funding in rank order. However, after the initial selection, the actual amount funded will be based on successful completion of negotiations.

(B) *Factors for Award Used to Rate and Rank Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for each applicant is 100. Your response to the following rating factors should provide HUD with detailed information regarding the housing counseling work of your organization. Please be specific, providing relevant examples and complete descriptions of your services.

Rating Factor 1: Capacity, Experience, and Effective Use of Resources (35 Points)

This factor addresses the scope and effective use of your organizational resources in successfully implementing your proposed activities and complying with the OMB Circulars set forth in this Notice. Your rating or the rating of your organization and staff for technical merit will include any subcontractors, consultants, subrecipients, and members of consortia that are identified as participants in your proposal. In rating this factor, HUD will consider the extent to which your proposal demonstrates:

(1) (10 points) The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which you are requesting funding. Your experience will be judged in terms of recent and relevant experience of your staff to undertake eligible program activities. You are expected to have sufficient personnel, or be able to quickly access qualified experts or professionals, to deliver the proposed activities in a timely and effective fashion. HUD will assess the readiness and ability of your organization to immediately begin your proposed work program. To demonstrate that you have sufficient personnel, you must submit the proposed number of staff for each task to be conducted, by the employees and experts allocated to each activity you plan to undertake in your program. You must identify their titles and relevant professional background and experience related to the tasks they are to perform. In addition, you must allocate the staff hours for each task of these employees and experts.

(2) (25 points) Your past performance, specifically your ability to attain measurable progress in the implementation of your most recent activities where your performance has been assessed and the costs associated with that performance.

HUD will consider your performance as measured by your expenditures of previous year's grant awards and demonstrated progress in achieving the purpose of the activities associated with those grant dollars. HUD will also consider any documented evidence, such as form HUD–9902, of your ability under past awards to comply with grant award provisions. Any organization that used less than 90 percent of its grant award in FY 99 will receive no points under this subsection.

The extent to which your services are reasonable and cost-effective in meeting the needs identified in Factor 2 and in complying with OMB Circular A–122, by: relating your service tasks to your proposed budget costs providing cost estimates for salary levels, staff assignments, number of staff hours, and all other budget items to show they are reasonable, allowable, and appropriate for the proposed activities; and documenting and justifying all costs.

Rating Factor 2: Need/Extent of the Problem (10 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address a documented problem in your target area. To the extent that the community served by your housing counseling organization has documented the need in the community's Consolidated Plan or Analysis of Impediments to Fair Housing Choice (AI); or requirements of court orders or consent decrees, settlements and voluntary compliance agreements, references to these documents should be included in the response. If your proposed activities are not covered under the scope of the Consolidated Plan or AI, you should indicate such and use other sound data sources to identify the level of need for your proposed program of activities.

In responding to this factor, you will be evaluated on the extent to which you document a critical level of need for your proposed activities in the area where activities will be carried out. The documentation of need should demonstrate the extent of the problem addressed by the proposed activities. Examples of data that might be used to demonstrate need, include economic

and demographic data relevant to the target area and your proposed activities. There must be a clear relationship between the proposed activities, community needs and the purposes of this program for an applicant to receive points for this factor.

HUD will also consider your involvement in addressing barriers to equal homeownership or rental housing opportunities, including:

(a) The extent to which your proposed activities undertake Affirmatively Furthering Fair Housing (AFFH) may be undertaken in a variety of ways, as appropriate to your target area. The following are some suggestions for all housing counseling agencies:

(i) Implementing affirmative marketing strategies to attract all segments of the population regardless of race, color, religion, national origin, sex, familial status, and disability, especially those least likely to request housing counseling services to purchase or retain their homes.

(ii) Being pro-active in reducing concentrations of poverty and/or minority populations in the target area. This could include working with, or adopting the counseling practices of, agencies which conduct housing opportunity counseling to encourage low-income and minority persons to move to low-minority-concentration areas, and helping to locate suitable housing in such areas if the client chooses to move to one.

(iii) Working with local lenders to develop alternative lending criteria. For instance, you may make referrals to lenders of clients with good credit and payment histories, but who do not fit the standard profiles for lending practices, or advocate with financial institutions on behalf of clients with financial patterns which reflect cultural differences (such as family savings pools, which are common among some Asian populations). Your activities should also focus on finding appropriate housing, free from environmental hazards, for all segments of the population in neighborhoods with good transportation, schools, employment opportunities, and other services.

(b) The following are some suggested activities for national, regional, or multi-state intermediaries and State housing finance agencies:

(i) Training affiliates in Fair Housing issues.

(ii) Making national or regional agreements with lenders, insurers, and organizations which train appraisers and loan appraisers on fair housing requirements, accessibility, and financing methods which support your organization's fair housing and housing opportunity efforts.

Rating Factor 3: Scope of Housing Counseling Services (35 Points)

This factor addresses the quality and effectiveness of your proposed housing counseling plan (work plan), which describes your housing counseling needs, goals, and objectives related to the scope of services you propose to provide, including a description of all counseling activities to be performed. In rating this factor, HUD will consider:

(1) The scope of housing counseling services and/or activities that you will provide, how these services/activities will be delivered, and the extent to which the design and scope of your services/activities provide geographic coverage for the target areas as defined by the applicant and meet the needs of persons traditionally underserved in the community as identified in Rating Factor 2. In addition, you should identify the immediate benefits to be achieved, indicators by which these benefits will be measured, and the costs associated with providing your services, to prove cost-effectiveness.

(2) The number of clients served by your organization and the complexity of the services offered. The rater will consider the variety and complexity of the housing counseling services you provide, taking into account the level of work involved in meeting the needs of your clients. For example, if you offer comprehensive default counseling, you should explicitly describe the comprehensive nature of the counseling activities, such as stating that it takes approximately 16 hours of one-on-one sessions to help one family. Or, if your offer homebuyer education workshops, explain that you can serve 10 families at a time, completing a full course in 12 hours total. Again, you should identify the benefits associated with your services, citing relevant past experience as evidence of your potential achievement, and identifying indicators by which these benefits can be measured. The rater will be assessing the level of effort required to provide your services and the costs associated with that effort.

Intermediaries, including state Housing Finance Agencies, must provide details on the activities of the intermediary organization (*e.g.* training affiliates or coordinating partnerships with lenders) and the activities of the affiliates or branches, explicitly stating the types of services offered and the time and resources associated with providing those services.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure private and public resources which can be combined with HUD's program resources to provide housing counseling services. In evaluating this factor HUD will consider:

(1) The extent to which you have obtained additional resources, or partnered with other entities to secure additional resources, to increase the effectiveness of your housing counseling activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of your program. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to partner with you. You may also partner with other program funding recipients to coordinate the use of housing counseling and support services in your target area.

(2) You must provide evidence of leveraging/partnerships by including in your application letters of firm commitments, memoranda of understanding, or agreements to participate from entities identified as partners in your application. Each letter of commitment, memoranda of understanding, or agreement to participate should include the partnering organization's name, proposed level of commitment and responsibilities as they relate to your proposed program. The commitment letter must also be signed by an official of the organization legally able to make commitments on behalf of the partnering organization.

(3) If you are a housing counseling agency funded under this SuperNOFA, you may use your HUD and leveraged funds to deliver comprehensive housing counseling, or may specialize in delivery of particular housing counseling services. Either way, your services/activities must reflect the housing counseling needs you submitted in your funding application for your target area and identified in your plan. You may conduct a wide range of housing counseling services that are eligible under this program.

(4) If you are a national, regional or multi-state intermediary or a State housing finance agency, you must distribute the majority of your HUD award and leveraged funds to your housing counseling affiliates and branches. HUD will give you wide discretion to implement your housing counseling program with your affiliates and branches. You must execute subgrant agreements with your affiliates and branches that clearly delineates the mutual responsibilities for program management and appropriate time frames for reporting results to HUD. You can decide how to allocate the HUD and leveraged funding among your affiliates with the understanding that a written record must be kept of how you determined your funding levels. This record must be made available to your affiliates and to HUD.

Note: HUD housing counseling funding is not intended to fully fund either an organization's housing counseling program, nor that of its local affiliates. All organizations that use housing counseling grant funds and their local affiliates are expected to seek other private and public sources of funding for housing counseling to supplement HUD funding.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participated or promoted participation in a community's Consolidated Planning process and are working towards addressing identified needs in a holistic and comprehensive manner through linkages with other activities in your community. In evaluating this factor, HUD will consider the extent to which you can demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and coordinate all known activities; and, if funded, the specific steps you will take to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place should be described.

(2) Taken or will take specific steps to become active in the Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established in your target area to identify and address needs/problems related to the activities you propose in your application. If you reported in your FY 1999 application that you "will take specific steps", describe what steps you have taken.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the target area's Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or on-going in your target area.

If you reported in your FY 2000 application that you "will take specific steps," describe what steps you have taken.

VIII. Application Submission Requirements

(A) *General.* The contents of your application will differ if you are a local housing counseling agency; or a national, regional, or multi-state intermediary; or a State housing finance agency. For all applicants, however, your application must include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA (collectively, referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, letters), referred to as the "non-standard forms" can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(1) *Narrative statements* addressing the five Rating Factors in Section VII.(B) of this program section of the SuperNOFA. Your narrative responses should be numbered in accordance with the rating factors and subfactors identified in Section V(B) of this program section of the SuperNOFA. The narrative responses must include the quantitative, as well as qualitative, information requested in the rating factors.

(2) *Form HUD–9902, Housing Counseling Agency Fiscal Year Activity Report,* for fiscal year October 1, 1998 through September 30, 1999. If you did not participate in HUD's Housing Counseling Program during FY 1999, this report should be completed to reflect your counseling workload during that period. This form must be fully completed and submitted by every applicant for FY 2000 HUD funding. A copy of this form is included in the Appendix to the program section of this SuperNOFA.

(3) *Budget Work Sheet.* A proposed budget for use of the requested HUD funds.

(4) *Evidence of Housing Counseling Funding Sources* (required of all applicants).

(5) *Narrative of Prior Fiscal Year Performance.* You must provide a descriptive narrative that sets forth your (and, if applicable, your affiliate organizations) prior fiscal year's performance as related to its goals, objectives, and mission. Your narrative must describe the most recent operational and program activities of your organization.

(6) *Current Housing Counseling Plan.* See Rating Factor 3 for a description.

(7) *Direct-labor and Hourly-labor rate and Counseling Time Per Client* for proposed tasks.

(8) *The Congressional District* in which your proposed activities are to occur.

(9) *Intermediary.* If you are an intermediary, you must provide and certify to the number of states in which you maintain offices, including the national office and all affiliate or branch offices.

(10) *Authority to Operate as State housing finance agency.* If you are a State housing finance agency, you must submit your statutory authority to operate as a State housing finance agency.

(B) *National, Regional, and Multi-State Intermediaries and State Housing Finance Agencies.* If you are a national, regional, or multi-state intermediary or a State housing finance agency, you must submit an application that covers both your network organization and your affiliated agencies. In FY 2001, you must list all of your affiliates and the cities and states in which you and your affiliates maintain offices, then identify which affiliates will receive funding through this grant award. Your application must include:

(1) *A description of your affiliated agencies.* For each affiliated agency, list the following information:

(a) Organization name;

(b) Address (city, state, and zip code);

(c) Director and contact person (if different);

(d) Phone/FAX numbers (including TTY, if available);

(e) Federal tax identification number;

(f) ZIP code service areas;

(g) Number of staff providing counseling;

(h) Type of services offered (defined by homebuyer education programs, pre-purchase counseling, post-purchase counseling, mortgage default and delinquency counseling, HECM counseling, outreach initiatives, renter assistance, mobility counseling, and other);

(i) Number of years of housing counseling experience.

(2) *Relationship with Affiliates.* You must briefly describe your relationship with your affiliates (i.e. membership organization, field or branch office, subsidiary organization, etc.).

(3) *Oversight System.* You must briefly describe the process that will be used to determine affiliate funding levels, distribute funds, and monitor affiliate performance.

VIII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

IX. Environmental Requirements

In accordance with 24 CFR 50.19(b)(9) and (12) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities.

X. Authority

HUD's Housing Counseling Program is authorized by section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), and is generally governed by HUD Handbook 7610.1, REV–4, dated August 9, 1995.

Appendix A

The non-standard forms, which follow, are required for your Housing Counseling Program application.

BILLING CODE 4210–32–P

Housing Counseling Agency Fiscal Year Activity Report

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0261 (exp. 6/30/2002)

Read the instructions and Public Reporting Statement on the back of this form.

1. Counseling agency name and address

Check here if this is a new address ☐

2. Reporting Year (yyyy) from Oct 1, _____ to Sep 30, _____

			All Counseling Activities	HUD Grant Activities
3. Number of Clients Counseled this Report Period		1. Homeowners (mortgage paid off)		
		2. Mortgagors (own property covered by mortgage)		
		3. Potential Mortgagors (want to purchase housing)		
		4. Renters (occupy rental property)		
		5. Potential Renters (want to rent housing)		
		6. Homeless		
		7. Disabled Persons		
		8. Other		
		9. Total		
Race/ Ethnicity	a. American Indian / Alaskan Native			
	b. Asian / Pacific Islander			
	c. Black Non-Hispanic			
	d. Hispanic			
	e. White Non-Hispanic			
4. Results of Counseling				
Homeowners	10. Obtained a Home Equity Conversion Mort. (HECM)			
	11. Other			
	12. Total			
Mortgagors	13. Obtained a HECM			
	14. Brought mortgage current			
	15. Forbearance agreement			
	16. Mortgage assigned to HUD			
	17. Executed a deed-in-lieu			
	18. Sold their property			
	19. Mortgage foreclosed			
	20. Rented alternative housing			
	21. Other			
	22. Total			
Potential Mortgagors	23. Purchased housing			
	24. Decided not to purchase			
	25. Other			
	26. Total			
Renters	27. Purchased housing			
	28. Rented alt. housing			
	29. Other			
	30. Total			
Potential Renters	31. Purchased housing			
	32. Rented alt. housing			
	33. Other			
	34. Total			
Homeless	35. Occupied "transitional" housing			
	36. Occupied "emergency shelter"			
	37. Occupied permanent hsg. for handicapped			
	38. Entered public or prvt. section traditional hsg.			
	39. Other			
	40. Total			

5. HUD Grant Activity - Summary Data

HUD Grant No. From Block 3, Form HUD-1044	HUD Grant Amount From Block 14, Form HUD-1044	Number of Clients	Amount Invoiced
	Total		

6. Name of Person Authorized to Sign this Report

Title

Signature | Date (mm/dd/yyyy)

Previous editions are obsolete. ref. Handbook 7610.1 form HUD-9902 (5/98)

Public reporting burden for this collection of information is estimated to average 1.17 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collecton displays a valid OMB control number.

This information is collected in connection with HUD's Housing Counseling Program, and will be used by HUD to determine that the grant applicant meets the requirements of the Notice of Funding Availability (NOFA) and to assign points for awarding grant funds on a competitive and equitable basis. The information is required to obtain funding under Section 106 of the Housing and Community Development Act of 1974. The information is considered sensitive and is protected by the Privacy Act which requires the records to be maintained with appropriate administrative, technical and physical safeguards to ensure their security and confidentiality.

Instructions for Form HUD-9902, Housing Counseling Agency Fiscal Year Activity Report

This **HUD Fiscal Year** Activity Report enables a HUD-approved housing counseling agency to report all of its housing counseling activity for clients with housing needs and problems. Paragraph 1-7A of the HUD Housing Counseling Program Handbook 7610.1 provides the definition of "client," "housing need," and "housing problem."

1. **Counseling Agency Name & Address** - Enter the official name of your agency in the format you submitted to HUD. If the address you enter is a new address, check the box indicating this change.
2. **Enter Report HUD Fiscal Year** - This is an annual report covering the HUD Fiscal Year. Indicate the HUD Fiscal Year covered by the report. Even if your agency was approved by HUD for less than the full year report period, include clients counseling during the full report year.

General

Clients - Please remember that you report **clients** as defined in paragraph 1-7A of HUD's Housing Counseling Program Handbook 7610.1. You are **not** reporting the number of individual persons you counseled.

Examples:

a. **A husband and wife** or a **brother and sister** or **three friends** who are mortgagors under the same note count as **one client.**

b. **Three renting families** who experience the **same problem** with the **same landlord** and come to your agency together for assistance count as **one client.**

Columnar Entries - The report contains two data columns.

a. **All Counseling Activities** - Enter data covering **all** housing counseling activities, including those performed under one or more HUD housing counseling grants.

b. **HUD Grant Activities** - Enter data covering **only** counseling provided under one or more HUD counseling grants during the report period. Include this data in the "All Counseling Activities" column.

3. **Clients Counseled This Report Period** - Enter the number of clients to whom you provided counseling during the report period. This might include clients who entered your work l load the previous report period but you carried over into and counseled during the current report period.
Enter the client count in the box that best describes the status of the clients when they first entered your work load.

Disabled Person - A person reported on this line is defined in the Fair Housing Act, Sec. 802 (h) as follows:
Handicap means, with respect to a person – (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802))."

Homeless - A client reported on this line must meet the definition for "homeless" or "homeless individual" set forth in Section 103., General Definition of Homeless Individual, of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77).

Racial/Ethnic Categories - Enter number of clients to whom you provided counseling during this period.

a. **White (Non Hispanic)** - A person having origins in any of the original peoples of Europe, North Africa, or the **Middle East.**
b. **Black (Non Hispanic)** - A person having origins in any of the black racial groups of Africa.
c. **Hispanic** - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.
d **American Indian or Alaskan Native** - A person having origins in any of the original peoples of North America, and who maintains, cultural identification through tribal affiliation or community recognition.
e **Asian or Pacific Islander** - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

Other - Throughout the form, "other" provides a general category into which you place clients who do not fall under any specific category on the form.

4. **Results of Counseling** - You might achieve more than one result for the same client during the report year.
Example: A mortgagor in default enters into a **forbearance agreement** and later **sells the property.** Report both results on the appropriate lines.
5. **HUD Grant Activity - Summary Data** - Enter summary data from the "HUD Grant Activities" column for each grant under which you provided counseling during the report period. In the "Total" row, enter totals for the "No. of Clients" and the "Amount Invoiced' columns.
6. An authorized staff person must sign and date the report.

Previous editions are obsolete. ref. Handbook 7610.1 form HUD-9902 (5/96)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM

Program Overview

Purpose of the Program. The purpose of the Lead-Based Paint Hazard Control Grant Program is to assist States, Indian Tribes and local governments in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately-owned housing for rental or owner-occupants in partnership with community-based organizations.

Available Funds. Approximately $59 million.

Eligible Applicants. States, Indian Tribes or local governments. If you are a State or Tribal applicant, you must have a Lead-Based Paint Contractor Certification and Accreditation Program authorized by EPA.

Application Deadline. May 17, 2001.

Match. A minimum of 10% match in local funds.

Additional Information

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed application (an original and four copies) to HUD on or before 12:00 midnight, Eastern time, on May 17, 2001, at the address shown below.

See the General Section of the SuperNOFA for specific procedures concerning the form of application submission (*e.g.*, mailed applications, express mail, overnight deliver, or hand carried).

Address for Submitting Applications. For Mailed Applications. The address for mailed applications is: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street, SW, Room P3206, Washington, DC 20410.

For Overnight/Express Mail or Hand Carried Applications. The address for applications that are hand carried or sent via overnight delivery is: HUD Office of Healthy Homes and Lead Hazard Control, Suite 3206, 490 East L'Enfant Plaza, SW, Washington, DC 20024. Hand carried applications will be accepted at this address (490 East L'Enfant) up until 5:00 pm on the application due date.

After 5:00 pm on the application due date, hand carried applications will be accepted until 12:00 midnight, in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800–HUD–8929. Persons with speech or hearing impairments, may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Lead-Based Paint Hazard Control Grant Program. Please be sure to provide your name, address (including zip code), and telephone number (including area code).

For Further Information and Technical Assistance. You may contact Ellis G. Goldman, Director, Program Management Division, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 112 (this is not a toll-free number). If you are a hearing- or speech-impaired person, you may reach the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) *Available Funding.* Approximately $59 million will be available for the Lead-Based Paint Hazard Control Grant Program.

(B) *Allocation of Funds/Grant Awards.* Both existing grantees or previously unfunded applicants are eligible to apply for grants of $1 million to $3 million. Approximately 20 to 25 grants will be awarded. Approximately 70% of the funds shall be available to existing Lead-Based Paint Hazard Control grantees. Applications from existing (or previous) grantees will be evaluated and scored as a separate group and will not be in direct competition with applications from previously unfunded applicants.

III. Program Description, Eligible Applicants; Eligible Activities

(A) *Program Description.* The Lead-Based Paint Hazard Control Grant Program assists States, Indian Tribes and local governments in undertaking programs for the identification and control of lead-based paint hazards in eligible privately-owned housing units for rental and owner-occupants. The application kit for this program section of the SuperNOFA lists HUD-associated housing programs which also meet the definition of eligible housing.

(1) Because lead-based paint is a national problem, these funds will be awarded to:

(a) Maximize both the number of children protected from lead poisoning and housing units where lead-hazards are controlled;

(b) Target lead hazard control efforts at housing in which children are at greatest risk of lead poisoning;

(c) Stimulate cost-effective approaches that can be replicated;

(d) Emphasize lower cost methods of hazard control;

(e) Build local capacity to safely and effectively address lead hazards during lead hazard control, renovation, remodeling, and maintenance activities; and

(f) Affirmatively further fair housing, Partnership for Advancing Technology in Housing (PATH), and environmental justice.

(2) The objectives of this program include:

(a) Implementation of a national strategy, as defined in Title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4851 *et. seq.*) (Title X), to build the community's capacity necessary to eliminate lead-based paint hazards in all housing, as widely and quickly as possible by establishing a workable framework for lead-based paint hazard identification and control;

(b) Mobilization of public and private resources, involving cooperation among all levels of government, the private sector, and community-based organizations to develop cost-effective methods for identifying and controlling lead-based paint hazards;

(c) Development of comprehensive community approaches which result in integration of all community resources (governmental, community-based, and private businesses) to address lead hazards in housing;

(d) Integration of lead-safe work practices into housing maintenance, repair, weatherization, rehabilitation, and other programs which will continue beyond your grant period;

(e) Establishment of a public registry (listing) of lead-safe housing; and

(f) To the greatest extent feasible, promotion of job training, employment, and other economic opportunities for low-income and minority residents and businesses that are owned by and/or employ low-income and minority residents as defined in 24 CFR 135.5 (See 59 FR 33881, June 30, 1994).

(B) *Eligible Applicants.* (1) To be eligible to apply for funding under this program, you must be a State, Indian Tribe, or unit of local government. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a single lead primary

government or agency as "the applicant." You may submit only one application. In the event you submit multiple applications, this will be considered a curable (minor) defect and the application review process delayed until you notify HUD in writing which application should be reviewed. Your other applications will be returned unevaluated.

(2) Threshold Requirements. As an applicant, you must meet all of the threshold requirements of Section II(B) of the General Section of the SuperNOFA.

(3) Consolidated Plans.

(a) If your jurisdiction has a current HUD approved Consolidated Plan, you must submit, as an appendix, a copy of the lead-based paint element included in the approved Consolidated Plan.

(b) If your jurisdiction does not have a currently approved Consolidated Plan, but it is otherwise eligible for this grant program, you must include your jurisdiction's abbreviated Consolidated Plan, which includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235.

(4) Contracts or other formal arrangements with Community-Based Organizations. If selected for funding, local and State applicants must enter into contractual relationships or other formal arrangements with community-based organizations. Such relationships must be established prior to actual execution of the grant agreement. This requirement does not apply to Indian Tribes.

(5) EPA Authorization. If you are a State government or an Indian Tribal government, you must have an EPA authorized Lead-Based Paint Contractor Certification and Accreditation Program on the application deadline to be eligible. Your program approval date in the **Federal Register** notice published by the EPA will be used.

(6) If you were funded under the FY 2000 Lead-Based Paint Hazard Control Funding competition in the FY 2000 SuperNOFA issued February 24, 2000 (65 FR 9539), you are not eligible for funding under this program section of the SuperNOFA.

(7) The eligibility factors discussed in paragraphs (1) through (6) above are threshold requirements. If you do not satisfy the appropriate eligibility requirements stated in these paragraphs, HUD will not review your application.

(C) *Eligible Activities.* HUD is interested in promoting lead hazard control approaches that result in the reduction of this health threat for the maximum number of low-income families with children under six, for the longest period of time, and that demonstrate techniques which are cost-effective, efficient, and can be used elsewhere. HUD will allow flexibility within the parameters established below. Funds will be available only for projects conducted by contractors, risk assessors, inspectors, workers and others engaged in lead-based paint activities who meet the requirements of an EPA authorized State or Tribal Lead-Based Paint Contractor Certification and Accreditation Program under the requirements of section 404 of the Toxic Substances Control Act (TSCA). However, low level hazard interventions (e.g., dust control and minor paint stabilization) do not require certified personnel unless required by state or local laws or regulations. All applicants must use personnel certified under the state, tribal, or EPA administered program for their state or tribe.

(1) Direct Project Elements that you may undertake directly or through subrecipients, include:

(a) Performing dust testing, hazard screens, inspections, and risk assessments of eligible housing constructed before 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil.

(b) Conducting the required pre-hazard control blood lead testing of children under the age of six years (72 months) residing in units undergoing inspection, risk assessment, or hazard control, unless reimbursable from Medicaid or another source.

(c) Conducting lead hazard control, which may include any combination of the following: interim control of lead-based paint hazards in housing (which may include specialized cleaning techniques to address lead dust); abatement of lead-based paint hazards using different methods for each unit (based on the condition of the unit and the extent of hazards); and abatement of lead-based paint hazards, including soil and dust, by means of removal, enclosure, encapsulation, or replacement methods. Complete abatement of all lead-based paint or lead-contaminated soil is not acceptable as a cost effective strategy unless justification is provided and approved by HUD. Abatement of lead contaminated soil should be limited to areas with bare soil in the immediate vicinity of the structure, i.e., dripline or foundation of the structure being treated, and children's play areas.

(d) Carrying out temporary relocation of families and individuals during the period in which hazard control is conducted and until the time the affected unit receives clearance for reoccupancy.

(e) Performing blood lead testing and air sampling to protect the health of the hazard control workers, supervisors, and contractors.

(f) Undertaking minimal housing rehabilitation activities that are specifically required to carry out effective hazard control, and without which the hazard control could not be completed and maintained. Hazard Control grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs. HUD strongly encourages integration of this grant program with housing rehabilitation and PATH technologies.

(g) Conducting clearance dust-wipe testing and laboratory analysis.

(h) Engineering and architectural activities that are required for, and in direct support of, lead hazard control.

(i) Providing lead-based paint worker or contractor certification training and/or licensing to low-income persons.

(j) Providing free training on lead-safe, essential maintenance practices to homeowners, renters, painters, remodelers, and apartment maintenance staff working in low-income private housing.

(k) Providing cleaning supplies for lead-hazard control to community/neighborhood-based organizations, homeowners, and renters in low-income private housing.

(l) Conducting planning, coordination, and training activities to facilitate local implementation of HUD's regulations on Lead-Based Paint Poisoning Prevention in Certain Residential Structures, published on September 15, 1999 (64 FR 50140), and which became effective on September 15, 2000. These activities are intended to allow the creation of a workforce properly trained in lead-safe work practices and which is available to conduct interim controls on HUD assisted housing covered by these regulations. These regulations are available from the National Lead Information Center at 1–800–424–LEAD.

(m) Conducting general or targeted community awareness, education or outreach programs on lead hazard control and lead poisoning prevention. This includes educating owners of rental properties on the Fair Housing Act and training on lead-safe maintenance and renovation practices and management. Upon request, this also would include making all materials available in alternative formats to persons with disabilities (e.g.; Braille, audio, large type).

(n) Procuring liability insurance for lead-hazard control activities.

(o) Supporting data collection, analysis, and evaluation of grant program activities. This includes compiling and delivering such information and data as may be required by HUD. This activity is separate from administrative costs.

(p) Conducting applied research activities directed at demonstration of cost effective methods for lead hazard control.

(q) Purchasing or leasing equipment having a per unit cost under $5,000.

(r) Purchasing or leasing up to two (2) X-ray fluorescence analyzers for use by the Lead-Based Paint Hazard Control Grant Program, if not already available.

(s) Preparing a final report at the conclusion of grant activities.

(2) Support Elements.

(a) Administrative costs. There is a 10% maximum for administrative costs. Specific information on administrative costs is included in this Lead-Based Paint Hazard Control Grant Program section of this SuperNOFA.

(b) Program planning and management costs of sub-grantees and other sub-recipients.

(D) *Ineligible Activities.* You may not use grant funds for any of the following:

(1) Purchase of real property.

(2) Purchase or lease of equipment having a per unit cost in excess of $5,000, except for X-ray fluorescence analyzers.

(3) Chelation or other medical treatment costs related to children with elevated blood lead levels. Non-Federal funds used to cover these costs may be counted as part of the required matching contribution.

(4) Lead hazard control activities in publicly owned housing, or project-based Section 8 housing.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, you, the applicant, must comply with the following requirements:

(A) *Budgeting.* (1) *Matching Contribution.* You must provide a matching contribution of at least 10% of the requested grant sum. This may be in the form of a cash or in-kind (non-cash) contribution or a combination of both. With the sole exception of Community Development Block Grant (CDBG) funds, Federal funds may not be used to satisfy the statutorily required ten (10) percent matching requirement. Federal funds may be used, however, for contributions above the statutory requirement. If you do not show a minimum 10% match in your application, you will be rated lower during the evaluation process, and, if selected, you will be required to provide the matching contribution before being given the grant.

(2) *Direct Lead Hazard Control Activities.* The budget proposed must show a minimum of 60 percent of the total Federal amount requested identified for direct lead hazard control activities. Direct lead hazard control activities consist of inspections, risk assessments, contracts for lead hazard control services, and clearance evaluations. Direct hazard control activities do not include relocation, blood testing of residents or workers, housing rehabilitation, training, community education, applied research, purchase of supplies or equipment, or administrative costs.

(3) *Lead-Safe Work Practice Training Activities.* The budget proposed must include a minimum of two (2) percent of the total Federal amount to promote the creation of a workforce properly trained in lead-safe work practices and which is available to conduct interim controls on HUD assisted housing units being treated under the provisions of the HUD Lead Safe Housing Regulation (Sections 1012 and 1013 of Title X of the Housing and Community Development Act of 1992), 24 CFR Part 35(in particular, paragraphs 35.1330 (a)(4)(iii)–(v), published September 15, 1999 (64 FR 50201 et eq.).

(4) *Applied Research Activities.* You may identify a maximum of five (5%) percent of the total grant request for applied research activities.

(5) *Administrative Costs.* There is a 10% maximum for administrative costs.

(B) *Period of Performance.* The period of performance is 36 months for previously unfunded applicants. Existing grantee applicants will be allowed 30 months.

(C) *Certified Performers.* You may use grant funds only for projects conducted by certified contractors, risk assessors, inspectors, workers and others engaged in lead-based paint activities. The individuals and firms (if applicable) must be certified under an EPA authorized State or Tribal program or a program operated by the EPA in the absence of a State or Tribal program.

(D) *Coastal Barrier Resources Act.* Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), you may not use grant funds for properties located in the Coastal Barrier Resources System.

(E) *Flood Disaster Protection Act.* Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), you may not use grant funds for lead-based paint hazard control of a building or mobile home that is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

(F) *National Historic Preservation Act.* The National Historic Preservation Act of 1966 (16 U.S.C. 470) and the regulations at 36 CFR part 800 apply to the lead-based paint hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out activities under this program. This may be obtained from the SuperNOFA Clearinghouse.

(G) *Waste Disposal.* You must handle waste disposal according to the requirements of the appropriate local, State and Federal regulatory agencies. You must handle disposal of wastes from hazard control activities that contain lead-based paint but are not classified as hazardous in accordance with the HUD Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines). The Guidelines may be purchased from HUD User (1–800–245–2691) or downloaded from the HUD website (www.hud.gov/offices/lead).

(H) *Worker Protection Procedures.* You must observe the procedures for worker protection established in the HUD Guidelines, as well as the requirements of the Occupational Health and Safety Administration (OSHA) (29 CFR 1926.62—Lead Exposure in Construction), or the State or local occupational safety and health regulations, whichever are most protective. If other applicable requirements contain more stringent requirements than the HUD Guidelines, the more rigorous standards shall be followed.

(I) *Prohibited Practices.* You must not engage in practices that are not allowed because of health and safety risks. Methods that generate high levels of lead dust shall be undertaken only with requisite worker protection,

containment of dust and debris, suitable clean-up, and clearance. Prohibited practices include:

(1) Open flame burning or torching;

(2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;

(3) Uncontained hydroblasting or high pressure wash;

(4) Abrasive blasting or sandblasting without HEPA exhaust control;

(5) Heat guns operating above 1100 degrees Fahrenheit;

(6) Chemical paint strippers containing methylene chloride or other volatile hazardous chemicals in a poorly ventilated space; and

(7) Dry scraping or dry sanding, except scraping in conjunction with heat guns or around electrical outlets or when treating no more than two (2) square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

(J) *Proposed Modifications From Current Procedures.* Proposed methods that differ from currently approved standards or procedures will be considered on their merits through a separate HUD review and approval process after the grant award is made and a specific justification has been presented. HUD may consult with experts from both the public and private sector as part of its final determinations and will document its findings in an environmental assessment. HUD will not approve proposed modifications that, in HUD's opinion, involve a lowering of standards with potential to adversely affect the health of residents, contractors or workers, or the quality of the environment.

(K) *Written Policies and Procedures.* You must have clearly established, written policies and procedures for all phases of lead hazard control, including risk assessment, inspection, development of specifications, pre-hazard control blood lead testing, financing, relocation and clearance testing. Grantees, subcontractors, sub-grantees, sub-recipients, and their contractors must adhere to these policies and procedures.

(L) *Continued Availability of Lead Safe Housing to Low-Income Families.* Units in which lead hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income residents as required by Title X. You must maintain a registry (listing) of units in which lead hazards have been controlled for distribution and marketing to agencies and families as suitable housing for families with children under six.

(M) *Testing.* In developing your application budget, include costs for inspection, risk assessment, and clearance testing for each dwelling that will receive lead hazard control, as follows:

(1) *Testing.* (a) *General.* All testing and sampling shall conform to the current HUD Guidelines and Federal, state or tribal regulations developed as part of the appropriate contractor certification program. It is particularly important to provide this full cycle of testing for lead hazard control, including interim controls. Testing must be conducted according to the HUD Guidelines and the EPA lead hazard standards rule at 40 CFR part 745, subparts D and L. All test results must be provided to the owner, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers.

(b) *Pre-Hazard Control.* A combined inspection and risk assessment is recommended. You should ensure that the results of the pre-hazard control investigation are sufficient to support hazard control decisions. When appropriate, you may elect to perform a lead hazard screen in lieu of an inspection or risk assessment.

(c) *Non-Identification of Lead Hazards from Paint, Dust, Soil.* In the event you propose to conduct lead hazard control work without identification of lead hazards from paint, dust, and soil, you must fully justify the technical and other rationale for such a proposal. HUD must approve such proposals. Approval is subject to HUD environmental review under 24 CFR part 50.

(d) *Clearance Testing.* Clearance dust testing must be conducted according to the HUD Guidelines and the EPA lead hazards standards rule at 40 CFR part 745, subparts D and L. You are required to meet the post-hazard control dust-wipe test clearance thresholds at 40 CFR 745.227(e)(8)(viii). Wipe tests shall be conducted by an appropriately certified individual who is independent of the lead hazard control contractor. Dust-wipe and soil samples, and any paint samples to be analyzed by a laboratory, must be analyzed by a laboratory recognized by the EPA National Lead Laboratory Accreditation Program (NLLAP). Units treated shall not be reoccupied until clearance is achieved.

(2) *Blood lead testing.* Before lead hazard control work begins, each occupant who is under six years old must be tested for lead poisoning within the six months preceding the housing intervention. Any child with an elevated blood lead level must be referred for appropriate medical follow-up. The standards for such testing are described in the Centers for Disease Control and Prevention publications *Preventing Lead Poisoning in Young Children* (1991), and *Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials (1997).*

(N) *Cooperation With Related Research and Evaluation.* You shall cooperate fully with any research or evaluation sponsored by HUD, CDC, EPA or other government agency and associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators or HUD. This also may include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in your original proposal. Participant data shall be subject to Privacy Act protection.

(O) *Data collection.* You will be required to collect and maintain the data necessary to document the various lead hazard control methods used and the relative cost of these methods.

(P) *Section 3 Employment Opportunities.* Please see Section II(E) of the General Section of the SuperNOFA. The requirements of Section 3 of the Housing and Urban Development Act of 1968 are applicable to the Lead-Based Paint Hazard Control Program.

(Q) *Replacing Existing Resources.* Funds received under this grant program should not be used to replace existing community resources dedicated to any ongoing project.

(R) *Certifications and Assurances.* You must include the certifications and assurances listed in the General Section of the SuperNOFA with your application.

(S) *Davis-Bacon Act.* The Davis-Bacon Act does not apply to this program. However, if you use grant funds in conjunction with other Federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other Federal programs.

V. Application Selection Process

(A) *Rating and Ranking.* HUD intends to fund the highest ranked applications within the limits of funding, but reserves the right to advance other eligible applicants in funding rank. A decision to advance an applicant will be based on programs that: foster innovative local approaches or lead hazard control methods.

(B) *Award Offers.* In the selection process, once available funds have been allocated to meet the requested or negotiated amounts of the top eligible applicants, HUD reserves the right to offer any residual amount as partial funding to the next eligible applicant, provided HUD is satisfied that the residual amount is sufficient to support a viable, though reduced effort, by such applicant(s). If you are an applicant offered a reduced grant amount you will have a maximum of seven (7) calendar days to accept such a reduced award. If you fail to respond within the seven day limit, you shall be considered to have declined the award.

(C) *Budget.* HUD will evaluate your proposed budget (for a 36 month period for previously unfunded applicants and a 30 month period for existing grantee applicants) to determine if it is reasonable, clearly justified, and consistent with the intended use of grant funds. HUD is not required to approve or fund all proposed activities. You may devote up to 36 months (30 months for existing grantee applicants) for the planning, implementation, and completion of lead hazard control activities. You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A).

(D) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are stated below. The maximum number of points to be awarded is 102. This maximum includes two EZ/EC bonus points as described in the General Section of the SuperNOFA. Also, Section III(C)(2) of the General Section, which addresses a court-ordered consideration, is applicable to this program.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 points for previously unfunded applicants; 30 points for existing grantees)

This factor addresses your organizational capacity necessary to successfully implement the proposed activities in a timely manner. The rating of the "applicant" or the "applicant's staff" for technical merit or threshold compliance, unless otherwise specified, includes any community-based organizations, sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to your project. In rating this factor, HUD will consider:

(1) Your recent, relevant and successful demonstrated experience (including governmental and community-based partners) to undertake eligible program activities. You must describe the knowledge and experience of the proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs, especially involving housing rehabilitation, public health, or environmental programs. You must demonstrate that you have sufficient personnel or will be able to quickly retain qualified experts or professionals, to immediately begin your proposed work program and to perform your proposed activities in a timely and effective fashion. In the narrative response for this factor, you should include information on your program staff, their experience, commitment to the program, salary information, and position titles. Resumes (for up to three key personnel), position descriptions, and a clearly identified organizational chart for the lead hazard control grant program effort must be included in an appendix. Indicate the percentage of time that key personnel will devote to your project. To receive maximum points, your day-to-day program manager must be dedicated for a minimum of 75% of the time. Describe how other principal components of your agency or other organizations will participate in or otherwise support the grant program. You may demonstrate capacity by thoroughly describing your prior experience in initiating and implementing lead hazard control efforts and/or related environmental, health, or housing projects. You should indicate how this prior experience will be used in carrying out your proposed comprehensive Lead-Based Paint Hazard Control Grant Program.

(2) If you have received previous HUD Lead-Based Paint Hazard Control Grant funding, your past experience will be evaluated in terms of progress under the most recent previous grant. You must provide a description of your progress in implementing your most recent grant award within the period of performance, including the total number of housing units completed as of the most recent calendar quarter.

Rating Factor 2: Needs/Extent of the Problem (20 points)

This factor addresses the extent to which there is a need for the proposed program activities to address a documented problem in the target area.

(1) Document a critical level of need for your proposed activities in the area where activities will be carried out. Since an objective of the program is to prevent at-risk children from being poisoned, specific attention must be paid to documenting such need as it applies to the targeted areas, rather than the entire locality or state. If the target area is an entire locality or state, then documenting need at this level is appropriate. So the threat to your jurisdiction's children can be thoroughly assessed, you should describe the need in both the target areas as well as the entire jurisdiction.

(2) Document the following:

(a) Numbers and percentages of children with elevated blood lead levels, particularly in the areas targeted in your proposal;

(b) Economic and demographic data relevant to the target area, including poverty and unemployment rates;

(c) Housing market data available from HUD, or other data sources, including the Consolidated Plan/ Analysis of Impediments, Public Housing Authority's Five Year Comprehensive Plan, State or local Welfare Department's Welfare Reform Plan;

(d) Other data relevant to the target area or jurisdiction that may document an unmet need. These data may include the number of lead poisoned children where the identified lead-based paint hazards have not been remediated, the number of lead-based paint health and/ or housing code violations, or the number of pre-1978 housing units anticipated to undergo rehabilitation in the next 12 months; or

(3) To the extent that statistics and other data contained in your community's Consolidated Plan or Analysis of Impediments to Fair Housing Choice (AI) support the extent of the problem, you should include references to the Consolidated Plan and the AI in your response.

(4) Provide information on your jurisdiction, and, the areas targeted for the lead hazard control activities (data may be available in your currently approved Consolidated Plan, derived from 1990 Census Data, or special local studies):

(a) The age and condition of housing;

(b) The number and percentage of very-low (income less than 50% of the area median) and low (income less than 80% of the area median) income families, as determined by HUD, with adjustments for smaller and larger families;

(c) The number and proportion of children under six years (72 months) of age at risk of lead poisoning;

(d) The extent of the lead poisoning problem in children under six years of age in target areas and the overall jurisdiction; and

(e) Other socioeconomic or environmental factors that demonstrate a need to establish or continue lead hazard control work in your jurisdiction.

(5) You also must provide documentation of the priority that the

community's Consolidated Plan and Analysis of Impediments has placed on addressing the needs you described.

(6) If your application addresses needs that are in the Consolidated Plan, Analysis of Impediments to Fair Housing Choice, court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements, you will receive more points than applicants that do not relate their program to identified needs.

(7) For you to receive maximum points for this factor, there must be a direct relationship between your proposed activities, community needs, and the purpose of the program funding. If the data presented in your response does not specifically represent your target area, you should discuss why the target areas were proposed.

Rating Factor 3: Soundness of Approach (45 points for previously unfunded applicants and 30 points for existing grantees)

This factor addresses the quality and cost-effectiveness of your proposed work plan. You should present information on your proposed lead-based paint hazard control program and describe how it will satisfy the identified needs. To the extent possible, describe a comprehensive strategy to address the need to protect targeted neighborhoods rather than individual units or homes. Your response to this factor must include the following elements:

(1) *Lead Hazard Control Strategy* (37 points for previously unfunded applicants; 22 points for existing grantees). Describe your strategy to plan and execute your lead hazard control grant program. You should provide information on:

(a) *Implementing a Lead Hazard Control Program* (16 points for previously unfunded applicants; 8 points for existing grantees). Describe how you will implement the strategy for your proposed lead hazard control program. The description must include information on:

(i) How your previous experience in reducing or eliminating lead-based paint hazards in conjunction with other Federal, State or locally funded programs will facilitate such implementation.

(ii) Your overall strategy for the identification, selection, prioritization, and enrollment of units of eligible privately-owned housing for lead hazard control. Describe the proposed activities that will occur in an EZ/EC and how they will benefit the residents of those zones or communities. Provide estimates of the total number of owner occupied and/or rental units which will receive lead hazard control. You should describe how you will respond to the needs of EBL children located outside the targeted areas.

(iii) The degree to which the work plan focuses on eligible privately-owned housing units with children under six years (72 months) old. Describe your planned approach to control lead hazards before children are poisoned and/or to control lead hazards in units where children have already been identified with an elevated blood lead level. Describe your process for referring and tracking children with elevated blood lead levels for medical case management. Provide estimates of the number of children you will assist through this program.

(iv) The financing strategy, including eligibility requirements, terms, conditions, and amounts available, you will use in carrying out lead hazard control activities. You must discuss the way these funds will be administered (e.g. use of grants, deferred loans, forgivable loans, other resources, private sector financing, etc.), as well as the agency that will administer the financing process. Describe any matching requirements proposed for assistance to investor-owned properties. Investor-owner match that is a program requirement should also be reflected in your response to Factor 4.

(v) You should describe how your proposed program will satisfy the stated needs or will assist in addressing the impediments in the AI. Describe how your proposed program will further and support the policy priorities of the Department, including promoting healthy homes; providing opportunities for self-sufficiency, particularly for persons enrolled in welfare to work programs; or providing educational and job training opportunities. Describe how your strategy will provide long-term benefits to families with children under six years of age.

(b) *Lead Hazard Control Outreach and Community Involvement* (5 points for all applicants). Your application must describe:

(i) Proposed methods of community education. These may include community awareness, education, training, and outreach programs in support of the work plan and objectives. This description should include general and/or targeted efforts undertaken to assist your program in reducing lead exposure. Programs should be culturally sensitive, targeted, and linguistically appropriate. Upon request, this would include making materials available in alternative formats to persons with disabilities (e.g., Braille, audio, large type), and in other languages common to the community to the extent possible.

(ii) How you intend to involve neighborhood or community-based organizations in your proposed activities. Your activities may include training, outreach, community education, marketing, inspection (including dust lead testing), and the conduct of lead hazard control activities. HUD will evaluate the level of substantive involvement during the review process.

(iii) Outreach strategies and methodologies to affirmatively further fair housing and provide lead-safe housing to all segments of the population: homeowners, owners of rental properties, and tenants. Once the population to which outreach will be "targeted" is identified, outreach strategies directed specifically to them should be multifaceted. This criterion goes beyond testing and hazard control; it concerns what happens to the units after lead hazard control activities are completed and tries to ensure, for the long term, that all families will have adequate, lead-safe housing choices.

(c) *Technical Approach for Conducting Lead Hazard Control Activities* (16 points for previously unfunded applicants; 9 points for existing grantees).

(i) Describe your process for the conduct of risk assessments and/or inspections in units of eligible privately-owned housing in which you will undertake lead hazard control. You may include housing which has a valid risk assessment or inspection which had been previously performed by certified inspectors or risk assessors, in accordance with the HUD Guidelines and identified with lead-based paint hazards.

(ii) Describe your testing methods, schedule, and costs for performing blood lead testing, risk assessments and/or inspections to be used. If you propose to use a more restrictive standard than the HUD thresholds (e.g., 0.5% or 1.0 mg/cm2), identify the lead-based paint threshold for undertaking lead hazard control which will be used. All testing shall be performed in accordance with the HUD Guidelines.

(iii) Describe the lead hazard control methods you will undertake and the number of units you will treat for each method selected (interim controls, hazard abatement, and complete abatement). Provide an estimate of the per unit costs (and a basis for those estimates) for each lead hazard control method proposed and a schedule for initiating and completing lead hazard control work in the selected units. Discuss efforts to incorporate cost-effective lead hazard control methods (if you propose complete abatement, provide HUD with a detailed rationale for that decision). Explain your cost estimates, providing detail on how the estimates were developed, with particular references to cost effectiveness.

(iv) Schedule. Describe your expected schedule for the overall project. Discuss when you plan to complete planning and receive approval of your workplan; perform lead hazard control on your first unit; and complete lead hazard control on all units in your workplan and grant agreement.

Describe the schedule for a typical unit which will receive lead hazard control. Discuss the duration for enrollment and qualification; evaluation; hazard control; and clearance.

(v) Describe how you will integrate proposed lead hazard control activities with rehabilitation activities, including the training needed to create a workforce properly trained in lead-safe work practices for units being treated under other HUD programs.

(vi) Describe your contracting process, including development of specifications for selected lead hazard control methods. Describe the management processes you will use to ensure the cost-effectiveness of your lead hazard control methods. Your application must include a discussion of the contracting process for the conduct of lead hazard control activities in the selected units.

(vii) Describe your plan for occupant protection or the temporary relocation of occupants of units selected for lead hazard control work. You should address the use of safe houses and other housing arrangements, storage of household goods, stipends, incentives, etc.

(viii) If you are an existing grantee, you must describe the actions you will take to ensure that your proposed lead hazard control work will occur concurrently with other ongoing HUD lead hazard control grant work. Your application must provide the detail necessary to assure HUD that you will implement the proposed work immediately and perform it concurrently with existing lead hazard control grant work.

(ix) If you are an existing grantee, you must describe your progress in implementing your most recent lead hazard control grant award. If the production achieved is below the performance values (percentages of units completed) provided in the application kit, and no changes are proposed, you should explain why the strategy in the earlier grant remains appropriate. Failure to provide this discussion will result in reduced points for this subfactor.

(2) *Economic Opportunity* (4 points for all applicants). Describe the ways you will train individuals and contractors in housing related trades, such as painters, remodelers, renovators, maintenance personnel, and rehabilitation specialists, and others in lead-safe practices. Describe how you will integrate such practices into lead hazard control activities including interim control work conducted on HUD assisted housing units being treated under the provisions of the HUD Lead-Safe Housing Regulation.

Describe the methods to be used to provide economic opportunities for residents and businesses in the community. This discussion should include information on how you will promote training, employment, business development, and contract opportunities as part of your lead hazard control program. Describe how you will accomplish the requirements of section 3 of the Housing and Urban Development Act of 1968 to give preference to hiring of low-and very low-income persons or contracting with businesses owned by or employing low- and very low-income persons.

(3) *Program Evaluation, Data Collection, and Research* (4 points for all applicants).

(a) Identify and discuss the specific methods and measures you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document and report the information.

(b) Provide a detailed description of any proposed applied research activities. Describe the objectives, methodology and impact at the local level of the proposed research activities.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to obtain other community resources (financing is a community resource) and private resources that can be combined with HUD's program resources to achieve program objectives.

(1) In evaluating this factor, HUD will consider the extent to which you have established working partnerships with other entities to get additional resources or commitments to increase the effectiveness of the proposed program activities. Resources may include cash or in-kind contributions (such as services or equipment) allocated to the proposed program. Resources may be provided by governmental entities, public or private organizations, or other entities partnering with you. Leveraging arrangements with investor-owners may have the benefits of increasing the efficiency of public lead hazard expenditures and creating a financial stake for investor owners in the quality of lead hazard control work. In advance of the actual agreements with investor-owners, however, it may be difficult to predict the precise amount of contributions they will generate. Contractual or other formal relationships with community-based organizations are a requirement for State and local government applicants. Applicants which do not have such partnerships at the time of application will be required to establish partnership relationships with community-based organizations immediately following notification of grant award (this requirement does not apply to you if you are an Indian Tribe applicant). You also may partner with other program funding recipients to coordinate the use of resources in your target area.

(2) You should detail any activities to increase the understanding of lead poisoning prevention activities in your community. This could include partnerships with childhood lead screening programs or collaboration with ongoing health, housing or environmental research efforts which could result in a greater availability of resources.

(3) Matching funds must be shown to be specifically dedicated to and integrated into supporting the lead-based paint hazard control program. You may not include funding from any Federally funded program (except the CDBG program) as part of your required 10% match. Other resources committed to the program that exceed the required 10% match will provide points for this rating factor and may include funds from other Federally funded programs. You must support each source of contributions, cash or in-kind, both for the required minimum and additional amounts, by a letter of commitment from the contributing entity, whether a public or private source. This letter must describe the contributed resources that you will use in the program. Staff in-kind contributions should be given a monetary value. If you do not provide letters specifying details and the amount of the actual contributions, those contributions will not being counted. Matching contributions required of investor-owners may be included as part of your match. Documentation and estimates for the amount of the match should be provided in the annex for this factor.

(4) For meeting the required match, you must provide evidence of leveraging or partnerships by including letters of firm commitment, memoranda of understanding, or agreements to participate from those entities identified as partners in your application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, the proposed level of commitment and responsibilities as they relate to your proposed program. The commitment must be signed by an official of the organization legally able to make commitments on behalf of the organization. Describe the role of community-based organizations in specific program activities, such as hazard evaluation and control; monitoring; and awareness, education, and outreach within the community.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address current and future needs by using available HUD and other community resources. In evaluating this factor, HUD will consider how you have:

(1) Coordinated your proposed activities with those of other groups or organizations to best support and coordinate all known activities and the specific steps you will take to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place or proposed should be described. You should, at a minimum, describe the activities, in your metropolitan area or region, of other HUD Lead-Based Paint Hazard Control grantees, Centers for Disease Control and Prevention (CDC) Childhood Lead Poisoning Prevention grantees, HUD or EPA Lead Outreach and Education grantees, and other programs which are addressing lead poisoning prevention needs. Coordination also includes providing technical assistance and training to neighboring or regional jurisdictions to facilitate the implementation of lead-based paint hazard control activities in those jurisdictions.

(2) Become actively involved (or if not currently active, the specific steps it will take to become active) in your community's Consolidated Planning and Analysis of Impediments process established to identify and address a need/problem that is related in whole, or part, directly, or indirectly to the activities you propose.

(3) Developed linkages, or the specific steps you will take to develop linkages with other activities, programs or projects through meetings, information networks, task forces, planning processes or other mechanisms to coordinate your activities so solutions are comprehensive, including linkages with:

(a) Other HUD funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other HUD, Federal, State or locally funded activities, including those proposed or on-going in the community(s) served.

(4) Coordinated and integrated lead hazard control work with housing rehabilitation, housing and health codes, other related housing programs, or including work of community development corporations and childhood lead poisoning prevention programs.

(a) Describe the degree to which lead hazard control work will be done in conjunction with other housing-related activities (i.e., rehabilitation, weatherization, correction of code violations, and other similar work), or your plan for the integration and coordination of lead hazard control activities into those activities in the future.

(b) Describe plans to incorporate lead-based paint maintenance, essential maintenance practices, and hazard control standards with the applicable housing codes and health regulations, including training of workers to conduct such activities.

(c) Describe plans to generate and use public subsidies or other resources (such as revolving loan funds) to finance future lead hazard control activities.

(d) Describe plans to develop public-private lending partnerships to finance lead hazard control as part of acquisition and rehabilitation financing including the use of Community Reinvestment Act "credits" by lending institutions.

(e) Evidence firm commitments from participating organizations by describing:

(i) The name of each organization;

(ii) The capabilities or focus of each organization;

(iii) The proposed level of effort of each organization; and

(iv) The resources and responsibilities of each organization, including the applicant's clearly proposed plans for the training and employment of low-income residents.

(f) Described specific plans and objectives to implement a registry of lead-safe housing into your community's planning. Such plans could include strategies on how the information would be managed and made available to the public so that families (particularly low income families with children under age six) can make informed decisions regarding their housing options. Existing grantee applicants must address any registry of lead-safe housing and specifically discuss the availability, amount of information contained, and the use by members of the community. Describe your plans to develop and maintain a registry of publicly available information on lead-safe units.

(g) Detail the extent to which the policy of affirmatively furthering fair housing for all segments of the population is advanced by the proposed activities. Detail how your proposed work plan will support the community's efforts to further housing choices for all segments of the population. If you have an existing grant, you should discuss activities which have contributed to enhanced lead safe housing opportunities to all segments of the population.

(h) Describe plans to adopt or amend statutes, regulations, or policies which will more fully integrate lead hazard control into community policies and priorities.

(5) Describe how the lead hazard control efforts which are focused in the Empowerment Zone/Enterprise Community will directly benefit the residents or community in that EC/EZ.

(6) Describe efforts to coordinate and cooperate with other organizations which will lead to a reduction in lead risks to community residents. This could include such activities as free training to create a workforce properly trained in lead safe work practices, lead-safe repainting and remodeling; promotion of essential maintenance practices; and provision of lead dust testing to low-income, privately-owned homes which may not receive lead hazard control assistance under this grant program.

VI. Application Submission Requirements

(A) *Applicant Information.* (1) *Application Format.* The application narrative response to the Rating Factors is limited to a maximum of 25 pages. Your response must be typewritten on one (1) side only on 8 1/2" x 11" paper using a 12 point (minimum) font with not less than 3/4" margins on all sides. Appendices should be referenced and discussed in the narrative response. Materials provided in the appendices should directly apply to the rating factor narrative.

(2) *Application Checklist.* Your application must contain the items listed in this Section VI(A)(B). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, letters), referred to as the "non-standard forms" can be found as Appendix A to this program section of the SuperNOFA. The application items are as follows:

(a) Transmittal Letter that identifies "the applicant" (or applicants) submitting the application, the dollar amount requested, what the program funds are requested for, and the nature of involvement with community-based organizations.

(b) The name, mailing address, telephone number, and principal contact person of "the applicant." If you have consortium associates, sub-grantees, partners, major subcontractors, joint venture participants, or others contributing resources to your project, you must provide similar information for each of these partners.

(c) Checklist and Submission Table of Contents.

(d) Applicant Abstract. An abstract describing the goals and objectives of your proposed program (2 page maximum).

(e) Standard Form 424, Application for Federal Assistance.

(f) HUD 424M, Federal Assistance Funding Matrix.

(g) A detailed budget (total budget is the federal share and matching contribution) with supporting cost justifications for all budget categories of your grant request. You must provide a separate estimate for the overall grant management element (Administrative Costs), which is more fully defined in the application kit for this program section of the SuperNOFA. The budget shall include not more than 10% for administrative costs and not less than 90% for direct project elements. A minimum of 60% of the total Federal amount requested must be dedicated to direct lead hazard control activities. A minimum of 2% of the total Federal amount must be dedicated to activities to create a workforce properly trained in lead-safe work practices. In the event of a discrepancy between grant amounts requested in various sections of the application, the amount you indicate on the SF–424 will govern as the correct value.

(h) An itemized breakout (using the SF–424A) of your required matching contribution, including:

—Values placed on donated in-kind services;

—Letters or other evidence of commitment from donors; and

—The amounts and sources of contributed resources.

(i) Standard Forms SF–LLL and SF–424B, and HUD Forms 2880, 2990, 2991, 2992, 2993, 2994, 50070 and 50071.

(j) Contracts, Memoranda of Understanding or Agreement, letters of commitment or other documentation describing the proposed roles of agencies, local broad-based task forces, participating community or neighborhood-based groups or organizations, local businesses, and others working with the program.

(k) A copy of the lead hazard control element included in your current program year's Consolidated Plan. You should include the discussion of any lead-based paint issues in your jurisdiction's Analysis of Impediments, particularly as it addresses your target areas.

(l) Narrative responses to the five rating factors.

(B) *Proposed Activities.* All applications must, at a minimum, describe the proposed activities in the narrative responses to the rating factors. Your narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5).

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with HUD regulations in 24 CFR part 58, recipients of lead-based paint hazard control grants will assume Federal environmental review responsibilities. Recipients of a grant under this funded program will be given guidance in these responsibilities.

IX. Authority

The Lead-Based Paint Hazard Control Program is authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992).

Appendix A

The non-standard forms, which follow, are required for your Lead-Based Paint Hazard Control Program application. They are the Checklist and Submission Table of Contents and the Total Budget (Federal Share and Matching Contribution, including instructions).

BILLING CODE 4210–33–P

CHECKLIST AND SUBMISSION TABLE OF CONTENTS
LEAD HAZARD CONTROL GRANT PROGRAM

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. You must assemble the application in the order shown below and note the corresponding page number where the response is located. You must include this checklist and submission table of contents with the proposal.

		Cover page
☐	**Transmittal Letter**	
☐	**Applicant Abstract Summary** (limited to a maximum of 2 pages)	
☐	**Application Forms**	
☐	Standard Form 424 and SF 424A Section B	
☐	HUD-424-M	
☐	Total Budget (Federal Share and Matching)	
☐	HUD 2880 Disclosure and Update Report	
☐	HUD 50070 Certification for a Drug-Free Workplace	
☐	HUD 50071 Certifications of Payments to Influence Federal Transactions	
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ Form SF-LLL Not Required	
☐	HUD 2990 Certification of Consistency with the EZ/EC Strategic Plan	
☐	HUD 2991 Certification of Consistency with the Consolidated Plan	
☐	HUD 2992 Certification regarding Debarment and Suspension	
☐	Standard Form 424B (Assurances/Non-Construction Programs)	
	Threshold Requirements	
☐	Copy of Lead-Based Paint Element in Consolidated Plan	
	Rating Factor Response (The narrative response to the Rating Factors cannot exceed a total of 25 pages.)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	
☐	2. Needs/Extent of the Problem	
☐	3. Soundness of Approach	
☐	4. Leveraging/Partnerships	
☐	5. Comprehensiveness and Coordination	
	Appendices	
☐	Appendix 1 - Material in support of Rating Factor 1	
☐	Appendix 2 - Material in support of Rating Factor 2	
☐	Appendix 3 - Material in support of Rating Factor 3	
☐	Appendix 4 - Material in support of Rating Factor 4	
☐	Appendix 5 - Material in support of Rating Factor 5	
☐	Appendix 6 - Materials relating to the application thresholds or forms. The extract from the Consolidated plan should be provided in this appendix.	
☐	Appendix 7 - Other materials related to the application (as required)	
☐	HUD 2993 Acknowledgment of Application Receipt	

Spreadsheet version available from www.hud.gov/fha/sfforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category					
1. Personnel (Direct Labor) Position or Individual	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Total Direct Labor Cost					
2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					
3. Travel					
3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					
3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Prepared 02/08/2001

Page 1 of 4

Spreadsheet version available from www.hud.gov/fha/fhahms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					

3d. Per Diem or Subsistence (indicate location)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Subtotal - Per Diem or Subsistence					
Total Travel Cost					

4. Equipment (Only Items over $5,000 each)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Equipment Cost					

5. Supplies and Materials (Items under $5,000)					
5a. Consumable Supplies	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Consumable Supplies					

5b. Non-Consumable Materials	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/fha/fhahms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share

Match

Expressed as a percentage of the Federal Share

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Note: an electronic version of this spreadsheet may be obtained from the HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/lea/leaforms.html

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant effort (regardless of the source of their salaries). The hours and costs are for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here. Please include all labor costs which are associated with the proposed grant program, including those costs which will be paid for with in-kind or matching funds. Do not show fringe or other indirect costs in this section. Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An employee working less than full time on the grant should show the numbers of hours they will work on the grant.
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each lead program NOFA discusses the travel requirements which should be listed here.
3c - Transportation - Other	If you or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).

3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each lead program NOFA discusses the travel requirements which should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each lead program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items which have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items which will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees	List the contractors and sub-grantees which will help accomplish the grant effort. Other contracts which should be shown here include inspections, risk assessments, and clearance inspections; contracts with Community Based Organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers. If any contractor, sub-contractor, or sub-grantee is expected to receive over 10% of the total Federal amount requested, a separate Budget Summary spreadsheet should be developed for that contractor or sub-grantee and the total amount of their proposed effort should be shown as a single entry in this section. Unless your proposed program will perform the primary grant effort (lead hazard control, research, or healthy homes) with in-house employees (which should be listed in section 1), the costs of performing the primary grant activities (research, hazard control, etc.) should be shown in this section. Types of activities which should be shown in this section: • Contracts for all services • Training for individuals not on staff • Contracts with Community Based Organizations or Other Governmental Organizations (note the 10% requirement discussed above) • Insurance if your program will procure it separately Please provide a short description of the activity the contractor or subgrantee will perform, if not evident.
8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a subgrantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/lea/fedshare.xls) are protected. There is no password for the protection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES RESEARCH PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR HEALTHY HOMES RESEARCH PROGRAM OVERVIEW

Purpose of the Program. To fund research to improve methods for detecting and controlling residential environmental health and safety (EHS) hazards. The purpose of the Healthy Homes Initiative is to develop, demonstrate and promote cost effective, preventive measures to correct multiple safety and health hazards in the home environment which produce serious diseases and injuries in children.

Available Funds. Approximately $1.5 million.

Eligible Applicants. Academic and not-for-profit institutions located in the U.S., State and local governments, and Federally-recognized Indian tribes are eligible to apply. For-profit firms also are eligible; however, they are not allowed to earn a fee.

Application Deadline. May 17, 2001.

Match. None required.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit an original and four copies of your completed application on or before 12:00 midnight, Eastern time, on May 17, 2001, at the address shown below.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. For Mailed Applications. The address for mailed applications is: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street, SW, Room P3206, Washington, DC 20410.

For Overnight/Express Mail or Hand Carried Applications. The address for applications that are hand carried or sent via overnight/express mail delivery is: HUD Office of Healthy Homes and Lead Hazard Control, Suite 3206, 490 L'Enfant Plaza, SW, Washington, DC 20024. Hand carried applications will be accepted at this address (490 L'Enfant) up until 5:00 pm on the application due date.

After 5:00 pm on the application due date, hand carried applications will be accepted until 12:00 midnight, in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800–HUD–8929. Persons with speech or hearing impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Healthy Homes Research grant program. Please be sure to provide your name, address (including zip code), and telephone number (including area code).

For Further Information and Technical Assistance. You may contact: Ms. Ellen Taylor, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 116, or Ms. Karen Williams, Grants Officer, extension 118 (these are not toll-free numbers). Hearing- and speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $1.5 million will be available to fund research proposals in FY 2001. Grants or cooperative agreements will be awarded on a competitive basis according to the Rating Factors described in Section V(B). HUD anticipates awarding three to five grants ranging from approximately $200,000 to approximately $600,000.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description. Background.* In the FY 2001 Budget, HUD received a third year of funding to continue the Healthy Homes Initiative (sometimes referred to as the "Initiative" or "HHI") that protects children from housing conditions responsible for multiple diseases and injuries. The Initiative departs from the more traditional approach of attempting to correct one hazard at a time (e.g., asbestos, radon). In April 1999, HUD submitted to Congress a preliminary plan containing a full description of the Initiative. This description (Summary and Full Report) is available on the HUD website at www.hud.gov/offices/lead.

In addition to deficiencies in basic housing facilities that may impact health, changes in the U.S. housing stock and more sophisticated epidemiological methods and biomedical research have led to the identification of new and often more subtle health hazards in the residential environment (e.g., indoor air quality hazards). While such hazards will tend to be found disproportionately in housing that is substandard (e.g. structural problems, lack of adequate heat, etc.), such housing-related environmental hazards may also exist in housing that is otherwise of good quality. Appendix A to this Healthy Homes Research program section of the SuperNOFA briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. Appendix B to this Healthy Homes Research program section of the SuperNOFA lists the references that serve as the basis for the information provided in this Healthy Homes Research section of this SuperNOFA.

HUD is interested in promoting approaches that are cost-effective and efficient and that result in the reduction of health threats for the maximum number of residents for the long run, and in particular low-income children. The overall goals and objectives of the HHI are:

(1) Mobilize public and private resources, involving cooperation among all levels of government, the private sector, and community-based organizations to develop the most promising, cost-effective methods for identifying and controlling housing-based hazards.

(2) Build local capacity to operate sustainable programs that will continue to prevent and, where they occur, minimize and control housing-based hazards in low and very low income residences when HUD funding is exhausted.

(3) Affirmatively further fair housing and environmental justice. HUD recognizes that there are many key scientific and implementation questions related to this Initiative, some of which were articulated in the HHI Preliminary Plan. With this NOFA, HUD hopes to advance the recognition and control of residential environmental health and safety hazards and more closely examine the link between housing and health.

(B) *Eligible Applicants.* Academic and not-for-profit institutions located in the U.S., State and local governments and Federally-recognized Indian tribes are eligible under all existing authorizations. For-profit firms also are eligible; however, they are not allowed to earn a fee (i.e., no profit can be made

from the project). Federal agencies and Federal employees are not eligible to submit applications. The General Section of the SuperNOFA provides additional eligibility requirements.

(C) *Eligible Activities.* (1) *General Goals and Objectives.* The overall goal of this research is to gain knowledge to improve the efficacy and cost-effectiveness of methods for evaluation and control of environmental health and safety hazards in the home. Through the Healthy Homes Initiative, HUD is assessing and promoting new risk reduction techniques and research on the control of key hazards described in Appendix A. Objectives to be addressed by these projects are:

(a) Investigation of the epidemiology of housing-related hazards and illness and injury.

(b) Development and assessment of low-cost test methods and protocols for identification and assessment of housing-related hazards.

(c) Development and assessment of cost-effective methods for reducing or eliminating housing-related hazards.

(d) Evaluation of the effectiveness of housing interventions and public education campaigns, and barriers and incentives affecting future use of the most cost-effective strategies.

(f) Investigation of the environmental health effects on children living in deteriorated housing and the impact on their development and productivity.

A table of examples of current Healthy Homes and lead-related research projects being funded by HUD can be found in Appendix C.

(2) HUD is interested in the following research topics:

(a) Evaluation of residential Environmental Health and Safety (EHS) hazard control methodologies.

—Controlling excess moisture and dust, and improving indoor air quality (e.g., controlling combustion products) have been identified as key areas in the HHI Preliminary Plan.

(b) Low-cost analytical techniques for the rapid, on-site determination of environmental contaminants of concern (e.g., bioaerosols, pesticides, allergens).

—Establish and validate any necessary procedures, such as extraction and/or digestion, that would work well with the field device/procedure.

—Examine old technology (e.g., colorimetric tests, titrimetric procedures) as well as newer techniques.

—Consider the safety and environmental impacts of the procedure, particularly as used in the field.

(c) New or Novel Methods of EHS Hazard Evaluation or Control, or other areas of research that are consistent with the overall goals of this research program section of the SuperNOFA.

—Identify and evaluate new methods and/or techniques for EHS hazard control in the residential environment.

—Identify materials and/or procedures that may be used for abatement or for interim controls.

—Show the potential utility of these methods for hazard control and risk reduction.

—Evaluate critical elements and potential weaknesses of the methods or techniques, and address how to minimize the effect of each critical element and/or eliminate or mitigate each weakness.

—Demonstrate where and how these methods have been applied and tested, and/or perform demonstration activities.

—Illustrate the results obtained, and the costs involved.

—Recommend cost-effective changes to the Program for inclusion in future HUD Healthy Homes Initiative grants.

—Additional ideas will be considered with an open mind toward novel techniques and applications.

Although HUD is soliciting proposals for research on these specific topics, the Department will also consider funding applications for research on topics which are relevant under the overall goals and objectives of this research, as described above. In such instances, the applicant should describe how the proposed research activity addresses these overall goals and objectives.

Applicants should consider the efficiencies that might be gained by working cooperatively with some of the recipients of HUD Healthy Homes and Lead Hazard Control grants, who are widely distributed throughout the U.S. Information on current grantees is available at www.hud.gov/offices/lead.

You may address one or more of the research topic areas within your proposal, or submit separate applications for different topic areas. Projects need not address all of the objectives within a given topic area.

IV. Program Requirements.

(A) *Applicable Requirements.* Please refer to Section II of the General Section of the SuperNOFA, Requirements and Procedures Applicable to All Programs. The threshold requirements are listed in Section II.B of the General Section of this SuperNOFA.

(B) *Certifications and Assurances.* In addition to the certifications mentioned in the Section II(G) of the General Section of the SuperNOFA, you must comply with the following:

(1) All relevant State and Federal regulations regarding exposure to and proper disposal of hazardous materials.

(2) Any blood lead testing, blood lead level test results, and medical referral and follow-up for children under six years of age will be conducted according to the recommendations of the Centers for Disease Control and Prevention (CDC) *Preventing Lead Poisoning in Young Children,* (See Appendix B of this research program section of the SuperNOFA).

(3) HUD research grant funds will not replace existing resources dedicated to any ongoing project.

(4) Laboratory analysis covered by the National Lead Laboratory Accreditation Program (NLLAP) will be conducted by a laboratory recognized under the program.

(5) Human research subjects will be protected from research risks in conformance with Federal Policy for the Protection of Human Subjects, codified by HUD at 24 CFR part 60.

(6) The requirements of OSHA (e.g., 29 CFR part 1910 and/or 1926, as applicable), or the State or local occupational safety and health regulations, whichever are most stringent, will be met.

(C) *Period of Performance.* The period of performance cannot exceed 36 months from the time of award.

V. Application Selection Process

(A) *Submitting Applications for Grants.* Applications that meet all of the threshold requirements will be eligible to be scored and ranked, based on the total number of points allocated for each of the rating factors described below in Section V(B) of this program section of the SuperNOFA. Your application must receive a total score of at least 65 points to remain in consideration for funding.

Awards will be made in rank order, within the limits of funding availability.

You may address more than one of the research topic areas within your proposal, or submit separate applications for different topic areas. Projects need not address all of the objectives within a given topic area. While you will not be penalized for not addressing all of the specific objectives for a given topic area, if two applications for research in a given topic have equal scores, HUD will select the applicant whose project addresses the most objectives.

You are encouraged to plan projects that can be completed over a short time period (e.g., 12 to 24 months from the date of award) so useful information generated from the research can be available for policy or program

decisions and disseminated to the public as quickly as possible.

Regarding the amount to be awarded to the selected applicants, please refer to the Negotiations section in the General Section of this SuperNOFA.

(1) *Use of Residual Funds.* In the selection process, HUD reserves the right to offer partial funding to any or all applicants. If you are offered a reduced grant amount, you will have a maximum of seven (7) calendar days to accept such a reduced award. If you fail to respond within the seven day limit, you shall be considered to have declined the award.

(B) Rating Factors. The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points to be awarded is 100. The EZ/EC bonus points described in the General Section of the SuperNOFA do not apply to this Research NOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which you have the ability and organizational resources necessary to successfully implement your proposed activities in a timely manner. The rating of you, the "applicant," will include any sub-grantees, consultants, sub-recipients, and members of consortia that are firmly committed to the project (generally, "subordinate organizations"). In rating this factor HUD will consider the extent to which your application demonstrates:

(1) *The capability and qualifications of the principal investigator and key personnel* (10 points). Qualifications to carry out the proposed study as evidenced by academic background, relevant publications, and recent (within the past 10 years) relevant research experience. Publications and research experience are considered relevant if they required the acquisition and use of knowledge and skills that can be applied in the planning and execution of the research that is proposed under this program section of this SuperNOFA.

(2) *Past performance of the research team in managing similar research* (10 points). Demonstrated ability to successfully manage various aspects of a complex research study in such areas as logistics, research personnel management, data management, quality control, community research involvement (if applicable), and report writing, as well as overall success in project completion (i.e., research completed on time and within budget). You should also demonstrate that your project would have adequate administrative support, including clerical and specialized support in areas such as accounting and equipment maintenance.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for your proposed program activities to address documented problems, target areas or target groups. In responding to this factor, you should document in detail how your research would make a significant contribution towards achieving some or all of HUD's stated goals and objectives for one or more of the topic areas described in Sections III (A) and (C)(2)(a)-(c) of this program section of the SuperNOFA.

(1) Your rating will be based on the scope and completeness of your documentation which should include available data linking housing-based hazards to disease or injuries to children. Examples of data that might be used to demonstrate need include:

(a) Rates of childhood illnesses or injuries (e.g., asthma, burns) that could be caused or exacerbated by exposure to conditions in the home environment and/or rates of environmentally-related disease or adverse health effects (e.g., hypertension, elevated blood lead levels) that would be addressed by your research;

(b) Unavailability of other Federal, State or local funding or private sector resources that could be, or is used, to address the problem. This includes current research projects for which funding will be terminated or significantly reduced in the next 12 months.

(c) Data documenting affected groups or areas that are traditionally underserved or have special needs.

(2) If your application addresses needs that are in the Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI), court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements, you will receive more points than applicants that do not relate their program to identified need.

(3) In addition, if you are seeking funding for "other" research, as is described in section III(C)(2)(c), you must document the importance and need for the research with respect to addressing the overall goal of this research program, and providing measurable positive impact on children's health.

Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality of your proposed research plan. Specific components include the following:

(1) *Soundness of the study design* (25 points). The project description/study design must be thorough and feasible, and reflect your knowledge of the relevant scientific literature. You should include a plan for analyzing and archiving data. You should approach your study design as a project with a goal, some activities with associated tasks, a time frame, and an associated cost.

(2) *Quality assurance mechanisms* (5 points). You must describe the quality assurance mechanisms which will be integrated into your research design to ensure the validity and quality of the results. Areas to be addressed include acceptance criteria for data quality, procedures for selection of samples/sample sites, sample handling, measurement and analysis, and any standard/nonstandard quality assurance/control procedures to be followed. Documents (e.g., government reports, peer-reviewed academic literature) which provide the basis for your quality assurance mechanisms should be cited.

(3) *Project management plan* (5 points). The proposal should include a management plan that provides a schedule for the completion of major activities, tasks and deliverables, with an indication that there will be adequate resources (e.g., personnel, financial) to successfully meet the proposed schedule. Projects with a duration of 24 months or less will be awarded more points in this category than projects with a longer duration.

(4) *Project Evaluation* (5 points). You are required to identify and discuss the specific methods you will use to measure progress towards your goals, track and report results of your research, and evaluate the effectiveness of your project:

(i) Discuss the performance goals for your project and identify specific outcome measures;

(ii) Describe how the outcome information will be obtained, documented, and reported; and

(iii) Identify the major milestones for your project, and describe how your progress towards these milestones will be tracked, recorded and reported.

(5) *Budget Proposal* (2 Points). Your budget proposal should thoroughly estimate all applicable direct and indirect costs, and be presented in a clear and coherent format in accordance with the requirements listed in the

General Section of this SuperNOFA. HUD is not required to approve or fund all proposed activities. Your budget should be submitted in the format recommended; an electronic spreadsheet is available on HUD's website, www.hud.gov/offices/lead. You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A) and all major tasks, for yourself, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project. Your budget proposal should be activity and task related.

Rating Factor 4: Leveraging Resources (10 Points)

Your proposal should demonstrate that the effectiveness of the HUD research grant funds are being increased by securing other public and/or private resources or by structuring the research in a cost-effective manner, such as integrating the project into an existing research effort. Resources may include funding or in-kind contributions (such as services, facilities or equipment) allocated to the purpose(s) of your research. Staff and in-kind contributions should be given a monetary value.

You should provide evidence of leveraging/partnerships by attaching to your application the following: letters of firm commitment, memoranda of understanding, or agreements to participate from those entities identified as partners in the research efforts. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed level of commitment (with monetary value) and responsibilities as they relate to specific activities or tasks of your proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

You should describe how the results of your proposed research efforts will support planning, policy development, implementation of healthy homes programs, and/or public education in the area of residential EHS hazard control or in accordance with the goals and operations of the Partnership for Advancing Technology in Housing (PATH) (refer to Section VI(E) of the General Section of the SuperNOFA). If your application involves a particular community, it should relate to the community's Consolidated Plan and Analysis Impediments to Fair Housing Choice. In addition, you should also address the extent to which your research could be used to expand fair housing choice and to affirmatively further fair housing.

VI. Application Submission Requirements

(A) *Applicant Data.* Your application must contain the items listed in this Section (VI(A)). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the non-standard forms can be found as Appendix D to this program section of the SuperNOFA: The items are as follows:

(1) Transmittal Letter that identifies what the research program funds are requested for, the dollar amount requested, and the applicant or applicants submitting the application. If two or more organizations are working together on the research, a primary applicant must be designated.

(2) Checklist and Submission Table of Contents (see Appendix D).

(3) The name, mailing address, telephone number, and principal contact person of the prime applicant. If you have consortium associates, sub-grantees, partners, major subcontractors, joint venture participants, or others contributing resources to your project, similar information must be provided for each of these entities.

(4) Completed Forms HUD–2880, Applicant/Recipient Disclosure/Update Report; Certification Regarding Lobbying; and/or SF-LLL, Disclosure of Lobbying Activities, where applicable.

(5) Completed Standard Forms SF–424, 424M, 424A, 424B, and other certifications and assurances listed in the General Section of the SuperNOFA and in Section VII(B) of this program section of the SuperNOFA.

(6) A detailed total budget with supporting cost justification for all budget categories of the Federal grant request. Use the budget format discussed in Section V(B) Rating Factor 3:5, above. (See Appendix D.)

(7) A two-page (maximum) abstract containing the following information: The project title, the names and affiliations of all investigators, and a summary of the objectives, expected results, and study design described in the proposal.

(8) A project description/narrative statement addressing the rating factors for award of funding under this program section of the SuperNOFA. The narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5). The response to the rating factors should not exceed a total of 25 pages for each research topic area. Any pages in excess of this limit will not be read.

(9) Any important attachments, appendices, references, or other relevant information may accompany the project description, but must not exceed twenty (20) pages for the entire application. Any pages in excess of this limit will not be read.

(10) The resumes of the principal investigator and other key personnel. Resumes shall not exceed three pages each, and are limited to information that is relevant in assessing the qualifications of key personnel to conduct and/or manage the proposed research.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(1) and (5) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to environmental review under the related laws and authorities.

IX. Authority

These grants are authorized under sections 1051 and 1052 of the Residential Lead Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992, sections 501 and 502 of the Housing and Urban Development Act of 1970, and the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, Public Law 106–377, approved October 27, 2000.

Appendix A

The following briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention:

Allergens and asthma: Experts estimate that 14 million Americans have asthma, with an associated annual cost of $14 billion. Asthma is now recognized as the leading cause of school and work absence, emergency room visits and hospitalization. For sensitized children, exposure to antigens from dust mites, certain pets, and cockroaches has been associated with more severe asthma. There is a preponderance of evidence showing a dose-response relationship between exposure and prevalence of asthma and allergies; some evidence also indicates that exposure to antigens early in life may predispose or hasten the onset of allergies and asthma. Dust mites have been identified as the largest trigger for asthma and allergies. Cockroach allergens appear to be excessive in 30–50% of inner-city housing and affect 5–15% of the population, whereas dust mite appears to be the dominant allergen in other environments.

Interventions known to have beneficial effects include installation of impervious mattress and pillow covers, which can reduce allergen exposure by 90%. Other dust mite control measures include dehumidification, laundering bedding, and removal of carpets and other dust sinks. Cleaning carpets with tannic acid solution has also been demonstrated to greatly reduce dust mites. Asthma prevention program costs have been estimated at about $500 per unit, which includes about $150 for educational interventions.

Asbestos: Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials and household products for insulation and as a fire-retardant. The Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC) have banned most asbestos products. Manufacturers have also voluntarily limited uses of asbestos. Today, asbestos is most commonly found in older homes: in pipe and furnace insulation materials, asbestos shingles, millboard, textured paints and other coating materials, and floor tiles. Elevated concentrations of airborne asbestos can occur when asbestos-containing materials (ACM) are disturbed by cutting, sanding or other remodeling activities. Improper attempts to remove these materials can release asbestos fibers into the air in homes, increasing asbestos levels and endangering people living in those homes. The most dangerous asbestos fibers are too small to be visible. After they are inhaled, they can remain and accumulate in the lungs. Asbestos can cause lung cancer, mesothelioma (a cancer of the chest and abdominal linings), and asbestosis (irreversible lung scarring that can be fatal). Most people with asbestos-related diseases were exposed to elevated concentrations on the job; some developed disease from exposure to clothing and equipment brought home from job sites. As with radon, dose-response extrapolations suggest that lower level exposures, as may occur when asbestos-containing building materials deteriorate or are disturbed, may also cause cancer.

Intact asbestos-containing materials are not a hazard; they should be monitored for damage or deterioration and isolated if possible. Repair of damaged or deteriorating ACM usually involves either sealing (encapsulation) or covering (enclosure) it. Repair is usually cheaper than removal, but it may make later removal of asbestos more difficult and costly. Repairs should be done only by a professional trained and certified to handle asbestos safely and can cost from a few hundred to a few thousand dollars; removal can be more expensive.

Combustion products of heating and cooking appliances: Burning of oil, natural gas, kerosene, and wood for heating or cooking purposes can release a variety of combustion products of health concern. Depending upon the fuel, these may include carbon monoxide (a chemical asphyxiant), oxides of nitrogen (respiratory irritants), polycyclic aromatic hydrocarbons (e.g., the carcinogen benzo[a]pyrene), and airborne particulate matter (respiratory irritants). Carbon monoxide, an odorless gas, can be fatal. Nitrogen dioxide can damage the respiratory tract, and sulfur dioxide can irritate the eyes, nose and respiratory tract. Smoke and other particulates irritate the eyes, nose and throat, and can cause lung cancer.

Improper venting and poor maintenance of heating systems and cooking appliances can dramatically increase exposure to combustion products. Experts recommend having combustion heating systems inspected by a trained professional every year to identify blocked openings to flues and chimneys; cracked or disconnected flue pipe; dirty filters; rust or cracks in the heat exchanger; soot or creosote build-up; and exhaust or gas odors. Installing a carbon monoxide detector is also recommended; however, such a detector will not detect other combustion by-products.

Insect and rodent pests: The observed association between exposure to cockroach antigan and asthma severity has already been noted above. In addition, cockroaches may act as vehicles to contaminate environmental surfaces with certain pathogenic organisms. Rodents can transmit a number of communicable diseases to humans, either through bites, arthropod vectors, or exposure to aerosolized excreta. In addition, humans can become sensitized to proteins in rodent urine, dander and saliva. Such sensitization may contribute to asthma severity among children. Insect and rodent infestation is frequently associated with substandard housing that makes it difficult to eliminate. Treatment of rodent and insect infestations often includes the use of toxic pesticides which may present hazards to occupants (see below). Integrated pest management (IPM) for rodents and cockroaches, which reduces the use of pesticides, is estimated to cost approximately $150 per unit. IPM control measures include sealing holes and cracks, removing food sources and use of traps.

Lead: Exposure to lead, especially from deteriorating lead-based paint, remains one of the most important and best-studied of the household environmental hazards to children. Although blood lead levels have fallen nationally, a large reservoir of lead remains in housing. The most recent national survey, conducted from 1991–94, showed that nearly one million U.S. preschoolers still have elevated blood lead levels. Overall, the prevalence rate among all children under six years of age is 4.4%. Among low-income children living in older housing where lead-based paint is most prevalent, the rate climbs to 16%; and for African-American children living in such housing, it reaches 21%.

HUD estimates that 64 million dwellings have some lead-based paint, and that 20 million have lead-based paint hazards. Of those, about 3.6 million have young children and of those, about 500,000 units have inadequate cash flow to respond to lead-based paint hazards. Costs can range anywhere from $500 to $15,000 per unit. Corrective measures include paint stabilization, enclosure and removal of certain building components coated with lead paint, and cleanup and "clearance testing", which ensures the unit is safe for young children.

Mold and moisture: An analysis of several pulmonary disease studies estimates that 25% of airways disease, and 60% of interstitial lung disease may be associated with moisture in the home or work environment. Moisture is a precursor to the growth of mold and other biological agents, which is also associated with respiratory symptoms. An investigation of a cluster of pulmonary hemosiderosis (PH) cases in infants showed PH was associated with a history of recent water damage to homes and with levels of the mold Stachybotrys atra (SA) in air and in cultured surface samples. Associations between exposure to SA and "sick building" symptoms in adults have also been observed. Other related toxigenic

fungi have been found in association with SA-associated illness and could play a role. For sensitive individuals, exposure to a wide variety of common molds may also aggravate asthma. Addressing mold problems in housing requires coordination among the medical, public health, microbiological, housing, and building science communities.

The cost of mold/moisture-related intervention work (*e.g.*, integrated pest management, clean and tune furnace, remove debris, vent clothes dryer, cover dirt floor with impermeable vapor barrier) is a few hundred dollars, unless major modification of the ventilation system is needed. In Cleveland, mold interventions, including repairs to ventilation systems and basement flooring, in the most heavily-contaminated homes range from $500–$5,000, with some costs also being dedicated to lead hazard control simultaneously through its lead+asthma program.

Pesticide residues: According to the EPA, 75 percent of U.S. households used at least one pesticide product indoors during the past year. Products used most often are insecticides and disinfectants. Another study suggests 80 percent of most people's exposure to pesticides occurs indoors and that measurable levels of up to a dozen pesticides have been found in the air inside homes. The amount of pesticides found in homes appears to be greater than can be explained by recent pesticide use in those households; other possible sources include contaminated soil or dust that migrates in from outside, stored pesticide containers, and household surfaces that collect and then release the pesticides. Pesticides used in and around the home include products to control insects (insecticides), termites (termiticides), rodents (rodenticides), molds and fungi (fungicides), and microbes (disinfectants). In 1990, the American Association of Poison Control Centers reported that some 79,000 children were involved in common household pesticide poisonings or exposures. In households with children under five years old, almost one-half stored at least one pesticide product within reach of children. Exposure to chlorpyriphos (CP), a commonly used organophosphate insecticide, in the prenatal and early postnatal period may impair neurodevelopment. While CP is a biodegradable pesticide, substantial persistence of CP in house dust has been demonstrated. Exposure to high levels of cyclodiene pesticides, commonly associated with misapplication, has produced various symptoms, including headaches, dizziness, muscle twitching, weakness, tingling sensations, and nausea. In addition, EPA is concerned that cyclodienes might cause long-term damage to the liver and the central nervous system, as well as an increased risk of cancer.

There are available data on hazard evaluation methods and remediation effectiveness regarding pesticide residues in the home environment.

Radon progeny: The National Academy of Sciences estimates that approximately 15,000 cases of lung cancer per year are related to radon exposure. Epidemiologic studies of miners exposed to high levels of radon in inhaled air have defined the dose response relation for radon-induced lung cancer at high exposure levels. Extrapolation of these data has been used to estimate the excess risk of lung cancer attributable to exposure to radon gas at the lower levels found in homes. These estimates indicate that radon gas is an important cause of lung cancer deaths in the U.S. Excessive exposures are typically related to home ventilation, structural integrity and location.

Radon measurement and remediation methods are well-developed, and the Environmental Protection Agency (EPA) recommends that every home be measured for radon. EPA estimates that materials and labor costs for radon reduction in an existing home are $800–$2500. Including radon resistant techniques in new home construction costs $350–$500, and can save up to $65 annually in energy costs, according to the EPA.

Take home hazards from work/hobbies and work at home: When the clothing, hair, skin, or shoes of workers become contaminated with hazardous materials in the workplace, such contaminants may inadvertently be carried to the home environment and/or an automobile. Such "take-home" exposures have been demonstrated, for example, in homes of lead-exposed workers. In addition, certain hobbies or workplaces located in the home may provide an especially great risk of household contamination.

Control methods include storing and laundering work clothes separately, and showering and changing before leaving work, or immediately after arriving home. Once a home becomes contaminated, cleaning floors and contact surfaces and replacing furnishings may be necessary to reduce exposures.

Unintentional injuries/fire: Unintentional injury is now the leading cause of death and disability among children younger than 15 years of age. In 1997, nearly 7 million persons in the United States were disabled for at least 1 full day by unintentional injuries received at home. During the same year, 28,400 deaths were attributable to unintentional home injuries, of which 1800 occurred among children 0–4 years of age. Among young children, three types of events accounted for more than ¾ of deaths: fires/burns, drownings, and mechanical suffocation. Falls and poisoning are the next most common.

Home visitation protocols have been shown to be effective in reducing exposure to such hazards. The "add-on" cost of injury prevention measures, when combined with other housing interventions are estimated at about $100 per unit. This includes the cost of some injury prevention devices, such as smoke alarms, electrical socket covers, etc.

Appendix B—Relevant Publications and Guidelines

To secure any of the documents listed, call the listed telephone number (generally, the telephone numbers are not toll-free).

Regulations: 1. Worker Protection: OSHA publication—Telephone: 202–693–1888 (OSHA Regulations) (available for a charge)—Government Printing Office—Telephone: 202–512–1800 (not a toll-free number):

—General Industry Lead Standard, 29 CFR 1910.1025 (Document Number 869022001124). Can be downloaded from the Internet without charge from www.osha-slc.gov/OshStd_data/1910_1025.html.

—Lead Exposure in Construction, 29 CFR 1926.62, and appendices A, B, C, and D (Document Number 869022001141). Can be downloaded from the Internet without charge from www.osha-slc.gov/OshStd_data/1926_0062.html.

2. Waste Disposal: 40 CFR parts 260–268 (EPA regulations) (available for a charge)—Telephone 1–800–424–9346, or, from the Washington, DC, metropolitan area, 1–703–412–0810 (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/docs/epacfr40/chapt-I.info/subch-I/.

3. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR part 745 (EPA) (Lead Hazard Standards, Work Practice Standards, EPA and State Certification and Accreditation Programs for those engaged in lead-based paint activities)—Telephone: 1–202–554–1404 (Toxic Substances Control Act Hotline) (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/opptintr/lead/index.html.

4. Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule: 24 CFR part 35, subparts A through R, published September 15, 1999, at Federal Register pages 50201 through 50231(HUD)—Telephone: 1–800–424–LEAD (National Lead Information Center). Can be downloaded from the Internet without charge from www.hud.gov/lea/leadwnlo.html or www.epa.gov/lead/leadbase.htm.

5. U.S. Environmental Protection Agency. Lead; Identification of Dangerous Levels of Lead; Final Rule at 66 FR 1205–1240, January 5, 2001. TSCA Hotline: 202–554–1404 (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/lead/leadhaz.htm.

Guidelines: 1. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995, and amended September, 1997. (Available for a charge)—Telephone: 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/lea/leadwnlo.html.

2. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991: Telephone: 888–232–6789.

3. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC): Telephone: 888–232–6789. Can be downloaded from the Internet without charge from www.hud.gov/lea/leadwnlo.html.

Reports and Articles: 1. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing, (Summary and Full Report); HUD, July 1995 (available for a charge)—Telephone 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/lea/leadwnlo.html.

2. The Healthy Homes Initiative: A Preliminary Plan (Summary and Full Report); HUD, July 1995. Can be downloaded from the Internet without charge from www.hud.gov/lea/leadwnlo.html.

3. Institute of Medicine. Indoor Allergens. Assessing and Controlling Adverse Health Effects. National Academy Press. Washington, D.C. 1993.

4. Mott L., Our Children at Risk. Natural Resources Defense Council. Washington, D.C. 1997. Can be ordered from the Internet from www.nrdc.org

5. Rom W.N., Ed. Environmental and Occupational Medicine. Little, Brown and Co., Boston. 1992.

6. President's Task Force on Environmental Health Risks and Safety Risks to Children. Asthma and The Environment: An Action Plan to Protect Children. Washington, D.C. 1999. Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards. Washington, D.C., 2000. Can be downloaded from the Internet without charge from www.epa.gov/children.

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APPENDIX C + Healthy Homes and Lead-Related Research

Examples of Healthy Homes Research

No.	Title	Description
1	Urban Mold and Moisture	Provide data on the environmental impact on homes and on the health of children associated with mold and moisture control (research component of demonstration project)
2	Mold and Moisture in Inner City Housing	Demonstrate and evaluate the efficacy of low cost moisture control services through environmental, biological and medical monitoring (research component of demonstration project)
3	Bedford-Stuyvesant Healthy Homes Initiative	Demonstrate and evaluate the efficacy of low cost hazard remediation by tenants and owners in addressing four types of home environmental hazards (lead paint and dust, allergens, mold and accidental injury) (research component of demonstration project)
4	Boston Healthy Homes Partnership	Compare the efficacy of "enhanced" vs. "standard" intervention packages in reducing asthma exacerbation (research component of demonstration project)
5	Long Beach Healthy Home Initiative	Compare the efficacy of healthy homes interventions vs. standard environmental health services provided by a health department conducting a lead hazard control program (research component of demonstration project)
6	Improving the Lead Dust Final Clean Protocol to Reduce Cockroach Allergen Exposure	Determine effectiveness of modified cleaning protocols in reducing household contamination by cockroach allergen; evaluate polyclonal detection assay for cockroach allergens
7	Healthy Public Housing	Document EHS hazards affecting public housing residents; evaluate remedial measures and quantify economic benefits of interventions
8	Head Start Healthy Homes Initiative	Evaluate home visitation to Head Start families as a means of reducing health risks for asthma, lead poisoning and injury.

Examples of Healthy Homes-Related Lead Research

No.	Title	Description
1	Sampling Lead Dust in Carpets and Upholstery	To compare the performance of 5 different methods (handwash, vacuum, wipe, adhesive label, and a "membrane" sampler) of sampling dust-lead from carpets and upholstery in homes of lead poisoned children.
2	Lead Hazard Assessment of Carpets	Examine transfer of particles from carpet to hands (conditioned and field samples), distribution of dust and lead within carpet pile, and potential exposure to particulate in "particle cloud" created when walking on carpet.
3	Lead Hazard of Upholstery	The primary objective is to assess the potential for exposure to dust-lead from upholstery (conditioned samples and field samples).
4	Lead Hazard Assessment of Residential Air Ducts Emissions	Laboratory phase will measure lead particle emissions from a simulated household ventilation duct system under varying conditions (air velocity, humidity, etc.).
5	Efficacy of Household Vacuums and a Nonphosphate Detergent in Reducing Lead Dust on Floors	Conduct lab testing of household vacuums to select 3 moderately priced vacuums for use in the field component of the study. Compare the performance of the household vacuums with a HEPA vacuum in cleaning lead-contaminated dust. Identify parameters predictive of performance.
6	Factors Affecting the Retention of Leaded Dust in Carpets	The research will identify major factors (e.g., pile height, fiber density, fiber coating) which affect the extent to which carpets can be cleaned of leaded dust in the laboratory and field.
7	Penetration of Particulate Through Vacuum Bags	Develop a method for laboratory testing of commonly available vacuum cleaner bags to determine their efficiency in trapping fine dust.
8	Cleaning Lead Contaminated Dust from Hard Surfaces	The purpose of this research is to determine the effectiveness of various detergents in cleaning lead-contaminated dust from hard surfaces under varying conditions of wear and dust loading.
9	Monitoring HEPA Vacuum Dust Pick-up with an Aerosol Photometer	The objective of this research is develop a dynamic reading instrument that will indicate when a surface is sufficiently "clean".

APPENDIX D

The non-standard forms, which follow, are required for your Healthy Homes Research application. They are the Checklist and Submission Table of Contents and the Total Budget (Federal Share and Matching Contribution, including instructions).

CHECKLIST AND SUBMISSION TABLE OF CONTENTS

HEALTHY HOMES RESEARCH NOFA

The following checklist is provided to ensure that you have submitted all of the required items in order for you to receive consideration for funding under this NOFA. Applicants must check off each item that they have included in their submission package and note the corresponding page number where the response is located. Applicants are to include this Checklist and Submission Table of Contents with the proposal. Application pages must be consecutively numbered.

Check Off		Page Number
☐	Transmittal Letter	Cover page
☐	Checklist And Submission Table Of Contents (this form)	p.___
☐	Project Abstract (limited to 2 pages)	p.___
	Application Forms	
☐	Standard Form 424 (Application for Federal Assistance)	p.___
☐	Standard Form 424M (Federal Assistance Funding Matrix)	p.___
☐	Standard Form 424A (Budget Information/ Non-Construction Programs)	p.___
☐	Total Budget (Federal Share and Matching) (Budget sheets provided for applicant and each major subgrantees/subcontractor.)	p.___
☐	HUD 2880 Disclosure and Update Report	p.___
☐	HUD 50070 Drug-Free Workplace Certification	p.___
☐	HUD 50071 Certification of Payments to Influence Federal Transactions	p.___
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ Form SF-LLL not required.	p.___
☐	HUD 2992 Certification of Status Regarding Debarred Applicants	p.___
☐	Standard Form 424B (Assurances/Non-Construction Programs)	p.___
	Response to Rating Factors/Project Description (limited to 25 pages)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	p.___
☐	2. Needs/Extent of the Problem	p.___
☐	3. Soundness of Approach	p.___
☐	4. Leveraging/Partnerships	p.___
☐	5. Comprehensiveness and Coordination	p.___
	Appendices (if applicable)	
☐	Appendix 1 - Material in support of Rating Factors 1 through 5 (Limited to 20 pages.)	p.___
☐	Appendix 2 - Materials relating to the forms	p.___
☐	Appendix 3 -Other materials related to the application	p.___
☐	HUD 2993 Acknowledgment of Application Receipt	p.___

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category					
1. Personnel (Direct Labor) Position or Individual	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Total Direct Labor Cost					
2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					
3. Travel					
3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					
3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					
3d. Per Diem or Subsistence (Indicate location)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Subtotal - Per Diem or Subsistence					
Total Travel Cost					
4. Equipment (Only items over $5,000 each)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Equipment Cost					
5. Supplies and Materials (Items under $5,000)					
5a. Consumable Supplies	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Consumable Supplies					
5b. Non-Consumable Materials	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					
7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Subcontracts Cost					
8. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Item					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share
Match

Expressed as a percentage of the Federal Share

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Note: an electronic version of this spreadsheet may be obtained from the HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/lea/leaforms.html

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant effort (regardless of the source of their salaries). The hours and costs are for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here. Please include all labor costs which are associated with the proposed grant program, including those costs which will be paid for with in-kind or matching funds. Do not show fringe or other indirect costs in this section. Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An employee working less than full time on the grant should show the numbers of hours they will work on the grant.
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each lead program NOFA discusses the travel requirements which should be listed here.
3c - Transportation - Other	If you or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).

3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each lead program NOFA discusses the travel requirements which should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each lead program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items which have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items which will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees	List the contractors and sub-grantees which will help accomplish the grant effort. Other contracts which should be shown here include inspections, risk assessments, and clearance inspections; contracts with Community Based Organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers. If any contractor, sub-contractor, or sub-grantee is expected to receive over 10% of the total Federal amount requested, a separate Budget Summary spreadsheet should be developed for that contractor or sub-grantee and the total amount of their proposed effort should be shown as a single entry in this section. Unless your proposed program will perform the primary grant effort (lead hazard control, research, or healthy homes) with in-house employees (which should be listed in section 1), the costs of performing the primary grant activities (research, hazard control, etc.) should be shown in this section. Types of activities which should be shown in this section: • Contracts for all services • Training for individuals not on staff • Contracts with Community Based Organizations or Other Governmental Organizations (note the 10% requirement discussed above) • Insurance if your program will procure it separately

	Please provide a short description of the activity the contractor or subgrantee will perform, if not evident.
8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a subgrantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/lea/fedshare.xls) are protected. There is no password for the protection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES DEMONSTRATION AND EDUCATION PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HEALTHY HOMES DEMONSTRATION AND EDUCATION PROGRAM

Program Overview

Purpose of the Program. The purpose of the Healthy Homes Demonstration and Education Program is to develop, demonstrate and promote cost effective, preventive measures to correct multiple safety and health hazards in the home environment which produce serious diseases and injuries in children. HUD is interested in reducing health threats to the maximum number of residents, especially children, in a cost efficient manner.

Available Funds. Approximately $5.5 million.

Eligible Applicants. Not-for-profit institutions, and for-profit firms located in the U.S., State and local governments, and Federally-recognized Indian Tribes are eligible to apply. For-profit firms are not allowed to include a fee in the cost proposal (*i.e.*, no profit can be made from the project). Federal agencies and federal employees are not eligible to apply for this program.

Application Deadline. May 17, 2001.

Match. None.

Additional Information

If you are interested in applying for funding under this initiative, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original and four copies) is due on or before 12:00 midnight, Eastern time, on May 17, 2001, at the address shown below.

See the General Section of the SuperNOFA for specific procedures concerning the form of application submission (*e.g.*, mailed applications, express mail, overnight deliver, or hand carried).

Address for Submitting Applications. For Mailed Applications. The address for mailed applications is: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street, SW., Room P3206, Washington, DC 20410.

For Overnight/Express Mail or Hand Carried Applications. The address for applications that are hand carried or sent via overnight/express mail delivery is: HUD Office of Healthy Homes and Lead Hazard Control, Suite 3206, 490 L'Enfant Plaza, SW., Washington, DC 20024. Hand carried applications will be accepted at this address (490 L'Enfant) up until 5 pm on the application due date.

After 5 pm on the application due date, hand carried applications will be accepted until 12:00 midnight, in the South Lobby of HUD Headquarters, 451 Seventh Street, SW., Washington, DC 20410.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800–HUD–8929, or the TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to Healthy Homes Demonstration and Education Program. Please be sure to provide your name, address (including zip code), and telephone number (including area code). Alternatively, you may obtain an application kit by downloading it from the internet at http://www.hud.gov.

For Further Information and Technical Assistance. You may contact Ms. Ellen Taylor, Planning and Standards Division, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 116, or Ms. Karen Williams, Grants Officer, extension 118 (these are not toll-free numbers). Hearing- and speech-impaired persons may access the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $5.5 million will be available in FY 2001. Grants will be awarded on a competitive basis following evaluation of all proposals according to the Rating Factors described in Section V(C). HUD anticipates that approximately 6 to 8 grants will be awarded, ranging from approximately $250,000 to approximately $1,000,000.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* (1) *Background.* In the FY 2001 Budget, HUD received a third year of funding to continue the Healthy Homes Initiative (sometimes referred to as the "Initiative" or "HHI") that protects children from housing conditions responsible for multiple diseases and injuries. The Initiative departs from the more traditional approach of attempting to correct one hazard at a time (*e.g.*, asbestos, radon). In April 1999, HUD submitted to Congress a preliminary plan containing a full description of the Initiative. This description (Summary and Full Report) is available on the HUD website at www.hud.gov/offices/lead.

The Healthy Homes Initiative builds upon HUD's existing housing-related health and safety issues, including lead hazard control, building structural safety, electrical safety, and fire protection to address multiple childhood diseases and injuries related to housing in a more coordinated fashion. A coordinated effort is feasible because a limited number of building deficiencies contribute to many hazards. Substantial savings are possible using this approach, because separate visits to a home by an inspector, public health nurse, or outreach worker can add significant costs to efforts to eliminate hazards.

In addition to deficiencies in basic housing facilities that may impact health, changes in the U.S. housing stock and more sophisticated epidemiological methods and biomedical research have led to the identification of new and often more subtle health hazards in the residential environment (*e.g.*, indoor air quality hazards). While such hazards will tend to be found disproportionately in housing that is substandard (*e.g.*, structural problems, lack of adequate heat, etc.), such housing-related environmental hazards may also exist in housing that is otherwise of good quality. Appendix A to the Healthy Homes (HH) Demonstration and Education program section of the SuperNOFA briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. Appendix B to the HH Demonstration and Education program section of the SuperNOFA lists the references that serve as the basis for the information provided in this section of the SuperNOFA.

HUD is interested in promoting approaches that are cost-effective and efficient and that result in the reduction of health threats for the maximum number of residents for the long run, and in particular low-income children. The overall goals and objectives of the HHI are:

(1) Mobilize public and private resources, involving cooperation among all levels of government, the private sector, and community-based organizations to develop the most promising, cost-effective methods for identifying and controlling housing-based hazards.

(2) Build local capacity to operate sustainable programs that will continue to prevent and, where they occur, minimize and control housing-based hazards in low and very low income residences when HUD funding is exhausted.

(3) Affirmatively further fair housing and environmental justice.

(B) *Healthy Homes Demonstration and Education Activities.* Through the Healthy Homes Demonstration and Education program, HUD will initiate projects to promote implementation of available risk reduction techniques for the control of key hazards described in Appendix A. HUD has decided to initiate the HH Demonstration and Education projects through this competition. There are two categories of grants being awarded. These are:

- Demonstration projects implementing housing assessment, maintenance, renovation and construction techniques to identify and correct housing-related illness and injury risk factors, and
- Education projects disseminating healthy homes information and replicating successful interventions.

HUD will evaluate proposals based on the elements described below. Although you are expected to focus your efforts in one of the two categories, the activities of a proposed project may also address the other category. Applicants are required to be specific as to the locations where they are targeting their intervention activities to occur, the residents, individuals, or groups targeted to receive interventions, and the organizations targeted to continue to operate effective intervention strategies over the life of the award and hereafter.

(1) *Demonstration Projects.* Objectives to be addressed by these projects are:

(a) Identification of target areas and homes where intervention would be appropriate.

(b) Identification and evaluation of effective methods of hazard abatement and risk reduction.

(c) Development of appropriately-scaled, flexible, cost-effective and efficient intervention strategies that take into account the range of conditions likely to be encountered in older housing, and that maximize the number of housing units that receive an intervention.

(d) Development of methodologies for evaluating intervention effectiveness.

(e) Development of local capacity in target areas and target groups to operate sustainable programs to prevent and control housing-based hazards, especially in low and very-low income residences.

(f) Development of a cost-effective protocol for identifying homes that are candidates for interventions, identifying hazards in these homes, and screening out homes where structural or other condition factors (*e.g.*, cost) make interventions infeasible or impractical.

(2) *Education Projects.* Objectives to be addressed by these projects are:

(a) Development and delivery of public outreach programs to prevent and eradicate both emerging and well-recognized housing-related childhood diseases and injuries, and promote the use of identified solutions.

(b) Increased identification and control of housing based hazards through education and outreach to specific high-risk communities and other identified audiences such as health care deliverers, pregnant women, children, residential construction contractors, maintenance personnel, housing inspectors, real estate professionals, home buyers and homeowners.

(c) Implementation of media strategies to use print, radio and television to increase public awareness of housing related hazards that threaten children.

(d) Dissemination of materials that inform parents and caregivers about housing-related hazards and enable them to take prompt corrective action.

(C) *Eligible Activities.* The following direct activities and support activities are eligible under this grant program.

(1) *Direct Project Elements* (activities conducted by you and any sub-recipients):

(a) Performing evaluations of eligible housing to determine the presence of housing-based hazards (e.g., mold growth, allergens, unvented appliances, exposed steam pipes or radiators, deteriorated lead-based paint) through the use of generally accepted testing procedures.

(b) Conducting medical examinations of young children for conditions caused or exacerbated by exposure to hazards where this is considered essential to your project, and there are no alternative sources to cover these costs.

(c) Conducting housing interventions to remediate existing housing-based hazards and address conditions that could result in their recurrence. Any lead hazard evaluation and control work shall be conducted by certified performers in accordance with the HUD *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* (*"Guidelines"*) and applicable regulations. You may obtain the *Guidelines* and applicable regulations by downloading them from the Internet at *http://www.hud.gov/offices/lead.* All pest control activities shall incorporate the principles and methods of integrated pest management (IPM).

(d) Carrying out temporary relocation of families and individuals, when necessary, during the period in which intervention is conducted and until the time the affected unit receives clearance for reoccupancy. Residents relocated must be guaranteed the choice of returning to the unit after the intervention.

(e) Performing medical testing recommended by a physician or applicable occupational or public health agency for individuals in hazardous conditions and environmental sampling to protect the health of the intervention workers, supervisors, and contractors.

(f) Undertaking housing rehabilitation activities that are specifically required to carry out effective control of housing-based hazards, and without which the intervention could not be completed and maintained. Grant funds under this program may also be used to control lead-based paint hazards, but such controls may not be a principal focus of the grant.

(g) Conducting clearance testing and analysis for lead, mold, carbon monoxide and/or other toxins as appropriate, with respect to generally accepted standards or criteria, or where not available, other appropriate levels justified in conjunction with the project.

(h) Carrying out architectural, engineering and work specification development and other construction management services to control housing-based hazards and remediate existing hazards.

(i) Providing training on safe maintenance practices to homeowners, renters, painters, remodelers, and housing maintenance staff working in low- or very-low income housing.

(j) Providing cleaning supplies for hazard intervention and hazard control to community/neighborhood-based organizations for use by homeowners and tenants in low-income housing, or to such homeowners, and tenants directly.

(k) Conducting general or targeted community education programs on environmental health and safety hazards. This activity would include training on safe maintenance and renovation practices, among other topics, and further fair housing and environmental justice goals. It would also include making materials available, upon request, in alternative formats for persons with disabilities (e.g., Braille, audio, large type), and in languages other than English that are common in the community, whenever possible.

(l) Securing liability insurance for hazard intervention and hazard evaluation and control activities to be performed.

(m) Supporting data collection, analysis, and evaluation of project activities. This activity is separate from administrative costs.

(n) Conducting activities directed at demonstration of cost-effective evaluation and intervention methods for assessing and preventing housing-based hazards.

(o) Maintaining a registry (updated at least monthly) of housing units in which housing-based hazards were not found during evaluation, and those in which such problems and hazards have been controlled. Units on the registry should be given priority for affirmatively marketing to low-income families with young children and such families should be given preference for occupancy when they are vacant.

(p) Preparing quarterly progress reports and an overall final grant report detailing activities (e.g., number of units tested, types of interventions provided, evaluation of most cost efficient methodologies by type of unit), findings, and recommended future actions for cost effective interventions, at the conclusion of grant activities.

(2) *Support Elements.* (a) Your administrative costs.

(b) Program planning and management costs of sub-grantees and other sub-recipients.

(D) *Ineligible Activities*

(1) Purchase of real property.

(2) Purchase or lease of equipment having a per unit cost in excess of $5,000, unless prior written approval is obtained from HUD.

(3) Medical treatment costs.

IV. Program Requirements

In addition to program requirements listed in the General Section of the SuperNOFA, you, the applicant must comply with the following requirements:

(A) *Budgeting—Administrative Costs.* There is a 10% maximum for administrative costs. The application kit contains specific information on allowable administrative costs.

(B) *Period of Performance.* The period of performance cannot exceed 36 months from the time of the award.

(C) *Coastal Barrier Resources Act.* Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), funds may not be used for properties located in the Coastal Barrier Resources System.

(D) *Flood Disaster Protection Act.* Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), funds may not be used for construction, reconstruction, repair or improvement of a building or mobile home which is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

(E) *National Historic Preservation Act.* The National Historic Preservation Act of 1966 (16 U.S.C. 470) (NHPA) and the regulations at 36 CFR part 800 apply to the mold intervention and related hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out any lead hazard control activities under this program. This must be obtained from the SuperNOFA Information Center at 1–800–HUD–8929.

(F) *Waste Disposal.* Waste disposal will be handled according to the requirements of the Occupational Health and Safety Administration (OSHA) (e.g., 29 CFR part 1910 and/or 1926, as applicable), the Environmental Protection Agency (EPA) (e.g., 40 CFR parts 61, 260–282, 300–374, and/or 700–799, as applicable), the Department of Transportation (e.g., 49 CFR parts 171–177), and/or appropriate State or local regulatory agency(ies). Disposal of wastes from intervention activities that contain lead-based paint but are not classified as hazardous will be handled in accordance with the HUD *Guidelines* and applicable EPA regulations and guidance.

(G) *Worker Protection Procedures.* You must comply with the requirements of OSHA (e.g., 29 CFR part 1910 and/or 1926, as applicable), or the State or local occupational safety and health regulations, whichever are most stringent.

(H) *Written Policies and Procedures.* You must have written policies and procedures for all phases of intervention, including evaluation, development of specifications, financing, occupant relocation, independent project inspection, and clearance testing (e.g., for mold, lead, carbon monoxide or other hazards, as applicable). You and all your subcontractors, sub-recipients, and their contractors must comply with these policies and procedures.

(I) *Clearance Testing for Lead Hazard Control Activities.* Clearance dust testing for lead hazard control activities must be conducted according to the HUD *Guidelines* and the EPA lead hazards standards rule at 40 CFR 745 subparts D, L, and Q. You are required to meet the post-hazard control dust-wipe test clearance thresholds at 40 CFR 745.227(e)(8)(viii). Wipe tests shall be conducted by an appropriately certified individual who is independent of the lead hazard control contractor. Dust-wipe and soil samples and any paint samples to be analyzed by a laboratory, must be analyzed by a laboratory recognized by the EPA National Lead Laboratory Accreditation Program (NLLAP). Units treated shall not be reoccupied until clearance is achieved.

(J) *Continued Availability of Safe Housing to Low-Income Families.* Units in which housing-based hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income residents for not less than 3 years following the completion of intervention activities according to Section 1011(a) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), as amended by Section 217 of Public Law 104–134 (the Omnibus Consolidated Rescissions and Appropriations Act of 1996, 110 Stat. 1321, approved April 26, 1996).

(K) *Environmental Review.* You must comply with HUD's regulations in 24 CFR 50.3(h) in carrying out responsibilities regarding HUD's environmental review. Recipients of a grant under this NOFA will be given guidance in these responsibilities.

(L) *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Recipients of assistance must comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements of subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment and other economic opportunities will be directed to (1) low and very low income persons, particularly those who are recipients of government assistance for housing, and (2) business concerns which provide

economic opportunities to low and very low income persons.

(M) *Data collection and provision.* You must collect, maintain and provide to HUD the data necessary to document the various approaches used to evaluate and control housing-based hazards, including evaluation and control methods, building conditions, medical and familial information (with confidentiality of individually-identifiable information ensured) in order to determine the effectiveness and relative cost of these methods.

(N) *Certifications and Assurances.* You must include the certifications and assurances listed in Section II(G) of the General Section of the SuperNOFA with your application.

(O) *Davis-Bacon Act.* The Davis-Bacon Act does not apply to this program. However, if program funds are used in conjunction with other Federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other Federal programs.

V. Application Selection Process

(A) *Threshold Requirements.* Please see Section III of the General Section of this SuperNOFA. As an applicant, you must meet all of the threshold requirements of Section II(B) of the General Section of the SuperNOFA. Applications that meet all of the threshold requirements will be eligible to be scored and ranked based on the total number of points allocated for each of the rating factors described below. Your application must receive a total score of at least 65 points to remain in consideration for funding.

(B) *Rating and Ranking.* HUD intends to make awards to qualifying applications in the following order:

STEP 1. An award will be made to the highest ranked application in each of the two categories listed in Section III(B) of this program section of the SuperNOFA within the limits of funding availability. If there are insufficient funds to award in both categories, HUD will make awards in the demonstration category (1), then the education category (2), in order.

STEP 2. After following Step 1 if funding remains available, an award will be made each of the two categories, demonstration (1) and education (2), in order.

STEP 3. After following Step 2 if funding remains available, awards will be made in rank order, regardless of category.

You must state the category for which you are applying. If an applicant wishes to apply under more than one category they must submit a separate application for each category. While you will not be penalized for not addressing all the specific objectives within a given category, if two applications have equal scores, HUD will first select the applicant whose project addresses the most objectives.

(C) *Factors for Award Used to Evaluate and Rate Applications.* This section provides the factors for rating and ranking your application and the maximum points for each factor. The maximum number of points to be awarded is 102. This maximum includes two EZ/EC bonus points as described in the General Section of the SuperNOFA. Also, Section III(C)(2) of the General Section, which addresses a court-ordered consideration, is applicable to this program.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses your organizational capacity necessary to successfully implement your proposed activities in a timely manner. The rating of you or your staff includes any community-based organizations, sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to your project. In rating this factor HUD will consider:

(1) Your recent, relevant and successful demonstrated experience in undertaking eligible program activities. You must describe the knowledge and experience of the proposed overall project director and day-to-day project manager in planning and managing large and complex interdisciplinary programs, especially those involving housing rehabilitation, public health, or environmental programs. In your narrative response for this factor, you should include information on your project staff, their experience, commitment to the project, and position titles. Resumes of up to three (3) pages each and position descriptions for up to three personnel in addition to the project director and project manager, and a clearly delineated organizational chart for your project must be included as an appendix. Copies of job announcements (including salary range) should be included for any key positions that are currently vacant. Indicate the percentage of time that key personnel will devote to your project and any salary costs to be paid by funds from this program. Include descriptions of the experience and qualifications of subcontractors and consultants.

(2) Your qualifications to carry out the proposed activities as evidenced by experience, academic background, training, and/or relevant publications of project staff.

(3) Whether you have sufficient personnel or will be able to quickly retain qualified experts or professionals to begin your proposed project immediately and to perform your proposed activities in a timely and effective fashion. Describe how principal components of your organization will participate in or support your project. You should thoroughly describe capacity, as demonstrated by experience in initiating and implementing related environmental, health, or housing projects.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for your proposed project activities to address documented problems, target area(s) and target groups.

(1) Document a critical level of need for your proposed activities in the area where activities will be carried out. You should pay specific attention to documenting the need as it applies to your target area(s), rather than the larger geographic area.

(2) Your documentation should summarize available data linking housing-based hazards to disease or injuries to children in your target area(s). Examples of data that might be used to demonstrate need, include:

(a) Economic and demographic data relevant to your target area(s), including poverty and unemployment rates;

(b) Rates of childhood illnesses or injuries (e.g., asthma, burns) that could be caused or exacerbated by exposure to conditions in the home environment, among children residing in your target area(s), and/or rates of environmentally-related disease or adverse health effects (e.g., hypertension, elevated blood lead levels) in your target area(s); and

(c) Unavailability of other Federal, State or local funding or private sector resources that could be, or is being, used to address the problem.

(3) For the areas targeted for your project activities, provide data available in your jurisdiction's currently approved Consolidated Plan, or derived from 1990 Census Data, or derived from other sources, including the Analysis of Impediments to Fair Housing Choice, AI, (all data should be documented) that address:

(a) The age and condition of housing;

(b) The number and percentage of very-low and low-income families with incomes less than 80% of the median income, as determined by HUD, for the area, with adjustments for smaller and larger families (See application kit for additional information).

(c) To the extent that statistics and other data contained in your community's Consolidated Plan or Analysis of Impediments to Fair Housing Choice (AI) support the extent of the problem, you should include references to the Consolidated Plan and the AI in your response.

(d) Data documenting targeted groups that are traditionally underserved or have special needs. If the data presented in your response does not specifically represent your target area, you should discuss why the target areas are being proposed. If your application addresses needs that are in the Consolidated Plan, AI, court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements, you will receive more points than applicants that do not relate their project to identified need.

Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. You should present information on the proposed approach for addressing housing-based hazards and describe how proposed activities would help HUD achieve its goals for this program area. For you to receive maximum points for this factor, there must be a direct relationship between the proposed activities, community needs, and the purpose of the project. The response to this factor should include the following elements:

(1) *Strategy* (25 points). Describe your project goals and objectives and the strategy you will use in planning and executing the project. You should provide information on the general approach and overall plan employed:

(a) *Baseline Plan for Project Management* (10 points). Include a management plan that:

(i) Lists the project objectives, major tasks and activities. All specific activities necessary to complete the proposed project must be included in the task listing;

(ii) Identifies appropriate performance goals and benchmarks;

(iii) Provides a schedule for the assignment and completion of major tasks and activities, and a timeframe for delivery;

(iv) Designates resources and identifies responsible entities; and

(v) Provides an estimate of per unit (or other appropriate apportionment) costs (and a basis for those estimates) for the type of interventions that are planned.

(b) *Budget Justification* (2 points). Your proposed budget will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the project management plan and intended use of program funds. HUD is not required to approve or fund all proposed activities. Your budget should be submitted in the format recommended; an electronic spreadsheet is available on HUD's website, at www.hud.gov/lea/leaforms.html. You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A) and all major tasks, for yourself, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project. Describe clearly and in detail your budgeted costs for each required program element (major task) included in your overall plan.

(c) *Project Evaluation* (8 points). You are required to identify and discuss the specific methods you will use to measure progress towards your goals, track and report results of interventions, and evaluate the effectiveness of interventions:

(i) Discuss the performance goals for your project and identify specific outcome measures;

(ii) Describe how the outcome information will be obtained, documented, and reported; and (P)(iii) Identify the major milestones for your project, and describe how your progress towards these milestones will be tracked, recorded and reported.

(d) *Economic Opportunity* (5 points). To the greatest extent feasible, your project should promote job training, employment, and other economic opportunities for low-income and minority residents and businesses which are owned by, and/or employ, low-income and minority residents as defined in 24 CFR 135.5. You should:

(i) Describe methods that will result in economic opportunities for residents and businesses in the community where activities will be carried out. Include information on how you will provide employment, business development, and contract opportunities;

(ii) Describe how you or your partners will satisfy the requirements of Section 3 of the Housing and Urban Development Act of 1968 to give preference to hiring low-and very low-income persons or contracting with businesses owned by or employing low-and very-low income persons;

(iii) Describe how your proposed project will further and support the policy priorities of the Department, including providing opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs; or providing educational and job training opportunities; and

(iv) Describe the extent to which your proposed activities will occur in an Empowerment Zone or Enterprise Community (EZ/EC), if applicable.

(2) *Approach for Implementing the Project* (20 points). Describe your overall approach for your proposed project. The description must include a discussion of specific planned project activities which address one or more of the following categories:

(a) *Demonstration activities.*

(i) Describe in detail how you will identify, select, prioritize, and enroll units of eligible housing in which you will undertake housing-based hazards interventions, how you will integrate safe work practices into housing maintenance, repair, and improvements, and then target such units to low-income families with young children. You should use all reasonably available sources of information on controlling housing-based hazards in buildings and protecting workers and occupants during and after the intervention process.

(ii) Describe any assessment tools you would employ to establish baseline data.

(iii) Provide the estimated total number of owner occupied and/or rental units in which you will conduct interventions.

(iv) Describe your process for evaluating units of eligible housing in which you will undertake housing-based hazard interventions.

(v) Describe any specialized testing or visual inspection that you will conduct during unit inspection with reference to source(s) of the protocol(s).

(vi) Discuss efforts to incorporate cost-effective methods to address multiple environmental health and safety hazards, and describe the specific interventions you will utilize to control housing-based hazards before children are affected; and/or to control these hazards in units where children have already been treated for illnesses or injuries associated with housing-based hazards (e.g., burns, lead poisoning, asthma).

(vii) Describe the process for your referral of children for medical case management if this is not ongoing.

(viii) Describe your process for the development of work specifications for the selected interventions.

(ix) Describe your management processes to be used to ensure the cost-effectiveness of the housing interventions, and provide cost estimates per intervention and per unit.

(x) Discuss your contracting process to obtain contractors to conduct interventions in selected units.

(xi) Describe your plan for the temporary relocation of occupants of units selected for intervention, if relocation is necessary, and how you will determine the need for relocation. Address the use of safe houses and other housing arrangements, storage of household goods, stipends, incentives, etc.

(xii) Describe your plan for ensuring right of return and/or first referral for occupants of units selected for intervention who have had to move for intervention to occur.

(xiii) Describe how you will affirmatively further fair housing.

(xiv) Describe the financing strategy, including eligibility requirements, terms, conditions, and amounts available, to be employed in conducting housing-based hazards activities. You must discuss the way funds will be administered (e.g., use of grants, deferred loans, forgivable loans, other resources, private sector financing, etc.) as well as the agency which will administer the process.

(b) *Education Activities.* This should include general and/or targeted efforts undertaken to assist your efforts in reducing exposure to housing-based hazards. You must describe:

(i) Proposed methods of community education. These should include community awareness, education, training, and outreach programs in support of your work plan and objectives that are culturally sensitive, targeted, and linguistically appropriate.

(ii) Proposed involvement of neighborhood or community-based organizations in the proposed activities. These activities may include outreach, community education, marketing, inspection, and housing evaluations and interventions.

(iii) Proposed methods to reach high risk groups and communities, vulnerable populations and persons traditionally underserved (see Rating Factor 2(d)).

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources (such as financing, supplies or services) which can be combined with HUD's resources to achieve project purposes.

(1) In evaluating this factor, HUD will consider the extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed project. Describe how other organizations will participate in or support your project. Resources may include funding or in-kind contributions (such as services or equipment) allocated to your proposed project. Resources may be provided by governmental entities, public or private organizations, or other entities willing to be your partner in this effort.

(2) Each source of contributions (financial or in-kind) must be supported by a letter of commitment from the contributing entity, whether a public or private source, which must describe the contributed resources that will be used in your project. Staff in-kind contributions should be given a market-based monetary value. If you fail to provide letters of commitment with specific details including the amount of the actual contributions, you will not get rating points for this factor. Each letter of commitment, memorandum of understanding, or agreement to participate shall include the organization's name and the proposed level of commitment and responsibilities as they relate to the proposed project. The commitment must be signed by an official legally able to make commitments on behalf of the organization.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which your project reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD and other community resources. In evaluating this factor, HUD will consider:

(1) The degree of coordination of your proposed project with those of other groups or organizations to best support and coordinate all activities, and the specific steps you will take to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place must be described.

(2) The extent to which you have developed linkages, or the specific steps you will take to develop linkages, to coordinate your activities so solutions are holistic and comprehensive. Linkages include those with other HUD, Federal, State, the Partnership for Advancing Technology in Homebuilding (PATH) (see Section VI(E) of the General Section of the SuperNOFA), or locally funded activities through meetings, information networks, planning processes, or other means.

(3) The degree of coordination with housing rehabilitation, housing and health inspection, and other related housing programs.

(a) Describe your plan for integrating and coordinating housing-based hazard interventions with other housing-related activities (e.g., rehabilitation, weatherization, removal of code violations, and other similar work).

(b) Describe your plans to consolidate housing-based hazard interventions with applicable housing codes and health regulations.

(c) Describe your plans to generate and use public subsidies or other resources (such as revolving loan funds) to finance future interventions to prevent and control housing-based hazards, particularly in low-and very-low-income housing.

(d) Detail the extent to which you will ensure that the needs of minorities and persons with disabilities will be addressed adequately during your intervention activities; and that housing in which environmental hazards have been addressed will remain available and affordable in the long run for low income, minority, large families, and for persons with disabilities.

(4) If applicable, the application should demonstrate a knowledge of the target community's Consolidated Plan and/or Analysis of Impediments to Fair Housing Choice and detail the Consolidated Plan issue areas in which your organization participates. Describe the degree to which you have become actively involved (or if not currently active, the specific steps you will take to become active) in your community's Consolidated Planning and/or AI process established to identify and address a need/problem that is related in whole or part, directly, or indirectly the activities you propose.

VI. Application Submission Requirements

(A) *Applicant Information.* You should submit your application in accordance with the format and instructions contained in this program section of this SuperNOFA (the application kit repeats this information). The following is a checklist of required application contents. Your application must contain the items listed in this section (VI(A)). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the "non-standard forms" can be found as Appendix C to this program section of the SuperNOFA. The items are as follows:

(1) Transmittal letter that summarizes your proposed project, provides the dollar amount requested, and identifies you and your partners in the application.

(2) The name, mailing address, telephone number, and principal contact person. If you are a consortium of associates, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project, similar information shall also be provided for each of these entities and you must specify the lead entity.

(3) Checklist and Submission Table of Contents.

(4) Completed Forms HUD–2880, Applicant/Recipient Disclosure/Update Report; Certification Regarding Lobbying; and SF–LLL, Disclosure of Lobbying Activities, where applicable.

(5) Standard Forms SF–424, 424M, 424A, 424B, and other certifications and assurances listed in this program section.

(6) A narrative statement addressing the rating factors for award. The narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5). The response to the rating factors must not exceed a total of 25 pages. Any pages in excess of this limit will not be read.

(7) Any attachments, appendices, references, or other relevant information that directly support the narrative may accompany it, but must not exceed twenty (20) pages for your entire application. Any pages in excess of this limit will not be read.

(8) A detailed budget with supporting cost justification for all budget categories of your funding request (in accordance with Rating Factor 3(1)(b)). This information will not be counted towards the page limits.

(9) The resumes and position descriptions of your project director and project manager and up to three additional key personnel, not to exceed three pages each (in accordance with Rating Factor 1). This information will not be counted towards the page limits.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Activities assisted under this program are subject to HUD environmental review to the extent required under 24 CFR part 50. An award under the Healthy Homes Initiative does not constitute approval of specific sites where activities may be carried out. Following award execution, HUD will perform environmental reviews for activities to be carried out on properties proposed by your organization. You may not rehabilitate, convert, repair or construct a property, or commit or expend program funds or non-HUD funds for these program activities for any eligible property, until you receive written notification from the appropriate HUD official that HUD has completed its environmental review and the property has been approved. The results of environmental reviews may require that proposed activities be modified or proposed sites rejected.

IX. Authority

The authority for this program is Sections 501 and 502 of the Housing and Urban Development Act of 1970 and the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, Pub.L. 106–377, approved October 27, 2000.

Appendix A

The following briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention:

Allergens and asthma: Experts estimate that 14 million Americans have asthma, with an associated annual cost of $14 billion. Asthma is now recognized as the leading cause of school and work absence, emergency room visits and hospitalization. For sensitized children, exposure to antigens from dust mites, certain pets, and cockroaches has been associated with more severe asthma. There is a preponderance of evidence showing a dose-response relationship between exposure and prevalence of asthma and allergies; some evidence also indicates that exposure to antigens early in life may predispose or hasten the onset of allergies and asthma. Dust mites have been identified as the largest trigger for asthma and allergies. Cockroach allergens appear to be excessive in 30–50% of inner-city housing and affect 5–15% of the population, whereas dust mite appears to be the dominant allergen in other environments.

Interventions known to have beneficial effects include installation of impervious mattress and pillow covers, which can reduce allergen exposure by 90%. Other dust mite control measures include dehumidification, laundering bedding, and removal of carpets and other dust sinks. Cleaning carpets with tannic acid solution has also been demonstrated to greatly reduce dust mites. Asthma prevention program costs have been estimated at about $500 per unit, which includes about $150 for educational interventions.

Asbestos: Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials and household products for insulation and as a fire-retardant. The Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC) have banned most asbestos products. Manufacturers have also voluntarily limited uses of asbestos. Today, asbestos is most commonly found in older homes: in pipe and furnace insulation materials, asbestos shingles, millboard, textured paints and other coating materials, and floor tiles. Elevated concentrations of airborne asbestos can occur when asbestos-containing materials (ACM) are disturbed by cutting, sanding or other remodeling activities. Improper attempts to remove these materials can release asbestos fibers into the air in homes, increasing asbestos levels and endangering people living in those homes. The most dangerous asbestos fibers are too small to be visible. After they are inhaled, they can remain and accumulate in the lungs. Asbestos can cause lung cancer, mesothelioma (a cancer of the chest and abdominal linings), and asbestosis (irreversible lung scarring that can be fatal). Most people with asbestos-related diseases were exposed to elevated concentrations on the job; some developed disease from exposure to clothing and equipment brought home from job sites. As with radon, dose-response extrapolations suggest that lower level exposures, as may occur when asbestos-containing building materials deteriorate or are disturbed, may also cause cancer.

Intact asbestos-containing materials are not a hazard; they should be monitored for damage or deterioration and isolated if possible. Repair of damaged or deteriorating ACM usually involves either sealing (encapsulation) or covering (enclosure) it. Repair is usually cheaper than removal, but it may make later removal of asbestos more difficult and costly. Repairs should be done only by a professional trained and certified to handle asbestos safely and can cost from a few hundred to a few thousand dollars; removal can be more expensive.

Combustion products of heating and cooking appliances: Burning of oil, natural gas, kerosene, and wood for heating or cooking purposes can release a variety of combustion products of health concern. Depending upon the fuel, these may include carbon monoxide (a chemical asphyxiant), oxides of nitrogen (respiratory irritants), polycyclic aromatic hydrocarbons (e.g., the carcinogen benzo(a)pyrene), and airborne particulate matter (respiratory irritants). Carbon monoxide, an odorless gas, can be fatal. Nitrogen dioxide can damage the respiratory tract, and sulfur dioxide can irritate the eyes, nose and respiratory tract. Smoke and other particulates irritate the eyes, nose and throat, and can cause lung cancer.

Improper venting and poor maintenance of heating systems and cooking appliances can dramatically increase exposure to combustion products. Experts recommend having combustion heating systems inspected by a trained professional every year to identify blocked openings to flues and chimneys; cracked or disconnected flue pipe; dirty filters; rust or cracks in the heat exchanger; soot or creosote build-up; and exhaust or gas odors. Installing a carbon monoxide detector is also recommended; however, such a detector will not detect other combustion by-products.

Insect and rodent pests: The observed association between exposure to cockroach antigen and asthma severity has already been noted above. In addition, cockroaches may act as vehicles to contaminate and environmental surfaces with certain pathogenic organisms. Rodents can transmit a number of communicable diseases to humans, either through bites, arthropod vectors, or exposure to aerosolized excreta. In addition, humans can become sensitized to proteins in rodent, urine, dander and saliva. Such sensitization may contribute to asthma severity among children. Insect and rodent infestation is frequently associated with substandard housing that makes it difficult to eliminate. Treatment of rodent and insect infestations often includes the use of toxic pesticides which may present hazards to occupants (see below). Integrated pest management (IPM) for rodents and cockroaches, which reduces the use of pesticides, is estimated to cost approximately $150 per unit. IPM control measures include sealing holes and cracks, removing food sources and use of traps.

Lead: Exposure to lead, especially from deteriorating lead-based paint, remains one of the most important and best-studied of the household environmental hazards to children. Although blood lead levels have fallen nationally, a large reservoir of lead remains in housing. The most recent national survey, conducted from 1991–94, showed that nearly one million U.S. preschoolers still have elevated blood lead levels. Overall, the prevalence rate among all children under six years of age is 4.4%. Among low-income children living in older housing where lead-based paint is most prevalent, the rate climbs to 16%; and for African-American children living in such housing, it reaches 21%.

HUD estimates that 64 million dwellings have some lead-based paint, and that 20 million have lead-based paint hazards. Of those, about 3.6 million have young children and of those, about 500,000 units have inadequate cash flow to respond to lead-based paint hazards. Costs can range anywhere from $500 to $15,000 per unit. Corrective measures include paint stabilization, enclosure and removal of certain building components coated with lead paint, and cleanup and "clearance testing," which ensures the unit is safe for young children.

Mold and moisture: An analysis of several pulmonary disease studies estimates that 25% of airways disease, and 60% of interstitial lung disease may be associated with moisture in the home or work environment. Moisture is a precursor to the growth of mold and other biological agents, which is also associated with respiratory symptoms. An investigation of a cluster of pulmonary hemosiderosis (PH) cases in infants showed PH was associated with a history of recent water damage to homes and with levels of the mold Stachybotrys atra (SA) in air and in cultured surface samples. Associations between exposure to SA and "sick building" symptoms in adults have also been observed. Other related toxigenic fungi have been found in association with SA-associated illness and could play a role. For sensitive individuals, exposure to a wide variety of common molds may also aggravate asthma. Addressing mold problems in housing requires coordination among the medical, public health, microbiological, housing, and building science communities.

The cost of mold/moisture-related intervention work (e.g., integrated pest management, clean and tune furnace, remove debris, vent clothes dryer, cover dirt floor with impermeable vapor barrier) is a few hundred dollars, unless major modification of the ventilation system is needed. For example, in Cleveland, mold interventions, including repairs to ventilation systems and basement flooring, in the most heavily-contaminated homes range from $500—$5,000, with some costs also being dedicated to lead hazard control simultaneously through its Lead+Asthma program.

Pesticide residues: According to the EPA, 75 percent of U.S. households used at least one pesticide product indoors during the past year. Products used most often are insecticides and disinfectants. Another study suggests 80 percent of most people's exposure to pesticides occurs indoors and that measurable levels of up to a dozen pesticides have been found in the air inside homes. The amount of pesticides found in homes appears to be greater than can be explained by recent pesticide use in those households; other possible sources include contaminated soil or dust that migrates in from outside, stored pesticide containers, and household surfaces that collect and then release the pesticides. Pesticides used in and around the home include products to control insects (insecticides), termites (termiticides), rodents (rodenticides), molds and fungi(fungicides), and microbes (disinfectants). In 1990, the American Association of Poison Control Centers reported that some 79,000 children were involved in common household pesticide poisonings or exposures. In households with children under five years old, almost one-half stored at least one pesticide product within reach of children. Exposure to chlorpyriphos (CP), a commonly used organophosphate insecticide, in the prenatal and early postnatal period may impair neurodevelopment. While CP is a biodegradable pesticide, substantial persistence of CP in house dust has been demonstrated. Exposure to high levels of cyclodiene pesticides, commonly associated with misapplication, has produced various symptoms, including headaches, dizziness, muscle twitching, weakness, tingling sensations, and nausea. In addition, EPA is concerned that cyclodienes might cause long-term damage to the liver and the central nervous system, as well as an increased risk of cancer.

There are available data on hazard evaluation methods and remediation effectiveness regarding pesticide residues in the home environment.

Radon progeny: The National Academy of Sciences estimates that approximately 15,000 cases of lung cancer per year are related to radon exposure. Epidemiologic studies of miners exposed to high levels of radon in inhaled air have defined the dose response relation for radon-induced lung cancer at high exposure levels. Extrapolation of these data has been used to estimate the excess risk of lung cancer attributable to exposure to radon gas at the lower levels found in homes. These estimates indicate that radon gas is an important cause of lung cancer deaths in the U.S. Excessive exposures are typically related to home ventilation, structural integrity and location.

Radon measurement and remediation methods are well-developed, and the Environmental Protection Agency (EPA) recommends that every home be measured for radon. EPA estimates that materials and labor costs for radon reduction in an existing home are $800-$2500. Including radon resistant techniques in new home construction costs $350-$500, and can save up to $65 annually in energy costs, according to the EPA.

Take-home hazards from work/hobbies and work at home: When the clothing, hair, skin, or shoes of workers become contaminated with hazardous materials in the workplace, such contaminants may inadvertently be carried to the home environment and/or an automobile. Such "take-home" exposures have been demonstrated, for example, in homes of lead-exposed workers. In addition, certain hobbies or workplaces located in the home may provide an especially great risk of household contamination.

Control methods include storing and laundering work clothes separately, and showering and changing before leaving work, or immediately after arriving home. Once a home becomes contaminated, cleaning floors and contact surfaces and replacing furnishings may be necessary to reduce exposures.

Unintentional injuries/fire: Unintentional injury is now the leading cause of death and disability among children younger than 15 years of age. In 1997, nearly 7 million persons in the United States were disabled for at least 1 full day by unintentional injuries received at home. During the same year, 28,400 deaths were attributable to unintentional home injuries, of which 1800 occurred among children 0–4 years of age. Among young children, three types of events accounted for more than 3/4 of deaths: fires/burns, drownings, and mechanical suffocation. Falls and poisoning are the next most common.

Home visitation protocols have been shown to be effective in reducing exposure to such hazards. The "add-on" cost of injury prevention measures, when combined with other housing interventions are estimated at about $100 per unit. This includes the cost of some injury prevention devices, such as smoke alarms, electrical socket covers, etc.

Appendix B

References: To secure any of the documents listed, call the listed telephone number (generally, the telephone numbers are not toll-free).

Regulations: 1. Worker Protection: OSHA publication—Telephone: 202–693–1888 (OSHA Regulations) (available for a charge)—Government Printing Office—Telephone: 202–512–1800 (not a toll-free number):

—General Industry Lead Standard, 29 CFR 1910.1025 (Document Number 869022001124). Can be downloaded from the Internet without charge from www.osha-slc.gov/OshStd_data/1910_1025.html.

—Lead Exposure in Construction, 29 CFR 1926.62, and appendices A, B, C, and D (Document Number 869022001141). Can be downloaded from the Internet without charge from www.osha-slc.gov/OshStd_data/1926_0062.html.

2. Waste Disposal: 40 CFR parts 260–268 (EPA regulations) (available for a charge)—Telephone 1–800–424–9346, or, from the Washington, DC, metropolitan area, 1–703–412–9810 (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/docs/epacfr40/chapt-I.info/subch-I/.

3. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR Part 745, (EPA) (Lead Hazard Standards, Work Practice Standards, EDP and State Certification and Accreditation programs for those engaged in lead-based paint activities)—Telephone: 1–202–554–1404 (Toxic Substances Control Act Hotline) (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/opptintr/lead/index.html.

Guidelines: 1. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995, and amended September, 1997. (available for a charge)—Telephone: 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/lea/leadwnlo.html.

2. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991: Telephone: 888–232–6789.

3. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC): Telephone: 888–232–6789. Can be downloaded from the Internet without charge from www.hud.gov/lea/leadwnlo.html.

Reports: 1. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing, (Summary and Full Report); HUD, July 1995 (available for a charge)—Telephone 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/lea/leadwnlo.html

2. The Healthy Homes Initiative: A Preliminary Plan (Summary and Full Report); HUD, July 1995. Can be downloaded from the Internet without charge from www.hud.gov/lea/leadwnlo.html

3. Institute of Medicine. *Indoor Allergens. Assessing and Controlling Adverse Health Effects.* National Academy Press. Washington, D.C. 1993.

4. Mott L., Our Children at Risk. Natural Resources Defense Council. Washington, D.C. 1997. Can be ordered from the Internet from www.nrdc.org

5. Rom W.N., Ed. *Environmental and Occupational Medicine.* Little, Brown and Co., Boston. 1992.

6. President's Task Force on Environmental Health Risks and Safety Risks to Children. Asthma and The Environment: An Action Plan to Protect Children. Washington, D.C. 1999. *Eliminating Childhood Lead Poisoning:* A Federal Strategy Targeting Lead Paint Hazards. Washington, D.C., 2000. Can be downloaded from the Internet without charge from www.epa.gov/children.

Appendix C

The non-standard forms, which follow, are required for your Healthy Homes Demonstration and Education application. They are the Checklist and Submission Table of Contents and the Total Budget (Federal Share and Matching Contribution, including instructions).

BILLING CODE 4210-33-P

CHECKLIST AND SUBMISSION TABLE OF CONTENTS

HEALTHY HOMES DEMONSTRATION AND EDUCATION

The following checklist is provided to ensure that you have submitted all of the required items in order for you to receive consideration for funding under this NOFA. Applicants must check off each item that they have included in their submission package and note the corresponding page number where the response is located. Applicants are to include this Checklist and Submission Table of Contents with the proposal. Application pages must be consecutively numbered.

☐	Transmittal Letter	Cover page
☐	Project Abstract (limited to 2 pages)	p. ___

Application Forms

☐	Standard Form 424 (Application for Federal Assistance)	p. ___
☐	Standard Form 424M (Federal Assistance Funding Matrix)	p. ___
☐	Standard Form 424A (Budget Information/ Non-Construction Programs)	p. ___
☐	Total Budget (Federal Share and Matching) (Budget sheets provided for applicant and each major subgrantees/subcontractor.)	p. ___
☐	Standard Form 424B (Assurances/ Non-Construction Programs)	p. ___
☐	HUD 2880 Disclosure and Update Report Form	p. ___
☐	HUD 50070 Drug-Free Certification/ Place of Performance	p. ___
☐	HUD 50071 Certification of Payments to Influence Federal Transactions	p. ___
☐	HUD 2992 Certification Regarding Debarment and Suspension	p. ___
☐	Form SF-LLL Disclosure of Lobbying Activities Required	p. ___
☐	Form SF-LLL Not Required	

Response to Rating Factors/Project Description (limited to 25 pages)

☐	1. Capacity of the Applicant and Relevant Organizational Experience	p. ___
☐	2. Needs/Extent of the Problem	p. ___
☐	3. Soundness of Approach	p. ___
☐	4. Leveraging Resources	p. ___
☐	5. Comprehensiveness and Coordination	p. ___

Appendices

☐	Appendix 1 - Materials relating to Rating Factor 1-5 (in order) (Limited to 20 pages.)	p. ___
☐	Appendix 2 - Materials relating to the forms	p. ___
☐	Appendix 3 - Other materials relating to the application	p. ___
☐	HUD 2993 Acknowledgment of Application Receipt	p. ___

Spreadsheet version available from www.hud.gov/healthyhomes.html

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category					
1. Personnel (Direct Labor) Position or Individual	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Total Direct Labor Cost					
2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					
3. Travel					
3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					
3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Spreadsheet version available from www.hud.gov/fsa/fsahome.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					

3d. Per Diem or Subsistence (indicate location)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Subtotal - Per Diem or Subsistence					
Total Travel Cost					

4. Equipment (Only items over $5,000 each)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Equipment Cost					

5. Supplies and Materials (Items under $5,000)

5a. Consumable Supplies	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Consumable Supplies					

5b. Non-Consumable Materials	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/fsa/fsahome.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Subcontracts Cost					

8. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Item					
Total Other Direct Costs					

9. Indirect	Rate	Base	Estimated Cost	Federal Share	Match
Type					
Total Indirect Costs					
Total Estimated Costs					

Total of Federal Share and Match

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share
Match

Expressed as a percentage of the Federal Share

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Note: an electronic version of this spreadsheet may be obtained from the HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/lea/leaforms.html

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant effort (regardless of the source of their salaries). The hours and costs are for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here. Please include all labor costs which are associated with the proposed grant program, including those costs which will be paid for with in-kind or matching funds. Do not show fringe or other indirect costs in this section. Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An employee working less than full time on the grant should show the numbers of hours they will work on the grant.
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each lead program NOFA discusses the travel requirements which should be listed here.
3c - Transportation - Other	If you or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).

3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each lead program NOFA discusses the travel requirements which should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each lead program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items which have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items which will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees	List the contractors and sub-grantees which will help accomplish the grant effort. Other contracts which should be shown here include inspections, risk assessments, and clearance inspections; contracts with Community Based Organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers. If any contractor, sub-contractor, or sub-grantee is expected to receive over 10% of the total Federal amount requested, a separate Budget Summary spreadsheet should be developed for that contractor or sub-grantee and the total amount of their proposed effort should be shown as a single entry in this section. Unless your proposed program will perform the primary grant effort (lead hazard control, research, or healthy homes) with in-house employees (which should be listed in section 1), the costs of performing the primary grant activities (research, hazard control, etc.) should be shown in this section. Types of activities which should be shown in this section: • Contracts for all services • Training for individuals not on staff • Contracts with Community Based Organizations or Other Governmental Organizations (note the 10% requirement discussed above) • Insurance if your program will procure it separately

	Please provide a short description of the activity the contractor or subgrantee will perform, if not evident.
8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a subgrantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/lea/fedshare.xls) are protected. There is no password for the protection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOPE VI REVITALIZATION AND DEMOLITION

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HOPE VI PROGRAM

Program Overview

Purpose of the Program. HOPE VI Revitalization Grants. In accordance with section 24(a) of the U.S. Housing Act of 1937 (1937 Act), the purpose of HOPE VI Revitalization grants is to assist public housing agencies (PHAs) to:

(1) Improve the living environment for public housing residents of severely distressed public housing projects through the demolition, rehabilitation, reconfiguration, or replacement of obsolete public housing projects (or portions thereof);

(2) Revitalize sites (including remaining public housing dwelling units) on which such public housing projects are located and contribute to the improvement of the surrounding neighborhood;

(3) Provide housing that will avoid or decrease the concentration of very low-income families; and

(4) Build sustainable communities.

HOPE VI Demolition Grants. Demolition grants enable PHAs to expedite the demolition of severely distressed public housing units. Any subsequent new construction or revitalization of any remaining units must be funded from other resources, which may include a HOPE VI Revitalization Grant.

Available Funds. Approximately $565 million, as allocated in accordance with Section II of this HOPE VI section of the SuperNOFA, below.

Eligible Applicants. PHAs that meet the requirements at Section III(B) of this HOPE VI section of the SuperNOFA, below.

Application Deadlines. Revitalization grant applications are due on June 22, 2001. Demolition grant applications are due on July 10, 2001.

Additional Information

If you are interested in applying for a HOPE VI grant, please review the following information, the General Section of this SuperNOFA, and the HOPE VI Application Kit.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

(A) *Application Due Dates.* (1) Revitalization grant applications are due at HUD Headquarters on or before 12:00 midnight, Eastern time on June 22, 2001.

(2) Demolition grant applications are due at HUD Headquarters on or before 12:00 midnight, Eastern time on July 10, 2001. See Section VII(B)(3) of this HOPE VI section of the SuperNOFA, below, for important information regarding the application deadline and deficiency cure period for Demolition grant applications.

(3) See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

(B) *Submission of Applications.*

(1) Revitalization Grants. (a) Send an original and one copy of your completed application to HUD Headquarters, 451 Seventh Street, SW, Room 4130, Washington, DC 20410, Attention: Mr. Milan Ozdinec, Acting Deputy Assistant Secretary for Public Housing Investments.

(b) Send one copy of your completed application to your local HUD Field Office.

(2) Demolition Grants. (a) Send one copy of your completed application to HUD Headquarters, 451 Seventh Street, SW, Room 4130, Washington, DC 20410, Attention: Mr. Milan Ozdinec, Acting Deputy Assistant Secretary for Public Housing Investments.

(b) Send one copy of your completed application to your local HUD Field Office.

(3) Field Offices: Appendix A–1.

A list of HUD Field Offices and their hours of operation is included as Appendix A of the General Section of this SuperNOFA. If you wish to hand carry your application(s) to your local HUD Field Office, you may do so during normal business hours before the application deadline dates. On each application deadline date, HUD Field Office business hours will be extended to 6:00 pm. HUD will determine whether your application is timely filed based on the date and time of receipt at HUD Headquarters, not the date and time of receipt at your local Field Office.

(C) *Application Kits.* HUD will mail an Application Kit to every eligible PHA. To obtain an Application Kit and any supplemental materials, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an Application Kit, please refer to HOPE VI and provide your name, address (including zip code), and telephone number (including area code). The Application Kit also will be available on the HUD Grant Information Website (www.hud.gov/grants) and the HOPE VI Home Page (*www.hud.gov/hopevi*).

(D) *Further Information and Technical Assistance.* You may call, fax, or write Mr. Milan Ozdinec, Acting Deputy Assistant Secretary for Public Housing Investments, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4130, Washington, DC 20410; telephone (202) 708–0614x4166; fax (202) 401–2370 (these are not toll free numbers). Persons with hearing or speech impairments may call via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

(E) *Satellite Broadcast.* HUD will hold an information broadcast via satellite for potential applicants HOPE VI staff will review the NOFA and answer questions from members of the audience. For more information about the date and time of the broadcast, consult the HUD Grant Information Website (www.hud.gov/grants).

II. Amount Allocated

Type of Assistance	Allocation of funds (approximate)	Funds Available for Award in this HOPE VI section of the SuperNOFA (Approximate)
A. Revitalization Grants for projects with 300+ units; preference for Section 202 projects scoring 80+ points	$225,000,000	$225,000,000
B. Revitalization Grants for all Housing Authorities	265,000,000	265,000,000
Demolition Grants	75,000,000	75,000,000
Technical Assistance	10,000,000	.....
Total	575,000,000	565,000,000

(A) Revitalization Grants. (1) *Allocation of Funds.*

(a) *Total Allocation.* Approximately $490 million of the FY 2001 HOPE VI appropriation has been allocated to fund HOPE VI Revitalization grants and will be awarded in accordance with this HOPE VI section of the SuperNOFA.

(b) *Group A Applications.*

(i) *Section 202 Priority.* Approximately $225 million of the FY 2001 HOPE VI appropriation has been allocated to fund Revitalization applications that propose to revitalize severely distressed public housing projects that:

(*A*) have 300 or more units. If your application proposes to revitalize more than one development or a scattered site development, as described in section II(A)(5)(b) and (c) of this HOPE VI section of the SuperNOFA, all of the units will be counted toward the 300 unit minimum; and

(*B*) receive a score of 80 points or more; and

(*C*) propose to provide replacement housing (including on-site replacement housing) for public housing developments that:

(*i*) have been identified by HUD, in HUD's sole determination, to be subject to conversion or assessment under Section 202 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 ("Section 202"); and

(*ii*) as of January 1, 2000, have not subsequently been determined by HUD to have satisfied the requirements of Section 202; and

(*iii*) as of January 1, 2000, have not approved Section 202 Mandatory Conversion plan (i.e., a plan for removal of units from the public housing inventory in accordance with the requirements at 24 CFR 971.7(d)), approved demolition or disposition application under section 18 of the U.S. Housing Act, or approved HOPE VI Revitalization Grant ("Section 202 Developments").

(ii) *Section 202 Priority Guidelines.*

(*A*) If you intend to submit an application for a Section 202 Development, discuss your proposal with your Field Office to ensure that it qualifies under the standards set forth above.

(*B*) If more than one development is targeted in your application (in accordance with section II(A)(5)(b) and (c) of this HOPE VI section of the SuperNOFA), and one or more qualify under Section 202, all developments targeted in the application will be considered to qualify under Section 202.

(iii) *Other Priority A Applications.*

(*A*) If funds remain of the $225 million allocated for Group A application after all applications described in (b)(i) above are funded, applications that target developments with 300 or more units will be funded, in score order, to the approximately $225 million allocation.

(*B*) If funds remain of the $225 million allocated for all eligible Group A applications described in (b)(i) and (b)(iii) above are funded, those remaining funds will be combined with the $265 allocation for Group B applications.

(c) *Group B Applications.*

Approximately $265 million has been allocated to fund all other Revitalization applications without regard to the size of the project to be revitalized, including any eligible Group A applications that were not funded.

(2) *Application Submission.*

(a) If you submit an application that targets a Section 202 Development, you may also submit a second application, regardless of whether it targets a 202 Development or the number of units in the development.

(b) If you do not submit an application that targets a Section 202 Development, you may submit only one application.

(3) *Total Grant Amount.* The total amount you may request per Revitalization Application is limited to $35 million or the sum of the amounts in paragraph (4) below, of this Section II(A)(3), whichever is lower.

(4) *Revitalization Grant Limitations.*

(a) *Total Development Cost (TDC).* TDCs are limited by the HUD-published TDC Cost Tables, which are issued for each fiscal year (FY) for the building type and bedroom distribution for the public housing replacement units. Use the TDCs in effect at the time the SuperNOFA is published when making your TDC calculations. The total cost of development, including relocation costs, is limited to the sum of:

(i) HUD's TDCs up to 100 percent of HUD's published TDC limits for the costs of demolition and new construction, multiplied by the number of HOPE VI replacement units; and/or

(ii) 90 percent of the TDC limits, multiplied by the number of public housing units after substantial rehabilitation and reconfiguration.

(b) *Community and Supportive Services (CSS).* You may request an amount up to 15 percent of the total HOPE VI grant to pay the costs of CSS activities, as described in Section IV(C)(3) of this HOPE VI section of the SuperNOFA. These costs are in addition to the TDC calculation in subparagraph (a) above.

(c) *Demolition and Site Remediation Costs of Unreplaced On-site Units.* You may request an amount necessary for demolition and site remediation costs of units that will not be replaced on-site. This cost is in addition to the TDC calculation in subparagraph (a) above.

(d) *Extraordinary Site Costs.* (i) You may request a reasonable amount to pay extraordinary site costs necessary to complete the proposed revitalization. These costs are in addition to the TDC calculation in paragraph (a) above. Extraordinary site costs may be incurred in the remediation and demolition of existing property, as well as in the development of new and rehabilitated units. Examples of such costs include, but are not limited to: abatement of extraordinary environmental site hazards; removal or replacement of extensive underground utility systems; extensive rock and/or soil removal and replacement; removal of hazardous underground tanks; work to address unusual site conditions such as slopes, terraces, water catchments, lakes, etc.; and work to address flood plain and other environmental remediation issues. Costs to abate asbestos and lead-based paint should be included in normal demolition costs where such items are found within the structures themselves. An example of extraordinary lead-based paint would be where the lead has leached into the soil and extraordinary measures are needed to remove the lead.

(ii) Extraordinary site costs must be justified and verified by an engineer or architect licensed by his or her state licensing board who is not an employee of the housing authority or the city. The engineer or architect must provide his or her license number and state of registration. An Extraordinary Site Costs Certification is included in the HOPE VI Application Kit.

(e) *You may not use HOPE VI Revitalization Grant funds to pay for any revitalization activities carried out before the date of the letter announcing the award of the HOPE VI Grant.*

(f) You may use any non-public housing funds to supplement public housing funds for any project cost.

(g) Your application must disclose all prior HUD public housing grant assistance received for the project(s) you have targeted for the physical revitalization related to the proposed revitalization activities. Do not include Modernization or Capital Funds used for prior rehabilitation activities unrelated to the proposed HOPE VI revitalization activities.

(5) *Revitalization Site and Unit Application Guidelines.*

(a) Except as provided in subparagraphs (b) and (c) below, each application must target one severely distressed public housing project (i.e., a project with one development number).

(b) Each application may request funds for more than one project if those projects are immediately adjacent to one another or within a quarter-mile of each other. If you include more than one project in a single application, you must provide a map that clearly indicates that the projects are within a quarter-mile of each other.

(c) Your application may request funds to revitalize a scattered site public housing project. The sites targeted in an application proposing to revitalize scattered sites (regardless of whether the scattered sites are under multiple project numbers) must fall within a one square mile area, except that you may identify a larger site if you can show that all of the targeted scattered site units are located within the hard edges (e.g., major highways, railroad tracks, lakeshore, etc.) of a neighborhood.

(d) You may request funds for as few or as many units as you wish in your application. HUD will review requests for small numbers of units on an equal basis with requests for large numbers of units.

(e) You may submit a Revitalization application that targets a project that is being revitalized or replaced under a previously-funded HOPE VI Revitalization grant or another source of HUD funds. However, you may not apply for new HOPE VI Revitalization funds for units in that project that were funded by the previous HOPE VI Revitalization grant or other HUD funds, even if the previously-awarded HUD funds turned out to be inadequate to pay the costs to revitalize or replace all of the targeted units. For example, if a project has 700 units and you were awarded HOPE VI Revitalization grant funds or other HUD public housing funds to address 300 of those units, you may submit an FY 2001 HOPE VI Revitalization application to revitalize the remaining 400 units. You may *not* apply for supplemental funds to supplement work on the original 300 units.

(B) *Demolition Grants.* (1) *Allocation of Funds.* Approximately $75 million of the FY 2001 HOPE VI appropriation has been allocated to fund HOPE VI Demolition grants and will be awarded in accordance with this HOPE VI section of the SuperNOFA.

(2) *Demolition Grant Limitations.*

(a) *Demolition.* You may request up to $5,000 per unit for demolition and other eligible related costs.

(b) *Relocation.* (i) You may request up to $3,000 in relocation costs for each unit that is occupied as of the date you submit your HOPE VI Demolition grant application.

(ii) At least half of the funds requested for relocation must be used to provide mobility counselling and other services to promote the self-sufficiency of displaced residents, and must be matched by non-HOPE VI funds in accordance with Section IV(E)(2)(d)(ii) of this HOPE VI section of the SuperNOFA, below.

(c) *Extraordinary Site Costs.* (i) You may request a reasonable amount to pay extraordinary site costs necessary to complete the proposed demolition. If requested, extraordinary site costs must be included as part of an application for funding of demolition of public housing units; you may not apply for them by themselves. For Priority Group 4 applications, as described in Section VII(A)(1)(d) below, these costs are in addition to the TDC calculation in Section II(A)(3)(a) of this HOPE VI section of the SuperNOFA, above. Examples of such costs include, but are not limited to: abatement of extraordinary environmental site hazards; removal of extensive underground utility systems; extensive rock and/or soil removal and replacement; removal of hazardous underground tanks; work to address unusual site conditions such as slopes, terraces, water catchments, lakes, etc.; and work to address flood plain and other environmental remediation issues. Costs to abate asbestos and lead-based paint should be included in normal demolition costs where such items are found within the structures themselves. An example of extraordinary lead-based paint would be where the lead has leached into the soil and extraordinary measures are needed to remove the lead.

(ii) Extraordinary site costs must be justified and verified by an engineer or architect licensed by his or her state licensing board who is not an employee of the housing authority or the city. The engineer or architect must provide his or her license number and state of registration. An Extraordinary Site Costs Certification is included in the HOPE VI Application Kit.

(d) *Nondwelling Facilities.*

(i) You may request reasonable amounts to pay for the demolition of significant nondwelling facilities related to the demolition of dwelling units. These costs must be included as part of an application for funding of demolition of public housing units; you may not apply for them by themselves. Examples of such costs include, but are not limited to, the demolition of heating plants, community buildings, or streets.

(ii) Such costs must be justified and verified by an engineer or architect, as described in subparagraph (c)(ii) above. A Nondwelling Facilities Cost Certification is included in the Demolition Grant Application section of the HOPE VI Application Kit.

(e) HUD recognizes that the HOPE VI grant may not cover the total costs of relocation, abatement, and demolition in all cases and that you may have to provide additional funding from other sources.

(f) *You may not use HOPE VI Demolition Grant funds to pay for any demolition or related activities carried out before the date of the letter announcing the award of the HOPE VI Grant.*

(3) *Demolition Site and Unit Application Guidelines.*

(a) You may submit up to 10 HOPE VI Demolition grant applications that target a total of no more than 4,500 severely distressed public housing units.

(b) You may target units in only one public housing project per application.

(c) You may submit more than one application targeting units in a single housing project.

(d) You may target as many or as few units per application as you wish.

(C) *Section 8.* (1) If you anticipate that you will need Section 8 assistance in order to carry out necessary relocation in conjunction with proposed revitalization or demolition during FY 2002, you must state the number of certificates you will need, both in total and in FY 2002, and include a completed Section 8 Application (HUD–52515) for the units you will need in FY 2002 with your HOPE VI application. The Section 8 Application Form can be found in the HOPE VI Application Kit and from HUDCLIPS (*www.hudclips.org*). If you are selected for HOPE VI funding, the HUD Field Office will detach the Section 8 application and process it in accordance with Section 8 Guidelines. If you are successful in receiving a HOPE VI Revitalization grant, you should confirm with your Field Office that your Section 8 application is processed.

(2) If you will need Section 8 assistance in fiscal years beyond FY 2002 for revitalization or demolition that is being carried out in phases, or if you have unused Section 8 vouchers that are available to be used for HOPE VI-related relocation in FY 2002 but will need more for subsequent years, you must request additional vouchers only as needed during the appropriate fiscal years.

(3) Section 8 assistance cannot be awarded or used to relocate residents from units that are to be demolished until those units have been approved by HUD for demolition.

(4) If you have already applied for FY 2002 Section 8 assistance for the targeted units, include a copy of your Section 8 application with your HOPE VI application.

(5) If you have previously received Section 8 assistance to relocate residents from the targeted severely distressed units, you may still apply for a HOPE VI Revitalization Grant to physically replace those same units, or a HOPE VI Demolition Grant to demolish the units without replacement.

(6) You may request Section 8 assistance to provide temporary relocation to families who intend to move back to the site upon completion of the demolition and revitalization of the severely distressed project.

(7) You may request Section 8 assistance for all units covered under a HOPE VI Revitalization or Demolition application to relocate residents from units that will not be replaced with hard units.

(8) Under standard HUD policy, Section 8 vouchers are available as replacement units for all units (occupied or vacant) that will be demolished, sold, or otherwise disposed of, minus the number of public housing units replaced with Federal funds. To the extent that the resulting number exceeds the number of units requested for relocation as a result of activities funded by a HOPE VI Revitalization or Demolition grant under this NOFA, you should apply for Section 8 vouchers in accordance with the funding notices issued by HUD. For more information, see Notice PIH 2000–27, which is available through HUDCLIPS (www.hudclips.org).

(D) *Technical Assistance.* The FY 2001 appropriation for HOPE VI allocated $10 million to provide Technical Assistance in the planning, development, and implementation of the HOPE VI Program. Those funds will be administered by the Office of Public Housing Investments.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The HOPE VI Program, through its Revitalization funding component, assists PHAs in improving the living environment for public housing residents of severely distressed public housing projects through the demolition, rehabilitation, reconfiguration, or replacement of obsolete public housing projects (or portions thereof), in revitalizing sites in which public housing sites are located, and providing housing that avoids or decreases the concentration of very low-income families. The demolition funding component of the HOPE VI Program enables PHAs to expedite the demolition of severely distressed public housing units.

(B) *Eligible Applicants.* (1) *Troubled Status.* In accordance with section 24(j) of the 1937 Act, the term "applicant" means:

(a) Any PHA that is not designated as "troubled" pursuant to section 6(j)(2) of the 1937 Act;

(b) Any PHA for which a private housing management agent has been selected, or a receiver has been appointed, pursuant to section 6(j)(3) of the 1937 Act; and

(c) Any PHA that is designated as "troubled" pursuant to section 6(j)(2) of the 1937 Act and that:

(i) Is designated as troubled principally for reasons that will not affect its capacity to carry out a revitalization program;

(ii) Is making substantial progress toward eliminating the deficiencies of the agency that resulted in its troubled status; or

(iii) Is otherwise determined by HUD to be capable of carrying out a revitalization program.

(2) *MTCS Reporting.* (a) To be eligible to submit an application under this HOPE VI Section of the SuperNOFA, you must:

(i) have a minimum reporting rate of not less than 85 percent for public housing resident records to HUD's MTCS (see 24 CFR part 908 and Notices PIH 98–30, 99–2, and 2000–13) for the period ending December 1999, and

(ii) submit a certification with your application certifying that you have met this requirement.

(b) If you received less than an 85 percent rate of reporting under MTCS for the period ending December 1999, you will still be considered to have passed this threshold requirement if:

(i) you subsequently achieved a minimum rate of not less than 85 percent for public housing resident records under the MTCS as of the December 2000 reporting period, or

(ii) you were granted forbearance by HUD under the applicable procedures under PIH Notice 2000–13 for the semi-annual assessment period ending December 2000, and

(iii) you submit a certification with your application indicating that you have either:

(*A*) achieved the minimum reporting rate as of the December 2000 reporting period, or

(*B*) obtained a forbearance from HUD for the semi-annual assessment period ending December 2000.

(C) *Eligible Activities.* The following are the activities that are eligible to be carried out using HOPE VI Revitalization and Demolition Grant funds. Other activities may also be eligible at future dates as Congress may authorize. Keep in mind that, until HUD has approved a Request for Release of Funds following a responsible entity's environmental review under 24 CFR part 58, or until HUD has completed an environmental review and given approval for the action under 24 CFR part 50, you may not undertake any actions that are choice-limiting or could have environmentally adverse effects, including demolishing, acquiring, rehabilitating, converting, leasing, repairing, or constructing property, and you may not commit or spend HUD or local funds for these activities.

(1) *Eligible Revitalization Activities.* HOPE VI Revitalization grants may be used for activities to carry out revitalization programs for severely distressed public housing in accordance with section 24(d) of the 1937 Act. If HOPE VI Revitalization Grant funds are used for any of the following activities, you must conduct them in accordance with the following program requirements.

(a) *Relocation,* including reasonable moving expenses, for residents displaced as a result of the revitalization of the project.

(i) *General.* You must provide suitable, decent, safe, and sanitary housing for each family required to relocate as a result of revitalization activities under the Revitalization Plan.

(ii) *Standard Relocation Requirements.* You must carry out relocation activities in compliance with the following statutory and regulatory requirements, as applicable:

(*A*) Relocation or temporary relocation carried out as a result of rehabilitation under an approved Revitalization Plan is subject to the Uniform Relocation Assistance and Real Property Policies Act (42 U.S.C. 4601 *et seq;* 49 CFR part 24) (URA) and regulations at 24 CFR 968.108 or successor regulations.

(*B*) Relocation carried out as a result of acquisition under an approved Revitalization Plan is subject to the URA and regulations at 24 CFR 941.207 or successor regulations.

(*C*) Relocation carried out as a result of disposition under an approved Revitalization Plan is subject to section 18 of the 1937 Act, as amended.

(*D*) Relocation carried out as a result of demolition under an approved Revitalization Plan is subject to the URA.

(iii) *Relocation Application Information.* In your application, you will provide:

(*A*) information on your plans for relocation in your response to Rating Factor 3(5) (Relocation and Section 8); and

(*B*) a list of the names of current residents to be relocated as of the date the HOPE VI Revitalization application is submitted.

(iv) *The HOPE VI Revitalization Relocation Plan.* If you are selected to receive a HOPE VI Revitalization grant, you will be required to submit to HUD a HOPE VI Revitalization Relocation Plan, including a Reoccupancy Agreement executed with the recognized resident body, as described in Section IV(D)(1)(c) of this HOPE VI Section of the SuperNOFA.

(b) *Demolition* of dwelling units and nondwelling facilities, in whole or in part. You may not carry out, nor permit others to carry out the demolition of any units or nondwelling facilities until HUD approves one of the following:

(i) information in your HOPE VI Revitalization Application, along with any supplemental information requested by HUD after the award of the grant. Section 24(g) of the 1937 Act provides that severely distressed public housing demolished pursuant to a Revitalization Plan is not required to be approved by a demolition application under section 18 of the 1937 Act or regulations at 24 CFR part 970;

(*A*) If you do not receive a HOPE VI Revitalization grant, the information in your application will not be used to process a request for demolition.

(*B*) Please note that demolition is not a required element of a HOPE VI Revitalization application.

(ii) a demolition application under Section 18 of the Act. While not required in order to proceed with demolition, you may carry out demolition based on an existing Section 18 demolition approval, or apply for Section 18 approval; or

(iii) a Section 202 Mandatory Conversion Plan, if the project is subject to the requirements of Section 202.

(c) *Disposition* of a severely distressed public housing site, by sale or lease, in whole or in part, in accordance with section 18 of the 1937 Act and implementing regulations at 24 CFR part 970. A long term lease of one year or more which is not incident to the normal operation of the development is considered a disposition.

(d) *Rehabilitation* and physical improvement of public housing and/or community facilities primarily intended to facilitate the delivery of community and supportive services for residents of the project and residents of off-site replacement housing, in accordance with 24 CFR 968.112(b), (d), (e), and (g)-(o) and 24 CFR 968.130 and 968.135(b) and (d) or successor regulations, as applicable.

(e) *Development.* (i) For any standard (non-mixed finance) public housing development activity, (whether on-site reconstruction or off-site development), you must obtain HUD approval of a Standard Development Proposal submitted under 24 CFR part 941 (or successor part).

(ii) For mixed-finance housing development, you must obtain HUD approval of a Mixed Finance Proposal, submitted under 24 CFR part 941, subpart F (or successor part and subpart).

(iii) For new construction of community facilities primarily intended to facilitate the delivery of community and supportive services for residents of the project and residents of off-site replacement housing, you must comply with 24 CFR part 941 (or successor part). Information required for this activity must be included in either a Standard or Mixed Finance Development Proposal.

(f) *Homeownership Activities.* For homeownership replacement units developed under a Revitalization Plan, you must obtain HUD approval of a homeownership proposal submitted under section 24(d)(1)(J) or Section 32 of the 1937 Act. The Homeownership Proposal must be consistent with the 80 percent of Area Median Income (AMI) limitations under the 1937 Act. Assistance may include:

(i) Downpayment or closing cost assistance;

(ii) Provision of second mortgages; and/or

(iii) Construction or permanent financing for new construction, acquisition, or rehabilitation costs related to homeownership replacement units.

(g) *Acquisition.*

(i) *Rental Units.* For acquisition of rental units in existing or new apartment buildings, single family subdivisions, etc., with or without rehabilitation, for use as public housing replacement units, you must comply with 24 CFR part 941 or successor part.

(ii) *Land for Housing, Off-Site Units.* For acquisition of land for public housing development, you must comply with 24 CFR part 941 or successor part.

(iii) *Land for Economic Development.* (A) For acquisition of land for economic development-related activities that promote the economic self-sufficiency of residents, you must comply with 24 CFR part 941, subpart F, or successor part.

(*B*) With HUD approval, you may also use HOPE VI grant funds for limited infrastructure and site improvements associated with developing retail, commercial, or office facilities, such as rough grading and bringing utilities to (but not on) the site.

(*C*) You must enter into a long-term ground lease to govern the development and use of land acquired for economic development purposes.

(*D*) You may not use HOPE VI Grant funds to pay hard development costs or to buy equipment for retail, commercial, or office facilities.

(h) Necessary *management improvements,* including transitional security activities.

(i) Reasonable costs for *administration,* planning, technical assistance, and fees and costs, as established by HUD guidance and policies regarding cost controls. These costs are limited to the incremental costs of implementing the Revitalization Plan, as specifically approved by HUD, such as fees for architectural and engineering work, program management (if any), and reasonable legal fees.

(j) *Community and Supportive Services (CSS).* (i) The CSS Component of the HOPE VI Program encompasses all activities that are designed to promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing project involved, including literacy training, job training, day care, transportation, and economic development activities. The CSS Component is further described in Section IV(C)(3) of this HOPE VI section of the SuperNOFA.

(ii) Consistent with section 24(j)(3) of the 1937 Act, you may use an amount up to 15 percent of the total HOPE VI Grant to pay the costs of CSS activities. You may spend additional sums on CSS activities using donations, HUD funds made available for that purpose, or other PHA funds.

(iii) Consistent with section 24(d)(2) of the Act, you may deposit up to 15 percent of your HOPE VI grant amount into an endowment trust to provide CSS activities, in accordance with section IV(C)(3)(d) of this HOPE VI section of the SuperNOFA, below.

(k) Leveraging other resources, including additional housing resources, supportive services, job creation, and other economic development uses on or near the project that will benefit future residents of the site.

(l) Rental assistance under Section 8.

(2) *Eligible Demolition Activities.* The following are the specific activities that are eligible using HOPE VI Demolition grant funds and the corresponding program requirements.

(a) Relocation, including reasonable moving expenses and self-sufficiency programs related to the permanent relocation of families.

(i) *General.* You must provide suitable, decent, safe, and sanitary housing for each family required to relocate as a result of demolition activities.

(ii) *Standard Relocation Requirements.* You must carry out relocation activities in compliance with the following statutory and regulatory requirements, as applicable:

(*A*) Relocation as a result of demolition approved by a Section 18 demolition application is subject to the URA and Section 18 of the Act.

(*B*) Relocation as a result of demolition approved as part of a Section 202 Mandatory Conversion Plan is subject to the URA.

(iii) *The HOPE VI Demolition Relocation Plan.* You will be required to provide a HOPE VI Demolition Relocation Plan in your application, as described in Section IV(E)(2) of this HOPE VI section of the SuperNOFA.

(b) Demolition of dwelling units in buildings, in whole or in part, including the abatement of environmentally hazardous materials such as asbestos, in accordance with section 18 of the 1937 Act as amended.

(c) Demolition of nondwelling facilities, if such demolition is directly related to the demolition of severely distressed dwelling units to be demolished with funds from the HOPE VI Demolition Grant.

(d) Restoration of the site to a "greenfield," clean state by removing all demolished materials, filling in the site, and establishing a lawn. No additional improvements, such as constructing new curbs and gutters, installing playground equipment, or planting gardens may be paid for with HOPE VI Demolition grant funds.

(e) In the case of partial demolition of a site, minimal site restoration after demolition and subsequent site improvements to benefit the remaining portion of the project in order to provide project accessibility or to make the site more marketable.

(f) Reasonable costs for administration, planning, technical assistance, and fees and costs which are deemed to be incremental costs of carrying out the demolition as specifically approved by HUD.

IV. Program Requirements

(A) *HOPE VI Application Requirements.* In addition to the Fair Housing requirements provided in Section II(B) of the General Section of this SuperNOFA, all HOPE VI applications (Revitalization and Demolition) must comply with the following program requirements:

(1) *Severe Distress.* The targeted public housing project or building in a project must be severely distressed. In accordance with section 24(j)(2) of the 1937 Act, the term "severely distressed public housing" means a public housing project (or building in a project) that:

(a) Requires major redesign, reconstruction or redevelopment, or partial or total demolition, to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems, and other deficiencies in the physical plant of the project;

(b) Is a significant contributing factor to the physical decline of and disinvestment by public and private entities in the surrounding neighborhood;

(c) (i) Is occupied predominantly by families who are very low-income families with children, are unemployed, and dependent on various forms of public assistance; or

(ii) Has high rates of vandalism and criminal activity (including drug-related criminal activity) in comparison to other housing in the area;

(d) Cannot be revitalized through assistance under other programs, such as the Capital and Operating Funds Programs for public housing under the Act, or the programs under sections 9 and 14 of the 1937 Act (as in effect before the effective date under section 503(a) of the Quality Housing and Work Responsibility Act of 1998 (Pub.L. 105–276, approved October 21, 1998, referred to as the Public Housing Reform Act), because of cost constraints and inadequacy of available amounts; and

(e) In the case of individual buildings, is sufficiently separated from the remainder of the project of which the building is part to make use of the building feasible for revitalization; or

(f) That was a project described in paragraphs (a) through (e) above that has been legally vacated or demolished, but for which HUD has not yet provided replacement housing assistance (other than tenant-based assistance).

(2) *Appropriateness.* In accordance with section 24(e)(1) of the 1937 Act, an application for any HOPE VI grant must demonstrate the appropriateness of the proposal in the context of the local housing market relative to other alternatives.

(3) *Litigation.* You may not have any litigation pending which would preclude timely startup of activities.

(4) *Desegregation Orders.* You must be in full compliance with any desegregation or other court order related to Fair Housing (e.g., Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and section 504 of the Rehabilitation Act of 1973) that affects your public housing program and that is in effect on the date of application submission.

(5) *Flood Insurance.* In accordance with the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), your application may not propose to provide financial assistance for acquisition or construction (including rehabilitation) of properties located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:

(a) The community in which the area is situated is participating in the National Flood Insurance program (see 44 CFR parts 59 through 79), or less than one year has passed since FEMA notification regarding such hazards; and

(b) Where the community is participating in the National Flood Insurance Program, flood insurance is obtained as a condition of execution of a Grant Agreement and approval of any subsequent demolition or disposition application.

(6) *Coastal Barrier Resources Act.* In accordance with the Coastal Barrier Resources Act (16 U.S.C. 3501), your application may not target properties in the Coastal Barrier Resources System.

(B) *HOPE VI Post-Award Requirements.* If you are selected for funding, in addition to the Fair Housing requirements provided in Sections II(B), (C) and (D) of the General Section of this SuperNOFA, all HOPE VI Grantees (Revitalization and Demolition) must comply with the following requirements:

(1) *Internet Access.* You must have access to the Internet and provide HUD with email addresses of key staff and contact people.

(2) *Labor Standards.* (a) *Revitalization Grant Labor Standards.* Davis-Bacon or HUD-determined wage rates apply to development or operation of revitalized housing to the extent required under section 12(a) of the 1937 Act. Davis-Bacon wage rates apply to demolition followed by construction on the site.

(b) *Demolition Grant Labor Standards.* HUD-determined wage rates apply to demolition followed only by filling in the site and establishing a lawn.

(c) Under section 12(b) of the 1937 Act, wage rate requirements do not apply to individuals who:

(i) Perform services for which they volunteered;

(ii) Do not receive compensation for those services or are paid expenses, reasonable benefits, or a nominal fee for the services; and

(iii) Are not otherwise employed in the work involved (24 CFR part 70).

(d) If other Federal programs are used in connection with your HOPE VI activities, labor standards requirements apply to the extent required by the other Federal programs on portions of the project that are not subject to Davis-Bacon rates under the Act.

(3) *Section 3.* You must comply with the requirements of section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects) and its implementing regulation at 24 CFR part 135 ("Section 3"). Section 3 requires that, to the greatest extent feasible, HOPE VI Grantees direct training, employment, and other economic opportunities to low- and very low-income persons—particularly those who are recipients of government assistance for housing—and business concerns which provide economic opportunities to low- and very low-income persons. More information about Section 3 can be found at HUD's Section 3 website (*www.hud.gov/fhe/sec3over.html*).

(4) *MBE/WBE.* You must adopt the goal of awarding a specified percentage of the dollar value of the total of the HOPE VI contracts to be awarded during subsequent fiscal years to minority business enterprises and take appropriate affirmative action to assist resident-controlled and women's business enterprises, in accordance with the requirements of Executive Orders 11246, 11625, 12432, and 12138.

(5) *OMB Circulars and Administrative Requirements.* You and your Team, as defined in Rating Factor 1, Capacity, must comply with the following administrative requirements related to the expenditure of Federal funds. OMB Circulars can be found at *www.whitehouse.gov/omb/grants/index.html#circulars*, and the Code of Federal Regulations can be found at *www.access.gpo.gov/nara/cfr/index.html*.

(a) Administrative requirements applicable to PHAs are:

(i) 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments), as modified by 24 CFR 941 or successor part, subpart F, relating to the procurement of partners in mixed finance developments, except when inconsistent with the provisions of the FY 2001 HUD Appropriations Act or other applicable Federal statutes. Requests for Proposals (RFPs) and Requests for Qualifications (RFQs) must reflect pertinent language from the HOPE VI section of this SuperNOFA; e.g., seeking diversity, accessibility, fair housing requirements, etc.

(ii) OMB Circular A–87 (Cost Principles for State, Local and Indian Tribal Governments);

(iii) 24 CFR 85.26 (audit requirements).

(b) Administrative requirements applicable to non-profit organizations are:

(i) 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations);

(ii) OMB Circular A–122 (Cost Principles for Non-Profit Organizations);

(iii) 24 CFR 84.26 (audit requirements).

(c) Administrative requirements applicable to for profit organizations are:

(i) 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations);

(ii) 48 CFR part 31 (contract cost principles and procedures);

(iii) 24 CFR 84.26 (audit requirements).

(6) *Environmental Review.* (a) If you are selected for funding and an environmental review has not been conducted on the targeted site, the responsible entity, as defined in 24 CFR 58.2(a)(7), must assume the environmental review responsibilities for projects being funded by HOPE VI. If you object to the responsible entity conducting the environmental review, on the basis of performance, timing or compatibility of objectives, HUD will review the facts and determine who will perform the environmental review. At any time, HUD may reject the use of a responsible entity to conduct the environmental review in a particular case on the basis of performance, timing or compatibility of objectives, or in accordance with 24 CFR 58.77(d)(1). If a responsible entity objects to performing an environmental review, or if HUD determines that the responsible entity should not perform the environmental review, HUD may designate another responsible entity to conduct the review or may itself conduct the environmental review in accordance with the provisions of 24 CFR part 50. After selection by HUD for Joint Review, you must provide any documentation to the responsible entity (or HUD, where applicable) that is needed to perform the environmental review.

(b) If you are selected for funding, you must have a Phase I environmental site assessment completed in accordance with the American Society for Testing and Material (ASTM) Standards E 1527–97, as amended, for each affected site. A Phase I assessment is required whether the environmental review is completed under 24 CFR part 50 or 24 CFR part 58. The results of the Phase I assessment must be included in the documents that must be provided to the responsible entity (or HUD) for the environmental review. If the Phase I assessment recognizes environmental concerns or if the results are inconclusive, a Phase II environmental site assessment will be required.

(c) You may not undertake any actions with respect to the Development, or with respect to any off-site replacement public housing, that are choice-limiting or could have environmentally adverse effects, including demolishing, acquiring, rehabilitating, converting, leasing, repairing, or constructing property proposed to be assisted under this NOFA, and you may not commit or expend HUD or local funds for these activities, until HUD has approved a Request for Release of Funds following a responsible entity's environmental review under 24 CFR part 58, or until HUD has completed an environmental review and given approval for the action under 24 CFR part 50.

(d) If the environmental review is completed before HUD approval of the HOPE VI Supplemental Submissions and you have submitted your Request for Release of Funds (RROF), the Supplemental Submissions approval letter shall state any conditions, modifications, prohibitions, etc. as a result of the environmental review, including the need for any further environmental review. You must carry out any mitigating/remedial measures required by HUD, or select an alternate eligible property, if permitted by HUD. If the remediation plan is not approved by HUD and a fully-funded contract with a qualified contractor licensed to perform the required type of remediation is not executed, HUD reserves the right to determine that the grant is in default.

(e) If the environmental review is not completed and/or you have not submitted the RROF before HUD approval of the Supplemental Submissions, the letter approving the Supplemental Submissions will instruct you to refrain from undertaking, or obligating or expending funds on, physical activities or other choice-limiting actions, until HUD approves your RROF and the related certification

of the responsible entity (or HUD has completed the environmental review). The RP approval letter also will advise you that the approved RP may be modified on the basis of the results of the environmental review.

(f) In accordance with the Grant Agreement, the costs of environmental reviews and hazard remediation are eligible costs under the HOPE VI Program.

(7) *Environmental Justice.* In accordance with Executive Order 12898,

(a) public housing may be developed only in environmentally sound and desirable locations that will avoid disproportionately high and adverse environmental effects on minority and low-income communities, and

(b) proposed activities may not have the effect of excluding or denying persons (including populations) from participation in or benefits from those activities, or subjecting persons (including populations) to discrimination because of their race, color, or national origin.

(C) *Revitalization Application Requirements.* Your HOPE VI Revitalization application must comply with the following requirements:

(1) *Resident Training Session.* (a) You must conduct at least one Training Session for residents of the severely distressed project(s) on the HOPE VI development process.

(b) The Resident Training Session must be held after the publication date of the FY 2001 HOPE VI NOFA.

(c) You must provide a certification in your application that you addressed the following issues during the resident training session:

(i) relocation policies, procedures, and options;

(ii) reoccupancy criteria;

(iii) number of units to be built, on-site and off-site;

(iv) partners that will provide community and supportive services;

(v) the requirements of section 3 and plans to ensure compliance;

(vi) plans for continued resident and community involvement; and

(vii) community and supportive service activities to be provided for residents during the course of the grant term.

(d) Notice of the Resident Training Session must be provided to each affected resident.

(e) As practical and applicable, the meetings should be conducted in English and the language(s) most appropriate for the community.

(f) The meeting space must be accessible for persons with disabilities, i.e., the meeting space must be accessible for wheelchairs, signing must be provided for the hearing impaired, if applicable, etc.

(2) *Public Meetings.*

(a) You must conduct at least three public meetings with residents and the broader community, including young people between the ages of 16 and 21, to involve them in a meaningful way in the process of planning the revitalization and preparing the application.

(b) In addition to other means of notification, at least one notice for each meeting must be placed in a commercial newspaper or journal that serves both the public housing project and the broader community.

(c) At least two of the public meetings must be held after the publication date of this HOPE VI NOFA.

(d) One of the public meetings may have been held before the publication of this NOFA, but no more than six months before such publication.

(e) at least one of the public meetings must be held after the plan which will form the basis of the application has been established, so that residents and the community are fully informed about the basics of the proposed Revitalization Plan.

(f) You must provide a certification in your application that you addressed the following issues during the three public meetings:

(i) The HOPE VI planning and implementation process;

(ii) The proposed physical plan, including site and unit design;

(iii) The extent of proposed demolition;

(iv) Planned community and supportive service activities;

(v) Other proposed revitalization activities;

(vi) Relocation issues, including relocation planning, mobility counseling, and maintaining the HOPE VI community planning process during the demolition and reconstruction phases where temporary relocation is involved;

(vii) reoccupancy plans and policies, including site-based waiting lists; and

(viii) Section 3 and employment opportunities to be created as a result of redevelopment activities.

(g) As practical and applicable, the meetings should be conducted in English and the language(s) most appropriate for the community.

(h) Meeting spaces must be accessible for persons with disabilities, i.e., the meeting space must be accessible for wheelchairs, signing must be provided for the hearing impaired, if applicable, etc.

(3) *Community and Supportive Services (CSS).* (a) *General.* Each HOPE VI Revitalization application must include a CSS Component that includes activities designed to help residents achieve self-sufficiency, upward mobility, economic independence with sustainable "living wage" jobs, educational achievement, and improved quality of life for the maximum number of public housing residents in the existing project and in the revitalized community. This section lists the requirements for the CSS component, the kinds of activities that should be included in your CSS Workplan, and the types of organizations that you should consider when developing your CSS team, creating partnerships, and developing resources to fund your CSS activities. You will refer to this section of the NOFA when describing your CSS Capacity and Experience (Rating Factor 1(2)), Quality of CSS Plan (Rating Factor 3(6)), and CSS Resources (Rating Factor 4(2)).

(b) *Subgrant Agreements.* (i) If you wish to form a formal partnership with a private nonprofit agency(ies) for the provision of specific CSS activities, you may do so by entering into a subgrant agreement with the selected agency(ies).

(ii) While you are not required to undertake a competitive procurement under 24 CFR part 85 to select a subgrantee, HUD nevertheless requires your assurance that you have:

(*A*) evaluated alternative service providers for the specific activities to be provided,

(*B*) selected the entity that you reasonably believe will most effectively provide such activities, and

(*C*) ensured that the amount to be awarded under the subgrant agreement is consistent with the cost principles of OMB Circular A–87.

(iii) HUD encourages you to leverage your HOPE VI grant funds by selecting subgrantees that will provide, in addition to the agreed upon fee-for-service amount, in-kind services on a gratis basis (e.g., leased space at no cost, etc.).

(iv) The selected nonprofit subgrantee must comply with the requirements of 24 CFR part 84.

(v) You may not enter into a subgrant agreement with a for-profit entity or for a CSS coordinator. Instead, you must conduct a competitive procurement for the services of such entities under 24 CFR part 85. However, if you can demonstrate that the services to be provided by the proposed for-profit entity or by the proposed CSS coordinator can be obtained only from that source, you may request HUD approval to carry out a non-competitive procurement under 24 CFR 85.36(d)(4).

(c) *Requirements of the Community and Supportive Services Workplan.* (i) The objectives of your CSS Workplan must be results-oriented, with quantifiable goals and outcomes that can be used to measure progress, make changes in activities as necessary, and demonstrate the success of the CSS component of the HOPE VI Program.

(ii) CSS activities must be developed in response to a rigorous resident needs identification process and directly respond to the identified needs.

(iii) CSS activities must be of an appropriate scale, type, and variety to meet the needs of all residents (including adults, youth ages 16 to 21, and children) of the severely distressed project, including residents remaining on-site, residents who will relocate permanently to other PHA units or Section 8 housing, residents who will relocate temporarily during the construction phase, and new residents of the revitalized units.

(iv) Non-public housing residents may also participate in CSS activities, as long as the primary participants in the activities are residents as described in subparagraph (iii) above.

(v) Your plan must include procedures to track HOPE VI site residents who relocate to alternative housing to assure that everything possible is done to support them to become self-sufficient and live successfully in the alternative housing of their choice.

(vi) CSS activities such as life skills training must be designed to begin promptly after grant award so that residents who will be relocated have time to participate and benefit from such activities before leaving the site.

(vii) Resident training activities must begin promptly after grant award and Section 3 firms must be in place quickly so that residents are trained in time to take advantage of employment opportunities such as jobs and other contractual opportunities in the pre-development, demolition, and construction phases of the revitalization.

(viii) Modern computer technology must be integrated into the education component of the CSS Workplan.

(ix) CSS activities must be coordinated with the efforts of other service providers in your locality, including non-profit organizations, educational institutions, and state and local programs.

(x) CSS activities must be consistent with state and local welfare reform requirements and goals. The social and learning environment must encourage and enable low-income residents to achieve long-term self-sufficiency, particularly persons enrolled in welfare-to-work programs. To that end, it is crucial that local welfare agencies and workforce development agencies are active members of your HOPE VI partnership. Many HOPE VI residents are directly affected by Temporary Assistance to Needy Families (TANF), making these self-sufficiency efforts critical to their success.

(xi) CSS activities must be well integrated with the physical development process, both in terms of timing and the provision of facilities to house on-site service and educational activities.

(d) *CSS Activities* may include, but are not limited to:

(i) Educational activities that promote learning and serve as the foundation for young people from infancy through high school graduation, helping them to succeed in academia and the professional world. Such activities, which include after school programs, mentoring, and tutoring, must be created with strong partnerships with public and private educational institutions.

(ii) Adult educational activities, including remedial education, literacy training, tutoring for completion of secondary or post-secondary education, assistance in the attainment of certificates of high school equivalency, and English as a Second Language courses, as needed.

(iii) Job readiness and retention activities which frequently are key to securing private sector commitments to the provision of jobs.

(iv) Employment training activities that include results-based job training, preparation, counseling, development, placement, and follow-up assistance after job placement.

(v) Life skills training on topics such as parenting, consumer education, and family budgeting, aided by the creation and operation of on-site credit unions.

(vi) Motivational and self-empowerment training.

(vii) Homeownership counseling that is scheduled to begin promptly after grant award so that, to the maximum extent possible, qualified residents will be ready to purchase new homeownership units when they are completed.

(viii) Coordinating with health care services providers or providing on-site space for a health clinic, doctors, a wellness center, dentists, etc. that will primarily serve the public housing residents. HOPE VI funds may not be used to provide direct medical care to residents.

(ix) Substance/alcohol abuse treatment and counseling.

(x) Domestic violence prevention.

(xi) Child care services which provide sufficient hours of operation for parents to achieve self-sufficiency goals, serve appropriate ages as needed to facilitate parental access to education and job opportunities, and stimulate children to learn.

(xii) Transportation, as necessary, to enable all family members to participate in available CSS activities and/or to commute to their places of employment.

(xiii) Entrepreneurship training and mentoring, with the goal of establishing resident-owned businesses.

(e) *CSS Partnerships and Resources.* The following are the kinds of organizations and agencies that can provide you with in-kind, financial, and other types of resources necessary to carry out and sustain your CSS activities.

(i) Local Boards of Education, public libraries, local community colleges, institutions of higher learning, non-profit or for-profit educational institutions and public/private mentoring programs that will lead to new or improved educational facilities and improved educational achievement of young people in the revitalized development, from birth through higher education.

(ii) National corporations, local businesses, and other large institutions such as hospitals that can commit to provide entry-level jobs. Employers may agree to train residents or commit to hire residents after they complete jobs preparedness or training programs that are provided by you, other partners, or the employer itself. Such private sector and non-profit partners must be given the opportunity to participate in the development of your CSS programs to assure that they will result in adequate training to prospective employees.

(iii) Job development organizations which link private sector or non-profit employers with low-income prospective employees.

(iv) Workforce Development Agencies.

(v) University Schools of Public Health.

(vi) Organizations that provide residents with job readiness and retention training and support.

(vii) Economic development agencies such as the Small Business Administration, which provide entrepreneurial training and small business development centers.

(viii) Where applicable, Empowerment Zone and Enterprise Community Boards.

(ix) Programs that integrate employment training, education, and counseling, and where creative

partnerships with local boards of education, state charter schools, TANF, foundations, and private funding sources have been or could be established, such as:

(A) Youthbuild (*www.hud.gov/progdesc/youthb.cfm*).

(B) Step-Up (*www.hud.gov/progdesc/stepup.cfm*).

(C) AmeriCorps (*www.cns.gov/americorps*). See Section VI(B) of the General Section of this SuperNOFA for more information on AmeriCorps.

(x) Sources of capital such as foundations, banks, and charitable, fraternal, and business organizations.

(xi) TANF Agencies/welfare departments.

(xii) Non-profit organizations such as the Girl Scouts and the Urban League, both of which have Memoranda of Agreement (MOA) with HUD. Copies of these MOAs can be found on the HOPE VI Home Page (*www.hud.gov/hopevi*).

(xiii) Civil rights organizations.

(xiv) Local area agencies on aging, if applicable.

(xv) Local agencies and organizations serving persons with disabilities.

(xvi) Faith-based organizations.

(xvii) Federal, state, and local crime prevention programs and policy efforts, such as:

(A) Local law enforcement agencies;

(B) Your local United States Attorney;

(C) HUD's "One Strike and You're Out" (*www.hud.gov:80/progdesc/1strike.cfm*);

(D) HUD's "Officer Next Door" initiative (*www.hud.gov:80/ond/ond.html*);

(E) The local Department of Justice "Weed and Seed" Program task force (if the targeted project is located in a designated Weed and Seed area) (*www.ojp.usdoj.gov/eows*);

(F) HUD's "Operation Safe Home" Program (*www.hud.gov:80/progdesc/opsafe.cfm*); and

(G) HUD's Drug Elimination Programs.

(f) *Endowment Trust for Community and Supportive Services.* Consistent with section 24(d)(2) of the Act, you may deposit up to 15 percent of your HOPE VI grant (the maximum amount of the award allowable for CSS activities) into an endowment trust to provide CSS activities. HUD will review the amount of your proposed HOPE VI allocations to an endowment trust as part of its review and approval of your CSS Workplan. In reviewing your proposed allocations to the endowment trust, HUD will take into account your demonstrated ability to pay for current CSS activities with HOPE VI or other funds, and the projected long-term sustainability of the trust to carry out CSS activities. HUD intends to issue separate guidance concerning the establishment, operation and management of HOPE VI-funded endowment trusts. These provisions will be incorporated into the FY 2001 HOPE VI grant agreement that you execute with HUD. Once HUD approves your CSS Workplan and determines that the endowment trust has been established and will thereafter be operated and maintained, in accordance with the HOPE VI grant agreement, HUD will release HOPE VI funds to you in a lump sum for deposit into the endowment trust. You must invest the endowment funds in a wise and prudent manner. Although HUD considers the deposit of endowment trust funds in certificates of deposit and other types of securities that are insured, guaranteed, or issued by the United States of America to be wise and prudent investments, other investment options also are available. These options will be described in the guidance that HUD will be issuing. Endowment funds (together with any income earned on those funds) may only be used for eligible CSS activities, as provided in section IV(C)(3)(d) of this HOPE VI section of the SuperNOFA, below. You may use amounts in an endowment trust in conjunction with other amounts donated or otherwise made available to the trust for similar purposes.

(D) *Revitalization Grant Post-Award Requirements.* If you are selected for funding, you must comply with the following requirements:

(1) *Revitalization Plan.* After HUD conducts a post-award review of your application and makes a visit to the site, you will be required to submit components of your Revitalization Plan to HUD, as provided in the HOPE VI Revitalization Grant Agreement. These components include, but are not limited to:

(a) Supplemental Submissions, that may include revisions and clarifications to your application;

(b) a Community and Supportive Services Workplan, in accordance with guidance provided by HUD; and

(c) a HOPE VI Revitalization Relocation Plan, in conformance with the requirements of HOPE VI relocation guidance as provided by HUD, that describes the assistance and the services to be provided to affected families.

(i) The HOPE VI Revitalization Relocation Plan is intended to ensure that residents who have been temporarily or permanently relocated, as well as any residents yet to be relocated, by activities funded by a HOPE VI Revitalization Grant are provided with CSS activities such as mobility counseling and direct assistance in locating housing.

(ii) The HOPE VI Revitalization Relocation Plan must include a Reoccupancy Agreement that establishes the criteria for relocated residents to occupy the revitalized units, executed between the recognized resident body, the PHA, and, if applicable, the entity that will own the public housing units.

(iii) You *may not begin relocation* activities until your HOPE VI Revitalization Relocation Plan has been approved by HUD.

(d) a standard or mixed-finance development proposal, as applicable;

(e) a disposition application, as applicable; and

(f) a homeownership proposal, as applicable.

(2) *Neighborhood Networks.* All Revitalization Grantees will be required to be approved as Neighborhood Networks Centers. This Program, which supports HUD's Bridging the Digital Divide policy initiative, as described in Section VI(H) of the General Section, provides on-site access to computer and training resources. These Centers, originally designed for HUD-insured and HUD-assisted properties, have helped hundreds of residents improve computer technology skills which in turn has increased job and education opportunities. HUD will make technical assistance available to each PHA where needed. More information on the requirements of the Neighborhood Network Center Program is available on the Neighborhood Networks website (*www.hud.gov/nnw/nnwindex.html*).

(3) *Match.* (a) *Overall Match.* In accordance with section 24(c) of the 1937 Act, if you are selected for funding, you must supplement your HOPE VI Revitalization grant with funds from other sources equal to not less than 5 percent of the HOPE VI funds provided. You will make this certification by signing the HOPE VI Revitalization Grant Applicant Certifications. The Certification Form is included in the HOPE VI Application Kit, and the text of the certifications is included as Appendix A to this HOPE VI section of the SuperNOFA, below.

(b) *Additional Community and Supportive Services Match.* In addition to supplemental amounts provided in accordance with subparagraph (a) above, if you are selected for funding and propose to use more than 5 percent of your HOPE VI grant for CSS activities (you may use up to 15 percent of your grant for such activities), you must certify that you will provide supplemental funds from sources other than HOPE VI, dollar for dollar, for the amount over 5 percent of the grant that you will use for CSS activities. You will make this certification by signing the HOPE VI Revitalization Applicant Certifications. The Certification Form is included in the HOPE VI Application Kit, and the text of the certifications is included as Appendix A to this HOPE VI section of the SuperNOFA, below.

(c) *Matching Funds.* In accordance with section 24(c)(2) of the 1937 Act, in calculating the amount of supplemental funds provided by a Grantee for purposes of subparagraphs (a) and (b) above, you may include amounts from other Federal sources, any State or local government sources, any private contributions, the value of any donated material or building, the value of any lease on a building, the value of the time and services contributed by volunteers, and the value of any other in-kind services or administrative costs provided. Other Federal sources may include funds provided by the MROP, Comprehensive Grant, CIAP, or Public Housing Capital Fund Programs or other HUD-provided public housing funds, including funds derived from program income. Matching funds must be directly applicable to the revitalization of the site and the transformation of the lives of residents.

(4) *Program Income.* If you receive program income prior to grant closeout (e.g., from sale of homeownership replacement units or the disposition of improved land), the program income:

(a) must be reflected in your approved sources and uses statement;

(b) must be reinvested in the Development and used for low-income housing purposes, as approved by HUD; and

(c) must be used for eligible activities before you may draw down additional cash payments from the (HOPE VI Grant.)

(5) *Replacement Units.*

(a) Homeownership units will be deemed to be replacement units only if, combined with rental ACC units, they do not exceed the total number of units demolished and/or disposed of at the targeted severely distressed project and otherwise meet the requirements listed in Section III(C)(1)(f), above, of this HOPE VI section of the SuperNOFA.

(b) Rental units will be deemed to be public housing replacement units and qualify for operating subsidy only if:

(i) Combined with public housing homeownership replacement units, the units do not exceed the lesser of:

(A) The number of units that you had under ACC on August 21, 1996; or

(B) The number of units for which you were receiving operating subsidy on August 21, 1996; and

(ii) The units are to be placed under an ACC and operated as public housing units.

(c) HOPE VI funds may not be used to develop market rate units or affordable housing units which do not qualify as public housing or homeownership replacement units, as described in subparagraphs (a) and (b) above.

(6) *Timeliness of Construction.* (a) If you are selected for funding, you must proceed within a reasonable timeframe, as indicated below. In determining reasonableness of such timeframe, HUD will take into consideration those delays caused by factors beyond your control.

(b) You must start construction within 12 months from the date of HUD's approval of the Supplemental Submissions as requested by HUD after grant award. This time period may not exceed 18 months from the date the Grant Agreement is executed.

(c) You must complete construction within 48 months from the date of HUD's approval of your Supplemental Submissions. This time period for completion may not exceed 54 months from the date the Grant Agreement is executed.

(d) In accordance with section 24(i) of the 1937 Act, if you do not proceed within a reasonable timeframe, as described in paragraphs (a) through (c) above, HUD shall withdraw any grant amounts that you have not obligated. HUD shall redistribute any withdrawn amounts to one or more other applicants eligible for HOPE VI assistance or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the Revitalization Plan of the original Grantee.

(7) *Building Standards.* (a) All activities that include construction, rehabilitation, lead-based paint removal, and related activities must meet or exceed local building codes.

(b) Your new construction must comply with the accessibility standards of the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Architectural Barriers Act of 1968. You are also encouraged to read the policy statement and Final Report of the HUD Review of Model Building Codes that identifies the variances between the design and construction requirements of the Fair Housing Act and several model building codes. That report can be found on the HUD Home Page (*www.hud.gov/fhe/modelcodes*).

(c) New construction must comply with the latest HUD-adopted Model Energy Code issued by the Council of American Building Officials. In addition, HUD encourages you to set higher standards for energy and water efficiency in HOPE VI new construction, which can achieve utility savings of 30 to 50 percent with minimal extra cost. Upon request, HUD will provide technical assistance and training in design and financing to assist your authority, architects, and contractors in improving resource efficiency.

(d) HUD encourages you to design programs that incorporate sustainable construction and demolition practices, such as the dismantling or "deconstruction" of public housing units, recycling demolition debris, and reusing salvage materials in new construction. "A Guide to Deconstruction" can be found at (*www.hud.gov/deconstr.pdf*). Articles about specific deconstruction projects can be found on the U.S. Forest Service website (*www.fpl.fs.fed.us/query.asp*); enter deconstruction as the search term.

(e) HUD encourages you to use PATH technologies in the construction and delivery of replacement housing. PATH (Partnership for Advancing Technology in Housing) is a voluntary initiative that seeks to accelerate the creation and widespread use of advanced technologies to radically improve the quality, durability, environmental performance, energy efficiency, and affordability of our Nation's housing. Further information about PATH can be found in Section VI(G) of the General Section of this SuperNOFA and on the PATH website (www.pathnet.org).

(f) In accordance with Section VI(E) of the General Section of this SuperNOFA, HUD encourages you to incorporate the principles of Universal Design when developing housing and community facilities. The intent of Universal Design is to make housing units and community facilities more usable by as many people as possible, regardless of age and ability, at little or no extra cost. Examples include designing wider doorways, installing levers instead of doorknobs, and putting bathtub/shower grab bars in all units. Computers and telephones can also be set up in ways that enable as many residents as possible to use them.

(g) There must not be any environmental or public policy factors such as sewer moratoriums that would preclude development in the requested locality.

(8) *Lead-Based Paint.* You must comply with lead-based paint testing and abatement requirements for HUD-associated housing, as provided for under the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821, *et seq.*). You must also comply with regulations at 24 CFR part 35, 24 CFR 965.701, and

24 CFR 968.110(k), as they may be amended or revised from time to time. Unless otherwise provided, you will be responsible for testing and abatement activities.

(9) *Site and Neighborhood Standards for Replacement Housing.* You must comply with the Fair Housing Act and Title VI of the Civil Rights Act of 1964, and regulations thereunder. In determining the location of any replacement housing, you must comply with either the site and neighborhood standards regulations at 24 CFR 941.202 (b-d) or with the standards outlined below.

(a) *Goals of the HOPE VI Program.* The HOPE VI Program provides resources to address the needs of severely distressed public housing developments within an administrative framework of less intrusive Federal oversight and increased reliance on informed local decisionmaking. HOPE VI Grants are made so that Grantees can develop and implement comprehensive strategies that address not only the physical and management needs of the developments, but also the social and economic needs of the residents and the surrounding community. You are expected to ensure that your Revitalization Plan will expand assisted housing opportunities in non-poor and non-minority neighborhoods and/or will accomplish substantial revitalization in the Development and its surrounding neighborhood. You are also expected to ensure that eligible households of all races and ethnic groups will have equal and meaningful access to the housing.

(b) *Objectives in Selecting HUD-Assisted Sites.* The fundamental goal of HUD's fair housing policy is to make full and free housing choice a reality. Housing choice requires that households of all races can freely decide the type of neighborhood where they wish to reside, that minority neighborhoods are no longer deprived of essential public and private resources, and that stable, racially-mixed neighborhoods are available as a meaningful choice for all. To make full and free housing choice a reality, sites for HUD-assisted housing investment should be selected so as to advance two complementary goals:

(i) expand assisted housing opportunities in non-minority neighborhoods, opening up choices throughout the metropolitan area for all assisted households; and

(ii) reinvest in minority neighborhoods, improving the quality and affordability of housing there to represent a real choice for assisted households.

(c) *Compliance with Fair Housing Act and Title VI of the Civil Rights Act of 1964.* You must comply with the Fair Housing Act and Title VI of the Civil Rights Act of 1964, and implementing regulations, in determining the location of any replacement housing.

(d) *Grantee's Election of Requirements.* You may, at your election, separately with regard to each site you propose, comply with the development regulations regarding Site and Neighborhood Standards (24 CFR 941.202 (b)-(d)), or with the Site and Neighborhood Standards contained in this Section.

(e) *Replacement Housing Located On Site or in the Surrounding Neighborhood.* Replacement housing under HOPE VI that is located on the site of the existing project or in its surrounding neighborhood will not require independent approval under Site and Neighborhood Standards, since HUD will consider the scope and impact of the proposed revitalization to alleviate severely distressed conditions at the public housing project and its surrounding neighborhood in assessing the application to be funded under this NOFA. For the purposes of this review, the term "surrounding neighborhood" means the neighborhood within a three mile radius of the site of the existing project.

(f) *Off-Site Replacement Housing Located Outside of the Surrounding Neighborhood.* Unless you demonstrate that there are already significant opportunities in the metropolitan area for assisted households to choose non-minority neighborhoods (or these opportunities are under development), HOPE VI replacement housing not covered by (9)(e) of this Section may not be located in an area of minority concentration (as defined in paragraph (g) below) without the prior approval of HUD. Such approval may be granted if you demonstrate to the satisfaction of HUD that:

(i) you have made determined and good faith efforts, and found it impossible with the resources available, to acquire an appropriate site(s) in an area not of minority concentration;

(ii) the replacement housing, taking into consideration both the CSS activities or other revitalizing activities included in the Revitalization Plan, and any other revitalization activities in operation or firmly planned, will contribute to the stabilization or improvement of the neighborhood in which it is located, by addressing any serious deficits in services, safety, economic opportunity, educational opportunity, and housing stock; or

(iii) the replacement housing is located in a neighborhood that is not an area of high poverty rate (30 percent or more).

(iv) HUD recognizes that in some metropolitan areas, factors including the cost of land, jurisdictional limits, or political opposition may make it extremely difficult for you to acquire and develop non-impacted sites. If you seek approval under the condition stated in subparagraph (9)(f)(i) above, you must detail your efforts with sufficient specificity for HUD to determine whether HUD can contribute other resources, such as legal assistance. If you experience or anticipate that you will experience difficulty acquiring and developing non-impacted sites to implement your Revitalization Plan, you are strongly encouraged to consult with HUD prior to concluding that you have demonstrated impossibility.

(g) *Area of Minority Concentration.* The term "area of minority concentration" is any neighborhood in which:

(i) the percentage of households in a particular racial or ethnic minority group is at least 20 points higher than the percentage for the housing market area; i.e., the Metropolitan Statistical Area in which the proposed housing is to be located, *or*

(ii) the neighborhood's total percentage minority is at least 20 points higher than the percentage for the housing market area as a whole.

(E) *Demolition Grant Application Requirements.* (1) *Eligible Units.* Severely distressed public housing units to be demolished with HOPE VI Demolition grant funds must meet one of the criteria in the description of priority groups in Section VII(A)(1) of this HOPE VI Section of the SuperNOFA.

(2) *The HOPE VI Demolition Relocation Plan.*

(a) *General.* You will be required to provide a HOPE VI Demolition Relocation Plan in your application. It is as important to provide relocating families in demolition-only situations with supportive services as it is to provide such services in connection with HOPE VI Revitalization grants.

(b) *HOPE VI Demolition Relocation Plan.* Your HOPE VI Demolition Relocation Plan that you include in your application must describe how you will:

(i) provide a reasonable time between notification and date to vacate units;

(ii) provide one-on-one move counseling to ensure that families fully understand the choices open to them for alternative housing throughout the jurisdiction and secure units in neighborhoods of their choice;

(iii) provide self-sufficiency programs that will help residents; acquire the skills to live in the selected community, sustain their new living arrangement for the foreseeable future, and facilitate a smooth transition from public to private rental housing, both for relocatees and for members of their new communities; and (iv) ensure that Section 8 housing complies with the Section 8 requirements regarding lead-based paint and other hazardous materials. If necessary, HOPE VI funds may be used to modify Section 8 relocation units to make them accessible for residents with disabilities.

(c) *Current Residents.* In your application, you must list the names of each resident in occupancy as of the date the application is submitted.

(F) *Demolition Post-Award Requirements.* If you are selected for funding, your HOPE VI Demolition program must comply with the following requirements:

(1) *Timeliness of Demolition.* (a) you must complete the proposed demolition within a reasonable timeframe, which is two years from the date of Grant Agreement execution. HUD will take into consideration delays caused by factors beyond your control when enforcing this requirement or as otherwise approved by HUD to accommodate reasonable relocation and demolition schedules.

(b) In accordance with section 24(i) of the 1937 Act, if you do not proceed within a reasonable timeframe, in the determination of HUD, HUD shall withdraw any grant amounts that you have not obligated. HUD shall redistribute any withdrawn amounts to one or more other applicants eligible for HOPE VI assistance or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the activities of the original Grantee.

(2) *Match Requirement.* In accordance with section 24(c)(3) of the 1937 Act, if assistance will be used only for demolition of public housing (without replacement), you are exempt from the requirement to match physical demolition activities using non-HOPE VI funds. However, throughout the life of the HOPE VI grant, you must partner with other agencies to obtain goods, services, and additional non-HOPE VI funding to enhance the self-sufficiency activities funded by HOPE VI, in an amount that is at least twice the amount of the HOPE VI grant funds received for relocation.

V. Threshold Criteria

(A) *All HOPE VI Applications.* In addition to the Compliance with Fair Housing and Civil Rights Laws threshold requirement listed in Section II(B)(1) of the General Section of this SuperNOFA, your HOPE VI application must meet the following HOPE VI Threshold Criteria to be considered for funding.

(1) *Eligible Applicant.* You must be an eligible PHA, as defined in Section III(B), above, of this HOPE VI section of the SuperNOFA. If HUD has designated your housing authority as troubled pursuant to section 6(j)(2) of the 1937 Act, HUD's Troubled Agency Recovery Centers will use documents and information available to it to determine whether you qualify as an eligible applicant under Section III(B) of this HOPE VI section of the SuperNOFA.

(2) *Severe Distress.* (a) The targeted public housing project, or buildings in a project, must be severely distressed.

(b) To meet the severe distress requirement, you must certify that the public housing project or building in a project targeted in your HOPE VI application meets the definition of severe distress provided in Section IV(A)(1) of this HOPE VI section of the SuperNOFA (in accordance with section 24(j)(2) of the 1937 Act). You will make this certification by signing the HOPE VI Grant Applicant Certifications. The Certifications are included in the HOPE VI Application Kit, and the text of the Certifications is included as Appendix A (Revitalization) and Appendix B (Demolition) to this HOPE VI section of the SuperNOFA.

(c) For Revitalization applications, a severely distressed project that has been legally vacated or demolished (but for which HUD has not yet provided replacement housing assistance, other than tenant-based assistance) must also satisfy the requirements of paragraph (b) above as to the condition of the site before vacation or demolition.

(d) For Demolition applications, a severely distressed project that has been legally vacated (but for which HUD has not yet provided replacement housing assistance, other than tenant-based assistance) must also satisfy the requirements of paragraph (b) above as to the condition of the site before vacation.

(3) *Appropriateness of Proposal.* In accordance with section 24(e)(2) of the 1937 Act, your application must demonstrate the appropriateness of your proposal in the context of the local housing market relative to other alternatives. Examples of inappropriate proposals would be to rebuild on the site and/or build off-site replacement public housing in isolated or non-residential areas, or propose unit types or costs which cannot be supported by a market analysis. Examples of how you can demonstrate appropriateness of your Revitalization proposal follow. However, HUD will carry out the actual determination on a case-by-case basis.

(a) Your application might demonstrate appropriateness of your proposal in terms of marketability if it proposes the maximum range of incomes and housing types (rental vs. homeownership, market rate vs. public housing, townhouse vs. detached house, etc.) possible given local conditions.

(b) Your application might demonstrate that the land is being used for the highest and best use, given market conditions and the social goals of your agency.

(c) Your application might demonstrate that there is a demand for the physical development you propose, including residential public, subsidized and market rate units, community facilities, and economic development and retail structures.

(B) *Revitalization Threshold Criteria.* (1) *Severe Physical Distress.*

(a) Your application must include the Severe Physical Distress Certification that the project meets the definition of severe physical distress in Section IV(A)(1)(a), above, of this HOPE VI section of the SuperNOFA. The Certification must be signed by an engineer or architect licensed by their state licensing board. The engineer or architect must include his or her license number and state of registration on the certification. The engineer or architect may not be an employee of the housing authority or the city. The certification must be signed on or before the application deadline date, in order to indicate the condition of the project at the time of application submission. If you neglect to include this certification in your application, you will have an opportunity to submit the certification, but it must still be signed on or before the application deadline date. You may not submit a certification signed after the deadline date in order to cure this deficiency.

(b) A severely distressed project that has been legally demolished (but for which HUD has not yet provided replacement housing assistance, other than tenant-based assistance) must also satisfy the requirements of paragraph (a) above as to the condition of the site before demolition. Your application must include a Severe Physical Distress Certification Form, as provided in the HOPE VI Application Kit, signed by an engineer or architect, that the project met the definition of physical distress as of the day the demolition application approval letter was dated by HUD.

(2) *Separability.* (a) In accordance with section 24(j)(2)(A)(v) of the 1937 Act, if you propose to target only individual buildings of a project for revitalization, you must demonstrate to HUD's satisfaction that the severely distressed public housing is sufficiently separated from the remainder of the project of which the building is part to make use of the building feasible for revitalization.

(b) You must demonstrate that the site plan and building designs of the revitalized portion will provide defensible space for the occupants of the revitalized building(s) and that the properties which remain will not have a negative influence on the revitalized buildings(s), either physically or socially. Separations may include a road, berm, catch basin, or other recognized neighborhood distinction.

(3) *Resident Training Session.* (a) You must conduct at least one training session in accordance with the requirements of Section IV(C)(1), above, of this HOPE VI section of the SuperNOFA. To demonstrate that you have met each requirement, you must include the following evidence in your application:

(i) a copy of the notice of the resident training session and a description of how it was distributed to each affected resident;

(ii) the agenda for the resident training session, indicating that the training session was held after the publication of the FY 2001 SuperNOFA;

(iii) a copy of the first page of the sign-in sheets, with a certification at the bottom of the page stating the total number of signatures collected at the training session; and

(iv) a certification, as provided in the HOPE VI Application Kit, that the issues itemized in Section (IV)(C)(1)(c) of this HOPE VI section of the SuperNOFA were addressed at the resident training session.

(b) The training session may take place on the same day as one of the public meetings as provided by Section IV(C)(2), but it must be a separate meeting, i.e., one session may not be considered both a training session and a public meeting.

(4) *Public Meetings.* You must conduct at least three public meetings, in accordance with the requirements of Section IV(C)(2), above. To demonstrate that you have met each requirement, you must include the following evidence for each meeting in your application:

(a) The notices announcing the meetings:

(i) Provide a copy of the notice for each meeting as it appeared in a commercial newspaper or journal that serves both the public housing project and the broader community.

(ii) HUD will use the dates of the notices to determine whether the following requirements were met:

(*A*) No more than one public meeting that was held more than six months before the publication of this SuperNOFA may be counted as one of the three required public meetings;

(*B*) at least two of the public meetings must be held after the publication of this SuperNOFA;

(*C*) at least one of the public meetings must be held after the plan which will form the basis of the application was established.

(b) Provide a copy of the first page of the meeting sign-in sheets for each meeting, and a certification at the bottom of the page stating the total number of signatures collected.

(c) Provide a copy of the minutes of each meeting that constitutes a summary (not a word-for-word transcription) of the discussion. (A one-page summary of each meeting is suggested.) Each set of minutes must include the notarized signature of the person who took the minutes. Please note that all pages of the minutes will be counted toward your total page limit for attachments, as provided in Section IX(A)(2) of this HOPE VI section of the SuperNOFA.

(d) Provide a certification, as provided in the HOPE VI Application Kit, that, during the course of the three meetings, all of the issues listed in section (IV)(C)(2)(f) of the HOPE VI section of this SuperNOFA were addressed (i.e., all issues need not be addressed at each meeting).

(5) Submission of the documentation required for the resident training session and the public meetings is a curable item and is not rated. If you fail to submit all of the required documentation that you have conducted the training session and all of the required meetings, after being provided with the opportunity to correct any deficiencies in accordance with Section VI(B) of this HOPE VI section of the SuperNOFA, below, your application will not be eligible for funding. You may not conduct a required training session or public meeting after the application deadline date in order to cure a deficiency identified by HUD.

(6) *Location.* In accordance with Section II(A)(5)(b) and (c) of this HOPE VI section of the SuperNOFA, above:

(a) if your application requests funds for more than one project, those projects must be immediately adjacent to one another or within a quarter-mile of each other. If you include more than one project in a single application, you must provide a map that clearly indicates that the projects are within a quarter-mile of each other.

(b) If your application requests funds for a scattered site public housing project, regardless of whether the scattered sites are under multiple project numbers, all of the properties must fall within a one square mile area, except that you may identify a larger site if you can show that all of the targeted scattered site units are located within the hard edges (e.g., major highways, railroad tracks, lakeshore, etc.) of a neighborhood.

(C) *Demolition Grant Threshold Criteria.* Each required element of a HOPE VI Demolition grant application is a threshold requirement. Your application will not be eligible for funding unless each requirement listed in Section IX(B) of this HOPE VI section of the SuperNOFA, below, is included in your application. HUD will give you the opportunity to submit any missing information up to the application deadline date, as provided in Section VII(B) of this HOPE VI section of the SuperNOFA, below.

VI. Revitalization Application Selection Process

(A) *Revitalization Grant Application Evaluation.* (1) HUD's selection process is designed to ensure that HOPE VI Revitalization grants are awarded to eligible PHAs with the most meritorious applications and serious need.

(2) In accordance with Section III(E)(4) of the General Section of this SuperNOFA, in the event that HUD commits an error that, when corrected, would result in the selection of an otherwise eligible applicant, HUD may select that application for funding when sufficient funds become available.

(3) Although Section III(B) of the General Section of this SuperNOFA states that only applications that meet all threshold requirements are eligible to be rated, HUD will rate all HOPE VI Revitalization applications submitted by Public Housing Authorities, regardless of whether the applicants are eventually deemed to be eligible applicants, in accordance with Section III(B) of this HOPE VI section of the SuperNOFA, or whether the applications meet the threshold requirements of Sections V(A) and (B) of this HOPE VI section of the SuperNOFA. This will be done:

(a) To provide applicants with the most complete evaluations of their applications as possible;

(b) To provide applicants with technical assistance for any future applications; and (c) Because HUD will conduct eligibility review, threshold review, completeness review, and rating activities concurrently, and determinations of threshold eligibility are often not finalized before rating begins.

Regardless of score, however, HUD will not select an application for funding that is submitted by an ineligible applicant or that does not meet all of the threshold requirements of Sections V(A) and (B) above.

(B) *Threshold and Completeness Review.* HUD will screen each application to determine if it is complete and meets the threshold criteria in Sections V(A) and (B), above. In accordance with Section V of the General Section of this SuperNOFA, after the application deadline HUD may not consider any unsolicited information that you may want to provide. However, after your application has been screened, HUD may contact you to clarify an item in your application or to give you an opportunity to correct a technical deficiency. HUD may not seek clarification of items or responses that improve the substantive quality of your response to any rating factor. Examples of curable technical deficiencies include your failure to include a required certification or a missing signature. If HUD identifies a technical deficiency, it will notify you by fax of the clarification or deficiency. You must submit information to cure the deficiency to HUD within 14 calendar days from the date of HUD notification. If the deficiency is not corrected within this time period, HUD will reject your application as incomplete, and it will not be eligible for funding. Note, however, that in accordance with Section VI(A)(3), above, of this HOPE VI section of the SuperNOFA, HUD has committed to rate each application, regardless of its eligibility.

(C) *Preliminary Rating and Ranking.* (1) *Rating.* HUD will preliminarily review and rate each eligible application on the basis of the rating factors described in Section VI(G) of this HOPE VI section of the SuperNOFA, below, and assign a score to each application.

(2) Ranking. After preliminary review, applications will be ranked in score order. Applications will be deemed "competitive" if they have a preliminary score above a base score that encompasses all applications that represent approximately twice the amount of funds available.

(D) *Final Panel Review.* A Final Review Panel will:

(1) Assess each competitive application;

(2) Assign the final scores; and

(3) Recommend for funding the most highly-rated eligible applications, up to the amount of available funding, in accordance with the allocation of funds described in section II(A)(1) of this HOPE VI section of the SuperNOFA.

(4) HUD reserves the right to make adjustments to funding in accordance with Section III(E) of the General Section of this SuperNOFA.

(5) In accordance with the FY 2001 HOPE VI appropriation (Title II of Pub. Law 106–377), HUD may not use HOPE VI funds to grant competitive advantage in awards to settle litigation or pay judgments.

(E) *Tie Scores.* If two or more applications within any of the funding categories listed in section II(A)(1) above have the same score and there are insufficient funds to select all of them, HUD will select for funding the application(s) with the highest score for Rating Factor 3, Soundness of Approach. If a tie still remains, HUD will select for funding the application(s) with the highest score for the Rating Factor 2, Need. HUD will select further tied applications on the basis of their scores in Capacity, Leveraging Resources, and Comprehensiveness and Coordination rating factors, in that order.

(F) *Transfer to Demolition Grants.* If funds remain after all eligible HOPE VI Revitalization grant applications are funded, or if the amount remaining is inadequate to feasibly fund the next eligible Revitalization application, HUD reserves the right to:

(1) reallocate unused funds to fund or supplement the next eligible HOPE VI Demolition grant application(s), in Priority and Ordinal order, and/or

(2) carry over unused funds to the next fiscal year.

(G) *Revitalization Application Rating Factors.* The following are the factors HUD will use to rate and rank your HOPE VI Revitalization application and the maximum points for each factor. The maximum number of points for each Revitalization application is 102, which includes two Empowerment Zone/Enterprise Community (EZ/EC) bonus points, as described in Section III(C)(1) of the General Section of this SuperNOFA.

Rating Factor 1: Capacity (20 Points)

This factor measures the capability and record of you and the members of your Team to carry out the revitalization activities proposed in your application. The term "your Team" includes the HOPE VI Coordinator and PHA staff, developers, program managers, property managers, subcontractors, consultants, and any other public and private entities identified and/or proposed to carry out program activities. You and your Team will be rated on your capacity to manage large-scale redevelopment or modernization projects, manage effective community and supportive service programs, and manage private and/or public housing.

For each major aspect of the revitalization effort (physical redevelopment, CSS activities, and property management), HUD will evaluate the extent to which you have (or will have) the capacity to carry out the work yourself and/or select and manage appropriate members of your Team. HUD will award the most points to applications that demonstrate the highest degree of capacity to implement activities in a timely manner upon grant award, whether the capacity is within the PHA or by members of your Team with overall management by the PHA.

HUD does not require you to select a developer and/or program manager, if any, prior to submission of your application, although you may choose to do so. Rather, HUD will evaluate your current capacity to implement large scale revitalization; and/or your ability to identify needs in your current staffing and fill such gaps internally or externally in a timely manner in order to successfully implement your proposed program; and/or your proposed method and criteria for securing a program manager and/or development partner to implement your plan; and your current or planned capacity to manage such entity(ies). If you are selected for funding, HUD may require you to use an outside entity as directed by HUD to carry out the revitalization activities.

(1) *Physical Redevelopment Capacity and Experience:* 7 Points.

(a) You will receive 5 to 7 points if:

(i) Your development team, including the developer, program manager (if any), financial consultant (if any) attorneys, etc., is in place and you have identified staff capacity needs which you are prepared to fill promptly upon award. You must demonstrate, using specific data or other documentation, where applicable, that your Team has extensive knowledge and recent, successful experience and capacity in planning, implementing, and managing previous large scale revitalization activities, including physical development, financing, leveraging, and partnership activities. You must document the experience of each relevant member of your Team. If tax credits are proposed, you must document the tax credit experience of each relevant member of your Team.

(ii) If you have not yet procured member(s) of your Team to plan, implement, and manage the revitalization activities, including physical development, financing, leveraging, and partnership activities, you have a feasible plan for securing such an entity in a timely manner and your description of what you will include in the Request For Proposal (RFP) or Request for Qualifications (RFQ), as appropriate, to secure such team members is well articulated and will result in the selection of a highly capable Team.

(iii) If you were awarded a HOPE VI grant(s) previously, you have demonstrated that the progress of activities is on schedule and you have the capacity to manage an additional HOPE VI revitalization project. HUD will evaluate the current status of development, and your explanation of any delays in implementation of your HOPE VI grant(s), including planning or construction delays. HUD will use information on file to verify any information you provide regarding current HOPE VI grant status.

(iv) You have demonstrated that implementation of your plan can begin immediately after grant award.

(v) You do not have any outstanding capital program audit findings.

(b) You will receive 1 to 4 points if you describe and demonstrate that your Team has some knowledge, experience, and capacity to plan, implement, and manage large scale revitalization, or your method and criteria for selecting members of your team is good. Your current HOPE VI activity is mostly on schedule, and you have the ability to begin implementing your plan with minor adjustments and additional planning after grant award.

(c) You will receive 0 points if:

(i) you cannot describe and demonstrate that you can procure a qualified development team;

(ii) your current HOPE VI grant is behind schedule;

(iii) you do not demonstrate your ability to implement your plan quickly upon grant award; or

(iv) there is not enough information in your application to enable HUD to rate this factor.

(2) *Community and Supportive Services (CSS) Capacity and Experience:* 5 Points.

(a) You will receive 4 to 5 points if you demonstrate, using specific data or other documentation, where applicable, that:

(i) You have recent, successful experience in planning, implementing, and managing the types of CSS activities proposed in your application;

(ii) You have procured a member(s) of your Team who has the qualifications and experience to manage and coordinate the activities in your CSS Workplan, and/or you have a plan for promptly hiring staff or procuring a Team member to do so;

(iii) You have strong relationships and commitments from members of your team which will enable you to carry out the activities in your CSS Workplan. Your Team members represent a wide variety of organizations, including TANF and Workforce Development Agencies, that have excellent experience providing the kinds of activities proposed.

(b) You will receive 2 to 3 points if you have demonstrated and documented limited experience and capacity on the part of your Team in the above elements (paragraphs (a)(i) through (a)(iii) above).

(c) You will receive 1 point if you have demonstrated minimal experience and capacity on the part of your Team in the above elements (paragraphs (a)(i) through (a)(iii) above).

(d) You will receive 0 points if:

(i) you demonstrate no experience or capacity on the part of your Team in the above elements, or

(ii) there is not enough information in your application to enable HUD to rate this factor.

(3) *Property Management Capacity and Experience:* 4 Points. Property management activities may be the responsibility of the PHA, or a member of the Team. You may also procure a separate entity to carry out property management activities.

(a) You will receive 3 to 4 points if you demonstrate that you and/or the property management member of your Team currently has excellent knowledge and recent, successful experience in property management of market rate, affordable and/or public housing. If you will procure outside property management expertise, you have demonstrated outstanding capacity to secure a Team member with excellent experience by thoroughly describing the qualifications you will include in the RFP to procure such services. In demonstrating your Team's current property management experience or your capacity to procure a team member with excellent experience, *you must address the following elements:*

(i) Property maintenance
(ii) Rent collection
(iii) MTCS reporting
(iv) Site-based management experience
(v) Tenant grievances
(vi) Evictions
(vii) Occupancy rate
(viii) Unit turnaround
(ix) Preventive maintenance
(x) Work order completion
(xi) Project-based budgeting

(b) You will receive 1 to 2 points if you demonstrate that you or the management member of your Team currently have moderate management capacity with respect to the above elements. If you will seek outside property management expertise, the qualifications you describe in the RFP to procure such services are likely to result in the procurement of an entity with moderate management capacity with respect to the above elements.

(c) You will receive 0 points if:

(i) you demonstrate that you or the management member of your Team currently has little management capacity with respect to the above elements, or

(ii) the qualifications you describe to procure a management team are unlikely to result in the procurement of an entity with moderate management capacity with respect to the above elements, or

(iii) there is not enough information in your application to enable HUD to rate this factor.

(4) *Diversity of Team:* 1 Point. You will receive 1 point if you clearly articulate an achievable plan for including minority(ies), women, and/or individuals with disabilities on your Team who will be involved in planning, development, and management of the HOPE VI revitalization effort. HUD encourages cost-effective joint ventures to provide opportunities for such diverse firms, individuals, and/or employees. HUD has entered into a Cooperative Agreement with the National Organization of African-Americans in Housing to reach out and identify minority professionals (developers, program managers, lenders, accountants, attorneys, etc.) who are interested in participating in the HOPE VI Program. More information about NOAAH can be found on their website (*www.noaah.org*).

(5) *Obligation of Capital Funds:* 3 Points. HUD will evaluate the extent to which you have obligated Capital Fund amounts (including the Comprehensive Improvement Assistance Program (CIAP) or Comprehensive Grant Program (CGP) in a timely manner.

(a) You will receive 3 points if you have obligated at least 90 percent of your FY 1997–1999 Capital Fund amounts by the quarter ending before the Revitalization grant application deadline date. HUD will use the LOCCS disbursement system as of the quarter ending before the grant application deadline date to verify your obligation rate.

(b) You will receive 2 points if you have obligated between 70 and 89 percent of your 1997–1999 Capital Fund amounts.

(c) You will receive 1 point if you have obligated between 50 and 69 percent of your 1997–1999 Capital Grant amounts.

(d) You will receive 0 points if:

(i) you have obligated less than 50 percent of your 1997–1999 Capital Grant amounts, or

(ii) there is not enough information in your application to enable HUD to rate this factor.

Rating Factor 2: Need (20 Points)

This factor addresses the extent of the need for the revitalization program; the potential impact of the proposed revitalization on the surrounding neighborhood, the need for funding under the HOPE VI program, the identification of need in the community, and the need for affordable housing in the community.

(1) *Need for Revitalization:* 7 Points. All applicants must certify that the public housing targeted for revitalization is severely distressed, in accordance with Section V(A)(2) of this HOPE VI section of the SuperNOFA, above. For this rating factor, HUD will evaluate the extent of the severe distress of the targeted units and the urgency of addressing the severe distress. HUD will evaluate your description and documentation of the severity of the physical distress in terms of the deficiencies listed below. If the targeted units have already been demolished, HUD will evaluate your description of the condition of the site before demolition.

(a) You will receive 6 or 7 points if you demonstrate the need for revitalization due to conditions which present an immediate threat to the health or safety of the residents, as indicated by the following criteria:

(i) There are major structural and system deficiencies in its infrastructure, roofs, electrical, plumbing, and mechanical systems, lead based paint, settlement, and other deficiencies in Housing Quality Standards;

(ii) There are major site deficiencies, including poor soil conditions, inadequate drainage, deteriorated laterals and sewers, and inappropriate topography;

(iii) There are major design deficiencies, including inappropriately high population density, room, and/or unit size and configurations; isolation; indefensible space; inaccessibility for persons with disabilities with regard to individual units, entrance ways, and/or common areas; and

(iv) There are major building and/or site conditions, such as extreme levels of lead-based paint and/or asbestos, that make the site or a portion of the site and its housing structures unsuitable for residential use.

(b) You will receive 3 to 5 points if you demonstrate the need for revitalization with regard to criteria listed above in paragraph (a), but conditions do not present an immediate threat to the health or safety of the residents.

(c) You will receive 0 points if there is not enough information in your application to enable HUD to rate this factor.

(2) *Impact on Neighborhood:* 7 Points. HUD will evaluate the extent to which the severely distressed public housing is a significant contributing factor to the physical decline of, and disinvestment by public and private entities in the surrounding neighborhood. HUD will also evaluate the extent to which the proposed revitalization through HOPE VI, including retail, office, and other economic development, as appropriate, will enhance the neighborhood in which the project is located and enhance economic opportunities for residents. In making this determination, HUD will evaluate your narrative, crime statistics, photographs or renderings, socio-economic data, trends in property values, evidence of property deterioration and abandonment, evidence of underutilization of surrounding properties, and other indications of neighborhood distress and/or disinvestment that you provide in your application to demonstrate your case.

(a) You will receive 4 to 6 points if you demonstrate that revitalization of the severely distressed project with HOPE VI funds will significantly improve the overall health of the neighborhood and spur outside investment into the surrounding community.

(b) You will receive 1 to 3 points if you demonstrate that revitalization of the severely distressed project with HOPE VI funds will improve the overall health of the neighborhood and community immediately surrounding the revitalized site, but will have only limited likelihood of spurring significant neighborhood revitalization activities or slowing the rate of decline in the greater neighborhood and community.

(c) You will receive 0 points if you:

(i) demonstrate that revitalization of the severely distressed project will have only a minor impact on the surrounding neighborhood and community; or,

(ii) based on the data submitted, HUD determines that the proposed project and/or the surrounding neighborhood is so severely deteriorated that even if the public housing site is revitalized, it will neither stop the decline nor have any impact on the surrounding neighborhood and community; or

(iii) there is not enough information in your application to enable HUD to rate this factor.

(3) *Need for Funding:* 3 Points. HUD will evaluate the extent to which you could undertake the proposed revitalization activities without a HOPE VI grant. HUD will use data from the latest quarterly obligation report available at the time of the grant application deadline date to confirm the amount of unobligated FY 1998–2000 Capital Grant (including CIAP and CGP) funds currently available that could be used to carry out the proposed revitalization activities.

(a) You will receive 3 points if your unobligated Capital Funds balance is up to 25 percent of the amount of HOPE VI funds requested.

(b) You will receive 2 points if your unobligated balance is 26–50 percent of the amount of HOPE VI funds requested.

(c) You will receive 1 point if your unobligated balance is 51–75 percent of the amount of HOPE VI funds requested.

(d) You will receive 0 points if:

(i) your unobligated balance is 76 to 100 percent or greater than the amount of HOPE VI funds requested, or

(ii) there is not enough information in your application to enable HUD to rate this factor.

(4) *Need for Affordable Housing in the Community:* 3 Points. HUD will evaluate the extent to which you have demonstrated that there is a need for affordable housing in the community, and there is an inadequate supply of other affordable housing available to accommodate families receiving tenant-based assistance under Section 8.

(a) You will receive 2 to 3 points if you have:

(i) Documented the need for affordable housing in the community with statistics and analyses contained in a data source(s) that is sound and reliable, including information on market rental costs as compared to Section 8 fair market rents (FMRs); and

(ii) Provided a thorough analysis that demonstrates that the supply of other affordable housing is inadequate to accommodate families that would be displaced if the targeted severely distressed project was demolished and not replaced. Your analysis must be documented by a comparison of the number of Section 8-eligible rental apartment listings in a newspaper of

general circulation in the community over the most recent complete month prior to the Revitalization grant application deadline date compared to the number of units needed if the site were to be demolished and residents relocated within the community.

(b) You will receive 1 point if your analysis is less than thorough but nevertheless demonstrates a general need for affordable housing in the community.

(c) You will receive 0 points if:

(i) your analysis fails to show a need for affordable housing in the community, or

(ii) there is not enough information in your application to enable HUD to rate this factor.

Rating Factor 3: Soundness of Approach (40 Points)

HUD is seeking Revitalization Plans that are innovative, locally appropriate, and address the unique needs of residents, the community, and the city as a whole. This rating factor evaluates the quality of the main components of your Revitalization Plan, including the proposed design, feasibility of activities, efforts to lessen concentration, relocation plan, CSS Workplan, efforts to reach out to residents and members of the community, proposed management principles and policies, plans to evaluate your HOPE VI activities, and your efforts to affirmatively further fair housing.

(1) *Overall Quality of Plan:* 5 Points. HUD will evaluate your entire application to rate this factor.

(a) You will receive up to 5 points if you demonstrate that all aspects of your plan, including your physical, social, and economic approach, are the most appropriate possible given your local conditions, constraints, and opportunities, i.e. your application demonstrates excellence in each of the following elements:

(i) Design and planning;

(ii) Cost effectiveness of proposed revitalization activities;

(iii) Appropriateness in the context of the immediate neighborhood and the broader community;

(iv) Integration of physical and social aspects of your strategy;

(v) Appropriateness in the context of local housing markets. You must demonstrate that the income mix is as great as possible given local conditions. Typically, HUD has found that a mix of one-third public housing, one-third tax credit or other subsidized housing, and one-third market rate rental or homeownership housing is a good balance. However, each situation is unique and should be treated as such. For example, in a situation where the surrounding community is middle or high income, it might be appropriate to have a greater number of units of public and/or subsidized housing to assure housing opportunities for low-income people. If so, indicate that the on-site income mix is more heavily weighted to low-income residents, and that, combined with the higher incomes of off-site residents, the income mix is appropriate. If you cannot achieve development of housing that is one-third public housing, one-third tax credit or other subsidized housing, and one-third market rate or homeownership housing, explain why the alternate mix of units you propose is appropriate in the context of your local housing market.

(vi) The likelihood that a HOPE VI grant will result in a revitalized site that will enhance the neighborhood in which the project is located and enhance economic opportunities for residents.

(b) You will receive up to 3 points if your plan has serious flaws in one of the above elements.

(c) You will receive 0 points if:

(i) your plan has flaws in more than one of the above elements, or

(ii) there is not enough information in your application to enable HUD to rate this factor.

(2) *Design:* 3 Points. HUD is seeking excellence in design. We urge you to carefully select your architects and/or planners, and to enlist local affiliates of national architectural and planning organizations such as the American Institute of Architects, the American Society of Landscape Architects, the American Planning Association, the Congress for the New Urbanism, and/or the departments of architecture at a local college or university to assist you in assessing qualifications of design professionals and/or participating on a selection panel that results in the procurement of excellent design services. HUD encourages you to select a design team(s) that is committed to a participatory design process through charettes, whereby residents, including young people and seniors, the broader community, and other stakeholders such as disability advocates, are actively involved in designing the new community.

Your proposed site plan, new units, and other buildings must be designed to be compatible with and enrich the surrounding neighborhood and promote mixed-income, mixed-use communities. Local architecture and design elements and amenities should be incorporated into the new or rehabilitated homes so that the revitalized sites and structures will blend into the broader community and appeal to the market segments for which they are intended. Housing, community facilities, and economic development space must be well integrated. You must select members of your Team who have the ability to meet these requirements, and/or demonstrate that you have the capacity to secure such Team members.

HUD encourages you to propose enhancements to the natural environment such as tree and shrub planting to address natural resource issues such as erosion, stormwater management, and water quality that will result in physical improvements to the site; convert public open space now devoid of green vegetation to a natural, inviting, and more livable environment; encourage bike paths and other environmental and recreational enhancements; and plan for the sustainability of such resources after the revitalization activities are completed. Through an MOU between the Department of Agriculture and HUD, technical assistance to develop a natural resource stewardship program is available to public housing authorities. See Section VI(C) of the General Section of the SuperNOFA for more information on Urban Forestry. Further information can be found on the Forest Service website (*www.fs.fed/us/research/rvur/urban/urbanforestry/urbanforest.htm*).

(a) You will receive 3 points if your proposed site plan, new units, and buildings demonstrate that:

(i) Your proposed plan incorporates design elements and amenities into the revitalized homes that will enable them to blend into and enrich the neighborhood and appeal to intended market segments;

(ii) Your proposed housing, community facilities, and economic development space are thoroughly integrated into the community; and

(iii) Your plan proposes extensive and appropriate enhancements of the natural environment.

(b) You will receive 2 points if your proposed site plan, new units, and buildings demonstrate design that adequately addresses the elements above.

(c) You will receive 1 point if your proposed design addresses the above elements in only a perfunctory manner.

(d) You will receive 0 points if:

(i) your proposed design does not address the above elements, or

(ii) there is not enough information in your application to enable HUD to rate this factor.

(3) *Feasibility of Plan:* 4 Points. In awarding points under this rating factor, HUD will consider the following:

(a) *Income and Unit Mix.* You will receive 1 point if you demonstrate that the range of incomes to be served in the revitalized community and the mix of unit types is as great as possible given the location and other local market and community factors.

(b) *Market.* You will receive 1 point if you demonstrate that there is a market for the revitalized and/or replacement units of the type, number, and size proposed in the location you have chosen.

(i) Your demonstration of the market for non-public housing units must be based on a preliminary market assessment letter prepared by an independent, third party, credentialed market resource firm or professional.

(ii) Your demonstration of the need for public housing units will be based on the number and percentage of existing families on site that are projected to return and the number of families on your public housing and Section 8 waiting list(s).

(c) *Hard and Soft Development Costs.* You will receive 1 point if:

(i) Your projected hard development costs are realistic, developed through the use of technically competent methodologies, including cost estimating services, and are comparable to industry standards for the kind of construction to be performed in the proposed geographic area;

(ii) Your cost estimates represent an economically viable preliminary plan for designing, planning and carrying out your proposed activities in accordance with local costs of labor, materials, and services; and

(iii) Your projected soft costs (developer's fees, PHA administration costs, legal fees, program manager's fees, consultants' fees, etc.) are justified, comparable to industry standards, and you have demonstrated how you will control such costs. HUD is particularly concerned that soft costs be minimized and will review carefully the proposed soft cost structure.

(d) *Coherence and Consistency.* You will receive 1 point if the information and strategies described in your application are coherent and internally consistent, particularly the data provided for types and numbers of units, budgets and other financial estimates, and other numerical information. It is critical that you carefully review all numbers for unit mix, costs, etc. to make sure that all numbers are consistent throughout the application. HUD will make this determination based on your entire application.

(4) *Lessen Concentration:* 3 Points. This factor addresses how the activities you propose are designed to lessen concentration of low-income households, create opportunities for desegregation and accessibility, and offer viable housing choices to displaced residents. In awarding points under this rating factor, HUD will consider the following:

(a) *On-site housing.* You will receive 1 point if your proposed unit mix (i.e., rental vs. homeownership, public housing, market, and subsidized units) will significantly reduce the isolation and/or concentration of low-income residents and/or significantly achieve a mixed-income, well functioning community on the revitalized site.

(b) *Off-site housing.* Although not required, the development of off-site housing is desirable to lessen the concentration of low-income residents on site, while maximizing the overall number of replacement units. You will receive 1 point if you intend to develop off-site housing that will lessen the concentration of low-income residents on-site and create opportunities for desegregated, mixed-income communities by locating such off-site housing in neighborhoods with low levels of poverty and/or low concentrations of minorities. You are encouraged to maximize off-site hard units as replacement housing and to locate such units such that they do not cause an over-concentration of low-income housing. You do not have to identify the precise location of off-site units in your application to receive full points for this subfactor, but you must identify the types of neighborhoods where such housing will be planned and demonstrate the feasibility of such off-site development (i.e., land is available at an economically feasible price, community acceptance is likely, etc.).

(c) *Access to Services.* You will receive 1 point if, for both on-site and any off-site units, your overall plan will result in increased access to municipal services, jobs, mentoring opportunities, transportation, and educational facilities; *i.e.*, the physical plan and self-sufficiency strategy are well integrated and strong linkages will be established with the appropriate Federal and state and local agencies, non-profits, and the private sector to achieve such access.

(5) *Relocation and Section 8:* 5 Points. HUD encourages one-for-one replacement of demolished units, using a combination of hard units and Section 8 assistance. In order to receive any points for this rating factor, you must propose to use Section 8 assistance as a means of temporary and/or permanent relocation of families currently living in the targeted units so that families will have the full range of housing options available to them. To receive points, you must go beyond the requirements of the Uniform Relocation Act and propose a comprehensive, results-based HOPE VI Relocation Plan in which residents are actively involved. Your plan must conform with the requirements of the HOPE VI relocation guidance as provided by HUD. In awarding points under this rating factor, HUD will consider the following:

(a) *Relocation Support.* You will receive up to 2 points if you demonstrate to HUD's satisfaction your team's plan and capacity to effectively implement each of the following elements of relocation support:

(i) Provide counseling to residents who choose Section 8 assistance that will help them to fully understand the full range of housing opportunities available to them in neighborhoods throughout the jurisdiction and to find housing in non-poverty areas;

(ii) Conduct programs designed to prepare residents for the transition to private rental housing, including one-on-one move counseling and life skills training, so that they may sustain their new living arrangement for the foreseeable future; and

(iii) If necessary, propose to use HOPE VI or other funds to modify Section 8 relocation units to make them accessible for residents with disabilities.

(b) *Community Outreach.* You will receive 1 point if you demonstrate that you have an effective plan to involve faith-based, non-profit and/or other organizations and/or individuals in the community to which relocatees choose to move, in order to ease the transition and minimize the impact on the neighborhood. You must also describe an effective plan for working with surrounding jurisdictions to assure a smooth transition if residents choose to move from your jurisdiction to the surrounding area. HUD will view favorably innovative programs such as community mentors, support groups, and the like.

(c) *Self-sufficiency.* You will receive 1 point if you demonstrate that your Team has both the capacity and an effective plan to provide results-based community and supportive service program support to Section 8 relocatees to achieve and maintain their self-sufficiency.

(d) *Tracking.* You will receive 1 point if you demonstrate that your Team has both the capacity and an effective plan for implementing a tracking system that will enable you and/or your CSS Team members to identify and track relocatees from the site to be revitalized and make

regular follow-up services available to families receiving Section 8 assistance.

(6) *Community and Supportive Services:* 4 Points. This factor evaluates the quality of your proposed CSS Workplan as described in your application. It is important that you review Section IV(C)(3)(c) of this HOPE VI section of the SuperNOFA for a detailed description of the requirements of a CSS Workplan, and Section IV(C)(3)(d) for a list of possible CSS activities. You are encouraged to go beyond these lists and propose CSS activities that break new ground by responding to unique needs in your community and/or which may serve as a national model for self-sufficiency and educational achievement.

(a) You will receive 4 points if:

(i) You propose a high-quality, results-oriented CSS Workplan that includes strong components of the basic elements of education, job training, and services that will enable all affected residents to transform their lives;

(ii) The CSS Workplan is well coordinated with strong, experienced service providers;

(iii) The CSS Workplan was developed using an effective needs assessment; and

(iv) Mechanisms are in place to effectively measure the goals of the CSS Component and evaluate its success.

(b) You will receive 2 to 3 points if your CSS Workplan has a flaw in one of the elements listed in paragraphs (i) through (iv) above.

(c) You will receive 1 point if your CSS Workplan has a flaw in more than one of the elements listed in (a)(i) through (iv) above.

(d) You will receive 0 points if:

(i) you merely repeat information from the NOFA, or

(ii) there is not enough information in your application to enable HUD to rate this factor.

(7) *Apprenticeship Program:* 2 Points. As described Section VI(I) of the General Section, Bridging the Gap is a program in which HUD encourages you to assist public housing residents in obtaining construction apprenticeships. This will involve working with the local unions to provide entry level apprenticeships in construction, construction-related, and maintenance activities.

(a) You will receive 2 points if you propose to implement a program that offers apprenticeships to residents or relocated residents of the targeted development. You must identify the union(s) you will work with and the number and types of jobs for which apprenticeships can be obtained.

(b) You will receive 0 points if:

(i) your program does not propose to assist residents in obtaining construction, construction-related, or maintenance-related apprenticeships, or

(ii) there is not enough information in your application to enable HUD to rate this factor.

(8) *Resident and Community Outreach and Involvement:* 4 Points. In addition to the Threshold requirement for a resident training session and three public meetings provided in Section V(B)(3) and (4) of this HOPE VI section of the SuperNOFA, above, this rating subfactor evaluates the extent of involvement of residents and the broader community in the planning, proposed implementation, and management of your Revitalization Plan. HUD will evaluate the nature, extent, and quality of the resident and community outreach and involvement you have achieved by the time your application is submitted, as well as your plans for continued and/or additional outreach and involvement. HUD will evaluate your efforts to include affected residents and members of the surrounding community in the planning, implementation, and management of your proposed revitalization activities. In awarding points under this factor, HUD will consider the following:

(a) *Collaboration and Inclusiveness.* You will receive 1 point if you demonstrate that you have:

(i) communicated regularly and significantly with affected residents and members of the surrounding community about your application;

(ii) Provided affected residents with substantive opportunities to participate in the development of the Revitalization Plan, including seniors and young people aged 16 to 21;

(iii) Included other interested parties, especially members of the surrounding community, in the development of your plans and application;

(iv) Developed specific plans for continued involvement and participation of residents and the broader community in the planning and implementation of revitalization activities if your application is successful; and

(v) consulted with any duly elected resident organization (resident council or resident management corporation) in the development of your Revitalization Plan.

(b) *Logistics.* You will receive 1 point if you demonstrate that you have:

(i) Scheduled training session(s) and public meetings with affected residents and other interested parties during the development of your application at frequent and convenient times, over and above the requirements of Section IV(C)(1) and (2) of this HOPE VI section of the SuperNOFA, above;

(ii) Announced meetings in ways that are in addition to the requirements of Section IV(C)(1)(d) and (2)(b), above, designed to generate the most participation. Methods of announcing upcoming meetings include, but are not limited to:

(*A*) Hand distributing flyers to residences and in locations likely to attract notice; and

(*B*) Posting meeting information in adequate time to allow residents and other interested parties to plan to attend.

(iii) Provided services needed to maximize participation, including day care, translators, sign language interpreters, and transportation to and from the meetings. If such services are not needed, explain why they are not.

(iv) Ensured that all meetings are held in facilities that are accessible to persons with disabilities.

(c) *Communication.* You will receive 1 point if you demonstrate that you have communicated effectively with affected residents and members of the surrounding community by:

(i) Providing reasonable training and technical assistance on the HOPE VI development process and general principles of development to affected residents, in order to enable them to participate meaningfully in the development of your application, and developing plans to provide further training and technical assistance if your application is successful;

(ii) Providing information to and receiving input from affected residents and other interested parties about your planned revitalization;

(iii) Incorporating input and recommendations of interested parties, especially affected residents, to the extent possible, into your application;

(iv) Generating support for your application among interested parties;

(v) Providing status reports on the development of your application to residents; and

(vi) Providing that appropriate HUD communications are made available to affected residents and the broader community (i.e., a copy of the NOFA, notification of any HUD video conferences regarding the NOFA, computer access to the HUD website, etc.)

(d) *Dissention.* You will receive 1 point if you have acknowledged and attempted to address any dissenting viewpoints among affected residents and other interested parties, as expressed by letters of dissent.

(i) If there has been no opposition to your plan, you will automatically earn this point.

(ii) Where there is resident or community opposition to the plan, HUD will evaluate your analysis of the reasons for and extent of the opposition, and your current and proposed plans for dealing with the opposition.

(iii) In order to give you the opportunity to respond to any letters of dissent, HUD will only consider copies of letters of dissent that are received by HUD at least ten days before the Revitalization grant application deadline date. To ensure that you have received each letter of dissent that is sent to HUD, letters of dissent must be sent to you by return receipt, and must include a copy of the return receipt acknowledgement demonstrating that you have received the letter. The sole purpose of this provision is to allow HUD to evaluate your response to the dissent expressed in such letters, and is for application rating purposes only; HUD will not respond directly to dissent letters. The ten day deadline is also for application rating purposes only, and does not preclude residents, members of the community, or any other interested party from registering dissenting opinions with you after the deadline has passed.

(iv) You will not earn this point if HUD receives a properly documented copy of a letter of dissent that has been sent to you and you have not acknowledged and attempted to address the dissenting viewpoints in your application.

(9) *Operation and Management Principles and Policies:* 3 Points. Any HOPE VI-funded activities at public housing projects are subject to statutory requirements applicable to public housing projects under the 1937 Act, other statutes, and the Annual Contributions Contract (ACC). Within such restrictions, HUD seeks innovative solutions to the long-standing problems of severely distressed public housing projects. You may request, for the revitalized development, a waiver of HUD regulations (that are not statutory requirements) governing rents, income eligibility, or other areas of public housing management that will permit you to undertake measures that enhance the long-term viability of a development revitalized under this program. HUD will assess each request to determine whether good cause is established to grant the waiver.

(a) You will receive 3 points if you demonstrate that your Team has an effective plan to carry out *each* of the following 10 elements of the "Self-Sufficiency and Economic Diversity" and "Safety and Security" categories listed below. *You must adequately address every element in order to earn full points for this factor.*

(b) You will receive 2 points if you demonstrate that your Team has an effective plan to carry out at least 7 of the 10 elements listed below, which must include elements 1—3 of the "Self-Sufficiency and Economic Diversity" category.

(c) You will receive 1 point if you demonstrate that your Team has an effective plan to carry out at least 5 of the 10 elements.

(d) You will receive 0 points if you demonstrate that:

(i) Your Team has an effective plan to carry out fewer than 5 elements; or

(ii) The operation and management principles you propose to implement at the revitalization site, regardless of the number of elements you propose to implement, are not likely to result in improved management; or

(iii) There is not enough information in your application to enable HUD to rate this factor.

Self-Sufficiency and Economic Diversity. You must propose operation and management principles and policies to be applied to on- and/or off-site public housing that will encourage residents to move in, move up, and move on. Such principles and policies must:

1. Reward work and promote family stability by promoting positive incentives such as income disregards and ceiling rents;

2. Promote economically and demographically diverse living patterns, e.g., inclusion of persons of different races/ethnic groups, families with or without children, persons with disabilities and able-bodied persons, and the elderly, by:

—Instituting a system of local preferences adopted in response to local housing needs and priorities, e.g., preferences for victims of domestic violence, residency preferences, disaster victims;

—Aggressively pursuing affirmative marketing which attracts individuals with a broad spectrum of incomes and attracts all segments of the eligible population to the project on a nondiscriminatory basis; and

—Reaching out to persons with disabilities;

3. Encourage self-sufficiency by including lease requirements that promote involvement in the resident association, performance of community service, participation in self-sufficiency activities, and transition from public housing;

4. Complement self-sufficiency activities by creating a revitalized development occupied by residents with a range of incomes;

5. Create strong, stable, well-run developments by implementing site-based waiting lists for the redeveloped public housing and/or following project-based management principles.

Safety and Security. You must demonstrate that your proposed operation and management principles and policies will provide greater safety and security for residents and the community. Such principles and policies must include the following activities:

6. Institute strict applicant screening requirements such as credit checks, references, home visits, and criminal records checks;

7. Strictly enforce lease and eviction provisions;

8. Enhance on-going efforts to eliminate drugs and crime from neighborhoods through collaborative efforts with local law enforcement agencies, the local United States Attorney, and Federal, state, and local crime prevention programs, and implement program policy efforts such as "One Strike and You're Out," the "Officer Next Door" initiative, the Department of Justice's "Weed and Seed" Program task force (if the targeted project is located in a designated Weed and Seed area); HUD's "Operation Safe Home" Program; and/or HUD's Drug Elimination Programs;

9. Improve the safety and security of residents through the implementation of defensible space principles, anti-crime measures, and the installation of physical security systems such as surveillance equipment, control engineering systems, etc.;

10. Improve the safety of children by promoting the principles of Healthy Homes. Healthy Homes activities are described in Section VI(F) of the General Section of this SuperNOFA, the Glossary in the HOPE VI Application Kit, and on HUD's Healthy Homes website (*www.hud.gov/consumer/hhchild.cfm*).

(10) *Affirmatively Furthering Fair Housing:* 5 Points. You must affirmatively further fair housing through the physical design of the revitalized units, the location of new units, marketing of housing that will encourage diversity, and tenant selection and assignment strategies that promote fair housing choice. You are strongly encouraged to work with local advocacy groups that represent individuals with disabilities, the elderly, and other special needs populations to further these goals.

Definitions of accessibility and adaptability can be found in the Glossary, which is located in the HOPE VI Application Kit and on the HOPE VI website (*www.hud.gov/hopevi*).

In awarding points under this rating factor, HUD will consider the following:

(a) *Accessibility:* 2 points. The design of your proposed site plan, non-residential structures and facilities, and new construction and/or rehabilitation of housing must conform to the civil rights statutes and regulations required in Section II(B) of the General Section of this SuperNOFA. Information on accessibility can be found on HUD's Fair Housing Home Page (*www.hud.gov/groups/fairhousing.cfm*). Over and above these accessibility requirements:

(i) You will receive 2 points if you clearly describe your plans to implement *all* of the followjng suggested accessibility priorities:

(*A*) Make at least 5 percent of the total dwelling units (or one unit per building where applicable) accessible to individuals with mobility impairments and 2 percent of the dwelling units (or one unit per building, where applicable) accessible to individuals who have visual or hearing impairments;

(*B*) Provide one-bedroom accessible rental units for single individuals with disabilities;

(*C*) Provide for accessibility modifications, where necessary, to Section 8 units of residents who relocate from the targeted project due to revitalization activities;

(*D*) Where playgrounds are planned, propose ways to make them accessible to children with disabilities, over and above statutory and regulatory requirements;

(*E*) Where possible, design units with accessible front entrances.

(ii) You will receive 1 point if you do not propose to implement all of the accessibility priorities above but you provide an adequate explanation as to why you cannot implement all of the priorities;

(iii) You will receive 0 points if:

(*A*) you do not propose to implement all of the accessibility priorities and you do not describe in detail why you cannot implement one or more of the priorities, or

(*B*) there is not enough information in your application to enable HUD to rate this factor.

(b) *Adaptability and Visitability.* You will receive 1 point if your physical plan meets the:

(i) adaptability standards adopted by HUD at 24 CFR 8.3 that apply to those units not otherwise covered by the accessibility requirements. The elements of adaptability are included in the HOPE VI Application Kit Glossary; and

(ii) the visitability standards adopted by HUD that apply to units not otherwise covered by the accessibility requirements. The elements of visitability are described in the HOPE VI Application Kit Glossary.

(c) *Affirmative Marketing and Outreach.* You will receive 2 points if your program activities are targeted to a broad range of eligible residents, including the elderly, persons with disabilities, etc. In addition, HUD will evaluate your efforts to increase community awareness of the need for and benefits from diversity, in a culturally sensitive manner, through education and outreach, as applicable. Your marketing and outreach activities must be targeted to all segments of the population on a nondiscriminatory basis, promote housing choice and opportunity throughout your jurisdiction, and contribute to the deconcentration of minority and low-income neighborhoods.

HUD will evaluate your description of the specific steps you will take to:

(i) Examine your own programs or proposed programs, including an identification of any impediments to fair housing (identified in your jurisdiction's Analysis of Impediments to Fair Housing Choice) and develop a plan to:

(*A*) address those impediments in a reasonable fashion in view of the resources available;

(*B*) work with local jurisdictions to implement any of the jurisdictions initiatives to affirmatively further fair housing; and

(*C*) maintain records reflecting this analysis and actions.

(ii) Remedy discrimination in housing; and

(iii) Promote fair housing rights and fair housing choice.

(11) *Evaluation:* 2 Points. In order to earn points under this rating factor, you must propose to work with local university(ies), other institutions of learning, foundations, and/or others to evaluate the performance and impact of your proposed HOPE VI Revitalization Plan. Where possible, HUD encourages you to form partnerships with Historically Black Colleges and Universities (HBCUs); Hispanic-Serving Institutions (HBIs); Community Outreach Partnership Centers (COPCs); the Alaskan Native/Native Hawaiian Institution Assisting Communities Program (as appropriate); and others in HUD's University Partnerships Program.

You will receive up to 2 points if you provide a letter(s) from an institution(s) of higher learning that provides a commitment to work with you to evaluate your program and describes its proposed approach to carry out the evaluation. The award of points will depend on the level of commitment and involvement, the degree to which you and the local institution of higher learning will cooperate, and the quality of the proposed approach. If you are selected for funding, HUD will work with you and your partners on the basic methodology to be used, but you may augment this methodology to study additional activity. The letter must address the following areas for evaluation:

(a) The impact of your HOPE VI effort on the lives of the residents;

(b) The nature and extent of economic development generated in the community;

(c) The effect of the revitalization effort on surrounding communities, including spillover revitalization activities, property values, etc.; and

(d) Your success at integrating the physical and social aspects of your strategy and achieving the goals stated in your application.

Rating Factor 4: Leveraging Resources (10 Points)

Match vs. Leverage. There is an important difference between the terms match and leverage. In accordance with Section IV(D)(3) of this HOPE VI section of the SuperNOFA, all HOPE VI Revitalization grant funds are subject to a matching requirement. By signing the HOPE VI Revitalization Grant Applicant Certifications (Appendix A to this HOPE VI section of the SuperNOFA), you will certify that, if selected for funding, you will provide matching funds which, combined with HOPE VI funds, will enable you to carry out revitalization activities, including CSS activities. If selected for funding, you will be required to show evidence of matching resources through your quarterly reports as your project proceeds. Evidence of match is not required up front in your application.

Leverage, on the other hand, consists of firm commitments of funds and other resources that you can demonstrate now, at the application stage. HUD will rate your application based on the amount of funds and other resources that will be leveraged by the HOPE VI Grant as a percentage of the amount of HOPE VI funds requested.

In your application, you will enter basic information about each source of leverage on the Leveraged Resources Summary Forms: name of the organization providing the resource, the dollar value of the resource, and its proposed use. For each source of leverage you list, you must provide a commitment document, such as a letter, memorandum of understanding, agreement to participate, city council resolution, or other evidence of the resource to be committed. Any conditions attached to the commitment of the resource must be stated in the document. Each commitment document must include the dollar value of the commitment, and that dollar value must be consistent with the amount entered on the Leveraged Resources Summary Forms. On the Forms you will also enter the page number of your application where the commitment document is located. Endorsements or general letters of support from organizations or vendors alone will not count as leverage and should not be included in the application or on the Leveraged Resources Summary Forms. The commitment document must be signed by an official of the organization legally authorized to make commitments on behalf of the organization. Commitment documents will not count in the 100 page limit for Attachments.

HUD recognizes that in some cases, firm commitments cannot be made at the application stage. In such a case, if the entity describes why the firm commitment cannot be made at the current time but affirms that your PHA and your HOPE VI Revitalization Plan meet the eligibility criteria for receiving the resource, HUD will consider the amount adequately documented. This is particularly important with regard to Low Income Housing Tax Credits, where forward commitments are typically not possible.

For each commitment document, HUD will evaluate the strength of commitment and add the amounts that are acceptably documented. HUD will then calculate the ratio of the amount of HUD funds requested to the amount of leveraged funds that HUD deems acceptably documented.

(1) *Physical Development Resources:* 6 Points. HUD seeks to fund mixed-finance developments that use HOPE VI funds to leverage the maximum amount of other physical development funds, particularly from private sources, that will result in revitalized public housing, other types of assisted and market rate housing, and private retail and economic development.

(a) *Types of Physical Development Resources.* Physical development resources that may be counted as leverage include, but are not limited to:

(i) Mortgage secured loans and other debt. Where there is both a construction loan and a permanent take-out loan, include only the take-out loan.

(ii) Insured loans.

(iii) Donations and contributions.

(iv) Housing trust funds.

(v) Homeowner loans.

(vi) Funds committed to build private sector housing in direct connection with the HOPE VI Revitalization Plan.

(vii) Funds committed for the physical development costs of schools, libraries, economic development and/or commercial facilities that would not otherwise be planned if not for the proposed HOPE VI Revitalization Plan.

(viii) Low Income Housing Tax Credits. If you propose to use tax credits as a part of your financing, you must include in your application a letter from your State or local Housing Finance Agency that provides information from the allocation plan regarding the total amount and type (4 percent vs. 9 percent) of tax credits available, any setasides available for PHAs, any per-project funding limits, the schedule of funding rounds, verification that your project meets eligibility criteria, phasing, and other pertinent information that will enhance your project's likelihood to receive the desired tax credits. If your application includes a letter from a Housing Finance Agency which addresses these issues, the tax credits will be considered documented and you may count their dollar value in your development resources leverage ratio. If your application does not include such a letter, the amount of tax credit dollars you propose will not be counted as leverage.

(b) *Sources of Physical Development Resources.* You must actively enlist other stakeholders who are vested in and can provide significant financial assistance to your revitalization effort. Sources of development resources that can be used for leveraging may include:

(i) Public, private, and non-profit entities.

(ii) State and local Housing Finance Agencies.

(iii) Local governments.

(iv) The city's housing and/or redevelopment agency or other comparable agency. HUD will consider this to be a separate entity with which you are partnering if your PHA is also a redevelopment agency or otherwise has citywide responsibilities.

(*A*) You are strongly urged to seek a pledge of Community Development Block Grant (CDBG) funds or other local funds from your city, county or state for improvements to public infrastructure such as streets, water mains, etc. related to the revitalization effort. Information on CDBG can be found on the HUD Home Page (*www.hud.gov/cpd/cpd/cpdprog.html*);

(B) The city, county or state may provide HOME funds to be used in conjunction with HOPE VI funds, but HOME funds may not be used in conjunction with Public Housing Capital Funds under section 9(d) of the 1937 Act. Information about the HOME Program can be found on HUD's HOME website (*www.hud.gov/cpd/home/homeweb.html*).

(v) Foundations.

(vi) Financial institutions, banks or insurers.

(vii) Other private funders.

(d) *Other HUD Public Housing Funds.* Although you may commit other Federal public housing funds such as Capital Funds under section 9(d) of the 1937 Act to meet your match requirement if you are selected for funding, your commitment of these types of funds will not count towards your leverage ratio for the purposes of rating your application.

(e) *Anticipatory Resources.* In many cases, PHAs, cities, or other entities may have carried out revitalization activities in previous years in anticipation of your receipt of a HOPE VI Revitalization grant. Expenditures that were made in anticipation of your receiving HOPE VI funding in previous years, even though you were unsuccessful in receiving a HOPE VI Revitalization grant, will count toward leverage in the FY 2001 funding competition, provided they meet the criteria described in this rating factor.

(f) *Rating.*

(i) You will receive 6 points if the ratio of the amount of HOPE VI funds requested for physical development activities to the dollar value of documented, committed development resources leveraged from other sources is 1:4 or higher.

(ii) You will receive 5 points if the ratio is between 1:3 and 1:4.

(iii) You will receive 4 points if the ratio is between 1:2.5 and 1:3.

(iv) You will receive 3 points if the ratio is between 1:2 and 1:2.5.

(v) You will receive 2 points if the ratio is between 1:1 and 1:2.

(vi) You will receive 1 point if the ratio is 1:1.

(vii) You will receive 0 points if:

(*A*) the ratio is less than 1:1, or

(*B*) there is not enough information in your application to enable HUD to rate this factor.

(2) *Collateral Investment:* 1 Point. Collateral Investments include physical redevelopment activities underway or projected to be completed before October 2006, such as schools, libraries, subway or light rail stations, or improved roads, which will enhance the new HOPE VI community but will occur whether or not the site is revitalized.

Economic or other kinds of development activities that would have occurred with or without the anticipation of HOPE VI-funded revitalization of the site will count as leverage for this factor only.

(a) You will receive 1 point if the ratio of the amount of the total HOPE VI grant requested to the dollar value of documented collateral investments is 1:2 or higher.

(b) You will receive 0 points if:

(i) the ratio of the HOPE VI request to the collateral investment amount is less than 1:2, or

(ii) there is not enough information in your application to enable HUD to rate this factor.

(3) *Community and Supportive Services Resources*: 3 Points. In order to achieve quantifiable self-sufficiency results, you must form partnerships with organizations that are skilled in the delivery of services to residents of public housing and that can provide commitments of resources to support those services. Leveraging scarce HOPE VI CSS funds with other funds and services is critical to the sustainability of CSS activities so that they will continue after the HOPE VI funds have been expended.

(a) *Types of resources.* Resources for CSS activities may include financial contributions from Federal, State, or local governments or from private entities. Resources may also include the dollar value of in-kind contributions such as materials, a building, a lease on a building, other infrastructure, time and services contributed by volunteers, staff salaries and benefits, and supplies related to the provision of CSS activities that will contribute to the successful transformation of the lives of residents.

(b) *Sources of resources.*

(i) See Section IV(C)(3)(e) of this HOPE VI section of the SuperNOFA for a list of the kinds of organizations, agencies, and other possible resource providers that can provide you with resources for your CSS activities.

(ii) In accordance with Section IV(C)(3)(b) of this HOPE VI section of the SuperNOFA, you may enter into subgrantee agreements with nonprofit organizations to provide CSS activities. HUD encourages you to select subgrantees that can bring in-kind resources to the project.

(c) *Rating.* The number of points you receive will depend on the ratio of the amount of HOPE VI dollars requested for CSS activities to the dollar value of the resources committed from other sources for CSS programs. A letter of general commitment without a dollar figure of committed resources included will not be counted as a resource for this rating factor. Include only funds that will be newly-generated for HOPE VI CSS activities. HUD will not count as leverage any funds that have been provided routinely, such as TANF payments or funds that support ongoing CSS-type activities.

(i) You will receive 3 points if the ratio of the amount of HOPE VI funds requested for CSS activities to the dollar value of documented, committed CSS resources leveraged from other sources is 1:4 or higher. If no HOPE VI funds are requested for CSS activities because all CSS funds will come from outside sources, all adequately-documented funds from such outside sources will be counted and you will receive 3 points.

(ii) You will receive 2 points if the ratio is between 1:3 and 1:4.

(ii) You will receive 1 point if the ratio is between 1:2 and 1:3.

(iii) You will receive 0 points if:

(*A*) the ratio is less than or equal to 1:2, or

(*B*) there is not enough information in your application to enable HUD to rate this factor.

Rating Factor 5: Coordination and Community Planning (10 Points)

This factor evaluates your actions to address the need for revitalized public housing in a holistic and comprehensive manner by coordinating the revitalization of public housing with the overall plans for revitalization and related activities in the broader community. It also evaluates your participation in or commitment to participate in the community's Consolidated Planning process.

(1) *Coordination of Revitalization Activities*: 5 Points.

(a) This factor evaluates the actions you have taken to coordinate with other agencies—not to provide services, but to ensure that your activities are consistent with other revitalization, development, economic development, transportation, and other similar activities in the neighborhood, the surrounding community, and the city or county at large. Public housing revitalization must not happen in a vacuum, and it is critical that all parties work together to share information and coordinate ongoing and planned activities in order that those plans complement and reinforce each other activities.

(b) HUD will evaluate the specific steps you have taken to:

(i) coordinate your proposed activities with related activities of other agencies, groups, or organizations outside the scope of those covered by the Consolidated Plan;

(ii) develop comprehensive solutions that best complement, support, and coordinate other revitalization and related activities, such as plans for changes in transportation, infrastructure, land use, and other issues that may affect the planned public housing revitalization; and

(iii) share information about solutions and outcomes with relevant agencies through meetings, information networks, planning processes or other mechanisms.

(c) *Rating.* (i) You will receive 3 to 5 points if you provide letters, memoranda of agreement, or other documentation from organizations and agencies that describe your relationships and substantiate the actions you have taken to coordinate with a variety of relevant groups.

(ii) You will receive 1 to 2 points if you provide documentation that you have taken some actions to coordinate your proposed activities with relevant groups, but your overall effort does not include a variety of different kinds of groups and/or you do not show strong evidence of active coordination.

(iii) You will receive 0 points if:

(*A*) your actions to coordinate with relevant groups are not comprehensive; and/or

(*B*) your relationships are not strong or well documented; or

(*C*) there is not enough information in your application to enable HUD to rate this factor.

(2) *Participation in Consolidated Plan/AI Process*: 5 Points.

This factor evaluates your efforts to participate in your jurisdiction's Consolidated Planning process, whether the need for the revitalization of severely distressed public housing is identified in the Consolidated Plan, and whether severely distressed public housing is identified as an impediment to fair housing choice in your jurisdiction's Analysis of Impediments to Fair Housing Choice (AI). Information on the Consolidated Plan can be found on the HUD Home Page (*www.hud.gov/cpd/conplan.html*). (A Certification of Consistency with the Consolidated Plan, as provided in the HOPE VI Application Kit, is a required element of each HOPE VI Revitalization application.)

(a) You will receive 3 to 5 points if:

(i) you have cited language from your jurisdiction's Consolidated Plan that identifies revitalization of severely distressed public housing as an urgent need in the community, and indicates that your HOPE VI Revitalization Plan is tied to other revitalization planned in the broader community and in the jurisdiction as a whole; that they are consistent with plans or organizing efforts in the immediate, surrounding neighborhood; and you have cited language from your jurisdiction's AI that identifies severely distressed public housing as an impediment to fair housing choice; or

(ii) the Consolidated Plan and AI are applicable to your jurisdiction, but they do not identify severely distressed public housing as an urgent need or an impediment to fair housing choice; you have explained in detail why severe distress of public housing is not identified; described your efforts to alert the jurisdiction to the need for public housing revitalization as a priority; have begun work with the jurisdiction to amend the Consolidated Plan and AI to include revitalization of severely distressed public housing as an urgent need; and you have coordinated with other revitalization efforts in the community; or

(iii) if the Consolidated Plan and AI are not applicable to your community, you have demonstrated that you have participated in other community-wide planning efforts; used other sound and reliable data sources to show that the community has identified the need for revitalization of severely distressed public housing and the urgency in meeting the need; and submitted a letter from the Mayor or other Chief Executive Officer of the jurisdiction and a letter from the City Council or other elected legislative body confirming the need to revitalize severely distressed public housing, the urgency of meeting the need, and the jurisdiction's commitment to addressing this need.

(b) You will receive 1 to 2 points if you have demonstrated that you have participated in the Consolidated Planning process, but the Consolidated Plan does not address the revitalization of severely distressed public housing.

(c) You will receive 0 points if:

(i) your community's Consolidated Plan and AI do not identify the revitalization of severely distressed public housing as a need or as an impediment to fair housing choice, and you have not provided an adequate explanation of why they do not;

(ii) the Consolidated Plan and AI are not applicable to your community, and you have not thoroughly documented your level and urgency of need through other sound and reliable sources; or

(iii) there is not enough information in your application to enable HUD to rate this factor.

Empowerment Zone/Enterprise Community Bonus (2 Points)

You will receive up to 2 bonus points if you propose to revitalize severely distressed public housing that is located in a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), rural EC, or Urban Enhanced Enterprise Community (also referred to as EC). To be eligible for the bonus points, activities must serve EZ/EC residents and the application must include a certification that activities are consistent with the strategic plan for the EZ or EC. A listing of eligible EZs and ECs is attached to the General Section of the SuperNOFA as Appendix A–2, and also can be found on HUD's EZ/EC Website (*www.hud.gov/cpd/ezec/ezbyec.html*). To determine whether your site is within an EZ or EC, use the EZ/EC Locator (*www.hud.gov/ezec/locator*). Note that if the public housing project is located in a similar economic development area designated by your state or city, but is not located in a Federally-designated EZ or EC, your application will not be eligible for these bonus points.

VII. HOPE VI Demolition Grant Application Selection Process

(A) *HOPE VI Demolition Grant Funding Categories.* HUD will select HOPE VI Demolition grant applications on a first-come, first-served basis, by an application's Priority Group and Ordinal. HOPE VI Demolition grant applications are not rated.

(1) *Priority Groups.* You must identify each HOPE VI Demolition grant application by its appropriate Priority Group, as described below. Each application must target units of a single Priority Group; *e.g.*, do not include Priority Group 1 units in the same application as Priority Group 2 units.

(a) *Priority Group 1*: Priority Group 1 applications target units included in an approved Section 202 Mandatory Conversion Plan. The Section 202 Conversion Plan must be approved by HUD *on or before the HOPE VI Demolition grant application deadline date* under this HOPE VI section of the SuperNOFA.

(b) *Priority Group 2.*

(i) Priority Group 2 applications:

(*A*) target units included in a Section 202 Mandatory Conversion Plan that you have submitted to HUD on or before the HOPE VI Demolition grant application deadline date, or

(*B*) target units that, in HUD's sole determination under section 537(c) of the Public Housing Reform Act of 1998, are subject to the removal requirements of 24 CFR part 971 and can be expected to be demolished in accordance with the time schedule required by Section IV(F)(1) of this HOPE VI section of the SuperNOFA, above.

(ii) If you submit a HOPE VI Demolition grant application for units that are targeted in a Section 202 Mandatory Conversion Plan that was submitted under 24 CFR part 971 but not yet approved (Priority Group 2), and HUD subsequently approves the Conversion Plan before the HOPE VI Demolition grant application deadline date, you may revise your application and it will be reclassified as Priority Group 1. HUD will change the original Ordinal to the Ordinal corresponding to the date that the revision was received.

(iii) If you submit a Section 202 Mandatory Conversion Plan but HUD determines that the targeted project does not qualify for conversion under 24 CFR part 971, your HOPE VI Demolition grant application will not be eligible for funding. If you intend to submit a Priority 1 or 2 application, discuss the project with your Field Office to ensure that it qualifies under the standards of 24 CFR part 971.

(c) *Priority Group 3.* Priority Group 3 applications target units that were included in a HUD-approved application for demolition that was developed in accordance with section 18 of the 1937 Act, as amended ("Section 18 demolition application").

(i) Your Section 18 demolition application must be approved by HUD on or before the HOPE VI Demolition grant application deadline. You are advised that in order to allow for sufficient time for a new Section 18 demolition application to be processed, you should submit your Section 18 demolition application to HUD's Special Application Center (SAC) no later than March 30, 2001. If your Section 18 demolition application does not meet the statutory requirements of Section 18, including the requirement for HUD Field Office approval of the Interim or PHA Plan as required by 24 CFR part 903, HUD will not approve the Section 18 demolition application and your HOPE VI Demolition grant application will not be eligible for funding.

(ii) If you have submitted a Section 18 demolition application to the SAC but it has not yet been approved by HUD when you submit your HOPE VI Demolition grant application, your HOPE VI application will not be considered complete and you will not receive an Ordinal unless and until your Section 18 demolition application is approved on or before the HOPE VI Demolition Grant Application deadline.

(iii) If your Section 18 demolition application is approved by HUD on July 9 or 10, 2001 only, you are not required to submit your approval letter to HUD, and HUD will deem the approval letter to have been submitted in the application. In such a case, if your application is otherwise complete, your Ordinal will be the date that HUD

approves your Section 18 demolition application.

(iv) If HUD has previously approved your Section 18 demolition application but HUD later rescinded the approval, your Section 18 demolition application will not be considered approved by HUD and your HOPE VI Demolition grant application will not be eligible for funding.

(d) *Priority Group 4*:

(i) Priority Group 4 applications target units that:

(*A*) were targeted for demolition in a previously-approved HOPE VI Revitalization application and the demolition that has not yet been carried out; or

(*B*) were not originally targeted for demolition in a previously-approved HOPE VI Revitalization application but are located in the same project and at the same site that will be revitalized using an existing Revitalization grant, and have not yet been demolished.

(ii) The requested HOPE VI Demolition grant funds, in combination with the existing HOPE VI Revitalization grant funds, may not exceed the TDC/Housing Cost Cap (HCC) limit in effect at the time the HOPE VI Revitalization Grant was approved by HUD.

(*A*) If the Revitalization grant is below TDC/HCC, any dollars freed up as a result of the proposed additional demolition grant funds may be used for any construction costs, up to the project's TDC/HCC limit.

(*B*) If the Revitalization grant is below or at TDC/HCC, the dollars freed up from the proposed additional demolition grant funds may be used for the demolition of additional units or for Community Renewal costs such as Extraordinary Site Costs that fall outside of HCC.

(iii) If a Priority Group 4 HOPE VI Demolition application is selected for funding, HUD will approve the planned demolition:

(*A*) in its approval of your Supplemental Submissions for the Revitalization grant;

(*B*) by amending its approval of your Supplemental Submissions, if they have already been approved by HUD; or

(*C*) by approving a Section 18 demolition application, if you choose to submit one.

(iv) HUD reserves the right to rescind a Priority Group 4 Demolition grant if it determines that the targeted units cannot be approved under section (d)(iii) above.

(2) *Ordinals.* Upon receipt, HUD will assign each HOPE VI Demolition grant application an Ordinal (i.e., ranking number) that reflects the date HUD Headquarters received the application. Ordinals correspond to business days, starting with the date HUD receives the first Demolition grant application and ending on the HOPE VI Demolition grant application deadline date, as specified in Section I of this HOPE VI section of the SuperNOFA, above. HUD will consider all applications received on the same date as received at the same time on that date, and those applications will all be assigned the same Ordinal.

(B) *Demolition Screening.* (1) HUD will screen the application to ensure that it:

(a) Meets each HOPE VI threshold criterion listed in Sections V(A) and V(C) of this HOPE VI section of the SuperNOFA, above; and

(b) Includes each application submission requirement listed in Section IX(B) of this HOPE VI section of the SuperNOFA, below.

(2) If HUD determines that an application is not eligible for funding (e.g., the applicant is not a PHA, the units have already been demolished, etc.), HUD will not consider the application further and will immediately notify the applicant that the application has been rejected.

(3) If HUD determines that an application is eligible but incomplete, within approximately two days of receipt of the application, HUD will contact you in writing by fax (followed up with a hard copy by mail) to request the missing information. If HUD finds your application and other applications received on the same day to be incomplete, HUD will notify all such applicants of their missing items on the same day. Since HOPE VI Demolition grant applications are not rated, you may submit information to complete your application at any time before the HOPE VI Demolition grant application deadline date. However, if your application is received on the deadline date and it is missing a required submission, you will have no opportunity to submit any missing item after the deadline date and your HOPE VI Demolition grant application will be ineligible for funding.

Please Note: This provision means that the nearer to the deadline date you submit your application, the less time you will have to correct any deficiencies, and if hud receives your application ON the deadline date and there is a deficiency, that application will NOT be eligible for funding. You are advised to submit your application as soon as possible, in the event that hud identifies a deficiency that you need to correct.

(4) If HUD determines that the information you submit in response to a notification of deficiency is correct and completes the application, HUD will change the application's Ordinal to the Ordinal corresponding to the date that HUD received the information.

(5) If HUD determines that the information submitted does not make the application complete, HUD will notify you of the remaining deficiency. You will have the opportunity to submit information in response to notifications of deficiency up until the HOPE VI Demolition grant application deadline date.

(6) If you do not submit the requested information by the HOPE VI Demolition grant deadline date, your application will be ineligible for funding.

(C) *Funding.* HUD will award HOPE VI Demolition grants in the following order, based on fund availability.

(1) HUD will fund Priority Group 1 applications by Ordinal.

(2) If funds remain after HUD has funded all eligible Priority Group 1 applications, HUD will fund Priority Group 2 applications by Ordinal.

(3) If funds remain after HUD has funded all eligible Priority Group 2 applications, HUD will fund Priority Group 3 applications by Ordinal.

(4) If funds remain after HUD has funded all eligible Priority Group 3 applications, HUD will fund Priority Group 4 applications by Ordinal.

(5) At any stage, if there is more than one application with next Ordinal to be funded and there are insufficient funds to fund all of them, HUD will conduct a lottery among those applications to determine which application(s) will be funded.

(6) HUD reserves the right to partially fund the next eligible application if insufficient funds remain to fund the entire amount requested, and HUD determines that the funds available are adequate to carry out some significant demolition activities.

(7) If funds remain after all eligible HOPE VI Demolition grant applications have been funded or if the amount remaining is inadequate to feasibly fund the next eligible Demolition grant application, HUD reserves the right to:

(a) reallocate unused funds to fund or supplement the next eligible HOPE VI Revitalization application(s), in rank order, or

(b) carry over unused funds to the next fiscal year.

VIII. Grant Award Procedures

(A) *Revitalization Grants.*

(1) *Notification of Funding Decisions.* The HUD Reform Act prohibits HUD from notifying you as to whether or not you have been selected to receive a Revitalization grant until it has announced all HOPE VI Revitalization grant recipients. If your Revitalization application has been found to be ineligible or if it did not receive enough points to be funded, you will not be notified until the successful applicants have been notified. HUD will provide written notification to all HOPE VI applicants, whether or not they have been selected for funding.

(2) *Environmental Review.* HUD notification that you have been selected to receive a HOPE VI grant constitutes only preliminary approval. Grant funds may not be released until the responsible entity completes an environmental review and you submit and obtain HUD approval of a request for release of funds and the responsible entity's environmental certification in accordance with 24 CFR part 58 and Section IV(B)(6) of this HOPE VI section of the SuperNOFA, above (or HUD has completed an environmental review under 24 CFR Part 50 where HUD has determined to do the environmental review).

(3) *Revitalization Grant Agreement.* When you are selected to receive a Revitalization grant, HUD will send you a HOPE VI Revitalization Grant Agreement, which constitutes the contract between you and HUD to carry out and fund public housing revitalization activities. Both you and HUD will sign the cover sheet of the Grant Agreement. It is effective on the date of HUD's signature. The Grant Agreement sets forth:

(a) The amount of the grant;

(b) The HOPE VI Requirements;

(c) Revitalization Plan components;

(d) Revitalization activities and requirements;

(e) Changes to the Revitalization Plan;

(f) Replacement unit and waiver information;

(g) Budget requirements;

(h) Drawdown procedures;

(i) Matching fund requirements;

(j) Finance and accounting procedures;

(k) Recordkeeping requirements;

(l) Requirements for subgrantees, contractors, and subcontractors;

(m) Resident and community involvement requirements;

(n) Environmental review procedures;

(o) Fair Housing certifications;

(p) Building standards and design components;

(q) Labor standards;

(r) Conflict of interest provisions;

(s) Reporting requirements;

(t) Technical assistance procedures

(u) Default provisions; and

(v) Grant closeout procedures.

(B) *Demolition Grants.* (1) *Notification of Funding Decisions.* Because the HOPE VI Demolition grants are awarded on a first-come, first-served basis, HUD reserves the right either to award funds to Priority 1 applications as soon as they are determined to be eligible for funding, or announce all awards after the HOPE VI Demolition grant application deadline date has passed. HUD will notify ineligible applicants of their ineligibility immediately after that determination has been made. HUD will provide written notification to all HOPE VI applicants, whether or not they have been selected for funding.

(2) *Environmental Review.* HUD notification that you have been selected to receive a HOPE VI Demolition grant constitutes only preliminary approval. Grant funds may not be released until the responsible entity completes an environmental review and you submit and obtain HUD approval of a request for release of funds and the responsible entity's environmental certification in accordance with 24 CFR part 58 and Section IV(B)(6) of this HOPE VI section of the SuperNOFA, above.

(3) *Demolition Grant Agreement.* If you are selected to receive a Demolition grant, HUD will send you a HOPE VI Demolition Grant Agreement. Both you and HUD will sign the Cover Sheet of the Grant Agreement, and it is effective on the date of HUD's signature. The Grant Agreement sets forth:

(a) The amount of the grant;

(b) The HOPE VI Demolition Requirements;

(c) Demolition Plan components;

(d) Relocation requirements;

(e) Program schedule;

(f) Finance and Accounting procedures;

(g) Drawdown procedures;

(h) Recordkeeping requirements;

(i) Requirements for subgrantees, contractors, and subcontractors;

(j) Environmental review procedures;

(k) Fair Housing Certifications;

(l) Labor standards;

(m) Conflict of interest provisions;

(n) Reporting requirements;

(o) Technical assistance procedures;

(p) Default provisions; and

(q) Grant closeout procedures.

IX. Application Submission Requirements

(A) *Revitalization Application Requirements.*

(1) *Application Kit.* The HOPE VI Application Kit provides explicit, specific instructions as to the format of a HOPE VI Revitalization application. Your application must conform to the requirements of this HOPE VI section of the SuperNOFA and follow the format described in the Kit. If you fail to adhere to the requirements of this NOFA, as detailed in the Kit, and omit critical requirements, your application may lose points. In addition to the narrative exhibits that respond to the rating criteria in this HOPE VI section of this SuperNOFA, your application will also include attachments that provide HUD with detailed information about your proposed revitalization, including forms and other documentation. Please note that resumes and videos are specifically excluded and will not be considered.

(2) *Application Page Limits.* (a) Each Revitalization application must contain no more than 75 pages of narrative exhibits. Any pages after the first 75 pages of narrative exhibits will not be reviewed. Although submitting pages in excess of the page limitations will not disqualify an application, HUD will not consider the information on any excess pages, which may result in a lower score or failure of a threshold (this page limit does not include additional pages requested by HUD as a result of technical deficiency corrections). No more than one page of text may be placed on one sheet of paper; i.e., you may not shrink pages to get two or more on a page.

(b) Revitalization applications are also limited to 100 pages of attachments. The documents listed below constitute the only exceptions and are not counted in the 100 page limit:

(i) Application Data Sheets;

(ii) Commitments of resources;

(iii) Section 8 application;

(iv) List of current residents, after the first page; and

(v) Certifications located after the Attachments.

(3) *Narrative Exhibits.* The following is a summary of the narratives required in a HOPE VI Revitalization application:

(a) An Executive Summary.

(b) Narrative responses to the rating factors described in Section VI(G) of this HOPE VI program section of the SuperNOFA. Be SURE to address each and every item in the rating factors in the most clear, concise, and complete manner possible given the page limitations.

(c) A narrative demonstrating the appropriateness of your proposal in the context of the local housing market relative to other alternatives.

(d) A description of your planned predevelopment activities: hazard reduction, demolition, disposition, acquisition, and site improvements.

(e) A description of your planned physical revitalization activities: rehabilitation, new construction, homeownership assistance, development of community and/or economic development activities, and extraordinary site work.

(f) If applicable, a description of your plans to establish an Endowment Trust to continue CSS activities beyond the life of the HOPE VI grant.

(g) If applicable, a listing of all prior HUD public housing grant assistance received for the revitalization of the targeted project that are related to the proposed activities.

(4) *Attachments.* The following is a summary of the attachments that will be required in a HOPE VI Revitalization application:

(a) Contextual map that identifies the location of the current site in the neighborhood, City, and region;

(b) Organizational Chart;

(c) Revitalization Schedule;

(d) A listing of and commitment letters from Team members, as applicable;

(e) Photographs of the housing units and site;

(f) A Section 8 application, if Section 8 assistance will be needed for FY 2002;

(g) Conceptual revitalized site plan, interior unit design illustrations, and building elevations;

(h) Application Data Forms;

(i) Leveraged Resources Summary;

(j) Basic elements of the HOPE VI Relocation Plan, in conformance with guidance provided by HUD, including a list of each resident in occupancy at the time the application is submitted;

(k) Training Meeting and Public meeting certifications and documentation;

(l) Preliminary market assessment letter;

(m) Letters and other documents that commit resources to be used for HOPE VI activities;

(n) Grant Limitations and TDC Worksheet;

(o) MTCS Certification;

(p) Extraordinary Site Costs Certification;

(q) Severe Physical Distress Certification;

(r) Other documentation that responds to specific rating factors, including letters of commitment to participate as partners, perform an evaluation of the program, etc.

(5) *HOPE VI Revitalization Application Forms.* The following HOPE VI forms are included in the HOPE VI Application Kit. Electronic versions also can be obtained from HUDCLIPS (*www.hudclips.org*) and the HOPE VI website (*www.hud.gov/hopevi*).

(a) HOPE VI Revitalization Application Data Form (HUD–52860-A);

(b) HOPE VI Budget (HUD–52825-A, Parts I and II);

(c) Section 8 Application (HUD–52515);

(d) HOPE VI Revitalization Grant Applicant Certifications (HUD–52820-A). See Appendix A of this HOPE VI section of the SuperNOFA for the text of these certifications.

(6) *General Section Certification Forms.* The following forms are appended to the General Section of the SuperNOFA and are also included in the HOPE VI Application Kit. Electronic versions of these forms also can be obtained from HUDCLIPS (*www.hudclips.org*).

(a) Application for Federal Assistance (SF–424)

(b) Assurances—Construction Programs (SF–424D)

(c) Certification for a Drug-Free Workplace (HUD–50070)

(d) Certification of Payments to Influence Federal Transactions (HUD–50071)

(e) Disclosure of Lobbying Activities (SF–LLL) (if applicable)

(f) Recipient Disclosure/Update Report (HUD–2880)

(g) Certification Regarding Debarment and Suspension (HUD–2992)

(h) Certification of Consistency with the EZ/EC Strategic Plan (HUD–2990)

(i) Certification of Consistency with the Consolidated Plan (HUD–2991)

(j) Acknowledgment of Application Receipt (HUD–2993)

(B) *Demolition Application Requirements.*

(1) *Application Kit.* The HOPE VI Application Kit provides specific instructions as to the format of a HOPE VI Demolition application. Your application must conform to the requirements of this HOPE VI section of the SuperNOFA and follow the format described in the kit.

(2) *Application Information.* The following is a summary of the information required in a HOPE VI Demolition application. Items (f) (HOPE VI Budget form) and (i) (Section 8 application) are available from HUDCLIPS (*www.hudclips.org*).

(a) Applicant, site, and unit information;

(b) Priority Group and Documentation of eligibility;

(c) Narrative of proposed activities, including:

(i) the number of original dwelling units and buildings in the project, the number of any units previously demolished or disposed of, and the number of units proposed for demolition;

(ii) any non-dwelling facilities to be demolished and the relationship between the non-dwelling facilities and the dwelling units to be demolished, in terms of proximity and use;

(iii) conditions that require extraordinary site costs, such as parking lots, streets, underground utilities, community buildings, etc.;

(iv) extent of any proposed hazard abatement activities, including the level of asbestos or any other contaminant present, if available;

(v) proposed site restoration and any subsequent site improvements to benefit the remaining portion of the development or to make the site more saleable;

(vi) if you propose activities other than filling in the site and establishing a lawn, a description of the non-HOPE VI funds to be used to carry out those activities;

(vii) a HOPE VI Demolition Relocation Plan, including a list of each resident in occupancy at the time the application is submitted;

(viii) a demonstration of the appropriateness of the proposal in the context of the local housing market relative to other alternatives; and

(ix) potential sources of matching funds for services to relocatees.

(d) Program Schedule;

(e) Grant Limitations Worksheet, which itemizes all funds requested for:

(i) demolition of severely distressed public housing units;

(ii) extraordinary site costs, as applicable;

(iii) demolition of nondwelling structures, as applicable;

(iv) relocation assistance to residents of occupied units; and

(v) community and supportive service activities to displaced residents.

(f) Program budget (HUD–52825-A, parts I and II);

(g) MTCS Certification;

(h) Extraordinary Site Costs Certification, as applicable, completed by an engineer or architect, verifying and justifying any extraordinary site costs requested;

(i) Non-Dwelling Structure Costs Certification, as applicable, completed by an engineer or architect, verifying and justifying the costs to demolish non-dwelling structures;

(j) A Section 8 application (HUD–52515) for Section 8 relocation assistance needed during FY 2002.

(3) HOPE VI Demolition Grant Applicant Certifications (HUD–52820-B). See Appendix B of this HOPE VI section of the SuperNOFA for the text of these certifications.

(4) *General Section Certification Forms.* The following forms are appended to the General Section of the SuperNOFA and are also included in the HOPE VI Application Kit. Electronic versions of these forms also can be obtained from HUDCLIPS (*www.hudclips.org*).

(a) Application for Federal Assistance (SF–424)

(b) Assurances—Construction Programs (SF–424D)

(c) Certification for a Drug-Free Workplace (HUD–50070)

(d) Certification of Payments to Influence Federal Transactions (HUD–50071)

(e) Disclosure of Lobbying Activities (SF–LLL)

(f) Recipient Disclosure/Update Report (HUD–2880)

(g) Certification Regarding Debarment and Suspension (HUD–2992)

X. Authority

(A) The funding authority for HOPE VI Revitalization and Demolition grants under this HOPE VI section of the SuperNOFA is provided by the FY 2001 HUD Appropriations Act under the heading "Revitalization of Severely Distressed Public Housing (HOPE VI)."

(B) The program authority for the HOPE VI Program is section 24 of the U.S. Housing Act of 1937 (42 U.S.C. 1437v), as added by section 535 of the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, 112 Stat. 2461, approved October 21, 1998).

Appendix A—HOPE VI Revitalization Grant Applicant Certifications

Acting on behalf of the Board of Commissioners of the Housing Authority listed below, as its Chairman, I approve the submission of the HOPE VI Revitalization application of which this document is a part and make the following certifications to and agreements with the Department of Housing and Urban Development (HUD) in connection with the application and implementation thereof:

Applicant Certifications

1. The public housing project or building in a project targeted in this HOPE VI Revitalization grant application meets the definition of severe distress in accordance with Section 24(j)(2) of the U.S. Housing Act of 1937 ("the Act").

2. The PHA has not received assistance from the Federal government, State, or unit of local government, or any agency or instrumentality, for the specific activities for which funding is requested in the HOPE VI Revitalization application.

3. The PHA does not have any litigation pending which would preclude timely startup of activities.

4. The PHA is in full compliance with any desegregation or other court order related to Fair Housing (e.g., Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and Section 504 of the Rehabilitation Act of 1973) that affects the PHA's public housing program and that is in effect on the date of application submission.

5. PHA has returned any excess advances received during development or modernization, or amounts determined by HUD to constitute excess financing based on a HUD-approved Actual Development Cost Certificate (ADCC) or Actual Modernization Cost Certificate (AMCC), or that HUD has approved a pay-back plan.

6. There are no environmental factors, such as sewer moratoriums, precluding development in the requested locality.

7. The application is consistent with Environmental Justice Executive Order 12898, in that the proposed public housing will be developed only in environmentally sound and desirable locations and will avoid disproportionately high and adverse environmental effects on minority and low-income communities.

8. In accordance with the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), the property targeted for acquisition or construction (including rehabilitation) is not located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:

(a) The community in which the area is situated is participating in the National Flood Insurance program (see 44 CFR parts 59 through 79), or less than one year has passed since FEMA notification regarding such hazards; and

(b) Where the community is participating in the National Flood Insurance Program, flood insurance is obtained as a condition of execution of a Grant Agreement and approval of any subsequent demolition or disposition application.

9. The application does not target properties in the Coastal Barrier Resources System, in accordance with the Coastal Barrier Resources Act (16 U.S.C. 3501).

Grantee Certifications

If selected for HOPE VI Revitalization funding:

10. The PHA will comply with all policies, procedures, and requirements prescribed by HUD for the HOPE VI Program, including the implementation of HOPE VI revitalization activities, in a timely, efficient, and economical manner.

11. The PHA will not receive assistance from the Federal government, State, or unit of local government, or any agency or instrumentality, for the specific activities funded by the HOPE VI Revitalization grant. The PHA has established controls to ensure that any activity funded by the HOPE VI Revitalization grant is not also funded by any other HUD program, thereby preventing duplicate funding of any activity.

12. The PHA will not provide to any development more assistance under the HOPE VI Revitalization grant than is necessary to provide affordable housing after taking into account other governmental assistance provided.

13. The PHA will supplement the aggregate amount of the HOPE VI Revitalization grant with funds from sources other than HOPE VI in an amount not less than 5 percent of the amount of HOPE VI grant.

14. In addition to supplemental amounts provided in accordance with Certification 13 above, if the PHA uses more than 5 percent of the HOPE VI grant for the community and supportive services component, it will provide supplemental funds from sources other than HOPE VI, dollar for dollar, for the amount over 5 percent of the grant used for the community and supportive services component.

15. Disposition activity under the grant will be conducted in accordance with Section 18 of the Act.

16. The PHA will carry out acquisition of land, or acquisition of off-site units with or without rehabilitation to be used as public housing, in accordance with 24 CFR part 941, or successor part.

17. The PHA will carry out major rehabilitation and other physical improvements of housing and non-dwelling facilities in accordance with 24 CFR 968.11 2(b), (d), (e), and (g)-(o), 24 CFR 968.130, and 24 CFR 968.135(b) and (d) or successor part.

18. The PHA will carry out construction of public housing replacement housing, both on-site and off-site, and community facilities, in accordance with 24 CFR part 941 or successor part, including mixed-finance development in accordance with subpart F.

19. The PHA will carry out replacement homeownership activities in general conformance with the requirements of section 24(d)(1)(J) or section 32 of the 1937 Act and the income limitations of the Act.

20. The PHA will administer and operate rental units in accordance with all existing public housing rules and regulations, as those requirements now exist or as they may be amended from time to time.

21. The PHA will comply with the requirements of the Fair Housing Act (42 U.S.C. 3601–19) and regulations pursuant thereto (24 CFR part 100); Executive Order 11063 (Equal Opportunity in Housing) and regulations pursuant thereto (24 CFR part 107); the fair housing poster regulations (24 CFR part 110) and advertising guidelines (24 CFR part 109); and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations pursuant thereto (24 CFR part 1).

22. The PHA will address the elimination of impediments to fair housing choice relating to its public housing and particularly to the revitalization of distressed public housing that were identified in the jurisdiction's Analysis of Impediments to Fair Housing Choice, remedy discrimination in housing, and promote fair housing rights and fair housing choice.

23. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975 (42 U.S.C. 6101–07) and regulations issued pursuant thereto (24 CFR part 146); the prohibitions against discrimination against, and reasonable modification and accommodation and accessibility requirements for, handicapped individuals under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR part 8); the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and regulations issued pursuant thereto (28 CFR Part 36); and the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151) and regulations issued pursuant thereto (24 CFR Part 40).

24. The PHA has adopted the goal of awarding a specified percentage of the dollar value of the total of the HOPE VI contracts to be awarded during subsequent fiscal years to minority business enterprises and will take appropriate affirmative action to assist resident-controlled and women's business enterprises in accordance with the

requirements of Executive Orders 11246, 11625, 12432, and 12138.

25. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects) and its implementing regulation at 24 CFR part 135, including the reporting requirements of subpart E.

26. The PHA will comply with Davis-Bacon or HUD-determined prevailing wage rate requirements to the extent required under Section 12 of the U.S. Housing Act of 1937.

27. As applicable, the PHA will comply with the relocation assistance and real property acquisition requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and government-wide implementing regulations at 49 CFR part 24; relocation regulations at 24 CFR 968.108 or successor regulation (rehabilitation, temporary relocation); 24 CFR 941.207 or successor regulation (acquisition); and 24 CFR Section 18 of the 1937 Act as amended (disposition).

28. The PHA will comply with the HOPE VI requirements for reporting and access to records as required in the HOPE VI Revitalization Grant Agreement.

29. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821, *et seq.*) and is subject to 24 CFR part 35 and 24 CFR 965.701, as they may be amended from time to time, and Section 968.110(k) or successor regulation.

30. The PHA will comply with the policies, guidelines, and requirements of OMB Circular A–87 (Cost Principles Applicable to Grants, Contracts, and Other Agreements with State and Local Governments).

31. The PHA will comply with 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments), as modified by 24 CFR 941 or successor part, subpart F, relating to the procurement of partners in mixed finance developments, except when inconsistent with the provisions of the 2001 Appropriations Act or other applicable Federal statutes. Requests for Proposals (RFPs) and Requests for Qualifications (RFQs) will reflect pertinent language from the program section of FY 2001 HOPE VI NOFA; e.g., seeking diversity, accessibility, fair housing requirements, etc.

32. The PHA will keep records in accordance with 24 CFR 85.20 that facilitate an effective audit to determine compliance with program requirements, and comply with the audit requirements of 24 CFR 85.26.

33. The PHA will start construction within 12 months from the date of HUD's approval of the Revitalization Plan's Supplemental Submissions. In no event may this time period exceed 18 months from the date the Grant Agreement is executed.

34. The PHA will complete construction within 48 months from the date of HUD's approval of the Revitalization Plan's Supplemental Submissions. In no event may the time period for completion exceed 54 months from the date the Grant Agreement is executed.

35. All activities that include construction, rehabilitation, lead-based paint removal, and related activities will meet or exceed local building codes. New construction will comply with the latest HUD-adopted Model Energy Code issued by the Council of American Building Officials.

Appendix B—HOPE VI Demolition Grant Applicant Certifications

Acting on behalf of the Board of Commissioners of the Public Housing Authority (PHA) listed below, as its Chairman, I approve the submission of the HOPE VI Demolition funding application of which this document is a part and make the following certifications to and agreements with the Department of Housing and Urban Development (HUD) in connection with the application and implementation thereof:

Applicant Certifications

1. The public housing project or building in a project targeted in this HOPE VI Demolition grant application meets the definition of severe distress in accordance with Section 24(j)(2) of the U.S. Housing Act of 1937 ("the Act").

2. The PHA has not received assistance from the Federal government, State, or unit of local government, or any agency or instrumentality, for the specific demolition activities for which funding is requested in the HOPE VI Demolition grant application.

3. The PHA is in full compliance with any desegregation or other court order related to Fair Housing (e.g., Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and Section 504 of the Rehabilitation Act of 1973) that affects the PHA's public housing program and that is in effect on the date of application submission.

4. The PHA does not have any litigation pending which would preclude timely startup of activities.

5. PHA has returned any excess advances received during development or modernization, or amounts determined by HUD to constitute excess financing based on a HUD-approved Actual Development Cost Certificate (ADCC) or Actual Modernization Cost Certificate (AMCC), or that HUD has approved a pay-back plan.

Grantee Certifications

If selected for HOPE VI Demolition grant funding:

6. The PHA will comply with all policies, procedures, and requirements prescribed by HUD for the HOPE VI Program, including the implementation of HOPE VI Demolition grant activities, in a timely, efficient, and economical manner.

7. The PHA will start construction within six months from the date of Grant Agreement execution, and complete the demolition within two years from the date of Grant Agreement execution.

8. The PHA will not receive assistance from the Federal government, State, or unit of local government, or any agency or instrumentality, for the specific activities funded by the HOPE VI Demolition grant. The PHA has established controls to ensure that any activity funded by the HOPE VI Demolition grant is not also funded by any other HUD program, thereby preventing duplicate funding of any activity.

9. The PHA will not provide to any development more assistance under the HOPE VI Demolition grant than is necessary to perform demolition activities after taking into account other governmental assistance provided.

10. The PHA will comply with the requirements of the Fair Housing Act (42 U.S.C. 3601–19) and regulations pursuant thereto (24 CFR part 100); Executive Order 11063 (Equal Opportunity in Housing) and regulations pursuant thereto (24 CFR part 107); the fair housing poster regulations (24 CFR part 110) and advertising guidelines (24 CFR part 109); and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations pursuant thereto (24 CFR part 1).

11. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975 (42 U.S.C. 6101–07) and regulations issued pursuant thereto (24 CFR part 146); the prohibitions against discrimination against, and reasonable modification and accommodation and accessibility requirements for, handicapped individuals under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR part 8); the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*) and regulations issued pursuant thereto (28 CFR Part 36); and the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151) and regulations issued pursuant thereto (24 CFR Part 40).

12. The PHA will address the elimination of impediments to fair housing choice that were identified in the jurisdiction's Analysis of Impediments to Fair Housing Choice, remedy discrimination in housing, and promote fair housing rights and fair housing choice.

13. The PHA has adopted the goal of awarding a specified percentage of the dollar value of the total of the HOPE VI contracts to be awarded during subsequent fiscal years to minority business enterprises and will take appropriate affirmative action to assist resident-controlled and women's business enterprises in accordance with the requirements of Executive Orders 11246, 11625, 12432, and 12138.

14. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects) and its implementing regulation at 24 CFR part 135, including the reporting requirements of Subpart E.

15. The PHA will comply with HUD-determined prevailing wage rate requirements to the extent required under Section 12 of the Act.

16. As applicable, the PHA will comply with the relocation assistance and real property acquisition requirements of Section 18 of the Act, as amended (demolition approved by a Section 18 demolition application); and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and government-wide implementing regulations at 49 CFR part 24 (demolition pursuant to a Section 18 demolition application and demolition approved pursuant to a Section 202 Mandatory Conversion Plan).

17. The PHA will comply with the HOPE VI requirements for reporting and access to records as required in the HOPE VI Demolition Grant Agreement.

18. The PHA will keep records in accordance with 24 CFR 85.20 that facilitate an effective audit to determine compliance with program requirements, and comply with the audit requirements of 24 CFR 85.26.

19. The PHA will comply with the policies, guidelines, and requirements of OMB Circular A–87 (Cost Principles for State, Local and Indian Tribal Governments) and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).

BILLING CODE 4210–33–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING DRUG ELIMINATION - TECHNICAL ASSISTANCE (DETAP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR PUBLIC AND INDIAN HOUSING DRUG ELIMINATION TECHNICAL ASSISTANCE PROGRAM (DETAP)

Program Overview

Purpose of the Program. The purpose of the Public and Indian Housing Drug Elimination Technical Assistance Program (DETAP) is to provide no more than thirty (30) billable days of technical assistance (TA) consultant services to assist public housing agencies (PHAs), Indian tribes and Tribally Designated Housing Entities (TDHEs), Resident Management Corporations (RMCs), incorporated Resident Councils (RCs), and Resident Organizations (ROs) to improve the management and effectiveness of the Public Housing Drug Elimination Program. The TA services may be conducted over a period of not more than 90 days.

Available Funds. Approximately $900,000.

Eligible Applicants. Public Housing Authorities (PHAs), Indian tribes and Tribally Designated Housing Entities (TDHEs); incorporated Resident Management Corporations (RMCs), incorporated Resident Councils (RCs), and Resident Organizations (ROs).

Application Deadline. July 27, 2001.

Match. None.

Additional Information

If you are interested in applying for Public Housing Drug Elimination Technical Assistance funding, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original and one copy) is due on or before 12:00 midnight, Eastern time, on July 27, 2001 at the address shown below. The only exception to this deadline is for HUD-Initiated Public Housing Drug Elimination Technical Assistance, for which there is no application deadline.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mail applications, express mail, overnight delivery, or hand-carried).

Address for Submitting Applications. Your application consists of one original signed application and two copies. Submit one original application and one copy to the Community Safety and Conservation Division (CSCD), Room 4206 at the HUD Headquarters Building located at 451 Seventh Street, SW, Washington, DC, 20410.

Submit the second copy of your application to the appropriate HUD Field Office or HUB with delegated public housing responsibilities for your organization. See Appendix A for a list of HUD offices with delegated responsibilities. You may also call the SuperNOFA Information Center at 1–800–HUD–8929 if you have a question regarding where you should submit your application (persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209).

You must submit with your application(s) to CSCD, a Confirmation Form documenting that the appropriate HUD Field Office or Hub (AONAP) received your TA application (this form is a threshold requirement). Tribes/TDHEs should submit a second copy of the DETAP application to the appropriate Area Office of Native American Programs (AONAP).

HUD will review and accept DETAP applications on a first come first serve basis until July 27, 2001 or until funds available under this program are expended.

For Application Kits. For an application kit and any supplemental information, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Public Housing Drug Elimination Technical Assistance Program, and provide your name, address (including zip code) and telephone number (including area code). An application kit is also available on the Internet through the HUD web site at http://www.hud.gov/pih/programs/ph/de/cscd.html.

For Further Information and Technical Assistance. You may contact the local HUD Field Office or Hub (AONAP) where you will be submitting your application or you may call the Drug Information Strategy Clearinghouse (DISC) at 1–800–955–2232. For further information on how to initiate an application for technical assistance, please contact Bertha Jones of the Community Safety and Conservation Division on (202) 708–1197, extension 4237. If you are a tribe/TDHE submitting an application and need technical assistance, please contact Tracy Outlaw of the Denver National Program Office at (303) 675–1600 or your local AONAP.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

For FY 2001 approximately $900,000 (with an amount adjusted for carryover when actual carryover is known) is available for Public Housing Drug Elimination Technical Assistance.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* (1) The purpose of this program is to provide not more than thirty (30) billable days of technical assistance (TA) consultant services to assist public housing agencies (PHAs), Indian tribes and Tribally Designated Housing Entities (TDHEs), Resident Management Corporations (RMCs), incorporated Resident Councils (RCs) and Resident Organizations (ROs) to improve the administration and effectiveness of the Public Housing Drug Elimination Program (PHDEP) grants. The TA services may be conducted over a period not to exceed 90 days. Housing Authorities, tribes and TDHEs are encouraged to use this program as a tool to evaluate, monitor and administer the Public Housing Drug Elimination Program grants.

(2) HUD may also initiate TA under this program to identify areas of high risk among HAs and to improve administration of PHDEP grants nationally. HUD initiated TA requires an application and accompanying standard forms found in Appendix B of this program NOFA with a letter of support from the HUD Field Office (AONAP). HUD initiated TA is also short-term assistance.

(3) The program will fund the use of consultants having demonstrated knowledge of or specialized experience in providing the following services:

(a) Crisis Intervention/Mediation;

(b) Defensible Space/Crime Prevention through Environmental Design;

(c) Guidance on the development of Five-year PHA Plans;

(d) Assistance in the development or evaluation of PHDEP performance indicators for each PHDEP activity;

(e) Tools and techniques for gathering crime statistics; crime mapping techniques;

(f) Technology Assessments: Determination of how computer software and hardware may be used to improve grant administration (e.g. establishment of a crime statistics database);

(g) Training on Best Practices (e.g. Peacemakers/Building Tolerance and Youth Violence Prevention, Wellness Training, Development and Implementation of Kobans, Development of Gun-Buyback programs);
(h) Establishment of Partnerships with Law enforcement agencies;
(i) Drafting memoranda of understanding with partners;
(j) Translation of the strategic plan components into measurable and attainable goals for the PHDEP Semi-Annual Performance Reporting System;
(k) Plan versus Performance Assessments;
(l) Internet-based computer training as it specifically relates to the administration of the PHDEP.

(B) *Eligible Applicants.* PHAs, Indian tribes and TDHEs, RCs, ROs in the case of Indian tribes and TDHEs, and RMCs that meet all of the applicable threshold requirements found in Section II(B) of the **General Section** of the SuperNofa, are eligible to receive short-term technical assistance services under DETAP. Specific eligibility requirements are:

(1) If you are an RC or RO, you must be an incorporated nonprofit organization or association that meets all seven of the following requirements:
(a) You must be representative of the residents you purport to represent.
(b) You may represent residents in more than one development or in all of the developments of a PHA but only the Former 1937 Housing Act Units for Indian tribes or TDHEs, but you must fairly represent residents from each development that you represent.
(c) You must adopt written procedures providing for the election of specific officers on a regular basis, but at least once every 3 years.
(d) You must have a democratically elected governing board. The voting membership of your board must consist of residents of the development or developments that you represent.
(e) You must be supported in your application by a PHA or an Indian tribe or TDHE.
(f) You must provide evidence of incorporation.
(g) You must provide evidence of adopted written procedures for electing officers.

(2) If you are an RMC, you must be an entity that proposes to enter into, or that enters into, a management contract with a PHA under 24 CFR part 964, or a management contract with an Indian tribe or TDHE. You must have all seven of the following characteristics:
(a) You must be a nonprofit organization incorporated under the laws of the State or Indian tribe where you are located.
(b) You may be established by more than one RO or RC, so long as each: approves the establishment of your corporation; and has representation on the Board of Directors of your corporation.
(c) You must have an elected Board of Directors.
(d) Your by-laws must require the Board of Directors to include representatives of each RO or RC involved in establishing the corporation.
(e) Your voting members must be residents of the development or developments you manage.
(f) You must be approved by the RC. If there is no organized resident organization, a majority of the households of the development must approve the establishment of your organization to determine the feasibility of establishing a corporation to manage the development.
(g) You may serve as either an RMC or RC, so long as your corporation meets the requirements of 24 CFR part 964 for a RC. (In the case of a RMC for an Indian tribe or TDHE, you may serve as both the RMC and the RO, so long as your corporation meets the requirements of this program for a RO.)

(3) You can only submit one application per award period. A PHA and its eligible resident groups, and an Indian tribe and its TDHE may apply during the same award period as long as there is no conflict or overlap in your proposed activities. You are eligible to apply to receive technical assistance even if you are already receiving technical assistance under this program, as long as your request creates no scheduling conflict with other DETAP requests. If HUD initiates TA with your organization, you may not receive more than one type of technical assistance concurrently unless HUD, in consultation with your organization, determines that the TA will not negatively affect the quality of the DETAP.

(4) You are eligible to apply to receive technical assistance whether or not you are already receiving drug elimination funds under the Public and Indian Housing Drug Elimination Program.

(5) You must comply with the laws, regulations, and Executive Orders applicable to the Drug Elimination TA Program, including applicable civil rights laws.

(C) *Eligible Activities.*

(1) *Eligible activities under this funding.* Funding is limited to technical assistance for carrying out activities authorized under Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 *et. seq.*), as amended by section 581 of the National Affordable Housing Act of 1990 (Pub.L. 101–625, approved November 28, 1990), and section 161 of the Housing and Community Development Act of 1992 (Pub.L. 102–550, approved October 28, 1992). The following circumstances are eligible for HUD-Initiated Technical Assistance under the Public and Indian Housing Drug Elimination Technical Assistance Program. HUD-Initiated technical assistance may be requested by HUD staff for one or more of the following circumstances:
(a) Housing authorities, Indian tribes, TDHEs, RCs, ROs, and RMCs that are unable to document their drug and/or crime problems through crime statistics;
(b) Housing authorities, Indian tribes, TDHEs, RCs, ROs, and RMCs that do not have the expertise to develop effective drug and crime prevention programs;
(c) Housing authorities that need assistance in using the PHDEP Semi-Annual Performance Reporting System to evaluate their program.
(d) Housing Authorities that need assistance in developing performance indicators; Housing authorities, Indian tribes, TDHEs, RCs, ROs, and RMCs that need assistance in developing evaluation mechanisms for drug elimination programs and strategies.
(e) Housing authorities, Indian tribes, TDHEs, RCs, ROs, and RMCs with special circumstances whose needs fit under the scope of this program section of the SuperNOFA.

(2) *Ineligible Activities.* Funding is not permitted for:
(a) Any type of monetary compensation for residents.
(b) Any activity that is funded under any other HUD program, including TA and training for the incorporation of RCs or RMCs, and other management activities;
(c) Any type of resident or PHA staff member training and technical assistance that does not relate to crime, drug reduction/elimination, risk management or technical assistance to improve the overall administration and management of PHDEP grants and performance goals;
(d) Salary or fees to your staff, or your former staff within a year of their employment;
(e) Underwriting conferences;
(f) Grant Writing Training and Funding Research/Development;
(g) Graffiti Removal/Prevention;
(h) Resident Patrols;
(i) Peer Support;
(j) Alternative Programs;
(k) Leadership Training for Resident Organizations;
(l) Conference speakers;

(m) Program implementation, proposal writing, financial support for existing programs, or efforts requiring more than 30 billable days of technical assistance over a 90 day period or assistance that will require more than 90 days to complete; the purchase of hardware or equipment, or any activities deemed ineligible in the Drug Elimination Program, excluding consultant's fees.

IV. Program Requirements

Except as stated below in this section, you must meet the requirements listed in Section II of the **General Section** of this SuperNOFA. You must also meet these additional requirements:

(A) *Individual Award Amounts.* You may not submit an application for more than $15,000.

(1) Applications for short-term technical assistance may be funded up to $15,000, with HUD providing payment directly to your authorized consultant for the consultant's fee, travel, room and board, and other approved costs at the government rate approved by HUD.

(2) Technical assistance initiated by HUD may be for any amount up to $25,000 when HUD staff determine that more than 30 billable days of technical assistance over a 90-day period is justified.

(B) *Receipt of More than One Application.* If HUD receives more than one application from a HA, or a group of RCs, ROs, or RMCs, or an Indian tribe and a TDHE, in proximity to one another, HUD and its agent may exercise discretion to consider any two or more applications as one, recommending one or more consultants and executing contracts for any combination of applications.

(C) *Affirmatively Furthering Fair Housing.* Section II(D) of the **General Section** does not apply to this NOFA because its purpose is to address specific and targeted problems faced by Public Housing Authorities, Indian tribes, Tribally Designated Housing Entities, Resident Management Corporations, Resident Councils, or Resident Organizations in their management of the Public Housing Drug Elimination Program and to assist the applicants in the improvement of the effectiveness of that program.

(D) *Eligible Consultants.* HUD is seeking individuals or entities who have experience working with public or Tribal housing or other low-income populations to provide short-term technical assistance under this DETAP section of the SuperNOFA. Consultants who have previously been deemed eligible and are part of HUD's TA Consultant Database need not reapply, but must update their file with more recent experience and rate justification on an annual basis. HUD reserves the right to consider a consultant name inactive in the database if the consultant has not provided updated information for the database within the last two years. The updated skills should list strengths in priority order.

(1) To qualify as an eligible consultant, you should have demonstrated knowledge and specialized experience in one or more of the following general areas:
(a) PHA/Indian tribe or TDHE-related experience with:
(i) Agency organization and management;
(ii) Facility operations;
(iii) Strategic plan development, and
(iv) Prevention and intervention programs;
(b) Experience as an independent consultant, or as a consultant working with a firm with related experience and understanding of on-site work requirements, contractual, reporting and billing requirements;
(c) Crisis Intervention/Mediation;
(d) Defensible Space/Crime Prevention through Environmental Design Guidance on the development of Five-year PHA Plans;
(e) Assistance in the development or evaluation of PHDEP performance indicators for each PHDEP activity;
(f) Tools and techniques for gathering crime statistics; Crime mapping;
(g) Technology Assessments: Determination of how computer software and hardware may be used to improve grant administration (e.g. establishment of a crime statistics database; Training on Best Practices (e.g. Peacemakers/Building Tolerance and Youth Violence Prevention, Wellness Training, Development and Implementation of Kobans, Development of Gun-Buyback programs);
(h) Establishment of Partnerships with Law enforcement partnerships;
(i) Drafting memoranda of understanding with partners;
(j) Translation of the strategic plan components into measurable and attainable goals for the PHDEP Semi-Annual Performance Reporting System;
(k) Plan versus Performance Assessments;
(l) Internet-based computer training as it specifically relates to the administration of the PHDEP.

(2) Additional requirements for consultants include the following:
(a) In addition to the conflict of interest requirements in 24 CFR part 85, no person who is an employee, agent, officer, or appointed official of an eligible applicant may be funded as a consultant to that organization by this Drug Elimination Technical Assistance Program.
(b) If you are a consultant who wishes to provide drug elimination technical assistance services through this program, you must not have had any involvement in the preparation or submission of any DETAP proposal. Your involvement will be considered a conflict of interest, making you ineligible for providing consulting services to the eligible applicant and will disqualify you from future consideration. This prohibition shall also be invoked for preparing and distributing prepared generic or sample applications to entities eligible to apply for funding under this program. If HUD determines that any application submitted by a PHA, Indian tribe or TDHE, RC, RO or RMC duplicates a sufficient amount of any prepared sample to raise issues of possible conflict of interest, and HUD determines you provided and distributed the sample, you will be disqualified from receiving HUD funds.
(c) Consultants accepted into the DETAP are prohibited from soliciting their services to eligible applicants.
(d) HUD-registered consultants are eligible to receive funds to be reimbursed for up to $15,000 for conducting short-term technical assistance. HUD or its agent will carefully review the approved Statement of Work to ensure that resources allocated are appropriate and reasonable for the work to be performed (e.g. resources devoted to pre-on site preparation and on-site work). Long-term results are expected from each job. After your work is completed, evaluations from recipients of the technical assistance services will be submitted to HUD on your work performance. The evaluations will be carefully reviewed to make sure the recipients of TA are satisfied with your services. If your performance receives a satisfactory rating, you will be reimbursed by HUD. If the housing authority is not satisfied with the report that is provided by the consultant, HUD will require the consultant to correct the report or address and/or resolve any issues raised by the housing authority without additional costs. If these issues can not be resolved, HUD will not be under obligation to reimburse the consultant for any incurred costs except for transportation and per diem costs. In extreme cases of technical assistance needs, staff members of HUD Headquarters and field offices may recommend specialized technical

assistance for which you can receive up to $25,000 in funds.

You may not be the lead consultant on any more than two active contracts or purchase orders at one time nor be involved with more than one company at a time that has active technical assistance contracts. You may not have any more than four contracts or purchase orders and enter into a purchase order agreement as a lead consultant within the calendar year. The lead consultant may enter into a collaborative agreement with other TA consultants listed in the database. In the case of collaborative agreements, only one purchase order will be issued to the lead consultant. The Department will have no obligation to reimburse or issue a separate purchase order agreement with collaborating consultants. Reimbursement to collaborating consultants will be the responsibility of the lead consultant. If you are working as a member of a multi-person firm, the key individual for the specific contract must be listed on each contract as the point of contact. The point of contact must be on-site more hours than any other contracted staff billing to the purchase order, and that individual may have no more than two purchase orders active at the same time. Consulting firms may bill the authorized daily rate only once per 24-hour period. Consultants shall *not* bill more than once for a single day's work; for example, if a firm consists of three consultants and the certified daily rate is $470, they may not bill HUD $1,410 per day for their services. Each individual consultant may not bill at his or her daily rate. The aggregate number of hours billed by one or all consultants on project must not exceed 8 hours per day.

(E) *Ineligible Consultants.* Consultants and/or companies currently debarred or suspended by HUD are not eligible to perform services under this program. Also, consultants that are not in the official Consultant database are considered ineligible for this program.

(F) *Application Process for Consultants.* (1) If you are an individual or entity interested in being listed in the DETAP Consultant Database, you must prepare your application and send it to the address specified in the application kit. Before you can be entered into the Consultant Database, you must submit an application that includes the following information:

(a) The Consultant Resource Inventory Questionnaire, including at least three written references, all related to the general areas listed in this DETAP section of the SuperNOFA. One or two of the written references must relate to work for a PHA, Indian tribe or TDHE, RC, RO or RMC;

(b) A resume;

(c) Documented evidence (*e.g.*, w-2 Wage Statement, payment statement etc.) of the standard daily fee previously paid to you for technical assistance services similar to eligible activities under this DETAP. In light of the recent drastic reduction in Drug Elimination Technical Assistance funding, the standard daily fee will not exceed the Equivalent Rate for Level IV of the Executive Schedule.

(2) HUD will determine your specific fee based upon the evidence you submitted under this DETAP.

(3) If you are an employee of a housing agency (HA), Indian tribe, or TDHE, you may not serve as a consultant to your employer. If you serve as a consultant to other than your employer, you must be on annual leave to receive the consultant fee.

(i) Applicants are prohibited from selecting consultants by name from HUD's consultant database.

(ii) Consultants will be recommended to an organization seeking TA, based on factors including capacity to perform the technical assistance, their strengths identified in the consultant skill codes in the database, previous experience in the specified areas of technical assistance, previous performance evaluation for performing technical assistance, reasonableness of the fee, and geographic proximity to the site where TA will be provided. If no consultants in the database are within the geographical proximity, consultants will be selected from the closest region to the site where TA will be provided. The technical assistance to be provided will be based upon an assessment of a maximum of three priority areas of concern to the applicant. All of the skills that the consultants possess are not eligible for providing technical assistance under DETAP. If the priority areas of concern are not identified in the application, the applicant will be contacted by HUD or its agent to identify a maximum of three priority areas of concern to target the technical assistance.

V. Application Selection Process

(A) *General.* HUD will review applications on a first-come, first-served basis, until funds under this DETAP section of the SuperNOFA are no longer available. Eligible applications will be funded in the order in which negotiations for a statement of work are completed. HUD-Initiated applications will be received throughout the year with no deadline or until funds are expended.

(B) *Threshold Submission Requirements for Funding Consideration.* In addition to required forms, certifications and assurances, found in the **General Section** of the SuperNOFA, the following requirements must be included in your application to be considered and approved for funding:

If you are requesting TA services, you must meet the following requirements:

(1) The applicant must answer the following questions: Note: You cannot request technical assistance under DETAP by answering "to conduct a needs assessment or survey." You must be able to discuss what prevents you from identifying, describing, and/or measuring the problems for which you are requesting technical assistance. You must list your needs for TA in order of priority:

(a) Describe in detail the problem, issue or weakness that hinders the proper administration or effectiveness of PHDEP.

(b) Identify what technical assistance you would like to receive.

(c) Explain how the technical assistance sought will improve the administration of the grant or the effectiveness of the PHDEP grant program.

(d) Describe how the technical assistance will be used in assisting you in strategic planning. You may wish to address any or all of the following:

(i) Establishment of a framework for annual program evaluation of PHDEP activities;

(ii) Scheduling data collection for evaluation;

(iii) Identification of appropriate performance indicators, interpretation of results of data collection;

(iv) Improving data collection and data elements;

(v) Guidance on the development of your 5-year plan;

(vi) Preparation assistance meeting your PHDEP semiannual performance reporting requirements; or

(vii) Crime mapping and identification of appropriate hardware and software.

(e) Specify what outcome you expect to achieve and how it will benefit PHDEP over the next five years.

(f) How will the proposed assistance allow you to develop an anti-drug, anti-crime strategy; or how will the proposed assistance fit into your current strategy?

(g) The application must include the form, "HUD Field Office/AONAP Confirmation Form."

(h) If your application does not meet the requirements described above it will not be considered for funding.

(C) *Application Awards.* (1) If your application is deemed eligible for funding and sufficient funds are available, you will be contacted by HUD or its agent to confirm the work requirements. Only one application will be accepted from a HA, Indian tribe or TDHE; or group of RCs, ROs or RMCs in proximity to one another. HUD may exercise its discretion to consider any two or more applications as one, assuming that the applications are received at the same time, or before approval by the Chief Financial Officer and the Office of Procurement and Contracts, executing the contract, and providing notification to the consultant to proceed to work. If two or more applications from HAs or resident groups are combined, the consultant to provide the combined technical assistance should have the capability to administer both or all types of technical assistance being requested by each applicant.

(3) Once your application for TA has been reviewed and found acceptable by HUD, the TA Consultant Database will be searched for consultants who have:

(a) A principal place of business or residence located within the same geographic area as the applicant. For purposes of this program section of the SuperNOFA, the term "geographic area" refers to, in order of priority: city, state, region, and country;

(b) The requisite knowledge, skills, and abilities to respond to the request; and

(c) The most reasonable (least expensive) fees.

(4) HUD will then forward to you a list of suggested consultants from the consultant database. From this list, you must select a consultant to provide your requested TA.

(5)(a) From the list provided by HUD, you must contact and interview a minimum of three TA consultants. HUD may request confirmation from each contacted consultant that they were contacted. To obtain the three consultants, you must continue to call as many consultants as necessary from the list to complete the three interviews. If HUD determines that any consultant was not contacted, HUD (Headquarters) may consider your selection by the applicant void.

(b) After contacting each consultant, you must send a written justification for your recommended selection in order preference. If any are unacceptable, you must also indicate the consultant and the reasons you find them unacceptable.

(c) If you find that all referred consultants lack the requisite expertise, you must provide written detailed documentation justifying this decision. If HUD determines that your justification is adequate, you will be provided with a second list of potential consultants.

(d) If you do not provide HUD the written justification of consultant choice within 30 calendar days, HUD reserves the right to cancel your TA request.

(6)(a) HUD or its agent will work with your selected consultant and you to develop a "statement of work." The statement of work should include:

(i) A time line and estimated budget;

(ii) A discussion of the kind of technical assistance and skills needed to address the problem, and how the technical assistance requested will address these needs; and

(iii) A description of the current crime and drug elimination strategy, and how the requested technical assistance will assist in improving the management and oversight of the PHDEP Grant Program.

(b)(i) When HUD has completed the authorization to begin work, your selected consultant will be contacted to start work. Your consultant must receive written authorization from HUD or its authorized agent before beginning to provide technical assistance. The requesting organization and the relevant Field Office or Area Office of Office of Native American Programs will also be notified that authorization to begin work has been given.

(ii) Work begun before the authorized date will be considered unauthorized and will not be compensated by HUD.

(iii) Consultants will only be reimbursed for a maximum of 30 days of work, which must be completed in fewer than 90 days from the date of the approved statement of work. The exception to this will be for HUD-Initiated technical assistance.

VI. Application Submission Requirements

(A) *General.* In addition to the program requirements listed in the **General Section** of this SuperNOFA, each DETAP application must include both the descriptive letter and certification statement to be eligible for funding.

(B) *Forms, Certifications and Assurances.* Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in Section II(G) of the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the "standard forms"). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives, letters), referred to as the "non-standard forms" can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

(1) Applications must be signed and certified by both the Executive Director or Tribal Council or authorized TDHE official and a resident leader.

(2) The certification must indicate that:

(a) A copy of the application was sent to the local HUD Field Office, Public Housing Directors, or Administrator, Office of Native American Programs;

(b) The application was reviewed by both the housing authority Executive Director or Tribal Council or authorized TDHE official, and a resident leader of your organization; and

(c) Any technical assistance received will be used in compliance with all requirements in the SuperNOFA.

(3) The application must contain a four page (or fewer) application letter responding to each of the requirements listed in Section V(B) of the DETAP section of the SuperNOFA.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(9), the assistance provided under this program relates only to the provision of technical assistance and therefore is categorically excluded from the requirements of the National Environmental Policy Act and is not subject to environmental review under the related laws and authorities. This determination is based on the ineligibility of real property acquisition, construction, rehabilitation, conversion, leasing, or repair for HUD assistance under this program.

IX. Authority

The FY 2001 HUD Appropriations Act under the heading, "Drug Elimination Grants for Low-Income Housing."

Appendix A—Hud's Public Housing Area Offices

New England Region

Boston

Donna Ayala, Office of Public Housing, DHUD—Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 553, Boston, MA 02222–1092, (617) 565–5197 fax (617) 565–5257

Hartford

Raymond Jordan, Office of Public Housing, DHUD—Connecticut State Office, 19th Floor, One Corporate Center, Hartford, CT 06103–3220, (860) 240–4800 or (860) 240–4850

Manchester

Robin Gagnon, Office of Public Housing, DHUD—New Hampshire State Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101–2487, (603) 666–7674 or fax (603) 666–7714

Providence

Marlene Piekarsky, Office of Public Housing, DHUD—Rhode Island State Office, 10 Weybosset Street, 6th Floor, Providence, RI 02903–3234, (401) 528–5366 or (401) 528–5370

New York/New Jersey Region

New York

Mirza Del Rosario, Office of Public Housing, DHUD—New York State Office, 26 Federal Plaza, Suite 32–116, New York, New York 10278–0068, (212) 264–8931 fax (212) 264–9834

Buffalo

Joan Dpilman, Office of Public Housing, DHUD—Buffalo State Office, Lafayette Court, 465 Main Street, Fifth Floor, Buffalo, New York 14203–5755, (716) 551–5755 ext. 5050 fax (716) 551–4789

New Jersey

Carmen Valenti, Office of Public Housing, DHUD—New Jersey State Office, One Newark Center, 13th Floor, Newark, NJ 07102–5260, (973) 622–7900 ext. 3600 fax (973) 645–6239

Mid-Atlantic Region

Philadelphia

Malinda Roberts, Office of Public Housing, DHUD—Pennsylvania State Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390, (215) 656–0576 or 0579, ext. 3308 fax (215) 656–3433

Baltimore

Dana Johnson, Office of Public Housing, DHUD—Maryland State Office, City Crescent Building, 10 South Howard Street, 5th Floor, Baltimore, Maryland 21201–2505, (410) 962–2520 ext. 3102 fax (410) 962–0668

West Virginia

Henry Miller, Office of Public Housing, DHUD—West Virginia State Office, Kanawha Valley Building, 405 Capitol Street, Suite 708, Charleston, WV 25301–1795, (304) 347–7057 fax (304) 347–7045

Pittsburgh

Office of Public Housing, DHUD—Pittsburgh Area Office, 339 Sixth Avenue, 6th Floor, Pittsburgh, PA 15222–2515, (412) 644–6571 fax (412) 644–6499

Virginia

Pat Anderson, Office of Public Housing, DHUD—Virginia State Office, The 3600 Centre, 3600 West Broad Street, P.O. Box 90331, Richmond, VA 23230–0331, (804) 278–4500 ext. 3217 fax (804) 278–4603

District of Columbia

Lee Palman, Office of Public Housing, DHUD—District of Columbia Office, 820 First Street, NE., Suite 450, Washington, DC 20002–4205, (202) 275–7965 ext 3175 fax (202) 275–0779

Southeast Region

Atlanta

Boyce Norris, Office of Public Housing, DHUD—Georgia State Office, Richard B. Russell Federal Building, 40 Marietta Street, Atlanta, GA 30303, (404) 331–4766 fax (404) 730–2365

Alabama

Debra Pippen, Office of Public Housing, DHUD—Alabama State Office, Beacon Ridge Tower, 600 Beacon Parkway West, #300, Birmingham, AL 35209–4144, (205) 290–7601 ext 1101 fax (205) 290–7593

Columbia

Larry Knightner, Office of Public Housing, DHUD—South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201–2480, (803) 765–5831 or (806) 765–5515

Greensboro

Ledford Austin, Office of Public Housing, DHUD—North Carolina State Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (336) 547–4038 fax (336) 547–4015

Mississippi

George Smith, Office of Public Housing, DHUD—Mississippi State Office, Doctor A. H. McCoy Federal Building, 100 West Capitol Street, Room 910, Jackson, MS 39269–1016, (601) 965–4761 fax (601) 965–4773

Miami

Karen Cato-Turner, Office of Public Housing, DHUD—Florida State Office, 909 SE First Avenue, Suite 500, Miami, FL 33131, (305) 536–4443 fax (305) 536–5663

Jacksonville

John Niesz, Office of Public Housing, DHUD—Jacksonville Area Office, Southern Bell Tower, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, (904) 232–1777 ext. 2142 fax (904) 232–3759

Kentucky

Arthur Wasson, Office of Public Housing, DHUD—Kentucky State Office, 601 West Broadway, Post Office Box 1044, Louisville, KY 40201–1044, (502) 582–6163 ext. 370 fax (502) 582–6558

Knoxville, TN

Shelley Day, Office of Public Housing, DHUD—Knoxville Area Office, John J. Duncan Federal Building, 710 Locust Street, Third Floor, Knoxville, TN 37902–2526, (423) 545–4402 ext. 4 fax (423) 545–4569

Nashville, TN

Michael Farley, Office of Public Housing, DHUD—Tennessee State Office, 235 Cumberland Bend Drive, Suite 200, Nashville, TN 37228–1803, (615) 736–5063 ext. 6132 fax (615) 736–2886

San Juan, PR

Hildamar Ortiz, Office of Public Housing, DHUD—Caribbean Office, Administracion de Terrenos Building, 171 Carlos E. Chardon Avenue, Suite 301, San Juan, PR 00918–0903, (787) 766–5400 ext. 2031 fax (787) 766–6504

Mid-West Region

Chicago

Office of Public Housing, DHUD—Illinois State Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–1915 or (312) 353–6236 ext. 2302 fax (312) 353–0121

Cincinnati

Larry Dempsey, Office of Public Housing, DHUD—Cincinnati Area Office, 525 Vine Street, Suite 700, Cincinnati, OH 45202–3188, (513) 684–2654 fax (513) 684–6224

Cleveland

Tom Marshall, Office of Public Housing, DHUD—Cleveland Area Office, Renaissance Building, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, (216) 522–2700 fax (216) 522–2975

Columbus

David Keilner, Office of Public Housing, DHUD—Ohio State Office, 200 North High Street, Columbus, OH 43215–2499, (614) 469–5787, ext. 8224 or (614) 469–2949 fax (614) 469–2432

Detroit

Joann Adams, Office of Public Housing, DHUD—Michigan State Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–6880, ext. 8111 fax (313) 226–5611

Grand Rapids

Joann Adams, Office of Public Housing, DHUD—Grand Rapids Area Office, 50 Louis Street, NW, 3rd Floor, Grand Rapids, Michigan 49503, (616) 456–2100 fax (616) 456–2187

Indianapolis

Forrest Jones, Office of Public Housing, DHUD—Indiana State Office, 151 North Delaware Street, Suite 1200, Indianapolis, IN 46204–2556, (317) 226–6557 fax (317) 226–5594

Milwaukee

John Finger, Office of Public Housing, DHUD—Wisconsin State Office, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Suite 600, Milwaukee, WI 53203–2289, (414) 297–3214 ext. 8200 fax (414) 297–1180

Minneapolis

Diane Cmiel, Office of Public Housing, DHUD—Minnesota State Office, 220 South Second Street, Minneapolis, Minnesota 55401–2195, (612) 370–3135 fax (612) 370–3003

Southwest Region

Fort Worth

Roman Palamores, Office of Public Housing, DHUD—Texas State Office, 1600 Throckmorton, Post Office Box 2905, Fort Worth, TX 76113–2905, (817) 978–5700, ext. 3332 fax (817) 978–9289

Albuquerque

Carmella Herrera, Office of Public Housing, DHUD—New Mexico State Office, 625 Silver Avenue, S.W., Suite 100, Albuquerque, N.M. 87102–3185, (505) 346–7355 fax (505) 346–6604

Houston

Debbie Alexander, Office of Public Housing, DHUD—Houston Area Office, Norfolk Tower, 2211 Norfolk, Suite 200, Houston, TX 77098–4096, (713) 313–2274 (alt. 2280) fax (713) 313–2319

Little Rock

Janie Allen, Office of Public Housing, DHUD—Arkansas State Office, TCBY Tower, 425 West Capitol Avenue, Suite 900, Little Rock, AR 72201–3488, 324–5933 fax (501) 324–5900

New Orleans

Jed Drozdowski, Office of Public Housing, DHUD—Louisiana State Office, 501 Magazine Street, Ninth Floor, New Orleans, LA 70130, (504) 589–7235 fax (504) 589–6619

Oklahoma City

Office of Public Housing, DHUD—Oklahoma State Office, 500 West Main Street, Oklahoma City, OK 73102, (405) 553–7454 fax (405) 553–7588

San Antonio

Diana Armstrong, Office of Public Housing, DHUD—San Antonio Area Office, Washington Square, 800 Dolorasa Street, San Antonio, TX 78207–4563, (210) 475–6865 fax (210 472–6816

Great Plains Region

Kansas City

Andrew Boeddeker, Office of Public Housing, DHUD–Kansas/Missouri State Office, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5582 or (913) 551–6916 fax (913) 551–5416

Des Moines

Kathy Winter, Office of Public Housing, DHUD—Iowa State Office, Federal Building, 210 Walnut Street, Room 29, Des Moines, IA 50309–2155, (515) 284–4315 fax (515) 284–4895

Omaha

Charlie Hill, Office of Public Housing, DHUD—Nebraska State Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, (402) 492–3137 fax (402) 492–3163

St. Louis

Patricia Straussner, Office of Public Housing, DHUD—St. Louis Area Office, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2836, (314) 539–6505 fax (314) 539–6508

Rocky Mountain Region

Denver

John DiBella, Office of Public Housing, DHUD—Colorado State Office, First Interstate Tower North, 633—17th Street, 12th Floor, Denver, CO 80202–3607, (405) 672–5380 fax (405) 672–5065

Pacific Hawaii Region

San Francisco

Joyce Lee, Office of Public Housing, DHUD—California State Office, Phillip Burton Federal Building/Courthouse, 450 Golden Gate Avenue, 9th Floor, San Francisco, CA 94102–3448, (415) 436–6375 fax (415) 436–6440

Phoenix

(Denver Office handles resident initiatives), Office of Public Housing, DHUD—Arizona State Office, Two Arizona Center, 400 North 5th Street, Suite 1600, Phoenix, AZ 85004–2361, (602) 379–3045 fax (602) 379–3985

Los Angeles

Bob Cook, Office of Public Housing, DHUD—Los Angeles Area Office, AT&T Center, 611 West 6th Street, Suite 800, Los Angeles, CA 90017–3127, (213) 894–8000 ext 3500 fax (213) 894–8096

Sacramento

Bill Armstead, Office of Public Housing, DHUD—Sacramento Area Office, 925 "L" Street, Sacramento, CA 95814, (916) 498–5220 ext. 421 fax (916) 498–5247

NW/Alaska Region

Seattle

Lynn Martin, Office of Public Housing, DHUD—Washington State Office, Seattle Federal Office Building, 909 1st Avenue, Suite 360, Seattle, WA 98104–1000, (206) 220–5290 Ext 3694 fax (206) 220–5133

Portland

Elizabeth Santone, Office of Public Housing, DHUD—Oregon State Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1596, (503) 326–2619 fax (503) 326–2568

AREA OFFICES OF NATIVE AMERICAN PROGRAMS

If you are applying from this geographic location * * *	Send your application to "ONAP Administrator" of this Area ONAP
All States east of the Mississippi River, Plus Iowa and Minnesota.	Eastern/Woodlands Office of Native American Programs, Grants Management Division, 77 West Jackson Blvd., Room 2400, Chicago, IL 60604–3507, Telephone: (312) 886–4532, Ext. 2815.
Louisiana, Kansas, Oklahoma, and Texas, except West Texas.	Southern Plains Office of Native American Programs, Grants Management Division, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102–3202, Telephone: (405) 553–7525.
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Northern Plains Office of Native American Programs, Grants Management Division, First Wells Fargo Tower North, 633 17th Street, Denver, CO 80202–3607, Telephone: (303) 672–5465.
Arizona, California, and Nevada	Southwest Office of Native American Programs, Grants Management Division, Two Arizona Center, 400 N. Fifth Street, Suite 1650, Phoenix, AZ 85004–2361, Telephone: (602) 379–3865.
New Mexico and West Texas	Southwest Office of Native American Programs, Grants Management Division, Albuquerque Plaza, 201 3rd Street N.W., Suite 1830, Albuquerque, NM 87102–3368, Telephone: (505) 346–6923
Idaho, Oregon, Washington	Northwest Office of Native American Programs, Grants Management Division, Federal Office Building, 909 First Avenue, Suite 300, Seattle, WA 98104–1000, Telephone: (206) 220–5271.
Alaska	Alaska Office of Native American Programs, Grants Management Division, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508–4399, (907) 271–4603.

APPENDIX B

The non-standard forms, which follow, are required for your DETAP application.

BILLING CODE 4210–33–P

CERTIFICATION OF CONSISTENCY AND COMPLIANCE WITH GENERAL SUPERNOFA THRESHOLD REQUIREMENTS

I CERTIFY that the proposed activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in the RMBD application to address the furtherance of fair housing.

3. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and **implementing** regulations at 49 CFR part 24.

4. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972, Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, and the *Age Discrimination Act of 1975*.

5. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2001.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For: _____
Applicant

HUD Field Office/AONAP Confirmation Form
DETAP

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

The appropriate HUD Field Office or the Area Office of Native American Programs (AONAP) must confirm receipt of a copy of this application. **The Field Office or AONAP must fax or mail this copy back to the applicant in time for the application to meet the deadline.**

This form confirms receipt of a copy of the applicant's Fiscal Year 2001 Drug Elimination Technical Assistance Application in the HUD Field Office.

This immediately follows the 2001 Drug Elimination Technical Assistance Application.
There should be an original and three copies of this application.

The Original and Copy 1 should be sent to the Drug Elimination Technical Assistance Program, U.S. Department of Housing and Urban Development, Community Safety and Conservation Division, 451 Seventh Street, SW, Room 4206, Washington, DC 20401.

Copy 2 should be kept on file at the local HUD Field Office (Appendix A) or the Area Office of Native American Programs (AONAP). All applicants must mail a copy of the application to the Field Office. This **Confirmation Form must be completed and sent back to the applicant in time to include it as the last page of the TA application letter.** This means preparation should be made ahead of time to make sure that the Field Office has confirmed receipt of your application.

Copy 3 should be kept on file in the applicant's office. (If the applicant is any form of a resident organization, another copy should be filed with the executive director of the housing authority.)

Person Completing TA Application:

Name: _____
Title: _____
Phone No.: _____
Date Mailed/Faxed to HUD Field Office/AONAP: _____

To Be Completed by HUD Field Office or AONAP By signing below, you certify that you received a copy of the applicant's Fiscal Year 2001 Drug Elimination Technical Assistance Application to be sent by the applicant to HUD headquarters in Washington, DC.

The Field Office or AONAP must fax or mail this copy back to the applicant in time for the application to meet the March 30, 2001 deadline.

HUD Field Office/AONAP Representative:

Name: _____

Title: _____

Phone No.: _____

Date Received: _____

FY 2001 Request for Technical Assistance

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Community Safety and Conservation Division
Public Housing Drug Elimination Technical Assistance (DETAP) Program

Application Letter

Applicants for Public Housing Drug Elimination Technical Assistance are required to complete this application by addressing each of the questions listed below. Please use this application and attach up to four additional sheets if necessary.

Date: _____

Contact Person and Title: _____

Name of Organization: _____

Mgmt. Contact Person:
(For Resident Councils Only) Management Office Contact and Phone & Fax Numbers:

_____

Street or P.O. Box Address: _____

City, State and Zip Code: _____

Phone Number: ( ) _____ Fax Number: ( ) _____

E-mail Address (if applicable): _____

Drug Elimination Technical Assistance Submission Requirements

1. Describe in detail the problem, issue or weakness that hinders the proper administration or effectiveness of PHDEP.
2. Identify what technical assistance you would like to receive.
3. Explain how the technical assistance sought will improve the administration of the grant or the effectiveness of the PHDEP grant program.
4. Describe how the technical assistance will be used in assisting you in strategic planning. You may wish to address any or all of the following: (1) establishment of a framework for annual program evaluation of PHDEP activities; (2) scheduling data collection for evaluation; (3) identification of appropriate performance indicators, interpretation of results of data collection; (4) improving data collection and data elements; (5) guidance on the development of your 5-year plan; (6) preparation assistance meeting your PHDEP semiannual performance reporting requirements; (7) crime mapping and identification of appropriate hardware and software.
5. Specify what outcome you expect to achieve and how it will benefit PHDEP over the next 5 years.
6. How will the proposed assistance allow you to develop an anti-drug, anti-crime strategy; or how will the proposed assistance fit into your current strategy?

CERTIFICATION STATEMENT DETAP

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

I certify that this application has been reviewed by both the Executive Director or Tribal Council or authorized TDHE official *and* the resident leader. I certify that the application letter responds to each of the requirements **listed in Section V (B)** of the DETAP section of the SuperNOFA and that any technical assistance received will be used in compliance with all requirements in the Super NOFA. I also certify that a copy of this application was sent to the local HUD Field Office or Office of Native American Programs.

Executive Director/Tribal Council/TDHE official (Print Name and Title)

_____ _____
Name Title

Signature: _____

Signed this _____ day of _____ 2001

Authorized Representative of the RMC/RC/RO (Print Name and Title)

_____ _____
Name Title

Signature: _____

Signed this _____ day of _____ 2001

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

INDIAN HOUSING DRUG ELIMINATION PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE INDIAN HOUSING DRUG ELIMINATION PROGRAM

Program Overview

Purpose of the Program: The purpose of the Indian Housing Drug Elimination Program (IHDEP) is to provide grants to eliminate drugs and drug-related crime in American Indian and Alaskan Native communities.

Available Funds: Approximately $12,000,000 million is being made available for Indian Housing Drug Elimination Program (IHDEP) grants.

Eligible Applicants: Indian tribes who are eligible to be recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA recipients) which means an Indian tribe or the entity for one or more Indian tribes that is authorized to receive grant amounts under NAHASDA on behalf of the tribe or tribes.

Application Deadline: April 24, 2001.

Match: None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Submission Address, Application Kits, Further Information, and Technical Assistance

Application Due Date: Your completed application (one original and two copies) is due on or before April 24, 2001.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address For Submitting Applications. Please Note: We are instituting a new submission policy. Please submit an original and one identical copy to the Indian Housing Drug Elimination Information & Resource Center (IHDE–IRC), P.O. Box 14970, Silver Spring, MD 20911. You must also send one identical copy of your IHDEP application by the application due date to the local Area Office of Native American Programs (AONAP) Attention: HUD Administrator, Area Office of Native American Programs (AONAP). A list of local offices is provided below. The timely submission of your application will be based on the date and time it is submitted to the AONAP listed below, not the date and time it is received at the Indian Housing Drug Elimination Information & Resource Center. Again, please see the General Section of the SuperNOFA for specific procedures on the application due date.

If you are applying from this geographic location then * * *	Send your application to this AONAP
All states East of the Mississippi River, Plus Iowa and Minnesota.	Eastern/Woodlands Office of Native American Programs, Grants Management Division, 77 West Jackson Blvd., Room 2400, Chicago, IL 60604–3507, Telephone: (312) 886–4532, Ext. 2815.
Louisiana, Kansas, Oklahoma, and Texas, except West Texas.	Southern Plains Office of Native American Programs, Grants Management Division, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102–3202, Telephone: (405) 553–7525.
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Northern Plains Office of Native American Programs, Grants Management Division, Wells Fargo Tower North, 633 17th Street, Denver, CO 80202–3607, Telephone: (303) 672–5465.
Arizona, California, and Nevada	Southwest Office of Native American Programs, Grants Management Division, Two Arizona Center, 400 N. Fifth Street, Suite 1650, Phoenix, AZ 85004–2361, Telephone: (602) 379–3865.
New Mexico and West Texas	Southwest Office of Native American Programs, Grants Management Division, Albuquerque Plaza, 201 3rd Street N.W., Suite 1830, Albuquerque, NM 87102–3368, Telephone: (505) 346–6923.
Idaho, Oregon, Washington	Northwest Office of Native American Programs, Grants Management Division, Federal Office Building, 909 First Avenue, Suite 300, Seattle, WA 98104–1000, Telephone: (206) 220–5271.
Alaska	Alaska Office of Native American Programs, Grants Management Division, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508–4399, (907) 271–4603.

In order to expedite the review of your application and to ensure that your application is given a thorough and complete review of all responses to each of the components of the selection criteria, HUD strongly requests that when you respond to each of the selection criterion and sub-criterion that you separate each selection criterion and sub-criterion with tabs. In order for your IHDEP application to be rated, make sure the response for each criterion is beneath the appropriate tab (heading). Keep the responses in the same order as the NOFA. Limit your narrative explanations to 200 words or less and provide the necessary data that supports the response. Include all relevant material to a response under the same tab. Do not assume the reviewer will search for the answer or information to support the answer elsewhere in the application. Do not include documentation that is not required by the selection criteria because irrelevant information will be disregarded during the review of your application.

For Application Kits. To receive a copy of the IHDEP application kit, please call the Indian Housing Drug Elimination Information & Resource Center (IHDE–IRC) at 1–800–839–5561. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–483–2209. When requesting an application kit, please refer to the Indian Housing Drug Elimination Program (IHDEP). Please provide your name, address, including zip code, and telephone number (including area code). The application kit contains information on all exhibits, forms, and certifications required for IHDEP.

For Further Information and Technical Assistance. Please call the AONAPs with jurisdiction over your tribe/tribally designated housing entity (TDHE) or HUD's IHDE–IRC at1–800–839–5561 or Tracy C. Outlaw, Denver Program Office of Native American Programs (ONAP), Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO 80202, telephone 1–800–561–5913 or (303) 675–1600 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Also, please see ONAP's website at http://www.codetalk.fed.us.html where you will be able to download a copy of the IHDEP NOFA and application kit from the Internet. Before the application deadline, we will be available to provide you with general guidance. We cannot, however, provide you with guidance on the actual contents of your application.

If applicable, after the rating and ranking process has been completed but before award, we will be available to assist you in clarifying or confirming technical, curable deficiency information that is required to address a pre-award requirement. If the pre-award conditions as outlined in Section VIII of the NOFA are not met by the applicant, we will award those grant amounts to another eligible applicant in accordance with the provisions of Section V of this NOFA.

II. Amount Allocated

Approximately $12 million is being made available under this NOFA from the FY 2001 HUD Appropriations Act (Pub.L. 106–377, approved October 27, 2000).

III. Program Description; Eligible Applicants; Eligible/Ineligible Activities

(A) *Program Description.* Funds are only available for Indian tribes who are eligible to be recipients under NAHASDA to develop and finance drug and drug-related crime elimination efforts in their affordable housing developments. You may use funds for enhancing security within your developments, making physical improvements to enhance security; and/or developing and implementing prevention, intervention and treatment programs to stop drug use in Indian housing communities.

(B) *Eligible Applicants.* Indian tribes who are eligible to be recipients under NAHASDA. "NAHASDA recipient" means an Indian tribe or the tribally designated housing entity (TDHE) for one or more Indian tribes that is authorized to receive grant amounts under NAHASDA on behalf of the tribe or tribes. "Tribe" means an Indian tribe, band, nation or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975. A tribe can apply either in its own name or through its TDHE. A TDHE cannot apply on behalf of a tribe that is applying on its own behalf. A tribe's application supersedes the application of a TDHE applying on behalf of that tribe. Resident Management Corporations (RMCs) and Resident Organizations (ROs) are eligible for funding as sub-grantees. RMCs, and ROs that were operating pursuant to 24 CFR part 950 are eligible for funding from tribes or TDHEs as subgrantees to develop security and substance abuse prevention programs. In addition, an applicant must meet all the applicable threshold requirements found in Section II(b) of the General Section of the SuperNOFA.

(C) *Eligible/Ineligible Activities.* IHDEP grants may be used for seven types of activities: (1) The employment of security personnel; (2) reimbursement of local law enforcement agencies for additional security and protective services; (3) physical improvements which are specifically designed to enhance security; (4) the employment of one or more individuals to (A) investigate drug-related crime on or about the real property comprising any public or other federally assisted affordable housing project; and (B) provide evidence relating to such crime in any administrative or judicial proceeding; (5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with local law enforcement officials; (6) programs designed to reduce use of drugs in and around public or other federally assisted affordable housing projects, including drug-abuse prevention, intervention, referral, and treatment programs; and (7) where a tribe or TDHE receives a grant, providing funding to nonprofit resident management corporations and resident organizations to develop security and drug abuse prevention programs involving site residents.

Following is a discussion by activity type of what can and cannot be funded and specific requirements or items that need to be discussed in your application if you are including that activity in your application.

(1) *Physical Improvements to Enhance Security.*

(a) Physical improvements specifically designed to enhance security may include: installing barriers, speed bumps, lighting systems, fences, surveillance equipment (e.g., Closed Circuit Television (CCTV), computers and software, fax machines, cameras, monitors, and supporting equipment), bolts, locks, and landscaping or reconfiguring common areas to discourage drug-related crime.

(i) All physical improvements must be accessible to persons with disabilities. For example, locks or buzzer systems that are not accessible to persons with restricted or impaired strength, mobility, or hearing may not be funded by IHDEP. Defensible space improvements must comply with civil rights requirements and cannot exclude or segregate people because of their race, color, or national origin from benefits, services, or other terms or conditions of housing. All physical improvements must meet the accessibility requirements of 24 CFR part 8 and the provisions found in section 504 of the Rehabilitation Act of 1973 and other relevant Federal, state and local statutes that apply.

(ii) Funding is permitted for the purchase or lease of house trailers of any type that are not designated as a building if they are used for eligible community policing, educational programs for youth and adults, employment training facility, youth activities, and drug abuse treatment activities. A justification of purchase versus lease must be supported by your cost-benefit analysis.

(2) *Programs to Reduce Drug Use (Prevention, Intervention, Treatment, Structured Aftercare and Support Systems).*

(a) Eligible activities may include:

(i) Drug abuse prevention, intervention, and referral programs;

(ii) Programs of local, social, faith-based and/or other organizations that provide treatment services (contractual or otherwise) for dependency/remission; and

(iii) Structured aftercare/support system programs.

(b) General Requirements and Strategies. HUD is looking for you to structure your drug abuse prevention, intervention, treatment, and aftercare program using a "continuum of care" approach. A "continuum of care" approach includes not just treating the addiction or dependency but also providing aftercare, mentoring, and support services such as day care, family counseling, education, training, employment development opportunities, and other activities.

You must develop a drug abuse/sobriety (remission)/treatment (dependency) strategy to adequately plan your drug abuse prevention, intervention, treatment, and structured aftercare efforts. In many cases, you may want to include education, training, and employment opportunities for residents. When undertaking these activities, you should be leveraging your IHDEP resources with other Federal, state, local and tribal resources. For example, your application may propose providing space and other infrastructure for these efforts with other tribal agencies providing staff and other resources at limited or no cost. Your application should also discuss how your strategy incorporates existing community resources and how they will be used in your program. The strategy should also document how community resources will be provided on-site or how participants will be referred and transported to treatment programs that are not on-site.

A community-based approach also requires you to develop a culturally appropriate strategy. Curricula, activities, and staff should address the cultural issues of the local community which requires your application to indicate your familiarity and facility with the language and cultural norms of the community. As applicable, your strategy should discuss cultural competencies associated specifically with your Native American or Alaskan Native community.

Your activities should focus resources directly to tribal residents and families.

For all activities involving education, training and employment, you should demonstrate efforts to coordinate with Federal, Tribal, state and local employment training and development services, including "welfare to work" efforts.

The current Diagnostic and Statistical Manual (DSM) of Mental Disorders of the American Psychiatric Association dated July 2000, contains information on drug abuse, dependency and structured aftercare. For more information about this reference, contact: APPI, 1400 K. Street, NW, Suite 1100, Washington, DC 20005 or 1(800) 368–5777 or World Wide Web site at http://ww.appi.org.

(c) *Activities must be in and around the affordable housing development in your "Indian area".* IHDEP funding is permitted for programs that reduce/eliminate drug-related crime in affordable housing developments in the "Indian area". "Indian area" is defined in 24 CFR 1000.10 of the NAHASDA regulations as the area in which an Indian tribe operates affordable housing programs or the area in which a TDHE is authorized by one or more Indian tribes to operate affordable housing programs.

(d) *Eligible costs.* (i) Funding is permitted for reasonable, necessary, and justified purchasing or leasing (whichever is documented as the most cost effective) of vehicles for transporting adult and youth residents for education, job training, and off-site treatment programs directly related to reducing drugs and drug-related crime. The cost reasonableness can be determined by a comparison of the number of participants in and anticipated costs of these programs compared to the purchase or lease cost of the vehicles. If these costs are included in your application, you must include a description of why the expenses are necessary. Under no circumstances are these vehicles to be used for other than their intended purpose under your grant.

(ii) Funding is permitted for reasonable, necessary and justified program costs, such as meals and beverages incurred only for training, education and employment activities, including provisions for daycare and youth services directly related to reducing drugs and drug-related crime. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments.

(e) *Prevention.* Prevention programs must demonstrate that they will provide directly, or otherwise make available, services designed to distribute drug education information, to foster effective parenting skills, and to provide referrals for treatment and other available support services including daycare in the housing development or the community for tribal residents and families.

Prevention programs should provide a comprehensive prevention approach for residents that address the individual resident and his or her relationship to family, peers, and the community. Your prevention programs activities should identify and change the causal factors present in tribal communities that lead to drug-related crime thereby lowering the risk of drug usage. Many components of a comprehensive approach, including refusal and restraint skills training programs or drug, drug abuse/dependency and family counseling, and daycare may already be available in the tribal community developments and should be included to the maximum extent possible in your proposed program of activities.

The following eligible activities under a prevention program are discussed below:

(i) *Educational Opportunities.* The causes and effects of illegal drug abuse must be discussed in a culturally appropriate and structured setting. As a grantee, you may use contractors or subgrantees (in accordance with 24 CFR 85.36) to provide such knowledge and skills through training programs. The professionals contracted to provide these services are required to base their services on your needs assessment and program plan. These educational opportunities may be a part of resident meetings, youth activities, or other gatherings of tribal housing residents.

(ii) *Family and Other Support Services.* "Supportive services" are services that allow families to have access to prevention, educational and employment opportunities. Supportive services may include: child care, employment training, computer skills training, remedial education, drug abuse counseling, help in getting a high school equivalency certificate, and other services to reduce drug-related crime.

(iii) *Youth Services.* Proposed youth prevention programs must demonstrate that they have included groups composed of young people ages 8 through 18. Your youth prevention activities should be coordinated by adults but have tribal youth actively involved in organizing youth leadership, sports, recreational, cultural and other activities. Eligible youth services may include: youth sports, youth leadership skills training, cultural and recreational activities/camps, youth entrepreneurship, negotiation and mediation/peacemaking, and cross-cultural communication. These youth services provide an alternative to drugs and drug-related criminal activity for Native American youth. Youth leadership skills training may include training in leadership, peer pressure reversal, resistance or refusal skills, life skills, goal planning, parenting skills, youth entrepreneurship, negotiation and mediation/peacemaking, and cross-cultural communication and other relevant topics. Youth leadership training should be designed to place youth in leadership roles including: mentors to younger program participants, assistant coaches, managers, and team captains. Cultural and recreational activities may include ethnic heritage classes, art, dance, drama and music appreciation.

The following are eligible youth services expenses:

(1) Salaries and expenses for staff for youth sports programs and cultural activities and leadership training;

(2) Sports and recreation equipment to be used by participants;

(3) Funding for non-profit subgrantees that provide scheduled organized sports competitions, cultural, educational, recreational or other activities, including but not limited to: United National Indian Tribal Youth, Inc. (UNITY), Wings of America, Native America Sports Council, Boys and Girls Clubs of America, Girl Scouts of America, First Tee Program, YMCAs, YWCAs, the Inner City Games, Association of Midnight Basketball Leagues, and Big Brothers and Big Sisters of America.

(4) Liability insurance costs for youth sports activities.

(iv) *Economic and Educational Opportunities for Resident Adult and Youth.* Your proposed economic and educational activities must provide residents opportunities for interaction

with, or referral to, established higher education, vocational institutions and/or private sector businesses in the immediate surrounding communities with the goal of developing or building on the residents' skills to pursue educational, vocational and economic goals and become self-sufficient.

You should discuss your economic and educational opportunities for residents and youth activities in the context of "welfare to work" and related Federal, tribal, state and local government efforts for employment training, education and employment opportunities related to the goals of "welfare to work." Establishing or referring adults and youths to computer learning centers, employment service centers (coordinated with Federal, tribal, state and local employment offices), and micro-business centers are eligible activities. Funding is permitted for the purchase or lease of house trailers if they are used for the activities listed above and as specified in Section III.C(1)(a)(ii) of this NOFA.

Limited educational scholarships are permitted under this section. For the purpose of this IHDEP NOFA, educational scholarships will be defined as merit-based financial assistance for high-school and college students who have demonstrated a need for financial assistance and academic excellence. No one individual award may exceed $500, and there is a total maximum scholarship program cap of $10,000. Educational scholarship IHDEP funds must be obligated and expended during the term of your IHDEP grant which is (24) twenty-four months. You must demonstrate in your plan a timetable, the strategy or method for awarding scholarships to students, and, the financial/management controls that will be used and projected outcomes.

In addition, section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u is applicable to many of the activities eligible under this NOFA. Therefore, to the greatest extent feasible, training, employment and other economic opportunities that you develop must be directed to (1) low- and very low-income persons and (2) business concerns which provide economic opportunities to low- and very low- income persons. For more information about section 3, see Section II(E) of the General Section of the SuperNOFA or HUD's section 3 implementing regulations at 24 CFR Part 135.

(f) *Intervention.* The aim of intervention is to identify or detect residents with substance abuse issues, assist them in modifying their behavior, getting early treatment, and obtaining structured aftercare.

(g) *Drug Abuse/Dependency Treatment.*

(1) Treatment funded under this program should be "in and around" the premises of the affordable housing development(s) you proposed for funding. In undertaking drug abuse/dependency treatment programs, you must establish a confidentiality policy regarding medical and disability related information.

(i) Funds awarded for drug abuse/dependency treatment must be targeted towards developing and implementing, or expanding and improving sobriety maintenance, drug-free maintenance support groups, drug abuse counseling, referral treatment services, and short- or long-range structured aftercare for residents.

(ii) Your proposed drug program must address the following goals for residents:

(1) Increasing accessibility of treatment services;

(2) Decreasing drug-related crime "in and around" your affordable housing development(s) by reducing and/or eliminating drug use; and

(3) Providing services designed for youth and/or adult drug abusers and recovering addicts (e.g., prenatal and postpartum care, specialized family and parental counseling, parenting classes, domestic or youth violence counseling).

(iii) You must discuss in your overall strategy the following factors:

(1) Formal referral arrangements to other treatment programs in cases where the resident is able to obtain treatment costs from sources other than this program.

(2) Family/youth counseling.

(3) Linkages to educational and vocational training and employment counseling.

(4) Coordination of services from and to appropriate local drug abuse/treatment agencies, HIV-related service agencies, and mental and public health programs.

(iv) As applicable, you must demonstrate a working partnership with the Single State Agency or local, tribal or state license provider or authority with substance abuse program(s) coordination responsibilities to coordinate, develop and implement your drug dependency treatment proposal.

(v) You must demonstrate that counselors (contractual or otherwise) meet Federal, state, tribal, and local government licensing, bonding, training, certification and continuing training re-certification requirements.

(vi) You must get certification from the Single state Agency or tribal agency with drug abuse and dependency programs coordination responsibilities so that your proposed program is consistent with the tribal plan; and that the service(s) meets all Federal, state, tribal and local government medical licensing, training, bonding, and certification requirements.

(vii) Funding is permitted for drug treatment of tribal residents at local in-patient medical treatment programs and facilities. IHDEP funding for structured in-patient drug treatment using IHDEP funds is limited to 60 days, and structured drug out-patient treatment, which includes individual/family aftercare, is limited to 6 months. If you are undertaking drug treatment programs, your proposal must demonstrate how individuals who complete drug treatment will be provided employment training, education and employment opportunities.

(viii) Funding is permitted for detoxification procedures designed to reduce or eliminate the short-term presence of toxic substances in the body tissues of a patient.

(ix) Funding is not permitted for maintenance drug programs. Maintenance drugs are medications that are prescribed regularly for a short/long period of supportive therapy (e.g. methadone maintenance), rather than for immediate control of a disorder.

(3) *Resident Management Corporations (RMCs) and Resident Organizations (ROs) Programs.* RMCs, and incorporated ROs, may be a subcontractor to their tribe/TDHE, to develop security and drug abuse prevention programs for residents. Such programs may include voluntary tenant patrol activities, drug abuse education, intervention, and referral programs, youth programs, and outreach efforts. The elimination of drug-related crime within the tribal community must have the active involvement and commitment of tribal residents and their organizations.

To enhance the ability of tribes/TDHEs, to combat drug-related crime within their developments, RMCs, and ROs may undertake program management functions as subcontractors. Sub-contracts with the RMC/RO must comply with the requirements of 24 CFR 85.36 and 37 and include the amount of funding, applicable terms, conditions, financial controls, payment mechanism schedule, performance and financial report requirements, special conditions, including sanctions for violating the agreement, and monitoring

requirements. Costs must not be incurred by the RMC or RO until a written contract is executed.

(4) *Employment of Security Personnel.* You may employ security personnel to provide services in and around your affordable housing developments. Contracts for security personnel must be awarded on a competitive basis. Security personnel must perform services that are over and above those usually performed by local municipal law enforcement agencies on a routine basis. Eligible services may include patrolling inside buildings, providing personnel services at building entrances to check for proper identification or patrolling and checking car parking lots for appropriate parking decals. You are encouraged to involve police officials residing in tribal housing to partake in IHDEP security-related programs. The following specific requirements apply to all employment of security personnel activities funded under IHDEP:

(a) *Compliance.* Security guard personnel must demonstrate compliance with all relevant Federal, state, tribal or local government insurance, licensing, certification, training, bonding, or other law enforcement requirements.

(b) *Law Enforcement Service Agreement.* You (the applicant), the local law enforcement agency, and if relevant, the contract provider of security personnel services, must enter into a law enforcement service agreement with the local law enforcement agency. Your service agreement must be submitted with your IHDEP application and include:

(i) The activities security guard personnel will perform; the scope of authority; written policies, procedures, and practices that will govern security personnel performance (i.e., a policy manual and how security guard personnel will coordinate activities with your local law enforcement agency);

(ii) The types of activities that your approved security guard personnel are expressly prohibited from undertaking.

(c) *Policy Manual.* Security guard personnel services must be guided by a policy manual that directs the activities of its personnel and contains the policies, procedures, and general orders that regulate conduct and describes in detail how jobs are to be performed. The policy manual must exist before you undertake this activity.

(d) *Data Management.* A daily activity and incident complaint form approved by the tribe/TDHE must be used by security personnel and officers for the collection and analysis of criminal incidents and responses to service calls. Security guard personnel and tribal police departments must establish and maintain a system of records management for the daily activity and incident complaint forms that appropriately ensures the confidentially of personal criminal information. Management Information Systems (MIS) (computers, software, and associated equipment) are eligible costs that the tribe/TDHE may include in support of collection and analysis activities.

(e) *Employment of Residents.* HUD encourages you to employ qualified resident(s) as security guard personnel, and/or to contract with security guard personnel firms that demonstrate a program to employ qualified residents as security guard personnel.

(5) *Reimbursement of Local Law Enforcement Agencies for Additional Security and Protective Services (Supplemental—Over and Above Local Law Enforcement Baseline Services).* Additional security and protective services are permitted if services are over and above the local police department's current level of baseline services. Tribes/TDHEs are required to identify the level of local law enforcement services they are required to received and the increased level of services to be received in their local Cooperation Agreement. Local police department baseline services are defined as ordinary and routine services, including patrols, police officer responses to 911 communications and other calls for service, and investigative follow-up of criminal activity, provided to residents as a part of the overall deployment of police resources by the local jurisdiction in which the tribe/TDHE is located.

(a) If you are an applicant seeking funding for this activity, you must describe the current level of local law enforcement agency baseline services being provided to the affordable housing development(s) proposed for assistance. Local law enforcement baseline services are defined as ordinary and routine services provided to the residents as part of the overall city and/or county wide deployment of police resources to respond to crime and other public safety incidents including: 911 communications, processing calls for service, routine patrol officer responses to calls for service and investigative follow-up of criminal activity.

(b) Tribal police departments funded under this program that are not employing a community policing concept but would like to establish such a program for affordable housing developments must submit a plan and timetable for the implementation of community policing. Community policing has a variety of definitions; however, for the purposes of this program, it is defined as a method of providing law enforcement services that stresses a partnership among residents, police, schools, churches, government services, the private sector and other local, state, tribal and Federal law enforcement agencies to prevent crime and improve the quality of life by addressing the conditions and problems that lead to crime and fear of crime. Community policing uses proactive measures including foot patrols, bicycle patrols and motor scooter patrols. It also includes activities where police officers operate out of police mini-stations and other community based facilities in tribal communities providing human resource activities with youth and citizen contacts. This concept empowers police officers at the beat and zone level and residents in neighborhoods to: reduce crime and fear of crime; ensure the maintenance of order; provide referrals of residents, victims and homeless persons to social services and government agencies; ensure feedback of police actions to victims of crime; and promote a law enforcement value system based on the needs and rights of residents.

(6) *Employment of Investigators.* Employment of, and equipment for, one or more individuals to investigate drug-related crime "in and around" the real property comprising your affordable housing development(s) for which the application is submitted and providing evidence relating to such crime in any administrative or judicial proceedings is permitted. Under this section, reimbursable costs associated with the investigation of drug-related crimes (e.g., travel directly related to the investigator's activities, or costs associated with the investigator's testimony at judicial or administrative proceedings) may only be those directly incurred by the investigator.

(a) If you are a tribe/TDHE that employs investigators funded by this program, you must demonstrate compliance with all relevant Federal, tribal, state or local government insurance, licensing, certification, training, bonding, or other similar law enforcement requirements.

(b) Both you and the provider of the investigative services are required to execute a written agreement that describes the following:

(i) The activities that your investigators will perform, their scope of authority, reports to be completed, established investigative policies, procedures, and practices that will govern their performance (i.e., a Policy Manual) and how your investigators will coordinate their activities with local, state, tribal, and Federal law

enforcement agencies; and prohibited activities.

(ii) The activities the tribal investigators are expressly prohibited from undertaking.

(c) Your investigator(s) may use IHDEP funds to purchase or lease any law enforcement clothing or equipment, such as uniforms, ammunition, firearms/weapons, or vehicles; including cars, vans, buses, protective vests, and any other supportive equipment.

(d) Your investigator(s) shall report on drug-related crime in your developments. You must establish, implement and maintain a system of records management that ensures confidentiality of criminal records and information. Tribal-approved activity forms must be used for collection, analysis and reporting of activities by your investigators. You are encouraged to develop and use Management Information Systems (MIS) (computers, software, hardware, and associated equipment) and hire management personnel for crime and workload reporting in support of your crime prevention and security activities.

(7) *Voluntary Tenant Patrols.* Members of tenant patrols must be volunteers and must be residents of the affordable housing development(s). Volunteers must have extensive background investigations to ensure there are no outstanding warrants or arrest records for past crimes, especially crimes against children. Voluntary tenant patrols are expected to patrol in and around your affordable housing development(s) proposed for assistance, and to report illegal activities to appropriate local, state, tribal, and Federal law enforcement agencies, as appropriate.

(a) Training equipment, including uniforms for use by voluntary tenant patrols acting in cooperation with officials of local law enforcement agencies is permitted. All costs must be reasonable, necessary and justified. Bicycles, motor scooters, all-season uniforms, communications equipment and associated equipment to be used, exclusively, by the members of your voluntary tenant patrol are eligible items. Voluntary tenant patrol uniforms and equipment must be identified with your specific tribal development(s) identification and markings.

(b) Tribes/TDHEs are required to obtain liability insurance to protect themselves and the members of the voluntary tenant patrol against potential liability for the activities of the patrol under this program. The cost of this insurance is eligible.

(c) Before expending grant funds for voluntary tenant patrol activities, you, your local law enforcement agency, and the tenant patrol are required to execute a written agreement that includes:

(i) The nature of the activities to be performed by your voluntary tenant patrol, the patrol's scope of authority, assignment, policies, procedures, and practices that will govern the voluntary tenant patrol's performance and how the patrol will coordinate its activities with the law enforcement agency;

(ii) The activities the voluntary tenant patrol is expressly prohibited from undertaking including the carrying or use of firearms, weapons, nightsticks, clubs, handcuffs, or mace;

(iii) Required initial and on-going voluntary tenant patrol training members will receive from the local law enforcement agency; (please note that training by HUD-approved trainers and/or the local law enforcement agency is required before putting a voluntary tenant patrol into effect); and

(iv) That voluntary tenant patrol members will be subject to individual or collective liability for any actions undertaken outside the scope of their authority (described in paragraph (ii) above) and that such acts are not covered under your housing authority liability insurance.

(d) IHDEP grant funds *must not* be used for any type of financial compensation, such as full-time wages or salaries for voluntary tenant and/or patrol participants. Funding for tribe/TDHE personnel or resident(s) to be hired to coordinate this activity is permitted. Excessive staffing is not permitted.

(D) *Ineligible Activities.* IHDEP funding *is not permitted* for any of the activities listed below.

(1) Costs incurred before the effective date of your grant agreement (Form HUD–1044), including, but not limited to, consultant fees related to the development of your application or the actual writing of your application.

(2) The purchase of controlled substances for any purpose. Controlled substance shall have the meaning provided in section 102 of the Controlled Substance Act (21 U.S.C. 802).

(3) Compensation of informants, including confidential informants. These should be part of the baseline services provided and budgeted by local law enforcement agencies.

(4) Direct purchase or lease of clothing or equipment, vehicles (including cars, vans, and buses), uniforms, ammunition, firearms/weapons, protective vests, and any other supportive equipment for use in law enforcement or military enforcement except for eligible tribal police department, voluntary tenant patrols and investigator activities listed in this NOFA.

(5) Construction of facility space in a building or unit, and the costs of retrofitting/modifying existing buildings owned by the tribe/TDHE for purposes other than: community policing mini-station operations, adult/youth education, employment training facilities, and drug abuse treatment activities.

(6) Organized fund raising, advertising, financial campaigns, endowment drives, solicitation of gifts and bequests, rallies, marches, community celebrations, stipends and similar expenses.

(7) Court costs and attorneys fees related to screening or evicting residents for drug-related crime.

(8) Transfer of IHDEP grant funds to any Federal agency.

(9) Costs to establish resident associations, resident organizations, and resident corporations.

(10) Indirect costs.

(11) The supplanting of existing positions/activities. For purposes of the IHDEP, supplanting is defined as "taking the place of or to supersede".

(12) Alcohol-exclusive activities and programs *are not eligible* for funding under this NOFA, although activities and programs may address situations of multiple abuse involving controlled substances and alcohol.

(13) Physical improvements that involve demolishing any units in a development or that would displace persons.

(14) Acquiring real property.

IV. Program Requirements

The following requirements apply to IHDEP funding:

(A) *Grant Award Amounts.* HUD is distributing grant funds for the IHDEP under this NOFA on a national competition basis. The maximum grant award amounts are computed for IHDEP on a sliding scale, using an overall maximum cap, depending upon the number of tribe/TDHE units eligible for funding. This figure (number of eligible units for funding) will determine the grant amount that the tribe/TDHE is eligible to receive if they meet the IHDEP criteria and score a minimum of 70 out of 100 points.

(1) *Amount per unit.* (a) For tribes/TDHEs with 1–1,250 units: The maximum grant award cap is $300 multiplied by the number of eligible units. (b) For tribes/TDHEs with 1,251 or more units: The maximum grant award cap is $260 multiplied by the number of eligible units; up to, but not to exceed, a maximum grant award of $1.5 million dollars.

(2) *Units counted.* (a) The unit count includes rental, Turnkey III and Mutual Help Homeownership units which have not been conveyed to a homebuyer, and Section 23 lease housing bond-financed projects. Such units must be counted as Formula Current Assisted Stock under the Indian Housing Block Grant Program for FY 2001.

(b) Eligible units are those units which are under management and fully developed.

(c) Use the number of units counted as Formula Current Assisted Stock for Fiscal Year 2001 as defined in 24 CFR 1000.316 and which is included in the FY 2001 IHDEP application kit. Please verify your Formula Current Assisted Stock figures with your local AONAP for accuracy.

(d) Affordable housing units that are developed or assisted under NAHASDA are not included in the unit count outlined above, however, they are eligible to receive assistance under the IHDEP.

(e) If it is determined that the unit count listed in your application is incorrect compared to the unit count listed in the application kit and your application is eligible for funding, you will be awarded the funding amount for which you are eligible based on the FCAS list or the amount requested in your application, whichever is less.

(B) *Complying with Civil Rights Requirements.* To protect and insure the civil rights of occupants of HUD-sponsored housing and residents around that housing, your proposed strategies should ensure that you do not undertake crime-fighting and drug prevention activities that violate civil rights and fair housing statutes. You may not use race, color, sex, religion, national origin, disability or familial status to profile persons as suspects or otherwise target them in conducting these activities. You are encouraged to involve as many segments of your intended population as possible in developing and implementing your strategies.

(C) *Confidentiality of Records Requirements.* You must establish a confidentiality policy regarding medical and disability-related information for programs involving prevention, intervention, or drug abuse/dependency treatment and aftercare.

(D) *Term of Grant.* Your grant funds must be expended within 24 months after HUD executes a Grant Agreement. The AONAP may grant a one-time extension of 6 months at the end of the grant term in accordance with the requirements of HUD Handbook 7490.1. However, if no extension is requested and granted and the grants funds are not expended within 24 months after execution of the Grant Agreement, the funds will be recaptured by the Department.

(E) *Reports and Close-out.* (1) In accordance with 24 CFR 761.35, if funded, you are required to submit semi-annually an IHDEP Semi-Annual Performance Report and the Semi-Annual Financial Status Report (SF–269A) to the appropriate HUD AONAP. These IHDEP Semi-Annual Performance Reports shall cover the periods ending June 30 and December 31, and must be submitted to HUD by July 30 and January 31 of each year. The grantee must also comply with additional reporting requirements to be outlined in the near future which will include an annual survey of residents and additional supporting documentation for the semi-annual report including the close-out report.

(2) At grant completion, you must comply with the close-out requirements described in Public Housing Notice PIH 98–60(HA), entitled "Grant Close-out Procedures," and by the end of the grant term, return unexpended grant funds to the Department, according to applicable requirements.

(F) *Federal Labor Standards.* When grant funds are used to undertake physical improvements to increase security, Federal Labor standards set out in 24 CFR 761.40 apply.

V. Application Selection Process

(A) *Rating and Ranking.*

General. HUD will rate and rank applications based on the 5 rating factors listed in Section V.(B) of this NOFA, below. HUD will select and fund the highest ranking applications based on total score, and will continue the process until all funds allocated to it have been awarded or to the point where there are insufficient acceptable applications to award funds. The maximum number of points for this program is 100.

Tiebreakers. In the event of a tie, HUD will select the highest ranking application that can be fully funded. In the event that two eligible applications receive the same score, and both cannot be funded because of insufficient funds, the applicant with the highest score in rating factor two will be funded. If rating factor two is scored identically, the scores in rating factors one and four will be compared in that order, until one of the applications receives a higher score. If both applications still score the same then the application which requests the least funding will be selected in order to promote the more efficient use of resources.

Pre-award requirements. If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before we can make a grant award. Please see Section VIII. Correction of Technical Deficiencies of this NOFA for a definition of such a deficiency and a description of the process to address and correct the deficiency. You must correct all technical deficiencies within the time frame established by HUD. If they are not corrected, we will not make the grant award and will reject your application.

(B) *Factors For Award to Evaluate and Rank Applications.* Your application must address the five (5) factors, and sub-factors listed below. If your application does not address each of the five factors and sub-factors, it will not be scored and will be considered ineligible for funding. The maximum number of points for this program is 100. Your application must receive a score of at least 70 points to be eligible for funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (30 Points)

This factor addresses the extent to which you have the capacity, the proper organizational experience and resources to implement the proposed activities in a timely and effective manner. The rating of the "applicant" or the "applicant's organization and staff" for technical merit, unless otherwise specified, includes any subcontractors, consultants, sub-recipients, and members of consortia which are firmly committed to your project. Your application must include descriptive evidence demonstrating that you possess managerial, technical and/or administrative capability necessary to carry out the proposed project. Your application must address who will administer the project and how you plan to handle all aspects of executing the project. Your application must describe the experience and expertise of existing staff in the implementation of the specific activity for which you are applying and what responsibilities they will have in project implementation, as well as those aspects of project implementation that will be contracted to outside entities. If any subcontractors, consultants, sub-recipients and/or members of consortia are used, your application must demonstrate that the entity is firmly committed to the project. If applicable, past performance in administering previous IHDEP grants will be taken into consideration. In

rating this factor, HUD will consider the following:

(15 points) The knowledge and experience of your staff and your administrative capability to manage grants of this size and type. This includes your administrative support and procurement entities, defined organizational lines of authority, and demonstrated fiscal management capacity.

(15 points) Past performance in administering Drug Elimination grants during the last three (3) years. If you do not have any open IHDEP grants, then you will receive 15 points under this sub-factor unless there are unresolved findings and/or outstanding recommendations from prior HUD reviews or audits undertaken by HUD, the Office of Inspector General, the General Accounting Office or independent public accountants. The extent of any findings or recommendations will then be considered. If you have an open IHDEP grant from FY 1998 or a prior year, you will receive 0 points for this sub-factor.

For tribes/TDHEs that had previously applied as IHAs under the Drug Elimination Program, HUD will consider any open grants for which the tribe/TDHE has the responsibility to administer.

Rating Factor 2: Need/Extent of the Problem (25 Points)

This factor examines the extent to which there is a need for funding the proposed program activities to address a documented problem in your proposed target area (i.e., the degree of the severity of the drug-related crime problem in the project proposed for funding). In responding to this factor, you will be evaluated on: (1) The extent to which a critical level of need for your proposed activities is explained; and (2) the urgency of meeting the need in the target area. You must include in your response a description of the extent and nature of drug-related crime "in or around" the housing units or developments proposed for funding.

Applicants will be evaluated on the following:

(1) (15 Points) *Data Supporting the extent of Drug and Drug-related Crime.* You must identify and include supporting data indicating the extent of drugs and drug-related crime problems in the developments proposed for assistance under your program. HUD will consider the extent and quality of the data provided. Examples of the data that should be included in your application include:

(a) Surveys of residents and staff in your targeted developments about drugs and drug-related crime or on-site reviews to determine drug/crime activity;

(b) Government or scholarly studies or other research in the past year that analyze drug-related crime activity in your targeted developments.

(c) Annual vandalism cost at your targeted developments, to include elevator vandalism (where appropriate) and other vandalism attributable to drug-related crime as a ratio to total annual approved budget for the targeted developments.

(d) Information from schools, health service providers, residents and Federal, state, local, and tribal officials, and the verifiable opinions and observations of individuals having direct knowledge of drug-related crime and the nature and frequency of these problems in developments proposed for assistance. (These individuals may include Federal, state, tribal, and local government law enforcement officials, resident or community leaders, school officials, community medical officials, drug abuse, treatment (dependency/remission) or counseling professionals, or other social service providers).

(e) The school dropout rate and level of absenteeism for youth that you can relate to drug-related crime as a percentage or ratio of the rate outside the area.

(f) The number of lease terminations or evictions for drug-related crime at the targeted developments; and

(g) The number of emergency room admissions for drug use or that result from drug-related crime. Such information may be obtained from police departments and/or fire departments, emergency medical service agencies and hospitals.

(h) The number of police calls for service from tribe/TDHE developments that include resident initiated calls, officer-initiated calls, domestic violence calls, drug distribution complaints, found drug paraphernalia, gang activity, graffiti that reflects drugs or gang-related activity, vandalism, drug arrests, and abandoned vehicles.

(2) (10 points) Objective Crime Data relevant to your target area. To the extent that you can provide objective drug-related crime data specific to the community or targeted development proposed for funding, you will be awarded up to 10 points or up to a total of 5 points if substantial information is provided as to why Objective Crime Data could not be obtained. Objective Crime Data must include the most current and specific local law enforcement crime statistics or Part I Crime data and relevant Part II Crime data available from the FBI's Uniform Crime Reporting Program (UCR) system. Part I Crimes include: homicide; rape; robbery; aggravated assault; burglary; larceny; auto theft; and arson. Part II drug-related crimes include: drug abuse violations; simple assault; vandalism; and weapons violations. You may also detail other crimes which you are proposing to be targeted as part of your grant. In assessing this sub-factor, HUD will consider the extent to which you provide specific statistical data (records, not anecdotes) and the data's specificity to the targeted sites (e.g., data specific to those targeted developments proposed for funding by crime type versus tribal/TDHE-community or county-wide data by aggregated crimes).

The objective crime data provided in your application will become a "baseline" tracking future changes in your crime rate.

If you did not provide objective crime data, please provide information as to why objective crime data could not be obtained; the efforts being made to obtain it; what efforts will be made during the grant period to begin obtaining the data; and an explanation of how you plan to measure how grant activities will result in reducing drug-related crime in the targeted developments and what will be used as a baseline.

Rating Factor 3: Soundness of Approach—(Quality of the Plan) (25 Points)

This factor examines the quality and effectiveness of your proposed work plan. In rating this factor, HUD will consider the impact of your activities on the drug and drug-related crime problems identified in Factor 2, as appropriate, and the extent to which you identify attainable goals, objectives, and performance measures to ensure that tangible benefits can be attained by the community and by your target population.

Your application must include a detailed narrative describing: each proposed activity for your developments proposed for assistance; the amount and extent of resources committed to each activity or service proposed; measurable goals and objectives for all major program activities that focus on outcome and results; and the process used to collect the data needed to report progress made against these goals.

In evaluating this factor, HUD will consider the following:

(1) (5 points) The strength of your plan to address the drug-related crime problem, and the problems associated with drug-related crime in your developments proposed for funding, the resources allocated, and how well the proposed activities fit with the plan: The rationale for your proposed activities and methods used including written, descriptive evidence that proposed activities have been effective in similar circumstances in controlling drug-related crime in your community.

(2) The extent to which you have:

(a) (5 points) Stated performance goals that will measure program outcomes and designed your major activities to meet stated, measurable goals and objectives for drug and drug-related crime reduction. Outcomes include accomplishments, results, impact and the ultimate effects of your program on the drug or crime problem in your target/project area. The goals must be objective, quantifiable, and/or qualitative and they must be stated in such a way that at the end of the 24 month grant, one can determine if the activities were effective. Specific crime reduction goals must be measurable. For example, "eliminating or reducing crime and drug-related crime" is not a specific nor measurable goal, whereas a goal of "reducing inhalant sniffing etc. by 3% in development X by the end of the 24 month grant period based on measurements against the baseline year crime selection rate in the targeted development X as stated in the application" is specific and measurable.

(b) (5 points) Provided the actual baseline data which will establish a starting point against which program outcomes will be measured and stated expected results for all major grant activities proposed in your application. For example: "The total population in community X is 1,400, we have 400 family units, 80% of the residents are under 18 years of age, total drug arrests is 23, there is still a lot of violence in our community and we want more programs to give youth positive influences. We conducted a resident survey in 1999 and 100 residents responded. Approximately 75% of the residents had the following concerns * * *"

(c) (5 points) Discussed what performance measurement system exists for providing information to HUD semi-annually on progress made in achieving the established outcome goals. For example: "Unit of measure: Number of youth participants with a 2.0 through a 2.9 grade-point average (GPA). Community X met with residents to establish a mentoring/tutoring program to assist youth. The following performance indicators/outcomes measures was developed: 90% of participants maintain a C average. The following types of records were maintained during the course of the year: compilation of all GPAs for all participants, semi-annual summary of GPAs for each participant based on school report cards, monthly reports which included number of mentor/tutor hours, number of participants for each session, and pre-post test results for each participant."

(3) (5 points) Provide evidence of existing youth programs and activities in your community that reduce drug abuse among youth, aftercare services for youth involved in the juvenile justice system, social services for children with emotional and behavioral problems, programs to reduce delinquency and gang participation, programs that improve academic performance and reduce the dropout rate through the use of mentors, drug and alcohol education activities, conflict resolution and counseling sessions/programs that have been implemented.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community and government resources that can be combined with HUD's program resources to achieve program purposes.

In assessing this factor, HUD will consider the following:

(1) (5 points) Written evidence of firm commitment of funding, staff, or in-kind resources, partnership agreements, and on-going or planned cooperative efforts with law enforcement agencies, local, state, tribal or national entities who have committed services through a memoranda of understanding (MOU), or memorandum of agreements (MOA) to participate. Such commitments must be signed by an official of the organization legally able to make commitments for the organization. This evidence of commitment must include organization name, resources, and responsibilities of each participant to increase the effectiveness of the proposed program activities. The signed, written agreement may be contingent upon an applicant receiving a grant award. Commitments can include interagency activities already undertaken, participation in local, state, tribal or Federal anti-drug related crime efforts such as: education, training and employment provision components of Welfare Reform efforts which may include descriptions of tribal TANF plans and participation in Native Employment Works (NEW) program, or any of the following programs administered by the Department of Justice such as Operation Weed and Seed, Community Oriented Policing Services Tribal Resources Grant Program (COPS), Indian Tribal Courts, Drug-Free Communities Support Program, Tribal Youth Program, Safe Start Initiative, STOP Violence Against Indian Women Discretionary Grants and Mental Health and Juvenile Justice Program.

(2) (5 points) Successful coordination of your law enforcement, or other activities with local, state, Tribal or Federal law enforcement agencies to foster meaningful collaborations and strengthen community anti-drug coalition efforts to reduce drug abuse among youth and adults and actions implemented to eradicate violent crime.

Letters from various agencies supporting the submission of your IHDEP application do not constitute a letter for firm commitment. Firm commitment must be demonstrated by these agencies with exact details of the partnership between the applicant and the agency and/or provides a commitment that specifically states the amount of funding, number of staff committed and their roles and responsibilities and a description of in-kind resources available for this project.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in your community. In evaluating this factor, HUD will consider the extent to which you can demonstrate you have:

(1) (5 points) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and address the needs of your community as identified in Rating Factor 2: Need/Extent of the Problem. Any firm written agreements, MOUs/MOAs in place, or that will be in place after award should be described and/or included.

(2) (2 points) Taken specific steps to become active in your community's Indian Housing Block Grant process by providing written evidence that you have addressed crime prevention and safety issues, and that your proposed activities reflect the priorities, needs, goals or objectives of crime prevention and safety in the Indian Housing Plan (IHP). Written evidence could include a copy of your tribe's Crime Prevention and Safety Plan that is included in your Indian Housing Plan (IHP) or a written statement or letter from the tribal official stating that the FY 2001 crime prevention and safety activities will be implemented in coordination with activities outlined in the IHP.

(3) (1 point) Taken specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the IHP; and other Federal, state, tribal, or locally funded activities, including those proposed, or on-going that will sustain a comprehensive system to address the needs of your community.

(4) (1 point) Your application must describe what role residents in your targeted developments, applicable community leaders and organizations and law enforcement agencies have had in planning the activities described in your application, what role they will have in implementing such activities for the duration of your grant and how services may be sustained beyond the grant term.

(5) (1 point) Your application must include a discussion and written evidence (i.e. comments from residents, minutes from community meetings) of the extent to which community representatives and tribal, local, state and Federal Government officials, including law enforcement agency officials were actively involved in the design and implementation of your plan and will continue to be involved in implementing such activities during and after the period of your IHDEP funding.

VI. Application Submission Requirements

(A) You must submit the required IHDEP FY 2001 Application Kit that contains all of the requisite forms in order to be considered for IHDEP funding. Your application submitted to HUD must also include items required under Section V. Application Selection Process, of this NOFA, including the plan to address the problem of drug-related crime in the developments proposed for funding. Please note that the address for submitting applications has changed. Please see the Program Overview, Section I., regarding the address for submitting applications.

(B) You must submit no more than one application per tribe or TDHE on behalf of the tribe for the IHDEP. An application from a tribe will supersede an application from a TDHE on behalf of that tribe. In addition, joint applications that include more than one TDHE representing the tribe are permitted only in those cases where they have a single administration (such as a TDHE managing several tribes under contract or TDHEs sharing a common executive director). In those cases, a separate budget, plan and timetable, and unit count shall be supplied in the application. In addition, you must respond to the factors for award for each tribe/TDHE for which you are acting as administrator and requesting funds, if your responses would be different (e.g., the tribes are in different jurisdictions and, therefore, the Indian Housing Plans, crime data, etc. would all be different). The application kit includes the forms, certifications and assurances required under this NOFA.

(C) To be considered eligible for review and scoring, each IHDEP application must include the following items:

(1) An application cover letter.

(2) A summary of the proposed program activities in five (5) sentences or less on the Congressional Notification Form.

(3) A list of the sub-grantees, if applicable. The list must include the names of the sub-grantees, as well as the relative roles and contributions of each sub-grantee in implementing the IHDEP grant activities (Factor 1).

(4) An overall budget and timetable that includes separate budgets, goals, and timetables for each activity, and addresses milestones towards achieving each described goal. You must also describe the contributions and implementation responsibilities of each partner for each activity, goal, and milestone.

(5) A description of the number of staff, the titles, professional qualifications, and respective roles of the staff assigned full or part-time to grant implementation. (Factor 1)

(6) Lines of accountability (including an organization chart) for implementing the grant activity, coordinating the partnership, and assuring that the commitment made by you and your sub-grantees, if any, will be met. (Rating Factor 1)

(7) A list of open IHDEP grants, the grant amount and amount expended as of the date of this application.

(8) A narrative of the plan that will address the problem of drug-related crime in the developments proposed for funding. (Rating Factor 3)

(9) Narrative responses to each of the five Rating Factors and their sub-factors in this NOFA: (1) Capacity of the Applicant and relevant organizational Experience, (2) Need/Extent of the Problem, (3) Soundness of Approach, (4) Leveraging Resources and (5) Comprehensiveness and Coordination.

(10) You must also include the following forms which are included in the FY 2001 IHDEP Application Kit:

FY 2001 IHDEP Applicant Data Input Form,
Application Cover Letter,
Project Summary—Congressional Notification Information Sheet,
Implementation Schedule,
Standard Form—424, Application for Federal Assistance,
Form HUD 424—M, Federal Assistance Funding Matrix,
Standard Form—424A, Budget Information (non-construction programs),
Standard Form—424B, Assurances (non-construction programs),
FY 2001 IHDEP Summary Budget Information,
Form HUD–2880, Applicant/Recipient Disclosure/Update Report,
Form HUD–50070, Drug-Free Workplace Certification,
Form HUD–50071, Lobbying Certification,
SF–LLL Disclosure of Lobbying Activities Certification,
Form HUD–2992, Certification of Debarment and Suspension,
Certification of Consistency with the Indian Housing Plan, and
Certification of Resident Management Corporations, Resident Organizations and Residents Acknowledgment of Application Receipt.

VII. Clarifying Information

After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you, however, to clarify an item in your application. You should note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of your response to any selection factors. HUD will make any requests for clarifying information in writing and will specify the item, or items, that need clarification and a time frame for response. Failure on your part to provide such requested information will result in the rejection of the application.

VIII. Correction of Technical Deficiencies

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications. Additionally, please note that as indicated under Section V.(A)(3), only successful applicants will be required to address technical deficiencies and this must be done before we make a grant award. If you do not provide the information necessary to address the deficiency within the time allowed, we will not award you the grant and will reject your application. The AONAP will notify you in writing and will describe the technical deficiency, what must be done to correct it, and the date by which you must submit this information. The AONAP will notify you by facsimile or by return receipt requested. Your response must be submitted (postmarked) within 14 calendar days from the date of receipt of the HUD notification.

IX. Error and Appeals

Judgments made within the provisions of this NOFA and the program regulations (24 CFR 761) are not subject to claims of error. You may bring arithmetic errors in the rating and ranking of applications to the attention of the AONAP Administrator within 30 days of being informed of your score. If an arithmetic error was made in the application review and rating process that, when corrected, would result in the award of sufficient points to warrant the funding of an otherwise approvable project, the AONAP may fund that project in the next funding round without further competition.

X. Environmental Requirements

Certain eligible activities under this IHDEP NOFA are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to review under related laws, in accordance with 24 CFR 50.19(b)(4), (b)(12), or (b)(13). If the IHDEP application proposes the use of grant funds to assist any non-exempt activities, HUD will perform an environmental review to the extent required by 24 CFR part 50, prior to grant award.

XI. Authority

Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.), as amended.

Appendix A—Required Forms and Certifications

The non-standard forms, which follow this checklist, are required for your application (the standards form follow the General Section).

BILLING CODE 4210-32-P

Appendix A – Required Forms and Certifications

- ❑ Applicant Data Input Form
- ❑ Application Cover Letter
- ❑ Project Summary, Congressional Notification Information Sheet
- ❑ Implementation Schedule
- ❑ Standard Form-424, Application for Federal Assistance
- ❑ Form HUD-424M, Federal Funding Matrix
- ❑ Standard Form-424A, Budget Information (non-construction programs), with Activity Budget Narrative/and supporting documentation
- ❑ FY 2001 Summary Budget Information (Budget Line Items)
- ❑ Standard Form-424B, Assurances (non-construction programs)
- ❑ Form HUD-2880, Applicant/Recipient Disclosure/Update Report
- ❑ Form HUD-50070 Drug-Free Workplace Certification
- ❑ Form HUD-50071 Certification of Payments to Influence Federal Transactions (Lobbying Certification)
- ❑ Standard Form-LLL, Disclosure of Lobbying Activities Certification
- ❑ Form HUD-2992 Certification of Debarment and Suspension
- ❑ Certification of Consistency with the Indian Housing Plan
- ❑ Certification of Resident Management Corporations, Resident Organizations, and Residents
- ❑ Acknowledgement of Application Receipt

FY 2001 IHDEP Applicant Data Input Form

Application control number _____ / _____ (Tribe, or TDHE No.)

IRS Employer Identification Number (EIN) _____ (from Item 6. of the SF-424)

Tribe, or TDHE Name _____

HUD Area Office _____ State _____

Tribe, or TDHE Executive Director _____ Phone _____

Tribe, or TDHE Grant Coordinator _____ Phone _____

List the names of the specific developments targeted for assistance under this grant. (Attach additional pages if more space is needed.)

As per section IV(A) of the IHDEP Program Section of the SuperNOFA, provide the unit count(s).

UNITS	COUNT
1. Indian Housing	_____
2. Section 23 Leased Housing	_____
3. Turnkey III Homeownership	_____
4. Mutual Help Homeownership	_____
5. TOTAL UNIT COUNT	▬▬▬

Applicant must attach documentation verifying the unit count.

Has the applicant confirmed the tribe, or TDHE unit count with the local HUD/AONAPs?

Yes ☐ No ☐ Date _____

Name of Area Office representative that confirmed the unit count:

_____

Please be advised section IV(2)(e) of the Program Requirements states that if it is determined that the unit count listed in your application is incorrect compared to the unit count listed in the application kit and your application is eligible for funding, you will be awarded the funding amount for which you are eligible based on the FCAS list or the amount requested in your application, whichever is less.

FY 2001 IHDEP
APPLICATION COVER LETTER

The _____ (Tribe/TDHE) is applying for funding under the FY 2001 Indian Housing Drug Elimination Program.

HUD strongly advises that when you respond to each of the selective criterion and sub-criterion that you separate each criterion with tabs. For your IHDEP application to be rated, please make sure the response for each criterion is beneath the appropriate tab (heading). Keep the responses in the same order as the NOFA. Limit your narrative explanations to 200 words or less unless otherwise specified and provide the necessary data that supports the response.

To be considered eligible for review and scoring, I know this IHDEP application must also include the following forms and application kit requirements (please check off):

_____ Applicant Data Input Form
_____ Application Cover Letter
_____ Project Summary, Congressional Notification Information Sheet
_____ Standard Form-424, Application for Federal Assistance
_____ Form HUD-424M, Federal Funding Matrix
_____ Standard Form-424A, Budget Information (non-construction programs), with Activity Budget Narrative/and supporting documentation
_____ FY 2001 Summary Budget Information (Budget Line Items)
_____ Standard Form-424B, Assurances (non-construction programs)
_____ Form HUD-2880, Applicant/Recipient Disclosure/Update Report
_____ Form HUD-50070 Drug-Free Workplace Certification
_____ Form HUD-50071 Certification of Payments to Influence Federal Transactions (Lobbying Certification)
_____ Standard Form-LLL, Disclosure of Lobbying Activities Certification
_____ Form HUD-2992, Certification of Debarment and Suspension
_____ Certification of Consistency with the Indian Housing Plan
_____ Certification of Resident Management Corporations, Resident Organizations, and Residents
_____ Acknowledgement of Application Receipt

_____ A list of the sub-grantees, if applicable. The list must include the names of the sub-grantees, as well as the relative roles and contributions of each sub-grantee in implementing the IHDEP grant activities (Factor 1).
_____ An overall budget and timetable that includes separate budgets, goals, and timetables for each activity, and addresses milestones towards achieving each described goal. You must also describe the contributions and implementation responsibilities of each partner for each activity, goal, and milestone.

_____ A description of the number of staff, the titles, professional qualifications, and respective roles of the staff assigned full or part-time to grant implementation. (Factor 1)
_____ Lines of accountability (including an organization chart) for implementing the grant activity, coordinating the partnership, and assuring that the commitment made by you and your sub-grantees, if any, will be met. (Factor 1)
_____ A list of any open IHDEP grants, the grant amount and amount expended as of the date of this application.
_____ A narrative of the plan that will address the problem of drug-related crime in the developments proposed for funding. (Factor 3)
_____ Narrative responses to each of the five Rating Factors and their sub-factors in this NOFA: (1) Capacity of the Applicant and relevant organizational Experience; (2) Need/Extent of the Problem; (3) Soundness of Approach; (4) Leveraging Resources; and (5) Comprehensiveness and Coordination.

PROJECT SUMMARY

CONGRESSIONAL NOTIFICATION INFORMATION SHEET
FY 2001 IHDEP

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

A narrative summary (one paragraph only) must be completed by each applicant. HUD will use this narrative for congressional notifications.

PLEASE INCLUDE IN YOUR NARRATIVE:

1. Components or elements of your comprehensive plan.
2. Major activities and/or programs.
3. Use specific names of targeted developments including location of developments.
4. Identify population to be assisted and projected number of residents served (if applicable).

NAME(S) OF CONGRESSIONAL REPRESENTATIVE(S)	CONGRESSIONAL DISTRICT
1.	
2.	
3.	
4.	

FY 2001 IHDEP
Implementation Schedule: Overall

Applicant Name: _____

#	Activity	Goals	Milestones	Partners and Responsibilities

FY 2001 IHDEP

Implementation Schedule: Activity _____ (refer to overall plan for activity #s)

Applicant Name: _____

#	Activity Task	Goals	Milestones	Partners and Responsibilities

FY 2001 IHDEP
Budget Narrative

As an attachment to Form SF-424A, provide a narrative budget for each of your proposed activities. Provide the following information:

BRIEF ACTIVITY DESCRIPTION: In a paragraph no more than ½ page in length, summarize the activity in question and how it fits into your overall plan for eliminating drugs and drug-related crime in the affected developments.

FUNDS REQUESTED FOR ACTIVITY:

AMPLIFIED BUDGET ITEMS BY OBJECT CLASS CATEGORY: Break down the budget for each of your activities using the budget categories in Section B(6) of the SF-424A. These are:

Personnel
Fringe Benefits
Travel
Equipment
Supplies
Contractual
Construction
Other

You will note for each category how much of funding comes from proposed IHDEP funding and how much from other local, in-kind sources.

Implementation Timetable

Create an overall timetable and separate timetables for each of your proposed activities. Determine overall and individual activity goals. Develop milestones toward achieving each of these goals. Briefly describe the contributions and implementation responsibilities of each partner for each activity, goal, and milestone.

Use the forms provided. There is both an **Implementation Timetable: Overall** and an **Implementation Timetable: Activity ____**. Make as many additional copies of the individual activity implementation schedule as you have activities.

FY 2001 IHDEP Summary Budget Information
(HUD Automated Tracking)

Name and Address of Applicant: _____

Program: _____

Area Office: _____

List amounts budgeted for each line item. These line items and amounts will be programmed into HUD's Line of Credit Control System (LOCCS) for designating and tracking uses of drawdowns.

Detailed Description of Budget

Budget Line Item No.	Activities	Funds Requested	Funds Approved (HUD use only)
9110	Reimbursement of local law enforcement agencies over and above baseline service	$	$
9120	Security Personnel		
	1. Employment of Security Personnel	$	$
	2. Contracted Security Guards	$	$
	3. Tribal Police Department	$	$
	Sub-Total: (1-3)	$	$
9130	Employment of Investigator(s)	$	$
9140	Voluntary Tenant Patrol	$	$
9150	Physical Improvements	$	$
Programs to reduce the use of illegal drugs			
9160	Drug Prevention	$	$
9170	Drug Intervention	$	$
9180	Drug Treatment	$	$
Grant Administration			
9190	Other Program Costs	$	$
	Total IHDEP funding requested:	$	$
	HUD Official Use: Total funding approved by HUD	$	$

Certification of Consistency with the Indian Housing Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Indian Housing Plan.

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program(s) to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Title: _____

Signature: _____

Date: _____

CERTIFICATION BY RESIDENT MANAGEMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CORPORATIONS (RMCs)/ Resident Organizations (ROs) or Residents

The applicant certifies that:

- ❑ Residents participated in the preparation/strategy of the application for the Indian Housing Drug Elimination Program for the targeted development(s);
- ❑ The applicant's description in its plan of activities to be undertaken by the RMC/RC/RO or residents is accurate and complete; and
- ❑ Certification is applicable only for targeted development(s).
- ❑ If awarded, the applicant will involve residents in any change to the approved plan.
- ❑ Residents are aware that the application deadline date is 60 days following the publication of the Notice of Funding Availability.

Duly-Elected Resident Representative
(Print Name and Title)

_____ _____
Name Title

✗ _____ Signed this _____ day of _____, 2001
Signature

Executive Director
(Print Name and Title)

_____ _____
Name Title

✗ _____ Signed this _____ day of _____, 2001
Signature

Signatures of other Tribal housing resident organization presidents or Tribal housing resident(s) if one does not exist, and other public Indian housing leadership organizations for the proposed/targeted developments.

1. Name _____
   Address _____
2. Name _____
   Address _____
3. Name _____
   Address _____
4. Name _____
   Address _____

❑ Check if comments by residents are attached.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NEW APPROACH ANTI-DRUG PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE NEW APPROACH ANTI-DRUG PROGRAM PROGRAM OVERVIEW

Purpose of the Program. The purpose of the New Approach to Anti-Drug Program is to provide funding to owners of certain housing developments to: (1) augment security; (2) assist in the investigation and prosecution of drug-related criminal activity in and around the housing developments; and (3) provide for the development of capital improvements directly relating to enhancing the security of the developments. Through these grants, HUD is taking a comprehensive neighborhood/community-based approach to crime prevention.

Available Funds. Approximately $20 million.

Eligible Applicants. Eligible applicants include: units of general local government, public housing agencies (PHAs), Indian tribes or Tribally Designated Housing Entities (TDHEs), and owners of assisted housing developments. To be an eligible applicant, you must be (1) an owner of an assisted housing development, as defined in this program section of the SuperNOFA; (2) a unit of general local government that operates an assisted housing development; or (3) PHA, TDHE, or an Indian tribe that owns a development with project-based Section 8 assistance, as defined in the U.S. Housing Act of 1937, whose development is included in the proposed plan and is located in the "project area" targeted to receive grant funds.

Application Deadline. June 19, 2001.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original and two copies) is due on or before 6:00 pm, local time on June 19, 2001, at your local HUD Field Office.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Submit your completed application on or before the application deadline at the local HUD Field Office. Please address your application to the Director, Multifamily Housing Hub, Program Center in your local HUD Field Office or, in the case of the Native American population, to the local HUD Administrator, Area Offices of Native American Programs (AONAPs), as appropriate. See Appendix A to the Drug Elimination Grants for Multifamily Low Income Housing program section of the SuperNOFA and Appendix A to the General Section of the SuperNOFA for lists of local HUD Field Offices.

For Application Kits. For an application kit and any supplemental information, please call the SuperNOFA Information Center at 1–800–HUD–8929. When requesting an application kit, please refer to the New Approach Anti-Drug Program, and provide your name, address (including zip code) and telephone number (including area code). Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. An application kit also will be available on the Internet through the HUD web site at http://www.HUD.gov.

For Further Information and Technical Assistance. Your local HUD Field Office staff will be able to answer your question(s) regarding this program section of the SuperNOFA and/or your application kit. If however, the Field staff is unable to answer your question(s), please contact Alicia Anderson, Program Analysts, Office of Housing Assistance and Grant Administration, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6146, Washington, DC 20410; (202) 708–2866, extension 5787 or email Alicia_Anderson@hud.gov. If you are hearing or speech impaired, you may access this number via TTY by calling the Federal information Relay Services at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) *Available Funding.* Approximately $20 million is available for funding under the New Approach Anti-Drug Program, as provided in the FY 2001 HUD Appropriations Act.

The fair share allocation formula used for this program is based on the number of project-based assisted housing units within each HUD Multifamily Hub Office as a percentage of the total number of project-based assisted housing units for the United States as a whole (including Puerto Rico, the Virgin Island, and the Pacific Islands).

Based on the aforementioned formula, the following chart details the New Approach to Anti-Drug Program grant funds fair share allocation to each of the 18 Multifamily Hubs:

FISCAL YEAR 2001 FAIR SHARE ALLOCATIONS FOR THE NEW APPROACH TO ANTI-DRUG PROGRAM

HUB	Grant authority
Boston	$1,426,069
Buffalo	378,535
New York*	1,793,623
Philadelphia	1,886,327
Baltimore	1,047,633
Greensboro	754,938
Atlanta	2,127,040
Jacksonville	1,343,238
Chicago	1,463,479
Columbus	978,706
Detroit	731,901
Minneapolis	750,821
Fort Worth**	1,648,418
Kansas City	1,076,022
Denver	526,228
San Francisco	936,294
Los Angeles	629,490
Seattle	501,238
Total	20,000,000

*This amount includes Grant Authority of $27,000 to fund the New York Society for the Deaf.

**This amount includes Grant Authority of $51,032 to fund the Garden City Apartments. Since funding for both applicants were reduced in FY2000 due to HUD error, the applications will be funded from the FY2001 allocation to the applicable Hub.

(B) *Maximum Grant Award.* The maximum grant award amount is limited to $250,000 per application. The amount of funding requested must be within this maximum grant award.

(C) *Reduction of Requested Grant Amounts.* You may be awarded an amount less than requested if:

(1) HUD determines that some elements of the proposed action plan are ineligible for funding;

(2) HUD determines the amount requested for an eligible activity and/or any budget line item is not cost effective;

(3) Insufficient amounts remain under the allocation to fund the full amount you requested, and HUD determines that partial funding is a viable option; or

(4) HUD determines that a reduced grant would prevent duplicative Federal funding.

III. Program Description; Eligible Applicants; Eligible Activities

(A) Program Description

(1) *Purpose.* The purpose of these competitive grants is to assist entities managing or operating Federally assisted multifamily housing developments, Public and Indian housing developments (including those Indian housing units formerly defined as public housing under section 3 of the U.S. Housing Act of 1937 and now counted as current assisted stock under the Indian Housing Block Grant Program), or other multifamily-housing developments for low-income families supported by non-Federal governmental housing entities or similar housing developments supported by nonprofit private sources, to augment security (including personnel costs), in an effort to solve security problems in the long-term; assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments; and provide for capital improvements that comprehensively enhance security at these developments.

Drug- and crime-fighting activities, if only directed to a single assisted housing development, may have the unfortunate effect of simply moving the problem to nearby housing and businesses. The long term solution to the crime problems of assisted housing developments and their surrounding neighborhoods rest in a comprehensive approach that changes the conditions—and the culture that exists. HUD believes that crime fighting efforts are most effective when partnering takes place with law-enforcement agencies at various levels and with a full range of community stakeholders (such as PHAs and TDHEs). Therefore, to address crime in a comprehensive manner to receive funding, you must take the following actions:

(a) Have a subgrantee or subrecipient relationship with the local police department and the local district attorney or prosecutor's office. If the local police department, local district attorney, or prosecutor's office does not have the legal authority to accept program funds or enter into a binding agreement with you, then you must provide funds through the unit of general local government—city or county.

(b) Enter into partnerships with the owners of, and resident organizations in, assisted housing developments that receive grant funds from you. Multifamily housing developments that may lack the ability to oversee grant functions may delegate this task to a public housing authority or TDHE by making them a "fiduciary agent", by signed agreement, which must be part of the application.

(c) Encourage other neighborhood based entities to participate in your program of activities through partnership arrangements. Such entities are community residents; neighborhood businesses; and non-profit providers of support services, including faith-based organizations and their affiliates.

(2) *Implementation Principles.* HUD has established the following principles in implementing the New Approach Anti-Drug Program Grants:

(a) *Comprehensive Approach.* With these grants, HUD is taking a comprehensive neighborhood/community-based approach to crime. The long term solution to the crime problems of assisted housing developments and their surrounding neighborhoods rests in changing the conditions—and the culture that exists.

(b) *Required Partnerships.* You will be required to demonstrate that partnerships have been formed with units of general local government, the local police department, and the local district attorney or prosecutor's office. You must also form partnerships with the following entities, if they are to receive funding from you:

(i) Owners of assisted housing developments in the targeted neighborhood, and

(ii) Resident organizations of these assisted housing developments.

(c) *Encouraging Partnerships.* HUD encourages the use of effective working partnerships in new locations to leverage the many Federal resources that are available to eliminate crime in and around public and assisted housing developments through the Drug Elimination Grant, Operation Safe Home, and Weed and Seed programs; and partnering with the U.S. Attorney's Office, the Federal Bureau of Investigation, and the Drug Enforcement Agency. HUD now wishes to encourage these successful partnerships to address similar problems in and around privately-owned, Federally assisted housing. In addition to providing points for applications which have established these partnerships, HUD requires that at least one project in each targeted neighborhood be multifamily housing with either:

(i) A HUD-insured, held, or direct mortgage and Rental Assistance Payments (RAP), Rent Supplement, or interest reduction payments, or

(ii) Section 8 project-based assistance with or without HUD interest in the project mortgage.

This emphasis on HUD assisted privately-owned housing does not negate the eligibility of other low-income housing developments assisted by Federal, State, and local government, and not-for-profit sources to apply for the New Approach Anti-Drug Program. By awarding points for neighborhoods with high concentrations of assisted housing, HUD is encouraging you to address the needs of multiple assisted housing developments which may consist of a mix of ownership types and subsidy sources.

(d) *Complying with Civil Rights Requirements.* With the very real need to protect occupants of HUD-sponsored housing and the areas around the housing, the civil rights of all citizens must be protected. Your proposed strategies should be developed to ensure that crime-fighting and drug prevention activities are not undertaken in such a manner that civil rights or fair housing statutes are violated. Profiling on any prohibited basis is not allowed. In addition, all segments of the population should be represented in developing and implementing crime-fighting strategies.

(e) *Coordination with Other Law Enforcement Efforts.* In addition to working closely with residents and local governing bodies, it is critically important that owners establish ongoing working relationships with Federal, State, and local law enforcement agencies in their efforts to address crime and violence in and around their housing developments. HUD firmly believes that the war on crime and violence in assisted housing can only be won through the concerted and cooperative efforts of owners and law enforcement agencies working together in cooperation with residents and local governing bodies. HUD encourages owners to participate in Departmental and other Federal law enforcement agencies' programs such as: Operation Safe Home, Operation Weed and Seed through the Department of Justice and the Safe Neighborhood Action Program (SNAP). The use of New Approach Anti-Drug funds, however, must be part of a comprehensive approach. These funds may indirectly support other Federal law enforcement activities provided that use is consistent with the comprehensive approach.

(f) *Safe Neighborhood Action Program (SNAP) Grants.* (i) The New Approach Anti-Drug Program was formerly known as the Safe Neighborhood Action Program, announced June 12, 1994 by HUD, the National Assisted Housing Management Association (NAHMA), and the U.S. Conference of Mayors (USCM). The New Approach Anti-Drug Program was expanded from the SNAP Program to include funds to augment

security; assist in the investigation and prosecution of drug related criminal activity in and around the housing developments; and provide for the development of capital improvements directly related to the security of the developments. SNAP is an anti-crime and empowerment strategies initiative in HUD assisted housing neighborhoods in 14 SNAP cities. The major thrust of SNAP is the formation of local partnerships in 14 targeted cities where ideas and resources from government, owners and managers of assisted housing, residents, service providers, law enforcement officials, and other community groups are used to meet to work on innovative, neighborhood anti-crime strategies.

(ii) There is no funding associated with SNAP, which relies on existing ideas and resources of the participants. Some common initiatives from these SNAP teams have included the following: community policing, crime watch programs, tenant selection policies, leadership training, individual development or job skills training, expansion of youth activities, police tip line or form, community centers, anti-gang initiatives, police training for security officers, environmental improvements, and a needs assessment survey to determine community needs.

(iii) In addition, a HUD-sponsored initiative to increase the presence of AmeriCorps' Volunteers in Service to America (VISTAs) in assisted housing units has led to the placement of 25 VISTAs on 12 SNAP teams. The AmeriCorps VISTA program, which incorporates a theme of working within the community to find solutions to community needs, has provided additional technical assistance to the SNAP teams.

(iv) The cities participating in the SNAP initiative include: Atlanta, GA; Boston, Mass; Denver, CO; Houston, TX; Newark, NJ; Philadelphia, PA; Baltimore, MD; Columbus, OH; Detroit, MI; Los Angeles, CA; New Orleans, LA; Little Rock and North Little Rock, AR; Richmond, VA; and Washington, DC.

(3) *Definitions. Assisted Housing Development.* For purposes of this program, the term "assisted housing development" means five or more dwelling units in a building or five or more adjoining, adjacent, or scattered site (within a single neighborhood) dwelling units, having common ownership and project identity. Some or all of the units must be receiving a project-based subsidy from a unit of government at the Federal, State, or local level, or from a private nonprofit entity. This subsidy must be associated with a requirement and/or contractual agreement that all or a portion of the units be occupied by households with incomes at or below those of families at the low-income limit as defined by the United States Housing Act of 1937.

Assisted Housing Unit. For purposes of this program, the term "assisted housing unit" means a unit within an assisted housing development for which occupancy is restricted to households with incomes at or below that of "low-income families" as defined by the U.S. Housing Act of 1937, and rents are restricted to amounts that the owner/operator entity determines to be affordable.

Augmented Services. For purposes of this program, augmented services are activities which exceed current levels of services or "baseline" services provided by any other parties signing the memorandum of understanding required for this program.

Drug-related crime. For purposes of this New Approach Anti-Drug Program, the term "drug-related crime" means drug-related crime as defined in 42 U.S.C. 11905(2) and Part I Crime and Part II Crime as defined by the Uniform Crime Reporting System.

Eligible project area. For purposes of the New Approach Anti-Drug Program, the term "neighborhood" means a geographic area within a jurisdiction of a unit of general local government designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation. If, however, the unit of general local government has a population of less than 25,000 persons, then "neighborhood" means the entire jurisdiction of the unit of general local government. A project area must include at least one assisted housing development under:

(i) Section 221(d)(3), section 221(d)(4), or section 236 of the National Housing Act (12 U.S.C. 1715l, 1715z–1), provided that such development has been provided a Below Market Interest Rate mortgage, interest reduction payments, or project-based assistance under Rent Supplement, Rental Assistance Payments (RAP) or Section 8 programs. An FHA-insured project that has no project-based subsidy does not qualify as an assisted housing unit for eligibility even if it houses tenants receiving tenant-based assistance, such as Section 8 rental vouchers or certificates.

(ii) Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); or

(iii) Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f). This includes housing with project-based Section 8 assistance, whether or not the mortgage was insured by HUD–FHA. This does not include projects which receive only Section 8 tenant-based assistance (i.e., certificates or vouchers).

Project-based Subsidies. For purposes of this program, the term "project-based subsidies" means financial assistance that is initially designated and assigned by the funding source specifically for the project rather than to eligible assisted resident households who might also benefit from these subsidies, and provided on a one time up-front or on a periodic basis to the project or its owner to write down, subsidize, or waive project development costs, costs of financing, project operating costs (which include but are not limited to the following types of expenses: utilities, taxes, fees, maintenance and debt service payments), owner taxes, unit rent levels, or tenant rent payments.

(B) Eligible Applicants

(1) *General.* (a) Eligible applicants are as follows:

(i) The owner of an assisted housing development. See definition in Section III (A)(3) of this program section of the SuperNOFA. If you are a unit of general local government you do not need to be the owner, but must be the operator of such housing (A TDHE is not a unit of general local government.);

(ii) The owner of an assisted housing development that is assisted by a non-Federal governmental entity or similar housing development supported by nonprofit sources. If you are a unit of general local government, you do not need to be the owner, but must be the operator of such housing;

(iii) PHAs, TDHEs, and Indian tribes are eligible applicants if they own a development with project-based Section 8 assistance, as defined in the U.S. Housing Act of 1937, and that development is included in the proposed plan and is located in the "project area" targeted to receive grant funds. If you do not own such an assisted housing development, you may still participate in the New Approach Anti-Drug Program as a subgrantee or subrecipient of an eligible applicant; or

(b) The development that makes you eligible must be in the neighborhood to be assisted; and You may not have any outstanding findings of civil rights violations. (See Section II(B) of the General Section of this SuperNOFA.)

If your eligibility status changes during the course of the grant term, thus making you ineligible to receive this grant, HUD reserves the right to terminate your grant.

(2) *Lead Applicant.* Two or more eligible applicants may file a joint application. If filing jointly, you must designate one entity to be the lead applicant. The lead applicant will be the grantee if HUD funds your application.

(3) *Memorandum of Understanding.* You must include with your application a Memorandum of Understanding (MOU) that you have entered into with each required party. (See Section III(B) of this program section of the SuperNOFA). A draft MOU may be acceptable provided a detailed explanation of why a fully ratified MOU is not being presented in your application. You must indicate that the draft MOU is contingent upon HUD funding the grant. In addition, written commitment from the proposed MOU partners must be included in your grant application. If a draft MOU is submitted in the grant application, the finalized MOU must be submitted to the local HUD Field Office within 15 calendar days after HUD's announcement of the award. The finalized MOU must be exactly the same as the draft MOU included in your application.

(4) *Required Parties to the MOU.* In order to receive full points in the applicable Rating Factor for a New Approach Anti-Drug grant:

(a) You MUST sign a MOU that provides funds through a subgrantee or subrecipient relationship with the following two entities:

(i) The local police department; and

(ii) The local prosecutor's office (district attorney).

(b) The two parties signing the MOU must have the legal authority to enter into a binding agreement with you. These two entities must have jurisdiction in your project area.

(5) *Content of MOU.* This MOU must commit these entities to actively support the grant project in partnership with you. The MOU must also describe:

(a) The level of current services (baseline) being provided by these entities;

(b) The level of services above this baseline which the entities are committed to providing in support of your grant;

(c) The amount of time to be devoted to the activities by each party;

(d) The skills each party brings to assist in implementation of your specific action plan activities.

Your MOU will be taken into account in reviewing and rating your application, so you should strive to be as specific as possible in your MOU document.

(6) *Partnerships are encouraged.* We encourage you to partner with other appropriate neighborhood and community stakeholders, including: neighborhood businesses and business associations; nonprofit service providers; neighborhood resident associations; and faith communities or religious institutions. You are encouraged to enter into MOUs with these entities; however, an MOU is not required.

(C) Eligible Project Areas

(1) HUD will award one grant per project neighborhood. The project area must be a "neighborhood."

(2) The project area must include at least one assisted housing development. See definition in Section III(A)(1) of this program section of the SuperNOFA.

(3) You must provide documentation of the population used to define eligibility as a neighborhood. The documentation may include census data or documentation provided by local government officials or by HUD's Community 2020 program, available by calling 1–800–998–9999 (there may be a charge to you for this information).

(D) Eligible Activities

The following is a listing of eligible activities under this program and guidance as to their parameters:

(1) *Augmenting Security (Including Personnel).*

(a) *General.* You must document in your MOU(s) all security services above baseline established in your MOU. Anyone providing augmented security services must have liability insurance, be licensed, and trained in Fair Housing and other Civil Rights requirements arising out of their role in providing security services.

(b) *Baseline Services.* Additional security services are permitted but must be over and above the local police department's current level of baseline services. If you are seeking funding for augmenting security, you must describe the local police department's current level of baseline services to the neighborhood (including ordinary and routine services, patrols, police officer responses to 911 communications and other calls for services, and investigative follow-up of criminal activity). Your description of baseline services must include the number of officers on a per unit per hour basis, or the actual percentage of their time assigned to the development(s) proposed for funding. For a proposed activity to be considered eligible as an augmented security activity, you must demonstrate to what extent the proposed funded activity will represent an increase over and above the baseline. Funding is permitted for reasonable, necessary, and justified leasing of vehicles or any other equipment associated with the augmentation of security services.

(c) *Police Presence.* You may reimburse local law enforcement entities for the costs of additional police presence (police salaries and other expenses directly related to additional police presence or security that is over and above baseline services) in and around assisted housing developments in the neighborhood. Of the funds devoted to additional police presence, at least 70 percent of such reimbursed costs must be for police presence in assisted housing developments served and the remaining 30 percent must be for police presence around the assisted housing neighborhood area.

HUD is strongly encouraging that additional law enforcement in the assisted housing developments and surrounding neighborhoods be targeted to implementing an overall proactive crime fighting strategy, rather than merely responding to crime emergencies. Two potentially effective anti-crime strategies that can benefit from additional police presence are:

(i) Combined multi-agency task force initiatives, in which local and Federal law enforcement agencies pool resources, first, to infiltrate organizations that promote violent and/or drug-related crime in the neighborhood and, second, to initiate strategic and coordinated mass arrests to break up these organizations; and

(ii) Community policing (i.e., sustained proactive police presence in the development or neighborhood, often conducted from an on site substation or mini-station, that involves crime prevention, citizen involvement, and other community service activities, as well as traditional law enforcement).

If reimbursement is provided for community policing activities that are committed to occur over a period of at least 3 years and/or are conducted from a police substation or administration within the neighborhood, the costs during the grant period of constructing such a station or of equipping the substation with communications and security equipment to improve the collection, analysis and use of information about criminal activities in the properties and the neighborhood may be reimbursed.

(d) *Security Services Provided by Other Entities (such as the Owner of an Assisted Housing Development).*

(i) The activities of any contract security personnel funded under this Program must be coordinated with other law enforcement and crime prevention efforts under your proposed action plan. You must describe in your action plan your efforts to achieve this coordination. The coordination efforts must include frequent periodic scheduled meetings of security personnel with housing project management and residents, local police and, as appropriate, with other public law enforcement personnel, neighboring residents, landlords, and other neighborhood stakeholders. Any contract security personnel funded under this Program must meet State and local licensing requirements.

(ii) You may only contract with a security service provider that has a policy manual that directs the activities of its personnel and contains the policies, procedures, and general orders that regulate conduct and describe in detail how jobs are to be performed.

(2) *Enhancing the Investigation and Prosecution of Drug-Related Crime.*

(a) *Reimbursement of State and Local Law Enforcement Agencies.* As the grantee, you may reimburse local or State prosecuting offices and related public agencies for activities, other than salaries or ineligible activities in Section III(G) of this program section of the SuperNOFA, related to the prosecution or investigation of crime committed in the neighborhood identified in your application. These costs are subject to a cost reimbursement agreement. Reimbursement must be for costs over and above what the office or agency incurred for such purposes for crimes committed in the same neighborhood during the period equal in length and immediately before the period of reimbursement. For any grant, at least 70 percent of reimbursed costs must be in connection with crimes committed in and around the assisted housing developments and the remainder of reimbursed costs directly related to crime committed within the neighborhood.

(b) *Hiring of Private Investigator Services.* You may use grant funds to hire private investigator services to investigate crime in and around an assisted housing development and the surrounding neighborhood. You must explain why local law enforcement services are inadequate and justify the need for hiring private investigator services.

(3) *Capital Improvements to Enhance Security.* You may use grant funds for capital improvements to enhance security. You should, however, consider using other sources of funding for this purpose. These improvements must be accessible to persons with disabilities and must meet the accessibility requirements of 24 CFR part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development. For example, locks or buzzer systems that are not accessible to people with restricted or impaired strength, mobility, or hearing may not be funded by your grant. Capital improvements to implement defensible space concepts in the design and implementation of your enhanced security measures are eligible provided such design elements permit accessibility and visibility by persons with disabilities. Capital improvements to enhance security or crime prevention through environmental design must comply with civil rights requirements and cannot exclude or segregate persons based upon their race, color, or national origin from benefits, services, and other terms and conditions of housing. Under Rating Factor 3, "Quality of Plan", HUD will reward capital improvements to enhance the security of an entire neighborhood as opposed to specific projects at the expense of other dwellings in the neighborhood. The capital improvements may include, but are not limited to:

(a) New construction or rehabilitation of structures housing police substations or mini-stations;

(b) Installation of barriers (including speed bumps and fences) and appropriate use of close circuit television (CCTV), provided that the barriers make reasonable accommodations for persons with disabilities;

(c) Improved door or window security such as locks, bolts, or bars;

(d) Landscaping or other reconfiguration of common areas to discourage drug-related criminal activities; and

(e) Establishment of a Neighborhood Networks center and augmenting existing centers. Up to $35,000 of the grant funds awarded by HUD may be used towards developing and establishing a new Neighborhood Network center.

If there is an established Neighborhood Networks center you may include up to $25,000 for the center for further crime prevention activities, such as additional mentoring and/or tutorial education programs, improving job skill programs, and home buyer education. Other crime prevention activities may include, but are not limited to, resident participation in law enforcement community outreach activities such as Drug Abuse Resistance Education (DARE) days and the local office of the FBI's Race Against Drugs activities, etc. The aforementioned monetary limitations only apply to funds from the New Approach Anti-Drug Program. Additional funds may be obtained from other sources. No grant funds will be approved for expenditure until the local HUD Field Office approves the Neighborhood Network business plan for the Neighborhood Networks center. A sample of the Neighborhood Network business plan may be found on the Neighborhood Networks web page at www.neighborhoodnetworks.org.

(E) *Ineligible Activities.* In addition to the ineligible activities mentioned elsewhere in this program section of the SuperNOFA, New Approach Anti-Drug Program Grant funding is not permitted for any of the activities listed below, unless otherwise specified in this program section of the SuperNOFA:

(1) Drug abuse treatment or intervention activities;

(2) Costs incurred before the effective date of the grant agreement, including but not limited to consultant fees related to the development of your application or the actual writing of your application;

(3) Funding of any form of controlled substances for any purpose. Controlled substance has the meaning provided in section 102 of the Controlled Substance Act (21 U.S.C. 802);

(4) Purchase of motorized vehicles for any purpose;

(5) Funding of any form of weaponry for any purpose;

(6) Funding of any form of tenant patrols;

(7) Compensating informants, including confidential informants. These should be part of the baseline services provided and budgeted by local law enforcement agencies;

(8) Although participation in activities with Federal drug interdiction or drug enforcement agencies is encouraged, these grant funds may not be transferred to any Federal agency.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, grantees must meet the following program requirements. These requirements apply to all activities, programs, or functions used to plan, budget, implement, and evaluate the work funded under this program.

(A) *Grant Agreement.* After applications have been ranked and selected, HUD and a successful applicant will enter into a grant agreement setting forth the amount of the grant, the physical improvements or other eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violation of the agreement. The Grant Agreement will incorporate your HUD approved application as may be amended by any special condition in the Grant Agreement. HUD will monitor your grant using your Grant Agreement

to ensure that you have achieved commitments set out in your approved grant agreement. Failure to honor such commitments would be the basis for HUD determining your default of the Grant Agreement, and exercising available sanctions, including grant suspension, termination, and/or the recapture of your grant funds.

(B) *Requirements Governing Grant Administration, Audits and Cost Principles.* The policies, guidelines, and requirements of this program section of the SuperNOFA, 48 CFR part 31, 24 CFR parts 44, 45, 84, 85, and/or 761.40, OMB Circulars A–87 and/or A–122, other applicable administrative, audit, and cost principles and requirements, and the terms of grant/special conditions and subgrant agreements apply to your acceptance and use of funds. The requirements cited above, as applicable, must be followed in determining procedures and practices related to the separate accounting of grant funds from other grant sources, personnel compensation, travel, procurement, the timing of drawdowns, the reasonableness and allocation of costs, audits, reporting and closet, budgeting, and preventing conflict of interests or duplicative charging of identical costs to two different funding sources. Federal labor standard provisions are applicable when grant funds are used to undertake physical improvements to increase security. All costs must be reasonable and necessary.

(C) *Term of Grant.* Your grant funds must be expended within 24 months after HUD executes a Grant Agreement with you. There will be no extensions or waivers of this grant term. Any remaining grant funds will be recaptured.

(D) *Subgrants and Subcontracting.* (1) In accordance with your approved grant agreement, you may directly undertake any of the eligible activities under this program section of the SuperNOFA, you may contract with a qualified third party, or you may make a subgrant to any entity approved by HUD as a member of the partnership, provided such entity is a unit of government, a prosecutor's office, a police department or a TDHE; is incorporated as a not-for-profit organization; or is an incorporated for-profit entity that owns and/or manages an assisted housing project benefiting from the grant. Multifamily housing agents/owners are authorized to make a PHA or THDE their Fiduciary Agent, if the PHA and/or the THDE has the capacity to implement, oversee and close out the grant activities. Resident groups that are not incorporated may participate in the implementation of the program, but may not receive funds as subgrantees. For-profit organizations other than owners or managers of an assisted housing development benefiting from the grant that have been approved by HUD as part of the partnership may only receive grant funds subject to the applicable Federal procurement procedures (See 24 CFR parts 84 or 85).

(2) Subgrants may be made only under a written agreement executed between you, the grantee, and your subgrantee. The agreement must include a program budget that is acceptable to you, and that is consistent with the eligible activities and requirements. The agreement must require the subgrantee to permit you to inspect your subgrantee's work and to follow applicable OMB and HUD administrative requirements, audit requirements, and cost principles, including those related to procurement, drawdown of funds for immediate use only, and accounting for the use of grant funds and implementation of program activities. In addition, your subgrant must describe the nature of the activities to be undertaken by the subgrantee, the scope of the subgrantee's authority, and the amount of any insurance to be carried by you and the subgrantee to protect your respective interests.

(3) You are responsible for monitoring, and for providing technical assistance to, any subgrantee to ensure compliance with applicable HUD and OMB requirements. You must also ensure that subgrantees have appropriate insurance liability coverage.

(E) *Ineligible Contractors.* The provisions of 24 CFR part 24 relating to the employment, engagement of services, awarding of contracts or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status apply to this grant.

(F) *Section 3 Economic Opportunity.* See Section II(E) of the General Section of the SuperNOFA. The requirements of section 3 of the Housing and Urban Development Act of 1968 may apply to some of the activities that may be funded under this program section of the SuperNOFA.

(G) *Drawdown of Grant Funds.* You will be required to access your grant funds through HUD's Line of Credit Control System—Voice Response System (LOCS/VRS) in accordance with procedures for minimizing the time lapsing between drawdowns and use of funds for eligible purposes as described in 24 CFR parts 84 and/or 85, as applicable. If HUD changes the procedures for the draw of grant funds, HUD will notify you through the issuance of a grant amendment.

(H) *Reports and Closeout.* If you receive a grant, you will be required to submit to HUD a semi-annual progress report (Form 269). The narrative of the Form 269 must be sent in a format prescribed by HUD that indicates program expenditures and measures performance in achieving goals. At grant completion, you will be required to participate in a closeout process which shall include a final report in a format prescribed by HUD that reports final program expenditures and measures performance in achieving program goals. Closeout will culminate in a closeout agreement between you and HUD and, when appropriate, in the return of grant funds which have not been expended in accordance with applicable requirements, or which may be remaining after all activities have been completed and paid for.

(I) *Suspension or Termination of Funding.* HUD may suspend or terminate funding if you fail to undertake the approved program activities on a timely basis in accordance with your grant agreement, adhere to grant agreement requirements or special conditions, or submit timely and accurate reports.

(J) *Affirmatively Furthering Fair Housing.* You must address Section II(D) of the General Section of the SuperNOFA. You must also reference the certifications listed in Section II (G) the General section of the SuperNOFA.

V. Application Selection Process

(A) *Ranking and Selection Procedures.* Your application can only be rated if you are an eligible applicant and you are in compliance with the requirements of the General Section of the SuperNOFA.

(1) All applications will be evaluated competitively and ranked against applications in the same Field Office. Only those applications that have a base score of at least 70 points (excluding the EZ/EC and Dallas bonus points) will be eligible for selection and will be placed in ranked order.

(2) This year HUD will distribute funds to each Multifamily Housing Hub Office based on the fair share allocation formula. (See Section II–A for a thoroughly detailed discussion of the fair share allocation formula). Each Multifamily Hub Office may recommend a total number of awards up to the dollar amount allocated for the area covered by the Hub Office. Hub Offices will receive the scores from each HUD Field Office which has received, rated, and ranked its applications.

The Hub Office will conduct the selection process as follows: Where a Multifamily Hub covers more than one Field Office jurisdiction, the Hub Office will first select the highest ranked application in each Field Office for funding. After this selection, the Hub will use remaining funds to fully fund as many applications as possible in rank order, regardless of Field Office. Hub Offices representing only one Field Office shall use their distribution of funds to fully fund in rank order as many applications as possible. Hub Offices must not skip over any applications in order to select one based on the remaining funds.

Any funds still remaining after Hub Office distribution by rank must be forwarded to Headquarters. Headquarters will use these funds for selecting applications based on field offices' ranking, beginning with the highest rated application nationwide. Only one application will be selected per Hub Office from the national residual amount. However, if there are no approvable applications in other Hub Office, the process will begin with the selection of the next highest rated application nationwide. This process will continue until all approvable applications are selected using the available remaining funds.

(3) In the event of a tie, HUD will select the applicant with the highest score in Rating Factor 1. If Rating Factor 1 is scored identically, the scores in Rating Factors 2, 3 and 4 will be compared in that order, until one of the applications receives a higher score. If both applications still score the same then the application which requests the least funding will be selected to promote the more efficient use of resources.

(4) HUD will evaluate all eligible applications based on the factors for award identified in this Section V.

(B) *Factors For Award Used To Evaluate and Rate Applications.* The maximum number of points for this program is 102 (except for an application submitted by the City of Dallas, Texas which would be eligible for a maximum of 104 points in accordance with Rating Factor 3, paragraph (6), below. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which you have proper organizational resources necessary to successfully implement the proposed New Approach Anti-Drug Program activities in an effective, efficient, and timely manner. In rating this factor, HUD will consider the extent to which the application demonstrates the capabilities described below:

(1) (5 Points) *The applicants' administrative capacity to implement the grant.* HUD will award points based on the quality and amount of staff allocated to the grant activity by you; the anticipated effectiveness of your systems for budgeting, procurement, drawdown, allocation, and accounting for grant funds and matching resources in accordance with OMB administrative requirements; and the lines of accountability for implementing your grant activity, coordinating your partnerships, measuring the effect of the expenditure of grant funds and ensuring that you and your MOU partners' commitments will be met. You must include in your narrative a discussion of financial capacity, staff resources, and prior experience that will enable you to effectively administer the grant and meet reporting requirements. This narrative must not exceed five pages. For an owner of an assisted housing development that is HUD-insured, HUD will consider the most recent Management Review (including Rural Housing Management Review), HUD's Uniform Physical Condition Standards review (as codified in 24 CFR part 5 subpart G), State Agency review and such other relevant information available to HUD on the capacity of the owner and manager to undertake the grant. You must include a copy of the most recent management review (not a physical inspection report) for the development(s) to be served by your grant. These documents will not be counted against your 5 page narrative limitation.

(2) (15 Points) *The applicant's performance in administering Drug Elimination grants and/or other Federal, State, or local grants of similar size and complexity during the last 3 years.* In assessing this factor, HUD will verify you and your partners' successful experience and performance based on information on file with HUD and will consider the following factors with the indicated total available points:

(a) (5 Points) *Your successful experience combined with your MOU partners' successful experience in utilizing similar strategies to alleviate crime.* You must identify your participation in HUD grant programs within the last three years and discuss the degree of your success in implementing planned activities measuring progress towards achieving program goals and objectives; timely drawdown of funds; timely submission of required reports and ability to complete activities on time and within budget; what if any audit findings were noted; whether there was audit compliance; whether there are and the extent of any unresolved findings and/or outstanding recommendations from prior HUD reviews or audits undertaken by HUD, HUD-Office of Inspector General, the General Accounting Office (GAO) or independent public accountants (IPAs). To receive maximum points under this section, you must have worked in partnership with one or more of your MOU partners (or two or more of your MOU partners may have worked together in partnership) using similar strategies to reduce crime in and around assisted housing developments. To demonstrate success in implementing past projects, you must identify the reduction in the occurrence of the types of crime as indicated in Rating Factor 2 of this program section of the SuperNOFA. In the absence of previous partnerships, your capacity will weigh more heavily than the experience of any of your partners, in HUD's assignment of points under this subfactor.

(b) (4 Points) *Your performance in administering other Federal, State or local grant programs.* You must identify your participation in HUD grant programs within the preceding three years, and discuss the degree of your success in implementing and managing these grant programs. This includes implementation, timely drawdown of funds, timely submission of required drawdown of funds, timely submission of required reports with satisfactory outcomes related to the plan and timetable, audit compliance and other HUD reviews.

(3) (6 Points) *The strength of the applicants' partnership as it relates to eliminating the crime problem identified in Rating Factor 2.* HUD will award points in this area based on the strength of resource commitments identified in your MOUs in terms of the amount of staff, time, money, or other assets committed by each MOU party toward implementing your program. Your description should include the following:

(a) Identification of the skills each party will bring to help successfully implement your program and the firmness of the commitments;

(b) evidence of your MOU partners' (and project tenants') pre-application role in developing the plan and prospective role in program implementation;

(c) Indications of the capacity of the assisted housing developments' ownership and management (based on available management reviews by governing public entities) to undertake their share of responsibilities in the

partnership (including evidence of whether management carefully screens applicants for units and takes appropriate steps to deal with tenants known to exhibit or suspected of exhibiting criminal behavior) and to cooperate with law enforcement actions on their project premises;

(d) The willingness of the unit of general local government to use its prosecutor's office as its lead agency in implementing the grant;

(e) Participation of additional partners other than those required to sign MOUs (for example, neighborhood business organizations); and

(f) The effectiveness of the partnership structure.

Rating Factor 2: Need/Extent of the Problem (25 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address the documented degree of the severity of the drug-related crime problem in the project area proposed for funding. Any collection of data should include summaries at the beginning of the data. In responding to this factor, HUD will evaluate the extent to which you have explained a critical level of need for your proposed activities and have indicated the urgency of meeting the need in the target area. You must include a description of the extent and nature of drug-related crime "in and around" the housing units or developments proposed for funding.

To the extent that you can provide objective crime data specific to the community or targeted development proposed for funding, your application is eligible to be awarded up to the full 25 points. If you do not provide documented objective crime data specific to the community or targeted development proposed for funding, your application is only eligible to receive up to 15 points for this factor.

You will be evaluated on the following:

(1) (25 Points) "Objective Crime Data" relevant to the target area. Your application must include the most current and specific Part I Crime data and relevant Part II Crime data available from the FBI's Uniform Crime Reporting Program (UCR) system or the local law enforcement's crime statistics. Part I Crimes include: homicide; rape; robbery; aggravated assault; burglary; larceny; auto theft; and arson. Part II drug-related crimes include: drug abuse violations; simple assault; vandalism; weapons violations; and other crimes which you are proposing to be targeted as part of your grant. In assessing this subfactor, HUD will consider the extent of specificity that the statistical data is provided (e.g., data specific to the neighborhood covered by your application). These data must consist of verifiable records and not anecdotal reports. Where appropriate, the statistics should be reported both in real numbers and as an annual percentage of the residents in each development (e.g., 20 arrests in a two-year period for distribution of heroin in a development with 100 residents reflects a 20% occurrence rate). These data may include:

(a) Police records or other verifiable information from records on the types or sources of drug related crime in your targeted developments and surrounding area;

(b) The number of lease termination's or evictions for drug-related crime at your targeted developments; and

(c) The number of emergency room admissions for drug use or that result from drug-related crime. Such information may be obtained from police departments and/or fire departments, emergency medical service agencies and hospitals. The number of police calls for service from the targeted developments that include resident initiated calls, officer-initiated calls, domestic violence calls, drug distribution complaints, found drug paraphernalia, gang activity, graffiti that reflects drugs or gang-related activity, vandalism, drug arrests, and abandoned vehicles.

For PHAs, such data should include housing authority police records on the types and sources of drug related crime "in and around" developments as reflected in crime statistics or other supporting data from Federal, State, Tribal or local law enforcement agencies.

If you submit objective data you do not need to submit other crime data. You should include summaries with the objective data that establish the drug related crime problem.

(2) (15 Points) Other Crime Data—*Other supporting data on the extent of drug-related crime.* To the extent that objective data as described above may not be available, you must use data from other verifiable sources that have a direct bearing on drug related crime in the developments proposed for assistance under this program. However, to qualify for points your application must indicate the reasons why you could not obtain objective data and what efforts you made to obtain it and what efforts you will make during the grant period to begin obtaining the data. Examples of the data should include (but are not necessarily limited to):

(a) Surveys of residents and staff in your targeted developments surveyed on drug-related crime or on-site reviews to determine drug/crime activity; and government or scholarly studies or other research in the past year that analyze drug-related crime activity in the targeted developments.

(b) Vandalism cost at your targeted developments, including elevator vandalism (where appropriate) and other vandalism attributable to drug-related crime.

(c) Information from schools, health service providers, residents and Federal, State, local, and Tribal officials, and the verifiable opinions and observations of individuals having direct knowledge of drug-related crime and the nature and frequency of these problems in developments proposed for assistance. (These individuals may include Federal, State, Tribal, and local government law enforcement officials, resident or community leaders, school officials, community medical officials, substance abuse, treatment (dependency/remission) or counseling professionals, or other social service providers.)

(d) The school dropout rate and level of absenteeism for youth that you can relate to drug-related crime. If crime or other statistics are not available at the development or precinct level, you must use other verifiable, reliable and objective data; and

(e) To the extent that your community's Consolidated Plan identifies the level of the problem and the urgency in meeting the need, references to the Consolidated Plan should be included in your response. HUD will review more favorably those applicants who used the Consolidated Plan to identify need, when applicable.

Rating Factor 3: Soundness of Approach (Quality of the Plan) (35 Points)

This factor addresses the quality and anticipated effectiveness of your proposed action plan using grant funds and other resources in taking a comprehensive community-based approach toward the problem of drugs and drug-related crime in the neighborhood identified in your application.

Your application must include an action plan for crime reduction and elimination efforts, describing in detail: the specific activities to be undertaken; the parties responsible for or involved in the activities for each development proposed for assistance; and the dollar amount and extent of resources committed to each activity or service proposed.

In evaluating this factor, HUD will consider the following:

(1) (25 Points) The quality and comprehensiveness of your action plan to address the drug-related crime problem and the problems associated with drug-related crime in the developments proposed for funding. You must include a description of your plan's anticipated effectiveness in reducing or eliminating drug-related crime problems immediately and over an extended period, as evidenced by:

(a) The extent to which your proposed activities provide services over the existing baseline of services currently provided to the project area;

(b) The extent to which the activities of the two required MOU entities are comprehensive and, as result of collective actions, will effectively work together. If you provide for a comprehensive approach, you will receive a higher number of rating points. HUD will provide only one-half of the eligible points under this subfactor if your application only includes an MOU with either:

(i) The local law enforcement entity; or

(ii) The local prosecutor (district attorney) with jurisdiction over the neighborhood identified in your application. If you include no MOUs with either party, you will receive zero points.

(c) The extent to which you have partnered with appropriate neighborhood and community stakeholders;

(d) The extent to which the resources allocated and the budget proposed are adequate to conduct the work plan as proposed; and

(e) Your rationale for the proposed activities and methods and why you believe the activities will be effective in reducing drug use and drug-related crime. If you are proposing new methods for which there is limited knowledge of the effectiveness, you should provide the basis for modifying past practices and rationale for why you believe the modification will yield more effective results.

(2) (10 Points) The adequacy of the process you will use to collect, maintain, analyze and report Part I and II crimes as defined by the Uniform Crime Reporting (UCR System), as well as police workload data. The process must include the collection of police workload data such as, but not limited to, all calls for service at the housing authority by individual development, patterns over a period of time, type of crime, and plans to improve data collection and reporting. Your proposed analysis of the data collected should include a method for assessing the impact of grant activities on the collected crime statistics on an on-going basis during the award period.

(3) Up to two (2) additional points will be awarded to any application submitted by the City of Dallas, Texas, to the extent this subfactor is addressed. Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application submitted by the City of Dallas, Texas, HUD's consideration of this subfactor will consider the extent to which the applicant's plan for the use of New Approach Anti-Drug funds will be used to eradicate the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order.

Rating Factor 4: Leveraging Resources (Support of Residents, the Local Government and the Community in Planning and Implementing the Proposed Activities and Interagency Activities) (10 Points)

This factor addresses your ability to secure community and government resources, in-kind services from local governments, non-profit entities, including resident organizations, for-profit entities, or private organizations to be combined with HUD's program resources to achieve program purposes. To be considered as documented evidence of leveraging, you must submit a letter signed by the organization head authorized to commit the organization which details the amount of funds or type of services to be provided. The letter also must identify the dollar value of any services or goods in lieu of a cash contribution. Therefore, in responding to the factor you must translate the time or services provided into a dollar value. This dollar value will be added to any cash funding commitments identified as part of your leveraging of funds. For example, if you are receiving a donation of security alarm systems, you should indicate the number of security systems to be provided and give a dollar value for those alarm systems. The value will be added to any cash contributions you have noted from others. The letter may indicate that the commitment is predicated on the applicant receiving the grant from HUD. In assessing this factor, HUD will consider the following:

(1) Evidence of the extent and amount of the commitment of funding, staff, or in-kind resources, partnership agreements, and on-going or planned cooperative efforts with law enforcement agencies, memoranda of understanding, or agreements to participate. Such commitments must be signed by an official of the organization legally able to make commitments for the organization. This evidence of commitment must include organization name, resources, and responsibilities of each participant. This also includes interagency activities already undertaken, participation in local, state, Tribal, or Federal anti-drug related crime efforts such as: education, training and employment provision components of Welfare Reform efforts, Operation Weed and Seed, Operation Safe Home, local law enforcement initiatives and/or successful coordination of its law enforcement; or other activities with local, state, Tribal, or Federal law enforcement agencies.

(2) HUD may award more points for applications with a higher percentage of these resources as compared to New Approach Anti-Drug funds requested.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participants or have promoted participation in a community's Consolidated Planning process. You should demonstrate that you are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which:

(1) You have coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and if funded, the specific steps you will take to share information on solutions and outcomes with others. Describe any written agreements and memoranda of understanding currently in place, or that will be in place after award.

(2) You have taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities the applicant proposes.

(3) You have shared and coordinated information on solutions and outcomes with other law-enforcement and governmental agencies, and have described any written agreements in place or that will be put in place.

(4) You have taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded project/activities outside the scope of those covered by the Consolidated Plan, and

(b) Other Federal, State, or locally funded activities, including those proposed or on-going in the community.

VI. Application Submission Requirements

Each New Approach Anti-Drug application must provide the items listed in this Section VI of this program section of the SuperNOFA. Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, or letters), referred to as the "non-standard forms" can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

(A) Application Cover Letter.

(B) Congressional Summary—Summary of your proposed program activities in five (5) sentences or less.

(C) A Neighborhood Description. The neighborhood description must include a basic description (e.g., boundaries and size), population, number of housing units in the neighborhood, a map, a population profile (e.g., relevant census data on the socio-economic, ethnic and family makeup of neighborhood residents), and the basis on which the area meets the definition of "neighborhood" as described in this program section of the SuperNOFA (i.e., describe and include a copy of the comprehensive plan, ordinance or other official local document which defines the area as a neighborhood, village, or similar geographical designation). If the entire jurisdiction is defined as a neighborhood by virtue of having a population at less than 25,000, indicate the jurisdiction's population under the 1990 census and describe/include more recent information which gives the best indication as to the current population.

(D) The description of the assisted housing development(s) in the neighborhood. This must include the name of the project; the name of the project owner; the nature, sources, and program titles of all project-based subsidies or other assistance provided to the development by units of government or private nonprofit entities. Any names of public or nonprofit assisted housing programs other than programs sponsored by HUD should be accompanied by a description of the program and the name and business phone number of a contact person responsible for administering the program. For the subsidy provider, you must include the number of housing units in the development, and the number of housing units in the development that meet the definition of "assisted housing units" in this funding announcement, and a description of the restrictions on rents and resident incomes that, in combination with the subsidy provided to the development, qualify the units as assisted/affordable in accordance with the definition in this program section of the SuperNOFA; and the number, geographic proximity (adjoining, adjacent, or scattered site, and if scattered site, the distance between the two buildings which are furthest apart), and type (single family detached, townhouse, garden, elevator) of buildings in the development.

(E) Application for Federal Assistance, Standard Form (SF) 424, signed by the chief executive officer of your organization.

(F) An action plan which describes the activities and roles to be undertaken by you and each subgrantee or subrecipient of program funds. This action plan may be attached to and referenced in your MOU.

(G) Narrative responses to the factors for award including any required documentation identified under each factor.

(H) A line item budget which identifies salaries, fringe benefits, consultants or subgrantees, equipment, supplies, travel, and general and administrative expenses; as well as an estimated dollar amount for each activity to be undertaken as part of your action plan.

(I) Overall budget and timetable that includes separate budgets, goals, milestones, and timetables for each activity and addresses milestones towards achieving the goals described above; and indicates the contributions and implementation responsibilities of each partner for each activity, goal, and milestone.

(J) The number of staff years, the titles and professional qualifications, and respective roles of staff assigned full or part-time to grant implementation by the applicant/grantee.

(K) Your plan and lines of accountability (including an organization chart) for implementing your grant activity, coordinating the partnership, and assuring that your and your subgrantees' commitments will be met. There must be a discussion of the various agencies of the unit of government that will participate in grant implementation (which must include the prosecutor's office and the police department.

VII. Corrections to Deficient Applications

The General Section of this SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Prior to the award of grant funds under the program, HUD will perform an environmental review to the extent required under the provisions of 24 CFR part 50. Should the environmental review indicate adverse environmental impacts, your application may be downgraded or rejected. The General Section of this SuperNOFA provides additional guidance on Environmental Reviews.

IX. Authority

This program is authorized under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Pub.L. 106–377, approved October 18, 2000), under the heading "Drug Elimination Grants for Low-Income Housing."

Appendix A—HUD Field Office List for Multifamily Housing

Please see Appendix A to the Multifamily Housing Drug Elimination Program section of this SuperNOFA for a list of the HUD Field Offices for Multifamily Housing.

Appendix B

The non-standard forms, which follow, are required for your New Approach Anti-Drug application.

BILLING CODE 4210-33-P

NEW APPROACH ANTI-DRUG PROGRAM
2001 DATA INPUT FORM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Project Number _____

IRS Employer Identification Number (EIN) _____ (from Item 6. Of the SF-424)

Lead Applicant _____

Lead Applicant Type (Please Check One)

Owner ☐ PHA ☐ Local Government ☐ Indian Tribe ☐ TDHE ☐

Lead Applicant Address _____

_____

Lead Applicant Official _____ Phone _____

Total Grant Amount Requested $ _____

Project to be funded _____

Project Address _____

_____

Project Owner _____

Neighborhood to be funded _____

Sub-Applicant Name (If applicable) _____

HUD Field Office or AONAP _____

NEW APPROACH ANTI-DRUG PROGRAM
2001 NEIGHBORHOOD AND ASSISTED HOUSING INFORMATION FORM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

You must provide the following information. For narratives and other submission requirements please attach pages directly behind this form.

Provide a description of the neighborhood.

1. A basic description of the neighborhood (i.e. boundaries and size).
   a. Population _____
   b. Number of Housing units in neighborhood _____
   Please also attach a map showing the location of these housing units.
   c. Population profile (e.g. relevant census data on socio-economic, ethic and family makeup of neighborhood.
   d. Describe how the area meets the definition of "neighborhood" (i.e. describe and include a copy of the comprehensive plan, ordinance or other official local document which defines the area as a neighborhood, village, or similar geographical designation). If the entire jurisdiction is defined as a neighborhood by virtue of having a population at less than 25,000, indicate the jurisdiction's population under the 1990 census and describe/include more recent information which gives the best indication as to the current population (please attach).

2. Provide a description of the Assisted housing development(s) in the neighborhood.
   a. Name of Project _____
   b. Name of the Project Owner _____
   c. Nature, source, and program titles of all project based subsidies or other assistance provided to the projects by units of government or private nonprofit entities (any names of public or nonprofit programs other than programs sponsored by HUD should be accompanied by a description of the program and the name and business phone number of a contact person responsible for administering the program for the subsidy provider);
   d. The number of housing units in the project and the number of housing units in the project that meet the definition of "assisted housing units" in this NOFA, and a description of the restrictions on rents and resident incomes that, in combination with the subsidy provided to the project, quality the units as assisted/affordable in accordance with the definition in this NOFA.
   e. The number, geographic proximity (adjoining, adjacent, or scattered site, and if scattered site, the distance between the two buildings which are furthest apart), and type (single family detached, townhouse, garden, elevator) of buildings in the project.

BUDGET SUMMARY

FEDERAL FUNDS REQUESTED
FY 2001 NEW APPROACH ANTI-DRUG PROGRAM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Name and Address of Applicant: _____

_____

_____

Program: _____

Field Office: _____

Detailed Description of Budget

Budget Line Item No.	Activities	Funds Requested
9150	Reimbursement of local law enforcement Agencies over and above baseline services	$
9160	Security Personnel	
	1. Employment of Security Personnel	$
	2. Contracted Security Guards	$
	Sub-Total: (1-2)	$
9170	Employment of Investigator(s) and/or prosecution	$
9180	Physical Improvements	$
	HA Total funding requested:	$
	HUD Official Use: Total funding approved by HUD	$

PROJECT SUMMARY
CONGRESSIONAL NOTIFICATION
INFORMATION SHEET
FY 2001 NEW APPROACH ANTI-DRUG PROGRAM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

A narrative (one paragraph only) must be completed by each applicant. HUD will use this narrative for congressional notifications.

PLEASE INCLUDE IN YOUR NARRATIVE:

1. Components or elements of your comprehensive plan.
2. Major activities and/or programs.
3. Use specific names of targeted developments including location of developments.
4. Identify population to be assisted and projected number of residents served (if applicable).

NAME(S) OF CONGRESSIONAL REPRESENTATIVE(S)	CONGRESSIONAL DISTRICT
1.	
2.	
3.	
4.	

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MULTIFAMILY HOUSING DRUG ELIMINATION

Billing Code 4310-32-C

FUNDING AVAILABILITY FOR DRUG ELIMINATION GRANTS FOR FEDERALLY ASSISTED LOW-INCOME HOUSING (MULTIFAMILY HOUSING DRUG ELIMINATION)

Program Overview

Purpose of the Program. The purpose of this Multifamily Housing Drug Elimination Grant Program is to enable owners of federally assisted low-income housing developments to deal effectively with drug-related criminal activity in and around their developments, through a plan of activities including enhanced security measures, support of tenant patrols, and drug-abuse prevention, intervention, referral, and treatment programs.

Available Funds. Approximately $16.25 million.

Eligible Applicants. Only owners of eligible developments may apply for and become the recipient of grant funds. Property management companies may administer grant programs, but are not eligible applicants.

Application Deadline: May 23, 2001.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original and two copies) is due on or before 6:00 pm, local time, on May 23, 2001 at the address shown below.

See the General Section of this SuperNOFA for specific procedures concerning the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Appendix A to this program section contains a list of HUD Field Offices where you must send your application by the deadline. Please address your application to the Director, Multifamily Housing Hub or Program Center in your local HUD Field Office.

For Application Kits. For an application kit, please call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to Multifamily Housing Drug Elimination Grants, and provide your name, address (including zip code) and telephone number (including area code). An application kit also will be available on the Internet at http://www.hud.gov/grants.

For Further Information and Technical Assistance. You may contact your local HUD Field Office staff for questions you have regarding this program section of the SuperNOFA and your application kit. Please contact the Resident Initiatives Specialist or Drug Elimination Grants contact person in your local office. If you have a question that the Field staff are unable to answer, please call Carissa Janis, Housing Project Manager, Office of Housing Assistance and Grants Administration, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6146, Washington, DC 20410; (202) 708–2866, extension 2487 (this number is not toll free). If you are hearing or speech impaired, you may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov/grants.

II. Amount Allocated

(A) *Available Funding.* HUD is allocating funds under this Multifamily Drug Elimination Grant Program section of the SuperNOFA to the eighteen Multifamily Housing Hub Offices, in accordance with the following schedule:

HUB OFFICES AND FIELD OFFICE JURISDICTIONS

Atlanta Hub (Atlanta, Caribbean, Knoxville, Nashville, Louisville)	$1,219,019
Baltimore Hub (Baltimore, Richmond, Washington, DC)	801,213
Boston Hub (Boston, Hartford, Manchester, Providence)	1,310,033
Buffalo Hub	329,658
Chicago Hub (Chicago, Indianapolis)	969,691
Columbus Hub (Columbus, Cincinnati, Cleveland)	945,259
Denver Hub	757,497
Detroit Hub (Detroit, Grand Rapids)	619,184
Ft. Worth Hub (Ft. Worth, Albuquerque, Houston, Little Rock, New Orleans, San Antonio, Shreveport)	1,161,687
Greensboro Hub (Greensboro, Columbia)	811,246
Jacksonville Hub (Jacksonville, Birmingham, Jackson)	1,006,691
Kansas City Hub (Kansas City, Des Moines, Oklahoma City, Omaha, St. Louis, Tulsa)	1,183,903
Los Angeles Hub	761,080
Minneapolis Hub (Minneapolis, Milwaukee)	999,005
New York Hub	599,118
Philadelphia Hub (Philadelphia, Pittsburgh, Charleston, Newark)	1,138,754
San Francisco Hub (San Francisco, Honolulu, Las Vegas, Phoenix, Sacramento)	909,427
Seattle Hub (Seattle, Portland, Anchorage)	707,332
Grand Total	16,250,000

The Multifamily Housing Hub offices will select applicants for award according to the process discussed in Section V of this program section of the SuperNOFA.

(B) *Maximum Grant Award.* The maximum amount of funds you may receive for an application with one development is $125,000 and the maximum for an application for two or more developments is $200,000.

(C) *Reduction of Requested Grant Amounts.* You may be awarded an amount less than requested if:

(1) HUD determines that some elements of your proposed action plan are ineligible for funding;

(2) Insufficient amounts remain under the allocation to fund the full amount you requested, and HUD determines

that partial funding is a viable option; or

(3) HUD determines that a reduced grant would prevent duplicative Federal funding.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The Federally Assisted Low-Income Housing Drug Elimination Grant program is designed to assist property owners to reduce or eliminate drug-related criminal activity in and around their developments and to provide programs to prevent or eliminate drug use and abuse among their residents. While this program is centered in and around the premises of one or more HUD assisted multifamily housing sites, you are expected to work closely with other community social service and law enforcement organizations to achieve specific program objectives to reduce or eliminate drug-related criminal activity. The development of these strong working partnerships is an essential part of this program and is seen by the Department as necessary for long-term strategies to fight crime and drug abuse. Thus, while your activities are targeted in and around one or more developments, HUD expects you to link your activities with services available in your community. In particular, HUD is seeking plans that provide successful, proven, and cost-effective deterrents to drug-related crime and drug abuse that are designed to address the realities of federally assisted low-income housing environments.

(B) Eligible Applicants

(1) To be eligible for funding, you must meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA and must be owners of developments assisted under the following programs:

(a) Sections 221(d)(3) below market interest rate, or 236 of the National Housing Act;

(b) Section 101 of the Housing and Urban Development Act of 1965; or

(c) Any development receiving project-based assistance under Section 8 of the United States Housing Act of 1937. This includes Section 202, Section 515, State Housing Finance Agency, Moderate Rehabilitation, Section 8 New Construction and Substantial Rehabilitation, 221(d)(3), 221(d)(4), and 236 developments.

(2) If you are a management agent, you may prepare applications and sign application documents if you provide written authorization from the owner as part of your application.

(3) If your eligibility status changes during the course of the grant term, making you ineligible to receive a grant (e.g. due to prepayment of mortgage, sale of property, or opting out of a Section 8 Housing Assistance Payment (HAP) contract), HUD has the right to terminate your grant.

(4) To be eligible, developments must also meet the following criteria:

(a) Are current in mortgage payments or are current under a workout agreement;

(b) Meet HUD's Uniform Physical Conditions Standards (codified in 24 CFR part 5, subpart G), based on the most recent physical inspection report and responses thereto, as evidenced by a score of 60 or better or an approved plan for developments scoring less than 60, and

(c) Are in compliance with your regulatory agreement, HAP Contract, and other outstanding directives.

(5) Eligible owners may apply for and receive both Multifamily Housing Drug Elimination Grants and New Approach Anti-Drug grants.

(C) *Eligible Activities.* Your proposed drug elimination program should foster interrelationships among the residents, the housing owner and management, the local law enforcement agencies, and other community groups affecting your development. Resident participation in the determination of programs and activities to be undertaken is critical to the success of all aspects of your program. In addition to working closely with the development's residents, your program must include working with community groups, the neighborhood law enforcement precinct, residents of adjacent developments, and the community as a whole to enhance and magnify the effect of your specific program activities. HUD seeks result-oriented programs that promote stability, positive and lasting changes in and around your development and the surrounding community, and which use proven cost-effective measures to reduce drug use or prevent criminal activity.

With the very real need to protect occupants of HUD-assisted housing and the areas around the housing, the civil rights of all citizens must be protected. Your proposed strategies should be developed to ensure that crime-fighting and drug prevention activities are not undertaken in such a manner that civil rights or fair housing statutes are violated. You may not use race, color, sex, religion, national origin, disability, or familial status to profile persons as suspects or otherwise target them in conducting these activities. In addition, all segments of the population should be represented in developing and implementing your crime-fighting strategies.

(1) *Physical Improvements To Enhance Security.* All physical improvements must be accessible to persons with disabilities and must meet the accessibility requirements of 24 CFR part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development. In addition, such physical improvements must support or enhance visitability for people with mobility impairments.

Your physical improvements may include systems to limit building access to development residents; installation of barriers, lighting systems, fences, bolts, locks; landscaping or reconfiguration of common areas to discourage drug-related crime; or other physical improvements that enhance security and discourage drug-related activities. Rehabilitation of existing space for use by drug-related intervention and prevention programs is an eligible activity.

(2) The provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with local law enforcement officials is an eligible activity.

(3) *Programs to Reduce the Use of Drugs.* Programs to reduce the use of drugs in and around your development, including drug-abuse prevention, intervention, referral, and treatment are eligible for funding. Where appropriate, you must establish a confidentiality policy regarding medical and disability-related information. Funding is permitted for reasonable, necessary, and justified leasing of vehicles for resident youth and adult education and training activities directly related to "programs to reduce the use of drugs" under this section. All such services and educational and training programs must be fully accessible to people with disabilities.

(a) *Drug Prevention.* Your drug prevention activities should provide a comprehensive drug prevention approach that will address the individual resident and his or her relationship to family, peers, and the community. Prevention activities should identify and change the conditions in federally assisted low-income housing that lead to drug-related problems and lower the risk of drug usage. Many components of a comprehensive approach, such as refusal and restraint skills training or drug-related family counseling, may already be available in your community. Your plan should include bringing

program components already available in the community onto the premises. Proposed activities may include the following:

(i) *Drug Education Opportunities for Residents.* Activities should provide both young people and adults with the working knowledge and skills needed to avoid the potential and immediate dangers of illegal drugs. You may contract (in accordance with 24 CFR 85.36) with drug education professionals to provide training or workshops. Contracted drug education services must reflect or be tied to your program plan.

(ii) *Family and Other Support Services.* Prevention programs should be designed to help foster successful family relationships that may inhibit or reduce drug use. Examples of services include parenting skills workshops, short-term family counseling, child care, or family, cultural or educational programs. You may provide these programs directly or refer residents to such services already available in your community.

(iii) *Youth Services.* If you propose drug prevention services in your plan and your development has a substantial number of young residents, HUD strongly encourages you to include youth in your prevention programs. Your proposed prevention activities for youth must involve the active participation of youth in planning programs and service delivery. Such youth-oriented drug prevention programs may include youth leadership skills training; events incorporating dissemination of drug education information; and sports, recreational, cultural, and general education activities.

(iv) *Economic/Educational Opportunities.* Eligible economic or educational programs should have the objectives of assisting residents in improving their educational status, vocational and job readiness skills, and opportunities for obtaining employment. The ultimate goal of services should be to assist residents in obtaining suitable lifelong employment and self-sufficiency to deter drug use, abuse, and related crime.

(b) *Intervention.* The aim of intervention is to provide residents with substance abuse/dependency remission services to assist them in modifying their behavior; obtaining early treatment and structured aftercare; and maintaining remission. Your program should also be designed to prevent drug problems from continuing once detected. If you propose any intervention program that seeks to accomplish the above objectives, you must describe how you expect the activities to assist residents in reducing or ceasing their use of illicit drugs and involvement in drug-related crime.

(c) *Drug Treatment.* If your program provides treatment services, they must be targeted to the development and its residents. Your program should be conducted in and around the premises of the development, or residents must be referred to receive treatment from other available sources within the community. You may include implementing new drug referral treatment or aftercare services, or improve or expand currently available services. Your proposed drug treatment program should aim to reduce illicit drug use among residents by increasing resident accessibility to, and effective participation in, drug treatment activities, and decreasing criminal activity in and around your development. Your proposed plan must demonstrate a working partnership with your Single State Agency (or State license provider or authority with drug program coordination responsibilities in your State) to coordinate, develop, and implement your drug treatment program. In particular, you and the appropriate agency must confirm that your proposed drug treatment provider(s) has provided these services to similar populations for two prior years and your drug treatment program is consistent with the State treatment plan, meeting all State licensing requirements. Services eligible for funding may include:

(i) Drug treatment supportive services designed for youth and/or maternal drug abusers. Examples of services are: prenatal/postpartum care; specialized counseling for women; or, parenting classes. You are encouraged to draw upon approaches that have proven effective with similar populations.

(ii) Formal referral arrangements to treatment programs not in and around the development when treatment funding from sources other than this program are available.

(iii) Transportation for residents to out-patient treatment and/or support programs.

(iv) Family/collateral counseling.

(v) Linking programs with educational/vocational counseling.

(vi) Coordinating services with appropriate local drug agencies, HIV-related service agencies, and mental health and public health programs.

(D) *Ineligible Activities.* The following activities are not eligible for funding:

(1) Hiring of or contracting employment security guards to provide security services in and around the development.

(2) Any activity or improvement that is normally funded from project operating revenues for routine maintenance or repairs, or those activities or improvements that may be funded through reasonable and affordable rent increases;

(3) The acquisition of real property or those physical improvements that involve the demolition of any units in your development or displacement of tenants;

(4) Costs incurred prior to the effective date of your grant agreement, including consultant fees for surveys related to your application or its preparation;

(5) Reimbursement of local law enforcement agencies for additional security and protective services;

(6) Employment of one or more individuals to investigate drug-related crime in and around federally-assisted low-income developments and/or to provide evidence relating to such crime in any administrative or judicial proceeding;

(7) Treatment of residents at any in-patient medical treatment programs or facilities;

(8) Detoxification procedures designed to reduce or eliminate the presence of toxic substances in body tissues of a patient;

(9) Maintenance drug programs; [Maintenance drugs are medications that are prescribed regularly for a long period of supportive therapy (e.g., methadone maintenance), rather than for immediate control of a disorder.]

(10) Programs to treat alcoholism; and

(11) Funding of police informants who provide information about drug-related activity.

IV. Program Requirements

In addition to the requirements listed in Section II of the General Section of this SuperNOFA, you must also meet the additional requirements in Section IV of this program section of the SuperNOFA. These requirements apply to all activities, programs, and functions used to plan, budget, and evaluate the work funded under your program.

(A) *Administrative Costs.* Administrative costs cannot exceed 10% of your proposed program's total cost. HUD will look more favorably upon proposals that target grant funds to hard program costs and propose minimal, if any, administrative expenses.

(B) *Term of Funded Activities.* Your grant term cannot exceed twelve months.

(C) *Multiple Developments.* There is no limit to the number of developments that can be included in your

application. However, if you include more than one development in your application, all developments must be eligible and located in the same Field Office jurisdiction. In addition, you must demonstrate in your response to Rating Factor 3 "Soundness of Approach—(Quality of the Plan)" that your program will be feasible to implement among all proposed developments.

(D) *Subgrants and Subcontracting.* You may directly undertake or subcontract for any of the eligible activities under this Multifamily Drug Elimination Program section of the SuperNOFA. Resident groups that are not incorporated may work with you in the implementation of your program, but may not receive funds as subgrantees.

(E) *Collection of Crime Data.* If you receive a grant, you will be required to collect and report on Parts I and II crime data. Parts I and II crime data are defined by the Uniform Crime Reporting (UCR) System (see Rating Factor 2, paragraph (1)(d)).

(F) *Forms, Certifications and Assurances.* See the General Section of the SuperNOFA for the applicable forms, certifications, and assurances that you must submit. This includes a certification that you are in compliance with Federal Civil Rights laws, as specified in Section II(G)(7) of the General Section of this SuperNOFA.

(G) *Affirmatively Furthering Fair Housing.* You must comply with Section II(D) of the General Section of this SuperNOFA.

(H) *Federal Labor Standards.* In accordance with 24 CFR 761.40, when grant funds are used to undertake physical improvements to assisted multifamily housing, you must comply with Davis-Bacon prevailing wage requirements.

V. Application Selection Process

(A) *Rating and Ranking.* All applications will be evaluated competitively and ranked against applications in the same Field Office.

The maximum number of points for this program is 102. This includes two Empowerment Zone/Enterprise Community (EZ/EC) bonus points, as described in the General Section of the SuperNOFA. For bonus points related to activities located in Empowerment Zones or Enterprise Communities, you must demonstrate that there is a connection between such EZ or EC and tenant, local government, and local community support and participation in the design and implementation of the proposed activities to be funded under this program.

(B) *Distribution of Funds.* This year HUD will distribute funds to each Multifamily Housing Hub Office, in proportion to the number of eligible developments in that area. Each Multifamily Hub Office may recommend a total number of awards up to the dollar amount allocated for the area covered by the Hub Office. Hub Offices will receive the scores from each HUD Field Office which has received, rated, and ranked its applications.

The Hub Offices will conduct the selection process as follows: Where a Multifamily Hub covers more than one Field Office jurisdiction, the Hub Office will first select the highest ranked application in each Field Office for funding. After this selection, the Hub will use remaining funds to fully fund as many applications as possible in rank order, regardless of Field Office. Hub Offices representing only one Field Office shall use their distribution of funds to fully fund in rank order as many applications as possible. Any funds still remaining after the Hub Office distribution by rank will be forwarded to Headquarters, which shall make awards to fund as many remaining applications as possible by national rank order. All applications must receive a score equal to or greater than the minimum score of 70 without bonus points to be considered for funding.

This process balances a geographic distribution with a process that gives priority to the most highly rated applications. Your application will primarily compete for funding with other applications submitted within that same Hub Office jurisdiction.

(C) *Procedure to Resolve Tied Scores.* If two or more applications have the same score and there are insufficient funds to fund all of them, the application with the highest score for the Soundness of Approach rating factor shall be selected for funding. If a tie still remains, the application with the highest score for the Capacity of the Applicant and Relevant Organizational Experience rating factor shall be selected. Further tied applications will be selected by their scores in the Need/Extent of Problem, Leveraging Resources, and Comprehensiveness and Coordination rating factors, in that order. If the applications received the same score for each of the five factors, the Multifamily Hub Office or Headquarters will break the remaining tie by selecting the application whose developments(s) are in most financial need based on a per unit negative cash flow analysis of the most recent Annual Financial Statement (AFS).

(D) *Factors for Award Used to Evaluate and Rate Applications.* The five factors in this section total 100 points. An application must receive a score of at least 70 points to be eligible for funding under this competition. Each application submitted will be evaluated using the following selection criteria set forth below.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which you have organizational resources necessary to successfully implement your proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which you demonstrate the capabilities described below.

(1) (20 points) Administrative Capacity.

(a) The knowledge and experience of your staff and your administrative capacity to manage grants, including administrative support functions, procurement, lines of authority, and fiscal management capacity. Your narrative must include a discussion of financial capacity, staff resources, and prior experience that will enable you to effectively administer a grant and meet reporting requirements. Your narrative should not exceed five pages.

(b) HUD's evaluation approach. (i) For Public Housing Authorities (PHAs) and tribally designated housing entities (TDHEs) that had previously applied as IHAs, HUD will also consider such measurements as the uniform crime index, physical inspections, agency monitoring of records, Line of Credit Control System (LOCCS) Reports, audit and such other relevant information available to HUD on the capacity of the owner or manager to administer the grant.

(ii) For owners of federally-assisted low income housing, HUD will also consider the most recent Management Review (including Rural Housing Management Review), HUD's Uniform Physical Conditions Standards review, State Agency review, physical inspection, and other relevant information available to HUD on the capacity of the owner and manager to undertake the grant.

(2) (Deduct up to 5 points for prior poor performance) Your performance in administering Drug Elimination funding in the previous 5 years. HUD will consider your participation in HUD grant programs within the preceding five years and evaluate the degree of your success in implementing and managing these grant programs. HUD will look at program implementation, timely drawdown of funds, timely submission of required reports with satisfactory outcomes related to the plan and timetable, audit compliance, whether there are any unresolved findings from prior HUD reports (e.g., performance or finance) reviews of audits undertaken by HUD, the Office of Inspector General, the General Accounting Office or independent public accountants).

For PHAs, your past experience will be evaluated in terms of your ability to attain demonstrated measurable progress in tracking drug related crime, enforcement of screening and lease procedures in implementation of the "One Strike and You're Out Initiative" (as applicable), the extent to which you have formed a collaboration with Tribal, State and local law enforcement agencies and courts to gain access to criminal conviction records of potential tenants to determine their suitability for residence in public housing. Such data will be measured and evaluated based on your public housing assessment score (24 CFR parts 901/902).

Rating Factor 2: Need/Extent of the Problem (25 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address a documented problem in the target area (i.e., the degree of the severity of the drug-related crime problem in the development(s) proposed for funding). In responding to this factor, HUD will evaluate your application based on the extent to which a critical level of need for your proposed activities is explained and you provide a justification for the urgency of meeting the need in your development(s) and the area around your development(s). Your application must include a description of the extent and nature of drug-related crime "in and around" the housing units or development(s) you propose for funding.

(1) *Drug-Related Crime Statistics.* (23 Points) You will receive up to 23 points for this factor if your statistics and explanation of need establish critical crime problems and an urgency to address these problems in and around your development(s). To receive the maximum number of points, you must provide statistics for both the premises of your development(s) and the smallest geographic area surrounding your development(s) for which objective statistics are available in your community, town, or city. If you use statistics from institutions (e.g. hospitals or schools), the institutions must directly serve the residents of the targeted development(s). If the statistics you provide do not indicate a critical need, urgency to meet this need, or you do not provide statistics that document the need within your development(s) or the area around your development(s), you will not receive the maximum number of points. If you do not submit the letter or documentation for the "non-objective" data, indicated in paragraph 2(a), below, you will also receive fewer points.

The statistics and information you provide must include the following:

(a) *"Objective Crime Data" relevant to the target area.* Such data should consist of verifiable records and not anecdotal reports. Where appropriate, the statistics should be reported both in real numbers and as an annual percentage of the residents in each development (e.g., 20 arrests in a one-year period for distribution of heroin in a development with 100 residents reflects a 20% occurrence rate). Such data may include:

(i) Police records or other verifiable information from records on the types or sources of drug related crime in the targeted development and surrounding area;

(ii) The number of lease terminations or evictions for drug-related crime at the targeted development; and

(iii) The number of emergency room admissions for drug use or that result from drug-related crime. Such information may be obtained from police Departments and/or fire departments, emergency medical service agencies and hospitals. The number of police calls for service from your development that include resident initiated calls, officer-initiated calls, domestic violence calls, drug distribution complaints, found drug paraphernalia, gang activity, graffiti that reflects drugs or gang-related activity, vandalism, drug arrests, and abandoned vehicles.

(iv) To the extent possible, you should obtain statistics on Part I and Part II crimes, as defined by the Uniform Crime Reporting (UCR) System. Part 1 crimes include: criminal homicide, forcible rape, robbery, aggravated assault two (including domestic violence through use of a weapon or by means likely to produce death or great bodily harm), burglary-breaking or entering, larceny-theft (except motor vehicle theft), motor vehicle theft, and arson. Part II crimes include: assaults, forgery and counterfeiting, fraud, embezzlement, vandalism, weapons (carrying or possessing), prostitution and commercialized vice, sex offenses (except forcible rape, prostitution, and commercialized vice), drug abuse violations, gambling, offenses against the family and children, driving under the influence, violation of liquor laws, drunkenness, disorderly conduct, vagrancy, all other offenses related to curfew and loitering laws and runaways.

For PHAs, such data should include housing authority police records on the types and sources of drug related crime "in and around" developments as reflected in crime statistics or other supporting data from Federal, State, Tribal, or local law enforcement agencies.

(b) *Other Crime Data.* If you are unable to attain objective crime statistics as mentioned above, you may submit other supporting, verifiable data on the extent of drug-related crime in the target area. If you submit other relevant information in place of objective data, you must provide the following to receive the maximum number of points:

(i) A letter or supporting documentation from your local law enforcement agency or another relevant neighborhood organization explaining why the objective data mentioned above is not available, and

(ii) A narrative explanation of the reasons why objective data could not be obtained, what efforts were made to obtain it, and what efforts will be made (if possible) during the grant period to begin obtaining the data. Such data may include the following:

—Surveys of residents and staff in the targeted development surveyed on drug-related crime or on-site reviews to determine drug/crime activity; and government or scholarly studies or other research in the past year that analyze drug-related crime activity in your targeted development.
—Vandalism cost at your targeted development, to include elevator vandalism (where appropriate) and other vandalism attributable to drug-related crime.
—Information from schools, health service providers, residents and Federal, State, local, and Tribal officials, and the verifiable opinions and observations of individuals having direct knowledge of drug-related crime, and the nature and frequency of these problems in your development proposed for assistance. (These individuals may include Federal, State, Tribal, and local government law enforcement officials, resident or community leaders, school officials, community medical officials, substance abuse, treatment (dependency/remission) or counseling professionals, or other social service providers.)
—The school dropout rate and level of absenteeism for youth that you can relate to drug-related crime.
—To the extent that the community's Consolidated Plan identifies the level of the drug abuse and related crime

problems in and around your targeted development, and the urgency in meeting the need, references to these documents should be included in your response. You will receive more points if you use these documents to identify need.

(2) *Development Need Based on Prior Award.* (2 points) If you have not received an award for the development(s) submitted in your FY 2001 application in the FY 1998, 1999, or 2000 competitions, you will receive two points. If you submit an application with multiple developments and one or more developments did not receive an award in FY 1998, 1999, or 2000, you will receive one point.

Rating Factor 3: Soundness of Approach—(Quality of the Plan) (35 Points)

This factor addresses the quality and effectiveness of your proposed work plan. In rating this factor, HUD will consider the impact of your proposed activities and the tangible benefits that can be attained by the community and by the target population. Your application must include a detailed narrative describing each proposed activity for crime reduction and elimination efforts for each development proposed for assistance, the amount and extent of resources committed to each activity or service proposed, and process used to collect, maintain, analyze and report Part I and II crimes as defined by the Uniform Crime Reporting (UCR System, as well as police workload data.

In evaluating this factor, HUD will consider the following:

(1) (14 points) Your plan's approach to address the drug-related crime problem and associated problems in the development proposed for funding, the resources allocated, and the extent to which your proposed activities are targeted to residents, provide for linkages with existing community resources, and are likely to have long term impacts on reducing drug use and drug-related crime in and around your targeted development. Also, you must include the rationale for the proposed activities and methods to be used in developing your program and approach to reducing drug-related crime and drug abuse. If you propose drug prevention or intervention activities, these services must constitute a continuing and comprehensive approach to deter drug use or abuse among your residents and their neighbors. Your proposal must demonstrate how your activities work together with other on-going activities in the community and how these activities rely upon each other to form a holistic plan. Your plan must include the following items. If these are not included, you will receive fewer points under this subfactor:

(a) An explanation of how any proposed physical improvements, services, and training programs will be accessible and visitable to persons with disabilities and a statement that they will meet the accessibility requirements of 24 CFR part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development;

(b) A discussion of how any drug education services that you propose to undertake directly or through a subcontract will reflect the objectives of your program plan;

(c) A specific explanation of how you plan to incorporate the active participation of youth in planning prevention programs and services targeted to their needs; and

(d) If you propose drug treatment activities, you must provide a letter from your Single State Agency (or State license provider or authority with drug program coordination responsibilities in your State) that states that your program is effectively coordinating, developing, and implementing drug treatment programs in partnership with that entity.

(2) (10 points) The anticipated effectiveness of your plan and proposed activities in reducing or eliminating drug-related crime problems immediately and over an extended period. This should include the following:

(a) A description of established performance goals for the results to be achieved during the period of your grant. The goals must be objective, quantifiable, and measurable, and they must be outcome or result-oriented. Outcomes include accomplishments, results, impact and the ultimate effects of the program on the drug or crime problem in the target/development area.

(b) An explanation of how your proposed activities enhance and are coordinated with on going or proposed programs sponsored by HUD, such as Neighborhood Networks, Campus of Learners, Operation Safe Home, "One Strike and You're Out", Department of Justice Weed and Seed efforts, or any other prevention/intervention/treatment activities in your community. Explain the specific steps you will take to share and coordinate information on solutions and outcomes with other law-enforcement and governmental agencies, and a description of any written agreements in place or that will be put in place by you with these entities.

(3) (3 points) Evidence and explanation of how proposed activities have been effective in similar circumstances in controlling drug-related crime. If you are proposing new methods for which there is limited knowledge of effectiveness, you should provide the basis for modifying past practices and rationale for why you believe the modification will yield more effective results.

(4) (3 points) The process you will use to maintain, analyze, and report Part I and II crimes, as well as police workload data. Police workload data may include, but are not limited to: all calls for service by residents of your development, crime pattern over a period of time by type of crime, and plans to improve data collection and reporting. Your proposed analysis of the data collected must include a method for assessing the impact of activities on the collected crime statistics throughout your award period. The results of your activities and the effect on statistics is of much greater importance than the method you will use to collect such data, so you should pay attention to the benchmarks you establish for measuring and evaluating your performance, particularly measuring changes in crime rates by Part I and Part II crime data.

(5) (1 point deducted if not addressed) The extent to which your program to eliminate crime in your development or neighborhood will expand fair housing choice and will affirmatively further fair housing. Provide a brief statement outlining the benchmarks you will use to measure your success in affirmatively furthering fair housing through this program. This may include such items as making physical improvements accessible to persons with disabilities, lower vacancy and turnover rates and increased new applications for housing in your development and in other rental properties in your neighborhood, new businesses and other community development initiatives in your area, or increased rates of homeownership in your community.

(6) (5 points) *Resident Support.* The extent to which you have sought the support of residents in planning and implementing the proposed activities.

(a) You must provide evidence that you actively sought comments, suggestions, and support from residents for your proposed plan. State the steps you took to obtain this information and support. Demonstrate that you made your proposed plan available and that you requested comments in the language(s) of the tenants residing in your development(s).

(b) Describe and provide written documentation of these comments, suggestions, and support, HUD needs clear evidence that the residents agree with, support, and will work with your proposed program. If applicable, you must explain why you do not have written documentation of such support or did not receive any comments or suggestions.

(c) Describe how residents will be involved in implementing your program. If involvement would be minimal or not appropriate, please state and explain why.

Rating Factor 4: Leveraging Community Resources (10 Points)

To receive points under this rating factor, you must provide evidence of the level and type of participation and support by the local government or law enforcement agency for your proposed activities. This should include the level of assistance received from local government, community organizations, and/or law enforcement agencies. If a community organization is providing you with staff or supporting services, you must include a letter from each organization providing staff or support in order to receive maximum points. Each letter must specify what type of participation or contributions the organization will make to your program. Such letters must be from businesses, non-profit or public agencies within your unit of general local government (i.e. county, town, city) or incorporated resident organizations. Letters stating general support or from people or organizations not in and around your development are not relevant and you should not include them in your application.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinate your activities with other known organizations, participate or promote participation in your community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider your prior efforts and future plans to coordinate with other local agencies and organizations as follows:

(1) (3 points) Describe past efforts to coordinate your proposed activities with those of other groups or organizations prior to submission of your application in order to best complement, support, and coordinate all known activities. Explain what specific steps you will take to share information on solutions and outcomes with others. Please describe any written agreements or memoranda of understanding that are or will be in place after award.

(2) (6 points) Explain what specific steps you have taken or will take to develop linkages or coordinate comprehensive solutions through meetings, information networks, planning processes, or other mechanisms. Explain your past efforts or planned efforts for involvement with such programs or other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and/or other Federal, State, or locally funded activities, including those proposed or on-going in the community.

(3) (1 point) Explain specific steps you have taken or will take to become active in your community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

VI. Application Submission Requirements

(A) There is no limit to the number of developments per application. However, all developments in one application must be eligible and located in the same Field Office jurisdiction. You must demonstrate in Rating Factor 3 "Soundness of Approach—(Quality of the Plan)" that your program will be feasible to implement among all proposed developments. In addition, you must provide pertinent information for each Rating Factor for each proposed development.

(B) Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, letters, referred to as the "non-standard forms" can be found as Appendix B to this program section of the SuperNOFA: The items are as follows:

Standard Forms

—Standard Form for Application for Federal Assistance (SF–424) (which includes civil rights/fair housing certification);
—Federal Assistance Funding Matrix and Certifications (HUD–424M);
—Standard Form for Budget Information—Non-Construction Programs (SF 424A);
—Standard Form for Assurances—Non-Construction Programs (SF–424B);
—Drug Free Workplace Certification (HUD–50070);
—Certification of Payments to Influence Federal Transactions (HUD–50071) and if engaged in lobbying, the Disclosure Form Regarding Lobbying (SF–LLL);
—Applicant/Recipient Disclosure/ Update Report Form (HUD–2880);
—Acknowledgment of Application Receipt (HUD–2993)

Other Application Items

(1) *Application Cover Letter* that outlines and explains the application structure; includes the name of a contact person and a number where he/she can be reached, and provides any other information you feel would assist HUD in reviewing your application.

(2) *Applicant Data Input Form.*

(3) *Abstract of Proposed Program,* consisting of one paragraph which summarizes your proposed program.

(4) *Rating Factor 1 Narrative.* A narrative, not to exceed five pages, which includes a discussion of your organization's financial capacity, staff resources, and prior experience that will enable you to effectively administer a grant and meet reporting requirements.

(5) *Rating Factor 2 Narrative and Statistics.* The narrative and data must describe critical level of need for your proposed activities and a justification for the urgency of meeting the need in your development(s) and the area around your development(s). The description must indicate the extent and nature of drug-related crime.

(a) "Objective Crime Data" (i.e. statistics and other information) relevant to the target area, or

(b) Other supporting, verifiable data on the extent of drug-related crime in the target area. If you submit other relevant information in place of objective data, you must also provide the following:

(i) A letter or supporting documentation from your local law enforcement agency or another relevant neighborhood organization explaining why objective data are not available, and

(ii) A narrative explanation of the reasons why objective data could not be obtained, what efforts were made to obtain them, and what efforts will be made (if possible) during the grant period to begin obtaining the data.

(6) *Rating Factor 3 Narrative.* A narrative describing your plan's approach to address the drug-related

crime problem and associated problems in the development proposed for funding. The narrative must include:

(a) An explanation of the anticipated effectiveness of your plan and proposed activities in reducing or eliminating drug-related crime problems immediately and over an extended period.

(b) Evidence and explanation of how proposed activities have been effective in similar circumstances in controlling drug-related crime.

(c) A description of the process you will use to maintain, analyze, and report Part I and II crimes, as well as police workload data.

(d) An explanation of the extent to which your program to eliminate crime in your development or neighborhood will expand fair housing choice and will affirmatively further fair housing.

(e) Evidence that you actively sought comments, suggestions, and support from residents for your proposed plan. Provide written documentation of these comments, suggestions, and support. If applicable, you must explain why you do not have written documentation of such support or did not receive any comments or suggestions. Describe how residents will be involved in implementing your program.

(f) Drug Treatment Program Certification (if applicable).

(7) *Rating Factor 4 Narrative and Letters.* The narrative and letters must provide evidence of the specific type of participation, assistance, or other support received from local government, community organizations, and/or law enforcement agencies for your proposed activities. If a community organization is providing you with staff or supporting services, you must include a letter from each organization providing staff or support.

(8) *Rating Factor 5 Narrative.* The narrative must describe your past efforts to coordinate your proposed activities with those of other groups or organizations prior to submission of your application. The narrative must include;

(a) An explanation of the specific steps you have taken or will take to develop linkages or coordinate comprehensive solutions through meetings, information networks, planning processes, or other mechanisms. Explain your past efforts or planned efforts for involvement with relevant community activities.

(b) An explanation of the specific steps you have taken or will take to become active in your community's Consolidated Planning process.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

It is anticipated that most activities under this program are categorically excluded from NEPA and related environmental authorities under 24 CFR 50.19(b)(3), (4), (12), or (13). If grant funds will be used to cover the cost of any activities which are not exempted from environmental review requirements—such as acquisition, leasing, construction, or building rehabilitation, HUD will perform an environmental review to the extent required by 24 CFR part 50, prior to grant award.

IX. Authority

This program is authorized under Chapter 2, subtitle C, title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et. seq.), as amended by section 581 of the National Affordable Housing Act of 1990 (Pub.L. 102–550) and section 161 of the Housing and Community Development Act of 1992, (Pub.L. 102–550), and further amended by Title V, Subtitle F, section 586 of the Fiscal Year 1999 HUD Appropriations Act (Pub.L. 105–276, approved October 21, 1998). The regulations for the program are found in 24 CFR part 761, Drug Elimination Programs.

Appendix A—HUD Field Office List for Multifamily Housing

Alabama

Multifamily Housing Program Center, HUD—Birmingham Office, 600 Beacon Parkway West, Rm. 300, Birmingham, AL 35209–3144, OFC Phone: (205) 290–7611, FAX: (205) 290–7632

Alaska

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

Arizona

Multifamily Housing Program Center, HUD Phoenix Office, 400 North Fifth Street, Suite 1600, Phoenix, AZ 85004–2361, OFC Phone: (602) 379–4434, FAX: (602) 379–3985

Arkansas

Multifamily Housing Program Center, HUD Little Rock Office, 425 West Capitol Avenue #900, Little Rock, AR 72201–3488, OFC Phone: (501) 324–5401, FAX: (501) 324–6142

California

Multifamily Housing Hub, HUD—San Francisco Office, 450 Golden Gate Avenue, PO Box 36003, San Francisco, CA 94102–3448, OFC Phone: (415) 436–6505, FAX: (415) 436–8996

Los Angeles Multifamily Hub, 611 West Sixth Street, Suite 800, Los Angeles, CA 90017, OFC Phone: (213) 894–8000 x 3634, Fax: (213) 894–8255

Colorado

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 11th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Connecticut

Multifamily Housing Program Center, HUD—Hartford Office, One Corporate Center, 19th floor, Hartford, CT 06103–3220, OFC Phone: (860) 240–4800 Ext. 3068, FAX: (860) 240–4850

Delaware

Multifamily Housing Hub, HUD Philadelphia Office, The Wanamaker Building, 100 Penn Square, East, Philadelphia, PA 19107–3380, OFC Phone: (215) 656–0609 Ext. 3533, FAX: (215) 656–3427

District of Columbia

Multifamily Housing Program Center, HUD Washington, DC Office, Suite 300, 820 First Street, 0, Washington, DC 20012–4205, OFC Phone: (202) 275–9200, FAX: (202) 275–9212

Florida

Multifamily Housing Hub, HUD—Jacksonville Office, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, OFC Phone: (904) 232–1777 x2144, FAX: (904) 232–2731

Georgia

Multifamily Housing Hub, HUD—Atlanta Office, Five Points Plaza Building, 40 Marietta Street, SW, Atlanta, Georgia 30303–2806, OFC Phone: (404) 331–4976, FAX: (404) 331–4028

Hawaii

Multifamily Housing Program Center, HUD Honolulu Office, 7 Waterfront Plaza, 500 Ala Moana Blvd. #500, Honolulu, HI 96813–4918, OFC Phone: (808) 522–8185 Ext. 244, FAX: (808) 522–8194

Idaho

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

Illinois

Multifamily Housing Hub, HUD—Chicago Office, Ralph Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, OFC Phone: (312) 353–6236 Ext. 2202, FAX: (312) 886–2729

Indiana

Multifamily Housing Program Center, HUD Indianapolis Office, 151 North Delaware Street, Suite 1200, Indianapolis, IN 46204–2526, OFC Phone: (317) 226–6303, FAX: (317) 226–7308

Iowa

Multifamily Housing Program Center, HUD Des Moines Office, 210 Walnut Street, Room 239, Des Moines, IA 50309–2155, OFC Phone: (515) 284–4736, FAX: (515) 284–4743

Kansas

Multifamily Housing Hub, HUD Kansas City Office, 400 State Avenue, Room 200, Kansas City, KS 66101–2406, OFC Phone: (913) 551–6844, FAX: (913) 551–5469

Kentucky

Multifamily Housing Program Center, HUD—Louisville Office, 601 West Broadway, PO Box 1044, Louisville, KY 40201–1044, OFC Phone: (502) 582–6124, FAX: (502) 582–6547

Louisiana

Multifamily Housing Program Center, HUD New Orleans Office, Hale Boggs Bldg.—501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, OFC Phone: (504) 589–7236, FAX: (504) 589–6834

Maine

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

Maryland

Multifamily Housing Hub, HUD Baltimore Office, 5th Floor, 10 South Howard Street, Baltimore, MD 21201–2505, OFC Phone: (410) 962–2520 Ext. 3474, FAX: (410) 962–1049

Massachusetts

Multifamily Housing Hub, HUD—Boston Office, O'Neil Federal Building, 10 Causeway Street, Rm. 375, Boston, MA 02222–1092, OFC Phone: (617) 565–5162, FAX: (617) 565–6557

Michigan

Multifamily Housing Hub, HUD Detroit Office, 477 Michigan Avenue, Detroit, MI 48226–2592, OFC Phone: (313) 226–7900, FAX: (313) 226–5611

Multifamily Housing Program Center, HUD Grand Rapids, Trade Center Building, 50 Louis Street, NW., Grand Rapids, MI 49503–2648, OFC Phone: (616) 456–2100, FAX: (616) 456–2191

Minnesota

Multifamily Housing Hub, HUD Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401–2195, OFC Phone: (612) 370–3051 Ext. 0, FAX: (612) 370–3090

Mississippi

Multifamily Housing Program Center, HUD Jackson Office—McCoy, Federal Building, 100 W. Capitol Street, Room 910, Jackson, MS 39269–1096, OFC Phone: (601) 965–4738, FAX: (601) 965–4773

Missouri

Multifamily Housing Hub, HUD Kansas City Office, 400 State Avenue, Room 200, Kansas City, KS 66101–2406, OFC Phone: (913) 551–6844, FAX: (913) 551–5469

Multifamily Housing Program Center, HUD St. Louis Office, Robert A. Young Federal Building, 1222 Spruce Street—Third Floor, St. Louis, MO 63103–2836, OFC Phone: (314) 539–6382, FAX: (314) 539–6356

Montana

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Nebraska

Multifamily Housing Program Center, HUD Omaha Office, 10909 Mill Valley Road, Suite 100, Omaha, NE 68154–3955, OFC Phone: (402) 492–3113, FAX: (402) 492–3184

Nevada

Multifamily Housing Program Center, HUD Las Vegas Office, 333 N. Rancho Drive—Atrium Bldg. Suite 700, Las Vegas, NV 89106–3714, OFC Phone: (702) 388–6525, FAX: (702) 388–6244

New Hampshire

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

New Jersey

Multifamily Housing Program Center, HUD—Newark Office—13th Floor, One Newark Center, Newark, NJ 07102–5260, OFC Phone: (973) 622–7900 Ext. 3400, FAX: (973) 645–2271.

New Mexico

Multifamily Housing Hub, HUD Ft. Worth Office, 801 Cherry Street, PO Box 2905, Ft. Worth, TX 76102–2905, OFC Phone: (817) 978–5764, FAX: (817) 978–5520

New York

Multifamily Housing Hub, HUD—New York Office, 26 Federal Plaza—Room 3214, New York, NY 10278–0068, OFC Phone: (212) 264–0777 Ext. 3713, FAX: (212) 264–1277

Multifamily Housing Hub, HUD—Buffalo Office, Lafayette Court, 5th Floor, 465 Main Street, Buffalo, NY 14203–1780, OFC Phone: (716) 551–5755 Ext. 5506, FAX: (716) 551–3252

North Carolina

Multifamily Housing Hub, HUD Greensboro Office—Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407, OFC Phone: (336) 547–4034, FAX: (336) 547–4121

North Dakota

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Ohio

Multifamily Housing Hub, HUD Columbus Office, 200 North High Street, Columbus, OH 43215–2499, OFC Phone: (614) 469–5737, Ext. 8111 FAX: (614) 469–2432

Multifamily Housing Program Center, HUD Cincinnati Office, 525 Vine Street, Suite 700, Cincinnati, OH, 45202–3188, OFC Phone: (513) 684–2350, FAX: (513) 684–6224

Multifamily Housing Program Center, HUD Cleveland Office, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, OFC Phone: (216) 522–4058 Ext. 7000, FAX: (216) 522–4067

Oklahoma

Multifamily Housing Program Center, HUD Oklahoma City Office, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102–2233, OFC Phone: (405) 553–7410, FAX: (405) 553–7406

Oregon

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 Ext. 3250, FAX: (206) 220–5206

Pennsylvania

Multifamily Housing Hub, HUD Philadelphia Office, The Wanamaker Building, 100 Penn Square, East, Philadelphia, PA 19107–3380, OFC Phone: (215) 656–0609 Ext. 3533, FAX: (215) 656–3427

Multifamily Housing Program Center, HUD Pittsburgh Office, 339 Sixth Avenue—Sixth Floor, Pittsburgh, PA 15222–2515, OFC Phone: (412) 644–6639, FAX: (412) 644–5872

Puerto Rico

Multifamily Housing Program Center, HUD Caribbean Office, 171 Carlos E. Chardon Avenue, San Juan, PR 00918–0903, OFC Phone: (787) 766–5401, FAX: (787) 766–5522

Rhode Island

Multifamily Housing Program Center, HUD—Providence Office, 10 Weybosset Street, Sixth Floor, Providence, RI 02903–2808, OFC Phone: (401) 528–5230, FAX: (401) 528–5097

South Carolina

Multifamily Housing Program Center, HUD Columbia Office, 1835, Assembly Street, Columbia, SC 29201–2480, OFC Phone: (803) 765–5162, FAX: (803) 253–3043

South Dakota

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Tennessee

Multifamily Housing Program Center, HUD—Knoxville Office, 710 Locust Street, SW, Knoxville, TN 37902–2526, OFC Phone: (423) 545–4411, FAX: (423) 545–4578

Multifamily Housing Program Center, HUD—Nashville Office, 251 Cumberland Bend Drive, Suite 200, Nashville, TN 37228–1803, OFC Phone: (615) 736–5748, FAX: (615) 736–2018

Texas

Multifamily Housing Hub, HUD Ft. Worth Office, 801 Cherry Street, PO Box 2905, Ft. Worth, TX 76102–2905, OFC Phone: (817) 978–5764, FAX: (817) 978–5520

Multifamily Housing Program Center, HUD Houston Office, 2211 Norfolk, #200, Houston, TX 77098–4096, OFC Phone: (713) 313–2274 Ext. 7015, FAX: (713) 313–2319

Multifamily Housing Program Center, HUD San Antonio Office, 800 Dolorosa, San Antonio, TX 78207–4563, OFC Phone: (210) 475–6831, FAX: (210) 472–6897

Utah

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Vermont

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg. 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

Virginia

Multifamily Housing Hub, HUD Richmond Office, 3600 West Broad Street, Richmond, VA 23230–4920, OFC Phone: (804) 278–4500 Ext. 3146, FAX: (804) 278–4613

Washington

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

West Virginia

Multifamily Housing Program Center, HUD—Charleston Office, 405 Capitol Street, Suite 708, Charleston, WV 25301–1795, OFC Phone: (304) 347–7000 Ext. 103, FAX: (304) 347–7050

Wisconsin

Multifamily Housing Program Center, HUD Milwaukee Office, 310 West Wisconsin Avenue, Room 1380, Milwaukee, WI 53203–2289, OFC Phone: (414) 297–3214 Ext. 8662, FAX: (414) 297–3204

Wyoming

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Appendix B

The non-standard forms, which follow, are required for your Multifamily Housing Drug Elimination Program application.

BILLING CODE 4210–33–P

FY 2001 MULTIFAMILY HOUSING DRUG ELIMINATION GRANT PROGRAM APPLICANT DATA INPUT FORM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Owner (Funds Recipient) Name _____

Address _____

_____

City _____ State _____ Zip _____

Phone (Include Area Code) _____

Grant Contact Person (Name) _____

Phone (Include Area Code) _____

E-mail address _____

List the specific development(s) targeted for assistance under this grant. Use additional sheets as needed.

_____

Development Name _____

Address _____

_____

City _____ State _____ Zip _____

FHA/Project Number _____ Sec.8 Number _____

Project Type (e.g., 236) _____ No. of Units _____

Location (Urban, suburban, or rural) _____

Senators 1. _____ 2. _____

Congressional Representative(s) Name(s) 1. _____ District(s) 1. _____

2. _____ 2. _____

DETAILED DESCRIPTION OF BUDGET

Budget Line Item Number	Activities	Funds Requested
9140	Support for Tenant Patrols	$
9150	Physical Improvements to enhance security	$
Programs to reduce the use of illegal drugs		
9160	Drug Prevention	$
9170	Drug Intervention	$
9180	Drug Treatment	$
Total Amount Requested		$
HUD Official Use Only: TOTAL FUNDS APPROVED:		$

CERTIFICATION OF DRUG TREATMENT PROGRAM (SINGLE STATE AGENCY OR LOCAL TRIBAL COMMISSION)

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Applicable only if applying for Treatment Activities.

The administrator/director or designee for the single state agency or tribal commission hereby certifies:

The proposal drug treatment activity is appropriate and consistent with the State plan; and that the service(s) meets all Federal, State, Tribal and local government medical licensing, training, bonding, and certification requirements;

The applicant has notified and consulted with the relevant single state agency or authority with drug coordination responsibilities concerning its application; and

The administrator/director or designee understands that the application deadline date is on or before _____, **2001,** _____ **P.M.,** local time.

State or local agency Administrator/Director/Designee

Signed this _____ day of _____, 2001

Administrator/Director/Designee (Print Name and Title)

_____ _____

Name Title

✗ _____

Signature

❑ Check if comments by residents are attached.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ECONOMIC DEVELOPMENT INITIATIVE (EDI)

Billing Code 4310-32-C

FUNDING AVAILABILITY FOR THE ECONOMIC DEVELOPMENT INITIATIVE (EDI)

Program Overview

Purpose of the Program. EDI funds are used to enhance the security of a loan guaranteed by HUD under Section 108 of the Act (as defined in Section III(A)(1) below) for the same project, or to improve the viability of the project financed with the Section 108-guaranteed loan. HUD intends to make available $10,728,155 in EDI funds in FY 2001 to stimulate economic development by local governments and private sector parties. HUD desires to see EDI and Section 108 funds used to finance projects and activities that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base. An EDI grant must be used in conjunction with a new Section 108 guaranteed loan commitment. In FY 2001, HUD seeks to increase economic development opportunity for those areas of the country having the greatest distress.

Available Funds. Although no new funds were appropriated for the EDI program in FY 2001, $10,728,155 from the past two fiscal years is unobligated and therefore HUD proposes to make these funds available for EDI grants in FY 2001. This amount includes $3,710,000 from the Community Empowerment Fund (CEF) Pilot. A notice announcing this pilot program was published in the **Federal Register** on June 30, 2000. On reconsideration, HUD has decided not to proceed with this pilot program. *Please note that there is no separate category for regional economic development applications, unlike last year's SuperNOFA, in this year's competition.* The maximum EDI grant awards will be in the amount of $1 million.

Eligible Applicants. Any public entity eligible to apply for and receive loan guarantee assistance under 24 CFR part 570, subpart M. Urban counties, as defined in 24 CFR 570.3 and 570.307, may apply for funding, but units of general local government which participate in the Urban County may not submit an application independent of the Urban County. (See Section III(B) below for additional information regarding eligible applicants.)

Application Deadline. July 6, 2001.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Please submit your completed applications (one original and three copies) on or before 12:00 midnight, Eastern time, on July 6, 2001, to the addresses shown below.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. To HUD Headquarters: The completed application (an original and two copies) should be submitted by mail or hand delivery to: Processing and Control Unit, Room 7251, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, Attention: EDI Grant.

To the Appropriate CPD Field Office: At the same time the EDI application and copies are submitted to HUD Headquarters, an additional copy should be submitted to the Community Planning and Development Division of the appropriate HUD Field Office for the applicant's jurisdiction.

When submitting the application, please refer to EDI, and include the applicant's name, mailing address (including zip code) and telephone number (including area code), along with the contact person's name and phone number.

For Application Kits. For an application kit and any supplemental information, please call HUD's SuperNOFA Information line toll free at 1–800–HUD–8929. When requesting the application kit, please refer to EDI. Please provide the applicant's name, address (including zip code), and telephone number (including area code), along with the contact person's name and phone number. The application kit also will be available on the Internet through the HUD web site at http://www.hud.gov/grants. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209 to obtain an application kit.

For Further Information and Technical Assistance. Contact Bill Seedyke at (202) 708–1686, extension 4445, of the Office of Economic Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7158, Washington, DC 20410; (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

See the General Section of this SuperNOFA for guidance on the provision of technical assistance for EDI grants. The Section 108 Loan Guarantee program is not a competitive program and therefore is not subject to the provisions of the HUD Reform Act pertaining to competitions. HUD staff will be available to provide advice and assistance to develop Section 108 loan applications.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the EDI application. For more information about the date and time of the broadcast, please consult the HUD web site at http://www.hud.gov/grants.

II. Amount Allocated

No new funds were appropriated for the EDI program under the FY 2001 HUD Appropriations Act. However, $10,728,155 in funds appropriated for Fiscal Years 1999 and 2000 remain unobligated and available for the EDI program for FY 2001. This amount includes $3,710,000 that had been set aside administratively for the Community Empowerment Fund (CEF) Pilot. A notice announcing this pilot program was published in the **Federal Register** on June 30, 2000 (65 FR 40836). On reconsideration, HUD has decided not to proceed with this pilot program. For the EDI program, if any additional funds become available during Fiscal Year 2001, HUD may either fund additional applicants in accordance with this program section of the SuperNOFA or may add these funds to any future EDI competitions.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* EDI funds are used to enhance the security of a loan guaranteed by HUD under Section 108 of the Act (as defined in Section III(A)(1) below) for the same project, or to improve the viability of the project financed with the Section 108-guaranteed loan. An EDI grant must be used in conjunction with a new Section 108 guaranteed loan commitment. Both Section 108 loan guarantee proceeds and EDI grant funds are initially made available by HUD to public entities approved for assistance. Such public entities may re-loan the Section 108 loan proceeds and provide EDI funds to a business or other entity to carry out an approved economic development project, or the public entity may carry out the eligible project itself, as provided in the approved application.

In either case, EDI grant funds and the 108 proceeds must be used together to support the same eligible project.

(1) *Definitions.* Terms used in this program section of the SuperNOFA have the meanings given in 24 CFR part 570 unless otherwise specified.

Act means Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301–*et seq.*).

Application means a single set of documents submitted by an eligible applicant for EDI grant funds, in accordance with the provisions of this program section of the SuperNOFA to finance an economic development project. An EDI application must be accompanied by a Section 108 loan guarantee request, which may consist of either a brief summary of the proposed use of 108 funds, or a full application, which may either be submitted at the same time as the EDI application or be provided within 60 days of EDI grant award, as more fully explained in Section IV(C) of this program section. Note that the Section 108 application must be submitted to the appropriate HUD field office concurrently with its submission to Headquarters.

CDBG funds means those funds collectively so defined at 24 CFR 570.3, including grant funds received pursuant to section 108(q) of the Act and this program section of the SuperNOFA.

Economic Development Initiative (EDI) means the competitive award of economic development grant assistance under section 108(q) of the Act, as authorized by Section 232 of the Multifamily Housing Property Disposition Reform Act of 1994 (Pub.L. 103–233, approved April 11, 1994).

Economic development project means an activity or activities (including mixed use projects with housing components) that are eligible under the Act and under 24 CFR 570.703, and that increase economic opportunity for persons of low- and moderate-income, or that stimulate or retain businesses or jobs, or that otherwise lead to economic revitalization.

Empowerment Zone or Enterprise Community means an urban area so designated by the Secretary of HUD pursuant to 24 CFR part 597 or part 598, or a rural area so designated by the Secretary of Agriculture pursuant to 7 CFR part 25, subpart B.

Firm Commitment means either a written agreement or letter of understanding by which an applicant and/or its partner:

(1) agrees to perform an activity specified in the application, and demonstrates its relationship to the proposed EDI project;

(2) specifies the amount of the commitment, and demonstrates that it has the financial and organizational capacity to deliver the resources necessary to successfully complete the activity; if the committed activity is to be self-financed, the applicant's partner must evidence its financial capacity through a corporate or personal financial statement or other appropriate means; and

(3) irrevocably commits the resources to the activity either through cash or in-kind services or contributions; if any portion is to be financed through a grant or loan from another public or private organization, that institution's grant or loan commitment must be firmly committed as well.

Any such agreement or letter of understanding shall be understood as being contingent upon receipt of the EDI grant.

In order for an applicant's commitment of CDBG funds to be counted by HUD, a resolution from the local governing body (e.g., city/borough council) authorizing the amount and permitted use(s) of the funds must be provided. Each agreement or letter of commitment must include the organization's name and proposed total level of commitment and responsibilities as they relate to the proposed EDI project. The commitment must be signed by an official of the organization legally authorized to make commitments on behalf of the organization and have an effective date not earlier than the publication date of the NOFA.

Strategic Plan means a strategy developed and agreed to by the nominating local government(s) and State(s) and submitted in partial fulfillment of the application requirements for an Empowerment Zone or Enterprise Community designated pursuant to 24 CFR part 597 or part 598.

(2) *Background.* HUD has multiple programs which are intended to stimulate and promote economic and community development. Primary among HUD's resources are the Community Development Block Grant (CDBG) program and the Section 108 Loan Guarantee program.

(a) The CDBG program provides grant funds (approximately $4.44 billion in FY 2001) by formula to eligible local governments (either directly or through States) to carry out community and economic development activities. The Section 108 Loan Guarantee program provides local governments with a source of financing for economic development, public facilities and other eligible large scale physical development projects. HUD is authorized pursuant to Section 108 to guarantee notes issued by CDBG entitlement communities, and non-entitlement units of general local government eligible to receive funds under the State CDBG program. The Section 108 program is subject to the regulations of 24 CFR part 570 applicable to the CDBG program, as described in 24 CFR part 570, subpart M. EDI grants must support Section 108 loan guarantees as generally described in this program section of the SuperNOFA.

(b) For FY 2001, the Section 108 program is authorized at $1.26 billion in loan guarantee authority. The full faith and credit of the United States will be pledged to the payment of all guarantees made under Section 108. Under this program, communities (and States, if applicable) pledge their continuing CDBG allocations as security for loans guaranteed by HUD. The Section 108 program, however, does *not* require CDBG funds to be escrowed for loan repayment (unless such an arrangement is specifically negotiated as loan security and included in the applicable "Contract for Loan Guarantee Assistance"). This means that a community can ordinarily continue to spend its existing allocation for other CDBG purposes, unless needed for loan repayment.

(3) *EDI Program.* The EDI program was enacted in 1994 and is intended to complement and enhance the Section 108 Loan Guarantee program. A purpose of EDI grant funds is to reduce grantees' potential loss of future CDBG allocations:

(a) By strengthening the economic feasibility of the projects financed with Section 108 funds (and thereby increasing the probability that the project will generate enough cash to repay the guaranteed loan);

(b) By directly enhancing the security of the guaranteed loan; or

(c) Through a combination of these or other risk mitigation techniques.

(4) *Purpose of EDI Funding.* HUD intends the approximately $7.0 million in EDI funds to stimulate economic development by local governments and private sector parties. HUD desires to see EDI and Section 108 funds used to finance projects and activities that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base.

(5) *Additional Security for Section 108 Loan Guarantee.* Public entities should be mindful of the need to provide additional security for the Section 108 loan guarantee pursuant to 24 CFR 570.705(b)(3). Although a public entity is required by the Act to pledge its current and future CDBG funds as security for the Section 108 loan guarantee, the public entity will usually be required to furnish additional collateral. In most cases, the additional collateral consists (in whole or in part) of the asset financed with the Section 108 loan funds (e.g., a loan made to a business as part of an economic development project). Applications proposing uses for EDI funding that directly enhance the value of the assets securing the Section 108 loan will help ensure that the project-based asset(s) will satisfy the additional collateral requirements.

(6) *Typical Project Structures.* Provided that proposals are consistent with other CDBG requirements, including national objectives, HUD envisions that the following project structures could be typical:

(a) *Funding Reserves.* The cash flow generated by an economic development project may be expected to be relatively " " in the early stages of the project, i.e., potentially insufficient to meet operating expenses and debt service obligations. The EDI grant can make it possible for reserves to be established in a way that enhances the economic feasibility of the project.

(b) *Over-Collateralizing the Section 108 Loan.*

(i) The use of EDI grant funds may be structured in appropriate cases to improve the likelihood that project-generated cash flow will be sufficient to cover debt service on the Section 108 loan directly and therefore enhance the security of the guaranteed loan. One technique for accomplishing this approach is over-collateralization of the Section 108 loan.

(ii) An example is the creation of a loan pool funded with both Section 108 and EDI grant funds. The community would make loans to various businesses from the combined pool at an interest rate equal to or greater than the rate on the Section 108 loan. The total loan portfolio would be pledged to the repayment of the Section 108 loan.

(c) *Direct Enhancement of the Security of the Section 108 Loan.* The EDI grant can be used to cover the cost of providing credit enhancements. An example of how the EDI grant can be used for this purpose is by using the grant funds to cover the cost of a standby letter of credit, issued in favor of HUD. This letter of credit will be available to fund amounts due on the Section 108 loan if other sources fail to materialize and thus will serve to protect the public entity's future CDBG funds.

(d) *Provision of Financing to For-Profit Businesses at a Below Market Interest Rate.*

(i) While the rates on loans guaranteed under Section 108 are only slightly above the rates on comparable U.S. Treasury obligations, they may nonetheless be higher than can be afforded by businesses in severely economically distressed neighborhoods. The EDI grant can be used to make Section 108 financing affordable.

(ii) EDI grant funds could serve to "buy down" the interest rate up front, or make full or partial interest payments, allowing the businesses to be financially viable in the early start-up period, which might not otherwise be possible with Section 108 alone. This strategy would be particularly useful where a community was undertaking a large commercial/retail project in a distressed neighborhood in order to act as a catalyst for other development in the area.

(e) *Combination of Techniques.* A combination of the above or other techniques could be employed in implementing an economic development project.

(7) *Additional Project Structure.* HUD will consider funding an EDI proposal in which the related Section 108-guaranteed obligation would be used solely as security only under the following conditions:

(a) If EDI funds are not the first source of funds injected into the project, and

(b) If project funds are disbursed according to a ratio that equals the amount of EDI funds to the amount of private or public debt that is firmly committed to the project, as required under Rating Factor 4 "Leveraging Resources" below, and

(c) If the grantee maintains in its records a listing of the amount of private funds being distributed by the private party (i.e., the financing institution) to the project.

Grantees are reminded that the EDI grantee/Section 108 borrower's loan guaranteed obligation cannot remain undisbursed for more than five years following the year in which the Section 108 commitment is made. Consequently, the borrower's 108-guaranteed obligation cannot have a term that exceeds five years plus the remaining portion of the fiscal year in which the commitment is made.

(B) *Eligible Applicants.* (1) Any public entity eligible to apply for Section 108 loan guarantee assistance pursuant to 24 CFR 570.702 may apply for EDI grant assistance under Section 108(q). Eligible applicants are CDBG entitlement units of general local government and non-entitlement units of general local government eligible to receive loan guarantees under 24 CFR part 570, subpart M. Urban Counties, as defined at 24 CFR 570.3 and 570.307, are eligible applicants for EDI funds; units of general local government which participate in an Urban County program are not independently eligible applicants. For non-entitlement applicants other than those subject to 24 CFR 570, subpart F, applicants will be required to provide evidence in the application from an authorized official of the State agency responsible for administering the State CDBG program stating its intention to support the related Section 108 loan with a pledge of its CDBG funds pursuant to the requirements of 24 CFR 570.705(b)(2). Such evidence shall take the form of the HUD Certification titled "SECTION 108 LOAN GUARANTEES: State Certifications Related to Nonentitlement Public Entities" which may be obtained either by downloading from the Internet or in the EDI Application Kit to be published shortly after publication of this SuperNOFA. Note that effective January 25, 1995, non-entitlement public entities in the State of Hawaii were authorized to apply to HUD for Section 108 loans (see 59 FR 47510, December 27, 1994). Thus, non-entitlement public entities in all 50 states and Puerto Rico are now eligible to participate in the Section 108 and EDI programs.

(2) Applicants for economic development projects under this section must comply with the threshold requirements of Section II of the General Section of the SuperNOFA.

(C) *Eligible Activities and National Objectives.* (1) EDI grant funds and section 108 loan guarantee funds may be used for activities listed at 24 CFR 570.703, provided such activities are carried out as part of an economic development project as described in this EDI section of the SuperNOFA. If the application fails to meet the requirements for an EDI project as set forth in this program section of the SuperNOFA, HUD will not give it a rating.

(2) Each activity assisted with Section 108 loan guarantee or EDI funds must meet a national objective of the CDBG program as described in 24 CFR 570.208. The applicant must clearly identify in its narrative statement (as described in Section V(B) below) the CDBG national objective the proposed project will achieve and provide the appropriate CDBG national objective's regulatory citation found at 24 CFR 570.208. Also, the applicant must address, when applicable, how the proposed activities will comply with the

public benefit standards of the CDBG program as reflected in the regulation at 24 CFR 570.209 for the CDBG Entitlement and Small Cities programs, or 24 CFR 570.482 for the State CDBG program.

(3) In the aggregate, a grantee's use of CDBG funds, including any Section 108 loan guarantee proceeds and Section 108(q) (EDI) funds provided pursuant to this program section of the SuperNOFA, must comply with the CDBG primary objective requirement as described in Section 101(c) of the Act and 24 CFR 570.200(a)(3), or 24 CFR 570.484 in the case of State grantees.

IV. Program Requirements

(A) *CDBG Program Regulations.* In addition to 24 CFR 570.701 (Definitions), 570.702 (Eligible Applicants), and 570.703 (Eligible Activities), as explained in Section III(C) above of this SuperNOFA, the CDBG regulatory requirements in 24 CFR 570.707, including subparts J (Grant Administration), K (Other Program Requirements), and O (Performance Reviews) govern the use of EDI funds, as applicable.

(B) *Compliance with Applicable Laws.* An award of EDI funding does not in any way relieve grant recipients or third party users of EDI funds from compliance with all applicable Federal, State and local laws.

(C) *Related Section 108 Loan Guarantee Request.*

(1) Each EDI application must be accompanied by a request for new Section 108 loan guarantee assistance. Notwithstanding the form of the request for new Section 108 loan guarantee assistance under paragraphs (a), (b), (c), or (d) of this section below, the applicant must include citations to the specific regulatory subsections supporting activity eligibility and national objectives compliance for the project described in its application. Both the EDI and Section 108 funds must be used in conjunction with the same economic development project. This request may take any of several forms as defined below.

(a) A full application for new Section 108 loan guarantee(s), including the documents listed at 24 CFR 570.704(b).

(b) A brief description (not to exceed three pages) of the project to be applied for in a new Section 108 loan guarantee application. Such 108 application must be submitted within 60 days of written notice of EDI selection, with HUD reserving the right to extend such period on a case-by-case basis where HUD determines there is evidence of good cause. EDI awards will be conditioned on approval of actual Section 108 loan commitments. This Section 108 application description must be sufficient to support the basic eligibility of the proposed project and activities for Section 108 assistance. (See Section III(C) of this program section of this SuperNOFA.).

(c) A copy of a pending, unapproved Section 108 loan guarantee application, and any proposed amendments to the Section 108 application which are related to the EDI application. The applicant's submission of such an EDI/Section 108 application shall be deemed by HUD to constitute a request to suspend separate processing of the Section 108 application. The Section 108 application will not be approved until on or after the date of the related EDI award.

(d) A request for a Section 108 loan guarantee assistance (analogous to Section IV(C)(1)(a) or (b) above) that proposes to increase the amount of a previously approved application. However, any amount of Section 108 loan guarantee authority approved *before* HUD's announcement of an EDI grant for the same project is not eligible to be used in conjunction with an EDI grant under this program section.

(2) Further, a Section 108 loan guarantee amount that is required to be used in conjunction with a prior EDI or Brownfields Economic Development Initiative (BEDI) grant award, whether or not the Section 108 loan guarantee has been approved as of the date of this SuperNOFA, is not eligible for an EDI award under this SuperNOFA. For example, if a public entity has a previously approved Section 108 loan guarantee commitment of $12 million, even if none of the funds have been utilized, or if the public entity had previously been awarded an EDI grant of $1 million and had certified that it will submit a Section 108 loan application for $10 million in support of that EDI grant, the public entity's EDI application under this SuperNOFA must propose to increase the amount of its total Section 108 loan guarantee commitments beyond those amounts (the $12 million or $10 million in this example) to which it has previously agreed.

(D) *Prohibitions on Use of EDI and Section 108 Funds.* Certain restrictions shall apply to the use of EDI and Section 108 funds:

(1) EDI grants must not be used as a resource to immediately repay the principal of a loan guaranteed under Section 108. Repayment of principal is only permissible with EDI grant funds as a matter of security if other sources projected for repayment of principal prove to be unavailable.

(2) Section 108 loan obligations may not be subordinated, directly or indirectly, to federally tax exempt obligations. Pursuant to Office of Management and Budget (OMB) Circular A–129 (REV.), Appendix A, Sections II c.2 and d. (Policies for Federal Credit Programs and Non-Tax Receivables), Section 108 guaranteed loan funds may not directly or indirectly support federally tax-exempt obligations.

(E) *Time-frames.* EDI grant awards will contain conditions requiring grantees to adhere to their stated time-frames for implementing proposed projects and drawing Section 108 and EDI funds. If the related Section 108 application has not been submitted and approved and the Note guaranteed within fifteen (15) months of written HUD notification of grant award, HUD may deobligate the EDI funds. If EDI grant funds and Section 108 loan proceeds have not been disbursed to the applicant within the timeframes specified in the EDI Grant Agreement and the 108 Contract, HUD reserves the right to recapture the EDI funds, unless an extension of time has been authorized in writing by HUD, and either award them to the applicant that scored the next highest in that year's competition, provided that such applicant's application remains feasible and appropriate under this program section of the NOFA, or make them available as part of the next EDI NOFA.

(F) *Limitations on Grant Amounts.* (1) HUD expects to approve EDI grant amounts for approvable applications with a range of ratios of EDI grant funds awarded to new Section 108 loan guarantee commitments, but the minimum ratio will be $1 of Section 108 loan guarantee commitments for every $1 of EDI grant funds. However, if an applicant proposes a leverage ratio of 1:1, it will not receive any points under Rating Factor 4, paragraph (1): "Leverage of Section 108 Funds." For example, an applicant requesting an EDI grant of $1 million will be required to leverage a minimum of at least $1 million in new Section 108 loan guarantee commitments. Even with a ratio of 1:1, applications with higher ratios will receive more points under Rating Factor 4, "Leveraging Resources". Because the proposed ratio of EDI funds to Section 108 funds represents an applicant's financial commitment, HUD will condition the EDI grant award on the grantee's achievement of that specific ratio. Its failure to meet that condition by obtaining timely HUD approval of a commitment for, and issuance of, the required Section 108 guaranteed obligations ratio may result in the cancellation and recapture of all or a proportionate share of the EDI grant award.

HUD will cap EDI awards at a maximum of $1 million. An application in excess of $1 million will be reduced below the amount requested by the applicant to the extent HUD determines that such a reduction is appropriate.

After selection, but prior to grant award, if HUD determines that an application can be funded at a lesser EDI grant amount than requested and still be feasible and consistent with the proposed plan and the purposes of the Act, it reserves the right to reduce the amount of the EDI award and/or increase the required Section 108 loan guarantee commitment, if appropriate.

(4) If additional EDI grant funds become available to HUD (e.g., from recaptures or other appropriations), HUD reserves the right to award grants under this SuperNOFA during FY 2001 whose aggregate total may exceed the approximately $7 million announced in this program section of the SuperNOFA, up to the maximum amount authorized by law.

(5) If an applicant is awarded an EDI grant that has been reduced below the original request (e.g., the application contained some activities that were ineligible, the grant request exceeded the funding cap, there were insufficient funds to reach all applications (as defined in Section V(A) below) at the full amount requested, or there were technical deficiencies that could not be resolved), it will be asked to modify its project plan and application to conform to the terms of HUD's approval before HUD will execute a grant agreement. HUD also will proportionately reduce or deobligate the EDI award if an applicant does not submit an approvable Section 108 loan guarantee application and issue Section 108-guaranteed obligations on a timely basis in the amount required by the EDI/108 leveraging ratio which will be approved by HUD as a special condition of the EDI grant award (see Section IV(F)(1) above of this program section of the SuperNOFA). Any modifications or amendments to an application approved pursuant to this SuperNOFA, whether requested by the grantee or by HUD, must be within the scope of the approved original EDI application in all respects material to rating the application, unless HUD determines that the revised application scores above the level of the lowest funded application and is otherwise approvable under this SuperNOFA competition.

(6) In the case of a requested increase in guarantee assistance for a project with a previously approved Section 108 loan guarantee commitment (as further discussed in Section IV(C)(1)(d), above), the EDI assistance approved will be based on the increased amount of Section 108 loan guarantee assistance.

(7) Pursuant to another portion of this SuperNOFA, HUD is simultaneously announcing the availability of $25 million of Brownfields Economic Development Initiative (BEDI) funds.The BEDI program's principal purpose is to assist in the remediation of contaminated commercial and industrial sites, but economic development proposals that contain some limited amount of environmental site remediation as part of the overall cost may be submitted under the EDI portion of this SuperNOFA as well. While HUD will permit applicants to pursue BEDI and EDI funds for the same project, HUD requires that the BEDI and EDI applications (and their components) be independent of one another. Thus, each application should have an identifiable amount of Section 108 funding associated with its respective request for EDI and BEDI funds for purposes of determining the leverage of Section 108 funding to the corresponding amount of EDI or BEDI funds requested. Also, the proposed amount of Section 108 borrowing associated with the BEDI or EDI grant shall not be used to determine leverage of other financial resources under Rating Factor 4, paragraph (2). Further, if an applicant seeks both BEDI and EDI funds for the same project, it must include in its response to Rating Factor 3 a discussion of how the project can be financed and implemented if it fails to obtain either BEDI or EDI funds under this SuperNOFA.

(G) *Timing of Grant Awards.* (1) If an applicant submits a full Section 108 application with its EDI grant application, HUD will evaluate the Section 108 application concurrently with the request for EDI grant funds. Note that the 108 application must be submitted to the appropriate HUD field office concurrently with submission to Headquarters. In addition, EDI grant assistance cannot be used to leverage a Section 108 loan guarantee approved prior to the date of HUD's announcement of an EDI grant pursuant to this SuperNOFA. However, the EDI grant may be awarded before HUD approval of the Section 108 commitment if HUD determines that such award will further the purposes of the Act.

(2) HUD notice to a grant recipient of the amount and conditions of EDI funds awarded, based upon review of the EDI application, constitutes an obligation of grant funds, subject to compliance with the conditions of award and execution of a grant agreement. EDI funds must not be disbursed to the grantee before the issuance of the related Section 108-guaranteed obligations.

(H) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is applicable to EDI grant recipients. Please see Section II(E) of the General Section of the SuperNOFA.

(I) *Nondiscrimination.* Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), is applicable to EDI grant recipients. Applicants must therefore adhere to HUD regulations at 24 CFR parts 6 and 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

V. The Application Selection Process

(A) *Rating and Ranking.* (1) Each rating factor and the maximum number of points is provided below. The maximum number of points to be awarded is 104. To be eligible for funding, an EDI application must obtain a total score of at least 20 points in Rating Factors 1 (Capacity) and 3 (Soundness of Approach) combined.

(2) All applications meeting program and threshold requirements will be scored under the selection criteria below. Applications will be selected for funding as follows:

All EDI grant applications will be separately ranked in order of points assigned with the applications receiving more points ranking above those receiving fewer points.

In the event two or more applications are given the same score, but there are insufficient funds for all, the application(s) with the highest score(s) on Rating Factor 2 (Distress/Extent of the Problem) shall be selected. If there is still a tie, the following Factors will be considered sequentially as follows, with the application having the high score on that Factor taking precedence until the tie is broken: Rating Factor 3 (Soundness of Approach), Rating Factor 1 (Capacity and Experience), Rating Factor 4 (Leveraging Resources), and Rating Factor 5 (Comprehensiveness and Coordination).

Fundable economic development applications must meet the threshold requirements stipulated in the General Section of this SuperNOFA and be complete as required by the Submission requirements of this program section of the SuperNOFA. Economic development projects will be funded in rank order until the total aggregate

amount of the applications funded is equal to the maximum amount available in the competition (subject to the Department's discretion as described in Section IV(F) below).

Bonus Points

An additional two points may be awarded for projects that are located either in federally-designated Empowerment Zones and Enterprise Communities; two points may also be awarded for qualifying projects in Dallas, Texas as mandated by a decision by the U.S. District Court for the Northern District of Texas, for a maximum of four points possible. For specific details, please see Section III(C)(1) in the General Section of the SuperNOFA, and Rating Factor 3, paragraph (6) below.

(B) *Narrative Statements.*

Applications must:

(1) Provide a narrative statement describing the activities that will be carried out with the EDI grant funds. The EDI narrative statement must not exceed three (3) 8.5" by 11" pages, doubled-spaced.

(2) Describe how the proposed uses of EDI funds will meet the national objectives under 24 CFR 570.208 for the CDBG program and qualify as eligible activities under 24 CFR 570.703. *Applications must include citations to the specific regulatory subsections supporting eligibility of activities and compliance with national objectives.* (See Section III(C) of this program section of this SuperNOFA).

(3) The applicant must also provide narrative statements in response to each of the rating factors below.

(4) Print all narrative statements in 12 point type/font, and use sequentially numbered pages.

(C) *Factors for Award Used to Evaluate and Rate Applications.* HUD will evaluate all applications for funding assistance based on the following factors, the responses to which demonstrate the quality of the proposed project or activities, and the applicant's capacity and commitment to use the EDI funds in accordance with the purposes of the Act. Responses to Rating Factors 1–5 below shall not exceed fifteen (15) pages combined.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement its proposed activities in a timely manner. The rating of the "applicant" or the "applicant's organization and staff" will include any subcontractors, consultants, and subrecipients that are firmly committed (see definition in Section III(A)(1) above) to participate in the activities described in the application. In rating this factor, HUD will consider the following:

(1) With regard to the EDI/Section 108 project, the applicant should demonstrate that it has the organization and the staff and financial resources in place to implement the specific steps required to successfully carry out its proposed EDI/Section 108 project. This includes factors such as:

(a) Performance in the administration of its CDBG, HOME or other programs;

(b) Performance, if any, in carrying out economic development projects similar to that proposed, including the ability to conduct prudent underwriting, if applicable;

(c) Ability to carry out projects and programs in a timely manner; an applicant must address its performance in spending previously awarded funds, if any, in a timely manner, including, for CDBG entitlement recipients, the extent to which it has met the HUD standard of having no more than 1.5 times its entitlement amount undisbursed (see 24 CFR 570.902(a)(1)(i); and,

(d) If applicable, capacity to manage projects under this program section of the SuperNOFA along with any federal funds awarded as a result of a federal urban Empowerment Zone/Enterprise Community designation (including Enhanced Enterprise Community (EEC) designation).

(2) An applicant that has previously received an EDI or BEDI grant award must describe the status of the implementation of those project(s) assisted with EDI or BEDI funds, any delays that have been encountered and the actions it is taking to overcome any such delays to carry out the project in a timely manner. For such previously funded EDI or BEDI grant projects, HUD will award more rating points for applications providing evidence of achievement of specific measurable outcomes in carrying out activities funded with previous EDI or BEDI grant funds and the associated Section 108 guaranteed loan funds.

(3) Experience and performance of subrecipients, nonprofit organizations and other entities that have a role in implementing the proposed program should be included in this review. Experience will be judged in terms of recent and successful performance of activities relevant to those proposed in the EDI application. The more recent and extensive the experience, the greater the number of points that will be awarded for this Factor.

(4) In addition to the application, HUD also may rely on information from performance reports, financial status information, monitoring reports, audit reports and other available information in making its determination under this factor.

Rating Factor 2: Distress/Extent of the Problem (40 Points)

This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress, and an indication of the urgency of meeting the need/distress in the applicant's target area. In responding to this Factor, applications will be evaluated on the extent to which the level of distress is documented and compared, vis-a-vis, the target area, the jurisdiction, and national data.

(1) In applying this Factor, HUD will consider current levels of distress for the following areas affected by the project: first, in the area (i.e., Census Tract(s) or Block Groups) immediately surrounding the project site or the target area to be served by the proposed project; second, in the jurisdiction in which the project is to be located; third, relative to the similar measures of distress in the nation. Applicants may also provide data for the overall jurisdiction alongside comparable jurisdictions in the county and state, as appropriate to the activity, in order to demonstrate the various levels of distress in context. This means that an application that provides data that show levels of distress in the project area and the jurisdiction expressed as a percent greater than the national average will be rated higher under this Factor.

Notwithstanding the above, an applicant proposing a project to be located outside the target area could still receive points under the Distress Factor if a clear rationale is provided linking the proposed project location and the benefits to be derived by persons living in more distressed area(s) of the applicant's jurisdiction.

(2) Applicants should provide data that address all indicators of distress, if applicable, as follows:

(a) Poverty rate (20 points)—data should be provided in both absolute and percentage form (i.e., whole numbers and percents) for both the target area(s) and the jurisdiction as a whole; an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this Section as follows:

(i) Equal to but less than twice the national average—5 points;

(ii) Twice but less than three times the national average—10 points;

(iii) Three or more times the national average—20 points.

(b) Unemployment (15 points)—; for both the project area and jurisdiction; an application that compares the local unemployment rate in the following manner to the national average at the time of submission will receive points under this Section as follows:

(i) Equal to but less than twice the national average—2 points;

(ii) Twice but less than three times the national average—4 points;

(iii) Three but less than four times the national average—6 points;

(iv) Four but less than five times the national average—8 points;

(v) Five or more times the national average—10 points.

(c) Other Indicators of social and/or economic decline that best capture the applicant's local situation (5 points)—examples that could be provided under this Section are information demonstrating the jurisdiction's stagnant or falling tax base, including recent commercial or industrial closings, housing conditions, such as the number and percentage of substandard and/or overcrowded units, rent burden (defined as average housing cost divided by average income) for both the target area and jurisdiction, local crime statistics, etc.

(3) To the extent that the applicant's Consolidated Plan, its Analysis of Impediments to Fair Housing choice (AI), and/or its Anti-Poverty Strategy identify the level of distress in the jurisdiction and the neighborhood in which the project is to be carried out, references to such documents should be included in preparing the response to this Factor.

(4) In rating applications under this Factor, HUD reserves the right to consider sources of available objective data other than, or in addition to, those provided by applicants, and to compare such data to those provided by applicants.

(5) HUD requires use of sound and reliable data (e.g., U.S. Census data, State statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided. Updated Census data are available as follows for the listed indicators:

(a) Unemployment rate—estimated monthly for counties, with a two-month lag;

(b) Population—estimated for incorporated places and counties, through 1999;

(c) Poverty rate—estimated every two years, with a three-year lag, with 1997 being the most recent available.

Rating Factor 3: Soundness of Approach (25 Points)

This factor addresses the quality and cost-effectiveness of the proposed plan. The relationship between the proposed activities, community needs and purposes of the program funding must be clearly described, as follows, in order to receive points for this factor. In rating this factor, HUD will consider the following:

(1) (5 Points) The quality of the plan/proposal for the use of EDI funds and Section 108 loan funds, including the extent to which the proposed plan for use of EDI grant/Section 108-guaranteed loan funds will address the needs described in Rating Factor 2 above regarding the distress and extent of the problem in the immediate target area and/or jurisdiction. As part of the response to this factor, an applicant should identify the specific eligible activities it will carry out and should fully describe how the project will achieve one of the national objectives under the Community Development Block Grant program. Applications should also demonstrate how the proposed project would mitigate or otherwise address the distress identified in Rating Factor 2 above.

(2) (5 Points) The extent to which the plan is logical, feasible and likely to achieve its stated purpose. HUD's desire is to fund projects and activities which will quickly produce demonstrable results and advance the purposes of the EDI program. The applicant should:

(a) Demonstrate that it has a clear understanding of the steps required to implement its project, including the actions that all parties responsible for implementing the project must complete. For example, applications providing evidence that authority necessary to proceed with the project has been sought and/or received, in the form of any necessary zoning classification, waivers, general permits, special use permits, assessment district designation, public easements and rights-of-way, etc., will receive more points for this Factor.

(b) Provide a specific time schedule for carrying out the project and identify measurable objectives to be accomplished. The timeline form contained in the Appendix A to this program section of the SuperNOFA should be included in the application.

(3) The extent to which the proposed project addresses the Analysis of Impediments and the needs identified in Rating Factor 2; the extent to which such project activities will result in the physical and economic improvement for the residents in the neighborhood in which the project will be carried out; the extent to which the applicant will offer residents an opportunity to relocate to environmentally healthy housing or neighborhoods; or the extent to which residents will benefit from the funded project to enable them to continue to live in a redeveloped or revitalized neighborhood and thus share in the anticipated economic benefits the project is expected to generate.

(4) Financial feasibility. (10 Points) HUD will consider the extent to which the applicant demonstrates that its project is financially feasible. In responding to this subfactor, the applicant must clearly address the question of why the EDI funds are critical to the success of this project. The response should include these items, as applicable:

(a) Project costs and financial requirements. A funding sources and uses statement must be provided, as well as justifications for project costs;

(b) The amount of any debt service or operating reserve accounts that will be established in connection with the economic development project;

(c) The reasonableness of the costs of any credit enhancement paid with EDI grant funds;

(d) The amount of program income (if any) to be received each year during the repayment period for the guaranteed loan;

(e) Interest rates on loans to third parties (other than subrecipients), if any, either as an absolute rate or as a plus/minus spread to the Section 108 rate;

(f) The applicant's underwriting criteria that will be used in determining project feasibility.

(5) The extent to which the project incorporates one or more elements that facilitate a successful transition of welfare recipients from welfare to work, including the number of living wage jobs (i.e., those that are part of career path or apprenticeship programs) to be created by the project and the impact of the project on job creation that will benefit individuals on welfare or low to very low income. Such an element could include, for example, linking the proposed project or loan fund to social and/or other services needed to enable welfare recipients to successfully secure and carry out full-time jobs in the private sector; provision of job training to welfare recipients who might be hired by businesses financed through the proposal; and/or incentives for businesses financed with EDI/section 108 funds to hire and train welfare recipients.

(6) Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application submitted by the City of Dallas, Texas, HUD's consideration of the response to this factor, "Soundness of Approach," will include the extent to which Dallas' plan for the use of EDI funds and Section 108 loan funds will be used to eradicate the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order. Up to two (2) additional points will be awarded to any application submitted by the City of Dallas, Texas, to the extent this subfactor is addressed.

Rating Factor 4: Leveraging Resources (15 Points)

In evaluating this factor, HUD will consider the extent to which the response demonstrates the likelihood that the project will leverage both Section 108 loan and other public or private funds as part of the total project resources. This factor has two subfactors, each with its own maximum point total:

(1) *Leverage of Section 108 funds* (10 points).

The minimum ratio of Section 108 funds to EDI funds in any project may not be less than 1:1. The extent to which the proposed project leverages an amount of Section 108 funds greater than a 1:1 ratio will result in that application's receiving a higher number of points. If the application has a ratio of 1:1, it will not receive any points under this subfactor. If an application proposes that the EDI funds will leverage additional new Section 108 commitments, it will receive more points under this subfactor.

(2) *Leverage of other financial resources* (5 points). HUD will evaluate the extent to which other funds (public or private) are leveraged with EDI grant funds and Section 108 guaranteed loan funds, and the extent to which such other funds are firmly committed to the project. This could include the use of CDBG funds, other Federal or state grants or loans, local general funds, project equity or commercial financing provided by private sources or funds from non-profits or other sources. Funds will be considered committed to the project if they meet the requirements of "Firm Commitment" as defined in Section III(A)(1) above, and shall be subject to completion of any environmental review required under 24 CFR part 58 for the project.

Rating Factor 5: Comprehensiveness and Coordination (5 Points)

This factor addresses the extent to which the applicant has coordinated its activities with other known organizations; that it participates or promotes participation in its or the State's Consolidated Planning process; and that it is working towards addressing a need in a comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which the applicant demonstrates it has:

(1) Coordinated its proposed activities with those of other groups or organizations before submission, in order to best complement, support and coordinate all known activities; and developed specific steps to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place, or that will be in place after award, should be described in the application.

(2) Developed linkages, or specific steps to develop linkages with other activities, programs or projects (through meetings, information networks, planning processes or other mechanisms to coordinate activities), so that solutions are holistic and comprehensive. Describe any linkages with other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan, as well as established linkages and outreach with residents of the project area.

VI. Application Submission Requirements

(A) *EDI Funding.* An application for funding under the EDI funding allocation under this program section of the SuperNOFA must have the following items to be complete. The standard forms, certifications and assurances that are required for the EDI application (and listed in paragraph (I) below) can be found in Appendix B to the General Section. The remaining application items that are forms (i.e., excluding such items as narratives or letters, etc.), referred to as the "non-standard forms" can be found in Appendix B to this program section of the SuperNOFA.

(B) *Transmittal Letter* signed by the authorized representative of the eligible applicant indicating that it is submitting the application for funding under the Economic Development Initiative Program and is requesting funding consideration for an EDI project.

(C) *Checklist and Submission Table of Contents* indicating the page numbers where the submission items can be found in the application (form HUD–40076–EDI/BEDI).

(D) *EDI Narrative Statement* describing EDI funded eligible activities within the proposed project.

(E) *EDI/BEDI/Section 108 Funding Eligibility Statement.* A completed EDI/BEDI Section 108 Funding Eligibility Statement (form HUD–40076–EDI/BEDI).

(F) *Request for Loan Guarantee Assistance.* A request for loan guarantee assistance under Section 108, as further described in Section IV(C) of this program section of the SuperNOFA. Full application guidelines for the Section 108 program are found at 24 CFR 570.704.

(G) *Narrative Responses to Factors for Award:*

(1) Rating Factor 1: Capacity and Relevant Organizational Experience. Provide a narrative indicating the capacity of your organization and staff to perform the work for which it is requesting funding.

(2) Rating Factor 2: Need Statement Identifying the level of Distress/Extent of the Problem. Provide a narrative statement including any documentation supporting the statement of need. Optional form HUD–40076–EDI/BEDI as a format to respond to this factor for award may also be used.

(3) Rating Factor 3: Soundness of Approach. Include the activities, budget and time frame for conducting activities in the response (see form HUD 40076–EDI/BEDI).

(4) Rating Factor 4: Leveraging Resources. The response should include a completed copy of form HUD–40076–EDI/BEDI, "Rating Factor 4: Leveraging Resources Sources and Uses Statement."

(5) Rating Factor 5: Comprehensiveness and Coordination. Provide a narrative response to this factor.

(H) *Request for Funds.* A single application must contain a request for funds for a single EDI/108 project. You may submit more than one application for each additional unrelated EDI/108 project. Each application will be rated and ranked individually. In no event will HUD rate and rank more than one EDI project per application.

(I) *Additional Application Forms and Certifications.* In addition to any forms that have been submitted in response to the Factors for Award (which may be found at Appendix A, the following forms and certifications must also be submitted:

(1) Application for Federal Assistance (Standard Form (SF) 424);

(2) Federal Assistance Funding Matrix (HUD 424M);

(3) Standard Form for Assurances—Non-Construction Programs (SF 424B) and/or Standard Form for Assurances—Construction Programs (SF 424D)—not applicable for this program section.

(4) Drug-Free Workplace Certification, HUD–50070.

(5) Certification of Payments to Influence Federal Transactions, HUD 50071, (and if applicant and/or participating parties are engaged in lobbying, the Disclosure Form Regarding Lobbying, SF–LLL);

(6) Applicant/Recipient Disclosure/Update Report, HUD–2880;

(7) Certification Regarding Debarment and Suspension, HUD–2992;

(8) Certification of Consistency With EZ/EC Strategic Plan, HUD–2990;

These forms are found in the Appendix B to the General Section of this SuperNOFA. Budget Information on Standard Forms 424B or 424C are not required under this EDI section of the SuperNOFA

In addition to the fair housing and other civil rights assurance described under Section II(B) of the SuperNOFA General Section, applicants for EDI funds must provide assurance that they will comply with Section 109 of the Housing and Community Development Act of 1974, as amended, and must have resolved to HUD's satisfaction any letter of noncompliance findings under Section 109 before the deadline for EDI application submission.

If an applicant wishes to receive an acknowledgment of HUD's receipt of its application, it should submit a completed Acknowledgment of Receipt of Application form.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

(A) *Environmental Review.* After the completion of this competition and after HUD's award of EDI grant funds, pursuant to 24 CFR 570.604, each project or activity assisted under this program is subject to the provisions of 24 CFR part 58, including limitations on the EDI grantee and Section 108 public entity's commitment of HUD and non-HUD funds prior to the completion of environmental review, notification and release of funds. No such assistance will be released by HUD until a request for release of funds is submitted and the requirements of 24 CFR part 58 have been met. All public entities, including nonentitlement public entities, shall submit the request for release of funds and related certification, required pursuant to 24 CFR part 58, to the appropriate HUD field office for each project to be assisted.

(B) *Environmental Justice.* Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) directs Federal agencies to develop strategies to address environmental justice. Environmental justice seeks to rectify the disproportionately high burden of environmental pollution that is often borne by low-income, minority, and other disadvantaged communities, and to ensure community involvement in policies and programs addressing this issue.

IX. Authority

Section 108(q), Title I, Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301–5320); 24 CFR part 570.

Appendix A

The non-standard forms for the EDI application follow.

BILLING CODE 4210–33–P

CHECKLIST AND SUBMISSION TABLE OF CONTENTS

The following checklist helps you to ensure that all of the required items have been submitted in order to receive consideration for funding. The applicant should assemble the application package in the order shown below, check off each item included in its submission package and note the corresponding page number where the response is located.

Check Off		Page Number
☐	Standard Form for Application for Federal Assistance (SF-424)	cover page 1
☐	Transmittal Letter	cover page 2
☐	Checklist and Submission Table of Contents	p. 1
☐	Applicant Narrative Statement (3 pages)	p. ____
☐	EDI/BEDI/108/CDBG Funding Eligibility Statement form (2 pages)	p. ____
☐	**Request for Loan Guarantee Assistance** (check off one of the four options)	p. ____
☐	Formal application	
☐	Brief description; formal application to be submitted in 60 days	
☐	Copy of previously submitted, but not yet approved, Section 108 application.	
☐	Request for Section 108 loan guarantee amendment to increase previously approved amount	
	Response to Rating Factors	
☐	#1 Capacity of the Applicant and Relevant Organizational Experience	p. ____
☐	#2 Distress/Extent of the Problem	p. ____
☐	Distress/Extent of the Problem form (optional)	p. ____
☐	#3 Soundness of Approach	p. ____
☐	Project Timeline form	p. ____
☐	#4 Leveraging Resources/Financial Need	p. ____
☐	Source & Use Statement form	p. ____
☐	#5 Comprehensiveness and Coordination	p. ____
	Application Forms and Certifications	
☐	Section 108 Certifications	p. ____
☐	Federal Assistance Funding Matrix (HUD-424M)	p. ____
☐	Certification and Disclosure Form Regarding Lobbying (SF-LLL)	p. ____
☐	Applicant/Recipient Disclosure Update Report (HUD-2880)	p. ____
☐	Certification Regarding Debarment & Suspension (HUD2992)	p. ____
☐	Certification of Consistency with EZ/EC Strategic Plan	p. ____
☐	Certification for a Drug-Free Workplace	p. ____
☐	Certification of Payments to Influence Federal Transactions	p. ____
	Appendices	
☐	Written Agreements or Signed Letters of Understanding - Rating Factor 1	p. ____
☐	Third Party Funding Commitment Letters - Rating Factor 4, subfactor 3	p. ____
☐	Acknowledgment of Application Receipt	last page

RATING FACTOR 2: DISTRESS/EXTENT OF PROBLEM
(optional form)

Applicant: _____

Project Name/Title: _____

Instructions: The applicant is required to provide information related to the poverty rate for the Target Neighborhood (the area in which EDI/BEDI assistance will be used) and the larger jurisdiction. In addition, the applicant may include optional indicators such as the unemployment rate, median income of persons living in the area, or other indicators of the applicant's choosing. A data source and date are required for each indicator. Use of data from the applicant's Consolidated Plan and/or its Analysis of Impediments to Fair Housing Choice (AI) is encouraged.

Required Indicators	Target Area	County	Nation	Data Source & Date
1 Poverty Rate				
2 Unemployment				

Required Indicators	Target Area	County	Nation	Data Source & Date
3 Other				
4 Other				
5 Other				
6				

Definitions: Describe how the areas are defined (i.e., city boundaries, census tracts, zip codes, etc.)

Target Area: _____

_____

County: _____

_____

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT
Page 1 of 2

Applicant: _____

Project Name/Title: _____

Instructions: The applicant should first enter the total project cost (line 16). Then, working backwards, the applicant should enter the total costs paid with CDBG (line 14) and non CDBG-related funds (line 15). These two amounts should equal the total listed in line 16. Next, the applicant should enter dollar amounts on lines 1-13 in order to demonstrate among which eligible activities the EDI/BEDI, Section 108 or CDBG funds are to be allocated.

Eligible Activities 1/	EDI or BEDI	Section 108	CDBG 2/	Total
1 Acquisition of Real Property 24 CFR 570.703(a)				
2 Rehabilitation of Publicly Owned Real Property 24 CFR 570.703(b)				
3 Payment of Interest 24 CFR 570.703(c)				
4 Relocation Payments 24 CFR 570.703(d)				
5 Clearance, Demolition, Removal 24 CFR 570.703(e)				
6 Site Preparation 24 CFR 570.703(f)				
7 Payment of Issuance Fees 24 CFR 570.703(g)				
8 Housing Rehabilitation 24 CFR 570.703(h)				
9 Economic Development Activities 24 CFR 570.703(i) (and 570.203/.204)				
10 Construction of Housing 24 CFR 570.703(j)				
11 Debt Service Reserve 24 CFR 570.703(k)				
12 Public Facilities 24 CFR 570.703(l)				
13 Public Facilities - Colonias 24 CFR 570.703(m)				
14 Subtotal				
15 Costs Paid with Non CDBG-Related Funds				
16 Total Project Costs 3/				

1/ The eligible Section 108 activities are defined in detail at 24 CFR 570.703.
2/ CDBG grants and program income other than EDI, BEDI or Section 108.
3/ This figure should match the total provided on the Sources & Uses Statement.

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT
Page 2 of 2

Applicant: _____

Project Name/Title: _____

National Objective 1/

Single Project (check one only)		Loan Fund (check all that apply)	
☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)	☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)
☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)	☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)
☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)	☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)
☐ Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)	☐ Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)
☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)	☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)
☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)	☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)
☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)	☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)
☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)	☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)

Public Benefit

PLEASE NOTE: This section is applicable only to projects which plan to spend funds on eligible economic development activities as defined by 24 CFR 570.703(i).

A. If this project will meet the public benefit standard based upon the number of jobs to be created [see 570.209(b)(3)(i)(A)], enter the total number of jobs: ☐

B. If this project will meet the public benefit standard based upon the number of low- and moderate-income persons served in the project area [see 570.209(b)(3)(i)(B)], enter the number of low- and moderate-income persons living in the project area: ☐

1/ The CDBG national objectives are defined in detail at 24 CFR 570.208.

RATING FACTOR 3: SOUNDNESS OF APPROACH
PROJECT TIMELINE

Applicant: _____

Project Name/Title: _____

Instructions: Identify and list each major task/activity associated with the project. Darken appropriate boxes for quarter(s) when task/activity will occur. Fill in the amount of EDI/BEDI/108 funds associated with each task/activity in column labeled EDI/BEDI/108 Funds for Task." Fill in the amount of other sources of funding associated with each task in the column labeled "Other Funds." If the project extends beyond the timeframe indicated on the form, please attach justification/description of project term.

		Year 1				Year 2				Year 3				EDI/BEDI/ 108 Funds for Task	Other Funds for Task
	Tasks/Activities	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q		
	EXAMPLE: Construction													$1,500,000	$2,500,000
1															
2															
3															
4															
5															
7															
8															
9															
10															
11															
12															
	TOTAL														

form HUD-40076-EDI/BEDI

RATING FACTOR 4: LEVERAGING RESOURCES
SOURCES & USES STATEMENT

Applicant: _____

Project Name/Title: _____

Sources	Amount	Uses	Amount
Federal		Acquisition of Real Property	
EDI or BEDI (circle one)		Construction/Rehab	
Section 108		(excl. infrastructure & remediation)	
CDBG		Infrastructure	
		Remediation	
		M&E	
		Working Capital	
State/Local		Creation of Loan Fund for	
		ED Activities	
		Project Delivery Costs	
		Contingency	
		Loan Loss Reserve	
		Land Writedown	
		Interest Rate Writedown	
Private (include debt financing)		Credit Enhancements	
Equity			
TOTAL:		TOTAL:	

Instructions: Fill in the dollar amounts corresponding to each project source in the **Amount** column on the left half of the table. Sources of funding not listed should be added under the relevant category (Federal, State/Local, Private). For each of the project uses (on the right half of the table), fill in the dollar amount to be spent in the **Amount** column. Add additional uses in the blank lines at the bottom of the Uses column.

form HUD-40076-EDI/BEDI(2/2000)

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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LIST OF PUBLIC LAWS

This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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H.J. Res. 7/P.L. 107–1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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19-100		13.00	[3] July 1, 1984
1-100	(869-042-00158-3)	15.00	July 1, 2000
101	(869-042-00159-1)	37.00	July 1, 2000
102-200	(869-042-00160-5)	21.00	July 1, 2000
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42 Parts:			
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400-429	(869-042-00163-0)	55.00	Oct. 1, 2000
430-End	(869-042-00164-8)	57.00	Oct. 1, 2000
43 Parts:			
1-999	(869-042-00165-6)	45.00	Oct. 1, 2000
1000-end	(869-042-00166-4)	55.00	Oct. 1, 2000
44	(869-042-00167-2)	45.00	Oct. 1, 2000
45 Parts:			
1-199	(869-042-00168-1)	50.00	Oct. 1, 2000
200-499	(869-042-00169-9)	29.00	Oct. 1, 2000
500-1199	(869-042-00170-2)	45.00	Oct. 1, 2000
1200-End	(869-038-00171-1)	54.00	Oct. 1, 2000
46 Parts:			
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70-89	(869-042-00174-5)	13.00	Oct. 1, 2000
90-139	(869-042-00175-3)	41.00	Oct. 1, 2000
140-155	(869-042-00176-1)	23.00	Oct. 1, 2000
*156-165	(869-042-00177-0)	31.00	Oct. 1, 2000
166-199	(869-042-00178-8)	42.00	Oct. 1, 2000
200-499	(869-042-00179-6)	36.00	Oct. 1, 2000
500-End	(869-042-00180-0)	23.00	Oct. 1, 2000
47 Parts:			
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40-69	(869-042-00183-4)	41.00	Oct. 1, 2000
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80-End	(869-042-00185-1)	54.00	Oct. 1, 2000
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49 Parts:			
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400-999	(869-042-00197-4)	58.00	Oct. 1, 2000
1000-1199	(869-042-00198-2)	25.00	Oct. 1, 2000
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50 Parts:			
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Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

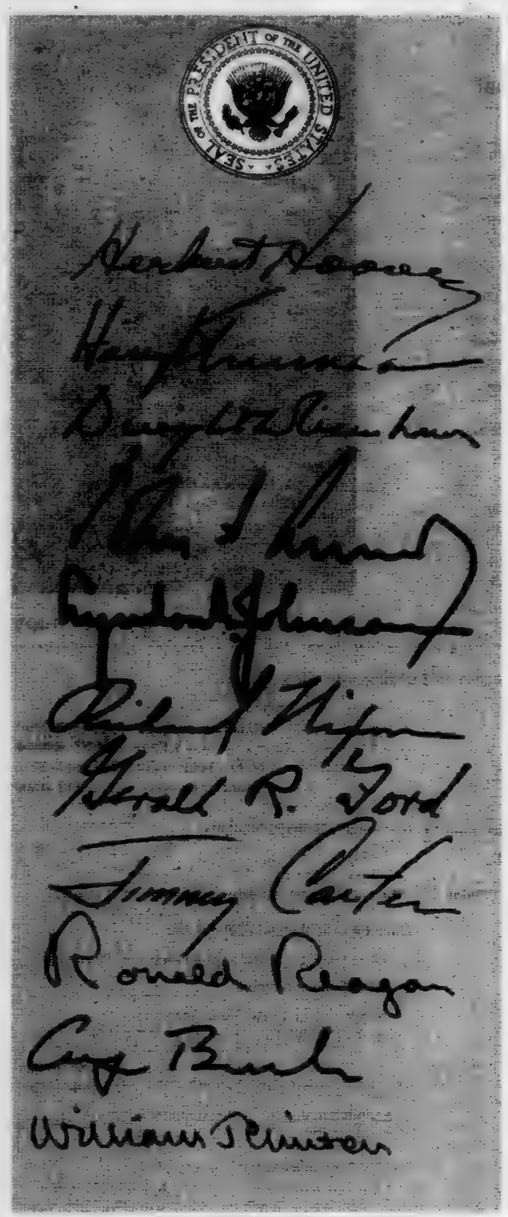
[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 1999, through January 1, 2000. The CFR volume issued as of January 1, 1999 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 1999, through April 1, 2000. The CFR volume issued as of April 1, 1999 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained..



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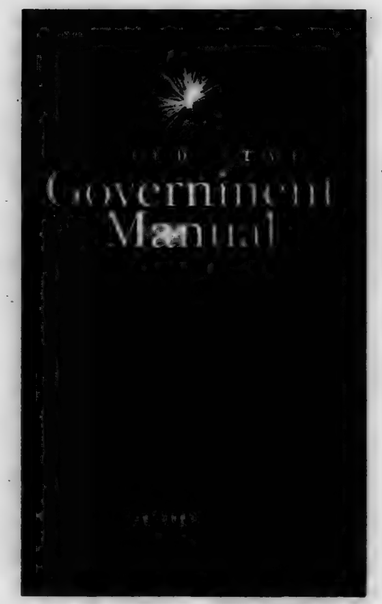
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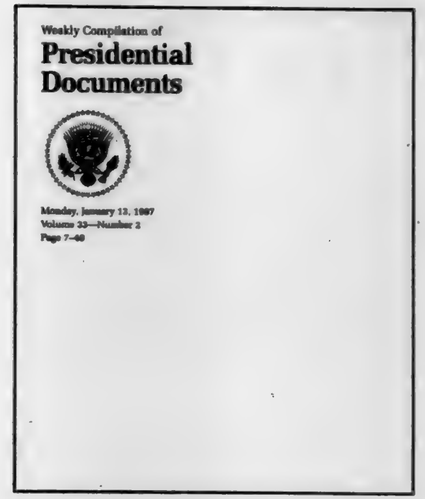
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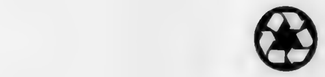
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Separate Parts In This Issue

12033 Part II Continued—Department of Housing and Urban Development
12427 Part III—Department of Housing and Urban Development
12433 Part IV—Department of Health and Human Services

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE (BEDI)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE (BEDI)

Program Overview

Purpose of the Program. BEDI funds are used to enhance the security of a loan guaranteed by HUD under Section 108 of the Act (as defined in Section III(A)(1) below) for the same project, or to improve the viability of the project financed with the Section 108-guaranteed loan. HUD intends to make available approximately $25 million in BEDI funds in FY 2001 to stimulate economic development by local governments and private sector parties. HUD desires to see BEDI and Section 108 funds used to finance projects and activities that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base. A BEDI grant must be used in conjunction with a new Section 108 guaranteed loan commitment. In FY 2001, HUD seeks to increase economic development opportunity for those areas of the country having the greatest distress.

Available Funds. Approximately $25 million. The maximum BEDI grant awards will be in the amount of $2 million.

Eligible Applicants. Any public entity eligible to apply for and receive Section 108 loan guarantee assistance in accordance with 24 CFR 570.702 may apply for BEDI grant assistance under Section 108(q) and this SuperNOFA. (See Section III(B) below for additional information regarding eligible applicants.)

Application Deadline. May 22, 2001.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Please submit your completed applications (one original and three copies) on or before 12:00 midnight, Eastern time, on May 22, 2001, to the addresses shown below.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. To HUD Headquarters. Submit your completed application (an original and two copies) to: Processing and Control Unit, Room 7251, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, Attention: BEDI Grant, by mail or hand delivery.

To the Appropriate CPD Field Office. At the same time the application and copies are submitted to HUD Headquarters, an additional copy should be submitted to the Community Planning and Development Division of the appropriate HUD Field Office for the applicant's jurisdiction.

When submitting your application, please refer to BEDI, and include your name, mailing address (including zip code) and telephone number (include area code), along with the name and phone number of your contact person.

For Application Kits. For an application kit and any supplemental information, please call HUD's SuperNOFA Information line toll free at 1–800–HUD–8929. When requesting an application kit, please refer to BEDI. Please be sure to provide the applicant's name, address (including zip code), and telephone number (including area code), along with the name and phone number of your contact person. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209 to obtain an application kit. The application kit will also be available on the Internet through the HUD web site at http://www.hud.gov/grants.

For Further Information and Technical Assistance. Contact Lisa Peoples, Office of Economic Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7140, Washington, DC 20410, telephone (202) 708–0614 ext. 4456 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

See the General Section of this SuperNOFA for guidance on the provision of technical assistance for EDI grants. The Section 108 Loan Guarantee program is not a competitive program and therefore is not subject to those provisions of the HUD Reform Act pertaining to competitions. HUD staff will be available to provide advice and assistance to develop your Section 108 loan application.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of BEDI application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

HUD has available a maximum of $25 million for the BEDI program, as appropriated in the FY 2001 HUD Appropriations Act for the purpose of assisting public entities in the redevelopment of brownfields. The maximum funding amount of a BEDI award is $2 million.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* BEDI is designed to help cities redevelop abandoned, idled, or underutilized industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination—brownfields. BEDI provides funding to local governments to be used in conjunction with Section 108 loan guarantees to finance redevelopment of brownfields sites. A BEDI grant must be used in conjunction with a new Section 108 guaranteed loan commitment. Both Section 108 loan guarantee proceeds and BEDI grant funds are initially made available by HUD to public entities approved for assistance. Such public entities may re-loan the Section 108 loan proceeds and provide BEDI funds to a business or other entity to carry out an approved brownfield economic development project, or the public entity may carry out the eligible project itself, as provided in the approved application. In either case, BEDI grant funds and the 108 proceeds must be used together to support the same eligible project.

(1) *Definitions.* Unless otherwise defined herein, terms defined in 24 CFR part 570 and used in this program section of this SuperNOFA shall have the respective meanings given thereto in that part.

Act means Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*).

Application means a single set of documents submitted by an eligible applicant for BEDI grant funds, in accordance with the provisions of this program section of the SuperNOFA to finance a brownfield economic development project. A BEDI application must be accompanied by a Section 108 loan guarantee request, which may consist of either a brief summary of the proposed use of 108 funds, or a full application, which may either be submitted at the same time as the BEDI application or be provided within 60 days of BEDI grant award, as more fully explained in Section IV(C) of this program section. Note that the Section 108 application must be submitted to the appropriate HUD field office concurrently with its submission to Headquarters.

Brownfields means abandoned, idled, or under-used real property (including industrial and commercial facilities) where expansion or redevelopment is complicated by real or perceived contamination.

Brownfields Economic Development Initiative (BEDI) means the competitive award of up to $2 million, as appropriated in the FY 2001 HUD Appropriations Act, for economic development grant assistance under Section 108(q) of the Act for the purpose of assisting public entities in the redevelopment of brownfields.

Brownfields Economic Development (BEDI) project means an activity or activities (including mixed use projects with housing components) that are eligible under the Act and under 24 CFR 570.703, and that increase economic opportunity for persons of low-and moderate-income or that stimulate or retain businesses or jobs or that otherwise lead to economic revitalization in connection with brownfields.

CDBG funds means those funds collectively so defined at 24 CFR 570.3, including grant funds received pursuant to Section 108(q) and this program section of this SuperNOFA.

Economic Development Initiative (EDI) means the provision of economic development grant assistance under Section 108(q) of the Act, as authorized by Section 232 of the Multifamily Housing Property Disposition Reform Act of 1994 (Pub.L. 103–233, approved April 11, 1994).

Empowerment Zone or Enterprise Community means an urban area so designated by the Secretary of HUD pursuant to 24 CFR part 597 or part 598, or a rural area so designated by the Secretary of Agriculture pursuant to 7 CFR part 25, subpart B.

Firm Commitment means either a written agreement or letter of understanding by which an applicant and/or its partner:

(1) Agrees to perform an activity specified in the application, and demonstrates its relationship to the proposed EDI project;

(2) Specifies the amount of the commitment, and demonstrates that it has the financial and organizational capacity to deliver the resources necessary to successfully complete the activity; if the committed activity is to be self-financed, the applicant's partner must evidence its financial capacity through a corporate or personal financial statement or other appropriate means; and

(3) Irrevocably commits the resources to the activity either through cash or in-kind services or contributions; if any portion is to be financed through a grant or loan from another public or private organization, that institution's grant or loan commitment must be firmly committed as well.

Any such agreement or letter of understanding shall be understood as being contingent upon receipt of the EDI grant.

In order for an applicant's commitment of CDBG funds to be counted by HUD, a resolution from the local governing body (e.g., city/borough council) authorizing the amount and permitted use(s) of the funds must be provided. Each agreement or letter of commitment must include the organization's name and proposed total level of commitment and responsibilities as they relate to the proposed EDI project. The commitment must be signed by an official of the organization legally authorized to make commitments on behalf of the organization and have an effective date not earlier than the publication date of this NOFA.

EPA means the U.S. Environmental Protection Agency.

Showcase Community means an applicant chosen by the Federal Government's Brownfields National Partnership for inclusion in the Federal Government's Brownfields Showcase Communities program.

Strategic Plan means a strategy developed and agreed to by the nominating local government(s) and State(s) and submitted in partial fulfillment of the application requirements for an Empowerment Zone or Enterprise Community designated pursuant to 24 CFR part 597 or part 598.

(2) *Background.* (a) HUD has multiple programs which are intended to stimulate and promote economic and community development and can be effectively employed to address and remedy brownfields conditions. Primary among HUD's resources are the Community Development Block Grant (CDBG) program and the Section 108 loan guarantee program.

The CDBG program provides grant funds ($4.4 billion in FY 2001) by formula to local governments (either directly or through States) to carry out community and economic development activities. The Section 108 loan guarantee program provides local governments with a source of financing for economic development, public facilities, and other eligible large scale physical development projects. HUD is authorized pursuant to Section 108 to guarantee notes issued by CDBG entitlement communities and non-entitlement units of general local government eligible to receive funds under the State CDBG program. The Section 108 program is subject to the regulations of 24 CFR part 570 applicable to the CDBG program as described in 24 CFR part 570, subpart M. BEDI grants must support Section 108 loan guarantees as generally described in this program section of this SuperNOFA.

(c) For FY 2001, the Section 108 program is authorized at $1.26 billion in loan guarantee authority. The full faith and credit of the United States is pledged to the payment of all guarantees made under Section 108. Under this program, communities (and States, as applicable) pledge their continuing CDBG allocations as security for loans guaranteed by HUD. The Section 108 program, however, does not require CDBG funds to be escrowed for loan repayment (unless such an arrangement is specifically negotiated as loan security and included in the applicable "Contract for Loan Guarantee Assistance.") This means that a community can ordinarily continue to spend its existing allocation for other CDBG purposes, unless needed for loan repayment.

(3) *EDI Program.* The EDI program was enacted in 1994 and is intended to complement and enhance the Section 108 Loan Guarantee program. A purpose of EDI (and BEDI) grant funds is to reduce grantees' potential loss of future CDBG allocations:

(a) By strengthening the economic feasibility of the projects financed with Section 108 funds (and thereby increasing the probability that the project will generate enough cash to repay the guaranteed loan);

(b) By directly enhancing the security of the guaranteed loan; or

(c) Through a combination of these or other risk mitigation techniques.

(4) *BEDI Program.* For FY 2001, Congress has made a specific appropriation of $25 million for the BEDI program to assist in financing "brownfields" redevelopment. HUD intends the $25 million in Brownfields (BEDI) funds available pursuant to this program section of this SuperNOFA to be used with a particular emphasis upon the redevelopment of brownfields sites consistent with the statutory purpose of the FY 2001 HUD Appropriations Act. Accordingly, BEDI funds shall be used as the stimulus for local governments and private sector parties to commence redevelopment or continue phased redevelopment efforts on brownfields sites where contamination is known or suspected and a redevelopment plans exist. HUD desires to see BEDI and Section 108 funds used to finance projects and activities that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base. HUD does not encourage applications whose scope is limited only to site acquisition and/or remediation (i.e., land banking), where there is no immediately planned redevelopment.

(5) *Redevelopment Focus.* The redevelopment focus for BEDI-assisted projects is also prompted by the need to provide additional security for the Section 108 loan guarantee pursuant to 24 CFR 570.705(b)(3). While public entities are required by the Act to pledge their current and future CDBG funds as a source of security for the Section 108 loan guarantee, the public entity will usually be required to furnish additional collateral which, ideally, will be the assets financed with the Section 108 loan funds. Clearly, a redevelopment focus for the BEDI funds will help achieve this goal by enhancing the value of the assets securing the Section 108 loan.

(6) *Integration of Other Government Brownfields Programs.* HUD expects and encourages local governments which are designated through (a) the Federal Government's Brownfields Showcase Community program, (b) other Federal brownfields programs (e.g., EPA's Assessment Pilot or Revolving Loan Fund programs), (c) a State-supported brownfields program, or (d) a State or local related economic development program, to integrate efforts arising from those programs in developing projects for assistance under HUD's BEDI and Section 108 programs. Applicants should elaborate upon these ties in their response to the rating factors, where appropriate (e.g. "Capacity of the Applicant," "Soundness of Approach," "Leveraging Resources," or "Comprehensiveness and Coordination,"—Rating Factors 1, 3, 4, and 5 respectively.)

(7) *Additional Security for Section 108 Loan Guarantee.* Public entities should be mindful of the need to provide additional security for the Section 108 loan guarantee pursuant to 24 CFR 570.705(b)(3). Although a public entity is required by the Act to pledge its current and future CDBG funds as security for the Section 108 loan guarantee, the public entity will usually be required to furnish additional collateral. In most cases, the additional collateral consists (in whole or in part) of the asset financed with the Section 108 loan funds (e.g., a loan made to a business as part of an economic development project). Applications proposing uses for BEDI funding that directly enhance the value of the assets securing the Section 108 loan will help ensure that the project-based asset(s) will satisfy the additional collateral requirements.

(8) *Typical Project Structures.* Provided that proposals are consistent with other CDBG requirements, including national objectives, HUD envisions that the following project structures could be typical:

(a) *Land Writedowns.* Local governments may use a combination of Section 108 and BEDI funds to acquire a brownfields site for purposes of reconveying the site to a private developer at a discount from its purchase price. This approach would provide the developer with an asset of enhanced value which could be used as collateral for other sources of funding. Such other sources of financing could be used to finance environmental remediation or other development costs. In theory, the level of BEDI assistance would approximate the difference between the original cost of the site and its remediation in comparison to the market value of the remediated property.

(b) *Site Remediation Costs.* Local governments may use BEDI funds in any of several ways to address site remediation costs. If the local government used Section 108 funds to acquire real property, BEDI funds could be used to address assessment and site remediation costs as part of demolition, clearance, or site preparation activities. If the local government used Section 108 funds to make a loan to a developer, BEDI funds could be granted to the developer for the purpose of addressing remediation costs as part of an economic development activity.

(c) *Funding Reserves.* The cash flow generated by an economic development project may be expected to be relatively "thin" in the early stages of the project, i.e. potentially insufficient cash flows to meet operating expenses and debt service obligations. The BEDI grant can make it possible for reserves to be established in a way that enhances the economic feasibility of the project.

(d) *Over-Collateralizing the Section 108 Loan.*

(i) The use of BEDI grant funds may be structured in appropriate cases so as to improve the likelihood that project-generated cash flow will be sufficient to cover debt service on the Section 108 loan and directly to enhance the guaranteed loan. One technique for accomplishing this approach is over-collateralization of the Section 108 loan.

(ii) An example is the creation of a loan pool funded with both Section 108 and BEDI grant funds. The community would make loans to various businesses from the combined pool at an interest rate equal to or greater than the rate on the Section 108 loan. The total loan portfolio would be pledged to the repayment of the Section 108 loan.

(e) *Direct Enhancement of the Security of the Section 108 Loan.* The BEDI grant can be used to cover the cost of providing enhanced security. An example of how the BEDI grant can be used for this purpose is by using the grant funds to cover the cost of a standby letter of credit, issued in favor of HUD. This letter of credit will be available to fund amounts due on the Section 108 loan if other sources fail to materialize and thus will serve to protect the public entity's future CDBG funds.

(f) *Provision of Financing to For-Profit Businesses at a Below Market Interest Rate.*

(i) While the rates on loans guaranteed under Section 108 are only slightly above the rates on comparable U.S. Treasury obligations, they may nonetheless be higher than can be afforded by businesses in severely economically distressed neighborhoods. The BEDI grant can be used to make Section 108 financing affordable.

(ii) BEDI grant funds could serve to "buy down" the interest rate up front, or make full or partial interest payments, allowing the businesses to be financially viable in the early start-up period not otherwise possible with Section 108 alone. This strategy would be particularly useful where a community was undertaking a large commercial/retail project in a distressed neighborhood to act as a catalyst for other development in the area.

(g) *Combination of Techniques.* An applicant could employ a combination of these or other techniques in order to implement a strategy that carries out a BEDI project

(8) *Additional Project Structure.* HUD will consider funding a BEDI proposal in which the related Section 108-guaranteed obligation would be used solely as security only under the following conditions:

(a) If BEDI funds are not the first source of funds injected into the project, and

(b) If project funds are disbursed according to a ratio that represents the amount of BEDI funds to the amount of private or public debt that is firmly committed to the project, as required under Rating Factor 4 "Leveraging Resources" below, and

(c) If the grantee maintains in its records a listing of the amount of private funds being distributed by the private party (i.e., the financing institution) to the project.

Grantees are reminded that the BEDI grantee/Section 108 borrower's loan-guaranteed obligation cannot remain undisbursed for more than five years following the year in which the Section 108 commitment is made. Consequently, the borrower's 108-guaranteed obligation cannot have a term that exceeds five years plus the remaining portion of the fiscal year in which the 108 commitment is made.

(B) *Eligible Applicants.* (1) Any public entity eligible to apply for Section 108 loan guarantee assistance in accordance with 24 CFR 570.702 may apply for BEDI grant assistance under Section 108(q). Eligible applicants are CDBG entitlement units of general local government and non-entitlement units of general local government eligible to receive loan guarantees under 24 CFR part 570, subpart M. Urban Counties, as defined at 24 CFR 570.3 and 570.307, are eligible applicants for BEDI funds; units of general local government which participate in an Urban County program are not independently eligible applicants. For non-entitlement applicants other than those subject to 24 CFR 570, subpart F, applicants will be required to provide evidence in the application from an authorized official of the State agency responsible for administering the State CDBG program) stating its intention to support the related Section 108 loan with a pledge of its CDBG funds pursuant to the requirements of 24 CFR 570.705(b)(2). Such evidence shall take the form of the HUD Certification titled "SECTION 108 LOAN GUARANTEES: State Certifications Related to Nonentitlement Public Entities" which may be obtained either by downloading from the Internet or in the BEDI Application Kit to be published shortly after publication of this SuperNOFA. Note that effective January 25, 1995, non-entitlement public entities in the State of Hawaii were authorized to apply to HUD for Section 108 loans (see 59 FR 47510, December 27, 1994). Thus non-entitlement public entities in all 50 states and Puerto Rico are eligible to participate in the Section 108 and BEDI programs.

(2) Applicants for BEDI projects must comply with the threshold requirements of Section II of the General Section of the SuperNOFA.

(C) *Eligible Activities and National Objectives.* (1) BEDI grant funds and Section 108 loan guarantee funds may be used for activities listed at 24 CFR 570.703, provided such activities are carried out as part of a BEDI project as described in this BEDI section of this SuperNOFA, including Section III(A) of this program section of the SuperNOFA. You are required to submit applications that seek funding for BEDI projects that will contribute to the redevelopment and revitalization of brownfields. Applications that fail to meet the requirements for a BEDI project as set forth in this SuperNOFA will not be rated by HUD.

(2) Each activity assisted with Section 108 loan guarantee or BEDI funds must meet a national objective of the CDBG program as described in 24 CFR 570.208. Applicants must clearly identify in their narrative statement (as described in Section V(B) of this program section below) the CDBG national objective to be achieved by the proposed project and provide the appropriate CDBG national objective regulatory citation found at 24 CFR 570.208. Applicants must also address, when applicable, how the proposed activities will comply with the public benefit standards of the CDBG program as reflected in the regulation at 24 CFR 570.209 for the Entitlement and Small Cities programs or 24 CFR 570.482 for the State CDBG program.

(3) In the aggregate, a grantee's use of CDBG funds, including any Section 108 loan guarantee proceeds and Section 108(q) (BEDI) funds provided pursuant to this program section of this SuperNOFA, must comply with the CDBG primary objective requirements as described in section 101(c) of the Act and 24 CFR 570.200(a)(3) or 570.484 in the case of State grantees.

IV. Program Requirements

(A) *CDBG Program Regulations.* In addition to 24 CFR 570.701 (Definitions), § 570.702 (Eligible applicants), and § 570.703 (Eligible activities), as explained in Section III(C) of this program section of the SuperNOFA, the CDBG regulatory requirements cited in 24 CFR 570.707, including subparts J (Grant Administration), K (Other Program Requirements), and O (Performance Reviews) govern the use of BEDI funds, as applicable.

(B) *Compliance with Applicable Laws.* Applicants are advised that an award of BEDI funding does not in any way relieve the applicant or third party users of BEDI funds from compliance with all applicable Federal, State and local laws, particularly those addressing the environment. Applicants are further advised that HUD may require evidence that any project involving remediation has been or will be carried out in accordance with State law, including voluntary clean up programs.

(C) *Related Section 108 Loan Guarantee Request.* (1) Each BEDI application must be accompanied by a request for new Section 108 loan guarantee assistance. Notwithstanding the form of your request for new Section 108 loan guarantee assistance under paragraphs (a), (b), (c), or (d) below of this Section IV(C), you must include citations to the specific regulatory subsection supporting activity eligibility and national objectives compliance for the project described in your application. (See Section III(C) of this program section of this SuperNOFA.) Both the BEDI and Section 108 funds must be used in conjunction with the same BEDI project. The request may take any of several forms as defined below.

(a) A full application for new Section 108 loan guarantee(s), including the documents listed at 24 CFR 570.704(b).

(b) A brief description (not to exceed three pages) of the project to be applied for in a new Section 108 loan guarantee application(s). Such 108 application(s) will be submitted within 60 days of written notice of BEDI selection, with HUD reserving the right to extend such period for good cause on a case-by-case basis. BEDI awards will be conditioned on approval of actual Section 108 loan commitments. The application description must be sufficient to support the basic eligibility of the proposed project and activities for Section 108 assistance. (See Section III(C) of this program section of the SuperNOFA.)

(c) A copy of a pending, unapproved Section 108 loan guarantee application, and any proposed amendments to the Section 108 application which are related to the BEDI application. The applicant's submission of such a BEDI/Section 108 application shall be deemed by HUD to constitute a request to suspend separate processing of the Section 108 application. The Section 108 application will not be approved until on or after the date of the related BEDI award.

(d) A request for Section 108 loan guarantee assistance (analogous to Section IV(C)(1)(a) or (b) of this BEDI section of the SuperNOFA) that proposes to increase the amount of a previously approved application. However, any amount of Section 108 loan guarantee authority approved before HUD's announcement of a BEDI grant for the same project is not eligible to be used in conjunction with a BEDI grant under this program section.

(2) Further, a Section 108 loan guarantee amount that is required to be used in conjunction with a prior EDI or BEDI grant award, whether or not the Section 108 loan guarantee has been approved as of the date of this SuperNOFA, is not eligible for a BEDI award under this SuperNOFA. For example, if a public entity has a previously approved Section 108 loan guarantee commitment of $12 million, even if none of the funds have been utilized, or if the public entity had previously been awarded an EDI grant of $1 million and had certified that it will submit a Section 108 loan application for $10 million in support of that EDI grant, the public entity's application under this program section of this SuperNOFA must propose to increase the amount of its total Section 108 loan guarantee commitments beyond those amounts (the $12 million or $10 million in this example) to which it has previously agreed.

(D) *Prohibitions on Use of BEDI and Section 108 Funds.* Certain restrictions shall apply to the use of BEDI and Section 108 funds:

(1) BEDI grants must not be used as a resource to immediately repay the principal of a loan guaranteed under Section 108. Repayment of principal is only permissible with BEDI grant funds as a matter of security if other sources projected for repayment of principal prove to be unavailable.

(2) Section 108 loan obligations may not be subordinated, directly or indirectly, to federally tax exempt obligations. Pursuant to Office of Management and Budget (OMB) Circular A–129 (Rev.) Appendix A, sections II. 2.c. and d., (Policies for Federal Credit Programs and Non-Tax Receivables), Section 108 guaranteed loan funds may not directly or indirectly support federally tax-exempt obligations.

(3) BEDI grant funds shall not be used in any manner by grantees to provide public or private sector entities with funding to remediate conditions caused by their actions, where the public entity (or other known prospective beneficiary of the proposed BEDI grant) has been determined responsible for causation and remediation by order of a court or a Federal, State, or local regulatory agency, or is responsible for the remediation as part of a settlement approved by such a court or agency.

Applicants may not propose projects on sites which are listed or proposed to be listed on EPA's National Priority List (NPL). Further, applicants are cautioned against proposing projects on sites where the nature and degree of environmental contamination is not well quantified or which are the subject of on-going litigation or environmental enforcement action.

(E) *Time-frames.* BEDI grant awards will contain conditions requiring grantees to adhere to their stated time-frames for implementing proposed projects and drawing Section 108 and BEDI funds. If the related Section 108 application has not been submitted and approved and the Note guaranteed within fifteen (15) months of written HUD notification of grant award, HUD may deobligate the BEDI funds. If BEDI grant funds and Section 108 loan proceeds have not been disbursed to the applicant within the timeframes specified in the BEDI Grant Agreement and the 108 Contract, HUD reserves the right to recapture the BEDI funds, unless an extension of time has been authorized in writing by HUD, and either award them to the applicant that scored the next highest in that year's competition, provided that such applicant's application remains feasible and appropriate under this program section of the NOFA, or make them available as part of the next BEDI NOFA.

(F) *Limitations on Grant Amounts.* (1) HUD expects to approve BEDI grant amounts for approvable applications with a range of ratios of BEDI grant funds awarded to new Section 108 loan guarantee commitments but the minimum ratio will be $1 of Section 108 loan guarantee commitments for every $1 of BEDI grant funds. However, if you propose a leverage ratio of 1:1, your application will not receive any points under the Rating Subfactor 4(1): "Leverage of Section 108 Funds."

For example, if you request a BEDI grant of $1 million, you will be required to leverage a minimum of at least $1 million in new Section 108 loan guarantee commitments. Of course, even though there is a minimum ratio of 1:1, applications with higher ratios will receive more points under Rating Factor 4, "Leveraging Resources" and, all other things being equal, will be more competitive. You are encouraged to propose projects with a greater leverage ratio of new Section 108 to BEDI grant funds (assuming such projects are financially viable). For example $1 million of BEDI could leverage $12 million of new Section 108 loan commitments. HUD intends that the BEDI funds will be used for projects that leverage the greatest possible amount of Section 108 loan guarantee commitments. Because a fundable application is competitive in part because of the applicant's proposed ratio of BEDI funds to funds guaranteed by a Section 108 loan guarantee, HUD will condition a BEDI grant award on the grantee's achievement of that specific ratio. Your failure to meet that condition by obtaining timely HUD approval of a commitment for, and issuance of, the required Section 108 guaranteed obligations ratio may result in the cancellation and recapture of all or a proportionate share of the BEDI grant award.

(2) HUD will cap BEDI awards at a maximum of $2 million. An application in excess of $2 million will be reduced below the amount requested by the applicant to the extent HUD determines that such a reduction is appropriate.

(3) If additional BEDI grant funds become available to HUD (e.g., from recaptures or other appropriations), HUD reserves the right to award grants under this SuperNOFA during FY 2001 whose aggregate total may exceed the $25 million announced in this program of the SuperNOFA, up to the maximum amount authorized by law. In the event you are awarded a BEDI grant that has been reduced below the original request (e.g., your application contained some activities that were ineligible, exceeded the $2 million cap, or there were insufficient funds to fund the last competitive application at the full amount requested), you will be required to modify your project plans and application to conform to the terms of HUD approval before HUD will execute a grant agreement.

(4) HUD also will proportionately reduce or deobligate the BEDI award if you do not submit an approvable Section 108 loan guarantee application and issue Section 108-guaranteed obligations on a timely basis (including any extension authorized by HUD) in the amount required by the BEDI/108 leveraging ratio, which will be approved by HUD as a special condition of the BEDI grant award (see Section IV(E)(1) above of this program section of the SuperNOFA). Any modifications or amendments to your application approved pursuant to this SuperNOFA, whether requested by you or by HUD, must be within the scope of the approved original BEDI application in all respects material to rating the application, unless HUD determines that your revised application remains within the competitive range and is otherwise approvable under this SuperNOFA competition.

(5) In the case of a requested increase in guarantee assistance for a project with a previously approved Section 108 loan guarantee commitment (as further discussed in Section IV(C)(1)(d), above), the BEDI assistance approved with be based on the increased amount of Section 108 loan guarantee assistance.

(6) Pursuant to another portion of this SuperNOFA, HUD is simultaneously announcing the availability of approximately $7.02 million of Economic Development Initiative (EDI) funds. While HUD will permit applicants to pursue BEDI and EDI funds for the same project, HUD requires that the BEDI and EDI applications (and their components) be independent of one another. Thus, each application should have an identifiable amount of Section 108 funding associated with its respective request for EDI and BEDI funds for purposes of determining the leverage of Section 108 funding to the corresponding amount of EDI or BEDI funds requested. Further, the proposed amount of Section 108 borrowing associated with the BEDI or EDI grant shall not be used to determine leverage of other financial resources under Rating Factor 4, paragraph (2). Further, if an applicant seeks both BEDI and EDI funds for the same project, it must include in its response to Rating Factor 3 a discussion of how the project can be financed and implemented if it fails to obtain either BEDI or EDI funds under this SuperNOFA.

(G) *Timing of Grant Awards.* (1) To the extent you submit a full Section 108 application with the BEDI grant application, HUD will evaluate your Section 108 application concurrently with your request for BEDI grant funds. Note that the 108 application must be submitted to the appropriate HUD field office concurrently with submission to Headquarters. In addition, BEDI grant assistance cannot be used to leverage a Section 108 loan guarantee approved prior to the date of HUD's announcement of a BEDI grant pursuant to this SuperNOFA. However, the BEDI grant may be awarded prior to HUD approval of the Section 108 commitment if HUD determines that such award will further the purposes of the Act.

(2) HUD's notice to you of the amount and conditions of BEDI funds awarded, based upon review of the BEDI application, constitutes an obligation of grant funds, subject to compliance with the conditions of award and execution of a grant agreement. BEDI funds must not be disbursed to the grantee before the issuance of the related Section 108 guaranteed obligations.

(H) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is applicable to EDI grant recipients. Please see Section II (E) of the General Section of the SuperNOFA.

(I) *Nondiscrimination.* Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), is applicable to BEDI grant recipients. Applicants must therefore adhere to HUD regulations at 24 CFR parts 6 and 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

V. The Application Selection Process

(A) *Rating and Ranking.* (1) Each rating factor and the maximum number of points is provided below. The maximum number of points to be awarded is 104. To be eligible for funding, an application must have a minimum score of 20 points for Rating Factors 1 (Capacity) and 3 (Soundness of Approach) combined to be considered fundable.

(2) Once scores are assigned, HUD will rank all applications meeting program and threshold requirements in order of points assigned, with the applications receiving more points ranking above those receiving fewer points. Applications will be funded in rank order.

(3) Prior to award, if HUD determines that an application rated, ranked and fundable could be funded at a lesser BEDI grant amount than requested consistent with feasibility of the funded project or activities and the purposes of the Act, HUD reserves the right to reduce the amount of the BEDI award and/or increase the required Section 108 loan guarantee commitment, if necessary, in accordance with such determination. An application in excess of $2 million will be reduced below the amount requested by the applicant to the extent HUD determines that such a reduction is appropriate.

(4) HUD may decide not to award the full amount of BEDI grant funds available under this program section of this SuperNOFA and may make any remaining amounts available under a future SuperNOFA.

(5) In the event two or more applications are given the same score, but there are insufficient funds for all, the application(s) with the highest score(s) on Rating Factor 2 (Distress/Extent of the Problem) shall be selected. If there is still a tie, the following Factors will be considered sequentially as follows, with the application having the high score on that Factor taking precedence until the tie is broken: Rating Factor 3 (Soundness of Approach), Rating Factor 1 (Capacity and Experience), Rating Factor 4 (Leveraging Resources), and Rating Factor 5 (Comprehensiveness and Coordination).

Fundable economic development applications must meet the threshold requirements stipulated in the General Section of this SuperNOFA and be complete as required by the Submission requirements of this program section of the SuperNOFA. Economic development projects will be funded in rank order until the total aggregate amount of the applications funded is equal to the maximum amount available in the competition (subject to the Department's discretion described in Section IV(F) below).

Bonus Points

An additional two points may be awarded for projects that are located either in federally-designated Empowerment Zones, Enterprise Communities or Brownfields Showcase Communities; two points may also be awarded for qualifying projects in Dallas, Texas as mandated by a decision by the U.S. District Court for the Northern District of Texas, for a maximum total of four bonus points. For specific details, please see Section III(C)(1) in the General Section of the SuperNOFA, and Rating Factor 3, paragraph (6) below.

(B) *Narrative Statements.*

(1) Provide a narrative statement describing the activities that you will carry out with the BEDI grant funds, explaining the nature and extent of the Brownfield's problem(s) affecting the project. Your BEDI narrative statement must not exceed three (3) 8.5" by 11" pages, double-spaced.

(2) In the foregoing narrative statement describe how your proposed uses of BEDI funds will meet the national objectives for the CDBG program under 24 CFR 570.208 and qualify as eligible activities under 24 CFR 570.703. *Applications must include citations to the specific regulatory subsections supporting activity eligibility and national objectives compliance.* (See Section III(C) of this program section of this SuperNOFA.)

(3) The applicant must also provide narrative statements in response to each of the rating factors below.

(4) Print all narrative statements in 12 point type/font, and use sequentially numbered pages.

(C) *Factors for Award Used to Evaluate and Rate Applications.* HUD will consider your application for selection based on the following factors that demonstrate the quality of your proposed project or activities, and your creativity, capacity and commitment to obtain maximum benefit from the BEDI funds, in accordance with the purposes of the Act.

Responses to Rating Factors 1–5 below shall not exceed fifteen (15) pages combined.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. The rating of the "applicant" or the "applicant's organization and staff" for technical merit or threshold compliance, unless otherwise specified, will include any subcontractors, consultants, subrecipients that are firmly committed (see definition in Section III(A)(1) above) to participate in the activities described in the application. In rating this factor, HUD will consider the following:

(1) With regard to the BEDI/Section 108 project you propose, you must demonstrate that you have the capacity to implement the specific steps required to successfully carry out the proposed BEDI/Section 108 project. Evidence of capacity will be judged by your:

(a) Performance in the administration of your CDBG, HOME or other programs;

(b) Performance and capacity in carrying out economic development projects;

(c) Performance and capacity with respect to Brownfields redevelopment projects similar to that proposed; including the ability to conduct prudent underwriting, if applicable; and

(d) Capacity to carry out your projects and programs in a timely manner; an applicant must address its performance in spending previously awarded funds, if any, in a timely manner, including, for CDBG entitlement recipients, the extent to which the recipient has met the HUD standard of having no more than 1.5 times its entitlement amount undisbursed (see 24 CFR 570.902(a)(1)(i)); and,

(e) If applicable, your capacity to manage projects under this program section of this SuperNOFA along with any federal funds awarded as a result of a federal urban Empowerment Zone/Enterprise Community designation (including Enhanced Enterprise Community (EEC) designations).

(2) An applicant that has previously received an EDI or BEDI grant award(s), you must describe the status of the implementation of those project(s) assisted

with EDI or BEDI funds, any delays that have been encountered and the actions you are taking to overcome any such delays in order to carry out the project in a timely manner. For such previously funded EDI or BEDI grant projects, HUD will award more rating points for applications providing evidence of achievement of specific measurable outcomes in carrying out activities funded with previous EDI or BEDI grant funds and the associated Section 108-guaranteed loan funds.

The experience and performance of subrecipients, nonprofit organizations and other entities that have a role in implementing your proposed program will be included in this review.

Experience and performance of subrecipients, nonprofit organizations and other entities that have a role in implementing your proposed program will be included in this review. Experience will be judged in terms of recent and successful performance of activities relevant to those proposed in the BEDI application. The more recent and extensive the experience, the greater the number of points that will be awarded for this Factor.

HUD also may rely on information from performance reports, financial status information, monitoring reports, audit reports and other information available to HUD in making its determination under this factor.

Rating Factor 2: Distress/Extent of the Problem (40 Points)

This factor addresses the extent to which there is need for funding the proposed activities based on levels of distress, and an indication of the urgency of meeting the need/distress in the applicant's target area. In responding to this factor, applications will be evaluated on the extent to which the level of distress is documented and compared, vis-a-vis, the target area, the jurisdiction, and national data.

In applying this factor, HUD will consider current levels of distress for the following areas affected by the project: first, in the area (i.e., Census Tract(s) or Block Groups) immediately surrounding the project site or the target area to be served by the proposed project; second, in the jurisdiction in which the project is to be located; third, relative to the similar measures of distress in the nation. Applicants may also provide data for the overall jurisdiction alongside comparable jurisdictions in the county and state, as appropriate to the activity, in order to demonstrate the various levels of distress in context. This means that an application that provides data that show levels of distress in the project area and the jurisdiction expressed as a percent greater than the national average will be rated higher under this Factor.

Notwithstanding the above, an applicant proposing a project to be located outside the target area could still receive points under the Distress factor if a clear rationale is provided linking the proposed project location and the benefits to be derived by persons living in more distressed area(s) of the applicant's jurisdiction.

Applicants should provide data that address all indicators of distress, if applicable, as follows:

Poverty rate (20 points)—data should be provided in both absolute and percentage form (i.e., whole numbers and percents) for both the target area(s) and the jurisdiction as a whole; an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

Equal to but less than twice the national average.	5 points;
Twice but less than three times the national average.	10 points;
Three or more times the national average.	20 points.

(b) Unemployment (15 points)—for both the project area and jurisdiction; an application that compares the local unemployment rate in the following manner to the national average at the time of submission will receive points under this Section as follows:

Equal to but less than twice the national average.	2 points;
Twice but less than three times the national average.	4 points;
Three but less than four times the national average.	6 points;
Four but less than five times the national average.	8 points;
Five or more times the national average.	10 points.

(c) Other Indicators of social and/or economic decline that best capture the applicant's local situation (5 points)—examples that could be provided under this Section are information demonstrating the jurisdiction's stagnant or falling tax base, including recent commercial or industrial closings, housing conditions, such as the number and percentage of substandard and/or overcrowded units, rent burden (defined as average housing cost divided by average income) for both the target area and county, local crime statistics, etc.

(3) To the extent that the applicant's Consolidated Plan, its Analysis of Impediments to Fair Housing choice (AI), and/or its Anti-Poverty Strategy identify the level of distress in the jurisdiction and the neighborhood in which the project is to be carried out, references to such documents should be included in preparing the response to this Factor

In rating applications under this Factor, HUD reserves the right to consider sources of available objective data other than, or in addition to, those provided by applicants, and to compare such data to those provided by applicants.

HUD requires use of sound and reliable data (e.g., U.S. Census data, State statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided.

Updated Census data are available as follows for the listed indicators:

Unemployment rate—estimated monthly for counties, with a two-month lag;

Population—estimated for incorporated places and counties, through 1999;

(d) Poverty rate—estimated every two years, with a three-year lag, with 1997 being the most recent available.

Rating Factor 3: Soundness of Approach (25 Points)

This factor addresses the quality and cost-effectiveness of your proposed plan. There must be a sound relationship between the proposed activities, community needs and purposes of the program funding for you to receive points for this factor. In rating this factor, HUD will consider the following:

(1) (5 Points) The quality of your plan/proposal for using BEDI funds and Section 108 loan funds, including the extent to which your proposed plan for effective use of BEDI grant/Section 108-guaranteed loan funds will address the needs you described in Rating Factor 2 above regarding the distress and extent of the problem in your immediate target area and/or jurisdiction. As part of the response to this factor, you should identify the eligible activities you will carry out and fully describe how your project will achieve a CDBG national objective. You should make substantial efforts to demonstrate how your proposed project would mitigate or otherwise address the distress you identified in Rating Factor 2 above.

(2) (5 Points) The extent to which your plan is logical, feasible, and likely to achieve your stated purpose. HUD's desire is to fund projects and activities that will quickly produce demonstrable results and advance the public interest including the number of jobs to be created by the project. You should demonstrate that you have a clear understanding of the steps required to implement your project, the actions that you and others responsible for implementing the project must complete. For example, the application should provide evidence that authority necessary to proceed with the project has been sought and/or received, in the form of any necessary zoning classification, waivers, general permits, special use permits, assessment district designation, public easements and right-of-way, etc.

(3) You must include a reasonable time schedule for carrying out your project. The application kit contains a timeline form that you must use to indicate your project timing.

(4) The extent to which your response to this factor takes into account certain site selection, planning, and environmental issues. Further, you are cautioned against proposing projects on sites where the nature and degree of environmental contamination is not well quantified or that are the subject of on-going litigation or environmental enforcement. Sites with unknown or exceptionally expensive contamination problems may be beyond the scope of the BEDI program's financial resources, and sites subject to pending and current litigation may not be available for remediation and development in a time frame consistent with HUD's desire for rapid progress in the use of BEDI and Section 108 funds.

(5) The extent to which your projects will integrate environmental justice concerns and

provide demonstrable benefits for affected communities and their residents. The BEDI program is intended to promote the clean up and redevelopment of brownfields sites.

(6) Financial Feasibility (10 Points). HUD will consider the extent to which you demonstrate that your project is financially feasible. In responding to this subfactor, you must clearly address the question of why the BEDI funds are critical to the success of your project. This may include factors such as:

(a) Project costs and financial requirements. A funding sources and uses statement must be provided, as well as justifications for project costs;

(b) The amount of any debt service or operating reserve accounts you will establish in connection with your economic development project.

(c) The reasonableness of the costs of any credit enhancement you pay with BEDI grant funds.

(d) The amount of program income (if any) you will receive each year during the repayment period for the guaranteed loan.

(e) Interest rates on loans to third parties, if any, (other than subrecipients) (either as an absolute rate or as a plus/minus spread to the Section 108 rate).

(f) Underwriting criteria that you will use in determining project feasibility.

(7) The extent to which your proposed project addresses your Analysis of Impediments and the needs identified in Rating Factor 2; the extent to which such project activities will result in the physical and economic improvement for the residents in the neighborhood in which your project will be carried out; the extent to which you will offer residents an opportunity to relocate to environmentally healthy housing or neighborhoods; or the extent to which residents will benefit from the funded project to enable them to continue to live in a redeveloped or revitalized neighborhood and thus share in the anticipated economic benefits and environmental improvements your project is expected to generate.

(8) The extent to which your project incorporates one or more elements that facilitate a successful transition of welfare recipients from welfare to work, including the number of living wage jobs to be created by the project and the impact of the project on job creation that will benefit individuals on welfare or low to very low income persons, and that are part of a career path or apprenticeship programs. Such an element could include, for example, linking the proposed project or loan fund to social and/or other services needed to enable welfare recipients to successfully secure and carry out full-time jobs in the private sector; provision of job training to welfare recipients who might be hired by businesses financed through the proposal; and/or incentives for businesses financed with BEDI/Section 108 funds to hire and train welfare recipients.

(9) Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application submitted by the City of Dallas, Texas, HUD's consideration of the response to this factor, "Soundness of Approach" will include the extent to which Dallas' plan for BEDI funds and Section 108 loans will speed eradication of the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order. Up to two (2) additional points will be awarded to any application submitted by the City of Dallas, Texas, to the extent this subfactor is addressed.

Rating Factor 4: Leveraging Resources (15 Points)

In evaluating this factor, HUD will consider the extent to which your response demonstrates the financial need and feasibility of your project and the leverage ratio of Section 108 loan proceeds to BEDI grant funds. This factor has three subfactors, each with its own maximum point total:

(1) Leverage of Section 108 funds (10 points). [Your response to this subfactor is limited to one (1) page.] The minimum ratio of Section 108 funds to BEDI funds in any project may not be less than 1:1. The extent to which your proposed project leverages an amount of Section 108 funds beyond the 1:1 ratio will be considered a positive factor. If you have a ratio of 1:1, your application will not receive any points under this subfactor. If you use your BEDI grant to leverage more new Section 108 commitments, your application will receive more points under this subfactor.

(2) Leverage of other financial resources (5 points). HUD will evaluate the extent to which other funds (public or private) are leveraged with BEDI grant funds and Section 108-guaranteed loan funds, and the extent to which such other funds are firmly committed to the project. This could include the use of CDBG funds, other Federal or state grants or loans, local general funds, project equity or commercial financing provided by private sources or funds from non-profits or other sources. Funds will be considered committed to the project if they meet the requirements of "Firm Commitment as defined in Section III (A)(1) above, and shall be subject to completion of any environmental review required under 24 CFR part 58 for the project.

Rating Factor 5: Comprehensiveness and Coordination (5 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations; you participate or promote participation in your or a State's Consolidated Planning process; and you are working towards addressing a need in a comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations before submitting your application, in order to best complement, support and coordinate all known activities; and developed specific steps to share information on solutions and outcomes with others. Describe any written agreements or memoranda of understanding in place, or that will be in place after award.

(2) Developed linkages, or specific steps to develop linkages with other activities, programs or projects (through meetings, information networks, planning processes or other mechanisms to coordinate your activities), so that solutions are holistic and comprehensive. Describe any linkages with other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan, as well as established linkages and outreach with residents of your project area.

(3) Coordinated your efforts with other Federal, State or locally supported activities, including US Army Corps of Engineers, Economic Development Administration, U.S. Department of Treasury, EPA's various Brownfields initiatives, and those proposed or on-going in the community.

VI. Application Submission Requirements

(A) *BEDI Funding.* An application for funding under the BEDI funding allocation under this program section of the SuperNOFA must have the following items to be complete. The standard forms, certifications and assurances that are required for the BEDI application (and listed in paragraph (J) below) can be found in Appendix B to the General Section. The remaining application items that are forms (i.e., excluding such items as narratives or letters, etc.), referred to as the "non-standard forms" can be found in Appendix B to this program section of the SuperNOFA.

(B) *Transmittal Letter* signed by the authorized representative of the eligible applicant indicating that it is submitting the application for funding under the Brownfields Economic Development Initiative Program and is requesting funding consideration for an EDI project.

(C) *Checklist and Submission Table of Contents* indicating the page numbers where the submission items can be found in your application (form HUD–40076–EDI/BEDI).

(D) *EDI Narrative Statements* describing EDI funded eligible activities within the proposed project.

(E) *EDI/BEDI Funding Eligibility Statement.* A completed EDI/BEDI Section 108 Funding Eligibility Statement (form HUD–40076–EDI/BEDI).

(F) *Request for Loan Guarantee Assistance.* A request for loan guarantee assistance under Section 108, as further described in Section IV(C) of this program section of the SuperNOFA. Full application guidelines for the Section 108 program are found at 24 CFR 570.704.

(G) *Narrative Response(s) to Factors for Award:*

(1) Rating Factor 1: Capacity and Relevant Organizational Experience. Provide a narrative indicating the relevant capacity of your organization and staff to perform the work for which it is requesting funding.

(2) Rating Factor 2: Need Statement Identifying the level of Distress/Extent of the Problem. Provide a narrative statement including any documentation supporting the statement of need. Optional form HUD–40076–EDI/BEDI has a format to respond to this factor for award.

(3) Rating Factor 3: Soundness of Approach. Include the activities, budget and time frame for conducting activities in the response (see form HUD–40076–EDI/BEDI).

(4) Rating Factor 4: Leveraging Resources. Your response should include a completed copy of form HUD–40076–EDI/BEDI, "Rating

Factor 4: Leveraging Resources/Sources and Uses Statement."

(5) Rating Factor 5: Comprehensiveness and Coordination. Provide a narrative response to this factor.

(H) *Request for Funds.* A single application must contain a request for funds for a single BEDI/108 project. You may submit more than one application for each additional unrelated BEDI/108 project. Each application will be rated and ranked individually. In no event will HUD rate and rank more than one BEDI project per application.

(I) *Threshold Requirements.* Your application must meet all of the applicable threshold requirements of Section II(B) of the General Section of this SuperNOFA.

(J) *Additional Application Forms and Certifications.* In addition to any forms that have been submitted in response to the Factors for Award (which may be found at Appendix A), the following forms and certifications must also be submitted:

(1) Application for Federal Assistance (Standard Form (SF) 424);

(2) Federal Assistance Funding Matrix (HUD 424M);

(3) Standard Form for Assurances—Non-Construction Programs (SF 424B) and/or Standard Form for Assurances—Construction Programs (SF 424D)—not applicable for this program section.

(4) Drug-Free Workplace Certification, HUD–50070.

(5) Certification of Payments to Influence Federal Transactions, HUD 50071, (and if applicant and/or participating parties are engaged in lobbying, the Disclosure Form Regarding Lobbying, SF–LLL);

(6) Applicant/Recipient Disclosure/Update Report, HUD–2880;

(7) Certification Regarding Debarment and Suspension, HUD–2992;

(8) Certification of Consistency With EZ/EC Strategic Plan, HUD–2990;

These forms are found in the Appendix B to the General Section of this SuperNOFA.

The Budget Information on Standard Forms 424B or 424C is not required under this BEDI section of the SuperNOFA.

In addition to the fair housing and other civil rights assurance described under Section II(B) of the SuperNOFA General Section, applicants for EDI funds must provide assurance that they will comply with Section 109 of the Housing and Community Development Act of 1974, as amended, and must have resolved to HUD's satisfaction any letter of noncompliance findings under Section 109 before the deadline for BEDI application submission.

If an applicant wishes to receive an acknowledgment of HUD's receipt of its application, it should submit a completed Acknowledgment of Receipt of Application form. In addition to the fair housing and other civil rights assurance described under Section II(B) of the SuperNOFA General Section, applicants for BEDI funds must provide assurance that they will comply with Section 109 of the Housing and Community Development Act of 1974, as amended, and must have resolved to HUD's satisfaction any letter of noncompliance findings under Section 109 before the deadline for BEDI application submission.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

(A) *Environmental Review.* After the completion of this competition and after HUD's award of BEDI grant funds, pursuant to 24 CFR 570.604, each project or activity assisted under this program is subject to the provisions of 24 CFR part 58, including limitations on the BEDI grantee and Section 108 public entity's commitment of HUD and non-HUD funds prior to the completion of environmental review, notification and release of funds. HUD will not release such assistance until you submit a request for release of funds and you satisfy the requirements of 24 CFR part 58. All public entities, including nonentitlement public entities, must submit the request for release of funds and related certification, pursuant to 24 CFR part 58, to the appropriate HUD field office for each project to be assisted.

(B) *Environmental Justice.* (1) Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) directs Federal agencies to develop strategies to address environmental justice. Environmental justice seeks to rectify the disproportionately high burden of environmental pollution that is often borne by low-income, minority, and other disadvantaged communities, and to ensure community involvement in policies and programs addressing this issue.

(2) Brownfields are often located in distressed neighborhoods, contribute to neighborhood blight, and lower the quality of social, economic, and environmental health of communities. The BEDI program is intended to promote the clean up and redevelopment of brownfields sites and HUD expects that projects presented for BEDI funding will integrate environmental justice concerns and provide demonstrable benefits for affected communities and their residents.

IX. Authority

Section 108(q), title I. Housing and community Development act of 1974, as amended, (42 U.S.C. 5301); 24 CFR part 570.

Appendix A

The non-standard forms for your BEDI application follow.

BILLING CODE 4210-32-P

CHECKLIST AND SUBMISSION TABLE OF CONTENTS

The following checklist helps you to ensure that all of the required items have been submitted in order to receive consideration for funding. The applicant should assemble the application package in the order shown below, check off each item included in its submission package and note the corresponding page number where the response is located.

Check Off		Page Number
☐	Standard Form for Application for Federal Assistance (SF-424)	cover page 1
☐	Transmittal Letter	cover page 2
☐	Checklist and Submission Table of Contents	p. 1
☐	Applicant Narrative Statement (3 pages)	p. ____
☐	EDI/BEDI/108/CDBG Funding Eligibility Statement form (2 pages)	p. ____
☐	**Request for Loan Guarantee Assistance** (check off one of the four options)	p. ____
	☐ Formal application	
	☐ Brief description; formal application to be submitted in 60 days	
	☐ Copy of previously submitted, but not yet approved, Section 108 application.	
	☐ Request for Section 108 loan guarantee amendment to increase previously approved amount	
	Response to Rating Factors	
☐	#1 Capacity of the Applicant and Relevant Organizational Experience	p. ____
☐	#2 Distress/Extent of the Problem	p. ____
	☐ Distress/Extent of the Problem form (optional)	p. ____
☐	#3 Soundness of Approach	p. ____
	☐ Project Timeline form	p. ____
☐	#4 Leveraging Resources/Financial Need	p. ____
	☐ Source & Use Statement form	p. ____
☐	#5 Comprehensiveness and Coordination	p. ____
	Application Forms and Certifications	
☐	Section 108 Certifications	p. ____
☐	Federal Assistance Funding Matrix (HUD-424M)	p. ____
☐	Certification and Disclosure Form Regarding Lobbying (SF-LLL)	p. ____
☐	Applicant/Recipient Disclosure Update Report (HUD-2880)	p. ____
☐	Certification Regarding Debarment & Suspension (HUD2992)	p. ____
☐	Certification of Consistency with EZ/EC Strategic Plan	p. ____
☐	Certification for a Drug-Free Workplace	p. ____
☐	Certification of Payments to Influence Federal Transactions	p. ____
	Appendices	
☐	Written Agreements or Signed Letters of Understanding - Rating Factor 1	p. ____
☐	Third Party Funding Commitment Letters - Rating Factor 4, subfactor 3	p. ____
☐	Acknowledgment of Application Receipt	last page

RATING FACTOR 2: DISTRESS/EXTENT OF PROBLEM
(optional form)

Applicant: _____

Project Name/Title: _____

Instructions: The applicant is required to provide information related to the poverty rate for the Target Neighborhood (the area in which EDI/BEDI assistance will be used) and the larger jurisdiction. In addition, the applicant may include optional indicators such as the unemployment rate, median income of persons living in the area, or other indicators of the applicant's choosing. A data source and date are required for each indicator. Use of data from the applicant's Consolidated Plan and/or its Analysis of Impediments to Fair Housing Choice (AI) is encouraged.

Required Indicators	Target Area	County	Nation	Data Source & Date
1 Poverty Rate				
2 Unemployment				

Required Indicators	Target Area	County	Nation	Data Source & Date
3 Other				
4 Other				
5 Other				
6				

Definitions: Describe how the areas are defined (i.e., city boundaries, census tracts, zip codes, etc.)

Target Area: _____

_____

County: _____

_____

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT
Page 1 of 2

Applicant: _____

Project Name/Title: _____

Instructions: The applicant should first enter the total project cost (line 16). Then, working backwards, the applicant should enter the total costs paid with CDBG (line 14) and non CDBG-related funds (line 15). These two amounts should equal the total listed in line 16. Next, the applicant should enter dollar amounts on lines 1-13 in order to demonstrate among which eligible activities the EDI/BEDI, Section 108 or CDBG funds are to be allocated.

Eligible Activities 1/	EDI or BEDI	Section 108	CDBG 2/	Total
1 **Acquisition of Real Property** 24 CFR 570.703(a)				
2 **Rehabilitation of Publicly Owned Real Property** 24 CFR 570.703(b)				
3 **Payment of Interest** 24 CFR 570.703(c)				
4 **Relocation Payments** 24 CFR 570.703(d)				
5 **Clearance, Demolition, Removal** 24 CFR 570.703(e)				
6 **Site Preparation** 24 CFR 570.703(f)				
7 **Payment of Issuance Fees** 24 CFR 570.703(g)				
8 **Housing Rehabilitation** 24 CFR 570.703(h)				
* 9 **Economic Development Activities** 24 CFR 570.703(i) (and 570.203/.204)				
10 **Construction of Housing** 24 CFR 570.703(j)				
11 **Debt Service Reserve** 24 CFR 570.703(k)				
12 **Public Facilities** 24 CFR 570.703(l)				
13 **Public Facilities - Colonias** 24 CFR 570.703(m)				
14 **Subtotal**				
15 **Costs Paid with Non CDBG-Related Funds**				
16 **Total Project Costs** 3/				

1/ The eligible Section 108 activities are defined in detail at 24 CFR 570.703.
2/ CDBG grants and program income other than EDI, BEDI or Section 108.
3/ This figure should match the total provided on the Sources & Uses Statement.

RATING FACTOR 2: DISTRESS/EXTENT OF PROBLEM
(optional form)

Applicant: _____

Project Name/Title: _____

Instructions: The applicant is required to provide information related to the poverty rate for the Target Neighborhood (the area in which EDI/BEDI assistance will be used) and the larger jurisdiction. In addition, the applicant may include optional indicators such as the unemployment rate, median income of persons living in the area, or other indicators of the applicant's choosing. A data source and date are required for each indicator. Use of data from the applicant's Consolidated Plan and/or its Analysis of Impediments to Fair Housing Choice (AI) is encouraged.

Required Indicators	Target Area	County	Nation	Data Source & Date
1 Poverty Rate				
2 Unemployment				

Required Indicators	Target Area	County	Nation	Data Source & Date
3 Other				
4 Other				
5 Other				
6				

Definitions: Describe how the areas are defined (i.e., city boundaries, census tracts, zip codes, etc.)

Target Area: _____

_____

County: _____

_____

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT
Page 1 of 2

Applicant: _____

Project Name/Title: _____

Instructions: The applicant should first enter the total project cost (line 16). Then, working backwards, the applicant should enter the total costs paid with CDBG (line 14) and non CDBG-related funds (line 15). These two amounts should equal the total listed in line 16. Next, the applicant should enter dollar amounts on lines 1-13 in order to demonstrate among which eligible activities the EDI/BEDI, Section 108 or CDBG funds are to be allocated.

Eligible Activities 1/	EDI or BEDI	Section 108	CDBG 2/	Total
1 Acquisition of Real Property 24 CFR 570.703(a)				
2 Rehabilitation of Publicly Owned Real Property 24 CFR 570.703(b)				
3 Payment of Interest 24 CFR 570.703(c)				
4 Relocation Payments 24 CFR 570.703(d)				
5 Clearance, Demolition, Removal 24 CFR 570.703(e)				
6 Site Preparation 24 CFR 570.703(f)				
7 Payment of Issuance Fees 24 CFR 570.703(g)				
8 Housing Rehabilitation 24 CFR 570.703(h)				
* 9 Economic Development Activities 24 CFR 570.703(i) (and 570.203/.204)				
10 Construction of Housing 24 CFR 570.703(j)				
11 Debt Service Reserve 24 CFR 570.703(k)				
12 Public Facilities 24 CFR 570.703(l)				
13 Public Facilities - Colonias 24 CFR 570.703(m)				
14 Subtotal				
15 Costs Paid with Non CDBG-Related Funds				
16 Total Project Costs 3/				

1/ The eligible Section 108 activities are defined in detail at 24 CFR 570.703.
2/ CDBG grants and program income other than EDI, BEDI or Section 108.
3/ This figure should match the total provided on the Sources & Uses Statement.

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT
Page 2 of 2

Applicant: _____

Project Name/Title: _____

National Objective 1/			
Single Project (check one only)		**Loan Fund** (check all that apply)	
☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)	☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)
☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)	☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)
☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)	☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)
☐ Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)	☐ Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)
☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)	☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)
☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)	☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)
☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)	☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)
☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)	☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)

Public Benefit

PLEASE NOTE: This section is applicable only to projects which plan to spend funds on eligible economic development activities as defined by 24 CFR 570.703(i).

A. If this project will meet the public benefit standard based upon the number of jobs to be created [see 570.209(b)(3)(i)(A)], enter the total number of jobs: ☐

B. If this project will meet the public benefit standard based upon the number of low- and moderate-income persons served in the project area [see 570.209(b)(3)(i)(B)], enter the number of low- and moderate-income persons living in the project area: ☐

1/ The CDBG national objectives are defined in detail at 24 CFR 570.208.

RATING FACTOR 3: SOUNDNESS OF APPROACH
PROJECT TIMELINE

Applicant: _____

Project Name/Title: _____

Instructions: Identify and list each major task/activity associated with the project. Darken appropriate boxes for quarter(s) when task/activity will occur. Fill in the amount of EDI/BEDI/108 funds associated with each task/activity in column labeled EDI/BEDI/108 Funds for Task." Fill in the amount of other sources of funding associated with each task in the column labeled "Other Funds." If the project extends beyond the timeframe indicated on the form, please attach justification/description of project term.

		Year 1				Year 2				Year 3				EDI/BEDI/ 108 Funds for Task	Other Funds for Task
	Tasks/Activities	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q		
	EXAMPLE: Construction													$1,500,000	$2,500,000
1															
2															
3															
4															
5															
7															
8															
9															
10															
11															
12															
	TOTAL														

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RATING FACTOR 4: LEVERAGING RESOURCES
SOURCES & USES STATEMENT

Applicant: _____

Project Name/Title: _____

Sources	Amount	Uses	Amount
Federal		Acquisition of Real Property	
EDI or BEDI (circle one)		Construction/Rehab	
Section 108		(excl. infrastructure & remediation)	
CDBG		Infrastructure	
		Remediation	
		M&E	
		Working Capital	
State/Local		Creation of Loan Fund for	
		ED Activities	
		Project Delivery Costs	
		Contingency	
		Loan Loss Reserve	
		Land Writedown	
		Interest Rate Writedown	
Private (include debt financing)		Credit Enhancements	
Equity			
TOTAL:		**TOTAL:**	

Instructions: Fill in the dollar amounts corresponding to each project source in the **Amount** column on the left half of the table. Sources of funding not listed should be added under the relevant category (Federal, State/Local, Private). For each of the project uses (on the right half of the table), fill in the dollar amount to be spent in the **Amount** column. Add additional uses in the blank lines at the bottom of the **Uses** column.

form HUD-40076-EDI/BEDI(2/2000)

RATING FACTOR 4: LEVERAGING RESOURCES
SOURCES & USES STATEMENT

Applicant: _____

Project Name/Title: _____

Source	Amount	Use	Amount
Federal		Acquisition of Real Property	
EDI or BEDI (circle one)		Construction/Rehab	
Section 108		(excl. infrastructure & remediation)	
CDBG		Infrastructure	
		Remediation	
		M&E	
		Working Capital	
State/Local		Creation of Loan Fund for	
		ED Activities	
		Project Delivery Costs	
		Contingency	
		Loan Loss Reserve	
		Land Writedown	
		Interest Rate Writedown	
Private (include debt financing)		Credit Enhancements	
Equity			
TOTAL:		TOTAL:	

Instructions: Fill in the dollar amounts corresponding to each project source in the Amount column on the left half of the table. Sources of funding not listed should be added under the relevant category (Federal, State/Local, Private). For each of the project uses (on the right half of the table), fill in the dollar amount to be spent in the Amount column. Add additional uses in the blank lines at the bottom of the Uses column.

form HUD-40076-EDI/BEDI(2/2000)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SELF-HELP HOMEOWNERSHIP PROGRAM (SHOP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR SELF-HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM (SHOP)

Program Overview

Purpose of the Program. To facilitate and encourage innovative homeownership opportunities through self-help housing where the homebuyer contributes a significant amount of sweat-equity toward the construction of the new dwelling.

Available Funds. Approximately $20 million.

Eligible Applicants. You must be a nonprofit national or regional organization or consortium.

Application Deadline. May 29, 2001.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information:

I. Application Due Date, Standard Forms, Further Information, and Technical Assistance

Application Due Date. Applications for SHOP grants must be physically received by HUD on or before 12:00 midnight, Eastern time on May 29, 2001. See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Submit one original and two copies of the application to Department of Housing and Urban Development, Office of Community Planning and Development, Processing and Control Unit, 451 Seventh Street, SW, Room 7251, Washington, DC 20410, ATTN: Self-Help Homeownership Opportunity Program.

For Application Forms. There is no separate application kit. This notice contains all the information necessary for submission of your application. Copies of the standard forms are located in the General Section of this SuperNOFA or you may request copies by calling HUD's SuperNOFA Information Center at: 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting standard forms, you should refer to SHOP and provide your name and address (including zip code) and telephone number (including area code). See Section VI for application submission requirements. You may also access the application requirements on the Internet through HUD's web site at www.hud.gov.

Further Information and Technical Assistance. You may contact Lou Thompson, Office of Affordable Housing Programs, Department of Housing and Urban Development, Room 7168, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–2684, ext. 4594 (this is not a toll-free number). This number can be accessed via TTY by calling the Federal Information Relay Service Operator at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

The amount available for this program is approximately $20,000,000.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* SHOP is intended to facilitate and encourage innovative homeownership opportunities on a national geographically-diverse basis through self-help housing where the homebuyer contributes a significant amount of sweat-equity toward the construction or rehabilitation of the dwelling.

Decent, safe, and sanitary non-luxury dwellings developed under SHOP must be made available to eligible homebuyers at prices below the prevailing market prices. Eligible homebuyers are low-income families (families whose annual incomes do not exceed 80 percent of the median income for the area, as established by HUD) who are unable to purchase a dwelling. Housing assisted under this Notice must involve community participation through the use of homebuyers and/or volunteers in the construction of dwellings and by other activities which involve the community in the project.

(B) *Eligible Applicants.* You must be a nonprofit national or regional organization or consortium that has the capacity and experience to provide or facilitate self-help housing homeownership opportunities. Local affiliates of national or regional organizations or consortia must apply as part of the national or regional organization or consortia and may not apply for SHOP independently. "Regional" is defined for the purpose of this program section of the SuperNOFA to be a "regional area" such as the Southwest or Northeast which must include at least two or more States (the States need not be contiguous and the operational boundaries of the organization need not precisely conform to State boundaries). If you are a consortium, one organization must be chosen as the lead entity. The lead entity must submit the application and, if selected for funding, will execute the grant agreement and assume primary responsibility for carrying out grant activities in compliance with all program requirements. Other participants in your consortium must be identified in your application.

Your application may not propose a partnership with or funding for any affiliate or consortium member which is also included in another SHOP application. You must assure that any affiliate or consortium member under your FY 2001 application is not also seeking funding from another SHOP applicant for FY 2001 funds.

(C) *Eligible Activities.* The only eligible activities are: (1) land acquisition (including financing and closing costs), which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced to acquire land before completion of the review; (2) infrastructure improvements (installing, extending, constructing, rehabilitating, or otherwise improving utilities and other infrastructure, including removal of environmental hazards); and (3) administration, planning and management development as defined under the HOME Investment Partnerships Program (24 CFR part 92.207), and not to exceed 20 percent of any SHOP grant. Funding of eligible activities may be used for both single-family and multifamily dwellings.

(D) *Ineligible Costs:* Costs associated with the rehabilitation, improvement, or construction of dwellings *are not eligible* uses of program funds.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, you are subject to the following SHOP requirements:

(A) *Statutory Requirements.* You must comply with all statutory requirements applicable to SHOP as cited in Section IX of this program section below. There are no regulations for this program. You must be capable of:

(1) Developing, through significant amounts of sweat-equity and volunteer labor, at least 30 dwellings at an average

cost of no more than $10,000 per unit in SHOP funds;

(2) Using your grant to leverage other sources of funding, including private or other public funds;

(3) Developing quality dwellings that comply with local building and safety codes and standards and which will be available to homebuyers at prices below the prevailing market price; and

(4) Scheduling activities to expend all grant funds awarded and substantially fulfill your obligations under your grant agreement, including timely development of the appropriate number of dwelling units. Grant funds must be expended within 24 months, except that grant funds provided to affiliates that develop five or more units must expend funds within 36 months.

(B) *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* If you fund infrastructure improvements under this program, you are required to comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons) and the HUD regulations at 24 CFR part 135, including the reporting requirements in subpart E. Section 3 requires that you provide training, employment and other economic opportunities, to the greatest extent feasible, to: (1) low- and very low-income persons, particularly those who are recipients of government assistance for housing and (2) business concerns which provide economic opportunities to low- and very low-income persons.

V. Application Selection Process

(A) *Rating.* HUD will review all applications in accordance with the Application Selection Process in the General Section of this SuperNOFA. HUD will review all applications based on the threshold factors listed in Section V(C) of this program section below. Applications which meet all threshold requirements will be rated according to the selection factors in this section of the SuperNOFA. Applications which do not meet all threshold factors will be rejected and not rated.

(B) *Ranking and Selection Procedures.* Applications that receive a total rating of 60 points or more (without the addition of EZ/EC bonus points) will be eligible for selection, and HUD will place them in rank order. After adding any bonus points for EZ/EC, HUD will consider rank order and funds availability in the selection and funding of applications.

HUD reserves the right to fund less than the full amount requested in any application to ensure a fair distribution of the funds and that dwellings will be developed on a national geographically-diverse basis as required by the statute. HUD will not fund any portion of an application that is ineligible for funding under program statutory requirements, or which does not meet the requirements of the General Section of this SuperNOFA or the requirements in the SHOP section of the SuperNOFA. HUD will not fund any eligible applicant for less than the minimum amount necessary to complete at least 30 homes (at a maximum of $10,000 per home or a lesser amount if lower costs are reflected in the application). If funds remain after all selections have been made, these funds may be available for other competitions.

(C) *Threshold Requirements.* The following threshold requirements apply specifically to SHOP. You must also be sure to address the threshold requirements listed in Section II(B) of the General Section of the SuperNOFA and must submit all forms, certifications, and assurances identified in Section II(G) of the General Section.

(1) You, the applicant, must be eligible to apply under SHOP (see Section III(B) of this program section of the SuperNOFA).

(2) The amount of funding you request must support no less than 30 self-help units and may not exceed an average amount of $10,000 per unit.

(3) The population you plan to serve must be eligible under SHOP (see Section III(A) of this program section of the SuperNOFA).

(4) You must demonstrate that you have completed at least 30 self-help homeownership units within a national or regional area (where the homebuyers contributed a significant amount of sweat-equity and/or volunteer labor toward the construction of the dwellings) within the 24-month period preceding the publication of this SuperNOFA.

Submission Threshold Requirements:

(1) Evidence of your non-profit status, such as a copy of a current Internal Revenue Service ruling that your organization is exempt from taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986. Where an IRS ruling is unavailable, you may submit a certified copy of your approved charter, articles of incorporation or bylaws demonstrating that you are established as a nonprofit organization under state law. If you are a consortium, each participant in your consortium must be a nonprofit organization, but only the lead entity should submit evidence of its nonprofit status. However, the lead entity must maintain a copy of the above-described documentation for each participant in your consortium.

Submission threshold requirements (2) through (4) require no additional submissions. These requirements are addressed under the submission requirements for the rating factors listed in Section V(D) of this program section of the SuperNOFA below.

(D) *Factors for Award Used to Evaluate Applications.* HUD will rate all SHOP applications that successfully complete technical processing using the Rating Factors and the Application Submission Requirements described below. The maximum number of points for this program is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (20 Points)

This factor examines the extent to which you, as a single applicant or as a consortium (including affiliates and/or members of the consortium, if any), have the experience and organizational resources necessary to carry out the proposed activities in a timely manner.

In evaluating this factor, HUD will consider your recent and relevant experience in carrying out the activities you propose, and your administrative ability, and fiscal management ability. HUD may also rely on information from performance reports, financial status information, monitoring reports, audit reports and other information available to HUD in making its determination under this factor. If you are not a current recipient of HUD funds, you may submit evidence of internal or external performance reports or other information which will assist HUD in making this determination.

Submission Requirements for Rating Factor 1.

(1) You must describe your past experience in carrying out activities that are the same as, or similar to, the activities you propose for funding, and demonstrate reasonable success in carrying out those activities. You may demonstrate such reasonable success by showing that your previous activities were carried out as proposed and in a timely manner. You must show that established benchmarks for acquiring properties and completing housing construction were met and performance reports were submitted, as required. You must also describe any delays that were encountered, and the actions you took to overcome such delays to successfully complete your program.

(2) You must demonstrate that you have completed at least 30 self-help homeownership units within a national or regional area (where the homebuyers contributed sweat-equity and/or volunteer labor toward the construction of the dwellings) within the 24-month period preceding the publication of this SuperNOFA.

(3) You must provide a description of your management structure. You must also describe how you will staff and manage your proposed activities.

(4) You must demonstrate your ability to handle financial resources with adequate financial control and accounting procedures. Your existing financial control procedures must meet 24 CFR 84.21, "Standards for Financial Management Systems." You must provide a copy of your most recent audit (only an audit of the lead entity must be provided with an application for a consortium).

(5) You must demonstrate your experience and ability in constructing and altering homes with accessibility features, when necessary.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor examines the extent to which you identify the community need, or problem, or distress that your proposed activities will target, and the urgency of meeting that need.

The purpose of this factor is to make sure that funding is provided where a need for funding exists. Under this factor, you must identify the need or needs in the community that your proposed activities are designed to address or, if you plan to select specific affiliates only after you receive SHOP funding, you must demonstrate how you plan to identify need prior to your selection of affiliates.

Submission Requirements for Rating Factor 2.

(1) Identify the communities or areas in which your proposed activities will be carried out or how you will select communities or projects based on need after you have received an award under SHOP.

(2) Depending on the type of activities proposed, the kind of information you submit to demonstrate the need or needs in the target area may include, but is not limited to, one or more of the following:

(a) Housing market data such as information included in the local Five Year Comprehensive Plan or other data sources;

(b) Data dealing with such factors as housing density, housing affordability, housing age or deterioration, and lack of adequate infrastructure or utilities;

(c) Data on the need for accessible homes in the area;

(d) Evidence of housing discrimination;

(e) Evidence from the local Analysis of Impediments to Fair Housing Choice which shows the need for this program.

Rating Factor 3: Soundness of Approach (40 Points)

This factor examines the quality of your plan of proposed activities. In evaluating this factor HUD will consider:

(1) The specificity in your plan; your established timeline for performance; your schedule for expending funds and completing construction; your proposed budget and the cost effectiveness of your program; and your plans to reach all potentially-eligible homebuyers, including those with disabilities or least likely to apply.

(2) How your planned activities further the Departmental initiatives noted in Section VI of the General Section. These initiatives are:

(i) Promoting healthy homes and educating homeowners on what is a healthy home;

(ii) Providing educational and job training opportunities through Neighborhood Networks, and linking programs to AmeriCorps activities;

(iii) Encouraging universal design when developing housing and when communicating with community residents at public meetings or events;

(iv) Encouraging visitability in new construction and substantial rehabilitation activities; and

(v) Employing the President's Partnership for Advancing Technology in Housing (PATH) technologies to improve the affordability, durability, energy efficiency, environmental protection, disaster resistance and safety of housing. HUD will consider how your planned activities exceed prevailing national building practices by: reducing costs of housing; improving durability, reducing maintenance costs; increasing safety and disaster resistance; and improving energy consumption and reducing environmental impact.

Submission Requirements for Factor 3.

(1) Identify all activities you propose to fund with SHOP.

(2) Provide a timetable for the selection of your participating local affiliates if they are not specified in the application.

(3) Identify the housing type (single family or multifamily) you plan to develop and the form of ownership (fee simple, condominium, cooperative, etc.) you propose to use.

(4) Submit a construction and completion schedule which expends SHOP funds and substantially fulfills your obligations, including the development of the appropriate number of dwelling units, within 24 months, or in the case of affiliates that develop five or more units, within 36 months, and demonstrates that remaining housing construction will be completed within a reasonable period of time.

(5) Submit a timeline listing milestones against which HUD is to measure your performance progress in expending funds, and completing acquisition, infrastructure and housing construction activities within the schedule in Item 4 above. These milestones should be at reasonable intervals (e.g., monthly, quarterly, etc.).

(6) Describe how your proposed activities address the need or needs you have identified under Rating Factor 2, above.

(7) List the long- and short-term benefits from your activities to the community and targeted groups within the community, and describe how you will ascertain and measure the benefits.

(8) Provide a detailed budget with a break-out for each proposed task and each budget category (acquisition, infrastructure improvements, and administration) in the SF–424A.

(9) Demonstrate that projected costs for the proposed activities do not deviate substantially from the norm in the locale in which your activities will take place, will not exceed an average cost of $10,000 per unit in SHOP funds, and your ability to carry out your proposed activities cost effectively.

(10) Describe how the initiatives of the Department are furthered by your proposed activities.

(11) Describe how you will reach potential homebuyers through the use of services and materials that are accessible or visitable to all persons, including persons with disabilities (e.g., languages, formats, locations, distribution, use of minority media to attract those least likely to apply).

(12) Describe how activities will benefit eligible homebuyers and your selection factors for participating homebuyers.

(13) Describe how your proposed activities will yield long-term results and innovative strategies or "best practices" that can be readily disseminated to other organizations, communities, and/or State and local governments.

(14) Describe how your program will provide reasonable accommodations for persons with a variety of disabilities by providing "sweat equity" assignments which can be performed by the client regardless of disability; accessible housing regardless of the nature of the disability of its intended residents; and "visitable" housing for all clients.

Rating Factor 4: Leveraging Resources (15 Points)

This factor addresses your ability to secure other resources that can be combined with HUD's program resources to achieve the purposes of SHOP. HUD will consider the extent to which you document firm commitments of resources in the form of cash funding, in-kind contributions, or personnel from Federal, State, local, and private sources, who are jointly referred to as your leverage partners. HUD will also consider the extent that the applicant's proposed sweat-equity requirements and other leveraged resources will serve to reduce costs to the homebuyers.

Submission Requirements for Factor 4.

(1) Provide a list of amounts and sources of all firm commitments of cash funding, in-kind contributions, or personnel from other Federal, State, local, and private sources which will be available to complete your project. Together with the grant funds, these commitments must be sufficient to develop not less than 30 units.

(2) Provide copies of written evidence to support your list of firm commitments from the source of the commitment. There must be a written agreement identifying the leveraging sources that support your FY 2001 SHOP application. The written agreement may be contingent upon your receiving a grant award.

(3) Provide a description of the individual sweat-equity requirements of your program and how this contribution of labor will serve to reduce the costs of the home to the homebuyer. Reasonable accommodation must be allowed for persons with a variety of disabilities to participate in your program.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which your application reflects a coordinated, comprehensive approach to identifying community needs and addressing them on an ongoing basis. In evaluating this factor, HUD will consider:

(1) The extent to which you demonstrate the support and participation of the community's residents, organizations, businesses, and government in the design and implementation of the proposed activities.

(2) The specific steps you will take to share information on solutions, outcomes, and best practices resulting from the activities, if funded.

(3) The specific steps you have taken or will take to coordinate, through meetings, information networks, planning processes, or other mechanisms, your activities with other proposed or on-going activities in the community funded by Federal, State, local, or private sources.

Submission Requirements for Factor 5.

(1) Describe what role residents, community leaders and organizations, and government and private entities in the targeted community have had, or will have, in planning the activities described in your application and what role they will have in carrying out such activities.

(2) Describe how you will share with others information on solutions and outcomes resulting from the activities, if funded.

(3) Describe the specific steps you have taken or will take to become active in the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice process; or the community's Indian Housing Plan process; and to address, through these processes, the needs that are the focus of the proposed activities.

(4) Describe the specific steps you have taken, or will take, to coordinate your activities with other proposed or on-going activities in the community funded by Federal, State, local, or private sources (through meetings, information networks, planning processes, or other mechanisms).

VI. Application Requirements and Checklist for Application Submission

Your application consists of the items listed in this Section VI. The standard forms, certifications, and assurances that are applicable to this funding (collectively, referred to as the "standard forms") can be found in Appendix B to the General Section of the SuperNOFA. The following checklist helps to ensure that all of the required items have been submitted in order to receive consideration for funding:

___Standard Form 424, Application for Federal Assistance (signed by the authorized representative of the organization eligible to receive funds)
___Evidence of Non-Profit status

Narrative Statement Addressing:

___Factor 1—Capacity of the Applicant and Relevant Organizational Staff, including recent audit
___Factor 2—Need/Extent of the Problem
___Factor 3—Soundness of Approach
___Factor 4—Leveraging Resources
___Factor 5—Comprehensiveness and Coordination

Forms, Certifications and Assurances:

___SF 424A, Budget Information, Non-Construction Programs
___SF 424B, Assurances—Non-Construction Programs
___SF 424M, Federal Assistance Funding Matrix
___HUD–50070, Certification for a Drug-Free Workplace
___HUD–50071, Certification of Payment to Influence Federal Transactions
___SF–LLL, Disclosure of Lobbying Activity, as applicable
___HUD–2880, Applicant/Recipient Disclosure/Update Report
___HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan
___HUD–2992, Certification Regarding Debarment and Suspension
___HUD–2993, Acknowledgment of Application Receipt

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

The provisions contained in Section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, Environmental Review, implemented in the Environmental Review regulations at 24 CFR part 58, are applicable to properties assisted with SHOP funds. All SHOP assistance is subject to the National Environmental Policy Act of 1969 and related federal environmental authorities. SHOP grant applicants are cautioned that no federal or non-federal funds or assistance which limits reasonable choices or could produce a significant adverse environmental impact may be committed to a project until all required environmental reviews and notifications have been completed by a unit of general local government, tribe or State and until HUD approves a recipient's request for release of funds under the environmental provisions contained in 24 CFR part 58.

IX. Authority

The funding made available under this program section of the SuperNOFA is authorized by section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) (the "Extension Act").

BILLING CODE 4210-32-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

YOUTHBUILD

Billing Code 4210-32-C

Funding Availability for the Youthbuild Program

Program Overview

Purpose of the Program. The purpose of the Youthbuild program is to assist disadvantaged young adults in distressed communities to complete their high school education, to provide on-site construction training experiences which also result in the rehabilitation or construction of housing for homeless persons and low- and very low-income families, to foster leadership skills, and to further opportunities for placement in apprenticeship programs and employment in living wage jobs.

Available Funds. Approximately $52,925,000 is available for the Youthbuild Program.

Adjustments to Funding. HUD reserves the right to utilize this year's funding to fund previous year's errors prior to rating and ranking this year's applications. HUD reserves the right to reallocate funds between categories to achieve the maximum allocation of funds.

Eligible Applicants. Eligible applicants are public or private nonprofit agencies, State or local housing agencies or authorities, State or units of local government, or any entity eligible to provide education and employment training under other Federal employment training programs, as further defined in HUD's regulation at 24 CFR 585.4.

Application Deadline. May 30, 2001.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, and Technical Assistance

Application Due Date. Completed applications (one original and two copies) must be submitted on or before 12:00 midnight, Eastern time, on May 30, 2001 to the HUD Headquarters address shown below. See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. Completed applications (one original signed application and two copies) must be submitted to the Processing and Control Unit, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7255, Washington, DC 20410, Attention: Youthbuild Program. When submitting your application, please include your name and mailing address (including zip code and telephone number and fax number including area code).

For Application Kits. For an application kit and any supplemental material please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. An application kit also will be available on the Internet through the HUD web site at http://www.hud.gov. When requesting an application kit, please refer to Youthbuild and provide your name, address (including zip code), and telephone number (including area code).

For information concerning the HUD Youthbuild program, contact Ms. Donna Clarke, Community Planning and Development Specialist, Office of Rural Housing and Economic Development, Office of Economic Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7136, Washington, DC 20410: telephone (202) 708–2035 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling toll-free Federal Information Relay Service at 1–800–877–8339.

For Technical Assistance. Write or call Peter Twichell, YouthBuild USA, 58 Day Street, Somerville, MA 02144, telephone (617) 623–9900, ext. 1211, under contract with HUD to provide technical assistance. Prior to the application deadline, YouthBuild USA will be available to provide general guidance on the application submission process and location of information, but not guidance in actually preparing the application. HUD Economic Development Specialists located in HUD field offices will also be available to provide technical assistance.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at the web address listed above.

II. Amount Allocated

(A) *Available Funds.* Approximately $52,925,000 in Fiscal Year (FY) 2001 funding is being made available through this program section of this SuperNOFA for the Youthbuild program. The breakdown of funding is discussed below.

The FY 2001 HUD Appropriations Act. The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Pub. L. 106–377 approved October 27, 2000) (the "FY 2001 HUD Appropriations Act") made $60,000,000 available of which $52,925,000 is allocated for grants.

(B) *Funding Categories.* HUD will award up to $52,925,000 on a competitive basis. Funds will be divided between three categories of grants as described in Section II(C) of this program section of the SuperNOFA.

(1) $10,000,000—Grants for up to $400,000 for new applicants that have not previously received grants since the inception of the Program for a period not to exceed 36 months.

(2) $32,925,000—Grants for up to $500,000 for a period not to exceed 36 months.

(3) $10,000,000—Grants for up to $400,000 for underserved and rural areas for a period not to exceed 36 months.

III. Program Description; Eligible Applicants; and Eligible Activities

(A) *Program Description.* The purposes of the Youthbuild Program are to:

(1) Provide economically-disadvantaged young adults with opportunities to obtain an educational experience that will enhance their employment skills, as a means to achieving self-sufficiency;

(2) Foster the development of leadership skills and commitment to community;

(3) Expand the supply of permanent affordable housing for homeless and low- and very low-income persons by providing implementation grants for carrying out a Youthbuild program;

(4) Provide disadvantaged young adults with meaningful on-site training experiences in housing construction and rehabilitation to enable them to render a service to their communities by helping to meet the housing needs of homeless persons and low-income families; and

(5) Give to the greatest extent feasible, job training, employment, contracting and other economic opportunities to low-income persons.

HUD also focuses on the Youthbuild Program as a way to foster the development of nonprofit organizations which over time can provide the services mentioned above to disadvantaged youth and which at the same time rely less on HUD's financial support to carryout these activities.

(B) *Eligible Activities.* (1) Work and activities associated with the acquisition, rehabilitation or construction of the housing, as defined in HUD's regulations at 24 CFR 585.309, 585.310, and 585.311; Construction and rehabilitation costs must not exceed 10 percent of the grant award. HUD encourages you to use grant funds for outreach, recruitment, training and other services for the youth participants which facilitates program implementation;

(2) Relocation payments and other assistance required to comply with HUD's regulation at 24 CFR 585.308;

(3) Costs of ongoing training and technical assistance needs related to carrying out a Youthbuild program;

(4) Education, job training, counseling, employment, leadership development services and optional activities that meet the needs of the participants including entrepreneurial training, drivers' education, apprenticeship opportunities and, programs for those with learning disabilities, and in-house staff training;

(5) Outreach to potential participants;

(6) Wages, benefits, and need-based stipends for participants; and

(7) Administrative costs must not to exceed 10 percent of the grant award.

Please refer to HUD's regulation at 24 CFR 585.305 for further details on eligible activities.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, as an applicant you must comply with the following Youthbuild program requirements:

(A) *Eligible Applicants.* Eligible applicants as defined in HUD's regulation at 24 CFR 585.4.

(B) *Eligible Participants.* Participants in a Youthbuild program must be very low-income high school dropouts between the ages of 16 and 24, inclusive, at the time of enrollment. Up to 25 percent of participants may be above very low-income, but must have educational needs, (such as lack of reading, writing and communication skills) that justify their participation in the program.

(C) *Locational Limitations.* You may submit more than one application in the current competition if your program's participant recruitment and housing areas are in different jurisdictions. Each application you submit may only propose activities to carry out one Youthbuild program, i.e., to start a new Youthbuild program or to fund new classes of Youthbuild participants for an existing program.

(D) *Response to NOFA—Page Limitation.* The total narrative response to all factors identified in Section VI(C) of this program NOFA must not exceed 15 pages, and must be submitted on 8.5" by 11" paper, using a 12 point size, with lines double spaced and printed only on one side. Please note that submitting pages in excess of the page limit will not disqualify your application. However, HUD will not review or consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.

(E) *Youthbuild Program Components.* Applications that receive assistance under this Youthbuild Program section of the SuperNOFA must contain the three components described as follows:

(1) Educational and job training services;

(2) Leadership training, counseling, and other support activities;

(3) On-site training through actual housing rehabilitation and/or new construction work, including the provision of alternative training experiences that are necessary as a reasonable accommodation for students with disabilities.

(F) *Access to Property.* Your application must contain a letter from the property owner or management company(ies) allowing access to the housing site(s) for on-site construction training.

(G) *Training Requirement.* Each program must be structured so that 50 percent of each participant's time is spent in on-site training and the other 50 percent in educational training.

(H) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Section 3 of the Housing and Urban Development Act of 1968, (12 U.S.C. 1701u) is applicable to the Youthbuild program. Please see Section II of the General Section of the SuperNOFA.

V. Desirable Elements of a Youthbuild Program

You should document the extent to which HUD's initiatives are furthered by the proposed activities. Such initiatives include:

(1) Promoting healthy and safe homes;

(2) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare to work programs;

(3) Providing educational, apprenticeship and job training opportunities and linking programs to Americorps activities;

(4) Promoting welfare reform

(5) Encouraging visitability in new construction and substantial rehabilitation activities;

(6) Encouraging universal design; and

(7) Participation in Partnership for Advancing Technology in Housing (PATH).

First time applicants. If you are a first time applicant applying for funding under Category 1, HUD recommends that you should have a graduating class of not more than 20 students.

VI. Application Selection Process

You, the applicant, must meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA and Section IV(A), (B), (C), (D), (E), (F), (G) and (H), of this program section of the SuperNOFA. HUD will review each application and assign points in accordance with the selection factors described in this section. The maximum number of points is 102 (except for an application submitted by the City of Dallas, Texas, which would be eligible for a maximum of 104 points). HUD will award up to two (2) additional points, as described in the General Section of the SuperNOFA, to any application submitted by the City of Dallas, Texas, to the extent that Factor 3 is addressed. Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application submitted by the City of Dallas, Texas, HUD will consider the extent to which the application's proposed activities will eradicate the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order. This maximum includes two Empowerment Zone/Enterprise Community (EZ/EC) bonus points as described in the Section III(C) of the SuperNOFA.

(A) *Rating and Ranking.* (1) *General.* To review and rate applications, HUD may establish panels including officials from other Federal agencies and outside experts or consultants to obtain certain expertise and other outside points of view.

(2) *Rating.* All applications for funding will be evaluated against the rating factors described in Section (VI)G of this NOFA.

(3) *Ranking.* Applications will be ranked separately within each of the 3 funding categories. Applications will be selected for funding in accordance with their rank order in each category.

(4) To be eligible for funding, an application must have a minimum score of 25 points for the total combined number of points for Rating Factors 1 and 3.

If two or more applications are rated fundable, and have the same score, but there are insufficient funds to fund all of them, HUD will select the application(s) with the highest score for Rating Factor 2, Need/Extent of Problem. If two or more applications still have the same score, the highest score in the following factors will be selected sequentially until one highest score can be determined: Rating Factor 3 (Soundness of Approach), Rating Factor 1 (Capacity and Experience), Rating Factor 5 (Comprehensiveness and Coordination), Rating Factor 4 (Leveraging of Resources).

(B) *Categories of Grants.* HUD will make grants in three categories:

(1) *Category 1 Grants.* Grants for new applicants that have not previously received funding under the Youthbuild program since the inception of the Program and that have elected not to apply under Category 2 or 3 Grants, below. HUD will make available approximately $10,000,000 to new applicants proposing grant(s) of $400,000 or less for activities not to exceed 36 months.

(2) *Category 2 Grants.* HUD will make available approximately $32,925,000 to applicants proposing grant(s) of $500,000 or less for activities not to exceed 36 months.

(3) *Category 3 Grants.* HUD will make available $10,000,000 for applicants proposing grant(s) of $400,000 or less to establish programs in underserved and rural areas not to exceed 36 months. Rural and Underserved areas are defined as follows:

(a) *Rural Area.* A Rural area is defined in one of five ways:

(i) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(ii) A county with no urban population of 20,000 inhabitants or more.

(iii) Rural portions of extended cities, as identified by the U.S. Census Bureau.

(iv) Open country which is not part of or associated with an urban area. The United States Department of Agriculture (USDA) describes "open country" as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land or sparsely settled areas but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, and open space set aside for future development.

(v) Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

(b) *Underserved Area.* An underserved area is defined as an area comprised of census tracts with the following distress criteria:

(i) A census tract where the unemployment remains high (50 percent or more above the nation's unemployment rate) and

(ii) A census tract where high rates of poverty (50 percent or more above the national average) persists.

(C) *Grant Period.* You must expend funds awarded within 36 months of the effective date of the grant agreement, or such other period specified.

(D) *Maximum Awards.* Under the competition established by this Youthbuild Program section of the SuperNOFA, the maximum award for a Youthbuild grant is $500,000. HUD will not make amendments to awards under this competition that will increase previously approved grant amounts.

(E) *Potential Environmental Disqualification.* HUD reserves the right to disqualify an application where one or more environmental thresholds are exceeded if HUD determines that it cannot conduct the environmental review and satisfactorily complete the review within the HUD application review period. (See 24 CFR 585.307.) Environmental thresholds are explained in Appendix A of this program section of this SuperNOFA. Complete form 2C13a, 2C13b, or 2C13c and form 2C15 only if you are proposing to use Youthbuild funds for new housing construction or rehabilitation.

(F) *Notification of Approval or Disapproval.* HUD will notify you whether or not you have been selected for an award. If you are selected, HUD's notice to you of the amount of the grant award based on the approved application will constitute HUD's preliminary approval, subject to negotiation and execution of the grant agreement by HUD.

(G) *Factors for Award Used To Evaluate and Rate Applications.*

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

This factor addresses the extent to which you have the resources necessary to successfully implement the proposed young adult education and training program in accordance with your work plan as further described in Factor 3. HUD will review and evaluate information provided documenting recent capacity. Experience within the last 5 years will be considered recent. In reviewing this rating factor, HUD will review the following categories:

(1) (5 points) *Team Member Composition and Experience.* Your experience and the experience of your project director, core staff competencies including your day-to-day program manager, consultants and contractors. You must demonstrate that your program manager has the background, experience and capacity to implement all of the program components of the proposed work plan, as evidenced by recent work experience (within the last 5 years) in managing projects of the same or similar size, dollar amount, types of activities and beneficiaries as those proposed in your work plan. If any gaps exist in your experience or organizational structure to carry out the program, describe how you will fill those gaps including the hiring of consultants or other outside parties.

(2) (5 points) *Organizational Structure.* The structure of your organization, management structure, including reporting relationships of key staff, a system for coordinating with outside contractors or third party service providers, a mechanism for an internal and external auditing relationships, and an accounting system which meets Federal accounting system requirements. You should provide a clear description of how your organizational structure will operate to carry out your work plan.

(3) (5 points) *Relevant Experience.* The objectives and accomplishments of your past experience in conducting similar activities. You must describe your past project objectives and accomplishments which are similar to those of your proposed work plan to show your effectiveness and timeliness in managing similar projects. If you have received similar grants including previous Youthbuild grants, you must describe your effectiveness of your administration including timeliness and completeness of your compliance in completing reporting requirements and your ability to have resolved problems which presented themselves during the grant period. In addressing timeliness of reports, you must compare when your reports were due with when they were actually submitted. You must describe your achievements, including those of previous Youthbuild grants, of specific measurable outcome objectives. Specific outcome objectives include: number of youth recruited, trained and received GEDs; number of youth obtaining living wage jobs, (i.e. those that are a part of a career path or apprenticeship programs), number of youth participating in apprenticeships and number of housing units rehabilitated or constructed and made available for low and moderate income persons.

HUD will evaluate this Factor based upon your response including letters of commitment from all participating entities for any staffing or other resources to be contributed to the project. The more recent, relevant, and successful the experience of the proposed team members, organization

and other participating entities in relation to the work plan, the greater the number of points that you will receive. Applicants that can demonstrate a closer and greater linkage between the expected outcomes and the previously generated outcomes will also receive a higher amount of points for this Factor.

Rating Factor 2: Need/Extent of the Problem (40 Points)

This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress, and an indication of the urgency of meeting the need/distress in the applicant's target area. In responding to this Factor, applications will be evaluated on the extent to which the level of need for the proposed activity and the urgency in meeting the need are documented and compared, vis-a-vis, the target area, the county and national data.

(1) In applying this Factor, HUD will consider current levels of distress for the following areas affected by the project: first, in the area (i.e., Census Tract(s) or Block Groups) immediately surrounding the project site or the target area to be served by the proposed project; second, in the county in which the project is to be located, and third, in the nation. This means that an application that provides data that show levels of distress in the target area expressed as a percent greater than the national average, will be rated higher under this Factor.

Notwithstanding the above, an applicant proposing a project to be located outside the target area could still receive points under the Distress Factor if a clear, rationale and linkage is provided linking the proposed project location and the benefits to be derived by persons living in more distressed area(s) of the applicant's target area.

(2) Applicants should provide data that address indicators of distress, as follows:

(a) Poverty (15 points)—data should be provided in both absolute and percentage form (i.e., whole numbers and percents) for both the target area(s) and the county; an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(1) Equal to but less than twice the national average—5 points
(2) Twice but less than three times the national average—10 points
(3) Three or more times the national average—15 points

(b) Unemployment (10 points)—for both the project area and county;

(1) Equal to but less than twice the national average—2 points
(2) Twice but less than three times the national average—4 points
(3) Three but less than four times the national average—6 points
(4) Four but less than five times the national average—8 points
(5) Five or more times the national average—10 points

(c) High School Dropouts (10 points)—for both project area and county;

(1) Equal to but less than twice the national average—2 points
(2) Twice but less than three times the national average—4 points
(3) Three but less than four times the national average—6 points
(4) Four but less than five times the national average—8 points
(5) Five or more times the national average—10 points

(d) Other Indicators of social and/or economic decline that best capture the applicant's local situation (5 points)—examples that could be provided under this section are information on the community's stagnant or falling tax base, including recent commercial or industrial closings, housing conditions, such as the number and percentage of substandard and/or overcrowded units, rent burden (defined as average housing cost divided by average income) for both the target area and county, urgency in addressing problems facing youth, local crime statistics, etc.

(3) In rating applications under this Factor, HUD reserves the right to consider sources of available objective data other than, or in addition to, those provided by applicants, and to compare such data to those provided by applicants and local crime statistics for both the project site and the county, etc.

HUD requires use of sound and reliable data (e.g., U.S. Census data, State statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided.

Updated Census data are available as follows for the listed indicators:

(a) Unemployment rate—estimated monthly for counties, with a two-month lag;

(b) Population—estimated for incorporated places and counties, through 1999;

(c) Poverty rate—estimated every two years, with a three-year lag, with 1997 data being the most recent available.

Rating Factor 3: Soundness of Approach (25 Points)

Youthbuild Program Work Plan. This factor addresses the quality and cost-effectiveness of your proposed work plan. There must be a clear relationship between your proposed activities, community needs and the purpose of the Youthbuild program. HUD will consider the overall quality and feasibility of your proposed work plan and budget which must be consistent with the Youthbuild program as measured by your specific activities and outcomes. HUD is also interested in applicants becoming self-sustaining so that activities can continue in the future without relying on further assistance from the Department.

Specifically, HUD will consider the following categories when assessing your proposed work plan:

(1) (10 points) Program components.

(a) Outreach, recruitment and selection activities. HUD will determine the extent to which you demonstrate a clear linkage with the following work plan activities and proposed outcomes and results. Points will be awarded based upon overall quality and feasibility of the outreach, recruitment and selection activities, the number and types of outreach activities, number of youth to be recruited including eligible participants who are harder to reach and comprehensiveness of the local selection process.

Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. In evaluating this category, HUD will consider:

(i) Specific steps you will take to attract potential eligible participants who are unlikely to be aware of this program (because of race, ethnicity, sex or disability) and selection strategies;

(ii) Special outreach efforts you will make to recruit eligible young women, young women with dependent children, and persons receiving public assistance; and

(iii) Recruitment arrangements you have made with public agencies, courts, homeless shelters, local school systems, local workforce development systems and one-stop centers, community-based organizations, etc. You will receive a greater number of points if your outreach and recruitment arrangements are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(b) Educational and job training services and activities. HUD will evaluate the extent to which you demonstrate a clear linkage with the following work plan activities and proposed outcomes and results.

Letters describing specific resources or services to be contributed by non-applicant organizations must be

included in your application. Points will be awarded based upon the quality and feasibility of your proposed curriculum, qualifications of instructors and proposed wages and stipends for youth participants. In evaluating this category, HUD will consider:

(i) The types of in-class academic and vocational instruction you will provide;

(ii) The number and qualifications of program instructors and ratio of instructors to participants;

(iii) Scheduling plan for classroom and on-the-job training needed to meet program requirements and ensure timely completion of your program; and

(iv) Reasonable payments of participants' wages, stipends, and incentives. You will receive a greater number of points if your educational and job training services are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(c) Leadership development. HUD will determine the extent to which you demonstrate a clear linkage with work plan activities and proposed outcomes and results. Letters describing specific resources or services to be contributed by non-applicant organizations must be submitted in your application. Points will be awarded based upon the quality and feasibility of your proposed leadership curriculum, qualifications of instructors and the impact of the proposed leadership activities on the target area. You must describe the leadership development training you will offer to participants, and strategies for providing the training to build group cohesion and peer support. You will receive a greater number of points if your leadership development activities are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(d) Support services. HUD will determine the extent to which you demonstrate a clear linkage with work plan activities and proposed outcomes and results.

Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. Points will be awarded based upon the quality and feasibility of your proposed support services strategy and stipends for youth participants. You must assess the need for counseling and referral services during each stage of program implementation: outreach, recruitment, youth interviewed and not selected for the program, program participants, youth who drop out of the program and graduates of the program. Describe how the participant needs will be addressed, document counseling and referral services to be offered to participants, the type of counseling, social services, and/or need-based stipends you will provide. You will receive a greater number of points if your support service activities are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(e) Follow-up assistance and support activities to program graduates. HUD will evaluate the extent to which you provide assistance to Youthbuild program participants after graduation. Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. Points will be awarded based upon the quality and feasibility of your proposed strategy. You must describe the type of proposed assistance and support which should be based upon an assessment of the needs of the program graduates and should include continued linkage to the local Youthbuild program, counseling and social service referral services. You will receive a greater number of points if your follow-up assistance and support service activities to program graduates are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(f) On-site training. HUD will evaluate the extent to which the work plan provides for quality and comprehensive on-site construction training by addressing the categories below. Letters describing specific resources or services to be contributed by any non-applicant organizations must be included in your application. Points will be awarded based upon the quality and feasibility of your proposed curriculum, experience of proposed instructors, number of youth to be trained and wages or stipends for youth participants. HUD will consider:

(i) The housing construction or rehabilitation activities participants will undertake at the site(s) to be used for the on-site training component of the program as provided in the training curriculum and methodology for carrying out on-site training;

(ii) The qualification and number of on-site supervisors;

(iii) The ratio of trainers to students;

(iv) The number of students per site; and

(v) The amounts, wages, and/or stipends you will pay to participants during on-site work. You will receive a greater number of points if your on-site training plan is consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(2) (5 points) Strategy for job placement. HUD will evaluate the quality and feasibility of your proposed strategy to place youth participants in permanent jobs.

Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. You will be rated on the following factors: (a) proposed number of youth to obtain a living wage job (i.e. those that a part of career paths or apprenticeship programs); (b) proposed number of youth continuing on to be enrolled in post or secondary education; (c) proposed number of youth to receive entrepreneurship training; (d) proposed placement of youth in apprenticeships. Two points of this factor will be awarded based upon the comprehensiveness and feasibility of your strategies and procedures to place youth participants in related apprenticeships and commitments from construction trade unions. You will receive a greater number of points if your strategy for job placement is consistent with the purpose of the Youthbuild program, your proposed project and the resources provided.

(3) (10 points) Expected outcomes. Describe the number of youth to be trained and the number of housing units to be rehabilitated or constructed. As a part of this evaluation, HUD will assess the cost effectiveness of your stated outcomes as compared to the funds that you are requesting in the Youthbuild Grant Budget. You will receive a greater number of points if your proposed outcomes are consistent with the purpose of the Youthbuild program, your proposed project and the resources provided.

Rating Factor 4: Leveraging Resources (15 Points)

This factor addresses the ability of the applicant to secure non-HUD resources. This factor measures the extent to which you have established partnerships with other entities to secure resources for your proposed program. Each commitment described in the narrative for this Factor must have a firm commitment letter.

HUD will evaluate the extent to which firm commitment of resources are obtained from Federal, State, local, and private and nonprofit sources in an amount of at least 50% of the Youthbuild budget. The greater the amount of resources leveraged, the higher the points that will be awarded. In assigning points for this criterion, HUD will consider the level of non-applicant resources obtained for cash or

in-kind contributions to cover the following kinds of areas:

(1) Social services (i.e., counseling and training);

(2) Use of existing vocational, adult, and bilingual educational courses;

(3) Donation of labor, resource personnel, supplies, teaching materials, classroom, and/or meeting space;

(4) Hard costs for rehabilitation and construction;

(5) Other commitments.

In rating this element, HUD will consider only those contributions for which current firm commitments have been provided. HUD will evaluate the level of non-applicant resources proposed based on their importance to the total program. Leveraging will only be counted if you have secured a firm financial commitment. A firm commitment letter means the agreement by which an applicant's partner or contributing entity agrees to perform an activity specified in the application and demonstrates the financial capacity to deliver the resources necessary to carry out the activity, and commits the resources to the activity either in cash, through in-kind services or contributions and is irrevocable, subject only to approval and receipt of a FY 2001 Youthbuild grant. Each letter of commitment should include the organization's name, the applicant's name, the proposed program, the proposed total level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization and not earlier than the date that this NOFA is published. In documenting a firm commitment, the applicant's partner or contributing entity must:

(i) Specify the authority by which the commitment is made, the amount of the commitment and the use of funds. If the committed activity is to be self-financed, the applicant's partner or contributing entity must evidence its financial capability through a corporate or personal financial statement or other appropriate means. If any portion of it is to be financed through a lending institution, the participant must evidence the institution's commitment to fund the loan;

(ii) State the amount and use of the commitment, and the relationship of the commitment to the proposed investment; and

(iii) Affirm that its investment is contingent only upon receipt of FY 2001 Youthbuild funds and state a willingness on the part of the signatory to sign a legally binding commitment (conditioned on HUD environmental review and approval of a property, where applicable) upon award of the grant.

Resources from other Federal, State, Local governments or Private Entities. HUD encourages use of existing housing and homeless assistance programs administered by HUD or other Federal, State, local governments, or private and nonprofit housing programs as part of your Youthbuild program. In addition, HUD encourages use of other non-Youthbuild funds available for vocational, adult, and bilingual education programs or for job training under the Workforce Investment Act and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The greater the number of resources leveraged for each of the categories presented below, the applicant will receive a greater number of points.

(1) (8 points) Public sector sources—Federal, State, or local government sources to provide resources to carry out Youthbuild activities.

(2) (7 points) Private or nonprofit sector sources to provide resources to carry out Youthbuild activities.

Rating Factor 5: Comprehensiveness and Coordination (5 Points)

HUD will evaluate the extent to which you:

(1) Have coordinated among third parties dealing with youth issues including community based organizations and partners that provide assistance as you prepared your proposal and Work Plan. Indicate your success in actively participating in the Consolidated Planning process, the Public Housing Authority Five Year Comprehensive Plan process, local Workforce Investment Board Youth Council and other information networks; and

(2) Will maintain your coordinating efforts over the grant period.

The more comprehensive, relevant and successful your coordination activities conducted to date and those projected for the future, the greater points you will receive for this Factor.

VI. Application Submission Requirements

(A) *Site Access Submission Requirements.* You must submit a schedule for the program, budgets, identification of specific housing sites, and firm evidence of site access.

(1) Guidance on evidence of site access:

(i) If the applicant or joint applicant have a contract or option to purchase the property, you should provide a statement to that effect and include a copy of the contract or option;

(ii) If a third party owns the property or has a contract or option to purchase, that third party must provide a letter to you stating the nature of the ownership and specifically providing you with access to the property for the purposes of the program and the time frame in which the property will be available. In the case of a contract or option, include a copy of the document; and

You must provide the required certification that the proposed activities are consistent with the HUD-approved Consolidated Plan in accordance with 24 CFR part 91 and referenced in Section II of the General Section of the SuperNOFA.

(B) *Category 3 applicants only.* You must state that the proposed project to be established will be located in an underserved or rural area as defined in Section (V)(B)(3) of this notice.

(C)) *Application Items.* Your application must contain the items listed in this Section VI(C). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, letters), referred to as the "non-standard forms" can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

(1) SF–424, Application for Federal Assistance.

(2) HUD–424M, Federal Assistance Funding Matrix.

(3) SF–424A, Budget Information for Non-Construction Programs.

(4) SF–424B, Assurances for Construction Programs.

(5) SF–424C, Budget Information for Construction Programs.

(6) HUD–50070, Certification of Drug-Free Workplace.

(7) HUD–2880, Applicant/Recipient Disclosure/Update Form.

(8) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(9) SF–LLL, Disclosure of Lobbying Activities (if applicable);

(10) HUD–2992, Certification Regarding Debarment and Suspension;

(11) Letters from property owners allowing access to the housing site for construction training.

(12) Submission of 501(c)(3) status and/or letter certifying non-profit status if the applicant is a public non-profit organization.

(13) Narrative Response to Factors for Award.

Factor 1—Capacity

Factor 2—Need

Factor 3—Soundness of Approach, including the following non-narrative items: (a) completed Youthbuild Grant Budget (Exhibit 4A), (b) housing site description (Exhibit 2C), (c) Youthbuild Grant individual housing site estimate (Exhibit 2C10), (d) letters from non-applicant resource providers describing contributions or support, (e) documentation necessary to complete environmental review (Exhibit 2C15), and description of relocation, if applicable.

Factor 4—Leveraging, including your letters(s) evidencing the leveraged commitment(s), which will not be counted in the 15 page limitation.

Factor 5—Coordination, include HUD–2991, Certification of Consistency with the Consolidated Plan.

(14) HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable);

(D) The total narrative response to all factors identified in Section VI(C)(13) of this program NOFA must not exceed 15 pages, and must be submitted on 8.5" by 11" paper, using a 12 point size, with lines double spaced and printed only on one side. Please note that submitting pages in excess of the page limit will not disqualify your application. However, HUD will not review or consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Environmental procedures apply to HUD approval of grants when you propose to use Youthbuild funds to cover any costs for the lease, acquisition, rehabilitation, or new construction of real property proposed for housing project development. Environmental procedures do not apply to HUD approval of your application when you propose to use your Youthbuild funds solely to cover costs for classroom and/or on-the-job construction training and support services.

If you propose to use your Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction of real property, you must submit all relevant environmental information in your application to support HUD decision making in accordance with the environmental procedures and standards set forth in HUD Regulation 24 CFR 585.307.

IX. Authority

This program is authorized under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as added by section 164 of the Housing and Community Development Act of 1992 (Pub.L. 102–550, 106 Stat. 3723, 42 U.S.C. 12899). The Youthbuild Program regulations are found in 24 CFR part 585.

Appendix A—Instructions for Completion of Youthbuild Environmental Requirements (Exhibit 2C(15))

A. Instructions to Applicants

1. If you propose to use Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction or real property, you shall submit all relevant environmental information in your application to support HUD decision making in accordance with the environmental procedures and standards set forth in 24 CFR 585.307. For each proposed Youthbuild property for which HUD environmental procedures apply, you are to prepare a separate Exhibit 2C(15) in which you supply HUD with environmental threshold information and letters from qualified data sources (see definition below) which support the information. HUD will review your submission and determine how, if necessary, HUD will comply with any Federal laws and authorities that may be applicable to your property proposed for Youthbuild funding. If environmental procedures apply and Exhibit 2C(15) with supporting documentation is not included then the application will be deemed ineligible.

You are to follow these instructions for preparing Exhibit 2C(15). The instructions advise you on how to obtain and document certain information to be supplied to HUD in this exhibit. Before selecting a property for Youthbuild funding, you should read these instructions and be advised that HUD encourages you to select, to the extent practicable, properties and locations that are free of environmental hazards and problems discussed in these instructions. The responses to the environmental criteria in Exhibit 2C(15) will be used to determine environmental approval or disapproval by HUD of proposals for physical development of properties.

2. After selecting a property for proposed Youthbuild funding, you are to determine the activities to be undertaken with your Youthbuild funds. You are to indicate in Section E whether the Youthbuild funds will be used for:

(a) Lease or purchase of a property;

(b) Minor rehabilitation or

(c) Major rehabilitation; or

(d) New construction of housing.

The activities proposed for Youthbuild funding will determine the kind of data that you will need to obtain from a qualified data source in order to complete Exhibit 2C(15).

3. Once you have selected a property and determined the activities for Youthbuild funding, you are advised to check with your city or county agency that administers HUD's Community Development Block Grant program and performs environmental reviews, or the local planning agency. The reason is that most, if not all, the data needed for preparing Exhibit 2C(15) is readily available from the local community development agency and the local planning agency. You are advised to ask the environmental staff of those agencies the following:

(a) Has the agency ever prepared an environmental review of the proposed Youthbuild property or the neighborhood in which the property is located, and if so, would it provide a copy to the applicant for use by HUD;

(b) Would the agency assist you in completing section G; or if the agency is not able to help complete any item in section G, would the agency advise you which local or State agency is the appropriate qualified data source for obtaining the information.

Also, you should check with the local planning agency before proceeding elsewhere for the information.

You are advised that the cost of preparing information and analyses needed for Exhibit 2C(15) is an eligible cost under the Youthbuild program and is reimbursable if you are approved for a grant.

4. The following definitions are of key terms used in these instructions. Most of the other terms are technical and their definition would be known to qualified data sources.

(a) Qualified data source means any Federal, State or local agency with expertise or experience in environmental protection (e.g., the local community development agency; the land planning agency; the State environmental protection agency; the State Historic Preservation Officer) or any other source qualified to provide reliable information on the particular subject. A letter supporting the information from each qualified data source is to be attached to Exhibit 2C(15).

(b) Minor rehabilitation means proposed fixing and building repair:
(i) Where the estimated cost of the work is less than 75 percent of the property value after completion;
(ii) That does not involve changes in land use from residential to nonresidential, or from nonresidential to residential;
(iii) That does not involve the demolition of one or more buildings, or parts of a building, containing the primary use served by the project; and
(iv) That does not increase unit density by more than 20 percent.

For minor rehabilitation of a building located in a floodplain, the criteria for substantial improvement modify this definition. (See Item B 3 below)

(c) Major rehabilitation means proposed fixing and building repair:
(i) Where the estimated cost of the work is 75 percent or more of the property value after completion; or
(ii) That involves changes in land use from residential to nonresidential, or from nonresidential to residential; or
(iii) That involves the demolition of one or more buildings, or parts of a building, containing the primary use served by the project; or
(iv) That increases unit density by more than 20 percent.

(d) Multifamily housing means any residential building that contains five or more apartments or rooming units.

(e) Single-family housing means any residential building that contains one-to-four dwelling units.

Because each Federal environmental law or authority has compliance requirements that differ according to the type of proposed activity to be funded, you are required to supply information in Exhibit 2C(15) only for the type of activity for which the Youthbuild grant will be used.

(a) If you propose new construction or major rehabilitation of multifamily housing, you must supply complete and reliable environmental threshold information for items 1 through 13 in section G.

(b) If you propose new construction of single family housing, you must supply complete and reliable environmental threshold information for items 1 through 12 in section G.

(c) If you propose minor rehabilitation of multifamily or single-family housing, or the purchase or lease of a property, you must supply complete and reliable environmental threshold information for items 1 through 7 in section G.

5. Applicants subject to HUD's environmental procedures are to submit Exhibit 2C(15) and accompanying documentation to HUD with the applications for grant assistance. Such applicants are prohibited from committing or expending State, local or other funds to undertake property rehabilitation, construction (including demolition), or acquisition (including lease), until HUD and the grantee execute a grant agreement for the proposed Youthbuild project.

6. HUD reserves the right to disqualify any application where one or more environmental thresholds are exceeded if HUD determines that the compliance review cannot be conducted and satisfactorily completed within the HUD review period for Youthbuild applications.

B. Environmental Threshold and Documentation Requirements

The threshold and documentation requirements for each of the Federal environmental laws and authorities are described below, following the same order as they appear in section G.

1. Site within designated coastal barrier resources: Threshold: Youthbuild applicants are prohibited by Federal law from using Federal financial assistance for properties, if the properties are located within designated coastal barriers of the Atlantic Ocean, Gulf of Mexico, and the Great Lakes (Coastal Barrier Resources Act, as amended, 16 U.S.C. 3501).

*Documentation: You are to select either A or B for the condition that best describes the property and report the option selected in item 1 of section G.

A. You state that your program operates in a community that does not contain any shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes.

B. If your program operates in a community that does contain shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes, you must provide HUD with a finding made by a qualified data source stating that the proposed property is not located within a designated coastal barrier resource by citing the map panel number of the official maps issued by the Department of the Interior (DOI) on the basis of which the finding was made.

2. Site contaminated with toxic chemicals and radioactive materials: Threshold: Under HUD policy, as described in HUD Notice 79–33 (Policy Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials), HUD will not approve the provision of financial assistance to residential properties located on contaminated sites. Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include but are not limited to sites: (i) listed on either an EPA Superfund National Priorities List (NPL) or CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) List, or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste landfill site; or (iii) with an underground storage tank (which is not a residential fuel tank).

*Documentation: You are to select either A or B for the condition that best describes property and report the option selected in item 2 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the proposed Youthbuild property and any neighboring properties do not contain any sites known or suspected to be contaminated with toxic chemicals and radioactive materials.

B. You are providing any site contamination data by a qualified data source in your letter for HUD's evaluation of contamination and/or suspicion of any contamination of a proposed property or any neighboring properties.

3. Site affecting a floodplain: Threshold: A property located within a floodplain and proposed for funding is subject to Executive Order 11988, Floodplain Management. The Executive Order directs HUD to avoid, where practicable, proposed financial support for any floodplain property, whenever HUD has options to approve properties in flood-free locations. The Order does not apply to existing single-family properties proposed for purchase or lease except for: (i) Property that is located within a floodway or coastal high hazard area; and (ii) substantial improvement. Substantial improvement for flood hazard purposes means any property rehabilitation which: (a) Increases the unit density of the property; or (b) equals or exceeds 50 percent of the market value of the property before rehabilitation, but excluding the costs for correcting health, sanitary, and safety code violations. Note: Proposed funding for substantial improvement and new construction are subject to the Executive Order decision making process. This may result in a disqualification of your application (refer above to number 7 under "Instructions to Applicants").

*Documentation: You are to select A or B for the condition that best describes your property and report the option selected in item 3 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property is not located within the Special Flood Hazard Area (SFHA).

B. You are providing HUD with a finding made by a qualified data source that the property is located within the Special Flood Hazard Area (SFHA) and indicating if whether the property is located within a floodway or coastal high hazard area.

The information for A and B must provide HUD with the flood map panel number obtained either from the official maps issued for the National Flood Insurance Program or from the property appraisal report used to make the finding.

For all proposed rehabilitation of properties that are located within a SFHA, you must provide HUD with estimates of: (i) The property value before rehabilitation, and (ii) the cost of the proposed rehabilitation. Provide the estimates in section F.

If the property is found to be located within a SFHA, proceed to item 4 on flood insurance protection. Otherwise proceed to item 5.

4. Building requiring flood insurance protection: Threshold: HUD will estimate the amount and period of flood insurance coverage that is to be made a condition of approval of any HUD financial assistance for a building located within a Special Flood Hazard Area (SFHA). The Flood Disaster Protection Act of 1973 requires owners of HUD-assisted buildings to purchase and maintain flood insurance protection as a condition of approval of any HUD financial assistance for the proposed purchase, rehabilitation, or new construction of any SFHA building. The law prescribes the coverage period and dollar amount of flood insurance protection.

Proof of Purchase of Flood Insurance Protection: You must provide HUD with proof of purchase of flood insurance protection for any proposed Youthbuild building located within the SFHA, whenever HUD funding is being used for property purchase, rehabilitation, or new construction. The standard documentation for compliance is the Policy Declarations form issued by the National Flood Insurance Program (NFIP) or issued by any property insurance company offering coverage under the NFIP. Whenever the requirement applies to coverage which extends to future years, the grant agreement will require that the insured has its insurer automatically forward to HUD, in the same manner as to the insured, an information copy of the Policy Declarations form, which is used to verify compliance. The Youthbuild applicants responsibility ceases in cases where a mortgage loan is approved requiring flood insurance as condition of loan approval by a lender (other than the Youthbuild applicant), whose responsibility is to assure flood insurance coverage for the loan.

*Documentation: You are to select either A or B for the condition that best describes your property and report the option selected in item 4 of section G.

A. You already own the property and attach a copy of the Policy Declarations form confirming that a current flood insurance policy is in effect and the policy provides adequate coverage for the building proposed for the Youthbuild project located within the Special Flood Hazard Area.

B. After you have purchased (or constructed, in the case of proposed new construction) the Youthbuild property, you must obtain and maintain flood insurance protection. For the term and amount of coverage prescribed by law, you must provide HUD with a copy of the Policy Declarations form confirming that the flood insurance policy is in effect and the policy provides adequate coverage for the Youthbuild building located within the Special Flood Hazard Area.

5. Site within clear zones or accident potential zones of airports and airfields: Threshold: HUD policy as described in 24 CFR part 51, subpart D applies to HUD approval of financial assistance to: (a) properties located within clear zones; and (b) in the case of new construction or major rehabilitation, properties located within accident potential zones.

(a) Clear zones: New construction and major rehabilitation of a property that is located on a clear zone site is prohibited. HUD financial assistance in a clear zone is allowed only for the proposed lease, purchase, or minor rehabilitation of properties (24 CFR 51.302(a)). For HUD funding approval for any property in a clear zone: (a) HUD will give advance written notice to the prospective property buyer in accord with 24 CFR 51.303(a)(3); and (b) a copy of the HUD notice signed by the prospective property buyer will be placed in the property file. The written notice informs the prospective property buyer of: (i) The potential hazards from airplane accidents which studies have shown more likely to occur within clear zones than in other areas around the airport/airfield; and (ii) the potential acquisition by airport or airfield operators, who may wish to buy the property at some future date as part of a clear zone acquisition program.

(b) Accident potential zones: For properties located within the accident potential zone (APZ), HUD shall determine whether the use of the property is generally consistent with Department of Defense "Land Use Compatibility Guidelines for Accident Potential Zones."

*Documentation: You are to select either A or B for the condition that best describes your property and report the option selected in item 5 of section G.

A. The property is not located within 3,000 feet of a civil airport or military airfield.

B. If your property is located within 3,000 feet of a civil airport or military airfield, you must provide HUD with a finding from the airport operator stating whether or not the property is located within a runway clear zone at a civil airport, or a clear zone or accident potential zone at a military airfield.

For properties that are located within a runway clear zone or a clear zone or accident potential zone, if you propose to rehabilitate such a property you must provide HUD with estimates of: (i) The cost of the proposed rehabilitation, and (ii) the property value after completion of the rehabilitation. The estimates are to be provided in section F.

6. Site is or affects an historic property: Threshold: Only if a property is proposed for rehabilitation or new construction must HUD in consultation with the State Historic Preservation Officer (SHPO), and following the Department of the Interiors Standards and Guidelines for Evaluation, make a determination whether the property is:

(a) Listed on or formally determined to be eligible for listing on the National Register of Historic Places;

(b) Located within or directly adjacent to an historic district; or

(c) A property whose area of potential effects includes an historic district or property.

Historic properties and districts are subject by law to special protection and historic preservation processing which HUD must perform to comply with the regulations of the Advisory Council on Historic Preservation (ACHP: 36 CFR part 800). Note: If you are using information from the SHPO as a qualified data source you need to allow sufficient time to obtain the information from the SHPO. You may wish to make special arrangements with the SHPO for rapid review of the proposed property where this is practicable. In addition, for properties determined to be historic properties, HUD will require 30 to 90 days in most cases for HUD to perform historic preservation compliance with the ACHP regulations. This may result in a disqualification of the application (refer above to number 7 under "Instructions to Applicants").

*Documentation: You are to select one of the following options that best describes the condition of your property

and report the option selected in item 6 of section G.

A. You propose financial assistance for rehabilitation or new construction, and are providing HUD with a SHPO's finding that the proposed Youthbuild activity:

1. Is located within an area where there are no historic properties; or

2. Will have no effect on historic properties; or

3. Will have an effect on historic properties not considered adverse.

B. You propose financial assistance for rehabilitation or new construction, and are providing HUD with a SHPO's finding that the proposed Youthbuild activity will have an adverse effect on historic properties.

C. You are providing HUD with a copy of a letter from the SHPO stating any reasons for not being able to provide you with the requested information and finding.

7. Site near hazardous industrial operations: Threshold: Properties that are located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature are subject to HUD safety standards (24 CFR 51, Subpart C). However, under the Youthbuild program, these standards would apply only if you propose: (i) Construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units. In the case of tanks containing common liquid fuels, the requirement for an acceptable separation distance (ASD) calculation only applies to storage tanks that have a capacity of more than 100 gallons.

*Documentation: You are to select one of the following options that best describe the condition of the property, and report the option selected in item 7 of section G.

A. The proposed project does not include: (i) Construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units.

B. The proposed project includes: (i) Construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; and you are providing HUD with a finding by a qualified data source that the proposed property is not located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature by citing data used and the maps used.

C. The applicant proposes: (i) Construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; and the grantee provides HUD a finding made by a qualified data source stating: (1) That the proposed property is located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature; (2) the type and scale of such hazardous industrial operations; (3) the distance of such operations from the proposed property; (4) a preliminary calculation of the acceptable separation distance (ASD) between such operations and the proposed property; and (5) a recommendation as to whether it is safe to use the property in accord with 24 CFR 51, Subpart C.

8. Site near high noise source: Threshold: For new construction which is to occur in high noise areas (*i.e.* exceeding 65 decibels), applicants shall incorporate noise attenuation features to the extent required by HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR part 51. Approvals in a Normally unacceptable noise zone require a minimum of 5 decibels additional sound attenuation for buildings having noise-sensitive uses if the day-night average sound level is greater than 65 decibels but does not exceed 70 decibels, or a minimum of 10 decibels of additional sound attenuation if the day-night average sound level is greater than 70 decibels but does not exceed 75 decibels.

Proposed housing sites with above 75 decibels are unacceptable and the noise attenuation measures require the approval of the Assistant Secretary for Community Planning and Development. In Unacceptable noise zones, HUD strongly encourages conversion of noise-exposed sites to non-housing land uses compatible with the high noise levels.

For major rehabilitation projects involving five or more dwelling units located in the "Normally Unacceptable" and "Unacceptable" noise zones, HUD actively seeks to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure.

Documentation: You are to select A or B for the condition that best describes their project and report the option selected in item 8 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property proposed by the applicant for a major rehabilitation or new construction project involving five or more dwelling units is not located within: (I) 1,000 feet of a major noise source, road, or highway; (ii) 3,000 feet of a railroad; or (iii) 1 mile of a civil or 5 miles of a military airfield.

B. The applicant provides HUD with a finding made by a qualified data source: (i) stating that the plans for the property proposed by the applicant for a major rehabilitation or new construction project involving five or more dwelling units will incorporate noise attenuation features in accord with HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR part 51; (ii) stating whether the property is located within a "Normally Unacceptable" or "Unacceptable" noise zone; and (iii) providing HUD plans and a statement of the anticipated interior noise levels.

9. Site affecting coastal zone management: Threshold: Only for proposed activities involving new construction or major rehabilitation of multifamily housing does the Coastal Zone Management (CZM) authority apply. Projects which can affect the coastal zone must be carried out in a manner consistent with the approved State coastal zone management program under Sec. 307 of the Coastal Zone Management Act of 1972, as amended.

* Documentation: You are to select either A or B for the condition that best describes the project and report the option selected in item 9 of section G.

A. You state that your project is not located within a coastal zone, as defined by the States Coastal Zone Management Plan.

B. If your project is located within a coastal zone, you are providing HUD with a finding made by the State CZM agency that the project proposed by the applicant is consistent with the approved State coastal zone management program.

10. Site affecting a sole source aquifer: Threshold: The sole source aquifer authority applies primarily to activities involving proposed new construction or conversion to housing of non-residential property. Projects which can affect aquifers designated by the Environmental Protection Agency (EPA) must be reviewed for impact on such designated aquifer sources. The Safe Drinking Water Act of 1974 requires protection of drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

*Documentation: You are to select either A or B for the condition that best describes their project and report the option selected in item 10 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the proposed property is not located on nor does it affect a sole source aquifer designated by EPA.

B. If your project proposes new construction or conversion activities that are located on or may affect any sole source aquifer designated by the EPA, you are identifying the aquifer and providing HUD with an explanation of the effect on the aquifer from a qualified data source, and/or a copy of any comments on the proposed project that have been received from the EPA Regional Office as well as from any State or local agency with jurisdiction for protecting the drinking water system.

11. Site affecting endangered species: Threshold: The Endangered Species Protection (ESP) authority applies primarily to activities involving proposed new construction or conversion to housing of a non-residential property. Projects which can affect listed or proposed endangered or threatened species or critical habitats require consultation with the Department of the Interior in compliance with the procedure of Section 7 of the Endangered Species Act of 1973, as amended.

*Documentation: You are to select either A or B for the condition that best describes the property and report the option selected in item 11 of section G.

A. If your project proposes new construction or conversion activities, you are providing HUD with a finding made by a qualified data source that the project is not likely to affect any listed or proposed endangered or threatened species or critical habitat. The finding shall indicate whether the project is located within a critical habitat, and if so, explain why the project is not likely to affect the species or habitat.

B. If your project proposes new construction or conversion activities that are likely to affect listed or proposed endangered or threatened species or critical habitat, you are providing HUD with a statement from a qualified data source explaining the likely affect, and/or a finding made by the Fish and Wildlife Service of the Department of the Interior stating as acceptable the proposed mitigation that you will provide to protect any affected endangered or threatened species or critical habitat.

12. Site affecting a designated wetland: Threshold: New construction or conversion to housing of a non-residential property located within a designated wetland is subject to Executive Order 11990, Protection of Wetlands. This Executive Order directs HUD to avoid, where practicable, financial support for new construction on wetland property. Note: Proposed funding for new construction or conversion is subject to the Executive Order decision making process. This may result in a disqualification of the application (refer above to number 7 under "Instructions to Applicants").

* Documentation: You are to select A or B for the condition that best describes the property and report the option selected in item 12 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property is not located within a designated wetland where new construction or conversion is proposed.

B. You are providing HUD with a finding made by a qualified data source that the property is located within a designated wetland, which applies only to property where new construction or conversion is proposed.

The information for A and B must provide HUD with the wetland panel number obtained from official maps issued by the Department of the Interior on the basis of which the finding was made, or where DOI has not mapped the area, a letter or other documentation from the Army Corps of Engineers or other Federal agency.

13. Significant impact to the human environment: Threshold: HUD must perform an environmental assessment of any property proposed for major rehabilitation or new construction except for a single-family property having one-to-four dwelling units. It is the policy of the Department to reject proposals which have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality and minimize environmental harm. This policy is authorized by the National Environmental Policy Act (NEPA) and the implementing regulations of the Council on Environmental Quality and HUD's Environmental Rule at 24 CFR part 50.

*Documentation: You are to provide HUD with any information on any adverse environmental impacts that affect the property or that the project would create. You are to report this data on a separate sheet and attach it to Exhibit 2C(15). Examples of adverse impacts are: soil instability and erodibility; natural or person-made hazards and nuisances; air pollution; inadequate infrastructure (e.g., water supply, waste water treatment, storm water management, solid waste collection), inadequate public services (i.e., fire, police, health care, social services, schools, parks) and transportation; and encroachment on prime farmlands and wild and scenic river areas. You are to identify any significant impacts to the human environment.

Appendix B

The non-standard forms, which follow, are required for your Youthbuild application.

BILLING CODE 4210-32-P

(Place this document behind the SF-424)

Youthbuild Program
Project Summary Sheet

Name of Applicant _____
Amount Requested from HUD $_____
Total Amount Leveraged $ _____

Please indicate the category under which you wish this application to be considered:
(Only check ONE)
- ☐ Category 1
- ☐ Category 2
- ☐ Category 3

For Category 3 Only - Please indicate which of the following definitions applies to the service area proposed in this application:
- ☐ A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas)
- ☐ A county with no urban population of 20,000 inhabitants or more.
- ☐ Territory, persons, and housing units in the rural portions of "extended cities." The U.S. Census Bureau identifies the rural portions of extended cities in the United States
- ☐ Open country which is not part of or associated with an urban area. The United States Department of Agriculture (USDA) describes "open country" as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, and open space set aside for future development.
- ☐ Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

Number of youth trained_____
Number of housing units constructed _____
Number of housing units rehabilitated _____

Is the project located in an EZ/EC? ☐ Yes ☐ No If yes, ☐ EZ ☐ EC

Program Summary

Exhibit 4B:

Non-Housing Program Resources

Information in this exhibit will be used to rate the Non-Housing Program Resources criterion. Applicants should refer to the specific instructions on how to complete this exhibit. Verify that the letter is acceptable. The "Dollar Value Provided" figure is total of those with an acceptable letter. Do not include any letters that are housing resources.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	Page No. of Letter	HUD Use Only
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
Total		$		

form HUD-40390 (1/99)

Exhibit 2F: Court-ordered Consideration

Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application by the City of Dallas, Texas, for HUD funds, HUD shall consider the extent to which the Youthbuild strategy for the Dallas area will be used to eradicate the vestiges of segregation in the Dallas Housing Authority's low-income housing programs.

Is the applicant the City of Dallas, Texas?

☐ **No**

☐ **Yes**

If "yes", please attach a statement that addresses the effect(s), if any, that vestiges of racial segregation in the Dallas Housing Authority's low-income programs have no potential participants in the Youthbuild program and identify proposed actions for remedying those vestiges. Label this documentation Exhibit 2F.

Exhibit 4A

Total Youthbuild Grant Budget

Grant Activities	Sources of Funds					
	Youthbuild	Other Federal	State	Local	Private	Total
1. Acquisition	$	$	$	$	$	$
2. Architecture and Engineering						
3. Housing construction						
4. Housing rehabilitation						
5. Relocation						
6. Outreach and Recruitment Activities						
7. Education and job training (includes on-site training)						
8. Trainee wage, etc.*						
9. Leadership development, counseling, support services						
10. Job placement and follow-up						
11. Subtotal (sum of lines 1 through 10)						
12. Costs of administering Grant. **						
13. Total Costs (sum of lines 11 and 12)	$	$	$	$	$	$

* Include need-based stipends/benefits/incentives/tools/clothing/etc.
** Request may not exceed 20% of Youthbuild subtotal (line 11).

Page no: ☐

form HUD-40200 (4/97)

2 C 15: Environmental Threshold Information for a Property Proposed for Youthbuild Funding

(See instructions for completing this exhibit.)

Youthbuild Applicant's Name.	Contact Person's Name.	Phone Number (include Area Code).

A. Street address for the property:(include City, State, Zip Code)

B. Attach a map of the community and mark on the map the location of the property.
Map is attached: Yes ☐ No ☐

C. Attach a copy of any environmental review for the property obtained from the local qualified data source.
Environmental review is attached: Yes ☐ No ☐

D. Indicate the present and proposed use of the property (i.e., whether single-family, multifamily or non-residential); and number of dwellings or rooming units.
Present use: No. of units: _____

Proposed use: No. of units: _____

E. Indicate the activities for which you are proposing to use Youthbuild funds for the property.

☐ Lease or purchase of a property ☐ Major Rehabilitation ☐ Minor Rehabilitation ☐ New Construction

F. If the proposed Youthbuild property is located within a floodplain, or a clear zone or accident potential zone of an airport or airfield, provide the following information:

Property value before rehabilitation (est. in thousands)	Rehabilitation costs (est. in thousands)	Property value after completion of rehabilitation (est. in thousands)
$	$	$

G. For new construction or major rehabilitation of multifamily housing, complete items 1 through 13. For new construction of single-family housing, complete items 1 through 12. For minor rehabilitation of multifamily or single-family housing, or for the purchase or lease of a property, complete items 1 through 7. The designation "A" or "B" or "C" refers to the type of documentation required by the instructions contained in the Appendix

1. Site within designated coastal barrier resources: Indicate A or B ____
2. Site contaminated with toxic chemicals and radioactive materials: Indicate A or B ____
3. Site affecting a floodplain: Indicate A or B ____
4. Building requiring flood insurance protection: Indicate A or B ____
5. Site within clear zones or accident potential zones of airports and airfields: Indicate A or B ____
6. Site is or affects an historic property: Indicate A, B, or C ____
7. Site near hazardous industrial operations: Indicate A, B, or C ____
8. Site near high noise source: Indicate A or B ____
9. Site affecting coastal zone management: Indicate A or B ____
10. Site affecting a sole source aquifer: Indicate A or B ____
11. Site affecting endangered species: Indicate A or B ____
12. Site affecting a designated wetland: Indicate A or B ____
13. Significant impact to the human environment: Are there any adverse environmental impacts that affect the property or that the project would create?
Yes ☐ If yes, document on separate sheet(s).
No ☐

2 C 13c: Housing Project Certifications For Homeownership

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, or rehabilitation for a housing property that will be used for homeownership must provide the certifications below. If the rightful property owner is not the applicant, then these certifications must be signed by that property owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild homeownership housing project receiving Youthbuild assistance, it:

A. Will ensure that the homeownership project will comply with the requirements of the HOPE II or HOPE III programs authorized under subtitles B or C respectively of title IV of the Cranston-Gonzales National Affordable Housing Act.

B. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certification for the balance of the ten year period.

Signature of Authorized Certifying Official of:

☐ Applicant Organization ☐ Rightful Property Owner

Title _____

Organization _____

Date _____

Address of Property:

2 C 13b: Housing Project Certifications For Transitional Housing

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves for a housing property that will be used for Transitional housing for the homeless must make the certifications below. If the rightful property owner is not the applicant, these certifications must be signed by that owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild transitional housing project receiving Youthbuild assistance, it:

A. Will ensure that the aggregate monthly rental for each Youthbuild project will not exceed the operating costs of the project (including debt service, management, adequate reserves and other documented operating costs) plus a six percent return on any equity investment of the project owner.

B. Will, **if it is a nonprofit organization**, use any profit received from the operation, sale or other disposition of the project for the purposes of providing housing for low- and moderate-income families. Any profit-motivated partners in a nonprofit partnership will receive: (i) not more than a six percent return on their equity investment from project operations; and (ii) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.

C. Will ensure that the transitional housing project shall adhere to the requirements regarding service delivery, housing standards and rent limitations applicable to comparable housing receiving assistance under title IV of the Stewart B. McKinney Homeless Assistance Act, unless these requirements are expressly waived by the Secretary of HUD to permit the conversion of the project to a permanent housing project.

D. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certifications for the balance of the ten year period.

Signature of Authorized Certifying Official of:

☐ Applicant Organization ☐ Rightful Property Owner

Title _____

Organization _____

Date _____

Address of Property:

2 C 13a: Housing Project Certifications For Residential Rental Units

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves for a housing project that will be used for residential rental units, must make the following certifications. If the rightful property owner is not the applicant, then these certifications must be signed by that property owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild residential rental housing project receiving Youthbuild assistance, it:

A. Will maintain at least a 90 percent level of occupancy for individuals and families with incomes less than 60 percent of the area median income, adjusted for family size. The remaining ten percent of the units will be made available to and occupied by low-income families. The income test will be conducted only at the time of entry for each unit available for occupancy. Each available rental unit will be made available to the 60 percent-of-area-median-income group for an advertising period of not less than 90 days upon each vacancy occurrence throughout the ten year period. Community-wide advertisements for tenants of this income group will be conducted. If, at the end of the 90-day advertising period, no qualifying tenant leases the unit, the unit will be advertised for individuals and families with incomes between 60 and 80 percent of the area median income, adjusted for family size, for another 90-day period. Leases for tenants whose incomes are between 60 and 80 percent of the area median income (exclusive of the ten percent allowance) will be limited to one year and such temporary tenants are not covered by paragraphs C., E., and F. below.

B. Will use the model lease submitted with the Youthbuild application with any modifications approved by HUD at the time of grant award.

C. Will not terminate the tenancy or refuse to renew the lease of a tenant occupying a Youthbuild residential rental housing unit except for serious or repeated violations of the terms and conditions of the lease, or for violation of applicable Federal, state or local laws, or for other good cause. Any termination or refusal to renew the lease will be preceded by a not less than 30-day written notice to the tenant specifying the grounds for the action.

D. Will maintain the premises in compliance with all applicable HUD, other Federal, State or local program housing quality standards and local code requirements. If no public assistance is involved other than the Youthbuild grant, HUD's Section 8 housing quality standards will be followed.

E. Will develop and adopt a tenant selection plan that:

(1) is consistent with the purpose of providing housing for homeless and very low-income families and individuals;

(2) is reasonably related to program eligibility and the certifying entity's ability to perform the obligations of the lease;

(3) gives reasonable consideration to the housing needs of families that would qualify for a preference under section 6(c)(4)(A) of the United States Housing Act of 1937;

(4) provides for the selection of tenants from a written waiting list in the chronological order of their application, to the extent practicable, and for the prompt notification in writing of any rejected applicant of the grounds for any rejection; and

(5) acknowledges that a family holding tenant-based assistance under section 8 of the United States Housing Act of 1937 will not be refused tenancy because of the status of the prospective tenant as a holder of such assistance.

2 C 10: Youthbuild Grant
Individual Housing Project Site Estimate

Address of Property (Include city, state, and zip code)

Grant Activities	Resources					
	Youthbuild	Other Federal	State	Local	Private	Total
1. Acquisition	$	$	$	$	$	$
2. Architecture and Engineering						
3. Housing Construction						
4. Housing Rehabilitation						
5. Total Housing Project Costs for Site						

Note 1: Include both **cash** and **in-kind** contributions.

Note 2: When paid, in whole or in part, with Youthbuild program funds, the activities above will trigger applicable Youthbuild project-related restrictions contained in Youthbuild regulations CFR Part 585.309, 310, or 311. Applicants who propose to use Youthbuild funds for one or more of these activities are required to complete the appropriate certifications.

Documentation of Housing Resources

Attach a letter of commitment from each source of funding.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	Page No. of Letter	HUD Use Only
		$		
		$		
		$		
		$		
Total		$		

Page no: [ ]

form HUD-40200 (4/97)

2 C 10: Youthbuild Grant
Individual Housing Project Site Estimate

Address of Property (Include city, state, and zip code)

Grant Activities	Resources: Youthbuild	Other Federal	State	Local	Private	Total
[redacted]	$	$	$	$	$	$
5. Total Housing Project Costs for Site						

Note 1: Include both **cash** and **in-kind** contributions.

Note 2: When paid, in whole or in part, with Youthbuild program funds, the activities above will trigger applicable Youthbuild project-related restrictions contained in Youthbuild regulations CFR Part 585.309, 310, or 311. Applicants who propose to use Youthbuild funds for one or more of these activities are required to complete the appropriate certifications.

Documentation of Housing Resources

Attach a letter of commitment from each source of funding.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	Page No. of Letter	HUD Use Only
		$		
		$		
		$		
		$		
Total		$		

C. Housing Site Description

Complete all sections.

1. Housing Site Identification	2. Number of housing units planned to be produced	3. Type of housing to be produced: (check all that apply)
		☐ residential rental ☐ homeownership ☐ transitional housing for the homeless

4. Homeless Housing: For housing that will be transitional housing for the homeless, attach a description of the plan for the outreach and placement of homeless families or individuals. (1 page) Label this narrative Exhibit 2C4.

5. Will all housing produced be provided for homeless, low-income, or very-low income persons?	6. The on-site training will consist of:
☐ Yes ☐ No	☐ New Construction ☐ Rehabilitation
7. Are any of the units currently occupied? ☐ Yes ☐ No If yes, attach a relocation narrative that identifies: the number of persons, the business or others occupying the property on the date of submission of this application, the number to be displaced, the number to be temporarily relocated but not displaced, the estimated cost of relocation services payments and services, the source of funds for relocation, and the organization that will provide relocation assistance to occupants and the contact person's name and phone number. Label this attachment as Exhibit 2C7.	8. Name of the current owner of the property.

9. Documentation of Access: Attach required evidence of site access. Label this attachment Exhibit 2C9.

10. Individual Housing Project Site Estimate and Documentation of Resources

Complete the attached Exhibit 2C10 for each housing project site to be used in conjunction with the Youthbuild implementation program. Attach documentation of resources behind each Exhibit 2C10.

11. Describe the applicant's role and responsibilities for the on-site housing construction or rehabilitation work. Label this description Exhibit 2C11.

12. Name the entity which will own and manage the property after the construction or rehabilitation work is completed.	13. Housing Project Certifications. Housing Certifications are Attached: ☐ Yes ☐ No
14. Model Lease A Model Lease is attached: ☐ Yes ☐ No	15. Environmental Threshold Information for Property Proposed for Youthbuild funding Exhibit 2C15 and supporting documentation is attached: ☐ Yes ☐ No

16. Picture: (optional) Provide a picture of each potential housing site. Label it Exhibit 2C16.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RESIDENT OPPORTUNITIES AND SELF-SUFFICIENCY (ROSS) PROGRAM

Billing Code 4310-32-C

FUNDING AVAILABILITY FOR PUBLIC HOUSING RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY (ROSS) PROGRAM

Program Overview

Purpose of Program. The purpose of the Public Housing Resident Opportunities and Self Sufficiency (ROSS) Program is to link services to public housing residents by providing grants for supportive services, resident empowerment activities and activities to assist residents in becoming economically self-sufficient.

Available Funds. Approximately $55 million.

Eligible Applicants. Public Housing Agencies (PHAs), resident management corporations, resident councils, resident organizations, Intermediary Resident Organizations (IROs), City-Wide Resident Organizations (CWROs) and nonprofit entities supported by residents. Indian Tribes (Tribes) and Tribally Designated Housing Entities (TDHEs) are eligible for grants under the Technical Assistance/Training Support for resident organizations and Resident Service Delivery Models (RSDM) funding categories.

Application Deadline. May 24, 2001, for Resident Management and Business Development;

May 24, 2001, for Capacity Building or Conflict Resolution;

June 26, 2001, for Resident Service Delivery Models; and

After publication of this SuperNOFA, Service Coordinator grant renewals under the Service Coordinator category will be accepted until all funds are awarded or June 28, 2001, whichever occurs first.

Match. At least 25% of the grant amount. This match does not have to be a cash match. The match can be in-kind and/or cash contributions.

Additional Information

If you are interested in applying for funding under any of these programs, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance

Application Due Date. Your completed application (one original and two copies) is due on or before 12:00 midnight, Eastern time, on the following application due dates to HUD Headquarters at the address shown below.

May 24, 2001, for Resident Management and Business Development;

May 24, 2001, for Capacity Building or Conflict Resolution;

June 26, 2001, for Resident Service Delivery Models; and

After publication of this SuperNOFA Service Coordinator grant renewals under the Service Coordinator Category will be accepted until all funds are awarded or June 28, 2001, whichever occurs first.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mail application, express mail, overnight delivery, or hand-carried).

Address for Submitting Applications. Submit your completed application (the original and one copy) to Grants Management Center (GMC), 501 School Street, SW, Suite 800, Washington, DC 20024.

In the case of tribes/TDHEs, please submit your completed application (the original and one copy) to ONAP, Denver Program Office, 1999 Broadway, Suite 3390, Denver, CO 80202.

Submit your second copy of your application to the local HUD Field Office with delegated public or assisted housing responsibilities attention: Director, Office of Public Housing. See Appendix A of the SuperNOFA for a list of HUD offices with delegated responsibility. The original application and one copy must be sent to the GMC. You may also call the SuperNOFA Information Center at 1–800–HUD–8929 if you have a question regarding where you should submit your application. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209.

On the application due date, hand carried applications will be accepted until 12:00 midnight in the South Lobby at HUD Headquarters, 451 Seventh Street, SW, Washington DC 20410.

In the case of tribes/TDHEs, please submit your completed application (the original and one copy) to ONAP, Denver Program Office, 1999 Broadway, Suite 3390, Denver, CO 80202. All applications must be received and postmarked by the specific program application due date to the ONAP Denver Program Office before 12:00 midnight, Mountain Standard Time.

For Application Kits. For an application kit and any supplemental material, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the ROSS Program, and provide your name, address (including zip code) and telephone number (including area code). An application kit is also available on the Internet through the HUD web site at http://www.hud.gov/grants.

For Further Information and Technical Assistance. You may contact the local HUD field office where you will be submitting your application or you may call the Public and Indian Housing Information and Resource Center at 1–800–955–2232. In the case of tribes/TDHEs, please contact the Local Area ONAP or Tracy Outlaw, ONAP, Denver Program Office at 1–800–561–5913 or (303)675–1600 (this is not a toll free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov/grants.

II. Amount Allocated

(A) *Total Amount.* For FY 2001, approximately $55 million is available for the Resident Opportunities and Self Sufficiency Program.

(B) *Allocation.* To the extent that there are a sufficient number of qualified applications, not less than 25 percent of funds available for ROSS shall be provided directly to resident councils, resident organizations, resident management corporations, Intermediary Resident Organizations (IROs), Tribes/TDHEs on behalf of Tribal residents and City-Wide Resident Organizations (CWROs). This requirement will be implemented by the awards made to resident organizations for the Technical Assistance/Training Support for Resident Organizations and the Resident Service Delivery Models funding categories.

(C) *Funding Categories and Funds Allocated to Each Category.* There are three funding categories under ROSS. The funding categories and the amount allocated for each funding category and any subcategories are as follows:

(1) *Technical Assistance/Training Support for Resident Organizations.* A total of $11 million is allocated for this first funding category.

(a) *Resident Management and Business Development (RMBD).* A total of $6 million is allocated for this funding subcategory of which $500,000 is for Tribes/TDHEs that partner with Tribal ROs and Tribal RMCs.

(i) Grants will be made directly to site-based resident associations, Resident Management Corporations (RMCs), CWROs, and to Tribes/TDHEs that partner with Tribal resident organizations (ROs) and Tribal resident

management corporations (RMCs) to: increase resident involvement and participation in their housing developments; develop resident management opportunities; provide resident-led business or cooperative development opportunities; and obtain necessary supportive services for self-sufficiency.

(ii) The maximum grant award for this funding category is $100,000 per applicant.

(b) *Capacity Building or Conflict Resolution (CB/CR).* A total of $5 million is allocated for this funding subcategory, of which $400,000 is for Tribes or TDHEs These are two separate funding categories that are described below:

(i) *Capacity Building (CB).* Grants to Intermediary Resident Organizations (IROs) and Tribes/TDHEs on behalf of tribal housing residents, Tribal ROs, Tribal RMCs and non-profits which operate associations and networks that administer programs benefiting resident organizations. These grants provide or assistance to site-based resident associations who do not yet have the capacity to administer a welfare-to-work program or conduct management activities. You may apply for funding that will be used to assist public and Tribal housing residents in establishing a new resident organization or you may apply for funds to help or enhance the capacity of existing resident organizations to enable residents to participate in housing agency decision-making, manage all or a portion of their housing developments, and/or apply for and administer grants.

(ii) *Conflict Resolution (CR).* This funding category is designed to provide grants to Intermediary Resident Organizations (IROs), Tribes/TDHEs on behalf of tribal housing residents, Tribal ROs, Tribal RMCs and non-profits which operate associations and networks administering programs that benefit public housing residents, or resident organizations, and to partner with professional mediators or groups with grass roots intervention experience to resolve conflicts involving public housing residents, and/or site-based resident associations. (See Section IV of this ROSS competition for specific requirements for this funding category).

(iii) The maximum amounts for CB/CR are as follows: $100,000 for City-Wide Resident Organizations (CWROs) per applicant, and $240,000 per applicant for all other eligible applicants in these funding categories. Applicants are required to allocate at least two-thirds of the total grant to direct funding of CB or CR activities for Site-Based Resident Associations (RAs) and/or Tribal ROs. CWROs are required to serve a minimum of 3 RAs and/or Tribal ROs. All other applicants are required to serve a minimum of 10 RAs and/or Tribal ROs.

(2) *Resident Service Delivery Models (RSDM).* A total of $24 million is allocated for this second category of funding of which $1,200,000 is for Tribes/TDHEs.

(i) The Resident Service Delivery Models (RSDM) funding category provides grants to Public Housing Agencies (PHAs), Tribes/TDHEs or directly to resident management corporations, resident councils, or resident organizations, and nonprofit entities supported by residents. There are two sub-categories of grants under this funding category: Family Grants for program-related activities and supportive services to establish and implement comprehensive programs that achieve resident self-sufficiency for families; and Elderly and Persons with Disabilities Grants for independent living for the elderly and persons with disabilities.

(iii) For RSDM, the maximum grant amounts are as follows:

For PHAs applying for family grants, the maximum grant application award will be based on the number of occupied family conventional public housing units. For PHAs applying for elderly and persons with disabilities grants, the maximum grant application award will be based on the number of occupied elderly and persons with disabilities conventional public housing units.

(B) For the RSDM family category, PHAs must use the number of occupied conventional family public housing units to determine the maximum grant amount in accordance with the categories listed below for families:

—For PHAs with 1 to 780 occupied family units, the maximum grant award is $250,000.
—For PHAs with 781 to 7,300 occupied family units, the maximum grant award is $500,000.
—For PHAs with 7,301 or more occupied family units, the maximum grant award is $1,000,000.

(C) For the Elderly and Persons with Disabilities RSDM Category, PHAs must use the number of occupied elderly conventional public housing units to determine the maximum awards listed below:

—For 1 to 217 units occupied by elderly residents and persons with disabilities, the maximum grant award is $100,000.
—For 218 to 1,155 units occupied by elderly residents and persons with disabilities, the maximum grant award is $200,000.
—For 1,156 or more units occupied by elderly residents and persons with disabilities, the maximum grant award is $300,000.

(D) The maximum grant award is $100,000 for each RA.

(E) Nonprofit entities supported by residents or RAs/ROs are limited to $100,000 for each RA/RO. A non-profit may submit a single application for no more than three different RAs for a maximum grant award of $300,000.

(F) Tribes/TDHEs should use the number of units counted as Formula Current Assisted Stock for Fiscal Year 1999 as defined in 24 CFR 1000.316. Tribes who have not previously received funds from the Department under the 1937 Housing Act should count housing units under management that are owned and operated by the Tribe and are identified in their housing inventory as of September 30, 1998.

(3) *Service Coordinator Renewals.* A total of $20 million is allocated for this third funding category.

(i) The Service Coordinator Renewal category provides grants to PHAs to address the needs of public housing residents who are elderly and persons with disabilities. Service coordinators help residents obtain supportive services that are needed to maintain independent living. Only renewals of prior FY 1995 Public Housing Elderly and Persons with Disabilities Service Coordinator grants will be funded under this ROSS competition; no applications for new Service Coordinator grants will be accepted.

(ii) These funds may only be used as follows:

—Renewal of existing Service Coordinator (SC) grants from prior years. This limitation is imposed to achieve Congressional intent to renew all service coordinator and congregate services grants. No applications for new elderly Service Coordinator grants will be accepted under this funding category.
—For the Elderly and Persons with Disabilities Service Coordinators category, award amounts cannot be higher than your highest funding and staffing level for any one-year period that was approved for their last funded Service Coordinator Grant. An increase of up to 2 percent over this amount will be allowed if supported by a narrative justification.

(iii) The Service Coordinator renewal application will be accepted until all funds are awarded under this Service Coordinator Category or until June 28, 2001, whichever occurs first. No new Service Coordinator renewal applications will be accepted after June 28, 2001.

(F) *Transfer of Funds.* If all funds are not awarded in one funding category, funds are transferable to other ROSS funding categories in this competition.

(G) *Number of Applications Permitted.* You may submit no more than one application under this ROSS competition. The only exception is that PHAs applying for Service Coordinator Renewal grants under this program section of the SuperNOFA may apply for one renewal grant and one additional grant in another category. A PHA, RA, RO or nonprofit may not submit an application to serve the same development. Please read each funding category carefully for additional limitations.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of ROSS is to assist residents to become economically self sufficient by providing supportive services and resident empowerment activities. This program is consistent with the Department's goal to most effectively focus resources on "welfare to work" and on independent living for the elderly and persons with disabilities. HUD is looking for applications which implement practical solutions within the grant term, and result in improved economic self-sufficiency for public or tribal housing residents. HUD seeks holistic solutions that involve the support of the entire community in providing self sufficiency opportunities for residents. Therefore, HUD encourages you to involve elderly and persons with disabilities in activities which support self sufficiency, such as child care, mentoring, or after school care. This philosophy should be reflected in your proposed grant activities for all funding categories within this ROSS competition. A description of each of the funding categories was provided in Section II of this program section. This section describes the eligible applicants and eligible activities of each funding category.

(B) *Definitions.*

City-Wide Resident Organization consists of members from Resident Councils, Resident Management Corporations, and Resident Organizations who reside in housing developments that are owned and operated by the same PHA within a city.

Community Facility means a non-dwelling structure that provides space for multiple supportive services for the benefit of public housing residents and others eligible for the services provided. Services that may include but are not limited to:

(1) Child care;
(2) After-school activities for youth;
(3) Job training;
(4) Twenty/20 Education Communities (TECs) (formerly Campus of Learners) activities; and
(5) English as a Second Language (ESL) classes.

Contract Administrator means an overall administrator and/or a financial management agent that oversees the financial aspects of a grant and assists in the entire implementation of the grant. A signed Contractor Administrator Partnership Agreement must be included in your application. This agreement may be contingent upon you receiving a grant award and adherence to PHA procurement policies. The contract administrator must assure that the financial management system and procurement procedures fully comply with 24 CFR part 84. The Contract Administrator may be: Local Housing Agencies; community-based organizations such as Community Development Corporations (CDC), churches; non-profits; State/Regional associations and organizations. Troubled PHAs are not eligible to be Contract Administrators.

Firmly Committed means the amount of resources and their dedication to ROSS-funded activities must be explicit and in writing. The writing must be signed by a person authorized to make the commitment or certify the commitment by an authorized body or person. This written agreement may be contingent upon receiving an award.

Elderly person means a person who is at least 62 years of age.

Jurisdiction-Wide Resident Organization means an incorporated nonprofit organization or association that meets the following requirements:

(1) Most of its activities are conducted within the jurisdiction of a single housing agency;

(2) There are no incorporated Resident Councils or Resident Management Corporations within the jurisdiction of the single housing agency;

(3) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

Public housing residents representing unincorporated Resident Councils within the jurisdiction of the single housing agency must comprise the majority of the board of directors.

Tribally Designated Housing Entity (TDHEs) is an entity authorized or established by one or more Indian tribes to act on behalf of each such tribe authorizing or establishing the housing entity.

Indian Tribe means a tribe that is a federally recognized tribe or a State recognized tribe or a Federally recognized tribe means any tribe, band, nation, or other organized group for a community of Indians, including any Alaska native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self Determination and Education Act of 1975.

Intermediary Resident Organizations means Jurisdiction-Wide Resident Organizations, City-Wide Resident Organizations, State-Wide Resident Organizations, Regional Resident Organizations, and National Resident Organizations.

National Resident Organization (NRO) means an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

(1) It is national (i.e., conducts activities or provides services in at least two HUD Areas or two States);

(2) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the country must comprise the majority of the board of directors.

Person with disabilities means a person who:

(1) Has a condition defined as a disability in section 223 of the Social Security Act;

(2) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act; or

(3) Is determined to have a physical, mental, or emotional impairment which:

(a) Is expected to be of long-continued and indefinite duration;

(b) Substantially impedes his or her ability to live independently; and

(c) Is of such a nature that such ability could be improved by more suitable housing conditions.

The term "person with disabilities" does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. In addition, no individual shall be considered a person with disabilities, for purposes of eligibility for low-

income housing, solely on the basis of any drug or alcohol dependence.

The definition provided above for persons with disabilities is the proper definition for determining program qualifications. However, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of reasonable accommodations.

Program Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving the overall grant goals and objectives.

Project is the same as "low-income housing project" as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (1937 Act).

Resident Association (RA) means any or all of the forms of resident organizations as they are defined elsewhere in this Definitions section and includes Resident Councils (RC), Resident Management Corporations (RMC), Regional Resident Organizations (RRO), Statewide Resident Organizations (SRO), Jurisdiction-Wide Resident Organizations, and National Resident Organizations (NRO).

Resident Council (RC) means (as provided in 24 CFR 964.115) an incorporated or unincorporated nonprofit organization or association that shall consist of persons residing in public housing and must meet each of the following requirements in order to receive official recognition from the PHA/HUD, and be eligible to receive funds for RC activities and stipends for officers for their related costs for volunteer work in public housing. (Although 24 CFR part 964 defines an RC as an incorporated or unincorporated nonprofit organization, HUD requires RC applicants for ROSS grants to be registered with the State at the time of application submission.) The following also applies to resident councils:

(1) The RC must adopt written procedures such as by-laws, or a constitution which provides for the election of residents to the governing board by the voting membership of the public housing residents. The elections must be held on a regular basis, but at least once every 3 years. The written procedures must provide for the recall of the resident board by the voting membership. These provisions shall allow for a petition or other expression of the voting membership's desire for a recall election, and set the percentage of voting membership which must be in agreement in order to hold a recall election. This threshold shall not be less than 10 percent of the voting membership.

(2) The RC must have a democratically elected governing board that is elected by the voting membership. At a minimum, the governing board should consist of five elected board members. The voting membership must consist of heads of households (any age) and other residents at least 18 years of age or older and whose name appear on a lease for the unit in the public housing that the resident council represents.

(3) The RC may represent residents residing in:

(a) Scattered site buildings in areas of contiguous row houses;

(b) One or more contiguous buildings;

(c) A development; or

(d) A combination of the buildings or developments described above.

Regional Resident Organization (RRO) means an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

(1) The RRO is regional (i.e., not limited by HUD Areas);

(2) The RRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the region must comprise the majority of the board of directors.

Resident Management Corporation (RMC) (see 24 CFR 964.7, 964.120) means an entity that consists of residents residing in public housing and must have each of the following characteristics in order to receive official recognition by the PHA and HUD:

(1) The RMC shall be a nonprofit organization that is validly incorporated under the laws of the State in which it is located;

(2) The RMC may be established by more than one RC, so long as each such council:

(a) Approves the establishment of the corporation; and

(b) Has representation on the Board of Directors of the corporation.

(3) The RMC shall have an elected Board of Directors, and elections must be held at least once every 3 years;

(4) The RMC's by-laws shall require the Board of Directors to; include resident representatives of each RC involved in establishing the corporation; include qualifications to run for office, frequency of elections, procedures for recall; and term limits if desired;

(5) The RMC's voting members shall be heads of households (any age) and other residents at least 18 years of age and whose name appears on the lease of a unit in public housing represented by the RMC;

(6) Where an RC already exists for the development, or a portion of the development, the RMC shall be approved by the RC board and a majority of the residents. If there is no RC, a majority of the residents of the public housing development it will represent must approve the establishment of such a corporation for the purposes of managing the project; and

(7) The RMC may serve as both the RMC and the RC, so long as the corporation meets the requirements of 24 CFR part 964 for an RC.

Resident Organization (RO) for tribal entities means an incorporated or nonprofit tribal organization or association that meets each of the following criteria: (1) It shall consist of residents only, and only residents may vote; (2) If it represents residents in more that one development or in all of the developments of the tribal/TDHE community, it shall fairly represent residents from each development that it represents; (3) It shall adopt written procedures providing for the election of specific officers on a regular basis; (4) It shall have democratically elected a governing board. The voting membership of the board shall consist solely of the residents of the development or developments that the tribal RO represents.

Secretary means the Secretary of Housing and Urban Development.

Site-Based Resident Associations means Resident Councils and Resident Management Corporations.

Statewide Resident Organization (SRO) means a Site-Based incorporated nonprofit organization or association for public housing that meets the following requirements:

(1) The SRO is Statewide;

(2) The SRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the State must comprise the majority of the Board of Directors.

(C) *Resident Management and Business Development (RMBD).*

(1) *Eligible applicants.* Site-Based Resident Associations (RAs), Tribes/TDHEs that partner with Tribal ROs or Tribal RMCs and City-Wide Resident Organizations (CWROs). If you are an RA/RO that is a beneficiary or recipient of proposed grant activities by a CWRO/TDHE, then you cannot also apply under this category. You may only

submit one application under this funding category.

(2) *Eligible participants.* Program participants must be residents of conventional public housing. You must provide a certification that at least 51 percent of those served by your proposed activities are residents affected by welfare reform.

(3) *Eligible Activities.* Funding is limited to the following activities below:

(a) Training related to resident-owned business or cooperative development and technical assistance for job training and placement in housing developments;

(b) Technical assistance and training in resident managed business development through: feasibility and market studies; development of business plans; outreach activities; and innovative financing methods including revolving loan funds and the development of credit unions; and legal advice in establishing a resident-managed business entity or cooperative. Revolving loan funds can not be used for acquisition, disposition, or physical development;

(c) Establishing and funding revolving loan funds. Revolving loan funds can not be used for acquisition, disposition, or physical development;

(d) Training residents, as potential employees of an RMC, in skills directly related to the operation, management, maintenance and financial systems of a development;

(e) Training residents with respect to fair housing requirements; and

(f) Gaining assistance in negotiating management contracts and designing a long-range planning system.

(g) Providing social support needs (such as self sufficiency and youth initiatives) including:

(h) Feasibility studies to determine training and social services needs;

(i) Training in management-related trade skills, computer skills, and similar skills;

(j) Management-related employment training and counseling including job search assistance, job development assistance, job placement assistance, and follow up assistance;

(k) Supportive services including: child care services; educational services, remedial education, literacy training, ESL instruction, assistance in attaining a GED; vocational training including computer training; health care outreach and referral services; meal services for the elderly or persons with disabilities; personal assistance to maintain hygiene/appearance for the elderly or persons with disabilities; housekeeping assistance for the elderly or persons with disabilities; transportation services; congregate services for the elderly or persons with disabilities; and case management;

(l) Training for programs such as child care, early childhood development, parent involvement, volunteer services, parenting skills, before and after school programs;

(m) Training programs on health, nutrition, safety and substance abuse; Food costs that are directly attributable to the nutrition and health training are eligible grant expenditures. These are not food costs associated with entertainment.

(n) Workshops for youth services including: child abuse and neglect prevention, tutorial services, youth leadership skills, youth mentoring, peer pressure reversal, life skills, and goal planning. The workshops can be held in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire, and Big Brother/Big Sisters;

(o) Training in the development of strategies to successfully implement a youth program. For example, assessing the needs and problems of youth, improving youth initiatives that are currently active, and training youth, housing agency staff, resident management corporations and resident councils or resident organizations on youth initiatives and program activities;

(p) Physical improvements to facilities at public or tribal housing developments to provide space for self-sufficiency activities for residents, i.e. to provide cosmetic improvements and repairs to space to conduct community activities; or to expand existing community space for your proposed ROSS activities or modifications for accessibility for persons with disabilities. Your physical improvements may not exceed 50% of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments;

(i) Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements.

(ii) The renovation, conversion, or combination of vacant dwelling units in a PHA or tribal development to create common areas to accommodate the provision of supportive services is an eligible activity for physical improvements.

(iii) The renovation of existing common areas in a PHA or tribal development to accommodate the provision of supportive services.

(iv) The renovation or repair of facilities located near the premises of one or more PHA or tribal developments to accommodate the provision of supportive services.

(v) If renovation, conversion, or repair is done off-site, the PHA, tribe or owner must provide documentation that it has control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership documentation, or other appropriate documentation.

(vi) All renovations must meet appropriate accessibility requirements, including Section 504 requirements at 24 CFR 8, Architectural Barriers Act at 24 CFR 40, the Americans with Disabilities Act and the Fair Housing Act.

(q) Establishing and operating Neighborhood Networks Centers that use computer technology and telecommunications for job training, after-school youth programs, educational, and health activities.

(4) *Ineligible Resident Management and Business Development Activities and Costs.*

(a) Entertainment, including associated costs such as food and beverages, except normal per diem for meals related to travel performed in connection with implementing the Work Plan. (See HUD Travel Notice 99–24 for more specific guidance.)

(b) Purchase or rental of land.

(c) Activities not directly related to the welfare-to-work initiatives (e.g., lead-based paint testing and abatement and operating capital for economic development activities).

(d) Purchase of any vehicle (car, van, bus, etc.).

(e) Payment of salaries for routine project operations, such as security and maintenance, or for applicant staff, except that a reasonable amount of grant funds may be used to hire a person to coordinate the Resident Management and Business Development grant activities or coordinate on-site social services.

(f) Payment of fees for lobbying services.

(g) Any expenditures that are fraudulent, wasteful or otherwise incurred contrary to HUD or OMB directives.

(h) Any cost otherwise eligible under this program section of the SuperNOFA

for which funds are being provided from any other source.

(i) Entertainment equipment such as televisions, radios, stereos, and VCRs. An exception to this item may be granted by the HUD Field Office or Area ONAP Office if funding is being utilized specifically for the purposes of establishing a business directly related to radio, television or film or some other form of technical communication, and equipment is being utilized for training of residents, ROs or RAs. All such exceptions must be authorized in writing by the HUD Field Office or Area ONAP Office before purchases may be made.

(j) The cost of application preparation is not eligible.

(5) *Supporting Information.* The following information may be useful in developing proposed grant activities and costs:

(a) *Training.* Training activities may include training on HUD regulations and policies governing the operation of low-income public housing including contracting/procurement regulations; financial management; job and business development training; capacity building to develop the necessary skills to assume management responsibilities at the project and property management; and training in accessing other funding sources.

(b) *Hiring trainers or other experts.* Resident grantees must ensure that all training is provided by a qualified public housing or management specialist (Consultant/Trainer), HUD Headquarters, Field or ONAP staff, or the local PHA or tribe /TDHE. To ensure the successful implementation of the grant Work Plan activities, you are required to determine the need to contract for outside consulting/training services. You and the PHA or tribe/TDHE must jointly select and approve the consultant/trainer. Your application should make maximum use of your PHA, non profit, or other Federal, State, or local government resources for technical assistance and training needs. The amount allowed for hiring an individual consultant for this purpose shall not exceed 30% of your total grant amount or $30,000, whichever is less. The amount available for all consultants and contracts should not exceed 50% of your grant amount or $50,000 whichever is less. HUD Field or ONAP Offices will monitor this process to ensure compliance with program and OMB requirements, and particularly the requirement for competitive bidding. Where it is necessary to exceed the 50% limitation you must use performance based contracting. Performance based contracts require that fees be paid in exchange for goods and services actually delivered. For example, a trainer would be paid for the number of residents that were trained, i.e. performance, regardless of the maximum dollar amount quoted in the contract.

(c) *Stipends.* Trainees and program participants of an RA, RO or CWRO, may receive stipends for participating in or receiving training under Resident Management to cover reasonable costs related to participation in training and other activities in your program, subject to the availability of funds. The stipends should be used for additional costs incurred during the training programs, such as child care and transportation costs. The cost of stipends may not exceed $200 per month per trainee without written HUD Field Office authorization.

(d) *Reimbursement of Reasonable Expenses.* Reimbursement of reasonable expenses incurred by Officers and Board members in the performance of their fiduciary duties and/or training related to the performance of their official duties.

(e) *Travel.* Travel directly related to the successful completion of your required Work Plan. You must adhere to the travel policy established by HUD Notice 99–24. This policy sets travel costs at a maximum amount of $5,000 per RA or RO without special HUD approval.

(f) *Child-Care Expenses.* Child care expenses for individual staff, board members, or residents in cases where those who need child care are involved in training-related activities associated with your grant activities.

(g) *Costs incurred by a RA or RO in applying for 501(c) tax exempt status with Internal Revenue Service.* Please refer to the Internal Revenue Service (IRS) Publication 557, which describes the requirements for section 501(c) tax exempt organizations and list the applicable forms required.

(h) *Administrative costs.* These costs are necessary for the implementation of your grant activities. Administrative costs are not to exceed 20% of the grant. Appropriate administrative costs include, but are not limited to, the following reasonable costs or activities:

(i) *Space and equipment.* Maintenance, utility costs, postage, building lease/rental costs, purchase or lease of telephone, computer, printing, copying, and sundry non-dwelling equipment (such as office supplies, software, and furniture). You must justify the need for this equipment or space based on services being delivered in relationship to implementing your approved grant activities.

(ii) *Rental or lease of vehicles.* Rental or lease of a car, van, or bus by resident grantees to attend training;

(6) *Grant term.* The grant term for Resident Management and Business Development grants is thirty-six months from the execution date of your grant agreement.

(D) *Capacity Building or Conflict Resolution.*

(1) *Eligible applicants.* (a) Intermediary Resident Organizations (IROs) on behalf of public or Indian housing residents, which include Public Housing Site-Based Resident Councils , Resident Organizations and Resident Management Corporations may apply for Capacity Building and/or Conflict Resolution grants. IROs include National Resident Organizations, Statewide Resident Organizations, Regional Resident Organizations, City-Wide Resident Organizations, and Jurisdiction-Wide Resident Organizations.

(b) Eligible applicants cited above may submit either one application for conflict resolution or one application for capacity building under this funding category.

(c) Non-profits that operate as associations or networks that administer programs that benefit public or Indian housing resident organizations are also eligible for this funding category.

(2) *Eligible activities.* (a) *Conflict resolution.* Conflict resolution grant activities may include, but are not limited to:

(i) Establishing violence-free zones to enhance the quality of living environment for public housing residents. The eligible activities for your proposed program must address one or more of the following areas: violent crime, youth violence, and/or violent gang activity in your housing development or living environment. These areas must be addressed in your application. You must at a minimum focus on one of these areas, but may include the others where appropriate. Your grant application must include specific processes or techniques to prevent and reduce violent crime that are measurable within the grant term. Implementation strategies may include training at the grass roots level, resident employment; resident partnership with local law enforcement; personal skill-building to strengthen individual character development; and management techniques for preventing violence. You must identify the public housing development(s) that will serve as the focus for proposed grant activities. Any other areas, (e.g., negatively impacted neighborhoods and assisted/insured housing developments) which benefit from your proposed grant activities must be adjacent to the public housing development;

(ii) Training programs on mediation and communication skills;

(iii) Training programs on dispute resolution and reconciliation, including training addressing racial, ethnic and other forms of diversity;

(iv) Workshops for youth services including: child abuse and neglect prevention, tutorial services, youth leadership skills, youth mentoring, peer pressure reversal, life skills, social skills, goal planning, health, wellness and nutrition. The workshops may be held in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire and Big Brother/Big Sisters, etc. Food costs that are directly attributable to the actual nutrition, wellness and health training are an eligible grant expenditure. These are not food costs associated with entertainment.

(v) Training in the development of strategies to successfully implement a youth program. For example, assessing the needs and problems of youth, improving youth initiatives that are currently active, and training youth, housing agency staff, resident management corporations resident organizations and resident councils on youth initiatives and program activities.

(b) *Capacity Building.* Eligible activities for CB grants may include, but are not limited to:

(i) Training Board members in community organizing, Board development, and leadership training;

(ii) Conducting the feasibility of training existing resident groups for resident management or for a specific resident management project;

(iii) Assisting in the creation of an RMC, such as consulting and legal assistance to incorporate, preparing by-laws and drafting a corporate charter;

(iv) Developing the management capabilities of existing resident organizations;

(v) Determining the feasibility of homeownership by residents, including assessing the feasibility of other housing (including HUD-owned or held single or multi-family) affordable for purchase by residents.

(3) *Ineligible Activities.* Ineligible activities are the same as those listed in Section III(C)(4) of this program section of the SuperNOFA, above.

(a) In addition, physical development activities are not eligible for funding under CB or CR grants.

(b) The cost of application preparation is not eligible.

(4) *Administrative costs* may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20% of the total grant costs.

(5) *Grant term.* The grant term for both Conflict Resolution and Capacity Building grants is thirty-six months from the execution date of the grant agreement.

(E) *Resident Service Delivery Models (RSDM).*

(1) *Eligible Applicants.* (a) *Family.* This funding category provides grants to PHAs, Tribes/TDHEs, resident management corporations, resident councils, resident organizations, and nonprofit entities supported by residents, to enable them to establish and implement comprehensive programs that assist residents in becoming self-sufficient

(b) *Elderly and Persons with Disabilities.* PHAs, Tribes/TDHEs and non-profits supported by a duly elected resident council are the only eligible applicants in providing supportive services for the elderly and persons with disabilities.

(c) IROs with 501(c)status may apply as non-profit entities under this funding category.

(2) *Number of RSDM Applications Permitted.* (a) *General.* PHAs must submit an application either for a family or an elderly grant. ROs or RCs must submit one application for a family grant; and non-profits may submit one application for a family or elderly grant representing up to three public or Indian housing resident groups.

(b) *Joint applications.* Two or more applicants may join together to submit a joint application for proposed grant activities. Joint applications must designate a lead applicant. All parties in a joint application (lead or non-lead) are considered to be applying for ROSS and are therefore subject to the limit of one ROSS application per applicant, with the exception of those Public Housing Service Coordinator renewal applicants that may also apply in one additional ROSS category. Both lead and non-lead applicants are subject to threshold requirements. Joint applications may include PHAs, RAs, IROs, Tribes/TDHEs, and nonprofit entities on behalf of residents organizations. Joint applications must also provide evidence of resident support. The maximum funding for joint applications cannot exceed the sum of the individual grants as specified above. Any eligible applicant can serve as a lead applicant.

(3) *Eligible participants.* Program participants must be residents of conventional public or Indian housing. You must provide a certification that at least 51 percent of those served by your proposed activities are residents affected by welfare reform.

(4) *Eligible Activities.* Funds may be used for the activities described below for the family category.

(a) *Program Coordinator.* You are encouraged to include a Program Coordinator for either proposed family or elderly RSDM activities for the entire term of your grant. A Program Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving overall grant goals and objectives.

(b) *Physical improvements.* Physical improvements to provide space for self-sufficiency activities for residents (i.e. to provide cosmetic repairs for space to conduct community activities; or to expand existing community space for proposed ROSS activities) or modification for accessibility for persons with disabilities. Physical improvements may not exceed 50% of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Physical improvements include the following:

(i) Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements;

(ii) The renovation, conversion, or combination of vacant dwelling units in a housing development to create common areas to accommodate the provision of supportive services is an eligible activity for physical improvement;

(iii) The renovation of existing common areas in a housing development to accommodate the provision of supportive services is an eligible activity for physical improvements;

(iv) The renovation or repair of facilities located near the premises of one or more housing developments to accommodate the provision of supportive services is an eligible activity for physical improvements;

(v) If renovation, conversion, or repair is done off-site, you must provide documentation that you have control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership

documentation or other appropriate documentation.

(vi) All renovations must meet appropriate section 504 accessibility requirements.

(c) *Entrepreneurship training.* Entrepreneurship training includes literacy training, computer skills training, business development planning.

(d) *Entrepreneurship development.* Entrepreneurship development includes entrepreneurship training curriculum, entrepreneurship courses.

(e) *Micro/Loan fund.* Developing a strategy for establishing a revolving micro/loan fund and/or capitalizing a loan fund, including licensing, bonding, and insurance needed to operate a business. Revolving loan funds can not be used for acquisition, disposition, or physical development;

(f) *Developing credit unions.* Developing a strategy to establish and/or create on-site credit union(s) to provide financial and economic development initiatives to PHA residents. (RSDM grant funds cannot be used to capitalize a credit union.) The credit union can support the normal financial management needs of the community (i.e., check cashing, savings, consumer loans, micro-businesses money management, home buyer counseling, educational loans, and other revolving loans).

(g) *Individual development accounts.* Activities or programs that encourage residents to contribute to matched savings accounts known as Individual Development Accounts (IDAs). These programs include financial counseling and education activities. (RSDM funds cannot be used as matching funds for the actual savings account).

(h) *Employment training and counseling* (e.g., job training, establishing registered apprenticeship programs, preparation and counseling, job search assistance, job development and placement, and supportive services to support job training and apprenticeship activities.

(i) *Employer linkage and job placement.*

(j) *Family only—supportive services activities.* The provision of services to assist eligible residents to become economically self-sufficient, particularly families with children where the head of household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job-training or educational programs. Eligible supportive services may include, but are not limited to:

(i) Child care, of a type that provides sufficient hours of operation and serves appropriate ages as needed to facilitate parental access to education and job opportunities.

(ii) Computer-based educational opportunities, skills training, and entrepreneurial activities.

(iii) Homeownership training and counseling, development of feasibility studies and preparation of homeownership plans/proposals.

(iv) Education including but not limited to: remedial education; computer skills training; career counseling; literacy training; assistance in the attainment of certificates of high school equivalency; two-year college tuition assistance; trade school assistance; youth leadership skills and related activities (activities may include peer leadership roles training for youth counselors, peer pressure reversal, life skills, and goal planning). Academic support shall not be limited to TANF recipients.

(v) Youth mentoring of a type that mobilizes a potential pool of role models to serve as mentors to public housing youth. Mentor activities may include after-school tutoring, help with problem resolution issues, illegal drugs avoidance, job counseling, or mental health counseling.

(vi) Transportation costs, as necessary to enable any participating family member to receive available services to commute to his or her training or supportive services activities or place of employment.

(vii) Personal well-being (e.g., family/parental development counseling, parenting skills training for adult and teenage parents, self-development counseling, support groups/counseling for victims of domestic violence, and/or families with a mentally ill member, etc.).

(viii) Supportive health care services (e.g., outreach and referral services to substance and alcohol abuse treatment and counseling, mental health services, wellness programs). Food costs that are directly attributable to the actual nutrition and health training are an eligible grant expenditures. These are not food costs associated with entertainment.

(ix) Contracting for case management services or employment of case managers, which must ensure confidentiality about resident's disabilities.

(x) Establishing and/or operating Neighborhood Network Centers that use computer technology and telecommunications for job training, after-school youth programs, educational, and health activities .

(xi) Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, quality assurance, travel, and utilities. Administrative costs must not exceed 20% of the total grant costs.

(xii) Stipends. No more than $200 per participant per month of the grant award may be used for stipends for active trainees and program participants to cover the reasonable costs related to participation in training and other activities.

(5) *Elderly and persons with disabilities—supportive services activities* may include, but are not limited to:

(i) A Program Coordinator (See Section III(E) for a description);

(ii) Meal service adequate to meet nutritional need;

(iii) Assistance with daily activities;

(iv) Housekeeping aid;

(v) Transportation services;

(vi) Wellness programs, preventive health education, referral to community resources;

(vii) Personal emergency response;

(viii) Congregate services—includes supportive services that are provided in a congregate setting at a conventional public housing development; and

(viii) Case management.

(h) Administrative costs. Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20% of the total grant costs.

(5) *Ineligible Activities.* Activities for which costs are ineligible for funding under the RSDM funding category include:

(i) Elderly Service Coordinator salary funding;

(ii) Payment of wages and/or salaries to participants receiving supportive services and/or training programs, except that grant funds under family RSDM may be used to hire a resident(s) as a Program Coordinator or to provide training program activities;

(iii) Purchase or rental of land;

(iv) New construction, materials, costs;

(v) Purchase of vehicles; and

(vi) Cost of application preparation is not eligible.

(6) *Grant term.* The grant term for Resident Service Delivery Models grants is thirty-six months from the execution date of the grant agreement.

(F) *Service Coordinators for Elderly and Persons with Disabilities.* (1) *Eligible Applicants.* This funding category provides grants to PHAs with developments designated for the elderly and persons with disabilities which were initially awarded in FY 1995.

(2) *Joint Applications.* Two or more PHAs may join together to share a service coordinator and so submit joint applications. Joint applicants must designate a lead applicant. All joint applicants must be existing service coordinator grantees.

(3) *Eligible developments.* To be eligible, a development must have elderly residents and/or non-elderly residents with disabilities who together total at least 25 percent of the building's residents.

(4) *Eligible Activities.* Under this funding category, funds may be used for the following activities:

(a) *Service Coordinator.* To pay for the salary, fringe benefits, and related administrative costs for employing a service coordinator. A service coordinator is a social service staff person hired or contracted by the PHA. The coordinator is responsible for assuring that elderly residents, especially those who are frail or at risk, and those non-elderly residents with disabilities are linked to the supportive services they need to continue living independently in that development. The service coordinator, however, may not require any elderly person or person with disabilities to accept the supportive services. For the purposes of this program, a service coordinator is any person who is responsible for one or more of the following functions:

(i) Working with community service providers to coordinate the provision of services and to tailor the services to the needs and characteristics of eligible residents;

(ii) Establishing a system to monitor and evaluate the delivery, impact, effectiveness and outcomes of supportive services under this program;

(iii) Coordinating this program with other independent living or self-sufficiency, education and employment programs;

(iv) Performing other duties and functions to assist residents to remain independent, and to prevent unnecessary institutionalization; and

(v) Mobilizing other national and local public/private resources and partnerships.

(b) *Administrative costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20% of the total grant costs.

(5) *Ineligible Activities/Costs.* (a) Applicants may not use these monies to replace current funding from other sources for a Service Coordinator or for some other staff person who performs service coordinator functions; and

(b) The cost of application preparation is not eligible.

(6) *Grant term.* The grant term for Elderly or Persons with Disabilities Service Coordinator grants is 12 months.

IV. Program Requirements

The requirements of this section are applicable to all applicants, and grantees under this announcing of funding availability.

(A) *Compliance with Fair Housing and Civil Rights Laws.* Your application must meet all the applicable threshold requirements found in Section II(B) of the General Section of the SuperNOFA, as well as the following requirements.

(B) *Affirmatively Furthering Fair Housing.* You must adhere to the requirement as provided in Section II(D) of the General Section of the SuperNOFA.

(C) *Section 109.* In addition to the fair housing and other civil rights assurances described under Section II(B) of the General Section of the SuperNOFA, applicants for ROSS must provide assurance that they will comply with section 109 of the Housing and Community Development Act of 1974, as amended. Implementing regulations for section 109 are found under 24 CFR part 6 and part 570, including , but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

(D) *Certifications and Assurances.* You must comply with the certifications and assurances contained in Section II(G) of the General Section of the SuperNOFA.

(E) *Applicant Internet Access.* Prior to the initial draw down, all grantees must have secured online access to the Internet as a means to communicate with HUD on grant matters.

(F) *ROSS Evaluation and Assessment.* All applicants selected for award must be willing to participate in the evaluation and assessment that HUD intends to conduct for the ROSS Program. At grant award HUD will provide additional information on the evaluation and assessment for applicants who receive awards.

V. Application Selection Process

(A) *Application Selection Process for Resident Management and Business Development.* Applicants for Resident Management and Business Development grants are required to address application submission requirements, but are not required to address selection factors. Eligibility will be determined by applications that meet the threshold requirements of Section VI of this program section of the SuperNOFA. HUD will accept for funding the first five eligible applications from each of the ten federal regions and ONAP on a first-come, first-serve basis for this SuperNOFA. Any funds remaining after making awards to the first five eligible applications from each region and ONAP will be awarded to the next eligible application from each region, then the next, and so forth until funds are exhausted. If sufficient funds are not available in any round to fund an eligible application from each region, the eligible applications will then be funded in the order in which they were received regardless of region. Where physical development activities are proposed, HUD will perform an environmental review, to the extent required by 24 CFR part 50, prior to award. The results of the environmental review may require that proposed activities be modified or proposed sites rejected. If all funds are not awarded in one funding category, funds are transferable to other ROSS funding categories in this ROSS competition.

(B) *Application Selection Process for Capacity Building or Conflict Resolution.* Applicants for Conflict Resolution or Capacity Building grants are required to address application submission requirements but are not required to address selection factors. Eligibility will be determined by applications that meet the threshold requirements of Section VI of this program section of the SuperNOFA. HUD will accept for funding the first two eligible applications from each of the ten federal regions and ONAP on a first-come, first-serve basis for this SuperNOFA. Any funds remaining after making awards to the first two eligible applications from each region and ONAP will be awarded to the next eligible application from each region, then the next, and so forth until funds are exhausted. If sufficient funds are not available in any round to fund an eligible application from each region, the eligible applications will then be funded in the order in which they were received regardless of region. If all funds are not awarded in one funding category, funds are transferable to the other ROSS funding categories in this ROSS competition.

(C) *Application Selection Process for Resident Service Delivery Models.* (1) Three types of reviews will be conducted: a screening to determine if your application submission is complete and on time; a threshold review to determine applicant eligibility; and a technical review to rate your application based on the five rating factors provided in this section. A minimum score of 70 is required to be considered for funding. If you are not the PHA, where physical development activities are proposed, HUD will perform an environmental

review, to the extent required by 24 CFR part 50, prior to award. The results of the environmental review may require that proposed activities be modified or proposed sites rejected.

(2) The selection process is designed to achieve geographic diversity of grant awards throughout the country. HUD will first select the highest ranked application from each of the ten federal regions and ONAP for funding. After this "round," HUD will select the second highest ranked application in each of the ten federal regions and ONAP for funding (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region until the last complete round is selected for funding. If available funds exist to fund some but not all eligible applications in the next round, HUD will make awards to those remaining applications in rank order regardless of region and will fully fund as many as possible with remaining funds. In addition, if all funds are not awarded in this funding category, funds are transferable to other funding categories in this ROSS Competition.

(D) *Factors for Award Used to Evaluate and Rate RSDM Applications.* The factors for rating and ranking applicants and maximum points for each factor are provided below. The maximum number of points available for this program is 104. This includes two EZ/EC bonus points and two bonus points for apprenticeship programs, as described in the General Section of the SuperNOFA. The application kit contains a certification that must be completed for the applicant to be considered for EZ/EC and apprenticeship program bonus points and a listing of federally designated EZs and ECs. A RSDM application must receive a total of 70 points out of 100 to be eligible for funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) *Proposed Program Staffing.* (7 Points)

(a) *Experience.* (4 Points) The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, sub-recipients and partners in planning and managing programs for which funding is being requested. Your experience will be judged in terms of recent, relevant and successful experience to undertake eligible program activities.

(b) *Sufficiency.* (3 Points) You and your sub-recipients, and partners have sufficient personnel or will be able to quickly access qualified experts or professionals, to deliver the proposed activities in each proposed service area in a timely and effective fashion, including your readiness and ability to immediately begin the proposed work program. To demonstrate sufficiency, you must submit the proposed number of staff years to be allocated to your program by employees and experts, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to your program, and the roles to be performed by each identified employee and expert.

(2) *Program Administration and Fiscal Management.* (7 Points)

(a) *Program Administration.* (4 Points) The soundness of the proposed management of your proposed RSDM program. To receive a high score, you must provide a comprehensive description of your project management structure. Your narrative must provide a description of how any co-applicants, sub-grantees, and other partner agencies relate to the program administrator as well as the lines of authority and accountability among all components of your proposed program.

(b) *Fiscal Management.* (3 Points) The soundness of your proposed fiscal management. To receive a high score you must provide a comprehensive description of the fiscal management structure, including, but not limited to, budgeting, fiscal controls, and accounting. The application must identify the staff responsible for fiscal management, and the processes and timetable for implementation during the proposed grant period.

(3) *Applicant/Administrator Track Record.* (6 Points) To receive a high score, you must demonstrate your (or your proposed Administrator's) program compliance and successful implementation of any resident self-sufficiency, security or independence oriented grants (including those listed below) awarded to you or overseen by your Administrator. If you or your Administrator has no prior experience in operating programs that foster resident self-sufficiency, security or independence you will receive a score of 0 on this factor. Your past experience may include, but is not limited to, administering the following grants: Family Investment Center Program; Youth Development Initiative under Family Investment Center Program; Youth Apprenticeship Program; Apprenticeship Demonstration in the Construction Trades Program; Urban Youth Corps Program; HOPE I Program; Public Housing Service Coordinator Program; Public Housing Drug Elimination Program; Tenant Opportunities Program; Economic Development and Supportive Services; and Youth Sports Program.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address a documented problem in the target area. You will be evaluated on the extent to which they document a critical level of need in the development or your proposed activities in the area where activities will be carried out. In responding to this factor, you will be evaluated on:

(1) *A Needs Assessment Document.* (18 Points) HUD will award up to 18 points based on the quality and comprehensiveness of the needs assessment document.

(a) To obtain maximum points for Family RSDM applications, this document must contain statistical data which provides:

(i) A thorough socioeconomic profile of the eligible residents to be served by your program, in relationship to PHA-wide and national public and assisted housing data on residents who are on TANF, SSI benefits, or other fixed income arrangements; in job training, entrepreneurship, or community service programs; and employed;

(ii) Specific information on training, contracting, and employment through the PHA.

(iii) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use;

(iv) A description of the goals, objectives, and program strategies that will result in the successful transition of residents from welfare-to-work.

(b) In order to obtain maximum points for Elderly and Persons with Disabilities RSDM applications, the needs assessment document should contain statistical data that provide:

(i) The numbers of residents needing assistance for activities of daily living.

(ii) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use.

(iii) A description of the goals, objectives, and program strategies that will result in increased independence for proposed program participants.

(2) *Level of Priority in Consolidated Plan.* (2 Points) Documentation of the level of priority the locality's, or in the case of small cities, the State's, Consolidated Plan has placed on addressing the needs. You may also address needs in terms of fulfilling the requirements of court actions or other legal decisions or which expand upon the Analysis of Impediments to Fair Housing Choice (AI) to further fair housing. If you address needs that are in your community's Consolidated Plan, AI, or a court decision, or identify and substantiate needs in addition to those in the AI, you will receive a greater number of points than applicants who do not relate their proposed program to the approved Consolidated Plan or AI or court action. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. In rating this factor HUD will consider: the viability and comprehensiveness of your strategies to address the needs of residents; budget appropriateness/efficient use of grant; the speed at which you can realistically accomplish the goals of the proposed RSDM program; the soundness of your plan to evaluate the success of your proposed RSDM program at completion and during program implementation; and resident and other partnerships; and policy priorities.

(1) *Viability and comprehensiveness of the strategies to address the needs of residents* (21 Points) The score under this subfactor will be based on the viability and comprehensiveness of your strategies to address the needs of residents.

(a) *Services.* (18 Points for Family RSDM applicants and 21 Points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded in the Elderly and Persons with Disabilities RSDM applications to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant) The score under this subfactor will be based on the following:

(i) For Family RSDM applications, the extent to which your plan provides services that specifically address the successful transition from welfare to work of non-elderly families. To receive a high score, your plan must include case Management/counseling, job training/development/placement (and/or business training/development/startup), child care, and transportation services. If you are not proposing to use RSDM funding for these activities, you must show that you will provide these services with other funds or through specific commitments from partners.

(ii) In order to receive maximum points, the goals and objectives of your proposed plan must represent significant achievements related to welfare-to-work and other self-sufficiency/independence goals. Specifically for those residents affected by welfare reform, we are interested in achievements that are performance outcomes such as the number of residents employed or business started, in addition to, process descriptions, such as the number of residents receiving training.

(iii) For Elderly and/or Persons with Disabilities RSDM applications, services in your plan should include case management, health care, congregate services and transportation. To obtain maximum points, you must describe the goals, objectives, and program strategies that will result in increased independence for proposed program participants; your services must be located in a community facility; and must be available on a 12-hour basis or as needed by the eligible residents.

(b) *Resident Contracting and Employment.* (3 Points) The score in this factor will be based on the extent to which residents will achieve self-sufficiency through your contracts with resident-owned businesses and through resident employment. A high score will be awarded where there is documentation (a letter or resolution from your governing body) describing your commitment to hire or contract with at least 15% of residents and a narrative describing the number of resident jobs or contracts involved, as well as the training processes related to the comprehensive plan of your application. Elderly and Persons with Disabilities RSDM applications will not be scored on the criterion in this subcategory.

(2) *Budget Appropriateness/Efficient Use of Grant.* (5 Points) The score in this factor will be based on the following:

(a) *Detailed Budget Break-Out.* The extent to which your application includes a detailed budget break-out for each budget category in the SF–424A.

(b) *Reasonable Administrative Costs.* The extent to which your application includes administrative costs at or below the 20% administrative cost ceiling.

(c) *Budget Efficiency.* The extent to which your application requests funds commensurate with the level of effort necessary to accomplish your goals and anticipated results.

(3) *Reasonableness of the Timetable.* (2 Points for Family RSDM applicants and 4 Points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded in Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant)

The score in this factor will be based on a reasonable response that you can accomplish the goals of your proposed RSDM program. To receive a high score, you must demonstrate that it will make substantial program implementation progress within the first six months after grant execution, including putting staff in place, finalizing partnership arrangements, completing the development of requests for proposals, and achieving other milestones that are prerequisites for implementation of the program. In addition, you must demonstrate that your proposed timetable for all components of the proposed program is feasible considering the size of your award and activities and results that can be accomplished within the 36-month time limit.

(4) *Program Assessment.* (3 Points for Family RSDM and Elderly and Persons with Disabilities RSDM) The score in this factor will be based on the soundness of your plan to evaluate the success of your proposed RSDM program both at the completion of your program and during program implementation. At a minimum, you must track the goals and objectives of your proposed work plan program, which must include, if applicable, a plan for monitoring your Contract Administrator's performance. Your application should track specific measurable achievements for the use of program funds, such as number of residents employed, salary scales of jobs obtained, persons removed from welfare roles 12 months or longer, number of elderly or persons with disabilities residents receiving supportive services, and number of persons receiving certificates for successful completion of training in careers such as computer technology.

(5) *Resident and Other Partnerships* (9 Points for Family RSDM applicants and 7 Points for Elderly and Persons with Disabilities RSDM applicants)

(a) *Resident Involvement in RSDM Activities* (3 Points for Family RSDM applicants and 4 Points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded in Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant): The score in this factor will be based on the extent of resident involvement in developing your proposed RSDM program as well as the extent of proposed resident involvement in implementing your proposed RSDM program. To receive a high score on this factor, you must describe the involvement of residents in the planning phase for this program, and a commitment to provide continued involvement in grant implementation. For applicants to receive the maximum number of points, a work plan, must be included.

(b) *Other Partnerships.* (3 Points) The score in this factor will be based on the successful integration of partners into implementation of the proposed RSDM program. To receive a high score, you must provide a signed Memorandum of Understanding (MOU) or other equivalent signed documentation that delineates the roles and responsibilities of each of the parties in your program and the benefits they will receive. In assessing this subfactor, HUD will examine a number of aspects of the proposed partnership, including:

(i) The division of responsibilities/management structure of your proposed partnership relative to the expertise and resources of your partners;

(ii) The extent to which the partnership as a whole addresses the unmet resident needs; and

(iii) The extent to which the addition of the partners provides the ability to meet needs that the applicant could not meet without the partner(s).

(c) *Overall Relationship/Coordination.* (3 Points for Family RSDM only) For Family RSDM applicants, the score in this factor will be based on the extent of coordination between your proposed RSDM program and any existing or proposed programs within your jurisdiction. To receive a high score, you must contain an MOU that describes collaboration between the applicant and residents on all of the specific components related to the work plan of the proposed RSDM program. To receive points, at a minimum, you must have a narrative description of this collaboration. Elderly and Persons with Disabilities RSDM applications will not be scored on this criterion.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) that can be combined with HUD's program resources to achieve program purposes. You must have at least a 25% cash or in-kind match to receive points under this rating factor. Leveraging in excess of the 25% of the grant amount will receive a higher point value. In evaluating this factor HUD will consider:

The extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed program activities. The budget, the work plan, and commitments for additional resources and services, other than the grant, must show that these resources are firmly committed, will support the proposed grant activities and will, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25% of the RSDM grant amount proposed in this application. "Firmly committed" means there must be a written agreement with the provider of resources, signed by an official legally able to make commitments on behalf of the organization. The signed, written agreement may be contingent upon you receiving a grant award. Other resources and services may include: the value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (not including RSDM funds); funds from any State or local government sources; and funds from private contributions. You may also partner with other program funding recipients to coordinate the use of resources in your target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, Memoranda of Understanding, or agreements to participate from those entities identified as partners in the application. To be firmly committed there must be a written agreement with the provider of resources signed by an official legally able to make commitments on behalf of the organization. This agreement may be contingent upon you receiving a grant award. Each letter of commitment, Memorandum of Understanding, or agreement to participate should include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD funding resources and other resources available to the community.

In evaluating this factor HUD will consider the extent to which your application addresses:

(1) *Coordination with the Consolidated Plan* (2 Points for Family RSDM applicants and 6 points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded for Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant.) Demonstrates the applicant has reviewed the community's Consolidated Plan and/or Analysis of Impediments to Fair Housing Choice, and has proposed activities that address the priorities, needs, goals or objectives in those documents; or substantially furthers fair housing choice in the community.

(2) *For Family RSDM Applications, Coordination with the State and/or Local Welfare Plan* (4 Points): Provides evidence that your proposed RSDM program has been coordinated with and supports the PHA's, efforts to increase resident self-sufficiency and is coordinated and consistent with the State, or local Welfare Plan.

(3) *Coordination with Other Activities* (4 Points) Demonstrates that in carrying out your program activities, you will develop linkages with: other HUD-funded program activities proposed or on-going in the community; or other State, Federal or locally funded activities proposed or on-going in the community which, taken as a whole, support and sustain a comprehensive system to address the needs.

(D) Application Selection Process for Service Coordinators

Applicants for Service Coordinators are required to address application submission requirements but are not required to address selection factors. Eligibility will be determined by applications that meet the threshold requirements of Section IV of this program section of the SuperNOFA.

VI. Application Submission Requirements

(A) *All Applications.* All applications for assistance under the ROSS

competition for all funding categories must include the forms, certifications and assurances listed in Section IV of the General Section of the SuperNOFA (collectively referred to as the "standard forms"). These forms are:

SF–424, Application Federal Assistance;

HUD–424M, Federal Assistance Funding Matrix;

SF–424A, Federal Assistance Budget Information—Non Construction;

SF–424B, Assurances for Non-Construction Programs;

HUD Form 50070, Drug-Free Workplace Certification;

HUD Form 50071, Certification of Payments to Influence Federal Transactions, and if applicable SF–LLL, Disclosure of Lobbying Activities;

HUD Form 2880, Applicant/Recipient Disclosure/Update Report;

HUD Form 2992, Certification of Debarment and Suspension;

HUD Form 2993, Acknowledgment of Application Receipt.

The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the "non-standard forms" can be found as Appendix A to this program section of the SuperNOFA.

All applicants must include the following information regardless of the category under which they are applying for funds.

(1) ROSS Application Cover Sheet;

(2) ROSS Fact Sheet;

(3) ROSS Program Summary;

(4) Certification of Consistency and Compliance with threshold requirements of General Section of the SuperNOFA;

(5) You must provide assurance that you will comply under section 109 of the Housing and Community Development Act of 1974 and that you have resolved to the satisfaction of the Department before the application deadline any letter of noncompliance findings under section 109.

(6) *Match Requirement.* (a) You must supplement grant funds with an in-kind and/or cash match of not less than 25% of the grant amount. This match does not have to be a cash match. The match may include: the value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (but not ROSS funds); funds from any State or local government sources; and funds from private contributions. Any services, such as child care or mentoring, conducted by elderly or persons with disabilities residents who are not TANF participants, will not be counted toward your match requirement. You may also satisfy the match requirement by establishing the in-kind value of computer and office equipment, software and space used for training in computer technology, education/employment and skills development for self sufficiency training programs such as Twenty/20 Education Communities (TEC Centers) or Neighborhood Networks Centers.

(b) You must demonstrate that the cash or in-kind resources and services, which you will use as match amounts (including resources from a Comprehensive Grant, other governmental units/agencies of any type, and/or private sources, whether for-profit or not-for-profit), are firmly committed and will support the proposed grant activities. "Firmly commited" means there must be a written agreement to provide the resources and services signed by an official legally able to make commitments on behalf of the organization and specifies the cash and/or in-kind assistance to be provided. If offering in-kind assistance, the letter should provide an estimated dollar value for the in-kind services. The written agreement may be contingent upon your receiving a grant award. The following are guidelines for valuing certain types of in-kind contributions:

(c) The value of volunteer time and services shall be computed at a rate of six dollars per hour except that the value of volunteer time and services involving professional and other special skills shall be computed on the basis of the usual and customary hourly rate paid for the service in the community where the activity is located; and

(d) The value of any donated material, equipment, building, or lease shall be computed based on the fair market value at time of donation. Such value shall be documented by bills of sales, advertised prices, appraisals, or other information for comparable property similarly situated not more than one-year old taken from the community where the item or activity is located, as appropriate. You may also satisfy the match requirement by establishing the in-kind value of computer and office equipment, software and space used for training in computer technology, education/employment and skills development for sufficiency training programs such as Twenty/20 Education Communities (TEC Centers) or Neighborhood Networks Centers.

(B) *RMBD Applications.* Applicants for Resident Management and Business Development grants are required to address application submission requirements, but are not required to address selection factors. A threshold review, and not application submission requirements, will be used for determining eligibility for first-come first serve funding.

All applications for funding under this funding category must contain the following documents and information (Please note that items 1–9 are threshold requirements used to determine awards for this category; items 10–13 will be used for grant administration):

(1) Your application must contain a written certification that at least 51 percent of the public housing residents to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding four years, assistance or services funded under the TANF, SSI, or food stamp programs.

(2) Your application must contain a signed Memorandum of Understanding (MOU) between the RA and the PHA or the RO/RMC and the Tribe/TDHE which describes the specific roles, responsibilities and activities to be undertaken by all parties to the MOU. Your MOU, at a minimum must identify the principal parties (i.e. the name of the PHA or tribe/TDHE and RA or RO, the terms of agreement), expectations or terms for each party, and indicate that the agreement pertains to the support of your grant application. This document is the basis for the foundation of the relationship between the RA or RO and PHA or tribe/TDHE. The MOU must be precise and outline the specific duties and objectives to be accomplished under the grant. All MOUs must be finalized, dated and signed by duly authorized officials of both the RA or RO and PHA or tribe/TDHE upon submission of the application.

(3) Accessible Community Facility. You must provide written evidence (e.g. through an executed use agreement if the facility is to be provided by an entity other than the PHA or tribe/TDHE) that a majority of the proposed activities will be administered at community facilities within easy transportation access (i.e., walking or by direct (no transfers required), convenient, inexpensive and reliable transportation of the property represented by the PHA or tribe/TDHE. The written agreement must certify that community facilities meet the structural accessibility requirement of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

(4) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25% of the grant amount. See Section VI(A)(5) of the program section of this SuperNOFA.

(5) For applicants other than Tribes/TDHEs, you must provide either a signed certification from HUD or an Independent Public Accountant that your financial management system and procurement procedures fully comply with 24 CFR part 84, or your application must contain a signed Contract Administrator Partnership Agreement that you will use the services of a Contract Administrator in administering your grant. Applicants that are troubled PHAs or tribes/TDHEs are required to provide written agreement that a Contract Administrator has been retained for the term of the grant. In cases where the Contract Administrator is the PHA or tribe/TDHE, the Contract Administration responsibilities can be incorporated into the MOU discussed above.

(6) Except for Tribes/TDHEs, if you are a RA/RC/RMC/CWRO you must include evidence that your organization is registered with the State as a nonprofit corporation at the time of application submission or has section 501(c) status with the United States Internal Revenue Service at the time of application. Evidence of State registration shall be a copy of the certificate of incorporation or certificate of good standing from the State Government (i.e. Secretary of State or Secretary of Corporations). Evidence of 501 (c) status shall be a copy of the IRS 501 (c) designation.

(7) Certification of Resident Council Board Elections. If you are a Resident Organization, you must submit certifications of the RA ROs board election as required by HUD, signed by the local PHA or tribe/TDHE and/or an independent third party monitor and notarized;

(8) List of RAs or ROs participating with the City-Wide Resident Organization (CWRO). You must list in your application, the name(s) of RAs or ROs that will receive services and you must submit letters of support from each RA or RO identified in your application;

(9) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less that 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition.

The following are application submission requirements and will not be used for determining eligibility for first-come first serve funding.

(10) Explanations for proposed grant activities must be provided by narrative statements or descriptions;

(11) Resident Management and Business Development grant applications must include a narrative description (two page limit) describing the activities that you will carry out with RMBD grant funds. Your description must include specific goals, objectives and program strategies that will result in successful transition of residents from welfare to work or other proposed grant activities;

(12) Your RMBD application must provide information about the RA or RO, including its history, staff qualifications, and its previous experience (two page limit). For proposed grant staffing, you must include a resume or summary of qualifications for all proposed grant staff:

Chart A—RMBD Program Staffing
Chart B—RMBD Applicant/Administrator Track Record
Chart C—Summary RMBD Budget line Items

(13) You must provide a summary of a proposed work plan to carry out proposed grant activities. This work plan must include tasks, budgeted amounts, and dates for all activities during the grant period.

Chart D—Budget Workplan Summary

(C) *Applications for Capacity Building or Conflict Resolution.* All applications for funding under this funding category must contain the following documents and information. Only threshold requirements, an not application submission requirements, will be used for determining eligibility for funding. (Please note that items 1–8 are threshold requirements for a threshold review that will be used to determine awards for this category; items 9–13 will not be used to select awardees):

(1) Written Agreement with Mediator. Only conflict Resolution applicants must develop a work plan with a professional mediator or "grass roots" mediation organization (mediation/partner) that outlines the roles and responsibilities of each party. The work plan must specify that the mediation/partner will train grantee staff and/or volunteers such that the grantee will be capable of providing mediation assistance independently by the end of the grant term.

(2) Mediation Experience/Referral Agreement. Only conflict Resolution applicants must provide evidence that their mediator/partner has at least one year of experience in providing mediation services and at least one year of mediation training. Include either one referral agreement with a judicial, law enforcement, or social service agency such as the court system or Welfare Department for mediation of public housing residents, or a narrative description of direct experience with public or assisted housing residents.

(3) Except for Tribes/TDHEs, applicant Nonprofit Status. You must provide evidence that your organization has registered with the State as a nonprofit corporation or has 501(c) nonprofit corporation status with the United States Internal Revenue Service at the time of application submission.

(4) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25% of the grant amount. See Section VI(A)(5) of this program section of the SuperNOFA.

(5) List of RAs or ROs Receiving Support. In CB and CR applications, you must list in your application the name of the RAs or ROs that will receive training, technical assistance and/or coordinated supportive services and you must submit letters of support from each entity identified in your application.

(6) For applicants other than Tribes/TDHEs, you must provide either a signed certification from HUD or an Independent Public Accountant that your financial management system and procurement procedures fully comply with 24 CFR part 84 or part 85, or your application must contain a signed Contract Administrator Partnership Agreement that you will use the services of a Contract Administrator in administering your grant. Applicants that are troubled PHAs are required to provide written agreement that a Contract Administrator has been retained for the term of the grant. In cases where the Contract Administrator is the PHA the Contract Administration responsibilities can be incorporated into the MOU discussed below.

(7) Your application must contain a signed Memorandum of Understanding (MOU) between the RA or RO and PHA or tribe/TDHE which describes the specific roles, responsibilities and activities to be undertaken by all parties to the MOU. Your MOU, at a minimum must identify the principal parties (i.e. the name of the PHA or tribe/TDHE and IRO/nonprofit, the terms of agreement), expectations or terms for each party, and indicate that the agreement pertains to the support of your grant application. This document is the basis for the foundation of the relationship between the IRO/nonprofit and PHA or tribe/TDHE. The MOU must be precise and outline the specific duties and objectives to be accomplished under the grant. All MOUs must be finalized, dated and signed by duly authorized officials of both the IRO/nonprofit and PHA or tribe/TDHE upon submission of the application.

(8) You must provide written evidence (e.g., through an executed space use agreement if the facility is to be provided by an entity other than the PHA or tribe/TDHE) that proposed CB/CR activities or training will take place. The community facilities must be within easy transportation access (i.e., walking or by direct (no transfers required), convenient, inexpensive and reliable transportation of the property represented by the PHA or tribe/TDHE. The written agreement must certify that community facilities meet the structural accessibility requirement of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

The following are application submission requirements. Only threshold requirements, and not application submission requirements, will be used to determine eligibility for first-come first serve funding.

(9) Explanations for proposed grant activities must be provided by narrative statements or descriptions as well as the forms indicated below:

(10) Needs Assessment. For the CB and CR grant applications you must provide a narrative description of proposed activities that addresses the following information:

(i) A description of the geographic boundaries of the RAs, ROs or RMCs included in the application;

(ii) A description of the public housing community;

(iii) A detailed description of the issues or problems involved with each RA or RO to be served by the grant; and

(iv) The resources that are currently being devoted to the problem or issue under consideration.

(11) Proposed Program Activities. CB/CR grant applications must include a narrative description describing the activities that you will carry out with CB/CR grant funds. Your description must include specific goals, objectives and program strategies that will result in successful proposed grant activities;

(12) Experience and Staffing. Your CB/CR grant application must provide information about the your organization, including its history, staff qualifications, and its previous experience (two page limit). For proposed grant staffing, you must include a resume or summary of qualifications for all proposed grant staff:

Chart A—CB/CR Program Staffing
Chart B—CB/CR Applicant/Administrator Track Record
Chart C—Summary CB/CR Budget Line Items

(13) Budget and Cost Information. You must provide a summary of your proposed work plan to carry out your proposed grant activities. The work plan must include tasks/activities, budgeted amounts, and start and end dates for all activities during the grant period.

Chart D—Budget Workplan Summary

(D) *Application Submission Requirements for Resident Service Delivery Models.* All applications for funding under this funding category must contain the following documents and information (Please note that items 1–10 are threshold requirements for a threshold review will be used to determine scoring of rating and ranking factors for this category):

(1) Your application must contain a written certification that at least 51 percent of the public housing residents to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding four years, assistance or services funded under the TANF, SSI, or food stamp programs.

(2) Elderly and/or Persons with Disabilities Housing Development Certification. A certification that at least 25% of the residents of the development(s) proposed for grant activities are elderly and/or non-elderly people with disabilities at the time of application.

(3) Accessible Community Facility. You must provide evidence (e.g., through an executed use agreement if the facility is to be provided by an entity other than the PHA or tribe/TDHE) that a majority of the proposed activities will be administered at community facilities within easy transportation access (i.e., walking or by direct (no transfers required), convenient, inexpensive and reliable transportation of the property represented by the PHA or tribe/TDHE. The written agreement must certify that the community facilities meet the structural accessibility requirements of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

(4) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25% of the grant amount. See Section VI(A)(5) of this program section of the SuperNOFA.

(5) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less that 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition.

(6) Except for PHA's or tribes/TDHEs, you must provide either a signed certification from HUD or an Independent Public Accountant that your financial management system and procurement procedures fully comply with 24 CFR part 84 or 85, or your application must contain a signed Contract Administrator Partnership Agreement that you will use the services of a Contract Administrator in administering your grant. Applicants that are troubled PHAs are required to provide evidence that a Contract Administrator has been retained for the term of the grant. In cases where the Contract Administrator is the PHA the Contract Administration responsibilities can be incorporated into the MOU discussed below.

(7) Applicant Non-Profit Status. Except for PHAs or tribes/TDHEs, you must provide evidence that the applicant is registered with the State as a nonprofit corporation or has 501(c) status with the United States Internal Revenue Service at the time of application submission. Evidence of State registration shall be a copy of the certificate of incorporation or certificate of good standing from the State Government (i.e. Secretary of State or Secretary of Corporations). Evidence of 501(c) status shall be a copy of the IRS 501(c) designation.

(8) Certification of Resident Council Board Elections;

(9) List of RAs or ROs Receiving Support. In RSDM applications you must list in your application the name of the RAs or ROs that will receive training, technical assistance and/or coordinated supportive services and must submit letters of support from each entity identified in your application.

(10) Responses to Factors of Award may be narrative statements or descriptions and the forms indicated below:

Factor 1—Capacity of the Applicant and Relevant Organizational Experience;
Chart A—Program Staffing
Chart B—Applicant/Administrator Track Record
Factor 2—Need/Extent of the Problem;
Chart C—Summary Budget line Items
Chart D—Budget Workplan Summary
Factor 3—Soundness of Approach;
Factor 4—Leveraging Resources; and
Factor 5—Comprehensiveness and Coordination.
Certification of Consistency with the Consolidated Plan

Bonus Points
Certification of Consistency with the EZ/EC Strategic Plan
Certification of an Apprenticeship Program

(E) *Application Submission Requirements for Service Coordinators for the Elderly and Persons with Disabilities.* All applications for funding under this funding category must contain the following documents and information (Please note that items 1–4 are threshold requirements for a threshold review to be used to determine renewal funding for this category):

(1) Elderly Housing Development Certification. A certification that at least 25% of the residents of the development(s) proposed for grant activities are elderly and/or non-elderly people with disabilities at the time of application.;

(2) Accessible Community Facility. The application must provide evidence (e.g., through an executed use agreement or MOU if the facility is to be provided by an entity other than the PHA. The majority of the proposed activities will be administered at community facilities within easy transportation access, i.e., walking or by direct (no transfers required), convenient, inexpensive and reliable transportation, to the property represented by the PHA. Your executed use agreement or MOU must specifically state that the community facilities meet the structural accessibility requirements of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

(3) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25% of the grant amount. See Section VI(A)(5) of this program section of the SuperNOFA.

(4) SC Request Letter Format;

The following are application submission requirements. Only threshold requirements, and not application submission requirements, will be used for determining eligibility for renewal funding.

(5) Evidence of comparable salaries in local area;

(6) Lead Agency letter format (if appropriate);

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

It is anticipated that most activities under this ROSS funding will be categorically excluded under 24 CFR 58.34(a)(3) or (a)(9), 58.35(b)(2) or (b)(4), 50.19(b)(3), (b)(9), (b)(12), or (b)(14). An applicant proposing any acquisition, including long-term leasing, disposition, or physical development activities is prohibited from rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-HUD funds for these types of program activities, until one of the following has occurred:

(1) If the grantee is not a PHA or tribes/TDHEs, HUD has completed an environmental review to the extent required by 24 CFR part 50, prior to grant award.

(2) If the grantee is a PHA or tribe/TDHE, HUD has approved the grantee's Request for Release of Funds (HUD Form 7015.15) following a Responsible Entity's completion of an environmental review under 24 CFR part 58, where required, or if HUD has determined in accordance with § 58.11 to perform the environmental review itself under part 50, HUD has completed the environmental review.

IX. Authority

Section 34 of the U.S. Housing Act of 1937 and 24 CFR 964.

Appendix A

The non-standard forms, which follow, are required for the ROSS application.

BILLING CODE 4210-29-P

OMB Approval No. 2577-0221

RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2001 FUNDING COVER SHEET

Funding Category (Check only ONE):

_____ **Resident Management and Business Development**
_____ **Capacity Building**
_____ **Conflict Resolution**
_____ **Resident Service Delivery Models – Family**
_____ **Resident Service Delivery Models –Elderly/Disabled**
_____ **Service Coordinators**

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Conflict Resolution
_____ Resident Service Delivery Models - Family
_____ Resident Service Delivery Models - Elderly/Disabled
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

HUD-2001-ROSS (01/01)

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ROSS FY 2001 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

_____

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Signed this _____ day of _____, 2001.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

ROSS FY 2001 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2001.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

☐ Table of Contents	_____	_____
☐ Application Checklist	_____	_____
☐ Application for Federal Assistance (Form SF-424)	_____	_____
☐ Federal Assistance Funding Matrix (Form HUD-424M)	_____	_____
☐ Standard Form for Budget Information—Non-Construction Programs (Form SF-424A)	_____	_____
☐ Assurances—Non-Construction Programs (Form SF-424B)	_____	_____
☐ ROSS Fact Sheet	_____	_____
☐ ROSS Program Summary	_____	_____

TAB 1: Threshold Requirements

☐ Threshold Checklist	_____	_____
☐ RMBD Certification on Residents Affected by Welfare Reform	_____	_____

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECK LIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

- ☐ Memorandum of Understanding (MOU) for Partnership between Applicant and PHA/tribe/TDHE _____ _____
- ☐ Accessible Community Facility - Executed Use Agreement _____ _____
- ☐ Match Agreements – Not less than 25% of grant requested _____ _____
- ☐ Certification of Compliance with 24 CFR Part 84 or Contract Administrator Signed Statement (not tribes/TDHEs) _____ _____
- ☐ Proof of Applicant Nonprofit Status – Copy of Certification of Incorporation or Good Standing from the State or Copy of IRS 501 (c) designation (not tribes/TDHEs) _____ _____
- ☐ Certification of Resident Council Board Election _____ _____
- ☐ List of RAs To Receive Support and Letters of Support from RAs _____ _____
- ☐ Physical Improvements (Only for applicants proposing physical improvements) _____ _____
  –A description of the renovation or conversion to be conducted, along with a budget and timetable for those activities.
  –A firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less than 2 years following the completion of renovation, conversion, or repair activities funded under this competition.
- ☐ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements _____ _____

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECK LIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 2: Program Description and Budget

- ☐ Program Activities Description—Narrative _____ _____
- ☐ Your Resident Organization and it's History—Narrative _____ _____
- ☐ Chart A: RMBD Program Staffing _____ _____
- ☐ Resumes or summary of proposed staff's qualifications _____ _____
- ☐ Chart B: RMBD Applicant/Administrator Track Record _____ _____
- ☐ Chart C: RMBD Summary Budget Line Items _____ _____
- ☐ Summary of Proposed Work Plan _____ _____
- ☐ Chart D: RMBD Budget Work Plan Summary, Parts I and II _____ _____

TAB 3: Other Certifications and Assurances
(See Part VII of this Application Kit for all forms in this tab.)

- ☐ Certification for a Drug-Free Workplace (Form HUD–50070) _____ _____
- ☐ Certification of Payments to Influence Federal Transactions (Form HUD-50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A) _____ _____
- ☐ Applicant/Recipient Disclosure/Update Report (Form HUD-2880) _____ _____
- ☐ Certification Regarding Debarment and Suspension (Form HUD–2992) _____ _____
- ☐ Acknowledgment of Application Receipt (Form HUD-2993) _____ _____

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section VI (A) & (B) (1-9) and SuperNOFA, General Section II.) *Note: Items marked with an * do not apply to tribes/TDHEs.*

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification on Residents Affected by Welfare Reform	_____	_____
2. Memorandum of Understanding (MOU) for Partnership between Applicant and PHA/tribe/TDHE	_____	_____
3. Accessible Community Facility - Executed Use Agreement or MOU	_____	_____
4. Match Agreements	_____	_____
5. *Certification of Compliance with 24 CFR Part 84 or Contract Administrator Signed Statement	_____	_____
6. *Proof of Applicant Nonprofit Status (State or IRS)	_____	_____
7. Certification of Resident Council Board Election	_____	_____
8. List of RAs to Receive Support and Letters of Support From RAs (CWRO applicants only)	_____	_____
9. Physical Improvements--Description, Budget, Timetable, and Firm Commitments for Service Provision (Only for applicants proposing physical improvements)	_____	_____
10. Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements	_____	_____

HUD-2001-ROSS (01/01)

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ROSS FY 2001 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. Your RMBD application must contain the following written certification that at least 51% of residents to be included in your proposed program are affected by welfare reform.

RMBD CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed RMBD grant.

_____

_____

_____

This proposed RMBD grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of the residents to served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ ,2001.

By: _____
President of Resident Organization or other Authorized Representative

For: _____
Applicant Name

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Applicant: _____ **Date:** _____

6. Proof of Applicant Nonprofit Status. You must submit evidence that your organization is registered with the State as a nonprofit corporation at the time of application submission or 501 (c) status with the United States Internal Revenue Service. Evidence of State incorporation/registration for all applicants shall be a copy of the Certificate of Incorporation or Certificate of Good Standing from the State government (Secretary of State or Secretary of Corporations). Evidence of 501(c) status shall be a copy of the IRS 501(c) designation.

7. Certification of Resident Council Board Election. You must submit certification of the Resident Organization board election as required by HUD, signed by the local PHA and/or an independent third-party monitor and notarized.

CERTIFICATION OF RESIDENT COUNCIL BOARD ELECTION

I CERTIFY that _____
(name of organization)

located in _____ has duly elected
(city & state)

all of the Resident Council Officers as required by the U.S. Department of Housing and Urban Development, 24 Code of Federal Regulations, Part 964.

Date of Last Resident Council Board Election: _____.

_____
(Name and Title of Certifying Housing Agency Official)

_____
(Signature) (Date)

_____
(Name and Title of Independent Third-Party Monitor)

_____
(Signature) (Date)

_____
NOTARY (Signature & Date)

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

FY 2001 Resident Management and Business Development Applicant:

(Only City-Wide Resident Organization Applicants Need to Complete and Submit this Chart)

| | | |

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OMB Approval No. 2577-0221

FY 2001 Resident Management and Business Development

List of Resident Associations Participating with Ingenuity Fellows

(Only City-Wide Resident Organization Applicants Need to Complete and Submit this Chart)

Applicant:

PHA/Tribe

Name of the Resident Association	Contact Person	Address	City & State

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements

I CERTIFY that the proposed RMBD activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in the RMBD application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

4. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975*, and section 109 of the *Housing and Community Development Act of 1974*.

5. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2001.

By: _____
President of Resident Organization or Other Authorized Representative

For: _____
Applicant

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Applicant Name:

Chart A: RMBD Program Staffing

I. Applicant (RA or CWRO)				
Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant
II. CONTRACT ADMINISTRATOR				
Contract Administrator to be Solicited		Role in Grant Program	Estimated Cost to Grant Program	
III.CONSULTANT(S)/TRAINERS/SVC. PROVIDERS/OTHER EXPERTS			Estimated Cost to Grant Program	
Consultants/Trainers to be Solicited		Role in Grant Program		

HUD-2001-ROSS (01/01)

OMB Approval No 2577-0221

Chart B: RMBD Applicant/Administrator Track Record

Applicant:

Program	Project No.	% of Time Elapsed	% of Funds Drawn Down	Major Goal #1	% Complete	Major Goal #2	% Complete

HUD-2001-ROSS (01/01)

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HUD-2001-ROSS (01/01)

Chart B: RMBD Applicant/Administrator Track Record

Applicant:

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

CHART C
RMBD BUDGET LINE ITEM SUMMARY

Applicant Name:_____ **Date:**_____

Please check the following as appropriate for your proposed program.

Resident Management and Business Development

____	**1010**	**Physical Improvements**
____	**1020**	**Resident Business Development**
____	1021	Develop Business Plan
____	1022	Conduct Market Analysis
____	1023	Licensing, Insurance Bonding
____	1024	Training Related to Resident Owned Business
____	1025	Establishment of Resident Managed Business Development
____	1026	Technical Assistance
____	**1030**	**Resident Organization Development Activities**
____	1031	Organize Community
____	1032	Operating Procedures
____	1033	Develop MOU
____	1034	Develop Plan for Technical Assistance
____	1035	Consultant Contracts
____	1036	Self Sufficiency Programs
____	**1040**	**Resident Management**
____	1041	Conduct Feasibility Study
____	1042	Secure Training/Skills/Expertise
____	1043	Develop MOU
____	1044	Secure T/A to Draft Contract
____	1045	Negotiate Contract with PHA
____	1046	Conduct Resident Training/Preparation
____	**1050**	**Self Sufficiency Program**
____	1051	Employment and Job Readiness
____	1052	Job Training
____	1053	Management Related Employment Training
____	1054	Vocational Training
____	1055	Technical Assistance
____	**1060**	**Supportive Services**
____	**9100**	**Travel Costs**
____	**9200**	**Other Resident Costs (Stipends, Reimbursements)**
____	**9300**	**Contract Administrator**
____	**9400**	**Administrative and Other Costs**

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

CHART D: RSDM Budget Work Plan Summary – Part I

Applicant Name:

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2010 Physical Improvements TOTAL: $				
2020 Entrepreneur Bus. Dev. TOTAL: $				
2021 Establish a Revolving Loan Fund				
2022 Develop a Credit Union				
2030 Business Development TOTAL: $				
2031 Develop Business Plan				
2032 Conduct Market Analysis				
2033 Secure Licensing, Insurance, Bonding				

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: Housing Authority, Contractor, Subgrantee, or other partners)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2034 Training Related to Resident Owned Business				
2035 Establishment of Resident Managed Business Development				
2040 Resident Organization Development Activities TOTAL: $				
2041 Organize Community				
2042 Operating Procedures				
2043 Develop MOU				
2044 Develop Plan for Technical Assistance				

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2045 Consultant Contracts				
2046 Self Sufficiency Programs				
2050 Resident Management TOTAL: $				
2051 Conduct Feasibility Study				
2052 Secure Training/Skills/ Expertise				
2053 Develop MOU				
2054 Consultant				

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2055 Secure T/A to Draft Contract				
2056 Negotiate Contract with PHA				
2057 Conduct Resident Training Preparation				
2060 Self Sufficiency Program TOTAL: $				
2061 Program Coordinator				
2062 Physical improvements				
2063 Employment and Job Readiness				

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

CHART D: RSDM Budget Work Plan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2064 Job Training				
2065 Management Related Employment Training				
2066 Vocational Training				
2067 Technical Assistance				
2070 Family Supportive Svs TOTAL: $				
2005 Program Coordinator TOTAL: $				
2870 Elderly Supportive Svs TOTAL: $				
9100 Travel Costs TOTAL: $				
9200 Other Resident Costs (Stipends, Reimbursements) TOTAL: $				

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

CHART D: RSDM Budget Work Plan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
9300 Contract Administrator TOTAL: $				
9400 Admin. & Other Costs TOTAL : $				

Chart D: RSDM Budget Work Plan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	RSDM GRANT TOTAL
2005 Program Coordinator	$
2010 Physical Improvements	$
2020 Entrepreneur Business Development	$
2030 Business Development	$
2040 Resident Organization Development Activities	$
2050 Resident Management	$
2060 Self Sufficiency Programs	$
2070 Family Supportive Services	$
2870 Elderly Supportive Services	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
1060 Supportive Services	$
9100 Travel Costs	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all RSDM Funds Requested	$

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2001 FUNDING COVER SHEET

Funding Category (Check only ONE):

_____ **Resident Management and Business Development**
_____ **Capacity Building**
_____ **Conflict Resolution**
_____ **Resident Service Delivery Models – Family**
_____ **Resident Service Delivery Models –Elderly/Disabled**
_____ **Service Coordinators**

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Conflict Resolution
_____ Resident Service Delivery Models - Family
_____ Resident Service Delivery Models - Elderly/Disabled
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____

_____

_____

_____

_____

_____

_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

_____

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Signed this _____ day of _____, 2001.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

ROSS FY 2001 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING

CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2001.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

Cover Materials
(See Part II of this application kit for forms in this tab.)

- ☐ Table of Contents _____ _____
- ☐ Application Checklist _____ _____
- ☐ Application Cover Sheet _____ _____
- ☐ Application for Federal Assistance (Standard Form SF-424) _____ _____
- ☐ Federal Assistance Funding Matrix (Form HUD-424M) _____ _____
- ☐ Budget Information —Non-Construction Programs (Standard Form SF-424A) _____ _____
- ☐ Assurances—Non-Construction Programs (Standard Form SF-424B) _____ _____
- ☐ ROSS Fact Sheet _____ _____
- ☐ ROSS Program Summary _____ _____

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CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

APPLICATION CHECKLIST (continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 1: Threshold Requirements

- ☐ Threshold Checklist _____ _____
- ☐ Written Agreement With Mediator (Conflict Resolution only) _____ _____
- ☐ Mediation Experience Certification AND one referral agreement with a judicial, law enforcement, or social service agency OR a narrative on direct experience with public or assisted housing residents. (Conflict Resolution only) _____ _____
- ☐ Proof of Applicant Nonprofit Status – Copy of Certification of Incorporation or Good Standing from the State or Copy of IRS 501(c) designation (not for tribes/TDHEs) _____ _____
- ☐ Match Agreements – Not less than 25% of grant requested _____ _____
- ☐ List of RAs to Receive Support and Letters of Support from RAs _____ _____
- ☐ Certificate of Compliance with either 24 CFR Part 84 or Contract Administrator Signed Statement (not for tribes/TDHEs) _____ _____
- ☐ MOU between Applicant and PHA/tribe/TDHE _____ _____
- ☐ Accessible Community Facility – Description or Executed Use Agreement (if facility provided is not a PHA) _____ _____
- ☐ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements _____ _____

TAB 2: Program Description and Budget

- ☐ Needs Assessment Report _____ _____
- ☐ Program Activities Description _____ _____
- ☐ Experience and Staffing—Narrative _____ _____
- ☐ Chart A: CB/CR Program Staffing _____ _____

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CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

APPLICATION CHECKLIST (continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
☐ Resumes or Summary of Proposed Staff's Qualifications	_____	_____
☐ Chart B: Applicant Track Record	_____	_____
☐ Work Plan Summary	_____	_____
☐ Chart C: Summary Budget Line Items	_____	_____
☐ Chart D: Budget Workplan Summary, Parts I and II	_____	_____
TAB 3: Other Certifications and Assurances (See Part VII of this Application Kit for all forms in this tab.)		
☐ Certification for a Drug-Free Workplace (Form HUD–50070)	_____	_____
☐ Certification of Payments to Influence Federal Transactions (Form HUD-50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A)	_____	_____
☐ Applicant/Recipient Disclosure/Update Report (Form HUD-2880)	_____	_____
☐ Certification Regarding Debarment and Suspension (Form HUD–2992)	_____	_____
☐ Acknowledgement of Application Receipt (Form HUD-2993)	_____	_____

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ROSS FY 2001 FUNDING
CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

THRESHOLD CHECKLIST

Applicant:_____ **Date:**_____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See ROSS NOFA, Section VI (A) & (C) and General SuperNOFA Section II). *Note: Items marked with an * do not apply to tribes/TDHEs.*

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Written Agreement with Mediator (CR only)	_____	_____
2. Mediation Experience Certification AND one referral agreement with a judicial, Law enforcement, or social service agency OR a narrative on direct experience with public or assisted housing residents. (Conflict Resolution only)	_____	_____
3. *Proof of Applicant Nonprofit Status – Copy of Certification of Incorporation or Good Standing from the State or Copy of IRS 501(c) designation	_____	_____
4. Match Agreements—Not less than 25% of grant requested	_____	_____
5. List of RAs to Receive Support and Letters of Support from RAs	_____	_____
6. *Certificate of Compliance with either 24 CFR Part 84 or Contract Administrator Signed Statement	_____	_____
7. MOU between Applicant and PHA/tribe/TDHE	_____	_____
8. Accessible Community Facility – Description or Executed Use Agreement (if facility provided is not a PHA)	_____	_____
9. Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements	_____	_____

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ROSS FY 2001 FUNDING
CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

CERTIFICATE OF MEDIATION EXPERIENCE

All Conflict Resolution applicants must provide the following certification of their mediation/PHA partner's experience with providing mediation services and mediation training/grass roots intervention experience. All applicants must also attach either one referral agreement with a judicial, law enforcement, or social service agency such as the court system or Welfare Department for mediation referral of public housing residents, or a narrative description of direct experience with public or assisted housing residents.

The Applicant _____ certifies that:

____ All mediator/PHA partners must have at least 1 year of experience in providing mediation services.

AND

____ All mediator/PHA partners must have at least 1 year of experience in providing mediation training and/or effective grass roots intervention experience.

_____ _____
Applicant Signature Date

_____ _____
Partner Agency Name Date

_____
Partner Signature

_____ _____
Partner Agency Name Date

_____
Partner Signature

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Applicant: _____

FY 2001 Capacity Building/Conflict Resolution

List of Resident Associations Participating		
Name of the Resident Association	Address, City & State	Housing Authority/Tribe

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ROSS FY 2001 FUNDING
CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements

I CERTIFY that the proposed CB or CR activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

4. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975*, and section 109 of the *Housing and Community Development Act of 1974*.

5. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2001.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For: _____

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Chart A: CB/CR PROGRAM STAFFING Applicant Name: _____

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant

Estimated Cost to Grant Program

Type of Contractor to be Solicited	Role in Grant Program	

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Chart A: CB/CR PROGRAM STAFFING Applicant Name:

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant

II. CONTRACTOR ROLE Estimated Cost to Grant Program

Type of Contractor to be Solicited	Role in Grant Program

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Chart B: CB/CR Applicant Track Record

Applicant:

Program	Project Number	Activities to be Completed	Major Goal #1	Major Goal #2	Percent Complete	Percent Complete

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Chart B: CB/CR Applicant Track Record

Applicant:

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ROSS FY 2001 FUNDING
CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

CHART C
CB/CR SUMMARY BUDGET LINE ITEMS

Applicant Name:_____ **Date:**_____

Check the appropriate line items for the grant for which you are applying.

Capacity Building

_____	**3000**	**Capacity Building Activities**
_____	3010	Training
_____	3011	Consultants
_____	3012	Other
_____	**9100**	**Travel Costs**
_____	**9300**	**Contract Administrator**
_____	**9400**	**Administrative Costs**

Conflict Resolution

_____	**4000**	**Mediation Activities**
_____	4010	Establishment of Violence Free Zones
_____	4011	Youth Services Activities
_____	4012	Resident/PHA Issues
_____	4013	Development of Materials
_____	4014	Training for Mediation/Reconciliation
_____	4015	Technical Assistance to RAs
_____	**9100**	**Travel Costs**
_____	**9300**	**Contract Administrator**
_____	**9400**	**Administrative Costs**

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CHART D: BUDGET WORK PLAN SUMMARY –PART I (Capacity Building or Conflict Resolution) **Applicant Name:**

BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB/CR GRANT FUNDS	NON-CB/CR PARTNER FUNDS	ACTIVITY START/END DATE
3000 Capacity Building Activities **TOTAL: $**				
3010 Training				
3011 Consultants				
3012 Other				
9100 Travel Costs **TOTAL: $**				
9300 Contract Administrator **TOTAL: $**				
9400 Administrative Costs **TOTAL: $**				

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CHART D: BUDGET WORK PLAN SUMMARY-PART I (Continued)

BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB/CR GRANT FUNDS	NON-CB/CR PARTNER FUNDS	ACTIVITY START/END DATE
4000 Mediation Activities **TOTAL: $**				
4010 Establishment of Violence Free Zones				
4011 Youth Services Activities				
4012 Resident/PHA Issues				
4013 Development of Materials				
4014 Training for Mediation/ Reconciliation				
4015 Technical Assistance to RAs				

CHART D: BUDGET WORK PLAN SUMMARY-PART I (Continued)

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BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB/CR GRANT FUNDS	NON-CB/CR PARTNER FUNDS	ACTIVITY START/END DATE
9100 Travel Costs **TOTAL: $**				
9300 Contract Admin. **TOTAL: $**				
9400 Administrative Costs **TOTAL: $**				

Chart D: CB/CR Budget Work Plan Summary - Part II (Capacity Building)
Please insert below the totals for each Summary Budget Line Item to be included in your Capacity Building grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	CB GRANT TOTAL
3000 Capacity Building Activities	$
9100 Travel Costs	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all Capacity Building Funds Requested	$

Chart D: CB/CR Budget Work Plan Summary - Part II (Conflict Resolution)
Please insert below the totals for each Summary Budget Line Item to be included in your Conflict Resolution grant. These totals can be found in the far left column on Part I of Chart D.

SUMMARY BUDGET LINE ITEMS	CR GRANT TOTAL
4000 Mediation Services	$
9100 Travel Costs	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all Conflict Resolution Funds Requested	$

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RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2001 FUNDING
COVER SHEET

Funding Category (Check only ONE):

_____ **Resident Management and Business Development**
_____ **Capacity Building**
_____ **Conflict Resolution**
_____ **Resident Service Delivery Models – Family**
_____ **Resident Service Delivery Models –Elderly/Disabled**
_____ **Service Coordinators**

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

HUD-2001-ROSS (01/01)

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ROSS FY 2001 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Conflict Resolution
_____ Resident Service Delivery Models - Family
_____ Resident Service Delivery Models - Elderly/Disabled
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

**Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).

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ROSS FY 2001 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

_____

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ROSS FY 2001 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Signed this _____ day of _____, 2001.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

HUD-2001-ROSS (01/01)

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ROSS FY 2001 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

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ROSS FY 2001 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

TOTAL _____ _____

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ROSS FY 2001 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2001.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

- ☐ Application Checklist _____ _____
- ☐ Application Cover Sheet _____ _____
- ☐ Application for Federal Assistance (Standard Form SF-424) _____ _____
- ☐ Federal Assistance Funding Matrix (Form HUD-424M) _____ _____
- ☐ Standard Form for Budget Information Non-Construction Programs (SF-424A) _____ _____
- ☐ Assurances – Non-Construction Programs (Form SF-424B) _____ _____
- ☐ ROSS Fact Sheet _____ _____
- ☐ ROSS Program Summary _____ _____

TAB 1: Threshold Requirements

- ☐ Threshold Checklist _____ _____
- ☐ Certification on Resident Affected by Welfare Reform (Family RSDM Applicants Only) _____ _____

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ROSS FY 2001 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
☐ Elderly Housing Development Certification (Elderly RSDM Applicants Only)	_____	_____
☐ Accessible Community Facility –Description or Executed Use Agreement (if facility provided is not a PHA)	_____	_____
☐ Match Agreements-Not less than 25% of grant requested	_____	_____
☐ Physical Improvements (Only for applicants proposing physical improvements) –A description of the renovation or conversion to be conducted, along with a budget and timetable for those activities –A firm commitment of assistance from one or more sources enduring that supportive services will be provided for not less than 2 years following the completion of renovation, conversion, or repair activities.	_____	_____
☐ Certificate of Compliance with either 24 CFR Part 84 or 85 or Contract Administrator Signed Statement (not for Tribes/TDHEs or non-troubled PHAs)	_____	_____
☐ Proof of Nonprofit Status (RA, IRO, and Nonprofit Applicants Only). IROs must have 501 (c) status.	_____	_____
☐ Certification of Resident Council Board Election (RA Applicants Only)	_____	_____
☐ List of RAs to Be Served and Letters of Support from RAs	_____	_____
☐ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements Certification	_____	_____
TAB 2: Capacity of the Applicant and Relevant Organizational Experience		
☐ Chart A: Program Staffing	_____	_____
☐ Narrative on proposed staffing and coordination among service providers	_____	_____

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ROSS FY 2001 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
☐ Chart B: Applicant/Administrator Track Record	_____	_____
☐ Organization Chart	_____	_____
☐ Staff Position Descriptions	_____	_____
☐ Staff Resumes or Background/ Experience Descriptions	_____	_____
☐ Narrative on program administration and fiscal management structure	_____	_____
TAB 3: Needs/Extent of Problem		
☐ Needs Assessment Report	_____	_____
☐ Narrative on level of priority in Consolidated Plan/IHP	_____	_____
TAB 4: Soundness of Approach		
☐ Narrative describing proposed services	_____	_____
☐ Narrative on resident contracting and employment	_____	_____
☐ Chart C: Summary Budget Line Items	_____	_____
☐ Chart D: Budget Work Plan Summary, Parts I and II	_____	_____
☐ Narrative on program assessment	_____	_____
☐ Narrative on resident involvement and other partnerships	_____	_____
☐ Narrative on relationship coordination	_____	_____
TAB 5: Leveraging Resources		
☐ Narrative on the contributions, roles, and responsibilities of each partner	_____	_____

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ROSS FY 2001 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
TAB 6: Comprehensiveness and Coordination		
☐ Narrative demonstrating review of Consolidated Plan/IHP	_____	_____
☐ Narrative on coordination w/ State/local welfare plan	_____	_____
☐ Narrative on coordination with other activities	_____	_____
☐ Certification of Consistency w/ the Consolidated Plan	_____	_____
☐ Certification of Consistency w/ the Indian Housing Plan (Tribes/TDHEs only)	_____	_____
TAB 7: Bonus Points		
☐ EZ/EC Certification	_____	_____
☐ Certification of an Apprenticeship Program	_____	_____
TAB 8: Other Certifications and Assurances (See Section VII of this Application Kit for all forms in this tab.)		
☐ Certification for a Drug-Free Workplace (Form HUD–50070)	_____	_____
☐ Certification of Payments to Influence Federal Transactions (Form HUD 50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A)	_____	_____
☐ Applicant/Recipient Disclosure/Update Report (Form HUD-2880)	_____	_____
☐ Certification Regarding Debarment and Suspension (Form HUD–2992)	_____	_____
☐ Acknowledgment of Application Receipt (Form HUD-2993)	_____	_____

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ROSS FY 2001 FUNDING
RESIDENT SERVICE DELIVERY MODELS

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section VI (A) & (D) and General SuperNOFA Section II).

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification on Residents Affected by Welfare Reform (Family applicants only)	_____	_____
2. Elderly Housing Development Certification (Elderly applicants only)	_____	_____
3. Accessible Community Facility Description or Executed Use Agreement (if facility provided is not a PHA)	_____	_____
4. Match Agreements	_____	_____
5. Physical Improvements (Only for applicants proposing physical improvements)	_____	_____
6. Certification of Compliance with either 24 CFR Part 84 or 85 or Contract Administrator Signed Statement (not for Tribes/TDHE or non-troubled PHAs)	_____	_____
7. Proof of Applicant Nonprofit Status (RA, IROs, and non- profit applicants only)	_____	_____
8. Certification of Resident Board Election (RA applicants only)	_____	_____
9. List of RAs to be Served and Letters of Support from RAs	_____	_____
10. Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements Certification	_____	_____

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ROSS FY 2001 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. This requirement is not applicable to your program if it serves the elderly or persons with disabilities. Your Family RSDM application must contain a certification (using the certification provided below) that at least 51% of residents to be included in your proposed program are affected by welfare reform.

RSDM CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed RSDM grant.

_____

_____

_____

This proposed RSDM grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are either:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled persons, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ , 2001.

By: _____
Applicant Executive Director or other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

2. Elderly Housing Development Certification. You must certify that at least 25% of the residents in the development(s) proposed for the grant activities are elderly and/or non-elderly people with disabilities.

RSDM ELDERLY HOUSING DEVELOPMENT CERTIFICATION

I CERTIFY that _____% of the residents in the development(s) proposed for the grant activities are elderly and/or non-elderly people with disabilities at the time of the application; thereby meeting or exceeding the 25% requirement.

Signed this _____ day of _____, 2001.

By: _____
Applicant Executive Director or other Authorized Representative

For: _____
Applicant Name

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ROSS FY 2001 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

7. Applicant Nonprofit Status. Both RA and nonprofit applicants (other than Intermediary Resident Organizations) must submit evidence that the applicant is registered with the State as a nonprofit corporation at the time of application submission OR Section 501(c) nonprofit corporation status with the United States Internal Revenue Service at the time of application submission. IRO applicants, as a condition of their status as eligible applicants, must have and present IRS 501 (c) designation.

Evidence of State incorporation for all nonprofit applicants shall be a copy of the Certificate of Incorporation or Certificate of Good Standing from the State government (Secretary of State or Secretary of Corporations). Evidence of a nonprofit applicant's 501(c) status shall be a copy of the IRS 501(c) designation.

8. Certification of Resident Board Election. RA applicants must submit certification of the RA board election as required by HUD, signed by the local PHA and/or an independent third-party monitor and notarized.

Certification of Resident Council Board Election

I CERTIFY _____
(name of organization)

located in _____ has duly elected all
(city & state)

of Resident Council Officers as required by the U.S. Department of Housing and Urban Development, 24 Code of Federal Regulations (CFR), Part 964.

Date of Last Resident Council Board Election: _____

_____
(Name and Title of Certifying Housing Agency Official)

_____
(Signature) (Date)

_____
(Name and Title of Independent Third-Party Monitor)

_____
(Signature) (Date)

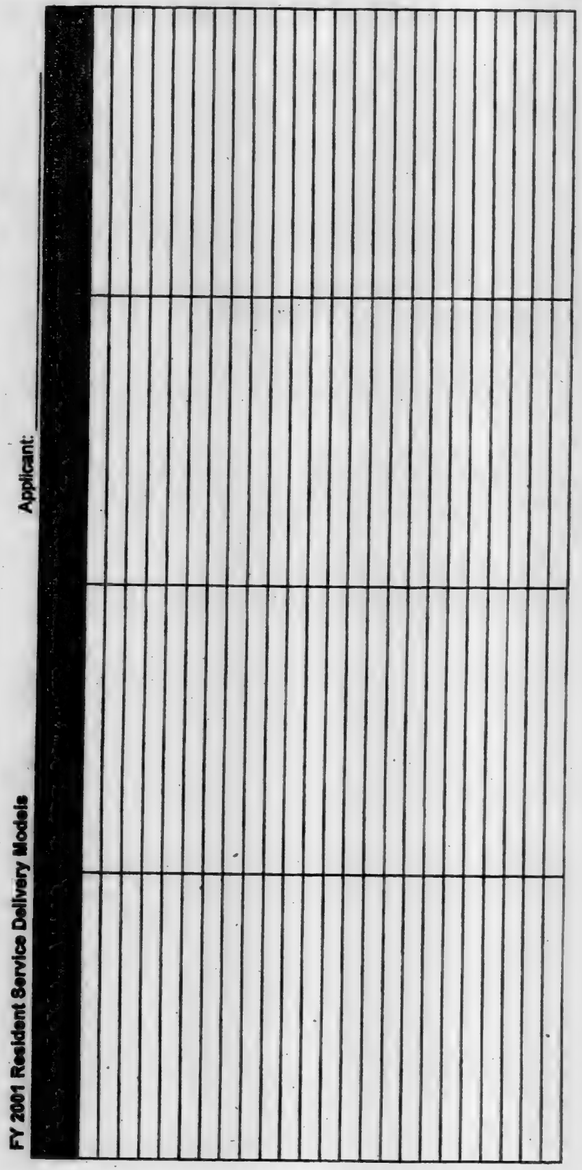
NOTARY (*Signature & Date*) _____

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Applicant: _____

FY 2001 Resident Service Delivery Models



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HUD-2001-ROSS (01/01)

FY 2001 Resident Service Delivery Models

Applicant:	1. Housing Authority/Tribe	Address, City, & State	
Name of the Resident Association	Developments to be Served	Total # of Residents in Developments to be Served	# of Residents to be Served

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ROSS FY 2001 FUNDING
RESIDENT SERVICE DELIVERY MODELS

CERTIFICATION OF CONSISTENCY AND COMPLIANCE WITH GENERAL SUPERNOFA THRESHOLD REQUIREMENTS

I CERTIFY that the proposed RSDM activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in the RMBD application to address the furtherance of fair housing.

3. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

4. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975*, and section 109 of the *Housing and Community Development Act of 1974*.

5. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2001.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For: _____
Applicant

HUD-2001-ROSS (01/01)

OMB Approval No. 2577-0221

Chart A: RSDM PROGRAM STAFFING

Applicant Name:

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant
Budget line item 2005 Program Coordination				
II.CONTRACTOR/CONSULTANT ROLE				Estimated Cost to Grant Program
Type of Contractor to be Solicited	Role in Grant Program			
III Cost of Administrator				
Budget Line Item 9300 Contract Administrator				

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ROSS FY 2001 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

CHART C
RMBD BUDGET LINE ITEM SUMMARY

Applicant Name:_____ **Date:**_____

Please check the following as appropriate for your proposed program.

Resident Management and Business Development

____	**1010**	**Physical Improvements**
____	**1020**	**Resident Business Development**
____	1021	Develop Business Plan
____	1022	Conduct Market Analysis
____	1023	Licensing, Insurance Bonding
____	1024	Training Related to Resident Owned Business
____	1025	Establishment of Resident Managed Business Development
____	1026	Technical Assistance
____	**1030**	**Resident Organization Development Activities**
____	1031	Organize Community
____	1032	Operating Procedures
____	1033	Develop MOU
____	1034	Develop Plan for Technical Assistance
____	1035	Consultant Contracts
____	1036	Self Sufficiency Programs
____	**1040**	**Resident Management**
____	1041	Conduct Feasibility Study
____	1042	Secure Training/Skills/Expertise
____	1043	Develop MOU
____	1044	Secure T/A to Draft Contract
____	1045	Negotiate Contract with PHA
____	1046	Conduct Resident Training/Preparation
____	**1050**	**Self Sufficiency Program**
____	1051	Employment and Job Readiness
____	1052	Job Training
____	1053	Management Related Employment Training
____	1054	Vocational Training
____	1055	Technical Assistance
____	**1060**	**Supportive Services**
____	**9100**	**Travel Costs**
____	**9200**	**Other Resident Costs (Stipends, Reimbursements)**
____	**9300**	**Contract Administrator**
____	**9400**	**Administrative and Other Costs**

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ROSS FY 2001 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Chart C
RSDM SUMMARY BUDGET LINE ITEMS

Applicant Name:_____ **Date:**_____

Please check specific budget amounts for each line item. These budget line items and amounts will be programmed into HUD's Line of Credit Control System (LOCCS) for designating and tracking uses of grant drawdowns.

BUDGET LINE ITEM		AMOUNT
2005	**Program Coordinator** (family or elderly)	_____
2010	**Physical Improvements**	_____
2020	**Entrepreneur Business Development**	_____
2021	Establishing A Revolving Loan Fund	_____
2022	Developing a Credit Union	_____
2030	**Business Development**	_____
2031	Develop Business Plan	_____
2032	Conduct Market Analysis	_____
2033	Secure Licensing, Insurance, Bonding	_____
2034	Training Related to Resident Owned Business	_____
2035	Establishment of Resident Managed Business Development	_____
2040	**Resident Organization Development Activities**	_____
2041	Organize Community	_____
2042	Operating Procedures	_____
2043	Develop MOU	_____
2044	Develop Plan for Technical Assistance	_____
2045	Consultant Contracts	_____
2046	Self Sufficiency Programs	_____
2050	**Resident Management**	_____
2051	Conduct Feasibility Study	_____
2052	Secure Training/Skills/Expertise	_____
2053	Develop MOU	_____
2054	Consultant	_____
2055	Secure T/A to Draft Contract	_____
2056	Negotiate Contract with PHA	_____
2057	Conduct Resident Training Preparation	_____

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SUMMARY BUDGET INFORMATION (continued)

2060	**Self Sufficiency Program**	
2061	Program Coordinator	
2062	Physical Improvements	
2063	Employment and Job Readiness	
2064	Job Training	
2065	Management Related Employment Training	
2066	Vocational Training	
2067	Technical Assistance	
2070	**Family Supportive Services**	
2870	**Elderly Supportive Services**	
9100	**Travel Costs**	
9200	**Other Resident Costs (Stipends, Reimbursements)**	
9300	**Contract Administrator**	
9400	**Administrative and Other Costs**	

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CHART D: RSDM Budget Work Plan Summary – Part I **Applicant Name:**

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2010 Physical Improvements TOTAL: $				
2020 Entrepreneur Bus. Dev. TOTAL: $				
2021 Establish a Revolving Loan Fund				
2022 Develop a Credit Union				
2030 Business Development TOTAL: $				
2031 Develop Business Plan				
2032 Conduct Market Analysis				
2033 Secure Licensing, Insurance, Bonding				

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CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: Housing Authority, Contractor, Subgrantee, or other partners)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2034 Training Related to Resident Owned Business				
2035 Establishment of Resident Managed Business Development				
2040 Resident Organization Development Activities TOTAL: $				
2041 Organize Community				
2042 Operating Procedures				
2043 Develop MOU				
2044 Develop Plan for Technical Assistance				

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CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2045 Consultant Contracts				
2046 Self Sufficiency Programs				
2050 Resident Management TOTAL: $				
2051 Conduct Feasibility Study				
2052 Secure Training/Skills/ Expertise				
2053 Develop MOU				
2054 Consultant				

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CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2055 Secure T/A to Draft Contract				
2056 Negotiate Contract with PHA				
2057 Conduct Resident Training Preparation				
2060 Self Sufficiency Program TOTAL: $				
2061 Program Coordinator				
2062 Physical Improvements				
2063 Employment and Job Readiness				

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CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2064 Job Training				
2065 Management Related Employment Training				
2066 Vocational Training				
2067 Technical Assistance				
2070 Family Supportive Svs TOTAL: $				
2805 Program Coordinator TOTAL: $				
2870 Elderly Supportive Svs TOTAL: $				
9100 Travel Costs TOTAL: $				
9200 Other Resident Costs (Stipends, Reimbursements) TOTAL: $				

HUD-2001-ROSS (01/01)

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CHART D: RSDM Budget Work Plan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
9300 Contract Administrator **TOTAL: $**				
9400 Admin. & Other Costs **TOTAL: $**				

Chart D: RSDM Budget Work Plan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant.
These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	RSDM GRANT TOTAL
2005 Program Coordinator	$
2010 Physical Improvements	$
2020 Entrepreneur Business Development	$
2030 Business Development	$
2040 Resident Organization Development Activities	$
2050 Resident Management	$
2060 Self Sufficiency Programs	$
2070 Family Supportive Services	$
2870 Elderly Supportive Services	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
1060 Supportive Services	$
9100 Travel Costs	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all RSDM Funds Requested	$

HUD-2001-ROSS (01/01)

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ROSS FY 2001 FUNDING
RESIDENT SERVICE DELIVERY MODELS

CERTIFICATION OF APPRENTICESHIP PROGRAM

I certify that the proposed activities in this FY 2001 Family RSDM Application are related to the establishment of or participation in a formalized, structured apprenticeship training program approved and registered by the U.S. Department of Labor, Bureau of Apprenticeship and Training (BAT), or a BAT-recognized State Apprenticeship Agency (SAC).

Signed this _____ day of _____, 2001.

By: _____
Applicant Chief Executive Official

For:

_____
Applicant Name

HUD-2001-ROSS (01/01)

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CERTIFICATION OF CONSISTENCY WITH THE INDIAN HOUSING PLAN

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Indian Housing Plan.

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program(s) to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Title: _____

Signature: _____

Date: _____

HUD-2001-ROSS (01/01)

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RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2001 FUNDING COVER SHEET

Funding Category (Check only ONE):

_____ **Resident Management and Business Development**
_____ **Capacity Building**
_____ **Conflict Resolution**
_____ **Resident Service Delivery Models – Family**
_____ **Resident Service Delivery Models –Elderly/Disabled**
_____ **Service Coordinators**

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

HUD-2001-ROSS (01/01)

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ROSS FY 2001 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Conflict Resolution
_____ Resident Service Delivery Models - Family
_____ Resident Service Delivery Models - Elderly/Disabled
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

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ROSS FY 2001 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

HUD-2001-ROSS (01/01)

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ROSS FY 2001 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Signed this _____ day of _____, 2001.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

ROSS FY 2001 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

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ROSS FY 2001 FUNDING
SERVICE COORDINATORS

APPLICANT CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2001.

By: _____
Applicant Chief Executive or Other Authorized Representative

For Applicant: _____

Use this checklist to review your package and insure all materials are properly completed and included. **Submit a copy of this form with your application.**

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
Cover Materials **(See Part II of this application kit for some forms in this tab.)**		
☐ Application Checklist	_____	_____
☐ Application Cover Sheet	_____	_____
☐ Lead agency letter form (if applicable)	_____	_____
☐ Evidence of Comparable Salaries in Local Area	_____	_____
☐ Application for Federal Assistance (Standard Form SF-424)	_____	_____
☐ Federal Assistance Funding Matrix (Form HUD-424-M)	_____	_____
☐ Assurances—Non-Construction Programs (Standard Form SF-424B)	_____	_____
☐ ROSS Fact Sheet	_____	_____
☐ Chart A: Summary Budget Line Items	_____	_____

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ROSS FY 2001 FUNDING
SERVICE COORDINATORS

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
TAB 1: Threshold Requirements		
☐ Request Letter	_____	_____
☐ Elderly Housing Development Certification	_____	_____
☐ Accessible Community Facility Evidence and description	_____	_____
☐ Match Agreements – Not less than 25% of the grant requested	_____	_____
☐ Certification of Consistency and Compliance w/ General SuperNOFA Threshold Requirements	_____	_____
TAB 2: Certifications and Assurances (See Part VII of this application kit.)		
☐ Certification for a Drug-Free Workplace (Form HUD–50070)	_____	_____
☐ Certification of Payments to Influence Federal Transactions (Form HUD-50071), and If applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A)	_____	_____
☐ Applicant/Recipient Disclosure/Update Report (Form HUD-2880)	_____	_____
☐ Certification Regarding Debarment and Suspension (Form HUD–2992)	_____	_____
☐ Acknowledgment of Application Receipt (Form HUD-2993)	_____	_____

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ROSS FY 2001 FUNDING
SERVICE COORDINATORS

TRANSMITTAL LETTER FORMAT FOR DESIGNATED LEAD AGENCY

If more than one public housing agency is proposing to share a service coordinator, one agency must designate itself the "lead." This agency must submit a letter following this format on organization letterhead, signed by an authorized person.

Dear _____ _____
Director, Public Housing Date

The following PHAs are jointly submitting a single Service Coordinator application:

_____

_____

This request includes _____ (specify the number) developments, which will share a Service Coordinator. The developments are:

Development Name and Address	Amount Requested ($)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The completed requests from each of these ___(specify number)____ applicants are attached to this letter.

Sincerely,

_____
Signature

_____
Typed Name

_____
Title

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ROSS FY 2001 FUNDING
SERVICE COORDINATORS

CHART A: SUMMARY BUDGET LINE ITEMS

Service Coordinators

____	9810	Administrative Costs
____	9820	Other Program Expenses
____	9830	Training
____	9840	Salaries
____	9850	Fringe
____		TOTAL

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ROSS FY 2001 FUNDING
SERVICE COORDINATORS

REQUEST LETTER FORMAT

Dear _____ Date:_____
Director, Public Housing

The following is my request for a one-year Service Coordinator renewal grant. I am requesting a total grant amount of $_____.

I. APPLICANT AND DEVELOPMENT(S)

1. PHA name and address:

2. Development name(s) and address(s):

_____ _____

_____ _____

_____ _____

3. Development number(s) and Congressional District(s):

_____ _____

_____ _____

_____ _____

4. Did you have a FY 1995 Elderly Service Coordinator grant? ___Yes ___No.

I. DEVELOPMENT INFORMATION

1. Total Number of Units Occupied by the Elderly and/or Persons with Disabilities: ___.
2. Total Number of Residents: ___.
3. Estimated Number Frail Elderly and Persons with Disabilities: ___.
4. Estimated Number At-Risk Elderly: ___.
5. Applicant will contract out for a Service Coordinator. ___Yes ___No

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6. Development will share a Service Coordinator with other development(s) or applicant(s). ___Yes ___No

If yes, please give name and address of the development(s) and applicant(s), if different.

_____ _____

_____ _____

_____ _____

7. Total number of Service Coordinators to be funded by the grant funds: ___.

I. COSTS

FY 2001 award amounts cannot be higher than the applicant's highest funding and staffing level approved for a one-year period for the applicant's last funded Service Coordinator grant. An increase of up to 2% will be allowed if supported by a narrative justification attached to this Request Letter.

1. **Salary Rate**

a. Determine the base salary level, looking at comparable positions (modified by number of hours worked).

Base salary $_____

b. Fringe benefits

% of base salary _____%

Dollar value $_____

c. Salary rate

$_____ + $_____ = $_____
base salary fringe benefits salary rate

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III. COSTS (continued)

1. **Administrative Costs**

Any administrative costs may amount to no more than 20% of the total grant.

Item	Amount
_____	$_____
_____	$_____
_____	$_____
Total:	$_____

2. **Total Cost**

One-year total costs:

Allowable administrative costs $_____ +
Annual salary rate $_____ =

Total Cost $_____

We appreciate your consideration of this request. If there are any questions, your staff may call _____ at _____ for further information.

Sincerely,

_____ _____ _____
Signature Typed Name Title

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ROSS FY 2001 FUNDING
SERVICE COORDINATORS

Applicant:_____ Date:_____

2. Elderly Housing Development Certification. You must certify that at least 25% of the residents in the development(s) proposed for grant activities are elderly and/or non-elderly persons with disabilities at the time of the application.

SERVICE COORDINATOR
ELDERLY HOUSING DEVELOPMENT CERTIFICATION

I CERTIFY that ____% of the residents in the development(s) proposed for grant activities are elderly and/or non-elderly people with disabilities at the time of application; thereby meeting or exceeding the 25% requirement.

Signed this _____ day of _____, 2001.

By:_____
Applicant Executive Director or other Authorized Representative

For:_____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING
SERVICE COORDINATOR

CERTIFICATION OF CONSISTENCY AND COMPLIANCE WITH GENERAL SUPERNOFA THRESHOLD REQUIREMENTS

I CERTIFY that the proposed Service Coordinator activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in the Service Coordinator application to address the furtherance of fair housing.

3. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

4. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975*, and section 109 of the *Housing and Community Development Act of 1974*.

5. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2001.

By:_____
Applicant Chief Executive Officer or Other Authorized Representative

For: _____
Applicant

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING SERVICE COORDINATORS

REQUEST LETTER FORMAT

Dear _____ Date:_____
Director, Public Housing

The following is my request for a one-year Service Coordinator renewal grant. I am requesting a total grant amount of $_____.

I. APPLICANT AND DEVELOPMENT(S)

1. PHA name and address:

2. Development name(s) and address(s):

_____ _____

_____ _____

_____ _____

3. Development number(s) and Congressional District(s):

_____ _____

_____ _____

_____ _____

4. Did you have a FY 1995 Elderly Service Coordinator grant? ___Yes ___No.

I. DEVELOPMENT INFORMATION

1. Total Number of Units Occupied by the Elderly and/or Persons with Disabilities: ___.
2. Total Number of Residents: ___.
3. Estimated Number Frail Elderly and Persons with Disabilities: ___.
4. Estimated Number At-Risk Elderly: ___.
5. Applicant will contract out for a Service Coordinator. ___Yes ___No

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6. Development will share a Service Coordinator with other development(s) or applicant(s). ___Yes ___No

If yes, please give name and address of the development(s) and applicant(s), if different.

_____ _____

_____ _____

_____ _____

7. Total number of Service Coordinators to be funded by the grant funds: ___.

I. COSTS

FY 2001 award amounts cannot be higher than the applicant's highest funding and staffing level approved for a one-year period for the applicant's last funded Service Coordinator grant. An increase of up to 2% will be allowed if supported by a narrative justification attached to this Request Letter.

1. **Salary Rate**

a. Determine the base salary level, looking at comparable positions (modified by number of hours worked).

Base salary level $_____

b. Fringe benefits

% of base salary _____%

Dollar value $_____

c. Salary rate

$_____ (base salary) + $_____ (fringe benefits) = $_____ (salary rate)

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III. COSTS (continued)

1. **Administrative Costs**

Any administrative costs may amount to no more than 20% of the total grant.

Item	Amount
_____	$_____
_____	$_____
_____	$_____
Total:	$_____

2. **Total Cost**

One-year total costs:

Allowable administrative costs	$_____ +
Annual salary rate	$_____ =
Total Cost	$_____ .

We appreciate your consideration of this request. If there are any questions, your staff may call _____ at _____ for further information.

Sincerely,

_____ _____ _____

Signature Typed Name Title

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ROSS FY 2001 FUNDING
SERVICE COORDINATORS

Applicant:_____ Date:_____

2. Elderly Housing Development Certification. You must certify that at least 25% of the residents in the development(s) proposed for grant activities are elderly and/or non-elderly persons with disabilities at the time of the application.

SERVICE COORDINATOR
ELDERLY HOUSING DEVELOPMENT CERTIFICATION

I CERTIFY that ____% of the residents in the development(s) proposed for grant activities are elderly and/or non-elderly people with disabilities at the time of application; thereby meeting or exceeding the 25% requirement.

Signed this _____ day of _____, 2001.

By:_____
Applicant Executive Director or other Authorized Representative

For:_____
Applicant Name

HUD-2001-ROSS (01/01)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RURAL HOUSING AND ECONOMIC DEVELOPMENT PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE RURAL HOUSING AND ECONOMIC DEVELOPMENT PROGRAM

Program Overview

Purpose of Program: The purpose of the Rural Housing and Economic Development (RHED) program is to build capacity at the State and local level for rural housing and economic development and to support innovative housing and economic development activities in rural areas. The funds made available under this program will be awarded competitively, through a selection process conducted by HUD in consultation with the United States Department of Agriculture (USDA).

Available Funds: Approximately $24 million in Fiscal Year (FY) 2001 funding. Adjustments to Funding. HUD reserves the right to utilize this year's funding to fund previous year's errors prior to rating and ranking this year's applications. HUD reserves the right to reallocate funds between categories to achieve the maximum allocation of funds in both categories.

Eligible Applicants: Local rural non-profit organizations, community development corporations, Indian tribes, State housing finance agencies, and State economic development or community development agencies.

Application Deadline: April 6, 2001.

Match: None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and application submission requirements. You should note that the total narrative response to all rating factors described under Section V(C) should not exceed 15 pages, and must be submitted on 8.5" by 11" paper using a 12 point size, with lines double spaced and printed only on one side. Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold. In addition, please review the following information:

I. Application Due Date, Further Information and Technical Assistance

Application Due Date: Completed applications (one original and two copies) must be submitted on or before 12:00 midnight, Eastern time, on April 6, 2001, to the HUD Headquarters address shown below.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g. mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications: Completed applications (one original and two copies) must be submitted to: Processing and Control Unit, Room 7255, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; ATTN: Office of Rural Housing and Economic Development. When submitting your application, please include your name, mailing address (including zip code), telephone number, and fax number (including area code).

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for the Rural Housing and Economic Development Program.

For Further Information and Technical Assistance. All information and materials required to submit an application for funding under the HUD Rural Housing and Economic Development program are included in the Appendix to this NOFA.

For information concerning the HUD Rural Housing and Economic Development program, contact Mr. Marty Horwath, Community Planning and Development Specialist, Office of Rural Housing and Economic Development (RHED), Office of Economic Development, Office of Community Planning and Development (CPD), Department of Housing and Urban Development, 451 7th Street, SW, Room 7136, Washington, DC 20410; telephone (202) 708–2035 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at http://www.hud.gov.

Prior to the application deadline, HUD staff at the numbers above and local CPD field-office Economic Development (ED) Specialists will be available to provide general guidance, but not guidance in actually preparing the application. Following selection, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD.

II. Amount Allocated

(A) *Available Funds.* Approximately $24 million in Fiscal Year (FY) 2001 funding is being made available through this program section of the SuperNOFA. The breakdown for this funding is discussed below.

(B) *The FY 2001 HUD Appropriations Act.* The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Pub. L. 106–377 approved October 27, 2000) (the "FY 2001 HUD Appropriations Act") made $25 million in FY 2001 funds available under the Rural Housing and Economic Development program.

(C) *Funding Categories/ Maximum Award Amounts.* HUD will award up to approximately $24 million on a competitive basis in the following funding categories.

(1) *Capacity Building.* HUD will award up to approximately $12 million to build capacity. This amount will go directly to local rural nonprofits, community development corporations (CDCs) and Indian tribes to support innovative housing and economic development activities to increase capacity. The maximum amount awarded to a successful applicant in this category will be $150,000. If you received a RHED grant in either FY 1999 or FY 2000 for capacity building, the maximum amount you can receive in this category will be $100,000.

(2) *Support for Innovative Housing and Economic Development Activities.* HUD will award up to approximately $12 million to Indian tribes, State Housing Finance Agencies (HFA)s, state community and/or economic development agencies, local rural non-profits and CDCs to support innovative housing and economic development activities in rural areas. The maximum amount awarded to a successful applicant in this category will be $400,000.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* (1) *Background.* There is a great need for expanding the supply of housing in rural America, particularly affordable housing for low income families and individuals. There are a number of rural areas which have experienced rapid in-migration as a result of a growth in employment opportunities, but which have a shortage of affordable housing. In addition, because of out-migration from rural areas, and other factors causing

economic dislocation, many rural areas suffer from severe economic distress. There has been a growing national recognition of the need to enhance the capacity of Indian tribes, local rural nonprofits, CDCs, and State community and economic development agencies to expand the supply of affordable housing and to engage in economic development activities in rural areas.

A number of resources are available from the Federal government to address these problems, including programs of the United States Department of Agriculture (USDA), the Economic Development Administration (EDA), the Appalachian Regional Commission (ARC), the Department of Interior (for Indian Tribes) and HUD. The Rural Housing and Economic Development program has been developed to supplement these resources and to focus specifically on capacity building and innovative approaches to housing and economic development in rural areas. In administering these funds, HUD will encourage coordination between all Federal agencies in support of the program objectives.

(2) *Definitions. Appalachia's Distressed Counties* means those counties in Appalachia that the Appalachian Regional Commission (ARC) has determined to have unemployment and poverty rates that are 150 percent of the respective U.S. rates and per capita income that is less than 67 percent of the U.S. per capita income, and counties with 200 percent of the U.S. poverty rate and one other indicator. Appendix B to this notice identifies the ARC's list of distressed counties.

Colonia means any identifiable community that:

(i) Is located in the State of Arizona, California, New Mexico, or Texas;

(ii) Is located in the U.S.-Mexico border region (that is, within 150 miles of the border between the U.S. and Mexico);

(iii) Meets objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, sanitary, and accessible housing

Farmworker means a farm employee of an owner, tenant, labor contractor, or other operator raising or harvesting agricultural or aquacultural commodities; or a worker in the employment of a farm operator, handling, planting, drying, packing, grading, storing, delivering to storage or market, or carrying to market agricultural or aquacultural commodities produced by the operator. Seasonal farmworkers are those farm employees who typically do not have a constant year round salary. Migrant farmworkers are those farm employees whose work requires travel that prevents the employee from returning to his or her permanent place of residence within the same day.

A *firm commitment* means the agreement by which an applicant's partner agrees to perform an activity specified in the application and demonstrates the financial capacity to deliver the resources necessary to carry out the activity, and commits the resources to the activity either in cash or through in-kind contributions and is irrevocable, subject only to approval and receipt of a FY 2001 RHED grant. Each letter of commitment should include the organization's name, the applicant's name, the proposed program, the proposed total level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization and dated not earlier than the date of publication of this NOFA. In documenting a firm commitment, the applicant's partner must:

(i) Specify the authority by which the commitment is made, the amount of the commitment and the use of funds. If the committed activity is to be self-financed, the applicant's partner must evidence its financial capability through a corporate or personal financial statement or other appropriate means. If any portion of it is to be financed through a lending institution, the participant must evidence the institution's commitment to fund the loan;

(ii) State the amount and use of the commitment, and the relationship of the commitment to the proposed investment; and

(iii) Affirm that the commitment is not contingent upon another program or other pending commitments, and state a willingness on the part of the signatory to sign a legally binding commitment (conditioned on HUD environmental review and approval of a property, where applicable) upon award of the grant.

Indian tribe means any entity eligible to apply for funding under the Indian Community Development Block Grant (ICDBG) program (see 24 CFR 1003.5(a)). The list of federally recognized Indian tribes can be found notice published by the Department of the Interior on March 13, 2000, at 65 FR 13299, and is also available from HUD.

Innovative housing activities means projects, techniques, methods, combinations of assistance, construction materials, and financing institutions or sources new to the eligible area, or its population. The innovative activities can also build upon and enhance a model that already exists.

Local rural non-profit or community development corporation means either:

(i) Any private entity with tax exempt status recognized by the Internal Revenue Service (IRS) which serves the eligible rural area involved in the application (including local affiliates of national organizations that provide technical and capacity building assistance in rural areas); or

(ii) Any public non-profit such as a Council of Governments that will serve specific local non-profit organizations in the eligible area.

Lower Mississippi Delta Region means the seven state, 219 county/parish region defined by Congress in the Lower Mississippi Delta Development Act, Pub.L. 100–460. Appendix C to this notice identifies the counties referenced in the Act.

Rural area may be defined in one of five ways:

(i) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(ii) A county with no urban population of 20,000 inhabitants or more.

(iii) Territory, persons, and housing units in the rural portions of "extended cities." The U.S. Census Bureau identifies the rural portions of extended cities in the United States.

(iv) Open country which is not part of or associated with an urban area. The United States Department of Agriculture (USDA) describes "open country" as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, and open space set aside for future development.

(v) Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

State economic development or community development agency means any state agency which has promotion of statewide or local community/economic development as its primary purpose.

State Housing Finance Agency means any state agency created to assist local communities and housing providers with financing assistance for development of housing in rural areas, particularly for low and moderate income people.

(3) *Eligible applicants.* Eligible applicants for each of the funding categories are as follows:

(a) *For capacity building funding.* If you are a local rural non-profit, CDC, or Indian tribe, you are eligible for capacity building funding to carry out innovative housing and economic development activities which may also enable an applicant to become self-sustaining in the future.

(b) *For support for innovative housing and economic development activities funding.* If you are a local rural non-profit, CDC, Indian tribe, State HFA, or State economic development or community development agency, you may apply for funding to support innovative housing and economic development activities in rural areas.

(4) *Eligible activities.* The following are examples of eligible activities under the Rural Housing and Economic Development program. These examples are illustrative and are not meant to limit the activities that you may propose in your application. Any activity that meets the objective of the Rural Housing and Economic Development program will be considered eligible.

(a) *For capacity building funding.* Capacity building for innovative rural housing and economic development involves the enhancement of existing organizations to carry out new functions and/or perform more effectively existing functions. For organizations, this could also include "up front" money for acquiring space and support facilities, as well as other types of administrative expenses. This should also focus on activities which enable the applicant to become self-sustaining in the future.

Activities in connection with strengthening existing organizations include hiring qualified staff, supporting and training existing staff, providing software and other tools to provide networking and research capability, and obtaining expertise from outside sources. They also include training to improve management capability, including development of accounting systems, Management Information Systems (MIS) support, apprenticeship programs and related activities. Eligible activities also include arranging for technical assistance to conduct need assessments, conduct asset inventories, and develop strategic plans. These activities also include the promotion of fair housing by training specific local organizations and residents in fair housing issues, and by helping them to file fair housing complaints with HUD, when warranted.

(b) *For support of innovative housing and economic development activities.* (i) This category is intended to support, but not be limited to, other costs for innovative housing and economic development activities. Eligible activities include preparation of plans, architectural and engineering drawings and reports, financial assistance for acquisition of land and buildings, demolition, provision of infrastructure, purchase of materials, construction costs, the use of local labor markets, and job training.

Additionally, eligible activities include homeownership counseling, application of innovative construction methods encouraging building design which reflects terrain, weather, and availability of indigenous materials. Besides meeting applicable civil rights requirements such as the Americans with Disabilities Act, section 504 of the Rehabilitation Act of 1973, and the Federal Fair Housing Act (42 U.S.C. 3601 *et seq.*), HUD also strongly recommends that all housing designs be made "accessible and visitable." In addition, HUD encourages the use of universal design in designing and constructing units so that the housing can meet the needs of the largest number of individuals.

(ii) Other eligible activities include establishing Community Development Financial Institutions (CDFIs), lines of credit, revolving loan funds, microenterprises, small business incubators, provision of direct financial assistance to homeowners/businesses/developers, etc. This can be in the form of establishing default reserves, pooling/securitization mechanisms, loans, grants, etc. Grantees should demonstrate that their activities will continue to serve the populations that are in need and that beneficiaries will have a choice of innovative housing and economic development opportunities as a result of these activities.

IV. Program Requirements

(A) *General.* To be eligible for funding under this program section of this SuperNOFA, you must meet the requirements and procedures applicable to all programs set forth in Section II of the General Section of the SuperNOFA, and particularly the civil rights threshold requirements set forth in Section II(B) of the General Section. In addition to these general requirements, you must meet the following program specific requirements.

(B) *Accounting System Requirements.* RHED requires that successful applicants have in place an accounting system that meets the policies, guidance, and requirements as described in the following applicable OMB Circulars and Code of Federal Regulations:

(1) OMB Circular No. A–87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments);

(2) OMB Circular No. A–122 (Cost Principles for Nonprofit Organizations), OMB Circular No. A–133 (Audits of States, Local Governments, and Non-Profit Organizations);

(3) 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations); and

(4) 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments).

These documents apply to the award, acceptance and use of assistance under the Rural Housing and Economic Development program NOFA, and to the remedies for noncompliance, except when inconsistent with the provisions of the FY 2001 HUD Appropriations Act, other Federal statutes or the provisions of this NOFA.

(C) *Environmental Review.* Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this part, in accordance with 24 CFR part 50. The results of the environmental review may require that proposed activities be modified or that proposed sites be rejected. Applicants are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties (including establishing lines of credit that permit financing of such activities or making commitments for loans that would finance such activities from a revolving loan fund capitalized from funds under this NOFA) prior to HUD approval of specific properties or areas. Each application shall contain an assurance that you, the applicant, will assist HUD to comply with part 50; will supply HUD with all available, relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, lease, repair or construct property, not commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received. In supplying HUD with environmental information, grantees are to use the same guidance as provided in the HUD Handbook entitled "Field Environmental Review Processing for HUD Colonias Initiative (HCI) grants" issued January 27, 1998.

(D) *Grant Period.* Recipients will have 36 months from the date of funding to complete all project activities except the final evaluation and reporting, fulfillment and audit requirements and final project close-out.

(E) *Lead-Based Paint Hazard Control.* All property assisted under the Rural Housing and Economic Development program is covered by the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and HUD's implementing regulations at 24 CFR part 35.

V. Application Selection Process

(A) *Rating and Ranking.* (1) *General.* To review and rate applications, HUD may establish panels including outside experts or consultants to obtain certain expertise and outside points of view, including views from other Federal agencies.

(2) *Rating.* All applicants for funding will be evaluated against the criteria below.

(3) *Ranking.* Applicants will be ranked separately within each of the two funding categories. Applicants will be selected for funding in accordance with their rank order in each category. If two or more applications are rated fundable and have the same score, but there are insufficient funds to fund all of them, the applications(s) with the highest score for Rating Factor 2 (Need and Extent of the Problem) shall be selected. If applications still have the same score, the highest score in the following factors will be selected sequentially until one highest score can be determined; Rating Factor 3 (Soundness of Approach), Rating Factor 1 (Capacity and Experience), Rating Factor 5 (Comprehensiveness and Coordination) and Rating Factor 4 (Leveraging of Resources). To be eligible for funding in the Innovative category, an application must have a minimum score of 25 points for the total combined number of points for Rating Factors 1 and 3. To be eligible for funding in the Capacity Building category, an application must have a minimum score of 20 points for Rating Factor 3.

(B) *Initial screening.* During the period immediately following the application deadline, HUD will screen each application to determine eligibility. Applications will be rejected if they:

(1) Are submitted by ineligible applicants (including applicants and subrecipients that do not meet the fair housing and civil rights threshold requirement described in Section II(B) of the General Section of the SuperNOFA);

(2) Do not serve an eligible rural area; or

(3) Propose a program for which significant activities are ineligible. Such activities may include, but are not limited to, use of RHED grant funds for income payments to subsidize individuals or families, political activities, or general governmental expenses other than expenses related to the administrative cost of the grant.

(C) *Rating Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

(D) *Notification of Approval and Disapproval.* HUD will notify you whether or not you have been selected for an award. If you are selected, HUD's notice to you of the amount of the grant award based on the approved application will constitute HUD's preliminary approval, subject to negotiation and execution of the grant agreement by HUD.

Rating Factor 1—Capacity of the Applicant and Relevant Organizational Experience (15 points)

This rating factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed work plan as further described in Rating Factor 3 in a timely manner within the 36 month award period.

Rating standards applicable to individual funding categories. The two funding categories have different objectives. Accordingly, in addition to the generally applicable rating standard discussed above, different standards will be used to judge the experience and qualifications of the applicants and any partners for each of the two funding categories. HUD fully supports emerging organizations who desire to develop internal capacity. Therefore, the following categories will be evaluated:

(1) For *Capacity Building.* (15 points) *Team members, composition, experience,* organizational structure and management capacity. HUD will evaluate the experience of your project director, core staff, any outside consultants, contractors, subrecipients, and members of coalitions to implement all of the work activities in your workplan as they relate to innovative housing and economic development activities. In evaluating your capacity to do the work, HUD will assess the recent and relevancy of the prior work experience of each of the parties listed above to execute the prescribed activities; the services the consultants or other parties will provide which fill gaps in your staffing structure to enable you to carry out the proposed workplan; the experience of your project director in managing projects of similar size, scope, and dollar amount; the lines of authority and procedures that you have in place for ensuring that consultants and workplan goals and objectives are being met and that beneficiaries are being adequately served. In judging your response to this factor, HUD will only consider work experience gained within the last 3 years. When responding, please be sure to provide the dates, job titles and relevancy of the past experience to work undertaken by the employee or contractor under your proposed RHED application. The more recent, relevant, and successful the experience is of your team members in relationship to the workplan activities, the greater the number of points that you will receive.

(2) *For Support for Innovative Rural Housing and Economic Development Activities.* (15 points)

(a) (5 points) *Team members, composition, and experience.* HUD will evaluate the experience of your project director, core staff, any outside consultants, contractors, subrecipients, and members of coalitions to implement all of the work activities in your workplan. In evaluating your capacity to do the work, HUD will assess the recent and relevancy of the prior work experience of each of the parties listed above, to execute the prescribed activities; the services the consultants or other parties will provide which fill gaps in your staffing structure to enable you to carry out the proposed workplan; the experience of your project director in managing projects of similar size, scope, and dollar amount; the lines of authority and procedures that you have in place for ensuring that consultants and workplan goals and objectives are being met and that beneficiaries are being adequately served. In judging your response to this factor, HUD will only consider work experience gained within the last 7 years. When responding, please be sure to provide the dates, job titles and relevancy of the past experience to work undertaken by the employee or contractor under your proposed RHED application. The more recent, relevant, and successful the experience is of your team members in relationship to the workplan activities, the greater the number of points that you will receive.

(b) (5 points) *Organizational structure and management capacity.* HUD will evaluate the extent to which you can demonstrate your ability to manage a workforce composed of full time and/or part-time staff as well as consultant staff and your ability to work with community-based groups or organizations in resolving issues related to affordable housing and economic development. In evaluating this sub-factor, HUD will take into account your experience in working with community-based organizations to design and implement programs which address the above housing and economic development issues. The more recent, relevant, and successful the experience is of your organization and any participating entities, the greater the number of points that you will receive.

(c) (5 points) *Experience with performance based funding requirements.* HUD will evaluate your experience in producing timely products and reports in any previous grant programs undertaken with HUD funds or other Federal, state, local or non-profit or for-profit organization funds. In assessing points for this sub-factor, HUD reserves the right to take into account your past performance in meeting performance and reporting goals on any previous HUD awards. Specific outcomes will be measured in terms of the number of living wage jobs created or retained, housing units rehabilitated or constructed and made available for low and moderate income persons, or other relevant objective performance measures related to your previous job experience and/or grant programs. Applicants that can demonstrate a closer and greater linkage between the expected outcomes and the previously generated outcomes will receive higher points for this sub-factor.

Rating Factor 2—Need and Extent of the Problem (40 points)

The Rural Housing and Economic Development program has been designed to address the problems of rural poverty, inadequate housing and lack of economic opportunity. This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress, and an indication of the urgency of meeting the need/distress in the applicant's target area. In responding to this Factor, applications will be evaluated on the extent to which the level of need for the proposed activity and the urgency in meeting the need are documented and compared, vis-à-vis, the target area, the county(ies) and national data.

(1) In applying this Factor, HUD will compare current levels of need for the following areas affected by the project: first, in the area (i.e. Census Tract(s) or Block Groups), immediately surrounding the project site or the target area to be served by the proposed project; second, in the county in which the project is to be located, and third, in the nation. This means that an application that provides data that show levels of need in the project area and the county, expressed as a percent greater than the national average, will be rated higher under this Factor. Notwithstanding the above, an applicant proposing a project to be located outside the target area could still receive points under the Need Factor if a clear rationale and linkage is provided linking the proposed project location and the benefits to be derived by persons living in more distressed area(s) of the applicant's target area.

(2) Applicants should provide data that address indicators of need as follows:

(a) *Poverty Rate* (15 points)—data should be provided in both absolute and percentage form (i.e., whole numbers and percents) for both the target area(s) and the county; an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(i) Equal to but less than twice the national average = 5 points;

(ii) Twice but less than three times the national average = 10 points;

(iii) Three or more times the national average = 15 points.

(b) *Unemployment* (10 points)—for both the target area and county:

(i) Equal to but less than twice the national average = 2 points;

(ii) Twice but less than three times the national average = 4 points;

(iii) Three but less than four times the national average = 6 points;

(iv) Four but less than five times the national average = 8 points;

(v) Five or more times the national average = 10 points.

(c) *Other indicators of social and/or economic decline that best capture the applicant's local situation* (5 points)—examples that could be provided under this section are information on the community's stagnant or falling tax base, including recent commercial or industrial closings, housing conditions, such as the number and percentage of substandard and/or overcrowded units, rent burden (defined as average housing cost divided by average income) for both the target area and county, local crime statistics, etc. To the extent that the applicant's Consolidated Plan, its Analysis of Impediments to Fair Housing choice (AI), and/or its Anti-Poverty Strategy identify the level of distress in the community and the neighborhood in which the project is to be carried out, references to such documents should be included in preparing the response to this Factor.

(3) In rating applications under this Factor, HUD reserves the right to consider sources of available objective data other than, or in addition to, those provided by applicants, and to compare such data to those provided by applicants and local crime statistics for both the project site and the county, etc.

(a) HUD requires use of sound and reliable data (e.g., U.S. Census data, State statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided.

(b) Updated Census data are available as follows for the listed indicators:

(i) Unemployment rate—estimated monthly for counties, with a two-month lag;

(ii) Population—estimated for incorporated places and counties, through 1999;

(c) Poverty rate—estimated every two years, with a three-year lag, with 1997 data being the most recent available.

(d) *Demographics of Distress—Special Factors (10 points).* Because of the concern of HUD with meeting the needs of certain underserved areas, you will be awarded a total of ten points if you are located in or propose to serve one or more of the following populations, your application demonstrates that 100 percent of the beneficiaries as supported by RHED funds are one or more of the following populations, and you specifically identify how they will be served, provided that the proposed service area meets the definition of "eligible rural area" as described in Section III(A)(2) of this NOFA:

(i) Areas with very small populations in non-urban areas (2,500 population or less);

(ii) Migrant and seasonal farmworkers;

(iii) Indian Tribes;

(iv) Colonias;

(v) Appalachia's Distressed Counties; or

(vi) the Lower Mississippi Delta Region (7 States and 219 counties/parishes). For these underserved areas, you should ensure that the populations that you serve and the documentation that you provide is consistent with the information described in the above paragraphs under this rating factor.

Rating Factor 3—Soundness of Approach (30 points)

This factor addresses the overall quality of your proposed workplan,

taking into account the project and the activities proposed to be undertaken; the cost-effectiveness of your proposed program; and the linkages between identified needs, the purposes of this program and your proposed activities and tasks. In addition, this factor addresses your ability to ensure that a clear linkage exists between innovative rural housing and economic development. In assessing cost-effectiveness, HUD will take into account staffing levels, beneficiaries to be served, a timetable for delivery of products and reports and anticipated products. HUD is also interested in applicants becoming self-sustaining so that activities can continue in the future without relying on further assistance from the Department. You will receive a greater number of points if your workplan is consistent with the purpose of the RHED program, your program goals and the resources provided.

(a) (10 points) *Management Plan.* A clearly defined management plan which identifies each of the projects and activities you will carry out to further the objectives of this program; describes the linkage between rural housing and economic development activities; and addresses the needs identified in Factor 2, including needs that had been previously identified in a statewide or local Analysis of Impediments to Fair Housing Choice (AI) or Consolidated Plan. The populations which were described in demographics that documented need should be the same populations which will receive the primary benefit of the activities, both immediately and in the long run. You should address the timetable with measurable goals and objectives for carrying out these activities; the method you will use for evaluating and monitoring program progress on the activities and ensuring that the activities will be completed on time and within your proposed budget estimates. Applicants that have a clearly defined management plan and which can produce results in less than 36 months will receive higher rating points for this sub-factor. Your management plan should include the budget breakout for each line item. You are required to provide documented projected cost estimates from outside sources. Applicants should submit their workplan on a spreadsheet showing each project, activities under the project, and tasks (to the extent necessary or appropriate) in your workplan with your associated budget estimate per activity/task. Your workplan should provide the rationale for your proposed activities and any assumptions used in determining your project timeline and budget estimates. Failure to provide your rationale may result in an application receiving zero points for lack of clarity in the proposed management plan. Applicants that propose as part of their workplan activities that address and support HUD's policy priority areas for using technology advances in the construction or design of homes produced with these funds, incorporates accessibility, visitability and universal design principles in the design, construction, or rehabilitation of home produced with these funds; or creates and uses apprenticeship programs to create long term career path opportunities for community residents, will receive higher rating points under this sub-factor.

(b) (10 points) *Expected Outcomes.* HUD will be assessing outcomes resulting from your proposed workplan for the likelihood it will result in measurable and achievable outcomes that will alleviate or address the needs described in Rating Factor 2. You must include in this sub-factor a qualitative or quantitative description of estimated outcomes in order to receive points for this sub-factor. Outcomes may be described in terms of the estimated number of new units constructed or units rehabilitated; jobs retained or created with accompanying living wages; loans financed; individuals trained, counseled or assisted; and/or number of persons on welfare or under-employed trained in a career path or apprenticeship program. The exact nature of the expected outcomes will vary according to your proposed workplan. Applicants that can demonstrate clearly identified outcomes and the means for ensuring that outcomes will be tracked and are likely to be achieved will receive a greater number of points. Applicants that propose activities to increase their capacity to carry out innovative rural housing and economic development activities should include among their projected outcomes performance measures for maintaining the financial health and integrity of the organization. Your proposed workplan and budget should demonstrate a decreasing amount of RHED program funds over the life of your program as a percentage of the total operating budget and should include alternate sources of funding for producing desired outcomes. Applicants that demonstrate a reduced dependence on RHED funding over the life of their award will receive a greater number of rating points for this sub-factor.

(c) (10 points) *Self-monitoring and Program Evaluation.* Your workplan will be evaluated to ensure that you have a mechanism for monitoring and self-assessing your progress in meeting program goals and objectives, ensuring that the integrity of the use of funds is in accordance with OMB Cost Principles and record-keeping requirements and the approved program budget. Therefore, your workplan should describe and identify the specific steps that you will take to carry out a self-monitoring function that meets these requirements. Applicants that clearly define roles and responsibilities and steps to be taken to meet this requirement will receive a greater number of rating points in the evaluation.

Rating Factor 4—Leveraging Resources (10 points)

This factor addresses the extent to which applicants for any of the two funding categories have obtained firm commitments of financial or in-kind resources from other Federal, State, local, and private sources in an amount of at least fifty percent (50%) of the total project budget. For every RHED dollar anticipated, you should provide the specific amount of dollars leveraged. In assigning points for this criterion, HUD will consider the level of outside resources obtained for cash or in-kind services that support activities proposed in your application. Fewer points will be awarded depending on the extent of the percentage of leveraging in comparison with the total project budget. This criterion is applicable to both funding categories under this NOFA. The level of outside resources for which commitments are obtained will be evaluated based on their importance to the total program. You must provide evidence of leveraging by including in the application letters of firm commitment to participate from any entity, including your own organization, that will be providing matching funds to the project. Each commitment described in the narrative of this factor must be in accordance with the definition of "firm commitment" as defined in Section III(A)(2) of this NOFA.

Rating Factor 5—Comprehensiveness and Coordination (5 points)

This factor addresses the extent to which your proposed program is coordinated with other ongoing and related activities in the area you propose to serve as well as your future strategy for continuing this activity. The purpose of this factor is to ensure that whenever possible, activities are not operated in isolation, but rather are linked with related activities and organizations to improve the overall effectiveness of all efforts being undertaken as part of your total effort. In evaluating this factor, HUD will consider the extent to which you have coordinated your activities with other known organizations, have participated or promoted participation in the state or relevant jurisdiction's Consolidated Planning process and/or a statewide or local Analysis of Impediments to Fair Housing Choice, and have addressed your described need in a holistic and comprehensive manner through linkages with other activities in the area or approved plans and programs funded by other local organizations, state or local governments, national non-profits or foundations. The more comprehensive and relevant your activities are coordinated with other ongoing and related innovative rural housing and economic development activities in your service area, the more points you will receive.

(a) (3 points) Describe the coordination of your proposed plan of activities or future strategies for this proposed project with other groups or organizations in order to best complement and mutually support others' ongoing efforts or programs.

(b) (2 points) Identify specific actions that have been taken or will be taken to coordinate comprehensive solutions through meetings, outreach efforts, information networks, planning processes and other mechanisms with:

(i) Other HUD funded projects/activities; and

(ii) Other Federal, State or locally funded activities, including those proposed or ongoing in the area.

EZ/EC Bonus Points (2 points)

HUD will award two bonus points to all applications that include documentation stating that the proposed eligible activities/projects will be located in and serve Federally designated Rural Empowerment Zones or Enterprise Communities (Rural EZs/ECs). A listing of Federally designated Rural EZs and ECs is available on the Internet at http://www.ezec.gov.

VI. Application Submission Requirements

(A) *Form of Application.* You must submit a separate and distinct application for each funding category for which you are applying under this NOFA. All pages of the application shall be numbered sequentially. Your application must include an original and two copies of the items listed below.

(B) *Application Items.* Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in Section II(G) of the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the "standard forms"). The remaining application items are forms (i.e., excluding such items as narratives), referred to as the "nonstandard" forms, that can be found in the Appendices to this program section of the SuperNOFA. The items are as follows:

(1) A transmittal letter;

(2) A table of contents;

(3) A signed SF–424 (application form);

(4) A budget for all funds (Federal and Non-Federal) and a breakdown of all Federal funds requested, in the format provided in the Appendix to this NOFA;

(5) Documentation of funds pledged in support of Rating Factor 4—"Leveraging Resources" (which will not be counted in the 15 page limitation);

(6) The required certifications (signed, as appropriate, and attached as an Appendix);

(7) Acknowledgment of the Application Receipt form (submitted with application and returned to you as verification of timely receipt).

(8) If you are a private nonprofit organization, a copy of your organization's IRS ruling providing tax-exempt status under section 501 of the IRS Code of 1986, as amended.

(9) The attached forms specifying:

(a) Which category of funds, as described in Section II(C), you are applying for. You must submit a separate and distinct application in each category for which you applied;

(b) Which of the five definitions of the term "rural area" set forth in Section III(A)(2) of this NOFA applies to the proposed service area and accompanying documentation as indicated on the form; and

(c) Which special populations, as set forth in Rating Factor 2(d), you intend to serve.

(10) The Environmental Review Assurance.

(11) Narrative Response to Factors for Award.

(a) You must describe your organization and the assignment of responsibilities for the work to be carried out under the grant (Rating Factor 1).

(b) You must describe the need and extent of the problem (Rating Factor 2).

(i) If you propose to create a new organization or institution under the capacity building funding category, you must provide evidence documenting that no existing organization or institution exists which serves the need identified in the area.

(c) You must submit a workplan which describes your soundness of approach and the clear linkage between rural housing and economic development (Rating Factor 3). In addressing this submission requirement, you must:

(i) Describe the activities you propose to undertake to address the needs which have been identified, the linkage between rural housing and economic development, and describe the specific outcomes you expect to achieve.

(ii) Include a management plan which identifies the specific actions you will take to complete the proposed activities on time and a budget in the format provided which explains the uses of both Federal and non-Federal funds and the period of performance under the grant and your ability to be self-sustaining, should you not be funded by HUD in future RHED competitions.

(iii) Include a discussion of the process by which the work accomplished with the grant will be evaluated to determine if the objectives of the grant were met. Be specific regarding the qualifications of the evaluator and the process to be used.

(d) You must identify the resources which will be leveraged by the amount of this grant's funding that you are requesting and explain their importance to the program (Rating Factor 4). To receive the maximum number of points under Rating Factor 4 you must provide evidence of firm commitments. The commitment can be contingent upon HUD site approval following environmental review.

(e) You must describe the extent to which your program reflects a coordinated, community based process of identifying needs and building a system to address these needs (Rating Factor 5).

The total narrative response to all factors should not exceed 15 pages and must be submitted on 8.5" by 11" paper, using a 12 point size, with lines double spaced and printed only on one side. Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider or review the information on any excess pages, which may result in a lower score or failure to meet a threshold.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Applications under this program NOFA are subject to the National

Environmental Policy Act of 1969 and applicable related Federal environmental authorities. (See 24 CFR part 50, as applicable). An environmental review will be completed by HUD before the award of any grant under this program.

IX. Authority

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 Pub. L. 106–377, approved October 27, 2000).

Appendix A

The non-standard forms, which follow are required for your RHED application.

BILLING CODE 4210-32-P

APPENDIX A

Appendix

Checklist of Forms and Certifications

Page Number

- ☐ Transmittal Letter
- ☐ Checklist and Submission Table of Contents
- ☐ Standard Form for Application for Federal Assistance (SF-424)
- ☐ Statement of Work, including summary and responses to factors for award
- ☐ Budget in support of Rating Factor 3
- ☐ Documentation of Funds/In-Kind Services pledged in support of Rating Factor 4
- ☐ Required Certifications (signed)
  - ☐ Certification for a Drug-Free Workplace (HUD-50070)
  - ☐ Certification of Payments to Influence Federal Transactions (HUD-50071)(see 24 CFR part 87, Appendix A)
  - ☐ Disclosure of Lobbying Activities (SF-LLL) (If required, see 24 CFR part 87, Appendix B)
  - ☐ Applicant/Recipient Disclosure/Update Report (HUD-2880)
  - ☐ Applicant Nondiscrimination Certifications
  - ☐ Certification Regarding Debarment and Suspension (HUD-2992)
- ☐ Acknowledgment of Application Receipt (HUD-2993) (to be returned to applicant)
- ☐ For nonprofit organizations, a copy of the IRS ruling providing tax-exempt status under section 501 of the IRS Code of 1996, as amended

☐ Documentation that area served is rural area, as defined in this NOFA

☐ The Environmental Review Assurance

APPENDIX B

Housing Affordability and Quality Indicators for Appalachian Regional Commission -Designated Distressed Counties

State/County	Estimated % of Renters Unable to Afford 2BR FMR[1]	Estimated % of Substandard Housing Units[2]
Alabama		
Hale	63%	14.3%
Macon	49%	8.8%
Pickens	58%	10.0%
Georgia		
Elbert	50%	6.5%
Kentucky		
Adair	43%	6.9%
Bath	51%	10.5%
Bell	52%	8.8%
Breathitt	58%	19.8%
Carter	45%	9.0%
Casey	44%	13.2%
Clay	65%	15.6%
Clinton	55%	11.2%
Cumberland	49%	8.6%
Elliott	66%	15.5%
Estill	45%	12.3%
Floyd	44%	6.1%
Green	49%	5.0%
Harlan	66%	9.0%
Jackson	65%	14.8%
Johnson	41%	7.0%
Knott	59%	10.8%
Knox	66%	10.2%
Lawrence	52%	11.0%
Lee	63%	15.3%
Leslie	50%	14.0%
Letcher	58%	8.9%
Lewis	45%	13.7%
Lincoln	45%	9.9%
McCreary	59%	13.4%
Magoffin	69%	11.0%
Martin	63%	7.1%
Menifee	51%	8.4%
Monroe	45%	8.3%
Morgan	51%	9.8%
Owsley	80%	17.7%
Perry	52%	10.7%
Pike	41%	4.6%
Powell	50%	10.9%
Rockcastle	49%	11.5%

Housing Affordability and Quality Indicators for Appalachian Regional Commission -Designated Distressed Counties

State/County	Estimated % of Renters Unable to Afford 2BR FMR[1]	Estimated % of Substandard Housing Units[2]
Rowan	44%	6.2%
Russell	45%	5.0%
Wayne	50%	12.8%
Whitley	49%	9.7%
Wolfe	79%	15.6%
Mississippi		
Alcorn	45%	3.2%
Benton	40%	10.8%
Chickasaw	43%	7.6%
Choctaw	43%	7.3%
Clay	44%	10.1%
Kemper	51%	13.0%
Marshall	43%	11.8%
Monroe	41%	5.3%
Noxubee	59%	18.6%
Oktibbeha	45%	7.2%
Tishomingo	39%	2.8%
Winston	45%	8.1%
Yalobusha	51%	8.5%
North Carolina		
Graham	53%	4.5%
Swain	45%	5.1%
Ohio		
Adams	62%	8.3%
Athens	48%	4.4%
Gallia	49%	4.5%
Meigs	69%	5.4%
Monroe	52%	6.5%
Morgan	58%	6.5%
Pike	55%	7.7%
Scioto	53%	4.1%
Vinton	53%	9.7%
Pennsylvania		
Fayette	49%	2.7%
Greene	59%	3.8%
Tennessee		
Campbell	43%	6.8%
Clay	43%	8.9%
Cocke	48%	8.6%
Pentress	41%	7.9%
Grundy	55%	7.1%
Hancock	73%	19.3%

Housing Affordability and Quality Indicators for Appalachian Regional Commission -Designated Distressed Counties

State/County	Estimated % of Renters Unable to Afford 2BR FMR[1]	Estimated % of Substandard Housing Units[2]
Johnson	48%	7.3%
Meigs	48%	8.0%
Pickett	55%	7.4%
Scott	47%	8.7%
Virginia		
Buchanan	49%	6.7%
Dickenson	62%	8.0%
Lee	53%	10.4%
Russell	50%	6.3%
Wise	53%	5.7%
West Virginia		
Barbour	55%	6.1%
Boone	53%	4.1%
Braxton	48%	8.1%
Calhoun	66%	12.0%
Clay	52%	10.2%
Fayette	44%	5.1%
Gilmer	55%	9.8%
Lewis	49%	4.8%
Lincoln	63%	9.8%
Logan	45%	5.0%
McDowell	68%	8.5%
Mason	43%	5.8%
Mingo	58%	6.6%
Nicholas	55%	5.3%
Pocahontas	45%	7.5%
Raleigh	49%	3.3%
Randolph	45%	5.8%
Ritchie	48%	6.3%
Roane	48%	8.6%
Summers	55%	7.9%
Taylor	49%	4.8%
Upshur	49%	5.6%
Webster	59%	10.2%
Wetzel	43%	5.5%
Wirt	64%	13.5%
Wyoming	58%	5.1%
Mean County-level Indicators	52%	8.7%

APPENDIX C

Lower Mississippi Delta States, Counties and Parishes

Arkansas (42 Counties): Arkansas, Ashley, Baxter, Bradley, Calhoun, Chicot, Clay, Cleveland, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Fulton, Grant, Greene, Independence, Izard, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Marion, Mississippi, Monroe, Ouachita, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, Searcy, Sharp, Stone, Union, Van Buren, White, Woodruff

Illinois (16 Counties): Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, White, Williamson

Kentucky (21 Counties): Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Muhlenberg, Todd, Trigg, Union, Webster

Louisiana (45 Parishes): Acadia, Allen, Ascension, Assumption, Avoyelles, Caldwell, Catahoula, Concordia, E. Baton Rouge, E. Carroll, E. Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Orleans, Ouachita, Pointe Coupee, Plaquemines, Rapides, Richland, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, Tangipahoa, Tensas, Union, Washington, W. Baton Rouge, W. Carroll, W. Feliciana, Winn

Mississippi (45 Counties): Adams, Amite, Attala, Benton, Bolivar, Carroll, Claiborne, Coahoma, Copiah, Covington, DeSoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Issaquena, Jefferson, Jefferson Davis, Lafayette, Lawrence, Leflore, Lincoln, Madison, Marion, Marshall, Montgomery, Panola, Pike, Quitman, Rankin, Sharkey, Simpson, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wilkinson, Yalobusha, Yazoo

Missouri (29 Counties): Bollinger, Butler, Cape Girardeau, Carter, Crawford, Dent, Douglas, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscott, Perry, Phelps, Reynolds, Ripley, St. Genevieve, St. Francois, Scott, Shannon, Stoddard, Texas, Washington, Wayne, Wright

Tennessee (21 Counties): Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Weakley

(Place this document behind the SF-424)

Rural Housing and Economic Development Program
Project Summary Sheet

Name of Applicant _____
Amount Requested from HUD $_____
Total Amount Leveraged $ _____

Please indicate the category under which you wish this application to be considered:
(Only check ONE)
- ☐ Capacity Building
- ☐ Support for Innovative Housing and Economic Development Activities

Please indicate which of the following definitions applies to the service area proposed in this application:
- ☐ A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas)
- ☐ A county with no urban population of 20,000 inhabitants or more.
- ☐ Territory, persons, and housing units in the rural portions of "extended cities." The U.S. Census Bureau identifies the rural portions of extended cities in the United States
- ☐ Open country which is not part of or associated with an urban area. The United States Department of Agriculture (USDA) describes "open country" as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, and open space set aside for future development.
- ☐ Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

Number of jobs created _____
Number of jobs retained _____
Number of people trained _____
Number of housing units constructed _____
Number of housing units rehabilitated _____

Is the project located in an EZ/EC? ☐ Yes ☐ No If yes, ☐ EZ ☐ EC

Please indicate which, if any, of the following underserved populations you are proposing to serve in this application:
- ☐ A place with a very small population (2,500 or less)
- ☐ Migrant or seasonal farmworkers
- ☐ Native American tribe
- ☐ Colonia
- ☐ Lower Mississippi Delta Region
- ☐ Appalachia's Distressed Counties

Program Summary

_____
_____
_____
_____
_____
_____
_____

Rural Housing and Economic Development Program (RHED)

Grant Budget

Rural Housing and Economic Development Grant Activities (List)	Sources of Funds					
	RHED Program	Other Federal Share	State Share	Local Share	Private Share	Total
	$	$	$	$	$	$
Grand Totals	$	$	$	$	$	$

Line Item Budget for Federal Funds for the Rural Housing and Economic Development Program

Cost Category	Activity 1 _____	Activity 2 _____	Activity 3 _____	Activity 4 _____	Activity 5 _____	Total Dollars
Personnel	$	$	$	$	$	$
Fringe Benefits						
Travel						
Equipment						
Supplies						
Contracts						
Consultants						
Other Direct Costs						
Indirect Costs						
Total Costs	$	$	$	$	$	$

Applicant Nondiscrimination Certifications

As the duly authorized representative of the applicant, I certify that the applicant:

1. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
   a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (Nondiscrimination in Federally Assisted Programs) and regulations pursuant thereto (24 CFR Part 1), which prohibit discrimination on the basis of race, color, or national origin;
   b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and implementing regulations at 24 CFR Part 8, which prohibit discrimination on the basis of handicap;
   c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-07) and implementing regulations at 24 CFR 146, which prohibit discrimination on the basis of age; and,
   d) the requirements of any other nondiscrimination statute(s) which may apply to the application.
2. Will comply with the requirements of the Fair Housing Act (42 U.S.C. 3601-19), as amended, and implementing regulations at 24 CFR Part 100, et seq., which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status, or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing.
3. Will comply with Section 109 of the Housing and Community Development Act of 1974, as amended, (42U.S.C. 5301-5322), which states that no person shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

Signature of Authorized Certifying Official	Applicant
X	
Title	Date

form HUD-40076-RHED (3/00)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS

Supportive Housing Program (SHP)

Shelter Plus Care (S+C)

Section 8 Moderate Rehabilitation Single Room Occupancy for Homeless Individuals (SRO)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS—SUPPORTIVE HOUSING PROGRAM (SHP), SHELTER PLUS CARE (S+C), SECTION 8 MODERATE REHABILITATION SINGLE ROOM OCCUPANCY PROGRAM FOR HOMELESS INDIVIDUALS (SRO)

Program Overview

Purpose of the Programs. The purpose of the Continuum of Care Homeless Assistance Programs is to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons to move to self-sufficiency and permanent housing.

Available Funds. Approximately $850 million.

Eligible Applicants. The chart in the Appendix A to this program section of this SuperNOFA identifies the eligible applicants for each of the three programs under the Continuum of Care.

Application Deadline. May 31, 2001.

Match. Yes.

Additional Information

If you are interested in applying for funding under any of the Continuum of Care Homeless Assistance programs, please review carefully the General Section of the SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original containing the signed documentation and two copies) is due on or before 12:00 midnight, Eastern time, on May 31, 2001 to the addresses shown below.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submissions (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. To HUD Headquarters. Submit your original completed application (the application with the original signed documentation) to: Room 7270, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, Attention: Continuum of Care Programs.

To the Appropriate CPD Field Office. Also submit two copies of your completed application to the Community Planning and Development Division of the appropriate HUD Field Office for your jurisdiction. The HUD Field Office must receive the two copies of your application by the deadline date as well. The determination, however, that your application was received on time will be made *solely on receipt of the application at HUD Headquarters in Washington.* Reviews will be based upon the contents of the application submitted to HUD Headquarters.

For Application Kits. For an application kit, please call the SuperNOFA Information Center at 1–800–HUD–8929 (voice) or 1–800–HUD–2209 (TTY), or you may download an application by Internet at http://www.HUD.gov.

For Further Information. You may contact the HUD Field Office serving your area, at the telephone number shown in Appendix A to the General Section of the SuperNOFA, or you may contact the Community Connections Information Center at 1–800–998–9999 (voice) or 1–800–HUD–2209 (TTY) or by Internet at: http://www.comcon.org/ccprog.html.

For Technical Assistance. Before the application deadline, HUD staff will be available to provide you with general guidance. HUD staff, however, cannot provide you with guidance in actually preparing your application. HUD Field Office staff also will be available to help you identify organizations in your community that are involved in developing the Continuum of Care system. Following conditional selection of applications, HUD staff will be available to assist selected applicants in clarifying or confirming information that is a prerequisite to the offer of a grant agreement or Annual Contributions Contract by HUD. However, between the application deadline and the announcement of conditional selections, HUD will accept no information that would improve the substantive quality of your application pertinent to HUD's funding decision.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $850 million is available for this competition in FY 2001. Any unobligated funds from previous competitions or additional funds that may become available as a result of deobligations or recaptures from previous awards or budget transfers may be used in addition to 2001 appropriations to fund applications submitted in response to this program section of this SuperNOFA. The funds available for the Continuum of Care program can be used under any of three programs that can assist in creating community systems for combating homelessness. The three programs are:

(1) Supportive Housing;

(2) Shelter Plus Care; and

(3) Section 8 Moderate Rehabilitation for Single Room Occupancy Dwellings for Homeless Individuals.

The chart in the Appendix A to this program section of this SuperNOFA summarizes key aspects of the programs, and also provides the citations for the statutes and regulations that authorize these programs. The regulations listed in the chart provide more detailed descriptions of each of the programs.

As in previous funding availability announcements for the Continuum of Care Homeless Assistance Programs, HUD will not specify amounts for each of the three programs this year. Instead, the distribution of funds among the three programs will depend largely on locally determined priorities and overall demand. Local priorities notwithstanding, due to Congressional action, not less than 30 percent of this year's total Homeless Assistance Grants appropriation of $1.025 billion must be used for permanent housing projects. (See Sections V(A)(4)(b) and V(A)(7) of this program section of the SuperNOFA for additional information.) Since this permanent housing set-aside requirement is expected to continue to be part of future competitions and may affect project funding selections as described below, you are strongly encouraged to begin planning as soon as possible for new permanent housing projects to be included as part of your submission in this and future competitions.

In addition, Congress has established a fund separate from the 2001 Homeless Assistance Grants appropriation for the purpose of renewing for one year eligible Shelter Plus Care Program grants whose five-year terms are expiring in FY2002 and Shelter Plus Care Program grants that have been extended beyond their original five-year terms but which are projected to run out of funds in FY 2002. For Shelter Plus Care Program renewal grants expiring or, if having had its grant term extended, running out of funds, during the period October 1 through December 31, 2002 (the first quarter of FY 2003), it is anticipated that the FY 2002 HUD appropriation will again establish a separate fund to renew them non-competitively. However, if such a separate fund is not established or is insufficient, then some or all of these

renewal grant requests will be included in and subject to all rules pertaining to this competition. In order to meet the expressed Congressional intent not to divorce these Shelter Plus Care renewals from the accountability requirements that are needed to preserve the financial integrity of the projects, and to ensure that these projects continue to meet the needs of the homeless, all Shelter Plus Care renewals must be submitted as part of a community's Continuum of Care submission. However, these S+C renewal projects will not count against your continuum's pro rata need amount. On the other hand, no S+C renewal adjustment will be made to a Continuum of Care's pro rata need amount since these projects are being funded outside of the competition. Please be advised that Shelter Plus Care renewal applications which are not submitted as part of either a "consolidated" or "associated" Continuum of Care application will not be considered as eligible for funding. (See Section VI for a description of the three options for submitting applications.)

Should Congress pass and the President sign legislation prior to this year's grant announcement permitting eligible SHP permanent housing component renewals selected for funding in the 2001 competition to be funded non-competitively, HUD reserves the right to exercise this authority. Should this authority be exercised, HUD will skip over the SHP permanent housing renewals in choosing projects from Continuum of Care priority lists for funding in this year's competition. These non-competitively funded SHP permanent housing renewals will not count against your continuum's pro rata need amount, thus increasing the funds available for other projects. You should plan for this eventuality when developing your Continuum of Care priority list. SHP permanent housing renewal applications which are not submitted as part of either a "consolidated" or "associated" Continuum of Care application will not be considered as eligible for non-competitive funding under this authority, should it be exercised.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* (1) *Developing Continuum of Care Systems.* The purpose of the Continuum of Care Homeless Assistance Programs is to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons to move to self-sufficiency and permanent housing. The process of developing a Continuum of Care system to assist homeless persons is part of the community's larger effort of developing a Consolidated Plan. For a community to successfully address its often complex and interrelated problems, including homelessness, the community must marshall its varied resources—community and economic development resources, social service resources, housing and homeless assistance resources—and use them in a coordinated and effective manner. The Consolidated Plan, including the Analysis of Impediments to Fair Housing Choice, serves as the vehicle for a community to comprehensively identify each of its needs and to coordinate a plan of action for addressing them.

A Continuum of Care system consists of four basic components:

(a) A system of outreach and assessment for determining the needs and conditions of an individual or family who is homeless;

(b) Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency shelter and referral to necessary service providers or housing finders;

(c) Transitional housing with appropriate supportive services to help those homeless individuals and families who are not prepared to make the transition to permanent housing and independent living; and

(d) Permanent housing, or permanent supportive housing, to help meet the long-term needs of homeless individuals and families.

A Continuum of Care system is developed through a community-wide or region-wide process involving nonprofit organizations (including those representing persons with disabilities), government agencies, other homeless providers, housing developers and service providers, private businesses and foundations, and homeless or formerly homeless persons. A Continuum of Care system should address the specific needs of each homeless subpopulation: The jobless, veterans, persons with serious mental illnesses, persons with substance abuse issues, persons with HIV/AIDS, persons with multiple diagnoses, victims of domestic violence, youth, and any others. The term "multiple diagnoses" may include diagnoses of multiple physical disabilities or multiple mental disabilities or a combination of these two types.

As an applicant, the community process you use in developing a Continuum of Care system should include interested veteran service organizations. To ensure that the Continuum of Care system addresses the needs of homeless veterans, it is particularly important that you involve veteran service organizations with specific experience in serving homeless veterans. In addition, given the large number of youths aging out of the Foster Care system each year who will be homeless, you should seek to include persons knowledgeable on this issue in the planning process.

Your application is more likely to be given a high score under the Continuum of Care scoring factors if the application demonstrates the achievement of three basic goals:

- That you have provided maximum participation by non-profit providers of housing and services; homeless and formerly homeless persons; state and local governments and agencies; veteran service organizations; organizations representing persons with disabilities; the private sector; housing developers; foundations and other community organizations.
- That you have created, maintained and built upon a community-wide inventory of housing and services for homeless families and individuals; identified the full spectrum of needs of homeless families and individuals; and coordinated efforts to fill gaps between the current inventory and existing needs. This coordinated effort must appropriately address all aspects of the continuum, especially permanent housing.
- That you have instituted a Continuum of Care-wide strategy to coordinate homeless assistance with mainstream health, social services and employment programs for which homeless individuals and families may be eligible. These mainstream programs include Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act and the Welfare-to-Work grant program.

Should HUD determine, in its sole discretion, that sufficient evidence exists to confirm that the entity responsible for convening and managing the Continuum of Care process in a community has failed to follow locally established or accepted procedures governing the conduct of that process or has failed to provide for a fair process, including a project priority selection process that gives equal consideration to projects proposed by non profit organizations, HUD reserves the authority to impose sanctions up to and including a prohibition on that entity and the individuals comprising that entity from participating in that capacity in the future. In making this determination, HUD will consider as evidence court proceedings and decisions, or the determinations of other independent and impartial review bodies. This authority cannot be exercised until after a description of procedural safeguards, including an opportunity for comment and appeal, and the specific process and procedures for imposing a prohibition or debarment, have been published in the **Federal Register**.

In deciding the geographic area you will cover in your Continuum of Care strategy, you should be aware that the single most important factor in being awarded funding under this competition will be the strength of your Continuum of Care strategy when measured against the Continuum of Care rating factors described in this SuperNOFA. When you determine what jurisdictions to include in your Continuum of Care strategy area, include only those jurisdictions that are involved in the development and implementation of the Continuum of Care strategy.

The more jurisdictions you include in the Continuum of Care strategy area, the larger the pro rata need share that will be allocated to the strategy area (as described in Section V(A)(4) of this program section of the SuperNOFA). However, it would be a mistake to include jurisdictions that are not fully involved in the development and implementation of the Continuum of Care strategy since this would adversely affect the Continuum of Care score. If you are a rural county, you may wish to consider working with larger groups of contiguous counties to develop a region-wide or multi-county Continuum of Care strategy covering the combined service areas of these counties.

Since the basic concept of a Continuum of Care strategy is to create a single, coordinated, inclusive homeless assistance system for an area, the areas covered by Continuum of Care strategies should not overlap. If your Continuum of Care strategy geographically overlaps to the extent that it essentially competes with another, projects in the application/Continuum of Care that receives the highest score out of the possible 60 points for Continuum of Care will be eligible for up to 40 points under Need. Projects in the competing applications/Continuum of Care with the less effective Continuum of Care strategy will be eligible for only 10 points under Need. In no case will the same geographical area be used more than one time in assigning Need points. The local HUD Field Office can help you determine if any of the areas proposed for inclusion by your Continuum of Care system is also likely to be claimed under another Continuum of Care system in this competition.

(2) *Prioritizing.* In HUD's view, project priority decisions are best made through a local process, which includes nonprofit organizations, and are key to the ultimate goal of reducing homelessness. Again this year, you must list all projects proposed for funding in priority order from the highest priority to the lowest. Generally, this priority order will mean, for example, that if HUD has funds available only to award 8 of 10 proposed projects, then it will award funding to the first eight eligible projects listed, except as may be necessary to achieve the 30 percent overall permanent housing requirement—in which case higher priority non-permanent housing projects may be skipped over to fund lower priority permanent housing projects. Please be advised that since you are now able to closely calculate your Continuum of Care's total pro rata need amount using information provided to you from HUD, and now that you no longer need to carry the large cost burden imposed by Shelter Plus Care five-year renewals, the tiering of projects (splitting into two or more projects by year or by units) on your priority list is no longer permitted.

To promote permanent housing, a special incentive is being provided to Continuum of Care systems that place an eligible, new permanent housing project in the number one priority slot on the priority list. See Section V(A)(4)(b) of this program section of the SuperNOFA for a description of this incentive.

HUD will use this priority list to award up to 40 points per project under the "Need" scoring factors. Higher priority projects will receive more points under Need than lower priority projects. A project priority chart is included in the application kit and you should complete and submit it. If you do not submit clear project priority designations for the continuum, or if HUD, at its sole discretion, cannot determine priority designations, then HUD will give all projects the lowest score for Need.

Project renewals. If your Supportive Housing or Shelter Plus Care grant will be expiring in calendar year 2002, or if your Shelter Plus Care Program grant has been extended beyond its original five-year term and is projected to run out of funds in FY 2002, you must apply under this Continuum of Care program section of the SuperNOFA to get continued funding.

Your local needs analysis process must consider the need to continue funding for projects expiring in calendar year 2002, and you must assign a priority to those SHP projects requesting competitive renewal. HUD will not fund competitive renewals out of order on the priority list except as may be necessary to achieve the 30 percent overall permanent housing requirement. HUD reserves the authority to use FY 2002 funds, if available, to conditionally select for one year of funding lower-rated eligible SHP renewal projects that are assigned 40 need points in continuum of care systems that would not otherwise receive funding for these projects.

Regardless of the priority assigned to expiring projects, you should fully consider how persons currently being served by those projects will continue to be served, and address this issue in your gaps analysis. To the extent your community desires to have SHP projects renewed, you should give them the top priorities on the priority projects listing in the application. It is also important that they and Shelter Plus Care non-competitive renewals meet minimum project eligibility and capacity standards identified in this program section of the SuperNOFA or they will be rejected from consideration for either competitive or non-competitive funding.

For the renewal of a Supportive Housing Program project, you may request funding for one (1), two (2) or three (3) years. For the renewal of a Shelter Plus Care project, the grant term will be one (1) year as specified by Congress. For S+C renewals, you may request up to the amount determined by multiplying the number of units under lease at the time of your application for renewal funding by the applicable current Fair Market Rent(s) by 12 months, except that for Shelter Plus Care grants having been awarded one-year of renewal funding in 2000, the number of units requested for renewal this year may not exceed the number of units funded in 2000. While full funding of existing grants may be requested, there is no guarantee that the entire amount will be awarded. As is the case with SHP, HUD will recapture Shelter Plus Care grant funds remaining unspent at the end of the previous grant period when it renews a grant. The one-year term of non-competitively awarded Shelter Plus Care renewal projects may not be extended.

This program section of the SuperNOFA is not applicable to the renewal of funding under the SRO program. For further guidance on SRO

renewal, please contact your local HUD Field Office.

As a project applicant, you are eligible to apply for renewal of a grant only if you have executed a grant agreement for the project directly with HUD. If you are a project sponsor or subrecipient who has not signed such an agreement, you are not eligible to apply for renewal of these projects. HUD will reject applications for renewal submitted by ineligible applicants. If you have questions about your eligibility to apply for project renewal, contact the local HUD field office. To be considered an applicant when applying as part of a "consolidated" application, you must submit an originally signed HUD Form SF–424 and the necessary certifications and assurances. (See Section VI for a description of the three options for submitting an application.) Only public housing authorities and private nonprofits are eligible applicants for the Section 8 Moderate Rehabilitation for Single Room Occupancy program. If you are a unit of general local government acting as an applicant for a consolidated application and plan to include a request for Section 8 SRO funds, you must have a public housing authority or nonprofit listed as the Section 8 SRO applicant and they must submit a signed HUD Form SF–424, along with all necessary certifications and assurances applicable to the Section 8 SRO project.

(B) *Eligible Applicants.* See Appendix A.

(C) *Eligible Activities.* See Appendix A.

IV. Program Requirements

(A) *Statutory and Regulatory Requirements.* If your project is selected for funding as a result of the competition, you will be required to coordinate and integrate your homeless program with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act and the Welfare-to-Work grant program. In addition, as a condition for award, any governmental entity serving as an applicant must agree to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. This condition for award is intended to emphasize that States and units of general local government are primarily responsible for the care of these individuals, and to forestall attempts to use scarce McKinney-Vento Act funds to assist such persons in lieu of State and local resources. Program specific requirements follow:

(1) *SRO Program.* As an applicant, you need know that the following limitations apply to the Section 8 SRO program:

- Under section 8(e)(2) of the United States Housing Act of 1937, no single project may contain more than 100 assisted units;
- Under 24 CFR 882.802, applicants that are private nonprofit organizations must subcontract with a Public Housing Authority to administer the SRO assistance;
- Under section 8(e)(2) of the United States Housing Act of 1937 and 24 CFR 882.802, rehabilitation must involve a minimum expenditure of $3,000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to upgrade conditions to comply with the Housing Quality Standards.
- Under section 441(e) of the McKinney-Vento Act and 24 CFR 882.805(d)(1), HUD publishes the SRO per unit rehabilitation cost limit each year to take into account changes in construction costs. This cost limitation applies to rehabilitation that is compensated for in a Housing Assistance Payments Contract. For purposes of Fiscal Year 2001 funding, the cost limitation is raised from $17,850 to $18,200 per unit to take into account increases in construction costs during the past 12-month period.
- The SRO Program is subject to the Federal labor standards provisions at 24 CFR Part 882, subpart H.
- Individuals assisted through the SRO Program must meet the definition of homeless individual found at Section 103 of the McKinney-Vento Act.

(2) *Shelter Plus Care/SRO Component.* With regard to the SRO component of the Shelter Plus Care program, if you are a State or a unit of general local government, you must subcontract with a Public Housing Authority to administer the Shelter Plus Care assistance. Also with regard to this component, no single project may contain more than 100 units.

(3) *Supportive Housing Program.* Please be advised that where an applicant for Supportive Housing Program funding is a State or unit of general local government that utilizes one or more nonprofit organizations to administer the homeless assistance project(s), administrative funds provided as part of the SHP grant must be passed on to the nonprofit organization(s) in proportion to the administrative burden borne by them for the SHP project(s). HUD will consider States or units of general local government that pass on at least 50 percent of the administrative funds made available under the grant as having met this requirement which was contained in the congressional committees' report accompanying the FY 2001 HUD Appropriations Act. This requirement does not apply to either the SRO Program, since no administrative funds are provided as part of the grant, or to the S+C Program, since paying the costs associated with the administration of these grants is ineligible by regulation.

(B) *Match.* You must match Supportive Housing Program funds provided for acquisition, rehabilitation, and new construction with an equal amount of funds from other sources; for operating costs, since by law SHP can pay no more than 75% of the total operating budget for supportive housing, you must provide at least 25% of the annual operating costs. In addition, you must provide a 25% match of all SHP funding for supportive services. The cash source may be you, the Federal Government, State and local governments, or private resources. You must match rental assistance provided through the Shelter Plus Care Program in the aggregate with supportive services.

(C) *Linking Housing and Supportive Services.* Many of the clients who will be served by the HUD programs covered by this Continuum of Care NOFA may need services in addition to housing. It is important that potential grantees design programs which enhance access to those needed services. While HUD recognizes that there are many ways to ensure that clients receive the services they need, to the extent possible, the Department encourages providers to develop housing programs which do not require participation in services as a part of their occupancy requirements while ensuring that, in the case of Shelter Plus Care, the supportive service match requirement is met.

(D) *Timeliness Standards.* As an applicant, you are expected to initiate your approved projects promptly. HUD may take action if you fail to satisfy the following timeliness standards:

(1) *Supportive Housing Program*

- HUD will deobligate SHP funds if you have not demonstrated site control within one (1) year after you were initially notified of the grant award, as provided in 24 CFR 583.320(a), subject to the exceptions noted in that regulation.
- Except where HUD finds that delay was due to factors beyond your control, HUD may deobligate SHP funds if you do not meet the following additional timeliness standards:

—You must begin construction activities within eighteen (18) months after initial notification of your grant award and complete them within thirty-six (36) months after that notification.

—For activities that cannot begin until construction activities are completed, such as supportive service or operating activities that will be conducted within the building being rehabilitated or newly constructed, you must begin these activities within three (3) months after you complete construction.

—You must begin all activities that may proceed independent of construction activities within twelve (12) months after initial notification of your grant award.

(2) *Shelter Plus Care Program Components Except SRO Component.* Except where HUD finds that delay was due to factors beyond your control, HUD will deobligate S+C funds if you do not meet the following timeliness standards:

- For Tenant-based Rental Assistance, for Sponsor-based Rental Assistance, and for Project-based Rental Assistance without rehabilitation, you must start the rental assistance within twelve (12) months of the initial announcement of the grant award.
- For Project-based Rental Assistance with rehabilitation, you must complete the rehabilitation within twelve (12) months of initial notification of your grant award.

(3) *SRO Program and SRO Component of the Shelter Plus Care Program.*

For projects carried out under the SRO program and the SRO component of the S+C program, the rehabilitation work must be completed and the Housing Assistance Payments contract executed within twelve (12) months of execution of the Annual Contributions Contract. HUD may reduce the number of units or the amount of the annual contribution commitment if, in HUD's determination, the Public Housing Authority fails to demonstrate a good faith effort to adhere to this schedule.

V. Application Selection Process

(A) *Review, Rating and Conditional Selection.* HUD will use the same review, rating, and conditional selection process for all three programs (S+C, SRO, and SHP). The standard factors for award identified in the General Section of this SuperNOFA have been modified in this program section as described below. Only the factors described in this program section—Continuum of Care and Need—will be used to assign points. To review and rate applications, HUD may establish panels. In order to obtain certain expertise and outside points of view, including views from other Federal agencies, these panels may include persons not currently employed by HUD. Two types of reviews will be conducted. Paragraphs (1) and (2) below describe threshold reviews and paragraphs (3) and (4) describe factors—Continuum of Care and Need—that will be used to assign points. Up to 104 points (including bonus points and points for the court-ordered consideration described in Section III(C)(1) and (2) of the General Section of the SuperNOFA) will be assigned using these factors.

(1) *Applicant and sponsor eligibility and capacity.* HUD will review your capacity as the applicant and project sponsor to ensure the eligibility and capacity standards in this section are met. If HUD determines these standards are not met, the project will be rejected from the competition. The eligibility and capacity standards are:

- You must be eligible to apply for the specific program;
- You must demonstrate ability to carry out the project(s). With respect to each proposed project, this means that in addition to knowledge of and experience with homelessness in general, the organization carrying out the project, its employees, or its partners, must have the necessary experience and knowledge to carry out the specific activities proposed, such as housing development, housing management, and service delivery;
- If you or the project sponsors are current or past recipients of assistance under a HUD McKinney-Vento Act program, there must have been no delay in implementing projects exceeding applicable program timeliness standards that HUD determines is within your or the project sponsor's control, unresolved HUD finding, or outstanding audit finding of a material nature regarding the administration of the program; and
- You and the project sponsors must be in compliance with applicable civil rights laws and Executive Orders, and must meet the threshold requirements of Section II(B) of the General Section of the SuperNOFA.

(2) *Project eligibility and quality.* HUD will review projects to determine if they meet the following eligibility and quality standards. If HUD determines the following standards are not met by a specific project or activity, the project or activity will be rejected from the competition.

- The population to be served must meet the eligibility requirements of the specific program, as described in this program section;
- At least one of the activities for which assistance is requested must be eligible under the specific program, as described in the program regulations;
- The housing and services proposed must be appropriate to the needs of the persons to be served. HUD may find a project to be inappropriate if:

—The type and scale of the housing or services clearly does not fit the needs of the proposed participants;

—Participant safety in the proposed housing is not ensured;

—The housing or services are clearly designed to principally meet emergency needs rather than helping participants achieve self-sufficiency;

—Transportation and community amenities are not available and accessible; or

—Housing accessibility for persons with disabilities is not provided as required by applicable laws;

An SHP or S+C project renewal will be considered as having met this requirement through its previously approved grant application.

- The project must be cost-effective in HUD's opinion, including costs associated with construction, operations, and administration, with such costs not deviating substantially from the norm in that locale for the type of structure or kind of activity;
- Supportive services only projects, and all others, must show how participants will be helped to access permanent housing and achieve self-sufficiency. An SHP or S+C project renewal will be considered as having met this requirement through its previously approved grant application;
- For the Section 8 SRO program, at least 25 percent of the units to be assisted at any one site must be vacant at the time of application. Tenants returning after having vacated their units during the rehabilitation period are not eligible to receive rental assistance under the SRO Program since they do not meet the McKinney-Vento Act definition of homeless individual; and
- For those projects proposed under the SHP innovative category: Whether or not a project is considered innovative

will be determined on the basis that the particular approach proposed is new within its geographic area, and can be replicated.

(3) *Continuum of Care.* HUD will award up to 60 points as follows:

(a) *Process and Strategy.* HUD will award up to 30 points based on the extent to which your application demonstrates:

- The existence of a coordinated and inclusive community process, including organizational structure(s), for developing and implementing a Continuum of Care strategy which includes nonprofit organizations (such as veterans service organizations, organizations representing persons with disabilities, and other groups serving homeless persons), State and local governmental agencies, other homeless providers, housing developers and service providers, private foundations, local businesses and the banking community, and homeless or formerly homeless persons; and
- That a well-defined and comprehensive strategy has been developed which addresses the components of a Continuum of Care system (i.e., outreach, intake, and assessment; emergency shelter; transitional housing; permanent and permanent supportive housing) and that strategy has been designed to serve all homeless subpopulations in the community (e.g., seriously mentally ill, persons with multiple diagnoses, veterans, persons with HIV/AIDS), including those persons living in emergency shelters, supportive housing for homeless persons, or in places not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) *Gaps and Priorities.* HUD will award up to 20 points based on the extent to which your application:

- Describes the gap analysis performed, uses reliable information and sources that are presented completely and accurately, and establishes the relative priority of homeless needs identified in the Continuum of Care strategy; and
- Proposes projects that are consistent with the priority analysis described in the Continuum of Care strategy, describes a fair project selection process, explains how gaps identified through the analysis are being addressed, and correctly completes the priority chart.

When HUD reviews a community's Continuum of Care to determine the points to assign, HUD will consider whether the community took its renewal needs into account in preparing its project priority list. (See discussion on renewals in Section III(A)(2) of this NOFA.)

(c) *Supplemental Resources.* HUD will award up to 10 points based on the extent to which your application incorporates mainstream resources and demonstrates leveraging of funds requested under this program section of the SuperNOFA with other resources, including private, other public, and mainstream services and housing programs. To achieve the highest rating for this factor, applicants must evidence explicit Continuum of Care-wide strategies to coordinate homeless assistance with mainstream health, social services and employment programs for which homeless populations may be eligible. These include Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act and the Welfare-to-Work grant program.

(d) *EZ/EC bonus points.* As provided for in Section III(C)(1) of the General Section of this SuperNOFA, HUD will add a bonus of up to 2 points to the Continuum of Care score when: (1) At least one proposed homeless assistance project will be located within the boundaries and/or will principally serve the residents of a federal Empowerment Zone, Enterprise Community, Enhanced Enterprise Community, or Strategic Planning Communities (collectively "EZ/EC"); and (2) if priority placement will be given by the project(s) to homeless persons living on the streets or in shelters within the EZ/EC, or whose last known address was within the EZ/EC. In addition, and in order for a Continuum of Care system to receive any of the bonus points, the applicant must specifically state how it meets the requirements for the two EZ/EC bonus points, and provide a narrative describing the extent of the linkages and coordination between proposed projects and the EZ/EC. Examples of such coordination include having common board or committee membership (EZ/EC and Continuum of Care), and having EZ/EC resources directed toward Continuum of Care activities. The greater the extent of EZ/EC involvement in and coordination with the implementation strategy for the Continuum of Care system and projects, the greater the likelihood that bonus points will be awarded.

(e) *Court-ordered consideration.* Section III(C)(2) of the General Section is applicable to this program.

(4) *Need.* HUD will award up to 40 points for need. There is a three-step approach to determining the need scores to be awarded to projects:

(a) *Determining relative need:* To determine the homeless assistance need of a particular jurisdiction, HUD will use nationally available data, including the following factors as used in the Emergency Shelter Grants program: data on poverty, housing overcrowding, population, age of housing, and growth lag. Applying those factors to a particular jurisdiction provides an estimate of the relative need index for that jurisdiction compared to other jurisdictions applying for assistance under this program section of the SuperNOFA.

(b) *Applying relative need:* HUD will then apply that relative need index to the total amount of funding estimated to be available under this program section of the SuperNOFA to determine a jurisdiction's pro rata need. However, in order to promote permanent housing for the homeless, if a Continuum of Care's number one priority project qualifies as an eligible, new permanent housing project, then the full amount of that project's eligible activities, up to $500,000 will be added to the final pro rata need amount for the Continuum. HUD also reserves the right to adjust pro rata need, if necessary, to address SHP project renewals and any Shelter Plus Care renewal projects funded under competitive rules.

(c) *Awarding need points to projects:* Once the pro rata need is established, it is applied against the priority project list in the application. Starting from the highest priority project, HUD proceeds down the list to award need points to each project. An eligible project will receive the full 40 points for need if at least one half of its requested amount falls within the pro rata need amount for that Continuum of Care (COC). Thereafter, HUD proceeds further down the priority project list and awards 15 points for need to each project if at least one half of its requested amount falls within the "second tier" of pro rata need amount for that Continuum of Care. The "second tier" is the amount between the pro rata need and twice the pro rata need for the COC. Remaining projects each receive 10 points. If projects are not prioritized for the Continuum, then all projects will receive 10 points for Need.

In the case of competing applications from a single jurisdiction or service area, projects in the application that received the highest score out of the possible 60 points for Continuum of Care are eligible for up to 40 points under Need. Projects in the competing applications with lower Continuum of Care scores are eligible for only 10 points under Need.

(5) *Ranking.* HUD will add the score for Continuum of Care to the Need score and EZ/EC bonus points, if any, to obtain a total score for each project. The projects will then be ranked from highest to lowest according to the total combined score.

(6) *Conditional Selection and Adjustments to Funding.*

(a) *Conditional Selection.* Whether a project is conditionally selected, as described in Section V(B) below, will depend on its overall ranking compared to others, except that HUD reserves the right to select lower rated eligible projects in order to meet the 30 percent overall permanent housing requirement. (See V(A)(7) for additional selection information.)

When insufficient funds remain to fund all projects in the competition having the same total score, HUD will first fund permanent housing projects if necessary to achieve the 30 percent overall permanent housing requirement. HUD will then break ties among the remaining projects with the same total score by comparing scores received by the projects for each of the following scoring factors, in the order shown: Need, Overall Continuum of Care (COC) score, COC Process and Strategy, COC Gaps and Priorities, and COC Supplemental Resources. The final tie-breaking factor is the priority number of the competing projects on the applicable COC priority list(s).

(b) *Adjustments to Funding.* The Secretary of HUD has determined that geographic diversity is appropriate to carrying out homeless assistance programs in an effective manner. HUD believes that geographic diversity can be achieved best by awarding grants to as many COCs as possible. To this end, in instances where any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa does not have at least one funded COC, HUD reserves the right to fund eligible project(s) receiving 40 Need points in the COC with the highest total score in that jurisdiction. To qualify for funding, the total score for these first tier projects on the COC priority list must be at least 70 points. In the case of two or more COCs with the same total score, HUD will use the tie-breaking rules described above. In addition, if the highest priority project passing threshold requirements within a COC fails to meet the criteria for receiving 40 Need points, HUD reserves the right to reduce the total requested amount for that project to allow it to qualify for 40 Need points. HUD may otherwise adjust funding of applications in accordance with the provisions of Section III(E) of the General Section of the SuperNOFA. In addition, HUD reserves the right to ensure that a project that is applying for, and eligible for, selection under this competition is not awarded funds that duplicate activities.

(7) *Additional selection considerations.* HUD also will apply the limitations on funding described below in making conditional selections.

In accordance with the appropriation for homeless assistance grants in the Fiscal Year 2001 Appropriation Act for HUD (Pub.L. 106–377, approved October 27, 2000; 114 Stat. 1441), HUD will use not less than 30 percent of the total FY 2001 Homeless Assistance Grants appropriation to fund projects that meet the definition of permanent housing. Projects meeting the definition of permanent housing for this purpose are: (1) New Shelter Plus Care projects, (2) Section 8 SRO projects, and (3) new and renewal projects designated as permanent housing for homeless persons with disabilities under the Supportive Housing Program, that, in addition, have been assigned at least 15 Need points, and which are submitted as part of either a "consolidated" or "associated" Continuum of Care application receiving at least 20 points under the Continuum of Care scoring factor. However, no Continuum of Care application may receive more than 20 percent of its pro rata need, up to $3 million, for "second-tier" permanent housing projects assigned 15 Need points that are selected for funding under this procedure. (See Section V(A)(4)(c) for definition of "second-tier".) Since the FY 2001 Homeless Assistance Grants appropriation is $1.025 billion, not less than $307.5 million, plus carry over from the FY 2000 competition, must be awarded to permanent housing projects unless an insufficient number of approvable permanent housing projects is submitted. This permanent housing funding requirement may result in higher scoring non-permanent housing projects being skipped over to fund lower scoring permanent housing projects or, within a continuum, higher priority non-permanent housing projects being skipped over to fund lower priority permanent housing projects. HUD will first skip over new non-permanent housing projects when making project selections in order to meet the 30 percent requirement. If the 30 percent requirement has not been met after skipping over the new non-permanent housing projects, then HUD will skip over non-permanent housing renewal projects. In skipping over new non-permanent housing projects, HUD will begin with the lowest rated, eligible new non-permanent project at the funding line and continue up the ranking until the 30 percent requirement is met. If HUD is required to skip over non-permanent housing renewal projects, HUD will proceed in the same way.

In accordance with section 429 of the McKinney-Vento Act, HUD will award Supportive Housing funds as follows: not less than 25 percent for projects that primarily serve homeless families with children; not less than 25 percent for projects that primarily serve homeless persons with disabilities; and not less than 10 percent for supportive services not provided in conjunction with supportive housing. After projects are rated and ranked, based on the factors described above, HUD will determine if the conditionally selected projects achieve these minimum percentages. If not, HUD will skip higher-ranked projects in order to achieve these minimum percentages.

In accordance with section 463(a) of the McKinney-Vento Act, as amended by the Housing and Community Development Act of 1992, at least 10 percent of Shelter Plus Care funds will be awarded for each of the four components of the program: Tenant-based Rental Assistance; Sponsor-based Rental Assistance; Project-based Rental Assistance; and Section 8 Moderate Rehabilitation of Single Room Occupancy Dwellings for Homeless Individuals (provided there are sufficient numbers of approvable projects to achieve these percentages). After projects are rated and ranked, based on the factors described above, HUD will determine if the conditionally selected projects achieve these minimum percentages. If necessary, HUD will skip higher-ranked projects in order to achieve these minimum percentages.

In accordance with section 455(b) of the McKinney-Vento Act, no more than 10 percent of the assistance made available for Shelter Plus Care in any fiscal year may be used for programs located within any one unit of general local government. In accordance with section 441(c) of the McKinney-Vento Act, no city or urban county may have Section 8 SRO projects receiving a total of more than 10 percent of the assistance made available under this program. HUD is defining the 10 percent availability this fiscal year as $10 million for Shelter Plus Care and $10 million for Section 8 SRO. However, if the amount awarded under either of these two programs exceeds $100

million, then the amount awarded to any one unit of general local government (for purposes of the Shelter Plus Care program) or city or urban county (for the purposes of the SRO program) could be up to 10 percent of the actual total amount awarded for that program.

Lastly, HUD reserves the right to reduce the amount of a grant if necessary to ensure that no more than 10 percent of assistance made available under this program section of the SuperNOFA will be awarded for projects located within any one unit of general local government or within the geographic area covered by any one Continuum of Care. If HUD exercises a right it has reserved under this program section of the SuperNOFA, that right will be exercised uniformly across all applications received in response to this program section of the SuperNOFA.

(B) *Action on Conditionally Selected Applications.* HUD will notify conditionally selected applicants in writing. As necessary, HUD will subsequently request them to submit additional project information, which may include documentation to show the project is financially feasible; documentation of firm commitments for cash match; documentation showing site control; information necessary for HUD to perform an environmental review, where applicable; and such other documentation as specified by HUD in writing to the applicant, that confirms or clarifies information provided in the application. HUD will notify SHP, SRO, S+C and S+C/SRO applicants of the deadline for submission of such information. If an applicant is unable to meet any conditions for fund award within the specified timeframe, HUD reserves the right not to award funds to the applicant, but instead to either: use them to select the next highest ranked application(s) from the original competition for which there are sufficient funds available; or add them to funds available for the next competition for the applicable program.

VI. Application Submission Requirements

The application kit provides the application materials, including Form SF–424 and certifications, that must be used in applying for homeless assistance under this SuperNOFA. These application materials substitute for the forms, certifications, and assurances listed in Section II(G) of the General Section of the SuperNOFA (collectively, the "standard" forms).

In addition to the required narratives, the items that you must submit to HUD as part of the application for homeless assistance funding are the following:

1. 2001 Application Summary Form
2. Continuum of Care and Project Exhibits
3. Gaps Analysis Form
4. Project Priorities Form
5. Project Leveraging Form
6. EZ/EC Certification
7. SF–424
8. Applicant Certifications
9. Consolidated Plan Certification(s)

The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining forms (i.e., excluding such items as narratives), referred to as the non-standard forms, can be found in Appendix B to this program section of the SuperNOFA).

The application requires a description of the Continuum of Care system and the proposed project(s). To ensure that no applicant is afforded an advantage in the rating of the Continuum of Care element (described in Section V(A)(3) above), HUD is establishing a limitation of 25 pages, excluding required multiple page tables or charts but including any attachments, on the length of Exhibit 1 of any application submitted in response to this NOFA. HUD will not consider the contents of any pages exceeding this limit when rating the Continuum of Care element of any application. The application kit also contains certifications that the applicant will comply with fair housing and civil rights requirements, program regulations, and other Federal requirements, and (where applicable) that the proposed activities are consistent with the HUD-approved Consolidated Plan of the applicable State or unit of general local government, including the Analysis of Impediments to Fair Housing Choice and the Action Plan to address these impediments. Projects funded under this SuperNOFA shall operate in a fashion that does not deprive any individual of any right protected by the Fair Housing Act (42 U.S.C. 3601–19), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301) or the Age Discrimination Act of 1974 (42 U.S.C. 6101). Section II(D) of the General Section of this SuperNOFA regarding Affirmatively Furthering Fair Housing does not apply to the Continuum of Care Homeless Assistance programs.

There are three options for submitting an application under this program section of the SuperNOFA.

One: A "Consolidated Application" is submitted when a jurisdiction (or a consortium of jurisdictions) submits a single application encompassing a Continuum of Care strategy and containing all the projects within that strategy for which funding is being requested. Individual projects are contained within the one consolidated application. Grant funding may go to one entity which then administers all funded projects submitted in the application, or under this option, grant funding may go to all or any of the projects individually. Your application will specify the grantee for each project.

Two: "Associated Applications" are submitted when applicants plan and organize a single Continuum of Care strategy which is adopted by project sponsors or operators who choose to submit separate applications for projects while including the identical Continuum of Care strategy. In this case, project funding would go to each successful applicant individually and each would be responsible to HUD for administering its separate grant.

Three: A "Solo Application" is submitted when an applicant applies for a project exclusive of participation in any community-wide or region-wide Continuum of Care development process.

Options one and two are not substantively different and will be considered equally competitive. Applicants are advised that projects that are not a part of a Continuum of Care strategy will receive few, if any, points under the Continuum of Care rating factors.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications (See Section V of the General Section).

VIII. Environmental, Local Resident Employment, and Relocation Requirements

(A) *Environmental Requirements.* All Continuum of Care assistance is subject to the National Environmental Policy Act and applicable related Federal environmental authorities. Section 208 of Public Law 106–377 (114 Stat. 1441, approved October 27, 2000) amended Section 443 of the Stewart B. McKinney-Vento Homeless Assistance Act to provide that for purposes of environmental review, Continuum of Care projects shall be treated as assistance for special projects that are

subject to Section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to HUD's regulations implementing that section. The effect of this provision is that environmental reviews for Continuum of Care activities are to be completed by responsible entities (States or units of general local government) in accordance with 24 CFR Part 58, whether or not the applicant is itself a State or a unit of general local government. Applicants (such as PHAs or nonprofit organizations) that are not States or units of general local government must request the unit of general local government to perform the environmental review. This statutory provision supersedes those portions of 24 CFR 582.230 and 583.230 that provide for automatic HUD environmental review in the case of application from such entities. With this exception, conditional selection of projects under the Continuum of Care Program is subject to the environmental review requirements of 24 CFR 582.230, 583.230, and 882.804(c), as applicable. Recipients may not commit or expend any Continuum of Care assistance or nonfederal funds on project activities (other than those listed in 24 CFR 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification from the responsible entity. The expenditure or commitment of Continuum of Care assistance or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project under consideration.

(B) *Local Resident Employment.* To the extent that any housing assistance (including rental assistance) funded through this program section of the SuperNOFA is used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, then it is subject to section 3 of the Housing and Urban Rehabilitation Act of 1968, and the implementing regulations at 24 CFR part 135. Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

(C) *Relocation.* The SHP, S+C, and SRO programs are subject to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). These requirements are explained in HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. Any person or family that moves, even temporarily, as a direct result of acquisition, rehabilitation or demolition for a project that is assisted through one of these programs (whether or not HUD funded the acquisition, rehabilitation or demolition) is entitled to relocation assistance. Displacement that results from leasing a unit in a structure may also trigger relocation requirements. Relocation assistance can be expensive. To avoid unnecessary costs, it is important to provide occupants with timely information notices, including a general information notice to be sent at the time the application is submitted to HUD. HUD Handbook 1378 contains guideform information notices. The HUD field office can provide a copy of the handbook and copies of appropriate information booklets to be provided to occupants. Accordingly, if the site is occupied, the applicant should contact the HUD field office in the planning stage to obtain advice, including help in estimating the cost of required relocation assistance.

IX. Authority

The Supportive Housing Program is authorized by title IV, subtitle C, of the Stewart B. McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), 42 U.S.C. 11381. Funds made available under this program section of the SuperNOFA for the Supportive Housing Program are subject to the program regulations at 24 CFR part 583.

The Shelter Plus Care program is authorized by title IV, subtitle F, of the McKinney-Vento Act, 42 U.S.C. 11403. Funds made available under this program section of the SuperNOFA for the Shelter Plus Care program are subject to the program regulations at 24 CFR part 582.

The Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals (SRO) is authorized by section 441 of the McKinney-Vento Act, 42 U.S.C. 11401. Funds made available under this NOFA for the SRO program are subject to the program regulations at 24 CFR part 882, subpart H.

BILLING CODE 4210–32–P

Appendix A
CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS

ELEMENT	SUPPORTIVE HOUSING	SHELTER PLUS CARE	SECTION 8 SRO
AUTHORIZING LEGISLATION	Subtitle C of Title IV of the Stewart B. McKinney-Vento Homeless Assistance Act	Subtitle F of Title IV of the Stewart B. McKinney-Vento Homeless Assistance Act	Sec. 441 of the Stewart B. McKinney-Vento Homeless Assistance Act
IMPLEMENTING REGULATIONS	24 CFR part 583	24 CFR part 582	24 CFR part 882
ELIGIBLE APPLICANT(S)	• States • Units of general local government • Special purpose units of government such as public housing agencies (PHAs) • Private nonprofit organizations • CMHCs that are public nonprofit organizations	• States • Units of general local government • PHAs	• PHAs • Private nonprofit organizations
ELIGIBLE COMPONENTS	• Transitional housing • Permanent housing for disabled persons only • Supportive services not in conjunction with supportive housing • Safe Havens • Innovative supportive housing	• Tenant-based • Sponsor-based • Project-based • SRO-based	• SRO housing
ELIGIBLE ACTIVITIES See footnotes 1, 2, and 3	• Acquisition • Rehabilitation • New construction • Leasing • Operating costs • Supportive services	• Rental assistance	• Rental Assistance
ELIGIBLE POPULATIONS See footnote 2	• Homeless persons	• Homeless disabled individuals • Homeless disabled individuals & their families	• Homeless individuals • Section 8 eligible current occupants
POPULATIONS GIVEN SPECIAL CONSIDERATION	• Homeless persons with disabilities • Homeless families with children	Homeless persons who: • are seriously mentally ill • have chronic problems with alcohol and/or drugs • have AIDS & related diseases	N/A
INITIAL TERM OF ASSISTANCE	3 years	5 years: TRA, SRA, and PRA if no rehab 10 years: SRO and PRA with rehab	10 years

Footnote 1: **Homeless prevention activities are statutorily ineligible under these programs.**
Footnote 2: **Persons at risk of homelessness are statutorily ineligible for assistance under these programs.**
Footnote 3: **Acquisition, construction, rehabilitation, leasing, and operating costs for emergency shelters are statutorily ineligible for assistance under Shelter Plus Care and Section 8 SRO.**

2001 Application Summary

This is the first page of your application. Remove this page and place it in the front of your application.

Continuum of Care (CoC) Name: _____

CoC Contact Person and Organization: _____

Address : _____

_____

Phone Number: _____

Continuum of Care Geography

Using the Geographic Area Guide, list the name and the six-digit geographic code number for *each* city and/or county participating in your Continuum of Care. Because the geography covered by your system will affect your Need score, it is important to be accurate. Enter the name of ***every listed*** city and/or county that makes up the geography for your Continuum of Care system and its assigned code. Leaving out a jurisdiction could reduce your pro rata need amount. Adding in a jurisdiction that is not really part of your system is likely to significantly reduce your score. Before completing, please read the NOFA guidance and page 3 of this application regarding geographically overlapping Continuum of Care systems.

Geographic Area Name	6-digit Code	Geographic Area Name	6-digit Code
[redacted]			

Reproduce this page to include additional names and codes.

Form HUD-40076-CoC (2001)
OMB Approval No. 2506-0112 (exp. 06/30/2003)

2001 Application Summary

This is the first page of your application. Remove this page and place it in the front of your application.

Continuum of Care (CoC) Name: _____

CoC Contact Person and Organization: _____

Address : _____

_____

Phone Number: _____

Continuum of Care Geography

Using the Geographic Area Guide, list the name and the six-digit geographic code number for *each* city and/or county participating in your Continuum of Care. Because the geography covered by your system will affect your Need score, it is important to be accurate. Enter the name of ***every listed*** city and/or county that makes up the geography for your Continuum of Care system and its assigned code. Leaving out a jurisdiction could reduce your pro rata need amount. Adding in a jurisdiction that is not really part of your system is likely to significantly reduce your score. Before completing, please read the NOFA guidance and page 3 of this application regarding geographically overlapping Continuum of Care systems.

Geographic Area Name	6-digit Code
example: Dayton	**391362**
example: Kettering	**392526**
example: Montgomery Co.	**399113**

Geographic Area Name	6-digit Code

Reproduce this page to include additional names and codes.

Form HUD-40076-CoC (2001)
OMB Approval No. 2506-0112 (exp. 06/30/2003)

Continuum of Care: Gaps Analysis

		Estimated Need	Current Inventory	Unmet need/ Gap	Relative Priority
Individuals					
Example	**Emergency Shelter**	**115**	**89**	**26**	**M**
Beds/Units	Emergency Shelter				
	Transitional Housing				
	Permanent Supportive Housing				
	Total				
Supportive Services Slots	Job Training				
	Case Management				
	Substance Abuse Treatment				
	Mental Health Care				
	Housing Placement				
	Life Skills Training				
	Other				
	Other				
Sub-populations	Chronic Substance Abuse				
	Seriously Mentally Ill				
	Dually-Diagnosed				
	Veterans				
	Persons with HIV/AIDS				
	Victims of Domestic Violence				
	Youth				
	Other				
Persons in Families With Children					
Beds/Units	Emergency Shelter				
	Transitional Housing				
	Permanent Supportive Housing				
	Total				
Supportive Services Slots	Job Training				
	Case Management				
	Child Care				
	Substance Abuse Treatment				
	Mental Health Care				
	Housing Placement				
	Life Skills Training				
	Other				
	Other				
Sub-populations	Chronic Substance Abuse				
	Seriously Mentally Ill				
	Dually-Diagnosed				
	Veterans				
	Persons with HIV/AIDS				
	Victims of Domestic Violence				
	Other				

Continuum of Care: Project Priorities

(This entire chart will only count as one page towards the 25 page limitation)

Applicant	Project Sponsor/ Project Name	Numeric Priority	*Requested Project Amount	Program (Check only one) SHP new	SHP renew	S+C new	S+C renew	SRO new
Example: ABC Nonprofit	ABC Nonprofit/ Sarah's House	1	$1,026,000	X				
Example: XYZ County	AJAY Nonprofit/ BeeJee's Place	2	$500,000	X				
		3						
		4						
		5						
		6						
		7						
		8						
		9						
		10						
		11						
		12						
		13						
		14						
		15						

Total Requested Amount:

*** The requested project amount must not exceed the amount entered in the project budget in Exhibits 2, 3, and 4. If the project budget exceeds the amount shown on the priority list, the project budget will be reduced to the amount shown on the priority list.**

Please Note:

(1) Place all Shelter Plus Care renewal projects as the last entries on the Chart!

(2) For all Shelter Plus Care and SRO projects, please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher than those found in the September 25, 2000 Federal Register.

(3) The tiering of projects on your priority list is no longer permitted.

Continuum of Care: Gaps Analysis

		Estimated Need	Current Inventory	Unmet need/ Gap	Relative Priority
Individuals					
Beds/Units	Emergency Shelter				
	Transitional Housing				
	Permanent Supportive Housing				
	Total				
Supportive Services Slots	Job Training				
	Case Management				
	Substance Abuse Treatment				
	Mental Health Care				
	Housing Placement				
	Life Skills Training				
	Other				
	Other				
Sub-populations	Chronic Substance Abuse				
	Seriously Mentally Ill				
	Dually-Diagnosed				
	Veterans				
	Persons with HIV/AIDS				
	Victims of Domestic Violence				
	Youth				
	Other				
Persons in Families With Children					
Beds/Units	Emergency Shelter				
	Transitional Housing				
	Permanent Supportive Housing				
	Total				
Supportive Services Slots	Job Training				
	Case Management				
	Child Care				
	Substance Abuse Treatment				
	Mental Health Care				
	Housing Placement				
	Life Skills Training				
	Other				
	Other				
Sub-populations	Chronic Substance Abuse				
	Seriously Mentally Ill				
	Dually-Diagnosed				
	Veterans				
	Persons with HIV/AIDS				
	Victims of Domestic Violence				
	Other				

Continuum of Care: Project Priorities

(This entire chart will only count as one page towards the 25 page limitation)

Applicant	Project Sponsor/ Project Name	Numeric Priority	*Requested Project Amount	Program (Check only one) SHP new	SHP renew	S+C new	S+C renew	SRO new
		1						
		2						
		3						
		4						
		5						
		6						
		7						
		8						
		9						
		10						
		11						
		12						
		Total RequestedAmount:						

*** The requested project amount must not exceed the amount entered in the project budget in Exhibits 2, 3, and 4. If the project budget exceeds the amount shown on the priority list, the project budget will be reduced to the amount shown on the priority list.**

Please Note:

(1) Place all Shelter Plus Care renewal projects as the last entries on the Chart!

(2) For all Shelter Plus Care and SRO projects, please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher than those found in the September 25, 2000 Federal Register.

(3) The tiering of projects on your priority list is no longer permitted.

Continuum of Care: Project Leveraging

(Complete only one chart for the entire Continuum of Care and insert in Exhibit 1. ***This entire chart will only count as one page towards the 25 page limitation***)

Project Priority Number	Name of Project	Type of Contribution	Source or Provider	*Value of Written Commitment
Example: 3	Sarah's House	Child Care	Spotsville Co. Department of Social Services	$10,000
			TOTAL	

*Please enter the value of the contribution for which you have a written commitment at time of application submission.

Form HUD-40076-CoC (2001)
OMB Approval No. 2506-0112 (exp. 06/30/2003)

Continuum of Care: Project Leveraging

(Complete only one chart for the entire Continuum of Care and insert in Exhibit 1. ***This entire chart will only count as one page towards the 25 page limitation***)

Project Priority Number	Name of Project	Type of Contribution	Source or Provider	*Value of Written Commitment
			TOTAL	

Please enter the value of the contribution for which you have a written commitment at time of application submission.

Form HUD-40076-CoC (2001)
OMB Approval No. 2506-0112 (exp. 06/30/2003)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM

Program Overview

Purpose of the Program. To provide States and localities with the resources and incentives to devise long-term comprehensive strategies for meeting the housing and related supportive service needs of persons with HIV/AIDS and their families.

Available funds. Approximately $25,542,000 (and under a related part of this SuperNOFA, up to $2,580,000 for technical assistance for the HOPWA program). As required by statute, the renewal of existing grants that will be expiring in 2001 or 2002, will be given priority in selection for funding as provided in Part A of the HOPWA section of this notice; if funds remain, new proposals will be selected under Part B.

Eligible Applicants. (1) States, units of general local government, and nonprofit organizations for grants for Special Projects of National Significance (SPNS) grants.

(2) States and units of general local government may apply for projects under the Long-Term category of grants, if activities will serve areas that were not eligible for HOPWA formula allocations in Fiscal Year 2001. Appendix C in this program section of the SuperNOFA identifies the formula areas.

Application Deadline. April 24, 2001 for renewal requests under Part A; and June 13, 2001 for new proposal under Part B.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

Part A. Renewal of Existing Grants that are Expiring

I. General Policies on Renewals—Purpose

Under the provisions of the HUD Appropriation Act for FY2001, the Secretary is required to renew all expiring grants that were funded under prior HOPWA competitions, if the grant meets all program requirements, before awarding funds for new grants and activities under the HOPWA competition.

II. Eligibility of Applicants and Activities

To implement this new requirement, HUD provides the following guidance to existing HOPWA competitive grantees:

(A) *Eligible Applicant for Renewals.* To be eligible, the applicant must be the same entity, State, local government or nonprofit organization that was selected for funding in the prior competition. The project should also continue with the same project sponsors, although HUD will consider the merits for changing a project sponsor if the new sponsor evidences the capacity to enhance the project operations or improve responsiveness to clients. Such examples for changing a project sponsor may be that a new project sponsor has greater capacity to conduct program activities, a prior project sponsor is no longer in operation or has merged with another entity, or HUD approved such a sponsor change through a grant amendment.

(B) *Definition of Expiring Grant.* The HOPWA grant must be expiring in the Federal Fiscal Year 2001 or 2002 and the project will not have sufficient funds to continue activities in 2002, if not awarded additional Federal funds. All funds awarded in an existing HOPWA competitive grant must be expended during the Federal Fiscal Year 2001 or 2002 (as measured by reimbursements filed with HUD under the financial system, PAS). In addition, if the grant expired in the Federal Fiscal Year 2000 or earlier, i.e. all funds were expended (as measured by PAS) by September 30, 2000, or only a residual amount that is less than one percent of the amount of the prior grant remains, you are not eligible to apply for renewal funding under this notice.

(C) *Eligible Renewal Activities.* The activities to be renewed must be on-going forms of support for HOPWA-eligible persons, such as rental assistance, short-term rent, mortgage and utility payments, operating costs for housing facilities, such as community residences and SRO dwellings, leasing, maintenance costs, supportive service costs, housing information services, and resource identification/technical assistance for community residences activities. If a prior grant was awarded funds for the acquisition of a site or building, for new construction or for rehabilitation costs, these capital development activities are not on-going or available for additional sites and funding for these cannot be renewed under Part A. Projects that seek to undertake additional capital development activities or to add funding for new HOPWA activities, such as operating costs and services, must apply under Part B as a new project.

(D) *Amount of Renewals.* Renewal projects may only request renewal funds for continuing a previously approved project at the same level of housing and/or services provided in the previous grant. Proposals to expand or significantly alter a funded-project must apply under Part B for new projects for the new activities or the expanded part of the project. The level of renewal funding must not exceed an amount that is comparable (i.e. not more than 120% of an activity) or may be less than the amount originally awarded by HUD for the HOPWA activity, including any amendments affecting this amount that were approved by HUD prior to FY2001. As an applicant for renewal funding, you must specify the annual amount needed to continue each activity and specify the number of years, up to three, for your request by completing the HOPWA Renewal Budget Form (Appendix A). You should describe your plan for continued operations in the Executive Summary section of your application, including any significant reduction to your prior award level. HUD will allow you to request up to the same amount as previously awarded per activity, with the allowance that projects may add up to 20 percent more by activity, except that activity costs may not exceed $1,200,000 in total. The limits on administrative costs, three percent for grantees and seven percent for project sponsors, continue to apply. In addition, renewal grantees may add, or HUD may add, up to $50,000 to the renewal award for the purpose of the collection of data on program outcomes.

(E) *Ineligible Prior Grants.* Grants awarded under the 1992–1995 HOPWA competitions are not eligible to seek renewals as these projects were required to operate and complete activities under the requirement that funds be used within three years of the grant agreement. Grants selected in 1996 were required to operate and complete activities before the end of Fiscal Year 2000. Similarly, these 1996 grants are not eligible for renewal, unless the grantee documents that HUD approved a grant extension of the project that would allow for its continued operations in the Federal Fiscal Year 2001 or 2002.

It is HUD's expectation that Part A renewals will be awarded to HOPWA grants that were awarded funds in 1997, 1998 and 1999. Such projects should be in operation and expect to complete activities in the Federal Fiscal Year 2001 or 2002 to qualify for renewal.

(F) *Failing or Weak Performance.* Grantees that were subject to deobligation or other sanctions by HUD or that evidence weak performance in carrying out activities will not be eligible for renewal grants. HUD will consider that weak performance is evidenced if there are unresolved monitoring findings during the active competitive period, from the date of this notice until the selection of grants, or other HUD knowledge of unresolved problems, for example, that planned activities remain delayed in their implementation, a significant number of units are vacant, or annual progress reports were not filed with HUD at the time of the due date for renewals, or significant citizen complaints are unresolved or not responded to with justified reasons. HUD will also consider that weak performance is evident if more than 50 percent of grant funds remain unexpended at that beginning of the month for the due date for renewals (as measured by reimbursements filed with HUD's financial system; PAS).

III. Selection Criteria and Process

(A) *Selection Process.* The Department will select for funding all renewal requests from applicants that meet program requirements and pass a threshold review for a need for renewal to the degree that funds are available. In the case that the amount requested for renewal is less than the amount available under this notice, HUD will apply the remaining funds to new projects that will be selected under Part B. If the amount of the request for renewal activities is greater than the amount made available by this notice, HUD will select all of the approvable applications and allocate awards to each based on a prorata reduction to the amount available under this notice to ensure that all eligible and performing renewal projects receive funding that allows their continued operation.

(B) *Selection Criteria and Application Contents.* Renewal applicants must comply with the requirements noted above in Part A, Section II, for example in establishing the amount of their request to continue approved activities for one to three additional years, and meet the due date requirement. Applicants must also use the Need for Renewal narrative to demonstrate program performance in carrying out activities in a timely manner, in response to client needs, in meeting program requirements, such as filing annual progress reports, and in meeting benchmarks that were established by the notice for their original grant. Further, the applicant must provide the documentation of any amendment or other program adjustment that was approved by HUD prior to 2001, in carrying out the previously approved activities. HUD will review all renewal applications based on the following criteria:

(1) *Eligibility:* HUD will review your eligibility to apply for renewal funding under this program as described above under Part A, Section II, *Eligibility of Applicants and Activities.*

(2) *Organizational Capacity:* If a new project sponsor is added, HUD will review the project sponsor's capacity to conduct program activities as described under Rating Factor 1: Capacity of Applicant and Project Sponsors and Relevant Organizational Experience (Part B, Section V).

(3) *Need for Renewal:* HUD will conduct a threshold review on your need for renewal, as described below in Part A, Section III(D), and how this project has operated with measurable progress. A project will pass this threshold if it demonstrates measurable progress. Measurable progress is defined as not failing or not evidencing weak performance in (i) meeting performance benchmarks, as appropriate, in program development and operation, (ii) meeting project goals and objectives, such as, that the number of persons assisted is comparable to the number that was planned at the time of the application, (iii) submitting timely performance reports, and; (iv) expending over 50% of prior funding at the beginning of the month for the due date for renewals (as measured by reimbursements filed with HUD's financial system, PAS.).

(4) *Threshold Requirements:* HUD will also review your application to ensure that your project meets the standard eligibility threshold requirements as described in Part B, Section V(A) of this program NOFA. Such as, completing the Consolidated Plan Certification.

Applicants are requested to submit the following information:

(1) The renewal application should include the items A (SF–424) and F (Statutory Certifications) as described under Part B, Section VI, *Application Submission Requirements.*

(2) Executive Summary and Synopsis: On no more than five (5) double spaced pages, please provide an Executive Summary of the renewal project. In the Executive Summary, please provide the name of the grantee and any project sponsors. Include at the beginning of the Executive Summary a two to three sentence synopsis of the renewal project.

(3) Narrative Statements. Your application must include the following narrative statements:

(a) Organizational Capacity Narrative: If a new project sponsor(s) is added to the proposal, please describe the capacity of the project sponsor(s) to conduct program activities as described under Rating Factor 1: Capacity of Applicant and Project Sponsors and Relevant Organizational Experience (Part B, Section V). Please provide this information on no more than three double-spaced typed pages. If you are adding more than one Project Sponsor, you may add two (2) additional pages per Project Sponsor.

(b) Need for Renewal Narrative: Please address the following on no more than five (5) double-spaced pages. Please demonstrate the need for renewal funding and how this project has operated with measurable progress. Measurable progress is defined as not failing or not evidencing weak performance in (i) meeting performance benchmarks, as appropriate, in program development and operation, (ii) meeting project goals and objectives, such as, that the number of persons assisted is comparable to the number that was planned at the time of the application, (iii) submitting timely performance reports; (iv) expending over 50% of prior funding at the beginning of the month for the due date for renewals (as measured by reimbursements filed with HUD's financial system, PAS.). Additionally, you should complete the HOPWA Need for Renewal Chart, as described below in Part A, Section III(C) and found in Appendix A.

(4) HOPWA Renewal Budget: Please complete the HOPWA Renewal Budget Form (Appendix A). See Part A, Section II(D), *Amount of Renewals,* for details on renewal funding.

(5) HOPWA Renewal Project Form (Appendix A). Complete the form including the following:

(a) Project Sponsor: You must identify any organization that will receive HOPWA funds as a project sponsor and the amount of funds to be received.

(b) Non-profit Status: If not previously submitted to HUD through the prior HOPWA application or if a change occurred in non-profit status, non-profit grantees or project sponsors must submit documentation verifying your non-profit status, as outlined under Part B, Section III, Eligible Applicants and Project Sponsors, in this program section of the SuperNOFA.

(c) Service Areas. Your application must identify the area(s) in which you are proposing to offer housing and other assistance.

After your entire application is assembled, please mark each exhibit with an appropriately numbered tab and number every page of the application sequentially. Complete the HOPWA Renewal Application Checklist found in Appendix A to this program section of the SuperNOFA. Attached the HOPWA Renewal Application Checklist to the front of your application.

(C) *Need for Renewal.* The application must demonstrate that prior grant funds will expire in the Federal Fiscal year 2001 or 2002. You must complete the HOPWA Need for Renewal Chart (Appendix A), as described below:

Line 1. Indicate the amount of the prior HOPWA award: _____
Line 2. Indicate the amount expended as of 9–30–00: _____
Line 3. Subtotal: subtract line 2 from line 1: _____
Line 4. Indicate the amount to be expended in FY2001: _____
Line 5. Indicate the amount to be expended in FY2002: _____
Line 6. Subtotal: subtract lines 4 and 5 from line 3: _____

Notes: If the subtotal on Line 6 is greater than zero, you are not eligible to apply for renewal funding under this notice. Also note that continued use of prior funds may require that you file an extension request with the area CPD Field Office. Further if the subtotal on Line 3 is zero or a residual amount that is less than one percent of the amount on Line 1, you are not eligible to apply for renewal funding under this notice. In reviewing the information that you provide in this chart, HUD will determine your eligibility for renewal funding based on financial records for reimbursement of expenditures that are filed under HUD's financial system (PAS).

(D) *Example of potential renewal request, XYZ Nonprofit.* In this case, a 1998 grant to the XYZ nonprofit involved the award of HOPWA competitive funds for a community residence for persons living with AIDS (PLWAs), with $300,000 for acquisition of the residence, $200,000 for facility operations, $250,000 for supportive services and $100,000 planned for rental assistance for clients who transition out of the facility, and grant administration $25,500 (total of $875,500). Under this notice, the following is eligible for renewal funding for XYZ: Facility operations, supportive services, rental assistance, grant administration, data collection on project outcomes (added). Funds for additional acquisition are not eligible for renewal. Also, if the site now needs rehabilitation, the grantee must apply under Part B for a new project for that activity or seek other public or private funding. To calculate the amount for this renewal request, XYZ could ask for these maximum amounts or less to continue for three more years:

Facility Operations—base of $200,000 + 20% for renewal grant = $240,000
Supportive Services—$250,000 + 20% = 300,000
Rental assistance—$100,000 + 20% = 120,000
Subtotal for renewal funding: 660,000
Grantee administrative costs (3%) based on subtotal: 19,800
Data collection on outcomes—(added): 50,000
Total potential amount for renewal request for XYZ: $729,800

Notes: Alternatively, XYZ may have found that clients did not leave and the rental assistance component is too large, based on actual utilization. XYZ should have requested HUD approval to reassign the excess rental assistance amount to some other eligible activity, such as maintenance and repair costs, prior to FY2001 and provide a copy of this documentation in its application. If in this alternative example, only $20,000 is needed, than the amendment to move $80,000 to repair costs could have been filed with the area HUD office. In this alternative example, the XYZ request must be adjusted downward based on the actual experience of this grant and the subtotal, administrative cost, and total would be decreased, accordingly. The reassigned $80,000 in repair costs would not be eligible for a renewal request.

IV. Additional Renewal Information

(A) *Application Kits, Further Information, and Technical Assistance.* You must send your renewal application on or before 12:00 midnight, Eastern Time, consistent with the specific due date for renewal applications as stated in the Program Overview section of this program NOFA, to HUD Headquarters. See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried). In addition, please see Part B, Section I for the following information: address and instructions for submitting renewal applications, application kits, technical assistance, and technical assistance broadcasts. Please note HOPWA renewal information will be provided along with HOPWA competitive program information in the HOPWA Application Kit.

(B) *Award Modifications.* See Part B, Section II(B) for a description of the process for award modifications.

(C) *Availability of Other Funds and Use of Technical Assistance.* Applicants seeking renewal are encouraged to read Part B, Section IV(D) on the availability of formula funding. In addition, the paragraphs addressing (E) the availability of HOPWA technical assistance and (F) the prohibition on the use of TA funds to draft applications apply to renewal applications.

(D) *Applicable Provisions of Part B.* The following sections of Part B of this program NOFA apply to applicants of renewal funding: Part B, Section VII (Corrections to Deficient Applications), Section VIII (Other Requirements), and Section IX (Authority).

Part B. New Projects

If funds remain after the selection of renewal grants under Part A, HUD will consider applications under this part.

I. Application Kits, Further Information, and Technical Assistance

Where to Send Your Application. You must send your application on or before 12:00 midnight, Eastern time, consistent with the specific due date for new projects as stated in the Program Overview of this program NOFA, to HUD Headquarters.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of an original signed application and three copies. Submit the original application and one copy to: Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC 20410. The original application submitted to HUD headquarters is considered the official application.

Submit the additional two (2) copies of your application to the area CPD Field Office or Offices that serve the area in which activities are proposed. For multi-state efforts you must submit two copies of your application to the Field Office that serves your main office. The list of addresses for area CPD Field Offices is provided as Appendix B of this program section of this SuperNOFA. If you propose nationwide activities, you must send all copies to the HUD headquarters office. When submitting your applications, please refer to HOPWA, and include your name, mailing address (including zip code), facsimile, email , and telephone number (including area code).

For Application Kits. Although you may begin working on your application with the materials provided in this program section of the SuperNOFA and its appendixes, for an application kit, please call the SuperNOFA Information Center at 1–800-HUD–8929 (1–800–483–8929). Persons with hearing or speech impairments may call the

Center's TTY number at 1–800–HUD–2209 (1–800–483–2209). The application kit also will be available on the Internet through the HUD web site at http://www.hud.gov/grants.

For Further Information and Technical Assistance. You may call the HUD Field Office serving your area, at the telephone number shown in the application kit for this program, or you may contact the Office of HIV/AIDS Housing, HUD at (202) 708–1934. HUD staff may assist with program questions, but may not assist in preparing your application.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov/grants.

II. Amount Allocated

Approximately $ 25,542,000 is being made available for funding under this program section of the SuperNOFA. Additional funds may be awarded if funds are recaptured, deobligated, appropriated or otherwise made available during the fiscal year.

(A) *Maximum Grant Amounts.* The maximum amount that you may receive is $1,200,000 for program activities (e.g., activities that directly benefit low-income persons living with HIV/AIDS and their families), irrespective of the number of applications that you submit. You may also add-on up to 3 percent of this program activities amount for grantee administrative costs and, if your program involves project sponsors, add-on up to 7 percent of the amount that they receive for their administrative costs. In addition, up to $50,000 may be requested to collect data on project outcomes. HUD reserves the right to reduce the amount requested for data collection on project outcomes in relation the amount requested for program activities. Additionally, after rating each application HUD reserves the right to add up to $50,000 to a HOPWA application for the purposes of the collection of data on program outcomes, if an applicant fails to request this level of funding for this activity.

(B) *Award Modifications.* See the General Section of this SuperNOFA for information with regard to adjustments to funding. HUD also reserves the right to ensure that activities funded under the FY 2001 Continuum of Care will not duplicate activities funded under this competition.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* Funds under this program are to be used to support the Department's national goal of increasing the availability of decent, safe, and affordable housing in American communities. The statutory purpose of the HOPWA program is "for meeting the housing needs of persons" with HIV/AIDS and their families and planned activities must address this purpose. HOPWA funds projects to provide housing and related supportive services for low-income persons with HIV/AIDS and their families under two categories of assistance:

(1) Grants for Special Projects of National Significance (SPNS) that, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the housing and related supportive service needs of low-income persons living with HIV/AIDS and their families. Under this program section of the SuperNOFA, HUD will set-aside up to 40% of the funds allocated to SPNS to projects targeting underserved populations as defined in Section (D); and

(2) Grants for projects that are part of Long-Term Comprehensive Strategies (Long-Term) which provide housing and related supportive services for low-income persons living with HIV/AIDS and their families in areas that are not eligible for HOPWA FY 2001 formula allocations found in Appendix C of this program section of this SuperNOFA.

(B) *Eligible Applicants and Project Sponsors.* (1) States, units of general local government, and nonprofit organizations may apply for grants for Special Projects of National Significance;

(2) States and units of general local government may apply for grants for projects under the Long-Term category of grants, if proposed activities will serve areas that were not eligible to receive HOPWA formula allocations in Fiscal Year 2001. A list of the formula areas and a list of the areas not eligible to receive HOPWA Formula funds, can be found in Appendix C of this program section of this SuperNOFA. Nonprofit organizations are not eligible to apply directly for the Long-Term grants but may serve as a project sponsor for an eligible State or local government grantee. You must identify your project sponsors in your application. Project Sponsors can not be identified at a later date through such processes as an RFP or other selection process.

(3) Nonprofit organizations must have appropriate credentials, in accordance with HOPWA regulations at 24 CFR 574.3. If you are a nonprofit organization, to be an eligible applicant or project sponsor, you must either:

—Have, by the application due date, an IRS ruling that grants you tax exempt status under section 501(c)(3) of the Internal Revenue Code; or

—Provide documentation that shows that your organization satisfies the criteria in the statutory definition of nonprofit organization in 42 U.S.C. 12902(13).

The statutory definition reads:

The term "nonprofit organization" means any nonprofit organization (including a State or locally chartered, nonprofit organization) that— (i) is organized under State or local laws; (ii) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; (iii) complies with standards of financial accountability acceptable to the Secretary; and (iv) has among its purposes significant activities related to providing services or housing to persons with acquired immunodeficiency syndrome or related diseases.

HUD interprets the use of the term "related diseases" in this definition to include HIV infection.

Adequate documentation of nonprofit status includes the following:

(a) In lieu of an IRS exemption for nonprofits in Puerto Rico, a ruling from the Treasury Department of the Commonwealth of Puerto Rico granting income tax exemption under section 101 of the Income Tax Act of 1954, as amended (13 LPRA 3101);

(b) In lieu of documentation under section 501(c)(3), documentation of an IRS ruling of tax exempt status under section 501(c)(4), (6), (7), (9), or (19);

(c) Documentation of satisfying the statutory criteria by submitting the following four items:

(i) Certification by an appropriate official of the jurisdiction under whose laws the nonprofit organization was organized that your organization was so organized and is in good standing;

(ii) Documentation that your organization is a certified United Way member agency or other documentation that shows that no inurement of benefits to the managers of your organization occurs;

(iii) Documentation from a CPA or Public Accountant that your organization has a functioning accounting system that is operated in accordance with generally acceptable accounting principles or that a qualifying entity is designated for that activity, or the United Way member agency certification noted in item (ii); and

(iv) A certified copy of your nonprofit organization's articles of incorporation, by-laws, statement of purposes, board of director's resolution or a similar document that includes a provision demonstrating its purpose regarding significant activities for persons living with HIV/AIDS.

If your organization does not provide the requested documentation, you are not eligible to receive funds and serve as the grantee or as a project sponsor. However, you may collaborate with eligible nonprofit organizations or with a government agency that applies for the grant and assist them, for example, in planning for the proposed activities, identifying needs in your community and identifying clients who will be assisted. In addition, you may do work under contract with a grantee for services funded by this grant.

(C) *Eligible Activities.* (1) The following eligible activities are subject to standards and limitations found in 24 CFR part 574.

(a) Housing information services (including fair housing counseling).

(b) Project-based or tenant-based rental assistance.

(c) New construction of a community residence or SRO dwelling.

(d) Acquisition, rehabilitation, conversion, lease or repair of facilities to provide housing and services.

(e) Operating costs for housing.

(f) Short-term rent, mortgage and utility payments to prevent homelessness.

(g) Supportive services. Many of the clients who will be served by the HUD program covered by this NOFA may need services in addition to housing. It is important that you design programs which enhance access to those needed services, including access to health-care, AIDS drug assistance, and other services funded through the Ryan White CARE Act or other Federal, State, local or private funds. While HUD recognizes that there are many ways to ensure that clients receive the services they need, to the extent possible, the Department encourages you to develop housing programs which do not require participation in services as a part of your or your project sponsor's tenancy requirements.

(h) Administrative expenses (see limits for grantees and sponsors).

(i) Resource identification to establish, coordinate and develop housing assistance resources and technical assistance in establishing and operating a community residence. HUD will not select under this notice an application that is primarily directed at providing these activities, since national HOPWA technical assistance funds are being made available under the Community Development Technical Assistance (CDTA) part of this notice for this purpose. You may propose a resource identification or technical assistance component in your application, if the amount of funds designated for these activities are less than 20 percent of the proposed program activity costs; and

(j) As authorized by the statute, you may propose other activities in your application, if approved by HUD, including data collection on project outcomes, as described below in paragraph (2). HUD will not approve proposals that depend on future decisions on how funds are to be used, for example, a proposal to establish a local request-for-proposal process to select activities or project sponsors. You must identify your project sponsors at the time of the application.

(2) You may request up to $50,000 to collect information and report to HUD, or a third party designated by HUD, on project outcomes. If you requested these funds, you must propose data collection activities in your application. The persons who will conduct these activities may include an expert third-party. Project outcome activities include:

(a) Defining monitoring questions that will be addressed and examined during the project period;

(b) Specifying outcome measures;

(c) Developing instruments to assess project outcomes and systems outcomes;

(d) Training project staff in the collection of data;

(e) Monitoring data collection activities to assure that submissions are complete and accurate, including data coding and entry;

(f) Summarizing data collected; and

(g) Preparing reports summarizing findings, including the standard HOPWA Annual Progress Report.

(D) *Targeting Resources to Underserved Populations.* The Department has been advised by persons living with HIV/AIDS, HIV/AIDS housing providers, and national organizations, of the continuing disparity in accessing health-care and HIV/AIDS treatment among underserved populations, such as, racial and ethnic minority populations, women, persons living in rural areas, youth and post-incarcerated populations. One example of this disparity is found in our experience in assisting HIV-infected young people. A report from the Office of National AIDS Policy, *Youth and HIV/AIDS 2000: A New American Agenda*, released on October 2, 2000, notes that:

> Beyond medical care, stable housing is one of the most important parts of the safety net for persons living with HIV and AIDS and their families. Youth who are homeless or who run away from home are at greater behavioral risk of HIV infection. Youth who are infected with HIV are more likely to be able to follow complex treatment regimens if they have a reliable address where they can be reached by care providers, a safe place to keep medications, refrigeration for drugs that require it, and other necessities that many of us take for granted. * * * [T]wo tragic realities have not changed. Some 20,000 young people are still becoming infected every year, and most of them are not receiving the medical care they need. The programs that provide HIV prevention, care and support services to youth must be broader in vision, larger in scope, and better coordinated.

The report also recommended that "Federal agencies should use existing resources to expand youth-specific initiatives."

The Department encourages you to develop an initiative on youth under this notice. In an effort to meet this need to reach and serve persons who are part of populations that have been underserved by past efforts and to diversify the number and type of organizations that have traditionally received HOPWA funding, the Department is encouraging collaborations among community-based organizations for providing housing assistance and/or technical assistance to better serve underserved populations on a national, regional, or local level.

Collaborations pair grantees and a project sponsor(s) that are experienced in developing or operating housing facilities and housing assistance programs with community-based organizations, serving as project sponsors, that provide services or use culturally-sensitive efforts to reach persons in underserved communities, but may have little or no experience in meeting the housing needs of persons living with HIV/AIDS. This team approach is expected to: (1) strengthen the organization—improve capacity to develop, operate, manage, and evaluate housing assistance programs for persons living with HIV/AIDS; (2) serve underserved populations—help reach underserved populations in areas that lack housing and health care infrastructure; and (3) increase planning—develop holistic community approaches to better coordinate housing and related services in communities impacted by HIV and AIDS. Note: All assistance provided to targeted underserved communities must be in accordance with the requirements of the Fair Housing Act. In order to support these collaborations and to encourage

new collaborations to receive HOPWA funding, up to 40% of the funds targeted toward SPNS applications will be awarded to applications with these collaborations to serve underserved populations and HUD reserves the right to include in these awards at least one application that targets unmet needs in an underserved youth population.

To be considered as a collaboration, in your application you must:

(1) Identify and evidence the experience of all collaborating organizations, either as grantee or project sponsor(s), as detailed under Rating Factor 1 of this program section of the SuperNOFA in the *Capacity of the Applicant and Project Sponsors and Relevant Organizational Experience* section of your application;

(2) Identify the underserved population and evidence in the Description of Unmet Need section of your application as detailed under Rating Factor 2 that substantial housing and related service needs of the identified underserved population living with HIV/AIDS and their families are not being met in the area. For the purposes of this program NOFA, the Department has defined underserved populations as low-income populations living with HIV/AIDS and their families, such as racial or ethnic minority groups, women, persons living in rural areas, youth, post-incarcerated populations, or other underserved groups as determined by your service area, whose housing and related service needs are not currently being met in the service area. To meet the program definition of underserved group, you must show the unmet need in the provision of housing and related supportive services for the identified underserved population in your service area by presenting reliable statistics and data sources (i.e. Census, health department statistics, research, scientific studies, and Needs Analysis of Consolidated Plan and/or Continuum of Care documentation). HUD will consider your presentation of statistics and data sources based on soundness and reliability and the specificity of information to the underserved population and the area to be served; and

(3) Evidence the method, by which your plans will, as defined above, strengthen the organization, serve underserved populations, increase planning, and support fair housing in the Soundness of Approach section of your application as detailed under Rating Factor 3 of this program section of the SuperNOFA.

If HUD determines that the application fails to meet the above considerations, the application will not be considered for funding under the 40 percent of SPNS funds allocated for collaborative projects targeting underserved populations. HUD will consider the application under the remaining SPNS category.

IV. Program Requirements

(A) *Performance Measures and Project Goals and Objectives.* You must use HUD's required performance measures that will show your accomplishments in using HOPWA funds to expand the housing options that benefit low-income persons with HIV/AIDS and their families. You may also establish individual goals and objectives for your proposal. They should be specific, achievable and measured within set time periods. Your individual goals and objectives should result in possible findings on the successes and lessons learned in undertaking your activities that would be shared with other communities. In designing your proposal, please use the following:

(1) Required HOPWA national performance goal. Your proposed activities must increase the amount of housing assistance and related supportive services to low-income persons living with HIV/AIDS and their families to enable them to achieve housing stability and access to health-care and related supportive services.

(2) Measure your performance. After each year of operation, you must report on the number of short-term and permanent housing units that were provided with HOPWA funding, and number of additional persons served with related supportive services. HUD will measure your progress and achievements in evaluating your performance on your HOPWA grant. Examples of reporting performance measures are:

(a) In your community over the last year, a transitional housing facility providing 5 units of housing was operated with HOPWA funds. Residents also received drug and/or alcohol abuse treatment and counseling by qualified staff. During that year, ten persons resided in the facility and benefited from the intense on-site assistance, which also included helping them develop and follow a plan to find permanent housing and continue treatment after leaving the facility, including monthly phone contacts or visits by staff; and

(b) Over the last 12 months, a nonprofit organization distributed tenant-based rental assistance vouchers to 15 households within your three-county metropolitan area. The vouchers provided for on-going housing assistance (up to three years) and the program advised the clients on tenant-landlord issues and arranged for housing quality standard inspections of the apartments selected. A case manager who is funded under the Ryan White CARE Act program, advised the tenants and helped them access health-care and other services from providers in this community. During this year, 22 persons received permanent housing assistance with HOPWA funds and for three of these families who were unable to find housing within 30 days, additional efforts were made and an appropriate apartment was located and used.

(B) *Performance Benchmarks.* Funds received under this competition are expected to be expended within 3 years following the effective date of a grant agreement. You will be expected to meet the following performance benchmarks:

(1) If you acquire or lease a site, you are required to gain site control within one year of your selection (i.e, one year from the date of the signing of your selection letter by HUD);

(2) If you propose to use HOPWA funds to undertake rehabilitation or new construction activities, you are required to begin the rehabilitation or construction within 18 months of your selection and to complete that activity within 3 years from the date of your selection letter by HUD; and

(3) You are requested to provide an initial report to the Field Office and the Headquarters on the startup of the planned activities within six months of your selection. Please outline any accomplishments in implementing the funds along with identifying any barriers or issues for which the Department may provide assistance.

Except as noted in paragraph (2) for rehabilitation or construction activities, you must begin to operate your program within one year from your selection. If a selected project does not meet the appropriate performance benchmark, HUD reserves the right to cancel or withdraw the grant funds.

(C) *Descriptive Budget.* You must provide a description of each of your requested budget items and how the funds will be used, including each amount of requested funding for you and your project sponsors, and a description of how each line item will relate to eligible HOPWA activities as defined in Section III(C), of this program section of the SuperNOFA. You are expected to match requested funds to specific goals and objectives in your project. See Appendix D of this program section of the SuperNOFA.

(D) *Availability of FY 2001 Formula Allocations.* You are also encouraged to consider seeking funds for your proposed activities under the formula component of the HOPWA program and from other resources that are made available in communities. Ninety (90) percent of the HOPWA program is allocated by formula and recipient States and cities are required to consult with the public on designing the use of these funds. In FY2001, a total of $229.372 million was allocated by formula to the qualifying cities for 71 eligible metropolitan statistical areas (EMSAs) and to 34 eligible States for areas outside of EMSAs. All HOPWA formula grants are available as part of the jurisdiction's Consolidated Plan, which also includes the Community Development Block Grant, HOME Investment Partnerships program, and Emergency Shelter Grants. Plans are developed through a public process that assesses area needs, creates a multiple-year strategy and proposes an action plan for use of Federal funds and other community resources in a coordinated and comprehensive manner. Information on consolidated planning, including HOPWA formula programs and descriptions of previously awarded competitive grants, is available on the HUD HOME Page at www.hud.gov.

(E) *Availability of National HOPWA Technical Assistance.* If you are interested in providing technical assistance activities with HOPWA funds, submit an application for funds under the Community Development Technical Assistance (CDTA) part of this notice, which is published elsewhere in this SuperNOFA. The CDTA notice provides up to $2,580,000 in HOPWA funds to organizations for technical assistance support on a national or regional basis.

(F) *Seeking Technical Assistance in Developing a HOPWA Application.* HOPWA TA providers may not provide technical assistance in the drafting of responses to HUD's NOFA due to the unfair advantage such assistance gives to one organization over another. If HUD determines that HOPWA technical assistance has been used to draft a HOPWA application, HUD reserves that right to reject the application for funding.

V. Application Selection Process

(A) *HOPWA Application Reviews.* HUD will review your HOPWA application to ensure that:

(1) Your application meets the threshold requirements found in the General Section of the SuperNOFA;

(2) A Certification of Consistency with Consolidated Plans is provided as an appendix to the General Section of the SuperNOFA. Under the HOPWA program, proposed activities that are located in a jurisdiction are required to be consistent with the jurisdiction's current, approved Consolidated Plan, including the Analysis of Impediments to Fair Housing choice and the Action Plan to address these impediments, except that this certification is not required for projects that propose to undertake activities on a national basis; and

(3) You are currently in compliance with the Federal requirements contained in 24 CFR part 574, subpart G, "Other Federal Requirements."

(B) *The HOPWA Competition.* This national competition will involve the review, rating, and selection of HOPWA applications under each of the two categories of assistance Special Projects of National Significance (SPNS) and Long-Term Comprehensive Strategies (Long-Term) in areas that do not qualify for HOPWA formula allocations.

(C) *Procedures for the Rating of Applications.* HUD will rate all HOPWA applications based on the criteria listed below.

(D) *Factors For Award Used to Evaluate and Rate Applications.* The factors for rating and ranking your application, and the maximum points for each factor, are provided below. The points awarded for the factors total 100. In addition, bonus points for projects in EZ/EC areas and by the City of Dallas may be available under Section III(C)(2) of the General Section of this SuperNOFA apply to this competition. After rating, all applications will be placed in the rank order of their final score for selection within the appropriate category of assistance.

Rating Factor 1: Capacity of the Applicant and Project Sponsors and Relevant Organizational Experience (20 Points)

Please address the following factor on not more than five (5) double-spaced, typed pages. For each project sponsor, you may add two additional pages under this section. This factor addresses the extent to which you and any project sponsor has the organizational resources necessary to successfully implement your proposed activities in a timely manner. If you will be using project sponsor(s) in your project, you must identify each project sponsor in your application. HUD will award up to 20 points based on your and any project sponsor's ability to develop and operate your proposed program, such as housing development, management of housing facilities or units, and service delivery, in relation to which entity is carrying out an activity.

(1) With regard to both you and any project sponsor(s), HUD will consider:

(a) Past experience and knowledge in serving persons with HIV/AIDS and their families;

(b) Past experience and knowledge in programs similar to those proposed in your application;

(c) Experience and knowledge in monitoring and evaluating program performance and disseminating information on project outcomes; and

(d) Past experience as measured by expenditures and measurable progress in achieving the purpose for which funds were provided.

(2) In reviewing the elements of paragraph (1), HUD will consider the extent to which your proposal demonstrates:

(a) The knowledge and experience of the proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing the kind of activities for which you are requesting funds. You and any project sponsor will be judged in terms of recent, relevant and successful experience of staff to undertake eligible program activities, including experience and knowledge in serving persons with HIV/AIDS and their families.

(b) Your and/or the sponsor's experience in managing complex interdisciplinary programs, especially those involving housing and community development programs directly relevant to the work activities proposed and carrying out grant management responsibilities.

(c) If you and/or the sponsor received funding in previous years in the program area for which you are currently seeking funding, you and your sponsor's past experience will be evaluated in terms of the ability to attain demonstrated measurable progress in the implementation of your grant awards. Measurable progress is defined as:

(i) Meeting performance benchmarks, as applicable, in program development and operation;

(ii) Meeting project goals and objectives, such as, that the number of persons assisted was comparable to the number that was planned at the time of application;

(iii) Submitting timely performance reports; and

(iv) Expending prior funding as outlined in the prior proposal with no outstanding audit or monitoring issues.

Rating Factor 2: Need/Extent of the Problem (20 Points)

Please address the following factor on not more than five (5) double-spaced, typed pages. This factor addresses the extent to which there is a need for

funding the proposed program activities and an indication of the urgency of meeting the need in the target area. Up to 20 points will be awarded for this factor.

(1) (5 Points) AIDS Cases. Up to five of these points will be determined by the relative numbers of AIDS cases and per capita AIDS incidence within your service area, in metropolitan areas of over 500,000 population and in areas of a State outside of these metropolitan areas, in the State for proposals involving state-wide activities, and in the nation for proposals involving nation-wide activities. Your application must define a planned service area. To determine these points, HUD will obtain AIDS surveillance information from the Director of the Centers for Disease Control and Prevention.

(2) (5 Points) Description of Unmet Need. Up to five of these points will be determined by the extent to which there is a need for funding eligible activities in the area to be served. To receive the highest ratings in this factor, you must demonstrate that substantial housing and related service needs of low-income persons living with HIV/AIDS and their families are not being met in the area and that reliable statistics and data sources (i.e. Census, health department statistics, research, scientific studies, and Needs Analysis of Consolidated Plan and/or Continuum of Care documentation) show this unmet need. To receive the highest number of points, you also must show that your jurisdiction's Consolidated Plan and Analysis of Impediments to Fair Housing Choice, Continuum of Care Homeless Assistance plans (if homeless persons are to be served), and comprehensive HIV/AIDS housing plans are applicable and identify the level of the problem and the urgency of the need. Urgent and unmet needs may be demonstrated, as follows:

(a) If you apply for a proposed Special Project of National Significance, you must describe a need that is not currently addressed by other projects or programs in the area. Also describe any unresolved or emerging issues and the need to provide new or alternative forms of assistance that, if provided, would enhance your area's programs for housing and related care for persons living with HIV/AIDS and their families; or

(b) If you apply for a project that is part of a Long-Term Comprehensive Strategy in an area that does not receive a HOPWA formula allocation, you must describe the need that is not currently addressed by other projects or programs in the area. You must also describe any unresolved or emerging issues and/or the need to provide forms of assistance that enhance the community's strategy for providing housing and related services to eligible persons.

HUD will consider your presentation of statistics and data sources based on soundness, reliability and the specificity of information to the target population and the area to be served. If you propose to serve a subpopulation of eligible persons on the basis that these persons have been traditionally and are currently underserved (e.g., persons with multiple disabilities including AIDS), your application must document the need for this targeted effort through statistics and data sources that support the need of this population in your service area.

(3) (5 Points) Need in Non-Formula Areas. Within the points available under this criterion, HUD will award five points, if your SPNS application proposes to serve clients in an area that does not qualify for HOPWA formula allocation.

(4) (5 Points) Highest Rated in a State or the Nation (for nationwide activities). After the other rating factors have been determined, HUD will award five of the points to help achieve greater geographic diversity in funding activities within a variety of States. Under this criterion, five points will be awarded to the highest rated SPNS and Long-term applications in each State and to the highest rated SPNS application among the applications that propose nationwide activities.

Rating Factor 3: Soundness of Approach: Responsiveness and Model Qualities (40 Points)

Please address the following factor on not more than fifteen (15) double-spaced, typed pages and include the HOPWA Budget Forms following this section. This factor addresses the method by which your plan meets your identified needs. HUD will award up to 40 points based on the extent to which your plan evidences a sound approach in its responsiveness to the persons that you will be assisting and how it offers model qualities in providing supportive housing opportunities for low-income persons living with HIV/AIDS and their families, when compared to other applications and projects funded under previous HOPWA competitions. The points will be awarded as follows:

(1) Responsiveness (20 Points). HUD will award up to 20 points based on how well your project plan responds to the unmet needs of the target population including the specific needs that you identified under the Need Criterion with specific goals and objectives for providing housing and related supportive services for people living with HIV/AIDS and their families. To receive the highest ratings in this element, you must offer a plan that evidences the following:

(a) *Your project's goals and objectives.* You must describe your project's goals and objectives and how you will measure how the project is performing under the required HOPWA performance goal, i.e. increasing the amount of housing assistance and related supportive services to low-income persons living with HIV/AIDS and their families to enable them to achieve housing stability and access to health-care and supportive services. You are encouraged to review Part B, Section IV(A), *Performance Measures and Project Goals and Objectives* of this Notice of Funds Available (NOFA) when developing your goals and objectives. To receive the highest rating your goals should address:

(i) The projected numbers of persons to be served through each activity for each year of your program;

(ii) The projected number of housing units to be provided through your project, (unless you are proposing supportive service only activities) and;

(iii) The specific organizations that will provide housing either through an agreement with your organization or through funding from your project.

(b) *Your plans for accomplishing these goals and objectives.* You must demonstrate your methodology for achieving these goals and objectives by describing the service delivery model that you intend to implement and explain how you will integrate the following items:

(i) *Housing.* You must demonstrate how the housing needs of clients will be addressed by including: (*A*) the type and number of units of housing to be provided and/or made more appropriate if currently available in the community; (*B*) the names of the project sponsors and/or organizations providing housing including their roles and responsibilities; (*C*) the connection of any emergency or transitional housing in obtaining and maintaining permanent housing; (*D*) any appropriate site features, including accessibility, visitability, and access to other community amenities; (*E*) ensuring clients and their families have access to health care and other supportive services; (*F*) demonstrating how tenants' rights will be observed and addressed by providing safe, decent, and affordable housing through such activities as the delivery of maintenance services, security services, and consistency with local and national fair housing laws; (*G*) demonstrating clients

participation in decision making in project operation and management.

(ii) *Supportive Services.* You must describe how the supportive service needs of clients will be addressed from HOPWA or other sources by including: (*A*) the type of supportive services that will be offered and/or how services will be accessed and coordinated; (*B*) the names of the organizations providing the supportive services; (*C*) the connection of these services in helping clients obtain and/or maintain housing; (*D*) the roles and responsibilities of project sponsors and other organizations in undertaking these activities. If you propose to use more than 10% of your HOPWA funds for supportive services, emergency or transitional housing activities, to receive the highest number of rating points, you must address how you will meet your clients' permanent housing needs with HOPWA funds or funds from other sources. You can fulfill this commitment by allocating funds for housing vouchers for HOPWA clients or developing permanent housing with this grant or other sources.

(2) Model Qualities (20 Points). HUD will award up to 20 points based on your service delivery model plan and how well it addresses the ongoing housing and supportive service needs within a replicable operational framework. To receive the highest ratings in this factor, you must offer a plan that evidences a permanent housing arrangement and the following:

(a) *Operational Procedures.* You must describe your program's outreach, intake, and assessment procedures, as well as how clients will link to services and (if necessary) housing funded from other sources and how your project provides for consistent monitoring of all clients. You must include within this description how a client moves through the program from intake, assessment, service delivery, and finally to termination or linkage to other services.

(b) *Project Management and Oversight.* You must describe your method for coordinating the project sponsors' services whether for housing or related supportive services with your staff and volunteers, and any other organizations in order to benefit the clients; identify staff members who are responsible for described housing and supportive service tasks; and the ability of your operations to be self-sustaining beyond the life of this grant.

(c) *Evaluation.* Evaluation is defined as your method for collecting data on HUD program goals related to housing and related supportive services, as well as, your project's unique goals and objectives. HUD will assess your method for reviewing this data and other information on the program's operations and your basis for making relative adjustments based on outcomes and lessons learned from operation of your activities. HUD will provide a greater number of points for programs which will serve as a national model and which provide for the dissemination of information from the lessons learned from your proposed activities.

(d) *Innovative Qualities.* If you propose a new program, or an alternative method of meeting the needs of your clients, you should describe the innovative qualities of your activities. HUD will rate your applications higher if your justification for these innovations provide strong evidence that they will yield qualities that will benefit or expand our knowledge in offering assistance to persons living with HIV/AIDS and their families, when compared to other applications and HOPWA projects funded in the past. In order to learn about innovative qualities of previously funded and on-going HOPWA projects, please review the HOPWA Executive Summaries for all HOPWA formula and competitive grantees at http://www.hud.gov/cpd/hopwahom.html.

(e) *Descriptive Budget.* HUD will rate your budget in describing (i) how each amount of requested funding for you and your project sponsors will be used; (ii) how each line item will relate to eligible HOPWA activities as defined in Part B, Section III(C), of this program section of the SuperNOFA; and (iii) how specific line items match with the goals and objectives in your project. You must complete the HOPWA Project Budget Form as described in Part B, Section VI(E). Please note that only the forms are required and an additional narrative under the Model Qualities Section is not required.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources which can be combined with HUD's program resources to achieve program purposes. HUD will award up to 10 points based on the extent to which resources from other public or private sources have been committed at the time of application, to support your project. To achieve the highest ratings for this factor, you must evidence commitments of leveraged resources that match or exceed the amount of HOPWA funds that are requested, but not including funds designated for data collection.

In establishing leveraging, HUD will not consider other HOPWA-funded activities, entitlement benefits inuring to eligible persons, or conditioned commitments that depend on future fund-raising or actions. In assessing the use of acceptable leveraged resources, HUD will consider the likelihood that State and local resources will be available and continue during the operating period of your grant. In evaluating this factor HUD will also consider:

(1) The extent to which you document leveraged resources, such as funding and/or in-kind services from governmental entities, private organizations, resident management organizations, educational institutions, or other entities to achieve the purposes of the project for which you are requesting HOPWA funds.

(2) The extent to which the documented resources evidence that you have partnered with other entities to make more effective use of available public or private resources. Partnership arrangements may include funding or in-kind services from local governments or government agencies, nonprofit or for-profit entities, private organizations, educational institutions, or other entities that are willing to partner with you on proposed activities, or partnering with other program funding recipients to make more effective use of resources within the geographic area covered by your award.

To receive highest leveraging points, you must document the cash value of leveraged resources pledged to your project(s). Appropriate language is described below:

(i) *Applicant or Third Party Cash Resources.* If this proposal is funded, (applicant name or third party name) commits $(amount) (of its own funds, if applicant, or to applicant name, if third party) for (type of activity) to be made available to the HOPWA program. These funds will be available from (date) to (date). (Signature and Title of authorized representative and date)

(ii) *Non-Cash Resources.* If this proposal is funded, (organization's name) commits to make available (type of resource) valued at $(amount) to the HOPWA program proposed by (applicant name). These resources will be made available to the HOPWA program from (date) to (date). (Signature and Title of authorized representative and date) The donation of a third party professional service should be valued at the professional's customary charge. The value of materials to be contributed to the project by a third party or by the applicant may also be counted as leveraging.

(iii) *Volunteer Time.* If this proposal is funded, (name of the organization or of self), commits to provide (number of

hours) of volunteer time from (date) to (date) to provide (type of activity) to the HOPWA program proposed by (applicant name). The total value of these services, based on $10.00 per hour, is $(amount). (Signature and Title, and date) Time to be contributed to the project by volunteers should be valued at $10.00 per hour. In the case of individuals volunteering their time directly to the applicant, the applicant should list itself as the organization.

(iv) *Contribution of a Building.* If this proposal is funded, (applicant name) pledges the building at (site address) to the HOPWA program. The building has a fair market value of $(amount). A licensed independent real estate appraiser made this assessment which is based on comparable properties in the area. (Signature of applicants authorized representative and date) Ownership of a building or portion of a building to be used in the project may be counted as leveraging. The fair market value of the building or portion of the building being contributed may be counted. Do not send an appraisal to HUD, but keep documentation of fair market value on file. The contribution of land (as a leveraged resource for new construction) should be treated the same as contribution of a building. You will need to keep documentation of the fair market value on file, particularly if it is improved land and you wish to include the value of the improvements in the contribution.

(v) *Contribution of a Building to be Acquired with HOPWA Funds.* If this proposal is funded, (applicant name) commits the building at (site address) for the HOPWA program. The building has a fair market value of $(amount). A licensed independent real estate appraiser made this assessment which is based on comparable properties in the area. The HOPWA request for the building is $(amount). Therefore, the contribution is the difference between the fair market value and the HOPWA request, or $(amount). (Signature of applicants authorized representative and date) The difference between the documented fair market value and the portion paid for with HOPWA funds may be counted as leveraging. Maintain documentation of fair rental value on file.

(vi) *Contribution of Leasehold Interest.* If this proposal is funded, (applicant name) commits the leasehold interest at (site address) for the HOPWA program. The fair rental value of this site is $(amount) annually, and at constant value will amount to $(amount) over (term of the lease, up to three years). An appropriate independent third party made this assessment which is based on comparable properties in the area. The total leasing cost over the term of the lease to be paid with HOPWA funds is $(amount). Therefore, the contribution is the difference between the HOPWA leasing cost and the fair rental value, or $(amount). (Signature of applicants authorized representative and date) The difference between the fair rental value (for a term up to three years) and the cost of the lease to be paid for with HOPWA funds may be counted as leveraging.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

Please address the following factor on not more than five (5) double-spaced, typed pages. This factor addresses the extent to which you coordinated the specific proposal with other known organizations, consulted prospective clients or persons with HIV/AIDS in designing your proposal, participates or promotes participation in the jurisdiction's Consolidated Planning process, and in a community's Continuum of Care Homeless Assistance planning process (if homeless persons are to be served by proposed activities), and is working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. HUD will award up to 10 points based on your proposal's comprehensiveness and coordination. In order to ensure that resources are used to their maximum effect within the community, it is important that you be involved in HUD's planning processes for community development and homeless assistance resources. If you, your sponsors, or others partnering with you have been involved in these processes, you should describe that involvement under this factor.

HUD will consider the extent to which your activities were planned with community involvement in a larger community or regional plans which links the provision of health care, supportive services, and housing. Also, how planned activities are proposed to be carried out with HOPWA funds and other resources in order to provide a comprehensive and responsive range of housing and related supportive services to meet the changing needs of persons with HIV/AIDS. Your proposal should demonstrate that housing is provided in conjunction with the client's access to health-care and other supportive services in the area to be served, including assistance provided under the Ryan White CARE Act programs.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission, to best complement, support, and coordinate all known activities; and if funded, the specific steps you will take to share information on solutions and outcomes with others. You should describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) Been actively involved in your community's Continuum of Care Homeless Assistance planning process (if homeless persons are to be served by proposed activities), and/or the jurisdiction's Consolidated Planning process established to identify and address a need/problem that is related to the activities you propose to undertake.

In the case of technical assistance providers, you will be evaluated on the specific steps you will take to work with recipients of technical assistance services to inform them of, and get them involved in, the community's Continuum of Care Homeless Assistance planning process and/or the jurisdiction's Consolidated Planning process, as applicable. HUD will review more favorably your application if you can demonstrate you are active or are working with recipients of technical assistance to get them involved in local and State planning processes.

(3) Developed linkages, or specific steps you will take to develop linkages with other activities, programs or projects through meetings, information networks, planning processes, or other mechanisms, to coordinate your activities so solutions are holistic and comprehensive, including linkages with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and (b) Other activities funded by the Federal, State, or local government, including those proposed or on-going in the community.

(E) *Selection of HOPWA Awards.* Whether your HOPWA application is conditionally selected will depend on your overall ranking compared to other applications within each of the two categories of assistance. HUD will select applications in rank order in each category of assistance to the extent that funds are available, except as noted below. In allocating amounts to the categories of assistance, HUD reserves the right to ensure that sufficient funds are available for the selection of at least one application with the highest ranking under each category of assistance. In selecting projects that target resources to underserved populations as outlined in Part B, Section III(D) in this program section of the SuperNOFA, HUD will ensure that up to (40) percent of the funds awarded for Special Projects of National Significance (SPNS) grants are awarded to applications with collaborations to serve underserved populations and HUD reserves the right to include in these awards at least one application that targets unmet needs in an underserved youth population.

If there is an insufficient request by applicants for funds targeting underserved populations, HUD will use remaining funds for the next highest ranked SPNS Applications in rank order.

HUD reserves the right to achieve greater diversity in the selection of applications by selecting the highest rated application in a State where no applicant has been the recipient of any prior HOPWA competitive grant or formula allocation over a higher rated application in a State that has received prior HOPWA funding. In selecting a lower rated application, HUD will not select an application that is rated below 50 points.

In the event of a tie between applications in a category of assistance, HUD reserves the right to break the tie: by selecting the proposal that increases geographic diversity as defined in the prior paragraph; and, if greater geographic diversity is not achievable, by selecting the proposal that was scored higher on a rating criterion in the following order: Soundness of Approach: Responsiveness and Model Qualities (Rating Factor 3); Comprehensiveness and Coordination (Rating Factor 5); the Capacity of the Applicant and Relevant Organizational Experience (Rating Factor 1); the Need/Extent of the Problem (Rating Factor 2); and Leveraging Resources (Rating Factor 4).

HUD will notify you in writing if you are conditionally selected. You may be notified subsequently of any modification made by HUD, the additional project information necessary for grant award, and the date of deadline for submission of the required information. In the event that a conditionally-selected applicant is unable to meet any conditions for fund award within the specified, HUD reserves the right not to award funds to the applicant, but use those funds to make awards to the next highest rated applications in this competition; to restore amounts to a funding request that had been reduced in this competition; or to add amounts to funds available for the next competition.

VI. Application Submission Requirements

Your HOPWA application must contain the following items in the order shown below. The standard forms can be found in Appendix B to the General Section of the SuperNOFA.

The remaining application items that are forms (i.e., excluding such items as narratives, letters), referred to as the "non-standard forms" can be found as Appendix D to this program section of the SuperNOFA: The items are as follows:

(A) *Application for Federal Assistance (Form SF–424).* You should complete Items 1 through 18 with the following additions:

Item 5—Add e-mail address of the contact person;

Item 7—The applicable letters are "A" for State; "B, C, or D" for a unit of local government; or "N" for Nonprofit;

Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted

Item 10—Enter 14—21 and the title "Housing Opportunities for Persons with AIDS Program" or "HOPWA" for the Catalogue of Federal Domestic Assistance;

Item 15—You must complete the budget on HUD-SF–424M and the HOPWA Project Budget Form. Please make sure that both the Total Amount on HUD-SF–424M and the "Total Budget" section on the HOPWA Project Budget Form are the same. In the event that the total budgets are in conflict, HUD will refer to the HOPWA Project Budget form.

Item 16—Check "No".

(B) *Executive Summary and Synopsis.* Please provide a two to three sentence synopsis of the proposed program, followed by an Executive Summary of the proposed project on no more than two double-spaced, typed pages. HUD will use this as a summary if your project is chosen for funding. In your abstract, include your organization's name and the name of any project sponsor.

(C) *Narrative Statements.* Your application must include narrative statements that address each of the Factors for Award found at Part B, Section V(D) of this program section of the SuperNOFA. Respond to each factor within the stated page limits and do not use a font size smaller than 12 point. Applications failing to submit any of the narrative statements will be rated as zero during the rating process.

(D) *Proposed HOPWA Project Information Form.* See Appendix D in program section of SuperNOFA. Complete the form including the following:

(1) *Project Sponsors.* You must identify any organization that will receive HOPWA funds as a project sponsor and the amount of funds to be received.

(2) *Non-profit Status.* Non-profit grantees or project sponsors must submit documentation verifying your non-profit status, as outlined under Part B, Section III, *Eligible Applicants and Project Sponsors,* in this program section of the SuperNOFA.

(3) *Service Areas.* Your application must identify the area(s) in which you are proposing to offer housing and other assistance.

(E) *Budget.* You must complete the HOPWA Project Budget Form found in Appendix D of this program section of the SuperNOFA which lists the amount of requested HOPWA funds designated for each type of HOPWA-eligible activity. For more information, please see Part B, Section IV(C), *Program Requirements,* and Paragraph (2)(e) of Rating Factor 3, *Soundness of Approach.*

(F) *Statutory Certifications.* HOPWA applicants are not required to provide the forms, certifications, and assurances listed in the General Section of the SuperNOFA unless stated below. Additionally, the requirement to Affirmatively Further Fair Housing does not apply to the HOPWA program. The following certifications are required by law for funding and should be included with your application. All certifications and forms, except those found in the General Section of the SuperNOFA, are included in the appendixes to the program section of this SuperNOFA.

(1) *Consolidated Plan Certification.* Except as stated below, you must include a Consolidated Plan (hereafter called the plan) certification from the applicable State or local government official responsible for submitting the appropriate plan. If your project will be carried out on a national basis or will be located on a reservation of an Indian tribe, Guam, the Virgin Islands, American Samoa, or the Northern Mariana Islands you are not required to include a Consolidated Plan certification with your application. This certification must be signed by the authorizing official from the State or local government. (See the General Section of the SuperNOFA.)

(2) *Certifications.* The following certifications are required as stated in Section II(G) of the General Section of the SuperNOFA: HUD–50070, Certification of Drug-Free Workplace;

and SF-LLL, Disclosure of Lobbying Activities (if applicable).

(3) *HOPWA Applicant Certifications.* The required HOPWA certifications cover the following items: (i) fair housing and non-discrimination; (ii) uniform relocation assistance; (iii) environmental law and authorities; (iv) continued use periods for structures assisted; and (v) debarred, suspended and ineligible principals requirements. (See Appendix D to this program section of the SuperNOFA.)

(4) *Certification of Consistency with EZ/EC Strategic Plan.* This may be submitted as directed in the General Section of the SuperNOFA.

(5) *HUD–2880, Applicant/Recipient Disclosure Update Report.* This must be signed by you the applicant.

After your entire application is assembled, please mark each exhibit with an appropriately numbered tab and number every page of the application sequentially. Complete the HOPWA Application Checklist found in Appendix D to this program section of the SuperNOFA. Attach the HOPWA Application Checklist to the front of your application.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Other Requirements

(A) *Environmental Requirements.* All HOPWA assistance is subject to the National Environmental Policy Act and applicable related Federal environmental authorities. In accordance with Section 856(h) of the AIDS Housing Opportunities Act, as added by Section 203 (c) of Public Law 106–377 (114 Stat. 1441, approved October 27, 2000), environmental reviews for HOPWA activities are to be completed by responsible entities (including units of general local government, States, Indian tribes and Alaska Native villages) in accordance with 24 CFR Part 58. Applicants or grantees that are not States or units of general local government must request, the unit of general local government to perform the environmental review. This statutory provision supersedes the environmental provisions in the HOPWA regulation at 24 CFR 57.510. HOPWA grantees and project sponsors may not commit or expend any grant of nonfederal funds on project activities (other than those listed in 24 CFR 58.34 or 58.35 (b)) until HUD has approved a Request for Release of Funds and environmental certification from the responsible entity. The expenditure or commitment of HOPWA or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project under consideration.

(B) *Local Resident Employment (Section 3 Requirements).* For grants in excess of $200,000, to the extent that any housing assistance funded through this program section of the SuperNOFA is used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, then it is subject to section 3 of the Housing and Urban Rehabilitation Act of 1968,as amended, and the implementing regulations at 24 CFR part 135. Section 3 requires that economic opportunities generated by certain HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be given to low-and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

(C) *Lead-Based Paint Requirement.* The grantee and program sponsor must comply with the existing requirements of the Lead Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR part 35, as applicable.

IX. Authority

This program is authorized under the AIDS Housing Opportunity Act (42 U.S.C. 12901). The regulations for HOPWA are found at 24 CFR part 574.

BILLING CODE 4210-32-P

HOPWA Program - Appendix A

HOPWA Renewal Application Checklist

Checklist of Exhibits

Please insert page numbers

- ☐ Transmittal Letter (that identifies HOPWA and amount requested)
- ☐ Executive Summary and Synopsis
- ☐ Organizational Capacity Narrative (if applicable)
- ☐ Need for Renewal Narrative and Chart
- ☐ HOPWA Renewal Budget Form
- ☐ HOPWA Renewal Project Form
- ☐ Statutory Certifications (Required by law)
- ☐ Evaluation by Customer (Optional) (See Application Kit)

Executive Summary and Synopsis. On no more than five (5) double spaced pages, please provide an Executive Summary of the renewal project. In the Executive Summary, please provide the name of the grantee and any project sponsors. Include at the beginning of the Executive Summary a two to three sentence synopsis of the renewal project. In your abstract, include your organization's name and the name of any project sponsor; how much HOPWA funding you have requested; the name of the proposed project (if any); where it is located and how many people will be served over the entire period of the grant. Also include a contact name, email, phone and fax number.

HOPWA Program - Appendix A

HOPWA Need for Renewal Chart

Please complete the following chart and submit with your Need for Renewal Narrative. HUD will review this chart and determine your eligibility for renewal funding based on financial records for reimbursement of expenditures that are filed under HUD's financial system (PAS).

To be eligible for renewal, the original HOPWA grant must be expiring in the Federal Fiscal Year 2001 or 2002 (October - September) and the project must not have sufficient funds to continue activities in 2002, if not awarded additional Federal funds. All funds awarded in an existing HOPWA competitive grant must be expended during the Federal Fiscal Year 2001 or 2002 (as measured by reimbursements filed with HUD under the financial system, PAS). In addition, if the grant expired in the Federal Fiscal Year 2000 or earlier, i.e. all funds were expended (as measured by PAS) by 9-30-00 or only a residual amount that is less than one percent of the amount of the prior grant remains, you are **not eligible** to apply for renewal funding under this notice.

Line 1	Indicated the amount of the prior HOPWA award.	$
Line 2	Indicate the amount expended as of 9-30-00.	$
Line 3	Subtotal: subtract Line 2 from Line 1. (See Item 1 below.)	$
Line 4	Indicate the amount to be expended in FY2001.	$
Line 5	Indicate the amount to be expended in FY2002.	$
Line 6	Subtotal: Subtract Lines 4 and 5 from Line 3. (See Item 2 below)	$

1. If the subtotal on Line 3 is zero or a residual amount that is less than one percent of the amount on Line 1, you are not eligible to apply for renewal funding under this notice.

2. If the subtotal on Line 6 is greater than zero, you are **not eligible** to apply for renewal funding under the HOPWA Renewal Section of HUD's SuperNOFA. Also note that continued use of prior funds may require that you file an extension request with the area CPD Field Office.

HOPWA Program - Appendix A

HOPWA Renewal Project Budget Form

A. Renewal Project Summary Budget. In column A, enter the amount of HOPWA funding that was awarded under the prior HOPWA award (including any change approved by HUD). In column B, enter the total amount of new HOPWA funds being requested. You may request up to 20 percent more than the original award for renewal by activity, but the total requested funds may not exceed $1,200,000. In column C, enter any other funds (i.e. private, local, or state resources) that will be used in conjunction with the requested HOPWA renewal funds to undertake the project. Enter the sum total of requested *HOPWA funds* and *Other funds* (sum of columns B and C) in column D. Enter the totals of each column in line 16 of the budget form. For additional details on eligible activities and limitations, consult the program regulations at 24 CGR 574.300-340. Note: One-time capital development costs are not eligible for renewal.

Eligible Activity	HOPWA Project Funding			
	A. Original/Amd.	B. Renewal Amt.	C. Other	D. Total
1. Lease	$	$	$	$
2. Operating Costs	$	$	$	$
3. Supportive Services	$	$	$	$
4. Housing Information	$	$	$	$
5. Technical Assistance & Resource Identification	$	$	$	$
6. Rental Assistance	$	$	$	$
7. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$	$
8. Other (name the type of alternative activity that is also described in exhibit 3)	$	$	$	$
9. Subtotal of Activity Costs (not to exceed $1,200,000)	$	$	$	$
10. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$	$
11. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$	$
12. Collect data on Project Outcomes (not to exceed $50,000)	$	$	$	$
13. Total	$	$	$	$

Indicate the number of years you are requesting renewal funding (1-3 years). _____
Note: Column B should reflect the total of funding requested for all years.

HOPWA Program - Appendix A

B. Renewal Project Descriptive Budget.

Instructions:

A. For the grantee and each project sponsor receiving HOPWA renewal funds under this application, please complete the Renewal Project Descriptive Budget Form. The first form should be completed for the grantee, followed by one form for each project sponsor. In the form number boxes enter the number of the form followed by the total numbers of forms submitted. For example, if you are the grantee and have two project sponsors, you will complete three forms. The first form should be for the grantee and will be number as (1 of 3). You will then complete two additional forms for each project sponsor. The first project sponsor form will be numbered as (2 of 3), and the second (3 of 3).

B. Enter the name of the organization (grantee or project sponsor).

C. As applicable, mark if you are completing this form for the grantee or project sponsor.

D. For each HOPWA Eligible Activity that you are requesting HOPWA renewal funding, give a brief description of the activity. This description should be a 1-2 line summary of the activity.

EXAMPLE 1:

HOPWA Eligible Activity and Description	HOPWA Request
Rental Assistance	$100,000
Description: *Provide long-term, tenant-based rental assistance through the "Rent Project" to 25 individuals and 10 families per year over a three year grant period.*	

EXAMPLE 2:

Eligible Activity and Description	HOPWA Request
Supportive Services	$30,000
Description: *Provide case management, nutritional services, and mental health counseling to 45 individuals in the "AIDS Housing" facility each year for the three years of the grant term.*	

E. For each HOPWA Eligible Activity (lines 1-13), enter the amount of requested HOPWA renewal funds. NOTE: This amount may not equal the amount entered in Part A for the eligible activity. A sum of each HOPWA request completed on the Project Descriptive Budget for the grantee and each project sponsor, should equal the totals entered in Part A- Column B of the Renewal Project Summary Budget.

HOPWA Program - Appendix A

A. HOPWA Renewal Project Description Budget Form *Form* [ ] *of* [ ]

B. Name of Grantee/Project Sponsor: _____

C. Mark one of the following:
Grantee [ ] **Project Sponsor** [ ]

D. Eligible Activity and Description	E. HOPWA Renewal Request
1. Lease	$
Description:	
2. Operating Costs	$
Description:	
3. Supportive Services	$
Description:	
4. Housing Information	$
Description:	
5. Technical Assistance and Resource Identification	$
Description:	
6. Rental Assistance	$
Description:	
7. Short-term Rent, Mortgage & Utility Payment to Prevent Homelessness	$
Description:	
8. Other (name the type of alternative activity that is also described exhibit 3)	$
Description:	
9. Administrative Costs (Grantee or Project Sponsor)	$
Description:	
10. Collect data on Project Outcomes (not to exceed $50,000)	$
Description:	

HOPWA Renewal Project Information Form

Please complete the form and place after the narrative sections of your renewal application.

A. Grant Number
Please provide the grant number of the HOPWA grant for which you are seeking renewal.

Grant Number		**Year Funded:**	

B. Service Area. Please identify the intended service area, i.e., the name of the community or metropolitan area, or, if activities are planned for a state-wide or nation-wide basis:

C. Project Sponsors and Sites. On a separate page, if needed, identify all the project sponsors that are involved in your proposed project, the sponsor's mailing address, telephone, email address, fax number, and the name of a contact person.

Are new project sponsor(s) being added to the renewal project? Yes ☐ / No ☐
Please note you must provide an Organizational Capacity Narrative if a new project sponsor is added to your renewal project.

Sites. For projects involving sites, for example, a structure where HOPWA funds will be used for operating costs, and/or project-based rental assistance, please attach or provide the address of the project site.

Confidentiality.
Please indicate if the site location is confidential or a public site by checking the appropriate box below.

☐ Confidential Site.
(Do not release the street location of this project.)

☐ Public Site.
(The address may be released to inform clients and the public.)

Photo. Please attach a photograph of the structure.

D. Summary of Proposed Accomplishments.
Summary of Housing Assistance: Please provide best estimates in the following table. Enter number of units of housing served if renewal project is funded and is fully implement and operational.

	Accomplishment by Year		
1. Facility-based Housing: Enter total units to be provided.	Year 1	Year 2	Year 3
Short-term facility			
Single room occupancy dwelling			
Community residence			
Other housing facility (specify)			
2. Scattered-site Payments	Year 1	Year 2	Year 3
Tenant-based rental assistance			
Short-term rent, mortgage, and utility payments			
Total Units			

Example: If your four unit community residence will be funded and operational in each of the next three years, enter 4 in each of the 3 boxes after community residences.

Summary of Persons Assisted. Please provide best estimates in the following table:

	Accomplishment by Year		
	Year 1	Year 2	Year 3
1. Number of persons with HIV/AIDS who will receive some form of housing assistance			
2. Number of family members of the above who will be residing with the person receiving housing assistance			
3. Number of persons with HIV/AIDS who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 1 above)			
4. Number of other family members who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 2 above).			
5. Number of persons who will be receiving housing information services.			

Example: If some clients transition out of your 4 unit community residence each year and new clients enter the project, enter your best estimate of all the persons projected to be served for each year.

E. Additional Information

The Department of Housing and Urban Development needs the following information to respond to public inquiries about program benefit. Your responses will not affect in any way the scoring of your submission.

1. Which of the following subpopulations will your project serve? (Check all that apply)

☐ Severely Mentally Ill ☐ Chronic Substance Abuse ☐ Veterans

☐ Multiply-Diagnosed ☐ Victims of Domestic Violence

2. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project either (1) is in an area outside of Metropolitan Areas,or (2) is outside of the urbanized areas within a Metropolitan Area.)

☐ Yes ☐ No

3. Is the sponsor of the project a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

☐ Yes ☐ No

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Local Field Office Contact List

NEW ENGLAND	CPD DIRECTOR	PHONE
CONNECTICUT STATE OFFICE ONE CORPORATE CENTER, 19TH FLOOR HARTFORD, CT 06103-3220	**MARY ELLEN MORGAN**	**860-240-4800**
NEW HAMPSHIRE STATE OFFICE 275 CHESTNUT ST. NORRIS COTTON BLDG. MANCHESTER, NH 03101-2487	**RICHARD HATIN**	**603-666-7640**
MASSACHUSETTS STATE OFFICE 10 CAUSEWAY STREET, ROOM 375 BOSTON, MA 02222-1092	**JAMES BARNES**	**617-565-5345**
NEW YORK/ NEW JERSEY		
BUFFALO AREA OFFICE 465 MAIN STREET, FIFTH FLOOR BUFFALO, NY 14203-1780	**MICHAEL F. MERRILL**	**716-551-5755**
NEW JERSEY STATE OFFICE ONE NEWARK CENTER, 13TH FLOOR NEWARK, NJ 07102-5260	**KATHLEEN NAYMOLA**	**973-622-7900**
NEW YORK STATE OFFICE 26 FEDERAL PLAZA NEW YORK, NY 10278-0068	**KATHY MULLINS - DEPUTY DIRECTOR**	**212-264-0771**
MID-ATLANIC		
MARYLANDSTATE OFFICE 10 S. HOWARD ST., 5TH FLOOR CITY CRESCENT BLDG. BALTIMORE, MD 21201-2505	**JOSEPH O'CONNOR**	**410-962-2520**
PENNSYLVANIA STATE OFFICE WANAMAKER BLDG. 100 PENN SQUARE EAST PHILADELPHIA, PA 19107-3390	**JOYCE GASKINS** **LOUIS WILLIAMS DEPUTY DIRECTOR**	**215-656-0624**

HOPWA Program - Appendix B

PITTSBURGH STATE OFFICE 339 6TH AVENUE, 6TH FLOOR PITTSBURG, PA 15222-2515	**LYNN DANIELS**	**412-644-2999**
VIRGINIA STATE OFFICE 3600 W. BROAD STREET RICHMOND, VA 23230-4920	**Carlos Renteria, Acting**	**804-278-4503**
DISTRICT OF COLUMBIA OFFICE 820 1ST ST., N.E., STE. 450 WASHINGTON, DC 20002-4205	**RONALD HERBERT**	**202-275-0994**
SOUTHEAST/CARIBBEAN		
ALABAMA STATE OFFICE 600 BEACON PARKWAY WEST, STE 300 BIRMINGHAM, AL 35209-3144	**HAROLD COLE**	**205-731-2630**
CARIBBEAN OFFICE 159 CARLOS E. CHARDON AVENUE SAN JUAN, PR 00918-1804	**CARMEN R. CABRERA**	**787-766-5576**
FLORIDA STATE OFFICE 909 SOUTHEAST 1ST AVE., RM 500 MIAMI, FL 33131	**JACK JOHNSON**	**305-536-4431**
GEORGIA STATE OFFICE 75 SPRING STREET, SW RICHARD RUSSELL FEDERAL BLDG. ATLANTA, GA 30303-3388	**JOHN PERRY**	**404-331-5001**
JACKSONVILLE AREA OFFICE SOUTHERN BELL TOWER 301 WEST BAY STREET, STE. 2200 JACKSONVILLE, FL 32202-5121	**JAMES N. NICHOL**	**904-232-1777**
KENTUCKY STATE OFFICE 601 W. BROADWAY, POB 1044 LOUISVILLE, KY 40201-1044	**BEN COOK**	**502-582-6163**
MISSISSIPPI STATE OFFICE 100 WEST CAPITOL STREET, RM 910 JACKSON, MS 39269-1096	**EMILY EBERHARDT**	**601-965-4700**

HOPWA Program - Appendix B

NORTH CAROLINA STATE OFFICE KOGER BLDG. 2306 W. MEADOWVIEW RD. GREENSBORO, NC 27407-3707	**TOM FEREBEE**	**336-547-4005**
SOUTH CAROLINA STATE OFFICE S. THURMON FED. BLDG. 1835 ASSEMBLY STREET COLUMBIA, SC 29201-2480	**LOUIS E. BRADLEY**	**803-765-5564**
KNOXVILLE AREA OFFICE 710 LOCUST STREET, 3RD FLOOR KNOXVILLE, TN 37902-2526	**VIRGINIA E. PECK**	**865-545-4391**
MIDWEST		
ILLINOIS STATE OFFICE 77 WEST JACKSON BOULEVARD RALPH METCALFE BLDG. CHICAGO, IL 60604-3507	**VICTOR THORNTON** **ACT'G DIRECTOR**	**312-353-1696**
INDIANA STATE OFFICE 151 NORTH DELAWARE STREET INDIANAPOLIS, IN 46204-2526	**ROBERT POFFENBERGER**	**317-226-6303**
MICHIGAN STATE OFFICE PATRICK MCNAMARA BUILDING 477 MICHIGAN AVENUE DETROIT, MI 48226-2592	**RAY PERRY**	**313-226-7908**
MINNESOTA STATE OFFICE 220 SECOND STREET, SOUTH MINNEAPOLIS, MN 55401-2195	**ALAN JOLES**	**612-370-3019**
OHIO STATE OFFICE 200 NORTH HIGH STREET COLUMBUS, OH 43215-2499	**LANA VACHA**	**614-469-5737**
WISCONSIN STATE OFFICE 310 W. WISCONSIN AVENUE, STE 1380 MILWAUKEE, WI 53203-2289	**ROBERT BERLAN**	**414-297-3214**
SOUTHWEST		
ARKANSAS STATE OFFICE 425 WEST CAPITAL AVENUE TCBY TOWER, STE. 900 LITTLE ROCK, AR 72201-3488	**ANNE GOLNIK**	**501-324-6375**

HOPWA Program - Appendix B

LOUISIANA STATE OFFICE 501 MAGAZINE STREET, HALE BOGGS, 9TH FLOOR NEW ORLEANS, LA 70130-3099	**GREG HAMILTON**	**504-589-7212**
NEW MEXICO STATE OFFICE 625 SILVER AVENUE, SW, STE. 100 ALBUGUERQUE, NM 87110-6472	**FRANK PADILLA**	**505-346-7271**
OKLAHOMA STATE OFFICE 500 WEST MAIN STREET, STE.400 OKLAHOMA CITY, OK 73102	**DAVID H. LONG**	**405-553-7569**
SAN ANTONIO STATE OFFICE WASHINGTON SQUARE 800 DELOROSA STREET SAN ANTONIO, TX 78207-4563	**JOHN T. MALDONADO**	**210-475-6820**
TEXAS STATE OFFICE 801 CHERRY STREET FORT WORTH, TX 76102	**KATIE WORSHAM** **CARLOS RENTERIA**	**817-978-5934**

GREAT PLAINS

KANSAS/MISSOURI STATE OFFICE GATEWAY TOWER II 400 STATE AVENUE, RM 200 KANSAS CITY, KS 66101-2406	**WILLIAM ROTERT** **WILLIAM BOYD-DEPUTY DIRECTOR**	**913-551-5485** **913-551-5486**
NEBRASKA STATE OFFICE 10909 MILL VALLEY ROAD OMAHA, NE 68154-3955	**GREGORY A. BEVIRT**	**402-492-3181**
ST. LOUIS AREA OFFICE 1222 SPRUCE STREET, 3RD FLOOR SUITE 1200 ST. LOUIS, MO 63103-2836	**ANN WIEDL**	**314-539-6524**

ROCKY MOUNTAIN

COLORADO STATE OFFICE FIRST INTERSTATE TOWER NORTH 633 - 17TH STREET DENVER, CO 80202-3607	**GUADLUPE M. HERRERA**	**303-672-5414**

HOPWA Program - Appendix B

PACIFIC / HAWAII

CALIFORNIA STATE OFFICE 450 GOLDEN GATE AVENUE SAN FRANCISCO, CA 94102-3448	**STEVE SACHS** **JIMMY PRATER** **DEPUTY DIRECTOR**	**415-436-6597** **415-436-6592**
HAWAII STATE OFFICE 500 ALA MOANA BLVD., STE 3A HONOLULU, HI 96813-4918	**MARK CHANDLER, ACT'G**	**808-522-8180**
LOS ANGELES AREA OFFICE AT&T CENTER 611 W. 6TH STREET, STE. 800 LOS ANGELES, CA 90015-3801	**WILLIAM BARTH**	**213-894-8000**
PHOENIX AREA OFFICE 400 NORTH 5TH STREET, STE. 1600 PHOENIX, AZ 85004	**MARTIN H. MITCHELL,** **PROGRAM MANAGER**	**602-379-4754**

NORTHWEST/ALASKA

ALASKA STATE OFFICE 949 EAST 36TH AVENUE, STE. 401 ANCHORAGE, AK 99508-4135	**ANDREW "GUS" SMITH,** **ACT'G**	**907-271-3669**
OREGON STATE OFFICE 400 SOUTHWEST 6TH AVE. STE. 700 PORTLAND, OR 97204-1632	**DOUGLAS CARLSON**	**503-326-7018**
WASHINGTON STATE OFFIC 909 1ST AVENUE, STE. 200 SEATTLE, WA 98104-1000	**JACK PETERS** **DON PHILLIPS, DEPUTY DIRECTOR**	**206-220-5150**

HOPWA Program - Appendix C

FY 2001 HOPWA Formula Allocations (Adjusted)
Including Non-Eligible Areas

The FY 2001 HOPWA appropriations of $258 million made available under P.L. 106-377 was adjusted in December, 2000, by a rescission of 0.22 percent under P.L. 106-554 which applied to Federal programs. The adjusted FY2001 HOPWA appropriation is $257.432 million. In February 2001, HUD announced that $229.372 million was allocated under the statutory formula to 105 HOPWA grantees, including 71 cities for Eligible Metropolitan Statistical Areas (EMSAs) and 34 States. The grantee for these amounts is the State or, for the EMSA, the most populous city in that area, which is the jurisdiction noted below and the allocations are made available under the jurisdiction's consolidated plan. The adjusted allocations replace the amounts released on October 30, 2000 and replace attachment 1 of the memorandum issued on December 28, 2000, titled *2001 HOPWA Formula Grant Agreement and Operating Instructions.*

Four new FY2001 grantees are noted as (*) in four metropolitan areas: Louisville, KY, Springfield, MA, Greensboro, NC, and Salt Lake City, UT. The new EMSAs will reduce the prior service areas of five State grants in Kentucky, Indiana, Massachusetts, North Carolina, and Utah.

For further information regarding HOPWA formula grantees visit the HOPWA website at http://www.hud.gov/cpd/hopwahom.html

ST	2001 Grantee Name	2001 Grant (Adj)
AL	BIRMINGHAM	$429,000
AL	ALABAMA STATE PROGRAM	$964,000
AZ	PHOENIX	$1,193,000
AZ	ARIZONA STATE PROGRAM	$453,000
AR	ARKANSAS STATE PROGRAM	$640,000
CA	LOS ANGELES	$9,691,000
CA	OAKLAND	$1,849,000
CA	RIVERSIDE	$1,581,000
CA	SACRAMENTO	$728,000
CA	SAN DIEGO	$2,427,000
CA	SAN FRANCISCO	$9,557,000
CA	SAN JOSE	$723,000
CA	SANTA ANA	$1,267,000
CA	CALIFORNIA STATE PROGRAM	$2,750,000
CO	DENVER	$1,281,000
CT	HARTFORD	$936,000
CT	NEW HAVEN	$734,000
CT	CONNECTICUT STATE PROGRAM	$1,060,000
DE	WILMINGTON	$638,000
DE	DELAWARE STATE PROGRAM	$134,000
DC	WASHINGTON	$8,721,000
FL	FT LAUDERDALE	$6,429,000

FY 2001 HOPWA Formula Allocations (Adjusted)
Including Non-Eligible Areas

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CA	SAN JOSE	$723,000
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CT	NEW HAVEN	$734,000
CT	CONNECTICUT STATE PROGRAM	$1,060,000
DE	WILMINGTON	$638,000
DE	DELAWARE STATE PROGRAM	$134,000
DC	WASHINGTON	$8,721,000
FL	FT LAUDERDALE	$6,429,000

FL	MIAMI	$10,269,000
FL	ORLANDO	$1,923,000
FL	TAMPA	$2,092,000
FL	WEST PALM BEACH	$3,376,000
FL	JACKSONVILLE-DUVAL	$1,362,000
FL	FLORIDA STATE PROGRAM	$3,758,000
GA	ATLANTA	$4,389,000
GA	GEORGIA STATE PROGRAM	$1,544,000
HI	HONOLULU	$409,000
HI	HAWAII STATE PROGRAM	$152,000
IL	CHICAGO	$4,851,000
IL	ILLINOIS STATE PROGRAM	$628,000
IN	INDIANAPOLIS	$654,000
IN	INDIANA STATE PROGRAM	$686,000
KY	LOUISVILLE *	$372,000
KY	KENTUCKY STATE PROGRAM	$349,000
LA	BATON ROUGE	$739,000
LA	NEW ORLEANS	$2,538,000
LA	LOUISIANA STATE PROGRAM	$854,000
MD	BALTIMORE	$5,525,000
MA	BOSTON	$3,107,000
MA	SPRINGFIELD *	$836,000
MA	MASSACHUSETTS STATE PROGRAM	$981,000
MI	DETROIT	$1,732,000
MI	MICHIGAN STATE PROGRAM	$786,000
MN	MINNEAPOLIS	$759,000
MN	MINNESOTA STATE PROGRAM	$99,000
MS	MISSISSIPPI STATE PROGRAM	$955,000
MO	KANSAS CITY	$907,000
MO	ST LOUIS	$1,062,000
MO	MISSOURI STATE PROGRAM	$448,000
NV	LAS VEGAS	$803,000
NV	NEVADA STATE PROGRAM	$211,000
NJ	DOVER TOWNSHIP	$655,000
NJ	JERSEY CITY	$2,155,000
NJ	NEWARK	$6,532,000
NJ	PATERSON	$1,252,000
NJ	WOODBRIDGE	$734,000
NJ	NEW JERSEY STATE PROGRAM	$1,858,000
NM	NEW MEXICO STATE PROGRAM	$459,000
NY	ALBANY	$388,000
NY	BUFFALO	$412,000
NY	ISLIP TOWN	$1,535,000
NY	NEW YORK CITY	$52,589,000
NY	ROCHESTER	$536,000
NY	NEW YORK STATE PROGRAM	$2,100,000
NC	CHARLOTTE	$477,000

HOPWA Program - Appendix C

NC	GREENSBORO *	$377,000
NC	RALEIGH	$449,000
NC	NORTH CAROLINA STATE PROGRAM	$1,063,000
OH	CINCINNATI	$434,000
OH	CLEVELAND	$765,000
OH	COLUMBUS	$508,000
OH	OHIO STATE PROGRAM	$939,000
OK	OKLAHOMA CITY	$375,000
OK	OKLAHOMA STATE PROGRAM	$445,000
OR	PORTLAND	$880,000
PA	PHILADELPHIA	$6,224,000
PA	PITTSBURGH	$539,000
PA	PENNSYLVANIA STATE PROGRAM	$1,335,000
PR	SAN JUAN MUNICIPIO	$4,766,000
PR	PUERTO RICO STATE PROGRAM	$2,079,000
RI	PROVIDENCE	$481,000
SC	COLUMBIA	$1,003,000
SC	SOUTH CAROLINA STATE PROGRAM	$1,614,000
TN	MEMPHIS	$913,000
TN	NASHVILLE-DAVIDSON	$587,000
TN	TENNESSEE STATE PROGRAM	$628,000
TX	AUSTIN	$1,202,000
TX	DALLAS	$2,808,000
TX	FORT WORTH	$740,000
TX	HOUSTON	$4,393,000
TX	SAN ANTONIO	$908,000
TX	TEXAS STATE PROGRAM	$2,529,000
UT	SALT LAKE CITY *	$380,000
UT	UTAH STATE PROGRAM	$59,000
VA	RICHMOND	$587,000
VA	VIRGINIA BEACH	$905,000
VA	VIRGINIA STATE PROGRAM	$555,000
WA	SEATTLE	$1,522,000
WA	WASHINGTON STATE PROGRAM	$556,000
WI	MILWAUKEE	$442,000
WI	WISCONSIN STATE PROGRAM	$359,000
	2001 Adjusted Total to 71 EMSAs & 34 States (105 Grantees)	$229.372 million

Footnotes: (*) Four first-time FY2001 HOPWA grantees are noted (Louisville, Springfield, Greensboro, and Salt Lake City).

[1]The New Jersey State allocation includes $934,000 to serve the New Jersey part of the Philadelphia EMSA.

HOPWA Program - Appendix C

Non-Eligible Areas:
The following areas are not eligible for HOPWA FY 2001 formula allocations. State and units of general local government from these areas may apply for HOPWA projects under the Long-Term category of grants as detailed in the HOPWA program section of the SuperNOFA.

STATE	NON-ELIGIBLE AREAS
AK	State of Alaska
CO	State of Colorado (outside of Denver, EMSA)
IA	State of Iowa
ID	State of Idaho
KS	State of Kansas (outside of Kansas City, EMSA)
MA	State of Maine
MD	State of Maryland (outside of Baltimore, Washington DC, and Wilmington EMSA)
MT	State of Montana
ND	State of North Dakota
NE	State of Nebraska
NH	State of New Hampshire (outside of Boston, EMSA)
OR	State of Oregon (outside of Portland, EMSA)
RI	State of Rhode Island (outside of Providence, EMSA)
SD	State of South Dakota
VT	State of Vermont
WV	State of West Virginia (outside of Washington DC, EMSA)
WY	State of Wyoming
	Virgin Islands
	Pacific Islands

HOPWA Program - Appendix D

HOPWA Application Checklist

Checklist of Exhibits
Please insert page numbers

- ☐ Transmittal Letter (that identifies HOPWA and amount requested)
- ☐ Summary
- ☐ Exhibit 1 Applicant and Sponsor Information
- ☐ Exhibit 2 Need/Extent of Problem
- ☐ Exhibit 3 Proposed Project / Soundness of Approach / Budget
- ☐ Exhibit 4 Leveraging
- ☐ Exhibit 5 Comprehensiveness and Coordination
- ☐ Statutory Certifications (Required by law)
- ☐ Evaluation by Customer (Optional) (See Application Kit)

Executive Summary and Synopsis. Please provide a two to three sentence synopsis of the proposed program, followed by an Executive Summary of the proposed project on no more than two double-spaced, typed pages an abstract of your proposed project. HUD will use this as a summary if your project is chosen for funding. In your abstract, include your organization's name and the name of any project sponsor; how much HOPWA funding you have requested; the name of the proposed project (if any); a short synopsis of your project including defining features, where it is located and how many people will be served over the entire period of the grant when it is operational. Also include a contact name, email, and phone number.

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HOPWA Project Information Form

Exhibit 3: Proposed HOPWA Project / Soundness of Approach
Please complete form and place before the Soundness of Approach narrative section of your application.

A. Category of Assistance. Check only one of the following two boxes:

☐ **Category 1: Special Projects of National Significance**

Are you proposing to target an underserved population as defined in the program section of the SuperNOFA?

☐ **Yes** ☐ **No**

Designate your targeted underserved population.

- ☐ Women
- ☐ Racial and ethnic minority group (specify)

  _____
- ☐ Persons in rural areas
- ☐ Youth
- ☐ Post-Incarcerated Populations
- ☐ Other (specify)

  _____

☐ **Category 2: Projects which are part of long-term comprehensive strategies for providing housing and related services** in an area that did not qualify for a HOPWA formula award.

B. Duplication of Assistance Requested. Please indicate if your applicant or a project sponsor is seeking funding under this HOPWA competition for an activity that is duplicated in an application under the HUD Continuum of Care Homeless Assistance 2000 competition as follows:

- ☐ A proposed HOPWA activity is identical and ***duplicates funding*** requested in an application for HUD continuum of care funding;
- ☐ A proposed activity is related but ***not identical*** to the requested funding.
- ☐ No related assistance is being requested.

HOPWA Program - Appendix D

C. Summary of Proposed Accomplishments.

Summary of Housing Assistance: Please provide best estimates in the following table. Enter number of units of housing served if project is funded and is fully implement and operational.

	Accomplishment by Year		
1. Facility-based Housing: Enter total units to be provided.	Year 1	Year 2	Year 3
Short-term facility			
Single room occupancy dwelling			
Community residence			
Other housing facility (specify)			
2. Scattered-site Payments	Year 1	Year 2	Year 3
Tenant-based rental assistance			
Short-term rent, mortgage, and utility payments			
Total Units			

Example: If you four unit community residence will be funded and operational in each of the next three years, enter 4 in each of the 3 boxes after community residences.

Summary of Persons Assisted. Please provide best estimates in the following table:

	Accomplishment by Year		
	Year 1	Year 2	Year 3
1. Number of persons with HIV/AIDS who will receive some form of housing assistance			
2. Number of family members of the above who will be residing with the person receiving housing assistance			
3. Number of persons with HIV/AIDS who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 1 above)			
4. Number of other family members who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 2 above).			
5. Number of persons who will be receiving housing information services.			

Example: If some clients transition out of your four unit community residence each year and new clients enter the project, enter you best estimate of all the persons projected to be served for each year.

HOPWA Program - Appendix D

D. Service Area. Please identify the intended service area, i.e., the name of the community or metropolitan area, or, if activities are planned for a state-wide or nation-wide basis:

E. Project Sponsors and Sites. On a separate page, if needed, identify all the project sponsors that are involved in your proposed project, including the amount of funds each will utilize; and the sponsor's mailing address, telephone, email address, fax number, and the name of a contact person. Your narrative on the proposed program activities should also specify which activities each sponsor will be carrying out.

Sites. For projects involving sites, for example, a structure where HOPWA funds will be used for new construction, acquisition, rehabilitation, operating costs, and/or project-based rental assistance, please attach or provide the address of the project site.
Confidentiality.

☐ Confidential Site. (Do not release the street location of this project.)

☐ Public Site. (The address may be released to inform clients and the public.)

Photo. Please attach a photograph of the structure (except for new constructions).

F. Additional Information
The Department of Housing and Urban Development needs the following information to respond to public inquiries about program benefit. Your responses will not affect in any way the scoring of your submission.

1. Which of the following subpopulations will your project serve? (Check all that apply)

☐ Severely Mentally Ill

☐ Chronic Substance Abuse

☐ Multiply-Diagnosed

☐ Victims of Domestic Violence

☐ Veterans

2. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project either (1) is in an area outside of Metropolitan Areas,or (2) is outside of the urbanized areas within a Metropolitan Area.)

☐ Yes

☐ No

3. Is the sponsor of the project a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

☐ Yes

☐ No

HOPWA Project Budget Form

A. Project Summary Budget. In columns A & B, enter the appropriate amount of funding that will be utilized for the HOPWA eligible activity for all years requested. For example, in column A enter the amount of HOPWA funds being requested for each eligible activity. In column B, enter the amount of other funds, if any, (i.e. private, local, or state resources) that will be used in conjunction with the requested HOPWA funds to complete the project. Enter the sum total of requested *HOPWA funds* and *Other funds* (sum of columns A & B) in column C. Enter the totals of each column in line 16 of the budget form. For additional details on eligible activities and limitations, consult the program regulations at 24 CGR 574.300-340.

Eligible Activity	Project Funding		
	A. HOPWA	B. Other	C. Total
1. Acquisition	$	$	$
2. Rehabilitation, Repair, & Conversion*	$	$	$
3. New Construction*	$	$	$
4. Lease	$	$	$
5. Operating Costs	$	$	$
6. Supportive Services	$	$	$
7. Housing Information	$	$	$
8. Technical Assist. & Resource Identification (May not exceed 20% of activity costs.)	$	$	$
9. Rental Assistance	$	$	$
10. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$
11. Other (name the type of alternative activity that is also described in exhibit 3)	$	$	$
12. Subtotal of Activity Costs (not to exceed $1,200,000)	$	$	$
13. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$
14. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$
15. Collect data on Project Outcomes (not to exceed $50,000)	$	$	$
16. Total	$	$	$

*If over $200,000, the project would be subject to Sec. 3 requirements, if selected, pertaining to economic opportunities for low and very low-income persons.

Indicate the number of years you are requesting HOPWA funding (1-3 years). _____

HOPWA Program - Appendix D

B. Project Descriptive Budget.

Instructions:

A. For the grantee and each project sponsor receiving HOPWA funds under this application, please complete the Project Descriptive Budget Form. The first form should be completed for the grantee, followed by one form for each project sponsor. In the form number boxes enter the number of the form followed the total numbers of forms submitted. For example, if you are the grantee and have two project sponsors, you will complete three forms. The first form should be for the grantee and will be number as (1 of 3). You will then complete two additional forms for each project sponsor. The first project sponsor form will be numbered as (2 of 3), and the second (3 of 3).

B. Enter the name of the organization (grantee or project sponsor).

C. As applicable, mark if you are completing this form for the grantee or project sponsor.

D. For each HOPWA Eligible Activity that you are requesting HOPWA funding, give a brief description of the activity. This description should be a 1-2 line summary of the activity as presented in your application. In addition, reference the project goal or objective which corresponds to the described activity. See the below examples:

EXAMPLE 1:

HOPWA Eligible Activity and Description	HOPWA Request
Rental Assistance	$100,000
Description: *Provide long-term, tenant-based rental assistance through the "Rent Project" to 25 individuals and 10 families per year over a three year grant period. (See Project Goals/Objectives, Goal 1 pg. 23)*	

EXAMPLE 2:

Eligible Activity and Description	HOPWA Request
Supportive Services	$30,000
Description: *Provide case management, nutritional services, and mental health counseling to 45 individuals in the "AIDS Housing" facility each year for the three years of the grant term. (See Project Goals/Objectives, Goal 3, pg. 21)*	

E. For each HOPWA Eligible Activity (lines 1-13), enter the amount of requested HOPWA funds. NOTE: This amount may not equal the amount entered in Part A for the eligible activity. A sum of each HOPWA request completed on the Project Descriptive Budget for the grantee and each project sponsor, should equal the totals entered in Part A - Column A of the Project Summary Budget.

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A. HOPWA Project Description Budget Form *Form* ☐ *of* ☐

B. Name of Grantee/Project Sponsor: _____

C. Mark one of the following:
Grantee ☐ **Project Sponsor** ☐

D. Eligible Activity and Description	E. HOPWA Request
1. Acquisition	$
Description:	
2. Rehabilitation, Repair & Conversion	$
Description:	
3. New Construction	$
Description:	
4. Lease	$
Description:	
5. Operating Costs	$
Description:	
6. Supportive Services	$
Description:	
7. Housing Information	$
Description:	

HOPWA Program - Appendix D

Form, Page 2

D. Eligible Activity and Description	E. HOPWA Request
8. Technical Assistance and Resource Identification	$
Description:	
9. Rental Assistance	$
Description:	
10. Short-term Rent, Mortgage & Utility Payment to Prevent Homelessness	$
Description:	
11. Other (name the type of alternative activity that is also described exhibit 3)	$
Description:	
12. Administrative Costs (Grantee or Project Sponsor)	$
Description:	
13. Collect data on Project Outcomes (not to exceed $50,000)	$
Description:	

HOPWA Program - Appendix D

Leveraging HOPWA Resources

Leveraging

Applicants will receive points to the extent that they document resources that are being brought to the project from other public or private sources. Enter in this chart the cash value of documented cash and in-kind resources from other public (including other Federal) and private sources that are committed to the project during the grant period.

Value of Documented Resources

Resource	Page No. of Documentation	Cash Value	HUD Use Only
a. Cash			
b. Non-cash Resources			
c. Volunteer Time			
d. Contribution of a Building			
e. Contribution of a Building to be Acquired with HOPWA			
f. Contribution of a Leasehold interest			
Total of all Leveraging		$	

HOPWA Applicant Certifications

These certified statements are required by law.

The Applicant hereby assures and certifies that:

1. Within the HOPWA eligible population, it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and regulations pursuant thereto (Title 24 CFR Part I), which state that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance, and will immediately take any measures necessary to effectuate this agreement. With reference to the real property and structure(s) thereon which are provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer, the transferee, for the period during which the real property and structure(s) are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

It will comply with the Fair Housing Act (42 U.S.C. 3601-19), as amended, and with implementing regulations at 24 CFR Part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing. For Indian tribes, it will comply with the Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*), instead of Title VI and the Fair Housing Act and their implementing regulations.

It will comply with Executive Order 11063 on Equal Opportunity in Housing and with implementing regulations at 24 CFR Part 107 which prohibit discrimination because of race, color, creed, sex or national origin in housing and related facilities provided with Federal financial assistance.

It will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1), which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity. The applicant will incorporate, or cause to be incorporated, into any contract for construction work as defined in Section 130.5 of HUD regulations the equal opportunity clause required by Section 130.15(b) of the HUD regulations.

It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701(u)), and regulations pursuant thereto (24 CFR Part 135), which require that to the greatest extent feasible opportunities for training and employment be given to lower-income residents of the project and contracts for work in connection with the project be awarded in substantial part to per-sons residing in the area of the project.

It will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and with implementing

regulations at 24 CFR Part 8, which prohibit discrimination based on handicap in Federally-assisted and conducted programs and activities.

It will comply with the Age Discrimination Act of 1975 (42 U.S.C. 6101-07), as amended, and implementing regulations at 24 CFR Part 146, which prohibit discrimination because of age in projects and activities receiving Federal financial assistance.

It will comply with Executive Orders 11625, 12432, and 12138, which state that program participants shall take affirmative action to encourage participation by businesses owned and operated by members of minority groups and women.

If persons of any particular race, color religion, sex, age, national origin, familial status, or handicap who may qualify for assistance are unlikely to be reached, it will establish additional procedures to ensure that interested per-sons can obtain information concerning the assistance.

It will comply with the reasonable modification and accommodation requirements of the Fair Housing Act and, as appropriate, the accessibility requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973, as amended.

2. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 49 CFR Part 24.

3. It will comply with the environmental laws and authorities at 24 CFR part 58 which implements the National Environmental Policy Act and related acts. The applicant agrees to supply HUD with information necessary for it to perform any necessary environmental review of each property. The applicant will carry out mitigating measures required by HUD or select an alternate eligible property. The applicant will not acquire, rehabilitate, convert, lease, repair or construct property to provide housing or commit HUD, State, local or other funds to program activities with respect to any eligible property until HUD approval is received.

4. Any building or structure assisted with amounts under this part will be maintained as a facility to provide assistance for eligible persons: (i) for not less than 10 years in the case of assistance involving new construction, substantial rehabilitation or acquisition of a building or structure; and (ii) for not less than three years in cases involving non-substantial rehabilitation or repair of a building or structure.

5. It and its principals (see 24 CFR 24.105(p)):

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions (see 24 CFR 24.110) by any Federal department or agency;

(b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted for or other-wise criminally or civilly charged by a govern-mental entity (Federal, State or local) with commission of any of the offenses enumerated in (b) of this certification; and

(d) have not within a three-year period preceding this application/proposal

had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the applicant is unable to certify to any of the statements in this certification, such applicant shall attach an explanation behind this page.

HOPWA Applicant Certifications

Signature of Authorized Certifying Official & Date

X

Title

Name of Applicant

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM (SECTION 202 PROGRAM)

Program Overview

Purpose of the Program. This program provides supportive housing for very low-income persons 62 years of age or older.

Available Funds. Approximately $495.9 million.

Eligible Applicants. Private nonprofit organizations and nonprofit consumer cooperatives (see Section III(B) of this NOFA). (See Section IX of this NOFA for information regarding the formation of the Owner corporation).

Eligible Activities. New construction, rehabilitation, or acquisition of housing with or without rehabilitation (see Section III(C) of this NOFA).

Application Deadline. May 25, 2001.

Match Requirements. No.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed applications on or before 6:00 pm, local time, on May 25, 2001, at the address shown below.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Submit your completed application (an original and four copies) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to the Section 811 program section of this SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

4. Applications for projects proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

The application kit also includes a listing of the Multifamily Hubs and Program Centers, their addresses and telephone numbers, including TTY numbers. This information is also available from HUD's SuperNOFA Information Center at 1–800–HUD–8929 and from the Internet through the HUD web site at http://www.hud.gov. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209.

For Application Kits. For an application kit and any supplemental materials, please call HUD's SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Section 202 Program and provide your name, address (including zip code), and telephone number (including area code). The application kit also will be available on the Internet through the HUD web site at http://www.hud.gov and from the appropriate Multifamily Hub or Multifamily Program Center.

For Further Information and Technical Assistance. You may contact the appropriate Multifamily Hub Office or Multifamily Program Center, Evelyn Berry at HUD Headquarters at (202) 708–2866, or access the Internet at http://www.hud.gov.

HUD encourages minority organizations to participate in this program and strongly recommends that prospective applicants attend the local HUD Office workshop. At the workshops, HUD will explain application procedures and requirements as well as address concerns such as local market conditions, building codes and accessibility requirements, historic preservation, floodplain management, displacement and relocation, zoning, and housing costs. If you are interested in attending the workshop, make sure that your name, address and telephone number are on the appropriate HUD Office's mailing list so that you will be informed of the date, time and place of the workshop. Persons with disabilities should call the appropriate HUD Office to ensure that any necessary arrangements can be made to enable your attendance and participation in the workshop.

If you cannot attend the workshop, call the appropriate HUD Office if you have any questions concerning the submission of applications to that particular office and to request any materials distributed at the workshop.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

For FY 2001, $495,915,966 is available for capital advances for the supportive housing for the elderly program. The FY 2001 HUD Appropriations Act (HUD Appropriations Act) provides $679,000,000 for capital advances, including amendments to capital advance contracts, for supportive housing for the elderly as authorized by section 202 of the Housing Act of 1959, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959. Of this amount, $500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

In accordance with the waiver authority provided in the HUD Appropriations Act, the Secretary is waiving the following statutory and regulatory provision: the term of the project rental assistance contract is reduced from 20 years to 5 years. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent.

The allocation formula used for Section 202 reflects the "relevant characteristics of prospective program participants," as specified in 24 CFR 791.402(a). The FY 2001 formula consists of one data element: a measure of the number of one and two person renter households with incomes at or below HUD's Very-low Income Limit (50 percent of area median family income, as determined by HUD, with an adjustment for household size), which have housing deficiencies. The counts of elderly renter households with housing deficiencies were taken from a special tabulation of the 1990 Decennial Census. The formula focuses the allocation on targeting the funds based

on the unmet needs of elderly renter households with housing problems.

Under Section 202, 85 percent of the total capital advance amount is allocated to metropolitan areas and 15 percent to nonmetropolitan areas. In addition, each HUD Office jurisdiction receives sufficient capital advance funds for a minimum of 20 units in metropolitan areas and 5 units in nonmetropolitan areas. The total amount of capital advance funds to support these minimum set-asides are subtracted from the respective (metropolitan or nonmetropolitan) total capital advance amounts available. The remainder is fair shared to each HUD Office jurisdiction whose fair share exceeds the minimum set-aside based on the allocation formula fair share factors described below. NOTE: The allocations for metropolitan and nonmetropolitan portions of the Multifamily Hub or Program Center jurisdictions reflect the most current definitions of metropolitan and nonmetropolitan areas, as defined by the Office of Management and Budget.

A fair share factor is developed for each metropolitan and nonmetropolitan portion of each local HUD Office jurisdiction by dividing the number of renter households for the jurisdiction by the total number of rental households in the United States. The resulting percentage for each local HUD Office jurisdiction is then adjusted to reflect the relative cost of providing housing among the HUD Office jurisdictions. The adjusted needs percentage for the applicable metropolitan or nonmetropolitan portion of each jurisdiction is then multiplied by the respective total remaining capital advance funds available nationwide.

Based on the allocation formula, HUD has allocated the available capital advance funds as shown on the following chart:

BILLING CODE 4210-32-P

FY 2001 SECTION 202 ALLOCATIONS BY FIELD OFFICE

OFFICES	METROPOLITAN		NONMETRO		TOTALS	
	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
BOSTON HUB						
BOSTON	159	17,635,963	5	554,690	164	18,190,653
HARTFORD	80	8,524,569	5	532,304	85	9,056,873
MANCHESTER	42	3,570,436	31	2,590,545	73	6,160,981
PROVIDENCE	48	5,279,819	5	547,228	53	5,827,047
TOTAL	329	35,010,787	46	4,224,767	375	39,235,554
NEW YORK HUB						
NEW YORK	433	51,649,323	5	596,976	438	52,246,299
BUFFALO HUB						
BUFFALO	123	12,014,217	24	2,367,696	147	14,381,913
PHILADELPHIA HUB						
CHARLESTON	20	1,721,281	16	* 1,347,576	36	3,068,857
NEWARK	182	21,194,647			182	21,194,647
PHILADELPHIA	153	15,583,741	19	1,959,212	172	17,542,953
PITTSBURGH	79	6,957,009	17	1,455,988	96	8,412,997
TOTAL	434	45,456,678	52	4,762,776	486	50,219,454
BALTIMORE HUB						
BALTIMORE	68	6,050,819	10	854,143	78	6,904,962
RICHMOND	65	5,006,403	22	1,680,285	87	6,686,688
WASHINGTON	69	6,502,715			69	6,502,715
TOTAL	202	17,559,937	32	2,534,428	234	20,094,365

OFFICES	METROPOLITAN UNITS	METROPOLITAN CAPITAL ADVANCE	NONMETRO UNITS	NONMETRO CAPITAL ADVANCE	TOTALS UNITS	TOTALS CAPITAL ADVANCE
GREENSBORO HUB						
COLUMBIA	45	3,705,147	17	1,360,377	62	5,065,524
GREENSBORO	74	7,333,061	35	3,403,815	109	10,736,876
TOTAL	119	11,038,208	52	4,764,192	171	15,802,400
ATLANTA HUB						
ATLANTA	74	5,681,174	33	2,508,460	107	8,189,634
KNOXVILLE	36	2,700,689	11	804,591	47	3,505,280
LOUISVILLE	48	3,899,316	25	2,075,729	73	5,975,045
NASHVILLE	50	3,858,446	18	1,381,920	68	5,240,366
SAN JUAN	39	4,088,207	14	1,439,774	53	5,527,981
TOTAL	247	20,227,832	101	8,210,474	348	28,438,306
JACKSONVILLE HUB						
BIRMINGHAM	57	4,335,834	22	1,711,494	79	6,047,328
JACKSON	20	1,482,490	27	2,036,523	47	3,519,013
JACKSONVILLE	214	17,438,863	14	1,143,069	228	18,581,932
TOTAL	291	23,257,187	63	4,891,086	354	28,148,273
CHICAGO HUB						
CHICAGO	200	21,646,892	30	3,255,500	230	24,902,392
INDIANAPOLIS	76	6,408,301	22	1,825,288	98	8,233,589
TOTAL	276	28,055,193	52	5,080,788	328	33,135,981
COLUMBUS HUB						
CINCINNATI	61	5,043,772	5	412,908	66	5,456,680
CLEVELAND	100	9,169,378	14	1,253,834	114	10,423,212
COLUMBUS	46	3,792,857	16	1,327,346	62	5,120,203
TOTAL	207	18,006,007	35	2,994,088	242	21,000,095

OFFICES	METROPOLITAN UNITS	METROPOLITAN CAPITAL ADVANCE	NONMETRO UNITS	NONMETRO CAPITAL ADVANCE	TOTALS UNITS	TOTALS CAPITAL ADVANCE
DETROIT HUB						
DETROIT	105	9,994,767	5	475,093	110	10,469,860
GRAND RAPIDS	43	3,477,790	17	1,377,948	60	4,855,738
TOTAL	148	13,472,557	22	1,853,041	170	15,325,598
MINNEAPOLIS HUB						
MINNEAPOLIS	71	7,103,990	26	2,610,819	97	9,714,809
MILWAUKEE	80	7,696,535	28	2,737,327	108	10,433,862
TOTAL	151	14,800,525	54	5,348,146	205	20,148,671
FT. WORTH HUB						
FT. WORTH	97	7,341,132	29	2,188,222	126	9,529,354
HOUSTON	63	4,744,457	11	855,642	74	5,600,099
LITTLE ROCK	20	1,363,095	25	1,707,312	45	3,070,407
NEW ORLEANS	64	4,650,855	15	1,103,113	79	5,753,968
SAN ANTONIO	54	3,902,085	12	852,154	66	4,754,239
TOTAL	298	22,001,624	92	6,706,443	390	28,708,067
KANSAS CITY HUB						
DES MOINES	36	2,854,399	26	2,032,942	62	4,887,341
KANSAS CITY	59	4,915,374	25	2,053,794	84	6,969,168
OKLAHOMA CITY	43	3,114,030	20	1,444,174	63	4,558,204
OMAHA	20	1,671,533	14	1,194,153	34	2,865,686
ST LOUIS	57	5,273,030	19	1,754,902	76	7,027,932
TOTAL	215	17,828,366	104	8,479,965	319	26,308,331
DENVER HUB						
DENVER	76	6,588,595	36	2,866,477	112	9,455,072

OFFICES	METROPOLITAN UNITS	METROPOLITAN CAPITAL ADVANCE	NONMETRO UNITS	NONMETRO CAPITAL ADVANCE	TOTALS UNITS	TOTALS CAPITAL ADVANCE
SAN FRANCISCO HUB						
SAN FRANCISCO	180	20,829,005	11	1,235,800	191	22,064,805
HONOLULU	20	3,581,856	5	895,464	25	4,477,320
PHOENIX	57	4,528,660	9	745,095	66	5,273,755
SACRAMENTO	57	5,852,878	10	1,054,428	67	6,907,306
TOTAL	314	34,792,399	35	3,930,787	349	38,723,186
LOS ANGELES HUB						
LOS ANGELES	322	33,369,160	5	517,379	327	33,886,539
SEATTLE HUB						
SEATTLE	75	7,468,620	15	1,548,653	90	9,017,273
ANCHORAGE	20	3,581,856	5	895,464	25	4,477,320
PORTLAND	58	5,349,500	21	1,813,769	79	7,163,269
TOTAL	153	16,399,976	41	4,257,886	194	20,657,862
NATIONAL TOTAL	4,338	421,528,571	851	74,387,395	5,189	495,915,966

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III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* HUD provides capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital Advances may be used for the construction or rehabilitation of a structure, or acquisition of a structure with or without rehabilitation (including structures from the Federal Deposit Insurance Corporation (formerly held by the Resolution Trust Corporation (FDIC/RTC)). Capital Advance funds bear no interest and are based on development cost limits published in this SuperNOFA. Repayment of the capital advance is not required as long as the housing remains available for occupancy by very low-income elderly persons for at least 40 years.

Project rental assistance contract (PRAC) funds are used to cover the difference between what the residents pay for rent and the HUD-approved expense to operate the project. Project Rental Assistance Contract funds may also be used to provide supportive services and to hire a service coordinator in those projects serving the frail elderly residents. The supportive services must be appropriate to the category or categories of frail elderly residents to be served.

(B) *Eligible Applicants.* Private nonprofit organizations and nonprofit consumer cooperatives are the only eligible applicants under this Section 202 Program. Neither a public body nor an instrumentality of a public body is eligible to participate in the program.

A Sponsor or Co-sponsor may not apply for more than 200 units of housing for the elderly in a single Hub or more than 10 percent of the total units allocated to all HUD Offices. Also, no single application may propose more than the number of units allocated to a HUD office or 125 units, whichever is less. Reservations for projects will not be approved for fewer than 5 units. Affiliated entities that submit separate applications are considered to be a single entity for the purpose of these limits.

(C) *Eligible Activities.* Section 202 capital advance funds must be used to finance the development of housing through new construction, rehabilitation, or acquisition of housing with or without rehabilitation. Capital advance funds may also be used in combination with other non-Section 202 funding sources to develop additional units for a mixed-finance or mixed-used project. Project Rental Assistance funds are provided to cover the difference between the HUD-approved operating costs and the amount the residents pay (each resident pays 30 percent of adjusted income) as well as to provide supportive services to frail elderly residents. In projects principally serving the frail elderly, eligible costs include the salary of a service coordinator.

Note: For purposes of approving Section 202 capital advances, HUD will consider proposals involving mixed-financing or a mixed-use purpose for additional units. However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 202 units.

(D) *Ineligible Activities.* Section 202 funds may not be used for nursing homes, infirmaries, medical facilities, mobile home projects, community centers, headquarters for organizations for the elderly, nonhousekeeping accommodations, or refinancing of sponsor-owned facilities without rehabilitation.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, as an applicant, you must comply with the following requirements:

(A) *Statutory and Regulatory Requirements.* You must comply with all Section 202 Program statutory and regulatory requirements, as listed in Sections III, IV and X of this program section of the SuperNOFA.

(B) *HUD/RHS Agreement.* HUD and the Rural Housing Service (RHS) have an agreement to coordinate the administration of the agencies' respective rental assistance programs. As a result, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider RHS' comments in its review and application selection process.

(C) *Development Cost Limits.* (1) The following development cost limits, adjusted by locality as described in Section IV(C)(2) of this program section of the SuperNOFA, below, will be used to determine the capital advance amount to be reserved for projects for the elderly:

(a) The total development cost of the property or project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features you must pay for) may not exceed:

Nonelevator structures:

$41,238 per family unit without a bedroom;
$47,548 per family unit with one bedroom;
$57,344 per family unit with two bedrooms;

For elevator structures:

$43,398 per family unit without a bedroom;
$49,748 per family unit with one bedroom;
$60,493 per family unit with two bedrooms.

(b) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the accessibility requirements of § 891.120(b); and the project design and cost standards of § 891.120 and § 891.210.

(2) Increased development cost limits.

(a) HUD may increase the development cost limits set forth in Section IV(C)(1) of this program section of the SuperNOFA, above, by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis. This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

(b) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands, or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in Section IV(C)(1) of this program section of the SuperNOFA, above, the amount of the capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

(D) *Minimum Capital Investment.* Selected nonprofit organizations must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount, not to exceed $10,000 in accordance with § 891.145, with the following exception. If you, as Sponsor or Co-Sponsor, have one or more Section 202 or one or more Section 811 project(s) under reservation, construction, or management in two or more different HUD geographical regions (Hubs), the minimum capital investment shall be one half of one percent of the HUD-approved capital advance amount, not to exceed $25,000.

(E) *Economic Opportunities for Low and Very Low-Income Persons (Section*

3). You must comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low Income Persons), and its implementing regulations at 24 CFR part 135. You must ensure that training, employment and other economic opportunities shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very low income persons. To comply with section 3 requirements, you are required to certify that you will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Bureau of Apprenticeship and Training or recognized State Apprenticeship Agency (see section VI(B)(7)(k)(ii) of this program section of the SuperNOFA).

(F) *Applicability of Acquisition of Sites under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.* The acquisition of sites, with or without existing structures, is subject to the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended (URA). However, you are exempt from complying with the site acquisition requirements of the URA if you do not have the power of eminent domain and prior to entering into a contract of sale, option to purchase or any other method of obtaining site control, you inform the seller of the land (1) that you do not have the power of eminent domain and, therefore, you will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property. An appraisal is not required to meet this requirement, however, your files must include an explanation, with reasonable evidence, of the basis for the estimate.

V. Application Selection Process

(A) *Review for Curable Deficiencies.* HUD will screen all applications received by the deadline for curable deficiencies. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of the application. The following is a list of the deficiencies that will be considered curable in a Section 202 application:

Exhibits

(1) Form 92015–CA (Application Form)*
(2)(a) Articles of Incorporation*
(b) By-laws*
(c) IRS tax exemption ruling*
(4)(c)(ii) Energy efficiency
(d)(i) Evidence of site control
(d)(ii) Evidence site is free of limitations, restrictions or reverters
(d)(iii) Evidence of permissive zoning
(d)(vi) Phase I Environmental Site Assessment
(d)(vii) Letter from State Historic Preservation Officer (SHPO)
(5) Applications submitted to other Offices
(6) Relocation
(7)(a) Standard Form 424, Application for Federal Assistance*
(b) HUD–50070, Certification of a Drug-free Workplace
(c) Form-HUD 50071, Certification of Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities
(d) Form-HUD 2880, Applicant/Recipient Disclosure/Update Report
(e) Form-HUD 2992, Certification Regarding Debarment and Suspension
(f) Executive Order 12372 Certification
(g) Form-HUD 2991, Certification of Consistency with Consolidated Plan
(h) Conflict of Interest Resolution
(i) Resolution for Commitment to Project*
(k) Combined Certifications

The HUD Office will notify you in writing if your application is missing any of the exhibits or portions of exhibits and you will be given 14 days from the date of the HUD notification to submit the information required to cure the noted deficiencies. The items identified by an asterisk (*) must be dated on or before the application deadline date.

(B) *Rating.* HUD will review and rate your application in accordance with the Application Selection Process in the General Section of this SuperNOFA with the following exception. HUD will not reject your application based on technical review without notifying you of that rejection with all the reasons for rejection, and providing you an opportunity to appeal. You will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the HUD office. If the rejection is due to the nonsubmission of the following exhibits because of the failure of a third party to provide information under the control of the third party but outside your control (e.g., by contract), and you were not provided the opportunity to cure the deficiency during the curable deficiency period, you can submit the information required to cure the deficiency during the 14 calendar day appeal period:

(1) Exhibit 4(d)(iii), Evidence of permissive zoning, and/or
(2) Exhibit 7(g), Form-HUD 2991, Certification of Consistency with the Consolidated Plan.

The information required to cure the above identified deficiencies includes the deficient Exhibit and documentation showing that the information had been requested from the third party at least 45 days prior to the application deadline date.

The HUD office will make a determination on an appeal before making its selection recommendations. All applications will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, it will be rated according to the rating factors in Section V(D) of this Section 202 Program section of the SuperNOFA.

(C) *Ranking and Selection Procedures.* Applications submitted in response to the advertised metropolitan allocations or nonmetropolitan allocations that have a total base score (without the addition of EC/EZ bonus points) of 60 points or more and meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA will be eligible for selection, and HUD will place them in rank order per metropolitan or nonmetropolitan allocation. These applications, after adding any bonus points for EC/EZ, will be selected based on rank order, up to and including the last application that can be funded out of each HUD office's metropolitan or nonmetropolitan allocation. HUD offices must not skip over any applications in order to select one based on the funds remaining. After making the initial selections in each allocation area, however, HUD may use any residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent, rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, however, HUD will not reduce the number of units in projects of five units or less.

Once this process has been completed, HUD offices may combine their unused metropolitan and nonmetropolitan funds in order to select the next ranked application in either category, using the unit reduction policy described above, if necessary.

After the offices have funded all possible projects based on the process above, combined metropolitan and nonmetropolitan residual funds from all HUD Offices in each Multifamily Hub will be combined. These funds will be used first to restore units to projects reduced by HUD offices based on the above instructions. Second, additional applications within each Multifamily Hub will be selected in rank order with only one application selected per HUD Office. More than one application may be selected per HUD Office if there are no approvable applications in other HUD Offices within the Multifamily Hub. This process will continue until there are no more approvable applications within the Multifamily Hub that can be selected with the remaining funds. Applications may not be skipped over to select one based on funds remaining. However, HUD may use any remaining residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible or result in the project being less than five units.

Funds remaining after these processes are completed will be returned to Headquarters. HUD Headquarters will use these residual funds first to fund Mercy Charities Housing California, Cathedral City, California, in the jurisdiction of the HUD Los Angeles HUB, a FY 2000 Section 202 application which was not funded due to HUD error. Second, HUD Headquarters will use these funds to restore units to projects reduced by HUD offices as a result of the instructions for using their residual funds. Finally, HUD Headquarters will use these funds for selecting applications based on field offices' rankings beginning with the highest rated application nationwide. However, after restoring units to projects where necessary, priority will be given to those applications for projects in non-metropolitan areas, if necessary to meet the statutory requirement pertaining to Section 202 funding in non-metropolitan areas. Only one application will be selected per HUD office from the national residual amount. If there are no approvable applications in other HUD offices, the process will begin with the selection of the next highest rated application nationwide. This process will continue until all approvable applications are selected using the available remaining funds.

(D) *Factors For Award Used To Evaluate and Rate Applications.* HUD will rate applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements identified in Section VI(B) below. The maximum number of points an application may receive under this program is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points)

This factor addresses the extent to which you have the organizational resources to successfully implement the proposed activities in a timely manner. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2), (B)(3)(a), (B)(3)(b), and (B)(3)(e) of Section VI of this program section of the SuperNOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to develop and operate the proposed housing on a long-term basis, considering the following:

(a) (15 points) The scope, extent, and quality of your experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (i.e., number of units, services, relocation costs, development, and operation) in relationship to your demonstrated development and management capacity as well as your financial management capability; and

(b) (10 points) The scope, extent, and quality of your experience in providing housing or related services to minority persons or families as well as your ties to the community at large and to the minority and elderly communities in particular. For purposes of this program section of the SuperNOFA, "minority" means the basic racial and ethnic categories for Federal statistics and administrative reporting, as defined in OMB's Statistical and Policy Directive No. 15. (See 62 FR 58782, October 30, 1997.).

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(a) and (B)(4)(b) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider:

The extent of the need for the project in the area based on a determination by the HUD Office. In making this determination, HUD will consider your evidence of need in the area, as well as other economic, demographic, and housing market data available to the HUD office. The data could include information on the number of existing Federally assisted housing units (HUD and RHS) for the elderly in the area and current occupancy in such facilities; Federally assisted housing for the elderly under construction or for which fund reservations have been issued; and in accordance with an agreement between HUD and the RHS, comments from the RHS on the demand for additional assisted housing and the possible harm to existing projects in the same housing market area. The Department will also review more favorably those applications which establish a connection between the proposed project and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. You must show how your proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in the other type of planning document.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposal. There must be a clear relationship between your proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(c), (B)(4)(d) and (B)(4)(e) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

(a) (15 points) The proximity or accessibility of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended occupants; adequacy of utilities and streets; freedom of the site from adverse environmental conditions; compliance with site and neighborhood standards (24 CFR 891.125(a), (d) and (e));

(b) (10 points) The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minority elderly persons/families, and affirmatively furthering fair housing. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) and (c)

by examining relevant data in your application or in the HUD Office. Where appropriate, HUD may visit the site.

(i) The site will be deemed acceptable if it increases housing choice and opportunity by:

—Expanding housing opportunities in non-minority neighborhoods (if located in such a neighborhood); or

—Contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to minority elderly. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 202 Supportive Housing for the Elderly program (24 CFR 891.125(b) and (c)) when considering sites for your project.

(ii) For the purpose of this competition, the term "minority neighborhood (area of minority concentration)" is defined as one where any one of the following statistical conditions exists:

—The percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's or combination of minorities' percentage in the housing market as a whole; or,

—The neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market as a whole; or,

—In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population. The term "nonminority area" is defined as one in which the minority population is lower than 10 percent.

(c) (3 points) The extent to which your proposed design will meet the special physical needs of elderly persons;

(d) (3 points) The extent to which the proposed size and unit mix of the housing will enable you to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion;

(e) (3 points) The extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, initially and over the useful life of the housing, by the category or categories of elderly persons the housing is intended to serve;

(f) (3 points) The extent to which the proposed supportive services meet the identified needs of the anticipated residents; and

(g) (3 points) The extent to which you demonstrate that the identified supportive services will be provided on a consistent, long-term basis.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD's program resources to achieve program purposes. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(c) and (B)(3)(d) of Section VI of this program section of the SuperNOFA.

(a) (5 points) The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project; and

(b) (5 points) The extent of your activities in the community, including previous experience in serving the area where the project is to be located, and your demonstrated ability to enlist volunteers and raise local funds.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinated your activities with other known organizations, participate or promote participation in the community's Consolidated Planning process, and are working toward addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(f), (B)(3)(g), (B)(3)(h) and (B)(3)(i) of Section VI of this program section of the SuperNOFA.

(a) (4 points) Your involvement of elderly persons, particularly minority elderly persons, in the development of the application, and your intent to involve elderly persons, particularly minority elderly persons, in the development and operation of the project;

(b) (2 points) The extent to which you coordinated your application with other organizations to complement and/or support the proposed project;

(c) (2 points) The extent to which you demonstrated that you have been actively involved, or if not currently active, the steps you will take to become actively involved in the community's Consolidated Planning process to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project;

(d) (2 points) The extent to which you developed or plan to develop linkages with other activities, programs or projects related to the proposed project to coordinate your activities so solutions are holistic and comprehensive; and

Bonus Points

(2 bonus points) Location of proposed site in an EZ/EC area, as described in the General Section of this SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in paragraph (B)(7)(j) of Section VI of this program section of the SuperNOFA.

VI. Application Submission Requirements

(A) *Application.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B) of this program section of the SuperNOFA (unless you were selected for a Section 202 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Sections VI(B)(2)(a), (b), and (c) of this program section of the SuperNOFA (Exhibits 2.a., b., and c. of the application kit), which are the articles of incorporation, (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of these documents since your previous HUD approval, you must submit the updated information in your application. HUD offices will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate HUD Office based on the information submitted in response to Section VI(B)(2) below.

In addition to this relief of paperwork burden in preparing applications, you will be able to submit information and exhibits you have previously prepared for prior applications under Section 202, Section 811, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 Programs, your experience in provision of housing and services, supportive services plan, community ties, and experience serving minorities.

(B) *General Application Requirements.* Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the "non-standard forms" can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

(1) Form HUD–92015–CA, Application for Section 202 Supportive Housing Capital Advance.

(2) Evidence of your and each Co-Sponsor's legal status as a private nonprofit organization or nonprofit consumer cooperative, including the following:

(2)(a) Articles of Incorporation, constitution, or other organizational documents;

(2)(b) By-laws;

(2)(c) IRS tax exemption ruling (this must be submitted by you and each Co-Sponsor, including churches). A consumer cooperative that is tax exempt under State law, has never been liable for payment of Federal income taxes, and does not pay patronage dividends may be exempt from the requirement set out in the previous sentence if it is not eligible for tax exemption.

Note: If you received a section 202 fund reservation within the last three funding cycles, you are not required to submit the documents described in paragraphs (2)(a), (2)(b), and (2)(c), above. Instead, you must submit the project number of the latest application selected and the HUD office to which it was submitted. If there have been any modifications or additions to the subject documents, indicate such, and submit the new material.

(3) A description of your purpose, community ties, and experience, including the following:

(3)(a) A description of your purpose, current activities and how long you have been in existence;

(3)(b) A description of your ties to the community at large and to the minority and elderly communities in particular;

(3)(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.);

(3)(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the elderly that you expect to serve in the proposed project;

(3)(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects and/or supportive services facilities that you have sponsored, owned, and/or operated; your past or current involvement in any programs other than housing that demonstrates your management capabilities (including financial management) and experience; your experience in serving the elderly, including elderly persons with disabilities, and/or families and minorities; and the reasons for receiving any increases in fund reservations for developing and/or operating previously funded Section 202 or Section 811 projects. The description should include data on the facilities and services provided, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the activities. Examples of activities that could be described include housing counseling, nutrition and food services, special housing referral, screening and information projects.

(3)(f) A description, if applicable, of your efforts to involve elderly persons, including minority elderly persons, in the development of the application, as well as your intent to involve elderly persons in the development and operation of the project.

(3)(g) A description of the steps you took to identify and coordinate your application with other organizations to complement and/or support the proposed project as well as the steps you will take, if funded, to share information on solutions and outcomes relative to the development of the proposed project.

(3)(h) A description of your involvement in the community's Consolidated Planning process including:

(3)(h)(i) An identification of the lead/facilitating agency that organizes/administers the process;

(3)(h)(ii) An identification of the Consolidated Plan issue areas in which you participate;

(3)(h)(iii) Your level of participation in the process, including active involvement with any neighborhood-based organizations, associations, or any committees that support programs and activities that enhance projects or the lives of residents of the projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the Consolidated Planning process. (Consult the local HUD Office for the identification of the Consolidated Plan community process for the appropriate area.)

(3)(i) A description of the linkages that you have developed or plan to develop with other related activities, programs or projects in order that the development of the project provides a comprehensive and holistic solution to the needs of the target population.

(4) Project information, including the following:

(4)(a) Evidence of need for supportive housing. Such evidence would include a description of the category or categories of elderly persons the housing is intended to serve and evidence demonstrating sustained effective demand for supportive housing for that population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing Federally assisted housing for the elderly (HUD and RHS; e.g., public housing); State or local data on the limitations in activities of daily living among the elderly in the area; aging in place in existing assisted rentals; trends in demographic changes in elderly population and households; the numbers of income eligible elderly households by size, tenure, and housing condition; the types of supportive services arrangements currently available in the area; and the use of such services as evidenced by data from local social service agencies or agencies on aging. Also, a description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the project.

(4)(b) A description of how the proposed project will benefit the target population and the community in which it will be located.

(4)(c) A description of the project, including the following:

(4)(c)(i) A narrative description of the building design, including a description of the number of units with bedroom distributions, any special design features, amenities, and/or community space, and how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over the next 10–20 years.

Note: If these community spaces, amenities, or features would not comply with the project design and cost standards of 24 CFR 891.120 and the special project standards of 24 CFR 891.210, you must state your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features;

(4)(c)(ii) A description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(4)(c)(iii) If applicable, a description of any plans and the actions you have taken to create a mixed-finance/mixed-use project by developing additional

units (i.e., in addition to the Section 202 units) with the use of Section 202 capital advance funds in combination with other funding sources. Specify the number of Section 202 units and the number of additional units from non-Section 202 funding sources. Provide copies of any letters you have sent seeking outside funding for the non-Section 202 units and any responses thereto. You also must demonstrate your ability to proceed with the development of a Section 202 project that will not involve mixed-financing or a mixed-use purpose, as proposed in your application, in the event you are later unable to obtain the necessary outside funding or HUD disapproves your proposal for mixed-financing or a mixed-use.

Note: Approval of the Section 202 capital advance will not necessarily be approval of the mixed-finance/mixed-use proposal. If approved for a reservation of capital advance funds, you will be required to submit, after reservation of capital advance funds, a detailed proposal outlining how you will fund both development and operation of the additional units in accordance with HUD instructions that will be issued later. Based on the strength of your organization and HUD's prior experience with your projects, as well as your outline of your intentions, at time of making the fund reservation, HUD will determine whether you will be permitted to submit a mixed-finance/mixed-use proposal at a later time. Only those Sponsors that indicate in their application for a fund reservation an intention to propose additional units will be eligible to submit, at a later time, a mixed-finance/mixed-use proposal for additional units. (A mixed-finance/mixed-use project, as used here, does not include the development of Section 202 units using secondary/supplemental financing or the development of a mixed-use project in which the Section 202 units are mortgaged separately from the other uses of the structure).

(4)(d) Evidence that the Sponsor has site control and permissive zoning, including the following:

(4)(d)(i) Acceptable evidence of site control is limited to any one of the following:

(*A*) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 50 years;

(*B*) Contract of sale for the site which is free of any limitations affecting ability to deliver ownership to you after you receive and accept a notice of Section 202 capital advance. The only condition for closing on the sale can be your receipt and acceptance of the capital advance. The contract of sale cannot require closing on a date earlier than the Section 202 closing.

(*C*) Option to purchase or for a long-term leasehold which must remain in effect for six months from the date on which the applications are due, and must state a firm price binding on the seller. The only condition on which the option may be terminated is if you are not awarded a fund reservation. The option must be renewable at the end of the six months option period.

(*D*) Where the proposed site is subject to a mortgage under a HUD program (e.g., an earlier 202 or an FHA insured mortgage), you must submit evidence that consent to release of the site from that mortgage has been obtained or has been requested from HUD and from the mortgagee, if other than HUD.

(*E*) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 202 capital advance. Where HUD determines that time constraints of the funding round will not permit all of the required official actions (e.g., approval of Community Planning Boards) that are necessary to convey publicly-owned sites, a letter in the application from the mayor or director of the appropriate local agency indicating that conveyance or leasing of the site is acceptable without imposition of additional covenants or restrictions and only contingent on the necessary approval action. Such a letter commitment will be considered sufficient evidence of site control.

Note: For this funding cycle, New York City-owned sites that are designated as community gardens will not meet site control requirements due to litigation involving those sites.

(4)(d)(ii) Whether you have title to the site, a contract of sale, an option to purchase, or are acquiring the site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (e.g., reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of such covenants or restrictions must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverters, the application will be rejected. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or the option agreement contains provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract of sale or the option agreement.

Note: A proposed project site may not be acquired or optioned from a General Contractor (or its affiliate) that will construct the section 202 project or from any other development team member.

(4)(d)(iii) Evidence that the project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for your belief that the proposed action will be completed successfully before the submission of the firm commitment application (e.g., a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.);

(4)(d)(iv) A narrative topographical and demographic description of the suitability of the site and area, and how the site will promote greater housing opportunities for minority elderly and elderly persons with disabilities, thereby affirmatively furthering fair housing; (NOTE: You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the applicable jurisdictions's Analysis of Impediments to Fair Housing Choice (AI), which is a component of the jurisdiction's Consolidated Plan, or any other planning document that addresses fair housing issues. The applicable Consolidated Plan and AI may be the Community's, the County's, or the State's, to which input should have been provided by local community organizations, agencies in the community, and residents of the community. Alternatively, a document that addresses fair housing issues and remedies to barriers to fair housing in the community that was previously prepared by a local planning, or similar organization, may be used. Applicable impediments could include the need for improved housing quality and services for elderly minority families, lack of affirmative marketing and outreach to minority elderly persons, and the need for quality eldercare services within areas of minority concentration when compared with the type and quality of similar services and housing in nonminority areas.

(4)(d)(v) A map showing the location of the site and the racial composition of the neighborhood, with the area of racial concentration delineated;

(4)(d)(vi) A Phase I Environmental Site Assessment (ESA), in accordance with the American Society for Testing and Material (ASTM) Standards E 1527–97, as amended. The Phase I ESA must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed, or updated, no earlier than six months prior to application deadline date. Therefore, it is important that you start the Phase I ESA process as soon after publication of this SuperNOFA as possible.

If the Phase I ESA indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. NOTE: You are not limited to acquiring properties from the FDIC/RTC. However, if the property is to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I ESA, and applicable documentation, per the FDIC/RTC Environmental Guidelines.

If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II Environmental Site Assessment (ESA) by an appropriate professional. If the Phase II ESA reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable Federal, State, and/or local agency with jurisdiction over the site. In order for the application to be considered for review under this FY 2001 funding competition, you must submit this information to the local HUD office on or before June 25, 2001.

Note: This could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation.

(4)(d)(vii) A letter from the State Historic Preservation Officer (SHPO) indicating whether the proposed site has any historical significance. If you cannot obtain a letter from the SHPO due to the SHPO not responding to your request or the SHPO responding that it cannot or will not comply with the requirement, you must submit the following:

(*A*) A letter indicating that you attempted to get the required letter from the SHPO but that the SHPO either had not responded to your request or would not honor or recognize your request;

(*B*) A copy of your letter to the SHPO requesting the required letter; and,

(*C*) A copy of the SHPO's response, if available.

(4)(e) Provision of supportive services in the proposed facility:

(4)(e)(i) A detailed description of the supportive services proposed to be provided to the anticipated occupancy;

(4)(e)(ii) A description of public or private sources of assistance that reasonably could be expected to fund the proposed services;

(4)(e)(iii) The manner in which such services will be provided to such persons (i.e., on or off-site), including whether a service coordinator will facilitate the adequate provision of such services, and how the services will meet the identified needs of the residents. NOTE: You may not require residents, as a condition of occupancy, to accept any supportive service.

(4)(e)(iv) A description of how the residents will be afforded opportunities for employment.

(5) A list of the applications, if any, that you have submitted or are planning to submit to any other HUD office in response to this announcement of Section 202 Program funding availability or the announcement of Section 811 Program (Supportive Housing for Persons with Disabilities) funding availability, published elsewhere in this SuperNOFA. Indicate by HUD office, the proposed location by city and State, and the number of units requested for each application. Include a list of all FY 2000 and prior year projects to which you are the Sponsor that have not been finally closed. Such projects must be identified by project number and HUD office.

(6) A statement that:

(6)(a) Identifies all persons (families, individuals, businesses, and nonprofit organizations), by race/minority group, and status as owners or tenants, occupying the property on the date of submission of the application for a capital advance;

(6)(b) Indicates the estimated cost of relocation payments and other services;

(6)(c) Identifies the staff organization that will carry out the relocation activities; and

(6)(d) Identifies all persons that have moved from the site within the past 12 months.

Note: If any of the relocation costs will be funded from sources other than the section 202 capital advance, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (i.e., cost of site acquisition, relocation, construction, and other project costs).

(7) *Certifications and Resolutions.* In addition to the certifications and assurances listed in the General Section of this SuperNOFA with the exception of SF–424A, SF–424B, SF–424C, SF–424D, HUD–424M and the OMB Circulars which are not required, you are required to submit signed copies of the following:

(7)(a) *Standard Form 424.* Application for Federal Assistance and indication of whether you are delinquent on any Federal debt. (See instructions for submitting this form in the Consolidated Application Submission section of the General Section of the SuperNOFA.)

(7)(b) *Drug-Free Workplace (HUD–50070).* Certification to provide a drug-free workplace.

(7)(c) *Payments to Influence Federal Transactions (HUD–50071) and Standard Form LLL, Disclosure of Lobbying Activities.* Certification of whether any of the funds received will be used to influence any Federal transactions and disclosure of those activities, if applicable.

(7)(d) *Applicant/Recipient Disclosure/Update Report, including Social Security Numbers and Employee Identification Numbers, (HUD–2880).* A disclosure of assistance from other government sources received in connection with the project.

(7)(e) *Certification Regarding Debarment and Suspension (HUD–2992) (24 CFR 24.510).* A certification attesting to the eligibility of your principals.

(7)(f) *Executive Order 12372 Certification.* A certification that you have submitted a copy of your application, if required, to the State agency (single point of contact) for State review in accordance with Executive Order 12372.

(7)(g) *Certification of Consistency with the Consolidated Plan (Plan), Form HUD–2991, for the jurisdiction in which the proposed project will be located.* The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project

will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth in this program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91.

(7)(h) *A certified Board Resolution that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner* or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title, and the beginning and ending dates of each person's term.

(7)(i) *A certified Board Resolution, acknowledging the responsibilities of sponsorship*, long-term support of the project(s), your willingness to assist the Owner to develop, own, manage, and provide appropriate services in connection with the proposed project, and that it reflects the will of your membership. Also, the resolution shall indicate your willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one-percent of the HUD-approved capital advance, not to exceed $10,000, if nonaffiliated with a National Sponsor; one-half of one-percent of the HUD-approved capital advance, not to exceed $25,000, for all other Sponsors;), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance.

(7)(j) *Certification of Consistency with the EZ/EC Strategic Plan HUD–2990).* A certification that the project is consistent with the EZ/EC strategic plan, is located within the EZ/EC, and serves EZ/EC residents.

(7)(k) *Sponsor's Combined Certifications.*

(7)(k)(i) *Certification in Connection with the Development and Operation of a Section 202 Project.* A certification of compliance with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing.

(7)(k)(ii) *Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u).* Certification of Compliance with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135. Certification that you will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Bureau of Apprenticeship and Training or recognized State Apprenticeship Agency.

(7)(k)(iii) *Design and Cost Standards.* Certification of Compliance with HUD's Section 202 project design and cost standards (24 CFR 891.120 and 891.210), the Uniform Federal Accessibility Standards (24 CFR 40.7), section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990;

(7)(k)(iv) *Acquisition and Relocation.* Certification of Compliance with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24 and 24 CFR part 891.155(e));

(7)(k)(v) *Formation of Owner Corporation.* Certification that you will form an "Owner" (24 CFR 891.205) after issuance of the capital advance; cause the Owner to file a request for determination of eligibility and a request for capital advance, and provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project;

(7)(k)(vi) *Supportive Services.* Certification that you will not require residents to accept any supportive services as a condition of occupancy; and,

(7)(k)(vii) *Davis-Bacon.* Certification of compliance with the Davis-Bacon requirements and the Contract Work Hours and Safety Standards Act.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR part 50, all Section 202 assistance is subject to the National Environmental Policy Act of 1969 and applicable related Federal environmental authorities. The environmental review provisions of the Section 202 Program regulations are in 24 CFR 891.155(b).

IX. Formation of Owner Corporation for Development of Section 202 Projects and for Section 202 Projects Involving Mixed-Financing or a Mixed-Use Purpose

Applicant eligibility for purposes of applying for a Section 202 fund reservation under this NOFA has not changed; i.e., all Section 202 Sponsors and Co-Sponsors must be private nonprofit organizations and nonprofit consumer cooperatives. However, the Owner corporation, when later formed by the Sponsor, may be (1) a single-purpose private nonprofit organization that has tax-exempt status under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986, (2) nonprofit consumer cooperative, OR (3) for purposes of developing a mixed-finance/mixed-use project for developing additional units over and above the Section 202 units, a for-profit limited dividend organization with a nonprofit entity as the sole general partner.

X. Authority

The Section 202 Supportive Housing for the Elderly Program is authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q). See section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625; approved November 28, 1990); the Housing and Community Development Act of 1992 (Pub. L. 102–550; approved October 28, 1992), the Rescissions Act (Pub. L. 104–19; enacted on July 27, 1995); and the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569; approved December 27, 2000).

Appendix A—Addresses for Submitting Applications

Please see Appendix A to the Section 811 Program Section of this SuperNOFA. Submit your completed application (an original and four copies) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to the Section 811 program section of this SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

4. Applications for projects proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

Appendix B

The non-standard forms, which follow, are required for your Section 202 Program application.

APPENDIX B

APPLICATION SUBMISSION REQUIREMENTS

PAGE

PART I - APPLICATION FORM FOR SECTION 202 SUPPORTIVE HOUSING - CAPITAL ADVANCE

EXHIBIT 1: **Form HUD-92015-CA**, Application for Section 202 Supportive Housing Capital Advance ____

PART II - YOUR ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT

EXHIBIT 2: **Your Legal Status**

(a) Articles of Incorporation (or other organizational documents) ____

(b) By-laws ____

(c) IRS Tax Exemption Ruling ____

[EXCEPTION: SEE EXHIBIT TO DETERMINE IF YOU MAY BE EXEMPT FROM SUBMITTING THESE DOCUMENTS.]

EXHIBIT 3: **Your purpose, community ties and experience:**

(a) Purpose(s), current activities, how long you have been in existence ____

(b) Ties to the community at large and to the minority and elderly population ____

(c) Local government support for project ____

PAGE

(d) Letters of support for your organization and for the proposed project ____

(e) Housing and/or supportive services experience ____

(f) Efforts to involve elderly persons ____

(g) Identification/coordination with other organizations; information sharing on solutions/outcomes about project development ____

(h) Involvement in the community's Consolidated Planning process including:

(i) Agency that organizes/ administers the process ____

(ii) Consolidated Plan issue areas in which you participate ____

(iii) Level of your participation in the process ____

OR

Specific steps you will take to become active in the process ____

(i) Linkages with other related activities, programs or projects ____

PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE TARGET POPULATION IN THE AREA TO BE SERVED, SITE CONTROL AND SUITABILITY OF SITE, ADEQUACY OF THE PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED FACILITY

PAGE

EXHIBIT 4: Project information including:

(a) Evidence of need for project ____

(b) How project will benefit target population and community ____

(c) A narrative description of the project, including:

(i) Building design ____

(ii) Whether and how project will promote energy efficiency ____

(iii) If applicable, description of plans and actions to create a mixed-finance/ mixed-use project ____

(d) Evidence of site control and permissive zoning:

(i) Site control document(s) ____

(ii) Evidence site is free of limitations, restrictions, or reverters ____

(iii) Evidence of permissive zoning or statement of proposed action required to make project permissible ____

(iv) Narrative topographical/ demographic description of site/area suitability, how site will promote greater housing opportunities for minorities/target population ____

(v) Racial composition/concentration map of site ____

PAGE

(vi) Phase I Environmental Site Assessment (ESA) ____

(vii) Letter from State Historic Preservation Office (SHPO) ____

OR

If no response from SHPO:

(A) Letter indicating no response from SHPO and why ____

(B) Your letter to SHPO requesting required letter ____

(C) SHPO's response, if available ____

(e) Provision of supportive services in proposed facility:

(i) Description of services ____

(ii) Public/private funding sources for proposed services ____

(iii) Manner in which services will be provided ____

(iv) Description of how residents will be afforded opportunities for employment ____

PART IV - GENERAL APPLICATION REQUIREMENTS, CERTIFICATIONS AND RESOLUTIONS

EXHIBIT 5: A list of applications, if any, you have submitted or are planning to submit to any other HUD Office in response to the Section 202 or Section 811 NOFA ____

PAGE

EXHIBIT 6: **A statement that:**

(a) Identifies all persons occupying property on application submission date ____

(b) Indicates estimated cost of relocation payments/other services ____

(c) Identifies staff organization that will carry out relocation activities ____

(d) Identifies all persons who have moved from site within past 12 months ____

EXHIBIT 7: **CERTIFICATIONS AND RESOLUTIONS:**

(a) Standard Form 424 ____

(b) Drug-Free Workplace (HUD-50070) ____

(c) Certification of Payments to Influence Federal Transactions (HUD-50071), and

Disclosure of Lobbying Activities (Standard Form LLL), if applicable ____

(d) Applicant/Recipient Disclosure/Update Report (HUD-2880) ____

(e) Certification Regarding Debarment and Suspension (HUD-2992) ____

(f) Executive Order 12372 Certification ____

(g) Certification of Consistency with the Consolidated Plan (HUD-2991) ____

(h) Sponsor's Conflict of Interest Resolution ____

PAGE

(i) Sponsor's Resolution for Commitment to Project ____

(j) Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990) ____

(k) Sponsor's Combined Certifications ____

Supportive Housing for the Elderly Section 202

Application for Capital Advance Summary Information

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0267
(exp.7/31/2002)

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

HUD Use Only | 202 Project Number | PRAC Number

1. Sponsor's Name(s), Address(es) & Telephone Number (s)

2. Minority Sponsor Designation. A minority sponsor is one in which at least 51 percent of the board members are minority.
Is this sponsor a minority applicant? ☐ Yes ☐ No
If "Yes," place the numeric code as shown below in this box ☐
Codes: 2 - Black; 3 - Native American; 4 - Hispanic; 5 - Asian Pacific; 6 - Asian Indian

3a. Address of Site

3b. Will project be located within the boundaries of a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, or (4) Strategic Planning Community?
(Contact local HUD Office for information on these designated areas.)
☐ Yes ☐ No
If "Yes," please place the appropriate number as shown above in this box ☐

4a. Congressional District
4b. Census Tract

5. Type of Area
☐ Metropolitan
☐ Non-metropolitan

6. Capital Advance Amount Requested
$

7. Project Rental Assistance Contract Amount Requested
$

8. Total No. of 202 Units

8a. Number & Type of Resident Units Proposed
☐ Efficiency ☐ One bedroom

8b. Resident Manager's Unit (check appropriate type)
☐ Efficiency ☐ One bedroom ☐ Two bedroom

9. Number of Buildings

10. Type of Project
☐ New Construction
☐ Rehabilitation
☐ Acquisition
Year Built (yyyy)

11. Type of Building(s)
☐ Row/Townhouse ☐ Semi-detached
☐ Walk-up ☐ Detached
☐ Elevator

12. Number of Stories

13. Number of Parking Spaces

14. Check utilities and services not included in the rent and to be paid directly by the tenant.
☐ Electric ☐ Water ☐ Heat ☐ Gas

15. Off-Site Facilities

	Public	At Site	Feet from Site
Water	☐	☐	
Sewer	☐	☐	
Paving	☐	☐	
Gas	☐	☐	
Electric	☐	☐	

16a. Community Spaces to be included in Project

16b. Mixed-Finance or Mixed-Use Project For Additional Units
☐ Yes ☐ No
No. of Additional Units _____

17. Unusual Site Features
☐ None ☐ Poor Drainage
☐ Cuts ☐ Retaining Walls
☐ Fill ☐ Rock Foundations
☐ Erosion ☐ High Water Table
☐ Other (specify)

18. Mark one box
☐ Consultant
☐ Agent
☐ Authorized Representative

Name, Address & Telephone Number

19. If Sponsor is applying for more than one HUD program from the SuperNOFA, indicate which application(s) contain the forms with original signatures.

Program Name	Form

20. Sponsor's Attorney (name, address & telephone number)

By (Signature of Sponsor's Authorized Representative)

Type in Name

Type in Title

Date (mm/dd/yyyy)

Previous editions are obsolete

form HUD-92015-CA (2/2001)
ref: Handbook 4571.3 Rev-1

EXECUTIVE ORDER 12372

CERTIFICATION

_____
(Name of Sponsor)

certifies that:

____ (1) this application for a capital advance under the Section 202 or Section 811 program was submitted to the State of_____ on _____ for review,

or

____ (2) it contacted the State and a determination was made that the State review was not required.

Enclosed is a copy of the SF-424 which was sent with the application submitted to the State.

_____
(Signature of Authorized Official)

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, OR Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances to nonprofit corporations for housing for persons with disabilities, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the

required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the firm commitment applications by those Owners for which fund reservations were approved, if such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Firm Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to

promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____ date of _____, _____.

_____
Authorized Signature

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

1. WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $25,000 ($10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

OR

Whereas, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

2. WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

3. NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the

subject project to meet estimated start-up expenses, the minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____ of the Sponsor on the _____day of _____, _____.

_____
Authorized Signature

SPONSOR COMBINED CERTIFICATIONS

The Sponsor, to the best of its knowledge and belief, hereby assures and certifies that it will comply with the following:

1. CERTIFICATION IN CONNECTION WITH THE DEVELOPMENT AND OPERATION OF A SECTION 202 OR SECTION 811 SUPPORTIVE HOUSING PROJECT

The requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing.

2. SECTION 3 OF HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135. You will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Bureau of Apprenticeship and Training or recognized State Apprenticeship Agency.

3. DESIGN AND COST STANDARDS

HUD's design and cost standards (24 CFR 891.120 and 891.210 if 202 or 891.310 if 811), the Uniform Federal Accessibility Standards (24 CFR 40.7), Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

4. ACQUISITION AND RELOCATION

The acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24, and 24 CFR part 891.155(e)).

5. FORMATION OF OWNER CORPORATION

You will form an Owner (24 CFR part 891.305) after issuance of the capital advance, will cause the Owner to file a request for determination of eligibility and a request for capital advance, and will provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

6. SUPPORTIVE SERVICES

You will not require residents to accept any supportive services as a condition of occupancy.

7. DAVIS-BACON

The Davis-Bacon Requirements and the Contract Work Hours and Safety Standards Act.

8. FLOOD DISASTER PROTECTION ACT OF 1973

The requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

9. NATIONAL ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR Part 50.4 and HUD's implementing regulations at 24 CFR Part 50.

10. TRUTH AND ACCURACY

The information provided to HUD in its application under the Section 202 Supportive Housing for the Elderly or Section 811 Supportive Housing for Persons with Disabilities is true and accurate, to the best of its knowledge.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date

WARNING

HUD will prosecute false claims and statements. Convictions may result in criminal and/or civil penalties (18 U.S.C. 1001,1010,1012; 31 U.S.C. 3729 /FS3802).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 811 SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE SECTION 811 PROGRAM OF SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES (SECTION 811 PROGRAM)

Program Overview

Purpose of the Program. This program provides funding for supportive housing for very low-income persons with disabilities who are at least 18 years old. (Please note that funding for a related program, Mainstream Housing Opportunities for Persons with Disabilities, is found elsewhere in this SuperNOFA.)

Available Funds. Approximately $121.2 million.

Eligible Applicants. Nonprofit organizations that have a section 501(c)(3) tax exemption from the Internal Revenue Service (See Section III(A) of this NOFA). (See Section IX of this NOFA for information regarding the formation of the Owner corporation.)

Eligible Activities. New construction, rehabilitation, or acquisition of housing (see Section III(C) of this NOFA).

Application Deadline. May 25, 2001.

Match Requirements. No.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed application on or before 6:00 pm, local time, on May 25, 2001, at the address shown below.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Submit your completed application (an original and four copies) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to this program section of the SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

4. Applications for projects proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

The application kit also includes a listing of the Multifamily Hubs and Program Centers, their addresses and telephone numbers, including TTY numbers. This information is also available from HUD's SuperNOFA Information Center at 1–800–HUD–8929 and from the Internet through the HUD web site at http://www.hud.gov. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209.

For Application Kits. For an application kit and any supplemental information, please call HUD's SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Section 811 Program and provide your name, address (including zip code), and telephone number (including area code). The application kit also will be available on the Internet through the HUD web site at http://www.hud.gov and from the appropriate Multifamily Hub Office or Multifamily Program Center.

For Further Information and Technical Assistance. You may contact the appropriate Multifamily Hub Office or Multifamily Program Center, Gail Williamson at HUD Headquarters at (202) 708–2866, or access the Internet at http://www.hud.gov.

HUD encourages minority organizations to participate in this program and strongly recommends prospective applicants attend the local HUD Office workshop. At the workshops, HUD will explain application procedures and requirements, as well as address concerns such as local market conditions, building codes and accessibility requirements, historic preservation, floodplain management, displacement and relocation, zoning, and housing costs. If you are interested in attending the workshop, make sure that your name, address and telephone number are on the appropriate HUD Office's mailing list so that you will be informed of the date, time and place of the workshop. Persons with disabilities should call the appropriate HUD Office to assure that any necessary arrangements can be made to enable their attendance and participation in the workshop.

If you cannot attend the workshop, call the appropriate HUD Office if you have any questions regarding the submission of applications to that particular office and to request any materials distributed at the workshop.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

For FY 2001 $121,249,712 for capital advances is available for the Section 811 Program of Supportive Housing for Persons with Disabilities. The FY 2001 HUD Appropriations Act (HUD Appropriations Act) provides $217,000,000 for capital advances, including amendments to capital advance contracts; for supportive housing for persons with disabilities, as authorized by section 811 of the National Affordable Housing Act of 1990 (NAHA); and for project rental assistance, including amendments to contracts for project rental assistance, for supportive housing for persons with disabilities under section 811 of the NAHA. Of this amount, $500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

Twenty-five percent (25%) of the $217,000,000 or $54.25 million is being set aside for tenant-based rental assistance for persons with disabilities administered through public housing agencies (PHAs) and nonprofit organizations under the Mainstream Housing Opportunities for Persons with Disabilities Program which is found elsewhere in this SuperNOFA.

In accordance with the waiver authority provided in the HUD Appropriations Act, the Secretary is waiving the following statutory and regulatory provision: The term of the project rental assistance contract is reduced from 20 years to 5 years. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent.

The allocation formula used for Section 811 reflects the "relevant characteristics of prospective program participants," as specified in 24 CFR 791.402(a). The FY 2001 formula consists of two data elements from the 1990 Decennial Census: (1) the number of non-institutionalized persons age 16 or older with a work disability and a mobility or self-care limitation and (2) the number of non-institutionalized persons age 16 or older having a mobility or self-care limitation but having no work disability.

A work disability is defined as a health condition that had lasted for 6 or more months which limited the kind (restricted the choice of jobs) or amount (not able to work full time) of work a person could do at a job or business. A mobility limitation is defined as a health condition that lasted for 6 or more months, making it difficult for the person to go outside the home alone. This includes outside activities, such as shopping or visiting a doctor's office. A self-care limitation is defined as a health care limitation that had lasted for 6 or more months which made it difficult for the person to take care of his/her own personal needs such as dressing, bathing, or getting around inside the home. Temporary (short term) problems such as broken bones that are expected to heal normally are not considered problems.

Under the Section 811 Program, each HUD Office jurisdiction receives sufficient capital advance funds for a minimum of 10 units. The total amount of capital advance funds to support this minimum set-aside is then subtracted from the total capital advance available. The remainder is fair shared to each HUD Office jurisdiction whose fair share would exceed the set-aside based on the allocation formula fair share factors described below.

The fair share factors were developed by taking the sum of the number of persons in each of the two elements for each state, or state portion, of each local HUD Office jurisdiction as a percent of the sum of the two data elements from the Decennial Census, described above, for the total United States. The resulting percentage for each local HUD Office is then adjusted to reflect the relative cost of providing housing among the local HUD Office jurisdictions. The adjusted needs percentage for each local HUD Office is then multiplied by the total amount of capital advance funds available nationwide.

The Section 811 capital advance funds have been allocated, based on the formula above, to 51 local HUD Offices as shown on the following chart:

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Fiscal Year 2001 Allocations for Supportive Housing for Persons with Disabilities
[Fiscal Year 2001 Section 811 Allocations]

Office	Capital Advance Authority	Units
Boston Hub:		
Boston	$3,089,629	29
Hartford	2,062,628	20
Manchester	1,394,194	17
Providence	1,046,056	10
Total	7,592,507	76
New York Hub:		
New York	7,360,216	64
Total	7,360,216	64
Buffalo Hub:		
Buffalo *	2,408,991	26
Total	2,408,991	26
Philadelphia Hub:		
Newark	4,142,909	37
Pittsburgh	2,070,017	25
Philadelphia	4,013,262	41
Charleston	1,524,527	19
Total	11,750,715	122
Baltimore Hub:		
Baltimore	1,855,055	22
Richmond	1,815,246	24
D.C.	1,987,627	22
Total	5,657,928	68
Greensboro Hub:		
Columbia	1,910,484	25
Greensboro	3,338,433	35
Total	5,248,917	60

* This amount includes $740,700 is capital advance authority to fund the Urban League of Rochester, New York. Since this eight unit project was not selected in FY 2000 due to HUD error, the application will be funded from the FY 2001 allocation to the Buffalo Office.

Atlanta Hub:		
Atlanta	2,528,535	34
San Juan	2,508,799	25
Louisville	1,981,913	25
Knoxville	1,323,818	19
Nashville	1,519,414	21
Total	**9,862,479**	**124**
Jacksonville Hub:		
Jacksonville	4,872,033	62
Birmingham	2,106,747	29
Jackson	1,611,115	23
Total	**8,589,895**	**114**
Chicago Hub:		
Chicago	5,096,887	49
Indianapolis	2,251,482	28
Total	**7,348,369**	**77**
Columbus Hub:		
Cincinnati	1,487,520	19
Cleveland	2,614,154	30
Columbus	1,465,702	19
Total	**5,567,376**	**68**
Detroit Hub:		
Detroit	3,126,806	34
Grand Rapids	1,309,727	17
Total	**4,436,533**	**51**
Minneapolis Hub:		
Milwaukee	2,095,718	23
Minneapolis	1,957,249	20
Total	**4,052,967**	**43**
Fort Worth Hub:		
Fort Worth	2,767,360	38
Houston	1,887,748	26
Little Rock	1,382,422	21
New Orleans	1,950,850	28
San Antonio	1,724,932	25
Total	**9,713,312**	**138**
Kansas City Hub:		
Des Moines	1,353,642	18
Kansas City	1,842,263	24
Omaha	798,806	10
Oklahoma City	1,485,979	22
St. Louis	1,885,189	21
Total	**7,365,879**	**95**

Denver Hub:		
Denver	2,162,064	27
Total	**2,162,064**	**27**
San Francisco Hub:		
Honolulu (Guam)	1,711,728	10
Phoenix	1,598,410	21
Sacramento	1,744,998	18
San Francisco	4,393,483	40
Total	**9,448,619**	**89**
Los Angeles Hub:		
Los Angeles	7,117,139	72
Total	**7,117,139**	**72**
Seattle Hub:		
Anchorage	1,711,728	10
Portland	1,784,427	21
Seattle	2,069,651	22
Total	**5,565,806**	**53**
National Total	**$121,249,712**	**1,367**

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III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* HUD provides capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital advances may be used to construct, rehabilitate, or acquire structures (including structures from the Federal Deposit Insurance Corporation (formerly held by the Resolution Trust Corporation) (FDIC/RTC)), to be developed into a variety of housing options described in Section III(C) below. Capital advance funds may also be used in combination with other non-Section 811 funding sources to develop additional units for amixed-finance or mixed-use project, provided that the additional units: (1) do not exceed the project size limits for the type of project proposed (unless a request for an exception to the project size limits is requested and approved by HUD), or (2) will house people who do not have a disability. Capital advance funds bear no interest and are based on development cost limits published in this SuperNOFA. Repayment of the capital advance is not required as long as the housing remains available for at least 40 years for occupancy by very low-income persons with disabilities. Project rental assistance contract (PRAC) funds are used to cover the difference between the tenants' contributions toward rent (30 percent of adjusted income) and the HUD-approved cost to operate the project.

Note: For purposes of approving Section 811 capital advances, HUD will consider proposals involving mixed-financing or a mixed-use purpose for additional units. However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 811 units.

(B) *Eligible Applicants.* Nonprofit organizations with a section 501(c)(3) tax exemption from the Internal Revenue Service are the only eligible applicants for this program. A Sponsor or Co-sponsor may not apply for more than 70 units of housing or 4 projects (whichever is less) for persons with disabilities in a single Hub. In addition, a Sponsor or Co-sponsor may not apply for more units in a given HUD Office than allocated for the Section 811 program in that HUD Office, or for more than 10 percent of the total units allocated in all HUD offices. A single application must propose at least five units, not necessarily in one structure if the project will be an independent living project and two units if the project will be a group home. Affiliated entities that submit separate applications are considered a single entity for the purpose of these limits.

(C) *Eligible Activities.* The types of housing that can be developed with Section 811 capital advance funds include independent living projects, dwelling units in multifamily housing developments, condominium and cooperative housing and small group homes.

(D) *Ineligible Activities.* Section 811 funds may not be used for any of the following:

(1) Nursing homes, infirmaries and medical facilities;

(2) Transitional housing facilities;

(3) Manufactured housing facilities;

(4) Intermediate care facilities;

(5) Community centers, with or without special components for use by persons with disabilities;

(6) Sheltered workshops and centers for persons with disabilities;

(7) Headquarters for organizations for persons with disabilities; and

(8) Refinancing of Sponsor-owned facilities without rehabilitation.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, you must comply with the following requirements:

(A) *Statutory Requirements and Regulatory Requirements.* You must comply with all statutory and regulatory requirements listed in Sections III, IV and X of this program section of the SuperNOFA.

(B) *HUD/RHS Agreement.* HUD and the Rural Housing Service (RHS) have an agreement to coordinate the administration of the agencies' respective rental assistance programs. As a result, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider RHS comments in its review and application selection process.

(C) *Development Cost Limits.* (1) The following development cost limits, adjusted by locality as described in Section IV(C)(2) below, must be used to determine the capital advance amount reserved for projects for persons with disabilities:

(a) *For independent living projects and dwelling units in multifamily housing developments, condominium and cooperative housing:* The total development cost of the project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features you will pay for) may not exceed:

Non-elevator structures:

$41,238 per family unit without a bedroom;
$47,548 per family unit with one bedroom;
$57,344 per family unit with two bedrooms;
$73,400 per family unit with three bedrooms;
$81,770 per family unit with four bedrooms.

For elevator structures:

$43,398 per family unit without a bedroom;
$49,748 per family unit with one bedroom;
$60,493 per family unit with two bedrooms;
$78,257 per family unit with three bedrooms;
$85,902 per family unit with four bedrooms.

(b) *For group homes only:*

TYPE OF DISABILITY

# Residents	Physical/developmental	Chronic mental illness
2	$166,022	$160,262
3	178,533	172,340
4	191,045	183,069
5	203,556	193,798
6	216,054	204,527

(c) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the minimum group home requirements of 24 CFR 891.310(a) (if applicable); the accessibility requirements of 24 CFR 891.120(b) and 891.310(b); and the project design and cost standards of 24 CFR 891.120.

(2) Increased development cost limits.

(a) HUD may increase the development cost limits set forth in Section IV(C)(1) of this program section of the SuperNOFA by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis. This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

(b) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in Section IV(C)(1) of this program section of the SuperNOFA, the amount of capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

(c) For group homes only, HUD Offices may approve increases in the development cost limits in Section IV(C)(1)(b), above, in areas where you can provide sufficient documentation that high land costs limit or prohibit project feasibility. An example of acceptable documentation is evidence of at least three land sales which have actually taken place (listed prices for land are not acceptable) within the last two years in the area where your project is to be built. The average cost of the documented sales must exceed ten percent of the development cost limit for your project in order for an increase to be considered.

(D) *Sites.* (1) NAHA requires you to provide in your application either:

(a) Evidence of site control, or

(b) A reasonable assurance that you will have control of a site within six months of notification of fund reservation.

(2) Accordingly, if you have control of a site at the time you submit your application, you must include evidence of such as described in Section VI(B)(4)(d)(i) of this program section of the SuperNOFA relative to site control and in the application kit. If you do not have site control, you must provide the information required in Section VI(B)(4)(d)(x) of this program section of the SuperNOFA relative to identification of a site and in the application kit for identified sites as a reasonable assurance that site control will be obtained within six months of fund reservation notification.

(3) Under Criterion (a) of Rating Factor 3 in Section V(D), below, related to your proposed site, your application has the potential of earning 17 points. Criterion (a)(i) is related to site approvability and is worth a maximum of 7 points. Five points for Criterion (a)(ii) will be awarded if your project will represent an integrated housing model (e.g., condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites). Criterion (a)(iii) which is worth five points for site control will be awarded as outlined in Section IV(D)(5) below. Regardless of whether you submit evidence of site control or have identified a site without obtaining control of the site, the site will be evaluated based on its proximity or accessibility to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment and other necessary services to the intended tenants.

(4) To meet the "proximity" or "accessibility" test, you must demonstrate that community services and amenities described above are either near or accessible to the residents. Sites where the community services and amenities described above are either near or accessible to the residents other than solely by a project residence or private vehicle will be rated more favorably than sites where residents must depend upon the project residence or private vehicle to access such community services and amenities. Your application will also be evaluated to determine whether it complies with the site and neighborhood standards in 24 CFR 891.125.

(5) Criterion (a)(iii) relates to the existence of legally acceptable site control. If you:

(a) Submit evidence of site control for all proposed sites in your application,

(b) The evidence is determined to be legally acceptable for all of the sites, and

(c) All of the sites are approvable (i.e., receive a score of 1 or higher for Criterion (a)(i), your application will receive 5 points for Criterion (a)(iii).

(6) If your application contains evidence of site control where either the evidence or the site is *not* approvable, your application will *not* be rejected provided you indicate in your application that you are willing to seek an alternate site and provide an assurance that site control will be obtained within six months of fund reservation notification.

(E) *Supportive Services.* You are required to include a Supportive Services Plan and a certification from the appropriate State or local agency that the provision of services identified in your Supportive Services Plan is well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your proposed project. Section VI(B)(4)(e) of this program section of the SuperNOFA, below, outlines the information that must be in the Supportive Services Plan. You must submit one copy of your Supportive Services Plan to the appropriate State or local agency well in advance of the application submission deadline date for the State or local agency to review your Supportive Services Plan (Exhibit 4(e) of the application kit) and complete the Supportive Services Certification (Exhibit 7(l) of the application kit) and return it to you so that you can include it in the application you submit to HUD.

(1) HUD will reject your application if the supportive services certification:

(i) Is not submitted with your application and is not submitted to HUD within the 14-day cure period; or

(ii) Indicates that the provision of supportive services is not well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your project; or

(iii) Indicates that the provision of supportive services will not enhance independent living success or promote the dignity of the persons with disabilities who will live in your proposed project.

(2) In addition, if the agency completing the certification will be a major funding or referral source for your proposed project or be responsible for licensing the project, HUD will reject your application if either the agency's supportive services certification indicates—or, where the agency fails to complete item 3 or 4 of the certification, HUD determines that:

(i) You failed to demonstrate that supportive services will be available on a consistent long-term basis; and/or

(ii) The proposed housing is not consistent with State or local agency plans/policies addressing the housing needs of people with disabilities.

Any prospective resident of a Section 811 project who believes he/she needs supportive services must be given the choice to be responsible for acquiring his/her own services or to take part in your Supportive Services Plan which must be designed to meet the individual needs of each resident. Residents or applicants may not be required to accept any supportive service as a condition of occupancy or admission.

(F) *Project Size Limits.* (1) *Independent living project*—The minimum number of units that can be applied for in one application is five; not necessarily in one structure. The maximum number of persons with disabilities that can be housed in an independent living project is 18.

(2) *Exceptions*—If you are submitting an application for an independent living project with site control, you may request an exception to the above project size limit by providing the information required in Section VI(B)(4)(d)(ix) in this program section of the SuperNOFA, below, and in the application kit. Not more than 25 percent of any amounts for capital advances or project rental assistance will be used for independent living projects that exceed 24 units.

(3) *Group home*—The minimum number of persons with disabilities that can reside in a group home is two, and

the maximum number is six. Only one person per bedroom is allowed, unless two residents choose to share one bedroom or a resident determines he/she needs another person to share his/her bedroom.

(G) *Minimum Capital Investment.* Selected nonprofit organizations must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount not to exceed a maximum of $10,000 in accordance with 24 CFR 891.145.

(H) *Economic Opportunities for Low and Very Low Income Persons.* You must comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low Income Persons) and its implementing regulations at 24 CFR part 135. To comply, you must ensure that training, employment and other economic opportunities are directed, to the greatest extent feasible, toward low and very low income persons, particularly those who are recipients of government assistance for housing; and to business concerns which provide economic opportunities to low and very low income persons. To comply with section 3 requirements, you are required to certify that you will strongly encourage the general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Bureau of Apprenticeship and Training or recognized State Apprenticeship Agency (see section VI(B)(7)(k)(ii) of this program section of the SuperNOFA).

(I) *Applicability of Acquisition of Sites under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.* The acquisition of sites, with or without existing structures, is subject to the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended (URA). However, you are exempt from complying with the site acquisition requirements of the URA if you do not have the power of eminent domain and prior to entering into a contract of sale, option to purchase or any other method of obtaining site control, you inform the seller of the land (1) that you do not have the power of eminent domain and, therefore, you will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property. An appraisal is not required to meet this requirement, however, your files must include an explanation, with reasonable evidence of the basis for the estimate.

(J) *Accessibility.* If you intend to construct, substantially rehabilitate, or acquire, with or without rehabilitation, structures to be used as housing for persons with disabilities, you should note 24 CFR 891.310, which requires that your project meets accessibility requirements. In addition, you should note that 24 CFR 8.4(b)(5) prohibits the selection of a site or location which has the purpose or effect of excluding persons with disabilities from the Federally assisted program or activity. Thus, if you choose an existing structure, make sure that it can be made accessible without resulting in an infeasible project.

V. Application Selection Process

(A) *Review for Curable Deficiencies.* You should ensure that your application is complete before submitting it to the appropriate HUD office. HUD will screen all applications received by the deadline to determine if there are any curable deficiencies. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of your application. The following is a list of the only deficiencies that will be considered curable in a Section 811 application:

Exhibits

(1) Form 92016–CA (Application Form)*
(2)(a) Articles of Incorporation*
(b) By-laws*
(c) IRS tax exemption ruling*
(c)(ii) Energy efficiency
(d)(vii) Letter from the State Historic Preservation Officer (SHPO)
(d)(viii) Seek alternate site
(d)(ix) Exception to project size limits
(5) Applications submitted to other offices
(6) Relocation
(7)(a) Standard Form 424, Application for Federal Assistance*
(b) Form HUD–50070, Certification of a Drug-Free Workplace
(c) Form HUD–50071, Certification of Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities
(d) Form HUD–2880, Applicant/Recipient Disclosure/Update Report
(e) Form HUD–2992, Certification Regarding Debarment and Suspension
(f) Executive Order 12372 Certification
(g) Form HUD–2991, Certification of Consistency with Consolidated Plan
(h) Conflict of Interest Resolution
(i) Resolution for Commitment to Project*
(k) Combined Certifications
(l) Supportive Services Certification
(m) Lead-Based Paint Certification
(n) Certification for Single Room Occupancy in Section 811 Group Homes (if project will include a group home)

The HUD Office will notify you in writing if your application is missing any of the above exhibits or portions of exhibits and will give you 14 days from the date of the notification to submit the information required to cure the noted deficiencies. The items identified by an asterisk (*) must be dated on or before the application deadline date.

(B) *Rating.* HUD will review and rate your application in accordance with the Application Selection Process in the General Section of this SuperNOFA with the following exception. HUD will not reject your application based on technical review without notifying you of the rejection with all the reasons for rejection and providing you an opportunity to appeal. You will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the HUD Office. If the rejection is due to the nonsubmission of the following exhibits because of the failure of a third party to provide information under the control of the third party but outside your control (e.g., by contract), and you were not provided the opportunity to cure the deficiency during the curable deficiency period, you can submit the information required to cure the deficiency during the 14 calendar day appeal period:

(1) Exhibit 7(g), Form HUD–2991, Certification of Consistency with the Consolidated Plan; and/or

(2) Exhibit 7(l), Certification for Provision of Supportive Services.

The information required to cure the above identified deficiencies includes the deficient Exhibit and documentation showing that the information had been requested from the third party at least 45 days prior to the application deadline date.

The HUD Office will make a determination on an appeal before making its selection recommendations. Your application(s) will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, your application will be rated according to the Rating Factors in Section V(D) below.

(C) *Ranking and Selection Procedures.* Applications that have a total base score of 60 points or more (without the addition of EC/EZ bonus points) and meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA will be eligible for selection and will be placed in rank order. HUD will select applications, after adding any bonus points for EC/EZ, based on rank order, up to and including the last application that can be funded out of each HUD Office's allocation. HUD Offices must not skip over any applications in order to select one based on the funds remaining. After making the initial selections, however, HUD may use any residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, however, HUD will not reduce the number of units in projects of five units or less.

After this process is completed, residual funds from all HUD Offices within each Multifamily Hub will be combined. First, these funds will be used to restore units to projects reduced by HUD Offices based on the above instructions. Second, additional applications within each Multifamily Hub will be selected in rank order with only one application selected per HUD Office. More than one application may be selected per HUD Office if there are no approvable applications in other HUD Offices within the Multifamily Hub. This process will continue until there are no more approvable applications within the Multifamily Hub that can be selected with the remaining funds. Applications may *not* be skipped over to select one based on funds remaining. However, HUD may use any remaining residual funds, to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible or result in the project being less than 5 units.

Funds remaining after these processes are completed will be returned to Headquarters. HUD will use these residual funds first to fund United Cerebral Palsy of LA and Ventura, in the jurisdiction of the Los Angeles Multifamily Program Center, a FY 2000 application which was not funded due to HUD error. Second, HUD Headquarters will use these funds to restore units to projects reduced by HUD Offices as a result of the instructions for using their residual funds. Finally, HUD Headquarters will use these funds for selecting applications based on field offices' rankings, beginning with the highest rated application nationwide. Only one application will be selected per HUD Office from the national residual amount, excluding the Los Angeles Multifamily Program Center, already funded. If there are no approvable applications in other HUD Offices, the process will begin again with the selection of the next highest rated application nationwide. This process will continue until all approvable applications are selected using the available remaining funds.

(D) *Factors For Award Used To Evaluate and Rate Applications.* HUD will rate applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements in Section VI(B) below. The maximum number of points an application may receive under this program is 102. This includes two (2) EZ/EC bonus points, as described in the General Section of this SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points)

This factor addresses the extent to which you have the organizational resources to successfully implement the proposed activities in a timely manner. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2), (B)(3)(a), (B)(3)(b), and (B)(3)(e) of Section VI of this program section of the SuperNOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to develop and operate the proposed housing on a long-term basis, considering the following:

(a) (12 points) The scope, extent, and quality of your experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (i.e., number of units, services, relocation costs, development, and operation) in relationship to your demonstrated development and management capacity as well as your financial management capability;

(b) (8 points) The scope, extent, and quality of your experience in providing housing or related services to minority persons or families as well as your ties to the community at large and to the minority and disability communities in particular. For purposes of this program section of the SuperNOFA, "minority" means the basic racial and ethnic categories for Federal statistics and administrative reporting, as defined in OMB's Statistical and Policy Directive No. 15. (See 62 FR 58782, October 30, 1997.)

(c) (5 points) You have experience in developing integrated housing (e.g., condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites).

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(a) and (B)(4)(b) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider:

The extent of the need for the project in the area based on a determination by the HUD Office. In making this determination, HUD will consider your evidence of need in the area, as well as other economic, demographic, and housing market data available to the HUD Office. The data could include the availability of existing comparable subsidized housing for persons with disabilities and current occupancy in such housing, comparable subsidized housing for persons with disabilities under construction or for which fund reservations have been issued, and, in accordance with an agreement between HUD and RHS, comments from RHS on the demand for additional comparable subsidized housing and the possible harm to existing projects in the same housing market area. The Department also will review more favorably those applications which establish a connection between the proposed project and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. You must show how the proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in the other type of planning document.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposal. There must be a clear relationship between the proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(c), (B)(4)(d), and (B)(4)(e) of

Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

(a)(i) (7 points) Site approvability—The proximity or accessibility (other than by sole means of a project residence or private vehicle) of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended tenants; adequacy of utilities and streets, and freedom of the site from adverse environmental conditions (based on site visit for site control projects only); and compliance with site and neighborhood standards in 24 CFR 891.125(a), (d), and (e);

(a)(ii) (5 points) Integrated model—If your project will be an integrated model as described in Section IV(D) above, your application will receive 5 points for this Criterion.

(a)(iii) (5 points) Site control—If your application contains legally acceptable site control for all proposed sites and all of the proposed sites are approvable (i.e., receive a score of 1 or higher on Criterion (a)(i)), your application will receive 5 points for site control;

(b) (8 points) The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minorities and persons with disabilities and affirmatively furthering fair housing. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) and (c) by examining relevant data in your application or in the HUD Office. If appropriate, HUD may visit the site.

(i) The site will be deemed acceptable if it increases housing choice and opportunity by:

—Expanding housing opportunities in non-minority neighborhoods (if located in such a neighborhood); or
—Contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to minority persons with disabilities. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 811 Supportive Housing Program (24 CFR 891.125(b) and (c)) when considering sites for your projects.

(ii) For the purpose of this competition, the term "minority neighborhood (area of minority concentration)" is defined as one where any one of the following statistical conditions exists:

—The percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's or combination of minorities' percentage in the housing market as a whole; or,
—The neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market area as a whole; or
—In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population. The term "nonminority area" is defined as one in which the minority population is lower than 10 percent.

(c) (5 points) The extent to which the proposed design of the project, including both the exterior and interior design, will meet the individual needs of persons with disabilities the housing is expected to serve;

(d) (5 points) The extent to which the proposed design of the project and its placement in the neighborhood will facilitate the integration of the residents into the surrounding community and promote the ability of the residents to live as independently as possible; and

(e) (5 points) At least 51% of your board members are persons with disabilities.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD's program resources to achieve program purposes. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(c) and (B)(3)(d) of Section VI of this program section of the SuperNOFA.

(a) (5 points) The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project; and

(b) (5 points) The extent of your activities in the community, including previous experience in serving the area where the project is to be located, developing integrated housing models and your demonstrated ability to enlist volunteers and raise local funds.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinated your activities with other known organizations, participate or promote participation in the community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(f), (B)(3)(g), (B)(3)(h), and (B)(3)(i) of Section VI of this program section of the SuperNOFA.

(a) (4 points) You involved persons with disabilities (including minority persons with disabilities) in the development of the application, and will involve persons with disabilities (including minority persons with disabilities) in the development and operation of the project;

(b) (2 points) The extent to which you coordinated your application with other organizations (including local independent living centers; a list of such can be obtained from the local HUD Office) to complement and/or support the proposed project;

(c) (2 points) The extent to which you demonstrated that you have been actively involved, or if not currently active, the steps you will take to become actively involved in the community's Consolidated Planning process to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project; and

(d) (2 points) The extent to which you developed or plan to develop linkages with other activities, programs (for example, the Mainstream Housing Opportunities for Persons with Disabilities Program) or projects related to the proposed project to coordinate your activities so solutions are holistic and comprehensive.

Bonus Points

(2 bonus points) Location of proposed site in an EZ/EC area, as described in the General Section of this SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in paragraph (B)(7)(j) of Section VI of this program section of the SuperNOFA.

VI. Application Submission Requirements

(A) *Application.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B) of this program section of the SuperNOFA (unless you were selected for a Section 811 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Section VI(B)(2)(a), (b), and (c), below, of this program section of the SuperNOFA (Exhibits 2.a., b., and c. of the application kit), which are the articles of incorporation (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of these documents since your previous HUD approval, you must submit the updated information in your application. The HUD Office will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate HUD Office based on information submitted in Section VI(B)(2) below.

In addition to this relief of paperwork burden in preparing applications, you are able to use information and exhibits previously prepared for prior applications under Section 811, Section 202, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 programs, your experience in the provision of housing and services, supportive services plans, community ties, and experience serving minorities.

(B) *General Application Requirements.* Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the "non-standard forms" can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

Note: You may apply for a scattered site project in one application

(1) Form HUD–92016–CA, Application for Section 811 Supportive Housing Capital Advance.

(2) Evidence of your and each Co-Sponsor's legal status as a nonprofit organization, including the following:

(2)(a) Articles of Incorporation, constitution, or other organizational documents;

(2)(b) By-laws;

(2)(c) IRS section 501(c)(3) tax exemption ruling (this must be submitted by you and all Co-Sponsors, including churches).

Note: If you received a section 811 fund reservation within the last three funding cycles, you are not required to submit the documents described in paragraph (2)(a), (2)(b), and (2)(c), above. Instead, you must submit the project number of the latest application selected and the HUD office to which it was submitted. If there have been any modifications or additions to the subject documents, incicate such, and submit the new material.

(2)(d) The number of people on your board and the number of those people who have disabilities.

(3) A description of your purpose, community ties, and experience, including the following:

(3)(a) A description of your purpose, current activities and how long you have been in existence;

(3)(b) A description of your ties to the community at large and to the minority and disability communities in particular;

(3)(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.);

(3)(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the persons with disabilities that you expect to serve in the proposed project (e.g., the local center for independent living, the Statewide Independent Living Council);

(3)(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects (including integrated housing developments) and/or supportive services facilities that you have sponsored, owned, and/or operated; your past or current involvement in any programs other than housing that demonstrates your management capabilities (including financial management) and experience, and your experience in serving persons with disabilities and minorities; and the reasons for receiving any increases in fund reservations for developing and/or operating any previously funded Section 811 or Section 202 projects. The description should include data on the facilities and services provided, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the activities. Examples of activities that could be described include housing counseling, nutrition and food services, special housing referral, screening and information projects.

(3)(f) A description, if applicable, of your efforts to involve persons with disabilities (including minority persons with disabilities) and the local center for independent living in the development of your application and in the development and operation of the project.

(3)(g) A description of the steps you took to identify and coordinate your application with other organizations to complement and/or support your proposed project as well as the steps you will take, if funded, to share information on solutions and outcomes relative to the development of your proposed project.

(3)(h) A description of your involvement in the community's Consolidated Planning process, including:

(3)(h)(i) An identification of the lead/facilitating agency that organizes/administers the process;

(3)(h)(ii) An identification of the Consolidated Plan issue areas in which you participate;

(3)(h)(iii) Your level of participation in the process, including active involvement with any neighborhood-based organizations, associations or any committees that support programs and activities that enhance projects, or the lives of residents of projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the Consolidated Planning process. (Consult the local HUD Office for the identification of the Consolidated Plan community process for the appropriate area.)

(3)(i) A description of the linkages that you have developed or plan to develop with other related activities, programs (for example, the Mainstream Housing Opportunities for Persons with Disabilities Program) or projects in order that the development of the project provides a comprehensive and holistic solution to the needs of the target population.

(4) Project information including the following:

(4)(a) Evidence of need for supportive housing. Such evidence would include a description of the proposed population and evidence demonstrating sustained effective demand for supportive housing for the proposed population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing comparable subsidized housing for persons with disabilities, State or local needs assessments of persons with disabilities in the area, the types of supportive services arrangements currently available in the area, and the use of such services as evidenced by data from local social service agencies. Also, a description of how information in the community's Analysis of Impediments to Fair Housing Choice

was used in documenting the need for the project.

(4)(b) A description of how the proposed project will benefit the target population and the community in which it will be located;

(4)(c) A description of the project, including the following:

(4)(c)(i) A narrative description of the building(s) including the number and type of structure(s), number of units with bedroom distribution if independent living units (including dwelling units in multifamily housing developments, condominiums and cooperatives), number of bedrooms if group home, number of residents with disabilities, and any resident manager per structure; an identification of all community spaces, amenities, or features planned for the housing and a description of how the spaces, amenities, or features will be used, and the extent to which they are necessary to accommodate the needs of the proposed residents. If these community spaces, amenities, or features would not comply with the project design and cost standards of § 891.120 and the special project standards of § 891.310, you must demonstrate your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features; and a description of how the design of the proposed project will promote the integration of the residents into the surrounding community and the ability of the residents to live as independently as possible; and

(4)(c)(ii) A description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(4)(c)(iii) If applicable, a description of any plans and the actions you have taken to create a mixed-finance/mixed-use project by developing additional units (i.e., in addition to the Section 811 units) with the use of Section 811 capital advance funds in combination with other funding sources. See Section III.A. for further informaiton regarding the additional units. sepcify the number of Section 811 units and the number of additional units from non-Section 811 funding sources. Provide copies of any letters you have sent seeking outside funding for the non-Section 811 units and any responses thereto. You must also demonstrate your ability to proceed with the development of a Section 811 project that will not involve mixed-financing or a mixed-use purpose, as proposed in your application, in the event you are later unable to obtain the necessary outside funding, or HUD disapproves your proposal for mixed-financing or mixed-use.

Note: Approval of the Section 811 capital advance will not necessarily be approval of the mixed-finance/mixed-use proposal. If approved for a reservation of capital advance funds, you will be required to submit, after reservation of capital advance funds, a detailed proposal outlining how you will fund both development and operation of the additional units in accordance with HUD instructions that will be issued later. Based on the strength of your organization and HUD's prior experience with your projects, as well as your outline of your intentions, at time of making the fund reservation, HUD will determine whether you will be permitted to submit a mixed-finance/mixed-use proposal at a later time. Only those Sponsors that indicate in their application for a fund reservation an intention to propose additional units will be eligible to submit, at a later time, a mixed-finance/mixed-use proposal for additional units. (A mixed-finance/mixed-use project, as used here, does not include the development of Section 811 units using secondary/supplementary financing or the development of a mixed-use project in which the Section 811 units are mortgage separately from the other uses of the structure).

(4)(d) Evidence of control of an approvable site, OR identification of a site for which you provide a reasonable assurance that you will obtain control within 6 months from the date of fund reservation (if you are approved for funding).

Site control—If you are submitting an application with site control, you must submit the following:

(4)(d)(i) Acceptable evidence that you have site control, which is limited to any one of the following:

(*A*) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 50 years;

(*B*) Contract of sale for the site which is free of any limitations affecting ability to deliver ownership to you after you receive and accept a notice of Section 811 capital advance. The only condition for closing on the sale can be your receipt and acceptance of the capital advance. The contract of sale cannot require closing on a date earlier than the Section 811 closing.

(*C*) Option to purchase or for a long-term leasehold which must remain in effect for six months from the date on which the applications are due and must state a firm price binding on the seller. The only condition on which the option may be terminated is if you are not awarded a fund reservation. The option must be renewable at the end of the six month option period.

(*D*) Where the proposed site is subject to a mortgage under a HUD program (*e.g.*, an earlier Section 811 or an FHA-insured mortgage), you must submit evidence that consent to release of the site from the mortgage has been obtained or has been requested from HUD and from the mortgagee, if other than HUD.

(*E*) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 811 capital advance. If HUD determines that time constraints of the funding round will not permit you to obtain all of the required official actions (*e.g.*, approval of Community Planning Boards) that are necessary to convey publicly-owned sites, you may include in your application a letter from the mayor or director of the appropriate local agency indicating that conveyance or leasing of the site is acceptable without imposition of additional covenants or restrictions, and only contingent on the necessary approval action. Such a letter commitment will be considered sufficient evidence of site control.

Note: For this funding cycle, New York City-owned sites that are designated as community gardens will not meet site control requirements due to litigation involving those sites.

(4)(d)(ii) Whether you have title to the site, a contract of sale, an option to purchase or are acquiring a site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (*e.g.*, reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of the restrictions or covenants must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverters, the site will be rejected. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or option agreement contains provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract of sale or the option agreement.

Note: A Proposed Project Site May not be Acquired or Optioned From a General Contractor (or its Affiliate) That Will Construct the Section 811 Project or From any Other Development Team Member.

(4)(d)(iii) Evidence that your project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make your proposed project permissible. You must provide the basis for your belief that the proposed action will be completed successfully before the submission of the firm commitment application (e.g., a summary of the results of any requests for rezoning on land in similar zoning classifications and the time required for such rezoning, the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.). NOTE: You should be aware that under certain circumstances the Fair Housing Act requires localities to make reasonable accommodations to their zoning ordinances or regulations to offer persons with disabilities an opportunity to live in an area of their choice. If you are relying upon a theory of reasonable accommodation to satisfy the zoning requirement, then you must clearly articulate the basis for your reasonable accommodation theory.

(4)(d)(iv) A narrative topographical and demographic description of the suitability of the site and area as well as a description of the area surrounding the site, the characteristics of the neighborhood, how the site will promote greater housing opportunities for minorities and persons with disabilities thereby affirmatively furthering fair housing. (NOTE: You can best demonstrate your commitment to affirmatively furthering fair housing by describing how proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the applicable jurisdiction's Analysis of Impediments to Fair Housing Choice (AI), which is a component of the jurisdiction's Consolidated Plan, or any other planning document that addresses fair housing issues. The applicable Consolidated Plan and AI may be the Community's, the County's, or the State's, to which input should have been provided by local community organizations, agencies in the community, and residents of the community. Alternatively, a document that addresses fair housing issues and remedies to barriers to fair housing in the community that was previously prepared by a local planning, or similar organization, may be used. Applicable impediments could include a lack of units that are accessible to persons with disabilities, a lack of transportation services or other assistance that would serve persons with disabilities, or the need for improved housing quality and services for all persons with disabilities.

(4)(d)(v) A map showing the location of the site and the racial composition of the neighborhood, with the area of racial concentration delineated;

(4)(d)(vi) A Phase I Environmental Site Assessment (ESA), in accordance with the American Society for Testing and Material (ASTM) Standards E 1527–97, as amended, in order for the application to be considered as an application with site control. The Phase I ESA must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed or updated no earlier than six months prior to the application deadline date. The Phase I study is not a curable deficiency for the Section 811 Program. Therefore, it is important that you start the Phase I ESA process as soon after publication of this SuperNOFA as possible.

If the Phase I ESA indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. NOTE: You are not limited to acquiring properties from the FDIC/RTC. However, if the property is to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I ESA, and applicable documentation, per the FDIC/RTC Environmental Guidelines.

If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. If the Phase II ESA reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD Office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable Federal, State, and/or local agency with jurisdiction over the site. In order for your application to be considered as an application with site control you must submit this information to the local HUD Office on or before June 25, 2001.

Note: This Could be an Expensive Undertaking. You Must pay for the Cost of any Clean-Up and/or Remediation.

(4)(d)(vii) A letter from the State Historic Preservation Officer (SHPO) indicating whether the proposed site(s) has any historical significance. If you cannot obtain a letter from the SHPO due to the SHPO not responding to your request or the SHPO responding that it cannot or will not comply with the requirement, you must submit the following:

(*A*) A letter indicating that you attempted to get the required letter from the SHPO but that the SHPO either had not responded to your request or would not honor or recognize your request;

(*B*) A copy of your letter to the SHPO requesting the required letter; and

(*C*) A copy of the SHPO's response, if available.

(4)(d)(viii) A statement that you are willing to seek a different site if the preferred site is unapprovable and that site control will be obtained within six months of notification of fund reservation.

(4)(d)(ix) If you are requesting an exception to the project size limits found in Section IV(F) of this program section of the SuperNOFA (for independent living projects only), describe why the site was selected and demonstrate the following:

(*A*) People with disabilities have indicated their preference to live in housing with as many units/people as proposed for your project;

(*B*) The increased number of units/people is warranted by the market conditions in the area in which the project is to be located.

(*C*) Your project is compatible with other residential development and the population density of the area in which your project is to be located;

(*D*) The increased number of people will not prohibit their successful integration into the community;

(*E*) Your project is marketable in the community;

(*F*) The size of your project is consistent with State and/or local policies governing similar housing for the proposed population; and

(*G*) A statement that you are willing to have your application processed at the project size limit should HUD not approve the exception.

Site identified—If you have identified a site, but do not have it under control, you must submit the following information:

(4)(d)(x) A description of the location of the site, including its street address, its unit number (if condominium), neighborhood/community characteristics (to include racial and

ethnic data), amenities, adjacent housing and/or facilities, and how the site will promote greater housing opportunities for minorities and persons with disabilities thereby affirmatively furthering fair housing. You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the community's AI or any other planning document that addresses fair housing issues. Examples of the applicable impediments include the need for improved housing quality and services for minority persons with disabilities and the need for quality services for persons with disabilities within the type and quality of similar services and housing in minority areas;

(4)(d)(xi) A description of the activities undertaken to identify the site, as well as what actions must be taken to obtain control of the site, if approved for funding;

(4)(xii) An indication as to whether the site is properly zoned. If it is not, an indication of the actions necessary for proper zoning and whether these can be accomplished within six months of fund reservation award, if approved for funding;

(4)(d)(xiii) A status of the sale of the site; and

(4)(d)(xiv) An indication as to whether the site would involve relocation.

Note: If an application is submitted without evidence of site control and does not provide a specific street address for the identified site(s) (e.g. only an indication that the project will be developed in a particular part of town but a site(s) has not been chosen) the application will be rejected.

(4)(e) A supportive services plan (a copy of which must be sent to the appropriate State or local agency as instructed in Section IV(E) of this program section of the SuperNOFA) that includes:

(4)(e)(i) A detailed description of whether the housing is expected to serve persons with physical disabilities, developmental disabilities, chronic mental illness or any combination of the three. Include how and from whom/where persons will be referred to and accepted for occupancy in the project.

(4)(e)(ii) Information concerning limitation of occupancy, if applicable. You may, with the approval of the Secretary, limit occupancy within housing developed under this program section of the SuperNOFA to persons with disabilities who have similar disabilities and require a similar set of supportive services in a supportive housing environment. However, the Owner must permit occupancy by any qualified person with a disability who could benefit from the housing and/or services provided, regardless of the person's disability. If you are requesting approval to limit occupancy in your proposed project(s), you must submit the following:

(*A*) A description of the population of persons with disabilities to which occupancy will be limited;

(*B*) An explanation of why it is necessary to limit occupancy of the proposed project(s) to the population described in (4)(e)(ii) above. This should include but is not limited to:

—An explanation of how limiting occupancy to a subcategory of persons with disabilities promotes the goals of the Section 811 Program; and,

—An explanation of why the housing and/or service needs of this population cannot be met in a more integrated setting.

(*C*) A description of your experience in providing housing and/or supportive services to the proposed occupants; and

(*D*) A description of how you will ensure that the occupants of the proposed project(s) will be integrated into the neighborhood and surrounding community.

(4)(e)(iii) A detailed description of the supportive service needs of the persons with disabilities that the housing is expected to serve.

(4)(e)(iv) A list of community service providers, including those that are consumer-controlled, and letters of intent to provide services to residents of the proposed project(s) from as many potential service providers as possible. You must make this list available to any residents who wish to be responsible for acquiring their own supportive services. However, a provider may not require residents to accept any particular service.

(4)(e)(v) The evidence of each service provider's capability and experience in providing such supportive services (applicable even if you will be the service provider);

(4)(e)(vi) Identification of the extent of State and/or local agency involvement in the project (*i.e.*, funding for the provision of supportive services, referral of residents, or licensing the project). If there will be any State or local agency involvement, a description of the State or local agency's philosophy/policy concerning housing for the population to be served and a demonstration that your application is consistent with State or local plans and policies governing the development and operation of housing for the same disabled population;

(4)(e)(vii) If you will be making any supportive services available to the residents or will be coordinating the availability of any supportive services, a letter providing:

(*A*) A description of the supportive services that you will make available to the residents or, if you will be coordinating the availability of any supportive services, a description of the supportive service(s) and how the coordination will be implemented;

(*B*) An assurance that any supportive services that you will make available to the residents will be based on their individual needs; and

(*C*) A commitment to make the supportive services available or coordinate their availability for the life of the project.

(4)(e)(viii) A description of how the residents will be afforded opportunities for employment.

(4)(e)(ix) An indication as to whether the project will include a unit for a resident manager; and

(4)(e)(x) A statement that you will not condition occupancy on the resident's acceptance of any supportive services.

(5) A list of the applications, if any, that you have submitted or are planning to submit to any other HUD Office in response to this announcement of section 811 Program funding availability or the announcement of funding availability for the Section 202 Program of Supportive Housing for the Elderly, published elsewhere in this SuperNOFA. Indicate, by HUD Office, the number of units requested and the proposed location by city and State for each application. Include a list of all FY 2000 and prior year projects to which you are a party, identified by project number and HUD Office, which have not been finally closed.

(6) A statement that:

(6)(a) Identifies all persons (families, individuals, businesses, and nonprofit organizations) by race/minority group and status as owners or tenants occupying the property on the date of submission of the application for a capital advance;

(6)(b) Indicates the estimated cost of relocation payments and other services;

(6)(c) Identifies the staff organization that will carry out the relocation activities; and

(6)(d) Identifies all persons that have moved from the site within the last 12 months. (This requirement applies to applications with site control only. Sponsors of applications with identified sites that are selected will be required to submit this information at a later date once they have obtained site control.)

Note: If any of the relocation costs will be funded from sources other than the Section 811 Capital Advance, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (*i.e.*, cost of site acquisition, relocation, construction and other project costs).

(7) *Certifications and Resolutions.* In addition to the certifications and assurances listed in the General Section of this SuperNOFA with the exception of SF–424A, SF–424B, SF–424C, SF–424D and the OMB Circulars which are not required, you are required to submit signed copies of the following:

(7)(a) *Standard Form 424.* Application for Federal Assistance and indication of whether you are delinquent on any Federal debt. (See instructions for submitting this form in the Consolidated Application Submissions section of the General Section of the SuperNOFA.)

(7)(b) *Drug-Free Workplace (HUD–50070).* Certification to provide a drug-free workplace.

(7)(c) *Payments to Influence Federal Transactions (HUD–50071) and Standard Form LLL, Disclosure of Lobbying Activities.* Certification of whether any of the funds received will be used to influence any Federal transactions and disclosure of those activities, if applicable.

(7)(d) *Applicant/Recipient Disclosure/Update Report, including Social Security Numbers and Employee Identification Numbers, (HUD–2880).* A disclosure of assistance from other government sources received in connection with the project.

(7)(e) *Certification Regarding Debarment and Suspension (HUD–2992) (24 CFR 24.510)*—a certification attesting to the eligibility of your principals.

(7)(f) *Executive Order 12372 Certification.* A certification that you have submitted a copy of your application, if required, to the State agency (single point of contact) for State review in accordance with Executive Order 12372.

(7)(g) *Certification of Consistency with the Consolidated Plan (Plan) (Form HUD–2991)* for the jurisdiction in which the proposed project will be located. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth in this program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91.

(7)(h) *A certified Board Resolution that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner* or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title and the beginning and ending dates of each person's term.

(7)(i) *A Certified Board Resolution acknowledging responsibilities of sponsorship,* long-term support of the project(s), your willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of your membership. Also, it shall indicate your willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one-percent of the HUD-approved capital advance, not to exceed $10,000), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance.

(7)(j) *Certification of Consistency with the EZ/EC Strategic Plan (HUD–2990).* A certification that the project is consistent with the EZ/EC strategic plan, is located within the EZ/EC, and serves EZ/EC residents.

(7)(k) *Sponsor's Combined Certifications.*

(7)(k)(i) *Certification in Connection with the Development and Operation of a Section 811 Project.* A certification of compliance with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M, and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing.

(7)(k)(ii) *Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u).* Certification of Compliance with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135. Certification that you will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Bureau of Apprenticeship and Training or recognized State Apprenticeship Agency.

(7)(k)(iii) *Design and Cost Standards.* Certification of Compliance with HUD's Section 811 project design and cost standards (24 CFR 891.120 and 891.310), the Uniform Federal Accessibility Standards (24 CFR 40.7), section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

(7)(k)(iv) *Acquisition and Relocation.* Certification of Compliance with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR part 24 and 24 CFR part 891.155(e)).

(7)(k)(v) *Formation of Owner Corporation.* Certification that you will form an "Owner" (24 CFR 891.305) after issuance of the capital advance; cause the Owner to file a request for determination of eligibility and a request for capital advance, and provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

(7)(k)(vi) *Supportive Services.* Certification that you will not require residents to accept any supportive services as a condition of occupancy; and,

(7)(k)(vii) *Davis-Bacon.* Certification of compliance with the Davis-Bacon requirements and the Contract Work Hours and Safety Standards Act.

(7)(l) *Supportive Services Certification.* A certification from the appropriate State or local agency identified in the application kit indicating whether the:

(7)(l)(i) Provision of supportive services is well designed to serve the needs of persons with disabilities the housing is expected to serve;

(7)(l)(ii) The provision of supportive services will enhance independent living success and promote the dignity of those who will access your proposed project;

(7)(l)(iii) Supportive services will be available on a consistent, long-term basis; and

(7)(l)(iv) Proposed housing is consistent with State or local plans and policies addressing the housing needs of people with disabilities if the State or

local agency will provide funding for the provision of supportive services, refer residents to the project or license the project. (The name, address, and telephone number of the appropriate agency will be identified in the application kit and can also be obtained from the appropriate HUD Office.)

(7)(m) Certification that you will comply with the requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR part 35.

(7)(n) *Single Occupancy Bedrooms in Group Homes.* Certification that if you are developing a group home, all bedrooms will be occupied be one person with a disability unless that person chooses to share his/her bedroom with another person with a disability or determines that he/she/ needs another person to share his/her bedroom.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR part 50, all Section 811 assistance is subject to the National Environmental Policy Act of 1969 and applicable related Federal environmental authorities. The environmental review provisions of the Section 811 Program regulations are in 24 CFR 891.155(b).

IX. Formation of Owner Corporation for Development of Section 811 Projects and for Section 811 Projects Involving Mixed-Financing or a Mixed-Use Purpose

Applicant eligibility for purposes of applying for a Section 811 fund reservation under this NOFA has not changed; i.e., all Section 811 Sponsors and Co-Sponsors must be nonprofit organizations. However, the Owner corporation, when later formed by the Sponsor, may be (1) a single-purpose nonprofit organization that has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986 OR (2) for purposes of developing a mixed-finance/mixed-use project for developing additional units over and above the Section 811 units, a for-profit limited dividend organization with the nonprofit entity as the sole general partner.

X. Authority

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), as amended by the Housing and Community Development Act of 1992) (Pub. L. 102–550, approved October 28, 1992); the Rescissions Act (Pub. L. 104–19, approved July 27, 1995); and the America Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569, approved December 27, 2000) authorized a new supportive housing program for persons with disabilities, and replaced assistance for persons with disabilities previously covered by section 202 of the Housing Act of 1959 (section 202 continues, as amended by section 801 of the NAHA, and the HCD Act of 1992, to authorize supportive housing for the elderly).

APPENDIX A—Local HUD Offices

Notes: (1) The first line of the mailing address for all offices is Department of Housing and Urban Development. Telephone numbers listed are not toll-free.

(2) Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

(3) Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

(4) Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

(5) Applications proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

HUD—BOSTON HUB

HARTFORD OFFICE

One Corporate Center, 19th Floor, Hartford, CT 06103–3220, (860) 240–4800, TTY Number: (860) 240–4665.

BOSTON OFFICE

Room 301, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Boston, MA 02222–1092, (617) 994–8500, TTY Number: (617) 565–5453.

MANCHESTER OFFICE

Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101–2487, (603) 666–7681, TTY Number: (603) 666–7518.

PROVIDENCE OFFICE

Sixth Floor, 10 Weybosset Street, Providence, RI 02903–2808, (401) 528–5230, TTY Number: (401) 528–5403.

HUD—NEW YORK HUB

NEW YORK OFFICE

26 Federal Plaza, New York, NY 10278–0068, (212) 264–8000, TTY Number: (212) 264–0927.

HUD—BUFFALO HUB

BUFFALO OFFICE

Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203–1780, (716) 551–5755, TTY Number: (716) 551–5787.

HUD—PHILADELPHIA HUB

PHILADELPHIA OFFICE

The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, (215) 656–0600, TTY Number: (215) 656–3452.

CHARLESTON OFFICE

Suite 708, 405 Capitol Street, Charleston, WV 25301–1795, (304) 347–7000, TTY Number: (304) 347–5332.

NEWARK OFFICE

Thirteenth Floor, One Newark Center, Newark, NJ 07102–5260, (973) 622–7900, TTY Number: (973) 645–3298.

PITTSBURGH OFFICE

339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2515, (412) 644–6428, TTY Number: (412) 644–5747.

HUD—BALTIMORE HUB

BALTIMORE OFFICE

Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201–2505, (410) 962–2520, TTY Number: (410) 962–0106.

RICHMOND OFFICE

The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, (804) 278–4500, TTY Number: (804) 278–4501.

HUD—GREENSBORO HUB

GREENSBORO OFFICE

Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (336) 547–4000, TTY Number: (336) 547–4055.

COLUMBIA OFFICE

Strom Thurmond Federal Building, 1835–45 Assembly Street, Columbia, SC 29201–2480, (803) 765–5592, TTY Number: (803) 253–3071.

HUD—ATLANTA HUB

ATLANTA OFFICE

40 Marietta Street—Five Points Plaza, Atlanta, GA 30303–2806, (404) 331–5001, TTY Number: (404) 730–2654.

SAN JUAN OFFICE

Edificio Administracion de Terrenos, 171 Carlos Chardon Avenue, Suite 301, San Juan, PR 00918–0903, (787) 766–5400, TTY Number: (787) 776–5609.

LOUISVILLE OFFICE

601 West Broadway, P.O. Box 1044, Louisville, KY 40201–1044, (502) 582–5251, TTY Number: 1–800–648–6056.

KNOXVILLE OFFICE

Third Floor, John J. Duncan Federal Building, 710 Locust Street, Knoxville, TN 37902–2526, (423) 545–4384, TTY Number: (423) 545–4559.

NASHVILLE OFFICE

Suite 200, 235 Cumberland Bend, Nashville, TN 37228–1803, (615) 736–5213, TTY Number: (615) 736–2886.

HUD—JACKSONVILLE HUB

JACKSONVILLE OFFICE

Suite 2200, Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202–5121, (904) 232–2626, TTY Number: (904) 232–2631.

BIRMINGHAM OFFICE

Medical Forum Building, 950 22nd St., North, Suite 900, Birmingham, AL 35203–5301, (205) 731–2630, TTY Number: (205) 731–2624.

JACKSON OFFICE

Suite 910, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, MS 39269–1096, (601) 965–4700, TTY Number: (601) 965–4171.

HUD—CHICAGO HUB

CHICAGO OFFICE

Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–5680, TTY Number: (312) 353–5944.

INDIANAPOLIS OFFICE 151

North Delaware Street, Indianapolis, IN 46204–2526, (317) 226–6303, TTY Number: (317) 226–7081.

HUD—DETROIT HUB

DETROIT OFFICE

Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–7900, TTY Number: (313) 226–6899.

GRAND RAPIDS OFFICE

Trade Center Building, 50 Louis Street, NW, Third Floor, Grand Rapids, MI 49503–2648, (616) 456–2100, TTY Number: (616) 456–2159.

HUD—COLUMBUS HUB

COLUMBUS OFFICE

200 North High Street, 7th Floor, Columbus, OH 43215–2499, (614) 469–2540, TTY Number: (614) 469–6694.

CLEVELAND OFFICE

Renaissance Building, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, (216) 522–4058, TTY Number: (216) 522–2261.

HUD—MINNEAPOLIS HUB

MINNEAPOLIS OFFICE

220 Second Street, South Minneapolis, MN 55401–2195, (612) 370–3000, TTY Number: (612) 370–3166.

MILWAUKEE OFFICE

Suite 1380, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2289, (414) 297–3214, TTY Number: (414) 297–23.

HUD—FT. WORTH HUB

LITTLE ROCK OFFICE

Suite 900, TCBY Tower, 425 West Capitol Avenue, Little Rock, AR 72201–3488, (501) 324–5931, TTY Number: (501) 324–5931.

NEW ORLEANS OFFICE

Ninth Floor, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3099, (504) 589–7200, TTY Number: (504) 589–7279.

FT. WORTH OFFICE

801 Cherry Street, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 978–5965, TTY Number: (817) 978–5595.

HOUSTON OFFICE

Suite 200, Norfolk Tower, 2211 Norfolk, Houston, TX 77098–4096, (713) 313–2274, TTY Number: (713) 834–3274.

SAN ANTONIO OFFICE

Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, (210) 475–6800, TTY Number: (210) 475–6885.

HUD—GREAT PLAINS

DES MOINES OFFICE

Room 239, Federal Building, 210 Walnut Street, Des Moines, IA 50309–2155, (515) 284–4512, TTY Number: (515) 284–4728.

KANSAS CITY OFFICE

Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5462, TTY Number: (913) 551–6972.

OMAHA OFFICE

Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, (402) 492–3100, TTY Number: (402) 492–3183.

SAINT LOUIS OFFICE

Third Floor, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2836, (314) 539–6583, TTY Number: (314) 539–6331.

OKLAHOMA CITY OFFICE

500 West Main Street, Suite 400, Oklahoma City, OK 73102–2233, (405) 553–7401, TTY Number: 1–800–877–8339.

HUD—DENVER HUB

DENVER OFFICE

633 17th Street, Denver, CO 80202–3607, (303) 672–5440, TTY Number: (303) 672–5248.

HUD—SAN FRANCISCO HUB

PHOENIX OFFICE

Suite 1600, Two Arizona Center, 400 North 5th Street, Phoenix, AZ 85004–2361, (602) 379–4434, TTY Number: (602) 379–4464.

SAN FRANCISCO OFFICE

Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 436–6550, TTY Number: (415) 436–6594.

HONOLULU OFFICE

Suite 500, 7 Waterfront Plaza, 500 Ala Moana Boulevard, Honolulu, HI 96813–4918, (808) 522–8185, TTY Number: (808) 522–8193.

HUD—LOS ANGELES HUB

LOS ANGELES OFFICE

611 West 6th Street, Suite 800, Los Angeles, CA 90017–3106, (213) 894–8000, TTY Number: (213) 894–8133.

HUD—SEATTLE HUB

PORTLAND OFFICE

400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1632, (503) 326–2561, TTY Number: (503) 326–3656

APPENDIX B

The non-standard forms, which follow, are required for your Section 811 Program application

BILLING CODE 4210–32–P

APPENDIX B

APPLICATION SUBMISSION REQUIREMENTS

	PAGE
PART I - APPLICATION FORM FOR SECTION 811 SUPPORTIVE HOUSING - CAPITAL ADVANCE	
EXHIBIT 1: Form HUD-92016-CA, Application for Section 811 Supportive Housing Capital Advance	____
PART II - YOUR ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT	
EXHIBIT 2: **Your Legal Status**	
(a) Articles of Incorporation (or other organizational documents)	____
(b) By-laws	____
(c) IRS Tax Exemption Ruling	____
[EXCEPTION: SEE EXHIBIT TO DETERMINE IF YOU MAY BE EXEMPT FROM SUBMITTING THESE DOCUMENTS.]	
(d) The number of people on your board and the number of board members who have disabilities	____
EXHIBIT 3: **Your purpose, community ties and experience:**	
(a) Purpose(s), current activities, how long you have been in existence	____
(b) Ties to the community at large and to the target population	____
(c) Local government support for project	____
(d) Letters of support for your organization and for the proposed project	____
(e) Housing and/or supportive services experience	____

(f) Efforts to involve target population	____
(g) Identification/coordination with other organizations; information sharing on solutions/outcomes about project development	____
(h) Involvement in the community's Consolidated Planning process including:	
(i) Agency that organizes/ administers the process	____
(ii) Consolidated Plan issue areas in which you participate	____
(iii) Level of your participation in the process	____
OR	
Specific steps you will take to become active in the process	____
(i) Linkages with other related activities, programs or projects	____
PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE TARGET POPULATION IN THE AREA TO BE SERVED, SITE CONTROL AND/OR IDENTIFICATION OF SITE AND SUITABILITY OF SITE, ADEQUACY OF THE PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED FACILITY	
EXHIBIT 4: **Project information including:**	
(a) Evidence of need for project	____
(b) How project will benefit target population and community	____
(c) A narrative description of the project, including:	
(i) Building design	____
(ii) Whether and how project will promote energy efficiency	____

(iii) If applicable, description of plans and actions to create a mixed-finance/mixed-use project ____

(d) Evidence of site control and permissive zoning, **OR** identification of site if applying for Section 811 without having site control (in this latter case skip to **Identification of Site** below):

Evidence of Site Control

(i) Site control document(s) ____

(ii) Evidence site is free of limitations, restrictions, or reverters

(iii) Evidence of permissive zoning or statement of proposed action required to make project permissible ____

(iv) Narrative topographical/ demographic description of site/area suitability, how site will promote greater housing opportunities for minorities/target population ____

(v) Racial composition/concentration map of site ____

(vi) Phase I Environmental Site Assessment ____

(vii) Letter from State Historic Preservation Office (SHPO) ____

OR

If no response from SHPO:

(A) Letter indicating no response from SHPO and why ____

(B) Your letter to SHPO requesting required letter ____

(C) SHPO's response, if available ____

(viii) Willingness to seek an alternate site ____

(ix) Request for exception to project size limits (if applicable) - why site was selected and: (811 with site control only) ____

(A) Preference/acceptance of people with disabilites to live in proposed housing ____

(B) Increased number of people warranted by market conditions in area ____

(C) Compatibility of project with other residential development and population density of the area ____

(D) Increased number of people will not prohibit successful integration into the community ____

(E) Marketability of project in the community ____

(F) Project size consistent with State and/or local policies governing similar housing ____

(G) Willingness to have application processed at project size limit ____

Identification of a Site:

(x) Location of site ____

(xi) Steps undertaken to identify site; what must be done to obtain site control ____

(xii) Whether site is properly zoned ____

(xiii) Status of the sale of the site ____

(xiv) Whether the site would involve relocation ____

(e) Provision of supportive services and proposed facility:

(i) Description of occupancy ____

(ii) Request for approval to limit occupancy, if applicable, including:

(A) Description of population to which occupancy will be limited ____

(B) Why it is necessary to limit occupancy, including:

-- How goals of 811 will still be achieved ____

-- Why housing and services needs cannot be met in more integrated setting ____

(C) Experience in providing housing and/or supportive services to proposed population ____

(D) How you will ensure occupants will be integrated into neighborhood and community ____

(iii) Supportive services needs of proposed population ____

(iv) List of community service providers with letters of intent ____

(v) Evidence of each service provider's capability and experience ____

(vi) Extent of State and local agency involvement in project ____

(vii) Letter indicating your commitment to make services available or coordinate their availability ____

(viii) How residents afforded employment opportunities ____

(ix) Whether project will include manager's unit ____

(x) Statement that you will not condition occupancy on the resident's acceptance of supportive services ____

PART IV - GENERAL APPLICATION REQUIREMENTS, CERTIFICATIONS AND RESOLUTIONS

EXHIBIT 5: **A list of applications, if any, you have submitted or are planning to submit to any other HUD Office** in response to the Section 811 NOFA ____

EXHIBIT 6: **A statement that:**

(a) Identifies all persons occupying property on application submission date ____

(b) Indicates estimated cost of relocation payments/other services ____

(c) Identifies staff organization that will carry out relocation activities ____

(d) Identifies all persons who have moved from site within past 12 months ____

EXHIBIT 7: **CERTIFICATIONS AND RESOLUTIONS:**

(a) Standard Form 424 ____

(b) Drug-Free Workplace (HUD-50070) ____

(c) Certification of Payments to Influence Federal Transactions (HUD-50071), and ____

Disclosure of Lobbying Activities (Standard Form LLL), if applicable ____

(d) Applicant/Recipient Disclosure/Update Report (HUD-2880) ____

(e) Certification Regarding Debarment and Suspension (HUD-2992) ____

(f) Executive Order 12372 Certification ____

(g) Certification of Consistency with the Consolidated Plan (HUD-2991) ____

(h) Sponsor's Conflict of Interest Resolution ____

(i) Sponsor's Resolution for Commitment to Project ____

(j) Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990) ____

(k) Sponsor's Combined Certifications ____

(l) Supportive Services Certification ____

(m) Certification of Compliance with the Requirements of Lead-Based Paint Poisoning Prevention Act ____

(n) Certification for Single Room Occupancy in Group Homes ____

Supportive Housing for Persons with Disabilities
Section 811

Application for Capital Advance Summary Information

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0462 (exp.6/30/2002)

For HUD Use Only | HUD Project Number | PRAC Number

1. Name(s), Address(es), Contact Person, and Telephone Number(s) of Sponsor(s)

2. Minority Sponsor Designation: A minority sponsor is one in which at least 51 percent of the board members are minority.
Is this sponsor a minority applicant? ☐ Yes ☐ No
If "Yes," identify by numeric code as shown below ____
Codes: 2 - Black; 3 - Native American; 4 - Hispanic; 5 - Asian Pacific; 6 - Asian Indian

3a. Location of Site (city & State)

3b. Will project be located within the boundaries of a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, or (4) Strategic Planning Community?
(Contact local HUD Office for information on these designated areas.)
☐ Yes ☐ No
If "Yes," please indicate appropriate number as shown above. ☐

4a. Congressional District

4b. Census Tract

5. Capital Advance Amount Requested
$

6. Project Rental Assistance Contract Amount Requested
$

Note: For a group home(s)in 10. below, include the number of disabled residents in both the "Total Units" and the "Total Disabled Residents" categories. For an independent living project(s), include Resident Manager unit, if applicable, in the "Total Units" category.

7. Application Contains
☐ Evidence of Site Control
☐ Identification of Site

8. Type of Construction
☐ New Construction
☐ Rehabilitation
☐ Acquisition

9a. Occupancy Type
☐ Physically Disabled
☐ Developmentally Disabled
☐ Chronically Mentally Ill
☐ Mixed Occupancy
Identify Categories ____

9b. Restricted Occupancy Requested
☐ Yes
☐ No
If "Yes," identify subcategory ____

10. Project Type & Number of Units/Residents Proposed

a. **Group Home**

Site	No. of Disabled Residents	Resident Mgr. Unit (Y/N)	Address
#1			
#2			
#3			
#4			

b. **Independent Living Project**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

c. **Condominium**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

Note: If an elevator structure in b or c above, indicate by placing an "E" next to the total number of units for each applicable site.

Totals

	Units (Section 811)
	Disabled Residents
	Sites

Mixed Finance or Mixed Use Project for Additional Units
☐ Yes ☐ No # of Add'l Units ____

Previous editions are obsolete

form HUD-92016-CA (02/2001)
ref Handbook 4571.2

11. Check utilities and services not included in the rent and to be paid directly by the tenant
- ☐ Electric
- ☐ Water
- ☐ Heat
- ☐ Gas

12. Unusual Site Features
- ☐ None
- ☐ Cuts
- ☐ Fill
- ☐ Erosion
- ☐ Poor Drainage
- ☐ Retaining Walls
- ☐ Rock Foundations
- ☐ High Water Table
- ☐ Other (specify)

13. Off-Site Facilities:

	Public	At Site	Ft. from Site
Water	☐	☐	_____
Sewer	☐	☐	_____
Paving	☐	☐	_____
Gas	☐	☐	_____
Electric	☐	☐	_____

14. Community Spaces to be Included inProject: (identified by site no. indicated in 10 above):

15. If Sponsor is applying for more than one HUD program from the SuperNOFA, indicate which application(s) contain the forms with original signatures.
Program Name Form

16. Name, Address and Telephone Number of (mark one box)
- ☐ Consultant
- ☐ Agent
- ☐ Authorized Representative

17. Sponsor's Attorney (name, address and telephone number)

By (signature of sponsor's authorized representative)

Type in Name

Title

Public reporting burden for this collection of information is estimated to average 46 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is in support of HUD's efforts to expand the supply of Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD to determine applicant eligibility and ability to develop housing for disabled with statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste or mismanagement of public funds. This application does not collect any sensitive information. HUD does not ensure confidentiality.

Previous editions are obsolete Page 2 of 2 form HUD-92016-CA (02/2001) ref Handbook 4571.2

Executive Order 12372 Certification

_____
(Name of Sponsor)

certifies that:

____(1) this application for a capital advance under the Section 202 or Section 811 program was submitted to the State of _____ on _____ for review,

or

____(2) it contacted the State and a determination was made that the State review was not required.

Enclosed is a copy of the SF-424 which was sent with the application submitted to the State.

_____
(Signature of Authorized Official)

Sponsor's Conflict of Interest Resolution

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, OR Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances to nonprofit corporations for housing for persons with disabilities, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable to obtain or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the firm commitment applications by those Owners for which fund reservations were approved, if such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

(List the name, title, and the beginning and ending dates of the term of all officers and directors.)

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Firm Commitment, initial closing and final closing.
2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.
3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.
4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.
5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____ date of _____, _____.

_____
(Authorized Signature)

Sponsor's Resolution for Commitment to Project

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

1. WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $25,000 ($10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

or

Whereas, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

2. WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

3. NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____
of the Sponsor on the _____ day of _____, _____.

_____
(Authorized Signature)

SPONSOR COMBINED CERTIFICATIONS

The Sponsor, to the best of its knowledge and belief, hereby assures and certifies that it will comply with the following:

1. CERTIFICATION IN CONNECTION WITH THE DEVELOPMENT AND OPERATION OF A SECTION 202 OR SECTION 811 SUPPORTIVE HOUSING PROJECT

   The requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing.

2. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968 (12 U.S.C. 1701u.)

   You will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Bureau of Apprenticeship and Training or recognized State Apprenticeship Agency.

3. DESIGN AND COST STANDARDS

   HUD's design and cost standards (24 CFR 891.120 and 891.210 if 202 or 891.310 if 811), the Uniform Federal Accessibility Standards (24 CFR 40.7), Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

4. ACQUISITION AND RELOCATION

   The acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24, and 24 CFR part 891.155(e)).

5. FORMATION OF OWNER CORPORATION

   You will form an Owner (24 CFR part 891.305) after issuance of the capital advance, will cause the Owner to file a request for determination of eligibility and a request for capital advance, and will provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the

Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

6. SUPPORTIVE SERVICES

You will not require residents to accept any supportive services as a condition of occupancy.

7. DAVIS-BACON

The Davis-Bacon Requirements and the Contract Work Hours and Safety Standards Act.

8. FLOOD DISASTER PROTECTION ACT OF 1973

The requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

9. NATIONAL ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR Part 50.4 and HUD's implementing regulations at 24 CFR Part 50.

10. TRUTH AND ACCURACY

The information provided to HUD in your application under the Section 202 Supportive Housing for the Elderly or Section 811 Supportive Housing for Persons with Disabilities is true and accurate, to the best of your knowledge.

Signature of Authorized Certifying Official _____ Title _____

Applicant Organization _____ Date _____

WARNING

HUD will prosecute false claims and statements. Convictions may result in criminal and/or civil penalties (18 U.S.C. 1001,1010,1012; 31 U.S.C. 3729 /FS3802).

Certification for Provision of Supportive Services

The undersigned certifies that this Agency has reviewed the Sponsor's supportive services plan and finds that:

1. the provision of supportive services is:

☐ well designed ☐ not well designed

to serve the individual needs of persons with disabilities the housing is expected to serve.

2. the provision of supportive services will enhance independent living success and promote the dignity of those who will access the proposed project.

☐ will enhance ☐ will not enhance

3. the supportive services will be available on a consistent, long-term basis.

☐ Yes ☐ No

4. the proposed housing is:

☐ consistent ☐ inconsistent

with State or local plans and policies addressing the housing needs of people with disabilities.

Sponsor _____ Project Location _____

(Print Name of Authorized Official) _____

(Signature)/(Date) _____

(Title) _____

(Agency Name) _____

Certification of Compliance with the Requirements of Lead-Based Paint Poisoning Prevention Act

The Sponsor certifies that it will comply with the requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846) and implementing regulations at 24 CFR Part 35.

Signature of Authorized Certifying Official

Title

Applicant Organization

Date

Certification for Single Room Occupancy in Section 811 Group Homes

The Sponsor certifies that, if it is developing a group home, all bedrooms will be occupied by one person with a disability unless that person chooses to share his/her bedroom with another person with a disability or determines that he/she needs another person to share his/her bedroom.

Signature of Authorized Certifying Official

Title

Applicant Organization

Date

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTED LIVING CONVERSION PROGRAM (ALCP) FOR ELIGIBLE MULTIFAMILY HOUSING PROJECTS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) FOR ELIGIBLE MULTIFAMILY HOUSING PROJECTS

Program Overview

Purpose of the Program. The purpose of this program is to provide grants for the conversion of some or all of the dwelling units in an eligible project into assisted living facilities (ALFs) for frail elderly persons.

Available Funds. Approximately $75 million for conversion of eligible multifamily projects to ALFs. $50 million under Fiscal Year 2001 Appropriation Act and $25 million in carryover funds).

Eligible Applicants. Only nonprofit project owners of eligible developments (as described in Section III of this NOFA) may apply for and become the recipient of a grant.

Application Due Dates. June 21, 2001 for applications to convert eligible multifamily development to ALFs.

February 26, 2001 through June 21, 2001 for applications from nonprofit owners to convert unused or underutilized commercial properties to ALFs. (See additional information on application due dates in "Application Due Date" of Section I below.)

Match. None required.

Additional Information

I. Application Due Date, Application Kits, and Technical Assistance

Application Due Date. If you are an eligible project owner applying to convert your eligible multifamily assisted housing development to an ALF, your completed application (one original and four copies) is due on or before 6:00 pm, local time, on June 21, 2001, at the address shown below. If you are a nonprofit organization applying to convert an unused or underutilized commercial property to an ALF, your completed application (one original and four copies) will be accepted on or before 6:00 pm, local time, beginning on February 26, 2001, and ending on June 21, 2001, at the address shown below.

See the General Section of the SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. The official place for receipt of your application is ONLY in the appropriate Multifamily Hub Office. Submit an original and four copies of the ALCP application to the Director of the appropriate HUD Multifamily Hub Office, as listed in Appendix A of this NOFA, with jurisdiction over your development.

Appendix B to this NOFA lists the 18 Multifamily Hubs with the Program Centers under them, to facilitate applicants knowing the correct location to send the application.

For Application Kits, Further Information, and Technical Assistance. For Application Kits. You may obtain an ALCP application kit and supplemental information by calling the SuperNofa Information Center at (voice) 1–800–HUD–8929 (1–800–483–8929). Persons with hearing or speech impairment may call the Center's TTY number at 1–800–HUD–2209. Please be sure to provide your name, address (including zip code), and telephone number (including area code). The application kit is also available on the Internet through the HUD web site at http://www.hud.gov.

Note: There is a separate application kit for service coordinator funds (which is necessary for those needing to enhance or add service coordination per Section III(B)(14) of this NOFA).

For Further Information and Technical Assistance. You should contact the Multifamily Hub where you will be mailing your ALCP Application. (Please refer to Hub telephone numbers in Appendix A.)

You also may contact Aretha Williams, Director, Grant Policy and Management Division, Room 6138, at (202)–708–2866 x2480 or Faye Norman, Housing Project Manager at (202) 708–2866 x2482 for questions regarding the ALF process. This is not a toll free number. Ms. Williams can be reached, by e:mail, at "aretha_m. williams@hud.gov" and Ms Norman at "faye_l._norman@hud.gov. Both Ms. Williams and Ms. Norman are located at the Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

If you have a hearing or speech impairment, you may access the telephone number via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

II. Amount Allocated

This NOFA makes available approximately $75,000,000 ($67,500,000 for the physical conversion of eligible multifamily assisted housing projects or portions of projects to ALFs and $7,500,000 for the conversion of up to 3 unused or underutilized commercial properties to ALFs). The FY 2001 funding of $50 million is in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act. The $75 million includes $25 million in carryover funds. The allocation formula used for the ALCP to fair share the $67,500,000 reflects demographic characteristics of age and incidence of frailty that would be expected for program participants. The Fiscal Year (FY) 2001 formula consists of three data elements from the 1990 decennial census:

(1) The number of non-institutional elderly population aged 75 years or older with a self-care limitation,

(2) The number of non-institutional elderly population aged 75 or older with a mobility limitation, and,

(3) The number of the non-institutional elderly population aged 75 or older with both a mobility limitation and a self-care limitation. The data were taken from the 1990 Census Special Tabulation on Aging, STP–14, sponsored by the Administration on Aging, U.S. Department of Health and Human Services.

A mobility limitation is defined as a health condition that has lasted for six (6) or more months, making it difficult for the person to go outside the home alone. This includes outside activities such as shopping or visiting the doctor's office. A self-care limitation is defined as a health care limitation that has lasted for six (6) months or more which makes it difficult for the person to take care of his/her own personal needs such as dressing, bathing, or getting around in the home.

A fair share factor for each state was developed by taking the sum of the three elements within each state as a percentage of the sum of the three elements for the total United States. The resulting percentage for each state was then adjusted to reflect the relative difference in the cost of providing housing among the states. The total of the grant funds available ($67.5 million) was multiplied by the adjusted fair share percentage for each state, and the resulting funds for each state were totaled for each Hub.

The ALCP grant funds fair share allocations, based on the formula above, to the 18 multifamily Hubs are as shown on the following chart:

FISCAL YEAR ALLOCATION 2001 FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) OF ELIGIBLE ASSISTED MULTIFAMILY PROJECTS

HUB	Grant authority
Boston	$4,004,982
Buffalo	1,916,188
New York City	4,394,919
Philadelphia	7,727,208
Baltimore	2,669,073
Greensboro	2,781,980
Atlanta	4,763,164

FISCAL YEAR ALLOCATION 2001 FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) OF ELIGIBLE ASSISTED MULTIFAMILY PROJECTS—Continued

HUB	Grant authority
Jacksonville	6,167,612
Chicago	4,904,037
Columbus	2,572,294
Detroit	2,371,122
Minneapolis	2,333,387
Fort Worth	5,244,696
Kansas City	4,052,235
Denver	1,325,512
Los Angeles	4,108,700
San Francisco	4,072,910
Seattle	2,089,981
Total	67,500,000

III. Program Description; Eligible and Ineligible Applicants, Developments, and Activities

(A) *Program Description.* Assisted living facilities (ALF) are designed to accommodate frail elderly persons and people with disabilities who need certain support services (e.g., assistance with eating, bathing, grooming, dressing and home management activities). ALFs must provide support services such as personal care, transportation, meals, housekeeping, and laundry. Frail elderly person means an individual 62 years of age or older who is unable to perform at least three activities of daily living (ADLs) as defined by the regulations for HUD's Section 202 Program (Supportive Housing for the Elderly) at 24 CFR 891.205.

Assisted living is defined in section 232(b)(6) of the National Housing Act (12 U.S.C. 1715w). The ALCP provides funding for the physical costs of converting some or all of the units of an eligible multifamily development into an ALF, including the unit configuration, common and services space and any necessary remodeling, consistent with HUD or the State's statute/regulations (whichever is more stringent).

Typical funding will cover basic physical conversion of existing project units, common and services space. There must be sufficient community space to accommodate a central kitchen or dining facility, lounges, recreation and other multiple-areas available to all residents of the project, or office/staff spaces in the ALF. When food is prepared at an off-site location, the preparation area of the facility must be of sufficient size to allow for the installation of a full kitchen, if necessary. You must provide supportive services for the residents either directly or through a third party. Your application must include a firm commitment for the supportive services to be offered within the ALF as part of the application. You may charge assisted living residents for meals and/or service fees. Residents may contract with third party agencies directly for nursing, therapy or other services not offered by the ALF.

(B) *Program Requirements.* The following program requirements apply: (Note: For applications requesting funds to convert commercial facilities, except (3), (8)(a) and (b), and (12):

(1) Your ALF facility must be licensed and regulated by the State (or if there is no State law providing such licensing and regulation, by the municipality or other subdivision in which the facility is located). Each assisted living unit must include its own kitchen, bathroom, living/dining area (1 bedroom unit) or bedroom/living/dining area (efficiency unit) and must meet the state and/or local licensing, building, zoning and other requirements for an ALF.

(2) Your ALF must be available to qualified elderly persons and persons with disabilities, consistent with the rules and payment plans of the State, who need and want the supportive services in order to remain independent and avoid premature institutionalization.

(3) Your ALF's residents must be tenants or residents of the multifamily project and must comply with the requirements applicable to the project. Thus, you cannot charge additional rent over what is charged to residents in the non-ALF portion of the project. All admissions to the ALF must be through the applicable project admissions office. However, persons accepted into the ALF also must sign an ALF admissions agreement which shall be an addendum to the applicable project lease.

(4) At a minimum, your ALF must provide room, board (as defined in Section III(B)(6)) of this NOFA) and continuous protective oversight (CPO). CPO involves a range of activities and services that may include such things as awareness by management and staff of the occupant's condition and location as well as an ability to intervene in a crisis for dependent and relatively independent occupants on a 24-hour basis. The two occupant groups in an ALF are:

(a) *Independent Occupants:* Awareness by management and staff of the occupant's condition and whereabouts as well as the availability of assistance for the occupants as needed.

(b) *Dependent occupants:* Supervision of nutrition, assistance with medication and continuous responsibility for the occupants' welfare.

(5) Anyone moving into an ALF unit must agree to accept as a condition of occupancy the board and services required for the purpose of complying with state and local law and regulation. *However, occupancy in an ALF unit may not be conditioned on receipt of other services or board not required by state or local requirements.*

(6) Your ALF must offer three meals per day to each resident.

(a) Residents in projects which were originally constructed without kitchens in their units must take such meals as required by their mandatory meals agreement, or by the state's mandated requirements if more stringent (e.g., 2 meals, 2 snacks daily).

(b) Residents whose apartments have kitchens must take at least the number of meals a day provided by the facility, per their mandatory meals requirement, or as required by state or local rules, if more stringent. If the facility does not have a mandatory meals plan, then state and local rules govern.

In either case, ALF management must coordinate meals requirements with the needs of residents who are out part of the day, e.g., in day care. The meals program may not be operated at a profit by the project owner.

(7) Your ALF's operation must be part of the project owner's management organization. Some or all of its functions may be contracted out. The ALF must predicate its budget on a two-tiered structure under which board and supportive service income and expenses must be maintained separately and independently from the regular income and expenses of the applicable project. The two components of ALF costs are:

(a) Charges/payment for board, which may be on a sliding scale or any other equitable fee system; and

(b) Charges/payment for necessary supportive services, which may include a combination of resident fees, Medicaid and/or other third party payments.

(8) Priority admissions for ALF units are as follows:

(a) Current residents desiring an ALF unit and meeting the program requirements (no resident can be required to accept an ALF unit).

(b) Qualified individuals or families needing ALF services who are already on the project's waiting list;

(c) Qualified individuals or families in the community needing ALF services wanting to be added to the project's waiting list; and

Note: Qualified physically disabled non-elderly persons needing assisted living services are eligible to occupy these units on the same basis as elderly persons, except for

section 202 PRAC projects and unused/underutilized commercial properties.

(9) The management of the project must set up a separate waiting list for ALF units. ALF units must be for eligible residents who meet the admissions/discharge requirements as established for assisted living by State and local licensing, or HUD frailty requirements under 24 CFR 891.205 if more stringent.

(10) Costs of meals and supportive services are NOT covered by this HUD grant. These items must be paid for through other sources, e.g., a mix of resident fees and/or third party providers. Evidence of third party commitment(s) must be included as part of the application. (See Section IV(B) of this NOFA.) The assisted living supportive services program must promote independence and provide personal care assistance based on individual needs in a home-like environment (see Section VI(B)(8)(b) through (c) of this NOFA).

(11) Upon receipt of a grant under this program, all project owners participating in the ALCP must provide a Declaration of Restrictive Covenants (DRC), which will be recorded with the land, to retain the low income character of the housing, and to maintain the project (including the ALF), as a moderate, low, or very low income facility (as appropriate) for at least 20 years beyond the current 40-to-50 year term of the mortgage loan or capital advance. Recipients of grant funds to convert unused or underutilized commercial property must provide a DRC for at least 20 year or for the term of the mortgage on the property whichever is longer.

(12) This program does NOT allow permanent displacement of any resident living in the project at the time the application was submitted to HUD. (HUD will only provide temporary relocation costs for current tenants if they must vacate their unit while conversion work is underway (normal temporary relocation costs include increases in rent, reconnection of telephones, moving costs and appropriate out-of-pocket expenses)).

(13) The ALCP requires service coordination responsible for linking the ALF to services in the community which are available to low income persons. All projects funded under this NOFA must have sufficient service coordination in place, or request additional funds if appropriate, to ensure that services meeting licensing requirements are available to ALF residents on an ongoing basis. Service coordination must be described in the application (see Section VI(B)(8)(b) through (c) of this NOFA). If you need to enhance an existing service coordination program or add one where it does not exist, you may apply for funding through the Service Coordinator NOFA, published elsewhere in this SuperNOFA , and attach a copy of the Form HUD 424M so indicating the request to the ALCP application. Alternatively, you may show evidence that funding for the enhanced service coordination is provided by other sources and indicate such funding on the HUD Form 424M which is exhibit 10(c) of your ALF application. If you are funded under this NOFA and requested new or enhanced service coordination you will be funded first under the service coordinator NOFA.

Note: If you are a Section 202 PRAC project owner or an owner with unused or underutilized commercial properties, you are NOT eligible to request funding under the service coordinator NOFA. Section 202 PRAC owners can pay for the service coordinator out of PRAC funds.

In addition to above requirements, the following applicable guidelines are stated:

(a) The ALF must be staffed either directly or through coordination with local agencies, depending on state regulations or local requirements. These may also serve non-ALF residents of the project on a time available and appropriate fee basis.

(b) The ALF may cater to the special needs of residents depending on the condition or diagnosis, such as Alzheimer's disease. If it does so, the design/environment of such facilities must accommodate those needs, e.g., dementia special care unit. However, the ALF CANNOT provide a service it is not licensed by the State or locality to provide.

Note 1: Owners of section 202/PRAC projects are reminded that they may include a PRAC payment of up to $15/unit/month not to exceed 15% of the total program cost, consistent with 24 CFR 891.225(b)(2) to cover part of the cost of meals and/or supportive services for frail elderly residents, including residents of the ALF.

Note 2: Training for ALF staff is an eligible project cost under existing operating procedures.

For further information on ALFs, please refer to Handbook 4600.1, CHG–1, "Mortgage Insurance for Residential Care Facilities," Chapter 13. This Handbook and recent ALF program Notices are accessible through HUDCLIPS on HUD's web site. The URL for the HUDCLIPS Database Selection Screen is http://www.hudclips.org/subscriber/cgi/legis.cgi. These notices are in the Handbooks and Notices—Housing Notices database. Enter only the number without the letter prefix (e.g., 99–16) in the "Document number" to retrieve the program notice.

For further guidance on service coordinators, please refer to Handbook 4381.5 REV–2, CHANGE–2, Chapter 8, "The Management Agent's Handbook," which is also available through the HUDCLIPS database.

(C) *Eligible Applicants.* Only nonprofit owners of eligible multifamily assisted housing developments specified in Section 683(2) (B), (C), (D), (E), and (F) of the Housing and Community Development Act of 1992 and nonprofit owners of an unused or underutilized commercial property are eligible for funding. To be eligible, project owners must meet the following criteria where applicable:

(1) Must be in compliance with your Loan Agreement, Capital Advance Agreement, Regulatory Agreement, Housing Assistance Payment contract, Project Rental Assistance Contract, Rent Supplement or LMSA contract, or any other HUD grant or contract document.

(2) Must be in compliance with all fair housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a). See Section V(B) of this NOFA for further explanation.

Note: If your eligibility status changes during the course of the grant term, making it ineligible to receive the grant (e.g., prepayment of mortgage, sale/TPA of property, or opting-out of a Section 8 Housing Assistance Payment (HAP) contract), HUD retains the right to terminate the grant and recover funds made available through this NOFA.

(D) *Eligible Developments.* (1) Section 202 projects, Section 202 projects receiving rental assistance under Section 8, and Section 202 projects receiving project rental assistance under Section 202(C)(2). Rural housing projects assisted under Section 515 of the Housing Act of 1949 receiving Section 8 rental assistance are also included as are projects receiving project-based rental assistance. Projects receiving project-based rental among others, housing constructed, substantially rehabilitated or receiving moderate rehabilitation assistance under Section 8. Also included are housing financed by a below-market interest rate loan or insured mortgage under Section 221(d)(3) of the National Housing Act of housing insured, assisted or held by HUD or a State or State Agency under Section 236 of the National Housing Act that have been in occupancy for no less than five years since the date of the HUD–2485 Form "permission to occupy" permit and have completed Final Closing. Your project must:

(a) Meet HUD's Uniform Physical Conditions Standards at 24 CFR part 5, subpart G. Meeting these standards as described, means that the project, based on the most recent Real Estate Assessment Center (REAC) physical inspection report and responses thereto, must have a "satisfactory" rating as evidenced by a score of 60 or better or a HUD-approved and on schedule repair plan for developments scoring less than 60. Additionally, the project must have no uncorrected and outstanding Exigent Health and Safety violations. Finally, the project must not have on file a management review with a rating of "minimally satisfactory" or "unsatisfactory" with open and unresolved findings.

(b) Have a residual receipts account separate from the Reserve for Replacement account, or agree to establish this account as a condition for getting the award(s).

(2) Unused and underutilized commercial properties.

(E) *Ineligible Applicants.* (1) Owners of developments designed specifically for people with disabilities.

(2) Owners of Section 232 developments.

(3) Property management companies and agents of property management companies.

(4) Limited dividend partnerships.

(F) *Eligible Conversion Activities.* Eligible activities are:

(1) Retrofitting to meet Section 504 accessibility requirements, minimum property standards for accessibility and/or building codes and health and safety standards for ALFs in that jurisdiction. Examples are items such as addition of:

(a) Sprinkler systems;

(b) An elevator or upgrades thereto;

(c) Lighting upgrades;

(d) Major physical or mechanical systems of projects necessary to meet local code or assisted living requirements;

(e) Upgrading to accessible units for the ALF with moveable cabinetry, accessible appliances, sinks, bathroom and kitchen fixtures, closets, hardware and grab bars, widening of doors, etc.

(f) Upgrades to safety and emergency alert systems;

(g) Addition of hallway railings; and,

(h) Medication storage and work stations;

(2) Retrofitting to add, modify and/or outfit common space, office or related space for ALF staff including a service coordinator and file security, and/or a central kitchen/dining facility to support the ALF function (e.g., outfit lounge/common space/dining furniture, kitchen equipment for cooking/serving and dishware).

(3) Retrofitting to upgrade a regular unit to an accessible unit for a person/family with disabilities who is being displaced from an accessible unit in the portion of the project that is being converted to the ALF, where another accessible unit is not available.

(4) Temporary relocation; (Not applicable to commercial property)

(5) Consultant, architectural and legal fees, and,

(6) Vacancy payments not more than 30 days after conversion to an ALF.

(G) *Ineligible Activities.* You may not use funds available through this NOFA to:

(1) Add additional dwelling units to the existing project; (Not Applicable to commercial property)

(2) Pay the costs of any of the necessary direct supportive services needed to operate the ALF;

(3) Purchase or lease additional land;

(4) Rehabilitate (see definition at 24 CFR 891.105) the project for needs unrelated directly to the conversion of units and common space for assisted living;

(5) Use the ALCP to reduce the number of accessible units in the project that are not part of the ALF; (Not applicable to commercial property);

(6) Permanently relocate any resident out of the project; and,

(7) Increase the management fee.

IV. Program Requirements

Each applicant must comply with the following requirements:

(A) *Statutory, Regulatory,and Other Program Requirements.* You must comply with all applicable statutory requirements to the projects specified in Section 202(b) and statutory requirements under Section 232(b)(6). Please note that all ALCP projects must conform to the 500-year flood plain limitation (See Section VII of this NOFA.) Construction of ALCP units is considered a "critical action" for purposes of the flood plain requirement.

Excess Residual Receipts (over $500/unit) and Reserve for Replacement (R4R) funds (over $1000/unit) in Project Accounts that are not approved for another use at the time of application to HUD under this NOFA are considered available funds and must be applied towards the cost of conversion activities. Before making this determination, however, HUD staff will consider the extent of repair/replacement needs indicated in the most recent REAC physical inspection and not yet approved and any ongoing commitments such as non-grant-based service coordinator or other funding, where existing, deduct the estimated costs of such items from the R4R and residual receipts balances to determine the extent of available residual receipts and R4R funds for the ALCP. (This paragraph is not applicable to commercial properties.)

If funded, you must also file a HUD Form–2530 for all construction contractors, architects, consultants, and service provider organizations under direct contract with you that will be engaged under this NOFA and comply with all State and local licensing, zoning and building code requirements.

(B) *Meals and Supportive Services.* You must develop and submit a Supportive Services Plan (SSP) for the services and coordination of the supportive services which will be offered in the ALF to the appropriate State or local organization(s) which are expected to provide those supportive services. (See Section VI(B)(8) of this NOFA below, for the information which must be in the SSP.) You must submit one copy of your SSP to each appropriate State or local service funding organizations well in advance of the application deadline, for appropriate review. The State or local funding organization(s) must return the SSP to you with appropriate comments and indication of funding commitment, which you will then include with the application you submit to HUD.

You must ALSO submit the SSP to the appropriate organization(s) which license ALFs in your jurisdiction. The licensing agency(ies) must approve your plan, and must also certify that the ALF and the proposed supportive services identified in your SSP, are consistent with local statute and regulations and well designed to serve the needs of the frail elderly and people with disabilities who will reside in the ALF portion of your project.

Finally, you must also submit an agreement to pursue appropriate ALF licensing in a timely manner.

(C) *Minimum Size Limits for an ALF.* An ALF must be economically feasible. Consistent with HUD Handbook 4600.1, CHG–1, the minimum size for an ALF is five units.

(D) *Economic Opportunities for Low and Very Low income Persons (Section 3).* You must comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low Income Persons), and its implementing regulations at 24 CFR part 135. You must ensure that training, employment and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very low income persons and including people with disabilities.

(E) *Compliance with Fair Housing and Civil Rights Laws.* If you, the applicant (a) have been charged with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination; (b) are the defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or (c) have received a letter of noncompliance findings under Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, or section 109 of the Housing and Community Development Act of 1974, your application will not be evaluated under this NOFA if, the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the Department before the application deadline, HUD's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

(F) *Additional Nondiscrimination Requirements.* As you will be converting some of your project to an ALF, you should note that 24 CFR 891.120(b) requires you to meet all accessibility requirements.
Additionally, you must comply with the section 504 regulations at 24 CFR part 8, the Americans with Disabilities Act and the regulations at 24 CFR part 36, as applicable.

V. Application Selection Process

(A) *Review for Curable Deficiencies.* You should ensure that your application is complete before submitting it to HUD.

HUD will screen all applications received by the deadline for curable deficiencies. With respect to correction of deficient applications, HUD may not, after the application due date and consistent with HUD's regulations in 24 CFR part 4, subpart B, consider any unsolicited information an applicant may want to provide. HUD may contact an applicant to clarify an item in the application or to correct technical deficiencies. Please note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of a response to any selection factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. *Examples* of curable (correctable) technical deficiencies include failure to submit the proper certifications or failure to submit an application that contains an original signature by an authorized official. In each case, under this NOFA, the appropriate HUD Multifamily Hub Office will notify you in writing by describing the clarification or technical deficiency. You must submit clarifications or corrections of technical deficiencies in accordance with the information provided by the Hub Office within 14 calendar days of the date of receipt of the HUD notification. (If the due date falls on a Saturday, Sunday, or Federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or Federal holiday.) If the deficiency is not corrected within this time period, HUD will reject the application as incomplete, and it will not be considered for funding. The following is a list of the deficiencies that will be considered curable in ALCP applications:

Exhibits

(1)(a) Application Summary Sheet
*(b) Articles of Incorporation, or certification of Articles of Incorporation
*(c) By-laws, or certification of by-laws
3—Evidence of occupancy for at least five years (Not applicable to commercial facilities)
5(c)—Original project plans
5(h)—Relocation (Not applicable to commercial property)
7—Evidence of Permissive Zoning
8(g)—Support Letters from Governmental Agencies that License ALFs
(10) *Certifications and Forms*
(a) Standard Form 424, Application for Federal Assistance
(b) Standard Form 424D, Assurances Construction Programs
(c) Form HUD 424M, Federal Assistance Funding Matrix
(d) Form HUD–50070, Drug-free Workplace
(e) Form HUD–50071, Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities
(f) Form HUD 2880, Applicant/Recipient Disclosure/Update Report, including Social Security and Employment Identification numbers
(g) Form HUD–2992, Certification Regarding Debarment and Suspension,
(h) Form HUD–2991, Certification of Consistency with the Consolidated Plan (Plan), for the Jurisdiction in which the Proposed ALF will be located.
(i) Executive Order 12372 Certification, a certification that you have submitted a copy of your application, if required, to the State agency (single point of contact) for State review in accordance with Executive Order 12372.
(j) Certification of Residual Receipts Account
(k) Conflict of Interest Certification
(l) Certification for ALF
(m) Combined Certification

The appropriate Hub Office will notify you in writing if your application is missing any of the exhibits listed above and you will be given 14 days from the date of receipt of the HUD notification to submit the information required to cure the noted deficiencies. The exhibits identified by an asterisk (*) must be dated on or before the application deadline date. If not so dated the application will be rejected.

After the completeness review, HUD staff will review your application to determine whether the application meets the threshold requirements listed below. Only if your application meets all the threshold requirements is it eligible to be rated and ranked.

(B) *Threshold Review.* In order to pass threshold, you must:

(1) Be in compliance with all fair housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a), and as noted earlier in this NOFA under Sections III(B)(2) and IV(E).

(2) Be an eligible applicant.

(3) Not request more funds than advertised.

(4) Additionally, HUD will also reject your application if the SSP and/or commitment and support letter(s) from the appropriate funding organizations and the appropriate licensing agency(ies):

(i) Are not submitted with your application;

(ii) Indicate that the ALF units, facilities, meals and supportive services to be provided are not designed to meet the special needs of the residents who will reside in the ALF as defined in this NOFA,

(iii) Do not show commitment for funding the meals and supportive services proposed; or

(iv) Indicate that the project as proposed will not meet the licensing requirements of the appropriate State/local agency(ies).

(C) *Review Panels.* The Office of Housing's Multifamily Hubs will establish panels to review all eligible applications that have passed threshold. The panels may include knowledgeable persons not currently employed by HUD.

(D) *Rating of Applications.* (See paragraph below for selection of applications for commercial properties)

HUD staff teams will review and rate ALCP applications in accordance with the Ranking and Selection procedures (see Section V(E) of this NOFA below). All applications will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, it will be rated according to the rating selection factors in Section V(F) of this NOFA. HUD reserves the right to reduce the amount requested in the application if any proposed components are ineligible or if the cost of items is not deemed reasonable.

HUD will *NOT* reject an ALCP application based on technical review without notifying you of that rejection with all the reasons for the rejection, and providing you an opportunity to appeal. As discussed above, you will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the Multifamily Hub where the applications were sent originally. HUD staff will make a determination on an appeal before finalizing selection recommendations.

(E) *Ranking and Selection Procedures.* ((E)(1)–(4) not applicable to applicants of commercial properties)

Applications submitted in response to this NOFA that are eligible, pass threshold and have a total score of 70 points (or more) are eligible for ranking and selection. (Except applications for conversion of commercial properties with a score of at least 70 points will not be ranked but will be submitted to HUD Headquarters for selection.)

(1) Hub staff teams will be established for ALCP review in each Hub to do the application ratings (see Section V(D) above). See list of Hubs in Appendix A of this NOFA.

(2) From within this rank order, Hub staff teams in each of the 18 Hubs will select the highest ranking applications from within that Hub in order, that can be funded from within the dollars available.

(3) After making the initial selections, however, Hubs may use any residual funds to select the next rank-ordered application by reducing the dollars requested by no more than 10 percent (10%) and reducing the number of units proposed, but in no case reducing the number of units below the financial threshold feasibility of five ALF units.

(4) Funds remaining after these processes are completed will be returned to HUD Headquarters. HUD will use these funds to restore units to any project reduced as a result of using the residual grant funds in a Hub. Secondly, HUD will use these funds for selecting one or more additional applications based on the Hubs rating and rankings, beginning with the highest rated application within the 18 Hubs. Only one application will be selected per Hub from the national residual amount. If there are no approvable applications in other Hubs, the process will begin again with the selection of the next highest rated application within the remaining Hubs. This process will continue until all approvable applications are selected using the available remaining funds. If there is a tie score between two or more applications, and there are insufficient residual funds to cover all tied applications, HUD Headquarters staff will choose the winning application(s) by lottery and/or reduction of grant requests consistent with the instructions above.

(5) Up to 3 applications will be selected using the $7.5 million set-aside to provide grant funds to nonprofit applicants proposing to convert *unused or underutilized commercial property into assisted living.* HUD Multifamily Hubs will review applications for commercial properties for completeness and compliance with the eligibility criteria set forth in Section III of this NOFA. Hub staff will forward applications to Headquarters providing the application was received by the deadline date, meets all eligibility criteria, proposes reasonable costs for eligible activities, and includes all technical corrections by the designated deadline date. Headquarters will select no more than 3 applications on a first-come, first-served basis that can be funded within the $7,500,000 available. Since applications are due from February 26, 2001, to June 21, 2001, selections may be announced and published in the **Federal Register** prior to June 21, 2001.

Note: Only applications that can be fully funded will be selected. If an application that cannot be fully funded is selected, it will be discarded and another application selected until an applicant is selected that is within the available remaining funds. Any remaining funds after this selection process will be returned to the funds allocated for eligible multifamily assisted projects.

(F) *Factors For Award Used To Evaluate and Rate Applications.* HUD will rate ALCP applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements identified in Section VI(B) of this NOFA, below. The maximum number of points an application may receive under this program is 100.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (15 Points)

This factor addresses your capacity to carry out the conversion in a timely, cost-conscious and effective manner. It also reviews your experience with the supportive services which the ALF intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing and on-site health care. Submit information responding to this factor in accordance with Application Submission Requirements in Section VI(B)(5)(a), (8)(h), and (2)(d) of this NOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to carry out a successful conversion of the project and to implement the plan to deliver the supportive services on a-long term basis, considering the following:

(1) (7 points) The practicality of your plan and timetable to carry out the physical conversion of the development to the ALF.

(2) (8 points) Your past experience in providing or arranging for supportive services either on or off site for those who are frail. (If you are applying to convert an unused or underutilized commercial facility to assisted living and you do not own or operate a project with frail elderly residents, you must provide information on any past experience in providing or arranging supportive services for those who are frail.) Examples are: Meals delivered to apartment of resident or in a congregate setting (1 point), arranging for or providing personal care (2 points), providing 24-hour staffing (1 point), providing or making available on-site preventive health care (2 points) and other support services (1 point).

Rating Factor 2: Need/Extent of the Problem (25 Points)

This factor addresses the extent to which the conversion is needed by the categories of elderly persons and persons with disabilities that the ALF is intended to serve (very low income - elderly persons and people with disabilities who have limitations in three or more activities of daily living). The application must provide evidence of current needs among project residents (not applicable to applications proposing to convert unused or underutilized commercial facilities) and needs of potential residents in the housing market area for such persons including economic and demographic information on very-low income frail elderly and people with disabilities and information on current assisted living resources in the market area.

The factor also addresses your inability to fund the repairs or conversion activities from existing financial resources. In making this determination, HUD will consider project financial information or the organization's financial information for unused or underutilized commercial facilities. The Department will also review more favorably those applications which establish a connection between the proposed ALF and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. Submit information responding to this factor in accordance with Application Submission Requirements in Section VI(B)(4)(a) through (d), (2)(c) and (9)(a) through (c) of the NOFA. In evaluating this factor, HUD will consider:

(1) (10 points) The need for assisted living among the elderly and disabled residents of the project taking into consideration those currently in need and the depth of future needs given aging in place. (Not applicable to applications to convert unused or underutilized commercial facilities to assisted living).

(2) (5 points (15 points for applications to convert unused or underutilized commercial facilities to assisted living.)) The need for assisted living among very-low income elderly persons and people with disabilities in the housing market area.

(3) (10 points) Insufficient funding for any needed conversion work, as evidenced by the project's financial statements and specifically the lack of excess reserve for replacement dollars (R4R) and residual receipts. If the available R4R and residual receipts are less than 10% of the total funds needed—10 points; if the available R4R and residual receipts are 10–50% of need = 5 points; and, if the available R4R and residual receipts are 51% or more of the total funds of needed = 0 points). For commercial properties, if the available working capital exceeds 10 percent of the total conversion = 5 points; if the working capital is less than 10 percent of the total conversion = 10 points.

Rating Factor 3: Soundness of Approach (25 Points)

This factor addresses the quality and effectiveness of your proposal in addressing the proposed conversion, effectiveness of service coordination and management planning and the meals and supportive services which the ALF intends to provide. There must be a relationship between the proposed activities, the project's and the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in Section VI(B)(5)(b) through (e) and (h) and (7) and (B)(8))(a) through (e) and (g) and (h) of this NOFA.

In evaluating this factor, HUD will consider the following:

(1) (7 points) The extent to which the proposed ALF design will meet the special physical needs of frail elderly persons or persons with disabilities expected to be served at reasonable cost (consider the ALF design: meets needs = 7 points; ALF design partially meets needs = 3 points; and ALF design does not meet needs = 0 points).

(2) (7 points) The extent to which the ALF's proposed management and operational plan ensures that the provision of both meals and supportive services planned will be accomplished over time. (Consider ALF design/management plan: meets needs of management operations = 7 points; ALF design/management plan partially meets needs of management operations = 3 points; and ALF design/management plan does not meet needs of management operations = 0 points.)

(3) (5 points) The extent to which the proposed supportive services meet the anticipated needs of the frail elderly and disabled residents (consider Yes = 5 points; partially meets needs = 3 points; and, does not meet needs = 0 points); and

(4) (5 points) The extent to which the service coordination function is addressed and explained as onsite and sufficient, onsite and augmented or new, and addresses the ongoing procurement of needed services for the residents of the ALF (does meet = 5 points, partially meets = 3 points, does not meet = 0 points).

(5) (1 point) The extent to which there is an operating philosophy which promotes the autonomy and independence of the frail elderly persons it is intended to serve (is fully addressed = 1 point, no or not addressed = 0 points).

Rating Factor 4: Leveraging Resources (30 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD's grant funds to achieve program purposes. For the ALCP to succeed, you *MUST* generate local funding for the necessary supportive services to operate the ALF. HUD also encourages local funding for some of necessary conversion work, or other work needed in the project (*e.g.*, general modernization) which is *NOT* specifically linked to the ALF).

Submit information responding to this factor in accordance with Application Submission Requirements in Section VI(B)(5)(f), (g), and (B)(8)(f) of this NOFA.

(1) (25 points) The extent to which there are commitments for the funding needed for the meals and the supportive services planned for the ALF and that the total cost of the estimated budget of the ALF is covered. Consider 90% or more commitment for the total budget with no more than 10% general support = 25 points; 80–89.9% or more commitment for the total budget with no more than 20% general support = 17 points; 65–79.9% firm commitment with no more than 35% general support = 12 points; 40–64.9% firm commitment for the total budget with no more than 60% general commitment = 7 points; less than 40% firm commitment for the total budget with no more than 60% general support = 0 points.

(2) (3 points) The extent of local organizations' support which is firmly committed to providing at least 50 percent of the total cost of ALF conversion (consider 50% or more = 3 points, 20–49.9% = 2 points, and under 20% = 0 points).

(3) (2 points) The extent of local organizational support which is firmly committed to providing funds for additional repair or retrofit necessary for the project NOT specifically directed to activities eligible under this NOFA (consider yes = 2 points, no = 0 points).

Rating Factor 5: Comprehensiveness and Coordination (5 Points)

This factor addresses the extent to which you have evidenced general support for conversion by participating in your community's Consolidated Planning Process, involving the residents in the planning (not applicable to applications proposing to convert unused or underutilized commercial facilities) and are working toward addressing the need in a holistic and comprehensive manner through linkages with other activities in the community. Submit information responding to this factor in accordance with Application Submission Requirements in Section VI(B)(2)(a) through (d) of this NOFA.

(1) (3 points) The involvement of project residents (including minority residents) or their representatives, in the

development of the ALCP application, and your intent to involve residents, in the development and operation of the project and in relocation planning (Minus one (−1) point if not addressed); (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide information on the involvement of elderly persons in the development of the ALCP application, and your intent to involve residents, in the development and operation of the project.)

(2) (1 point) The extent to which you demonstrated that you have been actively involved (or if not currently active, the steps you will take to become actively involved) in your community's Consolidated Planning/AI processes to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project;

(3) (1 point) The extent to which you developed linkages with the community at large and the elderly and minority communities in particular and with other activities, programs or projects related to the proposed project to coordinate your activities so solutions are holistic and comprehensive.

VI. Application Submission Requirements

(A) *Application—General.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B). In cases where your (i) articles of incorporation and (ii) by-laws have NOT changed since the project was originally approved by HUD, self-certification to that effect—that the documents on file with HUD are current—is sufficient. Items in Section VI(B) for which self-certification of currency is possible are denoted by a "**".

In addition to the relief of paperwork burden in preparing applications, you will not have to submit certain new/recent information and exhibits you have previously prepared. See individual item descriptions, below to identify such items. An example of such an item may be the FY 2000 Annual Financial Statement.

(B) *General Application Requirements.*

(1) Application Summary for the Assisted Living Conversion Program and Evidence that you are a private non-profit organization or nonprofit consumer cooperative and have the legal ability to operate an ALF program, per the following:

(a) Articles of Incorporation, constitution, or other organizational documents, or self-certification of these documents, if there has been no change in the Articles since they were originally filed with HUD;**

(b) By-laws, (for non-profits) or self-certification of by-laws, if there has been no change in the by-laws since they were originally filed with HUD;**

(2) A description of your community ties and established linkages.

(a) A description of your links to the community at large and to the minority and elderly communities in particular; and

(b) A description of your efforts to involve elderly persons, including minority elderly persons and persons with disabilities in:

(i) The development of the application,

(ii) The development of the ALF operating philosophy,

(iii) Review of the application prior to submission to HUD; and

(iv) Your intent to involve elderly persons in the operation of the project or not.

Also, demonstrate that you made the application available to the residents of the project (in their language(s)) AND requested and considered comments from them (in their language(s)). Applicants of converted commercial facilities should indicate that the application will be made available to the residents of the project in their language(s) and will request and consider comments from them in their language(s).

(c) A description of your involvement in your community's Consolidated Planning and Analysis of Impediments to Fair Housing (AI) processes including:

(i) An identification of the lead/facilitating agency(ies) that organizes/administers the processes;

(ii) A listing of the Consolidated Plan/AI issue areas in which you participate;

(iii) The level of your participation in the processes, including active involvement with any neighborhood-based organizations, associations, or any committees that support programs and activities that enhance projects or the lives of residents of the projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the Consolidated Planning and AI processes. (Consult the local HUD Office for the identification of the Consolidated Plan community process for the appropriate area.)

(d) A description of the linkages that you have developed with other related activities, programs or projects in order that the development of the project provides a comprehensive and holistic solution to the needs of the target population.

(3) Evidence of your project being in occupancy for at least five years as of the date of application to HUD. (Not applicable to commercial facilities)

(4) A market analysis of the need for the proposed ALF units, including information from both the project and the housing market, containing:

(a) Evidence of need for the ALF by current project residents: (Not applicable to commercial facilities)

(i) A description of the demographic characteristics of the elderly residents currently living in the project, including the current number of residents, distribution of residents by age and sex, an estimate of the number of residents with frailties/limitations in activities of daily living and an estimate of the number of residents in need of assisted living services. (Not applicable to commercial facilities)

(ii) A description of the services which are currently available to the residents and/or provided on or off-site and what services are lacking; (Not applicable to commercial facilities)

(b) Evidence of the need for ALF units by very low income elderly and disabled households in the market area; a description of the trend in elderly and disabled population and household change; data on the demographic characteristics of the very low income elderly in need of assisted living services (age, race, sex, household size and tenure) and extent of residents with frailty/limitations in existed federally-assisted housing for the elderly (HUD and Rural Housing Service): and an estimate of the very low income elderly and disabled in need of assisted living taking into consideration any available State or local data.

(c) A description of the extent, types and availability and cost of alternate care and services locally, such as: home health care, adult day care, housekeeping services, meals programs, visiting nurses, on-call transportation services, health care and providers of supportive services who address the needs of the local low income population.

(d) A description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the ALF (covering items in Section VI(B)(4)(a) and (b) of this NOFA).

(5) A description of the physical ALF conversion, including the following:

(a) How you propose to carry out the physical conversion (including a timetable and relocation planning).

(b) A short narrative stating the number of units, special design features, community and office space/storage, dining and kitchen facility and staff space and the physical relationship to the rest of the project. Also, you must describe how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over at least the next 10 years.

(c) A copy of the original plans for all units and other areas of the development which will be included in the conversion. (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide a copy of the original plans of the facility).

(d) A description of the conversion must clearly address the following accessibility issues: All door openings must have a minimum clear opening of 32″; and, all bathrooms and kitchens must be accessible to and functional for persons in wheelchairs, according to the "Uniform Federal Accessibility Standards."

(e) Architectural sketches of the conversion to a scale of ¼ inch to one foot (¼″ = 1′–0″) that indicate the following:

(i) All doors being widened;

(ii) Typical kitchen and bathroom reconfiguration: show all wheelchair clearances, wall reinforcing, grab bars and elevations of counters and work surfaces;

(iii) Bedroom/living/dining area modification, if needed;

(iv) Any reconfigured common space;

(v) Added/reconfigured office and storage space;

(vi) Monitoring stations, and

(vii) The kitchen and dining facility.

All architectural modifications must meet section 504 and ADA requirements as appropriate.

(f) A budget showing at least estimated costs for materials, supplies, fixtures and labor for each of the items listed in Section VI(B)(5)(e), items i through vii, above.

(g) Include firm commitment letters with specific dollar amounts from appropriate organization(s) for conversion needs (within the scope of the ALF conversion NOFA) which will be supported by non-HUD funding.

(h) A description of any relocation of current tenants including a statement that: (Not applicable to commercial property applicants)

(i) Indicates the estimated cost of temporary relocation payments and other related services.

(ii) Identifies the staff organization that will carry out the relocation activities; and

(iii) Identifies all tenants that will have to be temporarily moved to another unit within the development OR from the development during the period that the physical conversion of the project is under way.

Note: If any of the relocation costs will be funded from sources other than the ALCP grant, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (*i.e.*, cost of conversion, temporary relocation, service coordinator and other project costs).

(6) A description of any retrofit or renovation which will be done at the project (with third party funds) that is separate and distinct from the ALF conversion. With such description, attach firm commitment letters from third party organizations in specific dollar amounts which will cover the cost of any work outside the scope of this NOFA.

(7) Evidence of permissive zoning, showing that the modifications to include the ALF into the project as proposed are permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for your belief that the proposed action will be completed successfully within six months of the date of grant award by HUD. e.g., a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.);

(8) A supportive services plan (SSP), a copy of which must be submitted to the appropriate state and/or local agency as instructed in Section IV(B) of this NOFA. For those applicants needing to contact state Medicaid offices, a list is provided on the Internet at "www.hcfa.gov/medicaid/scon1.htm". The fifth character from the end is the numeral "1", not the letter "l". The SSP must include:

(a) A description of the supportive services needed for the frail elderly the ALF is expected to serve. This must include at least (i) meals and such other supportive services required locally or by the State, and (ii) such optional services or care to be offered on an "as needed" basis.

Examples of both mandatory and optional services (which will vary from state to state) are: two meals and two snacks or three meals daily; 24-hour protective oversight; personal care; housekeeping services; personal counseling and transportation.

(b) A description of how you will provide the supportive services to those who are frail and have disabilities (i.e., on or off-site or combination of on or off-site), including an explanation of how the service coordination role will facilitate the adequate provision of such services to ALF residents, and how the services will meet the identified needs of the residents. Also indicate how you intend to fund the service coordinator role.

(c) A description of how the operation of your ALF will work. Address (i) general operating procedures, (ii) ALF philosophy and how it will promote the autonomy and independence of the frail elderly and persons with disabilities, (iii) what will the service coordination function will do and the extent to which this function already exists, or will be augmented or new, (iv) ALF staff training plans, and (v) the degree to which and *how* the ALF will relate to the day-to-day operations of the rest of the project.

(d) The monthly individual rate for board and supportive services for the ALF listing the total fee and components of the total fee for the items required by State or local licensing AND list the appropriate rate for any optional services you plan to offer to the ALF residents. Provide an estimate of the total annual costs of the required board and supportive services you expect to provide and an estimate of the amount of optional services you expect to provide.

(e) List who will pay for the board and supportive services, e.g., $____for meals by sponsor, $____ for housekeeping services by city government; $____for personal care by State Department of Health; $____ for ____ by state ____ program; $____ in fees by tenants; and, $____ by____.

The amounts and commitments from both tenants and/or providers must equal the estimated amounts necessary to cover the monthly rates for the number of people expected to be served. If you include tenant fees in the proposal, list and show any proposed scaling mechanism. All amounts committed/collected must equal the annualized cost of the monthly rates calculated by the expected percentage of units filled.

(f) A support/commitment letter from *EACH* listed proposed funding source per paragraph (e), above, for the planned meals and supportive services listed in the application. The letter must cover the total planned annual commitment (and multiyear amount total, if different), length of time for the commitment, and the amounts payable for each service covered by the provider/paying organization. There must be a letter from *EACH* participating organization listed in Section VI(B)(6)(e) of this NOFA, above.

(g) A support letter from *EACH* governmental agency(ies) which provides licensing for ALFs in that jurisdiction.

(h) A description of your relevant experience in arranging for and/or delivering supportive services to frail residents. (If you are applying to convert an unused to underutilized commercial facility to assisted living, provide information on your relevant experience in arranging for and/or delivering supportive services to frail elderly persons). The description should include any supportive services facilities owned/operated; your past or current involvement in any project-based programs that demonstrates your management capabilities. The description should include data on the facilities and specific meals and/or supportive services provided on a regular basis, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the services.

Note: If a funds request for service coordination for the ALF and/or the whole project is included as part of this application, the Form HUD–424M, indicating the dollars requested must be attached as Exhibit 10(c). Do NOT attach the whole service coordinator application.

(9) A description of your project's resources: (Not applicable to applicants of commercial property—(9)(a)–(b))

(a) A copy of the most recent project Repair and Replacement (R4R) account statement, and an R4R analysis showing plans for its use over the next five years, and any approvals received from the HUD field office to date

(b) A copy of the most recent Residual Receipts Account statement. Indicate any approvals for the use of such receipts from the field office for over $500/unit.

(c) Annual Financial Statement (AFS). If your FY 2001 AFS was due to REAC more than 120 days BEFORE the due date June 21, 2001 for this application, in the interest of reducing work burden, only include the date that it was sent to REAC. If the AFS was due to REAC 120 days or less from the due date (June 21, 2001) of this application, you MUST include a paper copy. For commercial properties, the most recent financial statement or annual report.

(10) *Forms, Certifications and Resolutions.* The following exhibits, forms, certifications and assurances are required:

(a) *Standard Form 424, Application for Federal Assistance* and indication of whether you are delinquent on any federal debt.

(b) *Standard Form 424D, Assurances, Construction Programs*

(c) *Form HUD–424M, Federal Assistance Funding Matrix.*

(d) *Form HUD–50070, Drug-free Workplace.* Certification to provide a drug-free workplace.

(e) *Form HUD–50071, Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities.* Certification of whether any of the funds received will be used to influence any federal transactions and disclosure of these activities, if applicable.

(f) *Form HUD–2880, Applicant/Recipient Disclosure/Update Report, including Social Security and Employment Identification numbers.* A disclosure of assistance from other government sources received in connection with the project.

(g) *Certification Regarding Debarment and Suspension (HUD–2992) (24 CFR 24.510).*

(h) *Form HUD–2991, Certification of Consistency with the Consolidated Plan (Plan),* for the jurisdiction in which the proposed ALF will be located. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth herein. The Plan regulations are published in 24 CFR part 91.

(i) *Executive Order 12372 Certification.* A certification that you have submitted a copy of your application, if required, to the State agency (single point of contact) for State review in accordance with Executive order 12372.

(j) *Certification of Residual Receipts Account.* If you do not have an existing residual receipts account you must agree to set up one as soon as there is surplus cash available, as a condition of getting this grant award.

(k) *A certified Board Resolution that no officer or director of the Owner has or will have any financial interest in any contract with the Owner* or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title, and the beginning and ending dates of each person's term.

(l) *Certification for ALF.* Certification that you agree to apply for an ALF license with due diligence and in a timely fashion (and that the conversion will NOT be a nursing home or an Intermediate Care facility).

(m) *Owner's Combined Certifications.*

(i) A certification of compliance with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing, and other certifications listed in the application.

(ii) Certification of Compliance with section 232 of the National Housing Act, as applicable, the Uniform Federal Accessibility Standards (24 CFR 40.7), section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990 for all portions of the development physically affected by this proposal;

(iii) Davis-Bacon. Certification of compliance with the Davis-Bacon requirements and the Contract Work Hours and Safety Standards Act as applied to this program. While it has been determined that Davis-Bacon does not apply statutorily to the ALCP, the Department has administratively determined that Davis-Bacon standards and overtime rates in accordance with the Contract Work Hours and Safety Standards Act will be adhered to in any ALCP conversion grant in which the total cost of the physical conversion to an ALF (and including any additional renovation work undertaken at the same time) is $500,000 or more (this includes ALCP grant funds, owner funds, or any third party funds loaned or granted in support of the conversion or other renovation for the project associated with this grant), AND in which the ALF portion of the project is 12 units or more.

VII. Environmental Requirements

Your ALCP application is subject to the National Environmental Policy Act of 1969 and applicable related Federal environmental authorities. (See 24 CFR part 50, as applicable.) An environmental review will be completed by HUD before the award of any grant under this program. Pursuant to 24 CFR Part 55, ALCP projects are critical actions for purposes of floodplain management review.

VIII. Authority

The Assisted Living Conversion Program is authorized by Title V, section 522 of the FY 2000 Departments of Veteran's Affairs, HUD and Independent Agencies Appropriations Act, 2000 (12 U.S.C. 1701q–2).

Appendix A.—HUD Field Office List for Mailing Assisted Living Conversion Program Applications

HUD—Boston Hub

Boston Office

Room 301, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Boston, MA 02222–1092, (617) 565–5234, TTY Number: (617) 565–5453

HUD—New York Hub

New York Office

26 Federal Plaza—32nd Floor, New York, NY 10278–0068, (212) 264–8000, TTY Number: (212) 264–0927

HUD—Buffalo Hub

Buffalo Office

Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203–1780, (716) 551–5755, TTY Number: (716) 551–5787

HUD—Philadelphia Hub

Philadelphia Office

The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, (215) 656–0600, TTY Number: (215) 656–3452

HUD—Baltimore Hub

Baltimore Office

Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201–2505, (410) 962–2520, TTY Number: (410) 962–0106

HUD—Greensboro Hub

Greensboro Office

Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (336) 547–4000, TTY Number: (336) 547–4055

HUD—Atlanta Hub

Atlanta Office

40 Marietta Street—Five Points Plaza, Atlanta, GA 30303–2806, (404) 331–5001, TTY Number: (404) 730–2654

HUD—Jacksonville Hub

Jacksonville Office

Suite 2200, Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202–5121, (904) 232–2626, TTY Number: (904) 232–2631

HUD—Chicago Hub

Chicago Office

Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–5680, TTY Number: (312) 353–5944

HUD—Detroit Hub

Detroit Office

Patrick V. McNamara Federal Building, 477 Michigan Avenue—17th Floor, Detroit, MI 48226–2592, (313) 226–7900, TTY Number: (313) 226–6899

HUD—Columbus Hub

Columbus Office

200 North High Street, 7th Floor, Columbus, OH 43215–2499, (614) 469–5737, TTY Number: (614) 469–6694

HUD—Minneapolis Hub

Minneapolis Office

220 Second Street, South, Minneapolis, MN 55401–2195, (612) 370–3000, TTY Number: (612) 370–3186

HUD—Ft. Worth Hub

Ft. Worth Office

801 N. Cherry Street, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 978–9000, TTY Number: (817) 978–9273

HUD—Kansas City Hub

Kansas City Office

Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5462, TTY Number: (913) 551–6972

HUD—Denver Hub

Denver Office

633 17th Street, Denver, CO 80202–3607, (303) 672–5440, TTY Number: (303) 672–5248

HUD—San Francisco Hub

San Francisco Office

Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 436–6550, TTY Number: (415) 436–6594

HUD—Los Angeles Hub

Los Angeles Office

611 West 6th Street, Suite 800, Los Angeles, CA 90017–3106, (213) 894–8000, TTY Number: (213) 894–8133

HUD—Seattle Hub

Seattle Office

Seattle Federal Office Building, 909 1st Avenue, Suite 200, Seattle, WA 98104–1000, (206) 220–5101, TTY Number: (206) 220–5105

Note: The first line of the mailing address for all offices is the U.S. Department of Housing and Urban Development. Telephone numbers listed are not toll free.

Appendix B

HUD—Boston Hub

Hartford Office

One Corporate Center, 19th Floor, Hartford, CT 06103–3220, (860) 240–4800, TTY Number: (860) 240–4665

Boston Office

Room 375, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Boston, MA 02222–1092, (617) 565–5234, TTY Number: (617) 565–5453

Manchester Office

Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101–2487, (603) 666–7681, TTY Number: (603) 666–7518

Providence Office

Sixth Floor, 10 Weybosset Street, Providence, RI 02903–2808, (401) 528–5230, TTY Number: (401) 528–5403

HUD—New York Hub

New York Office

26 Federal Plaza, New York, NY 10278–0068, (212) 264–8000, TTY Number: (212) 264–0927

HUD—Buffalo Hub

Buffalo Office

Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203–1780, (716) 551–5755, TTY Number: (716) 551–5787

HUD—Philadelphia Hub

Philadelphia Office

The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, (215) 656–0600, TTY Number: (215) 656–3452

Charleston Office

Suite 708, 405 Capitol Street, Charleston, WV 25301–1795, (304) 347–7000, TTY Number: (304) 347–5332

Newark Office

Thirteenth Floor, One Newark Center, Newark, NJ 07102–5260, (973) 622–7900, TTY Number: (973) 645–3298

Pittsburgh Office

339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2515, (412) 644–6428, TTY Number: (412) 644–5747

HUD—Baltimore Hub

Baltimore Office

Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201–2505, (410) 962–2520, TTY Number: (410) 962–0106

Washington, DC Office

820 First Street, NE, Suite 300, Washington, D.C. 20002–4205, (202) 275–9200, TTY Number: (202) 275–0772

Richmond Office

The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, (804) 278–4500, TTY Number: (804) 278–4501

HUD—Greensboro Hub

Greensboro Office

Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (336) 547–4000, TTY Number: (336) 547–4055

Columbia Office

Strom Thurmond Federal Building, 1835–45 Assembly Street, Columbia, SC 29201–2480, (803) 765–5592, TTY Number: (803) 253–3071

HUD—Atlanta Hub

Atlanta Office

Richard B. Russell Federal Building, 75 Spring Street, S.W., Suite 600, 40 Marietta Street—Five Points Plaza, Atlanta, GA 30303–3388 2806, (404) 331–5136 5001, TTY Number: (404) 730–2654

San Juan Office

Edificio Administracion de Terrenos, 171 Carlos Chardon Avenue, Suite 301, San Juan, PR 00918–0903, (787) 766–5400, TTY Number: (787) 776–5609

Louisville Office

601 West Broadway, P.O. Box 1044, Louisville, KY 40201–1044, (502) 582–5251, TTY Number: 1–800–648–6056

Knoxville Office

Third Floor, John J. Duncan Federal Building, 710 Locust Street, Knoxville, TN 37902–2526, (423) 545–4384, TTY Number: (423) 545–4559

Nashville Office

Suite 200, 251 Cumberland Bend, Nashville, TN 37228–1803, (615) 736–5213, TTY Number: (615) 736–2886

HUD—Jacksonville Hub

Jacksonville Office

Suite 2200, Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202–5121, (904) 232–2626, TTY Number: (904) 232–2631

Birmingham Office

Suite 300, Beacon Ridge Tower, 600 Beacon Parkway, West, Birmingham, AL 35209–3144, (205) 290–7617, TTY Number: (205) 290–7624

Jackson Office

Suite 910, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, MS 39269–1096, (601) 965–4700, TTY Number: (601) 965–4171

HUD—Chicago Hub

Chicago Office

Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–5680, TTY Number: (312) 353–5944

Indianapolis Office

151 North Delaware Street, Indianapolis, IN 46204–2526, (317) 226–6303, TTY Number: (317) 226–7081

HUD—Detroit Hub

Detroit Office

Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–7900, TTY Number: (313) 226–6899

Grand Rapids Office

Trade Center Building, 50 Louis Street, NW, Third Floor, Grand Rapids, MI 49503–2648, (616) 456–2100, TTY Number: (616) 456–2159

HUD—Columbus Hub

Columbus Office

200 North High Street, 7th Floor, Columbus, OH 43215–2499, (614) 469–5737, TTY Number: (614) 469–6694

Cleveland Office

Renaissance Building, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, (216) 522–4058, TTY Number: (216) 522–2261

HUD—Minneapolis Hub

Minneapolis Office

220 Second Street, South, Minneapolis, MN 55401–2195, (612) 370–3000, TTY Number: (612) 370–3186

Milwaukee Office

Suite 1380, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2289, (414) 297–3214, TTY Number: (414) 297–1423

HUD—Ft. Worth Hub

Little Rock Office

Suite 900, TCBY Tower, 425 West Capitol Avenue, Little Rock, AR 72201–3488, (501) 324–5931, TTY Number: (501) 324–5931

New Orleans Office

Ninth Floor, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3099, (504) 589–7200, TTY Number: (504) 589–7279

Ft. Worth Office

801 N. Cherry Street, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 978–9000, TTY Number: (817) 978–9273

Houston Office

Suite 200, Norfolk Tower, 2211 Norfolk, Houston, TX 77098–4096, (713) 313–2274, TTY Number: (713) 834–3274

San Antonio Office

Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, (210) 475–6800, TTY Number: (210) 475–6885

HUD—Great Plains

Des Moines Office

Room 239, Federal Building, 210 Walnut Street, Des Moines, IA 50309–2155, (515) 284–4512, TTY Number: (515) 284–4728

Kansas City Office

Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5462, TTY Number: (913) 551–5972

Omaha Office

Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, (402) 492–3100, TTY Number: (402) 492–3183

Saint Louis Office

Third Floor, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2836, (314) 539–6583, TTY Number: (314) 539–6331

Oklahoma City Office

500 West Main Street, Suite 400, Oklahoma City, OK 73102–2233, (405) 553–7401, TTY Number: 1–800–877–8339

HUD—Denver Hub

Denver Office

633 17th Street, Denver, CO 80202–3607, (303) 672–5440, TTY Number: (303) 672–5248

HUD—San Francisco Hub

Phoenix Office

Suite 1600, Two Arizona Center, 400 North 5th Street, Phoenix, AZ 85004–2361, (602) 379–4434, TTY Number: (602) 379–4464

San Francisco Office

Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 436–6550, TTY Number: (415) 436–6594

Honolulu Office

Suite 500, 7 Waterfront Plaza, 500 Ala Moana Boulevard, Honolulu, HI 96813–4918, (808) 522–8185, TTY Number: (808) 522–8193

HUD—Los Angeles Hub

Los Angeles Office

611 West 6th Street, Suite 800, Los Angeles, CA 90017–3106, (213) 894–8000, TTY Number: (213) 894–8133

HUD—Seattle Hub

Portland Office

400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1632, (503) 326–2561, TTY Number: (503) 326–3656

Note: The first line of the mailing address for all offices is the U. S. Department of Housing and Urban Development. Telephone numbers listed are not toll free.

Appendix C

The non-standard forms required for the ALCP application.

BILLING CODE 4210–32–P

Multifamily Housing
Assisted Living Conversion Program
APPLICATION SUMMARY SHEET

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Owner (Funds Recipient) Name _____

Address _____

_____

City _____ State _____ Zip _____

Phone (Include Area Code) _____

Grant Contact Person (Name) _____

Phone (Include Area Code) _____

E-mail address _____

List the specific development(s) targeted for assistance under this grant. Use additional sheets as needed.

Development Name _____

Address _____

_____

City _____ State _____ Zip _____

FHA/Project Number _____ Sec.8 Number _____

Project Type (e.g., 236) _____ No. of Units _____

Location (Urban, suburban, or rural) _____

Number of Residents _____ Estimated number of frail elderly _____

Estimated number of non-elderly people with disabilities _____

Estimated number of at-risk elderly _____

Are you applying for a Service Coordinator Grant? _____ Yes _____ No

Will this development share a service coordinator with other developments? _____ Yes _____ No
If yes, please give name and address of the development(s) if different.

_____

_____

_____

Senators [1]. _____ 2. _____

Congressional Representative(s) Name(s) 1. _____ District(s) 1. _____

2. _____ 2. _____

EXECUTIVE ORDER 12372
CERTIFICATION

_____
(Name of Owner)

certifies that:

____ (1) this application for a grant under the Assisted Living Conversion Program was submitted to the State of _____ on _____ for review,

or

____ (2) it contacted the State and a determination was made that the State review was not required.

Enclosed is a copy of the SF-424 which was sent with the application submitted to the State.

_____
(Signature of Authorized Official/Date)

Certification of Residual Receipts Account

_____
(Name of Owner/Borrower)

certifies that:

____ (1) it has an existing residual receipts account;

OR

____ (2) it will set up a residual receipts account as soon as there is surplus cash available, as a condition of receiving an ALCP grant.

_____
(Signature of Authorized Official/Date)

OWNER'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Assisted Living Conversion Program (ALCP) for Eligible Multifamily Housing Projects - Application for Grant

Owner:
Project Location:

WHEREAS, Section 202b of the Housing Act of 1959, as amended, authorizes the making of grants to owners of eligible multifamily housing projects designated for the elderly for conversion (in whole or in part) into assisted living facilities for elderly persons.

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the owner may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the owner from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the owner with its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the owner corporation, if different, certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some owners have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required owners Conflict of Interest and Disclosure Certifications until no later that 45 days after receipt by the owner of an approval letter for funding for a grant under the Assisted Living Conversion Program (ALCP) if such certifications are provided by all the owner's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of submission of the owner's ALCP application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after ALCP conversion projects have been selected and funds granted, it is hereby resolved and agreed by the Boards of Directors of the owner:

1. That both entities will submit updated Incumbency Certificates, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for the ALCP grant.

2. That no officer or director of the owner has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the grant will be subject to cancellation by HUD if the officers or directors of the owner fail to submit Conflict of Interest and Disclosure Certifications duly executed.

4. That no HUD ALCP grant will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the owner shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the owner's officers or directors, the owner will exercise its best efforts to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the owner on the _____ date of _____, _____.

_____
Authorized Signature

CERTIFICATION FOR ALF

_____
(Name of Owner)

certifies:

____ (1) That it agrees to apply for an ALF license with due diligence and in a timely fashion;

AND

____ (2) the conversion of some or all of the units in the following project will not result in a nursing home or intermediate care facility.

_____
(Name of Project/Project Number)

_____
(Project Address)

_____
(Signature of Authorized Official/Date)

OWNER'S COMBINED CERTIFICATION

The Owner, to the best of its knowledge and belief hereby assures and certifies that it will comply with the following:

(i) CERTIFICATION IN CONNECTION WITH THE DEVELOPMENT AND OPERATION OF AN ALF

The requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR Part 135, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing.

(ii) CERTIFICATION OF COMPLIANCE WITH SECTION 232 OF THE NATIONAL HOUSING ACT AND ACCESSIBILITY REQUIREMENTS

The requirements of section 232 of the National Housing Act, as applicable, the Uniform Federal Accessibility Standards (24 CFR 40.7), Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990, for all portions of the development physically affected by the subject proposal.

(iii) DAVIS-BACON

The Davis-Bacon Requirements and the Contract Work Hours and Safety Standards Act in any ALCP conversion grant in which the total cost of the physical conversion to an ALF (and including any additional renovation work undertaken at the same time) is $500,000 or more (this includes ALCP grant funds loaned or granted in support of the conversion or other renovation for the project associated with this grant), AND in which the ALF portion of the project is 12 units or more.

(iv) TRUTH AND ACCURRACY

The information provided to HUD in its application under the Assisted Living Conversion Program for Projects is true and accurate, to the best of its knowledge.

Signature of Authorized Certifying Official

Title

Applicant Organization

Date

WARNING

HUD will prosecute false claims and statements. (Convictions may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729 /FS3802).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SERVICE COORDINATORS IN MULTIFAMILY HOUSING

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR SERVICE COORDINATORS IN MULTIFAMILY HOUSING

Program Overview

Purpose of the Program. The purpose of this Service Coordinator program is to allow multifamily housing owners to assist elderly individuals and people with disabilities living in HUD-assisted housing and in the surrounding area to obtain needed supportive services from the community, in order to enable them to continue living as independently as possible in their own homes.

Available Funds. Approximately $24.2 million.

Eligible Applicants. Only owners of eligible developments may apply for and become the recipient of grant funds. Property management companies may administer grant programs but are not eligible applicants. See Section III for more detailed eligibility criteria.

Application Deadline: June 21, 2001.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original and two copies) is due on or before 6:00 pm, local time, on June 21, 2001 at the address shown below.

See the General Section of this SuperNOFA for specific procedures concerning the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. Appendix A to this program section contains a list of HUD Field Offices where you must send your application by the deadline. Please address your application to the Director, Multifamily Housing Hub or Program Center in your local HUD Field Office. You should not submit any copies of your application to HUD Headquarters.

For Application Kits. For an application kit, please call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Multifamily Housing Service Coordinator Program and provide your name, address (including zip code) and telephone number (including area code). An application kit also will be available on the Internet at http://www.hud.gov/grants.

For Further Information and Technical Assistance. You may contact your local HUD Field Office staff for questions you have regarding this program section of the SuperNOFA and your application kit. Please contact the Multifamily Housing Resident Initiatives Specialist or Service Coordinator contact person in your local Office. If you are an owner of a Section 515 development, contact the Multifamily HUB or Multifamily Program Center in the HUD Field Office that normally provides asset management to that development. If you have a question that the Field staff are unable to answer, please call Carissa Janis, Housing Project Manager, Office of Housing Assistance and Grants Administration, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6146, Washington, DC 20410; (202) 708–2866, extension 2487. (This number is not toll free). If you are hearing or speech impaired, you may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov/grants.

II. Amount Allocated

(A) *Available Funding.* This NOFA makes available approximately $ 24.2 million in Fiscal Year (FY) 2001 funding from the $50 million provided in the Housing for Special Populations account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Pub.L. 106–377, 114 Stat. 1441, approved October 27, 2000).

The amount of available funds has decreased from last year, due to an additional funding action required to correct a HUD error in processing FY 2000 applications. Ten eligible applications submitted to the Denver Multifamily Hub Office were not included in HUD Headquarters' final database of FY 2000 eligible applications. Had they been correctly included, they would have been selected to receive an award. To correct this error, HUD will fund the following ten applications from the current allocation, prior to making new awards:

Recipient name	Development name	City, State	Grant amt.
The Salvation Army, a California Corporation	The Salvation Army Westminster Adams Silvercrest	Denver, CO	$56,427
Redi Corporation	Redi II-V	Denver, CO	113,709
Sage Tower Retirement Apartments	Sage Tower Retirement Apartments	Billings, MT	43,566
Skyline Lodge, Inc	Skyline Lodge	Choteau , MT	82,603
Missoula Manor Homes	Missoula Manor Homes	Missoula, MT	103,055
Denver Metro Village, Inc	Metro Manor	Denver, CO	146,430
Martha's Terrace Housing Corporation	Martha's Terrace Apartments	Magna, UT	39,262
Multi-Ethnic East Housing Corporation	Preston Place	Salt Lake City, UT	72,914
Multi-Ethnic East Housing Corporation	Multi-Ethnic Senior Citizen Housing	Salt Lake City, UT	112,175
Converse County Senior Housing, Inc	Payne Plaza	Douglas , WY	44,308
Total			794,449

HUD will use the remaining $25 million appropriated this year to provide one-year extensions to expiring Service Coordinator and Congregate Housing Services Program grants.

HUD will first fund Service Coordinator costs in applications selected to receive an Assisted Living Conversion Program (ALCP) grant award. The Department estimates that approximately $5 million will be needed to fund these programs. The actual amount will be based upon demand and the number of applications that meet threshold criteria in both the ALCP and Service Coordinator programs. HUD will set-aside the

requested amount of ALCP/Service Coordinator funds prior to conducting the national lottery. Any funds not used for ALCP Service Coordinator programs will revert to the lottery to fund all other eligible applications submitted under this NOFA.

In FY 2000, HUD awarded 259 grants for a total of $28,374,263. Three of the 259 grants were awarded to ALCP grant recipients, for a total of $504,931.

(B) *Maximum Grant Award.* There is no maximum grant amount. The grant amount you request must be consistent with the staffing guidelines provided in the application kit and your proposed salary must be supported by evidence of comparable salaries in your area.

(C) *Reduction of Requested Grant Amounts.* You may be awarded an amount less than requested if:

(1) HUD determines that some elements of your proposed action plan are ineligible for funding;

(2) Insufficient amounts remain under the allocation to fund the full amount you requested, and HUD determines that partial funding is a viable option; or

(3) HUD determines that a reduced grant would prevent duplicative Federal funding.

(D) *Alternative Funding for Service Coordinators.* Owners may request processing under Housing's Management Agent Handbook 4381.5, REVISION–2, CHANGE–2, Chapter 8. This Handbook provides procedures for requesting funding for a coordinator using residual receipts, the budget-based rent increase process, contract rents adjusted by the Annual Adjustment Factor (AAF) or the Project Rental Assistance Contract (PRAC). Section 8 approvals must be consistent with current policy. Your local HUD Field Office staff may approve budget-based funding for a Service Coordinator at any time, as long as available funds in your budget allow for this increase. You are not required to apply for these grant funds prior to seeking budget-based funding for a Service Coordinator.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The Service Coordinator Program provides funding for the employment and support of service coordinators in insured and assisted housing developments that are designed for the elderly and persons with disabilities and continue to operate as such. Service coordinators help residents obtain supportive services from the community that are needed to enable independent living and aging in place.

A service coordinator is a social service staff person hired or contracted by the development's owner or management company. The coordinator is responsible for assuring that elderly residents, especially those who are frail or at risk, and those non-elderly residents with disabilities are linked to the supportive services they need to continue living independently in that development. All services should meet the specific desires and needs of the residents themselves. The service coordinator may not require any elderly individual or person with a disability to accept any specific supportive service(s).

You may want to review the Management Agent Handbook 4381.5 REVISION–2, CHANGE–2, Chapter 8 for further guidance on service coordinators. This Handbook is accessible through HUDCLIPS on HUD's web site at http://www.hudclips.org. The Handbook is in the Handbooks and Notices—Housing Notices database. Enter the Handbook number in the "Document Number" field to retrieve the Handbook.

As was the case in FY 2000, there is no minimum unit number for eligible developments. In proposing a Service Coordinator program at a small development, however, you must be careful to conform to the hiring guidelines provided in the application kit. Funding is also allowed to augment current Service Coordinator programs and to continue programs in cases where current or previous funding sources are no longer available. Please refer to Sections III.D and III.F, below.

The American Homeownership and Economic Opportunity Act of 2000 (signed December 27, 2000) expanded the scope of the Service Coordinator program. This Act now allows owners of eligible developments to provide service coordination to low-income elderly or disabled families living in the vicinity of the development. You have the option to serve such community residents as a part of your proposed program to provide coordination to current residents of an eligible development. The objective of this expanded authority is to help additional low-income elderly and disabled individuals age in place and live independently as long as possible in their current homes. Any reference in this program NOFA or in the application kit to elderly or disabled residents of a development shall be construed to include low-income elderly or disabled families living in the vicinity of such a development.

(B) *Eligible Applicants and Developments*

To be eligible for funding, you must meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA and must be owners of developments assisted under the following programs:

(a) Section 202 and 202/8,

(b) Existing Section 8 project-based and moderate rehabilitation developments (including Rural Housing Service (RHS) Section 515/8 and Section 221(d)(4)),

(c) Section 221(d)(3) below-market interest rate, and 236 developments that are insured or assisted.

(2) Additionally, developments listed in paragraphs 1 (a), (b), and (c) are eligible only if they meet the following criteria:

(a) Have frail or at-risk elderly residents and/or non-elderly residents with disabilities who together total at least 25 percent of the building's residents.

(b) Are designed for the elderly or persons with disabilities and continue to operate as such. This includes any building within a mixed-use development that was designed for occupancy by elderly persons or persons with disabilities at its inception and continues to operate as such, or consistent with title VI, subtitle D of the Housing and Community Development Act of 1992. If not so designed, a development in which the owner gives preferences in tenant selection (with HUD approval) to eligible elderly persons or persons with disabilities, for all units in that development.

(c) You have completed Final Closing on the development.

(d) Are current in mortgage payments or are current under a workout agreement.

(e) Meet HUD's Uniform Physical Conditions Standards (codified in 24 CFR part 5, subpart G), based on the most recent physical inspection report and responses thereto, as evidenced by a score of 60 or better or an approved plan for developments scoring less than 60.

(f) Are in compliance with their regulatory agreement, HAP Contract, and other outstanding directives.

(g) Section 202 developments must have a residual receipts account separate from the Repair and Replacement account, or agree to establish this account. This requirement does not apply to Sections 8, 221(d)(3) below-market interest rate, or 236 developments.

(h) Owners using the AAF rent increase process or who are profit-motivated must provide certification that rental and other income from the development are insufficient to pay for a service coordinator.

If your eligibility status changes during the course of the grant term, making you ineligible to receive a grant (e.g. due to prepayment of mortgage, sale of property, or opting out of a Section 8 Housing Assistance Payment (HAP) contract), HUD has the right to terminate your grant.

(4) If you are applying for an Assisted Living Conversion Program (ALCP) grant, you may apply for new or augmented Service Coordinator costs to serve Assisted Living residents and/or all residents of your development.

(C) *Ineligible Applicants and Developments.* (1) Property management companies, area agencies on aging, and other like organizations are *not* eligible applicants for Service Coordinator funds. Such agents may prepare applications and sign application documents if they provide written authorization from the owner corporation as part of the application. In such cases, the owner corporation must be indicated on all forms and documents as the funding recipient.

(2) Developments not designed for the elderly or disabled or those no longer operating as such.

(3) Section 221(d)(4) developments without project-based Section 8 assistance.

(4) Section 202/811 developments with a PRAC. Owners of Section 202 PRAC developments may obtain funding by requesting an increase in their PRAC payment consistent with Handbook 4381.5 REVISION–2, CHANGE–2, Chapter 8.

The American Homeownership and Economic Opportunity Act of 2000 provides authority for Section 202 PRACs to receive Service Coordinator grants as described in this program NOFA and separate from their PRAC funding. However, PRAC funds are a readily accessible funding source for Service Coordinators in Section 202 PRAC developments. Including the Service Coordinator in the PRAC development's operating budget also provides a more stable and permanent source of funding. For these reasons, the Department has chosen to limit funding available through this program NOFA to those eligible housing developments (listed in section III.B(1) of this NOFA) that do not have a readily available source of funding for this position.

There is no statutory authority for service coordinators in Section 811 developments.

(D) *Eligible Activities.* (1) Service Coordinator Program grant funds may be used to pay for the salary, fringe benefits, and related administrative costs of employing a service coordinator. Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, computer hardware and software, Internet service, training, quality assurance, travel, and utilities.

(2) You may use funds to augment a current Service Coordinator program, by increasing the hours of a currently employed Service Coordinator, or hiring an additional Service Coordinator or aide on a part-or full-time basis.

(3) You may use funds to continue a Service Coordinator program that has previously been funded through other sources. In your application, you must provide evidence that this funding source has already ended or will discontinue within six months following the application deadline date and that no other funding mechanism is available to continue the program. This applies only to funding sources other than the subsidy awards provided by the Department through program Notices beginning in FY 1992. HUD currently provides one-year extensions to these subsidy awards through a separate funding action.

(4) You may propose reasonable costs associated with setting up a confidential office space for the Service Coordinator. Such expenses must be one-time only administrative start-up costs. Such costs may involve acquisition, leasing, rehabilitation, or conversion of space. HUD Field Office staff must approve both the proposed costs and activity and must perform an environmental assessment on such proposed work prior to grant award.

(5) You may provide service coordination to low-income elderly or disabled families living in the vicinity of an eligible development.

(E) *Ineligible Activities.* (1) You may not use funds available through this NOFA to replace currently available funding from other sources for a service coordinator or for some other staff person who performs service coordinator functions.

(2) Owners with existing service coordinator subsidy awards may not apply for renewal or extension of those programs under this NOFA.

(3) Congregate Housing Services Program (CHSP) grantees may not use these funds to meet statutory program match requirements and may not use these funds to replace current CHSP program funds to continue the employment of a service coordinator.

(4) The cost of application preparation is not eligible.

(5) Grant funds cannot be used to increase a project's management fee.

(6) You cannot hire an additional part of full-time Service Coordinator for the sole purpose of serving low-income elderly or disabled families who live in the vicinity of your development.

IV. Program Requirements

In addition to the requirements listed in Section II of the General Section of this SuperNOFA, you must also meet the requirements in Section IV of this program section of the SuperNOFA. These requirements apply to all activities, programs, and functions used to plan, budget, and evaluate the work funded under your program.

(A) *Administrative Costs.* HUD has the right to reduce the proposed costs if they appear unreasonable or inappropriate.

(B) *Term of Funded Activities.* The grant term is three years. Grants will be renewable subject to the availability of funds.

(C) *Subgrants and Subcontracting.* You may directly hire a Service Coordinator or you may contract with a qualified third party to provide this service.

(D) *Forms, Certifications, and Assurances.* See the General Section of the SuperNOFA for the applicable forms, certifications, and assurances that you must submit. This includes a certification that you are in compliance with Federal Civil Rights laws, as specified in Section II(G)(7) of the General Section of this SuperNOFA.

(E) *Affirmatively Furthering Fair Housing.* You must comply with Section II(D) of the General Section of this SuperNOFA.

V. Application Selection Process

(A) *General.* Service Coordinator Program grant funds will not be awarded through a rating and ranking process. Instead, HUD will hold one national lottery for all approvable applications forwarded from Multifamily HUB or Multifamily Program Centers (a list of these offices is found in the Appendix to this notice).

(B) *Threshold Eligibility Review.* HUD Multifamily Field Office staff will review applications for completeness and compliance with the eligibility criteria set forth in Section III of this NOFA. Field Office staff will forward application information to Headquarters for entry into the lottery if the application was received by the deadline date, meets all eligibility criteria, proposes reasonable costs for eligible activities, and includes all technical corrections by the designated deadline date.

"Reasonable costs" are generally those that are consistent with salaries

and administrative costs of similar programs in the jurisdiction of the HUD Field Office.

(C) *Service Coordinators in ALCP projects.* The Department will first fund approved Service Coordinator requests in ALCP applications selected to receive an ALCP award. HUD estimates that approximately $5 million will be needed to fund these programs. Any funds not used for ALCP Service Coordinator programs will revert to the national lottery.

(D) *The Lottery.* HUD staff will use a computer program to randomly select applications. HUD will fully fund as many applications as possible with the given amount of funds. If funds remain after fully funding as many applications as possible, HUD will offer to partially fund the next application chosen in the lottery, in order to use the entire allocation of funds.

VI. Application Submission Requirements

(A) *Single Applications.* (1) You may submit one application for one or more developments that your corporation owns.

(2) You may submit more than one application to a single Field Office, if you wish to increase your chances of selection in the lottery. Each application must propose a stand-alone program and the development(s) must all be located in the same Field Office jurisdiction.

(3) If you wish to apply on behalf of developments located in different Field Office jurisdictions, you must submit a separate application to each Field Office.

(B) *Joint Applications.* You may join with one or more other eligible owners to share a Service Coordinator and submit a joint application. In the past, joint applications have been used by small developments who joined together to hire and share a part or full-time Service Coordinator.

(C) *There is no maximum grant amount.* The grant amount you request must be consistent with the staffing guidelines provided in the application kit and your proposed salary must be supported by evidence of comparable salaries in your area.

(D) *Application Submission Requirements for ALCP Applicants.* If you are an ALCP applicant and you request new or additional Service Coordinator costs specifically for your proposed Assisted Living Program, you must submit an application containing all required documents and information listed in this NOFA. In addition, you must submit a HUD–424–M "Federal Assistance Funding Matrix and Certifications" with your ALCP application, which indicates the amount of funds you are requesting to cover Service Coordinator costs. HUD Field Office staff will review both applications simultaneously.

ALCP applicants must submit all the required items in the Service Coordinator application listed in Section VI(E) of this NOFA. You may provide a copy of all standard forms in your Service Coordinator application. If you do not provide either an original or copy of these forms, your Service Coordinator application will be incomplete.

If you currently do not have a Service Coordinator working at the development proposed in your ALCP application and your ALCP application is selected to receive an ALCP award, HUD will fund a Service Coordinator to serve either ALCP residents only or all residents of the development dependent upon your request. If your development currently has a Service Coordinator, you may request additional hours for the Service Coordinator to serve the Assisted Living residents. If you request additional hours, you must specify the number of additional hours per week and provide an explanation based on the anticipated needs of the Assisted Living residents. Provide this explanation in your ALCP application as instructed in the ALCP NOFA.

If you request Service Coordinator funding to serve all residents of your development, your request can be entered into the national lottery if your ALCP application is not selected to receive an award. You will be able to indicate this request in the application materials.

Owners applying for ALCP grants may also submit separate Service Coordinator applications for entry into the lottery for other eligible developments they own and that are not included in their ALCP application.

(E) *Your application must contain the items listed in this Section VI(E).* These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, letters), referred to as the "non-standard forms" can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

Standard Forms

(1) Standard Form for Application for Federal Assistance (SF–424) (which includes civil rights/fair housing certification);

(2) Federal Assistance Funding Matrix and Certifications (HUD–424M);

(3) Standard Form for Assurances—Non-Construction Programs (SF–424B);

(4) Drug Free Workplace Certification (HUD–50070);

(5) Certification of Payments to Influence Federal Transactions (HUD–50071) and if engaged in lobbying, the Disclosure Form Regarding Lobbying (SF–LLL):

(6) Applicant/Recipient Disclosure/Update Report Form (HUD–2880);

(7) Certification Regarding Debarment and Suspension (HUD–2992), and

(8) Acknowledgment of Application Receipt (HUD–2993)

Other Application Items

All applications for funding under the Service Coordinator Program must contain the following documents and information:

(1) Transmittal letter and request, using the designated format provided in the application kit.

(2) (If applicable) Lead agency letter format.

(3) Evidence of comparable salaries in local area.

(4) If quality assurance is included in the proposed budget, a justification and explanation of how this work will be performed.

(5) If you propose to serve low-income elderly or disabled families living in the vicinity of the development(s) included in your application, a narrative description of your plan.

(6) (If applicable) Evidence that prior funding sources for your development's Service Coordinator program are no longer available or will expire on or before December 21, 2001.

(7) A bank statement showing the current residual receipts or surplus cash balance in the development's account.

(8) Applicant Data Input Form.

(9) Service Coordinator Certifications. This includes certifications that you, the applicant, will comply with the following:

(a) The requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and that you will affirmatively further fair housing; and

(b) The nondiscrimination in employment requirements of Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Equal Pay Act (29 U.S.C. 206(d)), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), Title IX of the Education Amendments Act of 1972, and Titles I and V of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq).

(10)(a) Certification from an Independent Public Accountant or the cognizant government auditor stating that the financial management system employed by the applicant meets proscribed standards for fund control and accountability required by HUD regulations at 24 CFR parts 84 and 85.

(b) Owners applying on behalf of developments using the AAF must also provide certification from the auditor that the development's rental or other income is insufficient to pay the costs of employing a Service Coordinator.

(11) Applicant checklist.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

It is anticipated that most activities under this program are categorically excluded from NEPA and related environmental authorities under 24 CFR 50.19(b)(3), (4), (12), or (13). If grant funds will be used to cover the cost of any activities which are not exempted from environmental review requirements—such as acquisition, leasing, construction, or building rehabilitation, HUD will perform an environmental review to the extent required by 24 CFR part 50, prior to grant award.

IX. Authority

Section 808 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), as amended by sections 671, 674, 676, and 677 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992), and section 851 of the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569, approved December 27, 2000).

Appendix A—HUD Field Office List for Mailing Service Coordinator Applications

Alabama

Multifamily Housing Program Center, HUD—Birmingham Office, 600 Beacon Parkway West, Rm. 300, Birmingham, AL 35209–3144, OFC Phone: (205) 290–7611, FAX: (205) 290–7632

Alaska

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

Arizona

Multifamily Housing Program Center, HUD Phoenix Office, 400 North Fifth Street, Suite 1600, Phoenix, AZ 85004–2361, OFC Phone: (602) 379–4434, FAX: (602) 379–3985

Arkansas

Multifamily Housing Program Center, HUD Little Rock Office, 425 West Capitol Avenue #900, Little Rock, AR 72201–3488, OFC Phone: (501) 324–5401, FAX: (501) 324–6142

California

Multifamily Housing Hub, HUD—San Francisco Office, 450 Golden Gate Avenue, PO Box 36003, San Francisco, CA 94102–3448, OFC Phone: (415) 436–6505, FAX: (415) 436–8996

Los Angeles Multifamily Hub, 611 West Sixth Street, Suite 800, Los Angeles, CA 90017, OFC Phone: (213) 894–8000 x 3634, Fax: (213) 894–8255

Colorado

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 11th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Connecticut

Multifamily Housing Program Center, HUD—Hartford Office, One Corporate Center, 19th floor, Hartford, CT 06103–3220, OFC Phone: (860) 240–4800 Ext. 3068, FAX: (860) 240–4850

Delaware

Multifamily Housing Hub, HUD Philadelphia Office, The Wanamaker Building, 100 Penn Square, East, Philadelphia, PA 19107–3380, OFC Phone: (215) 656–0609 Ext. 3533, FAX: (215) 656–3427

District of Columbia

Multifamily Housing Program Center, HUD Washington, DC Office, Suite 300, 820 First Street, NE., Washington, DC 20012–4205, OFC Phone: (202) 275–9200, FAX: (202) 275–9212

Florida

Multifamily Housing Hub, HUD—Jacksonville Office, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, OFC Phone: (904) 232–1777 x2144, FAX: (904) 232–2731

Georgia

Multifamily Housing Hub, HUD—Atlanta Office, Five Points Plaza Building, 40 Marietta Street, S.W., Atlanta, Georgia 30303–2806, OFC Phone: (404) 331–4976, FAX: (404) 331–4028

Hawaii

Multifamily Housing Program Center, HUD Honolulu Office, 7 Waterfront Plaza, 500 Ala Moana Blvd. #500, Honolulu, HI 96813–4918, OFC Phone: (808) 522–8185 Ext. 244, FAX: (808) 522–8194

Idaho

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

Illinois

Multifamily Housing Hub, HUD—Chicago Office, Ralph Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, OFC Phone: (312) 353–6236 Ext. 2202, FAX: (312) 886–2729

Indiana

Multifamily Housing Program Center, HUD Indianapolis Office, 151 North Delaware Street, Suite 1200, Indianapolis, IN 46204–2526, OFC Phone: (317) 226–6303, FAX: (317) 226–7308

Iowa

Multifamily Housing Program Center, HUD Des Moines Office, 210 Walnut Street, Room 239, Des Moines, IA 50309–2155, OFC Phone: (515) 284–4736, FAX: (515) 284–4743

Kansas

Multifamily Housing Hub, HUD Kansas City Office, 400 State Avenue, Room 200, Kansas City, KS 66101–2406, OFC Phone: (913) 551–6844, FAX: (913) 551–5469

Kentucky

Multifamily Housing Program Center, HUD—Louisville Office, 601 West Broadway, PO Box 1044, Louisville, KY 40201–1044, OFC Phone: (502) 582–6124, FAX: (502) 582–6547

Louisiana

Multifamily Housing Program Center, HUD New Orleans Office, Hale Boggs Bldg.—501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, OFC Phone: (504) 589–7236, FAX: (504) 589–6834

Maine

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

Maryland

Multifamily Housing Hub, HUD Baltimore Office, 5th Floor, 10 South Howard Street, Baltimore, MD 21201–2505, OFC Phone: (410) 962–2520 Ext. 3474, FAX: (410) 962–1849

Massachusetts

Multifamily Housing Hub, HUD—Boston Office, O'Neil Federal Building, 10 Causeway Street, Rm. 375, Boston, MA 02222–1092, OFC Phone: (617) 565–5162, FAX: (617) 565–6557

Michigan

Multifamily Housing Hub, HUD Detroit Office, 477 Michigan Avenue, Detroit, MI 48226–2592, OFC Phone: (313) 226–7900, FAX: (313) 226–5611

Multifamily Housing Program Center, HUD Grand Rapids, Trade Center Building, 50 Louis Street, N.W., Grand Rapids, MI 49503–2648, OFC Phone: (616) 456–2100, FAX: (616) 456–2191

Minnesota

Multifamily Housing Hub, HUD Minneapolis Office, 220 Second Street, South,

Minneapolis, MN 55401–2195, OFC Phone: (612) 370–3051 Ext. 0, FAX: (612) 370–3090

Mississippi

Multifamily Housing Program Center, HUD Jackson Office—McCoy Federal Building, 100 W. Capitol Street, Room 910, Jackson, MS 39269–1096, OFC Phone: (601) 965–4738, FAX: (601) 965–4773

Missouri

Multifamily Housing Hub, HUD Kansas City Office, 400 State Avenue, Room 200, Kansas City, KS 66101–2406, OFC Phone: (913) 551–6844, FAX: (913) 551–5469

Multifamily Housing Program Center, HUD St. Louis Office, Robert A. Young Federal Building, 1222 Spruce Street—Third Floor, St. Louis, MO 63103–2836, OFC Phone: (314) 539–6382, FAX: (314) 539–6356

Montana

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Nebraska

Multifamily Housing Program Center, HUD Omaha Office, 10909 Mill Valley Road, Suite 100, Omaha, NE 68154–3955, OFC Phone: (402) 492–3113, FAX: (402) 492–3184

Nevada

Multifamily Housing Program Center, HUD Las Vegas Office, 333 N. Rancho Drive—Atrium Bldg. Suite 700, Las Vegas, NV 89106–3714, OFC Phone: (702) 388–6525, FAX: (702) 388–6244

New Hampshire

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

New Jersey

Multifamily Housing Program Center, HUD—Newark Office—13th Floor, One Newark Center, Newark, NJ 07102–5260, OFC Phone: (973) 622–7900 Ext. 3400, FAX: (973) 645–2271

New Mexico

Multifamily Housing Hub, HUD Ft. Worth Office, 801 Cherry Street, PO Box 2905, Ft. Worth, TX 76102–2905, OFC Phone: (817) 978–5764, FAX: (817) 978–5520

New York

Multifamily Housing Hub, HUD—New York Office, 26 Federal Plaza—Room 3214, New York, NY 10278–0068, OFC Phone: (212) 264–0777 Ext. 3713, FAX: (212) 264–1277

Multifamily Housing Hub, HUD—Buffalo Office, Lafayette Court, 5th Floor, 465 Main Street, Buffalo, NY 14203–1780, OFC Phone: (716) 551–5755 Ext. 5509, FAX: (716) 551–3252

North Carolina

Multifamily Housing Hub, HUD Greensboro Office—Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407, OFC Phone: (336) 547–4034, FAX: (336) 547–4121

North Dakota

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Ohio

Multifamily Housing Hub, HUD Columbus Office, 200 North High Street, Columbus, OH 43215–2499, OFC Phone: (614) 469–5737, Ext. 8111, FAX: (614) 469–2432

Multifamily Housing Program Center, HUD Cincinnati Office, 525 Vine Street, Suite 700, Cincinnati, OH 45202–3188, OFC Phone: (513) 684–2350, FAX: (513) 684–6224

Multifamily Housing Program Center, HUD Cleveland Office, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, OFC Phone: (216) 522–4058 Ext. 7000, FAX: (216) 522–4067

Oklahoma

Multifamily Housing Program Center, HUD Oklahoma City Office, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102–2233, OFC Phone: (405) 553–7410, FAX: (405) 553–7406

Oregon

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

Pennsylvania

Multifamily Housing Hub, HUD Philadelphia Office, The Wanamaker Building, 100 Penn Square, East, Philadelphia, PA 19107–3380, OFC Phone: (215) 656–0609 Ext. 3533, FAX: (215) 656–3427

Multifamily Housing Program Center, HUD Pittsburgh Office, 339 Sixth Avenue—Sixth Floor, Pittsburgh, PA 15222–2515, OFC Phone: (412) 644–6639, FAX: (412) 644–5872

Puerto Rico

Multifamily Housing Program Center, HUD Caribbean Office, 171 Carlos E. Chardon Avenue, San Juan, PR 00918–0903, OFC Phone: (787) 766–5401, FAX: (787) 766–5522

Rhode Island

Multifamily Housing Program Center, HUD—Providence Office, 10 Weybosset Street, Sixth Floor, Providence, RI 02903–2808, OFC Phone: (401) 528–5230, FAX: (401) 528–5097

South Carolina

Multifamily Housing Program Center, HUD Columbia Office, 1835 Assembly Street, Columbia, SC 29201–2480, OFC Phone: (803) 765–5162, FAX: (803) 253–3043

South Dakota

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Tennessee

Multifamily Housing Program Center, HUD—Knoxville Office, 710 Locust Street, SW, Knoxville, TN 37902–2526, OFC Phone: (423) 545–4411, FAX: (423) 545–4578

Multifamily Housing Program Center, HUD—Nashville Office, 251 Cumberland Bend Drive, Suite 200, Nashville, TN 37228–1803, OFC Phone: (615) 736–5748, FAX: (615) 736–2018

Texas

Multifamily Housing Hub, HUD Ft. Worth Office, 801 Cherry Street, PO Box 2905, Ft. Worth, TX 76102–2905, OFC Phone: (817) 978–5764, FAX: (817) 978–5520

Multifamily Housing Program Center, HUD Houston Office, 2211 Norfolk, #200, Houston, TX 77098–4096, OFC Phone: (713) 313–2274 Ext. 7015, FAX: (713) 313–2319

Multifamily Housing Program Center, HUD San Antonio Office, 800 Dolorosa, San Antonio, TX 78207–4563, OFC Phone: (210) 475–6831, FAX: (210) 472–6897

Utah

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Vermont

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

Virginia

Multifamily Housing Hub, HUD Richmond Office, 3600 West Broad Street, Richmond, VA 23230–4920, OFC Phone: (804) 278–4500 Ext. 3146, FAX: (804) 278–4613

Washington

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

West Virginia

Multifamily Housing Program Center, HUD—Charleston Office, 405 Capitol Street, Suite 708, Charleston, WV 25301–1795, OFC Phone: (304) 347–7000 Ext. 103, FAX: (304) 347–7050

Wisconsin

Multifamily Housing Program Center, HUD Milwaukee Office, 310 West Wisconsin Avenue, Room 1380, Milwaukee, WI 53203–2289, OFC Phone: (414) 297–3214 Ext. 8662, FAX: (414) 297–3204

Wyoming

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Appendix B

The non-standard forms required for the Service Coordinators in Multifamily Housing application follow:

BILLING CODE 4210–32–P

Multifamily Housing Service Coordinator Program
Applicant Data Input Sheet

Owner (Funds Recipient)

Name _____

Address _____

_____

City _____ State _____ Zip _____

Phone (Include Area Code) _____

Grant Contact Person (Name) _____

Phone (Include Area Code) _____

e-mail address _____

List the specific development(s) targeted for assistance under this grant.
Use additional sheets as needed.

Development Name _____

Address _____

_____

City _____ State _____ Zip _____

FHA/Project Number _____ Sec.8 Number _____ No. of Units _____

Project Type (e.g., 202, 221(d)(3), 236, or Sec. 8) _____

Location (Urban, suburban, or rural) _____

Senators 1. _____ 2. _____

Congressional Representative Name _____ District _____

Funds Requested

A. Grant Funds	$
B. Residual Receipts	$
C. Total 3-Year Program Costs (Sum of A + B)	$

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MAINSTREAM HOUSING OPPORTUNITIES FOR PERSONS WITH DISABILITIES

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR MAINSTREAM HOUSING OPPORTUNITIES FOR PERSONS WITH DISABILITIES (MAINSTREAM PROGRAM)

Program Overview

Purpose of the Program. The purpose of this program is to provide vouchers under the Housing Choice Voucher Program to enable persons with disabilities (elderly and non-elderly) to rent affordable private housing.

Available Funds. Approximately $54.1 million in five-year budget authority for approximately 1,900 vouchers is available to public housing agencies (PHAs) and nonprofit disability organizations.

Applications are also being invited from PHAs for one-year budget authority funding (non-Section 811 funds) that HUD anticipates may be available for the Mainstream Program in FY 2001. Specifically, any portion of the $40 million in one-year budget authority contained in FY 2001 appropriations related to designated housing plans; preferences in occupancy for the elderly in certain types of Section 8 project-based developments; or restrictions in occupancy to elderly only in certain types of Section 202, Section 221(d)(3), or Section 236 developments remaining unobligated and not needed to fund approvable applications under these programs will be added to the approximately $54.1 million in five-year budget authority available under this announcement. This one-year budget authority will be used only for non-elderly disabled families.

Eligible Applicants. PHAs and nonprofit disability organizations that provide services to disabled families are eligible to apply for the $54.1 million in five-year budget authority for applications submitted in FY 2001. While PHAs and nonprofit disability organizations are eligible to apply for the $54.1 million in five-year budget authority available under this announcement, only PHAs are eligible to apply for the one-year budget authority that may also be available under this announcement {see Section II(A) of this announcement regarding the possibility of one-year funding also being available for the Mainstream Program}. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new housing choice voucher (Section 8) annual contributions contracts (ACC) with IHAs after September 30, 1997.

The vouchers that HUD will provide under this announcement must be made available to eligible disabled families regardless of their type of disability. (See the definition of disabled family in Section IV(E) of this announcement.) The Mainstream Program vouchers must not be issued by the administering agency on the basis of any preference system favoring any particular type of disability over another, nor shall the vouchers be issued solely on the basis of an administering agency's waiting list which is based on that agency's having heretofore served only certain types of disabled persons. The Housing Choice Voucher Program regulations provide at 24 CFR 982.207(c) that a PHA may give preference for admission of families that include a person with disabilities; however, the PHA may not give preference for admission of persons with a specific disability. This regulatory requirement is also applicable to nonprofit disability organizations who receive funding under this announcement as such organizations must comply with the regulatory requirements applicable to the Housing Choice Voucher Program.

Application Deadline. July 20, 2001.

Match. None.

Additional Information

If you are interested in applying for funding under the Mainstream Program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance

Application Due Date. Submit your completed application (an original and one copy) to HUD on or before 12:00 midnight, Eastern time, on July 20, 2001.

See the General Section of this SuperNOFA for specific procedures concerning the form of application submission (i.e., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of one original and one copy. Submit your original application and one copy to: Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024. Applications which are hand carried or sent via overnight delivery service should be delivered to this address. The Grants Management Center is the official place of receipt for all applications in response to this announcement of funding availability. Your application will be accepted at this address until 6:00 pm, Eastern time, on the application deadline.

After 6:00 pm on the application deadline date, applications will be accepted in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410, until 12:00 midnight Eastern time.

A copy of the application is not required to be submitted to the local HUD Field Office. For ease of reference, the term "local HUD Field Office" will be used in this announcement to mean the local HUD Field Office Hub and the local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the General Section of this SuperNOFA.

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding for the Mainstream Program.

For Further Information and Technical Assistance. Prior to the application due date, you may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1872, ext. 4064. Subsequent to application submission, you may contact the Grants Management Center at (202) 358–0336. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at www.hud.gov.

II. Amount Allocated

(A) *Available Funding for Mainstream Program.* Approximately $54.1 million in five-year funding is available for approximately 1,900 vouchers. This allocation is consistent with the FY 2001 HUD Appropriations Act. The FY 2001 HUD Appropriations Act provides that the Secretary of HUD may designate up to 25 percent of the amounts earmarked for capital advances including amendments to the capital advance contracts for supportive

housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (NAHA), for project rental assistance, for amendments to contracts for project rental assistance and supportive services associated with the housing of persons with disabilities as authorized by section 811 of NAHA. The FY 2001 HUD Appropriations Act made $217 million available for the Section 811 Program. The $54.1 million made available to applicants under this Mainstream Program funding announcement is no more than 25 percent of this $217 million.

All of the approximately $54.1 million in funding is for use in the housing of elderly and non-elderly disabled families. HUD will supplement the Mainstream Program funding with additional funding, up to as much as $40 million in one-year budget authority for housing choice vouchers for non-elderly disabled families in support of designated housing plans, for non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, and for nonelderly disabled families not being housed in certain section 202, section 221(d)(3) and section 236 developments (or portions thereof) where the owners have restricted occupancy to elderly families. The FY 2001 HUD Appropriations Act states that to the extent the Secretary determines that the FY 2001 appropriations related to designated housing plans and certain types of Section 8 project-based developments and certain types of section 202, section 221(d)(3) and section 236 developments are not needed to fund applications, the funds may be used for other non-elderly disabled families. Any such remaining funds will be used to supplement funding for the Mainstream Program. As a result, as much as $40 million in one-year budget authority may be available in additional funding in FY 2001 for the Mainstream Program.

(B) *Funding for the Section 811 Program.* The Section 811 Program of Supportive Housing for Persons With Disabilities provides capital advances and project rental assistance in FY 2001 elsewhere in this SuperNOFA. The Section 811 Program of Supportive Housing for Persons With Disabilities will provide funding to nonprofit organizations (sponsors) for the development and operation of small, scattered-site housing to enable adults with disabilities to live as independently as possible in the community. The capital advance does not need to be repaid as long as the housing is used for its intended purpose for at least 40 years. The project rental assistance funds cover the difference between the HUD-approved operating expenses of the housing and the tenant's contribution towards rent which is 30 percent of adjusted income. The types of housing that are typically developed through the program are small group homes for no more than six persons, independent living projects containing individual apartment units for no more than 18 persons, and condominium units. Sponsors are required to ensure that residents have access to any necessary supportive services but cannot require the acceptance of such as a condition of occupancy.

(C) *Housing Choice Voucher Funding.* (1) *Lottery.* HUD will select approvable applications for funding by lottery in the event approvable applications are received for more funding than is available under this Mainstream Program announcement. In such event, a separate lottery will be held first to select applications for funding for the $54.1 million available in five-year budget authority available under this announcement, and a separate lottery will be held to select applications for funding for whatever amount of one-year budget authority may be available during FY 2001 for the Mainstream Program. PHAs should clearly indicate in their applications if they are applying for both five-year and one-year funding in order to ensure their inclusion in both lotteries. This would allow the last selected application (if a PHA) under the five-year funding lottery to be automatically funded with one-year budget authority for the remaining number of vouchers requested, but for which there was insufficient five-year budget authority at the point the PHA was selected in the five-year funding lottery. This would also allow a PHA to be automatically included in the lottery for one-year budget authority funding if not fortunate enough to be selected for any funding in the five-year budget authority lottery. PHAs applying for one-year funding must make it clear in their applications that they have a sufficient number of non-elderly disabled families to support the number of vouchers being requested. *As indicated earlier in this announcement, one-year budget authority funding is for use by PHAs solely for non-elderly disabled families, whereas five-year budget authority is for use by PHAs and nonprofit disability organizations for both elderly and non-elderly disabled families.*

(2) *Maximum Voucher Request.* There is a limit on the number of vouchers that may be requested. An eligible applicant may apply for a maximum of 75 vouchers. No more than a grand total of 75 vouchers will be awarded to any applicant under the FY 2001 Mainstream Program.

(3) *Determination of Funding Amount for the Applicant's Requested Number of Vouchers.* HUD will determine the amount of funding that an applicant will be awarded under this announcement based upon an actual annual per unit cost {except that for Moving to Work (MTW) agencies the per unit cost will be calculated in accordance with the agency's MTW Agreement for MTW units} using the following three step process:

(a) HUD will extract the total expenditures for all the PHA's housing choice voucher and certificate programs and the unit months leased information from the most recent approved year end statement (Form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all of the PHA's housing choice voucher and certificate programs by the unit months leased to derive an average monthly per unit cost.

(b) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

(c) HUD will multiply the annual per unit costs derived under paragraph (b) above by the Housing Choice Voucher (Section 8) Housing Assistance Payments Program Contract Rent Annual Adjustment Factor (with the highest cost utility included) to generate an adjusted annual per unit cost. For a PHA whose jurisdiction spans multiple annual adjustment factor areas, HUD will use the highest applicable annual adjustment factor.

Note: Applicants who do not currently administer a housing choice voucher or certificate program shall have their voucher funding based upon the annual actual per unit costs of the PHA in their most immediate area administering a housing choice voucher or certificate program, using the three step process described immediately above.

(4) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to applicants that have not previously administered their own housing choice voucher or certificate program that are selected for funding under this announcement. The preliminary fee will be provided to such applicants only in their first year administering housing choice vouchers.

(e) *Underfunding Corrections.* If prior to the award of Mainstream Program funding under this announcement, HUD determines that any awardees under the FY 2000 Mainstream Program funding announcement have been underfunded due to an error attributable to HUD, funding will be increased to the amount that the awardee should have received.

III. Program Description, Eligible Applicants and Eligible Participants

(A) *Program Description.* The Secretary has established a Mainstream Housing Opportunities for Persons with Disabilities Program (Mainstream Program) to provide vouchers to enable persons with disabilities to rent affordable private housing of their choice.

The Mainstream Program will assist PHAs and non-profit disability organizations in providing housing choice vouchers to a segment of the population recognized by HUD's housing research as having one of the worst housing needs of any group in the United States; i.e., very low-income households with adults with disabilities. In addition, the Mainstream Program will assist persons with disabilities who often face difficulties in locating suitable and accessible housing on the private market.

(B) *Eligible Applicants.* Public housing agencies (PHAs) and nonprofit disability organizations that provide services to the disabled {as defined in Section IV(E) of this announcement} are eligible applicants. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply for new increments of housing choice voucher funding because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new housing choice voucher annual contributions contracts (ACC) with IHAs after September 30, 1997.

(1) *PHAs.* (a) A PHA established pursuant to State law may apply for funding under this announcement. A regional (multi-county) or State PHA is also eligible to apply for funding. A PHA may submit only one application under this announcement. This one application per PHA limit applies regardless of whether or not the PHA is a State or regional PHA, except in those instances where such a PHA has more than one PHA code number due to its operating under the jurisdiction of more than one HUD Field Office. In such instance, a separate application under each code shall be considered for funding, with the cumulative total of vouchers applied for under the applications not to exceed the maximum number of vouchers the PHA is eligible to apply for under section II(C)(2) of this announcement; i.e., no more than the number of vouchers the same PHA would be eligible to apply for if it only had one PHA code number.

Two or more divisions within State government comprising separate PHAs shall require the State to determine which division shall submit an application to HUD under this funding announcement. As with other PHAs, only one application per PHA shall be considered (see sole exception referenced immediately above).

(b) PHAs are encouraged to involve nonprofit disability organizations that provide services to disabled families, as defined in Section III(B)(2) of this announcement, in the administration of the Mainstream Program's vouchers.

(i) Such nonprofit disability organizations could function as either a contract administrator for the PHA's Mainstream vouchers, or as a subcontractor responsible for providing case management services or assisting disabled families to locate suitable housing, gain access to supportive services, or identify private funding sources to cover the costs of unit modifications needed as a reasonable accommodation.

(ii) Such contractual arrangements must, however, ensure equal opportunity among the wide variety of disabled populations in the PHA's service area. PHAs are being encouraged to seek out nonprofit disability organizations to assist in the administration of the Mainstream vouchers due to such organizations' capacity for assisting disabled families, as well as their in-depth knowledge of the disability community.

(c) Some PHAs currently administering the housing choice voucher and certificate programs have, at the time of publication of this SuperNOFA, major program management findings from Inspector General audits, HUD management reviews, or independent public accountant (IPA) audits that are open and unresolved or other significant program compliance problems. HUD will not accept applications for additional funding from these applicants as contract administrators if, on the application due date, the findings are either not closed, or sufficient progress toward closing the findings has not been made to HUD's satisfaction. The PHA must also, to HUD's satisfaction, be making satisfactory progress in addressing any program compliance problems. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another housing agency, nonprofit agency, or contractor, that is acceptable to HUD. The PHA's application must include an agreement by the other housing agency, nonprofit agency, or contractor to administer the new funding increment on behalf of the PHA, and a statement that outlines the steps the PHA is taking to resolve the program findings and program compliance problems. *Immediately after the publication of this SuperNOFA, the Office of Public Housing in the local HUD Field Office will notify, in writing, those PHAs that are not eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Grants Management Center.* The PHA may appeal the decision in writing, if HUD has mistakenly classified the PHA as having outstanding management or compliance problems. Any appeal must be accompanied by conclusive evidence of HUD's error (i.e., documentation showing that the finding has been cleared or satisfactory progress toward closing the findings or addressing compliance problems has been made) and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. The local HUD Field Office shall, concurrent with its response to the PHA, provide the Grants Management Center with a copy of its written response to the appeal, along with a copy of the PHA's written appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(2) *Nonprofit Disability Organization.* A private organization, no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual, that provides services to persons with disabilities and has received a federal tax-exempt designation from the U.S. Internal Revenue Service.

(a) The nonprofit entity must:

(i) Have a voluntary board;

(ii) Be authorized by its charter or State law to enter into a contract with the Federal Government to provide housing assistance;

(iii) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles, or designate an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles; and

(iv) Practice nondiscrimination in the provision of assistance.

(b) A nonprofit disability organization meeting the definition of a nonprofit disability organization as defined in this Section III(B)(2), and wishing to apply for the funding available under this announcement must have the capacity to:

(i) Comply with the Housing Choice Voucher Program (Section 8) Management Assessment Program (SEMAP) certification requirements under 24 CFR part 985.

(ii) Carry out such housing choice voucher and SEMAP specific related activities as making determinations as to rent reasonableness, performing housing quality standards (HQS) inspections and enforcement, conducting annual reexaminations of participant families, as well as otherwise meeting housing choice voucher program requirements under 24 CFR part 982.

(iii) Manage the Mainstream Program vouchers in a manner equivalent to an overall performance rating under SEMAP (24 CFR part 985) of "standard" during the first fiscal year of its receiving Mainstream Program funding.

(iv) Administer rental housing programs or manage rental housing, as demonstrated by a specific list of rental housing programs the nonprofit disability organization has administered or the rental housing the organization has managed (e.g. private rental housing, HUD or State-related housing programs, etc.).

Nonprofit disability organizations are encouraged to seek out PHAs in their geographic area to develop cooperative contractual relationships under the Mainstream Program, and to enhance services to disabled families. In addition to contacting local PHAs, nonprofit disability organizations may also wish to contact regional (multi-county), or state-wide PHAs who may be applying for Mainstream Program funding.

(C) *Eligible Participants.* Only a disabled family that is income eligible under 24 CFR 982.201(b)(1), as well as otherwise eligible under the regulations at 24 CFR 982.201(b), may receive a voucher awarded under the Mainstream Program. While elderly and non-elderly disabled families are eligible to receive a voucher awarded to a PHA or nonprofit disability organization using five-year budget authority under this announcement, only non-elderly disabled families are eligible to receive a voucher awarded to a PHA using one-year budget authority that may be available for the Mainstream Program under this announcement. Applicants with disabilities will be selected from the PHA's or nonprofit disability organization's housing choice voucher waiting list.

IV. Program Requirements and Definitions

In addition to the civil rights compliance and nondiscrimination requirements listed in the General Section of this SuperNOFA, grantees must meet the following program requirements:

(A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Examine its own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in the Consolidated Plan); develop a plan to (a) address those impediments in a reasonable fashion in view of the resources available; and (b) work with the local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and maintain records reflecting these analyses and actions;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Housing Choice Voucher Program Regulations.* Applicants must administer the Mainstream Program in accordance with HUD regulations and requirements governing the Housing Choice Voucher Program.

(2) *Housing Choice Voucher Program Admission Requirements.* Housing choice voucher assistance must be provided to eligible applicants in conformity with regulations and requirements governing the Housing Choice Voucher Program and the PHA's administrative plan.

If there is ever an insufficient pool of disabled families on the PHA's or nonprofit disability organization's housing choice voucher waiting list, the PHA or nonprofit disability organization shall conduct outreach to encourage eligible persons to apply for this special allocation of vouchers. Outreach may include contacting independent living centers, advocacy organizations for persons with disabilities, and medical, mental health, and social service providers for referrals of persons receiving such services who would benefit from housing choice voucher assistance. If the PHA's or nonprofit disability organization's housing choice voucher waiting list is closed, and if the PHA or nonprofit disability organization has insufficient applicants on its housing choice voucher waiting list to use all awarded vouchers under this announcement, the PHA or nonprofit disability organization shall open the waiting list for applications from disabled families.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (e.g., the family initially selected for the program drops out of the program or is unsuccessful in the search for a unit), the rental assistance may be used only for another individual or family eligible for assistance under this announcement for five years for the five-year funding or for one year for the one-year funding under this announcement from the date the rental assistance is placed under an annual contributions contract (ACC).

(D) *PHA and Nonprofit Disability Organization Responsibilities.* In addition to the responsibilities under the Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs and nonprofit disability organizations that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants in covering the costs of modifications that need to be made to their units as a reasonable accommodation for their disabilities.

(3) Not deny persons who qualify for rental assistance under this program other housing opportunities, or otherwise restrict access to PHA or nonprofit disability organization programs to eligible applicants who choose not to participate.

(4) Provide housing choice voucher search assistance.

(5) In accordance with regulatory guidance, provide higher rents to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

(E) *Definitions.* The following definitions apply.

(1) *Disabled Family.* A family whose head, spouse, or sole member is a person with disabilities. The term "disabled family" may include two or more persons with disabilities living together, and one or more persons with disabilities living with one or more live-in aides. A disabled family may include a person with disabilities who is elderly. {Note: This definition applies to the approximately $54.1 million in five-year budget authority available under the Mainstream Program, as well as to any one-year budget authority that may be available. This definition shall be modified, however, to be limited solely to non-elderly disabled families (families whose head, spouse or sole member is disabled and under the age of 62) regarding any funding available and awarded from the approximately $40 million in FY 2000 for designated housing allocation plans, or in connection with certain Section 8 project-based developments or certain section 202, section 221(d)(3) or section 236 developments. See Section II(A) of this announcement regarding the possibility of additional Mainstream Program funding during FY 2001 beyond the approximately $54.1 million available as announced under this announcement.}

(2) *Person with disabilities.* A person who—

(a) Has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or

(b) Is determined to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that such ability could be improved by more suitable housing conditions, or

(c) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

The term "person with disabilities" does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

Note: While the above definition of a "person with disabilities" is to be used for purposes of determining a family's eligibility for a voucher under this announcement, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of reasonable accommodations.

No individual shall be considered a person with disabilities for the purpose of determining eligibility solely on the basis of any drug or alcohol dependence.

(3) *Housing choice voucher search assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

V. Application Selection Process

After the Grants Management Center has screened and disapproved any applications found unacceptable for further processing, the Grants Management Center will review all acceptable applications to ensure that they are technically adequate and responsive to the requirements of this announcement. HUD Headquarters will fund all applications from PHAs and nonprofit disability organizations that are recommended for funding by the Grants Management Center unless HUD receives approvable applications for more funds than are available. If HUD receives approvable applications for more funds than are available, HUD will select applicants to be funded by lottery. A separate lottery will be held first for those PHAs and nonprofit disability organizations seeking funding under the five-year budget authority available under this announcement, and a separate lottery will next be held for those PHAs seeking funding under the one-year budget authority that may be available under this announcement. (Nonprofit disability organizations are not eligible to apply for the one-year budget authority that may be available under this announcement.) All applicants identified by the Grants Management Center as having submitted technically adequate and responsive applications will be included in the lottery. As applicants are selected, the cost of funding the applications will be subtracted from the funds available. In order to achieve geographic diversity, HUD Headquarters will limit the number of applications selected for funding from any State to 10 percent of the budget authority available for the Mainstream Program. The 10 percent limit shall be applied first during the lottery for the five-year funding and shall continue over into the lottery for any one-year funding that may be available. This, for instance, may result in a State reaching the 10 percent limit prior to the start of the lottery for any one-year funding that may be available, and therefore any PHAs from that State would not be eligible for any further Mainstream funding. If establishing this geographic limit would result, however, in unreserved budget authority, HUD may modify this limit to assure that all available funds are used.

Applications will be funded for the total number of units requested by the applicant and recommended for approval by the Grants Management Center (not to exceed 75 units) in accordance with this announcement. When remaining budget authority is insufficient to fund the last selected application in full, HUD Headquarters will fund that application to the extent of the funding available, unless the applicant indicates that it will only accept a higher number of units. In that event, the next selected application shall be one that has indicated a willingness to accept the lesser amount of funding for the units available.

VI. Application Submission Requirements

(A) *Form HUD–52515.* All applicants must complete and submit Form HUD–52515, Funding Application, for the Housing Choice Voucher Program (Section 8), (dated January 1996). This form includes all necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. PHAs are requested to enter their housing authority code (for example, CT002), telephone number, facsimile number and electronic mail address in the same space at the top of the form where they are also to enter the PHA's name and mailing address. Section C of the form should be left blank. A copy of Form HUD–52515 is included in the forms found in Appendix B to the General Section of the SuperNOFA. Copies of the form may also be downloaded from the HUD Home page site on the Internet's world wide web (http://www.HUD.gov). (On the HUD website click on "handbooks and forms," then click on "forms," then click on "HUD–5" and click on "HUD–52515." The form must be completed in its entirety, with the exception of Section C, signed and dated.

In the instance of a nonprofit disability organization that does not currently manage a housing choice

voucher or certificate program, the nonprofit disability organization shall fill in Section B, Proposed Assisted Dwelling Units, of the form HUD–52515, by either basing the numbers the organization enters in this section on information requested from the nearest public housing agency, based upon its housing choice voucher waiting list, or based upon information from local advocacy groups and local public and private service agencies familiar with the needs of elderly and non-elderly persons with disabilities, census data, and pertinent information from the Consolidated Plan applicable to the applicant's jurisdiction. Section C, Average Monthly Adjusted Income, should be left blank. Section F, New HA Information, requires information on Financial and Administrative Capability and Qualification as a HA. For Financial and Administrative Capability, a nonprofit disability organization may reference that part of its application addressing the requirements of section VI(E) of this announcement. For Qualification as a HA, the nonprofit disability organization should submit information validating its qualifications as a nonprofit disability organization as defined in Section III(B)(2) of this announcement. The submission of enabling legislation is not required, but a legal opinion supportive of the applicant's status as a nonprofit disability organization, as delineated in Section III(B)(2) of this announcement, is required.

(B) *Letter of Intent and Narrative.* The applicant must state in its cover letter to the application whether it is a PHA applying for five-year and/or one-year funding, or a nonprofit disability organization applying for five-year funding. The applicant must also indicate the number of vouchers being requested, whether it will accept a reduction in the number of vouchers, and the minimum number of vouchers the applicant will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that an applicant may apply for under this announcement is limited to 75.

(C) *Description of Need for Mainstream Program Vouchers.* The PHA's and nonprofit disability organization's application must demonstrate a need for Mainstream Program vouchers by providing information documenting that the demand for housing for non-elderly and elderly persons with disabilities in connection with a request for five-year funding under this announcement would equal or exceed the requested number of vouchers. If the PHA is requesting one-year funding, the demand for housing for non-elderly disabled persons must be demonstrated as equalling or exceeding the number of vouchers being requested. The applicant must assess and document the housing need for elderly and non-elderly persons with disabilities using a range of sources including, but not limited to: census data, information from the applicant's waiting list (both public housing and housing choice voucher), statistics on recent public housing admissions and housing choice voucher and certificate use, data from local advocacy groups and local public and private service agencies familiar with the housing needs of elderly and non-elderly persons with disabilities, and pertinent information from the Consolidated Plan [including the Analysis of Impediments to Fair Housing Choice (AI)] applicable to the applicant's jurisdiction. (See 24 CFR 91.205(d).) The applicant's demonstrated need for vouchers must clearly support need on the basis of only non-elderly disabled families when requesting one-year funding. This distinction is important, as any FY 2001 Mainstream Program funding that may be available beyond the approximately $54.1 million under this announcement, must be used to assist only non-elderly disabled families and will be available only to PHAs. (See Section II(A) of this announcement regarding the possibility of substantially more Mainstream Program funding being available beyond the approximately $54.1 million.)

(D) *Mainstream Program Operating Plan.* The application must include a description of an adequate plan for operating a program to serve eligible disabled families, including:

(1) A description of how the applicant will carry out its responsibilities under 24 CFR 8.28 to assist recipients in locating units with needed accessibility features; and

(2) A description of how the applicant will identify private or public funding sources to help participants cover the costs of modifications that need to be made to their units as reasonable accommodations to their disabilities.

(3) A description of how the applicant will use a nonprofit disability organization or PHA (if any) under a contract to administer the Mainstream Program vouchers, or to otherwise provide services.

(E) *Certification Applicable to Nonprofit Disability Organizations.* A nonprofit disability organization applying for funding available under this announcement must provide a certification stating that the applicant can meet the capacity requirements applicable to a nonprofit disability organization delineated in Section III(B)(2)(b) of this announcement. The certification must specifically list the four capacity requirements from that paragraph, and must specifically list the rental housing programs the nonprofit disability organization has administered or the rental housing the nonprofit disability organization has managed.

(F) *Statement Regarding the Steps the PHA Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the PHA's statement should include, but not necessarily be limited to:

(1) The examination of the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); and a description of a plan to (a) address those impediments in a reasonable fashion in view of the resources available; and (b) work with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and the maintenance of records reflecting this analyses and actions;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or

(3) Promote fair housing rights and fair housing choice.

(G) *Moving to Work (MTW) PHA Information and Certification.* See Section VII(B)(2)(c) regarding the information to be submitted by an MTW PHA required to report under the Section 8 Management Assessment Program (SEMAP) but not meeting the 95 percent lease-up or budget authority utilization requirements, or the lease-up or budget authority utilization certification to be submitted by an MTW PHA not required to report under SEMAP.

(H) *Multifamily Tenant Characteristics System (MTCS) Reporting Certification.* In order to be eligible to submit an application under this announcement, the PHA must have had a minimum reporting rate of not less than 85 percent for housing choice voucher and certificate resident records to HUD's MTCS (see 24 CFR part 908 and Notices PIH 98–30, 99–2 and 2000–13) for the period ending December 1999, and must submit a certification with its application certifying to having met this requirement. In the event a PHA received less than an 85 percent rate of reporting under MTCS for this period, the PHA will still be considered to have passed the threshold requirement if: (1) it subsequently achieved a minimum reporting rate of not less than 85 percent for public housing resident records under the MTCS as of the December 2000 reporting period; or (2) the PHA was granted forbearance by HUD under the applicable procedures under PIH Notice 2000–13 for the semi-annual assessment period ending December 2000. In this latter instance, the PHA must submit a certification with its application indicating that it has either achieved such a minimum reporting rate as of the December 2000 reporting period, or that it has obtained a forbearance from HUD for the semi-annual assessment period ending December 2000.

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The application must include all of the information specified in section VI, Application Submission Requirements, of this announcement. The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications.* (1) After the 14-calendar day technical deficiency correction period, the Grants Management Center will disapprove all PHA applications that the Grants Management Center determines are not acceptable for processing. The Grant Management Center's notification of rejection letter must state the basis for the decision.

(2) Applications from PHAs that fall into any of the following categories will not be processed:

(a) Applications that do not meet the fair housing and civil rights compliance threshold requirements of Section II(B) of the General Section of the SuperNOFA.

(b) If the applicant is a PHA and the PHA has major program management findings in an Inspector General audit, HUD management review, or independent public accountant (IPA) audit for its voucher or certificate programs that are not closed or on which satisfactory progress in resolving the findings is not being made; or program compliance problems for its voucher or certificate programs on which satisfactory progress is not being made. The only exception to this category is if the PHA has been identified under the policy established in Section III(B)(1)(c) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) If the applicant is a PHA and the PHA has failed to achieve a lease-up rate of 95 percent for its combined certificate and voucher units under contract for its fiscal year ending in 1999. Category (c) may be passed, however, if the PHA achieved a combined certificate and voucher budget authority utilization rate of 95 percent or greater for its fiscal year ending in 1999. In the event the PHA is unable to meet either of these percentage requirements, the PHA may still pass category (c) if the PHA submits information to the Grants Management Center, as part of its application, demonstrating that the PHA was able to either increase its combined certificate and voucher lease-up rate to 95 percent or greater for its fiscal year ending in 2000, or was able to increase combined certificate and voucher budget authority utilization to 95 percent or more for its fiscal year ending in 2000. PHAs that have been determined by HUD to have passed either the 95 percent lease-up, or 95 percent budget authority utilization requirement for their fiscal year ending in 1999 will be listed on a HUD website: (www.hud.gov/grants), along with this funding announcement. A PHA not listed must either submit information (following the format of Appendix A of this announcement) in its application supportive of its 95 percent lease-up or 95 percent budget authority utilization performance for its fiscal year ending in 2000, or submit information (following the format of Appendix A of this announcement) as part of its application supportive of its contention that it should have been included among those PHAs HUD listed on the HUD website as having achieved either a 95 percent lease-up rate or 95 percent budget authority utilization rate for fiscal years ending in 1999. Appendix A to this program section indicates the methodology and data sources used by HUD to calculate the lease-up and budget authority utilization percentage rates for PHAs with fiscal years ending in 1999. Any PHA wishing to submit information to the Grants Management Center in connection with its 1999 fiscal year or 2000 fiscal year for the purposes described immediately above (so as to be eligible under category (c) to submit an application) will be required to use the same methodology and data sources indicated in Appendix A.

Moving to Work (MTW) agencies that are required to report under the Section 8 Management Assessment Program (SEMAP) shall be held to the 95 percent lease-up and budget authority utilization requirements referenced above, except where such an MTW agency provides information in its application demonstrating to HUD that a lower percentage is the result of the implementation of specific aspects of its program under its MTW Agreement with HUD. MTW agencies which are not required to report under SEMAP must submit a certification with their application certifying that they are not required to report under SEMAP, and that they meet the 95 percent lease-up or budget authority utilization requirements.

PHAs not currently administering a certificate or voucher program, or who received voucher funding for the first time for FY 2000 will not be subject to the 95 percent lease-up or budget authority utilization requirements of this section (c).

(d) The PHA or nonprofit disability organization is involved in litigation and HUD determines that the litigation may seriously impede the ability of the PHA to administer the vouchers.

(e) An application that does not comply with the requirements of 24 CFR 982.102 and this program section after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled "Address for Submitting Applications" at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(i) The applicant has failed to achieve a minimum 85 percent submission rate for housing choice voucher and certificate resident records to HUD's Multifamily Tenant Characteristics System (MTCS), (see 24 CFR part 908 and Notices PIH 98–30 and 2000–13), for the period ending December 1999, and December 2000, and did not receive HUD forbearance.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) of the HUD regulations, tenant-based rental activities under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities.

IX. Authority

Authority for this program is found in the Departments of Veteran's Affairs and

Housing and Urban Development, and Independent Agencies Appropriations Act, FY 2001 (Pub. L. 106–377, approved October 27, 2000). This FY 2001 Appropriations Act authorized appropriations for housing choice vouchers to assist non-elderly disabled families affected by the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992, or the restriction of occupancy to elderly families in accordance with section 658 of the Act. The FY 2000 Appropriations Act also allows the Secretary to transfer any unobligated funds for this purpose to assist non-elderly disabled families to the extent they are not needed under Sections 651 and 658 for such families. Therefore, any funds remaining unobligated under this program section of this SuperNOFA will be used first to fund any approvable applications under the Rental Assistance for Non-Elderly Persons With Disabilities in Support of Designated Housing Plans program for which there are insufficient funds. Thereafter, any funds still remaining unobligated will be used to fund applications under the Mainstream Program in the SuperNOFA.

Appendix A—Methodology for Determining Lease-UP and Budget Authority Utilization Percentage Rates

Using data from the HUDCAPS system, HUD determined which PHAs met the 95% budget authority utilization or 95% lease-up criteria. The data used in the determination was based on PHA fiscal years ending in 1999. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA 1999 year combining the certificate and voucher programs.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD–52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA 1999 year for each funding increment which had an active contract term during all or a portion of the PHA year.

Example

PHA ABC Fiscal Year 10/1/98 Through 9/30/99

[HUD 52681 Approved Data]

HAP	$2,500,000
Administrative Fee	250,000
Hard to House Fee	1,000
Audit	2,000
Total	2,753,000
Interest earned on administrative fee	(2,500)
Total contributions required	2,750,500

Calculation of Annual Budget Authority

Increments and contract term	Total BA	ABA
001 11/01/98–10/31/99	$1,300,000	$1,191,667
002 01/01/99–12/31/99	1,200,000	900,000
003 04/01/99–03/31/00	950,000	475,000
004 07/01/99–06/30/00	1,500,000	375,000
Totals	4,950,000	2,941,667 (budget authority)
Utilization:		
Total contributions required divided by	2,750,000	
Annual budget authority equals	2,941,667	
Budget authority utilization (percent)	93.5	

Lease-up Rate

The lease-up rate was determined by comparing the contract units (funding increments active as of the end of the PHA 1999 year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for 1999.

Active funding increments awarded by HUD for special purposes such as litigation, relocation/replacement, housing conversions, Welfare to Work, and new units awarded to the PHA during the last 12 months were excluded from the contract units as the Department recognizes that many of these unit allocations have special requirements which require extended periods of time to achieve lease-up.

Example

Increments contract term	Units
001 11/01/98–10/31/99	242
002 01/01/99–12/31/99	224
003 04/01/99–03/31/00	178
004 07/01/99–06/30/00	280
Totals	924
Increment 003 litigation	(178)

Increments contract term	Units
Adjusted contract units	746
Unit months leased reported by PHA	8,726
divided by 12	727
Units Leased	727
Lease-up rate:	
Units leased	727
divided by adjusted contract units	746
equals	
Lease-up rate (percent)	97.4

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES RELATED TO CERTAIN DEVELOPMENTS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES RELATED TO CERTAIN TYPES OF SECTION 8 PROJECT-BASED DEVELOPMENTS AND SECTIONS 202, 221(d)(3) AND 236 DEVELOPMENTS

Program Overview

Purpose of the Program. The purpose of this program is to provide housing choice vouchers to non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, or in certain types of Section 202, Section 221(d)(3), or Section 236 developments where the owners are restricting occupancy in the developments (or portions thereof) to elderly families. The vouchers will enable non-elderly disabled families to rent affordable housing.

Available Funds. Approximately $20 million in one-year budget authority for approximately 3,500 Section 8 vouchers.

Eligible Applicants. Public housing agencies (PHAs). Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new Section 8 annual contributions contracts (ACC) with IHAs after September 30, 1997.

Application Deadline. June 15, 2001.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance

Application Due Date. Submit your original and two copies of your completed application to HUD on or before 12:00 midnight, Eastern time, on June 15, 2001.

See the General Section of this SuperNOFA for specific procedures concerning the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of an original and one copy. Submit your original application and one copy to: Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024. Applications which are hand carried or sent via overnight delivery service should be delivered to this address. The Grants Management Center is the official place of receipt for all applications in response to this announcement of funding availability. Your application will be accepted at this address on the application deadline until 6:00 pm Eastern time. After 6:00 pm on the application deadline, applications will be accepted in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410, until 12:00 midnight Eastern time.

A copy of your application is not required to be submitted to the local HUD Field Office. For ease of reference, the term "local HUD Field Office" will be used in this announcement to mean the local HUD Field Office Hub and local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the General Section of this SuperNOFA.

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding under this announcement.

For Further Information and Technical Assistance. Prior to the application due date, you may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1872, ext. 4064. Subsequent to application submission, you may contact the Grants Management Center at (202) 358–0338. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at www.hud.gov.

II. Amount Allocated

(A) *Available Funding.* Approximately $20 million in one-year budget authority is available to provide assistance to approximately 3,500 non-elderly disabled families (who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing a preference for the admission of elderly families, and for non-elderly disabled families not being housed in certain Section 202, Section 221(d)(3) and Section 236 developments or portions thereof where the owners have restricted occupancy to elderly families).

In the event approvable applications are received for more than the approximately $20 million announced as available under this announcement, funds will be transferred from the approximately $20 million available under the funding announcement for Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans program to the extent funds remain unobligated after funding all approvable applications under that announcement.

Any funding remaining unobligated under this announcement providing assistance for non-elderly persons with disabilities related to certain developments will be used first to fund any approvable applications under the announcement for Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans, for which there may be insufficient funds. Any funds still remaining unobligated will be used to fund any approvable applications under the announcement for Mainstream Housing Opportunities for Persons with Disabilities for which there are insufficient funds.

(B) *Voucher Funding, Preliminary Fees and Underfunding Corrections.*

(1) *Voucher Funding.*

(a) *Maximum Voucher Request.* PHAs are limited to applying for no more than a maximum of 200 units (vouchers). A PHA may apply only for the number of units needed to house:

(i) Those non-elderly disabled families who are on the waiting list of an owner of a Section 8 project-based development identified in Section III(A)(1) of this announcement where the owner elected to provide preferences to elderly families and to house other non-elderly disabled families residing in the community who would qualify for one- or zero-bedroom units; and/or

(ii) Those non-elderly disabled families who are on the waiting list of an assisted housing development identified in Section III(A)(2) of this announcement, or are otherwise residing in the community, but in either

instance are not being housed in these assisted housing developments where the owners have restricted occupancy in the developments (or portion thereof) to elderly. Non-elderly disabled families in this second category would also need to qualify for one- or zero- bedroom units.

Note: The PHA may apply for a two-bedroom unit under this Section II(B) in such instances where a non-elderly disabled family requires the extra bedroom for purposes of a live-in aide, or for medical equipment.

(b) *Determination of Funding Amount for the PHA's Requested Number of Vouchers.* HUD will determine the amount of funding that you will be awarded under this announcement based upon an actual annual per unit cost (except that for Moving to Work (MTW) agencies the per unit cost will be calculated in accordance with the agency's MTW Agreement for MTW units) using the following three step process:

(i) HUD will extract the total expenditures for all your housing choice (Section 8) programs and the unit months leased information from the most recent approved year end statement (form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all of your housing choice (Section 8) programs by the unit months leased to derive an average monthly per unit cost.

(ii) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

(iii) HUD will multiply the annual per unit cost derived under paragraph (ii) above by the Housing Choice Voucher (Section 8) Housing Assistance Payments Program Contract Rent Annual Adjustment Factor (with the highest utility included) to generate an adjusted annual per unit cost. For a PHA whose jurisdiction spans multiple annual adjustment factor areas, HUD will use the highest applicable annual adjustment factor.

Note: If you do not currently administer a housing choice certificate or voucher program, your voucher funding will be based upon the annual actual per unit costs of a PHA in your most immediate area administering a housing choice certificate or voucher program, using the three step process described immediately above.

(2) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to PHAs that have not previously administered their own housing choice program that are selected for funding under this announcement. The preliminary fee will be provided to such PHAs only in their first year administering housing choice vouchers.

(3) *Underfunding Corrections.* If prior to the award of funding HUD determines that any awardees under the FY 2000 NOFA for the same purpose have been underfunded due to an error attributable to HUD, funding will be increased to the amount that the awardee should have received.

III. Program Description, Eligible Applicants, and Eligible Participants

(A) *Program Description.* This program provides housing choice vouchers to non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, or in certain types of Section 202, Section 221(d)(3), or Section 236 developments where the owners are restricting occupancy in the developments (or portions thereof) to elderly families. The vouchers will enable non-elderly disabled families to rent affordable housing. The specific types of developments covered under these two broad categories are as follows:

(1) Section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611 allowed owners of the *following covered Section 8 project-based developments* (limited to only such developments originally designed primarily for occupancy by elderly families) to provide preferences to elderly families in selecting tenants for available assisted units in those projects:

(a) Section 8 New Construction Program, 24 CFR part 880;

(b) Section 8 Substantial Rehabilitation Program, 24 CFR part 881;

(c) State Housing Agencies Program (insofar as involving new construction and substantial rehabilitation), 24 CFR part 883;

(d) New Construction Set-Aside for Section 515 Rural Rental Housing Projects Program, 24 CFR part 884; and

(e) Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects (insofar as involving substantial rehabilitation), 24 CFR part 886, subpart C.

(2) Section 658 of the 1992 Act provides that an owner of a Federally assisted project (or portion thereof) that was designed for occupancy for elderly families may continue to restrict occupancy in such project (or portion) to elderly families in accordance with the rules, standards, and agreements governing occupancy in such housing in effect at the time of the development of the housing. The *three types of assisted housing developments covered by Section 658 are as follows:*

(a) Housing assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act (NAHA);

(b) Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears an interest rate determined under section 221(d)(5); and

(c) Housing insured, assisted or held by the Secretary or a State or State Agency under section 236 of the National Housing Act.

(B) *Eligible Applicants.*

(1) A PHA established pursuant to State law may apply for funding under this announcement. A regional (multi-county) or State PHA is also eligible to apply for funding. A PHA may submit only one application. This one application per PHA limit applies regardless of whether or not the PHA is a State or regional PHA, except in those instances where such a PHA has been assigned more than one PHA code number due to its operating under the jurisdiction of more than one HUD Field Office. In such instance, a separate application under each code shall be considered for funding, with the cumulative total of vouchers applied for under the applications not to exceed the maximum number of vouchers the PHA is eligible to apply for under Section II(B)(1)(a) of this announcement; i.e., no more than the number of vouchers the same PHA would be eligible to apply for if it only had one PHA code number.

Two or more divisions within State government comprising separate PHAs shall require the State to determine which division shall submit an application to HUD under this funding announcement. As with other PHAs, only one application per PHA shall be considered (see sole exception referenced immediately above).

Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new housing choice voucher (Section 8) annual contributions contracts (ACC) with IHAs after September 30, 1997.

(2) Some PHAs currently administering the housing choice voucher and certificate programs have, at the time of publication of this SuperNOFA, major program management findings from Inspector General audits, HUD management reviews, or independent public accountant (IPA) audits that are open and unresolved or other significant program compliance problems. HUD will not accept applications for additional funding from these PHAs as contract administrators if, on the application due date, the findings are either not closed, or sufficient progress toward closing the findings has not been made to HUD's satisfaction. The PHA must also, to HUD's satisfaction, be making satisfactory progress in addressing any program compliance problems. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another housing agency, nonprofit agency, or contractor, that is acceptable to HUD. The PHA's application must include an agreement with the other housing agency, nonprofit agency, or contractor to administer the new funding increment on behalf of the PHA, and a statement that outlines the steps the PHA is taking to resolve the program findings and the program compliance problems. *Immediately after the publication of this SuperNOFA, the local HUD Field Office will notify, in writing, those PHAs that are not eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Grants Management Center.* The PHA may appeal the decision in writing, if HUD has mistakenly classified the PHA as having outstanding management or compliance problems. Any appeal must be accompanied by conclusive evidence of HUD's error (i.e., documentation showing that the finding has been cleared or satisfactory progress toward closing the findings or addressing compliance problems has been made) and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. Concurrently, the local HUD Field Office shall provide the Grants Management Center with a copy of its written response to the appeal, along with a copy of the PHA's written appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(C) *Eligible Participants.* Eligible participants include non-elderly disabled families who were on the waiting list (at the time of the PHA's application) of a covered development identified in this announcement where the owner had exercised a preference for the admission of elderly families, or restricted occupancy to elderly families, respectively, at the time the PHA received the names of these families from the owner of the development(s) for purposes of requesting housing choice vouchers in response to this announcement. These non-elderly disabled families need not be listed on the PHA's housing choice voucher waiting list in order to be offered and receive housing choice voucher assistance; i.e., it is sufficient that their names are on the waiting list for a covered development at the time their names are provided to the PHA by the owner. Eligible participants also include other non-elderly disabled families residing in the community who would qualify for a one- or zero-bedroom unit. (See the note in this announcement at the end of Section II(B)(1)(a) for those limited instances in which a PHA could also apply for funding for a two-bedroom unit.) Non-elderly disabled families must be income eligible under 24 CFR 982.201(b)(1) in order to receive a rental voucher, as well as otherwise eligible for assistance under the regulations at 24 CFR part 982.201(b).

IV. Program Requirements and Operations

In addition to the civil rights compliance and nondiscrimination requirements listed in the General Section of this SuperNOFA, grantees must meet the following program requirements:

(A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Examine the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); develop a plan to (a) address those impediments in a reasonable fashion in view of the resources available; and (b) work with the local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and maintain records reflecting these analyses and actions;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Housing Choice Voucher Program regulations.* PHAs must administer the housing choice vouchers received under this announcement in accordance with HUD regulations and requirements governing the Housing Choice Voucher Program.

(2) *Housing Choice Voucher admission requirements.* Housing choice vouchers must be provided to eligible applicants in conformity with regulations and requirements governing the Housing Choice Voucher Program and the PHA's administrative plan.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (e.g., the family initially selected for the program drops out of the program or is unsuccessful in the search for a unit), the voucher may be used only for another individual or family eligible for assistance under this announcement subject to appropriations for renewal funding, from the date the voucher funding is placed under an annual contributions contract (ACC).

If there is ever an insufficient pool of disabled families on the PHA's housing choice voucher waiting list, the PHA shall conduct outreach to encourage eligible persons to apply for this special allocation of vouchers. Outreach may include contacting independent living centers, advocacy organizations for persons with disabilities, and medical, mental health, and social service providers for referrals of persons receiving such services who would benefit from housing choice voucher assistance. If the PHA's housing choice voucher waiting list is closed, and if the PHA has insufficient applicants on its housing choice voucher waiting list to use all awarded vouchers under this announcement, the PHA shall open the waiting list for applications from disabled families.

(D) *PHA Responsibilities.* In addition to PHA responsibilities under the Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available

within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants with disabilities in covering the costs of modifications that need to be made to their units as a reasonable accommodation for their disabilities.

(3) Not deny persons who qualify for a housing choice voucher under this program other housing opportunities, or otherwise restrict access to PHA programs to eligible applicants who choose not to participate.

(4) Provide housing choice voucher search assistance.

(5) In accordance with regulatory guidance, provide higher rent to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

PHAs are encouraged to coordinate with/involve nonprofit disability organizations in their meeting the requirements of paragraphs 1, 2, 4 and 6 immediately above. PHAs are encouraged to seek out nonprofit disability organizations in this regard due to such organizations' capacity for assisting disabled families, and their in-depth knowledge of the disability community and the available resources to assist disabled persons.

(E) *Definitions.*

(1) *Elderly Family.* A family whose head of household, spouse, or sole member is 62 years or older.

(2) *Non-elderly Disabled Family.* A family who is not elderly, and whose head, spouse, or sole member is a person with disabilities. The term "non-elderly disabled family" may include two or more such persons with disabilities living together, and one or more such persons with disabilities living with one or more persons who are determined essential to the care and well-being of the person or persons with disabilities (live-in aides).

(3) *Person with Disabilities.* A person who—

(a) Has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or

(b) Is determined to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that such ability could be improved by more suitable housing conditions, or

(c) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

The term "person with disabilities" does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

Note: While the above definition of a "person with disabilities" is to be used for purposes of determining a family's eligibility for a housing choice voucher under this announcement, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of meeting the requirements of Fair Housing laws, including providing reasonable accommodations.

No individual shall be considered a person with disabilities for the purpose of determining eligibility solely on the basis of any drug or alcohol dependence.

(4) *Housing Choice Voucher Search Assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

V. Application Selection Process

After the Grants Management Center has screened all applications and disapproved any found unacceptable for further processing, the Grants Management Center will review all remaining applications to ensure that they are technically adequate and responsive to the requirements identified in this program section of this SuperNOFA.

HUD Headquarters will fund on a first-come, first-serve basis all approvable applications that are recommended for funding by the Grants Management Center, based upon the date and time the application is received in the Grants Management Center. As applications are selected, the cost of funding the applications will be subtracted from the funds available. In the event approvable applications are received for more than the approximately $20 million available, funds will be transferred from the approximately $20 million available under the Rental Assistance for Non-elderly Persons with Disabilities in Support of Designated Housing Plans program to the extent such funds have not been obligated under that program for approvable applications. Applications will be funded for the total number of units requested and recommended for approval by the Grants Management Center. When remaining budget authority is insufficient to fund the last selected application in full the Grants Management Center will fund that application to the extent of the funding available, unless the application indicates that the PHA will only accept a higher number of units. In that event, HUD will fund the next selected application that has indicated a willingness to accept the lesser amount of funding for units available.

VI. Application Submission Requirements

(A) *Form HUD–52515.* All PHAs must complete and submit form HUD–52515, Funding Application, for the Housing Choice Voucher Program (Section 8), (dated January 1996). This form includes all necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. PHAs are requested to enter their housing authority code number (for example, CT002), telephone number, facsimile number, and electronic mail address in the same space at the top of the form where they also enter the PHA's name and mailing address. Section C of the form should be left blank. A copy of Form HUD–52515 is included in the forms found in Appendix B to the General Section of the SuperNOFA. Copies of the form may also be downloaded from the HUD Home page site on the Internet's world wide web (http://www.HUD.gov). (On the HUD website click on "handbooks and forms," then click on "forms," then click on "HUD–5" and click on "HUD–52515." The form must be completed in its entirety, with the exception of Section C, signed and dated.

(B) *Letter of Intent and Narrative.* The PHA must state in its cover letter to the application whether the PHA will accept a reduction in the number of vouchers, and the minimum number of vouchers the PHA will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that a PHA may apply for under this announcement is limited to 200.

(C) *Demonstration of Need: Certification/Waiting List Information and Other Non-Elderly Disabled Families Residing in the Community.* In order to support the number of vouchers being requested on the form HUD–52515, the PHA's application must include:

(1) A certification from the owner of a covered development (see the different types of covered developments listed in Section III(A)(1) and (2) of this announcement), stating the specific type of covered development, preferences are provided to elderly families in selecting tenants (Section 8 project-based developments) or occupancy in the development (or portion thereof) is restricted to elderly families (assisted housing developments), and the number of non-elderly disabled families on the owner's waiting list for the development. (PHAs may contact the local HUD Field Office's Director, Multifamily Division, to get the names, addresses and telephone numbers of the developments falling under Section III(A)(1) and (2) in this announcement. The PHA will then need to contact the management/owners of these developments within their jurisdiction to verify that the development is a covered development. Owners of covered developments are encouraged to cooperate with PHAs and provide the required certification (if applicable) in a timely manner, along with the names, addresses and telephone numbers of those families on the development's waiting list that are non-elderly disabled families.)

(2) PHAs must also submit information supportive of the number of other non-elderly disabled families residing in the community who would qualify for one-bedroom or zero-bedroom units (not on the waiting lists of covered developments). (See the note at the end of Section II(B)(1)(a) of this announcement which identifies those limited instances in which a PHA may apply for funding for a two-bedroom unit.) The application must demonstrate a need for vouchers by providing information documenting that the demand for housing for non-elderly disabled families would equal or exceed the requested number of vouchers (not to exceed 200). The PHA must assess and document the need using a range of sources including, but not limited to: census data, information from the PHA's waiting list (both public housing and housing choice voucher), statistics on recent public housing admissions and certificate and voucher use, data from local advocacy groups and local public and private service agencies familiar with the housing needs of non-elderly disabled families, and pertinent information from the Consolidated Plan (including the Analysis of Impediments to Fair Housing Choice) applicable to the PHA's jurisdiction. (See 24 CFR 91.205(d).)

(D) *Statement Regarding the Steps the PHA Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the PHA's statement should include, but not necessarily be limited to:

(1) The examination of the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); and a description of a plan developed to (a) address those impediments in a reasonable fashion in view of the resources available; and (b) work with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and the maintenance of records reflecting this analysis and actions;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or

(3) Promote fair housing rights and fair housing choice.

(E) *Moving to Work (MTW) PHA Information and Certification.* See Section VII(B)(2)(c) regarding the information to be submitted by an MTW PHA required to report under the Section 8 Management Assessment Program (SEMAP) but not meeting the 95 percent lease-up or budget authority utilization requirements, or the lease-up or budget authority utilization certification to be submitted by an MTW PHA not required to report under SEMAP.

(F) *Multifamily Tenant Characteristics System (MTCS) Reporting Certification.* In order to be eligible to submit an application under this announcement, the PHA must have had a minimum reporting rate of not less than 85 percent for housing choice voucher and certificate resident records to HUD's MTCS (see 24 CFR Part 908 and Notices PIH 98–30, 99–2 and 2000–13) for the period ending December 1999, and must submit a certification with its application certifying to having met this requirement. In the event a PHA received less than an 85 percent rate of reporting under MTCS for this period, the PHA will still be considered to have passed the threshold requirement if: (1) it subsequently achieved a minimum reporting rate of not less than 85 percent for public housing resident records under the MTCS as of the December 2000 reporting period; or (2) the PHA was granted forbearance by HUD under the applicable procedures under PIH Notices 2000–13 for the semi-annual assessment period ending December, 2000. In this latter instance, the PHA must submit a certification with its application indicating that it has either achieved such a minimum reporting rate as of the December 2000 reporting period, or that it has obtained a forbearance from HUD for the semi-annual assessment period ending December 2000.

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The application must include all of the information specified in Section VI, Application Submission Requirements, of this announcement. The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications.* (1) After the 14-calendar day technical deficiency correction period (as provided in the General Section), the Grants Management Center will disapprove all applications that the Grants Management Center determines are not acceptable for processing. The notification of rejection letter will state the basis for the decision.

(2) Applications that fall into any of the following categories will not be processed:

(a) Applications that do not meet the threshold fair housing and civil rights compliance requirements of Section II(B) of the General Section of the SuperNOFA.

(b) The PHA has major program management findings in an Inspector General audit, HUD management review, or independent public accountant (IPA) audit for its voucher or certificate programs that are not closed or on which satisfactory progress in resolving the findings is not being made; or program compliance problems for its voucher or certificate programs on which satisfactory progress is not being made. The only exception to this category is if the PHA has been identified under the policy established in Section III(B)(2) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) The PHA has failed to achieve a lease-up rate of 95 percent for its combined certificate and voucher units under contract for its fiscal year ending in 1999. Category (c) may be passed, however, if the PHA achieved a combined certificate and voucher budget authority utilization rate of 95

percent or greater for its fiscal year ending in 1999. In the event the PHA is unable to meet either of these percentage requirements, it may still pass category (c) if it submits information to the GMC, as part of its application, demonstrating that it was able to either increase its combined certificate and voucher lease-up rate to 95 percent or greater for its fiscal year ending in 2000, or was able to increase combined certificate and voucher budget authority utilization to 95 percent or more for its fiscal year ending in 2000. PHAs that have been determined by HUD to have passed either the 95 percent lease-up, or 95 percent budget authority utilization requirement for their fiscal year ending in 1999 will be listed with this funding announcement on a HUD website: (www.hud.gov/grants). A PHA not listed must either submit information (following the format of Appendix A of this NOFA) in its application supportive of its 95 percent lease-up or 95 percent budget authority utilization performance for its fiscal year ending in 2000, or submit information (following the format of Appendix A of this NOFA) as part of its application supportive of its contention that it should have been included among those PHAs HUD listed on the HUD website as having achieved either a 95 percent lease-up rate or 95 percent funding utilization rate for fiscal years ending in 1999. Appendix A of this NOFA indicates the methodology and data sources used by HUD to calculate the lease-up and budget authority utilization percentage rates for PHAs with fiscal years ending in 1999. Any PHA wishing to submit information to the GMC in connection with its 1999 fiscal year or 2000 fiscal year for the purposes described immediately above (so as to be eligible under category (c) to submit an application) will be required to use the same methodology and data sources indicated in Appendix A.

Moving To Work (MTW) agencies that are required to report under the Section 8 Management Assessment Program (SEMAP) shall be held to the 95 percent lease-up and budget authority utilization requirements referenced above, except where such an MTW agency provides information in its application demonstrating to HUD that a lower percentage is the result of the implementation of specific aspects of its program under its MTW agreement with HUD. MTW agencies which are not required to report under SEMAP must submit a certification with their application certifying that they are not required to report under SEMAP, and that they meet the 95 percent lease-up or budget authority utilization requirements.

PHAs not currently administering a certificate or voucher program, or who received voucher funding for the first time for FY 2000 will not be subject to the 95 percent lease-up or budget authority utilization requirements of this section (c).

(d) The PHA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the PHA to administer the vouchers.

(e) An application that does not comply with the requirements of 24 CFR 982.102 and this program section after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled "Address for Submitting Applications" at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(i) The applicant has failed to achieve a minimum 85 percent submission rate for housing choice voucher and certificate resident records to HUD's Multifamily Tenant Characteristics System (MTCS), (see 24 CFR Part 908 and Notices PIH 98–30 and 2000–13), for the period ending December 1999, and December 2000, and did not receive HUD forbearance.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) of the HUD regulations, tenant-based rental activities under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities.

IX. Authority

Authority for this program is found in the Departments of Veteran's Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY 2001 (Pub.L. 106–377, approved October 27, 2000). This FY 2001 Appropriations Act authorized appropriations for housing choice vouchers to assist non-elderly disabled families affected by the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992, or the restriction of occupancy to elderly families in accordance with section 658 of the Act. The FY 2000 Appropriations Act also allows the Secretary to transfer any unobligated funds for this purpose to assist non-elderly disabled families to the extent they are not needed under Sections 651 and 658 for such families. Therefore, any funds remaining unobligated under this program section of this SuperNOFA will be used first to fund any approvable applications under the Rental Assistance for Non-Elderly Persons With Disabilities in Support of Designated Housing Plans program for which there are insufficient funds. Thereafter, any funds still remaining unobligated will be used to fund applications under the Mainstream Program in the SuperNOFA.

Appendix A—Methodology for Determining Lease-up and Budget Authority Utilization Percentage Rates

Using data from the HUDCAPS system, HUD determined which PHAs met the 95% budget authority utilization or 95% lease-up criteria. The data used in the determination was based on PHA fiscal years ending in 1999. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA 1999 year combining the certificate and voucher programs.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD–52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA 1999 year for each funding increment which had an active contract term during all or a portion of the PHA year.

Example

PHA ABC Fiscal Year 10/1/98 Through 9/30/99

[HUD 52681 Approved Data]

HAP	$2,500,000
Administrative fee	250,000
Hard to house fee	1,000
Audit	2,000
Total	2,753,000
Interest earned on administrative fee	(2,500)
Total contributions required	2,750,500

Calculation of Annual Budget Authority

Increments and contract term	Total BA	ABA
001 11/01/98–10/31/99	$1,300,000	$1,191,667
002 01/01/99–12/31/99	1,200,000	900,000
003 04/01/99–03/31/00	950,000	475,000
004 07/01/99–06/30/00	1,500,000	375,000
Totals	4,950,000	2,941,667
Budget Authority Utilization:		
Total contributions required divided by	2,750,000	
Annual budget authority equals	2,941,667	
Budget Authority Utilization (percent)	93.5	

Lease-up Rate

The lease-up rate was determined by comparing the contract units (funding increments active as of the end of the PHA 1999 year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for 1999.

Active funding increments awarded by HUD for special purposes such as litigation, relocation/replacement, housing conversions, Welfare to Work, and new units awarded to the PHA during the last twelve months were excluded from the contract units as the Department recognizes that many of these unit allocations have special requirements which require extended periods of time to achieve lease-up.

Example

Increments and contract term	Units
001 11/01/98–10/31/99	242
002 01/01/99–12/31/99	224
003 04/01/99–03/31/00	178
004 07/01/99–06/30/00	280
Totals	924
Increment 003 litigation	(178)
Adjusted contract units	746

Increments and contract term	Units
Unit months leased reported by PHA	8,726
divided by 12	727
Units leased	727
Lease-up rate:	
Units leased	727
divided by adjusted contract units	746
equals	
Lease-up rate (percent)	97.4

BILLING CODE 4210-33-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES IN SUPPORT OF DESIGNATED HOUSING PLANS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES IN SUPPORT OF DESIGNATED HOUSING PLANS

Program Overview

Purpose of the Program. The purpose of the voucher funding being made available under the Housing Choice Voucher Program through this announcement is to enable non-elderly families with disabilities to rent affordable private housing. The vouchers will assist public housing agencies (PHAs) in providing sufficient alternative resources to meet the housing needs of those non-elderly disabled families who would have been housed by the PHA if occupancy in a designated public housing project/building (or portion thereof) were not restricted to elderly households, and assist PHAs who wish to continue to designate their buildings as "mixed elderly and disabled buildings" but can demonstrate a need for alternative resources for non-elderly disabled families.

Available Funds. Approximately $20 million in one-year budget authority for approximately 3,500 housing choice vouchers.

Eligible Applicants. Public housing agencies (PHAs). Indian Housing Authorities, Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new housing choice voucher (Section 8) annual contributions contracts (ACC) with IHAs after September 30, 1997. Further, IHAs would not otherwise have been eligible to apply under this announcement because the requirements of section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) regarding designated housing plans are not applicable to IHAs.

Application Deadline. The application in its entirety must be submitted to HUD's Grants Management Center by July 24, 2001.

Not later than seventy-five (75) days prior to that date; i.e., by May 16, 2001, the designated housing plan portion of the application must be submitted to HUD's Special Application Center.

Match: None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Dates, Application Kits, Further Information and Technical Assistance

Application Due Dates. Submit your original and one copy of your completed application (including the designated housing plan, as appropriate) to HUD on or before 12:00 midnight, Eastern time, on July 24, 2001.

See the General Section of this SuperNOFA for specific procedures concerning the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of an original and two copies. Submit the original application and one copy to Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024. Applications which are hand carried or sent via overnight delivery service should be delivered to this address. The Grants Management Center is the official place of receipt for all applications in response to this announcement of funding availability. Your application will be accepted at this address until 6:00 pm, Eastern time, on the application deadline.

After 6:00 pm on the application deadline date, applications will be accepted in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410, until 12:00 midnight Eastern time.

Submit one copy of the designated housing plan portion of your application to the Office of Public Housing, Special Application Center (SAC), Room 2401, 77 West Jackson Boulevard, Chicago, IL 60604 (312–886–9754), so as to be received by the SAC by not later than May 16, 2001. *Note: The Special Application Center is allowed, by statute, 60 days in which to review a PHA's designated housing plan.*

A PHA submitting an application for voucher funding under this announcement shall not be eligible for funding if it does not submit its entire application to the GMC, and the designated housing plan portion of its application (as applicable) to the SAC, by the deadline dates specified above.

A copy of your application is not required to be submitted to the local HUD Field Office. For ease of reference, the term "local HUD Field Office" will be used in this announcement to mean the local HUD Field Office Hub and local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the General Section of this SuperNOFA.

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding under this announcement.

For Further Information and Technical Assistance. Prior to the application due date, you may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1872, ext. 4064. Subsequent to application submission, you may contact the Grants Management Center at (202) 358–0338. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at www.hud.gov.

II. Amount Allocated

(A) Available Funding. Approximately $20 million in one-year budget authority is available for housing choice vouchers for non-elderly disabled families in support of designated housing plans to designate public housing for occupancy by elderly families only, or elderly families and disabled families only. This funding is expected to provide assistance to approximately 3,500 non-elderly disabled families.

The FY 2001 HUD Appropriations Act allows the Secretary of HUD to transfer any unobligated funds for support of designated housing plans to assist non-elderly disabled families to the extent they are not needed to fund approvable applications related to designated housing plans during FY 2001. Accordingly, any funds remaining unobligated under this announcement will first be used to fund any approvable applications under HUD's announcement for Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments and Section 202, Section 221(d)(3) and Section 236 Developments, for which

there are insufficient funds. Any funds still remaining unobligated under this announcement for funding in support of designated housing plans shall be used to fund any approvable applications under HUD's announcement for Mainstream Housing Opportunities For Persons With Disabilities, for which there are insufficient funds.

(B) *Voucher Funding.*

(1) *Maximum Voucher Request.* A PHA may apply for only the number of units needed to house those non-elderly disabled families that otherwise would have been housed if not for the designation of a project/building (or portion thereof) for occupancy by the elderly only. The size of the units applied for must bear a direct relationship to the size of the units designated. PHAs are limited to applying for no more than a maximum of 200 units (vouchers).

(2) *Determination of Funding Amount for the PHA's Requested Number of Vouchers.* HUD will determine the amount of funding that a PHA will be awarded under this announcement based upon an actual annual per unit cost {except that for Moving to Work (MTW) agencies the per unit cost will be calculated in accordance with the agency's MTW Agreement for MTW units} using the following three step process:

(a) HUD will extract the total expenditures for all the PHA's housing choice (Section 8) programs and the unit months leased information from the most recent approved year end statement (form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all of the PHA's housing choice (Section 8) programs by the unit months leased to derive an average monthly per unit cost.

(b) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

(c) HUD will multiply the annual per unit cost derived under section (ii) above by the Housing Choice Voucher (Section 8) Housing Assistance Payments Program Contract Rent Annual Adjustment Factor (with the highest cost utility included) to generate an adjusted annual per unit cost. For a PHA whose jurisdiction spans multiple annual adjustment factor areas, HUD will use the highest applicable annual adjustment factor.

Note: Applicants who do not currently administer a housing choice certificate or voucher program shall have their voucher funding based upon the actual annual per unit costs of the PHA in their most immediate area administering a housing choice certificate or voucher program, using the three step process described immediately above.

(3) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to PHAs that have not previously administered their own housing choice voucher program and that are selected for funding under this announcement. The preliminary fee will be provided to such PHAs only in their first year administering housing choice vouchers.

(4) *Underfunding Corrections.* If prior to the award of funding under this Designated Housing announcement, HUD determines that any awardees under the FY 2000 Designated Housing announcement have been underfunded due to an error attributable to HUD, funding will be increased to the amount that the awardee should have received.

III. Program Description, Eligible Applicants, and Eligible Participants

(A) *Program Description.* This program provides housing choice vouchers to assist non-elderly disabled families who would have been housed by a PHA if occupancy in the designated public housing project/building (or portion thereof) were not restricted to elderly households, and assist PHAs that wish to continue to designate their projects/buildings (or portions thereof) as "mixed elderly and disabled buildings" and can demonstrate a need for alternative housing resources for non-elderly disabled families that is consistent with the jurisdiction's Consolidated Plan and the low-income housing needs of the jurisdiction.

(B) *Eligible Applicants.* A PHA established pursuant to State law may apply for funding under this announcement. A regional (multi-county) or State PHA is also eligible to apply for funding. A PHA may submit only one application under this announcement. This one application per PHA limit applies regardless of whether the PHA is a State or regional PHA, except in those instances where such a PHA has more than one PHA code number due to its operating under the jurisdiction of more than one HUD Field Office. In such instance, a separate application under each code shall be considered for funding, with the cumulative total of vouchers applied for under the applications not to exceed the maximum number of vouchers the PHA is eligible to apply for under section II(B)(1) of this announcement; i.e., no more than the number of vouchers the same PHA would be eligible to apply for if it only had one PHA code number.

Two or more divisions within State government comprising separate PHAs shall require the State to determine which division shall submit an application to HUD under this funding announcement. As with other PHAs, only one application per PHA shall be considered (see sole exception referenced immediately above).

Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new Housing Choice Voucher Program (Section 8) annual contributions contracts (ACC) with IHAs after September 30, 1997. Further, IHAs would not otherwise have been eligible to apply under this announcement because the requirements of section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) regarding designated housing plans are not applicable to IHAs.

Some PHAs currently administering the housing choice voucher and certificate programs have, at the time of publication of this SuperNOFA, major program management findings from Inspector General audits, HUD management reviews, or independent public accountant (IPA) audits that are open and unresolved or other significant program compliance problems. HUD will not accept applications for additional funding from these PHAs as contract administrators if, on the application due date, the findings are either not closed, or sufficient progress toward closing the findings has not been made to HUD's satisfaction. The PHA must also, to HUD's satisfaction, be making satisfactory progress in addressing any program compliance problems. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another housing agency, nonprofit agency, or contractor, that is acceptable to HUD. The PHA's application must include an agreement by the other housing agency, nonprofit agency, or contractor to administer the new funding increment on behalf of the PHA, and a statement that outlines the steps the PHA is taking to resolve the program findings and program compliance problems. *Immediately after the publication of this SuperNOFA, the local HUD Field Office will notify, in writing, those PHAs that are not eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Grants Management Center.* The PHA may appeal the decision in writing, if HUD has mistakenly classified the PHA as having outstanding management or compliance problems. Any appeal must

be accompanied by conclusive evidence of HUD's error (i.e., documentation showing that the finding has been cleared or satisfactory progress toward closing the findings or addressing compliance problems has been made) and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. Concurrently, the local HUD Field Office shall provide the Grants Management Center with a copy of its written response to the appeal, along with a copy of the PHA's written appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(C) *Eligible Participants.* Only non-elderly disabled families that are income eligible under 24 CFR 982.201(b)(1) and who live in public housing that has been designated for occupancy by the elderly, or non-elderly disabled families who are on the PHA's public housing waiting list, may receive a voucher awarded in conjunction with an approved designated housing plan. Such families need not be listed on the PHA's housing choice voucher waiting list in order to be offered and receive a housing choice voucher. These families may be admitted to the housing choice voucher program as a special admission (24 CFR 982.203).

IV. Program Requirements and Definitions

In addition to the civil rights compliance and nondiscrimination requirements listed in the General Section of this SuperNOFA, grantees must meet the following program requirements:

(A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Examine the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); develop a plan to (a) address those impediments in a reasonable fashion in view of the resources available; and (b) work with the local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and maintain records reflecting these analyses and actions;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Housing Choice Voucher Program regulations.* PHAs must administer the housing choice vouchers received under this announcement in accordance with HUD regulations and requirements governing the Housing Choice Voucher Program.

(2) *Housing Choice Voucher admission requirements.* Housing choice vouchers must be provided to eligible applicants in conformity with regulations and requirements governing the Housing Choice Voucher Program and the PHA's administrative plan.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (e.g., the family initially selected for the program drops out of the program or is unsuccessful in the search for a unit), the rental assistance may be used only for another individual or family eligible for assistance under this announcement subject to appropriations for renewal funding, from the date the rental assistance is placed under an annual contributions contract (ACC).

(D) *PHA Responsibilities.* In addition to PHA responsibilities under the Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants with disabilities in covering the costs of structural alterations and other accessibility features that are needed as accommodations for their disabilities.

(3) Not deny persons who qualify for a housing choice voucher under this program other housing opportunities, or otherwise restrict access to PHA programs to eligible applicants who choose not to participate.

(4) Provide housing choice voucher search assistance.

(5) In accordance with regulatory guidance, provide higher rent to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

PHAs are encouraged to coordinate with/involve nonprofit disability organizations in their meeting the requirements of sections 1, 2, 4 and 6 immediately above. PHAs are encouraged to seek out nonprofit disability organizations in this regard due to such organizations' capacity for assisting disabled families, and their in-depth knowledge of the disability community and the available resources to assist disabled persons.

(E) *Definitions.*

(1) *Designated Housing Plan.* A HUD-approved designated housing plan required of PHAs seeking to designate a project/building (or portion thereof) for occupancy by elderly families only, or elderly and disabled families only. See section 10(a) of the Housing Opportunity Extension Act of 1996 (Pub. L. 104–120, approved March 28, 1996) as explained in Notice PIH 97–12 (HA), Requirements for Designation of Public Housing Projects. This Notice was extended by Notice PIH 2000–20 (HA). Section 10(a) amended section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e).

(2) *Elderly Family.* A family whose head of household, spouse, or sole member is 62 years or older.

(3) *Non-elderly Disabled Family.* A family who is not elderly, and whose head, spouse, or sole member is a person with disabilities. The term "non-elderly disabled family" may include two or more such persons with disabilities living together, and one or more such persons with disabilities living with one or more persons who are determined essential to the care and well-being of the person or persons with disabilities (live-in aides).

(4) *Person with disabilities.* A person who—

(a) Has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or

(b) Is determined to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that such ability could be improved by more suitable housing conditions, or

(c) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

The term "person with disabilities" does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

Note: While the above definition of a "person with disabilities" is to be used for purposes of determining a family's eligibility for a housing choice voucher under this announcement, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of meeting the requirements of Fair Housing laws, including providing reasonable accommodations.

No individual shall be considered a person with disabilities for the purpose of determining eligibility solely on the basis of any drug or alcohol dependence.

(5) *Housing Choice Voucher search assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

V. Application Selection Process

After the Grants Management Center has screened PHA applications and disapproved any applications found unacceptable for further processing, the Grants Management Center will review all acceptable applications (exclusive of the Designated Housing Plan portion of the application—which is reviewed by the Special Application Center) to ensure that they are technically adequate and responsive to the requirements of this announcement of funding availability.

The Special Application Center will send to the Grants Management Center the following information on each designated housing plan submitted in conjunction with this announcement:

(1) A copy of the letter to the PHA approving or disapproving its designated housing plan.

(2) Special Application Center contact person and telephone number.

HUD Headquarters will fund on a first-come, first-serve basis all approvable applications from PHAs that are recommended for funding by the Grants Management Center and that the Special Application Center advises has an approved designated housing plan, based upon the date and time the application is received in the Grants Management Center. As PHAs are selected, the cost of funding the applications will be subtracted from the funds available. In the event approvable applications are received for more than the approximately $20 million available under this announcement, funds will be transferred from the approximately $20 million available under the announcement for non-elderly disabled families not receiving housing assistance in certain Section 8 project-based developments, or certain Section 202, Section 221(d)(3) or Section 236 developments, to the extent funds are not needed for approvable applications under that announcement. Applications will be funded for the total number of units requested by the PHA and approved by the Grants Management Center in accordance with this funding announcement for support of Designated Housing Plans. When remaining budget authority is insufficient to fund the last selected PHA application in full, however, HUD Headquarters will fund that application to the extent of the funding available, unless the PHA's application indicates that the PHA will only accept a higher number of units. In that event, the next selected application shall be one that has indicated a willingness to accept the lesser amount of funding for the units available.

VI. Application Submission Requirements

(A) *Form HUD–52515.* All PHAs must complete and submit form HUD–52515, Funding Application, for the Housing Choice Voucher Program (Section 8), (dated January 1996). This form includes all necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. PHAs are requested to enter their housing authority code number (for example, CT002), telephone number, facsimile number, and electronic mail address in the same place at the top of the form where they are also to enter the PHA's name and mailing address. The information entered in Section B of the form for bedroom size and number of requested units must bear a direct relationship to the bedroom size and number of units designated in the PHA's designated housing plan that will no longer be available for the future admission of non-elderly disabled families. Section C of the form should be left blank. A copy of Form HUD–52515 is included in the forms found in Appendix B to the General Section of the SuperNOFA. Copies of the form may also be downloaded from the HUD Home page site on the Internet's world wide web (http://www.HUD.gov). (On the HUD website click on "handbooks and forms," then click on "forms," then click on "HUD–5" and click on "HUD–52515." The form must be completed in its entirety, with the exception of Section C, signed and dated.

(B) *Letter of Intent and Narrative.* The PHA must state in its cover letter to the application whether the PHA will accept a reduction in the number of vouchers, and the minimum number of vouchers that the PHA will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that a PHA may apply for under this announcement is limited to 200.

(C) *Approvable Designated Housing Plan.* The application must include an approvable plan to designate housing in accordance with section 10(a) of the Housing Opportunities Extension Act of 1996 (Pub. L. 104–120, approved March 28, 1996) as explained in Notice PIH 97–12 (HA), Requirements for Designation of Public Housing Projects. This Notice was extended by Notice PIH 2000–20 (HA), dated May 8, 2000.

PHAs should also bear in mind that the regulations at 24 CFR 903.3(b) require PHAs to submit an Annual Plan which must provide a statement regarding any public housing project (or portion thereof) which the PHA plans to designate as elderly only or mixed elderly and disabled {see 24 CFR 903.7 (h)(2)(i)}. Only those PHAs which are designated by HUD as high performing PHAs, or are small PHAs (less than 250 public housing units) that are not designated as troubled, are excluded from the requirement to address the designation of elderly and disabled public housing units in the Annual Plan. The Special Application Center will not process a designated housing plan if the PHA's intent to designate is not covered in its Annual Plan.

(D) *Designated Housing Plan Previously Approved.* Any PHA wishing to rely on a designated housing plan previously approved by HUD that did not require housing choice vouchers or certificates for non-elderly disabled families or that now requires more vouchers than previously justified, will require the PHA to submit the information required in sections (A) and (B) immediately above, a copy of the previously HUD-approved designated housing plan, and updated needs data supporting the need now for vouchers not previously deemed necessary as an alternative housing resource. The updated needs data should indicate why the PHA does not have the appropriate resources to carry out the previously approved plan, identify the number of vouchers needed for non-elderly disabled families, and address the housing needs in its Consolidated Plan.

Conversely, any PHA wishing to rely on a designated housing plan previously approved by HUD, contingent upon the PHA's future submission of an application for housing choice vouchers or certificates as an alternative housing resource for non-elderly disabled families, will need to only submit the HUD-approval letter for the designated housing plan in lieu of the plan itself (updated needs data also unnecessary).

(E) *Statement Regarding the Steps the PHA Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the PHA's statement should include, but not necessarily be limited to:

(1) The examination of the PHA's own programs or proposed programs, including an identification of any impedimemts to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); and a description of a plan to (a) address those impediments in a reasonable fashion in view of the resources available; and (b) work with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and the maintenance of records reflecting these analyses and actions;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or (3) Promote fair housing rights and fair housing choice.

(F) *Moving to Work (MTW) PHA Information and Certification.* See section VII(B)(2)(c) regarding the information to be submitted by an MTW PHA required to report under the Section 8 Management Assessment Program (SEMAP) but not meeting the 95 percent lease-up or budget authority utilization requirements, or the lease-up or budget authority utilization certification to be submitted by an MTW PHA not required to report under SEMAP.

(G) *Multifamily Tenant Characteristics System (MTCS) Reporting Certification.* In order to be eligible to submit an application under this announcement, the PHA must have had a minimum reporting rate of not less than 85 percent for housing choice voucher and certificate resident records to HUD's MTCS (see 24 CFR Part 908 and Notices PIH 98–30, 99–2 and 2000–13) for the period ending December 1999, and must submit a certification with its application certifying to having met this requirement. In the event a PHA received less than an 85 percent rate of reporting under MTCS for this period, the PHA will still be considered to have passed the threshold requirement if: (1) it subsequently achieved a minimum reporting rate of not less than 85 percent for public housing resident records under the MTCS as of the December 2000 reporting period; or (2) the PHA was granted forbearance by HUD under the applicable procedures under PIH Notice 2000–13 for the semi-annual assessment period ending December 2000. In this latter instance, the PHA must submit a certification with its application indicating that it has either achieved such a minimum reporting rate as of the December 2000 reporting period, or that it has obtained a forbearance from HUD for the semi-annual assessment period ending December 2000.

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The application must include all of the information specified in section VI, Application Submission Requirements. The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications.*

(1) After the 14-calendar day technical deficiency correction period, the Grants Management Center will disapprove all PHA applications that the Grants Management Center determines are not acceptable for processing. The Grant Management Center's notification of rejection letter must state the basis for the decision.

(2) Applications from PHAs that fall into any of the following categories will not be processed:

(a) Applications that do not meet the fair housing and civil rights compliance threshold requirements of Section II(B) of the General Section of the SuperNOFA.

(b) The PHA has major program management findings in an Inspector General audit, HUD management review, or independent public accountant (IPA) audit for its voucher or certificate programs that are not closed or on which satisfactory progress in resolving the findings is not being made; or program compliance problems for its voucher or certificate programs on which satisfactory progress is not being made. The only exception to this category is if the PHA has been identified under the policy established in Section III(B) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) The PHA has failed to achieve a lease-up rate of 95 percent for its combined certificate and voucher units under contract for its fiscal year ending in 1999. Category (c) may be passed, however, if the PHA achieved a combined certificate and voucher budget authority utilization rate of 95 percent or greater for its fiscal year ending in 1999. In the event the PHA is unable to meet either of these percentage requirements, the PHA may still pass category (c) if the PHA submits information to the Grants Management Center, as part of its application, demonstrating that the PHA was able to either increase its combined certificate and voucher lease-up rate to 95 percent or greater for its fiscal year ending in 2000, or was able to increase combined certificate and voucher budget authority utilization to 95 percent or more for its fiscal year ending in 2000. PHAs that have been determined by HUD to have passed either the 95 percent lease-up, or 95 percent budget authority utilization requirement for their fiscal year ending in 1999 will be listed on a HUD website: (www.hud.gov/grants), along with this funding announcement. A PHA not listed must either submit information (following the format of Appendix A of this announcement) in its application supportive of its 95 percent lease-up or 95 percent budget authority utilization performance for its fiscal year ending in 2000, or submit information (following the format of Appendix A of this announcement) as part of its application supportive of its contention that it should have been included among those PHAs HUD listed on the HUD website as having achieved either a 95 percent lease-up rate or 95 percent budget authority utilization rate for fiscal years ending in 1999. Appendix A to this program section indicates the methodology and data sources used by HUD to calculate the lease-up and budget authority utilization percentage rates for PHAs with fiscal years ending in 1999. Any PHA wishing to submit information to the Grants Management Center in connection with its 1999 fiscal year or 2000 fiscal year for the purposes described immediately above (so as to be eligible under category (c) to submit an application) will be required to use

the same methodology and data sources indicated in Appendix A.

Moving To Work (MTW) agencies that are required to report under the Section 8 Management Assessment Program (SEMAP) shall be held to the 95 percent lease-up and budget authority utilization requirements referenced above, except where such an MTW agency provides information in its application demonstrating to HUD that a lower percentage is the result of the implementation of specific aspects of its program under its MTW Agreement with HUD. MTW agencies which are not required to report under SEMAP must submit a certification with their application certifying that they are not required to report under SEMAP, and that they meet the 95 percent lease-up or budget authority utilization requirements.

PHAs not currently administering a certificate or voucher program, or who received voucher funding for the first time for FY 2000 will not be subject to the 95 percent lease-up or budget authority utilization requirements of this section (c).

(d) The PHA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the PHA to administer the vouchers.

(e) An application that does not comply with the requirements of 24 CFR 982.102 and this program section after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled "Address for Submitting Applications" at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(i) The applicant has failed to achieve a minimum 85 percent submission rate for housing choice voucher and certificate resident records to HUD's Multifamily Tenant Characteristics System (MTCS), (see 24 CFR Part 908 and Notices PIH 98–30 and 2000–13), for the period ending December 1999, and December 2000, and did not receive HUD forbearance.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) of the HUD regulations, tenant-based rental activities under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities.

IX. Authority

Authority for this program is found in the Departments of Veteran's Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY 2001 (Pub.L. 106–377, approved October 27, 2000). This FY 2001 Appropriations Act authorized appropriations for housing choice vouchers to assist non-elderly disabled families affected by the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992, or the restriction of occupancy to elderly families in accordance with section 658 of the Act. The FY 2000 Appropriations Act also allows the Secretary to transfer any unobligated funds for this purpose to assist non-elderly disabled families to the extent they are not needed under Sections 651 and 658 for such families. Therefore, any funds remaining unobligated under this program section of this SuperNOFA will be used first to fund any approvable applications under the Rental Assistance for Non-Elderly Persons With Disabilities in Support of Designated Housing Plans program for which there are insufficient funds. Thereafter, any funds still remaining unobligated will be used to fund applications under the Mainstream Program in the SuperNOFA.

Appendix A—Methodology for Determining Lease-Up and Budget Authority Utilization Percentage Rates

Using data from the HUDCAPS system, HUD determined which PHAs met the 95% budget authority utilization or 95% lease-up criteria. The data used in the determination was based on PHA fiscal years ending in 1999. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA 1999 year combining the certificate and voucher programs.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD–52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA 1999 year for each funding increment which had an active contract term during all or a portion of the PHA year.

Example

PHA ABC Fiscal Year 10/1/98 Through 9/30/99

[HUD 52681 approved data]

HAP	$2,500,000
Administrative fee	250,000
Hard to House fee	1,000
Audit	2,000
Total	2,753,000
Interest earned on administrative fee	(2,500)
Total contributions required	2,750,500

Calculation of Annual Budget Authority

Increments and contract term	Total BA	ABA
001 11/01/98–10/31/99	$1,300,000	$1,191,667
002 01/01/99–12/31/99	1,200,000	900,000
003 04/01/99–03/31/00	950,000	475,000
004 07/01/99–06/30/00	1,500,000	375,000
Totals	4,950,000	2,941,667
Budget Authority Utilization:		
Total contributions required	2,750,000	
divided by		
Annual budget authority	2,941,667	
equals		
Budget Authority Utilization (percent)	93.5	

Lease-up Rate

The lease-up rate was determined by comparing the contract units (funding increments active as of the end of the PHA 1999 year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for 1999.

Active funding increments awarded by HUD for special purposes such as litigation, relocation/replacement, housing conversions, Welfare to Work, and new units awarded to the PHA during the last twelve months were excluded from the contract units as the Department recognizes that many of these unit allocations have special requirements which require extended periods of time to achieve lease-up.

Example

Increments and contract term	Units
001 11/01/98–10/31/99	242
002 01/01/99–12/31/99	224
003 04/01/99–03/31/00	178
004 07/01/99–06/30/00	250
Totals	924
Increment 003 litigation	(178)
Adjusted contract units	746

Increments and contract term	Units
Unit months leased reported by PHA	8,726
divided by 12	727
Units leased	727
Lease-up rate:	
Units leased	727
divided by adjusted contract units	746
equals	
Lease-up rate (percent)	97.4

BILLING CODE 4210–33–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENTAL CERTIFICATE/HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY (FSS) PROGRAM COORDINATORS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR RENTAL CERTIFICATE/HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY (FSS) PROGRAM COORDINATORS

Program Overview

Purpose of Program. The Rental Certificate/Housing Choice Voucher FSS program (referred to in previous NOFAs as the Section 8 FSS program) is intended to promote the development of local strategies to coordinate the use of assistance under the Rental Certificate and Housing Choice Voucher programs with public and private resources to enable participating families to achieve economic independence and self-sufficiency. An FSS program coordinator assures that program participants are linked to the supportive services they need to achieve self-sufficiency. Funding under this NOFA is not available to pay the salary of an FSS coordinator for a public housing FSS program. Operating subsidy may be used to fund the salary of a public housing FSS coordinator.

Available Funds. This NOFA announces the availability of up to $45 million in Fiscal Year (FY) 2001 to fund Rental Certificate/Housing Choice Voucher FSS program coordinators.

Eligible Applicants. Public housing agencies (PHAs) eligible to receive funding under this NOFA are: (1) those that received funding under the FY 2000 NOFA or one of the FY 1999 NOFAs for Rental Certificate/Housing Choice Voucher FSS Program Coordinators and that continue to operate an FSS program; (2) PHAs that were not funded under one of the FY 1999 or FY 2000 FSS NOFAs that are authorized through their HUD-approved FSS Action Plan to administer a Rental Certificate/Housing Choice Voucher FSS program of at least 25 slots; or, if they are PHAs with HUD approval to administer Rental Certificate/Housing Choice Voucher FSS programs of fewer than 25 slots, they apply jointly with one or more other PHAs so that between or among them they have HUD approval to administer at least 25 Rental Certificate/Housing Choice Voucher FSS slots.

Under this NOFA, both the voluntary Rental Certificate/Housing Choice Voucher FSS slots and the mandatory Rental Certificate/Housing Choice Voucher FSS slots reflected in the PHA's HUD-approved FSS Action Plan are counted in determining the PHA's Rental Certificate/Housing Choice Voucher FSS program size.

All awards are subject to a cap of $60,000 per full time coordinator position funded. Evidence of salary comparability to positions in the local jurisdiction for each position must be kept on file in the PHA office.

There is no maximum Rental Certificate/Housing Choice Voucher program size limit cap for PHAs eligible to apply for funding under this NOFA.

Application Deadline. April 25, 2001.

Match. None

Additional Information

If you are interested in applying for funding for Rental Certificate/Housing Choice Voucher FSS Program Coordinator funding under this NOFA, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, and Technical Assistance

Application Due Date. Submit your completed application (an original and two copies) to HUD on or before 12 midnight, Eastern time, on April 25, 2001.

See the General Section of this SuperNOFA for specific procedures concerning the form of application submission (i.e., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of one original and two copies. Submit your original application and one copy with an Acknowledgment of Application Receipt, form HUD–2993, to: Michael E. Diggs, Director, PIH Grants Management Center, U.S. Department of Housing and Urban Development, 501 School Street, Suite 800, Washington, DC 20024. Applications which are hand carried or sent via overnight delivery service should be delivered to this address. The Grants Management Center is the official place of receipt for all applications in response to this announcement of funding availability. Your application will be accepted at this address until 6:00 pm, Eastern time, on the application deadline.

After 6:00 pm on the application deadline date, applications will be accepted in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410, until 12:00 midnight Eastern time.

Submit the second copy of your application to your local HUD Field Office Hub or local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the General Section of this SuperNOFA.

For Application Kits. There is no application kit for this NOFA. This announcement contains all the information necessary for the submission of your application for Rental Certificate/Housing Choice Voucher FSS program coordinator funding.

For Further Information and Technical Assistance. For answers to your questions, you may contact the Public and Indian Housing Resource Center at 1–800–955–2232 or the Hub Director of Public Housing or the Program Center Coordinator in the local HUD Field Office or you may contact the Grants Management Center at (202) 358–0221, extension 118. Hearing-or speech-impaired individuals may call HUD's TTY number 1–800–877–8339, the Federal Information Relay Service TTY, (this is a toll free number). Information can be accessed via the Internet at http://www.hud.gov.

Prior to the application deadline, staff at the numbers given above will be available to provide general guidance, but not guidance in actually preparing the application. Following selection, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD.

Satellite Broadcast. HUD plans to hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at www.hud.gov.

II. Amount Allocated

For FY 2001, up to $45 million may be made available for PHA administrative fees for Rental Certificate/Housing Choice Voucher FSS program coordinators. This amount is from HUD's Congressional justifications that were submitted in support of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Pub.L. 106–377, approved October 27, 2000). This is the eighth fiscal year of funding for Rental Certificate/Housing Choice Voucher FSS program coordinators.

HUD Corrections to Funding Provided Under the FY 2000 NOFA

If prior to award of funding under the FY 2001 Rental Certificate/Housing Choice Voucher FSS NOFA, HUD determines that any PHAs have been underfunded in amounts awarded under the FY 2000 FSS Program Coordinator NOFA, before funding any applications under the FY 2001 NOFA, the Department will increase funding of the FY 2000 awards to the amount that the PHAs should have received under the

FY 2000 NOFA with funding available under the FY 2001 FSS NOFA.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* Through annual NOFAs, HUD has provided funding to PHAs that are operating a Rental Certificate/Housing Choice Voucher FSS program to enable those PHAs to hire a Rental Certificate/Housing Choice Voucher FSS program coordinator.

In this FY 2001 FSS Program Coordinator NOFA, HUD is making sufficient funding available to fund all applicants that received funding under either the FY 1999 or FY 2000 FSS program coordinator NOFAs to allow those PHAs to continue to pay a Rental Certificate/Housing Choice Voucher FSS program coordinator for another year.

Because of the importance of the FSS program in helping families increase earned income and develop assets, HUD is also making a sufficient amount available under this FY 2001 FSS NOFA to enable "new" PHAs that were not funded in FY 1999 or FY 2000 to apply. Each of these "new" PHAs may apply for funding to hire at least one Rental Certificate/Housing Choice Voucher FSS program coordinator for one year at a reasonable cost, as determined by the PHA based on salaries for similar positions in the locality. Under this NOFA, for the first time both new and renewal state and regional PHAs that administer Rental Certificate/Housing Choice Voucher FSS programs in different parts of their jurisdiction may apply for up to one full time Rental Certificate/Housing Choice Voucher FSS program coordinator in each area where they have HUD approval to administer a separate Rental Certificate/Housing Choice Voucher FSS program of at least 25 slots.

Because the workload of a large FSS program is too heavy for a single FSS program coordinator, this NOFA invites each eligible new and renewal PHA with HUD-approval to operate a Rental Certificate/Housing Choice Voucher FSS program of 100 slots in a single jurisdiction to apply for up to one full time coordinator for each 50 HUD-approved slots above their initial 50 Rental Certificate/Housing Choice Voucher FSS program slots. A state or regional agency with HUD approval to operate a Rental Certificate/Housing Choice Voucher FSS program of 100 or more slots in more than one part of its jurisdiction may apply for one or more full time Rental Certificate/Housing Choice Voucher FSS program coordinator for each additional 50 approved FSS slots above the initial 50 Rental Certificate/Housing Choice Voucher slot level in that area.

(B) *Eligible Applicants.* Subject to the availability of sufficient funding, all PHAs in the following categories are eligible applicants under this NOFA:

(1) PHAs that received funding under one of the FY 1999 NOFAs or the FY 2000 NOFAs for Rental Certificate/Housing Choice Voucher FSS program coordinators that are still operating FSS programs will be funded in FY 2001, except those PHAs submitting applications that are ineligible under Section VII.(B) of this NOFA, provided the PHA continues to operate an FSS program, has hired an FSS program coordinator with funding awarded for that purpose under one of the FY 1999 FSS or FY 2000 FSS program coordinator NOFAs, and has made progress in implementing the FSS program demonstrated by having completed activities in each of the categories in section 2 of the required Attachment A certification of this NOFA. Subject to the availability of funds, the eligible PHAs funded in FY 1999 or FY 2000 will receive 103 percent of the latest of its FY 1999 or FY 2000 funding (not to exceed $60,000) unless the PHA requests a higher or lower amount. All awards are subject to the cap of $60,000 per full time FSS program coordinator position. HUD will not provide FY 2001 funding to any PHA that received Rental Certificate/Housing Choice Voucher FSS Program Coordinator funding in FY 1999 or FY 2000 that does not comply with all of the above requirements.

(2) PHAs, including state and regional PHAs, that did not receive Rental Certificate/Housing Choice Voucher FSS program coordinator funding in either FY 1999 or FY 2000, are eligible to apply under this NOFA if the PHA has a HUD-approved FSS Action Plan authorizing the PHA to administer a Rental Certificate/Housing Choice Voucher FSS program of at least 25 FSS slots. PHAs with HUD approval to administer Rental Certificate/Housing Choice Voucher FSS programs of fewer than 25 slots may also apply if they apply jointly with one or more other PHAs so that between or among the PHAs they have HUD approval to administer at least 25 Rental Certificate/Housing Choice Voucher FSS slots. If PHAs apply jointly, the $60,000 maximum amount that may be requested applies to each full time coordinator position in the application as a whole, not to each PHA separately. Joint applicants must specify a lead co-applicant which will receive and administer the FSS program coordinator funding.

(3) State and regional PHAs that are eligible under (1) or (2) of this section may also apply for up to one additional Rental Certificate/Housing Choice Voucher FSS program coordinator for each portion of their jurisdiction where they have HUD approval to operate a Rental Certificate/Housing Choice Voucher FSS program of at least 25 slots.

(4) PHAs that are eligible applicants under (1), (2) or (3) of this section, with HUD approval to operate a Rental Certificate/Housing Choice Voucher FSS program of 100 or more slots may apply for one Rental Certificate/Housing Choice Voucher FSS program coordinator for each 50 HUD approved Rental Certificate/Housing Choice Voucher FSS slots above the first 50 approved slots in the PHA's Rental Certificate/Housing Choice Voucher FSS program. A state or regional PHA that has applied under this NOFA for FSS coordinators in different parts of its jurisdiction may apply for additional coordinators in any area where it is authorized to operate a Rental Certificate/Housing Choice Voucher program of 100 or more slots. In each of these areas, the PHA may apply for up to one additional coordinator for each 50 HUD approved Rental Certificate/Housing Choice Voucher Program FSS slots above the first 50 slots in the PHA's Rental Certificate/Housing Choice Voucher FSS Program.

(C) *Eligible Activities.* Funds are available to PHAs under this NOFA to employ or otherwise retain the services of Rental Certificate/Housing Choice Voucher FSS program coordinators for one year. A part-time Rental Certificate/Housing Choice Voucher FSS program coordinator may be retained where appropriate. In the Rental Certificate/Housing Choice Voucher FSS program, PHAs are required to use rental assistance under the Rental Certificate and Housing Choice Voucher programs together with public and private resources to provide supportive services to enable participating families to achieve economic independence and self-sufficiency. Effective delivery of supportive services is a critical element in a successful FSS program. The FSS program supports the Department's objective of helping poor and disadvantaged families and individuals become self-sufficient and develop assets. The program provides critical tools that can be used by communities to support welfare reform and help families develop new skills that will lead to increased wages and self sufficiency.

IV. Program Requirements

(A) *Program Coordinator Role.* PHAs administering the FSS program use program coordinating committees (PCCs) to assist them to secure resources and implement the FSS program. The PCC is made up of representatives of local government, job training and employment agencies, local welfare agencies, educational institutions, child care providers, nonprofit service providers, and businesses.

An FSS program coordinator works with the PCC and with local service providers to assure that program participants are linked to the supportive services they need to achieve self-sufficiency. The FSS program coordinator may ensure, through case management, that the services included in participants' contracts of participation are provided on a regular, ongoing and satisfactory basis, and that participants are fulfilling their responsibilities under the contracts.

(B) *Staffing Guidelines.* Under normal circumstances, a full-time FSS program coordinator should be able to serve approximately 50 FSS participants, depending on the coordinator's case management functions.

(C) *Other Requirements.* In addition to the civil rights compliance and nondiscrimination requirements listed in the General Section of this SuperNOFA, PHAs must meet the following program requirements:

(1) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. After the application is approved, applicants will be required to identify the specific steps that they will take to (a) address the elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice; (b) remedy discrimination in housing; or (c) promote fair housing rights and fair housing choice. Further, applicants have a duty to carry out the specific activities cited in their responses in a manner which will affirmatively further fair housing.

V. Application Selection Process

The funds available under this NOFA are not being awarded on a competitive basis. The Department anticipates that there will be sufficient funds available under the NOFA to fund all applications that meet the NOFA requirements. Applications will be reviewed by the Grants Management Center (GMC) to determine whether or not they are technically adequate based on the NOFA requirements. Categories of applications that will not be funded are stated in section VII(B) of this NOFA.

All technically adequate applications will be funded to the extent funds are available. If HUD receives applications for funding greater than the amount made available under this NOFA, HUD will fund eligible applicants as follows: Applications will be divided into three categories of funding priority:

Priority 1—Applications from PHAs, including state and regional PHAs, for continuation of the position most recently funded under either the FY 1999 for FY 2000 FSS NOFA.

Priority 2—Priority 2 will consist of:

(a) Applications for up to one initial FSS coordinator position from PHAs that were not funded under the FY 1999 and FY 2000 FSS NOFAs including, for state and regional PHAs with HUD approval to operate FSS programs in different parts of their jurisdictions, up to one FSS coordinator position per area where they are authorized to operate a Rental Certificate/Housing Choice Voucher FSS program of at least 25 FSS slots.

(b) Applications from Priority 1 state and regional PHAs for up to one full time FSS program coordinator position in any area where they are authorized to operate a Rental Certificate/Housing Choice Voucher FSS program of at least 25 FSS slots, but have not received funding under this NOFA for a full time FSS program coordinator position for the area.

Priority 3—Applications for one or more additional FSS coordinators submitted by PHAs eligible for funding in Priority 1 and 2 categories above with HUD approval to operate a Rental Certificate/Housing Choice Voucher FSS program of 100 or more slots.

HUD will first fund all eligible Priority 1 applications to continue funding for up to one full time Rental Certificate/Housing Choice Voucher FSS program coordinator. If funding remains, HUD will then provide funding to eligible Priority 2 applicants for up to one Rental Certificate/Housing Choice Voucher FSS program coordinator position per PHA, or in the case of state and regional PHAs up to one full time coordinator for each area where they are authorized to operate a Rental Certificate/Housing Choice Voucher program of at least 25 slots. If there is insufficient funding for all Priority 2 applicants, funding will be awarded to applicants in Rental Certificate/Housing Choice Voucher program size order starting from the PHAs with the smallest total combined Rental Certificate/Housing Choice Voucher programs first. Rental Certificate/Housing Choice Voucher program size will be determined by HUD using baseline data developed by the Department. If there are not sufficient monies to fund all applications from Priority 2 PHAs with the same combined Rental Certificate/Housing Choice Voucher program size, funding will be provided based on the size of the PHA's Rental Certificate/Housing Choice Voucher FSS program, reflected in the PHA's HUD-approved Rental Certificate/Housing Choice Voucher FSS Action Plan, starting with the largest approved Rental Certificate/Housing Choice Voucher FSS program first.

If monies remain after funding all eligible Priority 2 applications, Priority 3 applications will be funded for up to the full number of additional FSS coordinator slots for which the PHA is eligible and which it has requested in its application. If there are not sufficient monies to fund all eligible Priority 3 applicants, applications will be funded in two stages. In stage 1, PHAs will first be sorted into three categories by HUD-approved FSS program size as follows: (a) PHAs with HUD approval to operate Rental Certificate/Housing Choice Voucher FSS programs of 1,000 or more slots; (b) PHAs with HUD approval to operate Rental Certificate/Housing Choice Voucher FSS programs of 500 to 999 slots; and (c) PHAs with approval to operate Rental Certificate/Housing Choice Voucher FSS programs of 100 to 499 slots. In determining the FSS program size of a state or regional PHA that operates FSS programs in more than one area of their jurisdiction, the total number of approved slots for the entire PHA FSS program will be used to determine the appropriate size category for Priority 3 funding. HUD will then determine if there is sufficient funding to provide each eligible PHA with 1,000 or more slots with up to 5 additional coordinators, PHAs with 500 to 999 slots with three additional coordinators and PHAs with 100 to 499 slots with 1 additional coordinator. If not, HUD will begin awarding funding requests from the PHAs with the largest HUD-approved FSS programs first.

If after funding all eligible positions requested in stage 1 funding remains, HUD will begin funding remaining applications in a second stage for up to the full number of positions each PHA is eligible to receive and has requested starting with the PHAs with the largest size HUD-approved FSS program first. In stage 2, state and regional PHAs approved to operate FSS programs may receive the full amount of eligible positions requested in each part of their jurisdiction where they are approved to operate a program of 100 or more FSS slots. If insufficient funding is available to fund for each separate area where the state or regional PHA operates the FSS

program, the PHA may decide how the total funding available in stage 2 will be divided among the areas where it operates its FSS program.

If there is insufficient money remaining to fully fund the last application funded in any of the above priority categories, HUD will provide residual funding to that application in an amount less than the amount requested by the PHA, unless the PHA is unwilling to accept the lower amount.

If funding remains after all eligible applications submitted in response to this NOFA are funded, the Grants Management Center will use any funding still available through the end of FY 2001 to fund applications submitted after the due date of this NOFA that meet all other requirements of this NOFA. These applications will be funded on a first-come, first-serve basis through September 30, 2001 as long as funds are available.

VI. Application Submission Requirements

(A) *Application Requirement for PHAs that Received FY 1999 or FY 2000 FSS Program Coordinator Funding.* Each PHA that received funding for a Rental Certificate/Housing Choice Voucher FSS program coordinator under one of the FY 1999 NOFAs or under the FY 2000 FSS NOFA that wishes to receive funding under this NOFA must complete a certification in the format shown as "Attachment A" of this NOFA, and must include all information required in "Attachment A" of this FSS NOFA. The completed Attachment A certification along with the Fair Housing Certification (Attachment C of this NOFA) and the Certification Regarding Lobbying (Attachment D of this NOFA) constitute the entire PHA application for funding under this section. These certifications must be submitted to the GMC by the due date to be considered for funding for the initial round of funding under this NOFA.

(B) *Request for FSS Program Coordinator Funds by Eligible PHAs that were not Funded in FY 1999 or FY 2000.* PHAs that did not receive funding under the FY 1999 or FY 2000 FSS Program Coordinator NOFAs must complete a certification in the format shown as "Attachment B" of this FSS NOFA and must include all information required in Attachment B. The completed Attachment B certification along with the Fair Housing Certification (Attachment C of this NOFA) and the Certification Regarding Lobbying (Attachment D of the NOFA) constitute the entire PHA application for funding under this section. These certifications must be submitted to the GMC by the due date to be considered for funding for the initial round of funding under this NOFA.

(C) *Fair Housing Certification and Certification Regarding Lobbying.* All PHAs applying for funding under this NOFA must submit the Certification Regarding Fair Housing and Equal Opportunity which is included as Attachment C of this NOFA and the Certification Regarding Lobbying which is Attachment D of this NOFA.

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications*

(1) After the 14-calendar day technical deficiency correction period (as provided in the General Section), the GMC will disapprove PHA applications that it determines are not acceptable for processing under the initial round of funding. The HUD notification of rejection letter must state the basis for the decision.

(2) Applications from PHAs that fall into any of the following categories are ineligible for funding under this NOFA and will not be processed:

(a) An application from a PHA that is not an eligible PHA under III.(B) of this NOFA or an application that does not comply with the requirements of VI. of this NOFA.

(b) An application from a PHA that does not meet the requirements of fair housing and civil rights compliance requirements of Section II(B) of the SuperNOFA.

(c) An application from a PHA that at the end of the 14-calendar day technical correction period has not made progress satisfactory to HUD in resolving serious outstanding Inspector General audit findings, or serious outstanding HUD management review or independent public accountant (IPA) audit findings for one or more of the following programs: Housing Choice Voucher, Rental Certificate or Moderate Rehabilitation. Serious program management findings are those that would cast doubt on the capacity of the PHA to administer its Rental Certificate/Housing Choice Voucher programs in accordance with applicable HUD regulatory and statutory requirements.

(d) The application was not submitted to the official place of receipt as indicated in the paragraph entitled "Address for Submitting Applications" at the beginning of this announcement.

(e) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(3) Otherwise eligible applications that are not received by the due date of this NOFA will not be funded unless funds remain available after all eligible applications received by the due date have been funded. If at that time all the funding under this NOFA has not been awarded, then otherwise eligible applications received after the due date will be funded on a first come, first serve basis through the end of FY 2001, as long as funding remains available. If more than one such application is received at the same date and time, the application from the PHA with the smallest combined Rental Certificate/Housing Choice Voucher program will be funded first.

VIII. Environmental Requirements

No environmental review is required in connection with the award of assistance under this NOFA, because the NOFA only provides funds for employing a coordinator that provides public and supportive services, which are categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under 24 CFR 50.19(b)(4) and (12).

IX. Authority

The Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2001 (Pub.L. 106–377, approved October 27, 2000) allows funding for program coordinators under the Rental Certificate/Housing Choice Voucher FSS program. As a result, the Department determined to make a sufficient amount available under this NOFA, under Part 984, in accordance with section 984.302(b), to enable PHAs to employ one or more Rental Certificate/Housing Choice Voucher FSS program coordinator for one year at a reasonable cost as determined by the PHA and HUD, based on salaries for similar positions in the locality.

Attachment A—Required Certification Format for FY 2001 Rental Certificate/Housing Choice Voucher FSS Program Coordinator Funding for PHAs That Received Funding Under a FY 1999 or FY 2000 Rental Certificate/Housing Choice Voucher FSS Program Coordinator NOFA

Mr. Michael E. Diggs, Director, Grants Management Center, 501 School Street, Suite 800, Washington, DC 20024

Dear Mr. Diggs: In connection with the FY 2001 NOFA for Rental Certificate/Housing Choice Voucher FSS program coordinators, I hereby certify for the _____ (enter PHA name. For joint applications, please indicate the names of all co-applicants and identify the lead PHA that received and administered funds received under the FY 1999 or FY 2000 NOFA.) that:

(1) The PHA received funding under the FY _____ FSS program coordinator NOFA (enter either FY 1999 or FY 2000 as appropriate), continues to operate an FSS program and has hired (Enter name of coordinator) as its FSS program coordinator at a salary of (Enter salary amount) using HUD funds provided for that purpose on _____ (enter the most recent ACC effective date for funding received by the PHA under the Rental Certificate/Housing Choice Voucher FY 1999 or FY 2000 FSS program coordinator funding increment), and

(2) The PHA has (check all that apply):

___ (a) Formed and convened an FSS program coordinating committee,

___ (b) Obtained HUD approval of its FSS action plan,

___ (c) Executed contracts of participation with FSS participants.

(3) The PHA is/is not (indicate appropriate choice) a state or regional PHA operating separate Rental Certificate/Housing Choice Voucher FSS programs in more than one part of its jurisdiction.

(4) Total number of Rental Certificate/Housing Choice Voucher FSS program slots based on the number of FSS slots (both voluntary and mandatory) identified in the PHA's HUD-approved Action Plan OR, when PHAs are applying jointly, the combined total of Rental Certificate/Housing Choice Voucher FSS program slots in the HUD-approved Action Plans of the PHAs: _____. (A State or regional PHA applying for coordinator positions for programs operated in different parts of its jurisdiction must identify below in (7) each area where it is authorized to operate a program and the number of slots approved for each area.)

(5) Total Number of Rental Certificate/Housing Choice Voucher program coordinator positions requested under the FY 2001 Rental Certificate/Housing Choice Voucher FSS NOFA: _____.

(6) Rental Certificate/Housing Choice Voucher FSS Program Coordinator Salary level requested under this NOFA to continue the FSS program coordinator position that was funded under the FY 1999 or FY 2000 FSS NOFA based on salaries for comparable jobs: _____.

(7) (If applicable) Rental Certificate/Housing Choice Voucher FSS program coordinator salary level for each position requested, based on comparables, for any Rental Certificate/Housing Choice Voucher FSS program coordinator positions other than the position described in (6) above. (State/regional agencies applying for one or more positions in more than one location in their jurisdiction, must provide information in the format below for each location where positions are requested. If positions for the location are at different Salary levels, indicate the number of positions at each Salary level. Location: ____ # of approved slots: ____ # of positions requested: ____ Salary: ____)

(8) Evidence demonstrating salary comparability to similar positions in the local jurisdiction for each of the above positions is on file at the PHA.

If there are any questions, please contact _____ at _____

Sincerely,
Executive Director

Attachment B—Required Format for Certification from PHAs that Did Not Receive Rental Certificate/Housing Choice Voucher FSS Program Coordinator Funding under FY 1999 or FY 2000 NOFAs

Mr. Michael E. Diggs, Director, Grants Management Center, 501 School Street, Suite 800, Washington, DC 20024

Dear Mr. Diggs: In connection with the FY 2001 NOFA for FSS program coordinators, this is a request for funds to pay the salary of _____ (Enter number of positions) Rental Certificate/Housing Choice Voucher FSS program coordinators for one year. I hereby certify for the _____ (Enter PHA name. For joint applications, indicate the names of all co-applicants and identify the lead PHA that will receive and administer the funding requested under this NOFA.) that:

1. The total number of HUD-approved Rental Certificate/Housing Choice Voucher FSS program slots (both voluntary and mandatory) identified in the PHAs HUD-Approved FSS Action Plan OR when PHAs are applying jointly, the combined total of Rental Certificate/Housing Choice Voucher FSS program slots in the HUD-approved Action plans of the PHAs: ___

2. The PHA is/is not (indicate appropriate choice) a State or regional PHA operating separate Rental Certificate/Housing Choice Voucher FSS programs in more than one part of its jurisdiction.

3. Rental Certificate/Housing Choice Voucher FSS Program Coordinator salary level for each position requested based on salaries for comparable jobs. (If funding is being requested by a state or regional PHA for one or more positions in more than one location in their jurisdiction, the PHA must provide information in the format below for each location where positions are requested. If positions for the location are at different Salary levels, indicate the number of positions at each Salary level. Location: ___ # of approved FSS slots: ___ # of positions requested: ___ Salary: ___)

4. Evidence demonstrating salary comparability to similar position in the local jurisdiction is on file in the PHA office.

If there are any questions, please contact ___ at ___.

Sincerely,
Executive Director

Attachment C—Fair Housing and Equal Opportunity Certifications

The housing agency (PHA) certifies that in administering the funding for the Rental Certificate/Housing Choice Voucher Family Self-Sufficiency program coordinators it will comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing. CDBG recipients also must certify to compliance with section 109 of the Housing and Community Development Act.

_____
Name of PHA
Signature and Title of PHA Representative

_____
Date

Attachment D—Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1342, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____
Signature of PHA Representative

_____
Name of PHA

_____
Name of Signatory (Print or Type)

_____
Date signed

_____

BILLING CODE 4210-33-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

EARLY DOCTORAL STUDENT RESEARCH GRANT PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR EARLY DOCTORAL STUDENT RESEARCH GRANT PROGRAM

Program Overview

Purpose of the Program. To help eligible doctoral students cultivate their research skills through the preparation of research manuscripts that focus on housing and urban development issues.

Available Funds. Approximately $150,000.

Eligible Applicants: Only pre-dissertation Ph.D. students whose studies include urban economics as a major or concentration within another field related to housing and urban development.

Application Deadline. April 26, 2001.

Match. None.

Additional Information

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 12:00 midnight, Eastern Time on April 26, 2001. You should read the General Section of the SuperNOFA because it contains more detailed information about the application due date.

Address for Submitting Applications. Your completed application consists of an original signed application and an electronic copy of the application. If you are submitting your application by mail, you should send it to the following address: University Partnerships Clearinghouse, Aspen Systems Corporation, Mail Stop 5B, 2277 Research Blvd., Rockville, MD 20850. If you are hand-delivering your application on or before the due date, you should deliver it to Room 8110 during normal business hours or to the South Lobby after these hours and before midnight. You should read the General Section of the SuperNOFA because it contains more detailed information on submission deadlines. Please mark on the envelope for your application that it is for the Early Doctoral Student Research Grant Program.

HUD will accept only one application per doctoral student.

For Application Kits. The application requirements are contained in this program NOFA. There is no separate application kit for the program.

For Further Information and Technical Assistance. You may contact Jane Karadbil of HUD's Office of University Partnerships at 202–708–1537, extension 5918. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Ms. Karadbil via email at Jane_R._Karadbil@hud.gov.

II. Amount Allocated

Approximately $150,000 in FY 2001 funds is being made available under this SuperNOFA for Early Doctoral Student Research Grant Program (EDSRG).

The maximum grant period is 12 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested by and awarded to a doctoral student is $15,000. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of the EDSRG is to enable doctoral students to cultivate their research skills through the preparation of research manuscripts that focus on policy-relevant housing and urban development issues. The program will also provide a forum for new scholars to share their research findings through presentation of this research to a scholarly conference and/or publication in a refereed journal. The FY 2001 EDSRG Program seeks to fund research studies that will inform Federal problem-solving and policy making relating to HUD's policy priorities for this year. These priorities are:

(1) Economic development in "untapped" markets—e.g., studies of reinvestment pressures; efforts to create or expand businesses while meeting the needs of under-served inner-city, older suburb, or rural areas; expansion of access to capital; joint ventures with community-based organizations;

(2) Development of inner cities—e.g., studies of reinvestment pressures; theories of capital/land/market failure that explain why vast areas of many cities have essentially lain dormant or suffered depopulation and/or disinvestment; government policies or market interventions that would alleviate these patterns;

(3) Issues in housing finance—e.g., institutional barriers to efficiency in the housing finance system; enabling the housing finance system to better serve low-income and minority borrowers more effectively; the present and future role of FHA in housing finance;

(4) Affordability of rental housing—e.g., policy and program options in tight or "hot" markets; innovative partnerships or finance; impacts on very-low-income families; preservation of existing housing stock;

(5) Homeownership—e.g., relative importance of factors in tenure decisions; estimation of private and social benefits and costs of homeownership; role in household savings and investment decisions; effects of demographics, macro-economic environment, and government policies on homeownership;

(6) Regionalism and "Smart Growth"—e.g., the economic interdependence of cities and suburbs; connecting the disadvantaged to metropolitan resources; sustainable growth attentive to the economy, the environment, and social equity; rehabilitation and infill development; fiscal disparity issues; and regional problem-solving and coalition building;

(7) Housing markets—e.g., factors affecting rents, home values, tenure, vacancy rates, market absorption of new units, construction activity;

(8) Housing stock—e.g., durability of stock; factors determining rehabilitation and remodeling; comparisons with stock in other developed countries;

(9) Workforce development through the roles of place-based initiatives, community-based organizations, educational institutions, and housing providers—e.g., roles; impacts and effectiveness; links to welfare-to-work; emerging models;

(10) Fair housing—e.g., effectiveness of local initiatives; emerging models; links to schooling or other services; zoning and land use; political management and coalition building; NIMBY-ism; effect on low-income families; gentrification; housing choice; environmental justice;

(11) Housing needs of the elderly and persons with disabilities—e.g., availability; design and quality; affordability; accessibility; linked services; aging in place;

(12) Community development and community building—e.g., impacts and effectiveness; faith-based and higher education community building efforts; emerging models; challenges and pitfalls;

(13) Home equity conversion mortgages (HECMs)—e.g., impact of HECMS on social welfare, availability of housing for younger families, effect on optimal aggregate debt to housing equity ratio as the population ages;

(14) Evaluation of existing housing programs—e.g., opting out of Section 8 project-based contracts, cost-benefit analyses of alternative methods for providing housing assistance; and

(15) Evaluation of college/community partnerships focused on community and economic development and methods for

institutionalizing these partnerships at colleges and universities.

(B) *Eligible Applicants.* You must meet the following requirements:

(1) You must be a currently enrolled and full-time student in an accredited doctoral program at an accredited institution of higher education;

(2) You must have urban economics as your major field or as a concentration within a major in another field related to housing and urban development;

(3) You must not have taken your preliminary/comprehensive examinations;

(4) You must have completed at least two semesters or three terms of your doctoral studies program (depending on the course structure of the institution); and

(5) You must have been assigned a faculty advisor to supervise your research manuscript.

You must provide documentation from the chair of your department that you meet all of these conditions and that in his/her opinion it is realistic to believe that the research manuscript can be completed within the one-year grant period. In addition, you and your institution must meet all the applicable threshold requirements found in Section II(B) of the General Section of the SuperNOFA.

(C) *Eligible Activities.* Your grant must support direct costs incurred in the timely completion of a research manuscript. Eligible costs include stipends, computer software, the purchase of data, travel expenses to collect data; transcription services, and compensation for interviews. Three thousand dollars of the grant will be held back until you have completed your research manuscript and either it has been accepted for presentation at a conference or for publication in a refereed journal by September 30, 2002, or a committee of three faculty members (including your faculty sponsor, as the principal investigator of the grant) has determined and certified to HUD that the manuscript is of high quality and worthy of submission to conferences or journals.

(D) *Ineligible Activities.* Your grant may not be used to pay for tuition, computer hardware, or meals.

(E) *Other Requirements.* (1) *Support from your university.* Support from your university is required. Such support might include tuition waivers, office space, equipment, computer time, or similar items you might need in order to complete your dissertation. This support may not replace support or assistance that your institution would otherwise provide you.

(2) *University sponsorship.* The university shall enter into a Grant Agreement with HUD that provides for payment of the grant by HUD to the university and from the university to the approved applicant, and that further provides all required certifications and assurances. The university shall agree to provide as the Principal Investigator under the Grant Agreement a dissertation advisor or chair of the applicant's dissertation committee who shall supervise the work of the applicant under the Grant Agreement.

(3) *Progress reporting.* You will be required to submit a report, half way through your grant, on the progress you have made towards completion of the research manuscript and the likelihood that you will complete it on time.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine your eligibility to apply; and a technical review to rate your application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be rated if the following standards are met:

(1) You are an eligible doctoral student, as defined in Section III(B) above and have provided a letter from your department chair, in the format in Appendix A, confirming this;

(2) You have requested no more than the grant maximum of $15,000; and

(3) Your institution has agreed to provide some support to you as part of this grant.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 100.

Rating Factor 1: Relevance of Your Research Manuscript to the Department's Mission and Research Priorities (35 points)

In reviewing this factor, HUD will determine the extent to which your research manuscript will produce policy-relevant information that is directly related to one of the research priorities listed above (i.e., the research that will be produced could have an effect on HUD's strategic goals and HUD's programs and policies to achieve these goals—see the HUD web site at http://www.hud.gov/reform/strpln.html for a discussion of these goals The less directly related to one of these topics your research is, the less points you will receive. For example, a study of minorities' housing choice decisions would have high relevance to HUD's strategic goals; a study of transportation inequities would have medium relevance; and a study of the effects of global warming on urban development would have low relevance.

Rating Factor 2: Quality of Your Research Design (35 points)

In reviewing this factor, HUD will determine the extent to which your research design and methodology are likely to produce data and information that will successfully answer your research hypotheses. HUD will also evaluate the extent to which the methodology you propose to use is sound and generally accepted by the relevant research community. Reviewers will be looking at the extent to which you use standard methodological practices in line with research already completed or existing publications in the field related to your research questions.

Rating Factor 3: Your Skills and Preparation and the Furtherance of Them (20 points)

In reviewing this factor, HUD will determine the extent to which:

(1) Your skills and experience are relevant to your proposed research manuscript (e.g., course work, teaching, research projects, presentations);

(2) You have undertaken appropriate preparation (e.g., preliminary design of the survey collection instruments, pre-clearance on interviews) to undertake the dissertation; and

(3) Your proposed research will help to further your research skills (i.e, it is relevant to the kinds of projects you will continue to work on as you earn your Ph.D.).

Rating Factor 4: Timely Completion and Issuance of Your Research Manuscript (10 points)

In reviewing this factor, HUD will determine the extent to which your research design and methodology and plan for completion of your research manuscript can feasibly be completed within the one-year grant period and the likelihood that, either by September 30, 2002, the manuscript will be presented at a conference or for publication in a refereed journal by September 30, 2002, or a small committee of three faculty members can certify that the manuscript is high quality and worthy of submission to conferences or refereed journals. Applications that propose extremely complex and time-consuming data collection efforts (e.g., major longitudinal studies or a very large number of sites visits within the grant period) will determined to be less feasible of completion within the allowed time frame. For example, if you propose a methodology based on information that may not be publicly available until after the end of the grant period (e.g., Census information), or a data collection plan that will take longer than the time you have allowed for it, you will get a lower score than if you have presented a time line and methodology that show evidence that the research project can be completed within the grant period.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 1, Relevance to HUD's Mission, shall be selected. If there is still a tie, the application with the most points for Factor 2, Quality of the Research Design, shall be selected.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

V. Application Submission Requirements

You should include an original and one computer disk (in Word 6.0 or higher) of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section and they must be included in the order shown here. There is no separate application kit for this program. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application, referred to as the "non-standard forms," can be found as Appendix A to this program section of the SuperNOFA. Sample documents are also included in this appendix. The items are as follows:

(A) *SF–424, Application for Federal Assistance.* Include the name and address of the person authorized to execute the grant agreement in Block 5. Include the institution's tax ID number in Block 6. The Catalogue of Federal Domestic Assistance number for the program is 14.517. The form should be signed by the appropriate university official.

(B) *Table of contents of the application.*

(C) *Transmittal Letter,* from you, containing the following information:

(1) Title of your research project;

(2) Your name, university and home addresses, university and home telephone numbers, facsimile numbers, and email address;

(3) Your university's name, department, mailing address, telephone and facsimile numbers.

(4) Your faculty advisor's name, address, telephone and facsimile numbers—this person will serve as the Principal Investigator for the grant.

(D) A statement from your department chair that you have met all the eligibility criteria described in Section III(B) (see Appendix A for a sample).

(E) A statement from the appropriate official that describes your university's support, as described in Section III(E) (see Appendix B for a sample).

(F) An abstract of 500 words or less that addresses the following topics:

(1) Specific purpose of the dissertation;

(2) Methodology being used; and

(3) How you meet the eligibility criteria.

(G) A narrative of the proposed research, not to exceed 5 double-spaced typed pages. This narrative must include the following items in the following order:

(1) Statement of the problem;

(2) Research design and methodology;

(3) Policy relevance of the research;

(4) Your resume including educational background, research experience, background in statistics and empirical research, computer experience, and background in housing and/or urban studies.

(H) A proposed budget (See Appendix C for a sample).

(I) *Certifications.* These forms must be signed by the doctoral candidate and can be downloaded from the HUD web site at www.hud.gov.

(1) HUD–2992, Certification regarding debarment and suspension pursuant to 24 CFR part 24.

(2) HUD–50071, Disclosure of lobbying pursuant to 24 CFR part 87.

(3) HUD–50070, Certification of Drug-Free Workplace, pursuant to 24 CFR 24.600 *et seq.*

(J) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

VI. Environmental Requirements

The provision of assistance under this program is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under § 50.19(b)(1) and (b)(9).

VII. Authority

This program is being undertaken under HUD's research authority under Title V of the Housing and Urban Development Act of 1970.

Appendices A, B and C

The non-standard sample forms and letters, which follow, are required for your Early Doctoral Student Research Grant application.

Appendix A—Sample Statement From Advisor

March 10, 2001

To Whom It May Concern: Jane Jones is a doctoral student at Northern State University. As of the date of this letter her major field of study is (e.g., planning, public policy, urban studies) with a concentration in urban economics. She has completed three terms of her doctoral coursework and has not yet taken her comprehensive examinations. An advisor has been assigned to her for the work she would do under this grant. It is realistic to expect that the proposed research manuscript will be completed within the one-year grant period and either accepted for presentation at a scholarly conference and/or publication in a refereed journal by September 30, 2002, or certified by a faculty committee that it is worthy of being submitted for presentation or publication.

Sincerely,

Dr. Peter Paul, Professor and Chair, Department of City Planning

Appendix B—Sample Description of University Support

March 9, 2001

To Whom It May Concern: John Grey is a doctoral student in the Planning Department at Eastern University, working on a research manuscript titled "The Economics of Smart Growth." Office space, computer hardware, software for preparing statistical summaries, a research library, and several bibliographic databases will be available to Mr. Grey without charge to the grant for which he is applying.

Prof. Bradley Street, Department of Geography, Dissertation Committee Chair

Appendix C—Budget Instructions

A sample budget for an application is shown below. The categories of expenses shown do not necessarily apply to all

applications, and some applications may have expense categories not shown. The sample is representative, not binding.

"The Economics of Smart Growth"
John Jones, 621 Elm Street, Academia, USA 12345, March 10, 2000

Services:			
Applicant (J. Jones):			
__days @ $__/day	=	$	x,xxx
Other professionals:			
A. Smith, __ days @ $__/day	=	$	xx,xxx
B. Brown, __days @ $__/day	=	$	xxx
Clerical:			
C. Johnson, __ days @ $__/day	=	$	xxx
Subtotal, service	=	$	xx,xxx
Other:			
Travel: __ trips @ $__/trip	=	$	x,xxx
Computer usage	=	$	xxx
Reproduction costs	=	$	xxx
Phone, mailing, misc. materials	=	$	xxx
Subtotal, other	=	$	x,xxx
Total estimated cost	=	$	xx,xxx

BILLING CODE 4210-32-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DOCTORAL DISSERTATION RESEARCH GRANT PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR DOCTORAL DISSERTATION RESEARCH GRANT PROGRAM

Program Overview

Purpose of the Program. To assist Ph.D. candidates complete their research and dissertations on housing and urban development issues.

Available Funds. Approximately $600,000.

Eligible Applicants. Only Ph.D. candidates who have completed all of their doctoral program requirements except the preparation of the dissertation.

Application Deadline. April 26, 2001.

Match. None.

Additional Information

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 12:00 midnight, Eastern Time on April 26, 2001. You should read the general section of the SuperNOFA because it contains more detailed information about the application due date.

Address for Submitting Applications. Your completed application consists of an original signed application and an electronic copy of the application. If you are submitting your application by mail, you should send it to the following address: University Partnerships Clearinghouse, Aspen Systems Corporation, Mail Stop 5B, 2277 Research Blvd., Rockville, MD 20850. If you are hand-delivering your application on or before the due date, you should deliver it to Room 8110 during normal business hours or to the South Lobby after these hours and before midnight. You should read the General Section of the SuperNOFA because it contains more detailed information on submission deadlines. Please mark on the envelope for your application that it is the Doctoral Dissertation Research Grant Program.

HUD will accept only one application per Ph.D. candidate.

For Application Kits. The application requirements are contained in this program NOFA. There is no separate application kit for the program.

For Further Information and Technical Assistance. You may contact Jane Karadbil of HUD's Office of University Partnerships at 202–708–1537, extension 5918. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Ms. Karadbil via email at Jane_R._Karadbil@hud.gov.

II. Amount Allocated

Approximately $600,000 in FY 2001 funds is being made available under this SuperNOFA for the Doctoral Dissertation Research Grant Program (DDRG).

The maximum grant period is 24 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested by and awarded to a Ph.D. candidate is $30,000. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of DDRG is to enable Ph.D. candidates enrolled at accredited institutions of higher education to complete their research and dissertations on HUD-related housing and urban development issues. The FY 2001 DDRG program seeks to fund dissertations that will inform Federal problem-solving and policy making relating to HUD's policy priorities for this year. These priorities are:

(1) Economic development in "untapped" markets—e.g., efforts to create or expand businesses while meeting the needs of under-served inner-city, older suburb, or rural areas; expansion of access to capital; joint ventures with community-based organizations;

(2) Development of inner cities—e.g., studies of reinvestment pressures; theories of capital/land/market failure that explain why vast areas of many cities have essentially lain dormant or suffered depopulation and/or disinvestment patterns; government policies or market interventions that would alleviate these patterns;

(3) Issues in housing finance—e.g., institutional barriers to efficiency in the housing finance system; enabling the housing finance system to better serve low-income and minority borrowers more effectively; the present and future role of FHA in housing finance;

(4) Affordability of rental housing—e.g., policy and program options in tight or "hot" markets; innovative partnerships or finance; impacts on very-low-income families; preservation of existing housing stock;

(5) Homeownership—e.g., relative importance of factors in tenure decisions; estimation of private and social benefits and costs of homeownership; role in household savings and investment decisions; effects of demographics, macro-economic environment, and government policies on homeownership;

(6) Regionalism and "Smart Growth"—e.g., the economic interdependence of cities and suburbs; connecting the disadvantaged to metropolitan resources; sustainable growth attentive to the economy, the environment, and social equity; rehabilitation and infill development; fiscal disparity issues; and regional problem-solving and coalition building;

(7) Housing markets—e.g., factors affecting rents, home values, tenure, vacancy rates, market absorption of new units, construction activity;

(8) Housing stock—e.g., durability of stock; factors determining rehabilitation and remodeling; comparisons with stock in other developed countries;

(9) Workforce development through the roles of place-based initiatives, community-based organizations, educational institutions, and housing providers—e.g., roles; impacts and effectiveness; links to welfare-to-work; emerging models;

(10) Fair housing—e.g., effectiveness of local initiatives; emerging models; links to schooling or other services; zoning and land use; political management and coalition building; NIMBY-ism; effect on low-income families; gentrification; housing choice; environmental justice;

(11) Housing needs of the elderly and persons with disabilities—e.g., availability; design and quality; affordability; accessibility; linked services; aging in place;

(12) Community development and community building—e.g., impacts and effectiveness; faith-based and higher education community building efforts; emerging models; challenges and pitfalls;

(13) Home equity conversion mortgages (HECMs)—e.g., impact of HECMS on social welfare, availability of housing for younger families, effect on optimal aggregate debt to housing equity ratio as the population ages;

(14) Evaluation of existing housing programs—e.g., opting out of Section 8 project-based contracts, cost-benefit analyses of alternative methods for providing housing assistance; and

(15) Evaluation of college/community partnerships focused on community and economic development and methods for institutionalizing these partnerships at colleges and universities.

(B) *Eligible Applicants.* You must be a currently enrolled and matriculating student who has been accepted into candidacy in an accredited doctoral program at an accredited institution of

higher education and have a fully developed and approved dissertation proposal. You must provide documentation from your dissertation committee chair that:

(1) By the application due date, your dissertation proposal has been accepted by your full dissertation committee and you have been assigned a dissertation advisor;

(2) By September 1, 2001, you will have satisfactorily completed all other written and oral Ph.D. requirements, including all your examinations and defense of your proposal, except the dissertation; and

(3) It is realistic to believe that the dissertation can be completed within the two-year grant period.

In addition, you and your institution must meet all the applicable threshold requirements found in Section II(B) of the General Section of the SuperNOFA.

(C) *Eligible Activities.* Your grant must support direct costs incurred in the timely completion of a dissertation. Eligible costs include stipends, computer software, the purchase of data, travel expenses to collect data; transcription services, and compensation for interviews. Six thousand dollars of the grant will be held back until you have completed your dissertation, had it approved by your committee, and submitted it to HUD.

(D) *Ineligible Activities.* Your grant may not be used to pay for tuition, computer hardware, or meals.

(E) *Other Requirements.* (1) *Support from your university.* Support from your university is required. Such support might include tuition waivers, office space, equipment, computer time, or similar items you might need in order to complete your dissertation. This support may not replace support or assistance that your institution would otherwise provide you.

(2) *University sponsorship.* The university shall enter into a Grant Agreement with HUD that provides for payment of the grant by HUD to the university and from the university to the approved applicant, and that further provides all required certifications and assurances. The university shall agree to provide as the Principal Investigator under the Grant Agreement a dissertation advisor or chair of the applicant's dissertation committee who shall supervise the work of the applicant under the Grant Agreement.

(3) *Progress reporting.* You will be required to submit a report, at the end of the first year of your grant, on the progress you have made towards completion of the dissertation and the likelihood that you will complete it on time.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine your eligibility to apply; and a technical review to rate your application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be rated if the following standards are met:

(1) You are an eligible Ph.D. candidate, as defined in Section III(B) above and have provided a letter from your dissertation committee chair, in the format in Appendix A, confirming this;

(2) You have requested no more than the $30,000 grant maximum; and

(3) Your institution has agreed to provide some support to you as part of this grant.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 100.

Rating Factor 1: Relevance of Your Dissertation to the Department's Mission and Research Priorities (35 points)

In reviewing this factor, HUD will determine the extent to which your dissertation will produce policy-relevant information that is directly related to one of the research priorities listed above (i.e., the research that will be produced could have an effect on HUD's strategic goals and HUD's programs and policies to achieve these goals—see the HUD web site at http://www.hud.gov/reform/strpln.html for a discussion of these goals). The less directly related to one of these topics your dissertation is, the less points you will receive. For example, a study of minorities' housing choice decisions would have high relevance to HUD's strategic goals; a study of transportation inequities would have medium relevance; and a study of the effects of global warming on urban development would have low relevance.

Rating Factor 2: Quality of Your Research Design (35 points)

In reviewing this factor, HUD will determine the extent to which your research design and methodology are likely to produce data and information that will successfully answer your research hypotheses. HUD will also evaluate the extent to which the methodology you propose to use is sound and generally accepted by the relevant research community. Reviewers will be looking at the extent to which you use standard methodological practices in line with research already completed or existing publications in the field related to your research questions.

Rating Factor 3: Your Skills and Preparation (20 points)

In reviewing this factor, HUD will determine the extent to which your skills and experience are relevant to your proposed dissertation (e.g., course work, teaching, research projects, presentations). HUD will determine the extent to which you have undertaken appropriate preparation (e.g., selecting sites for data collection, identifying potential interviewees and categories of interviewees, pre-clearance on interviews) to undertake the dissertation. HUD will also determine the extent to which your previous research experience (e.g., graduate-level research projects, presentations at conferences, publications, etc.) is relevant to and supportive of your proposed dissertation

Rating Factor 4: Timely Completion of Your Dissertation (10 points)

In reviewing this factor, HUD will determine the extent to which your research design and methodology and plan for completion of the dissertation can be completed within the two-year grant period. Applications that propose extremely complex and time-consuming data collection efforts (e.g., major longitudinal studies or a very large number of sites visits within the two year grant period) will be determined to be less feasible of completion within the allowed time frame. For example, if you propose a methodology based on information that may not be publicly available until after the end of the two-year grant period (e.g., Census information), or a data collection plan that will take longer than the time you have allowed for it, you will get a lower score than if you have presented a time line and methodology that show evidence that the dissertation can be completed within the grant period.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 1, Relevance to HUD's Mission, shall be selected. If there is still a tie, the application with the most points for Factor 2, Quality of the Research Design, shall be selected.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

V. Application Submission Requirements

You should include an original and one computer disk (in Word 6.0 or higher) of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section and they must be included in the order shown here. There is no separate application kit for this program. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application, referred to as the "non-standard forms," can be found as Appendix A to this program section of the SuperNOFA. Sample documents are also included in this appendix. The items are as follows:

(A) *SF–424, Application for Federal Assistance.* Include the name and address of the person authorized to execute the grant agreement in Block 5. Include the institution's tax ID number in Block 6. The Catalogue of Federal Domestic Assistance number for the program is 14.516. The form should be signed by the appropriate university official.

(B) *Table of contents of the application.*

(C) *Transmittal Letter,* from you, containing the following information:

(1) Title of your dissertation;

(2) Your name, university and home addresses, university and home telephone and facsimile numbers, and email address;

(3) Your university's name, department, mailing address, telephone and facsimile numbers.

(4) Your dissertation advisor's name, address, telephone and facsimile numbers—this person will serve as the Principal Investigator for the grant.

(D) A statement from your dissertation advisor or chair of the dissertation committee that you have met all the eligibility criteria described in Section III(B) (see Appendix A for a sample).

(E) A statement from the appropriate official that describes your university's support, as described in Section III(E) (see Appendix B for a sample).

(F) An abstract of 500 words or less that addresses the following topics:

(1) Specific purpose of the dissertation;

(2) Methodology being used; and

(3) How you meet the eligibility criteria.

(G) A narrative of the proposed research, not to exceed 10 double-spaced typed pages. Do not submit your dissertation proposal itself. This narrative must include the following in the following order:

(1) Statement of the problem;

(2) Research design and methodology;

(3) Policy relevance of the research;

(4) Your resume including educational background, research experience, publications, background in statistics and empirical research, computer experience, and background in housing and/or urban studies.

(H) A proposed budget (See Appendix C for a sample).

(I) *Certifications.* These forms must be signed by the doctoral candidate and can be downloaded from the HUD web site at www.hud.gov.

(1) HUD–2992, Certification regarding debarment and suspension pursuant to 24 CFR part 24.

(2) HUD–50071, Disclosure of lobbying pursuant to 24 CFR part 87.

(3) HUD–50070, Certification of Drug–Free Workplace, pursuant to 24 CFR 24.600 *et seq.*

(J) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

VI. Environmental Requirements

The provision of assistance under this program is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under § 50.19(b)(1) and (b)(9).

VII. Authority

This program is being undertaken under HUD's research authority under Title V of the Housing and Urban Development Act of 1970.

Appendices A, B and C

The non-standard sample forms and letters, which follow are required for your Doctoral Dissertation Research Grant application.

Appendix A—Sample Statement From Advisor

March 10, 2001

To Whom It May Concern: John Jones, Ph.D. candidate in urban studies at Northern State University, as of the date of this letter, he will have defended his dissertation proposal, it has been formally approved by the dissertation committee, and a dissertation advisor has been assigned to him. In addition, he will have completed all written and oral Ph.D. examination requirements by September 1, 2001. It is realistic to believe that Mr. Jones' dissertation can be completed within a two-year period.

Sincerely,
Dr. Peter Paul, Professor of Urban Studies and Chairman of John Jones' Dissertation Committee

Appendix B—Sample Description of University Support

March 9, 2001

To Whom It May Concern: Sarah Grey is a Ph.D. student in the Geography Department of Eastern University, working on a dissertation titled "Redevelopment Practices in Lower Manhattan." Office space, computer hardware, software for preparing statistical summaries, a research library, and several bibliographic databases will be available to Ms. Grey without charge to the grant for which she is applying.

Sincerely,
Prof. Bradley Street, Department of Geography, Dissertation Committee Chair

Appendix C—Budget Instructions

A sample budget for an application is shown below. The categories of expenses shown do not necessarily apply to all applications, and some applications may have expense categories not shown. The sample is representative, not binding.

"A Study of Faith-Based Organizations's Effectiveness in Local Community Development Projects"

John Jones, 621 Elm Street, Academia, USA 12345, March 10, 2000

Services:			
Applicant (J. Jones):			
_____days @ $_____/day	=	$	X,XXX

Other Professionals:			
A. Smith, ____ days @ $_____/day	=	$	xx,xxx
B. Brown, ____ days @ $_____/day	=	$	xxx
Clerical:			
C. Johnson, ____ days @ $_____/day	=	$	xxx
Subtotal, service	=	$	xx,xxx
Other:			
Travel: ____ trips @ $_____/day	=	$	x,xxx
Computer usage	=	$	xxx
Reproduction costs	=	$	xxx
Phone, mailing, misc. materials	=	$	xxx
Subtotal, Other	=	$	x,xxx
Total Estimated Cost	=	$	xx,xxx

BILLING CODE 4210-32-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HUD URBAN SCHOLARS FELLOWSHIP PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR HUD URBAN SCHOLARS FELLOWSHIP PROGRAM

Program Overview

Purpose of the Program. To provide encouragement to new scholars to undertake research now, and throughout their careers, on research topics of interest to HUD.

Available Funds. Approximately $550,000.

Eligible Applicants: Only Ph.D.s who have an academic appointment at an institution of higher education and have received their Ph.D.s no earlier than January 1, 1996.

Application Deadline. June 5, 2001.

Match. University support in terms of course load reductions, indirect costs waived, space, etc. are required.

Additional Information

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application must be received on or before 5:00 pm Eastern time, on June 5, 2001.

Address for Submitting Applications. Your completed application consists of an original signed application, which can be submitted in hard copy or electronically. Submit your completed application to the following address: The Fellowship Office/HUD TJ 2041, National Research Council, 2101 Constitution Avenue, N.W., Washington, DC 20418. Please mark on the envelope for your application that it is the HUD Urban Scholars Fellowship Program.

HUD will accept only one application for an applicant.

For Application Kits. An application kit can be obtained by calling or writing the Fellowship Office/HUD, TJ 2041, National Research Council, 2101 Constitution Avenue, N.W., Washington DC 20418, telephone number 202–334–2872 and facsimile number 202–334–3419. The application kit can be downloaded from the Internet at http://national-academies.org/osep/fo.

For Further Information and Technical Assistance. You may call the above number. You may also write to NAS via e-mail at infofell@nas.edu.

II. Amount Allocated

Approximately $550,000 in FY 2001 funds is being made available under this SuperNOFA for the HUD Urban Scholars Fellowship Program.

The maximum grant period is 15 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested by and awarded to an applicant is $55,000. NAS reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purposes of the HUD Urban Scholars Program are to:

(1) Fund research relevant to HUD priorities and issues;

(2) Provide encouragement to new scholars to undertake research now, and for the rest of their careers, on research topics of interest to HUD; and

(3) Have an impact on the academic context in which these scholars work so that this kind of research becomes highly valued. The research priorities for the HUD Urban Scholars Program are designed to inform Federal problem-solving and policy making relating to HUD's strategic goals for this year.

Listed below are these goals and examples of research topics. Proposals are not limited to these example topics but should, in any case, relate to one of the HUD strategic goals listed below.

Goal #1, Improving Community Quality of Life and Economic Vitality

(1) Economic development in "untapped" markets—e.g., efforts to create or expand businesses while meeting the needs of under-served inner-city, older suburb, or rural areas; expansion of access to capital; joint ventures with community-based organizations.

(2) Evaluation of college/community partnerships focused on community and economic development and methods for institutionalizing these partnerships at colleges and universities.

(3) Development of inner cities—e.g., studies of reinvestment pressures; theories of capital/land/market failure that explain why vast areas of many cities have essentially lain dormant or suffered depopulation or disinvesment; government policies or market interventions that would alleviate these patterns.

(4) Regionalism and "Smart Growth—e.g., the economic interdependence of cities and suburbs; connecting the disadvantaged to metropolitan resources; sustainable growth attentive to the economy, the environment, and social equity; rehabilitation and infill development; fiscal disparity issues; and regional problem-solving and coalition building.

(5) Community development and community building—e.g., impacts and effectiveness; faith-based and higher education community building efforts; emerging models; challenges and pitfalls.

(6) Understanding the basic processes of urban demographic, social, and/or political change.

Goal #2, Promoting Self-sufficiency and Asset Development by Families and Individuals

(1) Workforce development through the roles of placed-based initiatives, education providers, community-based organizations, educational institutions, and housing providers—e.g., roles; impacts and effectiveness; links to welfare-to-work; one-stop shops; emerging models.

(2) Home equity conversion mortgages (HECMs)—e.g., impact of HECMS on social welfare, availability of housing for younger families, effect on optimal aggregate debt to housing equity ratio as the population ages.

(3) Strategies to combat homelessness—e.g., effective models, causes; links to welfare-to-work and affordable housing; issues of and responses to youth homelessness.

Goal #3, Increasing the Availability of Decent, Safe, and Affordable Housing in American Communities

(1) Housing finance—e.g., institutional barriers to efficiency in the housing finance system; enabling the housing finance system to better serve low-income and minority borrowers more effectively; the present and future role of FHA in housing finance.

(2) Affordability of rental housing—e.g., policy and program options in tight or "hot" markets; innovative partnerships or finance; impacts on very-low-income families; preservation of existing housing stock.

(3) Homeownership—e.g., relative importance of factors in tenure decisions; estimation of private and social benefits and costs of homeownership; role in employment, household savings, and investment decisions; effects of demographics, macro-economic environment, and government policies on homeownership.

(4) Housing markets—e.g., factors affecting rents, home values, tenure, vacancy rates, market absorption of new units, construction activity.

(5) Housing stock—e.g., durability of stock; factors determining rehabilitation and remodeling; comparisons with stock in other developed countries.

(6) Housing needs of the elderly and persons with disabilities—e.g., availability; design and quality; affordability; accessibility; linked services; aging in place.

(7) Evaluation of existing housing programs—e.g., opting out of Section 8 project-based contracts, cost-benefit analyses of alternative methods for providing housing assistance.

Goal #4, Ensuring Equal Opportunity in Housing for All Americans

(1) Fair housing—e.g., effectiveness of local initiatives; emerging models; links to schooling or other services; gentrification; housing choice; environmental justice; zoning and land use; political management and coalition building; NIMBY-ism; effect on low-income families.

(2) Discrimination in housing and lending—e.g., methods to detect discrimination; systemic patterns and practices.

(3) Concentration of poverty—e.g., impact of housing strategies; effective strategies to promote deconcentration.

(B) *Eligible Applicants.* You must have your Ph.D. and meet the following conditions:

(1) You must have an academic appointment with an institution of higher education. This means that you must either be on a tenure track or be on a term (teaching or research) appointment that will extend beyond the 15-month duration of this fellowship;

(2) You must have received your Ph.D. no earlier than January 1, 1996;

(3) It is realistic to believe that your proposed research project can be completed within the 15-month fellowship period; and

(4) You must have support from your institution as attested to in the letter described below in Section III(E)(1).

In addition, you must meet all the applicable threshold requirements found in Section II(B) of the General Section of the SuperNOFA.

(C) *Eligible Activities.* Your grant must support costs related to completion of your research project. Eligible costs include, but are not limited to, your salary for two summers, graduate assistants to work on the project, up to $2,500 per course for the cost of employing a replacement for the course(s) your university relieves you from teaching, computer software, survey development and administration, the purchase of data, travel expenses to collect data or to make presentations at meetings on your findings; transcription services, compensation for interviews; and no more than eight (8) percent of the university's indirect costs.

(D) *Ineligible Activities.* Your grant may not be used to pay for tuition, computer hardware, meals, relocation costs, or other costs not directly related to your research project. Fellowship funding cannot be used to substitute for university funding.

(E) *Other Requirements.* (1) *Support from your university.* Support from your university is required. Institutions will be required to contribute, at a minimum, the following:

(a) Designating a faculty advisor to monitor your progress on your research project;

(b) Office space, computer usage, etc.; and

(c) Waived indirect costs above the eight percent allowed to be covered by this fellowship. In addition, your application will be viewed more favorably if your institution agrees to reduce your course load by at least one course per term or semester, but to continue paying you your full salary.

(2) *Progress reporting.* You will be required to submit a report, halfway through your fellowship, on the progress you have made towards completion of the research project and the likelihood that you will complete it on time.

(3) *Mentors.* You will be required to work with a mentor on your research project. The mentor, who can be someone in your institution or elsewhere, should be a well-respected scholar in the area of your research topic. The mentor will be expected to provide you with advice and direction on substantive research issues. The mentor and the faculty monitor described above can be, but do not have to be, the same person.

IV. Application Selection Process

The competition and selection process for this program will be run by the National Academy of Sciences (NAS). NAS will conduct two types of review: a threshold review to determine your eligibility to apply; and a technical review to rate your application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be rated if the following standards are met:

(1) You are eligible to apply for this program, as defined in Section III(B) above and have provided a letter from department chair confirming this;

(2) You have obtained a mentor and have included a letter from this person confirming this and describing his/her role in your research;

(3) Your institution has agreed to provide some support to you, above that provided by this funding, as part of this grant.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 100.

Rating Factor 1: Appropriateness of Your Methodology and Approach to the Topic (25 points)

In reviewing this factor, NAS will determine the extent to which your research design and methodology are likely to produce data and information that will successfully answer your research hypotheses. NAS will also evaluate the extent to which the methodology you propose to use is sound and generally accepted by the relevant research community. Reviewers will be looking at the extent to which you use standard methodological practices in line with research already completed or existing publications in the field related to your research questions.

Rating Factor 2: Ability of Your Research Project To Add to the Knowledge Base of the Topic To Be Studied (20 points)

In reviewing this factor, NAS will determine the extent to which your proposed project undertakes research on an area not covered by previous research or proposes to look at a previously studied research topic in a new and different way. Reviewers will look the clarity and compellingness of the case the applicant makes for this project in the context of the existing literature and knowledge base for that topic.

Rating Factor 3: Relevance of Your Research to HUD's Strategic Goals (15 points)

In reviewing this factor, NAS will determine the extent to which your proposed research project will produce policy-relevant information that is directly related to one of the strategic goals listed above (i.e., the research could have an effect on one of the goals and on HUD's programs and policies to achieve these goals). More information can be found about these goals by going to the HUD web site at http://www.hud.gov/reform/strpln.html. The less directly related to one of these goals your research project is, the less points you will receive. For example, a study of minorities' housing choice decisions would have high relevance to HUD's strategic goals; a study of transportation inequities would have medium relevance; and a study of the effects of global warming on urban development would have low relevance.

Rating Factor 4: Your Skills and Preparation (15 points)

In reviewing this factor, NAS will determine the extent to which your training, past employment, and past written work, such as your dissertation, teaching, coursework, and previously completed research papers that were accepted for presentation or publication, lay a foundation for this proposed work.

Rating Factor 5: Commitment of the University (10 points)

In reviewing this factor, NAS will determine the extent of the commitment of your university, beyond that required in Section III(E)(1). The quality of your institution's commitment, in terms of its furthering your research project will also be evaluated under this factor. For example, your university could propose to cover the cost of a graduate assistant to work on your research project in order to demonstrate its commitment beyond what is required of it. The larger the commitment, translated into dollar terms, the higher the points. Full points can only be received if your institution agrees to reduce your course load by one course a semester or term but to continue paying you your full salary.

Rating Factor 6: Timely Completion of Your Research Project (10 points)

In reviewing this factor, NAS will determine the extent to which your research design and methodology and plan for completion of your research project can feasibly be completed within the fifteen-month fellowship period. Applications that propose extremely complex and time-consuming data collection efforts (*e.g.*, major longitudinal studies or a very large number of sites visits within the grant period) will determined to be less feasible of completion within the allowed time frame. For example, if you propose a methodology based on information that may not be publicly available until after the end of the grant period (e.g., Census information), or a data collection plan that will take longer than the time you have allowed for it, you will get a lower score than if you have presented a time line and methodology that show evidence that the research project can be completed within the grant period.

Rating Factor 7: Quality of the Mentoring Plan (5 points)

In reviewing this factor, NAS will determine the appropriateness of the person chosen to be your mentor (in terms of his/her previous work (*e.g.*, research, publications, presentations, standing in the research community) and availability) and the role the mentor has agreed to play in your project. The higher the time commitment the mentor makes to you, the higher points your will receive.

(C) *Selections.* NAS will fund applications in rank order, until it has awarded all available funds. However, as noted in Section II, NAS reserves the right to make awards for less than the amount requested in your application. After all application selections have been made, NAS may require that you participate in negotiations to determine the specific terms of the fellowship and the grant budget. In cases where NAS cannot successfully complete negotiations, or you fail to provide NAS with requested information, an award will not be made. In such instances, NAS may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

V. Application Submission Requirements

You should include an original or electronic copy of your application. Please note the page limits for some of the items listed below and do not exceed them.

The application kit made available by NAS will include, but may not be limited to, the following items:

(A) Applicant information including:

(1) Title of your research project;

(2) Your name, university and home addresses, university and home telephone and facsimile numbers, and e-mail address;

(3) Your university's name, department, mailing address, telephone and facsimile numbers.

(4) Your advisor's name, address, telephone and facsimile number, and e-mail address;

(5) Your mentor's name, address, telephone and facsimile number, and e-mail address;

(6) Evidence of being eligible to apply because you received your Ph.D. no earlier than January 1, 1996;

(7) Your graduate and post-graduate educational background.

(B) A letter from the chair of your department that you have met all the eligibility criteria described in Section III(B).

(C) A letter from the appropriate official that describes your university's support, as described in Section III(E).

(D) A letter from your mentor stating his/her qualifications to be your mentor, his/her proposed role in your research project, and his/her availability to be your mentor.

(E) A one-page abstract of your research project.

(F) A narrative of the proposed research, not to exceed 10 double-spaced typed pages. This narrative must include the following in the following order:

(1) Statement of the problem;

(2) Research design and methodology;

(3) Policy relevance of the research;

(4) How the research will add to the current knowledge base.

(G) A working bibliography of your proposed project.

(H) An annotated bibliography, e.g., a two- or three-sentence annotation for ten to twelve key sources in your working bibliography.

(I) List of your publications: books, refereed journal articles, chapters contributed to books, articles in published proceedings, and any other articles.

(J) List of text and poster presentations made during the last five years.

(K) A one-page abstract of your dissertation.

(L) Grants and awards received during the last five years.

(M) Teaching load during the last five years.

(N) Two letters of reference.

(O) A proposed budget.

(P) Certifications. These forms must be signed by the applicant and can be downloaded from the HUD web site at www.hud.gov.

(1) HUD–2992, Certification regarding debarment and suspension pursuant to 24 CFR part 24.

(2) HUD–50071, Disclosure of lobbying pursuant to 24 CFR part 87.

(3) HUD–50070, Certification of Drug-Free Workplace, pursuant to 24 CFR 24.600 *et seq.*

VI. Environmental Requirements

The provision of assistance under this program is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance under related environmental authorities under 24 CFR 50.19(b)(1) and (b)(9).

VII. Authority

This program is being undertaken under HUD's research authority under Title V of the Housing and Urban Development Act of 1970 (Pub.L. 91–609).

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Federal Register

Monday,
February 26, 2001

Part III

Department of Housing and Urban Development

24 CFR Parts 320 and 330
Government National Mortgage Association Mortgage-Backed Securities Program—Payments to Security Holders; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 320 and 330

[Docket No. FR–4629–P–01]

RIN 2503–AA16

Government National Mortgage Association Mortgage-Backed Securities Program—Payments to Security Holders

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: The Government National Mortgage Association (the "Association" or "Ginnie Mae") is proposing regulations that will govern payments on Ginnie Mae I Modified Pass-Through Securities ("Ginnie Mae I MBS") registered in the name of a securities depository intermediary (a "Depository"). The proposed rule would require that payments on Ginnie Mae I MBS due to Depositories be made in immediately available funds and would supersede any current provisions allowing those payments to be made by check. Payments to other security holders may be made by check or other means provided the check is received by the security holder not later than the 15th day of each month. The regulation would also eliminate any requirement that a physical certificate representing a Ginnie Mae MBS be maintained by a Depository. For consistency, the regulation would also eliminate any requirement that a physical certificate representing a Ginnie Mae multiclass security be maintained by a Depository.

DATES: *Comments Due Date:* March 28, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address. FAXED comments will not be accepted.

FOR FURTHER INFORMATION CONTACT: Thomas R. Weakland, Vice President for Program Administration, Government National Mortgage Association, Department of Housing and Urban Development, Room 6204, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–2884. A telecommunications device for deaf persons (TTY) is available at (202) 708–9300. (The telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

I. Background

As stated in section 301 of the National Housing Act, Ginnie Mae's purpose is to "establish secondary market facilities for residential mortgages, to provide that the operations thereof shall be financed by private capital to the maximum extent feasible, and to authorize such facilities to—

(1) provide stability in the secondary market for residential mortgages;

(2) respond appropriately to the private capital market;

(3) provide ongoing assistance to the secondary market for residential mortgages (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities) by increasing the liquidity of mortgage investments and improving the distribution of investment capital available for residential mortgage financing;

(4) promote access to mortgage credit throughout the Nation (including central cities, rural areas, and underserved areas) by increasing the liquidity of mortgage investments and improving the distribution of investment capital available for residential mortgage financing * * *."

As of September 15, 2000, the principal amount of Ginnie Mae I MBS outstanding was approximately $432 billion. Of this amount, approximately $426 billion or 98.6% was registered in the name of The Depository Trust & Clearing Corporation ("DTCC") for the benefit of holders reflected on the books of DTCC.

Effective October 1, 1998, Section 15–2(A)(1) of the Ginnie Mae Mortgage-Backed Securities Guide has provided with respect to Ginnie Mae I MBS that issuers must remit all payments due to security holders such that security holders will receive their installments as follows:

(1) *Payment by electronic transfer.* For all securities registered in the name of the designated nominee for the depository, with an issue date of October 1, 1998 or later, issuers are required to make payments by ACH transaction or by Fed wire. For securities registered in the name of the designated nominee for the Depository, with an issue date prior to October 1, 1998, Ginnie Mae strongly encourages issuers to pay the Depository by ACH transaction or by Fed wire. If an issuer elects to remit payments to the Depository by ACH transaction or electronic transfer for securities with an issue date prior to October 1, 1998, it must continue to remit payments electronically while the securities are registered in the name of the Depository's nominee.

The electronic transfer must be completed by the 15th calendar day of the month if the 15th is a business day. If the 15th calendar day is not a business day, the transfer must be completed by 1:00 PM, Eastern Time on the first business day following the 15th calendar day of the month.

An issuer of securities that are not registered in the name of the Depository's nominee may make payments to a security holder by ACH transaction or fed wire, provided that it obtains the prior written approval of the security holder. If an issuer begins to make such payments by electronic transfer, it must continue to do so while the securities are registered in the name of that security holder.

(2) *Payment by check.* If an issuer pays by check, the check must be received by the security holder not later than the 15th calendar day of each month.

II. This Proposed Rule

Most issuers of Ginnie Mae I MBS responded affirmatively to Ginnie Mae's encouragement that payments be made by electronic transfer when the payee was DTCC. As of September 15, 2000, (i) approximately 80% of all payments to DTCC on all Ginnie Mae I MBS were made by electronic transfer, (ii) approximately 71% of all payments to DTCC on Ginnie Mae I MBS issued before October 1, 1998, were made by electronic transfer, and (iii) 91% of issuers made all Ginnie Mae I MBS payments to DTCC by electronic transfer.

III. Reasons for Proposed Rule

A. Securities Held Through Intermediaries

Against this background, Ginnie Mae is proposing promulgation of a regulation requiring that all payments to be made on Ginnie Mae I MBS to a Depository be made electronically in immediately available funds. The reasons for the proposal are:

(1) *Fungibility/Liquidity.* Ginnie Mae is charged with maintaining stability and liquidity in the secondary market for residential mortgage securities. Under existing program requirements, funds are transferred at different times on securities that should have the same payment characteristics. This is an unsatisfactory discrepancy when the goal is uniformity for the purpose of enhancing fungibility and thereby liquidity of Ginnie Mae I MBS.

(2) *Access to Alternative Payment Systems.* Ginnie Mae has created uniformity where it would not otherwise exist through the establishment of a relationship with DTCC. As a consequence of Ginnie Mae's program requirements, it is more expensive to invest in Ginnie Mae securities than it need be, to the detriment of mortgagors, mortgagees and secondary market investors. The additional expense is ultimately reflected in the interest rate that is charged homeowners, therefore making homeownership less affordable.

Equally important, existing program requirements have impaired the ability of Ginnie Mae to consider alternative payment systems. In particular, in response to comments from capital markets investors, Ginnie Mae is considering utilizing the payment systems of the Federal Reserve Bank for payments on Ginnie Mae I MBS. Crediting payments through the Federal Reserve's systems would make the crediting process consistent with that for United States Treasury securities and for mortgage-backed securities issue by Fannie Mae and Freddie Mac. Ginnie Mae has also been advised that the use of Federal Reserve systems would enhance the market for Ginnie Mae I MBS in overseas capital markets. Because the Federal Reserve's systems do not accommodate payments made otherwise than electronically in immediately available funds, mandating electronic transfer is a prerequisite to the use of those payment options.

(3) *Credit/Stability.* Only when a check fails to clear is it known that funds were not available that the system assumes were available at the required time of payment. Requiring that all payments due on Ginnie Mae I MBS be made in immediately available funds better assures the certainty and integrity of the Ginnie Mae system and the timeliness of all required payments, because, among other things, Ginnie Mae appropriately does not default an issuer and make payment with its funds until there is actual evidence of an issuer default.

(4) *Efficiency.* Securities markets and securities payment systems are moving rapidly away from paper. A system that must accommodate paper is more costly than one that does not. This is evidenced by the fact that payments are made electronically on all Treasury Securities and the mortgage-backed securities issued by Fannie Mae and Freddie Mac. The Association in proposing these rules has considered that in the past some issuers of Ginnie Mae I MBS have enjoyed a benefit from the inefficiency of the cash collection system. That benefit, however, has been at the expense of the efficiency of the secondary market for mortgage-backed securities. The proposed regulations address this arrangement and return the benefits to the homeowners.

Furthermore, since October 1, 1998, all payments on newly issued Ginnie Mae I MBS registered in the name of the Depository have been made electronically. Thus, Ginnie Mae issuers have systems in place to make payments electronically. Electronic payment is not only feasible, but also the most efficient means for effecting payments on Ginnie Mae I MBS

B. Securities Not Registered in the Name of a Depository's Nominee

As noted above, only approximately 1.4% of outstanding Ginnie Mae I MBS are not registered in the name of the nominee of DTCC ("certificated MBS"). Ginnie Mae is considering whether (i) to require issuers to make payments on certificated MBS by wire transfer of immediately available funds, (ii) to deny investors in certificated MBS the right to receive payment by check, and (iii) whether holders of certificated MBS that elect to receive payments electronically may later elect to receive payments by check. Wire transfer for payments on certificated MBS would be consistent with the trend in the capital markets to paperless transactions, but Ginnie Mae is mindful that issuers and investors may appropriately desire payment by check for expense or other reasons. Accordingly, the Association is soliciting comments on the effect and desirability of mandating electronic payments on certificated MBS.

C. Physical Certificates

In accordance with modern practice and the desires of financial intermediaries with respect to the risk and expense of maintaining custody of actual physical certificates, the Association is proposing that on the effective date of the rule, ownership of Ginnie Mae MBS and Ginnie Mae multiclass securities registered in the name of a Depository will be conclusively established by registration of the Ginnie Mae MBS or Ginnie Mae multiclass security reflected on the books of the registrar of the Ginnie Mae MBS or Ginnie Mae multiclass security. Accordingly, it will no longer be necessary for a Depository to maintain custody of physical certificates representing ownership of Ginnie Mae MBS or Ginnie Mae multiclass securities.

D. Guaranty

The Ginnie Mae guarantee only goes to the registered holder of the Ginnie Mae security, and it is desirable to clarify that Ginnie Mae does not guarantee performance by a Depository in whose name the Ginnie Mae security is registered.

IV. Justification for Reduced Public Comment Period

It is the general practice of the Department to provide a 60-day public comment period on all proposed rules. The Department, however, is reducing its usual 60-day public comment period to 30 days for this proposed rule since most issuers are not affected and the rule does not implement changes that would be considered controversial by the general public. Given the narrow effect of the proposed rule and the fact that the shortened comment period will expedite implementation of a more efficient payment system, the Department believes that a 30-day public comment period is justified.

V. Findings and Certifications

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this proposed rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule addresses ministerial functions associated with the Ginnie Mae MBS program, such as the manner of dividend payments and the method used to document ownership of certificates. Notwithstanding HUD's determination that this rule will not have a significant economic impact on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in the preamble.

Environmental Impact

This proposed rule encompasses activities of the Government National Mortgage Association under Title III of the National Housing Act (12 U.S.C. 1716, et seq.). Therefore, in accordance with 24 CFR 50.19(c)(19) of HUD's regulations, this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits an agency from

publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule would not have federalism implications and would not impose substantial direct compliance costs on State and local governments.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4, approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and on the private sector. This proposed rule does not impose any Federal mandates on any State, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

List of Subjects in 24 CFR Parts 320 and 330

Mortgages, Securities.

Accordingly, parts 320 and 330 of title 24 of the Code of Federal Regulations are proposed to be amended as follows:

PART 320—GUARANTY OF MORTGAGE-BACKED SECURITIES

1. The authority citation for 24 CFR part 320 continues to read as follows:

Authority: 12 U.S.C. 1721(g) and 1723a(a); and 42 U.S.C. 3535(d).

2. Section 320.5 is amended by revising paragraph (g) and adding paragraphs (h), (i) and (j) to read as follows:

§ 320.5 Securities.

* * * * *

(g) *Registered Ownership.* On and after [the Effective Date of the Final Rule], ownership of securities registered in the name of a Depository shall be conclusively established by registration in the name of the Depository as owner on the Association's central registry and it shall be unnecessary for a Depository to maintain custody of any physical certificates evidencing such ownership.

(h) *Payments on Ginnie Mae I MBS.* On and after [the Effective Date of the Final Rule], issuers must remit all payments due to holders of Ginnie Mae I MBS such that holders will receive their installments as follows:

(1) *Payment to a Depository.* (i) For all securities registered in the name of a Depository or the designated nominee for a Depository, issuers are required to make payments in immediately available funds by ACH transaction, Fed wire, or by such other method as directed and/or authorized by Ginnie Mae pursuant to the MBS Guide.

(ii) Payment must be made by the hour specified in the MBS Guide on the 15th calendar day of the month if the 15th is a business day. If the 15th calendar day is not a business day, the transfer must be made by the hour specified in the MBS Guide on the first business day following the 15th calendar day of the month.

(2) *Payments to other holders.* An issuer of Ginnie Mae I securities that are not registered in the name of a Depository or its nominee may make payments to a security holder by ACH transaction or Fed wire, provided that it obtains the prior written approval of the holder of the Ginnie Mae I MBS. If an issuer begins to make such payments by electronic transfer, it must continue to do so while the securities are registered in the name of that security holder. If an issuer makes payments on Ginnie Mae I MBS by check, the check must be received by the security holder not later than the 15th calendar day of each month.

(i) *Guaranty.* The Association's guaranty is a guaranty that payment will be made to the registered owner of securities as reflected in the Association's central registry. The Association makes no other guaranty, including any guaranty that a Depository will appropriately credit payments to beneficial owners of Ginnie Mae MBS. The Association's guarantee of securities payable to a Depository or its nominee becomes effective when the Depository or its nominee is registered as the registered owner of the securities on the Association's central registry.

(j) *Definition of Depository.* As used in this section, *Depository* means a clearing agency, bank or other institution that maintains systems by which ownership and transfer of interests in Ginnie Mae MBS are made through entries on the books of the institution.

PART 330—GUARANTY OF MULTICLASS SECURITIES

3. The authority citation for 24 CFR part 330 continues to read as follows:

Authority: 12 U.S.C. 1721(g) and 1723a(a); and 42 U.S.C. 3535(d).

4. Revise § 330.5 to read as follows:

§ 330.5 Definitions.

As used in this part, the following terms shall have the meanings indicated:

Consolidated securities. A series of multiclass securities, each class of which provides for payments proportionate with payments on the underlying eligible collateral.

Depositor. The entity that deposits, or executes an agreement to deposit, as contained in the Multiclass Guide, eligible collateral into a trust in exchange for consolidated securities.

Depository. A clearing agency, bank or other institution that maintains systems by which ownership and transfer of interests in Ginnie Mae multiclass securities are made through entries on the books of the institution.

GNMA electronic bulletin board. An information distribution system established by the Association for the Multiclass Securities program.

GNMA MBS certificates. The guaranteed mortgage backed securities issued under part 320 of this chapter.

Government mortgages. Mortgages that are eligible under section 306(g) (12 U.S.C. 1721(g)) for inclusion in GNMA mortgage-backed securities pools.

Multiclass Registrar. The institution that is specified by the Association as the registrar of the related class and series of multiclass securities.

Participant. For structured securities, the sponsor, co-sponsor, trustee, trust counsel, and accounting firm. For consolidated securities, the depositor. Other entities may be designated as participants in the Multiclass Guide.

Sponsor. With respect to structured securities, the entity that establishes the required trust executing the trust agreement and depositing the eligible collateral in the trust in exchange for the structured securities.

Structured securities. Securities of a series at least one class of which provides for payments of principal or interest disproportionately from payments on the underlying eligible collateral.

5. Revise § 330.30 to read as follows:

§ 330.30 GNMA guaranty.

(a) *Securities held by Depositories.* On and after [the Effective Date of the Final Rule], ownership of multiclass securities registered in the name of a Depository shall be conclusively established by registration in the name of the Depository as owner on the books and records of the Multiclass Registrar, and it shall be unnecessary for a Depository to maintain custody of any physical certificates evidencing such ownership.

(b) *Guaranty.* The Association's guaranty is a guaranty that payment will be made to the registered owner of securities as reflected on the books and records of the Multiclass Registrar.

(1) The Association makes no other guaranty, including any guaranty that a Depository will appropriately credit payments to beneficial owners of GNMA multiclass securities. The Association's guarantee of securities payable to a Depository or its nominee becomes effective when the Depository or its nominee is registered as the registered owner of the securities on the books and records of the Multiclass Registrar.

(2) The Association guarantees the timely payment of principal and interest as provided by the terms of the multiclass security. The Association's guaranty is backed by the full faith and credit of the United States.

Dated: February 15, 2001.

Mel Martinez,

Secretary.

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Federal Register

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February 26, 2001

Part IV

Department of Health and Human Services

Office of the Secretary

45 CFR Parts 160 and 164
Standards for Privacy of Individually Identifiable Health Information; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Parts 160 and 164

RIN 0991–AB08

Standards for Privacy of Individually Identifiable Health Information

AGENCY: Office for Civil Rights, HHS.

ACTION: Final rule; correction of effective and compliance dates.

SUMMARY: This action corrects the effective date of the final rules adopting standards for privacy of individually identifiable health information published on December 28, 2000, in the **Federal Register** (65 FR 82462), resulting in a new effective date of April 14, 2001. The change in the effective date delays, by operation of law, the compliance dates published in the final rules. The compliance dates in the final rules are revised accordingly.

DATES: 1. The effective date of the Standards for Privacy of Individually Identifiable Health Information published in the **Federal Register** on December 28, 2000, at 65 FR 82462 as amended by this final rule is April 14, 2001.

2. The revision to 45 CFR 164.534 is effective April 14, 2001.

FOR FURTHER INFORMATION CONTACT: Kimberly Coleman, 1–866–OCR–PRIV (1–866–627–7748) or TTY 1–866–788–4989.

SUPPLEMENTARY INFORMATION: On December 28, 2000, we published in the **Federal Register** final rules adopting standards for the privacy of individually identifiable health information (Privacy Rule). The Privacy Rule is the second in a series of rules mandated by sections 261–264 of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104–191. In general, the Privacy Rule establishes in 45 CFR Part 160 a set of definitions applicable to the entire set of HIPAA rules, requirements for requesting that a state law be excepted from preemption by the statute, and compliance and enforcement requirements. The Privacy Rule also establishes a new Subpart E of Part 164. Subpart E establishes standards which entities covered by the statute—health plans, health care clearinghouses, and certain health care providers—are required to comply with to protect the privacy of certain individually identifiable health information ("protected health information"). The standards establish requirements relating to the uses and disclosures of protected health information, the rights of individuals with respect to their protected health information, and the procedures for exercising those rights.

We have determined that the report to the Congress required by 5 U.S.C. 801(a)(1) was not received, as previously thought, concurrent with the transmission of the Rule to the **Federal Register**. The required report was received by the Congress on February 13, 2001. Under 5 U.S.C. 801(a)(3)(A), the effective date of a major rule is, as pertinent here, "the later of the date occurring 60 days after the date on which * * * the Congress receives the [required] report * * *, or * * * the rule is published in the **Federal Register** * * *". Thus, the published effective date, which was 60 days following the date of publication of the Rule in the **Federal Register**, is erroneous; rather, under 5 U.S.C. 801(a)(3)(A), the actual effective date of the Privacy Rule is 60 days after the receipt by the Congress of the final rule, or April 14. This final rule corrects the previously published effective date of the Privacy Rule accordingly.

Because the correction of the effective date is required by law, we find good cause under 5 U.S.C. 553(b)(3)(B) and 553(d)(3) to waive public comment thereon and to make the correction effective immediately upon publication today in the **Federal Register.**

Under section 1175 of the Social Security Act, 42 U.S.C. 1320d–4, enacted by section 262 of HIPAA, most covered entities have two years following initial adoption of a HIPAA standard to come into compliance with the standard; small health plans have three years. Since a HIPAA standard is adopted when the rule adopting it becomes effective, the change in effective date, by operation of law, has the effect of moving the statutory compliance dates forward by a commensurate period. As the compliance dates are part of the text of the Privacy Rule (45 CFR 164.534), they are being amended to reflect the change in the effective date.

This amendment is technical in nature and is required by statute, in light of the change of the effective date of the Privacy Rule. Consequently, we find that good causer under 5 U.S.C. 553(b)(3)(B) exists for waiving prior public comment on the revision to § 164.534.

List of Subjects

45 CFR Part 160

Electronic transactions, Employer benefit plan, Health, Health care, Health facilities, Health insurance, Health records, Medicaid, Medical research, Medicare, Privacy, Reporting and record keeping requirements.

45 CFR Part 164

Electronic transactions, Employer benefit plan, Health, Health care, Health facilities, Health insurance, Health records, Medicaid, Medical research, Medicare, Privacy, Reporting and record keeping requirements.

Dated: February 22, 2001.

Tommy G. Thompson,

Secretary.

For the reasons set forth in the preamble, § 164.534 of title 45, Code of Federal Regulations, is amended as follows:

1. The authority citation for Subpart E of 45 Code of Federal Regulations Part 164 is revised to read as follows:

Authority: 42 U.S.C. 1320d–2 and 1320d–4, sec. 264 of Pub. L. 104–191, 110 Stat. 2033–2034 (42 U.S.C. 1320d–2(note)).

2. Section 164.534 of Subpart E of 45 Code of Federal Regulations Part 164 is revised to read as follows:

§ 164.534 Compliance dates for initial implementation of the privacy standards.

(a) *Health care providers.* A covered health care provider must comply with the applicable requirements of this subpart no later than April 14, 2003.

(b) *Health plans.* A health plan must comply with the applicable requirements of this subpart no later than the following as applicable:

(1) *Health plans other han small health plans.* April 14, 2003.

(2) *Small health plans.* April 14, 2004.

(c) *Health clearinghouses.* A health care clearinghouse must comply with the applicable requirements of this subpart no later than April 14, 2003.

[FR Doc. 01–4810 Filed 2–23–01; 1:00 pm]

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG72

List of Approved Spent Fuel Storage Casks: FuelSolutions™ Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations revising the BNFL Fuel Solutions FuelSolutions™ cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 1 to the Certificate of Compliance (CoC). Amendment No. 1 will modify the present cask system design to allow the Big Rock Point nuclear facility to store mixed-oxide fuel assemblies, partial fuel assemblies, and damaged fuel assemblies (in a can) under a general license.

DATES: The final rule is effective May 14, 2001, unless significant adverse comments are received by March 29, 2001. If the rule is withdrawn, timely notice will be published in the **Federal Register**.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff. Deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Certain documents related to this rulemaking, as well as all public comments received on this rulemaking, may be viewed and downloaded electronically via the NRC's rulemaking website at *http://ruleforum.llnl.gov*. You may also provide comments via this website by uploading comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rule, including comments received by the NRC, may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. For more information, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov*.

Documents created or received at the NRC after November 1, 1999 are also available electronically at the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html*. From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. An electronic copy of the proposed CoC and preliminary safety evaluation report (SER) can be found under ADAMS Accession No(s). ML003770047.

FOR FURTHER INFORMATION CONTACT: Gordon Gundersen, telephone (301) 415–6195, e-mail GEG1@nrc.gov, of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPA), requires that "[t]he Secretary [of the Department of Energy (DOE)] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission." Section 133 of the NWPA states, in part, that "[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under section 218(a) for use at the site of any civilian nuclear power reactor."

To implement this mandate, the NRC approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule in 10 CFR part 72 entitled, "General License for Storage of Spent Fuel at Power Reactor Sites" (55 FR 29181; July 18, 1990). This rule also established a new Subpart L within 10 CFR part 72, entitled "Approval of Spent Fuel Storage Casks" containing procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on January 16, 2001 (66 FR 3444) that approved the FuelSolutions™ cask design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance Number (CoC No.) 1026.

Discussion

On September 29, 1999, and as supplemented on July 27, 2000, the certificate holder BNFL Fuel Solutions (BFS) submitted an application to the NRC to amend CoC No. 1026 to allow the Big Rock Point nuclear facility to store mixed-oxide (MOX) fuel assemblies, partial fuel assemblies, and damaged fuel assemblies (in a can). No other changes to the cask system design were requested in this application. The NRC staff performed a detailed safety evaluation of the proposed CoC amendment request and found that the proposed amendment does not reduce the safety margin. In addition, the NRC staff has determined that the change does not pose any increased risk to public health and safety.

This direct final rule revises the cask design listing in § 72.214 by adding Amendment No. 1 to CoC No. 1026. The amendment consists of changes to the Technical Specifications for the storage of MOX fuel assemblies, partial assemblies, and damaged assemblies (in a can). The particular Technical Specifications which are changed are identified in the NRC Staff's Safety Evaluation Report for Amendment No. 1.

The amended FuelSolutions™ cask system, when used in accordance with the conditions specified in the CoC, the Technical Specifications, and NRC regulations, will meet the requirements of Part 72; thus, adequate protection of public health and safety will continue to be ensured.

CoC No. 1026, the revised Technical Specifications, the underlying Safety Evaluation Report for Amendment No. 1, and the Environmental Assessment,

are available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Single copies of the CoC may be obtained from Gordon Gundersen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6195, email GEG1@nrc.gov.

Discussion of Amendments by Section

§ 72.214 List of approved spent fuel storage casks.

Certificate No. 1026 is revised by adding the effective date of Amendment Number 1.

Procedural Background

This rule is limited to the changes contained in Amendment 1 to CoC No. 1026 and does not include other aspects of the FuelSolutions™ cask system design. Because NRC considers this amendment to its rules to be noncontroversial and routine, the NRC is using the direct final rule procedure for this rule. The amendment to the rule will become effective on May 14, 2001. However, if the NRC receives significant adverse comments by March 29, 2001, then the NRC will publish a document that withdraws this action and will address the comments received in response to the proposed amendment published elsewhere in this issue of the **Federal Register**. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. These comments will be addressed in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

Agreement State Compatibility

Under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs" approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as compatibility Category "NRC." Compatibility is not required for Category "NRC" regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended (AEA) or the provisions of the Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled, "Plain Language in Government Writing" directed that the Government's writing be in plain language. The NRC requests comments on this direct final rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR Part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rule would amend the CoC for the FuelSolutions™ cask system within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. The amendment will modify the present cask system design to allow the Big Rock Point nuclear reactor facility to store MOX fuel assemblies, partial assemblies, and damaged fuel assemblies (in a can). The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Single copies of the environmental assessment and finding of no significant impact are available from Gordon Gundersen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6195, email GEG1@nrc.gov.

Paperwork Reduction Act Statement

This direct final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0132.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC would revise the FuelSolutions™ cask system design listed in § 72.214 (List of NRC-approved spent fuel storage cask designs). This action does not constitute the establishment of a standard that establishes generally applicable requirements.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR Part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On January 16, 2001 (66 FR 3444), the NRC issued an amendment to Part 72 that approved the FuelSolutions™ cask design by adding it to the list of NRC-approved cask designs in § 72.214. On September 29, 1999, and as supplemented on July 27, 2000, the certificate holder BFS, submitted an application to the NRC to amend CoC No. 1026 to permit a Part 72 licensee to store MOX fuel assemblies, partial assemblies, and damaged assemblies (in a can).

This rule will permit the Big Rock Point (BRP) nuclear facility to store MOX fuel assemblies, partial assemblies, and damaged assemblies (in a can) at the BRP ISFSI. The alternative to this action is to withhold approval of this amended cask system design and issue an exemption to the general licensee. This alternative would result in the same expenditure of time and money.

Approval of the direct final rule is consistent with previous NRC actions. Further, the direct final rule will have no adverse effect on public health and safety. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on the above discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This direct final rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and BFS. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this direct final rule because this amendment does not involve any provisions that would impose backfits as defined. Therefore, a backfit analysis is not required.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

List of Subjects in 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is adopting the following amendments to 10 CFR Part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 10d—48b, sec. 7902, 10b Stat. 31b3 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance (CoC) 1026 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1026.
Initial Certificate Effective Date: February 15, 2001.
Amendment Number 1 Effective Date: May 14, 2001.
SAR Submitted by: BNFL Fuel Solutions.
SAR Title: Final Safety Analysis Report for the FuelSolutions™ Spent Fuel Management System.
Docket Number: 72–1026.
Certificate Expiration Date: February 15, 2021.
Model Number: WSNF–200, WSNF–201, and WSNF–203 systems; W–150 storage cask; W–100 transfer cask; and the W–21 and W–74 canisters.

* * * * *

Dated at Rockville, Maryland, this 8th day of February, 2001.

For the Nuclear Regulatory Commission.
William D. Travers,
Executive Director for Operations.
[FR Doc. 01–4765 Filed 2–26–01; 8:45 am]
BILLING CODE 7590–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 99–87, FCC 00–403]

Revised Competitive Bidding Authority

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document is to show rules amended by the Commission in order to changes to its statutory auction authority, shall become effective March 2, 2001. These sections, which contained new information collection requirements, were published in the **Federal Register** on January 2, 2001. This is to let the public know the effective date of the rules that contain new information collection requirements.

EFFECTIVE DATE: The amendments to 47 CFR Part 90, 47 CFR 90.621(e)(2) published at 66 FR 33 (January 2, 2001) are effective March 2, 2001.

FOR FURTHER INFORMATION CONTACT: Jim Shaffer, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418–0680.

SUPPLEMENTARY INFORMATION: On November 9, 2000, the Commission adopted a *Report and Order* (FCC 00–403) to implement sections 309(j) and 337 of the Communications Act of 1934, as amended, as amended by the Balanced Budget Act of 1997 a summary of which was published in the **Federal Register**. See 66 FR 33, January 2, 2001. We stated that the Part 90 of the Commission's Rules, 47 CFR Part 90, is amended effective March 2, 1001, §90.621(e)(2) which contains information collections that are not effective until approved by the Office of Management and Budget. We also stated that the Commission will publish a document in the **Federal Register** announcing the effective date for those sections. This statement requires further action by the Commission to establish the effective date, notwithstanding the preceding statement in the summary that the rule change would become effective upon OMB approval. In order to resolve this matter in a manner that most appropriately provides interested

parties with proper notice, the rule changes adopted in the Order shall become effective March 2, 1001. The information collection were approved by OMB on January 29, 2001. See OMB No. 3060–0970.

List of Subjects in 47 CFR Part 90

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4725 Filed 2–26–01; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 000105004–0260–02; I.D. 083099A]

RIN 0648–AI78

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Atlantic Herring Fishery Management Plan; Partial Delay

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; partial delay.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the effective date of certain portions of the final rule implementing the Atlantic Herring Fishery Management Plan published in the **Federal Register** on December 11, 2000.

DATES: In the final rule, published at 65 FR 77450, December 11, 2000, the effective date of 50 CFR 648.14(bb)(15) and (16) and 648.205(a) is delayed from March 12, 2001, until May 11, 2001.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, Fishery Policy Analyst, 978–281–9272.

SUPPLEMENTARY INFORMATION: The final rule published on December 11, 2000 (65 FR 77450), implemented approved measures contained in the FMP, which was partially approved by NMFS on behalf of the Secretary of Commerce on October 27, 1999. The requirement to install and use a VMS unit on vessels in the directed herring fishery that caught greater than 500 mt in the previous year, or vessels whose owner intends to harvest greater than 500 mt in the current year would have become effective March 12, 2001. Prohibitions related to this requirement were also scheduled to become effective on March 12. However, consistent with the guidance contained in the "Regulatory Review Plan," NMFS is delaying the effectiveness of the VMS requirement until May 11. 2001. All other measures implemented in the final rule implementing the Atlantic Herring FMP published December 11, 2000, remain in effect.

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, NMFS' implementation of this rule without opportunity for public comment is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. Given the imminence of the effective date, seeking prior public comment on this temporary stay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. Delays in publishing the final rule implementing the delay of the effectiveness while seeking public comment would have led to confusion in the fishing industry concerning whether to purchase and install VMS equipment during this interim period.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 21, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4745 Filed 2–22–01; 3:12 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register

Vol. 66, No. 39

Tuesday, February 27, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG72

List of Approved Spent Fuel Storage Casks: FuelSolutions™ Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations revising the BNFL Fuel Solutions FuelSolutions™ cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 1 to the Certificate of Compliance (CoC). Amendment No.1 will modify the present cask system design to permit the Big Rock Point nuclear facility to store mixed-oxide fuel assemblies, partial assemblies, and damaged fuel assemblies (in a can) under a general license.

DATES: Comments on the proposed rule must be received on or before March 29, 2001.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Certain documents related to this rulemaking, as well as all public comments received on this rulemaking, may be viewed and downloaded electronically via the NRC's rulemaking website at *http://ruleforum.llnl.gov*. You may also provide comments via this website by uploading comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rule, including comments received by the NRC, may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. For more information, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov*.

Documents created or received at the NRC after November 1, 1999 are also available electronically at the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html*. From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. An electronic copy of the proposed CoC and preliminary safety evaluation report (SER) can be found under ADAMS Accession No(s). ML003770047.

FOR FURTHER INFORMATION CONTACT: Gordon Gundersen, telephone (301) 415–6195, e-mail, GEG1@nrc.gov of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: For additional information see the Direct Final Rule published in the final rules section of this **Federal Register**.

Procedural Background

This rule is limited to the changes contained in Amendment No. 1 to CoC No. 1026 and does not include other aspects of the FuelSolutions™ cask system design. The NRC is using the direct final rule procedure to promulgate this amendment because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. The NRC staff does not consider this amendment to be significant.

Because NRC considers this action noncontroversial and routine, we are publishing this proposed rule concurrently as a direct final rule. The direct final rule will become effective on May 14, 2001. However, if the NRC receives significant adverse comments on the direct final rule by March 29, 2001, then the NRC will publish a document to withdraw the direct final rule. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without change. If the direct final rule is withdrawn, the NRC will address the comments received in response to the proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period for this action.

List of Subjects In 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR Part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 10d–48b, sec. 7902, 10b Stat. 31b3 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15),

2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance (CoC) 1026 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1026.

Initial Certificate Effective Date: February 15, 2001.

Amendment Number 1 Effective Date: May 14, 2001.

SAR Submitted by: BNFL Fuel Solutions.

SAR Title: Final Safety Analysis Report for the FuelSolutions™ Spent Fuel Management System.

Docket Number: 72–1026.

Certificate Expiration Date: February 15, 2021.

Model Number: WSNF–200, WSNF–201, and WSNF–203 systems; W–150 storage cask, W–100 transfer cask; and the W–21 and W–74 canisters

* * * * *

Dated at Rockville, Maryland, this 8th day of February, 2001.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 01–4766 Filed 2–26–01; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Regulation Y; Docket No. R–1091]

Bank Holding Companies and Change in Bank Control

DEPARTMENT OF THE TREASURY

Office of the Under Secretary for Domestic Finance

12 CFR Part 1501

RIN 1505–AA84

Financial Subsidiaries

AGENCIES: Board of Governors of the Federal Reserve System and Department of the Treasury.

ACTION: Joint proposed rule; extension of comment period.

SUMMARY: On January 3, 2001, the Board of Governors of the Federal Reserve System and the Department of the Treasury (collectively, the "Agencies") published for public comment a joint proposal that would permit financial holding companies and financial subsidiaries of national banks to engage in real estate brokerage and real estate management. The Agencies are extending the comment period on the proposal.

DATES: Comments must be received by May 1, 2001.

ADDRESSES: Comments should refer to docket number R–1091 and should be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551 (or mailed electronically to *regs.comments@federalreserve.gov*) and to Real Estate Brokerage and Management Regulation, Office of Financial Institution Policy, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room SC 37, Washington, DC 20220 (or mailed electronically to *financial.institutions@do.treas.gov*). Comments addressed to Ms. Johnson also may be delivered to the Board's mailroom between 8:45 a.m. and 5:15 p.m. and, outside those hours, to the Board's security control room. Both the mailroom and the security control room are accessible from the Eccles Building courtyard entrance, located on 20th Street between Constitution Avenue and C Street, NW. Members of the public may inspect comments in room MP–500 of the Martin Building between 9 a.m. and 5 p.m. on weekdays. Comments addressed to the Treasury Department may also be delivered to the Treasury Department mail room between the hours of 8:45 a.m. and 5:15 p.m. at the 15th Street entrance to the Treasury Building.

FOR FURTHER INFORMATION CONTACT:

Board of Governors: Scott G. Alvarez, Associate General Counsel (202/452–3583), or Mark E. Van Der Weide, Counsel (202/452–2263), Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

Department of the Treasury: Gerry Hughes, Senior Financial Analyst (202/622–2740); Roberta K. McInerney, Assistant General Counsel (Banking and Finance) (202/622–0480); or Gary W. Sutton, Senior Banking Counsel (202/622–0480).

SUPPLEMENTARY INFORMATION: On January 3, 2001, the Agencies published a joint proposal to seek comment on whether to permit financial holding companies and financial subsidiaries of national banks to engage in real estate brokerage and real estate management (66 FR 307). The proposal stated that any comments on the proposal must be received by the Agencies by March 2, 2001.

In response to the solicitation of comments, the Agencies have received a substantial number of comments, including requests to extend the comment period. Given the wide public interest in the proposal and the desire of the Agencies to give the public sufficient time to consider the proposal, the Agencies have decided to extend the comment period on the proposal through May 1, 2001.

By order of the Board of Governors, February 21, 2001.

Jennifer J. Johnson,

Secretary of the Board.

Dated: February 20, 2001.

Donald V. Hammond,

Acting Under Secretary for Domestic Finance, Department of the Treasury.

[FR Doc. 01–4713 Filed 2–26–01; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–35–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT9D–7R4 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Pratt & Whitney (PW) JT9D–7R4 series turbofan engines. This proposal would require initial and repetitive fluorescent penetrant inspection (FPI) of the high pressure turbine (HPT) 1st stage disk aft lugs, and if the aft lug(s) are cracked, replacement of the HPT 1st stage disk and HPT 1st stage airseals. Also, for certain configuration HPT disk assemblies, this proposal would require replacement of the HPT 1st stage airseals with newly designed airseals at the next accessibility. This proposal is prompted by reports of cracks in HPT 1st stage disk firtrees and failure of firtree lugs. The actions specified by the proposed AD are intended to prevent 1st stage HPT disk firtree fracture, which could result in an uncontained engine failure, and damage to the airplane.

DATES: Comments must be received by April 30, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–35–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: *9-ane-adcomment@faa.gov*. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Peter White, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7128, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NE–35–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–35–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The FAA is aware of nine occurrences of HPT 1st stage disk firtree cracking, and one in-service event involving the failure of two adjacent firtree lugs installed on Pratt & Whitney JT9D–7R4 series turbofan engines, which resulted in the liberation of three HPT blades. Investigation and analysis have traced the cause of this disk lug cracking to the pre-bowing of the HPT aft 1st stage airseals. The pre-bow can place excessive stresses on the HPT 1st stage disk lugs that retain the airseals, and result in fatigue cracking of the lugs. The manufacturer has redesigned these HPT 1st stage airseals with revised pre-bow and reduced weight, to lower the stresses on the HPT 1st stage disk lugs. Onset of this fatigue cracking is dependent upon the HPT disk material; powder disks (P/N 787521) experience cracking much sooner than Waspalloy disks (P/N 797621). Therefore, the FAA has determined that the HPT 1st stage airseals on disk assemblies with powder disks (P/N 787521) must be replaced at the next hot section shop visit. PW and the FAA have developed a fleet management plan requiring initial and repetitive fluorescent penetrant inspection of the HPT 1st stage disk aft lug fillet radius for cracking, and replacement of the HPT 1st stage airseals at next HPT shop visit for engines configured with powder HPT 1st stage disk assembly (P/N 787521). The actions specified by the proposed AD are intended to prevent 1st stage HPT disk firtree fracture, which could result in an uncontained engine failure, and damage to the airplane.

Service Information

The FAA has reviewed the technical contents of Pratt & Whitney Service Bulletin (SB's): JT9D–7R4–72–566, dated May 26, 2000; JT9D–7R4–72–567, dated May 26, 2000 and JT9D–7R4–72–568, dated May 26, 2000, that describe procedures for incorporation of new HPT 1st stage airseals, fluorescent penetrant inspection (FPI) of HPT disk rear lugs, and incorporation of new HPT disks and redesigned HPT 1st stage airseals. These documents were developed by PW and are generally consistent with the fleet management plan defined in this AD, and can be utilized for reference.

Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, this proposed AD would prevent HPT 1st stage disk firtree fracture by requiring initial and repetitive FPI of the 1st stage disk aft lug, and if cracked, replacement of the HPT 1st stage disk and HPT 1st stage airseals. In addition, the proposed AD would require replacement of HPT 1st stage airseals with redesigned HPT 1st stage airseals for certain HPT disk configurations.

Cost Analysis

There are approximately 324 engines of the affected design in the worldwide fleet. The FAA estimates that 47 engines installed on aircraft of U.S. registry would be affected by this proposed AD. Although forced engine removals are not anticipated the first year as a result of this proposed action, a maximum of two removals will be assumed. It would take approximately 86 work hours per engine to accomplish the proposed actions, and the average labor rate is $60 per work hour. Based on these figures, the total labor cost impact of the proposed AD on U.S. operators the first year is estimated to be $24,520. Hardware costs the first year for HPT 1st stage airseals replaced by SB JT9D–7R4–72–566 are estimated to be $128,000, based on replacement costs of $147,110 per disk and $45,143 for sideplates, discounted for average ⅓ life lost at removal. Total combined labor and hardware costs for the first year are therefore estimated to be $140,000

The following year, it is estimated that inspections will result in a maximum of three engines requiring forced replacement of the HPT 1st stage disk and HPT 1st stage airseals due to cracking. Due to these forced removals, approximately ⅓ of the disk life will be lost. The total combined hardware and labor cost is estimated to be approximately $210,000. The total cost impact of this proposal on U.S. operators in the first two years is expected to be approximately $350,000.

Regulatory Impact

This proposal does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship

between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposal.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Pratt & Whitney: Docket No. 2000–NE–35–AD.

Applicability: This airworthiness directive (AD) is applicable to Pratt & Whitney (PW) JT9D–7R4E1, JT9D–7R4E4, JT9D–7R4G2, JT9D–7R4H1 series turbofan engines which incorporate HPT 1st stage disk assembly P/N 787521 or HPT 1st stage disk assembly P/N 797621. These engines are installed on but not limited to Boeing 747 and 767 series and Airbus A300 and A310 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Compliance with this AD is required as indicated, unless accomplished previously.

To prevent HPT disk firtree fracture, which could result in an uncontained engine failure, and damage to the airplane, accomplish the following:

HPT 1st Stage Airseal Replacement

(a) For engines that incorporate HPT 1st stage disk assembly P/N 787521, replace HPT 1st stage airseals with P/N 820121 at the next hot section shop visit. Information on replacement of the HPT 1st stage airseal is contained in PW service bulletin (SB) JT9D–7R4–72–566, dated May 26, 2000.

Fluorescent Penetrant Inspection (FPI)

(b) Inspect the HPT 1st stage disk aft lug fillet radius for cracks in accordance with Paragraph 4 of the Accomplishment Instructions of PW SB JT9D–7R4–72–567, dated May 26, 2000, and Table 1 of this AD as follows:

TABLE 1

HPT 1st stage disk assembly	HPT 1st stage disk	Initial inspection	Repetitive inspection interval
(1) P/N 787521	P/N 825701 or P/N 827201	Before the latest of 4,000 CSN or 4,000 cycles since last HPT disk lug fluorescent penetrant inspection (CSLI), or 500 CIS after the effective date of this AD.	Within 4,000 CSLI.
(2) P/N 797621	(i) P/N 829401 with air seals P/N's 797355, 796760, 803979, 797355–001 installed.	Before the latest of 5,000 CSN or CSLI, or 500 CIS after the effective date of this AD.	Within 4,000 CSLI.
	(ii) 829401 with air seals P/N 820121 installed	Before the latest of 5,000 CSN or 5,000 CSLI, or 500 CIS after the effective date of this AD.	Within 6,000 CSLI.

(c) Replace any disks that have crack indications. Information on replacement of the disk is contained in PW SB JT9D–7R4–72–568, dated May 26, 2000.

Terminating Action

(d) Installation of HPT disk P/N 820321 with redesigned HPT 1st stage airseal P/N 820121 is considered terminating action to the initial and repetitive inspection requirements of paragraph (b) this AD. Information on installation of the HPT disk is contained in PW SB JT9D–7R4–72–568, dated May 26, 2000.

Definition

(e) For the purpose of this AD, a hot section shop visit is defined as any time the HPT rotor is disassembled.

Alternative Methods of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on February 19, 2001.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–4764 Filed 2–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–22–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company (GE) CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) that applies to GE CF34–1 and –3 series turbofan engines with No. 5 bearing rotating air seal part number (P/N) 4019T60G01 installed. This proposal would require initial and repetitive checks of the magnetic chip detector indicators, which are located in the lubrication system for the engine bearings, and installation of an improved No. 5 bearing rotating air seal as a terminating action. This proposal is prompted by a report of the failure of a No. 5 bearing rotating air seal that led to a fire in the cavity of the low pressure turbine (LPT), overtemperature of the LPT turbine disk, and excessive turbine disk growth. The FAA is proposing this AD to prevent No.5 bearing rotating air seal failures and possible uncontained engine failures.

DATES: The FAA must receive comments on this proposal by March 29, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–22–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The service information referenced in the proposed rule may be obtained from GEAE Technical Publications, Attention N. Hanna MZ340M2, 1000 Western Avenue, Lynn, MA 01910; telephone: 781 594–2906; fax: 781 594–0600. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Eugene Triozzi, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington MA 01803–5299; telephone: 781 238–7148, fax: 781 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before we take action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments sent will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must send a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NE–22–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–22–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The FAA was recently made aware of a CF34–3A1 turbofan engine that experienced an in-flight failure of the No. 5 bearing rotating air seal. The manufacturer's investigation revealed that the engine experienced spalling and wear of the No. 5 bearing roller bearing outer race. This caused the No. 5 bearing rotating air seal to rub and separate at the seal braze joint. The air seal failure resulted in a fire in the low pressure turbine cavity which caused the stage 3 low pressure turbine disk to overheat and grow excessively, resulting in an in-flight shutdown. The FAA has concluded that this failure sequence, under certain conditions, could progress further and result in a disk rupture and uncontained engine failure. This proposal would require initial and repetitive checks of magnetic chip detector indicators, which are located in the lubrication system for the engine bearings, in order to detect No. 5 bearing roller distress before air seal failure. Risk analyses of a potential disk rupture were conducted separately for CF34–3A1, –3B, and –3B1 engines, and for CF34–1A, –3A, and –3A2 engines, in consideration of differences in engine maintenance programs for different engine models. The FAA has determined that the repetitive check intervals in this proposed rule would result in acceptable levels of safety for each type of operation, provided that terminating actions are completed fleet-wide in accordance with the requirements of this AD. The installation of the modified design No. 5 bearing rotating air seal, P/N 4019T60G03, constitutes terminating action for the inspection requirements of this AD. This proposal is prompted by reports of one No. 5 bearing rotating air seal failure, and seven No. 5 bearing failures, that had the potential to lead to air seal failures. The actions specified by the proposed AD are intended to prevent No. 5 bearing rotating air seal failures and possible uncontained engine failures.

Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require initial and repetitive checks of magnetic chip detector indicators, and installation of an improved No. 5 bearing rotating air seal as terminating action, to prevent No. 5 bearing rotating air seal failures and possible uncontained engine failures.

Economic Impact

There are about 1650 engines of the affected design in the worldwide fleet. The FAA estimates that 1075 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take about 0.5 work hours per engine to do the proposed checks, and that the average labor rate is $60 per work hour. Based on these figures, the total proposed AD cost impact on U.S. operators, for the initial check is estimated to be $32,250. In addition, the replacement air seal cost is approximately $2,400 per unit, so the total proposed material cost impact on

U.S. operators is estimated to be $2,580,000. No additional labor is required for air seal replacement, as this will occur during normal exposure at shop visit. Based on these figures, the total proposed AD cost impact on U.S. operators, is estimated to be $2,612,250.

Regulatory Impact

This proposal does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposal.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

General Electric Company: Docket No. 2000–NE–22–AD.

Applicability: This airworthiness directive (AD) is applicable to CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 turbofan engines with No. 5 bearing rotating air seal, part number (P/N) 4019T60G01 installed. These engines are installed on but not limited to Bombardier Inc. (Canadair) Model CL–600–2A12, Model CL–600–2B16, and Model CL–600–2B19, airplanes.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Compliance with this AD is required as indicated, unless accomplished previously.

To prevent No. 5 bearing rotating air seal failures and possible uncontained engine failures, accomplish the following:

Magnetic Chip Detector Indicator Check

(a) Check magnetic chip detector indicators in accordance with Table 1 as follows:

TABLE 1.—INITIAL AND REPETITIVE CHECKS

Engine model	Initial check within	Then within every:
(1) CF34–3A1, –3B1, and 3B	30 flight hours or 3 calendar days, whichever is greater, from effective date of this AD.	30 flight hours time-since-last-inspected (TSLI) or 3 calendar days TSLI, whichever is greater.
(2) CF34–1A, –3A, and –3A2	30 flight hours, from the effective date of this AD [1]	100 flight hours TSLI.

Chip Detector Indicator Check, Authorization

(b) Notwithstanding section 43.3 of the Federal Aviation Regulations (14 CFR 43.3), the checks required by paragraph (a) of this AD may be performed by an aircrew member holding at least a private pilot certificate. Completion of the checks must be entered into the airplane records showing compliance with this AD, in accordance with sections 43.9 and 91.417(a)(2)(v) of the Federal Aviation Regulations (14 CFR 43.9 and 14 CFR 91.417(a)(2)(v)). The records must be maintained as required by the applicable Federal Aviation Regulation.

Detection of Chips

(c) If the magnetic chip detector indicator shows a white triangle or is illuminated, either condition indicates a chip detection. Remove the chip detector and disposition the chip, and the engine, using the engine maintenance manual procedures.

Replacement of Air Seal

(d) Remove No. 5 bearing rotating air seal P/N 4019T60G01, and replace with air seal P/N 4019T60G03, in accordance with Table 2 as follows:

TABLE 2.—COMPLIANCE TIMES FOR REPLACEMENT OF AIR SEAL

Engine model	Replace At
(1) CF34–3A1, –3B1, and –3B.	Next shop visit when HPT is exposed, but do not exceed 15,000 cycles-in-service after the effective date of this AD.
(2) CF34–1A, –3A, and –3A2.	Next 3000-hour hot section inspection or at next 6,000-hour overhaul, whichever occurs first, but not to exceed 3,000 hours time-in-service after the effective date of this AD.

Terminating Action

(e) Replacement of air seal P/N 4019T60G01 with air seal P/N 4019T60G03 constitutes terminating action for the repetitive inspection requirements specified in paragraph (a) of this AD.

Alternative Methods of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their request through an appropriate Federal Aviation Administration (FAA) Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Issued in Burlington, Massachusetts, on February 20, 2001.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–4763 Filed 2–26–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–107101–00]

RIN 1545–AY13

Treaty Guidance Regarding Payments With Respect to Domestic Reverse Hybrid Entities

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations under section 894 of the Internal Revenue Code relating to the eligibility for treaty benefits of items of income paid by domestic entities that are not fiscally transparent under U.S. law but are fiscally transparent under the laws of the jurisdiction of the person claiming treaty benefits (a domestic reverse hybrid entity). The proposed regulations affect the determination of tax treaty benefits with respect to U.S. source income of foreign persons. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by May 29, 2001. Requests to speak (with outlines of oral comments to be discussed) at the public hearing scheduled for June 26, 2001, at 10 a.m., must be submitted by June 5, 2001.

ADDRESSES: Send submissions to: CC:M&SP:RU (REG–107101–00), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:M&SP:RU (REG–107101–00), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at *http://www.irs.gov/tax_regs/regslist.html*. The public hearing will be held in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Elizabeth U. Karzon or Karen Rennie-Quarrie at (202) 622–3880; concerning submissions and the hearing, Guy R. Traynor at (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

On June 30, 1997, the IRS and Treasury issued temporary regulations (TD 8722 [1997–2 C.B. 81]) in the **Federal Register** (62 FR 35673, as corrected at 62 FR 46876, 46877) under section 894 of the Internal Revenue Code relating to eligibility for benefits under income tax treaties for payments to certain entities. These regulations addressed, among other matters, the eligibility for treaty benefits of U.S. source payments made to domestic reverse hybrid entities, concluding that treaty benefits were not available for such payments. A notice of proposed rulemaking (1997–2 C.B. 646) cross-referencing the temporary regulations was also published in the same issue of the **Federal Register** (62 FR 35755). On July 3, 2000, the IRS and Treasury issued final regulations (TD 8889), reaffirming the position taken in the temporary regulations with respect to payments made to domestic reverse hybrid entities. The final regulations, however, did not address the question of whether payments made by domestic reverse hybrid entities to their interest holders are eligible for treaty benefits. Section 1.894–1(d)(2)(ii) was reserved for further guidance on that issue.

Explanation of Provisions

These proposed regulations provide guidance with respect to the previously reserved paragraph. They provide rules on the character of such payments for treaty purposes and the extent to which such payments are eligible for a reduced rate of U.S. tax under a U.S. income tax treaty. The use of domestic reverse hybrid entities may give rise to inappropriate and unintended results under income tax treaties, such as double non-taxation or double taxation, unless the income tax treaties are interpreted to resolve the conflict of laws. These regulations provide guidance regarding how to apply U.S. income tax treaties under these circumstances.

Section 1.894–1T(d)(3) provided guidance on the appropriate treatment of items of income paid to a domestic reverse hybrid entity. That section provided that § 1.894–1T(d)(1) may not be applied to reduce the amount of Federal income tax on U.S. source income received by a domestic reverse hybrid entity through application of an income tax treaty. Thus, neither the domestic reverse hybrid entity nor its interest holders could claim a reduction under an income tax treaty with respect to a payment to a domestic reverse hybrid entity, notwithstanding that the interest holder might otherwise derive the income as a resident of a treaty jurisdiction under § 1.894–1T(d)(1). The rationale for the rule was the U.S. tax treaty principle that the United States retains taxing jurisdiction over items of U.S. source income paid to its residents. The final regulations published in the **Federal Register** on July 3, 2000, retain the rule that a domestic reverse hybrid entity remains subject to the taxing jurisdiction of the United States on U.S. source payments, but reserve with respect to the treatment of payments made by domestic reverse hybrid entities.

Commentators on the previously issued temporary and proposed regulations noted that it was unclear how items of income paid by a domestic reverse hybrid entity to its interest holders should be treated. In particular, the general rule contained in § 1.894–1T(d)(1) required the item of income to be "received by" a person resident in a treaty jurisdiction and for that item of income to be "subject to tax" in the hands of the person deriving the item of income. Commentators expressed concern that an item of income paid by a domestic reverse hybrid entity could be viewed as neither "received by" the interest holder nor "subject to tax" because the interest holder's jurisdiction treats the domestic reverse hybrid entity as fiscally transparent. The interest holder's jurisdiction views the interest holder as "receiving" the items of income paid to the domestic reverse hybrid entity and as being "subject to tax" on those items of income on an immediate basis. The interest holder's jurisdiction does not recognize the items of income paid by the domestic reverse hybrid entity to the interest holder. Based on this analysis, commentators questioned whether the items of income paid by the domestic reverse hybrid entity to an interest holder in that entity would be subject to a 30-percent tax under the Code. The IRS and Treasury believe similar questions may also arise under the recently issued final regulations.

Accordingly, these proposed regulations provide rules on the treatment of payments made by domestic reverse hybrid entities. Paragraph (d)(2)(ii) of this section provides a general rule that an item of income paid by a domestic reverse hybrid entity to an interest holder shall be characterized under U.S. tax law. This means that U.S. tax principles are first applied to characterize the item of income paid by the domestic reverse hybrid entity to the interest holder for purposes of applying an applicable income tax treaty provision. Once the item of income is so characterized, it is

necessary to determine if the interest holder derives the item of income. In determining whether the interest holder derives the item of income, paragraph (d)(2)(ii)(A) of this section provides a special rule for determining whether the interest holder is fiscally transparent with respect to the item of income. Under that rule, whether the interest holder is fiscally transparent with respect to the item of income for purposes of § 1.894–1(d)(3)(ii) is made based on the treatment that would have resulted had the item of income been paid by an entity that was not fiscally transparent under the laws of the interest holder's jurisdiction with respect to any item of income. Accordingly, if the interest holder is not fiscally transparent, then it will be considered to have derived the item of income, even if, for example, the item of income were characterized differently or treated as received at an earlier date under the laws of the interest holder's jurisdiction than the item of income paid by the domestic reverse hybrid entity.

The IRS and Treasury have learned, however, that domestic reverse hybrid entities are being established by related parties to manipulate differences in U.S. and foreign entity classification rules to reduce inappropriately the amount of tax imposed on items of income paid from the United States to related foreign interest holders. In a typical scenario, a foreign investor, resident in a treaty jurisdiction, establishes a domestic reverse hybrid holding company with a combination of debt and equity contributions. The domestic reverse hybrid entity holds the stock of a wholly-owned U.S. operating company. The operating company pays a dividend to the domestic reverse hybrid entity, but the domestic reverse hybrid entity primarily pays interest to its foreign owner within the earning stripping limits of section 163(j). The foreign jurisdiction views the foreign owner as receiving dividends, but the United States views the domestic reverse hybrid entity as receiving the dividends and making deductible interest payments. In circumstances when the income tax treaty between the United States and the applicable foreign jurisdiction applies a zero withholding rate on interest and a 5-percent rate on related party dividends, the domestic reverse hybrid entity treats its payment to the foreign owner as an interest payment and the foreign owner avoids the withholding tax on the dividends that its jurisdiction treats it as receiving. In addition, the domestic reverse hybrid entity receives the benefit of an interest deduction in the United States while the foreign interest holder receives either a tax credit or exclusion on the dividend amount in its jurisdiction.

The IRS and Treasury believe that it is inappropriate for related parties to use domestic reverse hybrid entities for the purpose of converting higher taxed U.S. source items of income to lower taxed, or untaxed, U.S. source items of income. To do so defeats the expectation of the United States and its treaty partners that treaties should be used to reduce or eliminate double taxation for legitimate transactions, not to reward the manipulation of inconsistencies in the laws of the treaty partners. The legislative history of section 894(c) supports this analysis. Congress specifically expressed its concern about the potential tax avoidance opportunities available for foreign persons that invest in the United States through hybrid entities that are designed to avoid both U.S. and foreign income taxes. See H.R. Conf. Rep. No 220, 105th Cong. 1st Sess. 573 (1997); Joint Committee on Taxation, 105th Cong., 1st Sess., General Explanation of Tax Legislation Enacted in 1997 (JCS–23–97), at 249 (December 17, 1997). The approach contained in § 1.894–1(d)(2), as revised, is also consistent with the general tax treaty principle that contracting states may adopt provisions in their domestic laws to counter structures and transactions intended to take advantage of the differences in the tax laws of the contracting states. See Commentaries to Article 1 of The 1998 OECD Model Tax Convention on Income and Capital; S. Rep. No. 445, 100th Cong. 2d Sess. 322–23 (1988).

The IRS and Treasury are further concerned by the ability of foreign acquiring entities to obtain tax advantaged financing through domestic reverse hybrid entities by exploiting differences between U.S. and foreign law. Such financing unfairly disadvantages similarly situated U.S. domestic acquiring entities. Congress has expressed concern about the use of analogous hybridized structures that were effected to provide foreign acquiring entities with tax advantaged acquisition financing not available to similarly situated domestic companies. See Joint Committee on Taxation, 100th Congress, 1st Sess., General Explanation of the Tax Reform Act of 1986 (JCS–10–87), at 1064, 1065 (May 4, 1987).

For these reasons, the proposed regulations provide a special rule in paragraph (d)(2)(ii)(B) of the regulations, such that if: (1) a domestic entity makes a payment to a related domestic reverse hybrid entity that is considered to be a dividend either under the laws of the United States or under the laws of the jurisdiction of a related foreign interest holder in the domestic reverse hybrid entity, and the related foreign interest holder is treated as deriving its proportionate share of the payment to the domestic reverse hybrid entity under the laws of the related foreign interest holder's jurisdiction; and (2) the domestic reverse hybrid entity makes a payment to the related foreign interest holder of a type that is deductible for U.S. tax purposes and for which a reduction in the U.S. withholding tax rate would be allowed under the general rule, but for this exception, then to the extent the amount of the payment by the domestic reverse hybrid entity to the related foreign interest holder does not exceed the total amount of the interest holder's proportionate share of any payments by the domestic entity to the domestic reverse hybrid entity treated as dividends under either jurisdiction's laws, the payment by the domestic reverse hybrid entity shall be treated as a dividend for all purposes of the Code and the applicable income tax treaty.

For purposes of determining the amount of the payment from the domestic reverse hybrid entity to the related foreign interest holder to be recharacterized as a dividend, the portion of the payments treated as derived by the related foreign interest holder shall be reduced by the amount of any prior actual dividend payments, under U.S. law, made by the domestic reverse hybrid entity to the related foreign interest holder and by the amount of any payments from the domestic reverse hybrid entity to the related foreign interest holder previously recharacterized under this special rule. The tax withheld from the payment from the domestic reverse hybrid entity to the related foreign interest holder shall be determined based on the appropriate rate of withholding that would be applicable to dividends paid by the domestic reverse hybrid entity to the related foreign interest holder under the U.S. treaty with the related foreign interest holder's jurisdiction had that jurisdiction viewed the domestic reverse hybrid entity as not fiscally transparent. Because any payment subject to the provisions of this special rule is treated as a dividend for all purposes of the Code and the applicable treaty, the domestic reverse hybrid entity will not be able to claim a deduction on the payment to the related foreign interest holder.

The regulations provide an 80% ownership test to determine if the parties are related to one another and a special rule that treats accommodation parties as related foreign interest holders. The foregoing rules also apply to recharacterize payments when more than one domestic reverse hybrid entity or other fiscally transparent entity is involved.

The proposed regulations further provide that a taxpayer may not affirmatively use the rules of paragraph (d)(2) of this section if a principal purpose for using such rules is the avoidance of any tax imposed by the Code. Thus, with respect to such a taxpayer, the Commissioner may depart from the rules of this section and recharacterize (for all purposes of the Code) the arrangement in accordance with its form or its economic substance. The regulations further provide that, if a taxpayer enters into an arrangement the effect of which is to circumvent the principles of this paragraph (d)(2), the Commissioner may recharacterize (for all purposes of the Code) the arrangement in accordance with the principles of this paragraph (d)(2).

Comments are requested on potential rules with respect to transaction when the domestic reverse hybrid entity is sold to unrelated parties who later receive distributions.

Proposed Effective Dates

These proposed regulations apply to items of income paid by a domestic reverse hybrid entity on or after the date these regulations are published as final regulations in the **Federal Register** with respect to amounts received by the domestic reverse hybrid entity on or after the date these regulations are published as final regulations in the **Federal Register**. No inference is intended as to the treatment of transactions entered into prior to the date of applicability of the final regulations.

Special Analysis

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations and, because these regulations do not impose on small entities a collection of information requirement, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (preferably a signed original and eight (8) copies) that are submitted timely to the IRS. The IRS and Treasury Department specifically request comments on the clarity of the proposed regulations and how they can be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for June 26, 2001, at 10 a.m. in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Because of access restriction, visitors will not be admitted beyond the Internal Revenue Building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons that wish to present oral comments at the hearing must submit written comments by May 29, 2001, and submit an outline of the topics to be discussed and the time to be devoted to each topic (preferably a signed original and eight (8) copies) by June 5, 2001.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is Shawn R. Pringle of the Office of the Associate Chief Counsel (International). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirments.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. In § 1.894–1, paragraph (d)(2)(ii) is revised and paragraphs (d)(2)(iii) and (d)(2)(iv) are added to read as follows:

§ 1.894–1 Income affected by treaty.

* * * * * * *

(d) * * *

(2) * * *

(ii) *Payments by domestic reverse hybrid entities*—(A) *General rule.* Except as otherwise provided in paragraph (d)(2)(ii)(B) of this section, an item of income paid by a domestic reverse hybrid entity to an interest holder in such entity shall have the character of such item of income under U.S. law and shall be considered to be derived by the interest holder, provided the interest holder is not fiscally transparent in its jurisdiction, as defined in paragraph (d)(3)(iii) of this section, with respect to the item of income. In determining whether the interest holder is fiscally transparent with respect to the item of income under this paragraph (d)(2)(ii)(A), the determination under paragraph (d)(3)(ii) of this section shall be made based on the treatment that would have resulted had the item of income been paid by an entity that is not fiscally transparent under the laws of the interest holder's jurisdiction with respect to any item of income.

(B) *Payment made to related foreign interest holder—(1) General rule.* If—

(*i*) A domestic entity makes a payment to a related domestic reverse hybrid entity that is treated as a dividend under either the laws of the United States or the laws of the jurisdiction of a related foreign interest holder in the domestic reverse hybrid entity, and under the laws of the jurisdiction of the related foreign interest holder in the domestic reverse hybrid entity, the related foreign interest holder is treated as deriving its proportionate share of the payment under the principles of paragraph (d)(1) of this section; and

(*ii*) The domestic reverse hybrid entity makes a payment of a type that is deductible for U.S. tax purposes to the related foreign interest holder and for which a reduction in the U.S. withholding tax rate would be allowed under paragraph (d)(2)(ii)(A) of this section but for this paragraph (d)(2)(ii)(B); then

(*iii*) To the extent the amount of the payment described in paragraph (d)(2)(ii)(B)(*1*)(*ii*) of this section does not exceed the sum of the portion of the payment described in paragraph (d)(2)(ii)(B)(*1*)(*i*) of this section treated as derived by the related foreign interest holder and the portion of any other prior payments described in paragraph (d)(2)(ii)(B)(*1*)(*i*) of this section treated as derived by the related foreign interest holder, the amount of the payment described in (d)(2)(ii)(B)(*1*)(*ii*) of this section will be treated for all purposes

of the Internal Revenue Code and the applicable income tax treaty as a dividend, and the tax to be withheld from the payment described in paragraph (d)(2)(ii)(B)(*1*)(*ii*) of this section shall be determined based on the appropriate rate of withholding that would be applicable to dividends paid from the domestic reverse hybrid entity to the related foreign interest holder under the U.S. treaty with the related foreign interest holder's jurisdiction had that jurisdiction viewed the domestic reverse hybrid entity as not fiscally transparent; and

(*iv*) For purposes of determining the amount to be recharacterized under paragraph (d)(2)(ii)(B)(*1*)(*iii*) of this section, the portion of the payments described in paragraph (d)(2)(ii)(B)(*1*)(*i*) of this section treated as derived by the related foreign interest holder shall be reduced by the amount of any prior actual dividend payments made by the domestic reverse hybrid entity to the related foreign interest holder and by the amount of any payments from the domestic reverse hybrid entity to the related foreign interest holder previously rechacterized under paragraph (d)(2)(ii)(B)(*1*)(*iii*) of this section.

(*2*) *Tiered entities.* The principles of this paragraph (d)(2)(ii)(B) shall also apply to payments referred to in this paragraph (d)(2)(ii)(B) made among related entities when there is more than one domestic reverse hybrid entity or other fiscally transparent entities involved.

(*3*) *Definition of related.* Related shall mean any entity satisfying the ownership requirements of section 267(b) or 707(b)(1), except that 80 percent shall be substituted for 50 percent. For purposes of determining whether a person is related to another person, the constructive ownership rules of section 318 shall apply, and the attribution rules of section 267(c) also shall apply to the extent they attribute ownership to persons to whom section 318 does not attribute ownership. If a person enters into a transaction (or series of transactions) with the domestic reverse hybrid entity, its related interest holders, or its related entities, and the effect of the transaction (or series of transaction) is to avoid the principles of this paragraph (d)(2)(ii)(B), then that person shall be treated as related to the domestic reverse hybrid entity for purposes of this section.

(C) *Commissioner's discretion.* The Commissioner may, as the Commissioner determines to be appropriate, recharacterize for all purposes of the Internal Revenue Code all or part of any transaction (or series of transactions) between related parties if the effect of the transaction (or series of transactions) is to avoid the principles of this paragraph (d)(2).

(iii) *Examples.* The rules of this paragraph (d)(2) are illustrated by the following examples:

Example 1. Treatment of payment by unrelated entity to domestic reverse hybrid entity. (i) *Facts.* Entity A is a domestic reverse hybrid entity, as defined in paragraph (d)(2)(i) of this section, with respect to the U.S. source dividends it receives from B, a domestic corporation to which A is not related, within the meaning of paragraph (d)(2)(ii)(B)(*3*) of this section. A's 85-percent shareholder FC is a corporation organized under the laws of Country X, which has an income tax treaty in effect with the United States. Under Country X law, FC is not fiscally transparent with respect to the dividend, as defined in paragraph (d)(3)(ii) of this section. In year 1, A receives a $100 of dividend income from B. Under Country X law, FC is treated as deriving $85 of the $100 dividend payment received by A. The applicable rate of tax on dividends under the U.S.-Country X income tax treaty is 5 percent with respect to a 10-percent or more corporate shareholder.

(ii) *Analysis.* Under paragraph (d)(2)(i) of this section, the U.S.-Country X income tax treaty does not apply to the dividend income received by A because the income is paid by B, a domestic corporation, to A, another domestic corporation. A remains fully taxable under the U.S. tax laws as a domestic corporation with regard to that item of income. Further, pursuant to paragraph (d)(2)(i) of this section, notwithstanding the fact that under the laws of Country X A is treated as fiscally transparent with respect to the dividend income, FC may not claim a reduced rate of taxation on its share of the U.S. source dividend income received by A.

Example 2. Treatment of payment by domestic reverse hybrid entity to related foreign interest holder involving unrelated party. (i) *Facts.* The facts are the same as in *Example 1.* Both the United States and Country X characterize the payment by B in year 1 as a dividend. In addition, in year 2, A makes a payment of $25 to FC that is characterized under U.S. tax laws as an interest payment to FC on a loan from FC to A. Under the U.S.-Country X income tax treaty, the rate of tax on interest is zero. Under Country X laws, had the interest been paid by an entity that is not fiscally transparent under Country X's laws with respect to any item of income, FC would not be fiscally transparent as defined in paragraph (d)(2)(ii) of this section with respect to the interest.

(ii) *Analysis.* The analysis is the same as in *Example 1* with respect to the $100 payment from B to A. With respect to the $25 payment from A to FC, paragraph (d)(2)(ii)(B) of this section will not apply because, although FC is related to A, A is not related to the payor of the dividend income it received. Under paragraph (d)(2)(ii)(A) of this section, the $25 interest income paid from A to FC in year 2 will be characterized under U.S. law as interest . Accordingly, in year 2, FC may obtain the reduced rate of withholding applicable to interest under the U.S.-Country X income tax treaty, assuming all other requirements for claiming treaty benefits are met.

Example 3. Treatment of payment by domestic reverse hybrid entity to related foreign interest holder. (i) *Facts.* The facts are the same as in *Example 2*, except the $100 dividend income received by A in year 1 is from A's wholly owned subsidiary S.

(ii) *Analysis.* The analysis is the same as in *Example 1* with respect to the $100 dividend payment from S to A. However, the $25 interest payment in year 2 by A to FC will be treated as a dividend for all purposes of the Internal Revenue Code and the U.S.-Country X income tax treaty because $25 does not exceed FC's share of the $100 dividend payment made by S to A ($85). Since FC is not fiscally transparent with respect to the payment as determined under paragraph (d)(2)(ii)(A) of this section, FC will be entitled to obtain the reduced rate applicable to dividends under the U.S.-Country X income tax treaty with respect to the $25 payment. Because the $25 payment in year 2 is recharacterized as a dividend for all purposes of the Internal Revenue Code and the U.S.-Country X income tax treaty, A would not be entitled to an interest deduction with respect to that payment and FC would not be entitled to claim the reduced rate of withholding applicable to interest.

(iv) *Effective date.* This paragraph (d)(2) applies to items of income paid by a domestic reverse hybrid entity on or after the date these regulations are published as final regulations in the **Federal Register** with respect to amounts received by the domestic reverse hybrid entity on or after the date these regulations are published as final regulations in the **Federal Register**.

* * * * *

Robert E Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 01–1687 Filed 2–26–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–106702–00]

RIN 1545–AX94

Determination of Basis of Partner's Interest; Special Rules; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains corrections to REG–106702–00 which was published in the **Federal Register** on Wednesday, January 3, 2001 (66 FR 315). These regulations relate to special rules on determination of basis of partner's interest under section 705 of the Internal Revenue Code.

FOR FURTHER INFORMATION CONTACT: Barbara MacMillan, (202) 622–3050 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of these corrections is under section 705 of the Internal Revenue Code.

Need for Correction

As published, REG–106702–00 contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking (REG–106702–00), which is the subject of FR Doc. 01–32189, is corrected as follows:

1. On page 315, column 2, in the preamble, under the caption **DATES:**, last line, the language "must be received by April 3, 2001" is corrected to read "must be received by April 12, 2001".

2. On page 316, column 3, in the preamble under the paragraph heading "Comments and Public Hearing", first full paragraph in the column, last line, the language "April 3, 2001." is corrected to read April 12, 2001.".

§ 1.705–2 [Corrected]

3. On page 317, column 2, § 1.705–2(b)(2), paragraph (ii) of the *Example*, line 1 the language "Normally, X would be entitled to a $40" is corrected to read "Normally, X would be entitled to a $40,000".

4. On page 318, column 3, § 1.705–2(c)(2), paragraph (vi) of *Example 2*, line 19 the language "The amount of UTP's gain" is corrected to read "The amount of LTP's gain".

Cynthia Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–4671 Filed 2–26–01; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–349; MM Docket No. 01–37; RM–10065]

Radio Broadcasting Services (Housfon, Anchorage, Alaska)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule. Order to Show Cause.

SUMMARY: The Commission requests comment on a petition for rulemaking filed by Chester P. Coleman, licensee of Station KADX(FM), Houston, Alaska, proposing the substitution of Channel 234C1 for Channel 234C2 at Houston, Alaska, and the modification of Station KADX's license to reflect the change. To accommodate the change the petition also proposes the substitution of Channel 286C1 for Channel 287C1 at Anchorage, Alaska, and the modification of the license of Station KNIK–FM, Anchorage, to specify the new channel. Ubix Corporation, licensee of Station KNIK–FM, is ordered to show cause why Channel 286C1 should not be substituted for Channel 287C1 at Houston, and must respond by the comment deadline specified below. Channel 234C1 can be allotted at Houston in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, at a site 17.2 kilometers (10.7 miles) south of the community at coordinates 61–29–03 NL and 149–45–52 WL. Channel 286C1 can be allotted at Anchorage, Alaska, at Station KNIK-FM's licensed site 2.8 kilometers (1.8 miles) south of the community at coordinates 61–11–33 NL and 149–54–01 WL.

DATES: Comments must be filed on or before April 2, 2001, and reply comments must be filed on or before April 17, 2001.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–37, adopted January 31, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alaska is amended by removing Channel 234C2 and adding 234C1 at Houston, and by removing Channel 287C1 and adding Channel 286C1 at Anchorage.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4727 Filed 2–26–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–335; MM Docket No. 01–35; RM–10054]

Radio Broadcasting Services; Young Harris, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed by M. Terry Carter and Douglas Sutton, Jr. d/b/a/ Tugart Communications seeking the allotment of Channel 236A to Young Harris, GA, as its first local aural service. Channel 236A can be allotted to Young Harris in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 34–56–00 NL; 83–50–54 WL.

DATES: Comments must be filed on or before April 2, 2001, and reply comments on or before April 17, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: John F. Garziglia, Pepper & Corazzini, LLP, 1776 K Street,

NW., Suite 200, Washington, DC 20006–2334 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–35; adopted January 31, 2001 and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Young Harris, Channel 236A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4728 Filed 2–26–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–334; MM Docket No. 00–210; RM–9979]

Radio Broadcasting Services; Sonoita, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses a petition filed on behalf of Santa Cruz Broadcasting proposing the allotment of FM Channel 263A to Sonoita, Arizona, as that locality's first local aural transmission service. Petitioner withdrew its interest in pursuing the proposal. *See* 65 FR 67690, November 13, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 00–210, adopted January 31, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4729 Filed 2–26–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG38

Endangered and Threatened Wildlife and Plants; Reopening of Public Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for the Spruce-Fir Moss Spider; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of public comment period and availability of draft economic analysis; correction.

SUMMARY: We, the Fish and Wildlife Service, announced on February 12, 2001, the availability of the draft economic analysis for the proposed designation of critical habitat for the spruce-fir moss spider (*Microhexura montivaga*). We also provided notice that the public comment period for the proposal is reopened to allow all interested parties to submit written comments on the proposal and the draft economic analysis. However, the proposed rule incorrectly stated that comments would be accepted until April 13, 2001. The close of comment period should be March 14, 2001.

DATES: We will accept comments on the proposal and the draft economic analysis until March 14, 2001.

ADDRESSES: Copies of the draft economic analysis are available on the Internet at *http://southeast.fws.gov/hotissues/hot_index.html* or by writing to or calling the State Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801; telephone 828/258–3939.

If you wish to comment, you may submit your comments by any one of several methods:

1. You may submit written comments and information to the State Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801.

2. You may hand-deliver written comments to our Asheville Field Office, at the above address or fax your comments to 828/258–5330.

3. You may send comments by electronic mail (e-mail) to john_fridell@fws.gov. For directions on how to submit electronic filing of comments, see the "Public Comments Solicited" section.

Comments and materials received, as well as supporting documentation used in preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John A. Fridell, Fish and Wildlife Biologist (see **ADDRESSES** section).

SUPPLEMENTARY INFORMATION: On February 12, 2001, we published a proposed rule in the **Federal Register** announcing the reopening of the public comment period and notice of availability of draft economic analysis for the proposed critical habitat determination for the spruce-fir moss spider. The **DATES** caption stated that comments should be submitted on or before April 13, 2001. The correct date for accepting comments from all interested parties is on or before March 14, 2001.

Accordingly, make the following correction to FR Doc. 01–2270 published at 66 FR 9806, on February 12, 2001:

On page 9807, in column one, correct the **DATES** caption to read as follows:

DATES: Interested parties must submit comments on or before March 14, 2001.

Dated: February 14, 2001.

Sam D. Hamilton,

Regional Director, Fish and Wildlife Service.

[FR Doc. 01–4718 Filed 2–26–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 021501A]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has made a preliminary determination to issue an EFP that would allow one vessel to conduct fishing operations otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The Haskin Shellfish Research Laboratory submitted a complete application for the issuance of an EFP to one commercial fishing vessel. The EFP would allow one federally permitted vessel to conduct side-by-side tows with the R/V *Albatross* using a 6-cm codend mesh. No species will be targeted by the study, since the vessel will be following the random survey protocol used by the R/V *Albatross*. However, the nets will be fished to maximize the catch of summer flounder, scup and black sea bass on Leg I, and silver hake on Leg II. The purpose of this study is to provide information on the relative catchability of the two platforms and gears fished during the NMFS Spring Trawl Survey. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments on this notice must be received at the appropriate address or fax number (see **ADDRESSES**) on or before March 14, 2001.

ADDRESSES: Written comments should be sent to Patricia Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on EFP Proposal." Comments may also be sent via facsimile (fax) to (978) 281–9135. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Allison Ferreira, Fishery Management Specialist, 978–281–9103.

SUPPLEMENTARY INFORMATION: The Haskin Shellfish Research Laboratory submitted an industry cooperative proposal on February 2, 2001, for one EFP to conduct side-by-side tows between the R/V ALBATROSS and a fishing vessel during the NMFS Spring Trawl Survey. The study addresses the concern that the spring survey may not adequately assess the proportion of large fish in the population.

The study will occur on Legs I and II of the NMFS Spring Trawl Survey. Leg I of the spring survey is scheduled to begin on February 26, 2001. The study will take place during the first 4 to 5 days of the cruise when the R/V *Albatross* will occupy about 34 stations on the outer shelf and the shelf edge from Hudson Canyon to just north of Cape Hatteras. Some of these stations may occur inside the Southern Gear Restricted Area (GRA). Leg II is scheduled to begin on March 15, 2001. On this Leg, the study will take place when the R/V *Albatross* occupies stations south of Long Island and Massachusetts, on the outer half of the shelf. This part of the study will occupy 19 stations and last about 3 days. Because the spring survey is conducted 24 hours a day, the industry vessel will have a minimum of four science personnel working two 12-hour shifts of two individuals each.

This study involves Haskin Shellfish Research Laboratory, with funding provided by the NFI Scientific Monitoring Committee. The objective of the study is to conduct side-by-side tows between an industry vessel and the R/V *Albatross* to provide information on the relative catchability of the two platforms and gears fished during the spring survey. The potential outcomes of the study include: (1) An improved assessment of the population size frequency for many commercial species, (2) a boundary condition on the value used as an estimation of catchability in fisheries models, (3) improved estimates of the size-dependency of catchability for the survey gear, (4) improved estimates of spawning stock biomass (SSB) from understanding the bias in catchability in the survey, (5) an increased number of samples for length-weight and length-at-age studies for key species, and (6) potential groundwork for using industry vessels to increase the number of stations occupied in the survey for those species presently sampled with inadequate intensity.

In order to accomplish the objectives of this study, a trawl with a 6-cm codend mesh will be towed in unison and parallel to the survey trawls being conducted by the R/V *Albatross*. In areas where there is a large depth gradient, the industry vessel will tow aft of the R/V *Albatross*. To keep the survey program on schedule, tow times, not tow distances, will remain the same between the two vessels, since it is likely that the towing speed for the R/V *Albatross* will exceed that of the industry vessel.

Since the primary objective of the study is to improve size frequency information, the project aims to take length measurements of all fish caught using standard observer protocols. However, species will be measured in order of importance (i.e., summer flounder, scup, squid, black sea bass, and whiting), or subsampled by size, if the limited number of crews are unable to measure all fish. Individual weight measurements and samples for aging will not be taken, but NMFS may establish certain target species for which weight measurements and aging samples should be taken. These fish will be segregated and transferred to the R/V *Albatross*, when appropriate.

Any fish below the minimum size limits or in excess of a quota will not be retained, except for scientific purposes. However, the applicant intends to retain for sale those fish meeting the minimum size and quota requirements. In addition, the applicant wants to land and sell fish caught in excess of any applicable landing limit, although it is believed that landings limits will likely not be exceeded due to the short duration of the tows.

An EFP would be issued to one participating federally permitted vessel to exempt it from minimum mesh-size requirements, GRA restrictions, landing limits, and possession limits. This EFP would also authorize the vessel to land and sell any fish that conform with minimum-size and quota restrictions.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 20, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4692 Filed 2–26–01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 021401B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Exempted Fishing Permits (EFPs)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has made a preliminary determination to approve an application for an EFP that would allow up to 12 vessels to conduct fishing operations otherwise restricted by regulations governing the fisheries of the Northeastern United States. The Gulf of Maine Aquarium Development Corporation and Maine Department of Marine Resources have submitted an application for an EFP that warrants further consideration. The experimental fishery to be conducted under the EFP would investigate the bycatch of multispecies and catch of northern shrimp in Gulf of Maine waters that are not currently open to this fishery. The goal of the research is to determine whether a shrimp fishery can be conducted southeast of the Loran 25600 line within acceptable multispecies bycatch limits in order to provide additional economic opportunity to the shrimp fleet and alleviate fishing pressure on shrimp in nearshore waters. This notice is intended to provide interested parties the opportunity to comment on the proposed experimental fishery.

DATES: Comments must be received by March 14, 2001.

ADDRESSES: Comments should be sent to Patricia Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope "Comments on Proposed Experimental Fishery." Comments also may be sent via facsimilar (fax) to 978–281–9135. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Tom Warren, Fishery Management Specialist, 978–281–9347.

SUPPLEMENTARY INFORMATION: The regulations that govern exempted experimental fishing, at 50 CFR 600.745, allow the Regional Administrator to authorize for certain purposes the targeting or incidental harvest of managed species that would otherwise be prohibited. An EFP to authorize such activity may be issued, provided that there is adequate opportunity for the public to comment on the EFP application, and that the conservation goals and objectives of the Fishery Management Plan are not compromised.

The Gulf of Maine Aquarium Development Corporation of Portland, Maine (ME), and the Maine Department of Marine Resources of Boothbay Harbor, ME submitted to NMFS on November 2, 2000, an application for an EFP to conduct research in the northern shrimp fishery in the Gulf of Maine. The research would target shrimp southeast of the area in which fishing is currently allowed, with the objective of determining whether a shrimp fishery can be conducted within acceptable multispecies bycatch limits. The underlying goal of the research is to provide additional economic opportunity to the northern shrimp fleet and alleviate fishing pressure on shrimp in nearshore waters.

The Northeast Multispecies Fishery Management Plan (FMP) regulations specify minimum fishing gear mesh sizes in the Gulf of Maine/Georges Bank (GOM/GB) Regulated Mesh Area in order to protect multispecies. There are several exemptions, however, that allow fisheries that utilize mesh size smaller than the allowable to be conducted in this area. One of the exemptions to the GOM/GB Regulated Mesh Area is the Small Mesh Northern Shrimp Fishery Exemption Area, which allows the targeting of northern shrimp. One of the principle requirements associated with this exemption area is a requirement to use a finfish excluder device (FED) to ensure a minimal level of multispecies bycatch. Justification of the Small Mesh Northern Shrimp Fishery Exemption Area was based upon the testing of the Nordmore Grate, a FED that was tested from 1991 to 1992, in the Gulf of Maine northwest of the Loran 25600 line. Based upon those experimental trawls, the Small Mesh Northern Shrimp Fishery Exemption Area was implemented, with the border being formed in part by the Loran 25600 line.

Based on results from the experimental fishery, the Small Mesh Northern Shrimp Fishery Exemption Area could be expanded if there is information to determine that the percentage of regulated species caught as bycatch is sufficiently small, on a per trip basis, such that fishing mortality objectives of the FMP will not be jeopardized.

According to the applicant, up to 12 vessels would be issued EFPs to allow targeting of shrimp using small mesh on 12, 3-day trips from April 15 through May 31, 2001. A contractor for sea sampling will be selected through the "Request for Proposal" process, and observers will accompany all trips. For the first half of each trip, the nets will be consistent with the requirements of the Small Mesh Northern Shrimp Fishery Exemption Area (FED with 1-inch maximum spacing). For the second half of each trip, the nets will contain a 3/4-inch (0.01905-m)-spaced Nordmore grate. At some time during each of the first 2 days of each trip, vessels will make a one half-hour tow with no grate in the net to serve as a control tow. When six trips (18 days) of fishing have been completed, the rate of groundfish bycatch will be estimated and submitted to NMFS. Depending upon the level of bycatch, the experiment will either be terminated, continue unaltered, or continue under new procedures (using only the 3/4-inch (0.01905-m)-spaced grate).

EFPs would be required to exempt vessels from certain management measures of the FMP, including the time, area, and FED restrictions of the Small Mesh Northern Shrimp Fishery Exemption Area, and Gulf of Maine Rolling Closures.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 20, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4689 Filed 2–26–01; 8:45 am]

BILLING CODE 3510-22-S

Notices

Federal Register
Vol. 66, No. 39
Tuesday, February 27, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 22, 2001.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 *and* to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: Farmer Program Account Servicing Policies—7 CFR part 1951–S.

OMB Control Number: 0560–0161.

Summary of Collection: The Farm Service Agency's (FSA) Farm Loan Program (FLP) provides supervised credit in the form of loans to family farmers and ranchers to purchase land and finance agricultural production. The regulations covering this information collection package describes the policies and procedures the agency will use to service most FLP loans when they become delinquent. These loans include Operating, Farm Ownership, Soil and Water, Softwood Timber Production, Emergency; Economic Emergency, Economic Opportunity, Recreation, and Rural Housing loans for farm service buildings. Servicing of accounts is administered in accordance with the provisions of the Consolidated Farm and Rural Development Act (CONACT) as amended by the Food Security Act of 1985, the Agriculture Credit Act of 1987, the Food Agriculture Conservation and Trade Act of 1990, the Agricultural Credit Improvement Act of 1992, and the Federal Agriculture Improvement and Reform Act of 1996. The Agricultural Credit Act of 1987 was intended to ensure that private individuals who have obtained a loan from the U.S. Treasury through the Department of Agriculture are all treated equally when they default on that loan. FSA is modifying the information collection to require borrowers to document the value of added improvements to real estate used in securing a shared appreciation agreement.

Need and Use of the Information: FSA will use the tax returns provided by borrowers to document the validity of the amount of capital improvements being claimed by the borrower. If information is not collected, borrowers may not have the remaining contributory value of capital improvements made during the term of the Shared Appreciation Agreement deducted when the recapture amount under the agreement is calculated.

Description of Respondents: Farms; Individuals or households; Business or other for-profit.

Number of Respondents: 12,681.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 13,109.

Farm Service Agency

Title: Environmental Quality Incentives Program (EQIP).

OMB Control Number: 0560–0174.

Summary of Collection: The Natural Resources Conservation Service (NRCS) in partnership with the Farm Service Agency (FSA) administers the Environmental Quality Incentives Program (EQIP). EQIP provides for Federal financial, technical, and educational long-term cost-share and incentive assistance for conservation treatment to eligible land users. Local work groups identify significant natural resource concerns and develop a need assessment proposal. The proposal is forwarded to the NRCS State Conservationist who, in consultation with the State Technical Committee, decides which areas deserve designation as a priority area. NRCS works with landowners and operators in the priority areas to develop conservation plans that incorporate conservation practices that will meet EQIP objectives. Landowners apply for cost-share and incentive payments under EQIP by completing a CCC–1200 form. Other forms are used once an applicant is approved for participation in the program.

Need and Use of the Information: FSA collects information to determine eligibility for the EQIP program and too ensure that those landowners selected will assist the Federal government in remedying the identified natural resource concerns for that area. If the information were not collected, NRCS and FSA would not be able to distribute the EQIP funds and monitor their use.

Description of Respondents: Individuals or household; Farms.

Number of Respondents: 92,500.

Frequency of Responses: Reporting: Other (When applying for program).

Total Burden Hours: 444,609.

Farm Service Agency.

Title: Lamb Meat Adjustment Assistance Program (LMAAP).

OMB Control Number: 0560–0205.

Summary of Collection: The Lamb Meat Adjustment Assistance Program (LMAAP) is administered and implemented under the general direction and supervision of the Farm Service Agency (FSA) through its State and County Committees. Authorizing legislation for LMAAP provides for the re-establishment of farmers' purchasing power by making payments in connection with the normal production of any agricultural commodity for domestic consumption. The objective of the LMAAP program is to make direct payments to producers of sheep and lamb operations to help them weather the current economic crisis, as well as help improve their production efficiencies and the marketability of lamb meat during the 3 year period from July 21, 1999, through July 31, 2002. FSA will collect information using form FSA 383.

Need and Use of the Information: FSA will collect the following information: (1) sheep and lamb operation name; (2) each related producer's name; (3) ID number and shares; (4) the number of rams purchased for the intended purpose of breeding; (5) the number of eligible sheep enrolled in an eligible sheep improvement program; and/or (6) the type and cost of the facility improvement. The information is needed to verify commodity and producer eligibility and calculate payment amounts. Without the information from the producers, FSA would be unable to administer the program to provide direct payments to the sheep and lamb operations.

Description of Respondents: Farms; Individuals or households; Business or other-for-profit.

Number of Respondents: 60,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 24,240.

Agricultural Marketing Service

Title: Cotton Classing, Testing, and Standards.

OMB Control Number: 0581–0008.

Summary of Collection: The U.S. Cotton Standards Act, 7 U.S.C. 51, 53 and 55, directs and authorizes the USDA to supervise the various activities directly associated with the classification or grading of cotton, cotton linters, and cottonseed based on official USDA Standards. The Cotton Division of the Agricultural Marketing Service carries out this supervision and is responsible for the maintenance of the functions to which these forms relate.

Need and Use of the Information: The Agricultural Marketing Service uses the following forms to collect information: Owners of cotton submitted Form CN–357 to request cotton classification services. The request contains information for USDA to ascertain proper ownership of the samples submitted, distribute classification results, and bill for services. Information about the origin and handling of the cotton is necessary in order to properly evaluate and classify the samples.

Cottons gins and warehouses seeking to serve as licensed samplers submit form CN–246. The license period is five years. Licenses issued by the USDA–AMS Cotton Division authorize the warehouse/gin to draw and submit samples to insure the proper application of standards in the classification of cotton and to prevent deception in their use.

Form CN–383 is submitted by cotton producers, ginners, warehousemen, cooperatives, manufacturers, merchants, and crushers interested in acquiring a set of cotton grade and staple standards for Upland and Pima cotton.

Description of Respondents: Business or other for-profit; Individuals or household.

Number of Respondents: 797.

Frequency of Responses: Reporting: Annually; other (every 5 yr.).

Total Burden Hours: 119.

Agricultural Marketing Service

Title: Cotton Classification and Market News Service.

OMB Control Number: 0581–0009.

Summary of Collection: The Cotton Statistics and Estimates Act, 7 U.S. Code 471–476, authorizes and directs the Secretary of Agriculture to collect and publish annually, statistics or estimates concerning the grades and staple lengths of stocks of cotton, known as the carryover, on hand on the 1st of August each year in warehouses and other establishments of every character in the continental U.S; and following such publication each year, to publish at intervals, in his/her discretion, his/her estimate of the grades and staple length of cotton of the then current crop (7 U.S.C. 471). Additionally, Agricultural Marketing Service (AMS) collects, authenticates, publishes, and distributes timely information of the market supply, demand, location, and market prices for cotton (7 U.S.C. 473B).

Need and Use of the Information: AMD will collect information on the quality of cotton in the carryover stocks along with the size or volume of the carryover. This information is needed and used by all segments of the cotton industry. Growers use this information in making decisions relative to marketing their present crop and planning for the next one; cotton merchants use the information in marketing decisions; and the mills that provide the data also use the combined data in planning their future purchase to cover their needs. Importers of U.S. cotton use the data in making their plans for purchases of U.S. cotton. AMS and other government agencies are users of the compiled information.

Description of Respondents: Business or other for-profit; Individuals or households.

Number of Respondents: 495.

Frequency of Responses: Reporting: On occasion; Weekly; Annually.

Total Burden Hours: 226.

Agricultural Marketing Service

Title: Federal Seed Act Program.

OMB Control Number: 0581–0026.

Summary of Collection: The Federal Seed Act (FSA) (7 U.S.C. 1551–1611) regulates agricultural and vegetable seeds in interstate commerce. Agricultural and vegetable seeds shipped in interstate commerce are required to be labeled with certain quality information such as the name of the seed, the purity, the germination, and the noxious-weed seeds of the state into which the seed is being shipped. State seed regulatory agencies refer to the Agricultural Marketing Service (AMS) complaints involving seed found to be mislabeled and to have moved in interstate commerce. AMS investigates the alleged violations and if the violation is substantiated, takes regulatory action ranging from letters of warning to monetary penalties. AMS will collect information from records of each lot of seed and make them available for inspection by agents of the Secretary.

Need and Use of the Information: The information collected consists of records pertaining to interstate shipments of seed that have been alleged to be in violation of the FSA. The shipper's records pertaining to a complaint are examined by FSA program specialists and are used to determine if a violation of the FSA occurred. The records are used to determine the precautions taken by the shipper to assure that the seed was accurately labeled. If this information were not collected, it would be impossible to examine pertinent records to resolve complaints of violations.

Description of Respondents: Business or other for-profit; State. Local or Tribal Government; Farms.

Number of Respondents: 2,997.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 37,215.

Agricultural Marketing Service

Title: Farmer's Market Questionnaire.

OMB Control Number: 0581–0169.

Summary of Collection: The Transportation and Marketing (T&M) Program, Agricultural Marketing Service (AMS) conducts research to find better designs, development techniques, and

operating methods for modern farmer's markets under the Agency's Wholesale and Alternative Markets Program. Recommendations are made available to local decision-makers interested in constructing modern farmer's markets to serve area producers and consumers. Individual studies are conducted in close cooperation with local interested parties.

Need and Use of the Information: The information will be collected using form TM–6 "Farmer's Market Questionnaire." The form submitted for approval will serve as a survey instrument to obtain a clearer picture of existing farmer's market structure to provide a basis for the future design of modern direct marketing facilities and will provide a measure of growth over the last 4 years. T&M researchers will survey by mail, with telephone follow-up, the managers of farmer's markets identified in the 2000 National Farmer's Market Directory. In addition, provision will be made for e-mail reporting. These markets represent a varied range of sizes, geographical locations, types, ownership, and structure and will provide a valid overview of farmer's markets in the United States. Information such as the size of markets, operating times and days, retail and wholesale sales, management structure, and rules and regulations governing the markets are all important questions that need to be answered in the design of a new market. The information developed by this survey will support better designs, development techniques, and operating methods for modern farmers markets and outline improvements that can be applied to revitalize existing markets. If this information is not collected, the ongoing research to develop new farmer's markets must rely on limited and often anecdotal information. This narrow focus will limit the ability of researched to provide effective designs and development plans for new markets where such information is not immediately available.

Description of Respondents: Not-for-profit institutions.

Number of Respondents: 2,860.

Frequency of Responses: Reporting: Biennially.

Total Burden Hours: 358.

Forest Service

Title: Residential Fuelwood and Post Assessment, Any State, Year.

OMB Control Number: 0596–0009.

Summary of Collection: The Forest and Rangeland Renewable Resource Research Act of 1978 (16 U.S.C. 1600), (as amended by the Energy Security Act of 1980 (42 U.S.C. 8701)) requires the Secretary of Agriculture to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for renewable resources from forests and rangelands of the United States and of the supplies of such resources. Wood was the major source of energy for households in the U.S. until the 1880's. Fuelwood use has dropped sharply in this century with greater use occurring during the Great Depression and World War II. But by 1970, less than 2 percent of all households used wood as a primary source or heating fuel. During this period of decline, the Forest Service (FS) monitored production of wood for household fuel by interviewing rural households to determine harvest from farm woodlots. The FS will collect information using a survey.

Need and Use of the Information: FS will collect information to determine the level of renewable resources used for fuelwood and fence posts by residential households and logging contractors. The information will enable land managers to determine what timber to sell for use as fuelwood or fence posts, how well the local forested land will meet the demand for these timber products, and how to project future demands on these renewable natural resources for fuelwood and fence posts. Also, the information will be used to determine the types of facilities households use to heat their home with wood, such as wood burning stoves or fireplaces; the type of land from which the wood will be cut; the conditions of the wood that will be cut, that is whether the trees will be dead or alive. If the information is not collected, FS will not know the quantity of fuelwood and posts produced in selected states or the impact of harvesting these products on the timber resource.

Description of Respondents: Individuals or households; Business or other for-profit.

Number of Respondents: 2,919.

Frequency of Responses: Reporting: Other (annually but not in each State).

Total Burden Hours: 199.

Forest Service

Title: Commercial Use of Woodsy Owl Symbol—36 CFR Part 272.

OMB Control Number: 0596–0087.

Summary of Collection: The Forest Service National Symbols Coordinator will evaluate the data to determine if an individual corporation, or organization, requesting a license to use the Woodsy Owl symbol commercially shoud be granted a license or, if currently licensed to determine the royalty fee the licensed entity must pay to the agency based on a percentage of the licensee's total sales and whether the licensed entity has met its stated objectives. Part 272 of Title 36 CFR authorizes the Chief of the Forest Service to approve commercial use of the Woodsy Owl symbol and to collect royalty fees for such use. An individual or corporation may apply for a Woodsy Owl license by contacting Forest Service personnel by telephone, fax, and e-mail or by writing.

Need and Use of the Information: FS will collect information to determine how long the individual, corporation, or organization has been in business; the products the individual, corporation, or organization sells or plans to see; the geographical location from which the products will be sold; the projected sales volume; and how the individual, corporation or organization plans to market the products. If information is not collected royalty fees would not be collected in keeping with federal cash management policies, and quantity of merchandise objectives would not be effectively monitored.

Description of Respondents: Business or other for-profit.

Number of Respondents: 10.

Frequency of Responses: Reporting: Quarterly.

Total Burden Hours: 20.

Forest Service

Title: Public Perceptions of Pacific Northwest National Forest System Land Management Practices.

OMB Control Number: 0596–NEW.

Summary of Collection: National Forests are managed by Congressional mandates with input from citizens. These mandates, like the Multiple Use Sustained Acts of 1960 and the National Forest Management Act of 1976 and others, require the Forest Service to produce plenty of many different resources values. In 1994, the Forest Service adopted the Northwest Forest Plan in response to perceptions the public had that Forest Service land management practices on National Forests in western Washington, western Oregon and northern California might have negative impacts on timber resources and threaten endangered species, such as the northern spotted owl. Management of National Forests, including their appearances, has shaped the way people view forest practices. Thus, there is a need to find out how the general public perceives forest management practices in order to affect management decisions and mitigate controversy. Determining what the public views as acceptable and aesthetically pleasing can help balance harvest and recreation, and other public needs and expectations. The Forest Service will collect information using a survey.

Need and Use of the Information: FS will collect information to identify the type and distribution of perceptions of alternative timber harvest methods that might be implemented in national forests. The information will be used to help the Forest Service gain a better understanding of the western Michigan, western Oregon, and northern California residents' perceptions of the agency's land management practices on the National Forest in these areas. If the information is not collected, forestry management, resource, and harvest decisions will be made without well-informed regard to current public sentiment and expectation.

Description of Respondents: Individuals or households.

Number of Respondents: 1,700.

Frequency of Responses: Reporting: Other (one time).

Total Burden Hours: 425.

National Agriculture Statistics Service

Title: Cotton Ginning Survey.

OMB Control Number: 0535–0220.

Summary of Collection: Primary function of the National Agricultural Statistics Services (NASS) is to prepare and issue state and national estimates of crop and livestock production under the authority of 7 U.S.C. 2204(a). The Cotton Ginning Survey provides statistics concerning cotton ginning for specific dates and geographic regions and aids in forecasting cotton production, which is required under 7 U.S.C. Section 475.

Need and Use of the Information: The ginning data collected provides (1) all segments of the cotton industry-buyers, brokers, crushers, shippers, textile firms, and researchers with exact quantities of cotton available at specific geographic locations within the U.S. on a regular basis; (2) precise statistics, especially when at least 50 percent of the forecasted cotton production has been ginned in a state; and (3) final season ginning data that is used to establish final production. If the information were collected less frequent, the cotton industry would be without county level quantities ginned that could seriously affect transportation costs and marketing strategies.

Description of Respondents: Business or other for-profit.

Number of Respondents: 1,131.

Frequency of Responses: Reporting: Other (biweekly Sept.-Jan.).

Total Burden Hours: 1,065.

Nancy B. Sternberg,

Departmental Clearance Officer.

[FR Doc. 01–4760 Filed 2–26–01; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Availability of an Environmental Assessment for an amendment to the Green Mountain National Forest Land and Resource Management Plan; Addison, Bennington, Rutland, Washington, Windham and Windsor Counties, Vermont

AGENCY: Forest Service, USDA.

ACTION: Notice of availability of an environmental assessment.

SUMMARY: On May 10, 2000, Green Mountain and Finger Lakes National Forest Supervisor, Paul K. Brewster, (Responsible Official) set forth a proposal to amend the 1987 Green Mountain National Forest Land and Resource Management Plan (Forest Plan). On January 17, 2001, he made the resultant Environmental Assessment available for a 30 day public comment period. The comment period closed on February 16, 2001. Copies of the Environmental Assessment are available upon request. The current preferred alternative (Alternative 3), would incorporate into the Forest Plan the reasonable and prudent measures and terms and conditions contained in the *Biological Opinion* (prepared by the U.S. Fish and Wildlife Service, dated February 16, 2000) as well as additional conservation measures that would benefit Indiana bat habitat and habitats for other woodland bat species. These measures would also increase monitoring for bats and bat habitat. In addition, education and outreach efforts related to Indiana bat conservation would be increased, and recommendations for conservation of Sensitive Species incorporated.

All comments received are being evaluated, and may result in supplementation of the Environmental Assessment or be incorporated into the final decision.

This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6, 453 FR 55990) and National Forest System Land and Resource Management Planning regulations (36 CFR 219.35, 65 FR 6745145).

DATES: On May 10, 2000, Green Mountain and Finger Lakes National Forest Supervisor, Paul K. Brewster (Responsible Official) put forth a proposal to amend the 1987 Green Mountain National Forest Land and Resource Management Plan (Forest Plan). On January 17, 2001, a legal notice was published in the Rutland Daily Herald, announcing the availability of the Environmental Assessment for a 30 day public comment period. The comment period closed on February 16, 2001.

ADDRESSES: Send requests for documents to: Forest Supervisor, Green Mountain and Finger Lakes National Forest, 231 North Main Street, Rutland, Vermont 05701.

FOR FURTHER INFORMATION CONTACT: Patricia D'Andrea, Forest Planner, at 802–388–4362, ext. 112 TDD 802–747–6765; or direct electronic mail to: "pdandrea@fs.fed.us."

Responsible Official: Paul K. Brewster, Forest Supervisor, 231 North Main Street, Rutland, Vermont 05701.

SUPPLEMENTARY INFORMATION: This amendment would apply to the 370,530 acres of the Green Mountain National Forest in the form of amending the standards and guidelines of the Land and Resource Management Plan for the conservation of the Indiana bat and other woodland bat species, as well as incorporating recommendations for the conservation of Sensitive Species. This is a non-significant amendment.

Dated: February 16, 2001.

Paul K. Brewster,

Forest Supervisor.

[FR Doc. 01–4697 Filed 2–26–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Cave Gulch Post-Fire Salvage Sale, Townsend Ranger District and the Helena Ranger District, Helena National Forest, Broadwater and Lewis & Clark Counties, Montana

AGENCY: Forest Service, USDA.

ACTION: Notice, intent to prepare Environmental Impact Statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement on a proposal to harvest merchantable trees from the Cave Gulch wildfire area. The proposed action includes salvage timber harvest in roaded areas and stewardship project timber harvest activities in inventoried roadless areas. No new road construction or reconstruction would be conducted in inventoried roadless areas. In areas outside inventoried roadless areas, existing system roads and a few temporary roads would be used. Only dead or dying trees will be removed. The proposed action will also incorporate interim road management to provide for big game security,

silvicultural practices that can hasten post-fire recovery for wildlife and recreation and reduce future fuel loading, and other management practices to minimize accelerated erosion.

DATES: Comments concerning the proposal and scope of the analysis should be received in writing by March 7, 2001.

ADDRESSES: All questions and/or comments should be addressed to: USDA Forest Service, Townsend Ranger District, 415 S. Front Street, Box 29, Townsend, MT 59644.

FOR FURTHER INFORMATION CONTACT: David McMorran, Team Leader, or Rachel Feigley, Assistant Team Leader at (406) 266–3425.

SUPPLEMENTARY INFORMATION: The analysis will include a no action alternative which will address the effects of not harvesting in the burned area. Other alternatives will consider a range of options, including varying the locations, timing and methods of timber removal. The analysis will consider the effects of the proposed action and alternatives within the entire affected watersheds, but actions will be limited to the burned areas—no green tree harvest is proposed.

Anticipated issues and concerns include, but are not limited to: longterm watershed stability and recovery; fuel loading/fuel reduction in the future; inventoried roadless character and values; longterm management goals; opportunities to integrate salvage operations with restoration activities; big game security and retention of remaining hiding cover; snag management for wildlife; scenery and recreation management, the potential for spreading noxious weeds, and opportunities to benefit local economies.

The Forest Service is seeking information and comments from Federal, state and local agencies as well as individuals and organizations that may be interested in the proposal. The Forest Service invites written comments and suggestions related to the proposal. The Forest Service invites written comments and suggestions related to the proposal. Information received will be used in preparation of the Draft Environmental Impact Statement. The Draft Environmental Impact Statement should be available for public review and comment during April 2001 and the Final Environmental Impact Statement and Record of Decision in June 2001. The official close of the comment period for the Draft Environmental Impact Statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. NRDC, 435 U.S. 519, 533 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage, but that are not raised until after completion of the final environmental impact statement, may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions on the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The responsible official is Thomas J. Clifford, Forest Supervisor, Helena National Forest, 2880 Skyway Drive, Helena, MT 59601.

Dated: February 14, 2001.

Allen L. Christophersen,

Acting Helena Forest Supervisor.

[FR Doc. 01–4696 Filed 2–26–01; 8:45 am]

BILLING CODE 3410–11–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, DC on Monday, Tuesday, Wednesday, and Thursday, March 12–15, 2001, at the times and location noted below.

DATES: The schedule of events is as follows:

Monday, March 12, 2001

1:00 p.m.–5:00 p.m.—Committee of the Whole—Americans with Disabilities Act/Architectural Barriers Act Final Rule (Closed Meeting)

Tuesday, March 13, 2001

9:00 a.m.–Noon Committee of the Whole—Americans with Disabilities Act/Architectural Barriers Act Final Rule (Closed Meeting)

1:30 p.m.–2:30 p.m.—Technical Programs Committee

2:30 p.m.–4:00 p.m.—Committee of the Whole—Recreation Facilities Final Rule (Closed Meeting)

4:00 p.m.–5:00 p.m.—Planning and Budget Committee

Wednesday, March 14, 2001

9:00 a.m.–10:30 a.m. Committee of the Whole—Americans with Disabilities Act/Architectural Barriers Act Final Rule (Closed Meeting)

10:30 a.m.–Noon—Executive Committee

1:30 p.m.–3:30 p.m.—Board Meeting

Thursday, March 15, 2001

9:00 a.m.–5:00 p.m.—Committee of the Whole—Americans with Disabilities Act/Architectural Barriers Act Final Rule (Closed Meeting)

ADDRESSES: The meetings will be held at the Washington Renaissance Hotel, 999 9th Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434, extension 113 (voice) and (202) 272–5449 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items.

Open Meeting

- Executive Director's Report
- Election of Officers
- Approval of the Minutes of the January 10, 2001 Board Meeting
- Executive Committee Report—Nominating Committee Report
- Planning and Budget Committee Report—Budget Spending Plan for Fiscal Year 2001 and Fiscal Year 2002 Budget
- Technical Programs Committee Report—Report on Research and Technical Assistance Projects

Closed Meeting

- Committee of the Whole Report on the Americans with Disabilities Act/Architectural Barriers Act Final Rule
- Committee of the Whole Report on Recreation Facilities Final Rule

All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings. Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants.

James J. Raggio,

General Counsel.

[FR Doc. 01–4744 Filed 2–26–01; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket No. 33–99]

Foreign-Trade Zone 59—Lincoln, NE; Application for Expansion of Manufacturing Authority Subzone 59A, Kawasaki Motors Manufacturing Corp., U.S.A., Plant, Lincoln, NE; Amendment of Application

Notice is hereby given that the application by the Lincoln Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 59, requesting an expansion of the scope of manufacturing authority to include new manufacturing capacity under FTZ procedures and requesting authority to expand the boundary of FTZ 59A at the Kawasaki Motors Manufacturing Corp., U.S.A. (KMM), plant in Lincoln, Nebraska (64 FR 37496, 7–12–99), has been amended to include an additional 732,000 square feet of production area to the previously-announced expansion. The additional square footage would result in a new configuration for Subzone 59A of 2.9 million square feet on 332 acres, with a revised subzone boundary.

The application remains otherwise unchanged.

The comment period is reopened until March 26, 2001.

Dated: February 21, 2001.

Dennis Puccinelli,

Executive Secretary

[FR Doc. 01–4776 Filed 2–26–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 12–2001]

Foreign-Trade Zone 54—Clinton County, New York; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Clinton, New York, grantee of FTZ 54, requesting authority to expand its general-purpose zone site to include an additional site in Champlain, New York. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 20, 2001.

FTZ 54 was approved on February 14, 1980 (Board Order 153, 45 FR 12469, 2/26/80) and expanded on September 23, 1982 (Board Order 196, 47 FR 43102, 9/30/82), and on May 29, 1996 (Board Order 829, 61 FR 28840, 6/6/96). The zone project currently includes three general-purpose zone sites: *Site 1* (123 acres)—Clinton County Air Industrial Park, Plattsburgh; *Site 2* (11 acres)—One Trans-Boarder Drive, Champlain, at I–87 and U.S. Route 11, operated by Trans-Border Customs Services, Inc.; *Site 3* (200 acres)—Champlain Industrial Park, located on New York State Route 11 in Champlain (also include a temporary parcel (expires 11/30/01) located at 5 Coton Lane (4 acres)); and, a *Temporary Site*—(15,000 sq. ft.) located at 2002 Ridge Road, Champlain (expires 11/30/01). An application is currently pending for an additional site at the former Plattsburgh Air Force Base in Plattsburgh (FTZ Doc. 57–2000).

The applicant is now requesting authority to expand its zone project to include an additional site (11.5 acres) at the World Warehouse and Distribution facility, 2002 Ridge Road, Champlain (Proposed Site 5). The facility will be operated by World Warehouse as a public warehouse facility with packaging services. The proposed expansion will include the temporary site. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 30, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 14, 2001).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

The Development Corporation of Clinton County, New York, 61 Area Development Drive, Plattsburgh, New York 12901, and

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington DC 20230.

Dated: February 21, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–4775 Filed 2–26–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 11–2001]

Foreign-Trade Zone 147—Reading, Pennsylvania; Application for Subzone, C&J Clark America, Inc., Distribution of Footweer, Hanover, Pennsylvania

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign-Trade Zone Corporation of Southeastern Pennsylvania, grantee of FTZ 147, requesting special-purpose subzone status for the footwear warehousing/distribution facility of C&J Clark America, Inc. (Clark), in Hanover, Pennsylvania. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 15, 2001.

The Clark Hanover Logistics Center (305,668 sq. ft./3 bldgs. on 24.8 acres) is

located at 240 Kindig Lane in Conewago Township, just outside Hanover, Pennsylvania. The facilities (210 employees) are used for storage, inspection, repairing, packaging and distribution of footwear received by Clarks Companies, N.A., in North America. Almost all of the products are sourced from abroad and some 8 percent are currently exported.

Zone procedures would exempt Clark from Customs duty payments on foreign products that are reexported. On domestic sales, the company would be able to defer payments until merchandise is shipped from the plant. The application indicates that the savings from zone procedures will help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 30, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 14, 2001).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, One Commerce Square, 228 Walnut St., 850, P.O. Box 11698, Harrisburg, Pennsylvania 17108–1698; and

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 4008, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: February 15, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–4774 Filed 2–26–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 10–2001]

Foreign-Trade Zone 39—Dallas/Fort Worth, TX; Application for Expansion of Manufacturing Authority—Subzone 39C Sanden International (USA), Inc., Facilities Wylie, Texas (Motor Vehicle Air-Conditioner Components)

A application has been submitted to the Foreign-Trade Zones Board (the Board) by the Dallas/Fort Worth International Airport Board, grantee of FTZ 39, requesting an expansion of the scope of manufacturing authority to include new manufacturing capacity under FTZ procedures and requesting authority to expand Subzone 39C at the Sanden International (USA), Inc. (Sanden), facility in Wylie, Texas. It was formally filed on February 14, 2001.

Subzone 39C was approved by the Board in 1993 with authority granted for the manufacture of air-conditioner compressors, evaporator coils, and related components (1.3 million units/year) for use in motor vehicles, trucks and heavy equipment at Sanden's manufacturing plant (95 acres/437,000 sq. ft.) in Wylie, Texas (Board Order 666, 59 FR 60, 1–3–94).

The applicant is now requesting authority to expand the subzone to include a new 13-acre site ("Miller Road" facility) with an additional 178,000 square feet of manufacturing/warehouse space located at 10710 Sanden Drive in Dallas, Texas. Under Sanden's current expansion plan, the production and warehousing area under FTZ procedures would be increased to a total of 615,000 square feet. Activity at the facilities (841 employees) involves machining and assembly of compressors, clutches, and evaporator coils. Components sourced from abroad include: clutch assemblies, crankshafts, pistons, castings, gears, heat insulators, rotor shafts/assemblies, centering balls, rings, electrical switches, coil covers, housings, fan/motor assemblies, gaskets, armature plates, rubber seals and dampers, bearings, plugs, pulleys, valves and retainers, fasteners, springs, sleeves, clamps, bushings, dust covers, caps, coil rings and windings, felt rings, and labels (duty rate range: free–9.9%), representing some 40 percent of total purchases.

FTZ procedures exempt Sanden from Customs duty payments on the foreign components used in export production (some 450,000 units/year, about 19% of total U.S. production). On its domestic sales, the company is able to choose the duty rate that applies to finished air-conditioner compressors and related components (duty free) for the foreign components noted above. Foreign status and domestic status merchandise destined for export would be exempt from certain local *ad valorem* inventory taxes. The request indicates that the savings from FTZ procedures will continue to help improve the facilities' international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 30, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 14, 2001.

A copy of the application will be available for public inspection at the following location:

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230.

Dated: February 14, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–4773 Filed 2–26–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Certain Circular Welded Non-Alloy Steel Pipe From the Republic of Korea; Initiation of Changed Circumstances Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Changed Circumstances Antidumping Duty Administrative Review.

SUMMARY: In response to a letter from Hyundai Pipe Co., Ltd. notifying the Department of Commerce that its corporate name would be changing to Hyundai Steel Company, the Department of Commerce is initiating a changed circumstances administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from the Republic of Korea (*see Notice of Antidumping Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea ("Korea"), Mexico, and Venezuela and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Welded Non-Alloy Steel Pipe from Korea* (57 FR 49453, November 2, 1992)).

EFFECTIVE DATE: February 27, 2001.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam or Sibel Oyman, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0176 and (202) 482–1174, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the "Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's ("Department") regulations are to 19 CFR Part 351 (2000).

SUPPLEMENTARY INFORMATION:

Background

On January 5, 2001, a respondent in this proceeding, Hyundai Pipe Co., Ltd. ("HDP") notified the Department that as of February 1, 2001, its corporate name would change to Hyundai Steel Company ("Hyundai Hysco"). HDP stated that the corporate structure would not change and that all owners, management, production facilities, suppliers and customers will stay the same. HDP provided documentation to support this claim, consisting of an official announcement and a press article noting the name change. On February 9, 2001, HDP submitted the following supplementary information documenting the name change: a public announcement; minutes of the shareholders' meeting; a relevant portion from its draft 2000 financial statements; new business registration certificates for the Seoul office, head office/pipe production facility, and cold-rolling mill; a list of identical pre- and post-name change organizational charts and articles of association; a list of identical pre- and post-name board of directors; and a list of identical pre- and post-name change suppliers and customers. On February 15, 2001, HDP further confirmed that its change in name was not a result of a merger, acquisition, or change in corporate structure.

The information submitted by Hyundai shows changed circumstances sufficient to warrant a review. Therefore, we are initiating a changed circumstances administrative review pursuant to section 751(b)(1) of the Act to determine whether entries naming Hyundai Hysco as manufacturer or exporter should receive the cash deposit rate currently applied to HDP.

Scope of the Review

The merchandise subject to this review is circular welded non-alloy steel pipe and tube, of circular cross-section, not more than 406.4mm (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, beveled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipes and tubes and are intended for the low-pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air-conditioning units, automatic sprinkler systems, and other related uses. Standard pipe may also be used for light load-bearing applications, such as for fence tubing, and as structural pipe tubing used for framing and as support members for reconstruction or load-bearing purposes in the construction, shipbuilding, trucking, farm equipment, and other related industries. Unfinished conduit pipe is also included in this order.

All carbon-steel pipes and tubes within the physical description outlined above are included within the scope of this review except line pipe, oil-country tubular goods, boiler tubing, mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished conduit. In accordance with the Department's *Final Negative Determination of Scope Inquiry on Certain Circular Welded Non-Alloy Steel Pipe and Tube from Brazil, the Republic of Korea, Mexico, and Venezuela* (61 FR 11608, March 21, 1996), pipe certified to the API 5L line-pipe specification and pipe certified to both the API 5L line-pipe specifications and the less-stringent ASTM A–53 standard-pipe specifications, which falls within the physical parameters as outlined above, and entered as line pipe of a kind used for oil and gas pipelines is outside of the scope of the antidumping duty order.

Imports of these products are currently classifiable under the following Harmonized Tariff Schedule of the United States ("HTSUS") subheadings: 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90. Although the HTSUS subheadings are provided for convenience and Customs Service purposes, our written description of the scope of this proceeding is dispositive.

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order.

HDP has notified the Department that its corporate name has changed and that no changes have occurred with respect to ownership, management, production facilities, suppliers or customers. We therefore find good cause to conduct a changed circumstances review. See 19 CFR 351.216(c). Therefore, in accordance with section 751(b)(1) of the Act and 19 CFR 351.216(b) and 351.221(b)(1), we are initiating a changed circumstances review based upon the information contained in HDP's submissions.

The Department will publish in the **Federal Register** a notice of preliminary results of changed circumstances antidumping duty administrative review, in accordance with 19 CFR 351.221(b)(4) and 351.221(c)(3)(i), which will set forth the Department's preliminary factual and legal conclusions. The Department will issue its final results of review in accordance with the time limits set forth in 19 CFR 351.216(e).

This notice is in accordance with section 751(b)(1) of the Act.

Dated: February 20, 2001.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration, Group 1.

[FR Doc. 01–4772 Filed 2–26–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–001]

Potassium Permanganate From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review of potassium permanganate from the People's Republic of China.

SUMMARY: In response to a timely request for an administrative review submitted by the respondent, Provincial Chemicals Import & Export Corporation ("Guizhou"), and its supplier of potassium permanganate, the Zunyi Chemical Factory ("Zunyi"), the Department of Commerce ("the Department") is conducting an administrative review of the antidumping duty order on potassium permanganate from the People's Republic of China ("PRC"). The period of review ("POR") is January 1, 1999, through December 31, 1999. The Department has preliminarily determined that the sale of subject merchandise during the POR was made below normal value ("NV"). If the preliminary results are adopted in our final results of review, we will instruct the U.S. Customs Service ("Customs") to assess antidumping duties on the entry.

The Department invites interested parties to comment on the preliminary results.

EFFECTIVE DATE: February 27, 2001.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Howard Smith, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–4474 and (202) 482–5193, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended, ("the Act") are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations at 19 CFR part 351 (April 1999).

Background

On January 31, 1984, the Department published in the **Federal Register** (49 FR 3897) the antidumping duty order on potassium permanganate from the PRC. On January 13, 2000, the Department published in the **Federal Register** (65 FR 2114) a notice of opportunity to request administrative reviews of this antidumping duty order. On January 14, 2000, one exporter and one producer of potassium permanganate, Guizhou and Zunyi, respectively, requested that the Department conduct an administrative review of Guizhou's exports of the subject merchandise. The Department published a notice of initiation of this review on February 28, 2000 (65 FR 10466).

On March 13, 2000, the Department issued its antidumping questionnaire to Guizhou. Guizhou responded to the Department's questionnaire during May 2000, and submitted responses to the Department's June and August, 2000 supplemental questionnaires during July and August, 2000, respectively. On August 1, 2000, the petitioner, Carus Chemical Company ("Carus" or "the petitioner"), submitted publicly available information and comments for consideration in valuing the factors of production used in our NV calculations. On August 31, 2000, the petitioner requested that the Department rescind the review because the sale under review is not *bona fide*. For details regarding *bona fide* sale issue and the request to rescind the review, see the "Recision Request and *Bona Fide* Sale Issue" section of this notice below. On January 11, 2001, Guizhou submitted publicly available information and comments regarding factor values.

Pursuant to section 751(a)(3)(A) of the Act, the Department has determined that it is not practicable to complete this review within 245 days after the last day of the anniversary month of the order, and thus, has extended the time limit for the preliminary results until January 30, 2001. *See Potassium Permanganate From the People's Republic of China: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 65 FR 54227, (September 7, 2000).

The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of the Review

Imports covered by this review are shipments of potassium permanganate, an inorganic chemical produced in free-flowing, technical, and pharmaceutical grades. During the review period, potassium permanganate was classifiable under item 2841.60.0010 of the Harmonized Tariff Schedule ("HTS"). The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

Rescission Request and Bona Fide Sale Issue

The petitioner claims that the only sale under review is not *bona fide*, and thus, the review should be rescinded. This claim is primarily based upon the petitioner's allegation that the sale involved a fraudulent and illegal shipping scheme. On November 3, 2000, the Department requested that interested parties comment on discrepancies involving certain shipping documents and submit information regarding the shipment of the subject merchandise to the United States. The Department received parties' submissions regarding the shipment during November and December, 2000, and January 2001. After an examination of the record, we do not find sufficient evidence indicating that the sale under review is not a *bona fide* sale, and thus, preliminarily, we are not rescinding this administrative review. For a full discussion of this issue, see the memorandum: *Bona Fide* Sale and Rescission of Review, dated January 30, 2001, the public version of which is on file in the Central Records Unit, room B–099 of the main Department of Commerce building ("CRU-Public File").

Verification

As provided in section 782(i) of the Act, we verified sales and factor information provided by Guizhou and its supplier of potassium permanganate, Zunyi, using standard verification procedures, including on-site inspection of the manufacturer's facilities, examination of relevant sales and financial records, and selection of relevant source documentation as exhibits. Our verification findings are detailed in the report regarding the verification of Guizhou and Zunyi dated January 30, 2001, the public version of which is on file in the CRU-Public File.

Separate Rates Determination

To establish whether a company operating in a non-market economy ("NME") is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) ("*Sparklers*"), as amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) ("*Silicon Carbide*"). Under this test, companies in a NME country are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law and in fact, with respect to export activities. *See Sparklers*, 56 FR at 20589. Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities includes: (1) An absence of restrictive stipulations associated with the individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *Id. De facto* absence of government control over exports is based on four factors: (1) Whether each exporter sets its own export prices independent of the government and without the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) whether each exporter has the authority to negotiate and sign contracts and other agreements; and (4) whether each exporter has autonomy from the government regarding the selection of management. *See Silicon Carbide*, 59 FR at 22587; *see also Sparklers* 56 FR at 20589.

It is the Department's policy to evaluate separate rates questionnaire responses each time a respondent makes a separate rates claim, regardless of any separate rate the respondent received in the past. *See Manganese Metal From the People's Republic of China, Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 63 FR 12441 (March 13, 1998). In the instant review, Guizhou submitted complete responses to the separate rates section of the Department's questionnaire. The evidence submitted in this review by Guizhou includes government laws and regulations on corporate ownership, business licences, and narrative information regarding the company's operations and selection of management. This evidence is consistent with the Department's findings in previous reviews and supports a finding that control of companies in the PRC has been decentralized and that the respondent company's operations are, in fact, autonomous from the PRC government. Therefore, we preliminarily find that Guizhou is entitled to a separate rate.

Fair Value Comparisons

To determine whether the respondent's sale of subject merchandise was made at less than fair value, we compared the export price to the normal value, as described in the *Export Price* and *Normal Value* sections of this notice, below.

Export Price

In accordance with section 772(a) of the Act, the Department calculated an export price ("EP") for the sale to the United States because the subject merchandise was sold directly to an unaffiliated customer in the United States prior to importation and constructed export price methodology was not otherwise indicated. We made deductions from the sales price for foreign inland freight, foreign brokerage and handling, and domestic inland insurance. Each of these services was provided by a NME vendor, and thus, we based the deductions for these movement charges on surrogate values.

We valued foreign brokerage and handling using Indian values that were reported in the public version of the questionnaire response placed on the record in *Certain Stainless Steel Wire Rod from India; Preliminary Results of Antidumping Duty Administrative and New Shipper Review*, 63 FR 48184 (September 9, 1998) ("*India Wire Rod*"). We valued domestic inland insurance using the Department's recently revised Index of Factor Values for Use in Antidumping Duty Investigations Involving Products from the PRC (available on the Department's website). We identify the source used to value foreign inland freight in the *Normal Value* section of this notice, below. We accounted for inflation or deflation between the time period that the values for movement charges were in effect and the POR, as described below in the *Normal Value* section of this notice.

Normal Value

For exports from NME countries, section 773(c)(1) of the Act provides that the Department shall determine NV using a factors of production ("FOP") methodology if: (1) the subject merchandise is exported from an NME country, and (2) available information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act. Section 351.408 of the Department's regulations sets forth the methodology used by the Department to calculate the NV of merchandise exported from NME countries. In every case conducted by the Department involving the PRC, the PRC has been treated as an NME. Since none of the parties to this proceeding contested such treatment, we calculated NV in accordance with section 773(c)(3) and (4) of the Act and section 351.408(c) of the Department's regulations.

In accordance with section 773(c)(3) of the Act, the FOP utilized in producing potassium permanganate include, but are not limited to: (1) hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs, including depreciation. In accordance with section 773(c)(4) of the Act, the Department valued the FOP, to the extent possible, using the costs of the FOP in a market economy that is (1) at a level of economic development comparable to the PRC, and (2) a significant producer of comparable merchandise. We determined that India is comparable to the PRC in terms of per capita gross national product, the growth rate in per capita income, and the national distribution of labor. Furthermore, India is a significant producer of comparable merchandise. *See Memorandum From Jeff May, Director, Office of Policy, to Holly Kuga, Senior Office Director, AD/CVD Enforcement*, dated March 20, 2000, which is on file in the CRU-Public File.

In accordance with section 773(c)(1) of the Act, for purposes of calculating NV, we attempted to value the FOP using surrogate values that were in effect during the POR. However, when we were unable to obtain surrogate values in effect during the POR, we adjusted the values, as appropriate, to account for inflation or deflation between the effective period and the POR. We calculated the inflation or deflation adjustments for all factor values, except labor, using the wholesale price indices ("WPI") for India as published in the International Monetary Fund's ("IMF") publication, *International Financial Statistics*. We valued the FOP as follows:

(1) We valued the direct materials, potassium hydroxide and manganese dioxide used to produce potassium permanganate using price quotes from 1999 issues of *Chemical Weekly*, an Indian publication that lists chemical prices. We valued the direct material limestone using the rupee per metric ton or rupee per kilogram value of imports that entered India during the months of January, April, and May 1999, as published in the *Monthly Statistics of the Foreign Trade of India*, Volume II—Imports ("*Indian Import Statistics*").[1]

(2) We valued the material, caustic soda, used to treat (soften) water, using price quotes from 1999 issues of *Chemical Weekly*. We valued the materials lime and alum, used to treat (soften) water, using the rupee per metric ton or rupee per kilogram value of imports that entered India during the months of April 1998 through January 1999 for alum, and January, April, and May 1999 for lime, as published in *Indian Import Statistics*. We adjusted

[1] For each of the FOP, we were able to find POR Indian import statistics only for the months January, April, and May, 1999.

the value for alum to account for inflation. These materials were not reported in respondent's submission but were identified at verification (see *Verification Report*).

(3) We valued coal using the rupee per metric ton or rupee per kilogram value of imports that entered India during the months of January, April, and May 1999, as published in *Indian Import Statistics*.

(4) We valued electricity using the 1997 Indian electricity prices for industrial use as reported by the International Energy Agency ("IEA"), as adjusted for inflation. This rate is available in the IEA publication *Energy, Prices and Taxes, 2nd Quarter 2000*.

(5) We valued labor using a regression-based wage rate, in accordance with 19 CFR 351.408(c)(3). This rate is identified on the Import Administration's web site. *See http://ia.ita.doc.gov/wages*.

(6) We derived ratios for factory overhead, selling, general and administrative ("SG&A") expenses, and profit using information reported for 1992–1993 in the *Reserve Bank of India Bulletin* of January 1997. From this information, we were able to calculate factory overhead as a percentage of direct materials, labor, and energy expenses; SG&A expenses as a percentage of the total cost of manufacturing; and profit as a percentage of the sum of the total cost of manufacturing and SG&A expenses.

(7) We valued packing materials, including polyethylene plastic bags, nylon wires, and iron drums using the rupee per metric ton or rupee per kilogram value of imports that entered India during the months of January, April, and May 1999 for polyethylene plastic bags and nylon wires, and during the months of April 1998 through March 1999 for iron drums, as published in *Indian Import Statistics*. We adjusted the value for iron drums to account for inflation.

(8) We used the following sources to value truck and rail freight services incurred to transport the finished product to the port and direct materials, packing materials, and coal from the suppliers of the inputs to Zunyi:

Truck Freight: We valued truck freight services using the 1999 rate quotes reported by Indian freight companies. *See Notice of Final Determination of Sales at Less Than Fair Value: Bulk Aspirin From the People's Republic of China*, 65 FR 33805 (May 25, 2000).

Rail Freight: We valued rail freight services using the April 1995 rates published by the Indian Railway Conference Association, as adjusted for inflation. For further discussion of the surrogate values used in this review, see *Memorandum From Timothy Finn Regarding Surrogate Values Used for the Preliminary Results of the Administrative Review of Potassium Permanganate from the People's Republic of China*, (January 30, 2001), which is on file in the CRU-Public File.

Preliminary Results of the Reviews

As a result of our review, we preliminarily determine that the following dumping margins exist for the period January 1, 1999 through December 31, 1999:

Exporter/Manufacturer	Margin (percent)
Guizhou Provincial Chemicals Import & Export Corporation ...	132.11
PRC Wide-Rate	128.54

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of the results. An interested party may request a hearing within 30 days of publication of the preliminary results. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit written comments (case briefs) within 30 days of the date of publication of this notice, in accordance with 19 CFR 351.309(c)(1)(ii). Rebuttal comments (rebuttal briefs), which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication of this notice. Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument and (3) a table of authorities. Further, the Department requests that parties submitting written comments provide the Department with a diskette containing the public version of those comments. The Department will publish a notice of the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days of publication of the preliminary results.

The final results of this review shall be the basis for the assessment of antidumping duties on the entry of merchandise covered by this review and for future deposits of estimated duties.

Duty Assessment Rate

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1), we have an calculated importer-specific *ad valorem* duty assessment rate based on the ratio of the total amount of the dumping margin calculated for the examined sale to the total entered value of the sale. In order to estimate the entered value, we subtracted international movement expenses from the gross sales value. In accordance with 19 CFR 351.106(c)(2), we will instruct Customs to liquidate without regard to antidumping duties any entries for which the assessment rate is de minimis, i.e., less than 0.5 percent. The Department will issue appraisement instructions directly to Customs.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of potassium permanganate from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company named above will be the rate established for that company in the final results of this administrative review; (2) for any previously reviewed PRC or non-PRC exporter with a separate rate not covered in this review, the cash deposit rate will be the company-specific rate established for the most recent period; (3) for all other PRC exporters, the cash deposit rates will be the PRC-wide rates established in the final results of this review; and (4) the cash deposit rates for non-PRC exporters of subject merchandise from the PRC will be the rates applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under section 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: January 30, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4770 Filed 2–26–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–820]

Small Diameter Circular Seamless Carbon and Alloy Steel Standard Line and Pressure Pipes From Germany; Notice of Amended Final Results of Antidumping Duty Administrative Review in Accordance With Final Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Amended Final Results of Administrative Review in Accordance with Final Court Decision on Small Diameter Circular Seamless Carbon and Alloy Steel Standard Line and Pressure Pipes from Germany.

EFFECTIVE DATE: February 27, 2001.

FOR FURTHER INFORMATION CONTACT: Nancy Decker or Phyllis Hall, AD/CVD Enforcement Group III, Office VII, Room 7866, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0196 or (202) 482–1398, respectively.

SUMMARY: On October 5, 2000, the U.S. Court of International Trade (the Court) affirmed the Department of Commerce's (the Department) remand determination of the final results of the antidumping duty administrative review of Small Diameter Circular Seamless Carbon and Alloy Steel Standard Line and Pressure Pipes from Germany. As no further appeals have been filed and there is now a final and conclusive court decision in this action, we are amending our final results.

SUPPLEMENTARY INFORMATION:

Background

On March 18, 1998, the Department published the final results of the administrative review in small diameter circular seamless carbon and alloy steel standard line and pressure pipes from Germany (63 FR 13217) (*Final Results*), covering the period January 27, 1995 through July 31, 1996. On April 27, 1998, the Department published the amended final results of the administrative review in small diameter circular seamless carbon and alloy steel standard line and pressure pipes from Germany (63 FR 20579) (*Amended Final Results*).

Respondent Mannesmann challenged the Department's final results on three issues: (1) the Department's interpretation of sections 773(f)(2) and (3) of the Act; (2) the Department's use of adverse facts available to value Mannesmann's purchases of steel billets from an affiliated supplier; and (3) the use of adverse facts available to value the amount of U.S. customs duties paid by Mannesmann. In the *Final Results*, the Department, pursuant to sections 773(f)(2) and (3) of the Act, used the highest of the transfer price, cost of production or market value to value the billets purchased from an affiliated supplier. The Department concluded that because Mannesmann had not acted to the best of its ability to comply with the Department's information requests, the application of the higher market value to value the billets purchased from its affiliated supplier as adverse facts available was warranted. The Department determined adverse facts available was warranted because of Mannesmann's lack of response to the Department's request for market price information for any purchases of the identical input from unaffiliated suppliers, and the discovery at verification that Mannesmann did make such a purchase of an identical input from both its affiliated supplier and an unaffiliated supplier. The Department utilized the purchase price of the purchase discovered at verification as market value and used this information as facts available to determine market value for the other types of billets because there was no other market value information on the record for the other types of billets. In addition, the Department found that the use of adverse facts available was appropriate for the final results. Therefore, the Department applied this market value adjustment to all purchases from affiliated suppliers. To value the customs duties Mannesmann paid on its U.S. sales in the *Final Results*, the Department used as adverse facts available, the highest U.S. duty amounts reported by Mannesmann for those instances where it was unable to exactly verify Mannesmann's duty rates. The Department applied adverse facts available because it discovered at verification that Mannesmann had under-reported its U.S. duties paid on a number of entries, and because Mannesmann could not recreate or explain the allocation methodologies it used to derive its figures. Thus, for the Final Results, the Department determined a dumping margin of 22.12 percent for the period of review (POR), based on adverse facts available. On October 29, 1999, the court remanded these final results. *See Mannesmannrohren-Werke AG* v. *United States*, 77 F.Supp.2d 1302 (CIT 1999).

The court upheld the Department's interpretation of sections 773(f)(2) and (3) of the Act as allowing the Department to use the highest of the transfer price, cost of production or market price to value an input from an affiliated supplier and affirmed the Department's practice. However, the Court also found that the evidence cited by the Department was insufficient to justify the use of adverse facts available to value Mannesmann's billet purchases from its affiliated suppliers. Similarly, the Court also found that the record evidence identified by the Department did not support the use of adverse facts available to value the U.S. duties paid by Mannesmann. Therefore, the Court ordered the Department to reevaluate its use of adverse facts available and either identify substantial evidence in support of its conclusion that Mannesmann failed to cooperate by not acting to the best of its ability in providing information about input purchases from both affiliated and non-affiliated parties, or otherwise apply non-adverse facts available. The Court also ordered the Department to identify other record evidence to support the use of adverse facts available to value the U.S. duties paid by Mannesmann or otherwise use non-adverse facts available. The Department issued its remand determination on January 27, 2000. *See Remand Determination: Mannesmannrohren-Werke AG* v. *United States*, Court No. 98–04–00886 (hereinafter "Remand Results" or RR). In this remand determination, the Department citing additional record evidence, continues to calculate a dumping margin based on adverse facts available for the value of Mannesmann's purchases of steel billets from an affiliated supplier. However, the Department used non-adverse facts available to value the customs duties Mannesmann paid on its U.S. sales.

On October 5, 2000 the Court affirmed the Department's remand results, upholding the use of adverse facts available in valuing Mannesmann's billet purchases, and the application of non-adverse facts available in determining the value of U.S. duties paid. *See Mannesmannrohren-Werke*

AG vs. *United States*, Slip Op. 00–126 (CIT, October 5, 2000). Pursuant to the Court's order, we have placed on the record in this case the margin calculation program using adverse facts available for billet purchases and non-adverse facts available for duties paid by Mannesmann.

Amendment to Final Results of Review

Because no further appeals have been filed and there is now a final and conclusive decision in the court proceeding, effective as of the publication date of this notice, we are amending the *Final Results*, and establishing the following revised dumping margin:

SMALL DIAMETER CIRCULAR SEAMLESS CARBON AND ALLOY STEEL STANDARD AND PRESSURE PIPE FROM GERMANY (POR 1995–1996)

Producer/manufacturer/exporter	Weighted-average margin
Mannesmann	20.08%

The "All Others Rate" was not affected by the Remand Determination, and remains at 57.72 percent. *See Final Results* (FR 63 13217).

The Department will instruct the Customs Service to assess these revised antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

This notice is published in accordance with section 751(a) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistance Secretary for Import Administration.

Dated: February 16, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–4771 Filed 2–26–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Amendment to Previously Published Notice.

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, received an application to amend an Export Trade Certificate of Review ("Certificate"). This notice amends a previous notice published December 20, 2000 (65 FR 79803).

FOR FURTHER INFORMATION CONTACT: Vanessa M. Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b) (1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice by email to oetca@ita.doc.gov, or by mail to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 88–4A012."

The National Tooling and Machining Association ("NTMA") original Certificate was issued on October 18, 1988 (53 FR 43140, October 25, 1988), and was last amended on May 5, 2000 (65 FR 30073, May 10, 2000).

Summary of the Application: Item 1 of the notice published December 20, 2000 (65 FR 79803) is amended to read: (1) the attached list will constitute the "Members" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)). Item 2) of the notice published December 20, 2000 (65 FR 79803) is deleted due to the fact that the attached list takes into account such deletions.

Dated: February 15, 2001.

Vanessa M. Bachman,

Acting Director, Office of Export Trading Company Affairs.

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012

A & A Industries, Inc	Peabody, MA
A & A Machine Company, Inc	Southampton, PA
A & A Machine Shop, Inc	La Marque, TX
A & B Machine	Van Nuys, CA
A & B Machine Shop	Rockford, IL
A & B Tool & Manufacturing Corp	Toledo, OH
A & D Precision	Fremont, CA
A & E Custom Manufacturing	Kansas City, KS
A & E Machine Shop, Inc	Lone Star, TX
A & G Machine, Inc	Auburn, WA
A & S Tool & Die Company, Inc	Kernersville, NC
A A Precisioneering, Inc	Meadville, PA
A B A Division	Manchester, CT
A B C 0 Tool & Engineering	Phoenix, AZ
A B Heller, Inc	Milford, MI

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

A B N Industrial Co., Inc	Buena Park, CA
A B R Enterprises Inc	South Pasadena, CA
A. C. Cut-Off, Inc	Azusa, CA
A C Machine, Inc	Akron, OH
A E Machine Works, Inc	Houston, TX
A F C Tool Company, Inc	Dayton, OH
A I M Tool & Die	Grand Haven, MI
AMA Plastics	Corona, CA
A M C Precision, Inc	N. Tonawanda, NY
A M Design	E. Canton, OH
A M Machine Company, Inc	Baltimore, MD
A Mfg	Grand Terrace, CA
APEC, LLC	Hingham, MA
A S C Corporation	Owings Mills, MD
ATC Distribution Group	Louisville, KY
A+ Engineering	Ipswich, MA.
A-G Tool & Die	Miamitown, OH
A-Line Tool & Die, Inc	Louisville, KY
A-RanD, Inc	Phoenix, AZ
ABBEC Manufacturing	Rochester, NY
Abbott Machine & Tool, Inc	Toledo, OH
Abbott Tool, Inc	Toledo, OH
Ability Tool Company	Rockford, IL
Able Wire EDM, Inc	Brea, CA
Abrams Airborne Manufacturing	Tucson, AZ
Absolute Manufacturing	N. Chelmsford, MA
Acadiana Hydraulic Works, Inc	New Iberia, LA
Accu Die & Mold Inc	Stevensville, MI
Accu-Roll, Inc	Rochester, NY
AccuCraft	New Haven, MO
Accudynamics, Inc	Middleboro, MA
Accudyne Aerospace & Defense	Palm Bay, FL
Accura Industries, Inc	Rochester, NY
Accurate Grinding Corp	Warwick, RI
Accurate Grinding & Mfg. Corp	Los Angeles, CA
Accurate Machining	Mukilteo, WA
Accurate Manufacturing Company	Glendale, CA
Accurate Manufacturing Company	Alsip, IL
Accurate Products Co	Tucson, AZ
Accurite Machine & Mfg. Inc	Louisville, KY
Accutronics, Inc	Littleton, CO
Ace Manufacturing Company	Cincinnati, OH
Ace Specialty Company, Inc	Tonawanda, NY
Ackley Machine Corporation	Moorestown, NJ
Acme Brass & Machine Works, Inc	Kansas City, MO
ACMT, Inc. dba A C Tool & Machine	Louisville, KY
Acraloc Corporation	Oak Ridge, TN
Acro Industries, Inc	Rochester, NY
Acro Tool & Die Company, Inc	Akron, OH
Actco Tool & Mfg. Co	Meadville, PA
Action Die & Tool Inc	Wyoming, MI
Action Mold & Machining, Inc	Grand Rapids, MI
Action Precision Grinding Inc	North Tonawanda, NY
Action SuperAbrasive Products	Brimfield, OH
Action Tool & Die Inc	Rockford, IL
Active Tool Company	Meadville, PA
Acucut, Inc	Southington, CT
Acutec Precision Machining Inc	Saegertown, PA
Ada Machine Company, Inc	Santa Clara, CA
Adams Engineering, Division of	South Bend, IN
Adaptive Technologies Inc	Springboro, OH
Addison Precision Mfg. Corp	Rochester, NY
Adena Tool Corporation	Dayton, OH
Admill Machine Company	Newington, CT
Adron Tool Corporation	Menomonee Falls, WI
Advance Gear & Machine Corp	Gardena, CA
Advance Manufacturing Corp	Cleveland, OH
Advance Manufacturing Technology	Salt Lake City, UT
Advanced Ceramic Technology	Orange, CA
Advanced Composite Products	Huntington Beach, CA
Advanced Cutting Tools, Inc	Clio, MI
Advanced Machine & Eng. Co	Rockford, IL
Advanced Machine Programming	Morgan Hill, CA
Advanced Machining Corporation	Salisbury, NC

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Advanced Measurement Labs, Inc	Sun Valley, CA
Advanced Mold & Tooling Inc	Rochester, NY
Advanced Tooling Systems, Inc	Comstock Park, MI
Advantage Mold & Design	Meadville, PA
Aero Comm Machining	Wichita, KS
Aero Design & Manufacturing Co	Phoenix, AZ
Aero Engineering & Mfg. Company	Valencia, CA
Aero Gear, Inc	Windsor, CT
Aero Machining Company	Garden Grove, CA
Aero Mechanical Engineering, Inc	Huntington Beach, CA
Aero-Tech Engineering, Inc	Wichita, KS
Aerofab, Inc	Tucson, AZ
Aerostar Aerospace Inc	Phoenix, AZ
Aetna Machine Company	Cochranton, PA
Aggressive Tool & Die, Inc	Buckner, KY
Agrimson Tool Company	Brooklyn Park, MN
Ahaus Tool & Engineering, Inc	Richmond, IN
Aimco Precision, Inc	Phoenix, AZ
Airfoil Technology, Inc	Gilbert, AZ
Airmetal Corporation	Jackson, MI
Ajax Tool, Inc	Fort Wayne, IN
Akro Tool Co., Inc	Cincinnati, OH
Akron Steel Fabricators Company	Akron, OH
Akron Tool & Die Company, Inc	Akron, OH
Alamance Machine Company, Inc	Burlington, NC
Alart Tool & Die, Inc	Houston, TX
Albertson & Hem, Inc	Wichita, KS
Albion Machine & Tool Company	Albion, MI
Alco Manufacturing, Inc	Santa Ana, CA
Alfred Manufacturing Company	Denver, CO
Alfro Custom Manufacturing	Waterbury, CT
Alger Machine Company, Inc	Rochester, NY
Alignment Engineering Co., Inc	Knoxville, TN
ALKAB Contract Manufacturing, Inc.	New Kensington, PA
All Five Tool Company, Inc	Bristol, CT
All Tool Company	Union, NJ
All Tools Company	Oklahoma City, OK
All Tools Texas, Inc	Houston, TX
All Weld Machine	Milpitas, CA
All-Tech Machine & Eng., Inc	San Jose, CA
All-Tech Machining, Inc	Wilmer, AL
Allen Aircraft Products, Inc	Ravenna, OH
Allen Precision Industries, Inc	Asheboro, NC
Allen Precision Machining Co	Angleton, TX
Allen Randall Enterprises, Inc	Akron, OH
Alliance Machine Tool Co., Inc	Louisville, KY
Allied Mechanical Products	Ontario, CA
Allied Screw Products, Inc	Mishawaka, IN
Allied Tool & Die Company, LLC	Phoenix, AZ
Allied Tool & Die, Inc	Cleveland, OH
Allied Tool & Machine, Inc	Saginaw, MI
Allied Tool & Machine Company	Kernersville, NC
Allied Tools Of Texas	Houston, TX
Alloy Metal Products	Hayward, CA
Allstate Tool & Die, Inc	Rochester, NY
Almar Mfg. & Engineering, Inc	Garden Valley, CA
Alpha Mold Inc., LLC	Huber Heights, OH
Alpha Mold West Inc	Broomfield, CO
Alpha Precision Machining Inc	Kent, WA
Alpha Tool & Machine Company	Bellmawr, NJ
Alpha Tooling, Inc	Santa Fe Springs, CA
Alpine Precision, Inc	North Billerica, MA
Alro Specialty Metals	St. Louis, MO
Alt's Tool & Machine, Inc	Santee, CA
Alton Products, Inc	Maumee, OH
Alves Precision Engineered	Watertown, CT
Amatrol, Inc	Jeffersonville, IN
Ambel Precision Mfg. Corp	Bethel, CT
Ambox, Inc	Houston, TX
American Machine & Gundrilling, Co	Maple Grove, MN
American Metal Masters, Inc	Plantsville, CT
American Mfg. & Machining, Inc	Racine, WI
American Mold & Engineering Co	Fridley, MN
American Precision Machining	Phoenix, AZ

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

American Precision Technologies	San Fernando, CA
American Tool & Die, Inc	Toledo, OH
American Wire EDM, Inc	Orange, CA
Amerimold, Inc	Mogadore, OH
Ameritech Die & Mold, Inc	Mooresville, NC
Amity Mold Company	Tipp City, OH
Ampswiss Engineering	Fremont, CA
Anchor Lamina Inc	Madison Heights, MI
Anchor Tool & Die Company	Cleveland, OH
Anchor Tool & Die Company	Warren, MI
Anders Machine and Engraving	Rochester, NY
Anderson Tool & Engineering Co	Anderson, IN
Andrew Tool Company, Inc	Plymouth, MN
Anglo-American Mold, Inc	Louisville, KY
Angus LLC	Indianapolis, IN
Anmar Precision Components Inc	North Hollywood, CA
Anoplate Corporation	Syracuse, NY
Apex Precision Technologies, Inc	Camby, IN
Apex Machine Company	Ft. Lauderdale, FL
Apex Manufacturing, Inc	Phoenix, AZ
Apex Tool & Manufacturing, Inc	Evansville, IN
Apollo E.D.M. Company	Fraser, MI
Apollo Precision, Inc	Plymouth, MN
Apollo Products Inc	Willoughby, OH
Applegate EDM, Inc	Dallas, TX
Applied Engineering, Inc	Yankton, SD
Applied Technology Manufacturing	Rochester, NY
Aram Precision Tool & Die, Inc	Chatsworth, CA
Arc Drilling Inc	Garfield Heights, OH
Arca Systems	Tacoma, WA
Arco Industries, Inc	Dayton, OH
Arco Metals Corporation	Baltimore, MD
Ardekin Machine Company	Rockford, IL
Area Tool & Manufacturing, Inc	Meadville, PA
Aremco, Inc	Grand Rapids, MN
Argo Tool Corporation	Twinsburg, OH
Argus Machine, Inc	Tucson, AZ
Aries Tool, Inc	New Berlin, WI
Arkansas Tool & Die, Inc	North Little Rock, AR
Arken Manufacturing, Inc	Cleveland, OH
Arlington Machine & Tool Company	Fairfield, NJ
Arma Tool & Die Company, Inc	Ridgefield, CT
Armin Tool & Manufacturing Co	South Elgin, IL
Armstrong-Blum Mfg. Co	Mt. Prospect, IL
Armstrong Machine Works, Inc	Rogersville, TN
Armstrong Mold, Machining Div	East Syracuse, NY
Armstrong Technology, Inc	Sunnyvale, CA
Arnett Tool, Inc	New Paris, OH
Arrington Supply House, Inc	Tuscaloosa, AL
Arro Tool & Die, Inc	Lakewood, NY
Arrow Diversified Tooling, Inc	Ellington, CT
Arrow Grinding, Inc	Tonawanda, NY
Arrowsmith International, Inc	Southfield, MI
Artisan Machining, Inc	Bohemia, NY
Ascension Industries	North Tonawanda, NY
Ash Machine Corporation	Pataskala, OH
Aspen Precision Technologies	Petaluma, CA
Associated Electro-Mechanics	Springfield, MA
Associated Gear, Inc	Santa Fe Springs, CA
Associated Technologies	Brea, CA
Associated Toolmakers, Inc	Keokuk, IA
Associates Commercial Corp	Irving, TX
Astley Precision Machine Co	Irwin, PA
Astro Automation, Inc	Irwin, PA
Astro Machine Works Inc	Ephrata, PA
Astrotronics Inc	Mesa, AZ
AT Engineering & Mfg., Inc	Chatsworth, CA
Atec Engineering	Phoenix, AZ
Atec Tool & Engineering, Inc	Santa Clara, CA
Athens Industries	Southington, CT
Atkins Tool Company	Riverton, NJ
Atlantic Alloys, Inc	Bristol, RI
Atlantic Precision Products Inc	Biddeford, ME
Atlantic Tool & Die Company	Strongsville, OH

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Atlas Die & Manufacturing Co	Rockford, IL
Atlas Machine & Supply, Inc	Louisville, KY
Atlas Tool, Inc	Roseville, MI
August Machine, Inc	Phoenix, AZ
Austin Machine Company Inc	O'Fallon, MO
Austinburg Machine, Inc	Austinburg, OH
Austro Mold Incorporated	Rochester, NY
Autocam Corporation	Kentwood, MI
Automated Cells & Equipment, Inc	Painted Post, NY
Automated EDM Incorporated	Ramsey, MN
Automatic Stamp Products, Inc	Cleveland, OH
Automation Tool & Die, Inc	Brunswick, OH
Automation Tool Company	Cookeville, TN
Axian Technology	Phoenix, AZ
Axis Mfg. Inc	Tempe, AZ
Ay Machine Company	Ephrata, PA
Ay-Mac Precision, Inc	Yorba Linda, CA
Azbill Tool & Die, Inc	Huntington Beach, CA
B & A Design Inc	Vernon, CT
B & B Machine & Grinding Service	Denver, CO
B & B Manufacturing Company	Largo, FL
B & B Precision Mfg., Inc	Avon, NY
b & b Tool Company, Inc	Rockford, IL
B & E Tool Company, Inc	Southwick, MA
B & G Quality Machine & Tool	Baltimore, MD
B & H Fabricators, Inc	Wilmington, CA
B & H Tool Co. Inc	San Marcos, CA
B & H Tool Works, Inc	Richmond, KY
B & K Engineering, Inc	Mountain View, CA
B & L Tool and Machine Company	Plainville, CT
B & M Machine Corporation of Racine	Racine, WI
B & R Mold, Inc	Simi Valley, CA
B C D Metal Products Inc	Malden, MA
B J Williams Machining Co	Edinboro, PA
BMCO Industries Inc	Cranston, RI
B P I Corporation	Santa Clara, CA
BT Laser, Inc	Santa Clara, CA
B-W Grinding Service, Inc	Houston, TX
Babbitt Bearing, Inc	Syracuse, NY
Bachman Machine Company, Inc	St. Louis, MO
Bachmann Precision Machine	South El Monte, CA
Badge Machine Products, Inc	Canandaigua, NY
Baham & Sons Machine Works, Inc	Houston, TX
Bahrs Die & Stamping Company	Cincinnati, OH
Baker Hill Industries, Inc	Coral Springs, FL
Banner Machine Inc	Phoenix, AZ
Banner Tool & Die, Inc	Rockford, IL
Barberie Mold	Gardena, CA
Barile Precision Grinding Inc	Cleveland, OH
Basic VI	San Jose, CA
Bass Machining Inc	Baltimore, MD
Bateman Manufacturing Co., Inc	Hayward, CA
The Baughman Group	Louisville, KY
Baumann Engineering	Claremont, CA
Bawden Industries, Inc	Romulus, MI
Baxter Machine Products, Inc	Huntingdon, PA
Bay Industrial Machine	Green Bay, WI
Bayport Machine, Inc	La Porte, TX
Beach Mold & Tool, Inc	New Albany, IN
Beacon Tool Company, Inc	Whittier, CA
Beaver Fab Inc	Cedar Hill, TX
Beaver Tool & Machine Company, Inc	Feasterville, PA
The Bechdon Company, Inc	Upper Marlboro, MD
Bechler Cams, Inc	Anaheim, CA
Becker, Inc	Kenosha, WI
Becksted Machine, Inc	Tucson, AZ
Bedard Machine, Inc	Brea, CA
Bel-Kur, Inc	Temperance, MI
Belco Tool & Mfg., Inc	Meadville, PA
Belgian Screw Machine Products	Jackson, MI
Bell Engineering, Inc	Saginaw, MI
Beilco Precision Manufacturing	McKinney, TX
Beloit Precision Die Co. Inc	Beloit, WI
Benda Tool & Model Works	Hercules, CA

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Bendon Gear Machine	Rockland, MA
Bennett Tool & Machine	Fremont, CA
Bennett Tool & Die Company	Nashville, TN
Benning inc	Blame, MN
Bent River Machine Inc	Clarkdale, AZ
Berman Tool & Die	Waldorf, MD
Bermar Associates, Inc	Troy, MI
Bertram Tool & Machine Co., Inc	Farrell, PA
Best Tool & Manufacturing Co	Kansas City, MO
Best Way Stamping Inc	La Mirada, CA
Bestway Industries, Inc	Cleveland, OH
Beta Machine Co. Inc	Cleveland, OH
Beta Tool & Mold/Dyna-Tech	Wadsworth, OH
Bilar Tool & Die Corporation	Warren, MI
Billet Industries, Inc	York, PA
Bishop Steering Technology, Inc	Indianapolis, IN
Blackburn Melton Mfg. Company	Houston, TX
Blackwood Grinding Inc	Hurst, TX
Blandford Machine & Tool Co	Louisville, KY
Blue Chip Mold, Inc	Rochester, NY
Blue Chip Tool Company, Inc	New Castle, PA
Bluegrass Forging, Tool & Die	Shelbyville, KY
Bob's Tool & Cutter Grinding	Indianapolis, IN
Boice Industrial Corporation	Ruffsdale, PA
Boittech Inc	West Newton, PA
Boring, Inc	Rockford, IL
Bosma Machine & Tool	Tipp City, OH
Boston Centerless Inc	Woburn, MA
Bowden Manufacturing Corp	Willoughby, OH
Boyce Machine, Inc	Cuyahoga Falls, OH
Boyle, Inc	Freeport, PA
Bra-Vor Tool & Die Company, Inc	Meadville, PA
Bradford Machine Company Inc	Brattleboro, VT
Bradhart Products, Inc	Brighton, MI
Bramko Tool & Engineering, Inc	O' Fallon, MO
Brimar Products Inc	Fontana, CA
Brinkman Tool & Die, Inc	Dayton, OH
Bristol Instrument Gears, Inc	Forestville, CT
Britt Tool Inc	Brazil, IN
Brittain Machine, Inc	Wichita, KS
Broadway Companies, Inc	Englewood, OH
Brogdon Tool & Die, Inc	Blue Springs, MO
Brookfield Machine, Inc	West Brookfield, MA
Brooklyn Machine & Mfg. Co. Inc	Cuyahoga Heights, OH
Brooklyn Scraping & Re-Machining	W. Lafayette, IN
Brown-Covey, Inc	Kansas City, MO
Brownstown Quality Tool & Design	Brownstown, IN
The Budd Company	Shelbyville, KY
Budney Overhaul & Repair, LTD	Berlin, CT
Buerk Tool & Machine Corporation	Buffalo, NY
Buiter Tool & Die, Inc	Grand Rapids, MI
Bundy Manufacturing Inc	El Segundo, CA
Burckhardt America, Inc	Greensboro, NC
Burco Precision Products, Inc	Denton, TX
Burger Engineering, Inc	Olathe, KS
Burgess Brothers, Inc	Canton, MA
Burkland Textron Inc	Goodrich, MI
Burton Industries Inc	Mentor, OH
C + H Manufacturing Inc	Ontario, CA
C & C Machine Company	Akron, OH
C & C Manufacturing Corporation	Englewood, CO
C & G Machine & Tool Co., Inc	Granby, MA
C & J Industries Inc	Meadville, PA
C & M Machine Products, Inc	Willoughby, OH
C & R Manufacturing, Inc	Shawnee, KS
C & S Machine & Manufacturing	Louisville, KY
C A R Engineering & Mfg	Victor, NY
C B Enterprises	Manchester, CT
C B S Manufacturing Company, Inc	Windsor, CT
C D M Tool & Mfg. Co., Inc	Hartford, WI
C F A Company, Inc	Milford, CT
CG Manufacturing Company	Willoughby, OH
C J Winter Machine Technologies,	Rochester, NY
C K Tool	Harborcreek, PA

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

C M Gordon Industries Inc	Santa Fe Springs, CA
C M Industries, Inc	Old Saybrook, CT
C M Smillie & Company	Ferndale, MI
C N C Machine & Engineering	Colorado Springs, CO
C N C Precision Machining, Inc	Comstock Park, MI
C.N.C. Tool & Mold	Naples, FL
C R E Enterprises, Inc	Phoenix, AZ
C T D Machines, Inc	Los Angeles, CA
C T M, Inc	Grand Rapids, MI
C V Tool Company, Inc	Southington, CT
C. G. Tech, Inc	Phoenix, AZ
C-P Mfg. Corp	Van Nuys, CA
Caco Pacific Corporation	Covina, CA
Cadco Program & Machine	St. Charles, MO
Cal-Weld	Fremont, CA
Calder Machine Co. (C M C)	Florence, SC
California Mold	Fullerton, CA
Calmax Machining, Inc	Santa Clara, CA
Cambridge Specialty Company, Inc	Kensington, CT
Cambridge Tool & Die Corp	Cambridge, OH
Cameron Machine Shop, Inc	Richardson, TX
Campbell Grinding & Machine, Inc	Lewisville, TX
Campbell Machinery, Inc	Stow, OH
CAMtech Precision Manufacturing	Jupiter, FL
CamTech Systems Inc	Alhambra, CA
Canto Tool Corporation	Meadville, PA
Capitol Technologies, Inc	South Bend, IN
Capitol Tool & Die, L. P.	Madison, TN
Carbi-Tech, Inc	Apollo, PA
Carbide Probes, Inc	Dayton, OH
Cardinal Machine Company, Inc	Strongsville, OH
Carius Tool Co., Inc	Cleveland, OH
Carlin Machine Company, Inc	Southborough, MA
Carlson Capital Manufacturing Co	Rockford, IL
Carlson Industrial Grinding Inc	Erie, PA
Carlson Tool & Manufacturing	Cedarburg, WI
Cascade Mold & Die, Inc	Portland, OR
Cass Screw Machine Products	Brooklyn Center, MN
Castle Precision Products	Stockton, CA
Catalina Precision Engineering, LLC	Orange, CA
Catalina Tool & Mold, Inc	Tucson, AZ
Cates Machine Shop, Inc	Tyler, TX
Cee-San Machine & Fabrication	Houston, TX
Cempi Industries Inc	Huntington Beach, CA
Centaur Tool & Die, Inc	Bowling Green, OH
Centennial Technologies, Inc	Saginaw, MI
Center Line Machine Company	Lafayette, CO
Center Line Tool	Freeport, PA
Center Line Industries, Inc	West Springfield, MA
Central Industrial Supply	Grand Prairie, TX
Central Mass. Machine, Inc	Holyoke, MA
Central States Machine Service	Elkhart, IN
Central Tool & Machine Co., Inc	Bridgeport, CT
Central Tool Company, Inc	Fortville, IN
Central Tools, Inc	Cranston, RI
Centric Machine & Instrument	Tampa, FL
Century Die Company	Fremont, OH
Century Mold Company, Inc	Rochester, NY
Century Tool & Engr., Inc	Indianapolis, IN
Certified Grinding & Machine	Rochester, NY
Certified Industries, II, LLC	Phoenix, AZ
Challenger Worldwide (USA), LLC	Chandler, AZ
Chalmers & Kubeck, Inc	Aston, PA
Chamtek Mfg., Inc	Rochester, NY
Chandler Tool & Design Inc	Rockford, IL
Chance Tool & Die Co., Inc	Cincinnati, OH
Chapman Engineering, Inc	Santa Ana, CA
Charmilles Technologies	Lincolnshire, IL
Chase Machine & Mfg. Co	Rochester, NY
Chelar Tool & Die, Inc	Belleville, IL
Cherokee Industries	Hampshire, IL
Cherry Valley Tool & Machine Inc	Belvidere, IL
The Chesapeake Machine Co	Baltimore, MD
Chicago Grinding & Machine Co	Melrose Park, IL

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Chicago Mold Engineering Co., Inc	St. Charles, IL
Chickasha Manufacturing Company	Chickasha, OK
Chippewa Tool & Manufacturing Co	Woodville, OH
CHIPSCO, Inc	Meadville, PA
Christie Manufacturing, Inc	Gainesville, TX
Christopher Tool & Manufacturing	Solon, OH
Circle-K-Industries	Sterling, VA
City Industrial Tool & Die	Harbor City, CA
Clarion Tech. Caledonia Tool	Caledonia, MI
Clark & Wheeler Engineering, Inc	Cerritos, CA
Clark-Reliance Corporation	Strongsville, OH
Clarke Engineering, Inc	North Hollywood, CA
Class Machine & Welding, Inc	Akron, OH
Classic Tool	Saegertown, PA
Classic Tool, Inc	Macedonia, OH
Clay & Bailey Mfg. Co	Kansas City, MO
Cleveland Electric Laboratories	Twinsburg, OH
Clifton Automatic Screw	Lake City, PA
Cloud Company	San Luis Obispo, CA
Coast Cutters Company, Inc	South El Monte, CA
Coastal Machine Company	Branford, CT
Cobak Tool & Manufacturing Co	St. Louis, MO
Coffey Associates	Washington, DC
Colbrit Manufacturing Co., Inc	Chatsworth, CA
A E Cole Die & Engraving	Columbus, OH
Collins Instrument Company	Angleton, TX
Collins Machine & Tool Co., Inc	Madison, TN
Collins Machine Works, Inc	Weilford, SC
Collins Manufacturing, Inc	Essex, MA
Colonial Machine Company	Kent, OH
Colonial Machine & Tool Co., Inc	Coventry, RI
Colorado Laser Marking, Inc	Colorado Springs, CO
Colorado Surface Grinding, Inc	Denver, CO
Columbia Machine Works, Inc	Columbia, TN
Columbia Products, Inc	Dallastown, PA
Comac Manufacturing Corporation	Oroville, CA
Comet Tool, Inc	Hopkins, MN
Comfab, Inc	Spartanburg, SC
Command Tooling Systems	Ramsey, MN
Commerce Grinding, Inc	Dallas, TX
Commonwealth Machine Co., Inc	Danville, VA
Competition Tooling, Inc	High Point, NC
Competitive Engineering Inc	Tucson, AZ
Composidie, Inc	Apollo, PA
Compu Die, Inc	Wyoming, MI
Compumachine Incorporated	Wilmington, MA
Computech Manufacturing Co., Inc	North Kansas City, MO
Computerized Machining Service,	Englewood, CO
Concept Tool & Die Company	Euclid, OH
Conco Systems, Inc	Verona, PA
Condor Engineering, Inc	Colorado Springs, CO
Connecticut Jig Grinding, Inc	New Britain, CT
Connelly Machine Works	Santa Ana, CA
Connolly Tool & Machine Co	Dallas, TX
Connor Formed Metal Products	Grand Prairie, TX
Conroy & Knowlton, Inc	Los Angeles, CA
Consolidated Mold & Mfg. Inc	Kent, OH
Consulting-Design-Construction, Inc	Phoenix, AZ
Conti Machine Tool Company, Inc	Haverhill, MA
Conti Tool & Die Company	Akron, OH
Continental Precision, Inc	Phoenix, AZ
Continental Tool & Machine	Strongsville, OH
Continental Tool & Manufacturing	Lenexa, KS
Contour Metrological & Mfg., Inc	Troy, MI
Converse Industries Inc	Kenosha, WI
Convex Mold, Inc	Sterling Heights, MI
R F Cook Manufacturing Co	Stow, OH
Cook Machine and Engineering	Gardena, CA
Cook Specialty Company	Green Lane, PA
Coorstek	Livermore, CA
Corbitt Mfg. Company	St. Louis, MO
Cornerstone Screw Machine	Burbank, CA
Corrigan Manufacturing Co., Inc	Rockford, IL
Corrugated Roller & Machine Inc	Santa Fe Springs, CA

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Corry Custom Machine	Corry, PA
Corver Engineering Company, Inc	Detroit, MI
Cosar Mold, Inc	Brimfield, OH
Costa Machine, Inc	Akron, OH
Country Machine & Tool, Inc	Tipp City, OH
Covert Manufacturing, Inc	Galion, OH
Cox Mfg. Co. Inc	San Antonio, TX
Cox Tool Company, Inc	Excelsior Springs, MO
Craft Tech, Inc	Carrollton, TX
Craft-Tech Enterprises, Inc	Troy, MI
Craig Machinery & Design, Inc	Louisville, KY
Creative Precision, West	Phoenix, AZ
Creb Engineering, Inc	Pascoag, RI
Crenshaw Die & Manufacturing	Irvine, CA
Crest Manufacturing Company	Lincoln, RI
Criterion Tool & Die, Inc	Brook Park, OH
Crossland Machinery	Kansas City, MO
CrossRidge Precision	Oak Ridge, TN
Crown Machine, Inc	Rockford, IL
Crown Mfg. Co., Inc	Newark, CA
Crown Mold & Machine	Streetsboro, OH
Crown Tool & Die Co., Inc	Bridgeport, CT
Crucible Materials Corporation	Camillus, NY
Crush Master Grinding Corp	Walnut, CA
Cumberland Machine Company	Nashville, TN
Custom Engineering, Inc	Evansville, IN
Custom Gear & Machine, Inc	Rockford, IL
Custom Machine, Inc	Woburn, MA
Custom Machine, Inc	Cleveland, OH
Custom Mold & Design, Inc	New Hope, MN
Custom Tool & Design, Inc	Erie, PA
Custom Tool & Grinding Inc	Washington, PA
Custom Tool & Model Corp	Frankfort, NY
Cut-Right Tools Corporation	Willoughby, OH
D & B Industries, Inc	Dayton, OH
D & H Manufacturing Company	Fremont, CA
D & J Precision Machining, Inc	Hayward, CA
D & K Industries, Inc	Chatsworth, CA
D & N Precision, Inc	San Jose, CA
D & R Precision Machining	San Jose, CA
D & S Manufacturing Corporation	Southwick, MA
D. F. O'Brien Precision Machining	Santa Fe Springs, CA
D K Mold & Engineering, Inc	Wyoming, MI
D M E Company	Madison Heights, MI
D M Machine & Tool	Kennerdell, PA
D M Machine Company, Inc	Willoughby, OH
D P I, Inc	Southampton, PA
D P Tool & Machine Inc	Avon, NY
D S A Precision Machining, Inc	Livonia, NY
D S Greene Company, Inc	Wakefield, MA
D S Mfg., Inc	Ventura, CA
DT Scheu & Kniss	Louisville, KY
D-Velco Manufacturing	Phoenix, AZ
D-K Manufacturing Corporation	Fulton, NY
DaCo Precision Manufacturers	Sandy, UT
Dadeks Machine Works Corporation	Houston, TX
Daily Industrial Tools	Costa Mesa, CA
Dan's Precision Grinding	Sun Valley, CA
Danco Precision, Inc	Phoenixville, PA
Dane Systems, Inc	Stevensville, MI
Danly IEM	Middleburg Heights, OH
Data Mold & Tool, Inc	Walbridge, OH
Dave Jones Machinists	Mishawaka, IN
David Engineering & Mfg	Corona, CA
Davis Machine & Manufacturing	Arlington, TX
Davken Inc	Brea, CA
Dayton Progress Corporation	West Carrollton, OH
Dayton Reliable Tool & Mfg. Co	Dayton, OH
De King Screw Products Inc	Burbank, CA
De Long Manufacturing Co., Inc	Santa Clara, CA
De-Lux Mold & Machine, Inc	Brady Lake, OH
Dean Machine	Cranston, RI
Dearborn Precision Tubular	Fryeburg, ME
Deck Brothers, Inc	Buffalo, NY

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Dekalb Tool & Die, Inc	Tucker, GA
Delco Corporation	Akron, OH
Delco Machine & Gear	No. Long Beach, CA
Dell Tool	Penfield, NY
Delitronics, Inc	Englewood, CO
Delta Machine & Tool Company	Cleveland, OH
Delta Machining, Inc	Niles, MI
Delta Tech, Inc	Mentor, OH
Demaich Industries, Inc	Johnston, RI
Dependable Machine Company, Inc	Indianapolis, IN
Dependable Tool & Manufacturing	Cleveland, OH
Desert Precision Mfg., Inc	Tucson, AZ
Designs For Tomorrow, Inc	St. Louis, MO
Detail Technologies, Inc	Grandville, MI
Detroit Tool & Engineering Co	Lebanon, MO
Deutsch ECD	Hemet, CA
Devtek Engineering	Colorado Springs, CO
Di-Matrix	Phoenix, AZ
Dial Machine Company	Andalusia, PA
Diamond Lake Tool, Inc	Anoka, MN
Diamond Machine Works, Inc	Seattle, WA
Diamond Tool & Die Co., Inc	Euclid, OH
Diamond Tool & Engineering, Inc	Bertha, MN
Dickey & Son Machine & Tool Co.,	Indianapolis, IN
Dickson Machine & Tool, Inc	Dickson, TN
Die Cast Die and Mold, Inc	Perrysburg, OH
Die Dimensions	Kentwood, MI
Die Matic Corporation	Brooklyn Heights, OH
Die-Namic Inc	Taylor, MI
Die Products Corporation	Minneapolis, MN
Die Quip Corp	Bethel Park, PA
Die Tech Industries, Ltd	Providence, RI
The Die Works Inc	Hillsboro, MO
Die-Matic Tool and Die, Inc	Grand Rapids, MI
Die-Mension Corporation	Brunswick, OH
Die-Namic Tool & Mfg., Inc	Rockford, IL
Diemaster Tool & Mold, Inc	Macedonia, OH
Dietooling, Div. of Diemolding	Wampsville, NY
Digital Tool & Die, Inc	Grandville, MI
Dimac Manufacturing Co., Inc	Alexander, AR
Distinctive Machine Corporation	Grand Rapids, MI
Diversified Engraving Stamp	Akron, OH
Diversified Manufacturing	Lockport, NY
Diversified Tool & Die	Vista, CA
Diversified Tool, Inc	Mukwonago, WI
Dixie Tool & Die Co., Inc	Gadsden, AL
Dixon Automatic Tool, Inc	Rockford, IL
Double D Machine & Tool Company	Fremont, OH
Douglas Machine & Engineering Co	Davenport, IA
Downey Grinding Company, Inc	Downey, CA
Dowty's Machine Works, Inc	Baton Rouge, LA
Doyle Manufacturing, Inc	Holland, OH
Drabik Tool and Die Inc	Brook Park, OH
Drawco Corporation	Franksville, WI
Drill Masters Inc	Hamden, CT
Du-Well Grinding Company, Inc	Milwaukee, WI
Dugan Tool & Die Company	Toledo, OH
Dugan Tool & Die, Inc	Cottage Hills, IL
Dun-Rite Fabricating Inc	Saginaw, MI
Dun-Rite Industries, Inc	Monroe, MI
Dunn & Bybee Tool Company, Inc	Sparta, TN
Duplicate Parts Company, Inc	San Marcos, CA
Dura-Metal Products Corporation	Irwin, PA
Durivage Pattern & Mfg. Co. Inc	Williston, OH
DuWest Tool & Die, Inc	Cleveland, OH
Dwyer Instruments Inc	Grandview, MO
DynaGrind Precision, Inc	New Kensington, PA
Dynamic Engineering, Inc	Minneapolis, MN
Dynamic Fabrication, Inc	Santa Ana, CA
Dynamic Machine & Fabricating	Phoenix, AZ
Dynamic Technologies and Design	Grand Rapids, MI
Dynamic Tool & Design, Inc	Menomonee Falls, WI
Dysinger Incorporated	Dayton, OH
E & C Manufacturing Company, Inc	Toledo, OH

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

E B & Sons Machine Inc	Aliquippa, PA
E. C. M. Mold & Die, Inc	Tucson, AZ
E C M Of Florida	Jupiter, FL
E. D. M. Exotics, Inc	Hayward, CA
E F Precision Inc	Willow Grove, PA
EISC/CME	Toledo, OH
E J Codd Co. of Baltimore City & Codd Fabricator & Boiler Co., Inc	Baltimore, MD
E K L Machine Company, Inc	Andalusia, PA
E-M-Solutions, Inc	Fremont, CA
E R C Concepts Company, Inc	Sunnyvale, CA
E. T. Tool, Inc	Racine, WI
E W Johnson Company, Inc	Lewisville, TX
E-Fab, Inc	Santa Clara, CA
Eagle Mold Company, Inc	Carlisle, OH
Eagle Technology Group	St. Joseph, MI
Eagle Tool & Machine Company	Springfield, OH
Eason & Wailer	Phoenix, AZ
East Coast Tool & Mfg., Inc	Orchard Park, NY
East Side Machine, Inc	Webster, NY
East Texas Machine Works, inc	Longview, TX
Eaton Manufacturing, Inc	Fremont, CA
Ebway Corporation	Fort Lauderdale, FL
Eckert Enterprises Ltd	Tempe, AZ
Eckert Machining, Inc	San Jose, CA
Eclipse Mold, Inc	Clinton Township, MI
Eclipse Tool & Die, Inc	Wayland, MI
Ed Brown Products, Inc	Perry, MO
Edco, Inc	Toledo, OH
EDM Supplies, Inc	Downey, CA
Edwardsville Machine & Welding	Edwardsville, IL
Efficient Die & Mold Inc	Cleveland, OH
Egli Machine Company, Inc	Sidney, NY
Ehlert Tool Co., Inc	New Berlin, WI
Ehrhardt Tool & Machine Company	Granite City, IL
Eicom Corporation	Moraine, OH
86 Tool Company	Cambridge Springs, PA
Ejay's Machine Co., Inc	Fullerton, CA
Elcam Tool & Die, Inc	Wilcox, PA
Electra Form Industries Inc	Vandalia, OH
Electric Enterprise Inc	Stratford, CT
Electro Form Corporation	Binghamton, NY
Electro-Freeto Manufacturing Co	Wayland, MA
Electro-Mechanical Products, Inc	Denver, CO
Electro-Tech Machining	Long Beach, CA
Electroform Co. Inc	Machesney Park, IL
Elgin Machine Corporation	Inwood, NY
Elite Tool & Machinery Systems, Inc	O'Fallon, MO
Elizabeth Carbide Die Co., Inc	McKeesport, PA
Elizabeth Carbide of North	Lexington, NC
Elkhart Machine Group	Elkhart, IN
Elliot Tool & Manufacturing Co	St. Louis, MO
Elliott's Precision, Inc	Peoria, AZ
Ellison Machine Company	Laurens, SC
Elrae Industries	Alden, NY
Emig Machine and Tool	Warwick, PA
Emmert Welding & Manufacturing	Independence, MO
Empire Manufacturing Corporation	Bridgeport, CT
Engineered Machine Tool, Inc	Wichita, KS
Engineered Pump Services, Inc	Pasadena, TX
Entek Corporation	Norman, OK
Enterprise Tool & Die	Brooklyn Heights, OH
Ephrata Precision Parts, Inc	Denver, PA
Epicor Software Corporation	Minneapolis, MN
Erca Tool Die & Stamping Company	Richmond Hill, NY
Erickson Tool & Machine Company	Rockford, IL
Erie Shore Machine Co., Inc	Cleveland, OH
Erie Specialty Products, Inc	Erie, PA
Ermco, Inc	Cleveland, OH
Estee Mold & Die, Inc	Dayton, OH
Esterle Mold & Machine Co	Stow, OH
Estul Tool & Manufacturing Co	Matthews, NC
Evans Tool & Die, Inc	Conyers, GA
Ever Fab, Inc	East Aurora, NY
Ever-Ready Tool, Inc	Largo, FL

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Everett Pattern and Mfg., Inc	Middleton, MA
Everite Machine Products	Philadelphia, PA
Arthur J. Evers Corporation	Riverton, NJ
Ewart-Ohison Machine Company	Cuyahoga Falls, OH
Ex-Cel Machine & Tool, Inc	Louisville, KY
Exact Cutting Service, Inc	Brecksville, OH
Exact Tool & Die, Inc	Brook Park, OH
Exacta Tech Inc	Livermore, CA
Exacto, Inc. of South Bend	South Bend, IN
Excalibur Precision Machine Co	Hampstead, NH
Excel Machine Company	Philadelphia, PA
Excel Manufacturing, Inc	Valencia, CA
Excel Manufacturing Inc	Seymour, IN
Excel Stamping & Manufacturing	Houston, TX
Executive Mold Corporation	Huber Heights, OH
Ezell Precision Tool Company	Clearwater, FL
F & F Machine Specialties	Mishawaka, IN
F & G Tool & Die Company	Dayton, OH
F & L Tools Corporation	Corona, CA
F & S Tool, Inc	Erie, PA
F C Machine Tool & Design, Inc	Cuyahoga Falls, OH
F D T Precision Machine Co., Inc	Taunton, MA
F G A Inc	Baton Rouge, LA
F K Instrument Co., Inc	Clearwater, FL
FMF Racing	Rancho Dominguez, CA
F M Machine Company	Akron, OH
F N Smith Corporation	Oregon, IL
F P Pla Tool & Manufacturing Co	Buffalo, NY
F R B Machine Inc	Emlenton, PA
F S G Inc	Mishawaka, IN
F. S. Machining, Inc	Englewood, CO
F T T Manufacturing Inc	Geneseo, NY
F Tinker & Sons Company	Pittsburgh, PA
F W Gartner Thermal Spraying Co	Houston, TX
F-Squared, Inc	Tarentum, PA
Fab Lab, Inc	Maryland Heights, MO
FabCorp, Inc	Houston, TX
Fairbanks Machine & Tool	Raytown, MO
Fairview Machine Company, Inc	Topsfield, MA
Faith Tool & Manufacturing, Inc	Willoughby, OH
Falcon Precision Machining Co	West Springfield, MA
Falls City Machine Technology	Louisville, KY
FallsMold & Die, Inc	Stow, OH
Fame Tool & Manufacturing Co	Cincinnati, OH
Fantasy Manufacturing, Inc	Windsor, CA
Fargo Machine Company, Inc	Ashtabula, OH
Farzati Manufacturing Corp	Greensburg, PA
Fast Physics Inc	Tempe, AZ
Fay & Quartermaine Machining	El Monte, CA
Fay Tool & Die, Inc	Orlando, FL
Feedall, Inc	Willoughby, OH
Feilhauer's Machine Shop Inc	Cincinnati, OH
Feller Tool Co., Inc	Elyria, OH
Fenton Manufacturing, Inc	Ashtabula, OH
Fenwick Machine & Tool	Piedmont, SC
Feral Productions LLC	Newark, CA
Ferriot Inc	Akron, OH
First International Bank	Hartford, CT
Fischer Precision Spindles, Inc	Berlin, CT
Fischer Tool & Die Corporation	Temperance, MI
Fitzwater Engineering Corp	Scituate, RI
Five Star Industries LLC	Dayton, OH
Five Star Tool Company, Inc	Rochester, NY
Flasche Models & Patterns, Inc	Cleveland, OH
Fleck Machine Company, Inc	Hanover, MD
Foriska Machine Shop	Saegertown, PA
Forster Tool & Mfg. Inc	Bensenville, IL
Forte Company	Kansas City, MO
The Foster Group	Rochester, NY
Foster-Tobin Corp	Meadville, PA
4 Axis Machining, Inc	Denver, CO
Fox Valley Tool & Die, Inc	Kaukauna, WI
Franchino Mold & Engineering	Lansing, MI
Frank J. Stolitzka & Son, Inc	Akron, OH

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Frasal Tool Co., Inc	Newington, CT
Frazier Aviation, Inc	San Fernando, CA
Fre-Mar Industries, Inc	Brunswick, OH
J F Fredericks Tool Company, Inc	Farmington, CT
Fredon Corporation	Mentor, OH
Freeport Welding & Fabricating	Freeport, TX
Frost & Company	Charlestown, RI
Fulcrum Group, LLC	Hayward, CA
Fulton Industries, Inc	Rochester, IN
Fumo Co. Inc	Pomona, CA
Future Fabricators	Phoenix, AZ
Future Tool & Die Company, Inc	Cleveland, OH
Future Tool & Die, Inc	Grandville, MI
Fyco Tool & Die, Inc	Houston, TX
G & G Tool Company, Inc	Sidney, OH
G & K Machine Company	Denver, CO
G & L Tool Corp	Agawam, MA
G B F Enterprises, Inc	Santa Ana, CA
G B Tool Company	Warwick, RI
G F T Manufacturing Company	Vandergrift, PA
G H Tool & Mold, Inc	Washington, MO
G M T Corporation	Waverly, IA
G R McCormick, Inc	Burbank, CA
G S C Manufacturing Inc	Indianapolis, IN
G S G Tool and Manufacturing	Meadville, PA
G S Precision, Inc	Brattleboro, VT
Gadsden Tool, Inc	Gadsden, AL
Gainesville Machining Inc	Gainesville, TX
Gales Manufacturing Corporation	Racine, WI
Galgon Industries, Inc	Fremont, CA
Gambar Products Company, Inc	Warwick, RI
Garcia Associates	Arlington, VA
Gatco, Inc	Plymouth, MI
Gauer Mold & Machine Company	Talimadge, OH
Gaum, Inc	Robbinsville, NJ
Gear Manufacturing, Inc	Anaheim, CA
Gebhardt Machine Works, Inc	Portland, OR
Geiger Manufacturing, Inc	Stockton, CA
Gem City Engineering Company	Dayton, OH
Gene's Gundri 11 ing Inc	Alahambra, CA
General Aluminium Forgings	Colorado Springs, CO
General Die Engraving, Inc	Twinsburg, OH
Genen l Engineering Company	Toledo, OH
General Grinding, Inc	Oakland, CA
General Machine-Diecron, Inc	Griffin, GA
General Machine Shop, Inc	Cheverly, MD
General Tool & Die Company, Inc	Racine, WI
General Tool Company	Cincinnati, OH
Genesee Manufacturing Company	Rochester, NY
Genesee Precision Mfg., Inc	Avon, NY
Genesis Plastics & Engineering	Scottsburg, IN
Gentec Manufacturing Inc	San Jose, CA
Geometric Tool & Machine Co	Piedmont, SC
German Machine, Inc	Rochester, NY
Germantown Tool & Machine	Huntingdon Valley, PA
Gibbs Die Casting Corporation	Henderson, KY
Gibbs Machine Company, Inc	Greensboro, NC
Gilbert Engineering Company	Glendale, AZ
Gilbert Machine & Tool Company	Greene, NY
Gill Tool & Die, Inc	Grand Rapids, MI
Gillette Machine & Tool Company	Rochester, NY
Girard Tool & Die/Jackburn Mfg	Girard, PA
Gischel Machine Company Inc	Baltimore, MD
Givmar Precision Machining	Mountain View, CA
Glaze Tool & Engineering, Inc	New Haven, IN
Glendale Machine Company, Inc	Solon, OH
Glendo Corporation	Emporia, KS
Glidden Machine & Tool, Inc	North Tonawanda, NY
Global Mfg. & Assembly	Phoenix, AZ
Global Precision, Inc	Davie, FL
Golis Machine, Inc	Montrose, PA
Goodwin-Bradley Pattern Co., Inc	Providence, RI
Graham Tech Inc	Cochranton, PA
Granby Mold, Inc	Walled Lake, MI

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Graybill's Tool & Inc	Manheim, PA
Great Lakes E.D.M. Inc	Clinton Twp., MI
Great Lakes Metal Treating, Inc	Tonawanda, NY
Great Lakes Precision Machine	Niles, MI
Great Western Grinding & Eng.	Huntington Beach, CA
Grind All Precision Tool Co	Warren, MI
Grind-All, Inc	Cleveland, OH
GrindC/O Inc	Chelmsford, MA
Grinding Service & Mfg. Co	Bristol, CT
Grindworks Inc	Glendale, AZ
Grosmann Precision	Baliwin, MO
Grover Gundrilling, Inc	Norway, ME
Guill Tool & Engineering Co	West Warwick, RI
Gulf Machining	Pinellas Park, FL
Gulf South Machine/Drilex Corp	Houston, TX
Gurney Precision Machining	Saint Petersburg, FL
H & H Machine Company	Whittier, CA
H & H Machine Shop Of Akron, Inc	Akron, OH
H & H Machined Products, Inc	Erie, PA
H & K Machine Service Co. Inc	O'Fallon, MO
H & M Precision Machining	Santa Clara, CA
H & S Enterprises, Inc	Monrovia, CA
H & W Machine Company	Broomfield, CO
H & W Tool Company, Inc	Dover, NJ
H B Machine, Inc	Phoenix, AZ
HB Molding, Inc	Louisville, KY
H–B Tool & Cutter Grinding Inc	Willow Grove, PA
H Brauning Company, Inc	Manassas, VA
H H Mercer, Inc	Mesquite, TX
H R M Machine, Inc	Costa Mesa, CA
Haberman Machine, Inc	St. Paul, MN
Hackett Precision Company	Nashville, TN
Hager Machine & Tool, Inc	Houston, TX
Haig Precision Mfg. Corp	Campbell, CA
Hal-West Technologies, Inc	Kent, WA
Hamblen Gage Corporation	Indianapolis, IN
Hamill Manufacturing Company	Trafford, PA
Hamilton Industries, Inc	Tempe, AZ
Hamilton Machine Co., Inc	Nashville, TN
Hamilton Mold & Machine, Inc	Cleveland, OH
Hamilton Tool Company, Inc	Meadville, PA
Hamlin Steel Products, Inc	Akron, OH
Hammill Manufacturing Company	Toledo, OH
Hammon Precision Technologies	Hayward, CA
Hanks Pattern Company	Montrose, MN
Hanover Machine Company	Ashland, VA
Hans Rudolph, Inc	Kansas City, MO
Hansen Engineering	Harbor City, CA
Hansford Manufacturing Corp	Rochester, NY
The Hanson Group, LTD	Ludlow, MA
Hanson Mold	St. Joseph, MI
Har-Phill Machine Products, Inc	Tempe, AZ
Hardy Machine Inc	Hatfield, PA
Hardy-Reed Tool & Die Co	Manitou Beach, MI
Harley & Son, Inc	Yorba Linda, CA
Harrison Enterprise, Inc	Phoenix, AZ
Hartup Tool Inc	Columbus, IN
J W Harwood Company	Cleveland, OH
Haserodt Machine & Tool, Inc	Cleveland, OH
Haskell Machine & Tool, Inc	Homer, NY
Haumiller Engineering Company	Elgin, IL
Hawkeye Precision, Inc	Gilbert, AZ
Hawkins Machine Company, Inc	Coventry, RI
Hawkinson Mold Engineering Co	Alhambra, CA
Hayden Corporation	West Springfield, MA
Heatherington Machine Corp	Orlando, FL
Heinhold Engineering & Machine	Salt Lake City, UT
Heisey Machine Co., Inc	Lancaster, PA
Heitz Machine & Manufacturing	Maryland Heights, MO
Hellebusch Tool & Die, Inc	Washington, MO
Helm Precision, Ltd	Phoenix, AZ
Henman Engineering & Machine	Muncie, IN
Herman Machine, Inc	Tallmadge, OH
Herrick & Cowell Company	Hamden, CT

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Hetrick Mfg., Inc	Lower Burrell, PA
Heyden Mold & Bench Company	Tallmadge, OH
Heyl Engraving, Inc	North Canton, OH
Hi Tech Manufacturing, LLC	Greensboro, NC
Hi-Tech Machining & Engineering LLC	Tucson, AZ
Hi-Tech Tool Industries, Inc	Troy, MI
Hi-Tech Tool, Inc	Lower Burrell, PA
Hiatt Metal Products Company	Muncie, IN
Hickory Machine Company, Inc	Newark, NY
High Tech Turning Co	Watertown, MA
High-Tech Industries	Holland, MI
Highldnd Mfg. Inc	Manchester, CT
Hill Engineering, Inc	Villa Park, IL
Hillcrest Precision Tool Co. Inc	Haverhill, MA
Hillcrest Tool & Die, Inc	Titusville, PA
Hilton Tool & Die Corporation	Rochester, NY
Hittle Machine & Tool Company	Indianapolis, IN
Hobson & Motzer, Inc	Durham, CT
Hodon Manufacturing Inc	Willoughby, OH
Hoercher Industries, Inc	East Rochester, NY
Hoffman Custom Tool & Die	Newport Beach, CA
Hoffstetter Tool & Die	Clearwater, FL
Hole Specialists, Inc	Ludlow, MA
Holland Hitch Co	Wylie, TX
Hollis Line Machine Co., Inc	Hollis, NH
Holmes Manufacturing Corporation	Cleveland, OH
Holton Mold & Engineering	Upland, CA
Homeyer Tool and Die Co	Marthasville, MO
Honemasters, Inc	Huntington Beach, CA
Hoop's Machine & Welding, Inc	Denton, TX
Hope Manufacturing, Inc	Greensboro, NC
Hoppe Tool, Inc	Chicopee, MA
Horizon Industries	Lancaster, PA
Horizon Tool & Die Corp	Grandville, MI
Houston Cutting Tools, Inc	Houston, TX
Howell Tool & Machine	Flower Mound, TX
Howland Machine Corporation	Colorado Springs, CO
Hubbell Machine Company, Inc	Cleveland, OH
Humboldt Instrument Company	San Leandro, CA
Hunt Machine & Manufacturing Co	Tallmadge, OH
Huron Machine Products, Inc	Fort Lauderdale, FL
HydraWedge Corporation	El Segundo, CA
Hydro Aluminum Cedar Tools	Cedar Springs, MI
Hydrodyne Division Of FPI, Inc	Burbank, CA
Hydromat, Inc	St. Louis, MO
Hygrade Precision Technologies	Plainville, CT
Hytron Manufacturing Company	Huntington Beach, CA
ILM Tool, Inc.	Hayward, CA
IQC, Inc	Vandalia, OH
ISO Machining, Inc	Pleasanton, CA
I T M, Inc	Shertz, TX
ITW CIP Tool and Die	Santa Fe Springs, CA
Ideal Grinding Technologies, Inc	Chatsworth, CA
Imperial Die & Manufacturing Co	Cleveland, OH
Imperial Machine & Tool Company	Wadsworth, OH
Imperial Machining Co	Denver, CO
Imperial Mfg	Santa Fe Springs, CA
Imperia.l Newbould	Meadville, PA
Imperial Tool & Manufacturing Co	Lexington, KY
IndTool, Inc	Burlington, NC
Indiana Tool & Die Company	Indiana, PA
Industrial Babbitt Bearing	Gonzales, LA
Industrial Custom Automatic	Dayton, OH
Industrial Grinding, Inc	Dayton, OH
Industrial Machine Company	Oklahoma City, OK
Industrial Machine & Tool Co., Inc	Nashville, TN
Industrial Machining Corporation	Santa Clara, CA
Industrial Maintenance	Lavergne, TN
Industrial Mold + Machine	Twinsburg, OH
Industrial Molds, Inc	Rockford, IL
Industrial Precision, Inc	Westfield, MA.
Industrial Precision Products	Oswego, NY
Industrial Tool & Machine Co	Cuyahoga Falls, OH
Industrial Tool, Die & Engineering	Tucson, AZ

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Industrial Tool, Inc	Minneapolis, MN
Industrial Tooling Technologies	Muskegon, MI
Ingersoll Contract Manufacturing	Loves Park, IL
Injection Mold & Machine Company	Akron, OH
Inland Tool & Manufacturing Co	Kansas City, KS
Inline Inc	Phoenix, AZ
Innex Industries, Inc	Rochester, NY
Innovative E D M, LLC	Troy, MI
Innovative Systems Machine	Toledo, OH
Insulate Inc	Auburn, WA
Integrated Machine Systems	Bethel, CT
Integrity Mfg. L.L.C.	Farmington, CT
International Stamping Inc	Warwick, RI
International Tooling & Stamping	Mt. Juliet, TN
Interscope Manufacturing Inc	Middletown, OH
Intrex Corporation	Louisville, CO
Iverson Industries, Inc	Wyandotte, MI
J & A Tool Company, Inc	Franklin, PA
J & F Machine Company	Cleveland, OH
J & F Machine Inc	Cypress, CA
J & J Tool Co., Inc	Louisville, KY
J & L EDM	Sunnyvale, CA
J & M Machine, Inc	Fairport Harbor, OH
J & M Unlimited	Ashland City, TN
J.B.A.T. t/a Cherry Hill	Cherry Hill, NJ
JBK Manufacturing & Development	Dayton, OH
J B Tool Die & Engineering, Inc	Fort Wayne, IN
J B Tool, Inc	Placentia, CA
J C B Precision Tool & Mold, Inc	Commerce City, CO
J. C. Milling Co., Inc	Rockford, IL
J D Kauffman Machine Shop, Inc	Christiana, PA
J D Machining	Santa Clara, CA
J I Machine Company, Inc	San Diego, CA
J K Tool & Die, Inc	Apollo, PA
J M Fabrication Corporation	Arlington, TX
J M Mold South	Easley, SC
J M Mold, Inc	Piqua, OH
J M P Industries, Inc	Cleveland, OH
J M S Mold & Engineering Co	South Bend, IN
J R Custom Metal Products, Inc	Wichita, KS
JRM Machine Company	St. Paul, MN
J Ross Miller & Sons, Inc	Kimberton, PA
J S Die & Mold, Inc	Byron Center, MI
Jackman Machining	Corona, CA
Jackson & Heit Machine Company	Southampton, PA
Jacksonville Machine Inc	Jacksonville, IL
Jaco Engineering	Anaheim, CA
Jaco Tool & Die, Inc	Grand Rapids, MI
Jadco Inc	Springfield, MA
Jamison Mfg. Co	North Royalton, OH
Jason Tool & Engineering, Inc	Garden Grove, CA
Jatco Machine & Tool Company	Pittsburgh, PA
Jena Tool Corporation	Dayton, OH
Jenkins Machine, Inc	Bethlehem, PA
Jenn Manufacturing Company, Inc	Warminster, PA
Jennison Corporation	Carnegie, PA
Jergens Tool and Mold	Englewood, OH
Jergens, Inc	Cleveland, OH
Jesel, Inc	Lakewood, NJ
Jesse Industries, Inc	Sparks, NV
Jet Products Co., Inc	Phoenix, AZ
Jewett Machine Mfg. Co., Inc	Richmond, VA
Jig Grinding Service Company	Cleveland, OH
Jirgens Modern Tool Corporation	Kalamazoo, MI
John Ramming Machine Company	St. Louis, MO
Johnson Engineering Company	Indianapolis, IN
Johnson Precision, Inc	Buffalo, NY
Johnson Tool, Inc	Fairview, PA
Joint Production Technology, Inc	Macomb, MI
Joint Venture Tool & Mold	Saegertown, PA
Jonco Tool Company	Racine, WI
T R Jones Machine Company, Inc	Crystal Lake, IL
Joseph Alziebler Company	Arleta, CA
Juell Machine Company, Inc	Pomona, CA

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Just in Time CNC Machining Inc.	Dansville, NY
K & A Tooling	Santa Ana, CA
K & E Mfg. Company	Lee's Summit, MO
K & H Mold & Machine Division	Akron, OH
K & H Precision Products, Inc	Honeoye Falls, NY
K & M Machine-Fabricating, Inc	Cassopolis, MI
K & M Precision Machining, Inc	Signal Hill, CA
K & S Tool & Die, Inc	Meadville, PA
K & S Tool & Mfg. Company, Inc	Jamestown, NC
K.C.K. Tool & Die Co., Inc	Ferndale, MI
K-Form, Inc	Tustin, CA
K L H Industries, Inc	Germantown, WI
K L N Precision Machining & Sheetmetal Corp	Fremont, CA
K M F, Inc	Fairdale, KY
K M S Machine Works, Inc	Taunton, MA
K Mold & Engineering, Inc	Granger, IN
K V, Inc	Huntingdon Valley, PA
Ka-Wood Gear & Machine Company	Madison Heights, MI
Kahre Brothers, Inc	Evansville, IN
Kalman Manufacturing	Morgan Hill, CA
Kamashian Engineering Inc	Bellflower, CA
Kanis Machine & Manufacturing, Inc	Tewksbury, MA
Kansas City Screw Products Inc	Kansas City, MO
T. J. Karg Company, Inc	Akron, OH
Karlson Machine Works, Inc	Phoenix, AZ
Karsten Precision	Phoenix, AZ
Kaskaskia Tool & Machine, Inc	New Athens, IL
Kaufhold Machine Shop, Inc	Lancaster, PA
C B Kaupp & Sons, Inc	Maplewood, NJ
Kearflex Engineering Company	Warwick, RI
Keck-Schmidt Tool & Die	South El Monte, CA
Kell-Strom Tool Company, Inc	Wethersfield, CT
Kellems & Coe Tool Corporation	Jeffersonville, IN
Keller Technology Corporation	Tonawanda, NY
Kelley Industries, Inc	Eighty Four, PA
Kelitech Precision Machining, Inc	San Jose, CA
Keim Manufacturing Company	Benton Harbor, MI
Kelmar, Inc	Midland, VA
Kem-Mu-Co	Hayward, CA
Kemco Tool & Machine Company	Fenton, MO
Kenlee Precision Corporation	Baltimore, MD
Kennametal Inc	Latrobe, PA
Kennebec Tool & Die Co., Inc	Augusta, ME
Kennedy & Bowden Machine Company	La Vergne, TN
Kennick Mold & Die, Inc	Cleveland, OH
Kentucky Machine & Tool Company	Louisville, KY
Kern Special Tools Company, Inc	New Britain, CT
Ketcham Diversified Tooling Inc	Cambridge, PA
Kewill ERP, Inc	Edina, MN
Keyes Machine Works, Inc	Gates, NY
Keystone Machine, Inc	Littlestown, PA
Kimberly Gear & Spline, Inc	Phoenix, AZ
King Machine & Engineering Co	Indianapolis, IN
King-Tek EDM & Precision Machining	Fullerton, CA
Kipp Group	Ontario, CA
Kirby Risk Precision Machining	Lafayette, IN
Kirca Precision	Rochester, NY
Kiwanda Machine Works, Inc	Clackamas, OR
Klein Steel Service, Inc	Rochester, NY
Klix Tool Corporation	Syracuse, NY
Knowlton Manufacturing Company	Norwood, OH
Knust—S B O	Houston, TX
Kolar Inc	Ithaca, NY
Kolenda Tool & Die, Inc	Wyoming, MI
Kordenbrock Tool & Die Company	Cincinnati, OH
Kovacs Machine & Tool Company	Wallingford, CT
Krause Tool, Inc	Golden, CO
Kuester Tool & Die Co., Inc	Quincy, IL
Kuhn Tool & Die Co	Meadville, PA
Kurt J. Lesker Company	Pittsburgh, PA
Kurt Manufacturing Company	Minneapolis, MN
L & L Machine, Inc	Ludlow, MA
L & P Machine, Inc	Santa Clara, CA
L A I Southwest, Inc	Phoenix, AZ

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

L H Carbide Corporation	Fort Wayne, IN
L P I Corporation	Hollywood, FL
L R G Corporation	Jeannette, PA
L R W Cutting Tools, Inc	Phoenix, AZ
L T L Company, Inc	Rockford, IL
LaBarge Products, Inc	St. Louis, MO
Lake Manufacturing Co., Inc	Newburyport, MA
Lakeside Manufacturing Company	Stevensville, MI
Lamb Machine & Tool Company	Indianapolis, IN
Lamina, Inc	Oak Park, MI
Lampin Corporation	Uxbridge, MA
Lancaster Machine Shop	Lancaster, TX
Lancaster Metal Products Company	Lancaster, OH
Lancaster Mold, Inc	Lancaster, PA
Land Specialties Manufacturing	Raytown, MO
Lane Enterprise	Rochester, NY
Lane Punch Corporation	Salisbury, NC
Laneko Engineering Company	Ft. Washington, PA
Laneko Roll Form, Inc	Hatfield, PA
Lange Precision, Inc	Fullerton, CA
Langenau Manufacturing Company	Cleveland, OH
Laser Automation, Inc	Chagrin Falls, OH
Laser Beam Technology	Hayward, CA
Laser Fare, Inc	Smithfield, RI
Laser Tool, Inc	Saegertown, PA
LaserFab Inc	Concord, CA
Lathe Tool Works, Inc	Richmond, CA
Lavelle Machine	Westford, MA
Lavigne Manufacturing, Inc	Cranston, RI
Layke Incorporated	Phoenix, AZ
Layke Tool & Manufacturing, Inc	Meadville, PA
LeBlanc Grinding Company	Anaheim, CA
Ledford Engineering Company, Inc	Cedar Rapids, IA
Lee's Grinding, Inc	Cleveland, OH
Leech Industries, Inc	Meadville, PA
Lees Enterprise	Chatsworth, CA
Leese & Co., Inc	Greensburg, PA
Leggett & Platt, Inc	Whittier, CA
Leicester Die & Tool, Inc	Leicester, MA
Lemco-Miller Corporation	Danvers, MA
Lenz Technology Inc	Mountain View, CA
Leonardi Manufacturing Co., Inc	Weedsport, NY
Lewis Aviation	Phoenix, AZ
Lewis Machine and Tool Company	Milan, IL
Lewis Machine & Tool Co. Inc	Cuba, MO
Liberty Precision Industries, Ltd	Rochester, NY
Libra Precision Machining	Tecumseh, MI
Light & Medium Fabricating, Inc	Willoughby, OH
Light Machines Corporation	Manchester, NH
Ligi Tool & Engineering, Inc	Pompano Beach, FL
Lilly Software Associates, Inc	Hampton, NH
Limmco, Inc	New Albany, IN
Linco, Inc	Phoenix, AZ
Lindberg Heat Treating	Paramount, CA
Linmark Machine Products, Inc	Union, MO
Little Rhody Machine Repair, Inc	Coventry, RI
Littlecrest Machine Shop, Inc	Houston, TX
Lloyd Company	Houston, TX
Lobart Company	Pacoima, CA
Loecy Precision Mfg	Mentor, OH
LOMA Automation Technologies, Inc	Louisville, KY
Lordon Engineering	Gardena, CA
Louis C. Morin Co. Inc	N. Billerica, MA
Loyal Machine Company, Inc	Chelsea, MA
Luick Quality Gage & Tool, Inc	Muncie, IN
Lunar Tool & Machinery Company	St. Louis, MO
Lunar Tool & Mold, Inc	North Royalton, OH
Lunquist Manufacturing Corp	Rockford, IL
Lux Manufacturing, Inc	Sunnyvale, CA
Lynn Welding Co. Inc	Newington, CT
Lyons Tool & Die Company	Meriden, CT
M & D Loe Manufacturing, Inc	Benicia, CA
M & H Engineering Company, Inc	Danvers, MA
M & H Tool & Die, Inc	Gadsden, AL

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

M & J Grinding & Tool Co	Holland, OH
M & J Valve Services, Inc	Lafayette, LA
M & S Holes Corporation	New Brunswick, NJ
M C I Tool & Die, Inc	Saginaw, MI
M C Mold & Machine, Inc	Taliimadge, OH
M D F Tool Corporation	North Royalton, OH
M F Engineering Co. Inc	Bristol, RI
M J C Machine Tooling	Hudson, NH
M J K Precision	Woodland Park, CO
M. J. Machining, Inc	Morgan Hill, CA
M P Components	Grand Rapids, MI
M P E Machine Tool Inc	Corry, PA
M P Technologies, Inc	Brecksville, OH
MRC Technologies	Buffalo, NY
M. R. Mold & Engineering Corp	Brea, CA
M S Willett, Inc	Cockeysville, MD
M T E, Inc	San Jose, CA
M T M Grinding	Thomdike, MA
M-C Fabrication, Inc	Olathe, KS
M-Ron Corporation	Glendale, AZ
M-Tron Manufacturing Company	San Fernando, CA
Mac Machine and Metal Works, Inc	Connersville, IN
Mac-Mold Base, Inc	Romeo, MI
Machine Incorporated	Stoughton, MA
Machine Mastery	Santa Clara, CA
Machine Specialties, Inc	Greensboro, NC
Machine Tooling, Inc	Cleveland, OH
Machinist Cooperative	Gilroy, CA
Machinists, Inc	Seattle, WA
MacKay Manufacturing	Spokane, WA
Maddox Metal Works, Inc	Dallas, TX
Madgett Enterprises Inc	Milipitas, CA
Magdic Precision Tooling, Inc	East McKeesport, PA
Maghielse Tool Corporation	Grand Rapids, MI
Magic Manufacturing, Inc	Sunnyvale, CA
Magna Machine & Tool Company	New Castle, IN
Magnum Manufacturing Center, Inc	Colorado Springs, CO
Magnus Mfg. Corp	Shortsville, NY
Mahuta Tool Corp	Germantown, WI
Main Tool & Mfg. Co., Inc	Minneapolis, MN
Maine Machine Products	South Paris, ME
Mainline Machine, Inc	Broussard, LA
Majer Precision Engineering, Inc	Tempe, AZ
Major Tool & Machine, Inc	Indianapolis, IN
Makino	Mason, OH
Malmberg Engineering, Inc	Livermore, CA
Manda Machine Company, Inc	Dallas, TX
Manetek, Inc	Broussard, LA
Manheim Special Machine Shop	Manheim, PA
Mann Tool Company, Inc	Pacific, MO
Manor Research, Inc	Hayward, CA
Manufactured Technical Solutions	Jenison, MI
Manufacturing Machine Corp	Pawtucket, RI
Manufacturing Service Corp	West Hartford, CT
Marberry Machine, Inc	Houston, TX
Marco Manufacturing Company	Akron, OH
Marcy Machine, Inc	Grandview, MO
Mardon Tool & Die Company, Inc	Rochester, NY
Marini Tool & Die Company, Inc	Racine, WI
Mans Systems Design, Inc	Spencerport, NY
Markham Machine Co. Inc	Akron, OH
Marlin Tool, inc	Cuyahoga Falls, OH
Marquette Tool & Die Company	St. Louis, MO
Marshall Manufacturing Company	Minneapolis, MN
Martinek Manufacturing	Fremont, CA
Martinelli Machine	San Leandro, CA
Masco Machine, Inc	Cleveland, OH
Massachusetts Machine Works Inc	Westwood, MA
Massey Industries, Inc	Houston, TX
Master Cutting & Engineering	Santa Fe Springs, CA
Master Industries Inc	Piqua, OH
Master Precision Tool Corp	Sterling Heights, MI
Master Research & Manufacturing	Norwalk, CA
Master Tool & Die	Anaheim, CA

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Master Tool & Mold, Inc	Grafton, WI
Mastercraft Mold, Inc	Phoenix, AZ
Mastercraft Tool Co	St. Louis, MO
Mastercraft Tool & Machine Co	Southington, CT
Masterman Engineering	Kent, WA
MaTech Machining Technologies	Salisbury, MD
Matthews Gauge, Inc	Santa Ana, CA
Maudlin & Son Manufacturing Co	Kemah, TX
May Tool & Die, Inc	North Royalton, OH
May Tool & Mold Company, Inc	Kansas City, MO
Mayfran International	Cleveland, OH
McCurdy Tool & Machine Inc	Caledonia, IL
McAfee Tool & Die, Inc	Uniontown, OH
McDowell Enterprises, Inc	Elkhart, IN
Dan McEachern Company	Alameda, CA
McGill Manufacturing Company	Flint, MI
McGough & Kilguss	Providence, RI
McIvor Manufacturing, Inc	Buffalo, NY
McKee Carbide Tool Division	Olanta, PA
McKenzie Automation Systems, Inc	Rochester, NY
McNeal Enterprises, Inc	San Jose, CA
McNeill Manufacturing Company	Oakland, CA
McSwain Manufacturing Corp	Cincinnati, OH
Meadows Manufacturing Co., Inc	Sunnyvale, CA
Meadville Plating Company, Inc	Meadville, PA
Meadville Tool Grinding	Meadville, PA
Mechanical Manufacturing Corp	Sunrise, FL
Mechanical Metal Finishing Co	Gardena, CA
Mechanized Enterprises, Inc	Anaheim, CA
Medved Tool & Die Company	Milwaukee, WI
Menegay Machine & Tool Company	Canton, OH
Mercer Machine Company, Inc	Indianapolis, IN
Mercier Tool & Die Company	Canton, OH
Meriden Manufacturing	Meriden, CT
Merritt Tool Company, Inc	Kilgore, TX
Metal Cutting Specialists, Inc	Houston, TX
Metal Form Engineering	Redlands, CA
Metal Processors Inc	Stevensville, MI
Metallon, Inc	Thomaston, CT
Metals USA, Flagg Steel Co., Inc	St. Louis, MO
Metco Manufacturing Company, Inc	Warrington, PA
Metplas, Inc	Natrona Heights, PA
Metric Machining	Monrovia, CA
Metric Precision Inc	Spartanburg, SC
Metro Manufacturing, Inc	Phoenix, AZ
Miami Tool & Die, Inc	Huntington, IN
Michigan Machining Inc	Mt. Morris, MI
Micro Chrome & Lapping, Inc	San Jose,, CA
Micro Engineering Inc	Caledonia, MI
Micro Instrument Corporation	Rochester, NY
Micro Matic Tool, Inc	Youngstown, OH
Micro Precision Company	Houston, TX
Micro Precision Corporation	Lancaster, PA
Micro Punch & Die Company	Rockford, IL
Micro Surface Engineering, Inc	Los Angeles, CA
Micro Tool & Manufacturing, Inc	Meadville, PA
Micro-Tec	Chatsworth, CA
Micro-Tech Machine Inc	Newark, NY
Micro-Tronics, Inc	Tempe, AZ
Microfinish	Clayton, OH
Micropulse West, Inc	Tempe, AZ
Mid-Central Manufacturing, Inc	Wichita, KS
Mid-Continent Engineering, Inc	Minneapolis, MN
Mid-State Manufacturing, Inc	Milldale, CT
Mid-States Forging Die & Tool	Rockford, IL
Middle River Machine Services	Baltimore, MD
Midland Precision Machining, Inc	Tempe, AZ
Midway Mfg. Inc	Elyria, OH
Midwest Machine & Manufacturing Co	Muskegon, MI
Midwest Tool & Die Corporation	Fort Wayne, IN
Midwest Tool & Engineering Co	Dayton, OH
Mikana Manufacturing Co., Inc	San Dimas, CA
Mikron Machine, Inc	Cranesville, PA
Mikron Manufacturing, Inc	Colorado Springs, CO

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Mu-Tool & Plastics Inc	Zephyrhills, FL
Milco Wire EDM, Inc	Huntington Beach, CA
Millat Industries Corp	Dayton, OH
Miller Equipment Corporation	Richmond, VA
Miller Machine & Design, Inc	Charlotte, NC
Miller Mold Company	Saginaw, MI
Millrite Machine Inc	Westfield, MA
Milrose Industries	Cleveland, OH
Miltronics, Inc	Painesville, OH
Milwaukee Precision Corporation	Milwaukee, WI
Milwaukee Punch Corporation	Greendale, WI
Minco Tool & Mold Inc	Dayton, OH
Mission Tool & Manufacturing Co	Hayward, CA
Mitchell Machine, Inc	Springfield, MA
Mitchum Schaefer, Inc	Indianapolis, IN
Mittler Brothers Machine & Tool	Foristell, MO
Mod Tech Industries, Inc	Shawano, WI
Model Machine Company, Inc	Baltimore, MD
Model Mold & Machine Company,	Noblesville, IN
Modern Industries Inc	Phoenix, AZ
Modern Machine Company	San Jose, CA
Modern Machine Company	Bay City, MI
Modern Mold, Inc	Grand Rapids, MI
Modern Technologies Corp	Xenia, OH
Modular Mining Systems, Inc	Tucson, AZ
Mold Threads Inc	Branford, CT
Moldcraft, Inc	Depew, NY
Monks Manufacturing Co., Inc	Wilmington, MA
Monsees Tool & Die, Inc	Rochester, NY
Montgomery Machine Company	Houston, TX
Moon Tool & Die Inc	Conneaut Lake, PA
Moore Gear Mfg. Co., Inc	Hermann, MO
Moore Machine, Inc	Walkerton, IN
Moore Quality Tooling, Inc	Dayton, OH
Morlin Incorporated	Erie, PA
Morris Machine Co., Inc	Indianapolis, IN
Morton & Company, Inc	Wilmington, MA
Moseys' Production Machinists	Anaheim, CA
Moss Machine/Module	San Francisco, CA
Motor Machine Co., Inc	Edison, NJ
Mountain States Automation, Inc	Englewood, CO
Mt. Sterling Industries	Mt. Sterling, KY
MTI Engineering Corp/Mitutoyo	Huntington Beach, CA
Mueller Machine & Tool Company	Berkeley, MO
Muller Tool Inc	Cheektowaga, NY
Multi Dimensional Machining Inc	Englewood, CO
Multi-Tool, Inc	Saegertown, PA
Mustang-Major Tool & Die Co.	Eden, NY
Mutual Precision, Inc	West Springfield, MA
Mutual Tool & Die, Inc	Dayton, OH
Myers Industries	Akron, OH
Myers Precision Grinding Company	Warrensville Hts., OH
Myles Tool Co., Inc	Sanborn, NY
N C Dynamics, Inc	Long Beach, CA
N D T Industries, Inc	Dayton, OH
N E T & Die Company, Inc	Fulton, NY
Nashville Machine Company, Inc	Nashville, TN
National Carbide Die	McKeesport, PA
National Jet Company, Inc	LaVale, MD
National Tool & Machine Co. Inc	East St. Louis, IL
Nationwide Precision Products	Rochester, NY
Neal Manufacturing, Inc	Greensboro, NC
Nel-Mac Tool & Mfg. Inc	McKinney, TX
Nelson Bros. & Strom Co., Inc	Racine, WI
Nelson Engineering	Garden Grove, CA
Nelson Grinding, Inc	Fullerton, CA
Nelson Precision Drilling Co	Glastonbury, CT
Nemes Machine Co	Cuyahoga, OH
Nerjan Development Company	Stamford, CT
Neutronics, Inc	Phoenix, AZ
New Age Plastics, Inc	San Jose, CA
New Century Fabricators, Inc	New Iberia, LA
New Century Remanufacturing, Inc	Santa Fe Springs, CA
New Coy Fabrication Inc	Rochester, NY

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

New England Die Co., Inc	Waterbury, CT
New Standard Corporation	York, PA
Newman Machine Company, Inc	Greensboro, NC
Newton Tool & Manufacturing Co	Swedesboro, NJ
Niagara Punch & Die Corporation	Buffalo, NY
Nifty Bar, Inc	Penfield, NY
Niles Machine & Tool Works, Inc	Livermore, CA
Nixon Tool Co., Inc	Richmond, IN
Noble Tool Corporation	Dayton, OH
Norbert Industries, Inc	Sterling Heights, MI
Nordon Tool & Mold, Inc	Rochester, NY
Norman Noble, Inc	Cleveland, OH
Normike Industries, Inc	Plainville, CT
North Canton Tool Company, Inc	Canton, OH
North Central Tool & Die, Inc	Houston, TX
North Coast Tool & Mold Corp	Cleveland, OH
North Easton Machine Co., Inc	North Easton, MA
North Florida Tool Engineering	Jacksonville, FL
Northeast E D M	Newburyport, MA
Northeast Manufacturing Co., Inc	Stoneham, MA
Northeast Tool & Manufacturing	Indian Trail, NC
Northern Machine Tool Company	Muskegon, MI
Northland Extension Drills	Grove City, MN
Northmont Tool & Gage Inc	Clayton, OH
Northwest Machine Works, Inc	Grand Junction, CO
Northwest Tool Corporation	Tucson, AZ
Northwest Tool & Die, Inc	Saegertown, PA
Northwest Tool & Die Company	Grand Rapids, MI
Northwood Industries, Inc	Perrysburg, OH
Norv's Molds, Inc	Nyssa, OR
Norwood Tool Company	Dayton, OH
Nova Manufacturing Company	North Hollywood, CA
Now-Tech Industries Inc	Lackawanna, NY
Nu-Tool Industries, Inc	North Royalton, OH
Nu-Tech Industries	Grandview, MO
Numeric Machine	Fremont, CA
Numeric Machining Co., Inc	West Springfield, MA
Numerical Precision, Inc	Wheeling, IL
Numerical Productions, Inc	Indianapolis, IN
Numet Machine	Stratford, CT
NuTec Tooling Systems, Inc	Meadville, PA
O & S Machine Company, Inc	Latrobe, PA
O–A, Inc	Agawam, MA
OEM Controls Inc	Shelton, CT
O E M Industries, Inc	Dallas, TX
O E M, Inc	Corvallis, OR
O–D Tool & Cutter Inc	Mansfield, IA
O'Keefe Ceramics	Woodland Park, CO
O'Neal Tool & Machine Co., Inc	DeSoto, MO
Oakley Die & Mold Company, Inc	Mason, OH
Obars Machine & Tool Company	Toledo, OH
Oberg Industries Inc	Freeport, PA
Oconee Machine & Tool Company	Westminster, SC
Oconnor Engineering Laboratories	Costa Mesa, CA
Ohio Gasket & Shim Company	Akron, OH
Ohio Transitional Machine & Tool	Toledo, OH
Ohlemacher Mold & Die	Strongsville, OH
Oilfield Die Manufacturing Co	Lafayette, LA
Okuma America Corporation	Charlotte, NC
Olson Mfg. & Distribution Inc	Shawnee, KS
Omax Corporation	Kent, WA
Omega One, Inc	Maple Heights, OH
Omega Tool, Inc	Menomonee Falls, WI
Omni Tool, Inc	Winston Salem, NC
Orenda National Aerospace, LLC	Glendale, AZ
Osborn Products, Inc	Phoenix, AZ
Osley & Whitney, Inc	Westfield, MA
Overland Boiling	Dallas, TX
Overton & Sons Tool & Die Co	Mooresville, IN
Overton Corporation	Willoughby, OH
P & N Machine Company, Inc	Houston, TX
P & P Mold & Die, Inc	Tallmadge, OH
P & A Tool & Die, Inc	Rochester, NY
P & R Industries, Inc	Rochester, NY

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

PDQ Machine, Inc	Machesney Park, IL
PDT Tooling, Inc	Lincolnshire, IL
P. J. M. Machine Inc	North Canton, OH
PMR, Inc	Avon, OH
PR Machine Works, Inc	Mansfield, OH
P. Tool & Die Company, Inc	N. Chili, NY
P–K Tool & Manufacturing Company	Chicago, IL
Pacific Bearing Company	Rockford, IL
Pacific Precision Machine, Inc	San Carlos, CA
Pacific Tool & Die, Inc	Brunswick, OH
Pahl Tool Services	Cleveland, OH
Palma Tool & Die Company, Inc	Lancaster, NY
Palmer Machine Company Inc	Conway, NH
Palmer Manufacturing Company	Maiden, MA
Parallax, Inc	Largo, FL
Paramount Machine & Tool Corp	Fairfield, NJ
Park Hill Machine, Inc	Lancaster, PA
Parker Plastics Corporation	Pittsburgh, PA
Parr-Green Mold and Machine Co	North Canton, OH
Parris Tool & Die Company	Goodlettsville, TN
Parrish Machine, Inc	South Bend, IN
Pasco Tool & Die, Inc	Meadville, PA
Patco Machine & Fab, Inc	Houston, TX
Path Technologies, Inc	Mentor, OH
Patkus Machine Company	Rockford, IL
Patriot Machine, Inc	St. Charles, MO
Patriot Precision Products	North Canton, OH
Patten Tool & Engineering, Inc	Kittery, ME
Paul E. Seymour Tool & Die Co	North East, PA
Peerless Precision, Inc	Westfield, MA
Peffen Machine Company	Nashville, TN
Peko Precision Products	Rochester, NY
Pell Engineering & Manufacturing	Pelham, NH
Penco Precision	Fontana, CA
Pendleton Tool Company, Inc	Erie, PA
Peninsula Screw Machine Products	Belmont, CA
Penn State Tool & Die Corp	North Huntingdon, PA
Penn United Tech, Inc	Saxonburg, PA
Pennoyer-Dodge Company	Glendale, CA
Pennsylvania Crusher	Cuyahoga Falls, OH
Pennsylvania Tool & Gages, Inc	Meadville, PA
Perfection Mold & Machine Co	Akron, OH
Perfection Tool & Mold Corp	Dayton, OH
Perfecto Tool & Engineering Co	Anderson, IN
Perfekta, Inc	Wichita, KS
Performance Grinding & Manufacturing Inc	Tempe, AZ
Performance Machining Inc	Irwin, PA
Perry Tool & Research Inc	Hayward, CA
Petersen Precision Engineering, LLC	Redwood City, CA
F H Peterson Machine Corporation	Stoughton, MA
Peterson Jig & Fixture, Inc	Rockford, MI
Petro-Chem Industries, Inc	Stafford, TX
Pettey Machine Works, Inc	Trinity, AL
Petty Enterprises	Hollister, CA
Phil-Coin Machine & Tool Co	Hudson, MA
Philips Enabling Technologies Group	South Plainfield, NJ
Philips Machining Company, Inc	Coopersville, MI
Phoenix Gear, Inc	Phoenix, AZ
Phoenix Grinding	Phoenix, AZ
Phoenix Tool & Gage, Inc	Phoenix, AZ
Phoenix, Inc	Seekonk, MA
Piano Machine & Instrument Inc	Gainesville, TX
Piece-Maker Company	Troy, MI
Pierce Products, Inc	Cleveland, OH
Pierson Precision Inc	Campbell, CA
Pinehurst Tool & Die	Conneaut Lake, PA
Pinnacle Engineering Co., Inc	Manchester, MI
Pinnacle Manufacturing Co., Inc	Chandler, AZ
Pioneer Industries	Seattle, WA
Pioneer Precision Grinding, Inc	West Springfield, MA
Pioneer Tool & Die Company	Akron, OH
Pioneer Tool & Die, Inc	Meadville, PA
Pioneer Tool Die & Machine Co	Ivyland, PA
Pitt-Tex	Latrobe, PA

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Plainfield Stamping Illinois, Inc	Plainfield, IL
Plas Tool Co	Niles, IL
Plastic Mold Technology Inc	Grand Rapids, MI
Plastipak Packaging, Inc	Medina, OH
Plating Technology, Inc	Columbus, OH
Pleasant Precision, Inc	Kenton, OH
Plesh Industries, Inc	Buffalo, NY
Pocal Industries Inc	Scranton, PA
Pol-Tek Industries, Ltd	Cheektowaga, NY
Polynetics, Inc	Fullerton, CA
Polytec Products Corporation	Menlo Park, CA
Ponderosa Industries, Inc	Denver, CO
Popp Machine & Tool, Inc	Louisville, KY
Port City Machine & Tool Company	Muskegon Heights, MI
Portage Knife Company, Inc	Mogadore, OH
Post Products, Inc	Kent, OH
Powder Metallurgy Company	Lewisville, TX
Powers Bros. Machine, Inc	Montebello, CA
Powill Manufacturing & Engineering, Inc	Phoenix, AZ
PQ Enterprise, L.L.C.	Grand Rapids, MI
Practical Machine Company	Barberton, OH
Pre Tech Manufacturing	Schaumburg, IL
Pre-Mec Corporation	Clinton Township, MI
Precise Products Corporation	Minneapolis, MN
Precise Technologies Inc	Largo, FL
Precise Tool & Die, Inc	Leechburg, PA
Precision Aircraft Components	Dayton, OH
Precision Aircraft Machining	Sun Valley, CA
Precision Automated Machining	Englewood, CO
Precision Automation Co., Inc	Clarksville, IN
Precision Balancing & Analyzing	Mentor, OH
Precision Boring Company	Detroit, MI
Precision Deburring Enterprises	Sun Valley, CA
Precision Die & Stamping Inc	Tempe, AZ
Precision Engineering, Inc	Uxbridge, MA
Precision Engineering & Mfg. Co	Haymarket, VA
Precision Gage & Tool Company	Dayton, OH
Precision Gage, Inc	Tempe, AZ
Precision Grinding & Mfg. Corp	Rochester, NY
Precision Grinding, Inc	Birmingham, AL
Precision Grinding Inc	Phoenix, AZ
Precision Identity Corporation	Campbell, CA
Precision Industries, Inc	Providence, RI
Precision Industries, Inc	Baton Rouge, LA
Precision Machine & Instrument	Houston, TX
Precision Machine & Tool Co	Longview, TX
Precision Machine & Engineering	Phoenix, AZ
Precision Machine Rebuilding	Rogers, MN
Precision Machine Company	Lancaster, PA
Precision Manufacturing	Grand Junction, CO
Precision Metal Crafters, Ltd	Greensburg, PA
Precision Metal Fabrication	Dayton, OH
Precision Metal Tooling, Inc	San Leandro, CA
Precision Mold & Engineering	Warren, MI
Precision Mold Base Corporation	Tempe, AZ
Precision Mold Welding, Inc	Little Rock, AR
Precision Mold, Inc	Kent, WA
Precision Piece Parts Inc	Mishawaka, IN
Precision Products Inc	Greenwood, IN
Precision Resource	Huntington Beach, CA
Precision Resource Tool & Machine	Shelton, CT
Precision Resources	Hawthorne, CA
Precision Specialties	San Jose, CA
Precision Specialists, Inc	West Berlin, NJ
Precision Stamping & Tool, Inc	Irvine, CA
Precision Stamping, Inc	Farmers Branch, TX
Precision Technology, Inc	Chandler, AZ
Precision Tool & Die, Inc	Derry, NH
Precision Tool Work, Inc	New Iberia, LA
Precision Tool & Mold, Inc	Clearwater, FL
Precision Wire EDM Service Inc	Grand Rapids, MI
Precision Wire Cut Corporation	Waterbury, CT
Preferred Grinding Co., Inc	Dallas, TX
Preferred Tool & Die Co., Inc	Comstock Park, MI

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Preferred Tool Company, Inc	Seymour, IN
Prescott Aerospace, Inc	Prescott Valley, AZ
Pressco Products	Kent, WA
Prestige Mold Incorporated	Rancho Cucamonga, CA
Price Products, Inc	Escondido, CA
Pride	Champlin, MN
Prima Die Castings, Inc	Clearwater, FL
Prime-Co Tool Inc	East Rochester, NY
Primeway Tool & Engineering Co	Madison Heights, MI
Pro-Tech Machine, Inc	Burton, MI
Pro-Mold, Inc	Spencerport, NY
Process Equipment Company	Tipp City, OH
Product Engineering Company	Columbus, IN
Production Saw Works, Inc	North Hollywood, CA
Production Tool & Mfg. Co	Portland, OR
Producto Machine Company	Bridgeport, CT
Professional Grinding, Inc	Akron, OH
Professional Instruments Co., Inc	Hopkins, MN
Professional Machine & Tool, Inc	Valley Center, KS
Professional Machine & Tool Co	Gallatin, TN
Proficient Machining Co., Inc	Mentor, OH
Profile Grinding, Inc	Cleveland, OH
Proformance Manufacturing, Inc	Corona, CA
Progressive Concepts Machining	Pleasanton, CA
Progressive Metallizing & Machine Company, Inc	Akron, OH
Progressive Tool Company	Waterloo, IA
Progressive Tool & Die, Inc	Meadville, PA
Progressive Tool & Die, Inc	Gardena, CA
Promax Tool Co	Rancho Cordova, CA
ProMold, Inc	Cuyahoga Falls, OH
Prompt Machine Products, Inc	Chatsworth, CA
Proper Cutter, Inc	Guys Mills, PA
Proper Mold & Engineering, Inc	Center Line, MI
Proteus Manufacturing Co., Inc	Woburn, MA
Proto-Design, Inc	Redmond, WA
Proto Machine & Manufacturing	Kent, OH
Proto-Cam, Inc	Grand Rapids, MI
Protonics Engineering Corp	Cerritos, CA
Prototype & Plastic Mold Co	Middletown, CT
Puehler Tool Company	Valley View, OH
Pulibrite, Inc	Fremont, CA
Punch Press Products, Inc	Los Angeles, CA
Punchcraft Company—Subsidiary of MascoTech, Inc	Warren, MI
Q K Mold & Manufacturing, Inc	Kent, OH
Q M C Technologies, Inc	Depew, NY
Qualfab Machining	Redwood City, CA
Quality Centerless Grinding Corp	Middlefield, CT
Quality Engineering Services	Wallingford, CT
Quality Grinding & Machining	Bridgeport, CT
Quality Machine Engineering, Inc	Santa Rosa, CA
Quality Machining Technology, Inc	Oakdale, CA
Quality Mold & Die, Inc	Santa Ana, CA
Quality Mold & Engineering	Baroda, MI
Quality Mold Shop, Inc	McMinnville, TN
Quality Precision, Inc	Hayward, CA
Quality Tool Company	Toledo, OH
Quantum Manufacturing, Inc	Burbank, CA
Quick-Way Stampings	Euless, TX
R & D Machine Shop	Dallas, TX
R & D Specialty/Manco	Phoenix, AZ
R & D Tool & Engineering	Lee's Summit, MO
R & G Precision Tool Inc	Thomaston, CT
R & H Manufacturing Inc	Kingston, PA
R & J Tool, Inc	Brookville, OH
R & M Machine Tool	Freeland, MI
R & M Manufacturing Company	Niles, MI
R & M Mold Manufacturing Co	Bloomsbury, NJ
R & R Precision Machine, Inc	Wichita, KS
R & S EDM, Inc	W. Springfield, MA
R & S Machining, Inc	Oakville, MO
RB Machine Co., Inc	Phoenix, AZ
R D C Machine, Inc	Santa Clara, CA
R Davis EDM	Anaheim, CA
R E F Machine Company, Inc	Middlefield, CT

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

REO Hydro-Pierce Inc	Detroit, MI
R G F Machining Technologies	Canon City, CO
R J S Corporation	Akron, OH
R M I	Van Nuys, CA
R O C Carbon Company	Houston, TX
R S Precision Industries, Inc	Farmingdale, NY
R T R Slotting & Machine Inc	Cuyahoga Falls, OH
RTS Wright Industries, Inc	Nashville, TN
R W Machine, Inc	Houston, TX
R. W. Smith Company, Inc	Dallas, TX
R. Radtke & Sons, Inc	Round Lake Park, IL
Rainbow Tool & Machine Co., Inc	Gadsden, AL
Rabid Corporation	Reisterstown, MD
Ram Tool, Inc	Grafton, WI
Ranger Tool & Die Company	Saginaw, MI
Rapid-Line Inc	Grand Rapids, MI
Rapidac Machine Corporation	Rochester, NY
Ratnik Industries, Inc	Victor, NY
Rawlings Engineering	Macon, GA
Ray Paradis Machine, Inc	Jackson, CA
Re-Del Engineering	Campbell, CA
Realco Diversified, Inc	Meadville, PA
Reardon Machine Co., Inc	St. Joseph, MO
Reber Machine & Tool Company	Muncie, IN
Rectack of America	Los Angeles, CA
Reed Instrument Company	Houston, TX
Reese Machine Company, Inc	Ashtabula, OH
Reichert Stamping Company	Toledo, OH
Reid Industries, Inc	Roseville, MI
Reitz Tool & Die Company, Inc	Walbridge, OH
Reitz Tool, Inc	Cochranton, PA
Reliable EDM, Inc	Houston, TX
Remarc Manufacturing Inc	Hayward, CA
Remmele Engineering, Inc	St. Paul, MN
Remtex, Inc	Longview, TX
Reny & Company Inc	El Monte, CA
Repairtech International, Inc	Van Nuys, CA
Repko Tool Inc	Meadville, PA
Republic Industries	Louisville, KY
Republic-Lagun	Carson, CA
Research Tool Inc	East Haven, CT
Reuther Mold & Manufacturing Co	Cuyahoga Falls, OH
Reynolds Manufacturing Co., Inc	Rock Island, IL
Rhode Island Centerless, Inc	Johnston, RI
Rich Tool & Die Company	Scarborough, ME
Richard Manufacturing Company	Milford, CT
Richard O. Schulz Company	Elmwood Park, IL
Richard Tool & Die Corporation	New Hudson, MI
Richard's Grinding, Inc	Cleveland, OH
Richards Machine Tool Company	Lancaster, NY
Richsal Corporation	Elyria, OH
Rick Sanford Machine Company	San Leandro, CA
Rid-Lom Precision Tool Corp	Rochester, NY
Ridge Machine & Welding Company	Toronto, OH
Riggins Engineering, Inc	Van Nuys, CA
Right Tool & Die, Inc	Toledo, OH
Rima Enterprises	Huntington Beach, CA
Rite-Way Industries Inc	Louisville, KY
Riverview Machine Company, Inc	Holyoke, MA
Riviera Tool Company	Grand Rapids, MI
Robert C. Reetz Company, Inc	Pawtucket, RI
Roberts Aerospace Mfg. & Eng	Gardena, CA
Roberts Tool & Die Company	Chillicothe, MO
Roberts Tool Company, Inc	Northridge, CA
Robrad Tool & Engineering	Mesa, AZ
Rochester Gear, Inc	Rochester, NY
Rochester Manufacturing	Wellington, OH
Rockburl Industries Inc	Rochester, NY
Rockford Process Control, Inc	Rockford, IL
Rockford Tool & Manufacturing	Rockford, IL
Rockford Toolcraft, Inc	Rockford, IL
Rockhill Machining Industries	Barberton, OH
Rockstedt Tool & Die	Brunswick, OH
Rocon Manufacturing Corporation	Rochester, NY

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Rogers Associates Machine Tool	Rochester, NY
Romac Electronics, Inc	Plainview, NY
Romold Inc	Rochester, NY
Ron Grob Company	Loveland, CO
Ronart Industries, Inc	Detroit, MI
Ronlen Industries, Inc	Brunswick, OH
Rons Racing Products, Inc	Tucson, AZ
Royal Wire Products, Inc	N. Royalton, OH
Royalton Manufacturing, Inc	Cleveland, OH
Royster's Machine Shop, LLC	Henderson, KY
Rozal Industries, Inc	Farmingdale, NY
RREN Manufacturing & Engineering	Springfield, MA
Rubbermaid, Inc.—Mold Division	Wooster, OH
Ruoff & Sons, Inc	Runnemede, NJ
Ruesing Machining Corp	Glendale, CA
Ryan Industries Inc	York, PA
S & B Tool & Die Co., Inc	Lancaster, PA
S & R CNC Machining	Arleta, CA
S & R Precision Company, LLC	Fremont, CA
S & S Precision Company, LLC	San Jose, CA
S. C. Machine	Chatsworth, CA
S C Manufacturing	Akron, OH
S D S Machine, Inc	Hayward, CA
S G S Tool Company	Munroe Falls, OH
S L P Machine, Inc	Ham Lake, MN
S M K Fabricators, Inc	May, TX
S P M/Anaheim	Anaheim, CA
S P S Technologies	Santa Ana, CA
Saeibo Manufacturing Industries	Blauvelt, NY
Sage Machine & Fabricating	Houston, TX
Sagehill Engineering, Inc	Menlo Park, CA
Saginaw Products Corporation	Saginaw, MI
Salomon Smith Barney	Washington, DC
Samax Precision, Inc	Sunnyvale, CA
San Diego Swiss Machining, Inc	Chula Vista, CA
Sanders Tool & Mould Company	Hendersonville, TN
Sandor Tool & Manufacturing Co	Lawrence, MA
Sandy Bay Machine	Rockport, MA
Santin Engineering, Inc	West Peabody, MA
Sattler Machine Products, Inc	Sharon Center, OH
Sawing Services Co	Chatsworth, CA
Sawtech	Lawrence, MA
Schaffer Grinding Company, Inc	Montebello, CA
Schill Corp	Toledo, OH
Schlitter Tool	Warren, MI
Schmald Tool & Die Inc	Burton, MI
Schmiede Corporation	Tullahoma, TN
Schneider & Marguard, Inc	Newton, NJ
Schober's Machine & Engineering	Alhambra, CA
Scholtz Engineering, Inc	Waterloo, IA
Schroeder Tool & Die Corporation	Van Nuys, CA
Schuetz Tool & Die, Inc	Hiawatha, KS
Schulze Tool Company	Independence, MO
Schwab Machine, Inc	Sandusky, OH
Schwartz Industries, Inc	Warren, MI
Scott County Machine & Tool Co	Scottsburg, IN
Seabury & Smith, Inc	Miami, FL
Sebewaing Tool & Engineering Co	Sebewaing, MI
Seemcor Inc	Englewood, NJ
Albert Seisler Machine Corp	Mohnton, PA
Select Industrial Systems Inc	Fairborn, OH
Select Tool & Eng., Inc	Elkhart, IN
Select Tool & Die—Tool Div	Dayton, OH
SelfLube	Coopersville, MI
Selzer Tool & Die, Inc	Elyria, OH
Sematool Mold & Die Co	Santa Clara, CA
Serrano Industries Inc	Santa Fe Springs, CA
Service Manufacturing and	Anaheim, CA
Service Tool & Die, Inc	Henderson, KY
Setters Tools, Inc	Piedmont, SC
Sharon Center Mold & Die	Sharon Center, OH
Shaw Industries, Inc	Franklin, PA
Shear Tool, Inc	Saginaw, MI
Sheets Tool & Manufacturing, Inc	Saegertown, PA

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Shelby Engineering Company, Inc	Indianapolis, IN
Sherer Manufacturing	Clearwater, FL
Sherlock Machine Company	Clearwater, FL
The Sherman Corporation	Inglewood, CA
Sherman Tool & Gage	Erie, PA
Shiloh Industries	Wellington, OH
Shookus Special Tools, Inc	Raymond, NH
Shop Tech Industrial Software Corp	Rocky Hill, CT
Sibley Machine & Foundry Corp	South Bend, IN
Sieger Engineering, Inc	S. San Francisco, CA
Sigma Precision Mfg., Inc	Aston, PA
Signa Molds & Engineering	Sylmar, CA
Signal Machine Company	New Holland, PA
Silicon Valley Mfg	Fremont, CA
Sipco, Inc	Meadville, PA
Sirius Enterprises, Inc	Dallas, TX
Six Sigma	Louisville, KY
Ski-Way Machine Products Company	Euclid, OH
Skillcraft Machine Tool Company	West Hartford, CT
Skulsky, Inc	Gardena, CA
Skyfab, Inc	Denton, TX
Skyline Manufacturing Corp	Nashville, TN
Skylon Mold & Machining	Sugar Grove, PA
Skyway Manufacturing Corporation	Phoenix, AZ
Smith-Renaud, Inc	Cheshire, CT
Smith's Machine	Cottondale, AL
Smithfield Manufacturing, Inc	Clarksville, TN
Snyder Systems	Benicia, CA
Solar Tool & Die, Inc	Kansas City, MO
Sonic Machine & Tool, Inc	Tempe, AZ
Sonoma Precision Mfg. Co	Santa Rosa, CA
Sonora Precision Molds, Inc	Mi Wuk Village, CA
South Bay Machining	Santa Clara, CA
South Bend Form Tool Company	South Bend, IN
South Eastern Machining, Inc	Piedmont, SC
Southampton Manufacturing, Inc	Feasterville, PA
Southeastern Technology, Inc	Murfreesboro, TN
Southern Mfg. Technologies Inc	Tampa, FL
Southwest Industrial Services	Ft. Worth, TX
Southwest Manufacturing, Inc	Wichita, KS
Southwest Metalcraft Corporation	Tucson, AZ
Southwest Mold, Inc	Tempe, AZ
Space City Machine & Tool Co	Houston, TX
Spalding & Day Tool & Die Co	Louisville, KY
Spark Technologies, Inc	Schenley, PA
Spartak Products Inc	Houston, TX
Spartan Manufacturing Company	Garden Grove, CA
Specialty Machine & Hydraulics	Pleasantville, PA
Spenco Machine & Manufacturing	Temecula, CA
Spike Industries	North Lima, OH
Spin Pro Inc	Sunnyvale, CA
Spiral Grinding Company	Culver City, CA
Spirex Southwest	Gainesville, TX
Springfield Tool & Die, Inc	Greenville, SC
Sprint Tool & Die Inc	Meadville, PA
Spun Metals, Inc	Phoenix, AZ
St. Louis Tool & Mold	Valley Park, MO
Stadco	Los Angeles, CA
Standard Jig Boring Service, Inc	Akron, OH
Standard Machine Inc	Cleveland, OH
Standard Welding & Steel	Medina, OH
Stanek Tool Corporation	New Berlin, WI
Stanley Machining & Tool Corp	Carpentersville, IL
Star Tool & Die, Inc	Elkhart, IN
Star Tool & Engineering, Inc	Redwood City, CA
Starn Tool & Manufacturing Co	Meadville, PA
State Industrial Products, Inc	Phoenix, AZ
Stauble Machine & Tool Company	Louisville, KY
Stelted Manufacturing, Inc	Tempe, AZ
Sterling Engineering Corporation	Winsted, CT
Sterling Tool Company	Racine, WI
Stevens Manufacturing Co., Inc	Milford, CT
Stewart Manufacturing Company	Phoenix, AZ
Stieg Grinding Corporation	Rockford, IL

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Stillion Industries	Ann Arbor, MI
Stillwater Technologies, Inc	Troy, OH
Stines' Machine, Inc	Vista, CA
Ralph Stockton Valve Products	Houston, TX
Stoney Crest Regrind Service	Bridgeport, MI
Strobel Machine, Inc	Worthington, PA
Studwell Engineering, Inc	Sun Valley, CA
Subsea Ventures Inc	Houston, TX
Suburban Manufacturing Company	Euclid, OH
The Sullivan Corporation	Hartland, WI
Summit Machine Company	Scottdale, PA
Summit Precision, Inc	Phoenix, AZ
Sun Polishing Corporation	North Royalton, OH
Sun Tool Company	Houston, TX
Sun Valley Tool, Inc	Tempe, AZ
Sunbelt Plastics, Inc	Frisco, TX
Sunrise Tool & Die, Inc	Henderson, KY
Sunset Tool Inc	Saint Joseph, MI
Super Finishers II	Phoenix, AZ
Superior Die Set Corporation	Oak Creek, WI
Superior Die Tool Machine Co	Columbus, OH
Superior Gear Box Company	Stockton, MO
Superior Jig, Inc	Anaheim, CA
Superior Mold Company	Ontario, CA
Superior Mold, Inc	Clearwater, FL
Superior Roll Forming Company	Valley City, OH
Superior Thread Rolling Company Inc	Arleta, CA
Superior Tool & Die Company	Bensalem, PA
Superior Tool & Die Company, Inc	Elkhart, IN
Superior Tool, Inc	Willow Street, PA
Supreme Tool & Die Company	Fenton, MO
Surface Manufacturing	Auburn, CA
Svedala Pumps & Process	Colorado Springs, CO
Swiss Wire E D M	Costa Mesa, CA
Swissco, Inc	Bell Gardens, CA
Synergis Technologies Group	Grand Rapids, MI
Synergy Machine, Inc	Kent, WA
Syst-A-Matic Tool & Design	Meadville, PA
Systems 3, Inc	Tempe, AZ
T & S Industrial Machining Corp	Woburn, MA
TCI Aluminum North	Hayward, CA
T C I Precision Metals	Gardena, CA
T J Tool and Mold	Guys Mills, PA
T–K & Associates, Inc	La Porte, IN
T M Industries, Inc	East Berlin, CT
T M Machine & Tool, Inc	Toledo, OH
T M S Inc	Lincoln, RI
T–M Manufacturing Corporation	Sunnyvale, CA
TAE Corporation	Kent, WA
Tag Engineering, Inc	Tucson, AZ
Tait Design & Machine Company Inc	Manheim, PA
Talbar, Inc	Meadville, PA
Talcott Machine Products, Inc	Meriden, CT
Talent Tool & Die, Inc	Berea, OH
Tana Corporation	Toledo, OH
Tangent Tool Inc	Fraser, MI
Tanner Oil Tools Inc	Houston, TX
Tapco USA Inc	Loves Park, IL
Taurus Tool & Engineering, Inc	Muncie, IN
Tebben Enterprises	Clara City, MN
Tech-Etch, Inc	Plymouth, MA
Tech Industries, Inc	Cleveland, OH
Tech Manufacturing Company	Wright City, MO
Tech Mold, Inc	Tempe, AZ
Tech Ridge, Inc	South Chelmsford, MA
Tech Tool & Mold, Inc	Meadville, PA
Tech Tool and Machine Inc	Toledo, OH
Tech Tool, Inc	Detroit, MI
Tech-Machine, Inc	Colorado Springs, CO
Techmetals, Inc	Dayton, OH
Techni-Cast Corporation	South Gate, CA
Techni-Products, Inc	East Longmeadow, MA
Technics 2000 Inc	Olathe, KS
Technodic, Inc	Providence, RI

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

TecoMetrix, LLC	Tempe, AZ
Tedco, Inc	Cranston, RI
Teke Machine Corp	Rochester, NY
Tell Tool, Inc	Westfield, MA
Temco Corporation	Danvers, MA
Tenk Machine & Tool Company	Cleveland, OH
Tennessee Metal Works, Inc	Nashville, TN.
Tennessee Tool Corporation	Charlotte, TN
Terrell Manufacturing Inc	Strongsville, OH
Testand Corporation	Pawtucket, RI
Tetco, Inc	Plainville, CT
Teter Tool & Die, Inc	La Porte, IN
Texas Honing, Inc	Pearland, TX
Thaler Machine Company	Dayton, OH
The Goforth Corp	Fremont, CA
Therm, Inc	Ithaca, NY
Thiel Tool & Engineering Co	St. Louis, MO
Thomas Machine Works, Inc	Newburyport, MA
Pleasanton Tool and Manufacturing	Pleasanton, CA
Thompson Gundrilling, Inc	Van Nuys, CA
Thor Tool Corporation	San Leandro, CA
Thornhurst Manufacturing, Inc	Tampa, FL
Three-Way Pattern, Inc	Wichita, KS
Time Machine & Stamping, Inc	Phoenix, AZ
The Timken Company	Canton, OH
Timon Tool & Die Co	Toledo, OH
Tipco Punch, Inc	Hamilton, OH
Tipp Machine & Tool, Inc	Tipp City, OH
Tisza Industries, Inc	Niles, MI
Titan, Inc	Sturtevant, WI
TLT-Babcock, Inc	Akron, OH
TMK Manufacturing Inc	Campbell, CA
Toledo Blank, Inc	Toledo, OH
Toledo Molding & Die, Inc	Toledo, OH
Tolerance Masters, Inc	Circle Pines, MN
Tomak Precision	Lebanon, OH
TomKen Tool & Engineering, Inc	Muncie, IN
Tool Gauge & Machine Works, Inc	Tacoma, WA
Tool Mate Corporation	Cincinnati, OH
Tool Specialties Company	Hazelwood, MO
Tool Specialty Company	Los Angeles, CA
Tool Steel Service of California, Inc	Los Angeles, CA
Tool Tech Corporation	San Jose, CA
Tool Tech, Inc	Springfield, OH
Tool Technology, Inc	Danvers, MA
Tool Technology, Inc	Cookeville, TN
Tool-Matic Company, Inc	City Of Commerce, CA
Toolcomp Tooling & Components	Toledo, OH
Toolcraft of Phoenix, Inc	Glendale, AZ
Toolcraft Products, Inc	Dayton, OH
Toolex, Inc	Houston, TX
Tools, Inc	Sussex, WI
Tools Renewal Company	Birmingham, AL
Top Tool & Die, Inc	Cleveland, OH
Top Tool Company	Minneapolis, MN
Totally Radical Associates, Inc	Placentia, CA
Toth Industries, Inc	Toledo, OH
Toth Technologies	Cherry Hill, NJ
Tower Tool & Engineering, Inc	Machesney Park, IL
Trace-A-Matic Corporation	Brookfield, WI
Tracer Tool & Die Company Inc	Grand Rapids, MI
Trademark Die & Engineering	Belmont, MI
Tram Tek Inc	Phoenix, AZ
Trans-World Electric Inc	Port Arthur, TX
Treblig, Inc	Greenville, SC
Trec Industries, Inc	Brooklyn Heights, OH
Tree City Mold & Machine Co., Inc	Kent, OH
Treffers Precision, Inc	Phoenix, AZ
Tresco Tool, Inc	Guys Mills, PA
Tri Craft, Inc	Middleberg Heights, OH
Tri J Machine Company, Inc	Gardena, CA
Tri-City Machine Products, Inc	Peoria, IL
Tri-City Tool & Die, Inc	Bay City, MI
Tri-M-Mold, Inc	Stevensville, MI

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

Tn-Wire, Inc	Rockford, IL
Triad Plastic Technologies	Reno, NV
Triangle Mold & Machine Co. Inc	Hartville, OH
Triangle Tool Company	Erie, PA
Tricon Machine & Tool, Inc	Rochester, NY
Tricore Mold & Die	Machesney Park, IL
Tridecs Corporation	Hayward, CA
Trident Precision Manufacturing	Webster, NY
Trig Aerospace	Santa Ana, CA
Trimac Manufacturing, Inc	Santa Clara, CA
Trimetric Specialties, Inc	Newark, CA
Trimline Tool, Inc	Grandville, MI
Trinity Tools, Inc	North Tonawanda, NY
Trio Tool & Die, Inc	Hawthorne, CA
Triple Quality Tool & Die, Inc	Bell, CA
Triple-T Cutting Tools Inc	West Berlin, NJ
Triplett Machine, Inc	Phelps, NY
Triumph Precision, Inc	Phoenix, AZ
Trojan Mfg. Co. Inc	Piqua, OH
Trotwood Corporation	Trotwood, OH
Tru Cut, Inc	Sebring, OH
Tru Form Manufacturing Corp	Rochester, NY
Tru Tool, Inc	Sturtevant, WI
True Cut EDM Inc	Garland, TX
True Position, Inc	Chatsworth, CA
True-Tech Corporation	Fremont, CA
Trueline Tool & Machine, Inc	Springfield, OH
Trust Technologies	Willoughby, OH
Trutron Corporation	Troy, MI
Tschida Engineering, Inc	Napa, CA
Tucker Machine Company	North Branford, CT
Turbo Machine & Tool, Inc	Cleveland, OH
Turn-Tech, Inc	Decker Prairie, TX
Turner and Walima Mfg. Co., Inc	Essex, MA
Turner's Machine Shop	Phoenix, AZ
Twin City Plating Company	Minneapolis, MN
Two-M Precision Co., Inc	Willoughby, OH
Tymar Precision Inc	Santa Clara, CA
U C O Tool & Die, Inc	Union City, OH
U F E Incorporated	Stillwater, MN
U M C, Inc	Hamel, MN
U P Machine & Engineering Co.	Powers, MI
USAeroteam	Dayton, OH
U S Machine & Tool, Inc	Murfreesboro, TN
Uddeholm	Santa Fe Springs, CA
Ugm, Inc	Santa Clara, CA
Ultra Precision, Inc	Freeport, PA
Ultra Stamping & Assembly, Inc	Rockford, IL
Ultra Tool & Manufacturing, Inc	Menomonee Falls, WI
Ultra-Tech, Inc	Kansas City, KS
Ultramation, Inc	Waco, TX
Ultron	Long Beach, CA
Uneco Manufacturing, Inc	Chicopee, MA
Unigraphics Solutions	Brookfield, WI
Unique Machine Company	Montgomeryville, PA
Unique Tool & Manufacturing	Randleman, NC
Unitech, Inc	Kansas City, MO
United Centerless Grinding	East Hartford, CT
United Engineering Company	Kernersville, NC
United Machine Co., Inc	Wichita, KS
The United Plastics Group, Inc	Ludlow, MA
United States Fittings, Inc	Warrensville Heights, OH
United Tool & Engineering Co.	South Beloit, IL
United Tool & Engineering, Inc	Mishawaka, IN
United Tool & Mold Inc	Holland, MI
Universal Brixius Inc	Milwaukee, WI
Universal Custom Process, Inc	Streetsboro, OH
Universal Precision Products Inc	Akron, OH
Universal Tool Company	Dayton, OH
Universal Tools & Manufacturing	Springfield, NJ
Universe Industries	Irvine, CA
Upland Fab, Inc	Ontario, CA
V & M Tool Company, Inc	Perkasie, PA
V & S Die & Mold, Inc	Lakewood, OH

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

V A Machine & Tools, Inc	Broussard, LA
V Ash Machine Company	Cleveland, OH
V I Mfg.	Webster, NY
V P C, Inc	Berea, OH
Valley Machine Works, Inc	Phoenix, AZ
Valley Tool & Die, Inc	North Royalton, OH
Valley Tool Room, Inc	Phoenix, AZ
Valv-Trol Company	Stow, OH
Van Engineering	Cincinnati, OH
Van Os Machine Works, Inc	St. Louis, MO
Van Reenen Tool & Die Inc	Rochester, NY
Van-Am Tool & Engineering, Inc	St. Joseph, MO
Vanderveer Industrial Plastics	Placentia, CA
Vanpro, Inc	Cambridge, MN
Vaughn Manufacturing Company	Nashville, TN
Vektek, Inc	Emporia, KS
Venango Machine Products, Inc	Reno, PA
Venture Precision Machining Co	Champaign, IL
Venture Tool, Inc	Erie, PA
Ver-Sa-Til Associates, Inc	Chanhassen, MN
VersaTool & Die Machining	Beloit, WI
Vi-Tec Manufacturing Inc	Livermore, CA
Viking Tool & Engineering	Whitehall, MI
Viking Tool & Gage, Inc	Conneaut Lake, PA
Vistek Precision Machine Company	Ivyland, PA
Vitron Manufacturing, Inc	Phoenix, AZ
Vitullo & Associates, Inc	Warren, MI
Vobeda Machine & Tool Company	Racine, WI
Vulcan Tool Corporation	Dayton, OH
W + D Machinery Company, Inc	Overland Park, KS
W & H Stampings & Fineblanking, Inc	Hauppauge, NY
W D & J Machine & Engineering Inc	Fullerton, CA
W E C Technologies Corporation	Amityville, NY
W G Strohwig Tool & Die, Inc	Richfield, WI
WSI Industries, Inc	Minneapolis, MN
W W G, Inc	Indianapolis, IN
WADKO Precision, Inc	Houston, TX
Wagner Engineering, Inc	Gilbert, AZ
Waiteco Machine	Acton, MA
Wajo Tool and Die, Inc	East Hampstead, NH
Walker Corporation	Ontario, CA
Walker Tool & Machine Company	Perrysburg, OH
Wallner Tooling/Expac, Inc	Rancho Cucamonga, CA
Waltco Engineering, Inc	Gardena, CA
Walter Tool & Mfg. Inc	Elgin, IL
Walter Waukesha, Inc	Waukesha, WI
Walz & Krenzer, Inc	Rochester, NY
Warmelin Precision Products	Hawthorne, CA
Waukesha Tool & Stamping Inc	Sussex, WI
Wausau Insurance Companies	Wausau, WI
Wayne Manufacturing, Inc	Boulder, CO
Webco Machine Products, Inc	Valley View, OH
Weco Metal Products	Ontario, NY
Weiss-Aug Co. Inc	East Hanover, NJ
Wejco Instruments Inc	Houston, TX
George Welsch & Son Company	Cleveland, OH
Weltek-Swiss	Englewood, CO
Wemco Precision Tool, Inc	Meadville, PA
Wentworth Company	Glastonbury, CT
Werkema Machine Company, Inc	Grand Rapids, MI
Wes Products	Madison Heights, MI
West Hartford Tool & Die Company	Newington, CT
West Pharmaceutical Services	Erie, PA
West Tool & Manufacturing, Inc	Cleveland, OH
West Valley Milling, Inc	Chatsworth, CA
West Valley Precision Inc	Santa Clara, CA
Westbrook Manufacturing, Inc	Dayton, OH
Western Mass. MechTech, Inc	Ware, MA
Western Steel Cutting, Inc	San Jose, CA
Western Tap Manufacturing Co	Buena Park, CA
Westfield Gage Company, Inc	Westfield, MA
Westfield Tool & Die, Inc	Westfield, MA
Westlake Tool & Die Mfg.	Avon, OH
Westtool Inc	Phoenix, AZ

NTMA CERTIFICATE MEMBER LIST APPLICATION 88–4A012—Continued

White Machine, Inc	North Kingstown, RI
White Machine, Inc	North Royalton, OH
Whitehead Tool & Design, Inc	Guys Mills, PA
Wiegel Tool Works, Inc	Wood Dale, IL
Wightman Engineering Services	Santa Clara, CA
Wilco Die Tool Machine Company	Maryland Heights, MO
Wilkinson Mfg., Inc	Santa Clara, CA
The Will-Burt Company	Orrville, OH
Willer Tool Corporation	Jackson, WI
William Sopko & Sons Co., Inc	Cleveland, OH
Williams Engineering &	Chatsworth, CA
Williams Machine, Inc	Lake Elsinore, CA
Windsor Tool & Die, Inc	Cleveland, OH
Winter's Grinding Service	Menomonee Falls, WI
Wire Cut Company, Inc	Buena Park, CA
Wire Tech E D M, Inc	Los Alamitos, CA
WireCut E D M, Inc	Dallas, TX
Wirecut Technologies Inc	Indianapolis, IN
Wiretec, Inc	Delmont, PA
Wisconsin Engraving Company/	New Berlin, WI
Wisconsin Metalworking Machinery	Waukesha, WI
Wisconsin Mold Builders, LLC	Waukesha, WI
Wise Machine Co., Inc	Butler, PA
Wolfe Engineering, Inc	Campbell, CA
Wolverine Bronze Company	Roseville, MI
Wolverine Tool & Engineering	Belmont, MI
Wolverine Tool Company	St. Clair Shores, MI
Woodruff Corporation	Torrance, CA
Wright Brothers Welding & Sheet Metal, Inc	Hollister, CA
Wright Industries, Inc	Gilbert, AZ
Wright-K Technology, Inc	Saginaw, MI
X L I Corporation	Rochester, NY
Yates Tool, Inc	Medina, OH
Yoder Die Casting Corporation	Dayton, OH
Youngberg Industries, Inc	Belvidere, IL
Youngers and Sons Manufacturing	Viola, KS
Youngstown Plastic Tooling & Machine, Inc	Youngstown, OH
Z & Z Machine Products Inc	Racine, WI
Z M D Mold & Die Inc	Mentor, OH
Zip Tool & Die Co., Inc	Cleveland, OH
Zircon Precision Products, Inc	Tempe, AZ
Zuelzke Tool & Engineering	Milwaukee, WI

[FR Doc. 01–4373 Filed 2–26–01; 8:45 am]
BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of revocation of Export Trade Certificate of Review No. 83–00024.

SUMMARY: The Secretary of Commerce issued an export trade certificate of review to U.S. Export & Trading Company. Because this certificate holder has failed to file an annual report as required by law, the Secretary is revoking the certificate. This notice summarizes the notification letter sent to U.S. Export & Trading Company.

FOR FURTHER INFORMATION CONTACT: Vanessa Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202/482–5131 (this is not a toll-free number) or at E-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97–290, 15 U.S.C. 4011–21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III ("the Regulations") are found at 15 CFR part 325 (2000). Pursuant to this authority, a certificate of review was issued on December 23, 1983 to U.S. Export & Trading Company.

A certificate holder is required by law to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate (Section 308 of the Act, 15 U.S.C. 4018, section 235.14(a) of the Regulations, 15 CFR 325.14(a)). The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (Sections 325.14(b) of the Regulations, 15 CFR 325.14(b)). Failure to submit a complete annual report may be the basis for revocation (Sections 325.10(a) and 325.14(c) of the Regulations, 15 CFR 325.10(a)(3) and 325.14(c)).

On December 13, 1999, the Department of Commerce sent to U.S. Export & Trading Company a letter containing annual report questions with a reminder that its annual report was due on February 6, 2000. Additional reminders were sent on May 2, 2000 and on July 19, 2000. The Department has received no written response from U.S. Export & Trading Company to any of these letters.

On November 17, 2000, and in accordance with section 325.10(c)(2) of the Regulations (15 CFR 325.10(c)(2)), the Department of Commerce sent a letter by certified mail to notify U.S. Export & Trading Company that the Department was formally initiating the process to revoke its certificate for failure to file an annual report. In addition, a summary of this letter allowing U.S. Export & Trading Company thirty days to respond was published in the **Federal Register** (65 FR 77346) on December 11, 2000. Pursuant to section 325.10(c)(2) of the Regulations (15 CFR 325.10(c)(2)), the Department considers the failure of U.S. Export & Trading Company to respond to be an admission of the statements contained in the notification letter..

The Department has determined to revoke the certificate issued to U.S. Export & Trading Company for its failure to file an annual report. The Department has sent a letter, dated February 21, 2001, to notify U.S. Export & Trading Company of its determination. The revocation is effective thirty (30) days from the date of publication of this notice. Any person aggrieved by this decision may appeal to an appropriate U.S. district court within 30 days from the date on which this notice is published in the **Federal Register** sections 325.10(c)(4) and 325.11 of the Regulations, 15 CFR 324.10(c)(4) and 325.11 of the Regulations, 15 CFR 325.10(c)(4) and 325.11).

Dated: February 21, 2001.

Vanessa Bachman,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 01–4708 Filed 2–26–01; 8:45 am]
BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

[I.D. 022001B]

Submission for OMB Review; Comment Request

SUMMARY: The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

SUPPLEMENTARY INFORMATION: *Agency:* National Oceanic and Atmospheric Administration (NOAA).

Title: NOAA Space-Based Data Collection System (DCS) Agreements.

Form Number(s): None.

OMB Approval Number: 0648–0157.

Type of Request: Regular submission.

Burden Hours: 440.

Number of Respondents: 390.

Average Hours Per Response: 3 hours for a GOES use agreement, 1 hour for an Argos use agreement.

Needs and Uses: NOAA operates two space-based data collection systems (DCS): the Geostationary Operational Environmental Satellite (GOES) DCS and the Argos DSC flown on polar-orbiting satellites. NOAA allows users access to the DCS if they meet certain criteria. Applicants must submit information to ensure they meet these criteria. NOAA does not approve agreements when commercial services are available that can fulfill users' requirements.

Affected Public: Not-for-profit institutions, business or other for-profit organizations, individuals, and state, local, or tribal government.

Frequency: 3–5 years.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Forms Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: February 15, 2001.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–4691 Filed 2–26–01; 8:45 am]
BILLING CODE 3510–HR–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022001E]

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Law Enforcement Advisory Panel (LEAP).

DATES: This meeting will be held on March 14, 2001, from 1 p.m. to 5 p.m.

ADDRESSES: This meeting will be held at the Holiday Inn Fort Brown, 1900 East Elizabeth, Brownsville, TX 78520; telephone: 956–546–2201.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Richard Leard, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The LEAP will convene to hear options papers for Amendment 10 to the Shrimp Fishery Management Plan (FMP) and Amendment 18 to the Reef Fish FMP. The Options Paper for Amendment 10 to the Shrimp FMP contains alternatives to address additional bycatch reduction from shrimp trawls used in the Exclusive Economic Zone (EEZ) off Florida, south and east of Cape San Blas (85°30' W. Longitude). Some of the alternatives being considered include additional or extended closed areas and/or seasons and requiring bycatch reduction devices. The Options Paper for Amendment 18 to the Reef Fish FMP contains options for a comprehensive management strategy for groupers and includes alternatives for effort management, gear allowances, size limits, bag limits, and adjustments to fishing seasons and areas, among others. The LEAP will also review a Draft Amendment for a Charter Vessel/Headboat Permit Moratorium that includes various alternatives to cap effort in the charter industry of the Gulf. The LEAP will also receive status reports of various FMPs, Amendments, and Regulatory Actions; state and federal enforcement reports; and consider adoption of a Cooperative Law Enforcement Operations Plan for 2001 that was developed by the LEAP and the Gulf States Marine Fisheries Commission's Law Enforcement Committee.

The LEAP consists of principal law enforcement officers in each of the Gulf states as well as NMFS, the U.S. Coast Guard, and NOAA General Counsel. A copy of the agenda and related materials can be obtained by calling the Council office at 813–228–2815.

Although other non-emergency issues not on the agendas may come before the LEAP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meetings. Actions of the LEAP will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the

Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by March 7, 2001.

Dated: February 20, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4695 Filed 2–26–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022001D]

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Habitat Committee and Habitat Advisory Panel will hold a public meeting.

DATES: The meeting will be held on Monday, March 12, 2001, from 10 a.m. until 5 p.m.

ADDRESSES: This meeting will be held at the Renaissance Philadelphia Hotel Airport, 500 Stevens Drive, Philadelphia, PA; telephone: 610–521–5900.

Council address: Mid-Atlantic Fishery Management Council, Room 2115, 300 S. New Street, Dover, DE 19904.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to initiate development of Council policy and guidelines for species fishery management plan (FMP) committees to draw upon to investigate the use of marine protected areas (MPAs) as a management tool, and to develop a framework that requires mandatory coordination with the Council for any MPAs in the mid-Atlantic exclusive economic zone (EEZ) waters. It will also address essential fish habitat (EFH) requirements regarding the Council's current FMPs and proposed amendments thereto.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: February 20, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4694 Filed 2–26–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022101B]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Research Steering Committee and Red Crab Committee in March, 2001 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held between Friday, March 9, 2001, and Tuesday, March 13, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Peabody, MA and New London, CT. See *SUPPLEMENTARY INFORMATION* for specific locations.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Friday, March 9, 2001, 9:30 a.m.—Research Steering Committee

Location: Holiday Inn, One Newbury Street, Route 1, Peabody, MA 01960; telephone: (978) 535–4600

The agenda will include discussion and development of a coordination mechanism between the Research Steering Committee and the industry-based survey (and related projects), cod tagging and bycatch/discard/conservation engineering programs currently under consideration. The committee also will discuss mechanisms for future funding of regional research efforts.

Tuesday, March 13, 2001, 1 p.m. to 5 p.m.—Red Crab Committee Meeting

Location: Radisson Hotel, 35 Governor Winthrop Boulevard, New London, CT 06320; telephone: (860) 443–7000.

The committee will hear a report from the Red Crab Plan Development Team. The committee will discuss the goals and objectives for the Red Crab Fishery Management Plan (FMP) and will begin to identify the types of management measures and alternatives to be considered in the development of the FMP.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: February 21, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4693 Filed 2–26–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021401A]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Expiration of scientific research permits 948 and 956.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: The purpose of this notice is to announce that scientific research permits issued to the Northern Wasco County People's Utility District at The Dalles, OR (NWCPUD) and the U.S. Geological Survey at Cook, WA (USGS) have expired and that pending modifications to those permits will not be issued.

ADDRESSES: Comments may be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

For permits 948 and 956: Protected Resources Division, F/NWR3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (ph: 503–230–5400, fax: 503–230–5435).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (phone:301–713–1401).

FOR FURTHER INFORMATION CONTACT: Robert Koch, Portland, OR (ph: 503–230–5424, fax: 503–230–5435, e-mail: Robert.Koch@noaa.gov).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species and evolutionary significant units (ESUs) are covered in this notice:

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River (SnR).

Chinook salmon (*O. tshawytscha*): endangered, naturally produced and artificially propagated, upper Columbia River (UCR) spring; threatened, naturally produced and artificially propagated, SnR spring/summer; threatened SnR fall.

Steelhead (*O. mykiss*): endangered, naturally produced and artificially propagated, UCR; threatened SnR.

Expired Permits

Notice was published on March 6, 1998 (63 FR 11220) that NWCPUD applied for modification 2 to scientific research permit 948 for, in part, an annual take of juvenile SnR steelhead. Notice was published on February 11, 1999 (64 FR 6880) that NWCPUD applied for modification 3 to scientific research permit 948 for an annual take of juvenile, naturally produced and artificially propagated, UCR spring chinook salmon. Permit 948 authorized NWCPUD annual takes of juvenile SnR sockeye salmon; juvenile, naturally produced and artificially propagated, SnR spring/summer chinook salmon; juvenile SnR fall chinook salmon; and juvenile, naturally produced and artificially propagated, UCR steelhead associated with research designed to assess juvenile anadromous fish condition after passage through the screened turbine intake channel at The Dalles Dam, located on the lower Columbia River in the Pacific Northwest. These requested permit actions will not be issued because NWCPUD's permit expired (on September 30, 1999) before NMFS could issue them. NWCPUD has submitted an application for a permit (1229) to replace permit 948 (see 65 FR 2381, January 14, 2000).

Notice was published on March 6, 1998 (63 FR 11222) that USGS applied for modification 3 to scientific research permit 956 for an annual take of juvenile SnR steelhead. Permit 956 authorized USGS annual takes of juvenile, naturally-produced and artificially-propagated, SnR spring/summer chinook salmon and juvenile SnR fall chinook salmon associated with a study designed to obtain data on the distribution, abundance, movement, and habitat preferences of the anadromous fish that migrate through Lower Granite Reservoir; to evaluate the operation of a surface bypass collector in the forebay of Lower Granite Dam; and to verify species of hydroacoustic surveys. The requested permit modification will not be issued because USGS's permit expired (on September 30, 1999) before NMFS could issue it. USGS has submitted an application for a permit (1240) to replace permit 956 (see 65 FR 11288, March 2, 2000).

Dated: February 15, 2001.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–4690 Filed 2–26–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020801D]

Marine Mammals; File No. 990-1603-00

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that John Muir Institute of the Environment, University of California, Davis, One Shields Avenue, Davis, California 95616 (Principal Investigator: Ms. Lizabeth Bowen) has been issued a permit to import/export California sea lion (*Zalophus californianus*) blood samples from Mexico and to France for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd.,

Suite 4200, Long Beach, CA 90802-4213 (562/980-4001);

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Tammy Adams 301/713-2289.

SUPPLEMENTARY INFORMATION: On October 11, 2000, notice was published in the **Federal Register** (65 FR 60411) that a request for a scientific research permit to import/export California sea lion blood samples had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: February 21, 2001.

Eugene Nitta,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01-4746 Filed 2-26-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Patent Processing (Updating) (Proposed Addition of Form PTO/SB/32 "Request for Oral Hearing Before the Board of Patent Appeals and Interferences" and Form PTO/SB/37 "Request for Deferral of Examination 37 CFR 1.103(d)")

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the revision of a continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 30, 2001.

ADDRESSES: Direct all written comments to Susan K. Brown, Records Officer, Data Administration Division, Office of Data Management, United States Patent and Trademark Office, Crystal Park 3, Suite 310, Washington, DC 20231; by telephone at (703) 308-7400; or by electronic mail at Susan.Brown@uspto.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, Washington, DC 20231; by telephone at (703) 308-5107; or by electronic mail at Bob.Spar@uspto.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Patent applicants or owners of patents under reexamination may appeal the decision of a patent examiner by filing a notice of appeal to the Board of Patent Appeals and Interferences (the Board). Additionally, the appellant may also make a written request for an oral hearing before the Board if the appellant believes such a hearing is necessary for the proper presentation of the appeal. Effective December 1, 1997, 37 CFR 1.194(b) was amended to require this written request for an oral hearing before the Board to be filed "in a separate paper" from the appeal itself. *See* Changes to Patent Practice and Procedure, Final Rule, 62 FR 53132, 53170, 53197 (Oct. 10, 1997). In accordance with this rule change and in response to requests from the public, the USPTO has created Form PTO/SB/32, "Request for Oral Hearing Before the Board of Patent Appeals and Interferences." This form will allow the public to comply quickly and easily with the requirements set forth in 37 CFR 1.194(b) to request an oral hearing before the Board on a separate piece of paper.

In order to implement the Patent Business Goals, and in accordance with the eighteen-month publication provisions of the American Inventors Protection Act of 1999, the USPTO has amended 37 CFR 1.103 to permit applicants to request deferred examination for up to three years from the earliest filing date for which a benefit is claimed under title 35 of the United States Code. *See* Changes to Implement Eighteen-Month Publication of Patent Applications, Final Rule, 65 FR 57024, 57033, 57056 (Sept. 20, 2000). Section 1.103(d) now allows applicants to request deferred examination under the following conditions: (1) The application is filed on or after November 29, 2000 (or is an application for which the applicant requests voluntary publication), and is an original utility or plant application filed under § 1.53(b) or an application resulting from entry of an international application into the national stage after compliance with § 1.494 or § 1.495; (2) the applicant has not filed a nonpublication request under § 1.213(a), or has filed a request under § 1.213(b) to rescind a previously filed nonpublication request; (3) the application is in condition for publication as provided in § 1.211(c); and (4) the USPTO has not issued either an Office action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151. To assist applicants in making a request for deferred examination under § 1.103(d), the USPTO has developed a new form for submitting the required information, Form PTO/SB/37 "Request for Deferral of Examination 37 CFR 1.103(d)."

The USPTO proposes to add these two forms, PTO/SB/32 and PTO/SB/37, to the information collection previously approved under OMB control number 0651-0031, Patent Processing (Updating).

II. Method of Collection

By mail, facsimile, or hand delivery when the applicant wishes to request an oral hearing under 37 CFR 1.194(b) or a deferral of examination under 37 CFR 1.103(d).

III. Data

OMB Number: 0651-0031.

Form Number(s): PTO/SB/32 and PTO/SB/37.

Type of Review: Addition to an existing information collection.

Affected Public: Individuals or households; businesses or other for-profits; not-for-profit institutions; farms; the Federal Government; and state, local or tribal governments.

Estimated Number of Respondents: The USPTO estimates receiving 1,224 responses per year using Form PTO/SB/32 and 50 responses per year using Form PTO/SB/37, for a total of 1,274 responses per year. These 1,274 responses are in addition to the previously approved 2,231,365 responses, increasing the total number of responses for this collection to 2,232,639 per year.

Estimated Time Per Response: The USPTO estimates that it will take the public 12 minutes (.2 hours) to complete the request for an oral hearing and 12 minutes (.2 hours) to complete the request for deferred examination. These estimates include the time to gather the necessary information and submit the completed form.

Estimated Total Annual Respondent Burden Hours: The USPTO estimates that the total annual burden hours will be 245 hours per year for Form PTO/SB/32 and 10 hours per year for Form PTO/SB/37, for a total of 255 hours per year. These 255 hours are in addition to the previously approved annual burden of 1,018,736 hours, increasing the total annual burden for this collection to 1,018,991 hours.

Estimated Total Annual Respondent Cost Burden: Of the 1,224 estimated annual responses for Form PTO/SB/32, the USPTO expects to receive 275 responses from small entities (§ 1.9(f)) and 949 responses from others. Under 37 CFR 1.17(d), the processing fee for filing a request for an oral hearing before the Board of Patent Appeals and Interferences is $135 for small entities and $270 for others. Therefore, the total annual nonhour cost burden associated with this form is $293,355.

When filing a request for deferral of examination, the applicant must pay the processing fee of $130 indicated by 37 CFR 1.17(i) and the publication fee of $300 indicated by 37 CFR 1.18(d). The combined filing cost of $430 for each request results in a total annual nonhour cost burden of $21,500 associated with this form.

Using the professional hourly rate of $175 per hour for associate attorneys in private firms, the USPTO estimates $42,840 per year for salary costs associated with respondents using Form PTO/SB/32, and $1,750 per year for salary costs associated with respondents using Form PTO/SB/37.

Item	Form number	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Request for Oral Hearing Before the Board of Patent Appeals and Interferences.	POT/SB/32	12	1,224	245
Request for Deferral of Examination 37 CFR 1.103(d)	PTO/SB/37	12	50	10
Total			1,274	255

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 20, 2001.

Susan K. Brown,

Records Officer, USPTO, Office of Data Management, Data Administration Division.

[FR Doc. 01-4698 Filed 2-26-01; 8:45 am]

BILLING CODE 3510-16-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

The Corporation for National and Community Service (hereinafter the "Corporation"), has submitted the following public information collection requests (ICRs) to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13. (44 U.S.C. chapter 35)). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Office of Evaluation, Chuck Helfer, (202) 606-5000, extension 248. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 606-5256 between the hours of 9:00 a.m. and 4:30 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: Ms. Brenda Aguilar, OMB Desk Officer for the Corporation for National and Community Service, Office of Management and Budget, Room 10235, Washington, D.C. 20503, (202) 395-7326, within 30 days of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information to those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Evaluation of the Effectiveness of Learn and Serve America Grants in Promoting Institutionalization of Service-Learning in Grantee Institutions.

OMB Number: None.

Agency Number: None.

Affected Public: Service-learning coordinators, service-learning program administrators or similar staff at schools, school districts, community-based organizations or higher education institutions that received a Learn and Serve America grant in 1994-95.

Total Respondents: Approximately 470 service-learning coordinators or similar staff in schools, districts, community-based organizations and higher education institutions that received Learn and Serve grants.

Frequency: This is a one-time survey.

Average Time Per Response: 60 minutes.

Estimated Total Burden Hours: 470 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Description: The Corporation seeks approval of a survey to be used in evaluating the effectiveness of Learn and Serve America grants in promoting the institutionalization of service-learning in grantee institutions and the degree to which funded programs have been and are likely to be sustained after the completion of the grant period. There are four versions of the survey: one each for K-12 district and school-based programs, one for community-based organizations, and one for higher education institutions. The versions are parallel in structure and content, with variations in the wording of specific items to address the characteristics of

each type of institution. The surveys will be administered to a sample of 470 Learn and Serve grantee and subgrantee organizations that received their initial Learn and Serve grants in 1994–95.

The study will allow the Corporation to assess the growth and institutionalization of service-learning in Learn and Serve grantee institutions, to assess the degree to which service-learning activities have been sustained after the end of Learn and Serve funding, and to assess the role of Learn and Serve America grants in promoting the growth and institutionalization of service-learning in grantee institutions. Findings from the study will help the Corporation to develop more effective strategies for supporting institutionalization of service-learning through its planning, grantmaking and technical assistance activities.

There have been two changes since the publication of the 60 day notice (**Federal Register**, November 16, 2000 (Volume 65, Number 222), Pages 69288–69290). The original plan called for the survey to be administered through a telephone interview. The current plan calls for the survey to be distributed as a paper-based, mail survey. The original plan also included short and long versions of each form. The current submission includes a single version of each form.

Dated: February 21, 2001.

Lance D. Potter,

Director, Office of Evaluation.

[FR Doc. 01–4712 Filed 2–26–01; 8:45 am]

BILLING CODE 6050–28–U

DEPARTMENT OF ENERGY

[Docket No. EA–233]

Application To Export Electric Energy; Idaho Power Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Idaho Power Company (IPC) has applied for authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before March 29, 2001.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Steven Mintz (Program Office) 202–586–9506 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On February 12, 2001, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from IPC to transmit electric energy from the United States to MexiCo IPC is a wholly owned subsidiary of IDACORP, Inc IPC is incorporated under the laws of the State of Idaho and is authorized to operate in Idaho, Oregon, and Nevada. The electric energy IPC proposes to export to Mexico would be purchased from electric utilities, Federal power marketing agencies, cogeneration facilities, and exempt wholesale generators within the United States. In addition, IPC proposes to export electric energy from power plants that it owns only if that energy is surplus to the needs of its native-load customers.

IPC proposes to arrange for the delivery of electric energy to Mexico over the international transmission facilities owned by San Diego Gas & Electric Company, El Paso Electric Company, Central Power and Light Company, and Comision Federal de Electricidad, the national electric utility of Mexico. The construction of each of the international transmission facilities to be utilized by IPC, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the IPC application to export electric energy to Mexico should be clearly marked with Docket EA–233. Additional copies are to be filed directly with James Thompson, Idaho Power Company, 1221 West Idaho Street, Boise, ID 83702 and Steven J. Ross, Steptoe & Johnson LLP, 1330 Connecticut Avenue NW., Washington, DC 20036.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA), and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at *http://www.fe.doe.gov*. Upon reaching the Fossil Energy Home page, select "Regulatory Programs," then "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on February 21, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 01–4735 Filed 2–26–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. PP–68–2]

Application to Amend Presidential Permit San Diego Gas & Electric Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Application.

SUMMARY: San Diego Gas & Electric Company (SDG&E) has applied to amend Presidential Permit PP–68 authorizing the construction, operation, maintenance, and connection of a 230-kV electric transmission line at the U.S. international border with Mexico.

DATES: Comments, protests, or requests to intervene must be submitted on or before March 29, 2001.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael T. Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order 10485, as amended by Executive Order 12038.

On January 12, 1981, the Department of Energy (DOE), in Presidential Permit PP–68, authorized San Diego Gas & Electric Company (SDG&E) to construct, operate, maintain, and connect a 230,000-volt (230-kV) electric transmission line from its Miguel Substation, located approximately 10 miles north of the United States border with Mexico, to Tijuana, Mexico, where it interconnects with similar facilities at the Comision Federal de Electricidad's Tijuana Substation. SDG&E is a regulated public utility and a wholly-owned subsidiary of Sempra Energy. On November 8, 1982, in Docket PP–68–1, DOE amended Presidential permit PP–68 to permit SDG&E to add a second set of conductors to the towers authorized in the original Presidential permit.

On February 8, 2001, SDG&E filed an application with the Office of Fossil Energy (FE) of DOE to again amend the existing Presidential permit to authorize it to make certain changes to the existing transmission line to provide for the connection of the 510-megawatt (MW) Otay Mesa merchant powerplant being developed 1.5 miles north of the border. To interconnect the new powerplant to the existing PP–68 international transmission facilities, SDG&E proposes to construct a 5-acre switchyard within the fenced boundary of the powerplant and to construct approximately 0.1 miles of new 230kV transmission line to interconnect with the 230-kV Miguel-Tijuana transmission line.

SDG&E also proposes to reconductor that portion of the existing transmission line from the new 5-acre switchyard, north to the Miguel Substation, a distance of approximately 8.5 miles. SDG&E proposes to bundle each circuit by adding a second set of conductors to each phase (i.e., 12 total conductors versus 6 that currently exist). The 1.5 mile portion of SDG&E's Miguel-Tijuana international transmission line south of the Otay Mesa powerplant will remain unchanged.

Since the restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities constructed pursuant to Presidential permits to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in Federal Energy Regulatory Commission Order No. 888, as amended (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities). In furtherance of this policy, DOE intends to condition any Presidential permit issued in this proceeding on compliance with these open access principles.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Additional copies of such petitions to intervene or protests also should be filed directly with: James F. Walsh, Sempra Energy, 101 Ash Street, HQ11B, San Diego, CA 92124 and Pat Fleming, Sempra Energy, 101 Ash Street, HQ14A, San Diego, CA 92124.

Before a Presidential permit may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must consider the environmental impacts of the proposed actions pursuant to the National Environmental Policy Act of 1969. DOE also must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above. In addition, the application may be reviewed or downloaded from the Fossil Energy Home Page at: *http://www.fe.doe.gov*. Upon reaching the Fossil Energy Home page, select "Electricity" from the option's menu, and then "Pending Proceedings."

Issued in Washington, DC., on February 21, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 01–4732 Filed 2–26–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Nuclear Energy, Science and Technology; Small Modular Nuclear Power Units

AGENCY: Department of Energy (DOE).

ACTION: Notice of public interest.

SUMMARY: The United States Department of Energy plans to undertake a study to determine the feasibility of and issues associated with the deployment of small modular nuclear reactors for preparation of a report to Congress by May 2001. This report is being prepared as directed by the Senate Committee on Appropriations (S.R. Report no. 106–395, at 107(2000)) on the Energy and Water Development Appropriations Act, 2001 (Public Law 106–377). The Committee report specifically states the following:

The committee is aware of recent improvements in reactor design that make feasible small modular reactors with attractive characteristics for remote communities that otherwise must rely on shipments of relatively expensive and sometimes environmentally undesirable fuels for their electric power. To be acceptable, such a reactor would have to be inherently safe, be relatively cost effective, have intrinsic design features which would deter sabotage or efforts to divert nuclear materials, have infrequent refuelings, and be largely factory constructed and deliverable to remote sites. The Committee recommendation provides $1,000,000 for the Department to undertake a study to determine the feasibility of and issues associated with the deployment of such small reactors and provide a report to Congress by May 2001.

This notice hereby announces the Department's interest in receiving information from the nuclear technology community on small modular power unit concepts that should be considered in the study. Such concepts must generally meet the criteria previously mentioned and may be entirely, or almost entirely, factory fabricated for transport to remote communities such as islands and should be no larger than 50 megawatts-electric (MWe).

DATES: Concept information must be submitted by 4:30 p.m., edt, March 15, 2001, to be accepted for review and to permit timely consideration for inclusion within the report.

ADDRESSES: All concept information should be forwarded to Argonne National Laboratory by U.S. Postal Service Express Mail or any commercial mail delivery service, or hand carried by the applicant to: Roald Wiegland, "Small Modular Reactor Study," Argonne National Laboratory, 9700 South Cass Avenue, Building 208, Argonne, Illinois 60439–4842. Individuals who wish to submit concept information electronically should forward their information to *smr@anl.gov*.

FOR FURTHER INFORMATION CONTACT: Kenneth Chuck Wade, Nuclear Industry Analysis, NE–80, Office of Nuclear Energy, Science and Technology, U.S. Department of Energy, Germantown, Maryland 20874–1290, (301) 903–1031.

SUPPLEMENTARY INFORMATION: The Department of Energy is interested in receiving information on small modular nuclear power unit concepts that should be considered in a study to determine the feasibility of this technology. Concepts that will be considered in this study must generally meet the following criteria: inherent safety, relative cost effectiveness, intrinsic design features which would deter sabotage or efforts to divert nuclear materials; and infrequent refueling. These design concepts may be entirely, or almost entirely, factory fabricated for transport to remote communities such as islands and should be no larger than 50 megawatts-electric (MWe). All information in response to this request should include detailed plans in the following areas:

Licensing Prospects

Concept participants must identify any unique regulatory issues associated with siting and licensing small modular power units. The information on issues identified should include suggested modifications to existing Nuclear Regulatory Commission requirements, potential licensing barriers to be resolved, basis for safety analysis requirements, the need for reactor containment, and methods for implementing risk-based analysis techniques. These regulatory initiatives should be limited to reactor concepts that are useful in remote areas.

Concept Technology

Technical information should include an overall description of the concept and detailed information about major elements of the concept, including dimensions and capacity. Information on reactor fuel, fuel characteristics, fuel fabrication experience and irradiation history for the particular fuel type is desirable. Any novel features of the reactor concept, either for the reactor core or other components of the system, should be clearly identified, especially those related to safety and non-proliferation. Any relationship or similarity to other existing or planned reactors should also be stated. Features of the concept that would facilitate both factory fabrication and the ability to transport units to more remote areas should also be identified.

Economic Viability

The elements of cost and performance parameters that are desired for this study are: capital; operation and maintenance; fuel; decommissioning costs; thermal power; thermal efficiency; projected capacity factor; construction time; and financial parameters. Since design concept may still be in a preliminary stage, the Department would like for concept designers to submit any available information regarding the projected cost and performance values.

Each proposed design concept participant should address the issues mentioned above in as much detail as possible to enable fair and accurate statements regarding its prospects for future deployment. The Department recognizes that some of the information requested may not be readily available and will accept whatever information is available. Please note that proprietary information received in response to this notice will be kept confidential.

The report resulting from this study will not make any recommendation regarding a particular concept technology, but only assess the practicality of deploying small modular nuclear power units in remote locations within the U.S.

Issued in Washington, DC on February 16, 2001.

John M. Stamos,

Acting Associate Director for Nuclear Industry Analysis, NE–80, Office of Nuclear Energy, Science and Technology.

[FR Doc. 01–4733 Filed 2–26–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: Submission for OMB review; comment request.

SUMMARY: The EIA has submitted the energy information collections listed at the end of this notice to the Office of Management and Budget (OMB) for review and a three-year extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Public Law 104–13) (44 U.S.C. 3501 *et seq*).

DATES: Comments must be filed on or before March 29, 2001. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to the OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–7318. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland, Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Ms. Sutherland may be contacted by telephone at (202) 287–1712, FAX at (202) 287–1705, or e-mail at *Grace.Sutherland@eia.doe.gov*.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (*i.e.*, the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (*i.e.*, new, revision, extension, or reinstatement); (5) response obligation (*i.e.*, mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (*i.e.*, the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–886, "Annual Survey of Alternative Fueled Vehicle Suppliers and Users."
2. Energy Information Administration.
3. OMB Number 1905–0191.
4. Three-year extension with revisions of a currently approved collection.
5. Mandatory.
6. EIA's "Annual Survey of Alternative Fueled Vehicle Suppliers and Users" collects basic data necessary to meet EIA's legislative mandates as well as the needs of EIA's public and private customers. Data collected include the number and type of Alternative Fueled Vehicles (AFVs) that vehicle suppliers made available in the previous calendar year and plan to make available in the following calendar year; the number, type and geographic distribution of AFVs in use in the previous calendar year; and the amount and distribution of each type of Alternative Transportation Fuel (ATF) consumed in the previous calendar year. The data are used for analyses and publications.
7. Federal, State and Local governments; fuel providers; Original Equipment Manufacturers; and Conversion facilities.
8. 10,323 hours (2,491 respondents × 1 response(s) per year × 4.1 hours per response).

Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13)(44 U.S.C. 3501 *et seq*).

Issued in Washington, DC, February 20, 2001.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 01–4734 Filed 2–26–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–88–000]

Bear Creek Storage Company; Notice of Application

February 21, 2001.

Take notice that on February 13, 2001, Bear Creek Storage Company (Bear Creek), P.O. Box 2563, Birmingham, Alabama 35202, filed a request with the Commission in Docket No. CP01–88–000 pursuant to section 7(c) of the Natural Gas Act (NGA) for authorization to expand the boundary of its Bear Creek Storage Field in Bienville Parish, Louisiana, all as more fully set forth in the application which is open to the public for inspection. This application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Bear Creek proposes to acquire an additional 1,146 acres of land adjacent to the Bear Creek Storage Field at an estimated price of $1,400,000. Bear Creek states that its acquisition of the additional acreage will not increase the storage capacity or the deliverability of the Bear Creek Storage Field, but would enable Bear Creek to acquire storage and mineral rights within the expanded boundary to protect the integrity of its certificated facility and the interstate natural gas stored therein. Bear Creek also states that it would purchase the additional acreage with funds on hand or with cash from operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Any questions regarding the application should be directed to John C. Griffin, Assistant Secretary, Bear Creek Storage Company, P.O. Box 2563, Birmingham, Alabama 35202, telephone (205) 325–7133.

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by everyone of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order at a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the proposal is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Bear Creek to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 01–4736 Filed 2–26–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00705; FRL–6772–7]

Tribal Pesticide Program Council (TPPC) General Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Tribal Pesticide Program Council (TPPC) will hold a 2–day meeting, beginning on March 8, 2001, and ending on March 9, 2001. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on March 8, 2001, from 9 a.m. to 5 p.m. and March 9, 2001, from 9 a.m. to 4:45 p.m.

ADDRESSES: The meeting will be held at the Embassy Suites Hotel - Crystal City (near the airport), 1300 Jefferson Davis Highway, Arlington, VA.

Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00705 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Georgia A. McDuffie, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 605–0195; fax number: (703) 308–1850; e-mail address: mcduffie.georgia@epa.gov or Lillian Wilmore, TPPC Facilitator, P.O. Box 470829; Brookline Village, MA. 02447–0829; telephone number: (617) 232–5742 fax: (617) 277–1656; e-mail address: naecology@aol.com.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to Tribes with pesticide programs or pesticide interests. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the Federal Register listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–00705. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00705 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00705. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Agenda

This unit outlines the tentative agenda for the March 8-9 meeting.

Day 1—Thursday, March 8, 2001

Welcome and greetings
Invocation
General Session--Open to all participants
Introduction
Report from the Chairman--State of the Council
Reports from Working Groups
Reports from TPPC representatives to other meetings and groups
Presentation on the Tribal Science Council
Panel and Discussion on Tribal Authority and jurisdictional issues under FIFRA section 18
Presentation on the West Nile Virus
Presentation by Tribal Operations Committee and American Indian Environment Office
Presentation on pesticides and health effects
Tribal Caucus (Closed—Council members only)

Day 2—Friday, March 9, 2001

Welcome and Greetings
Invocation
General session--Open to all participants
Office of Enforcement and Compliance (OECA) presentation and discussion Federal Inspector credentials
Presentation on antimicrobials
Presentation on persistent bioaccumulative toxics
Fish consumption advisories and issues
Explanation of budget process and funding opportunities
Pesticide disposal presentation
Endangered species and ground water
Report and review on pesticide contamination of NAGPRA items
Presentation and discussion on Tribal Pesticide Program
Development and community education
Funding opportunities
Tribal coordinator
Enforcement
Circuit Rider Programs—Update
Report and review on pesticide contamination of NAGPRA items

List of Subjects

Environmental protection.

Dated: February 15, 2001.

Kennan Garvey,

Acting Division Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 01–4780 Filed 2–26–01 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

February 13, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reducation Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before March 29, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0691.

Title: Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896–901 MHz Bands Allotted to the Specialized Mobile Radio Pool, 2nd Order on Reconsideration, 7th Report and Order for the 900 Specialized Mobile Radio Service.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households and business or other for-profit.

Number of Respondents: 135.

Estimated Time Per Response: .50 to 2 hours.

Frequency of Response: On occasion reporting requirements, and recordkeeping requirements.

Total Annual Burden: 274 hours.

Total Annual Cost: $55,200.

Needs and Uses: This revised information collection is used to verify construction requirements that will be used by the Commission to determine whether the license has met the 900 MHz MTA construction requirements. The information is filed on FCC Form 601 electronically.

OMB Control No.: 3060–0950.

Title: Extending Wireless Telecommunications Services to Tribal Lands; WT Docket No. 99–266.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit institutions, and state, local or tribal government.

Number of Respondents: 3,844.

Estimated Time Per Response: 10–190 hours.

Frequency of Response: On occasion reporting requirements, and recordkeeping requirements.

Total Annual Burden: 768,800 hours.

Total Annual Cost: N/A.

Needs and Uses: A winning bidder seeking a bidding credit to serve a qualifying tribal land within a particular market must: indicate on the FCC Form 601 that it intends to serve a qualifying tribal land within that market; within 90 days after the filing deadline, amend its FCC Form 601 and attach a certification from the tribal government that: (a) The tribal government authorizes the winning bidder to site facilities and provide service on its tribal land; (b) the tribal area to be served by the winning bidder constitutes qualifying tribal land; and (c) the tribal government has not and will not enter into an exclusive contract with the applicant precluding entry by other carriers, and will not unreasonably discriminate among wireless carriers seeking to provide service on the qualifying land. The winning bidder must also meet additional requirements.

The information will be used to ensure that tribal communities within federally-recognized tribal areas have access to wireless telecommunications services equivalent to that of the nation.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4730 Filed 2–26–01; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Meeting Notice Correction

AGENCY: Federal Communications Commission.

ACTION: Notice of meeting correction.

SUMMARY: The Federal Communications Commission published a document in the **Federal Register** on January 26, 2001 announcing a meeting of the Network Reliability and Interoperability Council to be held on Tuesday, February 27, 2001 (See FCC Public Announcement DA 01–294). The document incorrectly specified that February 27 was a Wednesday.

FOR FURTHER INFORMATION CONTACT: Robert Kimball at 202–418–2339 or TTY 202–418–2989.

CORRECTION:

In the **Federal Register** of January 26, 2001 in FR document 01–2284, on page 7911, in the third column, correct the **DATES** caption to read:

DATES: Tuesday, February 27, 2001 at 2 p.m. to 4 p.m.

Federal Communications Commission.

Rebecca Dorch,

Deputy Chief, Office of Engineering and Technology.

[FR Doc. 01–4724 Filed 2–26–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–443]

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces a public forum to be held by the International Bureau on March 14, 2001 regarding the entry of U.S. companies into telecommunications markets in foreign countries. The forum is open to the public and will be at the Federal Communications Commission Headquarters, 445 12th Street, SW., Washington, DC, in the Commission Meeting Room (Room TW–C305) from 10:30 am to 12 noon.

The information obtained during the forum will be used by the Bureau to supplement the 2000 version of the "International Markets Report." The International Markets Report is prepared annually by the Bureau pursuant to a request from Senator Hollings and the staff of the U.S. Senate Committee on Commerce, Science and Transportation dating from 1997. The report details changes that have taken place over the past year for wireline telecommunications and satellite services. The Commission is making this announcement to provide an opportunity for the public to identify issues that should be addressed in an upcoming proceeding.

DATES: The public forum will be held on March 14, 2001, from 10:30 a.m. to 12 noon. Outlines of oral presentations and written presentations should be submitted no later than March 7, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room 6C–848, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David Krech, International Bureau, (202) 418–7443.

SUPPLEMENTARY INFORMATION: Released February 16, 2001.

1. On March 14, 2001, from 10:30 am to 12 noon, the International Bureau will hold a public forum to provide an opportunity for the public to discuss issues relating to entry by U.S. companies into telecommunications markets in foreign countries. The forum is open to the public and will be at the Federal Communications Commission Headquarters, 445 12th Street, SW., Washington, DC, in the Commission Meeting Room (Room TW–C305).

2. The Bureau intends that this public forum will provide an opportunity for the public to share experiences regarding entry by U.S. companies into foreign telecommunications markets. The information gathered at this public forum will be used by the Bureau to supplement the 2000 version of the "International Markets Report." The International Markets Report is prepared annually by the Bureau pursuant to a request from Senator Hollings and the staff of the U.S. Senate Committee on Commerce, Science and Transportation dating from 1997. The report details changes that have taken place over the past year for wireline telecommunications and satellite services. (The 1997–1998 and 1999 versions of the report are available on the FCC web-site at *http://www.fcc.gov/ib/wto/html.*)

3. The purpose of the forum is not to discuss the merits of any pending Commission proceedings and is not otherwise part of a pending Commission proceeding. As such, the forum is not subject to the Commission's *ex parte* rules. To the extent a participant discusses the merits of a pending proceeding, the *ex parte* rules will apply with respect to the particular discussion.

4. Any party wishing to make a formal presentation (no longer than 10 minutes) at the public forum should send an outline of the presentation to David Krech. Parties also are welcome to make written submissions in lieu of speaking at the forum. Outlines of oral presentations and written submissions should be sent to David Krech no later than March 7, 2001, either via fascimile to the Bureau's Telecommunications Division at (202) 418–2824, or by e-mail to *dkrech@fcc.gov.*

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4726 Filed 2–26–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2466]

Petitions for Reconsideration of Action in Rulemaking Proceeding

February 20, 2001.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc (202) 857–3800. Oppositions to these petitions must be filed by March 14, 2001. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Promotion of Competitive Networks In Local Telecommunications Markets (WT Docket No. 99–217).

Wireless Communications Association International, Inc Petition for Rulemaking to Amend Section 1.4000 of the Commission's Rules to Preempt Restrictions on Subscriber Premises Reception or Transmission Antennas Designed To Provide Fixed Wireless Services.

Cellular Telecommunications Industry Association Petition for Rulemaking and Amendment of the Commission's Rules to Preempt State and Local Imposition of Discriminatory And/Or Excessive Taxes and Assessments.

Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 (CC Docket No. 96–98).

Review of Sections 68.104, and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network (CC Docket No. 88–57).

Number of Petitions Filed: 10.

Subject: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mount Pleasant & Bogata, Texas) (MM Docket No. 00–54, RM–9835, RM–9907).

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4722 Filed 2–26–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–383]

Low Power Television Auction No. 81—Non-Mutually Exclusive Proposals—Mass Media Bureau Announces March 15, 2001, FCC Form 346 Application Deadline

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document identified those proposals filed during the limited low power television/television translator/Class A television auction filing window that are not mutually exclusive and announces a March 15, 2001, deadline for filing an FCC Form 346.

DATES: FCC Form 346 must be filed by each party identified in the Public Notice by March 15, 2001.

ADDRESSES: To submit by mail, applicants must send an original and two copies of the FCC Form 346 application to: Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, Pennsylvania 15251–5190. To hand carry, in person or by courier, applicants must deliver an original and two copies of the FCC Form 346 application to: Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th Floor, Room 153–2713, Pittsburgh, Pennsylvania. Applicants should send a courtesy copy of each FCC Form 346 application to Hossein Hashemzadeh, Video Services Division, Mass Media Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. Applicants may also file their FCC Form 346 application electronically. Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at: *http://www.fcc.gov/mmb.* For assistance with electronic filing, call the Mass Media Bureau Help Desk at (202) 418–2MMB.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Video Services Division, Mass Media Bureau at (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released February 13, 2001. It does not include the attachment. The complete text of the Public Notice, including attachment, is available for public inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc (ITS, Inc) 1231 20th Street, NW, Washington, DC 20035, (202) 857–3800. It is also available on the Commission's web site at *http://www.fcc.gov.*

In this Public Notice, the Mass Media Bureau identifies those proposals filed during the limited low power television, television translator, and Class A television auction filing window that are not mutually exclusive. Parties must now file FCC Form 346 by March 15, 2001, in order to implement their proposals.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 01–4723 Filed 2–26–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 23, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Southern Community Bancorp, Orlando, Florida; to merge with Peninsula Bancorp, Inc, Daytona Beach, Florida, and thereby indirectly acquire voting shares of Peninsula Bank of Central Florida, Daytona Beach, Florida.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Texas Financial Bancorporation, Minneapolis, Minnesota, and Delaware Financial, Inc, Wilmington, Delaware; to acquire 100 percent of the voting shares of First National Bank of Texas, Decatur, Texas.

Board of Governors of the Federal Reserve System, February 21, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–4715 Filed 2–26–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely

related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 13, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Bank One Corporation, Chicago, Illinois; to engage *de novo* in expanding its community development activities and to expand to not more than 9.9 percent of its total consolidated capital stock and surplus, its investments in previously approved permissible nonbanking activities of its subsidiaries, which consist of promoting community welfare by i) arranging, investing in and making loans to entities for the financing of low-income housing eligible for Federal income tax credits under Section 42 of the Internal Revenue Code (Section 42 Housing Projects) and providing advice to customers in connection with the arranging and financing of entities engaged in Section 42 Housing Projects; ii) advising, arranging, investing in and making loans to community development corporations or directly to others to finance projects that promote community welfare or development; and iii) providing financial and technical advice and training to customers developing, owning, or managing Section 42 Housing Projects or other projects that promote community welfare or development and thereby engage in the nonbanking activity of community development activities, pursuant to §§ 225.28(b)(12)(i) and (ii) of Regulation Y.

Board of Governors of the Federal Reserve System, February 21, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–4714 Filed 2–26–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Consumer Advisory Council; Notice of Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Thursday, March 22, 2001. The meeting, which will be open to public observation, will take place at the Federal Reserve Board's offices in Washington, DC, in Dining Room E of the Martin Building (Terrace level). The meeting will begin at 8:45 a.m. and is expected to conclude at 1:00 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

Truth in Lending Act—Discussion of proposed amendments to Regulation Z concerning the Home Ownership and Equity Protection Act.

Home Mortgage Disclosure Act—Discussion of the proposed changes to Regulation C which implements the Home Mortgage Disclosure Act.

Community Reinvestment Act—Discussion of suggested topics to be included in the 2002 review of Regulation BB which implements the Community Reinvestment Act.

Committee Reports—Council committees will report on their work.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit views to the Council regarding any of the above topics may do so by sending written statements to Ann Bistay, Secretary of the Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551. Information about this meeting may be obtained from Ms. Bistay, 202–452–6470.

Board of Governors of the Federal Reserve System, February 21, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–4716 Filed 2–26–01; 8:45 am]

BILLING CODE 6210–01–U

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11 a.m., Monday, March 5, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: February 23, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–4905 Filed 2–23–01; 4:09 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice.

SUMMARY: The FTC has submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act (PRA) information collection requests contained in its study investigating how generic drug competition has developed in light of certain provisions in the Hatch-Waxman Act (the Act) that govern entry of generic drug products. The FTC proposes to seek information from members of the pharmaceutical industry. To do this, the FTC first seeks OMB clearance and additional public comment regarding this notice, which is the second of two notices required by the PRA for information collection requests.

DATES: Comments on the proposed information requests must be submitted on or before March 30, 2001.

ADDRESSES: Send comments regarding the information collection requests to the following addresses: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, DC 20503 ATTN: Desk Officer for the Federal Trade Commission; and to Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Avenue, NW., Washington, DC 20580 or by e-mail to genericdrugstudy@ftc.gov. The submissions should include the submitter's name, address, telephone number, and, if available, FAX number and e-mail address. All submissions should be captioned "Generic Drug Study—FTC File No. V000014."

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Michael S. Wroblewski, Advocacy Coordinator, Policy Planning, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Telephone: (202) 326–2155, E-mail: mwroblewski@ftc.gov.

SUPPLEMENTARY INFORMATION: On October 17, 2000, the FTC sought public comments on information collection requests for a proposed study on the development of generic drug competition. *See* 65 FR 61334.

The FTC received 11 comments on the proposed information collection requests.[1] Eight of the comments (BCBSA, GM, HIAA, Keats, Microbix, NACDS, Pharmacy Defense, and RxHealth) endorsed the proposed study, indicating, for example, that the "proposed requests for information are necessary to the FTC's function as the primary governmental agency charged with protecting consumers from anticompetitive practices." HIAA Comment at 1. Four of the commenters endorsing the study (GM, Keats, NACDS, and Pharmacy Fund) also suggested that the Commission broaden its proposed study to include investigation of various practices of pharmaceutical companies that may have an effect on generic drug competition.

No generic drug company opposed the Commission's proposed study or questioned its practical use, but Geneva recommended that the Commission narrow the proposed study "in ways that should not compromise the Commission's objectives." Geneva Comment at 1.

PhRMA and CRE asserted that the Commission had not yet complied with the requirements of the PRA; PhRMA also included suggestions for narrowing the study if undertaken.

The proposed study will enable the Commission to provide a more complete picture of how generic competition has developed under the Hatch-Waxman Act.[2] The FTC already has taken enforcement action against alleged anticompetitive agreements whose operation depended in part on certain Hatch-Waxman provisions. The study will shed light on matters such as whether the agreements the FTC has found are isolated instances or more typical, and whether particular provisions of the Act have operated appropriately to balance the legitimate interests of pharmaceutical companies in protection of their intellectual property and the legitimate interests of generic companies in providing competition, or have instead unintentionally invited anticompetitive strategies that delay or deter market entry by generic drugs.

In light of the agreements already challenged by the FTC, and given enormous potential costs to consumers from anticompetitive activities, Representative Waxman, one of the co-authors of the Act, requested that the FTC "investigate and produce a study on the use of agreements between and among pharmaceutical companies and potential generic competitors and any other strategies that may delay generic drug competition throughout the U.S." In addition, other members of Congress, such as Senators McCain and Schumer, proposed legislation in the last Congress to amend various portions of the Act, including the sections that the Commission's study would address.[3] Thus, a study based on information of the type the Commission proposes to collect will respond to Representative Waxman's request and also be relevant to consideration of various legislative proposals.

Over the next five years, brand name drugs with combined U.S. sales approaching $20 billion will go off patent.[4] This will provide an enormous opportunity for the generic industry and, conceivably, a commensurate obstacle to the brand-name pharmaceutical industry. Pharmaceutical drug manufacturers seeking to protect the sales of branded drugs may have an incentive and ability to enter into agreements with would-be generic competitors, or engage in other types of activities, that would slow or thwart the entry of competing generic drug products.

The study will be tailored for each individual innovator and generic company so that only agreements relating to certain specified drug products will be subject to the request. The Commission anticipates that approximately 70 percent of both innovator companies and generic companies will be requested to provide information on no more than three drug products.

As discussed below, the Commission incorporates several of the suggestions to narrow the study to reduce burden and to avoid collecting documents that the Commission did not intend to collect. However, other proposals to narrow the proposed study would unnecessarily limit the study's usefulness. Likewise, the Commission has not followed the suggestions to broaden the proposed study to investigate the pricing and distribution practices of pharmaceutical companies, because the magnitude of such an investigation is beyond the proposed study's scope and the resources available to complete it in a timely manner. The discussion of issues raised by the comments is organized into four sections: (1) The practical utility of the proposed study and why it is necessary for the proper performance of the FTC's functions; (2) suggestions to narrow the focus of the study; (3) suggestions to broaden the focus of the study; and (4) other aspects of how the information collection request complies with the PRA.

[1] BlueCross BlueShield Association (BCBSA) (federation of independent Blue Cross and Blue Shield health insurance plans), The Center for Regulatory Effectiveness (CRE) (self-described independent organization to provide Congress with analyses of agency regulations), Geneva Pharmaceuticals (Geneva) (generic drug manufacturer), General Motors Corporation (GM) (automaker), Health Insurance Association of America (HIAA) (trade association representing the private health care system), George Keats (Keats) (private citizen), Microbix Biosystems, Inc (Microbix) (pharmaceutical company), National Association of Chain Drug Stores (NACDS) (trade association representing chain drug stores), Pharmaceutical Research and Manufacters of America (PhRMA) (trade association representing research-based pharmaceutical and biotechnology companies), Pharmacy Defense Fund (Pharmacy Fund) (advocacy organization on behalf of pharmacists), and RxHealth Value (RxHealth) (a coalition representing consumers, labor unions, provider organizations, health plans and insurers, business health groups, large employers, and pharmacy benefit management organizations).

[2] The proposed study is consistent with the FTC's statutory authority to "gather and compile information concerning, and to investigate from time to time the organization, business, conduct, practices, and management of any person, partnership, or corporation engaged in or whose business affects commerce, excepting banks, savings and loan institutions * * *, Federal credit unions * * *, and common carriers * * *." FTC Act section 6(a), 15 U.S.C. 46(a).

[3] S. 3051, 106th Cong. (2000).

[4] National Institute for Health Care Management, "Prescription Drugs and Intellectual Property Protection" (August 2000) at 3.

1. Practical Utility of the Proposed Study and its Necessity for the Proper Performance of the FTC's Functions

The Commission has proposed to obtain factual information that would provide a more complete picture of how generic competition is developing in light of certain provisions of the Act that govern entry of generic drug products.[5]

Comments: Most comments stated that the proposed study will have practical utility. *See, e.g.*, GM Comment at 1; HIAA Comment at 1; and NACDS Comment at 1. CRE and PhRMA, however, asserted that the proposed study will have no practical utility and that the Commission has not articulated how the information collected would be used to meet the Commission's stated goals. CRE Comment at 4–7; PhRMA Comment at 1–3, 5. In particular, CRE stated that significant portions of FDA's implementing regulations for relevant sections of the Act were invalidated by a series of court decisions to which FDA has responded by issuing interim rules and initiating a rulemaking to develop new governing regulations that have not yet issued. CRE further explained that an FTC staff comment in that FDA rulemaking proceeding states "that such [proposed] revisions may well assuage FTC concerns." Accordingly, CRE asserted that the information the FTC proposes to collect has no practical utility at this time and that the FTC should wait until FDA issues final regulations before determining whether to undertake the proposed study. CRE Comment at 7. Likewise, PhRMA asserted that the proposed study is not necessary because: (1) The FTC's past law enforcement actions regarding agreements entered into between innovator and generic companies "have already sent a strong message to the industry of the FTC's concerns" and private litigation stimulated by the FTC's investigations has further reinforced its message; (2) the FTC staff has indicated in a comment to FDA that FDA's proposed revisions "may remedy the delayed generic competition that has resulted from certain types of agreements between generic and innovator companies" and that the proposed study is unlikely to add new insight; and (3) the FTC is likely to become aware of agreements between innovator and generic companies because these agreements are usually publicized given that they often exert a substantial impact on the participants' businesses, and thus the study is unlikely to uncover new agreements of concern. PhRMA Comment at 2.

Response: The purpose of the proposed study is to examine the extent to which the 180-day marketing exclusivity and 30-month stay provisions of the Act have encouraged generic competition or facilitated the use of anticompetitive strategies. The information requested concerns the use of agreements between innovator and generic drug companies relating to these two provisions, the business reasons for entering these agreements, and other data regarding how innovator and generic drug companies have operated in light of the 180-day marketing exclusivity and 30-month stay provisions of the Act. For example, the Commission anticipates that the study will analyze matters such as how often the 180-day marketing exclusivity provision has been used, how it has been triggered (by commercial marketing or court orders), the frequency with which innovator companies initiate patent litigation, and the frequency with which patent litigation has been settled or litigated to a final court decision. In addition, the study will provide factual evidence regarding innovator companies' patent listings in the Orange Book, and how frequently challenges are made to patent listings for drug products as to which generic companies have filed ANDAs containing a paragraph IV certification under the Hatch-Waxman Act. Finally, the information relating to company sales will provide evidence of whether the magnitude of revenues associated with particular products correlates with possible strategies relevant to the 180-day marketing exclusivity and the 30-month stay provisions.[6]

HIAA suggested that "the information the FTC proposes to collect will have significant practical utility in determining whether drug manufacturers are engaging in practices that impede generic competition and the extent to which consumers are harmed by such behavior." HIAA Comment at 1. RxHealth suggested that "there is ample evidence of use of Hatch-Waxman by branded manufacturers to prevent or delay timely entrance of generic competitors to the market." RxHealth Comment at 1. Pharmacy Fund strongly supported the proposed study "for it portends an opportunity for the major drug innovators, the generic industry, and consumers to better understand and explain behaviors that are now seen as murky or unfair." Pharmacy Fund Comment at 1. The NACDS stated that the "document collection is necessary because the practices are anticompetitive." NACDS Comment at 1. And "GM believes that the FTC can and should examine the practices and agreements that extend monopoly positions and restrict trade to determine whether there has been any violation of the antitrust laws." GM Comment at 1. As BCBSA noted in its comment, the study has additional utility in light of the top-selling brand name drugs (e.g., Claritin, Pravachol, Prilosec, Prozac, Vasotec, and Zocor) that will go off patent over the next five years. BCBSA Comment at 1.

GM and BCBSA both described the increasing costs of prescription drugs and the importance of generic drug competition to reduce total health care expenses without adversely affecting the level of care provided. For example, GM stated that its total drug expenditure for calendar year 2000 will exceed $1.2 billion and that brand-name drugs account for 90 percent of its total drug spending, although its current utilization rate for generic drugs is 37 percent. Moreover, for each one percent increase in the use of generic drugs, GM can save $3 million per year. *Id.* at 2.

The need for the study has been highlighted by the FTC's investigations into several cases in which manufacturers of pharmaceutical drug products and generic competitors have allegedly entered into anticompetitive agreements to delay generic entry.[7] In these cases, innovator manufacturers and generic competitors were alleged to have agreed to delay generic competition, in part through manipulation of opportunities created by these two provisions of the Act. The proposed study will help determine whether these agreements are isolated incidents or indicative of a pattern in the industry.

The proposed study falls squarely within the FTC's fact-finding authority under section 6 of the Federal Trade Commission Act. *See* 15 U.S.C. 46(a). The Commission's power to investigate and report on marketplace developments is part of the FTC's original mandate and has been the basis for important studies in the past.[8] In the pharmaceutical area, the Commission has used its section 6 authority to investigate the issue of advertising and promotion of prescription drugs.[9]

The FDA's current rulemaking proceeding to revise the regulations implementing the Act does not undermine the FTC's proposed study. The proposed study seeks to examine whether the 180-day marketing exclusivity and 30-month stay provisions of the Act have encouraged generic competition or facilitated the use of anticompetitive strategies.[10] The FDA's implementing regulations, regardless of when they are issued, cannot change the Act's statutory language, and it is the effect of these statutory provisions on generic competition that is the focus of the proposed study. Moreover, FDA's final regulations will be prospective in effect, and FDA has provided no indication as to when they will be completed.[11] In June 1998, the FDA published industry guidance on FDA's current approach to the 180-day marketing exclusivity issue,[12] and it published an interim rule and "has regulated directly from the statute when making exclusivity decisions on a case-by-case basis."[13] In addition, the information collected also will likely shed light on whether FDA's proposed regulations are sufficient to remedy any delayed generic competition that results from certain types of agreements.[14]

Contrary to PhRMA's suggestion, it is unlikely that the Commission would be able to uncover all potentially anticompetitive agreements without undertaking the proposed study. *See* NACDS Comment at 2 ("The existence of an anticompetitive agreement is rarely if ever publicized by the manufacturers."). The Commission's enforcement experience in this area is that, although it has public notice of an agreement's existence (*e.g.*, notice of a court settlement), the Commission cannot learn of the specific terms of an agreement until it opens an investigation of the matter.

2. Suggestions to Narrow the Focus of the Proposed Study

The discussion of this section is separated into three subsections below. Subsection (a) discusses the suggestions to revise the language of Request 1 for both innovator and generic companies. Request 1 seeks agreements relating to ANDAs and documents supporting the reasons for entering into these agreements. Subsection (b) discusses suggestions to revise the three remaining questions, which are asked of only innovator companies (Requests 2–4 for innovator companies), and subsection (c) discusses suggestions for changes to the remaining four questions for generic companies (Requests 2–5 for generic companies).

a. Information Request for Innovator and Generic Companies To Submit Agreements and Supporting Documents

Current Request: Request 1 for both innovator and generic companies requires them to produce all agreements entered into since January 1, 1991 between the company and any other person relating to an ANDA for drug products specified for each respondent company.[15] The request lists as examples of such agreements: (a) Patent litigation settlements (full or partial); (b) agreements related to the filing (or non-filing) of an ANDA by any applicant (or potential applicant); (c) licensing agreements between the company and persons that have filed an ANDA; and (d) agreements related to any acquisition, divestiture, joint venture, alliance, license or merger by the company of any business involving the research, development, manufacture or sale of any drug product that is the subject of an ANDA. The company is not required to submit purchase orders for base active materials, equipment and facility contracts, and employment contracts. The second part of the request requires the companies to produce any documents prepared by or for any officer or director of the company that would provide reasons for why the agreement was executed.

Comments on Date Range: Geneva suggested that the Commission modify the cutoff date to January 1, 1995, except for still-active agreements between innovator and generic companies that prohibit the generic company from launching a generic version of the innovator's patented product in return for consideration.

Response: We agree with Geneva's suggestion to modify the date range of agreements studied and will request only agreements executed after December 31, 1994. We also agree to implement a modified version of the backstop that Geneva suggested and request that still-active agreements entered into before such date be produced. This change will reduce the burden on the responding companies by reducing the time period for which they must produce agreements by four years (1991 through 1994), while still enabling the Commission to provide a more complete picture of how generic drug competition has developed.

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[5] The Hatch-Waxman Act provides a method by which generic drug manufacturers can obtain approval of a generic version of a branded product through an Abbreviated New Drug Application (ANDA) submitted to the Food and Drug Administration (FDA). A generic drug manufacturer must certify that the patents listed in the FDA's "Orange Book" that claim the approved drug product are invalid or will not be infringed by the generic drug for which the ANDA applicant seeks approval ("a paragraph IV certification"). The Act provides a 45-day window during which the patent holder may bring a patent infringement suit against the ANDA applicant. If a patent suit is initiated during this period, the Act forbids the FDA from approving the ANDA for the earlier of 30 months or until the completion of the litigation ("30-month stay period"). If any other generic companies file an ANDA containing a paragraph IV certification ("later-filed ANDAs"), the Act provides that the FDA cannot approve such ANDA until 180 days ("the 180-day marketing exclusivity period") after the earlier of (1) the date of the first commercial marketing of the first applicant's generic drug, or (2) the date of a decision of a court in an action holding the branded company's patent(s) is (are) invalid or not infringed.

[6] The documents and information collected also may provide a basis for initiating a law enforcement investigation, but the Commission will not exercise its enforcement authority solely on the basis of information provided by the companies in response to the proposed information collection request. Rather, it would do so only after gathering additional information from a company and/or other sources apart from the study. The Commission would evaluate whether the evidence examined indicates unfair methods of competition. *See* FTC Act section 5, 15 U.S.C. 45.

[7] *See, e.g., In the Matter of Abbott Laboratories*, Docket No. C–3945 (2000); *In the Matter of Geneva Pharmaceuticals*, C–3946 (2000); *In the Matter of Hoechst Marion Roussel, Inc et. al.*, Docket No. 9293, Administrative Complaint (Mar. 16, 2000).

[8] For example, a study of the radio broadcasting industry influenced passage of the Radio Act of 1927 (a predecessor to the Communications Act of 1934), while the FTC's disclosure of securities issue abuses played a role in heightening Congress' recognition of the need for securities industry regulation and led to the Securities Act of 1933. *See also FTC* v. *Rockefeller*, 591 F.2d 182 (2d Cir. 1979); *FTC Line of Business Report Litigation*, 595 F.2d 685 (D.C. Cir.), *cert. denied*, 439 U.S. 958 (1978).

[9] Federal Trade Commission, Bureau of Economics, *Sales, Promotion, and Product Differentiation in Two Prescription Drug Markets* (1977). And, more recently, the Commission continues to use its Section 6 authority to examine cigarette labeling issues. Federal Trade Commission Report to Congress for 1998 Pursuant to the Federal Cigarette Labeling and Advertising Act (2000) *http://www.ftc.gov/os/2000/06/index.htm#27*.

[10] The benefits of generic drug competition for consumers have been examined extensively. *See, e.g.*, Staff Report, Bureau of Economics of the Federal Trade Commission, *The Pharmaceutical Industry: A Discussion of Competitive and Antitrust Issues in an Environment of Change* (Mar. 1999) at 18; Congressional Budget office, "How Increased Competition from Generic Drugs Has Affected Prices and Returns in the Pharmaceutical Industry" (CBO study) (July 1998).

[11] PhRMA has argued that FDA's proposal, which the FTC staff suggested may address several of FDA's concerns about delayed generic competition, is neither authorized by the Act nor consistent with the policy objective of the 180-day marketing exclusivity provision. *See* Comments of PhRMA, In re 180-Day Generic Drug exclusivity for Abbreviated New Drug Applications, 64 Fed. Reg. 42873, Docket No. 85N–0214 (Aug. 6, 1999) at 5–6. If the FDA were to adopt its proposed regulations, they could be challenged in court, with a possible delay in their implementation.

[12] FDA, *Guidance for Industry, 180-Day Generic Drug Exclusivity Under the Hatch-Waxman Amendments to the Federal Food, Drug, and Cosmetic Act* (June 1998).

[13] FDA, *180-Day Generic Drug Exclusivity for Abbreviated New Drug Applications*, 64 Fed. Reg. 42873 at 42874 (Aug. 6, 1999).

[14] The FDA recently revised its interpretation of the conduct sufficient to constitute "commercial marketing" that triggers the 180-day marketing exclusivity right. *See* Letter of Janet Woodcock, Director, FDA Center for Drug Evaluation and Research, to Deborah A. Jaskot, Docket No. 00P–1446/CP1 (Feb. 6, 2001). This action reflects FDA's concern that the 180-day marketing exclusivity right not be used to impede generic competition.

[15] The Commission has entered into an agreement with FDA to receive information about the filing of ANDAs containing paragraph IV certifications by specific product. This information will allow the Commission to tailor each company's request to specific drug products.

Comments on Scope of Agreements Collected: PhRMA recommended that, if the proposed study is undertaken, the Commission collect only "agreements between an innovator and a person that has filed an ANDA or may file an ANDA and in which the ANDA filer or potential ANDA filer commits to refrain from or delay its ANDA filing or the commercial marketing of a generic product in return for consideration from the innovator." PhRMA Comment at 5. In addition, PhRMA stated its views that the information collection request appears to cover three types of agreements that could not have been intended to delay the introduction of a competing generic product: (1) Licensing agreements and other agreements between innovators and generic manufacturers that relate to already marketed generic drug products; (2) agreements entered into before the innovator became aware that the generic manufacturer had filed or intended to file an ANDA; and (3) merger, acquisition, and licensing agreements between two innovator companies if one of them manufactures a drug product that is the subject of an ANDA. PhRMA Comment at 4. Geneva also provided examples of agreements that would be included in the Commission's information request but are not within the Commission's perceived concern. To remedy this concern, "Geneva suggests that the request be limited to agreements with innovator companies relating to ANDAs, where the innovator company holds the NDA [new drug application underlying the branded drug product] corresponding to the ANDA that is subject of the agreement." Geneva Comment at 2. Geneva also suggested that the Commission clarify that it will not seek any agreements or documents that the Commission may already have as a result of any law enforcement matter.

Response: PhRMA has suggested that the Commission request only agreements whose terms mirror the terms in the agreement that Commission alleged to be anticompetitive in its enforcement action against Abbott and Geneva.[16] If the Commission were to accept PhRMA's suggestion to limit its investigation to agreements with those specific terms, it would lessen the practical utility of the proposed study. One objective of the proposed study is to determine whether innovator companies and generic drug companies have entered into various types of agreements that have affected the development of generic drug competition. The request, as currently drafted, may uncover other, somewhat different examples of agreements that have affected the development of generic competition, but that do not contain the terms specified by PhRMA. As NACDS explained in its comment, the "FTC needs to collect relevant documents to discover new examples of [possibly anticompetitive agreements]." NACDS Comment at 2.

On the other hand, the Commission's experience also has suggested that there may be circumstances where agreements between innovator and generic drug companies are procompetitive. The request, as currently drafted, may uncover such agreements as well. These agreements also are likely to assist the Commission's investigation of how generic competition has developed in light of the Act. Thus, the proposed study may identify procompetitive rationales in support of other agreements that have somewhat different terms, thereby illuminating benign reasons for conduct that some currently see as "murky or unfair." Pharmacy Fund Comment at 1.

To limit the study as PhRMA suggested would severely limit the Commission's ability to examine the use of agreements in this industry. One question is whether anticompetitive agreements of the type challenged by the FTC are isolated instances or examples of typical practices. By asking for a range of agreements over a six-year period, the Commission believes it will be able to provide a more complete picture of agreements related to generic drug competition and Hatch-Waxman Act provisions. The much more limited request that PhRMA proposed would likely yield, at best, only anecdotal evidence of how certain types of agreements between innovator and generic companies affect generic drug competition.

The Commission agrees, nevertheless, with Geneva's and PhRMA's assertion that the language specifying the agreements to be produced can be narrowed in certain respects without compromising the Commission's objectives. The Commission does not intend the request to cover agreements not likely to further the study's objectives. Accordingly, the language of Request 1 for both innovator and generic companies has been modified to make each request symmetrical and more narrowly focused. The Commission has incorporated PhRMA's suggestion to exclude agreements entered into between innovator companies and generic manufacturers that relate to already marketed generic drug products. In addition, it has incorporated PhRMA's and Geneva's suggestions concerning duplication, to exclude from the request documents that have been submitted previously to the Commission pursuant to the Premerger Notification Rules (16 CFR parts 801–803 (2000)) and section 7A of the Clayton Act (15 U.S.C. 18a) or sections 6, 9, 13, and 20 of the Federal Trade Commission Act (15 U.S.C. 46, 49, 53, and 57b-1), although responding companies will be required to identify any such documents.

PhRMA's suggestion to exclude agreements entered into before the innovator became aware that the generic manufacturer had filed or intended to file an ANDA creates uncertainty as to how companies would respond to the request. Agency experience suggests it would be difficult to provide objective guidance to define when an innovator company "became aware" that a generic company intended to file an ANDA. Accordingly, and in light of the Commission's actions to narrow the request in other significant respects, the Commission declines to implement this suggestion.

In addition, the Commission has not followed Geneva's suggestion to exclude licensing arrangements or co-development agreements between generic manufacturers. The Commission's law enforcement investigations indicate that agreements between generic companies also may affect the degree of generic competition that emerges. To exclude such agreements could eliminate a substantial number of agreements and documents that may help provide a more complete picture of whether agreements among generic companies may have delayed the consumer benefits of full generic competition.

Comments on Documents Containing Reasons for Executing Agreements: PhRMA further suggested that the second half of Request 1, which requires documents relating to the reasons for making the identified agreements, is "extremely ambiguous" and fraught with potential technical difficulties as to which documents a company would be required to produce.

Response: The additional documents called for in the second half of Request 1 include only those important enough to be prepared for or by an officer or director of the company and that evaluate or analyze the company's reasons for entering into agreements identified in response to Request 1. These documents will help ensure that the Commission has a full picture of the reasons for the agreements, including procompetitive reasons. This language is routinely used to request documents in connection with premerger notification filings pursuant to the Premerger Notification Rules (16 CFR Parts 801–803 (2000)) and section 7A of the Clayton Act (15 U.S.C. 18a). Responding companies generally recognize and understand the language. Limiting the pre-merger request to documents prepared by or for an officer or director of a company usually results in the production of a small number of documents (in most cases fewer than five).

The revised text of Request 1 for both innovator and generic companies (as well as the remaining Requests) is listed following the discussion of all of the comments. The Commission also has made minor changes to the Requests to clarify the language of each Request as applicable.

b. Remaining Information Requests for Innovator Companies:

The Commission has proposed three additional information collection requests of innovator companies. Request 2 requires a company to produce information about patents listed in the Orange Book for specified drug products. Request 3 requires a company to produce information about litigation to which it is a party and that relates to an ANDA containing a paragraph IV certification. Request 4 requires a company to produce sales data regarding each specified drug product.

Comments: PhRMA has suggested that the information sought by Requests 2 through 4 is freely available to the FTC, at least once the agency receives any agreements called for by Request 1. In addition, it suggested that these requests are "both unnecessary and ambiguous." Accordingly, it suggested that the FTC use a two-stage process—first, collect agreements, and then, if necessary, collect additional information—to proceed with the proposed study.

Response: For the Commission to use a two-stage process, as PhRMA suggested, to collect the documents and information sought by Requests 2 through 4 (*i.e.*, patent listings in the Orange Book, patent litigation information, and sales information) would unnecessarily delay the study and likely prevent the Commission from producing it in a timely manner. The information from the study is most likely to be of relevance as the 107th Congress considers possible changes to the Hatch-Waxman Act. In its comment, HIAA also suggested that a study would be timely given the central role that pharmaceuticals play in medical cost inflation, with spending for prescription drugs far outpacing all other major categories of health expenditures. HIAA Comment at 2. In addition, a two-stage process could unduly burden companies by requiring them to search the same files twice—once in response to the current requests, and at a later date to comply with a second round of information requests.

The information requested in Requests 2 through 4 is necessary to show how and when generic competition has begun for various drug products. Request 2 seeks information about patents listed in the Orange Book for specified drug products. GM, NACDS, and Microbix highlighted the need to examine the practice of listing patents in the Orange Book in ways that could potentially delay generic drug entry. GM Comment at 2, Microbix Comment at 2, NACDS Comment at 1–2. For example, this information is crucial to determine how often and when innovator companies have filed new patents after the drug product has been approved and thereby triggered the 30-month stay provision. Such listings can affect when generic competition starts. Because patent listing dates are not provided in the Orange Book, the request seeks the listing date of patents in the Orange Book for specified drug products.

Request 3 seeks basic information regarding patent lawsuits initiated by the innovator company related to a generic drug product for which the innovator company holds the rights to the corresponding NDA. This information is useful to examine how the 180-day marketing exclusivity period is triggered and how often a court decision is used to resolve patent disputes. The Commission has modified the language of the request to ensure that the companies do not produce non-responsive court documents. Pharmacy Fund has urged the Commission to obtain this information and related court documents because courts usually grant the innovator companies protective orders that shield the public (and the FTC) from knowing the terms by which lawsuits are settled. Pharmacy Fund Comment at 2. Thus, this information often cannot be obtained from the court directly, and would thus have to be collected from the companies themselves.

Finally, Request 4 seeks information regarding a company's annual sales in units and dollars for each specified drug product. This information is necessary to evaluate whether companies' actions may be correlated to the market value of a particular drug product. This information should be readily available at corporate headquarters.

c. Remaining Information Request for Generic Companies

The Commission received several comments from Geneva on three of the four proposed information collection requests of generic companies.

Comments: Geneva requested that Request 2—which seeks, among other things, a description of how patent litigation expenses are or have been distributed among the parties to the litigation—be stricken, or that a further explanation be given as to how the requested information will be useful and as to what procedures will be used to keep information received confidential. Geneva also suggested that Request 3, which seeks information about generic drug commercial marketing, be narrowed or made less burdensome. Finally, Geneva suggested that Request 5, which seeks sales data for specified drug products, be amended to request sales data only for those drug products for which the company has filed an ANDA containing a paragraph IV certification and that actually resulted in patent litigation between the generic company and the innovator.

Response: Request 2 for generic companies seeks information relating to how patent litigation expenses are or have been distributed among the generic companies party to the litigation. Although there is little legislative history, it is commonly understood that the 180-day marketing exclusivity period was implemented to reward the first-filed paragraph IV ANDA applicant for bearing litigation expenses to successfully challenge the branded company's patents and also to prevent free-riding by later-filed paragraph IV ANDA applicants. The information to be provided for Request 2 will help determine whether the provision has operated to achieve that goal. In many cases, the innovator company has sued not only the first-filed ANDA applicant for patent infringement, but also later-filed applicants, and courts have consolidated these cases so that generic companies are often joint defendants. As described below in more detail, all information and documents submitted pursuant to the information request will be kept confidential under the FTC's Rules of Practice.

Requests 3 and 5 seek information regarding the commercial marketing of drug products for which the generic company has submitted an ANDA containing a paragraph IV certification. The Commission believes it is unnecessary to limit the data collection further as suggested by Geneva (only to drug products subject to Paragraph IV certifications that actually resulted in

[16] *See In the Matter of Abbott Laboratories*, Docket No. C–3945 (2000); *In the Matter of Geneva Pharmaceuticals*, C–3946 (2000).

patent litigation between the generic company and the innovator) because each information collection request will be tailored by drug product for each company. Based on initial information obtained from the FDA, as previously noted, nearly 70 percent of the generic companies will be asked to provide information relating to no more than three specific drug products. Thus, it should be relatively easy for the company to identify when it received regulatory approval and what its sales were for each individual drug product for the specified number of years.

3. Suggestions To Broaden the Scope of the Proposed Study

Comments: GM, Keats, NACDS and Pharmacy Fund suggested ways in which the Commission should broaden the study's focus. NACDS suggested that the Commission "investigate the extent to which brand name drug manufacturers file baseless citizen petitions with the Food and Drug Administration that challenge the FDA's approval of a generic drug product." NACDS, along with GM, Keats, and Pharmacy Fund, also suggested that the Commission examine pricing strategies of drug manufacturers. NACDS Comment at 2. GM specifically suggested that the Commission investigate pricing practices of pharmaceutical companies for U.S. consumers compared to Europe or Japan and study the need for consumer education in this area (GM Comment at 2); Keats suggested that the Commission study how manufacturers influence the distribution of their drug products (Keats Comment at 1); and Pharmacy Fund suggested the Commission seek information regarding "the marketing conditions that preclude competitive market pricing by the innovator company." Pharmacy Fund at 2. Pharmacy Fund also suggested that the Commission examine the practices of a specific company and examine whether innovator companies engage in direct-to-consumer disparagement of generic drug products. *Id.*

Response: Commission staff has commented to the FDA on the FDA's proposed rules governing citizen petitions suggesting changes that might reduce the potential for regulatory abuse.[17] Staff explained that there is potential for anticompetitive abuse of nearly any regulatory process.[18] To delay competition may be a lucrative strategy for an incumbent, especially in an industry where entry is regulated, such as pharmaceuticals. Improper petitioning may be appealing in part because it can be used against any size firm, regardless of relative resources of the parties. The cost of filing an improper citizen petition may be trivial compared to the value of securing a delay of a year or more (or possibly as little as a month's delay for a blockbuster drug) in a rival's entry into a lucrative market.[19]

Participation in the regulatory process, however, is often protected from antitrust scrutiny by the Noerr-Pennington doctrine.[20] In its simplest terms, the Noerr-Pennington doctrine shields private parties from antitrust liability when they engage in concerted but genuine efforts to influence governmental action, even though the conduct is undertaken with an anticompetitive intent and purpose. If regulatory intervention (or a series of interventions) is used to impede competition, however, antitrust concerns may be raised if not shielded by Noerr-Pennington.[21]

One of the recommendations in the staff comment was that the FDA consider requiring notification of whether the citizen petitioner has received, or will receive, consideration for filing the citizen petition and identification of the party furnishing the consideration.[22] This information may be important in evaluating the likely competitive effect of the petition.[23] In light of this potential, the Commission will seek limited, identifying information regarding the filing of citizen petitions by innovator companies for specified drug products. The information will be used to determine how frequently innovator companies have filed, or contributed to the filing of, citizen petitions with the FDA for specified drug products. The information will not be used to review the merits of the petitions or to evaluate FDA's handling of the petitions.

An investigation of pricing practices of pharmaceutical companies is beyond the scope of the study. Likewise, GM's suggestion that the Commission use the proposed study to address the need for consumer education about generic drugs, although worthwhile, is also beyond the scope of the proposed study. The Commission recognizes the importance of pricing practices and their effect on generic drug competition. The scope of the study, however, is limited to the use of agreements and other non-price strategies that are intended to delay generic drug competition. The Commission does not have the resources at this time to adequately investigate pharmaceutical pricing issues.

The Commission study is not designed to target any specific companies. Pharmacy Fund's request that the Commission do so lies outside ths scope of the study.

Finally, the Commission declines to broaden the study to examine direct-to-consumer disparagement of generic drug products. It is beyond the scope of the resources allocated for this study to fully examine the issues surrounding possible direct-to-consumer disparagement.

4. Compliance with the PRA

Comments: CRE, PhRMA, and Geneva raised various concerns about whether the proposed information collection complies with the requirements of the PRA. CRE asserted that the proposed information collection request does not include a plan for how the Commission would use the data collected; does not include a specific, objectively supported estimate of burden; fails to disclose the Commission's plan for the efficient and effective management and use of the information the FTC proposed to collect; fails to explain why a pilot program is inappropriate before issuing the information collection requests; duplicates information otherwise available to the agency; does not explain how it intends to handle trade secret or otherwise confidential information and how that information will be protected from disclosure; and fails to reduce burdens on small entities (which it asserts are likely to be many generic companies).

[17] Comment of the Staff of the Bureau of Competition and of Policy Planning of the Federal Trade Commission, Citizen Petitions; Actions That Can be Requested by Petition; Denials, Withdrawals, and Referrals for Other Administrative Action, FDA Docket No. 99N–2497 (Mar. 2, 2000) ("staff comment").

[18] *Accord*, Robert H. Bork, *The Antitrust Paradox* 347 (1978) ("The modern profusion of [. . .] governmental authorities offers almost limitless possibilities for abuse.").

[19] *Id.* at 348.

[20] *Eastern Railroad Presidents Conference* v. *Noerr Motor Freight, Inc* 365 U.S. 127 (1961); *United Mine Workers* v. *Pennington*, 381 U.S. 657 (1965).

[21] *Professional Real Estate Investors, Inc* v. *Columbia Pictures Indus. Inc.*, 508 U.S. 49 (1993); *see also* Bork, *supra* n. 18, at 354.

[22] The Commission recently imposed a similar condition in conjunction with its approval of the Coastal Corp and El Paso Energy Corp. merger. The Commission required the merged entity to disclose publicly whenever it undertook regulatory action on its own or through the funding of third parties to oppose the regulatory approval of a natural gas pipeline that would compete with the merged company. FTC Press Release, "FTC Clears Merger of El Paso Energy and Coastal Corp." (Jan. 29, 2001) *http://www.ftc.gov/opa/2001/01/elpasocoastal.htm.*

[23] The Senate bill referenced in note 3 also included a provision relating to the use of citizen petitions and their potential for delaying generic drug competition.

PhRMA suggested that the burden estimates are neither specific nor objectively supported, and that the Commission has failed to discuss what records respondents might have or how they might keep them. Similarly, Geneva suggests that the burden estimates are unrealistic given its recent experience.

Response: The description of the collection of information and its proposed use, as well as Commission resources to effectively and efficiently manage the information, are discussed below in a separate section. Likewise, a refined estimate of burden, based on the comments received and the changes made to the language of the proposed information collection, is also described below.

Pilot Program: The PRA provides that it is within the Commission's discretion to engage in a pilot program before issuing the proposed information collection request. 44 U.S.C. 3506(c)(1)(A)(v). The Commission has declined to engage in a pilot program in light of its several law enforcement activities in this area. The Commission has investigated, and continues to investigate, cases that involve generic drug competition and its interface with the Act.[24] The experience gained through these investigations obviates the need to test the questions' effectiveness as part of a pilot program, and supports the usefulness of asking the questions contained in the information requests.

Duplicativeness: The Commission will clarify in the proposed information collection requests that respondents do not have to produce information already submitted to the agency pursuant to a law enforcement investigation authorized by the Premerger Notification Rules (16 CFR Parts 801–803 (2000)) and section 7A of the Clayton Act (15 U.S.C. 18a), or sections 6, 9, 13, and 20 of the Federal Trade Commission Act (15 U.S.C. 46, 49, 53, and 57b–1).

The Commission has entered into an agreement with FDA to receive information regarding the filing of ANDA applications containing paragraph IV certifications. This information will allow the Commission to tailor each information collection request to the specific innovator and generic companies involved with each drug product as to which a paragraph IV certification has been filed, thereby reducing the burden on each of the respondent companies.

CRE stated that the Commission has failed to address whether the CBO study[25] obviates the proposed study. The CBO study examined the extent to which competition from generic drugs has increased since the passage of the Act and analyzed how that competition has affected companies' returns on their investment in developing a drug. The CBO study does not, however, provide information on whether the 180-day marketing exclusivity and 30-month stay provisions of the Act have encouraged generic competition or facilitated the use of anticompetitive strategies. Thus, the CBO study does not substitute for the proposed one.

Confidentiality: Section 6(f) of the FTC Act, 15 U.S.C. 46(f), bars the Commission from publicly disclosing trade secrets or confidential commercial or financial information it receives from persons pursuant to, among other methods, special orders authorized by Section 6(b) of the FTC Act. Such information also would be exempt from disclosure under the Freedom of Information Act. 5 U.S.C. 552(b)(4). Moreover, under section 21(c) of the FTC Act, 15 U.S.C. 57b–2(c), a submitter who designates a submission as confidential is entitled to 10 days' advance notice of any anticipated public disclosure by the Commission, assuming that the Commission has determined that the information does not, in fact, constitute 6(f) material. Although materials covered under one or more of these various sections are protected by stringent confidentiality constraints, the FTC Act and the Commission's rules authorize disclosure in limited circumstances (*e.g.*, official requests by Congress, requests from other agencies for law enforcement purposes, administrative or judicial proceedings). Even in those limited contexts, however, the Commission's rules may afford the submitter advance notice to seek a protective order. See 15 U.S.C. 57b–2(c); 16 CFR 4.9–4.11. Finally, the information presented in the study will not reveal company-specific data. See 15 U.S.C. 57b–2(d)(1)(B). Rather, the Commission anticipates using aggregated totals, on a level sufficient to protect individual companies' confidential information, to provide a factual summary of how the provisions of the Act have operated for the specified period.

Burden on Small Entities: The information collection request is not likely to impose an undue burden on small entities, such as small generic drug companies. To the extent that a respondent is a small entity, it is likely that the specific list of drug products contained in the information collection request will be limited in number. In other words, the more drug products specified in the information collection request, the less likely that the respondent will be a small business. Based on initial information obtained from the FDA, the generic drug companies with the largest number of drug products for which information will be sought are not small businesses. Moreover, as previously noted, approximately 70 percent of innovator companies and generic companies will be asked to provide information relating to three or fewer specific drug products, thereby limiting their burden. Finally, the Commission staff will answer any questions a respondent may have relating to the scope or meaning of anything required by the information collection request, and will consider possible modifications thereto to reduce burdens on small entities.

Company Records: Based on law enforcement investigations, it is likely that most of the agreements requested, as well as information concerning litigation, Orange Book listings, FDA approvals, and citizen petition information, reside within legal departments at corporate headquarters or with outside legal counsel. Supporting documents requested in Request 1 (for both innovator and generic companies) concerning the reasons for entering into identified agreements are likely to reside with the corporate secretary because the information requested will have been provided to an officer or director or board member. Finally, the commercial sales information requested, which is typical of information provided to corporate management, is likely to reside with the chief financial officer and to be obtained through routine requests of internal management and accounting systems.

Description of the Collection of Information and Proposed Use and Proposed Budget

The FTC proposes to send special orders to approximately 30 innovator drug companies (*i.e.*, name-brand drug manufacturers) and 70 generic drug companies to examine their use of agreements and other strategies that may affect generic drug competition. The FTC will obtain the information sought by interrogatories and document

[24] *See, e.g., In the Matter of Abbott Laboratories*, Docket No. C–3945 (2000); *In the Matter of Geneva Pharmaceuticals*, C–3946 (2000); *In the Matter of Hoechst Marion Roussel, Inc, et. al.*, Docket No. 9293, Administrative Complaint (Mar. 16, 2000); Brief of Federal Trade Commission as Amicus Curiae in *American Bioscience, Inc.*, v. *Bristol-Myers Squibb Company* (Sept. 1, 2000). In addition, the Commission has confirmed press accounts about the existence of an investigation of Glaxo SmithKline regarding Paxil.

[25] *See* CBO study, *supra* n. 10.

requests under section 6(b) of the FTC Act, 15 U.S.C. 46(b). Recipients of the information requests include name-brand pharmaceutical drug companies that have received notice of the filing of an ANDA, as defined by 21 U.S.C. 355(j), and generic drug companies that have filed such ANDAs. The FDA has agreed to provide the Commission with ANDA paragraph IV application information so that Commission staff can tailor each information collection request to the respondent company's specific drug products that may be subject to generic drug competition. In addition to routine questions about the name, address, and incorporation date of the responding company and its subsidiaries, and the name, business address, and official capacity of the official supervising the company's response, the FTC will ask innovator drug companies (the company) to provide answers to the following five questions about specific drugs:

1. Submit all agreements between the company and any person[26] (including corporations or other business entities acquired since the agreement(s) was (were) executed) executed after December 31, 1994,[27] relating to[28] an ANDA involving any Drug Product,[29] where the company holds the rights to the NDA corresponding to the ANDA that is the subject of the agreement. Examples of such agreements include, but are not limited to: (a) Patent litigation settlements (full or partial) between the company and persons that have filed an ANDA involving any Drug Product; (b) agreements related to the filing (or non-filing) of an ANDA by any applicant (or potential applicant) involving any Drug Product; (c) licensing agreements between the company and persons that have filed an ANDA involving any Drug Product; and (d) agreements related to any acquisition, divestiture, joint venture, alliance, license or merger by the company of any business involving the research, development, manufacture or sale of any Drug Product that is the subject of an ANDA. The company is not required to submit purchase orders for raw material supplies, equipment and facility contracts, or employment or consulting contracts, nor is the company required to submit agreements executed after the generic manufacturer had begun commercial marketing of the generic Drug Product corresponding to the ANDA for which it had received FDA approval. The company also is not required to submit information that has already been submitted to the Commission pursuant to the Premerger Notification Rules (16 CFR Parts 801–803 (2000)) and section 7A of the Clayton Act (15 U.S.C. 18a), or sections 6, 9, 13, and 20 of the Federal Trade Commission Act (15 U.S.C. 46, 49, 53, and 57b–1), although the company must identify such information as having been previously submitted. For any such agreement submitted, also submit all studies, surveys, analyses and reports that were prepared by or for any officer(s) or director(s) of the company (or, in the case of unincorporated entities, individuals exercising similar functions) that evaluate or analyze the reasons for making such agreement (or any of the provisions in such agreement), and indicate (if not contained in the document itself) the date of preparation and the name and title of each individual who prepared each such document.

2. Identify all patents that the company has filed in the Orange Book and the date of listing (regardless of whether currently listed in the Orange Book) relating to each Drug Product for which the company has been notified of the filing of an ANDA by another person. Indicate if the patent(s) was (were) filed in the Orange Book after the company received approval of the New Drug Application, as defined under 21 U.S.C. 355(b) *et seq.*, for the Drug Product. Also submit a copy of each such patent identified and identify whether the patent is owned by, assigned to, or licensed to the company.

3. Identify and list all lawsuits (including the court, date filed, docket number, parties, current or final status (including dates), current or final docket sheet, any reporter cites, and any appellate history relating to the lawsuit) to which the company is or was a party that involve an ANDA paragraph IV certification related to any Drug Product. Submit the complaint, the answer, any motion(s) for summary judgment, any pretrial memoranda, and any court orders and opinions on any dispositive issue for each such lawsuit.

4. For each Drug Product for which the company has been notified that an ANDA containing a paragraph IV certification had been filed with the FDA, state the company's sales,[30] in units and dollars, by each finished dosage form for each calendar year since, and including, the year the company was notified of the filing of such ANDA. If the company has its own generic version of the Drug Product, separate the sales for the branded product and the generic product.

5. For each Drug Product for which the company has been notified that an ANDA containing a paragraph IV certification has been filed with the FDA, state whether the company has filed, or contributed to the filing of, in whole or in part (*e.g.*, provided funds, legal or regulatory assistance to support the filing), a citizen petition with the FDA concerning an ANDA related to that Drug Product and identify the FDA docket number assigned to such citizen petition.

In addition to routine questions about the name, address, and incorporation date of the responding company and its subsidiaries, and the name, business address, and official capacity of the official supervising the company's response, the FTC will ask generic drug companies (the "company") to provide answers to the following five questions:

1. Submit all agreements between the company and any person[31] (including corporations or other business entities acquired since the agreement(s) was (were) executed after December 31, 1994,[32] relating to[33] any ANDA involving any Drug Product.[34] Examples of such agreements include, but are not limited to: (a) Patent litigation settlements (either full or partial) between the company and any Innovator Company[35]; (b) agreements between the company and any other person related to the filing (or non-filing) of an ANDA by the company involving any Drug Product; (c) licensing agreements entered into with any Innovator Company; and (d) agreements related to any acquisition, divestiture, joint venture, alliance, license or merger by the company of any business involving the research, development, manufacture or sale of any Drug Product that is the subject of an ANDA. The company is not required to submit purchase orders for raw material supplies, equipment and facility contracts, or employment or consulting contracts, nor is the company required to submit agreements executed after the company had begun commercial marketing of the generic Drug Product corresponding to the ANDA for which it had received FDA approval. The company also is not required to submit information that has already been submitted to the Commission pursuant to the Premerger Notification Rules (16 CFR Parts 801–803 (2000)) and section 7A of the Clayton Act (15 U.S.C. 18a), or sections 6, 9, 13, and 20 of the Federal Trade Commission Act (15 U.S.C. 46, 49, 53, and 57b–1), although the company must identify such information as having been previously submitted. For any such agreement submitted, also submit all studies, surveys, analyses and reports that were prepared by or for any officer(s) or director(s) of the company (or, in the case of unincorporated entities, individuals exercising similar functions) that evaluate or analyze the reasons for making such agreement (or any of the provisions in such agreement), and indicate (if not contained in the document itself) the date of preparation and the name and title of each individual who prepared each such document.

2. Identify and list all lawsuits (including the court, date filed, docket number, parties, current or final status (including dates), current or final docket sheet, any reporter cites, and any appellate history relating to the lawsuit) to which the company is or was a party involving an ANDA containing a paragraph IV certification. In those cases in which the company is not the sole defendant, describe how litigation expenses are or have been distributed among the defendants.

3. Identify when the company first began commercial marketing of a generic version of any Drug Product approved by the FDA, by each finished dosage form (or, if applicable, indicate that no such commercial marketing has occurred). Identify when the company received tentative and final approvals from the FDA for such Drug Product.

4. Identify each instance in which the company has asserted before a court or before the FDA that a patent was improperly or untimely listed in the Orange Book as defined in 21 U.S.C. 355(b) or (c). For each such assertion, submit the pleading(s) in which such assertion was made and any responsive pleading(s).

5. For each Drug Product for which the company has filed an ANDA containing a paragraph IV certification, state the company's sales[36] (if any), in units and dollars, by each finished dosage form for each calendar year since, and including, the year the company received FDA approval of such ANDA.

The Commission plans to compile the information received to provide a factual description of how the 180-day marketing exclusivity and 30-month stay provisions of the Hatch-Waxman Act have influenced the development of generic drug competition. For example, the Commission anticipates that the study will analyze how often the 180-day marketing exclusivity provision has been used, how it has been triggered (by commercial marketing or court orders), the frequency with which innovator companies initiate patent litigation, and the frequency with which patent litigation has been settled or litigated to a final court decision. The Commission will use the agreements provided, along with the underlying documents related to the reasons for executing the agreement, to provide a discussion of whether it appears that agreements between innovator and generic companies (or between generic companies) may have operated to delay generic drug competition. In addition, the study will provide factual evidence about innovator companies' patent listings in the Orange Book, and how frequently challenges are made to these listings by generic companies. The study also will provide evidence of innovator company use of citizen petitions relating to generic versions of their brand-name drug products. Finally, the study will examine whether the size of a drug product's sales influence the likelihood of use of strategies to delay generic competition.

The FTC's office of Policy Planning has considered the resources necessary to complete the study in a timely manner and has determined that it can do so with available personnel. Policy Planning will conduct the study and will utilize resources within the Bureaus of Competition and Economics for additional expertise as the need arises.

Estimated Hours Burden

FTC staff will ask members of the pharmaceutical industry to answer several written questions about specific drug products and to produce certain documents related to the answers provided. We believe that the burden estimates are reasonable given the refinements to the wording of Request 1 for innovator companies and generic drug companies (request seeking agreements and documents explaining the reasons for executing the agreements) to delete four years from the time period and to ensure that the question's language does not cover agreements that the Commission did not intend to be produced. Staff has increased the low-end estimate given the additional question now asked of innovator companies concerning citizen petitions.

The burden estimates were based in the first instance on experience in administering the Antitrust Improvements Act Notification and Report Form (Form) that implements the notification requirements of the Premerger Notification Rules and section 7A of the Clayton Act. Request 1 for both innovator and generic companies is comparable to the information required for question 4(c) of the Form. Based on historical experience, respondents require an average of 39 hours to complete the Form.[37] This average formed the basis for the estimated hours needed to respond to Request 1,[38] premised on the above-stated assumption that the Commission will ask most companies for information on no more than three drug products. Commission staff allocated 15 hours to respond to the additionally requested information based on its knowledge of how the requested information is generally maintained by companies that respond to such Commission requests. Thus, an additional 45 hours (3 questions × 15 hours each) initially were allocated for innovator company questions for a total of 84 hours (39 hours + 45 hours) and

[26] The term "person" means any natural person, corporate entity, partnership, association, joint venture, or trust which is engaged in research and development, planning and design, production and manufacturing, distribution, or sales and marketing of any Drug Product.

[27] As well as such agreements that were executed prior to January 1, 1995 but remain in force as of the date of the information collection request.

[28] The term "relating to" means in whole or in part constituting, containing, concerning, discussing, describing, analyzing, identifying or stating.

[29] The term "Drug Product" means each finished dosage form of the drug the company has listed in the publication "Approved Drug Products with Therapeutic Equivalence Evaluations" (the "Orange Book") (regardless of whether the Drug Product is currently listed in the Orange Book) and specifically includes those Drug Products including the following active ingredients: (a list of such active ingredients will be tailored specifically for each company).

[30] The term "sales" means net sales, *i.e.*, total sales after deducting discounts, returns, allowances and excise taxes. "Sales" includes sales of the Drug Product whether manufactured by the company itself or purchased from sources outside the company and resold by the company in the same manufactured form as purchased.

[31] *See* n. 26.

[32] *See* n. 27.

[33] *See* n. 28.

[34] The term "Drug Product" means each finished dosage form of the drug listed in the publication "Approved Drug Products with Therapeutic Equivalence Evaluations" (the "Orange Book") (regardless of whether the Drug Product is currently listed in the Orange Book) and specifically includes those Drug Products including the following active ingredients: (a list of such active ingredients will be tailored specifically for each company).

[35] The term "Innovator Company" means each person or company (including its predecessors in interest, subsidiaries, affiliates, successors, and assigns) that has filed a New Drug Application, as defined under 21 U.S.C. 335(b) *et seq.* for any Drug Product (NDA), or holds the rights to any such NDA.

[36] *See* n. 30.

[37] Federal Trade Commission, Submission for OMB Review, 64 FR 36877 (July 8, 1999); 66 FR 8679, 8705 (February 1, 2001).

[38] This is a conservative estimate in that the Form requires more data to be described and produced than merely the information sought by Request 1. Moreover, the estimate does not factor in that some companies may not have entered into any of the agreements described in Request 1.

an additional 60 hours (4 questions × 15 hours each) for generic companies for a total of 99 hours (39 hours + 60 hours).

Now that the Commission has added a question for innovator companies concerning citizen petitions, which it also estimates will require approximately 15 hours to answer, the lower-end estimate is approximately 100 hours for innovator companies as well as generic companies. The revised, high-end of the estimated range (500 hours) recognizes that some companies (approximately 30 percent of innovator companies and generic companies) will have to produce information for more than three drug products, with fewer than five percent of the companies having to produce information on more than 10 drug products. At the same time, the upper-end estimate, though based on this higher volume, also recognizes inherent economies of scale for the process of organizing, identifying, and retrieving information responsive to these requests.

The estimated burden of answering the questions and producing documents per respondent on a functional basis breaks down as follows:

	Hours
Organize document and information retrieval	20–50
Identify requested information	20–200
Retrieve responsive information	25–100
Copy requested information	10–50
Prepare response	25–100
	100—500

The cumulative hours burden to produce documents sought and prepare the response will be between 9,000 hours (100 hours × 90 companies) and 45,000 hours (500 hours × 90 companies).

Associated Labor Cost: It is not possible to calculate precisely the labor costs associated with answering the questions and producing the documents requested, as responses will entail participation by management and/or support staff at various compensation levels among many different companies. Individuals among some or all of those labor categories may be involved in the information collection process. Based on Geneva's comments, staff has increased the dollar figure per hour to reflect the use of outside legal counsel along with mid-management personnel for handling most (an assumed 90 percent) of the tasks involved to gather and produce the responsive information. For such labor costs, we estimate an average hourly wage of $250/hour. In addition, staff estimates an average hourly wage of $10 for the labor of clerical employees who will copy the responsive materials. Thus, the labor costs per company should range between $22,600 [(90 hours × $250/hour) + (10 hours × $10/hour)] and $113,000 [(450 hours × $250/hour) + (50 hours × $10/hour)], with approximately 70 of the 100 companies (70 percent × 70 generic companies plus 70 percent×30 innovator companies) averaging approximately $22,600 to respond to information requests. Assuming the remaining 30 companies average approximately $67,800 each in labor costs (the mean within the estimated range), then total estimated labor cost is $3,616,000 ((70 × $22,600) + (30 × $67,800)). By comparison, for example, the Commission alleged that Abbott paid Geneva a sum of $4.5 million per month to keep the generic version of Hytrin off the market.[39] Thus, the Commission believes that the estimated cost is reasonable in light of the size of the markets involved, the potential consumer harm, and Congressional interest in the area.

Geneva estimates that the burden will be "in excess of $300,000" to respond to the information collection request as proposed. Geneva Comment at 2. The Commission believes Geneva's estimate is based on a misunderstanding of the scope of the information collection request. First, the Commission has clarified the language of Request 1 to exclude agreements not intended to be covered by the request. Second, the Commission has significantly shortened the time period (by four years) for which it seeks such documents. Third, for each request, a company will only have to produce documents and information about specific drug products that are listed in each company's information collection request, rather than for "all products as to which the generic company has made a Paragraph IV certification." Geneva Comment at 3. Thus, Commission staff continues to believe that the estimates provided above are reasonable.

Estimated capital/other non-labor costs: The capital or other non-labor costs associated with the information requests will be minimal. Although the information requests may require that respondents retain copies of the information provided to the Commission, industry members should already have in place the means to store information of the volume requested. In addition, respondents may have to purchase office supplies such as file folders, computer diskettes, photocopier toner, or paper in order to comply with the Commission's requests. Staff estimates that each respondent will spend $500 for such costs regarding the information request, for a total additional non-labor cost burden of $45,000 ($500 × 90 companies).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–4758 Filed 2–26–01; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
TRANSACTIONS GRANTED EARLY TERMINATION—01/22/2001			
20011197	The Pantry, Inc	East Coast Oil Company	East Coast Oil Company.

[39] See note 7.

Trans #	Acquiring	Acquired	Entities
20011273	Neptune Orient Lines Limited	Oak Hill Partners, L.P	New Logistics Holdings Corp., e-Fulfillment Corp.
TRANSACTIONS GRANTED EARLY TERMINATION—01/23/2001			
20011255	CRH plc	Carl Lizza, Jr	Mt. Hope Rock Products, Inc.
20011268	Sulzer AG	Intra Therapeutics, Inc	IntraTherapeutics, Inc.
20011281	SCP Pool Corporation	Hughes Supply, Inc	Allstate Pool Supply, Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—01/24/2001			
20011238	Newport Corporation	Kensington Laboratories, Inc	Kensington Laboratories, Inc.
20011239	David S. Harris	Newport Corporation	Newport Corporation.
20011240	Paul E. Bacchi	Newport Corporation	Newport Corporation.
20011241	Paul S. Filipski	Newport Corporation	Newport Corporation.
20011249	Lightbridge, Inc	Corsair Communications, Inc	Corsair Communications, Inc.
20011259	Frank Lyon Jr	U.S. Bancorp	U.S. Bancorp.
20011274	Professor Kurt Jenny	OSI Pharmaceuticals, Inc	OSI Pharmaceuticals, Inc.
20011275	Avaya Inc	VPNet Technologies, Inc	VPNet Technologies, Inc.
20011276	Loyal Trust No. 1	Berkley Petroleum Corp	Berkley Petroleum Corp.
20011280	Internet Capital Group, Inc	AssetTRADE.com,Inc	AssetTRADE.com, Inc.
20011282	B.N. Bahadur	Pep Guide LLC	Lightsource Parent Corporation.
TRANSACTIONS GRANTED EARLY TERMINATION—01/26/2001			
20011029	Cook Inlet Region, Inc	Pocket Communications, Inc., debtor-in-possession.	DCR PCS, Inc. Pocket Communications, Inc., debtor-in-possession.
20011160	Bouygues S.A	Henry S. Branscome	Branscome Concrete, Inc.
20011209	i2 Technologies, Inc	Boston Ventures Limited Partnership V.	EC–Content, Inc. Trade Service Corporation.
20011262	Triad Hospitals, Inc	Hillcrest Healthcare System	SouthCrest L.L.C.
20011294	Citigroup Inc	Chase Industries Inc	Chase Industries Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—01/29/2001			
20001728	El Paso Energy Corporation	The Coastal Corporation	The Coastal Corporation.
20011264	Six Flags, Inc	Anheuser-Busch Companies, Inc	Sea World of Ohio.
20011269	Stronach Trust	Hilton Group plc	Ladbroke Racing Pennsylvania Inc./Sports Broadcasting, Inc.
20011285	Paul G. Allen	TechTV, LLC	TechTV, LLC.
20011290	Deutsche Post AG	DHL International Limited	DHL International Limited.
20011291	Deutsche Post AG	DHL Worldwide Express, Inc	DHL Worldwide Express, Inc.
20011297	Amcor Limited	CNC Containers Corporation	CNC Containers Corporation.
20011304	Kyocera Corporation	Windward Capital Associates, L.P	Tycom Corporation.
20011311	Thomson multimedia S.A	Carlton Communications plc	Carlton Communications Investments.
20011313	Liberty Mutual Holding Company	Liberty Mutual Fire Insurance Company.	Liberty Mutual Fire Insurance Company.
20011314	Liberty Mutual Holding Company	Employers Insurance of Wausau Mutual Holding Company.	Employers Insurance of Wausau Mutual Holding Company.
20011317	J.P. Morgan Chase & Co	Advanta Corp	Advanta Corp.
20011318	Allen B. Morgan, Jr	Regions Financial Corporation	Regions Financial Corporation.
20011319	Regions Financial Corporation	Morgan Keegan, Inc	Morgan Keegan, Inc.
20011322	BBA Group PLC	General Dynamics Corporation	Gulfstream Aerospace Services Corporation.
20011323	Mr. Raul Alarcon, Jr	International Church of the Foursquare Gospel.	KSFG–FM Station.
20011341	North American Metals, Ltd	Birmingham Steel Corporation	American Steel and Wire Corporation. Birmingham Steel Corporation.
TRANSACTIONS GRANTED EARLY TERMINATION—01/30/2001			
20011309	Kaydon Corporation	William J. & Alice M. Chorkey	ACE Controls International, Inc. ACE Controls, Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—01/31/2001			
20011261	Nextel Communications, Inc	Motorola, Inc	Motorola, Inc.
20011299	Hitachi, Ltd	OpNext, Inc	OpNext, Inc.
20011301	Clarity Partners, L.P.	OpNext, Inc	OpNext, Inc.
20011307	Carlyle Partners III, L.P	Connecticut Health Foundation, Inc.	Connecticare Holding Company, Inc.
20011325	Olivetti S.p.A	Empresa Nacional de Telecomunicaciones.	Empresa Nacional de Telecomunicaciones.

Trans #	Acquiring	Acquired	Entities
TRANSACTIONS GRANTED EARLY TERMINATION—02/01/2001			
20011222	CIENA Corporation	Cyras Systems, Inc	Cyras Systems, Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—02/22/2001			
20011327	Hit Entertainment PLC	Lyrick Corporation	Big Feats L.P. Lyons Partnership L.P.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–4759 Filed 2–26–01; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The Committee on Immunization Registry Standards and Electronic Transactions and the American Immunization Registry Association Sponsored Meeting of Software Vendors for Healthcare Providers: Meeting

Name: Meeting with software vendors for healthcare providers sponsored by the Committee on Immunization Registry Standards and Electronic Transactions and the American Immunization Registry Association.

Time and Date: 10 a.m.–1 p.m., July 12, 2001.

Place: Arkansas' Excelsior Hotel, Three Statehouse Plaza, Little Rock, Arkansas 72201, telephone 501–375–5000.

Status: Open to the public, including all software vendors for healthcare providers, limited only by the space available. The meeting room accommodates approximately 200 people.

Purpose: Immunization Registries Issue Invitation to Vendors of Software for Healthcare Providers

The Committee on Immunization Registry Standards and Electronic Transactions(CIRSET), in cooperation with the American Immunization Registry Association (AIRA), invites vendors of healthcare software systems to participate in a meeting on July 12, 2001, from 10:00 a.m. to 1:00 p.m., in conjunction with the Annual Immunization Registry Conference being held at the Arkansas' Excelsior Hotel in Little Rock, AK. The meeting will explore the potential for two-way data exchange between provider software and state and community immunization registries, as envisioned by CIRSET, AIRA, the Centers for Disease Control and Prevention's National Immunization Program (NIP), and state and local immunization registry programs.

Challenge

Immunization registries face technical challenges similar to those faced by most of the healthcare industry today—how to enable communication among numerous disparate systems. Registries have been developed by a number of different entities—managed care organizations, independent software vendors, states, cities, counties, and local communities.

The developers of these registries chose the hardware and software support platforms that worked best within their own systems, but the resulting applications cannot communicate with each other except through expensive, custom interfaces.

Traditionally, these practices have caused vendors of practice management systems to have difficulty implementing immunization record exchange because each immunization registry had a different vision, format, and protocol for data exchange. This problem has been addressed using a national standard for electronic data exchange, Health Level Seven. The standard was used to develop an implementation guide for immunization data exchange entitled, "Implementation Guide for Immunization Data Transactions Using Version 2.3.1 of the Health Level Seven (HL7) Standard Protocol," June 1999 (Guide). This Guide is the result of collaboration by a number of immunization registry developers who acknowledge the value of standardized data exchange and are ready to implement data exchange among registries. The Guide defines registry specific messages in detail, showing a range of fully valued messages that carry a complete complement of immunization data. The Guide also defines a "minimum standard message" that could be implemented by a non-clinical system to communicate with a registry. A minimum amount of data could be saved to a file in a standard HL7 format, creating a batch of updates for the provider to send to the registry on a periodic basis. The minimum message consists of core demographic and vaccine event data elements plus values for additional HL7-required fields. These are defined and examples provided in the Guide.

Differences in interpretations, acceptable codes, and definitions have been resolved by consensus. Registries agree that all will benefit if they adhere to one national standard implementation guide that can be available to both registries and software vendors of provider systems. One vendor explained that, with one national implementation, vendors would be more ready to incorporate it into the clinical or computer-based patient record systems they were building or upgrading. Another vendor advised that, even though his product was strictly a billing system, he believed it would be possible to extract the needed data and save it to a file as services were performed in the clinic. That file could be forwarded to the registry, eliminating the need for redundant data entry. A standard implementation allows vendors to assure their customers of compatibility among all participating systems. Just as importantly, implementing a national standard that is already in use in a large number of healthcare systems can save time and money for all involved parties.

The Future

Continuing collaboration to ensure that implementation plans meet messaging requirements will enable registry developers, vaccination providers, and vendors of physician systems to achieve interoperability not previously possible. The core data set, current vaccine and vaccine manufacturers' code sets, and the HL7 immunization messaging implementation guide are available on the NIP website at *www.cdc.gov/nip/registry.*

Matters To Be Discussed:

Agenda items include:

- Introduction to Registries
- Introduction to CIRSET and immunization data exchange
  - —Why registries need standards
  - —Which registries are participating
  - —What was done historically
  - —Status of standards and HL7
- Needs of Immunization Registries
- CDC's Role—Guidelines and Coordination
- Vendor Opportunities
- Open Discussion of Solutions and Problems
- Next Steps

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Susan Abernathy or Julie Gamez, Program Analysts, Systems Development Branch, Data Management Division, National Immunization Program, CDC, 1600 Clifton Road, NE, M/S E–62, Atlanta, Georgia 30333, telephone 404/639–8245, fax 404/639–8171.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 21, 2001.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–4720 Filed 2–26–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) as follows: Chapter KP, the Office of the Deputy Assistant Secretary for Administration (ODASA), previously amended on October 6, 1999, (64 FR 54330) and January 2, 1998, (63 FR 81). This notice reflects the restructuring of the Office of the Deputy Assistant Secretary for Administration.

This Chapter is amended as follows:

1. Chapter KP, Office of the Deputy Assistant Secretary for Administration

a. Delete KP.10 Organization in its entirety and replace with the following:

KP.10 Organization. The Office of the Deputy Assistant Secretary for Administration is headed by the Deputy Assistant Secretary who reports to the Assistant Secretary for Children and Families. The Office is organized as follows:

- Office of the Deputy Assistant Secretary for Administration (KPA)
- Office of Information Services (KPB)
- Office of Financial Services (KPC)
- Office of Organizational Development Services (KPD)
- Office of Customer Service and Administration (KPE)
- Executive Secretariat Office (KPG)
- Equal Employment Opportunity and Civil Rights Staff (KPH)
- Office of Administrative Services and Facilities Management (KPL)

b. Delete KP.20 Functions, Paragraph A, in its entirety and replace with the following:

KP.20 Functions. A. Office of the Deputy Assistant Secretary for Administration (ODASA) directs and coordinates all administrative activities for the Administration for Children and Families (ACF). The Deputy Assistant Secretary for Administration serves as ACF's: Chief Financial Officer; Chief Grants Management Officer; Federal Manager's Financial Integrity Act Management Control Officer; Principal Information Resource Management Official serving as Chief Information Officer; Deputy Ethics Counselor; Personnel Security Representative; and Reports Clearance Officer. The Deputy Assistant Secretary for Administration serves as the ACF liaison to the Office of the General Counsel and, as appropriate, initiates action in securing resolution of legal matters relating to management of the agency, and represents the Assistant Secretary on all administrative litigation matters.

The Deputy Assistant Secretary for Administration provides day-to-day executive leadership and direction to the Equal Employment Opportunity and Civil Rights Staff; Executive Secretariat Office; Office of Administrative Services and Facilities Management; Office of Customer Service and Administration; Office of Financial Services; Office of Information Services; Office of Organizational Development Services; and Office of State Systems Policy. The Deputy Assistant Secretary for Administration represents the Assistant Secretary in HHS and with other Federal agencies and task forces in defining objectives and priorities, and in coordinating activities associated with reinvention and continuous improvement initiatives.

c. Delete KP.20 Functions, Paragraph B, in its entirety and replace with the following:

B. The Office of Information Services (OIS) provides centralized information technology policy, procedures, standards and guidelines. The OIS Director serves as the Deputy Chief Information Officer, supporting the Chief Information Officer in the full range of activities required to carry out ACF's information technology (IT) and information resource management (IRM) programs. The Office provides liaison with OMB, GSA, and GAO on all IT and IRM matters and manages major interdepartmental IRM initiatives. It directs and coordinates ACF's Privacy Act responsibilities. The Office coordinates mandated OMB information collection approvals and plans. It directs and maintains ACF records and forms management programs. OIS develops long-range IRM plans; develops IRM policy, procurement plans and budgets for ACF information systems. The Office develops and implements procurement strategies for ADP support services. OIS reviews and analyzes all ADP acquisition documentation for compliance with applicable laws and regulations as well as for procurement strategy. It coordinates technical assistance provided to program offices on ADP support services procurements. The Office develops, recommends and implements ACF-wide policies, procedures, standards and guidelines concerning electronic government (e-government). It oversees the implementation of e-government policies through leadership and coordination with ACF program and staff offices. OIS serves as the ACF liaison with the Department and other federal and non-federal agencies to coordinate strategies and polices relative to staff development and training and e-government activities. The Office develops training policy and plans for ACF.

It provides leadership in directing and managing agency-wide staff development and training activities for ACF. OIS is responsible for the functional management of all information technology and software training, common needs training, and management training in the agency, including policy development,

guidance, technical assistance and evaluation of all aspects of career, employee, supervisory, management and executive training. The Office provides leadership in managing/overseeing and monitoring the ACF Training Resource Center and the Computer Training and Information Centers. The Office develops and manages the consolidated training budget for the Agency.

OIS plans, manages, maintains and operates ACF's local area networks, national wide area network and personal computers; provides for equipment and software acquisition, maintenance and user support for end-user computing; and manages and maintains a Help Desk for ACF users. OIS develops and implements policies and plans for and acquires and manages data communications services; provides liaison with HHS, GSA and private firms on data communications matters; and provides assistance to ACF components to identify needs for and the use of data communications equipment and systems.

OIS designs, develops, implements and maintains application systems to support ACF budget, program and administrative systems. The Office provides technical assistance to ACF program offices procuring system support services; provides technical assistance on automated systems to state and local agencies who are users of ACF's computer systems; develops software policy, procedures, standards and guidelines and conducts major information system reviews of ADP systems as required by the Department.

OIS designs, develops, and maintains system support for e-government activities; provides technical assistance to ACF program offices for e-government support services; and provides technical assistance on e-government systems to state and local agencies.

OIS establishes, implements, maintains and oversees an IT security program that assures adequate security is provided for all agency information collected, processed, transmitted, stored or disseminated in general support systems and applications. The Office develops and implements agency-wide policies, standards and procedures consistent with government-wide IT security policies; conducts the ACF system security activities required by OMB IT security directives; develops, implements and maintains a security training plan for IT professionals; and provides security awareness training for all ACF staff.

d. Delete KP.20 Functions, Paragraph C, in its entirety and replace with the following:

C. The Office of Financial Services (OFS) supports the Deputy Assistant Secretary for Administration in fulfilling ACF's Chief Financial Officer (CFO), Management Control Officer, and Chief Grants Management Officer responsibilities including preparation of the CFO 5-Year Plan; performs audit oversight and liaison activities, including preparing reports to Congress, Office of the General Counsel and the Office of the Inspector General. OFS writes/interprets financial policy and researches appropriation law issues; oversees and coordinates ACF's Federal Manager's Financial Integrity Act activities; performs debt management functions; develops and administers quality assurance, training and certification programs for grants management; and is responsible for the annual preparation and audit of ACF's financial statement requirements. It develops/interprets internal policies and procedures for ACF components and coordinates the management of ACF's interagency agreement activities.

The Office provides agency-wide guidance to program and regional office staff on grant related issues; including developing and interpreting financial and grants policy, coordinating strategic grants planning, facilitating policy advisory groups, and assuring consistent grant program announcements. The Office prepares, coordinates and disseminates action transmittals, information memoranda, and other policy guidance on financial and grants management issues; provides financial and grants administration technical assistance to ACF staff and grantees; directs and/or coordinates management initiatives to improve financial administration of ACF mandatory and discretionary grant programs. OFS develops and administers grants management training for ACF program and grants staff and administers grants management certification for ACF grants staff.

OFS is responsible for developing departmental policies and procedures under which States obtain Federal financial participation in the cost of automated systems development to support programs funded under the Social Security Act. It serves as the departmental focal point and coordinator for the development and implementation of strategies and policies related to payment integrity, welfare systems integration, electronic benefit transfer and related initiatives and programs; and provides leadership and guidance to interagency work groups in these areas for the Department.

The Office provides policy guidance, management leadership and coordination regarding the optimum inter-operation of the multitude of complex Federal, State, local, tribal and private information technology systems used to carry out ACF programs. OFS provides leadership and coordination in the areas of systems assessments, systems design and planning, systems integration, data exchanges, information management, information security and electronic information exchanges. The Office leads ACF activities associated with business continuity contingency planning and with information technology partnership planning which occurs between ACF and its program partners.

e. Delete KP.20 Functions, Paragraph D, in its entirety and replace with the following:

D. The Office of Organizational Development Services (ODS) advises the Assistant organizational analysis and development including: delegations of authority; planning for new organizational elements; and planning, organizing and performing studies, analyses and evaluations related to structural, functional and organizational issues, problems and policies to ensure organizational effectiveness. The Office administers ACF's system for review, approval and documentation of delegations of authority. The Office provides technical assistance and guidance to ACF offices on intra-component organizational proposals and is responsible for development and/or review of inter-component organizational proposals. The Office develops policies and procedures for implementing organizational development activities and provides leadership of assigned ACF special initiatives arising from Departmental, federal and non-federal directives to improve service delivery to customers and to enhance employee work environment. The Office manages and administers ACF's Alternate Dispute Resolution (ADR) Program and other programs impacting the employee work environment, including developing and providing guidance, policies and procedures for ACF offices and serving as liaison with the Department and other federal agencies for coordination of strategies and processes for the ADR and other assigned programs.

The Office coordinates assigned agency-wide management initiatives that include: coordination and implementation of the HHS and ACF employee work life program; administrative guidance and support to the HHS and ACF Labor-Management Partnership Councils and other assigned Workgroups; and coordination of Departmental and other employee surveys. The Office provides guidance to ACF program/staff/regional offices in developing strategies for implementation of initiatives; seeks counsel and advice from the Department and other federal agencies; and develops evaluation instruments to measure the success of ACF initiatives. The Office manages and coordinates designated incentive awards programs.

f. Delete KP.20 Functions, Paragraph E, in its entirety and replace with the following:

E. The Office of Customer Service and Administration (OCSA) advises the Assistant Secretary, through the Deputy Assistant Secretary for Administration, on human resource management for ACF; and provides direction, leadership and management of the internal administrative activities of the Office of the Deputy Assistant Secretary for Administration.

OCSA provides leadership, direction and oversight for human resource management services provided to ACF through a contract and supplemental memoranda of understanding (MOUs) with the Program Support Center (PSC).

OCSA, in collaboration and coordination with the PSC, provides advice and assistance to ACF managers in their personnel management activities, including recruitment, selection, position management, performance management, designated performance and incentive awards and employee assistance programs and other services to ACF employees. OCSA provides management, direction and oversight of the following personnel administrative services: the exercise of appointing authority, position classification, awards authorization, performance management evaluation, personnel action processing and record keeping, merit promotion, special hiring and placement programs. OCSA serves as liaison between ACF, the Department and the Office of Personnel Management. It provides technical advice and assistance on personnel policy, regulations and laws. OCSA formulates and interprets policies pertaining to existing personnel administration and management matters and formulates and interprets new human resource programs and strategies.

OCSA, in collaboration and coordination with the PSC, provides oversight and management advisory services on all ACF labor management and employee relations issues. The Office plans and coordinates ACF employee relations and labor relations activities, including the application and interpretation of the Federal Labor Management Relations Program, collective bargaining agreements, disciplinary and adverse action regulations and appeals. OCSA participates in the formulation and implementation of policies, practices and matters affecting bargaining unit employees' working conditions by assuring management's compliance with the Federal Labor Relations Program (5 U.S.C. Chapter 71). The Office maintains oversight, leadership and direction of the labor-management and employee relations services provided under contract with the PSC.

OCSA is responsible for formulation, planning, analysis and development of ACF human resource policies and programs, workforce planning, retirement and benefits counseling and liaison functions to the Department on ACF payroll matters.

OCSA formulates and oversees the implementation of ACF-wide policies, regulations and procedures concerning all aspects of the Senior Executive Service (SES), and SES-equivalent recruitment, staffing, position establishment, compensation, award, performance management and related personnel areas. The Office manages the ACF SES performance recognition systems and provides services for functions of the Executive Secretary to the Executive Resources Board and the Performance Review Board.

OCSA coordinates Schedule C and executive personnel activity with the Office of the Secretary and is the focal point for data, reports and analyses relating to Schedule C, SES and Executive-level personnel.

OCSA administers the ACF Ethics Program, the Personnel Security Program and the Drug Testing Program in coordination with the Department's Office of Government Ethics, the Office of General Counsel and the Office of Security and Drug Testing.

OCSA provides direction in meeting the human resource management needs within ODASA. The Office is responsible for providing leadership, guidance, oversight and liaison functions for ODASA personnel related issues and activities as well as other administrative functions within ODASA. OCSA coordinates with the Department to provide ODASA staff with personnel services including position management, performance management, employee recognition, staffing, recruitment, employee and labor relations, employee assistance, payroll liaison, staff development and training, and special hiring and placement programs. OCSA develops and maintains systems to track personnel actions to keep the Deputy Assistant Secretary for Administration and OA Office Directors informed about the status of personnel actions, employee programs, services and benefits.

g. Delete KP.20 Functions, Paragraph F, in its entirety.

h. Delete KP.20 Functions, Paragraph G, in its entirety and replace with the following:

G. The Executive Secretariat Office (ExecSec) ensures that issues requiring the attention of the Assistant Secretary, Deputy Assistant Secretaries and/or executive staff are addressed on a timely and coordinated basis and facilitates decisions on matters requiring immediate action including White House, Congressional and Secretarial assignments. The Office serves as the ACF liaison with the HHS Executive Secretariat. It receives, assesses and controls incoming correspondence and assignments to the appropriate ACF component(s) for response and action and provides assistance and advice to ACF staff on the development of responses to correspondence. The Office provides assistance to ACF staff on the use of the controlled correspondence system. The Office coordinates and/or prepares congressional correspondence; and tracks development of periodic reports and facilitates departmental clearances. The Director of the Executive Secretariat Office serves as the Freedom of Information Act Officer for ACF and coordinates hot line calls received by the Office of Inspector General and the General Accounting Office relating to ACF operations and personnel.

i. Delete KP.20 Functions, Paragraph H, in its entirety and replace with the following:

H. The Equal Employment Opportunity and Civil Rights Staff (EEOCRS) serves as the principal advisor, through the Deputy Assistant Secretary for Administration, to the Assistant Secretary on all aspects of the Agency Equal Employment Opportunity and Civil Rights program.

The Staff serves as the liaison between ACF and the HHS Office for Civil Rights. The Staff directs and manages the ACF Equal Employment Opportunity and Civil Rights program in accordance with Equal Employment Opportunity Commission (EEOC) regulations and HHS guidelines. The immediate oversight is provided by a staff under the direction of the ACF EEO Officer. The Staff plans, develops and evaluates programs and procedures designed to identify and eliminate

discrimination in employment, training, incentive awards, promotion and career opportunities. They are responsible for implementing and evaluating a cost-effective, timely and impartial system for processing individual complaints of discrimination under Title VII of the Civil Rights Act of 1964, as amended. The Staff provides information, guidance, advice and technical assistance to ACF supervisors and managers on affirmative employment planning and other means of achieving parity and promoting work force diversity. The Staff is responsible for ensuring that ACF-conducted programs do not discriminate against recipients on the basis of race, color, national origin, age or disability. The Staff monitors and implements civil rights compliance actions under Title VI, Section 504 of the Rehabilitation Act of 1973, as amended and the Age Discrimination Act of 1975, as amended. The Staff implements the applicable provisions of the Americans With Disabilities Act of 1990.

j. Delete KP.20 Functions, Paragraph L, in its entirety and replace with the following:

L. The Office of Administrative Services and Facilities Management (OASFM) directs and manages ACF's administrative support services, and facilities management programs and activities.

The Office provides, prepares, coordinates and disseminates information, policy and procedural guidance on administrative and facilities management issues on an agency-wide basis. It directs and/or coordinates management initiatives to improve ACF administrative and facilities management services with the goal of continually improving services while containing costs.

OASFM maintains budgetary controls on administrative services accounts, reconciling accounting reports and invoices, and monitoring all spending. The Office controls credit card for small purchases on behalf of the Agency. OASFM establishes and manages contracts and/or blanket purchase agreements for administrative support and facilities management services, including space design, building alteration and repair, telecommunications, reprographics, physical security, moving, labor, property management and inventory, systems furniture acquisitions and assembly, and fleet management.

The Office provides management and oversight of ACF mail delivery services and activities, including Federal and contractor postal services nationwide, covering all classes of U.S. Postal Service mail, priority and express mail services, and courier services, etc.

OASFM directs all activities associated with the ACF Master Housing Plan, including coordination and development of the agency long-range space budget; planning, budgeting, identification, solicitation, acceptance and utilization of office and special purpose space, repairs, and alterations; serving as principal liaison with GSA and other Federal agencies, building managers and facilities engineers, architects and commercial representatives, for space acquisition, negotiation of lease terms, dealing with sensitive issues such as handicapped barriers, space shortages, and security. It develops and maintains space floor plans and inventories, directory boards, and locator signs. OASFM serves as the lead for ACF in coordination and liaison with Departmental, GSA, Federal Protective Service, and other Federal agencies on implementation of federal physical security directives. The Office is responsible for planning and executing the Agency's environmental health, safety and physical security programs, ensuring that appropriate occupational health and safety and occupant emergency evacuation plans are in place. It serves as principal liaison with private and/or Federal building managers for all administrative services and facilities management activities. The Office is responsible for issuing, managing and controlling badge and cardkey systems to control access to agency space for security purposes.

OASFM develops and/or implements agency telecommunications management policy in accordance with Federal regulations and procedures. The Office reviews and directs payment of agency telephone invoices. It recommends and advises on the design and function of telecommunications systems, based on user needs, costs and technological availability. OASFM communicates directly with private industry service providers to coordinate the acquisition, installation and maintenance of voice/data telecommunications equipment and systems. It is responsible for other sources of communications capability such as pagers, cellular phone service, cable TV service, and audio conferencing equipment and service. It updates and maintains the ACF LAN-based telephone directory, handles the distribution of all commercial directories and updates and maintains the databases for telephone lines and equipment inventories.

OASFM plans, manages/operates employee transportation programs, including shuttle service and fleet management; employee and visitor parking; and commuter services and programs including transit subsidies and ridesharing. The Office develops and implements ACF travel policies and procedures consistent with Federal requirements. The Office provides technical assistance and oversight; coordinates ACF use of the Travel Management System; manages employee participation in the Travel Charge Card program, and coordinates Travel Management Center services for ACF. OASFM purchases and tracks common use supplies, stationery and publications. It plans and manages reprographic services.

The Office develops and implements policies and procedures for the ACF Personal Property Management Program, including managing the ACF Personal Property Inventory, and other personal property activities.

Dated: February 21, 2001.

Elizabeth M. James Duke,

Deputy Assistant Secretary for Administration.

[FR Doc. 01–4731 Filed 2–26–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Filing of Annual Reports of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92–463, fiscal years 1999 and 2000 annual reports for the following Health Resources and Services Administration's Federal advisory committee has been filed with the Library of Congress: Health Professions and Nurse Education Special Emphasis Panel.

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, James Madison Memorial Building, Room LM–133, First Street and Independence Avenue, SE., Washington, DC. Copies may be obtained from: Jennifer Burks, M.S.N., Executive Secretary, Health Professions and Nurse Education Special Emphasis Panel, Parklawn Building, Room 8C–23, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6339.

Dated: February 20, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–4686 Filed 2–26–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; National Institutes of Health Undergraduate Scholarship Program for Individuals From Disadvantaged Backgrounds

SUMMARY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Office of Loan Repayment and Scholarship (OLRS), the National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: NATIONAL Institutes of Health Undergraduate Scholarship Program for Individuals from disadvantaged Backgrounds. *Type of Information Collection Request:* REVISION. *Form Numbers:* NIH 2762–1, NIH 2762–2, NIH 2762–3, NIH 2762–4, and NIH 2762–5. *Need and Use of Information Collection:* The NIH Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds (UGSP) requires participants to maintain enrollment in an undergraduate degree program and to begin service payback through employment at the NIH within 60 days of their graduation. This information collection certifies that scholars are continuing their undergraduate program and provides those who have graduated the opportunity to request a deferment of their service payback obligation if they are enrolled in an approved graduate or medical degree program. *Frequency of response:* Annual. *Affected public:* Individuals and Academic Institutions. *Types of Respondents:* Participants in the UGSP and Academic Institutions (undergraduate, graduate, and medical schools). The annual reporting burden is as follows: *Estimated Number of Respondents:* 80; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours per Response:* 0.75; and *Estimated Total Annual Burden Hours Requested:* 60. The annualized cost to respondents is estimated at $0. There are no Capital Costs to report. There are no Operating Costs or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Marc S. Horowitz, J.D., Director, Office of Loan Repayment and Scholarship, NIH, 2 Center Drive, Room 2E28, MSC 0230, Bethesda, MD 20892–0230, or call toll-free 1–800–528–7689, or E-mail your request, including your address to: MHorowitz@nih.gov.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before April 30, 2001.

Dated: February 16, 2001.

Yvonne T. Maddox,

Acting Deputy Director, NIH.

[FR Doc. 01–4777 Filed 2–26–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR 4649–N–01]

Notice of Proposed Information Collection: Comment Request, State CDBG Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: April 30, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Shelia Jones, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW., Room 7232, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Lindy Heaster at (202) 708–1322, Extension 4416 (this is not a toll free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: State CDBG Program.

OMB Control Number, if applicable: 2506–0085.

Description of the need for the information and proposed use: The information collected from states participating in the state-administered CDBG program is used by the Department to determine each state's compliance with statutory and regulatory requirements and to provide supporting information for review and audit.

Agency form numbers, if applicable: The Housing and Community Development Act of 1974, as amended, requires states that administer the CDBG Program to submit: (1) a Final Statement that contains the community development objectives, a method of

distribution, and the certification by the Governor or a duly authorized state official (Section 104(a)(1)); (2) an annual performance and evaluation report (PER) (Section 104(e)); and such records as may be necessary to facilitate review and audit by HUD of the state's administration of CDBG funds (Section 104(e)(2)).

Members of affected public: State Governments participating in the State-administered CDBG Program.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of responses: The estimated number of respondents is 50. The proposed frequency of the response to the collection of information is annual. Annual recordkeeping (including electronic payments) is estimated at 107,400 hours annually for approximately 50 grant recipients.

Status of the proposed information collection: Reinstatement, with minor change, of a previously approved collection for which approval is near expiration and request for OMB renewal for three years. The current OMB approval expired in April 1997.

This report does not include hours spent on Consolidated Plan preparation and reporting. Those hours are reported with 2506–0117.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 15, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–4782 Filed 2–26–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4656–N–02]

Notice of Proposed Information Collection: Comment Request; Issuer's Monthly Accounting Reports

AGENCY: Office of the President of the Government National Mortgage Association (Ginnie Mae), HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: April 30, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Sonya Suarez, Government National Mortgage Association, Office of Policy, Planning and Risk Management, Department of Housing & Urban Development, 451–7th Street, SW., Room 6226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Sonya Suarez, Ginnie Mae, (202) 708–2772 (this is not a toll-free number), for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

Through this Notice, the Department is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Issuer's Monthly Accounting Reports.

OMB Control Number, if applicable: 2503–0004.

Description of the need for the information and proposed use: Issuers use these forms to report monthly on their securities transactions. The data is collected to assure Ginnie Mae that issuers are performing pursuant to the terms of the guaranty agreements and investors are receiving all funds due them.

Agency form numbers, if applicable: HUD Form 11710–A, 11710–B, 11710–C, 11710–D and 11710–E

Members of affected public: For-profit business (mortgage industry trade associations, securities companies, accounting firms, law firms, service providers, etc.)

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: There are approximately 445 active issuers in the Mortgage-Backed Securities Program. Program regulation requires issuers to maintain adequate accounting records and to provide Ginnie Mae with reports with respect to MBS pools. The information is compiled by the issuer and submitted electronically to Ginnie Mae. The estimated time it takes to submit the collection of information varies. It takes approximately .16 minutes to complete and submit the required data for the five forms monthly to Ginnie Mae. Approximately 5% of 430,011 pools were issued monthly in 2000. Thus, approximately 21,500 pools were issued monthly. The following mathematical variables are used to estimate the approximate total annual burden hours.

(1) Frequency + total issuers = monthly submissions 21,500 + 445 = 21,945.
(2) Monthly submissions × 12 months = total responses 21,945 × 12 = 263,340.
(3) Total responses × ave. minutes to complete form = annual burden hours.
263,340 × .16 = 42,235 Total Annual Burden Hours.

Status of the proposed information collection: This is a reinstatement, with change, of a previously approved collection for which approval has expired.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Dated: February 14, 2001.

George S. Anderson,

Executive Vice President, Ginnie Mae.

[FR Doc. 01–4791 Filed 2–26–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR 4562–N–11]

Notice of Proposed Information Collection for Public Comment for the Analysis of Proposed Main Construction Contract

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: April 30, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4238, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202) 708–3642, extension 4128, for copies of the proposed forms and other available documents. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, 12 amended).

This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Analysis of Proposed Main Construction Contract.

OMB Control Number: 2577–0037.

Description of the need for the information and proposed use: Under the Annual Contribution Contract (ACC), Public Housing Agencies (PHAs) must prepare and submit main construction contracts and other contracts for projects being developed, or proposed to be developed under the Low-Income Housing Program. HUD will use the information to approve construction bids and budgets prior to awarding PHA's construction contracts.

Agency form number: HUD–52396.

Members of affected public: State or Local Government.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: 114 respondents, annually, 2 hours average per response; total annual reporting burden 248 hours.

Status of the proposed information collection: Extension, without change.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 21, 2001.

Gloria Cousar,

Acting General Deputy Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

Analysis of Proposed Main Construction Contract

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0037 (exp. 4/30/2001)

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is collected under the authority of Section 6(c) of the U.S. Housing Act of 1937. Under the ACC, Housing Agencies (HAs) must prepare and submit main construction contracts and other contracts for projects being developed, or proposed to be developed under the Low-Income Housing Program. HUD will use the information to approve construction bids and budgets prior to awarding PHA's construction contracts. The approved pre-bid budget amounts for various elements, the actual bid amounts and any proposed changes, and the actual final adjusted bid amount by comparing these elements, HUD/PHA can prepare a revised Development Cost Budget. Responses to the collection of information are required to obtain a benefit. The information requested does not lend itself to confidentiality.

Name of Public Housing Agency | Project No.

Location of Project | No. of Units | No. of Rooms

	Account Classification 1	Pre-Bid Estimate 2	Bid Amount 3	Proposed Changes in Bid Amount 4	Bid Amount Plus or Minus Changes (3 + 4) 5
	Site Improvement (1450)				
	Demolition				
	Grading				
	Sanitary Sewers				
	Storm Sewers				
	Water Distribution				
	Gas Distribution System				
	Electric Distribution System				
	Alt. for Abnormal Sub-Soil Conditions				
	Excess Dwell. & Nondwell. Foundations				
	Paved Areas				
	Fin. Grading, Lawns & Planting				
	Miscellaneous				
01	**Total Site Improvement**				
	Dwelling Structures (1460)				
	General				
	Plumbing				
	Heating (except space heaters)				
	Electrical (including meters)				
	Elevators				
	Total Dwelling Structures				
	Dwelling Equipment (1465)				
	Ranges				
	Refrigerators				
	Space Heaters				
	Shades				
	Screens				
	Work Tables				
	Other				
	Total Dwelling Equipment				
	Nondwelling Structures (1470)				
	Admin. Bldgs. or Spaces				
	Maintenance Bldgs. or Spaces				
	Community Bldgs. or Spaces				
	Total Nondwelling Structures				
	Nondwelling Equipment (1475)				
	Total				

Previous editions are obsolete. ref. Handbooks 7475.1 & 7417.1 form HUD-52396 (1/93)

[FR Doc. 01–4792 Filed 2–26–01; 8:45 am]
BILLING CODE 4210–33–C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4652–N–12]

Notice of Proposed Information Collection for Public Comment for the Office of Public and Indian Housing Memorandum of Agreement (MOA) and Improvement Plan (IP) in Connection With the Public Housing Assessment System (PHAS)

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 30, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB control number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4238; Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202) 708–3642 extension 4128, for copies of the proposed forms and other available documents. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of response.

This Notice also list the following information:

Title of Proposal. Memorandum of Agreement (MOA) and Improvement Plan (IP).

OMB Control Number:

Description of the need for the information and proposed use: A Public Housing Agency (PHA) which is designated troubled or substandard under the Public Housing Assessment System (PHAS) must enter into a Memorandum of Agreement (MOA) with HUD to outline its planned improvements. Similarly, a PHA which is a standard performer, but receives a total PHAS score of less than 70% but not less than 60% is required to submit an Improvement Plan (IP). These plans are designed to address deficiencies in a PHA's operations found through the PHAS assessment process (management, financial, physical, or resident related) and any other deficiencies identified by HUD through independent assessments or other methods.

Agency form number, if applicable: NA.

Members of affected public: Public Housing Agencies.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response: 939 respondents for either a MOA or in IP and either monthly or quarterly reports, 36 hours average response (including reporting), 34,026 hours total reporting burden hours.

Status of the proposed information collection: New collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 21, 2001.

Gloria Cousar,

Acting General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 01–4793 Filed 2–26–01; 8:45 am]
BILLING CODE 4210–33–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–02]

Announcement of OMB Approval Number for Rural Housing and Economic Development Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to Rural Housing and Economic Development Program.

FOR FURTHER INFORMATION CONTACT: Ms. Jackie Mitchell, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–2290. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Rural Housing and Economic Development Program. The OMB approval number for this information collection is 2506–0169, which expires on November 30, 2003.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: February 15, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–4783 Filed 2–26–01; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–03]

Announcement of OMB Approval Number for Annual Progress Report (APR) for Competitive Homeless Assistance Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information

pertaining to Rural Housing and Economic Development Program.

FOR FURTHER INFORMATION CONTACT: Mr. John Garrity, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–4300. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Annual Progress Report (APR) for Competitive Homeless Assistance Programs. The OMB approval number for this information collection is 2506–0145, which expires on April 30, 2003.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: February 15, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–4784 Filed 2–26–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–04]

Announcement of OMB Approval Number for Youthbuild Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to Rural Housing and Economic Development Program.

FOR FURTHER INFORMATION CONTACT: Ms. Phyllis Williams, Department of Housing and Urban Development, 451 7th Street, SW. Washington, DC 20410, telephone (202) 708–3484. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Youthbuild Program. The OMB approval number for this information collection is 2506–0142, which expires on September 30, 2003.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: February 15, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–4785 Filed 2–26–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–05]

Announcement of OMB Approval Number for Housing Opportunities for Persons With AIDS (HOPWA) Program: Application for Competitive Grants Award; Annual Progress Report for Competitive

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to Housing Opportunities for Persons with AIDS (HOPWA) program: Application for competitive grants awards; annual progress report for competitive.

FOR FURTHER INFORMATION CONTACT: Mr. David Vos, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–1934. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Housing Opportunities for Persons with AIDS (HOPWA) program: Application for competitive grants award; annual progress report for competitive. The OMB approval number for this information collection is 2506–0133, which expires on November 30, 2003.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: February 15, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–4786 Filed 2–26–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–06]

Announcement of OMB Approval Number for Hope for Homeownership of Single Family Homes Program (HOPE 3)

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to Hope for Homeownership of Single Family Homes Program (HOPE 3).

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Mason, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–3226. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Hope for Homeownership of Single Family Homes Program (HOPE 3). The OMB approval number for this information collection is 2506–0128, which expires on August 31, 2003.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: February 15, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–4787 Filed 2–26–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–07]

Announcement of OMB Approval Number for Urban Homesteading Program Semi-Annual Progress Report

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information

pertaining to Urban Homesteading Program Semi-Annual Progress Report.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Price, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone (202) 708–2094. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Urban Homesteading Program Semi-Annual Progress Report. The OMB approval number for this information collection is 2506–0042, which expires on April 30, 2003.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: February 15, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–4788 Filed 2–26–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–08]

Announcement of OMB Approval Number for Rental Rehabilitation Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB approval number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to Rental Rehabilitation Program.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Price, Department of Housing and Urban Development, 451 7th Street, NS., Washington, DC 20410, telephone (202) 708–2094. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Rental Rehabilitation Program. The OMB approval number for this information collection is 2506–0080, which expires on January 31, 2004.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: February 15, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–4789 Filed 2–26–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–09]

Announcement of OMB Approval Number for 24 CFR Part 570—Community Development Block Grant Entitlement Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB approval number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to 24 CFR part 570—Community Development Block Grant Entitlement Program.

FOR FURTHER INFORMATION CONTACT: Ms. Sue Miller, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–1577. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to 24 CFR Part 570—Community Development Block Grant Entitlement Program. The OMB approval number for this information collection is 2506–0077, which expires on January 31, 2004.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: February 15, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–4790 Filed 2–26–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4579–FA–04]

Announcement of Funding Awards for Fiscal Year 2000 for the Housing Choice Voucher Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year (FY) 2000 to housing agencies (HAs) under the Section 8 housing choice voucher program. The purpose of this notice is to publish the names, addresses, and the amount of the awards to housing agencies for housing conversion actions and mobility counseling.

FOR FURTHER INFORMATION CONTACT: Brian Fitzmaurice, Acting Director, Section 8 Financial Division, Office of Administration, Office of Public and Indian Housing, Room 4232, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–2934 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The regulations governing the housing choice voucher program are published at 24 CFR Part 982. The regulations for allocating housing assistance budget authority under Section 213(d) of the Housing and Community Development Act of 1974 are published at 24 CFR part 791, subpart D.

The purpose of this rental assistance program is to assist eligible families to pay the rent for decent, safe, and sanitary housing. The FY 2000 awardees announced in this notice were provided Section 8 funds on an as needed basis. Announcements of awards provided pursuant with NOFAs for family unification, mainstream housing, and designated housing programs, and family self-sufficiency coordinators will be published in a separate **Federal Register** notice.

Awards published under this notice were provided to assist families living in HUD-owned properties that are being sold; to assist families affected by the expiration or termination of assistance; to provide relocation and replacement

housing in connection with the demolition of public housing; to assist families in properties where the owner has prepaid the HUD mortgage; and to provide mobility counseling and assistance to families so that they may move to areas that have low racial and ethnic concentrations.

A total of $157,293,280 in budget authority for rental vouchers (29,333 units) was awarded to recipients under all of the above mentioned categories.

The Catalog of federal Domestic Assistance number for this program is 14.871.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of those awards as shown in Appendix A.

Dated: February 15, 2001.

Gloria Cousar,

Acting General Deputy Assistant Secretary for Public and Indian Housing.

Appendix A

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2000

Housing agency	Address	Units	Award
Preservations/Prepayments			
CITY OF GLENDALE HSG AUTH	6842 NORTH 61ST AVE, GLENDALE, AZ 85301	67	348,132
CITY OF PHOENIX	NEIGH'D IMPROV'T HSG D, 251 W WASHINGTON ST, 4TH FL, PHOENIX, AZ 85034.	14	75,768
CITY OF YUMA HSG AUTH	1350 W COLORADO ST, YUMA, AZ 85364	6	12,858
CITY OF LOS ANGELES HSG AUTH	2600 WILSHIRE BLVD, LOS ANGELES, CA 90057	1	5,727
CITY OF PASADENA COMMUNITY DEV'T COMM.	100 N GARFIELD AVE, PASADENA, CA 91109	2	7,278
CITY OF ROSEVILLE HSG AUTH	405 VERNON ST, STE 1, ROSEVILLE, CA 95678	32	105,130
COUNTY OF BUTTE HSG AUTH	580 VALLOMBROSA AVE, CHICO, CA 95926	75	181,690
COUNTY OF LOS ANGELES HSG AUTH	2 CORAL CIR, MONTEREY PARK, CA 91754	150	1,037,216
COUNTY OF RIVERSIDE HSG AUTH	5555 ARLINGTON AVE, RIVERSIDE, CA 92504	130	375,081
COUNTY OF SAN BERNARDINO HSG AUTH.	1053 NORTH D ST, SAN BERNARDINO, CA 92410	23	48,572
COUNTY OF SAN DIEGO	3989 RUFFIN RD, SAN DIEGO, CA 92123	4	12,773
COUNTY OF SAN JOAQUIN HSG AUTH	448 SOUTH CENTER ST, P O BOX 447, STOCKTON, CA 95203	48	147,897
LASSEN COUNTY	707 NEVADA ST, STE 5, SUSANVILLE, CA 96130	45	67,649
NEVADA COUNTY HSG AUTH	10433 WILLOW VALLEY RD, STE C, NEVADA CITY, CA 95959	75	247,737
SAN DIEGO HSG COMMISSION	1625 NEWTON AVE, SAN DIEGO, CA 92113	410	2,726,328
SAN JOSE HSG AUTH	505 WEST JULIAN ST, SAN JOSE, CA 95110	203	1,956,108
YUBA COUNTY HSG AUTH	938 14TH ST, MARYSVILLE, CA 95901	67	177,051
COLORADO SPRINGS HSG AUTH	P O BOX 1575, COLORADO SPRINGS, CO 80903	94	516,624
FORT COLLINS HSG AUTH	1715 W MOUNTAIN AVE, FORT COLLINS, CO 80521	81	337,173
GRAND JUNCTION HSG AUTH	805 MAIN ST, GRAND JUNCTION, CO 81501	3	7,653
BRISTOL HSG AUTH	31 QUAKER LANE, BRISTOL, CT 06010	132	525,967
HAMDEN HSG AUTH	P O BOX 5095, HAMDEN, CT 06518	71	475,416
MIDDLETOWN HSG AUTH	40 BROAD ST, MIDDLETOWN, CT 06457	151	649,393
NORWICH HSG AUTH	10 WESTWOOD PARK, NORWICH, CT 06360	100	469,022
ROCKVILLE HSG AUTH	21 COURT ST, P O BOX 963, ROCKVILLE, CT 06066	106	456,707
WALLINGFORD HSG AUTH	45 TREMPER DR, WALLINGFORD TOWN, CT 06492	89	347,382
WATERBURY HSG AUTH	2 LAKEWOOD RD, WATERBURY, CT 06704	212	929,357
WILLIMANTIC HSG AUTH	49 WEST AVE, P O BOX 606, WILLIMANTIC, CT 06226	110	511,907
DC HSG AUTH	1133 NORTH CAPITOL ST NE, WASHINGTON, DC 20002	78	399,532
CITY OF BRADENTON	912 7TH AVE EAST, CALLER SERVICE 25015, BRADENTON, FL 34206.	166	630,576
HSG AUTH DEERFIELD BEACH	425 N.W 1ST TERR, 533 S DIXIE HGWY, 2ND FLR., DEERFIELD BEACH, FL 33441.	156	584,566
HSG AUTH NEW SMYRNA BEACH	P O BOX 688, NEW SMYRNA BEACH, FL 32170	0	147,510
HSG AUTH OF JACKSONVILLE	1300 BROAD ST, JACKSONVILLE, FL 32202	63	303,156
SEMINOLE COUNTY HSG AUTH	300 SUNFLOWER CIR, DELAND, FL 32724	0	408,853
SIOUX CITY HSG SERVICES DIVISION	BOX 447, 520 ORPHEUM BUILDING, SIOUX CITY, IA 51102	108	410,832
CHICAGO HSG AUTH	626 WEST JACKSON BLVD, CHICAGO, IL 60661	164	963,964
HSG AUTH OF COOK COUNTY	310 SOUTH MICHIGAN AVE, 15TH FL, CHICAGO, IL 60604	248	896,154
HSG AUTH JACKSON COUNTY	P O BOX 1209, MURPHYSBORO, IL 62966	79	272,688
BEDFORD CITY HSG AUTH	1305 K ST, BEDFORD, IN 47421	42	162,480
HSG AUTH CITY OF ELKHART	1396 BENHAM AVE, ELKHART, IN 46516	99	294,688
HSG AUTH CITY OF EVANSVILLE	P O BOX 3605, 500 COURT ST, EVANSVILLE, IN 47735	0	93,324
HSG AUTH NEW ALBANY	P O BOX 11, NEW ALBANY, IN 47150	39	116,176
HSG AUTH OF THE CITY OF MARION	601 SOUTH ADAMS ST, MARION, IN 46953	50	108,604
INDIANAPOLIS HSG AGCY	1919 N MERIDIAN ST, INDIANAPOLIS, IN 46202	408	1,484,197
BOONE COUNTY HSG AUTH	2950 WASHINGTON ST, RM 209, P O BOX 536, BURLINGTON, KY 41005.	240	941,760
AMHERST HSG AUTH	33 KELLOGG AVE, AMHERST, MA 01002	32	220,688
BRAINTREE HSG AUTH	25 ROOSEVELT ST, BRAINTREE, MA 02184	260	3,749,908
BROCKTON HSG AUTH	45 GODDARD RD, P O BOX 340, BROCKTON, MA 02303	18	47,161
COMM DEV PROG COMM OF MA., E.O.C.D..	ONE CONGRESS ST, 10TH FL, BOSTON, MA 02114	0	17,652
HAVERHILL HSG AUTH	25-C WASHINGTON ST, HAVERHILL, MA 01831	154	657,702
HOLYOKE HSG AUTH	475 MAPLE ST, HOLYOKE, MA 01040	74	305,939

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2000—Continued

Housing agency	Address	Units	Award
NEW BEDFORD HSG AUTH	P O BOX A–2081, NEW BEDFORD, MA 02741	1	5,004
PITTSFIELD HSG AUTH	65 COLUMBUS AVE, PITTSFIELD, MA 01201	10	15,668
MONTGOMERY CO HSG AUTH	10400 DETRICK AVE, KENSINGTON, MD 20895	115	1,026,720
ANN ARBOR HSG COMMISSION	727 MILLER AVE, ANN ARBOR, MI 48103	7	10,763
LANSING HSG COMMISSION	310 NORTH SEYMOUR ST, LANSING, MI 48933	22	54,895
LINCOLN PARK HSG COMMISSION	1356 ELECTRIC, LINCOLN PARK, MI 48146	38	98,198
LIVONIA HSG COMMISSION	19300 PURLINGBROOK RD, LIVONIA, MI 48152	195	960,424
MICHIGAN STATE HSG DEV'T AUTH	401 S WASHINGTON SQ, LANSING, MI 48909	562	2,595,848
ROSEVILLE HSG COMMISSION	18330 EASTLAND, ROSEVILLE, MI 48066	18	48,640
MANKATO HRA	P O BOX 3368, MANKATO, MN 56002	120	385,911
NW MN MULTI-COUNTY HRA	P O BOX 128, MENTOR, MN 56736	13	31,081
OWATONNA HRA	540 WEST HILLS CIR, OWATONNA, MN 55060	41	149,568
RICE COUNTY HRA	208 FIRST AVE NORTHWEST, FARIBAULT, MN 55021	9	16,429
SOUTH CENTRAL MULTI COUNTY HRA	410 JACKSON ST, STE 100, MANKATO, MN 56002	168	440,903
HSG AUTH OF KANSAS CITY, MISSOURI	712 BROADWAY, KANSAS CITY, MO 64105	252	1,191,456
MT DEPT OF COMMERCE	P O B 200545, 836 FRONT ST, HELENA, MT 59620	38	57,309
CITY OF HICKORY PUBLIC HOUSING AUTH.	841 S CENTER ST, P O BOX 2927, HICKORY, NC 28603	26	67,828
HSG AUTH ASHEBORO	338 W WAINMAN AVE, P O BOX 609, ASHEBORO, NC 27204	10	15,540
HSG AUTH GREENSBORO	450 N CHURCH ST, P O BOX 21287, GREENSBORO, NC 27420	132	383,775
HSG AUTH OF THE CITY OF WILMINGTON.	508 S FRONT ST, P O BOX 899, WILMINGTON, NC 28402	71	294,883
BELLEVUE HSG AUTH	8214 ARMSTRONG CIR, OMAHA, NE 68147	22	67,837
DOVER HSG AUTH	62 WHITTIER ST, DOVER, NH 03820	120	590,284
MANCHESTER HSG AUTH	198 HANOVER ST, MANCHESTER, NH 03104	198	778,532
NEW HAMPSHIRE HSG FINANCE AUTH	P O BOX 5087, MANCHESTER, NH 03108	2	5,400
PORTSMOUTH HSG AUTH	245 MIDDLE ST, PORTSMOUTH, NH 03801	1	2,928
ROCHESTER HSG AUTH	WELLSWEEP ACRES, ROCHESTER, NH 03867	46	253,306
NEW JERSEY DEPT OF COMMUNITY AFFAIRS.	101 SOUTH BROAD ST, P O BOX 051, TRENTON, NJ 08625	86	645,000
ALBUQUERQUE HSG AUTH	1840 UNIVERSITY BLVD SE, ALBUQUERQUE, NM 87106	67	195,340
CITY OF RENO HSG AUTH	1525 EAST NINTH ST, RENO, NV 89512	67	426,821
TOWN OF PENFIELD	675 W MAIN ST, ROCHESTER, NY 14611	294	748,129
LORAIN METRO HSG AUTH	1600 KANSAS AVE, LORAIN, OH 44052	36	101,439
SEMINOLE HSG AUTH	P O BOX 1253, SEMINOLE, OK 74818	80	255,360
HSG AUTH OF WASHINGTON COUNTY	111 NE LINCOLN ST, STE 200–L, MS63, HILLSBORO, OR 97124	47	212,281
ALLEGHENY COUNTY HSG AUTH	341 FOURTH AVE FIDELITY BL, PITTSBURGH, PA 15222	167	398,936
HSG AUTH UNION	P O DRAWER 440, UNION, SC 29379	75	178,278
AUSTIN HSG AUTH	P O BOX 6159, AUSTIN, TX 78762	102	701,352
DALLAS COUNTY HSG ASSIST PGM	2377 N STEMMONS FRWY, STE 200–LB 16, DALLAS, TX 75207	871	5,550,243
GARLAND HSG AUTH	P O BOX 469002, 210 CARVER ST, STE 201B, GARLAND, TX 75046.	50	243,612
GRAND PRAIRIE HSNG & COMM DEV'T	P O BOX 534045, 201 NW 2ND. ST, STE 150, GRAND PRAIRIE, TX 75053.	76	310,879
HSG AUTH OF DALLAS	3939 N HAMPTON RD, DALLAS, TX 75212	249	1,404,724
HSG AUTH OF WACO	P O BOX 978, 1001 WASHINGTON, WACO, TX 76703	72	133,118
HAMPTON REDEV'T & HSG AUTH	P O BOX 280, HAMPTON, VA 23669	142	556,705
VIRGINIA HSG DEV'T AUTH	601 S BELVIDERE ST, RICHMOND, VA 23220	81	347,026
HSG AUTH OF THE CITY OF RICHLAND	650 GEORGE WASHINGTON WAY, P O BOX 190, RICHLAND, WA 99352.	20	113,280
HSG AUTH OF THE CITY OF TACOMA	902 SOUTH "L" ST, TACOMA, WA 98405	61	219,057
HSG AUTH OF THE CITY OF WALLA WALLA.	501 CAYUSE ST, WALLA WALLA, WA 99362	13	38,403
OSHKOSH HSG AUTH	600 MERRITT ST, OSHKOSH, WI 54901	16	43,190
Total for Preservations/Prepayments		9,988	48,350,009
Property Disposition Relocation			
HSG AUTH GREENVILLE	P O BOX 521, GREENVILLE, AL 36037	76	217,970
COUNTY OF LOS ANGELES HSG AUTH	2 CORAL CIR, MONTEREY PARK, CA 91754	8	59,010
COUNTY OF TEHAMA	P O BOX 8263, RED BLUFF, CA 96080	94	260,744
CITY OF HARTFORD	10 PROSPECT ST, HARTFORD, CT 06103	12	78,616
HSG AUTH OF CITY OF NEW HAVEN	360 ORANGE ST, NEW HAVEN, CT 06511	65	715,464
WATERBURY HSG AUTH	2 LAKEWOOD RD, WATERBURY, CT 06704	112	719,480
DC HSG AUTH	1133 NORTH CAPITOL ST NE, WASHINGTON, DC 20002	20	137,335
CITY OF FORT MYERS	P O DRAWER 2217, FORT MYERS, FL 33902	36	187,655
HSG AUTH FORT LAUDERDALE CITY	437 S W 4TH AVE, FORT LAUDERDALE, FL 33315	58	459,335
MUNICIPAL HSG AGCY	505 SOUTH SIXTH ST, COUNCIL BLUFFS, IA 51503	100	481,559
WATERLOO HSG AUTH	CARNEGIE ANNEX, STE 102, 620 MULBERRY ST, WATERLOO, IA 50703.	126	609,627
CHICAGO HSG AUTH	626 WEST JACKSON BLVD, CHICAGO, IL 60661	220	1,889,958

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2000—Continued

Housing agency	Address	Units	Award
INDIANAPOLIS HSG AGCY	1919 N MERIDIAN ST, INDIANAPOLIS, IN 46202	94	473,862
COWLEY COUNTY PUBLIC HSG AUTH	P O BOX 1122, ARKANSAS CITY, KS 67005	44	76,069
KENTUCKY HSG CORPORATION	1231 LOUISVILLE RD, FRANKFORT, KY 40601	56	216,645
EAST BATON ROUGE PH. HSG AUTH	4546 NORTH ST, BATON ROUGE, LA 70806	74	294,208
JEFFERSON PARISH HSG AUTH	1718 BETTY ST, MARRERO, LA 70072	500	2,020,524
LAFOURCHE PH. HSG COUNCIL, SEC. 8	P O BOX 499, RACELAND, LA 70394	108	495,983
BALTIMORE CO HSG OFFICE	ONE INVESTMENT PL, STE P3, TOWSON, MD 21204	14	79,995
HSG AUTH OF BALTIMORE CITY	417 E FAYETTE ST, BALTIMORE, MD 21202	94	428,725
DETROIT HSG COMMISSION	2211 ORLEANS, DETROIT, MI 48207	205	551,025
FLINT HSG COMMISSION	3820 RICHFIELD RD, FLINT, MI 48506	35	122,203
NW MN MULTI-COUNTY HRA	P O BOX 128, MENTOR, MN 56736	20	48,648
STEVENS COUNTY HRA	STEVENS COUNTY COURTHOUSE, MORRIS, MN 56267	26	61,418
WORTHINGTON HRA	819 TENTH ST, WORTHINGTON, MN 56187	25	62,745
HSG AUTH OF KANSAS CITY, MISSOURI	712 BROADWAY, KANSAS CITY, MO 64105	152	455,313
LINCOLN COUNTY PUB HSG AGCY	16 NORTH CT, BOWLING GREEN, MO 63334	104	560,616
ST. LOUIS COUNTY HSG AUTH	8865 NATURAL BRIDGE, ST. LOUIS, MO 63121	314	1,703,674
MISS REGIONAL HSG AUTH VI	P O DRAWER 8746, JACKSON, MS 39284	148	800,936
NEW HAMPSHIRE HSG FINANCE AUTH	P O BOX 5087, MANCHESTER, NH 03108	8	43,200
NEW JERSEY DEPT OF COMMUNITY AFFAIRS.	101 SOUTH BROAD ST, P O BOX 051, TRENTON, NJ 08625	40	284,052
NEWARK HSG AUTH	57 SUSSEX AVE, NEWARK, NJ 07103	50	410,496
NEW YORK CITY HSG AUTH	250 BROADWAY, NEW YORK, NY 10007	374	3,226,463
DAYTON METRO HSG AUTH	400 WAYNE AVE, P O BOX 8750, DAYTON, OH 45401	70	333,763
HSG AUTH CITY OF PITTSBURGH	200 ROSS ST, ATTN: RAINBOW LIN, PITTSBURGH, PA 15219	151	883,242
PROVIDENCE HSG AUTH	100 BROAD ST, PROVIDENCE, RI 02903	251	1,472,281
ABERDEEN HSG & REDEV'T COMMISSION.	2324 3RD AVE SE, ABERDEEN, SD 57401	24	59,982
HSG AUTH JACKSON	P O BOX 3188, JACKSON, TN 38301	138	391,325
HSG AUTH MEMPHIS	700 ADAMS AVE, P O BOX 3664, MEMPHIS, TN 38103	83	340,839
TENNESSEE HSG DEV AGCY	404 JAMES ROBERTSON PKWY, STE 1114, NASHVILLE-DAVIDSON, TN 37243.	40	43,891
HSG AUTH OF THE CITY OF BECKVILLE	P O BOX 38, BECKVILLE, TX 75631	32	99,179
PANOLA COUNTY HSG AUTH	P O BOX 38, MONROE & MADISON, BECKVILLE, TX 75631	32	49,590
Total for Property Disposition Relocation		4,243	21,707,845
Public Housing Relocation/Replacement			
BRIDGEPORT HSG AUTH	150 HIGHLAND AVE, BRIDGEPORT, CT 06604	183	1,124,746
SPRINGFIELD HSG AUTH	200 N ELEVENTH ST, SPRINGFIELD, IL 62705	503	2,752,306
LEXINGTON-FAYETTE COUNTY HSG AUTH.	300 NEW CIRCLE RD, LEXINGTON, KY 40505	125	488,496
LYCOMING COUNTY HSG AUTH	1941 LINCOLN DR, WILLIAMSPORT, PA 17701	138	424,530
PHILADELPHIA HSG AUTH	12 SOUTH 23RD ST, PHILA, PA 19103	179	1,354,068
CHATTANOOGA HSG AUTH	P O BOX 1486, CHATTANOOGA, TN 37402	69	334,586
METRO DEV'T & HSG AGNCY	701 SOUTH SIXTH ST, P O BOX 846, NASHVILLE, TN 37202	65	410,034
Total for Public Housing Relocation/Replacement.		1,262	6,888,766
Section 8 Counseling			
PORTSMOUTH REDEV'T & HSG AUTH	P O BOX 1098, 339 HIGH ST, PORTSMOUTH, VA 23705	0	128,000
Total for Section 8 Counseling		0	128,000
Terminations/Opt-outs			
DOTHAN HSG AUTH	P O BOX 1727, DOTHAN, AL 36302	24	86,976
HSG AUTH JEFFERSON CO	3700 INDUSTRIAL PKWY, BIRMINGHAM, AL 35217	26	104,832
FAYETTEVILLE HSG AUTH	1 NORTH SCHOOL AVE, FAYETTEVILLE, AR 72701	25	93,381
HARRISON HSG AGCY	P O BOX 1715, HARRISON, AR 72602	56	122,079
CITY OF GLENDALE HSG AUTH	6842 NORTH 61ST AVE, GLENDALE, AZ 85301	31	162,360
CITY OF PHOENIX	NEIGH'D IMPROV'T HSG D, 251 W WASHINGTON ST, 4TH FL, PHOENIX, AZ 85034.	60	324,720
CITY OF YUMA HSG AUTH	1350 W COLORADO ST, YUMA, AZ 85364	80	490,358
CALIFORNIA DEPT OF HSG AND COMM DEV.	1800 THIRD ST, P O BOX 952054 (MS 390–4), SACRAMENTO, CA 94252.	81	352,230
CITY OF BALDWIN PARK HSG AUTH	14403 E PACIFIC AVE, BALDWIN PARK, CA 91706	74	384,744
CITY OF FAIRFIELD	823–B JEFFERSON ST, FAIRFIELD, CA 94533	13	85,020
CITY OF FRESNO HSG AUTH	1331 FULTON MALL, FRESNO, CA 93776	88	296,182
CITY OF HAWTHORNE	4455 W 126TH ST, HAWTHORNE, CA 90250	18	101,952
CITY OF LOS ANGELES HSG AUTH	2600 WILSHIRE BLVD, LOS ANGELES, CA 90057	50	248,562

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2000—Continued

Housing agency	Address	Units	Award
CITY OF PASADENA COMMUNITY DEV'T COMM.	100 N GARFIELD AVE, PASADENA, CA 91109	111	522,216
CITY OF PITTSBURG HSG AUTH	85 CIVIC AVE, PITTSBURG, CA 94565	77	811,580
CITY OF REDDING HSG AUTH	P O BOX 496071, REDDING, CA 96049	48	195,840
CITY OF ROSEVILLE HSG AUTH	405 VERNON ST, STE 1, ROSEVILLE, CA 95678	30	145,586
CITY OF SACRAMENTO HSG AUTH	630 I ST, SACRAMENTO, CA 95814	73	366,998
CO OF BUTTE HSG AUTH	580 VALLOMBROSA AVE, CHICO, CA 95926	39	153,036
CO OF CONTRA COSTA HSG AUTH	3133 ESTUDILLO ST, P O BOX 2759, MARTINEZ, CA 94553	130	802,261
CO OF MERCED HSG AUTH	405 U ST, MERCED, CA 95340	14	53,914
CO OF ORANGE HSG AUTH	1770 NORTH BROADWAY, SANTA ANA, CA 92706	19	149,533
CO OF RIVERSIDE HSG AUTH	5555 ARLINGTON AVE, RIVERSIDE, CA 92504	2	13,321
CO OF SACRAMENTO HSG AUTH	630 I ST, SACRAMENTO, CA 95814	74	395,326
CO OF SANTA CLARA HSG AUTH	505 WEST JULIAN ST, SAN JOSE, CA 95110	110	1,061,277
HSG AUTH CO OF KERN	525 ROBERTS LANE, BAKERSFIELD, CA 93308	185	705,709
OAKLAND HSG AUTH	1619 HARRISON ST, OAKLAND, CA 94612	72	613,817
SAN DIEGO HSG COMMISSION	1625 NEWTON AVE, SAN DIEGO, CA 92113	1	9,454
SAN JOSE HSG AUTH	505 WEST JULIAN ST, SAN JOSE, CA 95110	281	3,433,929
YOLO CO HSG AUTH	1224 LEMEN AVE, P O BOX 1867, WOODLAND, CA 95776	39	252,361
COLORADO DIVISION OF HSG	1313 SHERMAN ST R00M 323, DENVER, CO 80203	167	1,464,171
COLORADO SPRINGS HSG AUTH	P O BOX 1575, COLORADO SPRINGS, CO 80903	38	195,812
LONGMONT HSG AUTH	900 COFFMAN, STE C, LONGMONT, CO 80501	102	507,972
CITY OF HARTFORD	10 PROSPECT ST, HARTFORD, CT 06103	9	47,434
NORWICH HSG AUTH	10 WESTWOOD PARK, NORWICH, CT 06360	74	529,149
DC HSG AUTH	1133 NORTH CAPITOL ST NE, WASHINGTON, DC 20002	132	1,089,730
HSG AUTH NEW SMYRNA BEACH	P O BOX 688, NEW SMYRNA BEACH, FL 32170	45	13,410
HSG AUTH OF JACKSONVILLE	1300 BROAD ST, JACKSONVILLE, FL 32202	108	675,723
MIAMI DADE HSG AUTH	1401 NW 7TH ST, MIAMI, FL 33125	502	3,307,176
ORLANDO HSG AUTH	300 REEVES CT, ORLANDO, FL 32801	12	62,352
HSG AUTH ATLANTA GA	739 WEST PEACHTREE ST NE, ATLANTA, GA 30308	90	613,440
HSG AUTH SAVANNAH	P O BOX 1179, SAVANNAH, GA 31402	111	532,450
CITY AND COUNTY OF HONOLULU	DEPT OF COMM & SOCIAL SERVIC, 715 SOUTH KING ST, STE, HONOLULU, HI 96813.	27	231,012
CO OF HAWAII	OFFICE OF HSG & COMM DEV, 50 WAILUKU DR, HILO, HI 96720.	4	19,591
AREA XV MULTI–COUNTY HSG AGCY	417 NORTH COLLEGE, P O BOX 276, AGENCY, IA 52530	24	74,304
CITY OF CLINTON, IOWA HSG AUTH	215 6TH AVE S STE 33, CLINTON, IA 52732	56	190,371
DES MOINES MUNICIPAL HSG AGCY	1101 CROCKER, DES MOINES, IA 50309	118	374,034
KEOKUK LOW RENT HSG AGCY	111 SOUTH 2ND ST, KEOKUK, IA 52632	40	131,520
NORTHWEST IOWA REGIONAL HSG AUTH.	P O BOX 6207, SPENCER, IA 51301	15	47,777
REGIONAL HSG AUTH–VOUCHER XII	108 WEST 6TH ST, P O BOX 663, CARROLL, IA 51401	36	153,836
SIOUXLAND REGIONAL HSG AUTH	314 COMMERCE BLDG, SIOUX CITY, IA 51101	59	234,546
WARREN CO HSG AUTH	217 WEST SALEM, P O BOX 456, INDIANOLA, IA 50125	2	9,648
CHICAGO HSG AUTH	626 WEST JACKSON BLVD, CHICAGO, IL 60661	526	4,188,669
DUPAGE CO ILLINOIS	128A S COUNTY FARM RD, WHEATON, IL 60187	22	160,776
LAKE CO HSG AUTH	33928 N ROUTE 45, GRAYSLAKE, IL 60030	55	390,060
PEORIA HSG AUTH	100 S SHERIDAN RD, PEORIA, IL 61605	3	17,880
SPRINGFIELD HSG AUTH	200 N ELEVENTH ST, SPRINGFIELD, IL 62705	28	148,453
DIVISION OF FAMILY AND CHILDREN	HOUSING & COMMUNITY SERVICES, P O BOX 6116, INDIANAPOLIS, IN 46206.	61	218,136
HSG AUTH CITY OF EVANSVILLE	P O BOX 3605, 500 COURT ST, EVANSVILLE, IN 47735	77	360,949
HSG AUTH CITY OF MISHAWAKA	P O BOX 1347, MISHAWAKA, IN 46546	4	21,564
HSG AUTH OF THE CITY OF MARION	601 SOUTH ADAMS ST, MARION, IN 46953	145	430,415
INDIANAPOLIS HSG AGCY	1919 N MERIDIAN ST, INDIANAPOLIS, IN 46202	204	1,187,840
HSG AUTH OF THE CITY OF LEAVENWORTH.	200 SHAWNEE, LEAVENWORTH, KS 66048	87	301,340
JOHNSON CO HSG AUTH	9305 W 74TH ST, MERRIAM, KS 66204	5	24,958
LEXINGTON–FAYETTE CO HSG AUTH	300 NEW CIRCLE RD, LEXINGTON, KY 40505	8	48,008
JEFFERSON PARISH HSG AUTH	1718 BETTY ST, MARRERO, LA 70072	86	468,638
ST. MARTIN PARISH GOVERNMENT HSG DEPT.	118 HONORE ST, ST. MARTINVILLE, LA 70582	77	470,322
BOSTON HSG AUTH	52 CHAUNCY ST, BOSTON, MA 02111	310	2,643,130
ANNAPOLIS HSG AUTH	1217 MADISON ST, ANNAPOLIS, MD 21403	57	228,456
ANNE ARUNDEL COUNTY HSG AUTH	7885 GORDON CT, P O BOX 0817, GLEN BURNIE, MD 21060	40	342,305
BALTIMORE CO HSG OFFICE	ONE INVESTMENT PL, STE P3, TOWSON, MD 21204	75	379,800
DEPT OF HSG & COMMUNITY DEV'T	100 COMMUNITY PL, CROWNSVILLE, MD 21032	23	109,704
HAGERSTOWN HSG AUTH	35 WEST BALTIMORE ST, HAGERSTOWN, MD 21740	39	161,890
HOWARD CO HSG COMMISSION	6751 COLUMBIA GATEWAY DR, COLUMBIA, MD 21044	11	41,386
HSG AUTH OF BALTIMORE CITY	417 E FAYETTE ST, BALTIMORE, MD 21202	946	3,450,652
HSG AUTH PRINCE GEORGES CO	9400 PEPPERCORN PL, STE 200, LARGO, MD 20774	307	2,777,736
MONTGOMERY CO HSG AUTH	10400 DETRICK AVE, KENSINGTON, MD 20895	173	1,542,468
ANN ARBOR HSG COMMISSION	727 MILLER AVE, ANN ARBOR, MI 48103	136	878,516

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2000—Continued

Housing agency	Address	Units	Award
DETROIT HSG COMMISSION	2211 ORLEANS, DETROIT, MI 48207	552	3,068,142
LANSING HSG COMMISSION	310 NORTH SEYMOUR ST, LANSING, MI 48933	69	348,843
LINCOLN PARK HSG COMMISSION	1356 ELECTRIC, LINCOLN PARK, MI 48146	29	142,314
LIVONIA HSG COMMISSION	19300 PURLINGBROOK RD, LIVONIA, MI 48152	8	37,175
MICHIGAN STATE HSG DEV'T AUTH	401 S WASHINGTON SQ, LANSING, MI 48909	409	2,413,218
MICHIGAN STATE HSG DEV'T AUTH	P O BOX 30044, LANSING, MI 48909	88	422,363
PORT HURON HSG COMMISSION	905 SEVENTH ST, PORT HURON, MI 48060	7	30,254
ROSEVILLE HSG COMMISSION	18330 EASTLAND, ROSEVILLE, MI 48066	131	778,236
TRAVERSE CITY HSG COMM	10200 EAST CARTER CENTRE, TRAVERSE CITY, MI 49684	66	292,248
CAMBRIDGE HRA	121 SOUTH FERN ST, CAMBRIDGE, MN 55008	26	149,748
CHIPPEWA COUNTY HRA	CHIPPEWA COUNTY COURTHOUSE, 629 N 11TH ST, MONTEVIDEO, MN 56265.	4	12,881
HSG AUTH OF KANSAS CITY, MISSOURI	712 BROADWAY, KANSAS CITY, MO 64105	20	95,265
LEES SUMMIT HSG AUTH	111 SOUTH GRAND, LEES SUMMIT, MO 64063	16	71,838
ST. LOUIS CO HSG AUTH	8865 NATURAL BRIDGE, ST. LOUIS, MO 63121	58	177,558
BUTTE HSG AUTH	CURTIS AND ARIZONA STS, BUTTE, MT 59701	11	44,831
FOUR SQUARE COMM ACT, INC	WEST END PLAZA, P O BOX 2290, ANDREWS, NC 28901	1	2,604
HSG AUTH DURHAM	330 E MAIN ST, P O BOX 1726, DURHAM, NC 27702	16	108,207
HSG AUTH GRAHAM	109 E HILL ST, P O BOX 88, GRAHAM, NC 27253	79	349,812
HSG AUTH GREENSBORO	450 N CHURCH ST, P O BOX 21287, GREENSBORO, NC 27420	5	19,466
HSG AUTH OF THE CITY OF CHARLOTTE	P O BOX 36795, 1301 SOUTH BLVD, CHARLOTTE, NC 28236	35	171,102
HSG AUTH ROCKY MOUNT	1006 AYCOCK ST, P O BOX 4717, ROCKY MOUNT, NC 27803	36	141,025
HSG AUTH WINSTON-SALEM	901 CLEVELAND AVE, WINSTON-SALEM, NC 27101	74	352,232
ORANGE CO	300 W TRYON ST, P O BOX 8181, HILLSBOROUGH, NC 27278	25	135,681
MORTON CO HSG AUTH	P O BOX 517, MANDAN, ND 58554	29	94,190
STARK CO HSG AUTH	1149 WEST VILLARD, P O BOX 107, DICKINSON, ND 58602	24	66,240
BELLEVUE HSG AUTH	8214 ARMSTRONG CIR, OMAHA, NE 68147	34	176,648
OMAHA HSG AUTH	540 SOUTH 27TH ST, OMAHA, NE 68105	10	48,960
MANCHESTER HSG AUTH	198 HANOVER ST, MANCHESTER, NH 03104	48	261,723
CAMDEN HSG AUTH	1300 ADMIRAL WILSON BLVD, P O BOX 1426, CAMDEN, NJ 08101.	69	572,819
NEW JERSEY DEPT OF COMMUNITY AFFAIRS.	101 SOUTH BROAD ST, P O BOX 051, TRENTON, NJ 08625	71	469,369
NEWARK HSG AUTH	57 SUSSEX AVE, NEWARK, NJ 07103	307	2,672,960
ALBUQUERQUE HSG AUTH	1840 UNIVERSITY BLVD SE, ALBUQUERQUE, NM 87106	22	117,531
LAS CRUCES HSG AUTH	926 S SAN PEDRO, LAS CRUCES, NM 88001	53	245,225
CITY OF RENO HSG AUTH	1525 EAST NINTH ST, RENO, NV 89512	0	21,288
CITY OF NIAGARA FALLS	COMMUNITY DEV DEPT, P O BOX 69, 1022 MAIN ST, NIAGARA FALLS, NY 14302.	11	41,448
NEW YORK STATE HSG FINANCE AGCY	HSG & COMM RENEWAL—LA CAPRA, 25 BEAVER ST, RM 674, NEW YORK, NY 10004.	333	2,777,473
CAMBRIDGE METRO HSG AUTH	1100 MAPLE CT, P O BOX 1388, CAMBRIDGE, OH 43725	92	264,952
CHILLICOTHE MET HSG AUTH	178 WEST FOURTH ST, CHILLICOTHE, OH 45601	77	332,272
CINCINNATI METRO HSG AUTH	16 WEST CENTRAL PKWY, CINCINNATI, OH 45210	267	841,429
COLUMBUS METRO HSG AUTH	880 EAST 11TH AVE, COLUMBUS, OH 43211	203	1,122,730
CRAWFORD METRO HSG AUTH	P O BOX 1029, MANSFIELD, OH 44901	45	212,262
CUYAHOGA METRO HSG AUTH	1441 WEST 25TH ST, CLEVELAND, OH 44113	40	192,372
GREENE METRO HSG AUTH	538 NORTH DETROIT ST, XENIA, OH 45385	95	596,480
HAMILTON CO PUBLIC HSG	138 EAST COURT ST, RM 507, CINCINNATI, OH 45202	323	940,420
LICKING METRO HSG AUTH	85 WEST CHURCH, NEWARK, OH 43055	64	405,269
LUCAS METRO HSG AUTH	P O BOX 477, 435 NEBRASKA AVE, TOLEDO, OH 43602	23	104,466
PICKAWAY METRO HSG AUTH	176 RUSTIC DR, CIRCLEVILLE, OH 43113	60	395,769
WAYNE METRO HSG AUTH	200 SOUTH MARKET ST, WOOSTER, OH 44691	42	186,142
WILLIAMS METRO HSG AUTH	1044 CHELSEA AVE, NAPOLEON, OH 43545	6	14,641
YOUNGSTOWN METRO HSG AUTH	131 WEST BOARDMAN ST, YOUNGSTOWN, OH 44503	147	447,933
OKLAHOMA HSG FINANCE AGCY	P O BOX 26720, OKLAHOMA CITY, OK 73126	5	20,520
HSG AUTH OF DOUGLAS CO	902 WEST STANTON ST, ROSEBURG, OR 97470	18	73,128
HSG AUTH OF PORTLAND	135 SW ASH ST, PORTLAND, OR 97204	6	41,258
HSG AUTH OF THE CO OF CLACKAMAS	P O BOX 1510, OREGON CITY, OR 97045	24	167,470
HSG AUTH OF WASHINGTON CO	111 NE LINCOLN ST, STE 200–L, MS63, HILLSBORO, OR 97124	23	154,274
LINN-BENTON HSG AUTH	1250 SE QUEEN AVE, ALBANY, OR 97321	6	34,722
BUCKS COUNTY HSG AUTH	350 SOUTH MAIN ST, STE 205, DOYLESTOWN, PA 18901	249	972,814
JOHNSTOWN HSG AUTH	501 CHESTNUT ST, JOHNSTOWN, PA 15907	18	71,712
RHODE ISLAND HSG MORT FIN CORP	44 WASHINGTON ST, PROVIDENCE, RI 02903	10	67,201
CHARLESTON COUNTY HSG REDVEL AUTH.	P O BOX 6188, CHARLESTON, SC 29405	12	54,144
HSG AUTH AIKEN	P O BOX 889, AIKEN, SC 29802	19	87,601
HSG AUTH COLUMBIA	1917 HARDEN ST, COLUMBIA, SC 29204	32	166,272
HSG AUTH FLORENCE	P O DRAWER 969, FLORENCE, SC 29503	9	34,716
HSG AUTH GREENVILLE	P O BOX 10047, GREENVILLE, SC 29603	80	373,575
HSG AUTH UNION	P O DRAWER 440, UNION, SC 29379	19	62,260
S C STATE HSG FINANCE & DEV	919 BLUFF RD, COLUMBIA, SC 29201	24	116,235

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2000—Continued

Housing agency	Address	Units	Award
HSG AUTH MEMPHIS	700 ADAMS AVE, P O BOX 3664, MEMPHIS, TN 38103	84	347,483
METRO DEV'T & HSG AGNCY	701 SOUTH SIXTH ST, P O BOX 846, NASHVILLE, TN 37202	21	107,773
TENNESSEE HSG DEV AGCY	404 JAMES ROBERTSON PKWY, STE 1114, NASHVILLE-DAVIDSON, TN 37243.	85	329,815
ARLINGTON HSG AUTH	501 W SANFORD, STE 20, ARLINGTON, TX 76011	23	70,202
DALLAS CO HSG ASSIST PGM	2377 N STEMMONS FRWY, STE 200—LB 16, DALLAS, TX 75207	141	1,071,126
DENTON HSG AUTH	308 S RUDDELL, DENTON, TX 76205	133	963,979
FORT WORTH HSG AUTH	P O BOX 430, 1201 E 13TH. ST, FORT WORTH, TX 76101	8	40,786
GRAND PRAIRIE HSNG & COMM DEV'T	P O BOX 534045, 201 NW 2ND. ST, STE 150, GRAND PRAIRIE, TX 75053.	135	1,119,824
HSG AUTH OF BEAUMONT	P O BOX 1312, 4925 CONCORD RD, BEAUMONT, TX 77704	25	108,489
HSG AUTH OF DALLAS	3939 N HAMPTON RD, DALLAS, TX 75212	97	776,821
HSG AUTH OF NACOGDOCHES	715 SUMMIT ST, NACOGDOCHES, TX 75961	20	87,360
HSG AUTH OF ODESSA	P.O. DRAWER 154, 124 E SECOND ST, ODESSA, TX 79760	99	531,036
HSGTON HSG AUTH	2640 FOUNTAIN VIEW, HOUSTON, TX 77057	224	1,603,323
PASADENA (CITY OF)	P O BOX 672, PASADENA, TX 77501	16	76,256
ROSENBERG HSG AUTH	927 SECOND ST, ROSENBERG, TX 77471	136	610,213
SAN ANTONIO HSG AUTH	818 S FLORES ST, P O BOX 1300, SAN ANTONIO, TX 78295	71	403,731
TARRANT CO HSG ASSIST PGM	1200 CIRCLE DR, #100, FORT WORTH, TX 76119	44	215,424
TEXAS CITY HSG AUTH	817 SECOND AVE NORTH, TEXAS CITY, TX 77590	43	245,689
TEXAS DEPT HSG & COMMUNITY AFFAIRS.	P O BOX 13941, 507 SABINE, AUSTIN, TX 78711	46	354,125
WEATHERFORD HSG AUTH	1128 FORT WORTH HIGHWAY, WEATHERFORD, TX 76086	10	46,895
WICHITA FALLS HSG ASSIST PGM	P O BOX 1431, 1300 SEVENTH ST, WICHITA FALLS, TX 76307	5	15,527
HSG AUTH OF CITY OF OGDEN	2661 WASHINGTON BLVD, STE 102, OGDEN, UT 84401	18	120,192
HSG AUTH OF SALT LAKE CITY	1776 SW TEMPLE, SALT LAKE CITY, UT 84115	8	63,984
VIRGINIA HSG DEV'T AUTH	601 S BELVIDERE ST, RICHMOND, VA 23225	152	662,112
HSG AUTH OF ISLAND CO	7 NORTHWEST 6TH ST, COUPEVILLE, WA 98239	18	122,855
HSG AUTH OF THURSTON CO	505 WEST FOURTH AVE, OLYMPIA, WA 98501	12	86,157
KING CO HSG AUTH	15455–65TH AVE S, TUKWILA, WA 98188	8	40,970
SPOKANE HSG AUTH	WEST 55 MISSION ST, STE 104, SPOKANE, WA 99201	25	102,900
DOOR CO HSG AUTH	57 N 12TH AVE, STURGEON BAY, WI 54235	54	125,064
HSG AUTH OF THE CITY OF MILWAUKEE	P O BOX 324, MILWAUKEE, WI 53201	26	116,592
THE CITY OF FAIRMONT HSG AUTH	517 FAIRMONT AVE, FAIRMONT, WV 26554	19	68,211
HSG AUTH OF THE CITY OF CHEYENNE	3304 SHERIDAN AVE, CHEYENNE, WY 82009	9	37,707
Total for Terminations/Opt-outs		13,640	80,218,660
Grand Total		29,333	157,293,280

[FR Doc. 01–4688 Filed 2–26–01; 8:45 am]
BILLING CODE 4210–33–P

DEPARTMENT OF INTERIOR

Office of the Secretary

Delaware & Lehigh National Heritage Corridor Commission Meeting

AGENCY: Office of the Secretary, Department of Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces an upcoming meeting of the Delaware & Lehigh National Heritage Corridor Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

Meeting Date and Time: Friday, March 9, 2001, Time 1:30 p.m. to 4 p.m.

Address: Yardley Library, 46 W. Afton Ave., Yardley PA 19067.

The agenda for the meeting will focus on implementation of the Management Action Plan for the Delaware and Lehigh National Heritage Corridor and State Heritage Park. The Commission was established to assist the Commonwealth of Pennsylvania and its political subdivisions in planning and implementing an integrated strategy for protecting and promoting cultural, historic and natural resources. The Commission reports to the Secretary of the Interior and to Congress.

FOR FURTHER INFORMATION CONTACT: C. Allen Sachse, Executive Director, Delaware & Lehigh National Heritage Corridor Commission, 10 E. Church Street, Room A–208, Bethlehem, PA 18018, (610) 861–9345.

SUPPLEMENTARY INFORMATION: The Delaware & Lehigh National Heritage Corridor Commission was established by Public Law 100–692, November 18, 1988 and extended through Public Law 105–355, November 13, 1998.

Dated: February 20, 2001.

C. Allen Sachse,

Executive Director, Delaware & Lehigh National Heritage Corridor Commission.

[FR Doc. 01–4719 Filed 2–26–01; 8:45 am]
BILLING CODE 6820–PE–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Intent To Prepare an Environmental Impact Statement for the Development of Natural Gas Resources in the Kenai National Wildlife Refuge, Alaska

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (USFWS) intends to gather information necessary for the preparation of an environmental impact statement (EIS) in response to a right-of-way application for construction of facilities associated with exploration and production of natural gas. The proposed project would be located in the Kenai National Wildlife Refuge, Alaska, in the northwest section of the Kenai Peninsula, in two areas collectively known as Swanson River Satellites. The East Swanson area is approximately 5 miles east of the Swanson River Unit (T8N, R8W, SM). The North Swanson

area encompasses the Birch Hill Unit, and is approximately 3 miles northeast of the northern Swanson River Unit boundary (T9N, R9W, SM). A series of public meetings will be held during the preparation of the EIS. Notice of the dates, times, and locations of these public meetings will be advertised in local publications prior to the event. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS.

DATES: The public meeting dates are:

1. March 13, 2001, 7 p.m., Anchorage, Alaska.

2. March 15, 2001, 7 p.m., Soldotna, Alaska.

Written comments should be received by March 30, 2001.

ADDRESSES: The public meeting locations are:

1. Anchorage—Spenard Community Recreation Center, 2020 W. 48th Avenue, Anchorage, Alaska 99517.

2. Soldotna—Soldotna Senior Center, 197 W. Park Avenue, Soldotna, Alaska 99669.

Comments should be addressed to: Regional Director, Region 7, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Brian L. Anderson, (907) 786–3379.

SUPPLEMENTARY INFORMATION: Union Oil Company of California d.b.a. Unocal has applied for a right-of-way grant to construct facilities, including roads, pipelines, drill pads, and other facilities necessary for exploration and production of natural gas resources within the Kenai National Wildlife Refuge, a Conservation System Unit established by the Alaska National Interest Lands Conservation Act (ANILCA) (Sec. 303, Pub. L. 96–487, 16 U.S.C.668dd). The right-of-way application will be evaluated under regulations (43 CFR 36) implementing Title XI of ANILCA, Transportation and Utility Systems in and Across, and Access into, Conservation System Units in Alaska.

Most of the surface estate within the project area is owned by the United States and is managed by the USFWS, although a portion of the surface estate involved has been conveyed to the Tyonek Native Corporation. The subsurface oil, gas and coal mineral estate is owned by Cook Inlet Region Incorporated (CIRI), with the exception of the Birch Hill Unit, where these minerals are leased from the United States. Under Title XI, CIRI is entitled to adequate and feasible access to their valid inholding for economic and other purposes, subject to reasonable regulations necessary to protect the natural and other values of the refuge. Unocal has leased the natural gas development rights from CIRI and the United States.

Unocal proposes to develop natural gas exploration and production from up to three locations in the North Swanson area, and from up to three locations in the East Swanson area. The proposed road and pipeline rights-of-way for both East and North Swanson satellites total 13 miles in length and will include primary and secondary product pipelines, a water disposal pipeline, and communications and electric power lines. Proposed roads will be maintained to provide access to well sites. In addition to natural gas wells, a water well and drainage sump will be installed at each site.

The USFWS has determined that an EIS will be prepared to evaluate the potential direct, secondary, and cumulative impacts of constructing the proposed project, and to identify alternatives that would protect the resources of the Kenai National Wildlife Refuge. The environmental review will be conducted in accordance with the requirements of NEPA (42 U.S.C. 4371 *et seq.*) as implemented by the Council on Environmental Quality regulations at 40 CFR 1500–1508, and the pertinent regulations of USFWS. Upon completion of the Draft EIS, a Notice of Availability will be published in the **Federal Register**.

David B. Allen,

Regional Director, Region 7, Fish and Wildlife Service.

[FR Doc. 01–4699 Filed 2–26–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved amendment to a Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Deputy Assistant Secretary—Indian Affairs (Management), Department of the Interior, through his delegated authority, has approved the First Amendment to the Tribal-State Compact for Class III Gaming between the Lummi Indian Nation and the State of Washington, which was executed on December 18, 2000.

DATES: This action is effective February 27, 2001.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: February 8, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–4743 Filed 2–26–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved amendment to a Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Deputy Assistant Secretary—Indian Affairs (Management), Department of the Interior, through his delegated authority, has approved the Amendment between the Oglala Sioux Tribe and the State of South Dakota, which was executed on December 7, 2000.

DATES: This action is effective February 27, 2001.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: February 8, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–4742 Filed 2–26–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–01–600–1919–241A]

Northwest Colorado Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The next meeting of the Northwest Colorado Resource Advisory Council will be held on Thursday, March 15, and Friday, March 16, 2001, at the Bureau of Land Management Grand Junction Office, Grand Junction, Colorado.

DATES: Thursday, March 15, and Friday, March 16 , 2001.

ADDRESSES: For further information, contact Lynn Barclay, Bureau of Land Management (BLM), 455 Emerson Street, Craig, Colorado 81625; Telephone (970) 826–5096.

SUPPLEMENTAL INFORMATION: The Northwest Resource Advisory Council (RAC) will meet on Thursday, March 15, 2001, and Friday, March 16, 2001, at the Bureau of Land Management Grand Junction Office, 2815 H Road, Grand Junction, Colorado 81506. The meeting will start at 1 p.m. on Thursday, March 15, ending at 4:30 p.m. that same day. The meeting will reconvene Friday, March 16 at 9 a.m. ending at 4 p.m. Discussion will include fire management and funding, Colorado Canyons National Conservation Area/ Black Ridge Wilderness, weed management, RAC operations and general program updates.

The meeting is open to the public. Interested persons may make oral statements at the meetings or submit written statements at the meeting. Time for public comment will be at 4 p.m., Thursday, March 15, 2001. Per-person time limits for oral statements may be set to allow all interested persons an opportunity to speak.

Summary minutes of council meetings are maintained at the Bureau of Land Management Offices in Craig and Grand Junction, Colorado. They are available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting.

Dated: February 6, 2001.

Mark Stiles,

Western Slope Center Manager.

[FR Doc. 01–4876 Filed 2–26–01; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[30% to CO–956–1420–BJ–CAPD–241A; 53% to CO–956–1420–BJ–0000–241A; 11% to CO–956–9820–BJ–CO01–241A and 6% to CO–956–1910–BJ–4667–241A]

Colorado: Filing of Plats of Survey

January 24, 2001.

The plats of survey of the following described land will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 am., June 29, 2000. All inquiries should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215–7093.

The plat representing the dependent resurvey of certain subdivisional lines, and the subdivision survey of section 1., T. 32 N., R. 8 W., New Mexico Principal Meridian, Group 1265, Colorado, was accepted December 18, 2000.

This survey was requested by the Bureau of Indian Affairs for administrative purposes.

The plat representing the dependent resurvey of a portion of the south and west boundaries and a portion of the subdivisional lines, and the subdivision of section 33, T. 11 N., R. 78 W., Sixth Principal Meridian, Group 1221, Colorado was accepted October 24, 2000.

The plat representing the dependent resurvey of a portion of the east boundary, (Ninth Guide meridian West), and a portion of the subdivisional lines, and the subdivision of certain sections, T. 3 N., R. 73 W., Sixth Principal Meridian, Group 1237, Colorado, was accepted November 23, 2000.

These surveys were requested by the Forest Service for administrative purposes.

The supplemental plat that cancels lots 51, 53, 54, 61, 64, 65, and 68 in the W1/2 of section 18, T. 51 N., R. 6 E., New Mexico Principal Meridian, Group 1022, Colorado, was accepted October 23, 2000.

The plat representing the dependent resurvey of a portion of the east and north boundaries and a portion of the subdivisional lines, and the subdivision of sections 1 and 2, T. 10 N., R. 79 W., Sixth Principal Meridian, Group 1213, Colorado, was accepted October 24, 2000.

The plat representing the dependent resurvey of a portion of the north boundary and subdivisional lines, and the subdivision of section 6, T. 10 N., R. 78 W., Sixth Principal Meridian, Group 1213, Colorado, was accepted October 24, 2000.

The plat (in 2 sheets) representing the dependent resurvey of certain mineral surveys in T. 42 N., R. 7 W., New Mexico Principal Meridian, Group 1239, Colorado, was accepted November 1, 2000.

The plat representing the dependent resurvey of portions of the south boundary, west boundary, north boundary, and subdivisional lines, and the subdivision of certain sections, and the description of certain corners located but not incorporated within this survey, T. 4 S., R. 93 W., Sixth Principal Meridian, Group 1207, Colorado, was accepted November 16, 2000.

The plat representing the dependent resurvey of portions of the north boundary, and the subdivisional lines, and the survey of the subdivision of sections 4 and 5, T. 5 N., R. 98 W., Sixth Principal Meridian, Group 1233, Colorado, was accepted November 29, 2000.

The plat representing the entire record of the corrective dependent resurvey of a portion of the subdivision of section 19, T. 5 S., R. 76 W., Sixth Principal Meridian, Group 1306, Colorado, was accepted December 4, 2000.

The plat representing the dependent resurvey of a portion of the west boundary, and subdivisional lines, and the subdivision of section 19, T. 2 S., R. 98 W., Sixth Principal Meridian, Group 1277, Colorado, was accepted December 19, 2000.

The amended protraction diagram (in 5 sheets) was prepared for the express purpose of describing unsurveyed public land. It does not constitute an official survey but establishes the plan for extending the rectangular survey system over these unsurveyed lands and may be used for leasing and administrative purposes only. It covers the protracted area for Townships 46 to 48 North, Ranges 19 to 20 West, New Mexico Principal Meridian, Colorado, and was accepted December 20, 2000.

The surveys were requested by the Bureau of Land Management for administrative purposes.

Collin R. Kelley,

Acting, Chief Cadastral Surveyor for Colorado.

[FR Doc. 01–4709 Filed 2–26–01; 8:45 am]

BILLING CODE 4310–JB–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Under Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Settlement Agreement in *In re Joy Technologies, Inc.* (d/b/a Joy Mining Machinery), C.A. No. 99–2194 (Bnkr. Ct. Del.), was lodged on February 21, 2001, with the United States Bankruptcy Court for the District of Delaware. The Settlement Agreement resolves the United States' claims against Joy Technologies, Inc. (d/b/a Joy Mining Machinery) ("Joy") with respect to past response costs incurred and future costs to be incurred, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607, in connection with the clean-up of the Route 52 Site, Bluefield, Mercer County, West Virginia. The Settlement Agreement also resolves the United States' claims for civil penalties, pursuant to section 106(b) of CERCLA, 42 U.S.C. 9606(b), and punitive damages, pursuant to section 107(c)(3) of CERCLA, 42 U.S.C. 9607(c)(3).

Under the Settlement Agreement, Joy has agreed to give EPA, a general unsecured creditor, an allowed claim in the amount of $7,000,000.00, plus interest, in reimbursement of response costs incurred in connection with the Site. Joy will pay the allowed claim on the same basis as its pays the allowed claims of all other unsecured creditors. In addition, Joy has agreed to pay the United States $1,500,000.00 to resolve the United States' claims pursuant to section 106(b) and 107(c)(3) of CERCLA, 42 U.S.C. 9606(b), 9607(c)(3). The latter amount will be paid within 78 months from the date the Bankruptcy Court approves the plan of reorganization for Harnischfeger Industries Incorporated and the other debtors, including Joy, involved in Bankruptcy Case Number 99–2177 (Jointly Administered), pending in the District of Delaware.

The Department of Justice will receive, for a period of 30 days from the date of this publication, comments relating to the proposed Settlement Agreement. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *In re Joy Technologies, Inc.* (d/b/a Joy Mining Machinery), DOJ Reference No. 90–11–2–207/6.

The proposed Settlement Agreement may be examined at the Office of the United States Attorney, Chemical Bank Plaza, 1201 Market Street, Suite 1100, Wilmington, Delaware 19899; and the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103. A copy of the proposed Settlement Agreement may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $3.25 (.25 cents per page production costs), payable to the Consent Decree Library.

Robert D. Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–4741 Filed 2–26–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")

Consistent with Departmental policy, 28 CFR 50.7, and under section 122(d) of CERCLA, 42 U.S.C. 9622(d), notice is hereby given that a proposed consent decree in *United States* v. *Livingston, et al.*, Civ. No. 97–4770 (WGB), was lodged on February 13, 2001 with the United States District Court for the District of New Jersey. The Consent Decree concerns hazardous waste contamination at the Brook Industrial Park Superfund Site (the "Site"), located in Bound Brook, Somerset County, New Jersey. The Consent Decree would resolve the liability for reimbursement of response costs incurred and to be incurred by the United States in connection with the Site as to three remaining defendants in this action against whom the United States filed a compliant on behalf of the Untied States Environmental Protection Agency ("EPA"). Also participating in the proposed consent decree are third-party defendants Fireman's Fund Insurance Co. and New Jersey Property-Liability Insurance Guaranty Association. The Consent Decree requires the settling parties to reimburse the EPA Hazardous Substance Superfund a total of $1.06 million, plus interest.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resource Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Livingston, et al.*, DOJ Ref. #90–11–2–1287.

The proposed consent decree may be examined at the office of the United States Attorney for the District of New Jersey, 970 Broad Street, Newark, New Jersey 07102 (contact Assistant Untied States Attorney Susan C. Cassell); and the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York, 10007–1866 (contact Assistant Regional Counsel Muthu S. Sundram). A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044–7611. In requesting a copy please refer to the referenced case and enclose a check in the amount of $5.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ronald G. Gluck,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–4700 Filed 2–26–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Clear Channel Communications, Inc., and AMFM Inc. Merger Settlement

Proposed Final Judgment and Competitive Impact Statement in *United States* v. *Clear Channel Communications, Inc., and AMFM Inc.*, Civ. Action No. 1:00CV02063.

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)–(h), that a proposed Final Judgment, Stipulation and Order, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia, in *United States* versus *Clear Channel Communications, Inc., and AMFM Inc.*, Civ. Action No. 1:00CV02063 (Thomas Penfield Jackson, J.).

On August 29, 2000, the United States filed a Complaint alleging that the effect of the merger of Clear Channel Communications, Inc. and AMFM Inc. may be to lessen competition substantially in the sale of radio advertising time and out-of-home advertising in several local markets in the United States in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18.

The proposed Final Judgment, also filed on August 29, 2000, requires Defendants to divest 14 radio stations in five markets: Allentown-Bethlehem, PA; Denver, CO; Harrisburg-Lebanon-Carlisle, PA; Houston-Galveston, TX; and Pensacola, FL, to preserve competition in the sale of radio advertising time in these markets. In addition, the proposed Final Judgment requires the Defendants to divest the approximate 28.6 percent equity interest in Lamar Advertising Company that Clear Channel acquired as a result of the merger in order to maintain effective and viable competition in the sale of out-of-home advertising in various markets in the United States. A Competitive Impact Statement filed by the United States on November 15, 2000, describes the Complaint, the proposed Final Judgment, and the remedies available to private litigants who may have been injured by the alleged violations.

Copies of the Complaint, proposed Final Judgment, Stipulation and Order, and Competitive Impact Statement are available for inspection at the U.S. Department of Justice, Antitrust Division, 325 Seventh Street, NW., Room 325, Washington, DC 20530, and at the Clerk's Office of the United States District Court for the District of Columbia.

Public comment is invited with the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to: J. Robert Kramer, II, Chief, Litigation II Section, Antitrust Division, U.S. Department of Justice, 1401 H Street, NW., Suite 3000, Washington, DC 20530 (telephone: (202) 307–0924).

Constance K. Robinson,

Director of Operations & Merger Enforcement.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. Clear Channel Communications, Inc. and AMFM Inc., Defendants

[Civil Action No.: 1:00CV02063]

Judge: Thomas Penfield Jackson.
Filed: August 29, 2000.

Stipulation and Order

It is stipulated by and between the undersigned parties, by their respective attorneys, as follows:

1. The Court has jurisdiction over the subject matter of this action and over each of the parties hereto, and venue of this action is proper in the United States District Court for the District of Columbia.

2. The parties stipulate that a Final Judgment in the form attached hereto may be filed with and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that the United States has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

3. The defendants shall abide by and comply with the provisions of the proposed Final Judgment entry of the Final Judgment by the Court, or until expiration of time for all appeals of any Court ruling declining entry of the proposed Final Judgment, and shall, from the date of the signing of this Stipulation and Order by the parties, comply with all the terms and provisions of the proposed Final Judgment as though the same were in full force and effect as an order of the Court.

4. The parties recognize that there could be a delay in obtaining approval by or ruling of a government agency related to the divestitures required by Section IV of the Final Judgment, notwithstanding the good faith efforts of the defendants and any prospective Acquirer, as defined in the Final Judgment. In this circumstance, plaintiff will, in the exercise of its sole discretion, acting in good faith, give special consideration to forbearing from applying for the appointment of a trustee pursuant to Section VII(A) of the Final Judgment, or from pursuing legal remedies available to it as a result of such delay, provided that: (1) Defendants have entered into one or more definitive agreements to divest the relevant Radio Assets, as defined in the Final Judgment, and such agreements and the Acquirer have been approved by the United States; (ii) all papers necessary to secure any governmental approvals and/or rulings to effectuate such divestitures (including but not limited to FCC, SEC and IRS approvals or rulings) have been filed with the appropriate agency; (iii) receipt of such approvals are only closing conditions that have not been satisfied or waived; and (iv) defendants have demonstrated that neither they nor the prospective Acquirer or Acquirers are responsible for such delay.

5. In the event that (I) the United States withdraws its consent, as provided in paragraph 2 above, or (ii) the proposed Final Judgment is not entered pursuant to Stipulation and Order, the time has expired for all appeals of any Court ruling declining entry of the proposed Final Judgment, and this Court has not otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, then the parties are released from all further obligations under the Stipulation and Order, and the making of this Stipulation and Order shall be without evidentiary prejudice to any party in this or any other proceeding.

6. This Stipulation and Order shall apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the parties and submitted to the Court.

7. Defendants represent that the divestitures ordered in the proposed Final Judgment can and will be made, and that defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained therein.

Dated: August 29, 2000.

For Plaintiff United States:

John C. Filippini (165159)
Allen P. Grunes, Rex Fujichaku, Litigation II Section, Antitrust Division, U.S. Department of Justice, 1401 H Street, NW., Suite 3000, Washington, DC 20005, (202) 307–5782.

For Defendant Clear Channel Communications, Inc.:

Charles E. Biggio,
Akin, Gump, Strauss, Hauer & Feld, 590 Madison Avenue—20th Floor, New York, NY 10022, (212) 872–1010.

Phillip A. Proger,
Jones, Day, Reavis & Pogue, 51 Louisiana Avenue, NW., Washington, DC 20001–2113, (202) 879–4668.

For Defendant AMFM Inc.:

Neil W. Imus,
Vinson & Elkins, The Willard Office Building, 1455 Pennsylvania Avenue, NW., Washington, DC 20004–1008, (202) 639–6675.

Order

It Is So Ordered by this Court, this _____ Day of August, 2000.

United States District Judge

Final Judgment

Whereas, plaintiff, United States of America, filed its Complaint on August 29, 2000, plaintiff and defendants, Clear Channel Communications, Inc. ("Clear Channel") and AMFM Inc. ("AMFM"), by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without

this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law;

And Whereas, defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

And Whereas, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by the defendants to assure that competition is not substantially lessened;

And Whereas, plaintiff requires defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

And Whereas, defendants have represented to the United States that the divestitures required below can and will be made and that defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now, Therefore, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is *Ordered, Adjudged, and Decreed:*

I. Jurisdiction

This Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against defendants under section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. "Clear Channel" means defendant Clear Channel Communications, Inc., a Texas corporation with its headquarters in San Antonio, Texas, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

B. "AMFM" means defendants AMFM Inc., a Delaware corporation with its headquarters in Austin, Texas, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

C. "Lamar" means Lamar Advertising Company, a Delaware corporation with its principal place of business in Baton Rouge, Louisiana, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

D. "Divestiture Assets" means Radio Assets and Lamar Holdings.

E. "Radio Assets" means all of the assets, tangible or intangible, used in the operation of each of the radio stations listed in Schedule A attached hereto, including all real property (owned or leased) used in the operation of the station, all broadcast equipment, office equipment, office furniture, fixtures, materials, supplies, and other tangible property used in the operation of the station; all licenses, permits, authorities, and applications therefor issued by the Federal Communications Commission ("FCC") and other government agencies related to the station; all contracts (including programming contracts and rights), agreements, leases and commitments of Clear Channel or AMFM relating to its operation; all trademarks, service marks, trade names, copyrights, patents, slogans, programming materials, and promotional materials relating to the station; and all logs and other records maintained by Clear Channel or AMFM or that station in connection with its business.

F. "Lamar Holdings" means the 26,227,273 shares of Lamar Advertising Company's Class A stock owned by AMFM when the Complaint in this matter was filed to be acquired by Clear Channel in its merger with AMFM.

G. "Divestiture Cities" means the Metropolitan Survey Areas defined as "Arbitron Markets" in the *BIA Investing In Radio Market Report 2000 (2d edition)* set forth in Schedule B attached hereto.

H. "Acquirer" means the entity or entities to whom defendants divest any Divestiture Assets.

III. Applicability

A. This Final Judgment applies to Clear Channel and AMFM, as defined above, and all other persons in active concert or participation with either of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. Defendants shall require, as a condition of the sale or other disposition of all or substantially all of their assets or of lesser business units that include any of the Divestiture Assets, that the acquiring party or parties agree to be bound by the provisions of this Final Judgment.

IV. Divestiture of Radio Assets

A. Defendants are ordered and directed, within one hundred and fifty (150) days after the filing of the Complaint in this matter, or five (5) days after notice of the entry of this Final Judgment by the Court, whichever is later, to divest the Radio Assets in a manner consistent with this Final Judgment to an Acquirer or Acquirers acceptable to the United States in its sole discretion. The United States, in its sole discretion, may agree to an extension of this time period of up to two thirty (30) day time periods, not to exceed sixty (60) calendar days in total, and shall notify the Court in such circumstances. Defendants agree to use their best efforts to divest the Radio Assets, and to obtain all regulatory approvals necessary for such divestitures, as expeditiously as possible.

B. In accomplishing the divestitures of the Radio Assets ordered by the Final Judgment, defendants promptly shall make known, by usual and customary means, the availability of the Radio Assets. Defendants shall inform any person making an inquiry regarding a possible purchase of the Radio Assets that the sale is being made pursuant to this Final Judgment and provide each person with a copy of this Final Judgment. Defendants shall offer to furnish to all prospective Acquirers, subject to customary confidentiality assurances, all information and documents regarding the Radio Assets customarily provided in a due diligence process, except such information or documents subject to the attorney-client or work product privileges. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

C. Defendants shall provide the Acquirer(s) and the United States information relating to the personnel involved in the operation of the Radio Assets to enable the Acquirer(s) to make offers of employment. Defendants will not interfere with any negotiations by the Aquirer(s) to employ any defendant employee whose primary responsibility relates to the operation of the Radio Assets.

D. Defendants shall permit prospective Acquirers of the Radio Assets to have reasonable access to personnel and to make inspections of the physical facilities of the radio stations to be divested; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, operational, or other documents and information customarily provided as part of a due diligence process.

E. Defendants shall warrant to any and all Acquirers of the Radio Assets that each asset will be operational on the date of sale.

F. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the Radio Assets.

G. Defendants shall warrant to the Acquirer(s) of the Radio Assets that there are no material defects in the environmental, zoning or other permits pertaining to the operation of each asset, and that following the sale of the Radio Assets, defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning or other permits relating to the operation of the Radio Assets.

H. Unless the United States otherwise consents in writing, the divestitures pursuant to Section IV, or by trustee appointed pursuant to Section VIII(A) and IX, of this Final Judgment, shall include the entire Radio Assets, and shall be accomplished in such a way to satisfy the United States, in its sole discretion, that the Radio Assets can and will be used by the Acquirer(s) as part of a viable, ongoing commercial radio broadcasting business. Divestiture of the Radio Assets may be made to one or more Acquirers, provided that in each instance it is demonstrated to the sole satisfaction of the United States that the divestiture assets will remain viable and the divestiture of such assets will remedy the competitive harm alleged in the Complaint. The divestitures, whether pursuant to Section IV or IX of this Final Judgment.

(i) Shall be made to an Acquirer (or Acquirers) that, in the United State's sole judgment, has the intent and capability (including the necessary managerial, operational, and financial capability) of competing effectively in the commercial radio broadcasting business in the Divestiture Cities; and

(ii) shall be accomplished so as to satisfy the United States, in its sole discretion, that none of the terms of any agreement between an Acquirer or Acquirers and Clear Channel or AMFM give Clear Channel or AMFM the ability unreasonably to raise the Acquirer's costs, to lower the Acquirer's efficiency, or otherwise to interfere in the ability of the Acquirer to compete effectively.

V. Preservation of Radio Assets/Hold Separate

Until the divestiture of all the Radio Assets required by this Final Judgment have been accomplished:

A. Defendants shall preserve, hold and continue to operate the Radio Assets as separate, independent, ongoing, economically viable and active competitors to the other stations in the Divestiture Cities, with their assets, management and operations separate, distinct and apart from defendants' other radio stations. Except as necessary to comply with Sections V(B) and (D) of this Final Judgment, the management of said stations, including the performance of decision-making functions regarding marketing and pricing, will be kept separate and apart from, and not influenced by, defendant Clear Channel in the case of AMFM stations, and defendant AMFM in the case of Clear Channel stations. The books, records, and competitively sensitive sales, marketing and pricing information associated with the divestiture assets shall be kept separate and apart from defendants' other business.

B. Defendants shall use all reasonable efforts to maintain and increase sales of advertising time by the Radio Assets and shall maintain at 1999 or previously approved levels for 2000, whichever are higher, promotional, advertising, sales, marketing and merchandising support for such Radio Assets.

C. Defendants shall provide sufficient working capital to maintain the Radio Assets as economically viable and competitive ongoing businesses.

D. Defendants shall take all steps necessary to ensure that the Radio Assets are fully maintained in operable condition and shall maintain and adhere to normal repair and maintenance schedules for the Radio Assets.

E. Defendants shall not, except as part of a divestiture approved by the United States in accordance with the terms of this Final Judgment, remove, sell, lease, assign, transfer, license, pledge for collateral or otherwise dispose of any of the Radio Assets.

F. Defendants shall maintain, in accordance with sound accounting principles, separate, accurate and complete financial ledgers, books and records that report on a periodic basis (such as the last business day of every month), consistent with past practices, the assets, liabilities, expenses, revenues and income of the Radio Assets.

G. Defendants' employees with primary responsibility for sales, marketing and programming of the Radio Assets to be divested pursuant to this Final Judgment shall not be transferred or reassigned to any other station, except for transfer bids initiated by employees pursuant to each defendant's regular, established job posting policies. Defendants shall provide the United States with ten (10) days' notice of such transfer.

H. Defendants shall appoint a person or persons to oversee the Radio Assets who will be responsible for defendants' compliance with this section. Such person shall have complete managerial responsibility for the Radio Assets, subject to the provisions of this Final Judgment. In the event that individual is unable to perform his or her duties, defendants shall appoint, subject to the approval of the United States, a replacement within ten (10) working days. Should defendants fail to appoint a replacement acceptable to the United States within this time period, the United States shall appoint a replacement.

VI. Divestiture of the Lamar Holdings

A. Defendants are ordered and directed to divest completely the Lamar Holdings on or before December 31, 2002, in a manner consistent with this Final Judgment. A divestiture is not considered complete until the Acquirer(s) takes ownership and possession of all rights and interests held by Clean Channel in the relevant portion of the Lamar Holdings and Clear Channel has irrevocably relinquished to the Acquirer ownership and possession of, and all rights and interests in, the relevant portion of the Lamar Holdings.

B. The divestitures required by this Section may be made by public offering, private sale, or a combination thereof. Such divestitures, whether pursuant to Sections VI or IX shall not be made: (i) To any person who provides outdoor advertising services unless the United States shall otherwise agree in writing; or (ii) in a manner that, in the sole judgment of the United States, could significantly impair Lamar as an effective competitor in the sale of outdoor advertising.

C. In accomplishing the divestitures ordered by this Final Judgment, defendants shall make known the availability of the Lamar Holdings by usual and customary means, consistent with state and federal securities laws and in sufficient time so as to allow the divestitures to be completed within the time periods specified in Section VI(A) above. Defendants shall inform any person making an inquiry regarding the purchase of the Lamar Holdings that they are being divested pursuant to this Final Judgment. Defendants shall permit prospective Acquirer(s) in a private sale access to any and all financial, operational, or other documents and information customarily provided as part of a due diligence process, except such information or documents subject to the attorney-client or work product privileges. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

VII. Lamar Governance and Economic Interest

A. Defendants shall abide by the First Amendment to Stockholders Agreement between Lamar, AMFM, and the controlling shareholders of Lamar

("First Amendment to Stockholders Agreement") and the Amended And Restated Registration Rights Agreement between Lamar, AMFM, and Clear Channel ("Amended And Restated Registration Rights Agreement"), attached hereto as Schedules C and D, respectively. No amendment or revision of the Amendment to Stockholders Agreement or Amended And Restated Registration Rights Agreement shall become effective unless approved in writing by a representative of the United States.

B. Until the divestiture of the Lamar Holdings required by the Final Judgment has been completed, defendants shall treat the Lamar Holdings as a passive investment, and shall hold the Lamar Holdings separate and apart from the activities and interests of Clear Channel. Neither the defendants nor their designees may exercise any rights relating to the governance of Lamar, including but not limited to: (i) Exercising any voting rights associated with the Lamar holdings in a manner inconsistent with the First Amendment to Stockholders Agreement; (ii) electing, nominating, appointing or otherwise designating or participating as officers or directors; (iii) participating, as a member of the Board of Directors or otherwise, in any meetings of the Board of Directors; (iv) participating in any committees; (v) exercising any veto rights with respect to the business of Lamar, including veto power over changes in control of Lamar, over significant asset purchases or sales, over change in majority of board membership, or over changes in majority ownership of Lamar; or (vi) obtaining any financial or business information with respect to Lamar that is not otherwise publicly available. In no event shall defendants influence or attempt to influence the decision-making, management, or policies of Lamar.

C. Within two (2) business days after Clear Channel acquires AMFM, Thomas O. Hicks and R. Steven Hicks shall resign from the Board of Directors of Lamar and from any committees of the Board of Directors.

D. Except as necessary to carry out the provisions of this Final Judgment, the trustee shall not exercise any voting rights associated with the Lamar Holdings for so long as they are held in trust in a manner inconsistent with the First Amendment to Stockholders Agreement.

E. Defendants shall not acquire, directly or indirectly, additional shares of Lamar Advertising Company stock, except pursuant to a stock split, stock dividend, rights offering, recapitalization, reclassification, or merger, consolidation, corporate reorganization, or other similar transaction hat does not increase defendants' proportion of the outstanding equity of Lamar. Any additional equity of Lamar that defendants acquire by such means shall be treated as part of the Lamar Holdings and be subject to the divestiture obligations of Section VI(A) of this Final Judgment. Notwithstanding anything to the contrary contained in this Final Judgment, nothing in this Final Judgment shall prohibit a transaction in which Clear Channel would acquire a majority of the voting securities of Lamar, provided that such transaction is subject to the reporting and waiting period requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, 15 U.S.C. 18a.

F. Defendants shall appoint a person or persons to oversee the Lamar Holdings who will be responsible for defendants' compliance with this section. In the event that individual is unable to perform his or her duties, defendants shall appoint, subject to the approval of the United States, a replacement within ten (10) working days. Should defendants fail to appoint a replacement acceptable to the United States within this time period, the United States shall appoint a replacement.

G. Defendants shall not take any action that will impede in any way the divestiture of the Lamar Holdings.

VIII. Appointment of Trustees

A. *Appointment of a Trustee to Divest Radio Assets:* If defendants have not divested the Radio Assets within the time period specified in Section IV(A) of this Final Judgment, defendants shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a trustee selected by the United States ("Radio Trustee") to effect the divestiture of the Radio Assets.

B. *Appointment of a Trustee to Divest Lamar Holdings:* Clear Channel shall notify the United States, no less than sixty (60) calendar days prior to the expiration of the time period for divestiture specified in Section VI(A) of this Final Judgment, whether it has arranged to complete the divestiture of the Lamar Holdings in a timely fashion. In the event that Clear Channel has not made an arrangement which, in the sole discretion of the United States, will result in completion of the divestiture within the time limit specified in Section VI(A), or in the event that Clear Channel has not completed the divestiture within the appropriate time limit, the Court shall appoint, upon application of the United States, a trustee selected by the United States to effect the divestiture of the Lamar Holdings ("Lamar Stock Trustee"). The United States may request, and the Court may appoint, a trustee before the time period for divestiture specified in Section VI(A) expires.

IX. General Powers and Duties of the Trustees

The following provisions apply to the Radio Trustee and the Lamar Stock Trustee:

A. After the appointment of a trustee becomes effective, only that trustee shall have the right to sell the Divestiture Assets. The trustee(s) shall have the power and authority to accomplish the divestitures to an Acquirer(s) acceptable to the United States at such price and on such terms as are then obtainable upon the best reasonable effort by the trustee(s), subject to the provisions of Sections IV, VI, IX, and X of this Final Judgment, and shall have such other powers as the Court shall deem appropriate. Subject to Section IX(C) of this Final Judgment, the trustee(s) may hire at the cost and expense of defendants any investment bankers, attorneys, or other agents, who shall be solely accountable to the trustee, reasonably necessary in the trustee's judgment to assist in the divestitures.

B. Defendants shall not object to a sale by the trustee(s) on any grounds other than the trustee's malfeasance. Any such objections by defendants must be conveyed in writing to the United States and the trustee within ten (10) calendar days after the trustee has provided the notice required under Section X.

C. The trustee(s) shall serve at the cost and expense of defendants, on such terms and conditions as the United States approves, and shall account for all monies derived from the sale of the assets sold by the trustee(s) and all costs and expenses so incurred. After approval by the Court of the trustee's accounting, including fees for its services and those of any professionals and agents retained by the trustee(s), all remaining money shall be paid to defendants and the trust shall then be terminated. The compensation of the trustee(s) and any professionals and agents retained by the trustee(s) shall be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement providing the trustee(s) with incentives based on the price and terms of the divestitures and the speed with which they are accomplished, but timeliness is paramount.

D. Defendants shall use their best efforts to assist the trustee(s) in accomplishing the required divestitures. The trustee(s) and any consultants, accountants, attorneys, and other persons retained by the trustee(s) shall have full and complete access to the personnel, books, records, and facilities related to any of the Divestiture Assets. Defendants shall develop financial and other information relevant to the Divestiture Assets as the trustee(s) may reasonably request, subject to reasonable protection for trade secret or other confidential research, development or commercial information. Defendants shall take no action to interfere with or to impede the trustee's accomplishment of the divestitures.

E. After his or her appointment becomes effective, the trustee(s) shall file monthly reports with the United States and the Court, setting forth the trustee's efforts to accomplish the divestitures ordered under this Final Judgment. To the extent that such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person. The trustee(s) shall maintain full records of all efforts made to divest the Divestiture Assets.

F. If the trustee(s) has not accomplished such divestitures within six (6) months after his or her appointment, the trustee(s) shall promptly file with the Court a report setting forth: (i) The trustee's efforts to accomplish the required divestitures, (ii) the reasons, in the trustee's judgment, why the required divestitures have not been accomplished, and (iii) the trustee's recommendations. To the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. The trustee at the same time shall furnish such reports to the United States, who shall have the right to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it deems appropriate to carry out the purpose of this Final Judgment, which may, if necessary, include extending the trust and the term of the trustee's appointment by a period requested by the United States.

X. Notice of Proposed Divestitures of Radio Assets

A. Within two (2) business days following execution of a definitive agreement, defendants or the Radio Trustee, whichever is then responsible for effecting the divestiture of the Radio Assets required herein, shall notify the United States of any proposed divestiture required by Section IV or IX of this Final Judgment. If the Radio Trustee is responsible, it shall similarly notify defendants. The notice shall set forth the details of the proposed transaction and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Radio Assets, together with full details of the same.

B. Within fifteen (15) calendar days of receipt by the United States of such notice, the United States may request from defendants, the proposed Acquirer or Acquirers, any other third party, or the Radio Trustee if applicable, additional information concerning the proposed divestiture, the proposed Acquirer or Acquirers, and any other potential Acquirer. Defendants and the Radio Trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree.

C. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after the United States has been provided the additional information requested from defendants, the proposed Acquirer or Acquirers, any third party, and the Radio Trustee, whichever is later, the United States shall provide written notice to defendants and the Radio Trustee, if there is one, stating whether or not it objects to any proposed divestiture. If the United States provides written notice that it does not object, then the divestiture may be consummated, subject only to defendants' limited right to object to the sale under Section IX(B) of this Final Judgment. Absent written notice that the United States does not object to the proposed Acquirer or upon objection by the United States, a divestiture proposed under Section IV or IX shall not be consummated. Upon objection by defendants under Section IX(B), a divestiture proposed under Section IX shall not be consummated unless approved by the Court.

XI. Financing

Defendants shall not finance all or any part of any purchase made pursuant to this Final Judgment.

XII. Notification of Future Radio Transactions

A. Clear Channel shall provide advance notification to the United States if it intends, directly or indirectly, to acquire any assets of or any interest (including any financial, security, loan, equity or management interest) in any broadcast radio station that sells advertising time in any of the Divestiture Cities, or intends to enter into any joint sales agreement or any cooperative selling arrangement between a Clear Channel radio station and any other operator of radio stations serving listeners in that same City. This obligation to provide notice is met under this section when a transaction is subject to the reporting and waiting period requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, 15 U.S.C. 18a.

B. Notification under this section shall be provided to the United States in the same format as, and per the instructions relating to, the Notification and Report Form set forth in the Appendix to Part 803 of Title 16 of the Code of Federal Regulations as amended, except that the information requested in Items 5 through 9 of the instructions must be provided only about the sales of radio advertising time in the relevant Divestiture Cities. Notification shall be provided at least thirty (30) days prior to the acquisition of any such interest, and shall include, beyond what may be required by the applicable instructions, the names of the principal representatives of the parties to the agreement who negotiated the agreement, and any management or strategic plans discussing the proposed transaction. If within the 30-day period after notification, representatives of the Department of Justice Antitrust Division make a written request for additional information, defendants shall not consummate the proposed transaction or agreement until twenty (20) days after submitting all such additional information. Early termination of the waiting periods in this paragraph may be requested and, where appropriate, granted in the same manner as is applicable under the requirements and provisions of the HSR Act and rules promulgated thereunder. This Section shall be broadly construed, and any ambiguity or uncertainty regarding the filing of notice under this Section shall be resolved in favor of filing notice.

XIII. Affidavits

A. Within twenty (20) calendar days of the filing of the Complaint and every thirty (30) calendar days thereafter until all the divestitures have been completed, whether pursuant to Section IV, VI, or IX of this Final Judgment, defendants shall deliver to the United States an affidavit as to the fact and manner of their compliance with Sections IV, VI, or IX of this Final Judgment. Each such affidavit shall include the name, address and telephone number of each person who, during the preceding thirty (30) days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contracted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts that Defendants have taken to solicit buyers for the Divestiture Assets and to provide required information to prospective purchasers, including the limitations, if any, on such information.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, defendants shall deliver to the United States an affidavit that describes in reasonable detail all actions defendants have taken and all steps defendants have implemented on an on-going basis to comply with Section V of this Final Judgment.

C. Defendants shall keep all records of all efforts made to preserve and divest the Divestiture Assets until one year after such divestiture has been completed.

XIV. Compliance Inspection

For the purposes of determining or securing compliance with this Final Judgment, or of determining whether the Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time duly authorized representatives of the United States Department of Justice, including consultants and other persons retained by the United States, shall, upon the written request of a duly authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants, be permitted:

(i) Access during defendants' office hours to inspect and copy or, at plaintiff's option, to demand that defendants provide copies of, all books, ledgers, accounts, records and documents in the possession or control of the defendants, who may have counsel present, relating to any matters contained in this Final Judgment; and

(ii) to interview, either informally or on the record, defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews shall be subject to the interviewee's reasonable convenience and without restraint or interference by defendants.

B. Upon the written request of the Assistant Attorney General in charge of the Antitrust Division, defendants shall submit such written reports, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section shall be divulged by the United States to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendants to the United States, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then the United States shall give defendants ten (10) calendar days' notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XV. No Reacquisition

Defendants may not reacquire any part of the Divestiture Assets or the assets used in the operation of the radio stations listed in Schedule E during the term of this Final Judgment.

XVI. Retention of Jurisdiction

This Court retains jurisdiction to enable any party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify its provisions, to enforce compliance, and to punish violations of its provisions.

XVII. Expiration of Final Judgment

Unless this Court grants an extension, this Final Judgment shall expire ten years from the date of its entry.

XVIII. Public Interest Determination

Entry of this Final Judgment is in the public interest.

Court Approval Subject to Procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. 16.

Date: _____

_____

United States District Judge

Schedule A—Radio Stations Ordered To Be Divested

1. Allentown-Bethlehem, PA
   WEEX–AM
   WODE–FM
2. Denver, CO
   KVOD–AM
3. Harrisburg-Lebanon-Carlisle, PA
   WNCE–FM
   WNNK–FM
   WTCY–AM
   WTPA–FM
4. Houston-Galveston, TX
   KJOJ–AM
   KJOJ–FM
   KQUE–AM
   KSEV–AM
   KTJM–FM
5. Pensacola, FL
   WMEZ–FM
   WXBM–FM

Schedule B—Divestiture Cities

1. Allentown-Bethlehem, PA
2. Denver, CO
3. Harrisburg-Lebanon-Carlisle, PA
4. Houston-Galveston, TX
5. Pensacola, FL

Schedule C—First Amendment to Stockholders Agreement

This Amendment (this "*Amendment*"), dated as of July 19, 2000, by and among Lamar Advertising Company, a Delaware corporation (including its successors, the "*Company*"), AMFM Operating Inc. (f/k/a Chancellor Media Corporation of Los Angeles), a Delaware corporation ("*AMFM Operating*"), AMFM Holdings Inc. (f/k/a Chancellor Mezzanine Holdings Corporation), a Delaware corporation ("*AMFM Holdings*"), Clear Channel Communications, Inc., a Texas corporation ("*Clear Channel*"), and The Reilly Family Limited Partnership, a Louisiana limited partnership ("*RFLP*"), constitutes an amendment to the Stockholders Agreement (as defined below).

Witnesseth

Whereas, the Company, AMFM Operating, AMFM Holdings and RFLP are parties to that certain Stockholders Agreement, dated as of September 15, 1999 (the "*Stockholders Agreement*");

Whereas, AMFM Holdings has transferred to AMFM Operating all of the Common Stock of the Company held by AMFM Holdings;

Whereas, AMFM, Inc., a Delaware corporation ("AMFM"), is the indirect parent company of AMFM Operating;

Whereas, pursuant to a certain Agreement and Plan of Merger dated October 2, 1999 (the "*Merger Agreement*"), by and among Clear Channel, CCU Merger Sub, Inc., a Delaware corporation and wholly-owned subsidiary of Clear Channel ("*Merger Sub*"), and AMFM, Merger Sub will be merged with and into AMFM (the "*Merger*") and AMFM Operating will become a wholly-owned indirect subsidiary of clear channel;

Whereas, the company, AMFM Operating, AMFM Holdings, Clear Channel and RFLP desire to amend the Stockholders Agreement in connection with and upon the consummation of the Merger, on the terms and conditions hereinafter set forth.

Now, Therefore, in consideration of the premises and mutual convenants contained herein and in the Stockholders Agreement, and for other good, valuable and binding consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound hereby, agree as follows:

1. *AMENDMENTS.* Upon the consummation of the Merger, the Stockholders Agreement shall be amended as follows:

(A) (i) The following new defined terms shall be added to Section 1.1 of the Stockholders Agreement:

"Business Day" means any day except Saturday, Sunday and any day which shall be a legal holiday or a day on which banking institutions in the State of Texas and/or the State of Louisiana generally are authorized or required by law or other government actions to close.

"Registration Rights Agreement" means the Amended and Restated Registration Rights Agreement dated as of July ____, 2000 by and among the Company, AMFM Operating, AMFM Holdings and Clear Channel.

"Selling AMFM Holders" means AMFM Holders who sell or propose to sell Common Stock or Common Stock Equivalents pursuant to a third-Party Sale.

"Third-Party Sale" has the meaning ascribed thereto in Section 3.1(a).

"Underwritten Offering" means an offering (other than a block sale) in which all or part of the Registrable Securities (as defined in the Registration Rights Agreement) or securities convertible into, exchangeable for, or exercisable for Registrable Securities are sold to an underwriter for reoffering pursuant to the Shelf Registration Statement (as defined in the Registration Rights Agreement).

"Voting Stock" means any Common Stock or Common Stock Equivalents entitled ordinarily, and in the absence of contingencies, to vote for the election of directors of the Company.

(ii) The following defined term shall be substituted in lieu of the existing defined term "Chancellor Holders" in Section 1.1 of the Stockholders Agreement (and wherever such term is elsewhere used in the Stockholders Agreement):

"AMFM Holders" means, collectively, AMFM Operating and any Affiliates of AMFM Operating who then are parties to this Stockholders Agreement and who own any Common Stock or Common Stock Equivalents or any interest therein.

(iii) The following defined term shall be substituted in lieu of the existing defined term "Common Stock Equivalent" in Section 1.1 of the Stockholders Agreement (and wherever such term is elsewhere used in the Stockholders Agreement):

"Common Stock Equivalent" means, without duplication with any other Common Stock or Common Stock Equivalents, any security which is convertible into, exercisable for or exchangeable for, directly or indirectly, Class A Common Stock of the Company, whether at the time of issuance or upon the passage of time or the occurrence of some future event.

(B) The text of the following Sections of the Stockholders Agreement shall be deleted in their entirely and replaced by the words "Intentionally Omitted":

Section 2.1.1 Board Representation.
Section 2.1.2 Vacancies.
Section 2.1.3 Committee Representation.
Section 2.1.4 Costs and Expenses.
Section 4.2 Other Significant Transactions.
Section 7.1 Financial Statements.

(C) Article 3 of the Stockholders Agreement shall be deleted in its entirely and the following provisions shall be substituted therefor:

"Article 3—Right To Participate in Certain Dispositions By AMFM Holders; Lock-Up

Section 3.1 *Right to Participate in Certain Dispositions by AMFM Holders.*

(a) Subject to the provisions of this Section 3.1, in the event that any one or more of the AMFM Holders proposes to offer or sell any Common Stock or Common Stock Equivalents for an aggregate offering price of $200 million or more to any Person who is not an Affiliate of the AMFM Holders in a single offering or a series of related offerings (if at the time of the first of such series of related offerings the Selling AMFM Holders know that there will be a series of related offerings to a single purchaser or a affiliated group of purchasers having an aggregate offering price of $200 million or more) (a "*Third-Party Sale*"), then such Selling AMFM Holders shall give notice in writing to such effect (a "*Co-Sale Notice*") to the Company not later than (i) three (3) Business Days before the date of a proposed offer or sale other than an Underwritten Offering or (ii) ten (10) Business Days before the date of a proposed Underwritten Offering. The Co-Sale Notice shall state the number of shares of Common Stock or Common Stock Equivalents that the Selling AMFM Holders intend to sell, the purchase price per share (or the method of calculating such price), and any other material terms and conditions of the proposed offer and sale. Upon receipt of the Co-Sale Notice, the Company shall have the right (the "*Co-Sale Right*"), exercisable by written notice (an "*Election Notice*") to the Selling AMFM Holders given within three (3) Business Days after receipt of the Co-Sale Notice, to elect to include in such Third-Party Sale, additional shares of Common Stock for sale for the Company's account (but not for the account of any other Person), at the price per share (or the method of calculating such price) and on the same terms and conditions specified in the Co-Sale Notice (or at such other price or on such other terms as the Selling AMFM Holders and the Company may agree). Any such election by the Company shall be irrevocable; *Provided, however,* that if the price per share is not specified in the Co-Sale Notice, then the Company shall have the right to revoke the election Notice within one (1) Business Day following the determination of the price (except that the Company shall not have a right to revoke the Election Notice if an estimated price per share is specified in the Co-Sale Notice and the actual price per share is not more than five-percent (5%) greater or more than five percent (5%) less than the estimated price per share specified in the Co-Sale Notice). Failure of the Company to give an Election Notice within such three (3) Business Day period shall be deemed an election by the Company not to participate in the proposed Third-Party Sale.

(b) The number of shares of Common Stock that the Company shall be entitled to sell in a Third-Party Sale shall be determined solely by the Company and shall be set forth in the Election Notice; *provided, however,* that if in the good faith view of the underwriter, placement agent, broker-dealer or other similar person engaged by the Selling AMFM Holders in connection with such offering (or, if no such person has been engaged, of the Board of Directors of the Selling AMFM Holders), the inclusion of all or a part of such additional shares of Common Stock or Common Stock Equivalents in the Third-Party Sale would be likely to have a material adverse effect on the price, timing or distribution of the offering and sale of the Common Stock or Common Stock Equivalents then contemplated by the Selling AMFM Holders, or if the purchaser is not willing to purchase all or a part of such additional shares of Common Stock or Common Stock Equivalents from the Company, then the number of additional shares of Common Stock or Common Stock Equivalents that shall be included in the Third-Party Sale shall be reduced to the number (if any) of such shares that can, in the good faith view of the underwriter, placement agent, broker-dealer or other similar person engaged by the Selling AMFM Holders in connection with such offering (or, if no such person has been engaged, of the Board of Directors of the Selling AMFM Holders), be sold in such Third-Party Sale without so materially adversely affecting such offering and sale, or in the case that the purchaser is not willing to purchase all or a part of such additional shares of Common Stock or Common Stock Equivalents from the Company, reduced to the amount that the purchaser, in its sole discretion, is willing to purchase. Further, if the purchaser or any other Person is granted an option to purchase additional securities of the Company in connection with such Third-Party Sale, then the Company shall be entitled to offer additional shares of Common Stock in full satisfaction of such option, such election to be made in the Company's Election Notice described above.

(c) The Company shall not have any Co-Sale Right involving a block trade, other than as set forth in this Section 3.1(c). In the event that the Selling AMFM Holders engage in a transaction involving a block trade of Common Stock or Common Stock Equivalents, the Selling AMFM Holders will use their reasonable best efforts to give the

Company advance notice of such block trade (a "*Block Trade Notice*" and a Co-Sale Right in connection with such block trade, so long as: (i) The Block Trade Notice will not have a material adverse effect on the Selling AMFM Holders' ability to consummate the block trade, and (ii) there is sufficient capacity in the block trade to enable the Company to exercise its Co-Sale Right.

(d) The Company shall not have any Co-Sale Right pursuant to this Section 3.1 in connection with any sale or disposition of Common Stock or Common Stock Equivalents by the Selling AMFM Holders (or their successors or assigns) in a transaction pursuant to Rule 144 under the Securities Act to which the provisions of paragraphs (e) and (f) of Rule 144 are applied.

(e) Upon the Company's election to participate in a Third-Party Sale pursuant to this Section 3.1, and subject to Section 3.1(b), the closing of such sale shall be held at the time and place designated by the Selling AMFM Holders and the proposed purchaser. At the closing of such sale, the Company shall deliver to the purchaser, against payment of the purchase price, the shares of Common Stock or Common Stock Equivalents to be issued and sold by the Company to the purchaser, free and clear of all liens, charges, pledges and other encumbrances.

Section 3.2 *Lock-Up.*

(a) In connection with an Underwritten Offering (including any block trade) by the AMFM Holders of any Common Stock or Common Stock Equivalents having an aggregate offering price of $200 million or more, if the managing underwriters of such offering reasonably request, the Company shall enter into a lock-up or comparable agreement pursuant to which the Company will not sell or otherwise transfer any shares of Common Stock or Common Stock Equivalents for a fixed period of time (the "*Lock-Up Period*"). The AMFM Holders and the Company shall use reasonable best efforts to cause the underwriters to agree to a Lock-Up Period not to exceed sixty (60) days, but the Company agrees to accept a longer Lock-Up Period to the extend reasonably required by the underwriters, not to exceed ninety (90) days.

(b) In connection with an Underwritten Offering by the Company of any Common Stock or Common Stock Equivalents having an aggregate offering price of $200 million or more, if the managing underwriters of such offering reasonably request, the AMFM Holders shall enter into a lock-up or comparable agreement pursuant to which the AMFM Holders will not sell or otherwise transfer any shares of Common Stock or Common Stock Equivalents during the Lock-Up Period. The Company and the AMFM Holders shall use reasonable best efforts to cause the underwriters to agree to a Lock-Up Period not to exceed sixty (60) days, but the AMFM Holders agree to accept a longer Lock-Up Period to the extent reasonably required by the underwriters, not to exceed ninety (90) days; *provided, however,* that the AMFM Holders (and their successors and assigns) shall not be subject to any lock-up or comparable agreement pursuant to this Section 3.2(b): (i) at any time during the 60-day period commencing on the Effectiveness Date (as defined in the Registration Rights Agreement) or (ii) at any time during the 90-day period preceding December 31, 2002. The foregoing shall not prohibit the transfer of any shares of Common Stock or Common Stock Equivalents during a Lock-Up Period (x) to any Affiliate of the AMFM Holders (so long as such Affiliate is bound by the provisions of this Stockholders Agreement, including the lock-up agreement contemplated by this Section 3.2(b)) or (y) pursuant to a bona fide pledge of such shares to a lender or in connection with a foreclosure (or similar proceeding or remedy) effected with respect to any such pledge (so long as such lender agrees to be bound by the lock-up agreement contemplated by this Section 3.2(b)).

Section 3.3 *Due Diligence.* In connection with any offer or sale by the AMFM Holders of Common Stock or Common Stock Equivalents, if the AMFM Holders so request, the Company shall give the AMFM Holders, a single representative of the proposed purchasers of Common Stock or Common Stock Equivalents, and their respective counsel, accountants, bankers and advisors, reasonable and customary access to the Company's books, records and properties and such opportunities to discuss the business and affairs of the Company with its officers and the independent public accounts who have certified the Company's financial statements; *provided, however,* that (i) the AMFM Holders and any such proposed purchasers shall have entered into a confidentiality agreement reasonably acceptable to the Company which shall include, without limitation, an agreement not to use or disclose to any other person, including any competitor of the Company, any non-public information disclosed as a result of such investigation, and (ii) the AMFM Holders, the representatives of the proposed purchasers and their respective counsel, accountants, bankers and advisors shall use their reasonable best efforts to minimize the disruption to the Company's business and shall to the extent practicable coordinate any such investigation of the Company's books, records and properties any such discussions with the Company's officers and accountants so that all such investigations and discussions occur at the same time."

(D) Section 4.1 of the Stockholders Agreement shall be deleted in its entirety and the following provisions shall be substituted therefor:

"Section 4.1 *Transactions with Affiliates.* The Company will not, nor will it permit any of its Subsidiaries to, directly or indirectly, enter into or engage in any transaction with or for the benefit of any of its Affiliates (other than transactions between the Company and a wholly owned Subsidiary of the Company or among wholly owned Subsidiaries of the Company), except for any such transaction which is on terms no less favorable than those that might reasonably have been obtained in a comparable transaction on an arm's-length basis from a person that is not an Affiliate. With respect to the requirement set forth in the immediately preceding sentence, for a transaction or series of related transactions involving a value of $1,000,000 or more, such determination will be made in good faith by a majority of the members of the Company's Board of Directors and a majority of the disinterested members of the Company's Board of Directors, and for a transaction or series of transactions involving a value of $5,000,000 or more, the Company's Board of Directors must receive an opinion from a nationally recognized investment banking firm that such transaction is (or that such series of transactions are) fair, from a financial point of view, to the Company or such Subsidiary, as applicable. Notwithstanding the foregoing, the restrictions set forth in this Section 4.1 shall not apply to reasonable and customary directors' fees, reasonable and customary directors' or officers' indemnification arrangements, or reasonable and customary compensatory arrangements with officers of the Company."

(E) Section 7.3 of the Stockholders Agreement shall be deleted in its entirety and the following provisions shall be substituted therefor:

"Section 7.3.1 *Voting of AMFM Holders.* The AMFM Holders shall take such action as may be required so that all shares of Voting Stock beneficially owned by them shall be present for quorum purposes, in person or represented by proxy, at any regular or special meeting of stockholders of the Company, and shall vote such shares of Voting Stock at any such meeting of stockholders or in any written consent executed in lieu of such a meeting of stockholders in the same proportion as the vote of all holders of Voting Stock not held by the AMFM Holders that are present, in person or by proxy, at such meeting and voting with respect to any matter. The AMFM Holders hereby grant the Company an irrevocable proxy to vote the shares of Voting Stock beneficially owned by them in accordance with the provision of this Section 7.3.1. The provisions of this Section 7.3.1 shall have no further force or effect with respect to any shares of Voting Stock following the disposition of such shares to any Person that is not an Affiliate of the AMFM Holders.

"Section 7.3.2 *Certain Restricted Actions.* Without the consent of the Company's Board of Directors, neither the AMFM Holders nor any of their respective Affiliates shall:

(a) make, or in any way participate in, any "solicitation" of "proxies", or become a "participant" in any "election contest" (as such terms are defined in Rule 14a–1 of Regulation 14A promulgated by the Commission pursuant to Section 14 of the Exchange Act, disregarding clause (iv) of Rule 14a–1(l)(2) and including any exempt solicitation pursuant to Rule 14a–2(b)(1) relating to Voting Stock; call, or in any way participate in a call for, any special meeting of the Company's stockholders; request, or take any action to obtain or retain any list of holders of any of the Company's securities; execute any written consent in lieu of a meeting of stockholders for the purpose of acquiring control of the Company; initiate or propose any stockholder proposal or participate in the making of, or solicit stockholders for the approval of, or seek to advise or influence any other person (who, together with the AMFM Holders or their Affiliates, would constitute a group for purposes of Section 13(d)(3) of the Exchange Act) with respect to voting, on one or more stockholder proposals relating to the Company;

(b) deposit any Voting Stock in a voting trust or subject any Voting Stock to any voting agreement or arrangements (other than as provided herein);

(c) form, join or in any way participate in a group with respect to any Voting Stock (or any securities the ownership of which would cause the owner thereof to Beneficially Own any Voting Stock); or

(d) otherwise act to control the Company or the Company's management, board of directors, policies or affairs including, without limitation: (i) making any offer or proposal to acquire any securities or assets of the Company or any of its affiliates or soliciting or proposing to effect or negotiate any form of business combination, any tender offer or exchange offer for any debt or equity securities of the Company, or any restructuring, recapitalization or other extraordinary transaction involving, or any change in control of, the Company, its affiliates or any of their respective securities or assets or (ii) seeking board representation or the removal of any directors or management or a change in the composition or size of the Company's Board of Directors.

(e) disclose any intention to do any of the foregoing or seek to modify any provision of this Section 7.3.2.

(F) Notices to the parties shall be sent to the addresses listed on the signature pages hereof.

2. *No Other Changes.* Except as specifically set forth herein, the Stockholders Agreement shall remain unmodified and in full force and effect in accordance with its terms.

3. *Governing Law.* This Amendment shall be governed by and construed in accordance with the laws of the State of Delaware, without regard to principles of conflict of laws.

4. *Successors and Assigns.* This Amendment shall be binding upon the parties hereto, and their respective successors and permitted assigns.

5. *Counterparts.* This Amendment may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

6. *Severability.* In case any provision in this Amendment shall be held invalid, illegal or unenforceable in any respect for any reason, the validity, legality and enforceability of any such provision in affected or impaired thereby.

7. *Entire Agreement.* This Amendment, together with the Stockholders Agreement, as amended hereby, contains the entire agreement among the parties with respect to the subject matter hereof and, upon the effectiveness of this Amendment in accordance with Section 9, shall supersede all prior agreements and understandings with respect to such subject matter, including, without limitation, the letter agreement dated as of June 1, 2000 among the Company, AMFM and Clear Channel.

8. *Execution: Amendments.* This Amendment is executed by the parties pursuant to the provisions of Section 7.8.2 of the Stockholders Agreement. Any provision of this Amendment may be amended or waived if, but only if such amendment or waiver is in writing and is signed by the Company, the Holders holding at least a majority of the Fully-Diluted Common Stock held by all Holders and the Majority AMFM Holders.

9. *Effective Date: Consummation of Merger.* The terms and conditions of this Amendment shall become effective and enforceable only upon the consummation of the Merger. In the event that the Merger has not been consummated on or before March 31, 2001, or if the Merger Agreement is terminated prior to March 31, 2001 then, unless the parties hereto mutually agree to an extension hereof, this Amendment shall be null and void and the Original Agreement shall continue in accordance with its terms as if this Amendment had not been executed and delivered.

10. *Guaranty By Clear Channel.* Clear Channel agrees to guaranty the performance of all obligations of the AMFM Holders hereunder.

In Witness Whereof, this Amendment has been duly executed by the parties as of the date first set forth above.

Lamar Advertising Company:

By: _____
Name: Kevin P. Reilly, Jr.
Title: *President & CEO*

Address: 5551 Corporate Boulevard, Baton Rouge, LA 70808, Attention: Kevin P. Reilly, Jr., Fax: (225) 923–0658.

With copies to: Palmer Dodge LLP, One Beacon Street, Boston, MA 02108, Attention: George Ticknor, Esq., Fax: (617) 227–4420.

AMFM Operating Inc. (f/k/a Chancellor Media Corporation of Los Angeles):

By: _____
Name: William S. Banowsky, Jr.
Title: *Executive Vice President*

Address: 200 East Basse, San Antonio, TX 78209, Attention: General Counsel, Fax: (210) 822–2299.

With copies to: Akin, Gump, Strauss, Hauer & Feld, LLP., 300 Convent Street, Suite 1500, San Antonio, TX 78205, Attention: Stephen C. Mount, Fax: (210) 224–2035.

AMFM Holdings Inc. (f/k/a Chancellor Mezzanine Holdings Corporation):

By: _____
Name: William S. Banowsky, Jr.
Title: *Executive Vice President*

Address: 200 East Basse, San Antonio, TX 78209–3428, Attention: General Counsel, Fax: (210) 832–3428.

With copies to: Akin, Gump, Strauss, Hauer & Feld, LLP., 300 Convent Street, Suite 1500, San Antonio, TX 78205, Attention: Stephen C. Mount, Fax: (210) 224–2035.

Clear Channel Communications, Inc.:

By: _____
Name: Juliana Hill
Title: *Senior Vice President—Finance*

Address: 200 East Basse, San Antonio, TX 78209–3428, Attention: General Counsel, Fax: (210) 832–3428.

With copies to: Akin, Gump, Strauss, Hauer & Feld, LLP., 300 Convent Street, Suite 1500, San Antonio, TX 78205, Attention: Stephen C. Mount, Fax: (210) 224–2035.

The Reilly Family Limited Partnership:

By: _____
Name: Kevin P. Reilly, Jr.
Title: *Managing Gen. Ptnr.*

Address: c/o Lamar Advertising Company, 5551 Corporate Boulevard, Baton Rouge, LA 70808, Attention: Kevin P. Reilly, Jr., Fax: (225) 923–0658.

With copies to: Palmer Dodge LLP, One Beacon Street, Boston, MA 02108 Attention: George Tickner, Esq., Fax: (617) 227–4420.

Schedule D—Amended and Restated Registration Rights Agreement

This Amended and Restated Registration Rights Agreement (this "Agreement"), dated as of July 19, 2000, by and among Lamar Advertising Company, a Delaware corporation (the "Issuer"), AMFM Operating Inc. (f/k/a Chancellor Media Corporation of Los Angeles), a Delaware corporation ("AMFM Operating"), AMFM Holdings Inc. (f/k/a/ Chancellor Mezzanine Holdings Corporation), a Delaware corporation ("AMFM Holdings") and Clear Channel Communications, Inc., a Texas corporation ("Clear Channel").

Witnesseth

Whereas, the Issuer, AMFM Operating and AMFM Holdings are parties to that certain Registration Rights Agreement dated as of September 15, 1999 (the "Original Agreement");

Whereas, AMFM Holdings has transferred to AMFM Operating all of the Issuer's Common Stock held by AMFM Holdings;

Whereas, AMFM Inc., a Delaware corporation ("AMFM"), is the indirect parent company of AMFM Operating;

Whereas, pursuant to a certain Agreement and Plan of Merger dated October 2, 1999 (the "Merger Agreement"), by and among Clear Channel, CCU Merger Sub, Inc., a Delaware corporation and wholly-owned subsidiary of Clear Channel ("Merger Sub"), and AMFM, Merger Sub will be merged with and into AMFM (the "Merger"), and AMFM Operating will become a wholly-owned indirect subsidiary of Clear Channel;

Whereas, the Issuer, AMFM Operating, AMFM Holdings and Clear Channel desire to amend and restate the Original Agreement in connection with and upon the consummation of the Merger, on the terms and conditions hereinafter set forth.

Now, Therefore, in consideration of the premises and the mutual covenants contained herein, and for other good, valuable and binding consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound hereby, agree as follows:

Article 1—Definitions

Section 1.1 *Definitions.* The following terms, and used herein, shall have the following respective meanings:

"Affiliate" means, with respect to any Person, any Person who, directly or indirectly, controls, is controlled by or is under common control with that Person. For

purposes of this definition, "control" when used with respect to any Person means the power to direct the management and policies of such Persons, directly or indirectly, whether through the ownership of voting securities, by contract or otherwise.

"Business Day" means any day except Saturday, Sunday and any day which shall be a legal holiday or a day on which banking institutions in the State of Texas and/or the State of Louisiana generally are authorized or required by law or other government actions to close.

"Commission" means the Securities and Exchange Commission or any successor governmental body or agency.

"Common Stock" means the Issuer's Class A Common Stock, par value $0.001 per share, and any capital stock into which such Common Stock thereafter may be changed.

"Disadvantageous Condition" has the meaning ascribed thereto in Section 2.4.

"Effectiveness Date" means the date on which the Commission declares the Shelf Registration Statement to be effective under the Securities Act, which date shall not occur prior to the consummation of the Merger.

"Effectiveness Period" has the meaning ascribed thereto in Section 2.1.

"Exchange Act" means the Securities Exchange Act of 1934, as amended.

"Filing Date" has the meaning ascribed thereto in Section 2.1.

"Holder" means (1) AMFM Operating, (ii) any Affiliate of AMFM Operating to whom Registrable Securities shall be transferred and who shall agree to be bound by the terms of this Agreement, and (iii) any successor to any such Person described in clauses (i) and (ii).

"Majority Holders" means Holders owning Registrable Securities representing a majority of the Registrable Securities then owned by all of the Holders.

"Person" or "person" means any individual, corporation, partnership, limited liability company, joint venture, association, joint-stock company, trust, unincorporated organization or government or other agency or political subdivision thereof.

"Prospectus" means the prospectus included in the Shelf Registration Statement, as amended or supplemented by any prospectus supplement, with respect to the terms of the offering of any portion of the Registrable Securities covered by the Shelf Registration Statement, and all other amendments and supplements to the Prospectus, including post-effective amendments, and all material incorporated by reference in such Prospectus.

"Purchase Agreement" means the Second Amended and Restated Stock Purchase Agreement dated as of August 11, 1999 among Lamar Media Corp. (a wholly-owned subsidiary of the Issuer), AMFM Operating and AMFM Holdings.

"Register", "registered" and "registration" shall refer to a registration effected by preparing and filing a registration statement or statements or similar documents in compliance with the Securities Act and pursuant to rule 415 under the Securities Act or any successor rule providing for offering securities on a continuous basis and the declaration or ordering of effectiveness of such registration statement or document by the Commission.

"Registrable Securities" means, at any time, any shares of Common Stock issued by the Issuer to AMFM Operating and AMFM Holdings pursuant to the Purchase Agreement, and owned by the Holders (or any shares of stock or other securities of the Issuer into which or for which such Common Stock may hereafter be changed, converted or exchanged; any other shares or securities issued by the Issuer to the Holders of such Common Stock; or any such shares of stock or other securities of the Issuer into which or for which such shares are so changed, converted or exchanged) upon any reclassification, share combination, share subdivision, share dividend, share exchange, merger, consolidation or similar transaction or event); *provided, however*, the Registrable Securities shall not include any shares of Common Stock (i) the sale of which has been registered pursuant to the Shelf Registration Statement and which shares have been sold pursuant to the Shelf Registration Statement or (ii) which have been sold pursuant to Rule 144 under the Securities Act.

"Registration Expenses" means any and all expenses incident to performance of or compliance with any registration of securities pursuant to Article 2, including, without limitation, (i) all registration and filing fees, (ii) all fees and expenses associated with filings required to be made with the NASD (including, if applicable, the fees and expenses of any "qualified independent underwriter" as such term is defined in rule 2720(b)(15) of the NASD Conduct Rules, and of its counsel), as may be required by the rules and regulations of the NASD, (iii) reasonable fees and expenses of compliance with securities or "blue sky" laws (including reasonable fees and disbursements of counsel in connection with "blue sky" qualifications of the Registrable Securities), (iv) rating agency fees, (v) printing expenses (including expenses of printing certificates for the Registrable Securities in a form eligible for deposit with the Depository Trust Company and of printing prospectuses or prospectus supplements if the printing prospectuses or prospectus supplements is requested by a holder of Registrable Securities), (vi) messenger and delivery expenses, (vii) the fees and expenses incurred in connection with any listing of the Registrable Securities, (viii) reasonable fees and expenses of counsel for the Issuer and its independent certified public accountants (including the expenses for any required consents and opinions and of any special audit or "cold comfort" letters required by or incident to such performance) and (ix) out-of-pocket expenses of the Issuer incurred in connection with the participation of officers of the Issuer in any marketing activities contemplated by Section 2.6(j); *provided, however*, that in the event the Issuer registers securities pursuant to article 2 on Form S–1, Registration Expenses shall not include the Issuer's costs of: (x) preparing and filing any post-effective amendments to such Form S–1 that the Issuer would not otherwise have had to prepare and file had the issuer registered such securities on Form S–3, and (y) converting the Form S–1 registration statement to a Form S–3 registration statement pursuant to Section 2.9; *provided, further*, that Registration Expenses shall not include Issuer's internal administration expenses and general overhead incurred as a result of efforts by Issuer's employees in connection with any of the foregoing.

"Registration Termination Date" means December 31, 2002.

"Rule 144" means Rule 144 promulgated by the Commission pursuant to the Securities Act, as such Rule may be amended from time to time, or any similar rule or regulation hereafter adopted by the Commission having substantially the same effect as such Rule.

"Rule 415" means Rule 415 promulgated by the Commission pursuant to the Securities Act, as such Rule may be amended from time to time, or any similar rule or regulation hereafter adopted by the Commission having substantially the same effect as such Rule.

"Securities Act" means the Securities Act of 1933, as amended.

"Seller Affiliates" has the meaning ascribed thereto in Section 2.8.

"Selling Holder" means any Holder who sells Registrable Securities pursuant to the Shelf Registration Statement.

"Shelf Registration Statement" has the meaning ascribed thereto in Section 2.1, and includes the Prospectus, amendments and supplements to such registration statement or Prospectus, including pre- and post-effective amendments, all exhibits thereto, and all material incorporated by reference in such registration statement.

"Stockholders Agreement" means the Stockholders Agreement dated as of September 15, 1999, by and among the Issuer, AMFM Operating, AMFM Holdings and The Reilly Family Limited Partnership, as amended by the First Amendment to Stockholders Agreement dated July __, 2000, by and among the Issuer, AMFM Operating, AMFM Holdings, Clear Channel and The Reilly Family Limited Partnership.

"Underwritten Offering" means any firmly underwritten offering in which all or part of the Registrable Securities or securities convertible into, exchangeable for, or exercisable for Registrable Securities are sold to an underwriter for reoffering pursuant to the Shelf Registration Statement.

Section 1.2 *Internal References.* Unless the context indicates otherwise, references to Articles, Sections and paragraphs shall refer to the corresponding articles, sections and paragraphs in this Agreement, and references to the parties shall means the parties to this Agreement.

Article 2—Registration Rights

Section 2.1 *Shelf Registration.*

(a) If the Issuer shall not have previously filed the Shelf Registration Statement pursuant to the Original Agreement, then within ten (10) Business Days after the effective date of this Agreement (the "Filing Date"), the Issuer shall prepare and file with the Commission a Registration Statement (the "Shelf Registration Statement") on Form S–3 (or if the Issuer is not then eligible to use Form S–3, then Form S–1) (or any successor forms thereto) which shall cover all of the Registrable Securities for an offering to be made on a continuous basis pursuant to Rule 415 under the Securities Act. The Issuer (i) except as permitted by Section 3.1 of the Stockholders Agreement, shall not permit any securities other than the Registrable Securities to be included in the Shelf Registration Statement and (ii) shall use its best efforts to cause the Shelf Registration Statement to be declared effective under the Securities Act as promptly as possible after the filing thereof, and to keep the Shelf Registration Statement continuously effective under the Securities Act until the Registration Termination Date, or such earlier date when all Registrable Securities cease to be Registrable Securities for purposes of this Agreement (the "Effectiveness Period").

(b) The Issuer shall (i) not later than three (3) business Days prior to the filing of the Shelf Registration Statement or any related Prospectus or any amendment or supplement thereto, furnish to the Holders, their counsel and any managing underwriters, copies of all such documents proposed to be filed (but excluding for such purpose any documents incorporated by reference into the Shelf Registration Statement or the Prospectus), which documents will be subject to the review of such Holders, their counsel and such managing underwriters, and copies of all "comment letters" with respect to any such filed documents received by the Issuer from the Commission and (ii) cause its officers and directors, counsel and independent certified public accountants to respond to such inquiries as shall be necessary, in the reasonable opinion of respective counsel to such Holders and such underwriters, to conduct a reasonable investigation within the meaning of the Securities Act. The Issuer shall not file the Shelf Registration Statement or any such Prospectus or any amendments or supplements thereto (but excluding for such purpose documents incorporated by reference therein) to which the Majority Holders, their counsel or any managing underwriters shall reasonably object, and will not request acceleration of the Shelf Registration Statement without prior notice to such counsel. The Issuer shall furnish the Holders and their counsel and any managing underwriters with copies of any documents incorporated by reference into the Shelf Registration Statement or the Prospectus promptly after filing any such document with the Commission. The sections of the Shelf Registration Statement covering information with respect to the Holders, the Holders' beneficial ownership of securities of the Issuer or the Holders' intended method of disposition of Registrable Securities shall conform to the written information provided to the Issuer by each of the Holders specifically for use therein. The provisions of this Section 2.1(b) shall be effective upon the execution hereof (notwithstanding anything contained in Section 3.13 to the contrary) and also shall be applicable to the Required Shelf Registration to be prepared and filed pursuant to Section 2.1 of the Original Agreement, if any.

Section 2.2 *Underwritten Offering.* Upon the election of the Majority Holders, one or more offerings of Registrable Securities pursuant to the Shelf Registration Statement may be effected in the form of an Underwritten Offering. In such event, the underwriters that will administer the offering will be selected by the Holders of a majority of the Registrable Securities included in such offering. No Holder (or the Issuer, as provided in Section 3.1 of the Stockholders Agreement) may participate in any Underwritten Offering hereunder unless such Holder (or the Issuer) (i) agrees to sell its Registrable Securities (or other securities) on the basis provided in any underwriting agreements approved by the Holders of a majority of the Registrable Securities included in such offering and (ii) completes and executes all questionnaires, powers of attorney, indemnities, underwriting agreements and other documents required under the terms of such arrangements.

Section 2.3 *Inclusion of Common Stock by Issuer.* Except as provided in Section 3.1 of the Stockholders Agreement, the Issuer shall not permit any securities other than the Registrable Securities to be included in the Shelf Registration Statement. If the Issuer elects to include additional shares of Common Stock in an Underwritten Offering pursuant to Section 3.1 of the Stockholders Agreement, then the Holders of the Registrable Securities to be offered in an Underwritten Offering may require that any such additional shares of Common Stock to be included by the Issuer in such offering be sold and issued on the same terms and conditions as the Registrable Securities that are included therein.

Section 2.4 *Certain Delay Rights.* If at any time while the Shelf Registration Statement is effective the Issuer provides written notice to each Holder that in the good faith and reasonable judgment of the Issuer's Board of Directors, it would be materially disadvantageous to the Issuer (because the sale of Registrable Securities covered by such registration statement or the disclosure of information therein or in any related prospectus or prospectus supplement would materially interfere with (i) any acquisition or other material third-party transaction in connection with which a registration of securities under the Securities Act for the Issuer's account is then intended or (ii) the public disclosure of which at the time would be materially prejudicial to the Issuer (a "Disadvantageous Condition")) for sales of Registrable Securities thereunder to then be permitted, and setting forth the general reasons for such judgment, the Issuer may refrain from maintaining current the Prospectus contained in the Shelf Registration Statement until such Disadvantageous Condition no longer exists (notice of which the Issuer shall deliver in writing to each Holder on the first date such Disadvantageous Condition no longer exists). With respect to each Holder, upon the receipt by such Holder of any such notice of a Disadvantageous Condition in connection with the Shelf Registration Statement, (x) such Holder shall forthwith discontinue use of the Prospectus under the Shelf Registration Statement and shall suspend sales of Registrable Securities until such Disadvantageous Condition no longer exists and (y) if so directed by the Issuer by notice as aforesaid, such Holder will deliver to the Issuer all copies, other than permanent file copies then in such Holder's possession, of the Prospectus then covering such Registrable Securities at the time of receipt of such notice as aforesaid. Notwithstanding anything else contained in this Agreement, (X) neither the Filing Date nor the Effectiveness Date of the Shelf Registration Statement may be delayed pursuant to this Section 2.4 (Y) there shall be no suspension of sales of Registrable Securities pursuant to this Section 2.4 at any time during the sixty (60) day period commencing on the Effectiveness Date or at any time during the ninety (90) day period preceding the Registration Termination Date, and (Z) the suspension of sales of Registrable Securities pursuant to this Section 2.4 shall not exceed a total of sixty (60) days in the aggregate in any twelve (12) month period.

Section 2.5 *Expenses.* Except as provided herein, the Holders shall pay all Registration Expenses with respect to the Shelf Registration Statement and shall promptly reimburse the Issuer for any such expenses paid by the Issuer upon presentation of reasonably detailed invoices therefor, provided such registration statement becomes effective in accordance with the terms of this Agreement. Notwithstanding the foregoing, if the Issuer shall include in an Underwritten Offering additional shares of Common Stock for the account of the Issuer in accordance with Section 3.1 of the Stockholders Agreement, then (i) the Issuer shall pay (or reimburse the Holders, as applicable) a pro rata share of the Registration Expenses (based on the ratio that the number of additional shares of Common Stock actually sold for the Issuer's account bears to the aggregate number of shares actually sold in the Underwritten Offering), and (ii) the Issuer shall be responsible for all underwriting discounts and commissions, selling or placement agent or broker fees and commissions, and transfer taxes, if any, in connection with any sale of securities by the Issuer.

Section 2.6 *Registration and Qualification.* If and whenever the Issuer is required to effect the registration of any Registrable Securities under the Securities Act as provided in this Agreement, the Issuer shall as promptly as practicable:

(a) prepare and file with the Commission such amendments (including post-effective amendments) and supplements to the Shelf Registration Statement and the Prospectus used in connection therewith as may be necessary to keep the Shelf Registration Statement effective, including any amendment or supplement with respect to an Underwritten Offering of Registrable Securities and including any amendment or supplement to reflect any transfer of Registrable Securities to any subsequent Holder (which will have the right to be named as a selling shareholder in the Shelf Registration Statement), at all times during the Effectiveness Period, and, during such period, comply with the provisions of the Securities Act applicable to the Issuer in order to permit the disposition by the Holders of all Registrable Securities;

(b) furnish to the Holders of Registrable Securities and to any underwriter of such Registrable Securities (i) such number of conformed copies of the Shelf Registration Statement and of each such amendment and

supplement thereto (in each case including financial statements and schedules, and all exhibits), (ii) such number of copies of the Prospectus included in the Shelf Registration Statement (including each preliminary prospectus), in conformity with the requirements of the Securities Act, and (iii) such documents incorporated by reference in the Shelf Registration Statement or Prospectus as the Holders of Registrable Securities or such underwriter may reasonably request in order to facilitate the disposition of the Registrable Securities owned by such Holder or the sale of such securities by such underwriter (it being understood that, subject to Section 2.4 of this Agreement and the requirements of the Securities Act and applicable state securities laws, the Issuer consents to the use of the Prospectus and any amendment or supplement thereto by each Holder of Registrable Securities and any underwriter of such Registrable Securities in connection with the offering and sale of the Registrable Securities covered by the Shelf Registration Statement of which such Prospectus, amendment or supplement is a part);

(c) in the case of any Underwritten Offering, furnish to each Selling Holder and any underwriter of Registrable Securities an opinion of counsel for the Issuer and "cold comfort" letters and updates thereof signed by the independent public accountants who have audited the Issuer's financial statements included in the Shelf Registration Statement, in each such case covering substantially such matters with respect to such registration statement (and the prospectus included therein) and the related offering as are customarily covered in opinions of issuer's counsel with respect thereto and in accountants' letters delivered to underwriters in underwritten public offerings of securities, together with any consents required in connection therewith;

(d) promptly notify each Holder and each underwriter of Registrable Securities in writing (i) at any time when a prospectus relating to a registration pursuant to this Agreement is required to be delivered under the Securities Act, of the happening of any event as a result of which the prospectus included in such registration statement, as then in effect, includes an untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, and (ii) of any request by the Commission or any other regulatory body having jurisdiction for any additional information or amendment or supplement to the Shelf Registration Statement or Prospectus, and in either such case, at the request of any Holder or underwriter, promptly prepare and furnish to each Holder and underwriter a reasonable number of copies of a supplement to or an amendment of such prospectus as may be necessary so that, as thereafter delivered to the purchasers of such Registrable Securities, such prospectus shall not include an untrue statement of a material fact or omit to state a material fact required to be stated therein or necessary to make the statements therein, in light of the circumstances under which they are made, not misleading;

(e) cause all such Registrable Securities covered by such registration to be listed on the Nasdaq National Market, or if other than the Nasdaq National Market, on the principal securities exchange or automated interdealer quotation system on which the Common Stock is then listed or included for quotation;

(f) cooperate with each Selling Holder and each underwriter participating in the disposition of Registrable Securities and their respective counsel in connection with any filings required to be made with the NASD;

(g) subject to Section 2.4 of this Agreement, timely file all documents required to be filed with the Commission pursuant to Sections 13(a), 13(c), 14 or 15(d) of the Exchange Act during the period when a prospectus is required to be delivered under the Securities Act;

(h) subject to Section 2.4 of this Agreement, promptly prepare and file with the Commission any amendments or supplements to the Shelf Registration Statement or Prospectus which, in the opinion of the Issuer's counselor managing underwriter, are required in connection with the distribution of the Registrable Securities;

(i) advise each Selling Holder, promptly after it shall receive notice or obtain knowledge thereof, of the issuance of any stop order by the Commission suspending the effectiveness of the Shelf Registration Statement or the initiation or threatening of any proceeding for such purpose and promptly use its reasonable best efforts to prevent the issuance of any stop order or to obtain its withdrawal at the earliest possible moment if such stop order should be issued;

(j) use reasonable best efforts to assist the Holders in the marketing of the Registrable Securities in connection with any Underwritten Offering hereunder (including but not limited to using reasonable best efforts to have officers of the Issuer attend "road shows" and analyst or investor presentations scheduled in connection with such registration);

(k) make generally available to its security holders as soon as practicable, but not later than ninety (90) days after the close of the period covered thereby, an earning statement (in form complying with the provisions of Rule 158 under the Securities Act) covering a twelve (12) month period beginning not later than the first day of the Issuer's fiscal quarter next following the effective date of the Shelf Registration Statement;

(l) to the extent applicable, use its reasonable best efforts to (i) register and qualify the Registrable Securities under the securities or "blue sky" laws of such jurisdiction as any Holder may reasonably request, (ii) prepare and file in those jurisdictions such amendments (including post-effective amendments) and supplements to such registrations and qualifications as may be necessary to maintain the effectiveness thereof at all times during the Effectiveness Period, (iii) take such other actions as may be necessary to maintain such registrations and qualifications and as may be necessary to maintain the effectiveness thereof at all times during the Effectiveness Period, and (iv) take all other actions reasonably necessary or advisable to qualify the Registrable Securities for sale by the Holders in such jurisdictions (provided that the Issuer shall not be required in connection therewith or as a condition thereto to qualify generally to do business or file a general consent to service of process in any jurisdiction where it would not otherwise be required to qualify but for this Section 2.6(l));

(m) cooperate with each Holder and the managing underwriters to facilitate the timely preparation and delivery of certificates (not bearing any restrictive legends) representing Registrable Securities sold pursuant to the Shelf Registration Statement or in a transaction pursuant to Rule 144 and enable such certificates to be in such denominations or amounts as any Holder and the managing underwriter may reasonably request and registered in such names as such Holder and the managing underwriters may reasonably request. The Issuer shall give appropriate instructions to the Issuer's transfer agent to cause the transfer agent to deliver certificates representing the Registable Securities without any restrictive legends upon receipt of the Holder's certification that such Registrable Securities have been sold pursuant to the Shelf Registration Statement or in a transaction pursuant to Rule 144 and shall cause the Issuer's legal counsel to deliver to the transfer agent an opinion in customary form as required to remove such restrictive legends provided that such counsel may reasonably require such certifications from Holders; and

(n) within two (2) Business Days after the Shelf Registration Statement is declared effective by the Commission, deliver, and shall cause the Issuer's legal counsel to deliver, to the transfer agent for such Registrable Securities, confirmation that the Shelf Registration Statement has been delivered effective by the Commission.

The Issuer may require each Selling Holder to furnish to the Issuer such information regarding the Selling Holder and the distribution of such Registrable Securities as the Issuer may from time to time reasonably request in writing and such other information as may be legally required in connection with such registration. Each Selling Holder also agrees to notify the Issuer of any event relating to the Selling Holder that occurs that would require the preparation of a supplement or amendment to the Prospectus so that the information furnished or required to be furnished by such Selling Holder that is contained in the Prospectus will not contain an untrue statement of a material fact or omit to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

In no event shall the Issuer be required to amend the Shelf Registration Statement filed after it has become effective or to amend or supplement the Prospectus to permit the continued disposition of shares of Common Stock owned by a Selling Holder registered under the Shelf Registration Statement at any time after the Effectiveness Period.

Each Selling Holder agrees that, upon receipt of any notice from the Issuer of the happening of any event of the kind described in paragraph (d)(i) above, the Selling Holder will forthwith discontinue disposition of Registrable Securities pursuant to the Shelf Registration Statement until the Selling Holder's receipt of the copies of the supplement or amended prospectus contemplated by paragraph (d) above, and, if so directed by the Issuer, the Selling Holder will deliver to the Issuer (at the Issuer's expense) all copies, other than permanent file copies then in the Selling Holder's possession, of the prospectus covering such Registrable Securities at the time of receipt of such notice.

Section 2.7 *Underwriting; Due Diligence.*

(a) If requested by the underwriters for any Underwritten Offering of Registrable Securities pursuant to this Article 2, the Issuer shall enter into an underwriting agreement with such underwriters for such offering, which agreement will contain such representations and warranties by the issuer and such other terms and provisions as are customarily contained in underwriting agreements with respect to secondary distributions, and confirm the same if and when requested in accordance with customary practice. If an underwriting agreement is entered into, the same shall contain indemnification provisions and procedures no less favorable to the Selling Holders and the underwriters than those set forth in Section 2.8 of this Agreement (or such other provisions and procedures acceptable to the managing underwriters and Holders of a majority of Registrable Securities participating in such Underwritten Offering).

(b) In connection with the preparation and filing of the Shelf Registration Statement pursuant to this Article 2, the Issuer shall give the Holders of such Registrable Securities and the underwriters, if any, and their respective counsel and accountants, such reasonable and customary access to its books, records and properties and such opportunities to discuss the business and affairs of the Issuer with its officers and the independent public accounts who have certified the financial statements of the Issuer as shall be necessary, in the reasonable opinion of such Holders and such underwriters or their respective counsel, to conduct a reasonable investigation within the meaning of the Securities Act; provided that (i) each Holder and the underwriters and their respective counsel and accountants shall have entered into a confidentiality agreement reasonably acceptable to the Issuer and (ii) the Holders of such Registrable Securities and the underwriters and their respective counsel and accountants shall use their reasonable best efforts to minimize the disruption to the Issuer's business and coordinate any such investigation of the books, records and properties of the Issuer and any such discussions with the Issuer's officers and accountants so that all such investigations occur at the same time and all such discussions occur at the same time.

(c) The Issuer shall be subject to the lock-up provisions contained in Section 3.2 of the Stockholders Agreement.

Section 2.8 *Indemnification.*

(a) The Issuer agrees to indemnify and reimburse, to the fullest extent permitted by law, each Selling Holder, and each Selling Holder's employees, advisors, agents, representatives, partners, officers, and directors and each Person who controls the Selling Holder (within the meaning of the Securities Act or the Exchange Act) (collectively, the "Seller Affiliates"), and each underwriter, if any, and each person who controls each such underwriter (within the meaning of the Securities Act or the Exchange Act) against any and all losses, claims, damages, liabilities, and expenses, joint or several (including, without limitation, reasonable attorneys' fees and disbursements except as limited by Section 2.8(c) below) based upon, arising out of, related to or resulting from any untrue or allegedly untrue statement of a material fact contained in the Shelf Registration Statement, Prospectus, or preliminary prospectus or any amendment thereof or supplement thereto, or any omission or alleged omission of a material fact required to be stated therein or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, except insofar as the same are made in reliance upon and in conformity with information furnished in writing to the Issuer by such Selling Holder or any Seller Affiliate specifically for use therein or arise from such Selling Holder's or any Seller Affiliate's failure to deliver a copy of the Shelf Registration Statement or Prospectus or any amendments or supplements thereto after the Issuer has furnished such Selling Holder or Seller Affiliate with a sufficient number of copies of the same. The reimbursements required by this Section 2.8(a) will be made by periodic payments during the course of the investigation or defense, as and when bills are received or expenses incurred.

(b) Each Selling Holder will jointly and severally indemnify the Issuer and its directors and officers and each of its employees, advisors, agents, representatives, partners, officers, and directors and each Person who controls the Issuer (within the meaning of the Securities Act or the Exchange Act) against any and all losses, claims, damages, liabilities, and expenses (including, without limitation, reasonable attorneys' fees and disbursements except as limited by Section 2.8(c) below) resulting from: (i) any untrue statement or alleged untrue statement of a material fact contained in the Shelf Registration Statement, Prospectus, or any preliminary prospectus or any amendment thereof or supplement thereto, or any omission or alleged omission of a material fact required to be stated therein or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, but only to the extent that such untrue statement or alleged untrue statement or omission or alleged omission is contained in any information or affidavit so furnished in writing by a Selling Holder or any of its Seller Affiliates specifically for inclusion in the Shelf Registration Statement, Prospectus, preliminary prospectus, amendments or supplements; or (ii) a Selling Holder's or any Seller Affiliate's failure to deliver a copy of the Shelf Registration Statement or Prospectus or any amendments or supplements thereto after the Issuer has furnished the Selling Holder or Seller Affiliate with a sufficient number of copies of the same; *provided, however,* that such liability will be limited to the net amount received by the Selling Holders from the sale of Registrable Securities pursuant to the Shelf Registration Statement; *provided, further,* that the Selling Holders shall not be liable in any such case to the extent that, prior to the filing of the Shelf Registration Statement or Prospectus or amendment thereof or supplement thereto, the Selling Holders furnished in writing to the Issuer information expressly for use in such registration statement or prospectus or any amendment thereof or supplement thereto which corrected or made not misleading information previously furnished to the Issuer.

(c) Any Person entitled to indemnification hereunder will give prompt written notice to the indemnifying party of any claim with respect to which it seeks indemnification (provided that the failure to give such notice shall not limit the rights of such Person except to the extent such failure prejudiced the indemnifying party) and permit such indemnifying party to assume the defense of such claim; *provided, however,* that any Person entitled to indemnification hereunder shall have the right to employ separate counsel and to participate in the defense of such claim, but the fees and expenses of such counsel shall be at the expense of such Person unless (i) the indemnifying party has agreed to pay such fees or expenses, (ii) the indemnifying party shall have failed to assume the defense of such claim or (iii) in the reasonable opinion of counsel to such indemnified party, a conflict of interest between such indemnified and indemnifying parties may exist with respect to such claim. The indemnifying party will not be subject to any liability for any settlement made by the indemnified party without its consent (but such consent will not be unreasonably withheld or delayed). The indemnifying party shall not settle or otherwise compromise the applicable claim unless (A) such settlement or compromise contains a full and unconditional release of the indemnified party or (B) the indemnified party otherwise consents in writing. The indemnifying party will not be obligated to pay the fees and expenses of more than one counsel for all parties indemnified by such indemnifying party with respect to such claim unless in the reasonable judgment of any indemnified party, a conflict of interest may exist between the indemnifying party and any indemnified party with respect to such claim, in which event the indemnifying party shall be obligated to pay the reasonable fees and disbursements of one counsel for such indemnified party.

(d) Each party hereto agrees that, if for any reason the indemnification provisions contemplated by Section 2.8(a) or Section 2.8(b) are unavailable to or insufficient to hold harmless an indemnified party in respect of any losses, claims, damages, liabilities, or expenses (or actions in respect thereof) referred to therein, then each indemnifying party shall contribute to the amount paid or payable by such indemnified party as a result of such losses, claims, liabilities, or expenses (or actions in respect thereof) in such proportion as is appropriate

to reflect the relative fault of the indemnifying party and the indemnified party in connection with the actions which resulted in the losses, claims, damages, liabilities or expenses as well as any other relevant equitable considerations. The relative fault of such indemnifying party and indemnified party shall be determined by reference to, among other things, whether the untrue or alleged untrue statement of a material fact or omission or alleged omission to state a material fact relates to information supplied by such indemnifying party or indemnified party, and the parties' relative intent, knowledge, access to information and opportunity to correct or prevent such statement or omission. The parties hereto agree that it would not be just and equitable if contribution pursuant to this Section 2.8(d) were determined by pro rata allocation (even if the Selling Holders or any underwriters or all of them were treated as one entity for such purpose) or by any other method of allocation which does not take account of the equitable considerations referred to in this Section 2.8(d). The amount paid or payable by an indemnified party as a result of the losses, claims, damages, liabilities, or expenses (or actions in respect thereof) referred to above shall be deemed to include any legal or other fees or expenses reasonably incurred by such indemnified party in connection with investigating or, except as provided in Section 2.8(c) above, defending any such action or claim. Notwithstanding the provisions of this Section 2.8(d), no Holder shall be required to contribute an amount greater than the dollar amount by which the net proceeds received by such Selling Holder with respect to the sale of any Registrable Securities exceeds the amount of damages which such Selling Holder has otherwise been required to pay by reason of such statement or omission. No person guilty of fraudulent misrepresentation (within the meaning of Section 11(f) of the Securities Act) shall be entitled to contribution from any Person who was not guilty of such fraudulent misrepresentation. The Selling Holders' obligations in this Section 2.8(d) to contribute shall be joint and several in proportion to the amount of Registrable Securities registered by them.

If indemnification is available under this Section 2.8, the indemnifying parties shall indemnify each indemnified party to the full extent provided in Section 2.8(a) and Section 2.8(b) without regard to the relative fault of said indemnifying party or indemnified party or any other equitable consideration provided for in this Section 2.8(d) subject, in the case of the Holders, to the limited dollar amounts set forth in Section 2.8(b).

The indemnification and contribution provided for under this Agreement shall be in addition to any liability which any party may otherwise have to any other party and shall remain in full force and effect regardless of any investigation made by or on behalf of the indemnified party or any officer, director, or controlling Person of such indemnified party and will survive the transfer of the Common Stock and the termination of this Agreement.

Section 2.9 *Form S–3 Eligibility; Conversion.* In the event that the Shelf Registration Statement is filed on Form S–1 because the Issuer does not, at the time of such registration, meet the registrant eligibility and transaction requirements for the use of Form S–3 (for secondary offerings), the Issuer shall convert such Form S–1 to a Form S–3 immediately upon its satisfaction of the registrant eligibility and transaction requirements for the use of Form S–3. Upon such conversion, the Issuer shall file all reports required to be filed by the Company with the Commission in a timely manner so as to maintain such eligibility for the use of Form S–3.

Section 2.10 *Rule 144 Reporting.* With a view to making available the benefits of certain rules and regulations of the Commission that may permit the sale of the Registrable Securities to the public without registration, the Issuer agrees to use its reasonable best efforts to:

(a) make any keep public information regarding the Issuer available as those terms are understood and defined in Rule 144 under the Securities Act;

(b) file with the Commission in a timely manner all reports and other documents required of the Issuer under the Securities Act and the Exchange Act; and

(c) furnish to any Holder forthwith upon written request a written statement by the Issuer as to its compliance with the reporting provisions contained in rule 144(c) under the Securities Act, a copy of the most recent annual or quarterly report of the Issuer, and such other reports and documents so filed as any Holder may reasonably request in availing itself of any rule or regulation of the Commission allowing a Holder to sell any of the Registrable Securities without registration.

The Issuer shall give appropriate instructions to the Issuer's transfer agent to cause the transfer agent to deliver certificates representing the Registrable Securities without any restrictive legends upon receipt of the Holder's certification that such Registrable Securities have been sold pursuant to Rule 144 under the Securities Act. Each Holder shall cause its legal counsel to deliver to the transfer agent for the Registrable Securities an opinion in customary form as may be required to remove such restrictive legends following a sale pursuant to Rule 144.

Article 3—Miscellaneous

Section 3.1 *Entire Agreement.* This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and upon the effectiveness of this Agreement in accordance with Section 3.13, this Agreement shall supersede all other prior agreements and understandings, both written and oral, between the parties with respect to the subject matter hereof, including, without limitation, the Original Agreement and the letter agreement dated as of June 1, 2000 among the Issuer, AMFM and Clear Channel.

Section 3.2 *Successors and Assigns.* The provisions of this Agreement are not assignable to any Person other than another Holder. Whether or not an express assignment has been made, provisions of this Agreement that are for the Holders' benefit as the Holders of any Common Stock are, except as otherwise expressly provided herein, also for the benefit of, and enforceable by, all subsequent Holders of such Common Stock, except as otherwise expressly provided herein. This Agreement shall be binding upon the Issuer, each Holder, and, except as otherwise expressly provided herein, their respective heirs, devisees, successors and permitted assigns.

Section 3.3 *Amendments, Waivers, Etc.* This Agreement may not be amended, changed, supplemented, waived or otherwise modified or terminated, except upon the execution and delivery of a written agreement executed by the Issuer and Holders representing a majority of the Registrable Securities then hold by all Holders.

Section 3.4 *Notices.* All notices, requests, claims, demands and other communications hereunder shall be in writing and shall be given (and shall be deemed to have been duly received if given) by hand delivery or telecopy, or by any courier service, such as Federal Express, providing proof of delivery. All communications hereunder shall be delivered to the respective parties at the address or telecopy number set forth on the signature pages hereto (unless such contact information in the case of the Holders is updated by written notice from the affected Holder to the Issuer).

Section 3.5 *Remedies.* The Issuer recognizes and agrees that the Holders of Registrable Securities shall not have an adequate remedy at law if the Issuer fails to comply with the provisions of this Agreement, and that damages will not be readily ascertainable, and the Issuer expressly agrees that in the event of such failure any Holder of Registrable Securities shall be entitled to seek specific performance of the Issuer's obligations hereunder.

Section 3.6 *Severability.* Whenever possible, each provision or portion of any provision of this Agreement will be interpreted in such manner as to be effective and valid under applicable law, but if any provision or portion of any provision of this Agreement is held to be invalid, illegal or unenforceable in any respect under any applicable law or rule in any jurisdiction, such invalidity, illegality or unenforceability will not affect any other provision or portion of any provision in such jurisdiction, and this Agreement will be reformed, construed and enforced in such jurisdiction as if such invalid, illegal or unenforceable provision or portion of any provision had never been contained herein.

Section 3.7 *No waiver.* The failure of any party hereto to exercise any right, power or remedy provided under this Agreement or otherwise available in respect hereof at law or in equity, or to insist upon compliance by any other party hereto with its obligations hereunder, and any custom or practice of the parties at variance with the terms hereof, shall not constitute a waiver by such party of its right to exercise any such or other right, power or remedy or to demand such compliance.

Section 3.8 *No Third Party Beneficiaries.* Except as expressly provided in Sections 2.8 and 3.2, this Agreement is not intended to be for the benefit of, and shall not be enforceable by, any Person who or which is not a party hereto; provided, that, this Agreement is also intended to be for the benefit of and is enforceable by each Holder.

Section 3.9 *Several Obligations.* Except as set forth in Section 2.8, the obligations of the Holders herein are several and not joint. No Holder shall be responsible for the performance or failure on the part of any other Holder to perform its obligations.

Section 3.10 *Governing Law.* This agreement shall be governed by and construed in accordance with the laws of the State of Delaware, without regard to principles of conflict of laws.

Section 3.11 *Descriptive Headings.* The descriptive headings used herein are inserted for convenience of referenced only and are not intended to be part of or to affect the meaning or interpretation of this Agreement.

Section 3.12 *Counterparts.* This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

Section 3.13 *Effective Date: Consummation of Merger.* The terms and conditions of this Agreement shall become effective and enforceable only upon the consummation of the Merger. In the event that the Merger has not been consummated on or before March 31, 2001, or if the Merger Agreement is terminated prior to March 31, 2001 then, unless the parties hereto mutually agree to an extension hereof, this Agreement shall be null and void and the Original Agreement shall continue in accordance with its terms as if this Agreement had not been executed and delivered.

Section 3.14 *Guaranty by Clear Channel.* Clear Channel agrees to guaranty the performance of all obligations of the Holders and the Selling Holders hereunder.

In Witness Whereof, the Issuer and the Holders have caused this Agreement to be duly executed as of the day and year first above written.

Issuer: Lamar Advertising Company:

By: _____
Name: Kevin P. Reilley, Jr.
Title: *President & CEO*

Address: 5551 Corporate Boulevard, Baton Rouge, Louisiana 70808, Attention: Keith Istre, Fax: (225) 923–0658.

With copies to: Palmer Dodge LLP, One Beacon Street, Boston, MA 02108, Attention: George Ticknor, Esq., Facsimile: (617) 227–4420.

Holders: AMFM Operating Inc. (f/k/a Chancellor Media Corporation of Los Angeles):

By: _____
Name: William S. Banowsky, Jr.
Title: *Executive Vice President*

Address: 200 East Basse, San Antonio, TX 78209, Attention: General Counsel, Fax: (210) 822–2299.

With copies to: Akin, Gump, Strauss, Hauer & Feld, L.L.P., 300 Convent Street, Suite 1500, San Antonio, TX 78205, Attention: Stephen C. Mount, Fax: (210) 224–2035.

AMFM Holdings Inc. (f/k/a Chancellor Mezzanine Holdings Corporation):

By: _____
Name: William S. Banowsky, Jr.
Title: *Executive Vice President*

Address: 200 East Basse Road, San Antonio, TX 78209, Attention: General Counsel, Fax: (210) 832–3428.

With copies to: Akin, Gump, Strauss, Hauer & Feld, L.L.P., 300 Convent Street, Suite 1500, San Antonio, TX 78205, Attention: Stephen C. Mount, Fax: (210) 224–2035.

Clear Channel Communications, Inc.:

By: _____
Name: Juliana Hill,
Title: *Senior Vice President—Finance*

Address: 200 East Basse Road, San Antonio, TX 78209, Attention: General Counsel, Fax: (210) 832–3428.

LaMar Advertising Company

5551 Corporate Boulevard, Baton Rouge, LA 70808, July 19, 2000.

By Electronic Mail and Facsimile

AMFM Inc., 1845 Woodall Rogers Freeway, Suite 1300, Dallas, TX 75201.
AMFM Operating Inc., AMFM Holdings Inc., 200 East Basse, San Antonio, TX 78209.
Clear Channel Communications, Inc., 200 Concord Plaza, Suite 600, San Antonio, TX 78216–6940.

Re: Registration Rights Agreement dated as of September 15, 1999.

Ladies and Gentlemen: Reference is made to that certain Registration Rights Agreement dated of September 15, 1999 (the "Registration Rights Agreement") among Lamar Advertising Company (the "Issuer"), a Delaware corporation, Chancellor Media Corporation of Los Angeles (predecessor-in-interest to AMFM Operating Inc., "AMFM Operating"), a Delaware corporation and Chancellor Mezzanine Holdings Corporation (now known as AMFM Holdings Inc., "AMFM Holdings"), a Delaware corporation. Subject to the terms and conditions of the Registration Rights Agreement, the Issuer agreed to effect the registration under the Securities Act of the 26,227,273 shares (the "Lamar Shares") of Lamar Class A common stock, $0.001 par value per share issued by the Issuer in connection with the acquisition of the capital stock of Chancellor Outdoor Media Corporation and Chancellor Whiteco Outdoor Corporation. AMFM Holdings subsequently transferred the Lamar Shares held by it to AMFM Operating.

Capitalized terms used but not defined herein shall have the respective meanings set forth in the Registration Rights Agreement.

On October 2, 1999, AMFM Inc., ("AMFM"), a Delaware corporation and the parent corporation of AMFM Operating and AMFM Holdings, entered into an agreement and plan of merger (the "Merger Agreement") with Clear Channel Communications, Inc., ("Clear Channel"), a Texas corporation contemplating the merger (the "Merger") of a wholly-owned subsidiary of Clear Channel with and into AMFM. Following the Merger, AMFM Operating and AMFM Holdings will be indirect wholly-owned subsidiaries of Clear Channel.

This Letter shall terminate and shall be of no further force or effect upon the earlier of (i) the completion of the Merger, (ii) the termination of the Merger Agreement, or (iii) March 31, 2001 (unless the parties mutually agree to extend same).

This Letter shall be executed concurrently with the Amended Registration Rights Agreement and the First Amendment to the Stockholders Agreement.

LaMar Advertising Company:

Kevin P. Reilly, Jr.,
President and Chief Executive Officer.

Accepted and Agreed to:

AMFM Inc., 1845 Woodall Rogers Freeway, Suite 1300, Dallas, TX 75201.

By: William S. Banowsky, Jr.,
Executive Vice President.

AMFM Operating Inc., (f/k/a Chancellor Media Corporation of Los Angeles), 200 East Basse, San Antonio, TX 78209.

By: William S. Banowsky, Jr.,
Executive Vice President.

AMFM Holdings Inc., (f/k/a Chancellor Mezzanine Holdings Corporation), 200 East Basse Road, San Antonio, TX 78209–3428.

By: William S. Banowsky, Jr.,
Executive Vice President.

Clear Channel Communications, Inc., 200 East Basse Road, San Antonio, TX 78209–3428.

By: Juliana Hill,
Senior Vice President—Finance.

Schedule E—Other Radio Stations That Cannot Be Reacquired

1. Denver, CO
   KXPK–FM
   KDJM–FM
   KIMN–FM
   KXKL–FM
   KALC–FM
2. Houston-Galveston, TX
   KKBQ–FM
   KKTL–FM
   KLDE–FM
   KBXX–FM
   KMJQ–FM

Certificate of Service

I, John C. Filippini, of the Antitrust Division of the United States Department of Justice, do hereby certify that true copies of the Complaint For Injunctive Relief, Stipulation and Order, Final Judgment, and United States' Explanation of Consent Decree Procedures in this matter were served this 29th day of August 2000, by United States first-class mail, to the following:

Charles E. Biggio, Akin, Gump, Strauss, Hauer-& Feld, 590 Madison Avenue—20th Floor, New York, NY 10022, (212) 872–1010. *Counsel for Clear Channel Communications, Inc.*

Phillip E. Proger, Jones, Day, Reavis & Pogue, 51 Louisiana Avenue, NW., Washington, DC 20001–2113, (202) 879–4668. *Counsel for Clear Channel Communications, Inc.*

Neil W. Imus, Vinson & Elkins, The Willard Office Building, 1455 Pennsylvania Avenue, NW., Washington, DC 20004–1008, (202) 639–6675. *Counsel for AMFM Inc.*

Signed: John C. Filippini

Competitive Impact Statement

The United States, pursuant to section 2(b) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

The United States filed a civil antitrust Complaint on August 29, 2000, alleging that the proposed merger between Clear Channel Communications, Inc. ("Clear Channel") and AMFM Inc. ("AMFM") would violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18. The Complaint alleges that Clear Channel's and AMFM's $23.8 billion merger would have the effect of lessening competition substantially in the provision of radio advertising time and of out-of-home advertising services in several areas of the United States.

Clear Channel and AMFM are two of the three largest operators of broadcast radio stations in the United States. Clear Channel's and AMFM's radio stations compete head-to-head against one another for the business of local and national companies seeking to advertise on radio stations in many cities throughout the United States, including Allentown, Pennsylvania; Denver, Colorado; Harrisburg, Pennsylvania; Houston, Texas; and Pensacola, Florida.

In addition, Clear Channel, through its subsidiary, Eller Media Company ("Clear Channel/Eller"), is a major provider of out-of-home advertising of various types, including billboards, bulletins and posters. AMFM has an approximately 28.6 percent equity interest in Lamar Advertising Company ("Lamar"), another major provider of out-of-home advertising that competes directly with Clear Channel/Eller. Clear Channel/Eller and Lamar compete vigorously in out-of-home advertising in numerous markets across the country.

The Complaint alleges that Clear Channel and AMFM's merger, unless blocked, would substantially lessen competition and would result in many advertisers paying higher prices for radio advertising time and out-of-home advertising. The prayer for relief seeks: (a) Adjudication that Clear Channel's proposed merger with AMFM would violate section 7 of the Clayton Act; (b) preliminary and permanent injunctive relief preventing the consummation of the proposed merger; (c) an award to the United States of the costs of this action; and (d) such other relief as is just and proper.

Before this suit was filed, the Department of Justice ("Department") reached an agreement with Clear Channel and AMFM, under which the parties agreed to divest 99 stations in 27 markets to other radio operators approved by the Department in order to preserve competition in those markets. The majority of those stations were to be sold under what is commonly referred to as the "fix-it-first" approach utilized by the Department's Antitrust Division, which requires divestiture of certain assets before parties consummate their merger. The remaining stations are to be divested in accordance with the terms of a proposed Final Judgment agreed to by the parties. In addition, the defendants are required to divest completely AMFM's previously held equity interest in Lamar, now held by Clear Channel, under the terms of the proposed Final Judgment.

A Stipulation and proposed Final Judgment were filed simultaneously with the Complaint on August 29, 2000. The United States and defendants have stipulated that the proposed Final Judgment may be entered after compliance with APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment, and to punish violations thereof.

II. The Alleged Violation

A. The Defendants

Clear Channel, headquartered in San Antonio, Texas, is one of the largest radio broadcast companies in the United States. For 1999, the company reported net television and radio revenues of approximately $1.4 billion. Clear Channel, through its wholly owned subsidiary, Eller Media Company, is also one of the largest providers of out-of-home advertising services (such as billboard advertising) in the United States. In 1999, Clear Channel/Eller reported revenues in excess of $1.25 billion.

AMFM, headquartered in Dallas, Texas, is also one of the largest radio broadcast companies in the United States. For 1999, the company reported radio group net revenues of approximately $1.7 billion. In addition, prior to the merger, AMFM owned approximately 28.6 percent of the total outstanding securities of Lamar, giving it rights to participate in the operation of Lamar, including representation on Lamar's Board of Directors. Lamar provides out-of-home advertising in many markets across the country. In 1999, Lamar had revenues of approximately $444 million.

B. Description of the Events Giving Rise to the Alleged Violation

On October 2, 1999, Clear Channel and AMFM entered into an Agreement and Plan of Merger, worth approximately $23.8 billion, that would create the largest radio broadcast company in the United States and eliminate head-to-head competition between Clear Channel and AMFM in several markets. Attempting to resolve the Department's competitive concerns prior to the filing of the Complaint, Clear Channel and AMFM sold 85 radio stations in 24 markets to buyers approved by the Department. These stations were purchased by buyers who will compete against Clear Channel after the merger, thereby restoring much of the competition that would have been lost as a result of the merger. Clear Channel and AMFM, however, did not sell enough radio stations in the Allentown, Denver, Harrisburg, Houston, and Pensacola Metropolitan Survey Areas ("MSA"),[1] to resolve the Department's concerns.

C. Anticompetitive Consequences of the Proposed Acquisition

1. Radio Advertising

The Complaint alleges that the provision of advertising time on radio stations is a relevant product market and that the Allentown, Denver, Harrisburg, Houston and Pensacola MSAs ("Divestiture Cities") are each a relevant geographic market.

a. *Relevant Product Market.* Radio stations earn their revenues from the sale of advertising time to local and national advertisers. Many local and national advertisers purchase radio advertising time in the Divestiture Cities because they find such advertising preferable to advertising in other media for their specific needs. For such advertisers, radio time (a) may be less expensive and more cost-efficient than other media in reaching the advertiser's target audience (individuals most likely to purchase the advertiser's products or services); (b) may reach certain target audiences that cannot be reached as effectively through other media; or (c) may offer promotional opportunities to advertisers that they cannot exploit as effectively using other media. For these and other reasons, many local and national advertisers in the Divestiture Cities who purchase radio advertising time view radio either as a necessary advertising medium for them or as a necessary advertising complement to their media.

Although some local and national advertisers may switch some of their advertising to other media rather than absorb a price increase in radio advertising time in the Divestiture Cities, the existence of such advertisers would not prevent radio stations from profitably raising their prices a small but significant amount. At a minimum, stations could raise prices profitably to those advertisers who view radio either as a necessary advertising medium, or as a necessary advertising complement to other media. Radio stations, which negotiate prices individually with advertisers, can generally identify those advertisers with strong radio preferences. Consequently, radio stations can charge different advertisers different rates. Because of this ability to price discriminate between different customers, radio stations may charge higher rates to advertisers that view radio as particularly effective for their needs, while maintaining lower rates for other advertisers. For these reasons, the sale of radio advertising time is a relevant product market for purposes of section 7 of the Clayton Act.

b. *Relevant Geographic Markets.* Local and national advertising placed on radio stations in the Allentown, Denver, Harrisburg, Houston, and Pensacola MSAs is aimed at reaching listening audiences within each of those respective MSAs, and other radio stations do not provide effective access to those audiences. If there were a small but significant increase in radio advertising prices within any one of these MSAs, advertisers would not buy enough advertising time from radio stations outside of the MSA to defeat the increase. Thus, the Allentown, Denver, Harrisburg, Houston, and Pensacola MSAs are each a relevant geographic market for purposes of section 7 of the Clayton Act.

c. *Harm to Competition in Radio Advertising Markets.* The Complaint alleges that the Clear Channel/AMFM merger would lessen competition substantially in the sale of advertising time on radio broadcast stations in the Divestiture Cities. In particular, the merger would further concentrate markets that are already highly concentrated. The Complaint alleges that Clear Channel's market share in each of the Divestiture Cities would exceed 41 percent, and in some markets would be more than 69 percent, after the merger. Using a measure of market concentration called the Herfindahl-Hirschman Index ("HHI"), which is explained in Appendix A to the Complaint, the merger would result in concentration in each of these markets from about 2262 to 6231 points, well above the 1800 threshold at which the United States normally considers a market to be highly concentrated.

Furthermore, the Complaint alleges that the merger would eliminate head-to-head competition between Clear Channel and AMFM for advertisers seeking to reach specific audiences. Advertisers select radio stations to reach a large percentage of their target audience based upon a number of actors, including, inter alia, the size of the station's audience, the characteristics of its audience, and the geographic reach of a station's signal. Many advertisers seek to reach a large percentage of their target listeners by selecting those stations whose audience best correlates to their target listeners. Today, several Clear Channel and AMFM stations in the Divestiture Cities compete head-to-head to reach the same audiences and, for many local and national advertisers buying time in those markets, the stations are close substitutes for each other based on their specific audience characteristics. The proposed transaction would eliminate such competition.

Format changes are unlikely to deter the anticompetitive consequences of this transaction. Successful radio stations are unlikely to undertake a format change solely in response to small but significant increases in price being charged to advertisers by a multi-station firm such as Clear Channel because they would likely lose a substantial portion of their existing audiences. Even if less successful stations did change format, they still would be unlikely to attract enough listeners to provide suitable alternatives to the Clear Channel stations in their markets. Finally, new entry into radio advertising markets in the Divestiture Cities is highly unlikely in response to a small but significant price increase by Clear Channel because of the general lack of capacity to add additional signals in metropolitan markets. Also, it is unlikely that stations located in adjacent communities would be permitted to boost their power sufficiently so as to enter the MSAs in the Divestiture Cities without interfering with other stations on the same or similar frequencies in violation of Federal Communications Commission ("FCC") regulations.

For all of these reasons, the Complaint alleges that the proposed merger would lessen competition substantially in the sale of advertising time on radio stations serving the Divestiture Cities, eliminate competition between Clear Channel and AMFM, and result in increased prices and reduced quality of service for radio advertisers in the Divestiture Cities, all in violation of section 7 of the Clayton Act.

2. Out-of-Home Advertising

a. *Relevant Markets.* Out-of-home advertising companies, such as Clear Channel/Eller and Lamar, generate revenue from the sale of out-of-home advertising, such as billboards, to local and/or national businesses that want to promote their products and services. Advertisers select out-of-home advertising based upon a number of factors, including the size of the target audience (individuals most likely to purchase the advertiser's products or services), the traffic patterns of the audience, as well as other audience characteristics.

Out-of-home advertising has unique characteristics that distinguish it from other advertising media. Among other things, out-of-home advertising is particularly suitable for highly visual, limited-information advertising and is typically less expensive and more cost-efficient than other media in reaching an advertiser's target audience. For many advertisers, there is no close substitute for out-of-home advertising. Such advertisers would not switch to another advertising medium if out-of-home advertising prices increased by a small but significant amount. Thus, the complaint alleges that out-of-home advertising is a relevant product market for purposes of section 7 of the Clayton Act.

In addition, out-of-home advertising is typically offered on a localized, market-by-market basis rather than nationally or regionally and is sold at prices based on local market conditions. It is typically sold by local sales forces and targeted to reach consumers in a specific city, county or metropolitan area. For advertisers seeking to reach consumers in a specific local area, advertising outside the local area is not an adequate substitute because most of the target audience may not even see the advertising. Thus, the relevant geographic markets within the meaning of Section 7 of the Clayton Act for out-

[1] An MSA is the geographical unit for which Arbitron, a company that surveys radio listeners, provides data to radio stations, advertisers and advertising agencies to aid in evaluating radio audience size and composition. Advertisers use this data in making decisions about which radio station or combination of radio stations can deliver their target audiences in the most efficient and cost-effective way.

The Allentown MSA is comprised of Carbon, Lehigh, and Northampton counties in Pennsylvania and Warren County in New Jersey. The Denver MSA is comprised of Adams, Arapahoe, Boulder, Denver, Douglas, and Jefferson counties in Colorado. The Harrisburg MSA is comprised of Cumberland, Dauphin, Lebanon, and Perry counties of Pennsylvania. The Houston MSA is comprised of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties of Texas. The Pensacola MSA is comprised of Escambia and Santa Rosa counties of Florida.

of-home advertising are typically localized, often no larger than a city, county or metropolitan area.

b. *Harm to Competition.* Clear Channel/Eller is one of only a few providers of out-of-home advertising services competing with Lamar in several markets across the United States, including Atlanta, Georgia, and Chicago, Illinois. The proposed merger between Clear Channel and AMFM would give Clear Channel unfettered ownership and control of the assets and holdings of AMFM, including AMFM's approximately 28.6 percent equity interest in Lamar.

Clear Channel's acquisition of AMFM's significant equity interest in Lamar may substantially lessen competition in the areas in which Clear Channel/Eller and Lamar compete to provide out-of-home advertising. By acquiring a partial ownership interest in Lamar, Clear Channel will have reduced incentives to compete against Lamar for out-of-home advertisers and will have incentives to charge higher prices than it otherwise would. This is because Clear Channel will indirectly benefit even when a customer chooses Lamar rather than Eller. In addition, Clear Channel's post-merger ownership in Lamar, which would include voting rights, board representation, and certain other rights, would give it the ability directly or indirectly to influence Lamar's business decisions, and would further lessen competition in out-of-home advertising. With these rights, Clear Channel could gain access to competitively sensitive information, which could be used by Clear Channel in an anticompetitive way. Entry into the out-of-home advertising would not be timely, likely or sufficient to mitigate the competitive harm resulting from this aspect of the merger. Hence, the Complaint alleges that the merger would lessen substantially competition between Clear Channel/Eller and Lamar in the provision of out-of-home advertising in local markets, and would result in increased prices and reduced quality of service for advertisers, in violation of section 7 of the Clayton Act.

III. Explanation of the Proposed Final Judgment

The proposed Final Judgment will preserve competition in both the sale of radio advertising time in the Divestiture Cities and the sale of out-of-home advertising in local markets by requiring substantial radio station divestitures and a complete divestiture of AMFM's ownership interest in Lamar ("the Lamar Holdings").

A. Radio Divestitures

The proposed Final Judgment requires Clear Channel to divest 14 radio stations in five markets in the Divestiture Cities (the "Radio Assets") to buyers approved by the United States within one hundred and fifty (150) days after the filing of the Complaint, or five (5) days after notice of the entry of the Final Judgment by the Court, whichever is later. The United States, in the exercise of its sole discretion, may extend this time for two additional thirty (30) days periods.

The divestitures required by the proposed Final Judgment will maintain or reduce Clear Channel's resulting post-merger market shares in radio advertising at levels that either Clear Channel or AMFM possessed (whichever was greater) in each of the Divestiture Cities before the merger,[2] thereby effectively restoring the pre-merger competitive situation to each of these markets.[3] Thus, these divestitures will preserve choices for advertisers and will ensure that radio advertising prices do not increase and services do not decline as a result of the merger.

Under the terms of the proposed Final Judgment, the Radio Assets must be sold to purchasers acceptable to the United States, in its sole discretion. Unless the United States otherwise consents in writing, the divestitures will include all the assets of the stations being divested, and will be accomplished in way that will satisfy the United States, in its sole discretion, that such assets can and will be used as viable, ongoing commercial radio businesses. The proposed Final Judgment also requires the defendants to maintain the independence of the Radio Assets, and requires those stations to be kept separate and apart from the defendants' other radio stations. The proposed Final Judgment also contains provisions intended to ensure that these stations will remain viable and aggressive competitors after divestiture.

In addition, the proposed Final Judgment prohibits Clear Channel from entering into certain agreements with other radio stations in the Divestiture Cities without providing at least thirty (30) days' notice to the United States. First, Clear Channel must notify the United States before acquiring any assets of or interest in any other radio station in the Divestiture Cities. Such acquisitions could raise competitive concerns but might be too small to be reported under the Hart-Scott-Rodino ("HSR") premerger notification statute, 15 U.S.C. 18a. Second, Clear Channel may not enter into any joint sales or cooperative selling arrangement with any other radio station in the Divestiture Cities without providing the United States with advance notice. Such arrangements include any Joint Sales Agreement ("JSA"), where one station takes over another station's advertising time, and any Local Marketing Agreement ("LMA"), where one station takes over another station's broadcasting and advertising time, as well as other comparable arrangements. Arrangements whereby Clear Channel would manage, or sell advertising on behalf of, other radio stations in the Divestiture Cities would effectively increase its market share in those cities. Despite their competitive significance, such arrangements also might not be reportable under the HSR Premerger Notification Act. Thus, this provision of the proposed Final Judgment ensures that the United States will receive advance notice of and be able to act, if appropriate to prevent any agreements that might have anticompetitive effects in the Divestiture Cities.

B. Divestiture of the Lamar-Holdings

The proposed Final Judgment also requires the defendants to divest completely, by December 31, 2002, the approximately 28.6 percent equity interest held by AMFM in the Lamar Holdings that Clear Channel acquired as a result of the merger. This divestiture may be made by public offering, private sale, or a combination thereof. However, such stock may not be sold: (1) to any entity that is currently in the out-of-home advertising business without the United States's written approval; or (2) in a manner that the United States believes could significantly impair Lamar as an effective competitor in the sale of out-of-home advertising.

In merger cases in which the Antitrust Division seeks a divestiture remedy, it requires completion of the divestiture within the shortest time period reasonable under the circumstances. While the time period for divestiture of the Lamar Holdings in this case is significantly longer than the United States ordinarily would accept, the Division has agreed to a longer time in this case because of concerns that a more rapid divestiture of such a large amount of relatively thinly traded stock might harm competition. A complete divestiture in the time period required by the Antitrust Division in the typical case (*e.g.*, four months or less) potentially could adversely affect the price of Lamar stock, thereby increasing the cost of raising additional capital and limiting Lamar's ability to maintain and augment its outdoor advertising portfolio. This would have the effect of reducing Lamar's ability to compete effectively.

The terms of the proposed Final Judgment reflect a balancing of the potential harm to competition that might arise from a divestiture that proceeds either too slowly or too rapidly. By permitting the divestiture of the Lamar Holdings to be accomplished by December 31, 2002, the proposed Final Judgment will accomplish the required divestiture so as to minimize the risk of significant anticompetitive effects from Clear Channel's acquisition of a partial ownership stake in Lamar while at the same time minimizing the risk of any potential adverse effect on Lamar's ability to raise capital and compete effectively. Moreover, other supplementary provisions in the Final Judgment, described below, are designed to reduce the risk that Clear Channel's partial ownership of Lamar could create incentives for anticompetitive activity during the interim period before the completion of the required divestiture.

C. Corporate Governance Restrictions Relating to the Lamar Holdings

During the period that Clear Channel possesses the Lamar Holdings, its ability to participate in the governance of Lamar will be restricted by the proposed Final Judgment. In particular, it must abide by two agreements reached between Clear Channel and Lamar (the "First Amendment to Stockholders Agreement" and the "Amended and Restated Registration Rights Agreement," both of which are attached to the proposed Final Judgment as Schedules C and D, respectively), which set out the rights and obligations of the parties with respect to issues relating to the governance of Lamar and the sale of its stock. In addition, until the divestiture of the Lamar Holdings, Clear Channel must treat that equity interest in Lamar as a passive investment, and must hold it separate and apart from Clear Channel's other activities and interest. Neither Clear Channel nor its representatives may: exercise any voting rights except as provided in the First Amendment to Stockholders Agreement; participate as officers or directors of Lamar, participate in the selection of Lamar's officers or directors, or participate in any board of directors meetings or committees; exercise any veto rights over Lamar's activities; or obtain nonpublic information about Lamar. In addition, the proposed Final Judgment provides that the two AMFM representatives on the Lamar board—Thomas O. Hicks and R. Steven Hicks—must resign those seats within two days after the merger is consummated.[4] Collectively, these provisions are intended to promote a "hold separate" relationship between Clear Channel and the Lamar Holdings during the pre-divestiture period and reduce the risk that Clear Channel will influence Lamar's business decisions.

Other provisions in the proposed Final Judgment require that the defendants may not take any action that will in any way impede the divestiture of the Lamar Holdings. In addition, the defendants may not acquire any additional shares of Lamar stock except as a results of certain events, such as a stock split or dividend, where the percentage of their equity interest in Lamar does not increase. Any additional shares so acquired must be divested as part of the Lamar Holdings. Finally, the defendants must appoint someone to oversee the Lamar Holdings, who will be responsible for the defendant's compliance with this portion of the decree.

As a general matter, the Antitrust Division does not believe that decree restrictions dealing with corporate governance arrangements are an appropriate remedy for the anticompetitive effects that might arise from mergers and acquisitions. Such restrictions will have only limited efficacy as long-term protections against anticompetitive effects, and may require ongoing oversight of the conduct of a corporation's internal affairs that neither the Antitrust Division nor a Court is well-suited to perform. The proposed Final Judgment in this matter adopts such provisions only because of the unique factors that are present here, and only as an interim measure designed to mitigate any anticompetitive incentives that could otherwise arise during the unusually lengthy period permitted for complete divestiture of the Lamar Holdings.

D. Trustee Provisions

In the event that the defendants fail to make any required divestitures of either the Radio Assets or the Lamar Holdings (collectively the "Divestiture Assets") within the time periods set forth in the proposed Final Judgment, a trustee(s) will be appointed by the Court to effect such divestitures. Clear Channel will pay all costs and expenses of any trustee and of any professionals and agents retained by the trustee(s), and may not object to any sale by the trustee(s) on any ground other than malfeasance. After appointment, the trustee(s) will report monthly to the United States and the Court on its efforts to accomplish the required divestitures. If the trustee(s) has not accomplished the divestitures within six (6) months of his or her appointment, the trustee(s) shall inform the Court of his or her efforts to accomplish the required divestitures, the reasons the required divestitures have not been accomplished and the trustee's recommendations.

E. Ban on Reacquisition

The defendants may not reacquire any of the Divestiture Assets or the assets used in the operation of the radio stations listed in Schedule E of the proposed Final Judgment[5] during the term of the consent decree, which is for ten years unless extended by the Court. Reacquisition of any of the Divestiture Assets would undermine, if not negate, the benefits of the relief obtained in these markets. Accordingly, this provision is necessary to protect the integrity of the relief.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable

[2] In Allentown, AMFM's premerger share was 49.90 percent; Clear Channel's post-merger share will be 49.90 percent. In Harrisburg, AMFM's premerger share was 41.03 percent; the post-merger share will be 35.90 percent. In Pensacola, AMFM's premerger share was 49.61 percent; the post-merger share will be 19.69 percent. In Denver and Houston, the defendants were able to sell some of the stations required to be divested prior to consummation of their merger. In Denver, without any divestitures, the defendants would have held a post-merger market share of 66.51 percent. They sold five stations before the merger, which brought their market share down to 45.99 percent. After they sell the additional radio station required to be divested under the proposed Final Judgment, they will hold a 45.46 percent share, which is equal to AMFM's original share (i.e., before the merger and any divestitures). In Houston, the parties sold all but five stations before the merger, reducing their combined market share to 41.15 percent. After they make the additional divestitures called for by the proposed Final Judgment, they will hold only a 38.04 revenue share, which is less than AMFM's original share of the Houston market.

[3] As noted above, the parties also divested a number of radio stations prior to the filing of the Complaint in order to resolve the Department's concerns about the merger. A similar approach was employed by the Department with respect to those markets: Clear Channel was required to either divest down to its (or AMFM's) premerger market share or to a level that would not warrant competitive concern.

[4] The United States has confirmed that these two individuals resigned on August 30, 2000.

[5] Schedule E lists the other radio stations in the Denver and Houston MSAs that the parties have already divested under the "fix-it-first" arrangement. Since all the required divestitures in Denver and Houston did not occur under the "fix-it-first" approach, the defendants may not reacquire any of the stations divested in these markets, including those that they divested prior to consummating their merger.

attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**. All comments will be given due consideration by the United States Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry. The United States will evaluate and respond to the comments. The comments and the response of the United States will be filed with the Court and published in the **Federal Register**.

Any such written comments should be submitted to: J. Robert Kramer, II, Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, NW, Suite 3000, Washington, DC 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment, as well as to punish violations of its provisions.

VI. Alternatives to the Proposed Final Judgment

The United States considered as an alternative to the proposed Final Judgment, a full trial on the merits against the defendants. The United States could have brought suit and sought a preliminary and permanent injunction against the merger of Clear Channel and AMFM. The United States is satisfied, however, that the radio station divestitures, the complete divestiture of the Lamar Holdings, and the other relief contained in the proposed Final Judgment will preserve competition in the sale of radio advertising and out-of-home advertising. Thus, the United States is convinced that the proposed Final Judgment, once implemented by the Court, will prevent the Clear Channel/AMFM merger from having adverse competitive effects.

VII. Standard of Review Under the APPA for Proposed Final Judgment

The APPA requires that proposed consent judgments in antitrust cases brought by the United States be subject to sixty (60) day comment period, after which the Court shall determine whether entry of the proposed Final Judgment is "in the public interest." In making that determination, the Court may consider—

(1) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including considerations of the public benefit, if any, to be derived from a determination of the issues at trail.

15 U.S.C. 16(e) (emphasis added). As the United States Court of Appeals for the District of Columbia Circuit held, the APPA permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's Complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See United States* v. *Microsoft Corp.*, 56 F.3d 1448, 1458–62 (D.C. Cir. 1995).

In conducting this inquiry, "the Court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process."[6] Rather,

[a]bsent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should * * * carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.

United States v. *Mid-America Dairymen, Inc.*, 1977–1 Trade Cas. ¶ 61,508, at 71,980 (W.D. Mo. 1977).

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not "engage in an unrestricted evaluation of what relief would best serve the public." *United States* v. *BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988) (quoting *United States* v. *Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir.), *cert. denied*, 454 U.S. 1083 (1981)); *see also Microsoft*, 56 F.3d at 1458–62. Precedent requires that:

The balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is "*within the reaches of the public interest.*" More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.[7]

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. "[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.'"[8]

[6] 119 *Cong. Rec.* 24598 (1973). *See United States* v. *Gillette Co.*, 406 F. Supp. 713, 715 (D. Mass. 1975). A "public interest" determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. § 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues and that further procedings would aid the court in resolving those issues. *See* H.R. Rep. 93–1463, 93rd Cong. 2d Sess. 8–9 (1974), *reprinted in* 1974 U.S.C.C.A.N. 6535, 6538.

[7] *Bechtel*, 648 F.2d at 666 (citations omitted) (emphasis added); *see BNS*, 858 F.2d at 463; *United States* v. *National Broad. Co.*, 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *Gillette*, 406 F. Supp. at 716 *See also Microsoft*, 56 F.3d at 1461 (whether "the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest'") (citations omitted).

[8] *United States* v. *American Tel. and Tel Co.*, 552 F. Supp. 131, 151 (D.D.C. 1982), *aff'd. sub nom. Maryland* v. *United States*, 460 U.S. 1001 (1983) (*quoting Gillette Co.*, 406 F. Supp. at 716); *see also United States* v. *Alcan Aluminum, Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985).

Moreover, the Court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint, and does not authorize the Court to "construct [its] own hypothetical case and then evaluate the decree against that case." *Microsoft*, 56 F.3d at 1459. Since the "Court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place," it follows that the court is only authorized to review the decree itself, and not to "effectively redraft the complaint" to inquire into other matters that the United States might have but did not pursue. *Id.*

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: November 15, 2000.

Respectfully submitted,

John C. Filippini,
Trial Attorney, Litigation II Section, Antitrust Division, U.S. Department of Justice, 1401 H Street, N.W., Suite 3000, Washington, D.C. 20530, (202) 307–5782.

Certificate of Service

I, John C. Filippini, of the Antitrust Division of the United States Department of Justice, do hereby certify that true copies of the foregoing Competitive Impact Statement were served this 15th day of November, 2000, by first-class mail, to the following:

Charles E. Biggio, Akin, Gump, Strauss, Hauer & Feld, 590 Madison Avenue—20th Floor, New York, NY 10022, (212) 872–1010, Counsel for Clear Channel Communications, Inc.

Phillip E. Proger, Jones, Day, Reavis & Pogue, 51 Louisiana Avenue, N.W., Washington, D.C. 20001–2113, (202) 879–4668, Counsel for Clear Channel Communications, Inc.

Neil W. Imus, Vinson & Elkins, The Willard Office Building, 1455 Pennsylvania Avenue, N.W., Washington, D.C. 20004–1008, (202) 639–6675, Counsel for AMFM Inc.

John C. Filippini.

[FR Doc. 01–87 Filed 2–26–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The ATM Forum

Notice is hereby given that, on December 29, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), The ATM Forum has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Biodata, Lictenfels, Germany; Polycom, Palo Alto, CA; Symbiont Networks, Inc., Fairfax, VA; MobilCOM City Line GmbH, Buedelsodorf, Germany; ViaSat, Carlsbad, CA; and Ericsson France, Massy Cedex, France have been added as parties to this venture. The following members have changed their names: Wavetek Wandel Golterman to ACTERENA, Eningen, Germany; Beacon Networks, Inc. to Pelago Networks, Marlborough, MA; Silicon Automation Systems to Sasken Communication Technologies, Inc., Bangalore, India; CoreEl MicroSystems, Inc. to Paxonet, Fremont, CA; LG Information & Communications Ltd. to LG Electronics, Inc., Seoul, Republic of Korea; and Syskonnect to Syskonnect GmBH, Ettlingen, Germany. The following auditing member merged with another subsidiary of their parent company: Ericsson into Ericsson France, Massy Cedex, France. Also, The ATM Forum worldwide headquarters address has changed from Mountain View, CA to St. Louis, MO.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and The ATM Forum intends to file additional written notification disclosing all changes in membership.

On April 19, 1993, The ATM Forum filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 2, 1993 (58 FR 31415).

The last notification was filed with the Department on September 29, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 24, 2000 (65 FR 70611).

Constance K. Robinson,
Director of Operations, Antitrust Division.

[FR Doc. 01–4704 Filed 2–26–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Spray Drift Task Force

Notice is hereby given that, on January 12, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Spray Drift Task Force has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Cenex/Land O'Lakes Agronomy Company, previously named Agro Distribution, LLC, Sioux City, UT, has requested its membership name changed to Agrialiance, LLC. Also, Merck & Co., Whitehouse Station, NJ has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Spray Drift Task Force intends to file additional written notification disclosing all changes in membership.

On May 15, 1990, Spray Drift Task Force filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 15, 1990 (55 FR 27701).

The last notification was filed with the Department on November 1, 2000. A notice has not yet been published in the **Federal Register**.

Constance K. Robinson,
Director of Operations, Antitrust Division.

[FR Doc. 01–4701 Filed 2–26–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—United Technologies Research Center

Notice is hereby given that, on January 8, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), United Technologies Research Center has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Minnesota Mining and Manufacturing ("3M"), Austin, TX has been dropped effective January 1, 2001, as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and United Technologies Research Center intends to file additional written notification disclosing all changes in membership.

On March 11, 1999, United Technologies Research Center filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on May 20, 1999 (64 FR 27604).

The last notification was filed with the Department on July 18, 2000 pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 11, 2001 (66 FR 2248).

Dated: February 9, 2001.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–4702 Filed 2–26–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—United Technologies Research Center

Notice is hereby given that, on April 11, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), United Technologies Corporation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Tyco Printed Circuit Group, Inc., Stafford Springs, CT; and Ford Motor Company, Dearborn, MI have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and United Technologies Corporation intends to file additional written notification disclosing all changes in membership.

On March 11, 1999, United Technologies Corporation filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on May 20, 1999 (64 FR 27604).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–4703 Filed 2–26–01; 8:45 am]

BILLING CODE 4410–11–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

February 21, 2001.

TIME AND DATE: 10:00 a.m., Friday, March 2, 2001.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Eagle Energy, Inc., Docket No. WEVA 98–39 (issues include whether the judge correctly determined that the violation of 30 CFR 75.380(d)(1) was not due to the operator's unwarrantable failure).

Any person attending an open meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen, (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 01–4842 Filed 2–23–01; 12:48 pm]

BILLING CODE 6735–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–030)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Astronomical Search for Origins and Planetary Systems (ORIGINS); Subcommittee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, Astronomical Search for Origins Planetary Systems Subcommittee.

DATES: Tuesday, March 6, 2001, 8:30 a.m. to 5 p.m.; Wednesday, March 7, 2001, 8:30 a.m. to 5 p.m.

ADDRESSES: March 6, the subcommittee will meet at Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, CA 91109, room 180–703C. March 7, the subcommittee will meet at Carnegie Observatories, 813 Santa Barbara Street, Pasadena, California 91101.

FOR FURTHER INFORMATION CONTACT: Dr. Anne L. Kinney, Code S, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Space Interferometry Mission Replan and Science

—Eclipse Science Potential

—Next Generation Space Telescope Rescope Status and Plans

—Origins Re-architecture Plans

—Origins Architecture

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 22, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–4721 Filed 2–26–01; 8:45 am]

BILLING CODE 7510–01–U

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* March 12, 2001.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs at the February 1, 2001 deadline.

2. *Date:* March 15, 2001.
Time: 9:00 a.m. to 5:30 p.m.
Room: 730.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs at the February 1, 2001 deadline.

3. *Date:* March 15, 2001.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Humanities Projects in Libraries and Archives, submitted to the Division of Public Programs at the February 1, 2001 deadline.

4. *Date:* March 16, 2001.
Time: 9:00 a.m. to 5:30 p.m.
Room: 426.
Program: This meeting will review applications for Special Projects, submitted to the Division of Public Programs at the February 1, 2001 deadline.

5. *Date:* March 19, 2001.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs at the February 1, 2001 deadline.

6. *Date:* March 19, 2001.
Time: 9:00 a.m. to 5:30 p.m.
Room: 730.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs at the February 1, 2001 deadline.

7. *Date:* March 22, 2001.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs at the February 1, 2001 deadline.

8. *Date:* March 30, 2001.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs at the February 1, 2001 deadline.

9. *Date:* March 30, 2001.
Time: 9:00 a.m. to 5:30 p.m.
Room: 426.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs at the February 1, 2001 deadline.

Laura S. Nelson,

Advisory Committee, Management Officer.

[FR Doc. 01–4757 Filed 2–26–01; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL INDIAN GAMING COMMISSION

Fee Rates

AGENCY: National Indian Gaming Commission

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to 25 CFR 514.1(a)(3), that the National Indian Gaming Commission has adopted preliminarily annual fee rates of 0.00% for tier 1 and 0.08% (.0008) for tier 2 for calendar year 2001. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission. If a tribe has a certificate of self-regulation under 25 CFR part 518, the preliminary fee rate on class II revenues for calendar year 2001 shall be one-half of the annual fee rate, which is 0.4% (.0004).

FOR FURTHER INFORMATION CONTACT: Bobby Gordon, National Indian Gaming Commission, 1441 L Street, NW., Suite 9100, Washington, DC 20005; telephone 202/632–7003; fax 202/632–7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act established the National Indian Gaming Commission which is charged with, among other things, regulating gaming on Indian lands.

The regulations of the Commission (25 CFR part 514 and 25 CFR part 518), as amended, provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates; the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission on a quarterly basis.

The regulations of the Commission and the preliminary annual rate being adopted today are effective for calendar year 2001. Therefore, all gaming operations within the jurisdiction of the Commission are required to self-administer the provisions of these regulations and report and pay any fees

that are due to the Commission by March 31, 2001.

Richard Schiff,

Acting Chief of Staff, National Indian Gaming Commission.

[FR Doc. 01–4687 Filed 2–26–01; 8:45 am]

BILLING CODE 7565–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biological Infrastructure; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Biological Infrastructure (1215).

Date & Time: March 15, 2001, 1 pm–5 pm; March 16, 2001, 8 am–12 pm.

Place: Room 130, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Ms. Carter Kinsey, Program Manager, Minority Postdoctoral Research Fellowship Program, Division of Biological Infrastructure, Room 615, NSF, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 292–8470.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Minority Postdoctoral Research Fellowship Program proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government Sunshine Act.

Dated: February 21, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–4717 Filed 2–26–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–413]

Duke Energy Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–35 issued to Duke Energy Corporation, et al., (the licensee) for operation of the Catawba Nuclear Station, Unit 1, located in York County, South Carolina.

The proposed amendment would modify the Required Actions for the Engineered Safety Feature Actuation System (ESFAS) Table 3.3.2–1, function 6.f (auxiliary feedwater (AFW), auxiliary feedwater pump train A and train B suction transfer on suction pressure—low) on a one time basis. The proposed one time change will require that if more than 1 channel of low suction pressure instrumentation becomes inoperable, the licensee will immediately enter the applicable Condition(s) or Required Action(s) for the associated AFW train made inoperable by the inoperable channels. This modification will support the timely replacement of a broken pressure switch in the Train B of AFW Suction Transfer on low suction pressure function.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The following discussion is a summary of the evaluation of the changes contained in this proposed amendment against the 10 CFR 50.92(c) requirements to demonstrate that all three standards are satisfied. A no significant hazards consideration is indicated if operation of the facility in accordance with the proposed amendment would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated, or

2. Create the possibility of a new or different kind of accident from any accident previously evaluated, or

3. Involve a significant reduction in a margin of safety.

First Standard

Implementation of this amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. Approval of this one time amendment will have no effect on accident probabilities or consequences. For the proposed change, the equipment referenced in the affected TS (ESFAS instrumentation) is not accident initiating equipment; therefore, there will be no impact on any accident probabilities by the approval of this amendment. The design function of the equipment is not being modified by these proposed changes. The proposed one time change is not increasing the time already evaluated for an AFW train to be out of service. Therefore, there will be no impact on any accident consequences.

Second Standard

Implementation of this one time amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. No new accident causal mechanisms are created as a result of NRC approval of this amendment request. No changes are being made to the plant that will introduce any new accident causal mechanisms. This one time amendment request does not impact any plant systems that are accident initiators; therefore, no new accident types can be created.

Third Standard

Implementation of this one time amendment would not involve a significant reduction in a margin of safety. Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The performance of these fission product barriers will not be impacted by implementation of this proposed one time amendment. The equipment referenced in the affected TS for proposed one time change is already capable of performing as designed. Therefore, a significant reduction in the margin of safety is not created by this one time TS change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 29, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site *(http://www.nrc.gov)*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Ms. Lisa F. Vaughn, Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 20, 2001, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS

Public Electronic Reading Room link at the NRC Web site *(http://www.nrc.gov)*.

Dated at Rockville, Maryland, this 21st day of February 2001.

For The Nuclear Regulatory Commission.

Chandu P. Patel,

Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–4767 Filed 2–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of February 26, March 5, 12, 19, 26, April 2, 2001.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of February 26, 2001

Monday, February 26, 2001

10:15 a.m. Discussion of Intragovernmental Issues (Closed-Ex. 9) (Tentative)

2:00 p.m. Meeting with the National Association of Regulatory Utility Commissioners (NARUC) (Public Meeting) (Contact: Spiros Droggitis, 301–415–2367)

This meeting will be webcast live at the Web address—*www.nrc.gov/live.html*

Tuesday, February 27, 2001

10:25 a.m. Affirmation Session (Public Meeting) (If needed)

10:30 a.m. Briefing on Threat Environment Assessment (Closed-Ex. 1)

Week of March 5, 2001—Tentative

There are no meetings scheduled for the Week of March 5, 2001.

Week of March 12, 2001—Tentative

Monday, March 12, 2001

1:25 p.m. Affirmation Session (Public Meeting) (If needed)

1:30 p.m. Discussion of Management Issues (Closed-Ex. 2)

Week of March 19, 2001—Tentative

Thursday, March 22, 2001

10:25 a.m. Affirmation Session (Public Meeting) (If needed)

10:30 a.m. Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, 301–415–7360)

This meeting will be webcast live at the Web address—*www.nrc.gov/live.html*.

Week of March 26, 2001—Tentative

There are no meetings scheduled for the Week of March 26, 2001.

Week of April 2, 2001—Tentative

There are no meetings scheduled for the Week of April 2, 2001.

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/SECY/smj/schedule.htm*.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov*.

Dated: February 22, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–4841 Filed 2–23–01; 12:48 pm]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

Commission Briefing

AGENCY: Postal Rate Commission.

ACTION: Notice of Commission briefing.

SUMMARY: United Parcel Service (UPS) representatives will brief the Commission on a petition UPS has filed with the Department of Transportation (DOT). The petition seeks review of a DOT staff action granting a foreign forwarding license to DHL Worldwide Express.

DATES: March 1, 2001 at 10 a.m.

ADDRESSES: The briefing will be held in the Postal Rate Commission's main conference room, 1333 H St. NW., Suite 300, Washington, DC 20268.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820.

Dated: February 22, 2001.

Margaret P. Crenshaw,

Secretary.

[FR Doc. 01–4768 Filed 2–26–01; 8:45 am]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27348]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

February 21, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 16, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 16, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Consolidated Natural Gas Company (70–9841)

Consolidated Natural Gas Company ("CNG"), 120 Tredegar Street, Richmond, VA 23219, a registered public utility holding company, has filed a declaration with the Commission under sections 6(a)(2), 7(e) and 12(e) and rules 54,62(d) and 65 of the Act.

CNG became a wholly owned subsidiary of Dominion Resources, Inc. ("DRI"), also a registered holding company under the Act, as a result of a merger approved by the Commission on December 15, 1999 (HCAR No. 27113). CNG is engaged, throgh subsidiaries, in all phases of the natural gas business including distribution, transmission, exploration and production. CNG's three utility public subsidiaries, Dominion East Ohio, Dominion Peoples and Dominion Hope, serve approximately 1.7 million retail customers.

CNG seeks authorization to solicit consents and amend the indenture dated as of May 1, 1971, between CNG and the Chase Manhattan Bank, as successor Trustee ("1971 Indenture") as supplemented by 19 supplemental indentures. In connection with a 20th supplemental indenture, CNG proposes to effect changes in the 1971 Indenture ("Amendments"). Currently there are three series of debentures outstanding under the 1971 Indenture as follows:[1]

Debentures	Principal Amount
5 ¾% Debentures due August 1, 2003	$150,000,000
6 ⅝% Debentures due December 1, 2013	150,000,000
8 ¾% Debentures due October 1, 2019	71,010,000
Total outstanding	371,010,000

CNG requests authority to solicit consents from holders of the 5¾% Debentures due August 1, 2003 and the 6⅝% Debentures due December 1, 2013 (collectively, "Debentures").[2] CNG contemplates that a consent solicitation statement and accompanying materials (which consist of a consent letter, a form of beneficial owner proxy authorizing a registered owner to consent, a letter to nominees such as brokers and dealers and a form letter to be used by nominees to advise their clients of the consent solicitation) will be mailed or hand delivered to holders of the Debentures ("Debentureholders"). Debentureholders of 66⅔% in principal amount of each series of Debentures and of all the Debentures collectively must consent to the amendments in order for them to become effective. If the required consents are received, CNG will pay a consent fee to each Debentureholder who has delivered a valid consent before the expiration date as set by CNG.

CNG also currently has outstanding $1,350,000,000 principal amount in debt securities under an indenture dated as of April 1, 1995 between CNG and United States Trust Company of New York, as trustee ("1995 Indenture"). CNG plans to amend the 1971 Indenture to remove certain covenant restrictions. CNG states the effect of these amendments will, in general, be to eliminate covenants and restrictions found in the 1971 Indenture but not in the 1995 Indenture.

Specifically, CNG proposes to amend the 1971 Indenture as follows: (1) Delete section 6.05, which imposes restrictions on the sale of common or voting shares; (2) delete section 6.06, which imposes restrictions on additional funded debt of CNG and its subsidiaries and preferred stock of subsidiaries; (3) delete section 6.07, which imposes other restrictions on additional funded debt and preferred stock of new subsidiary companies; (4) delete section 6.08, which imposes restrictions on the payment of dividends; (5) delete section 6.09, which imposes restrictions on consolidation, merger or transfer of property unless specified ratios are complied with; (6) delete section 6.10, which requires CNG to file officers' certificates evidencing compliance with certain of the provisions of sections 6.06 through 6.09,[3] (7) CNG will agree for the benefit of the Debentureholders that it will comply with all covenants and restrictions in the 1995 Indenture; and (8) CNG will agree not to issue any additional debentures under the 1971 Indenture.

CNG states that neither the 1995 Indenture nor any of CNG's other credit arrangements contain restrictions of the kind imposed by sections 6.05 through 6.10 of the 1971 Indenture. CNG asserts the removal of these restrictions provides CNG with greater freedom to incur debt, pay dividends and engage in restructuring transactions that would otherwise be prohibited by the terms of the 1971 Indenture. CNG further asserts the amendments would update the terms of the 1971 Indenture to those generally accepted in capital markets for borrowers of the financial stature of CNG and DRI.

CNG requests that an order authorizing the solicitation of consents be issued as soon as practicable under rule 62(d).

For the Commission by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4749 Filed 2–26–01; 8:45 am]

BILLING CODE 8010–01–M

[1] The three series of debentures are listed on the New York Stock Exchange and were authorized by the Commission. *See* Holding Co. Act Release No. 25800 (April 21, 1993) and Holding Co. Act Release No. 24896 (May 31, 1989).

[2] CNG states that the 8¾% Debentures due October 1, 2019 were called for redemption on February 16, 2001 at a redemption price of $103.42.

[3] Either some portions, or the entirety, of sections 6.05 through 6.10 may be deleted as a result of the proposed amendments.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43992; File No. 4–208]

Joint Industry Plan; Notice of Filing of Proposed Plan Establishing Procedures Under Rule 11Ac1–5 by the American Stock Exchange, Boston Stock Exchange, Chicago Stock Exchange, Cincinnati Stock Exchange, National Association of Securities Dealers, New York Stock Exchange, Pacific Exchange, and Philadelphia Stock Exchange

February 21, 2001.

I. Introduction

On February 20, 2001, pursuant to Rule 11Aa3–2 under the Securities Exchange Act of 1934 ("Exchange Act"),[1] the American Stock Exchange LLC ("Amex"), Boston Stock Exchange, Inc. ("BSE"), Chicago Stock Exchange, Inc. ("CHX"), Cincinnati Stock Exchange, Inc. ("CSE"), National Association of Securities Dealers, Inc. ("NASD"), New York Stock Exchange, Inc. ("NYSE"), Pacific Exchange, Inc. ("PCX") and Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed plan ("Plan") for the purpose of establishing procedures for market centers to follow in making their monthly reports available to the public under Exchange Act Rule 11Ac1–5.[2] Pursuant to Rule 11Aa3–2(c)(1), the Commission is publishing this notice of, and requesting comments on, the Plan.

II. Background

On November 17, 2000, the Commission adopted Rule 11Ac1–5, which requires public disclosure of order execution information.[3] Under the Rule, all "market centers"[4] that trade national market system securities are required to make available to the public monthly electronic reports that include uniform statistical measures of execution quality. Paragraph (b)(2) of the Rule directs the self-regulatory organizations ("SROs") that trade national market system securities to act jointly in establishing procedures for market centers to follow in making their monthly reports available to the public

[1] 17 CFR 240.11Aa3–2.

[2] 17 CFR 240.11Ac1–5.

[3] Securities Exchange Act Release No. 43590 (November 17, 2000), 65 FR 75414.

[4] The term "market center" is defined in Rule 11Ac1–5(a)(14) as "any exchange market maker, OTC market maker, alternative trading system, national securities exchange, or national securities association."

in a uniform, readily accessible, and usable electronic format.

III. Summary of Plan

The full text of the Plan is set forth in the Appendix and should be referred to for all details of Plan procedures. In general, each market center required by the Rule to make monthly reports available to the public must prepare such reports in the form of electronic data files that meet the requirements set forth in Sections V and VI of the Plan. Section V, for example, provides that market center files must be in standard, pipe-delimited ASCII format, and Section VI(a) sets forth the 26 fields of information that market center files must include (in order), as well as formatting instructions for the fields. A market center must make its files available for downloading on an Internet site ("Download Site") in accordance with the provisions set forth in Section VII of the Plan (*e.g.*, the site must be free of charge and readily accessible to the public).

Under Section VIII of the Plan, each market center must make arrangements with a single SRO that is a Participant in the Plan to act as the market center's "Designated Participant." A market center must notify its Designated Participant of a hyperlink to the market center's Download Site. Finally, each Participant SRO will maintain an Internet site that includes a comprehensive list of links ("Link Site") where the files can be obtained for all of the market centers for which the Participant functions as a Designated Participant. As a result, anyone who wishes to download all files for a month can be assured that, if they visit the Internet sites of all Participants, they will find hyperlinks to all files for the month.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Plan is consistent with the Exchange Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments to the proposed Plan, all written statements with respect to the proposed Plan that are filed with the Commission, and all written communications relating to the proposed Plan between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. All submissions should refer to File No. 4–208 and should be submitted by March 20, 2001.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

Appendix—Text Of Plan

The Participants submit to the SEC this Plan establishing procedures for market centers to follow in making available to the public the monthly reports required by Rule 11Ac1–5 in a uniform, readily accessible, and usable electronic form. The Participants developed this Plan pursuant to paragraph (b)(2) of the Rule, which directs the Participants to act jointly in establishing such procedures.

I. Definitions

(a) "Designated Participant" means the Participant with which each market center has made the arrangements set forth in Section VIII of the Plan.

(b) "Exchange Act" means the Securities Exchange Act of 1934, as amended.

(c) "Participant" means a party to the Plan.

(d) "Plan" means the plan set forth in this instrument, as amended from time to time in accordance with its provisions.

(e) "Rule" means Rule 11Ac1–5 under the Exchange Act.

(f) "SEC" means the United States Securities and Exchange Commission.

(g) All terms defined in paragraph (a) of the Rule shall have the same meaning when used in the Plan, unless otherwise specified.

II. Parties

(a) List of Parties

The parties to the Plan are as follows:

American Stock Exchange LLC ("Amex"), registered as a national securities exchange under the Exchange Act and having its principal place of business at 86 Trinity Place, New York, New York 10006.

Boston Stock Exchange, Inc. ("BSE"), registered as a national securities exchange under the Exchange Act and having its principal place of business at 100 Franklin Street, Boston, Massachusetts 02110.

Chicago Stock Exchange, Inc. ("CHX"), registered as a national securities exchange under the Exchange Act and having its principal place of business at 440 South LaSalle Street, Chicago, Illinois 60605.

Cincinnati Stock Exchange, Inc. ("CSE"), registered as a national securities exchange under the Exchange Act and having its principal place of business at 440 South LaSalle Street, Suite 2600, Chicago, Illinois 50605.

National Association of Securities Dealers, Inc. ("NASD"), registered as a national securities association under the Exchange Act and having its principal place of business at 1735 K Street, N.W., Washington, D.C. 20006.

New York Stock Exchange, Inc. ("NYSE"), registered as a national securities exchange under the Exchange Act and having its principal place of business at 11 Wall Street, New York, New York 10005.

Pacific Exchange, Inc. ("PCX"), registered as a national securities exchange under the Exchange Act and having its principal place of business at 301 Pine Street, San Francisco, California 94104.

Philadelphia Stock Exchange, Inc. ("Phlx"), registered as a national securities exchange under the Exchange Act and having its principal place of business at 1900 Market Street, Philadelphia, Pennsylvania 19103.

(b) Compliance Undertaking

By subscribing to and submitting the Plan for approval by the SEC, each Participant agrees to comply with and to enforce compliance by its members with the provisions of the Plan.

(c) New Participants

The Participants agree that any entity registered as a national securities exchange or national securities association under the Exchange Act may become a Participant by: (i) executing a copy of the Plan, as then in effect; (ii) providing each then-current Participant with a copy of such executed Plan; and (iii) effecting an amendment to the Plan as specified in Section III(b) of the Plan.

III. Amendments to Plan

(a) General Amendments

Except with respect to the addition of new Participants to the Plan, any proposed change in, addition to, or deletion from the Plan shall be effected by means of a written amendment to the Plan that: (A) Sets forth the change, addition, or deletion; (B) is executed on behalf of each Participant; and (C) is approved by the SEC or otherwise becomes effective pursuant to Section 11A of the Exchange Act and Rule 11Aa3–2 thereunder.

(b) New Participants

With respect to new Participants, an amendment to the Plan may be effected by the new national securities exchange or national securities association executing a copy of the Plan, as then in effect (with the only changes being the addition of the new Participant's name in Section II(a) of the Plan and the new Participant's single-digit code in Section VI(a)(1) of the Plan) and submitting such executed Plan to the SEC for approval. The amendment will be effective when it is approved by the SEC or otherwise becomes effective pursuant to Section 11A of the Exchange Act and Rule 11Aa3–2 thereunder.

(c) Advisory Committee on Plan Amendments

(1) Each Participant shall select from its staff one individual to represent such Participant as a member of an Advisory Committee on Plan Amendments ("Advisory Committee"), together with a substitute for such individual. Such substitute may participate in deliberations of the Advisory Committee and shall be considered a voting member thereof only in the absence of the primary representative. Each Participant shall have one vote on all matters considered by the Advisory Committee.

(2) The Advisory Committee shall monitor the procedures established pursuant to this

Plan and advise the Participants with respect to any deficiencies, problems, or recommendations as the Advisory Committee may deem appropriate. Any recommendation for an amendment to the Plan from the Advisory Committee that receives an affirmative vote of at least two-thirds of the Participants, but is less than unanimous, shall be submitted to the SEC as a request for rulemaking under Exchange Act Rule 11Aa3–2.

IV. Overview of Plan Procedures

Any market center required by the Rule to make monthly reports available to the public shall prepare such reports in the form of electronic data files that meet the requirements set forth in Sections V and VI of the Plan. A market center shall make its files available for downloading on an Internet site in accordance with the provisions set forth in Section VII of the Plan. In accordance with Section VIII of the Plan, each market center[1] shall make arrangements with a single Participant to act as the market center's Designated Participant. A market center shall notify its Designated Participant of a hyperlink to the Internet site where its files can be downloaded. Each Participant will maintain an Internet site that includes a comprehensive list of links where the files can be obtained for all of the market centers for which the Participant functions as a Designated Participant.

V. File Type, Compression, and Naming

Files shall be prepared in standard, pipe-delimited ("|") ASCII format and compressed using standard Zip compression. Uncompressed files shall be named according to the following convention: "[file identification code][six-digit date code (yyyymm)].dat". A market center will use the file identification code assigned to it pursuant to section VIII of the Plan. The date code shall refer to the calendar month of trading for the market center report contained in the file. Compressed files will be named according to the same convention, except that the extension will be ".zip".

VI. File Structure

(a) Order and Format of Fields

(1) The first field in a file shall be the code identifying the Participant that is acting as Designated Participant for the market center under Section VIII of the Plan. The Participant identification codes are as follows: Amex—"A"; BSE—"B"; CHX—"M"; CSE—"CSE"; NASD—"T"; NYSE—"N"; PCX—"P"; Phlx—"X".

(2) The next field in a file shall be the code identifying the market center, as assigned by a Designated Participant pursuant to Section VIII of the Plan.

(3) The next field in a file shall be the six-digit code identifying the date of the calendar month of trading for the market center report contained in the file ("yyyymm").

(4) The next field in a file shall be the symbol assigned to an individual security under the national market system plan pursuant to which the consolidated best bid and offer for such security are disseminated on a current and continuous basis.

(5) The next field in a file shall be the code for the one of the five types of order by which the Rule requires a market center to categorize its report. The order type codes are as follows: market orders—"11"; marketable limit orders—"12"; inside-the-quote limit orders—"13"; at-the-quote limit orders—"14"; near-the-quote limit orders—"15".

(6) The next field in a file shall be the code for one of the four order size buckets by which the Rule requires a market center to categorize its report. The order size codes are as follows: 100–499 shares— "21"; 500–1999 shares—"22"; 2000–4999 shares—"23"; 5000 or more shares— "24".

(7) The next field in a file shall be the number of covered orders, as specified in paragraph (b)(1)(i)(A) of the Rule.

(8) The next field in a file shall be the cumulative number of shares of covered orders, as specified in paragraph (b)(1)(i)(B) of the Rule.

(9) The next field in a file shall be the cumulative number of shares of covered orders cancelled prior to execution, as specified in paragraph (b)(1)(i)(C) of the Rule.

(10) The next field in a file shall be the cumulative number of shares of covered orders executed at the receiving market center, as specified in paragraph (b)(1)(i)(D) of the Rule.

(11) The next field in a file shall be the cumulative number of shares of covered orders executed at any other venue, as specified in paragraph (b)(1)(i)(E) of the Rule.

(12) The next field in a file shall be the cumulative number of shares of covered orders executed from 0 to 9 seconds after the time of order receipt, as specified in paragraph (b)(1)(i)(F) of the Rule.

(13) The next field in a file shall be the cumulative number of shares of covered orders executed from 10 to 29 seconds after the time of order receipt, as specified in paragraph (b)(1)(i)(G) of the Rule.

(14) The next field in a file shall be the cumulative number of shares of covered orders executed from 30 to 59 seconds after the time of order receipt, as specified in paragraph (b)(1)(i)(H) of the Rule.

(15) The next field in a file shall be the cumulative number of shares of covered orders executed from 60 to 299 seconds after the time of order receipt, as specified in paragraph (b)(1)(i)(I) of the Rule.

(16) The next field in a file shall be the cumulative number of shares of covered orders executed from 5 minutes to 30 minutes after the time of order receipt, as specified in paragraph (b)(1)(i)(J) of the Rule.

(17) The next field in a file shall be the average realized spread for executions of covered orders, as specified in paragraph (b)(1)(i)(K) of the Rule. The amount shall be expressed in dollars and carried out to four decimal places.

(18) The next field in a file shall be the average effective spread for executions of covered orders, as specified in paragraph (b)(1)(ii)(A) of the Rule. The amount shall be expressed in dollars and carried out to four decimal places.

(19) The next field in a file shall be the cumulative number of shares of covered orders executed with price improvement, as specified in paragraph (b)(1)(ii)(B) of the Rule.

(20) The next field in a file shall be, for shares executed with price improvement, the share-weighted average amount per share that prices were improved, as specified in paragraph (b)(1)(ii)(C) of the Rule. The amount shall be expressed in dollars and carried out to four decimal places.

(21) The next field in a file shall be, for shares executed with price improvement, the share-weighted average period from the time of order receipt to the time of order execution, as specified in paragraph (b)(1)(ii)(D) of the Rule. The period shall be expressed in number of seconds and carried out to one decimal place.

(22) The next field in a file shall be the cumulative number of shares of covered orders executed at the quote, as specified in paragraph (b)(1)(ii)(E) of the Rule.

(23) The next field in a file shall be, for shares executed at the quote, the share-weighted average period of time from the time of order receipt to the time of order execution, as specified in paragraph (b)(1)(ii)(F) of the Rule. The period shall be expressed in number of seconds and carried out to one decimal place.

(24) The next field in a file shall be the cumulative number of shares of covered orders executed outside the quote, as specified in paragraph (b)(1)(ii)(G) of the Rule.

(25) The next field in a file shall be, for shares executed outside the quote, the share-weighted average amount per share that prices were outside the quote, as specified in paragraph (b)(1)(ii)(H) of the Rule. The amount shall be expressed in dollars and carried out to four decimal places.

(26) The next field in a file shall be, for shares executed outside the quote, the share-weighted average period of time from the time of order receipt to the time of order execution, as specified in paragraph (b)(1)(ii)(I) of the Rule. The period shall be expressed in number of seconds and carried out to one decimal place.

(b) Records

Files shall have separate records for each combination of security, order type, and order size by which a market center must categorize its report under the Rule (a maximum of 20 records for each individual security).[2] The end of each record shall be designated by a carriage return line feed. If there are no orders on which a market center must report during a month for a specific combination of security, order type, and order size, no record for such combination need be displayed. If there is no data for a particular field within a record (*e.g.*, the Rule does not require such information for inside-

[1] An entity that acts as a market maker in different trading venues (*e.g.*, as specialist on an exchange and as an OTC market maker) would be considered as a separate market center under the Rule for each of those trading venues. Consequently, the entity should arrange for a Designated Participant for each market center/trading venue (*e.g.*, an exchange for its specialist trading and an association for its OTC trading).

[2] For each individual security, there are five order types that could each be broken down into four size buckets.

the-quote limit orders, at-the-quote limit orders, and near-the-quote limit orders), the field shall be left empty.

VII. Internet Sites for Downloading Market Center Files

A market center shall make its compressed files available for downloading (via FTP) at a single page on an Internet site that is free of charge and readily accessible to the public.[3] A market center shall make available on such page the files containing at least the three most recent monthly reports of the market center.

VIII. Functions of Designated Participant

Each market center shall be responsible for arranging with a single Participant to act as the market center's Designated Participant.[4] The functions of a Designated Participant are as follows.

(a) Assignment of Market Center and File Identification Codes

A Designated Participant shall assign a unique market center identification code to each market center for which it acts as Designated Participant. If an individual market center's report will be included in a file that contains only that market center's report, the file identification code for the file shall be the same as the market center identification code. If an individual market center's report will be included in a file that contains any additional market center's report (*e.g.*, if the reports for all of an exchange's specialists are included in a single file), the Designated Participant also shall assign a separate file identification code for such file. All Designated Participants will act jointly to assure that no market center or file is assigned a code that previously has been assigned (*e.g.*, by circulating advance notice to all Participants of codes that have been assigned).

(b) Maintenance of Market Center Identification Files

A Designated Participant shall create and maintain a market center identification file (in standard, pipe-delimited ("|") ASCII format) for each calendar month. Such file shall contain fields setting forth, in order, (A) the identification code for the Designated Participant (as set forth in Section VI(a)(1) of the Plan); (B) all market center identification codes that the Designated Participant has assigned for the month, (C) the full name of the market center (in upper case), and (D) the file identification code applicable to each market center (if different from the market center identification code). A Designated Participant shall make at least the three most recent market center identification files available for downloading (via FTP) on an Internet site that is free of charge and easily accessible to the public.

(c) Maintenance of Internet Site with Links to Download Sites

A market center shall notify its Designated Participant of the hyperlink to the location where the market center's files can be downloaded in accordance with Section VII of the Plan. A Designated Participant shall maintain a comprehensive list of the hyperlinks provided by its market centers at the same location at which market center identification files can be downloaded in accordance with Section VIII(b) of the Plan. As a result, anyone who wishes to download all files for a month can be assured that, if they visit the Internet sites of all Participants, they will find hyperlinks to all files for the month.

(d) Change of Designated Participant

A market center may change the identity of its Designated Participant only by arranging with another Participant to act as a replacement. The Participant that has agreed to act as a replacement Designated Participant shall provide written notice of the change to all other Participants, as well as make such notice available on the Internet site maintained by the replacement Designated Participant under Section VIII(b) of the Plan. The notice shall specify both the past and new market center identification code and file identification code for the market center, or state that the codes have not changed. The change shall not be effective until 30 days after the date of the written notice.

IX. Internet References to Information Required by Rule

When referring to information on Internet sites that the Rule requires to be made available to the public, market centers and Designated Participants shall use the phrase "Disclosure of SEC-Required Order Execution Information."

X. Specifying Regular Trading Hours Under the Rule

With respect to the meaning of the term "regular trading hours" under paragraph (a)(19) of the Rule, the Participant who maintains the primary listing for a national market system security shall specify the regular trading hours for such security if they are to be other than the time between 9:30 a.m. and 4:00 p.m. Eastern Time. To effect a specification of regular trading hours under this Section X, a Participant shall submit a proposed rule change to the SEC under Section 19 of the Exchange Act. A Participant may specify as regular trading hours for a security only those times when the Participant itself is trading the security.

XI. Withdrawal from Plan

If a Participant ceases to be subject to the Rule or obtains SEC approval for another means of complying with the Rule, such Participant may withdraw from the Plan at any time on not less than 30 days' prior written notice to each of the other Participants. At such time, the withdrawing Participant shall have no further rights or obligations under the Plan.

XII. Counterparts and Signatures

The Plan may be executed in any number of counterparts, no one of which need contain all signatures of all Participants, and as many of such counterparts as shall together contain all such signatures shall constitute one and the same instrument.

In Witness Thereof, this Plan has been executed as of the 20th day of February 2001 by each of the parties hereto.

[FR Doc. 01–4748 Filed 2–26–01; 8:45 am]

BILLING CODE 8010–01–P

[3] A market center can maintain its own Internet site at which its files can be downloaded or arrange for another person to maintain the Internet site at which the market center's files can be downloaded (as well as potentially the files of other market centers).

[4] *See* note 1 above for treatment of an entity that acts as a market maker in more than one trading venue and therefore would arrange for a Designated Participant for each market center/trading venue under the Rule.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43984; File No. SR–CBOE–00–13]

Self Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Amending Procedures and Requirements for Trading in Joint Accounts in Equity and Index Options

February 20, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder, [2] notice is hereby given that on April 3, 2000, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On January 8, 2001, the CBOE filed Amendment No. 1 with the Commission.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Timothy Thompson, Assistant General General Counsel, Legal Department, CBOE, to Deborah Flynn, Senior Special Counsel, Division of Market Regulation ("Division"), Commission, dated October 23, 2000 ("Amendment No. 1"). In response to comments from Commission staff, the Exchange submitted Amendment No. 1, which: (i) States that staff at the American Stock Exchange LLC, International Securities Exchange LLC, Pacific Exchange, Inc., and Philadelphia Stock Exchange, Inc. have informed the CBOE that their respective regulatory policies do not include any specific rule or regulatory circular that addresses wash sale transactions or that prohibits trading between joint accounts with common participants; (ii) represents that the proposed rule change makes the CBOE's rules and regulatory policies regarding transactions between related accounts or entities consistent with those in place at the other options exchanges; and (iii) cites three letters that were submitted by CBOE members to the Exchange in support of the rule filing.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend Interpretation .06 to Exchange Rule 8.9 and Exchange Regulatory Circulars RG 98–94 and RG 98–95, which set forth Exchange procedures and requirements for trading in joint accounts in equity and index options, to allow certain transactions between joint accounts that have common participants. The text of the proposed rule change is set forth below. Deletions are in brackets.

* * * * *

RULE 8.9

No change.

Interpretations and Policies:

.01–.05—No change.

.06—No participant in a joint account shall effect a transaction, in person or via order, either for his own account or for the joint account, with another member acting on behalf of the joint account. [In addition, no joint account participant shall cause a transaction to be executed for the joint account with another member acting on behalf of another joint account if the member knows or, in the exercise of reasonable care under the circumstances, the member has reason to know that the two joint accounts have one or more common participants.]

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 9(a)(1)(A) of the Exchange Act prohibits any person from effecting any transaction in any securities registered on a national securities exchange, which involves no change in beneficial ownership, for the purpose of creating a false or misleading appearance of active trading in any such security.[4] In the early 1980s, the CBOE adopted a regulatory interpretation of this "wash sale" rule that prohibited trading between related accounts with greater than 10% common ownership. The 10% threshold was consistent with the standard used in Exchange Rule 4.11 (Position Limits), which states that common control, among other factors, will be presumed if an individual or entity has greater than 10% ownership. The CBOE's wash sale interpretation is not specifically addressed in any existing CBOE rule; rather, it was largely communicated to the membership verbally, or in written communication regarding non-aggregation of accounts for position limit compliance.[5] Any violation of this prohibition is considered a violation of Exchange Rule 4.1 (Just and Equitable Principles of Trade).

The Exchange adopted Interpretation .06 to Exchange Rule 8.9 to extend this trading prohibition to market maker joint accounts that have common participants. Interpretation .06 to Exchange Rule 8.9 and Exchange Regulatory Circulars [6] state that "no joint account participant shall cause a transaction to be executed for the joint account with another member acting on behalf of another joint account if the member knows, or in the exercise of reasonable care under the circumstances, the member has reason to know that the two joint accounts have one or more common participants." This language expressly imposed a knowledge requirement as an element of the offense of effecting a transaction between joint accounts with common participants.[7]

The Exchange adopted Interpretation .06 event though it believed that, in many instances, the trading in joint accounts with common participants is not effected by the same common joint account participant. The Exchange also recognized that market makers are not always in the position to know whether there are common joint account participants because of the frequency in which joint account composition may change. Although joint accounts may have common participants, common ownership between joint accounts is typically widely diverse.

The CBOE believes that its current interpretation of a wash sale is more restrictive than the rules in place at other national securities exchanges and the SEC.[8] The Exchange represents that its current interpretation of a wash sale does not promote a level playing field for its members vis-à-vis other exchanges' members and thus, places the Exchange at a competitive disadvantage. The Exchange states that it has also received requests from individual members who provide financial backing to other members via joint accounts, and from member organizations with affiliated broker/dealer entities, to provide exemptions from this regulatory policy.[9] These members argued that such related accounts are structured as separate profit centers and are operated by affiliates independently, and separate books and records are maintained for these accounts. Moreover, these members stated that it is burdensome to monitor their associated accounts to ensure that the accounts do not trade together when the common joint account participants are not aware of what the other associated account is trading. Therefore, the Exchange proposes to alter its long-standing regulatory interpretation so that certain transactions effected between joint accounts with common participants would be permitted, provided that such transactions are effected within Exchange rules.

[4] 15 U.S.C. 78i(a)(1)(A).

[5] Members who have been granted non-aggregation pursuant to Exchange Rule 4.11.03 are advised in writing that although non-aggregation has been granted, trading between the subject associated accounts is prohibited.

[6] The Regulatory Circular governing joint account trading in certain index options was approved in Securities Exchange Act Release No. 31174 (September 10, 1992), 57 FR 42789 (September 16, 1992). The Regulatory Circular governing joint account trading in equity options was approved in Securities Exchange Act Release No. 36977 (March 15, 1996), 61 FR 11911 (March 22, 1996.

[7] *See* Securities Exchange Act Release No. 38286 (February 13, 1997), 62 FR 8287 (February 24, 1997) (SR–CBOE–96–70).

[8] The Exchange represents that staff at the American Stock Exchange LLC, International Securities Exchange LLC, Pacific Exchange, Inc., and Philadelphia Stock Exchange, Inc. have informed the CBOE that their respective regulatory policies do not include any specific rule or regulatory circular that addresses wash sale transactions or that prohibits trading between joint accounts with common participants. The Exchange also believes that under section 9(a)(1)(A) of the Exchange Act, only those transactions that involve no change in beneficial ownership and that are effected for an improper purpose, such as creating a false and misleading appearance of market activity, would be considered a violation of the Exchange Act. *See* Amendment No. 1, *supra* note 3.

[9] Letter from Patricia Levy, General Counsel, and Steven O'Malley, Compliance & Regulatory Officer, Hull Trading Company, LLC, to Mary Bender, Senior Vice President, Division of Regulatory Services, CBOE, dated August 13, 1999 ("Hull Letter") and Letter from William J. Shimanek, Kessler Asher Clearing, to Pat Cerny, CBOE, dated April 24, 1996 ("Kessler Letter"). The Exchange notes that Kessler Asher Clearing is no longer an effective member of the CBOE. *See* Amendment No. 1, *supra* note 3. The Exchange also received a letter from Fulcrum Investment Group LLC ("Fulcrum") urging the Exchange to liberalize its policy on wash sales. Letter from Michael J. Carusillo, Chief Executive Officer, and Barbara McHugh, President, Fulcrum Investment Group, LLC, to Pat Cerny, Director, Department of Market Regulation, CBOE, dated July 17, 1998 ("Fulcrum Letter"). This letter is discussed in Section II.C. of this Notice.

The proposed rule change would enable common participants to trade between related joint accounts that are used as financing vehicles without violating Exchange Rule 8.9. The Exchange proposes that the following activity be permitted: (1) Trading between different market makers or other broker/dealer accounts that are financed by the same member where there is no common control over the trading activity in those accounts; and (2) trading between independently operated subsidiaries (*i.e.*, separate broker/dealers) of the same parent or holding company.[10]

The Exchange represents that it will continue to prohibit the following activity: (1) Market makers trading with their joint account, even though their percentage of ownership is less than 100% (for instance, market maker ABC finances market maker XYZ via a joint account and ABC is a participant in the joint account. Ownership is 50% and XYZ makes his own trading decisions. ABC is still prohibited from trading directly with the joint account of which he is a member); (2) nominees of the same entity trading with each other on behalf of the entity; (3) firm traders employed by the same broker/dealer on different trading desks trading together, regardless of whether they are separate profit centers; and (4) spouses trading together.

The Exchange represents that under the proposed rule change, transactions between related joint accounts that are effected for an improper purpose, such as trades executed to create a false and misleading appearance of activity, would continue to violate Exchange Rule 4.1 (Just and Equitable Principles of Trade). The Exchange states that its Department of Market Regulation will continue to monitor trading between accounts with common beneficial ownership for trading abuses.

2. Statutory Basis

The Exchange represents that the proposed rule change is consistent with section 6(b) of the Act,[11] in general, and furthers the objectives of section 6(b)(5),[12] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

[10] The Exchange has represented that it will issue a regulatory circular informing members of permitted and prohibited trading activity among joint accounts.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange received a letter from Fulcrum urging the Exchange to re-evaluate its policy on trading between joint accounts.[13] Fulcrum states that it is appropriate to allow trading between joint accounts where control has been successfully refuted. In addition, Fulcrum notes that stock exchange interpretations specifically state that a trade between a parent and its wholly-owned broker-dealer affiliate results in a change in beneficial ownership subject to trade reporting, and therefore would not be considered a wash sale. Fulcrum urges the Exchange to relax its policy to permit legitimate trading activity between joint accounts.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to the File No. SR–CBOE–00–13 and should be submitted by March 20, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4755 Filed 2–26–01; 8:45 am]

BILLING CODE 8010–01–M

[13] Fulcrum Letter, *supra* note 9. In addition, the Exchange represents that its regulatory staff has had numerous conversations with members since the Exchange first considered changing its regulatory policy regarding transactions between accounts with common ownership.

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43983; File No. SR–ISE–01–02]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the International Securities Exchange LLC, Relating to Anticipatory Hedging Activity

February 20, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 12, 2001, the International Securities Exchange LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to adopt Supplementary Material .02 to Rule 400 (Just and Equitable Principals of Trade). Supplementary Material .02 states that it may be considered conduct inconsistent with just and equitable principles of trade for any member or person associated with a member, who has knowledge of all material terms and conditions of (1) an order and a solicited order, (2) an order being facilitated, or (3) orders being crossed, the execution of which are imminent, to enter, based on such knowledge, an order to buy or sell an option of the same class as any option that is the subject of the order, or an order to buy or sell the security underlying such class, or an order to buy or sell any related instrument.

This prohibition of the proposed rule change would continue until either (1) all of the terms of the order of which the member or associated person has knowledge are disclosed to the trading crowd, or (2) the trade can no longer reasonably be considered imminent in view of the passage of time since the order was received. The rule specifies that the terms of an order are "disclosed" to the trading crowd on the Exchange when the order is entered into the System or into the Facilitation Mechanism.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to adopt Supplementary Material .02 to Rule 400 (Just and Equitable Principles of Trade) to prohibit the use of non-public information received during the facilitation and solicitation processes. ISE Rule 717(d)–(e), in conjunction with ISE Rule 716(d), required that orders be displayed to the trading crowd before being crossed with facilitation orders or orders that have been solicited. The purpose of this requirement is to provide the trading crowd with an opportunity to participate in the transaction with the facilitating member or the solicited party.

The Exchange seeks to codify its policy prohibiting either a member or a person associated with a member from using non-public information for the member's benefit by trading in the underlying stock or in related instruments prior to exposing the order to the trading crowd. This policy prevents members and associated persons from using undisclosed information about imminent options transactions to trade the relevant option or any closely related instrument in advance of the trading crowd. Such action would undermine the ability of crowd participants to participate in the execution of the order at equally favorable terms as the member representing the order.

2. Statutory Basis

The basis for this proposed rule change is the requirement under section 6(b)(5) of the Act[3] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Act

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the ISE consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal offices of the Exchange. All submissions should refer to File No. SR–ISE–01–02 and should be submitted by March 20, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4756 Filed 2–26–01; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b)(5).

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43988; File No. SR–NASD–00–37]

Self-Regulatory Organizations; Notice of Withdrawal of Proposed Rule Change by the National Association of Securities Dealers, Inc., Relating to Permanent Approval of the Nasdaq Application of the OptiMark System

February 20, 2001.

On June 19, 2000, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary the Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission") a proposed rule change, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] to seek permanent approval of the Nasdaq Application of the OptiMark System without any restrictions on the trading activity to be conducted through the facility. Notice of the proposed rule change was published on August 9, 2000, in the **Federal Register**, to solicit comment from

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

interested persons.[3] On February 12, 2001, the Nasdaq withdrew the proposed rule change.[4]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4750 Filed 2–26–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43986; File No. SR–PCX–01–10]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to an Interim Intermarket Linkage Program

February 20, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 6, 2001,[3,4] the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PCX. PCX filed the proposal pursuant to section 19(b)(3)(A) of the Act,[5] and Rule 19b–4(f)(6) thereunder,[6] which renders the proposal effective upon filing with the Commission.[7] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX is proposing to adopt a rule providing for the implementation of "interim linkages" with other option exchanges.[8]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to implement certain aspects of an intermarket options linkage on an "interim" basis.[9] This interim linkage would utilize existing systems to facilitate the sending and receiving of order flow between PCX market makers and their counterparts on the other option exchanges as an interim step towards development of a "permanent" linkage.

The Commission has approved a linkage plan that now includes all five option exchanges.[10] The option exchanges continue to work towards implementation of this linkage. However, because the implementation may take a significant amount of time, the option exchanges have discussed implementing an "interim" linkage. Such a linkage would use the existing market infrastructure to route orders between market makers on the participating exchanges in a more efficient manner.

The key component of the interim linkage would be for the participating exchanges to open their automated customer execution systems, on a limited basis, to market maker orders. Specifically, market makers would be able to designate certain orders as "customer" orders, and thus would receive automatic execution of those orders on participating exchanges.

This proposed rule would authorize the PCX to implement bilateral or multilateral interim arrangements with the other exchanges to provide for equal access between market makers on our respective exchanges. The Exchange currently anticipates that the initial arrangements would allow PCX Designated Lead Market Makers ("LMMs") and their equivalents on the other exchanges, when they are holding customer orders, to effectively send those orders to the other market for execution when the other market has a better quote. Such orders would be limited in size to the lesser of the size of the two markets' automatic execution size for customer orders.

All interim linkage orders must be "immediate or cancel" (that is, they cannot be placed on an exchange's limit order book), and a market maker may send a linkage order only when the other (receiving) market is displaying the national best bid or offer and the sending market is displaying an inferior price. This will allow a market maker to access the better price for its customer. In addition, if the interim linkage includes principal orders, it would allow market makers to attempt to "clear" another market displaying a superior quote. Any exchange participating in the interim linkage will implement heightened surveillance procedures to help ensure that their market makers send only properly-qualified orders through the linkage.

LMM participation in the interim linkage will be voluntary. Only when an LMM and its equivalent on another exchange believe that this form of mutual access would be advantageous will the exchanges employ the interim linkage procedures. The PCX believes that the interim linkage will benefit investors and will provide useful experience that will help the exchanges in implementing the full linkage.

2. Statutory Basis

The PCX believes that the proposed rule change meets the requirement of section 6(b)(5) under the Act[11] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transaction in securities to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter times as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[14]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–01–10 and should be submitted by March 20, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4753 Filed 2–26–01; 8:45 am]

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[3] Securities Exchange Act Release No. 43107 (Aug. 2, 2000), 65 FR 48771.

[4] *See* letter from Peter R. Geraghty, Assistant General Counsel, Nasdaq, to John Polise, Senior Special Counsel, Division of Market Regulation, Commission, dated February 12, 2001.

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3–4] On February 9, 2001, the Exchange submitted Amendment No. 1 to the proposed rule change. *See* letter from Michael Pierson, Vice President, Regulatory Policy, PCX, to John Roeser, Attorney, Division of Market Regulation, Commission, dated February 8, 2001 ("Amendment No. 1"). In Amendment No. 1, the PCX made technical changes to the proposed rule text.

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6).

[7] The Commission has agreed to waive the 5-day pre-filing notice requirement. *See* 17 CFT 240.19b–4(f)(6)(iii).

[8] On January 30, 2001, the Commission approved similar proposals submitted by the Chicago Board Options Exchange, Inc. ("CBOE") and the International Securities Exchange LLC ("ISE"). *See* Securities Exchange Act Release No. 43904 (January 30, 2001), 66 FR 9112 (February 6, 2001).

[9] Under the proposal, the interim linkage would be for a pilot period expiring on January 31, 2002.

[10] *See* Securities Exchange Act Release Nos. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000); 43573 (November 16, 2000), 65 FR 70851 (November 28, 2000); and 43574 (November 16, 2000), 65 FR 70850 (November 28, 2000).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] The Commission has approved similar interim linkage proposals submitted by the CBOE and the ISE. *See supra* note 8.

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43972; File No. SR–Phlx–00–48]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Telephone Use on the Options Floor

February 15, 2001.

I. Introduction

On June 16, 2000, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b-4 thereunder,[2] a proposed rule change establishing rules on telephone use on the options floor. The Exchange filed Amendment No. 1 to the proposed rule change on December 1, 2000.[3] The **Federal Register** published the proposed rule change, as amended, for comment on December 28, 2000.[4] The Commission received no comments on the proposal. This order approves the proposal, as amended.

II. Description of Proposal

The Phlx proposes to amend Exchange Rule 606 to establish rules and procedures for telephone use on the Phlx's options floor.[5] The proposed rule contemplates that certain types of telephones (*i.e.*, cellular phones) may be used for personal purposes.[6] The proposed rule would limit the use of telephones on the options floor for business purposes, depending on the category of user (specialist, registered options trader ("ROT"), floor broker, or clerk).

The proposed rule change would require members and member organizations to register by category of user any new telephone to be used on the option's floor prior to use. Registration and maintenance of registration records would be handled through the Exchange's Membership Services Department. If there is a change in the category of user, the telephone must be re-registered with the Exchange. At the time of registration, the user must sign a statement that the user is aware of and understands the rules governing the use of telephones on the options floor. The Exchange believes that this should facilitate record keeping and also should enhance the ability of the Exchange's Market Surveillance Department to investigate potential violations of the rule.

The proposed rule also would provide that no person on the options floor may use any device, including, but not limited to, intercoms, walkie-talkies, and similar devices, for the purpose of maintaining an open line of communication whereby a person not located in a trading crown may continuously monitor the activities of that crowd.

The proposed rule specifies the capacity and functionality permitted for use of telephones on the options floor. Specifically, proposed Phlx 606(e)(2) provides that no wireless telephone on the options floor may have an output of more than one watt.

The purpose of this provision is to minimize the possibility of radio frequency or other interference with the systems of the Exchange of those of other members.[7]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] The Exchange submitted a new Form 19b-4, which replaced and superseded the original filing ("Amendment No. 1"). Amendment No. 1 amended the purpose section of the proposed rule change to provide a description of provisions governing floor brokers, registered options traders, general access phones, and exchange liability. Amendment No. 1 also clarified that registration and maintenance of registration records is handled through the Exchange's Membership Services Department. Finally, Amendment No. 1 amended proposed Phlx Rule 606(e)(3) to include specialists.

[4] Securities Exchange Act Release No. 43740 (December 19, 2000), 65 FR 82437.

[5] The proposal will also be set forth in new Options Floor Procedure Advice ("OFPA") F–31.

[6] All categories of users are permitted to make and receive personal phone calls, subject to existing prohibitions when necessary because of electronic interference. Telephone calls between Rick Rudolf, Counsel, Phlx, and Sonia Patton, Staff Attorney, Commission (December 18, 2000).

[7] Currently, Exchange Rule 606(b)(2) prohibits members, member organizations and any person associated with a member organization from establishing or maintaining any telephonic, electronic or wireless transmitting system or device, and from operating any other equipment on the Options Floor, that creates radio frequency or other interference with the systems of the Exchange or other members.

The proposed rule sets forth specific guidelines for each category of user on the options floor. Proposed Phlx Rule 606(e)(3) would provide that specialists and ROTs on the trading floor may use their own cellular and cordless phones to place calls to any person at any location (whether on or off the options floor).[8] Any telephonic order entered from off the options floor must be placed with a person located in a floor broker booth.

Proposed Phlx Rule 606(e)(4) would allow floor brokers to use cellular and cordless phones, but only to communicate with persons located on the options floor. The proposed rule would prohibit floor brokers from receiving telephonic orders while in the trading crowd. Orders phoned to floor brokers must be received at the floor broker's booth.[9]

Proposed Phlx Rule 606(e)(5) would provide that floor broker clerks and stock execution clerks are subject to the same terms and conditions on telephone use as floor brokers.

Proposed Phlx Rule 606(e)(6) states that the general access in-house telephones located outside of the trading post areas may be used by any member, clerk or floor broker to communicate with persons located on the options floor or within the Exchange complex.

Proposed Phlx Rule 606(e)(7) would require members to maintain all cellular or cordless telephone records for at least one year, and provides the Exchange the right to inspect and/or examine these records.

Finally, proposed Phlx Rule 606(e)(8) states that the Exchange assumes no liability to members or member organizations due to conflicts between telephones in use on the options floor or due to electronic interference problems resulting from the use of telephones on the trading floor.

Proposed OFPA F–31 contains the same provisions as proposed Rule Phlx 606(e) in order to facilitate on-floor reference to the Exchange's regulations regarding on-floor communications devices.

[8] Specialists are also permitted to receive incoming calls, but cannot receive orders from the trading crowd. The Phlx has also noted that there is nothing in their rules that would prohibit specialists from using their phones to solicit orders, as long as the solicitations are consistent with Phlx Rule 1064(c). Telephone call between Rick Rudolf, Counsel, Phlx, and Sonia Patton, Staff Attorney, Commission (December 18, 2000).

[9] Someone from the floor broker's booth would be permitted to call a floor broker to request the broker come and pick up an order from the booth. Telephone call between Rick Rudolf, Counsel, Phlx, and Sonia Patton, Staff Attorney, Commission (December 18, 2000)

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In particular, the Commission finds that the proposed rule change meets the requirements of section 6(b)(5) of the Act,[11] which states that, among other things, the rules of an exchange must be designed to facilitate securities transactions and to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest. Specifically, the Commission finds that the requirements of the proposed rule governing the use of telephones on the options floor and the proposed restrictions on each category of user are reasonable and consistent with the maintenance of fair and orderly markets.

Proposed Phlx Rule 606(e)(3) contains restrictions on telephone use by specialists and ROTs. The rule permits specialists and ROTs to use their own cellular or cordless phones to place calls to any person at any location. However, ROTs located off of the trading floor may not place an order by calling a floor broker, or a specialist, located in the trading crowd. Any telephonic order entered from off of the trading floor must be placed with the member firm booth. Because specialists and ROTs generally do not deal directly with public customers, the Commission does not believe that allowing specialists and ROTs to communicate with persons located off of the trading floor raises the same regulatory concerns discussed below regarding floor brokers. As a result, the Commission finds that it is consistent with the Act to allow specialists and ROTs to use cellular and cordless phones to call locations off of the trading floor. In addition, the Commission believes that it is reasonable and consistent with the Act to require orders entered off of the trading floor to be placed with a member firm booth.

Proposed Phlx Rule 606(e)(4) permits floor brokers to use cellular and cordless phones, but only to communicate with persons located on the options floor. The rule also requires all orders phoned to floor brokers to be received initially at the floor broker's booth and states that floor brokers may not receive telephonic orders while in the trading crowd, except from their booth. The Commission believes that the Exchange's prohibition on the use of telephones by floor brokers to call locations off of the floor or to receive orders from off of the floor is justified by legitimate regulatory concerns. Specifically, the Phlx must ensure compliance with rules requiring that members who accept orders directly from public customers are qualified to do so. Accordingly, this prohibition helps to provide adequate surveillance over this activity be requiring all orders to be taken at the member firm booth and by restricting outside phone calls. In addition, preventing floor brokers from directly accessing market information that might only be available on the floor of the exchange trading the securities underlying the options trading on the Phlx, helps to alleviate concerns about frontrunning and other forms of market manipulation. The proposal also helps to prevent persons located off of the trading floor from having virtually direct access to the trading crowd and receiving certain time and place advantages over other customers. Moreover, the Commission believes that requiring orders to be initially received at the floor broker's booth, where it is recorded before being forwarded to a floor broker in the crowd, should help to ensure that there is a record of each telephonic order if a trading problem or dispute arises.

Proposed Phlx rule 606(e)(5) provides that floor broker clerks and stock execution clerks are subject to the same terms and conditions on telephone use as floor brokers. In addition, the Exchange's Options Committee reserves the right to prohibit clerks from using cellular or cordless phones on the floor if necessary due to electronic interference or capacity problems. For the reasons discussed above regarding telephone use by floor brokers, the Commission finds that the proposed restrictions on clerks are reasonable and consistent with the Act.

Moreover, the Commission finds that the registration requirements set forth in proposed Phlx Rule 606(e)(1) and the record retention requirements set forth in proposed Phlx Rule 606(e)(7) are reasonable, consistent with the Act, and should assist the Exchange in monitoring for compliance with the proposed rule change. The Commission also finds that the limits on capacity and functionality set forth in proposed Phlx Rule 606(e)(2) should help to ensure that phones used on the options floor do not cause interference with each other or with Exchange systems.

Finally, the Commission believes that the proposed amendments to the Exchange's minor rule violation plan are reasonable and provide fair procedures for appropriately disciplining members and member organizations for minor rule violations that warrant some type of punitive measure, but for which a full disciplinary hearing would be an inappropriate waste or resources because of the minor nature of the violation. The Commission believes that the proposed change to the existing fine schedule is appropriate and should serve to discourage violations of the Exchange's telephone policy.

The Commission supports the Exchange's efforts to codify policies on telephone use to give its membership adequate notice of what conduct is prohibited. while supporting the Exchange's efforts to monitor and regulate communications on its options floor, the Commission expects the Phlx to ensure that Phlx Rule 606(e) is not used to limit access to services offered by the Exchange and is not applied in a manner that is inconsistent with the Act. Specifically, the Commission expects that Phlx Rule 606(e) will not be interpreted in a manner that permits unfair discrimination between customers, issuers, brokers, or dealers or imposes any unnecessary or inappropriate burden on competition, or is otherwise used to limit member access to Exchange services.

[10] In approving this rule change, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78f(b)(5).

IV. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[12] that the proposed rule change (SR–PHLX–00–48), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4751 Filed 2–26–01; 8:45 am]

BILLING CODE 8010–01–M

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43989; File No. SR–Phlx–00–94]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Prohibition to Harassment and Other Improper Behavior Because of Listing or Competitive Practices

February 20, 2001.

I. Introduction

On November 13, 2000, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to add new Commentary .01 ("Prohibition Against Harassment") to the Exchange's Rule 707 ("Just and Equitable Principles of Trade"), to prohibit members, member organizations, or persons associated with or employed by members or member organizations from engaging in harassment and other improper behavior because of listing or competitive practices.

The proposed rule change was published for comment in the **Federal Register** on December 28, 2000.[3] No comments were received on the proposal. This order approves the proposal.

II. Description of the Proposal

The Phlx proposes to add new Commentary .01 ("Prohibition Against Harassment"), to prohibit members, member organizations, or persons associated with or employed by members or member organizations from engaging in harassment and other improper behavior because of listing or competitive practices.

Specifically, proposed new Commentary .01 to Phlx Rule 707 would state that it is conduct inconsistent with just and equitable principles of trade for any member, member organization, or person associated with or employed by a member or member organization to directly or indirectly threaten, harass, intimidate, refuse to deal with, or retaliate against any member, member organization, person associated with or employed by a member or member organization, or other market participant because such member, member organization, person associated with or employed by a member or member organization, or other market participant has: (i) Made a proposal to any exchange or other market to list or trade any option class; (ii) advocated or proposed to list or trade an option class on any exchange or other market; (iii) commenced making a market in or trading new option class on any exchange or other market; (iv) sought to increase the capacity of any options exchange or the options industry to disseminate quote or trade data; (v) sought to introduce new option products; or (vi) acted, or sought to act, competitively.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 43739 (December 19, 2000), 65 FR 82440.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,[4] and in particular, with the requirements of section 6 of the Act.[5] Specifically, the Commission finds that the proposal is consistent with sections 6(b)(5) of the Act [6] in that it is designed to codify the Exchange's prohibition against harassment and improper practices in a manner that promotes just and equitable principles of trade, prevents fraudulent and manipulative acts and practices, maintains fair and orderly markets, and protects inyestors and the public interest.

Phlx's new Commentary .01 to Phlx Rule 707 provides generally that it is conduct inconsistent with just and equitable principles of trade for market members, member organizations, their employees, and associated persons engage in harassing and certain improper retaliatory actions as a result of another market participant's listing or competitive behavior. The Commission believes that this codification of existing practice in Phlx's Rules is a reasonable means to comply with the Commission's directive,[7] and to prevent fraudulent and manipulative acts and practices, maintain fair and orderly markets, and protect investors and the public interest, as required by section 6(b)(5) of the Act.

IV. Conclusion

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[8] that the proposed rule change (SR–Phlx–00–94) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4752 Filed 2–26–01; 8:45 am]

BILLING CODE 8010–01–M

[4] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

[7] *See* note 4, supra.

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43967; File No. SR–Phlx–99–50]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change and Amendment No. 1 Amending the Exchange's Certificate of Incorporation

February 20, 2001.

I. Introduction

On November 23, 1999, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") submitted to the Securities and Exchange Commission ("Commission") pursuant to section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change. The Phlx filed an amendment to the proposal on December 28, 2000.[3] The proposed rule change was published for comment in the **Federal Register** on January 16, 2001. The Commission did not receive any comment letters with respect to the proposal. This order approves the Exchange's proposal.

II. Description of the Proposal

A. The Original Filing

The Phlx proposed to amend its Certificate of Incorporation to add Article Nineteenth, relating to the leasing of memberships.[4] A complete copy of the text of Article Nineteenth is available at the Office of the Secretary, the Phlx, and at the Commission.

Proposed Article Nineteenth provides that, in addition to all other powers granted to the Board by law, the Certificate of Incorporation or otherwise, the Board shall have the power to determine whether, and under what terms and conditions, memberships may be leased, and to adopt by resolution or to set forth in the Rules of the Board such rules with respect to lease agreements, lessors and lessees as the Board may from time to time determine to be advisable. Such rules may include rules regulating and setting forth the rights and obligations of lessors and lessees, the required terms of lease agreements, and the fees, dues, and other charges required to be paid by lessors and lessees (or either of them) to the Exchange in connection with, and for the privilege of, leasing memberships. In addition, proposed Article Nineteenth provides that the Board shall have the power to adopt rules relating to the suspension or termination of any or all lease agreements with respect to memberships, to issue provisional trading privileges on such terms as the Board shall determine to members whose lease agreements are suspended or terminated, and to amend, alter, or repeal any or all of the Rules of the Board with respect to any of the foregoing matters.

B. Amendment No. 1

As a non-stock corporation organized under the Delaware General Corporation Law ("DGCL"), the Exchange represented in Amendment No. 1 that it has ample authority to adopt proposed Article Nineteenth. Because the Exchange's Certificate of Incorporation does not require member approval to adopt a charter amendment, proposed Article Nineteenth may be adopted by the Board of Governors without approval by the members of the Exchange (including lessees of memberships) or the owners of memberships (including lessors of memberships). 8 *Del. C.* § 242(b)(3).[5] Therefore, the Exchange's Board adopted Article Nineteenth in accordance with section 242.

Furthermore, section 141(j) of the DGCL empowers the Board to direct the business and affairs of the Exchange, and the Exchange's by-laws give the Board broad power to adopt rules of the Exchange. 8 *Del. C.* § 141(j);[6] By-Law Art. IV, § 4–4. In addition, existing Article Third of the Phlx Certificate of Incorporation gives the Exchange authority to do all things necessary to run a national securities exchange.[7] Numerous provisions of the Exchange's by-laws and rules already address matters similar to those addressed by proposed Article Nineteenth.[8] Therefore, the adoption of Article Nineteenth falls within the broad authority expressly conferred by Delaware law and existing provisions under the Phlx Certificate of Incorporation.

Pursuant to Article Nineteenth, the Board would have the authority to make rules that impact lease arrangements, including adopting rules relating to the termination of lease agreements. As discussed, the Exchange's Certificate of Incorporation, by-laws and rules already include several provisions addressing such authority.[9] Moreover, the Exchange's by-laws require lessors and lessees (as members) to pledge to abide by the rules as they may be amended from time to time.[10]

The Exchange further represents that proposed Article Nineteenth is also permissible as a matter of Pennsylvania contract law. The provisions of Article Nineteenth authorizing the adoption of rules affecting lease agreements between lessors and lessees are lawful because, under the terms of its relationships with both lessors and lessees, the Exchange has the right to adopt by-laws, rules, or regulations that affect those lessors and lessees. Pennsylvania law holds that a contracting party may lawfully exercise its own contractual rights against another party to the contract, even if doing so interferes with the terms of a separate agreement of the other party. Here, the potential suspension or termination of a lease agreement in accordance with the rules of the Exchange is permissible under the terms of the Exchange's separate agreements with each of the parties to the lease agreement.

Both lessors and lessees (as members) agree respectively as a condition of approval of the right to lease seats and as a condition of approval for membership that the Exchange may effectuate changes to their lease agreements, including termination. As a condition of the right to lease their seats, lessors agree "to abide by the [Exchange's] By-Laws as they have or shall be from time to time amended, and by all rules and regulations adopted pursuant to the By-Laws." *See* By-Law Art. XII, § 12–9(b). Lessees (as members) likewise make the same commitment. *See id.* at 12–9(a). By agreeing to abide by future by-laws, rules, and regulations, lessors and lessees necessarily grant permission to the Exchange to adopt rules pursuant to which their lease agreements may be suspended or terminated. Indeed, the Exchange has already repeatedly exercised its right to adopt rules and by-laws directly impacting lessors and lessees in a variety of rules, including Rule 930, which closely regulates the terms and conditions of lease agreements.[11] Accordingly, Article Nineteenth, which would provide in express form the authorization for the adoption of rules suspending or terminating lease agreements, would simply authorize that which is countenanced by the terms of the Exchange's existing relationship with lessors and lessees, and is thereby permissible as a matter of Pennsylvania contract law.

Thus, the Exchange believes that proposed Article Nineteenth was properly adopted by the Exchange Board under Delaware law and is permissible as a matter of Pennsylvania contract law.

III. Discussion

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of section 6 of the Act[12] and the rules and regulations thereunder applicable to a national securities exchange.[13] In particular, the Commission finds the proposed rule change is consistent with section 6(b)(5) of the Act,[14] in that it promotes just and equitable principles of trade and protects investors and the public interest.

The Phlx represented that it needs Article Nineteenth in order to give the Board the express authorization to adopt specific rules relating to the leasing of memberships, including suspending or terminating lease agreements. The Commission finds that the proposed rule change promotes just and equitable principles of trade and protects investors and the public interest because it enables the Board to determine whether, and under what terms and conditions, memberships can be leased. Furthermore, the Phlx acknowledges that any such rules or resolutions, which are adopted by the Board under Article Nineteenth, shall be filed with the Commission to the extent required pursuant to section 19(b)-of the Act.[15]

The Commission is not required under section 19(b)(2) of the Act to find that a proposed rule change by a self-regulatory organization is lawful under state law. In approving this proposal, the Commission is relying on the Phlx's representation that it has the general power under applicable provisions of Delaware corporate law to adopt Article Nineteeth without the approval of members, or by owners, lessors, or lessees of memberships. Furthermore, the Commission is also relying on the Phlx's representation that, under the applicable powers of Pennsylvania contract law, the Phlx has the right to adopt by-laws, rules, or regulation that affect those lessors and lessees contractual relationships. The Commission has not independently evaluated the accuracy of Phlx's representations about Delaware or Pennsylvania law.

Thus, the Commission finds that the proposed rule change is consistent with the Act.

IV. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[16] that the proposed rule change (SR–Phlx–99–50), and Amendment No. 1 thereto, are approved.

By the Commission, for the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4754 Filed 2–26–01; 8:45 am]

BILLING CODE 8010–01–M

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Cynthia Hoekstra, Counsel, Phlx, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission, dated December 27, 2000 ("Amendment No. 1"). In Amendment No. 1, the Phlx represented that the Phlx's Board has the authority to adopt Article Nineteenth pursuant to Delaware corporate law, Pennsylvania contract law, and the Exchange's Certificate of Incorporation, by-laws, and rules.

[4] In connection with this proposed rule change, the Commission approved a proposed rule change that adopted Article Twentieth. *See* Securities Exchange Act Release No. 42317 (January 5, 2000), 65 FR 2215 (January 13, 2000) (SR–Phlx–99–48). Article Twentieth provides, in part, that the Exchange's Board of Governors ("Board") shall have the power to assess such fees, dues, and other charges upon members, lessors and lessees of memberships and holders of permits (or any of them) as the Board may from time to time adopt by resolution or set forth in the Rules of the Board. On May 11, 2000 the Commission approved a proposed rule change, which amended Article Twentieth to include the words "owner" and "member organization" and to define the word "owner" to clarify the original intent of Article Twentieth. *See* Securities Exchange Act Release No. 42773 (May 11, 2000), 65 FR 31622 (May 18,2000) SR–Phlx–00–30).

[5] Section 242 of the DGCL permits the board of a non-stock corporation to adopt amendments to the corporation's Certificate of Incorporation.

[6] *See also* 8 *Del. C.* § 121(a) (providing that in addition to powers expressly granted by law or the Certificate of Incorporation, the corporation and its directors may exercise "any powers incidental thereto, so far as such powers and privileges are necessary or convenient to the conduct, promotion or attainment of the business or purposes set forth in its certificate of incorporation").

[7] Article Third states, in part, that the Exchange may operate as and perform all functions of a national securities exchange and engage in any lawful act or activity for which corporations may be organized under the DGCL.

[8] *See, e.g.*, By-Law Art. XV, § 15–1(a) (providing that a membership may be leased in accordance with such rules as the Board may adopt); Rule 930 (setting forth required terms of lease agreement and providing, among other things, that the Exchange may dispose of a membership subject to a lease agreement); Rule 960.1 (providing that all members, member organizations and any persons associated with any member are subject to expulsion, suspension, termination as to activities at the Exchange or any other fitting sanction for violation of the Rules of the Exchange); *see also* Certificate of Incorporation, Article Twentieth (giving Board plenary authority to assess fees, dues and other charges and to impose penalties, including cancellation of a membership and forfeiture of all rights as a lessor or lessee, for nonpayment).

[9] *See, e.g.*, Certificate of Incorporation, Article Thirteenth (lessor entitled to vote on compromise or arrangement); Certificate of Incorporation, Article Seventeenth (lessor entitled to receive any distribution of assets upon liquidation); By-Law Article I, Section 1–1 (defining lessor and lessee); By-Law Article XII, Section 12–8 (authorizing lessor application fee as fixed from time to time by the Board, lessor initiation fee and fee upon transfer of equitable title to a membership); and Rule 930 (setting forth required terms of lease agreements).

[10] *See* Exchange By-Law Article XII, Section 12–9. As a condition of the right to lease their seats, lessors agree "to abide by the [Exchange's] By-Laws as they have or shall be from time to time amended, and by all rules and regulations adopted pursuant to the By-Laws." Lessees, as members, likewise make the same commitment.

[11] Other examples include By-Law Art. I, § 1–1 (defining lessor and lessee); By-Law Art. XII, § 12–1 (a member conducts business on the Exchange); By-Law Art. XII, § 12–8 (authorizing lessor application fee, lessor initiation fee, and fees upon transfer of equitable title); By-Law Art. XIV, §§ 14–1, 14–2, 14–5 (the Exchange can impose charges on members, including penalties for non-payment of fees); By-Law Art. XV, § 15–1 (the Exchange approves lessees); Rule 931 (the Exchange approves lessors); Rule 960.1 *et seq.* (the Exchange may discipline members).

[12] 15 U.S.C. 78f.

[13] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b).

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Klickitat and Skamania Counties, Washington and Hood River County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed new Columbia River crossing project in Klickitat County or Skamania County, Washington and Hood River County, Oregon. Northern and southern termini for the new crossing would be located in or near the cities of White Salmon and Bingen, Washington, and Hood River, Oregon.

FOR FURTHER INFORMATION CONTACT: Michael Kulbacki, Transportation and Environmental Engineer, Federal Highway Administration, 711 S. Capitol Way, Suite 501, Olympia, WA 98501, Telephone: 360–753–9556; or Dale Robins, Project Manager, Southwest Washington Regional Transportation Council, 1351 Officers Row, Vancouver, WA 98661, Telephone: 360–397–6067. Additional information can also be obtained at the project web site: *http:www.rtc.wa.gov/studies/sr35*.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation, the Southwest Washington Regional Transportation Council, and the Oregon Department of Transportation, will prepare an EIS on

a proposal to establish a new or improved transportation crossing of the Columbia River. This crossing will involve either existing facility improvements or new connections between SR 14 in Washington to SR 35 and/or I–84 in Oregon. The Washington State Department of Transportation has designated this proposed crossing as State Route 35 (SR–35).

A new or improved Columbia River crossing is necessary to effectively accommodate current and future traffic demands, address multi-modal accessibility, enhance movement of freight and other goods, improve public safety, and improve current and future traffic operations.

Alternatives under consideration include (1) no action; (2) multi-modal options; (3) improvements to traffic and toll operations, (4) improvements to the existing bridge; and (5) constructing a new bridge or tunnel at or near the existing location. Potential crossing corridors being evaluated along the Columbia River include: West Hood River I–84 interchange, Second Street in Hood River (using the City Center exit on I–84), the existing bridge crossing, and east of Hood River near Stanley Rock. Design variations being evaluated include adjustments to grade, alignment, and crossing type.

A series of preliminary meetings have already been conducted between various public groups, the project Steering Committee, a Local Advisory Committee, and a Resource and Regulatory agency Committee since this project has been introduced. The ideas presented at these meetings will be incorporated into the environmental process as will all the necessary impacts and alternatives required by the National Environmental Protection Act (NEPA) and Council on Environmental Quality (CEQ) regulations.

Letters soliciting comments will be sent to appropriate Federal, State, and Local agencies, including private organizations and citizens who have previously expressed or are known to have interest in this proposal.

A public scoping meeting will be held on March 8, 2001, from 5 to 8 p.m. at Fidel's at the Gorge (restaurant), located on SR 14 at 120 East Steuben in Bingen, Washington. On March 8, 2001, a resource and regulatory agency scoping meeting will be held in Troutdale, Oregon, at the Oregon Department of Transportation Maintenance Facility from 1:30 to 3:00 p.m. Notification of the public scoping meeting will be published in the local newspaper and through mailed announcements.

In addition, a public meeting will be held prior to completion of the draft EIS. Public notice will be given of the time and place of all proposed meetings during Draft and Final EIS development. The draft EIS will be made available to the public and all agencies for review and comment prior to all public meetings.

Interested parties are encouraged to provide suggestions and comments in order to ensure that the full range of issues related to this proposed action are addressed and all potential impacts identified. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA, Washington Division or Southwest Washington Regional Transportation Council at the addresses or telephone numbers provided in the Contact Information Section.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: February 14, 2001.

Michael Kulbacki,

Transportation and Environmental Engineer, Olympia, Washington.

[FR Doc. 01–4706 Filed 2–26–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Mendocino County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Mendocino County, near the town of Hopland, California.

FOR FURTHER INFORMATION CONTACT: C. Glenn Clinton, Team Leader, Program Delivery Team—North, Federal Highway Administration, 980 Ninth Street, Suite 400, Sacramento, California 95814–2724, Telephone: 916–498–5020.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an environmental impact statement (EIS) on a proposed project to construct a four lane freeway or expressway bypass of the community of Hopland, on Route 101 in Southern Mendocino County. The project limits extend from kp 14.2 to 22.5 (pm 8.8 to 14.0). The project is needed to reduce operational conflicts, accommodate existing and future traffic demand, reduce travel time, increase safety, improve air quality, reduce noise in Hopland and provide the facility concept identified in the "Inter-regional Transportation Strategic Plan".

Three aligments are being proposed at this time as well as a "No Build" alternative. All of the alignments potentially affect oak woodlands, riparian forest and pre-historic cultural resources. A Public Open House has been held to solicit opinions from the community and a Project Development Team has been formed to determine the scope of the project. There will be a public scoping meeting to discuss the proposed project and another opportunity for public comment on the draft environmental document during the circulation phase of the draft environmental impact statement (DEIS).

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. The views of agencies that may have interest in the effect of the proposal on historic properties are specifically solicited. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on February 15, 2001.

C. Glenn Clinton,

Team Leader, Program Delivery Team—North, Sacramento, California.

[FR Doc. 01–4705 Filed 2–26–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–8952]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel CHARISMA.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before March 29, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–8952. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: *Charisma*. Owner: NAUTECH International, LLC, a Louisiana Corporation.

(2) Size, capacity and tonnage of vessel. According to the applicant: "The vessel is 65 net tons as per the documentation certificate enclosed. Additional measurements are 65 feet in length, 17 feet in breadth and 11 feet in depth noticed by the same certificate."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "The intended use of the vessel is for executing meetings and executive cruises of 12 persons or less. This usage shall have no effect on the coastwise trade of any person as no charters of this type are currently operating in the proposed areas * * *. The geographic area intended is Lake Pontchartrain and connecting inland waters, Mississippi River as well as the Gulf of Mexico (Texas, Louisiana, Mississippi Alabama and Florida Coasts."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1967. Place of construction: Hampshire England, United Kingdom.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "This proposed operation shall have no effect on other commercial passenger operations. There are no commercially operated executive yacht rentals in the proposed areas of operation. The CHARISMA is an executive yacht. It is the only yacht of this size proposed for charter in the areas indicated. As requested by your item 9 of the MARAD Transmittal we include the following description of existing operators of charter or commercial vessels for hire, none of which are similar in nature to the CHARISMA.

a. Small open fishing boats for two or three passengers with outboard motors.

b. Small oar or pole powered skiffs for bayou cruises in controlled wildlife refuges.

c. Casino boats of 1200 or more passengers.

d. Specially equipped deep sea fishing boats.

e. Harbor Tour Operators of certified vessels with passengers of 100 or more.

f. Government operated Ferryboats for public transportation of passengers and of vehicles.

g. Sailing vessels."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "This waiver shall have no impact on U.S. Shipyards." "No shipyards are currently building Motor Vessels of this size or type for this purpose."

Dated: February 21, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4710 Filed 2–26–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–8951]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel SPIRIT.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before March 29, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–8951. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m.

and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commentor's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: *Spirit*. Owner: Joshua T. Bloomgarden.

(2) Size, capacity and tonnage of vessel. According to the applicant: "*Spirit* is weighed in at 10 tons net weight and her length as measured from stern to bow is 37 feet length over all."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "I intend to use *Spirit* for charter of six persons or less, primarily for day sails, for clients who have little experience on a small sail vessel. My intention is to familiarize charter clients with the working of sails, and as an educational and recreational experience. During the charters I will explain the working of the vessel along with a presentation of historical and geographical facts along with discussions of environmental factors of our country's rivers and coasts.

Although initially I will be operating out of the New York area, along the Hudson River, I would like to request a waiver for the Eastern Seaboard (from Maine to Florida). In the Summer months I will be cruising up to Maine, and during the Winter months cruising down to Florida (with stops along the way). If I could take on occasional charter clients while cruising at these different locations it would give me the option of choosing various seasonal cruising destinations."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: Built in 1977. Place of construction: Built in Havant, Great Britain.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "I don't believe the issuance of this waiver for *Spirit* would have a negative impact on existing commercial vessel operations. Charter of *Spirit*; would be a small, part time business, which would be for short day sails for six or less passengers. Existing commercial vessel operators would not be affected by my charter work. By exposing passengers with little experience on small vessels to the recreational and educational possibilities of spending time on the water I believe the impact would be to encourage them to seek out other vessels for further charter usage in the future"

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "I believe that this waiver would have a positive impact on US shipyards. By granting a charter waiver for *Spirit* I would be using local US shipyards to repair and maintain *Spirit* up to US Coast Guard safety standards. Also, *Spirit* is an English Pilothouse Motorsailor Ketch with a high bow and deep gunnels of a particular style and appearance as used in the North Sea of Great Britain. This type of vessel is not to my knowledge being constructed by US shipyards."

Dated: February 21, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4711 Filed 2–26–01; 8:45 am]

BILLING CODE 4915–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34011]

Gettysburg & Northern Railroad Co.—Acquisition and Operation Exemption—Gettysburg Railway Company, Inc., Delaware Transportation Group, Inc., and Delaware Valley Railway Company, Inc.

Gettysburg & Northern Railroad Co. (GNR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Gettysburg Railway Company, Inc., Delaware Transportation Group, Inc., and Delaware Valley Railway Company, Inc. and operate approximately 23.36 miles of rail line between approximately milepost 31.20, at Gettysburg, and milepost 7.84, at Mount Holly Springs, in Adams and Cumberland Counties, PA.

The parties reported that they intended to consummate the transaction on or about February 20, 2001. The earliest the transaction could have been consummated was February 19, 2001, the effective date of the exemption (7 days after the exemption was filed).

This transaction is related to STB Finance Docket No. 34010, *Pioneer Railcorp—Continuance in Control Exemption—Gettysburg & Northern Railroad Co.*, wherein Pioneer Railcorp has concurrently filed a verified notice to continue in control of GNR upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34011, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Daniel A. LaKemper, Esq., Gettysburg & Northern Railroad Co., 1318 S. Johanson Road, Peoria, IL 61607.

Board decisions and notices are available on our website at *http://www.stb.dot.gov*.

Decided: February 20, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–4740 Filed 2–26–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34010]

Pioneer Railcorp—Continuance in Control Exemption—Gettysburg & Northern Railroad Co.

Pioneer Railcorp (Pioneer), a noncarrier holding company, has filed a verified notice of exemption to continue in control of Gettysburg & Northern Railroad Co. (GNR), upon GNR's becoming a carrier.

The transaction is scheduled to be consummated on or after February 20, 2001.

This transaction is related to STB Finance Docket No. 34011, *Gettysburg & Northern Railroad Co.—Acquisition and Operation Exemption—Gettysburg Railway Company, Inc., Delaware Transportation Group, Inc., and Delaware Valley Railway Company, Inc.*, wherein GNR seeks to acquire and operate a line of railroad approximately 1.5 miles long in Gettysburg and Mount Holly Springs, PA.

At the time it filed the notice, Pioneer owned and controlled sixteen existing Class III shortline rail carriers: West Michigan Railroad Co., which operates in Michigan; Fort Smith Railroad Co., which operates in Arkansas; Alabama Railroad Co., which operates in Alabama; Mississippi Central Railroad Co., which operates in Mississippi and Tennessee; Alabama & Florida Railway Co., Inc., which operates in Alabama; Decatur Junction Railway Co., which operates in Illinois; Vandalia Railroad Company, which operates in Illinois; Keokuk Junction Railway Co. (KJRY),[1] which operates in Iowa and Illinois; Michigan Southern Railroad Company, which operates in Michigan and Indiana; Shawnee Terminal Railway Company, which operates in Illinois; Pioneer Industrial Railway Co., which operates in Illinois; Michigan Southern Railroad Company, Inc., which owns or leases track in Michigan and Indiana but does not currently conduct any rail operations in those States; The Garden City Western Railway, Inc., which operates in Kansas; Indiana Southwestern Railway Co., which operates in Indiana; Kendallville Terminal Railway Co., which operates in Indiana; and Elkhart & Western Railroad Co., which has authority to operate in Indiana but has not yet begun operations in that State.

Pioneer states that: (i) The railroads will not connect with each other or any railroad in their corporate family; (ii) the continuance-in-control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34010, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on William A. Mullins, Esq., Troutman Sanders LLP, 401 Ninth Street, NW., Suite 1000, Washington, DC 20004.

Board decisions and notices are available on our website at *http://www.stb.dot.gov*.

Decided: February 20, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–4739 Filed 2–26–01; 8:45 am]

BILLING CODE 4915–00–P

[1] Pioneer states that KJRY also owns Keokuk Union Depot Company, a nonoperating common carrier.

Corrections

Federal Register
Vol. 66, No. 39
Tuesday, February 27, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43859; File No. SR–NYSE–00–52]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Specialists' Specialty Stock Option Transactions

Correction

In notice document 01–2379 beginning on page 7945 in the issue of Friday, January 26, 2001, make the following correction:

On page 7945, in the third column, in the second paragraph, beginning in the second line, remove "approved person is so ating as an options market maker pursuant to this paragraph, neither that".

[FR Doc. C1–2379 Filed 2–26–01; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43941; File No. SR–PCX–00–40]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the Pacific Exchange, Inc. Relating to Audit Committee Requirements for Listed Companies

February 7, 2001.

Correction

In notice document 01–3803 beginning on page 10545 in the issue of Thursday, February 15, 2001, make the following correction:

On page 10545, in the third column, in the heading, the date should read as set forth above.

[FR Doc. C1–3803 Filed 2–26–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
February 27, 2001

Part II

Department of Agriculture

Food Safety and Inspection Service

9 CFR Parts 301, 303, et al.
Performance Standards for the Production of Processed Meat and Poultry Products; Proposed Rule

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 301, 303, 317, 318, 319, 320, 325, 331, 381, 417, and 430

[Docket No. 97–013P]

RIN No. 0583–AC46

Performance Standards for the Production of Processed Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, Agriculture.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat and poultry inspection regulations by establishing food safety performance standards for all ready-to-eat (RTE) and all partially heat-treated meat and poultry products. The proposed performance standards set forth levels of pathogen reduction and limits on pathogen growth that official meat and poultry establishments must achieve in order to produce unadulterated products, but allow the use of customized, plant-specific processing procedures. The proposed RTE performance standards apply to all RTE meat and poultry products, which can be categorized as follows: Dried products (e.g., beef or poultry jerky); salt-cured products (e.g. country ham); fermented products (e.g., salami and Lebanon bologna); cooked and otherwise processed products (e.g., beef and chicken burritos, corned beef, pastrami, poultry rolls, and turkey franks); and thermally-processed, commercially sterile products (e.g., canned spaghetti with meat balls and canned corned beef hash).

Although FSIS routinely samples and tests some RTE products for the presence of pathogens prior to distribution, there are no specific regulatory pathogen reduction requirements for most of these products. The proposed performance standards will help ensure the safety of these products; give establishments the incentive and flexibility to adopt innovative, science-based food safety processing procedures and controls; and provide objective, measurable standards that can be verified by Agency oversight.

FSIS also is proposing environmental testing requirements intended to reduce the incidence of *Listeria monocytogenes* in RTE meat and poultry products. Specifically, FSIS is proposing to require establishments that produce RTE meat and poultry products to test food contact surfaces for *Listeria spp.* to verify that they are controlling the presence of *L. monocytogenes* within their processing environments. Establishments that have developed and implemented HACCP controls for *L. monocytogenes* would be exempt from these testing requirements.

Finally, FSIS is proposing to eliminate its regulations that require that both RTE and not-ready-to eat pork and products containing pork be treated to destroy *trichina* (*Trichinella spiralis*). These requirements are inconsistent with HACCP and some will be unnecessary if FSIS makes final the proposed performance standards for RTE meat and poultry products.

DATES: Comments must be received on or before May 29, 2001.

ADDRESSES: Submit one original and two copies of written comments to FSIS Docket #97–013P, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, Cotton Annex, 300 12 St., SW., Washington, DC 20250–3700. All comments submitted in response to this notice will be available for public inspection in the Docket Clerk's Office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Daniel L. Engeljohn, Ph.D., Director, Regulation Development and Analysis Division, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture (202) 720–5627.

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I. Background

Under the Federal Meat Inspection Act (FMIA; 21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA; 21 U.S.C. 451 *et seq.*), FSIS issues regulations governing the production of meat and poultry products prepared for distribution in commerce. The regulations, along with FSIS inspection programs, are designed to ensure that meat and poultry products are safe, wholesome, unadulterated, and properly marked, labeled, and packaged. In this document, FSIS is proposing to establish new pathogen reduction regulations for ready-to-eat (RTE) and partially heat-treated meat and poultry products. This proposed action is compelled by recent outbreaks of foodborne illness related to the consumption of adulterated RTE meat and poultry products, as well as the need to provide objective, measurable pathogen reduction standards that can be met by official establishments and compliance with which can be determined through Agency inspection.

II. RTE Meat and Poultry Products

RTE meat and poultry products are products that have been processed so that they may be safely consumed without further preparation by the consumer, i.e., without cooking or application of some other lethality treatment to destroy pathogens. Although many of these products, such as frozen pizzas or country hams, customarily are cooked or otherwise reprocessed by the consumer, they would be safe to eat, if unpalatable, without this further preparation.

RTE meat and poultry products can be either non-shelf-stable or shelf-stable. Non-shelf-stable, RTE products must be refrigerated until consumption to prevent the growth of both pathogenic and spoilage organisms. Shelf-stable products remain ready-to-eat under ordinary temperature and humidity conditions and, if the package integrity is maintained during holding, shipping, storage, display at retail, and in the home, throughout the manufacturer's shelf-life determination. Throughout the shelf-life, shelf-stable products are safe to eat when unrefrigerated (at temperatures over 50 °F or 10 °C) without additional preparation. Thermally processed, commercially sterile meat and poultry products are packaged in hermetically sealed containers (usually cans) and also remain shelf-stable under unrefrigerated conditions (over 50 °F or 10 °C).

For the purposes of this proposal, FSIS has divided ready-to-eat meat and poultry products into five categories, based on the type of processing they receive: dried products; salt-cured products; fermented products; cooked or otherwise processed whole and comminuted products; and thermally-processed, commercially sterile products. Many of these products can be either shelf-stable or non-shelf-stable.

EXAMPLES OF RTE PRODUCTS

Dried Products	Basturma, Pastirma, Basturmi. Beef Sticks. Carne Seca. Dried Beef. Dry Duck Breast. Meat/Poultry Jerky.
Salt-Cured Products	Cappicola. Coppa. Country Ham. Dry Cured Duck. Parma Ham. Prosciutto, Prosciutti.
Fermented Products	Alessandri (Dry Sausage). Apenino (Dry Sausage). Arles or D'Arles (Dry Sausage). Blockwurst (Semi-Dry Sausage). Cacciatore/Cacciatora (Dry Sausage). Cervelat. Cervelat, Soft. Chorizo. Lebanon Bologna. Pepperoni. Salami, Soft. Salami: Genoa, Italian, German. Summer Sausage. Thuringer. Thuringer, Soft.
Cooked or Otherwise Processed Whole or Comminuted Products	*Meat* Berliner (Cooked, Smoked Sausage). Bologna. Bratwurst, Cooked. Braunschweiger/Liver Sausage. Breakfast Link Sausage or Patties. Brown and Serve Sausage. Burritos. Cheese Smokies. Cheesefurter. Cheesewurst/Cheddarwurst. Chili. Chorizo. Cooked Beef. Cooked Ham. Cooked Pork in BBQ Sauce. Cotto Salami. Entrees/Dinners. Fleischkaese (Cured, Cooked Sausage). Frankfurters. Frozen Entrees/Dinners. Gyros. Meat Loaf. Meat Salads. Meat Soups, Frozen. Nem-Chua (Cooked, Pickled Ham with Shredded Pork Skin). Pasta with Meat Sauce. Pastrami. Pickled Pigs Feet in Vinegar. Pickled Sausages/Meat in Vinegar. Piroshki. Pork Barbecue. Pork Sausage Patties. Ravioli. Roast Beef. Roast Pork. Souse.

EXAMPLES OF RTE PRODUCTS—Continued

	Stews. White Hots. Wieners.
	Poultry (Includes Products Containing any Amount of Poultry).
	Chicken Burritos. Chicken BBQ. Chicken Bologna. Chicken Breast. Chicken Franks. Cooked Poultry. Cooked Poultry Rolls. Corn Chowder with Chicken. Entrees/Dinners. Poultry Loaf. Poultry Patties. Poultry Rolls. Poultry Salads. Poultry Soups, Frozen. Turkey BBQ. Turkey Franks.
Thermally-Processed, Commercially Sterile Products	Canned Spaghetti with Meat Balls. Canned Corned Beef Hash. Canned Ham. Canned Chicken Salad. Canned Soups with Meat or Poultry.

FSIS is proposing to require that the processing of each of these types of products achieve specific levels of pathogen reduction, as well as control over the growth of target pathogens so that they do not exceed specific levels. These levels are the performance standards. Establishments also would be required to maintain these levels of pathogen reduction and pathogen growth in their products, under normal handling conditions, until their products reach the consumer.

FSIS already has established pathogen reduction performance standards specific to certain types of not-shelf-stable, RTE meat and poultry products. On January 6, 1999, FSIS published a final rule in the **Federal Register** (FSIS Docket No. 95–033F; 64 FR 732) that established performance standards for RTE roast beef, corned beef, and cooked beef, all "fully-cooked" RTE poultry products, and partially-cooked meat patty and poultry products. Those standards are consistent with and, in fact, incorporated into the more comprehensive group of standards proposed in this document.

III. Performance Standards and HACCP

Under the regulations in 9 CFR 417, FSIS requires each official meat and poultry establishment to develop and implement a Hazard Analysis and Critical Control Point (HACCP) system, a science-based process control system for food safety that promotes systematic prevention of biological, chemical, and physical hazards. Establishments are responsible for developing and implementing HACCP plans that incorporate the controls necessary and appropriate to produce safe meat and poultry products. HACCP is a flexible system that enables establishments to tailor their control systems to the needs of their particular plants and processes. Performance standards can be usefully and seamlessly incorporated into HACCP systems.

When developing a HACCP plan, an establishment must conduct a hazard analysis to identify and list the physical, biological, or chemical food safety hazards reasonably likely to occur in the production process for a particular product and the preventive measures necessary to control those hazards. The establishment then must identify the critical control points (CCPs) in each of its processes. A CCP is a point, step, or procedure in a food process at which control can be applied to ensure that the occurrence of a food safety hazard is prevented, eliminated, or reduced to an acceptable level. Next, the establishment must establish critical limits for the preventive measures associated with each identified CCP. A critical limit is the maximum or minimum value to which a hazard must be controlled at a CCP to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard. Critical limits are most often based on process parameters such as temperature, time, water activity, pH, or humidity. Significantly, critical limits must be designed to satisfy relevant FSIS regulations, including performance standards.

Therefore, performance standards are an integral part of the HACCP systems in official meat and poultry establishments. HACCP provides the framework for industry to set up science-based process controls. Performance standards tell establishments what those controls need to achieve for their HACCP plans to be effective and provide a necessary measure of accountability for achieving acceptable food safety. Performance standards and HACCP provide meat and poultry establishments with the incentive and flexibility to adopt innovative, science-based processing procedures and controls; ensure safety for consumers; and provide objective, measurable standards, compliance with which can be determined through Agency inspection.

IV. The Proposed Performance Standards

A. Lethality

For each category of RTE product, FSIS is proposing at least one lethality performance standard. The term "lethality" refers to a required reduction in the number of specific pathogenic organisms. Further, FSIS is proposing lethality performance standards that reflect the destruction of "reference" organisms, i.e., microorganisms whose elimination or reduction most often indicates the elimination or necessary reduction of other pathogens of concern.

In this proposed rule, for all RTE products except thermally-processed, commercially sterile products, the lethality performance standards are expressed as probabilities of remaining numbers of the reference pathogen in 100 grams of finished product after a successful lethality treatment is, or treatments are, applied to hypothetical "worst case" raw product. The lethality performance standards also are expressed as the number of decimal reductions of the reference pathogen required to achieve those probabilities in hypothetical worst case products. These decimal reductions are expressed as "x-$\log_{10}$", meaning that the expected relative reduction of the reference organism would be a factor of 10^x. FSIS has tentatively concluded that effecting these specific reductions ensure even a worst case product would present no health risk to consumers.

For all RTE meat and poultry products, other than thermally processed, commercially sterile products, FSIS is proposing to require that processing achieve one of the following probabilities that that no more than small numbers of *Salmonella* would remain in any 100 gram sample of a finished product made from worst case product:

>0 surviving	>1 surviving	>2 surviving	>3 surviving	>4 surviving
39.4	9.06	1.45	0.177	0.0174

Although an establishment's processing would be required to achieve these probabilities that there will be few, if any, remaining pathogens in finished product, any detectable levels of viable *Salmonella* in RTE product would render that product adulterated.

Alternatively, official establishments may employ processes validated to achieve specific levels of reduction of *Salmonella* organisms throughout their finished, RTE meat and poultry products: 6.5-$\log_{10}$ throughout finished, RTE meat products and 7-$\log_{10}$ throughout finished, RTE products containing any amount of poultry. The probabilities in Table 1 are derived from statistical models of hypothetical worst case meat and poultry products that have been successfully processed to achieve 6.5-$\log_{10}$ and 7-$\log_{10}$ reductions in *Salmonella*, respectively. A hypothetical, worst case raw meat product would contain 6.2-$\log_{10}$ of *Salmonella* per hundred grams; a hypothetical, worst case raw poultry product would contain 6.7-$\log_{10}$ of *Salmonella* per hundred grams. See the section entitled "Derivation of the Proposed Lethality Performance Standards" for further discussion.

The Agency has selected *Salmonella* as the reference organism for most RTE meat and poultry products because: (1) It is prevalent in raw poultry, beef, and pork; (2) it causes a high incidence of foodborne illness; and (3) foodborne illness associated with *Salmonella* is severe. See the section entitled "Selection of the Reference Organisms" for additional discussion of how FSIS determined the lethality performance standards and the target pathogen for each type of RTE meat and poultry product.

Because destruction of reference organisms may not always result in the elimination or necessary reduction of other pathogens of concern, FSIS also is proposing to clarify in the regulations that establishments must also reduce other pathogens and their toxins or toxic metabolites to the levels necessary to prevent product adulteration. It is the responsibility of the establishment to ensure that the final product is safe. If FSIS were to find certain viable pathogens in a RTE product at levels considered dangerous, even in product otherwise free of the reference pathogen, it would consider that product to be adulterated.

FSIS is not proposing any specific lethality performance standards in addition to those that target the reference pathogen, *Salmonella*, except for fermented RTE products that contain beef. Within its hazard analysis, each establishment will be responsible for determining which other pathogens might survive processing and then implementing the appropriate control measures. FSIS requests comment on whether it should enumerate, in its regulations, lethality performance standards for other pathogens and toxins that can pose hazards to specific products or within specific processing contexts.

FSIS is proposing an additional lethality performance standard for all fermented RTE products that include any amount of beef, except thermally-processed, commercially sterile products. The Agency is proposing to require that establishments that produce these products implement processes that result in the following probabilities that, at worst, only minute amounts of *E. coli* O157:H7 organisms would remain in any 100 gram sample of a finished product made from worst case product:

TABLE 2.—PROBABILITY (%) OF E. COLI O157:H7 SURVIVING IN 100 GRAMS OF FINISHED PRODUCT MADE FROM WORST CASE PRODUCT

>0 surviving	>1 surviving
22.2	2.67

Although an establishment's processing would be required to achieve these probabilities of remaining pathogens in finished product, any detectable levels of viable *E. coli* O157:H7 in RTE product would render that product adulterated.

FSIS also is proposing that, alternatively, establishments may employ processes validated to achieve a 5.0-$\log_{10}$ reduction of *E. coli* O157:H7 throughout fermented products containing beef. The probabilities in Table 2 are derived from statistical models applied to hypothetical worst case beef products that have been processed to achieve a 5-$\log_{10}$ relative reduction in *E. coli* O157:H7. A hypothetical, worst case raw product that contained any amount of beef would contain 4.4-$\log_{10}$ of *E. coli* O157:H7 per hundred grams. See the section entitled "Derivation of the Proposed Lethality Performance Standards" for further discussion.

The Agency is proposing this lethality performance standard in addition to the *Salmonella* standard for fermented products that contain beef for several reasons. In 1994, there was an outbreak of foodborne illness linked to *E. coli* O157:H7 in fermented beef sausages. Also, these products may not be fully cooked before fermentation and fermentation creates an acidic environment in which *E. coli* O157:H7 can survive.

Also, the FSIS Office of Public Health and Science (OPHS) recently sponsored a study entitled "Risk Assessment of the Public Health Impact of *Escherichia coli* O157:H7 in Ground Beef" (Ref. 1, available for viewing by the public in the FSIS Docket Room). The draft risk assessment shows that levels of *E. coli* O157:H7 in cattle represents a risk to consumers of ground beef and that unless there is a significant intervention on the farm or during processing, the risk is likely to remain. This draft risk assessment is discussed further under the sections entitled "Derivation of the

Proposed Lethality Performance Standards" and "Fermented Products."

Cattle and sheep may carry *E. coli* O157:H7 in the intestinal tract at the time of slaughter. However, among commercially-prepared meat products, only those that contain beef have been implicated in a number of foodborne illnesses associated with this pathogen. Therefore, in regard to meat and poultry products, the Agency is proposing this standard only for fermented products that contain beef.

FSIS is not proposing this performance standard for fermented poultry products that do not contain beef. *E. coli* O157:H7 has been found to colonize the ceca of chickens and has been isolated from retail poultry in the United States (Ref. 2, available for viewing by the public in the FSIS Docket Room). However, FSIS has never found the pathogen in raw or ready-to-cook samples of poultry obtained from processing establishments. FSIS requests comment as to whether it should also apply this standard to RTE fermented poultry products that do not contain beef, as well as to RTE fermented meat products that do not contain beef.

FSIS is proposing performance standards for thermally-processed, commercially sterile meat and poultry products that are similar to these lethality standards but derived somewhat differently. See the section "Thermally-Processed Commercially Sterile Products" for a complete discussion.

Compliance With the Lethality Performance Standards

To meet the proposed lethality performance standards, establishments would need to employ processes validated either to achieve the proposed decimal reductions of pathogens throughout a finished product or that result in one of the stated probabilities that only small numbers of reference organisms would remain viable in a worst case finished product. To develop criteria for evaluating the effectiveness of processes that achieve one of the proposed probabilities, it will be necessary for the processor to define, using associated statistical criteria, the expected characteristics of the treated product after processing, assuming certain product conditions before processing. For example, an establishment would need to specify that the probability of there being more than x surviving organisms in the finished product is no more than p, given that the worst case pre-processed product contained at least y organisms.

By codifying acceptable probabilities of remaining reference organisms in finished product, FSIS would be allowing establishments to employ processes that achieve varying levels of lethality, therefore providing processing flexibility while ensuring product safety. By also proposing specific lethality performance standards in the regulations, FSIS provides clear performance standards to establishments that may not have the resources to derive an alternative lethality or the ability to demonstrate that their process achieves a specific probability that no more than a certain number of reference organisms might exist in the finished product.

As explained above, FSIS has tentatively determined that processes that achieve the proposed lethality performance standards will process hypothetical, worst case raw product into finished, RTE product that poses no health risk to the consumer and is thus safe. In reaching this tentative conclusion, the Agency made conservative assumptions concerning the actual lethality achieved throughout the product. The Agency acknowledges that it might be possible for producers to demonstrate scientifically that these lethality assumptions or the Agency's defined worst case would not be applicable for their particular processing situation. An establishment could then design a process with lethality values that are different from those provided in this rule, but that would still yield a product that meets the final conditions equivalent to those achieved by the specific levels of pathogen reduction contained in the lethality performance standards.

An establishment developing an alternative lethality treatment or treatments and assuming an initial product condition other than the worst case would need to include in its HACCP plan scientific data and statistical validation that would justify the assumed initial conditions and verify that these would remain constant over time. For example, an establishment may be able to demonstrate that the number of *Salmonella* is not uniformly distributed throughout a particular type of product. The establishment also might demonstrate that because of husbandry and slaughter practices, the worst case product processed within an establishment differs from the worst case scenarios developed for this rule. Demonstrations of initial product conditions solely by statistical means would likely be insufficient to ensure that processes that employ alternative lethalities will result in product that meets the performance standards.

Generally, an establishment will need to demonstrate in its HACCP plan how its lethality treatment results in a finished product equivalent to that provided by compliance with the probabilities set out in this proposal. The establishment will need to demonstrate the relationships between the lethality treatments and the specific characteristics of a product, such as physical and chemical properties. This demonstration could involve the use of heat transfer equations and should account for all variables that would affect lethality (e.g., size of product, humidity, density, thermal conductivity, specific heat, shape, product composition, and strain of organism).

Finally, establishments employing alternative lethalities will need to demonstrate, within their HACCP plans, that they have validated their processes as being effective in ensuring product safety. Section 417.4(a)(1) of the HACCP regulations sets forth the "initial validation" requirements for establishments under HACCP:

> Upon completion of the hazard analysis and development of the HACCP plan, the establishment shall conduct activities designed to determine that the HACCP plan is functioning as intended. During this HACCP plan validation period, the establishment shall repeatedly test the adequacy of the CCPs, critical limits, monitoring and record keeping procedures, and corrective actions set forth in the HACCP plan. Validation also encompasses reviews of the records themselves, routinely generated by the HACCP system, in the context of other validation activities.

FSIS explains the derivation of the proposed lethality performance standards in the following section. A technical paper (Ref. 3, available for viewing by the public in the FSIS Docket Room and on the Internet.[1]) explaining the derivation of the lethality performance standards also is available. Establishments are encouraged to use this paper when developing alternative lethalities. In the paper, FSIS explains the methodology used to calculate the probability of remaining *Salmonella* organisms in treated product.

Notably, with any final action, FSIS will provide compliance guides that give explicit processing instructions and time/temperature combinations proven to achieve the proposed decimal reductions of pathogens. Small and other establishments that do not have the technical resources to demonstrate that they are meeting the proposed

[1] http://www.fsis.usda.gov /OPPDE/rdad/FRPubs/95–033F_tech%20paper.pdf

performance standards may use these compliance guides to develop their HACCP systems. FSIS has published compliance guides for meeting the lethality and stabilization performance standards already set forth in its January 6, 1999, final rule, has posted these documents to the FSIS web page (*http://www.fsis.usda.gov*), and has made the documents available free of charge via the Constituent Update (see section XIV Additional Public Notification) and the FSIS docket room. FSIS expects to make additional draft guidance documents available after publication of this proposed rule and as information becomes available in order to provide establishments with guidance for safely manufacturing RTE meat and poultry products. These draft guidance materials will be clearly identified as guidance materials and not as regulatory requirements. These guides would be applicable to the processing of many of the RTE meat and poultry products governed by these proposed regulations. FSIS plans to update these guides soon in accordance with ongoing Agricultural Research Service studies. Where possible, FSIS will base its compliance guides on existing industry practices and requests comment and information regarding processing that has been shown to meet the proposed performance standards.

Derivation of the Proposed Lethality Performance Standards

Salmonella

To derive the proposed lethality performance standards for *Salmonella*, FSIS first determined the levels of *Salmonella* in a hypothetical worst case raw product of a fixed weight. The hypothetical "worst cases" for *Salmonella* and *E. coli* O157:H7 were derived using data from FSIS's Nationwide Microbiological Baseline Data Collection Program surveys (Ref. 4, available for viewing by the public in the FSIS Docket Room). The baseline surveys conducted by FSIS were designed to provide estimates of the national prevalence and levels of selected bacteria of public health concern. *Salmonella* was one of the pathogens specifically addressed in all of the baseline surveys for the various classes of products. The baseline surveys were conducted over a specified period of time ranging from a half year to a full year. The baseline surveys were used to establish the pathogen reduction performance standards for *Salmonella* that were included as a component of the Pathogen Reduction-HACCP final rule of July 25, 1996 (61 FR 38806). The performance standards for *Salmonella* that were established as part of the Pathogen Reduction-HACCP final rule differ from the proposed lethality performance standards for *Salmonella* included as part of this proposed rulemaking.

The *Salmonella* performance standards for the Pathogen Reduction-HACCP final rule are designed as follows: they are applicable to establishments that produce raw products; FSIS collects and tests samples from raw product; the results of the raw product samples are reported to the establishment by FSIS after a specified number of samples are collected over time; and a positive result for *Salmonella* in raw product generally does not result in an adulteration determination. In contrast to this design, the *Salmonella* lethality performance standards of this proposed rule are designed as follows: they are applicable to establishments that produce ready-to-eat products (not raw product); the establishment may sample and test samples of RTE product as part of its verification activity associated with the production of RTE product and any testing by FSIS is conducted as part of the Agency's verification activity; and a positive result for *Salmonella* in RTE product does result in an adulteration determination. The premise and use of the lethality performance standards for *Salmonella* in this proposed rule are unchanged from those previously contained in the recent final rule for RTE products (64 FR 732, January 6, 1999). Consequently, the baseline surveys were used in the design of two separate performance standards: one performance standard identifies the prevalence of *Salmonella* in raw product over a specified period of time; the other performance standard (addressed as part of this proposed rule) identifies the expected reduction in the level of *Salmonella* in RTE product in a specified lot of product. Since these two performance standards apply to different types of establishments (i.e., the former applies to establishments producing raw product; the latter applies to establishments producing RTE product), they are not duplicative standards nor do they directly relate to each other. The only commonality between these two performance standards for *Salmonella* is that they are both derived from the same baseline surveys. The level of *E. coli* O157:H7 in raw products also was assessed in the same baseline studies as were used to determine the level of *Salmonella* in raw products.

Using the national baseline survey information to establish the levels of selected bacteria of public health concern (e.g., *Salmonella*), the Agency then determined levels of lethality that would limit the probability of any remaining *Salmonella* or *E. coli* O157:H7 in finished product produced from worst case raw product. FSIS made conservative but reasonable assumptions concerning measurement error and distributions of organisms throughout the product. These assumptions are fully discussed in the technical paper (Ref. 3, available in the FSIS Docket Room and at the FSIS web page http://www.fsis.usda.gov). However, the assumptions are generally based on the following which are further discussed below: the number of organisms recovered from frozen samples; the sensitivity of the detection methodology; the confidence level of measurement variability; and the serving size. Thus, worst case levels in product are not expected to actually occur, provided products are handled appropriately before lethality treatments. The derived worst case levels are hypothetical constructs meant to represent upper limits of possibilities for raw product produced under appropriate, normal manufacturing conditions. These conditions include maintaining the raw product at or below temperatures known to prevent growth of *Salmonella* and most other pathogenic organisms (e.g., at or below 40 degrees Fahrenheit). In addition, they include processing the raw product into RTE product quickly before the raw product's surface temperature becomes elevated for sufficient amounts of time to allow *Salmonella* and most other pathogenic organisms to multiple exponentially. FSIS believes that under these conditions, processes that satisfy the performance standards established as a result of this rulemaking will be safe.

The Agency used the most probable number (MPN) method for measuring levels of *Salmonella* in the FSIS surveys of meat and poultry products. The MPN measurements were made on frozen samples. The calculations used to determine the number of organisms for the worst case product take into account non-recovery of organisms in frozen samples.

For *Salmonella*, the Agency assumed a 30 percent recovery of organisms from frozen samples (Ref. 3, available for viewing by the public in the FSIS Docket Room). The expected recovery is a function of how quick and long the sample was frozen. Based on FSIS experience with samples, the approximate detection limit for recovery of *Salmonella* is 0.5 cells per gram in 25-gram frozen samples. This means that there is a high probability that a 25-

gram sample with 13 organisms would be found positive. For the purposes of this regulation, the Agency assigned a 99% probability that a 25-gram sample with 13 *Salmonella* cells would test positive. Even if one organism were recovered, the sample result would be positive, so that the probability of a positive sample result can be expressed as $1-\tau^{13}$, where τ is the theoretical probability of a single injured or uninjured *Salmonella* organism not being recovered. With this assumption, for frozen samples, τ is approximately 70%, that is, there is a 70% probability that a single organism would not be recovered. Thus, there is a 30% recovery of *Salmonella* cells.

To account for measurement variability, the Agency calculated the 97.5 percent upper confidence limit associated with the measured MPN value (Ref. 3, available for viewing by the public in the FSIS Docket Room). FSIS did not use the average level of *Salmonella* reported for the various classes of product. Rather, in order to determine the highest estimate for the level of *Salmonella* in raw products, FSIS took the raw data, not the calculated average, and computed a number at the 97.5 percent upper confidence level. Using this upper limit, the Agency then computed the upper limit for 143 grams of raw product. The Agency used 143 grams of raw product as the basis for its calculations because after cooking, assuming a 70 percent yield, 143 grams would result in approximately 100 grams (3.5 ounces) of cooked product.

The Agency used the high MPN value for ground chicken (the highest MPN value measured for poultry products) from the FSIS national baseline surveys[2] to determine the proposed lethality for *Salmonella* for all RTE products containing poultry, other than thermally processed, commercially sterile products. For ground chicken, the upper 97.5 percent confidence limit for the highest measured MPN value of 2300 MPN per gram for *Salmonella*, assuming a 30 percent recovery, is approximately 37,500 cells/gram, which, when multiplied by 143 grams totals approximately 6.7-$\log_{10}$ cells. Therefore, the level of *Salmonella* organisms in a hypothetical worst case raw product would be greater than 6.5-$\log_{10}$ but just less than 7.0-$\log_{10}$. Consequently, to provide a margin of safety and to use either a whole or half integer lethality, FSIS is proposing to require a reduction in viable *Salmonella* of 7.0-$\log_{10}$, which is 0.3-$\log_{10}$ above the worst case level, throughout RTE products that contain poultry, other than thermally processed, commercially sterile products. The consequence of this choice is that, for a hypothetical "worst case" product, the probability of surviving *Salmonella* organisms is 39.4%, assuming that the distribution of the number of survivors is binomial with number parameter equal to the number of organisms in the worst case and the probability parameter equal to $1/10^x$ where x is the required decrease in viability.

Alternatively, an establishment may use a processing procedure validated to achieve the probabilities in Table 1 above that no more than specific amounts of *Salmonella* would remain in any 100 gram sample of a finished, hypothetical worst case product. As stated above, these probabilities would result in hypothetical worst case poultry products that had been successfully processed to achieve a 7-$\log_{10}$ reduction in *Salmonella*.

To determine the proposed lethality for RTE meat products that do not contain poultry, other than thermally processed, commercially sterile products, the Agency used the high MPN value for whole beef (the highest MPN value measured for all meat products): 240 MPN/cm^2. To translate this value to a level per gram, FSIS assumed that, for a worst case level, a cut of meat is 0.8 cm and that the specific density of beef is approximately 1.1 grams/cm^3 (slightly lower than average) (Ref. 3, available for viewing by the public in the FSIS Docket Room). These factors are for practical purposes equal to 1, so that the MPN/cm^2 values are assumed to estimate the level per gram of product. Thus, for the worst case derivation, the starting value is 240 MPN/g.

The 97.5 percent upper confidence limit, assuming a 30 percent recovery, is 4100 cells/g. Because samples for the whole product surveys consisted of pooled tissue from 3 different carcass sections, and the prevalence was low (less than 3 percent), the Agency assumed that the high value used for determining the worst case product is 3 times that of the measured MPN value. Thus, the 97.5 percent upper confidence limit is multiplied by 3 and then multiplied by 143 grams. The resulting number of organisms for the worst case product is approximately 6.2-$\log_{10}$. Therefore, to provide the same margin of safety as provided for with poultry products, the proposed required lethality is obtained by adding 0.3 $\log_{10}$ to the worst case level of 6.2 $\log_{10}$. Thus, FSIS is proposing to require either a relative reduction in viable *Salmonella* of 6.5-$\log_{10}$ throughout finished, RTE meat products, or alternatively, one of the probabilities listed above in Table 1. FSIS has not specified the probability of worst case product actually occurring since the worst case was a hypothetical construct based, in part, on a high confidence level of the maximum observed level of microorganisms in a statistically designed national baseline. In addition, FSIS made additional assumptions that FSIS believes to be conservative. All the assumptions regarding the derivation of the worst case are contained in the technical paper (Ref. 3, available in the FSIS Docket Room and at the FSIS web page, *http://www.fsis.usda.gov*). FSIS requests comments regarding these assumptions.

E. coli O157:H7

After a 1994 outbreak of illnesses caused by *E. coli* O157:H7, FSIS recommended that producers of fermented RTE products that contain any amount of beef validate their processes to achieve a 5.0 $\log_{10}$ lethality of *E. coli* O157:H7 (see additional discussion under *Fermented Products*). This recommended lethality was based on a report submitted to FSIS (The Task Force on Technical Issues Arising from the National Advisory Committee for Microbiological Criteria for Foods (NACMCF)). The 5-$\log_{10}$ relative reduction was derived by adding 1 $\log_{10}$ as a safety margin to an assumed worst case of 4.0 $\log_{10}$ that was recommended by the NACMCF. If this lethality were applied in a product containing 10^4 cells per gram, then it would be expected that a single cell would remain. However, the conclusion that a single *E. coli* O157:H7 cell per 10 grams (or a possible 10 cells per 100 grams) remaining in the product adequately prevents foodborne disease is in question. Some researchers now believe that low numbers of *E. coli* O157:H7 cells ingested are sufficient to cause foodborne disease (Ref. 5, available for viewing by the public in the FSIS Docket Room).

Presented in chapter 5 of the OPHS risk assessment are results of a derivation of the possible number of *E. coli* O157:H7 cells in combo bins of 2000 pounds or approximately $10^{5.96}$ grams (Ref. 1, available for viewing by the public in the FSIS Docket Room). The highest number associated with a non-zero probability is 10^7 cells for which an upper bound probability of occurrence is 0.002% (1/50,000). As discussed above in the derivation of the proposed lethality requirements, the Agency considers the number of cells in 143 grams of raw product, accounting for a possible 70% yield when the product is processed. A bin with 10^7 cells implies that the expected number of cells in 143 grams of raw product would be about 3.2 $\log_{10}$ cells per 100 grams. The assumptions used in deriving this number assume that the *E. coli* O157:H7 cells present are uniformly distributed throughout the bin, so that the 3.2 $\log_{10}$ represent an average or expected number of cells per 143 grams of product. It is clearly possible that there would be in some 143-gram portion more than 3.2 $\log_{10}$ *E. coli* O157:H7 cells. Thus, a worst case level should be larger than 3.2 $\log_{10}$ *E. coli* O157:H7 cells.

To derive worst case levels for *E. coli* O157:H7 for the purpose of determining a performance standard, the Agency applied the algorithm, described above for *Salmonella*, using information presented in OPHS risk assessment. This risk assessment presented results of MPN analyses from the Agency's microbiological baseline surveys of bovine carcasses (Ref. 1, available for viewing by the public in the FSIS Docket Room). In total, out of about 4,000 samples, 4 samples were found positive. For each positive a matching sample was analyzed using the MPN procedure. Of the 4 analyzes, 2 were found positive. The highest reported MPN value was 0.93 cells/cm^2, which, as described above, is assumed to represent level per gram value, or 0.93 MPN/gram. A 97.5 percent upper confidence limit for this value is 3.7 cells/cm^2. FSIS did not use the average level of *E. coli* O157:H7 reported for the various classes of product. Rather, in order to determine the highest estimate for the level of *E. coli* O157:H7 in raw products, FSIS took the raw data, not the calculated average, and computed a number at the 97.5 percent upper confidence level.

The samples used for determining *E. coli* O157:H7 levels in the FSIS surveys were frozen. In the OPHS risk assessment, information concerning the recovery rate is given. It is stated in the report that nine 25-gram samples of ground beef were inoculated with 0.7 *E. coli* O157:H7 organisms per gram, and that eight of these samples subsequently were detected as positive. In determining the possible recovery for *E. coli* O157:H7 cells in a sample that is subsequently frozen, FSIS assumes that the actual number of cells in a specified 25-gram sample is a random variable, n, following a Poisson distribution, $f(n, \lambda) = e^{-\lambda}\lambda/n!$, with expected value $\lambda = 17.5$. If τ is the probability of not recovering a given single cell, then the probability of detecting the presence of *E. coli* O157:H7 in a 25 gram sample, is, $\pi = \Sigma\,(1-\tau^n)f(n, \lambda) = 1-e^{-\lambda(1-\tau)}$. Thus, the probability of recovering a given cell is $1-\tau = -\ln(1-\pi)/\lambda$. From nine samples, eight were detected positive, so that a 97.5% lower confidence bound for π is 0.6635. Using this value for π, the derived value for $1-\tau$ is 0.062, representing the recovery. For the worst case level, the 97.5 percent upper bound, 3.7 cells/cm^2, is divided by 0.062 to derive 59.45 cells/cm^2.

As described above for deriving the worst case levels for *Salmonella* in beef, the measured levels are multiplied by 3, to account for the fact that samples from the bovine FSIS baseline surveys consisted of a composite from 3 sections of the carcass, and for a worst case derivation, FSIS assumes that all the cells existed in one of the three sections. Thus, for the worst case level, the 59.45 cells/cm^2 is multiplied by 3, and then multiplied by 143 grams to derive an approximate 4.4 $\log_{10}$ cells for the worst case level.

The above derivation indicates that the "worst case" level of 4.4 $\log_{10}$ cells per 143 grams is greater than the highest expected level of 3.2 $\log_{10}$ cells per 143 grams derived in the OPHS risk assessment. Consequently FSIS will use the 4.4 $\log_{10}$ as the "worst case" level.

To provide the same margin of safety as provided for with *Salmonella* in poultry and red meat products, the lethality is obtained by adding 0.3 $\log_{10}$ to the worst case level of 4.4 $\log_{10}$. However, foodborne illness associated with *E. coli* O157:H7 might be more severe than that associated with *Salmonella*, as testified to by the severity of many reported cases in children and senior citizens. Also, as stated above, some researchers believe that low numbers of ingested *E. coli* O157:H7 cells are sufficient to cause foodborne illness. Furthermore, there is only a small amount of data from the Agency's microbiological baseline survey: four samples, of which only two were positive. This number of samples does not provide a high degree of confidence in the magnitude of the higher levels that might exist. Consequently, FSIS is requiring that processors of fermented products containing beef achieve a higher probability of no surviving cells of *E. coli* O157:H7 in treated worst case products than that required for *Salmonella*. Specifically, FSIS is proposing a 5-$\log_{10}$ lethality, which can be obtained by adding 0.6 $\log_{10}$ to the "worst case" level (instead of 0.3 $\log_{10}$ added for *Salmonella*). The probability of no surviving *E. coli* O157:H7 cells given a "worst case" level of cells is about 78% (instead of 61% for *Salmonella*).

FSIS also examined measured levels of *E. coli* O157:H7 found in suspect lots of hamburger identified in foodborne disease outbreaks (Refs. 6 and 7, available for viewing by the public in the FSIS Docket Room). Direct count determinations were as follows: 50, 100, 5100, and 6200 colony forming units (CFU) per gram. Because of the possibility that the high *E. coli* O157:H7 levels represent product that has been abused and thus are not representative of product produced in an establishment and used in RTE product, FSIS could not, with complete justification, use these values for determining a required lethality. However, these results do suggest that a lethality of at least 5-$\log_{10}$ is needed to help ensure an *E. coli* O157:H7 free RTE product.

The derivation for the proposed lethality of *E. coli* O157:H7, in using only a slightly higher probability of no surviving cells compared to that used for deriving the proposed lethalities for *Salmonella*, assumes only a slightly greater public health concern for *E. coli* O157:H7. However, foodborne illness associated with *E. coli* O157:H7 might be significantly more likely than that associated with *Salmonella*. As mentioned above, some researchers now believe that low numbers of *E. coli* O157:H7 cells ingested are sufficient to cause foodborne disease. This belief also is reflected in the recent OPHS draft risk assessment regarding *E. coli* O157:H7 in ground beef (Ref. 1, available for viewing by the public in the FSIS Docket Room). The dose response model used in this report allows the possibility of a 1% probability of illness when a random selected consumer ingests a

[2] While the numbers of samples in the FSIS national surveys are rather large, the largest MPN value, as an estimate of large densities of pathogenic organisms, from a statistical perspective, may have substantial statistical variation. Thus, to reduce differences in required lethality reductions caused by statistical variation, data sets of different species were combined if warranted by consideration of the prevalences and possibly the geometric means of the levels of the organisms for these species. The high value of combined data sets was used for determining the hypothetical worst case for these species. The criteria used for combining data sets of different species are easier stated as the converse of criteria for when data sets would not be combined and thus the lethality requirements for these species would be different. The criteria for determining when lethality requirements for two species, A and B, are different are: For a given type of product, the lethality requirement for species A is larger than that of species B if (1) the high MPN value for species A is larger than that of species B, and (2) the prevalence for species A is larger than that of species B, or the prevalences are approximately equal and the geometric mean for species A is larger than that of species B. Otherwise, the lethality requirements would be the same and the high value of the combined data set would be used for both species A and B. For the products and pathogen considered in this proposed regulation, the criteria for combining data depend upon the prevalences and the high values.

single cell; and when, ingesting 10 cells, the probability of illness could be as high as 10%.

Consequently, FSIS may need to require that processors of fermented products containing beef achieve a higher probability of no surviving cells of *E. coli* O157:H7 in treated worst case products. For example, if the proposed lethality were 5.5 $\log_{10}$, the probability of no surviving *E. coli* O157:H7 cells in the hypothetical worst case would be 92.4% instead of 77.8%; if the proposed lethality were 6.0, then the probability of no surviving *E. coli* O157:H7 cells would be 97.5%.

Since the number of sample results from which the worst case was derived is small, there is not a high degree of confidence in the magnitude of the higher levels of *E. coli* O157:H7 that might exist. Further information may require FSIS to adjust the worst case level and thus the required lethality, accordingly. It is important to note, however, that a fermentation process offers an extra degree of safety compared to a heat process, given the same lethality. Unlike ordinary cooked RTE products, the physio-chemical environment within fermented products is hostile to the survival of pathogens. Thus, within an ordinary cooked RTE product, sublethally injured bacteria may be able to resuscitate and then multiply when the temperature rises. Within fermented sausages, most of which are shelf-stable, resuscitation is not possible. FSIS specifically requests comment on the proposed performance standard for the pathogen *E. coli* O157:H7 in fermented products containing beef.

FSIS has not specified the probability of worst case product actually occurring since the worst case was a hypothetical construct based, in part, on a high confidence level of the maximum observed level of microorganisms in a statistically designed national baseline. In addition, FSIS made additional assumptions that FSIS believes to be conservative. All the assumptions regarding the derivation of the worst case are contained in the technical paper (Ref. 3, available in the FSIS Docket Room and at the FSIS web page, *http://www.fsis.usda.gov*). FSIS requests comments regarding these assumptions.

Selection of the Reference Organisms

An explanation of how the Agency established the proposed reference organisms for each category of RTE product, other than thermally processed, commercially sterile products, follows.

Dried Products

The pathogens associated with dried (but not fermented) RTE meat and poultry products are *Salmonella, Listeria monocytogenes, Staphylococcus aureus, E. coli* O157:H7 and *Trichinella spiralis. T. spiralis* is only associated with pork and game products. There are a limited number of studies on the reduction of pathogens during the processing of dried meat and poultry products.

J. A. Harrison and M. A. Harrison surface-inoculated one-third of a beef jerky strip (15 × 1.5 × 1.5 cm.) with 0.1 ml of a 10^8 CFU/ml cell suspension each of *L. monocytogenes, Salmonella typhimurium,* and *E. coli* O157:H7 (Ref. 8, available for viewing by the public in the FSIS Docket Room). Results show that higher log reductions of the three pathogens were obtained when beef jerky was preheated to 160 °F and when curing agents were added. In general, *L. monocytogenes* was more resistant to the treatments. However, after 10 hours of drying at 140 °F, the populations decreased to undetectable levels, resulting in a 5.5 to 6.0 log reduction of the three pathogens. After storage at 25 °C for 8 weeks, none of the pathogens were detected. Subsequent challenge studies on inoculated ground beef jerky, with or without curing agents, heated or unheated, showed that *Salmonella spp.* was in general more resistant than *L. monocytogenes* to the integrated process. However, after 6 hours of drying at 140 °F, *L. monocytogenes* and *Salmonella* had about the same population reduction in preheated samples (Refs. 9 and 10, available for viewing by the public in the FSIS Docket Room).

These studies show that the time and temperature of drying and other variables, such as the use of beef strips or formed ground beef jerky, the addition of curing agents, and preheating before drying, will affect the reduction of pathogens. Lethality of pathogens in dried products is achieved by dehydration to a water activity (a_w) level that inhibits their growth. Preheating or precooking and the addition of curing agents facilitate and add to the lethality factor.

In 1995, a salmonellosis outbreak was associated with commercially produced beef jerky linked to three *Salmonella* serotypes (Ref. 11, available for viewing by the public in the FSIS Docket Room). The CDC Morbidity and Mortality Weekly Report (MMWR) report stated that the New Mexico Department of Health investigated five outbreaks of salmonellosis associated with locally produced beef jerky from 1966 to 1988 and one outbreak of staphylococcal food poisoning associated with beef jerky in 1982. Also according to the MMWR, four other states reported foodborne disease outbreaks associated with the consumption of locally produced or homemade jerky from beef, bear, or cougar meat. The outbreaks were caused by *T. spiralis* and by nitrite poisoning.

The MMWR set out the recommendations of CDC for the prevention of bacterial growth in jerky production. CDC recommended rapid drying at high temperatures (i.e., initial drying temperature >155 °F (68.3 °C) for 4 hours, then >140 °F (60 °C) for an additional 4 hours), and decreased water activity (*i.e.*, $a_w = 0.86$).

E. coli O157:H7 was implicated in one case in homemade venison jerky (Ref. 12, available for viewing by the public in the FSIS Docket Room). *L. monocytogenes* has not been reported to be associated with any foodborne illness attributable to the consumption of commercial jerky products. So, based on the epidemiological data and research studies on jerky, it does not appear that *E. coli* O157:H7 or *Listeria* represent serious hazards in commercially produced jerky. Consequently, FSIS chose *Salmonella* as the proposed reference organism for dried products.

If a process used to produce dried products achieves the proposed reduction in the number of *Salmonella* organisms, the number of *T. spiralis, E. coli* O157:H7, and *S. aureus* should also be reduced to safe levels because these organisms are generally less heat resistant than *Salmonella. L. monocytogenes* is a problem more often because of inadequate sanitation than inadequate processing. Under HACCP and Sanitation SOP requirements, establishments must ensure that their processing controls hazards in addition to *Salmonella,* such as *L. monocytogenes,* if they are reasonably likely to occur.

Salt-Cured Products

The microbiological stability (the lethality during processing) of salt-cured meats, such as salt-cured hams, is dependent on their low water activity, the presence of nitrite, and smoke applied between the salting and drying processes (Ref. 13, available for viewing by the public in the FSIS Docket Room). Lethality of pathogens in the salt-cured products is attained by low temperature salting and drying. Both of these processes reduce the water activity to levels that inhibit the growth of pathogens. The addition of nitrates or nitrites and smoke enhance the inhibitive effect of the process.

There were two salmonellosis outbreaks linked to salt-cured hams: Serrano variety cured ham in Spain and prosciutto ham in Italy (Refs. 14 and 15, available for viewing by the public in the FSIS Docket Room). Low levels of salt and relatively high water levels in some parts of the Serrano variety cured ham were judged to be the most probable cause of *Salmonella* growth and consequent illness. Aside from *Salmonella,* other pathogens of concern in salt-cured products are *S. aureus, L. monocytogenes,* and *T. spiralis.* The Agency is proposing to select *Salmonella* as the reference organism because outbreaks in salt-cured products have been associated with *Salmonella.* As with dried products, if the process used to produce salt-cured products achieves the proposed 6.5 − $\log_{10}$ or 7.0-$\log_{10}$ reduction in *Salmonella* organisms, the number of these other pathogens should also be reduced to safe levels. In addition, establishments would have to ensure that processing also controls hazards other than *Salmonella,* including other pathogens, that are reasonably likely to occur.

Fermented Products

In late 1994, 23 cases of illness caused by the pathogen *E. coli* O157:H7 were reported in Washington State and northern California (Ref. 16, available for viewing by the public in the FSIS Docket Room). Epidemiological investigations by State and local health agencies associated the outbreak with the consumption of dry cured salami products. In October 1995, the Pennsylvania State Department of Health linked 26 cases of salmonellosis to the consumption of contaminated Lebanon bologna (Ref. 17, available for viewing by the public in the FSIS Docket Room).

After the 1994 outbreak of illnesses caused by *E. coli* O157:H7, FSIS met regularly with scientists from the Agricultural Research Service, representatives of the meat and poultry industry and members of the NACMCF to develop a policy for ensuring the safety of shelf-stable, RTE fermented sausages. This group developed several processing options that would ensure a 5-$\log_{10}$ relative reduction of *E. coli* O157:H7 in fermented sausages. In addition, FSIS approved a processing option developed by the Blue Ribbon Task Force on *E. coli* O157:H7 of the National Cattleman's Beef Association.

As explained previously, the 5-$\log_{10}$ reduction of *E. coli* O157:H7 in dry and semidry fermented sausages was originally based on the notion of adding a 1-$\log_{10}$ safety margin over an assumed worst case of 10^4 CFU/gram in raw product. FSIS offered 4 options to either achieve the recommended 5-$\log_{10}$ relative reduction of *E. coli* O157:H7 or control for its presence in finished product: (1) Apply the cooking treatment in either 9 CFR 318.17 or 318.23, (2) apply a validated integrated heat treatment of equal lethality, (3) test product using ICMSF lot acceptance criteria, or (4) apply a validated 5-$\log_{10}$ relative reduction or process that results in less than 1 *E. coli* O157:H7 per 100 gram of finished product. The Blue Ribbon Task Force of the National Cattlemen's Beef Association specifically addressed Option 2—a validated 5-$\log_{10}$ inactivation treatment. The Task Force focused on the processing parameters of heat and acid sensitivity of the organism. The processes and the resultant level of reduction of *E. coli* O157:H7 were summarized in a table and flow chart. In addition, the report recommended a fifth option, combination of sampling of raw ingredients and a 2-log10 lethality treatment, and described the remaining 3 options.

On August 21, 1995, FSIS wrote to establishments producing fermented sausages and strongly encouraged that they implement one of the validated processing options contained in the document to ensure the processing used achieves at least a 5-$\log_{10}$ relative reduction of *E. coli* O157:H7. While most establishments have implemented one of the processing options, not all have.

As discussed previously, in support of rulemaking, OPHS has sponsored a risk assessment of *E. coli* O157:H7 in ground beef (Ref. 1, available for viewing by the public in the FSIS Docket Room). The draft risk assessment presents data on the prevalence of *E. coli* O157:H7 among breeding herds and feedlots of cattle, and *E. coli* O157:H7 levels on carcass samples. This information shows that levels of *E. coli* O157:H7 in cattle represents a risk to consumers of ground beef, and that, unless there is a significant intervention on the farm or during processing, the risk is likely to remain.

In addition, because of the incidence of foodborne illness linked to *E. coli* O157:H7 in fermented sausages and because these products ordinarily are not fully cooked before being fermented (which creates a situation that may allow the survival of *E. coli* O157:H7), the Agency is proposing to include *E. coli* O157:H7, in addition to *Salmonella,* as a reference organism for fermented RTE meat and poultry products that contain beef.

Under this proposal, processing of fermented products that contain beef would be required to meet lethality performance standards for both *Salmonella* in § 430.2(a) and for *E. coli* O157:H7 in § 430.2(b). As discussed under the "Lethality" heading above, for fermented RTE meat and poultry products that contain beef, the Agency is proposing that processing achieve either specific probabilities of remaining organisms in 100 grams of finished product, or a 5.0-$\log_{10}$ relative reduction of *E. coli* O157:H7 throughout the product, which would achieve those probabilities in a hypothetical, worst case raw product. FSIS is not proposing this performance standard for fermented meat and poultry products that do not contain beef.

The Agency tests fermented sausage products for *Salmonella, L. monocytogenes , E. coli* O157:H7, and staphylococcal enterotoxin. Isolation or detection of any of these pathogens and enterotoxin results in product recall and destruction of product. With the exception of *L. monocytogenes,* these pathogens and staphylococcal enterotoxin have been linked to foodborne illness associated with fermented sausage products. With regard to *S. aureus,* the production of a heat stable enterotoxin (staphylococcal enterotoxin) after it has achieved a density of at least 10^5 CFU/g rather than the bacterium itself is responsible for foodborne illness. Growth of *S. aureus* is inhibited by the competitive growth of lactic acid bacteria, such as lactobacilli and pediococci, which are often used in fermented sausage products (Refs. 18 and 19, available for viewing by the public in the FSIS Docket Room).

A suboptimally active fermentation culture or an initial large number of *S. aureus,* as has occurred when contaminated starter culture is used, may result in the growth of *S. aureus* and the production of enterotoxin. However, since 1980, the industry has implemented fermentation controls, and no repeat of the previous type outbreaks has occurred. Therefore, FSIS is not proposing *S. aureus* as a reference organism for these products.

L. monocytogenes is the most frequently isolated pathogen of those included in the FSIS monitoring program for fermented sausages. Despite its prevalence in fermented sausage products, no foodborne illnesses have been linked to *L. monocytogenes* in fermented sausages. Thus, the Agency is not proposing that *L. monocytogenes* be a reference organism for fermented sausages; however, if the Agency were to find *L. monocytogenes* in the finished

product, the product would be adulterated and subject to recall.

In a Lebanon bologna process, a 3- to 4-$\log_{10}$ reduction of *Salmonella dublin* and a reduction of *Salmonella typhimurium* to undetectable levels was observed by the end of fermentation if starter culture was used (Ref. 20, available for viewing by the public in the FSIS Docket Room). Similarly, Bacus noted that contamination of fermented meat products with *Salmonella* most likely results from an inadequate lactic acid production or a highly contaminated raw product (Ref. 21, available for viewing by the public in the FSIS Docket Room).

Various studies have shown that fermentation and drying resulted in about a 2-$\log_{10}$ reduction of *E. coli* O157:H7 (Refs. 22 through 24, available for viewing by the public in the FSIS Docket Room). In one study, Glass, et al., reported that *E. coli* O157:H7 decreased by about 2-$\log_{10}$ CFU/g after fermentation, drying, and storage at 4 °C for 6 weeks following the end of an 18–21 day drying cycle for a fermented sausage formulation. In another, however, Faith et al., observed a 5- to 6-$\log_{10}$ reduction of *E. coli* O157:H7 in pepperoni sticks following fermentation, drying, and 2 weeks of storage at an ambient (unrefrigerated) temperature of 21 °C.

In one of the few studies that compared the combined effect of fermentation and drying on both *Salmonella* and *E. coli* O157:H7, Ellajosyula, *et al.*, observed that the reduction of *Salmonella* and *E. coli* O157:H7 in Lebanon bologna was less than 2- $\log_{10}$ after fermentation to pH 4.7 (Ref. 22, available for viewing by the public in the FSIS Docket Room). In this study, *Salmonella* was equally or significantly ($P<0.01$) less resistant than *E. coli* O157:H7 to various combinations of pH levels achieved after fermentation and subsequent heating at 110 °F to 120 °F. Fermentation to pH 5.2 or 4.7 followed by heating at 110 °F to 120 °F for specified times (e.g., 110 °F for 20 hours or 120 °F for 3 hours) resulted in a greater than 7- $\log_{10}$ reduction of both *Salmonella* and *E. coli* O157:H7. This study shows that a final heating step may be necessary to achieve the proposed reduction of both *Salmonella* and *E. coli* O157:H7 in fermented sausage products.

Salmonella and *E. coli* O157:H7 have been the cause of foodborne illnesses linked to fermented sausage products. Although, as noted above, *Salmonella* may be less resistant than *E. coli* O157:H7 to the processes for the different fermented meat products, it has not been demonstrated that processes resulting in a 5.0-$\log_{10}$ reduction of *E. coli* O157:H7 will result in a 6.5- $\log_{10}$ or 7.0- $\log_{10}$ reduction of *Salmonella* in meat and poultry products, respectively. Conversely, processes resulting in a 6.5- or 7.0- $\log_{10}$ reduction of *Salmonella* have not been shown to produce a 5.0-$\log_{10}$ reduction of *E. coli* O157:H7. Therefore, a process for fermented RTE products that contain beef must be validated for both pathogens.

Cooked and Otherwise Processed Whole or Comminuted Meat Products

As stated above, FSIS already has made final lethality performance standards for certain RTE meat products, including RTE cooked beef, corned beef, and roast beef. In this document, FSIS is proposing to extend these performance standards to all other cooked and otherwise processed (e.g., cured) meat products. Under this proposal, establishments would be required to employ processing validated to achieve specific probabilities (Table 1) that only small numbers of *Salmonella* organisms could remain in finished cooked or otherwise processed, whole and comminuted, RTE meat products. Alternatively, an establishment could use a process validated to achieve a 6.5-$\log_{10}$ reduction of *Salmonella* throughout a finished RTE meat product.

As with cooked beef, corned beef, and roast beef, the primary pathogenic microorganism of concern in these other RTE meat products has been *Salmonella*. FSIS tentatively finds that the destruction of *Salmonella* in these products will result in the destruction of most other pathogens. FSIS is not proposing to require that any particular means be used to meet the lethality standard. Cooking, for example, would not need to be the sole means by which lethality would be achieved. Other applicable treatments, such as curing or other controls, could be used in combination with cooking to achieve the required lethality.

Meat Patties

In the proposal preceding the January 1999 final rule that established performance standards for certain RTE meat and poultry products, FSIS identified *Salmonella* as the target pathogenic microorganism in fully-cooked, uncured meat patties and proposed a 5-$\log_{10}$ reduction in *Salmonella* as the lethality performance standard. FSIS made a tentative finding that a 5-$\log_{10}$ reduction in *Salmonella* in cooked, uncured meat patties would effectively eliminate most other bacterial pathogens of concern. Notably, compliance with the time/temperature requirements already contained in the regulations effectively achieved a 5-$\log_{10}$ reduction in *Salmonella*.

However, FSIS did not make final the lethality performance standards proposed for RTE comminuted meat patty products. In the course of developing the final regulation, FSIS determined that a higher lethality was likely necessary to produce RTE, uncured meat patties that would pose no health risk to consumers. The Agency could find no conclusive information demonstrating that the distributions of bacteria on ground and whole product produced under normal manufacturing conditions would present comparatively higher or lower risks to consumers. Furthermore, most, if not all, RTE meat and poultry products will be manufactured from the same supply of raw product examined in the FSIS national baseline surveys. So, using performance standards that would render any hypothetical, worst case raw product safe should be applicable to all categories of RTE meat and poultry products.

Consequently, FSIS is proposing to require that establishments achieve a 6.5-$\log_{10}$ reduction of *Salmonella* in all RTE meat products, including RTE meat patties. FSIS believes that many establishments are achieving this higher lethality already, either through a cooking step or a combination of treatments. Furthermore, new and innovative processing technologies, including irradiation of raw product, should allow establishments to achieve this lethality without significantly altering the quality of their products through overcooking.

Cooked and Otherwise Processed Whole or Comminuted Poultry Products

Again, FSIS recently made final lethality performance standards for all fully cooked, RTE poultry products, such as poultry rolls. In this document, FSIS is proposing to extend these performance standards to all other cooked and otherwise processed (e.g., cured) RTE poultry products. Under this proposal, establishments would be required to employ processing validated to achieve specific probabilities that only small numbers of *Salmonella* organisms could remain in finished cooked or otherwise processed, whole and comminuted, RTE products that contain any amount of poultry. Alternatively, an establishment could use a process validated to achieve a 7-$\log_{10}$ reduction of *Salmonella* throughout a finished product.

The primary pathogenic microorganism of concern in these other RTE poultry products has been *Salmonella*. FSIS tentatively finds that the destruction of *Salmonella* in these products will result in the destruction of most other pathogens. For example, *Campylobacter jejuni* was not selected as a reference organism in RTE poultry product, even though it is present at high levels in poultry, because it is generally recognized as being very sensitive to heat. As with the analogous meat products, FSIS is not proposing to require that any particular means be used to meet the lethality standard. For example, various treatments, such as curing or other controls, can be used in combination with cooking to achieve the required lethality.

B. Stabilization

In addition to lethality standards, FSIS is proposing that processing used to produce all RTE products, other than thermally processed, commercially sterile products, and processing used to produce partially heat-treated products, meet stabilization performance standards. The proposed stabilization standards require that establishments control their production processes to prevent the multiplication of spore-forming microorganisms. Stabilization is typically achieved through cooling a product after cooking. Specifically, the Agency is proposing to require that establishments producing these products ensure that there is no multiplication of toxigenic microorganisms, such as *Clostridium botulinum*, that potentially would create harmful toxins in the product, and that there is no more than a 1-$\log_{10}$ multiplication of *Clostridium perfringens* within the product.

FSIS is proposing this performance standard because the means applied to products to bring about the lethality of certain microorganisms in RTE products, particularly heat treatment, can create a model environment for the multiplication of spore-forming bacteria. The processing for many RTE products includes a heat treatment. Spores of *C. botulinum*, *C. perfringens*, and other spore-forming bacteria can survive cooking and, in fact, can thrive in the warm product following cooking after competitive microorganisms, such as *Salmonella* or lactic acid bacteria, have been eliminated. Anaerobic, non-refrigerated conditions also facilitate multiplication and growth of these organisms.

Similarly, during processing, partially-heat treated meat and poultry products are partially cooked and then cooled, which creates a model environment for the growth of *C. perfringens*, *C. botulinum*, and other spore-forming, toxigenic bacteria. Cooking by the consumer, retailer, or other end-user may not eliminate these bacteria or the toxins that they create in these products. Therefore, it is important that bacterial growth be controlled in these products to the extent possible before they reach the end consumer.

The stabilization performance standards are identical to the standards made final in the January 1999 performance standard rulemaking, cited above, for RTE products and partially-cooked poultry and meat patties. The purpose for imposing the no (zero) multiplication of *C. botulinum* standard was to ensure that harmful toxins would not be created in the product during cooling. Toxins are created only when there is multiplication of *C. botulinum*, or other spore-forming, toxigenic bacteria. When spores germinate and reach the outgrowth stage, even slight temperature abuse to the product can result in cell multiplication and, if there are sufficient numbers of cells, subsequent toxin formation. Thus, logically, ensuring no growth of these bacteria would provide the greatest amount of safety. Microscopic examination of cells can be used to determine whether cells have germinated and reached outgrowth stage.

The Agency requests comments on whether the *C. botulinum* standard should be no (zero) multiplication as proposed. The Agency also requests any data to support a tolerance in place of the proposed *C. botulinum* standard. The primary purpose for the zero growth standard is to ensure that harmful toxins will not be created in cooked product during cooling. If there were cell multiplication during cooling and sufficient numbers of cells, there could be subsequent toxin formation. Thus, ensuring no growth *C. botulinum* provides for the safety of the product with the greatest amount of confidence.

It is possible that there can be a small amount of *C. botulinum* growth within the time of a 1-$\log_{10}$ relative growth of *C. perfringens*. If the relative growth of *C. botulinum* were greater than zero, but less than some small amount, the affected product could possibly be considered safe for consumption, provided it is also assumed that the initial levels of *C. botulinum* were not high. This assumption would be a reasonable one, since generally the levels of *C. botulinum* in raw meat are low. However, in this situation, the consequence of the low-level *C. botulinum* assumption being incorrect and of the possible toxin production would be severe.

It is possible that compliance with the proposed zero growth standard for *C. botulinum* could impose a significant burden on industry. Because there may be growth of *C. botulinum* during a 1-$\log_{10}$ relative growth of *C. perfringens*, compliance with the proposed zero growth standard for *C. botulinum* could effectively require establishments to meet a more restrictive standard than that for *C. perfringens*. Further, demonstrating "no multiplication" by experiments (microscopic examination of cells to determine whether cells have germinated and reached outgrowth stage) could be expensive. Also, to the Agency's knowledge, there are not extensive data on which to build mathematical models for predicting the time before cell germination or outgrowth and using data from growth curves to develop predictive models for cell population growth is not propitious for demonstrating no multiplication. Usually with predictive growth models, it is very difficult or impossible to show a no occurrence event (zero-growth) with high probability. Consequently, FSIS requests comment on this issue, and data to support a possible relative growth tolerance in place of the zero growth proposed *C. botulinum* standard.

The proposed stabilization performance standard provides that any more than 1-$\log_{10}$ multiplication of *C. perfringens* will adulterate the product for the following reasons: Viable counts of 10^5 or greater of *C. perfringens*/gram in finished product have been listed by the CDC as one criteria for incriminating *C. perfringens* as the causative agent of foodborne illness (Ref. 25, available for viewing by the public in the FSIS Docket Room), although foods responsible for *C. perfringens* outbreaks usually contain at least 10^6 vegetative *C. perfringens* cells per gram (Refs. 26 and 27, available for viewing by the public in the FSIS Docket Room). In the FSIS microbiological product surveys, some samples were found to contain more than 10^4, but less than 10^5, *C. perfringens*/gram. It is a conservative assumption with respect to public health that the great majority of *C. perfringens* in the raw product are spores. Heating activates the spores that, during the cooling, become vegetative cells that can multiply to hazardous levels. Given that there can be more than 10^4 *C. perfringens* (spores) per gram on raw product, it is possible that there could be as many as 10^9 vegetative *C. perfringens*/gram of these surviving, after cooking, in the product. Therefore, the Agency, using the aforementioned CDC criteria as an upper limit that should not be exceeded, has tentatively

determined that a limit of no more than 1 $\log_{10}$ growth of *C. perfringens* is appropriate to ensure that there would be no more than 10^5 *C. perfringens* per gram on the finished product after cooling.

An academic researcher recently suggested to the Agency that the stabilization performance standard for *C. perfringens* should apply only to the surface of intact, whole muscle, RTE products. This researcher stated that there is no data indicating that the interior of whole muscle products would ever contain *C. perfringens*. FSIS requests comment on this issue, as well as any relevant research data.

V. Listeria monocytogenes

L. monocytogenes grows at low oxygen conditions and refrigeration temperatures, and survives for long periods of time in the environment, on foods, in processing plants, and in household refrigerators. Although frequently present in raw foods of both plant and animal origin, it also can be present in cooked foods due to post-processing contamination. Consumption of food contaminated with *L. monocytogenes* can cause listeriosis, an uncommon but potentially fatal disease in newborns, the elderly, and persons with weakened immune systems, such as those with chronic disease, HIV infection, or persons taking chemotherapy for cancer. Listeriosis also is a major concern in pregnant women. Even though symptoms may be relatively mild in the mother, the illness can be transmitted to the fetus, causing serious illness or fetal death.

Each year, according to the FDA–FSIS draft risk assessment on *L. monocytogenes* (Ref. 28, available for viewing by the public in the FSIS Docket Room), the bacteria cause an estimated 2,493 cases of listeriosis. Of these, 2,298 persons are hospitalized and 499 persons die. The case-fatality rate is high across the whole population—20 deaths per 100 cases of illness. Epidemiologic surveillance data indicates that the case-fatality rate varies by age, with a higher case-fatality rate among newborns (<1 year) and the elderly (>60 years). For a full discussion on case-fatality rate, refer to the "Baseline Number of Listeriosis Cases and Deaths and the Potential Benefits from the Proposed Rule" section in Appendix 1.

Since 1987, FSIS has conducted a microbiological testing program in which the Agency randomly samples, in-plant, RTE meat and poultry products produced in federally inspected establishments for *L. monocytogenes*, including cooked and fermented sausages, cooked corned beef, sliced ham and luncheon meats, beef jerky, cooked uncured poultry, and salads and spreads. FSIS treats RTE products in which *L. monocytogenes* is found as adulterated under the FMIA or the PPIA (21 U.S.C. 453(g) or 601(m)). This testing of approximately 7,000 RTE product samples per year for *L. monocytogenes* is an indicator of possible public health problems, but FSIS believes that more discriminating approaches are in need of development. (A comprehensive presentation on the FSIS testing program, entitled "FSIS Ready-to-Eat (RTE) Sampling in Transition," is available from the FSIS Docket Room.)

During the late 1980's, *L. monocytogenes* emerged as a problem in deli meats and other processed food products. FSIS and the Food and Drug Administration (FDA) worked with processing plants to improve their procedures and emphasized the "zero" tolerance (no detectable level of viable pathogens permitted) for the pathogen in RTE products. Between 1989 and 1993, the rate of illness from *L. monocytogenes* declined 44 percent. This reduced incidence of foodborne listeriosis remained level until recently.

In the fall of 1998, state health departments and the CDC began investigating an increased number of reported cases of illness due to *L. monocytogenes*. CDC and state and local health departments identified the vehicle of transmission as hotdogs and possibly deli meats produced by one manufacturer under many brand names. On December 22, 1998, in response to reports of illness, the manufacturer voluntarily recalled specific production lots of these products that might be contaminated. Subsequently, CDC and FSIS investigators isolated the outbreak strain of *L. monocytogenes* from an opened and a previously unopened package of hotdogs manufactured by one plant. In addition, a different strain of the pathogen was isolated from unopened packages of deli meats produced at the same plant. CDC has since reported 101 illnesses, 15 adult deaths, and 6 stillbirths or miscarriages associated with this outbreak.

With this outbreak in mind, on May 7, 1999, the FDA, in consultation with FSIS, announced plans to conduct a risk assessment to determine the prevalence and extent of exposure of consumers to foodborne *L. monocytogenes* and to assess the resulting public health impact of such exposure (64 FR 24661). FDA and FSIS published this draft risk assessment for comment on January 19, 2001 (Ref. 28, available for viewing by the public in the FSIS Docket Room). Significantly, it identifies certain RTE meat and poultry products, among the food products assessed, as posing a relatively high health risk of listeriosis to consumers because of potential RTE product contamination by *L. monocytogenes*.

In this document, FSIS is proposing regulatory requirements and considering other options to address the relatively high risk ranking of these RTE meat and poultry products. Significantly, the draft risk assessment was designed to estimate the predicted relative risk of serious illness and death that may be associated with consumption of different types of ready-to-eat foods. The draft risk assessment document, unlike more complete risk assessments, did not attempt to account for the level or sources of contamination of ready-to-eat meat and poultry products in a farm-to-table approach such as during processing in Federally inspected facilities. Rather, the draft risk assessment accounted for the retail foodborne exposure to human listeriosis (i.e., after the ready-to-eat product is out of the control of the Federal establishment). The data included in the draft risk assessment were gleaned from both international and domestic sources, with FSIS providing a substantial amount of data from its various microbiological programs associated with Federally inspected meat and poultry. The draft risk assessment was designed to address data only associated with listeriosis, providing a distinction between foodborne illness associated with mild, flu-like symptoms (referred to as listerial gastroenteritis) and severe and life-threatening outcomes (i.e., listeriosis). For this reason, some Federally inspected meat and poultry products were not addressed in the draft risk assessment (e.g., canned meat and poultry and partially- and fully-cooked meat patties). Except for the canned products and the meat patties, FSIS believes that the risk assessment addresses the remaining meat and poultry products contained in this proposed rule (i.e., frankfurters, dry/semi-dry fermented sausages, deli meats, and paté and meat spreads).

A. Proposed Requirements for Controlling L. monocytogenes

In the risk assessment, FDA and FSIS note that although pasteurization or cooking by an establishment will kill *L. monocytogenes*, there is risk of recontamination of RTE foods during processing, after the lethality is applied (Ref. 28, (Interpretive Summary, p. 24; Exposure Assessment, p. 24), available for viewing by the public in the FSIS Docket Room). Significantly, FDA, FSIS and other authors point out, that deli meats in particular are most likely to be recontaminated by *L. monocytogenes* after cooking, during processing such as slicing (Ref. 28 (p. 167); Ref. 32; Ref. 33; all available in the FSIS Docket Room), although no data were available to distinguish between the risks of slicing product in a retail environment rather than an official establishment.[3]

FSIS is proposing to require that all establishments that produce RTE meat and poultry products conduct environmental testing of food-contact surfaces for *Listeria spp.*, after lethality treatment and before final product packaging, unless they have identified *L. monocytogenes* as a hazard reasonably likely to occur and so have incorporated into their HACCP systems one or more controls validated to eliminate it from their products. This testing will verify that an establishment's Sanitation Standard Operating Procedures (Sanitation SOPs) are preventing direct product contamination by *L. monocytogenes* after the lethality treatment, thus addressing the risk assessment assertion that RTE foods often are recontaminated by *L. monocytogenes* after lethality is applied.

After an establishment finds one of its food contact surfaces to be positive for *Listeria spp.*, it must take corrective actions defined in its Sanitation SOP that must include product testing, as well as any other activities that it deems necessary to determine and demonstrate that the affected lot or lots of product are not adulterated with *L. monocytogenes*. The establishment must have in place procedures: to determine which lots of product might be affected; to hold, sample, and test that product; and to dispose of affected product appropriately.

Establishments that have identified *L. monocytogenes* as a hazard reasonably likely to occur in their HACCP plans and that have consequently established CCPs for *L. monocytogenes* would be exempt from this mandatory testing requirement. For example, establishments that produce thermally processed, commercially sterile, hermetically-sealed (canned) products should be relatively unaffected by this proposed requirement. Neither should many other establishments that produce meat and poultry products that receive lethality treatment in their final packaging, such as beef cooked in an impervious bag. In most cases, these and similar establishments would need only to modify their HACCP plans to reflect that *L. monocytogenes* is likely to occur at some point during their processing, but their existing CCPs for lethality would eliminate the pathogen.

FSIS believes that *L. monocytogenes* contamination is reasonably likely to occur in the production of all RTE meat and poultry products. On May 26, 1999, FSIS published in the **Federal Register** a Notice advising manufacturers of RTE meat and poultry products of the need to reassess their HACCP plans to ensure that the plans are, in fact, adequately addressing *L. monocytogenes* (64 FR 28351). If this reassessment revealed that *L. monocytogenes* was a hazard reasonably likely to occur in an establishment's production process, the Notice stated that the establishment must address the hazard in its HACCP plan.

FSIS acknowledges, however, that there may be certain processing environments in which *L. monocytogenes* is not a hazard reasonably likely to occur. In such environments, verification through testing that the establishment's Sanitation SOP is controlling *Listeria spp.* would be necessary, at a minimum.

Notably, Tompkin, et al., have recommended plant-wide environmental testing that

> * * * should focus on a non-pathogenic indicator such as *Listeria spp.* or *Listeria*-like organisms * * *, because these organisms will be found more frequently in the environment than *L. monocytogenes* and because test results are available more quickly.

(Ref. 29, available for viewing by the public in the FSIS Docket Room)

FSIS agrees, although the Agency is proposing to require only the testing of food contact surfaces. Were an establishment to find *Listeria spp.* on a food contact surface, that finding would be indicative of a sanitation problem that could cause product adulteration, even though the contaminant on the surface may not be *L. monocytogenes*.

FSIS is proposing to require that establishments without HACCP controls for *L. monocytogenes* test food contact surfaces for *Listeria spp.* at one of the following frequencies, depending on establishment size:

- If the plant is large, at least four tests, per line, per month;
- If the plant is small, at least two tests, per line, per month;
- If the plant is very small, at least one test, per line, per month;

FSIS is proposing to employ the same Small Business Administration (SBA) size standards that it used to determine the implementation dates for its HACCP/Pathogen reduction final rule. Large establishments would be defined as all establishments with 500 or more employees. Small establishments would be defined as all establishments with 10 or more employees but fewer than 500. Very small establishments would be defined as all establishments with fewer than 10 employees or annual sales of less than $2.5 million.

These frequencies ensure a very minimal amount of testing and, because they are progressive, mitigate some of the economic impact on small businesses. FSIS has not been able to correlate risk of product contamination with production volume or establishment size. However, assuming that large establishments produce a greater volume of product than do small establishments, and that a large insanitary establishment would be more likely to contaminate more product and thus pose more risk to the public health, FSIS is proposing to require large plants to test more often. Because these frequencies are not based on research but represent what the Agency believes to be minimal levels, FSIS requests comment on these proposed testing frequencies, their efficacy in preventing product adulteration, and the costs to industry. FSIS also specifically solicits information the current state of knowledge about the relationship between *Listeria spp.* on food contact surfaces and *L. monocytogenes* on the product; the appropriate timing of the test (pre-start-up or post-start up), seasonality and other risk based considerations that might be important in creating effective testing protocols; and, the testing methodologies that are currently available and the current practice and use of the tests by industry or others Agencies. FSIS will use the information to develop testing frequencies and methodologies that protect the public health, while providing flexibility to establishments. FSIS plans to hold one or more technical conferences during the comment period for this proposed rule, at which these testing issues and other can be discussed. FSIS plans to provide for discussion of the latest testing

[3] Although pate and meat spreads also are identified in the draft FDA/FSIS risk assessment as having high predicted relative risk of causing listeriosis on a per serving basis, much of the reported foodborne outbreaks are associated with foreign populations. However, FSIS is aware of one foodborne outbreak in the U. S. involving pate produced in a federally inspected facility in 1999. In this outbreak, pate was prepared by cooking the product in open containers and then over-wrapped with film. Product was then distributed to multiple states and sold in gourmet shops. The pate was implicated as the food vehicle for *L. monocytogenes*. *L. monocytogenes* was cultured from an unopened package of pate at retail. FSIS was not able to determine whether *L. monocytogenes* was present in the unopened package as a consequence of underprocessing (i.e., inadequate lethality) or post-lethality contamination.

methodologies, including those used by other Federal Agencies and industry, as well as an ongoing ARS study on the testing of intact RTE product for *L. monocytogenes*.

FSIS is proposing to require that establishments take certain actions after food contact surfaces test positive for *Listeria spp.* After an establishment finds one of its food contact surfaces to be positive for *Listeria spp.*, it must take the corrective actions defined in its Sanitation SOP. According to § 416.15(a), Sanitation SOP corrective actions may include "procedures to ensure appropriate disposition of product(s) that may be contaminated, restore sanitary conditions, and prevent the recurrence of direct contamination or adulteration of product(s)."

The presence of *Listeria spp.* may be indicative of serious sanitation problems, especially if positive findings recur. Further, *Listeria spp.* positives on food contact surfaces indicate a potential for product adulteration by *L. monocytogenes*. Therefore, an establishment's corrective actions following a positive must include product testing and any other activities that it deems necessary to determine and demonstrate that the affected lot or lots of product are not adulterated with *L. monocytogenes*. The establishment must have in place procedures: to determine which lots of product might be affected; to hold, sample, and test that product; and to dispose of affected product appropriately. FSIS acknowledges that some establishments would have to modify their Sanitation SOP corrective actions to include these elements.

FSIS requests comments on the proposed testing provisions and any data that would support the approach proposed. FSIS requests comments concerning whether *Listeria* positive test results on different food contact surfaces should be treated differently (e.g., positives on food contact surfaces that have undergone listericidal treatment versus other food contact surfaces). FSIS also requests comments on whether it should establish more specific requirements regarding product sampling and testing following a finding of *Listeria spp.* on a food contact surface. And, FSIS request comment on whether it should allow establishments that find *Listeria spp.* on a food contact surface to determine if the positive sample is in fact *L. monocytogenes* before having to initiate product testing.

If a sampled lot is found to be positive for *L. monocytogenes*, and is already in commerce, it will be subject to recall. Further, if product is found to be positive for *L. monocytogenes*, the establishment likely will need to establish controls within its HACCP plan for *L. monocytogenes*. Also, reoccurring positives for non-pathogenic *Listeria spp.* may indicate that the establishment has a serious sanitation problem, even if *L. monocytogenes* is never found. FSIS enforcement action will vary depending on the establishment's efforts to correct its sanitation and processing problems and its disposition of affected product. FSIS acknowledges that establishments that develop one or more CCPs to control *L. monocytogenes* would not necessarily be testing for *Listeria spp.* to verify the efficacy of their Sanitation SOPs and requests comments on this issue.

The two provisions for *Listeria* control contained in this proposed rule (i.e., Sanitation SOPs and HACCP) require specific daily action regarding controls to ensure product is not adulterated. FSIS does not, at this time, consider control programs outside of Sanitation SOPs and HACCP to be sufficient for controlling hazards associated with post-lethality contamination with *Listeria* in the manufacturing of RTE meat and poultry products microbiological results and documentation of corrective and preventive actions generally are not provided to FSIS. FSIS has received a petition from a group of industry organizations regarding the issue of prerequisite programs. FSIS will address this issue separately from this proposed rule. In addition, FSIS will be further addressing this issue as part of its response to an Office of Inspector General report on HACCP implementation (Ref. 35, available in the FSIS Docket Room and at the FSIS web page, *http://www.fsis.usda.gov*).

With any final action FSIS will publish guidance to establishments regarding testing frequencies and methodologies and appropriate corrective actions following food-contact surface positives. FSIS also will publish guidance regarding available listericidal interventions establishments can implement as CCPs. FSIS expects to make draft guidance documents available after publication of this proposed rule and as information becomes available in order to provide establishments with appropriate guidance regarding sampling and testing to verify sanitation procedures. FSIS will consider comments on this draft guidance in developing any final regulations. These draft guidance materials will be clearly identified as guidance materials and not as regulatory requirements. FSIS expects to post these guidance materials to the FSIS web page *(http://www.fsis.usda.gov)* and will make the documents available free of charge via the Constituent Update (see section XIV Additional Public Notification) and the FSIS Docket Room.

Eventually, FDA and FSIS may allow establishments to treat RTE products with ionizing radiation. If applied within a HACCP system, irradiation could eliminate *L. monocytogenes* from a RTE product. FSIS also is aware that industry is developing edible, antimicrobial coatings that could be applied to RTE meat and poultry after cooking or other lethality treatments. However, FDA has not yet approved any of these coatings for meat and poultry. FSIS also will make available its directives to inspection personnel that will explain how to verify whether an establishment has implemented a testing regime sufficient to verify the efficacy of Sanitation SOPs in preventing direct product contamination by *L. monocytogenes* prior to the effective date of any final regulation.

Finally, FSIS notes that on January 13, 2000, it received a petition from the Center for Science in the Public Interest (CSPI) requesting that FSIS require all establishments that produce RTE meat and poultry products to conduct environmental testing for *Listeria spp.* and product testing for *L. monocytogenes*. FSIS will respond to this petition completely along with other public comments submitted in response to this proposal. CSPI also requested that FSIS require RTE products produced by establishments without CCPs for *L. monocytogenes* to bear warning labels. FSIS discusses this request in the following section and also will respond more completely in any final action that stems from this proposal.

B. Shelf-Life and Labeling

In the petition discussed above, CSPI also requested that FSIS require establishments that have not incorporated microbial testing for *L. monocytogenes* into their HACCP plans to label their products so as to alert "consumers that the products may be contaminated and should not be eaten by at-risk consumers without reheating." FSIS will respond to this petition fully in any final action stemming from this proposed rule.

FSIS considered, but did not propose in this document, the option of requiring that the labeling of certain RTE meat and poultry products state the product's shelf-life, and that shelf-life be based on product safety ("use-by" date labeling). If after processing, a RTE product that could support growth of *L. monocytogenes* were to be recontaminated by even a single cell of the pathogen, that cell could multiply during storage at refrigeration temperatures to levels that could pose a risk of illness to vulnerable individuals (e.g., pregnant women, the elderly, or the immunocompromised). "Use-by" date labeling may provide further reductions in risk of listeriosis if the labeling increases the likelihood that high-risk RTE products would be consumed before very low levels of *L. monocytogenes*, undetectable at the establishment, could grow to dangerous levels.

FSIS is not proposing to require "use-by" dates on the labels of any RTE products at this time because further information regarding the potential effects of use-by date labeling is needed. For instance, there is sparse information on current consumer understanding of use-by date labeling, the likelihood that consumer practices will change, and on the effect of changes in consumer behavior on listeriosis cases. Similarly, FSIS currently does not possess all the data necessary to assess the reduction in risk that will occur from this change. Also, FSIS does not have information concerning how use-by date labeling would affect the production and shipment patterns of labeled ready-to-eat meat and poultry products and the structure of the industry. FSIS requests comments on all of these issues and on the feasibility of requiring "use-by" date labeling on RTE meat and poultry products. Significantly, FDA and FSIS will present "use-by" date labeling issues to NACMCF for their review. FSIS has conducted a more thorough analysis of use-by date labeling in Appendix 1, Compliance with Executive Order 12866, under the "Alternatives" section.

Related to "use-by" date labeling is the issue of consumer preparation of hotdogs and similar RTE foods. In the draft risk assessment, FSIS and FDA state that "the factor that has the greatest effect on the predicted health impact of frankfurters is the extent of post-retail reheating by the consumer" (Ref. 28 (p. 161); Ref. 33; Ref 34; all available in the FSIS Docket Room). Obviously, testing for *L. monocytogenes* in the establishment will not directly affect consumer preparation of frankfurters or other RTE foods. However, if in-plant testing verifies that establishments are effectively preventing the contamination of frankfurters and other RTE products by *L. monocytogenes*, consumer preparation or handling of these RTE products will no longer be so inappropriately crucial to ensuring their safety. Furthermore, once FSIS is more confident that establishments are adequately addressing the safety of their RTE products, especially for frankfurters and deli meats, throughout the shelf-life of their products, FSIS will consider modifying its consumer message to vulnerable populations and remove the current recommendation for these populations to either not consume these RTE products or to fully re-cook these products before consuming them.

Finally, as discussed below, FSIS is proposing that the labeling of RTE products state that the product requires refrigeration after opening, as applicable. Current regulations require that labels of perishable products include such instructions, but the Agency is proposing to expand the required label instructions to include RTE shelf-stable products that require refrigeration after opening. FSIS also considered proposing to change the "keep refrigerated" and the "refrigerate after opening" statements (see proposed in §§ 317.2(k) and 381.125(a)) to reflect the guidance developed by FDA on February 24, 1997 (62 FR 8248). In the guidance, these statements were modified to read "Important Must Be Kept Refrigerated to Maintain Safety" or "Important Must Be Refrigerated After Opening To Maintain Safety." FDA provided this guidance in response to the recommendations from the NACMCF, the National Food Processors Association, the Association of Food and Drug Officials, and the CDC regarding the labeling of foods that need refrigeration. FDA stated in this policy document that "[t]his guidance, which represents FDA's policy on adequate safe handling instructions for food, should reduce the likelihood of temperature abuse of certain foods by consumers, and it is intended to reduce the potential for foodborne illness and death." FSIS is not proposing to require these provisions because further information regarding the potential effects of this labeling is needed. FSIS requests comment on the statements and their appropriateness for RTE meat and poultry products which are not shelf stable.

VI. Thermally-Processed, Commercially Sterile Products

Thermally-processed, commercially sterile meat and poultry products generally have a water activity above 0.85 and have received a thermal process either before or after being packed in a hermetically sealed container. They are typically canned, although other types of packaging can be used. The thermal process renders the product shelf-stable and commercially sterile, that is, free of microorganisms capable of growing in the product in nonrefrigerated conditions (temperatures over 50 °F or 10 °C), under which the product will be held during distribution and storage, until consumed.

Sections 318.300 to 318.311 and 381.300 to 381.311 of the regulations prescribe the exact means by which official establishments must produce thermally processed, commercially sterile meat and poultry products. These regulations include detailed requirements regarding containers and container closures, equipment specifications and operations, measurements and instrument calibration, recordkeeping and record review, corrective actions in the case of processing deviations, finished product inspection, personnel training, and product recalls. They also require that official establishments implement process schedules validated to render treated meat and poultry commercially sterile and shelf-stable. These process schedules must be developed or validated by processing authorities, persons or organizations with expert knowledge of thermal processing requirements for foods packaged in hermetically sealed containers.

Processors that produce thermally processed, commercially sterile meat and poultry products also must meet all other regulations applicable to meat and poultry establishments, such as sanitation and HACCP requirements. Significantly, however, under § 417.2(b)(3), FSIS exempts producers of thermally processed, commercially sterile products from addressing in their HACCP plans "food safety hazards associated with microbiological contamination." FSIS granted this exemption in response to comment on the proposal to require HACCP systems:

> FSIS agrees that the microbial hazards associated with canned meat and poultry products are eliminated by complying with the regulations in 9 CFR Secs. 318.300–311 and 381.300–311. These regulations are based on HACCP concepts and provide for the analysis of thermal processing systems and controls to exclude microbial hazards. Accordingly, the final rule provides that HACCP plans for thermally processed/commercially sterile products do not have to address the food safety hazards associated with microbiological contamination if the product is produced in accordance with the canning regulations. However, because the current regulations exclusively address microbial hazards, processors of canned meat, meat food and poultry products must develop and implement HACCP plans to address chemical and physical hazards that are reasonably likely to occur.
> (61 FR 38824)

The regulations governing the processing of thermally processed, commercially sterile meat and poultry products are, in a sense, a prescribed HACCP system that official establishments must implement along with controls to address other hazards not addressed in those regulations. Maintaining this prescriptive regulatory approach to a single category of meat and poultry products, however, is inconsistent with FSIS's other regulatory initiatives intended to grant industry maximum flexibility to innovate in processing, while clarifying industry's responsibility and accountability for the safety of meat and poultry products. Therefore, FSIS is proposing to replace the prescriptive regulations governing thermally processed, commercially sterile products with performance standards. FSIS is also proposing to remove §§ 320.2(b)(6) and 381.175(b)(3) because they refer to recordkeeping requirements in the canning regulations that FSIS is proposing to eliminate. FSIS has discussed this proposed action in previous documents, including the final rule that established the HACCP requirements:

> The current canning regulations contain numerous prescriptive features, including extensive FSIS involvement in the decision making process, that are inconsistent with the philosophy underlying HACCP. In the advance notice of proposed rulemaking "FSIS Agenda for Change: Regulatory Review" (60 FR 67469; December 29, 1995), FSIS stated its intention to convert the canning regulations to performance standards, which are more consistent with HACCP.
>
> (61 FR 38824)

FSIS is proposing lethality performance standards to ensure the elimination or control of the pathogen *C. botulinum* in thermally processed, commercially sterile meat and poultry products. FSIS also is proposing a revised requirement ensuring the commercial sterility of these products. This requirement is consistent with the existing shelf-stability/commercial sterility definitions in § 318.300(u) and 381.300(u) and the FDA regulations for commercial sterility of canned products contained in 21 CFR 113.3(e).

A. Lethality

FSIS is proposing different lethality performance standards, depending on whether the product is a low-acid product or a product in which pathogen growth is controlled by acidification or factors other than the thermal process. A low-acid, thermally processed, commercially sterile product is a canned or other hermetically sealed product in which any component has a pH value above 4.6 and a water activity above 0.85. Such products include canned poultry and canned uncured meat products, such as beef stew and chili con carne, and certain canned cured meats, such as vienna sausages and corned beef. An acidified thermally processed, commercially sterile product is a canned product that has been formulated or treated so that every component of the finished product has a pH of 4.6 or lower, usually within 24 hours after the completion of the thermal process, but sometimes longer. Such products include spaghetti sauce with meat and meat with tomato sauce. In addition, there are some canned, hermetically sealed products in which pathogen growth is controlled by factors other than the thermal process, such as a heat treatment in combination with salt or nitrite (e.g., canned luncheon meat).

FSIS is proposing to require that an establishment's process for producing a low-acid canned product result in a probability of 10^{-9} or less that there are spores of *C. botulinum* in a container of the product that are capable of growing, assuming an initial load of ≤ 1000 spores per container. Alternatively, the establishment may achieve a 12-$\log_{10}$ reduction of *C. botulinum*. A process carried out for a certain number of minutes at a given temperature that reduces *C. botulinum* by a factor of 12 decimal units, often referred to in the canning industry as a "botulinum cook," is one that meets a 12-$\log_{10}$ standard, also known as a 12-D standard. A 12-D process has been demonstrated to be sufficient to destroy *C. botulinum* in a low-acid canned product. Under this proposal, the level of safety that a process other than a 12-D process would have to achieve would be a probability of 10^{-9} or less of any *C. botulinum* spores in a container of the product that are capable of growing, assuming an initial load of ≤1000 organisms.

The 12-D concept arose from studies on the thermal resistance of *C. botulinum* conducted in the early 1920's by scientists of the National Canners Association (predecessor of the National Food Processors Association). These scientists inoculated a phosphate buffer with spores of the most heat-resistant strain of the organism then known. They determined, by extrapolating from the exponential survival curve for the organism, the temperature and duration of the heat process necessary to reduce the population from 6×10^{11} spore/unit to less than one spore/unit. Subsequent studies on products inoculated with *C. botulinum* and other organisms essentially confirmed the results of these studies.

These products undergo a botulinal cook to achieve an acceptable safety level. It should be noted that the intensity of the process is not related to the actual number of *C. botulinum* organisms that may be in the product. That number is usually very low in a meat product (less than a spore per kilogram). So the 12-D process provides a tremendous safety margin to consumers.

The level of safety achieved by a 12-D process in low-acid canned products is understood by thermal processing experts to be a 10^{-9} probability of any live botulinum organisms (Refs. 30–31, available for viewing by the public in the FSIS Docket Room). That means that the odds are one in a billion that a can is contaminated with the organism. This result is arrived at by assuming that a process that reduces botulinum spores by 10^{-12}—a 12-D process—is applied to a test pack of product inoculated with 10^3 spores per unit. The probability that any containers that are subjected to the process harbor spores capable of growing is 10^{-9}. Thus, FSIS is proposing to require that establishments producing low-acid products achieve a probability of 10^{-9} or less that there are spores of *C. botulinum* in a container that are capable of growing or a 12-$\log_{10}$ reduction of *C. botulinum*.

FSIS is proposing to require that the processing of acidified low-acid products and of some cured products and other canned products in which pathogen growth is controlled by factors other than the thermal process, prevent multiplication of *C. botulinum*. For these products, processing (formulation and environment) must prevent growth rather than achieve any specific decimal reduction of *C. botulinum*. Therefore, there can only be one level of performance for acidified low-acid products and other thermally processed, commercially sterile products in which pathogen growth is controlled by factors other than the thermal process—prevention of *C. botulinum* multiplication. However, the prevention of multiplication can be achieved by a variety of methods.

Acidified low-acid meat and poultry products are generally acidified by ingredients, such as tomato sauce, or by additives, such as glucono-delta-lactone, which increase the acidity (i.e., lower the pH) of the products. The acidity of these products (pH at or below 4.6) is sufficient to prevent the germination of *C. botulinum* and other bacterial spores. The heat processing of these products does not include a botulinum cook or retort but is achieved at pasteurizing temperatures below 100 °C. (212 °F.) and is sufficient to kill or inactivate molds, yeasts, and vegetative bacterial cells. This processing is important because, if canned acidified foods are contaminated by yeast or mold, the pH of the foods could be raised above 4.6, thus providing an environment for possible *C. botulinum* growth. These products—spaghetti sauce, for example—can be heat-treated before being placed in a container (i.e., hot-filled) rather than retorted and still achieve commercial sterility.

Other thermally processed, commercially sterile products can be rendered commercially sterile by a heat treatment in combination with other factors. For example, the shelf-stability of canned luncheon meat is a combined effect of heat treatment, the presence of nitrite and salt, and a low pre-processing level of *C. botulinum*. A 10-percent salt concentration or about 2 tenths of a percent of nitrite in the product formulation is usually considered sufficient to inhibit growth of the organism. The shelf-stability of dried meat-filled pasta results from a heat treatment and a water activity of less than 0.92 in the product. (Water activity is a measure of free moisture, or water available for microbial growth, in a food; the lower the number, the less moisture.) *C. botulinum* and other spore-forming organisms cannot grow at water-activity levels below 0.93. The heat treatment of these products destroys the vegetative cells of both pathogenic and nonpathogenic organisms, and the outgrowth of spores is prevented by the other inhibiting factors.

B. Commercial Sterility

FSIS also is proposing a specific requirement that all thermally processed, commercially sterile products, in fact, be commercially sterile and hermetically sealed. This requirement is consistent with the existing shelf-stability/commercial sterility definitions in § 318.300(u) and 381.300(u) and the FDA regulations for commercial sterility of canned products contained in 21 CFR 113.3(e). A commercial sterility requirement is necessary to protect against both food-safety-related and non-food-safety-related forms of contamination.

Product that has undergone more processing than necessary to protect health, but less than necessary for commercial sterility, is safe, but it may not be stable. The stability of the product is usually determined by incubating the product for a certain time at a given temperature (e.g., 10 days at 95±5°F), then sorting 100 percent of the product to locate any swelling or abnormal-appearing containers. Products that are shown to have undergone less processing than necessary to protect health are potentially hazardous and are removed from commerce.

The proposed commercial sterility requirement would mean that the process for a canned product, in addition to reducing or inactivating *C. botulinum* spores, would have to ensure a reduction or inactivation of spore-forming organisms sufficient to guarantee commercial sterility. A process that ensures a 10^{-9} probability of contamination by *C. botulinum* spores will not provide the same probability of destruction of the most heat-resistant mesophilic (optimum growth, 20–45°C) anaerobes, such as *Clostridium sporogenes*, or thermophilic (optimum growth, 50–65°C) organisms, such as *B. stearothermophilus*. Recommended processes for preventing contamination by such nonpathogenic organisms typically ensure a probability of no spore-forming units in the range of 10^{-6}. FSIS is proposing a general and not a quantitative standard for commercial sterility in this document but requests comment on whether a quantitative standard is necessary.

FSIS considers a commercial sterility standard to be appropriate, among other reasons, because the Agency is obligated under the statutes it enforces to administer programs aimed at preventing all forms of adulteration of meat and poultry products. The Agency's current thermal processing regulations are intended to ensure that canned and other thermally processed products are not adulterated.

Hermetic sealing of a container protects the product and prevents microorganisms or other potential contaminants from entering the container. If the container seal is inadequate, the product may no longer be microbiologically stable. *C. botulinum* or spoilage organisms could contaminate the product during container cooling or storage. The product could become adulterated because of spoilage, an economic concern, or because of *C. botulinum*, a public health concern. For this reason, FSIS considers appropriate, and is proposing, a hermetic sealing requirement. In § 430.5(c), FSIS is proposing that the seal be airtight to protect the contents of the container from the entry of microorganisms.

C. Training

Several industry groups and other interested parties have expressed reservations concerning any replacement of the existing regulations for thermally processed, commercially sterile products with performance standards. The complexity of the canning process, as well as the virulence of *C. botulinum* toxin which can form in canned products, have been cited as reasons for maintaining the existing, prescriptive regulations. Significantly, FSIS is proposing to retain, in new § 430.5(d), the requirement that all operators of processing systems for commercially sterile meat and poultry products and container closure technicians be under the direct supervision of a person who has successfully completed a school of instruction that is generally recognized as adequate for training supervisors of canning operations. FSIS specifically invites comment as to whether and in what form the existing requirements for thermally processed, commercially sterile meat and poultry products should be retained. If the Agency does replace the current regulations with the proposed performance standards, it plans to issue a revised version of the current regulations as compliance guides for industry.

VII. Elimination of *Trichina* Treatment Requirements

FSIS also is proposing to remove the provisions for the prescribed treatment of pork and of products containing pork to destroy *trichina* (*Trichinella spiralis*) under § 318.10. FSIS requires establishments to eliminate *trichina* from numerous RTE products under these regulations. If this proposal is made final, the specifically prescribed treatments will be unnecessary, since compliance with the proposed lethality performance standards should also render RTE products free of *trichina*.

With regard to heat-treated, RTE products containing pork, the required treatment to destroy *trichina* would no longer be needed because if the process used meets the proposed performance standards for *Salmonella*, the process should eliminate any live *trichina*. For dried, salt-cured, or fermented products, the implementation of the lethality requirements for *Salmonella* and *E. coli* 0157:H7 would also likely destroy *trichina*. However, because there are no published studies comparing the lethalities of *Salmonella* or *E. coli* 0157:H7 to the destruction of *trichina* in dried, salt-cured, or fermented products, the Agency cannot state with absolute certainty that the proposed lethalities for these products would also destroy any live *trichina*. Thus, if the establishment identifies *trichina* as a hazard reasonably likely to occur, the establishment would have to ensure that

the process used effectively eliminates this hazard.

Several products that are not RTE also must be treated to destroy *trichina* under § 318.10. FSIS is proposing to remove the *trichina* treatment provisions for these products because they represent overly prescriptive provisions that are contrary to HACCP. By removing these provisions for all products, the Agency would provide establishments with flexibility to determine whether they need to treat the products to eliminate *trichina*. If an establishment identifies *trichina* as a hazard reasonably likely to occur in a process, it must address *trichina* in its HACCP plan.

The Agency prescribes *trichina* treatment for certain not-RTE products that may be eaten rare or undercooked because of their appearance. These products may appear to have been cooked because they contain ingredients such as wine, paprika, or curing agents. Significantly, however, packages of raw meat and poultry products must bear the safe handling label. The safe handling instructions regulations (9 CFR 317.2(l) and 381.125(b)) require that all meat and poultry products that are not RTE bear safe handling instructions on the label. By following the "cook thoroughly" portion of the safe handling instructions, the consumer should eliminate possible bacterial contaminants and any *trichina* present in the product. According to the FSIS Meat and Poultry Hotline and industry sponsored consumer surveys, the perception that pork may be infected with *trichina* continues to be a common food safety concern to American consumers, so FSIS has some confidence that consumers will cook these products thoroughly.

FSIS is examining the need for future rulemaking to address these pork products and other similar non-pork products that may be eaten without adequate cooking because of their appearance. The Agency is considering requiring conspicuous labeling that would identify these products as not-RTE and provide more specific instruction to consumers regarding safe handling and preparation.

The requirements in § 318.10 for treating pork products that may contain *trichina* originated in the early part of the 20th Century. At that time *T. spiralis* was a serious foodborne problem caused by consumption of underprocessed products. In response, the USDA implemented rules that prescribed treatments, in part based on USDA research, to destroy *trichina* in RTE products. At the time these prescribed *trichina* treatments were implemented, the causes of bacterial foodborne illnesses were not fully characterized or recognized. Thus, USDA was prescribing treatments to address the best-known foodborne hazard and believed a *trichina*-free product was indeed safe-to-eat. In subsequent decades, as other foodborne pathogens were recognized and characterized, these prescriptive regulations were not modified to address those hazards.

For example, other organisms may be biological hazards in pork, such as *Toxoplasma gondii* and *Taenia solium*. These organisms must also be eliminated from certain products, including RTE products, in order for the product to be safe. However, the Agency has not prescribed the methods of elimination of these and other similar potential hazards in pork. FSIS has determined that these and other hazards, like *trichina*, should be addressed under HACCP plans rather than through prescriptive regulations.

All establishments producing products containing pork should assess whether *trichina* is a hazard reasonably likely to occur in their processes. If it is, they should address this hazard in their HACCP plans. Establishments should assess whether the product should be treated for elimination of live *trichina*, whether special cooking instructions are necessary on the label of the product, or whether the safe handling label is sufficient to ensure that the product is cooked to temperatures necessary to eliminate any possible live *trichina*. The establishment's decision concerning whether to treat the product for *trichina* or to include special cooking instructions on the label may be based on how the consumer typically prepares the product or the likelihood of the product's being confused with a RTE product.

Establishments that produce pork products should consider whether their suppliers have taken measures to prevent *trichina* infection of their herds. FSIS has entered into an agreement with other USDA agencies, two pork processors, and the National Pork Producers Council to pilot test a program that will identify risk factors for *trichina* infection and certify production units that voluntarily adopt practices to reduce or eliminate those risks. Pork producers who wish to be certified will agree to implement management practices that prevent a herd from becoming *trichina* infected. Qualified accredited veterinarians, trained by the USDA Animal and Plant Health Inspection Service (APHIS), will audit production units to ensure that practices are being followed. APHIS will subsequently review audit findings and, if satisfactory, issue a Trichinae Certification to the herd. In addition, APHIS will track the status of all certified herds and conduct spot audits to ensure program integrity. Herds owners must renew certification status every 15 months by satisfactorily completing another audit.

When pigs are submitted for slaughter as *trichina* certified, processors will check the APHIS database to ensure that the premises of origin are certified and in good standing. A representative sample of *trichina* certified pigs, as provided by the National *Trichina* Certification Program Standards, will be tested for the presence of *trichina* to ensure program integrity . FSIS will verify that processors properly check status of pigs, test samples as required, and maintain adequate animal identification and records. Any label claims that ultimately are made will be handled through the usual FSIS label approval process.

The pilot program began in August 2000 with the training of qualified accredited veterinarians and enrollment of pork producers. After the pilot is completed (in approximately one and a half years), the Certification program will be made available nationally to all pork producers and processors.

Finally, FSIS is also proposing to remove other referential and related provisions concerning required treatment to eliminate *trichina*. The Agency is proposing to remove all of the following additional provisions: A reference to the required *trichina* treatment in § 303.1(f); the requirement under § 319.106(b) that country ham products and dry cured pork shoulder be treated for the destruction of possible *trichina;* the requirement under § 319.145(a)(2) that when pork muscle tissue is combined with beef or veal, or both, in the preparation of certain Italian sausage products, it be treated for the destruction of possible live *trichina;* the record retention requirement under § 320.1(b)(7) concerning sample results and calculation results as required by processing procedures to destroy *trichina* in § 318.10(c)(3)(iv) (Methods 5 and 6); the provision in § 325.7(a) for including pork that has been refrigerated to destroy *trichina* in the category of products that require special supervision between official establishments under official seal; and the provision under § 331.5(a)(1)(ii) that any meat or meat food product is adulterated if it is a RTE pork product that has not been treated to destroy *trichina* as prescribed in § 318.10.

VIII. Other Proposed Revisions to the Regulations

FSIS is proposing that the labeling of RTE products state that the product requires refrigeration after opening, as applicable. Current regulations require that labels of perishable products include such instructions, but the Agency is proposing to expand the required label instructions to include RTE shelf-stable products that require refrigeration after opening.

Also, FSIS is proposing to remove the regulations under § 318.17, 318.23, and 381.150 that require establishments not operating under HACCP to develop process schedules for the production of roast beef, cooked beef, corned beef; fully-cooked, partially-cooked, and char-marked uncured meat patties; and fully-cooked and partially-cooked poultry products, respectively. Similarly, FSIS is proposing to remove the definitions for "process schedule" and "process authority" in Parts 301 and 381.1. These regulations were established by the January 1999 rulemaking that also established the pathogen reduction performance standards for these products. At that time, certain official meat and poultry establishments were not yet required to develop and implement HACCP systems. Therefore, with these process schedule requirements, FSIS intended to ensure that all establishments that developed customized processing systems to meet the performance standards also would develop a validated system of process control, similar to HACCP. As of January 25, 2000, all official establishments are required to develop and implement HACCP systems, so these process schedule requirements are no longer necessary.

IX. Scientific Information and Data Needs

FSIS has identified additional needs for scientific information and analytical data that if addressed could strengthen the scientific foundation of the rule. It is extremely important that the regulations be based on sound science and common sense measures that involve significant public comment. FSIS requests the specific information identified in this document. In the section, the major data needs are summarized.

In order to facilitate public input and gather additional information during the comment period for this proposed rulemaking, FSIS plans to hold public meetings and scientific conferences to discuss the proposed provisions, especially those that would require certain establishments to conduct environmental testing for *Listeria spp.* FSIS also intends to present the proposed testing requirements and related scientific issues to the NACMCF for review.

Testing for Listeria spp.

In their recent draft risk assessment regarding *L. monocytogenes*, FDA and FSIS noted that there is an opportunity for recontamination of RTE foods by the pathogen during processing in the plant, after the lethality treatment is applied and before packaging (Ref. 28). Consequently, under the proposed regulations, each establishment that produces RTE meat and poultry products will be required to test food contact surfaces for *Listeria spp.* where product is handled after lethality but before final packaging, unless it has established a CCP for *L. monocytogenes* in its HACCP plan(s). The establishment and FSIS will use the test results to verify the efficacy of the establishment's Sanitation SOPs in preventing RTE product contamination by *L. monocytogenes*. If an establishment finds *Listeria spp.* on a food contact surface, it must take the corrective action(s) defined in its Sanitation SOPs, including: procedures to determine which lot or lots of product might have been affected; procedures to hold, sample, and test that product for *L. monocytogenes;* and procedures to dispose of affected product.

FSIS is confident that testing of food contact surfaces to verify that an establishment's Sanitation SOPs are eliminating *Listeria spp.* from food contact surfaces will result in sanitation improvements that will lead to reductions in the contamination of RTE meat and poultry products by *L. monocytogenes*. FSIS also is aware that its current testing of approximately 7,000 RTE product samples per year for *L. monocytogenes* is an indicator of possible public health problems, but that more discriminating approaches are in need of development. However, FSIS is not aware of any research that correlates specific amounts or types of testing with specific remedial actions or reductions in contamination and welcomes the submission of any data. FSIS also requests comment as to whether other types of environmental testing, regular product testing, or some combination may be more effective in detecting *L. monocytogenes* contamination problems.

FSIS has proposed required frequencies of testing that ensure very minimal levels of regular testing based on establishment size. FSIS is aware of no research linking volume of production with the likelihood of product adulteration by *L. monocytogenes*, but has assumed that insanitary establishments producing higher volumes of RTE meat and poultry products would be more likely to adulterate more product and thus pose more risk to the public health. As a result, FSIS has proposed a progressive series of testing frequencies so as to protect consumers from adulterated product. These testing frequencies also should minimize the costs of testing accrued by small business. FSIS requests any data that may adjust this assumption, suggest specific testing frequencies, correlate contamination risk with volume of production, or indicate what types and frequencies of testing for *L. monocytogenes* are most effective in detecting insanitation and possible adulteration of RTE meat and poultry products. Also, FSIS request data regarding the relationship between *Listeria spp.* and *L. monocytogenes* and how that relationship should affect any required testing provisions; For example, does a food contact surface positive for Listeria spp. scientifically necessitate product testing and what would negative product test results mean?

FSIS also requests data regarding the costs and benefits of the proposed testing provisions, as well as other testing protocols. Considering the number of listeriosis cases and deaths probably attributable to the consumption of adulterated RTE meat and poultry products (see Appendix 1 for further discussion), FSIS believes the public health benefits that would result from mandatory environmental testing could easily exceed the costs of the testing. But, FSIS seeks any data correlating testing, reductions in establishment contamination, and consequent reductions in listeriosis that could be used to improve the Agency's cost/benefit analysis.

Lethality Performance Standards

FSIS is proposing lethality performance standards for the pathogens *Salmonella* and *E. coli* O157:H7 derived from the Nationwide Microbiological Baseline Data Collection Program. Using the positive samples in the baseline data, FSIS derived hypothetical worst case raw products and then determined the levels of pathogen reduction (lethality performance standards) that, if met, would render these worst case raw products ready-to-eat and unadulterated with a specific margin of safety. FSIS also translated the results of the application of the lethality performance standards into probabilities of

remaining pathogens in finished RTE, product. Consequently, an establishment that demonstrates that its incoming raw product is consistently less contaminated than the worst case could apply a lower lethality than proposed, as long as it achieves the corresponding probability of remaining pathogens in finished RTE product.

It is possible that better data is available for deriving hypothetical worst case products and corresponding performance standards. FSIS is unaware of any human health risk assessments that could be used to correlate changes in the performance standards with changes in public health benefits. Higher or lower lethality performance standards may be necessary in all or specific processing contexts. FSIS specifically requests any data that would support requiring different lethality performance standards to achieve certain public health benefits.

The lethality performance standards for *Salmonella* already apply to numerous RTE meat and poultry products and FSIS believes that many establishments that produce RTE products not now subject to the proposed standards already meet them. It is likely, however, that some establishments will have to alter their processing methods to meet the proposed standards, i.e., to achieve higher levels of lethality in their RTE products. Further, manufacturers of RTE meat patties now only are required to comply with time/temperature regulations that yield a lesser level of lethality than what FSIS is proposing for all RTE meat products. FSIS requests information on the costs meat patty manufacturers and other establishments may accrue if required to meet the proposed lethality performance standards for RTE meat and poultry products.

Stabilization Performance Standards

Also under the proposal, all RTE meat and poultry products, other than thermally processed, commercially sterile products, and all partially heat-treated products, must be processed so as to prevent multiplication of toxigenic microorganisms such as *C. botulinum* and to allow no more than 1-$\log_{10}$ multiplication of *C. perfringens* within the product. Stabilization is commonly achieved by rapidly cooling product after cooking. It also can be achieved by the addition of a curing agent. These regulatory stabilization standards already apply to numerous RTE and partially-heat treated meat and poultry products.

Researchers have suggested to FSIS that there may be some inevitable growth of *C. botulinum* during a 1-$\log_{10}$ relative growth of *C. perfringens* and therefore compliance with the proposed zero growth standard for *C. botulinum* could in fact effectively require establishments to meet a more restrictive standard than that for *C. perfringens*. FSIS requests comment and scientific data relative to whether the Agency should revise the existing and proposed stabilization performance standard for controlling these two pathogens, as well as data on corresponding public health benefits.

X. Summary of the Proposed Rule

In summary, FSIS is proposing the following requirements governing the production of all RTE and partially heat-treated meat and poultry products:

- All RTE meat and poultry products, except for thermally-processed, commercially sterile products, must be processed to achieve a lethality performance standard that indicates a specific reduction in *Salmonella*.
- All fermented RTE meat and poultry products that contain any amount of beef, except for thermally-processed, commercially sterile products, must be processed to achieve an additional lethality performance standard that indicates a specific reduction in *E. coli* O157:H7.
- All RTE meat and poultry products, other than thermally processed, commercially sterile products, and all partially heat-treated products, must be processed so as to prevent multiplication of toxigenic microorganisms such as *C. botulinum* and to allow no more than 1-$\log_{10}$ multiplication of *C. perfringens* within the product.
- The processing of RTE meat and poultry products must be validated to achieve the reduction of other pathogens and their toxins or toxic metabolites necessary to prevent product adulteration. Further, processing must be validated to maintain the lethality and stabilization performance standards throughout product shelf-life under the conditions in which the food is stored, distributed, and held.
- All thermally-processed, commercially sterile meat and poultry products must be processed to either eliminate or control the growth of *C. botulinum*, depending on the pH of the product or other factors that affect the growth of that pathogen. These products also must be commercially sterile and the container in which the product is enclosed must be hermetically sealed.
- Each establishment that produces RTE meat and poultry products must test food contact surfaces for *Listeria spp.* in order to verify the efficacy of its Sanitation SOP, unless it has incorporated one or more controls for *L. monocytogenes* into its HACCP plan. Testing frequency will be based on establishment size. Food contact surface positives for *Listeria spp.* will trigger mandatory product testing.
- The regulations in § 318.10 that require the elimination of *trichina* from pork products will be rescinded.

XI. Compliance With Executive Order 12866

This proposed action has been reviewed for compliance with Executive Order 12866. Because this proposed action has been determined to be economically significant for purposes of Executive Order 12866, the Office of Management and Budget has reviewed it.

FSIS is proposing to amend the Federal meat and poultry inspection regulations by establishing pathogen reduction performance standards for all RTE and all partially heat-treated meat and poultry products. FSIS also is proposing to require establishments that produce RTE meat and poultry products to conduct environmental testing for *Listeria spp.* to verify that they are controlling *L. monocytogenes* within their processing environments. Establishments that have developed and implemented HACCP controls for *L. monocytogenes* would be exempt from these testing requirements. Finally, FSIS is proposing to eliminate its regulations that require that both RTE and not-ready-to eat pork and products containing pork be treated to destroy *trichina*; these requirements are inconsistent with HACCP and some will be unnecessary if FSIS makes final the proposed performance standards for RTE meat and poultry products.

This proposed action is compelled by recent outbreaks of foodborne illness related to the consumption of adulterated RTE meat and poultry products, as well as the need to provide objective, measurable pathogen reduction standards that can be met by official establishments and compliance with which can be established through Agency inspection. Although FSIS routinely samples and tests some RTE products for the presence of pathogens prior to distribution, there are no specific regulatory pathogen reduction requirements for most of these products. And in regard to thermally processed, commercially sterile (most often canned) meat and poultry products, the proposed standards represent regulatory reform; they replace lengthy, prescriptive regulations with performance standards that provide the same level of food safety, as well as increased flexibility for establishments to customize their processes under HACCP.

Appendix 1, published in this issue of the **Federal Register** immediately following this proposed rule, contains a preliminary analysis required under Executive Order 12866, including a discussion of the need for the proposed regulations, regulatory alternatives considered by FSIS, and a complete cost-benefit analysis. FSIS demonstrates in Appendix 1 why it believes that this proposed action would result in benefits.

In short, if the proposed regulations could achieve a complete elimination of listeriosis that results from the consumption of contaminated RTE meat and poultry products, the expected annual reduction in listeriosis cases and deaths would range from 1660 cases and 331 deaths (based the draft FDA–FSIS risk assessment and on 100 percent program effectiveness) to 167 cases and 35 deaths (based on two independent CDC studies and 100 percent program effectiveness). FSIS is uncertain about the effectiveness of its proposed testing requirements in reducing listeriosis and therefore unable to adequately quantify a range of benefits. FSIS intends to use comments and data received during the comment period and at the planned technical conference to refine the proposed regulations and to better estimate benefits. It is of course unlikely that the proposed regulations could achieve complete elimination of the listeriosis that results from contaminated meat and poultry, but FSIS believes that the benefits of the regulations would exceed the total costs of all of the proposed provisions.

The two main provisions of the proposed rule are: (1) Mandatory in-plant testing for *Listeria* and (2) *Salmonella* and *E. coli O157:H7* performance standards firms must employ as measures of process control. Much of costs of these actions are associated with first-year, one-time validation pertaining to the achievement of the performance standards and with the incorporation of new information into plants' HACCP plans. These initial costs are projected at over $6.5 million, while annual recurring costs are estimated at $6.2 million. Benefits are expected to result from less contaminated product entering commercial channels due to increased sanitation efforts and in-plant verification through testing.

XII. Compliance With Regulatory Flexibility Act of 1996

The Administrator has determined that for the purposes of the Regulatory Flexibility Act (5 U.S.C. 601–612), this proposed rule will have a significant economic impact on a substantial number of small entities. As discussed in the regulatory impact analysis, FSIS estimates that the proposed performance standards may cost small and very small producers of jerky, hotdogs, luncheon meat and meat patties approximately $5 million annually, about 71 percent of the total costs of compliance associated with these provisions.

FSIS considered not proposing to extend the performance standards to these products because of the possible disproportionate economic impact on small business. However, taking this alternative would result in a significant inconsistency in the Agency's public health policy. Most, if not all, RTE meat and poultry products are manufactured from the same supply of raw product examined in the FSIS national baseline surveys. So performance standards derived from this baseline should be applicable to all categories of RTE meat and poultry products, regardless of how they are processed. That is, all RTE products should be required to meet the same standard of safety.

The "Small Business Regulatory Enforcement Fairness Act of 1996" (P. L. 104–121) requires, among other things, that

> For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 604 of title 5, United States Code, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides". The guides shall explain the actions a small entity is required to take to comply with a rule or group of rules. The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities, and may cooperate with associations of small entities to develop and distribute such guides.

With any final action that stems from this proposed rulemaking, FSIS will publish compliance guides for small businesses. The guides will include detailed instructions on how to comply with the proposed performance standards for all categories of RTE meat and poultry products. Establishments that wish to use the guides may incorporate them into their HACCP plans. Because FSIS will base its guidance on existing research and industry practices known to be effective, the Agency also will consider the processing instructions to be already validated. That is, establishment may follow the guidance without contracting for or conducting additional validation. FSIS believes compliance guides would significantly reduce the economic burden the proposed regulations could place on small businesses.

FSIS is examining other options to minimize the potential negative economic effects of these proposed regulations on small businesses, including staggering the effective dates for any final regulations, in consideration of establishment size. FSIS requests comment on other measures it could take to mitigate the economic impact of any final regulations.

FSIS also estimates that the direct cost of the mandatory environmental testing provision of the proposed rule will entirely fall on small and very small producers. Based on the preliminary analysis in Appendix 1, FSIS expects that they will incur approximately $1.75 million annually (See Appendix 1 for details on the cost estimates).

Types of Entities and Production Affected by the Proposed Regulations

The 1997 Census of Manufacturers identifies 1630 establishments which could potentially be affected by the proposed rule. In Appendix 1 and for this analysis, these establishments are broken down into four broad groups that FSIS differentiated by the estimated costs of compliance with all of the proposed provisions. These groups are further broken down into sub-groups where appropriate. The main product groups (and sub-groups, if appropriate) are:

- *Group I:* Those entities that likely will incur the greatest costs and which are further broken down into: Sub-group 1: fermented, dried, and salt-cured RTE meat and poultry products; Sub-group 2: hotdogs and wieners; Sub-group 3: cooked meat and poultry patties; and, Sub-group 4: smoked hams and poultry luncheon meats;
- *Group II:* Those entities that likely will incur moderate costs and which are further broken down into three types of producers of cooked or otherwise processed meat and poultry products (either produced by a combo plant, meat or poultry processor);
- *Group III:* those entities that likely will incur minor costs (frozen dinners, pizza, and other similar meat and poultry products); and

• *Group IV:* those entities that likely will incur no costs (canned meat and poultry products).

Almost 60 percent of all the establishments that could be potentially affected by the proposed rule are classified as small (employing between 10 and 500 employees) (Table 3). Another 32 percent fall into the very small establishment category of employing fewer than 10 employees while the remaining 9 percent are classified as large (employing more than 500 employees).

The number of establishments, the types of products shipped, and value of shipments of these groups are summarized below in Table 3.

Most product groups and sub-groups exhibit a population distribution in which about 33% of firms are very small, 60% are small, and less than 10% are large. However, three product groups differ markedly: Group II, Sub-groups 2 and 3 and Group IV (rows 11, 12, and 15 in Table 3). Large establishments play an important role in Group II, Sub-group 2 (poultry processors of miscellaneous RTE products containing meat and poultry) making up 37 percent of all their numbers. As a consequence, the percentage contributions to their total numbers for both small and very small establishments are much lower than the all-group averages. Canners (Group IV) also exhibit a much different population distribution than the average: they are dominated by small establishments, which lowers the presence of very small canning establishments. Finally, the percentage of very small combination slaughter/meat processing establishments in Group II, Sub-group 3 have almost as high a percentage of establishments as do the small establishments for all groups (55 percent of this sub-group consists of very small establishments while the percentage of small establishments drop to 48 percent).

TABLE 3.—NUMBER OF ESTABLISHMENTS BY SIZE WHICH MAY BE AFFECTED BY RTE RULE AND THEIR PROPORTION IN EACH PRODUCT GROUP

Group and subgroup	Establishment size categories				Total
	VS	S	VS+ S	L	
I:					
1	57 (38%)	85 (57%)	142 (95%)	8 (5%)	150
2	56 (34%)	94 (56%)	150 (90%)	17 (10%)	167
3	27 (36%)	47 (62%)	74 (98%)	2 (2%)	76
4	64 (34%)	105 (55%)	169 (89%)	22(11%)	191
Sub-Total	204 (35%)	331 (57%)	535 (92%)	49 (8%)	584
II:					
1	200 (36%)	339 (62%)	539 (98%)	12 (2%)	551
2	25 (15%)	79 (48%)	104 (63%)	60 (37%)	164
3	42 (55%)	29 (38%)	71 (93%)	5 (7%)	76
Sub-Total	267 (34%)	447 (56%)	714 (90%)	77 (10%)	791
III	35 (34%)	62 (59%)	97 (93%)	7 (7%)	104
IV	18 (12%)	121 (80%)	139 (92%)	12 (8%)	151
Total	524 (32%)	961 (59%)	1485 (91%)	145 (9%)	1630

Note: VS stands for "very small," S stands for "small," and L stands for "large."
Totals may not add due to rounding.

First-Year Total Direct Cost Impacts Across Establishment Size by Product Group

The total first year economic impacts (as estimated in Appendix 1) were broken down by product group and size. The percentages reported in Table 4 represent the impact on each product group as a percentage of the total industry-wide impact. The distribution of the economic impacts is based on assumptions, explained in detail in Appendix 1, concerning which groups of industry will be affected by the proposed performance standards, which will be affected by the proposed *Listeria* requirements, and of those affected by the *Listeria* requirements, which will choose to test for *Listeria spp.* and which will choose to develop CCPs for *L. monocytogenes*. Significantly, FSIS expects that large establishments would opt to develop CCPs for *L. monocytogenes*, but that many small and very small establishments will opt to test for *Listeria spp.*

TABLE 4.—POTENTIAL FIRST-YEAR TOTAL DIRECT COST IMPACTS ACROSS ESTABLISHMENT SIZES

Group and subgroup	Across all product-types [1]							
	VS		S		L		Total [2]	
	000's $	%	000's $	%	000's $	%	000's $	%
I:								
1	942.5	7.4	3108.4	24.6	1847.4	14.6	5898.3	46.6
2	89.6	0.7	313.7	2.5	189.2	1.5	592.5	4.7
3	308.3	2.4	1235.7	9.8	399.2	3.2	1943.3	15.4
4	114.1	0.9	386.3	3.1	412.5	3.3	912.9	7.2
Sub-Total Group I	1454.5	11.5	5044.1	39.8	2848.3	22.5	9347.0	73.8

TABLE 4.—POTENTIAL FIRST-YEAR TOTAL DIRECT COST IMPACTS ACROSS ESTABLISHMENT SIZES—Continued

Group and subgroup	Across all product-types [1]							
	VS		S		L		Total [2]	
	000's $	%	000's $	%	000's $	%	000's $	%
II:								
1	307.5	2.4	1093.1	8.6	313.5	2.5	1714.2	13.5
2	59.7	0.5	313.1	2.5	575.4	4.5	948.2	7.5
3	64.3	0.5	99.2	0.8	70.4	0.6	234.0	1.8
Sub-Total Group II	431.6	3.4	1505.4	11.9	959.3	7.6	2896.3	22.9
III	58.4	0.5	213.3	1.7	144.6	1.1	416.3	3.3
IV	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	1944.5	15.4	6762.8	53.4	3952.3	31.2	12659.6	100.00

Note: VS stands for "very small," S stands for "small," and L stands for "large."
Totals may not add due to rounding.

Matching up Percent of Establishments With Their Share of First Year Total Cost Impacts

The establishment data from Table 3 was broken down in a similar way as Table 4 above. That is, they were broken down by very small, small, and large size categories as a percent of the total number of establishments. This establishment population distribution (as reported in columns 3, 5, 7, and 9 in Table 5) was then combined with the distribution of the first-year industry-wide direct cost impacts from Table 4 (as reported in columns 4, 6, 8, and 10 in Table 5). In effect, Table 5 pairs each product group's percent of total establishments with its share of total first-year industry-wide economic impact. For example, the bottom line in Table 5 reveals that very small establishments comprise 32 percent of all RTE establishments and absorbs 15.4 percent of total first-year industry-wide economic impact (as was reported in Table 4).

Table 5 reveals that large establishments, on an establishment basis, bear a disproportionate share of the total regulatory cost. That is, they constitute less than 10 percent of the establishments and yet absorb over 31.2 percent of the first year total direct cost impacts. Most of these impacts are incurred by large Group I establishments, mainly to satisfy the performance standard requirements of the proposed rule.

TABLE 5.—PERCENT OF TOTAL ESTABLISHMENTS AND THEIR SHARE OF FIRST-YEAR TOTAL DIRECT COST IMPACTS

Group and sub-group	The percent of total establishments and total impact by establishment size							
	Very small		Small		Large		All sizes	
	Establish-ments	Impact	Establish-ments	Impact	Establish-ments	Impact	Establish-ments	Impact
I:								
1	4	7.4	5	24.6	1	14.6	10	46.6
2	3	0.7	6	2.5	1	1.5	10	4.7
3	2	2.4	3	9.6	0	3.2	5	15.4
4	4	0.9	6	3.1	1	3.3	11	7.2
Sub-Total Group I	13	11.5	20	39.8	3	22.5	36	73.8
II:								
1	12	2.4	21	8.6	1	2.5	34	13.5
2	1	0.5	5	2.5	4	4.5	10	7.5
3	3	0.5	2	0.8	0	0.6	5	1.8
Sub-Total Group II	16	3.4	28	11.9	5	7.6	49	22.8
Sub-Total Group III	2	0.5	4	1.7	0	1.1	6	3.3
Sub-Total Group IV	1	0.0	7	0.0	1	0.0	9	0.0
Total	32	15.4	59	53.4	9	31.2	100	100

Totals may not add due to rounding.

Per-Establishment Impact Estimates

FSIS realizes that the proposed rule has a unique impact on each establishment. Some establishments are already meeting the performance standards and some probably not; some establishments are conducting environmental tests for *Listeria* and have a *Listeria*-related CCP; some do not. The following tables attempt to put the aggregate impact of the proposed rule on an individual establishment basis. This sheds additional light on the distributional impact across establishment size. By so doing, a different picture on the relative impact on different size establishments comes into view. Keep in mind that the estimates below are made on an affected establishment basis, not on a purely product group average basis.

Performance Standards

For the 28 very small, 44 small, and 3 large establishments in Group I potentially affected by the proposed rule, performance standards may necessitate that these establishments incur an additional $40,210, $89,380 and $630,140 per firm in the first year for each size establishment, respectively (Table 6).

Most of these expected expenditures reflect increased treatment costs. These per firm costs, multiplied by the number of affected firms, produce an industry-wide, first-year cost impact of approximately $7.1 million (Table 6). The estimation of these costs is further explained in Appendix 1 in the sections entitled "A. Projected Costs Associated with Production Adjustments" and "B. Projected Costs Associated with Performance Standard Validation." FSIS acknowledges that due to a lack of available data, the total costs of the proposed performance standards may be underestimated. See the section in Appendix 1 entitled "Uncertainty: Cost Side" for further discussion of the uncertainty around these estimated costs.

Mandatory Testing Requirements:

Mandatory food contact surface testing is the most difficult provision in the proposed rule to analyze because of the uncertainty of current practices and how establishments will react to the proposed rule. Major uncertainties include: the degree to which firms will switch to a *Listeria*-related CCP in their HACCP plan and the degree to which firms will be able to resolve their *Listeria*-related problems if they present themselves. Depending on the individual establishment, this provision of the proposed rule could necessitate small establishments incurring an additional $5,000 (to establish a *Listeria*-related CCP) or an additional $3,400 in environmental testing, and possibly as high as a $6,200 cost to resolve any *Listeria*-related problems. Large establishments are expected to meet this requirement by either having or incorporating a CCP addressing *Listeria* in their HACCP plan at a cost of $5000. Very small establishment could incur an additional $5000 cost (in CCP validation) or an additional $840 in environmental testing and possibly a $3200 cost in resolving their *Listeria*-related problems. Nineteen large establishments are expected to incur an $81,900 to implement measures to resolve their *Listeria*-related problems.

Summary

In the aggregate, large establishments incur a disproportionate share of the total industry-wide impact. This result is due to the volume-based costs associated with performance standards. On an individual establishment basis, the proposed rule still presents a substantial potential cost increase for very small and small establishments. Efforts to reduce validation costs on CCPs addressing *Listeria* and performance standards could afford this group of establishments with great financial relief. The treatment costs related to the performance standards is also an important driver in this analysis: this cost estimate is based on limited information at this time. Also, the flexibility afforded producers by the proposed rule may mean that new, more cost-effective, technology may be adopted in a relatively short time period and lower these costs. Such assumptions could not be incorporated in this analysis at this time.

TABLE 6.—DISTRIBUTIONAL ECONOMIC COST OF PERFORMANCE STANDARDS IN PROPOSED RULE

Group and sub-group	Per establishment cost impact (000's $ per establishment)				Number of establishments affected (number)				Industry-wide impacts (000's $)			
	VS	S	L	All	VS	S	L	All	VS	S	L	Total
I:												
1	45	100	650	108.4	19	28	3	50	854.15	2830.5	1731.6	5416.25
2	0	0	0	0	0	0	0	0	0.00	0	0	0.00
3	30	70	550	68.4	9	16	1	25	267.30	1085.7	383.0	1716.00
4	0	0	0	0	0	0	0	0	0.00	0	0.00	0.00
SubTotal Group I	40.2	89.4	630.1	95.1	28	44	3	75	1121.45	3916.2	2094.60	7132.25
II:												
1	0	0	0	0	0	0	0	0	0	0	0	0
2	0	0	0	0	0	0	0	0	0	0	0	0
3	0	0	0	0	0	0	0	0	0	0	0	0
III:	0	0	0	0	0	0	0	0	0	0	0	0
IV:	0	0	0	0	0	0	0	0	0	0	0	0
Total	40.2	89.4	630.1	95.1	28	44	3	75	1121.45	3916.2	2094.6	7132.245

Totals may not add due to rounding.

TABLE 7.—DISTRIBUTIONAL ECONOMIC COST OF ADDITIONAL TESTING ASSOCIATED WITH MANDATORY LISTERIA TESTING PROVISION IN PROPOSED RULE.

Group and sub-group	Per establishment cost impact (000's $ per establishment)				Number of establishments affected (number)				Industry-wide impacts (000's $)			
	VS	S	L	All	VS	S	L	All	VS	S	L	Total
I:												
1	.84	3.4	0	2.1	46	43	0	88	38.3	142.8	0.0	181.1
2	.84	3.4	0	2.1	45	47	0	92	37.6	157.9	0.0	195.5
3	.84	3.4	0	2.1	22	23	0	45	18.1	79.0	0.0	97.1
4	.84	3.4	0	2.1	51	53	0	104	43.0	176.4	0.0	219.4
II:												
1	.84	3.4	0	2.1	160	170	0	330	134.4	569.5	0.0	703.9
2	.84	3.4	0	2.5	20	40	0	60	16.8	132.7	0.0	149.5
3	.84	3.4	0	1.6	34	15	0	48	28.2	48.7	0.0	76.9
III	.84	3.4	0	2.2	26	31	0	59	23.5	104.2	0.0	127.7

TABLE 7.—DISTRIBUTIONAL ECONOMIC COST OF ADDITIONAL TESTING ASSOCIATED WITH MANDATORY LISTERIA TESTING PROVISION IN PROPOSED RULE.—Continued

Group and sub-group	Per establishment cost impact (000's $ per establishment)				Number of establishments affected (number)				Industry-wide impacts (000's $)			
	VS	S	L	All	VS	S	L	All	VS	S	L	Total
IV	0	0	0	0.0	0	0	0	0	0	0	0.0	0
Total	.84	3.4	0	2.1	405	420	0	825	340.0	1411.2	0.0	1751.2

Totals may not add due to rounding.

TABLE 8.—DISTRIBUTIONAL ECONOMIC COST OF HACCP VALIDATION ASSOCIATED WITH LISTERIA MONOCYTOGENES CONTROLS IN PROPOSED RULE

Group and sub-group	Per establishment cost impact (000's $ per establishment)				Number of establishments affected (number)				Industry-wide impacts (000's $)			
	VS	S	L	All	VS	S	L	All	VS	S	L	Total
I:												
1	5.0	5.0	5.0	5.0	6	14	4	24	28.5	70.8	20.00	119.3
2	5.0	5.0	5.0	5.0	6	16	9	30	28.0	78.3	42.50	148.8
3	5.0	5.0	5.0	5.0	3	8	1	12	13.5	39.2	5.00	57.67
4	5.0	5.0	5.0	5.0	6	18	11	35	32.0	87.5	55.00	174.50
Sub-Total—Group I	5.0	5.0	5.0	5.0	20	55	25	100	102.0	275.8	122.50	500.30
II:												
1	5.0	5.0	5.0	5.0	20	57	8	83	100.0	282.5	30.0	412.5
2	5.0	5.0	5.0	5.0	3	13	30	46	12.5	65.8	150.0	228.3
3	5.0	5.0	5.0	5.0	4	5	3	12	21.0	24.2	12.5	57.7
Sub-Total—Group II	5.0	5.0	5.0	5.0	27	75	39	14	133.5	372.5	192.5	698.5
III	5.0	5.0	5.0	5.0	4	10	4	17	17.5	51.7	17.5	86.7
IV	0	0	0	0	0	0	0	0	0	0	0	0
Total	5.0	5.0	5.0	5.0	51	140	67	257	253	700	332.5	1285.5

Numbers may not add due to rounding.

TABLE 9.—DISTRIBUTIONAL ECONOMIC COST OF PRODUCTION EFFECT 1 AND 2 ASSOCIATED WITH THE MANDATORY LISTERIA TESTING PROVISIONS IN PROPOSED RULE

Group and sub-group	Per establishment cost impact (000's $ per establishment)				Number of establishments affected (number)				Industry-wide impacts (000's $)			
	VS	S	L	All	VS	S	L	All	VS	S	L	Total
I:												
1	2.7	5.4	85.5	8.65	8	12	1	21	21.53	64.3	95.80	181.63
2	3.0	5.9	61.6	10.6	2	13	2	23	23.96	77.5	146.71	248.17
3	2.5	4.8	111.6	6.8	4	7	0	11	9.41	31.9	31.20	72.51
4	4.4	8.3	116.1	19.4	9	15	3	27	39.1	122.4	357.50	519.00
Sub-Total—Group I	3.3	6.4	92.0	12.5	29	46	7	82	94	295.1	631.21	1021.31
II:												
1	2.6	5.1	168.8	7.7	28	47	2	77	73.1	241.1	283.5	597.7
2	8.7	10.4	50.6	24.8	4	11	8	23	30.44	114.5	425.4	570.34
3	2.6	8.5	82.7	9.3	6	4	1	11	15.1	26.3	57.9	99.3
Sub-Total—Group II	3.2	6.1	71.1	11.4	37	63	11	111	118.64	381.9	766.8	1267.34
III	3.5	6.6	129.7	13.8	5	9	1	15	17.4	57.4	127.1	201.9
IV	0	0	0	0	0	0	0	0	0	0	0	0
Total	3.2	6.2	81.9	12.0	71	118	19	207	230.02	735.4	1525.20	2490.65

Totals may not add due to rounding.

XIII. Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. States and local jurisdictions are preempted by the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) from imposing any marking, labeling, packaging, or ingredient requirements on federally inspected meat and poultry products that are in addition to, or different than, those imposed under the FMIA and PPIA. States and local jurisdictions may, however, exercise concurrent jurisdiction over meat and poultry products that are outside official establishments for the purpose of preventing the distribution of meat and poultry products that are misbranded or adulterated under the FMIA and PPIA, or, in the case of imported articles, that are not at such an establishment, after their entry into the United States. This proposed rule is not intended to have retroactive effect.

If this proposed rule is adopted, administrative proceedings will not be required before parties may file suit in court challenging this rule. However, the administrative procedures specified in 9 CFR 306.5 and 381.35 must be exhausted prior to any judicial challenge of the application of the provisions of this proposed rule, if the challenge involves any decision of an FSIS employee relating to inspection services provided under the FMIA or PPIA.

XIV. Risk Analysis

Section 304 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (P.L. 103–354) requires any regulation published by USDA concerning human health, safety, or the environment, and having an annual economic impact of at least $100 million in 1994 dollars, contain a risk assessment and cost-benefit analysis. The risk assessment and cost-benefit analysis must be "performed consistently and use reasonably obtainable and sound scientific, technical, economic, and other data." The USDA Office of Risk Assessment and Cost-Benefit Analysis (ORACBA), also established by the 1994 Act, must ensure that major rules include such analyses.

Although the initial costs of compliance with the proposed regulations may be less than $100 million, they also may exceed $100 million. FSIS estimates that over an undetermined, but relatively short period of time, the benefits of the regulations also should exceed this amount. In the economic analysis required under E. O. 12866, FSIS estimates that after 10 years, 868 to 8,632 cases of listeriosis may be eliminated as a result of this rule (see Appendix 1). Consequently, FSIS believes that the proposed regulations are subject to the Reorganization Act requirements for a risk assessment and cost-benefit analysis.

FSIS and ORACBA have agreed that the cost-benefit and economic impact analyses that FSIS has performed for this proposed rule, as required by E.O. 12866 and the Regulatory Flexibility Act, satisfy the cost-benefit analysis requirements of the Reorganization Act. Regarding the required risk assessment, FSIS is presenting several different documents to support different provisions of the proposed regulations.

To support the proposed lethality performance standard for the elimination of *E. coli* O157:H7 from fermented RTE products that contain beef, FSIS cites its draft "Risk Assessment of the Public Impact of *Escherichia coli* O157:H7 in Ground Beef" (Ref. 1, available for viewing by the public in the FSIS Docket Room). As discussed above, this document shows that levels of *E. coli* O157:H7 in cattle represent a risk to consumers of ground beef, and that, unless there is a significant intervention on the farm or during processing, the risk is likely to remain. Use of this draft risk assessment to develop the performance standard for fermented products containing beef is discussed above in detail in the sections "Derivation of the Proposed Lethality Performance Standards" and "Fermented Products."

To support the other proposed lethality performance standards, except for the lethality standards applicable to commercially sterile meat and poultry products, and to support the proposed stabilization performance standards, FSIS used its Nationwide Microbiological Baseline Data Collection Programs and Nationwide Federal Plant Microbiological Surveys (Ref. 3, available for viewing by the public in the FSIS Docket Room), as well as its technical analysis of those surveys (Ref. 2, available for viewing by the public in the FSIS Docket Room). Within the technical analysis, FSIS developed models using the baseline and survey data to define a worst case raw product (the highest initial levels of *Salmonella* found in the data from the microbiological surveys), and then calculate the probability distribution for the number of surviving *Salmonella* organisms in 100 grams of finished product for various specific lethality reductions. Lethality performance standards then were selected that provided low probabilities of surviving organisms in finished worst case product. Most, if not all, RTE meat and poultry products will be manufactured from the same supply of raw product examined in the FSIS national baseline surveys. So, using performance standards that would render any hypothetical, worst case raw product safe should be applicable to all categories of RTE meat and poultry products.

To support the proposed environmental testing requirements for *Listeria spp.*, FSIS uses the draft interagency risk assessment concerning foodborne *Listeria monocytogenes* (Ref. 28, available for viewing by the public in the FSIS Docket Room). As discussed above in the section entitled "Proposed Requirements for Controlling *L. monocytogenes*," this draft risk assessment indicates that many of the meat and poultry products affected by these regulations (deli meat, frankfurters, meat and poultry-based deli salads, and pâté) pose relatively high risks to consumers because of potential recontamination by *L. monocytogenes* after lethality is applied and before final product packaging.

XV. Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. FSIS provides a weekly FSIS Constituent Update via fax to over 300 organizations and individuals. In addition, the update is available on line through the FSIS web page located at *http://www.fsis.usda.gov*. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience than would be otherwise possible. For more information or to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

XVI. Paperwork Requirements

Paperwork Requirements

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995, the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB).

Abstract: FSIS has reviewed the paperwork and recordkeeping requirements in this proposed rule in accordance with the Paperwork Reduction Act. Establishments producing RTE product would make modifications to their HACCP plans. Also, establishments that produce RTE product and who do not identify *L. monocytogenes* as a hazard reasonably likely to occur, must perform tests for *Listeria spp.* to verify that their Sanitation SOPs are preventing direct contamination or adulteration of product. Establishments would need to maintain these results. The proposed revisions to the labeling requirements in §§ 317.2 and 381.125 would effect generically approved labels and so do not constitute a paperwork burden.

Estimate of Burden: FSIS estimates that 1,630 establishments will produce paperwork and recordkeeping as a result of this rulemaking. Because the Agency does not know how an establishment will decide to implement certain requirements of this rule, that is some may modify their HACCP plans and others may chose to test product, FSIS used the total of 1,630 to make its burden estimates for each paperwork and recordkeeping activity. The Agency estimates that it will take 8 hours for an establishment to reassess their HACCP plans for a total burden of 13,040 hours. The Agency estimates that an establishment will spend about 5 minutes a day (250 days) completing 1 monitoring record for each new CCP for a total burden of 33,958 hours and 2 minutes a day filing the resulting record for a total of 13,583 hours. FSIS assumes each establishment will develop one new CCP. For an establishment testing products for Listeria spp., FSIS estimates it will take an establishment 30 minutes a day to collect the information and file the records for a total of 203,750 hours.

Respondents: Meat and poultry product establishments.

Estimated Number of Respondents: 1,630.

Estimated Number of Responses per Respondents: 502.

Estimated Number of Responses: 818,260.

Estimated Total Annual Burden on Respondents: 264,708.

Copies of this information collection assessment can be obtained from Lee Puricelli, Paperwork Specialist, Food Safety and Inspection Service, USDA, Room 109 Cotton Annex, Washington, DC 20250–3700.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the method and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond; including through use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Lee Puricelli, see the address above, and to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) Washington, DC 20253. A comment to OMB is best assured of having its full effect if OMB receives is within 30 days of publication of this proposed rule.

XVII. References

The following sources are referred to in this document. All have been placed on display in the FSIS Docket Room (address above) and may be seen by interested persons between 8:30 a.m. and 4:30 p.m., Monday through Friday.

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XVIII. Proposed Regulations

List of Subjects

9 CFR Part 301

Meat inspection.

9 CFR Part 303

Meat inspection, Reporting and recordkeeping requirements.

9 CFR Part 317

Food labeling.

9 CFR Part 318

Meat inspection, Reporting and recordkeeping requirements.

9 CFR Part 319

Food grades and standards, Food labeling, Frozen foods, Meat inspection, Oils and fats.

9 CFR Part 320

Meat inspection, Reporting and recordkeeping requirements.

9 CFR Part 325

Meat inspection, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 331

Intergovernmental regulations, Meat inspection.

9 CFR Part 381

Poultry and poultry products inspection, Reporting and recordkeeping requirements.

9 CFR Part 417

Meat inspection, Poultry and poultry products inspection, Reporting and recordkeeping requirements.

9 CFR Part 430

Food labeling, Meat inspection, Poultry and poultry products inspection.

Accordingly, title 9, chapter III, of the Code of Federal Regulations is amended as follows:

PART 301—DEFINITIONS

1. The authority citation for part 301 would continue to read as follows:

Authority: 7 U.S.C. 450, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

2. Section 301.2 would be amended by removing the definitions for "Process authority" and "Process schedule."

PART 303—EXEMPTIONS

3. The authority citation for part 303 would continue to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

4. In § 303.1(f), the second sentence would be removed.

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

5. The authority citation for part 317 would continue to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

6. In § 317.2, paragraph (k) and the introductory text of paragraph (l) would be revised to read as follows:

§ 317.2 Labels: definition; required features.

* * * * *

(k) Packaged products which require special handling to maintain their wholesome condition must have prominently displayed on the principal display panel the statement: "Keep Refrigerated," "Keep Frozen," "Perishable Keep Under Refrigeration," or "Refrigerate after Opening," as applicable, or such similar statement as the Administrator may approve in specific cases. Products that are distributed frozen during distribution shall bear the statement on the shipping container: "Keep Frozen." The consumer-size containers for such products that are thawed prior to or during display for sale at retail shall bear the statement "Previously Handled Frozen for Your Protection, Refreeze or Keep Refrigerated." For all perishable canned products the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds, the statement shall be in upper case letters at least one-half inch in height.

(l) Safe handling instructions shall be provided for: All meat and meat products of cattle, swine, sheep, goat, horse, or other equine that do not meet the requirements contained in 9 CFR 430.2 and 430.3(a), except as exempted under paragraph (l)(4) of this section.

* * * * *

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCT

7. The authority citation for part 318 would continue to read as follows:

Authority: 7 U.S.C. 138f, 7 U.S.C. 450, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

8. Section 318.10 would be removed and reserved.

9. Section 318.17 would be removed and reserved.

10. Section 318.23 would be removed and reserved.

11. Subpart G (§§ 318.300 through 318.311) would be removed.

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

12. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 450, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

13. In § 319.106, paragraph (b) would be removed; paragraph (c) would be redesignated as paragraph (b); and paragraph (d) would be redesignated as paragraph (c).

14. In § 319.145, paragraph (a)(2) would be amended by removing the third sentence.

PART 320—RECORDS, REGISTRATION, AND REPORTS

15. The authority citation for part 320 would continue to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

16. In § 320.1, paragraph (b)(6) and (b)(7) would be removed; paragraph (b)(8) would be redesignated as (b)(6); paragraph (b)(9) would be redesignated as (b)(7); paragraph (b)(10) would be redesignated as (b)(8); and paragraph (b)(11) would be redesignated as (b)(9).

PART 325—TRANSPORTATION

17. The authority citation for part 325 would continue to read as follows:

Authority: 7 U.S.C. 450, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

18. In § 325.7, paragraph (a) would be amended by removing the phrase, "pork that has been refrigerated to destroy *trichina*,".

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

19. The authority citation for part 331 would continue to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

20. In § 331.5, paragraph (a)(1)(ii) would be amended to remove the phrase, "or it is a ready-to-eat pork product which has not been treated to destroy *trichinae* as prescribed in § 318.10 of this subchapter for products at federally inspected establishments); or".

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

21. The authority citation for part 381 would continue to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451–470; 7 CFR 2.18, 2.53.

22. Section 381.1 would be amended by removing the definitions for "Process authority" and "Process schedule."

23. In § 381.125, paragraph (a) would be revised to read as follows:

§ 381.125 Special handling label requirements.

(a) Packaged products which require special handling to maintain their wholesome condition must have prominently displayed on the principal display panel the statement: "Keep Refrigerated," "Keep Frozen," "Perishable Keep Under Refrigeration," or "Refrigerate after Opening," as applicable, or such similar statement as the Administrator may approve in specific cases. Products that are distributed frozen during distribution shall bear the statement on the shipping container: "Keep Frozen." The consumer-size containers for such products that are thawed prior to or during display for sale at retail shall bear the statement "Previously Handled Frozen for Your Protection, Refreeze or Keep Refrigerated." For all perishable canned products the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds, the statement shall be in upper case letters at least one-half inch in height.

* * * * *

24.–25. In § 381.125, the introductory text of paragraph (b) would be amended by removing the phrase "§ 381.150(a) or that have not undergone other processing that would render them ready-to-eat" and by adding the phrase "9 CFR 430.2 and 430.3(a)" in its place.

26. Section 381.150 would be removed.

27. In § 381.175, paragraph (b)(3) would be removed; paragraph (b)(4) would be redesignated as (b)(3); paragraph (b)(5) would be redesignated as (b)(4); and paragraph (b)(6) would be redesignated as (b)(5).

28. Subpart X (§§ 381.300 through 381.311) would be removed and reserved.

PART 417—HAZARD ANALYSIS AND CRITICAL CONTROL POINT (HACCP) SYSTEMS

29. The authority citation for Part 417 would continue to read as follows:

Authority: 7 U.S.C. 450; 21 U.S.C. 451–470, 601–695; 7 U.S.C. 1901–1906; 7 CFR 2.18, 2.53.

§ 417.2 Hazard Analysis and HACCP plan.

30. Paragraph 417.2(b)(3) would be removed.

PART 430—PERFORMANCE STANDARDS

31. A new Part 430 would be established to read as follows:

PART 430—PERFORMANCE STANDARDS FOR READY-TO-EAT AND PARTIALLY HEAT-TREATED PRODUCTS

Sec.
430.1 Definitions.
430.2 Lethality.
430.3 Stabilization.
430.4 Testing for *Listeria spp.*
430.5 Thermally-processed, commercially sterile products.

Authority: 7 U.S.C. 450; 21 U.S.C. 451–470, 601–695; 7 U.S.C. 1901–1906; 7 CFR 2.18, 2.53.

§ 430.1 Definitions.

Acidified product. A commercially sterile and hermetically sealed product that has been formulated or treated so that every component has a pH value of 4.6 or lower within 24 hours after completion of the thermal process unless a longer time has been validated as safe.

Commercial sterility. The condition achieved by the application of a heat, irradiation, high-pressure, or other process, alone or in combination with other ingredients or treatments, to render the product free of microorganisms capable of growing in the product at nonrefrigerated conditions (over 50 °F or 10 °C) at which the product is intended to be held during distribution and storage.

Fermented product. A meat or poultry product that is made ready-to-eat by the process in which bacterial enzymes act on organic substrates, such as carbohydrates, resulting in the production of acid (the lowering of product pH) and microbial inhibition.

Low acid product. A commercially sterile and hermetically sealed product in which any component has a pH value above 4.6.

Ready-to-eat product. A meat or poultry product that can be safely consumed without cooking or application of some other lethality treatment to destroy pathogens.

Worst case product. For purposes of the lethality requirements contained in § 430.2(a)(1), worst case raw poultry contains 6.7-$\log_{10}$ of *Salmonella* in any 143 gram sample and worst case raw meat contains 6.2-$\log_{10}$ of *Salmonella* in any 143 gram sample; for purposes of the lethality requirements contained in § 430.2(b)(1), worst case raw beef contains 4.4-$\log_{10}$ of *E. coli* O157:H7 in any 143 gram sample.

§ 430.2 Lethality.

(a) (1) Processing of any meat or poultry product, except a thermally-processed, commercially sterile product, for the purpose of rendering that product ready-to-eat, must be validated to achieve probabilities no greater than the following that *Salmonella* organisms would remain in any 100 gram sample of finished product, assuming that incoming raw product is worse case product. Any detectable level of viable *Salmonella* organisms adulterates ready-to-eat meat and poultry products.

>0 surviving	>1 surviving	>2 surviving	>3 surviving	>4 surviving
39.4%	9.06%	1.45%	0.177%	0.0174%

(2) Official establishments that do not wish to demonstrate that their processing results in probabilities no greater than the probabilities in paragraph (a)(1) of this section may instead employ processing validated to

achieve either a 6.5-$\log_{10}$ reduction of *Salmonella* throughout a finished, ready-to-eat meat product, or, a 7-$\log_{10}$ reduction of *Salmonella* throughout a finished ready-to-eat product that contains any amount of poultry. Any detectable level of viable *Salmonella* organisms adulterates ready-to-eat meat and poultry products.

(b)(1) In addition to meeting the standard in paragraph (a), of this section processing of any fermented meat or poultry product that contains any amount of beef, except a thermally-processed, commercially sterile product, for the purpose of rendering that product ready-to-eat, must be validated to achieve probabilities no greater than the following that *E. coli* O157:H7 organisms would remain in any 100 gram sample of finished product, assuming that incoming raw product is worst case product. Any detectable level of viable *E. coli* O157:H7 organisms adulterates ready-to-eat meat and poultry products.

>0 surviving	>1 surviving
22.2%	2.67%

(2) Official establishments that do not wish to demonstrate that their processing results in probabilities no greater than the probabilities in paragraph (b)(1) of this section may instead employ processing validated to achieve a 5-$\log_{10}$ reduction of *E. coli* O157:H7 throughout a finished, ready-to-eat meat or poultry product that contains any amount of beef. Any detectable level of viable *E. coli* O157:H7 organisms adulterates ready-to-eat meat and poultry products.

(c) Processing of all ready-to-eat meat and poultry products, other than thermally processed, commercially sterile products, also must be validated to achieve the reduction of other pathogens and their toxins or toxic metabolites necessary to prevent product adulteration.

(d) Processing of all ready-to-eat products, other than thermally processed, commercially sterile products, must be validated to maintain the lethality performance standards throughout product shelf-life under the conditions in which the food is stored, distributed, and held.

§ 430.3 Stabilization.

(a) For all ready-to-eat meat and poultry products, other than thermally processed, commercially sterile products, processing must prevent multiplication of toxigenic microorganisms such as *Clostridium botulinum* and allow no more than 1-$\log_{10}$ multiplication of *Clostridium perfringens* within the product.

(b) For all meat and poultry products that receive a heat treatment but that are not ready-to-eat, processing must prevent multiplication of toxigenic microorganisms such as *C. botulinum* and allow no more than 1-$\log_{10}$ multiplication of *C. perfringens* within the product.

(c) Processing of all ready-to-eat products, other than thermally processed, commercially sterile products, and products that are heat-treated but not ready-to-eat, must be validated to maintain the stabilization performance standards throughout product shelf-life under the conditions in which the food is stored, distributed, and held.

§ 430.4 Testing for Listeria spp.

(a) Each official establishment that produces one or more ready-to-eat meat or poultry products, but that has not identified *Listeria monocytogenes* as a hazard reasonably likely to occur within the HACCP plan for its ready-to-eat product and consequently established one or more controls for *L. monocytogenes* to be implemented after lethality treatment is complete, must test food contact surfaces, on which product is handled after lethality treatment but before final packaging, for *Listeria spp.* at one of the following frequencies depending on establishment size:

(1) If the plant is large (500 or more employees), at least four tests, per line of ready-to-eat product, per month;

(2) If the plant is small (10 to 499 employees), at least two tests, per line of ready-to-eat product, per month;

(3) If the plant is very small (fewer than 10 employees or annual sales of ready-to-eat products less than $2.5 million), at least one test, per line of ready-to-eat product, per month.

(b) Results of the testing required in this section are to be used by official establishments to verify that their Sanitation Standard Operating Procedures (Sanitation SOPs), as required under 9 CFR part 416, are preventing direct contamination or adulteration of product. Results must be made available to FSIS personnel for review. In the event of a positive test result, establishments must take corrective actions under 9 CFR 416.15(a) and (b) that include the following procedures to determine and demonstrate that the affected lot or lots of product are not adulterated with *L. monocytogenes*:

(1) Procedures to determine which lot or lots of product might have been affected;

(2) Procedures to hold, sample, and test that product for *L. monocytogenes*; and

(3) Procedures to dispose of affected product.

§ 430.5 Thermally processed, commercially sterile products.

(a) For a low-acid product that receives thermal or other sporicidal lethality processing, that processing must be validated to achieve a probability of 10^{-9} that there are spores of *C. botulinum* in a container of the product that are capable of growing, or, a 12-$\log_{10}$ reduction of *C. botulinum*, assuming an initial load of ≤ 1000 spores per container.

(b) For acidified products or products in which pathogen growth is controlled by factors other than thermal or other sporicidal processing, the processing must be validated to prevent multiplication of *C. botulinum* in the food under the conditions in which the food is stored, distributed, and held.

(c) The product must be processed to achieve commercial sterility and the container in which the product is enclosed must be hermetically sealed so as to be airtight and to protect the contents of the container against the entry of microorganisms during and after processing.

(d) All operators of processing systems for commercially sterile meat and poultry products and container closure technicians shall be under the direct supervision of a person who has successfully completed a school of instruction that is generally recognized as adequate for training supervisors of canning operations.

Done in Washington, DC on February 16, 2001.

Thomas J. Billy,

Administrator.

The following is an appendix to the preamble of the Proposed Rule.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix 1

Executive Order 12866—Preliminary Analysis

This proposed action has been reviewed for compliance with Executive Order 12866. Because this proposed action has been determined to be economically significant for purposes of Executive Order 12866, the Office of Management and Budget has reviewed it.

Proposed Action

FSIS is proposing to amend the Federal meat and poultry inspection regulations by establishing pathogen reduction performance standards for all ready-to-eat (RTE) and all partially heat-treated meat and poultry products. FSIS also is proposing to require establishments that produce RTE meat and poultry products to conduct food contact surface testing for *Listeria spp.* to verify that they are controlling *Listeria monocytogenes* within their processing environments. Establishments that have developed and implemented HACCP controls for *L. monocytogenes* would be exempt from these testing requirements. Finally, FSIS is proposing to eliminate its regulations that require that both RTE and not-ready-to eat pork and products containing pork be treated to destroy *trichina*; these requirements are inconsistent with HACCP and some will be unnecessary if FSIS makes final the proposed performance standards for RTE meat and poultry products.

Need for the Rule

This proposed action is compelled by recent outbreaks of foodborne illness related to the consumption of adulterated RTE meat and poultry products, as well as by the need to provide objective, measurable pathogen reduction standards that can be met by official establishments and compliance with which can be established through Agency inspection. Although FSIS routinely samples and tests some RTE products for the presence of pathogens prior to distribution, there are no specific regulatory pathogen reduction requirements for most of these products (e.g., there are no existing lethality requirements for products such as hotdogs similar to the lethality performance standards for roast beef). Except for cooked meat patties (which currently have prescriptive time and temperature requirements for lethality), roast beef products (which have the new lethality performance standards), cooked poultry (which have the new lethality performance standards), and canned meat and poultry (which have the current prescriptive process requirements), the remaining RTE meat and poultry products do not have regulation-specified criteria for establishing safe processes other than the products must not be adulterated. Therefore, to ensure the safety of these products, FSIS is proposing performance standards for RTE and partially heat-treated meat and poultry products.

The Sanitation Standard Operating Procedures (SOPs) and HACCP regulations were intentionally written to allow the regulated industry flexibility in the design of their procedures. FSIS is adding, through this proposed rule, minimum criteria to be addressed to prevent post-lethality contamination. In the Sanitation SOPs, the proposed requirements will ensure that establishments maintain minimal specific records and take specific action. If the establishment determines that a hazard is reasonable likely to occur, then the HACCP regulations will be addressed via CCPs and related performance standards, controls, and records.

Performance standards are an integral part of the HACCP systems in official meat and poultry establishments. HACCP provides the framework for industry to set up science-based process controls. Performance standards tell establishments what those controls need to achieve for their HACCP plans to be effective and provide a necessary measure of accountability for achieving acceptable food safety. The proposed performance standards will provide meat and poultry establishments with the incentive and flexibility to adopt innovative, science-based processing procedures and controls; ensure safety for consumers; and provide objective, measurable standards, compliance with which can be determined through Agency inspection. Therefore, FSIS believes that developing HACCP systems around verifiable, objective performance standards is the most effective way for establishments to consistently produce safe, unadulterated meat and poultry products. Furthermore, by proposing performance standards for pathogens whose destruction results in the destruction of most or all other pathogens of concern, FSIS provides a reference for establishments to use in gauging the efficacy of their HACCP systems.

The proposed food-contact surface testing requirements are compelled by the recent *L. monocytogenes* outbreak attributed to contaminated hotdogs and the recent interagency draft risk assessment [1] concerning *L. monocytogenes, which shows that* there is significant opportunity for recontamination of RTE meat and poultry products during processing in the plant, after the lethality is applied. These data indicate that many establishments that produce RTE meat and poultry products are not effectively implementing Sanitation SOPs so as to prevent direct contamination of RTE meat and poultry products by *L. monocytogenes*. Therefore, FSIS is proposing to require that all establishments that produce RTE meat and poultry products conduct environmental testing of food-contact surfaces for *Listeria spp.*, after lethality treatment and before final product packaging, unless they have identified *L. monocytogenes* as a hazard reasonably likely to occur and so have incorporated into their HACCP systems one or more controls validated to eliminate it from their products. This testing will verify that an establishment's Sanitation SOPs are preventing direct product contamination by *L. monocytogenes* after the lethality treatment, thus addressing the draft risk assessment assertion and other research findings that RTE foods often are recontaminated by *L. monocytogenes* after lethality is applied.

In regard to thermally processed, commercially sterile (most often canned) meat and poultry products, the proposed standards represent regulatory reform; they replace lengthy, prescriptive regulations with performance standards that provide the same level of food safety, as well as increased flexibility for establishments to customize their processes under HACCP. *Market Failure.* Market failure occurs here because consumers cannot identify (and reward) those firms that both supply RTE products and implement the desired food safety safeguards and consequently shift consumption away from suppliers of products that may present a threat to public health. These lower cost firms may not apply the most effective pathogen prevention methods and could be supplying a product that could lead to illness or death. Two main problems exist in many cases: lack of definitive cause and effect between consumption of the product in question and the illness or death (information gathering of epidemiological evidence) and difficulty in identifying the source of the original contamination (technical trace-back capabilities). Clearly, no individual consumer who may be stricken with a foodborne illness would have the means to overcome these two problems. The proposed rule tries to remedy this market failure. This is particularly true at this time with respect to *L. monocytogenes*.

Baseline

The most recent year in which both listeriosis cases and economic background information on the affected industries are available is 1997. The baseline analysis assumes that if no regulatory-induced producer actions took place, these baseline values would persist annually over a 10-year period. The analysis then proceeds by introducing only those changes that are projected to occur as a result of provisions of the proposed rule. Once these provisions come into effect, benefits accrue in the form of gradually reduced annual numbers of listeriosis cases and deaths, while costs are registered in the form of higher compliance and operating costs. This *ceteris paribus* assumption (all else held constant while allowing for a change in one variable at a time) and use of a static baseline avoids the thorny issue of forecasting the nature and magnitude of non-regulatory induced industry and food safety changes over this period not related to changes in regulatory requirements. Both the *ceteris paribus* assumption and the static baseline are standard analytical techniques used in economic analysis.[2] Section A discusses the nature of the industries likely affected by the proposed rule (numbers and size of establishments and type of products produced). This discussion is followed by a discussion of the current regulatory environment that these establishments operate within. Section C presents the baseline level of listeriosis cases and deaths which anchors the expected benefits of the proposed rule.

A. The Nature of the Industries Affected and Current Industry Practices

The 1997 Census of Manufacturers identifies 1630 establishments that could be affected by the proposed rule. For this analysis, these establishments are broken down into four broad groups differentiated by the estimated costs of compliance with all of the proposed provisions. The groups that would incur the greatest costs include establishments that may have to revise their HACCP plans and Sanitation SOPs in order to comply with both the proposed performance standards and testing requirements. The number of establishments,

[1] Center for Food Safety and Applied Nutrition, FDA, and FSIS, "Draft Risk Assessment of the Public Health Impact of Foodborne *Listeria monocytogenes*," January 19, 2001.

[2] Samualson and Nordhaus, Economics, 16th Edition, McGraw Hill Publishers, 1998.

the types of products shipped, and value of shipments of these groups are summarized below (Table 1). The total value of shipments of all of the products in 1997 totaled around $28 billion.[3]

These groups are further broken down into sub-groups where appropriate.

The main product groups (and sub-groups, if appropriate) are:

Group I, those entities that likely will incur the greatest costs and which are further broken down into:

Sub-group 1, RTE fermented, dried, and salt cured meat and poultry products;

Sub-group 2, RTE hotdogs and wieners;

Sub-group 3, RTE frozen meat and poultry patties; and,

Sub-group 4, RTE smoked hams and poultry luncheon meats;

Group II, those entities that likely will incur moderate costs and which are further broken down into:

Sub-group 1, meat processing establishments that make RTE boiled hams, other sausages, and other frozen or cooked meats, such as barbecue pork;

Sub-group 2, poultry processors that make RTE jellied goods and other processed poultry products, including pâté and spreads; and

Sub-group 3, combo plants who produce both RTE meat and poultry;

Group III, those entities that likely will incur minor costs; representative products include RTE frozen dinners, pizzas, and other frozen meat and poultry products; and

Group IV, those entities likely will incur no costs; representative products include RTE canned meat and poultry products.

TABLE 1.—NUMBER, TYPE OF MEAT AND POULTRY PRODUCTS (MPP'S) SHIPPED, AND VALUE OF PRODUCT SHIPMENTS BY ESTABLISHMENT GROUPING, 1997

Group—subgroup	Number of MPP's (% of total)	Value of shipments in millions (% of total)	Combo plants that slaughter and process meat (% of total)	Processors (% of total)			Examples of MPP's shipped
				Meat *	Poultry	Others **	
I–All	584 (36%)	10537 (37%)	77 (5%)	421 (26%)	86 (5%)	0	Fermented, acidified, dried, salt-cured products, hotdogs, meat patties, and luncheon meats.
I–1	150 (9%)	1590 (6%)	28 (2%)	122 (7%)	0	0	[Fermented] dry or summer sausage, salami, cured smoked sticks, Lebanon bologna, pepperoni, chorizo, poultry mortadella, chicken/turkey salami; [Dried] beef jerky, dried beef or pork sticks, dried beef slices, carne seca, basturma, soujouk, manneh dry duck breast, poultry jerky; [Salt cured] country cured ham, coppa, cappicola, prosciutto, pancetta, dry cured duck; [others] pickled pigs feet, pickled meat/sausages, chorizo with added vinegar, Hickory farm beef sticks.
I–2	167 (10%)	2365 (8%)	18 (1%)	112 (7%)	37 (2%)	0	Frankfurters and wieners, turkey and chicken franks.
I–3	78 (5%)	528 (2%)	0	76 (5%)	0	0	Sausage or meat and poultry patties, fully cooked, uncured meat patties.
I–4	191 (12%)	6054 (21%)	31 (2%)	111 (7%)	49 (3%)	0	Pastrami, bologna, roast beef, bratwurst, bockwurst, poultry and meat roll products.
II–All	791 (49%)	12539 (44%)	76 (5%)	551 (34%)	164 (10%)	0	Otherwise processed meat and poultry products.
II–1	551 (34%)	4883 (17%)	0	551 (34%)	0	0	Beef burritos, corned beef, chili, frozen entrees and meat soups, breakfast link, meatballs, ravioli, pork and beans, some poultry rolls, other cooked poultry, pâté, meat and poultry spreads, turkey BBQ, uncured meat products, i.e. beef stew.
II–2	164 (10%)	8696 (24%)	0	0	164 (10%)	0	
II–3	76 (5%)	960 (3%)	76 (5%)	0	0	0	D.
III	104 (6%)	2979 (11%)	0	0	0	104 (6%)	Frozen pizza with meat toppings; frozen entries.

[3] These data were extrapolated from the 1997 Census of Manufacturers. The actual data reported over $30 billion in shipments, involving 1320 establishments, but did not account for several important factors: specific volumes of product shipments with meat and poultry, i.e., pizza, dinner entries, canned product shipments with meat and/or poultry; scant information on size distribution; and many missing values for important product classes. In general, about 80 percent of these establishments produce mostly cooked and otherwise processed meat and poultry products; the other 20 percent produce fermented, acidified, dried, salted cured, and canned meat and poultry products.

TABLE 1.—NUMBER, TYPE OF MEAT AND POULTRY PRODUCTS (MPP'S) SHIPPED, AND VALUE OF PRODUCT SHIPMENTS BY ESTABLISHMENT GROUPING, 1997—Continued

Group—subgroup	Number of MPP's (% of total)	Value of shipments in millions (% of total)	Combo plants that slaughter and process meat (% of total)	Processors (% of total)			Examples of MPP's shipped
				Meat *	Poultry	Others **	
IV	151 (9%)	2165 (8%)	0	26 (2%)	4 (-%)	121 (7%)	Canned products such as canned Poultry spreads and spaghetti sauce.
Total	1630	28220.0	153 (9%)	998 (61%)	254 (16%)	225 (14%)	All of the Above.

* These processors make product from received meat carcasses and/or slaughter and process.
** Others include canners, frozen food makers, and other prepared food manufacturers.

Group I

Within Group I, 150 establishments produce fermented, dried, and salt cured meat and poultry products (Sub-group 1). These establishments make up nine percent of the total number of establishments potentially affected by this proposed rule and ship out about six percent of the total value of shipments. Over eighty percent of these establishments are processors, over 95 percent of who employ fewer than 500 employees.

The second sub-group within Group I consists of 167 establishments that make wieners and frankfurters. Eleven percent of these establishments are combo plants, 67 percent are meat processors, and 22 percent are poultry processors.

The third sub-group of 76 establishments within Group I produce meat patties, some partially or fully cooked; all are classified as meat processors by the Census. Almost all (98 percent) employ fewer than 500 employees.

The final sub-group in Group I consists of 191 establishments that make pastrami, bologna, roast beef, bratwurst, bockwurst, smoked hams and picnics, and smoked poultry. Fifty-eight percent of the establishments are meat processors; 16 percent, meat and poultry combo plants; and 26 percent, poultry processors. Overall, eighty-nine percent are small to mid-sized processors.

Group I also can be broken down into groups by type of processing and whether they produce meat or poultry products. As a whole, 87 percent (507) are processors (421 meat and 86 poultry processors). Ninety-eight percent of the meat processors are made up of either very small (employing fewer than 10 employees) or small (employing more than 10, but fewer than 500 employees) operations, with 36 percent being very small and 62 percent being small operations. Only 2 percent of the establishments are considered large (employing more than 500 employees). Poultry processors are structured somewhat differently with 15 percent, being very small; 49 percent, small; and, 36 percent, large. Combining both meat and poultry processors gives a slightly different picture of the structure of processing with 32 percent classified as very small; 60 percent, small; and, 8 percent, large. The remaining 77 establishments (13 percent) in Group I are combo plants (which slaughter animals and process meat products). On average, these establishments have a smaller scale of operation than the group as a whole, with 53 percent being very small; 38 percent being small; but 9 percent, being large.

Group II

These 791 establishments consist of just over 50 percent of the *total number* of establishments and produce about 45 percent of *total value* of product shipments (boiled hams, other smoked pork and poultry products, other sausages, jellied goods, and other meat and poultry products). Many of these products are used in the manufacture of other food products or sold to distributors for direct use by consumers. Seventy percent of these establishments are meat processors (551); 20 percent (164) poultry processors; and, 10 percent (76) combo plants.

Sub-group 1 of Group II is composed of the 551 meat processing establishments making boiled hams, other sausages, and other frozen or cooked meats, such as barbecue pork. Sixty-two percent (339) of these establishments are classified as small operations. Two percent (12 establishments) are large, while the reminder (36 percent or 200 establishments) are very small.

Sub-group 2 of Group II consists of the twenty-percent (164) of the establishments that are poultry processors. Forty-eight percent (79) of these establishments are classified as small operations. Fifteen percent (25) are very small, while 37 percent (60) are large operations. The main products produced by these establishments include jellied goods and other processed poultry products.

The remaining 10 percent (76) of the establishments in Group II are combo meat plants (Sub-group 3). Seven percent (5) of these establishments are classified as large operations, while the majority (55%) are very small and another 38 percent are small.

Group III

These 104 establishments make frozen dinners, pizzas, meat and poultry pies, and nationality foods containing meat and/or poultry. They make up roughly 7 percent of the total number of establishments and ship out over 10 percent of the total value of product shipments.

Group IV

These 151 establishments produce canned products that contain meat and poultry products. These establishments make up over 9 percent of the total number of establishments and about 8 percent of the total value of shipments.

B. Current Regulatory Environment

Currently, all environmental testing for *Listeria* and the development of either a Sanitation SOP measure or CCP for *Listeria* is completely voluntary. Since 1987, FSIS has conducted a microbiological testing program in which the Agency randomly samples, in-plant, RTE meat and poultry products produced in federally inspected establishments for *L. monocytogenes*, including cooked and fermented sausages, cooked corned beef, sliced ham and luncheon meats, beef jerky, cooked uncured poultry, and salads and spreads. FSIS treats RTE products in which *L. monocytogenes* is found as adulterated under the FMIA or the PPIA (21 U.S.C. 453(g) or 601(m)).

A recent industry survey gives some indication on the extent of current environmental testing for *Listeria*.[4] This survey was conducted to determine what types of actions establishments took in response to the FSIS **Federal Register** Notice of May 26, 1999 (64 FR 28351), asking establishments that produce RTE meat and poultry products to reassess their HACCP plans to determine if *L. monocytogenes* was a hazard reasonably likely to occur in their processing. Because the respondents to this survey represent only a small proportion of the total number of establishment that would affected by the proposed regulations, the survey results may not reflect a representative sample of the total population. Nonetheless, these data represent the most comprehensive available that reflects current industry practices.

Approximately 306 establishments were contacted for the survey. Of 271 respondents, 67 percent had an end-product testing program for *Listeria* (86 percent of large plants, 64 percent of small plants and 27 percent of very small plants). Over 90 percent of the respondents conducted some type of

[4] The industry survey was sponsored by: National Food Processors Association (NFPA), American Meat Institute (AMI), National Turkey Federation (NTA), National Chicken Council (NCC), National Meat Association (NMA), North American Meat Processors (NAMP), Southwest Meat Association (SMA), and American Association of Meat Processors (AAMP).

environmental testing (100 percent of large plants, 92 percent of small plants, and 41 percent of very small plants). These survey results suggests that most large establishments conduct both product and environmental testing while many small and very small firms do not.

The industry survey also found almost all (97%) of the large establishments conducted at least some type of environmental microbiological testing before the reassessment, but still, 39 of the 74 large establishments, 58 of 193 small establishments, and only one of 22 very small establishments added a CCP to their HACCP plan in response to the reassessment (Table 2).

TABLE 2.—ESTIMATED ESTABLISHMENTS ADDING LM CONTROL MEASURES AS A RESULT OF LM REASSESSMENT, SPRING 2000

Firm size	Add CCP addressing LM	Total number of establishments	Percent Adding LM-related measures to their HACCP plans
Large	39	74	52.70
Small	58	193	30.05
Very Small	1	22	4.55
Total	98	289	33.91

Survey sponsored by: NFPA, AMI, NTF, NCC, NMA, NAMP, SMA, and AAMP.

The CCP addressing *L. monocytogenes* may or may not have included testing, but involved remedial type actions, such as increased use of disinfectants on processing surfaces. However, it does mean that more than half of the establishments had not included *L. monocytogenes* concerns in their HACCP plan before reassessment even though microbiological testing was being conducted. Even after reassessment when these additional establishments identified *L. monocytogenes* concerns in their HACCP plans, microbiological testing programs were included in only 21 percent of the establishments' HACCP plans (or in 15 establishments' HACCP plans) and 41 percent of the Sanitation SOPs of the establishments in this size category (Table 3, below).

TABLE 3.—PERCENT OF ESTABLISHMENTS SURVEYED WITH MICROBIOLOGICAL TESTING PROGRAMS AS PART OF EITHER THEIR SANITATION SOPS OR HACCP PLANS, SPRING 2000

Firm size	SSOPs	HACCP	Either SSOP or HACCP
Large	41	21	62
Small	41	24	65
Very Small	60	25	85
Weighted Average	43	23	66

Survey sponsored by: NFPA, AMI, NTF, NCC, NMA, NAMP, SMA, and AAMP.

Over 80 percent of the small establishments in the survey that conduct some type of environmental microbiological testing, did so prior to the reassessment. After reassessment, 58 out of the 193 small establishments added a CCP addressing *L. monocytogenes* to their HACCP plans. Microbiological testing was included as part of 24 percent of these HACCP plans. Microbiological testing was included in 41 percent of the Sanitation SOPs. Of the very small establishments, only one added a CCP addressing *L. monocytogenes* to their HACCP plan out of the 22 establishments surveyed. After reassessment, microbiological testing programs were part of 25 percent of the establishments' HACCP plans in this size category and 60 percent of the Sanitation SOPs of the establishments in this size category. In general, the survey results suggest that many establishments have identified *L. monocytogenes* as an important pathogen of concern and have included remedial measures in either their Sanitation SOPs or CCPs in their HACCP plans and that microbiological testing is more likely to be incorporated in Sanitation SOPs than as part of a CCP in a HACCP plan.

C. Baseline Number of Listeriosis Cases and Deaths and the Potential Benefits From the Proposed Rule

FSIS presents two baselines below for potential benefits from the proposed rule. The first baseline is derived entirely from the FDA–FSIS draft risk assessment. The second baseline is constructed from two independent CDC-based studies. FSIS'' intent is to present a range of possible benefits.

Baseline 1

The baseline numbers of listeriosis cases and deaths are taken directly from the recent FDA–FSIS interagency draft risk assessment, mainly Appendix 9, Table 1. The FDA–FSIS draft risk assessment ranks 20 categories of foods and provides a rigorous, systematic assessment of the scientific knowledge to predict the relative public health impact of exposure to *L. monocytogenes*. The FDA–FSIS draft risk assessment shows that the following five factors affect the contamination levels at the time of consumption: (1) the frequency and extent of contamination at retail; (2) consumption habits; (3) the growth potential of *L. monocytogenes* in foods; (4) consumer storage practices; and (5) refrigeration temperatures. The results of the FDA–FSIS draft risk assessment estimates 2540 annual median U.S. listeriosis cases of which 1659 (65.3 percent) are attributable to the consumption of RTE meat and poultry products.

The FDA–FSIS draft risk assessment not only provides the most recent and complete analysis on sporadic U.S. listeriosis cases by general product group, but it also provides insights into several commodities' relative risk rankings and their contribution to the total U.S. number of listeriosis cases. Deli-meats present the most prominent risk to all sub-populations (Intermediate Age, Elderly, and Perinatal), and are likely responsible for 1446 median U.S. listeriosis cases (58.9 percent of the U.S. total), or 88.9 percent of the listeriosis cases attributable to RTE meat and poultry products.

Other specific products within the meat and poultry product category identified by the FDA–FSIS draft interagency risk assessment as posing a risk related to listeriosis are: deli salads containing meat and poultry products (at the median, 3.8% of all listeriosis cases or 5.8% of listeriosis cases attributable to RTE meat and poultry products); frankfurters (at the median, 3.5 and 5.4 percent, of the total and all RTE meat and poultry products listeriosis cases, respectively); paté (at the median, 0.9 and 1.4 percent, respectively, for total and all RTE meat and poultry products listeriosis cases); and, dry fermented sausage (at the median, 0.2 and 0.3 percent, respectively, for total and all RTE meat and poultry products listeriosis cases). The FDA–FSIS interagency draft risk assessment model anchors the median number of listeriosis cases on epidemiologic surveillance data (FoodNet) without bounding the 5th and 95th percentiles of the estimated number of cases attributable to each product category. Table 4, based on the FDA–FSIS interagency draft risk assessment, provides the total number of listeriosis cases across age groups for each product category for the 5th and 95th percentiles:

TABLE 4.—SUMMARY FDA–FSIS DRAFT RISK ASSESSMENT RESULTS CONCERNING TOTAL PREDICTED US LISTERIOSIS CASES OF FOODBORNE ORIGIN

Product category	Statistics[1]			Relative risk ranking[2]			Etiologic fraction of cases attributed to each product category at the 5th and 95th percentiles[5]		As a percent of total cases in their product class
	5th	95th	Med.[4]	1	2	3	5th	95th	Med.
Smoked Seafood	1	2464	33	5	6	7	1	1	61
Raw Seafood	0	35	0	17	20	17	0	0	0
Preserved Fish	0	300	3	13	13	13	0	0	6
Cooked Crustaceans	0	1415	18	9	8	9	0	1	33
Total Seafood	1	4214	54	Vary	Vary	Vary	1	2	100
Vegetables	0	7311	15	11	9	11	0	4	87
Fruits	0	300	2	16	14	14	0	1	13
Vegetables/Fruits	0	8211	17	Vary	Vary	Vary	0	5	100
Dairy Products	26	19481	523	Vary	Vary	Vary	28	12	NA
Frankfurters	3	6324	90	4	5	4	3	4	5
Dry/Semi-Dry Fermented Sausages	0	631	5	12	12	12	0	0	0
Deli Meats	50	96261	1446	1	1	1	55	59	87
Pâté and meat spread	1	1152	23	8	7	8	1	1	1
Meat or Poultry Deli Salad[3]	3	7146	96	2	3	3	3	4	6
Total RTE Meat and Poultry Products	57	113514	1660	Vary	Vary	Vary	62	68	100
Non-Meat or Poultry Deli Salad	5	21437	267	2	3	3	2	13	NA

[1] Horizonal summation of listeriosis cases across age group for each product category in Table 1, Appendix 9 of the FDA–FSIS interagency draft risk assessment (page 342).
[2] 1= Intermediate; 2= Elderly; and, 3=Peri-natal. The relative risk ranking is taken directly from Table V–3 of the FDA–FSIS interagency draft risk assessment (p. 108).
[3] Meat deli salad estimate is based on FDA–FSIS draft risk assessment estimate of 26 deaths from deli salads and assuming that 25 percent is due to deli salads containing meat and poultry product's (their relative proportion of total deli salad consumption).
[4] Med. = Median.
[5] The etiologic fraction is calculated as the proportion of listeriosis cases associated with each product category at the 5th and 95th percentiles.

The number of listeriosis cases attributable to ready-to-eat meat and poultry products is 62% (1562 cases) at the 5th percentile and 68.0% (1727 cases) at the 95th percentile based on a median number of annual cases (2540 cases). This sensitivity about the median number of listeriosis cases attributable to meat and poultry products was calculated by summing the number of listeriosis cases attributable to each meat and poultry product category (frankfurters, dry and semi-dry sausage, deli meats, and pate and meat spreads) and 25% (based on one-fourth of all deli salad servings containing meat and poultry products, CSFII 1994–1996 survey data) of the deli salad category [5] for the 5th and 95th percentile. The total number of listeriosis cases attributable to meat and poultry products for each product category in the 5th percentile was divided by the total number of listeriosis cases for all RTE products at the 5th percentile. A similar calculation was done at the 95th percentile. These etiologic fractions of the number of listeriosis cases provide a plausible range for the estimated number of listeriosis cases attributable to RTE meat and poultry products.

FDA–FSIS interagency draft risk assessment reports results for three specific age groups: perinatal (which includes fetuses and newborns from 16 weeks after fertilization to 30 days after birth), elderly (which includes people 60 or more years of age), and intermediate age (everyone else). The FDA–FSIS interagency draft risk assessment model predicts the number of deaths associated with each RTE food category. The estimated number of listeriosis cases presented in the FDA–FSIS draft risk assessment (Table 1, Appendix 9) is based on the assumption of an overall case-fatality rate of 0.20.[6] This assumption is supported by a study of foodborne illnesses in the United States, Mead et al. (1999), which is based on published reports and unpublished CDC data, and is consistent with epidemiololgic surveillance case-fatality data across all age groups (Table 5).

[5] One-fourth of all deli salads consumed contain RTE meat and poultry products based on the 1994–1996 Continuing Survey of Food Intakes by Individuals used in the FDA–FSIS interagency risk assessment.

[6] The number of neonatal deaths was multiplied by 2.5 to adjust the combined prenatal and neonatal deaths to a case-fatality rate constrained at approximately 20% in the FDA–FSIS interagency risk assessment. This adjustment was made to account for underreporting of prenatal infections resulting in premature termination of pregnancy.

TABLE 5.—LISTERIA CASES BY AGE CLASS AND YEAR

Age class	1996	1997	1998	1999	1996–99	% Cases	Perinatal adjustment factor
0–1, unadjusted	8	5	10	12	35		2.5
Perinatal, adjusted	20	13	25	30	88	20	
1–9	1	2	1	3	7	2	
10–19	3	1	2	1	7	2	
20–29	4	3	5	5	18	4	
30–39	6	9	13	7	35	8	
40–49	3	6	6	8	23	5	
50–59	4	9	13	16	42	10	
>60	37	42	61	48	188	45	
"Unknown"	0	0	0	14	14	3	
Totals	78	85	127	132	422	100	

There is some uncertainty surrounding the assumed 20 case-fatality rate. The FDA-FSIS interagency draft risk assessment observes that if the susceptibility among the three age-based groups varies, then the ratio of serious illness to mortality may differ among these groups. This is consistent with epidemiologic data for listeria mortality age distribution unadjusted for underreporting and mis-classification of pre-natal cases. Other considerations include the fact that epidemiolgic surveillance data do not count unborn fetuses as deaths, but as miscarriages and stillbirths, which may contribute to underreporting within this age category (PHS, 1994).

The epidemiologic data also contains cases with an "unknown" age. In the 1999 data, there were 14 cases reported as "unknowns." Epidemiologists at the FoodNet sites indicated that the "unknown" ages resulted from database errors and are not a result of a systematic classification error.

Table 6 presents the *Listeria* mortality age distribution, unadjusted for the underreporting or mis-classification of pre-natal cases (the "unknowns" age cases were not included in the data set). This unadjusted data suggests and overall case-fatality rate of 15%, and substantial variation of the case-fatality among the age categories.

TABLE 6.—LISTERIA MORTALITY AGE DISTRIBUTION, UNADJUSTED FOR UNDER-REPORTING OF PRE-NATAL CASES

Age class (yrs)	Dead	Total cases	Mortality
0–1	1	23	4
1–9	0	4	0
10–19	0	6	0
20–29	0	13	0
30–39	1	28	4
40–49	3	15	20
50–59	4	26	15
>60	29	140	21
Totals	38	255	15

Source: FoodNet 1996–98, unpublished CDC data.

While it is unlikely that all of the "unknown" age cases would be in the perinatal category due to National Health Statistics standards for classification of fetal deaths, a bound for the largest possible case-fatality rate can be derived with the 14 "unknown" age cases in this age category as seen in Table 7.

TABLE 7.—LISTERIA MORTALITY AGE DISTRIBUTION, ADJUSTED FOR UNDER-REPORTING OF PRE-NATAL CASES

Age class (yrs)	Dead	Total cases	% Mortality
Perinatal	15	37	41
1–9	0	4	0
10–19	0	6	0
20–29	0	13	0
30–39	1	28	4
40–49	3	15	20
50–59	4	26	15
>60	29	140	21
Totals	52	269	19

While the estimated overall case-fatality rate of 19% is consistent with the Mead et al. (1999) estimate of 20%, uncertainty regarding the age-specific case-fatality rate due to misclassification and underreporting remain.[7] Given disparate opinions on case-fatality rates by age group, it is difficult to come up with a point estimate for benefit of this rule based on available data. However, the following preliminary benefits analysis provides two point estimates based on two baseline approaches. It should be noted that there is considerable uncertainty in the benefits analysis below, which is recognized throughout this section and again addressed in the "Uncertainty" section.

Attaching Economic Value to the Number of Listeriosis Cases and Deaths

The listeriosis cases and deaths attributable to RTE meat and poultry products estimates derived from the FDA–FSIS draft risk assessment establish the number of lives lost and those temporarily hospitalized or unable to work as a result of illness. This cost may be measured in lost productivity and in medical costs incurred. The Economic Research Service has conducted research on the method. However, given many uncertainties, FSIS is not monetizing the values associated with reducing listeriosis cases and deaths. FSIS requests comment on appropriate methods to value listeriosis cases and deaths.

Baseline 2

This second baseline derives the number of listeriosis cases and deaths from two independent studies: one by Olsen[8] and one by Mead.[9]

The Olsen Study: Olsen estimated the number of cases and deaths from all foodborne diseases in several U.S. states and found that meat and poultry products were responsible for 8 to 20 percent of all foodborne cases and deaths, respectively (Table 8).

TABLE 8.—NUMBER OF U.S. FOOD BORNE DISEASE OUTBREAKS, CASES, AND DEATHS BY VEHICLE OF TRANSMISSION

Year	All known food borne diseases			Meat and poultry products			Percent attributable to meat and poultry products		
	Outbreaks	Cases	Deaths	Outbreaks	Cases	Deaths	Outbreaks	Cases	Deaths
1993	489	17477	9	28	1797	5	6	10	56
1994	653	16234	3	51	1804	1	8	11	33
1995	628	17800	11	35	1144	1	6	6	9
1996	477	22607	4	23	992	0	5	4	0
1997	504	11940	2	31	972	0	6	8	0
Total	2751	86058	29	188	6709	7	6	8	24
5-yr Avg.	550	17212	6	33.6	1342	1	6	8	20

Source: Surveillance for Food borne Disease Outbreaks—United States, 1993–1997. Olsen, Sonja et al.—See tables 17 to 21.

If the percentage of listeriosis cases and deaths attributable to meat and poultry products is the same as the percentage attributable to foodborne diseases, the 8-percent estimate from the Olsen study can be used to estimate the number of listeriosis cases and deaths due to consumption of RTE meat and poultry products.[10] This assumption may not be accurate. Olsen's study is a summary of reported foodborne disease outbreaks. However, FoodNet surveillance data indicate that the majority of listeriosis cases are sporadic with no identified link to any other case. Furthermore, sporadic disease may reflect entirely different food vehicles, mechanisms, or sources of infection than those responsible for outbreaks.

With these reservations in mind, FSIS applied the 8-percent estimate from the Olsen study to the Mead data (2500 cases and 499 deaths) for listeriosis (after developing a 5-year time series set of estimated listeriosis cases and deaths), which gave an average annual listeriosis case and death load of 186 and 38, respectively (Table 9). For example, the 1993 estimate of listeriosis cases and deaths was calculated by multiplying 0.08 times 2359 (189) and 0.08 times 745 (60), respectively for cases and deaths.

TABLE 9.—ESTIMATED NUMBER OF U.S. FOOD BORNE DISEASE CASES AND DEATHS: TOTAL FROM ALL PATHOGENS, TOTAL FROM LM, TOTAL FROM LM IN RTE MEAT AND POULTRY PRODUCTS (MPP'S) FOOD PRODUCTS AS DERIVED FROM A /COMBINATION OF THE MEAD-OLSEN STUDIES

Year	Cases and deaths from all food borne diseases		Listeriosis cases and deaths through food borne sources		Listeriosis cases and deaths through MPP's		Listeriosis cases and deaths through RTE MPP's	
	Cases[1]	Deaths	Cases	Deaths	Cases	Deaths	Cases	Deaths
1993	11796975	2700	2359	745	189	60	170	54
1994	10957950	900	2192	248	175	20	158	18
1995	12015000	3300	2403	911	192	73	173	66
1996	15259725	1200	3052	331	244	26	220	24
1997	8059500	600	1612	166	129	13	116	12
Total[2]	58089150	8700	11618	2401	929	192	837	174
5-yr Avg.	11617830	1740	2324	480	186	38	167	35

[1] It is assumed that the terms, illnesses as in Mead et al., and cases in Olsen et al., report, can be used interchangeably.
[2] May not add due to rounding.

[7] Public Health Service, Medical Examiners' and Coroners' Handbook on Death Registration and Fetal Death Reporting. (Reprinted 1994).

[8] Olsen, Sonja, et al., "Surveillance for Food borne Disease Outbreaks—United States, 1993–1997," *Morbidity and Mortality Weekly Report*, March 17, 2000.

[9] Mead, Paul S., et al., "Food-Related Illness and Death in the United States," *Emerging Infection Diseases*, 5:5, September–October, 1999.

[10] Originally, deaths were calculated using the 0.276 estimate, but was found to produce an unrealistically high level of deaths. The 0.08 estimate produced results more in line with the number of listeriosis deaths reported by Mead.

Finally, the estimated number of cases and deaths due to listeriosis attributable to meat and poultry product consumption must reflect only that portion that is RTE. One method to do this is simply to assume that 90 percent of the meat and poultry product listeriosis cases and deaths are linked to RTE food products. Obviously this estimate is completely arbitrary. FSIS does not contend that this is an accurate depiction: therefore, FSIS solicits comments. Using this estimate, the number of listeriosis cases and deaths attributable to RTE meat and poultry product consumption is estimated at 167 and 35, respectively. Also, FSIS considered making an adjustment factor for the effectiveness of the provisions in the proposed rule. Again, FSIS is unsure how such an adjustment factor would be constructed, but recognizes that not all listeriosis cases and deaths could be totally eliminated by provisions in the proposed rule. FSIS requests comment on the efficacy of the proposed testing provisions.

Request for Comment

FSIS solicits comments and suggestions concerning the issues of the baseline number of listeriosis cases and deaths attributable to RTE meat and poultry products and the effectiveness of measures prescribed by the proposed rule. Notably, the recent FDA–FSIS draft risk assessment estimated that 65.3 percent of all U.S. listeriosis cases and deaths (or 1660 cases and 322 deaths per year) are attributable to the consumption of RTE meat and poultry products. The number of cases and deaths estimated by the FDA–FSIS draft risk assessment are 9.9 times greater than the estimated numbers obtained from the second baseline. FSIS welcomes comments and suggestions on the kinds of data and information needed to construct alternative baselines and sensitivity approaches to test baseline listeriosis cases and deaths and program effectiveness.

Projected Industry Costs

1. Mandatory Food Contact Surface Testing for Listeria spp.

FSIS is proposing to require that all establishments that produce RTE meat and poultry products conduct environmental testing of food-contact surfaces for *Listeria spp.*, after lethality treatment and before final product packaging, unless they have identified *L. monocytogenes* as a hazard reasonably likely to occur and so have incorporated into their HACCP systems one or more controls validated to eliminate it from their products. This testing will verify that an establishment's Sanitation SOPs are preventing direct product contamination by *L. monocytogenes* after the lethality treatment, thus addressing the risk assessment assertion that RTE foods often are recontaminated by *L. monocytogenes* after lethality is applied.

After an establishment finds one of its food contact surfaces to be positive for *Listeria spp.*, it must take corrective actions defined in its Sanitation SOPs that must include product testing, as well as any other activities that it deems necessary to determine and demonstrate that the affected lot or lots of product are not adulterated with *L. monocytogenes*. The establishment must have in place procedures: to determine which lots of product might be affected; to hold, sample, and test that product; and to dispose of affected product appropriately.

Establishments can be expected to face at least three potential cost impacts due to mandatory food contact surface testing for *Listeria spp.* testing. These potential impacts could arise from: (1) the need to make major revisions in their HACCP plan(s); (2) additional verification testing; and, (3) the need to make major changes in their production process and/or production output mix.

The first and second impacts are closely related because the firms that elect to revise their HACCP plan to incorporate a CCP addressing *Listeria* will not be required to test for it at the prescribed level for those incorporating *Listeria* testing in the Sanitation SOPs. HACCP provides the opportunity for greater latitude in establishing more science-based verification approaches, which may include testing. Thus, some estimate on the number of firms expected to incorporate a CCP addressing *Listeria* as a result of this provision is necessary for this analysis to proceed. The higher this estimate, the higher will be the expected costs to validate needed HACCP modifications, and lower will be the expected costs of the proposed testing requirements.

The third impact stems from the decision by some establishments to drop certain RTE meat and poultry products (or drop out of production altogether). This decision would be due to persistently high rates of positive *Listeria spp.* food-contact surface testing results and the subsequent increased amount of product being held while awaiting confirmation that positive food contact surface test results for *Listeria spp.* did not result in contaminated product.

This creates the prospect of an additional fourth potential impact: the potential increased cost associated with greater volumes of product held by establishments in a "test and hold" pattern. These costs are expected to be particularly relevant to those firms experiencing very poor testing results, presumably as a result of inadequate sanitation controls. These costs are discussed separately in the section entitled "C. Projected Costs Associated with Expected Production Adjustments." There, FSIS explains that establishments that encounter "Stage 2" and "Stage 3" type problems with chronic *Listeria spp.* or *L. monocytogenes* contamination either incur substantial remediation costs or elect to exit RTE meat and poultry product production. FSIS lacks data to adequately estimate the volumes of product that establishments may have to test and hold and the resulting costs. See the section entitled "Uncertainty" for further discussion.

Each of the three cost impacts is discussed below.

A. Projected Costs Associated With HACCP Plan Validation

FSIS estimates that currently 397 establishments have a CCP addressing *Listeria* in their HACCP plan and that 257 additional establishments will do so as a result of the proposed rule. That is, the number of establishments with a CCP addressing *L. monocytogenes* is projected to increase nearly 65 percent as a result of this provision of the proposed rule (from 397 to 654). FSIS bases these estimates on judgment and information presented previously in the discussion on baseline industry practices. Main factors considered in FSIS's estimates pertaining to current and projected behavior related to firms' decision to modify their HACCP plans include:

- FSIS estimates that the percentage of the large establishments, excluding canners, that have a CCP addressing *L. monocytogenes* in their HACCP plans will increase from 50 to 100 percent (from 67 establishments to 133 establishments)[11] as a result of the proposed rule;
- FSIS estimates that the percentage of the small establishments, excluding canners, that have a CCP addressing *L. monocytogenes* in their HACCP plans will increase from 33 to 50 percent (from 280 establishments to 420 establishments) as a result of the proposed rule; and,
- FSIS estimates that the percentage of the very small establishments, excluding canners, that have a CCP addressing *L. monocytogenes* in their HACCP plans will increase from 10 to 20 (from 51 establishments to 101 establishments) percent as a result of the proposed rule.

The net results on the number of establishments with a CCP addressing *Listeria* in response to the proposed rule is given in Table 10 below. FSIS has excluded canners from total in the following table (resulting in a grand total of 1479: 1630 total minus 151 canners). FSIS expects that canners should only experience minimal costs from identifying that their existing CCPs already eliminate *L. monocytogenes* from their products.

[11] These numbers are derived from the total number of firms listed in Table 3 of section XII of the proposed rule preamble, "Compliance with Regulatory Flexibility Act of 1966."

TABLE 10.—SUMMARY OF CURRENT AND PROJECTED ESTABLISHMENT BEHAVIOR WITH RESPECT TO THEIR DECISION TO INCORPORATE A CCP ADDRESSING L MONOCYTOGENES

Item	Number of establishments		Change
	Before	After	
Establishments that currently have or will develop a CCP addressing *L. monocytogenes* in their HACCP plan that also:			
Conduct food contact surface testing	299	[12] 489	190
Do not conduct food contact surface testing	98	165	67
Sub-total	397	654	257
Establishments without and that will not develop a CCP addressing *L monocytogenes* in their HACCP plan that also:			
Conduct food contact surface testing	645	825	180
Do not conduct food contact surface testing	437	0	−437
Sub-total	1082	825	−257
Grand-Total	1479	1479	0

The size distribution of establishments expected to modify their HACCP plans has important implications in the analysis on mandatory food contact surface testing. This analysis assumes that all large establishments are likely to incorporate a CCP addressing *L. monocytogenes* in their HACCP plans, while most small and very small establishments will not (instead relying on Sanitation SOPs to address *L. monocytogenes* and comply by mandatory testing). That is, larger establishments (who have the greatest volume, currently conduct a high volume of product and food contact surface microbiological testing and maintain CCPs addressing *L. monocytogenes*) will not be required to test, thus reducing the overall testing brunt of this provision. The current high numbers of large establishments with CCPs addressing *L. monocytogenes*, and the expectation that all remaining ones will modify their HACCP plans strongly influence this outcome.[13] This leaves the smaller establishments to feel the brunt of mandatory food contact surface testing burden while at the same time, lowering the total level of testing needed to comply with the proposed rule.

One element that may increase the over-all cost of the HACCP modification component of mandatory testing at the prescribed frequency is if establishments need to modify more than one HACCP plan. Also, the relative of cost of testing versus developing a CCP would not be the only factor in an establishment's decision on how to comply with the proposed requirement. Unique aspects of ad establishment's processing system, as well as the relative risks posed by its products, may influence an establishment's decision. FSIS request comment on this issue.

FSIS has found that the costs associated with modification of HACCP plans can range from $2,000 to $20,000 per HACCP process. This cost depends on the efforts needed to draw up new CCPs (sanitation practices to limit levels of *L. monocytogenes* on incoming raw product and prevent recontamination after processing, lethality steps, or testing to validate and verify its controls); install monitoring equipment (thermometers and test kits) and; train labor to take additional samples and to keep records. The cost of $5000 for the incorporation of a CCP addressing *L. monocytogenes* into an establishment's HACCP plan is used in cost projections for this analysis, regardless of size of establishment or number of HACCP plans per establishments. This cost is considered a one-time event (minimal recurring monitoring costs are assumed to result from the inclusion of a CCP addressing *L. monocytogenes*). Any additional costs associated with its' monitoring are subsumed in the over-all monitoring cost of the establishment's current HACCP plan(s). Industry-wide, these total one-time HACCP validation costs are estimated at $1.285 million ($5000 times 257 establishments). FSIS requests comment on this estimated total cost of HACCP plan modification.

B. Projected Costs Associated With Additional Testing

For those establishments not currently testing or that do not maintain a CCP addressing *Listeria*, FSIS tentatively concludes that food contact surface testing and Sanitation SOP controls will supply the same reassurance that *L. monocytogenes* is not a potential food safety problem as do regularly scheduled verifications of Sanitation SOPs. As was discussed, the proposed rule effectively exempts establishments from mandatory testing if: (1) they manufacture products whose processing destroys *L. monocytogenes* and/or eliminates any opportunity of recontamination, e.g., canners; or (2), if they previously identified *L. monocytogenes* as a hazard reasonably likely to occur and have incorporated one or more controls into their HACCP systems. These two conditions effectively exempts 151 establishments identified as canners and 397 establishments identified as currently having a CCP addressing *L. monocytogenes* in their HACCP plan. In addition, FSIS projects that an additional 257 establishments will elect to incorporate a CCP addressing *L. monocytogenes* into their HACCP plan, effectively avoiding this mandatory testing requirement. Thus, FSIS estimates that this provision will impose mandatory testing costs on 825 establishments (1630 − 151 − 397 − 257=825).

Nature of Testing (Areas to be tested, Frequency, and Consequences). All environmental tests will be made on food-contact surfaces (rather than non-food contact surfaces, such as floors and drains). Reliance on food contact surface testing is predicated on the logic that establishments, in the desire to minimize their chances of having a positive food product test, will use surface test results as a leading indicator of food product safety. Thus, no non-food product contact testing is required in this proposed rule change. Also, non-food product contact has not been found to be related with final product safety: "Areas where products are stored or processed are of lower priority because inadequately cleaned equipment in raw processing areas have not been associated with a problem of *Listeria monocytogenes* in finished product."[14]

The frequency of food contact surface testing is based on the following:

(a) Four tests per active line[15] per month for large establishments;

[12] This increase in this field is due to the number of establishments currently testing that choose to also develop a CCP in response to the rule. FSIS assumes that they will continue testing, so this number does not represent an increase in the number of establishments that test.

[13] It must be kept in mind that although larger establishments will avoid mandatory testing at the prescribed frequency, nothing suggests that these establishments will discontinue their testing programs and jeopardize their product integrity. It is expected that the original product integrity be maintained through its own HACCP monitoring and verification activities and confirmed through FSIS verification of their HACCP plans.

[14] *Guidelines to Prevent Post-Processing Contamination from LM*, Tompkin, Scott, Bernard, Sveum and Gombas, Dairy, Food and Environmental Sanitation, August 1999, Vol. 19, No. 8, Pages 551–562.

[15] Why lines? Many authorities recommend considering each product line as a critical control point. For example, "Each packaging line should be regarded as an independent unit for LM monitoring

Continued

(b) Two tests per active line per month period for small establishments; and,

(c) One test per active line per month for very small establishments.

For purposes of this cost analysis below, FSIS used the following assumptions on the average number of operating lines per establishment: 2 lines for very small establishments; 4 lines for small establishments; and, 6 lines for large establishments.

These frequencies are intended to be the minimum level of food contact surface testing undertaken by firms. Greater frequency of testing by establishments (regardless of size) is encouraged by FSIS: FSIS policy states that the more the plant is testing, the less likely FSIS will include the plant's product in its end-product microbiological testing program(s) (FSIS Directive 10,240.2, Revision 1). This testing frequency incorporates the volume of production in two ways: (1) It assumes that the more an establishment produces, the more lines it has, and (2) the greater its size, the more product is produced and thus, a need for higher weekly frequency as size increases.[16] FSIS requests comment on these proposed testing frequencies.

Positive test results on food-contact areas will indicate a need to thoroughly clean the immediate working areas and equipment and re-test. Once a positive food contact surface is found, product samples will be tested for *L. monocytogenes*. The establishment must have in place procedures to determine which lots of product might be affected; to hold, sample, and test that product; and to dispose of affected product and to correct and prevent further contamination appropriately.

The potential cost of mandatory testing is a function of the per-unit testing cost[17] and of the number of establishments (and the number of lines that each establishment maintains) that are affected by this provision. Several testing firms were contacted concerning their testing kits for *Listeria spp.* The cost of these tests varied from $10 to $30, not including the costs for labor and shipping the material to the laboratory. One would expect that the costs of in-house testing would be at least the amount charged by firms engaged in providing this service. A slightly higher cost of $35 per test is used as the average cost of testing food-contact areas for *Listeria spp.* in this analysis to compensate for expenses associated with labor to conduct the test and shipping tests to laboratories for analysis.

The number of establishments that will face mandatory testing has been determined in the previous analysis. Recall that it found that all large establishments are expected to modify their HACCP plans and be exempt from mandatory food contact surface testing. The finding implies that only small and very small establishments will need to test to satisfy compliance of the proposed rule. FSIS estimates that 50,035 tests will be needed by these establishments (Table 11). The associated overall costs of these tests is estimated at $1.75 million ($35 times 50,035). This cost would be expected to recur annually.

TABLE 11.—SUMMARY OF NUMBER OF TESTS CONDUCTED BY ESTABLISHMENTS WITH AND WITHOUT CCPS ADDRESSING L. MONOCYTOGENES

Item	Number of tests needed to meet compliance		Change
	Before	After	
Establishments that currently have or will develop a CCP addressing *L. monocytogenes* in their HACCP plan that also:			
Conduct food contact surface testing	39105	[18] 67458	+28353
Do not conduct food contact surface testing	8141	13594	+ 5453
Sub-total 1	47246	81053	+ 33807
Establishments currently without and that will not develop a CCP addressing Listeria monocytogenes in their HACCP plan that also:			
Conduct food contact surface testing	63524	50035	− 13489
Do not conduct food contact surface testing	20318	0	− 20318
Sub-total 2	83842	50035	− 33807
Grand-Total (1+2)	131088	131088	0

C. Projected Costs Associated With Expected Production Adjustments

In addition to the above two expected industry costs (administrative costs related to incorporating a CCP addressing *L. monocytogenes* in their HACCP plans and increased food contact surface testing costs), some firms—across all size categories—may need to adjust their production process or facilities to comply with the proposed rule. One can view such adjustments as being on a continuum, from the most minor—and least costly—to the most radical—and costly—adjustments needed to remedy their *L. monocytogenes*-related control problem(s). Because measures vary greatly across establishments and product-types, it is difficult to estimate the impact of eventual firm adjustments arising from this provision of the proposed rule.

For purposes of analysis, affected establishments are broken into four groups: those that are not expected to encounter any problems as a result of mandatory testing; those firms that are expected to encounter minor problems (Stage 1 problems); those firms that are expected to encounter more serious problems and higher costs to remedy their *L. monocytogenes*-related problems (Stage 2 problems); and, a small group that will drop certain products or drop production entirely due to persistent *L. monocytogenes* positive findings (Stage 3 problems). Based on the discussion that follows, the number of establishments in each group was determined to be: 1,258 establishments that will not encounter any problems; 104 establishments that will encounter Stage 1 and 2 problems and 13 establishments that drop production of certain RTE meat and poultry products or drop out of the industry entirely (Table 12).

Steps to prevent *L. monocytogenes* contamination can take many forms: pre-operational (building and facility design; equipment design and maintenance) and operational (adequate attention paid by well-trained employees). Most establishments are assumed to follow the recommended guidelines in production,[19] are already doing some testing (either food contact surface or

and control," *Guidelines to Prevent Post-Processing Contamination from LM*, pp. 551–562.

[16] The higher testing frequency for large establishments (once per week per line) also reflects the greater potential of large establishments to contaminate larger volumes of product than small and very small establishments.

[17] No adjustment is made to account for the degree to which plants currently test: the baseline discussion suggests that many firms are currently conducting some kind of environmental testing program.

[18] This increase in this field is due to the number of establishments currently testing that choose to also develop a CCP in response to the rule. FSIS assumes that they will continue testing, so this number does not represent an increase in testing.

[19] *Guidelines to Prevent Post-Processing Contamination from LM*, 1999.

of products), and would not be expected to experience any increase in positive food contact surface testing results as a result of the proposed regulation changes. FSIS estimates that eighty-five percent[20] (1,258) of the establishments will incur no costs, because these establishments already have taken steps to remediate problems with *L. monocytogenes* contamination in product. However, it is possible that these establishments may have future problems with environmental contamination by *Listeria spp.* So, FSIS may have overestimated the number of establishments that will incur no future costs as a result of the proposed requirements.

TABLE 12.—NUMBER OF ESTABLISHMENTS AND ASSOCIATED COSTS OF POTENTIAL PRODUCTION ADJUSTMENTS WITH RESPECT TO MANDATORY LM TESTING

Group/sub-group	Representative meat and poultry products	Problem category (by # of establishments)					Associated cost to control LM problem ($000's $)	Value of discontinued production on (mil $)
		None	Stage			Total		
			1	2	3			
I–1	Fermented; Dried; and, Salt cured Products	127	11	11	1	150	181.6 1	5.9
I–2	Frankfurters and wieners	142	12	12	1	167	248.1	23.6
I–3	Meat patties	65	5	5	1	76	72.5	5.3
I–4	Luncheon meats	163	13	13	2	191	519.0	80.5
II–1	Otherwise processed M&P RTE product by *meat processors.*	458	39	39	5	551	587.7	48.8
II–2	Otherwise processed M&P RTE product by *poultry processors.*	139	12	12	1	164	570.4	66.9
II–3	Otherwise processed M&P RTE product by *combo plants.*	65	5	5	1	76	99.3	9.6
III	Frozen dinners and pizzas	89	7	7	1	104	201.9	21.6
IV	Canned products	0	0	0	0	0	0	0
Grand total		1258	104	104	13	1479	2490.5	252.2

Some establishments follow the recommended guidelines in production but, for any number of reasons, are expected to face difficulties in improving their *L. monocytogenes* testing results. Establishments that encounter Stage 1 problems would face only *marginal difficulties* in improving their *Listeria spp.* testing results. Seven percent of the establishments (104) are expected to fall into a this group. FSIS expects that these plants can reduce these positive findings by concentrating mainly on the pre-operational component of the business,[21] perhaps taking more care in pre-operational sanitation and better training of and increased awareness by production personnel. Also, one could expect that some "quick-fixes" to equipment, such as finding the niches in equipment which may harbor *L. monocytogenes* and cleaning them thoroughly and more regularly, might greatly reduce their positive food contact surface testing results. Actions that are expected correspond roughly to the response by industry in a recent survey pertaining to what actions are taken by establishments when they exceed limits on results from environmental testing. These include:

- Enhance pre-operational and operational sanitation controls in production (262 out of 308 establishments that responded to the industry survey cited previously indicated that this action was taken when allowable environmental testing results were exceeded);
- Implement an environmental monitoring program for *Listeria spp.* to verify that the control program is effective (241 out of 302 surveyed indicated that this action was taken when allowable environmental testing results were exceeded);
- Intensify training efforts on personnel (232 out of 302 surveyed indicated that this action was taken when allowable environmental testing results were exceeded);
- Purchase inputs from suppliers with a *L. monocytogenes* control program, and;
- Apply a validated listericidal process where appropriate.

FSIS expects that plants encountering Stage 1-type problems will face a $2000 per line average "fix" for equipment and machinery. These efforts are expected to be effective and not involve any recurring cost. Across all affected establishments, such costs are expected to total $0.7 million.

An additional 7-percent of all establishments (104) are expected to face significantly greater difficulty in improving their food contact surface *Listeria spp.* testing results: "Stage 2-type" problems that can not be solved simply by increased attention to pre-operational sanitation efforts. These plants must instead concentrate on equipment and building re-design and other manageable "technical fixes". By their nature, these one-time efforts are more costly. Examples of the kind of efforts envisioned with these adjustments are: addition of post-processing pasteurization equipment, re-designed drains, walls, and floor areas, especially in the post-processing rooms, and other major renovations to buildings and equipment.[22]

FSIS expects that plants encountering Stage-2 type problems will face higher costs than establishments facing Stage-1 problems. Based on expenses incurred by the industry in taking similar steps in the early 1990's, FSIS estimates that such efforts could cost the affected establishments 0.1 percent of their gross sales.[23] Some product losses from these firms are expected due to greater amounts of product held from commercial channels because of positive food contact surface tests for *Listeria spp.* or positive product test results for *L. monocytogenes*.[24] Such product losses are expected to diminish after 6 months. Thus, such temporary production drops and possible disruptions are not considered throughout this analysis. FSIS request comment on the costs of holding and testing product for *L. monocytogenes* contamination. Keeping this in mind, FSIS projects that the total expenses

[20] Further data analysis is needed to more accurately estimate this figure. The current estimate is based on MARCIS data on follow-up LM positive finding for only one year of data (1999). This first group of producers are assumed to represent the 85 percent of initial positive microbiological survey samples that quickly rectified their contamination problems in 1999. The latter stages reflect smaller and smaller percentages of the initial positive samples that required more and more follow-up tests because their test results persisted positive.

[21] Some increase in sanitation supplies and materials are also expected.

[22] Further examples can be found in: *Industry Perspectives on LM in Foods: Manufacturing and Processing*, Bernard and Sveum, *Dairy, Food and Environmental Sanitation*, Vol. 14, No. 3, Pages 140–143 (March 1994).

[23] Tappero, Jordan, Anne Schuchat, Katherine Deaver, Laurene Mascola and Jay Wanger, *Reduction in the Incidence of Human Listeriosis in the United States, Effectiveness of Preventive Efforts?*, JAMA, April 12, 1995—Vol. 273, No. 14. This study actually put the costs at the range of 0.1 to 0.2 of annual industry sales.

[24] It is also acknowledged that increased numbers of positive environmental tests may result in increased numbers of positive product tests, leading in turn, to not only increased amount of product destroyed, but increased amounts of product that need to be held until results are complete and in the case of positives, increased amount of products that need to be reworked.

associated with Stage 2 corrective actions across the industry at $1.7 million. In total, corrective actions associated for both Stage 1 and 2 type problems are expected to cost $2.5 million in one-time costs.

A final group of plants is expected to face Stage 3-type problems: problems that establishments may perceive to be prohibitively costly to "fix" and/or not feasible to undertake without complete modernization or renovation. Without making the needed capital investments, their only option is to drop out of production. This may involve dropping just the RTE meat and poultry product component of their business or eliminating RTE meat and poultry products altogether.[25] FSIS estimates that one percent of all establishments (13) regardless of size category [26] will fall into this category. Resources, associated with the associated discontinued production, are expected to be absorbed by their next-best use, such as frozen not-RTE food and other food manufacturing. The value of the initial drop in production across the industry is estimated at $252 million. Although firm numbers may drop by 1-percent, this initial drop in production would not be expected persist over time. Market supplies would be expected to increase due to likely production increases by the remaining domestic establishments and possibly by increased imports of similar type meat and poultry products.

FSIS realizes that many of the technological "fixes" that many establishments may have to undertake are not scale-neutral (they favor increasing scale establishments). Thus, one may discover that small and very small establishments are disproportionately affected by this provision of the proposed rule. However, to ensure maximum food safety benefits from testing, FSIS is proposing to require industry-wide adoption. FSIS requests comments on expected impacts on small and very small establishments.

The total cost of mandatory food contact surface testing on this industry is estimated at $5.53 million ($1.28 million on HACCP plan modification, $1.75 million on testing, and $2.5 million in production adjustment costs).

2. Costs Associated With Lethality and Stabilization Performance Standards

This provision, as described in the provisions section, mirrors the recently published performance standards for the production of cooked beef, roast beef, cooked corned beef products, fully and partially cooked poultry products (64 FR 732). However, that rule did not apply to dried, fermented, and salt-cured RTE meat and poultry products. Fermented sausage makers were advised in the mid-1990's on methods to ensure food safety and most of these processors made changes to their production at that time; however, this is not known for sure. Also, the current proposed rule would increase the required level of pathogen reduction in meat patties. As such, processors of meat patties and the dried, fermented, and salt-cured RTE meat and poultry products are expected to feel the major impact from this provision of the proposed rule. FSIS expects that this provision may have two potential impacts on certain RTE meat and poultry product producers: (1) the need to make production changes to attain the higher performance standards and (2) the need to incorporate increased monitoring equipment and other means to validate that they are meeting the new performance standards.

A. Projected Costs Associated With Production Adjustments

The majority of the establishments that produce RTE meat and poultry products are not expected to be affected by the lethality and stabilization provisions of the proposed rule. Most establishments already may meet these requirements because they are identical to those in the final rule that established performance standards for the production of certain RTE meat and poultry products (64 FR 732). However, it is expected that one-third of the plants in Group I, Subgroup 1 (Dried, Salt-cured and Fermented Sausage makers) and one-third of Group I, Subgroup 3 (meat patty makers) will be affected by this provision of the proposed rule. FSIS estimates that these 75 establishments or less than 5 percent of the establishments in this industry produce about 441 million pounds of product.[27]

FSIS expects that producers will adjust to higher performance standards by applying some additional heating or holding times to their products or by relying upon integrated lethality involving multiple hurdles or accounting for come-up and come-down time. FSIS tentatively concludes that many establishments would meet the proposed performance standards using current procedures; however, the integrated cumulative lethality of these procedures may not have been fully assessed at this time. Individual establishments' costs could vary greatly depending on their need to purchase capital equipment, such as flash freezers for quicker cooling times, new heating equipment, etc., that may lead to increased costs in the short run, but lower operating costs and improved product in the long run. FSIS expects that most establishments will continue to produce their products in much the same way, but may increase their heating temperatures and holding times. In so doing, they are expected to experience somewhat reduced production line speeds, initially higher product rejection rates, and slightly lower annual production.[28]

FSIS has only limited data to base its estimate for the impact of higher performance standard. Some anecdotal information suggests that some establishments, to attain the new lethality performance standards, may have to incur an additional cent per pound of product produced. This estimate implicitly incorporates the cost of reduced annual sales by the firm due to slower line speeds (and its implicit effect on lost value of production), equipment costs, and higher energy costs. At this time, this one-cent per pound cost is used in this analysis. FSIS uses this per-pound estimate and its estimate on affected poundage of product to project an aggregate annual recurring cost of $4.4 million ($0.01 times 441.1 million pounds).

B. Projected Cost Associated With Performance Standard Validation

The 75 establishments identified above are expected to need a one-time validation to determine if they are meeting the higher performance standards. FSIS estimates that these firms produce, at least, 545 specific product-types that would need lethality and stabilization validation. FSIS expects that the costs to validate the attainment of performance standards to be the same as the validation of a HACCP plan modification ($5000). Thus, FSIS estimates that the overall cost to establishments to validate that they are attaining the higher performance standards for these products at $2.7 million (545 times $5000).

Projected Costs Associated With Label Changes. FSIS is proposing that the labeling of RTE products state that the product requires refrigeration after opening, as applicable. Current regulations require that labels of perishable products include such instructions, but the Agency is proposing to expand the required label instructions to include RTE shelf-stable products that require refrigeration after opening. For products that would be covered by this provision, FSIS estimates that the costs per label would be comparable to those for printing safe handling labels ($0.0025 to $0.05 per label if the information is included as part of their price label, and, $0.01 per label if they developed separate labels) (see 58 FR 58924). FSIS requests comment on the costs and benefits of this labeling provision.

Projected Benefits From the Proposed Rule

All the benefits from this proposed rule are generated by producers' actions complying with the mandatory food contact surface *Listeria* testing and the HACCP plan provisions of the proposed rule.[29]

Benefits are expected to accrue gradually over time. Although studies found in the literature suggests that *L. monocytogenes* control measures take about 6 months to 2 years before they are successful, FSIS found no basis for what form this time path for benefits should take. However, FSIS wants to account for any lag in the effectiveness of producer actions and other factors that may affect the immediate realization of full benefits. FSIS uses the following time path for realization of benefits: 5% realization by the first year; 10%, by the second year; 15%, by the third year; 40%, by the fourth year; 50%, by the fifth year; 60%, by the sixth year; 70%, by the seventh year; 80%, by the eighth year; 90%, by the ninth year; and, 100% by year ten. FSIS requests comment and information regarding the realization of projected benefits.

Benefits are predicated on a chain of events: the proposed rule testing requirements motivating establishments to maintain higher sanitation standards; the introduction of less contaminated product in commercial channels; and eventually, fewer listeriosis cases and deaths from the consumption of RTE meat and poultry products.

Mandatory environmental food contact surface testing forces producers to incur costs to recognize (and, if need be, to remedy) their contamination problems. These costs, and those related to performance standards, are made up of mostly one-time, first-year costs and low recurring annual costs. More than half (56 percent) is related to performance standards, not mandatory testing (44 percent). Still, FSIS expects that the benefits derived from mandatory testing results would exceed the costs of both provisions.

TABLE 13.—NOMINAL AND REAL COSTS OF THE PROPOSED RTE RULE AND ASSOCIATED LISTERIOSIS CASE REDUCTIONS AT 100 PERCENT EFFECTIVENESS—ALL RTE MEAT AND POULTRY PRODUCTS

Year	Nominal cost ($ million)	Real cost ($ million)	Cases eliminated	
			FDA–FSIS draft risk assessment	Mead-Olsen studies
1	12.6	11.8	83	8.35
2	6.2	5.4	166	16.7
3	6.2	5.0	249	25.05
4	6.2	4.7	664	66.8
5	6.2	4.4	830	83.5
6	6.2	4.1	996	100.2
7	6.2	3.8	1162	116.9
8	6.2	3.6	1328	133.6
9	6.2	3.3	1494	150.3
10	6.2	3.1	1160	167
Total	68.1	49.3	8632	868.4

[1] The year-end discount rate used is 7.0 (OMB, Circular No. A–94, updated January 2000).

Alternatives

Executive Order 12866 requires that FSIS identify and assess alternative forms of regulation. FSIS considered one alternative to all of the proposed regulations and five alternatives to the proposed testing requirements. These are discussed below.

1. No Action

The Agency considered not requiring the proposed performance standards for RTE meat and poultry products. Small and very small establishments may incur most of the costs of the proposed extension of the existing performance standards to all RTE meat and poultry products. There are currently performance standards for certain not-shelf-stable RTE meat and poultry products (RTE roast beef, corned beef, all "fully-cooked" RTE poultry products, and partially-cooked meat patty and poultry products). However, there currently are no performance standards specific to jerky, meat hotdogs, and luncheon meat and the current requirements for meat patties effect a lethality less stringent than that which is proposed.

FSIS considered not proposing to extend the performance standards to these products because of the possible disproportionate economic impact on small business. However, taking this alternative would result in a significant inconsistency in the Agency's public health policy. Most, if not all, RTE meat and poultry products are manufactured from the same supply of raw product examined in the FSIS national baseline surveys. So, performance standards derived from this baseline should be applicable to all categories of RTE meat and poultry products, regardless of how they are processed. All RTE products should be required to meet the same standard of safety. FSIS will publish compliance guides and possibly take other actions to mitigate the economic effects of any final rule on small businesses.

In general, some members of the meat and poultry industry believe that regulatory performance standards are unnecessary or redundant, considering that FSIS already requires all meat and poultry establishments to develop and implement HACCP systems. FSIS believes, however, that developing HACCP systems around verifiable, objective performance standards is the most effective way for establishments to consistently produce safe, unadulterated meat and poultry products. Furthermore, by proposing performance standards for pathogens whose destruction results in the destruction of most or all other pathogens of concern, FSIS provides a reference for establishments to use in gauging the efficacy of their HACCP systems. FSIS, therefore, is proposing pathogen reduction performance standards that can be incorporated into HACCP systems, rather than requiring that establishments rely upon HACCP alone.

FSIS considered not revising the prescriptive canning and *trichina* treatment requirements for certain pork products. However, these provisions of the proposed regulations represent regulatory reform and streamlining efforts. The regulatory safety standards for commercially sterile products and for pork products would be unaffected by this proposal. FSIS also considered not requiring testing for *Listeria*. However, without some regulatory requirements addressing *Listeria*, many establishments will continue not to regard *L. monocytogenes* as a post-lethality hazard reasonably likely to occur and not take steps through Sanitation SOPs or HACCP to ensure the safety of their products. FSIS tentatively concludes that

[25] It is misleading to attribute all of the reason for the one percent decline in firm numbers on the proposed rule. Some number of firms would have gone out of production due to competitive reasons and dynamics involved in industry technological change. Regardless of the regulatory environment, some level of technology will be adopted by some firms and not by others; in addition, technology may be made available to control LM in RTE food processing during the time frame of this analysis. If this technology is size-neutral, projections concerning industry response to the proposed regulation is problematic. On an optimistic note, impacts may be dampened considerably by such technology adoption. Examples of technology that is being developed (and may be scale-neutral) include: antimicrobial packaging, high pressure processing, irradiation, oscillating magnetic fields, pulsed electric fields, and UV light (Meat and Poultry, April 2000, *Post-processing pasteurization, Preventing recontamination requires an aseptic approach*). However, impacts may be greater if technology does not advance and Listeria control is more of a function of pre-operational perquisites, like building re-design and layout. Due to the great amount of uncertainty related to this issue, no assumptions were made concerning these off-setting influences. However, the one-percent level was used to indicate that some number of plants may drop out of production as a result of the proposed rule.

[26] Given time, further analysis may reveal that the probability of such Positive Microbiological Survey Finding's are associated with certain Meat and poultry products, plant age or size, or other major characteristic(s), i.e. season. Recall and other internal FSIS data were investigated and no single characteristic was found to explain MPSF occurrence and/or frequency.

[27] Using an assumed average level of production for each establishment of 50, 5, and 2 million pounds for large, small, and very small establishments, respectively, in each affected subgroup times the number of affected establishments.

[28] These implicit costs are associated with production drag—increased levels of recalls, higher rejection rates in production, slower production shifts, slower sales due to perceived *poorer quality* and such. Ideally they should be counted as a separate effect associated with a possible leftward shift in supply. At this time, there is not sufficient data to quantify this effect.

[29] Recall that the benefits from producers complying with the higher performance standards are not quantified at this time. Also, refer to the uncertainty discussion for an explanation of factors that may lead to underestimation problems.

without defining required actions in either the Sanitation SOPs or HACCP, product will continue to test positive for *L. monocytogenes* and outbreaks will continue to occur.

2. End-Product Testing

FSIS considered proposing to require testing of finished product for *L. monocytogenes* instead of the proposed food contact surface testing for *Listeria spp.* In short, FSIS does not believe that such end-product testing at levels high enough to ensure statistical confidence would be a practical means of ensuring that RTE meat and poultry products are not adulterated by *L. monocytogenes*. To determine that every lot of RTE product was not adulterated by *L. monocytogenes*, an establishment would likely have to test a significant portion of each lot and hold each lot until test results were confirmed.

Further, end-product testing to verify process control is antithetical to the notion of process control under the Agency's HACCP and Sanitation SOP regulations. Granted, FSIS is proposing to require product be held and tested in the event an establishment has a positive food-contact surface test result. But this proposed product testing is a measure every prudent establishment should take when it determines that its Sanitation SOP is ineffective and that product may have been produced under insanitary conditions and therefore may be adulterated. FSIS believes, based on the numerous recalls involving small quantities of RTE meat and poultry products and the fact that the majority of the recalls are initiated in small and very small establishments, that members of the meat and poultry product industry are not effectively ensuring that products are not adulterated. Thus, the Agency, in the interest of public health, opted to propose making mandatory food-contact surface testing for *Listeria spp.*

3. Mandatory Post-Lethality Interventions for L. monocytogenes

FSIS is aware of several establishments that currently apply a post-lethality steam pasteurization treatment to their RTE products, specifically to eliminate *L. monocytogenes*. FSIS allowed establishments to use antimicrobials specifically effective in preventing growth of *L. monocytogenes* in RTE products (i.e., sodium diacetate, potassium lactate, and sodium lactate, 65 FR 17128, March 31, 2000). Furthermore, in the future, other types of antimicrobial interventions that can be applied after lethality treatment and after packaging that can eliminate *L. monocytogenes* from RTE products may be available. For example, eventually, FDA and FSIS may allow establishments to treat RTE products with ionizing radiation. If applied within a HACCP system, irradiation could eliminate *L. monocytogenes* from a RTE product. FSIS also is aware that industry is developing edible, antimicrobial coatings that could be applied to RTE meat and poultry after cooking or other lethality treatments. However, FDA has not yet approved any of these coatings for meat and poultry.

FSIS considered requiring establishments to implement post-lethality antimicrobial controls instead of testing food contact surfaces for *L. monocytogenes*. Obviously, however, since most of the needed technologies are not yet available or not yet approved, establishments would have a limited number of treatments to choose from and some may not be appropriate or useable in every processing system. Further, mandating the use of any specific technology would be counter the Agency's goal of granting establishments maximum flexibility to innovate and design customized processes capable of producing safe meat and poultry products. And, initially, many of these new technologies may be prohibitively expensive as they become available, especially for small businesses.

By proposing to exempt establishment with CCPs for *L. monocytogenes* from the required testing, FSIS is providing an incentive for establishments to implement these new technologies as they become available. Also, the proposed exemption will allow establishments to conduct testing instead of developing HACCP plan controls, if they find testing to be a more cost-effective means of preventing contamination of the their RTE products by *L. monocytogenes* as result of insanitation.

4. Mandatory Food Contact Surface Testing for All Establishments That Produce RTE Products

Because *L. monocytogenes* is an environmental contaminant and often adulterates RTE products as a result of insanitation, FSIS considered requiring all establishments that produce RTE meat and poultry products to test for *Listeria spp.* as a way to verify plant sanitation, regardless of whether they have implemented HACCP controls for *L. monocytogenes*. However, if an establishment develops a new CCP or designates an existing CCP to control contamination of its products by *L. monocytogenes*, it will be taking process control actions that likely will include sanitation practices to limit levels of *L. monocytogenes* on incoming raw product, lethality steps to destroy *L. monocytogenes*, sanitation control steps to prevent recontamination, or testing to validate and then frequently verify that its controls are effective. FSIS believes that requiring these establishments to also conduct the mandatory testing for *Listeria spp.* would be unnecessary and redundant. Further, requiring all establishments that produce RTE products to conduct testing for *Listeria spp.* is expected to increase annual compliance costs from the estimated $1.75 million in testing costs related to the specific provisions in the proposed rule to $4.6 million. Again, these costs should be regarded as direct annual recurring costs associated with the minimum number of food contact surface testing estimated by FSIS.

5. Redesignation of Hotdogs and Other Products as Not-Ready-To-Eat

FSIS considered creating a new category of products for partially-cooked sausages and other products that no longer would be considered RTE. An establishment that redesignated its meat and poultry product as not RTE would not be required to conduct the proposed testing for *Listeria spp.* nor meet any other regulatory requirements applicable only to RTE products. FSIS would require the establishment, however, to label its not RTE product with the safe handling instruction (9 CFR 317.2(l), 381.125(b)) and with cooking instructions similar to that for partially-cooked meat patties and poultry rolls (9 CFR 318.23 and 381.150).

The safe handling instruction is required for all products that have not undergone processing that would render them RTE and includes four labeling statements, including "cook thoroughly" along with a graphic illustration of a skillet. The cooking instruction is currently required for partially-cooked meat patties and poultry rolls, which need thorough cooking prior to consumption for safety. This cooking instruction states: "Partially-cooked: For Safety Cook until Well Done (Internal Meat Temperature of 160 degrees Fahrenheit)'.

FSIS considers cooked meats, including those defined in 9 CFR 319.180 (Subpart G—Cooked Sausage) which include frankfurters, hotdogs, wieners, bologna, and similar products, to be RTE products. Ready-to-eat products should be safe to consume without any additional cooking or application of a lethality treatment by the consumer. More importantly, it is likely that most consumers also consider hotdogs and similar products to be RTE, and only apply a heat treatment to improve product palatability. Consumer behavior would have to be significantly modified to ensure that they are aware that an adequate cook for safety must be applied to these products.

Another consideration is that restaurants, including street vendors and quick-service operations, would have to treat these redesignated products as not-RTE. The current Model Food Code provides that RTE food taken from a commercially-processed intact package from a food processing plant shall be heated to a temperature of at least 140 degrees Fahrenheit for hot holding (FDA Food Code, section 3–403.11). The hot holding temperature is not intended to serve as the lethality treatment for the product, but only as a temperature sufficient to prevent multiplication of pathogens while the product is being held prior to sale. Thus, this industry would have to apply a higher minimum temperature and time combination to achieve the necessary lethality for safety.

FSIS does not have the data needed to estimate the costs that would result from the redesignation of certain hotdogs and similar products as not-RTE. Direct costs to industry would include: new labeling; the cost to retailers who be required to apply higher time/temperature combinations to the redesignated products; and possible loss of market share by firms that redesignate their products as not-RTE to firms that continue to produce RTE products. Other costs include consumer education and, most importantly, possible public heath costs resulting from consumers inadequately cooking not-RTE products traditionally considered RTE and consequently contracting foodborne illnesses. It is likely that these costs would exceed the savings that industry would accrue from being exempted from the proposed testing requirements and other requirements

applicable to RTE products and FSIS has therefore rejected this alternative. FSIS does request comment, however, on these and related issues.

6. Require "Use-By" Date Labels on Certain RTE Meat and Poultry Products

FSIS considered, but is not proposing, requiring that the labeling of certain RTE meat and poultry products state the product's shelf-life, and that shelf-life be based on product safety ("use-by" date labeling) in addition to the proposed *L. monocytogenes* control measures. *L. monocytogenes* contamination is often a result of product manipulation, such as the slicing of deli meats or the peeling of hotdogs, after lethality treatments are applied. In the recent interagency draft risk assessment, FDA and FSIS have concluded that numerous RTE meat and poultry products that undergo post-lethality manipulation and that can support the growth of *L. monocytogenes* in their final packaging and under refrigerated conditions are at relatively higher risk of causing listeriosis.

Food contact surface testing does not address (1) the physical inability of current testing devices to detect minuscule amounts of *L. monocytogenes* in some finished RTE meat and poultry products after their manufacture and (2) the capability of *L. monocytogenes* to grow-out in certain products, even while being kept under refrigerated temperatures. Thus, process controls and food contact surface testing may not reduce risk sufficiently. Some small amounts of product, with non-detectable *L. monocytogenes* contamination levels, could continue to enter commercial food channels. Also, consumers may be improperly handling certain products. The main meat and poultry products of concern are deli meats and frankfurters—products which receive post-processing handling and manipulation and have been associated with past listeriosis outbreaks.[30] If consumers understood "use-by" dates and changed their behavior accordingly, "use-by" labels could help to ensure food safety through proper handling of RTE meat and poultry products and thereby reduce the risk of listeriosis. However, it is likely that consumer behavior would have to be significantly modified to ensure that they are understand "use-by" dating.

For most consumers who are healthy and safely handle their food, this low level of possible *L. monocytogenes* contamination does not pose a significant food safety hazard. However, this is not the case for high-risk individuals who may be severely harmed by *L. monocytogenes*, even by slightly contaminated RTE meat and poultry products. Increased mandatory food contact surface testing should reduce the likelihood of any *L. monocytogenes* contamination present in these products.

In the process, producers and marketers will likely alter their behavior with respect to product rotation in storage and marketing. There is sparse information regarding the potential affects of this labeling, the likelihood that consumer practices will change, and on the effect of changes in consumer behavior on listeriosis cases. Similarly, FSIS currently does not possess all the information necessary to assess the reduction in risk that will occur from this change. Also, the "use-by" date labeling may give consumers a false sense of security.

Much uncertainty surrounds the potential costs and benefits of "use-by" dating. Little research has been done to address many issues regarding this alternative. For instance, what is the likely consumer reaction to "use-by" date labeling? What are the public health consequences? How would "use-by" date labeling potentially impact the production and shipment patterns of labeled RTE meat and poultry products and the structure of the industry? For example, will smaller operations benefit from a "use-by" date more than larger operations who must rely on larger sales areas which require longer product shelf life to penetrate the entire marketing area?

Further, much uncertainty surrounds expectations for increased consumer awareness by the high-risk sub-population of "use-by" date labeling. Assuming the awareness rates for the high-risk sub-population were the same as the general population, only 12.4 fewer annual listeriosis deaths would result from "use-by" dating (as opposed to 54).

Comment Request

FSIS requests comment on the feasibility of requiring "use-by" date labeling on certain RTE meat and poultry products, generally in regard to the public health benefits and the costs of such labeling, and specifically in regard to the following questions:

(1) What would be the most effective way to implement an "use-by" labeling scheme? Should FSIS propose to require that use-by dates be determined and validated within the producing establishment's HACCP plan? Or, should another alternative be used.

(2) What assumptions should be used about retailer and consumer behavior in determining a use-by date? Should the use-by date be determined under the assumption that retailers and consumers will follow any handling instructions contained in the labeling? Or, should the use-by date determination be based on a "worst case" assumption that products will be mishandled or temperature abused?

(3) What scientific and economic data are available regarding the shelf-life and safety of RTE meat and poultry products contaminated with *L. monocytogenes?* Are any studies of "use-by" date labeling efficacy available? FSIS is currently working with the Agricultural Research Service on a study to evaluate the shelf-life of hotdogs and is aware of other studies, but welcomes any additional information. FSIS would publish guidance regarding use-by dating before any final action becomes effective and would base this guidance on the latest science available.

(4) Should FSIS propose to require post-lethality *L. monocytogenes* interventions instead of "use-by" date labeling? FSIS is aware that in the future, certain types of antimicrobial interventions that can be applied after lethality treatment but before packaging and that can eliminate *L. monocytogenes* from RTE products may be available. Eventually, FDA and FSIS may allow establishments to treat RTE products with ionizing radiation. If applied within a HACCP system, irradiation could eliminate *L. monocytogenes* from a RTE product. FSIS also is aware that industry is developing edible, antimicrobial coatings that could be applied to RTE meat and poultry after cooking or other lethality treatments. However, FDA has not yet approved any of these coatings for meat and poultry.

(5) What language would be most effective in informing consumers about "use-by" date labels? Would labeling such as "For safety, use-by * * *" be more effective? Should the labeling indicate anything regarding vulnerable populations? Should FSIS propose to allow for a variety of phrases? FSIS is aware that many RTE meat and poultry products already carry shelf-life labeling indicative of product quality. Would allowing different phrases result in consumer confusion? Would allowing quality and safety dates to appear on the same package result in confusion? Should FSIS propose to allow different dates based on handling instructions, for instance: one date if the consumer freezes the product, another if the consumer refrigerates the product?

Uncertainty

Benefits Side

The current level of benefits does not consider what technical obstacles exist that may reduce the effectiveness of the provisions in the proposed rule to actually reduce listeriosis cases and deaths. FSIS is uncertain about the effectiveness of its proposed testing requirements in reducing listeriosis, and therefore unable to adequately quantify a range of benefits. No research that directly looked into this subject was found in the literature. FSIS intends to use comments and data received during the comment period and at the planned technical conference to refine the proposed regulations and to better estimate benefits. It is of course unlikely that the proposed regulations could achieve complete elimination of the listeriosis that results from contaminated meat and poultry, but FSIS believes that the benefits of the regulations would exceed the total costs of all of the proposed provisions. The current baseline analysis does not consider any private sector benefits that may result from the proposed rule. The impact of fewer recalls, possibly smaller amounts of returned product with better labeling, fewer consumer complaints, and other reduced costs may benefit the establishments that thrive in the new regulatory environment.

The benefits in this analysis are calculated as if they accrue gradually over time. More research into this subject is needed. Although some research has shown that it would take six to eighteen months for industry LM-control efforts to show positive results, little research was found that looked into the time path for benefits.

Unquantified Benefits Resulting From Proposed Performance Standards

There are currently no performance standards specific to jerky, meat hotdogs, and

[30] Up to 92 percent of all listeriosis cases and deaths from RTE meat and poultry products, as calculated by FDA–FSIS RA, was attributable to the consumption of deli meats and frankfurters.

luncheon meat and the current requirements for meat patties effect a lethality less stringent than that which is proposed. Fermented sausage makers were advised in the mid-1990's on methods to ensure food safety and most of these processors made changes to their production at that time; however, this is not known for sure. As such, processors of meat patties and the dried, fermented, and salt-cured RTE meat and poultry products are expected to feel the major impact from the proposed rule. However, little is known about the production process for many dried and fermented products affected by this rule.

According to one study, *E. coli* O157:H7 causes 52 foodborne-related deaths per year. Nontyphoidal *Salmonella* causes 562 foodborne-related deaths per year (Mead, 1999). Some benefits are expected to be generated by fewer sicknesses due to the proposed *Salmonella* and *E. coli* O157:H7 performance standards that would be extended to certain RTE meat and poultry products that are not currently required to meet these performance standards. However, FSIS has not conducted a quantitative analysis of these benefits and requests comments and data on possible benefits resulting from the proposed requirements.

FSIS is replacing prescriptive provisions concerning thermally processed, commercially sterile meat and poultry products with performance standards. The proposed performance standards will ensure that this product continues to be safe. FSIS believes these proposed provisions would not impose any costs because producers could continue to follow the same procedures required under the current regulations. Producers may realize some benefit from the flexibility that will be allowed under the performance standard regulations if they adopt new innovative means of producing the product. However, FSIS could not estimate any benefits that may be derived from replacing these prescriptive provisions with performance standards and requests comment on possible benefits that may be realized.

FSIS is proposing to eliminate its regulations that require both RTE and not-ready-to-eat pork and products containing pork be treated to destroy trichinae (*Trichinella spiralis*). FSIS believes that, even if these provisions are removed, pork products will continue to be safe from trichinae. For heat-treated, RTE products containing pork, the required treatment to destroy trichinae would no longer be needed because if the process used meets the proposed performance standards for *Salmonella*, the process should eliminate any live trichinae. For other products, if the establishment identifies *trichina* as a hazard reasonably likely to occur, the establishment would have to ensure that the process used effectively eliminates this hazard. If the prescriptive provisions concerning trichinae are removed from the regulations, producers may realize benefits if they determine *trichina* is not a hazard reasonably likely to occur or if they find new ways of treating their product for trichinae.

Cost Side

Over eighteen percent of the first 10 years' total cost of the proposed rule occurs in the first year of program implementation. These costs take the form of one-time outlays related to validation of (1) modifications to HACCP plans and (2) attainment of performance standards. FSIS anticipates that expected industry costs resulting from this proposed rule could be lowered substantially with assistance to deal with these one-time costs.

There may be some consumer welfare losses that result from lower production that may result from this proposed rule. Because some firms may lose market share for their RTE meat and poultry products, consumers may be provided with fewer RTE meat and poultry products in total and a more limited choice among RTE meat and poultry products. Comments are welcome concerning the extent to which this proposed rule may affect the range of RTE meat and poultry products and other issues dealing with consumer choice.

The analysis of the costs associated with performance standards noted that the cost estimate used is highly uncertain, being based on information gathered in a pilot survey. An industry survey is underway and hopefully will address much of the uncertainty of production processes currently employed by producers of these products and their options when faced with higher performance standards. FSIS based the analysis on performance standards on very limited data, much of it received as part of a pilot survey. FSIS requests information concerning the production process for many of these dried and fermented products affected and the options that producers have in dealing with this provision.

Much uncertainty involves the break down of these results by size of establishment. As noted in this analysis and the Regulatory Flexibility Act section, an argument can be made that the proposed rule will disproportionately affect small entities. However, to the extent that validation costs (which can be considered more like fixed costs rather than variable costs) can be reduced, this effect will be minimized. Without these reductions, however, validation costs would tend to disproportionately affect small producers rather than large ones. Any research and assistance to make these needed validations and production adjustments as scale-neutral as possible could dampen the possible disproportionate impact on small entities.

Mandatory food contact surface testing could impose a need to build additional storage for suspected contaminated products to wait in a "test and hold" period. This may affect smaller operations more than larger ones. FSIS requests comments that address this issue.

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Part III

Department of Transportation

National Highway Traffic Safety Administration

49 CFR Part 595

Exemption From the Make Inoperative Prohibition; Final Rule

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 595

[Docket No. NHTSA–01–8667]

RIN 2127–AG40

Exemption From the Make Inoperative Prohibition

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: NHTSA is taking action to facilitate the modification of motor vehicles so that persons with disabilities can drive or ride in them. The agency is accomplishing this by issuing a limited exemption from a statutory provision that prohibits specified types of commercial entities from either removing safety equipment or features installed on motor vehicles pursuant to the Federal motor vehicle safety standards or altering the equipment or features so as to adversely affect their performance. The exemption is limited in that it allows repair businesses to modify only certain types of Federally-required safety equipment and features, under specified circumstances.

DATES: *Effective Date:* This rule is effective April 30, 2001.

Petitions: Petitions for reconsideration must be received by April 13, 2001.

ADDRESSES: Petitions for reconsideration should refer to the docket and notice number of this document and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may contact Gayle Dalrymple, Office of Crash Avoidance Standards, NPS–20. Telephone: (202) 366–5559. Fax: (202) 366–4329.

For legal issues, you may contact Rebecca MacPherson, Office of Chief Counsel, NCC–20. Telephone: (202) 366–2992. Fax: (202) 366–3820.

You may send mail to these officials at the National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590.

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I. Background and Overview

A. Reasons for This Rulemaking

We initiated this rulemaking because although the intended effect of the Federal motor vehicle safety standards is to protect the safety of all Americans, the standards can inadvertently limit the mobility of those Americans with disabilities. The vast majority of Americans can drive and/or ride in motor vehicles as they are produced by the motor vehicle manufacturers in full compliance with the Federal motor vehicle safety standards. When they use these vehicles, they benefit from the safety features required by those standards.

However, individuals with disabilities are often unable to drive or ride in a passenger vehicle, such as a passenger car or van, unless it has been specially modified to accommodate their particular conditions. Some modifications, such as the installation of mechanical hand controls or a left foot accelerator, are relatively simple and inexpensive. Others, such as the installation of a joystick that controls steering, acceleration and braking or a lowering of the vehicle floor, can be complex and expensive. In some cases, it is necessary to alter or even remove federally-required safety equipment to make those special modifications. In those cases, it may not be possible to enable individuals with disabilities both to enjoy the opportunity to drive or ride in a motor vehicle as well as to receive the benefits from the full array of federally-required safety features.

The need to alter or remove federally-required safety equipment poses a problem because there is a statutory provision prohibiting making such features inoperative (49 U.S.C. section 30122).[1] While that prohibition does not apply to vehicle owners, it does apply to modifications made by the types of commercial entities that modify vehicles for persons with disabilities.

However, the National Highway Traffic Safety Administration (NHTSA) may issue regulations that exempt persons from the "make inoperative" prohibition.[2] Such regulations may specify which equipment and features may be made inoperative, as well as the circumstances under which they may be made so. To date, the agency has only issued one such regulation. That regulation permits the installation of retrofit air bag on-off switches under certain circumstances. In all other instances, we have addressed the need to remove, disconnect, or otherwise alter mandatory safety equipment by issuing a separate letter assuring the individual requestor that we will not seek enforcement action against the business modifying the vehicle. The vast majority of these instances involve persons seeking modifications to accommodate persons with disabilities.

Our policy of handling requests for permission to make modifications on an individual, case-by-case basis does not serve the best interest of the driving public, the vehicle modifiers, or this agency. The case-by-case approach is ill-suited to dealing effectively with the volume of motor vehicles needing modification. We estimate that, as of 1997, approximately 383,000 vehicles had some type of adaptive equipment installed in them to accommodate a driver or passenger with a disability.[3] We estimate that approximately 2,295 vehicles are modified for persons with disabilities per year. We do not know how many of these modifications involved making a federally-required safety feature inoperative. We do know that the modification of motor vehicles for the benefit of persons with disabilities is a growing phenomenon. The number of vehicles modified annually will increase as the population ages and as greater numbers of individuals with physical disabilities pursue employment, travel, and recreational opportunities presented by the passage of the Americans With Disabilities Act (ADA).[4]

Further, the unwieldiness of the case-by-case approach causes many vehicle modifiers to bypass it. The permission granted in the agency letters is directed to specific owners of specific vehicles and cannot be transferred to other owners or other vehicles. Thus, a business performing modifications must obtain written permission for each customer who needs a vehicle modified in a way that adversely affects compliance with the standards. Because agency resources for evaluating individual modification requests are limited, an individual with a disability may wait a significant period of time before the agency can issue a letter stating its intent to not enforce the statute for the vehicle modifications affected. During that time period, the individual may be without any means of independent transportation. Partially as a result of the unwieldiness of this process, only a handful of the vehicles modified annually are covered by a letter from NHTSA granting permission to make a piece of federally-required safety equipment inoperative.[5] Most are made without permission and without the benefit of any guidance about the opportunities for making modifications without sacrificing safety.

We believe that it is appropriate, therefore, to replace the case-by-case approach with an exemption that accommodates the needs of persons with disabilities and promotes a constructive dialogue between the modifiers and the agency. Congress anticipated the need for such an exemption. The legislative history of the make inoperative provision includes the statement that "exemptions may be warranted for owners with special medical problems, who require special controls * * *."[6] In addition to eliminating the need for case-by-case approvals, the exemption will facilitate making needed vehicle modifications by providing guidance to modifiers on the types of modifications we believe can be made without unduly decreasing the level of safety provided to the vehicle occupants and to others.

B. Notice of Proposed Rulemaking

In developing the proposed exemption, we sought to balance mobility and safety. To that end, we conducted a comprehensive analysis of both our standards and the types of adaptive equipment currently available. We sought to distinguish between those instances in which there are methods of modification that make it possible, at reasonable cost, to accommodate persons with disabilities while avoiding making the original safety equipment or features inoperative from those instances in which it is not possible to do so. We determined that vehicle modifications fell into the following categories:

1. Modifications that did not affect the original federally-required safety equipment or feature.

2. Modifications that involved the installation of adaptive equipment capable of being operated in lieu of the original equipment, which remained in place and fully operable separately, or in conjunction with the original equipment.

3. Modifications that resulted in making safety equipment inoperative even though other methods of making the modification were readily available that could have accommodated the needs of the disabled occupant at reasonable cost without making the original equipment inoperative.

4. Modifications that made the original equipment inoperative, but either did not appear to lead to a degradation of safety or all methods available to accommodate the needs of the disabled occupant rendered the original equipment or feature inoperative.

5. Modifications that made the original equipment inoperative and resulted in possible degradation of safety so severe that we did not believe an exemption was warranted, and other methods of modification that did not make the original equipment inoperative were either available or a compliant system is easily produced.

In proposing to waive the make inoperative provision for some portions of some safety standards, we determined that modifications in the first two categories listed above did not make the required safety features or equipment inoperative, while modifications in the third category did make the equipment inoperative but could be performed in a way that is consistent with modification performed under the first two categories. Modifications within the fourth and fifth categories could not reasonably be performed in a manner that would not render the original equipment inoperative.

Based on our assessment, we issued a notice of proposed rulemaking (NPRM) on September 28, 1998 (63 FR 51547; Docket No. NHTSA–98–4332–1). We proposed to exempt only those modifications in the fourth category. Modifications within this category did

[1] Federal law requires vehicle manufacturers to certify that their vehicles comply with all applicable Federal motor vehicle safety standards (FMVSS or standard) (49 U.S.C. section 30112). They must continue to comply until the time of their first retail sale. As noted above, when installing adaptive equipment in a motor vehicle, a modifier may need to remove items of equipment or features that were installed in compliance with the standards issued by NHTSA pursuant to our statutory authority (49 U.S.C. section 30111). At other times, the installer may need to modify or bypass the safety equipment or features so that the adaptive equipment can be used. In either instance, the vehicle modification renders the affected equipment or features, as originally certified, inoperative. As noted above, such removal or alteration violates a statutory provision that prohibits certain entities from making such equipment and features inoperative. Specifically, manufacturers, distributors, dealers, and repair businesses may not knowingly make inoperative any part of a device or element of design installed in or on a motor vehicle that is in compliance with an applicable standard (49 U.S.C. section 30122). We have interpreted the term "make inoperative" to mean any action that removes or disables safety equipment or features installed to comply with an applicable standard, or that degrades the performance of such equipment or features. Violations of this provision are punishable by civil penalties of up to $5,000 per violation.

[2] 49 U.S.C. section 30122(c)(1).

[3] Estimating the Number of Vehicles Adapted for Use by Persons with Disabilities, NHTSA Research Note, December, 1997, Docket No. NHTSA–01–8667–2.

[4] 42 U.S.C. section 12101, *et seq.*

[5] A discussion of the basis for the agency's belief that many modifiers make mandatory safety equipment inoperative without first seeking authorization from NHTSA can be found in the preamble to the NPRM. 63 FR 51547 (September 28, 1998), Docket No. NHTSA 98–4332–1.

[6] H. Rep. 93–1191, pp 34–5 (1974).

not degrade safety sufficiently to prohibit the modification and were, in some cases, the only means of accommodating a particular disability. We did not consider exempting modifications within category five because we believed that the needed modification should not degrade the level of safety to such an extent as to place vehicle occupants in an inherently unsafe environment.

C. Summary of Public Comments on the NPRM

Thirty-nine comments were submitted addressing details of the NPRM. Only one organization representing persons with disabilities, Access to Independence and Mobility (AIM), commented on the proposed rule. One consumer safety group also commented, as did two vehicle manufacturers, and several modifiers, alterers, and driver rehabilitation specialists.[7] Two individuals representing state interests also commented.

In general, the comments to the notice were very supportive of our efforts. However, some commenters, primarily Advocates for Highway and Auto Safety (Advocates), vehicle alterers and AIM, raised concerns that the rule, as proposed, would unduly decrease the level of safety provided to persons with disabilities. The primary concern voiced by these entities was that the agency was not proposing to implement a rule that ensured significant, on-going monitoring of vehicle modifications. Other commenters, including modifiers and driver rehabilitation specialists, urged that exemptions be provided for some standards which we had not included in the proposed list of exemptions.

Expressing concerns regarding the safety of vehicle modifications, the University of Virginia Automobile Safety Laboratory urged that on-going studies be performed to identify vehicle modifications that constitute an unreasonable risk to safety. However, the commenter went on to say that it recognized that real world injury data would likely never be available to accurately determine the level of risk involved in vehicle modifications and to fully support NHTSA's proposal to issue limited exemptions.

While the majority of modifiers saw no need to impose any paperwork or labeling requirements on modifiers, Advocates, some alterers, and the State of Connecticut argued that paperwork and/or labels were needed to assure that only necessary modifications were performed or that vehicle owners or subsequent purchasers were aware of the modifications that were performed and that there could be some degradation of overall safety. A lively debate arose among commenters concerning the need for persons with disabilities to have a written prescription detailing the types of modifications needed. These comments were submitted primarily by members of the Association for Driver Rehabilitation Specialists (ADED) on one side of the issue and occupational therapists who are not members of ADED, some modifiers and the State of Connecticut on the other side of the issue.

II. Final Rule

Based on our review of the comments, we are today issuing a final rule that exempts certain vehicle modifications from the make inoperative provisions. The exemptions are listed in the regulatory text and will become Subpart C of Part 595 of Title 49 of the Code of Federal Regulations (CFR). This preamble explains our response to the comments and our decision to issue the final rule. While it provides important explanations of the agency's rationale in making its decision, the preamble is not part of the regulation. It should, however, be read carefully since it provides important information on why we decided to grant exemptions for some, but not all, standards; what types of modifications require an exemption; who may rely on the exemptions; and what standards may be affected by vehicle modifications, regardless of whether there is an exemption for that modification.

The exemptions adopted in this final rule generally only apply to a portion of each included standard and may have other conditions, such as the installation of wheelchair tie-down devices, placed upon it. The following chart details the standards with respect to which modifications are exempted, as well as those standards for which modifiers need to be aware that certain modifications may expose them to civil penalties.

TABLE 1

FMVSS covered by the make inoperative exemption	FMVSS not covered by the make inoption exemption	
	Modification could affect vehicle compliance	Modification would not affect compliance
101, Controls and displays, *except* for S5.2(a), S5.3.1, S5.3.2 and S5.3.5.	102, Transmission lever sequence, starter interlock, and transmission braking effect.	106, Brake hoses.
108, Lamps, reflective devices, and associated equipment, S5.1.1.5 only, when the modified motor vehicle does not have a steering wheel and it is not feasible to retain the turn signal self-canceling device installed by the vehicle manufacturer.	103, Windshield defrosting and defogging systems.	109, New pneumatic tires.
114, Theft protection, S4.4 and S4.5 only, when the original key-locking system must be modified.	104, Windshield wiping and washing system.	110, Tire selection and rims.
118, Power-operated window, partition, and roof panel systems, S4(a) only, when the medical condition of the person for whom the vehicle is modified requires a remote ignition to start the vehicle.	105, Hydraulic brake systems	116, Motor vehicle brake fluids.
123, Motorcycle controls and displays, S5.1 and S5.2.1	111, Rearview mirrors	117, Retreaded pneumatic tires.
135, Passenger car brake systems, S5.3.1 only, when the vehicle modification requires removal of the vehicle manufacturer installed foot pedal.	113, Hood latch systems	119, New pneumatic tires for vehicles other than passenger cars.

[7] Four trade associations, the Association for Driver Rehabilitation Specialists (ADED), the American Occupational Therapy Association (AOTA), the National Automobile Dealers Association (NADA), and the National Mobility Equipment Dealers Association (NMEDA), filed comments on behalf of their members who are occupational therapists and driver rehabilitation specialists in the first two instances, and alterers and modifiers in the second two instances.

TABLE 1—Continued

FMVSS covered by the make inoperative exemption	FMVSS not covered by the make inoption exemption	
	Modification could affect vehicle compliance	Modification would not affect compliance
201, Occupant protection in interior impact, only with respect to targets on the side rail, B-pillar and first "other" pillar adjacent to the stowed platform of a lift or ramp, or the rear header and rearmost pillars adjacent to the stowed platform of a lift or ramp.	121, Air brake systems	120, Tire selection and rims for vehicles other than passenger cars.
202, Head restraints, when the motor vehicle is modified to be driven by an individual in a wheelchair and no other seat is provided for the driver or the front passenger sits in a wheelchair and no other front passenger seat is provided, and S4.3(b)(1) and S4.3(b)(2) only, when the driver's head restraint must be modified to accommodate a driver with a disability.	124, Accelerator control systems	122, Motorcycle brake systems.
203, Impact protection for the driver from the steering control system, S5.1 only, when the modification requires a structural change to or removal of the original steering shaft, and S5.2 only, when an item of adaptive equipment must be mounted on the steering wheel.	206, Door locks and door retention components.	125, Warning devices.
204, Steering control rearward displacement only, when the modification requires a structural change to or removal of the original steering shaft.	209, Seat belt assemblies	129, Non-pneumatic tires for passenger cars.
207, Seating systems, S4.1 only, when the motor vehicle is modified to be driven by an individual in a wheelchair and no other seat is provided for the driver and a wheelchair securement device is installed in the driver position.	210, Seat belt assembly anchorages.	131, School bus pedestrian safety devices.
208, Occupant crash protection, S4.1.5.1(a)(1), S4.1.5.1(a)(3), S4.2.6.2, S5, S7.1, S7.2, and S7.4 only, when Type 2 or type 2A seat belts meeting the requirements of FMVSS Nos. 209 and 210 are installed in the affected seating position.	216, Roof crush resistance	205, Glazing materials.
214, Side impact protection, S5 only, when the affected seating and/or restraint system must be modified to accommodate a person with a disability.	301, fuel system integrity	212, Windshield mounting
	302, Flammability of interior materials.	213, Child restraint systems.
	303, Fuel system integrity of compressed natural gas vehicles.	217, emergency exits and window retention and release. 218, Motorcycle helmets. 219, Windshield zone intrusion. 220, School bus rollover protection. 221, School bus body joint strength. 222, School bus passenger seating and crash protection. 223, Rear impact guards. 224, Rear impact protection. 225, Child restraint anchorage systems*. 304, Compressed natural gas fuel container integrity.

* FMVSS No. 225, Child restraint anchorage systems, was issued after the publication of the NPRM proposing exemptions to the make inoperative provisions for vehicles modified to accommodate persons with disabilities. Accordingly, NHTSA has not determined whether such systems may need to be removed or modified in order to accommodate an individual with a disability. Should such a need arise, it can be addressed in a future rulemaking.

A. Summary of Key Differences Between Proposal and Final Rule

The final rule largely adopts the proposed rule except for four changes. We will require a permanently affixed label that states the vehicle may no longer comply with all Federal Motor Vehicle Safety Standards. Also, we are allowing limited exemptions for modifications affecting FMVSS Nos. 123, 201 and 114.

B. Limitations on Exemptions

In the NPRM, we proposed to issue exemptions for modifications affecting some, but not all, Federal motor vehicle safety standards. The number of exemptions was restricted for several reasons. First, the needed vehicle modifications have no impact on the safety features installed in compliance with many standards; thus, there is no need in those cases for an exemption from the make inoperative provision. Second, we decided that if, after modifications are made, the original equipment remains fully functional and readily usable by drivers or passengers other than the individual with a disability, we would not consider the modifications as making the safety equipment inoperative even though the adaptive equipment itself may not be able to meet the requirements of the affected safety standard.[8] We also

[8] When the modified system completely by-passes or alters the original equipment such that it cannot be used in conformance with the applicable standard, the modification will be considered a violation of the make inoperative provision even

Continued

determined that we would not consider a modification to violate the make inoperative provision when the original safety equipment is removed or modified so that it could not be used as designed, but the new system retains the original equipment's performance and function relative to the affected standard. Finally, we looked at all other types of modifications that could potentially void a vehicle certification and assessed the likely loss in safety that could result from a modification that fell outside of the categories described above. In most instances, we determined that the modifications would not result in a significant loss of safety. However, in some instances, we determined that the possible degradation of safety was too great to make it appropriate to grant an exemption.

Advocates was particularly vocal in expressing the belief that the NPRM did not do enough to promote the safety of persons with disabilities. As an initial matter, it challenged whether there was a need for an exemption and whether issuing an exemption would serve the interests of motor vehicle safety, stating

> NHTSA has no reliable information on the nature and extent to which vehicle modifications falling within the ambit of the FMVSS have adhered to or significantly departed from the level of safety that should be ensured for disabled vehicle occupants. Despite agency assertions that equivalent levels of safety should be provided when possible, it has no information in the record verifying that vehicle modifications to date have provided that equivalent safety.

Advocates maintained that granting a blanket exemption from a number of the safety standards to all persons engaged in the business of altering or modifying vehicles for use by the disabled drivers does nothing to assure disabled occupants that their vehicles will be altered properly and safely, that modifiers will make only those changes permitted by the exemption and will certify their work, or that future purchasers will be informed that the safety equipment has been rendered inoperable. That organization noted that the agency acknowledged in the NPRM that a substantial number of vehicle modifiers "do not possess sufficient knowledge of the standards to judge whether a particular modification may affect a vehicle's compliance with the standards. Advocates stated that it could not understand how the proposed exemption would resolve problems posed by this lack of knowledge, stop modifiers' from performing modifications that negatively impact safety and provide adequate safety for the disabled. While acknowledging that a listing of the standards or the portions of the standard that are subject to exemption provide some clarity, it argued that

> * * * nothing in the proposed rule provides any assurance that the list will be read, understood, and correctly applied by modifiers, that modifications will be limited to only those portions of the standard that are exempt, that the modifications will be properly performed, or that the disabled driver will know what specific items of equipment were modified, in what way, and the extent to which these modifications may affect operating safety and vehicle crashworthiness.

While Advocates expressed support for vehicle modifications, including safety equipment, that are necessary to meet the mobility needs of disabled persons, it also said that the agency should adopt a stronger regulatory presence in this burgeoning area of motor vehicle safety. That organization maintained that providing a blanket exemption with no oversight fails to ensure an appropriate balance between mobility and safety, and invites abusive practices and inadequate and unsafe modifications.

Finally, Advocates claimed that the agency is proposing a broad exemption, with corollary proposals to eliminate any form of reporting or even of vehicle labeling advising of modifications, and that the proposed change in basic agency policy relinquishes fundamental oversight responsibilities at a time when effective oversight of vehicle modifications is becoming more pervasive and more important. Advocates then averred that NHTSA must maintain agency supervision and oversight of the issue, collect essential data on vehicle modifications for the disabled, and provide consumer safety information for the disabled and future purchasers of vehicles altered to accommodate the disabled.

Vantage Mini-vans, a manufacturer of minivans designed for persons with disabilities, stated that consumers deserve to drive a vehicle that meets certain safety standards. It argued that if modifications are required to make a vehicle wheelchair accessible, the consumer should know that there are no other options available other than those necessary to take the vehicle out of compliance. It said also that if there were a viable option available that would enable to modifier to leave the original safety features intact, that option should be preferred or required. After acknowledging that the companies that modify vehicles for the disabled are often very small and do not have the financial resources to crash test for every conceivable configuration of adaptive equipment, Vantage went on to state that, for modifications involving hand controls, steering modifications and seat belt modifications, an exemption for modifications affecting compliance with the relevant FMVSSs may be in order, provided another viable alternative is not available that would not take the vehicle out of compliance.

We agree that these commenters have expressed legitimate concerns. We have decided to issue a final rule establishing limited exemptions because we believe this is the best way at this time to promote the mobility of persons with disabilities while ensuring some level of safety for those persons. We also strongly recommend that equipment manufacturers, vehicle modifiers, and driver evaluators work together to ensure that the installed equipment is appropriate for both the particular vehicle and the driver, considering factors such as vehicle geometry and driver size before selecting the equipment to be installed.

We disagree with Advocates' characterization of the exemptions as broad-based. The exemptions should be viewed in the context of all standards issued by NHTSA. The exemptions have been tailored to allow for the least amount of degradation possible. The majority of modifications subject to an exemption will not result in any degradation of safety. This is because many of the exemptions are designed to address design criteria within the applicable standards that have no impact on vehicle performance. For example, FMVSS No. 135 requires the brake be operated by a foot control, even though this requirement was included in the standard to achieve harmonization rather than because of a need based on engineering principles. Modifications affecting some standards, like FMVSS No. 201, could result in a degradation of safety, but cannot be accommodated any other way. FMVSS 201 requires that test results of impacts with certain targets on specific areas of the vehicle fall below a certain level. When a lift is installed in a vehicle, the stowed platform blocks some target points. Requiring compliance with FMVSS 201 would prevent an individual who must use a wheelchair from driving or riding in a vehicle, because he or she would not be able to enter. In order to diminish any degradation in safety, we have limited the exemptions to those portions of the standard that are directly affected by the vehicle modification and have, in most instances, placed other requirements on the modifier to address legitimate safety concerns.

As pointed out by the University of Virginia, we do not have firm statistics on the effect of current vehicle modifications on vehicle safety. Current methods of obtaining motor vehicle safety statistics are based on total vehicle populations within classes of vehicles (e.g., passenger cars, light trucks). We will likely never have sufficient data to verify that modified vehicles are providing a level of safety comparable to that of non-modified vehicles. Merely identifying dangerously modified vehicles is like finding the preverbial needle in a haystack. Drawing a statistically significant correlation between such vehicles and the overall fleet that comprises our databases would be even more difficult. However, we do not believe the lack of data justifies inaction on our part.

If we do not issue a regulation providing some measure of relief to persons with disabilities, there are two likely outcomes: modifications will continue to be performed with no agency oversight, and a significant number of persons with disabilities will be unable to drive or ride in personal vehicles.

We have analyzed both available methods of making necessary modifications and our standards to determine where exemptions may be needed in order to provide reasonable accommodation of the needs of persons with disabilities. In instances in which we believe the cost of a modification that does not affect compliance with the FVMSSs is reasonable enough to be viable, we have decided against issuing an exemption. Likewise, we are not issuing exemptions for standards that address a severe risk of injury or death when alternative modification methods are available or should be easily developed. This may mean that the manufacturers of some adaptive equipment will need to either retool their products or stop selling them. Thus, far from being a "blanket exemption," today's rule affects only those areas where we believe there is a minimal reduction in safety, if any.

We have decided against requiring the type of agency oversight that Advocates appears to support; i.e., approval of each modification, because such oversight has proved unworkable in the past. We receive relatively few requests to grant an exemption for the modification of specific vehicles. As discussed in the NPRM, the number of vehicles modified significantly exceeds the number of exemption requests received by this agency. Additionally, NHTSA simply does not have the staff available to review every vehicle modification request for persons with disabilities in a reasonable amount of time. Thus, today's rule more effectively analyzes the level of risk involved than the case-by-case determinations that are currently provided. Likewise, we have decided against requiring modifiers to submit detailed records of all modifications to NHTSA. Such submissions would serve no value unless they were scrutinized by agency staff who would make independent determinations as to the appropriateness of the modifications. As is the case with pre-modification submissions, we simply do not have the staff to conduct such a review. We do note that nothing in today's rule restricts our ability to bring enforcement actions against entities that make modifications that go beyond or are inconsistent with these exemptions pursuant to our statutory authority under 49 U.S.C. 30122.

We also acknowledge that today's rule does not, in and of itself, guarantee that vehicle modifications will only be performed subject to the exemptions. Today's rule will provide responsible modifiers the ability to make needed modifications without fear of running afoul of the law. It also alerts these modifiers that they need to exercise special care in performing certain modifications. In some instances, these modifiers will be required to stop performing certain modifications that they may have believed were safe. We believe this rule, in conjunction with the existing industry standards and our consumer information brochure, will significantly reduce the likelihood that vehicle modifications will be made in a manner that places the vehicle occupants at undue risk.

We have decided against adopting the position advocated by Vantage that would require all modifications be performed in conformance with all applicable safety standards unless no other method exists for performing the modification. Certainly we agree that all modifications should be performed in a manner that minimizes the impact on vehicle conformance with all safety standards. However, such a requirement would be unenforceable, since it is inherently unobjective. Instead, we believe that the criteria we have employed in determining whether an exemption is appropriate adequately ensures that modifications that are likely to have an impact on motor vehicle safety are only exempted when they cannot be done in a manner that does not void the vehicle's compliance with the standards.

C. Applicability of Exemption to Modifications Performed by Repair Businesses

In the NPRM, we proposed that the exemptions to the make inoperative provision would be available to dealers and repair businesses. Under our statutory authority, we can also issue exemptions to manufacturers and distributors.

Volvo commented that the exemptions should also apply to vehicle manufacturers since the logic presented in the NPRM appears to apply to manufacturers as well as modifiers. Independent Mobility Systems voiced a concern that vehicle alterers, who have the duty to certify, may believe the exemptions apply to them. The National Automobile Dealers Association (NADA) urged NHTSA to clarify that a "first purchase of a vehicle in good faith for purposes other than retail" occurs when a contract for sale is entered into between a new vehicle dealer and a purchaser. NADA argued that such a definition would ensure that only a small percentage of disability-related modifications will constitute "alterations" under NHTSA's regulations, thereby minimizing the number of modifications that will be eligible for the "make inoperative" exemption.

We do not believe that vehicle manufacturers, including alterers, should be allowed to take advantage of the exemptions in today's rule. The need for an exemption arises from two sources:

- The need to custom fit the vehicle to the disabled individual's needs and/or
- Compliance with the applicable standards could only be demonstrated by testing the vehicle after all pertinent modifications have been made, potentially destroying a unique vehicle.

We do not believe manufacturers need an exemption for either reason because they do not custom fit their vehicles. Instead, they produce a vehicle that possesses many, but not all, of the attributes needed by the end user of the vehicle.[9] All final fitting for a driver

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though the original equipment remains in the vehicle. (See NHTSA letter of interpretation to Senne, Kelsey & Associates, Inc., dated March 26, 1999. The agency determined that the installation of an electronic gas and brake control constituted a violation of the make inoperative provision because it did not allow for the return of the throttle to an idle position in the event of a severance or disconnection in the accelerator control system in contravention of FMVSS No. 124.)

[9] We note that this is the practice in the disability community. We are aware of other types of specialized manufacturing where the end user may order a specific vehicle that is then built by a final-stage manufacturer. In these instances, there may be cases where the final stage manufacturer is only

Continued

with a disability is done by a modifier. Thus, the manufacturer produces several vehicles of the same configuration and has the ability to test that configuration in order to certify compliance. However, we recognize NADA's concern that there are instances in which the final fitting is arguably performed prior to the vehicle's first retail sale. This would have the effect of making the business performing the work an alterer rather than a modifier. Unlike modifiers, who cannot make mandatory safety equipment inoperative without a waiver or exemption, an alterer cannot make any changes to a vehicle other that the addition of readily attachable components without certifying that vehicle, as altered complies with all safety standards that are potentially affected by the alteration. As an alterer, the business would be unable to use the exemptions provided today. The precipitating event that determines whether the work performed is an alteration or a modification is the "first purchase of a vehicle in good faith for purposes other than retail."

Individuals purchasing vehicles that need to be modified to accommodate a disability may enter into extensive negotiations with a dealership whereby the dealership procures the vehicle and arranges to have a business that specializes in such modifications perform the actual work. Vehicle title may or may not be passed to the end user before the modifications are made, depending on who is paying for the modifications. Often a state or the Federal government picks up the cost of some or all of the modified vehicle. They may wish to be assured that the required modifications are completed in a satisfactory manner before they submit payment for the vehicle. In such an instance, the business performing the modifications could be placed in the position of an alterer for reasons beyond its control. Thus, we believe that it is appropriate to define a "first purchase of a vehicle in good faith for purposes other than retail" as something other than the transfer of title. On the other hand, we believe that more is required than general inquiries about the availability of a suitable vehicle, since there is no firm commitment to purchase a vehicle at that time.

We have decided to define "first purchase of a vehicle in good faith for purposes other than retail" for purposes of this rule as the point at which the seller and the end user enter into a sales contract that identifies a specific vehicle to be delivered. This definition will reduce the risk of a business being deemed an alterer because it is unable to transfer title at the time the modifications are made, while ensuring that businesses do not use the exemptions to produce "showroom" vehicles that have been significantly altered but have not been fitted for a particular customer.[10]

We are also aware of instances in which vehicle manufacturers modify vehicles for a specific customer after the vehicle has been certified as a compliant vehicle. Several vehicle manufacturers have expressed concern in the context of the exemptions for retrofit air bag on-off switches that they cannot install a retrofit on-off switch because they are not a dealer or repair business. Similar concerns exist in this rulemaking as well. 49 CFR part 595 controls both retrofit switches and modifications to vehicles for persons with disabilities. "Motor vehicle repair business" is defined in 49 U.S.C. section 30122(a) as "a person holding itself out to the public to repair for compensation a motor vehicle or motor vehicle equipment." Part 595 clarifies that this term includes businesses that receive compensation for servicing vehicles without malfunctioning or broken parts or systems by adding or removing features or components to or from those vehicles or otherwise customizing those vehicles. 49 CFR 595.4. Thus, a modifier would be a motor vehicle repair business within the context of Part 595.

However, a manufacturer or dealer could also be a motor vehicle repair business depending on the type of service provided in a particular circumstance. For instance, if an individual takes his or her vehicle into the dealership for repairs, the dealership is acting as a motor vehicle repair business, rather than as a "dealer." In some instances, vehicle manufacturers will send technicians to work on a problem that is particularly difficult to resolve. A manufacturer could also have a vehicle transported to a centralized facility to perform a particularly difficult repair. In both instances, the vehicle manufacturer is operating as a motor vehicle repair business rather than as a manufacturer of the vehicle. We believe that the same situation should exist for exemptions under Part 595, if the business is not operating in its primary capacity as a dealer or manufacturer. If a dealer or manufacturer adds or removes features to or from a vehicle, or otherwise customizes a vehicle after the first purchase of a vehicle in good faith for purposes other than retail, then the dealer or manufacturer may utilize the exemptions detailed in Part 595. Because a dealer can also be a motor vehicle repair business, referencing dealers in the regulatory text is redundant. Accordingly, the term has been removed.

D. Standards for Which Permission Is Granted To Make Safety Features Inoperative

1. FMVSS No. 101, Controls and Displays

The purpose of FMVSS No. 101 is to ensure the accessibility and visibility of motor vehicle controls and displays to reduce the diversion of the driver's attention from driving and mistakes in selecting controls. In the NPRM, we proposed exempting all of the standard *except* the following: S5.2(a),[11] which governs the symbols and abbreviations used for certain controls; S5.3.1, which requires illumination of certain controls when the headlights are on; S5.3.2, which governs the color of telltales; and S5.3.5, which requires cabin lighting forward of the driver's H point to be able to be adjustable or turned off.

Only the Texas Transportation Institute (TTI) commented on the proposed exemption. TTI argued against an exemption to S5.2(a), positing that the lack of an exemption will require modifiers to use the symbols required by FMVSS No. 101, giving uniformity to secondary control keypads, an area that currently is not uniform. We have decided against providing an exemption to S5.2(a) because we agree that uniformity is desirable and compliance with the standard is easily accomplished.

2. FMVSS No. 108, Lamps, Reflective Devices, and Associated Equipment

FMVSS No. 108 is designed to ensure that roadways are adequately illuminated, drivers can signal their intentions to others, and vehicles are conspicuous. We had proposed to include S5.1.1.5, which requires a turn signal be self-canceling when the steering wheel rotates within the exemption. The exemption would be limited to vehicles where the steering wheel has been removed and the original turn lever cannot be retained. The agency also sought comment on whether there are cases in which the original turn signal actuating device and function is not retained, and if so, if they had a self-canceling feature (particularly a self-canceling feature that is not controlled by steering wheel rotation).

We received several responses to our questions. According to one commenter, some horizontal systems remove the OEM turn signal lever. TTI noted that in other instances, a user is unable to operate the OEM turn signals and a redundant circuit is used. These systems may leave the OEM equipment intact but use a timed circuit to cancel the signal. TTI went on to maintain that these provisions can and should be required for all modifications. However, MossRehab, a driving school for people with disabilities, commented that floor-mounted hand controls generally have turn signal operation incorporated into the controls unit. These signals are not self-canceling. MossRehab went on to state that it finds manual signals to be preferable to the timed self-canceling signals.

Based on the comments, we have decided to issue the exemption as proposed. If some systems work better without a self-canceling feature, we are disinclined to prohibit that technology.

3. FMVSS No. 114, Theft Protection

We originally did not propose to allow an exemption for FMVSS No. 114 because we did not believe that any vehicle modifications would have the effect of rendering equipment installed in compliance with this standard inoperative. The standard is intended to reduce the incidence of crashes from the unauthorized operation of a vehicle and from the rollaway of vehicles with automatic transmissions that result from children playing with the gear shifts of parked vehicles.

TTI and the California Department of Rehabilitation urged us to include this standard within the exemption. According to TTI, an exemption should be added for FMVSS No. 114 since the ignition key switch is routinely replaced by a pushbutton or keypad. Many severely disabled drivers cannot use a conventional ignition key. Additionally, the steering column housing the ignition is often removed. Theft is unlikely given the formidable appearance of adaptive equipment. The California Department of Rehabilitation expressed a different concern. It argued that FMVSS No. 114 should be included because anyone who knew how to bypass a steering wheel lock function that was not key operable would know enough about the system to bypass it in any case.

Previous interpretations by our Office of the Chief Counsel regarding the use of a device other than a traditional key to meet the requirements of this standard have stated that a push button code can be a key.[12] Thus, an exemption would not be needed to address TTI's concern. However, we believe that the concern raised by the California Department of Rehabilitation is valid. Given the complexity of the modified systems, it is unlikely that someone unfamiliar with the system would know how to operate it. We are including S4.4 and S4.5 of the standard within the exemption because the requirements specifying the number of key-locking combinations is both unrealistic and unnecessary given the low number of vehicles involved.

4. FMVSS No. 118, Power-Operated Window, Partition, and Roof Panel Systems

Standard No. 118 specifies requirements for the operation of power-operated windows, partitions, and roof panels to help prevent injury or death from a window, partition, or panel closing on vehicle occupants, particularly children. The agency proposed to include S4(a) of the standard when a remote ignition device is necessary to accommodate an individual's disability. The exempted paragraph requires that ignition key be in the "start," "on," or "accessory" position in order to close the vehicle's power windows, partitions, or roof panels.

We received no comments on this proposal and it is being adopted in this rule as originally proposed.

5. FMVSS No. 123, Motorcycle Controls and Displays

FMVSS No. 123 specifies requirements for the location, operation, identification, and illumination of motorcycle controls and displays, as well as requirements for motorcycle stands and footrests. Because we believed there are no common vehicle modifications that should affect this standard, it was not discussed in the NPRM. ADED commented that modifications to motorcycle controls should be addressed so that such modifications are done in the safest manner possible.

We are now aware that some individuals with disabilities have their motorcycles modified so that they can ride on them. Such modifications could affect the placement of controls. S5.1 and S5.2.1 contain requirements that certain controls (engine stop, brake, clutch, etc) be activated by a hand or foot on a particular side of the body. The purpose of the requirements contained in these sections is to ensure safety of motorcycle operation through uniformity of controls location and operation. These requirements may be inconsistent with a particular person's disability. In those instances, the needed modification could not be performed in a manner consistent with the requirements of the standard. Uniformity of control location and operation is not a safety issue for persons with disabilities since their vehicles have been custom modified, therefore there would be no degradation of safety if controls are switched from one side to the other, or from the foot to the hand, as long as vehicle functions are not degraded. Accordingly, we have decided to allow exemption from S5.1 and S5.2.1 of FMVSS 123, when changes to motorcycle controls are necessary to allow a person with disabilities to operate his or her motorcycle.

6. FMVSS No. 135, Passenger Car Brake Systems

Standard No. 135 specifies requirements for the service brake and associated parking brake systems to ensure safe braking performance under normal and emergency braking conditions. S5.3.1 of the standard requires a foot control to operate the brakes. Believing that this foot control may need to be removed to accommodate some physical conditions, we proposed to provide an exemption from that paragraph. We sought comment on whether there are brake modifications that incapacitate the original brake controls and would affect the vehicle's compliance in any of the required performance tests. We were particularly interested in learning whether the use of a joy stick prevented an able-bodied driver from using the original brake pedal and whether either a joy stick or a power assist affects the vehicle's braking potential during the specified performance tests.

We received numerous comments about this proposed exemption. As an initial matter, it does not appear that either joy sticks or power assists have an effect on a vehicle's braking potential during the performance tests specified

[10] We are limiting this definition to this rule because of the unique payment arrangements that are common for vehicles modified for persons with disabilities. We have maintained in other contexts (e.g., the alteration of a hard-top sedan into a convertible) that if the work performed affects the vehicle's mandatory safety features, a label certifying compliance as to the affected portion of the vehicle is required.

[11] The NPRM incorrectly stated that an exemption was contemplated for S5.1(a). There is no such paragraph in FMVSS No. 101. The correct reference is S5.2(a).

[12] See letter dated May 22, 1992 to Stephen E. Selander, General Motors, and letter dated January 30, 1997 to corporation requesting confidential treatment of portions of the letter, including the name of the requestor. Confidential treatment was granted and those portions of the letter have been redacted.

manufacturing one or two vehicles of a specific configuration. Issues related to those manufacturers are being addressed in a rulemaking on the certification responsibilities of vehicles built in two or more stages.

in the standard or under real world driving conditions. According to the National Mobility Equipment Dealers Association (NMEDA), power-assist braking systems work in conjunction with the OEM system. TTI commented that no powered gas/brake controls (i.e., joysticks) prevent the use of OEM brake pedals or accelerators although they may introduce delays or lags. In a well-designed system, these delays are 0.1 seconds or less.

Significant disagreement arose over whether it was ever necessary to remove the brake foot pedal to accommodate a disability. Several commenters stated that they had never seen the brake pedal removed and that a removable guard be placed over or in front of the pedal if needed. The California Department of Rehabilitation argued that pedals should not be removed or blocked by adaptive equipment because non-disabled individuals need to be able to drive vehicle if necessary. TTI stated that while there may be instances in which the foot pedal needs to be removed, such an extreme modification should not be the subject of a generic exemption but should be addressed by the agency on a case-by-case basis.

Other commenters, notably NMEDA and AIM, argued that an exemption from S5.3.1 is appropriate as some conditions, such as cerebral palsy, can lead to spasms that may require the removal of the OEM foot pedals. NMEDA also stated that some technology cannot separate braking functions from steering functions, such that the OEM equipment becomes redundant. NMEDA also noted that concerns with spasms can generally be accommodated by placing a guard over the pedal.

A commenter representing the Connecticut Department of Motor Vehicles noted that any exemption to this standard should not include the requirement for an emergency braking system if a single hydraulic component fails. He noted that this function is often inadvertently eliminated in current modifications.

As proposed and adopted, the exemption to FMVSS No. 135 is limited to S5.3.1, which requires a foot control. No other portions of the standard are subject to an exemption and modifiers need to assure that all other portions of the standard, including that requiring emergency braking, are adhered to. We have decided to issue an exemption for the foot control even though the commenters stated that a pedal guard would generally resolve any potential problems. We have decided to provide an exemption for two reasons. First of all, neither FMVSS No. 105 or FMVSS No. 121 requires braking via a foot pedal. The requirement for such a pedal in FMVSS No. 135 is overly restrictive. Second, we are aware of instances where the installation of a pedal guard will not accommodate a disability. This occurs when the individual needing the accommodation is positioned in the vehicle in such a way that there is inadequate leg room. In this instance, the pedal can interfere with the individual's ability to fit in the vehicle. Since foot pedals are only rarely removed now, we do not believe that this exemption will lead to widespread removal of pedals.

7. FMVSS No. 201, Occupant Protection in Interior Impact

Standard No. 201 specifies requirements to afford protection to vehicle occupants when they strike the interior of the vehicle. While we are aware that some modifications could affect the vehicle's compliance with the standard, we did not propose extending an exemption to the standard. However, we did seek comment on whether the changes in upper interior component padding would impinge on a large, wheelchair-seated driver's line of sight.

In general, several commenters, including TTI, DaimlerChrysler, Ahnafield and Todd Vans, stated that there would be no need to provide an exemption as a result of increased padding installed by the original manufacturer because dropped floors will place the driver's line of sight at the same level as an individual seated in the original vehicle seat.[13]

NMEDA urged us to apply the exemption to wheelchair lifts and ramps that are stowed inside the vehicle while the vehicle is in use. According to this commenter, vehicles equipped with interior-mounted wheelchair lifts or ramps cannot reasonably comply with the standard because of the rigid surface of the lifts or ramps that are not susceptible to padding. Placing a padded barrier between the lift or ramp and the occupant would be unwieldy and likely would not be used. While lifts or ramps that stow under the vehicle would not implicate FMVSS No. 201, they are generally three times as expensive as systems that are stowed inside the vehicle. Thus, NMEDA requested an exemption from the standard when the lift or ramp is stowed aft of the vehicle's B-pillar.

We believe NMEDA's concerns are valid and are accommodating those concerns in this rule. The exemption applies to vehicles that have lifts or ramps that stow inside the vehicle and block the test targets called for in the standard. The exemption applies to the following:

- A right- or left-side mounted lift or ramp with a platform that stows vertically and inside the vehicle for targets located on the right or left side rail, the B-pillar, and the first "other" pillar (not the A-pillar) adjacent to the stowed platform or ramp.[14]
- A rear-mounted lift or ramp with a platform that stows vertically and inside the vehicle for targets located on the rear header and rearmost pillars adjacent to the stowed platform or ramp.

8. FMVSS No. 202, Head Restraints

To reduce the frequency and severity of neck injuries in rear-end and other collisions, Standard No. 202 requires all vehicles to be equipped with a head restraint at each front outboard seating position that meets specific size and performance requirements. In the NPRM, we proposed to include the standard in the exemption when the vehicle is modified for a wheelchair-seated driver or front seat passenger, and no other seat for the affected seating position is provided, or when the head restraint must be altered to accommodate a driver's impairment. The agency solicited comment on whether any wheelchair head rests were likely to meet the requirements of the standard.

All commenters addressing this standard agreed that neither swing away head rests or attachable head rests could meet the standard. Accordingly, we included the standard as part of the exemption as proposed in the NPRM.

9. FMVSS No. 203, Impact Protection for the Driver From the Steering Control System, and FMVSS No. 204, Steering Control Rearward Displacement

FMVSS No. 203 serves to reduce the likelihood and severity of head, chest, neck, and facial injuries that result from impacts with the steering wheel. We proposed including S5.1 of the standard as part of the exemption if a modification requires a structural change to, or removal of, the vehicle steering shaft. Standard No. 204 reduces the likelihood and severity of head, chest, neck, and facial injuries that result from vehicle components forcing the steering shaft rearward toward the driver during a crash. We proposed including this standard in the exemption if the modification requires a structural change to, or removal of, the vehicle steering shaft. We asked whether the following modifications can be performed in a manner that preserves the vehicle's compliance with Standard No. 204's steering column displacement requirements: (1) the extension of the steering shaft, (2) the installation of horizontal steering, or (3) the installation of mechanical hand controls. We also sought comment on whether there are modifications which require changes to the steering column but not the steering shaft that could only be made in such a way as to affect the vehicle's compliance with either FMVSS No. 203 or FMVSS No. 204.

The Connecticut Department of Motor Vehicles stated that FMVSS No. 204 should not be exempted since there is no need to remove the lower steering shaft in newer systems and when the entire steering column is removed, the method of attachment is not robust enough to allow the column to transmit sufficient forces to fail FMVSS No. 204. However, both TTI and Ahnafield supported including the standard as part of the proposed exemption. According to TTI, servo steering adaptations may require the removal of the OEM steering column and associated equipment. Servo steering units are replacing horizontal steering columns in some areas of the country. Ahnafield remarked that horizontal steering systems may affect compliance with the standard. Ahnafield also requested an exemption for S5.2 of Standard No. 203, which restricts the likelihood that jewelry or loose clothing will be caught by the steering control, pointing out that jewelry can become caught on steering wheel-mounted steering control devices.

Notwithstanding the comment from the Connecticut Department of Motor Vehicles, we have decided to include S5.1 of FMVSS No. 203 and FMVSS No. 204, in its entirety, as part of the exemption. This is because other commenters indicated that at least some current market designs for adaptive steering systems do affect compliance with the standards. We do not believe that the steering column should be replaced with a non-compliant column except in the most extraordinary circumstances since the replacement of the column alone can generally be done in a manner that does not run afoul of the standards. Thus, the exemption is restricted to cases where the modification involves the removal of the steering shaft, rather than the steering column alone. In instances where the steering shaft must be removed, we will allow the modifier to also replace the steering column. This is because a modification that requires the removal of the steering shaft is so drastic that there is no way to effect the modification without taking the steering column out of compliance with the standards.

We have decided to include S5.2 of FMVSS No. 203 in the exemption as well. Some steering control devices are inherently incompatible with loose jewelry and clothing. We do not believe that a device that could catch loose clothing and jewelry is necessarily a poor design choice for individuals with certain disabilities. Since these steering control devices cannot be installed without running afoul of S5.2, we believe an exemption is appropriate in cases in which an item of adaptive equipment must be mounted on the steering wheel.

10. FMVSS No. 207, Seating Systems

To minimize the likelihood that a seat will collapse during a collision, FMVSS No. 207 requires vehicle seats to meet certain performance, installation, and attachment requirements. In the NPRM, we proposed to include S4.1 of the standard in the exemption when the vehicle is modified for a wheelchair seated driver and no other seat for that seating position is provided and a wheelchair securement device is supplied for that seating position. S4.1 requires that a compliant driver's seat be provided with the vehicle. Removing seats other than the driver's seat to replace the seat with a wheelchair location does not make inoperative FMVSS No. 207, because no other seats are specifically required by the standard and wheelchairs are not regulated as vehicle seats.

DaimlerChrysler stated that the exemption should also be given for passenger seats. We have not proposed to do so because the standard does not require that the vehicle come equipped with any seats other than one for the driver.

MossRehab agreed with our assessment in the NPRM that 6-way power base seats do not need an exemption because the base of the seat should be attached to the floor. It did question, however, whether the seat portion would remain on its base. We do not believe an exemption for 6-way power seat base is appropriate because the seat manufacturer should be able to assure that the seat does not separate from the vehicle. Likewise, the seating portion of the seat should remain attached to the base portion of the seat. Accordingly, we are limiting inclusion of FMVSS No. 207 in the exemption to S4.1, given a wheelchair securement device is supplied for the driver seating position, as proposed in the NPRM.

11. FMVSS No. 208, Occupant Crash Protection

The purpose of FMVSS No. 208 is to reduce the number of vehicle occupant injuries incurred in a collision. We recommended including the standard in the exemption as long as Type 2 or Type 2A seat belts meeting the requirements of FMVSS No. 209 are installed. An exemption would not be available if a retrofit air bag on-off switch was sufficient to accommodate the individual's disability. NHTSA sought comment from lowered floor minivan alterers on whether they have been able to certify compliance with the standard and from hand control operators on whether the original components installed to meet the standard (e.g., knee bolsters) are made inoperative by the installation of the hand controls. Finally, we sought comment from modifiers on how often they are required to disable seat belt pretensioners and why.

Comments focused on two separate requirements of the standard: air bags and knee bolsters. MossRehab stated that there are many situations in which drivers cannot position themselves far enough away from the air bag to avoid injury. Individuals who use hand controls to operate acceleration and braking may sit much closer to the wheel than is typical. According to Ahnafield, people with limited mobility do not need to sit close to the steering wheel; they can use remote devices. Independent Mobility Systems stated that there should not be a blanket inclusion of FMVSS No. 208 in the exemption, since able-bodied individuals would lose the benefit of the occupant protection system. It argued that an exemption for FMVSS No. 208 should be limited to a seating position occupied by a wheelchair. We believe this comment was directed primarily to the deactivation of the air bags.

Commenters noted that generally the installation of hand controls requires the removal of some part of the knee bolster. TTI maintained that careful

[13] Two commenters, ToddVans and Ahnafield, objected to the practice of modifiers raising vehicles off the frame rather than lowering the floor. These concerns were not limited to FMVSS No. 201, although this was the context in which the concerns were raised. Rather, their concerns were with the change in the center of gravity and driver maneuverability. Raising vehicles off the frame does not directly implicate any safety standards. Typically vehicles are only raised off the frame a couple of inches. While this could raise the vehicle's center of gravity slightly, there is no indication that this has a negative effect on vehicle handling or that these vehicles are substantially more likely to roll over. Additionally, vehicles with dropped floors can also be more difficult to handle than the unmodified vehicle, depending on how the modification is performed. Dropping vehicle floors can also have negative consequences on the vehicle structural integrity and the fuel system. Thus, we are unable to state with any confidence that one system of modification is preferable to the other.

[14] These vehicle structural components are listed and defined in FMVSS No. 201.

selection of mechanical hand controls and installation should eliminate or significantly reduce the amount of knee bolster removal. The California Department of Rehabilitation noted that the risk of injury from the hand control could be greater than the risk of injury from a compromised knee bolster. Crow River, NMEDA, and Independent Mobility Systems also favored an exemption from the performance requirements governing femur loads because of the need to modify knee bolsters in vehicles equipped with hand controls.

As discussed in the NPRM, only some portions of FMVSS No. 208 would be included in the exemption, and the exemption would only apply in instances where a retrofit air bag on-off switch cannot accommodate the individual's disability and the modified seating position is provided with Type 2 or Type 2A safety belts that meet the requirements of FMVSS Nos. 209 and 210.

Because of this rule, individuals who need modifications that include, but are not limited to, the installation of an air bag on-off switch or the permanent disconnection of the air bag do not need to first request permission from the agency under its existing processes for authorizing on-off switches or permanent deactivation. That permission is given here. However, with the limited exceptions discussed below, individuals who do not require *additional* vehicle modifications because of a recognized disability, e.g., short-statured individuals or the elderly, must continue to submit those requests. The only exceptions to this policy are for drivers with achondroplasia, and for passengers with atlantoaxial instability. We are not requiring prior agency authorization for these conditions because they are two of the four conditions that physicians at a National Medical Conference on evaluating air bag risks determined would always justify the deactivation of an air bag.[15] The other two conditions, scoliosis and Down's Syndrome, are not subject to the exception because not all individuals with these conditions are likely to face an increased risk from a deploying air bag. These individuals, as well as any individual whose treating physician recommends deactivation because of a specific medical condition, remain eligible for permanent air bag deactivation upon written request to the agency when no on-off switch is available.

[15] The report from this conference may be viewed at the NHTSA web site at *http://www.nhtsa.dot.gov.*

We note that air bag on-off switches will no longer be allowed after September 1, 2012 for individuals other than those who are entitled to take advantage of this rule's exemption.

12. FMVSS No. 214, Side Impact Protection

Standard No. 214's requirements serve to minimize the risk of serious or fatal injuries to vehicle occupants in side impact collisions. In the NPRM, we proposed to include S5 of the standard in the exemption. This paragraph details the dynamic performance requirements that vehicles must meet in order to comply with the standard. We requested comments on whether there were modifications, other than those that change the seat position, that would affect a vehicle's compliance with the dynamic performance requirements of the standard.

Only one commenter, NMEDA, responded to this request. It stated that modifications would not necessarily reduce door strength to an extent that the strength requirement of the standard could not be met. However, the controls or displays could be positioned between the driver and the side of the vehicles such that the thoracic injury criteria of S5.1 could not be met. Likewise, for rear seat occupants, a stowed lift could fail the standard's injury criteria.

We are limiting the exemption to instances where the restraint system or the seat must be changed to accommodate a person with a disability. We believe the exemption is appropriate in this instance because the change in the location of the seat or in the restraint system could affect the measurement of the injury criteria specified in the standard. We do not believe it is necessary to include the standard in the exemption to accommodate equipment mounted between the driver and the door (such as touch pads), because this equipment is generally light and would not be likely to cause the chest injuries that the standard seeks to prevent. We also note that FMVSS No. 214 already excludes vehicles with wheelchair lifts from the requirements of S3(f) and S5. Thus, an exemption for vehicles equipped with wheelchair lifts is unnecessary.

E. Standards for Which Permission Is Not Granted To Make Safety Features Inoperative

1. Standards Which Could Be Compromised by Vehicle Modifications

A detailed discussion of the types of vehicle modifications that could affect a vehicle's conformance with a specific safety standard can be found in the NPRM. Unless expressly addressed in the responses to that document, we will not describe those systems again here.

a. *FMVSS No. 102, Transmission lever sequence, starter interlock, and transmission braking effect.* FMVSS No. 102 requires automatic transmissions to have: (1) A specified transmission shift lever sequence, (2) a starter interlock, and (3) at least one low gear. We solicited comment on whether modifications to the method by which the vehicle is started and the transmission gear is selected are necessary to accommodate a person with a disability.

NMEDA replied that it is aware of one touchpad system where the transmission shifter is located in the keypad which could change the sequence, disable the starter interlock, or disable the lower forward drive gear. We have decided against including Standard No. 102 as part of the exemption because we believe that the existence of a single, noncomplying system is insufficient to justify an exemption to the standard. Other, complying systems are available. We also note that merely placing the shifter on a touchpad does not make the original equipment inoperative. As stated in our withdrawal of rulemaking on this standard in November 1999, "Standard No. 102 only specifies a sequence for shift 'levers.' Therefore, possible automatic transmission designs like pushbuttons, keypads, and touch screens are not subject to the shift lever sequence requirements, since they have no levers."

b. *FMVSS No. 103, Windshield defrosting and defogging systems, and FMVSS No. 104, Windshield wiping and washing systems.* FMVSS No. 103 and FMVSS No. 104 specify requirements for the area of the windshield that must be cleared by the defrosting and defogging systems and the windshield wiping and washing systems, respectively. As noted in the NPRM, vehicle modifications commonly result in the relocation of switches and a reduction in the features normally available to the driver while the vehicle is in motion. We are unaware of any reason why a modification would affect the performance level of these systems to the extent that a vehicle no longer complied with these standards. We received no comments on the NPRM indicating that there was, in fact, a need for an exemption. Accordingly, we are not including these standards.

c. *FMVSS No. 105, Hydraulic brake systems, and FMVSS No. 121, Air brake systems.* Standard No. 105 and Standard No. 121 govern the performance of various braking systems in different types of vehicles. Standard No. 105 applies to multipurpose passenger vehicles (MPVs), trucks, buses and passenger cars with hydraulic brake systems that were manufactured before September 1, 2000. Standard No. 121 applies to trucks, buses and trailers equipped with air brake systems. Like Standard No. 135, these two standards help ensure safe vehicle braking performance in normal and emergency driving situations. In the NPRM, we sought comment on whether there are brake modifications that incapacitate the original brake controls and would affect the vehicle's compliance in any of the required performance tests. We were particularly interested in learning whether the use of a joy stick prevented an able-bodied driver from using the original brake pedal and whether either a joy stick or a power assist affects the vehicle's braking potential during the specified performance tests.

Our discussion of braking systems, as well as our summary of the comments submitted to the NPRM, are provided earlier in the discussion on FMVSS No. 135. Unlike that standard, neither of these standards require a foot control. Accordingly, no exemption is needed.

d. *FMVSS No. 111, Rearview mirrors.* To ensure that drivers have a clear and unobstructed view to the rear of the vehicle, Standard No. 111 specifies the location, field of view, magnification and labeling of rearview mirrors on all vehicles. Crow River commented that a modifier may need an exemption if the placement of the driver, due to modifications, changes the driver's field of view through the rearview mirror. When mirrors are relocated, extra mirrors are added, or larger mirrors are substituted for the original rear view mirrors when vehicles are modified for persons with disabilities, NHTSA does not believe these modifications should affect the vehicle's certification with the standard. Additionally, NHTSA does not believe that such a modification is advisable since it could unduly restrict the driver's field of view. Accordingly, no provision is being made to include FMVSS No. 111 in the exemption.

e. *FMVSS No. 113, Hood latch systems.* Standard No. 113 requires that cars, MPVs, trucks and buses have a second latch position on the hood latch system to prevent the hood from unlatching, opening, and blocking a driver's view through the windshield. As stated in the NPRM, we are not aware of any modifications that are made to the hood latch system, although we realize that the method of unlatching the system may sometimes need to be modified. We asked whether there are modifications that would require eliminating the second latch position in contravention of the standard. We received no comments on this issue. Accordingly, we have decided against including this standard in the exemption.

f. *FMVSS No. 124, Accelerator control systems.* Standard No. 124 is intended to help prevent runaway acceleration of vehicles. The standard requires a vehicle's throttle to return to its idle position when the driver withdraws all force from the accelerator control or when there is a disconnection in the accelerator system between the control and the engine. The predominant vehicle modification affecting compliance with this standard is the removal or blocking of the accelerator pedal when the driver uses hand controls. The standard does not require a foot pedal serve as the accelerator.

DaimlerChrysler noted that it is aware of complete servocontrol systems that use a joystick that may preclude the use of the accelerator pedal and require its removal. We believe that this situation is directly analogous to brake pedals and the requirements of FMVSS Nos. 105 and 121. For the same reasons provided in the discussion of those standards, we do not believe an exemption is needed. Additionally, we note that systems where the hand-operated control bypasses the original accelerator and the modified accelerator cannot meet the requirements of the standard, an exemption would be inappropriate because the driver may be unable to stop the vehicle.[16]

g. *FMVSS No. 206, Door locks and door retention components.* To minimize the likelihood that vehicle occupants will be ejected from a vehicle during a crash, Standard No. 206 requires hinged side doors, rear doors and sliding doors to meet certain performance requirements. It also requires hinged side door latches to have both a primary latching position and a secondary latching position.

All commenters who responded to the portion of the NPRM addressing this standard except DaimlerChrysler argued that an exemption should be allowed for the standard. DaimlerChrysler stated that the use of existing occupant restraints is more important in reducing the likelihood of ejection than a compliant door latch. Some electrically and remotely operated door systems do not retain the original latch/locking mechanism. However, there are some power-operated door lock/latch systems that are coupled with the OEM latch/lock systems; accordingly, no exemption is needed. The standard currently has an exclusion for side doors equipped with platform lifts as long as the lifts are linked with an alarm system. We sought comment in the NPRM on whether the original latching mechanisms must be disabled or changed in the course of vehicle modifications in a manner that takes them out of compliance with the standard.

TTI stated that all the sliding door or swinging door automatic openers that it has encountered on full-size van conversions involve the removal of or making inoperative the OEM latches. The doors are held shut by the cable, chain or actuator arms of the automatic door opener (the minivan conversions retain the OEM latch in some form). TTI does not know if these systems are as effective as the OEM latches. However, for independent driving, an automatic door opener is crucial.

NMEDA commented that all aftermarket automatic door openers require the removal of the OEM systems. The OEM automatic door openers are not yet available to modifiers. In the same vein, Crow River suggested a temporary exemption to allow for the retooling of existing automatic door openers.

The California Department of Transportation stated that NHTSA should include FMVSS No. 206 in the list of exempted standards, because no aftermarket door openers retain the OEM latch. This commenter believes that the fact that no one has presented any evidence that discarding the door latch is *necessary* to the installation of an automatic door opener is not a good reason to deny the exemption for this standard. It also argued that the current exemption for doors equipped with platform lifts that have alarm systems is misguided since it offers no guarantee that there will not be an ejection.

We are evaluating the current exclusion in FMVSS No. 206 regarding side doors with lifts. Part of this evaluation includes the pending petition to extend the exclusion to vehicles with ramps. We are not addressing that exclusion in this rule. We have decided against allowing a broader exclusion from Standard No. 206 as part of this rulemaking even though several commenters support such an exclusion. The primary purpose of the standard is to prevent ejections from vehicles. Currently, ejection through windows or doors accounts for nearly 25% of all motor vehicle fatalities.

We agree with DaimlerChrysler that extending the exemption to FMVSS No. 206 would be inappropriate. While most of the existing modifications to vehicle doors may take the vehicle out of

[16] See NHTSA letter of legal interpretation to Senne, Kelsey & Associates, Inc., dated 3/26/1999.

compliance with the standard, the current performance requirements for Standard No. 206 are not onerous. Additionally, we are very concerned about the risk of an ejection should a door latch and/or hinge system fail. Finally, we are aware of remote access designs being developed by vehicle manufacturers that would allow vehicle modifications that do not take the vehicle out of compliance with the standard. Accordingly, we do not believe an exemption would be consistent with motor vehicle safety. We recognize that many automatic door opener manufacturers will need to retool their products if they wish to continue selling them. However, developing the necessary technology should not be difficult and best serves the need for motor vehicle safety. Thus, other than the exclusion that is already contained within FMVSS No. 206, we do not believe an exemption is warranted.

h. *FMVSS No. 209, seat belt assemblies.* This standard sets out requirements for seat belt assemblies as items of motor vehicle equipment. We did not propose to include Standard No. 209 as part of the exemption in the NPRM since we saw no reason that modifiers could not use compliant assemblies. Simply moving the belt anchors or using a different belt does not necessarily cause a noncompliance with FMVSS No. 209 or FMVSS No. 210. We received no comment regarding this issue and are not including the standard in the exemption.

i. *FMVSS No. 210, Seat belt assembly anchorages.* Standard No. 210 is a vehicle standard that establishes strength and location requirements for seat belt assembly anchorages. The requirements ensure that the belt loads during a crash are transferred to the skeleton of the occupant and not to the occupant's soft tissue. The standard also ensures that the restraint anchorages are strong enough to withstand a crash. Like FMVSS No. 206, compliance with this standard is fairly simple to measure. We did not propose including this standard in the exemption in the NPRM because we believed that if belt anchorages are moved, or otherwise modified to accommodate a person with a disability, measurements, calculations, or engineering judgment could be used to ensure that the standard continues to be met.

Only TTI commented on this section of the notice, commenting that it was not always possible for wheelchair users to use the original safety belt. As noted in the NPRM, compliance with this standard is easily demonstrated. Accordingly, no exemption is warranted.

j. *FMVSS No. 216, Roof crush resistance.* FMVSS No. 216 is intended to reduce the number of deaths and injuries caused by a roof crushing into the vehicle cabin during a rollover. As explained in the NPRM, we do not believe it is necessary for a raised roof to be installed in a manner that takes the vehicle out of compliance with the standard. However, we requested comment on whether there are raised roofs that must be installed in a way that adversely affects the vehicle's compliance with the standard or if there are ways to raise the roof other than through the installation of a commercially-made raised roof.

NMEDA commented that the available replacement roofs that it is aware of do not assure compliance with FMVSS No. 216. However, reinforcements can be added that would not take the raised roof out of compliance. According to TTI, many vocational rehabilitation agencies require raised roofs to be supplemented by a reinforced structure under the roof. However, the California Department of Rehabilitation cautioned that the added weight to raised roofs to prevent roof crush creates handling problems that should not be discounted.

Our Office of Vehicle Safety Compliance has done one demonstration test using the FMVSS No. 216 compliance test on a conversion van that was fitted with a fiberglass roof and that did not have a reinforcing cage. The vehicle was able to pass the test. Accordingly, we do not believe it is necessary to include this standard in the exemption.

k. *FMVSS No. 301, Fuel system integrity and FMVSS No. 303, Fuel system integrity of compressed natural gas vehicles.* To reduce deaths and injuries occurring from fires caused by leaking fuel during and after a crash, Standard No. 301 and Standard No. 303 set performance requirements for fuel systems in crashes. Preserving fuel system integrity in a crash to prevent occupant exposure to fire is extremely important to all persons, but perhaps even more so for persons with disabilities since they may require more time to exit a vehicle. Accordingly, we did not propose including these standards in the exemption even though we know some vehicle modifications could take a vehicle out of compliance with the applicable standard.

Congressman John Moakley wrote that exemptions should not be allowed for modifications to fuel systems that would take a vehicle out of compliance because conversions can be performed that do not affect the alteration of the fuel system. Likewise, NMEDA commented that no exemption should be offered for FMVSS Nos. 301 and 303 because the process of moving the fuel tank, supply lines, and filler neck while lowering a floor can compromise compliance with the standards. Ahnafield claimed that there have never been any reported or documented problems with the fuel system modifications that have been made by the industry so far. We continue to believe that including Standard Nos. 301 and 303 in the exemption is inappropriate.

l. *FMVSS No. 302, Flammability of interior materials.* Like Standard No. 301 and Standard No. 303, FMVSS No. 302 is designed to reduce the likelihood of death or injury from fires. In order to reduce this risk, particularly from fires that originate in the vehicle's interior, Standard No. 302 specifies that any material within one-half inch of the occupant compartment air space meet specified flammability requirements. Materials meeting the standard are readily available and the standard's test procedure is relatively easy. Accordingly, we did not propose to provide an exemption to this standard.

We received no comments suggesting that an exemption was either needed or appropriate. Accordingly, we are not including the standard in this rule.

2. Standards Which Are Unaffected by Vehicle Modifications

We believe the following safety standards are unaffected by any vehicle modifications needed to accommodate an individual with a disability. None of the commenters to the NPRM indicated that these standards could be so affected. These standards are not subject to an exemption from the make inoperative provision: FMVSS No. 106, Brake hoses; FMVSS No. 109, New pneumatic tires; FMVSS No. 110, Tire selection and rims; FMVSS No. 116, Motor vehicle brake fluids; FMVSS No. 117, Retreaded pneumatic tires; FMVSS No. 119, New pneumatic tires for vehicles other than passenger cars; FMVSS No. 120, Tire selection and rims for vehicles other than passenger cars; FMVSS No. 122, Motorcycle brake systems; FMVSS No. 125, Warning devices; FMVSS No. 129, New non-pneumatic tires for passenger cars; FMVSS No. 131, School bus pedestrian safety devices; FMVSS No. 205, Glazing materials; FMVSS No. 212, Windshield mounting; FMVSS No. 213, Child restraint systems; FMVSS No. 217, Bus emergency exits and window retention and release; FMVSS No. 218, Motorcycle helmets; FMVSS No. 219, Windshield zone intrusion; FMVSS No. 220, School bus rollover protection; FMVSS No. 221, School bus body joint strength; FMVSS No. 222, School bus passenger seating and crash protection; FMVSS No. 223, Rear impact guards; FMVSS No. 224, Rear impact protection; FMVSS No. 225, Child restraint anchorage systems; and FMVSS No. 304, Compressed natural gas fuel container integrity.

F. Modifications not Contemplated by the Final Rule

In the NPRM, we stated that we intended to preserve our existing procedure for making case-by-case determinations on whether to waive enforcement against modifications that would not be subject to the exemption under final rule and that could not be made in a manner that did not compromise the vehicle's compliance with the standards. NMEDA and Advocates for Ohioans with Disabilities agreed that we need to provide some mechanism that will allow for adaptations not contemplated by the NPRM. We have decided to continue to review these individual requests upon written submission. All requests should be submitted as early as possible, since the agency will need time to review the request and draft an appropriate response.

G. Gross Vehicle Weight Ratings

Gross vehicle weight ratings (GVWR) are not controlled by any specific standard. However, the requirements of a given standard may vary depending on a vehicle's GVWR. Only the vehicle manufacturer can specify GVWR. Often vehicle modifications can significantly add to a vehicle's "unloaded vehicle weight" and therefore can reduce the load carrying capacity of a vehicle. Consumers would likely not realize, and often are not told, that the load carrying capacity of their vehicle, in terms of passengers, luggage, and routine cargo, has been reduced by the vehicle modifications. Overloading can lead to premature wear of vehicle components and can create significant safety problems. Accordingly, the modifier must provide the consumer with specific information about the load carrying capacity of the vehicle after the modifications are completed if that load carrying capacity has been reduced by more than 220 pounds (100 kg). In providing this information, the modifier must state whether the weight of a user's wheelchair is included in the available load capacity.

H. Applicability of Exemptions to Commercial Vehicles

Two commenters raised concerns that were unique to commercial vehicles. Congressman John Moakley wrote that commercial vehicles should only be allowed to transport passengers using SAE-compliant wheelchairs that are tested in the specific conversion in which they will be used. Suspension Compression Systems strongly disagreed with including any standard in the exemption that affects the front seat passenger seat position in commercial applications, in particular FMVSS Nos. 201, 202 and 208, averring that the front seat occupant has not made a conscious choice to trade off safety benefits for increased mobility. We do not believe there is a need to exclude commercial vehicles from the exemption created by this rule.

Most commercial vehicles used for transporting persons with disabilities can be altered prior to their first retail sale since there is no need to fit the vehicle for a specific individual. In such a case, there is no exemption from any standards. In instances in which the vehicle is modified after the first retail sale, we believe that prohibiting modifiers from utilizing the exemption because of the commercial/personal use status of the vehicle is unworkable. Such a prohibition would place the onus on the modifier rather than the owner to determine how the vehicle would be used. Additionally, we note that Congressman Moakley's suggestion would require that each commercial vehicle come with SAE-compliant wheelchairs since the vehicle operator would have no other way of guaranteeing that passengers have such wheelchairs. Such a requirement would seriously limit the amount of space available in the vehicle since the passengers' personal wheelchair would have to be stowed somewhere on the vehicle. Likewise, prohibiting wheelchair passengers in the front seat reduces the carrying capacity of the vehicle. As a general matter, occupants are safer in the back seat than the front seat. However, there is no indication that a passenger seated in a wheelchair to the rear of the B-pillar is at any greater risk from whiplash, the condition contemplated by FMVSS No. 202, than a front seat occupant. Proper use of tie-down devices and safety belts would help ameliorate any additional risk for a wheelchair-seated occupant in the right front seating position as compared to a wheelchair-seated occupant in a rear seating position, particularly when the passenger air bag has been disabled pursuant to the exemption for FMVSS No. 208.

III. Prescriptions, Labeling, and Recordkeeping Requirements

A. Prescriptions and Professional Evaluations

In the NPRM, we noted that an occupational therapist or other trained professional often evaluates the driving capabilities of a person with a disability and then writes a prescription detailing needed vehicle modifications. We did not contemplate specifying who was qualified to make a determination of driving ability. We did, however, ask several questions regarding current industry practice in conducting of driver evaluations and the use of prescriptions, and regarding whether such prescriptions assist in ensuring that only necessary modifications are made. The purpose underlying the questions was to determine whether we should require vehicle modifiers to keep a record of vehicle and equipment prescriptions to induce the modifiers to take care that modifications for persons with disabilities are completed in a manner that truly meets the particular individual's needs without any unnecessary modifications and to discourage modifiers from circumventing the requirements of the various safety standards.

Two issues, whether a prescription should be required as a condition of the exemption and who should be considered to be qualified to write that prescription, produced the greatest divergence in opinion among the commenters. Comments on those issues were received from occupational therapists, vehicle modifiers, certified driver rehabilitation specialists, NADA, and one state.

Those supporting mandatory prescriptions argued that an exemption from Federal motor vehicle safety standard requirements should be provided only when vehicle modifications are absolutely necessary. They stated that the determination of what modifications are necessary is typically done by means of a driver evaluation and prescription for driving equipment provided by a qualified specialist. The commenters averred that the most appropriate person to evaluate an individual desiring vehicle modifications is a trained driver evaluator. Noting that the technology currently available for use by persons with disabilities to drive independently or to ride safely as a passenger in a vehicle is advancing and constantly changing and improving, the commenters argued that trained

individuals are needed to keep up with the technology and how that technology can best be used. Commenters supporting this view were the American Occupational Therapy Association, ADED, and NMEDA, among others.

According to ADED, a certified driver rehabilitation specialist is such a trained individual. The American Occupational Therapy Association advocated that prescriptions be issued by either occupational therapists or certified driver rehabilitation specialists. It maintained that occupational therapists are adequately qualified to make driver evaluations based on their specialized training regardless of whether they are certified driver rehabilitation specialists. However, individuals in other professional disciplines may also be qualified to make an evaluation if they have completed the training required to become certified.

Those opposed to mandatory prescriptions, primarily modifiers, but also some representatives of state organizations and persons with disability advocacy groups, argued that excluding individuals who are not certified driving rehabilitation specialists from evaluating and prescribing vehicle modifications would unnecessarily increase the burden on the disabled community, increasing costs and limiting access to needed vehicle modifications (particularly in rural areas). They said that prescriptions, while helpful to many disabled individuals unaware of current technology, should not be required as a condition for a make inoperative exemption. These commenters claimed that driving capability evaluations and prescriptions are unnecessary to limit modifications to individuals who need them because it is unlikely that an able-bodied individual would have a vehicle modified as contemplated by the NPRM so as to avoid mandated safety measures. Access Wheels, a modifier, commented that prescriptions are rarely used and then only to justify the payment of the modification costs by a third party. It then stated that sophisticated modifications generally are the result of a professional determination of driver capability in large part because of the exceptionally high cost of such modifications. It stated also that the vast majority of modifications involve relatively simple, and less expensive vehicle alterations, and thus are modifications for which professional evaluations of capabilities are unnecessary.

NADA did not take any position on whether prescriptions were needed, stating that prescriptions, evaluations, or other reports should be provided to the modifier, consistent with current practice. It went on to say that a NHTSA-approved customer request process is not needed. The Connecticut Department of Motor Vehicles noted that some states require prescriptions. For those that do not, it believes requiring an individual without a prescription to receive permission from NHTSA is not onerous.

After evaluating the comments and based on our own knowledge of the industry, we conclude that it is unlikely that persons without disabilities will try to take advantage of the exemptions in today's final rule because they are so narrowly written and because of the expense of such modifications. Additionally, given the current practice in the industry not to require or rely on prescriptions for relatively simple and inexpensive modifications, we see no need to add an additional burden to an already time-consuming and expensive process.

B. Labeling Requirements and Customer Information

We did not propose any specific requirements for labels, customer information, or recordkeeping in the NPRM. However, we solicited comment on whether such requirements were needed to aid disabled persons or regulations enforcement personnel and what burden such requirements might place on modifiers, who are largely small businesses.

Several commenters, including NMEDA, the Connecticut Department of Motor Vehicles, and NADA, stated that labels identifying the work performed on the vehicle should be required so that questions of future modifiers/repair businesses about how the work was done can be answered. Access Wheels maintained that labeling is an unnecessary burden. It said that it had never seen a modification that was not immediately apparent. Also, anyone selling a modified vehicle would likely advertise the modifications rather than attempt to hide them, since this would allow them to recover some of the cost of the modifications.

We have decided to require a label stating that the vehicle has been modified pursuant to the exemption in part 595 and may no longer comply with all safety standards and providing the name and street address of the modifier. This label, which is to be affixed to the vehicle directly adjacent to the manufacturer or alterer's certification label in the same manner as that label, will allow repair businesses and subsequent owners to determine who modified the vehicle. The persons can contact the modifier if they have questions about the specific nature of the work performed and the potential safety consequences of that work. We are requiring a street address, instead of a post office box, to assist in locating the modifier through the Internet or directory assistance. We are not requiring modifiers to indicate on the label which exemptions they have taken advantage of because we want to keep the label sufficiently small so that it can be placed next to the certification label.

The same commenters who supported labels (e.g., NMEDA, the Connecticut Department of Motor Vehicles, NADA, and Advocates) argued that requiring modifiers to identify potential safety consequences of modifications and tell customers before the work does not seem overly burdensome and is already required by at least one state (Connecticut). They stated customers should be specifically informed about potentially noncompliant, but exempt, modifications, and modifiers should also be required to identify any steps they would take to minimize noncompliance. Advocates averred that the agency has a responsibility to require modifiers to include permanent notification to any subsequent owners in the vehicle identifying the specific modifications that have been made to that vehicle, the specific safety standards that were affected, and the effects that those modifications will have on operating safety and vehicle crashworthiness. The Connecticut Department of Motor Vehicles stated that such disclosure would clear up questions by end users who say they had no idea of the trade-offs and accordingly did not make an informed decision.

Access Wheels argued against such a requirement, stating that mandatory disclosure of steps taken to minimize noncompliance would add to modifiers' costs and administrative burdens. It stated that other factors, such as liability insurance premiums, state motor vehicle regulations, funding specifications, and OEM warranty constraints, as well as the cost of modifications, dictate that a modifier make as few changes to the vehicle as possible.

We considered three types of owner's manual inserts that could be used to provide information to the vehicle user:

(1) A generic insert describing the most commonly made modifications and the possible safety consequences of those modifications;

(2) An insert listing the standards affected by the modifications to the particular vehicle; and

(3) An insert describing the particular modifications made to that particular vehicle.

We have decided against requiring any type of owner's manual insert for several reasons. The information in a generic insert may not apply to a particular vehicle and could be confusing. We have also determined that the development of a very detailed insert tailored to each modified vehicle would be overly burdensome. Additionally, the vehicle invoice, which is received once the modifications were performed, often provides some details about what modifications were made. As discussed earlier, modified vehicles are normally customized for a particular individual. Accordingly, we believe persons with disabilities will know many of the modifications that will be needed to accommodate their particular disabilities. Likewise, in many instances, the effect of the modification on an existing system and the safety consequences that the modifications will have on crash avoidance and crashworthiness will be readily discernible.

We are, however, requiring modifiers to provide the vehicle owner with a list of standards, or portions thereof, with which the vehicle may no longer be in compliance due to modifications performed under this exemption. This document, which could simply be the invoice, would also have to indicate any reduction in load carrying capacity of more than 220 pounds (100 kg). The modifier would be required to retain a copy of this document for a period of five years.

Nothing in today's rule precludes a modifier from detailing in writing the specific modifications to be performed on the vehicle and the potential impact of those modifications on the vehicle's crash avoidance and crashworthiness capabilities. We note, however, that *requiring* modifiers to provide detailed information on how each modification was performed and what effect the modification could have on compliance with applicable safety standards could result in the expenditure of a significant amount of time and effort. Such a document would have to be tailored to each vehicle, and the cost involved in preparing the document would not be spread over a large number of vehicles. Thus, the cost, per insert, could be high. Since the cost of such labors would likely be passed onto the individual paying for the modifications, we believe such a document, while possibly helpful, should not be required. This is particularly true when the final invoice already generally details what modifications were made to the vehicle, as well as the name of the company performing the modifications. Because the nature of the modifications could be relevant to future purchasers or repair businesses, we urge owners of these vehicles to keep the invoice with the vehicle documentation.

Advocates strongly objected to our decision not to propose recordkeeping requirements. It stated that NHTSA must install a system of oversight that ensures appropriate and timely review of modifications performed pursuant to the proposed rule. Advocates maintains that if the agency does not require modifiers to maintain records of the vehicles they modify or to notify the agency of such modifications, it would not only eliminate any possibility of prospective oversight, the exemptions would compromise the legal position of members of the disabled community in their ability to rely on appropriate documentation of the modifications performed by these commercial operations. Advocates went on to charge that NHTSA is issuing a blanket exemption which will receive no prospective oversight by the agency of the extent to which vehicle modifications have undermined the safe travel of disabled persons. They maintained that the proposed exemption, in essence, substitutes the vagaries of the marketplace in lieu of a comprehensive regulatory approach. While this will promote mobility, Advocates is concerned it will not ensure that the disabled are accorded the safety protection required by the safety standard after a vehicle modification is performed.

NMEDA offered a counterview, stating that modifiers or owners should not have to perform any of the following tasks: fill out written requests, certify the need for modifications, certify having read the information concerning the safety consequences of modifications, or obtain prior agency approval of their requests. According to NMEDA, modifiers also should not have to inform the agency that they have made modifications or specify what those modifications are. NMEDA did not offer any reasons for its position, other than stating such requirements would be burdensome.

We disagree with Advocates' assertion that the rights of the disabled community will be compromised by the agency declining to establish detailed reporting requirements. As discussed above, nothing in today's rule prevents an individual with disabilities from requesting and securing documentation detailing both the modifications to be performed as well as the potential safety impact of those modifications. Additionally, we are requiring modifiers who intend to avail themselves of the exemption to provide us with information that is similar to the type of information manufacturers are required to submit under 49 CFR 566. Under today's rule, these modifiers will be required to provide us with a document that provide their name, address, and a statement that they modify vehicles for individuals with disabilities and intend to avail themselves of the exemption created by this rule. Any changes in that information would have to be conveyed to the agency within 30 days of the change. This requirement, coupled with the requirement that the modifiers retain a document that specifies the standards with which the vehicle may no longer be in compliance that was discussed above, should guarantee a high degree of accountability without straining the resources of the agency or the modifiers.

IV. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review" and is not considered "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. NHTSA has determined that the impacts are so minimal that a full regulatory evaluation is not warranted.

The agency believes the safety disbenefits, if any, will be minimal. The modifications should not reduce the safety of individuals with disabilities since the types of permissible modifications are limited. Further, without the modifications, those individuals would not be able to operate or ride in motor vehicles, and thus could not benefit at all from the Federally-required safety equipment and features. Modifying a vehicle to allow disabled individuals to operate or ride in motor vehicles may result in some loss of safety for any individuals without disabilities who operate or ride in those motor vehicles. However, we believe any loss of safety will be minimal. We do not expect many individuals without disabilities to use seating positions specially modified for persons with disabilities. Further, as noted above, the number of affected standards is very small. Finally, the number of vehicles so modified will be relatively small.

The expected impact of this rule on vehicle modifiers is low. Their method and cost of doing business will only be changed to the extent that those who are now modifying vehicles in a manner that makes mandatory safety equipment inoperable now have clear guidance on which modifications are permissible. Some modifiers may have to depart from the way in which they have performed various modifications in the past to stay within the parameters of the agency's exemption. However, such a departure need not always cost more and will minimize any disbenefits associated with the fundamentally unsafe nature of the previous method of performing the modification. Only nominal costs related to the labeling requirements are imposed on vehicle modifiers.

B. Regulatory Flexibility Act

We have considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) Most modifiers are considered small entities. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As explained above, this action replaces the current requirement that vehicle modifiers write to NHTSA and request permission each time they need to modify a vehicle in a way that compromises a vehicle's compliance with any standard in order to accommodate an individual with a disability. While most modifiers are considered small entities, the rule does not impose any mandatory significant impact on them since: (1) For the vast majority of cases, we believe the rule codifies existing standard industry practices and procedures used to make vehicle modifications, (2) the rule assists vehicle modifiers in making appropriate design choices, and (3) the rule eliminates the costs associated with submitting a written request to NHTSA to modify each vehicle as well as the costs associated with waiting for the agency's response. Therefore, a Regulatory Flexibility Analysis is not required.

C. National Environmental Policy Act

NHTSA has analyzed this proposed amendment for the purposes of the National Environmental Policy Act and determined that it will not have any significant impact on the quality of the human environment.

D. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The final rule has no substantial effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually (adjusted for inflation with base year of 1995). This rule will not have a significant expenditure of funds by State, local and tribal governments. Additionally, the cost of the Rule will not exceed the expenditure of over $100 million by the private sector.

F. Executive Order 12778 (Civil Justice Reform)

This final rule does not have any retroactive effect. The rule does not repeal any existing federal law or regulation. Additionally, the rule does not preempt any causes of action in state or Federal court. The rule modifies existing law only to the extent that it replaces an agency procedure under which vehicle modifiers had to obtain our permission to modify a vehicle to accommodate a person with a disability in a way that compromised the vehicle's compliance with the Standard. This rule does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

G. Paperwork Reduction Act

This final rule includes the following "collections of information," as that term is defined in 5 CFR Part 1320 *Controlling Paperwork Burdens on the Public:*

Labels—New labels are specified in this final rule that specify that modifications have been made to a vehicle subject that take the vehicle out of conformance with certain safety standards. At present, OMB has approved NHTSA's collection of labeling requirements under OMB clearance no. 2127–0512, *Consolidated Labeling Requirements for Motor Vehicles (Except the Vehicle Identification Number).* This clearance will expire on 6/30/2001, and is cleared for 71,095 burden hours on the public.

For the following reasons, NHTSA estimates that the new labels will have a negligible increase in the information collection burden on the public. There are approximately 2,295 vehicles modified for persons with disabilities per year. The label will be placed on each affected vehicle once. Since, in this final rule, NHTSA specifies the exact content of the labels, the manufacturers will not have to spend any hours in developing the labels. NHTSA estimates the technical burden time (time required for affixing labels) to be .0042 hours (15 sec) per label. NHTSA estimates that the total annual burden imposed on the public as a result of the vehicle modification labels will be 9.6 hours (2,295 vehicles multiplied by .0042 hours per label), even if every vehicle modified requires a label. The maximum annual cost of labels for all affected vehicles will be about $1,150.

Modifier identification—Modifiers who take advantage of the exemption created by this rule will be required to furnish NHTSA with a written document providing the modifier's name, address, and telephone number, and a statement that the modifier is availing itself of the exemption. We are currently seeking OMB review of this collection of information, which would not be required until 180 days after the publication of this rule in the **Federal Register**.

Identification of which portions of the exemption are being used—Modifiers who avail themselves of the exemption created by today's rule will be required to keep a record for each applicable vehicle listing which standards, or portions thereof, no longer comply with the Federal motor vehicle safety standards. We are currently seeking OMB review of this collection of information.

H. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

I. Plain Language

Executive Order 12866 and the President's memorandum of June 1, 1998, require each agency to write all rules in plain language. Because this rule codifies exceptions to certain portions of specific Federal motor vehicle safety standards, it is written in such a way that cross-references to the affected portions of those standards are given. We believe that this is the most efficient way to reference the standards and that this method also provides the most clarity as to which safety requirements are exempted as a result of this rule.

J. Executive Order 13045

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

As noted earlier, this rule is not economically significant. Additionally, this rule will not have a disproportionate effect on children. This rulemaking directly involves decisions based on health risks that affect children only to the extent that a child is the intended benefactor of the vehicle modification. The majority of exemptions provided pursuant to this rule affect drivers who have a disability. Some of the exemptions accommodate the special needs of vehicle passengers. To the extent the passenger is a child, there may be some safety disbenefit for that child. However, this disbenefit is weighed against the benefit of allowing the child to leave the house in a family's personal conveyance. Absent modifications, the child might not be able to ride at all.

K. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) requires NHTSA to evaluate and use existing voluntary consensus standards [17] in its regulatory activities unless doing so would be inconsistent with applicable law (e.g., the statutory provisions regarding NHTSA's vehicle safety authority) or otherwise impractical. In meeting that requirement, we are required to consult with voluntary, private sector, consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the Society of Automotive Engineers (SAE), and the American National Standards Institute (ANSI). If NHTSA does not use available and potentially applicable voluntary consensus standards, we are required by the Act to provide Congress, through OMB, an explanation of the reasons for not using such standards.

This rule is procedural in nature and does not adopt any standards, consensus-based or otherwise. In the preamble to this rule, we have noted that SAE standards and industry guidelines do exist that may assist a modifier in determining how to perform a modification that minimizes any negative impact on safety.

[17] Voluntary consensus standards are technical standards developed or adopted by voluntary consensus standards bodies. Technical standards are defined by the NTTAA as "performance-based or design-specific technical specifications and related management systems practices." They pertain to "products and processes, such as size, strength, or technical performance of a product, process or material."

List of Subjects in 49 CFR Part 595

Disability, Imports, Motor vehicle safety, Motor vehicles.

For the reasons set forth in the preamble, NHTSA is amending Part 595 of Title 49 of the Code of Federal Regulations as follows:

PART 595—EXEMPTIONS FROM THE MAKE INOPERATIVE PROHIBITION

1. The authority citation for part 595 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30122, and 30166; delegation of authority at 49 CFR 1.50.

2. Part 595 is amended by revising §§ 595.1 and 595.2, designating §§ 595.1 through 595.4 as Subpart A—"General", designating § 595.5 as Subpart B—"Retrofit On-Off Switches for Air Bags", and adding a Subpart C to read as follows:

§ 595.1 Scope.

This part establishes conditions under which the compliance of motor vehicles and motor vehicle equipment with the Federal motor vehicle safety standards may be made inoperative.

§ 595.2 Purpose.

The purpose of this part is to provide an exemption from the "make inoperative" provision of 49 U.S.C. 30122 that permits motor vehicle dealers and motor vehicle repair businesses to install retrofit air bag on-off switches and to otherwise modify motor vehicles to enable people with disabilities to operate or ride as a passenger in a motor vehicle.

* * * * *

Subpart C—Vehicle Modifications To Accommodate People With Disabilities

§ 595.6 Modifier identification.

(a) Any motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7 shall furnish the information specified in paragraphs (a)(1) through (3) of this section to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

(1) Full individual, partnership, or corporate name of the motor vehicle repair business.

(2) Residence address of the motor vehicle repair business and State of incorporation if applicable.

(3) A statement that the motor vehicle repair business modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7.

(b) Each motor business repair business required to submit information under paragraph (a) of this section shall submit the information not later than August 27, 2001. After that date, each motor business repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7 shall submit the information required under paragraph (a) not later than 30 days after it first modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle. Each motor vehicle repair business who has submitted required information shall keep its entry current, accurate and complete by submitting revised information not later than 30 days after the relevant changes in the business occur.

§ 595.7 Requirements for vehicle modifications to accommodate people with disabilities.

(a) Any motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle is exempted from the "make inoperative" prohibition of 49 U.S.C. 30122 to the extent that those modifications affect the motor vehicle's compliance with the Federal motor vehicle safety standards or portions thereof specified in paragraph (c) of this section. Modifications that would take a

vehicle out of compliance with any other Federal motor vehicle safety standards, or portions thereof, are not covered by this exemption.

(b) Any motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle in such a manner as to make inoperative any part of a device or element of design installed on or in the motor vehicle in compliance with a Federal motor vehicle safety standard or portion thereof specified in paragraph (c) of this section must affix to the motor vehicle a permanent label of the type and in the manner described in paragraph (d) of this section and must provide and retain a document of the type and in the manner described in paragraph (e) of this section.

(c)(1) 49 CFR 571.101, except for S5.2 (a), S5.3.1, S5.3.2, and S5.3.5 of that section.

(2) S5.1.1.5 of 49 CFR 571.108, in the case of a motor vehicle that is modified to be driven without a steering wheel or for which it is not feasible to retain the turn signal canceling device installed by the vehicle manufacturer.

(3) S4.4 and S4.5 of 49 CFR 571.114, in any case in which the original key-locking system must be modified.

(4) S4(a) of 49 CFR 571.118, in any case in which the medical condition of the person for whom the vehicle is modified necessitates the installation of a remote ignition switch to start the vehicle.

(5) S5.1 and S5.2.1 of 49 CFR 571.123, in any case in which the modification necessitates the relocation of original equipment manufacturer's controls.

(6) S5.3.1 of 49 CFR 571.135, in any case in which the modification necessitates the removal of the original equipment manufacturer foot pedal.

(7) 49 CFR 571.201 with respect to:

(i) Targets located on the right side rail, the right B-pillar and the first right side "other" pillar adjacent to the stowed platform of a lift or ramp that stows vertically, inside the vehicle.

(ii) Targets located on the left side rail, the left B-pillar and the first left side "other" pillar adjacent to the stowed platform of a lift or ramp that stows vertically, inside the vehicle.

(iii) Targets located on the rear header and the rearmost pillars adjacent to the stowed platform of a lift or ramp that stows vertically, inside the vehicle.

(8) 49 CFR 571.202, in any case in which:

(i) A motor vehicle is modified to be operated by a driver seated in a wheelchair and no other seat is supplied with the vehicle for the driver;

(ii) A motor vehicle is modified to transport a right front passenger seated in a wheelchair and no other right front passenger seat is supplied with the vehicle; or

(9) S3(b)(1) and (b)(2) of 49 CFR 571.202, in any case in which the driver's head restraint must be modified to accommodate a driver with a disability.

(10) S5.1 of 49 CFR 571.203, in any case in which the modification necessitates a structural change to, or removal of, the original equipment manufacturer steering shaft.

(11) S5.2 of 49 CFR 571.203, in any case in which an item of adaptive equipment must be mounted on the steering wheel.

(12) 49 CFR 571.204, in any case in which the modification necessitates a structural change to, or removal of, the original equipment manufacturer steering shaft.

(13) S4.1 of 49 CFR 571.207, in any case in which a vehicle is modified to be driven by a person seated in a wheelchair and no other driver's seat is supplied with the vehicle, provided that a wheelchair securement device is installed at the driver's position.

(14) S4.1.5.1(a)(1), S4.1.5.1(a)(3), S4.2.6.2, S5, S7.1, S7.2 and S7.4 of 49 CFR 571.208 for the designated seating position modified, provided Type 2 or 2A seat belts meeting the requirements of 571.209 and 571.210 of this chapter are installed at that position.

(15) S5 of 49 CFR 571.214 for the designated seating position modified, in any cases in which the restraint system and/or seat at that position must be changed to accommodate a person with a disability.

(d) The label required by paragraph (b) of this section shall:

(1) Be permanently affixed to the vehicle,

(2) Be located adjacent to the original certification label or the alterer's certification label, if applicable,

(3) Give the modifier's name and physical address,

(4) Contain the statement "This vehicle has been modified in accordance with 49 CFR 595.6 and may no longer comply with all Federal Motor Vehicle Safety Standards in effect at the time of its original manufacture."

(e) The document required by paragraph (b) of this section shall:

(1) Be provided, in original or photocopied form, to the owner of the vehicle at the time the vehicle is delivered to the owner,

(2) Be kept, in original or photocopied form, at the same address provided on the label described in paragraph (c) of this section for a period not less than five years after the vehicle, as modified, is delivered to the individual for whom the modifications were performed,

(3) Be clearly identifiable as to the vehicle that has been modified,

(4) Contain a list of the Federal motor vehicle safety standards or portions thereof specified in paragraph (c) of this section with which the vehicle may no longer be in compliance.

(5) Indicate any reduction in the load carrying capacity of the vehicle of more than 100 kg (220 lb) after the modifications are completed. In providing this information, the modifier must state whether the weight of a user's wheelchair is included in the available load capacity.

Issued on February 20, 2001.

L. Robert Shelton,

Executive Director.

[FR Doc. 01–4655 Filed 2–21–01; 3:13 pm]

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Federal Register

Tuesday,
February 27, 2001

Part IV

Department of State

Office of Protocol; Gifts to Federal Employees From Foreign Government Sources Reported to Employing Agencies in Calendar Year 2000; Notice

DEPARTMENT OF STATE

[Public Notice 3565]

Office of Protocol; Gifts to Federal Employees From Foreign Government Sources Reported to Employing Agencies In Calendar Year 2000

The Department of State submits the following comprehensive listing of the statements which, as required by law, Federal employees filed with their employing agencies during calendar year 2000 concerning gifts received from foreign government sources. The compilation includes reports of both tangible gifts and gifts of travel or travel expenses of more than minimal value, as defined by statute.

Publication of this listing in the **Federal Register** is required by section 7342(f) of Title 5, United States Code, as added by section 515 (a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95–105, August 17, 1977, 91 Stat. 865).

Dated: January 15, 2001.

David Carpenter,

Acting Under Secretary for Management.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Appalachian Regional Commission			
Jesse L. White, Jr.—Federal Co-Chairman.	Recd—April 3–11, 2000; Est. Value—$10,410.00; Expended for airfare, hotel, and meals.	Agriculture Department of Western Australia, Australia.	Guest speaker and panelist at a conference on rural economic development.
Commerce			
J. Michael Rowe, Director, Center for Neutron Research.	Recd—April 18, 2000; Est. Value—$452.00; Expended for lodging and meals.	Institute of Nuclear Energy Research, Taipei, Taiwan.	To participate in a review of a proposed new research reactor.
J. Michael Rowe, Director, Center for Neutron Research.	Recd—April 18, 2000; Est. Value—$868.00; Expended for lodging and meals.	Australian Nuclear Science and Technology Organization, Sydney, Australia.	To participate in a review of solicitation and bidding for a new research reactor in Australia.
Willie E. May, Chief, Analytical Chemistry Division.	Recd—April 12, 2000; Est. Value—$676.00; Expended for lodging and airfare.	Centro de Investigacion en Ciencia Aplicada Y Technologia Avanzada del Instituto, Politecnico Nacional, Mexico City, Mexico.	To speak at the First International Meeting on Metrology.
NASA			
Anne Marie Chaka, Spouse	Academic fellowship stipened for spouse; Recd—January 1–March 1, 2000; Est. Value—$6000.00.	Fritz-Haber Institute, Max Planck Society, Germany.	Max Planck Fellowship arranged for spouse through her employer, The Lubrizol Corporation.
Anne Marie Chaka, Spouse	Expended for airfare, hotel and meals for spouse; Recd—July 4, 2000; Est. Value—$900.00.	University of Padua, Italy	Spouse presented invited seminar on surface physics.
Anne Marie Chaka, Spouse	Expended for airfare, hotel and meals for spouse; Recd—January 1–July 7, 2000; Est. Value—$1500.00.	CECAM (European Science Foundation).	Spouse presented invited seminar on surface physics in Lyons, France.
Michelle Hawes, Spouse	Expended for airfare for spouse; Recd—October 31, 2000; Est. Value—$449.68.	Russian Aviation and Space Agency.	Commercial flights from Moscow to Baikonur unavailable. Russian Agency provided transportation.
U.S. House of Representatives			
Jennifer J. Bottegal, Rep. Cramer	Food, lodging and transportation in Moscow; Recd—April 15–22, 2000; Est. Value—$not submitted.	Russia	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
David McIntosh, Member of Congress.	Food, lodging and travel within State of Israel; Recd—January 6–14, 2000; Est. Value—$not submitted.	The State of Israel	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
M. Douglass Bellis, Legislative Counsel.	Food, lodging and ground transportation in Dublin, Ireland.	Ireland	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
M. Douglass Bellis, Legislative Counsel.	Meals and lodging and transportation in Moscow; Recd—April 15–22, 2000; Est. Value—$not submitted.	Russia	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Mark Kirk, International Relations Comm.	Air transportation from Amman to Petra, Jordan and back; Recd—April 2, 1999; Est. Value—$not submitted.	Hashemite Kingdom of Jordan	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
John Steele, Rep. McIntosh	Food, lodging and travel within State of Israel; Recd—January 6–14, 2000; Est. Value—$not submitted.	The State of Israel	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Ethan Cooper, Rep. Curt Weldon	Food, lodging and transportation in Moscow; Recd—April 15–22, 2000.	Russia	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
U.S. Senate			
Diana Enzi, spouse of Senator Enzi	Transportation with Slovenia via helicopter to participate in official fact-finding events; Recd—May 31, 2000; Est. Value—$not submitted.	Government of Republic of Slovenia.	Non-acceptance would cause host government embarrassment.
Brian McKeon, Minority Counsel Foreign Relations Committee.	Transportation from Bogota to bases in Southern Colombia and return to Bogota via National Police aircraft, including lunch; Recd—March 14, 2000; Est. Value—$not submitted.	Government of Colombia	Official travel to review U.S.-Colombian counter-narcotics programs. Commercial transportation not available.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Marcia Lee, Professional Staff, Foreign Relations Committee.	Transportation from Bogota to Cartagena and return; Recd—April 19–20, 2000; Est. Value—$not submitted.	Government of Colombia	Invited by President to accompany him on the flight to Cartagena. No commercial flight available on return to Bogota.
Brian McKeon, Minority Counsel Foreign Relations Committee.	Transportation from Bogota to Cartagena and return; Recd—April 19–20, 2000; Est. Value—$not submitted.	Government of Colombia	Invited by President to accompany him on the flight to Cartagena. No commercial flight available on return to Bogota.
Henry (Bob) Nickel, Secretary of NATO PA Delegation, Office of Senator Roth.	Transportation within Slovenia via helicopter to participate in official fact-finding events; Recd—May 31, 2000; Est. Value—$not submitted.	Government of Republic of Slovenia.	Non-acceptance would cause host government embarrassment.
William V. Roth, Jr., U.S. Senator	Transportation within Australia via bus, including some meals; Recd—January 6–14, 2000; Est. Value—$not submitted.	Government of Australia	Official travel to participate in Asia Pacific Parliamentary Forum.
Harry Reid, U.S. Senator	Transportation within Egypt via small aircraft, including meals; Recd—January 16, 2000; Est. Value—$not submitted.	Arab Republic of Egypt	Non-acceptance would cause host government embarrassment.
Landra Reid, Spouse of Senator Reid.	Transportation within Egypt via small aircraft, including meals; Recd—January 16, 2000; Est. Value—$not submitted.	Arab Republic of Egypt	Non-acceptance would cause host government embarrassment.
Ranit Schmetzer, Press Secretary to Democratic Leader.	Transportation within Egypt via small aircraft, including meals; Recd—January 16, 2000; Est. Value—$not submitted.	Arab Republic of Egypt	Non-acceptance would cause host government embarrassment.
George V. Voinovich, U.S. Senator	Transportation within Slovenia via helicopter to participate in official fact-finding events; Recd—May 31, 2000; Est. Value—$not submitted.	Government of Republic of Slovenia.	Non-acceptance would cause host government embarrassment.
Janet Voinovich, spouse of Senator Voinovich.	Transportation within Slovenia via helicopter to participate in official fact-finding events; Recd—May 31, 2000; Est. Value—$not submitted.	Government of Republic of Slovenia.	Non-acceptance would cause host government embarrassment.
Sally Walsh, Director, Interparliamentary Services.	Transportation within Egypt via small aircraft, including meals; Recd—January 16, 2000; Est. Value—$not submitted.	Arab Republic of Egypt	Non-acceptance would cause host government embarrassment.
Marcia Lee, Professional Staff, Foreign Relations Committee.	Transportation from Bogota to bases in Southern Colombia and return to Bogota via National Police aircraft, including lunch; Recd—March 14, 2000; Est Value—$not submitted.	Government of Colombia	Official travel to review U.S.-Colombian counter-narcotics programs. Commercial transportation not available.
Charles E. Grassley, U.S. Senator	Transportation within Slovenia via helicopter to participate in official fact-finding events; Recd—May 31, 2000; Est. Value—$not submitted.	Government of Republic of Slovenia.	Non-acceptance would cause host government embarrassment.
Daniel Bob, Special Assistant Asian and Pacific Affairs, Senator Roth.	Transportation within Australia via bus, including some meals; Recd—January 6–14, 2000; Est. Value—$not submitted.	Government of Australia	Official travel to participate in Asia Pacific Parliamentary Forum.
Mike Enzi, U.S. Senator	Transportation within Slovenia via helicopter to participate in official fact-finding events; Recd—May 31, 2000; Est. Value—$not submitted.	Government of Republic of Slovenia.	Non-acceptance would cause host government embarrassment.
Kolan Davis, Chief Counsel and Legislative Director, Senator Grassley.	Transportation within Slovenia via helicopter to participate in official fact-finding events; Recd—May 31, 2000; Est. Value—$not submitted.	Government of Republic of Slovenia.	Non-acceptance would cause host government embarrassment.
Christopher J. Dodd, U.S. Senator	Transportation within Egypt via small aircraft, including meals; Recd—January 16, 2000; Est. Value—$not submitted.	Arab Republic of Egypt	Non-acceptance would cause host government embarrassment.
Randy DeValk, Legislative Assistant to Democratic Leader.	Transportation within Egypt via small aircraft, including meals; Recd—January 16, 2000; Est. Value—$not submitted.	Arab Republic of Egypt	Non-acceptance would cause host government embarrassment.
Linda Daschle, spouse of Senator Daschle.	Transportation within Egypt via small aircraft, including meals; Recd—January 16, 2000; Est. Value—$not submitted.	Arab Republic of Egypt	Non-acceptance would cause host government embarrassment.
Julia Hart, Professional Staff, Office of Interparliamentary Service.	Transportation within Slovenia via helicopter to participate in official fact-finding events; Recd—May 31, 2000; Est. Value—$not submitted.	Government of Republic of Slovenia.	Non-acceptance would cause host government embarrassment.
Tom Daschle, U.S. Senator	Transportation within Egypt via small aircraft, including meals; Recd—January 16, 2000; Est. Value—$not submitted.	Arab Republic of Egypt	Non-acceptance would cause host government embarrassment.
Jackie Clegg, spouse of Senator Dodd.	Transportation within Egypt via small aircraft including meals; Recd—January 16, 2000; Est. Value—$not submitted.	Arab Republic of Egypt	Non acceptance would cause host government embarrassment.
Ian Brzezinksi, Professional Staff, Foreign Relations Committee.	Transportation within Slovenia via helicopter to participate in official fact-finding events; Recd—May 31, 2000;.	Government of Republic of Slovenia.	Non-acceptance would cause host government embarrassment.
Daniel K. Akaka, U.S. Senator	Transportation within Egypt, including meals during official travel; Recd—January 16, 2000; East Value—$not submitted.	Arab Republic of Egypt	Non-acceptance would cause host government embarrassment.
Millie Akaka, spouse of Senator Akaka.	Transportation within Egypt including meals during official travel; Recd—January 16, 2000; Est. Value—$not submitted.	Arab Republic of Egypt	Non acceptance would cause host government embarrassment.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Joseph R. Biden, Jr., U.S. Senator.	Lodging at Presidential Guest House; accompanied President on aircraft from Bogota to Cetagena and on round trip to a Colombian national park; transportation from Cartagena to Port of Spain, Trinidad; Recd—April 19–21; Est. Value—$not submitted.	Government of Republic of Colombia.	Official travel to review U.S.-Colombian counter-narcotics programs. The military transport that had been authorized for Trinidad trip developed mechanical problems and U.S. government plane not available.
Barbara Grassley, spouse of Senator Grassley.	Transportation within Slovenia via helicopter to participate in official fact-finding events; Recd—May 31, 2000; Est. Value—$not submitted.	Government of Republic of Slovenia.	Non-acceptance would cause host government embarrassment.
	Air Force		
Col. Neil Kacena, U.S. Liaison Office, Doha, Qatar.	Silver and gold rosewater decanter, incense burner, and coffee pot; Recd—July 1, 1994; Ext. Value—$1000.00; On official display at USLO in Doha, Qatar.	Qatari Assistant Chief of Staff for Operations and Training, Brigadier General Mohammed bin Fahd Al-Thani.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Colonel Bruce Kerins, Chief, U.S. Liaison Office, Doha, Qatar.	Inscribed and encased gold Arabic coffee pot and cup; Recd—July 3, 2000; Est. Value—$1000.00; On official display at USLO in Doha, Qatar.	General Headquarters Chief of Staff, Logistics, Qatari Armed Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Colonel Frederick R. Rauch II, Commander, 320th Air Expeditionary Group, Saudi Arabia.	Sword approx. 2½" long steel blade, small white plastic handle with gold ornamentation, in gold sheath; Recd—July 23, 2000; Est. Value—$400.00; Pending turn in to GSA.	H.R.H. Abdul Aziz Bin Fahad Bin Abdul Aziz Saud, son of the King of Saudi Arabia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Merrill McPeak, Former Chief of Staff, USAF.	Diamond and platinum necklace, 4 platinum stars with diamond insets, Approx. ½ carat; on 18-inch platinum and silver box chain; Recd—December 22, 1994; Est. Value—$8000.00; Turned into GSA on September 28, 2000.	Republic of Korea	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	Breitling emergency watch, serial #1476; Recd—December 29, 1999; Est. Value—$4000.00; Turned in to GSA on March 24, 2000.	Lieutenant General Carrel, Swiss Air Force Chief of Staff.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	Breitling professional aerospace watch, serial #17090; Recd—October 19, 2000; Est. Value—$3300.00; Pending turn in to GSA.	Brigadier General Khalid, Air Chief for the United Arab Emirates.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	Silver horse and carriage figurine; Recd—August 25, 2000; Est. Value—$250.00; On official display at Air House, CSAF's residence.	Vice Air Marshall Jamal Uddin Ahmed, Air Chief, Bangladesh.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	Lladro aviator statute; Recd—June 26, 2000; Est. Value—$595.00; On official display at Air House, CSAF's residence.	General Juan Antonio Lombo Lopez, Air Chief, Spain.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	Oriental rug, 3' x 5'; Recd—February 4, 2000; Est. Value—$300.00; On official display at Air House, CSAF's residence.	General Tantawi, Chief of Defense, Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	Samurai sword with stand and helmet; Recd—March 28, 2000; Est. Value—$325.00; On official display at Air House, CSAF's residence.	Major General Kunio Orita, 6th Air Wing Commander, Japanese Air Self Defense Force.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	Breitling emergency watch, serial #3115; Recd—December 28, 1999; Est. Value—$4000.00; Turned in to GSA on March 24, 2000.	General Fornasiero, Italian Air Force Chief of Staff.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	Men's coach watch, serial #W5165019039; Recd—December 21, 2000; Est. Value—$405.00; Turned in to GSA on March 24, 2000.	Brigadier General Yousel Al-Otabi, Kuwait Air Force Chief of Staff.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	24-inch gold chain; Recd—November 11, 2000, Est. Value—$775.00; Turned in to GSA on March 24, 2000.	General Tantawi, Chief Egyptian Defense 5 U.S.C. 7342(f)(4).	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	7½ inch gold scarab bracelet; Recd—November 11, 2000; Est. Value—$375.00; Turned in to GSA on March 24, 2000.	General Hattata, Egyptian MOD, Chief of Staff.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	6-inch gold key chain with cartouche of General Ryan; Recd—November 11, 1999; Est. Value—$850.00; Turned in to GSA on March 24, 2000.	General El Karaldy, Abu Suwayr Air Base, Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	Oriental rug, 3' x 5'; Recd—November 30, 1999; Est. Value—$300.00; On official display at Air House, CSAF's residence.	General Tantawi, Chief of Defense, Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	4½ inch gold key chain in Queen Nephertiti bust; Recd—November 11, 1999; Turned in to GSA on March 24, 2000.	General Hammamm, Egyptian Southern Air Force Commander.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Michael E. Ryan, Chief of Staff, USAF, Washington, D.C.	Ladies Fendi wristwatch, serial #770L001–359; Recd—December 21, 1999; Turned in to GSA on March 24, 2000.	Brigadier General Yousel Al-Otabi, Kuwait Airforce Chief of Staff.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Lt. Col. Melinda M. Edwards, Branch Chief, Arabian Gulf Political Military Division, Directorate of Plans.	Oil Painting (village scene in Bangladesh—24" x 40") Recd—March 24, 2000; Est. Value—$450.00; Approved for official use.	Prince Turki Bin Nasser, Saudi Arabia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
General Charles F. Wald, Commander, U.S. Central Command Air Force.	Breitling men's aerospace watch, model E65062, serial #11694; Recd—May 10, 2000; Est. Value—$1800.00; On official display at HQ USCENTAF, Shaw Air Force Base, South Carolina.	Brigadier Staff Pilot Khalid Abdullah Mubarak Al Buainnain Al Mazroue, Commander United Arab Emirates Air Force and Air Defense.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Michael E. Ryan, wife of Chief of Staff, USAF, Washington, D.C.	Solid silver purse; Recd—August 25, 2000; Est. Value—$350.00; On official display at Air House, CSAF's residence.	Vice Air Marshall Jamal Uddin Ahmed, Air Chief, Bangladesh.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Michael E. Ryan, wife of Chief of Staff, USAF, Washington, D.C.	18K gold necklace; Recd—October 10, 2000; Est. Value—$300.00; Pending turn in to GSA.	Lt. General Litzerakos, Air Chief for Greece.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Sheila Widnall, former SECAF	Persian rug, 6' 7½" × 4'5" Recd—September 15, 1996; Est. Value—$800.00; Turned in to GSA on June 29, 2000.	Colonel Sultan Bin Harhan Al-Milhim, Saudi Arabia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Vice Admiral Douglas Katz, U.S. Liaison Office, Doha, Qatar.	Gold sword in case, inscribed; Recd—July 1, 1994; Est. Value—$500.00; On official display at USLO in Doha, Qatar.	Qatari Assistant Chief of Staff for Operations and Training, Brigadier General Mohammed bin Fahd Al-Thani.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
	Central Intelligence Agency		
An Agency Employee	18kt yellow gold flat chain link necklace and matching bracelet, modern (2 dwt); Recd—June 10, 1999; Est. Value—$300.00; To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Georgian School, 20th Century Three Wise Men with Mary, Christ Child and Joseph in an arched interior, signed and dated 1943 in reverse oil on canvas (19¾ × 31½ inches); Recd—March 27, 2000; Est. Value—$300.00; To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Mother-of-pearl and black mother-of-pearl diorama of The Last Supper and a nativity scene, modern, architectural form with arched pediment applied Bethlehem/Gloria, above and inset panel depicting the nativity scene within the date 2000 (18x20x4); Recd—June 22, 2000; Est. Value—$500.00; To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Yellow gold mesh bracelet and pair of tassel pierced earrings, modern; Recd—December 7, 2000; Est. Value—$300.00; To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Swiss 18kt yellow good tank-type man's wristwatch, retailed by Cartier, with date, minute and stop watch subsidiaries, No. C147722, with brown alligator style band; Recd—March 28, 2000; Est. Value—$300.00; To be retained for official display.	5USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Neculai Paduraru (b. 1946) Women kneeling at an arched minor (20 × 13¾); Recd—August 16, 2000; Est. Value—$300.00; To be retained for official display.	5USC 7342 (f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Mother-of-pearl and black mother-of-pearl diorama of The Last Supper and a nativity scene, modern, architectural form with arched cornice applied Bethlehem, above The Last Supper and an inset panel depicting the nativity scene within the year 2000 (13½ × 16¼ × 3¼); Recd—June 15, 2000; Est. Value—$300.00; To be retained for official display.	5USC 7342 (f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	18kt. Yellow gold and turquoise two-piece ensemble, modern, designed by Imseeh, consisting of: a necklace with five Arabic inscription rectangular panels alternating with oval cabochon turquoise attached with chains; together with a pair of clip pierced earrings in a fitted blue simulated alligator case; Recd—May 25, 2000; Est. Value—$500.00; To be retained for official display.	5USC 7342 (f)(4)	Non acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Mother-of-pearl and black mother-of-pearl diorama of the Last Supper and the nativity scene, modern, architecturally formed as a city wall with the date 2000 and parquetry inlaid Bethlehem (22 × 3½); Recd—April 20, 2000; Est. Value—$500.00; To be retained for official display.	5USC 7342 (f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
George J. Tenet, Director	Kazakistan rug. 10 feet 3 inches by 6 feet 6 inches, modern, red ground with a vertical row of star medallions on blue to salmon ground, rosette and diamond guard border on red ground; Recd—March 29, 2000; Est. Value—$500.00; To be retained for official display.	5USC 7342 (f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Sterling flat 24-piece table service, modern, pattern similar to Old English Thread pattern, consisting of: 6 place knives; six place forks; six tablespoons, six teaspoons (each marked 925K); Recd—March 30, 2000; Est. Value—$300.00; To be retained for official display.	5USC 7342 (f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Gold and Silver jniaid iron-mounted brown leather sheath kindjal with a bond handle, modern, in a fitted fruit-wood wine red velvet lined case; Recd—March 27, 2000; Est. Value—$300.00; To be retained for official display.	5USC 7342 (f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Set of five Italian silver medallions depicting various architectural scenes in Rome, modern, each marked 925 with star 124ML, in a red cloth mounted red velvet lined fitted box (2¾"–3 oz.); Recd—March 31, 2000; Est. Value—$300.00; To be retained for official display.	5USC 7342 (f)(4)	Non acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Icon of St. George slaying the Dragon, modern, tempera on panel with a partial gilt and embossed silver oclad, fitted in a gilt wood frame (8 × 7); Recd—August 15, 2000; Est. Value—$300.00; To be retained for official display.	5USC 7342 (f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Director	Filigree silver and oval polished agate mounted sheath dagger, modern (24" long); Reced—April 3, 2000; Est. Value—$300.00; To be retained for official display.	5USC 7342 (f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Commerce			
T.H. William M. Daley, Secretary	Oil Painting (village scene in Bangladesh—24" × 40") Recd—March 24, 2000; Est. Value—$450.00; Approved for official use.	H.E. Abdul Jalil, Minister of Commerce of Bangladesh/Dhaka.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Defense			
Alina L. Romanowski, DASD, Near Eastern and South Asian Affairs, ISA.	Gold engraved bracelet; Recd—November 19, 2000; Est. Value—$725.00; OSD/WHS/Gift Vault.	Field Marshall Hussein Tantawy, CINC Egyptian Armed Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Colonel Michael W. Callan, USAF Military Assistant to ASD/ISA.	4'8" Camel Rug; Recd—November 22, 2000; Est. Value—$290.00; OSD/WHS/Gift Vault.	Egyptian Field Marshall Hussein Tantawy, Commander in Chief of the Armed Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Henry H. Shelton, Chairman Joint Chiefs of Staff.	3" × 5', hand woven area rug; Recd—February 14, 2000; Est. Value—$1,000.00; Official display/OJCS.	Lt. General Hatata, Egyptian Chief of Defense.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Henry H. Shelton, Chairman Joint Chiefs of Staff.	Decorative sword w/inlaid wood; Recd—June 30, 2000, Est. Value—$300.00; Official display/OJCS.	General-Colonel Safar A. Abiyev. Minister of Defense, Republic of Azerbaijan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Henry H. Shelton, Chairman Joint Chiefs of Staff.	Antique Drachmas; Recd—November 30, 2000; Est. Value—$270.00; Official Display/OJCS.	General Manoussos Paragioudakis, Chief Hellenic National Defense.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Henry H. Shelton, Chairman Joint Chiefs of Staff.	Sword; Recd—April 5, 2000; Est. Value—$290.00; Official Display/OJCS.	Field Marshall Ali Abdallah Salih, Yemen.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Henry H. Shelton, Chairman Joint Chiefs of Staff.	Gold bracelet w/jewels; Recd—June 15, 2000; Est. Value—$720.00; Official display/OJCS.	General Arpino, Italian Chief of Defense.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Henry H. Shelton, Chairman Joint Chiefs of Staff.	Chess Set; Recd—March 21, 2000; Est. Value—$325.00; Reported to GSA for purchase.	General Dem Enrique Cervantes Aquirre, Secretary of Defense.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Myers, Vice Chairman Joint Chiefs of Staff.	Leather briefcase, burgundy; Recd—August 1, 2000; Est. Value—$270.00; OSD/WHS/Gift Vault.	LTG Albanese, Argentina	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Carolyn Shelton, Spouse of Henry H. Shelton, Chairman Joint Chiefs of Staff.	Gold and diamond necklace; Recd—April 18, 2000; Est. Value—$1360.00; Reported to GSA for purchase.	Lt. General Hatata, Egyptian Chief of Defense.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Carolyn Shelton, Spouse of Henry H. Shelton, Chairman Joint Chiefs of Staff.	Gold and diamond necklace; Recd—February 14, 2000; Est. Value—$1360.00; Official display/OJCS.	Lt. General Hatata, Egyptian Chief of Defense.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Carolyn Shelton, Spouse of Henry H. Shelton, Chairman Joint Chiefs of Staff.	Gold necklace and matching bracelet; Recd—September 14, 2000; Est. Value—$410.00; Official display/OJCS.	Mrs. Tatyara Pirtskalliashvili, Spouse of the Georgian Chief of General Staff.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
T.H. William S. Cohen, Secretary ...	Silk carpet, 5'3" × 4', gold w/mosaic design; Recd—Unknown; Est. Value—$1000.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptanbe would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Painting of man and women outdoor scene; Recd—Unknown; Est. Value—$310.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Silver Candelabrum, 24" × 25" tall; Recd—Unknown; Est. Value—$290.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Gold and silver 18" necklace w/L shaped diamond designs; in black felt case; Recd—November 21, 2000; Est. Value—$890.00; OSD/WHS/Gift Vault.	Field Marshall Hussein Tantawy, CINC, Minister of Defense and Military Production.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Tea Set, eight piece; Recd—Unknown; Est. Value—$275.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Chess Set; Recd—Unknown; Est. Value—$420.00; OSD/WHS/Gift Vault.	Possibly Middle Eastern, no individual indicated.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Commemorative Gold Coin 200gms; Recd—April 10, 2000; Est. Value—$360.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Silk Carpet, 5.5" × 4.5', gray and red colors; Recd—Unknown; Est. Value—$1000.00; OSD/WHS/Gift Vault.	Field Marshall Hussein Tantawy, CINC of the Armed Forces, Minister of Defense and Military Production.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Bronze incense burner; Recd—Unknown; Est. Value—$270.00; OSD/WHS/Gift Vault.	Chun Yong-teak, Minister of National Defense, Republic of Korea, Korean National Treasure Number 287.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Double bladed knife, silver and gold; Recd—Unknown; Est. Value—$300.00; OSD/WHS/Gift Vault.	Saudi Arabia	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	2.5" diameter gold medallion	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	2.5" diameter gold medallion	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	2.5" diameter gold medallion	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Crystal Set (gun, mallet, and dagger); Recd—In 1997; Est. Value—$360.00; OSD/WHS/Gift Unit.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Porcelain and silver seven piece tea set with 12.5" tea pot with leather handle and six cups; Recd—November 20, 2000; Est. Value—$380.00; OSD/WHS/Gift Vault.	Amir of Kuwait, Jaber Al-Ahmed Al Sabah.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Round wood plaque w/brass relief of the Islands of Bahrain w/pearls representing cities; Recd—November 16, 2000; Est. Value—$830.00; OSD/WHS/Gift Vault.	Crown Prince H.H. Shaikh Salman bin Hammad Al Khalifa and Prime Minister H.H. Shaikh Khalifa bin Salman Al Khalifa.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Two 7.5" gold bracelets; Recd—November 21, 2000; Est. Value—$475.00 and $465.00; OSD/WHS/Gift Vault.	Field Marshall Hussein Tantawy, CINC, Minister of Defense and Military Production.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Saudi automatic weapon in brown case w/two clips, green shoulder strap, and one box of ammo; Recd—November 20, 2000; Est. Value—$700.00; OSD/WHS/Gift Vault.	Sultan, bin Abd al-Aziz Al Saud, Minister of Defense.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Gold and Jeweled Earrings; Recd—March 13, 2000; Est. Value—$1875.00; OSD/WHS/Gift Vault.	Mohamed VI, Kingdom of Morocco	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Gold Sword, approx. 35" long; Recd—Unknown; Est. Value—$300.00; OSD/WHS/Gift Vault.	Colonel General Abiyev Safar Ahundbala, Oglu, Minister of Defense of the Azerbaijan Republic.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Identical gold and silver coins w/one side engraved on each side; Recd—November 20, 2000; Est. Value—$380.00; OSD/WHS/Gift Vault.	QABOOS, bin Said Al Said, Sultan of Oman.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Gold cufflinks, tie tack, and key chain with Bill written in hirogiyphics; Recd—November 21, 2000; Est. Value—$650.00; OSD/WHS/Gift Vault.	Field Marshall Hussein Tantawy, CINC, Minister of Defense and Military Production.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	2.5" diameter gold medallion; Recd—Unknown; Est. Value—$1875.00; Reported to GSA, December 18, 2000; pending transfer to GSA.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Large display plate (pottery) w/stand; Recd—September 12, 2000; Est. Value—$300.00; OSD/WHS/Gift Vault.	The Honorable Kazuo Torashima, Director General, Japanese Defense Agency.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Twelve piece set of medallions s/designs; Recd—Unknown; Est. Value—$2800.00; Approved for Official Display.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
T.H. William S. Cohen, Secretary ...	.75" diameter gold coin; Recd—Unknown; Est. Value—$325.00; Approved for official display.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Gold coin 1⅝" × ⅛" w/eagle wearing a crown; dated 1493–1993 Recd—Unknown; Est. Value—$1140.00; Approved of official display.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	52" × 45" brown wood frame with picture formed from miniature, square marble tiles, picture is of Greek God Neptune; Recd—Unknown; Est. Value—$1600.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Orpheus Music Box in cherry wood box; Recd—September 15, 2000; Est. Value—$450.00; OSD/WHS/Gift Vault.	His Excellency Kazuo Torashima, Director General, Defense, Defense Agency, Japan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Large Tiger Eye Box; Recd—September 15, 2000; Est. Value—$330.00; OSD/WHS/Gift Vault.	President Josheph Estrada, President of the Republic of the Philippines; Recd—September 15, 2000; Est. Value—$330.00; OSD/WHS/Gift Vault.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Large double matted and framed depiction of Southern Europe; Recd—October 8, 2000; Est. Value—$465.00; OSD/WHS/Gift Vault.	The Southeastern EURO Defense Ministerial (5th SEDM).	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Two silver tea pots, 9" tall with handles w/6⅝" tall sugar container and 4/75" tall creamer; Recd—Unknown; Est. Value—$270.00; OSD/WHS/Gift Vault.	Field Marshall Hussein Tantawy, Minister of Defense of the Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	2.5" diameter gold medallion; Recd—Unknown; Est. Value—$1875.00; Reported to GSA, December 18, 2000; pending transfer to GSA.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	A 9' × 14' rug; Recd—October 7, 2000; Est. Value—$730.00; OSD/WHS/Gift Vault.	His Excellency Mohamed Jegham, Minister of Defense, Republic of Tunisia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	2.5" diameter gold medallion; Recd—Unknown; Est. Value—$1875.00; Reported to GSA, December 18, 2000; pending transfer to GSA.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	2.5" diameter gold medallion; Recd–Unknown; Est. value–$1875.00; Reported to GSA, December 18, 2000; pending transfer to GSA.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	2.5" diameter gold medallion; Recd–Unknown; Est. value–$1875.00; Reported to GSA, December 18, 2000; pending transfer to GSA.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	2.5" diameter gold medallion; Recd–Unknown; Est. value–$1875.00; Reported to GSA, December 18, 2000; pending transfer to GSA.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	37" x 1.5" swprd w/silver blade and Arabic Design; Recd–Unknown; Est. Value–$270.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Box containing 10 cans of cavier, two bottles of brandy, two bottles of champagne and two bottles of wine; Recd–Unknown; Est. Value–$390.00; OSD/WHS/Gift Vault.	Heydar Aliyev, President of the Republic of Azerbaijan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Gold Scarab Bracelet; Recd–April 3, 2000; Est. Value–$900.00; OSD/WHS/Gift Vault.	Field Marshall Hussein Tantawy, Minister of Defense of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Set of four gold items, pitcher w/lid fragrance holder, serving tray and incense burner; Recd–Unknown; Est. Value–$650.00; OSD/WHS/Gift Vault.	Shaikh Jassem Bin Hamad, Qatar	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Black Pierre Cardin brief case, one silver Bvlgar watch, four containers of fragrance shaped of wooden chests, one black dishdask-long shirt, one traditional Arab headdress, one robe w/gold trim; Recd–November 20, 2000; Est. Value–$1970.00; OSD/WHS/Gift Vault.	Deputy Prime Minister and Minister of Defense, Salem S. Al-Sabah.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	2.5" Diameter gold medallion; Recd–Unknown; Est. Value–$1875.00; Reported to GSA, December 18, 2000; pending transfer to GSA.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Black automatic assault rifle 19" long; Recd–Unknown; Est. Value–$375.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Bronze and copper statuette of an eagle or Falcon, head covered with gold mask; Recd–Unknown; Est. Value–$750.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Twelve silver chalices and one silver bowl; Recd–November 21, 2000; Est. Value–$840.00; OSD/WHS/Gift Vault.	Field Marshall Hussein Tantawy, CINC, Minister of Defense and Military Production.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	16.25" long dagger (9.25" blade); Recd–Unknown; Est. Value–$290.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
T.H. William S. Cohen, Secretary ...	Plaque of copper engraving of Mary holding Jesus; Recd–Unknown; Est. Value–$360.00; OSD/WHS/Gift Vault.	Lieutenant General D. Tevzadze, Minister of Defense, Georgia (Russia).	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Oil on canvas painting "Oil Rocks" by Mir Ismayil Jafarov, 1998; Recd–April 1999; Est. Value–$325.00; OSD/WHS/Gift Vault.	President of the Republic of Azerbaijan, Heydar Aliyev.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	46" long rifle w/13" scope brown leather straps attached in brown leather case; Recd–February 1999; Est. Value–$290.00; Reported to GSA for purchase.	Joe Modise, Minister of Defense of the R.S.A.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	24" × 25" White Silver Horse w/red slash; Recd–Unknown; Est. Value–$1100.00; OSD/WHS/Gift Vault.	Zayed Bin Sultan Al Nahayan, President of the United Arab Emirates.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Aqua vase w/blue, brown, and beige colors; Recd–Unknown; Est. Value–$360.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	24" × 53" ceramic vase, green designs; Recd—Unknown; Est. Value—$300.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	White Simpson motorcycle helmet; Recd—Unknown; Est. Value—$300.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Two statuettes, 15 h warrior and 13.5" female from tribe; Recd—Unknown; Est. Value—$450.00; OSD/WHS/Gift Vault.	Minister of Defense, Nigeria	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	16.25" diameter gold and silver platter; Recd—Unknown; Est. Value—$850.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Three different decorated dress costumes in black and red silk and velvet; Recd—Unknown; Est. Value—$390.00; OSD/WHS/Gift Value.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	Twenty two piece gold and silver tea set; Recd—Unknown; Est. Value—$390.00; OSD/WHS/Gift Vault.	Heydar Aliyev, President of the Republic of Azerbaijan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	40" Automatic Rifle; Recd—Unknown; Est. Value—$490.00; OSD/WHS/Gift Vault.	Kingdom of Saudi Arabia	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	5'×4' silk rug w/scene of the Last Super; Recd—Unknown; Est. Value—$3200.00; OSD/WHS/Gift Vault.	Unkown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	11"x5.5" wood container covered with a brown marble; Recd—Unknown; Est. Value—$440.00; OSD/WHS/Gift Vault.	Joseph Ejercito Estrada, President of the Republic of the Philippines.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	35"x48" portrait of Sec. Cohen in a suit wearing a foreign saah, painted by Abdulla Almuharraqi, Bahrain; Recd—Unknown; Est. Value—$400.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	37" sword w/stainless steel curved blade; Recd—November 15, 1999; Est. Value—$450.00; OSD/WHS/Gift Vault.	Minister of Defense, Buenos Aires	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. William S. Cohen, Secretary ...	A red, white and blue nylon parachute in a 18"x13' black canvas carrying bag; Recd—Unknown; Est. Value—$500.00; OSD/WHS/Gift Vault.	Unknown	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Lester B. Hazan ABAC, Hostage Reecue Team.	Swarovski Optik SLC 10x20 Binoculars; Recd—August 4, 2000; Est. Value—$899.00; HRT Space.	Christopher Ulmer, Deputy Head of the Federal Minister's Office, Austrian Ministry of the Interior.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs Louis J. Freeh, wife of Director	Scarf, robe and rug; Recd—April 8, 2000; Est. Value—$35.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushialo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Seven books from First Russian Technical University; Recd—September 15, 2000; Est. Value—$50.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushialo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Red photo album; Recd—September 14, 2000; Est. Value—$5.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushialo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Hand held monocular in case; Recd—September 15, 2000; Est. Value—$20.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushialo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Photo in green frame; Recd—September 15, 2000; Est. Value—$1.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushialo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Book—"St. Petersburg"; Recd—September 15, 2000; Est. Value—$3.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushialo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	City Guide Book; Recd—September 15, 2000; Est. Value—$10.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushialo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
T.H. Louis J. Freeh, Director	Book—"Yeyshcknn"; Recd—September 14, 2000; Est. Value—$5.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushailo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Small photograph Album; Recd—September 14, 2000; Est. Value—$10.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushailo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Plaque w/customs crest; Recd—September 14, 2000; Est. Value—$50.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushailo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Honorary degree from First Russian Technical University; Recd—September 15, 2000; Est. Value—$2.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushailo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	PK3901 Automatic Hand Gun in wooden case; Recd—September 15, 2000; Est. Value—$200.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushailo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	10 Boxes of Ammo (160 rounds total); Recd—September 15, 2000; Est. Value—$5.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushailo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Red velvet holder & banner w/wooden handle; Recd—April 8, 2000; Est. Value—$35.00; On display in director's office.	Minister Zokirjon Almatov, Ministry of Internal Affairs, Tashkent, Uzbekistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Book—"St. Petersburg"; Recd—September 15, 2000; Est. Value—$10.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushailo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Saber in wooden case; Recd—September 15, 2000; Est. Value—$100.00; On display in director's office.	Col. Gen. Vladimir Borisovich Rushailo, Minister of Internal Affairs, Moscow, Russia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Two frames (small & large); Recd—April 8, 2000; Est. Value—$30.00; On display in director's office.	Minister Zokirjon Almatov, Ministry of Internal Affairs, Tashkent, Uzbekistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Hat (folded); Recd—April 8, 2000; Est. Value—$2.00; On display in director's office.	Minister Zokirjon Almatov, Ministry of Internal Affairs, Tashkent, Uzbekistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Blue & White Ceramic Chess Set; Recd—September 14, 2000; Est. Value—$100.00; On display in director's office.	Minister Zokirjon Almatov, Ministry of Internal Affairs, Tashkent, Uzbekistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Red cloth w/gold braiding; Recd—April 8, 2000; Est. Value—$10.00; On display in director's office.	Minister Zokirjon Almatov, Ministry of Internal Affairs, Tashkent, Uzbekistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Dagger in gold & velvet sheath; Recd—April 8, 2000; Est. Value—$75.00; On display in director's office.	Minister Zokirjon Almatov, Ministry of Internal Affairs, Tashkent, Uzbekistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Blue ceremonial robe w/gold braiding; Recd—April 8, 2000; Est. Value—$100.00; On display in director's office.	Minister Zokirjon Almatov, Ministry of Internal Affairs, Tashkent, Uzbekistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Louis J. Freeh, Director	Sword & Dagger in case; Recd—April 8, 2000; Est. Value—$300.00; On display in director's office.	Minister Zokirjon Almatov, Ministry of Internal Affairs, Tashkent, Uzbekistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
CAPT Andrew J. Dutka, National Naval Medical Center, Bethesda.	Gold coin set; Recd—December 8, 1999; Est. Value—$700.00; Being retained at CNO (NO9B13).	Crown Prince of Kuwait	Non-acceptance would have caused embarrassment to donor and U.S. Government.
CAPT R. L. Morrissey, National Naval Medical Center, Bethesda.	Gold coin set; Recd—December 8, 1999; Est. Value—$700.00; Being retained at CNO (NO9B13).	Crown Prince of Kuwait	Non-acceptance would have caused embarrassment to donor and U.S. Government.
CDR Almond J. Drake, National Naval Medical Center, Bethesda.	Gold coin set; Recd—December 8, 1999; Est. Value—$700.00; Being retained at CNO (NO9B13).	Crown Prince of Kuwait	Non-acceptance would have caused embarrassment to donor and U.S. Government.
CDR David P. Adkinson, National Naval Medical Center, Bethesda.	Gold coin set; Recd—December 8, 1999; Est. Value—$700.00; Being retained at CNO (NO9B13).	Crown Prince of Kuwait	Non-acceptance would have caused embarrassment to donor and U.S. Government.
CDR Frank E. Klink, National Naval Medical Center, Bethesda.	Gold coin set; Recd—December 8, 1999; Est. Value—$700.00; Being retained at CNO (NO9B13).	Crown Prince of Kuwait	Non-acceptance would have caused embarrassment to donor and U.S. Government.
CDR Murray S. Donovan, National Naval Medical Center, Bethesda.	Gold coin set; Recd—December 8, 1999; Est. Value—$700.00; Being retained at CNO (NO9B13).	Crown Prince of Kuwait	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Col. Michael Boyce, OFC of Military Cooperations, Oman.	Radio Wrist Watch; Recd—September 25, 2000; Est. Value—$332.00; Report to GSA.	Commander Royal Army of Oman	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Gen Zinni, Commander in Chief, U.S. Central Command.	H&K 9MM pistol (gold); Recd—June 17, 2000; Est. Value—$1500.00; Reported to GSA.	Saudi Arabia	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Gen Zinni, Commander in Chief, U.S. Central Command.	Longine watches; Recd—June 17, 2000; Est, Value—$Unknown; Reported to GSA.	Manama, Bahrain	Non-acceptance would have caused embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Gen Zinni, Commander in Chief, U.S. Central Command.	Pakistani bokara carpet; Recd—May 2000; Est. Value—$300.00; Reported to GSA.	Pakistan	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Gen Zinni, Commander in Chief, U.S. Central Command.	Turkman; Recd—June 22, 2000; Est. Value—$375.00; Report to GSA.	Turkmenistan	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Gen Zinni, Commander in Chief, U.S. Central Command.	Sword; Recd—May 11, 2000; Est. Value—$1359.00; Reported to GSA.	Quatar	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Gen Zinni, Commander in Chief, U.S. Central Command.	Breitling watch; Recd—May 2000; Est. Value—$2500.00; Reported to GSA.	Kuwait	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Gen Zinni, Commander in Chief, U.S. Central Command.	Table with 2 chairs; Recd—April 21, 2000; Est. Value—$1000.00; Official display.	Egypt	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Gen Zinni, Commander in Chief, U.S. Central Command.	Indian Carpet; Recd—June 17, 2000; Est. Value—$1100.00; Reported to GSA.	Bahrain Delense Force	Non-acceptance would have caused embarrassment to donor and U.S. Government.
LCDR Walter M. Downs, National Naval Medical Center, Bethesda.	Gold coin set; Recd—December 8, 1999; Est. Value—$700.00; Being retained at CNO (NO9B13).	Crown Prince of Kuwait	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Lt. John J. Murray, National Naval Medical Center, Bethesda.	Man's watch; Recd—December 8, 1999; Est. Value—$1300.00; Being retained at CNO (NO9B13).	Crown Prince of Kuwait	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Fufford, Spouse of General Fulfor, Deputy USEUCOM.	Ladies bracelet; Recd—Unknown; Est. Value—$Unknown; Report to GSA.	Wife of the Deputy Chief of Defense, Greece.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Ms. S.E. Morseman, National Naval Medical Center, Bethesda.	Gold Bracelet; Recd—December 8, 1999; Est. Value—$700.00; Being retained at CNO (NO9B13).	Crown Prince of Kuwait	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Richard Danzig, Secretary of the Navy.	Chinese art work; Recd—April 2000; Est. Value—$2000.00; Being retained at CNO (NO9B13).	People's Liberation Navy, China	Non-acceptance would have caused embarrassment to donor and U.S. Government.
VADM Daniel J. Murphy, Jr., Commander, SIXTH Fleet.	Portrait and statue; Recd—September 29, 1999; Est. Value—$1000.00; Official display SIXTH Fleet.	CDR, 2nd Military Region, Oran	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Securities and Exchange Commission			
Ester Saverson, Assistant Director, Office of International Affairs.	Mont Blanc Rollerball Pen; Recd—June 8, 2000; Est. Value—$350.00; Tendered to Agency Ethics Office—June 2000.	Shaik Ahmed Bin Mohammed Al-Khalifa, Director of Bahrain Stock Exchange.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Robert Strahota, Assistant Director, Office of International Affairs.	Mont Blanc Rollerball Pen & 1983 Bahrain; Commemorative Silver Coin Proof Set; Recd—June 8, 2000; Est. Value—$400.00; Tendered to Agency Ethics Office—June 2000.	Shaik Ahmed Bin Mohammed Al-Khalifa, Director of Bahrain Stock Exchange.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Thomas Murphy, Assistant Regional Director (Midwest Regional Office).	Mont Blanc Rollerball Pen; Recd—June 8, 2000; Est. Value—$350.00; Tendered to Agency Ethics Office—July 12, 2000.	Shaik Ahmed Bin Mohammed Al-Khalifa, Director of Bahrain Stock Exchange.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
State			
Ambassador Garza	A Roger Perez de la Rocha Painting; Recd—December 1999; Est. Value—$3000.00; Approved for Official Display.	President Arnold Aleman, President of Nicaragua.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Ambassador Kattouf	Tissot watch, titanium case, sapphire crystal; Recd—October 28, 1999; Est. Value—$460.00; Turned in to GSA.	UAE Businessman Salim Al-Mossa	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Edward S. Walker, Jr.—Assistant Secretary for Near East Affairs.	Loneines Watch; Recd—June 9, 2000; Est. Value—$750.00; Turned in to GSA.	King Abdullah Jordan	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Elaine Shocas—Chief of Staff	Gem Stone pin; Recd—September 18, 2000; Est. Value—$260.00; Turned in to GSA.	Prime Minister Vajpaye, India	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John B. Craig, Ambassador	A Cartier Pen; Recd—April 3, 2000; Est. Value—$2000.00; Approved for Official Display.	The Sultan of Oman	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Katherine Van de Vate—Public Affairs Officer Abu Dhabi, U.A.E.	Men's Seiko quartze watch and women's Guess Collection silver watch; Recd—November 29, 2000; Est. Value—$325.00; Turned in to GSA.	Department of Islamic Affairs, Abu Dhabi, UAE.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Malcolm R. Lee—Deputy Assistant Secretary for East Asian Affairs.	Palm Vx (personal electronic organizer) with accessories; Recd—December 9, 2000; Est. Value: $389.00; Turned in to GSA.	Secretary Yao, Chief, HK Info Technology and Broadcasting Bureau, Hong Kong.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Office of Chinese and Mongolian Affairs.	3 11×14 framed watercolors paintings by artist; Damba Tsolmon, Recd—May 8, 2000; Est. Value—$375.00; Approved for Official Display.	Ambassador Jalbuu Choinhor, Mongolia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
RECIPIENT: Madeleine K. Albright; T.H. Madeleine K. Albright, Secretary.	Two red rugs; Recd—September, 2000; Est. Value—$260.00+ each; Turned in to GSA.	President Aliyev, Azerbaijan	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright	Medium blue and green rug; Recd—March 25, 2000; Est. Value—$260.00+; Approved for Official Display.	General Pervez Musharrag, Chief Executive of the Islamic Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright	Leather suit case; wood box; velvet robe; Recd—December 2000; Est. Value—$260.00+; Turned in to GSA.	President Bonteflika, Algeria	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright—Secretary of State.	Two area rugs; Recd—September 2000; Est. Value—$260.00+; Turned into GSA.	President Aliyev, Azerbaijan	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Pre-Colombian Artifact replica; Recd—January 15, 2000; Est. Value—$260.00; Turned into GSA.	Alfonso Salis General Manager of Port of Cartage.	Non-acceptance would have caused embarrassment to door and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Gold/Stone necklace; Recd—October 22, 1999; Est. Value—$400.00; Turned in to GSA.	Chairman Arafat PLO	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Gold bracelet and necklace; Recd—December 8, 1999; Est. Value—$1000.00; Turned in to GSA.	Chairman Arafat PLO	Nonacceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Gold bracelet and necklace; Recd—January 30, 2000; Est. Value—$3000.00; Turned in to GSA.	Chairman Arafat Palestinian Authority.	Nonacceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	2-tone gold metal bracelet and necklace; Recd—June 6, 2000; Est. Value—$3000.00; Turned in to GSA.	Chairman Arafat Palestinian Authority.	Nonacceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Gold metal necklace, bracelet, earrings and ring; Recd—June 15, 2000; Est. Value—$8400.00; Turned in to GSA.	Chairman Arafat Palestinian Authority.	Nonacceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Gold and Gem necklace; Recd—January 20, 2000; Est. Value—$3000.00; Turned in to GSA.	Chairman Arafat Palestinian Authority.	Nonacceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Necklace, earrings, rings, and bracelet; Recd—September 15, 2000; Est. Value—$91000.00; Turned in to GSA.	Crown Prince Abdullah, Saudi Arabia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Silver box—6' round w/lid; Recd—May 26, 1999; Est. Value—$600.00; Turned in to GSA.	FM Lamberto Dini, Italy	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Silver Earrings; Recd—May 8, 2000; Est. Value—$550.00; Turned in to GSA.	FM Papandreou, Greece	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Wool and silk rug; Recd—March 25, 2000; Est. Value—$900.00; Turned in to GSA.	General Musharef, Pakistan	Office of Protocol for disposition.
T.H. Madeleine K. Albright, Secretary.	Traditional Musical Instrument; Recd—June 2000; Est. Value—$300.00; Turned in to GSA.	Governor Keiichi Inamine, Japan	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	2' 22kt. Gold brooch in the shape of a "Bunga Simpor" flower, set with diamonds and burgundy coral beads; Recd—November 15, 2000; Est. Value—$2000.00 each; Turned in to GSA.	H.R.H. Pengiran Isteri Hajjah Mariam binti Haji Abdul Aziz, Second wife of Sultan of Brunei.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Large Carpet; Recd—June 20, 2000; Est. Value—$260.00; Turned in to GSA.	King Mohammed V, Morocco	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Large Silk Rug; Recd—Unknown; Est. Value—$4000.00; Turned in to GSA.	King of Morocco	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Small silver bowl and two art books; Recd—October 1, 2000; Est. Value—$300.00; Turned in to GSA.	Mayor Juppe, Bordeaux, France	Non-acceptance would have cause embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Wooden Jewelry box, metal and stone bracelet, necklace; Recd—April 16, 2000; Est. Value—$590.00; Turned in to GSA.	President Akaev, Kyrgystan	Non-acceptance would have cause embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Silver Flatware set; Recd—September 1, 2000; Est. Value—$1250.00; Turned in to GSA.	President Karimov Uzbekistan	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Gold Chain; Recd—September 20, 1999; Est. Value $2500.00; Turned in to GSA.	Prime Minister Sheikh Hasina Bangladesh.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Gem Stone Pin; Recd—September 18, 2000; Est. Value—$800.00; Turned in to GSA.	Prime Minister Vajpaye, India	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Madeleine K. Albright, Secretary.	Genta Watch and Book on The Sultan; Recd—November 2000; Est. Value—$500.00; Turned in to GSA.	Princess Paduka Seri Baginda Raja Istari Pengiram, Brunei.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
T.H. Madeleine K. Albright, Secretary.	Gold bracelet; Recd—January 1, 1998; Est. Value $950.00; Turned in to GSA.	Suha Arafat, First Lady PLO	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Treasury			
Edwin M. Truman	Facial mask (un masque cuvette); Recd—April 3, 2000; Est. Value—$450.00; To be excessed to GSA.	Peter Mufany Musonge, Prime Minister, Republic of Cameroon.	Non-acceptance wouldhave cause embarrassment to donor and U.S. Government.
T.H. Lawrence H. Summers, Secretary.	Bronze statue; Recd—June 29, 2000; Est. Value—$350.00; To be excessed to GSA.	Mr. Obasanjo, President, Government of Nigeria.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Lawrence H. Summers, Secretary.	Hakatari Ori fabric framed in wood; Recd—July 20, 2000; Est. Value—$330.00; Retained by Treasury on July 20, 2000.	Mr. Miyazawa, Minister of Finance, Government of Japan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Lawrence H. Summers, Secretary.	Wood crafted elephant; Recd—January 19, 2000; Est. Value—$700.00; Retained by Treasury on May 25, 2000.	Yashant Sinha, Minister of Finance, Government of India.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
T.H. Lawrence H. Summers, Secretary.	Wood crafted statue; Recd—February 9, 2000; Est. Value—$1,400.00; Retained by Treasury on May 25, 2000.	S.M. Krishna, Chief Minister, Government of India.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
U.S. Senate			
Benjamin C. Noble, Legislative Assistant Senator Lincoln.	One box of Habanos Cuban Cigars (box autographed by President Castro; Recd—May 28, 2000; Est. Value—$700.00; Deposited with Secretary of Senate.	President Fidel Castro, Cuba	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Blanche Lincoln, U.S. Senator	Two boxes of Habanos Cuban Cigars (boxes autographed by President Castro; Recd—May 28, 2000; Est. Value $700.00 each; Deposited with Secretary of Senate.	President Fidel Castro, Cuba	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Christopher Williams, Foreign Policy and Intelligence Advisor to Senator Lott.	Black Mont Blanc Classic ballpoint pen; Recd—March 14, 2000; Est. Value—$175.00; Deposited with Secretary of Senate.	Remus Chem, Taiwanese government lobbyist.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Chuck Hagel, U.S. Senator	Silver Sword and sheath; Recd—April 3, 2000; Est. Value—$250.00; Display in SR 348.	President of Yemen, His Excellency Ali Abdullah Saleh.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Edward M. Kennedy, U.S. Senator	Ceramic plate with gold design; Recd—March 2, 2000; Est. Value—$150.00; On display in SR315.	King Adbullah and Queen Rania of Jordan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Gary Sisco, Secretary of the U.S. Senate.	Photographs (2) with custom frames, wood with gilding; Recd—November 2000; Est. Value—$500.00; Deposited with Secretary of State.	Consul General Francisco Morales, Government of Panama.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Paul S. Sarbanes, U.S. Senator	Waterford crystal bowl with wooden stand; Recd—July 17, 2000; Est. Value—$200.00; Deposited with Secretary of Senate.	Aer Lingus, airline owned by the Government of Ireland.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Tom Harkin, U.S. Senator	5 vol. Set of "The Complete Saga of Icelanders"; Recd—April 27, 2000; Est. Value—$500.00; Deposited with Secretary of Senate.	President Olafur Grimsson of Iceland.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
White House			
Gayle E. Smith, Director for African Affairs, NSC.	Three 29" diameter leather pillow covers; 100" leather embroidered rug; silver woven Sari with matching silver top; two 29" × 84" purple with gold cloths; Recd—November 4, 1999; Est. Value—$3250.00; Held in Gift Office.	T.H. Aliyu Mohammed, Nigerian National Security Advisor.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
President Clinton	A painting depicting all 42 American Presidents (1.75 × 2.75m canvas); Recd—March 2000; Est. Value—$260.00+; Approved for Official Display.	Enrique Iturriaga Villegas, Private Citizen in Aguascalientes, Mexico.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
President Clinton	11" × 6.5" × 2.5" sterling silver box with a hinged top and a black, green, and mother-of-pearl mosaic title design reminiscent of the Church of the Lions; Recd—Unknown; Est. Value—$500.00; Archives Foreign.	Their Majesties King Abdullah II and Queen Rania Al Abdullah, Jordan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
President Clinton	9.5" × 4.5" oval Egyptian silver repousse dome-top footed box with blue velour interior; Recd—Unknown; Est. Value—$1200.00; Archives.	H.E. Mohamed Hosny Mubarak, President of the Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Vice President Gore and Family	Ceramic vase 10" high in green landscape with gold area around mouth; wooden lacquer chest; Recd—May 5, 2000; Est. Value—$500.00; Archives.	H.E. Yoshiro Mori, Prime Minister of Japan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Vice President Gore	Landscape painting, 20 × 28; Recd—July 7, 2000; Est. Value—$450.00; Office of the Vice President—Gift cupboard.	H.E. Robert Kocharian, President of the Republic of Armenia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Vice President Gore and Family	2 silver vases and gold bracelet; Recd—September 15, 2000; Est. Value—$5500.00; Office of the Vice President—Gift Cupboard.	H.E. Atal Behari Vahpayee, Prime Minister of India.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Vice President Gore and Family	Ceramic vase 10" high in green landscape with god around mouth; Recd—May. 5, 2000; Est. Value—$500.00; Archives.	H.E. Yoshiro Mori, Prime Minister of Japan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Vice President Gore and Mrs. Gore	Ancient Roman glass artifact (candlesticks); gold pendant with ancient coin (for MEG); Recd—January 6, 2000; Est. Value—$1000.00; Archives.	H.E. Ehud Barak and Mrs. Nava Barak, Prime Minister of Israel.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
President	8" × 5.5" × 2" silver box with wood veneer interior. Lid is engraved to read "Jamil Mahuad Witt—Presidente Constitucional de la Republica del Ecuador" and bears a relief of the seal of Ecuador; Recd—February 5, 1999; Est. Value—$500; Archives Foreign.	His Excellency Dr. Jamil Mahuad, President of the Republic of Ecuador.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	71" × 43" silk Hereke carpet with an ivory field, bota motif, navy center background, one maroon primary border and five secondary borders, with beige fringe; Recd—November 16, 1999; Est. Value—$3500; Archives Foreign.	The Honorable Kemal Onal, Governor of the Province of Izmir, The Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Men's beige Gobi cashmere turtleneck sweater. Recd—January 16, 2000; Est. Value—$175; Archives Foreign.	His Excellency Jalbuugiin Choinhor, Ambassador of the Republic of Mongolia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) 18" 18 kt. gold choker necklace. Each link resembles a small leaf and there is a hanging pendant in the shape of five four-leaf flowers; with matching 8" 18 kt. gold bracelet with eight links, each being a four-leaf flower, $2400. (2) 4" gold-tone star-shaped medal with a 2" white and blue cloisonne circle in the middle that depicts a gold Nativity with a star and Arabic writing above and reads "Bethelhem 2000" below, attached to a 30" × 2" green sateen ribbon, $50. (3) 25" × 20" mother-of-pearl and abalone shell shadow box relief that depicts the Last Supper with stairs on either side of the feast table that lead to Jesus, Joseph, and angels, $1500; Recd—January 21, 2000; Est. Value—$3950; Archives Foreign.	Mr. Yasser Arafat, Chairman Executive Committee of the Palestine Liberation Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) 1" diameter gold coin that depicts a bust of the donor on the front and a palace on the back, $125. (2) 5' long bronze arrowhead circa 63 B.C.—33 C.E., $200; Recd—January 28, 2000; Est. Value—$325; Archives Foreign.	His Excellency Rudolf Schuster, The President of the Slovak Republic and Mrs. Schusterova.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	5" tall silver statue of a man in robes kneeling and holding a cup in one hand and a pitcher in the other, mounted on a round wooden base; Recd—January 28, 2000; Est. Value—$850; Archives Foreign.	His Highness Sheikh Sulman bin Hamad bin Isa Al-Khalifa, Crown Prince of the State of Bahrain and Head of the Bahrain Defense Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	15" × 22" mother-of-pearl and abalone shell shadow box Nativity that reads "2000" across the front; Recd—January 29, 2000; Est. Value—$1000; Archives Foreign.	Mr. Yasser Arafat, Chairman, Executive Committee of the Palestine Liberation Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	37" × 27" fully rigged model ship of the U.S.S. Constitution, 1797, with sails; Recd—February 4, 2000; Est. Value—$4000; Archives Foreign.	The Right Honorable Navinchandra Ramgoolam, Prime Minister of the Republic of Mauritius.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	36" gold vermeil sword with lion's head on the hilt. Scabbard is gold vermeil and decorated with blue and green glass beads, black and white enamel work, and interspersed with four ivory ovals. Reverse side of scabbard bears a silver niello motif of animals and flowers. The blade of the sword is inscribed to the President; Recd—February 15, 2000; Est. Value—$800; Archives Foreign.	His Excellency Heydar Aliyev, President of the Republic of Azerbaijan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	(1) 20 jars of caviar. (2) Two bottles of cognac; Recd—February 15, 2000; Est. Value—$250; Accepted by Another Government Agency.		
President	6" × 13" hand-carved ebony sculpture of a rhinoceros on a 16" base; Recd—February 17, 2000; Est. Value—$850; Archives Foreign.	His Excellency Daniel T. arap Moi, President of the Republic of Kenya.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Medium sized cut and etched and crystal bowl; Recd—March 17, 2000; Est. Value—$1000; Archives Foreign.	His Excellency Bertie Ahern, Prime Minister of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	28" × 40" oil painting on canvas that depicts a Bangladeshi village, fishing boat, river, trees, and homes in a 35" × 45" wooden frame. Recd—March 20, 2000; Est. Value—$500; Archives Foreign.	His Excellency Shahabuddin Ahmed, President of the People's Republic of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	Silver tea set with a floral relief that includes: 12" round silver serving platter, 8.5" tall teapot, 4.5" creamer, and 4.5" sugar bowl. Recd—March 20, 2000; Est. Value—$1500; Archives Foreign.		
President	(1) Three hardcover books. "Images and Insights," and "India and America: Essays in Understanding," written and inscribed by donor, and "Arts and Crafts of Rajasthan," by Aman Nath and Francis Wacsiarg, $45. (2) Paperback. "Sweet and Sour: Burmese Short Stories," written and inscribed by Mrs. Narayanan, $15; Recd—March 21, 2000; Est. Value—$60; Archives Foreign.	His Excellency Kocheril Raman Narayanan, The President of India and Mrs. Narayanan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	54" × 30" tan, brown, white, and earth-tone oil painting titled "Gandhi: the Spirit of Freedom Forges Ahead." The painting depicts Gandhi holding a walking stick with a white dove in the background; in a 36" × 59" copper-tone frame. Recd—March 21, 2000; Est. Value—$800; Archives Foreign.		
President	Five hardcover books. "The Maharaja and the Princely States of India," by Sharada Dwivedi, "India After Independence," by Bipan Chandra, "Annals and Antiques of Rajasthan," volumes one and two, by James Tod, "Glimpses of World History," by Jawaharlal Nehru, and "The Arthashastra," by L.N. Rangarajan; Recd—March 21, 2000; Est. Value—$115; Archives Foreign.	The Honorable Anshuman Singh, Governor of Rajasthan, India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Four 10" × 14" satellite photographs of the United States, the State of Arkansas, and Little Rock, contained in a 30" × 61" black lacquer frame; Recd—March 21, 2000; Est. Value—$500; Archives Foreign.	His Excellency Atal Bihari Vajpayee, Prime Minister of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	13" × 11" decorative "Pankah" fan of woven silver matwork with an 18" silver handle; Recd—March 22, 2000; Est. Value—$1500; Archives Foreign.	Mr. Ashok Gehlot, Chief Minister Government of Rajasthan, India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Collection of 11 frog figurines: 2.5" pale green stone frog, 2" forest-green stone frog, 2" green stone frog, 1" amber stone frog, 1.5" red and gold stone frog, 1.5" green transparent stone frog, 1" yellow/green stone frog, 1" silver-tone frog, .5" clear glass frog, .5" clear glass frog, 1" clear glass frog; Recd—March 23, 2000; Est. Value—$220, Archives Foreign.	Ms. Bina Kak, Minister of State for Tourism, Government of Rajasthan, India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	12" tall × 9" wide solid jade carved elephant statute titled "Lord Ganesh God of Knowledge." Elephant is seated in the lotus position and is ornately decorated with gold, red, and green paint and has four outstretched arms and two legs; Recd—March 24, 2000; Est. Value—$850; Archives Foreign.	Mr. Vilas Rao Deshmukh; Chief Minister, Government of Maharashtra, India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	8" tall composition castle model with four towers, completely covered with cultured pearls, mounted on a silver base with a small silver chain fence surrounding the castle; Recd—March 24, 2000; Est. Value—$3500; Archives Foreign.	The Honorable Nara Chandrababu Naidu, Chief Minister of Andhra Pradesh; India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	Traditional Indian male outfit that includes a long silk cream-colored collarless shirt with a 1" red and ivory beaded border and a matching pair of pants; Recd—March 24, 2000; Est. Value—$100; Archives Foreign.		
President	(1) 6.5" diameter silver plate etched with the seal of Pakistan and a floral pattern, $350. (2) 5" diameter silver bowl with matching design, $450; Recd—March 24, 2000; Est. Value—$800; Archives Foreign.	His Excellency Mohammad Rafiq Tarar, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	29" ornate silver sword with four agate stones embedded in the scabbard and two in the hilt. Blade measures 16" long and the hilt is 6" long; Recd—March 25, 2000; Est. Value—$700; Archives Foreign.	His Excellency Mohamed Hosny Mubarak, President of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	51" × 76" Pakistani silk oriental rug with a rose, green, yellow, cream, and tan floral motif with a rose border, four secondary borders, and cream-colored fringe on both ends; Recd—March 25, 2000; Est. Value—$3500; Archives Foreign.	General Pervez Musharraf	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	62" × 72" earth-tone wool tapestry wall hanging that depicts two Egyptians in a marketplace, with white fringe; Recd—March 28, 2000; Est. Value—$2000; Archives Foreign.	His Excellency Mohamed Hosny Mubarak, President of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Vacheron Constantin Les Complications watch with an 18 kt. gold face and brown leather band; Recd—March 30, 2000; Est. Value—$15000; Archives Foreign.	The Honorable Guy-Olivier Segond, President of the Canton of Geneva.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	12" long dagger with a ridge down the center of the blade with an ornately carved 21 kt. gold hilt, contained in an all gold embroidered J-shaped scabbard with leather guard, $800. Sword is contained in a 15.5" × 12.5" × 5" light and dark brown wood veneer inlay box that is lined with red satin, $500; Recd—April 3, 2000; Est. Value—$1300; Archives Foreign.	His Excellency Ali Abdullah Saleh, President of the Republic of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	12.5" tall Chinese porcelain limited edition figurine titled "Noble Lady." The figurine is of a standing Mandarin woman with flowers in her hair, wearing a pink tunic over a blue pleated skirt, holding a mirror in her left hand with her right had behind her back; Recd—April 7, 2000; Est. Value—$1200; Archives Foreign.	His Excellency Tung Chee Hwa, Chief Executive of the Hong Kong Special Administrative Region of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	20" × 23" oil painting on canvas that depicts a large tree with white leaves and a green, blue, purple, and white garden scene in a 26" × 29" gold-tone frame; Recd—April 15, 2000; Est. Value—$1500; Archives Foreign.	His Excellency Igor Ivanov, Minister of Foreign Affairs of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	6" × 12" porcelain blue-green bulbous-shaped vase by Tokuda Tasokichi; Recd—May 2, 2000; Est. Value—$850; Archives Foreign.	His Excellency Yoshiro Mori, Prime Minister of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	13 jade stones in varying shades of green that represent masks, birds, and icons of pre-Columbian Costa Rica; Recd—May 9, 2000; Est. Value—$850; Archives Foreign.	His Excellency Miguel Angel Rodriguez Echeverria, President of the Republic of Costa Rica.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	8" tall abstract silver bust of a man that part polished and part rough finished, #13/24; signed "PCH—Tane 2000"; Recd—May 9, 2000; Est. Value—$1000; Archives Foreign.	His Excellency Ernesto Zedillo Ponce de Leon, President of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Four limited edition 2000 Natura Prestige 24 kt. Gold South African coins, each decorated with a sable; Recd—May 22, 2000; Est. Value—$1200; Archives Foreign.	Mr. Thabo Mbeki, President of the Republic of South Africa.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	6.5" diameter × 1" deep silver reproduction of an 18th century maritime compass, etched with numerical markings on the front, and dated 1624. Compass has a rotating dial suspended from a white nylon line that is attached to a 15" wooden tripod stand; Recd—May 30, 2000; Est. Value—$2500; Archives Foreign.	His Excellency Antonio Guterres, Prime Minister of Portugal.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	10" tall × 5" wide crystal decanter with a silver neck and a flat 3" wide lip that bears the Portuguese presidential seal, with a crystal top and globular finial; Recd—May 30, 2000; Est. Value—$275; Archives Foreign.	His Excellency Jorge Sampaio, President of the Portuguese Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	Green box of nine compact discs. "100 Anos de Fado," "Mafalda Arnauth," "O Melhor de Amalia," "Amalia: 50 Anos," "Camane," "Moviemento Perpetuo," "Carlos do Carmo," "Lucilia do Carmo" and "Alfredo Marceneiro"; Recd—May 30, 2000; Est. Value—$105; Archives Foreign.		
	Green leather photo album that contains 8" × 10" photographs of the President's trip to Portugal; Recd—May 30, 2000; Est. Value—$50; Archives Foreign.		

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	The International Charlemagne Prize of Aachen. Prize includes a 3" diameter gold vermeil medallion that bears the 12th Century Aachen town seal with Emperor Charlemagne on a throne, and is inscribed to the President in German. Medallion is attached to a yellow ribbon that bears the German Imperial Eagle; Recd-June 2, 2000; Est. Value-$350; Archives Foreign.	The Honorable Dr. Juergen Linden, Lord Mayor of Aachen, The Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	(1) Two hardcover books written in German "50 Jahre Internationaler Karlspreis zu Aachen," and "Der Aachener Dom," $75. (2) 17" × 12" blue folder that bears the Aachen town seal and contains a certificate of the Inauguration Document for the Establishment of the Charelemagne Prize Scholarship, $50. (3) Award certificate held in a 15" × 12" black wooden folder that has a silver-tone medallion on the front, $100; Recd-June 2, 2000; Est. Value-$225; Archives Foreign.		
President	36" traditional silver Russian electric samovar set with a floral design and wooden handles that includes a 16" diameter matching tray and a 6" diameter bowl; Recd-June 3, 2000; Est. Value-$1000; Archives Foreign.	His Excellency Vladimir Putin, President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Silk tie with a black, pink, blue, yellow, green, and red abstract geometric pattern. (2) Paperback about painting and sculpture; written in Russian. (3) Six hardcover books in Russian. (4) Videotape in Russian. "XX BeK"; Recd-June 4, 2000; Est. Value-$300; Archives Foreign.	Ms. Lidia I. Iovieva, First Deputy/ Director General, Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Bottle of Ukrainian wine. (2) Five bottles of Ukrainian liquor; Recd-June 5, 2000; Est. Value-$150; Accepted by Another Government Agency.	His Excellency Leonid Kuchma, President of Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	(1) 19" × 17" oil painting on canvas that depicts a courtyard surrounded by blue Ukrainian buildings with gold domes against a blue sky, in a 32" × 35" gilt frame $1500. (2) 25" × 31" framed portrait of the President against a grey background made out of painted beans, rice, and corn, $750; Recd-June 5, 2000; Est. Value-$2250; Archives Foreign.		
	6" × 8.5" grey leather certificate portfolio; Recd-June 5, 2000; Est. Value-$10; Archives Foreign.		
President	(1) Hardcover book. "That Great Victory Day," inscribed by Valentyn Znoba. (2) 26" tall bronze bust of the President; Recd-June 5, 2000; Est. Value-$3000; Archives Foreign.	His Excellency Viktor Yushchenko, Prime Minister of Ukraine Valentyn Znoba, Kiev, Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	42" tan leather belt with silver and gold overlaid buckle flanked by six Argentinean coins and decorated with a thistle and flower motif, and monogrammed "WJC"; Recd-June 13, 2000; Est. Value-$600; Archives Foreign.	His Excellency Fernando de la Rua, President of the Argentine Nation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Wood carving of an Aymara Indian man's head; Recd-June 14, 2000; Est. Value-$450; Archives Foreign.	Her Excellency Marlene Fernandez del Granado, Ambassador of the Republic of Bolivia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	20" tall mother-of-pearl and abalone shell vase with a 4" base, a narrow stem, and a heart-shaped center; Recd-June 15, 2000; Est. Value-$450; Archives Foreign.	Mr. Yasser Arafat, Chairman Executive Committee of the Palestine Liberation Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Red leather-bound book. "Martin Fierro," by Jose Hernandez, enclosed in a silver-plated hinged wooden box with four square pieces of wood on the lid and an engraved inscription bearing a quote in Spanish by the author; Recd-June 16, 2000; Est. Value-$800; Archives Foreign.	His Excellency Fernando de la Rua, President of the Argentine Nation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	23" square mauve, yellow, brown, and red still life oil painting on canvas of a flower vase, a lemon, and apples; in a 28" square wood frame with a gold-tone plaque that reads "Presented by Robert Kocharyan, President of Armenia"; Recd-June 27, 2000; Est. Value-$350; Archives Foreign.	His Excellency Robert Kocharyan, President of the Republic of Armenia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Three "Kariyushi Wear" shirts, one is white with gold fu dogs and an orange circular pattern, one is dark grey with a rainbow colored dragon, and the other has grey and white horizontal stripes with a black dragon; Recd–July 19, 2000; Est. Value–$195; Archives Foreign.	His Excellency Yoshiro Mori; The Prime Minister of Japan and Mrs. Mori.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	Blue lapel pin that reads "G8;" Recd–July 19, 2000; Est. Value–$5; Archives Foreign.	.....	

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued
[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
	Maroon fabric-covered photo album that commemorates the President's trip to the G–8 summit in Okinawa, Japan; Recd–July 19, 2000; Est. Value–$30; Archives Foreign.	.....	
President	(1) 2′ × 2′ light and dark brown pottery statue of a shi-shi dog with curled mane and tail, holding a rope in his mouth, on a 28″ × 18″ footed oak stand, $1000. (2) Brown pottery tea set that includes five 2.5″ tall cups, a 4″ tall teapot, a 13″ wooden ladle, and a 6″ × 3″ wooden plaque etched with Japanese characters, $75. (3) 14″ diameter white ceramic dish that is decorated around the edge with broken chips of clear and brown glass, $50; Recd–July 19, 2000; Est. Value–$1125; Archives Foreign.	The Honorable Masakazu Nakasone; Mayor of Okinawa City; Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	13″ diameter grey ceramic pottery sake flask with a straw top. The base of the flask is covered with brown woven rope and depicts two fu dogs with a plaque that reads "To the Honorable William J. Clinton, Presented by Masakazu Nakasone, Okinawa City Mayor." Item arrived at the White House broken beyond repair and was destroyed; Recd–July 19, 2000; Est. Value–$1; Destroyed.		
	21″ tall white ceramic lamp stand embedded with green, brown and blue glass chips; Recd–July 19, 2000; Est. Value–$80; Archives Foreign.		
President	(1) 30″ samishen lute (guitar) with a black and brown lacquered neck and snakeskin base, in a 9.5″ × 32″ brown and black snakeskin case, $500. (2) Five 17″ square silk tie-dyed handkerchiefs. Two are blue and white, two are green and yellow, and one is yellow and white, $100. (3) Yellow, tan and brown diagonal striped tie with embroidered geometric patterns, $75. (4) Red, brown, blue, and orange tie with embroidered geometric patterns, $75. (5) Two Sensu paper folding fans. One has a blue background, and the other has a green, yellow and red floral pattern, $30. (6) 10″ × 12″ fan-shaped Shisaa wall hanging with two 3.5″ × 4″ ceramic fu dogs, $45. (7) 8″ × 12″ Shisaa wall hanging with a background made of thin sticks tied together, and two 3.5″ × 4″ ceramic fu dogs, $45. (8) 36″ × 12″ blue table runner with orange, purple, pink, light blue, and yellow embroidered geometric patterns and fringe on both ends, $65. (9) Three 10″ × 16″ blue striped placemats with fringe on both ends, and five 4.5″ square matching coasters, $45; Recd–July 19, 2000; Est. Value–$980; Archives Foreign.	The Honorable Hideki Oshiro, Mayor of Onna–Son Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	10″ × 6.5″ × 2″ black lacquer box painted with detailed gold-tone floral trim and a painting of seven people in a boat on the lid; Recd–July 19, 2000; Est. Value–$800; Archives Foreign.	His Excellency Vladimir Putin; President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Four boxes of mangos; Recd–July 27, 2000; Est. Value–$65; Accepted by Another Government Agency.	His Excellency Joseph Ejercito Estrada; The President of the Republic of the Philippines and Mrs. Estrada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	8″ × 10″ photograph of President Clinton with President Estrada in a 12″ square leather frame that bears a silver seal of the Philippines, and a plaque that reads "President Joseph Ejercito Estrada, President of the Republic of the Philippines"; Recd–July 27, 2000; Est. Value–$250; Archives Foreign.		
	Two tier mahogany wood drop-leaf serving table with a cream floral inlay pattern, with wheels and a handle. The table is 29″ tall, 34″ wide with the two leafs extended, and 28″ across and includes two matching serving trays. One tray is 21″ × 13″ × 2″ and the other is 26″ × 16″ × 2″; Recd–July 27, 2000; Est. Value–$500; Archives Foreign.	.....	

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued
[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
	11″ × 7.5″ × 8″ wooden box with parquetry tortoise shell overlay that stands on four silver miniature buffalo feet, with a buffalo horn finial lid. Box decorated with the Seal of the Philippines. Removable lid has silver banding and silver finial handles; Recd–July 27, 2000; Est. Value–$1500; Archives Foreign.		
President	14″ × 10″ silver tray that is inscribed with the Mexican Seal and reads "Al Excelentisimo Senor Presidente de los Estados Unidos de America William Jefferson Clinton, Como Recuerdo de las Visita a los Estados Unidos de America Vincente Fox Quesada, Presidente Electo de Mexico, 24, VIII, 2000;" Recd–August 24, 2000; Est. Value–$1200; Archives Foreign.	His Excellency Vicente Fox Quesada; President of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) 35.5″x24″ pastel portrait of the President, wearing a light blue traditional long Nigerian over-shirt and a blue, yellow, and white cap, with a black shimmering background, contained in 35″x47″ double wood frame with red velvet lining, $3000. (2) 8′ diameter red, white, and blue leather rug that depicts the American flag, and the Presidential seal in snakeskin, $2500. (3) Four 11″ diameter pillow covers and four 8″ diameter seat covers of the same design, $1300. (4) 96″ diameter green, red, and cream colored leather rug of geometric designs, $2000. (5) 37″x25″ pastel portrait of President Clinton wearing a dark suit with a blue shirt and blue and yellow tie. The background is a shimmering lavendar and work is signed in lower right corner; in a 43″x30″ wood frame. Portrait arrived in the Gift Office with the glass shattered, $1000 as is; Recd—August 25, 2000; Est. Value—$9800; Archives Foreign.	The Right Honorable Alhaji Ghali Umar Na'Abba, Speaker of the House of Representatives, National Assembly of the Federal Republic of Nigeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	24″ tall Benin gilt and bronze-plated head of an African goddess with her hair in cone-like shape, titled "The Iya Oba of Oba Akenzua, Monarch of Benin," Recd—August 26, 2000; Est. Value—$850; Archives Foreign.	National Assembly of the Federal Republic of Nigeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	8″ long gold key that reads "Honorary Citizen of the Federal Capital Territory, Abuja, Nigeria;" Recd—August 26, 2000; Est. Value—$350; Archives Foreign.	His Excellency Olusegun Obasanjo, The President of the Federal Republic of Nigeria and Mrs. Obasanjo.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	(1) 100″ diameter leather embroidered green and white rug, $2100. (2) 18″x12″ green and beige briefcase, $200. (3) 14″x23″ green and beige suitcase, $200. Items 2 and 3 bear a seal that reads "Federal Republic of Nigeria, Presented to His Excellency, President Bill Clinton of the U.S.A. by the Federal Republic of Nigeria in Commemoration of his Visit to Nigeria 26–28 August 2000;" Recd—August 26, 2000; Est. Value—$2500; Archives Foreign.		
	(1) Hardcover book. "Nigeria: A People United, A Future Assured Volume 2," $40. (2) Two white baseball caps that read "Nigeria Welcomes President Bill Clinton 26th–28th August, 2000," $20. (3) Two paperbacks. "Welcome to Nigeria," and "Nigeria Returns to Democracy," $20. (4) Two white x-large polo shirts, $40. (5) Four 11″x14″ green cotton placemats that have an orange, green, maroon, and blue tile design with four green cloth napkins and black napkin rings, $40. (6) Four 11″x14″ purple cotton placemats that have an orange yellow, maroon, and blue tile design with four purple cloth napkins and black napkin rings, $40. Items 5–6 read "Nigeria Welcomes President Bill Clinton." (7) 9.5″x8″ plastic plaque that depicts a gold-tone cut out of Nigeria and reads "Le Niger et ses Departements," $75; Recd—August 26, 2000; Est. Value—$275; Archives Foreign.		

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
	(1) 35"x27" hand drawn portrait of the President and First Lady in traditional Nigerian dress against a red and gray background that bears the Nigerian seal and reads "Unity and Faith, Peace, and Progress." The President is wearing blue and the First Lady is wearing green, and they are both wearing hats; in 39"x31" wood frames, $750. (2) 20"x25" oil painting on canvas of the President and First Lady against a blue background wearing sunglasses, contained in a blue plastic frame, $25; Recd—August 26, 2000; Est. Value—$775; Archives Foreign.		
	13" long black glass panther that sits on a 10"x4" clear and green display dias; Recd—August 26, 2000; Est. Value—$2000; Archives Foreign.		
	22"x11" African Talking Drum with white, purple, and black stripes around the body and leather strips strung vertically around the drum, with hanging gold-tone bells, and the top reads "Presented by HRM Oba Lamidi Adeyemi III Alaafin of Oyo Nigeria during President Bill Clinton's Official Visit to Nigeria August 2000," with a 15" curved green white, and purple stick; Recd—August 26, 2000; Est. Value—$250; Archives Foreign.		
President	(1) Ten brass-plated 15" diameter x 16" tall urns with embossed lids that read "Welcome to Nigeria President Bill Clinton August 26–28, 2000," $650. (2) Ten 18" diameter matching brass-plated trays, $450; Recd—August 27, 2000; Est. Value—$1100; Archives Foreign.	His Excellency Alhaji Ibrahim Bunu, Minister of Federal Capital Territory of the Federal Republic of Nigeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Hardcover book. "Presidential Homes of Colombia;" Recd—August 30, 2000; Est. Value—$50; Archives Foreign.	His Excellency Andres Pastrana, The President of the Republic of Colombia and Mrs. Pastrana.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Two 11" diameter nautilus shell fossils. One of the shells arrived at the White Hose damaged; Recd—September 8, 2000; Est. Value—$500; Archives Foreign.	His Excellency Didier Ratsiraka, President of the Republic of Madagascar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	8"x6"x2" silver box with wood-lined veneer interior. Lid is engraved to read "Gustavo Noboa Bejarano President Constitutconal de la Republica del Ecuador" and bears a relief of the Ecuadorian seal; Recd—September 9, 2000; Est. Value—$500; Archives Foreign.	His Excellency Gustavo Noboa, President of the Republic of Ecuador.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) 16" tall orange, yellow, and red abstract glass sculpture of Lord Ganesh with a circular body standing on a 3" tall clear gass base, by artist Anjolie Ela Menon, $3500. (2) Hardcover book. "Anjolie Ela Menon: Paintings in Private Collections," by Isana Murti, $30. (3) Paperback. "The Sacred Prism II: A Rare Artfest of Revered Images in Murano Glass," by Gayatri Ruia, $10; Recd—September 13, 2000; Est. Value—$3540; Archives Foreign.	His Excellency Atal Bihari Vajpayee, Prime Minister of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	26" × 35" oil painting of the President and First Lady with Jesus Christ blessing them, in a 35" × 45" ornate gold-tone frame with a plaque that reads "With Best Compliments From Atal Bihari Vajpayee, Prime Minister of India;" Recd—September 13, 2000; Est. Value—$1500; Archives Foreign.		
President	8" × 4" × 1.5" silver box with an etched lid depicting the Piazza Colonna; Recd—September 20, 2000; Est. Value—$650; Archives Foreign.	His Excellency Giuliano Amato; President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	8" tall silver filigree incense burner with three legs, that stands on a 5.5" diameter base. Burner has a rounded body with floral motif and small chains dangling off the side; Recd—October 19, 2000; Est. Value—$300; Archives Foreign.	Her Excellency Sheikh Hasina, Prime Minister of the People's Republic of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Three navy and 18 kt. gold S.T. Dupont pens and pencils. (2) Navy and 18 kt. gold S.T. Dupont lighter; Recd—October 24, 2000; Est. Value—$500; Archives Foreign.	His Majesty King Abdullah II bin Hussein of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	(1) Blue button down shirt with purple embroidery down the right side and around the cuffs and reads "APEC 2000 Brunei Darussalm," $40. (2) Maroon and gold-tone Mont Blanc pen, $150; Recd—November 16, 2000; Est. Value—$190; Archives Foreign.	His Majesty Sultan Haji Hassanal Bolkiah Mu' Izzaddin Waddaulah; Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Two 82.5" tall black lacquer temple vases each elaborately inlaid with a mother-of-pearl and abelone shell bird and floral motif and resting on four 14" tall Fu dog feet with a circular open deck. The vases are 22" wide at the top, 25" wide in the middle, and 19" wide at the base; Recd—November 17, 2000; Est. Value—$9000; Archives Foreign.	His Excellency Tran Duc Luong; The President of the Socialist Republic of Vietnam and Madame Vinh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Eight bottles of olive oil. (2) Two bottles of Les Vignes de Tanit red wine. (3) Two bottles of Les Vignes de Tanit white wine. (4) Two bottles of Les Vignes de Tanit blush. (5) Two bags of dates; Recd—December 15, 2000; Est. Value—$300; Accepted by Another Government Agency.	His Excellency Zine El-Abidine Ben Ali; The President of the Republic of Tunisia and Mr. Ben Ali.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	20" diameter × 15 " tall white and brown leather hollow ottoman. Inside the ottoman are two matching 14" diameter × 5" tall leather trays; Recd—December 15, 2000; Est. Value—$350; Archives.		
President	Michael Audiard ink pen; Recd—December 18, 2000; Est. Value—$500; Archives Foreign.	His Excellency Jacques Chirac, President of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	12" × 16" silver framed photograph of the King and Queen of Spain in official dress, incribed by the donors; Recd—January 19, 1993; Est. Value—$400; Archives Foreign.	Their Majesties The King and Queen of Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	For the President: Three silk Pellicano ties, with the President's name embroidered on the back. One is royal blue with black dots, one is maroom with light blue and tan stripes, and the third is steel blue with brown and black dots, $225. For the First Lady: 33" × 28" Ferragamo silk scarf, trimmed in light pink silk, and embroidererd with pink and yellow roses and a gold-tone braided rope, $245; Recd—December 23, 1999; Est. Value—$470; Archives Foreign.	His Excellency Massimo D'Alema; President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	Blue fabric-covered photo album with 8" × 10 " photographs of the President and First Lady's visit to Italy; Recd—December 23, 1999; Est. Value—$50; Archives Foreign.		
President and First Lady	For the President: Six 8" × 5" limited edition reproductions of drawings by 17th century Spanish artist Diego Velazquez. Two drawings depict women's faces, one depicts a man's face, two depict a human figure, and one depicts a city scape; each is matted in a 19" × 14" white mat, $300. For the First Lady: Two 11.5" tall royal blue crystal "Crystal de la Granja" reproduction decanters with gilt hand-painted leaves and grapes, and tops that depict the Spanish coat of arms, $300, Recd—February 23, 2000; Est. Value—$600; Archives Foreign.	Their Majesties The King and Queen of Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

[Report of Travel or Expenses of Travel—2000]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President and First Lady	(1) Shinepukur eight piece bone white china set with a ½" gold and silver half circle border pattern and a thin silver inner circle border, made in Bangladesh. Set includes: (a) 14" oval serving platter; (b) 4" tall creamer; (c) 5" tall sugar bowl with lid; (d) 9" diameter bowls; (e) 10.5" plates; (f) 8" salad plates; (g) 3" coffee cups; (h) 5.5" saucers; (i) 9" serving bowl; (j) 7.5" tea pot with lid; (k) 11" inscribed sample plate. Set is $1025. (2) 11" × 12" silver fishing boat model encased in a 12" × 14" plastic case with a red plastic base inscription that reads "With Compliments to His Excellency Mr. William J. Clinton President of the United States of America from Sheikh Hasina, Compliments of the People's Republic of Bangladesh, $1000. (3) 30" × 18" gold-tone ornate frame that contains a silk embroidered tapestry that depicts an Indian village of people farming, rowing, fishing, and harvesting, with a pink and green floral border, $650; Recd—March 19, 2000; Est. Value—$2675; Archives Foreign.	Her Excellency Sheikh Hasina, Prime Minister of the People's Republic of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) 24" × 17" mother-of-pearl and abalone shell shadow box Nativity that reads "Bethlehem" and "2000" across the front, $1200. (2) 17" long × .5" wide 18 kt. gold florentine oval link necklace, $1200. (3) 8" matching bracelet, $600; Recd—April 20, 2000; Est. Value—$3000; Archives Foreign.	Mr. Yasser Arafat, Chairman Executive Committee of the Palestine Liberation Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	Signed photograph of the donor in a 10" × 15" wood inlay frame that bears the royal seal of Denmark; Recd—April 28, 2000; Est. Value—$200; Archives Foreign.	His Royal Highness Prince Joachim, Denmark.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	12" tall Royal Copenhagen blue crystal vase with a silver rim; Recd—April 28, 2000; Est. Value—$1200; Archives Foreign.	.....	
President and First Lady	6" × 5" Orrefors lead crystal vase etched with the royal seal of Sweden; Recd—April 28, 2000; Est. Value—$500; Archives Foreign.	Her Royal Highness Crown Princess Victoria, Sweden.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) 8" × 6" × 5" black lacquer jewelry box with a lock and a key that has a red and blue tassel, $300. (2) Two small black lacquer bowls with lids, two saucers, and two spoons. All items have an opal inlay with a dragonfly and flower motif, $150; Recd—May 25, 2000; Est. Value—$450; Archives Foreign.	The Honorable Jong-Kenun You, Governor of Chollabuk-do South Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	For the President: (1) Hardcover book. "Glittering Islands: Okinawa," published by the Okinawa Prefectural Government and embossed with the Summit logo, $60. (2) Black chinkin lacquerware bowl with black wooden stand; the bowl is embossed with a gold-tone border, flowers and leaves, $75. (3) 10" square brown leather framed poem, "Hearts of Peace," $75. (4) 15" × 11" photograph of Japanese calligraphy that reads "Namkai Shochi" from the Kyushu-Okinawa Summit 2000, $50. For the First Lady: White gold choker necklace with a Tibetan pearl pendant, $850; Recd—July 19, 2000; Est. Value—$1110; Archives Foreign.	The Honorable Keiichi Inamine, Governor of Okinawa Prefecture, Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) Large hardcover book. "The Nature of Japan 2000," commissioned by H.I.H. Prince Norihito Takamado, with a preface by Mayuma Moriyama, $200. (2) 5" mauve silk peonie contained in a clear plastic box with a black bottom that bears an American flag in the bottom left corner, $45. (3) 11" × 6" × 2" black lacquer letter box with a red interior. Lid has a mother-of-pearl inlay that depicts a dragon with a large starburst design above its head, $500. (4) 28" × 14" pink, blue, green, yellow, brown, orange, and purple painting on fabric that depicts four large birds on leaves of grass, matted in a 20" × 38" cherry wood frame, $850; Recd—July 19, 2000; Est. Value—$1395; Archives Foreign.	His Excellency Yoshiro Mori, The Prime Minister of Japan and Mrs. Mori.	Non-acceptance would cause embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued

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Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President and First Lady	(1) 21" × 19" mother-of-pearl and abalone shell arched shadow box Nativity with a large star at the center of the arch and reads "2000" across the bottom, and "Bethlehem" to the left of star, item arrived at the White House slightly broken, $1000. (2) Three piece jewelry set that includes: (a) choker necklace with oblong links and a 5" center drape design set with small diamonds on each side, $1750; (b) bracelet set with small diamonds on each side, $750; (c) pair of earrings with set with small diamonds at the center, $700. Each piece is 18 kt. gold; Recd—July 21, 2000; Est. Value—$4200; Archives Foreign.	Mr. Yasser Arafat, Chairman Executive Committee of the Palestine Liberation Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	For the President: Chess set that includes a 15" square board with a light wooden frame and mirrored checker pattern; one side's pieces are made from clear glass and the other made from dull glass, $350. For the First Lady: 6" × 7" watercolor painting of two African women collecting wood in a forest, with a beige and gold-tone mat, in a 17" square green wood frame, $250; Recd—August 7, 2000; Est. Value—$600; Archives Foreign.	His Majesty Mewati III, King of the Kingdom of Swaziland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	For the President: (1) Brown, beige, and black button-front long-sleeve shirt, $75. (2) 38" × 24" gold wood framed shadow box that displays a puppet that depicts an Indonesian god, $350. For the First Lady: Two pink table runners with silver embroidery and purple, yellow, green, and white embroidered flowers, one is 68" × 16", and the other is 60" × 34", $80; Recd—August 23, 2000; Est. Value—$505; Archives Foreign.	His Excellency Abdurrahman Wahid, The President of the Republic of Indonesia and Mrs. Wahid.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) 9" tall silver water pitcher with a brown hardened coconut shell middle section, $500. (2) 7" diameter silver platter with a scalloped rim, engraved with the seal of the President of Colombia, $350; Recd—August 30, 2000; Est. Value—$850; Archives Foreign.	His Excellency Andres Pastrana, The President of the Republic of Colombia and Mrs. Pastrana.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) 18" × 12" × 4" red leather briefcase with an elephant motif and interior compartments, $350. (2) Pair of gold earrings with a pearl hanging from two leaves, $300. (3) Maroon silk shalwar kameez with a gold-tone floral pattern that includes a top, a pair of pants, and a 36" × 96" shawl, $300. (4) 13" long red and green cotton purse with cinch top and has mirror inserts, $35. (5) 80" × 18" black and white striped shawl with fringe on the ends, $65. (6) 80" × 18" red shawl with a black border, green, yellow, and blue stripes, and fringe on the ends, $45. (7) 64" × 40" blue, red, and black large striped shawl, $65. (8) 64" × 40" black shawl with small black and white stripes in the center bordered by thin red, green, and yellow stripes, $45; Recd—October 19, 2000; Est. Value—$1205; Archives Foreign.	Her Excellency Sheikh Hasina, Prime Minister of the People's Republic of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) 5.5" diameter silver dish with a cabochon sapphire, engraved in Arabic, $350. (2) 4" silver bracelet with three 3" tassels and encrusted with small sapphires, $450; Recd—October 23, 2000; Est. Value—$800; Archives Foreign.	Their Majesties King Abdullah II and Queen Rania Al Abdullah, Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	For the President: 17" × 19" mother-of-pearl and abalone shell arched shadow box Nativity that reads "2000" across the center, and "Bethlehem" on the base, $1200. For the First Lady: Four piece matching jewelry set containing: (a) Gold choker necklace with oblong links and a 4" center drape design, set with small diamonds, $1800. (b) Gold bracelet set with small diamonds in the three center links, $1200. (c) Pair of gold drop earrings set with small diamonds around the borders and three small diamonds in each drop, $800. (d) Oval-shaped ring with small diamonds around the border and three small diamonds in the center, $550; Recd—November 9, 2000; Est. Value—$5550; Archives Foreign.	Mr. Yasser Arafat, Chairman Executive Committee of the Palestine Liberation Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued
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Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Family	For the President: (1) Large hardcover book. "Rajasthan: The Living Traditions," $75. (2) Two 5″ × 8″ jade stone frog statues, one is white with gold-tone and red features, and the other is green, $400. (3) Bottle of Floris cologne that is etched with the President's signature, $100. For the First Lady: (1) 7″ × 5″ silver ornate three section cosmetic box in the shape of a mango tree branch with three fruits and curling leaves, $850. (2) 60″ × 48″ beige and tan woven tasar handspun silk fabric, $150. For Chelsea Clinton: 50″ × 73″ bandhej gajji silk dupatta stole with a black, red, gold-tone, yellow, and purple circular twist pattern, $250; Recd—March 22, 2000; Est. Value—$1825; Archives Foreign.	Mr. Ashok Gehlot, Chief Minister, Government of Rajasthan India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	For the President: Four brochures welcoming the President to Rajasthan, $5. For the First Lady: (1) Medium beige and red flowered dressing gown with a large floral pattern on the outside and a small floral pattern on the inside, $250. (2) 86″x62″ beige cotton quilt with a pink and green floral pattern and is bordered with a brown, green, and pink floral pattern; inside of quilt has a small pink floral pattern, $350. For Chelsea Clinton: (1) 68″ × 45″ white painted scarf that has a pink, green, blue, and white floral border and a matching floral design in the center of the scarf, $35. (2) Long pink, green, blue, and white floral skirt with a maroon border, $45; Recd—March 23, 2000; Est. Value—$1035; Archives Foreign.	Ms. Bina Kak, Minister of State for Tourism, Government of Rajasthan India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	21″ × 24″ crackled gilt wood framed and green matted original antique hand-colored map of "The Holy Land" with its division among the Twelve Tribes of Israel and an inset small map of the route of the "Exodus from Egypt to the Promised Land," drawn by Ch. Weigel circa 1720; Recd—March 28, 2000; Est. Value—$500; Archives Foreign.	His Excellency Ariel Sharon, Member of the Knesset of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	For the President: 13.5″ long gold dagger with a curved blade. Sheath is decorated with five emeralds, each surrounded by diamonds. Ivory hilt has one emerald surrounded by diamonds, and a cluster of diamonds at the top. Blade is decorated with Arabic calligraphy and symbols, $3000. For the First Lady and Chelsea Clinton: (1) 12.5″ tall two-handled handpainted vase with brass banding, handles and applique, $250. (2) 10.5″ tall handpainted ewer with brass base, handle, lip, and four applied geometric appliques, $200. (3) 8″ tall handpainted ewer with brass base, lip and handle, $75; Recd—June 20, 2000; Est. Value—$3525; Archives Foreign.	His Majesty Mohamed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.

EXECUTIVE OFFICE OF THE PRESIDENT—REPORT OF TANGIBLE GIFTS—Continued
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First Family	For Chelsea Clinton: (1) Two 120″ × 42″ pieces of iridescent orange fabric with a gold-tone, blue, and light blue floral design, $250. (2) 180″ × 42″ piece of iridescent green fabric with embroidered yellow flowers and maroon ends, $175. For the First Lady and Chelsea Clinton: Two sets of six sterling silver napkin rings that read "Brunei" and have a floral inlay design, $540. For the First Family: Hardcover book with a green velvet cover. "The State Mufti's Fatwa Monetary Issues," $50. For the President: (1) Two 120″ × 42″ pieces of iridescent green fabric embroidered with gold-tone thread and small green, blue, and orange diamond shapes, $250. (2) Six hardcover books. Two copies of "Brunei Darussalam: The Country, The Sultan, The People," "Pemimpin Era Baru: Leader of the New Era," "Brunei: An Islamic Nation." "APEC Young Artists Exhibition," and "Abode of Peace: 25 of Asia's Top Photographers in Brunei Darussalam," $160. (3) Two CD–ROMs. "Pemimpin Era Baru: Leader of the New Era" and "APEC Young Artists Exhibition," $30. (4) 12″ × 14″ × 3″ wooden box that reads "Leader of the New Era, APEC 2000," $30. (5) 12″ long kris with a curved wooden handle and a wooden case with a gold-tone seal, $300. (6) Eight paperbacks. "Open Economies Delivering to People: APEC's Decade of Progress," "Update of Activities November 2000," "2000 Report on Economic and Technical Cooperation: Ministerial Meeting XII," "2000 APEC Economic Outlook: Report by the Economic Committee," "Committee on Trade and Investment: Annual Report to Ministers 2000," "Towards Knowledge-Based Economies in APEC," "Report of the Executive Director of the APEC Secretariat to the 12th Ministerial Meeting," and "Building the Future of APEC Economies: Move Forward on the New Economy and Entrepreneurship." All items were prepared by APEC, $50. (7) Compact disc. "www.apec-ecotech.org, APEC Ecotech Clearing House," by APEC, $15. (8) Man's 18 kt. white gold case and band Piaget Asprey watch; the face bears the seal of Brunei, $6500. (9) Black large jacket that reads "APEC 2000 Brunei Darussalam," $60. (10) Blue cloth photo album that is embroidered to read "APEC 2000 Brunei Darussalam" and contains 8″ × 10″ photographs of the APEC Summit, $75. (11) 14″ × 15.5″ green cloth with a gold-tone embroidered border and reads "APEC 2000 Jame Asr Hassanil Bolkiah Brunei Darussalam," framed and matted in a 18″ × 20″ gold-tone frame, $75. (12) 11″ × 16″ black leather briefcase with gold-tone buckles and zippers on the sides that reads "APEC 2000," $80. (13) Two magazines. "Far Eastern Economic Review" and "Asia Inc." $5. (14) Three 8″ × 12″ pads of paper that read "APEC 2000 Brunei Darussalam," $10; Recd—November 16, 2000; Est. Value—$8655; Archives Foreign.	His Majesty Sultan Haji Hassanal Bolkiah Mu' Izzaddin Waddaulah, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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First Family	For Chelsea Clinton: 42" long wooden traditional Vietnamese musical instrument with one string and abalone shell inlay on the ends and the sides that depict flowers, dragons, and Vietnamese people, $200. For the First Lady: (1) Scalloped fan-shaped silver box with birds and a floral design on the lid, a farming scene on the sides, with red velvet interior, $350. (2) 22" × 31" yellow, green, orange, and black handwoven tapestry that depicts Vietnamese fisherman in two canoes on a river at sunset, framed and matted in a 33" × 42" wood frame with a plaque that reads "With Compliments from President of S.R. Vietnam Tran Duc Luong and Madame," $600. (3) Pink photo album of pictures of the First Lady and Chelsea in Vietnam, $30. For the President: (1) 42 hardcover books. "Tong Tap Van Hoc Vietnam Tron Bo 42 Tap: Volumes 1–42," published by Nha Xuat Ban Khoa Hoc Xa Hoi, $840. (2) Green photo album of pictures of the President in Vietnam, $30; Recd—November 17, 2000; Est. Value—$2050; Archives Foreign.	His Excellency Tran Duc Luong, The President of the Socialist Republic of Vietnam and Madame Vinh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	For the President: 9.5" tall Waterford crystal piece with an etching of the President that reads "Presented to the President of the United States of America, Mr. Bill Clinton, by the Taoiseach, Mr. Bertie Ahern, T.D., 12th December 2000." Item stands on a 10" × 2" × 4" black wooden base, $800. For the First Lady: Six silver napkin rings that are engraved with special marks commemorating the Millennium, $390. For Chelsea: Set of six silver stamps celebrating the Millennium, $150; Recd—December 12, 2000; Est. Value—$1340; Archives Foreign.	His Excellency Bertie Ahern, Prime Minister of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	(1) 6" × 8" black leather purse with a suede inner purse that is covered with a hard leather exterior with 1" diameter holes and round metal handles, $375. (2) 16" × 12" × 5" navy leather briefcase, $800. (3) 24" × 14" × 9" navy leather suitcase, $1200. All items made by Tanner Krolle; Recd—December 13, 2000; Est. Value—$2175; Archives Foreign.	The Right Honorable Tony Blair, M.P., Prime Minister United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) Two bags of coffee. (2) Four boxes of chocolates. (3) Box of nuts and dates. (4) Two containers of mineral salt. (5) Two containers of Middle Eastern candies. (6) Jar of dried flowers. (7) 600 ml of Rivage Natural Dead Sea Minerals Body Mud Mask. (8) Bottle of clear, unmarked liquid. (9) Bottle of Al-Derra. (10) Two Jordan River all natural olive oil soap bars; Recd—January 5, 2000; Est. Value—$125; Accepted by Another Government Agency.	Her Majesty Rania al Abdullah, Queen of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
	(1) 74" × 106" cream-colored tablecloth with a green border and an orange, yellow, and green butterfly motif, $165. (2) 15" × 72" gold-tone table runner with gold balls along the edges, $45. (3) 14" diameter purple and white floral handpainted relish tray in a wooden basket, $50. (4) 3" × 5.5" straw pouch. $5; Recd—January 5, 2000; Est. Value—$265; Archives Foreign.		
First Lady	14" bronze statue of a runner with one hand raised and the other holding a torch, that sits on a 5.5" × 1" bronze base that reads "A. Racko"; Recd—January 10, 2000; Est. Value—$350; Archives Foreign.	His Excellency Rudolf Schuster, The President of the Slovak Republic and Mrs. Schusterova.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Ornate gold vermeil tea set with grey floral motif. Set includes a 15" tall electric samovar with a rooster finial, six tea cups with matching saucers, two cream pitchers, a sugar bowl, and a 20" × 15" oval serving tray; Recd—February 15, 2000; Est. Value—$5000; Archives Foreign.	His Excellency Heydar Aliyev, President of the Republic of Azerbaijan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Twelve 5.5" silver dessert spoons and forks with a gold vermeil and green depiction of a Korean palace on each utensil handle; Recd—February 23, 2000; Est. Value—$1000; Archives Foreign.	Mrs. Lee Hee Ho, First Lady of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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First Lady	2.5" long × 1.5" tall box from the Silver Collection of the Royal Palace of Madrid. Box is gold vermeil with a finial that depicts two silver doves and has silver bows and ribbons around the sides; Recd—February 24, 2000; Est. Value—$350; Archives Foreign.	Their Majesties The King and Queen of Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	75" × 50" brown, green, red, blue, purple, and pink salawas cotton rug with a primitive motif; Recd—March 21, 2000; Est. Value—$150; Archives Foreign.	The Honorable Anshuman Singh, Governor of Rajasthan, India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) 32" ornate gold-tone belt, encrusted with red, green orange jewels set in 1.5" paisley and circular patterns throughout the length of the belt, $900. (2) 22" gold vermeil necklace with linked charms, doves, and glass jewels that descend 5", $250; Recd—April 3, 2000; Est. Value—$1150; Archives Foreign.	His Excellency Ali Abdullah Saleh, President of the Republic of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	12" square black lacquer wood cabinet that with a gold Japanese nature scene on an amber-glittered door, with a purple tassel handle; Recd—May 2, 2000; Est. Value—$2500; Archives Foreign.	His Excellency Yoshiro Mori, Prime Minister of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	1.5" × 2" 18 kt. gold rectangle with engraved pictures of Queen Noor and King Hussein; Recd—May 12, 2000; Est. Value—$650; Archives Foreign.	Her Majesty Queen Noor al Husein, Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Bouquet of roses, lilies, peonies, and gladiolas; Recd—May 22, 2000, Est. Value—$125; Accepted by Another Government Agency. Twelve silver napkin holders, three each in the shape of lions, elephants, cheetahs, and rams; Recd—May 22, 2000; Est. Value—$360; Archives Foreign.	Mr. Thabo Mbeki, President of the Republic of South Africa.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Three piece jewelry set that includes a necklace, pair of earrings, and bracelet. Each piece is 18 kt. gold with circular links that have diamond chips around blue sapphires; Recd—June 1, 2000; Est. Value—$5550; Archives Foreign.	Mr. Yasser Arafat, Chairman Executive Committee of the Palestine Liberation Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	7.5" silver letter opener with a rhodochrosite stone, engraved with "Republica Argentina VI 2000", Recd—June 13, 2000; Est. Value—$200; Archives Foreign.	His Excellency Fernando de la Rua, President of the Argentine Nation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Cream and gold-tone silk and lace traditional Moroccan dress with a gold-tone and cream embroidered lace floral overlay; Recd—June 16, 2000; Est. Value—$500; Archives Foreign.	His Majesty Mohamed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Large bouquet of flowers that includes yellow calla lilies, pink, peach, and bronze-colored roses, peach lupine, fuchsia gerber daisies, cream-colored and purple dendrobium orchids, banana leaves, yellow spider mums, yellow and pink cocks comb, and purple heather; Recd—June 22, 2000; Est. Value—$500; Accepted by Another Government Agency.	His Majesty Mohamed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	11.5" tall x 3" wide solid bronze statue of a woman with long hair wearing a flowing dress with her arms folded in front of her waist; Recd—July 4 2000; Est. Value—$750; Archives Foreign.	His Excellency Rudolf Schuster, The President of the Slovak Republic and Mrs. Schusterova.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Peruvian silver pen set that includes a ballpoint and faux ink well, and is mounted on a 5" x 6" base of black marble; Recd—September 4, 2000; Est. Value—$500; Archives Foreign.	Mrs. Keiko Sofia Fujimori, First Lady of Peru.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	7" x 1.25" 22 kt. gold reversible bracelet with five links of diamonds on one side, and red and green enamel on the other, with screw clasp; Recd—September 13, 2000; Est. Value—$8500; Archives Foreign.	His Excellency Atal Bihari Vajpayee, Prime Minister of Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	14" diameter x 10" tall white porcelain scalloped with a 6" square marble base, that contains pink and white tiger lillies, peach-colored amaryllises, pink and purple hydrangea, purple cocks comb, blue bells, and assorted greenery; Recd—November 9, 2000; Est. Value—$300; Accepted by Another Government Agency.	His Excellency Abdelsam Jaidi, Consul General of the Kingdom of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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First Lady	6" x 18" white ovular ceramic planter holding white and orange lillies, red roses, white hydrangea, banana leaves, red gerbert daisies, purple dendrobium orchids, and blue bells; Recd—November 9, 2000; Est. Value—$500; Accepted by Another Government Agency.	His Majesty Mohamed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	2" 22 kt. gold brooch in the shape of a "Bunga Simpor" flower, set with diamonds and burgundy coral beads; Recd—November 17, 2000; Est. Value—$2000; Archives Foreign.	Her Royal Highness Pengiran Isteri Hajjah Mariam binti Haji Abdul Aziz, Second Wife of Sultan of Brunei.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	21" tall x 16" wide x 32.5" long wooden table with three sides painted with a gold-tone, green, red, blue, pink, and black enamelled pattern of dragons, flowers, and swirls. Table has gold-tone top and one shelf; Recd—December 5, 2000; Est. Value—$1200; Archives Foreign.	Her Majesty Ashi Dorji Wangmo Wangchuck, Queen of Bhutan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) Black leather Bernard-Richards watch with a gold-tone face, $350. (2) 34" x 34" red, pink, orange, and yellow Hermes scarf with a swirl and star pattern, $150; Recd—December 18, 2000; Est. Value—$500; Archives Foreign.	His Excellency Jacques Chirac, President of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady and Chelsea	For the First Lady: Women's brown and white Gobi cashmere turtleneck sweater. For Chelsea Clinton: Women's Gobi cashmere light aqua short-sleeved sweater; Recd—January 16, 2000; Est. Value—$300; Archives Foreign.	His Excellency Jalbuugiin Choinhor, Ambassador of the Republic of Mongolia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady and Chelsea	Two traditional Bangladeshi silk and cotton blended six yard sarees. One is rose-colored with gold thread and is made of thicker silk that measures 222" x 49", $150. The other is white with a gold border that measures 150" x 53", and is accompanied by a smaller matching shawl that measures 90" x 35", $175; Recd—March 19, 2000; Est. Value—$325; Archives Foreign.	Her Excellency Sheikh Hasina, Prime Minister of the People's Republic of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady and Chelsea	For the First Lady: 2" 18 kt. white gold Chatila brooch in the shape of a flower, set with diamonds and topaz stones, $5000. For Chelsea Clinton: 18 kt. white gold Royal Diamond watch with a black leather alligator strap with diamonds and onyx stones set in the watch face, $1875; Recd—November 17, 2000; Est. Value—$6875; Archives Foreign.	Her Majesty Paduka Seri Baginda Raja Isteri Pengiran Anak Hajah Saleha binti Al-Marhum Pengiran Pemancha Pengiran Anak Haji Mohamed Alam, First Wife of Sultan of Brunei.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and Chelsea	(1) Four wooden bowls with hand carved designs. Two are 10" in diameter and dark brown on the outside with a fish and lizard motif on the inside, $50. Two are natural colored on the outside, one 13" in diameter, and one 14" in diameter, $70. One is carved to read "Presented to President Bill Clinton By Senator Khairat Abdul-Razaq Gwadabe," and two read "Presented to Chelsea Clinton," around the rims, $130. (2) 46" x 70" purple cloth banner and fringe on one end that depicts the shape of Nigeria, with photographs of President Clinton and President Obasanjo, and reads "President Clinton Welcome to Nigeria, 26th to 28th August, 2000," $150; Recd—August 25, 2000; Est. Value—$400; Archives Foreign.	The Honorable Senator Khairat Abdulrasaq-Gwadabe, National Assembly of the Federal Republic of Nigeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chelsea	(1) Blue, teal, and cream-colored silk scarf depicting characters edged in black and detailed in silver, $65. (2) Black leather purse with a teal and blue fabric flap, $250; Recd—March 21, 2000; Est. Value—$315; Archives Foreign.	His Excellency Kocheril Raman Narayanan, The President of India and Mrs. Narayanan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chelsea	22" tall cloth doll wearing a traditional red, green, and beige Russian dress with a hat and wicker shoes, set on a display stand; Recd—July 19, 2000; Est. Value—$150; Archives Foreign.	His Excellency Vladimir Putin, President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chelsea	Pair of pre-Columbian 18 kt. gold circular earrings with emeralds in the center; Recd—August 30, 2000; Est. Value—$250; Archives Foreign.	His Excellency Andres Pastrana, The President of the Republic of Columbia and Mrs. Pastrana.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chelsea	1.5" wide 18kt. gold butterfly-shaped brooch; Recd—August 30, 2000; Est. Value—$550; Archives Foreign.	The Honorable Miguel E. Raad Hernandez, Governor of the Department of Bolivar Columbia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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Chelsea	24" × 32" oil painting on panel of Chelsea Clinton wearing a blue skirt and top, looking over her shoulder at a women a red and yellow sari walking through an arched doorway of an Indian temple with beige, maroon, and green walls, in a 32" × 42" ornately carved wood frame; Recd—September 13, 2000; Est. Value—$18000; Archives Foreign.	His Excellency Atal Bihari Vajpayee, Prime Minister of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Karen Tramontano, Assistant to the President and Counselor to the Chief of Staff.	18 yards of gold brocade and blue cloth; recd—March 24, 2000; Est. Value—$3585; General Services Administration.	Her Excellency Sheikh Hasina, Prime Minister of the People's Republic of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Samuel Berger, Assistance to the President for National Security Affairs.	(1) 79" wide V-shaped black shawl with a hand embroidered woven border, $350. (2) Three piece jewelry set that includes a 17" clasp necklace, $1400; a 8" clasp bracelet, $750; and a pair of pierced earrings, $300. Each piece is made 18 kt. gold linked rounds; Recd—May 20, 2000; Est. Value—$2800; Recipient purchased item from General Services Administration. Red and black lady's lined jacket, $200; Recd—May 20, 2000; Est. value—$200; Recipient purchased item from General Services Administration.	Mr. Yasser Arafat, Chairman Executive Committee of the Palestine Liberation Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Samuel Berger, Assistant to the President for National Security Affairs.	12" × 14" oil painting on canvas of an impressionist forest scene with trees, in a 3.5" wide gold frame; Recd—May 24, 2000; Est. Value—$550; General Services Administration.	His Excellency Mugur Isarescu, Prime Minister of Romania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Arturo Valenzuala, Special Assistant to the President and Senior Director.	South American silver powder horn with attached chain and incised floral motif; Recd—September 5, 2000; Est. Value—$425; General Services Administration.	Her Excellency Marlene Fernandez del Granado, Ambassador of the Republic of Bolivia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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February 27, 2001

Part V

Department of Health and Human Services

Administration for Children and Families

Request for Applications Under the Office of Community Services' Fiscal Year 2001 Assets for Independence Demonstration Program (IDA Program); Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. OCS–2001–04]

Request for Applications Under The Office of Community Services' Fiscal Year 2001 Assets for Independence Demonstration Program (IDA Program)

AGENCY: Office of Community Services (OCS), Administration for Children and Families, Department of Health and Human Services

ACTION: Announcement of availability of funds and request for competitive applications under the Office of Community Services' Assets for Independence Demonstration Program.

SUMMARY: The Administration for Children and Families (ACF), Office of Community Services (OCS), invites eligible entities to submit competitive grant applications for new demonstration projects that will establish, implement, and participate in the evaluation of Individual Development Accounts for lower income individuals and families. Applications will be screened and competitively reviewed as indicated in this Program Announcement. Awards will be contingent on the outcome of the competition and the availability of funds.

DATES: To be considered for funding applications must be *postmarked* on or before June 12, 2001. Applications postmarked after that date will not be accepted for consideration. See Part IV of this announcement for more information on submitting applications.

FOR FURTHER INFORMATION CONTACT: Sheldon Shalit (202) 401–4807, sshalit@acf.dhhs.gov, or Richard Saul (202) 401–9341, rsaul@acf.dhhs.gov, Department of Health and Human Services, Administration for Children and Families, Office of Community Services, 370 L'Enfant Promenade, SW, Washington, DC, 20447.

In addition, this Announcement is accessible on the OCS WEBSITE for reading or downloading at: *http://www.acf.dhhs.gov/programs/ocs/* under "Funding Opportunities."

The Catalog of Federal Domestic Assistance (CFDA) number for this program is 93.602. The title is Assets for Independence Demonstration Program (IDA Program).

SUPPLEMENTARY INFORMATION: This program announcement consists of seven parts plus Attachments:

Part I: Background Information: Legislative authority, program purpose, project goals, definition of terms, and program evaluation.

Part II: Program Objectives and Requirements: Program priority areas, eligible applicants, project and budget periods, funds availability and grant amounts, project eligibility and requirements, non-Federal matching funds requirements, preferences, multiple applications, treatment of program income, and agreements with partnering financial institutions.

Part III: The Project Description, Program Proposal Elements and Review Criteria: Purpose, project summary/abstract; objectives and need for assistance, results or benefits expected, approach, organizational profiles, budget and budget justification, non-Federal resources, and evaluation criteria.

Part IV: Application Procedures: Application development/availability of forms, application submission, intergovernmental review, initial OCS screening, consideration of applications, and funding reconsideration.

Part V: Instructions for Completing Application Forms: SF424, SF424A, SF424B.

Part VI: Contents of Application and Receipt Process: Content and order of program application, acknowledgment of receipt.

Part VII: Post Award Information and Reporting Requirements: Notification of grant award, attendance at technical assistance and evaluation workshops/conferences, reporting requirements, audit requirements, prohibitions and requirements with regard to lobbying, applicable Federal regulations.

Attachments: Application forms and required attachments.

Paperwork Reduction Act of 1995

Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection information.

The project description is approved under OMB control number 0970–0139 which expires 12/31/2003.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Part I. Background Information

A. Legislative Authority

The Assets for Independence Demonstration Program (IDA Program) was established by the Assets for Independence Act (AFI Act), under Title IV of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998 (Pub. L. 105–285, 42 U.S.C. 604 Note), as amended.

B. Program Purpose

The purpose of the program is, in the language of the AFI Act: to provide for the establishment of demonstration projects designed to determine:

(1) The social, civic, psychological, and economic effects of providing to individuals and families with limited means an incentive to accumulate assets by saving a portion of their earned income;

(2) The extent to which an asset-based policy that promotes saving for postsecondary education, homeownership, and microenterprise development may be used to enable individuals and families with limited means to increase their economic self-sufficiency; and

(3) The extent to which an asset-based policy stabilizes and improves families and the community in which the families live.

There are some 300 IDA programs of various designs operating today in different communities across the country. Most are quite new and all are in the process of learning what design features work best with a variety of circumstances and target populations. Applicants are encouraged to contact these programs to see what might be learned from their experiences: what pitfalls to avoid, what successes might be emulated or adapted. An excellent source of information and discussion about existing IDA programs is the website operated by the Corporation for Enterprise Development (CFED), and its "IDA Learning Network" and related ListServe. These can be reached at *www.idanetwork.org*. In addition, the OCS Demonstration Division expects its website to be up in February 2001 at www.acf.dhhs.gov/programs/ocs/demo.

C. Project Goals

The ultimate goals of the projects to be funded under the Assets for Independence Demonstration Program are:

(1) To create, through project activities and interventions, meaningful asset accumulation opportunities for households eligible for Temporary Assistance for Needy Families (TANF) and other eligible individuals and working families.

(2) To evaluate the projects to demonstrate the effectiveness of these activities and interventions and of the project designs through which they were implemented, and the extent to which an asset-based program can lead to economic self-sufficiency of members of the communities served through one or more qualified expenses; and

(3) Thus to make it possible to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an incentive to accumulate assets by saving a portion of their earned income, and the extent to which an asset-based policy stabilizes and improves families and the community in which the families live.

D. Definition of Terms

For the purposes of this Announcement:

(1) *AFI Act* means the Assets for Independence Act (Title IV of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998, as amended) which authorizes this program.

(2) *Custodial Account* means an alternative structure to a Trust for the establishment of an Individual Development Account, as described in PART II, Section G(5).

(3) *Eligible Individual* means an individual who meets the income and net worth requirements of the program as set forth in PART II, Section G(3)(a) below.

(4) *Emergency Withdrawal* means a withdrawal of only those funds, or a portion of those funds, deposited by the eligible individual (Project Participant) in an Individual Development Account of such individual. Such withdrawal must be approved by the Project Grantee, must be made for an allowable purpose as defined in the AFI Act and under the Project Eligibility Requirements set forth in Part II of this Announcement, and must be repaid by the individual Project Participant within 12 months of the withdrawal. [See Part II, Section G(7)(b)]

(5) *Household* means all individuals who share use of a dwelling unit as primary quarters for living and eating separate from other individuals.

(6) *Individual Development Account (IDA)* means a trust or a custodial account created or organized in the United States exclusively for the purpose of paying the qualified expenses of an eligible individual, or enabling the eligible individual to make an emergency withdrawal, but only if the written governing instrument creating the trust or custodial account meets the requirements of the AFI Act and of the Project Eligibility and Requirements set forth in this Announcement. [See Part II, Section G(4) and (5).]

(7) *Net Worth of a Household* means the aggregate market value of all assets that are owned in whole or in part by any member of the household, exclusive of the primary dwelling unit and one motor vehicle owned by a member of the household, minus the obligations or debts of any member of the household.

(8) *Project Grantee* means a Qualified Entity as defined in paragraph (11) below, which receives a grant pursuant to this Announcement.

(9) *Project participant* means an Eligible Individual as defined in paragraph (3) above who is selected to participate in a demonstration project by a qualified entity.

(10) *Project Year* means, with respect to a funded demonstration project, any of the 5 consecutive 12-month periods beginning on the date the project is originally awarded a grant by ACF.

(11) *Qualified Entity* means an entity eligible to apply for and operate an assets for independence demonstration project, under Priority Area 1.0, as one or more not-for-profit 501(c)(3) tax exempt organizations, or a State or local government agency or a tribal government submitting an application jointly with such a not-for-profit organization, or an entity that—

(I) is—

(a) a credit union designated as a low-income credit union by the National Credit Union Administration (NCUA); or

(b) an organization designated as a community development financial institution (CDFI) by the Secretary of the Treasury (or the Community Development Financial Institutions Fund); and

(II) can demonstrate a collaborative relationship with a local community-based organization whose activities are designed to address poverty in the community and the needs of community members for economic independence and stability.

(12) *Qualified Expenses* means one or more of the expenses for which payment may be made from an individual development account by a project grantee on behalf of the eligible individual in whose name the account is held, and is limited to expenses of (A) post-secondary education, (B) first home purchase, and/or (C) business capitalization, as defined below:

(A) *Post-Secondary Educational Expenses* means post-secondary educational expenses paid from an individual development account directly to an eligible educational institution, and includes:

(i) *Tuition and Fees* required for the enrollment or attendance of a student at an eligible educational institution.

(ii) *Fees, Books, Supplies, and Equipment* required for courses of instruction at an eligible educational institution, including a computer and necessary software.

(iii) *Eligible Educational Institution* means the following:

(I) *Institution of Higher Education*—An institution described in Section 101 or 102 of the Higher Education Act of 1965.

(II) *Post-Secondary Vocational Education School*—An area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4)) which is in any State (as defined in section 521(33) of such Act) as such sections are in effect on the date of enactment of the AFI Act.

(B) *First-Home Purchase* means qualified acquisition costs with respect to a principal residence for a qualified first-time homebuyer, if paid from an individual development account directly to the persons to whom the amounts are due. Within this definition:

(i) *Principal Residence* means a main residence, the qualified acquisition costs of which do not exceed 120 percent of the average purchase price applicable to a comparable residence in the area.

(ii) *Qualified Acquisition Costs* means the cost of acquiring, constructing, or reconstructing a residence, including usual or reasonable settlement, financing, or other closing costs.

(iii) *Qualified First-Time Homebuyer* means an individual participating in the project involved (and, if married, the individual's spouse) who has no present ownership interest in a principal residence during the 3-year period ending on the date on which a binding contract is entered into for purchase of the principal residence to which this subparagraph applies.

(C) *Business Capitalization* means amounts paid from an individual development account directly to a business capitalization account that is established in a Qualified Financial Institution and is restricted to use solely for qualified business capitalization expenses of the eligible individual in whose name the account is held. Within this definition:

(i) *Qualified Business Capitalization Expenses* means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan, when so certified by a Qualified Entity (Grantee) as meeting the requirements of sub-paragraphs (ii), (iii), and (iv) below.

(ii) *Qualified Expenditures* means expenditures included in a qualified plan, including but not limited to capital, plant, equipment, working capital, and inventory expenses.

(iii) *Qualified Business* means any business that does not contravene any law or public policy (as determined by the Secretary).

(iv) *Qualified Plan* means a business plan, or a plan to use a business asset purchased, which—

(I) is approved by a financial institution, a microenterprise development organization, or a nonprofit loan fund having demonstrated fiduciary integrity;

(II) includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and

(III) may require the eligible individual to obtain the assistance of an experienced entrepreneurial advisor.

(D) *Transfers to IDAs of Family Members*—Amounts paid from an individual development account directly into another such account established for the benefit of an eligible individual who is—

(i) the individual's spouse; or

(ii) any dependent of the individual with respect to whom the individual is allowed a deduction under section 151 of the Internal Revenue Code of 1986.

(13) *Qualified Financial Institution* means a Federally insured Financial Institution, or a State insured Financial Institution if no Federally insured Financial Institution is available.

(14) *Qualified Savings of the Individual for the Period* means the aggregate of the amounts contributed by an eligible individual from earned income to the individual development account of the individual during the period.

(15) *Secretary* means the Secretary of Health and Human Services, acting through the Director of the Office of Community Services.

(16) *Tribal Government* means a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (24 U.S.C. 450b) or a Native Hawaiian organization, as defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

(17) *Trust Agreement* means the instrument by which an Individual Development Account is established as a trust in the partnering Financial Institution under Part II Section G(4).

(18) *Trustee* means the Qualified Financial Institution responsible for management of an Individual Development Account established as a trust pursuant to a Trust Agreement.

E. Program Evaluation

Section 414 of the Assets for Independence Act requires that the Secretary enter into a contract with an independent research organization to evaluate the demonstration projects conducted under the Act, individually and as a group, including evaluating all qualified entities participating in and sources providing funds for the demonstration projects conducted under the AFIA Act. To support this evaluation, the AFIA also provides that not less than 2% of funds in the Reserve Fund be used by grantees to provide the independent research organization with such information regarding the demonstration project as may be required for the evaluation. The Secretary has contracted with Abt Associates, in Cambridge, Massachusetts, to carry out the required evaluation. OCS and ACF's Office of Planning, Research and Evaluation (OPRE) have worked together with the contractor in the development of an evaluation design whose implementation will get underway in the Spring of 2001.

Section 414 also lists the factors to be addressed by the research organization in its evaluation, which include:

(1) The effect of incentives and institutional support on savings behavior;

(2) The savings rates of individuals based on demographic characteristics and income;

(3) The economic, civic, psychological and social effects of asset accumulation and how such effects vary among different populations or communities;

(4) The effects of IDA's on savings rates, home ownership, level of post secondary education attained, and self-employment, and how such effects vary among different populations or communities;

(5) The potential financial returns to the Federal Government and to other public and private sector investors in IDA's over a 5 and 10 year period;

(6) The lessons to be learned from the demonstration projects and if a permanent program of IDA's should be established; and

(7) Such other factors as the Secretary may prescribe.

The section then stipulates that in evaluating any demonstration project under the AFIA, the research organization shall, before, during and after the project, obtain such quantitative data as are necessary to evaluate the program thoroughly. To this end OCS and its technical assistance contractor, PeopleWorks, Inc., have worked with OPRE and the research organization to develop a reporting format for AFIA grantees, and expect to make available to all grantees an Asset Development Information System to facilitate the maintenance, collection, verification and reporting of the data. In addition, section 414 directs that the research organization shall develop a qualitative assessment, derived from sources such as in-depth interviews, of how asset accumulation affects individuals and families.

Section 414 of the AFIA, as amended, further provides that of the funds appropriated for each Fiscal Year, beginning with FY 2001, $500,000 will be available to carry out the evaluation.

Part II. Program Objectives and Requirements

The Office of Community Services (OCS) invites qualified entities to submit competing grant applications for new demonstration projects that will establish, support, manage, and participate in the evaluation of Individual Development Accounts for eligible participants among lower income individuals and working families.

A. Program Priority Areas

There is one Program Priority Area under this program for Fiscal Year 2001: Priority Area 1.0, under which OCS will accept applications from Qualified Entities as described below and in Section G. Applications for continuation of grants funded under Priority Area 2.0 of the Fiscal Year 1999 Assets For Independence Program Announcement are not covered by this Program Announcement; but will be the subject of direct correspondence between OCS and the grantees.

B. Eligible Applicants

(1) *In general.* Eligible applicants for the Assets for Independence Demonstration Program Priority Area 1.0 are one or more not-for-profit 501(c)(3) tax exempt organizations, or a State or local government agency or a tribal government submitting an application jointly with such a not-for-profit organization, or an entity that—

(I) is—

(a) a credit union designated as a low-income credit union by the National Credit Union Administration (NCUA); or

(b) an organization designated as a community development financial institution by the Secretary of the Treasury (or the Community Development Financial Institutions Fund); and

(II) can demonstrate a collaborative relationship with a local community-based organization whose activities are designed to address poverty in the community and the needs of community members for economic independence and stability.

Not-for-profit Applicants, including those filing jointly with government agencies or Tribal Governments, must provide documentation of their tax exempt status. The applicant can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code *or* by providing a copy of their currently valid IRS tax exemption certificate. Failure to provide evidence of Section 501(c)(3) tax exempt status will result in rejection of the application. Similarly, eligible credit unions and CDFI's must provide written documentation of their status and evidence of their collaborative relationship with an appropriate local community-based organization.

(2) *Applications submitted jointly by state or local government agencies or tribal governments and tax exempt non-profit organizations.* Joint applications by government agencies and non-profit organizations must clearly identify the joint applicants; and the SF 424 Application for Federal Assistance must be signed by one of the joint applicants. The applicant signing the SF 424 will be responsible for proper implementation of the grant in accordance with the approved work program and the terms and conditions of the grant. (It may be either the government agency applicant or a non-profit applicant). In either case, a Reserve Fund must be established for the Project by a non-profit Joint Applicant, and maintained and managed as agreed by the Joint Applicants. The Reserve Fund must be established in accordance with Section G, Paragraphs (1) and (2), below; and where the project includes a group or consortium of operating partners, may include both a central and local Reserve Funds as described there. Such joint applications must also include:

(a) proof of tax exempt status of the non-profit Joint Applicant, as described in Paragraph (1), above; and

(b) a Joint Applicant Agreement, signed by the responsible officials of both Joint Applicants, setting forth the responsibilities of each Joint Applicant for implementation of the proposed project, including management and oversight of the Reserve Fund and carrying out of the project activities and interventions described in Element II of the proposal narrative. (See Part III, below.) The Joint Applicant Agreement should be the first Appendix to the Application, and the responsibilities it sets out should be described in the Project Narrative under Elements I and II, Part III, Section I Evaluation Criteria (below).

(3) Applications submitted by a lead agency on behalf of a consortium of partnering organizations. Where the Applicant is applying as the lead agency for a consortium or group of partnering organizations, each of these organizations must be briefly described in the Application, and background materials citing their relevant experience and staff capabilities should be included in the Appendix. In such cases the Applicant should document its capability and experience in managing such consortia, and the roles and responsibilities of all Participating agencies should be clearly set forth in signed Partnering Agreements between the Applicant and each of the Partnering members. Copies of the Partnering Agreements should be included in the Appendix, and the roles and responsibilities of each participating agency clearly explained in Part III, Element I and Element II(b), Project Design, and reflected in the Work Plan under Element II(d). These explanations must include the plans for establishing one or more Reserve Fund(s), and how and where IDA Accounts and Parallel Match Accounts will be maintained, as reflected in the Financial Institution Agreement(s)/Statement of Policy under Part III, Element II(c). (See also Section G. Paragraph (1), and Section M, below.)

C. Project and Budget Periods under Priority Area 1.0

This announcement is inviting applications under Priority Area 1.0 for project and budget periods of five (5) years. Grant actions, on a competitive basis, will award funds for the full five year project and budget period. As noted below in Section E., subject to the availability of funds, grantees may be offered the opportunity to submit applications for supplementary funding in later years during the five-year project.

Note: Applicants should be aware that OCS funds awarded pursuant to this Announcement will be from FY 2001 funds and may not be expended after the end of the five-year Project/Budget Period to support administration of the project or matching contributions to Individual Development Accounts which may be open at that time. Consequently, Applicants should consider carefully the length of time participants will need to achieve their savings goals and at what point in the project they may wish to discontinue the opening of new accounts. Consequently, and as noted below, deposit of non-Federal share funds needs to be carried out on a schedule consistent with the planned schedule of new account opening. Applicants should provide assurance that in every case provision will be made for payment of all promised matching deposits to IDA accounts opened by project participants in the course of the demonstration project.

D. Funds Availability and Grant Amounts under Priority Area 1.0

In Fiscal Year 2001 OCS expects approximately $13 million to be available under Priority Area 1.0 for funding commitments to approximately 45 new projects, generally not to exceed $500,000 each for the five-year project and budget periods. However, in special circumstances where applicants have secured over $500,000 in non-Federal share contributions which they will lose if not able to secure a Federal grant of equal amount, applications for up to $1 million will be considered; but the agency would prefer to limit initial grants to not more than $500,000, with the possibility open to additional supplemental funding in years two and three of the project. Applicants are reminded that grant awards are limited to the amount of committed non-Federal cash matching contributions; and that OCS recognizes that this is a limiting factor in the amount of grant funds requested. Applicants are assured that OCS will welcome requests for less than the maximum grant amounts, and are urged to make realistic projections of project activity over the five year project and propose project budgets accordingly. As in the past, subject to the availability of funds and the progress of individual demonstration projects, grantees that have raised additional cash non-Federal share contributions may be given the opportunity to request supplementary funding in later years during the five-year project. Draw-down of grant funds over the five-year budget period may be made in amounts that will match non-Federal deposits into the Project Reserve Fund. (See Section G. Paragraph (2) and Section I, below).

E. Funds Availability for Supplementing FY 1999 and 2000 Grantees

As explained in the FY 1999 and 2000 Assets for Independence Program Announcements and noted above, subject to availability of funds and the progress of individual demonstration projects, grantees may be offered the opportunity to submit requests for supplementary funding during the five-year project, if there were a determination that this would be in the best interest of the government. Pursuant to those Announcements, approximately $7 million of FY 2001 funds will in like manner be made

available for supplementary grants to FY 1999 and 2000 grantees which will be solicited directly by OCS. Any funds not expended for supplementary grants will be available for new project grants under Priority Area 1.0, and vice versa.

F. Funds Availability and Grant Amounts for Continuation Funding of Grandfathered State Grantees (FY 1999 Priority Area 2.0 Grantees: Indiana and Pennsylvania)

In Fiscal Year 2001 up to approximately $2 million is expected to be available under Priority Area 2.0 for up to two continuation grants not to exceed $1 million each for the third budget year of a five-year State project funded under Priority Area 2.0 of the FY 1999 Assets for Independence Program Announcement. Any funds not expended in FY 2001 for these Continuation Grants will be available for project grants under Priority Area 1.0 or for supplementary grants as described above in Paragraph E.

G. Project Eligibility and Requirements under Priority Area 1.0

To be eligible for funding under Priority Area 1.0, projects must be sponsored and managed by Qualified Entities and must meet the following requirements:

(1) Reserve Fund

Every project funded under this Announcement must establish and maintain a Reserve Fund in accordance with this paragraph. Such Reserve Fund must be maintained in accordance with the accounting regulations prescribed by the Secretary (See 65 FR 10027, Feb. 25, 2000), in a Qualified Financial Institution or other insured financial institution satisfactory to the Secretary.

Note: Where an applicant is lead agency for a consortium or group of partnering organizations, each of which will be implementing an IDA program under the Applicant's grant pursuant to this Announcement, the Applicant/lead agency must maintain a Reserve Fund into which all required non-Federal share matching contribution funds and OCS grant funds shall be deposited in accordance with sub-Paragraph (a). The consortium has two alternatives for maintenance of Reserve Fund(s) in its IDA programs: First, participating organizations may all operate out of the one central Reserve Fund maintained by the Applicant/lead agency. In this case separate accounting structures would be maintained for each of the organizations and the funds assigned for their use in accordance with agreements between the Applicant and each organization. Or second, in addition to the Central Reserve Fund, participating organizations may each establish a local Reserve Fund in their community into which the Applicant/lead agency will deposit from the Central Reserve Fund the funds (grant and non-Federal share) allocated for use by the particular organization. Central and local Reserve Funds will be subject to all of the requirements of this Section. Whatever the arrangement, it must be spelled out and agreed to in the Partnering Agreements required under Section B. Paragraph (3) between the Applicant and each consortium member.

(a) *Amounts in the reserve fund.* As soon after receipt as is practicable, grantees shall deposit in the Reserve Fund the non-Federal matching contributions received pursuant to the "Non-Federal Share Agreement" or Agreements reached with the provider(s) of non-Federal matching contributions. Once such non-Federal funds are deposited in the Reserve Fund, grantees may draw down OCS grant funds in amounts equal to such deposits. Similarly, as soon after receipt as practical, grantees shall deposit in the Reserve Fund the income received from any investment made of those funds (see paragraph (d) below).

(b) *Use of amounts in the reserve fund.* Grantees shall use the amounts in such Reserve Fund as follows:

(A) at least 85% of the federal grant funds, and an equal amount of the required non-Federal share funds, shall be used as matching contributions, equally divided between federal and non-federal monies, to individual development accounts for project participants, in an agreed upon ratio to deposits made in those accounts by project participants from earned income.

(B) at least 2% but no more than 15% of the Federal grant funds shall be used toward the expense of collecting and providing to the research organization evaluating the demonstration project the data and information required for the evaluation.

(C) up to 7.5% of the Federal grant funds may be used for administration of the demonstration project and, and an additional 5.5% shall go toward non-administrative support expenses of assisting project participants to obtain the skills (including economic literacy classes, budgeting, and business management skills), training, and information necessary to achieve economic self-sufficiency through activities requiring qualified expenses. If the cost of such non-administrative support expenses is less than 5.5% of the Federal grant funds, then any unused portion may be used for administrative expenses.

(D) up to 15% of the required matching non-Federal funds may be used for expenses outlined in Paragraphs (B) and (C), above, or other project-related expenses as agreed by the Applicant and the providing entity.

Note: If a grantee mobilizes matching non-Federal contributions in excess of the required 100 percent match, such non-Federal funds may be used however the grantee and provider of the funds may agree. Where the use of such funds is proposed within a Program Element/Proposal Review Criterion which formed the basis for the grant award, Grantees will be held accountable for commitments of such excess matching funds and additional resources, even though over the amount of the required non-Federal match.

(c) *Authority to invest funds.* A grantee shall invest the amounts in its Reserve Fund that are not immediately needed for payment under paragraph (b), in a manner that provides an appropriate balance between return, liquidity, and risk, and in accordance with Guidelines which will be issued by the Secretary prior to making of grant awards and provided to grantees at the time of grant award.

(d) *Use of investment income.* Income generated from investment of Reserve Fund monies that are not allocated to existing Individual Development Accounts may be added by grantees to the funds committed to program administration, participant support, or evaluation data collection. As noted in Paragraph M, below, once funds have been committed as matching contributions to Individual Development Accounts, then any income subsequently generated by such funds must be deposited/credited to the credit of such accounts.

Note: No part of such income is to be considered as a Federal funds contribution subject to the $2000/$4000 limitations under Paragraph (5)(b), below.

(e) *Joint project administration.* If two or more qualified entities are jointly administering a project, none shall use more than its proportional share for the purposes described in subparagraphs (B) and (C), of paragraph (b).

(2) Use of Grant Funds by State and Local Government Agencies and Tribal Governments.

As set forth in Section B. Paragraph (2) above, grantees who are State or local government agencies or Tribal governments are required to submit applications jointly with tax exempt non-profit organizations. In such cases, whether the lead applicant signing the SF 424 is the government agency or the non-profit organization, a Reserve Fund must be established for the Project by the non-profit Joint Applicant and maintained and managed as agreed by the Joint Applicants. The Reserve Fund shall be subject to the requirements of Paragraph (1) above, and Section I, below.

(3) Eligibility and Selection of Project Participants

(a) *Participant eligibility.* Eligibility for participation in the demonstration projects is limited to individuals who are members of households eligible for assistance under TANF, or of households whose adjusted gross income does not exceed the earned income amount described in Section 32 of the Internal Revenue Code of 1986, which establishes eligibility for the Earned Income Tax Credit (EITC)(taking into account the size of the household), or of households whose annual income does not exceed 200% of the poverty income guidelines as established and published by the Department of Health and Human Services, and whose net worth as of the end of the calendar year preceding the determination of eligibility does not exceed $10,000, excluding the primary dwelling unit and one motor vehicle owned by a member of the household.

Note: The most recent EITC Earned Income Guidelines which set the limits on annual income for eligibility in the IDA Program are as follows:

—for a household without a child: $10,380.
—for a household with one child: $27,413.
—for a household with more than one child: $31,152.

The most recent Poverty Income Guidelines (published in February 2000) are set forth in Attachment M to this Announcement. Annual revisions of these Guidelines are normally published in the **Federal Register** in February or early March of each year. Where relevant to IDA Project criteria, grantees will be required to apply the most recent guidelines throughout the project period. These revised guidelines may be obtained at public libraries, Congressional offices, or by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. They are also accessible on the OCS Website for reading and/or downloading (www.acf.dhhs.gov/programs/ocs).

Applicants are reminded that there is also a net worth assets test for eligibility in the program, as noted above.

(b) Participant Selection. In keeping with the statutory preference in Section 405(d)(3) of the AFI Act for applications that target individuals from neighborhoods or communities that experience high rates of poverty or unemployment, grantees in their selection of Project Participants may restrict participation in such neighborhoods or communities targeted by their demonstration projects to individuals and households with lower incomes and net worth than set forth above, provided that they shall nonetheless select individuals who they determine are well suited to participate in the demonstration project.

(4) Establishment of Individual Development Accounts

Project Grantees must create, through written governing instruments, either (a) Trusts, under this paragraph, or (b) Custodial Accounts described in Paragraph (5) below, which will be Individual Development Accounts on behalf of Project Participants. Trustees of Trusts must be Qualified Financial Institutions. Custodians of Custodial Accounts may be Qualified Financial Institutions, other insured financial institutions satisfactory to the Secretary, or Demonstration Project Grantees. In every case the Participant's personal savings from earned income shall be deposited in the Participant's Individual Development Account in a participating insured financial Institution, which in the case of Qualified Entities which are eligible Credit Unions or CDFI's, may be the Qualified Entity itself. In every case where the participating insured financial institution and the Demonstration Project Grantee are not one and the same, both shall be parties to the written governing instruments creating the Trust or Custodial Account. Such instruments must contain the following provisions:

(a) All contributions to the accounts must be either in cash, by check, money order, or by electronic transfer of funds.

(b) The assets of the account will be invested in accordance with the direction of the Project Participant after consultation with the grantee and pursuant to the guidelines of the Secretary (which will be issued prior to the making of grant awards and made available to grantees at the time of grant award).

(c) The assets of the account will not be commingled with other property except in a common trust fund or parallel account or common investment fund.

(d) In the event of the death of the Project Participant, any balance remaining in the account shall be distributed within 30 days of the date of death to another Individual Development Account established for the benefit of an eligible individual as directed by the deceased Participant in the Savings Plan Agreement under sub-paragraph (g), below; provided, that the Participant may at their option direct the disposition of any funds in the account which were deposited in the account by the Participant as he or she may see fit, except that where such disposition is not to another Individual Development Account, all matching contributions made by the grantee to the account, and any income earned thereby, shall be returned to the Reserve Fund. [Note that this will mean that each Project Participant must provide such direction at the time the Individual Development Account is established. Provision should be made by grantees for modification of such directions during the course of the project, in the event of changing circumstances.]

(e) Except in the case of the death of the Project Participant, amounts in the account attributable to deposits by the grantee from grant funds and matching non-federal contributions, and any interest thereon, may be paid, withdrawn or distributed out of the account only for the purpose of paying qualified expenses of the Project Participant including transfers under Paragraph (7)(d), below).

(f) The procedures governing the withdrawal of funds from the Individual Development Account, for both Qualified Expenses and Emergency Withdrawals, must comply with the provisions of Paragraph (7) Withdrawals from Individual Development Accounts, below.

(g) A "Savings Plan Agreement" between the grantee and the Project Participant, which may be incorporated by reference, and which should include: (1) Savings goals (including a proposed schedule of savings deposits by the Participant from earned income, which may be for a period of less than five years); (2) the rate at which participant savings will be matched (from one dollar to eight dollars for each dollar in savings deposited by Participant, the Federal grant funds portion of which may not exceed $2000 during the five-year project period); (3) the proposed qualified expense for which the Account is maintained, (4) agreement by the grantee to provide and the Participant to attend classes in Economic Literacy; (5) any additional training or education related to the qualified expense which the Grantee agrees to provide and of which the Participant agrees to partake, (6) contingency plans in the event that the Participant exceeds or fails to meet projected savings goals or schedules, (7) any agreement as to investments of assets described in subparagraph (b), above, (8) an explanation of withdrawal procedures and limitations, including the consequences of unauthorized withdrawal, (9) provision for disposition of the funds in the account

in the event of the Participant's death (see sub-Paragraph (d), above; and (10) provision for amendment of the Agreement with the concurrence of both Grantee and Participant.

(5) Custodial Accounts

As provided in Paragraph (4), above, Grantees may, in the alternative, create, through written governing instruments, Custodial Accounts which shall be Individual Development Accounts on behalf of Project Participants, except that they will not be trusts. As in the case of trusts established under paragraph (4), the written governing instruments of the accounts must contain the requirements outlined in subparagraphs (a) through (g) of that paragraph, with the following exceptions. Whereas trustees of the trusts created under Paragraph (4) must be Qualified Financial Institutions, the assets of the custodial account may be held by a bank or another "person" (or institution) who demonstrates to the satisfaction of the Secretary that the manner in which the account will be administered will be consistent with the provisions of the AFI Act, and that the IDA's will be created and maintained as described in paragraph (4) and Section 404(5)(A) of the AFI Act. In addition, in the case of a custodial account treated as a trust by reason of this paragraph, the custodian of such account may be the Project Grantee, provided that it can assure compliance with the requirements of Paragraph (4) above, and Section 404(5)(A) of the AFI Act. These arrangements would place the "custodial" responsibilities with the grantee, and relieve financial institutions of trustee obligations. The Secretary has determined that the assets of any such accounts must be held in an insured financial institution and be subject to the provisions of Paragraph M, below, pertaining to agreements between applicants/grantees and participating financial institutions.

Within the meaning of this OCS Program Announcement, IDA "Custodial Accounts" in which project participants deposit their savings may be solely owned by the participant and in the sole name of the participant. Funds in the account may only be expended for "Qualified Expenses" or an "Emergency Withdrawal" as defined in the AFIA and this Program Announcement; and in keeping with this restriction, any withdrawals must be approved in writing by a responsible official of the project grantee. At the same time, if the participant requests approval for an "unauthorized withdrawal", that is, for other than a "Qualified Expense" or "Emergency Withdrawal" as defined in the AFIA, and Part I, Section D (4) and (12), above, the project grantee must agree to approve such an "Unauthorized Withdrawal", with the explicit understanding on the part of both the grantee and the participant, that the participant thereby loses any matching funds credited to the account, and must exit the program.

(6) Deposits in Individual Development Accounts

(a) Matching contributions. Not less than once every three months during the demonstration project grantees will make deposits into Individual Development Accounts as matching contributions to deposits from earned income made by Project Participants during the period since the previous deposit. Such deposits may be made either into the accounts themselves or into a parallel account maintained by the grantee in an insured financial institution (or in the grantee institution itself, in the case of grantees which are eligible Credit Unions or CDFI's).

Note: Deposits made by Project Participants shall be deemed to have been made from earned income so long as the Participant's earned income (as defined in Section 911(d)(2) of the Internal Revenue Code of 1986) during the period since the Participant's previous deposit in the account is greater than the amount of the current deposit.

Section 911(d)(2) provides, in relevant part, "the term 'earned income' means wages, salaries, or professional fees, and other amounts received as compensation for personal services actually rendered".

Matching contributions (as deposits to IDA accounts or to parallel accounts) must be made to IDA's in equal amounts from Federal grant funds and the non-Federal public and private funds committed to the project as matching contributions, as described in Section I below, and Sections 405(c)(4) and 406(b)(1) of the AFI Act. Such matching contribution deposits by grantees may be from $0.50 to $4 in non-Federal funds and an equal amount in Federal grant funds, for each dollar of earned income deposited in the account by the Project Participant in whose name the account is established. At the time matching contribution deposits are made, the grantee will also deposit into the Individual Development Account (or the parallel account) any interest or income that has accrued since the last deposit on amounts previously deposited in or credited to that IDA in the parallel account.

(b) *Additional matching contributions.* Once such equal matching contribution deposits are made, grantees may make additional matching contributions to IDA's from other non-Federal sources, or other Federal sources, such as TANF, where the legislation or policies governing such programs so permit. Such additional matching contributions would *not* be a use of funds falling within any Program Element/Proposal Review Criterion under Part III below, which formed the basis for the grant award, and as such, grantees will *not* be held accountable for their commitment to the project.

(c) *Limitations on matching contributions.* Over the course of the five year demonstration, not more than $2,000 in Federal grant funds shall be provided through matching contributions to any one individual; and not more than $4,000 shall be provided to IDA's in any one household. [As noted in Paragraph (1)(d), above, no part of any investment income earned by monies in the Reserve Fund or a parallel account credited to the Participant is to be considered as a Federal funds contribution subject to this limitation.]

(7) Withdrawals From Individual Development Accounts

(a) *Limitations.* Under no circumstances may funds be withdrawn from an Individual Development Account earlier than six months after the initial deposit by a Project Participant in the Account. Thereafter funds may be withdrawn from such account only upon written approval of the Project Participant and of a responsible official of the project grantee, and only for one or more Qualified Expenses (as defined in Part I) or for an Emergency Withdrawal. (But see Paragraph (5) Custodial Accounts, above, for the Participant's right to make "unauthorized withdrawals" and the consequences thereof.)

(b) *Emergency withdrawals.* An Emergency Withdrawal may only be of those funds, or a portion of those funds, deposited in the account by the Project Participant, and only for the following purposes:

(i) expenses for medical care or necessary to obtain medical care for the Project Participant or a spouse or dependent of the Participant;

(ii) payments necessary to prevent eviction of the Project Participant from, or foreclosure on the mortgage for, the principal residence of the Participant;

(iii) payments necessary to enable the Project Participant to meet necessary living expenses (food, clothing, shelter—including utilities and heating fuel) following loss of employment.

(c) *Reimbursement of emergency withdrawals.* A Project Participant shall reimburse an Individual Development Account for any funds withdrawn from the account for an Emergency Withdrawal, not later than 12 months after the date of the withdrawal. If the Participant fails to make the reimbursement, the Project Grantee must transfer back to its Reserve Fund Federal and non-Federal matching contributions deposited into the account or a parallel account, and any income generated thereby. Any remaining funds deposited by the Project Participant (plus any income generated thereby) shall be returned to such Project Participant.

Applicants are urged to consider the establishment of a separate alternative crisis or emergency loan fund that can respond to participant emergencies without having them risk putting their IDA in jeopardy because of an inability to make reimbursement within the required timeframe.

(d) *Transfers to individual development accounts of family members.* At the request of a Project Participant, and with the written approval of a responsible official of the grantee, amounts may be paid from an individual development account directly into another such account established for the benefit of an eligible individual who is—

(i) the Participant's spouse, or

(ii) any dependent of the Participant with respect to whom the Participant is allowed a deduction under section 151 of the Internal Revenue Code of 1986.

Note that such transfers may be made to dependents who in turn would become IDA project participants who would be able to use these funds for any of the Qualified Expenditures defined in Part I. Applicants are reminded of the limit of $4000 in Federal IDA matching contributions per household.

H. Project Eligibility and Requirements Under Priority Area 2.0

As previously noted in Part II Section A, there is no Priority Area 2.0 under this Announcement. Applications for continuation of grants funded under Priority Area 2.0 of the Fiscal Year 1999 Assets For Independence Program Announcement will be the subject of direct correspondence between OCS and the grantees.

I. Non-Federal Matching Funds Requirements

Applicants must obtain firm commitments for at least one hundred percent of the requested OCS grant amount in cash non-Federal share for deposit to the Reserve Fund as matching contribution. Public sector resources that can be counted toward the minimum required match include funds from State and local governments, and funds from various block grants allocated to the States by the Federal Government provided that the authorizing legislation for these grants permits such use. Note, for example, that Community Development Block Grant (CDBG) funds *may* be counted as matching funds; Community Services Block Grant (*CSBG*) *funds may not.* With regard to State TANF funds, any State funds that comprise Maintenance Of Effort (MOE) under the TANF regulations may NOT be used as required non-Federal share under this Announcement. (But see discussion of Additional Matching Contributions in Paragraph (6)(a), above.)

To be considered for funding an Application must include a copy of a "Non-Federal Share Agreement" or Agreements in writing executed by the Applicant and the organization or organizations providing the required non-Federal matching contributions, signed for the organization by a person authorized to make a commitment on behalf of the organization, and signed for the Applicant by the person signing the SF424. Such Agreement(s) must include: (1) a commitment by the organization to provide the non-Federal funds contingent only on the grant award; and (2) an agreement as to the schedule of the opening of Individual Development Accounts by the Applicant, and the schedule of deposits by the organization to the project's Reserve Fund, such that the two schedules will together assure that there will be at all times in the Reserve Fund non-Federal matching contribution funds sufficient to meet the maximum pledges of matching contributions under the "Savings Plan Agreements" for all Individual Development Accounts then open and being maintained by the grantee as part of the demonstration project.

Thus, for example, if the provider of non-Federal share only agrees to a fixed schedule of deposits, this non-Federal share requirement can be met by the Applicant agreeing to a schedule for opening new accounts that will assure that new IDA accounts will only be opened when there are sufficient funds in the Reserve Fund to meet the maximum amount of matching contributions pledged under the "Savings Plan Agreements".

Where the Applicant is itself providing any of the required cash non-Federal share, it must include a statement of commitment, on applicant letterhead, signed by the official signing the SF 424 *and countersigned by the Applicant's Board Chairperson or Treasurer, that the non-Federal matching funds will be provided, contingent only on the OCS grant award, and that non-Federal share deposits to the Reserve Fund and the opening of Individual Development Accounts will be coordinated so that new accounts will only be opened when there are sufficient funds in the Reserve Fund to cover the maximum matching requirements of the Savings Plan Agreements.*

With regard to Applicants which are State or local government agencies or Tribal governments, submitting jointly with tax exempt non-profit organizations, note that under Section G Paragraphs (1) and (2), above, Reserve Funds are required to be established as in other applications/projects.

OCS has determined that the strict legislative limitations on the use of Federal grant funds and of the minimum required non-Federal match (under the recent amendments to the AFIA, at least 85% of each must go toward matching deposits in Individual Development Accounts) mean that important training, counseling and support activities, critical to the success of a project, may best be supported by additional resources, both of the applicant itself and mobilized by the applicant in the community. Consequently, Applicants are encouraged to mobilize additional resources, which may be cash or in-kind contributions, Federal or non-Federal, for support of project administration and assistance to Project Participants in obtaining skills, knowledge, and needed support services. (See Part III, Element V) Applicants are reminded that they will be held accountable for commitments of such additional resources even if over the amount of the required non-Federal match.

J. Preferences

In accordance with the provisions of the AFI Act, in considering an application to conduct a demonstration project under this Announcement, OCS will give preference to an application that:

(1) demonstrates the willingness and ability of the applicant to select eligible individuals for participation in the project who are predominantly from households in which a child (or children) is living with the child's biological or adoptive mother or father, or with the child's legal guardian.

Note: Applications that target TANF eligible households will be deemed to have met this preference.

(2) provides a commitment of non-Federal funds with a proportionately greater amount of such funds committed from private sector sources; and

(3) targets individuals residing within one or more relatively well-defined neighborhoods or communities (including rural communities) that experience high rates of poverty or unemployment.

Note: Applications which target residents of Empowerment Zones, Enterprise Communities, Public Housing, or CDFI Fund-designated Distressed Communities will be deemed to have met this preference. (For information on CDFI Fund designation of Distressed Communities applicants may visit the CDFI Help Desk Website at: http://www.cdfifundhelp.gov.)

Each of these preferences will be valued at 2 points in the Application Review process, so that applicants not meeting these preferences will have 2 points subtracted from its score for a given Proposal Element for each preference not met. [Preferences (1) and (3) fall under Proposal Element II(a); Preference (2) falls under Proposal Element V(a)]. In the case of a consortium of organizations operating programs funded through a lead agency, if a majority of the participating organizations meet these legislative preferences, the Application as a whole will be awarded these points.

K. Multiple Applications

Qualified Entities may submit more than one application for different demonstration projects, but no more than one such application will be funded to the same Qualified Entity pursuant to this Announcement.

L. Treatment of Program Income.

As noted in Section G Paragraph (1)(d), above, income generated from investment of unallocated funds in the Reserve Fund may be added to the funds already committed from the Reserve Fund to program administration, participant support, or evaluation data collection. However, once funds have been committed as matching contributions to Individual Development Accounts, then any income subsequently generated by such funds must be deposited proportionately to the credit of such accounts.

Note: No part of such income is to be considered as a Federal funds contribution subject to the $2000/$4000 limitations under Section G Paragraph (6)(c), above.

M. Agreements with Partnering Financial Institutions/Statements of Policy

One of the most critical parts of a successful IDA project is the relationship between the project operator and a partnering financial institution, be it a bank or credit union. Not only does the financial institution provide the situs of the Individual Development Accounts, but it also represents for IDA holders their doorway to mainstream economic life: savings and checking accounts, ATM machines, payroll deduction savings, home mortgages, and the opportunity for credit repair, student and business loans, all within a framework of sound financial planning. Moreover, many banks see non-Federal share contributions to the project's Reserve Fund as sound investments which not only offer them tax deductions and CRA credit, but also introduce them to a whole new body of potential long-term clients.

For all these reasons it is vitally important for applicants to develop strong and mutually supportive relationships with the financial institutions which will be their partners in carrying out the IDA project. Thus, all applicants under this Announcement must enter into agreements with one or more insured Financial Institutions, in collaboration with which Reserve Funds and Individual Development Accounts will be established and maintained. [For applicants which are eligible Credit Unions or CDFI's, see Note at end of this Section, below.]

To be considered for funding, an Application submitted by other than an eligible Credit Union or Community Development Financial Institution must include a copy of an Agreement or Agreements with one or more partnering insured Financial Institutions which include(s) the provisions set out in Part III Element II(c), which state(s) that the accounting procedures to be followed in account management will conform to Guidelines (CFR Part 74) established by the Secretary (Note: Such regulations may be found at 45 CFR part 1000), and under which the partnering insured Financial Institution agrees to provide data and reports as requested by the applicant. In the case of IDA's established as Trusts under Section G Paragraph (4), above, the partnering financial institution must be a Qualified Financial Institution as defined in PART I Section D(12). In the case of IDA's established as Custodial Accounts, the partnering financial institution must be insured and must meet the requirements of Section G Paragraph (5), above, to the satisfaction of the Secretary. [For applications submitted by eligible Credit Unions or Community Development Financial Institutions (CDFI's) see Note below.]

The Agreement may also include other services to be provided by the partnering Financial Institution that could strengthen the program, such as Financial Education Seminars, favorable pricing or matching contributions provided by the Financial Institution, and assistance in recruitment of Project Participants. Strong and complete Agreements with financial institutions will be recognized in the application review process under Sub-Element II(c) of the application Evaluation Criteria under Part III, below.

Note: In the case of applications submitted by eligible Credit Unions or Community Development Financial Institutions, where the Reserve Fund and IDA accounts are to be held by the applicant Institution itself, the applicant must submit, in lieu of a Financial Institution Agreement, a Statement of Policy, approved by its Board of Directors and attested to by its Chairperson and Chief Financial Officer, which meets the requirements set forth in this section (M.) and in Part III Sub-Element II(c). This Statement of Policy will be considered in the application review process under Sub-Element II(c). Where such applicants are proposing the establishment of Reserve Fund(s) or IDA's in other partnering Financial Institutions, they must submit as part of their applications copies of Agreements with such Partnering Financial Institution(s) in accordance with this section (M.).

Part III. The Project Description, Program Proposal Elements and Review Criteria

A. Purpose

The project description provides the major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experience, and other information considered to be relevant. Awarding offices use this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must distinguish between resources directly

related to the proposed project from those that will not be used in support of the specific project for which funds are requested.

B. Project Summary/Abstract

Provide a summary of the project description (a page or less) with reference to the funding request.

C. Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, instructional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

D. Results or Benefits Expected

Identify the results and benefits to be derived. For example, describe the population to be recruited to the IDA program, how many accounts are projected to be opened, what qualified expenses are expected to be achieved, and how they will assist participants to move towards self-sufficiency.

E. Approach

Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of accounts opened. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any "collection of information that is conducted or sponsored by ACF".

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

F. Organization Profiles

Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or*, by providing a copy of the currently valid IRS tax exemption certificate, *or*, by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

G. Budget and Budget Justification

Provide a line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

The following guidelines are for preparing the budget and budget justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. For purposes of preparing the budget and budget justification, "Federal resources" refers only to the ACF grant for which you are applying. Non-Federal resources are all other Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s), and last column, total budget. The budget justification should be a narrative.

Personnel

Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known. For each staff person, provide the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

Fringe Benefits

Description: Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

Travel

Description: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel).

Justification: For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored workshops should be detailed in the budget.

Equipment

Description: "Equipment" means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for the financial statement purposes, or (b) $5,000. (Note: Acquisition cost means the net invoice unit price of an item of equipment,

including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.)

Justification: For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy or section of its policy which includes the equipment definition.

Supplies

Description: Costs of all tangible personal property other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information which supports the amount requested.

Contractual

Description: Costs of all contracts for services and goods except for those which belong under other categories such as equipment, supplies, construction, etc. Third-party evaluation contracts (if applicable) and contracts with secondary recipient organizations, including delegate agencies and specific project(s) or businesses to be financed by the applicant, should be included under this category.

Justification: All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients and subrecipients, other than States that are required to use Part 92 procedures, must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 USC 403(11) (currently set at $100,000.) Recipients might be required to make available to ACF pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.

Other

Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development costs, and administrative costs.

Justification: Provide computations, a narrative description and a justification for each cost under this category.

H. Non-Federal Resources

Amounts of non-Federal resources that will be used to support the project as identified in Block 15 of the SF–424. The firm commitment of these resources must be documented and submitted with the application in order to be given credit in the review process. A detailed budget must be prepared for each funding source.

I. Evaluation Criteria

Proposal Elements and Review Criteria for Applications

Each application which passes the initial screening will be assessed and scored by three independent reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and weaknesses under each applicable criterion published in the Announcement. Scoring will be based on a total of 100 points, and for each application will be the average of the scores of the three reviewers.

The competitive review of proposals will be based on the degree to which applicants:

(1) Adhere to the requirements in Part II and incorporate each of the Elements and Sub-Elements below into their proposals, so as to:

(2) Describe convincingly a project that will develop new asset accumulation opportunities for households eligible for TANF and other eligible individuals and working families that can lead to a transition from dependency to economic self-sufficiency through the accumulation of assets and the pursuit of activities requiring one or more qualified expenses; and

(3) Provide for the collection and validation of relevant data to support the national evaluation to be carried out by the independent research organization, under contract with ACF, of the project design, implementation, and outcomes of this Demonstration Program.

In order to simplify the application preparation and review process, OCS seeks to keep grant proposals cogent and brief. Applications with project narratives (excluding Project Summaries, Budget Justifications and Appendices) of more than 30 letter-sized pages of 12 c.p.i. type or equivalent on a single side will not be reviewed for funding. Applicants should prepare and assemble their project description using the following outline of required project elements. They should, furthermore, build their project concept, plans, and application description upon the guidelines set forth for each of the project elements.

Project descriptions are evaluated on the basis of substance, not length. Pages should be numbered and a table of contents should be included for easy reference. For each of the Project Elements or Sub-Elements below there is at the end of the discussion a suggested number of pages to be devoted to the particular element or sub-element. These are suggestions only; but the applicant must remember that the overall Project Narrative must not be longer than 30 pages.

Evaluation Criteria 1: Organizational Profiles

Element I. Organizational Experience and Administrative Capability; Ability to Assist Participants. (0 to 20 points)

Criterion: The capability and relevant experience of the applicant and its partners and collaborators in developing and operating programs which deal with poverty problems similar to those to be addressed by the proposed project. Applicants should include their experience and capability in providing supportive services to TANF recipients and other low income individuals and working families seeking to achieve economic stability and self-sufficiency; and in recruiting, educating, and assisting project participants to increase their economic independence and general well-being through economic literacy education and the accumulation of assets.

Applications should briefly cite a few specific, concrete examples of successful programs and activities, with accomplishments, with which applicant has been involved which have contributed to its experience and capability to carry out the proposed project. This should include experience in working with the target or similar populations, as well as collaborative programming and operations which involve financial institutions and

financial planning, budget counseling, educational guidance, preparation for home ownership, and/or self-employment training.

Applications should identify applicant agency executive leadership in this section and briefly describe their involvement in the proposed project and provide assurance of their commitment to its successful implementation. (This can be achieved by a statement or letter from agency executive leadership which may be included in the Appendix.) The application should note and justify the priority that this project will have within the agency including the facilities and resources that it has available to carry it out.

The application must also identify the individual staff person(s) who will have the most responsibility for managing the project, coordinating services and activities for participants and partners, and for achieving performance targets. The focus should be on the qualifications, experience, capacity and commitment to the program of the key staff person(s) who will administer and implement the project, and the application should indicate the amount of time (in FTE) each will be expected to devote to the project. The person identified as Project Director should have supervisory experience, experience in working with financial institutions and budget related problems of the poor, and experience with the target population. Because this is a demonstration project within an already-established agency, OCS expects that the key staff person(s) would be identified, if not hired, in which case a resume or resumes should be included in the Appendix. If the person or persons have not been identified, then Position Description(s) should be included in the Appendix.

Finally, the application should cite the roles, responsibilities, and experience of any other organizations that will be collaborating with the Applicant to assist and support Project Participants in the pursuit of their goals under the project. Supporting documentation concerning these partnering agencies and their commitment to participation in the project should be included in the Appendix to the proposal.

Where the Applicant is applying as the lead agency for a consortium of partnering organizations, each of these organizations should be briefly described in this section of the Project Narrative; and background materials citing their relevant experience and staff capabilities should be included in the Appendix. In such cases the Applicant should document its capability and experience in managing such consortia, and the roles and responsibilities of all participating agencies should be clearly set forth in Partnering Agreements between the Applicant and each of the member organizations. Copies of the Agreements should be included in the Appendix, and the roles and responsibilities clearly explained in Element II(b), Project Design, and reflected in the Work Plan under Element II(d).

It is suggested that applicants use no more than 5 pages for this sub-Element, not counting actual resumes or position descriptions, which should be included in an Appendix to the proposal. Background materials on consortium members (if any) and other collaborating agencies, supportive materials, and Partnering Agreements with members should also be included in the Appendix.

Evaluation Criteria 2: Approach I

Element II. Sufficiency of the Project Theory, Design, and Plan (0–45 points)

Criterion: The degree to which the project described in the application appears likely to result in the establishment of a workable, fiscally sound program that will provide a structure of incentives and supports for TANF eligible households and other working families of limited means that will enable them to increase their economic self sufficiency through economic literacy training and asset accumulation for one or more "qualified expenses".

OCS seeks to learn from the application why and how the project as proposed is expected to establish the creation of new opportunities for asset accumulation by eligible individuals and families that can lead to significant improvements in individual and family self-sufficiency through activities requiring one or more qualified expenses: for post-secondary education, home ownership, and/or qualified business capitalization.

Applicants are urged to design and present their project in terms of a conceptual cause-effect framework that makes clear the relationship between what the project plans to do and the results it expects to achieve.

Sub-Element II(a). Description of Target Population, Analysis of Need, and Project Assumptions (0–10 points)

In this sub-element of the proposal the applicant must precisely identify the target population(s) to be served. The geographic area to be impacted should then be briefly described, citing the percentage of residents who are low-income individuals and TANF recipients, as well as the unemployment rate, and other data that are relevant to the project design. Note: Both the poverty rate and unemployment rate of the target community(s) are needed to be set forth in the Application so that its eligibility for the legislative preference may be determined (see below).

The project design or plan should begin with identifying the underlying assumptions about the program. These are the beliefs on which the proposed program is built. They should begin with assumptions about the strengths and needs of the population(s) to be served; about how the accumulation of assets will enable project participants to build on those strengths in their quest to achieve self-sufficiency; and about what anticipated needs of the participants could be barriers to that achievement.

In other words, the underlying assumptions of the program are the applicant's analysis of the participant strengths and potential to be supported and their needs and problems to be addressed by the project, and the applicant's theory of how its proposed interventions will address those strengths and needs to achieve the desired result. Thus a strong application is based upon a clear description of the strengths, opportunities, needs and problems to be supported and addressed, and a persuasive understanding of the nature of the opportunities and causes of the problems.

The application should include a discussion of the identified personal barriers to employment, job retention and greater self-sufficiency faced by the population to be targeted by the project. (These might include such problems as illiteracy, substance abuse, family violence, lack of skills training, health or medical problems, need for childcare, lack of suitable clothing or equipment, or poor self-image.) The application should also include an analysis of the identified community systemic barriers which the applicant will seek to overcome. These might include lack of public transportation; lack of markets; unavailability of financing, insurance or bonding; inadequate social services (employment service, child care, job training); high incidence of crime; lack of housing; inadequate health care; or environmental hazards. Applicants should be sure not to overlook the personal and family services and support needed by project participants which will enhance job retention and advancement, so as to assure continued ability to save from earned income, and

which will also help to assure that benefits attainable through asset accumulation are not diverted by crises beyond the participants' control which would lead to emergency withdrawals. The applicant should thus be prepared to demonstrate that the proposed project activities will provide participants with realistic prospects for being able to overcome these barriers and make the investments needed to acquire the assets which are the goal of the IDA.

Where applicant is the lead agency for a group or consortium of organizations, this narrative should briefly summarize the location, character, and unemployment and poverty status of the different target populations. More detailed information for each of the participating organizations should be included in the Appendix to the Application.

Note: In accordance with the legislative preferences set forth in Part II Section J, above, the maximum score for this sub-Element in the review of applications under Priority Area 1.0 will only be given to applications which:

(1) demonstrate the willingness and ability of the applicant to select individuals for participation in the project who are predominantly from households in which a child (or children) is living with the child's biological or adoptive mother or father, or with the child's legal guardians. (Applications which target TANF eligible households will be deemed to have met this preference); and

(2) target individuals residing within one or more relatively well-defined neighborhoods or communities (including rural communities, public housing developments, Empowerment Zones and Enterprise Communities) that experience high rates of poverty or unemployment. (Applications which target residents of Empowerment Zones, Enterprise Communities, Public Housing, or CDFI Fund-designated Distressed Communities will be deemed to have met this preference.) (See Part II, Section J)

Each of these preferences will be valued at 2 points in the proposal review, so that the absence of one will reduce the review score for the sub-Element by 2 points; the absence of both will reduce the review score by 4 points.

In the case of a consortium of organizations operating programs funded through a lead agency, if a majority of the participating organizations meet these legislative preferences, the Application as a whole will be awarded these points.

It is suggested that applicants use no more than 5 pages for this Sub-Element, not including any more detailed information about separate target populations, which should be included in the Appendix.

Sub-Element II(b). Project Approach and Design: Interventions, Outcomes, and Goals (0–15 points)

The Application should outline a plan of action which describes the scope and detail of how the proposed activities will be undertaken. This Sub-Element should begin with a concise statement of the number of IDAs that are proposed to be established for each of the "Qualified Expenses" under the AFI Act, the projected monthly savings by IDA holders and the planned rate of matching contributions, and the projected savings goals of the participants. [It is recognized that these projections may be revised during the course of the project, based on actual experience of the participants.] The applicant should demonstrate that projected savings goals have a true relation to the ability of the Participant to save and to the value or cost of the "Qualified Expense" for which the IDA is to be used, be it housing, postsecondary education, or business capitalization.

Next, the Applicant should present a clear and straightforward description, from the point of view of the Project Participant, of just how the proposed IDA Project will operate. This description should take an eligible member of the target population through project activities from recruitment through the payment for the "Qualified Expense" (and beyond, if appropriate). It is suggested that the description generally follow the outline below, plus any additional activities that the Applicant proposes to undertake as part of its project:

(1) How/where does the potential participant learn information about the Project that will excite his/her interest? *(Recruitment)*

(2) Once interested, how, when, by whom, and on what basis is the recruit selected to participate in the project? *(Selection)*

(3) How and when and with what assistance (Case Management? Family Development?) does the new participant make decisions concerning the amount of weekly or monthly savings and the selection of "Qualified Expense"? Or is this part of the Selection Process? *(Consultation)*

(4) When and where and with whom does the Participant reach agreement on and sign a "Savings Plan Agreement"? [Include here a brief discussion of the provisions of the Agreement, or refer to a sample provided in the Appendix.] *(Savings Plan Agreement)*

(5) Where, when and how does the Participant actually open his/her IDA account with the Insured Financial Institution? Where is the Institution in relation to the Participant's home/place of work? How does the Participant get to the Institution? [Include here a brief discussion of the role of the Financial Institution in account management, data collection and reporting, and any other services it will provide, referring to copies of the agreement(s) with the Financial Institution(s) in the Appendix.] *(Opening of the IDA/Role of the Financial Institution)*

(6a) How and where will participant make savings deposits? In person? By mail? Through payroll deduction? *(Savings Deposits)*

(6b) What happens if a scheduled deposit is missed? Will the participant be sent a post card? Receive a supportive phone call? *(Delinquency)*

(7a) Where and when and from whom does the participant receive "Economic Literacy" or "Budgeting" training, and do childcare and transportation need to be provided? *(Training and Support)*

(7b) Where and when and from whom does participant receive Credit Repair Services if they are needed; and are there ways to escape from, or avoid Predatory Lenders? *(Credit Repair)*

(8a) Where and when and from whom does the participant receive needed support to remain on the job with opportunity for advancement (So as to assure continued savings from earned income)? *(Post Employment Support Services)*

(8b) Where and when and from whom does the participant receive emergency services so as to avoid having to make Emergency Withdrawals? *(Crisis Intervention)*

(9) Where and when and from whom does the participant receive "Qualified Expenditure" training related to home ownership, pursuit of educational goals, or business plan development and business management? *(Qualified Expenditure Support)*

(10) When the IDA savings/match goals have been achieved, where, when and how does the participant make or arrange withdrawals to support the "Qualified Expenses"? *(Withdrawals)*

In this description the applicant should discuss all of the planned activities and interventions, including those supported by other available resources, and should explain the reasons for taking the approaches proposed. The description should give a clear picture of how the project as a whole will operate from day to day, including the recruiting, financial, program support, and data collection responsibilities of the applicant and any partners in the project, and just how they will interact with the financial institutions and other participating agencies.

Where the Applicant is a lead agency for a group or consortium of organizations, the role of each must be clearly defined in this section of the application. In such cases Applicants should attach copies of signed Partnering Agreements with each of the member organizations setting forth the roles and responsibilities of each. (See Element I and PART II Section B.(3) above.)

Finally, and following the above description, the Applicant should explain how the proposed project activities will result in outcomes which will build on the strengths of the Program Participants and assist them to overcome the identified personal and systemic barriers to achieving self-sufficiency. In other words, what will the project staff do with the resources available to the project and how will what they do (interventions) assist project participants to accumulate assets in Individual Development Accounts and use those assets for "Qualified Expenses" in a manner that will help lead them to self-sufficiency?

It is suggested that applicants use no more than 9 pages for this Sub-Element, not including copies of agreements with financial institutions, partnering agencies or organizations, or sample "Savings Plan Agreement", which should be in an Appendix.

Sub-Element II(c). Financial Institution Agreement/Statement of Policy (0–10 points)

Note: In the case of applications submitted by eligible Credit Unions or Community Development Financial Institutions, where the Reserve Fund and IDA accounts are to be held by the applicant Institution itself, the applicant must submit, in lieu of a Financial Institution Agreement, a Statement of Policy, approved by its Board of Directors and attested to by its Chairperson and Chief Financial Officer, which sets forth the provisions listed under this Sub-Element, and which will be considered in like manner in the competitive review process. Where such applicants are proposing the establishment of Reserve Fund(s) or IDA's in other partnering Financial Institutions, they should submit as part of their applications copies Agreements with such Partnering Financial Institution(s) in accordance with this Sub-Element. It is suggested that applicants need not include discussion of these Agreements/Statements of Policy in their Proposal Narrative, but should only identify the Financial Institution(s) and reference the Agreement/Statement of Policy as included in an Appendix to the Application.

Applicants other than eligible Credit Unions or CDFI's must identify the Qualified Financial Institution(s) with which they are partnering in the development and implementation of its IDA Project, and all applicants must include in an Appendix a copy of a signed Agreement between the Applicant and the Financial Institution(s), or, in the case of eligible Credit Unions or CDFI's, a Statement of Policy, which sets forth:

(1) that the project's Reserve Fund will be established in the Financial Institution;

(2) that its management will conform to the requirements of the AFIA (see Part II–G(1) above);

(3) the rate of interest to be paid on amounts in the Reserve Fund;

(4) that IDA accounts will be established in the Financial Institution through written governing instruments in accordance with the requirements of Part II, Section G (4), paragraphs (a) through (g), above, including the requirements for deposits (by cash, check, money order or electronic transfer) and withdrawals (signature of the account holder and of a responsible official of the project grantee required);

(5) how, when, and where participant deposits will be made;

(6) how and when matching contributions will be made (e.g. in a parallel account);

(7) the rate and frequency of interest payments on accounts, including matching contributions;

(8) that the accounting procedures to be followed in account management will conform to the Guidelines established by the Secretary as set forth at CFR part 1000 published 65 FR 10027, Feb. 25, 2000:

(9) the data and reports that will be furnished to the grantee concerning the Reserve Fund and IDA accounts;

(10) the Non-Federal Share contribution, if any, being made by the Financial Institution for deposit in the Reserve Fund, and the schedule of deposits of such contribution; and

(11) other services to be provided by the Financial Institution(s) that could strengthen the project, such as Financial Education Seminars, favorable pricing on fees, out-stationing of services in community facilities, or assistance in recruitment of Project Participants.

Agreements/policies which meet the basic requirements of paragraphs (1) through (9), above will be awarded up to eight (8) points in the competitive review process. To be awarded a higher score Agreements/Statements of Policy must include some provisions from those included in paragraphs (10) and (11).

As noted above, the applicant need only identify the partnering Financial Institution(s) under this Sub-Element, and reference the Agreement(s) or Statement of Policy in the Appendix to the Application.

Sub-Element II(d). Work Plan, Projections, Time Lines (0–10 points)

Applicant should provide quantitative quarterly projections of the activities to be carried out and such information as the projected number of participants to be enrolled in each quarter, the number of Individual Development Accounts projected to be opened in each quarter for each of the "Qualified Expenses", the number and amount of projected deposits in each quarter, a projected schedule of IDA completions and qualified expense payments, and the number and types of services provided to participants. The plan should briefly describe the key project tasks, and show the timelines and major milestones for their implementation. Where the Applicant is a lead agency for a group or consortium of organizations, this information should be broken out for each of the member organizations. Applicant may be able to use a time line chart to convey this aspect of the work plan in minimal space.

Note: Applicants should make sure that these projections relate accurately to the amount of grant funds requested and rates of matching contributions that are planned for IDA's. In other words, applicants should not project a greater number of IDA accounts than that number that can be matched by the grant funds that will be available to the project. Applicants should also be aware that OCS funds awarded pursuant to this Announcement will be from FY 2001 funds and may not be expended after the end of the five-year Project/Budget Period to support administration of the project or matching contributions to Individual Development Accounts which may be open at that time. Consequently, Applicants should consider carefully the length of time participants will need to achieve their savings goals and at what point in the project they may wish to discontinue the opening of new accounts. Applicants should provide assurance that in every case provision will be made for payment of all promised matching deposits to IDA accounts opened by project participants in the course of the demonstration project.

This Element of the Proposal should also include a management plan or chart showing the responsibilities of the applicant agency, key personnel, and all partnering agencies and consortium members (where applicable), with an indication of who will be performing various tasks such as recruiting, training, economic education instruction, and support activities. (This

plan or chart should be included in the Appendix to the Application.)

It is suggested that applicants use no more than 3 pages for this Sub-Element, not counting the management plan/chart, which should be included in the Appendix.

Evaluation Criteria 3: Budget and Budget Justification

Element III. Appropriateness of Budget and Proposed Use of Cash and In-Kind Resources (0–5 points)

Criteria: Completeness of the Budget Justification, and the degree to which a description of the allocation of both cash and in-kind resources available to the project (including any income generated for the project by the Reserve Fund) demonstrates a thoughtful plan that reflects the needs of Project Participants and the responsive activities and interventions to be undertaken by the Applicant and its partners.

Every application must include a Budget Justification, placed after the Budget Forms SF 424 and 424A, explaining the sources and uses of project funds, and completed in accordance with instructions found in Section G, above. The Budget Justification will not be counted as part of the Project Description subject to the thirty page limitation. Applicant should briefly but thoroughly describe how all of the resources available to the Project will be employed to carry out the Work Plan described in Element II, including those training elements and support services designed to help assure participant success in meeting their savings commitments and their chosen "qualified expense" use of their Individual Development Account assets. In the budget forms and supporting Budget Justification, Applicants must clearly distinguish between AFI Act/OCS grant funds and other funds, and between cash and in-kind resources described.

As noted above, the Budget Justification will not be counted as part of the Project Description subject to the thirty page limitation.

Evaluation Criteria 4: Approach II

Element IV. Project Data: Adequacy of Plan for Collecting, Validating and Providing Project-related Data for Management Information, Reporting, and Evaluation Purposes. (0–5 points)

Criteria: Adequacy of the plan for collecting, validating and providing relevant, accurate and complete data for internal management information, statutory reporting and project evaluation purposes; and clear expression of a commitment to cooperate with the statutorily mandated evaluation of the national Assets for Independence Demonstration Program.

Note: Under the AFI Act project grantees are required to use at least 2%—but not more than 15%—of grant funds to provide the research organization evaluating the demonstration project with such information with respect to the demonstration project as may be required for the evaluation.

The AFI Act allocates a portion of the appropriated funds to support an evaluation of the overall demonstration program in addition to the funds grantees are required to expend on data collection. This Element requires the Applicant to provide a well thought-out plan for collecting, validating and reporting or providing the necessary data in a timely fashion. The Applicant is also encouraged to identify the kinds of data it believes would facilitate the management information, reporting, and evaluation purposes. The Applicant should also declare its agreement to cooperate with the evaluation of the national program, and include a brief explanation of its perception of what that cooperation would entail. Applicants are urged to carry out an ongoing assessment of the data and information collected as an effective "process" management/feedback tool in implementing the project. If the Applicant anticipates such an undertaking, the plans should be briefly outlined here.

Note: To attain a maximum score for this Element, the Applicant must state its agreement to use the "MIS IDA" information system software developed by the Center for Social Development, or a comparable and compatible Asset Development Information System, now in development, which OCS expects to provide to grantees for the maintenance, collection, and transmission of data from the proposed project.

It is suggested that applicants use no more than 2 pages for this Element.

Evaluation Criteria 5: Non-Federal Resources

Element V. Commitment of Resources. (Total of 0–15 points)

Sub-Element V(a). Proportion of Public/Private Required Non-Federal Matching Contributions. (0–2 points)

Criterion: Whether a proportionately greater amount of committed required non-Federal matching contribution funds are from private sector as opposed to public sources.

In accordance with the legislative preferences set forth in Part III Section J Preferences, above, applications which provide a commitment of *required non-Federal cash matching contributions* with a proportionately greater amount of such funds committed from private sector as opposed to public sources will receive 2 points under this Element.

Applicants are reminded that as noted in Part II Section I Non-Federal Matching Funds Requirements, where the Applicant is itself providing any of the required cash non-Federal share, it must include in the Appendix a statement of commitment, on applicant letterhead, signed by the official signing the SF 424 and countersigned by the Applicant's Board Chairperson or Treasurer, that the non-Federal matching funds will be provided, contingent only on the OCS grant award, and that non-Federal share deposits and the opening of Individual Development Accounts will be coordinated so that new accounts will only be opened when there are sufficient funds in the Reserve Fund to cover the maximum matching requirements of the Savings Plan Agreements.

Sub-Element V(b). Availability of Additional Resources. (0–13 points)

Criterion: The extent to which additional resources (beyond the required amount of direct funds from non-federal public sector and from private sources that are formally committed to the project as matching contributions) will be available to support those activities and interventions identified in sub-Element II(b), such as economic literacy classes, "qualified expense"-related training, counseling, case management, post-employment support services, and crisis intervention.

As noted below in Part IV, Paragraph D Initial OCS Screening, the only applications which will be considered for competitive review are those which include written documentation of a commitment, contingent only on award of the OCS grant, from the provider(s) of non-Federal share, in cash as distinguished from in-kind, of at least the amount of the total Federal grant requested.

OCS has determined that the strict legislative limitations on the use of Federal grant funds and of the minimum required non-Federal match (at least 85% of each must go toward matching deposits in Individual Development Accounts) mean that important training, counseling and support activities, critical to the success of a project, can best be supported by additional resources, both of the applicant itself and from the community.

In order to receive points in the review process under this sub-Element, the applicant must identify those additional resources, cash and in-kind, which will be dedicated to support of those activities and interventions identified in sub-Element II(b), such as economic literacy classes, training, counseling, case management, post-employment support services, and crisis intervention; and any staff data collection/verification activities described in Element III. Such resources may be existing programs of the applicant or a project partner, such as Family Development, Economic Literacy classes, or Small Business Training, in which Project Participants will be enrolled as part of their efforts to achieve self-sufficiency. This Element will be judged in the review process on the adequacy of the available resources to support the activities and interventions described in sub-Element II(b). The commitment of such resources to the project must be documented in writing and submitted as an Appendix to the Application. Because such additional resources are not part of the legislatively mandated non-Federal matching requirement, these additional resources may be of Federal or non-Federal origin, public or private, in cash or in-kind. Applicants are reminded that they will be held accountable for commitments of such additional resources even if over the amount of the required match.

It is suggested that no more than 3 pages be used for this Element, not including non-Federal Share Agreements, assurances, letters of commitment, partnership agreements, or Memoranda of Understanding, which should be put in an Appendix to the proposal.

Evaluation Criteria 6: Results or Benefits Expected

Element VI. Significant and Beneficial Impacts/Critical Issues or Potential Problems (0–10 points)

Criteria: The extent to which proposed project is expected to produce permanent and measurable results that will reduce the incidence of poverty in the community and lead TANF eligible households and other eligible individuals and working families toward economic self-sufficiency through economic literacy education and accumulation of assets; and the extent to which applicant convincingly explains how the project will meet any critical issues or potential problems in achieving these results.

Applicants should set forth their realistic goals and projections for attainment of these and other beneficial impacts of the proposed project and should demonstrate that projected savings goals have a true relationship to the ability of the participant to save the projected amounts and to the value or cost of the "Qualified Expense" for which the IDA is to be used.

Results are expected to be quantifiable in terms of the number of Individual Development Accounts opened, their rate of growth, the number and size of withdrawals for each of the three "Qualified Expenses", and the impact of the payment of those expenses on the participants' movement toward self-sufficiency.

Applicants should also in this Element explicitly address critical issues or potential problems that might affect the achievement of project objectives, with an explanation of how they would be overcome, and how the objectives will be achieved notwithstanding any such problems.

It is suggested that no more than 3 pages be used for this Element.

Part IV. Application Procedures

A. Application Development/Availability of Forms

In order to be considered for a grant under this program announcement, an application must conform to the Program Requirements set out in Part II and be prepared in accordance with the guidelines set out in Part III, above. It must be submitted on the forms supplied in the attachments to this Announcement and in the manner prescribed below. Attachments A through I contain all of the standard forms necessary for the application for awards under this OCS program. These attachments and Parts IV and V of this Announcement contain all the instructions required for submittal of applications.

Additional copies may be obtained by writing or telephoning the office listed under the section entitled **FOR FURTHER INFORMATION CONTACT:** at the beginning of this announcement. In addition, this Announcement is accessible on the Internet through the OCS WEBSITE for reading or downloading at: http://www.acf.dhhs.gov/programs/ocs/ under "Funding Opportunities".

The applicant must be aware that in signing and submitting the application for this award, it is certifying that it will comply with the Federal requirements concerning the drug-free workplace, the Certification Regarding Environmental Tobacco Smoke, and debarment regulations set forth in Attachments G, H, and I.

Part III contains instructions for the substance and development of the project narrative. Part V contains instructions for completing application forms. Part VI, Section A describes the contents and format of the application as a whole.

B. Application Submission

(1) *Number of copies required.* One signed original application and two copies should be submitted at the time of initial submission. (OMB 0976–0139). Two additional optional copies would be appreciated to facilitate the processing of applications.

(2) *Deadline.* Mailed applications shall be considered as meeting the announced deadline of June 12, 2001 if they are either received on or before the deadline date or postmarked on or before the deadline date and received by ACF in time for the independent review. Mailed applications must be sent to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Office of Child Support Enforcement, "Attention: IDA Program", 370 L'Enfant Promenade, SW., Washington, DC 20447.

Applications submitted via overnight/express delivery services should be addressed to the Administration for Children and Families, Office of Grants Management, Office of Child Support Enforcement, "Attention IDA Program", 901 D Street SW, Fourth Floor, Washington, DC 20024.

Applicants must ensure that a legibly dated U.S. Postal Service postmark, or a legibly dated machine produced postmark of a commercial mail service, or an official dated receipt of an overnight/express delivery service, is affixed to the envelope/package containing the application(s). To be acceptable as proof of timely mailing, a postmark from a commercial mail service or receipt from an overnight/express delivery service company must include the logo/emblem of the company and must reflect the date the package was received by the company from the applicant. *Private Metered postmarks shall not be acceptable as proof of timely mailing.*

Applications handcarried by applicants, applicant couriers, or by other representatives of the applicant shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., EST, at the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Office of Child Support Enforcement, Mailroom, 2nd Floor (near loading dock), Aerospace Center, 901 D Street, SW, Washington, DC 20024, between Monday and Friday (excluding Federal holidays). The address must

appear on the envelope/package containing the application with the note "Attention: IDA Program".

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

(3) *Late applications.* Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

(4) *Extension of deadlines.* ACF may extend an application deadline for applicants affected by acts of God such as floods and hurricanes, or when there is widespread disruption of the mails. A determinations to waive or extend deadline requirements rest with ACF's Chief Grants Management Officer.

C. Intergovernmental Review

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Program and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

*All States and Territories except Alabama, Alaska, Arizona, Colorado, Connecticut, Hawaii, Idaho, Indiana, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, Wyoming, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-eight jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or indicate "not applicable" if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, OCSE Office of Grants Management, 370 L'Enfant Promenade, S.W., 4th floor East, Washington, D.C. 20447.

A list of the Single Points of Contact for each State and Territory is included as Attachment J to this Announcement.

D. Initial OCS Screening

Each application submitted under this program announcement will undergo a pre-review to determine that the application was postmarked by the closing date and submitted in accordance with the instructions in this announcement.

All applications that meet the published deadline requirements as provided in this Program Announcement will be screened for completeness and conformity with the following requirements. Only complete applications that meet the requirements listed below will be reviewed and evaluated competitively. Other applications will be returned to the applicants with a notation that they were unacceptable and will not be reviewed.

The following requirements must be met by all Applicants except as noted:

(1) The application must contain a signed Standard Form 424 "Application for Federal Assistance" (SF–424), a budget (SF–424A), and signed "Assurances" (SF 424B) completed according to instructions published in Part V and Attachments A, B, and C of this Program Announcement. The SF–424 and the SF–424B must be signed by an official of the organization applying for the grant who has authority to obligate the organization legally. Applicants must also be aware that the applicant's legal name as required on the SF–424 (Item 5) must match that listed as corresponding to the Employer Identification Number (Item 6).

(2) A project narrative must also accompany the standard forms. OCS requires that the narrative portion of the application be limited to 30 letter-size pages, numbered, and typewritten on one side of the paper only with one-inch margins and type face no smaller than 12 characters per inch (c.p.i.) or equivalent. Applications with project narratives (excluding Project Summaries and appendices) of more than 30 letter-sized pages of 12 c.p.i. type or equivalent on a single side will not be reviewed for funding. The Joint Applicant Agreement (where applicable), non-Federal share agreement, Budget Narrative, Charts, exhibits, resumes, position descriptions, letters of support or commitment, Agreements with Financial Institutions and other partnering organizations, and Business Plans (where required) are not counted against this page limit, and should be in the Appendix. It is Strongly Recommended That Applicants Follow the Format and Content for the Narrative Described in the Program Elements Set Out in Part III.

(3) Application must contain documentation of the applicant's (or joint applicant's) tax exempt status as required under Part II, Section A.

(4) Application must include a copy of a "Non-Federal Share Agreement" or Agreements in writing executed with the entity or entities providing the required non-Federal matching contributions, signed by a person authorized to make a commitment on behalf of the entity and signed for the Applicant by the person signing the SF424. Such Agreement(s) must include: (1) A commitment by the organization to provide the non-Federal funds contingent only on the grant award; and (2) an agreement as to the schedule of the opening of Individual Development Accounts by the Applicant, and the schedule of deposits by the organization to the project's Reserve Fund, such that the two schedules will together assure that there will be at all times in the Reserve Fund non-Federal matching contribution funds sufficient to meet the maximum pledges of matching contributions under the "Savings Plan Agreements" for all Individual Development Accounts then open and being maintained by the grantee as part of the demonstration project.

Where Applicants (or Joint Applicants) themselves are providing non-Federal share funding, then with regard to those funds the application should include an assurance, written on the Applicant's letterhead, signed by the person signing the SF424, and countersigned by the board Chairperson or Treasurer, that the required non-Federal share funds will be provided

and that deposits and the opening of Individual Development Accounts will be coordinated so that new accounts will only be opened when there are sufficient funds in the Reserve Fund to cover the maximum matching requirements of the Savings Plan Agreements. (See Part II, Section I.)

Applicants are strongly encouraged to mobilize additional resources, which may be cash or in-kind contributions, Federal or non-Federal, for support of project administration and assistance to Project Participants in obtaining skills, knowledge, and needed support services. [See PART III–I Element V(b)]

(5) All Applications other than those submitted by eligible Credit Unions or CDFI's must include a copy of an Agreement between the Applicant and one or more Qualified Financial Institutions, which includes the provisions set out in PART III, Element II(c), which states that the accounting procedures to be followed in account management will conform to Guidelines (45 CFR Part 74) established by the Secretary, and under which the partnering financial institution will agree to provide data and reports as requested by the applicant. [Note: the Accounting Guidelines may be found at 65 FR 10027, Feb. 25, 2000.]

E. Consideration of Applications

Applications which pass the initial OCS screening will be reviewed and rated by an independent review panel on the basis of the specific review criteria described and discussed in Part III, above. Applications will be reviewed and rated under the Program Elements and Review Criteria set forth in PART III Section I. The review criteria were designed to assess the quality of a proposed project, and to determine the likelihood of its success. The review criteria are closely related and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications which are responsive to the review criteria and program elements within the context of this Program Announcement. The results of these reviews will assist the Director and OCS program staff in considering competing applications. Reviewers' scores will weigh heavily in funding decisions, but will not be the only factors considered.

Applications generally will be considered in order of the average scores assigned by reviewers. However, highly ranked applications are not guaranteed funding since other factors are taken into consideration, including, but not limited to, the timely and proper completion by applicant of projects funded with OCS funds granted in the last five (5) years; comments of reviewers and government officials; staff evaluation and input; the amount and duration of the grant requested and the proposed project's consistency and harmony with OCS goals and policy; geographic distribution of applications; previous program performance of applicants; compliance with grant terms under previous HHS grants, including the actual dedication to program of mobilized resources as set forth in project applications; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowances on previous OCS or other Federal agency grants.

Since non-Federal reviewers will be used for review of applications, Applicants may omit from the application copies which will be made available to the non-Federal reviewers, the specific salary rates or amounts for individuals identified in the application budget. Rather, only summary information is required. OCS reserves the right to discuss applications with other Federal or non-Federal funding sources to verify the applicant's performance record and the documents submitted.

F. Reconsideration

After Federal fund are exhausted for this grant competition, OCS may decide to reconsider applications which have been independently reviewed and ranked but have no final disposition (neither approved nor disapproved). Reconsideration may occur at any time funds become available within twelve (12) months following ranking. If a competition involving applications with no final disposition should occur, applications will be reviewed by independent reviewers in a new competition and ranked according to the new score. Applicants that will be reconsidered for possible funding will be afforded an opportunity to request reviewer comments from the prior competition, and can revise and reapply under the new competition. In this instance, the previous application will be discarded and the new application will be considered.

Part V. Instructions for Completing Application Forms

The standard forms attached to this announcement shall be used to apply for funds under this program announcement.

It is suggested that you reproduce single-sided copies of the SF–424 and SF–424A, and type your application on the copies. Please prepare your application in accordance with instructions provided on the forms (Attachments A and B) as modified by the instructions set forth in PART III G., above, and the OCS specific instructions set forth below:

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification which describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs. (Note: The Budget detail and Narrative Budget Justification should follow the SF 424 and 424A, and are not counted as part of the Project Narrative.)

A. SF–424—Application for Federal Assistance (Attachment A)

Top of Page

Where the applicant is a previous Department of Health and Human Services grantee, enter the Central Registry System Employee Identification Number (CRS/EIN) and the Payment Identifying Number, if one has been assigned, in the Block entitled Federal Identifier located at the top right hand corner of the form (third line from the top).

Item 1. For the purposes of this announcement, all projects are considered Applications; there are no Pre-Applications.

Item 7. If applicant is a State, enter "A" in the box. If applicant is an Indian Tribe enter "K" in the box. If applicant is a non-profit organization enter "N" in the box.

Item 9. Name of Federal Agency—Enter DHHS–ACF/OCS.

Item 10. The Catalog of Federal Domestic Assistance number for OCS programs covered under this announcement is 93.602. The title is "Assets for Independence Demonstration Program (IDA Program)".

Item 11. In addition to a brief descriptive title of the project, indicate the priority area for which funds are being requested. Use the following letter designations: I—Individual projects under Priority Area 1.0

Item 13. Proposed Project—The project start date must begin on or before September 30, 2001; the ending date should be calculated on the basis of 60-month Project Period.

Item 15a. This amount should be no greater than $1,000,000 for applications under Priority Area 1.0.

Item 15b–e. These items should reflect both cash and third-party, in-kind contributions for the Project Period (60 months).

B. SF–424A—Budget Information—Non-Construction Programs (Attachment B)

In completing these sections, the Federal Funds budget entries will relate to the requested OCS funds only, and Non-Federal will include mobilized funds from all other sources—applicant, state, local, and other. Federal funds other than requested OCS funding should be included in *Non-Federal* entries. Sections A, B, and C of SF–424A should reflect budget estimates for each year of the Project Period.

Section A—Budget Summary

You need only fill in lines 1 and 5 (with the same amounts)

Col. (a): Enter "IDA Program" as Item number 1. (Items 2, 3, 4, and 5 should be left blank.)

Col. (b): Catalog of Federal Domestic Assistance number is 93.602. Col. (c) and (d): not relevant to this program.

Column (e)–(g): enter the appropriate amounts in items 1. and 5. (Totals) Column e should not be more than $1,000,000 for applications under Priority Area 1.0, and in no case can it be more than the committed non-Federal matching cash contribution.

Section B—Budget Categories

(Note that the following information supersedes the instructions provided with the Form in Attachment C)

Columns (1)–(5): For each of the relevant Object Class Categories:

Column 1: Enter the OCS grant funds for the full 5-year budget period. With regard to Class Categories, no less than eighty-five percent (85%) of OCS grant funds should be entered in "h. Other", representing the funds to be deposited in the Reserve Fund and which will be used to match participant contributions in IDA's. The balance of up to fifteen percent (15%) of OCS grant funds should be allocated to Object Class Categories in accordance with the instructions found in PART III Section G of this Announcement.

Columns 2, 3 and 4 are not relevant to this program.

Column 5: Enter not less than 85% of OCS grant funds for the five year budget by Class Categories under "other", showing a total of not more than $1,000,000.

Section C—Non Federal Resources

This section is to record the amounts of "non-Federal" resources that will be used to support the project, including both the required cash non-Federal "matching contributions" share, and the "additional resources" which will bring additional support to the project, which may be cash or in-kind, non-Federal or Federal. In this context, "Non-Federal" resources mean any and all resources other than the OCS funds for which the applicant is applying. Therefore, mobilized funds from other Federal programs, such as the Job Training Partnership Act program or the Welfare-to-Work program, should be entered on these lines. Provide a brief listing of these "non-Federal" resources on a separate sheet and describe whether it is a grantee cost or a third-party cash or in-kind contribution. The firm commitment of these resources must be documented and submitted with the application in order to be given credit in the review process under the Non-Federal Resources program element.

Note: Even though non-Federal resources mobilized may go beyond the amount required as match under the IDA Program, grantees will be held accountable for any such cash or in-kind contribution proposed or pledged as part of an approved application where the use of such funds falls within a Program Element/Proposal Review Criterion which formed the basis for the grant award. [See Part II, Section I. and Part III, Element V(b).]

Sections D, E, and F may be left blank by Applicants under Priority Area 1.0. As noted in Part VI, a supporting Budget Justification must be submitted providing details of expenditures under each budget category, with justification of dollar amounts which relate the proposed expenditures to the work program and goals of the project.

C. SF–424B Assurances: Non-Construction Programs

Applicants requesting financial assistance for a non-construction project must file the Standard Form 424B, "Assurances: Non-Construction Programs." (Attachment C) Applicants must sign and return the Standard Form 424B with their applications. Applicants must provide a certification concerning Lobbying. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification. (See Attachments D and E) Applicants must sign and return the certification with their applications. Applicants should note that the Lobbying Disclosure Act of 1995 has simplified the lobbying information required to be disclosed under 31 U.S.C. 1352.

Applicants must make the appropriate certification on their compliance with the Drug-Free Workplace Act of 1988 and the Pro-Children Act of 1994 (Certification Regarding Smoke Free Environment). (See Attachments G and H) By signing and submitting the applications, applicants are attesting to their intent to comply with these requirements and need not mail back the certification with the applications.

Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for award. (See Attachment I) By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications. Copies of the certifications and assurances are located at the end of this announcement.

Part VI. Contents of Application and Receipt Process

Application pages should be numbered sequentially throughout the application package, beginning with a Summary/Abstract of the proposed project as page number one; and each application must include all of the following, in the order listed below:

A. Content and Order of IDA Program Application

1. A Project Summary/Abstract—brief, not to exceed one page, on the Applicant's letterhead (that will not be counted as a part of the Project Narrative/Description) and that includes the following information:
—A brief identification of the geographic area to be served, indicating poverty and unemployment rates, and the specific population to be targeted by the project;
—The amount of the grant requested;
—The name of partnering financial institution(s) and collaborating organizations (if applicable);
—The amount of required non-Federal match committed;
—The number of IDA accounts projected to be opened in the course of the Demonstration Project;
—The proposed rate of matching contributions, and the types and numbers of "Qualified Expenses" expected to be achieved by participants; and
—A brief narrative description of the project indicating any of its innovative aspects.

2. Table of Contents;

3. A completed Standard Form 424 (Attachment A) which has been signed by an official of the organization applying for the grant who has authority to obligate the organization legally; [Note: The original SF–424 must bear the original signature of the authorizing representative of the applicant organization];

4. A completed Budget Information-Non-Construction Programs (SF–424A) (Attachment B);

5. A Budget Justification, including narrative budget justification for each object class category included under Section B, as described in PART III, Program Element III;

6. Proof of current tax-exempt status of Applicant or Joint Applicant (See Part II B.);

7. *A project narrative,* limited to the number of pages specified below, which includes all of the required elements described in Part III. [Specific information/data required under each component is described in Part III Section I, Evaluation Criteria.]

8. *Appendices,* which should include the following:

(a) (Where Application is submitted by a State or Local government agency or Tribal government jointly with a tax exempt non-profit organization) a properly executed *Joint Application Agreement* as described in PART II B.(2), above;

(b) Filled out, signed and dated *Assurances—Non-Construction Programs* (SF–424B), (Attachment C);

(c) *Restrictions on Lobbying—Certification for Contracts, Grants, Loans, and Cooperative Agreements:* filled out, signed and dated form found at Attachment D;

(d) *Disclosure of Lobbying Activities, SF–LLL:* Filled out, signed and dated form found at Attachment E, if appropriate (omit Items 11–15 on the SF LLL and ignore references to continuation sheet SF–LLL–A)

(e) *Maintenance of Effort Certification* (See Attachment F);

(f) Signed *Agreement(s)* with partnering Financial Institution(s) (or Statements of Policy in the case of Credit Union or CDFI applicants) including identification of insurance carrier and current insurance number (see Part III. Program Sub-Element II(c));

(g) Signed *Agreements with providers of required non-Federal matching contributions* (See PART II, Section I.)

(h) Resumes and/or position descriptions (see Part III Program Element I);

(i) (Where Applicant is "lead agency" of a collaborative or consortium of organizations) Copies of *Partnering Agreements between the Applicant and each of the partnering members,* setting forth their roles and responsibilities. (See Part III, Elements I and II(b))

(j) Any letters and/or supporting documents from collaborating or partnering agencies in target communities, providing additional information on staffing and experience in support of narrative under Part III Element I. [Such documents are not part of the Narrative and should be included in the Appendices. These documents are therefore not counted against the page limitations of the Narrative.]; and

(k) Single points of contact comments, if applicable.

Applications must be uniform in composition since OCS may find it necessary to duplicate them for review purposes. Therefore, applications must be submitted on white 8–1/2 × 11 inch paper only (See Part IV D. (2), above, concerning margins, type size, etc). They must not include colored, oversized or folded materials. Do not include organizational brochures or other promotional materials, slides, films, clips, etc. in the proposal. They will be discarded if included. The applications should be two-hole punched at the top center and fastened separately with a compressor slide paper fastener, or a binder clip. The submission of bound plans, or plans enclosed in binders is specifically discouraged.

B. Acknowledgment of Receipt

Acknowledgment of Receipt—All applicants will receive an acknowledgment with an assigned identification number. Applicants are requested to supply a self-addressed mailing label with their Application, or a FAX number or e-mail address which can be used for acknowledgment. The assigned identification number, along with any other identifying codes, must be referenced in all subsequent communications concerning the Application. If an acknowledgment is not received within three weeks after the deadline date, please notify ACF by telephone at (202) 401–5307.

Part VII. Post Award Information and Reporting Requirements

A. Notification of Grant Award

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the project and budget period for which support is provided, the terms and conditions of the award, and the total project period for which support is contemplated.

B. Attendance at Technical Assistance and Evaluation Workshops/Conferences

OCS hopes to sponsor one or more national evaluation workshops in Washington, DC or in other locations during the course of the five-year project. Project Directors will be expected to attend such workshops provided additional funds can be made available by OCS for expenses of attending.

C. Reporting Requirements

Grantees will be required to submit a semi-annual program progress and financial report (SF 269) covering the six months after grant award, and similar reports after conclusion of the first Project Year. Such reports will be due 60 days after the reporting period. Thereafter grantees will be required to submit annual program progress and financial reports (SF 269), as well as a final program progress and financial report within 90 days of the expiration of the grant.

D. Audit Requirements

Grantees are subject to the audit requirements in 45 CFR Part 74 (non-profit organizations) or Part 92 (governmental entities) which require audits under OMB Circular A–133.

E. Prohibitions and Requirements with Regard to Lobbying

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans. It provides limited exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using appropriated funds for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriated funds for payment to lobbyists, (2) to submit a declaration setting forth whether payments to lobbyists have been or will be made out of non-appropriated funds and, if so, the name, address, payment details, and purpose of any agreements with such lobbyists whom recipients or their subtier contractors or subgrantees will pay with the non-appropriated funds and (3) to file quarterly up-dates about the use of lobbyists if an event occurs that materially affects the accuracy of the information submitted by way of declaration and certification.

The law establishes civil penalties for noncompliance and is effective with

respect to contracts, grants, cooperative agreements and loans entered into or made on or after December 23, 1989. See Attachment H, for certification and disclosure forms to be submitted with the applications for this program.

F. Applicable Federal Regulations

Attachment K indicates the regulations which apply to all applicants/grantees under the Assets for Independence Demonstration Program.

Dated: February 14, 2001.

Robert Mott,

Acting Director, Office of Community Services.

BILLING CODE 4184-01-P

APPLICATION FOR FEDERAL ASSISTANCE

Attachment A

OMB Approval No. 0348-0043

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application: ☐ Construction ☐ Non-Construction

Preapplication: ☐ Construction ☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address *(give city, county, State, and zip code)*:

Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN)*:

☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State — H. Independent School Dist.
B. County — I. State Controlled Institution of Higher Learning
C. Municipal — J. Private University
D. Township — K. Indian Tribe
E. Interstate — L. Individual
F. Intermunicipal — M. Profit Organization
G. Special District — N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ – ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.)*:

13. PROPOSED PROJECT		**14. CONGRESSIONAL DISTRICTS OF:**	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

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Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

Attachment A

Instructions for the SF–424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
—"New" means a new assistance award.
—"Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
—"Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign its application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

OMB Approval No. 0348-0044

Attachment B

BUDGET INFORMATION - Non-Construction Programs

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges *(sum of 6a-6h)*					
j. Indirect Charges					
k. TOTALS *(sum of 6i and 6j)*	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102

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Attachment B, Page 2

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTAL *(sum of lines 8-11)*	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL *(sum of lines 13 and 14)*	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years) (b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL *(sum of lines 16-19)*	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges: 22. Indirect Charges:

23. Remarks:

Authorized for Local Reproduction Standard Form 424A (Rev. 7-97) Page

BILLING CODE 4184-01-C

Attachment B

Instructions for the SF–424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0044), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories show in Lines a-k of Section B.

Section A. Budget Summary Lines 1–4 Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and ? a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in Column (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) through (g).

For new applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant programs applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts show in Columns (e) and (f). The amount(s) in column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-federal Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to the made by the applicant.

Column (c)—Enter the amount of the State's crash and in-kind contribution if the applicant is not a State of State agency. Applicants which are a State of State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b)9, (c), and (d).

Line 12—enter the total for each of columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Lines 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the are is applied, and the total indirect expense.

Line 23—provide any other explanations or comments deemed necessary.

Attachment C

Assurances—Non-Construction Programs

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for

reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd–3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Title II and III of the Uniformm Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions, of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93–523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1966 and OMB Circular No. A–133, "Auditis of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

Signature of Authorized Certifying Official

Title

Applicant Organization

Date Submitted

Attachment D

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form–LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed with this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form–LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature

Title

Organization

BILLING CODE 4184–01–P

DISCLOSURE OF LOBBYING ACTIVITIES Attachment E

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	**Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ Date: _____

Federal Use Only:

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Standard Form LLL (Rev. 7-97)

BILLING CODE 4184-01-C

Attachment E

Instructions for Completion of SF–LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name of description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP–DE–09–001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. the valid OMB control number for this information collection is OMB No. 0348–0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0046), Washington, DC 20503.

Certification Regarding Maintenance Of Effort

In accordance with the applicable program statute(s) and regulation(s), the undersigned certifies that financial assistance provided by the Administration for Children and Families, for the specified activities to be performed under the _____ Program by _____ (Applicant Organization), will be in addition to, and not in substitution for, comparable activities previously carried on without Federal assistance.

_____
Signature of Authorized Certifying Official

_____
Title

_____
Date

Attachment G

Certification Regarding Drug-Free Workplace Requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE–WIDE AND STATE AGENCY–WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517–D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules.:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contender) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such

conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant. [55 FR 21690, 21702, May 25, 1990]

Attachment H

Certification Regarding Environmental Tobacco Smoke

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Attachment I

Certification Regarding Debarment, Suspension and Other Responsibility Matters

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

Instruction for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Deparment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 49 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will included this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transactions that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transactions with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion—Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2). Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Attachment J

Office of Management and Budget

It is estimated that in 2001 the Federal Government will outlay $305.6 billion in grants to State and local governments. Executive Order 12372, "Intergovernmental Review of Federal Programs," was issued with the desire to foster the intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform this function. Below is the official list of those entities. For those States that have a home page for their designated entity, a direct link has been provided below. States that are not listed on this page have chosen not to participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located within one of these States, you may still send application materials directly to a Federal awarding agency.

Arkansas

Tracy L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, 1515 W. 7th St., Room 412, Little Rock, Arkansas 72203, Telephone: (501) 682–1074, Fax: (501) 682–5206, tlcopeland@dfa.state.ar.us

California

Grants Coordination, State Clearinghouse, Office of Planning and Research, P.O. Box 3044, Room 222, Sacramento, California 95812–3044, Telephone: (916) 445–0613, Fax: (916) 323–3018, state.clearinghouse@opr.ca.gov

Delaware

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District of Columbia

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Florida

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Georgia

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Iowa

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Kentucky

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Maine

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Maryland

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Michigan

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Mississippi

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Missouri

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New Hampshire

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New Mexico

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North Carolina

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North Dakota

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South Carolina

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Texas

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Utah

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West Virginia

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Puerto Rico

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North Mariana Islands

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Virgin Islands

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Changes to this list can be made only after OMB is notified by a State's officially designated representative. E-mail messages can be sent to *grants@omb.eeop.gov*. If you prefer, you may send correspondence to the following postal address: Attn: Grants Management, Office of Management and Budget, New Executive Office Building, Suite 6025, 725 17th Street, NW, Washington, DC 20503.

Attachment K

DHHS Regulations Applying to All Applicants/Grantees Under the Assets for Independence DEMONSTRATION Program (IDA Program)

Title 45 of the Code of Federal Regulations

Part 16—Department of Grant Appeals Process
Part 74—Administration of Grants (grants with subgrants to entities)
Part 75—Informal Grant Appeal Procedures
Part 76—Debarment and Suspension from Eligibility for Financial Assistance
Subpart F—Drug Free Workplace Requirements
Part 80—Non-Discrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964
Part 81—Practice and Procedures for Hearings Under Part 80 of this Title
Part 83—Regulation for the Administration and Enforcement of Sections 799A and 845 of the Public Health Service Act
Part 84—Non-discrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance
Part 85—Enforcement of Non-Discrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Health and Human Services
Part 86—Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Financial Assistance
Part 91—Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance
Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to and Local Governments (Federal Register, March 11, 1988)
Part 93—New Restrictions on Lobbying Part 100—Intergovernmental Review of Department of Health and Human Services Programs and Activities

Attachment L

Note: Attachment L can be found at 65 FR 10027, Feb. 25, 2000.

Attachment M

2001 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guideline	200%
1	$8,590	$17,180
2	11,610	23,220
3	14,630	29,260
4	17,650	35,300
5	20,670	41,340
6	23,690	47,380
7	26,710	53,420

2001 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA—Continued

Size of family unit	Poverty guideline	200%
8	29,730	59,460

For family units with more than 8 members, add $3,020 for each additional member. (For 200% add $6,040 for each additional member.)

2001 POVERTY GUIDELINES FOR ALASKA

Size of family unit	Poverty guideline	200%
1	$10,730	$21,460
2	14,510	29,202
3	18,290	36,580
4	22,070	44,140
5	25,850	51,700
6	29,630	59,260
7	33,410	66,820
8	37,190	74,380

For family units with more than 8 members, add $3,780 for each additional member. (For 200% add $7,560 for each additional member.)

2001 POVERTY GUIDELINES FOR HAWAII

Size of family unit	Poverty guideline	200%
1	$9,890	$19,780
2	13,360	26,720
3	16,830	33,660
4	20,300	40,600
5	23,770	47,540
6	27,240	54,480
7	30,710	61,420
8	34,180	68,360

For family units with more than 8 members, add $3,470 for each additional member. (For 200% add $6,940 for each additional member.)

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H.J. Res. 7/P.L. 107–1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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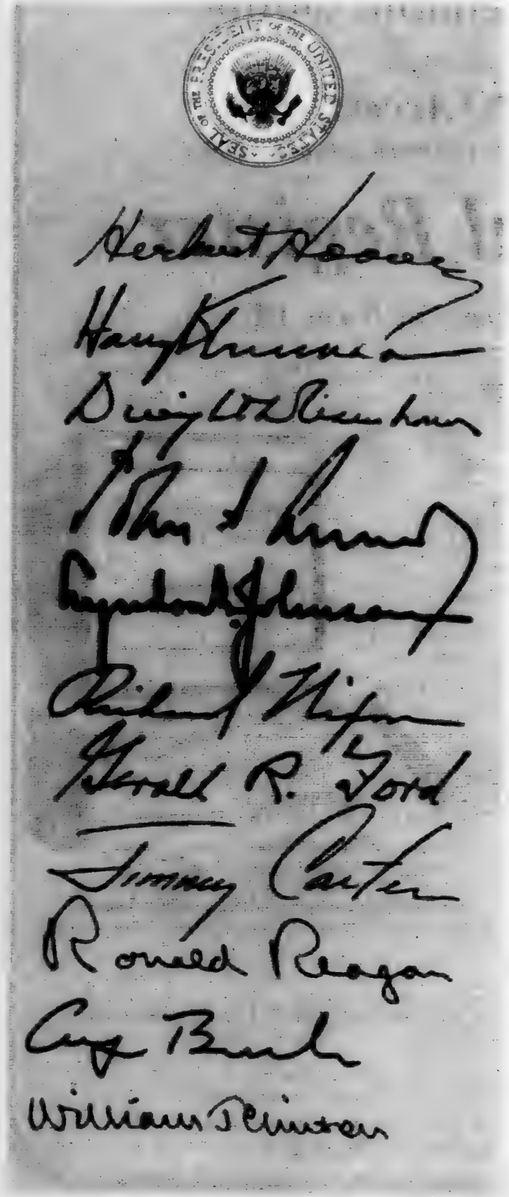
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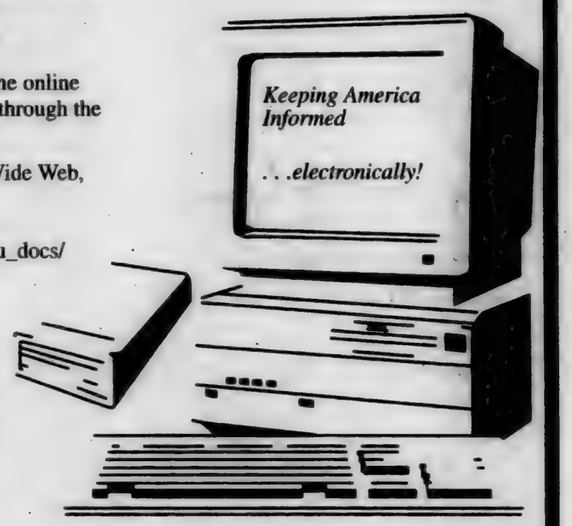
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Federal Register
Vol. 66, No. 40
Wednesday, February 28, 2001

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–10–AD; Amendment 39–12123; AD 2001–04–05]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Model 1900D Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) Beech Model 1900D airplanes that are equipped with a KLN–90B Global Positioning System (GPS) incorporated in accordance with AlliedSignal Supplemental Type Certificate (STC) SA00245WI–D. This AD requires rewiring the KLN–90B GPS to eliminate the possibility of inconsistent NAV "FLAG" displays. This AD is the result of an instance where the copilot's NAV "FLAG" display was based on the pilot's NAV source validity. The actions specified by this AD are intended to assure that the copilot's NAV "FLAG" displays are based on the copilot's selected NAV source. Inconsistent NAV "FLAG" displays could cause the copilot to make decisions based on an invalid GPS source without knowing it was invalid.

DATES: This AD becomes effective on April 9, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 9, 2001.

ADDRESSES: You may get the service information referenced in this AD from the Raytheon Aircraft Company, PO Box 85, Wichita, Kansas 67201–0085; telephone: (800) 625–7043 or (316) 676–4556. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–10–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Todd Dixon, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4152; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The FAA has received a report of inconsistent NAV "FLAG" displays on the KLN–90B Global Positioning System (GPS) that was installed on a Raytheon Model Beech 1900D airplane. This system is installed in accordance with AlliedSignal Supplemental Type Certificate (STC) SA00245WI–D, and could be installed on Raytheon Beech Model 1900D airplanes, serial numbers UE–156 through UE–299.

In this situation, the copilot had the KLN–90B GPS selected as the NAV source and the pilot did not have a valid NAV source selected. This caused the flight director command bar to disappear from the copilot's electronic attitude director indicator (EADI), and the copilot received an inconsistent NAV "FLAG".

What are the consequences if the condition is not corrected? Inconsistent NAV "FLAG" displays could cause the copilot to make decisions based on an invalid GPS source without knowing it was invalid.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon Beech Model 1900D airplanes that are equipped with a KLN–90B Global Positioning System (GPS) incorporated in accordance with AlliedSignal Supplemental Type Certificate (STC) SA00245WI–D. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 2, 2000 (65 FR 65803). The NPRM proposed to require rewiring the KLN–90B GPS to eliminate the possibility of inconsistent NAV "FLAG" displays.

Was the public invited to comment? Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

FAA's Determination

What is FAA's final determination on this issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

- Will not change the meaning of the AD; and
- Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 82 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
4 workhours × $60 per hour = $240.	No parts required for the rewiring	$240 per airplane	$240 × 82 = $19,680.

Note: Warranty credit will be allowed on all affected airplanes to the extent specified in the service bulletin.

Regulatory Impact

Does this AD impact various entities? The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2001–04–05 Raytheon Aircraft Company: Amendment 39-12123; Docket No. 2000-CE–10–AD.

(a) *What airplanes are affected by this AD?* This AD affects Beech Model 1900D airplanes, serial numbers UE–156 through UE–299, that are:

(1) Certificated in any category; and

(2) Equipped with a KLN–90B Global Positioning System (GPS) incorporated in accordance with AlliedSignal Supplemental Type Certificate (STC) SA00245WI–D.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to assure that the copilot's NAV "FLAG" displays are based on the copilot's selected NAV source. Inconsistent NAV "FLAG" displays could cause the copilot to make decisions based on an invalid GPS source without knowing it was invalid.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
Rewire the KLN–90B Global Positioning System to eliminate the possibility of inconsistent NAV "FLAG" displays.	Within the next 400 hours time-in-service (TIS) after April 9, 2001 (the effective date of this AD), unless already accomplished.	In accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon Mandatory Service Bulletin SB 34–3222, Issued: January, 2000.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Todd Dixon, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4152; facsimile: (316) 946–4407.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Raytheon Mandatory Service Bulletin SB 34–3222, Issued: January, 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from the Raytheon Aircraft Company, PO Box 85, Wichita, Kansas 67201–0085. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on April 9, 2001.

Issued in Kansas City, Missouri, on February 8, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4049 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–27–AD; Amendment 39–12125; AD 2001–03–52]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B16 (CL–604) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 2001–03–52 that was sent previously to all known U.S. owners and operators of Bombardier Model CL–600–2B16 (CL–604) series airplanes by individual notices. This AD requires revising the airplane flight manual to provide the flight crew with revised aft center of gravity (CG) limits. This action is prompted by issuance of mandatory continuing airworthiness information by a foreign airworthiness authority. The actions specified by this AD are intended to prevent fuel migration under conditions of acceleration and/or climb, which could result in the airplane exceeding the aft center of gravity limit, and consequent loss of control of the airplane.

DATES: Effective March 5, 2001, to all persons except those persons to whom it was made immediately effective by emergency AD 2001–03–52, issued February 2, 2001, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 5, 2001.

Comments for inclusion in the Rules Docket must be received on or before March 30, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–27–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001–NM–27–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The applicable service information may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James E. Delisio, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; telephone (516) 256–7521; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: On February 2, 2001, the FAA issued emergency AD 2001–03–52, which is applicable to certain Bombardier Model CL–600–2B16 (CL–604) series airplanes.

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain Bombardier Model CL–600–2B16 (CL–604) series airplanes. The TCCA reported a recent incident that occurred during a flight test in which, during the initial takeoff rotation, an airplane pitched up at a significantly high rate resulting in a natural stall. After the initial pushover from the stall, the airplane stalled again when the pilot attempted to raise the nose a second time.

Investigation revealed that fuel migration in the center fuel tank caused a center of gravity shift. The fuel tanks are not baffled, which allows fuel to migrate when the airplane pitches up. Such fuel migration under conditions of acceleration and/or climb, if not corrected, could result in the airplane exceeding the aft center of gravity limit, and consequent loss of control of the airplane.

Correction of Typographical Error

The FAA has revised paragraph (a) of this AD to correct a typographical error that appeared in the emergency AD. The typographical error referenced Canadair Challenger CL–604 Airplane Flight Manual (AFM) PSP–606–1, which does not exist, and has been changed to Canadair Challenger CL–604 Airplane Flight Manual (AFM) PSP–604–1 in the **Federal Register** version of the final rule.

FAA's Conclusions

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of the TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, the FAA issued emergency AD 2001–03–52 to prevent fuel migration under conditions of acceleration and/or climb, which could result in the airplane exceeding the aft center of gravity limit, and consequent loss of control of the airplane. The AD requires revising the FAA-approved Airplane Flight Manual to provide the flight crew with revised aft center of gravity (CG) limits that prevent fuel migration from resulting in a rearward shift of the CG to the degree that will result in controllability problems.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on February 2, 2001, to all known U.S. owners and operators of Bombardier Model CL–600–2B16 (CL–604) series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire.

Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must

submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001–NM–27–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–03–52 Bombardier Inc. (Formerly Canadair): Amendment 39–12125. Docket 2001–NM–27–AD.

Applicability: Model CL–600–2B16 (CL–604) series airplanes, serial numbers 5301 through 5489 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent fuel migration under conditions of acceleration and/or climb, which could result in the airplane exceeding the aft center of gravity limit, and consequent loss of control of the airplane, accomplish the following:

Airplane Flight Manual Revision

(a) Within 5 days after the effective date of this AD, revise the Limitations and Abnormal Procedures Sections of the Canadair Challenger CL–604 Airplane Flight Manual (AFM) PSP–604–1, by inserting a copy of Canadair Challenger Temporary Revision (TR) No. 604/13, dated February 1, 2001, into the AFM.

(b) When the information in TR No. 604/13, dated February 1, 2001, has been incorporated into the FAA-approved general revisions of the AFM, the general revisions may be inserted in the AFM, and the TR may be removed from the AFM.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

Note 2: The subject of this AD is addressed in Canadian airworthiness directive CF–2001–07, dated February 2, 2001.

Incorporation by Reference

(d) The AFM revision shall be done in accordance with Canadair Challenger Temporary Revision No. 604/13, dated February 1, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on March 5, 2001, to all persons except those persons to whom it was made immediately effective by emergency AD 2001–03–52, issued February 2, 2001, which contained the requirements of this amendment.

Issued in Renton, Washington, on February 13, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4217 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–57–AD; Amendment 39–12124; AD 2001–04–06]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. CFM56–3, –3B, and –3C Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to CFM International, S.A. CFM56–3, –3B, and –3C series turbofan engines. This amendment requires that use of certain lubricants no longer on the manufacturer's approved list be discontinued. In addition, this amendment requires a one-time fan disk dovetail wear measurement, and if wear exceeds certain limits, requires an ultrasonic inspection for cracks in the fan disk, and, if necessary, removal from service of fan disks and replacement with serviceable parts. This amendment is prompted by reports of fan disk heavy wear and cracks. The actions specified by this amendment are intended to prevent fan disk failure, which could result in an uncontained engine failure and damage to the aircraft.

DATES: Effective date April 4, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 4, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone (513) 552–2800, fax (513) 552–2816. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Glorianne Niebuhr, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7132, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to CFM International S.A. CFM56–3, –3B, and –3C Series Turbofan Engines was published in the **Federal Register** on March 3, 2000 (65 FR 11505). That action proposed to require a one-time fan disk dovetail wear measurement, and if wear exceeds certain limits, require an ultrasonic inspection for cracks in the fan disk, and, if necessary, require removal from service of fan disks and replacement with serviceable parts. That action was prompted by reports of fan disk heavy wear and cracks. That condition, if not corrected, could result in an uncontained engine failure and damage to the aircraft.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Compliance Intent

One commenter suggests that the compliance intent of the AD would be met if an operator accomplished Boeing task card C72–31–02–2A–1 or –2, and Boeing Aircraft Maintenance Manual (AMM) 72–31–02, tasks on page 601. The FAA disagrees. The Boeing task card only describes the procedure for lubricating fan blade dovetails. In addition, the AMM does not lead the operator to perform ultrasonic inspection and does not explain how to gain serviceability.

When Inspection Is Not Required

One commenter suggests that the information contained in paragraphs 1.A. (1) and (2) of CFMI SB 72–854, Revision 2, should be added to the AD to clarify when the inspection is NOT required. The FAA partially agrees. The information is already included in the flowcharts in the referenced SB. However, to further clarify when an inspection is NOT required, information has been added to new paragraphs (h), (i) and (j) of this AD.

Requirements of Revision 1 and Revision 2

One commenter is concerned that the requirements of CFMI CFM56–3 SB 72–854 Revision 1 and CFMI CFM56–3 SB 72–854 Revision 2 are different and that the AD will result in another round of inspections after they have already been done according to Revision 1. Other commenters want to be sure that credit will be given for performing Revision 1 of the SB. The FAA partially agrees and clarification has been added to the AD to allow Revision 1 as a method of compliance. There is no technical difference between Revision 1 and 2. Revision 2 simply adds flowcharts for clarification.

Clarification of Wear Limits

One commenter states that the wear limits in the SB are inconsistent with the wear limits in the AD (.004 inch vs. .005 inch). The FAA does not agree. There is no difference between the AD and the SB. The two measurements noted (.004 and .005) are applied in different contexts. The .004 inch limit in SB paragraph 1.A.(2) refers to the last inspection performed in accordance with the engine shop manual and is one of the conditions required to avoid the inspection per the AD. However, the .005 inch limit is a result of the on-wing inspection required by the AD to determine if the disk is serviceable or if further inspections are necessary.

Inspection Parameters

One commenter asks that the second bullet in paragraph 1.A of the SB, which states that for "fan disks relubricated with a currently recommended lubricant, inspection of these disks is due at 20,000 cycles-since-new (CY)/35,000 hours-since-new (H) threshold-since-new or rebroached," be added to the compliance section of the AD to clarify when it is possible to weit until 20,000 cycles to perform the inspection. The FAA agrees with the intent of the second bullet in paragraph 1.A of the SB and clarification has been added to new paragraph (k) of the compliance section to further explain when it is possible to wait until 20,000 cycles to inspect.

Rebroached Fan Disks

The manufacturer asks that a statement be added to the effectivity section of the AD that rebroached fan disks do not require an inspection per this AD. The FAA agrees and has added new paragraph (i) to the AD, stating that inspections will not be required for rebroached fan disks.

Where To Perform the Inspection

One commenter requests that the fan disk inspections be performed at the shop visit level instead of on-wing. The commenter further states that there is a low failure rate and incidents that occurred resulted from the use of an uncommon lubricant. The FAA does not agree. The lubricant being discontinued was an approved lubricant. The lubricant has since been taken off of the approved lubricant list. But before that time, any and all operators had the possibility of being exposed. As stated in SB paragraph 1.A.(1), if the fan disk has used a currently approved lubricant and has the recommended configuration installed before 3,000 cycles/5250 hours, inspection is not required. Otherwise inspection per the AD is necessary to maintain a minimum acceptable level of safety. In addition, a cracked fan disk could lead to an uncontained failure. The risk analysis shows that the control program described in this AD meets the minimum level of safety.

Labor Requirement

One commenter asks the FAA to add two hours for ultrasonic inspection to the labor requirement. The FAA does not agree. The two hours for ultrasonic inspection is already included in the estimated nine man-hours detailed in the AD. It is also spelled out in detail in paragraph 1.F.(4) of the SB.

Availability of Blade Replacements

One commenter asks that the FAA revise the on-wing inspection requirement to a shop visit when it is necessary to install the 37° fan blades. The commenter is concerned that blades are not always available and down time may result. The FAA does not agree. The manufacturer has informed the FAA that all parts should be readily available for purchase and installation. In addition, this method meets the minimum acceptable level of safety necessary for this program.

Wear Measurement Tool

One commenter, who questions the accuracy and repeatability of the measuring tool with respect to the allowable max wear limit of .005 inch, asks that the FAA consider eliminating the wear measurement tool in the inspection process. The FAA does not agree. The current wear measurement tool is acceptable for this inspection program. This issue was addressed in the beginning of the program. The .005 inch wear limit takes into consideration the accuracy and repeatability factor. In addition, new improvements have since been introduced to this tool and courses have been provided to explain how to use it properly. Repeatability and reproducibility tests were performed in overhaul shops in 1997. This is the current best practice that is compatible with existing maintenance constraints and practices.

Concurrence as Written

One commenter concurs with the AD as written.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Regulatory Impact

This proposal does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposal.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–04–06 CFM International: Amendment 39–12124. Docket 98–ANE–57–AD.

Applicability: CFM International, S.A (CFMI) CFM56–3, –3B, and –3C series turbofan engines, installed on but not limited to Boeing 737 series aircraft.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (l) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fan disk failure, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

Wear Measurement (Thrust Rating Category A Only)

(a) For CFM56–3, –3B, and –3C series engines operating at the category A thrust rating on the effective date of this AD that have never previously operated at the category B or C thrust ratings, perform a one time fan disk dovetail wear measurement in accordance with section 2.B.(1) of Service Bulletin (SB) CFMI CFM56–3/–3B/–3C, No. 72–854, Revision 1, dated August 7, 1998, or section 2.B.(1) of SB CFMI CFM56–3/–3B/–3C, No. 72–854, Revision 2, dated November 29, 1999, using the intervals defined in section 1.D.(1)(a)(1) and 1.D.(1)(a)(2) of the SB's, and the current fan disk time and cycles on the effective date of the AD.

Inspection

(1) Perform a local ultrasonic inspection for cracks in the fan disk in accordance with section 2.B.(2) of the SB, if required by the wear criteria described in section 1.D.(1)(b)*1* of the SB.

Removal

(i) Remove from service prior to further flight fan disks that do not meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)*8b* of the SB, and replace with a serviceable part.

(ii) Remove from service within 50 cycles-in-service (CIS), fan disks that meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)*8b* of the SB, if the wear measurement is greater than or equal to 9 mils.

(2) Install dampers, as required, in accordance with the compliance times and criteria described in section 1.D.(1)(b)*1* of the SB.

Wear Measurement (Thrust Rating Category B, Regardless of Whether the Engine Was Previously Operated at Thrust Rating Categories A or C)

(c) For CFM56–3B and –3C series engines operating at the category B thrust rating on the effective date of this AD, regardless of whether the engine was previously operated at thrust rating categories A or C, perform a one-time fan disk dovetail wear measurement in accordance with section 2.B.(1) of CFMI CFM56–3/–3B/–3C Service Bulletin (SB) No. 72–854, Revision 1, dated August 7, 1998, or section 2.B.(1) of CFMI CFM56–3/–3B/–3C SB No. 72–854, Revision 2, dated November 29, 1999, using the intervals defined in section 1.D.(1)(a)(1) and 1.D.(1)(a)(2) of the SB's, and the current fan disk time and cycles on the effective date of the AD.

Inspection

(1) Perform a local ultrasonic inspection for cracks in the fan disk in accordance with section 2.B.(2) of the SB, if required by the wear criteria described in section 1.D.(1)(c) of the SB.

Removal

(i) Remove from service prior to further flight fan disks that do not meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)*8b* of the SB, and replace with a serviceable part.

(ii) Remove from service within 50 CIS, fan disks that meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)*8b* of the SB, if the wear measurement is greater than or equal to 9 mils.

(2) Remove and replace fan blades and install dampers, as required, in accordance with the compliance times and criteria described in section 1.D.(1)(c) of the SB.

Wear Measurement (Thrust Rating Category C, Regardless of Whether the Engine Was Previously Operated at Thrust Rating Categories A or B)

(d) For CFM56–3C series engines operating at the category C thrust rating on the effective date of this AD, regardless of whether the engine was previously operated at category A or B thrust ratings, perform a one-time fan disk dovetail wear measurement in accordance with section 2.B.(1) of SB CFMI CFM56–3/–3B/–3C, No. 72–854, Revision 1, dated August 7, 1998, or section 2.B.(1) of SB CFMI CFM56–3/–3B/–3C SB, No. 72–854, Revision 2, dated November 29, 1999, using the intervals defined in section 1.D.(1)(a)(1) and 1.D.(1)(a)(2) of the SB's and the current fan disk time and cycles on the effective date of the AD.

Inspection

(1) Perform a local ultrasonic inspection for cracks in the fan disk in accordance with section 2.B.(2) of the SB, if required by the wear criteria described in section 1.D.(1)(d) of the SB.

Removal

(i) Remove from service prior to further flight fan disks that do not meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)*8b* of the SB, and replace with a serviceable part.

(ii) Remove from service within 50 CIS, fan disks that meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)*8b* of the SB, if the wear measurement is greater than or equal to 5 mils.

(2) [Reserved]

Cleaning and Lubrication of Fan Disk/Blade

(e) If the fan disk is determined to be serviceable, clean and lubricate the fan disk and fan blades using the instructions in paragraph 2.B.(2)(d)*8d* of the SB.

Definitions

(f) The category A, B, and C thrust ratings listed in paragraphs (a) through (d) of this AD are defined in chapter 05 of the CFM56–3 model series Engine Shop Manual, CFMI–TP.SM.5.

Lubricants

(g) After the effective date of this AD, the following lubricants are no longer approved for use on the CFMI CFM56–3, –3B, and –3C series engines: Sandstrom 27A, ZIP D5460, Surf-kote A 1625, Tiolube 70 and Tiolube 75/75.

When Inspection Is Not Required

(h) The actions required by paragraphs (a), (b), (c), and (d), (e) of this AD are not required if the fan disk has been equipped with configurations (1) or (2) below prior to reaching 3,000 cycles-since-new, or 5,250 hours-since-new, whichever occurs first, and has never been relubricated using one of the lubricants identified in paragraph (g) of this AD:

(1) For fan disks operating at a thrust rating of 20,000 pounds or less, the fan disk has either 25° fan blades with dampers or 37° fan blades with or without dampers.

(2) For fan disks operating at a thrust rating of more than 20,000 pounds, the fan disk has 37° fan blades with dampers.

(i) Inspection is not required for fan disks that used lubricants identified in paragraph (g) but were then rebroached prior to exceeding the .004 inch wear limit, then were not lubricated with the lubricants identified in paragraph (g) AND were equipped with fan blade configurations specified either in sub-paragraph (h)(1) or (h)(2) of this AD.

(j) Inspection is also not required for fan disks that were inspected to and within Engine Shop Manual limits of .004 inch wear limit, then were not lubricated with the lubricants identified in paragraph (g) AND were equipped with fan blade configurations specified either in sub-paragraph (h)(1) or (h)(2) of this AD.

When Inspection Can Wait Until 20,000 Cycles-Since-New (CSN)/35,000 Time-Since-New (TSN)

(k) For disks that have never been relubricated since first manufacture using one of the lubricants identified in paragraph (g) of this AD, the inspections required by paragraphs (a), (b), (c), and (d) of this AD are required at 20,000 CSN or 35,000 hours TSN, whichever occurs first.

Alternative Methods of Compliance

(l) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Ferry Flights

(m) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Incorporation by Reference Material

(n) The FAA has reviewed and approved the technical content of the listed CFMI SBs. The actions required by this AD shall be done in accordance with the following CFMI SBs:

Document No.	Pages	Revision	Date
CFM56 –3/–3B/–3C, SB No. 72–854	1–39	1	August 7, 1998.
Total pages	39		
CFM56 –3/–3B/–3C, SB No. 72–854	1–40	2	November 29, 1999.
Total pages	40		

The incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone: (513) 552–2800, fax: (513) 552–2816. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA 01803–5299; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(o) This amendment becomes effective on April 4, 2001.

Issued in Burlington, Massachusetts, on February 12, 2001.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–4216 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–69–AD; Amendment 39–12126; AD 2001–04–07]

RIN 2120–AA64

Airworthiness Directives; SOCATA-Groupe Aerospatiale Model TBM 700 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Socata-Groupe Aerospatiale (Socata) Model TBM 700 airplanes. This AD requires you to install a thermal protection sleeve on the propeller governor flexible cable. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by this AD are intended to prevent loss of propeller control because of hardening or blocking of the control cable, which could result in the inability to control propeller pitch and inability to feather the propeller. Such failure could lead to loss of airplane control.

DATES: This AD becomes effective on April 13, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 13, 2001.

ADDRESSES: You may get the service information referenced in this AD from Socata Groupe Aerospatiale, Customer Support, Aerodrome Tarbes-Ossun-Lourdes, BP 930–F65009 Tarbes Cedex, France; telephone: (33) (0)5.62.41.73.00; facsimile: (33) (0)5.62.41.76.54; or the Product Support Manager, Socata-Groupe Aerospatiale, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023; telephone: (954) 894–1160; facsimile: (954) 964–4191. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–69–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified FAA that an unsafe condition may exist on certain Socata Model TBM 700 airplanes. The DGAC reports five occurrences on civilian and military Socata Model TBM 700 airplanes where there was damage to the internal sleeve of the flexible propeller control cable. This damage was because of thermal conduction generated by the turboprop left hand exhaust nozzle.

What are the consequences if the condition is not corrected? The actions specified by this AD are intended to prevent loss of propeller control because of hardening or blocking of the control cable. This could result in the inability to control propeller pitch and inability to feather the propeller. Such failure could lead to loss of airplane control.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain SOCATA Model TBM 700 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 14, 2000 (65 FR 78122). The NPRM proposed to require you to install a thermal protection sleeve on the propeller governor flexible cable.

Was the public invited to comment? Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

FAA's Determination

What is FAA's final determination on this issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

—Will not change the meaning of the AD; and

—Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 80 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
2 workhours × $60 per hour = $120.	$40	$120 + $40 = $160	$160 × 80 = $12,800.

Compliance Time of This AD

What will be the compliance time of this AD? The compliance time of this AD will be within the next 100 hours time-in-service (TIS) after the effective date of this AD or within the next 3 calendar months after the effective date of this AD, whichever occurs first.

Why is the compliance time of this AD presented in both hours TIS and calendar time? The affected airplanes are used in general aviation operations. Those operators may accumulate 100 hours TIS on the airplane in less than 3 months and many owners have numerous affected airplanes. We have determined that the dual compliance time:

—Gives all owners/operators of the affected airplanes adequate time to schedule and do the actions in this AD; and

—Ensures that the unsafe condition referenced in this AD will be corrected within a reasonable time period without inadvertently grounding any of the affected airplanes.

What are the differences between the French AD and this AD? The French AD requires the modification at the next scheduled inspection and at the latest before December 21, 2000. We are requiring that you install the thermal protection sleeve within the next 100 hours time-in-service (TIS), or within the next 3 calendar months, whichever occurs first.

We cannot legally enforce a compliance time of at the next scheduled inspection. We believe that a compliance time of 100 hours TIS or within the next 3 months, whichever occurs first, will give the owners or operators of the affected airplanes enough time to have the actions accomplished without compromising the safety of the airplanes.

Regulatory Impact

Does this AD impact various entities? The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2001–04–07 Socata-Groupe Aerospatiale: Amendment 39–12126; Docket No. 2000–CE–69–AD.

(a) *What airplanes are affected by this AD?* This AD affects Model TBM 700 airplanes, serial numbers 1 through 156, and 158 thru 163, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent loss of propeller control because of hardening or blocking of the control cable, which could result in the inability to control propeller pitch and inability to feather the propeller. Such failure could lead to loss of airplane control.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
Install a thermal protection sleeve on the propeller governor flexible cable.	Within the next 100 hours time-in-service (TIS) after April 13, 2001 (the effective date of this AD) or within the next 3 calendar months after April 13, 2001, whichever occurs first, unless already accomplished.	In accordance with Accomplishment Instructions of Socata Service Bulletin SB 70–084, dated September 2000, and the applicable maintenance manual.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64016; telephone: (816) 329–4146; facsimile: (816) 329–4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Socata Service Bulletin SB 70–084, dated September 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Socata Groupe Aerospatiale, Customer Support, Aerodrome Tarbes-Ossun-Lourdes, BP 930–F65009 Tarbes Cedex, France; or the Product Support Manager, Socata-Groupe Aerospatiale, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on April 13, 2001.

Note 2: The subject of this AD is addressed in French AD 2000–430(A), dated November 15, 2000.

Issued in Kansas City, Missouri, on February 14, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4399 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ACE–1]

Amendment to Class E Airspace; Monroe City, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Monroe City, MO. The FAA has developed Area Navigation (RNAV) Global Positioning System (GPS) Runway (RWY) 9 ORIGINAL, and RNAV (GPS) RWY 27 ORIGINAL Standard Instrument Approach Procedures (SIAP) to serve Monroe City Regional Airport, Monroe City, MO. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAPs and for other Instrument Flight Rules (IFR) operations at this airport.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the SIAPs and to segregate aircraft using instrument approach procedures in instrument

conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, May 17, 2001.

Comments for inclusion in the Rules Docket must be received on or before March 25, 2001.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Operations and Airspace Branch, Air Traffic Division, ACE–530, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 01–ACE–1, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Regional at the same address between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Operations & Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA has developed RNAV (GPS) RWY 9 ORIGINAL and RNAV (GPS) RWY 27 ORIGINAL SIAPs to serve Monroe City Regional Airport, Monroe City, MO. The amendment to Class E airspace at Monroe City, MO will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules (IFR). The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 01–ACE–1." The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9H Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE MO E5 Monroe City, MO

Monroe City Regional Airport, MO
(Lat. 39°38'04" N., long. 91°43'37" W.)
Quincy VORTAC
(Lat. 39°50'53" N., long. 91°16'44" W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Monroe City Regional Airport and within 3.5 mules each side of the Quincy VORTAC 239° radial extending from 6.3-mile radius to 7 miles northeast of the airport.

* * * * *

Issued in Kansas City, MO, on February 8, 2001.

Richard L. Day,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 01–4677 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 862

[Docket No. 00P–1675]

Clinical Chemistry and Clinical Toxicology Devices; Classification of B–Type Natriuretic Peptide Test System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is classifying the B-type natriuretic peptide (BNP) test system into class II (special controls). The special control that will apply to this device is a guidance document entitled "Class II Special Control Guidance Document for B–Type Natriuretic Peptide Premarket Notifications; Final Guidance for Industry and FDA Reviewers." The agency is taking this action in response to a petition submitted under the Federal Food, Drug, and Cosmetic Act (the act) as amended by the Medical Device Amendments of 1976, the Safe Medical Devices Act of 1990, and the Food and Drug Administration Modernization Act of 1997. The agency is classifying these devices into class II (special controls) in order to provide a reasonable assurance of the safety and effectiveness of the device.

DATES: This rule is effective February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Jean M. Cooper, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–1293.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976, the date of enactment of the Medical Device Amendments of 1976 (the amendments), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously marketed devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and 21 CFR part 807 of FDA's regulations.

Section 513(f)(2) of the act provides that any person who submits a premarket notification under section 510(k) of the act for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1) of the act, request FDA to classify the device under the criteria set forth in section 513(a)(1) of the act. FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing such classification.

In accordance with section 513(f)(1) of the act, FDA issued an order on November 13, 2000, classifying the BNP test in class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device that was subsequently reclassified into class I or II. On November 15, 2000, FDA received a petition submitted by Biosite Diagnostic, Inc., requesting classification of the BNP test system into class II under section 513(f)(2) of the act.

After review of the information submitted in the petition, FDA determined that the Biosite Diagnostics BNP test system can be classified in class II with the establishment of special controls. This device is intended to measure BNP in whole blood and plasma as an aid in the diagnosis of patients with congestive heart failure. FDA believes that class II special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

In addition to the general controls of the act, the Biosite Diagnostics BNP test system is subject to a special control guidance document entitled "Class II Special Control Guidance Document for B–Type Natriuretic Peptide Premarket Notifications; Final Guidance for Industry and FDA Reviewers."

Section 510(m) of the act provides that FDA may exempt a class II device from the premarket notification requirement under section 510(k) of the act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of this type of device and, therefore, the device is not exempt from the premarket notification requirements. The test is used in the diagnosis of patients with congestive heart failure. FDA review of data sets and labeling ensure that minimum levels of performance are obtained before marketing and are subject to impartial external quality control before labeling is put into place. Thus, persons who intend to market this device must submit to FDA a premarket notification submission containing information on the BNP test system before marketing the device.

On November 20, 2000, FDA issued an order to the petitioner classifying the Biosite Diagnostics BNP test system, and substantially equivalent devices of this generic type, into class II under the generic name, BNP test system. FDA identifies this generic type of device as a BNP test system, which is intended to aid in the diagnosis of congestive heart failure. FDA is codifying this device by adding § 862.1117. This order also identifies a special control applicable to this device "Class II Special Control Guidance Document for B–Type Natriuretic Peptide Premarket Notifications; Final Guidance for Industry and FDA Reviewers."

II. Electronic Access

In order to receive the draft guidance entitled "Class II Special Control Guidance Document for B–Type Natriuretic Peptide Premarket Notifications; Final Guidance for Industry and FDA Reviewers" via your fax machine, call the CDRH Facts on Demand System at 800–899–0381 or 301–827–0111 from a touch-tone

telephone. At the first voice prompt press 1 to enter the system. At the second voice prompt press 1 to order a document. Enter the document number (1183) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the draft guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. The CDRH home page may be accessed at http://www.fda.gov/cdrh. "Class II Special Control Guidance Document for B–Type Natriuretic Peptide Premarket Notification; Final Guidance for Industry and FDA Reviewers" is available at http://www.fda.gov/cdrh/ode/guidance/1072.pdf.

III. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Public Law 104–1210), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4)). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so it is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. FDA knows of only one manufacturer of this type of device. Classification of these devices in class II will relieve this manufacturer of the device of the cost of complying with the premarket approval requirements of section 515 of the act (21 U.S.C. 360e) and may permit small potential competitors to enter the market place by lowering their costs. The agency, therefore, certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement of anticipated costs and benefits before proposing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year (adjusted annually for inflation). The Unfunded Mandates Reform Act does not require FDA to prepare a statement of costs and benefits for the final rule, because the final rule is not expected to result in any 1-year expenditure that would exceed $100 million.

V. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

VI. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects in 21 CFR Part 862

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 862 is amended as follows:

PART 862—CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

1. The authority citation for 21 CFR part 862 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 862.1117 is added to subpart B to read as follows:

§ 862.1117 B-type natriuretic peptide test system.

(a) *Identification.* The B-type natriuretic peptide (BNP) test system is an in vitro diagnostic device intended to measure BNP in whole blood and plasma. Measurements of BNP are used as an aid in the diagnosis of patients with congestive heart failure.

(b) *Classification.* Class II (special controls). The special control is "Class II Special Control Guidance Document for B–Type Natriuretic Peptide Premarket Notifications; Final Guidance for Industry and FDA Reviewers."

Dated: January 11, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–4847 Filed 2–27–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 888

[Docket No. 97P–0354]

Medical Devices; Reclassification of the Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it is reclassifying the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint from class III to class II (special controls). The agency is also announcing that it has issued an order in the form of a letter to the Orthopedic Surgical Manufacturers Association (OSMA) reclassifying the device. The special control that will apply is a guidance document entitled "Class II Special Controls Guidance: Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis." The agency is classifying this device into class II because special controls, in addition to general controls, would provide reasonable assurance of the safety and effectiveness of the device, and there is sufficient information to establish special controls.

DATES: This rule is effective March 30, 2001.

FOR FURTHER INFORMATION CONTACT: Theodore R. Stevens, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2036.

SUPPLEMENTARY INFORMATION:

I. Background (Regulatory Authorities)

The Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et. seq.*), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Public Law 94–295), the Safe Medical Devices Act of 1990 (the SMDA) (Public Law 101–629), and the Food and Drug Administration Modernization Act of 1997 (the FDAMA) (Public Law 105–115), established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the act (21 U.S.C. 360c) established three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513 of the act, devices that were in commercial distribution before May 28, 1976 (the date of enactment of the 1976 amendments), generally referred to as preamendments devices, are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976, generally referred to as postamendments devices, are classified automatically by statute (section 513(f) of the act) into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval, unless and until: (1) The device is reclassified into class I or II; (2) FDA issues an order classifying the device into class I or II in accordance with new section 513(f)(2) of the act, as amended by the FDAMA; or (3) FDA issues an order finding the device to be substantially equivalent, under section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously offered devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and part 807 of the regulations (21 CFR part 807).

A preamendments device that has been classified into class III may be marketed, by means of premarket notification procedures, without submission of a premarket approval application (PMA) until FDA issues a final regulation under section 515(b) of the act (21 U.S.C. 360e(b)) requiring premarket approval.

Reclassification of postamendments devices is governed by section 513(f)(3) of the act, formerly section 513(f)(2) of the act. This section provides that FDA may initiate the reclassification of a device classified into class III under section 513(f)(1) of the act, or the manufacturer or importer of a device may petition the Secretary of Health and Human Services (the Secretary) for the issuance of an order classifying the device in class I or class II. FDA's regulations in § 860.134 (21 CFR 860.134) set forth the procedures for the filing and review of a petition for reclassification of such class III devices. In order to change the classification of the device, it is necessary that the proposed new class have sufficient regulatory controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use.

The FDAMA added a new section 513(f)(2) to the act which addresses classification of postamendments devices. New section 513(f)(2) of the act provides that, upon receipt of a "not substantially equivalent" determination, a 510(k) applicant may request FDA to classify a postamendments device into class I or class II. Within 60 days from the date of such a written request, FDA must classify the device by written order. If FDA classifies the device into class I or II, the applicant has then received clearance to market the device, and it can be used as a predicate device for other 510(k)'s. It is expected that this process will be used for low risk devices. This process does not apply to devices that have been classified by regulation into class III, i.e., preamendments class III devices, or class III devices for which a PMA is appropriate.

Under section 513(f)(3)(B)(i) of the act, formerly section 513(f)(2)(B)(i) of the act, the Secretary may, for good cause shown, refer a petition to a device classification panel. If a petition is referred to a panel, the panel shall make a recommendation to the Secretary respecting approval or denial of the petition. Any such recommendation shall contain: (1) A summary of the reasons for the recommendation, (2) a summary of the data upon which the recommendation is based, and (3) an identification of the risks to health (if any) presented by the device with respect to which the petition was filed.

II. Recommendation of the Panel

On July 23, 1997, FDA filed the reclassification petition submitted by OSMA, requesting reclassification of the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint from class III to class II. FDA consulted with the Orthopedic and Rehabilitation Devices Panel (the Panel) regarding the reclassification petition. During an open public meeting on January 12 and 13, 1998, the Panel recommended that FDA reclassify the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint from class III to class II. The Panel recommended that the special controls for the device be FDA guidance documents, consensus standards, and postmarket surveillance.

FDA considered the Panel's recommendation and tentatively agreed that the generic type of device, the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint, be reclassified from class III to class II. FDA agrees that guidance documents and consensus standards are appropriate special controls for the device.

FDA disagrees with the Panel that postmarket surveillance is a necessary or an appropriate special control for the device. In their deliberations, the Panel stated that it was important that adverse device outcomes should be reported to FDA and should be tracked through postmarket surveillance. FDA believes that another postmarket mechanism better addresses the Panel's concern. FDA believes that the existing mandatory Medical Device Reporting system is the appropriate mechanism to report such adverse events. Therefore, postmarket surveillance is unnecessary to address the Panel's concerns and to reasonably assure the safety and effectiveness of the device.

Subsequently, in the **Federal Register** of May 28, 1999 (64 FR 29043), FDA issued the Panel's recommendation for public comment. FDA received two comments on the Panel's recommendation. Both comments supported the Panel's recommendation

to reclassify the device into class II. One comment also provided updated information on the designations (years of issuance) and the titles for six of the American Society for Testing and Materials (ASTM) consensus standard special controls for the device. FDA agrees with these comments and will incorporate the updated designations and titles in the special control for the device.

After reviewing the data in the petition and presented before the Panel, and after considering the Panel's recommendation and the comments on the notice of panel recommendation, FDA issued an order to the petitioner on December 17, 1999, reclassifying the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint, and substantially equivalent devices of this generic type, from class III to class II with the implementation of special controls.

The special controls listed in the order to the petitioner were FDA guidance documents and consensus standards. The FDA guidance documents were as follows:

1. "Guidance Document for Testing Orthopedic Implants with Modified Metallic Surfaces Apposing Bone or Bone Cement;"
2. "Guidance Document for Testing Non-articulating, 'Mechanically Locked' Modular Implant Components;"
3. "Draft Guidance Document for the Preparation of Premarket Notification (510(k)) Applications for Orthopedic Devices-The Basic Elements;"
4. "Use of International Standard ISO–10993, 'Biological Evaluation of Medical Devices Part 1: Evaluation and Testing;'" and
5. "510(k) Sterility Review Guidance (# K90–1)," 2/12/90.

The ASTM consensus standards were as follows:

1. F 67–95, "Standard Specifications for Unalloyed Titanium for Surgical Implant Applications;"
2. F 75–98, "Standard Specification for Cobalt-28 Chromium-6 Molybdenum Casting Alloy and Cast Products for Surgical Implants (UNS R30075);"
3. F 136–98, "Standard Specification for Wrought Titanium-6 Aluminum-4 Vanadium ELI (Extra Low Interstitial Alloy (UNS R56401)) for Surgical Implant Applications;"
4. F 648–98, "Standard Specification for Ultra-High Molecular Weight Polyethylene Powder and Fabricated Form for Surgical Implants;"
5. F 1044–95, "Standard Test Method for Shear Testing of Porous Metal Coatings;"
6. F 1147–99, "Standard Test Method for Tension Testing of Calcium Phosphate and Metallic Coatings;"
7. F 1160–98, "Standard Test Method for Shear and Bending Fatigue Testing of Calcium Phosphate and Metallic Medical Coatings;"
8. F 1377–98a, "Standard Specification for Cobalt-28 Chromium-6 Molybdenum Powder for Coating of Orthopedic Implants (UNS R30075);"
9. F 1378–99, "Standard Specification for Shoulder Prostheses;" and
10. F 1580–95, "Standard Specification for Titanium and Titanium-6% Aluminum-4% Vanadium Alloy Powders for Coatings of Surgical Implants."

FDA has recently incorporated the 5 FDA guidance documents and the 10 ASTM consensus standards into a special control guidance entitled "Class II Special Controls Guidance: Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis." This guidance document is now the special control for this generic device.

Accordingly, as required by § 860.134(b)(6) and (b)(7) of the regulations, FDA is announcing the reclassification of the generic shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint from class III into class II. On December 17, 1999, FDA issued an order to OSMA reclassifying the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis into class II. In addition, FDA is issuing this final rule to codify the reclassification of the device by adding new § 888.3670.

III. Access to Special Controls

Persons interested in obtaining a copy of an FDA guidance may do so using the Internet. The Center for Devices and Radiological Health (CDRH) maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. The CDRH home page may be accessed at http://www.fda.gov/cdrh . Guidance documents are also available from the Division of Small Manufacturers Assistance (DSMA) (HFZ–220), Food and Drug Administration, Center for Devices and Radiological Health, 1350 Piccard Dr., Rockville, MD 20850. In order to receive the FDA guidance documents via your fax machine call the CDRH Facts-On-Demand (FOD) system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system and enter the document number followed by the pound sign (#). Follow the remaining voice prompts to complete your request. The document number is 1193 for "Class II Special Controls Guidance: Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis."

IV. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612 (as amended by subtitle D of the Small Business Regulatory Fairness Enforcement Act of 1996 (Public Law 104–121))), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Reclassification of the device from class III to class II will relieve all manufacturers of the device of the cost of complying with the premarket approval requirements in section 515 of the act. Because reclassification will reduce regulatory costs with respect to this device, it will impose no significant economic impact on any small entities, and it may permit small potential competitors to enter the marketplace by lowering their costs. The agency therefore certifies that this final rule will not have a significant economic impact on a substantial number of small entities. In addition, this final rule will not impose costs of $100 million or more on either the private sector or State, local, or tribal governments in the aggregate, and therefore a summary statement or analysis under section 202(a) of the Unfunded Mandates Reform Act of 1995 is not required.

VI. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

VII. Paperwork Reduction Act of 1995

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects in 21 CFR Part 888

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 888 is amended as follows:

PART 888—ORTHOPEDIC DEVICES

1. The authority citation for 21 CFR part 888 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 888.3670 is added to subpart D to read as follows:

§ 888.3670 Shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis.

(a) *Identification.* A shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis is a device intended to be implanted to replace a shoulder joint. The device limits movement in one or more planes. It has no linkage across-the-joint. This generic type of device includes prostheses that have a humeral component made of alloys such as cobalt-chromium-molybdenum (Co-Cr-Mo) and titanium-aluminum-vanadium (Ti-6Al-4V) alloys, and a glenoid resurfacing component made of ultra-high molecular weight polyethylene, or a combination of an articulating ultra-high molecular weight bearing surface fixed in a metal shell made of alloys such as Co-Cr-Mo and Ti-6Al-4V. The humeral component and glenoid backing have a porous coating made of, in the case of Co-Cr-Mo components, beads of the same alloy or commercially pure titanium powder, and in the case of Ti-6Al-4V components, beads or fibers of commercially pure titanium or Ti-6Al-4V alloy, or commercially pure titanium powder. The porous coating has a volume porosity between 30 and 70 percent, an average pore size between 100 and 1,000 microns, interconnecting porosity, and a porous coating thickness between 500 and 1,500 microns. This generic type of device is designed to achieve biological fixation to bone without the use of bone cement.

(b) *Classification.* Class II (special controls). The special control for this device is FDA's "Class II Special Controls Guidance: Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis."

Dated: February 4, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–4846 Filed 2–27–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice 3568]

RIN 1400 AA–96

Bureau of Consular Affairs; Visas: Reissuance of O and P Nonimmigrant Visas

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Final rule.

SUMMARY: This rule amends the Department's regulation which allows designated officers in the Directorate for Visa Services to reissue certain categories of nonimmigrant visas for aliens who are maintaining status and intend to depart the United States and reenter in that status after a temporary absence abroad. This regulation will add "O" and "P" visas to those categories that can be "revalidated" in the United States. The Department is also taking this opportunity to make an editorial amendment substituting "Deputy Assistant Secretary for Visa Services" for "Director of the Visa Office." Some years ago, as part of an internal administrative reorganization, the title "Director of the Visa Office" was replaced by the title "Deputy Assistant Secretary for Visa Services." The powers, duties and responsibilities of the position have not changed; only the title. There is, thus, no substantive significance to this substitution.

DATES: This rule takes effect on February 28, 2001.

FOR FURTHER INFORMATION CONTACT: H. Edward Odom, Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, (202) 663–1204.

SUPPLEMENTARY INFORMATION:

What Is the Authority for Reissuing Visas?

The Department of State regulation at 22 CFR 41.111(b) authorizes the Director of the Visa Office and such officers of the Department of State as he or she may designate for such purpose to reissue nonimmigrant visas for aliens in certain nonimmigrant visa classifications who meet the requirements set forth in that section. The purpose of this authority, in part, is to provide a service to the international business community.

Why Is the Regulation Being Amended?

Section 207(a)(3) of the Immigration Act of 1990, (Pub. L. 191–649) amended INA 101(a)(15) by adding two new classes of nonimmigrant temporary workers, "O", aliens of extraordinary ability in the sciences, arts, education, business and athletics, and "P", internationally recognized athletes, and certain artists and entertainers. Since that time, the Department has been reissuing "O" and "P" visas. This rule codifies this long-established practice that complements our existing authority.

Final Rule

How Is the Department Amending Its Regulation?

The Department is amending 22 CFR 41.111(b) by adding the "O" and "P" visas to those categories of visas that the Department currently reissues.

Administrative Procedure Act

The Department's implementation of this regulation as a final rule is based upon the "good cause" exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). Since the Department is providing an administrative service by reissuing visas in the United States for the benefit of aliens who are currently maintaining status in a nonimmigrant category who wish to travel temporarily abroad by reissuing visas in the United States, the Department believes that solicitation of

public comments would serve no purpose.

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

The Department of State does not consider this rule, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 13132

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements. The information collection requirement (Form OF–156) contained by reference in this rule was previously approved for use by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passports and visas.

Accordingly, the Department amends 22 CFR part 41 as follows:

PART 41—[AMENDED]

1. The authority citation for Part 41 is revised to read as follows:

Authority: 8 U.S.C. 1104; 22 U.S.C. 2651a.

2. Revise § 41.111(b) introductory text and (b)(2) to read as follows:

§ 41.111 Authority to issue visa.

(b) *Issuance in the United States in certain cases.* The Deputy Assistant Secretary for Visa Services and such officers of the Department as the former may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, to:

* * * * *

(2) Other qualified aliens who:

(i) Are currently maintaining status in the E, H, I, L, O, or P nonimmigrant category;

(ii) Intend to reenter the United States in that status after a temporary absence abroad; and

(iii) Who also present evidence that:

(A) They were previously issued visas at a consular office abroad and admitted to the United States in the status which they are currently maintaining; and

(B) Their period of authorized admission in that status has not expired.

Dated: January 21, 2001.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 01–4769 Filed 2–27–01; 8:45 am]

BILLING CODE 4710–06–U

DEPARTMENT OF STATE

22 CFR Part 126

General Policies and Provisions

CFR Correction

In Title 22 of the Code of Federal Regulations, parts 1 to 299, revised as of Apr. 1, 2000, in part 126, beginning on page 469, the second § 126.5 is removed.

[FR Doc. 01–55502 Filed 2–27–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Parts 160 and 164

RIN 0991–AB08

Standards for Privacy of Individually Identifiable Health Information

AGENCY: Office for Civil Rights, HHS.

ACTION: Final rule; request for comments.

SUMMARY: This action provides for the submission of comments on a technical amendment to the final rule adopting standards for privacy of individually identifiable health information published on December 28, 2000, in the **Federal Register** (65 FR 82462), to convert it to a final rule with request for comments. The purpose of this action is to permit public comment on the final rule for a limited period before the rule becomes effective.

DATES: 1. Comments will be considered if received as provided below, no later than 5 p.m. on March 30, 2001.

2. The effective date of the final rule with request for comments published December 28, 2000 (65 FR 82462) was corrected to be April 14, 2001. See 66 FR 12434 (February 26, 2001).

ADDRESSES: Comments will be considered only if provided through any of the following means:

1. Mail written comments (1 original and, if possible, a floppy disk) to the following address: U.S. Department of Health and Human Services, Attention: Privacy I, Room 801, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

2. Deliver written comments (1 original and, if possible, a floppy disk) to Room 801, 200 Independence Avenue, SW., Washington, DC 20201.

3. Submit electronic comments at the following website: http://aspe.hhs.gov/admnsimp/.

FOR FURTHER INFORMATION CONTACT: Kimberly Coleman, 1–866–OCR–PRIV (1–866–627–7748) or TTY 1–866–788–4989.

SUPPLEMENTARY INFORMATION:

Comment Procedures, Availability of Copies, and Electronic Access

Comment procedures: All comments should include the full name, address, and telephone number of the sender or a knowledgeable point of contact. Each specific comment should specify the section of the final rule to which the specific comment pertains. If possible, please send an electronic version of the comments on a 3½ inch DOS format floppy disk in Adobe Acrobat Portable Document Format (PDF), HTML, ASCII text, or popular word processor format (Microsoft Word, Corel WordPerfect). All comments and content must be limited to the 8.5 wide by 11.0 high vertical (also referred to as "portrait") page orientation. If identical/duplicate comment submissions are submitted both electronically and in paper form, each submission should clearly indicate that it is a duplicate submission.

Because of staffing and resource limitations, we will *not* accept comments by electronic mail or facsimile (FAX) transmission. Any comments received through such media will be deleted or destroyed, as appropriate. They will not be considered as public comments.

Comments that are timely received in proper form and at one of the addresses specified above will be available for public inspection by appointment as they are received, generally beginning approximately three weeks after this publication in Room 801 of the Department's offices at 200 Independence Avenue, SW, Washington, DC on Monday through Friday of each week from 8:30 a.m. to 5 p.m. Appointments may be made by telephoning 202–260–3392.

After the close of the comment period, comments that we are technically able to convert will be posted on the Administrative Simplification website specified above.

Copies: To order copies of the **Federal Register** containing this document, send your request to New Orders, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at 202–512–1800 or by fax to 202–512–2250. The cost for each copy is $9. Alternatively, the **Federal Register** may be viewed and photocopied at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

Electronic Access: This document is available electronically at the above website as well as at the web site of the Government Printing Office at *http://www.access.gpo.gov/su_docs/aces/140.html*.

Discussion

On December 28, 2000, we published in the **Federal Register** a final rule adopting standards for the privacy of individually identifiable health information (Privacy Rule). The Privacy Rule is the second in a series of rules mandated by sections 261–264 of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104–191. In general, the Privacy Rule establishes in 45 CFR part 160 a set of definitions applicable to the entire set of HIPAA rules, requirements for requesting that a state law be excepted from preemption by the statute, and compliance and enforcement requirements. The Privacy Rule also establishes a new subpart E of part 164. Subpart E establishes standards which entities covered by the statute—health plans, health care clearinghouses, and certain health care providers—are required to comply with to protect the privacy of certain individually identifiable health information ("protected health information"). The standards are requirements relating to the uses and disclosures of protected health information, the rights of individuals with respect to their protected health information, and the procedures for exercising those rights.

The Privacy Rule affects over 600,000 entities and virtually every American. It is estimated to cost in excess of $17.6 billion over ten years. The Department received over 52,000 public comments in the public comment period on the proposed rule; in the period following publication of the final rule, HHS has received approximately a thousand inquiries about the impact and operation of the Privacy Rule on numerous sectors of the economy. Many comments exhibit substantial confusion over how the Rule will operate; others express great concern over the complexity and workability of the Rule. The significance of the Privacy Rule for the health care industry and for society as a whole, and the substantial nature of some concerns that have been raised have led us to conclude that an additional comment period on the Privacy Rule is warranted. Accordingly, we hereby solicit public comment for 30 days on the Privacy Rule, as published in the **Federal Register** on December 28, 2000 at 65 FR 82462.

Based on telephone calls, e-mails, letters, and other contacts with HHS, we are aware that the Privacy Rule has been the subject of widespread debate in the health care industry and the public at large in the almost two months since its publication. Thus, we believe that many of the public's concerns about the Privacy Rule have already crystallized. We accordingly are of the view that 30 days should be sufficient for the public to state its views fully to HHS.

We determined that the report to Congress required by 5 U.S.C. 801(a)(1) was not received by the Congress concurrent with the transmission of the Privacy Rule to the **Federal Register**, as previously thought. We have published elsewhere in this section of the **Federal Register** a final rule correcting the effective date of the Privacy Rule to April 14, 2001 to comply with 5 U.S.C. 801(a)(3)(A). This action does not alter the corrected effective date. The public comment period provided for above accordingly will close before the Privacy Rule becomes effective.

Dated: February 22, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–4811 Filed 2–26–01; 11:13 am]

BILLING CODE 4150–04–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 022201A]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for groundfish with non-pelagic trawl gear in the red king crab savings subarea (RKCSS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to utilize the amount of the 2001 red king crab bycatch limit specified for the RKCSS.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 23, 2001, until 1200 hrs, A.l.t., February 27, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area

(FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and CFR part 679.

The amount of the 2001 red king crab bycatch limit specified for the RKCSS was established as 22,674 animals by the 2001 Harvest Specifications of Groundfish (66 FR 7276, January 22, 2001). The directed fishery for groundfish with non-pelagic trawl gear was closed effective 1200 hrs, A.l.t., February 18, 2001 in accordance with § 679.21(e)(7)(ii)(B)(66 FR 11123, February 22, 2001) because it was expected that the 2001 red king crab bycatch limit specified for the RKCSS would be caught.

NMFS has determined that as of February 20, 2001, 6,000 red king crab remain in the 2001 red king crab bycatch limit specified for the RKCSS. Therefore, NMFS is terminating the previous closure and is re-opening directed fishing for groundfish with non-pelagic trawl gear in the RKCSS in accordance with § 679.21(e)(3)(ii)(B).

Classification

All other closures remain in full force and effect. This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action in order to allow full utilization of the remaining amount of the 2001 red king crab bycatch limit specified for the RKCSS constitutes good cause to waive the requirement to provide prior notice opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly the need to implement these measures in a timely fashion to allow full utilization of the remaining amount of the 2001 red king crab bycatch limit specified for the RKCSS constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 22, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4863 Filed 2–23–01; 3:17 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 40
Wednesday, February 28, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–AEA–01]

Establishment of Class E Airspace; Hagerstown, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class E airspace at Hagerstown, MD. Controlled airspace extending upward from surface is needed to accommodate operations under Instrument Flight Rules (IFR) at the airport when the air traffic control tower (ATCT) is not in operation.

The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before March 30, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 01–AEA–01, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809. An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 01–AEA–01". The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace area at Washington County Regional Airport, Hagerstown, MD, when the ATCT is closed. This controlled airspace extending upward from the surface is needed when the Air Traffic Control Tower is not open to accommodate IFR operations at the airport.

Class E airspace designations for airspace areas extending upward from the surface are published in Paragraph 6002 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would affect traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9H dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6002 Class E Airspace Areas Extending Upward From the Surface of the Earth

* * * * *

AEA MD, E2 Hagerstown, MD [NEW]

Washington County Regional Airport, Hagerstown, MD.
(Lat. 39°42'28"N., long 77 °43'46"W.)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.1-mile radius of Washington County Regional Airport. This Class E2 area is effective during the specific dates and times when the Class D airspace is not in effect.

* * * * *

Issued in Jamaica, New York on February 9, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–4681 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD11–01–003]

RIN 2115–AA98

Anchorage Regulation; San Francisco Bay, California

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the anchorage boundaries for Anchorages 8, 9, and 24, and to specify procedures for vessels intending to be in a "dead ship" status in the San Francisco Bay Anchorage Grounds. The regulations concerning use of the anchorage by vessels, and the activities permitted in the anchorage areas are not affected by the change in shape and size of these anchorages.

DATES: Comments and related material must reach the Coast Guard on or before March 30, 2001.

ADDRESSES: You may mail comments and related material to Commanding Officer, Coast Guard Marine Safety Office San Francisco Bay, Bldg. 14, Coast Guard Island, Alameda, CA 94501, ATTN: LT Andrew Cheney. The Marine Safety Office maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection and copying at the Marine Safety Office between 7:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Patricia Springer, Vessel Traffic Management Section, Coast Guard Eleventh District/Pacific Area, (510) 437–2951, email: pspringer@d11.uscg.mil.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD11–01–003), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not plan to hold a public meeting, however you may submit a request for a meeting by writing the Marine Safety Office at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Due to changing uses of the waterways in the San Francisco Bay region—including the closure of Naval Air Station Alameda, the trend of larger ships arriving in the Bay, and the anticipated growth of faster Marine Transportation Systems—mariners have requested changes to several anchorage grounds. Recent situations have demanded increased use and space for Anchorages 8 and 9. Vessels have had to take anchor while awaiting the departure of another at berth. Periodic labor strikes and disputes have caused delays in the turnaround time of cargo, which in turn have filled the anchorages to capacity. In general, these proposed changes will allow more room for the anchorages while enhancing safer and more efficient use of the waterways through San Francisco Bay and the Carquinez Strait.

Currently, safety measures for anchoring in the San Francisco Bay in a dead-ship status are addressed by individual COTP orders. The term "dead ship" refers to when a vessel's propulsion or control is unavailable for normal operations. This rulemaking will enhance the safety of navigation in the area by designating a dead-ship anchorage, away from usual areas of navigation on the bay, and by uniformly requiring the assistance of a tug boat when anchoring in a dead ship status. Also, with this proposed change to the rule, the owner/operator will be able to make its own arrangements for a tug without having to gain the approval of the COTP before proceeding to the dead-ship anchorage.

Discussion of Proposed Rule

Anchorage 8 and Anchorage 9 (South San Francisco Bay)

In the past, San Francisco Bay had a strong military presence and much waterway traffic resulted from the military facilities homeported in the area. Both Anchorage 8 and 9 were designed to accommodate large naval vessels enroute to Naval Air Station Alameda. The configuration of these anchorages is no longer optimal due to the closure of the Naval Air Station. Commercial vessels awaiting a berth, favorable tides, orders, or other operational uses now use Anchorages 8 and 9. The size and draft of these commercial vessels has steadily risen in recent years and this trend is expected to continue.

This proposed change includes modifications to Anchorages 8 and 9 which enlarge the anchorage area into the waters previously used for large military vessel transit. Enlarging Anchorage 8 and 9 will allow today's larger vessels to have better use of the available water. Changes to Anchorage 8 would allow one to two more vessels to anchor, and change to Anchorage 9 would allow more deep draft anchorage space. Generally, this proposed regulation is intended to eliminate congestion in the anchorages and promote safety for these new vessels.

Anchorage 24 (Carquinez Strait)

The Coast Guard conducted a Waterways Analysis and Management study of the San Pablo Bay and Carquinez Strait in late 1998. One of the recommendations of the study which was based primarily on the comments of mariners using the waterway, was to make better use of the navigable waters of the Carquinez Strait just south-southeast of Southampton Bay. The Coast Guard decided to establish a buoy marking the edge of the useable channel just west-southwest of Commodore Jones Point, effectively shrinking the area which is currently Anchorage 24. Study of records from the Vessel Traffic Service in San Francisco (which monitors this waterway) and discussion with waterway users indicated that Anchorage 24 is rarely used, and almost never used by vessels that would require over 10 meters of depth in the anchorage. Furthermore, there are adequate anchorages for vessels of this size in the immediate vicinity. This proposed rulemaking is intended to provide more room for large vessels maneuvering through Carquinez Strait.

Dead-Ship Procedure

The Coast Guard has been issuing individual Captain of the Port (COTP) Orders for each vessel entering "dead-ship" status (propulsion or control unavailable for normal operations) in the San Francisco Bay. This rulemaking proposes to designate Anchorage 9, which has sufficient room for such practices, so that within this area, owner/operators following these new procedures will not need to obtain the permission of the COTP before proceeding to Anchorage 9. Additionally, instead of issuing individual COTP orders to require a tug assist during heavy weather, with this rulemaking, vessels will be required to take such safety measures when disabling their main propulsion at all times, not just during heavy weather.

Regulatory Evaluation

This proposed regulation is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

We expect the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

The proposed changes in the size and shape of anchorage areas are slight and the purpose is to conform to the changed use of the harbor and to make best use of available water. As for implementing the cold-iron regulation, this rulemaking simply makes official in the regulation what has already been in practice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*), we considered whether this proposed regulation would have significant impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Andrew Cheney at the address listed in **ADDRESSES** above.

Collection of Information

This proposed rule would call for no new collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

We have analyzed this proposed rule under E.O. 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We will consider the environmental impact of this proposed regulation. However, under figure 2–1, paragraph 34(f) of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from conducting an Environmental Assessment or an Environmental Impact Statement. In the above referenced Coast Guard policy instruction, the Coast Guard has determined that no further environmental documentation is required when changing the size of Special Anchorage Areas or anchorage grounds, or when disestablishing or reducing the size of the Area or grounds, as proposed to take place in Anchorage No. 24. Because the Coast Guard is proposing to increase the size of Anchorages No. 8 and 9, the Coast Guard will complete a Categorical Exclusion Document (CED) and an Environmental Analysis Checklist.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46; and 33 CFR 1.05–1(g).

2. § 110.224 is amended by:

a. In paragraph (a), add a new paragraph (a)(18);

b. In paragraph (d), revise Table 110.224(D)(1) and add a new paragraph m to Notes at the end of the table and;

c. In paragraph (d), revise paragraphs (e)(5), (e)(6), and (e)(17) to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters, CA.

(a) * * *

(18) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) at any anchorage other than in Anchorage 9 as specified in Table 110.224(D)(1) without prior approval of the Captain of the Port.

* * * * *

TABLE 110.224(D)(1)

Anchorage No.	General location	Purpose	Specific regulations
4	San Francisco Bay	General	Notes a, b.
5	....do	....do	Do.
6	....do	....do	Note a.
7	....do	....do	Notes a, b, c, d, e.
8	....do	....do	Notes a, b, c.
9	....do	....do	Notes a, b, m.
10	....do	Naval	Note a.
12	....do	Explosives	Notes a, f.
13	....do	....do	Notes a, e, g.
14	....do	....do	Notes a, f, h.
18	San Pablo Bay	General	
19	....do	....do	Note b.
20	....do	....do	
21	....do	Naval	
22	Carquinez Strait	General	
23	Benicia	General	Notes c, d, e, l.
24	Carquinez Strait	General	Note j.
26	Suisan Bay	....do	Note k.
27	....do	....do	
28	San Joaquin River	....do	
30	....do	Explosives	

Notes: a. When sustained winds are in excess of 25 knots each vessel greater than 300 gross tons using this anchorage shall maintain a continuous radio watch on VHF channel 13 (156.65 MHz) and VHF channel 14 (156.70 MHz). This radio watch must be maintained by a person who fluently speaks the English language.

b. Each vessel using this anchorage may not project into adjacent channels or fairways.

c. This anchorage is primarily for use by vessels requiring a temporary anchorage waiting to proceed to pier facilities or other anchorage grounds. This anchorage may not be used by vessels for the purpose of loading any dangerous cargoes or combustible liquids unless authorized by the Captain of the Port.

d. Each vessel using this anchorage may not remain for more than 12 hours unless authorized by the Captain of the Port.

e. Each vessel using this anchorage shall be prepared to move within 1 hour upon notification by the Captain of the Port.

f. The maximum total quantity of explosives that may be on board a vessel using this anchorage shall be limited to 3,000 tons unless otherwise authorized with the written permission of the Captain of the Port.

g. The maximum total quantity of explosives that may be on board a vessel using this anchorage shall be limited to 50 tons except that, with the written permission of the Captain of the Port, each vessel in transit, loaded with explosives in excess of 50 tons, may anchor temporarily in this anchorage provided that the hatches to the holds containing explosives are not opened.

h. Each vessel using this anchorage will be assigned a berth by the Captain of the Port on the basis of the maximum quantity of explosives that will be on board the vessel.

i. [Reserved]

j. Each vessel using this anchorage shall promptly notify the Captain of the Port, upon anchoring and upon departure.

k. See § 162.270 of this title establishing restricted areas in the vicinity of the Maritime Administration Reserve Fleet.

l. Vessels using this anchorage must exceed 15 feet draft, have engines on standby, and have a pilot on board.

m. Any vessel anchoring in a "dead-ship" status shall have one assist tug of adequate bollard pull on standby and immediately available (maximum of 15 minute response time) to provide emergency maneuvering. When the sustained winds are 20 knots or greater, or when the wind gusts are 25 knots or greater, the tug must be alongside.

(e) * * *

(5) *Anchorage No. 8.* In San Francisco Bay bounded by the west shore of Alameda Island and the following lines: Beginning at 37°47′52″ N, 122°19′58″ W; thence west-northwesterly to 37°48′02.5″ N 122°21′01.5″ W; thence west-southwesterly to 37°47′51.5″ N, 122°21′40″ W; thence south-southwesterly to 37°47′35.5″ N, 122°21′50″ W; thence south-southeasterly to 37°46′40″ N, 122°21′23″ W; thence easterly to 37°46′36.5″ N, 122°19′52″ W; thence northerly to shore at 37°46′53″ N, 122°19′53.5″ W (NAD 83).

(6) *Anchorage No. 9.* In San Francisco Bay bounded on the east by the eastern shore of San Francisco Bay and on the north by the southern shore of Alameda Island and a line beginning at 37°46′21.5″ N, 122°19′07″ W; thence westerly to 37°46′30″ N, 122°21′56″ W; thence south-southeasterly to 37°41′45″ N, 122°20′22″ W (San Bruno Channel Light 1); thence south-southeasterly to 37°38′38.5″ N, 122°18′48.5″ W (San Bruno Channel Light 5); thence southeasterly to 37°36′05″ N, 122°14′18″ W; thence northeasterly to shore at 37°37′38.5″ N, 122°09′06.5″ W (NAD 83).

* * * * *

(17) *Anchorage No. 24.* Bounded by the north shore of Carquinez Strait and the following points: Beginning on the shore at Dillon Point at 38°03′44″ N, 122°11′34″ W; thence southeasterly to 38°03′21″ N, 122°10′43″ W; thence southeasterly to 38°02′36″ N, 122°10′03″ W (Carquinez Strait Light 23); thence to the shore at the Benicia City Wharf at 38°02′40″ N, 122°09′55″ W (NAD 83).

* * * * *

Dated: February 1, 2001.

L.G. Brudnicki,

Captain, U.S. Coast Guard, Commander, Eleventh Coast Guard District, Acting.

[FR Doc. 01–4885 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD09–01–003]

RIN–2115–AE47

Drawbridge Operation Regulations; Trail Creek, IN

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the operating regulation governing moveable bridges on Trail Creek in Michigan City, Indiana. The proposed rule would establish twice-an-hour openings for the Franklin Street bridge, mile 0.5, and revise the current regulation for the Amtrak bridge, mile 0.85.

DATES: Comments must be received on or before April 30, 2001.

ADDRESSES: Comments may be mailed or delivered to: Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Room 2019, Cleveland, OH, 44199–2060 between 6:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (216) 902–6084.

FOR FURTHER INFORMATION CONTACT: Mr. Scot M. Striffler, Project Manager, Ninth Coast Guard District Bridge Branch, at (216) 902–6084.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views or arguments for or against this rule. Persons submitting comments should include names and addresses, identify the rulemaking [CGD09–01–003] and the specific section of this proposal to which each comment applies, and give the reason(s) for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard plans no public hearing. Individuals may request a public hearing by writing to the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentation will aid this rulemaking, they will hold a public hearing at a time and place announced in the **Federal Register**.

Background and Purpose

The owner of the Franklin Street bridge, LaPorte County Highway Department, IN, requested the Coast Guard approve a modified schedule for the bridge to reduce vehicular traffic delays in the vicinity of the bridge during the peak tourist season and to establish a permanent winter operating schedule. The current regulation for the Amtrak bridge is obsolete and does not accurately reflect current train and vessel operations at that location.

The Amtrak bridge is currently required to open on signal between the hours of 6:30 a.m. and 2:30 p.m., except Sundays, from February 16 through December 14. The bridge is not required to be manned all other times and would be opened within 20 minutes following notification to the Amtrak dispatcher in Chicago. The Coast Guard has determined that this schedule does not provide for the reasonable needs of navigation and places undue burden on vessel operators wishing to pass the draw. Amtrak representatives concur with this finding. Also, the bridge is currently manned during periods of no vessel traffic on the waterway during winter months, placing an undue burden on the railroad. The proposed regulation would establish operating hours and dates that more accurately reflect the needs of navigation, and would allow the bridge to be unmanned during periods of no train traffic and during winter months when there is no navigation.

The Franklin Street bridge is located in a highly congested section of Michigan City, and adjacent to a park area that is visited by a large number of residents and tourists between April 1 and December 1 each year. LaPorte County Highway Dept., acting on behalf of the City of Michigan City, has asked the Coast Guard to regulate bridge openings to coincide with the park hours to alleviate vehicular traffic congestion in the area, while still providing for the reasonable needs of navigation.

Discussion of Proposed Rule

The opening schedule for Franklin Street bridge is currently governed by the general articles of Subpart A in 33 CFR Part 117. Under the proposed rule, the bridge would open on signal from March 16 through November 30, except from 6:15 a.m. to 11:15 p.m., Monday through Sunday, the bridge would open only from three minutes before to three minutes after the quarter-hour and three-quarter hour. The bridge would open at all times for public vessels, vessels in distress, and vessels seeking shelter from severe weather. From December 1 through March 15, the bridge would open for vessels if at least 12-hours advance notice is provided. The largest marinas in Michigan City are located in the park area, with no need for most vessels to pass Franklin Street bridge. By scheduling openings for vessels between the hours of 6:15 a.m. and 11:15 p.m., vehicles going in and out of the park area would not create a congestion problem for the city during park hours, while still providing for the reasonable needs of navigation. This schedule has been employed and accepted on a voluntary basis by vessel operators upstream of the bridge for at least five years. Bridge logs submitted by the LaPorte County Highway Department showed two openings for vessels between December 1, 1998, and March 14, 1999. The logs indicate that the majority of openings for vessels occur between April 1 and October 30. The proposed rule would ensure that the bridge is manned between March 16 and November 30.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This determination is based on the fact that this proposed rule would not eliminate bridge openings for any vessels, but would only require vessels to pass during scheduled periods throughout the peak navigation season (March 15 to December 1). The bridges would still open between December 1 and March 15 if 12-hour advance notice is provided.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule will have a significant impact on a substantial number of small entities. "Small entities" may include small businesses and not-for-profit organizations that are independently owned and operated and are not

dominant in their fields, and governmental jurisdictions with populations of less than 50,000 people.

The small entities identified (approximately 3 charter fisherman and 1 tug operator) do not represent a substantial number of entities that would be affected by this proposed rule. Most vessels that must pass Franklin Street bridge are pleasure craft. According to LaPorte County Highway Dept., the charter fisherman can pass Franklin Street in the closed position once all lowerable appurtenances on their vessels are adjusted. Otherwise, the scheduled openings would still satisfy the reasonable needs for these few vessels. The 12-hour advance notice requirement during winter months is a standard practice on the Great Lakes and still provides for bridge openings with advance notice from vessel operators.

Therefore, the Coast Guard certifies under 5 U.S.C 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Collection of Information

This proposed rule would call for no new collection of information requirement under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 13132, and determined that this rule does not have federalism implications under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the federal government having first provided the funds to pay those unfunded mandate costs. This proposed rule will not impose an unfunded mandate.

Taking of Private Property

This proposed rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 34(g) of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. This proposed rule changes a drawbridge regulation which has been found not to have a significant effect on the environment. A Categorical Exclusion Determination is not required.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to revise Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Revise § 117.401 to read as follows:

§ 117.401 Trail Creek.

(a) The draw of the Franklin Street bridge, mile 0.5 at Michigan City, shall be operated as follows:

(1) From March 16 through November 30, the draw shall open on signal; except from 6:15 a.m. to 11:15 p.m., Monday through Sunday, the draw need open only from three minutes before to three minutes after the quarter-hour and three-quarter hour.

(2) From December 1 through March 15, the draw shall open on signal if at least 12-hours advance notice is provided prior to intended time of passage.

(b) The draw of the Amtrak bridge, mile 0.9 at Michigan City, shall open on signal; except, from December 1 through March 15, the bridge shall open on signal if at least 12-hours advance notice is provided prior to intended time of passage.

(c) Public vessels of the United States, state or local vessels used for public safety, vessels in distress, and vessels seeking shelter from severe weather shall be passed through the draws of each bridge as soon as possible.

Dated: February 5, 2001.

James D. Hull,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 01–4884 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 60, 63, 70, 123, 142, 145, 162, 233, 257, 258, 271, 281, 403, 501, 745 and 763

[FRL–6949–6]

RIN 2025–AA10

Public Information: Advanced Notice of Proposed Rulemaking on Electronic Reporting and Recordkeeping and Delayed Effective Date of Recordkeeping Provisions in the Electronic Signatures in Global and National Commerce Act of 2000

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: EPA announces its intent to develop a rule to establish performance standards to assure accuracy, record integrity, and accessibility of electronic reports and records applying generally to all recordkeeping requirements contained in Chapter I of Title 40 of the Code of Federal Regulations. This action delays until June 1, 2001 the effective date of certain provisions in the Electronic Signatures in Global and National Commerce Act of 2000 that may affect certain federal environmental recordkeeping requirements.

DATES: In order to be considered, comments on this ANPRM must be received on or before March 30, 2001.

Please direct all correspondence to the addresses shown below.

ADDRESSES: Written comments should be submitted in triplicate to the United States Environmental Protection Agency, Enforcement and Compliance Docket and Information Center (Mail Code 2201A), Docket Number EC–2000–007 (Attn: E-SIGN ANPRM), 1200 Pennsylvania Avenue NW, Washington, DC, 20460. No facsimiles (faxes) will be accepted.

Comments in an electronic format should also reference docket number EC–2000–07, (Attn: E-SIGN ANPRM), and should be addressed to the following Internet address: docket.oeca@epa.gov. Electronic comments must be submitted as an ASCII, WordPerfect 5.1/6.1/8 format file and avoid the use of special characters or any form of encryption.

FOR FURTHER INFORMATION CONTACT: David Schwarz (2823), Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 260–2710, *schwarz.david@epa.gov*, or Evi Huffer (2823), Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC, 20460, (202) 260–8791, huffer.evi@epa.gov.

SUPPLEMENTARY INFORMATION: The Electronic Signatures in Global and National Commerce Act of 2000, 15 U.S.C. 7001 to 7031 (hereinafter "E-Sign"), enacted on June 30, 2000, provides that, with respect to any transaction in or affecting interstate commerce, no contract, signature, or record relating to such a transaction shall be denied legal effect solely because it is in electronic form. Similarly, E-Sign provides that such a document may not be denied legal effect solely because an electronic signature or record was used in its formation. Under E-Sign, terms of existing statutes or agency rules containing paper-based requirements that might otherwise deny effect to electronic signatures and records in consumer, commercial or business transactions between two or more parties are superseded. While E-Sign does not generally affect reporting under federal regulations or records of those reports, E-Sign does potentially supersede a requirement that a record be kept on paper if that record is not retained principally for governmental purposes, but is maintained primarily for consumer, commercial or business purposes. E-Sign does, however, preserve the authority of federal and State agencies to set technology-neutral standards and formats for the retention of any such electronic records.

Today, EPA announces its intent to develop rules governing the use of electronic records to satisfy any recordkeeping requirements contained in Chapter I of Title 40 of the Code of Federal Regulations, including any recordkeeping requirements potentially affected by E-Sign. With respect to record retention requirements imposed by federal statute, regulation, or other rule of law, E-Sign takes effect on March 1, 2001 unless a federal regulatory agency has announced, proposed, or initiated, but not completed, rulemaking to establish performance standards to assure accuracy, record integrity, and accessibility of electronic reports and records. If a federal agency announces, proposes, or initiates such a rulemaking on or before March 1, 2001, the effective date of E-Sign is delayed until June 1, 2001, with respect to such records. Today's ANPRM announces EPA's intent to develop a rule applying generally to all recordkeeping requirements contained in Chapter I of Title 40 of the Code of Federal Regulations and, accordingly, to the extent E-Sign affects any such requirement, E-Sign will take effect on June 1, 2001, instead of March 1, 2001.

In order to satisfy the mandates of the Government Paperwork Elimination Act (GPEA) of 1998, public law 105–277, *http://ec.fed.gove/gpedoc.htm*, EPA is currently developing the Cross-Media Electronic Reporting and Recordkeeping Rule (CROMERRR). This rule would govern the use of electronic records and recordkeeping to satisfy any reporting or recordkeeping requirement contained in Chapter I of Title 40 of the Code of Federal Regulations. EPA may also choose to develop a rule in addition to CROMERRR that would apply to the subset of those recordkeeping requirements that are affected by E-Sign. Such a rule would establish interim performance standards to assure accuracy, record integrity, and accessibility of this smaller universe of electronic records until EPA is able to finalize the CROMERR rule of general applicability. EPA solicits comment on whether it should develop such an interim rule. EPA also solicits comment on what class or classes of records should be subject to any such interim rule.

Dated: February 23, 2001.

Christine Todd Whitman,

Administrator.

[FR Doc. 01–4972 Filed 2–27–01; 8:45 am]

BILLING CODE 6565–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 36

Cancellation of the Meeting of the Negotiated Rulemaking Committee on Joint Tribal and Federal Self-Governance

AGENCY: Indian Health Service, HHS.

ACTION: Notice of Meeting Cancellation.

SUMMARY: On February 13, 2001, the Indian Health Service published a notice in the **Federal Register** announcing two meetings of the Negotiated Rulemaking Committee on Joint Tribal and Federal Self Governance (66 FR 10182, February 13, 2001). The first meeting, scheduled for February 27–28 in Washington, DC, is cancelled. The second meeting, scheduled for March 15–16 in San Diego, CA, will be held as planned at the Clarion Hotel Bay View, 660 K Street, San Diego, CA 92101, from 8:00 a.m.–5:00 p.m. each day.

FOR FURTHER INFORMATION CONTACT: Paula Williams, Director, Office of Tribal Self-Governance, Indian Health Service, 5600 Fishers Lane, Room 5A–55, Rockville, MD 20857, Telephone 301–443–7821. (This is not a toll-free number.)

Dated: February 22, 2001.

Michael H. Trujillo,

Assistant Surgeon General, Director.

[FR Doc. 01–4967 Filed 2–26–01; 12:37 pm]

BILLING CODE 4160–16–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–390, MM Docket No. 01–46, RM–10046]

Digital Television Broadcast Service; Temple, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Channel 6, Inc., licensee of station KCEN–TV, NTSC channel 6, Temple, Texas, requesting the substitution of DTV channel 9 for station KCEN–TV's assigned DTV channel 50. DTV Channel 9 can be allotted to Temple, Texas, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (31–16–24 N. and 97–13–14 W.). As requested, we propose to allot

DTV Channel 9 to Temple with a power of 7.5 and a height above average terrain (HAAT) of 573 meters.

DATES: Comments must be filed on or before April 13, 2001, and reply comments on or before April 30, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Kenneth C. Howard, Baker & Hostetler LLP, 1050 Connecticut Avenue, NW., Suite 1100, Washington, DC 20036–5304 (Counsel for Channel 6, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–46, adopted February 16, 2001, and released February 20, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Texas is amended by removing DTV Channel 50 and adding DTV Channel 9 at Temple.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4806 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–389, MM Docket No. 01–45, RM–9997]

Digital Television Broadcast Service; Mountain View, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Arkansas Educational Television Commission, licensee of noncommercial educational station KEMV(TV), NTSC channel *6, Mountain View, Arkansas, requesting the substitution of DTV channel *13 for station KEMV(TV)'s assigned DTV channel *35. DTV channel *13 can be allotted to Mountain View, Arkansas, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (35–48–47 N. and 92–17–24 W.). As requested, we propose to allot DTV channel *13 to Mountain View with a power of 20 and a height above average terrain (HAAT) of 425 meters.

DATES: Comments must be filed on or before April 13, 2001, and reply comments on or before April 30, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Todd D Gray, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036 (Counsel for Arkansas Educational Television Commission).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–45, adopted February 16, 2001 and released April 30, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Arkansas is amended by removing DTV Channel *35 and adding DTV Channel *13 at Mountain View.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4805 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–388, MM Docket No. 01–43, RM–10041]

Digital Television Broadcast Service; Jackson, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Civic License Holding Company, Inc. licensee of WLBT–TV, NTSC channel 3, Jackson, Mississippi, requesting the substitution of DTV channel 9 for station WLBT–TV's assigned DTV channel 51. DTV Channel 9 can be allotted to Jackson, Mississippi, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (32–12–49 N. and 90–2–56 W.). As requested, we propose to allot DTV Channel 9 to Jackson with a power of 3.2 and a height above average terrain (HAAT) of 610 meters.

DATES: Comments must be filed on or before April 13, 2001, and reply comments on or before April 30, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John S. Logan, Scott S. Patrick, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036–6802 (Counsel for Civic License Holding Company, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–43, adopted February 16, 2001, and released February 20, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Mississippi is amended by removing DTV Channel 51 and adding DTV Channel 9 at Jackson.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4804 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–415, MM Docket No. 01–51, RM–10007]

Digital Television Broadcast Service; Lima, OH

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Lima Communications Corporation, licensee of station WLIO(TV), NTSC channel 35, Lima, Ohio, proposing the substitution of DTV channel 8 for station WLIO(TV)'s assigned DTV channel 20. DTV Channel 8 can be allotted to Lima, Ohio, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (40–44–54 N. and 84–07–55 W.). However, since the community of Lima is located within 400 kilometers of the U.S.-Canadian border, concurrence government must be obtained for this proposal. As requested, we propose to allot DTV Channel 8 to Lima with a power of 30 and a height above average terrain (HAAT) of 165 meters.

DATES: Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John R. Feore, Jr., Scott S. Patrick, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036–6802 (Counsel for Lima Communications Corporation).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–51, adopted February 20, 2001, and released February 21, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Ohio is amended by removing DTV Channel 20 and adding DTV Channel 8 at Lima.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4802 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–413, MM Docket No. 01–49, RM–10032]

Digital Television Broadcast Service; Atlantic City, NJ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Lenfest Broadcasting, LLC, licensee of station WWAC–TV, NTSC channel 53, Atlantic City, New Jersey, requesting the substitution of DTV 44 for station WWAC–TV's assigned DTV 50. DTV Channel 44 can be allotted to Atlantic City, New Jersey, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (39–55–06 N. and 75–02–44 W.). As requested, we propose to allot DTV Channel 44 to Atlantic City with a power of 200 and a height above average terrain (HAAT) of 208 meters.

DATES: Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard J. Bodorff, E. Joseph Knoll III, Wiley, Rein & Fielding, 1776 K Street, NW., Washington, DC 20006 (Counsel for Lenfest Broadcasting, LLC).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–49, adopted February 20, 2001, and released February 21, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under New Jersey is amended by removing DTV Channel 50 and adding DTV Channel 44 at Atlantic City.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4801 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–414, MM Docket No. 01–50, RM–10059]

Digital Television Broadcast Service; Little Rock, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by the Arkansas Educational Television Commission, licensee of noncommercial educational station KETS(TV), NTSC channel *2, Little Rock, Arkansas, proposing the substitution of DTV channel *5 for station KETS(TV)'s DTV channel *47. DTV Channel 5 can be allotted to Little Rock, Arkansas, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (34–28–23 N. and 92–12–11 W.). As requested, we propose to allot DTV Channel *5 to Little Rock with a power of 2.1 and a height above average terrain (HAAT) of 540.1 meters.

DATES: Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Todd D. Gray, Dow, Lohnes & Albertson, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036 (Counsel for Arkansas Educational Television Commission).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–50, adopted February 20, 2001, and released February 21, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Arkansas is amended by removing DTV Channel *47 and adding DTV Channel *5 at Little Rock.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4800 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–427, MM Docket No. 01–56, RM–10033]

Digital Television Broadcast Service; Huntington, WV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Gateway Communications, Inc., licensee of station WOWK–TV, NTSC channel 13, Huntington, West Virginia, requesting the substitution of DTV channel 47 for station WOWK–TV assigned DTV channel 54. DTV Channel 47 can be allotted to Huntington, West Virginia, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (38–30–21 N. and 82–12–33 W.). As requested, we propose to allot DTV Channel 47 to Huntington with a power of 1000 and a height above average terrain (HAAT) of 396 meters.

DATES: Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John R. Wilner, Bryan Cave LLP, 700 Thirteenth Street, NW., Washington, DC 20005–3960 (Counsel for Gateway Communications, Inc.)

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–56, adopted February 22, 2001, and released February 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under West Virginia is amended by removing DTV Channel 54 and adding DTV Channel 47 at Huntington.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4799 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–426, MM Docket No. 01–55, RM–10034]

Digital Television Broadcast Service; Fayetteville, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Arkansas Educational Television Commission, licensee of noncommercial station KAFT(TV), NTSC channel *13, Fayetteville, Arkansas, requesting the substitution of DTV channel *9 for station KAFT(TV)'s assigned DTV channel *45. DTV Channel *9 can be allotted to Fayetteville, Arkansas, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (35–48–53 N. and 94–01–41 W.). As requested, we propose to allot DTV Channel *9 to Fayetteville with a power of 19.0 and a height above average terrain (HAAT) of 509 meters.

DATES: Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Todd D. Gray, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036 (Counsel for Arkansas Educational Television Commission).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–55, adopted February 22, 2001, and released February 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.822 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Arkansas is amended by removing DTV Channel *45 and adding DTV Channel *9 at Fayetteville.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4798 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–428, MM Docket No. 01–57, RM–10031]

Digital Television Broadcast Service; Panama City, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by WJHG–TV Licensee Corporation, licensee of station WJHG–TV, NTSC channel 7, requesting the substitution of DTV channel 8 for station WJHG–TV's assigned DTV channel 42. DTV Channel 8 can be allotted to Panama City, Florida, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (30–26–00 N. and 85–24–51 W.). As requested, we propose to allot DTV Channel 8 to Panama City with a power of 27.0 and a height above average terrain (HAAT) of 265 meters.

DATES: Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert A. Beizer, Secretary, Gray Communications Systems, Inc., 1201 New York Avenue, NW., Suite 1000, Washington, DC 20005–3917 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–57, adopted February 22, 2001, and released February 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Florida is amended by removing DTV Channel 42 and adding DTV Channel 8 at Panama City.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4797 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–425, MM Docket No. 01–54, RM–9918]

Digital Television Broadcast Service; Nampa, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Idaho Independent Television, Inc, licensee of KTRV(TV), NTSC Channel 12, Nampa, Idaho, requesting the substitution of DTV Channel 13 for its assigned DTV Channel 44. DTV Channel 13 can be allotted to Nampa, Idaho, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (43–45–18 N. and 116–05–52 W.). As requested, we propose to allot DTV Channel 13 to Nampa with a power of 17.0 and a height above average terrain (HAAT) of 829 meters.

DATES: Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Scott S. Patrick, Dow, Lohnes & Albertson, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036–6802 (Counsel for Idaho Independent Television, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–54, adopted February 22, 2001, and released February 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Idaho is amended by removing DTV Channel 44 and adding DTV Channel 13 at Nampa.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4796 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–391, MM Docket No. 01–44, RM–10022]

Television Broadcast Service; Derby, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Pappas Telecasting of America requesting the allotment of channel 59 to Derby, Kansas, as the community first local commercial television service. Channel 59 can be allotted to Derby consistent with Section 73.623(d) of the Commission's Rules with a zero offset at coordinates 37–55–01 N. and 97–37–21 W. We will not accept competing expressions of interest in the use of television channel 59 at Derby or counterproposals in the same or nearby communities. *See* Public Notice released on November 22, 1999, DA 99–2605.

DATES: Comments must be filed on or before April 13 , 2001, and reply comments on or before April 30, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Andrew S. Kersting, Fletcher, Heald & Hildreth, P.L.C., 11th Floor, 1300 North 17th Street, Arlington, Virginia 22209–3801 (Counsel for Pappas Telecasting of America).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–44, adopted February 16, 2001, and released February 20, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under Kansas is amended by adding Derby, Channel 59.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4807 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–416, MM Docket No. 01–52, RM–10021]

Television Broadcast Service; Marshfield, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Pelican

Broadcasting Company, Inc. requesting the allotment of TV channel 56 to Marshfield, Missouri, as the community first local commercial television service. Channel 56 can be allotted to Marshfield consistent with Section 73.623(d) of the Commission's Rules with a minus offset at coordinates 37–11–40 N. and 92–56–04 W. We will not accept competing expressions of interest in the use of television channel 56- at Marshfield or counterproposals in the same or nearby communities. *See* Public Notice released on November 22, 1999, DA 99–2605.

DATES: Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Bruce A. Eisen, Kaye, Scholer, Fierman, Hays & Handler, LLP, 901 15th Street, NW., Washington, DC 20005–2327 (Counsel for Pelican Broadcasting Company, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–52, adopted February 20, 2001, and released February 21, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.606 [Amended]

2. § 73.606(b), the Table of Television Allotments under Missouri is amended by adding Marshfield, Channel 56-.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4803 Filed 2–27–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG34

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for the Riverside Fairy Shrimp

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of availability of draft economic analysis.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability of the draft economic analysis for the proposed designation of critical habitat for the Riverside fairy shrimp *(Streptocephalus woottoni)*. We also provide notice of the reopening of the comment period for the proposal to designate critical habitat for the Riverside fairy shrimp to allow all interested parties to submit written comments on the proposal and on the draft economic analysis. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as a part of this reopened comment period and will be fully considered in the final rule.

DATES: The original comment period on the critical habitat proposal closed on November 6, 2000. The comment period is reopened and we will accept comments until March 30, 2001. Comments must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: Copies of the draft economic analysis are available on the Internet at http://carlsbad.fws.gov or by writing to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008. Written comments should be sent to the Field Supervisor. You may also send comments by electronic mail (e-mail) to fws1rvfs@fws.gov. Please submit comments in ASCII file format and avoid the use of special characters and encryption. Please include "Attn: Riverside fairy shrimp" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Carlsbad Fish and Wildlife Office at phone number 760–431–9440. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Douglas Krofta, Fish and Wildlife Biologist, Carlsbad Fish and Wildlife Office, at the above address (telephone 760–431–9440; facsimile 760–431–9624).

SUPPLEMENTARY INFORMATION:

Background

The Riverside fairy shrimp is a small aquatic crustacean that occurs in vernal pools, ephemeral ponds, and human-modified depressions. Basins, ponds, and depressions that support Riverside fairy shrimp are located on coastal terraces and plateaus ranging from coastal southern California to northwestern Baja California, Mexico. Typically, this species is found in vernal pools that are deeper and cooler than those basins which support the related species, the endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*).

Basins that support Riverside fairy shrimp are typically dry a portion of the year, but usually are filled by late fall, winter, or spring rains, and may persist into April or May. Critical to the formation of vernal pool basins is the presence of nearly impermeable surface or subsurface soil layers and flat or gently sloping topography. Historically, vernal pool soils and habitats covered extensive areas on the coastal plains and mesas of Los Angeles, Orange, Riverside, San Diego, and Ventura Counties. Significant losses of vernal pools supporting the Riverside fairy shrimp have occurred throughout these areas due to urban and water development, flood control, highway and utility projects, as well as the conversion of wildlands to agricultural and other human uses.

The species was Federally listed as endangered throughout its range on August 3, 1993 (58 FR 41384), and its continued survival is reduced by habitat loss and degradation. On September 21, 2000, the Fish and Wildlife Service published a rule proposing critical habitat for the Riverside fairy shrimp in the **Federal Register** (65 FR 57136). We proposed designation of approximately 4,880 hectares (12,060 acres) as critical habitat for the Riverside fairy shrimp pursuant to the Endangered Species Act of 1973, as amended (Act). Proposed critical habitat is in Los Angeles, Orange, Riverside, San Diego, and Ventura Counties, California, as described in the proposed rule.

Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for the Riverside fairy shrimp and comments received during previous comment period, we have prepared a draft economic analysis of the proposed critical habitat designation, which is available at the above Internet and mailing address.

Public Comment Solicited

We have reopened the comment period at this time in order to accept the best and most current scientific and commercial data available regarding the proposed critical habitat and the draft economic analysis. Previously submitted written comments on this critical habitat proposal need not be resubmitted. The current comment period on this proposal closes on March 30, 2001. Written comments may be submitted to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is Douglas Krofta (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: February 20, 2001.

David Patte,

Acting Manager, California/Nevada Operations.

[FR Doc. 01–4844 Filed 2–27–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 022001A]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day Council meeting, on March 14 and 15, 2001, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Wednesday and Thursday, March 14 and 15, at 9 a.m. and 8:30 a.m., respectively.

ADDRESSES: The meetings will be held at the Radisson Hotel New London, 35 Governor Winthrop Boulevard, New London, CT, 06320; telephone (860) 443–7000. Requests for special accommodations should be addressed to the New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465–0492.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Wednesday, March 14, 2001

After introductions, the meeting will begin with a report from the Council's Groundfish Committee on alternatives for draft Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). Prior to that discussion, the Council will receive two reports. The first will summarize fishing industry comments on the social impacts of groundfish management measures since 1994. The second will present information on changes in groundfish vessel gross revenues since 1994. A discussion of the biological objectives for the amendment is also scheduled. The alternatives discussion will be based on the broad concepts of refinements to the status quo measures, area-based management and sector allocation by gear type.

Thursday, March 15, 2001

The second day of the Council meeting will begin with reports on recent activities from the Council Chairman, Executive Director, the NMFS Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel and representatives of the Coast Guard, NMFS Enforcement and the Atlantic States Marine Fisheries Commission. These reports will be followed by a brief period for public comments on any topic relevant to Council business. The Council will revisit its priorities for 2001 in view of the need to develop a Red Crab FMP. Based on Council approval of a change in priorities, the Red Crab Committee will be prepared to recommend goals and objectives for the Red Crab FMP. The Scallop Committee will seek approval of goals and objectives for Amendment 10 to the Scallop FMP as well as a draft outline of management alternatives. The Council meeting will adjourn after addressing any other outstanding business.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

The Council will consider public comments at a minimum of two Council meetings before making recommendations to the NMFS Regional Administrator on any framework adjustment to a fishery management plan. If she concurs with the adjustment proposed by the Council, the Regional Administrator has the discretion to publish the action either as proposed or final regulations in the **Federal Register**. Documents pertaining to framework adjustments are available for public review 7 days prior to a final vote by the Council.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: February 22, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4893 Filed 2–27–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 66, No. 40
Wednesday, February 28, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA).

ACTION: To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 01/25/01–02/15/01

Firm name	Address	Date petition accepted	Product
Advance Products & Systems, Inc ..	108 Asset Avenue, Scott, Louisiana 70583.	01/25/01	Flange protectors and casing insulators.
ILPEA, Inc	3333 South Zero Street, Ft. Smith, AR 72908.	01/25/01	Rubber gaskets and seals.
Midwest Industries, Inc	614 West Main Meeker, OK 74885	01/30/01	Magnets made of metal wire for material handling containers, the containers and racks of metal.
Creative Fabrication, Inc	172 Industrial Park Road, Hartwell, GA 30643.	01/30/01	Circular springs of steel.
Keeler Brass Company	955 Godfrey Ave., SW., Grand Rapids, MI 40503.	01/30/01	Furniture hardware made of brass.
Ace Building Co., Inc	3031 James Street, Baltimore, MD 21230.	01/30/01	Bias bindings and waistbands for the apparel industry.
A. T. Cross Company, Inc	1 Albion Road Lincoln, RI 02865 ...	01/30/01	Ball point pens, pen and pencil sets and mechanical pencils.
Rex-Cut Products, Inc	960 Airport Road, Fall River, MA 02722.	02/05/01	Reinforced cotton fiber abrasive grinding wheels and points for stainless steel.
Boehringer Laboratories, Inc	500 East Washington St., Norristown, PA 19404.	02/05/01	Suction regulators, autovac T C orthopedic autotransfusion systems, and peep valves used in operating and postoperating rooms.
Crust Buster, Inc	2300 E. Trail Street, Dodge City, KS 67801.	02/05/01	Cotton machinery, grain drills and bulk material conveyor equipment.
General Leathercraft, Inc	900 Airport Road, Coleman, TX 76834.	02/05/01	Gymnasium and other exercise articles, and equipment, parts and accessories, including mats, back support and weightlifting.
J. A. Thurston Co., Inc	P. O. Box H Rumford, Maine 04276	02/05/01	Hardwood glue pins.
Gaddis-Walker Electric, Inc., dba Modular Services Co..	109 N. 38th Street, Oklahoma City, OK 73105.	02/05/01	Parts and accessories for machines, appliances, instruments or apparatus which include metal hospital wall units.
Wayne Metal Protection, Inc	1511 Wabash Avenue, Fort Wayne, IN 46803.	02/06/01	Environmentally appropriate protective coatings for iron and steel hydraulic fittings and hardware.
Matrix Tool Company, Inc	32873 Groesbeck Highway, Fraser, MI 48026.	02/06/01	Metal forming dies and general machining services.
Boardman Silversmiths, Inc	290 Pratt Street, Meriden, CT 06450.	02/06/01	Sterling silver and pewter gift- and tableware.
Amergraph Corporation	520 Lafayette Road, Sparta, NJ 07871.	02/07/01	Printing presses.
Rycam, Inc. dba Wes & Willy	P. O. Box 31698, Omaha, NE 68131.	02/07/01	Boys clothing.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 01/25/01–02/15/01—Continued

Firm name	Address	Date petition accepted	Product
Endres Floral Company	1401 Pleasant Hill Rd. NW., New Philadelphia, OH 44663.	02/13/01	Roses, other cut flowers and potted plants.
Lnytech Industries, Inc	106 McLean Boulevard Paterson, NJ 07514.	02/14/01	Industrial organic chemical auxiliaries, soaps, detergents and cleaners used by the textile and car wash industries.

Dated: February 22, 2001.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 01–4827 Filed 2–27–01; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2000), for administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates.

Initiation of Reviews

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than January 31, 2002.

	Period to be reviewed
Antidumping Duty Proceedings	
France: Anhydrous Sodium Metasilicate (ASM) A–427–098	1/1/00–12/31/00
Rhone-Poulenc, S.A.	
The People's Republic of China: Certain Cased Pencils A–570–001	12/1/99–11/30/00
Shanghai Foreign Trade Corporation [1]	
The Republic of Korea: Top-of-the-Stove Stainless Steel Cooking Ware A–580–601	1/1/00–12/31/00
Chefline Corp.	
Dae-Lim Trading Co., Ltd.	
Dong Won Metal Co., Ltd.	
Sam Yeung Ind. Co., Ltd.	
Namyang Kitchenflower Co., Ltd.	
Kyung-Dong Industrial Co., Ltd.	
Ssang Yong Ind. Co., Ltd.	
O. Bok Stainless Steel Co., Ltd.	
Dong Hwa Stainless Steel Co., Ltd.	
Il Shin Co., Ltd.	
Hai Dong Stainless Steel Ind. Co., Ltd.	
Han Il Stainless Steel Ind. Co., Ltd.	
Bae Chin Metal Ind. Co.	
East One Co., Ltd.	
Charming Art Co., Ltd.	
Poong Kang Ind. Co., Ltd.	
Won Jin Ind. Co., Ltd.	
Wonkwang Inc.	
Sungjin International Inc.	
Saekwang Aluminum Co., Ltd.	
Hanil Stainless Steel Ind. Co., Ltd.	
Seshin Co., Ltd.	
Pionix Corporation	
East West Trading Korea, Ltd.	
Clad Co., Ltd.	
B.Y. Enterprise, Ltd.	

	Period to be reviewed
Countervailing Duty Proceedings	
None.	
Suspension Agreements	
None.	

[1] Inadvertently omitted from previous initiation notice.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: February 26, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Group II for Import Administration.

[FR Doc. 01–5005 Filed 2–27–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration A–428–825

Stainless Steel Sheet and Strip in Coils From Germany; Antidumping Duty Administrative Review; Time Limits

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limits.

SUMMARY: The Department of Commerce (the Department) is extending the time limits for the preliminary results of the 1999–2000 administrative review of the antidumping duty order (A–428–825) on stainless steel sheet and strip in coils from Germany. This review covers one manufacturer/exporter of the subject merchandise to the United States, Krupp Thyssen Nirosta GmbH (KTN), and the period January 4, 1999 through June 30, 2000.

EFFECTIVE DATE: February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Martin Odenyo at (202) 482–5254 or Robert James at (202) 482–0649, Antidumping and Countervailing Duty Enforcement Group III, Office Eight, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete these reviews within the normal statutory time limit, the Department is extending the time limits for completion of the preliminary results until July 31, 2001 in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended. See Memorandum from Richard O. Weible to Joseph A. Spetrini, on file in Room B–099 of the main Commerce building. The deadline for the final results of this review will continue to be 120 days after publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675 (a)(3)(A) (2000)).

Dated: February 20, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01–4896 Filed 2–27–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–819, A–570–859, A–557–810]

Notice of Final Determinations of Sales at Less Than Fair Value: Steel Wire Rope From India and the People's Republic of China; Notice of Final Determination of Sales at Not Less Than Fair Value: Steel Wire Rope From Malaysia

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 28, 2001.

ACTION: Notice of final determinations of sales at less than fair value and notice of sales at not less than fair value.

FOR FURTHER INFORMATION CONTACT: Keir Whitson or Gabriel Adler, at (202) 482–1777 or (202) 482–3813, respectively; AD/CVD Enforcement, Office 5, Group II, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department of Commerce (Department) regulations refer to the regulations codified at 19 CFR part 351 (April 2000).

Final Determinations

We determine that steel wire rope from India and the People's Republic of China (PRC) is being sold, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. We also determine that steel wire rope from Malaysia is not being sold in the United States at LTFV. The estimated margins of sales at LTFV are shown in the Continuation of

Suspension of Liquidation section of this notice.

Case History

The preliminary determinations in these investigations were issued on September 25, 2000. *See Notice of Preliminary Determinations of Sales at Less Than Fair Value: Steel Wire Rope from India and the People's Republic of China; Notice of Preliminary Determination of Sales at Not Less Than Fair Value: Steel Wire Rope from Malaysia*, 65 FR 58736 (October 2, 2000) (*Steel Wire Rope Preliminary Determinations*).

In the India investigation, we conducted verification of the cost and sales information submitted by respondent Usha Martin Industries, Ltd. (Usha) from October 16 through October 20, 2000, and from November 6 through November 10, 2000, respectively. In addition, we conducted a verification of Usha's constructed export price (CEP) information on December 13 and 14, 2000. The petitioner [1] requested a hearing in this case on October 30, 2000, and withdrew this request on January 17, 2000. No other interested party requested a hearing. Usha and the petitioner submitted case briefs on January 10, 2001. The petitioner submitted a rebuttal brief on January 16, 2001; Usha did not submit a rebuttal brief.

In the PRC investigation, we conducted verification of the sales and factors of production information submitted by respondents Nantong Zhongde (Nantong), and Fasten Group Import and Export Co., Ltd. (Fasten) from October 9 through October 13, 2000, and October 16 through October, 20, 2000, respectively. In addition, we conducted a verification of Fasten USA's CEP information on October 23 and October 24, 2000. Counsel to Nantong and the petitioner requested a hearing on October 27 and October 30, 2000, respectively. Nantong, Fasten, Dragon Trading, Inc. (an interested party), and the petitioner submitted case briefs on December 15, 2000. On December 21, 2000, Fasten submitted to the Department an allegation that certain portions of the petitioner's case brief contained new factual information. Dragon Trading, Inc. submitted a rebuttal brief on December 22; Nantong, Fasten, and the petitioner submitted rebuttal briefs on December 27, 2000. On January 5, 2001, the Department held a public hearing in the PRC investigation. On January 9, 2001, the Department rejected certain pages in the petitioner's case brief containing new factual information. *See Memorandum to the File* (January 9, 2001).

In the Malaysia investigation, we conducted verification of the cost and sales information submitted by respondent Kiswire SDN.BHD (Kiswire) from October 23 through October 26, 2000, and October 30 through November 2, 2000, respectively. In addition, we conducted a verification of Kiswire's CEP information on November 14, 2000. Kiswire and the petitioner requested a hearing in this case on October 24, 2000, and October 30, 2000, respectively. Both parties submitted case briefs on December 21, 2000, and rebuttal briefs on January 4, 2001. Kiswire and the petitioner withdrew their requests for a hearing on January 9 and January 10, 2001, respectively.

Scope of Investigations

For purposes of these investigations, the product covered is steel wire rope. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon or stainless steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass-plated wire. Imports of these products are currently classifiable under subheadings: 7312.10.6030, 7312.10.6060, 7312.10.9030, 7312.10.9060, and 7312.10.9090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although HTSUS subheadings are provided for convenience and Customs Service purposes, the written description of the scope of these investigations is dispositive.

Period of Investigations

The period of the investigations (POI) is January 1, 1999, through December 31, 1999, for India and Malaysia, and July 1, 1999, through December 31, 1999, for the PRC.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to these antidumping proceedings are listed in the Appendix to this notice and addressed in the *Decision Memorandum* for each of the instant investigations, dated February 14, 2001, which are hereby adopted by this notice. The *Decision Memorandum* for each case is on file in room B–099 of the main Department of Commerce building. In addition, a complete version of the *Decision Memorandum* for each investigation can be accessed directly on the World Wide Web at www.ita.doc.gov/import_admin/records/frn. The paper and electronic versions of each *Decision Memorandum* are identical in content.

Changes Since the Preliminary Determinations

Based on our findings at verification, and analysis of comments received, we have made adjustments to the preliminary determination calculation methodologies in calculating the final dumping margins in these proceedings. These adjustments are discussed in the case-specific *Decision Memorandum* for each of the instant investigations.

Critical Circumstances

Section 735(a)(3) of the Act provides that the Department will determine that critical circumstances exist if: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there would be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period. Section 351.206(h)(1) of the Department's regulations provides that, in determining whether imports of the subject merchandise have been "massive," the Department normally will examine: (i) The volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, section 351.206(h)(2) of the Department's regulations provides that an increase in imports of 15 percent or more during the "relatively short period" of time may be considered "massive."

Section 351.206(i) of the Department's regulations defines "relatively short period" as normally being the period beginning on the date the proceeding begins (*i.e.*, the date the petition is filed) and ending at least three months later. The regulations also provide, however, that if the Department finds that importers, exporters, or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, the Department may consider a period of not less than three months from that earlier time.

On August 25, 2000, the petitioner made allegations that critical circumstances exist with respect to imports of steel wire rope from India and the PRC.[2] In the *Steel Wire Rope Preliminary Determinations*, we found preliminarily that critical circumstances existed with respect to both countries.

Since the preliminary determinations, we have received comments on the issue of critical circumstances from Usha, Fasten, Nantong, Dragon Trading Inc., and the petitioner. After consideration of these comments, which are discussed in detail in the respective *Decision Memorandum* for each case, we find that critical circumstances exist in the India case for both Usha and all other Indian producer/exporters of subject merchandise. We also find that critical circumstances exist in the PRC case for Nantong, the six companies which received an "all others" [3] rate, and all non-responsive companies, which are included in the "PRC-wide" category. Finally, we find that critical circumstances do not exist for Fasten because Fasten's final dumping margin is de minimis. These determinations are discussed in detail in the *Decision Memorandum* for each case.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of steel wire rope exported from India and the PRC, with the exception of merchandise produced by Fasten Co., Ltd. and exported by Fasten Group Import and Export Co., Ltd., that are entered, or withdrawn from warehouse, for consumption on or after July 4, 2000, (90 days prior to the date of publication of the preliminary determinations in the **Federal Register**). The Customs Service shall continue to require a cash deposit or the posting of a bond based on the estimated weighted-average dumping margins shown below. Because we have determined that steel wire rope produced by Fasten Co., Ltd. and exported by Fasten Group Import and Export Co., Ltd., in the PRC is not being sold at LTFV, we are not directing the Customs Service to suspend liquidation of this merchandise. The suspension of liquidation instructions will remain in effect until further notice.

Because we have determined that steel wire rope from Malaysia is not being sold at LTFV, we are not directing the Customs Service to suspend liquidation of steel wire rope exported from Malaysia.

We determine that the following weighted-average dumping margins for India, the PRC, and Malaysia exist:

Manufacturer/exporter	Margin (percent)
India:	
Usha Martin Industries, Ltd	38.63
All Others	38.63
People's Republic of China:	
Fasten Group Import and Export Co., Ltd	[2] 0.02
Haicheng Greatx Industry Co. Ltd.[1]	42.23
Henan Baoi Wire Rope Factory[1]	42.23
Jiangsu COFCO[1]	42.23
Jiangsu Guo Tai[1]	42.23
Liaoning Metals & Minerals Import & Export Corp.[1]	42.23
Nantong Wire Rope Company[1]	42.23
Nantong Zhongde	42.23
PRC–Wide Rate	58.00
Malaysia:	
Kiswire SDN.BHD	[2] 0.26
All Others	[2] 0.26

[1] All others.
[2] De minimis.

The PRC-wide rate applies to all entries of the subject merchandise except for entries from exporters/factories that are identified individually above.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determinations. As our final determinations are affirmative for India and the PRC, the ITC will determine, within 45 days, whether imports of subject merchandise from India and the PRC are causing material injury, or threaten material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, the proceedings will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue antidumping orders directing Customs Service officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation.

These determinations are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: February 14, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix

Issues Covered in Decision Memorandum for India

1. Facts Available
2. Major Input Rule
3. Financial Expense Ratio
4. Duty Drawback
5. Home Market Credit Expense
6. Home Market Warehousing Expense
7. Critical Circumstances
8. Treatment of Negative Margins
9. Ministerial Errors

Issues Covered in Decision Memorandum for the PRC

1. Surrogate Value for Wire Rod
2. Surrogate Value for Fiber Cores
3. Surrogate Value for Wood Pallets
4. Surrogate Value for Sulphuric Acid
5. Surrogate Value for Nuts and Bolts
6. Surrogate Value for Hydrochloric Acid
7. Surrogate Value for Lead
8. Surrogate Value for Electricity
9. Surrogate Value for Zinc Nitrate
10. Use of a Market Economy Rate for Ocean Freight
11. Critical Circumstances
12. Correction of Ministerial Error for Valuing International Freight
13. Correction of Ministerial Error for the Conversion Factor of Wood Reels

Issues Covered in Decision Memorandum for Malaysia

1. Mandatory Respondents and "All Others" Rate
2. Cost Reporting for Grade and Lay of Rope
3. Model Match Hierarchy
4. Adjustments to Home Market and U.S. Market Short-Term Borrowing Rates
5. Treatment of Negative Margins
6. General and Administrative Expense
7. Financial Expense Ratio

[FR Doc. 01–4895 Filed 2–27–01; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–604]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan; Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

[1] The petitioner in these investigations is the Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers.

[2] There was no allegation of critical circumstances in the Malaysia case.

[3] The "all others" category in a non-market economy proceeding, unlike the "all others" category in a market-economy investigation, only includes companies that demonstrated entitlement to separate rates and expressed a willingness to participate in the proceeding, but whose responses were not examined due to limited Department resources.

We note that the "all others" rate for this final determination is the rate assigned to Nantong, the only investigated respondent with a rate above de minimis. This is consistent with our methodology of setting the "all others" rate in NME cases on the weighted average of calculated margins, excluding rates that are de minimis, based entirely on facts available, or calculated for voluntary respondents. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China*. 65 FR 19873 (April 13, 2000).

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: In response to an October 30, 2000 request made by NTN Corporation (NTN), a manufacturer/exporter of tapered roller bearings (TRBs) and parts thereof, finished and unfinished, from Japan, on November 30, 2000, the Department of Commerce (the Department) published the initiation of an administrative review of the antidumping duty order on TRBs and parts thereof, finished and unfinished, from Japan, covering the period October 1, 1999 through December 31, 1999 (65 FR 71299). This review has now been rescinded as a result of the timely withdrawal by NTN of its request for review.

EFFECTIVE DATE: February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Deborah Scott or Robert James, AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2657 or (202) 482–0649, respectively.

APPLICABLE STATUTE AND REGULATIONS: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (April 1, 2000).

SUPPLEMENTARY INFORMATION:

Background

On October 6, 1987, the Department published the antidumping duty order on TRBs and parts thereof, finished and unfinished, from Japan (A–588–604) (52 FR 37352). On October 30, 2000, NTN, a manufacturer/exporter of TRBs from Japan, requested an administrative review of the antidumping duty order on TRBs for the period October 1, 1999 through December 31, 1999. In accordance with 19 CFR 351.221(c)(1)(i), we published the initiation of the review on November 30, 2000 (65 FR 71299). On December 8, 2000, NTN withdrew its request for review.

Rescission of Review

The Department's regulations, at 19 CFR 351.213(d)(1), provide that the Department will rescind an administrative review if a party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. NTN withdrew its request for an administrative review on December 8, 2000, which is within the 90-day deadline. No other party requested a review of NTN's sales. Therefore, the Department is rescinding this administrative review with respect to NTN.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: January 31, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4897 Filed 2–27–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Private Sector Participation in Overseas Trade Missions

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce invites U.S. companies to participate in the below listed overseas trade missions. For a more complete description of each trade mission, obtain a copy of the mission statement from the Project Officer indicated for each mission below. Recruitment and selection of private sector participants for these missions will be conducted according to the Statement of Policy Governing Department of Commerce Overseas Trade Missions dated March 3, 1997.

Computer, Telecommunications and Office Equipment (CTO) Forum and Seminar Mission, Lagos, Nigeria. March 15–16, 2001. Recruitment Closes on March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond Cho, U.S. Department of Commerce. Telephone 202–482–0396; or e-Mail: Raymond_Cho@ita.doc.gov

IT-Telecommunications Trade Mission to Russia, Moscow and St. Petersburg. May 12–19, 2001. Recruitment closes on April 6, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Beatrix Roberts, U.S. Department of Commerce. Telephone 202–482–2952; or e-Mail: Beatrix_Roberts@ita.doc.gov

U.S. Ffranchising Matchmaker Trade Delegation, Santiago, Chile and Sao Paulo, Brazil. June 4–9, 2001. Recruitment closes on April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Dhir, U.S. Department of Commerce. Telephone 202–482–4756; or e-Mail: Sam.Dhir@mail.doc.gov Trade mission applications received after the above closing dates will be considered only if space and scheduling constraints permit. For further information contact Mr. Reginald Beckham, U.S. Department of Commerce, telephone 202–482–5478, or e-mail Reginald_Beckham@ita.doc.gov

Dated: February 22, 2001.

Thomas H. Nisbet,

Director, Promotion Planning and Support Division, Office of Export Promotion Coordination.

[FR Doc. 01–4833 Filed 2–27–01; 8:45 am]

BILLING CODE 3510–DR–U

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 000929280–0280–01]

RIN 0693–ZA–42

Announcing Draft Federal Information Processing Standard (FIPS) for the Advanced Encryption Standard (AES) and Request for Comments

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; request for comments.

SUMMARY: Recently, NIST announced its selection for the Advanced Encryption Standard (AES) in a report available at *http://www.nist.gov/aes/*, and this selection for the AES has now been described in detail in a Draft Federal Information Processing Standard (FIPS) for the AES. The Draft FIPS for the AES specifies technology that can be used to protect the confidentiality of sensitive (unclassified) electronic information. The AES specification will provide a FIPS-approved encryption algorithm in addition to the Triple Data Encryption Algorithm ("Triple DES"), which is specified in FIPS 46–3.

NIST invites public comments on the Draft FIPS for the AES. After the comment period closes, NIST will analyze the comments, make changes to the document, as appropriate, and then propose the draft standard to the Secretary of Commerce for approval as a FIPS.

DATES: Comments on the Draft FIPS for the AES must be received on or before May 29, 2001.

Specifications: Specifications for the Draft FIPS for the AES are available through the AES home page: *http://www.nist.gov/aes/.*

ADDRESSES: Official comments on the Draft FIPS for the AES may either be sent electronically to *AEScomments@nist.gov* or by regular mail to: Chief, Computer Security Division, Information Technology Laboratory, ATTN: Comments on Draft FIPS for the AES, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899–8930.

FOR FURTHER INFORMATION CONTACT: Mr. James Foti (301) 975–5237, *jfoti@nist.gov*, National Institute of Standards and Technology, 100 Bureau Drive, STOP 8930, Gaithersburg, MD 20899–8930.

SUPPLEMENTARY INFORMATION: In January 1997, NIST initiated an effort to develop the Advanced Encryption Standard (AES), which would provide cryptographic security well into the twenty-first century. In August 1999, NIST announced five publicly submitted candidate algorithms as finalists for the AES, and invited public review, comment, and analysis in order to make a selection for the Draft FIPS for the AES. During the Round 2 technical evaluation period, these five finalists were subjected to extensive analysis and testing by the cryptographic community. After much careful study and consideration of the finalists and Round 2 public comments, NIST made its selection for the Draft FIPS for the AES, and issued a report explaining that selection. The report is available at *http://www.nist.gov/aes/.*

NIST strongly encourages the public to continue performing analyses of the security of the AES, and to submit those analyses as official comments in response to this request. Such analyses and other comments received will be considered by NIST in preparing the final version of the FIPS for the AES.

NIST seeks detailed comments regarding any intellectual property that may be infringed by the practice of the algorithm(s) in the Draft FIPS for the AES. This includes comments from all parties regarding specific claims that the practice of a finalists algorithm infringes on their patent(s). Claims regarding infringement of copyrighted software are also particularly solicited. NIST views this input as a critical factor in the eventual widespread adoption and implementation of the Draft FIPS for the AES.

NIST reminds all interested parties that the AES development effort is being conducted as an open standards-setting activity. Specifically, NIST has requested that all interested parties identify to NIST any patents or inventions that may be required for the use of AES. Public comments received in response to this request will be posted periodically during the comment period at *http://csrc.nist.gov/cryptval/aes/draftfips/.*

To encourage on-going discussions related to the AES, NIST will continue to maintain its AES electronic discussion forum at *http://aes.nist.gov/aes/.* Please note that comments posted at that site will NOT be considered "official" comments.

No additional conferences are planned for the Draft FIPS for the AES at this time.

NIST intends to develop a Draft FIPS for AES Modes of Operation. Given the need for further public discussion and study of suggested modes of operation, NIST will hold a public workshop to discuss the Draft FIPS. Details on this effort are located at *http://www.nist.gov/modes/.*

Authority: Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 5131 of the Information Technology Management Reform Act of 1996 and the Computer Security Act of 1987, Public Law 100–235.

E.O. 12866: This notice has been determined to be significant for purposes of E.O. 12866.

Dated: February 20, 2001.

Karen Brown,

Acting Director, NIST.

[FR Doc. 01–4886 Filed 2–27–01; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121200J]

Marine Mammals; File No. 87-1593-00

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Dr. Daniel Costa (Principal Investigator), Institute of Marine Sciences, Earth & Marine Sciences Bldg. A316, University of California, Santa Cruz, CA, 95064, has been issued a permit to take California sea lions (*Zalophus californianus*) and Antarctic pinnipeds for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before March 30, 2001.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980–4001; fax (562)980–4018.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: On August 15, 2000, and on November 15, 2000, notices were published in the **Federal Register** (65 FR 49786 and 68983) that a request for a scientific research permit to take California sea lions and Antarctic pinnipeds had been submitted by the above-named individual.

Project I - The Holder is studying the foraging ecology and energetics of California sea lions of all age and sex classes in southern and central California, including San Nicolas, Ano Nuevo and San Miguel Islands. The Permit authorizes, annually, for 5 years, 40 adult sea lions and 100 pup sea lions will be captured, tagged, bleach marked, instrumented with satellite linked TDRs, blood sampled, and measured. In addition the Holder is authorized to incidentally harass up to 6,650 animals annually and is allowed up to five accidental mortalities over the five-year period.

Project II - The Holder is studying Crabeater seals (*Lobodon carcinophagus*). The Permit authorizes annually, for up to 5 years, 25 *L. carcinophagus* and 10 each for leopard seal (*Hydrurga leptonyx*), Weddell seal (*Leptonychotes weddellii*), and Ross seal (*Ommatophoca rossii*). Animals will be captured, immobilized, weighed/measured, sampled [blood and biopsy, whisker], administered tritiated saline water, flipper tagged, marked, lavaged for stomach contents, and instrumented

with VHF/satellite transmitters. The project will determine the distribution and foraging behavior of adult Crabeater seals and simultaneously assess the impact that oceanographic features and prey aggregations have on foraging strategies employed. Equivalent data will be obtained for other species. Research will occur in Marguerite Bay, West Antarctic Peninsula. Opportunistic samples will be collected from dead beach cast seals for deposit in the natural history collection at the University.

The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: February 21, 2001.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–4892 Filed 2–27–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022000C]

National Plan of Action for the Reduction of Incidental Catch of Seabirds in Longline Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; response to public comments.

SUMMARY: NMFS announces the availability of the National Plan of Action for the Reduction of Incidental Catch of Seabirds in Longline Fisheries (NPOA-S). NMFS also responds to public comments received on the draft NPOA-S.

DATES: The final version of the NPOA-S is now in effect and available on the NMFS web site (*http://www.nmfs.gov*). Hard copies of the document are available upon request (see **ADDRESSES**).

ADDRESSES: Requests for hard copies of the NPOA-S should be sent to Steve Leathery, NOAA-Fisheries/SF3, Room 14434, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Steve Leathery, 301–713–2341, or fax 301–713–1193.

SUPPLEMENTARY INFORMATION: The United States developed an NPOA-S through a collaborative effort between NMFS, the U.S. Department of State (DOS), and the U.S. Fish & Wildlife Service (FWS), pursuant to the International Plan of Action for the Reduction of Incidental Catch of Seabirds in Longline Fisheries (IPOA-S) that was adopted by the United Nations Food and Agriculture Organization Committee on Fisheries (COFI) in February 1999. The United States will report to COFI by February, 2001, on NPOA-S development and implementation.

An outline describing the proposed structure of the draft NPOA-S was published in the **Federal Register** on September 9, 1999 (64 FR 48987). The draft NPOA-S was released for public review and comment on December 29, 1999 (64 FR 73017), and the public comment period was subsequently extended through February 7, 2000.

Comments and Responses

NMFS received 10 written public comments and held one public meeting during the development of the NPOA-S. NMFS considered all comments received on the draft NPOA-S when drafting the final version of the NPOA-S.

Comment 1: The draft NPOA-S does not fulfill the responsibilities outlined in the IPOA-S and compromises U.S. leadership in international negotiations on reducing seabird bycatch in longline fisheries.

Response: The IPOA-S is a voluntary measure that calls on member states to assess their longline fisheries and, if a seabird bycatch problem is determined to exist, to develop an NPOA-S to reduce seabird bycatch within 2 years. NMFS has conducted a preliminary review of seabird bycatch in U.S. longline fisheries and has determined that a seabird bycatch problem exists in several U.S. longline fisheries, including Hawaii-based pelagic longline fisheries and Alaska halibut and groundfish demersal longline fisheries. Consistent with this NPOA-S, seabird bycatch regulations are in place for Alaska longline fisheries and under development for Hawaii longline fisheries, and research is underway in Alaska and Hawaii longline fisheries to determine the effectiveness of seabird bycatch measures and to improve those measures.

NMFS, FWS, and DOS developed this NPOA-S to provide policy guidance to reduce seabird bycatch in those longline fisheries where a problem is already known to exist and to assess all other U.S. longline fisheries within 2 years to determine whether a seabird bycatch problem exists. If a seabird bycatch problem is found to exist, a fishery-specific plan should be developed within 1 year that would implement seabird bycatch mitigation measures in that fishery within 2 years.

Although incidental (i.e., unintended) catch of seabirds in longline fisheries is often termed "bycatch," the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which is the primary law covering management of marine fishery resources in U.S. waters, specifically excludes seabirds from the definition of "fish" and, therefore, bycatch. Unless certain requirements under the Endangered Species Act are involved, the Magnuson-Stevens Act does not require implementation of measures to reduce incidental catch of seabirds. However, the Magnuson-Stevens Act authorizes implementation of fishery management measures designed to protect the marine environment from the effects of fishing activities.

In order to strengthen NMFS' ability to effectively implement seabird conservation measures in U.S. fisheries, NMFS is supporting an amendment to the Magnuson-Stevens Act that would change the definition of bycatch to include seabirds and would require fishery management plans to specifically address seabird bycatch. For the purpose of the NPOA-S, the term "bycatch" is used for incidental seabird catch, and the term "seabird" refers to those bird species that habitually obtain their food from the sea below the low water mark.

NMFS believes that the final NPOA-S demonstrates strong U.S. leadership on this important international seabird conservation issue. The United States already has seabird bycatch mitigation regulations in place for all Alaska longline fisheries and under consideration for implementation in Hawaii longline fisheries. Additionally, the United States is likely to be one of the first COFI members to complete an NPOA-S, which calls on the United States to further advance the IPOA-S at future international fisheries management fora.

Comment 2: The draft NPOA-S does not contain any seabird bycatch reduction guidelines or performance standards.

Response: The final NPOA-S provides policy guidance to the Regional Fishery Management Councils (Councils) and the NMFS Regions to assess all U.S. longline fisheries within the next 2 years to determine if a seabird bycatch problem exists beyond what was determined in the preliminary

assessment. If a seabird bycatch problem is found to exist, a fishery-specific plan should be developed within 1 year that would implement seabird bycatch mitigation measures in that fishery within 2 years.

Additionally, NMFS has proposed an amendment to the Magnuson-Stevens Act that would include seabirds in the bycatch definition and thus require that fishery conservation and management measures, to the extent practicable, minimize seabird bycatch and to the extent that seabird bycatch cannot be avoided, minimize the mortality of such bycatch.

NMFS believes that individual longline fishery interactions with seabirds constitute unique situations that require development of fishery-specific seabird bycatch mitigation measures. It is not possible to state explicit seabird bycatch reduction standards for individual fisheries or for the nation as a whole. The NPOA-S recommends that additional data should be collected on seabird-fishery interactions in all U.S. longline fisheries in order to assess seabird bycatch and determine the effectiveness of seabird bycatch mitigation measures.

Comment 3: The NPOA-S should contain a well-defined schedule for seabird bycatch assessments and for implementing seabird protection-measures.

Response: NMFS agrees. In response to this comment, the final version of the NPOA-S contains a more detailed implementation schedule. Within a year, and each subsequent year, the Councils and NMFS Regions will jointly prepare annual implementation reports. Within 2 years, assessments of all the U.S. longline fisheries should be completed; if a seabird bycatch problem is found to exist, a fishery-specific plan should be established within 1 year that would implement seabird bycatch mitigation measures in that fishery within 2 years.

NMFS and FWS will assume joint responsibility for preparing a biennial report to COFI on the NPOA-S. Implementation of the NPOA-S will be assessed every 4 years by NMFS and FWS to evaluate progress to date, prioritize future actions, and identify cost-effective strategies for increasing the plan's effectiveness.

Comment 4: The NPOA-S should state the explicit goal of eliminating seabird bycatch in U.S. longline fisheries.

Response: NMFS disagrees. Such a perspective represents a change of national and international policy on fishery bycatch issues. NMFS believes that the focus of the NPOA-S should be on reducing seabird bycatch to the maximum extent practicable.

Comment 5: The draft NPOA-S advocates a regional approach to reducing seabird bycatch in U.S. longline fisheries. Such an approach without required actions will not effectively reduce seabird bycatch.

Response: Addressing seabird bycatch at the regional level is consistent with the IPOA-S and calls on the Councils to recommend seabird bycatch mitigation measures that are tailored to individual longline fisheries and that would be incorporated in regulations. NMFS will use these regionally based Council recommendations to take action to require fishery management measures that effectively reduce seabird bycatch.

Comment 6: There should be national-level coordination and oversight to ensure consistent and effective regional implementation of the NPOA-S.

Response: NMFS agrees. NMFS and FWS will continue to work in close partnership and with the DOS through the activities of the Interagency Seabird Working Group (ISWG) to accomplish the goals of the NPOA-S, including consistent and effective regional implementation of the NPOA-S. The ISWG was formed in February, 1999 for the express purpose of drafting the NPOA-S based on the IPOA-S guidelines. This working group was composed of members from NMFS, FWS, and DOS, many of whom served on a similar U.S. working group during development of the IPOA-S.

Several commenters suggested continuing the ISWG in varying capacities during NPOA-S implementation. NMFS agrees that the ISWG has continuing value as a resource for helping ensure consistent and effective regional implementation of the NPOA-S, for helping prepare a biennial report to COFI on the NPOA-S, and for helping assess implementation of the NPOA-S every 4 years to evaluate progress to date, prioritize future actions, and identify cost-effective strategies for increasing its effectiveness. However, the ISWG will not function as a certifying body for fishery management measures, as some commenters have suggested, and ISWG membership will be limited to NMFS, FWS, and DOS staff.

NMFS has assigned coordination and oversight responsibility to the Domestic Fisheries Division of the Office of Sustainable Fisheries (Sustainable Fisheries) to help ensure consistent and effective regional implementation of the NPOA-S. All Council-developed fishery management actions are submitted to Sustainable Fisheries for review, and are implemented under authority of the Secretary of Commerce.

Comment 7: The draft NPOA-S does not state the need for additional funding and does not identify specific research goals or projects.

Response: The final NPOA-S suggests that there should be research into developing effective, fishery-specific seabird bycatch mitigation measures. In addition to regional assessments of seabird/longline interactions, the NPOA-S emphasizes the importance of increased NMFS observer coverage and additional observer training on seabird identification. The NPOA-S also emphasizes continued cooperation between FWS and NMFS on seabird bycatch mitigation issues, including assessment of existing seabird bycatch mitigation measures and research and development of new measures.

NMFS acknowledges that assessing seabird bycatch and researching the effectiveness of mitigation measures is costly, and that the final NPOA-S includes ambitious objectives and goals. Additional funding required for implementing the final NPOA-S needs to be addressed by the individual management entities. NMFS has historically not received sufficient appropriated funds to monitor seabird bycatch in all U.S. longline fisheries. The cost of previous seabird bycatch mitigation research studies ranged between $150,000 and $227,000. NMFS further acknowledges that cooperation with the fishing industry led to the use of commercial longline vessels in seabird mitigation research studies, which resulted in significant cost savings. NMFS will use the final NPOA-S as guidance in its strategic planning and budget processes.

Assessment of seabird bycatch via fishery observer programs is also expensive, with variable costs relating to the degree of necessary program development (i.e., creation of a new program or modification of an existing program), and whether industry shares costs or fully funds individual longline observer programs. Agency costs for observer programs have ranged from several hundred thousand to several million dollars annually.

Comment 8: The draft NPOA-S does not state or impose regulations requiring the use of seabird bycatch mitigating measures, even in those longline fisheries where a seabird bycatch problem is known to already exist.

Response: NMFS agrees. The Magnuson-Stevens Act provides the authority for managing fishery resources in the United States. Fishery management plans (FMPs) are developed by the Councils, in

consultation with NMFS, and are implemented by regulations promulgated under the authority of the Secretary of Commerce. Public participation is an important part of the Council process, where a wide variety of viewpoints are considered when developing FMPs and FMP amendments.

NMFS considers the NPOA-S to be a clear statement of policy that provides guidance to the Councils and NMFS Regions to conduct seabird bycatch assessments and reduce seabird bycatch in U.S. longline fisheries. In those U.S. longline fisheries where seabird bycatch problems are already known to exist, including Alaska groundfish and halibut demersal longline fisheries and Hawaii pelagic longline fisheries, seabird bycatch regulations are already in place, are undergoing further refinement, or are under development. NMFS considers it inappropriate to include regulations in the NPOA-S that were not developed through the Council process.

NMFS notes, however, that the final NPOA-S does call on the Councils, in partnership with NMFS, to prescribe appropriate and effective mitigation measures and to develop regulations if a seabird bycatch problem exists. Additionally, the NPOA-S provides guidance to the Councils and NMFS to consider all existing information in determining whether development of precautionary seabird bycatch mitigation measures is warranted, even prior to completing formal seabird bycatch assessments. Such an approach is consistent with U.S. marine fisheries policy on using the precautionary approach for developing fisheries management actions in the face of scientific uncertainty.

Comment 9: The draft NPOA-S does not contain specific guidelines for education, outreach, and training on the seabird bycatch issues.

Response: NMFS considers outreach and education to be of utmost importance. The final NPOA-S states that the Councils and NMFS should engage longline fishermen in education and outreach activities that will increase awareness of seabird bycatch issues and the importance of employing seabird bycatch mitigation measures.

Changes from the Proposed NPOA-S

NMFS made a number of changes in the final NPOA-S pursuant to public comments that were submitted on the draft NPOA-S. The final NPOA-S requires that seabird bycatch be reduced to the maximum extent practicable. The final NPOA-S provides a time line for Council and NMFS action when a seabird bycatch problem is found to exist, and requires that a fishery-specific plan be established within 1 year to develop seabird bycatch mitigation measures in that fishery within 2 years. The final NPOA-S also calls for additional NMFS observer training in seabird identification, cooperative research between the longline fishing industry and seabird scientists, and coordination of U.S. research with international research efforts to reduce seabird bycatch. The section describing efforts that should be taken by the United States to encourage other nations to develop individual NPOA-S is expanded. The annual report describing seabird bycatch research and mitigation efforts is explained in greater detail. Finally, Executive Order 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds," is addressed.

Dated: February 22, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4894 Filed 2–27–01; 8:45 am]

BILLING CODE 3510-22-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Denying Entry to Textiles and Textile Products Produced in Certain Companies in Bangladesh

February 23, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs directing Customs to deny entry to shipments manufactured in certain companies in Bangladesh.

EFFECTIVE DATE: March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 12475 of May 9, 1984, as amended.

The U.S. Customs Service has conducted on-site verification of textile and textile product production in a number of foreign countries. Based on information obtained through on-site verifications and from other sources, U.S. Customs has informed CITA that certain companies were illegally transshipping, were closed, or were unable to produce records to verify production. The Chairman of CITA has directed the U.S. Customs Service to issue regulations regarding the denial of entry of shipments from such companies (see **Federal Register** notice 64 FR 41395, published on July 30, 1999). In order to secure compliance with U.S. law, including Section 204 and U.S. customs law, to carry out textile and textile product agreements, and to avoid circumvention of textile agreements, the Chairman of CITA is directing the U.S. Customs Service to deny entry to textiles and textile products manufactured by the following Bangladesh companies for two years: Eldest Garments, A.M. Inspection, Fashion International, Newtex Apparel and Runa Textile. Customs has informed CITA that these companies were found to have been illegally transshipping, closed, or unable to produce records to verify production.

Should CITA determine that this decision should be amended, such amendment will be published in the **Federal Register**.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 23, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: The U.S. Customs Service has conducted on- site verification of textile and textile product production in a number of foreign countries. Based on information obtained through on-site verifications and from other sources, U.S. Customs has informed CITA that certain companies were illegally transshipping, were closed, or were unable to produce records to verify production. The Chairman of CITA has directed the U.S. Customs Service to issue regulations regarding the denial of entry of shipments from such companies (see directive dated July 27, 1999 (64 FR 41395), published on July 30, 1999). In order to secure compliance with U.S. law, including Section 204 and U.S. customs law, to carry out textile and textile product agreements, and to avoid circumvention of textile agreements, the Chairman of CITA directs the U.S. Customs Service, effective for goods exported on and after March 1, 2001 and extending through February 28, 2003, to deny entry to textiles and textile products manufactured by the following Bangladesh companies: Eldest Garments, A.M. Inspection, Fashion International, Newtex Apparel and Runa Textile. Customs has informed CITA that these companies were found to have been illegally transshipping, closed, or unable to produce records to verify production.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–4856 Filed 2–27–01; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Federative Republic of Brazil

February 23, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 66718, published on November 7, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 23, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 27, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Brazil and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on February 28, 2001, you are directed to increase the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Sublevels with the aggregate	
338/339/638/639	2,386,678 dozen.
361	1,803,266 numbers.
363	38,486,052 numbers.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–4857 Filed 2–27–01; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of full and partially closed meetings.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend. This notice does not meet the 15 days requirement for publishing in the **Federal Register** because of administrative clearance issues. Individuals who will need accommodations for a disability in order to attend the meeting (*i.e.* interpreting services, assisstive listening devices, materials in alternative format) should notify Munira Mwalimu at 202–357–6938 or *Munira Mwalimu@ed.gov* by no later than February 26, 2001. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

DATES: March 1–3, 2001.

Time: March 1—Executive Committee, 5–6:15 p.m. (open), 6:15–7 p.m. (closed). March 2—Full Board 8:30–10:15 a.m. (open); Assessment Development Committee 10:15 a.m.–12:15 p.m., (open); Committee on Standards, Design and Methodology, 10:15 a.m.–12:15 p.m. (open); Reporting and Dissemination Committee, 10:15 a.m.–12:15 p.m. (open); Full Board, 12:15–1:45 p.m., (closed); 1:45–3:30 p.m., (open); 3:30–5 p.m. (closed). March 3—Full Board, 8:30 a.m.–12 p.m. (open).

Location: Omni Colonnade Hotel, 180 Aragon Avenue, Coral Cables, Florida.

FOR FURTHER INFORMATION CONTACT: Munira Mwalimu, Operations Officer, National Assessment Governing Board, 800 North Capitol Street, NW, Suite 825, Washington, DC, 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994) (Pub. L. 103–382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons. Under P.L. 105–78, the National Assessment Governing Board is also granted exclusive authority over developing the Voluntary National Tests pursuant to contract number RJ97153001.

The Executive Committee will meet on March 1 in open session from 5 p.m. to 6:15 p.m., and in closed session from 6:15 p.m. to 7 p.m.

In the open session, the Executive Committee will receive updates on the status of the VNT contract and on the NAEP Reauthorization. The Committee will then receive briefings on the implications of President Bush's education proposal for the NAEP schedule; on the appointment of the Trial Urban Advisory Panel; and on NAEP participation issues.

From 6:15–7 p.m. the Committee will meet in closed session to make a contractual decision pertaining to the VNT; to discuss future cost estimates on contracts for the National Assessment of Education Progress (NAEP) project; and to receive independent government cost estimates on contract initiatives for NAEP.

The meeting must be conducted in closed session because public disclosure of this information would likely have an adverse financial effect on the NAEP program. The discussion of this information would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of 522b(c) of Title 5 U.S.C.

On March 2, the full Board will convene in open session from 8:30 a.m.–12:15 p.m. the Board will approve the agenda; hear a report from the Executive Director of the National Assessment Governing Board; and receive an update on NAEP activities. Beginning at 10:15 a.m., the Board's Standing committees will meet in open session.

The Assessment Development Committee will meet from 10:15 a.m.–12:15 p.m. to discuss NAEP participation issues, a proposal for a ten-year follow-up of NAEP's oral reading study, the 2004 NAEP math framework project, and other NAEP assessment development issues.

The Committee on Standards, Design, and Methodology will meet from 10:15 a.m.–11:15 p.m. to hear a report from the Ad Hoc Committee on enhancing NAEP participation; to discuss the Tribal Urban Assessment; and to receive an update on Achievement Levels.

The Reporting and Dissemination Committee will meet from 10:15 a.m.–11:15 p.m. to receive and take action on the release plan for NAEP 2000 Fourth Grade National Reading Report Card; to discuss the schedule for release of future NAEP reports; and to discuss and take action on recommendations of the Ad Hoc Committee on NAEP Participation. The Reporting and Dissemination Committee will also hear a presentation on reporting results for subgroups.

There will be a Joint Meeting of the Committee on Standards, Design, and Methodology and the Committee on Reporting and Dissemination from 11:15 a.m.–12:15 p.m. to discuss new models for reporting achievement levels and new NCES recommendations for presenting differences in exclusion and accommodation rates for reporting NAEP 2000 results in reading, mathematics, and science.

On March 2, the full Board will meet in closed session from 12:15–1:45 p.m. to receive a briefing on the NAEP 2000 Reading Report Card: Fourth Grade. This meeting must be closed because the report has not gone through complete National Center for Education Statistics (NCES) adjudication process and has not been released by the Secretary of Education. Premature disclosure of the information presented for review would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of Section 552b(c) of Title 5 U.S.C.

The full Board will meet in open session from 1:45–2:15 p.m. to receive an update on the 2002 Math Framework Project. From 2:15–3:30 p.m., the Board will hear a panel discussion on the Trial Urban Assessment.

On March 2, the full Board will meet in closed session from 3:30–5 p.m. to review NAEP Long Term Trend Assessment Items. This meeting must be closed because the Long Term Trend Assessment uses the same secure items for testing and thus cannot be reviewed in an open meeting. Premature disclosure of the information would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of Section 552b(c) of Title 5 U.S.C.

On March 3, the full Board will meet from 8:30 a.m.–12:00 p.m. From 8:30–9:30 a.m., the full Board will receive a briefing on Student Motivation and NAEP, followed by a presentation on NAEP Interactive from 9:30–10:00 a.m. The Board will then hear and take action on the Committee reports from 10:00 a.m. to 12:00 p.m. whereupon the meeting will adjourn.

Summaries of the activities of the closed sessions and related matters, which are informative to the public and consistent with the policy of section 5 U.S.C. 552b(c), will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street, NW., Washington, DC, from 8:30 a.m. to 5 p.m. Eastern Standard Time.

Dated: February 22, 2001.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 01–4819 Filed 2–27–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR01–4–000]

Chevron Products Company v. Frontier Pipeline Company and Express Pipeline Partnership; Notice of Complaint

February 22, 2001.

Take notice that on February 15, 2001, Chevron Products Company (Chevron), tendered for filing a complaint against Frontier Pipeline Company (Frontier) and Express Pipeline Partnership (Express).

Chevron states that it is a shipper of crude oil on tariffs filed by Frontier as well as on joint tariffs published by Frontier and Express for the shipment of crude petroleum between International Boundary, Canada and Salt Lake City, Utah. Chevron states that it is also a shipper of sour condensate on a tariff filed by Frontier. Chevron alleges in its Complaint that the rates being charged on the Frontier tariff and on the Frontier portion of the Frontier/Express joint tariffs are unjust and unreasonable and unduly discriminatory and unduly preferential, and therefore in violation of the Interstate Commerce Act. Chevron further alleges that the Express/Frontier joint tariff rates exceed applicable ceiling price regulations.

Any person desiring to be heard or to protest said complaint should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before March 14, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(I)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*. Answers to this complaint shall be due on or before March 14, 2001.

David P. Boergers,

Secretary.

[FR Doc. 01–4816 Filed 2–27–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–89–000]

Northern Natural Gas Company; Notice of Application

February 22, 2001.

Take notice that on February 14, 2001, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP01–89–000, an application, pursuant to Section 7(b) of the Natural Gas Act (NGA), as amended, and Sections 157.7 and 157.18 of the Federal Energy Regulatory Commission's Regulations (18 CFR 157.7 and 157.18), requesting permission and approval to abandon, by sale to Western Gas Resources—Texas, Inc. (WGR), certain compression, pipeline, and delivery and receipt point facilities, with appurtenances, located in the state of Texas and certain services rendered thereby, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm*. (Call 202–208–2222 for assistance.)

Northern proposes to convey to WGR facilities located in the Permian Area of West Texas which consist of approximately 83 miles of 8-inch and 16-inch pipeline, a compressor station consisting of seven (7) units, treating and dehydration facilities designed to remove H2S, CO2, and water from the natural gas stream, all delivery and receipt points located along the length of the pipelines, and all other appurtenant facilities.

Northern states that it proposes to convey the subject facilities to WGR in accordance with the provisions of the Purchase and Sales Agreement dated October 20, 2000.

Northern states that these facilities are located on the extreme south end of Northern's Field Area in the Permian Basin of West Texas. Northern has indicated that the abandonment and accompanying transfer will be beneficial since these gas supply facilities are no longer needed for Northern to transport or treat gas for its merchant service obligations. As such, Northern states that WGR will be assuming all future service obligations and operational and economic responsibilities for the subject facilities and will provide service to all customers. Northern states that its customers will benefit from the abandonment and accompanying transfer since the operating and maintenance costs from these facilities will no longer be incurred and Northern will be able to optimize its system operations.

Any questions regarding this application should be directed to Keith L. Peterson, Director, Certificates and Reporting at (402) 398–7421, Northern Natural Gas Company, 1111 South 103rd Street, Omaha, Nebraska 68124.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to any proceeding must file a motion to intervene in accordance with the Commission's rules. Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the Commission's website at *http://www.ferc.fed.us/efi/doorbell.htm*.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents issued by the Commission, filed by the applicant, or filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must serve copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as filing an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered, a person, instead, may submit two copies of such comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, Commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by Commenters or those requesting intervenor status. Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene in filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate authority is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–4814 Filed 2–27–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–3316–002, et al.]

American Transmission Company LLC, et al.; Electric Rate and Corporate Regulation Filings

February 20, 2001.

Take notice that the following filings have been made with the Commission:

1. American Transmission Company LLC

[Docket No. ER00–3316–002]

Take notice that on February 15, 2001, American Transmission Company (ATCLLC), tendered for filing revisions to its Open Access Transmission Tariff in compliance with the Commission's December 14, 2000 Order in *American Transmission Company LLC*, 93 FERC ¶ 61,267 (2000).

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Xcel Energy Services, Inc.

[Docket No. ER01–205–002]

Take notice that on February 14, 2001, Xcel Energy Services, Inc., made its Filing in Compliance with the Commission's Order of January 30, 2001, in the above referenced dockets.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Entergy Services, Inc.

[Docket No. ER01–599–001]

Take notice that on February 15, 2001 Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing its compliance filing in the above-captioned docket.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Wisconsin Electric Power Company

[Docket No. ER01–850–001]

Take notice that on February 14, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a revised Wholesale Distribution Agreement (WDA) between Wisconsin Electric and Wisconsin Public Power, Inc., to substitute for the WDA originally filed on December 28, 2000 in the above-captioned docket. The revised WDA contains pagination in compliance with Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000). Otherwise, the revised WDA contains no substantive changes from the WDA filed on December 28, 2000.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. California Independent System Operator Corporation

[Docket No. ER01–967–001]

Take notice that on February 15, 2001, the California Independent System Operator Corporation (ISO), tendered for filing a revised Utility Distribution Company Operating Agreement (UDC Operating Agreement) between the ISO and the City of Pasadena, California (Pasadena). The ISO made this filing pursuant to the Commission's Order No. 614 and to direction provided by Commission staff. The ISO states that the revised UDC Operating Agreement synthesizes the terms of the UDC Operating Agreement between the ISO and Pasadena, which the ISO filed on July 16, 1999 in Docket No. ER99–3619–000, and the terms of Amendment No. 1 to the UDC Operating Agreement, which the ISO filed on January 16, 2001 in Docket No. ER01–967–000, but does not include any new proposed changes. The ISO further states that the instant filing is intended to amend and replace the ISO's January 16, 2001 filing.

The ISO states that this filing has been served on all parties listed on the official service lists in Docket Nos. ER99–3619–000 and ER01–967–000.

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. PSI Energy, Inc.

[Docket No. ER00–3608–001]

Take notice that on October 23, 2000, PSI Energy, Inc., tendered for a filing rate schedule designation for the Transmission and Local Facilities Agreement (T&LF) between PSI and Wabash Valley Power Association, Inc., and between PSI and Indiana Municipal Power Agency (IMPA).

Comment date: March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Wisconsin Electric Power Company

[Docket No. ER01–849–001]

Take notice that on February 14, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a fully-executed Wholesale Distribution Agreement (WDA) between Wisconsin Electric and the City of Oconto Falls, Wisconsin. The fully-executed WDA substitutes for a partially-executed WDA filed by Wisconsin Electric on December 28, 2000. The fully-executed WDA also contains pagination in compliance with Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000). Otherwise, the fully-executed WDA contains no substantive changes from the partially-executed WDA filed on December 28, 2000.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Cleco Power LLC

[Docket No. ER01–1099–001]

Take notice that on February 15, 2001, Cleco Power LLC, tendered for filing an amendment to the Notice of Succession it filed on January 30, 2001 in the above-referenced docket.

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Connexus Energy

[Docket No. ER01–1234–000]

Take notice that on February 12, 2001, Connexus Energy tendered for filing Revised Electric Rate Schedule FERC No. 1. Connexus Energy states that the Revised Electric Rate Schedule effects changes to Connexus Energy's contract with Elk River Municipal Utilities.

Connexus Energy requests waiver of the Commission's notice requirement to allow a January 1, 2001 effective date.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Avista Corporation

[Docket No. ER01–1235–000]

Take notice that on February 13, 2001, Avista Corporation, tendered for filing with the Federal Energy Regulatory Commission pursuant to section 35.12 of the Commissions, 18 CFR Part 35.12, an executed Mutual Netting Agreement with MIECO, Inc., effective February 2, 2001 under Rate Schedule FERC No. 285.

Notice of the filing has been served upon Peter D'Anna.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Florida Power & Light Company

[Docket No. ER01–1236–000]

Take notice that on February 14, 2001, Florida Power & Light Company (FPL), tendered for filing a Service Agreement with NRG Power Marketing Inc., for service pursuant to FPL's Market Based Rates Tariff.

FPL requests that the Service Agreement be made effective on January 26, 2001.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Public Service Electric and Gas Company

[Docket Nos. ER01–763–001 and ER01–768–001]

Take notice that on February 13, 2001, Public Service Electric and Gas Company (PSEG), tendered for filing amendments to its Interconnection Agreements filed with the Commission on December 22, 2000, in the above referenced dockets.

Comment date: March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Entergy Services, Inc.

[Docket No. ER01–1238–000]

Take notice that on February 14, 2001, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc. (Entergy Arkansas), tendered for filing a Long-Term Market Rate Sales Agreement between Entergy Arkansas and North Arkansas Electric Cooperative, Incorporated for the sale of power under Entergy Services' Rate Schedule SP.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Wisconsin Electric Power Company LLC

[Docket No. ER01–1239–000]

Take notice that on February 14, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a fully executed Control Area Operations Coordination Agreement, designated as Rate Schedule 100, between Wisconsin Electric and Upper Peninsula Power Company.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. PJM Interconnection, L.L.C.

[Docket No. ER01–1240–000]

Take notice that on February 14, 2001, PJM Interconnection, L.L.C. (PJM), tendered for a Notice of Termination of the Umbrella Service Agreement for Network Integration Service between PJM and Utility.com, Inc. (PJM Interconnection, L.L.C. Third Revised Rate Schedule FERC No. 1 Service Agreement No. 409).

PJM requested a waiver to permit an effective date of February 7, 2001 for the termination of the agreement.

Copies of this filing were served upon Utility.com, Inc., affected Electric Distribution Companies, and all state utility regulatory commissions in the PJM control area.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Wisconsin Electric Power Company LLC

[Docket No. ER01–1237–000]

Take notice that on February 14, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a fully executed Control Area Operations Coordination Agreement, designated as Rate Schedule Number 99, between Wisconsin Electric and Wisconsin Public Service Corporation.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–4813 Filed 2–27–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–70–000, et al.]

Wisvest Connecticut, LLC, et al; Electric Rate and Corporate Regulation Filings

February 21, 2001.

Take notice that the following filings have been made with the Commission:

1. Wisvest Connecticut, LLC and Bridgeport Harbor Power, LLC, New Haven Power, LLC, NRG Connecticut Power Assets LLC

[Docket No. EC01–70–000]

Take notice that on February 16, 2001, Wisvest-Connecticut, LLC (Wisvest), Bridgeport Harbor Power LLC (BHP), New Haven Harbor Power LLC (NHHP), and NRG Connecticut Power Assets LLC (NRG Connecticut) pursuant to section 203 of the Federal Power Act, filed with the Federal Energy Regulatory Commission an application requesting authorization for Wisvest to transfer to NRG Connecticut the 590–MW Bridgeport Harbor Power Station, 466–MW New Haven Harbor Power Station, and associated power sales agreements. At closing, NRG Connecticut would in turn transfer the Bridgeport Harbor Station to BHP and the New Haven Harbor Station to NHHP, but would retain the power sales agreements.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Wisconsin Power & Light Company

[Docket No. ER01–843–001]

Take notice that on February 16, 2001, Wisconsin Power & Light Company (WPL), tendered for filing its tariff and service agreements correcting sheet designations filed with the Commission in the above-referenced docket.

WPL indicates that copies of the filing have been provided to WPPI and to the Public Service Commission of Wisconsin.

Comment date: March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. American Electric Power Service Corporation

[Docket No. ER01–1112–001]

Take notice that on February 14, 2001, the American Electric Power Service Corporation (AEPSC), tendered for filing an amendment to the Service Agreements filed on January 30, 2001 in Docket Number ER01–1112–000 to include copies of previously executed and filed Firm Point-to-Point Transmission Service Agreements for American Municipal Power-Ohio, Inc., Cleveland Public Power, Dynegy Power Marketing, Inc., and PECO Energy Power Team. All of these agreements are pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Second Revised Volume No. 6.

AEPSC requests waiver of notice to permit the Service Agreements to be

made effective for service billed on and after January 1, 2001.

A copy of the filing was served upon the Parties and the state utility regulatory commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Niagara Mohawk Power Corporation

[Docket No. ER01–1241–000]

Take notice that on February 14, 2001, Niagara Mohawk Power Corporation tendered for filing an Interconnection Agreement between Niagara Mohawk Power Corporation and Fortisus Energy Corporation for the Diana Hydro generating facility, dated as of December 14, 2000.

Niagara Mohawk Power Corporation requests an Interconnection Agreement effective date of December 14, 2000. To the extent necessary, Niagara Mohawk requests waiver of the Commission requirement that a rate schedule be filed not less than 60 days or more than 120 days from its effective date.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Niagara Mohawk Power Corporation

[Docket No. ER01–1242–000]

Take notice that on February 14, 2001, Niagara Mohawk Power Corporation tendered for filing an Interconnection Agreement between Niagara Mohawk Power Corporation and Fortisus Energy Corporation for the Dolgeville Hydro generating facility, dated as of December 14, 2000.

Niagara Mohawk Power Corporation requests an Interconnection Agreement effective date of December 14, 2000. To the extent necessary, Niagara Mohawk requests waiver of the Commission requirement that a rate schedule be filed not less than 60 days or more than 120 days from its effective date.

Comment date: March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Ohio Valley Electric Corporation

[Docket No. ER01–1243–000]

Take notice that on February 15, 2001, Ohio Valley Electric Corporation (OVEC), tendered for filing an Interconnection and Operation Agreement, dated February 8, 2001, between Jackson County Power, LLC (JCP) and OVEC.

OVEC proposes an effective date of February 16, 2001 and requests waiver of the Commission's notice requirement to allow the requested effective date.

Copies of this filing were served upon JCP and the Public Utilities Commission of Ohio.

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Cinergy Services, Inc.

[Docket No. ER01–1244–000]

Take notice that on February 15, 2001, Cinergy Services, Inc. (Provider), tendered for filing a service agreement and a Network Operating Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and The New Power Company (Customer).

Provider and Customer are requesting an effective date of January 18, 2001.

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Puget Sound Energy, Inc.

[Docket No. ER01–1245–000]

Take notice that on February 15, 2001, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service and a Service Agreement for Non-Firm Point-To-Point Transmission Service with Pacific Northwest Generating Cooperative (PNGC), as Transmission Customer.

A copy of the filing was served upon PNGC.

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Puget Sound Energy, Inc.

[Docket No. ER01–1246–000]

Take notice that on February 15, 2001, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service and a Service Agreement for Non-Firm Point-To-Point Transmission Service with Power Resources Cooperative (PRC) as Transmission Customer.

A copy of the filing was served upon PRC.

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Entergy Services, Inc.

[Docket No. ER01–1247–000]

Take notice that on February 15, 2001 Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a Short-Term Market Rate Sales Agreement between Entergy Services, as agent for the Entergy Operating Companies, and Terrebonne Parish Consolidated Government, as agent for the City of Houma, for the sale of power under Entergy Services' Rate Schedule SP.

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. New York State Electric & Gas Corporation

[Docket No. ER01–1248–000]

Take notice that on February 15, 2001, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to Section 35 of the Federal Energy Regulatory Commission's Regulations, 18 CFR 35, a service agreement (the Service Agreement) under which NYSEG may provide capacity and/or energy to Atlantic City Electric Company (Atlantic) in accordance with NYSEG's FERC Electric Tariff, Original Volume No. 3.

NYSEG has requested waiver of the notice requiremepts so that the Service Agreement becomes effective as of February 16, 2001.

NYSEG has served copies of the filing upon the New York Service Public Service Commission and Atlantic.

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. PECO Energy Company

[Docket No. ER01–1249–000]

Take notice that on February 15, 2001, PECO Energy Company (PECO), tendered for filing under Section 205 of the Federal Power Act, 16 U.S.C. S 792 *et seq.*, a Service Agreement dated January 13, 2001 with Sithe Power Marketing, L.P. (SITHE) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff).

PECO requests an effective date of April 16, 2001 for the Agreement.

PECO states that copies of this filing have been supplied to Sithe Power Marketing, L.P. and to the Pennsylvania Public Utility Commission.

Comment date: March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Indianapolis Power & Light Company

[Docket No. ER01–1250–000]

Take notice that on February 16, 2001, Indianapolis Power & Light Company (IPL), tendered for filing service agreements executed under IPL's Open Access Transmission Tariff and an index of customers.

Comment date: March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Lake Worth Generation L.L.C.

[Docket No. ER01–1251–000]

Take notice that on February 16, 2001, Lake Worth Generation L.L.C. (Applicant), 245 Winter Street, Suite 300, Watham, MA 02154, tendered for filing with the Federal Energy Regulatory Commission a notice of cancellation of its FERC Electric Tariff, Original Volume No. 1, Original Sheet No. 1—Market Based Rate Tariff.

The tariff will not become effective until service commences and no service agreements have been executed under it. Copies were filed upon the Florida Public Service Commission.

Comment date: March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Southern Company Services, Inc.

[Docket No. ER01–1252–000]

Take notice that on February 16, 2001, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Company), tendered for filing seven (7) long term firm point-to-point transmission service agreements between Southern Company and Carolina Power and Light Company, Duke Power Company, The Energy Authority, Entergy Services Inc., as agent for the Entergy operating companies, Oglethorpe Power Corporation, Sempra Energy Trading Corp. (Sempra) (for OASIS Request 191679); and Sempra (for OASIS Request 191684); three (3) umbrella agreements for short-term firm point-to-point transmission service between Southern Company and Amerada Hess Corporation (Amerada), DTE Energy Trading, Inc. (DTE), and North Carolina Municipal Power Agency Number 1 (NCMPA); and three (3) umbrella agreements for non-firm point-to-point transmission service between Southern Company and Amerada, DTE, and NCMPA under the Open Access Transmission Tariff of Southern Company (FERC Electric Tariff, Fourth Revised Volume No. 5).

Comment date: March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Commonwealth Edison Company

[Docket No. ER01–1254–000]

Take notice that on February 16, 2001, Commonwealth Edison Company (ComEd), tendered for filing two Short-Term Firm Transmission Service Agreements and two Non-Firm Transmission Service Agreements with Otter Tail Power Company (Otter Tail) and Exelon Generation Company, LLC (Exelon) under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of January 26, 2001, for the Agreements with Otter Tail and an effective date of January 19, 2001 for the Agreements with Exelon, and accordingly, seeks waiver of the Commission's notice requirements.

Comment date: March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Maine Public Service Company

[Docket No. ER01–1253–000]

Take notice that on February 16, 2001, Maine Public Service Company (Maine Public) tendered for filing an executed Service Agreement for Network Integration Transmission Service under Maine Public's open access transmission tariff with Houlton Water Company.

Comment date: March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. The Detroit Edison Company

[Docket No. ER01–1255–000]

Take notice that on February 16, 2001, The Detroit Edison Company (Detroit Edison), tendered for filing amended electric supply agreements for wholesale power sales transactions under Detroit Edison's Wholesale Power Sales Tariff (WPS–1), FERC Electric Tariff, Original Vol. No. 4 (the WPS–1 Tariff) between Detroit Edison and the City Croswell, Michigan; Detroit Edison and the Village of Sebewaing, Michigan; and Detroit Edison and Thumb Electric Cooperative.

Comment date: March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–4812 Filed 2–27–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–69–000]

Petal Gas Storage, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Petal Pipeline Project, and Request for Comments on Environmental Issues

February 22, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Petal Gas Storage, L.L.C.'s (Petal) proposed Phase II Pipeline Project in Forrest, Jones, Jasper, and Clarke Counties, Mississippi.[1] The project would involve the construction and operation of about 59 miles of 36-inch-diameter pipeline, a new 9,000-horsepower (hp) compressor station, and appurtenance facilities. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a Petal representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" should have been attached to the project notice Petal provided to

[1] Petal's application under section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations was filed on January 23, 2001.

landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (www.ferc.fed.us).

This Notice of Intent (NOI) is being sent to landowners along Petal's proposed route; Federal, state, and local government agencies; national elected officials; regional environmental and public interest groups; Indian tribes that might attach religious and cultural significance to historic properties in the area of potential effects; local libraries and newspapers; and the Commission's list of parties to the proceeding. Government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern. Additionally, with this NOI we are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated Petal's proposal relative to their agencies' responsibilities. Agencies who would like to request cooperating status should follow the instructions for filing comments described below.

Summary of the Proposed Project

Petal's proposed action would consist of the construction and operation of:

- About 58.7 miles of 36-inch-diameter bi-directional pipeline (Petal 100 Line), from Petal's existing storage header and Tennessee Gas Pipeline Company (Tennessee) Meter Station in Forrest County, Mississippi, north through Jones and Jasper Counties to a site near Southern Natural Gas Company's (SNG) existing Enterprise Compressor Station in Clarke County, Mississippi. Petal's proposed 100 Line would be adjacent to Tennessee's existing 500 Line for about 56.2 miles, and then adjacent to existing SNG and Destin Pipeline Company (Destin) pipelines for the remaining 2.5 miles;
- A new 9,000 hp compressor station consisting of two gas driven compressor units, near Heidelberg in Jasper County, Mississippi;
- About 0.3 mile of 36-inch-diameter bi-directional pipeline (Transco Lateral), extending from the proposed Heidelberg Compressor Station to an interconnection with existing facilities of Transcontinental Gas Pipe Line Corporation (Transco) in Jasper County, Mississippi;
- Three new meter stations at the proposed interconnections with Transco, SNG, and Destin;
- A bi-directional pig launcher/receiver trap at the proposed Destin Meter Station in Clarke County, Mississippi; and
- Six mainline block valves along the proposed Petal 100 Line.

The proposed facilities would allow Petal to make deliveries of up to 700,000 decatherms per day (Dth/d), and take receipts of up to 350,000 Dth/d. The facilities would be used for transportation services to and from Petal's existing natural gas storage facilities in Forrest County, Mississippi.

The general location of Petal's proposed facilities is shown on the map attached as appendix 1.[2]

Land Requirements for Construction

Construction of Petal's proposed facilities would affect a total of about 965 acres of land. Following construction, about 222 acres would be retained as permanent right-of-way. The remaining 743 acres of temporary work space would be restored and allowed to revert to its former use.

The nominal construction right-of-way for both Petal's proposed 100 Line and the Transco Lateral would be 100 feet wide, with 30 feet retained as permanent right-of-way for Petal's 100 Line and 25 feet of new permanent easement for the Transco Lateral. About 98 percent of the route of the pipelines would overlap existing easements. For about 1.26 miles Petal's 100 Line would deviate away from existing rights-of-way for certain road or railroad crossings, to avoid existing utility facilities, and to avoid impacts on sensitive environmental areas, such as a pond or creek. The use of 66 access roads during construction would temporarily affect about 50 acres. Also, Petal would temporarily use 11 pipe storage and contractor yards, covering a total of about 175 acres, during construction.

The proposed aboveground facilities would consist of a new compressor station, three new meter stations, and six mainline block valves. The proposed Heidelberg compressor station would cover about 8 acres, of which only 6 acres would be used for operation. The proposed Transco Meter Station would occupy 0.1 acre within the new Heidelberg Compressor Station. Although Petal would acquire a 9-acre tract for the SNG and Destin Meter Stations, near SNG's existing Enterprise Compressor Station, the construction and operation of these two new adjacent meter stations would affect a total of about 1 acre. The six mainline valves would disturb a total of about 2 acres within the pipeline construction right-of-way, and would permanently occupy about 0.2 acre combined within the pipeline's permanent operation easement.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[3] to discover and address concerns the public may have about proposals. We call this "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this NOI, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, elected officials, affected landowners, regional public interest groups, Indian tribes, local newspapers and libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

Currently Identified Environmental Issues

The EA will discuss impacts that could occur as a result of construction and operation of the proposed project. We have already identified a number of issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Petal. This preliminary list of issues may be changed based on your comments and our analysis.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the "RIMS" link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] "Us," "we," and "our" refer to the environmental staff of the FERC's Office of Energy Projects.

- Geology and Soils
  - —Crossing about 20 miles of prime farm land.
  - —Crossing about 15 miles of erosion prone soils.
- Water Resources and Wetlands
  - —Crossing 103 perennial and 113 intermittent streams, and 2 ponds.
  - —Crossing 276 wetlands, including 81 acres of forested wetlands.
- Vegetation and Wildlife
  - —Crossing about 34.3 miles of upland forest.
  - —Potential impacts on federally listed threatened gopher tortoise.
- Cultural Resources
  - —Potential impacts on 30 cultural resources.
  - —Portion of the project would be adjacent to the Mississippi Band of Choctaw Indians Reservation.
- Land use
  - —Crossing about 8.5 miles of agricultural land, including one pecan plantation;
  - —Crossing two Conservation Reserve Program parcels, and one private hunting ranch.
- Air and Noise Quality
  - —Impacts on local quality and noise environment as a result of the new compressor station.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations or routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: David P. Boergers, Secretary Federal Energy Regulatory Commission, 888 First St., NE., Room 1A Washington, DC 20426;
- Label one copy of the comments for the attention of the Gas/Hydro Group, PJ–11.3;
- Reference Docket No. CP01–69–000; and
- Mail your comments so that they will be received in Washington, DC on or before March 30, 2001.

Comments and protests may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

[If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request, you will be removed from the environmental mailing list.]

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor." Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–0004 or on the FERC website (www.ferc.fed.us) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 01–4815 Filed 2–27–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6948–1]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Air Emission Standards for Tanks, Surface Impoundments and Containers, RCRA Subpart CC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Title: Air Emission Standards for Tanks, Surface Impoundments and Containers, RCRA subpart CC; OMB number 2060–0318; expiration date February 28, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 30, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1593.05 and OMB Control No. 2060–0318, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1593.05. For technical questions about the ICR contact Everett Bishop at 202–564–7032 or by E-mail at bishop.everett@epa.gov.

SUPPLEMENTARY INFORMATION:

Title: Air Emission Standards for Tanks, Surface Impoundments and Containers, RCRA subpart CC; OMB number 2060–0318; EPA ICR Number 1593.05; expiring on February 28, 2001. This is a request for extension of a currently approved collection.

Abstract: This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR part 264, subpart CC and 40 CFR part 265, subpart CC. RCRA subpart CC requires controls for minimizing release of volatile organic air emissions from tanks, surface impoundments and containers holding hazardous waste. Records and reports are necessary in order for the EPA to determine that the standards are implemented and maintained to protect human health and the environment.

Organic air emissions from hazardous waste Treatment, Storage and Disposal Facilities (TSDFs) can contain toxic chemical compounds. Cancer and other adverse noncancerous human health effects can result from exposure to these emissions. Organic emissions from TSDFs react photochemically with other compounds in the atmosphere to form ground level ozone. Excessive ambient ozone concentrations are a major air quality problem in many cities throughout the United States. Nationwide organic emissions from TSDFs are estimated to be approximately one million megagrams per year. These organic emissions are estimated to result in 48 excess incidences of cancer per year nationwide and a 3×10^{-2} maximum individual risk (MIR). The experience of the EPA in implementing and enforcing New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) promulgated under authority of the Clean Air Act has demonstrated that certain information must be collected to ensure compliance with air emission standards. Information collection is needed by the EPA to determine: (a) Whether a hazardous waste contains sufficiently low concentrations of volatile organics to allow the waste to be managed in a tank, surface impoundment, or container without the use of emission controls, and (b) for units requiring emission controls, whether the controls are being properly operated and maintained. The collected information will be used by the EPA enforcement personnel to ensure that the requirements of the recommended rules are being properly applied and that emission control devices are being properly operated and maintained on a continuous basis.

In addition, records and reports are necessary to enable the EPA to identify TSDF owners or operators that may not be operating in compliance with the standards. The reported information is used by the EPA to target TSDFs for inspection and identify what records or waste management units should be inspected at the TSDF. The information that TSDF owners or operators are required to maintain is recorded in sufficient detail to enable owners or operators to demonstrate their means of complying with the applicable standards. The data collected by the affected facility is retained at the facility for a minimum of three years.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on August 17, 2000; no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 106 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Hazardous waste treatment, storage and disposal facilities and large quantity generators.

Estimated Number of Respondents: 6,318.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 672,640.

Estimated Total Annualized Capital, O&M Cost Burden: $1,460,333.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1593.05 and OMB Control No. 2060–0318 in any correspondence.

Dated: February 13, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–4866 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6948–3]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Operator Certification Guidelines and Operator Certification Expense Reimbursement Grants Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Operator Certification Guidelines and Operator Certification Expense Reimbursement Grants Program, EPA ICR #1955.01. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collections instrument.

EPA is requesting emergency clearance from OMB for this ICR to allow the collection of documentation on operator certification programs from states so that we may make a decision on whether or not a state's program meets our Operator Certification Guidelines. The ICR also covers the collection of material that states must submit to EPA before we can award Operator Certification Expense Reimbursement Grants. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. EPA is requesting a valid control number from OMB through the emergency clearance process. The OMB control number for this ICR will be listed in 40 CFR part 9 and 48 CFR chapter 15.

DATES: Comments must be submitted on or before March 30, 2001.

ADDRESSES: Send comments, referencing EPA ICR #1955.01, to the following: Jenny Jacobs, Drinking Water Protection Division (Mailcode 4606), Office of Ground Water and Drinking Water, U.S. EPA, 1200 Pennsylvania Avenue NW, Washington, D.C., 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503. Copies of the ICR may be obtained from the Safe Drinking Water Hotline, toll-free at (800) 426–4791. Hours of operation are 9:00 a.m. to 5:30 p.m. (ET), Monday–Friday, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Contact Jenny Jacobs, (202) 260–2939, fax (202) 260–0732, email: jacobs.jenny@epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which own, operate or regulate public water systems but not limited to: Owners/operator of public water systems, State Environmental Water Quality Agencies, State Departments of Health.

Title: Operator Certification Guidelines and Operator Certification Expense Reimbursement Grants Program, EPA ICR #1955.01.

Abstract: The purpose of this information collection is to determine if states are meeting the requirements of EPA's operator certification guidelines. Section 1419(a) of the Safe Drinking Water Act (SDWA) Amendments of 1996 requires to EPA to develop guidelines specifying minimum standards for certification and recertification of operators of community and nontransient noncommunity public water systems and to publish final guidelines by February 6, 1999. The final guidelines were published in the **Federal Register** on February 5, 1999 (64 FR 5916). Pursuant to section 1419(b) of the SDWA, beginning two years after the date on which EPA publishes guidelines for the certification (and recertification) of operators of community and nontransient noncommunity public water systems (or February 5, 2001), EPA shall withhold 20 percent of the funds a state is otherwise entitled to receive under SDWA section 1452 unless a state has adopted and is implementing a program that meets the requirements of EPA's operator certification guidelines. EPA is required under SDWA section 1419 to make an annual determination on whether to withhold 20 percent of a state's Drinking Water State Revolving Fund (DWSRF) allotment. In order to make these decisions, EPA must collect information from the states as required by EPA's operator certification guidelines. States, in turn, must collect information from water systems as required by their respective programs.

SDWA section 1419(d) requires EPA to reimburse (through grants to states) the costs of training, including an appropriate per diem for unsalaried operators, and certification for persons operating community and nontransient noncommunity public water systems serving 3,300 persons or fewer that are required to undergo training pursuant to EPA's operator certification guidelines. Prior to awarding expense reimbursement grants to states, EPA will need to collect information from states to ensure that the state has a plan for distributing the funds to small system operators.

The EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: EPA estimates that the cost and burden to states for this ICR is $412,449 and 11,914 hours over the three year period between FY2001 and FY2003. EPA also estimates the cost and burden to public water systems for this ICR is $6,514,596 and 290,511 hours over the three year period between FY2001 and FY2003. The average annual cost and burden per state is $2,695 and 78 hours. On a per system level, an average annual cost and burden of $31 and 2 hours is estimated.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency.

This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: February 16, 2001.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 01–4868 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6947–9]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Exports From and Imports to the United States Under International and Bilateral Waste Agreements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: "Exports from and Imports to the United States under International and Bilateral Waste Agreements," OMB Control Number 2050–0143; expiration date March 31, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 30, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1647.03 and OMB Control No. 2050–0143, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by e-mail at *farmer.sandy@epamail.epa.gov*, or

download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1647.03. For technical questions about the ICR contact Patricia Whiting on 703–308–8421.

SUPPLEMENTARY INFORMATION:

Title: Exports from and Imports to the United States under International and Bilateral Waste Agreements; OMB Control Number 2050–0143; EPA ICR No. 1647.03; expiring March 31, 2001. This is a request for extension of a currently approved collection.

Abstract: Authority for this information collection is found in sections 2002(a) and 3017(a)(2) and (f) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and as amended by the Hazardous and Solid Waste Amendments, 42 U.S.C. 6901 *et seq.* The Organization for Economic Cooperation and Development (OECD) Decision is considered legally binding on the United States under Articles 5(a) and 6(2) of the OECD Convention, 12 U.S.T. 1728. In addition, the OECD Decision and EPA's rule implementing the OECD Decision in 40 CFR part 262, subpart H (61 FR 16290; April 12, 1996) impose requirements on U.S. exporters and importers for shipments of hazardous waste for recovery to and from OECD member countries. EPA also imposes requirements on hazardous waste exports and imports to and from other countries in 40 CFR part 262, subparts E and F, respectively (August 8, 1986; 51 FR 28664). U.S. EPA's Office of Enforcement and Compliance Assurance uses the information provided by each U.S. exporter and importer to determine compliance with the applicable RCRA regulatory provisions. In addition, the information will be used to determine the number, origin, destination, and type of exports from and imports to the U.S. for tracking purposes and for reporting to the OECD. This information also will be used to assess the efficiency of the program. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information, was published on November 1, 2000 (65 FR 65304); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 10 hours per exporter and 1 hour per importer. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Exporters and Importers of Hazardous Wastes to U.S.

Estimated Number of Respondents: 1,562.

Estimated Total Annual Hour Burden: 9,334.

Estimated Total Annualized Capital, O&M Cost Burden: $1,015.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggestions for minimizing respondent burden, including the use of automated estimates, and any suggestions for minimizing respondent burden, including the use of automated collection techniques to the addresses listed above. Please refer to the EPA ICR Number 1647.03 Control Number 2050–0143 in any correspondence.

Dated: February 13, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–4869 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6947–8]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Establishing No-Discharge Zones Under the Clean Water Act Section 312

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Establishing No-Discharge Zones (NDZs) Under the Clean Water Act Section 312, EPA ICR Number 1791.03, OMB Control Number: 2040–0187 and current expiration date of February 28, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 30, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1791.03 and OMB Control No. 2040–0187, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR, contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at *Farmer.sandy@epamail.epa.gov*, or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1791.03. For technical questions about the ICR, contact James Woodley at EPA by phone at (202) 260–1998 in the Office of Wetlands, Oceans, and Watersheds.

SUPPLEMENTARY INFORMATION: *Title:* Establishing No-Discharge Zones Under Clean Water Act Section 312 (OMB Control Number 2040–0187; EPA ICR Number 1791.03) expiring 02/28/2001. This is a request for extension of a currently approved collection.

Abstract: (A) UNDS No-discharge Zones: Under section 312(n) of the Clean Water Act ("Uniform National Discharge Standards for Vessels of the Armed Forces" or "UNDS") no-discharge zones ("NDZs") for discharges from Armed Forces vessels may be established by either State prohibition or EPA prohibition following the procedures in 40 CFR part 1700. UNDS also provides that the Governor of any State may petition EPA and the Secretary of Defense to review any determination or standard promulgated under the UNDS program if there is significant new information that could reasonably result in a change to the determination or standard. This ICR discusses the information that will be required from a State if it decides to establish a NDZ by State prohibition or apply for a NDZ by EPA prohibition, and the information that will be required from a State if it decides to submit a petition for review. The responses to this collection of information are required to obtain the benefit of an UNDS NDZ or a review of an UNDS determination or standard (see 33 U.S.C. 1322(n)). The information collection activities discussed in this ICR do not require the submission of any confidential information.

(B) Sewage No-discharge Zones: The need for EPA to obtain information for the establishment of no-discharge zones (NDZs) for vessel sewage in State waters stems from CWA sections 312(f)(3), (f)(4)(A), and (f)(4)(B), and subsequent regulations at 40 CFR 140.4(a–c). No-discharge zones are established to provide State and local governments with additional protection of waters from treated or untreated vessel sewage. There are 3 ways in which NDZs for vessel sewage can be established. This ICR discusses the information requirements associated with the establishment of NDZs for vessel sewage. The responses to this collection of information are required to obtain the benefit of a sewage NDZ (see 33 U.S.C. 1322). The information collection activities discussed in this ICR do not require the submission of any confidential information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on May 19, 2000 (65 FR 31894) of the **Federal Register** and no comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 144 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: States.

Estimated Number of Respondents: 16 per year.

Frequency of Response: one time collection.

Estimated Total Annual Hour Burden: 2207 hours per year.

Estimated Total Annualized Capital, O&M Cost Burden: $2,300.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1791.03 and OMB Control No. 2040–0187 in any correspondence.

Dated: February 13, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–4870 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[AMS–FRL–6948–5]

Control of Air Pollution From New Motor Vehicles; Low Sulfur Gasoline Refinery Hardship Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments.

SUMMARY: In December 1999, we promulgated the Tier 2/Gasoline Sulfur final rule (see 65 FR 6698, February 10, 2000) for more stringent vehicle emission standards and low sulfur gasoline. This action included a provision which allows refiners to seek temporary relief from the regulations based on a showing of unusual circumstances that impose extreme hardship and significantly affect their ability to comply by the required date, as well as other factors. This provision also requires refiners to make best efforts to comply with low sulfur gasoline requirements. Through this action, we are inviting comment on the applications and relief requested for three refiners whose application is under active assessment. The public is invited to provide comment on this matter.

DATES: Any comment should be provided to the EPA by March 21, 2001.

ADDRESSES: *Comments:* Send paper or e-mail comments to the contact person listed below. If applicable, commenters should specify which application they are addressing.

FOR FURTHER INFORMATION CONTACT: Tad Wysor, U.S. EPA, National Vehicle and Fuels Emission Laboratory, Assessment and Standards Division, 2000 Traverwood, Ann Arbor, MI 48105; telephone (734) 214–4332, fax (734) 214–4816, e-mail wysor.tad@epa.gov.

SUPPLEMENTARY INFORMATION: In the Tier 2/Gasoline Sulfur final rule, we established standards to limit the sulfur content of gasoline beginning in 2004. As part of this rule, we included provisions permitting refiners to seek temporary relief from these requirements based on a showing of unusual circumstances that impose extreme hardship and significantly affect the refiner's ability to comply by the required date, as well as other factors. This provision also requires the refiners to make best efforts to comply with the low sulfur gasoline requirements (see 40 CFR 80.270). At this time, we are actively considering applications from three refiners. These applicants are identified below with their refinery's total crude oil capacity in barrels per calendar day and a general description of the relief they are seeking:

Refinery	Location	Crude capacity (bped)[1]	Relief sought
United Refining Company	Warren, PA	65,000	Same as small refiner program.
Wyoming Refining	Newcastle, WY	9,995	150 ppm avg/300 ppm cap for 2004–2007.
National Cooperative Refinery Assoc. (NCRA)	McPherson, KS	77,400	Interim sulfur reductions with full compliance in June 2006.

[1] Based on data from the Department of Energy's Energy Information Administration Petroleum Supply Annual 1999, Vol. 1 as of January 1, 2000.

We are now in the process of reviewing and evaluating these hardship applications according to the provisions of 40 CFR 80.270. Although the review and determination associated with these applications does not involve a rulemaking, we believe it is important to provide public notice of these applications and to provide opportunity for public comment. The applicants have requested that we treat most of the information in their applications as business proprietary "Confidential Business Information" under 40 CFR part 2.

Any party wishing to provide us input on these applicants in the context of 40 CFR 80.270 or to provide what they otherwise consider to be relevant materials should direct these to the contact person listed above by March 21, 2001. We will consider any relevant information provided in our evaluation of these applications.

Dated: February 16, 2001.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 01–4864 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6948–2]

Notice of Reopening of the Comment Period for Method 203: Determination of the Opacity of Emissions From Stationary Sources by Continuous Opacity Monitoring Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: We, the Environmental Protection Agency (EPA), are reopening the comment period in order to afford the public the opportunity to provide new, clarifying, or updated comments on Method 203, part 51, appendix M, which was proposed on October 7, 1992 (57 FR 46114). Method 203 specifies quality assurance requirements and procedures that must be performed by the continuous opacity monitoring system (COMS) operator after the initial demonstration of compliance with Performance Specification 1 (PS–1). We will consider these comments in deciding whether to re-propose Method 203 in its entirety, publish a supplemental proposal on Method 203, or to publish an amended version of Method 203 as a Final Rule. We believe it is necessary to reopen the comment period as a courtesy to the public due to the length of time since the original proposal. It was decided to delay the Method 203 proposal until the revisions to PS–1 were promulgated. Also, we were aware that the PS–1 revisions would have an impact on any action taken with Method 203, therefore we wanted to give the public the opportunity to comment on Method 203 as it relates to the revisions to PS–1 (65 FR 48885). PS–1 outlines the design and performance requirements for COMS.

DATES: *Comments.* Comments must be received on or before March 30, 2001.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate) to: Office of Air and Radiation Docket and Information Center (Mail code 6102), Attention: Docket Number A–91–08, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460.

Docket. Docket number A–91–08, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. to 5:30 p.m., on all federal government work days at the Office of Air and Radiation Docket and Information Center. The Docket is located at 401 M Street S.W., Washington, DC 20460, room number M–1500. A reasonable fee may be charged for the duplication of materials.

FOR FURTHER INFORMATION CONTACT: Mr. Solomon Ricks at (919) 541–5242, U.S. EPA, Emission Measurement Center, Research Triangle Park, North Carolina, 27711.

SUPPLEMENTARY INFORMATION: On October 7, 1992, we proposed Method 203 (57 FR 46114) as a means of providing states with an instrumental test method which could be used in determining, on a continuous basis, compliance with stationary source opacity emission limitations. In view of the significant amount of time that has passed since the proposal was published, we believe it is appropriate to offer the public another opportunity to comment on proposed Method 203. In particular, we are seeking comment on whether the requirements and procedures outlined in the proposal remain appropriate, or whether newer technologies and/or procedures have become available which we should consider before taking final action on this proposed rule.

Subsequent to the proposal, we received comments questioning whether Method 203, when adopted, should be codified at 40 CFR part 51, appendix M, as proposed. Commenters suggested that it would be more appropriate to codify this method at 40 CFR part 60, appendix F because the proposed method outlines the quality assurance procedures for COMS, and appendix F contains quality assurance procedures for continuous monitoring equipment. For this reason, we also seek public comment on placing Method 203 in part 60, appendix F as "Procedure 2. Quality Assurance Requirements for Continuous Opacity Monitoring Systems Used for Compliance Determination." Based on comments provided during this additional 30-day comment period, we will take appropriate action on the proposed Method 203, which may include re-proposing the rule in its entirety, issuing a supplemental notice of proposed rulemaking, or adopting the rule in final form, with only minor changes. We will make the comments received during this comment period available to the public through the public docket (Docket Number A–91–08). A draft document containing a summary of the comments received on the 1992 proposal is also available in the public docket.

You may download a copy of proposed Method 203 via the world wide web at http://www.epa.gov/ttnemc01/frpromth.html. In addition, you may obtain copies of the 1992 proposal and previously submitted public comments through Docket Number A–91–08, which contains all materials relevant to this rulemaking, and is available for public inspection between 8:00 a.m. and 5:30 p.m., Monday through Friday (except for Federal holidays) at the following address: U.S. Environmental Protection Agency, Office of Air and Radiation Docket and Information Center (MC–6102), Room M–1500, 401 M Street S.W., Washington, DC 20460, telephone: (202) 260–7548. A reasonable fee may be charged for copying.

Dated: February 16, 2001.

Robert D. Brenner,

Acting Assistant Administrator, for Air and Radiation.

[FR Doc. 01–4867 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6947–4]

ABC One Hour Dry Cleaners Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into a settlement with ABC One Hour Dry Cleaners, Inc, Victor Melts and Martha Melts pursuant to section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, regarding the ABC One Hour Dry Cleaners Superfund Site located in Jacksonville, North Carolina. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the settlement are available from: Ms. Paula Batchelor, U.S. EPA, Region 4 (WMD–CPSB), Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, (404) 562–8887.

Written comments may be submitted to Ms. Batchelor within thirty (30) calendar days of the days of this publication.

Dated: February 6, 2001.

Franklin E. Hill,

Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01–4865 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6947–7]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement concerning the BPS, Inc. Superfund Site, ("Site") with BPS Pesticide Incorporated ("Settling Party"), the United States Environmental Protection Agency ("EPA"), and the United States Department of Justice (DOJ).

The settlement requires the Settling Party to reimburse EPA for Past Response Costs in the amount of $54,772.37 in connection with a response action at the Site.

Within 30 days of the effective date of this Agreement, and consistent with Paragraph 10 of the Settlement Agreement, the Settling Party shall pay to the EPA Hazardous Substance Superfund, $54,772.37 in reimbursement of Past Response Costs, plus an additional sum for Interest on that amount calculated from the date set forth in the definition of Past Response Costs through the date of payment.

The settlement includes a covenant not to sue under Section 107 of CERCLA, 42 U.S.C. 9607.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may withdraw or withhold its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202–2733.

DATES: Comments must be submitted on or before March 30, 2001.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202–2733. A copy of the proposed settlement may be obtained from Barbara J. Aldridge (6SF–AC), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas, 75202–2733 at (214) 665–2712. Comments should reference the BPS, Inc. Superfund Site, West Helena, Arkansas, and EPA Docket Number 6–12–00, and should be addressed to Joseph E. Compton III at the address listed below.

FOR FURTHER INFORMATION CONTACT: Joseph E. Compton III, (6RC–S), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas, 75202–2733 at (214) 665–8506.

Dated: January 17, 2001.

Gregg A. Cooke,

Regional Administrator, Region 6.

[FR Doc. 01–4874 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6947–5]

Copper Basin Mining District Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed agreement.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into an agreement with OXY USA, Inc. and Glenn Springs Holdings, Inc. pursuant to section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, regarding the Copper Basin Mining District Superfund Site located in Polk County, Tennessee and Fannin County, Georgia. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4 (WMD–CPSB), Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, (404) 562–8887.

Written comments may be submitted to Ms. Batchelor within thirty (30) calendar days of the date of this publication.

Dated: February 6, 2001.

Franklin E. Hill,

Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01–4871 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6945–9]

Irvington Tire Fire Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into three administrative settlements with responsible parties for response costs pursuant to Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9622(h)(1) concerning the Irvington Tire Fire Superfund Site (Site) located in Irvington, Mobile County, Alabama. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the

proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4, (WMD–CPSB), 61 Forsyth Street, SW, Atlanta, Georgia 30303, (404) 562–8887.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of this publication.

Dated: February 2, 2001.

Franklin E. Hill,

Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01–4877 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OEI–100006; FRL–6723–1]

Workshop Schedules for EPCRA/TRI Training: Spring 2001

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will conduct EPCRA/TRI Training workshops across the country during the spring of 2001. These workshops are intended to assist persons preparing their annual reports on release and other waste management activities as required under sections 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). These reports must be submitted to EPA and designated state officials on or before July 1, 2001.

FOR FURTHER INFORMATION CONTACT: Priscilla Evans, Workshop Coordinator (202) 260–9124, evans.priscilla@epa.gov for specific information on this notice. Information concerning the EPCRA/TRI Training workshops is also available on EPA's web site at http://www.epa.gov/tri.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Notice Apply to Me?

You may find this notice applicable if you manufacture, process, or otherwise use any EPCRA section 313 listed toxic chemical. Potentially applicable categories and entities may include, but are not limited to:

Category	Examples of regulated entities
Industry	Metal mining, Coal mining, Manufacturing, Electricity generating facilities, Hazardous waste treatment/TSDF, Chemicals and allied products-wholesale, Petroleum bulk plants and terminals, and Solvent recovery services.
Federal Government	Federal facilities.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to find this notice of training course offerings applicable. Other types of entities not listed in the table may also find this notice applicable. To determine whether your facility could find this notice applicable, you should carefully examine the applicability criteria in part 372 subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding "FOR FURTHER INFORMATION CONTACT" section. You may be able to take advantage of the training courses if:

your facility is a facility covered under section 313 of the Emergency Planning and Community Right-To-Know Act (EPCRA);

your facility is a federal facility that manufactures, processes, or otherwise uses section 313 listed toxic chemicals;

you prepare annual release and other waste management activity reports (i.e., Form R or Form A);

you are a consultant who assists in the preparation of these reports; or

you would like information on recent changes to EPCRA/TRI regulations

The EPA conducts annual training courses to assist you with your reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA) or Executive Order 13148 (for federal facilities). You must submit your annual release and other waste management activity reports (i.e., Form R or Form A) if your facility meets the descriptions for the following Standard Industrial Classification (SIC) codes and qualifiers, and meets other criteria specified in part 372 of Title 40 of the Code of Federal Regulations:

Metal Mining (SIC Code 10, except 1011, 1081, and 1094);

Coal Mining (SIC Code 12, except 1241);

Manufacturing (SIC Codes 20-39)

Electricity Generating Facilities (SIC Codes 4911, 4931, and 4939—limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce);

Hazardous Waste Treatment/TSDF (SIC Code 4953—limited to facilities regulated under RCRA subtitle C, 42 U.S.C. section 6921 *et seq.*);

Chemicals and Allied Products (SIC Code 5169);

Petroleum Bulk Plants and Terminals (SIC Code 5171);

Solvent Recovery (SIC Code 7389—limited to facilities primarily engaged in solvents recovery services on a contract or fee basis); and

Federal Facilities (by Executive Order 13148).

B. What is Presented at these Training Courses?

The training courses present reporting requirements of EPCRA section 313 and PPA section 6607. A variety of hands-on exercises using the reporting forms (i.e., Form R or Form A) along with supporting materials will be used to help you understand any reporting obligations you might have under EPCRA section 313. The training courses are scheduled in the spring so that you can prepare and submit your report(s) for the Reporting Year 2000, forms due on or before July 1, 2001.

C. How Much Time is Required for the Training?

The full training course runs two days and a schedule for the 2-day workshops is provided below (see Table 1). The course is divided into three modules. The first module encompasses the first day and is devoted to a general discussion of EPCRA section 313 and PPA section 6607 reporting requirements with exercises used to reinforce key concepts. The second module is given in the morning of the second day, and is designed to provide detailed information about the persistent, bioaccumulative, and toxic (PBT) chemicals within the TRI program. The third and final module is given in the afternoon of the second day, and this module is designed to provide an update to the TRI program and information about difficult policy topics. Interested persons may register for both days (persons with little or no background in EPCRA section 313 and PPA section 6607 reporting requirements) or just the second day (persons experienced in preparing either Form R or Form A). In addition, EPA is conducting abbreviated training courses. These courses are one day in duration and, in some cases, are focused for a particular industry sector(s) (see Table 2).

D. When are these Training Courses Offered and How Do I Register?

The schedules for training courses are provided in the tables below. You should note, however, that changes to the schedules may occur without further notice so it is important to check your registration materials and confirmation notice (see below). Also, you may access current training course schedule information via the TRI Home Page (http://www.epa.gov/tri) or via the TRI training course Home Page (http://www.epcra-tri.com).

You should direct your requests for training course registration materials, including schedules of dates and locations, to the designated contacts in Table 3 (if registration contact is other than SAIC).

To register for any of the EPA training courses supported by SAIC, you can direct your requests to SAIC (www.epcra-tri.com). If you do not have access to the internet, you may fax your request to: (703) 318-4644.

To register, you must provide all of the following information to the registration contact indicated: your name, your company's name and SIC code, your postal address, your telephone number, your fax number, your email address, and your preferred training location(s). Requests should be directed to the indicated registration contact.

You will receive an acknowledgment of application receipt via fax or email. If your application is accepted, a confirmation notice will be sent to you that will contain important information regarding date, location, directions, etc. If the training course you applied for is filled or canceled, alternate training courses will be suggested. Since space is limited, you are encouraged to submit your registration application as early as possible but not less than one week before your preferred training course.

TABLE 1. EPCRA/TRI TRAINING: SPRING 2000 2-DAY WORKSHOP SCHEDULE[1].

Date	Location	Registration Contact
February 21-22	Denver, CO[2]	Joyel Dhieux, US EPA Region 8
February 28—March 1	Denver, CO[3]	Joyel Dhieus, US EPA Region 8
March 5-6	Philadelphia, PA	Science Application International Corporation (SAIC)
March 7-8	Falls Church, VA (Washington, DC)	SAIC
March 13-14	Salt Lake City, UT[3]	Joyel Dhieux, US EPA Region 8
March 19-20	Boston, MA	SAIC
March 20-21	Denver, CO[2]	Joyel Dhieux, US EPA Region 8
March 21-22	Newington, CT	SAIC
March 22-23	Los Angeles, CA	SAIC
March 27-28	Salt Lake City, UT[2]	Joyel Dhieux, US EPA Region 8
March 29-30	Milwaukee, WI	SAIC
April 2-3	Dallas, TX	SAIC
April 3-4	Roanoke, VA	SAIC
April 4-5	New Orleans, LA	SAIC
April 9-10	Honolulu, HI	SAIC
April 9-10	Sioux Falls, SD	SAIC
April 12-13	San Francisco, CA	SAIC
April 16-17	Atlanta, GA	SAIC
April 16-17	Pocatello, ID	SAIC
April 18-19	Salt Lake City, UT	SAIC
April 18-19	Nashville, TN	SAIC
April 25-26	Denver, CO[4]	Joyel Dhieux, US EPA Region 8
April 25-26	Kansas City, KS	SAIC

TABLE 1. EPCRA/TRI TRAINING: SPRING 2000 2-DAY WORKSHOP SCHEDULE[1] .—Continued

Date	Location	Registration Contact
April 30-May 01	Charlotte, NC	SAIC
May 1-2	Edison, NJ	SAIC
May 2-3	Orlando, FL	SAIC
May 3-4	New York, NY	SAIC
May 10-11	Phoenix, AZ	SAIC
May 14-15	Las Vegas, NV	SAIC
May 14-15	Jackson, MS	SAIC
May 16-17	Atlanta, GA	SAIC
May 21-22	Portland, OR	SAIC
May 23-24	Seattle, WA	SAIC

[1] = This schedule may change without further notice. A schedule reflecting any changes to this notice will be posted at http://www.epa.gov/tri;

[2] = Manufacturing and select new industries only;

[3] = Mining and Electricity Generating Facilities only;

[4] = Federal Facilites only.

TABLE 2. SCHEDULE FOR OTHER EPCRA/TRI WORKSHOPS[1]

Date	1Location	Registration Contact
March 14	Chicago, IL	SAIC
March 15	Indianapolis, IN	SAIC
March 21	Carson, CA	Warren Layne, US EPA Region 6
March 26	San Diego, CA	SAIC
March 27	Riverside, CA	SAIC
April 5	San Jose, CA	SAIC
April 6	Reno, NV	SAIC
April 10	Richmond, V	Mega-tech
April 11	St. Louis, MO[2]	SAIC
April 12	Overland Park, KS[2]	SAIC
April 23	Cedar Rapids, IO[2]	SAIC
April 24	Lincoln, NE[2]	SAIC
April 24	Chicago, IL	Fran Guido, US EPA Region 5
April 24	Baltimore, MD	Mega-tech
April 24	Puerto Rico, VI	SAIX
April 25	Puerto Rico, VI	SAIC
April 26	Davenport, IA	Stephen Wurtz, US EPA Region 7
April 26	Hagerstown, MD	Mega-tech
May 1	Pittsburgh, PA	Mega-tech
May 2	Meadville, PA	Conrad Sobczak
May 3	Madison, WI	Fran Guido, US EPA Region 5

TABLE 2. SCHEDULE FOR OTHER EPCRA/TRI WORKSHOPS[1]—Continued

Date	1Location	Registration Contact
May 9	Cincinnati, OH	Fran Guido, US EPA Region 5
May 9	Tucson, AZ	SAIC
May 9	Cherry Hill, NJ	SAIC
May 10	Rochester, NY	SAIC
May 15	Pittston, PA	Len Carlin
May 15	Grand Rapids, MI	Fran Guido, US EPA Region 5
May 18	Moses Lake, WA	SAIC
May 22	Philadelphia, PA	Mega-tech
May 23	Strongsville, OH	Fran Guido, US EPA Region 5
May 24	Philadelphia, PA	Mega-tech
May 29	Philadelphia, PA	Mega-tech
May 30	South Bend, IN	Fran Guido, US EPA Region 5
May 31	Philadelphia, PA	Mega-tech
June 5	Philadelphia, PA	Mega-tech
June 6	Bloomington, MN	Fran Guido, US EPA Region 5

[1] = This schedule may change without further notice. A schedule reflecting any changes from this notice will be posted at http://www.epa.gov/tri;

[2] = Registration fee may be required for these workshops.

TABLE 3. REGISTRATION CONTACTS

Contact	Telephone	Fax	Email/Web Site
Lann Malesky, Duane Jennings,Carmen Urbina Mega-tech	(888) 534-1629		
Jan Taylor National Institute for Chemical Studies	(304 346-6264		
Conrad Sobczak Air & Waste Mgmt. Assoc.	(814) 878-5508		
Len Carlin Economic Development Council of NE PA	(570) 655-5581		
Bill Reilly US EPA Region 3	(215) 814-2072		reilly.bill@epa.gov
Fran Guido US EPA Region 5	(312) 886-0404		
Warren Layne US EPA Region 6	(214) 665-8013		layne.warren@epa.gov
Stephen Wurtz US EPA Region 7	(913) 551-7680	(913) 551-5021	luce.judy@epa.gov
Joyel Dhieux US EPA Region 8	(303) 312-6447		dhieux.joyel@epa.gov
SAIC		(703) 318-4644	Training@EPCRA-TRI.com or http://www.EPCRA-TRI.com

E. How Much Will the Training Course Cost?

There is no registration fee for the 2-Day EPCRA/TRI Training courses; however, there may be a registration fee for some of the 1-day EPCRA/TRI workshops (check with the registration contact for fees and further information). You may access information regarding registration fees via the TRI Home Page (http://www.epa.gov/tri) or by contacting the respective Registration Contact listed above (see Table 3). If there is insufficient interest at any of the training course locations, those courses may be canceled. The Agency bears no responsibility for your decision to purchase non-refundable transportation tickets or accommodation reservations.

List of Subjects

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, Toxics Release Inventory.

Dated: February 20, 2001.

Elaine G. Stanley,

Director, Office of Information Analysis and Access.

[FR Doc. 01–4879 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51964; FRL–6771–3]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from January 10, 2001 to January 26, 2001, consists of the PMNs and TMEs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. The "S" and "G" that precede the chemical names denote whether the chemical identity is specific or generic.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51964 and the specific PMN number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain copies of this document and certain other available documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS–51964. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, any test data submitted by the manufacturer/importer and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51964 and the specific PMN number in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically.* You may submit your comments electronically by e-mail to: "oppt.ncic@epa.gov," or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–51964 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**"

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from January 10, 2001 to January 26, 2001, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available. The "S" and "G" that precede the chemical names denote whether the chemical identity is specific or generic.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

TABLE I. 68 PREMANUFACTURE NOTICES RECEIVED FROM: 01/10/01 TO 01/26/01

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0245	01/10/01	04/10/01	Ashland Inc.	(G) Defoamer	(G) Mixture of oxygenated hydrocarbons
P–01–0246	01/10/01	04/10/01	CBI	(G) Binder resin for graphic arts coatings	(G) 1,3-isobenzofurandione, polymer with triol and 2-methyl-1,3-propanediol, 2-propenoate
P–01–0247	01/10/01	04/10/01	Reichhold, Inc.	(S) Primer coatings and flooring	(G) Reaction product of aliphatic amines with fatty acids, phthalic anhydride and epoxide oligomers
P–01–0248	01/10/01	04/10/01	Arizona Chemical	(S) Tackifying resin for adhesive formulations	(S) Terpenes and terpenoids, turpentine-oil, alpha -pinene fraction, polymers with 1-methyl-4-(1-methylethenyl) cyclohexene
P–01–0249	01/10/01	04/10/01	CBI	(G) Water pickup additive	(S) Boric acid (h3bo3), mixed 2-[2-(2-methoxyethoxy)ethoxy]ethyl and 3,6,9,12-tetraoxatridec-1-yl triesters
P–01–0250	01/11/01	04/11/01	Eastman Kodak Company	(G) Chemical intermediate, destructive use	(G) Substituted sulfonyl alkanoic acid ester
P–01–0251	01/11/01	04/11/01	Eastman Kodak Company	(G) Chemical intermediate, destructive use	(G) Aromatic substituted alkanoic acid derivative
P–01–0252	01/16/01	04/16/01	3M Company	(S) Chemical intermediate	(G) Substituted guanidine
P–01–0253	01/16/01	04/16/01	3M Company	(G) Paper coating additive	(G) Modified vinylpyridine
P–01–0254	01/16/01	04/16/01	Dainippon Ink and Chemicals, Inc.	(S) Uv curable resin for glass fiber coatings	(G) Epoxy urethane acrylate
P–01–0255	01/16/01	04/16/01	Reichhold, Inc.	(S) Fiber bonding	(G) Acrylic-modified cationic styrene butadiene polymer
P–01–0256	01/16/01	04/16/01	H.B. Fuller Company	(S) Epoxy resin curing agent	(G) Polymeric amine
P–01–0257	01/16/01	04/16/01	H.B. Fuller Company	(S) Intermediate polyol for manufacture of moisture-cure adhesives	(G) Polymeric amine

TABLE I. 68 PREMANUFACTURE NOTICES RECEIVED FROM: 01/10/01 TO 01/26/01—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0258	01/16/01	04/16/01	H.B. Fuller Company	(S) Epoxy resin curing agent	(G) Polymeric amine
P–01–0259	01/16/01	04/16/01	H.B. Fuller Company	(S) Epoxy resin curing agent	(G) Polymeric amine
P–01–0260	01/16/01	04/16/01	H.B. Fuller Company	(S) Epoxy resin curing agent	(G) Polymeric amine
P–01–0261	01/16/01	04/16/01	H.B. Fuller Company	(S) Epoxy resin curing agent	(G) Polymeric amine
P–01–0262	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with light steam-cracked petroleum conc. and tall oil fatty acid
P–01–0263	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with light steam-cracked petroleum naphtha and tall oil fatty acid
P–01–0264	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with cyclic hydrocarbons and tall oil fatty acid
P–01–0265	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with light steam-cracked petroleum conc.
P–01–0266	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with light steam-cracked petroleum naphtha
P–01–0267	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with cyclic hydrocarbons
P–01–0268	01/17/01	04/17/01	Solutia Inc.	(S) Binder for industrial coatings	(G) Modified polybutanediol dispersion
P–01–0269	01/17/01	04/17/01	CBI	(G) Crude-oil gelling agent for oil well fracturing	(G) Aluminum, mixed organic salts
P–01–0270	01/17/01	04/17/01	CBI	(G) Crude-oil gelling agent for oil well fracturing	(G) Aluminum, mixed organic salts
P–01–0271	01/17/01	04/17/01	Solutia Inc.	(S) Wet strengthening of industrial paper	(G) Modified melamine formaldehyde resin
P–01–0272	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether
P–01–0273	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether salt
P–01–0274	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether
P–01–0275	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether salt
P–01–0276	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether
P–01–0277	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether salt
P–01–0278	01/17/01	04/17/01	CBI	(G) Open, non-dispersive (urethane)	(G) Polyester urethane
P–01–0279	01/18/01	04/18/01	CBI	(G) Catalyst	(G) Silicone salt
P–01–0280	01/17/01	04/17/01	CBI	(S) Hydrophilic coating for textiles	(G) Acrylic polymer resin
P–01–0281	01/18/01	04/18/01	CBI	(G) Open non-dispersive	(G) Acrylic copolymer
P–01–0282	01/19/01	04/19/01	CBI	(S) Coatings;Inks	(G) Urethane acrylate
P–01–0283	01/19/01	04/19/01	Solutia Inc.	(S) Leveling agent for industrial coatings	(G) Modified acrylic copolymer
P–01–0284	01/22/01	04/22/01	Cardolite Corporation	(S) Epoxy resin in coatings;epoxy resin in other epoxy applicat.	(G) Glycidyl ether of novolac resin
P–01–0285	01/22/01	04/22/01	Cognis Corporation	(S) Intermediate for textile antistatic agent	(S) Phosphoric acid, mono- and di-c11-14-isoalkyl esters, c13-rich
P–01–0286	01/22/01	04/22/01	Cognis Corporation	(G) Textile antistat	(S) Phosphoric acid, mono- and di-c11-14-isoalkyl esters, c13-rich, compds. with diethanolamine
P–01–0287	01/22/01	04/22/01	Cognis Corporation	(G) Compressor lubricant	(S) Hexanoic acid, 3,5,5-trimethyl-, mixed tetraesters with 2-ethylhexanoic acid and pentaerythritol
P–01–0288	01/22/01	04/22/01	Cognis Corporation	(G) Compressor lubricant	(S) Isononanoic acid, mixed tetraesters with 2-ethylhexanoic acid and pentaerythritol
P–01–0289	01/22/01	04/22/01	Cognis Corporation	(G) Compressor lubricant	(S) Isononanoic acid, mixed tetraesters with 2-ethylhexanoic acid, pentaerythritol and 3,5,5-trimethylhexanoic
P–01–0290	01/22/01	04/22/01	Ciba specialty Chemicals Corporation	(S) Plant micronutrient for use in fertilizers	(G) Chelated metal complexes
P–01–0291	01/22/01	04/22/01	CBI	(S) Site-limited intermediate	(G) Alkoxylated alkyl amine
P–01–0292	01/22/01	04/22/01	Dow Corning Corporation	(S) Masonry water repellent	(S) Silane, trimethoxyoctyl-

TABLE I. 68 PREMANUFACTURE NOTICES RECEIVED FROM: 01/10/01 TO 01/26/01—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0293	01/23/01	04/23/01	Wacker Biochem Corporation	(S) Complexing agent for use in textiles	(S) Beta-cyclodextrin, 6-chloro-1,4-dihydro-4-oxo-1,3,5-triazin-2-yl ethers, sodium salts
P–01–0294	01/24/01	04/24/01	Shin-ETSU Silicones of America, Inc	(S) Burning inhibitor for resin	(S) Siloxanes and silicones, di-me, di-ph, polymers with vinyl silsesquioxanes, methoxy-terminated
P–01–0295	01/24/01	04/24/01	Shin-ETSU Silicones of America, Inc	(S) Burning inhibitor for resin	(S) Siloxanes and silicones, di-ph, polymers with ph silsesquioxanes, sec-butoxy- and [(trimethylsilyl)oxy]-terminated
P–01–0296	01/24/01	04/24/01	CBI	(G) Processing aid for nylon	(G) Polyamide
P–01–0297	01/24/01	04/24/01	Cytec Industries Inc.	(G) Uv stabilizer in plastics	(G) Aromatic ultraviolet light absorber
P–01–0298	01/25/01	04/25/01	CBI	(S) Polymer additive	(G) Substituted propane
P–01–0299	01/26/01	04/26/01	CBI	(S) Resin for coatings	(G) Maleinized polybutadiene
P–01–0300	01/26/01	04/26/01	CBI	(S) Resin for coatings	(G) Maleinized polybutadiene
P–01–0301	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P–01–0302	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P–01–0303	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P–01–0304	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P–01–0305	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P–01–0306	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P–01–0307	01/26/01	04/26/01	Huntsman petro-Chemical Corporation	(S) Metal-working fluid - corrosion inhibition and ph control	(S) Nitric acid, reaction products with cyclododecanol and cyclododecanone, by-products from, high-boiling fraction, compds. with 2-(2-aminoethoxy) ethanol
P–01–0308	01/26/01	04/26/01	Huntsman petro-Chemical Corporation	(S) Metal working fluid - corrosion inhibition and ph control	(S) Dodecanedioic acid, compd. with 2-(2-aminoethoxy)ethanol
P–01–0309	01/26/01	04/26/01	Huntsman petro-Chemical Corporation	(S) Metal working fluid - corrosion inhibition and ph control	(S) Undecanedioic acid, compd. with 2-(2-aminoethoxy)ethanol
P–01–0310	01/26/01	04/26/01	Huntsman petro-Chemical Corporation	(S) Metal working fluid - corrosion inhibition and ph control	(S) Decanedioic acid, compd. with 2-(2-aminoethoxy)ethanol
P–01–0311	01/26/01	04/26/01	Huntsman petro-Chemical Corporation	(S) Metal working fluid - corrosion inhibition and ph control	(S) Hexanoic acid, 3,5,5-trimethyl-, compd. with 2-(2-aminoethoxy)ethanol (1:1)
P–01–0312	01/26/01	04/26/01	CBI	(G) Ingredients for use in consumer products: highly dispersive use	(G) Carbobicycle aldehyde

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

TABLE II. 26 NOTICES OF COMMENCEMENT FROM: 01/10/00 TO 01/26/01

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0087	01/22/01	12/21/00	(G) Cyclohexyl carboxalkyl propionate
P–00–0185	01/22/01	01/01/01	(S) 1,4-cyclohexanedicarboxylic acid, dimethyl ester, trans-, polymer with 1,4-cyclohexanedimethanol
P–00–0605	01/12/01	12/21/00	(G) Acrylic graft polymer
P–00–0686	01/22/01	11/15/00	(G) Phenol,4,4′-(1-methylethylidene)bis-, polymers with aliphatic diamines, epichlorohydrin and polyethylene glycol
P–00–0719	01/10/01	12/08/00	(G) Flexible acrylic polymer
P–00–0803	01/17/01	12/13/00	(G) 2,7-naphthalenedisulfonic acid, 5-[[4-chloro-6-[substituted]amino]- 1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[(1-sulfo-2-naphthalenyl)azo]-, trisodium salt

TABLE II. 26 NOTICES OF COMMENCEMENT FROM: 01/10/00 TO 01/26/01—Continued

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0818	01/10/01	11/21/00	(G) Fatty acids, unsatd., dimers, polymers with a,w-diisocyanate and w-hydroxyalkyl-imidazolidinone
P–00–0829	01/11/01	12/30/00	(G) Hindered amine light stabilizer
P–00–0949	01/22/01	01/15/01	(G) Alkoxy alkylmercaptan
P–00–1033	01/19/01	01/02/01	(G) Substituted-((4,5-dihydro-3-methyl-5-oxo-(substituted carbomonocyclic)-1h-pyrazol-4-yl)azo)-benzenesulfonic acid, mixed metal salt
P–00–1037	01/12/01	12/21/00	(G) Acrylic dispersant polymer
P–00–1056	01/19/01	12/27/00	(G) Polyester resin
P–00–1077	01/19/01	12/27/00	(G) Ferric complex
P–00–1095	01/10/01	12/12/00	(G) Isocyanate terminated urethane polymer
P–00–1096	01/16/01	12/13/00	(G) Methacrylated aliphatic urethane
P–00–1103	01/19/01	01/09/01	(G) Aromatic isocyanate-polyester-polyether base urethane prepolymer with excess isocyanate
P–00–1115	01/12/01	12/13/00	(G) Acrylic dispersant polymer
P–00–1133	01/16/01	12/27/00	(G) Carboxy modified polyester
P–00–1192	01/18/01	12/28/00	(G) Toluene diisocyanate terminated polyether polyol
P–00–1218	01/24/01	01/16/01	(G) Aminosilanol polymer
P–00–1220	01/23/01	01/08/01	(G) Phenol-biphenyl polymer condensate
P–00–1226	01/16/01	01/10/01	(G) 1,7-naphthalenedisulfonic acid, 2-substitutedamino-5-hydroxy-6-[(4-methyl-2-sulfophenyl)azo]-, salt
P–01–0026	01/22/01	01/10/01	(G) Acrylic polymer salt
P–01–0027	01/16/01	01/09/01	(G) Acid functional acrylic polymer
P–98–0867	01/24/01	01/06/01	(G) Sodium alcoholate
P–99–0780	01/16/01	12/13/00	(G) Carboxylated, acrylate vinyl ester copolymer

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: Feburary 8, 2001.

Deborah A. Williams,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01–4880 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6943–6; MM–HQ–2001–0015]

Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding Broadwing Communications Services Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has entered into a consent agreement with Broadwing Communications Services Inc. to resolve violations of the Clean Water Act ("CWA"), and its implementing regulations. Broadwing failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for thirty-six facilities where they stored diesel oil in above ground tanks. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. The Administrator, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C), is hereby providing public notice of, and an opportunity for interested persons to comment on, this consent agreement and proposed final order.

DATES: Comments are due on or before March 30, 2001.

ADDRESSES: Mail written comments to the Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC–2001–003, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2201A, Washington, DC 20460. (Comments may be submitted on disk in WordPerfect 8.0 or earlier versions.) Written comments may be delivered in person to: Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Submit comments electronically to *docket.oeca@epa.gov*. Electronic comments may be filed online at many Federal Depository Libraries.

The consent agreement, the proposed final order, and public comments, if any, may be reviewed at the Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Persons interested in reviewing these materials must make arrangements in advance by calling the docket clerk at 202–564–2614. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Beth Cavalier, Multimedia Enforcement Division (2248–A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564–3271; fax: (202) 564–9001; e-mail: *cavalier.beth@epa.gov*.

SUPPLEMENTARY INFORMATION:

Electronic Copies: Electronic copies of this document are available from the EPA Home Page under the link "Laws and Regulations" at the **Federal Register**—Environmental Documents entry (*http://www.epa.gov/fedrgstr*).

I. Background

Broadwing Communications Services Inc., a telecommunications company incorporated in the State of Delaware and located at 201 E. Fourth Street (102–700), Cincinnati, Ohio 45202 failed to prepare SPCC plans for thirty-six facilities. Broadwing Communications Services Inc. disclosed, pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 60 FR 66,706 (December 22, 1995), that they failed to prepare SPCC plans for thirty-six facilities where they stored diesel oil in above ground storage tanks, in violation of the CWA section 311(b)(3) and 40 CFR Part 112. EPA determined

that Broadwing met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty. As a result, EPA waived the gravity based penalty ($137,500) and proposed a settlement penalty amount of eight thousand, one hundred and eight ($8,108). This is the amount of the economic benefit gained by Broadwing, attributable to their delayed compliance with the SPCC regulations. Broadwing Communications Services Inc. has agreed to pay this amount in civil penalties. EPA and Broadwing negotiated and signed an administrative consent agreement, following the Consolidated Rules of Procedure, 40 CFR section 22.13, on January 30, 2001 (*In Re: Broadwing Communications Services Inc.*, Docket No. MM–HQ–2001–0015). This consent agreement is subject to public notice and comment under CWA section 311(b)(6), 33 U.S.C. section 1321(b)(6).

Under CWA section 311(b)(6)(A), 33 U.S.C. 1321 (b)(6)(A), any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility from which oil is discharged in violation of the CWA section 311 (b)(3), 33 U.S.C. 1321 (b)(3), or who fails or refuses to comply with any regulations that have been issued under CWA section 311 (j), 33 U.S.C. 1321(j), may be assessed an administrative civil penalty of up to $137,500 by EPA. Class II proceedings under CWA section 311(b)(6) are conducted in accordance with 40 CFR Part 22.

The procedures by which the public may comment on a proposed Class II penalty order, or participate in a Clean Water Act Class II penalty proceeding, are set forth in 40 CFR 22.45. The deadline for submitting public comment on this proposed final order is March 30, 2001. All comments will be transferred to the Environmental Appeals Board ("EAB") of EPA for consideration. The powers and duties of the EAB are outlined in 40 CFR 22.04(a).

Pursuant to CWA section 311(b)(6)(C), EPA will not issue an order in this proceeding prior to the close of the public comment period.

List of Subjects

Environmental protection.

Dated: February 5, 2001.

David A. Nielsen,

Director, Multimedia Enforcement Division, Office of Enforcement and Compliance Assurance.

[FR Doc. 01–4878 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6938–3]

State Program Requirements; Approval of Application by Maine To Administer the National Pollutant Discharge Elimination System (NPDES) Program; Maine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Final approval of the Maine Pollutant Discharge Elimination System under CWA.

SUMMARY: On January 12, 2001, the Regional Administrator for the Environmental Protection Agency, Region I, approved the application by the State of Maine to administer and enforce the Maine Pollutant Discharge Elimination System (MEPDES) Program, for all areas within the State, other than Indian country regarding which EPA has not yet made a final decision about the applicability of State law. The authority to approve State programs is provided to EPA in section 402(b) of the Clean Water Act (CWA). The State will administer the approved program through its Department of Environmental Protection (DEP), subject to continuing EPA oversight and enforcement authority, in place of the National Pollutant Discharge Elimination System (NPDES) program previously administered by the EPA in Maine. The program is a partial program to the extent described in the section of this Notice entitled "Scope of the MEPDES Program." In making its decision, the EPA considered and addressed all comments and issues raised during the public comment period, except for those relating to jurisdiction over Indian country which remain under review as described below.

DATES: Pursuant to 40 CFR 123.61(c), the MEPDES program was approved and became effective on January 12, 2001.

ADDRESSES: Questions or requests for additional information may be submitted to: Stephen Silva, USEPA Maine State Office, 1 Congress Street—Suite 1100 (CME), Boston, MA 02114–2023 or Dennis Merrill, MEDEP, Statehouse Station #17, Augusta, ME 04333–0017.

Copies of documents Maine has submitted in support of its program approval and copies of the comments received on this request may be reviewed during normal business hours, Monday through Friday, excluding holidays, at: EPA Region I, 11th Floor Library, 1 Congress Street—Suite 1100, Boston, MA 02114–2023, 617–918–1990 or 1–888–372–5427; and MEDEP, Ray Building, Hospital Street, Augusta, ME.

FOR FURTHER INFORMATION CONTACT: Stephen Silva at the address listed above or by calling (617) 918–1561 or Dennis Merrill at the address listed above or by calling (207) 287–7788. Part of the State's program submission and supporting documentation is available electronically at the following Internet address: http://www.state.me.us/dep/blwq/delegation/delegation.htm.

SUPPLEMENTARY INFORMATION: Maine's application was described in the **Federal Register** (64 FR 73552) on December 30, 1999 in which EPA requested comments. Notices of Maine's application were published in the Bangor Daily News, Lewiston Sun Journal and Portland Press Herald newspapers on January 12, 2000. A public hearing on the application was held on February 16, 2000 in Augusta, ME. EPA extended the comment period on June 28, 2000 (65 FR 3989) and August 4, 2000 (65 FR 6845) through August 21, 2000, solely for the purpose of taking further comment on the Indian law issues.

In response to public comments, Maine submitted a revised Memorandum of Agreement on April 25, 2000 and a Supplemental Attorney General's Statement on June 2, 2000. In addition, by letter dated September 19, 2000, the EPA proposed revisions to Attachment A to the Memorandum of Agreement. By letter from DEP Commissioner Martha Kirkpatrick dated September 26, 2000, the State agreed to the revisions.

A summary of those public comments received which relate to the final action EPA has taken on the portion of Maine's program outside Indian country and the EPA's responses to those comments are discussed below in the section of this Notice entitled "Responsiveness Summary." (In this notice the term Indian country refers to the land and territory reserved or taken into trust for the federally recognized Maine Indian tribes pursuant to the Maine Indian Claims Settlement Act, 25 U.S.C. 1721 *et seq.*, and the Aroostook Bank of Micmacs Settlement Act, Public Law 102–171, Nov. 26, 1991, 105 Stat. 1143, including any disputed areas as discussed further in this document.)

The State and EPA agreed to extend the CWA section 402(c)(1) deadline for EPA to make a decision on the application through September 26, 2000, pursuant to 40 CFR 123.21(d). However, because of the many complex issues that were raised with respect to the State's program and the need to

address them in a comprehensive and thoughtful manner, the EPA did not make a final decision by September 26, 2000. Thus the EPA suspended issuance of NPDES permits in Maine on September 26, 2000 as required by section 402(c)(1) of the CWA. However, failure to make a decision by the September 26, 2000 deadline did not mean that the State automatically gained NPDES authority. It is EPA's interpretation that a State agency does not gain NPDES authority unless and until EPA approves the State program, consistent with CWA section 402(b) and 40 CFR 123.1. As of January 12, 2001, the State DEP is now authorized to issue MEPDES permits under the CWA in all areas of the State except for Indian country. As discussed below, EPA remains the permitting authority for the NPDES program in Indian country during the interim period, but must suspend issuing such permits pursuant to CWA section 402(c)(1).

A. Scope of the MEPDES Program

Maine is being approved to administer both the NPDES permit program covering point source dischargers to State waters and the pretreatment program covering industrial sources discharging to publicly owned treatment works. The EPA and State initially had contemplated that the State would assume program responsibility in phases, first for the permit program and subsequently for the pretreatment program. But in light of the delay in approving the State's program and since it always was contemplated that the State would assume responsibility for the pretreatment program by now, both components of the State's program are being approved now, to start at the same time.

Maine is not being approved at this time to regulate cooling water intake structures under CWA section 316(b). In response to a public comment, the EPA has determined that the State currently lacks the necessary statutory authority to administer this NPDES program element. Thus the State is being approved to operate a partial permit program, pursuant to CWA section 402(n)(4). At first, the State program will cover all NPDES permitting responsibilities other than under CWA section 316(b). Sources with cooling water intake structures subject to CWA section 316(b) will need to obtain permits from the State regulating their discharges (including thermal discharges regulated under CWA section 316(a)), but also will need to obtain supplemental permits from the EPA regulating their cooling water intake structures pursuant to CWA section 316(b). The State has committed to promptly seeking legislation to obtain the needed additional statutory authority. When such statutory authority is obtained, the EPA will determine after a further opportunity for public comment whether to approve the State to operate the CWA section 316(b) program element.

The State is not applying for authorization for the municipal sewage sludge program at this time. EPA will continue to regulate sewage sludge in Maine in accordance with section 405 of the Act and 40 CFR part 503.

Pursuant to CWA section 402(d), EPA retains the right to object to MEPDES permits proposed by MEDEP, and if the objections are not resolved, to issue the permits itself. EPA also will retain jurisdiction over all NPDES permits it has issued in Maine until MEDEP reissues them as MEPDES permits. Finally, the EPA and State have agreed that the EPA may retain permitting authority over draft permits for which EPA has issued public notice at the time of program approval, until final issuance. A list of these permits that the EPA may issue following the approval of the State program is set forth in Attachment A to the EPA-State Memorandum of Agreement, as amended.

To address questions from the regulated community, EPA also has prepared a guidance document entitled "Status of EPA Issued NPDES Permits After Maine Program Approval." Copies of this document are available upon request.

As part of operating the approved program, the Maine DEP generally will have the lead responsibility for enforcement. However, the EPA will retain its full statutory enforcement authorities under CWA sections 308, 309, 402(i) and 504. Thus the EPA may continue to bring federal enforcement action under the CWA in response to any violation of the CWA. In particular, if the EPA determines that the State has not taken timely enforcement action against a violator and/or that its action has not been appropriate, the EPA may take its own enforcement action in Maine.

B. Responsiveness Summary

The EPA received numerous public comments concerning the Maine program. However, EPA is not addressing the many comments concerning the State's assertion of jurisdiction and the applicability of State law in Indian country, because the Agency is taking no final action on these issues at this time, as described below.

Other commenters urged the EPA to approve the State's program. The EPA agrees that the State program should be approved at this time outside Indian country.

Several commenters who expressed concerns about possible State administration of the program in Indian country also indicated some concern about State administration of the program outside those areas. These comments are addressed in a memorandum from Stephen Silva, Director of EPA's Maine Program, entitled "Responses to Comments on Maine General Program," dated January 12, 2001.

Finally, the National Environmental Law Center of the United States Public Interest Group ("NELC") submitted extensive comments urging that the EPA reject Maine's program application on a variety of grounds. These comments are addressed in the following memoranda from Jeffry Fowley of the EPA Office of Regional Counsel: (i) "Response to Comments Opposing Approval of Maine to Administer the NPDES Program," dated April 2000, (ii) "Further Response to Comments Opposing Approval of Maine to Administer the NPDES Program," dated May 9, 2000, and (iii) "Further Response to Comments Opposing Approval of Maine to Administer the NPDES Program," dated January 12, 2001.

The EPA Regional Administrator hereby concurs with and adopts the responses to comments set forth in the four memoranda referenced above. These memoranda, together with this **Federal Register** Notice, constitute EPA's Responsiveness Summary. Copies of the memoranda are available upon request.

C. Status of Indian Country

EPA is not taking final action at this time on Maine's application to administer its program in Indian country. Maine has argued that the Maine Indian Claims Settlement Act, 25 U.S.C. 1721–1735 (MICSA), makes State law applicable and grants the State jurisdiction to implement its program in Indian country. EPA invited comment on this question, and received strongly conflicting views from the Maine Indian tribes, the State, and interested parties on both sides of the issue. On May 16, 2000 EPA received an opinion from the Department of Interior (DOI) interpreting how MICSA applies to the question of the State's jurisdiction over water quality regulation in Indian lands and territories. EPA made DOI's opinion available for public review, and invited further comment on the question of State jurisdiction in Indian lands and territories, as well as comment on the geographic scope of those areas, *See* 65 FR 3989 (June 28, 2000) and 65 FR 6845 (August 4, 2000). In response to this invitation, EPA received even more extensive comments on both sides of the question of the State's jurisdiction.

In addition, the parties contested the geographic scope of Indian country in Maine. While there appears to be several disputes about the boundaries of Indian country, it appears that the only dispute which implicates existing NPDES permitted dischargers is the question of the scope of the Penobscot Nation's reservation on the Penobscot River. DOI has concluded that the Penobscot Nation's reservation includes the bed and banks of the Penobscot River. Letter from Edward B. Cohen to John P. DeVillars, September 2, 1997 at 6. The Penobscot Nation asserts that its reservation includes the Penobscot River and its branches from Indian Island northward to the headwaters of the river and its tributaries, including the east and west branches, the Mattawamkeag, and the Piscataquis River. *See* Supplemental Public Comments of the Penobscot Nation, August 21, 2000 at 30. The State of Maine argues that the reservation does not include the Penobscot River bank to bank, and is limited to the area from Indian Island northward to the fork where the east and west branches divide, the so-called "Main Stem" of the Penobscot River. Letter from Paul Stern to Stephen Silva, August 18, 2000 at 1–2.

In light of the difficulty of determining jurisdiction in Indian country in Maine, EPA is further considering the question of the State's jurisdiction in Indian lands and territories. EPA will consult with the U.S. Department of Justice in addition to continuing to consult with DOI regarding the interpretation of MICSA. EPA is working to resolve this question promptly. If EPA's conclusion concerning the jurisdictional question makes it necessary to define the geographic boundaries of Indian country, EPA will work with DOI to clarify which areas are within Indian country in Maine and, thus, which dischargers are covered by the State's program. But until EPA takes final action on these issues, as an interim step, EPA is not authorizing the State's program in Indian country, including disputed areas.

EPA has not reached any final conclusion concerning the boundaries of Indian country, but for the purposes of clarifying which facilities are covered by the State program EPA has approved, EPA has listed in Appendix 1 of this notice the facilities that are not included in the program EPA has authorized due to the dispute over the applicability of State law in Indian country. This list includes all the currently permitted NPDES facilities that appear to discharge into waters where EPA has received substantial arguments disputing the status of those waters. Generally speaking, EPA is temporarily withholding trust lands for all the Maine tribes, the reservations for the Passamaquoddy Tribe at Pleasant Point and Indian Township and for the Penobscot Nation, and any disputed areas. We are withholding the Penobscot River extending from bank to bank of the river, starting at Indian Island and proceeding northward to the headwaters, including all tributaries. EPA has taken this approach to preserve the status quo in Indian country until the Agency takes final action on these issues. In addition, we are temporarily withholding the land owned by the Aroostook Band of Micmac Indians which the Band has applied to DOI to place into trust. Temporarily withholding this land will avoid the disruption of removing this land from the State's program if EPA ultimately determines that state environmental law will not apply to the Micmac's land once it is taken into trust. Moreover, temporarily withholding the Micmac's lands does not affect Maine's program substantially, because EPA is not aware of any dischargers in Micmac lands. This cautionary approach to withholding action temporarily while resolving jurisdictional disputes in Indian country is consistent with the federal government's trust responsibility to protect Indian interests in land and jurisdiction. See *HRI, Inc.* v. *E.P.A.*, 298 F.3d 1224, 1245 (10th Cir. 2000), amended on denial of rehearing (March 30, 2000). Similarly, any new facilities in Indian country that require an NPDES permit while EPA is considering the question of Maine's jurisdiction in Indian country are not included in the program EPA has authorized.

The State of Maine has not agreed to extend EPA's deadline for acting on the State's program application in Indian country in Maine. Therefore, pursuant to CWA section 402(c)(1), EPA will continue to suspend issuing or modifying NPDES permits in these areas. This suspension will remain in effect until the Agency takes final action in these areas or the State agrees to extend the Agency's deadline for action.

D. Other Federal Statutes

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act (ESA), 33 U.S.C. 1536(a)(2), requires that federal agencies insure, in consultation with the United States Fish & Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS), that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed threatened or endangered species (listed species) or result in the destruction or adverse modification of critical habitat. Additionally, section 7(a)(4) of the ESA, 33 U.S.C. 1536(a)(4), requires federal agencies to confer with FWS and/or NMFS on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed as threatened or endangered (proposed species) or result in the destruction or adverse modification of proposed critical habitat.

EPA consulted with both FWS and NMFS (the Services) under section 7(a)(2) of the ESA regarding the effects of the MEPDES program approval on listed species. Additionally, EPA engaged in a conference with the Services pursuant to section 7(a)(4) of the ESA regarding the effects of the action on the Gulf of Maine distinct population segment of Atlantic salmon (*salmo salar*), which had been a proposed species. Following the Services' final listing of the wild Atlantic salmon, EPA and the Services converted that conference into a consultation under section 7(a)(2) of the ESA. EPA addressed issues raised during the conference and consultation by establishing coordination procedures between EPA and the Services and by providing assurances to the Services that endangered species, and in particular the recently listed wild Atlantic salmon, will be protected. After careful consideration, the Services concluded in a biological opinion that approving the MEPDES program is not likely to jeopardize the continued existence of the wild Atlantic salmon. Further, the Services concluded that approval of the MEPDES program is not likely to adversely affect any other listed species or critical habitat. The Services' conclusion is based in part on assurances provided by EPA to the Services as described below that EPA will coordinate its review of MEPDES permits with the Services and use its CWA oversight authority to assure that water quality standards are met.

First, EPA intends to follow the procedures described in the draft Memorandum of Agreement Between

the Environmental Protection Agency—New England, Fish and Wildlife Service, and National Marine Fisheries Service Regarding Enhanced Coordination Under the Clean Water Act, the Endangered Species Act, and the Magnuson-Stevens Fishery Conservation and Management Act for NPDES Permits Issued by the State of Maine (April 19, 2000) ("Draft EPA—New England—Services MOA."), or any subsequently negotiated MOA for all species. In addition, the Services sought specific coordination procedures and further assurances from EPA-Region 1 with regard to the recently listed wild Atlantic salmon. On December 4, 2000, the EPA Regional Administrator sent a letter to the Regional Administrator of the National Marine Fisheries Service and the Acting Regional Director of the U.S. Fish and Wildlife Service specifying the oversight measures that the EPA intends to implement with respect to MEPDES permits to be issued to salmon fish farms and hatcheries by Maine. This letter affirmed EPA's commitment, based on EPA's analysis of current information including that contained in the Services' listing documents, to utilize its CWA authorities to ensure compliance with Maine water quality standards by ensuring that conditions to protect the wild Atlantic salmon are included in MEPDES permits for salmon fish farms and hatcheries. Specifically, EPA committed, in accordance with 40 CFR 123.44(c) and section 402(d) of the CWA, that it will object to any permit proposed by MEDEP authorizing activities that would adversely affect the wild Atlantic salmon where such adverse effects would cause or contribute to a failure of a water body to meet State water quality standards, unless such adverse effects are avoided by incorporating permit conditions that would protect the wild Atlantic salmon. In the event EPA objects to a proposed permit, and where that objection is not resolved such that effects on the wild Atlantic salmon resulting in a failure to meet water quality standards are avoided, EPA will assume permitting authority for the subject facility. Any permit issued by EPA will, following consultation under section 7 of the ESA, include conditions necessary to protect the Wild Salmon. The EPA's December 4, 2000 letter to the Services is included in the record.

In addition, with respect to bald eagles, the FWS sought assurances that any permits issued by Maine would require the monitoring plan included in the Services' August 18, 2000 biological opinion on the EPA's proposed reissuance of NPDES permits for six kraft pulp and paper mills in Maine. The monitoring plan is designed to analyze bird samples downstream of the mills for pollutants which either have historically or may still be discharged by the mills in quantities likely too low to be detected by direct effluent sampling. In a letter dated May 2, 2000, EPA provided the requested assurance and will require, consistent with its CWA oversight authority, that Maine include the plan within permits it issues to the mills. This letter, and the biological opinion, are included in the record.

On January 12, 2001, the Services issued a biological opinion concluding that in light of the EPA's oversight commitments, the approval of the Maine State NPDES program is not likely to jeopardize the continued existence of the endangered wild Atlantic salmon. No critical habitat has been designated for this species; therefore none will be affected. Further, the Services concluded that approval of the Maine NPDES program is not likely to adversely affect any other listed species or critical habitat. Issuance of the biological opinion with these findings concludes the consultation process required by ESA section 7(a)(2) and reflects the Services' agreement with EPA that the approval of the State program meets the substantive requirements of that provision.

The Magnuson-Stevens Fishery Conservation and Management Act

Section 305(b)(3) of the Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with NMFS on actions undertaken by the Agency that may affect Essential Fish Habitat (EFH). EPA consulted with NMFS regarding EFH in reviewing the MEPDES program approval request, and responded to NMFS recommendations for avoiding, mitigating, or offsetting any impact from EPA's action in a letter dated March 28, 2000. This letter is included as part of the record. As noted in that letter, as part of EPA's response to NMFS recommendations EPA agreed to follow the procedures described in the Draft EPA—New England—Services MOA or any subsequently negotiated MOA to specifically take into account EFH when coordinating its MEPDES permit review with NMFS.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act, 16 U.S.C. 470(f), requires Federal agencies to take into account the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on such undertakings. Under the ACHP's regulations (36 CFR part 800), the Agency consults with the appropriate State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer on federal undertakings that have the potential to affect historic properties listed or eligible for listing in the National Register of Historic Places. During EPA's review of the Maine NPDES application, EPA engaged in discussions with the Maine SHPO and sought public comment regarding EPA's determination that approval of the State permitting program would have no effect on historic properties. As noted below, the EPA also has held discussions with Indian Tribes in Maine regarding any potential effects of MEPDES program approval on historic properties of interest to Tribes.

On July 7, 1999, EPA sought the Maine SHPO's concurrence with its determination that EPA's approval of Maine's application would have No Effect on historic properties in Maine. The Maine SHPO provided EPA with a determination that there would be "No Historic Properties Affected" or "No Adverse Effect" to historic properties in Maine from EPA's approval, on the condition that MEDEP provides relevant notice and information regarding draft permits to the SHPO and coordinates with the SHPO. On November 26, 2000 the SHPO and MEDEP entered into a Memorandum of Understanding (MOU) assuring the SHPO that it would receive the requested notices. This MOU further provides for coordination between MEDEP and the SHPO to resolve any identified issues to ensure that MEPDES permits will comply with Maine water quality standards and Maine laws protecting historic properties. For those permits with the potential to adversely affect historic properties, MEDEP and the SHPO agreed to seek ways to avoid, minimize or mitigate any adverse effects to historic properties stemming from the proposed permit. Thus, EPA believes that the agreement between MEDEP and the SHPO satisfies the conditions underlying the SHPO's determination of "No Historic Properties Affected" or "No Adverse Effect" as a result of EPA's approval of Maine's application.

In addition, EPA has engaged in extensive discussions with the Maine Tribes regarding any potential effects on Tribal historic properties. In light of certain complex jurisdictional issues still being evaluated by EPA, today's program approval does not include Indian country within the State of Maine. EPA intends to continue

discussions with the Maine Tribes regarding any issues related to historic properties of interest to the Tribes prior to reaching a final decision on Maine's application within Indian country.

Coastal Zone Management Act

Pursuant to section 307(c)(1)(C) of the Coastal Zone Management Act, Federal agencies carrying out an activity which affects any land or water use or natural resource within the Coastal Zone of a state with an approved Coastal Zone Management Plan must determine whether that activity is, to the maximum extent practicable, consistent with the enforceable requirements of the Plan and provide its determination to the State agency responsible for implementation of the Plan for review. Maine's approved Coastal Zone Management Plan is administered by the Maine Office of State Planning. Maine's permit actions are themselves subject to consistency review under State law; thus approval of the MEPDES program would not affect Maine's coastal zone and would be consistent with the enforceable requirements of Maine's Coastal Zone Management Plan.

Regulatory Flexibility Act

Based on General Counsel Opinion 78–7 (April 18, 1978), EPA has long considered a determination to approve or deny a State NPDES program submission to constitute an adjudication because an "approval," within the meaning of the APA, constitutes a "license," which, in turn, is the product of an "adjudication." For this reason, the statutes and Executive Orders that apply to rulemaking action are not applicable here. Among these are provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.* Under the RFA, whenever a Federal agency proposes or promulgates a rule under section 553 of the Administrative Procedure Act (APA), after being required by that section or any other law to publish a general notice of proposed rulemaking, the Agency must prepare a regulatory flexibility analysis for the rule, unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the Agency does not certify the rule, the regulatory flexibility analysis must describe and assess the impact of a rule on small entities affected by the rule.

Even if the NPDES program approval were a rule subject to the RFA, the Agency would certify that approval of the State's proposed MEPDES program would not have a significant economic impact on a substantial number of small entities. EPA's action to approve an NPDES program merely recognizes that the necessary elements of an NPDES program have already been enacted as a matter of State law; it would, therefore, impose no additional obligations upon those subject to the State's program. Accordingly, the Regional Administrator would certify that this program, even if a rule, would not have a significant economic impact on a substantial number of small entities.

E. Notice of Decision

I hereby provide public notice that EPA has taken final action authorizing Maine to implement the NPDES program in the areas outside disputed Indian territory to the extent described in this notice, and review of the issues related to this action is available as provided in CWA section 509(b)(1)(D). EPA has not taken final action on the issues related to the State's jurisdiction and the applicability of State law in Indian country for the purposes of implementing the NPDES program in those areas, and review of those issues is not available until EPA takes final action on Maine's program as it applies in those areas.

Authority: This action is taken under the authority of section 402 of the Clean Water Act as amended, 42 U.S.C. 1342.

Dated: January 12, 2001.

Mindy S. Lubber,

Regional Administrator, Region I.

Appendix 1—Permitted Facilities in Areas of Indian Country, Where EPA Is Not Acting on Maine's Program (NPDES Permit Numbers/State Discharge License Numbers)

Penobscot River Basin

Main Stem of the Penobscot River From Indian Island to Fork

Howland (Municipal) (ME0101788/2632)
Mattawamkeag (Municipal) (ME0102245/7568)
Lincoln (Municipal) (ME0101796/1479)
Lincoln Pulp and Paper (ME0002003/0381)
Bangor Hydro in West Enfield (ME0023388/7529)
Beaver Wood Joint Venture (ME0023078/6436)
Penobscot Indian Nation Indian Island (ME0101311/2672)
Indeck Maine Energy (ME0023213/6116)

West Branch of the River Above the Fork

Bowater Great Northern in Millinocket ME0000167/2227
Bowater Great Northern in East Millinocket ME0000175/2228
Millinocket (Municipal) ME0100803/2680
East Millinocket (Municipal) ME0100196/2683

Piscataquis Tributary

Guilford-Sangerville POTW ME0102032/6792
Dover-Foxcroft POTW ME0100501/2633
Dover-Foxcroft Water District ME0102229/7330
Milo POTW ME0100439/0865
Brownville POTW (Pleasant River) ME0100099/0829
Unity College Inc. (Pleasant River) ME0110167/1718

Mattawamkeag Tributary

Danforth (Municipal) ME0100161
Wheelabrator—Sherman Energy ME0023191

St. Croix River Basin

Passamaquoddy Tribal Council (ME0100773/2561)
Passamaquoddy Water District (ME0102211/7568)

[FR Doc. 01–4872 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6941–5]

Public Water System Supervision Program Revision for the State of North Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of North Carolina is revising its approved Public Water System Supervision Program. North Carolina has adopted drinking water regulations requiring consumer confidence reports from all community water systems. EPA has determined that this revision is no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve this State program revision.

DATES: All interested parties may request a public hearing. A request for a public hearing must be submitted by March 30, 2001 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by March 30, 2001, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on March 30, 2001. Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a

brief statement of the information that the requesting person intends to submit at such hearing; (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the following offices: North Carolina Department of Environment and Natural Resources, Public Water Supply Section, Parker-Lincoln Building, 2728 Capital Boulevard, Raleigh, North Carolina 27604. Environmental Protection Agency, Region 4, Drinking Water Section, 61 Forsyth Street Southwest, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Dale Froneberger, EPA Region 4, Drinking Water Section at the Atlanta address given above (telephone 404–562–9446).

Authority: (Section 1413 and section 1414 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142).

Dated: January 10, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, EPA Region 4.

[FR Doc. 01–4873 Filed 2–27–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011741–001.
Title: U.S. Pacific Coast-Oceania Agreement.
Parties: Australia-New Zealand Direct Line, FESCO Ocean Management Limited, Hamburg Sud, P&O Nedlloyd Limited, P&O Nedlloyd B.V.
Synopsis: The proposed agreement modification makes technical changes in the agreement to reflect applicable Australian legal requirements.

Agreement No.: 011750.
Title: FOML/BHP IMT Slot Charter Agreement.
Parties: FESCO Ocean Management Ltd., BHP International Marine Transport.
Synopsis: Under the proposed agreement, FESCO will charter space from BHP for the carriage of empty non-operating reefer containers from the U.S. Pacific Coast to Australia.

Agreement No.: 011751.
Title: Braztrans Joint Service Agreement.
Parties: Companhia Libra de Navegacao, Compania Sud Americana de Vapores S.A.
Synopsis: The proposed agreement authorizes the parties to operate a joint service in the trade between U.S. Atlantic Coast ports and ports in Brazil. The parties request expedited review.

Agreement No.: 200809–001.
Title: Port Manatee Cruise Facilities and Operations Agreement.
Parties: Manatee County Port Authority, Regal Enterprises, Inc.
Synopsis: The proposed amendment extends the agreement through the spring cruise season of 2003.

Agreement No.: 201073–001.
Title: New Orleans/Cosco/K-Line/Yang Ming Crane Agreement.
Parties: Port of New Orleans, Cosco North America, Inc., "K" Line America, Inc., Yang Ming Line.
Synopsis: The proposed agreement amendment revises the rate schedule for the rental of cranes used by the carriers at the port.

Dated: February 23, 2001.
By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–4881 Filed 2–27–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Revocations

The Federal Maritime Commission hereby gives notice that the following ocean transportation intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:

License Number: 14829N
Name: Alkahest Logistics, Inc.
Address: 40 South 1st Street, New Hyde Park, NY 11040
Date Revoked: January 10, 2001.
Reason: Surrendered license voluntarily.

License Number: 14701N
Name: August Jackson International, Inc.
Address: 8311 Pat Blvd., Tampa, FL 33615
Date Revoked: January 18, 2001.
Reason: Failed to maintain a valid bond.

License Number: 15917N
Name: Golden Jet-L.A., Inc. d/b/a Golden Jet Freight Forwarders
Address: 12333 S. Van Ness, Suite #201, Hawthorne, CA 90250
Date Revoked: January 14, 2001.
Reason: Failed to maintain a valid bond.

License Number: 14502N
Name: Hudson Transport Line Inc.
Address: 200 Livingston Avenue, New Brunswick, NJ 08901
Date Revoked: January 3, 2001.
Reason: Failed to maintain a valid bond.

License Number: 4065F
Name: Lynx International, Inc.
Address: 1942 Shawnee Road
Date Revoked: January 18, 2001.
Reason: Surrendered license voluntarily.

License Number: 15693N
Name: Mega Transport, Inc.
Address: 11222 S. La Cienega Blvd., Suite 620, Inglewood, CA 90304
Date Revoked: January 26, 2001.
Reason: Failed to maintain a valid bond.

License Number: 4067F
Name: Summit Trade Specialists (U.S.), Inc.
Address: 4621 Gruman Drive, Medford, OR 97504
Date Revoked: January 10, 2001.
Reason: Surrendered license voluntarily.

License Number: 16562N
Name: U.S. Brokers (BOS) Inc.
Address: 331–333 Northern Avenue, Boston, MA 02210
Date Revoked: January 18, 2001.
Reason: Failed to maintain a valid bond.

Ronald D. Murphy,

Deputy Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–4882 Filed 2–27–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

Background

Notice is hereby given of the final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Mary M. West—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829); OMB Desk Officer—Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202–395–7860).

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Report

1. *Report title:* The Daily Report of Dealer Activity in Treasury Financing.
Agency form number: FR 2004WI.
OMB Control number: 7100–0003.
Frequency: Daily.
Reporters: Primary dealers in the U.S. government securities market.
Annual reporting hours: 4,640 hours.
Estimated average hours per response: 1 hour.
Number of respondents: 29 dealers. Small businesses are affected.
General description of report: This information collection is voluntary (12 U.S.C. 248(a)(2), 353–359, and 461(c)). Completing the FR 2004 reports by nondepository institutions is not a mandatory obligation, and it may be deemed to be voluntary; however, it is required to be completed by those nondepository institution dealers who desire to be primary dealers. Individual respondent data are regarded as confidential under the Freedom of Information Act (5 U.S.C. 552 (b)(4)).
Abstract: The FR 2004WI collects daily information on a next-business-day basis on positions in to-be-issued Treasury coupon securities, mainly the trading on a when-issued delivery basis.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Report

1. *Report title:* The Government Securities Dealers Reports: The Weekly Report of Dealer Positions (FR 2004A), The Weekly Report of Cumulative Dealer Transactions (FR 2004B), The Weekly Report of Dealer Financing and Fails (FR 2004C), and The Weekly Report of Specific Issues (FR 2004SI).
Agency form number: FR 2004.
OMB control number: 7100–0003.
Frequency: Weekly.
Reporters: Primary dealers in the U.S. government securities market.
Annual reporting hours: 14,239 hours.
Estimated average hours per response: FR 2004A, 1.5 hours; FR 2004B, 2 hours; FR 2004 C 1.5 hours; FR 2004SI, 3 hours.
Number of respondents: 29 dealers. Small businesses are affected.
General description of report: This information collection is voluntary (12 U.S.C. 248(a)(2), 353–359, and 461(c)). Completing the FR 2004 reports by nondepository institutions is not a mandatory obligation, and it may be deemed to be voluntary; however, it is required to be completed by those nondepository institution dealers who desire to be primary dealers. Individual respondent data are regarded as confidential under the Freedom of Information Act (5 U.S.C. 552(b)(4)).
Abstract: The FR 2004A collects data as of Wednesday of each week on dealers' outright positions in Treasury and other marketable debt securities as well as their positions in futures and options on underlying marketable debt securities. The FR 2004B collects data cumulated for the week ended Wednesday on the volume of transactions made by dealers in the same instruments for which positions are reported on the FR 2004A. The FR 2004C collects data as of Wednesday of each week on the amounts of dealer financing and fails. The FR 2004SI collects data as of Wednesday of each week on outright, financing, options, and fails positions in current or on-the-run issues. Under certain circumstances FR 2004SI data can also be collected on a daily basis for on-the-run and off-the-run securities.
Current actions: The Board has approved several revisions to the reports to address changes in the market conditions. Futures and options data are being deleted from the FR 2004A, B, and SI because few dealers report much activity in this area and these data have proved to be of limited use in market surveillance. Items are being added to the FR 2004A and B to gain a better picture of the corporate securities markets. Items are being consolidated on the FR 2004C because the transactions categories currently reported have not provided significant insight into the functioning of funding markets and, therefore, add reporting burden without adequate benefit. The revised reporting forms will be implemented as of July 4, 2001, and will impose 22 percent less burden on respondents.

Board of Governors of the Federal Reserve System, February 22, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–4821 Filed 2–27–01; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 15, 2001.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Native American Bancorporation, Co., Denver, Colorado; to engage through Native American Community Development Corporation, Denver, Colorado, in community development activities, pursuant to 12 CFR 225.28(b)(12).

Board of Governors of the Federal Reserve System, February 22, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–4808 Filed 2–27–01; 8:45 am]

BILLING CODE 6210–01–S

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer (DLC) will meet on Sunday, April 1, 2001, through Wednesday, April 4, 2001, in San Antonio, Texas. The sessions will take place from 7:30 p.m. until 10 p.m. on Sunday, 8:30 a.m. until 5 p.m. on Monday and Tuesday and from 8:30 a.m. until 3:30 p.m. on Wednesday. The meeting will be held at the Adam's Mark San Antonio Riverwalk Hotel, 111 Pecan Street East, San Antonio, Texas. The purpose of this meeting is to discuss the Federal Depository Library Program. All sessions are open to the public.

A limited number of hotel rooms have been reserved at the Adam's Mark San Antonio Riverwalk Hotel for anyone needing hotel accommodations. Telephone: 210–354–2800. Please specify the U.S. Government Printing Office when you contact the hotel. Room cost per night is $91 (plus tax) per night single and $115 (plus tax) per night double, triple or quad through March 5, 2001.

Michael F. DiMario,

Public Printer.

[FR Doc. 01–4855 Filed 2–27–01; 8:45 am]

BILLING CODE 1520–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee for Injury Prevention and Control: Family and Intimate Violence Prevention Subcommittee: Conference Call

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following subcommittee conference call.

Name: ACIPC Family and Intimate Violence Prevention Subcommittee.

Times and Dates: 1 p.m.–3 p.m., March 12, 2001.

Place: National Center for Injury Prevention and Control (NCIPC), Koger Center—Vanderbilt Building, Conference Room 2000, 2939 Flowers Road South, Atlanta, Georgia 30341.

Status: Open to the public, limited only by the space available.

Purpose: To provide and make recommendations to ACIPC and the Director, NCIPC, regarding feasible goals for prevention and control of family and intimate violence and sexual assault. The Subcommittee will make recommendations regarding policies, strategies, objectives and priorities.

Matters To Be Discussed: The Subcommittee will discuss the FY 2001 Violence Against Women activities, and NCIPC's Research Agenda.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Ileana Arias, Ph.D., Chief, Etiology and Surveillance Branch (Provisional), Division of Violence Prevention, NCIPC, CDC, 4770 Buford Highway, NE, M/S K60, Atlanta, Georgia 30341–3724, telephone 770/488–4410.

This notice is published less than 15 days prior to the meeting due to administrative delays.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 22, 2001.

John Burckhardt,

Acting Director, Management Analysis and Services Office.

[FR Doc. 01–4828 Filed 2–27–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0063]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Current Good Manufacturing Practice Quality System Regulation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements related to the medical devices current good manufacturing practice (CGMP) quality system (QS) regulation.

DATES: Submit written comments or electronic comments on the collection of information by April 30, 2001.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Medical Devices; Current Good Manufacturing Practice (CGMP) Quality System (QS) Regulation—21 CFR Part 820 (OMB Control No. 0910–0073)—Extension

Under section 520(f) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(f)), the Secretary of the Department of Health and Human Services has the authority to prescribe regulations requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a device but not including an evaluation of the safety and effectiveness of a device), packing, storage, and installation of a device conform to CGMP, as described in such regulations, to assure that the device will be safe and effective and otherwise in compliance with the act.

The CGMP/QS regulation implementing the authority provided by this statutory provision is found in part 820 (21 CFR part 820) of the Code of Federal Regulations and sets forth basic CGMP requirements governing the design, manufacture, packing, labeling, storage, installation, and servicing of all finished medical devices intended for human use. Section 820.20(a) through (e) requires management with executive responsibility to establish, maintain, and/or review: The quality policy; the organizational structure; the quality plan; and the quality system procedures of the organization. Section 820.22 requires the conduct and documentation of quality system audits and reaudits. Section 820.25(b) requires the establishment of procedures to identify training needs and documentation of such training.

Section 820.30(a)(1) and (b) through (j) requires, in the following respective order, the establishment, maintenance, and/or documentation of: Procedures to control design of class III and class II devices, and certain class I devices as listed therein; plans for design and development activities and updates; procedures identifying, documenting, and approving design input requirements; procedures defining design output, including acceptance criteria, and documentation of approved records; procedures for formal review of design results and documentation of results in the design history file (DHF); procedures for verifying device design and documentation of results and approvals in the DHF; procedures for validating device design, including documentation of results in the DHF; procedures for translating device design into production specifications; procedures for documenting, verifying and validating approved design changes before implementation of changes; and the records and references constituting the DHF for each type of device.

Section 820.40 requires the establishment and maintenance of procedures for the review, approval, issuance, and documentation of required records (documents) and changes to those records.

Section 820.50 requires the establishment and maintenance of procedures and requirements to ensure service and product quality, records of acceptable suppliers and purchasing data describing specified requirements for products and services.

Sections 820.60 and 820.65 require, respectively, the establishment and maintenance of procedures for identifying all products from receipt to distribution and for using control numbers to track surgical implants and life-sustaining or supporting devices and their components.

Section 820.70(a) through (e), and (g) through (i) requires the establishment, maintenance, and/or documentation of: Process control procedures; procedures for verifying or validating changes to specification, method, process, or procedure; procedures to control environmental conditions and inspection result records; requirements for personnel hygiene; procedures for preventing contamination of equipment and products; equipment adjustment, cleaning and maintenance schedules; equipment inspection records; equipment tolerance postings; procedures for utilizing manufacturing materials expected to have an adverse effect on product quality; and validation protocols and validation records for computer software and software changes.

Sections 820.72 and 820.75(a), (b), (b)(2), and (c) require, respectively, the establishment, maintenance, and/or documentation of: Equipment calibration and inspection procedures; national, international or in-house calibration standards; records that identify calibrated equipment and next calibration dates; validation procedures and validation results for processes not verifiable by inspections and tests; procedures for keeping validated processes within specified limits; records for monitoring and controlling validated processes; and records of the results of revalidation where necessitated by process changes or deviations.

Sections 820.80 and 820.86, respectively, require the establishment, maintenance, and/or documentation of: Procedures for incoming acceptance by inspection, test or other verification; procedures for ensuring that in-process products meet specified requirements and the control of product until inspection and tests are completed; procedures for, and records that show, incoming acceptance or rejection is conducted by inspections, tests or other verifications; procedures for, and records that show, finished devices meet acceptance criteria and are not distributed until device master (DMR) activities are completed; records in the device history record (DHR) showing acceptance dates, results and equipment used; and the acceptance/rejection identification of products from receipt to installation and servicing.

Sections 820.90 and 820.100 require, respectively, the establishment, maintenance and/or documentation of: Procedures for identifying, recording, evaluating, and disposing of nonconforming product; procedures for reviewing and recording concessions made for, and disposition of, nonconforming product; procedures for reworking products, evaluating possible adverse rework effect and recording results in the DHR; procedures and requirements for corrective and preventive actions, including analysis, investigation, identification and review of data, records, causes and results; and records for all corrective and preventive action activities.

Sections 820.120(b) and (d), 820.130, 820.140, 820.150, 820.160, and 820.170, respectively, require the establishment, maintenance, and/or documentation of: Procedures for controlling and recording the storage, examination, release and use of labeling; the filing of labels/labeling used in the DHR; procedures for controlling product storage areas and receipt/dispatch authorizations; procedures for controlling the release of products for distribution; distribution records that identify consignee, product, date and control numbers; and instructions, inspection and test procedures that are made available, and the recording of results for devices requiring installation.

Sections 820.180(b) and (c), 820.181, 820.184, and 820.186 require, respectively, the maintenance of records: That are retained at prescribed site(s), made readily available and accessible to FDA and retained for the device's life expectancy or for 2 years; that are contained or referenced in a DMR consisting of device, process, quality assurance, packaging and labeling, and installation, maintenance, and servicing specifications and procedures; that are contained in DHR's, demonstrate the manufacture of each unit, lot or batch of product in conformance with DMR and regulatory requirements, and include manufacturing and distribution dates and quantities, acceptance documents, labels and labeling, and control numbers; and that are contained in a quality system record (QSR) consisting of references, documents, procedures, and activities not specific to particular devices.

Sections 820.198(a) through (c) and 820.200(a) and (d), respectively, require the establishment, maintenance and/or documentation of: Complaint files and procedures for receiving, reviewing, and evaluating complaints; complaint investigation records identifying the device, complainant, and relationship of the device to the incident; complaint records that are reasonably accessible to the manufacturing site or at prescribed sites; procedures for performing and verifying that device servicing requirements are met and that service reports involving complaints are processed as complaints; and service reports that record the device, service activity, and test and inspection data.

Section 820.250 requires the establishment and maintenance of procedures to identify valid statistical techniques necessary to verify process and product acceptability; and sampling plans, when used, that are written and based on a valid statistical rationale, and procedures for ensuring adequate sampling methods.

The CGMP/QS regulation amends and revises the CGMP requirements for medical devices set out at part 820. It adds design and purchasing controls; modifies previous critical device requirements; revises previous validation and other requirements; and harmonizes device CGMP requirements with quality system specifications in the international standard, ISO (International Organization for Standardization) 9001:1994 "Quality Systems—Model for Quality Assurance in Design, Development Production, Installation and Servicing." The rule does not apply to manufacturers of components or parts of finished devices, nor to manufacturers of human blood and blood components subject to 21 CFR part 606. With respect to devices classified in class I, design control requirements apply only to class I devices listed in § 820.30(a)(2) of the regulation.

The rule imposes burdens upon finished device manufacturer firms, which are subject to all recordkeeping requirements, and upon finished device contract manufacturer, specification developer, repacker and relabeler, and contract sterilizer firms, which are subject only to requirements applicable to their activities. Due to modifications to the guidance given for remanufacturers of hospital single use devices, reusers of hospital single-use devices will now be considered to have the same requirements as manufacturers in regard to this regulation. The establishment, maintenance, and/or documentation of procedures, records and data required by this final regulation will assist FDA in determining whether firms are in compliance with CGMP requirements, which are intended to ensure that devices meet their design, production, labeling, installation, and servicing specifications and, thus are safe, effective, and suitable for their intended purpose. In particular, compliance with CGMP design control requirements should decrease the number of design-related device failures that have resulted in deaths and serious injuries.

If FDA did not impose these recordkeeping requirements, it anticipates that design-related device failures would continue to occur in the same numbers as before and continue to result in a significant number of device recalls and preventable deaths and serious injuries. Moreover, manufacturers would be unable to take advantage of substantial savings attributable to reduced recall costs, improved manufacturing efficiency, and improved access to international markets through compliance with CGMP requirements that are harmonized with international quality system standards.

The CGMP/QS regulation applies to some 9,229 respondents. These recordkeepers consist of 7,229 original respondents and an estimated 2,000 hospitals that remanufacture or reuse single use medical devices. They include manufacturers, subject to all requirements and contract manufacturers, specification developers, repackers/relabelers and contract sterilizers, subject only to requirements applicable to their activities. Hospital remanufacturers of single use medical devices (SUD's) are now defined to be manufacturers under guidelines issued by the Center for Devices and Radiological Health's (CDRH's) Office of Surveillance and Biometrics. Respondents to this collection have no reporting activities, but must make required records available for review or copying during FDA inspection. The regulation contains additional recordkeeping requirements in such areas as design control, purchasing, installation, and information relating to the remanufacture of single use medical devices. The estimates for burden are derived from those incremental tasks that were determined when the new CGMP/QS regulation became final (October 7, 1996, 61 FR 52602) as well as those carry-over requirements. The carry-over requirements are based on decisions made by the agency on July 16, 1992, under OMB Paperwork Reduction Act submission No. 0910–0073. This still provides valid baseline data.

FDA estimates respondents will have a total annual recordkeeping burden of approximately 3,167,670 hours (shown as 3,167,670 in table 1, of this document, of this justification statement due to rounding). This figure also consists of approximately 114,882 hours spent on a startup basis by 650 new firms. Table 1 below identifies burden estimates per sections of the regulation.

FDA estimates information collection burdens imposed as follows:

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours	Total Operating & Maintenance Costs
820.20(a)	9,229	1	9,229	6.58	60,727	
820.20(b)	9,229	1	9,229	4.43	40,884	
820.20(c)	9,229	1	9,229	6.17	56,943	
820.20(d)	9,229	1	9,229	9.89	91,275	

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]—Continued

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours	Total Operating & Maintenance Costs
820.20(e)	9,229	1	9,229	9.89	91,275	
820.22	9,229	1	9,229	32.72	301,973	
820.25(b)	9,229	1	9,229	12.68	117,024	
820.30(a)(1)	9,229	1	9,229	1.75	16,151	
820.30(b)	9,229	1	9,229	5.95	54,913	
820.30(c)	9,229	1	9,229	1.75	16,151	
820.30(d)	9,229	1	9,229	1.75	16,151	
820.30(e)	9,229	1	9,229	23.39	215,866	
820.30(f)	9,229	1	9,229	37.42	345,349	
820.30(g)	9,229	1	9,229	37.42	345,349	
820.30(h)	9,229	1	9,229	3.34	30,825	
820.30(i)	9,229	1	9,229	17.26	159,293	
820.30(j)	9,229	1	9,229	2.64	24,365	
820.4	9,229	1	9,229	8.91	82,230	
820.40(a) and (b)	9,229	1	9,229	2.04	18,827	
820.50(a)(1) to (a)(3)	9,229	1	9,229	21.9	202,115	$1,181,925
820.50(b)	9,229	1	9,229	6.02	55,559	
821	9,229	1	9,229	0.32	2,953	
821	9,229	1	9,229	0.67	6,183	
820.70(a)(1) to (a)(5)	9,229	1	9,229	1.85	17,074	
820.70(b) and (c)	9,229	1	9,229	1.85	17,074	
820.70(d)	9,229	1	9,229	2.87	26,487	
820.70(e)	9,229	1	9,229	1.85	17,074	
820.70(g)(1) to (g)(3)	9,229	1	9,229	1.43	13,197	
820.70(h)	9,229	1	9,229	1.85	17,074	
820.70(i)	9,229	1	9,229	7.5	69,218	
820.72(a)	9,229	1	9,229	4.92	45,407	
820.72(b)(1) to (b)(2)	9,229	1	9,229	1.43	13,197	
820.75(a)	9,229	1	9,229	2.69	24,826	
820.75(b)	9,229	1	,9229	1.02	9,414	
820.75(c)	9,229	1	9,229	1.11	10,244	
820.80(a) to (e)	9,229	1	9,229	4.8	44,299	
820.86	9,229	1	9,229	0.79	7,291	
820.90(a)	9,229	1	9,229	4.95	45,684	
820.90(b)(1) and (b)(2)	9,229	1	9,229	4.95	45,684	
820.100 (a)(1) to (a)(7)	9,229	1	9,229	12.48	115,178	
820.100(b)	9,229	1	9,229	1.28	11,813	
820	9,229	1	9,229	0.45	4,153	
820.120(b)	9,229	1	9,229	0.45	4,153	
820.120(d)	9,229	1	9,229	0.45	4,153	
820.130	9,229	1	9,229	0.45	4,153	
820.140	9,229	1	9,229	6.34	58,512	
820.150(a) and (b)	9,229	1	9,229	5.67	52,328	
820.160(a) and (b)	9,229	1	9,229	0.67	6,183	
820.170(a) and (b)	9,229	1	9,229	1.5	13,844	
820.180(b) and (c)	9,229	1	9,229	1.5	13,844	
820.181(a) to (e)	9,229	1	9,229	1.21	11,167	
820.184(a) to (f)	9,229	1	9,229	1.41	13,013	
820.186	9,229	1	9,229	0.4	3,692	
820.198(a) to (c)	9,229	1	9,229	4.94	45,591	
820.200(a) and (d)	9,229	1	9,229	2.61	24,088	
820.250	9,229	1	9,229	0.67	6,183	
Totals					3,167,673	$1,181,925

[1] There are no capital costs associated with this collection of information.

Burden (labor) hour and cost estimates were developed under FDA contract by the Eastern Research Group, Inc. (ERG), in 1996 when the CGMP/QS regulation became final. These figures are still accurate. Additional factors considered in deriving estimates included:

- Establishment type: Query has been made of CDRH's registration/listing data bank and has counted 7,229 domestic firms subject to CGMP's. They were then grouped as: Manufacturers (5,463), contract manufacturers (204), specification developers (960), repackers/relabelers (574), remanufacturer (21) and contract sterilizers (7). In addition, hospitals that

reuse or remanufacture devices are now considered manufacturers under new FDA guidance. It is estimated that out of the 6,000 hospitals in the United States, one-third of them (or 2,000 hospitals) will reuse or remanufacture single use medical devices. Thus, the number of manufacturers will increase from 5,463 to 7,463 making the total number of firms subject to CGMP's 9,229.

• Potentially affected establishments: Except for manufacturers, not every type of firm is subject to every CGMP/QS requirement. For example, all are subject to quality policy (§ 820.20(a)), document control (§ 820.40), and other requirements, whereas only manufacturers and specification developers are subject to part 820 Subpart C—Design Controls. The type of firm subject to each requirement was identified by ERG.

FDA estimated the burden hours (and costs) for the previous CGMP regulation in 1992. That estimate was submitted to OMB on May 4, 1992, under OMB Paperwork Reduction Act submission No. 0910–0073. It was approved by OMB on July 16, 1992, and it expired on June 30, 1995. The methodology used is different than that used by ERG in estimating incremental tasks when the new CGMP/QS became a final rule. Nevertheless, the agency believes its 1992 estimate adequately represents labor hours (and costs) needed to comply with previous CGMP requirements carried over into the new CGMP/QS regulation. The 1992 estimate used 9,289 respondents (rather than 9,229 respondents), which compensates for differences in methodology.

FDA estimates that some 650 "new" establishments (marketing devices for the first time) will expend some 114,882 "development" hours on a one-time startup basis to develop records and procedures for the CGMP/QS regulation.

FDA estimates that annual labor hours are apportioned as follows: 40 percent—to requirements dealing with manufacturing specifications, process controls and the DHR; 20 percent—to requirements dealing with components and acceptance activities; 25 percent—to requirements dealing with equipment, records (the DMR and QSR), complaint investigations, labeling/packaging and reprocessing/investigating product nonconformance; and 15 percent—to quality audit, traceability, handling, distribution, statistical, and other requirements.

Dated: February 22, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–4850 Filed 2–27–01; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0069]

Agency Information Collection Activities; Proposed Collection; Comment Request; Information From U.S. Processors That Export to the European Community

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the maintenance of lists of U.S. processors that export certain animal-derived foods (i.e., shell eggs, dairy products, game meat, game meat products, animal casings, and gelatin) to the European Community (EC), temporary exemptions from certain food labeling requirements for the purpose of conducting authorized food labeling experiments, petitions for health claims, and petitions for nutrient content claims.

DATES: Submit written or electronic comments on the collection of information by April 30, 2001.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Request for Information From U.S. Processors That Export to the European Community (OMB Control Number 0910–0320)—Extension

EC is a group of 15 European countries that have agreed to harmonize their commodity requirements to facilitate commerce among member States. EC legislation for intra-EC trade has been extended to trade with non-EC countries, including the United States. For certain food products, including those listed below in this document, EC legislation requires assurances from the responsible authority of the country of origin that the processor of the food is in compliance with applicable regulatory requirements.

With the assistance of trade associations and State authorities, FDA requests information from processors that export certain animal-derived products (e.g., shell eggs, dairy products, game meat, game meat products, animal casings, and gelatin) to EC. FDA uses the information to maintain lists of processors that have demonstrated current compliance with U.S. requirements and provides the lists to EC quarterly. Inclusion on the list is voluntary. EC member countries refer to the lists at ports of entry to verify that products offered for importation to EC from the United States are from processors that meet U.S. regulatory requirements. Products processed by firms not on the list are subject to detention and possible refusal at the port. FDA requests the following information from each processor:

1. Business name and address;
2. Name and telephone number of person designated as business contact;
3. Lists of products presently being shipped to EC and those intended to be shipped in the next 6 months;
4. Name and address of manufacturing plants for each product;
5. Names and affiliations of any Federal, State, or local governmental agencies that inspect the plant, government-assigned plant identifier, such as plant number, and last date of inspection; and
6. Assurance that the firm or individual representing the firm and submitting a certificate for signature to FDA is aware of and knows that they are subject to the provisions of section 1001 of Title 18, United States Code. This law provides that it is a criminal offense to knowingly and willfully make a false statement or alter or counterfeit documents in a matter within the jurisdiction of a U.S. agency.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Products	No. of respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
Shell eggs	10	1	10	0.25	2.5
Dairy	100	1	100	0.25	25
Game meat and meat products	10	1	10	0.25	2.5
Animal casings	15	1	15	0.25	3.75
Gelatin	6	1	6	0.25	1.5
Total					35.25

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated number of respondents is based on the volume of exports and responses received to date. The estimated number of yearly responses has decreased from the estimate in FDA's previous notice seeking comment for this collection of information (63 FR 29738, June 1, 1998) because the actual number of responses has been decreasing. Companies do not need to reapply unless they have a compliance problem. An estimate for processors that export gelatin also has been added because these processors are now being included in the listing process.

TABLE 2.—ESTIMATED ANNUAL REPORTING BURDEN (THIRD PARTY DISCLOSURE)[1]

Respondents	No. of respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
Trade association	15	1	15	8	120
State	50	1	50	8	400
Total					520

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimated for the trade associations assumes the trade associations will disseminate FDA's information request through mass mailings to their membership or publish it in their trade magazine or newsletter. The burden estimated for State authorities assumes dissemination of information to the processors or dissemination of information about processors to FDA.

Dated: February 22, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–4851 Filed 2–27–01; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1440]

Agency Information Collection Activities; Announcement of OMB Approval; User Fee Cover Sheet

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "User Fee Cover Sheet" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 5, 2000 (65 FR 75942), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0297. The approval expires on February 29, 2004.

A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 22, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–4852 Filed 2–27–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1852]

Agency Information Collection Activities; Announcement of OMB Approval; Postmarketing Studies for Approved Human Drug and Licensed Biological Products; Status Reports

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Postmarketing Studies for Approved Human Drug and Licensed Biological Products; Status Reports" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 30, 2000 (65 FR 64607), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0433. The approval expires on February 29, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 22, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–4853 Filed 2–27–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1575]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Nutrition Labeling; Declaration of Caloric Amounts and Serving Sizes for Breath Mints

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by March 30, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Nutrition Labeling; Declaration of Caloric Amounts and Serving Sizes for Breath Mints—21 CFR 101.9(b) and (c)(1) (OMB Control Number 0910–0364)—Extension

Section 403(q) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343(q)) requires that the label or labeling of a food bear nutrition information, including information on: (1) The serving size and number of servings per container, and (2) the number of calories present in a serving of the food. Under FDA's nutrition labeling regulations in § 101.9(d)(3) (21 CFR 101.9(d)(3)), the nutrition facts panel of the food label must disclose the serving size of the food product and the number of servings in each package. Under § 101.9(c)(1), the nutrition facts panel must disclose the number of calories present in a serving of the food.

In the **Federal Register** of December 30, 1997 (62 FR 67775), FDA published a proposed rule to amend the nutrition labeling regulations by changing the label serving size for the product category "Hard candies, breath mints" to one unit. FDA proposed this change in response to a petition to provide a serving size for breath mints that more accurately reflects the amount customarily consumed per eating occasion. In a related issue, FDA also proposed to: (1) Modify the rounding rules for calories to allow the declaration of caloric amounts of less than 5 calories on the nutrition label, and (2) require that the number of calories declared on the nutrition label of a food product be consistent with any claims about caloric content that are made in its labeling. As a result of this proposed rule, manufacturers, packers, or distributors who make labeling claims that their products contain between 1 and 5 calories would be required to change the declaration of the amount of calories on the nutrition label. In addition, manufacturers of small breath mints would be required, under § 101.9(b), to change the serving size and, under § 101.9(c) and (d), to modify the amounts and daily values for nutrients listed in the nutrition label for their products. The proposal included burden estimates for the proposed changes and solicited public comment. In the interim, however, FDA is seeking an extension of OMB approval for the current regulations.

In the **Federal Register** of December 5, 2000 (65 FR 75940), the agency requested comments on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of respondents	Annual frequency per response[2]	Total annual responses	Hours per response	Total operating costs	Total hours
101.9(b) and (c)(1)	4	7.5	30	1	$15,000	30

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Due to an inadvertent error, the "Annual Frequency per Response" column was omitted from the notice issued in the FEDERAL REGISTER of December 5, 2000 (65 FR 75940). Table 1 of this document contains the inserted column.

The proposed modification of the rules for the declaration of the amount of calories and the proposed change of the label serving size on the nutrition facts panel would result in a one-time burden created by the need for firms to revise their labels. In addition to changing the statement of calories and the serving sizes, firms would have to recalculate the number of servings per container and any nutrient amounts and daily values affected by the change in serving size. Of those breath mints for which FDA has information regarding the size of the product, there are 4 firms producing 5 brands of small breath mints, or approximately 30 distinct small breath mint labels. These are the only firms that would be affected by this proposed rule. FDA estimates that these firms would require an average of 1 hour per label to comply with the requirements of a final rule based on this proposal. For breath mint products, the average administrative, redesign, and inventory disposal costs for a labeling change of this type, with a 1-year compliance period, would result in a one-time operating cost of $500 per label, or a total estimated operating cost of $15,000.

Dated: February 22, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–4849 Filed 2–27–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01F–0026]

Avecia, Inc.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 1B4726) proposing that the food additive regulations be amended to provide for the safe use of poly(hexamethylenebiguanide) hydrochloride as a preservative for food-contact paper coating formulations.

FOR FURTHER INFORMATION CONTACT: Mark A. Hepp, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3098.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 23, 2001 (66 FR 7498), FDA announced that a food additive petition (FAP 1B4726) had been filed by Avecia, Inc., 1405 Foulk Rd., P.O. Box 15457, Wilmington, DE 19850–5457. The petition proposed to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) and § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180) to provide for the safe use of poly(hexamethylenebiguanide) hydrochloride as a preservative for food-contact paper coating formulations. Avecia, Inc., has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: February 14, 2001.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 01–4848 Filed 2–27–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission; Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of March 2001.

Name: Advisory Commission on Childhood Vaccines (ACCV).

Date and Time: March 7, 2001; 9:00 a.m.–3:00 p.m.

Place: Parklawn Building, Conference Rooms G and H, 5600 Fishers Lane, Rockville, Maryland 20857.

The meeting is open to the public.

The full Commission will meet on Wednesday, March 7, from 9:00 a.m. to 3:00 p.m. Agenda items will include, but not be limited to: (1) A presentation from Petitioners Attorneys' Perspective; (2) a discussion by the Chief Special Master of the U.S. Court of Federal Claims regarding its Alternative Dispute Resolution General Order #11, and soliciting comments from the public on the development of a new website; (3) and a report on the Institute of Medicine's Immunization Safety Review Committee. Updates from the Division of Vaccine Injury Compensation, Department of Justice, the National Vaccine Program Office, and routine program reports.

Public comment will be permitted before lunch and at the end of the Commission meeting on March 7, 2001. Oral presentations will be limited to 5 minutes per public speaker. Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Ms. Cheryl Lee, Principal Staff Liaison, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, Room 8A–46, 5600 Fishers Lane, Rockville, MD 20857, Telephone (301) 443–2124. Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. The Division of Vaccine Injury Compensation will notify each presenter by mail or telephone of their assigned presentation time.

Persons who do not file an advance request for a presentation, but desire to make an oral statement, may sign-up in the Conference Room at the Parklawn Building, 5600 Fishers Lane, Conference Rooms G and H, Rockville, Maryland

20857 on March 7, 2001. These persons will be allocated time as time permits.

Anyone requiring information regarding the Commission should contact Ms. Cheryl Lee, Principal Staff Liaison, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, Room 8A–46, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2124.

Agenda items are subject to change as priorities dictate.

Dated: February 22, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–4854 Filed 2–27–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, et seq.).

Permit No. TE–038608

Applicant: USGS–BRD Sonoran Desert Field Office, Tucson, Arizona.

Applicant requests authorization to conduct surveys for the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), Mexican spotted owl (*Strix occidentalis lucida*), southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*), Mexican gray wolf (*Canis lupis baileyi*), ocelot (*Felis pardalis*), and jaguar (*Panthera onca*) within Arizona and New Mexico.

Permit No. TE–009926

Applicant: Gulf South Research Corporation, Baton Rouge, Louisiana.

Applicant requests renewal of existing permit to continue to conduct presence/absence surveys for the interior least tern (*Sterna antillarum athalassos*) along the Red River within Texas and Oklahoma.

Permit No. TE–039144

Applicant: USDA—Natural Resources Conservation Service, Albuquerque, New Mexico.

Applicant requests authorization to conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*) within New Mexico.

Permit No. TE–827369

Applicant: John Russell "Rusty" Mase, Austin, Texas.

Applicant requests re-issuance of an expired permit for authorization to conduct presence/absence surveys for the golden-cheeked warbler (*Dendroica chrysoparis*) and Houston toad (*Bufo houstonensis*).

Permit No. TE–038694

Applicant: Jack Childs, Tucson Arizona.

Applicant requests authorization to conduct surveys for the jaguar (*Panthera onca*) using scented hair snares in southern Arizona.

Permit No. TE–037155

Applicant: Bio/West, Inc., Logan, Utah.

Applicant requests authorization to conduct surveys for the fountain darter (*Etheostoma fonticola*), San Marcos gambusia (*Gambusia georgei*), San Marcos salamander (*Eurycea nana*), Comal Springs riffle beetle (*Heterelmis comalensis*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), Peck's Cave amphipod (*Sygobromus pecki*), and Texas wild-rice (*Zizania texana*).

Permit No. TE–819491

Applicant: Ecosphere Environmental Services, Durango, Colorado.

Applicant requests authorization to conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*) within New Mexico.

Permit No. TE–010927

Applicant: Bat Conservation International.

Applicant requests authorization to capture and radio-track Mexican long-nosed bats (*Leptonycteris nivalis*) in Texas.

Permit No. TE–676811

Applicant: Regional Director, Region 2, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

Applicant requests an amendment to an existing permit to add the following nine karst invertebrates located in Bexar County, Texas: Helotes mould beetle (*Batrisodes venyivi*), Robber Baron Cave harvestman (*Texella cokendolpheri*), Robber Baron Cave spider (*Cicurina baronia*), Madla's cave spider (*Cicurina madla*), vesper cave spider (*Cincurina vespera*), Government Canyon cave spider (*Neoleptoneta microps*), as well as another cave spider (*Cicurina venii*) and two cave beetles (*Rhadine exilis* and *Rhadine* infernalis) that do not have common names.

DATES: Written comments on these permit applications must be received on or before March 30, 2001.

ADDRESSES: Written data or comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103; Fax (505) 248–6788. Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 to 4:30) at the U.S. Fish and Wildlife Service, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Chief, Endangered Species Division, Albuquerque, New Mexico, at the above address. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice, to the address above.

Stephen C. Helfert,

Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.

[FR Doc. 01–4829 Filed 2–27–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Request for Public Comments on Information Collection To Be Submitted to OMB for Review Under the Paperwork Reduction Act

The proposal for the information collection described below will be submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the proposal should be made within 60 days directly to the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192, telephone (703) 648–7313.

As required by OMB regulations at 5 CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;

2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

3. The quality, utility, and clarity of the information to be collected; and

4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: Visitor knowledge and economic impact at Arapaho National Wildlife Refuge, Walden, Colorado.

OMB Approval No.: New collection.

Abstract: The National Wildlife Refuge System Improvement Act of 1997 requires that all refuges will be managed in accordance with an approved Comprehensive Conservation Plan (CCP) which, when implemented, will achieve refuge purposes; help fulfill the Refuge System mission; maintain and, where appropriate, restore the ecological integrity of each refuge and the Refuge System; help achieve the goals of the Wilderness Preservation System; and meet other mandates. An underlying component of these plans is a strong scientific foundation for establishment for refuge objectives, implementation of management actions, and quantitative monitoring of progress towards these objectives. Few studies have been conducted that evaluate public knowledge, perception, or economic value associated with National Wildlife Refuges. Information about the existing community, economic, and public relations status is a precursor to many of the habitat and visitor management decisions. The primary objective of this study is to gain sufficient knowledge about refuge visitors. Our second objective is to develop and test a set of tools that can be used/repeated at other refuges around the country. Understanding public knowledge, perception, and values is a vital component of natural resource management. Improved understanding will guide future management practices.

Bureau Form No.: None.

Frequency: One time.

Description of Respondents: Arapaho National Wildlife Refuge visitor or group of visitors.

Estimated Completion Time: 10 minutes per respondent (approximate).

Number of Respondents: 400 (575 surveys).

Burden hours: 67 hours (The burden estimates are based on 10 minutes to complete each questionnaire and a 70% return rate).

All comments concerning this notice should be addressed to Phadrea Ponds, Wildlife Biologist, 970–226–9445; or Lynne Caughlan, Economist, 970–226–9384; or Ayeisha Brinson, Wildlife Ecologist, 970–226–9330. U.S. Geological Survey, Biological Resources Division, Social, Economic and Institutional Analysis Section, 4512 McMurry Avenue, Fort Collins, CO 80525–3400.

For Additional Information Please Contact: Phadrea Ponds (970) 226–9445. *phadreaponds@usgs.gov.*

Dated: February 16, 2001.

Susan Haseltine,

Chief Scientist for Biology.

[FR Doc. 01–4830 Filed 2–27–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–060–3809]

Notice of Availability; Draft Environmental Impact Statement; Phoenix Project; Proposed Expansion of Existing Gold, Silver, and Copper Mining/Processing Operations; Lander County, NV

AGENCY: Bureau of Land Management, Interior.

Cooperating Agencies: Nevada Division of Wildlife.

ACTION: Notice of availability of the Draft Environmental Impact Statement for the Phoenix Project, Lander County, Nevada.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and 40 Code of Federal Regulations parts 1500–1508 Council on Environmental Quality Regulations, notice is hereby given of the availability for comment of the Draft Environmental Impact Statement, prepared by the Battle Mountain BLM, which analyzes the environmental effects of the Proposed Action and the No Action Alternatives.

DATES: Written comments must be postmarked or otherwise delivered by 4:30 p.m. (Pacific time zone) on May 4, 2001. Comments may also be presented at public meetings to be held: April 4, 2001, (7–9 pm) BLM office, Battle Mountain, NV. A limited number of copies of the Draft EIS may be obtained at the Battle Mountain BLM Field Office.

ADDRESSES: Written comments should be addressed to the Bureau of Land Management, Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, Nevada 89820.

FOR FURTHER INFORMATION CONTACT: Pam Jarnecke, Battle Mountain BLM at (775) 635–4144.

SUPPLEMENTARY INFORMATION: Battle Mountain Gold Company (BMG), a wholly owned subsidiary of Newmont Mining Corporation, proposes to expand its current operations near Battle Mountain, Nevada, to include mining and beneficiation of gold, silver, and copper ores. The proposed Phoenix Project would require up to an additional 4,295 acres of disturbance. BMG would develop the Phoenix and Reona pits and expand the Midas and Iron Canyon pits. Mining these ore deposits would be coupled with excavating and beneficiating low-grade gold ore stockpiles associated with the previous Tomboy, Northeast Extension, and Fortitude mining operations. Beneficiation operations would include heap leach facility expansion and new milling facilities. The projected mine life is up to 28 years, followed by five years of reclamation.

Dated: February 13, 2001.

Gerald M. Smith,

Field Manager, Battle Mountain Field Office.

[FR Doc. 01–4824 Filed 2–27–01; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–910–01–1020–PB]

New Mexico Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of council meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C. Appendix 1, the Department of the Interior, Bureau of Land Management (BLM), announces a meeting of the New Mexico Resource Advisory Council (RAC). The meeting will be held on April 5 and 6, 2001, at the Best Western

Stevens Inn, 1829 South Canal, Carlsbad, New Mexico 88220.

There will be an optional all day field trip on Wednesday, April 4, 2001. Transportation will be provided for RAC members. The optional field trip will be organized by the Carlsbad Field Office of the BLM. The Field Tour will leave from the Best Western Stevens Inn at 8:30 a.m. The meeting on Thursday, April 5, 2001, will start at 8 a.m. and will end about 5 p.m.

The draft agenda for the RAC meeting includes agreement on the meeting agenda, any RAC comments on the draft minutes of the last RAC meeting on January 24 through 26, 2001, in Silver City, New Mexico, and a check-in from the RAC members. The focus of the meeting will be on Off Highway Vehicle issues, the RAC Charter, the International Program and discussion of Part D of the Draft National Energy Policy. Presentations will include discussion.

The three established RAC Subcommittees may have late afternoon or evening meetings on Wednesday, April 4, after the optional field trip, or on Thursday, April 5, after the meeting. The exact time and location of possible Subcommittee meetings will be established by the Chairperson of each Subcommittee and be available to the public following the field trip on Wednesday, April 4, and during the RAC meeting on Thursday, April 5, for that evening. That information will also be available at the desk of the Stevens Inn on those two days.

On Friday, April 6, the meeting starts at 8 a.m. and will end about 3 p.m. The ending time of 3 p.m. may be changed depending on the work remaining for the RAC. The meeting is open to the public, and starting at 2:45 p.m. on Thursday, April 5, 2001, there will be an additional 15 minute Public Comment Period for members of the public who are not able to be present for the regular Public Comment Period on Friday, April 6, to address the RAC.

The meeting on Friday, April 6, will start at 8 a.m. with a review of the agenda thus far. At 8:15 a.m. RAC Subcommittee Reports are scheduled from the Urban and Open Space Subcommittee, the Roads and Trails Subcommittee, and the Energy Subcommittee.

The regular Public comment Period for the Public to address the RAC is on Friday, April 6, 2001, from 10 a.m. to 12 noon. The RAC may reduce or extend the end time of 12 noon depending on the number of people wishing to address the RAC. Anyone wishing to address the RAC should be present at the 10 a.m. starting time. The length of time available for each person to address the RAC will be established at the start of the public comment period and will depend on how many people wish to address the RAC, but usually not more than 15 minutes. At the completion of public comments, the RAC may continue discussion on its agenda items.

BLM State of the Field Office Reports, presented by the Field Office Managers, will be scheduled at various times during the 2 day meeting.

RAC discussions and any RAC recommendations are scheduled for 2:45 p.m. followed by a RAC assessment of the current meeting and development of draft agenda items and selection of a location for the next RAC meeting.

FOR FURTHER INFORMATION CONTACT: Mary White, New Mexico State Office, Office of External Affairs, Bureau of Land Management, 1474 Rodeo Road, P.O. Box 27115, Santa Fe, New Mexico 87502–0115, telephone (505) 438–7404.

SUPPLEMENTARY INFORMATION: The purpose of the Resource Advisory Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of public lands. The Council's responsibilities include providing advice on long-range planning, establishing resource management priorities and assisting the BLM to identify State and regional standards for rangeland health and guidelines for grazing management.

Dated: February 9, 2001.

Richard Whitley,

Associate State Director.

[FR Doc. 01–4825 Filed 2–27–01; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–952–01–1420–BJ]

Notice of Filing of Plats of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

New Mexico Principal Meridian, New Mexico

T. 9 N., R. 14 W., approved December 4, 2000, for Group 941 NM;
T. 23 N., R. 10 E., approved November 30, 2000, for Group 951 NM;
T. 21 S., R. 31 E., approved December 13, 2000, for Group 977 NM;
T. 29 N., R. 12 W., approved January 24, 2001, for Group 978 NM;
T. 29 N., R. 14 W., approved February 14, 2001, Supplemental Plat;

Indian Meridian, Oklahoma

T. 27 N., R. 10 W., approved January 24, 2001, for Group 86 OK;

If a protest against a survey, as shown on any of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the NM State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed. The above-listed plats represent dependent resurveys, surveys, and subdivisions.

These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico, 87502–0115. Copies may be obtained from this office upon payment of $1.10 per sheet.

Dated: February 15, 2001.

John P. Bennett,

Chief Cadastral Surveyor for New Mexico.

[FR Doc. 01–4826 Filed 2–27–01; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–933–1430–ET; AA–82857]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has filed an application to withdraw approximately 2,998 acres of National Forest System land for the Russian River and Upper Russian Lake Recreation Corridor. The proposed withdrawal will aid in protecting the fisheries, recreational,

and archeological resources of the area. This notice closes the land for up to 2 years from location and entry under the United States mining laws. The land will remain open to all uses which can be made of National Forest lands, and all public uses consistent with the recreational utilization and protection of the Russian River watershed.

DATES: Comments and requests for a public meeting must be received by May 29, 2001.

ADDRESSES: Comments and meeting requests should be sent to the Alaska State Director, BLM Alaska State Office, 222 West 7th Avenue, No. 13, Anchorage, Alaska 99513–7599. You can access information about sending comments electronically at: www.anchorage.ak.blm.gov/wdlcom01.html.

FOR FURTHER INFORMATION CONTACT: Robbie J. Havens, BLM Alaska State Office, 907–271–5477.

SUPPLEMENTARY INFORMATION: On February 2, 2001, the U.S. Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System land from the public land laws, including location and entry under the United States mining laws, subject to valid existing rights:

Seward Meridian

Chugach National Forest

T. 3 N., R. 4 W., unsurveyed,
Sec. 4, N½ lying east of forest boundary, SE¼ lying east of forest boundary;
Sec. 9, NE¼ lying east of forest boundary;
Sec. 10, N½ lying north of forest boundary;
Sec. 11, that portion lying north of forest boundary, excluding the N½NE¼;
Sec. 12, S½ lying northeast of forest boundary;
Sec. 13, N½ lying north of the ordinary high water mark along the northeast shore of Upper Russian Lake.
T. 4 N., R. 4 W., unsurveyed,
Sec. 9, SE¼NE¼, E½SE¼;
Sec. 10, SW¼NW¼, W½SW¼;
Sec. 16, E½NE¼, SE¼;
Sec. 21, W½E½, S½NW¼ lying east of forest boundary, SW¼ lying east of forest boundary; sec. 28, W½E½, W½ lying east of forest boundary;
Sec. 29, E½ lying east of forest boundary;
Sec. 32, NE¼ lying east of forest boundary;
Sec. 33, W½ E½, W½ lying east of forest boundary.

The area described contains approximately 2,998 acres.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Alaska State Director of the Bureau of Land Management at the address indicated above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Alaska State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date.

The land will be managed in accordance with the various acts that govern occupancy and use of National Forest System lands. Temporary uses which may be permitted during this segregative period would be for land use authorizations that are compatible with intended uses allowed under the discretion of the authorized officer.

Dated: February 15, 2001.

C. Michael Brown,

Acting Chief, Lands Branch, Division of Lands, Minerals, and Resources.

[FR Doc. 01–4823 Filed 2–27–01; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice and Agenda for Meeting of the Royalty Policy Committee of the Minerals Management Advisory Board

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Secretary of the Department of the Interior has established a Royalty Policy Committee (Committee) on the Minerals Management Advisory Board to provide advice on our management of Federal and Indian minerals leases, revenues, and other minerals related policies. Committee membership includes representatives from States, Indian Tribes and allottee organizations, minerals industry associations, the general public, and Federal departments.

At this twelfth meeting, the Committee will consider minority and majority reports on Sodium/Potassium draft valuation regulations and reports from the Coal and Accounting Relief for Marginal Properties subcommittees. The Minerals Management Service (MMS) will present reports on offshore Gulf of Mexico activities, program reengineering, and the Wyoming Royalty-In-Kind Pilot Evaluation. Guest presenters will discuss the new Administration's priorities and pending energy related legislation.

DATES: The meeting will be held on: Tuesday, March 27, 2001, 8:30 a.m. to 5:00 p.m., Central Standard Time.

ADDRESSES: The meeting will be held at the Sheraton New Orleans Hotel, 500 Canal Street, New Orleans, Louisiana 70130, telephone number, (504) 525–2500.

FOR FURTHER INFORMATION CONTACT: Gary L. Fields, Royalty Policy Committee Coordinator, Minerals Revenue Management, Minerals Management Service, P.O. Box 25165, MS 300B3, Denver, CO 80225–0165, telephone number (303) 231–3102, fax number (303) 231–3781, e-mail *gary.fields@mms.gov*.

SUPPLEMENTARY INFORMATION: The location and dates of future meetings will be published in the **Federal Register** and posted on our Internet site at *http://www.mrm.mms.gov//Laws_R_D/RoyPC/RoyPC.htm*. The meetings will be open to the public without advanced registration on a space available basis. The public may make statements during the meetings, to the extent time permits, and file written statements with the Committee for its consideration.

Written statements should be submitted to Gary L. Fields at the e-mail or mailing address listed in the **FOR FURTHER INFORMATION CONTACT** section. Transcripts of Committee meetings will be available two weeks after each meeting for public inspection and copying at MMS's Minerals Revenue Management, Building No. 85, Denver Federal Center, Denver, Colorado. Meeting minutes will be posted on our Internet site at *http://www.mrm.mms.gov//Laws_R_D/RoyPC/RoyPC.htm* about one month after the meeting.

These meetings are conducted under the authority of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. appendix 1) and Office of Management and Budget (Circular No. A–63, revised).

Dated: February 16, 2001.

Lucy Querques Denett,

Associate Director for Minerals Revenue Management.

[FR Doc. 01–4831 Filed 2–27–01; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–652 (Review)]

Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide From the Netherlands

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty order on aramid fiber formed of poly para-phenylene terephthalamide from the Netherlands would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted this review on December 1, 1999 (64 FR 67302) and determined on March 3, 2000 that it would conduct a full review (65 FR 13988, March 15, 2000). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on August 21, 2000 (65 FR 50720). The hearing was held in Washington, DC, on January 9, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this review to the Secretary of Commerce on February 22, 2001. The views of the Commission are contained in USITC Publication 3394 (February 2001), entitled Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands: Investigation No. 731–TA–652 (Review).

Issued: February 21, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–4835 Filed 2–27–01; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

[2] Commissioner Dennis M. Devaney did not participate in this investigation.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–683 (Review)]

Fresh Garlic From China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission determines, [2] pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty order on fresh garlic from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on December 1, 1999 (64 FR 67315) and determined on March 3, 2000, that it would conduct a full review (65 FR 13989, March 15, 2000). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on August 30, 2000 (65 FR 52784). The hearing was held in Washington, DC, on December 19, 2000, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on February 21, 2001. The views of the Commission are contained in USITC Publication 3393 (February 2001), entitled Fresh Garlic from China: Investigation No. 731–TA–683 (Review).

Issued: February 22, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–4834 Filed 2–27–01; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Dennis M. Devaney not participating.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–868–870 (Final)]

Steel Wire Rope From China, India, and Malaysia; Notice of Commission Determination To Conduct a Portion of the Hearing In Camera

AGENCY: U.S. International Trade Commission.

ACTION: Closure of a portion of a Commission hearing to the public.

SUMMARY: Upon request of respondents The Ad Hoc Coalition of America Steel Wire Rope Importers and the Coalition's individual members, as well as foreign producers Usha Martin Industries, Xinshan City Wire Rope Factory, Nantong Zhongde Steel Rope Co., Ltd., Henan Boai Wire Material Factory, and Nantong Wire Rope Group Co., Limited (collectively "Respondents"), the Commission has determined to conduct a portion of its hearing in the above-captioned investigations scheduled for February 21,2001, *in camera*. *See* Commission rules 207.24(d), 201.13(m) and 201.36(b)(4) (19 CFR 207.24(d), 201.13(m) and 201.36(b)(4)). The remainder of the hearing will be open to the public. The Commission has determined that the seven-day advance notice of the change to a meeting was not possible. *See* Commission rule 201.35(a), (c)(1) (19 CFR 201.35(a), (c)(1)).

FOR FURTHER INFORMATION CONTACT: Michael Diehl, Office of General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3095, e-mail *mdiehl@usitc.gov*. Hearing-impaired individuals are advised that information on this matter may be obtained by.contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission believes that Respondents have justified the need for a closed session. Respondents seek a closed session to allow testimony on a producer-specific basis and on allegations of lost sales due to competition with subject imports. Because such discussions will necessitate disclosure of business proprietary information (BPI), they can only occur if a portion of the hearing is held *in camera*. In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will include the usual public presentations by petitioners and by Respondents, with questions from the Commission. In addition, the hearing will include an *in camera* session for a confidential presentation by Respondents and for questions from the Commission relating to the BPI, followed by an *in camera* rebuttal presentation by petitioners. For any *in camera* session the room will be cleared of all persons except those who have been granted access to BPI under a Commission administrative protective order (APO) and are included on the Commission's APO service list in this investigation. See 19 CFR 201.35(b)(1), (2). The time for the parties' presentations and rebuttals in the *in camera* session will be taken from their respective overall allotments for the hearing. All persons planning to attend the *in camera* portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR § 201.39) that, in her opinion, a portion of the Commission's hearing in Steel Wire Rope from China, India, and Malaysia, Inv. Nos. 731–TA–868–870 (Final), may be closed to the public to prevent the disclosure of BPI.

Issued: February 20, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–4836 Filed 2–27–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement—Documentation of the Impact of NIC Executive Leadership Training for Women

AGENCY: National Institute of Corrections, DOJ.

ACTION: Solicitation for a cooperative agreement.

SUMMARY: The National Institute of Corrections (NIC) invites applications for a cooperative agreement to assess and document the impact of the NIC Executive Leadership Training for Women. In order to assess its effectiveness and impact, the award recipient will develop an assessment methodology which employs primarily qualitative data, including self-reported outcomes; and secondarily, findings from quantitative analysis of participant assessment instruments. An overview of available data is highlighted later in this announcement.

The award recipient will become familiar with the work currently being done at NIC that provides for an understanding of the history and future development goals of the NIC Executive Leadership Training Program for Women. Through an NIC briefing and review of written materials the recipient will have access to the original design methodology and all aspects of curriculum development and delivery.

This project will be a collaborative venture with the NIC Prisons Division. The results of the project will give guidance to future refinement as NIC seeks to continue to offer the most current and effective offerings for leadership development. A total of $50,000 is reserved for the project which will support one cooperative agreement not to exceed 10 months in duration. The recipient of the award will be selected through this competitive solicitation process. Andie Moss, Correctional Program Specialist is the designated NIC project manager.

Background: History

In the early 1990's the Prisons Division of the National Institute of Corrections made a commitment to a leadership development curriculum that would enhance the ability of women for executive level positions in Corrections. Although some women were in mid-level management and executive positions, the gains realized during the previous 20 years seemed to be slowing. Noting the under-representation of women in executive positions NIC awarded a Cooperative Agreement to develop a curriculum to address this concern. The development of the program was divided into two phases: needs assessment and curriculum design; and a pilot presentation. The program was originally designed for senior level women working in state departments of corrections. It quickly expanded to include professional women from jails and community corrections. Since the development of the core program, additional "phases" or training events have been added to further enhance the long-term development of the graduate and her contribution to her agency.

Background: Curriculum Design

The curriculum design of NIC Executive Leadership for Women was developed as a competency model based on research done with correctional visionaries and women in senior positions in correctional leadership. The administration of several assessment instruments created findings that formed the development of the competencies. Through one such instrument, Strategic Directions Questionnaire, correctional leaders identified ten competencies as essential to a commissioner's future leadership effectiveness. From this, a Correctional Leadership Competency Model was developed. In this original research for the program 48 directors of corrections participated.

In addition, twenty women in correctional leadership positions (directors, deputy directors and regional directors of corrections) completed the Leadership 360™ questionnaire, a competency assessment instrument, which was used in conjunction with the Correctional Leadership Competency Model to identify the area in which women most needed leadership development.

The three largest gap areas—strategic, communication and consensual skills were given particular emphasis in the design of the training. All ten competencies were used in the development of the curriculum. Participants attending the program receive Leadership 360™ feedback, which includes a profile of the individual gap scores against the Correctional Leadership Competency Model.

A brief description of the phases offers an overview of the goals throughout the process. Classes are small, ranging from 20–22 participants. Participants return a year after the first five day program for the Phase II program, a three day event.

Phase I: Executive Leadership

This five-day program focuses on leadership development. A number of assessments, including the Leadership 360™ feedback, are combined with experiential activities and simulations to help participants gain understanding of their own behavior and leadership effectiveness. The program is highly individualized.

Phase II: Strategic Leadership

At the recommendation of Phase I participants, NIC funded a three-day follow-up training. Phase II emphasizes strategic thinking, the leader's role in challenging and encouraging change within the organization, and the use of persuasion and consensual skills for managing change. Phase I and II program participants overlap, thereby creating opportunities for the two classes to network and further build leadership capacity on a national level.

Phase III: Organizational Leadership

With Phase III, NIC extended its leadership program to directors of corrections. Partnerships between Phase I and II participants and their directors are the cornerstone in building

organizational competency. Phase III is focused on the dynamics of the organization, especially the use of innovative problem-solving, and the role of the executive team in creating effective vehicles for systemic change.

Scope of the Project

The work of this project will result in:

A. A summary of the impact of the program for a representation of graduates based on the original goals of the program and the competencies that defined the learning objectives.

B. Within the written summary, a section that identifies those aspects of the program which had the most impact on the participants and aspects of the program that need further development or improvement.

C. A recommendation for a training evaluation design for prospective use which will be developed in consultation with NIC and the future program provider.

Project Activities

The National Institute of Corrections is interested in ideas that the applicant may present that will maximize the use of information available through graduate interviews, interviews with key staff working with the graduate, surveys and a review of the program design. The availability of seven years of data from assessment instrumentation allows for a quantitative review of overall trends from participant classes in identifying gap areas and subsequent goal setting based on program goals. This body of information may offer insight into the success of the program based on the original research that identified the competency based curriculum.

A. To support the outcome of the documentation of the program's impact, some of the following possible activities are highlighted to provide guidance to the applicant:

- Conduct interviews with a representation of graduates of the program using the goals of the program as guidance for the development of the interview. At least some portion of these are recommended as face to face interviews. Interviews should also be guided by the questions below listed under required activity.
- Develop a survey to send to all graduates with questions directed at the short and long term impact from participating in the training program.
- Consider both of the above activities for key stakeholders working with the women graduates, i.e. chief executive officer.
- Document the key "learnings" or observations and trends of women who participated.

B. To support the desired outcome of enhancing curriculum development for future offerings of the program some suggested activities may be:

- Review existing curriculum guides, and participants notebooks for potential update of original research.
- Document recommendations from interviews that address program delivery or program design.
- Document recommendations from survey.
- Provide NIC with recommended materials that may inform the Institute on women's leadership development.
- Review available data from class profiles of instrumentation to identify trends in gap areas based on the Correctional Leadership Competency Model.

C. To support the desired outcome of recommending a training evaluation for future programs suggested activities may include:

- A review of effective training evaluation models resulting in a written recommendation.
- Joint discussions with the NIC program manager and the awardee of the NIC Executive Leadership Training for Women cooperative agreement resulting in a written recommendation.

Specific Requirements

- Attending an initial meeting with NIC for overview of program's history and development.
- Collaborating with NIC and the awardee of the cooperative agreement entitled Executive Leadership Training for Women, announced within the next two months in the **Federal Register**. This collaboration will be for the purpose of sharing information for future program development.
- Designing a project model that would include but would not be limited to collecting information with the following guiding questions:

Does the design of a program just for women matter? Why or why not?

Is the current program design meeting the needs of women in leadership?

What aspects of the program were most helpful to you? Least helpful?

Do you feel your participation in this program increased, decreased or neutrally impacted your leadership effectiveness. Why?

Do you have specific recommendations for improvement of the design of the program?

Authority: Public Law 93–415.

Funds Available

The award will be limited to $50,000 (direct and indirect costs) and project activity must be completed within ten months of the date of award. This project will be a collaborative venture with the NIC Prisons Division.

Application Requirements

The successful applicant will propose a project approach that will ensure accomplishment of each of the stated desired outcomes under the section Scope of Project within this announcement. The applicant will assure that the project team offers technical expertise in the areas of program evaluation and leadership education specific to the development of women in leadership. The project staff identified must indicate a willingness to the commitment of time necessary to complete the project plan.

The success of the work under this project is critical to the further development of NIC's leadership series for executive women. This announcement is running concurrently with the NIC cooperative agreement entitled Executive Leadership Training for Women. Successful applicants for each of these related projects must be willing to work in collaboration to provide for coordinated information sharing in the curriculum refinement goals of NIC. The NIC Program Manager will be responsible for assuring adequate opportunities for coordination.

Deadline for Receipt of Applications

Applications must be received by 4:00 pm on Friday, 3/23/01. They should be addressed to: Director, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534. Hand delivered applications should be brought to 500 First Street, NW., Washington, DC 20534. The front desk will call Bobbi Tinsley at (202) 307–3106, extension 0 for pickup.

Addresses and Further Information

A copy of this announcement, application and forms may also be obtained through the NIC web site: *http://www.nicic.org* (click on "Cooperative Agreements"). If a written copy is needed contact Judy Evens, Cooperative Agreement Control Office (1–800–995–6423 x 44222 or (202) 307–3106 ext. 44222, email at *jevens@bop.gov.)* All technical and/or programmatic questions concerning this announcement should be directed to Andie Moss, Project Manager, at 320 First Street, NW, Room 5007, Washington, DC 20534 or by calling 800–995–6423, ext. 30485, 202–307–3106, ext. 30485, or e-mail: amoss@bop.gov.

Review Considerations: Applications received under this announcement will be subject to an NIC three to five member Peer Review Process.

Number of Awards: One (1).

NIC Application Number: 01P05 This number should appear as a reference line in your cover letter and also in box 11 of Standard Form 424.

Executive Order 12372: This program is subject to the provisions of Executive Order 12372. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. Applicants (other than Federally-recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC), a list of which is included in the application kit, along with further instructions on proposed projects serving more than one State.

Catalog of Federal Domestic Assistance Number: 16.603.

Dated: February 8, 2001.

Morris L. Thigpen,

Director, National Institute of Corrections.

[FR Doc. 01–4822 Filed 2–27–01; 8:45 am]

BILLING CODE 4410–36–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0236(2001)]

Procedures for the Handling of Discrimination Complaints Under Federal Employee-Protection Statutes; Extension of the Office of Management of Budget's Approval of Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits public comment concerning its request to the Office of Management and Budget (OMB) for an extension of the information-collection requirements contained in section 24.3 ("Complaint") of 29 CFR part 24 ("Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes"). Section 24.3 specifies the procedures employees must use to file a complaint with OSHA alleging that their employer violated a Federal statute that prohibits retaliation against employees who report unsafe or unlawful practices used by the employer that may damage the environment.

DATES: Submit written comments on or before April 30, 2001.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR 1218–0236(2001), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2350. Commenters may transmit written comments of 10 pages or less by facsimile to: (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Renee Carter, Office of General Industry Compliance Assistance, Directorate of Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC, 20210; telephone: (202) 693–1850; e-mail: *Renee.carter@osha.gov;* or facsimile: (847) 297–4874. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the Federal employee-protection statutes addressed in this notice is available for inspection and copying in the Docket Office, or by requesting a copy from Todd Owen at (202) 693–2444. For electronic copies of this ICR, contact OSHA on the Internet at *http://www.osha.gov/.*

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (e.g., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information burden is correct.

The Agency is responsible for investigating alleged violations of "whistle blower" provisions contained in a number of Federal statutes. These provisions prohibit retaliation by employers against employees who report unsafe or unlawful practices used by the employers that may damage the environment. Accordingly, these provisions prohibit an employer from discharging or taking any other retaliatory action against an employee with respect to compensation, or the terms, conditions, or privileges of employment because the employee engages in any of the protected activities specified by the "whistle blower" provisions of the Federal statutes. These provisions include the: Safe Water Drinking Act, 42 U.S.C. 300j–9(i); Water Pollution Control Act, 33 U.S.C. 1367; Toxic Substances Control Act, 15 U.S.C. 2622; Solid Waste Disposal Act, 42 U.S.C. 6971; Clean Air Act, 42 U.S.C. 7622; Energy Reorganization Act of 1974, 42 U.S.C. 5851; and Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610.

Under 29 CFR part 24 ("Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes"), section 24.3 ("Complaint") specifies the procedures that an employee must use to file a complaint with OSHA alleging that their employer violated a "whistle blower" provision for which the Agency has investigative responsibility. Any employee who believes that such a violation occurred may file a complaint, or have the complaint filed on their behalf. While OSHA specifies no particular form for filing a complaint, paragraph (c) of 29 CFR 24.3 ("Form of complaint") requires that "a complaint must be in writing and should include a full statement of the acts and omissions, with pertinent dates, which are believed to constitute the violation."

II. Special Issues for Comment

The Agency has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

III. Proposed Actions

OSHA proposes to extend OMB's approval of the collection-of-information (paperwork) requirements contained in the paragraph (c) of 29 CFR 24.3 ("Complaints"). The Agency will summarize the comments submitted in response to this notice, and will include this summary, along with the comments, in its request to OMB to extend the approval of these information-collection requirements.

Type of Review: Extension of currently approved information-collection requirements.

Title: Procedures for the Handling of Discrimination Complaints.

OMB Number: 1218–0236.

Affected Public: Individuals.
Number of Respondents: 1,700.
Frequency: On occasion.
Total Responses: 1,700.
Average Time Per Response: 1 hour.
Estimated Total Burden Hours: 1,700 hours.
Estimated Cost (Operation and Maintenance): $0.

IV. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No 3–2000 (65 FR 50017).

Signed at Washington, DC, on February 23, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–4900 Filed 2–27–01; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0172(2001)]

Student Data Form; Extension of the Office of Management and Budget's Approval of Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits public comment concerning its request to the Office of Management and Budget (OMB) for an extension of the information-collection requirements specified in its Student Data Form.

DATES: Submit written comments on or before April 30, 2001.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR 1218–0020(2001), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693–2350. Commenters may transmit written comments of 10 pages or less by facsimile to: (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Cindy Bencheck, Division of Training and Educational Programs, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, Illinois 60018; telephone: (847) 297–4810; e-mail: *cindy.bencheck@oti.osha.gov;* or facsimile: (847) 297–4874. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the Student Data Form is available for inspection and copying in the Docket Office, or by requesting a copy from Todd Owen at (202) 693–2444. For electronic copies of this ICR, contact OSHA on the Internet at *http://www.osha.gov/.*

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (e.g., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information burden is correct.

Section 21 of the Occupational Safety and Health Act of 1970 (the "OSH Act") (29 U.S.C. 670) authorizes the Occupational Safety and Health Administration ("OSHA" or the "Agency") to conduct education and training courses. These courses must ensure an adequate number of qualified personnel to fulfill the purposes of the Act, provide them with short-term training, inform them of the importance and proper use of safety and health equipment, and train employers and employees to recognize, avoid, and prevent unsafe and unhealthful working conditions, occupational education and training courses.

Under Section 21 of the Act, the OSHA Training Institute (the "Institute") provides basic, intermediate, and advanced training and education in occupational safety and health for Federal and State compliance officers, Agency professionals and technical-support personnel, employers, employees, organizations representing employees and employers, educators who develop curricula and teach occupational safety and health courses, and representatives of professional safety and health groups. The Institute provides courses on occupational safety and health at its national training facility in Des Plaines, Illinois.

Students attending Institute courses complete a one-page Student Data Form (OSHA Form 182, 5/98 edition) on the first day of class. The form provides information under five major categories titled "Course Information," "Personal Data," "Employer Data," "Emergency Contacts," and "Student Groups." The OSHA Office of Training and Education (the "Office") compiles, for each fiscal year, the following information from the "Course Information" and "Student Groups" categories: Total student attendance at the Institute; the number of students attending each training course offered by the Institute; and the types of students attending these courses (for example, students from Federal or State occupational safety and health agencies). The Office uses this information to demonstrate, in an accurate and timely manner, that the Agency is providing the training and employee education mandated by Section 21 of the Act. OSHA also uses this information to evaluate training, and to make decisions regarding program/course revisions, budget support, and tuition costs.

The Agency uses the information collected under the "Course Information," "Personal Data," and "Employer Data" to identify private-sector students so that it can collect tuition costs from them or their employers as authorized by 31 U.S.C. 9701 ("Fees and Charges for Government Services and Things of Value"); Office of Management and Budget Circular A–25 ("User Charges"); and 29 CFR part 1949 ("Office of Training and Education, Occupational Safety and Health Administration"). The information in the "Personal Data" and Emergency Contacts" categories permits OSHA to contact students who are residing in local hotels/motels if an emergency arises at their home or place of employment, and to alert supervisors/alternate contacts of a trainee's injury or illness.

II. Special Issues for Comment

The Agency has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

III. Proposed Actions

OSHA proposes to extend OMB's approval of the collection-of-information (paperwork) requirements specified in the Student Data Form. The Agency will summarize the comments submitted in response to this notice, and will include this summary, along with the comments, in its request to OMB to extend the approval of these information-collection requirements.

Type of Review: Extension of currently approved information-collection requirements.
Title: Student Data Form.
OMB Number: 1218–0172.
Affected Public: Individuals; business or other for-profit organizations; Federal government; State, Local, or Tribal governments.
Number of Respondents: 5,000.
Frequency: On occasion.
Total Responses: 5,000.
Average Time Per Response: 5 minutes.
Estimated Total Burden Hours: 417 hours.
Estimated Cost (Operation and Maintenance): $8,092.

IV. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No 3–2000 (65 FR 50017).

Signed at Washington, DC, on February 23, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–4901 Filed 2–27–01; 8:45 am]

BILLING CODE 4510–26–U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR 1218–0020(2001)]

Training Grant Application; Extension of the Office of Management and Budget's Approval of Information-Collection (Paperwork Requirements)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits public comment concerning its request to the Office of Management and Budget (OMB) for an extension of the information-collection requirements specified in its training grant application.

DATES: Submit written comments on or before April 30, 2001.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR 1218–0020(2001), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2350. Commenters may transmit written comments of 10 pages or less by facsimile to: (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Cindy Bencheck, Division of Training and Educational Programs, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, Illinois 60018; telephone: (847) 297–4810; e-mail: *cindy.bencheck@oti.osha.gov;* or facsimile: (847) 297–4874. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the training grant application is available for inspection and copying in the Docket Office, or by requesting a copy from Todd Owen at (202) 693–2444. For electronic copies of the ICR, contact OSHA on the Internet at *http://www.osha.gov/.*

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of information burden is correct.

Section 21 of the Occupational Safety and Health Act of 1970 (the "OSH Act") (29 U.S.C. 670) authorizes the Occupational Safety and Health Administration ("OSHA" or the "Agency") to conduct directly, or through grants and contracts, education and training courses. These courses must ensure an adequate number of qualified personnel to fulfill the purposes of the Act, provide them with short-term training, inform them of the importance and proper use of safety and health equipment, and train employers and employees to recognize, avoid, and prevent unsafe and unhealthful working conditions.

Under Section 21, the Agency awards grants to nonprofit organizations to provide part of the required training. To obtain such a grant, an organization must complete the training grant application. OSHA uses the information in this application to evaluate: The organization's competence to provide the proposed training (including the qualifications of the personnel who manage and implement the training); the goals and objectives of the proposed training program; a workplan that describes in detail the tasks that the organization will implement to meet these goals and objectives; the appropriateness of the proposed costs; and compliance with Federal regulations governing nonprocurement debarment and suspension, maintaining a drug-free workplace, and lobbying activities. Also required is a program summary that Agency officials use to review and evaluate the highlights of the overall proposal.

After awarding a training grant, OSHA uses the workplan and budget information provided in the application to monitor the organization's progress in meeting training goals and objectives, as well as planned expenditures. The initial grant award is for one year, with possible renewals at one-year intervals. An organization must submit separate applications for the initial award and for each renewal award.

II. Special Issues for Comment

The Agency has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

III. Proposed Actions

OSHA proposes to extend OMB's approval of the collection-of-information (paperwork) requirements specified in the training grant application. The Agency will summarize the comments submitted in response to this notice, and will include this summary, along with the comments, in its request to OMB to

extend the approval of these information-collection requirements.

Type of Review: Extension of currently approved information-collection requirements.

Title: Training grant application.

OMB Number: 1218–0020.

Affected Public: Not-for-profit institutions.

Number of Respondents: 200.

Frequency: Annually.

Total Responses: 200.

Average Time per Response: 59 hours.

Estimated Total Burden Hours: 11,800.

Estimated Cost (Operation and Maintenance): $377,000.

IV. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and the Secretary of Labor's Order No. 3–2000 (65 FR 50017).

Signed at Washington, DC on February 23, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–4902 Filed 2–27–01; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0100(2001)]

Grantee Quarterly Progress Report; Extension of the Office of Management of Budget's Approval of Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits public comment concerning its request to the Office of Management and Budget (OMB) for an extension of the information-collection requirements specified in its Grantee Quarterly Progress Report.

DATES: Submit written comments on or before April 30, 2001.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–1218–0100(2001), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693–2350. Commenters may transmit written comments of 10 pages or less by facsimile to: (202) 693–1948.

FOR FURTHER INFORMATION CONTACT: Cindy Bencheck, Division of Training and Educational Programs, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, Illinois 60018; telephone: (847) 297–4810; e-mail: *cindy.bencheck@oti.osha.gov;* or facsimile: (847) 297–4874. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the Grantee Quarterly Progress Report is available for inspection and copying in the Docket Office, or by requesting a copy from Todd Owen at (202) 693–2444. For electronic copies of this ICR, contact OSHA on the Internet at *http://www.osha.gov/.*

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and the Agency's estimate of information burden is correct.

Section 21 of the Occupational Safety and Health Act of 1970 (the "OSH Act") (29 U.S.C. 670) authorizes OSHA to conduct directly, or through grants and contracts, education and training courses. These courses must ensure an adequate number of qualified personnel to fulfill the purposes of the Act, provide them with short-term training, inform them of the importance and proper use of safety and health equipment, and train employers and employees to recognize, avoid, and prevent unsafe and unhealthful working conditions.

Under Section 21, the Agency awards training grants to nonprofit organizations to provide part of the required training. Organizations that receive these grants must submit quarterly progress reports as required by the Department of Labor under 29 CFR 95.51. This regulation states that grant recipients must submit progress reports to the awarding agency at least annually, but no more than quarterly. The reports must contain a comparison of actual accomplishments with goals and objectives established for the reporting period and, if appropriate, the output of the program and specified cost information. Therefore, quarterly progress reports allow OSHA to determine if a recipient is using funds as specified in its grant application.

After receiving a quarterly progress report, the Agency compares the information provided in the report to the quarterly milestones proposed by the grant recipient in the workplan and budget that accompanied its grant application. This information includes: Identifier data (organization name and grant number); the location where the training occurred; the length of training (hours); the number of employees and employers attending training sessions provided by the organization during the quarter; a description of the training provided; and a compilation of program expenditures. Using this information, OSHA can determine if the grant recipient is providing the appropriate training (in terms of course length and content) to a specific number of employees and employers as described in the grant proposal, and is spending funds consistent with the proposed budget.

Requiring these reports on a quarterly bases enables the Agency to identify training and expenditure discrepancies in a timely fashion so that it can implement appropriate action. In addition, this information permits OSHA to assess a grant recipient's ability to meet projected milestones and expenditures; this ability serves as one of the criteria used by the Agency in determining whether or not to renew the recipient's training grant for subsequent years.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

III. Proposed Actions

The Agency proposes to extend OMB's approval of the collection-of-information (paperwork) requirements specified in the Grantee Quarterly Progress Report. OSHA will summarize the comments submitted in response to this notice, and will include this summary, along with the comments, in its request to OMB to extend the approval of these information-collection requirements.

Type of Review: Extension of currently approved information-collection requirements.

Title: Grantee Quarterly Progress Report.

OMB Number: 1218–0100.

Affected Public: Not-for-profit institutions.

Number of Respondents: 61.

Frequency: Quarterly.

Total Responses: 61.

Average Time Per Response: 12 hours.

Estimated Total Burden Hours: 2,928.

Estimated Cost (Operation and Maintenance): $68,808.

IV. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No 3–2000 (65 FR 50017).

Signed at Washington, DC, on February 23, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–4903 Filed 2–27–01; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

National Industrial Security Program Policy Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. app. 2) and implementing regulation 41 CFR 101.6, announcement is made for a meeting of the National Industrial Security Program Policy Advisory Committee (NISPPAC).

DATES: April 5, 2001, from 10:00 a.m. to 12:00 p.m.

ADDRESSES: National Archives and Records Administration, 700 Pennsylvania Avenue, NW., Room 105, Washington, DC 20408.

Purpose: To discuss National Industrial Security Program policy matters.

This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Information Security Oversight Office (ISOO) no later than March 28, 2001. ISOO will provide additional instructions for gaining access to the location of the meeting.

FOR FURTHER INFORMATION CONTACT: Steven Garfinkel, Director, Information Security Oversight Office, National Archives Building, 700 Pennsylvania Avenue, NW., Room 100, Washington, DC 20408, telephone (202) 219–5250.

Dated: February 14, 2001.

Mary Ann Hadyka,

Committee Management Officer.

[FR Doc. 01–4837 Filed 2–27–01; 8:45 am]

BILLING CODE 7515–01–U

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 136, "Security Termination Statement", NRC Form 237, "Request for Access Authorization", NRC Form 277, "Request for Visit or Access Approval".

2. *Current OMB approval number:* 3150–0049, NRC Form 136, 3150–0050, NRC Form 237, 3150–0051, NRC Form 277.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* NRC Form 136, licensee and contractor employees, who have been granted an NRC access authorization; NRC Form 237, any employee of approximately 20 licensees and 2 contractors who will require an NRC access authorization; NRC Form 277, any employee of 2 current NRC contractors who (1) holds an NRC access authorization, and (2) needs to make a visit to NRC, other contractors/licensees or government agencies in which access to classified information will be involved or unescorted area access is desired.

5. *The number of annual respondents:* NRC Form 136: 22, NRC Form 237: 22, NRC Form 277: 2.

6. *The number of hours needed annually to complete the requirement or request:* NRC Form 136: 40, NRC Form 237: 16, NRC Form 277: 1.

7. *Abstract:* The NRC Form 136 affects the employees of licensees and contractors who have been granted an NRC access authorization. When access authorization is no longer needed, the completion of the form apprises the respondents of their continuing security responsibilities. The NRC Form 237 is completed by licensees, NRC contractors or individuals who require an NRC access authorization. The NRC Form 277 affects the employees of contractors who have been granted an NRC access authorization and require verification of that access authorization and need-to-know in conjunction with a visit to NRC or another facility.

Submit, by April 30, 2001, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: http://www.nrc.gov/NRC/PUBLIC/OMB/index.html. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6E6, Washington, DC 20555–0001, by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 20th day of February, 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–4861 Filed 2–27–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* State Agreements Program, as authorized by Section 274(b) of the Atomic Energy Act.

3. *The form number if applicable:* Not applicable.

4. *How often the collection is required:* One time or as-needed.

5. *Who will be required or asked to report:* 32 Agreement States who have signed Section 274(b) Agreements with NRC.

6. *An estimate of the number of responses:* 134.

7. *The estimated number of annual respondents:* 32 Agreement States.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 1005 (7.5 hours per response).

9. *An indication of whether Section 3507(d), Public Law 104–13 applies:* Not applicable.

10. *Abstract:* Agreement States are asked on a one-time or as-needed basis, e.g., to respond to a specific incident, to gather information on licensing and inspection practices and other technical statistical information. The results of such information requests, which are authorized under Section 274(b) of the Atomic Energy Act, are utilized in part by NRC in preparing responses to Congressional inquiries. Agreement State comments are also solicited in the areas of proposed procedure and policy development.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, Maryland 20852. OMB clearance requests are available at the NRC worldwide web site: http://www.nrc.gov/NRC/PUBLIC/OMB/index.html. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by March 30, 2001. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Amy Farrell, Office of Information and Regulatory Affairs (3150–0029), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–7318.

The NRC Clearance Officer is Brenda Jo Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 20th day of February, 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–4859 Filed 2–27–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–260]

Tennessee Valley Authority; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating Licenses No. DPR–52, issued to the Tennessee Valley Authority (the licensee), for operation of the Browns Ferry Nuclear Plant Unit 2, located in Limestone County, Alabama.

The proposed amendment would approve a change to the licensee's schedule for withdrawal of the reactor pressure vessel material surveillance capsules. The change would permit the second capsule to remain in the vessel for an operating additional cycle.

The licensee's request cites exigent circumstances for this request. BWRVIP–86, BWR Integrated Surveillance Program Implementation Plan, Final Report was submitted to NRC on December 22, 2000. The December 2000 issuance of BWRVIP–86 revised the Integrated Surveillance Program test program to designate the second Browns Ferry Unit 2 RPV surveillance capsule as a representative capsule. The revised test schedule proposed withdrawal in 2007 to allow for increased fluence which is expected to provide better shift data. Approval of this request prior to March 18, 2001, the beginning of the Unit 2, Cycle 11 refueling outage, is needed to prevent the withdrawal and analysis of the second capsule at an accumulated fluence which is not expected to yield useful results.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Pressure-temperature (P/T) limits are imposed on the reactor coolant system to ensure that adequate safety margins against nonductile or rapidly propagating failure exist during normal operation, anticipated operational occurrences, and system hydrostatic tests. The P/T limits are related to the nil-ductility reference temperature, RT_{ndt}. Changes in the fracture toughness properties of Reactor Pressure Vessel (RPV) beltline materials, resulting from the neutron irradiation and the thermal environment, are monitored by a surveillance program in compliance with the requirements of 10 CFR Part 50, Appendix H. The effect of neutron fluence on the shift in the nil-ductility reference temperature of pressure vessel steel is predicted by methods given in Regulatory Guide (RG) 1.99, Revision 2. The Browns Ferry Unit 2 current P/T limits were established based on adjusted reference temperatures developed in accordance with the procedures prescribed in RG 1.99, Revision 2. Calculation of adjusted reference temperature by these procedures includes a margin term to ensure upper-bound values are used for the calculation of the P/T limits. Revision of the second capsule withdrawal schedule will not affect the P/T limits, because they will continue to be established in accordance with RG 1.99, Revision 2. This change is not related to any accidents previously evaluated. The proposed change will not affect reactor pressure vessel performance because no physical changes are involved and the RPV vessel P/T limits will remain in accordance with RG 1.99, Revision 2 requirements. The proposed change will not cause the reactor pressure vessel or interfacing safety systems to be operated outside of their design or testing limits. Also, the proposed change will not alter any assumptions previously made in evaluating the radiological consequences of accidents. Therefore, the probability or consequences of accidents previously evaluated will not be increased by the proposed change.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change defers the second RPV material surveillance capsule withdrawal for one fuel cycle. This proposed change does not involve a modification of the design of plant structures, systems, or components. The proposed change will not impact the manner in which the plant is operated as plant operating and testing procedures will not be affected by the change. The proposed change will not degrade the reliability of structures, systems, or components important-to-safety because equipment protection features will not be deleted or modified, equipment redundancy or independence will not be reduced, supporting system performance will not be downgraded, the frequency of operation of equipment important-to-safety will not be increased, and more severe testing of equipment important-to-safety will not be imposed. No new accident types or failure modes will be introduced as a result of the proposed change. Therefore, the proposed change does not create the possibility of a new or different kind of accident from that previously evaluated.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

Appendices G to 10 CFR 50 describes the conditions that require P/T limits and provide the general bases for these limits. Until the results from the reactor vessel surveillance program become available, RG 1.99, Revision 2 is used to predict the amount of neutron irradiation damage. The use of operating limits based on these criteria, as defined by applicable regulations, codes, and standards, provide reasonable assurance that nonductile or rapidly propagating failure will not occur. The P/T limits are not derived from Design Basis Accident (DBA) analyses. They are prescribed during normal operation to avoid encountering pressure, temperature, and temperature rate of change conditions that might cause undetected flaws to propagate and cause nonductile failure of the reactor coolant pressure boundary (RCPB). Since the P/T limits are not derived from any DBA, there are no acceptance limits related to the P/T limits. Rather, the P/T limits are acceptance limits themselves since they preclude operation in an unanalyzed condition. The proposed change will not affect any safety limits, limiting safety system settings, or limiting conditions of operation. The proposed change does not represent a change in initial conditions, or in a system response time, or in any other parameter affecting the course of an accident analysis supporting the Bases of any Technical Specification. The proposed change does not involve revision of the P/T limits, but rather a revision of the withdrawal time for the second surveillance capsule. The current P/T limits were established based on adjusted reference temperatures for vessel beltline materials calculated in accordance with RG 1.99, Revision 2. P/T limits will continue to be revised, as necessary, for changes in adjusted reference temperature due to changes in fluence when two or more credible surveillance data sets become available. When two or more credible surveillance data sets become available, P/T limits will be revised as prescribed by RG 1.99, Revision 2, or other NRC-approved guidance. Therefore, the proposed changes do not involve a significant reduction in any margins of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 30, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the

subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 10H, Knoxville, Tennessee 3790, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 5, 2001, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 22nd day of February 2001.

For the Nuclear Regulatory Commission.

William O. Long,

Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–4858 Filed 2–27–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a proposed revision of a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, DG–1101 (which should be mentioned in all correspondence concerning this draft guide), is titled "Site Investigations for Foundations of Nuclear Power Plants." This draft guide is a proposed Revision 2 of Regulatory Guide 1.132, and it is being revised to describe methods acceptable to the NRC staff for conducting field investigations to acquire the data on geological and engineering characteristics of a site proposed for a nuclear power plant. The guide also includes recommendations for developing site-specific investigation programs and guidance for conducting subsurface investigations.

This draft guide has not received complete staff approval and does not represent an official NRC staff position.

Comments may be accompanied by relevant information or supporting data. Written comments may be submitted to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Comments will be most helpful if received by May 10, 2001.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC home page (http://www.nrc.gov). This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail *CAG@NRC.GOV*. For information about the draft guide and the related documents, contact Mr. E. Zurflueh at (301) 415–6002; e-mail EGZ@NRC.GOV.

Although a time limit is given for comments on this draft guide, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD; the PDR's mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415–4737 or (800) 397–4205; fax (301) 415–3548; email PDR@NRC>GOV. Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Reproduction and Distribution Services Section; or by e-mail to *<DISTRIBUTION@NRC.GOV>*; or by fax to (301) 415–2289. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 15th day of February 2001.

For the Nuclear Regulatory Commission.

Michael E. Mayfield,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 01–4860 Filed 2–27–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

February 1, 2001.

Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of February 1, 2001, of two deferrals contained in one special message for FY 2001. The message was transmitted to Congress on January 18, 2001.

Deferrals (Attachments A and B)

As of February 1, 2001, $1.8 billion in budget authority was being deferred from obligation. Attachment B shows the status of each deferral reported during FY 2001.

Information from Special Message

The special message containing information on the deferrals that are covered by this cumulative report is printed in the edition of the **Federal Register** cited below:

66 FR 8985, Monday, February 5, 2001.

Mitchell E. Daniels, Jr.,

Director.

Attachments.

Attachment A

STATUS OF FY 2001 DEFERRALS

[In millions of dollars]

	Budgetary resources
Deferrals proposed by the President	1,946.7
Routine Executive releases through February 1, 2001	−116.5
Overturned by the Congress	
Currently before the Congress	1,830.2

ATTACHMENT B
Status of FY 2001 Deferrals - As of February 1, 2001
(In thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases (-): Cumulative OMB/ Agency	Releases (-): Congressionally Required	Congressional Action	Cumulative Adjustments	Amount Deferred as of 2/1/01
DEPARTMENT OF STATE									
Other									
United States Emergency Refugee and Migration Assistance Fund	D00-1	145,310		1/18/01	18,033				127,277
INTERNATIONAL ASSISTANCE PROGRAMS									
International Security Assistance									
Economic Support Fund	D00-2	1,801,382		1/18/01	98,419				1,702,963
TOTAL, DEFERRALS		1,946,692			116,452				1,830,240

[FR Doc. 01–4862 Filed 2–27–01; 8:45 am]
BILLING CODE 3110–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting

AGENCY: Overseas Private Investment Corporation.

PURPOSE: Public Hearing in conjunction with quarterly meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 66 FR 11188, February 22, 2001.

CHANGES IN THE MEETING: Public Hearing originally scheduled for 2:00 p.m., Thursday, March 8, 2001 postponed.

The Public Hearing previously scheduled for 2 p.m. on Thursday, March 8, 2001 has been postponed until further notice.

Connie M. Downs,

Corporate Secretary, Overseas Private Investment Corporation.

[FR Doc. 01–4935 Filed 2–23–01; 4:40 pm]
BILLING CODE 3210–10–M

PENSION BENEFIT GUARANTY CORPORATION

Agency Information Collection Activities: Submission of Information Collection for OMB Review—Termination of Single Employer Plans; Missing Participants; PBGC Forms 500–501, 600–602

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation ("PBGC") is requesting that the Office of Management and Budget ("OMB") extend approval, under the Paperwork Reduction Act, of a collection of information in its regulations on Termination of Single Employer Plans and Missing Participants, and implementing forms and instructions (OMB control number 1212–0036, expires March 31, 2001.) This notice informs the public of the PBGC's request and solicits public comment on the collection of information.

DATES: Comments should be submitted by March 30, 2001.

ADDRESSES: Comments should be mailed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. Copies of the request for extension (including the collection of information) are available from the Communications and Public Affairs Department of the Pension Benefit Guaranty Corporation, suite 240, 1200 K Street, NW., Washington, DC, 20005–4026, between 9 a.m. and 4 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Attorney, Office of the General Counsel, PBGC, 1200 K Street, NW., Washington, DC 20005–4026; 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: Under section 4041 of the Employee Retirement Income Security Act of 1974, as amended, a single-employer pension plan may terminate voluntarily only if it satisfies the requirements for either a standard or a distress termination. Pursuant to ERISA section 4041(b), for standard terminations, and section 4041(c), for distress terminations, and the PBGC's termination regulation (29 CFR part 4041), a plan administrator wishing to terminate a plan is required to submit specified information to the PBGC in support of the proposed termination and to provide specified information regarding the proposed termination to third parties (participants, beneficiaries, alternate payees, and employee organizations). In the case of a plan with participants or beneficiaries who cannot be located when their benefits are to be distributed, the plan administrator is subject to the requirements of ERISA section 4050 and the PBGC's missing participants regulation (29 CFR part 4050). (These regulations may be accessed on the PBGC's web site at http://www.pbgc.gov.)

The collection of information under these regulations and implementing forms and instructions has been approved by OMB under control number 1212–0036 (expires March 31, 2001). The PBGC is requesting that OMB extend its approval for three years.

The PBGC estimates that 1,564 plan administrators will be subject to the collection of information requirements in the PBGC's termination and missing participants regulations and implementing forms and instructions each year, and that the total annual burden of complying with these requirements is 2,246 hours and $1,864,600. (Much of the work associated with terminating a plan is performed for purposes other than meeting these requirements.)

Issued in Washington, DC, this 23rd day of February, 2001.

Stuart A. Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 01–4898 Filed 2–27–01; 8:45 am]
BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43994; File No. SR–PHLX–01–13]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Fees for Transactions Executed Through the eVWAP Trading System

February 22, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 29, 2001, the Philadelphia Stock Exchange, Inc. ("Exchange" or "Phlx") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Phlx. Phlx filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(2) thereunder.[4] Pursuant to Rule 19b–4(f)(2), Phlx has designated this proposal as one changing a due, fee or charge imposed by the Exchange. As such, the proposed rule change is immediately effective upon the Commission's receipt of this filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to Rule 19b–4 of the Act, Phlx is revising its fee schedule governing transactions executed through the Volume Weighted Average Price ("VWAP"),[5] Trading System ("eVWAP").[6]

[1] 15 U.S.C. 78s(b)(1).
[2] 17 CFR 240.19b–4.
[3] 15 U.S.C. 78s(b)(3)(A).
[4] 17 CFR 240.19b–4(f)(2).
[5] VWAP is registered trademark of the Universal Trading Technologies Corporation ("UTTC").
[6] eVWAP™ was developed by UTTC, and was approved by the Commission to operate as a facility

Continued

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Phlx has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend the Exchange's current fee schedule for eVWAP transactions. The eVWAP is a pre-opening order matching session for the electronic execution of large-sized stock orders at a standardized VWAP price ("eVWAP Price").[7] The Exchange established the initial eVWAP fee schedule in July, 1999.[8] The revised fee schedule, like the current schedule, will apply to Phlx member firms who will be billed and held responsible for paying such fees. The revised fee schedule was effective on February 1, 2001. The Phlx endeavored to issue a notice to its members of the revised fee schedule before its effectiveness on February 1, 2001.

The Phlx has been advised by UTTC that the demand that exists for eVWAP is price sensitive to transaction costs. Therefore, the Phlx believes that the revised fee schedule should encourage greater use of the eVWAP system.

Fees will continue to vary depending upon the ultimate user (*e.g.*, institutional, broker-dealer, Committer), type of trade (*e.g.*, cross versus non-cross), and volume of user activity. The fee schedule amendments are as follows:

1. Institutional user and retail customer (non-cross trades and direct access):

- 0 to 10 million shares per year changed to 0 to 750,000 shares per month: $0.02 per share changed to $0.015 per share.
- Greater than 10 million shares to 20 million shares per year changed to greater than 750,000 shares to 1.5 million shares per month: $0.015 per share changed to $0.01 per share.
- Greater than 20 million shares per year changed to greater than 1.5 million shares per month: $0.01 per share changed to $0.005 per share.[9]

2. Institutional user and retail customer (cross trades):

- Intra-firm: changed from $0.005 to $0.00125 per share.[10]
- Inter-firm: changed from $0.01 to $0.00125 per share.[11]

3. Non-member/non-institutional user category, along with its $0.015 per share fee, is eliminated.

4. Enrolled[12] specialist or alternate specialist Committer: No charge.

5. Enrolled member off-floor liquidity provider: changed from $0.01 per share to no charge.

6. Ad hoc[13] Committer or liquidity provider: $0.005 per share.

7. Member user category, along with its $0.01 per share fee, is eliminated.

8. Broker-dealer user (not enrolled as Committer) category added:

- Principal trades: $0.005 per share
- Agency trades (entered by broker) 0 to 1.5 million shares per month: $0.01 per share
- Greater than 1.5 million shares per month: $0.005 per share.[14]

The proposed rule change is consistent with Section 6(b)(4) of the Act in that it provides for the equitable allocation of reasonable fees and other charges among members using eVWAP. The Exchange further believes that the proposed fee schedule amendments should help attract increased participation and order flow to the system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Phlx does not believe that the proposed rule change will result in any burden on completion not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule changes a due, fee or charge imposed upon by the Exchange, it has become effective pursuant to Section 19(b)(3)(A)[15] of the Act and Rule 19b–4(f)(2)[16] thereunder. At any time within 60 days of the filing of such proposed rule change; the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of Phlx. All submissions should refer to SR–Phlx–01–13 and should be submitted by March 21, 2001.

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of the Exchange. *See* Securities Exchange Act Release No. 41210 (March 24, 1999), 64 FR 15857 (April 1, 1999) (SR–Phlx–98–14). The Commission approved the facility to operate as a pilot program until November 30, 2001. *See* Securities Exchange Act Release No. 43477 (October 23, 2000), 65 FR 64734 (October 30, 2000) SR–Phlx–00–84).

[7] *See* Phlx Rule 237.

[8] *See* Securities Exchange Act Release No. 41646 (July 23, 1999), 64 FR 41480 (July 30, 1999) (SR–Phlx–99–21).

[9] The proposed monthly volume discounts are not graduated and if a user reaches a discount threshold, the user's entire eVWAP trades for the month in the category receive the benefit of the fee discount.

[10] Intra-firm cross trades refer to cross trades where the identified contra-sides are from the same firm. Because the same firm is on both sides of an intra-firm cross trade, the proposed $0.00125 per share fee applies to each side, thus totaling $0.0025 per share.

[11] Intra-firm cross trades refer to cross trades where the identified contra-sides are from different firms.

[12] Enrolled committers enter liquidity commitments on a good-till cancelled basis.

[13] Ad hoc Committers or liquidity providers enter liquidity commitments on a day-only basis.

[14] The broker-dealer category applies to both member and non-member broker-dealers. A broker-dealer's principal trade volume will be included with its agency trade volume in calculating such broker-dealer's monthly agency trade volume discount. These volume discounts likewise are not graduated.

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4843 Filed 2–27–01; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Privacy Act System of Records Notice

AGENCY: Small Business Administration.

ACTION: Notice of new system of records.

SUMMARY: The Small Business Administration is adding a new system of records to the Agency's Privacy Act System of Records. The new system is called "Cost Allocation Data System" (CADS). The purpose of CADS is to collect uniform information on employee time and Agency costs for the Office of the Chief Financial Officer. It collects the percentage (%) of time that each SBA employee spent on administering the various SBA programs and activities via a web-based survey. Later, the survey result is matched against the Agency payroll file based on the employee's Social Security Number, first and last name. Data collected is to be used to develop accurate cost data for Agency's various programs and activities. It supports the Agency's budget, financial reporting and the Government Performance & Results Act (GPRA) requirements. Generally, designated Program Managers in Headquarters and the District Directors will have access to individual survey results for quality assurance purpose. They will also have access to loan program data for management analysis.

DATES: The new system will be effective without further notice, unless comments are received that result in a need for modification.

ADDRESSES: Address comments to Joseph Lodo, Chief Financial Officer, Office of the Chief Financial Officer, Small Business Administration, 409 3rd Street, SW., Suite 6000, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Joseph Lodo, Chief Financial Officer, Office of the Chief Financial Officer, (202) 205–6449.

SBA 175

SYSTEM NAME:

Cost Allocation Data System (CADS), U.S. Small Business Administration (SBA).

SYSTEM LOCATION:

Office of the Chief Financial Officer, SBA Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual information on all SBA employees, i.e., name, social security number, office code, employee's pay data, employee's survey result on the percentage (%) of time spent on administration of the various SBA programs and activities. Also, the Agency-wide costs, i.e., rent, postage, telecommunications, centralized printing, centralized training, employees' relocation costs, credit report costs, performance management appraisal system (PMAS) awards, contractors costs, Agency loan count and SBA employment full time equivalent (FTE) count.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 (Records Management by Federal Agencies), Pub. L. 101–576 (CFO Act) and Pub. L. 103–62 (Results Act).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used, disclosed, or referred:

(a) To the Agency cost contractor for use in the Agency's cost accounting activity.

(b) To a Congressional office from an individual's record when the office is inquiring on the individual's behalf. The Member's access rights are no greater than the individual's.

(c) To the Federal, state, local or foreign agency or organization which investigates, prosecutes, or enforces violations, statues, rules, regulations, or orders issued when an Agency identifies a violation or potential violation of law, arising by general or program statute, or by regulation, rule, or order.

(d) To Agency volunteers and interns for use in their official duties.

(e) To the Department of Justice (DOJ) when:

(1) The agency, or any component thereof; or

(2) Any employee of the Agency in his or her official capacity: or

(3) Any employee of the Agency in his or her official capacity where the DOJ has agreed to represent the employee; or

(4) The United States Government, where the Agency determines that litigation is likely to affect the Agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the DOJ is deemed by the Agency to be relevant and necessary to the litigation, provided, however, that in each case, the Agency determines that disclosure of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

(f) To disclose them in a proceeding before a court or adjudicative body before which the Agency is authorized to appear, when:

(1) The Agency, or any component thereof; or

(2) Any employee of the Agency in his or her official capacity; or

(3) Any employee of the Agency in his or her individual capacity where the Agency has agreed to represent the employee; or

(4) The United States Government, where the Agency determines that litigation is likely to affect the Agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the Agency determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

The electronic form is maintained in a database which is behind the Agency's firewall.

RETRIEVABILITY:

The employee's Social Security Number, and first and last name retrieve survey result.

SAFEGUARDS:

Access and use of the CADS are accomplished via the use of a restricted password. Access and use are limited to Project Lead and Group members and only those other Agency employees whose official duties require such access.

RETENTION AND DISPOSAL:

In accordance with SBA SOP 00 41 2, Item #65:06, these records are retained a minimum of 3 years and generally destroyed 3 years after last update.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, Office of the Chief Financial Officer, Small Business Administration, 409 3rd Street, SW., Suite 6000, Washington, DC 20416.

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[17] 17 CFR 200.30–3(a)(12).

NOTIFICATION PROCEDURE:

An individual may submit a record inquiry either in person or in writing to the System Manager or Privacy Act Officer. Individuals inquiring about this system must follow the SBA Privacy Act Regulations at 13 CFR 102 Subpart B.

RECORDS ACCESS PROCEDURES:

Systems Manager or Privacy Act Officer will determine procedures. Individuals inquiring about this system must follow the SBA Privacy Act Regulations at 13 CFR 102 Subpart B.

CONTESTING RECORD PROCEDURES:

Notify the official listed about and state reason(s) for contesting and the proposed amendment sought, as indicated in 13 CFR 102 Subpart B.

RECORD SOURCE CATEGORIES:

SBA employees to whom the records belong.

Dated: February 22, 2001.

Christopher Holleman,

Acting Senior Privacy Act Official.

[FR Doc. 01–4904 Filed 2–27–01; 8:45 am]

BILLING CODE 8025–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Identification of Priority Foreign Country Practices and Foreign Countries Engaging in Discriminatory Procurement Practices; Request for Public Comment

AGENCY: Office of the United States Trade Representative.

ACTION: Request for written submissions from the public.

SUMMARY: Executive Order 13116 of March 31, 1999 requires the United States Trade Representative ("USTR"), by April 30, 2001, to conduct a review of U.S. trade expansion priorities and to identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports. This Executive Order also requires the USTR to identify foreign countries engaging in discriminatory government procurement practices. Pursuant to this Executive Order, the USTR must submit to the congressional committees of jurisdiction a report on priority foreign country practices (the "Super 301" report) and a report on countries engaging in discriminatory government procurement practices (the "Title VII" report) and publish these reports in the **Federal Register**. USTR is requesting written submissions from the public concerning practices that should be considered by the USTR for these purposes.

DATES: Submissions must be received by 12:00 noon on March 26, 2001.

ADDRESSES: Office of the U.S. Trade Representative, 600 17th Street, NW, Washington, D.C. 20508.

FOR FURTHER INFORMATION CONTACT: Questions concerning the filing of submissions should be directed to Sybia Harrison, Staff Assistant to Section 301 Committee, (202) 395–3432; legal questions regarding Executive Order 13116 and Super 301 should be addressed to Demetrios Marantis, Associate General Counsel, (202) 395–3150; and legal questions regarding Title VII should be addressed to Mélida Hodgson, Associate General Counsel, (202) 395–3582.

SUPPLEMENTARY INFORMATION: Pursuant to Part I of Executive Order 13116 of March 31, 1999 (64 F.R. 1633), the USTR is required, no later than April 30, to review United States trade expansion priorities and identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent. Part II of Executive Order 13116 requires the USTR, no later than April 30, to review and identify other countries' compliance with the Agreement on Government Procurement ("GPA") and other government procurement agreement obligations, or otherwise maintain, in government procurement, a significant and persistent practice of discrimination against U.S. products or services which results in identifiable harm to United States businesses and whose products or services are acquired in significant amounts by the United States Government.

The USTR must submit to the congressional committees of jurisdiction a report on the priority foreign country practices identified under Part I of the Executive Order (the "Super 301" report). The USTR also may describe in this report foreign country practices that may warrant identification in the future or that were not identified because they are being addressed by provisions under U.S. trade law, existing bilateral trade agreements, or in trade negotiations, and progress is being made toward their elimination. The USTR must also submit to the congressional committees of jurisdiction a report on countries engaging in discriminatory government procurement practices, identified under Part II of the Executive Order (the "Title VII" report) and publish the reports in the **Federal Register**.

Executive Order 13116 also requires the USTR to initiate investigations under section 302(b)(1) of the Trade Act of 1974 as amended (19 U.S.C. 2412 (b)(1)), no later than 90 days after submission of the reports, with respect to any of the identified practices that have not been satisfactorily resolved in the interim.

Requirements for Submissions

The USTR invites submissions concerning priority foreign country practices that should be considered for identification in the Super 301 report in accordance with the criteria established under Executive Order 13116. The USTR also invites submissions concerning countries engaging in discriminatory government procurement practices that should be considered for identification in the Title VII report in accordance with the criteria established under Executive Order 13116. If the practice is also the subject of comments submitted in connection with the 2001 National Trade Estimate Report on Foreign Trade Barriers ("2001 NTE Report"), the present submission should identify the related comments in the NTE public docket and include any additional pertinent information, including information explaining why the practice rises to the level of a "priority foreign country practice" within the meaning of Executive Order 13116. If the practice was not the subject of comments submitted in connection with the 2001 NTE Report, the submission should: (1) Include information on the nature and significance of the practice; (2) identify the United States product, service, intellectual property right, or foreign direct investment matter which is affected by the practice; and (3) provide any other information considered relevant. Such information may include information on the relevant trade and government procurement agreements to which a foreign country is a party, its compliance with those agreements, and any other information related to the factors set forth in Parts I and II of Executive Order 13116 for identification of priority foreign country practices and countries that engage in discriminatory government procurement practices.

Interested persons must provide twenty copies of any submission, in English, to Sybia Harrison, Staff Assistant to Section 301 Committee, Office of the United States Trade Representative, by noon on March 26, 2001. Because submissions will be placed in a public file, open to public inspection at USTR, business-confidential information should not be submitted. Inspection is only by

appointment with the staff of the USTR Public Reading Room and can be arranged by calling Brenda Webb at (202) 395–6186. The Reading Room is open to the public from 9:30 a.m. to 12 noon, and from 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant U.S. Trade Representative for Monitoring and Enforcement.

[FR Doc. 01–4809 Filed 2–27–01; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2000–8252]

Information Collections Under Review by the Office of Management and Budget (OMB): 2115–0012 and 2115–0518

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded the two Information Collection Requests (ICRs) abstracted below to OMB for review and comment. These ICRs describe the information we seek to collect from the public. Review and comment by OMB ensures that we impose only paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before March 30, 2001.

ADDRESSES: Please send comments to (1) the Docket Management System (DMS), U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001; and (2) the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), 725 17th Street NW., Washington, DC 20503, to the attention of the Desk Officer for the USCG.

Copies of the complete ICRs are available for inspection and copying in public docket USCG 2000–8252 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at *http://dms.dot.gov;* and for inspection from the Commandant (G–CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street SW., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–9330, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Regulatory History

This request constitutes the 30-day notice required by OMB. The Coast Guard has already published [65 FR 69600 (November 17, 2000)] the 60-day notice required by OMB. That request elicited no comments.

Request for Comments

The Coast Guard invites comments on the proposed collections of information to determine whether the collections are necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the Department's estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Numbers of all ICRs addressed. Comments to DMS must contain the docket number of this request, USCG 2000–8252. Comments to OIRA are best assured of having their full effect if OIRA receives them within 30 days or less after the publication of this request.

Information Collection Requests

1. *Title:* U.S. Coast Guard Academy—Preliminary Application and Supplemental Forms.

OMB Control Number: 2115–0012.

Type of Request: Extension of a currently approved collection.

Affected Public: Men and women between the ages of 17 and 22.

Forms: Coast Guard Academy (1) Preliminary Application, (2) High School Transcript, (3) Candidate Activities, (4) Evaluation by English Instructor, (5) Evaluation by Math Instructor, (6) Evaluation by Instructor of PE or by Coach, (7) Background Information, and (8) Essay Questions.

Abstract: Any person who wishes to compete for an appointment as a Coast Guard Cadet must fill out a Preliminary Application and must fill out or have others fill out the seven Supplemental Forms.

Annual Estimated Burden Hours: The estimated burden is 6,640 hours a year.

2. *Title:* International Oil Pollution Prevention Certificate.

OMB Control Number: 2115–0518.

Type of Request: Extension of a currently approved collection.

Affected Public: Owners and operators of vessels.

Forms: CG–5352, CG–5352A, and CG–5352B.

Abstract: The information collected aids in the prevention of pollution from ships. An International Oil Pollution Prevention Certificate and other records serve to verify vessels' compliance with certain international and domestic rules on shipping.

Annual Estimated Burden Hours: The estimated burden is 6,858 hours a year.

Dated: February 20, 2001.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 01–4883 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Agency Information Collection Activities: Submission for OMB Review

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for review and comment. We published a **Federal Register** Notice with a 60-day public comment period on this new information collection on October 30, 2000 (65 FR 64739). We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by March 30, 2001.

ADDRESSES: You may send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burdens could be minimized, including the use of electronic technology, without reducing the quality of the collected information.

FOR FURTHER INFORMATION CONTACT: Mr. Ed Kashuba, 202–366–0160, Office of Highway Policy Information, Policy Service Business Unit, Federal Highway Administration, 400 7th Street, SW., Washington, DC 20590–0001. Office hours are from 6:45 a.m. to 4:15 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Heavy Vehicle Travel Information System (HVTIS).

Abstract: The FHWA is developing the HVTIS to analyze the amount and nature of truck travel at the national and regional levels. The information would be used by the FHWA and other DOT administrations to evaluate changes in truck travel in order to assess impacts on highway safety; the role of travel in economic productivity; impacts of changes in truck travel on infrastructure condition; and maintaining our mobility while protecting the human and natural environment. In conducting the data collection, the FHWA will be requesting that State Departments of Transportation provide periodic reporting of vehicle classification and weight data which they collect as part of their existing traffic data collection programs. The majority of States collect this vehicle weight data periodically throughout the year using weigh-in-motion devices and also collect vehicle classification data continuously. The data will allow transportation professionals at the Federal, State and metropolitan levels to make informed decisions about policies and plans.

Respondents: 51 State Transportation Departments, including the District of Columbia.

Estimated Annual Burden Hours:

Data type	Reportings per year per site	Number of sites per State	Minutes per site per reporting	Hours per year per State
Site Description	1	60	1	1
Vehicle Classification	12	40	5	40
Truck Weight	1	10	6	1
Total Volume	12	10	4	8
Total Hours per State per Year				50

FHWA estimates that the average State DOT operates 40 continuous vehicle classification installations, an additional 10 sites that provide continuous traffic volume data, and 10 weigh-in-motion sites. It is estimated that processing 48 hours of weigh-in-motion data would take 6 minutes per site, processing one month of vehicle classification data would take 5 minutes per site and processing one month of continuous traffic volume data would take 4 minutes per site. The file describing each of the data collection sites is to be submitted annually, and it is estimated that processing will take 1 minute per site. It will take approximately 50 hours per State per year to supply the requested information. Reporting is expected from each of the State DOTs, as well as the District of Columbia, which will result in a total estimate of 2,550 annual burden hours nationally (51 respondents × 50 hours).

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Dated: February 21, 2001.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. 01–4838 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Agency Information Collection Activities: Submission for OMB Review

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for review and comment. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on November 6, 2000 (65 FR 66578). We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by March 30, 2001.

ADDRESSES: You may send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burdens could be minimized, including the use of electronic technology, without reducing the quality of the collected information.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond McCormick, (202) 366–4675, Infrastructure Core Business Unit, Federal Highway Administration, Department of Transportation, 400 7th Street, SW., Washington, DC 20590–0001. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2125–0501 (Expiration Date: April 30, 2001).

Title: Structure Inventory and Appraisal Sheet.

Abstract: The National Bridge Inspection Standards (NBIS) require bridge inspection and reporting at regular intervals for all bridges located on public roads. The bridge inspection information is provided to the FHWA on Structure Inventory and Appraisal (SI&A) Sheets. The NBIS information is used for multiple purposes, including: (1) The determination of the condition of the Nation's bridges; (2) as a basis for setting priorities for the replacement or rehabilitation of bridges under the Highway Bridge Replacement and Rehabilitation Program (HBRRP); and (3) for apportioning HBRRP funds to the States for bridge replacement or rehabilitation. In addition, the information is used for strategic national defense needs and for preparing the report to Congress on the status of the Nation's highway bridges and funding under the HBRRP.

Respondents: 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

Frequency: Biannual inspections and annual reporting.

Estimated Total Annual Burden: 540,000 hours. The average burden is two hours to complete each SI&A sheet on the approximate 270,000 bridges that are inspected annually. The total bridge inventory (rounded to 600,000) requires biannual inspections; approximately 10 percent, or 30,000 of the 300,000 bridges that are inspected each year receive an extended inspection. Some States voluntarily inspect bridges more frequently; however, these estimates do not include this information.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Dated: February 21, 2001.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. 01–4839 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2001–8907]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before April 30, 2001.

ADDRESSES: Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management, Room PL–401, 400 Seventh Street, S.W., Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB clearance number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Walter Culbreath, NHTSA, 400 Seventh Street, S.W., Room 5208, NAD–40,Washington, D.C. 20590. Mr. Culbreath's telephone number is (202) 366–1566. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

(1) *Title:* Fatal Accident Reporting System (FARS).

OMB Control Number: 2127–0006.

Affected Public: State, Local, or Tribal Government.

Abstract: Under both the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle Safety Act of 1966, the National Highway Traffic Safety Administration (NHTSA) has the responsibility to collect accident data that support the establishment and enforcement of motor vehicle regulations and highway safety programs. These regulations and programs are developed to reduce the severity of injury and the property damage associated with motor vehicle accidents. The Fatal Accident Reporting System (FARS) is a major system that acquires national fatality information directly from existing State files and documents. Since FARS is an on-going data acquisition system, reviews are conducted yearly to determine whether the data acquired are responsive to the total user population needs. The total user population includes Federal and State agencies and the private sector. Annual changes in the forms are minor in terms of operation and method of data acquisition, and do not affect the reporting burden of the respondent (State employees utilize existing State accident files). The changes usually involve clarification adjustments to aid statisticians in conducting more precise analyses and to remove potential ambiguity for the respondents.

Estimated Annual Burden: 77,400 hours.

Number of Respondents: 52.

(2) *Title:* Consumer Compliant/Recall Audit Information.

OMB Control Number: 2127–0008.

Affected Public: Individuals and households.

Abstract: Chapter 301 of Title 49 of the United States Code, the Secretary of Transportation is authorized to require manufacturers of motor vehicles and items of motor vehicle equipment to conduct owner notification and remedy, i.e., a recall campaign, when it has been determined that a safety defect exists in the performance, construction, components, or materials in motor vehicles and motor vehicle equipment. To make this determination, the National Highway Traffic Safety Administration (NHTSA) solicits information from vehicle owners which is used to identify and evaluate possible safety-related defects and provide the necessary evidence of the existence of such a defect. Under the Authority of Chapter 301 of Title 49 of the United States Code, the Secretary of Transportation is authorized to require manufacturers of motor vehicle and motor vehicle equipment which do not comply with the applicable motor vehicle safety standards or contains a defect that relates to motor vehicle safety to notify each owner that their vehicle contains a safety defect or noncompliance. Also, the manufacturer of each such motor vehicle item of

replacement equipment presented for remedy pursuant to such notification shall cause such defect or noncompliance to be remedied without charge. In the case of a motor vehicle presented for remedy pursuant to such notification, the manufacturer shall cause the vehicle remedied by whichever of the following means he elects: (1) By repairing such vehicle; (2) by replacing such motor vehicle without charge; or (3) by refunding the purchase price less depreciation. To ensure these objectives are being met, NHTSA audits recalls conducted by manufacturers. These audits are performed on a randomly selected number of vehicle owners for verification and validation purposes.

Estimated Annual Burden: 36,380 hours.

Number of Respondents: 239,000.

(3) *Title:* 49 CFR Part 566, Manufacturers Identification.

OMB Control Number: 2127–0043.

Affected Public: Business or other for profit.

Abstract: The National Highway Traffic Safety Administration's statute at 49 U.S.C. 30118: Notification of defects and noncompliance, requires manufacturers to determine if the motor vehicle or item or replacement equipment contains a defect related to motor vehicle safety or fails to comply with an applicable Federal Motor Vehicle Safety Standard. Following such determination, the manufacturer is required to notify the Secretary of Transportation, owners, purchasers and dealers of motor vehicles or replacement equipment, of the defect or noncompliance and to remedy the defect or noncompliance without charge to the owner. With this determination, NHTSA issued 49 CFR Part 566, Manufacturer Identification. Part 566 requires every manufacturer of motor vehicles and/or replacement equipment to file with the agency on a one time basis, the required information specified in Part 566.

Estimated Annual Burden: 25 hours.

Number of Respondents: 100.

(4) *Title:* Names and Addresses of First Purchasers of Motor Vehicles.

OMB *Control Number:* 2127–0044.

Affected Public: Business or other for profit.

Abstract: 49 U.S.C. 30117: Providing information to, and maintaining records on, purchasers at subparagraph (b) Maintaining purchaser records and procedures, states in part: A manufacturer of motor vehicle or tire (except a retreaded tire) shall maintain a record of the name and address of the first purchasers of each vehicle or tire it produces and, to the extent prescribed by regulations of the Secretary, shall maintain a record of the name and address of the first purchaser of replacement equipment (except a tire) that the manufacturer produces. This agency has no regulation specifying how the information is to be collected or maintained. When NHTSA's authorizing statue was enacted in 1966, Congress determined that an efficient recall of defective or noncomplying motor vehicles required the vehicle manufacturers retain an accurate record of vehicle purchasers, by virtue of quick and easy access to this information, the manufacturer is able to quickly notify vehicle owners in the event of a recall. Experience with this statutory provision has shown that manufacturers have retained this information in a manner sufficient to enable them to expeditiously notify vehicle purchasers in case of a recall. Based on this experience, NHTSA has determined that no obligation is needed. Without this type of information readily available, manufacturers would either need to spend more time or money to notify purchasers of a recall.

Estimated Annual Burden: 950,000 hours.

Number of Respondents: 19,000.

(5) *Title:* 49 CFR 556, Petitions for Inconsequentiality.

OMB Control Number: 2127–0045.

Affected Public: Business or other for profit.

Abstract: The National Highway Traffic Safety Administration's statute at 49 U.S.C. 30113: General exemptions at subsection (b) Authority to exempt and procedures, authorizes the Secretary of Transportation upon application of a manufacturer, to exempt the applicant from the notice and remedy requirements of 49 U.S.C. Chapter 301, if the Secretary determines that the defect or noncompliance is inconsequential as it relates to motor vehicle safety. The notice and remedy requirements of Chapter 301 are set forth in 49 U.S.C. 30120, remedies for defects and noncompliance. Those sections require a manufacturer of motor vehicles or motor vehicle equipment to notify distributors, dealers, and purchasers if any of the manufacturer's products are determined either to contain a safety-related defect or to fail to comply with an applicable Federal motor vehicle safety standard. The manufacturer is under a concomitant obligation to remedy such defects or noncompliance. NHTSA exercised this statutory authority to excuse inconsequential defects or noncompliance when it promulgated 49 CFR Part 556, Petitions for Inconsequentiality—this regulation establishes the procedures for manufacturers to submit such petitions to the agency will use un evaluating those petitions. Part 556 allows the agency to ensure that petitions filed under 15 U.S.C. 30113(b) are both properly substantiated and efficiently processed.

Estimated Annual Burden: 30 hours.

Number of Respondents: 15.

(6) *Title:* Voluntary Child Safety Seat Registration Form.

OMB Control Number: 2127–0576.

Affected Public: Individuals and households.

Abstract: Chapter 301 of Title 49 of the United States provides that if either NHTSA or a manufacturer determines the motor vehicles or items of motor vehicle equipment contains a defect that relates to motor vehicle safety or fail to comply with an applicable Federal Motor Vehicle Safety Standard, the manufacturer must notify owners and purchasers of the defect of noncompliance and must provide a remedy without charge. Pursuant to 49 CFR Part 577, Defects and noncompliance notification for equipment items, including child safety seats, must be sent by first class mail to the most recent purchaser known to the manufacturer. In the absence of a registration system, many owners of child safety seats are not notified of safety defects and noncompliance, since the manufacturer is not aware of their identities.

Estimated Annual Burden: 26 hours.

Number of Respondents: 1,200.

(7) *Title:* Generic Clearance for Customer and External Stakeholder Surveys.

OMB Control Number: 2127–0579.

Affected Public: Individuals or households are primary survey respondents. Businesses or other-for profit, not-for-profit institutions, Federal agencies, and State, local or tribal governments are other possible survey respondents.

Abstract: Executive Order 12862 mandates that agencies survey their customers to identify the kind and quality of services they want and their level of satisfaction with existing services. Other requirements include the Governmental Performance and Results Act (GPRA) of 1993 which promotes a new focus on results, service quality, and customer satisfaction. NHTSA will use surveys of the public and other external stakeholders to gather data as one input to decision making on how to better meet the goal of improving safety on the nation's highways. The data gathered on public expectations, NHTSA's products and services, along with specific information on motor vehicle crash related issues, will be used by the agency to better structure its processes and products, forecast safety trends and achieve the agency's goals.

Estimated Annual Burden: 20,396 hours.

Number of Respondents: 134,334.

Herman L. Simms,

Associate Administrator for Administration.

[FR Doc. 01–4840 Filed 2–27–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–31 (Sub–No. 37X)]

Grand Trunk Western Railroad Incorporated—Abandonment Exemption—In Oakland County, MI

On February 8, 2001, Grand Trunk Western Railroad Incorporated (GTW) filed with the Surface Transportation Board (Board), a petition under 49 U.S.C. 10502 from the provisions of 49 U.S.C. 10903 for GTW to abandon a line of railroad, referred to as the North Pontiac Spur, extending from milepost 2.39 to milepost 2.49/38.46, at Belt Junction on the Pontiac Belt Line; from milepost 2.49/38.46, at Belt Junction, to the end of track at milepost 37.7, near Joslyn Avenue on the Romeo Subdivision; and from milepost 2.75, at Belt Junction, to the end of track at milepost 1.25, near Montcalm Street on the Cass City Subdivision, a total distance of approximately 2.36 miles entirely within Pontiac, Oakland County, MI. The line traverses U.S. Postal Service Zip Code 48340 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions specified in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by May 29, 2001. GTW has requested expedited consideration of its petition and has requested that any decision granting its petition be effective, if possible, not later than 15 days after its service date.

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested parties should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than March 20, 2001. Each trail use request must be accompanied by a $150 filling fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–31 (Sub-No. 37X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001; and (2) Thomas J. Litwiler, Esq., Fletcher & Sippel LLC, Two Prudential Plaza, Suite 3125, 180 North Stetson Avenue, Chicago, IL 60601–6721. Replies to the petition are due on or before March 20, 2001.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance at (202) 565–1592 or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at 1–800–877–8339.] Any environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at *WWW.STB.DOT.GOV*.

Decided: February 14, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–4391 Filed 2–27–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 20, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 30, 2001 to be assured of consideration.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0116.

Form Number: ATF F 5200.11.

Type of Review: Extension.

Title: Notice of release of Tobacco Products, Cigarette Papers, or Cigarette Tubes.

Description: The form documents releases of tobacco products and cigarette papers and tubes from custody and returns of such articles to a manufacturer or export warehouse shipments for use in the United States. The form is also used to ensure compliance with laws and regulations at the time of transaction and for post audit examination.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 153.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 306 hours.

OMB Number: 1512–0333.

Recordkeeping Requirement ID Number: ATF REC 5130/1.

Type of Review: Extension.

Title: Usual and Customary Business Records Maintained by Brewers.

Description: The Bureau of Alcohol, Tobacco and Firearms audits brewers' records to verify production of beer and cereal beverage and to verify the quantity of beer removed subject to tax and removed without payment of tax.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 1,400.

Estimated Burden Hours Per Recordkeeper: 1 hour.

Frequency of Response: On occasion.

Estimated Total Recordkeeping Burden: 1 hour.

OMB Number: 1512–0390.

Form Number: ATF F 5020.29.

Type of Review: Extension.

Title: Request for Disposition of Offense.

Description: The information provided on this form determines whether an applicant is eligible to receive a Federal license or permit. If an applicant applies for a license or permit and has an arrest record charged with a violation of Federal or State law and there is no record present of the disposition of the case(s), the form is sent to the custodian or records to ascertain the disposition of the case.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents: 3,000.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,500 hours.

OMB Number: 1512–0478.

Recordkeeping Requirement ID Number: ATF REC 5130/3 and ATF REC 5130/4.

Type of Review: Extension.

Title: Marks on Equipment and Structures (5130/3); and Marks and Labels on Containers of Beer (5130/4).

Description: Marks, signs and calibrations are necessary on equipment and structures for identifying major equipment for accurate determination of tank contents, and segregation of taxpaid and nontaxpaid beer. Marks and labels on containers of beer are necessary to inform consumers of container contents, and to identify the brewer and place of production.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 1,400.

Frequency of Response: On occasion.

Estimated Burden Hours Per Recordkeeper: 1 hour.

Estimated Total Recordkeeping Burden: 1 hour.

Clearance Officer: Frank Bowers (202) 927–8930,Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–4817 Filed 2–27–01; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 21, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 30, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0044.
Form Number: IRS Form 973.
Type of Review: Extension.
Title: Corporation Claim for Deduction for Consent Dividends.

Description: Corporations file Form 973 to claim a deduction for dividends paid. If shareholders consent and IRS approves, the corporation may claim a deduction for dividends paid, which reduces the corporation's tax liability. IRS uses Form 973 to determine if shareholders have included the dividend in gross income.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 500.

Estimated Burden Hours Per Respondent/Recordkeepers:
Recordkeeping—4 hr., 4 min.
Learning about the law and the form—30 min.
Preparing and sending the form to the IRS—35 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 2,575 hours.

OMB Number: 1545–0117.
Form Number: IRS Form 1099–OID.
Type of Review: Extension.
Title: Original Issue Discount.

Description: This form is used for reporting original issue discount as required by section 6049 of the Internal Revenue Code. It is used to verify that income earned on discount obligations is properly reported by the recipient.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 9,185.

Estimated Burden Hours Per Respondent/Recordkeeper: 12 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 1,142,323 hours.

OMB Number: 1545–0148.
Form Number: IRS Form 2758.
Type of Review: Extension.
Title: Application for Extension of Time To File Certain Excise, Income, Information, and Other Returns.

Description: Internal Revenue Code 6081 permits the Secretary to grant a reasonable extension of time for filing any return, declaration, statement, or other document. This form is used by fiduciaries and certain organizations to request an extension of time to file their returns. The information is used to determine whether the extension should be granted.

Respondents: Business or other for-profit, not-for-profit institutions.

Estimated Number of Respondents/ Recordkeepers: 70,371.

Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—5 hr.
Learning about the law or the form—12 min.
Preparing and sending the form to the IRS—16 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 375,923 hours.

OMB Number: 1545–0746.
Regulation Project Number: LR–100–78 Final.
Type of Review: Extension.
Title: Creditability of Foreign Taxes.

Description: The information needed is a statement by the taxpayer that it has elected to apply the safe harbor formula of section 1.901–2A(e) of the foreign tax credit regulations. This statement is necessary in order that the IRS may properly determine the taxpayer's tax liability.

Respondents: Individuals or households, business or other for-profit, farms.

Estimated Number of Respondents: 110.

Estimated Burden Hours Per Respondent: 20 minutes.

Frequency of Response: Other (nonrecurring).

Estimated Total Reporting Burden: 37 hours.

OMB Number: 1545–0755.
Regulation Project Number: LR–58–83 Final.
Type of Review: Extension.
Title: Related Group Election With Respect to Qualified Investments in Foreign Base Company Shipping.

Description: The election described in the attached justification converted an annual election to an election effective until revoked. The computational information required is necessary to assure that the U.S. shareholder correctly reports any shipping income of its controlled foreign corporations which is taxable to that shareholder.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 100.

Estimated Burden Hours Per Respondent: 2 hours, 3 minutes.

Frequency of Response: Other (nonrecurring).

Estimated Total Reporting Burden: 205 hours.

OMB Number: 1545–0768.
Regulation Project Number: EE–178–78 Final (TD 7898).
Type of Review: Extension.
Title: Employers' Qualified Educational Assistance Programs.

Description: Respondents include employers who maintain education assistance programs for their employees. Information verifies that programs are qualified and that employees may exclude educational assistance from their gross incomes.

Respondents: Individuals or households, business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 5,200.

Estimated Burden Hours Per Respondent/Recordkeeper: 7 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 615 hours.

OMB Number: 1545–1316.
Form Number: IRS Form 9452.
Type of Review: Extension.
Title: Filing Assistance Program (Do you have to file a tax return?).

Description: The RUF (Reduce Unnecessary Filing) Program was initiated in 1992. Each year approximately 72% of the taxpayers contacted through he RUF Program stop filing unnecessary returns. This has reduced taxpayer burden and been cost effective for the Service. This is in accord with the Service's compliance initiatives.

Respondents: Individuals or households.

Estimated Number of Respondents: 1,650,000.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 825,000 hours.

OMB Number: 1545–1379.
Form Number: IRS Form 8831.
Type of Review: Extension.
Title: Excise Taxes on Excess Inclusions of REMIC Residual Interests.

Description: Form 8831 is used by a real estate mortgage investment conduit (REMIC) to figure its excise tax liability under Code sections 860E(e)(1), 860E(e)(6), and 860E(e)(7). IRS uses the information to determine the correct tax liability of the REMIC.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 31.

Estimated Burden Hours Per Respondent/Recordkeepers:
Recordkeeping—4 hr., 32 min.
Learning about the law or the form—1 hr., 29 min.
Preparing and sending the form to the IRS—1 hr., 38 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 237 hours.

OMB Number: 1545–1555.
Regulation Project Number: REG–115795–97 Final.
Type of Review: Extension.
Title: General Rules for Making and Maintaining Qualified Electing Fund Elections.

Description: The regulations provide rules for making section 1295 elections and satisfying annual reporting requirements for such elections, revoking section 1295 elections, and making retroactive section 1295 elections.

Respondents: Business or other for-profit, individuals or households, not-for-profit institutions.

Estimated Number of Respondents/ Recordkeepers: 1,290.

Estimated Burden Hours Per Respondent/Recordkeeper: 29 minutes.

Frequency of Response: Other (one time only).

Estimated Total Reporting/ Recordkeeping Burden: 623 hours.

OMB Number: 1545–1568.
Announcement Number: Announcement 97–122.
Type of Review: Extension.
Title: Interim Guidance for Roth IRAs.

Description: This announcement provides interim guidance concerning the establishment of Roth IRAs (described in section 408A of the Internal Revenue Code as added by section 302 of the Taxpayer Relief Act of 1997). The guidance is directed mainly at banks, etc., that will market prototype Roth IRAs to the public.

Respondents: Business or other for-profit, not-for-profit institutions.

Estimated Number of Respondents: 4,000.

Estimated Burden Hours Per Respondent: 2 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 8,000 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–4818 Filed 2–27–01; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register
Vol. 66, No. 40
Wednesday, February 28, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2000–8450; Notice No. 01–02]

RIN 2120–AH17

Airworthiness Directives

Correction

FR Doc. 01–3884 which was published in the issue of Thursday, February 15, 2001 at 66 FR 10360 appeared in the Rules and Regulations section. It should have appeared in the Proposed Rules section.

[FR Doc. C1–3884 Filed 2–27–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 26

[TD 8912]

RIN 1545–AX08

Generation-Skipping Transfer Issues

Correction

In rule document 00–31757 beginning on page 79735 in the issue of Wednesday, December 20, 2000, make the following correction:

On page 79740, in the first column, in the ninth line, after "*B's*" remove "0".

[FR Doc. C1–31757 Filed 2–27–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Wednesday,
February 28, 2001

Part II

National Skill Standards Board

Solicitation of Comments; Notice

NATIONAL SKILL STANDARDS BOARD

Solicitation of Comments

AGENCY: National Skill Standards Board.

SUMMARY: The National Skill Standards Board (NSSB) is building a voluntary national system of skill standards, assessments, and certification that will enhance the ability of the U.S. to compete effectively in a global economy. Industry-led, voluntary coalitions, called Voluntary Partnerships, are developing the skill standards, assessment, and certification systems within fifteen NSSB-defined industry sectors. The NSSB has developed a set of criteria for assessment, against which assessments developed by the Voluntary Partnerships will be evaluated for approval by the Board. The NSSB seeks public comment on these criteria to ensure clarity and comprehensiveness. Comments must be submitted in writing as described in the "Request for and Resolution of Comments" in the "Supplementary Information" section below in order to be considered, and details on submitting comments via e-mail, fax, or regular mail are provided in the "Addresses" section of this announcement.

DATES: The National Skill Standards Board will accept written comments on the criteria for assessment on or before April 30, 2001.

ADDRESSES: Please send comments via regular mail to: NSSB, Attention: Elizabeth Kolmstetter, Sr. Director for Standards, Assessment, and Certification, 1441 L Street, N.W., Suite 9000, Washington, DC 20005–3512. To submit comments via fax, transmit to Elizabeth Kolmstetter, Assessment Criteria, at 202–254–8646. To submit comments via the Internet, go to http://*www.nssb.org*. Click on the icon entitled "View and Comment on Assessment Criteria Here."

FOR FURTHER INFORMATION CONTACT: For further information on the Voluntary National System of Industry Skill Standards, Assessment, and Certification, contact National Skill Standards Board (NSSB): 1441 L Street, N.W., Suite 9000, Washington DC 20005, 202–254–8628, http://www.nssb.org.

SUPPLEMENTARY INFORMATION:

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I. Background
II. Authorizing Legislation
III. NSSB Criteria for Assessment
IV. Request for and Resolution of Comments

I. Background

The National Skill Standards Act of 1994 created "a National Skill Standards Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification of attainment of skill standards" (see Section II below). The Act defines a skill standard as one that specifies the level of knowledge and skills required to successfully perform work-related functions within an industry cluster. Industry clusters are broad groups of industries defined by the NSSB to delineate the scope of employment covered by skill standards. They are based on the federal government's official 1997 North American Industry Classification System. Industry coalitions called Voluntary Partnerships (VPs) are developing the skill standards, assessment and certification systems within fifteen industry clusters. The skill standards, and therefore assessments and certifications, are being developed to reflect the needs of high-performance organizations.

II. Authorizing Legislation

Public Law 103–227, Title V, National Skill Standards Act of 1994.

III. NSSB Criteria for Assessment

The National Skill Standards Board (NSSB) will use the following specific criteria to evaluate the degree to which skill standards systems include an appropriate assessment system plan, and the degree to which this plan adheres to statutory requirements and NSSB policy on assessment. Criteria are being developed for certification and will be available for public comment before the end of the year. Voluntary Partnerships must demonstrate adherence to the criteria in order to receive NSSB approval and ultimate endorsement of the entire system.

Criteria Related to Methodology

A1. Assessments are reliable, fair, and valid, accurately measuring the skills they are designed to measure, and are consistent with federal civil rights laws with respect to race, color, gender, age, religion, ethnicity, disability, and national origin. To achieve these goals of reliability, validity, and fairness, the assessments are developed in a manner consistent with relevant professional and technical standards and government guidelines. Professional standards include the APA/AERA/NCME Standards for Educational and Psychological Tests and the Society for Industrial and Organizational Psychology's Principles for the Validation and Use of Employee Selection Procedures. Government guidelines are found in 29 Code of Federal Regulations 1607, Uniform Guidelines on Employee Selection Procedures.

A2. Assessments are neutral on their face with respect to the groups protected by civil rights law.

A3. Assessments are manifestly job-related and consistent with business necessity, reflecting only the knowledge and skills (including language and physical skills) actually required for competent performance.

A4. Assessments are as objective as possible. When subjective measures are necessary, techniques (for example, administrator and rater training, rating guides or scales, checklists, structured assessments, scripts, etc.) are applied to increase the consistency of judgments.

A5. The assessments are practical in terms of time, expense, and resource requirements involved in both their development (that is, creation and validation of the assessments) and delivery (that is, ongoing administration, scoring, and maintenance/updating of the assessments).

Criteria Related to Components of the Assessment System

B1. Assessments capture the full richness of the skill standards. This means knowledge and skills are measured in the context of the work described by the critical work functions, key activities, and performance indicators.

B2. Assessments incorporate measures of performance that reflect the characteristics of best-practice, high-performance workplaces. In addition, assessment content and format are designed to maximize the acceptability of the assessments to users and to maximize the value of the assessments as signals of the types of skills, knowledge, and performance required by high-performance workplaces.

B3. Assessments are modular, allowing individuals to demonstrate proficiency in and receive credit for attainment of a portion of a skill standard.

B4. Assessments are not limited to a single assessment tool or method and may include multiple measures of the same skill, as long as they are consistent with NSSB assessment criteria.

B5. Innovative methods of assessment (for example, new types of simulations or performance measures), as well as innovative methods of assessment delivery (for example, computer- or video-based assessment), are encouraged, as long as they are consistent with the NSSB assessment criteria.

Criteria Related to the Use of Assessment

C1. Assessments are analyzed for their adverse impact on the groups protected by civil rights law and the Voluntary Partnership selects the assessments with the least adverse impact without sacrificing validity.

C2. Assessments are accessible to people who are able to demonstrate their competence by virtue of their experience, self-instruction, or formal programs of instruction.

C3. Alternative formats, assistance, or other provisions are made for assessments in order to reasonably accommodate persons with disabilities, consistent with the American with Disabilities Act of 1990 and the Rehabilitation Act of 1973, as amended in 1992.

C4. In order to assure the greatest possible access, pre-assessment information is provided to potential candidates and other users including information about the actual assessments and the assessment process (for example, topics covered, how much it costs, how long it takes, where it is available, and any preparation materials available). Information about the assessments does not include disclosure of the assessments themselves.

C5. To the extent economically feasible, assessments are available in locations which do not necessitate undue travel time or costs for individuals.

C6. All individuals who are assessed are provided feedback on their performance. At a minimum, feedback includes whether the candidate passed or failed certification and whether the candidate passed or failed each assessment module. Mechanisms are established to offer feedback and scoring results as quickly as possible. This criterion does not require Voluntary Partnerships to divulge information about assessments, either through feedback or re-assessment, which is so specific as to endanger the security of the assessment.

C7. Individuals who do not successfully complete an assessment are afforded some opportunity to be assessed again.

C8. Assessment systems are administered in a manner consistent with NSSB criteria and as approved by the NSSB. Administration of the assessment system includes its development, oversight, quality control, and routine operation.

V. Request for and Resolution of Comments

The National Skill Standards Board (NSSB) requests that comments submitted address one or more of the following areas:

- The adequacy and completeness of this list of criteria;
- The clarity of the criteria;
- Examples or descriptions of how the VPs can meet the criteria; and,
- Examples of how to document compliance with the criteria.

The NSSB shall review and take into consideration all comments; will respond in writing to comments as appropriate; and, will make revisions as deemed appropriate. At the end of the comment period the NSSB will post a summary of comments on the NSSB Website *www.nssb.org*. A summary of the response to comments and a notice of revision will be posted at a later date.

Signed at Washington DC this 23rd day of February 2001.

Edie West,

Executive Director, National Skill Standards Board.

[FR Doc. 01–4899 Filed 2–27–01; 8:45 am]

BILLING CODE 4510–BF–P

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Federal Register

Wednesday,
February 28, 2001

Part III

The President

Notice of February 27, 2001—Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

Federal Register
Vol. 66, No. 40
Wednesday, February 28, 2001

Presidential Documents

Title 3—

The President

Notice of February 27, 2001

Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

On March 1, 1996, by Proclamation 6867, President Clinton declared a national emergency to address the disturbance or threatened disturbance of international relations caused by the February 24, 1996, destruction by the Government of Cuba of two unarmed U.S.-registered civilian aircraft in international air space north of Cuba. In July 1996 and on subsequent occasions, the Government of Cuba stated its intent to forcefully defend its sovereignty against any U.S.-registered vessels or aircraft that might enter Cuban territorial waters or airspace while involved in a memorial flotilla and peaceful protest. Since these events, the Government of Cuba has not demonstrated that it will refrain from the future use of reckless and excessive force against U.S. vessels or aircraft that may engage in memorial activities or peaceful protest north of Cuba. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Cuba and the emergency authority relating to the regulation of the anchorage and movement of vessels set out in Proclamation 6867.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

THE WHITE HOUSE,
February 27, 2001.

[FR Doc. 01–5067
Filed 2–27–01; 11:08 am]
Billing code 3195–01–P

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H.J. Res. 7/P.L. 107–1

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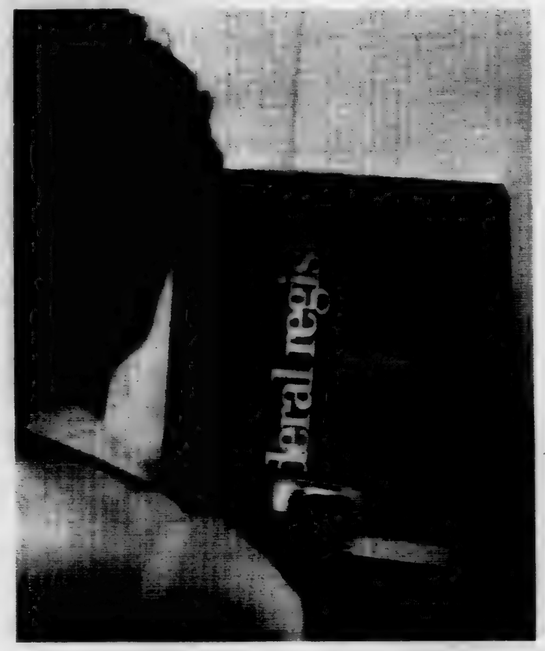
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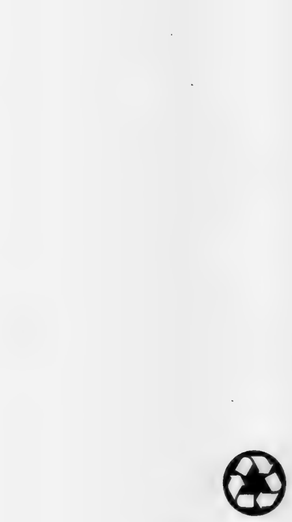
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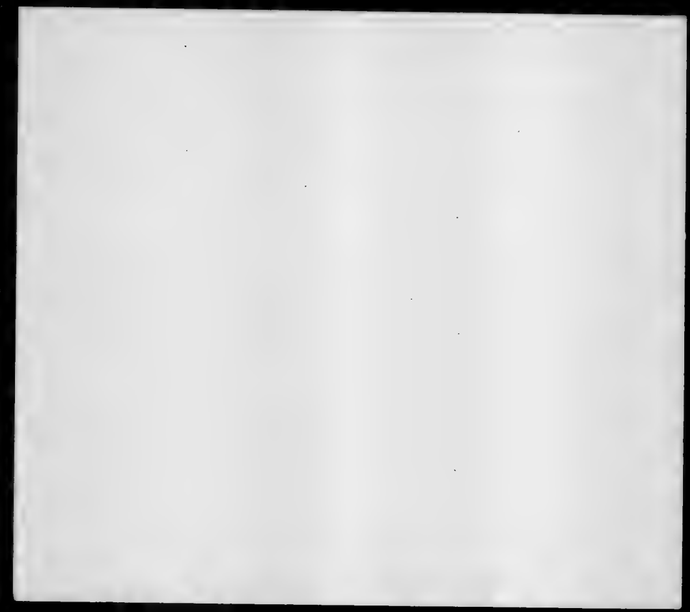
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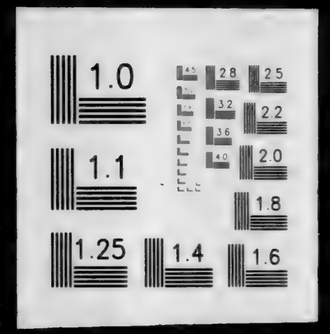
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Federal Register
Vol. 66, No. 41
Thursday, March 1, 2001

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM183; Special Conditions No. 25–173–SC]

Special Conditions: Gulfstream G–1159; High-Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Gulfstream Aerospace Corporation G–1159 airplanes modified by DaimlerChrysler Aviation, Inc. These modified airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of dual Electronic Primary Flight Display systems that perform critical functions. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity-radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is February 16, 2001. Comments must be received on or before April 2, 2001.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM–114), Docket No. NM183, 1601 Lind Avenue SW., Renton, Washington 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: *Docket No. NM183.* Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Meghan Gordon, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–2138; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to these special conditions must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM183." The postcard will be date stamped and returned to the commenter.

Background

On April 3, 2000, DaimlerChrysler Aviation, Inc., 7002 Highland Rd., Waterford, MI, applied for a Supplemental Type Certificate (STC) to modify Gulfstream Aerospace Corporation G–1159 airplanes. The G–1159 is a small transport category airplane. The G–1159 airplanes are powered by two Rolls Royce Spey RB (163) 511–8 turbofans with a maximum takeoff weight of 57,500 pounds. This aircraft operates with a 2-pilot crew and can hold up to 19 passengers. The modification incorporates the installation of a Honeywell Primus Epic Control Display System for Retrofit applications (CDS–R). The CDS–R is a replacement for the existing Analog Flight Instrumentation, while also providing additional functional capability and redundancy in the system. The avionics/electronics and electrical systems installed in this airplane have the potential to be vulnerable to high-intensity radiated fields (HIRF) external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR 21.101, DaimlerChrysler Aviation Inc. must show that the Gulfstream Aerospace Corporation G–1159 airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference Type Certificate No. A12EA, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The regulations included in the certification basis for the Gulfstream Aerospace Corporation G–1159 airplanes include CAR 4b dated December 31, 1953, including Amendments 4b–1 thru 4b–14, Special Regulations SR422B and SR450A, and Special Conditions in Attachment A of FAA letter to Grumman dated September 27, 1965, plus 14 CFR 25.1325 (effective February 1, 1965); 25.175 (effective March 1, 1965) in lieu of 4b.155(b), plus additional requirements listed in the type certificate data sheet that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, CAR 4b and part 25, as amended) do not contain adequate or appropriate safety standards for the Gulfstream Aerospace Corporation G–1159 airplanes modified by DaimlerChrysler Aviation Inc. because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, these Gulfstream Aerospace Corporation G–1159 airplanes must comply with the fuel vent and exhaust

emission requirements of part 34 and the noise certification requirements of part 36.

Special conditions, as defined in § 11.19, are issued in accordance with § 11.38 and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should DaimlerChrysler Aviation Inc. apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

As noted earlier, the Gulfstream Aerospace Corporation G–1159 airplanes modified by DaimlerChrysler Aviation Inc. will incorporate dual Electronic Primary Flight Display systems that will perform critical functions. This system may be vulnerable to high-intensity radiated fields external to the airplane. The current airworthiness standards of part 25 do not contain adequate or appropriate safety standards for the protection of this equipment from the adverse effects of HIRF. Accordingly, this system is considered to be a novel or unusual design feature.

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive avionics/electronics and electrical systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved that is equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Gulfstream Aerospace Corporation G–1159 airplanes modified by DaimlerChrysler Aviation Inc. These special conditions require that new avionics/electronics and electrical systems that perform critical functions be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications coupled with electronic command and control of the airplane, the immunity of critical avionics/electronics and electrical systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraph 1 OR 2 below:

1. A minimum threat of 100 volts rms per meter electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated. Both peak and average field strength components from the Table are to be demonstrated.

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 KHz	50	50
100 kHz–500 KHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

The threat levels identified above are the result of an FAA review of existing studies on the subject of HIRF, in light of the ongoing work of the Electromagnetic Effects Harmonization Working Group of the Aviation Rulemaking Advisory Committee.

Applicability

As discussed above, these special conditions are applicable to Gulfstream Aerospace Corporation G–1159 airplanes modified by DaimlerChrysler Aviation Inc. Should DaimlerChrysler Aviation Inc. apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on the Gulfstream Aerospace Corporation G–1159 airplanes modified by DaimlerChrysler Aviation Inc. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comments would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for the Gulfstream Aerospace Corporation G–1159 airplanes modified by DaimlerChrysler Aviation Inc.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition applied: *Critical Functions*: Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on February 16, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4675 Filed 2–28–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 738, 740, 744, and 746

[Docket No. 010208031–1031–01]

RIN 0694–AC36

Exports to the Federal Republic of Yugoslavia; Revision of Foreign Policy Controls

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends the Export Administration Regulations (EAR) by removing the additional license requirements imposed on Serbia in May 1999. However, a license is required for all exports and reexports by U.S. persons of any item subject to the EAR to persons listed pursuant to Executive Order 13088, as amended by Executive Order 13192 of January 17, 2001. The persons subject to sanctions under amended Executive Order 13088 include Slobodan Milosevic, his family, his close associates, and those indicted for war crimes. These sanctioned persons are identified on the list of specially designated nationals and blocked persons maintained by the Department of the Treasury's Office of Foreign Assets Control and identified by the bracketed suffix initials [FRYM]. Controls are maintained under the EAR on arms and related materiel to the Federal Republic of Yugoslavia (Serbia and Montenegro) consistent with United Nations Security Council Resolution 1160 of March 3, 1998.

DATES: This rule is effective March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Brian Nilsson, Office of Strategic Trade and Foreign Policy Controls, Telephone: (202) 482–4196.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 13088 of June 9, 1998, as amended by Executive Order 13121 on April 30, 1999, imposed, among other measures, comprehensive U.S. export and reexport prohibitions on the Federal Republic of Yugoslavia (Serbia and Montenegro). On May 4, 1999, the Bureau of Export Administration (BXA) issued a final rule imposing a license requirement for exports and reexports to Serbia of all items subject to the EAR and a case-by-case review of applications with a presumption of denial for other than humanitarian items. These measures were intended to deter Serbia's human rights offenses against ethnic Albanians in Kosovo and to prevent the expansion of the ethnic conflict. BXA's May 4, 1999 rule did not impose similar comprehensive controls on exports or reexports to Montenegro.

Effective January 19, 2001, Executive Order 13192 amended Executive Order 13088 to revoke previously imposed prohibitions, including those on exports and reexports. BXA is taking action under its export control authorities consistent with amended Executive Order 13088. Specifically, this rule removes the additional license requirements imposed under the EAR by the May 4, 1999, rule on exports and reexports to Serbia, and thus restores Serbia to the export control status it had prior to May 4, 1999. However, persons listed in the Annex to Executive Order 13192, as well as persons designated by the Secretary of the Treasury, in consultation with the Secretary of State pursuant to that order, are subject to sanctions administered by the Department of the Treasury's Office of Foreign Assets Control. Exports and reexports of any item subject to the EAR by a U.S. person to a person designated pursuant to amended Executive Order 13088 are subject to a license requirement and a licensing policy of denial. These sanctioned persons are included on a list of specially designated nationals and blocked persons (SDNs) maintained by the Department of the Treasury, Office of Foreign Assets Control (OFAC) and identified by the bracketed suffix initials [FRYM]. To obtain additional information regarding the list of SDNs, contact OFAC at telephone number 202/622–2520. BXA provisions regarding these sanctioned persons are included in new section 744.16 of the EAR.

This rule eliminates the distinctions previously applicable to Serbia, Kosovo and Montenegro, which had been established by the final rule of November 5, 1999, for export control purposes. With the publication of this rule, Serbia (including the province of Kosovo) and Montenegro will be listed together as the Federal Republic of Yugoslavia (Serbia and Montenegro) for License Exception eligibility purposes, as members of "Country Group B" (see Supplement No. 1 to part 740),

"Computer Tier 3" (see § 740.7), and in the "Commerce Country Chart" (see Supplement No. 1 part 738).

Note that the arms embargo mandated by United Nations Security Council Resolution 1160 of March 3, 1998 remains in effect. This embargo prohibits the sale or supply of arms and arms-related items to the Federal Republic of Yugoslavia (Serbia and Montenegro), including those controlled under the EAR for crime control and regional stability reasons.

A foreign policy report on the new controls imposed by this rule on designated persons pursuant to amended Executive Order 13088 was submitted to the Congress on February 23, 2001.

Rulemaking Requirements

1. This rule was determined to be not significant for purposes of Executive Order 12866.

2. This rule involves a collection of information subject to the Paperwork Reduction Act (P.R.A.) of 1995 (U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0694–0088, "Multi-Purpose Application," which carries a burden hour estimate of 45 minutes per manual submission on form BXA–748P and 40 minutes per electronic submission. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the P.R.A., unless that collection of information displays a currently valid OMB Control Number.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 13132

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form.

Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sheila Quarterman, Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Part 738

Administrative practice and procedure, Exports, Foreign trade.

15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and Recordkeeping requirements.

15 CFR Part 744

Exports, Foreign trade, Reporting and recordkeeping requirements.

15 CFR Part 746

Embargoes, Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, parts 738, 740, 744, and 746 of the Export Administration Regulations (15 CFR Parts 730–799) are amended as follows:

1. The authority citation for part 738 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Public Law No. 106–508; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

2. The authority citation for part 740 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Public Law No. 106–508; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

3. The authority citation for part 744 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Public Law No. 106–508; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13088, 63 FR 32109, 3 CFR, 1998 Comp., p. 191; E.O. 13121 of April 30, 1999, 64 FR 24021 (May 5, 1999); E.O. 13192 of January 17, 2001, 66 FR 7379 (January 23, 2001); Notice of November 12, 1998, 63 FR 63589, 3 CFR, 1998 Comp., p. 305; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

4. The authority citation for Part 746 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Public Law No. 106–508; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 6004; E.O. 12854, 58 FR 36587, 3 CFR 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

PART 738—[AMENDED]

5. Supplement No. 1 to Part 738 is amended by removing the entries "Kosovo (Serbian province of)" and "Montenegro", by revising the entry heading "Serbia (not including Kosovo)" to read "Yugoslavia (Serbia and Montenegro), Federal Republic of", and by revising the newly designated "Yugoslavia (Serbia and Montenegro), Federal Republic of" row, to read as follows:

Supplement No. 1 to Part 738—(Commerce Country Chart)

COMMERCE COUNTRY CHART—REASON FOR CONTROL

Countries	Chemical & biological weapons			Nuclear non-proliferation		National security		Missile tech	Regional stability		Firearms convention	Crime control			Anti-terrorism	
	CB 1	CB 2	CB 3	NP 1	NP 2	NS 1	NS 2	MT 1	RS 1	RS 2	FC 1	CC 1	CC 2	CC 3	AT 1	AT 2
Yugoslavia (Serbia and Montenegro), Federal Republic of [1]	x	x		x		x	x	x	x	x		x	x	x		

[1] This country is subject to United Nations Sanctions. See part 746 of the EAR for additional OFAC licensing requirements that may apply to your proposed transaction.

PART 740—[AMENDED]

6. Section 740.7 is amended by revising paragraph (d)(1) to read as follows:

§ 740.7 Computers (CTP).

* * * * *

(d) *Computer Tier 3*—(1) *Eligible countries.* The countries that are eligible to receive exports and reexports under this License Exception are Afghanistan, Albania, Algeria, Andorra, Angola, Armenia, Azerbaijan, Bahrain, Belarus, Bosnia & Herzegovina, Bulgaria, Cambodia, China (People's Republic of), Comoros, Croatia, Djibouti, Egypt, and Yugoslavia (Serbia and Montenegro), Federal Republic of, Georgia, India, Israel, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Latvia, Lebanon, Lithuania, Macau, Macedonia (The Former Yugoslav Republic of), Mauritania, Moldova, Mongolia, Morocco, Oman, Pakistan, Qatar, Russia, Saudi Arabia, Tajikistan, Tunisia, Turkmenistan, Ukraine, United Arab Emirates, Uzbekistan, Vanuatu, Vietnam, Yemen and Yugoslavia. As of May 19, 2001, Lithuania moves to Computer Tier 1.

* * * * *

7. Supplement No. 1 to part 740 is amended by removing "Kosovo (Serbian province of)" and "Montenegro" from the list of "Country Group B" countries and by adding, in alphabetical order, "Yugoslavia (Serbia and Montenegro), Federal Republic of".

PART 744—AMENDED

8. Part 744 is amended by adding new section 744.16 to read as follows:

§ 744.16 Restrictions on exports and reexports by U.S. persons to specially designated persons on the list of Specially Designated Nationals identified by the bracketed suffix initials [FRYM].

BXA maintains restrictions on exports and reexports of any item subject to the EAR by U.S. persons to persons designated pursuant to Executive Order 13088 of June 9, 1998, as amended by Executive Order 13192 of January 17, 2001 (Executive Order 13088, as amended). These designated persons include individuals listed in the Annex to Executive Order 13192, as well as persons designated by the Secretary of the Treasury, in consultation with the Secretary of State pursuant to that order (e.g., the former President of the Federal Republic of Yugoslavia, Slobodan Milosevic; his close associates; persons determined to be under open indictment by the International Criminal Tribunal for the former Yugoslavia; and persons determined to have sought, or to be seeking, to maintain or reestablish illegitimate control over the political processes or economic resources of the Federal Republic of Yugoslavia (Serbia and Montenegro)). Persons designated pursuant to Executive Order 13088, as amended, are included on the list of Specially Designated Nationals maintained by the Department of the Treasury's Office of Foreign Assets Control (OFAC) and identified by the bracketed suffix initials [FRYM]. The requirements set forth in this section further the objectives of Executive Order 13088, as amended.

(a) *License requirements.* (1) A license is required for all exports and reexports of any item subject to the EAR by a U.S. person to a person on the list of Specially Designated Nationals maintained by OFAC and identified by the bracketed initials [FRYM].

(2) A U.S. person may also be required to seek separate authorization from OFAC for an export or reexport to a designated person identified by the bracketed initials [FRYM].

(b) *License policy.* Applications for exports and reexports of any item subject to the EAR by a U.S. person to a Specially Designated National identified by the bracketed initials [FRYM] will be reviewed with a general policy of denial.

PART 746—[AMENDED]

9. Section 746.9 is revised to read as follows:

§ 746.9 The Federal Republic of Yugoslavia (Serbia and Montenegro).

United Nations Security Council Resolution 1160 of March 31, 1998 provides that all member States shall prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related materiel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and shall prevent the arming and training for terrorist activities there. Executive Order 12918 of May 26, 1994 (3 CFR, 1994 comp., p. 899) authorizes the Secretary of State and the Secretary of Commerce, under section 5 of the United Nations Participation Act and other authorities available to the respective Secretaries, to take all actions necessary to implement any arms embargo mandated by resolution of the UNSC.

(a) *License requirements.* (1) Under Executive Order 12918 of May 26, 1994, and in conformity with UNSC Resolution 1160 of March 31, 1998, an embargo applies to the sale or supply to the Federal Republic of Yugoslavia (Serbia and Montenegro), of arms and related materiel of all types and regardless of origin, such as weapons and ammunition, military vehicles and equipment, and spare parts for such items. You will, therefore, need a license for the sale, supply or export to the Federal Republic of Yugoslavia (Serbia and Montenegro) from the United States of embargoed items, as listed in paragraphs (a)(1)(i) and (ii) of this section. You will also need a license for the sale, supply, export or reexport to the Federal Republic of Yugoslavia (Serbia and Montenegro) of such items by any U.S. person in any foreign country or other location. (Reexport controls imposed by this embargo apply only to reexports by U.S. persons. Reexport controls on U.S.-origin items to the Federal Republic of Yugoslavia (Serbia and Montenegro) set forth in other parts of the EAR remain in effect.) You will also need a license for the use of any U.S.-registered aircraft or vessel to supply or transport to the Federal Republic of Yugoslavia (Serbia and Montenegro) any such items. These requirements apply to the following items, regardless of origin.

(i) Crime Control and Detection Equipment as identified on the CCL under CC Columns No. 1, 2 or 3 in the Country Chart column of the "License Requirements" section of the applicable ECCN.

(ii) Items described by ECCNs ending in "018"; and 0A978, 0A979, 0A982, 0A983, 0A984, 0A985, 0A986, 0A987, 0A988, 0A989, 0B986, 0E982, 0E984, 1A005, 1A984, 1A985, 1C992.b.–k., 2A993, 3A980, 3A981, 3D980, 3E980, 4A980, 4D980, 4E980, 5A980, 6A002, 6A003.b.3 and b.4, 6E001, 6E002, 9A980, and 9A991.a.

(2) *Date of embargo.* The licensing requirements in paragraph (a)(1) of this section were effective on July 14, 1998, except for ECCN 0E982, which took effect on September 13, 2000.

(b) *Licensing policy.* Applications for export or reexport of all items listed in paragraphs (a)(1)(i) and (ii) of this section are subject to a general policy of denial. Consistent with United Nations Security Council Resolution 1160, this embargo is effective notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted prior to the appropriate date referred to in paragraph (a)(2) of this section, except to the extent provided in regulations, orders, directives or licenses that may be issued in the future under Executive Order 12918 or under the EAR.

(c) *Related controls.* The Department of State, Office of Defense Trade Controls, maintains related controls on arms and military equipment under the International Traffic in Arms Regulations (22 CFR parts 120 through 130). You should also contact the Department of the Treasury's Office of Foreign Assets Control concerning any restrictions which might apply to U.S. persons involving financial transactions or dealings with the Federal Republic of Yugoslavia (Serbia and Montenegro).

Dated: February 26, 2001.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 01–5007 Filed 2–28–01; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 10, 14, and 16

[Docket No. 98N–1042]

Revision of Administrative Practices and Procedures; Meetings and Correspondence; Public Calendars; Partial Stay, Amendments, and Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; partial stay, amendments, and correction.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** of January 24, 2001 (66 FR 7702), this action temporarily stays until April 23, 2001, the effectiveness of the rule entitled "Revision of Administrative Practices and Procedures; Meetings and Correspondence, Public Calendars" published in the **Federal Register** of January 22, 2001 (66 FR 6465). The Food and Drug Administration (FDA) is also correcting an error in the docket number that appeared in the **Federal Register** of January 22, 2001, final rule.

DATES: This final rule is effective from January 22, 2001, to April 22, 2001. The correction to the docket number is effective January 22, 2001.

FURTHER INFORMATION CONTACT: Carol A. Kimbrough, Office of Policy (HF–26), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3480.

SUPPLEMENTARY INFORMATION: The final rule made the regulations relating to meetings, correspondence, and the agency's public calendar more concise and understandable to the public, minimized confusion about publicly available information concerning agency meetings, provided more effective disclosure of such information, and allowed FDA to reallocate resources to areas of more urgent public health need. To the extent that 5 U.S.C. 553 applies to this partial stay of effective date, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the agency's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and (d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The partial stay of effective date is necessary to give Department of Health and Human Services officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Seeking prior public comment on this partial stay and amendments would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

In FR Doc. 01–1566 appearing on page 6465 in the **Federal Register** of Monday, January 22, 2001, the following correction is made: On page 6465, in the third column, in the fifth line, "[Docket No. 98–1042]" is corrected to read "[Docket No. 98N–1042]".

As stated in the summary, the rule is stayed until April 23, 2001, in accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** of January 24, 2001. Because the January 22, 2001, rule entitled "Revision of Administrative Practices and Procedures; Meetings and Correspondence, Public Calendars" inadvertently published with an immediate effective date, the mechanism for delaying the effective date is in some instances shown below to temporarily amend the rule to return to the provisions it contained before January 22, 2001.

For the reasons set forth in this document, FDA amends 21 CFR chapter I as follows:

PART 10—ADMINISTRATIVE PRACTICES AND PROCEDURES

1. The authority citation for 21 CFR part 10 continues to read as follows:

Authority: 5 U.S.C. 551–558, 701–706; 15 U.S.C. 1451–1461; 21 U.S.C. 141–149; 321–397, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201, 262, 263b, 264.

§ 10.30 [Amended]

2. Section 10.30(i)(6) is amended by removing "§ 10.65(f)" and by adding in its place "§ 10.65(h)" from January 22, 2001, to April 22, 2001.

§ 10.33 [Amended]

3. Section 10.33(k)(6) is amended by removing "§ 10.65(f)" and by adding in its place "§ 10.65(h)" from January 22, 2001, to April 22, 2001.

§ 10.35 [Amended]

4. Section § 10.35(h)(6) is amended by removing "§ 10.65(f)" and by adding in its place "§ 10.65(h)" from January 22, 2001, to April 22, 2001.

§ 10.40 [Amended]

5. Section 10.40(g)(7) is amended by removing "§ 10.65(f)" and by adding in its place "§ 10.65(h)" from january 22, 2001, to April 22, 2001.

§ 10.65 [Stayed]

6. Section 10.65 is stayed from January 22, 2001, to April 22, 2001.

7. Section 10.65a is added to subpart B from January 22, 2001, to April 22, 2001, to read as follows:

§ 10.65a Meetings and correspondence.

(a) In addition to public hearings and proceedings established under this part and other sections of this chapter, meetings may be held and correspondence may be exchanged between representatives of FDA and an interested person outside FDA on a matter within the jurisdiction of the laws administered by the Commissioner. Action on meetings and correspondence does not constitute final administrative action subject to judicial review under § 10.45.

(b) The Commissioner may conclude that it would be in the public interest to hold an open public meeting to discuss a matter (or class of matters) pending before FDA, at which any interested person may participate.

(1) The Commissioner shall give public notice through the public calendar described in § 10.100(a) of the time and place of the meeting and of the matters to be discussed, and may also publish notice of the meeting.

(2) The meeting will be informal, i.e., any interested person may attend and participate in the discussion without

prior notice to the agency unless the notice of the meeting specifies otherwise.

(3) No official transcript or recording of the meeting will be made unless it appears to the agency that it will be useful. A written memorandum summarizing the substance of the meeting will be prepared by an FDA representative in all cases.

(c) A meeting with a person outside the Department, including a person in the executive or legislative branch of the Federal Government, concerning a pending court case, administrative hearing, or other regulatory action or decision, which involves more than a brief description of the matter, is to be summarized in a written memorandum, which is filed in the administrative file on the matter.

(d) Every person outside the Federal Government may request and obtain a private meeting with a representative of FDA in agency offices to discuss a matter.

(1) The person requesting a meeting may be accompanied by a reasonable number of employees, consultants, or other persons with whom there is a commercial arrangement within the meaning of § 20.81(a). Neither FDA nor any other person may require the attendance of a person who is not an employee of the executive branch of the Federal Government without the agreement of the person requesting the meeting. Any person may attend by mutual consent of the person requesting the meeting and FDA.

(2) FDA will determine which representatives of the Agency will attend the meeting. The person requesting the meeting may request but not require or preclude the attendance of a specific FDA employee.

(3) Whenever appropriate (e.g., the meeting involves a matter covered by paragraph (c) of this section or other important matter, a decision on an issue, or statements or advice or conclusions to which future reference may be desirable), a written memorandum summarizing the substance of the meeting will be prepared by an FDA representative.

(4) A person who wishes to attend a private meeting, but who either is not permitted to attend by the person requesting the meeting or by FDA or who cannot attend because the meeting is conducted by telephone, may obtain a separate meeting with FDA to discuss the same matter or an additional matter.

(e) FDA employees have a responsibility to meet with all segments of the public to promote the objectives of the laws administered by the Agency. In pursuing this responsibility the following general policy applies where agency employees are invited by persons outside the Federal Government to attend or participate in meetings outside agency offices as representatives of the Agency.

(1) A person outside the executive branch may invite an agency representative to attend or participate in a meeting outside agency offices. The agency representative is not obligated to attend or participate, but may do so where it is in the public interest and will promote the objectives of the act.

(2) The agency representative may request that the meeting be open if that would be in the public interest. The agency representative may decline to participate in a meeting held as a private meeting if that will best serve the public interest.

(3) An agency representative may not knowingly participate in a meeting which is closed on the basis of sex, race, or religion.

(4) A meeting, whether open or closed, is subject to paragraph (d)(3) of this section with respect to memoranda summarizing the substance of the meeting.

(f) Representatives of FDA may initiate a meeting or correspondence with any person outside the Federal Government on any matter concerning the laws administered by the Commissioner.

(1) A meeting initiated by FDA representatives which involves a small number of interested persons, for example, a meeting with a petitioner or with two manufacturers of a particular product which requires additional testing or with a trade association employee to discuss an industry labeling problem, may be a private meeting. A meeting initiated by FDA representatives which involves a large number of interested persons, for example, 10 manufacturers of an ingredient in a discussion of appropriate testing or labeling, must be held as an open conference or meeting under paragraph (b) of this section.

(2) Whenever appropriate (e.g., the meeting involves a matter covered by paragraph (c) of this section or another important matter, a decision on an issue, or statements or advice or conclusions to which future reference may be desirable), a written memorandum summarizing the substance of the meeting will be prepared by an FDA representative.

(g) A person who participates in a meeting described in paragraphs (b) through (f) of this section may also prepare and submit to FDA for inclusion in the administrative file a written memorandum summarizing the substance of the meeting.

(h) Memoranda of meetings prepared by an FDA representative or by any other person and all correspondence which relate to a matter pending before the agency will promptly be filed in the administrative file of the proceeding.

(i) A meeting with a representative of Congress relating to a pending or potential investigation, inquiry, or hearing by a congressional committee or a Member of Congress will be summarized in a written memorandum which is to be forwarded to the Food and Drug Administration, Office of Legislative Affairs. This provision does not restrict the right of an agency employee to participate in the meeting.

(j) A meeting of an advisory committee is subject to the requirements of part 14.

(k) Under 42 U.S.C. 2631(a)(8), a log or summary is to be made of all meetings between representatives of FDA and industry and other interested parties to implement the Radiation Control for Health and Safety Act of 1968.

§ 10.100 [Stayed]

8. Section 10.100 is stayed from January 22, 2001, to April 22, 2001.

9. Section 10.100a is added to subpart B from January 22, 2001, to April 22, 2001, to read as follows:

§ 10.100a Public calendars.

(a) *Prospective public calendar of public proceedings.* (1) A public calendar will be prepared and made publicly available each week showing, to the extent feasible, for the following 4 weeks, the public meetings, conferences, hearings, advisory committee meetings, seminars, and other public proceedings of FDA, and other significant public events involving FDA, e.g., congressional hearings.

(2) A copy of this public calendar will be placed on public display in the following places:

(i) Dockets Management Branch.

(ii) Office of the Associate Commissioner for Public Affairs.

(iii) A central place in each center.

(iv) A central place in each field office.

(v) A central place at the National Center for Toxicological Research.

(b) *Retrospective public calendar of meetings.* (1) A public calendar will be prepared and made publicly available each week showing for the previous week meetings with persons outside the executive branch and other significant events involving the representatives of FDA designated under paragraph (b)(3) of this section, but telephone

conversations will be included on an optional basis and meetings with the working press, except for "house organs" (i.e., publications of firms that manufacture or distribute regulated products, or industry associations), and with on-site contractors will not be included. Meetings with members of the judiciary, representatives of Congress, or staffs of congressional committees will be included when the meeting relates to a pending court case, administrative hearing, or other regulatory action or decision and involves more than a brief description of the matter.

(2) The calendar will include all meetings, conferences, seminars, social events sponsored by the regulated industry, and speeches. The calendar will specify the date and the person and subject matter involved. When more than one FDA representative is in attendance, only the presiding or head representative will report the meeting on the public calendar. If a large number of persons is involved, the name of each need not be specified. Meetings that would prejudice law enforcement activities (e.g., a meeting with an informant) or invade privacy (e.g., a meeting with a candidate for possible employment in FDA) will not be reported.

(3) The following FDA representatives and their deputies are subject to the requirements of paragraphs (b)(1) and (2) of this section:

(i) Commissioner of Food and Drugs.
(ii) Deputy Commissioner.
(iii) Associate Commissioners.
(iv) Executive and Special Assistants to the Commissioner.
(v) [Reserved]
(vi) Director, National Center for Toxicological Research.
(vii) Center Directors.
(viii) Chief Counsel for the Food and Drug Administration, or any representative of that office attending on behalf of the Chief Counsel.

(4) A copy of the public calendar will be placed on public display in the following places:

(i) Dockets Management Branch.
(ii) Office of the Associate Commissioner for Public Affairs.
(iii) A central place in each center.
(iv) A central place in each field office.
(v) A central place at the National Center for Toxicological Research.

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

10. The authority citation for 21 CFR part 14 continues to read as follows:

Authority: 5 U.S.C. App. 2; 15 U.S.C. 1451–1461; 21 U.S.C. 141–149, 321–394, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201, 262, 263b, 264.

11. Section 14.20 is amended by adding paragraph (e) from January 22, 2001, to April 22, 2001, to read as follows:

§ 14.20 Notice of hearing before an advisory committee.

* * * * *

(e) All advisory committee meetings are to be included on the public calendar described in § 10.100(a).

PART 16—REGULATORY HEARING BEFORE THE FOOD AND DRUG ADMINISTRATION

12. The authority citation for 21 CFR part 16 continues to read as follows:

Authority: 15 U.S.C. 1451–1461; 21 U.S.C. 141–149, 321–394, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201–262, 263b, 364.

13. Section 16.60 is amended by adding paragraph (a)(3) from January 22, 2001, to April 22, 2001, to read as follows:

§ 16.60 Hearing procedure.

(a) * * *

(3) If the hearing is a public hearing, it will be announced on the public calendar described in § 10.100(a) whenever feasible, and any interested person who attends the hearing may participate to the extent of presenting relevant information.

* * * * *

Dated: February 23, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–4962 Filed 2–28–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 203 and 205

[Docket No. 92N–0297]

RIN 0905–AC81

Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; delay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is further delaying, until April 1, 2002, the effective date regarding certain requirements of the final rule published in the **Federal Register** of December 3, 1999 (64 FR 67720). The final rule implements the Prescription Drug Marketing Act of 1987 (PDMA), as modified by the Prescription Drug Amendments of 1992 (PDA), and the Food and Drug Administration Modernization Act of 1997 (the Modernization Act). FDA is further delaying the effective date for certain requirements in the PDMA final rule relating to wholesale distribution of prescription drugs by distributors that are not authorized distributors of record, and distribution of blood derivatives by entities that meet the definition of a "health care entity" in the final rule. In the **Federal Register** of May 3, 2000 (65 FR 25639), the agency previously delayed until October 1, 2001, the effective date of these requirements. The other provisions of the final rule became effective on December 4, 2000. The agency is taking this action to address concerns about the requirements raised by affected parties.

FDA believes that this further delay of the effective date of certain requirements in the PDMA final rule satisfies the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001 (66 FR 7702). That memorandum requested Federal agencies to delay by 60 days the effective date of any regulation that was not effective as of January 20, 2001. The action taken in this document to further delay the effective date of certain requirements of PDMA exceeds 60 days. To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the agency's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and (d)(3). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. As explained in the **SUPPLEMENTARY INFORMATION** section entitled "Need to Further Delay the Effective Date," the delay will give distributors additional time to exhaust inventories of drugs that do not have acceptable pedigrees to avoid economic harm. Additionally, the delay will allow more time for FDA to make recommendations to Congress, for Congress to evaluate those recommendations and, if necessary,

time for a regulatory or legislative change.

DATES: The effective date for §§ 203.3(u) and 203.50, and the applicability of § 203.3(q) to wholesale distribution of blood derivatives by health care entities, added at 64 FR 67720, December 3, 1999, is delayed until April 1, 2002.

FOR FURTHER INFORMATION CONTACT: Lee D. Korb, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION:

I. Background

A. Legislative and Regulatory Requirements for Distribution of Prescription Drugs by Unauthorized Distributors

PDMA (Public Law 100–293) was enacted on April 22, 1988, and was modified by the PDA (Public Law 102–353, 106 Stat. 941) on August 26, 1992. The PDMA, as modified by the PDA, amended sections 301, 303, 503, and 801 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 331, 333, 353, 381) to, among other things, establish requirements for the wholesale distribution of prescription drugs.

Section 503(e)(1)(A) of the act states that each person who is engaged in the wholesale distribution of a prescription drug who is not the manufacturer or an authorized distributor of record for the drug must, before each wholesale distribution of a drug, provide to the person receiving the drug a statement (in such form and containing such information as the Secretary may require) identifying each prior sale, purchase, or trade of the drug, including the date of the transaction and the names and addresses of all parties to the transaction.[1] Section 503(e)(4)(A) of the act states that, for the purposes of section 503(e), the term "authorized distributors of record" means those distributors with whom a manufacturer has established an "ongoing relationship" to distribute the manufacturer's products.

On December 3, 1999, the agency published final regulations in part 203 (21 CFR part 203) implementing these and other provisions of PDMA (64 FR 67720). Section 203.50 requires that, before the completion of any wholesale distribution of a prescription drug by a wholesale distributor that is not an authorized distributor of record to another wholesale distributor or retail pharmacy, the seller must provide to the purchaser a statement identifying each prior sale, purchase, or trade of the drug. The identifying statement must include the proprietary and established name of the drug, its dosage, the container size, the number of containers, lot or control numbers of the drug being distributed, the business name and address of all parties to each prior transaction involving the drug, starting with the manufacturer, and the date of each previous transaction. Section 203.3(b) defines "authorized distributor of record" as a distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's products. "Ongoing relationship" is defined in § 203.3(u) to mean an association that exists when a manufacturer and a distributor enter into a written agreement under which the distributor is authorized to distribute the manufacturer's products for a period of time or for a number of shipments. If the distributor is not authorized to distribute a manufacturer's entire product line, the agreement must identify the specific drug products that the distributor is authorized to distribute.

Thus, the final rule requires unauthorized distributors (i.e., those distributors who do not have a written authorization agreement) to provide a drug origin statement to purchasers showing the entire prior sales history of the drug back to the first sale by the manufacturer. As discussed in the preamble to the final rule (64 FR 67720 at 67747), manufacturers and authorized distributors of record are not required to provide an identifying statement when selling a drug, although the agency encouraged them to do so voluntarily to permit unauthorized distributors to continue to be able to purchase products from them.[2]

B. Legislative and Regulatory Requirements Restricting Distribution of Blood Derived Prescription Drug Products by Health Care Entities

Section 503(c)(3)(A) of the act states that no person may sell, purchase, or trade, or offer to sell, purchase, or trade any prescription drug that was purchased by a public or private hospital or other health care entity. Section 503(c)(3)(B) of the act states several exceptions to section 503(c)(3)(A), none of which are relevant to this discussion. Section 503(c)(3) of the act also states that "[f]or purposes of this paragraph, the term 'entity' does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law."

Section 203.20 of the final rule provides, with certain exceptions, that no person may sell, purchase, or trade, or offer to sell, purchase, or trade any prescription drug that was purchased by a public or private hospital or other health care entity or donated or supplied at a reduced price to a charitable organization. In § 203.3(q) of the final rule, "Health care entity" is defined as meaning any person that provides diagnostic, medical, surgical, or dental treatment, or chronic or rehabilitative care, but does not include any retail pharmacy or wholesale distributor. Under both the act and the final rule, a person could not simultaneously be a health care entity and a retail pharmacy or wholesale distributor. Thus, under the final rule, blood centers functioning as health care entities could not engage in wholesale distribution of prescription drugs, except for blood and blood components intended for transfusion, which are exempt from the PDMA under § 203.1 of the final rule. Blood and blood components include whole blood, red blood cells, platelets, and cryoprecipitated antihemophilic factor, which are prepared by blood banks who collect blood from donors and separate out the components using physical or mechanical means. Blood derivatives are derived from human blood, plasma, or serum through a chemical fractionation manufacturing process. Examples of blood derivative products include albumin, antihemophilic factor, immune globulin, and alpha-1 anti-tripsin. As discussed in the preamble to the final rule in response to comments (64 FR 67720 at 67725 through 67727), blood derivative products are not blood or blood components intended for transfusion and therefore could not be distributed by health care entities, including full service blood centers that function as health care entities, after the final rule goes into effect.

C. Events Leading to the Delay of the Effective Date

After publication of the final rule, the agency received letters and petitions and had other communications with industry, industry trade associations, and members of Congress objecting to the provisions in §§ 203.3(u) and 203.50. On March 29, 2000, the agency met with representatives from the wholesale drug industry and industry

[1] The statement required under section 503(e)(1)(A) of the act is commonly referred to as a drug "pedigree."

[2] An unauthorized wholesale distributor that purchases a product from a manufacturer or authorized distributor of record without an identifying statement showing the prior sales of the drug could not provide an identifying statement to its purchasers and, therefore, could not conduct further wholesale transactions of the drug in compliance with § 203.50

associations to discuss their concerns. In addition, FDA received a petition for stay of action requesting that the relevant provisions of the final rule be stayed until October 1, 2001. The agency also received a petition for reconsideration from the Small Business Administration requesting that FDA reconsider the final rule and suspend its effective date based on the severe economic impact it would have on more than 4,000 small businesses.

In addition to the submissions on wholesale distribution by unauthorized distributors, the agency received several letters on, and held several meetings to discuss, the implications of the final regulations for blood centers that distribute blood derivative products and provide health care as a service to the hospitals and patients they serve. The blood center industry asserts that the regulations, and particularly the definition of "health care entity," will severely inhibit their ability to provide medical care and services to the detriment of client hospitals and the patients they serve, and may disrupt the distribution of blood derivatives to the public. The agency also received a letter from Congress on this issue.

Based on the concerns expressed by industry, industry associations, and Congress about implementing §§ 203.3(u) and 203.50 by the December 4, 2000, effective date, the agency published a document in the **Federal Register** of May 3, 2000 (65 FR 25639), delaying the effective date for those provisions until October 1, 2001. In addition, the May 2000 document delayed the applicability of § 203.3(q) to wholesale distribution of blood derivatives by health care entities until October 1, 2001. The May 2000 document also reopened the administrative record and gave interested persons until July 3, 2000, to submit written comments. As stated in the May 2000 document, the purpose of delaying the effective date for these provisions was to give the agency time to obtain more information about the possible consequences of implementing them and to further evaluate the issues involved.

D. House Committee on Appropriations Reaction to Agency Delay and Committee's Report Request

On May 16, 2000, the House Committee on Appropriations (the Committee) stated in its report accompanying the Agriculture, Rural Development, FDA, and Related Agencies Appropriations Bill, 2001 (H. Rept. 106–619) that it supported the "recent FDA action to delay the effective date for implementing certain requirements of the Prescription Drug Marketing Act until October 1, 2001, and reopen the administrative record in order to receive additional comments." In addition, the Committee stated that it "believes the agency should thoroughly review the potential impact of the proposed provisions on the secondary wholesale pharmaceutical industry." The Committee directed the agency to provide a report to the Committee by January 15, 2001, summarizing the comments and issues raised and agency plans to address the concerns.

E. Public Hearing

After issuing the delay of the effective date for the relevant requirements of the final rule, the agency decided that it would be in the public interest to hold a public hearing to elicit comment on the requirements from interested persons. In the **Federal Register** of September 19, 2000 (65 FR 56480), the agency announced that a public hearing would be held on October 27, 2000, to discuss the requirements at issue (i.e., the requirements for unauthorized distributors and the provisions relating to distribution of blood derivatives by health care entities). The document set forth the purpose of the hearing and the procedure by which individuals could make a presentation at the hearing. In addition, the document set forth questions the agency wanted hearing participants and comments to address. The hearing was held on October 27, 2000, and comments were accepted until November 20, 2000.

II. Need to Further Delay the Effective Date

As discussed in section I of this document, the House Committee on Appropriations has directed the agency to provide a report to the Committee by January 15, 2001, summarizing the comments and issues raised and agency plans to address the concerns. The agency is currently considering the comments and testimony received and preparing its report to Congress. If the agency determines that some type of action is appropriate, this action could take the form of a change or modification to the final rule initiated by the agency or a legislative change initiated by Congress. Obviously, it would take a significant amount of time beyond January 15, 2001, to initiate and carry out either change. The agency believes that a legislative change to the act could take well into the 2001 calendar year.

In its hearing testimony and in a letter submitted on November 3, 2000, the Pharmaceutical Distributors Association[3] noted that if the final rule were to apply to drugs already in distribution as of the effective date of the final rule, a significant number of these drugs would have to be taken out of distribution because of the absence of a proper pedigree. The association specifically stated that if the final rule as published were to go into effect October 1, 2001, distributors would need to stop buying drugs that do not have the required pedigree under the final rule and would have to begin to exhaust existing inventories of drugs that do not have acceptable pedigrees by the beginning of the year 2001 to avoid economic harm. The association specifically sought a decision by the agency that the final rule not apply to prescription drugs already in distribution as of the effective date so those drugs could be distributed.

FDA acknowledges the concerns of the Pharmaceutical Distributors Association and has decided that, in light of the uncertainty regarding how to resolve the issues involved and the possible adverse consequences that could result from implementation of the relevant provisions of the final rule, it is reasonable and appropriate to delay the effective date of §§ 203.3(u) and 203.50 for another 6 months until April 1, 2002. Additionally, the agency has decided to delay the applicability of § 203.3(q) to wholesale distribution of blood derivatives by health care entities until April 1, 2002. This delay will allow time for the agency to make its recommendations to Congress, for Congress to evaluate those recommendations, and, depending on the decisions of the agency and Congress, for a regulatory or legislative change to address the issues raised. Although a further delay of the effective date of the relevant provisions of the final rule is not the exact relief requested by the Pharmaceutical Distributors Association, the agency believes that it accomplishes the same purpose in that it will permit unauthorized distributors to operate for an additional 6 months without concern that the drugs in their inventory may become illegal to distribute and therefore valueless. All other provisions of the PDMA final rule became effective on December 4, 2000. This action should not be construed to indicate that FDA necessarily agrees with or has made decisions about the substantive arguments made in the petitions and other submissions related to implementation of §§ 203.3(u) and 203.50, or § 203.3(q), as it applies to wholesale distribution of blood derivatives by health care entities.

[3]The Pharmaceutical Distributors Association is a trade association representing unauthorized wholesale prescription drug distributors.

This action is being taken under FDA's authority under 21 CFR 10.35(a). The Commissioner of Food and Drugs finds that this further delay of the effective date is in the public interest.

Dated: February 22, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–4964 Filed 2–28–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8934]

RIN 1545–AX60

Reopenings of Treasury Securities and Other Debt Instruments; Original Issue Discount; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations that were published in the **Federal Register** on Friday, January 12, 2001 (66 FR 2811), relating to reopenings of Treasury securities, other debt instruments, and original issue discount.

DATES: This correction is effective March 13, 2001.

FOR FURTHER INFORMATION CONTACT: William E. Blanchard, (202) 622–3950 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 8934) that are the subject of these corrections are under section 1275 of the Internal Revenue Code.

Need for Correction

As published the final regulations (TD 8934) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8934), which were the subject of FR Doc. 01–622, is corrected as follows:

On page 2813, column 2, in the preamble under the heading "(2) Yield Test", second line from the bottom of the column the language "pecent test in the proposed regulations" is corrected to read "percent test in the proposed regulations".

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–4922 Filed 2–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 19 and 21

[T.D. ATF–442; Ref: Notice No. 832]

RIN 1512–AB60

Formulas for Denatured Alcohol and Rum (2000R–295P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final Rule (Treasury decision).

SUMMARY: This final rule amends the regulations in 27 CFR Parts 19 and 21 by updating the information relating to the formulation of completely denatured alcohol (CDA), specially denatured alcohol (SDA), and specially denatured rum (SDR); the denaturants authorized for use in the manufacturing of these formulations; and the specifications for these denaturants. The updates include removing the proprietary brand name "BITREX" listed with the denaturant denatonium benzoate, incorporating an ATF ruling that approves the use of two substitute denaturants, and making other amendments to provide clarity.

DATES: This rule is effective on March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, (202–927–9347) or e-mail at alctob@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:

Background

27 CFR Part 21 contains listings of information relating to the formulation of CDA, SDA, and SDR, to the specifications for denaturants and to the denaturants authorized for use in the formulation of CDA, SDA, and SDR. ATF is authorized under § 5242 of the Internal Revenue Code of 1986 to prescribe the character and quantity of approved denaturing materials. Pursuant to § 21.91, ATF may authorize substitutions or variations from the specified list of denaturants upon application filed with ATF by the denaturer. This final rule amends Part 21 by incorporating additional denaturants that have been approved pursuant to such applications. Additionally, this final rule incorporates several technical corrections.

Substitute Denaturants

ATF Ruling 94–4 approved the use of heptane as a substitute denaturant for toluene in SDA Formula No. 2–B (SDA 2–B) and alpha terpineol as a substitute denaturant in SDA Formula No. 38–B (SDA 38–B).

Heptane is currently approved as a substitute denaturant for rubber hydrocarbon solvent in SDA 28–A. This ruling allows for the use of heptane as a substitute, on an equal (1:1) basis, for any one of the denaturants (toluene, benzene or rubber hydrocarbon solvent) in SDA 2–B.

Alpha terpineol, having similar specifications to those of pine oil, N.F., an approved denaturant for SDA 38–B, is now approved for use as a substitute denaturant in SDA 38–B.

Removal of a Proprietary Name

This final rule removes the proprietary brand name "BITREX" each place it appears in parts 19 and 21. The use of the proprietary brand name "BITREX" in conjunction with the approved denaturant denatonium benzoate, N.F. may be mistakenly considered a product endorsement by ATF over all over proprietary names.

Other Changes

27 CFR 21.6 and 21.141 are amended to correctly cite referenced information.

Notice of Proposed Rulemaking

On July 31, 1996, ATF published a notice of proposed rulemaking (Notice No. 832, 61 FR 39929–39931) to solicit public comment on regulations to update the information provided in parts 19 and 21 relating to the formulation of CDA, SDA, and SDR; the denaturants authorized for use in the manufacturing of these formulations; and the specifications for these denaturants. The comment period closed on September 30, 1996.

Comments on the NPRM

ATF did not receive any comments in response to Notice 832, therefore, most of the amendments proposed in Notice No. 832 have been adopted in this final rule.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing

regulations, 5 CFR part 1320, do not apply to this final rule because there are no new reporting or recordkeeping requirements.

Regulatory Flexibility Act

It is hereby certified that this final rule will not have a significant economic impact on a substantial number of small entities. The regulations provide industry members with the most current listings of denaturants, denatured alcohol and rum formulations and their specifications. The regulations will not increase recordkeeping or reporting requirements. Accordingly, a regulatory flexibility analysis is not required because this final rule will not have a significant economic impact on a substantial number of small entities. Pursuant to section 7805(f) of the Internal Revenue Code, the NPRM preceding this regulation was submitted to the Chief Counsel for Advocacy of the Small Business Administration, for comment on its impact on small business. The Chief Counsel for Advocacy did not submit any comments.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

Drafting Information

The principal author of this document is Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations (Government agencies), Chemicals, Claims, Customs duties and inspection, Electronic fund transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Research, Security measures, Spices and flavorings, Stills, Surety bonds, Transportation, Vinegar, Virgin Islands, Warehouses, Wine.

27 CFR Part 21

Alcohol and alcoholic beverages, Authority delegation, Chemicals, Gasohol.

Authority and Issuance

Accordingly, ATF is amending chapter I of title 27 of the Code of Federal Regulations as follows:

PART 19—DISTILLED SPIRITS PLANTS

Paragraph 1. The authority citation for Part 19 continues to read as follows:

Authority: 19 U.S.C. 81c, 1311; 26 U.S.C. 5001, 5002, 5004–5006, 5008, 5010, 5041, 5061, 5062, 5066, 5081, 5101, 5111–5113, 5142, 5143, 5146, 5171–5173, 5175, 5176, 5178–5181, 5201–5204, 5206, 5207, 5211–5215, 5221–5223, 5231, 5232, 5235, 5236, 5241–5243, 5271, 5273, 5301, 5311–5313, 5362, 5370, 5373, 5501–5505, 5551–5555, 5559, 5561, 5562, 5601, 5612, 5682, 6001, 6065, 6109, 6302, 6311, 6676, 6806, 7011, 7510, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 19.460 [Amended]

Par. 2. Amend § 19.460(a) by removing the word "(BITREX)".

§ 19.1005 [Amended]

Par. 3. Amend § 19.1005(c)(2) by removing the word "(Bitrex)".

PART 21—FORMULAS FOR DENATURED ALCOHOL AND RUM

Par. 4. The authority citation for Part 21 continues to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5242, 7805.

§ 21.32 [Amended]

Par. 5. Amend § 21.32(a) by removing the word "(BITREX)".

Par. 6. Revise § 21.33(a) to read as follows:

§ 21.33 Formula No. 2–B

(a) Formula. To every 100 gallons of alcohol add:

One-half gallon of benzene, ½ gallon of rubber hydrocarbon solvent, ½ gallon of toluene, or ½ gallon of heptane.

* * * * *

§ 21.65 [Amended]

Par. 7. Amend § 21.65(a) by adding the words "Alpha terpineol" to the top of the list of substances.

§ 21.76 [Amended]

Par. 8. Amend § 21.76(a) by removing the word "(BITREX)".

§ 21.91 [Amended]

Par. 9. Amend the second sentence of § 21.91 by removing the word "of" where it appears for the second time and adding the word "or" in its place.

§§ 21.95 through 21.132 [Redesignated as §§ 21.96 through 21.133]

Par. 10. Redesignate § 21.95 through § 21.132 as § 21.96 through § 21.133.

Par. 11. Add a new § 21.95 to read as follows:

§ 21.95 Alpha terpineol.

(a) Boiling point at 752mm 218.8–219.4°C.
(b) Density at 15° 0.9386.
(c) Refractive index at 20° 1.4831.

§ 21.141 [Amended]

Par. 12. Amend § 21.141 by adding "40–B" to the end of the list in the column entitled "Formulas authorized" for the entry "External pharmaceuticals, miscellaneous, U.S.P. or N.F.", "Code No. 249."

§ 21.151 [Amended]

Par. 13. Amend § 21.151 as follows:

a. Add the words "Alpha Terpineol * * * S.D.A. 38–B" directly after the words "Almond oil, bitter, N.F.X. * * * S.D.A. 38–B";

b. Remove the word "(BITREX)" from the reference to "Denatonium benzoate, N.F. S.D.A. 1, 40–B"; and

c. Add "2–B" between "S.D.A." and "28–A" across from "Heptane."

Signed: January 4, 2001.

Bradley A. Buckles,

Director.

Approved: February 1, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary, (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 01–4845 Filed 2–28–01; 8:45 am]

BILLING CODE 4810–31–M

DEPARTMENT OF JUSTICE

28 CFR Part 25

[AG Order No. 2403–2001; FBI 105F]

RIN 1110–AA02

National Instant Criminal Background Check System Regulation; Delay of Effective Date

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001 (66 FR 7702), this action temporarily delays for 60 days the effective date of the final rule entitled "National Instant Criminal Background Check System Regulation" published in the **Federal Register** on January 22, 2001, at 66 FR 6470. The temporary 60-day delay in effective date is necessary to give Department of Justice officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001.

DATES: The effective date of the final rule amending 28 CFR Part 25 published in the **Federal Register** on January 22, 2001, at 66 FR 6470, is delayed for 60 days, from March 5, 2001, until May 4, 2001.

FOR FURTHER INFORMATION CONTACT: Fanny Haslebacher, Attorney-Advisor, Federal Bureau of Investigation, Module A–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306–0147, (304) 625–2000.

SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the Department of Justice's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department of Justice officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Dated: February 23, 2001.

John Ashcroft,

Attorney General.

[FR Doc. 01–4979 Filed 2–28–01; 8:45 am]

BILLING CODE 4410–05–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

RIN 0720–AA53

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Dental Program

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: On October 23, 2000 (65 FR 63202), the Department of Defense published a final rule on TRICARE Family Member Dental Plan. The rule had an effective date that began during the Presidential Moratium on Rules, therefore, this rule is republished to change the effective date to April 1, 2001. This rule is published exactly as previously published. No changes have been made. It revises the comprehensive CHAMPUS regulation pertaining to the Expanded Active Duty Dependents Benefit Plan, or more commonly referred to as the TRICARE Family Member Dental Plan (TFMDP). The TFMDP limited eligibility to eligible dependents of active duty members (under a call or order that does not specify a period of thirty (30) day or less). Concurrent with the timeframe of the publication of the proposed rule, the Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106–65, sec. 711) was signed into law and its provisions have been incorporated into this final rule. The Act authorized a new plan, titled the TRICARE dental program (TDP), which allows the Secretary of Defense to offer a comprehensive premium based indemnity dental insurance coverage plan to eligible dependents of active duty members (under a call or order that does not specify a period of thirty (30) days or less), eligible dependents of members of the Selected Reserve and Individual Ready Reserve, and eligible members of the Selected Reserve and Individual Ready Reserve. The Act also struck section 1076b (Selected Reserve dental insurance), or Chapter 55 of title 10, United States Code, since the affected population and the authority for that particular dental insurance plan has been incorporated in 10 U.S.C. 1076a. Consistent with the proposed rule and the provisions of the Defense Authorization Act for Fiscal Year 2000, the final rule places the responsibility for TDP enrollment and a large portion of the appeals program on the dental plan contractor; allows the dental plan contractor to bill beneficiaries for plan premiums in certain circumstances; reduces the former TFMDP enrollment period from twenty-four (24) to twelve (12) months; excludes Reserve component members ordered to active duty in support of a contingency operation from the mandatory twelve (12) month enrollment; clarifies dental plan requirements for different beneficiary populations; simplifies enrollment types and exceptions; reduces cost-shares for certain enlisted grades; adds anesthesia as a covered benefit; provides clarification on the Department's use of the Congressional waiver for surviving dependents; incorporates legislative authority for calculating the method by which premiums may be raised and allowing premium reductions for certain enlisted grades; and reduces administrative burden by reducing redundant language, referencing language appearing in other CFR sections and removing language more appropriate to the actual contract. These improvements will provide Uniformed Service members and families with numerous quality of life benefits that will improve participation in the plan, significantly reduce enrollment errors and positively effect utilization of this important dental plan. The proposed rule was titled the "TRICARE Family Member Dental Plan".

DATES: This rule is effective April 1, 2001.

FOR FURTHER INFORMATION CONTACT: Major Brian K. Witt, TRICARE Management Activity, 303–676–3496.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Changes

The Basic Active Duty Dependents Dental Benefits Plan was implemented on August 1, 1987, allowing Uniformed Service personnel, on active duty for periods of greater than thirty (30) days, to voluntarily enroll their dependents in a basic dental health care plan. Under this plan, DoD shared the cost of the premium with the active duty service member. Although the plan was viewed as a major step in benefit enhancement for Uniformed Service families, there were still complaints that the enabling legislation was too restrictive in scope and that there should be expansion of services to better meet the dental needs of the Uniformed Service family.

Congress responded to these concerns by authorizing the Secretary of Defense to develop and implement an Expanded Active Duty Dependents Dental Benefit Plan (The Defense Authorization Act For Fiscal Year 1993, Pub. L. 102–484, sec. 701). The provisions of this Act specified the expanded benefit structure, as well as maximum monthly premiums for enrollees. Cost-sharing

levels for the expanded benefits were left up to the discretion of the Secretary of Defense after consultation with the other Administering Secretaries. The provisions of this Act were implemented on April 1, 1993.

Thereafter, Congress granted legislative authority to allow the Secretary of Defense to expand the dental plan outside the United States and to provide one (1) year of continued dental coverage for enrolled dependents of service members who die while on active duty (The Defense Authorization Act For Fiscal Year 1995, Pub. L. 103–337, sec. 703). In addition, the Congress granted subsequent legislative authority to allow the Secretary of Defense to waive or reduce the cost-shares in overseas locations (The Defense Authorization Act For Fiscal Year 1998, Pub. L. 105–85 sec. 732).

In Fiscal Year 1999, the Congress authorized a methodology by which the enrollee's share of the premium could be increased. This methodology is tied to the lesser of the percent increase in the basic pay of active duty servicemembers or the basic pay for statutory pay systems plus one-half percent. In authorizing language, the Secretary of Defense could apply this premium increase methodology as if it had been in place continuously since December 31, 1993. To allow for an expanded and more comprehensive benefit, the Department will apply this premium increase methodology as authorized. The language further instructed the Secretary of Defense to advise the Congress of any plans to reduce dental plan benefits and to wait one (1) year, after notification, before any benefits could be reduced (The Defense Authorization Act For Fiscal Year 1999, Pub. L. 105–261, sec. 701).

In Fiscal Year 2000, the Congress authorized the establishment of the TRICARE dental program (TDP), by striking 10 U.S.C. 1076a (Dependents' dental program) and 10 U.S.C. 1076b (Selected Reserve dental insurance) and inserting a revised section 1076a, TRICARE dental program (The Defense Authorization Act For Fiscal Year 2000, Pub. L. 106–65, sec. 711). Language in this revision directed the Secretary of Defense to establish a voluntary enrollment dental insurance plan for members of the Selected Reserve of the Ready Reserve (the former Selected Reserve dental insurance plan or more commonly referred to as the TRICARE Selected Reserve Dental Program or TSRDP) and for members of the Individual Ready Reserve described in 10 U.S.C. 10144(b). It also provided authorizing language to allow the Secretary of Defense to establish a dental insurance plan for eligible dependents of Uniformed Service members who are on active duty for periods of greater than thirty (30) days (the former Dependents' dental plan or more commonly referred to as the TRICARE Family Member Dental Plan or TFMDP), members of the Individual Ready Reserve as described in 10 U.S.C. 10144(a), and eligible dependents of members of the Ready Reserve of the Reserve components who are not on active duty for more than thirty (30) days. Essentially, the authorizing language combined the eligible populations of the TFMDP and TSRDP and added, as eligibles, members of the Individual Ready Reserve and dependents of members of the Selected Reserve and Individual Ready Reserve. Additionally, the Congress directed that the insurance plans for the dependents of active duty members and for the members of the Selected Reserve and Individual Ready Reserve (as described in 10 U.S.C. 10144(b)) would be premium sharing plans between the enrollee and the Government. Beneficiaries eligible to enroll in the remaining insurance plans would be required to pay the full premium as a condition of enrollment. To allow for greater participation in the TDP, the Congress allowed the member's share of the premium to be paid from their basic or reserve pay accounts or, for those who do not receive such pay, through payment procedures as specified by the Department. The Congress also authorized waiver of dental plan requirements for surviving dependents of members of the Ready Reserve if the dependent was enrolled in the dental plan on the date of death of the member. This revised the previous waiver authority that applied only to enrolled surviving dependents of active duty members.

These legislative provisions have been codified in 10 U.S.C. 1076a, TRICARE dental program, and are reflected in the regulatory provisions of this final rule. By striking 10 U.S.C. 1076b, its implementing regulation, 32 CFR 199.21, TRICARE Selected Reserve Dental Program (TSRDP), is also removed and reserved.

II. Programmatic Improvements

The below programmatic improvements will be effective once the follow-on TDP contract has been awarded and the performance period has begun. At the present time, the performance period is expected to begin on February 1, 2001.

A. Expansion of Eligible Populations

With the authorizing legislation (The National Defense Authorization Act for Fiscal Year 2000), the final rule extends TDP coverage to newly eligible populations. This is an important step towards improving Reserve member's dental readiness and in promoting proper oral health across the beneficiary population. Designed to be a uniform benefit across all enrollees, the TDP offers a comprehensive benefit package with a strong focus on preventive and diagnostic services as well as pediatric and adolescent oral health. By extending coverage to the members of the Individual Ready Reserve and the dependents of the Selected Reserve and the Individual Ready Reserve and by offering a comprehensive dental benefit to the members of the Selected Reserve (versus the limited benefit previously available under the TSRDP), the Department and the Reserve components continue on the path towards parity with dental insurance plans historically extended only to dependents of the Active component. This final rule also addresses several administrative clarifications that distinguish dental plan requirements for the different beneficiary populations.

B. Contractor Enrollment

Since the TFMDP (and its earlier versions) began, the Uniformed Services have administered the TFMDP dental plan enrollment, disenrollment and eligibility determination functions. The complexities of the dental plan, combined with a high turnover rate of relatively inexperienced Service personnel and other competing responsibilities, separate Service procedures, databases and data transfer processes, high cost and lengthy delays in software modifications, and Uniformed Service personnel downsizing, created the need for a centralized and uniform enrollment process. This can be best achieved by an experienced dental plan contractor and will allow service members to contact one (1) organization to enroll, disenroll, reenroll and discuss other TDP benefit and claims adjudication issues. By allowing the contractor to administer the enrollment function across all of the Uniformed Services, enrollment becomes portable whereas the current system supporting the TFMDP does not allow an active duty member from one (1) Service to enroll his or her family members through a separate Service. Contractor enrollment will also simplify the payroll deduction and eligibility determination process and reduce the possibility of waste and abuse at the local level. In addition, it maintains a stable, trained work force at the front end of the TDP and greatly improves customer service.

An added benefit to contractor enrollment will be the elimination of the current required TFMDP Uniformed Service enrollment forms. The complex DD Form 2494, Active Duty Dependent Dental Plan Enrollment Form, and the DD Form 2494–1, Supplemental Active Duty Dependent Dental Plan Enrollment Form, will no longer be needed and will be replaced by a standard, simplified contractor enrollment form as well as telephonic and fax enrollment options.

Contractor enrollment has proven to be a success with the TRICARE Managed Care Support contractors as well as with contracted enrollment via the TSRDP and the TRICARE Retiree Dental Program (TRDP). The Uniformed Services will continue, as with the former dental plans and current TRICARE/CHAMPUS programs, to determine eligibility for the dental plan and process any changes regarding eligibility through the Defense Enrollment Eligibility Reporting System (DEERS).

C. Contractor Direct Billing

The current TFMDP is financed through premiums jointly paid by the Government and the active duty service member. The active duty service member's share of the premiums is deduced from their payroll accounts. In certain situations, otherwise eligible dependents are precluded from enrolling in the dental plan if their sponsor does not have an active payroll account or has insufficient funds in that account. These eligible dependents include dependents of incarcerated sponsors and survivors. By allowing the contractor to directly bill these dependents for their premium share, dependents previously excluded from enrollment can now receive coverage. With the authorizing legislation (The National Defense Authorization Act for Fiscal Year 2000), this improvement eliminates a previous enrollment termination provision in the regulation where eligibility for basic pay was a deciding criterion for continued enrollment in the dental plan. The provision of contractor direct billing is also extended to those Reserve component members and family members who are in similar situations.

D. Reduction in Mandatory Enrollment Period

A mandatory enrollment period is an essential factor behind Government and contractor actuarial estimates in developing the TDP premium and provides a guarantee to the contracting community that they will collect a certain amount of premiums for the potential benefit payout. The final rule reduces the previous longstanding TFMDP twenty-four (24) month mandatory enrollment period to twelve (12) months under the TDP since this twenty-four (24) month period precluded numerous, otherwise eligible, active duty dependents from enrolling in the dental plan. These eligible dependents include newly eligible dependents of active duty members who are near the end of their active service, dependents of enlisted service members who are outside of their re-enlistment window of opportunity, and dependents of Reserve/Guard personnel called to active duty for less than twenty-four (24) months (such as Reserve/Guard personnel on active duty for training and special assignments). Reduction to a twelve (12) month enrollment period for the TDP has a precedent with other TRICARE plans, to include the TRICARE Managed Care Prime option and the TSRDP. By introducing this more liberal enrollment period, the regulation also calls for a twelve (12) month "lock-out" if the beneficiary disenrolls before completing the twelve (12) month enrollment period for any unauthorized reason or if the beneficiary fails to pay their premiums. A twelve (12) month lock-out period also applies to a Reserve component member who disenrolls before completing the special mandatory enrollment period for Reserve component members ordered to active duty in support of a contingency operation as provided in paragraph (c)(3)(ii)(C)(2) of this final rule. This "lock-out" period has a precedent with other commercial dental insurance plans as well as the TRICARE Managed Care Prime option, the TSRDP and the TRDP. "Lock-out" periods also discourage potential beneficiaries from enrolling in an insurance plan, receiving all of their benefit in a few months and then disenrolling without paying a full twelve (12) months' worth of premiums.

Beneficiaries enrolled in the TFMDP and TSRDP at the time when TDP coverage begins must complete their respective two (2) and one (1) year enrollment periods established under those superseded plans except if one of the conditions for valid disenrollment applies. Once these original enrollment periods are met, the beneficiary may continue TDP enrollment on month-to-month basis. A new one (1) year enrollment period will only be incurred if the beneficiary disenrolls and attempts to reenroll in the TDP at a later date.

E. Enrollment Period for Certain Reserve Component Sponsors

The regulations provides that the twelve (12) month enrollment period shall not apply to eligible dependents of Reserve component sponsors ordered to active duty for more than thirty (30) days but less than twelve (12) months (other than for training) in support of a contingency operation as defined in 10 U.S.C. 101(a)(13). Orders may be issued under statutory authorities for recalling Reserve component members to active duty, but must specify that the member is serving in support of a specific contingency operation under the statutory definition. This desperate treatment for certain Reserve component members is necessary because of the involuntary nature of their call to active duty and statutory limitations on their period of active duty.

By contrast, active duty members are enlisted, reenlisted or commissioned for periods of active duty longer than one (1) year. The active duty member has the option to enroll eligible dependents at any time during that period of active duty prior to the last twelve (12) months of service, and at a relatively constant premium cost. Similarly, other Reserve component members generally volunteer for call to active duty and serve for at least one (1) year; therefore they will have the option to enroll family members at any time other than in the last twelve (12) months of that service.

However Reserve component members ordered to active duty in support of a contingency operation are normally limited by statute to a period of active duty of nine (9) months or less. While 38 U.S.C. Chapter 43 provides that a Reserve component member who has coverage under a civilian employer sponsored dental program may elect to continue that coverage during a period of active duty, for up to eighteen (18) months; if serving for more than thirty (30) days, the member may be required to pay the full premium cost with employer cost-sharing no longer required. Upon release from active duty, 38 U.S.C. Chapter 43, provides that the Reserve component member may be reinstated in his or her civilian employer sponsored program without a waiting period. Without an exception to the mandatory twelve (12) month enrollment period for TDP, members who cannot afford to pay the full premium for continuing their civilian plan would be unable to provide dental insurance coverage for their family members while on active duty. This

exclusion to the twelve (12) month enrollment period is therefore necessary to preclude such prejudicial treatment of Reserve component members ordered to active duty for less than twelve (12) months to support a contingency operation. In its place, a separate enrollment period is created for the Reserve component member as provided in paragraph (c)(3)(ii)(C)(2) if this final rule.

F. Reduction in Cost-Shares for Certain Enlisted Pay Grades

Although certain cost-shares are mandated by law, the Secretary of Defense has the prerogative to adjust cost-shares for certain types of dental procedures. Available data shows that our lower-paid enlisted families are reluctant to pursue specialized dental care because of the amount of their cost-share. To allow greater participation and dental benefit utilization among our younger enlisted families, this regulation would have a two-tiered maximum cost-share dependent on the service member's pay grade. With the rates below, this reduction for enlisted service members does not have a measurable effect on the overall premium.

[In percent]

Covered services	Cost-share for pay grades E-1, E-2, E-3 and E-4	Cost-share for all other pay grades
Diagnostic	0	0
Preventive, except Sealants	0	0
Emergency Services	0	0
Sealants	20	20
Professional Consultations	20	20
Professional Visits	20	20
Post Surgical Services	20	20
Basic Restorative (example: amalgams, resins, stainless steel crowns)	20	20
Endodontic	30	40
Periodontic	30	40
Oral and Maxillofacial Surgery	30	40
General Anesthesia	40	40
Intravenous Sedation	50	50
Other Restorative (example: crowns, onlays, casts)	50	50
Prosthodontics	50	50
Medications	50	50
Orthodontic	50	50
Miscellaneous Services	50	50

A reduction in cost-shares has been chosen over a reduction in premium rates for enlisted service members in these pay grades because the premium rates have traditionally been affordable as compared to similar dental benefits programs administered by commercial dental insurance plans and given the fact that the Government pays sixty (60) percent of the total premium for dependents of active duty members and members of the Selected Reserve and the Individual Ready Reserve (as described in 10 U.S.C. 10144(b)). As such, the greatest effect on participation and utilization can best be achieved through a reduction in cost-shares.

G. Simplification of Enrollment Options

Under the final rule, previous TFMDP enrollment options have been simplified to assist the beneficiary, Government, provider of care and the dental plan contractor. Under the TFMDP (and previous plans), dependents were asked to choose from several different enrollment options depending on whether they had children under the age of four (4). With the advance in pediatric dentistry (pedodontics), dental care for children between the ages of one (1) and four (4) is highly recommended. As such, the dental plan contractor will offer sponsors the opportunity to enroll these particular dependents when eligibility information indicates a dependent is one (1) year of age or older. Although there will continue to be two (2) separate premiums, a "single" premium for one (1) covered life, and a "family" premium for more than one (1) covered life, providing additional exceptions to this rule based on age will advance pediatric care among our beneficiary population, simplify enrollment processing by the dental plan contractor and promote greater understanding of enrollment options by all parties. A discussion of these enrollment policies and options will be found in the TDP contractor's benefit booklet.

H. Addition of Anesthesia Services

Local anesthesia, in conjunction with other covered dental procedures, is considered integral to the procedure itself and has been covered for several years. Other anesthesia services were historically excluded due to their high cost. The regulation allows the Department to add other types of anesthesia services to the TDP benefit package.

I. Congressional Waiver for Surviving Dependents

This final rule provides clarification on the Department's use of the Congressional waiver for surviving dependents. Since 1993, the Department has used the waiver authority to provide one (1) year of continued TFMDP enrollment at Government expense to eligible dependents of active duty members who die while on active duty for a period of thirty-one (31) days or more. To receive the continued enrollment at Government expense, the eligible dependents must have been enrolled in the TFMDP at the time of the active duty member's death. With the authority in the National Defense Authorization Act for Fiscal Year 2000, the final rule clarifies how the waiver will be used and extends use of the waiver to enrolled dependents of deceased members of the Selected Reserve and the Individual Ready Reserve (as described in 10 U.S.C. 10144(b)).

J. Appeals Plan

Under the TDP, the Department wishes to procure a responsive, simple, and two (or greater) tiered appeals program within the dental plan contractor's operation. We have had similar success with this approach under the TSRDP and the TRDP, where the contractors administer the first two (2) levels of the appeals program, which are termed the initial determination and the reconsideration. Under the TDP, the appealing parties would appeal adverse decisions through the contractor's established appeal process where separate parties would perform the initial determination and reconsideration reviews (whether internal or external to the organization). The final levels of review would be, as before, to the Department, subscribing to guidelines under the Formal Review and Hearing procedures listed in 32 CFR 199.10.

K. Plan Transition

The programmatic improvements are scheduled to take effect when the follow-on TDP contract to the current TFMDP contact is awarded and the performance period begins. Operations under the current TSRDP contract will also cease at that time. Considering the magnitude of the planned improvements, the Department plans to "phase-out" operations under the former contractors and methods of operation to accommodate late claims processing and to allow the Uniformed Services time to process retroactive enrollment and coverage information to assist our beneficiaries. This "phase-out" schedule will be jointly determined between the Department and the outgoing and incoming dental plan contractors.

III. Administrative Changes

The final rule incorporates several administrative changes. There is revised language on Federal preemption of State and local laws that conforms the dental regulation language to reflect the Department's previous exercise of statutory authority in this area. Other changes include: widespread publication of premium rates; allowing the Department to modify the benefit package based on developments in common dental care practices and standard dental insurance plans; permitting the dental plan contractor to pay "by report" procedures by providing an additional allowance to the primary covered procedure; removing detailed descriptions of types of authorized providers in favor of more general language; updating dental terminology to be consistent with the American Dental Association's Council on Dental Care Program's Code on Dental Procedures and Nomenclature; and, reorganizing and adding language on the maximum amount payable by the TDP.

The final rule incorporates plan name and other changes to reflect current terminology, such as outdated references to the former TRICARE Management Activity address, "Active Duty Dependent Dental Plan", "TRICARE Family Member Dental Plan", "TRICARE Selected Reserve Dental Plan" and superceded regulations. It also reduces redundant language and reduces the overall size of the regulation through cross-references to applicable language appearing in other CFR sections. This includes references to appeals, fraud and abuse, eligibility, and adjunctive dental care as well as information on the former dental plans. Items that are more appropriate for inclusion in the actual contract statement of work have also been removed and transferred to that document. This includes equality of benefit processing, coordination of benefits, participating provider lists, Government review of billing practices, and how a Dental Explanation of Benefits should be structured. Finally, the regulation has been reorganized for better flow, ease of reading and understanding.

IV. Public Comments

The proposed rule was published in the **Federal Register** on Wednesday, November 24, 1999, (64 FR 66126). We received one (1) comment letter. We thank the commenter and their organization; items raised by the commenter and our analysis of the comments are summarized below.

1. Enrollment

The commenter recognized that there were numerous problems in the current enrollment and eligibility system that supports the TFMDP. They believe though that the Department should totally absorb any increased costs related to the contractor's enrollment function under the TDP.

Response: Under the law, 10 U.S.C. 1076a, the Congress authorized that the dental plans offered will be "premium sharing plans" and "full premium plans". As such, the Department must share in the cost of all programmatic improvements, to include contractor enrollment, for the majority of the enrollees.

2. Enrollment

The commenter suggested that, if problems persist with enrollment and eligibility processing under the TDP and which cannot be swiftly handled by the dental contractor, consideration should be given to establishing some form of beneficiary counselor that would act on behalf of the beneficiary.

Response: As with the current contracts, the Department is committed to assisting TDP beneficiaries if problems occur. Representatives from the Uniformed Services (to include Health Benefits Advisors), the Finance Centers, the Defense Manpower Data Center and the TRICARE Management Activity will all be available to act on our beneficiaries' behalf, if needed.

3. Enrollment

The commenter asked if there are any provisions in the TDP to assist deployed service members with enrollment issues.

Response: Numerous options exist under the TDP to assist deployed service members. These include web-based and electronic mail capabilities, additional toll-free lines, extended hours of operation, and use of commercial business practices that allow representatives of the sponsor to act on enrollment issues during the sponsor's absence.

4. Enrollment

The commenter requested that enrollees be offered the option to enroll their children who reach the age of four (4) stating that the increase in premium by moving to a family premium will result in more junior service members opting out of the plan.

Response: Under the current TFMDP, when a child reaches four (4) years old, they are automatically enrolled. This has not been a cause of concern with current enrollees nor has it led to measurable disenrollments. Continuing this in the TDP is in keeping with the accepted standards and direction of pediatric and adolescent dentistry, which recommends early preventive and diagnostic intervention and distinct care at set age intervals.

5. Survivor Benefit

The commenter requested that the final rule contain specific language that the Government will pay premiums for enrolled survivors for the one (1) year period following the sponsor's death.

Response: We appreciate the comment and have clarified this in the final rule.

6. Eligibility

The commenter questioned eligibility language regarding a child who becomes a re-eligible for TDP benefits because the child's marriage ends before the child is twenty-one (21) years of age and who loses eligibility at twenty-one (21) years of age. The commenter stated that this language was inconsistent with

eligibility up to age twenty-three (23) if the child is a full-time student.

Response: Full-time student eligibility for the TDP up to age twenty-three (23) is listed in the final rule by cross-reference to 32 CFR 199.3(b)(2)(iv)(C).

7. Alternative Delivery Systems

The commenter was opposed to language regarding the provision of alternative delivery systems and potential implementation of these systems under the TDP. Their concern was that alternative delivery systems would limit beneficiaries to a dental health maintenance organization, preclude beneficiary choice of dental providers, allow such entities as Morale, Welfare and Recreation and Exchange organizations the opportunity for increased profits if they were designated as alternative delivery systems, and that both quality and cost could be compromised by the implementation of a closed system.

Response: The alternative delivery system language has been in this regulation since 1988. To date, this provision has not been utilized as the Department supports a traditional network-oriented dental indemnity insurance plan over other forms of managed care. The principle of provider choice is an important element of this regulation as well as the TDP contract and the Department has no immediate plans to engage in "closed" systems. The Department does reserve the right to explore alternative delivery systems in the form of demonstrations or pilot programs if the Congress believes this would be in the beneficiary's best interest.

V. Regulatory Procedures

Executive Order 12866 requires certain regulatory assessments for any "significant regulatory action" defined as one that would result in an annual effect on the economy of $100 million or more, or have other substantial impacts. The Regulatory Flexibility Act (RFA) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This final rule is not a significant regulatory action under Executive Order 12866. The changes set forth in this final rule are minor revisions to the existing regulation. Since this final rule does not impose information collection requirements, it does not need to be reviewed by the Executive Office of Management and Budget under authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

List of Subjects in 32 CFR Part 199

Administrative practice and procedure, Claims, Dental health, Fraud, Health care, Health insurance, Individuals with disabilities, Military personnel.

Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.13 is revised to read as follows:

§ 199.13 TRICARE Dental Program.

(a) *General provisions*—(1) *Purpose.* This section prescribes guidelines and policies for the delivery and administration of the TRICARE Dental Program (TDP) of the Uniformed Services of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Commissioned Corps of the U.S. Public Health Service (USPHS) and the National Oceanic and Atmospheric Administration (NOAA) Corps. The TDP is a premium based indemnity dental insurance coverage plan that is available to specified categories of individuals who are qualified for these benefits by virtue of their relationship to one of the seven (7) Uniformed Services and their voluntary decision to accept enrollment in the plan and cost share (when applicable) with the Government in the premium cost of the benefits. The TDP is authorized by 10 U.S.C. 1076a, TRICARE dental program, and this section was previously titled the "Active Duty Dependents Dental Plan". The TDP incorporates the former 10 U.S.C. 1076b, Selected Reserve dental insurance, and the section previously titled the "TRICARE Selected Reserve Dental Program", § 199.21.

(2) *Applicability.*—(i) *Geographic scope.* (A) The TDP is applicable geographically within the fifty (50) States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the U.S. Virgin Islands. These areas are collectively referred to as the "CONUS (or Continental United States) service area".

(B) Extension of the TDP to areas outside the CONUS service area. In accordance with the authority cited in 10 U.S.C. 1076a(h), the Assistant Secretary of Defense (Health Affairs) (ASD(HA)) may extend the TDP to areas other than those areas specified in paragraph (a)(2)(i)(A) of this section for the eligible members and eligible dependents of members of the Uniformed Services. These areas are collectively referred to as the "OCONUS (or outside the Continental United States) service area". In extending the TDP outside the CONUS service area, the ASD(HA), or designee, is authorized to establish program elements, methods of administration and payment rates and procedures to providers that are different from those in effect for the CONUS service area to the extent the ASD(HA), or designee, determines necessary for the effective and efficient operation of the TDP. This includes provisions for preauthorization of care if the needed services are not available in a Uniformed Service overseas dental treatment facility and payment by the Department of certain cost-shares (or co-payments) and other portions of a provider's billed charges for certain beneficiary categories. Other differences may occur based on limitations in the availability and capabilities of the Uniformed Service overseas dental treatment facility and a particular nation's civilian sector providers in certain areas. These differences include varying licensure and certification requirements of OCONUS providers, Uniformed Service provider selection criteria and local results of provider selection, referral, beneficiary pre-authorization and marketing procedures, and care for beneficiaries residing in distant areas. The Director, Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) shall issue guidance, as necessary, to implement the provisions of paragraph (a)(2)(i)(B). Beneficiaries will be eligible for the same TDP benefits in the OCONUS service area although services may not be available or accessible in all OCONUS countries.

(ii) *Agency.* The provisions of this section apply throughout the Department of Defense (DoD), the United States Coast Guard, the USPHS and NOAA.

(iii) *Exclusion of benefit services performed in military dental care facilities.* Except for emergency treatment, dental care provided outside the United States, and services incidental to noncovered services, dependents of active duty, Selected Reserve and Individual Ready Reserve members enrolled in the TDP may not obtain those services that are benefits of the TDP in military dental care facilities, as long as those covered benefits are available for cost-sharing under the TDP. Enrolled dependents of active duty, Selected Reserve and Individual Ready Reserve members may continue to obtain noncovered services from military dental care facilities subject to the provisions for space available care.

(3) *Authority and responsibility.*—(i) *Legislative authority.*—(A) *Joint regulations.* 10 U.S.C. 1076a authorized the Secretary of Defense, in consultation with the Secretary of Health and Human Services, and the Secretary of Transportation, to prescribe regulations for the administration of the TDP.

(B) *Administration.* 10 U.S.C. 1073 authorizes the Secretary of Defense to administer the TDP for the Army, Navy, Air Force, and Marine Corps under DoD jurisdiction, the Secretary of Transportation to administer the TDP for the Coast Guard, when the Coast Guard is not operating as a service in the Navy, and the Secretary of Health and Human Services to administer the TDP for the Commissioned Corps of the USPHS and the NOAA Corps.

(ii) *Organizational delegations and assignments.*—(A) *Assistant Secretary of Defense (Health Affairs) (ASD(HA)).* The Secretary of Defense, by 32 CFR part 367, delegated authority to the ASD(HA) to provide policy guidance, management control, and coordination as required for all DoD health and medical resources and functional areas including health benefit programs. Implementing authority is contained in 32 CFR part 367. For additional implementing authority see § 199.1. Any guidelines or policy necessary for implementation of this § 199.13 shall be issued by the Director, OCHAMPUS.

(B) *Evidence of eligibility.* DoD, through the Defense Enrollment Eligibility Reporting System (DEERS), is responsible for establishing and maintaining a listing of persons eligible to receive benefits under the TDP.

(4) *Preemption of State and local laws.* (i) Pursuant to 10 U.S.C. 1103 and section 8025 (fourth proviso) of the Department of Defense Appropriations Act, 1994, DoD has determined that, in the administration of 10 U.S.C. chapter 55, preemption of State and local laws relating to health insurance, prepaid health plans, or other health care delivery or financing methods is necessary to achieve important Federal interests, including, but not limited to, the assurance of uniform national health programs for Uniformed Service beneficiaries and the operation of such programs at the lowest possible cost to DoD, that have a direct and substantial effect on the conduct of military affairs and national security policy of the United States. This determination is applicable to the dental services contracts that implement this section.

(ii) Based on the determination set forth in paragraph (a)(4)(i) of this section, any State or local law relating to health or dental insurance, prepaid health or dental plans, or other health or dental care delivery or financing methods is preempted and does not apply in connection with the TDP contract. Any such law, or regulation pursuant to such law, is without any force or effect, and State or local governments have no legal authority to enforce them in relation to the TDP contract. (However, DoD may, by contract, establish legal obligations on the part of the dental plan contractor to conform with requirements similar or identical to requirements of State or local laws or regulations.)

(iii) The preemption of State and local laws set forth in paragraph (a)(4)(ii) of this section includes State and local laws imposing premium taxes on health or dental insurance carriers or underwriters or other plan managers, or similar taxes on such entities. Such laws are laws relating to health insurance, prepaid health plans, or other health care delivery or financing methods, within the meaning of the statutes identified in paragraph (a)(4)(i) of this section. Preemption, however, does not apply to taxes, fees, or other payments on net income or profit realized by such entities in the conduct of business relating to DoD health services contracts, if those taxes, fees, or other payments are applicable to a broad range of business activity. For purposes of assessing the effect of Federal preemption of State and local taxes and fees in connection with DoD health and dental services contracts, interpretations shall be consistent with those applicable to the Federal Employees Health Benefits Program under 5 U.S.C. 8909(f).

(5) *Plan funds.*—(i) *Funding sources.* The funds used by the TDP are appropriated funds furnished by the Congress through the annual appropriation acts for DoD, the Department of Health and Human Services and the Department of Transportation and funds collected by the Uniformed Services or contractor through payroll deductions or through direct billing as premium shares from beneficiaries.

(ii) *Disposition of funds.* TDP funds are paid by the Government (or in the case of direct billing, by the beneficiary) as premiums to an insurer, service, or prepaid dental care organization under a contract negotiated by the Director, OCHAMPUS, or a designee, under the provisions of the Federal Acquisition Regulation (FAR) (48 CFR chapter 1).

(iii) *Plan.* The Director, OCHAMPUS, or designee provides an insurance policy, service plan, or prepaid contract of benefits in accordance with those prescribed by law and regulation; as interpreted and adjudicated in accord with the policy, service plan, or contract and a dental benefits brochure; and as prescribed by requirements of the dental plan contractor's contract with the Government.

(iv) *Contracting out.* The method of delivery of the TDP is through a competitively procured contract. The Director, OCHAMPUS, or a designee, is responsible for negotiating, under provisions of the FAR, a contract for dental benefits insurance or prepayment that includes responsibility for:

(A) Development, publication, and enforcement of benefit policy, exclusions, and limitations in compliance with the law, regulation, and the contract provisions;

(B) Adjudicating and processing claims; and conducting related supporting activities, such as enrollment, disenrollment, collection of premiums, eligibility verification, provider relations, and beneficiary communications.

(6) *Role of Health Benefits Advisor (HBA).* The HBA is appointed (generally by the commander of an Uniformed Services medical treatment facility) to serve as an advisor to patients and staff in matters involving the TDP. The HBA may assist beneficiaries in applying for benefits, in the preparation of claims, and in their relations with OCHAMPUS and the dental plan contractor. However, the HBA is not responsible for the TDP's policies and procedures and has no authority to make benefit determinations or obligate the TDP's funds. Advice given to beneficiaries by HBAs as to determination of benefits or level of payment is not binding on OCHAMPUS or the dental plan contractor.

(7) *Right to information.* As a condition precedent to the provision of benefits hereunder, the Director, OCHAMPUS, or designee, shall be entitled to receive information from an authorized provider or other person, institution, or organization (including a local, State, or United States Government agency) providing services or supplies to the beneficiary for which claims for benefits are submitted. While establishing enrollment and eligibility, benefits, and benefit utilization and performance reporting information standards, the Government has established and does maintain a system of records for dental information under the TDP. By contract, the Government audits the adequacy and accuracy of the dental plan contractor's system of records and requires access to information and records to meet plan accountabilities, to assist in contractor

surveillance and program integrity investigations and to audit OCONUS financial transactions where the Department has a financial stake. Such information and records may relate to attendance, testing, monitoring, examination, or diagnosis of dental disease or conditions; or treatment rendered; or services and supplies furnished to a beneficiary; and shall be necessary for the accurate and efficient administration and payment of benefits under this plan. To assist in claims adjudication, grievance and fraud investigations, and the appeals process, and before an interim or final determination can be made on a claim of benefits, a beneficiary or active duty, Selected Reserve or individual Ready Reserve member must provide particular additional information relevant to the requested determination, when necessary. Failure to provide the requested information may result in denial of the claim and inability to effectively investigate the grievance or fraud or process the appeal. The recipient of such information shall in every case hold such records confidential except when:

(i) Disclosure of such information is necessary to the determination by a provider or the dental plan contractor of beneficiary enrollment or eligibility for coverage of specific services;

(ii) Disclosure of such information is authorized specifically by the beneficiary;

(iii) Disclosure is necessary to permit authorized Government officials to investigate and prosecute criminal actions;

(iv) Disclosure constitutes a routine use of a routine use of a record which is compatible with the purpose for which it was collected. This includes a standard and acceptable business practice commonly used among dental insurers which is consistent with the principle of preserving confidentiality of personal information and detailed clinical data. For example, the release of utilization information for the purpose of determining eligibility for certain services, such as the number of dental prophylaxis procedures performed for a beneficiary, is authorized;

(v) Disclosure is pursuant to an order from a court of competent jurisdiction; or

(vi) Disclosure by the Director, OCHAMPUS, or designee, is for the purpose of determining the applicability of, and implementing the provisions of, other dental benefits coverage or entitlement.

(8) *Utilization review and quality assurance.* Claims submitted for benefits under the TDP are subject to review by the Director, OCHAMPUS, or designee, for quality of care and appropriate utilization. The Director, OCHAMPUS, or designee, is responsible for appropriate utilization review and quality assurance standards, norms, and criteria consistent with the level of benefits.

(b) *Definitions.* For most definitions applicable to the provisions of this section, refer to Sec. 199.2. The following definitions apply only to this section:

(1) *Assignment of benefits.* Acceptance by a nonparticipating provider of payment directly from the insurer while reserving the right to charge the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for any remaining amount of the fees for services which exceeds the prevailing fee allowance of the insurer.

(2) *Authorized provider.* A dentist, dental hygienist, or certified and licensed anesthetist specifically authorized to provide benefits under the TDP in paragraph (f) of this section.

(3) *Beneficiary.* A dependent of an active duty, Selected Reserve or Individual Ready Reserve member, or a member of the Selected Reserve or Individual Ready Reserve, who has been enrolled in the TDP, and has been determined to be eligible for benefits, as set forth in paragraph (c) of this section.

(4) *Beneficiary liability.* The legal obligation of a beneficiary, his or her estate, or responsible family member to pay for the costs of dental care or treatment received. Specifically, for the purposes of services and supplies, covered by the TDP, beneficiary liability includes cost-sharing amounts or any amount above the prevailing fee determination by the insurer where the provider selected by the beneficiary is not a participating provider or a provider within an approved alternative delivery system. In cases where a nonparticipating provider does not accept assignment of benefits, beneficiaries may have to pay the nonparticipating provider in full at the time of treatment and seek reimbursement directly from the insurer for all or a portion of the nonparticipating provider's fee. Beneficiary liability also includes any expenses for services and supplies not covered by the TDP, less any available discount provided as a part of the insurer's agreement with an approved alternative delivery system.

(5) *By report.* Dental procedures which are authorized as benefits only in unusual circumstances requiring justification of exceptional conditions related to otherwise authorized procedures. These services are further defined in paragraph (e) of this section.

(6) *Contingency operation.* Defined in 10 U.S.C. 101(a)(13) as a military operation designated as a contingency operation by the Secretary of Defense or a military operation that results in the exercise of authorities for ordering Reserve Component members to active duty without their consent and is therefore automatically a contingency operation.

(7) *Cost-share.* The amount of money for which the beneficiary (or active duty, Selected Reserve or Individual Ready Reserve member) is responsible in connection with otherwise covered dental services (other than disallowed amounts) as set forth in paragraph (e) of this section. A cost-share may also be referred to as a "co-payment."

(8) *Defense Enrollment Eligibility Reporting System (DEERS).* The automated system that is composed of two (2) phases:

(i) Enrolling all active duty, Reserve and retired service members, their dependents, and the dependents of deceased service members; and

(ii) Verifying their eligibility for health care benefits in the direct care facilities and through the TDP.

(9) *Dental hygienist.* Practitioner in rendering complete oral prophylaxis services, applying medication, performing dental radiography, and providing dental education services with a certificate, associate degree, or bachelor's degree in the field, and licensed by an appropriate authority.

(10) *Dentist.* Doctor of Dental Medicine (D.M.D.) or Doctor of Dental Surgery (D.D.S.) who is licensed to practice dentistry by an appropriate authority.

(11) *Diagnostic services.* Category of dental services including:

(i) Clinical oral examinations;

(ii) Radiographic examinations; and

(iii) Diagnostic laboratory tests and examinations provided in connection with other dental procedures authorized as benefits of the TDP and further defined in paragraph (e) of the section.

(12) *Endodontics.* The etiology, prevention, diagnosis, and treatment of diseases and injuries affecting the dental pulp, tooth root, and periapical tissue as further defined in paragraph (e) of this section.

(13) *Initial determination.* A formal written decision on a TDP claim, a request for TDP benefit pre-determination, a request by a provider for approval as an authorized provider, or a decision suspending, excluding or terminating a provider as an authorized provider under the TDP. Rejection of a claim or pre-determination, or of a request for benefit or provider authorization for failure to comply with administrative requirements, including failure to submit reasonably requested information, is not an initial determination. Responses to general or specific inquiries regarding TDP benefits are not initial determinations.

(14) *Nonparticipating provider.* A dentist or dental hygienist that furnished dental services to a TDP beneficiary, but who has not agreed to participate or to accept the insurer's fee allowances and applicable cost-share as the total charge for the services. A nonparticipating provider looks to the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for final responsibility for payment of his or her charge, but may accept payment (assignment of benefits) directly from the insurer or assist the beneficiary in filing the claim for reimbursement by the dental plan contractor. Where the nonparticipating provider does not accept payment directly from the insurer, the insurer pays the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member, not the provider.

(15) *Oral and maxillofacial surgery.* Surgical procedures performed in the oral cavity as further defined in paragraph (e) of this section.

(16) *Orthodontics.* The supervision, guidance, and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex as further defined in paragraph (e) of this section.

(17) *Participating provider.* A dentist or dental hygienist who has agreed to accept the insurer's reasonable fee allowances or other fee arrangements as the total charge (even though less than the actual billed amount), including provision for payment to the provider by the beneficiary (or active duty, Selected Reserve or Individual Ready Reserve member) or any cost-share for covered services.

(18) *Party to the initial determination.* Includes the TDP, a beneficiary of the TDP and a participating provider of services whose interests have been adjudicated by the initial determination. In addition, provider who has been denied approval as an authorized TDP provider is a party to the initial determination, as is a provider who is suspended, excluded or terminated as an authorized provider, unless the provider is excluded or suspended by another agency of the Federal Government, a state, or a local licensing authority.

(19) *Periodontics.* The examination, diagnosis, and treatment of diseases affecting the supporting structures of the teeth as further defined in paragraph (e) of this section.

(20) *Preventive services.* Traditional prophylaxis including scaling deposits from teeth, polishing teeth, and topical application of fluoride to teeth as further defined in paragraph (e) of this section.

(21) *Prosthodontics.* The diagnosis, planning, making, insertion, adjustment, refinement, and repair of artificial devices intended for the replacement of missing teeth and associated tissues as further defined in paragraph (e) of this section.

(22) *Provider.* A dentist, dental hygienist, or certified and licensed anesthetist as specified in paragraph (f) of this section. This term, when used in relation to OCONUS service area providers, may include other recognized professions authorized to furnish care under laws of that particular country.

(23) *Restorative services.* Restoration of teeth including those procedures commonly described as amalgam restorations, resin restorations, pin retention, and stainless steel crowns for primary teeth as further defined in paragraph (e) of this section.

(24) *Sealants.* A material designed for application on specified teeth to seal the surface irregularities to prevent ingress of oral fluids, food, and debris in order to prevent tooth decay.

(c) *Eligibility and enrollment*—(1) *General.* 10 U.S.C. 1076a, 1072(2)(A), (D), or (I), 1072(6), 10143 and 10144 set forth those persons who are eligible for voluntary enrollment in the TDP. A determination that a person is eligible for voluntary enrollment does not automatically entitle that person to benefit payments. The person must be enrolled in accordance with the provisions set forth in this section and meet any additional eligibility requirements in this part in order for dental benefits to be extended.

(2) *Eligibility*—(i) *Persons eligible.* Eligibility for the TDP is continuous in situations where the sponsor or member changes status between any of these eligible categories and there is no break in service or transfer to a non-eligible status.

(A) A person who bears one of the following relationships to an active duty member (under a call or order that does not specify a period of thirty (30) days or less) or a member of the Selected Reserve (as specified in 10 U.S.C. 10143) or Individual Ready Reserve (as specified in 10 U.S.C. 10144):

(1) *Spouse.* A lawful husband or wife, regardless of whether or not dependent upon the active duty, Selected Reserve or Individual Ready Reserve member.

(2) *Child.* To be eligible, the child must be unmarried and meet the requirements set forth in §§ 199.3(b)(2)(iv)(A) and 199.3(b)(2)(iv)(C).

(B) A member of the Selected Reserve of the Ready Reserve (as specified in 10 U.S.C. 10143).

(C) A member of the Individual Ready Reserve of the Ready Reserve (as specified in 10 U.S.C. 10144(b)) who is subject to being ordered to active duty involuntarily in accordance with 10 U.S.C. 12304.

(D) All other members of the Individual Ready Reserve of the Ready Reserve (as specified in 10 U.S.C. 10144(a)).

(ii) *Determination of eligibility status and evidence of eligibility.*—(A) *Eligibility determination responsibility of the Uniformed Services.* Determination of a person's eligibility for the TDP is the responsibility of the member's Uniformed Service. For the purpose of program integrity, the appropriate Uniformed Service shall, upon request of the Director, OCHAMPUS, or designee, review the eligibility of a specified person when there is reason to question the eligibility status. In such cases, a report on the result of the review and any action taken will be submitted to the Director, OCHAMPUS, or designee.

(B) *Procedures for determination of eligibility.* Uniformed Service identification cards do not distinguish eligibility for the TDP. Procedures for the determination of eligibility are identified in § 199.3(f)(2), except that Uniformed Service identification cards do not provide evidence of eligibility for the TDP. Although OCHAMPUS and the dental plan contractor must make determinations concerning a member or dependent's eligibility in order to ensure proper enrollment and proper disbursement of appropriated funds, ultimate responsibility for resolving a member or dependent's eligibility rests with the Uniformed Services.

(C) *Evidence of eligibility required.* Eligibility and enrollment in the TDP will be verified through the DEERS. Eligibility and enrollment information established and maintained in the DEERS file is the only acceptable evidence of TDP eligibility and enrollment. It is the responsibility of the active duty, Selected Reserve or Individual Ready Reserve member or TDP beneficiary, parent, or legal

representative, when appropriate, to provide adequate evidence for entry into the DEERS file to establish eligibility for the TDP, and to ensure that all changes in status that may affect eligibility are reported immediately to the appropriate Uniformed Service for action. Ineligibility for benefits is presumed in the absence of prescribed eligibility evidence in the DEERS file.

(3) *Enrollment.*—(i) *Previous plans.*—(A) *Basic Active Duty Dependents Dental Benefit Plan.* The Basic Active Duty Dependents Dental Plan was effective from August 1, 1987, up to the date of implementation of the Expanded Active Duty Dependents Dental Benefit Plan. The Basic Active Duty Dependents Dental Benefit Plan terminated upon implementation of the expanded plan.

(B) *Expanded Active Duty Dependents Dental Benefit Plan.* The Expanded Active Duty Dependents Dental Benefit Plan (also known as the TRICARE Family Member Dental Plan) was effective from August 1, 1993, up to the date of implementation of the TDP. The Expanded Active Duty Dependents Dental Benefit Plan terminates upon implementation of the TDP.

(ii) *TRICARE Dental Program (TDP).*—(A) *Election of coverage. (1)* Except as provided in paragraph (c)(3)(ii)(A)(2) of this section, active duty, Selected Reserve and Individual Ready Reserve service members may voluntarily elect to enroll their eligible dependents and members of the Selected Reserve and Individual Ready Reserve may voluntarily elect to enroll themselves following implementation of the TDP. In order to obtain TDP coverage, written or telephonic election by the active duty, Selected Reserve or Individual Ready Reserve member must be made and will be accomplished by submission or telephonic completion of an application to the dental plan contractor. This election can also be accomplished via electronic means.

(2) Eligible dependents of active duty members enrolled in the Expanded Active Duty Dependents Dental Benefit Plan at the time of implementation of the TDP will automatically be enrolled in the TDP. Eligible members of the Selected Reserve enrolled in the TRICARE Selected Reserve Dental Program at the time of implementation of the TDP will automatically be enrolled in the TDP. No election to enroll in the TDP will be required by the active duty or Selected Reserve member.

(B) *Premiums.*—*(1)* Enrollment will be by either single or family premium as defined as follows:

(i) Single premium. One (1) covered eligible dependent or one (1) covered eligible Selected Reserve or Individual Ready Reserve member.

(ii) Family premium. Two (2) or more covered eligible dependents. Under the family premium, all eligible dependents of the active duty, Selected Reserve or Individual Ready Reserve member are enrolled.

(2) Exceptions. (i) An active duty, Selected Reserve or Individual Ready Reserve member may elect to enroll only those eligible dependents residing in one (1) location when the active duty, Selected Reserve or Individual Ready Reserve member has eligible dependents residing in two or more geographically separate locations (e.g., children living with a divorced spouse; a child attending college).

(ii) Instances where a dependent of an active duty member requires a hospital or special treatment environment (due to a medical, physical handicap, or mental condition) for dental care otherwise covered by the TDP, the dependent may be excluded from TDP enrollment and may continue to receive care from a military treatment facility.

(iii) A member of the Selected Reserve or Individual Ready Reserve may enroll separately from his or her eligible dependents. A member of the Selected Reserve or Individual Ready Reserve does not have to be enrolled in order for his or her eligible dependents to enroll under the TDP.

(C) *Enrollment period.*—*(1) General.* Enrollment of eligible dependents or members is for a period of one (1) year followed by month-to-month enrollment as long as the active duty, Selected Reserve or Individual Ready Reserve member chooses to continue enrollment. Active duty members may enroll their eligible dependents and eligible members of the Selected Reserve or Individual Ready Reserve may enroll themselves or their eligible dependents in the TDP provided there is an intent to remain on active duty or as a member of the Selected Reserve or Individual Ready Reserve (or any combination thereof without a break in service or transfer to a non-eligible status) for a period of not less than one (1) year by the service member and their parent Uniformed Service. Beneficiaries enrolled in the TDP must remain enrolled for a minimum period of one (1) year unless one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met.

(2) Special enrollment period for Reserve component members ordered to active duty in support of contingency operations. The mandatory twelve (12) month enrollment period does not apply to Reserve component members ordered to active duty (other than for training) in support of a contingency operation as designated by the Secretary of Defense. Affected Reserve component members may enroll in the TDP only if their orders specify that they are ordered to active duty in support of a contingency operation, as defined by 10 U.S.C., for a period of thirty-one (31) days or more. An affected Reserve component member must elect to enroll in the TDP and complete the enrollment application within thirty (30) days following entry on active duty or within sixty (60) days following implementation of the TDP. Following enrollment, beneficiaries must remain enrolled, with the member paying premiums, until the end of the member's active duty period in support of the contingency operation or twelve (12) months, whichever occurs first, unless one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met.

(3) Continuation of enrollment from Expanded Active Duty Dependents Dental Benefit Plan. Beneficiaries enrolled in the Expanded Active Duty Dependents Dental Benefit Plan at the time when TDP coverage begins must complete their two (2) year enrollment period established under this former plan except if one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met. Once this original two (2) year enrollment period is met, the active duty member may continue TDP enrollment on a month-to-month basis. A new one (1) year enrollment period will only be incurred if the active duty member disenrolls and attempts to reenroll in the TDP at a later date.

(4) Continuation of enrollment from TRICARE Selected Reserve Dental Program. Beneficiaries enrolled in the TRICARE Selected Reserve Dental Program at the time when TDP coverage begins must complete their one (1) year enrollment period established under this former program except if one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met. Once this original one (1) year enrollment period is met, the Selected Reserve member may continue TDP enrollment on a month-to-month basis. A new one (1) year enrollment period will only be incurred if the Selected Reserve member disenrolls and attempts to reenroll in the TDP at a later date.

(D) *Beginning dates of eligibility.* The beginning date of eligibility for TDP benefits is the first day of the month following the month in which the election of enrollment is completed, signed, and the enrollment and premium is received by the dental plan contractor, subject to a predetermined and publicized dental plan contractor monthly cut-off date, except that the date of eligibility shall not be earlier than the first day of the month in which the TDP is implemented. This includes any changes between single and family member premium coverage and coverage of newly eligible or enrolled dependents or members.

(E) *Changes in and termination of enrollment. (1) Changes in status of active duty, Selected Reserve or Individual Ready Reserve member.* When the active duty, Selected Reserve or Individual Ready Reserve member is separated, discharged, retired, transferred to the Standby or Retired Reserve, his or her enrolled dependents and/or the enrolled Selected Reserve or Individual Ready Reserve member lose eligibility and enrollment as of 11:59 p.m. on the last day of the month in which the change in status takes place. When the Selected Reserve or Individual Ready Reserve member is ordered to active duty for a period of thirty-one (31) days or more without a break in service, the member loses their eligibility and is disenrolled, if they were previously enrolled; however, their enrolled dependents maintain their eligibility and previous enrollment subject to eligibility, enrollment and disenrollment provisions described in this section and in the TDP contract. When the previously enrolled active duty member is transferred back to the Selected Reserve or Individual Ready Reserve without a break in service, the member regains eligibility and is reenrolled; however, their enrolled dependents maintain their eligibility and previous enrollment subject to eligibility, enrollment and disenrollment provisions described in this section and in the TDP contract. Eligible dependents of an active duty, Selected Reserve or Individual Ready Reserve member serving a sentence of confinement in conjunction with a sentence of punitive discharge are still eligible for the TDP until such time as the active duty, Selected Reserve or Individual Ready Reserve member's discharge is executed.

(2) Continuation of eligibility for dependents of service members who die while on active duty or while a member of the Selected Reserve or Individual Ready Reserve. Eligible dependents of active duty members while on active duty for a period of thirty-one (31) days or more and eligible dependents of Selected Reserve or Individual Ready Reserve members, as specified in 10 U.S.C. 10143 and 10144(b) respectively, who die on or after the implementation date of the TDP, and whose dependents are enrolled in the TDP on the date of the death of the active duty, Selected Reserve or Individual Ready Reserve member shall be eligible for continued enrollment in the TDP for up to one (1) year from the date of the active duty, Selected Reserve or Individual Ready Reserve member's death. This continued enrollment is not contingent on the Selected Reserve or Individual Ready Reserve member's own enrollment in the TDP. During the one (1) year period of continuous enrollment, the Government will pay both the Government and the beneficiary's portion of the premium share.

(3) Changes in status of dependent.—*(i) Divorce.* A spouse separated from an active duty, Selected Reserve or Individual Ready Reserve member by a final divorce decree loses all eligibility based on his or her former marital relationship as of 11:59 p.m. of the last day of the month in which the divorce becomes final. The eligibility of the active duty, Selected Reserve or Individual Ready Reserve member's own children (including adopted and eligible illegitimate children) is unaffected by the divorce. An unadopted stepchild, however, loses eligibility with the termination of the marriage, also as of 11:59 p.m. of the last day of the month in which the divorce becomes final.

(ii) Annulment. A spouse whose marriage to an active duty, Selected Reserve or Individual Ready Reserve member is dissolved by annulment loses eligibility as of 11:59 p.m. of the last day of the month in which the court grants the annulment order. The fact that the annulment legally declares the entire marriage void from its inception does not affect the termination date of eligibility. When there are children, the eligibility of the active duty, Selected Reserve or Individual Ready Reserve member's own children (including adopted and eligible illegitimate children) is unaffected by the annulment. An unadopted stepchild, however, loses eligibility with the annulment of the marriage, also as of 11:59 p.m. of the last day of the month in which the court grants the annulment order.

(iii) Adoption. A child of an active duty, Selected Reserve or Individual Ready Reserve member who is adopted by a person, other than a person whose dependents are eligible for TDP benefits while the active duty, Selected Reserve or Individual Ready Reserve member is living, thereby severing the legal relationship between the child and the active duty, Selected Reserve or Individual Ready Reserve member, loses eligibility as of 11:59 p.m. of the last day of the month in which the adoption becomes final.

(iv) Marriage of child. A child of an active duty, Selected Reserve or Individual Ready Reserve member who marries a person whose dependents are not eligible for the TDP, loses eligibility as of 11:59 p.m. on the last day of the month in which the marriage takes place. However, should the marriage be terminated by death, divorce, or annulment before the child is twenty-one (21) years old, the child again become eligible for enrollment as a dependent as of 12:00 a.m. of the first day of the month following the month in which the occurrence takes place that terminates the marriage and continues up to age twenty-one (21) if the child does not remarry before that time. If the marriage terminates after the child's 21st birthday, there is no reinstatement of eligibility.

(v) Disabling illness or injury of child age 21 or 22 who has eligibility based on his or her student status. A child twenty-one (21) or twenty-two (22) years old who is pursuing a full-time course of higher education and who, either during the school year or between semesters, suffers a disabling illness or injury with resultant inability to resume attendance at the institution remains eligible for the TDP for six (6) months after the disability is removed or until the student passes his or her 23rd birthday, whichever occurs first. However, if recovery occurs before the 23rd birthday and there is resumption of a full-time course of higher education, the TDP can be continued until the 23rd birthday. The normal vacation periods during an established school year do not change the eligibility status of a dependent child twenty-one (21) or twenty-two (22) years old in full-time student status. Unless an incapacitating condition existed before, and at the time of, a dependent child's 21st birthday, a dependent child twenty-one (21) or twenty-two (22) years old in student status does not have eligibility related to mental or physical incapacity as described in § 199.3(b)(2)(iv)(C)(*2*).

(*4*) *Other.*—*(i) Disenrollment because of no eligible beneficiaries.* When an active duty, Selected Reserve or Individual Ready Reserve member ceases to have any eligible beneficiaries, enrollment is terminated for those enrolled dependents.

(ii) Option to disenroll as a result of a change in active duty station. When an active duty member transfers with enrolled dependents to a duty station where space-available dental care for the enrolled dependents is readily available at the local Uniformed Service dental treatment facility, the active duty member may elect, within ninety (90) calendar days of the transfer, to

disenroll their dependents from the TDP. If the active duty member is later transferred to a duty station where dental care for the dependents is not available in the local Uniformed Service dental treatment facility, the active duty member may reenroll their eligible dependents in the TDP provided the member, as of the date of reenrollment, otherwise meets the requirements for enrollment, including the intent to remain on active duty for a period of not less than one (1) year. This disenrollment provision does not apply to enrolled dependents of members of the Selected Reserve or Individual Ready Reserve or to enrolled members of the Selected Reserve or Individual Ready Reserve.

(*iii*) *Option to disenroll due to transfer to OCONUS service area.* When an enrolled dependent of an active duty, Selected Reserve or Individual Ready Reserve member or an enrolled Selected Reserve or Individual Ready Reserve member relocates to locations within the OCONUS service area, the active duty, Selected Reserve or Individual Ready Reserve member may elect, within ninety (90) calendar days of the relocation, to disenroll their dependents from the TDP, or in the case of enrolled members of the Selected Reserve or Individual Ready Reserve, to disenroll themselves from the TDP. The active duty, Selected Reserve or Individual Ready Reserve member may reenroll their eligible dependents, or in the case of members of the Selected Reserve or Individual Ready Reserve, may reenroll themselves in the TDP provided the member, as of the date of reenrollment, otherwise meets the requirements for enrollment, including the intent to remain on active duty or as a member of the Selected Reserve or Individual Ready Reserve (or any combination thereof without a break in service or transfer to a non-eligible status) for a period of not less than one (1) year.

(*iv*) *Option to disenroll after an initial one (1) year enrollment.* When a dependent's enrollment under an active duty, Selected Reserve or Individual Ready Reserve member or a Selected Reserve or Individual Ready Reserve member's own enrollment has been in effect for a continuous period of one (1) year, the active duty, Selected Reserve or Individual Ready Reserve member may disenroll their dependents, or in the case of enrolled members of the Selected Reserve or Individual Ready Reserve may disenroll themselves at any time following procedures as set up by the dental plan contractor. Subsequent to the disenrollment, the active duty, Selected Reserve or Individual Ready Reserve member may reenroll their eligible dependents, or in the case of members of the Selected Reserve or Individual Ready Reserve, may reenroll themselves, for another minimum period of one (1) year. If, during any one (1) year enrollment period, the active duty, Selected Reserve or Individual Ready Reserve member disenrolls their dependents, or in the case of members of the Selected Reserve or Individual Ready Reserve disenrolls themselves, for reasons other than those listed in this paragraph (c)(3)(ii)(E) or fails to make premium payments, dependents enrolled under the active duty, Selected Reserve or Individual Ready Reserve member, or enrolled members of the Selected Reserve and Individual Ready Reserve, will be subject to a lock-out period of twelve (12) months. Following this period of time, active duty, Selected Reserve or Individual Ready Reserve members will be able to reenroll their eligible dependents, or members of the Selected Reserve or Individual Ready Reserve will be able to reenroll themselves, if they so choose. The twelve (12) month lock-out period applies to enrolled dependents of a Reserve component member who disenrolls for reasons other than those listed in this paragraph (c)(3)(ii)(E) or fails to make premium payments after the member has enrolled pursuant to paragraph (c)(3)(ii)(C) of this section.

(d) *Premium sharing*—(1) *General.* Active duty, Selected Reserve or Individual Ready Reserve members enrolling their eligible dependents, or members of the Selected Reserve or Individual Ready Reserve enrolling themselves, in the TDP shall be required to pay all or a portion of the premium cost depending on their status.

(i) *Members required to pay a portion of the premium cost.* This premium category includes active duty members (under a call or order to active duty that does not specify a period of thirty (30) days or less) on behalf of their enrolled dependents. It also includes members of the Selected Reserve (as specified in 10 U.S.C. 10143) and the Individual Ready Reserve (as specified in 10 U.S.C. 10144(b)) enrolled on their own behalf.

(ii) *Members required to pay the full premium cost.* This premium category includes members of the Selected Reserve (as specified in 10 U.S.C. 10143), and the Individual Ready Reserve (as specified in 10 U.S.C. 10144), on behalf of their enrolled dependents. It also includes members of the Individual Ready Reserve (as specified in 10 U.S.C. 10144(a)) enrolled on their own behalf.

(2) *Proportion of premium share.* The proportion of premium share to be paid by the active duty, Selected Reserve and Individual Ready Reserve member pursuant to paragraph (d)(1)(i) of this section is established by the ASD(HA), or designee, at not more than forty (40) percent of the total premium. The proportion of premium share to be paid by the Selected Reserve and Individual Reserve member pursuant to paragraph (d)(1)(ii) of this section is established by the ASD(HA), or designee, at one hundred (100) percent of the total premium.

(3) *Provision for increases in active duty, Selected Reserve and Individual Ready Reserve member's premium share.* (i) Although previously capped at $20 per month, the law has been amended to authorize the cap on active duty, Selected Reserve and Individual Ready Reserve member's premiums pursuant to paragraph (d)(1)(i) of this section to rise, effective as of January 1 of each year, by the percent equal to the lesser of:

(A) The percent by which the rates of basic pay of members of the Uniformed Services are increased on such date; or

(B) The sum of one-half percent and the percent computed under 5 U.S.C. 5303(a) for the increase in rates of basic pay for statutory pay systems for pay periods beginning on or after such date.

(ii) Under the legislation authorizing an increase in the monthly premium cap, the methodology for determining the active duty, Selected Reserve and Individual Ready Reserve member's TDP premium pursuant to paragraph (d)(1)(i) of this section will be applied as if the methodology had been in continuous use since December 31, 1993.

(4) *Reduction of premium share for enlisted members.* For enlisted members in pay grades E–1 through E–4, the ASD(HA) or designee, may reduce the monthly premium these active duty, Selected Reserve and Individual Ready Reserve members pay pursuant to paragraph (d)(1)(i) of this section.

(5) *Reduction of cost-shares for enlisted members.* For enlisted members in pay grades E–1 through E–4, the ASD(HA) or designee, may reduce the cost-shares that active duty, Selected Reserve and Individual Ready Reserve members pay on behalf of their enrolled dependents and that members of the Selected Reserve and Individual Ready Reserve pay on their own behalf for selected benefits as specified in paragraph (e)(3)(i) of this section.

(6) *Premium payment method.* The active duty, Selected Reserve and Individual Ready Reserve member's premium share may be deducted from the active duty, Selected Reserve or Individual Ready Reserve member's basic pay or compensation paid under

37 U.S.C. 206, if sufficient pay is available. For members who are otherwise eligible for TDP benefits and who do not receive such pay and dependents who are otherwise eligible for TDP benefits and whose sponsors do not receive such pay, or if insufficient pay is available, the premium payment may be collected pursuant to procedures established by the Director, OCHAMPUS, or designee.

(7) *Annual notification of premium rates.* TDP premium rates will be determined as part of the competitive contracting process. Information on the premium rates will be widely distributed by the dental plan contractor and the Government.

(e) *Plan benefits*—(1) *General.*—(i) *Scope of benefits.* The TDP provides coverage for diagnostic and preventive services, sealants, restorative services, endodontics, periodontics, prosthodontics, orthodontics and oral and maxillofacial surgery.

(ii) *Authority to act for the plan.* The authority to make benefit determinations and authorize plan payments under the TDP rests primarily with the insurance, service plan, or prepayment dental plan contractor, subject to compliance with Federal law and regulation and Government contract provisions. The Director, OCHAMPUS, or designee, provides required benefit policy decisions resulting from changes in Federal law and regulation and appeal decisions. No other persons or agents (such as dentists or Uniformed Services HBAs) have such authority.

(iii) *Dental benefits brochure.*—(A) *Content.* The Director, OCHAMPUS, or designee, shall establish a comprehensive dental benefits brochure explaining the benefits of the plan in common lay terminology. The brochure shall include the limitations and exclusions and other benefit determination rules for administering the benefits in accordance with the law and this part. The brochure shall include the rules for adjudication and payment of claims, appealable issues, and appeal procedures in sufficient detail to serve as a common basis for interpretation and understanding of the rules by providers, beneficiaries, claims examiners, correspondence specialists, employees and representatives of other Government bodies, HBAs, and other interested parties. Any conflict, which may occur between the dental benefits brochure and law or regulation, shall be resolved in favor of law and regulation.

(B) *Distribution.* The dental benefits brochure will be available through the dental plan contractor and will be distributed with the assistance of the Uniformed Services HBAs and major personnel centers at Uniformed Service installations and headquarters to all members enrolling themselves or their eligible dependents.

(iv) *Alternative course of treatment policy.* The Director, OCHAMPUS, or designee, may establish, in accordance with generally accepted dental benefit practices, an alternative course of treatment policy which provides reimbursement in instances where the dentist and beneficiary select a more expensive service, procedure, or course of treatment than is customarily provided. The alternative course of treatment policy must meet following conditions:

(A) The service, procedure, or course of treatment must be consistent with sound professional standards of dental practice for the dental condition concerned.

(B) The service, procedure, or course of treatment must be a generally accepted alternative for a service or procedure covered by the TDP for the dental condition.

(C) Payment for the alternative service or procedure may not exceed the lower of the prevailing limits for the alternative procedure, the prevailing limits or dental plan contractor's scheduled allowance for the otherwise authorized benefit procedure for which the alternative is substituted, or the actual charge for the alternative procedure.

(2) *Benefits.* The following benefits are defined (subject to the TDP's exclusions, limitations, and benefit determination rules approved by OCHAMPUS) using the American Dental Association's Council on Dental Care Program's Code on Dental Procedures and Nomenclature. The Director, OCHAMPUS, or designee, may modify these services, to the extent determined appropriate based on developments in common dental care practices and standard dental insurance programs.

(i) *Diagnostic and preventive services.* Benefits may be extended for those dental services described as oral examination, diagnostic, and preventive services defined as traditional prophylaxis (i.e., scaling deposits from teeth, polishing teeth, and topical application of fluoride to teeth) when performed directly by dentists and dental hygienists as authorized under paragraph (f) of this section. These include the following categories of service:

(A) Diagnostic services. (*1*) Clinical oral examinations.

(*2*) Radiographs and diagnostic imaging.

(*3*) Tests and laboratory examinations.

(B) Preventive services. (*1*) Dental prophylaxis.

(*2*) Topical fluoride treatment (office procedure).

(*3*) Other preventive services.

(*4*) Space maintenance (passive appliances).

(ii) *General services and services "by report".* The following categories of services are authorized when performed directly by dentists or dental hygienists, as authorized under paragraph (f) of this section, only in unusual circumstances requiring justification of exceptional conditions directly related to otherwise authorized procedures. Use of the procedures may not result in the fragmentation of services normally included in a single procedure. The dental plan contractor may recognize a "by report" condition by providing additional allowance to the primary covered procedure instead of recognizing or permitting a distinct billing for the "by report" service. These include the following categories of general services:

(A) Unclassified treatment.

(B) Anesthesia.

(C) Professional consultation.

(D) Professional visits.

(E) Drugs.

(F) Miscellaneous services.

(iii) *Restorative services.* Benefits may be extended for restorative services when performed directly by dentists or dental hygienists, or under orders and supervision by dentists, as authorized under paragraph (f) of this section. These include the following categories of restorative services:

(A) Amalgam restorations.

(B) Resin restorations.

(C) Inlay and onlay restorations.

(D) Crowns.

(E) Other restorative services.

(iv) *Endodontic services.* Benefits may be extended for those dental services involved in treatment of diseases and injuries affecting the dental pulp, tooth root, and periapical tissue when performed directly by dentists as authorized under paragraph (f) of this section. These include the following categories of endodontic services:

(A) Pulp capping.

(B) Pulpotomy and pulpectomy.

(C) Endodontic therapy.

(D) Apexification and recalcification procedures.

(E) Apicoectomy and periradicular services.

(F) Other endodontic procedures.

(v) *Periodontic services.* Benefits may be extended for those dental services involved in prevention and treatment of diseases affecting the supporting structures of the teeth to include periodontal prophylaxis, gingivectomy

or gingivoplasty, gingival curettage, etc., when performed directly by dentists as authorized under paragraph (f) of this section. These include the following categories of periodontic services:

(A) Surgical services.

(B) Periodontal services.

(C) Other periodontal services.

(vi) *Prosthodontic services.* Benefits may be extended for those dental services involved in fabrication, insertion adjustment, relinement, and repair of artificial teeth and associated tissues to include removable complete and partial dentures, fixed crowns and bridges when performed directly by dentists as authorized under paragraph (f)(4) of this section. These include the following categories of prosthodontic services:

(A) Prosthodontics (removable).

(*1*) Complete and partial dentures.

(*2*) Adjustments to dentures.

(*3*) Repairs to complete and partial dentures.

(*4*) Denture rebase procedures.

(*5*) Denture reline procedures.

(*6*) Other removable prosthetic services.

(B) Prosthodontics (fixed).

(*1*) Fixed partial denture pontics.

(*2*) Fixed partial denture retainers.

(*3*) Other partial denture services.

(vii) Orthodontic services. Benefits may be extended for the supervision, guidance, and correction of growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations through the use of orthodontic procedures and devices when performed directly by dentists as authorized under paragraph (f) of this section to include in-process orthodontics. These include the following categories of orthodontic services:

(A) Limited orthodontic treatment.

(B) Minor treatment to control harmful habits.

(C) Interceptive orthodontic treatment.

(D) Comprehensive orthodontic treatment.

(E) Other orthodontic services.

(viii) *Oral and maxillofacial surgery services.* Benefits may be extended for basic surgical procedure of the extraction, reimplantation, stabilization and repositioning of teeth, alveoloplasties, incision and drainage of abscesses, suturing of wounds, biopsies, etc., when performed directly by dentists as authorized under paragraph (f) of this section. These include the following categories of oral and maxillofacial surgery services:

(A) Extractions.

(B) Surgical extractions.

(C) Other surgical procedures.

(D) Alveoloplasty—surgical preparation of ridge for denture.

(E) Surgical incision.

(F) Repair of traumatic wounds.

(G) Complicated suturing.

(H) Other repair procedures.

(ix) Exclusion of adjunctive dental care. Adjunctive dental care benefits are excluded under the TDP. For further information on adjunctive dental care benefits under TRICARE/CHAMPUS, see § 199.4(e)(10).

(x) *Benefit limitations and exclusions.* The Director, OCHAMPUS, or designee, may establish such exclusions and limitations as are consistent with those established by dental insurance and prepayment plans to control utilization and quality of care for the services and items covered by the TDP.

(xi) *Limitation on reduction of benefits.* If a reduction in benefits is planned, the Secretary of Defense, or designee, may not reduce TDP benefits without notifying the appropriate Congressional committees. If a reduction is approved, the Secretary of Defense, or designee, must wait one (1) year from the date of notice before a benefit reduction can be implemented.

(3) *Cost-shares, liability and maximum coverage.*—(i) *Cost-shares.* The following table lists maximum active duty, Selected Reserve and Individual Ready Reserve member and dependent cost-shares for covered services for participating and nonparticipating providers of care (see paragraph (f)(6) of this section for additional active duty, Selected Reserve and Individual Ready Reserve costs). These are percentages of the dental plan contractor's determined allowable amount that the active duty, Selected Reserve and Individual Ready Reserve member or beneficiary must pay to these providers. For care received in the OCONUS service area, the ASD(HA), or designee, may pay certain cost-shares and other portions of a provider's billed charge for enrolled dependents of active duty members (under a call or order that does not specify a period of thirty (30) days or less), and for members of the Selected Reserve (as specified in 10 U.S.C. 10143) and Individual Ready Reserve (as specified in 10 U.S.C. 10144(b)) enrolled on their own behalf.

[In percent]

Covered services	Cost-share for pay grades E-1, E-2, E-3 and E-4	Cost-share for all other pay grades
Diagnostic	0	0
Preventive, except Sealants	0	0
Emergency Services	0	0
Sealants	20	20
Professional Consultations	20	20
Professional Visits	20	20
Post Surgical Services	20	20
Basic Restorative (example: amalgams, resins, stainless steel crowns)	20	20
Endodontic	30	40
Periodontic	30	40
Oral and Maxillofacial Surgery	30	40
General Anesthesia	40	40
Intravenous Sedation	50	50
Other Restorative (example: crowns, onlays, casts)	50	50
Prosthodontics	50	50
Medications	50	50
Orthodontic	50	50
Miscellaneous	50	50

(ii) *Dental plan contractor liability.* When more than twenty-five (25) percent or more than two hundred (200) enrollees in a specific five (5) digit zip code area are unable to obtain a periodic or initial (non-emergency) dentistry appointment with a network provider within twenty-one (21) calendar days and within thirty-five (35) miles of the enrollee's place of residence, then the TRICARE Management Activity (TMA) will designate that area as "non-compliant with the access standard." Once so designated, the dental program contractor will reimburse the beneficiary, or active duty, Selected Reserve or Individual Ready Reserve member, or the nonparticipating provider selected by enrollees in that area (or a subset of the area or nearby zip codes in other five (5) digit zip code areas as determined by TMA) at the level of the provider's usual fees less the applicable enrollee cost-share, if any. TMA shall determine when such area becomes compliant with the access standards. This access standard and associated liability does not apply to care received in the OCONUS service area.

(iii) *Maximum coverage amounts.* Beneficiaries are subject to an annual maximum coverage amount for non-orthodontic dental benefits and a lifetime maximum coverage amount for orthodontics as established by the ASD (HA) or designee.

(f) *Authorized providers.*—(1) *General.* Beneficiaries may seek covered services from any provider who is fully licensed and approved to provide dental care or covered anesthesia benefits in the state where the provider is located. This includes licensed dental hygienists, practicing within the scope of their licensure, subject to any restrictions a state licensure or legislative body imposes regarding their status as independent providers of care.

(2) *Authorized provider status does not guarantee payment of benefits.* The fact that a provider is "authorized" is not to be construed to mean that the TDP will automatically pay a claim for services or supplies provided by such a provider. The Director, OCHAMPUS, or designee, also must determine if the patient is an eligible beneficiary, whether the services or supplies billed are authorized and medically necessary, and whether any of the authorized exclusions of otherwise qualified providers presented in this section apply.

(3) *Utilization review and quality assurance.* Services and supplies furnished by providers of care shall be subject to utilization review and quality assurance standards, norms, and criteria established under the TDP. Utilization review and quality assurance assessments shall be performed under the TDP consistent with the nature and level of benefits of the plan, and shall include analysis of the data and findings by the dental plan contractor from other dental accounts.

(4) *Provider required.* In order to be considered benefits, all services and supplies shall be rendered by, prescribed by, or furnished at the direction of, or on the order of a TDP authorized provider practicing within the scope of his or her license.

(5) *Participating provider.* An authorized provider may elect to participate for all TDP beneficiaries and accept the fee or charge determinations as established and made known to the provider by the dental plan contractor. The fee or charge determinations are binding upon the provider in accordance with the dental plan contractor's procedures for participation. The authorized provider may not participate on a claim-by-claim basis. The participating provider must agree to accept, within one (1) day of a request for appointment, beneficiaries in need of emergency palliative treatment. Payment to the participating provider is based on the lower of the actual charge or the dental plan contractor's determination of the allowable charge; however, payments to participating providers shall be in accordance with the methodology specified in paragraph (g)(2)(ii) of this section. Payment is made directly to the participating provider, and the participating provider may only charge the beneficiary the percent cost-share of the dental plan contractor's allowable charge for those benefit categories as specified in paragraph (e) of this section, in addition to the full charges for any services not authorized as benefits.

(6) *Nonparticipating provider.* An authorized provider may elect to not participate for all TDP beneficiaries and request the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member to pay any amount of the provider's billed charge in excess of the dental plan contractor's determination of allowable charges (to include the appropriate cost-share). Neither the Government nor the dental plan contractor shall have any responsibility for any amounts over the allowable charges as determined by the dental plan contractor, except where the dental plan contractor is unable to identify a participating provider of care within thirty-five (35) miles of the beneficiary's place of residence with appointment availability within twenty-one (21) calendar days. In such instances of the nonavailability of a participating provider and in accordance with the provisions of the dental contract, the nonparticipating provider located within thirty-five (35) miles of the beneficiary's place of residence shall be paid his or her usual fees (either by the beneficiary or the dental plan contractor if the beneficiary elected assignment of benefits), less the percent cost-share as specified in paragraph (e)(3)(i) of this section.

(i) *Assignment of benefits.* A nonparticipating provider may accept assignment of benefits for claims (for beneficiaries certifying their willingness to make such assignment of benefits) by filing the claims completed with the assistance of the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for direct payment by the dental plan contractor to the provider.

(ii) *No assignment of benefits.* A nonparticipating provider for all beneficiaries may request that the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member file the claim directly with the dental plan contractor, making arrangements with the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for direct payment by the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member.

(7) *Alternative delivery system.*—(i) *General.* Alternative delivery systems may be established by the Director, OCHAMPUS, or designee, as authorized providers. Only dentists, dental hygienists and licensed anesthetists shall be authorized to provide or direct the provision of authorized services and supplies in an approved alternative delivery system.

(ii) *Defined.* An alternative delivery system may be any approved arrangement for a preferred provider organization, capitation plan, dental health maintenance or clinic organization, or other contracted arrangement which is approved by OCHAMPUS in accordance with requirements and guidelines.

(iii) *Elective or exclusive arrangement.* Alternative delivery systems may be established by contract or other arrangement on either an elective or exclusive basis for beneficiary selection of participating and authorized providers in accordance with contractual requirements and guidelines.

(iv) *Provider election of participation.* Otherwise authorized providers must be provided with the opportunity of applying for participation in an alternative delivery system and of

achieving participation status based on reasonable criteria for timeliness of application, quality of care, cost containment, geographic location, patient availability, and acceptance of reimbursement allowance.

(v) *Limitation on authorized providers.* Where exclusive alternative delivery systems are established, only providers participating in the alternative delivery system are authorized providers of care. In such instances, the TDP shall continue to pay beneficiary claims for services rendered by otherwise authorized providers in accordance with established rules for reimbursement of nonparticipating providers where the beneficiary has established a patient relationship with the nonparticipating provider prior to the TDP's proposal to subcontract with the alternative delivery system.

(vi) *Charge agreements.* Where the alternative delivery system employs a discounted fee-for-service reimbursement methodology or schedule of charges or rates which includes all or most dental services and procedures recognized by the American Dental Association's Council on Dental Care Program's Code on Dental Procedures and Nomenclature, the discounts or schedule of charges or rates for all dental services and procedures shall be extended by its participating providers to beneficiaries of the TDP as an incentive for beneficiary participation in the alternative delivery system.

(g) *Benefit payment*—(1) *General.* TDP benefits payments are made either directly to the provider or to the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member, depending on the manner in which the claim is submitted or the terms of the subcontract of an alternative delivery system with the dental plan contractor.

(2) *Benefit payment.* Beneficiaries are not required to utilize participating providers. For beneficiaries who do use these participating providers, however, these providers shall not balance bill any amount in excess of the maximum payment allowed by the dental plan contractor for covered services. Beneficiaries using nonparticipating providers may be balance-billed amounts in excess of the dental plan contractor's determination of allowable charges. The following general requirements for the TDP benefit payment methodology shall be met, subject to modifications and exceptions approved by the Director, OCHAMPUS, or designee:

(i) Nonparticipating providers (or the Beneficiaries or active duty, Selected Reserve or Individual Ready Reserve members for unassigned claims) shall be reimbursed at the equivalent of not less than the 50th percentile of prevailing charges made for similar services in the same locality (region) or state, or the provider's actual charge, whichever is lower, subject to the exception listed in paragraph (e)(3)(ii) of this section, less any cost-share amount due for authorized services.

(ii) Participating providers shall be reimbursed at the equivalent of a percentile of prevailing charges sufficiently above the 50th percentile of prevailing charges made for similar services in the same locality (region) or state as to constitute a significant financial incentive for participation, or the provider's actual charge, whichever is lower, less any cost-share amount due for authorized services.

(3) *Fraud, abuse, and conflict of interest.* The provisions of § 199.9 shall apply except for § 199.9(e). All references to "CHAMPUS contractors", "CHAMPUS beneficiaries" and "CHAMPUS providers" in § 199.9 shall be construed to mean the "dental plan contractor", "TDP beneficiaries" and "TPD providers" respectively for the purposes of this section. Examples of fraud include situations in which ineligible persons not enrolled in the TDP obtain care and file claims for benefits under the name and identification of a beneficiary; or when providers submit claims for services and supplies not rendered to Beneficiaries; or when a participating provider bills the beneficiary for amounts over the dental plan contractor's determination of allowable charges; or when a provider fails to collect the specified patient cost-share amount.

(h) *Appeal and hearing procedures.* The provisions of § 199.10 shall apply except where noted in this section. All references to "CHAMPUS contractors", "CHAMPUS beneficiaries", "CHAMPUS participating providers" and "CHAMPUS Explanation of Benefits" in § 199.10 shall be construed to mean the "dental plan contractor", "TDP beneficiaries", "TDP participating providers" and "Dental Explanation of Benefits or DEOB" respectively for the purposes of this section. References to "OCHAMPUSEUR" in § 199.10 are not applicable to the TDP or this section.

(1) *General.* See § 199.10(a).

(i) *Initial determination.*—(A) *Notice of initial determination and right to appeal.* See § 199.10(a)(1)(i).

(B) *Effect of initial determination.* See § 199.10(a)(1)(ii).

(ii) *Participation in an appeal.* Participation in an appeal is limited to any party to the initial determination, including OCHAMPUS, the dental plan contractor, and authorized representatives of the parties. Any party to the initial determination, except OCHAMPUS and the dental plan contractor, may appeal an adverse determination. The appealing party is the party who actually files the appeal.

(A) *Parties to the initial determination.* See §§ 199.10(a)(2)(i) and 199.10(a)(2)(i) (A), (B), (C) and (E). In addition, a third party other than the dental plan contractor, such as an insurance company, is not a party to the initial determination and is not entitled to appeal, even though it may have an indirect interest in the initial determination.

(B) *Representative.* See § 199.10(a)(2)(ii).

(iii) *Burden of proof.* See § 199.10(a)(3).

(iv) *Evidence in appeal and hearing cases.* See § 199.10(a)(4).

(v) *Late filing.* If a request for reconsideration, formal review, or hearing is filed after the time permitted in this section, written notice shall be issued denying the request. Late filing may be permitted only if the appealing party reasonably can demonstrate to the satisfaction of the dental plan contractor, or the Director, OCHAMPUS, or designee, that timely filing of the request was not feasible due to extraordinary circumstances over which the appealing party had no practical control. Each request for an exception to the filing requirement will be considered on its own merits. The decision of the Director, OCHAMPUS, or a designee, on the request for an exception to the filing requirement shall be final.

(vi) *Appealable issue.* See §§ 199.10(a)(6), 199.10(a)(6)(i), 199.10(a)(6)(iv), including §§ 199.10(a)(6)(iv) (A) and (C), and 199.10(a)(6)(v) for an explanation and examples of non-appealable issues. Other examples of issues that are not appealable under this section include:

(A) The amount of the dental plan contractor-determined allowable charge since the methodology constitutes a limitation on benefits under the provisions of this section.

(B) Certain other issues on the basis that the authority for the initial determination is not vested in OCHAMPUS. Such issues include but are not limited to the following examples:

(*1*) A determination of a person's enrollment in the TDP is the responsibility of the dental plan contractor and ultimate responsibility for resolving a beneficiary's enrollment rests with the dental plan contractor. Accordingly, a disputed question of fact concerning a beneficiary's enrollment will not be considered an appealable issue under the provisions of this section, but shall be resolved in accordance with paragraph (c) of this section and the dental plan contractor's enrollment policies and procedures.

(*2*) Decisions relating to the issuance of a nonavailability statement (NAS) in each case are made by the Uniformed Services. Disputes over the need for an NAS or a refusal to issue an NAS are not appealable under this section. The one exception is when a dispute arises over whether the facts of the case demonstrate a dental emergency for which an NAS is not required. Denial of payment in this one situation is an appealable issue.

(*3*) Any decision or action on the part of the dental plan contractor to include a provider in their network or to designate a provider as participating is not appealable under this section. Similarly, any decision or action on the part of the dental plan contractor to exclude a provider from their network or to deny participating provider status is not appealable under this section.

(vii) *Amount in dispute.*—(A) *General.* An amount in dispute is required for an adverse determination to be appealed under the provisions of this section, except as set forth or further explained in § 199.10(a)(7)(ii), (iii) and (iv).

(B) *Calculated amount.* The amount in dispute is calculated as the amount of money the dental plan contractor would pay if the services involved in the dispute were determined to be authorized benefits of the TDP. Examples of amounts of money that are excluded by this section from payments for authorized benefits include, but are not limited to:

(*1*) Amounts in excess of the dental plan contractor's—determined allowable charge.

(*2*) The beneficiary's cost-share amounts.

(*3*) Amounts that the beneficiary, or parent, guardian, or other responsible person has no legal obligation to pay.

(*4*) Amounts excluded under the provisions of § 199.8 of this part.

(viii) *Levels of appeal.* See § 199.10(a)(8)(i). Initial determinations involving the sanctioning (exclusion, suspension, or termination) of TDP providers shall be appealed directly to the hearing level.

(ix) *Appeal decision.* See § 199.10(a)(9).

(2) *Reconsideration.* See § 199.10(b).

(3) *Formal review.* See § 199.10(c).

(4) *Hearing.*—(i) *General.* See §§ 1.99.10(d) and 199.10(d)(1) through (d)(5) and (d0(7) through (d)(12) for information on the hearing process.

(ii) *Authority of the hearing officer.* The hearing officer, in exercising the authority to conduct a hearing under this part, will be bound by 10 U.S.C., chapter 55, and this part. The hearing officer in addressing substantive, appealable issues shall be bound by the dental benefits brochure applicable for the date(s) of service, policies, procedures, instructions and other guidelines issued by the ASD(HA), or a designee, or by the Director, OCHAMPUS, or a designee, in effect for the period in which the matter in dispute arose. A hearing officer may not establish or amend the dental benefits brochure, policy, procedures, instructions, or guidelines. However, the hearing officer may recommend reconsideration of the policy, procedures, instructions or guidelines by the ASD (HA), or a designee, when the final decisions is issued in the case.

(5) *Final decision.* See §§ 199.10(e)(1) and 199.10(e)(1)(i) for information on final decisions in the appeal and hearing process, with the exception that no recommended decision shall be referred for review by ASD(HA).

§ 199.21 [Removed and Reserved]

3. Section 199.21 is removed and reserved.

Dated: February 13, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4047 Filed 2–28–01; 8:45 am]

BILLING CODE 5001–10–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[TN–2001–01; FRL–6941–7]

New Stationary Sources; Supplemental Delegation of Authority to Knox County, TN

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority.

SUMMARY: The Knox County Department of Air Quality Management located in Knoxville, Tennessee has requested that EPA delegate authority for implementation and enforcement of existing New Source Performance Standards (NSPS) which have been previously adopted by the Knox County Department of Air Quality Management (KCDAQM or local agency) but have remained undelegated by EPA, and to approve the mechanism for delegation (adopt-by-reference) of future NSPS. The purpose of the local agency request for approval of its delegation mechanism is to streamline existing administrative procedures by eliminating any unnecessary steps involved in the federal delegation process. With this NSPS delegation mechanism in place, a new or revised NSPS promulgated by EPA will become effective in Knox County on the date the NSPS is adopted if the local agency adopts the NSPS without change. No further local agency requests for delegation will be necessary. Likewise, no further **Federal Register** notices will be published. EPA reserves the right to implement the federal NSPS directly and continues to retain concurrent enforcement authority. The EPA's review of the local agency's pertinent laws, rules, and regulations indicate that adequate and effective procedures are in place for the implementation and enforcement of these Federal standards. This document was written to inform the public of delegations that were made to KCDAQM for which a **Federal Register** notice was not previously written and to inform the public of the local agency's new mechanism for delegation of future NSPS.

EFFECTIVE DATE: The effective date is March 1, 2001.

ADDRESSES: Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency, Region 4, Air and Radiation Technology Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

Knox County Department of Air Quality Management, City/County Building, Suite 459, 400 West Main Street, Knoxville, Tennessee 37902–2405.

Effective March 1, 2001, all requests, applications, reports and other correspondence required pursuant to the delegated standards should not be submitted to the Region 4 office, but should instead be submitted to the following address:

Knox County Department of Air Quality Management, City/County Building, Suite 459, 400 West Main Street, Knoxville, Tennessee 37902–2405.

FOR FURTHER INFORMATION CONTACT: Katy Forney, Air and Radiation Technology Branch, Environmental Protection Agency, Region 4, 61 Forsyth St. SW., Atlanta, Georgia 30303, 404–562–9130. E-mail: reeves.kathleen@epa.gov

SUPPLEMENTARY INFORMATION: Section 301, in conjunction with sections 110 and 111(c)(1) of the Clean Air Act as amended November 15, 1990, authorize EPA to delegate authority to implement and enforce the standards set out in 40 CFR part 60, New Source Performance Standards (NSPS).

On May 20, 1977, the EPA initially delegated the authority for implementation and enforcement of the NSPS program to Knox County. This agency has subsequently requested a delegation of authority for implementation and enforcement of the previously adopted, undelegated part 60 NSPS categories listed below as well as future NSPS categories codified in 40 CFR part 60.

Delegation Requested on May 8, 1997:

40 CFR part 60, Subpart VV, as amended 6–12–96

40 CFR part 60, Subpart Dc, as amended 5–8–95

Delegation Requested on October 18, 1996:

40 CFR part 60, Subpart Ea, as amended 12–19–95

40 CFR part 60, Subpart Eb, as amended 12–19–95

40 CFR part 60, Subpart WWW, promulgated 3–12–96

All current NSPS categories are delegated with the exception of the following sections within those subparts that may not be delegated. Future NSPS regulations will contain a list of sections that will not be delegated for that subpart.

1. Subpart A—§ 60.8(b) (2) and (3), § 60.11(e) (7) and (8), § 60.13 (g), (i) and (j)(2).
2. Subpart B—§ 60.22, § 60.27, and § 60.29.
3. Subpart Da—§ 60.45a.
4. Subpart Db—§ 60.44b(f), § 60.44b(g), § 60.49b(a)(4).
5. Subpart Dc—§ 60.48c(a)(4).
6. Subpart Ec—§ 60.56(c)(i).
7. Subpart J—§ 60.105(a)(13)(iii), § 60.106(i)(12).
8. Subpart Ka—§ 60.114a.
9. Subpart Kb—§ 60.111b(f)(4), § 60.114b, § 60.116b(e)(3) (iii) and (iv), § 60.116b(f)(2)(iii).
10. Subpart O—§ 60.153(e).
11. Subpart EE—§ 60.316(d).
12. Subpart GG—§ 60.334(b)(2), § 60.335(f)(1).
13. Subpart RR—§ 60.446(c).
14. Subpart SS—§ 60.456(d).
15. Subpart TT—§ 60.466(d).
16. Subpart UU—§ 60.474(g).
17. Subpart VV—§ 60.482–1(c)(2) and § 60.484.
18. Subpart WW—§ 60.496(c).
19. Subpart XX—§ 60.502(e)(6).
20. Subpart AAA—§ 60.531, § 60.533, § 60.534, § 60.535, § 60.536(i)(2), § 60.537, § 60.538(e), § 60.539.
21. Subpart BBB—§ 60.543(c)(2)(ii)(B).
22. Subpart DDD—§ 60.562–2(c).
23. Subpart III—§ 60.613(e).
24. Subpart NNN—§ 60.663(e).
25. Subpart RRR—§ 60.703(e).
26. Subpart SSS—§ 60.711(a)(16), § 60.713(b)(1)(i), § 60.713(b)(1)(ii), § 60.713(b)(5)(i), § 60.713(d), § 60.715(a), § 60.716.
27. Subpart TTT—§ 60.723(b)(1), § 60.723(b)(2)(i)(C), § 60.723(b)(2)(iv), § 60.724(e), § 60.725(b).
28. Subpart VVV—§ 60.743(a)(3)(v)(A) and (B), § 60.743(e), § 60.745(a), § 60.746.
29. Subpart WWW—§ 60.754(a)(5).

After a thorough review of the request, the Regional Administrator determined that such a delegation was appropriate for all source categories. All sources subject to the requirements of 40 CFR part 60 will now be under the jurisdiction of the appropriate above mentioned agency.

Since review of the pertinent laws, rules, and regulations for the local agency has shown them to be adequate for implementation and enforcement of existing, previously adopted, undelegated NSPS and future NSPS, EPA hereby notifies the public that it has delegated the authority for existing, previously adopted and undelegated NSPS as well as the mechanism for delegation (adopt-by-reference) of future NSPS source categories upon publication of this **Federal Register** document.

Administrative Requirements

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

The Congressional Review Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. However, Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the Congressional Review Act if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of March 1, 2001. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Authority: This document is issued under the authority of sections 101, 110, 111, 112 and 301 of the Clean Air Act, as Amended (42 U.S.C. 7401, 7410, 7411, 7412 and 7601).

Dated: January 16, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–4977 Filed 2–28–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 70 and 71

[FRL–6934–5]

RIN 2060–AJ04

State and Federal Operating Permits Programs: Amendments Compliance Certification Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: We, the EPA, are taking direct final action to amend the State Operating Permits Program and the Federal Operating Permits Program. The amendments are in response to the United States Circuit Court of Appeals October 29, 1999, decision to remand to us part of the October 22, 1997, Compliance Assurance Monitoring rulemaking that included revisions describing the ongoing compliance certification content requirements. In particular, the Court ruled that the compliance certification must address whether the affected facility or source has been in continuous or intermittent compliance. This action will revise only certain sections to carry through the revisions to the compliance certification requirements.

EFFECTIVE DATE: This final rule amendment is effective on April 30, 2001 without further notice, unless we receive adverse comments on this direct final rule by April 2, 2001 or we receive a request for a hearing by March 16, 2001. If we receive timely adverse comment or a timely hearing request, we will publish a withdrawal in the **Federal Register** informing you, the public, that this direct final rule will not take effect.

ADDRESSES: *Comments.* You may submit comments on this rulemaking in writing (original and two copies, if possible) to Docket No. A–91–52 to the following address: Air and Radiation Docket and Information Center (6102), US Environmental Protection Agency, 401 M Street, SW., Room 1500, Washington, DC 20460.

Docket. A docket containing supporting information used in developing this direct final rule amendment is available for public inspection and copying at our docket office located at the above address in Room M–1500, Waerside Mall (ground floor). You are encouraged to phone in advance to review docket materials or schedule an appointment by phoning the Air Docket Office at (202) 260–7548. Refer to Docket No. A–91–52. The Docket Office may charge a reasonable fee for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Peter Westlin, Environmental Protection Agency, Office Air Quality Planning and Standards, at 919/541–1058, e-mail: *westlin. peter@epa.gov*, facsimile 919/541–1039.

SUPPLEMENTARY INFORMATION: We are publishing these rule amendments without a prior proposal because we consider this to be noncontroversial amendment, given the Court's decision, and we do not expect to receive any adverse comment. We believe that this change to the previously promulgated rule adequately addresses the Court's direction expressed in the remand. In the event we receive adverse comment or a hearing request and this direct final rule is subsequently withdrawn, we are also publishing a separate document that will serve as the proposal of this amendment in the "Proposed Rules" section of this **Federal Register** publication. This final rule amendment will be effective on April 30, 2001 without further notice, unless we receive adverse comment on this rulemaking by April 2, 2001 or we receive a request for a hearing by March 11, 2001. If we receive timely adverse comment or a timely hearing request, we will publish a withdrawal in the **Federal Register** informing you that this direct final rule will not take effect. In that event, we will address all public comments in a subsequent final rule, based on the proposed rule amendment published in the "Proposed Rules" section of this **Federal Register** document. Because we will not provide further opportunity for public comment on this action, you must comment on this amendment at this time if you wish to do so.

Regulated entities. The requirements in this regulation may apply to you if you own or operate any facility subject to the compliance certification requirements of part 70 to 71. These regulations apply to, but are not limited to, owners or operators of all sources who must have operating permits under either of these programs. State, local, and tribal governments are potentially affected tot he extent that those governments must revise existing compliance certification requirements in implementing the part 70 operating permits program to make consistent with these revisions.

Internet. The text of this **Federal Register** document is also available on our web site on the Internet under the Recently Signed Rules category at the following address: *http://www.epa.gov/ttn/oarpg/rules.html* and the OAQPS, Emissions Measurement Center website at *http://www.epa.gov/ttn/emc/*. Our Office of Air and Radiation (OAR) homepage on the Internet also contains a wide range of information on the air toxics program and many other air pollution programs and issues. The OAR's homepage address is: *http://www.epa.gov/oar*.

Electronic Access and Filing Addresses. The official record for this rulemaking, as well as the public version, has been established for this rulemaking under Docket No. A–91–52 (including comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 8 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address listed in the **ADDRESSES** section at the beginning of this preamble. You may submit comments on this rulemaking electronically to the EPA's Air and Radiation Docket and Information Center at their address: *A-and-R-Docket@epa.gov*. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 6.1 file format or ASCII file format. You must identify all comments and data in electronic form by the docket number (A–91–52). You should not submit CBI through electronic mail. You may file electronic comments online at any Federal Depository Library.

Outline. The information in this preamble is organized as follows:

I. Authority
II. Background
A. Regulatory and litigation background
B. Direction from Court
III. Regulatory Revisions and Effects
A. What are the regulatory revisions?
B. What must I include in the compliance certification?
IV. Administrative Requirements
A. Executive Order 12866: "Significant Regulatory Action Determination"
B. Regulatory Flexibility
C. Paperwork Reduction Act
D. Unfunded Mandates Reform Act
E. Docket
F. Executive Order 13132: Federalism
G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
H. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments
I. Submission to Congress and the General Accounting Office
J. National Technology Transfers and Advancement Act

I. Authority

The statutory authority for this action is provided by sections 114 and 501 through 507 of the Clean Air Act, as amended (42 U.S.C. 7414a and 7661–7661f).

II. Background

A. Regulatory and Litigation Background

On October 22, 1997 (62 FR 54900), we published the final part 64, Compliance Assurance Monitoring (CAM) rule, and revisions to parts 70 and 71, the State and Federal Operating Permits Programs. Part 64 included procedures, design specifications, and performance criteria intended to satisfy, in part, the enhanced monitoring requirements of the Clean Air Act ("the Act"). The revisions to parts 70 and 71 included language to §§ 70.6(c)(5)(iii)(B) and 71.6(c)(5)(iii)(B) specifying the minimum information necessary for the compliance certification required of responsible officials.

Subsequent to that publication, the Natural Resources Defense Council, Inc. (NRDC) and the Appalachian Power Company et al. (industry) filed petitions with the United States Court of Appeals for the District of Columbia Circuit (Court) challenging several aspects of the CAM rule. Industry challenged our authority to promulgate the parts 70 and 71 language requiring that compliance certifications be based on any other material information including credible evidence.

The NRDC argued that the monitoring in part 64 failed to meet Clean Air Act requirements regarding enhanced monitoring and that the parts 70 and 71 revisions were inconsistent with the Act's explicit requirement that compliance certifications indicate

whether compliance is continuous or intermittent.

B. Direction From Court

On October 29, 1999, the Court issued its decision (see docket A–91–52, item VIII–A–1) *Natural Resources Defense Council* v. *EPA*, 194 F.3d 130 (D.C. Cir. 1999), on these challenges. Most importantly, the court held that "EPA's adoption of CAM as "enhanced monitoring" meets the requirements of the Clean Air Act." *Id.* at 137. The court also dismissed the industry's challenge as unripe relying on its earlier decision involving EPA's Credible Evidence Rule. *See Clean Air Implementation Project* v. *EPA*, 150 F.3d 1200 (D.C. Cir. 1998). The court did, however, agree with NRDC that EPA's removal from parts 70 and 71 of the explicit requirement that compliance certifications address whether compliance is continuous or intermittent revisions ran contrary to the statutory requirement that each source must certify "whether compliance is continuous or intermittent * * *" *See* section 114(a)(3)(D), 42 U.S.C. 7414(a)(3)(D). Our rationale for revising the compliance certification language had been that so long as the compliance certification addressed the substance of whether compliance had been continuous or intermittent there was no need to require responsible officials to use the terms "continuous" or "intermittent." The court disagreed finding Congress" intent to be "express and unambiguous." 194 F.3d at 138. Accordingly, the court remanded that portion of the CAM rule "pertaining to 'continuous or intermittent' compliance certification" to us for revision consistent with the court's decision.

III. Regulatory Revisions and Effects

A. What Are the Regulatory Revisions?

In response to the court's remand, we have added text to sections, §§ 70.6(c)(5)(iii)(B) and 71.6(c)(5)(iii)(B), to require that the responsible official for the affected facility include in the annual (or more frequent) compliance certification whether compliance during the period was continuous or intermittent. Specifically, the revised text, including the introductory language for both sections reads: "Permits shall include each of the following * * *: A requirement that the compliance certification include all of the following * * *: The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in paragraph (c)(5)(iii)(B) of this section." The italicized text indicates the revisions made in response to the Court decision. Other text within both of these sections remains as promulgated in 1997. Under this revised language, the responsible official must include in the compliance certification a statement as to whether compliance during the period was continuous or intermittent. We believe these revisions respond directly and adequately to the Court's decision to remand the compliance certification requirements to us and are consistent with the requirements of the Act.

The Court's decision and this amendment to our regulations also necessitate a change to a guidance document issued in connection with the CAM rulemaking. In "Compliance Assurance Monitoring Rule Implementation Questions and Responses" (from Steve Hitte, OPG–ITPID to APMs, Regions I–X (January 8, 1998)), we advised permitting authorities that they could require sources to certify compliance using either existing state regulations that tracked the statute (e.g., certify to whether compliance was continuous or intermittent) or the certification language in the CAM revisions to Part 70. *See* at Question 10. This guidance was based on our interpretation that (1) the statutory requirement to certify whether compliance is continuous or intermittent had sufficient flexibility to allow the approach taken in the revisions to Part 70 and (2) the state regulations on compliance certification generally tracked exactly the statutory language on certification of continuous or intermittent compliance. The Court, however, disagreed with our interpretation of the statutory language and remanded the revisions to Part 70 to us. As a result, the guidance above is no longer justified. Accordingly, we withdraw the guidance provided to permitting authorities in Question and Response 10 in the above-mentioned guidance to the extent it states that permitting authorities may allow certifications based on the Part 70 revisions set aside by the Court. We are aware that most if not all approved state program regulations continue to require responsible officials to certify whether compliance was intermittent or continuous. Accordingly, any state programs that followed the interpretation in Question 10 above should be able to expeditiously require certifications to be based upon the proper statutory certification language.

B. What Must I Include in the Compliance Certification?

The compliance certification is your assessment, signed by your facility's responsible official, as to whether your facility complied with the terms and conditions of the permit. The compliance certification includes three main elements. The first is identification of all the permit terms and conditions to which your facility is subject. These include applicable design provisions, work practice elements, required operating conditions, and emissions limitations in addition to general and specific monitoring, reporting, and record keeping requirements.

Second, you must identify the method(s) and any other material information used to determine compliance status of each term and condition. The method(s) includes at a minimum any testing and monitoring methods required by Parts 70 or 71 that were conducted during the period for the certification. You must describe whether the data collection using the methods referenced for the compliance certification provide continuous or intermittent data.

Third, you must certify as to the status of compliance including whether compliance was continuous or intermittent. You must base this status on the results of the identified methods and other material information. You must note as possible exceptions to compliance any deviations from the permit requirements and any excursions, or exceedances as defined in part 64, or other underlying applicable requirements, during which compliance is required.

You can find additional explanation on our interpretation of a certification of continuous or intermittent compliance in the preamble to the final CAM rule. *62 FR 54937*

IV. Administrative Requirements

A. Executive Order 12866: "Significant Regulatory Action Determination"

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs of the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Because the annualized cost of this final rule amendment would be significantly less than $100 million and would not meet any of the other criteria specified in the Executive Order, we have determined that this action is not a "significant regulatory action" under the terms of Executive Order 12866, and is therefore not subject to OMB review. Executive Order 12866 also encourages agencies to provide a meaningful public comment period, and suggests that in most cases the comment period should be 60 days. However, in consideration of the very limited scope of this amendment, we consider 30 days to be sufficient in providing a meaningful public comment period for this rulemaking.

B. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) requires us to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. We determined that these amendments to the parts 70 and 71 do not have a significant impact on a substantial number of small entities. We intended that compliance with the CAM rule would provide monitoring information sufficient to demonstrate whether compliance was continuous or intermittent. Even though we did not require that the responsible official use those terms in the revisions to the compliance certification, we did require that the responsible rely on the monitoring information in making that certification. That the court held that the responsible official must address explicitly whether compliance was continuous or intermittent does not substantively change the monitoring responsibilities or economic impact. The revisions to parts 70 and 71 in this action add no burden on responsible officials other than to categorize their compliance status as continuous or intermittent. We have determined that a regulatory flexibility analysis is not necessary in connection with this action.

C. Paperwork Reduction Act

This amendment does not include or create any information collection activities subject to the Paperwork Reduction Act, and therefore we will submit no information collection request (ICR) to OMB for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501, et seq.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, we must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before we promulgate a rule for which a written statement is needed, section 205 of the UMRA requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, we must have developed under section 203 of the UMRA a small government agency plan. That plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

As noted above, this amendment is of very narrow scope, and provides a compliance alternative very similar to one already available in the promulgated part 70 compliance certification requirements. We have determined that this action contains no regulatory requirements that might significantly or uniquely affect small governments. We have also determined that this action does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's action is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Docket

The docket includes an organized and complete file of all the information upon which we relied in taking this direct final action. The docketing system is intended to allow you to identify and locate documents readily so that you can participate effectively in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket, except for certain interagency documents, will serve as the record for judicial review. (See CAA section 307(d)(7)(A).)

F. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires us to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Under Section 6 of Executive Order 13132, we may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or we consult with State and local officials early in the process of developing the proposed regulation. We also may not issue a regulation that has federalism implications and that preempts State law, unless we consult with State and local officials early in the process of developing the proposed regulation.

This final rule does not have federalism implications. The rule will

not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Today's action does not create a mandate on State, local or tribal governments. The amendments to the rule do not impose any new or additional enforceable duties on these entities. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 applies to any rule that the EPA determines (1) economically significant as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. These amendments to the State and Federal operating permits program are not subject to E.O. 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it is not an economically significant regulatory action as defined by E.O. 12866, and the amendments do not address an environmental health or safety risk that would have a disproportionate effect on children.

H. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, we may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If we comply by consulting, Executive Order 13084 requires us to provide to the Office of Management and Budget, in a separate identified section of the preamble to the rule, a description of the extent of our prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires us to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." These amendments to parts 70 and 71 do not significantly or uniquely affect the communities of Indian tribal governments. The amendments to the rule do not impose any new or additional enforceable duties on these entities. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

I. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 et seq., added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the United States. We will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**.

J. National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act (NTTAA), Public Law 104–113 (March 7, 1996), we are required to use voluntary consensus standards in its regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) which are adopted by voluntary consensus standard bodies. Where we do not use available and potentially applicable voluntary consensus standards, the NTTA requires us to provide Congress, through OMB, an explanation of the reasons for not using such standards. This action does not involve technical standards. Therefore, we did not consider the use of any voluntary consensus standards.

List of Subjects in 40 CFR Parts 70 and 71

Environmental protection, Air pollution control, Reporting and recordkeeping requirements.

Dated: January 12, 2001.

Carol M. Browner,

Administrator.

For the reasons stated in the preamble, we amend title 40, chapter I, parts 70 and 71 of the Code of Federal Regulations to read as follows:

PART 70—STATE OPERATING PERMIT PROGRAMS

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Section 70.6 is amended by revising paragraph (c)(5)(iii)(C) to read as follows:

§ 70.6 Permit content.

* * * * *

(c) * * *

(5) * * *

(iii) * * *

(C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in paragraph (c)(5)(iii)(B) of this section. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of this chapter occurred; and

* * * * *

PART 71—FEDERAL OPERATING PERMITS PROGRAMS

1. The authority citation for part 71 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Section 71.6 is amended by revising paragraph (c)(5)(iii)(C) to read as follows:

§ 71.6 Permit content.

* * * * *

(c) * * *

(5) * * *

(iii) * * *

(C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in paragraph (c)(5)(iii)(B) of this section. The certification shall identify each deviation and take it into account in the compliance certification; and

* * * * *

[FR Doc. 01–4975 Filed 2–28–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 94–129; FCC 00–255 and FCC 01–67]

Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts rules proposed in the Second Report and Order and Further Notice of Proposed Rulemaking to implement the slamming provisions of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Telecommunications carriers are prohibited from carrier from submitting or executing an unauthorized change in a subscriber's selection of a provider of telephone exchange service or telephone toll service. This practice, known as "slamming," enables those companies who engage in fraudulent activity to increase their customer and revenue bases at the expense of consumers and law-abiding companies. The rules adopted in this document will improve the carrier change process for consumers and carriers alike, while making it more difficult for unscrupulous carriers to perpetrate slams.

DATES: Effective April 2, 2001 except for §§ 64.1130(a) through (c), 64.1130(i), 64.1130(j), 64.1180, 64.1190(d)(2), 64.1190(d)(3), 64.1190(e), and 64.1195, which contain information collection requirements that have not yet been approved by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of those sections.

FOR FURTHER INFORMATION CONTACT: Dana Walton-Bradford, Attorney, Accounting Policy Division, Common Carrier Bureau, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Third Report and Order and Second Order on Reconsideration (*Third Report and Order*) in CC Docket No. 94–129, which was released on August 15, 2000. This summary also contains amendments and modifications to the *Third Report and Order* that were adopted in an Order released on February 22, 2001. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC 20554.

I. Introduction and Background

1. In this Third Report and Order and Second Order on Reconsideration (Order), we adopt rules proposed in the Second Report and Order and Further Notice of Proposed Rulemaking (*Section 258 Order* or *FNPRM*, 64 FR 07745 (2/16/1999) to implement Section 258 of the Communications Act of 1934 (Act), as amended by the Telecommunications Act of 1996 (1996 Act). Section 258 prohibits any telecommunications carrier from submitting or executing an unauthorized change in a subscriber's selection of a provider of telephone exchange service or telephone toll service. This practice, known as "slamming," enables those companies who engage in fraudulent activity to increase their customer and revenue bases at the expense of consumers and law-abiding companies. The rules we adopt in this Order will improve the carrier change process for consumers and carriers alike, while making it more difficult for unscrupulous carriers to perpetrate slams.

2. In the *Section 258 Order*, we established a comprehensive framework designed to close loopholes used by carriers who slam consumers and to bolster certain aspects of our slamming rules to increase their deterrent effect. In particular, we adopted aggressive new liability rules designed to take the profit out of slamming. We also broadened the scope of our slamming rules to encompass all carriers and imposed more rigorous verification measures. In our *First Reconsideration Order*, we amended certain aspects of the slamming liability rules, granting in part petitions for reconsideration of our *Section 258 Order*. Although the petitions raised a broad range of issues relating to the slamming rules, the *First Reconsideration Order* addressed only those issues relating to our liability rules, which had been stayed by the D.C. Circuit. We chose to resolve those issues separately, and on an expedited basis, because of the overriding public interest in reinstating the liability rules in order to deter slamming.

3. When the Commission released the *Section 258 Order*, it recognized that additional revisions to the slamming rules could further improve the preferred carrier change process and prevent unauthorized changes. Thus, concurrent with the release of the *Section 258 Order*, the Commission issued a Further Notice of Proposed Rulemaking and sought comment on the following proposals: (1) Permitting the authorization and verification of preferred carrier changes over the Internet; (2) requiring resellers to obtain their own carrier identification codes (CICs), or, in the alternative, some type of pseudo-CIC that would provide underlying facilities-based carriers and subscribers of resellers with a way to identify the service provider; (3) modifying the independent third party verification method; (4) defining the term "subscriber" for purposes of authorizing preferred carrier changes; (5) requiring carriers to submit reports on the number of slamming complaints they receive; (6) creating a registration requirement for all providers of interstate telecommunications services; and (7) requiring unauthorized carriers to remit to authorized carriers certain amounts in addition to the amount paid by slammed subscribers.

4. On June 30, 2000, the President signed into law a piece of legislation that is relevant to our slamming rules and some of the issues pending in this proceeding, particularly our proposal in the *FNPRM* to allow the authorization and verification of preferred carrier changes using the Internet. The *Electronic Signatures in Global and National Commerce Act*, S. 761 (E-Sign Act) is intended to foster the development of e-commerce, or commerce conducted electronically over the Internet. To accomplish this goal, the E-Sign Act establishes a framework governing the use of electronic signatures and records in transactions in or affecting interstate and foreign commerce. With certain exceptions not relevant here, the provisions of the E-Sign Act took effect on October 1, 2000.

5. In this Order, we adopt a number of the proposals discussed in the *FNPRM*, and we also address the remaining issues that were raised on reconsideration of the *Section 258 Order*. Specifically, in this Order, we amend the current carrier change authorization and verification rules to expressly permit the use of Internet Letters of Agency (Internet LOAs) in a

manner consistent with the new E-Sign Act; we direct the North American Numbering Plan Administration (NANPA) to eliminate the requirement that carriers purchase Feature Group D access in order to obtain a CIC; we provide further guidance on independent third party verification; we define the term "subscriber;" we require each carrier providing telephone exchange and/or telephone toll service to submit a semiannual report on the number of slamming complaints it receives; and we expand the existing registration requirement on carriers providing interstate telecommunications service to include additional facts that will assist our enforcement efforts. This Order also contains a Second Order on Reconsideration, in which we uphold our rules governing the submission of preferred carrier freeze orders, the handling of preferred carrier change requests and freeze orders in the same transaction, and the automated submission and administration of freeze orders and changes. In addition, we reaffirm our decision not to preempt state regulations governing verification procedures for preferred carrier change requests that are consistent with the provisions of Section 258. We also decline to adopt a 30-day limit on the amount of time an LOA confirming a carrier change request should be considered valid and instead adopt a 60-day limit. Finally, we clarify certain of our rules regarding the payment of preferred carrier change charges after a slam.

II. Third Report and Order

A. Preferred Carrier Changes Using the Internet

6. *Discussion.* We continue to believe that the Internet provides a quick and efficient means of signing up new subscribers and should be made widely available to carriers and consumers. We recognize that consumers' use of the Internet for electronic commerce has grown tremendously in recent years, as more and more businesses provide services online, and a greater percentage of consumers and businesses utilize computers and the Internet to transact business. In addition, we recognize that Section 104(e) of the E-Sign Act directs us not to differentiate between written LOAs and LOAs that are submitted and signed electronically. In view of these developments, we hereby amend our carrier change authorization and verification rules to expressly permit the use of Internet LOAs, in a manner consistent with the provisions of the E-Sign Act.

1. Authorization and Verification of Internet LOAs.

7. As stated in the *FNPRM*, we believe that subscribers using the Internet to change telecommunications service providers are entitled to the same level of protection against slamming that we have mandated for other forms of solicitation. Internet LOAs must comply with the requirements of our rules governing written LOAs, subject to the clarifications and modifications adopted in this Order. Carriers who wish to sign up new subscribers over the Internet must adhere to the informational requirements for written LOAs, as specified in § 64.1130(e) of our existing rules. In light of the E-Sign Act, we now conclude that an electronic signature used for a carrier change submitted over the Internet will satisfy the signature requirement of § 64.1130(b) governing LOAs, and that the information submitted to authorize and verify a carrier change request may be submitted in the form of an electronic record.

8. Carriers using Internet LOAs to sign up subscribers will be required to comply with the consumer disclosure requirements of Section 101(c) of the E-Sign Act. Section 101(c) requires, among other things, that the carrier obtain the subscriber's consent to use electronic records, obtain the subscriber's acknowledgment that he or she has the software and hardware necessary to access the information in the electronic form (*i.e.*, Internet LOA) used by the carrier, and give the subscriber notice of the procedures for withdrawing consent. Section 101(c) also requires carriers to inform subscribers of any right (after consent to the transaction) to a non-electronic (that is, paper) copy of the electronic record of the transaction, to tell them how to obtain such a copy, and to make clear whether a fee will be charged for the copy. Accordingly, we modify our rules to incorporate by reference the requirements of Section 101(c) of the E-Sign Act. We note that these consumer disclosures, in conjunction with the form and content requirements for LOAs under § 64.1130 of our rules, are likely to address concerns about unwary consumers who might inadvertently switch their telephone service providers while exploring websites or participating in contests on the Internet. At the same time, we recognize that many commenters expressed concerns regarding fraudulent use of Internet LOAs that may not be fully addressed by the protections afforded by compliance with Section 101(c) of the E-Sign Act. In this regard, we note that, if a subscriber contests the authenticity of an Internet LOA, the carrier will have the burden of proof to counter the subscriber's allegation. For this reason, we would expect a carrier to employ procedures that would enable it to demonstrate that the electronic signature on an Internet LOA could not have been submitted by anyone other than the subscriber. While it is our expectation that the consumer protection measures afforded by the combination of the requirements in the E-Sign Act and our LOA rules will suffice, we note that, if we detect an inordinate increase in slamming after these changes take effect, we may choose to re-evaluate our rules.

9. We are aware that some consumers may be concerned about security and privacy issues associated with submitting carrier change requests and associated personal information over the Internet. Security and privacy issues arise because Internet communications are sent from computer to computer until the communications reach their final destinations. When information is sent from point A to point B over the Internet, every computer involved in the transmission path has an opportunity to intercept and view the information being sent. As a result, we acknowledge the concerns of commenters who argue that carriers should provide subscribers with a secured web transaction for submitting Internet LOAs. At this time, we decline to impose specific requirements regarding security and privacy as it relates to Internet LOAs, but we strongly encourage carriers who utilize Internet LOAs to sign up new subscribers to employ security measures in keeping with the best practices used for Internet transactions, such as providing subscribers with secured web access. In addition, we strongly encourage carriers to provide notice to subscribers regarding the level of security that applies to the submission of Internet LOAs. We also support the use of digital signatures, when they are made widely available, in order to more precisely establish the identity of the subscriber submitting an Internet LOA, the date of the submission, and other specifics.

10. We also acknowledge that consumers have a legitimate interest in the privacy of personal information that they may be asked to submit with an Internet LOA. Again, we decline to mandate a specific action with regard to such information at this time. However, we encourage carriers to keep such information confidential and not use a subscriber's information, including his or her electronic mail (e-mail) address, for marketing or other business purposes without the express consent of the subscriber. In addition, we recognize that some consumers may prefer, for a variety of reasons, not to use the Internet to authorize carrier changes. Consistent with Section 101(b)(2) of the E-Sign Act, we will amend our rules to state that carriers must give subscribers the option of using one of the other authorization and verification methods specified in § 64.1120 of our rules, in addition to the use of Internet LOAs.

2. Pre-Existing Relationships

11. We recognize that some carriers and subscribers who have pre-existing business relationships may wish to follow a more truncated authorization and verification process for making carrier changes than required for written and Internet LOAs. AOL and other commenters assert that subscribers and carriers belonging to a closed user group (CUG) or linked in a similar ongoing business relationship should be permitted to utilize a less stringent verification method for Internet LOAs. However, we see no compelling reason to determine that our LOA rules, which are designed to protect subscribers, should apply to a lesser degree when the subscriber belongs to a CUG or has a similar type of pre-existing relationship with the carrier. Therefore, at this time, we decline to permit carriers and subscribers with pre-existing business relationships, such as CUG providers and members, to use less stringent verification methods to authorize and verify carrier changes processed over the Internet.

3. Separate Screen Requirement

12. In the *FNPRM*, we sought comment on the extent to which change requests submitted over the Internet may or may not contain all the required elements of a valid LOA, and we also sought comment on ways in which we might ensure that consumer interests are protected when Internet LOAs are used. In certain respects, our existing rules on the form and content of LOAs reflect the fact that they were written with paper documents in mind. For example, a written LOA must be a separate document not combined with inducements of any kind. In order to conform Internet LOAs to this preexisting requirement, we amend our rules to specify that Internet LOAs must appear on a separate screen from any inducements or solicitations for a carrier's services and contain only the authorizing language found in § 64.1130(e) of our rules. We regard this requirement as the functional equivalent of the pre-existing requirements that a written LOA must be a separate document not combined with inducements of any kind. Moreover, as noted by several commenters, this separate screen requirement is easily achievable and is necessary to eliminate the possibility of customer confusion and the potential for inadvertent selection of a new preferred carrier.

13. We believe that this determination is consistent with Section 104(b)(2)(C) of the E-Sign Act. That section of the E-Sign Act allows agencies to include requirements for electronic records that are "substantially equivalent to the requirements imposed on records that are not electronic records," that will not "impose unreasonable costs on the acceptance and use of electronic records," and will not "require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures." As stated above, this separate screen requirement is substantially equivalent to the requirements found in §§ 64.1130(b) and (c) as they apply to written LOAs. Moreover, the record in this proceeding indicates that this separate screen requirement will not impose unreasonable costs on the acceptance and use of electronic records.

4. Choice of Telecommunications Services

14. We adopt our tentative conclusion that carriers who solicit service over the Internet and require subscribers to sign up for more than one service (*e.g.*, interLATA and intraLATA) in order to authorize a carrier change, rather than giving subscribers the option of signing up for individual services, violate our rule requiring all LOAs to contain separate statements regarding choices of interLATA and intraLATA toll service. While we presented this issue in the *FNPRM* as a "general concern[] about the content of the solicitation using the Internet" and cited some IXC webpages as examples of the practice, we note that there is no reason to believe this type of inappropriate carrier change solicitation would only appear in an electronic medium. We emphasize that carriers must clearly and conspicuously delineate on any LOA, written or Internet, the individual services that the subscriber may choose to be covered by the carrier change request, including, but not limited to, local, intraLATA, and interLATA services. Consumers should know what specific services are being offered and should have the discretion to subscribe to only the services they desire. Such consumer choice and discretion are essential to maintaining and advancing the development of a competitive telecommunications marketplace.

5. Preferred Carrier Freeze

15. Consistent with our amendment of the rules governing LOAs, we are also amending our rules to allow subscribers to submit, and carriers to process, the imposition and/or lifting of preferred carrier freezes over the Internet, as recommended by many commenters. Carriers must comply with the same verification requirements that apply to LOAs, as discussed, to help prevent the unauthorized imposition or lifting of preferred carrier freezes over the Internet. In addition, we encourage carriers to employ measures to protect the security and confidentiality of subscribers' personal information.

6. State Authority

16. We note that the amendments to our rules that we adopt in this Order for Internet LOAs represent a minimum threshold for carrier change authorization and verification with which all carriers must comply. State jurisdictions may adopt verification requirements for Internet LOAs, so long as they are consistent with Section 258, as implemented by our rules, and the E-Sign Act. We disagree with Cable & Wireless that we should preempt state laws regarding the legality and form of Internet LOAs at this time. Carriers already must comply with state requirements for written LOAs that are consistent with Section 258 and the Commission's rules, and state requirements for Internet LOAs that are consistent with Section 258, as implemented by our rules, and the E-Sign Act warrant the same compliance.

B. Resellers and CICs

17. *Discussion.* As set forth below, we shall direct the NANPA to eliminate the requirement that carriers purchase "Feature Group D" to obtain CICs. This action will facilitate the assignment of CICs to switchless resellers and remove one obstacle to their independent use of CICs. At the present time, we are not requiring resellers to obtain their own CICs, nor are we adopting either of our other two proposals. Although we believe that requiring switchless resellers to obtain CICs may well be an effective solution to soft slamming and related carrier identification problems, commenters have raised a number of concerns regarding the potential impact of such a requirement on the carrier industry. Based on our review of the record, as discussed herein, we are not persuaded that we should adopt a CIC

requirement for switchless resellers at this time. However, in order to continue developing the record, we shall refer the CIC assignment and use issues discussed below to the North American Numbering Council (NANC) for analysis and recommendations. We intend to reevaluate the costs and benefits of the proposed CIC requirement when we receive the NANC's report.

18. Under the current CIC Assignment Guidelines, a carrier must purchase Feature Group D access service to be assigned a CIC. A switchless reseller does not require the physical or trunk access to the public switched telephone network (PSTN) available through the purchase of Feature Group D, and is unlikely to bear the expense simply to obtain a CIC. The NANC's CIC Ad Hoc Working Group has recommended elimination of the Feature Group D requirement as "an unnecessary administrative burden for resale providers[.]" In light of this recommendation, and based on our examination of the record in this proceeding, we direct the NANPA to eliminate the Feature Group D requirement. This action, which is an aspect of our first proposal, "will facilitate the assignment of CICs to resellers, and thereby allow easier [carrier] identification * * *, enhancing the ability to resolve conflicts, including disputes which involve slamming."

19. Commenters are divided on our proposal to require switchless resellers to obtain their own CICs. Generally, supporters argue that it would be a cost-effective and administratively simple solution to soft slamming and related problems. Opponents raise a number of concerns regarding the impact of a CIC requirement on the carrier industry, including that it would: (1) Impose undue financial burdens on resellers and damage them competitively; (2) require expensive and time-consuming LEC switch upgrades; and (3) accelerate exhaustion of the four-digit CIC pool. Opponents also contend that the record contains insufficient evidence of the dimensions of soft slamming and related problems to warrant regulatory action and, in any event, that other recent Commission actions are likely to address such problems. We address these issues in turn below.

20. Turning to the first issue, the principal cost of the subject proposal for a switchless reseller would be deploying or loading a CIC in LEC switches in each LATA where it operates. In this regard, "the use of translations access does not significantly reduce the time or expense required" to deploy a CIC. On a nationwide basis, most estimates of this cost range from $500,000 to $1 million for a single CIC. Relying on such estimates, and on the small size of many resellers, opponents maintain that a CIC requirement would create a substantial market entry barrier for resellers. Our review of the record suggests that in many cases such estimates are unrealistic because resellers typically operate on a regional basis. In addition, CIC deployment costs may be viewed as "a legitimate cost of doing business," and the independent use of CICs clearly has competitive advantages for resellers. Nevertheless, we are concerned about restricting competition in the wholesale long distance service market by limiting resellers' ability to change and/or use multiple underlying carriers. Although some resellers use their own CICs despite the asserted disadvantages, we are reluctant to adopt a requirement that resellers obtain their own CICs pending further review of the conclusions reached by the NANC.

21. Second, GTE, SBC, and USTA express concern that a CIC requirement may exhaust the limited capacity of certain types of LEC switches. For example, GTE states that:

> [GTE] generally averages over two hundred CICs per switch in its 1600 plus switches. Almost half of these switches have a capacity of only 255 codes today. * * * The GTD5 switch, which comprises over a third of [GTE's] total, has a capacity of only 500 CICs. A 500 CIC capacity could well be insufficient in some locations to handle all resellers who would obtain CICs. * * * [GTE] cannot add any new CICs to its switches in Hawaii because international operations have already utilized the total capacity.

It is unclear how many LEC switches are implicated by this issue, as only GTE has identified the number of limited-capacity switches deployed in its territory, and the likelihood of exhausting switch capacity depends on the related questions of demand and location. To the extent that upgrades are necessary, however, GTE, SBC, and USTA state that they are likely to be costly and time-consuming. Furthermore, although the need for upgrades was contemplated when the carrier industry moved from a three-digit to a four-digit CIC format, USTA suggests that requiring investment in switch upgrades may be wasteful because the industry now is moving towards new technology platforms. There may be ways to ensure that any systems modifications necessary to accommodate the use of additional CICs do not impose undue burdens on LECs. Nevertheless, we believe that this matter warrants further consideration.

22. Third, several commenters argue that adoption of a CIC requirement would accelerate exhaustion of the pool of four-digit CICs, thereby inflicting undue disruption and expense on the entire carrier industry. Preliminarily, we find no compelling evidence of a significant threat of premature CIC exhaustion. The pool of four-digit CICs is 10,000, of which only 2,031 were assigned as of January, 2000, and the *NANC CIC Report* predicts that they will last for 22 years, assuming a limit of six per carrier. In addition, it is not clear that the subject proposal would substantially increase the long-term net demand for CICs, given that some resellers already have CICs, and those without CICs are likely to obtain them as their businesses develop, without any regulatory requirement.

23. Turning to the fourth issue, there is a consensus among commenters that the shared use of CICs by resellers gives rise to significant problems that warrant Commission action. Opponents of the subject proposal, however, argue that the record contains insufficient evidence for us to determine whether a CIC requirement is warranted in light of its potential costs. The Commission does not maintain data as to the specific dimensions of these problems, but our review of the record suggests that they represent a substantial percentage of all slamming complaints. We agree, however, that recent Commission actions in this proceeding and in the *Truth-in-Billing* proceeding may help to address soft slamming and related problems indirectly. In this regard, Bell Atlantic and USTA point out that the *Section 258 Order* imposes on facilities-based carriers the responsibilities of executing carriers in soft slam situations, and AT&T notes that the framework of the slamming rules is "intended to increase effective deterrence of slamming, including * * * 'soft slamming.'" In the *Truth-in-Billing* proceeding, the Commission adopted a rule that the name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill. AT&T contends that this action "should substantially alleviate the 'soft slamming' problem by making unauthorized carrier changes readily detectable by end users."

24. Based on our review of the record as a whole, we are not persuaded that we should adopt a CIC requirement at this time. Rather, as explained below, we wish to have more information on the financial and competitive issues discussed herein before imposing a CIC requirement. By directing that the Feature Group D requirement be eliminated, we are taking a step that will facilitate the ability of switchless resellers to obtain and use their own CICs, while allowing them to choose whether to do so based on their own competitive needs. Nevertheless, we continue to believe that requiring resellers to obtain their own CICs holds promise as a direct and effective solution to the significant problems that arise from the shared use of CICs. We therefore wish to continue developing a record on the subject proposal, in order to be in a position to take informed and expeditious action, should we deem it necessary to do so. Accordingly, we shall refer the CIC use and assignment issues discussed herein to the NANC for analysis and recommendations. To the extent possible, we also request that the NANC submit any data it develops that may shed light on the financial and competitive issues discussed herein, as well as the dimensions of soft slamming and related problems. We request that the NANC provide its report to the Commission by August 1, 2001. We intend to reassess the costs and benefits of the proposed CIC requirement after receiving the NANC's report. In the meantime, we anticipate that the reporting requirements we adopt herein will help to furnish us with more data as to the ongoing significance of the problems at issue and the impact of the Commission's recent anti-slamming and truth-in-billing measures.

25. Finally, we conclude that adoption of either the second or the third proposals set forth in the *FNPRM* would not serve the public interest. Whereas a CIC requirement would rely on existing call routing and billing systems and provide consumers with equal access to switchless resellers, the "pseudo-CIC" proposal would require extensive systems modifications by both LECs and underlying carriers, without the advantage of equal access. Commenters argue persuasively that the third proposal, carrier systems modifications, is not viable because, among other things, it would be costly and time-consuming to implement, would be likely to complicate and delay the carrier change process, and would not comport with existing billing systems.

C. Independent Third Party Verification

34. *Discussion.* The first issue we address is whether a carrier's sales representative should be permitted to remain on the line during the three-way verification call. NAAG raises concerns that the subscriber might remain under the influence of the sales representative during the verification process. NAAG argues that third party verification should be separated completely from the sales transaction, so that a carrier would not be permitted to connect the subscriber to the third party verifier by initiating a three-way call. Other commenters support allowing the carrier's representative to remain on the line during the three-way conference call.

35. As we stated in the *FNPRM*, the three-way call is often the most efficient means of accomplishing third party verification. We believe that subscribers may benefit from the convenience of authorizing and verifying the carrier change in one phone call. In addition, use of this method of verification minimizes the risk that the subscriber will not be available when the third party verifier calls to confirm the change.

36. Some commenters propose that the Commission impose certain limited restrictions on such calls to ensure that the verification process will not become tainted, cause subscriber confusion, or go forward without the subscriber's express consent. The proposed restrictions range from prohibiting carriers from remaining on the line once a connection is established with the third party verifier to requiring that all conversation on a three-way conference call be recorded.

37. We agree with NAAG and others that the Commission should delineate minimum requirements to ensure that verification ultimately involves only the consumer and the third party verifier. Given the convenience and cost-effectiveness of the three-way conference call as a verification method, we will retain the three-way call as a verification method, subject to one limited restriction. The carrier's sales representative may initiate the three-way conference call but must drop off the call once the connection has been established between the subscriber and the third party verifier. We believe that this limited restriction will help ensure the independence of the third party verification process and prevent the carrier's sales representative from improperly influencing subscribers, without burdening the verification process. Once the connection has been established between the subscriber and the third party verifier, there is no need for the carrier's sales representative to stay on the line.

38. With respect to the content and format of the third party verification, we asked parties in the *FNPRM* to comment on a possible requirement that all third party verifications include certain information, such as information on preferred carrier freezes or the carrier change process. We also asked parties to comment on any benefits that might be gained from permitting or requiring third party verifiers to provide subscribers with such additional information. This proposal generated both strong support and opposition. Although many commenters argue that requiring third party verifiers to follow a scripted format would impose unnecessary, additional rules on the carrier change process without producing a significant corresponding benefit, several other commenters ask the Commission for additional guidance regarding the format and content of the third party verification. For instance, Media One states that third party verifiers should be required to confirm the identity of the subscriber, to ascertain that the person contacted is authorized to make a change, and to frame the request for confirmation of the change as a simple yes/no question.

39. We decline to mandate specific language to be used in third party verification calls. In order to eliminate uncertainty as to what practices are necessary and acceptable, however, we adopt minimum content requirements for third party verification. We believe that having minimum content requirements for third party verification calls will provide useful guidance to the third party verifiers and carriers without locking carriers into using a set script. These requirements also allow for more streamlined enforcement because they will assist the Commission in determining the adequacy of steps taken by independent third parties in the verification process. Accordingly, we conclude that a script for third party verification should elicit, at a minimum, the identity of the subscriber; confirmation that the person on the call is authorized to make the carrier change; confirmation that the person on the call wants to make the change; the names of the carriers affected by the change; the telephone numbers to be switched; and the types of service involved (*i.e.*, local, in-state toll, out-of-state toll, or international service). We note that these content requirements do not differ in substance from our rules regarding LOAs.

40. In addition, the third party verification must be conducted in the same language that was used in the underlying sales transaction. We also conclude that the entire third party verification transaction must be recorded, a practice that is already common in the industry. Consistent with our requirements under § 64.1120(a)(1)(ii), submitting carriers must maintain and preserve these recordings for a minimum period of two years after obtaining such verification. If a slamming dispute arises, having a recorded verification will help determine whether the subscriber was

simply seeking information or was in fact agreeing to change carriers and, if so, which service(s) the subscriber agreed to change.

41. We further conclude that third party verifiers may not dispense information concerning the carrier or its services, including information regarding preferred carrier freeze procedures or other non-telecommunications services that the carrier may offer to the subscriber. Allowing third party verifiers to effectively market the carrier's services could compromise the third party verifiers' independence and neutrality because verifiers could easily be drawn into presenting the particular market viewpoints of carriers by whom they are retained. In addition, providing the verifier with certain carrier information could result in the disclosure of proprietary information to competing carriers. We also believe that incorporating information about preferred carrier freezes into the verification script is likely to be confusing to subscribers and would prolong the verification process unnecessarily.

42. Finally, we conclude that automated systems that preserve the independence of the third party verification process may be used to verify carrier change requests. The use of automated third party verification systems not only promotes consistency in the verification process and adequacy of the information provided to subscribers, but also gives carriers a cost-effective way to create a readily accessible record of each order confirmation. Moreover, the recordings generated by this automated process may be useful in addressing subscriber complaints of slamming. For instance, the recording can reveal whether the carrier change at issue was properly verified and whether an authorized person provided the verification. Automated systems may also help provide predictable and consistent service.

43. Although several commenters argue that using automated verification systems that record the verification should obviate the need for more detailed script requirements, we conclude that these systems should elicit, at a minimum, the same information that our rules currently require, as well as the information specified. To reiterate, automated verification systems must elicit, at a minimum, the identity of the subscriber; confirmation that the person on the call is authorized to make the carrier change; confirmation that the person on the call wants to make the change; the names of the carriers affected by the change; the telephone numbers to be switched; and the types of service affected by the transaction (*i.e.*, local, in-state toll, out-of-state toll, or international service). In addition, automated verifications must be conducted in the same language that was used in the underlying sales transaction and must be recorded in their entirety to ensure that there is a record of the verification in the event of a slamming dispute. As with the three-way conference call, and for the same reasons, a carrier's sales representative initiating the automated verification call may not remain on the line after the connection has been established. We further conclude that automated verification systems should provide subscribers with an option of speaking with a live person at any time during the call. We believe that, in situations where the subscriber cannot follow the prompts of an automated system (or has questions once the automated verification commences), the subscriber should be able to reach a live person who can complete the process. If the subscriber does not want to complete the verification process, or is unable to do so, the third party verifier must end the call, and the transaction must be treated as unverified.

44. We note that, although our rules do not generally prohibit automated third party verification systems, certain types of automated verification systems undermine the independence requirement and contradict the intent behind our rules to produce evidence, independent of the telemarketing carrier, that a subscriber wishes to change his or her carrier. In particular, we conclude that the "live-scripted" automated verification system is at odds with our rules because it permits the carrier's agent, who is not an independent party located in a separate physical location, to solicit the subscriber's confirmation. From a subscriber perspective, the "live-scripted" version may be appealing because the subscriber is interacting with a live person, even though that person is following a set script. The fact that the questions on the script are being read by the carrier's sales representative, however, compromises the independence of the verification. The risk that the sales representative may ask the questions in a pressuring or misleading manner is inherent in the "live-scripted" version. Because the carrier's sales representative is usually compensated for sales completed, and not for sales attempts, the sales representative could not be considered an unbiased third party that lacks motivation to influence the outcome of the verification process.

D. Definition of "Subscriber"

45. *Discussion.* Based on our consideration of the comments filed in this proceeding, we adopt the following definition of the term "subscriber" for purposes of our rules implementing Section 258 of the Act: "The party identified in the account records of a common carrier as responsible for payment of the telephone bill, any adult person authorized by such party to change telecommunications services or to charge services to the account, and any person contractually or otherwise lawfully authorized to represent such party." We believe that this definition will serve our public interest goals of promoting consumer protection, consumer convenience, and competition in telecommunications services. Specifically, this definition will allow customers of record to authorize additional persons to make telecommunications decisions, while protecting consumers by giving the customers of record control over who is authorized to make such decisions on their behalf. In addition, this definition will provide carriers with the flexibility to establish authorization procedures that are appropriate to their own and their customers' needs, consistent with the framework of our rules.

46. The definition we adopt is similar to the SBC proposal set forth in the *FNPRM*, in that it allows customers of record to authorize additional persons to make telecommunications decisions. We believe that it is preferable to the SBC proposal, however, because it clearly identifies the customer of record as the source of authority over who is authorized to make telecommunications decisions. In addition, the definition we adopt distinguishes between two different types of authority: (1) Authority based on the express or implied authorization of the customer of record, as reflected in carrier account records or elsewhere; and (2) authority based on federal and/or state law and regulations concerning agency and authority.

47. The principal concern expressed by commenters opposed to a definition that allows customers of record to authorize additional persons to make telecommunications decisions is that such a definition invites disputes among household members. We conclude that this concern does not warrant restricting customer options. Commenters favoring a broad definition generally indicate that the current carrier practice is to allow persons other than the customer of record to make telecommunications decisions subject to varying authorization procedures, and that consumers expect and value this service. Examination of the record does not indicate that this practice has given rise to a substantial number of slamming complaints. Moreover, as discussed below, we believe that our current rules provide sufficient incentives for carriers to adopt appropriate safeguards to ensure that only authorized persons are permitted to change telecommunications services. Absent more concrete evidence of the likelihood of harm to consumers, we agree with the majority of commenters that consumers "should be able to make decisions about their preferred carrier [and] delegate that authority if needed[.]"

48. We emphasize that, by adopting a definition, we are not imposing additional responsibilities on carriers in the submission or execution of carrier changes. Rather, carriers' responsibilities are determined by the framework of the current rules. Under these rules, submitting carriers are subject to liability for the submission of unauthorized changes, regardless of intent. As we held in the *Section 258 Order*, strict liability "provides appropriate incentives for carriers to obtain authorization properly and to implement their verification procedures in a trustworthy manner." Within this framework, the definition that we adopt will permit submitting carriers to utilize varying authorization procedures based on their own and their customers' needs; without tolerating procedures likely to enable unauthorized persons to make telecommunications decisions. With regard to executing carriers, their responsibility is limited to prompt execution of changes verified by a submitting carrier. Carriers that execute changes verified by submitting carriers are not subject to liability for unauthorized changes. For these reasons, we are not concerned that the definition we adopt will impose unreasonable burdens on executing carriers.

49. In sum, we believe the "subscriber" definition that we adopt herein will serve our public interest goals of promoting consumer convenience and competition in telecommunications services, without leading to increased slamming. The definition we adopt is consistent with the framework of our rules and will enable carriers to adopt safeguards against unauthorized carrier changes that are suited to their own and their customers' needs.

E. Submission of Reports by Carriers

50. *Discussion.* We will require carriers providing telephone exchange and/or telephone toll service to periodically submit reports regarding slamming complaints they received. Carriers objecting to this reporting requirement are concerned that the reports on slamming complaints received by carriers would produce inaccurate and misleading information. Specifically, these carriers argue that such information, when provided by LECs, will inflate the number of slams attributed to other carriers because what is reported is the total number of slamming allegations, without reference to their validity or their underlying causes. We believe the reporting requirement adopted herein is designed to address these concerns, and we are confident that reliance on the reported information as an "early warning" system will not misdirect the enforcement of the Commission's slamming rules. Moreover, the information will be invaluable in enabling the Commission to identify, as soon as possible, the carriers who repeatedly initiate unauthorized changes. In addition, because the reports will be available for public inspection, they may compel carriers to reduce slamming on their own to avoid public embarrassment or loss of goodwill.

51. We recognize that a subscriber complaint is not, in and of itself, dispositive proof of a slam. Nevertheless, an excessive number of complaints directed at a particular carrier, or an increase in the number of such complaints, suggests that an immediate investigation into that carrier's practices may be warranted. Accordingly, to assist our enforcement efforts in this area, we conclude that each carrier providing telephone exchange and/or telephone toll service must submit to the Commission via e-mail, U.S. Mail, or facsimile, a slamming complaint reporting form which will identify the number of slamming complaints received and state the number of such complaints that the carrier has investigated and found to be valid. This report also must include the number of slamming complaints involving local intrastate and interstate interexchange service, investigated or not, that the carrier has chosen to resolve directly with subscribers. Moreover, because most subscribers who are slammed by an IXC report the slam to their LEC, rather than the IXC, LECs should include in their reports the name of each entity against which slamming complaints have been directed and the number of complaints involving unauthorized changes that have been lodged against each entity. Carriers shall file their first slamming complaint reports on August 15, 2001, to cover the period commencing on the effective date of this requirement, as announced in the **Federal Register**, and ending on June 30, 2001. Reports for the second half of 2001 shall be filed on February 15, 2002, covering the period between July 1, 2001 and December 31, 2001. Thereafter, carriers shall submit their semiannual slamming complaint reports on August 15 (covering January 1 through June 30) and on February 15 (covering July 1 through December 31). The slamming complaint reporting form may be obtained in the Commission's Public Reference Room or by accessing the Commission's website.

52. Based on the record before us, we do not believe that this requirement will impose significant additional costs or administrative burdens on carriers. Indeed, several carriers have indicated that they already track slamming complaints received from subscribers. It would be a reasonable business practice for all telecommunications carriers, including small carriers, to track slamming complaints they receive in the course of their business; we would be surprised if carriers did not do this. Thus, we do not believe we are requiring carriers to keep information that they would not otherwise keep.

F. Registration Requirement

53. *Discussion.* The Commission currently requires carriers providing interstate interexchange telecommunications service to submit various types of information, and the Commission recently streamlined many of these information collection requirements. For example, the Commission has consolidated several different worksheets into the Telecommunications Reporting Worksheet (FCC Form 499), which is used to calculate carriers' contributions to fund four different programs: interstate telecommunications relay service (TRS), federal universal service support mechanisms, the cost-recovery mechanism for the North American Numbering Plan Administration, and the cost recovery mechanism for the shared costs of long-term local number portability. In addition, to assist carriers in meeting the requirement of Section 1.47 of our rules that all common carriers must designate an agent for service of process in the District of Columbia, we have allowed carriers to report such information on the Form 499. Our rules now provide that carriers may file the relevant portion of the

Form 499 with the Commission to satisfy this requirement, and must update the information about the registered agent for service of process by submitting the revised portion of the Form 499 to the Chief of the Enforcement Bureau's Market Disputes Resolution Division within one week of any changes. The rules also provide that a paper copy of the designation list shall be maintained in the Office of the Secretary of the Commission.

54. We adopt our tentative conclusion that all new and existing common carriers providing interstate telecommunications service must register with the Commission. We believe such a registration requirement will bolster our efforts to curb slamming by enabling us to monitor the entry of carriers into the interstate telecommunications market and any associated increases in slamming activity. This requirement will also enhance our ability to take appropriate enforcement action against carriers that have demonstrated a pattern or practice of slamming. Slammers that simply change their names and/or move to different jurisdictions will find it difficult to escape detection if they cannot escape the obligation to register with the Commission. This registration information will enable the Commission to identify those entities providing interstate telecommunications service, it will complement the certification and registration requirements in effect in almost every state for intrastate service providers, and it will enable the Commission and state authorities to coordinate enforcement actions through the creation of a central repository of key facts about carriers providing interstate telecommunications.

55. While we decline to rely exclusively on existing annual reporting mechanisms, we are mindful of the importance of not overburdening carriers with obligations. Therefore, we will revise the annually-filed Telecommunications Reporting Worksheet (FCC Form 499–A), which must be filed by all telecommunications carriers in April of each year, to include the following additional information that is targeted to assist our anti-slamming efforts and thereby minimize the burden of this registration requirement: the carrier's business name(s) and primary address; the names and business addresses of the carrier's chief executive officer, chairman, and president, or, in the event that a company does not have such executives, three similarly senior-level officials of the company; the carrier's regulatory contact and/or designated agent for service of process; all names under which the carrier has conducted business in the past; and the state(s) in which the carrier provides telecommunications service. The next scheduled filing of the Form 499–A is April 1, 2001, at which time carriers will file the revised form containing the additional information described above in accordance with the Instructions to FCC Form 499–A. This information shall be submitted under oath and penalty of perjury, and must be updated to reflect any changes. Pursuant to the existing requirement in § 1.47 of our rules, a carrier shall update its registration to reflect any changes by submitting the revised relevant portion of the FCC Form 499–A within no more than one week of the change. The Commission will make the registration information described above available for public inspection in its reference room and on its website.

56. We believe that all carriers providing interstate telecommunications service, including small carriers providing such service, should be able to submit this information without much expense or difficulty because it is readily available and, to a large degree, must already be submitted in state jurisdictions. In addition, we note that making the registration information part of an existing form that must be completed and submitted for other obligations will minimize the burden on carriers. We therefore conclude that carriers failing to register with the Commission may, after notice and opportunity to respond, be subject to a fine. Carriers providing false or misleading information in their registrations may have their operating authority revoked or suspended, after receiving appropriate notice and opportunity to respond.

57. We further conclude that any telecommunications carrier providing telecommunications service for resale shall have an affirmative duty to ascertain whether a potential carrier-customer (*i.e.*, a reseller) has filed a registration with the Commission *prior to* providing that carrier-customer with service. Once the telecommunications carrier that provides telecommunications service for resale determines the registration status of its potential carrier-customer, such carrier will not be responsible for monitoring the registration status of that customer on an ongoing basis, although we believe that a prudent carrier may choose to do so. In situations where such carrier is currently providing a reseller with service, we direct the reseller to notify its underlying carrier that it has submitted the registration information to the Commission, within a week of having done so.

58. We note that a telecommunications carrier providing telecommunications service for resale will not be responsible for the accuracy of the registration provided to the Commission by its potential carrier-customer, nor will such carrier, relying in good faith on the absence of such registration, be liable under Section 251 of the Act for withholding service from the unregistered entity. The Commission may, however, after giving appropriate notice and opportunity to respond, impose a fine on carriers that fail to determine the registration status of other carriers before providing them with service. The dollar amount of the fine imposed on such carrier for failing to meet its affirmative duty with respect to an unregistered reseller will depend on the egregiousness of the facts surrounding the particular incident. We conclude that this will deter carriers from providing service to resellers that have not registered with the Commission, which will, in turn, make it more difficult for "bad actor" resellers to stay in business.

G. Recovery of Additional Amounts from Unauthorized Carriers

59. *Discussion.* We believe that the issue of recovery of additional amounts from unauthorized carriers has been effectively resolved in the context of our *First Reconsideration Order.* As discussed, in that order, we reaffirmed our decision to absolve consumers of liability for slamming charges for a limited period of time, *i.e.*, within the first 30 days after the unauthorized change. We established procedures that apply when a consumer has not paid charges to the slamming carrier and also modified the liability rules that apply when a subscriber has paid charges to a slamming carrier. Specifically, we concluded that, when the slamming carrier receives payment from the subscriber, such carrier must pay out 150% of the collected charges to the authorized carrier, which, in turn, will pay to the subscriber 50% of his or her original payment. In addition, the order provides specific notification requirements to facilitate carriers' compliance with the liability rules. Given these modifications, we do not believe that there is a need for further action in this area at the present time.

III. Second Order on Reconsideration

A. Administration of Preferred Carrier Freezes

1. IXC Submission of Preferred Carrier Freeze Orders and Freeze Lifts

60. Several parties argue on reconsideration that the Commission should allow carriers to verify and submit orders to implement or lift preferred carrier freezes, just as the Commission allows carriers to verify and submit preferred carrier change orders. We decline to modify our rules and retain the requirement that subscribers must implement or lift preferred carrier freezes through contact with their local carriers.

61. In the *Section 258 Order*, we decided carriers should not be permitted to submit preferred carrier freeze lifts, even if those lift orders were first verified by a neutral third party. We stated that "the essence of a preferred carrier freeze is that a subscriber must specifically communicate his or her intent to request or lift a freeze [and it is this] limitation on lifting preferred carrier freezes that gives the freeze mechanism its protective effect." We determined that subscribers would gain no additional protection from the implementation of a preferred carrier freeze if we were to allow third party verification of a carrier change to override a preferred carrier freeze. Although such a proposal minimizes the risk that unscrupulous carriers might attempt to impose preferred carrier freezes without the consent of subscribers, we concluded that it frustrates the subscriber's ability to change carriers. Petitioners have not persuaded us that we erred in making these determinations. We therefore affirm our decision that only a subscriber may request or lift a preferred carrier freeze.

62. Consistent with this purpose, we also take this opportunity to clarify that LECs may not accept preferred carrier freeze orders from carriers on behalf of subscribers, even if they are properly verified. We believe that limiting the submission of preferred carrier freeze requests to subscribers will help curb the potential for abuse by slamming carriers. To interpret our rules otherwise would undermine the effectiveness of preferred carrier freezes. For example, if a slamming carrier were allowed to submit an unauthorized freeze order with an unauthorized change order, not only would the subscriber be slammed, but it would also be more difficult for the subscriber to be switched back to the authorized carrier because of the unauthorized freeze. This freeze mechanism assures that no carrier change is processed without the direct involvement of the subscriber.

2. Simultaneous Submission of Preferred Carrier Change Requests and Preferred Carrier Freeze Requests

63. RCN and Excel seek clarification that a subscriber request a change and obtain a preferred carrier freeze in the same transaction. Nothing in our rules prohibits a subscriber from changing a carrier and requesting a freeze in the same transaction. We emphasize that the LEC must, however, verify both the freeze request and the carrier change request in accordance with our rules. Specifically, the LEC must obtain a Letter of Agency, electronic authorization, or third party verification that applies to the freeze request and, if the LEC is the provider of the requested long distance service, the LEC must also properly verify the carrier change request. We note that, in situations where a customer initiates or changes long distance service by contacting the LEC directly, verification of the customer's choice is not necessary by either the LEC or the chosen IXC because neither carrier is the "submitting carrier" as we have defined it.

3. Effecting Freeze Lifts and Change Requests in the Same Three-Way Call

64. MCI asks the Commission to clarify that executing carriers have an obligation to lift a preferred carrier freeze and switch a customer during the same three-way call. MCI states that it has experienced difficulties in making authorized carrier changes where preferred carrier freezes have been in place. MCI explains that, after a carrier change request is properly verified, MCI electronically sends the request to the executing carrier. In situations where the customer has a preferred carrier freeze in place, but may have forgotten, the change request has been rejected by the executing carrier. At that point, MCI states that it contacts the customer and initiates a three-way call between the executing carrier, the customer, and MCI. According to MCI, the executing carrier will only sometimes accept the three-way call, will only sometimes lift the preferred carrier freeze during the three-way call, and will never execute the carrier change during the three-way call. Thus, MCI appears to argue that, in situations where the submitting carrier initiates a three-way call for the purpose of simultaneously lifting a preferred carrier freeze and submitting a carrier change request that has been already properly verified, the Commission should require the executing carrier to accept the freeze lift and effect the carrier change request in the same three-way call.

65. Although we agree with MCI that accepting both freeze lift and properly verified carrier change requests during the same three-way call may be an efficient means of effectuating a consumer's carrier change request, we need not mandate that executing carriers follow this course at this time. As we stated in the *Section 258 Order*, carriers must offer subscribers a simple, easily understandable, but secure way of lifting preferred carrier freezes in a timely manner. We concluded that LECs administering a preferred carrier freeze program must accept the subscriber's authorization, either oral or written and signed, stating an intent to lift a preferred carrier freeze. We determined that LECs also must permit a submitting carrier to conduct a three-way conference call with the LEC and the subscriber in order to lift a freeze. Our rules do not, however, prohibit LECs from requiring submitting carriers to use separate methods for lifting a preferred carrier freeze and submitting a carrier change request. If MCI is concerned about the delay that may result from some LECs refusing to accept properly verified carrier change orders during the same three-way call initiated for the purpose of lifting a freeze, it may file a complaint in the appropriate forum.

66. We also note that, in the *Section 258 Order*, we declined to enumerate all acceptable procedures for lifting preferred carrier freezes. Rather, we encouraged parties to develop other methods of accurately confirming a subscriber's identity and intent to lift a preferred carrier freeze, in addition to offering written and oral authorization to lift preferred carrier freezes. We continue to believe that, as long as these other methods are secure and "impose only the minimum burdens necessary on subscribers who wish to lift a preferred carrier freeze," we need not mandate an automated process for carrier freezes, as requested by AT&T.

67. Furthermore, for the same reasons articulated in the *Section 258 Order*, we will not require LECs administering preferred carrier freeze programs to make subscriber freeze information available to other carriers. We continue to believe that, in light of our preferred carrier freeze solicitation requirements, subscribers should know whether there are preferred carrier freezes in place on their carrier selections. As we noted in the *Section 258 Order*, if a subscriber is uncertain about whether a preferred carrier freeze has been imposed, the submitting carrier may use the three-way calling mechanism to confirm the

presence of a freeze. Carriers therefore would not need to rely on a LEC-prepared list identifying those subscribers who have freezes in place. Moreover, there is no indication, based on the record before us, that this information has been used in an anti-competitive manner, as AT&T suggests. If, in the future, we find that LECs are using this information for anti-competitive purposes, we will revisit this issue at that time.

B. Verification of Preferred Carrier Changes

1. Liability of an Executing Carrier

68. Several carriers ask the Commission to clarify that an executing carrier is liable for an unauthorized carrier change when the carrier improperly executes a carrier change request. Section 258 of the Act contemplates that the submitting carrier and/or the executing carrier could be liable for an unauthorized change in a subscriber's telecommunications service. In the *Section 258 Order*, we delineated the duties and obligations of submitting and executing carriers in order to minimize disputes over the source or cause of unauthorized carrier changes. Generally, we concluded that submitting carriers are responsible for submitting, without unreasonable delay, authorized and properly verified carrier change requests; while executing carriers are charged with executing promptly and without unreasonable delay changes that have been verified by the submitting carrier. We found that "where the submitting carrier submits a carrier change request that fails to comply with our rules and the executing carrier performs the change in accordance with the submission, only the submitting carrier is liable as an unauthorized carrier; [but] where the submitting carrier submits a change request that conforms with our rules and the executing carrier *fails to perform* the change in conformance with the submission, * * * the executing carrier is liable. * * *" Thus, an executing carrier that fails to execute promptly and without unreasonable delay a change request that has been properly submitted and verified is in violation of Section 258 of the Act and § 64.1100(b) of our rules and may be subject to liability for damages.

2. Separate Authorizations for Multiple Services

69. We affirm our decision to require separate authorization for each service for which a subscriber requests a carrier change and/or freeze. Excel has not presented any new arguments or credible evidence that would cause us to conclude our original decision was in error.

70. We also clarify that the separate authorization requirement does not prohibit carriers from obtaining a customer's authorization to change more than one service on the same LOA. Section 64.1130(d) of our rules allows carriers to use these "combined check-LOAs," as long as they comply with all the requirements governing Letters of Agency in § 64.1130. Thus, a carrier may use one combined check-LOA to obtain authorization for more than one service. It must be clear to the subscriber, however, that he or she will be receiving each service listed on the combined check-LOA from the same carrier.

C. Rules Governing LOAs

1. Limitation on the Effectiveness of an LOA

71. We will not adopt a 30-day limit on the effectiveness of an LOA as suggested by petitioner SBC. We believe a more reasonable limitation on the amount of time an LOA should be considered valid is 60 days, and we hereby adopt this 60-day limit. We further conclude that the 60-day limit shall apply to submitting carriers rather than executing carriers, because submitting carriers are actually parties to the contractual agreement with the customer and, as such, are more capable of conforming their behavior to the obligation.

72. Although we recognize that a LEC may be able to lift a freeze in as few as 24 or 48 hours, there are several factors to consider in determining the time period that an LOA should be considered valid. For example, if a carrier change request is rejected because the subscriber has not lifted the freeze on his or her account, the carrier must contact the subscriber and give him or her the opportunity to lift the freeze via a three-way call to the LEC. The subscriber may, however, be out of town or otherwise unable to be reached immediately. In either case, the carrier will be forced to continue to hold the LOA indefinitely or until the subscriber can be contacted. A 60-day limitation permits more flexibility under these and other, similar circumstances. We emphasize that this 60-day limitation represents the maximum time period for which an LOA will be considered valid. We note that consumers expect that their expressed preference for a new carrier will be honored within a reasonable time frame, and we think that a 60-day period sets a reasonable outer limit. In addition, a time period exceeding 60 days may cause confusion for customers regarding requests they may have made concerning their account but no longer remember. We encourage carriers to submit a change order immediately after the subscriber authorizes the change to minimize the risk that the subscriber will have forgotten the change.

2. Contents of LOA Regarding Preferred Carrier Change Charge

73. Under § 64.1130(e)(5) of our rules, LOAs are required to include a statement "[t]hat the subscriber understands that any preferred carrier selection the subscriber chooses may involve a charge to the subscriber for changing the subscriber's preferred carrier." In its petition, MediaOne explains that this requirement, which initially applied only to changes of a subscriber's long distance provider, can now be read to apply to changes of local service providers. Because preferred carrier change charges do not apply when a subscriber changes from one local service provider to another, MediaOne argues that the requirement set forth in Section 64.1130(e) will result in consumer confusion. Accordingly, MediaOne asserts that this rule should be revised to provide that this statement is not required in LOAs authorizing changes of local service providers.

74. We will revise our requirements for the content of LOAs. Our current rules state that an LOA must indicate to the subscriber that a charge "may" be assessed for any preferred carrier change. We agree with MediaOne that § 64.1130(e)(5) of our rules, as written, may result in consumer confusion to the extent there is no preferred carrier change charge applied for a change in local service providers. To alleviate consumer confusion, we therefore amend § 64.1130(e)(5) to provide that an LOA must contain language giving a subscriber the option of consulting with the carrier as to whether a fee applies to his or her preferred carrier change.

D. Payment of Preferred Carrier Change Charges After Slam

75. There are two preferred carrier change charges that can be involved in a slam. The first charge is assessed when the LEC executes the slamming carrier's preferred carrier change order. The second charge is assessed when the LEC returns the subscriber to his or her authorized carrier. SBC seeks clarification as to whether, under the new slamming procedures, the unauthorized carrier is responsible for paying the carrier change charge when the subscriber is returned to his or her authorized carrier. SBC also requests clarification that, when a slam has been alleged, the LEC, acting as executing carrier, is no longer obligated to investigate or make a determination as to the validity of the initial carrier change.

76. We have previously stated that where an IXC submits a request that is disputed by a subscriber and the IXC is unable to produce verification of that subscriber's change request, the LEC must assess the applicable change charge against that IXC. We also stated in the *Section 258 Order* that the unauthorized carrier must pay for the expenses of restoring the subscriber to his or her authorized carrier. We continue to believe that an unscrupulous carrier should bear full financial responsibility for the costs of its unlawful actions. Accordingly, we hereby clarify that the unauthorized carrier shall pay the preferred carrier change charges that are assessed in the event of a slam, *i.e.*, the charge assessed when the LEC executes the slamming carrier's preferred carrier change order and the charge assessed when the LEC returns the subscriber to his or her authorized carrier. Unauthorized carriers also are responsible for reimbursing authorized carriers in accordance with the requirements set forth in Section 258 of the Act and § 64.1170 of our rules.

77. We note that SBC's second clarification request regarding the executing carrier's role in investigating slamming allegations was made in response to the Commission's prior liability rules, which were superceded by the liability rules adopted in the *First Reconsideration Order*. The procedures we adopted in the *First Reconsideration Order* provide that "disputes between alleged slamming carriers, authorized carriers, and subscribers now will be brought before an appropriate state commission, or this Commission in cases where the state has not elected to administer these rules, rather than to the authorized carriers, as adopted in the *Section 258 Order*." Under these procedures, carriers must inform subscribers who believe that they have been slammed of their right to file a complaint with the appropriate governmental entity. We have not, however, restricted the ability of carriers to try to satisfy subscribers who alleged they have been slammed. For example, an IXC might authorize a LEC to fix alleged slams on a no-fault basis or to investigate the validity of the carrier changes. Nothing in the *First Reconsideration Order* precludes carriers from attempting to resolve slamming allegations, either directly or through contractual arrangement with another carrier, before the subscribers have filed complaints, and, indeed, we anticipate that carriers will have incentives to continue such practices.

E. Preemption of State Regulations

78. Excel and RCN argue in their petitions that the Commission should reconsider its decision not to preempt state regulations regarding slamming because they believe that "the costs to carriers to comply with a patchwork of inconsistent federal and state regulations could be exorbitant, while accruing little benefit to consumers." Although we recognize that it may be simpler for carriers to comply with one set of verification rules, we will not interfere with the states' ability to adopt more stringent regulations. As we observed in both the *Section 258 Order* and the *First Reconsideration Order*, the Commission must work hand-in-hand with the states towards the common goal of eliminating slamming. States have valuable insight into the slamming problems experienced by consumers in their respective locales and can share their expertise with this Commission. We will not thwart that effort by requiring states to limit their verification requirements so that they are no more stringent than those promulgated by this Commission. The carriers challenging the Commission's decision to refrain from preempting state regulations have failed to identify a particular state law that should be preempted and how that state law conflicts with federal law or obstructs federal objectives. In the absence of such evidence, we will not preempt state regulations governing verification procedures for preferred carrier change requests.

A. Procedural Matters

A. Final Regulatory Flexibility Analysis

89. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *FNPRM* in this proceeding. The Commission sought written public comment on the proposals in the *FNPRM*, including comment on the IRFA. The comments received are discussed below. The instant Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

1. Need For and Objectives of This Action

90. Section 258 of the Act makes it unlawful for any telecommunications carrier "to submit or execute a change in a subscriber's selection of a provider of telephone exchange services or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe." In the *Section 258 Order*, the Commission established a comprehensive framework of rules to implement Section 258 and strengthen its existing anti-slamming rules. Concurrent with the release of the *Section 258 Order*, the Commission issued a *FNPRM* seeking comment on a number of additional proposals to further improve the preferred carrier change process and to prevent unauthorized carrier changes. In the instant *Order*, the Commission adopts some of the proposals set forth in the *FNPRM*. Specifically, the Commission: (1) amends the current carrier change authorization and verification rules to expressly permit the use of Internet Letters of Agency (Internet LOAs) in a manner consistent with the new E-Sign Act; (2) directs the North American Numbering Plan Administration (NANPA) to eliminate the requirement that carriers purchase Feature Group D access in order to obtain a carrier identification code (CIC); (3) provides further guidance on the independent third party verification process; (4) defines the term "subscriber" for purposes of its slamming rules; (5) requires carriers providing telephone exchange and/or telephone toll service to submit a semiannual report on the number of slamming complaints it receives; and (6) expands the existing registration requirement on carriers providing interstate telecommunications service to include additional facts that will assist the Commission's enforcement efforts. The objectives of the modified rules adopted in this Order are to implement Section 258 by improving the preferred carrier change process and strengthening the Commission's framework of anti-slamming rules.

2. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

91. The Commission received no comments directly in response to the IRFA.

92. *Resellers and CICs.* Relying in part on the small size of many resellers, opponents of the Commission's proposal to require switchless resellers to use their own CICs argue that such a requirement would create a substantial market entry barrier for resellers. Others maintain that CIC deployment costs would be manageable for resellers because they typically operate on a regional rather than on a national basis, that such costs may be viewed as "a

legitimate cost of doing business," and that the independent use of CICs has significant competitive advantages for switchless resellers. These comments are discussed in more detail in paragraph 27 above.

93. *Submission of Reports by Carriers.* Commenters contend that requiring each carrier to submit reports on the number of slamming complaints that it receives would create serious burdens for the Commission and compliant carriers alike. We do not believe that the reporting requirement adopted in this Order will impose significant additional costs or administrative burdens on carriers. Several carriers indicated that they already track slamming complaints received from subscribers. Thus, we do not believe that we are requiring carriers to keep information that they would not otherwise already keep. Moreover, this requirement will enable the Commission to identify the carriers who repeatedly initiate unauthorized changes. In addition, carriers may be compelled to reduce slamming on their own because the reports will be available for public inspection.

94. *Registration Requirement.* Commenters argue that the proposed registration requirement would impose unnecessary costs on carriers and would do little to alleviate the slamming problem. We believe that all carriers providing interstate telecommunications should be able to comply with the registration requirement adopted herein without much expense or difficulty because the information requested is readily available, and to a large degree, must be provided to the states. We have minimized the burden that this requirement may have on carriers by making the registration information part of an existing form that must be completed and submitted for other obligations. We believe this requirement will benefit consumers by enhancing our ability to take appropriate enforcement action against carriers that have demonstrated a pattern or practice of slamming.

3. Description and Estimate of the Number of Small Entities To Which This Action Will Apply

95. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," "small governmental jurisdiction," and "small business concern" under section 3 of the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." Nationwide, as of 1992, there were approximately 275,801 small organizations. "Small governmental jurisdiction" generally means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000." As of 1992, there were approximately 85,006 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (96 percent) are small entities. According to SBA reporting data, there were 4.44 million small business firms nationwide in 1992. Below, we further describe and estimate the number of small entity licensees and regulatees that may be affected by the proposed rules, if adopted.

96. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the number of commercial wireless entities, appears to be data the Commission publishes in its *Trends in Telephone Service report.* In a recent news release, the Commission indicated that there are 4,144 interstate carriers. These carriers include, *inter alia,* local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone service, providers of telephone exchange service, and resellers.

97. The SBA has defined establishments engaged in providing "Radiotelephone Communications" and "Telephone Communications, Except Radiotelephone" to be small businesses when they have no more than 1,500 employees. Below, we discuss the total estimated number of telephone companies falling within the two categories and the number of small businesses in each, and we then attempt to refine further those estimates to correspond with the categories of telephone companies that are commonly used under our rules.

98. We have included small incumbent LECs in this present RFA analysis. As noted above, a "small business" under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and "is not dominant in its field of operation." The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not "national" in scope. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

99. Total Number of Telephone Companies Affected. The U.S. Bureau of the Census ("Census Bureau") reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year. This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, covered specialized mobile radio providers, and resellers. It seems certain that some of these 3,497 telephone service firms may not qualify as small entities because they are not "independently owned and operated." For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It is reasonable to conclude that 3,497 or fewer telephone service firms are small entity telephone service firms that may be affected by the new rules.

100. Wireline Carriers and Service Providers. The SBA has developed a definition of small entities for telephone communications companies except radiotelephone (wireless) companies. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities. We do not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that 2,295 or fewer small telephone communications companies other than radiotelephone companies are small entities that may be affected by the new rules.

101. Local Exchange Carriers. Neither the Commission nor the SBA has developed a definition for small providers of local exchange services (LECs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Telecommunications Industry Revenue* data, 1,348 incumbent carriers reported that they were engaged in the provision of local exchange services. We do not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that 1,348 or fewer providers of local exchange service are small entities that may be affected by the new rules.

102. Interexchange Carriers. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Trends in Telephone Service* data, 171 carriers reported that they were engaged in the provision of interexchange services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 171 or fewer small entity IXCs that may be affected by the new rules.

103. Competitive Access Providers. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to competitive access services providers (CAPs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Trends in Telephone Service* data, 212 CAP/CLECs carriers and 10 other LECs reported that they were engaged in the provision of competitive local exchange services. We do not have data specifying the number of these carriers that are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 212 or fewer small entity CAPs and 10 other LECs that may be affected by the new rules.

104. Operator Service Providers. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of operator services. The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Trends in Telephone Service* data, 24 carriers reported that they were engaged in the provision of operator services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of operator service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 24 or fewer small entity operator service providers that may be affected by the new rules.

105. Pay Telephone Operators. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to pay telephone operators. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Trends in Telephone Service* data, 615 carriers reported that they were engaged in the provision of pay telephone services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of pay telephone operators that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 615 or fewer small entity pay telephone operators that may be affected by the new rules.

106. Resellers (including debit card providers). Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to resellers. The closest applicable SBA definition for a reseller is a telephone communications company other than radiotelephone (wireless) companies. According to the most recent *Trends in Telephone Service* data, 388 toll and 54 local entities reported that they were engaged in the resale of telephone service. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 388 or fewer small toll entity resellers and 54 small local entity resellers that may be affected by the new rules.

107. Toll-Free 800 and 800-Like Service Subscribers. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to 800 and 800-like service ("toll free") subscribers. The most reliable source of information regarding the number of these service subscribers appears to be data the Commission collects on the 800, 888, and 877 numbers in use. According to our most recent data, at the end of January 1999, the number of 800 numbers assigned was 7,692,955; the number of 888 numbers that had been assigned was 7,706,393; and the number of 877 numbers assigned was 1,946,538. We do not have data specifying the number of these subscribers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of toll free subscribers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 7,692,955 or fewer small entity 800 subscribers, 7,706,393 or fewer small entity 888 subscribers, and 1,946,538 or fewer small entity 877 subscribers may be affected by the new rules.

108. Cellular Licensees. Neither the Commission nor the SBA has developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company

employing no more than 1,500 persons. According to the Census Bureau, only twelve radiotelephone firms from a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. In addition, we note that there are 1,758 cellular licenses; however, a cellular licensee may own several licenses. In addition, according to the most recent *Telecommunications Industry Revenue* data, 808 carriers reported that they were engaged in the provision of either cellular service or Personal Communications Service (PCS) services, which are placed together in the data. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 808 or fewer small cellular service carriers that may be affected by the new rules.

4. Summary of Projected Reporting, Recordkeeping, and Other Compliance Requirements

109. Below, we analyze the projected reporting, recordkeeping, and other compliance requirements that might affect small entities.

110. Preferred Carrier Changes Using the Internet. The Commission amends its rules to expressly permit preferred carrier changes to be conducted electronically through the use of Internet Letters of Agency (LOAs). Internet LOAs must comply with all current Commission authorization and verification requirements (as modified), and consumers must have the option of using alternative authorization and verification methods. This action is consistent with the *E-Sign Act's* mandate that electronic signatures and transactions be treated the same as written ones, and will promote consumer convenience and competition by facilitating the use of the Internet for preferred carrier changes.

111. Resellers and CICs. The Commission directs the NANPA to eliminate the requirement that carriers purchase "Feature Group D access" to obtain CICs. This action will facilitate the assignment of CICs to switchless resellers and eliminate a financial and administrative obstacle to their independent use of CICs.

112. Independent Third Party Verification. The Commission retains the three-way conference call and confirms that automated systems may be used as independent third party verification methods, but requires that the carrier's sales representative drop off the call once the connection has been established between the subscriber and the third-party verifier. This action will ensure the independence of the third party verification process and prevent the carrier's sales representative from improperly influencing subscribers, without burdening the verification process. In addition, the Commission adopts minimum content requirements for third party verification to provide guidance as to what practices are necessary and acceptable, and confirms that automated verification systems that preserve the independence of the third party verification process may be used to verify carrier change requests.

113. Definition of "Subscriber." The Commission adopts a definition of the term "subscriber" for purposes of its slamming rules that will allow customers of record to authorize additional persons to make telecommunications decisions, while retaining control over who is authorized to make such decisions on their behalf. The adoption of this definition will benefit all carriers, including small carriers, by providing them with the flexibility to establish authorization procedures appropriate to their own and their customers' needs, consistent with the framework of the Commission's slamming rules.

114. Submission of Reports by Carriers. Each carrier providing telephone exchange and/or telephone toll service is required to submit to the Commission a semiannual report identifying the number of complaints involving unauthorized changes that it has received, the number that it has investigated and found to be valid, and the number, investigated or not, that it has chosen to resolve directly with consumers. The report also must include the number of slamming complaints involving local intrastate and interstate interexchange service, investigated or not, that the carrier has chosen to resolve directly with subscribers. Because most subscribers who are slammed by an IXC report the slam to their LEC, rather than the IXC, LECs should include in their reports the name of each entity against which slamming complaints were directed and the number of complaints involving unauthorized changes that have been lodged against each entity. These reporting requirements will enable the Commission to identify carriers who repeatedly initiate unauthorized changes, and may induce carriers to reduce slamming on their own to avoid public embarrassment or loss of goodwill.

115. Registration Requirement. Each carrier is required to register with the Commission, and an affirmative duty is established on the part of a telecommunications carrier providing telecommunications service for resale to confirm that a reseller has registered with the Commission prior to providing that reseller with service. Specifically, the annually-filed Telecommunications Reporting Worksheet (FCC Form 499–A), which must be filed by all telecommunications carriers in April of each year, will be revised to include the following additional information that is targeted to assist the Commission's anti-slamming efforts: the carrier's business name(s) and primary address; the names and business addresses of the carrier's chief executive office, chairman, and president, or, in the event that a company does not have such executives, three similarly senior-level officials of the company; the carrier's regulatory contact and/or designated agent for service of process; all names under which the carrier has conducted business in the past; and the state(s) in which the carrier provides telecommunications service. The new registration requirement will enable the Commission to monitor the entry of carriers into the interstate telecommunications market and any associated increases in slamming, enhance the Commission's ability to take appropriate enforcement action against carriers that have demonstrated a pattern or practice of slamming, and deter carrier providing telecommunications service for resale from offering service to unregistered resellers.

5. Steps Taken to Minimize the Significant Economic Impact of This Action on Small Entities, and Significant Alternatives Considered

116. Resellers and CICs. The Commission requested comment in the *FNPRM* on three possible approaches to the problems arising from the shared use of CICs by switchless resellers and their underlying, facilities-based carriers. The Commission believes that its proposal to require resellers to obtain their own CICs holds promise as a direct and effective solution to the significant problems that arise from the shared use of CICs. Based on review of the record as a whole, however, including concerns raised by some commenters regarding the financial and competitive impact of a CIC requirement on resellers, many of which are small entities, the Commission is not adopting a CIC requirement at this time. By directing that the Feature Group D requirement be eliminated, the Commission is taking a step that will facilitate the ability of resellers to obtain and use their own CICs, while allowing them to choose whether to do so based on their own competitive needs.

117. Submission of Reports by Carriers. The Commission has considered whether the reporting requirements adopted herein will impose significant additional costs or administrative burdens on carriers. The Commission concludes that this requirement would not impose significant additional costs or administrative burdens on carriers. In this regard, the Commission notes the comments of several carriers that they already track slamming complaints received from subscribers, and reasons that it would be a reasonable business practice for all telecommunications carriers, including small carriers, to track slamming complaints they receive in the course of their business. Indeed, the Commission states that it would be surprised if carriers did not do this. Accordingly, the Commission concludes that it is not requiring carriers to keep information that they would not otherwise keep. Moreover, these modest reporting requirements will help the Commission to achieve important objectives: identifying carriers that repeatedly initiate unauthorized changes, and deterring carriers from slamming.

118. Registration Requirement. To minimize the administrative burden on carriers of the registration requirement adopted herein, the Commission makes the registration information part of an existing form that must be completed and submitted for other obligations. The Commission also observes that all carriers providing interstate telecommunications service, including small carriers providing such service, should be able to submit this information without much expense or difficulty because it is readily available, and to a large degree, must already be submitted in state jurisdictions.

6. Report to Congress

119. The Commission will send a copy of the *Order*, including this FRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the Commission will send a copy of the *Order*, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the *Order* and FRFA (or summaries thereof) also will be published in the **Federal Register**.

B. Supplemental Final Regulatory Flexibility Analysis

120. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Further Notice of Proposed Rule Making and Memorandum Opinion and Order on Reconsideration, 62 FR 43493, August 14, 1997, in this proceeding. The Commission sought written public comment on the proposals in the *FNPRM and Order*, including comment on the IRFA. A Final Regulatory Flexibility Analysis (FRFA) was incorporated in the subsequent *Section 258 Order* in this proceeding. The Commission received a number of petitions for reconsideration in response to the *Section 258 Order*. The instant *Second Order on Reconsideration* addresses issues raised in those reconsideration petitions. This associated Supplemental Final Regulatory Flexibility Analysis (SFRFA) reflects revised or additional information to that contained in the FRFA. This SFRFA is thus limited to matters raised in response to the *Section 258 Order* and addressed in the instant *Second Order on Reconsideration*. This SFRFA conforms to the RFA.

1. Need for and Objectives of this Action

121. Section 258 of the Act makes it unlawful for any telecommunications carrier "to submit or execute a change in a subscriber's selection of a provider of telephone exchange services or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe." In the *Section 258 Order*, the Commission established a comprehensive framework of rules to implement section 258 and strengthen its existing anti-slamming rules. In this *Second Order on Reconsideration*, the Commission upholds its rules governing the submission of preferred carrier freeze orders, the handling of preferred carrier change requests and freeze orders in the same transaction, and the automated submission and administration of freeze orders and changes. In addition, the Commission reaffirms its decision not to preempt state regulations governing verification procedures for preferred carrier change requests that are consistent with the provisions of Section 258. Furthermore, the Commission declines to adopt a 30-day limit on the amount of time an LOA confirming a carrier change request should be considered valid and instead adopts a 60-day limit. Finally, the Commission clarifies certain of its rules regarding the payment of preferred carrier change charges after a slam.

2. Summary of Significant Issues Raised by Petitions in Response to the FRFA

122. The Commission received no comments directly in response to the previous FRFA concerning the issues addressed in this Order.

3. Description and Estimate of the Number of Small Entities To Which This Action Will Apply

123. In the associated FRFA, *supra*, we have provided a detailed description of the pertinent small entities. Those entities include wireline carriers, local exchange carriers, interexchange carriers, competitive access providers, resellers, and wireless carriers. We hereby incorporate those detailed descriptions by reference.

4. Summary of Projected Reporting, Recordkeeping, and Other Compliance Requirements

124. Administration of Preferred Carrier Freezes. The Commission clarifies that only subscribers may submit freeze requests to LECs. The Commission also clarifies that a subscriber may request a preferred carrier change and obtain a preferred carrier freeze in the same transaction. In addition, the Commission declines to prohibit LECs from requiring submitting carriers to use separate methods for lifting a preferred carrier freeze and submitting a carrier change request, or to require LECs to make subscriber freeze information available to other carriers.

125. Verification of Preferred Carrier Changes. The Commission clarifies that an executing carrier that fails to promptly execute a properly submitted and verified change request has violated Section 258 and the Commission's slamming rules. In addition, the Commission reaffirms its prior decision to require separate authorization for each service for which a subscriber requests a carrier change and/or freeze, and clarifies that the separate authorization requirement does not prohibit carriers from obtaining authorization to change more than one service in the same LOA.

126. Rules Governing Letters of Agency (LOAs). The Commission declines to adopt 30-day limit on the amount of time that an LOA confirming a carrier change request is considered valid, instead adopting a 60-day limit as a more reasonable limitation. The 60-day limit applies to submitting carriers only. To avoid customer confusion as to whether a preferred carrier change

charge applies for a change in local service providers, the Commission also amends its rules to provide that LOAs must contain language giving a subscriber the option of consulting with the carrier as to whether a fee applies to his or her preferred carrier change.

127. Payment of Preferred Carrier Change Charge After Slam. The Commission clarifies that the unauthorized carrier shall pay the preferred carrier change charge assessed when the LEC executes the slamming carrier's preferred carrier change order and the change charge assessed when the LEC returns the subscriber to his or her authorized carrier. The Commission also clarifies that slamming carriers are responsible for payment of all preferred carrier change charges associated with a slam, including both the charge assessed when the LEC executes the slamming carrier's preferred carrier change order and the charge assessed when the LEC returns the subscriber to his or her authorized carrier.

128. Preemption of State Regulations. The Commission reaffirms its decision in the *Section 258 Order* not to preempt state regulations regarding slamming.

5. Steps Taken To Minimize the Significant Economic Impact of This Action on Small Entities, and Significant Alternatives Considered

129. The clarifications and minor modifications to the Commission's slamming rules made in this *Second Order on Reconsideration* will benefit all carriers, including small carriers, by providing certainty and guidance in the preferred carrier change process. For instance, the Commission declines to adopt a 30-day time limit on the amount of time that an LOA confirming a carrier change request is considered valid because it does not provide enough flexibility to submitting carriers. Instead, the Commission adopts a 60-day time limit as a reasonable time frame which will provide flexibility but will also avoid consumer confusion that may be produced by a indefinite period of validity. We expect that the 60-day time limit will have no significant economic impact.

6. Report to Congress

130. The Commission will send a copy of the *Second Order on Reconsideration*, including this SFRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the Commission will send a copy of the *Second Order on Reconsideration*, including the SFRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the *Second Order on Reconsideration* and SFRFA (or summaries thereof) also will be published in the **Federal Register**.

C. Paperwork Reduction Act

131. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose new or modified reporting and recordkeeping requirements or burdens on the public. Implementation of these new or modified reporting and recordkeeping requirements will be subject to approval by the Office of Management and Budget (OMB) as prescribed by the Act and will go into effect upon announcement in the **Federal Register** of OMB approval.

VI. Ordering Clauses

132. Pursuant to Sections 1, 4, 201–205, and 258 of the Communications Act of 1934, as amended, the policies, rules, and requirements set forth herein are adopted. It is further ordered that 47 CFR Part 64 is amended as set forth.

133. Pursuant to Sections 1, 4(i), 4(j) of the Communications Act of 1934, as amended, that the petitions for reconsideration or clarification filed by AT&T Corp., Excel Telecommunications, Inc., MediaOne Group, National Telephone Cooperative Association, RCN Telecom Services, Inc., Rural LECs, and SBC Communications, Inc. are granted in part and denied in part to the extent discussed.

134. The requirements contained herein not pertaining to new or modified reporting or recordkeeping requirements shall become effective April 2, 2001 except for §§ 64.1130(a) through (c), 64.1130(i), 64.1130(j), 64.1180, 64.1190(d)(2), 64.1190(d)(3), 64.1190(e), and 64.1195, which contain information collection requirements that have not yet been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of those sections.

135. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Order, including the Final Regulatory Flexibility Analysis and the Supplemental Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 47 U.S.C. 225, 47 U.S.C. 251(e)(1). 151, 154, 201, 202, 205, 218–220, 254, 302, 303, and 337 unless otherwise noted. Interpret or apply sections 201, 218, 225, 226, 227, 229, 332, 48 Stat. 1070, as amended. 47 U.S.C. 201–204, 208, 225, 226, 227, 229, 332, 501 and 503 unless otherwise noted.

2. Section 64.1100 is amended by adding paragraph (h) to read as follows:

§ 64.1100 Definitions.

* * * * *

(h) The term *subscriber* is any one of the following:

(1) The party identified in the account records of a common carrier as responsible for payment of the telephone bill;

(2) Any adult person authorized by such party to change telecommunications services or to charge services to the account; or

(3) Any person contractually or otherwise lawfully authorized to represent such party.

3. Section 64.1120 is amended by revising paragraphs (c)(1), (c)(3), and by adding paragraph (d).

§ 64.1120 Verification of orders for telecommunications service.

* * * * *

(c) * * *

(1) The telecommunications carrier has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of § 64.1130; or

* * * * *

(3) An appropriately qualified independent third party has obtained, in accordance with the procedures set forth in paragraphs (c)3)(i) through (c)(3)(iv) of this section, the subscriber's oral authorization to submit the preferred carrier change order that confirms and includes appropriate verification data (*e.g.*, the subscriber's date of birth or social security number). The independent third party must not be owned, managed, controlled, or directed by the carrier or the carrier's marketing agent; must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent; and must operate in a location physically separate from the carrier or the carrier's marketing agent.

(i) *Methods of third party verification.* Automated third party verification systems and three-way conference calls may be used for verification purposes so long as the requirements of paragraphs (c)(3)(ii) through (c)(3)(iv) of this section are satisfied.

(ii) *Carrier initiation of third party verification.* A carrier or a carrier's sales representative initiating a three-way conference call or a call through an automated verification system must drop off the call once the three-way connection has been established.

(iii) *Requirements for content and format of third party verification.* All third party verification methods shall elicit, at a minimum, the identity of the subscriber; confirmation that the person on the call is authorized to make the carrier change; confirmation that the person on the call wants to make the carrier change; the names of the carriers affected by the change; the telephone numbers to be switched; and the types of service involved. Third party verifiers may not market the carrier's services by providing additional information, including information regarding preferred carrier freeze procedures.

(iv) *Other requirements for third party verification.* All third party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. In accordance with the procedures set forth in 64.1120(a)(1)(ii), submitting carriers shall maintain and preserve audio records of verification of subscriber authorization for a minimum period of two years after obtaining such verification. Automated systems must provide consumers with an option to speak with a live person at any time during the call.

* * * * *

(d) Telecommunications carriers must provide subscribers the option of using one of the authorization and verification procedures specified in § 64.1120(c) in addition to an electronically signed authorization and verification procedure under 64.1120(c)(1).

3. Section 64.1130 is amended by revising paragraphs (a), (b), (c), and (e)(4), and by adding paragraphs (i) and (j) to read as follows:

§ 64.1130 Letter of Agency form and content.

(a) A telecommunications carrier may use a written or electronically signed letter of agency to obtain authorization and/or verification of a subscriber's request to change his or her preferred carrier selection. A letter of agency that does not conform with this section is invalid for purposes of this part.

(b) The letter of agency shall be a separate document (or an easily separable document) or located on a separate screen or webpage containing only the authorizing language described in paragraph (e) of this section having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the subscriber to the telephone line(s) requesting the preferred carrier change.

(c) The letter of agency shall not be combined on the same document, screen, or webpage with inducements of any kind.

* * * * *

(e) * * *

(4) That the subscriber may consult with the carrier as to whether a fee will apply to the change in the subscriber's preferred carrier.

* * * * *

(i) Letters of agency submitted with an electronically signed authorization must include the consumer disclosures required by Section 101(c) of the Electronic Signatures in Global and National Commerce Act.

(j) A telecommunications carrier shall submit a preferred carrier change order on behalf of a subscriber within no more than 60 days of obtaining a written or electronically signed letter of agency.

4. Add § 64.1180 to subpart K to read as follows:

§ 64.1180 Reporting requirement.

(a) *Applicability.* Each provider of telephone exchange and/or telephone toll service shall submit to the Commission via e-mail (*slamming478@fcc.gov*), U.S. Mail, or facsimile a slamming complaint report form identifying the number of slamming complaints received during the reporting period and other information as specified in paragraph (b) of this section.

(b) *Contents of report.* The report shall contain the following information:

(1) The information specified in paragraph (a) of this section;

(2) The number of slamming complaints received during the reporting period that the carrier has investigated and found to be valid.

(3) The number of slamming complaints received during the reporting period, investigated or not, that the carrier has directly resolved with consumers;

(4) If the reporting carrier is a wireline or fixed wireless local exchange carrier providing service to end user subscribers, the name of each entity against which the slamming complaints received during the reporting period were directed;

(5) If the reporting carrier is a wireline or fixed wireless local exchange carrier providing service to end user subscribers, the number of slamming complaints received during the reporting period that were lodged against each entity identified in paragraph (b)(4) of this section; and

(6) The total number of subscribers the reporting carrier is serving at the end of the relevant reporting period.

(c) *Semiannual reporting requirement.* Reporting shall commence on August 15, 2001, covering the effective date of this requirement, as announced in the **Federal Register**, through June 30, 2001. Reports filed on February 15, 2002 shall cover the period between July 1, 2001 and December 31, 2001. Thereafter, carriers subject to the reporting requirement pursuant to paragraph (a) of this section shall submit semiannual slamming complaint reports on August 15 (covering January 1 through June 30) and on February 15 (covering July 1 through December 31).

5. Section 64.1190 is amended by revising paragraphs (d)(1)(ii), (d)(2)(i), (d)(3)(i), and (e)(1) to read as follows:

§ 64.1190 Preferred carrier freezes.

* * * * *

(d) * * *

(1) * * *

(ii) A description of the specific procedures necessary to lift a preferred carrier freeze; an explanation that these steps are in addition to the Commission's verification rules in §§ 64.1120 and 64.1130 for changing a subscriber's preferred carrier selections; and an explanation that the subscriber will be unable to make a change in carrier selection unless he or she lifts the freeze.

* * * * *

(2) * * *

(i) The local exchange carrier has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of § 64.1190(d)(3); or

* * * * *

(3) * * *

(i) The written authorization shall comply with §§ 64.1130(b), (c), and (h) of the Commission's rules concerning the form and content for letters of agency.

* * * * *

(e) * * *

(1) A local exchange carrier administering a preferred carrier freeze

must accept a subscriber's written or electronically signed authorization stating his or her intent to lift a preferred carrier freeze; and

* * * * *

6. Add § 64.1195 to Subpart K to read as follows:

§ 64.1195 Registration requirement.

(a) *Applicability.* A telecommunications carrier that will provide interstate telecommunications service shall file the registration information described in paragraph (b) of this section in accordance with the procedures described in paragraphs (c) and (g) of this section. Any telecommunications carrier already providing interstate telecommunications service on the effective date of these rules shall submit the relevant portion of its FCC Form 499–A in accordance with paragraphs (b) and (c) of this section.

(b) *Information required for purposes of part 64.* A telecommunications carrier that is subject to the registration requirement pursuant to paragraph (a) of this section shall provide the following information:

(1) The carrier's business name(s) and primary address;

(2) The names and business addresses of the carrier's chief executive officer, chairman, and president, or, in the event that a company does not have such executives, three similarly senior-level officials of the company;

(3) The carrier's regulatory contact and/or designated agent;

(4) All names that the carrier has used in the past; and

(5) The state(s) in which the carrier provides telecommunications service.

(c) *Submission of registration.* A carrier that is subject to the registration requirement pursuant to paragraph (a) of this section shall submit the information described in paragraph (b) of this section in accordance with the Instructions to FCC Form 499–A. FCC Form 499–A must be submitted under oath and penalty of perjury.

(d) *Rejection of registration.* The Commission may reject or suspend a carrier's registration for any of the reasons identified in paragraphs (e) or (f) of this section.

(e) *Revocation or suspension of operating authority.* After notice and opportunity to respond, the Commission may revoke or suspend the authorization of a carrier to provide service if the carrier provides materially false or incomplete information in its FCC Form 499–A or otherwise fails to comply with paragraphs (a), (b), and (c) of this section.

(f) *Imposition of fine.* After notice and opportunity to respond, the Commission may impose a fine on a carrier that is subject to the registration requirement pursuant to paragraph (a) of this section if that carrier fails to submit an FCC Form 499–A in accordance with paragraphs (a), (b), and (c) of this section.

(g) *Changes in information.* A carrier must notify the Commission of any changes to the information provided pursuant to paragraph (b) of this section within no more than one week of the change. Carriers may satisfy this requirement by filing the relevant portion of FCC Form 499–A in accordance with the Instructions to such form.

(h) *Duty to confirm registration of other carriers.* The Commission shall make available to the public a comprehensive listing of registrants and the information that they have provided pursuant to paragraph (b) of this section. A telecommunications carrier providing telecommunications service for resale shall have an affirmative duty to ascertain whether a potential carrier-customer (*i.e.*, reseller) that is subject to the registration requirement pursuant to paragraph (a) of this section has filed an FCC Form 499–A with the Commission prior to offering service to that carrier-customer. After notice and opportunity to respond, the Commission may impose a fine on a carrier for failure to confirm the registration status of a potential carrier-customer before providing that carrier-customer with service.

[FR Doc. 01–4794 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–487, MM Docket No. 00–235, RM–9992]

Digital Television Broadcast Service; Lead, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Duhamel Broadcasting Enterprises, licensee of station KHSDTV, substitutes DTV 10 for DTV 30 at Lead, South Dakota. *See* 65 FR 71079, November 29, 2000. DTV channel 10 can be allotted to Lead in compliance with the principle community coverage requirements of section 73.625(a) at reference coordinates (44–19–36 N. and 103–50–12 W.) with a power of 34.8, HAAT of 576 meters and with a DTV service population of 146 thousand.

DATES: Effective April 12, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–235, adopted February 23, 2001, and released February 26, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, S.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under South Dakota, is amended by removing DTV channel 30 and adding DTV channel 10 at Lead.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4915 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–488, MM Docket No. 00–236, RM–10000]

Digital Television Broadcast Service; La Crosse, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of QueenB Television, LLC, licensee of station WKBT–TV, substitutes DTV channel 41 for DTV channel 53 at La Crosse, Wisconsin. *See* 65 FR 71291, November 30, 2000. DTV channel 41 can be allotted to La Crosse in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (44–05–28 N. and 91–20–16 W.) with a power of 1000, HAAT of 446 meters and with a DTV service population of 649 thousand.

DATES: Effective April 12, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–236, adopted February 23, 2001, and released February 26, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, S.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Wisconsin, is amended by removing DTV channel 53 and adding DTV channel 41 at La Crosse.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4914 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–486, MM Docket No. 00–188, RM–9969]

Digital Television Broadcast Service; New Orleans, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of WWL–TV, Inc., licensee of station WWL–TV, substitutes DTV channel 36 for DTV channel 30 at New Orleans, Louisiana. *See* 65 FR 60163, October 10, 2000. DTV channel 36 can be allotted to New Orleans in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (29–54–23 N. and 90–02–23 W.) with a power of 1000, HAAT of 305 meters and with a DTV service population of 1712 thousand.

DATES: Effective April 12, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–188, adopted February 23, 2001, and released February 26, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, S.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Louisiana, is amended by removing DTV channel 30 and adding DTV channel 36 at New Orleans.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4913 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–419; MM Docket No. 00–237; RM–10008]

Radio Broadcasting Services; Window Rock, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 285C2 for Channel 274C3 at Window Rock, Arizona, and modifies the license of Station KWIM accordingly, as requested by Western Indian Ministries, Inc. *See* 65 FR 71080, November 29, 2000. Coordinates used for Channel 285C2 at Window Rock are those of the presently licensed site of Station KWIM, at 35–39–19 NL and 109–01–59 WL.

DATES: Effective April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–237, adopted February 7, 2001, and released February 16, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 274C3 and adding Channel 285C2 at Window Rock.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4918 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–402, MM Docket No. 00–215; RM–9994]

Radio Broadcasting Services; Aspen, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission grants a petition filed by Roaring Forks Broadcasting, Inc., requesting the allotment of Channel 228A at Aspen, Colorado, as the community's third local FM transmission service. See 65 FR 67691 (November 13, 2000). Channel 228A can be allotted at Aspen, Colorado, at coordinates 39–11–24 NL and 106–49–06 WL, consistent with the minimum distance separation requirements of Section 73.207(b) and the principal community coverage requirements of Section 73.315(a) of the Commission's Rules without a site restriction.

DATES: Effective April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–215 adopted February 7, 2001, and released February 16, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.202 [Amended]

2. Section 73.202(b) the FM Table of Allotments under Colorado is amended by adding Channel 228A at Aspen.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4911 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–400; Docket No. 00–16, RM–9805; MM Docket No. 00–146, RM–9937; MM Docket No. 00–147; RM–9938; MM Docket No. 00–212; RM–9986; MM Docket No. 00–213; RM–9989; MM Docket No. 00–214; RM 9990]

Radio Broadcasting Services; Burke, SD; Marietta, MS; Lake City, CO; Glenville, WV; Pigeon Forge, TN; and Lincolnton, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants six proposals that allot new channels to Burke, South Dakota; Marietta, Mississippi; Lake City, Colorado; Glenville, West Virginia; Pigeon Forge, Tennessee, Lincolnton, Georgia. *See* Supplementary Information, *infra.*

DATES: Effective April 2, 2001. Filing windows for these allotments will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–16; MM Docket No. 00–146; and MM Docket No. 00–147; MM Docket No. 00–212; MM Docket No. 00–213; and MM Docket No. 00–214, adopted February 7, 2001, and released February 16, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

The Commission, at the request of NationWide Radio Stations, allots Channel 264A at Burke, South Dakota, as the community's first local aural transmission service. *See* 65 FR 12155, March 8, 2000. Channel 264A can be allotted at Burke in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.5 kilometers (2.2 miles) east to avoid a short-spacing to the vacant allotment site for Channel 264A, Mission, South Dakota. The coordinates for Channel 264A at Burke are 43–11–06 North Latitude and 99–15–02 West Longitude.

The Commission, at the request of Robert Sanders, allots Channel 250A at Marietta, Mississippi, as the community's first local aural transmission service. *See* 65 FR 53689, September 5, 2000. Channel 250A can be allotted to Marietta in compliance with the Commission's minimum distance separation requirements distance separation requirements with a site restriction of 1.3 kilometers (0.8 miles) east to avoid short-spacings to the licensed sites of Station WWMS(FM), Channel 246C1, Oxford, Mississippi, Station WKGL(FM), Channel 249A, Russellville, Alabama, and Station WZLQ(FM), Channel 253C1, Tupelo, Mississippi. The coordinates for Channel 250A at Marietta are 34–30—20 North Latitude and 88–27–18 West Longitude.

The Commission, at the request of The Parker Radio Project, allots Channel 247A at Lake City, Colorado as the community's first local aural transmission service. *See* 65 FR 53689, September 5, 2000. Channel 247A can be allotted at Lake City in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 247A are 38–01–47 North Latitude and 107–18–52 West Longitude.

The Commission, at the request of Donald Staats d/b/a Media Staats, allots Channel 299A at Glenville, West Virginia, as the community's first local aural transmission service. *See* 65 FR 67691, November 13, 2000. Channel 299A can be allotted at Glenville in compliance with the Commission's minimum distance separation requirements with a site restriction 1.0 kilometers (0.6 miles) southwest to avoid a short-spacing to the licensed site of Station WFSP–FM, Channel 299A, Kingwood, West Virginia. The coordinates for Channel 299A at Glenville are 38–55–43 North Latitude and 80–50–47 West Longitude.

The Commission, at the request of Bernice P. Hedrick, allots Channel 292A at Pigeon Forge, Tennessee, as the community's first local aural transmission service. *See* 65 FR 67691, November 13, 2000. Channel 292A can be allotted at Pigeon Forge in compliance with the Commission's minimum distance separation requirements with a site restriction 7.5 kilometers (4.7 miles) southeast to avoid a short-spacing to the licensed site of Station WRIL–FM, Channel 292A, Pineville, Kentucky. The coordinates for Channel 292A at Pigeon Forge are 33–43–33 North Latitude and 83–31–18 West Longitude.

The Commission, at the request of H. David Hedrick, allots Channel 254A at Lincolnton, Georgia, as the community's first local aural transmission service. *See* 65 FR 67691, November 13, 2000. Channel 254A can be allotted at Lincolnton in compliance with the Commission's minimum distance separation requirements with a site restriction of 13 kilometers (8.1 miles) south to avoid a short-spacing to the licensed site of Station WSPA–FM, Channel 255C, Spartanburg, South Carolina. The coordinates for Channel 254A at Lincolnton are 33–40–37 North Latitude and 82–30–18 West Longitude.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Lake City, Channel 247A.

3. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Lincolnton, Channel 254A.

4. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by adding Marietta, Channel 250A.

5. Section 73.202(b), the Table of FM Allotments under South Dakota, is amended by adding Burke, Channel 264A.

6. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by adding Pigeon Forge, Channel 292A.

7. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by adding Glenville, Channel 299A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4910 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket Nos. 94–150, 92–51, and 87–154]

Attribution Rules; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission published in the **Federal Register** of February 13, 2001 (66 FR 9962), a document revising rules governing attribution of ownership interests. This document contains a correction to those rules.

DATES: Effective April 16, 2001.

FOR FURTHER INFORMATION CONTACT: Cyndi Thomas, 202–418–2120.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document amending parts 21, 73, and 76 in the **Federal Register** of February 13, 2001 (66 FR 9962). This document corrects the **Federal Register** as it appeared. In rule FR Doc. 01–3175 published on February 13, 2001 (66 FR 9962), the Commission is correcting § 73.3615 of the Commission's rules to reflect an amendment to § 73.3615(a)(3)(iv)(B), rather than § 73.3615(a)(3)(iii)(B). In rule FR Doc. 01–3175 published on February 13, 2001, make the following corrections:

§ 73.3615 [Corrected]

1. On page 9973, in the first column, in amendatory instruction 6, in the third line, "paragraph (a)(3)(iii)(B)" is corrected to read "paragraph (a)(3)(iv)(B)".

2. On page 9973, in the first column, in § 73.3615, correct paragraph designation "(iii)" to read "(iv)".

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4795 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Part 1516

[FRL–6932–7]

Acquisition Regulation: Type of Contracts

AGENCY: Environmental Protection Agency.

ACTION: Interim rule with request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is amending the EPA Acquisition Regulation (EPAAR) to provide for the use, in certain circumstances and under certain conditions, of a letter contract known as a Notice to Proceed (NTP), to carry out emergency response actions as authorized under sections 104(a)(1) and (h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986; sections 311 (c)(2) and (e)(1)(B) of the Clean Water Act, as amended by the Oil Pollution Act of 1990; and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

DATES: This interim rule is effective on March 1, 2001. Interested parties should submit comments on this interim rule not later than April 30, 2001 to be considered in the formulation of the final rule.

ADDRESSES: Please submit written comments to Larry Wyborski at the following address: U.S. Environmental Protection Agency, Office of Acquisition Management, Mail Code 3802R, 1200 Pennsylvania Ave, N.W., Ariel Rios Building, Washington, D.C. 20460. Commenters may submit comments and data electronically by sending electronic mail (e-mail) to: *Wyborski.Larry@epamail.epa.gov.* You must submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. You may also submit disks in Corel Word Perfect format or ASCII file format. Do not submit confidential business information through e-mail. You may also file electronic comments on line at Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: Larry Wyborski, U.S. Environmental

Protection Agency, Office of Acquisition Management, Mail Code 3802R, 1200 Pennsylvania Avenue, N.W., Ariel Rios Building, Washington, D.C. 20460. Telephone: (202) 564–4369.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule amends EPAAR Subpart 1516.6 to provide for issuance, by an EPA Federal Classification Series (FCS) 1102 contracting officer or duly authorized EPA on-scene coordinator with a delegation of procurement authority, of a letter contract known as a Notice to Proceed to undertake certain emergency response actions as authorized under, and consistent with, CERCLA sections 104 (a)(1) and (h) (42 U.S.C. 9604(a)(1) and (h)), sections 311 (c)(2) and (e)(1)(B) of the Clean Water Act (33 U.S.C. 1321(c)(2) and (e)(1)(B)), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300)(1999). Under CERCLA section 104 (a)(1), the EPA (as delegated by the President under Executive Order 12580) is authorized to take certain response actions, consistent with the NCP, to protect the public health, welfare or the environment whenever any hazardous substance is released or there is a substantial threat of such a release into the environment, or there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare. Similarly, pursuant to sections 311 (c)(2) and (e)(1)(B) of the Clean Water Act, the EPA (as delegated by the President under Executive Order 12777) is authorized to take certain actions if a discharge, or a substantial threat of a discharge (to or upon navigable waters, adjoining shorelines, the contiguous zone, or natural resources belonging to, appertaining to, or under the exclusive management of the United States) of oil or a hazardous substance from a vessel, offshore facility, or onshore facility is of such a nature as to be a substantial threat to the public health or welfare. In addition, CERCLA Section 104(h), 42 U.S.C. 9604(h), and Clean Water Act sections 311 (c)(2)(B) and (d), 33 U.S.C. 1321 (c)(2)(B) and (d), generally provide that procurement procedures may be developed to effectuate the purposes of these sections. Accordingly, this interim rule identifies the circumstances and conditions under which an EPA FCS 1102 contracting officer or a duly authorized EPA on-scene coordinator with a delegation of procurement authority may award an NTP to carry out the EPA's obligations under CERCLA section 104(a)(1) and the Clean Water Act sections 311 (c)(2) and (e)(1)(B). In addition, the procedures provided for by this rule in EPAAR 1516.6 may also be used, as appropriate and authorized, for any actions that EPA may be directed to take by the Federal Emergency Management Agency under the authority of the Stafford Act, 42 U.S.C. 5121, *et seq.*

B. Executive Order 12866

This interim rule is not a significant regulatory action for the purposes of Executive Order 12866; therefore, no review is required by the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB).

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this interim rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

D. Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et. seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impact of today's rule on small entities, small entity is defined as: (1) a small business that meets the definition of a small business found in the Small Business Act and codified at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's interim rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant *adverse* economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the proposed rule on small entities." 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. Based on a review of EPA's historical experience, over the last three fiscal years EPA entered into only two letter contracts for the type of work contemplated by this interim rule, each of less than $10,000.00. Consequently, because of the emergency nature of an NTP, and the strict conditions on its use, and based on its limited historical utilization, it is believed that the authority provided by this interim rule will be used on a very limited basis so that it will have little, if any, impact on small businesses. This interim rule, therefore, will have no adverse and no significant impact on small entities.

E. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and Tribal governments, and the private sector. This interim rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in one year. Any private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

F. Executive Order 13045

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be economically significant as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions on environmental health or safety risks.

G. Executive Order 13132

Executive Order 13132 entitled "Federalism" (64 FR 43255, August 10, 1999) requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Under Section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This interim rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

H. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian Tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by Tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian Tribal government "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian Tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

I. National Technology Transfer and Advancement Act of 1995

EPA will use voluntary consensus standards, as directed by section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), in its procurement activities. The NTTAA directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This interim rulemaking does not involve technical standards. Therefore, EPA is not considering use of any voluntary consensus standards. EPA welcomes comments on this aspect of the interim rulemaking, and, specifically, invites the public to identify potentially applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

J. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rules report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

K. Determination To Issue an Interim Rule

Under the Office of Federal Procurement Policy Act, 41 U.S.C. 416b, and Federal Acquisition Regulation (FAR) 1.501–3(b), a procurement regulation may take effect on a temporary basis prior to notice and comment when there are urgent and compelling circumstances that make compliance with prior notice and comment impracticable, the notice of the procurement regulation is published in the **Federal Register** and includes a statement that the procurement regulation is temporary pending completion of the public comment period, and provision is made for a public comment period of at least 30 days. For the reasons set forth below, a determination has been made by the authorized official that such conditions exist justifying the promulgation of this interim rule without prior opportunity for public comment. Pursuant to the Office of Federal Procurement Policy Act, 41 U.S.C. 418b(d), the EPA will consider public comments received in response to this interim rule in the formation of the final rule.

Immediate effectiveness of this interim rule is essential to ensure that the EPA, if necessary, will be able to obtain the services required to respond to certain environmental emergency situations as authorized by and consistent with CERCLA sections 104(a)(1) and (h) (42 U.S.C. 9604(a)(1) and (h)), the Clean Water Act sections 311(c)(2) and (e)(1)(B) (33 U.S.C. 1321(c)(2) and (e)(1)(B), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300). Under these statutes and regulations, the EPA is authorized to take certain actions to protect the public health, welfare or the environment.

Although EPA has contracted on a competitive basis with a number of firms to provide emergency response cleanup services, certain types of emergencies may be so acute, and the threat to human health or the environment so severe, that cleanup actions must be commenced prior to the required response times of these contracts. Some examples of these types

of emergencies include: a train derailment in a remote area with leakage of highly toxic chemicals into the ground or nearby water source; an oil or hazardous chemical spill into a river, lake, or stream that may affect wildlife or the public health or welfare; and a fire or explosion at a petrochemical facility or a chemical distributors warehouse that may release toxic chemicals into the air, water, or land endangering the public and the environment. Furthermore, emerging threats that the EPA may be tasked to address include releases caused by terrorists/weapons of mass destruction, which are events which could threaten first responders, the public and the environment.

In such emergencies, the standard contract response time may be too long to wait to begin cleanup services or for some reason the contracted cleanup contractor may not be able to respond in time and no other alternate existing contractor is available. Consequently, the urgent and compelling circumstances attendant to this interim rule stem from the concern that unforeseen and unpredictable situations could materialize where existing contractual vehicles in place to deal with an emergency environmental problem are not capable, for any reason, to timely respond to the situation thereby exposing the public and the environment to the risk of harm or injury. Although the EPA does not anticipate many situations where the existing contractual coverage will be insufficient to timely and adequately respond to an environmental emergency demanding immediate attention, in order to fulfill its responsibilities to protect the public health, welfare and the environment, the Agency needs a contractual mechanism to obtain immediate services to respond to environmental releases, discharges or threats that cannot be adequately and timely addressed by existing contractual coverage.

The Agency therefore intends to use a letter contract called an NTP in those limited situations where the existing contractual coverage is not available in a timely manner to respond to certain environmental discharges, releases or threats as described in CERCLA section 104(a)(1) (42 U.S.C. 9604(a)(1)), Clean Water Act sections 311(c)(2) and (e)(1)(B) (33 U.S.C. 1321(c)(2) and (e)(1)(B)), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300). The use of the NTP letter contract will be governed by the applicable procedures mandated by the FAR and the additional requirements set forth in this rule.

Accordingly, because of the urgent and compelling nature of this action, and the potential danger and damage that could materialize if there were no adequate contractual coverage available to timely respond to an environmental emergency, pursuant to 41 U.S.C. 418b(d) and FAR 1.501–3(b), EPA is promulgating this interim rule on a temporary basis and providing for a public comment period of 60 days from the date of publication of this interim rule. After considering the comments received, EPA may issue a final rule. In accordance with 41 U.S.C. 418b(d), this interim rule will be in effect on a temporary basis during the public comment period and while EPA considers any comments received.

Further, consistent with the urgent and compelling nature of this action, the Agency will execute a class Justification For Other Than Full And Open Competition as required by FAR 6.302–2 and 6.303–1(c) to allow for the award, under the conditions consistent with this rule, of an NTP letter contract on a non-competitive basis, and the EPA will also prepare and execute any additional determinations and/or deviations necessary to effectuate the purposes of this rule.

List of Subjects in 48 CFR Part 1516

Government procurement.

Therefore, 48 CFR chapter 15 is amended as set forth below:

1. The authority citation for part 1516 is to read as follows:

Authority: The provisions of this regulation are issued under 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

PART 1516—[AMENDED]

2. Sections 1516.603–1 and 1516.603–2 are added to read as follows:

1516.603–1: What is a Notice to Proceed?

(a) A Notice to Proceed (NTP) is a type of letter contract issued pursuant to FAR 16.603 under which an EPA Federal Classification Series 1102 (FCS) contracting officer or a duly authorized EPA on-scene coordinator with delegated procurement authority may initiate, in certain defined situations and subject to certain limitations and conditions, contracting actions to respond to certain situations as described in CERCLA section 104(a)(1) (42 U.S.C. 9604(a)(1)) and the Clean Water Act sections 311(c)(2) and (e)(1)(B) (33 U.S.C. 1321(c)(2) and (e)(1)(B)). An NTP may be utilized as a contractual instrument for certain—

(1) Actions that EPA is authorized to undertake under CERCLA section 104(a)(1), 42 U.S.C. 9604(a)(1), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300), to respond to situations where any hazardous substance has been released or there is a substantial threat of such a release into the environment, or there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, and

(2) Actions that EPA is authorized to undertake under sections 311(c)(2) and (e)(1)(B) of the Clean Water Act, 33 U.S.C. 1321(c)(2) and (e)(1)(B), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300), to respond when there is a discharge, or a substantial threat of a discharge (to or upon navigable waters, adjoining shorelines, the contiguous zone, or natural resources belonging to, appertaining to, or under the exclusive management of the United States), of oil or a hazardous substance from a vessel, onshore facility, or offshore facility that is a substantial threat to the public health or welfare. Pursuant to a class Justification For Other Than Full and Open Competition executed under the authority of FAR 6.302–2 and 6.303–1(c), an NTP may be issued on a non-competitive basis.

(b) What do subsections 1516.603–1 and 1516.603–2 cover? EPAAR 1516.603–1 and 1516.603–2 contain information and procedures relating to issuance and definitization of an NTP. An NTP is subject to, and must comply with, the applicable requirements for letter contracts in FAR 16.603 and the requirements in this section, and be definitized by an EPA FCS 1102 contracting officer.

1516.603–2 What are the requirements for use of an NTP?

(a) An EPA FCS 1102 contracting officer or a duly authorized EPA on-scene coordinator with a delegation of procurement authority may issue an NTP so long as it does not exceed the limits of his or her procurement authority and only when all of the following conditions have been met:

(1) A written determination has been made by the Federal on-scene coordinator that—

(i) As authorized by and consistent with CERCLA section 104(a)(1), 42 U.S.C. 9604(a)(1), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300), the EPA must take action to respond to a hazardous substance release or substantial threat of such a release into the environment, or a release or substantial threat of a release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, or

(ii) As authorized by and consistent with the Clean Water Act sections 311(c)(2) and (e)(1)(B), 33 U.S.C. 1321(c)(2) and (e)(1)(B), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300), the EPA must take action to respond to a discharge, or a substantial threat of a discharge (to or upon navigable waters, adjoining shorelines, the contiguous zone, or natural resources belonging to, appertaining to, or under the exclusive management of the United States), of oil or a hazardous substance from a vessel, offshore facility, or onshore facility that is of such a size and character as to pose a substantial threat to the public health or welfare of the United States; and

(2) Before a duly authorized EPA on-scene coordinator with a delegation of procurement authority may issue an NTP, he or she must confirm that an EPA FCS 1102 contracting officer is not available to provide the required contracting support by the time the Federal on-scene coordinator requires the response action to be undertaken; and

(3) A written determination is made by an EPA FCS 1102 contracting officer or a duly authorized EPA on-scene coordinator with a delegation of procurement authority that there is no other existing contracting mechanism available to provide the required contracting support by the time required, including the inability of an existing emergency response contractor or other existing contract vehicle to respond in the required time frame. These conditions, as well as any other requirements applicable to NTPs or letter contracts contained in the FAR or EPAAR , must be met before an NTP can be issued by an EPA FCS 1102 contracting officer or a duly authorized EPA on-scene coordinator with a delegation of procurement authority.

(b) What should be included in an NTP? (1) Since an NTP is a type of letter contract, it is subject to the requirements of FAR 16.603. All of the relevant requirements of FAR 16.603 apply to NTP's including FAR 16.603–2, 16.603–3, and 16.603–4, and an NTP will include all appropriate FAR and EPAAR contract clauses. An NTP should also include an overall price ceiling and be as complete and definite as possible under the circumstances. To the extent NTPs require modification of any FAR or EPAAR prescribed procedures or clauses, an appropriate FAR or EPAAR deviation will be prepared.

(2) The EPA FCS 1102 contracting officer or duly authorized EPA on-scene coordinator with a delegation of procurement authority shall include in each NTP the clauses required by the FAR or EPAAR for the type of definitive contract contemplated and any additional clauses known to be appropriate for it. In addition, the following clauses must be inserted in the solicitation (if one is issued) and the NTP when an NTP is used:

(i) The clause at FAR 52.216–23, Execution and Commencement of Work, except that the term on-scene coordinator may be used in place of the term contracting officer;

(ii) The clause at FAR 52.216–24, Limitation of Government Liability, with dollar amounts completed in a manner consistent with FAR 16.603–2(d); and

(iii) The clause at FAR 52.216–25, Contract Definitization, with its paragraph (b) completed in a manner consistent with FAR 16.603–2(c) or any applicable FAR deviation. The clause at FAR 52.216–26, Payment of Allowable Costs Before Definitization, shall also be included in a solicitation (if one is issued) and NTPs if a cost-reimbursement definitive contract is contemplated.

(3) Each NTP shall, as required by the clause at FAR 52.216–25, Contract Definitization, contain a negotiated definitization schedule that includes:

(i) Dates for submission of the contractor's price proposal, required cost and pricing data, and if required, make-or-buy and subcontracting plans;

(ii) The date for the start of negotiations; and

(iii) A target date for definitization which shall be the earliest practicable date for definitization (an NTP must be definitized by an EPA FCS 1102 contracting officer). The schedule will provide for definitization of the NTP within 90 calendar days after the date of the NTP award. However, the EPA FCS 1102 contracting officer may, in extreme cases and according to agency procedures, authorize an additional period. If, after exhausting all reasonable efforts, the EPA FCS 1102 contracting officer and the contractor cannot negotiate a definitive contract because of failure to reach agreement as to price or fee, the clause at 52.216–25 requires the contractor to proceed with the work and provides that the contracting officer may, with the approval of the head of the contracting activity, determine a reasonable price or fee in accordance with subpart 15.4 and part 31 of the FAR, subject to appeal as provided in the Disputes clause.

(4) The maximum liability of the Government inserted in the clause at 52.216–24, Limitation of Government Liability, shall, as approved by the official who authorized the NTP, be the estimated amount necessary to cover the contractor's requirements for funds to complete the work to be performed under the NTP. However, it shall not exceed the estimated cost of the definitive contract.

(c) Are there any financial or monetary limitations on the use of an NTP? In addition to the requirements for issuance of an NTP set forth elsewhere in this subpart—

(1) The total definitized dollar value of an individual NTP shall not exceed $200,000.00, and

(2) The applicable Program Office must commit and make available appropriate funding for the emergency response action taken under the NTP prior to NTP issuance.

(d) Are there any other procedural requirements for issuance of an NTP? An NTP must be issued in writing by the EPA FCS 1102 contracting officer or the duly authorized EPA on-scene coordinator with a delegation of procurement authority using a Standard Form 33. In addition, the EPA FCS 1102 contracting officer or the EPA on-scene coordinator awarding the NTP must ensure that the NTP complies with all applicable requirements for letter contracts set forth in the FAR and the requirements of this section, includes all relevant provisions and clauses, and that all actual or potential conflict of interest or other contracting issues are identified and resolved prior to NTP issuance. To assist the EPA on-scene coordinator and EPA FCS 1102 contracting officer in their responsibilities regarding NTP award, an NTP checklist will be completed by the EPA FCS 1102 contracting officer or EPA on-scene coordinator prior to issuance of the NTP.

(e) What happens after an NTP is awarded to a contractor? (1) If an NTP is issued by a duly authorized EPA on-scene coordinator with a delegation of procurement authority, he or she must notify the cognizant EPA FCS 1102 contracting officer of the NTP award, and provide the NTP checklist to the contracting officer, as soon as possible but in no event later than the next working day after NTP issuance.

(2) Within 5 working days of the EPA on-scene coordinator's award of an NTP, the on-scene coordinator shall provide to the cognizant EPA FCS 1102 contracting officer all NTP documents,

materials, and information necessary for the contracting officer to definitize the contract, and should retain a copy for his/her records. An EPA FCS 1102 contracting officer will be responsible for definitization of the NTP consistent with the definitization procedures set forth in this subpart. During the process of definitizing the NTP, the EPA FCS 1102 contracting officer will send the contractor the "Representations, Certifications, and Other Statements of Offerors" for completion. The contractor will complete this information, and any other required information, and submit it to the EPA FCS 1102 contracting officer prior to definitization of the NTP.

(f) The CCO, who is authorized by EPAAR 1516.603–3 to make the determination to use a letter contract, shall make a class determination and findings authorizing EPA FCS 1102 contracting officers and duly authorized EPA on-scene coordinators with delegations of procurement authority to award NTPs pursuant to the conditions set forth in this subpart.

Dated: December 27, 2000.

Judy S. Davis,

Acting Director, Office of Acquisition Management.

[FR Doc. 01–4978 Filed 2–28–01; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 001121328–1041–02; I.D. 111500C]

RIN 0648–AN71

Fisheries of the Northeastern United States; Scup and Black Sea Bass Fisheries; 2001 Specifications; Commercial Quota Harvested for Winter I Scup Period; Commercial Quota Harvested for Black Sea Bass Quarter I Period

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule, final 2001 specifications, and commercial quota adjustment; notification of commercial quota harvest for Winter I scup period; notification of commercial quota harvest for Quarter I black sea bass period.

SUMMARY: NMFS issues final specifications for the 2001 scup and black sea bass fisheries and makes preliminary adjustments to the 2001 commercial quotas for these fisheries. The annual specifications for the scup fishery modify the Gear Restricted Areas (GRAs) that were established in the Mid-Atlantic Bight to reduce scup bycatch in small-mesh fisheries. The trip limit provisions in the scup and black sea bass fisheries are modified to be possession limits, and these limits are further specified to be the maximum amount allowed to be landed within a 24-hour period (calendar day). NMFS also announces that the scup commercial quota available in the Winter I period and the black sea bass commercial quota available in the Quarter 1 period to the coastal states from Maine through North Carolina has been harvested. Federally permitted commercial vessels may not land scup in those states for the remainder of the 2001 Winter I quota period (through April 30, 2001). Federally permitted commercial vessels may not land black sea bass in those states for the remainder of the 2001 Quarter I quota period (through March 31, 2001). Regulations governing the scup and black sea bass fisheries require publication of this notification to advise the coastal states from Maine through North Carolina that these quotas have been harvested and to advise Federal vessel permit holders and Federal dealer permit holders that no commercial quota is available for landing scup in these states, and for landing black sea bass in these states north of 35°15.3′ N. lat. The intent of this action is to comply with implementing regulations for the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP), which require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of these fisheries. The specifications for the 2001 summer flounder fishery will be published in the **Federal Register** at a later date.

DATES: 1. The 2001 final specifications for scup and black sea bass are effective March 1, 2001, through December 31, 2001.

2. Sections 648.14(a)(84), 648.123(a)(1) and 648.123(a)(5) are effective March 1, 2001.

3. The prohibition on landings of scup in the coastal states from Maine through North Carolina by Federal permit holders is effective 0001 hours, March 1, 2001, through 2400 hours, April 30, 2001.

4. The prohibition on landings of black sea bass in the coastal states from Maine through North Carolina north of 35°15.3′ N. lat. by Federal permit holders is effective 0001 hours, March 7, 2001, through 2400 hours, March 31, 2001.

5. Sections 648.14(a)(92), 648.14(a)(122), 648.14(u)(9), 648.120(b)(2), 648.122(a) through (c), 648.140(b)(2), the removal and reservation of 648.122(d), and the removal of 648.14(a)(123) are effective April 2, 2001.

ADDRESSES: Send comments on any ambiguity or unnecessary complexity arising from the language used in this final rule to Patricia A. Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930–2298.

Copies of supporting documents used by the Scup and Black Sea Bass Monitoring Committees, the Regulatory Impact Review (RIR), the Final Regulatory Flexibility Analysis (FRFA) contained within the RIR, and the Environmental Assessment (EA) are available from the Northeast Regional Office at the same address. The EA/RIR/FRFA contains an analysis of the final scup and black sea bass measures and includes a draft analysis of summer flounder measures. The EA/RIR/FRFA is also accessible via the Internet at http://www.nero.nmfs.gov/ro/doc/nr.htm.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson, Fishery Policy Analyst, (978)281–9279, fax (978)281–9135, e-mail rick.a.pearson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FMP was developed jointly by the Atlantic States Marine Fisheries Commission (Commission) and the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. The management units specified in the FMP include scup (*Stenotomus chrysops*) and black sea bass (*Centropristis striata*) in U.S. waters of the Atlantic Ocean from 35°13.3′ N. lat. (the latitude of Cape Hatteras Light, NC) northward to the U.S./Canadian border. Implementing regulations for these fisheries are found at 50 CFR part 648, subparts A, H (scup), and I (black sea bass).

Pursuant to §§ 648.120 (scup) and 648.140 (black sea bass), the Administrator, Northeast Region, NMFS, (Regional Administrator) implements measures for the fishing year to assure that the target fishing mortality rate (F) or exploitation rate for each fishery, as specified in the FMP, is not exceeded. The target F or exploitation rate and management measures (e.g., mesh requirements, minimum fish sizes, seasons, and area

restrictions) are summarized here, by species. Detailed background information regarding the status of these stocks and the development of the proposed specifications was provided in the proposed specifications for the 2001 summer flounder, scup, and black sea bass fisheries (65 FR 71042, November 28, 2000) and is not repeated here. In addition to establishing the annual measures, this action modifies the trip limit provisions in the scup and black sea bass fisheries so that they are possession limits, to enhance at-sea enforcement. For black sea bass and scup, this action also specifies that the possession limit is the maximum amount that can be landed in a calendar day. NMFS will publish a proposed and final rule for the 2001 recreational management measures for these fisheries in the **Federal Register** at a later date.

Scup

The FMP established a target exploitation rate for scup in 2001 of 33 percent. The total allowable catch (TAC) associated with that rate is allocated 78 percent to the commercial sector and 22 percent to the recreational sector by the FMP. Scup discard estimates are deducted from both TACs to establish total allowable landings (TAL) for both sectors (TAC - discards = TAL). The commercial TAL is then allocated with differing percentages to three quota periods: Winter I (January–April)–45.11 percent; Summer (May–October)–30.95 percent; and Winter II (Nov–December)–15.94 percent.

In 2000, NMFS implemented GRAs, a management tool recommended by the Council, to reduce discards of scup in small-mesh fisheries. The GRAs are seasonally closed to specified small-mesh fisheries using trawl gear with codend mesh sizes less than 4.5 inches (11 cm). GRAs initially went into effect on November 1, 2000, with an exemption for the Atlantic herring small-mesh fishery (65 FR 33486, May 24, 2000). They were later modified in size, effective December 23, 2000, (65 FR 81761, December 27, 2000), and a temporary exemption for the *Loligo* squid fishery and a permanent exemption for the Atlantic mackerel small-mesh fishery were implemented.

In the proposed rule for this action, NMFS noted the continued importance of reducing scup discards in small-mesh fisheries. NMFS also noted that it recognized that GRAs are not the only way to address scup discard mortality. Therefore, NMFS sought comments on four options to meet the regulatory requirement at 50 CFR 648.120 that the Regional Administrator implement measures to ensure that the target exploitation rate would not be exceeded. The four options varied in terms of the TAC level, the discard deduction made to calculate TALs, the size and location of the GRAs, and the fisheries to be exempted from the GRAs. In general, if GRAs were used to reduce scup bycatch, the discard deduction made in establishing the TAL would be lower than it would have been without GRAs, and the resultant quotas would be higher. The options are outlined here.

Option I: (1) The Council's proposed quota for scup (a TAC of 8.37 million lb (3.80 million kg), a discard deduction of 2.15 million lb (0.97 million kg), and a TAL of 6.22 million lb (2.82 million kg)); (2) the GRAs currently in effect (as recommended by the Council); and (3) exemptions for Atlantic herring, Atlantic mackerel and *Loligo* squid small-mesh fisheries.

Under this option, the commercial TAC would be 6.53 million lb (2.96 million kg) minus discards of 2.08 million lb (0.94 million kg), resulting in a commercial quota of 4.45 million lb (2.02 million kg). The recreational TAC would be 1.84 million lb (0.83 million kg) minus discards of 0.07 million lb (0.03 million kg), resulting in a recreational harvest limit of 1.77 million lb (0.80 million kg).

Option II: (1) The Scup Monitoring Committee's quota recommendation for 2001 (a TAC of 7.85 million lb (3.56 million kg), a discard deduction of 2.85 million lb (1.29 million kg), and a TAL of 5.0 million lb (2.27 million kg)); (2) the GRAs currently in effect (as recommended by the Council); and (3) exemptions for the Atlantic herring and Atlantic mackerel small-mesh fisheries.

Under this option, the commercial TAC would be 6.12 million lb (2.78 million kg) minus discards of 2.76 million lb (1.25 million kg), resulting in a commercial quota of 3.36 million lb (1.52 million kg). The recreational TAC would be 1.73 million lb (0.78 million kg) minus discards of 0.09 million lb (0.04 million kg), resulting in a recreational harvest limit of 1.64 million lb (0.74 million kg).

Option III: (1) The temporary suspension of GRA restrictions for 2001; and (2) a TAL established at a level that is consistent with the stock assessment's conclusion that commercial discards are approximately equal to commercial landings (a TAC of 7.85 million lb (3.56 million kg), a discard deduction of 3.15 million lb (1.43 million kg), and a TAL of 4.70 million lb (2.13 million kg)).

Under this option, the commercial TAC would be 6.12 million lb (2.78 million kg) minus discards of 3.06 million lb (1.39 million kg), resulting in a commercial quota of 3.06 million lb (1.39 million kg). The recreational TAC would be 1.73 million lb (0.78 million kg) minus discards of 0.09 million lb (0.04 million kg), resulting in a recreational harvest limit of 1.64 million lb (0.74 million kg).

Option IV: (1) Modified GRAs that are shorter in duration and that exclude the Hudson Canyon area, but incorporate other areas of high scup concentration and small-mesh fishing activities during the winter months; (2) the Monitoring Committee's quota recommendation for 2001 (a TAC of 7.85 million lb (3.56 million kg), a discard deduction of 2.85 million lb (1.29 million kg), and a TAL of 5.0 million lb (2.27 million kg)); and (3) exemptions for the Atlantic herring and Atlantic mackerel small-mesh fisheries.

Under this option, the commercial TAC would be 6.12 million lb (2.78 million kg) minus discards of 2.76 million lb (1.25 million kg), resulting in a commercial quota of 3.36 million lb (1.52 million kg). The recreational TAC would be 1.73 million lb (0.78 million kg) minus discards of 0.09 million lb (0.04 million kg), resulting in a recreational harvest limit of 1.64 million lb (0.74 million kg).

Final 2001 Scup Specifications

Based on the comments received on the proposed specifications and the requirements of the FMP, NMFS is implementing for 2001 the Council's recommended TAC of 8.37 million lb (3.80 million kg) and associated TAL of 6.22 million lb (2.82 million kg), as described in Option I. This final rule also establishes the modified GRAs and exemptions described in Option IV (exempts Atlantic mackerel and Atlantic herring fisheries), which will remain in effect until modified by a subsequent action.

The TAC implemented by this final rule results in a consistent scup quota throughout the management unit, because it is the same as that adopted by the Commission for 2001. This prevents the confusion and inequities that would occur if different TALs were applicable to state-permitted and federally permitted vessels. In that situation, federally permitted vessels would be precluded from fishing for scup during a Federal closure, even though state-permitted vessels could continue to fish in state waters. Furthermore, because the Commission adopted a 6.22 million lb (282-million kg) scup quota, landings of 6.22 million lb (2.82 million kg) would likely occur in 2001 even if a lower Federal quota of 5.0 million lb (2.27 million kg) were

adopted, because fishing by state-permitted vessels would continue in state waters even after Federal waters were closed to scup fishing.

In the proposed rule for this action, NMFS indicated concern regarding the scup quota recommended by the Council and the underlying assumption that scup biomass would be greater in 2001 than in 2000. However, during the comment period, the New York Department of Environmental Conservation presented new information indicating very strong recent scup year classes, particularly the 1999 year class, providing evidence that scup are rebuilding and that the biomass will increase in 2001. State fisheries managers from Rhode Island and Connecticut also indicated during the December 2000, Council meeting that their states' inshore surveys indicated strong recent scup year classes. These states have provided preliminary information to NMFS showing a strong 1999 year class and also potentially strong 1998 and 2000 year classes. NMFS recognizes that these data are preliminary. Nevertheless, the information indicates at least one very strong scup year class. If protected from excessive discard mortality, the 1999 year class, and possibly others, should contribute significantly to rebuilding the resource.

Because of these potentially strong recent year classes, the harvest level recommended by the Council and adopted in this final rule can be reasonably expected to attain the target exploitation rate. However, these strong year classes also mean that GRAs remain necessary to protect juvenile scup from discard mortality and to allow rebuilding to take place. The GRAs described in Option IV and implemented through this final rule will extend farther south than the existing GRAs to include areas of high winter scup abundance and coincidental *Loligo* squid fishing effort, as identified by the Northeast Fisheries Science Center (NEFSC) winter bottom trawl survey and in vessel logbook reports. Although quantitative estimates are not available, these GRAs are expected to reduce scup discards in the winter. These GRAs will also allow small-mesh fishing in the Hudson Canyon area, which has been identified by industry as a priority area for winter fishing activity in several small-mesh fisheries. NMFS believes that these GRAs will reduce scup discards with simultaneously fewer adverse impacts on small-mesh fisheries than the existing GRAs.

The commercial allocation is shown in Table 1. These allocations are subject to a downward adjustment for any overages that occurred in a period's scup harvest in 2000, as is required by § 648.120(d)(6). Scup preliminary landings data are listed in Table 2. Preliminary data indicate that the Winter I and Summer period allocations were exceeded in 2000. The resulting adjusted 2001 commercial quota for each period is given in Table 3.

TABLE 1. PERCENT ALLOCATIONS OF 2001 COMMERCIAL SCUP QUOTA

Period	Percent	TAC[1]	Discards[2]	Quota allocation		Possession	
				lb	kg[3]	lb	kg[3]
Winter I	45.11	2,945,502 (1,336,057)	940,543 (426,623)	2,004,959	909,434	10,000[4]	4,536
Summer	38.95	2,543,280 (1,153,612)	812,108 (368,366)	1,731,172	785,246	N/A	N/A
Winter II	15.94	1,040,818 (472,107)	332,349 (150,751)	708,469	321,356	2,000	907
Total	100.00	6,529,600 (2,961,776)	2,085,000 (945,740)	4,444,600	2,016,036		

[1] Total allowable catch in pounds (kilograms in parentheses).
[2] Discard estimates in pounds (kilograms in parentheses).
[3] Kilograms are as converted from pounds and may not add to the converted total due to rounding.
[4] Possession limit will drop to 1,000 lb (453.6 kg) per trip when 75 percent of Winter I quota is reached.

TABLE 2. SCUP PRELIMINARY 2000 LANDINGS BY PERIOD

Period	2000 Quota[1]		2000 Landings		2000 Overage	
	lb	kg[2]	lb	kg[2]	lb	kg[2]
Winter I	1,037,253	470,490	1,366,591	619,875	329,338	149,385
Summer	637,878	289,337	1,221,189	553,922	583,311	264,585
Winter II	70,356	31,913	34,939	15,848	0	0
Total	1,745,487	791,740	2,622,719	1,189,645	912,649	413,971

[1] Reflects quotas as published on August 18, 2000 (65 FR 50463).
[2] Kilograms are as converted from pounds and may not add to the converted total due to rounding.

TABLE 3. SCUP FINAL 2001 ADJUSTED QUOTAS

Period	2000 Initial Quota		2000 Adjusted quota[1]	
	lb	kg[2]	lb	kg[2]
Winter I	2,004,959	909,434	1,675,621	760,049
Summer	1,731,172	785,246	1,147,861	520,661
Winter II	708,469	321,356	708,469	321,356
Total	4,444,600	2,016,037	3,531,951	1,602,066

[1] Possession limits specified in Table 1.
[2] Kilograms are as converted from pounds and may not add to the converted total due to rounding.

To enhance at-sea enforcement, this action changes the current scup trip limits to possession limits, with the additional provision that these quantities be the maximum allowed to be landed within a calendar day. This action implements a Winter I (January–April) possession limit of 10,000 lb (4,536 kg) with a reduction to 1,000 lb (454 kg) for the remainder of the period when 75 percent of the quota allocation is projected to have been harvested. The Winter II period (November–December) possession limit is decreased from 4,000 lb (1,814 kg) to 2,000 lb (907 kg).

This action also increases the level of catch (threshold) that may be retained on board a vessel that is using mesh smaller than 4.5 inches (11 cm) from 200 lb (91 kg) to 500 lb (227 kg) for the period November 1–April 30. The threshold remains at 100 lb (45 kg) for the period May 1–October 31. In order for a vessel to possess scup in excess of the threshold, mesh smaller than 4.5 inches (11 cm) must be stowed and unavailable for use. In the proposed rule, NMFS noted concern that increasing the threshold for the November–April period could potentially increase bycatch and subsequent discard of undersized scup. However, it was recognized that, if scup, which otherwise would have been discarded, were instead converted to landings due to the change in the mesh threshold without incurring additional discards when the 500-lb (227 kg) threshold was reached, as the Council and industry believed would occur, the change in threshold limit would be acceptable. After reviewing public comment, NMFS concluded that this belief cannot be tested definitively. Therefore, NMFS has decided to defer to the Council's judgement on this matter.

Scup Closure

Section 648.121 requires the Regional Administrator to monitor the commercial scup quota for each quota period and, based upon dealer reports, state data, and other available information, to determine when the commercial quota for a period has been harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the scup commercial quota has been harvested and no commercial quota is available for landing scup for the remainder of the Winter I period. The Regional Administrator has determined, based upon dealer reports and other available information, that the scup commercial quota of 1,666,570 lb for the 2001 Winter I period has been harvested.

Section 648.4(b) provides that Federal scup moratorium permit holders agree as a condition of the permit not to land scup in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for scup is available. Therefore, effective 0001 hours, March 1, 2001, further landings of scup by vessels holding Federal scup moratorium permits are prohibited through April 30, 2001. The Summer period for commercial scup harvest will open on May 1, 2001. Effective 0001 hours, March 1, 2001, federally permitted dealers are also advised that they may not purchase scup from federally permitted vessels that land in coastal states from Maine through North Carolina for the remainder of the Winter I period (through April 30, 2001).

Black Sea Bass

The FMP specifies a target exploitation rate of 37 percent for 2001. This target is to be attained through specification of a TAL level that is allocated to the commercial (49 percent) and recreational (51 percent) fisheries. The commercial quota is specified on a coastwide basis, by quarter.

To achieve the target exploitation rate for 2001, this action implements a black sea bass TAL equal to the 2000 level and reduces the possession limits in Quarters 2, 3, and 4. The reduction in the possession limits is intended to allow the fishery to remain open for the entire quarter. This action also changes the current trip limits for black sea bass to possession limits to enhance at-sea enforcement, with the provision that these quantities are the maximum allowed to be landed within a calendar day. The commercial quota and corresponding possession limits are shown in Table 4.

Preliminary data indicate overages of the 2000 quota occurred in Quarters 2, 3, and 4 (Table 5), which requires a corresponding deduction from the 2001 allocations for those quarters. The resulting adjusted 2001 commercial quota for each quarter is given in Table 6. These allocations are preliminary and would be subject to a downward adjustment for any additional overages in a period's harvest in 2000, as provided in the FMP.

TABLE 4. 2001 BLACK SEA BASS QUARTERLY COASTWIDE COMMERCIAL QUOTAS AND QUARTERLY POSSESSION LIMITS

Quarter	Percent	lb	kg[1]	Possession limits	
				lb	kg[1]
1 (Jan–Mar)	38.64	1,168,760	530,141	9000	4,082
2 (Apr–Jun)	29.26	885,040	401,447	1500	680
3 (Jul–Sep)	12.33	372,951	169,168	1000	454
4 (Oct–Dec)	19.77	597,991	271,244	2000	907
Total	100.00	3,024,742	1,372,000		

[1] Kilograms are as converted from pounds and may not add to the converted total due to rounding.

TABLE 5. BLACK SEA BASS PRELIMINARY 2000 LANDINGS BY QUARTER

Period	2000 Quota		2000 Landings		2000 Overage	
	lb	kg[1]	lb	kg[1]	lb	kg[1]
1	1,168,760	530,141	848,018	384,654	0	0
2	734,088	332,982	939,609	426,199	205,521	93,223
3	238,795	108,317	334,871	151,895	96,076	43,579
4	490,038	222,281	571,090	259,042	81,052	36,765
Total	2,631,681	1,193,721	2,693,588	1,221,791	382,649	173,567

[1] Kilograms are as converted from pounds and may not add to the converted total due to rounding.

TABLE 6. BLACK SEA BASS FINAL 2001 ADJUSTED QUOTAS

Period	2001 Initial quota		2001 Adjusted quota	
	lb	kg[1]	lb	kg[1]
1	1,168,760	530,141	1,168,760	530,141
2	885,040	401,447	679,519	308,225
3	372,951	169,168	276,875	125,588
4	597,991	271,244	516,939	234,480
Total	3,024,742	1,372,000	2,642,093	1,198,433

[1] Trip limits specified in Table 4.
[2] Kilograms are as converted from pounds and may not add to the converted total due to rounding.

Black Sea Bass Closure

Section 648.141 requires the Regional Administrator to monitor the commercial black sea bass quota for each quota period and, on the basis of dealer reports, state data, and other available information, to determine when the commercial quota has been harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the black sea bass commercial quota has been harvested and no commercial quota is available for landing black sea bass for the remainder of the quarter 1 period, north of 35°15.3′ N. lat. The Regional Administrator has determined, based upon dealer reports and other available information, that the black sea bass commercial quota of 1,168,760 lb (530,141 kg) for the 2001 quarter 1 period has been harvested.

The regulations at § 648.4(b) provide that Federal black sea bass moratorium permit holders agree as a condition of the permit not to land black sea bass in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for the black sea bass is available. The Regional Administrator has determined that the quarter 1 period for black sea bass no longer has commercial quota available. Therefore, effective 0001 hrs local time, March 7, 2001, further landings of black sea bass in coastal states from Maine through North Carolina, north of 35°15.3′ N. lat., by vessels holding commercial Federal fisheries permits are prohibited through March 31, 2001. The 2001 quarter 2 period for commercial black sea bass harvest will open on April 1, 2001. Effective March 7, 2001, federally permitted dealers are also advised that they may not purchase black sea bass from federally permitted black sea bass moratorium permit holders who land in coastal states from Maine through North Carolina, north of 35°15.3′ N. lat., for the remainder of the quarter 1 period (through March 31, 2001).

The regulations at § 648.4(b) also provide that, if the commercial black sea bass quota for a period is harvested and the coast is closed to the possession of black sea bass north of 35°15.3′ N. lat., any vessel owners who hold valid commercial permits for both the black sea bass and the NMFS Southeast Region Snapper-Grouper fisheries may surrender their black sea bass moratorium permit by certified mail addressed to the Regional Administrator (see **ADDRESSES**) and fish pursuant to their Snapper-Grouper permit, as long as fishing is conducted exclusively in waters, and landings are made, south of 35°15.3′ N. lat. A moratorium permit for the black sea bass fishery that is voluntarily relinquished or surrendered will be reissued upon the receipt of the vessel owner's written request after a minimum period of 6 months from the date of cancellation.

Comments and Responses

A total of 30 comments on the proposed rule were received in reference to the scup and black sea bass specifications, primarily from fishing industry participants and organizations representing the commercial fishing industry. Other commenters included the Massachusetts Division of Marine Fisheries, the New York State Department of Environmental Conservation (NYDEC), a university professor, and several environmental organizations, which submitted one co-signed comment. All comments received prior to the close of the comment period that directly related to the measures in the proposed rule were considered in developing the measures contained in this final rule. Several commenters made points that went beyond the scope of the proposed action; those points are not responded to here.

Comment 1: Twenty commenters questioned the scientific information underlying the proposed 2001 scup specifications. In addition, eight commenters stated that recently available state survey data indicate that scup abundance is higher than was indicated by the data used in developing the scup specifications, and that the 2001 allowed harvest level should be the level recommended by the Council in scup Option I. Conversely, one commenter felt that adopting a higher scup TAL would violate the overfishing, rebuilding, and bycatch reduction requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), its implementing regulations, and the FMP.

Response: As noted in the preamble, the most recent stock assessment was conducted in June 2000 (SARC 31) and incorporated the best scientific information available at that time. Several state fishery managers presented more recent information at the December 2000, meeting of the Council and the Commission. NYDEC data showed very strong recent scup year classes, particularly in 1999, and indicated that scup are rebuilding and that biomass will increase in 2001. State representatives from Rhode Island and Connecticut also noted at the meeting that their state surveys preliminarily show similar increases in recent year classes. These state survey data indicate that the biomass estimated for 2001 will likely be higher than the biomass estimated for 2000. This recent information indicating a scup biomass increase provided the basis for NMFS' decision to set the 2001 scup TAL at the level recommended by the Council and Board (reflected in scup Option I).

SARC 31 also noted evidence of strong year classes in 1997 and 1999, and an increase in spawning stock abundance since 1998. SARC 31 concluded that fishing mortality should be reduced substantially and immediately, and that a reduction in fishing mortality from discards would have the most impact on rebuilding the stock. Therefore, in recognizing a likely increase in scup abundance, NMFS also recognizes the imperative to maintain GRAs to reduce discard mortality of juvenile scup. GRAs are necessary to protect the strong recent year classes, which have not yet reached harvestable size. These year classes provide opportunities for future rebuilding of the scup stock. NMFS believes the GRAs contained in Option IV and implemented through this final rule will provide the requisite protection.

Comment 2: One commenter felt that NMFS' failure to take action to lower the Winter I scup trip possession limit would violate the overfishing, rebuilding, and bycatch reduction requirements of the Magnuson-Stevens Act, its implementing regulations, and the FMP.

Response: NMFS notes that, although Council staff recommended lowering the Winter I scup possession limit, the Scup Monitoring Committee did not support that recommendation. The allowable harvest limit is the primary measure to control mortality in the scup fishery, because the fishery is closed upon attainment of the harvest limit. Possession limits primarily serve to distribute the quota over the quota period. This final rule lowers the level at which the landing limit is reduced to 1,000 lb from 85 percent of the Winter I allocation to 75 percent of the Winter I allocation, based on the recommendations of the Council and the Scup Monitoring Committee. Lowering the trigger to 75 percent of the Winter I quota will reduce the trip limit earlier in the Winter I period, and better ensure that the Winter I period quota is not exceeded.

Comment 3: Nineteen commenters stated that they disagreed with the scup discard statistics. Four of these commenters referred to an analysis of NMFS sea sampling (observer) data prepared by Dr. Eric Powell, Rutgers University, that concluded that the discard problem is primarily associated with fishing trips directing on scup, not trips directing on *Loligo* squid.

Response: NMFS has consistently stated that it recognizes that it is difficult to make a precise determination of scup discards because of the limited information available. Sea sampling data for small-mesh fishery trips, which are the best available discard information, are not available for all areas and time periods of concern. However, SARC 31 concluded that commercial discards may have equaled or exceeded commercial landings during 1989-1997. SARC 31 also noted that the limited sea sampling information suggests that discards are quite variable.

Based on the available sea sampling data, the overall percent of discards in the *Loligo* squid fishery is relatively low, when calculated by comparing the weight of scup caught to the total weight of the catch. However, the percentage is affected by the fact that the total volume of fish caught by vessels fishing for *Loligo* squid is very high. A review of the sea sampling data shows that the total poundage of scup discarded in the *Loligo* fishery can be substantial. Therefore, NMFS cannot currently support an exemption from the GRAs for the *Loligo* fishery.

NMFS notes that the analysis conducted by Dr. Powell has not yet been peer reviewed and that such a review is necessary in order to evaluate properly the results of the analysis.

Comment 4: One commenter objected to exempting both the *Loligo* squid and the Atlantic mackerel small-mesh fisheries from the GRAs. This commenter stated that the *Loligo* fishery is considered the most significant source of scup discards. Conversely, several commenters showed support for exempting the *Loligo* squid fishery from GRA measures.

Response: NMFS recognizes that overall scup discards as a percent of total *Loligo* landings are comparatively low. As stated in the response to comment 3, the main reason for this is that the overall volume of fish caught in the *Loligo* fishery is large. Available NMFS observer data show that occasional large scup discard events (as high as 28 percent) in the directed *Loligo* fishery do occur. These occasional large discard events are of concern. Therefore, NMFS has not exempted the *Loligo* fishery from the GRA requirements. *Loligo* was exempted from the modified Northern GRA implemented from December 23, 2000, through December 31, 2000, because the *Loligo* quota had been harvested. Thus, no directed *Loligo* fishery was occurring during this time period, having minimal impacts on the scup resource.

The highest percentage of scup bycatch for any directed mackerel trip, based on the limited sea-sampling data, was 6 percent. The Scup Monitoring Committee recommended that the Atlantic mackerel small-mesh fishery be exempt from the GRA requirements. Based of the available observer information and the Scup Monitoring Committee recommendation, NMFS believes that exempting the directed small-mesh mackerel fishery will not jeopardize the attainment of scup mortality reduction objectives.

Comment 5: Two commenters supported scup Option I, which contains the GRAs implemented on December 23, 2000, with exemptions for the *Loligo* squid, Atlantic mackerel, and Atlantic herring small-mesh fisheries, and the Council's recommended scup TAL of 6.22 million lb (2.82-million kg).

Response: Scup Option I would have retained GRAs, but would have exempted the *Loligo* squid fishery from the GRA restrictions. As explained in the responses to Comments 4 and 5, NMFS cannot currently support a *Loligo* squid small-mesh exemption because of concerns that the *Loligo* fishery is a significant source of scup discard mortality, despite the fact that the overall percentage of scup discarded relative to the *Loligo* catch may be low.

Comment 6: Twenty-six commenters supported the temporary suspension of GRAs as proposed in scup Option III, with 11 of these commenters favoring an increase of the scup TAL to the level proposed in Option I. Many commenters stated that GRAs are not necessary because significant reductions in scup mortality are being achieved through other measures, including periodic fishery closures due to quota attainment, the 4.5-inch (11.4-cm) scup minimum mesh size requirement, the minimum fish size requirement, and gear improvements adopted by industry that reduce scup discards.

Response: The objective of the scup management measures is to ensure that scup mortality, both from discards in small-mesh fisheries and from the directed scup fishery, is controlled. Option III included a GRA suspension only in conjunction with a TAL established at a level consistent with the SARC 31 conclusion that commercial discards are approximately equal to commercial landings. As such, Option III would have reduced the allowable harvest level to compensate for suspension of the GRAs. Combining the GRA suspension with a higher harvest level would have defeated the objective of Option III.

Comment 7: Two commenters supported scup Option III but stated that, if NMFS felt GRAs were necessary, they would support scup Option IV, which allows small-mesh fisheries in the Hudson Canyon area.

Response: As discussed earlier, NMFS believes that GRAs are necessary, especially in consideration of the recent strong scup year classes that need protection to allow stock rebuilding. Therefore, NMFS is implementing the GRAs contained in scup Option IV. These GRAs will provide necessary protection to juvenile scup, yet allow small-mesh fishing activity in the Hudson Canyon, which has been identified by industry as a priority area for small-mesh fisheries.

Comment 8: Some commenters expressed opinions and concerns about the areas encompassed by the GRAs

proposed in Option IV. Three commenters disagreed with the location of the proposed GRAs, and stated that these areas do not coincide with areas of scup abundance. Conversely, another commenter supported the proposal in scup Option IV to extend the boundary of the Southern GRA farther south, but opposed opening the Hudson Canyon area to small-mesh fishing. This commenter stated that the proposed rule provided no analysis to support opening the Hudson Canyon, and cited information in the EA indicating that the northern portion of the Hudson Canyon area is a source of significant scup discards.

Response: On the basis of 1992-1998 NEFSC Winter Bottom Trawl Surveys, NMFS believes that extending the GRAs farther south and widening the GRAs to include more of the area surrounding the 100-fathom contour will provide protection for abundant winter scup congregations and compensate, in terms of scup discards, for exempting the Hudson Canyon area. Initially, the southern area was not included in the GRAs because there were no sea-sampling trips conducted in the area. However, a comparison of Winter Bottom Trawl Survey information with vessel trip report data for the *Loligo* fishery, prepared in conjunction with the 2001 specifications, indicates this is a key area of scup abundance that coincides with numerous *Loligo* fishing trips. Although the anticipated reduction in discards is not quantifiable, the EA provides charts documenting that winter scup abundance coincides with significant *Loligo* squid fishing activity in the area.

Comment 9: One commenter stated that NMFS Winter Bottom Trawl Surveys from 1992 to 1998 show lower scup abundance in the GRAs proposed in Options I, II and IV than in areas outside the GRAs.

Response: GRAs were initially developed in the 2000 scup specifications based on sea-sampling data and industry input. The northern GRA in scup Option IV, and the three GRAs in Options I and II, were developed in this manner. There were no sea sampling data available for trips conducted south of 38°N. lat. Therefore, NMFS considered other available information pertaining to the fishery south of that area. NMFS compared the distribution of scup, based on data from the 1992-98 Winter Bottom Trawl Survey, with fishing trips that landed *Loligo* squid, based on data reported by the industry in Fishing Vessel Trip Reports. The southern GRA included in scup Option IV includes areas where scup are abundant at the same time that small-mesh fishing occurs for *Loligo* squid. Although the two areas in Option IV were developed using different databases, NMFS believes that both GRAs are appropriately based on the best available scientific information.

Comment 10: Two commenters stated that the analysis of the economic impact of GRAs is unrealistic. One commenter questioned the conclusion of the analysis, and instead restated the conclusion to be, "that under 5 percent of 1158 boats will suffer a loss of more than 5 percent of revenue associated with small-mesh fisheries in this time period." Both commenters included information comparing selected vessel revenues from November 1999 to November 2000 to demonstrate revenue declines. Conversely, one commenter stated that NMFS failed to consider any economic benefits to scup fishermen resulting from reducing discards in small-mesh fisheries.

Response: The NMFS integrated analysis in the EA/RIR/IRFA was conducted to assess the overall potential impacts of revising the GRAs in conjunction with the 2001 specifications being established for summer flounder, scup and black sea bass. The overall projected revenue impacts of the proposed 2001 GRA options and specifications were compared with the impacts of the status quo measures (2000 specifications and GRAs). The commenters, on the other hand, presented revenue information showing decreases in revenue for selected vessels in November 2000 compared to November 1999, a year with no GRAs. Also, NMFS does not agree that all revenue changes in November 2000 were necessarily due to the imposition of GRAs. Revenue changes can occur for other reasons, including the fact that several important Mid-Atlantic fisheries were closed in November 2000 due to quota attainment.

The commenters may also have misinterpreted the assumptions underlying the impacts analysis in the EA/RIR/IRFA. The analysis considered the annual impacts on all 1,158 vessels that had landed summer flounder, scup or black sea bass, or that had fished with mobile gear with mesh sizes of less than 4.5 inches (11.4 cm). This was determined to be the affected universe for these specifications. The analysis did not only consider the impacts on revenues derived solely from small-mesh species for the time period of the GRAs. Rather, the analysis incorporated the impacts of the proposed TALs, trip limits, GRAs and other measures. Importantly, the analysis indicated that all vessels fishing with small-mesh gear, at least to some extent, also participated in the summer flounder, scup or black sea bass fisheries.

NMFS recognizes the benefits to the scup resource resulting from the proposed GRA measures that are aimed at reducing scup discards in small-mesh fisheries. However, it is difficult to quantify these benefits, since stock abundance is dependent on several factors unrelated to fishing activity, making it difficult to determine a stock's response to a given management measure.

Comment 11: One commenter stated that it would be a violation of the Magnuson-Stevens Act to suspend the GRAs because suspension would be contrary to national standard 9, which requires that management measures shall, to the extent practicable, minimize bycatch and, to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

Response: NMFS is not suspending the GRAs.

Comment 12: Three commenters questioned the enforceability of the GRA measures. One commenter felt that GRAs are generally unenforceable, while two commenters felt that the two specific GRA Options contained in the proposed rule for this action are unenforceable due to their small size.

Response: The GRAs initially established in 2000 were modified effective December 23, 2000 (65 FR 81761, December 27, 2000). The configuration of the GRAs implemented through that rule were the same as the GRAs in scup Options I and II. The U.S. Coast Guard indicated, in reviewing the proposal to modify the GRAs, that the geographic configuration, size, and time periods of the GRAs contained in Options I and II are enforceable, and that they can provide adequate surveillance to detect the majority of fishing vessels operating in the GRAs. NMFS notes that the GRAs in Option IV, which are implemented through this final rule, are larger in area and more regularly shaped than the existing GRAs, and, therefore, should be more easily enforced than the current GRAs.

Comment 13: One commenter was concerned that all of the scup options represent a retreat from regulations designed to maximize protection of juvenile scup. The commenter felt that the options reduce impacts on small-mesh fisheries at the expense of scup and other bycatch species. This commenter appeared to support the GRAs originally implemented in the 2000 specifications based on the belief that either of the revised GRA options contained in the proposed rule would weaken scup rebuilding.

Response: As stated in the responses to comments 7 and 8, the GRAs in Option IV, and implemented through this final rule, will provide protection to the scup resource and allow it to rebuild, while mitigating to some extent the negative economic impacts on small-mesh fisheries.

Comment 14: Three commenters favored raising the minimum mesh threshold for scup from 200 lb (90.7 kg) to 500 lb (226.8 kg) for the November 1 through April 30 period. These commenters stated that such a measure would help reduce regulatory discards in the scup fishery. One commenter opposed the measure and stated that it would violate the overfishing, rebuilding, and bycatch reduction requirements of the Magnuson-Stevens Act.

Response: NMFS raised this issue in the proposed rule and specifically requested public comment. It is not possible to quantify the effect of increasing the minimum mesh size threshold on scup discards at this time. If discards are converted to landings due to the change in the mesh threshold, without additional discards occurring when the 500-lb (226.8-kg) threshold is reached, as assumed by the Council and industry, then the impact on scup mortality would be negligible. In the absence of information to the contrary, this final rule implements an increase in the threshold as recommended by the Council.

Comment 15: One commenter supported an increase in the TAL for black sea bass to the least restrictive level (7.91 million lb (3.59 million kg)) presented in the alternatives analyzed in the EA/RIR/IRFA.

Response: The commenter is recommending a harvest level that was not formally considered by the Council, but was analyzed in the impacts analysis for purposes of comparison. This level was not recommended by the Council and is not implemented in this final rule. The harvest level recommended by the commenter would result in an exploitation rate that would exceed the black sea bass exploitation target for 2001, as described in the FMP.

Comment 16: Two commenters supported the change in the black sea bass regulations that specify landing limits as possession limits. Five commenters generally supported changes to the specific possession limits, though they did not support all of the specific proposed changes. In general, the commenters were seeking lower possession limits that would enable fishermen to fish for the entire quarter.

Response: This final rule implements the proposed changes to the black sea bass trip limits for 2001.

Changes From the Proposed Rule

In § 648.14(a)(122), "*Loligo* squid" is added to the list of species that are not exempt from the GRA requirements and references to the GRAs are revised.

In § 648.122, paragraph (a) is revised to reflect the dates and coordinates of the newly revised Southern GRA. Also, in § 648.122, paragraph (c) is revised to reflect the removal of Northern GRA II, and is replaced with the transiting provisions that were formerly contained in paragraph (d) and paragraph (d) is removed and reserved.

In § 648.123, paragraph (a)(5) is revised for consistency with other net stowage regulations.

No other changes were made from the proposed rule.

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This action establishes annual quotas and related management measures for the scup, and black sea bass fisheries, which are used to control harvest of these fisheries and to restrict landings when their quotas are harvested. Action to restrict landings must be taken immediately upon attainment of the quota to conserve fishery resources. The Winter I scup allocation and the Quarter 1 black sea bass allocation have been harvested. It would be contrary to the public interest to provide prior notice of these restrictions, since the allocations have already been harvested and the regulations require the publication of this action. Failure to implement this provision without due expedition would result in overfishing. Therefore, the Assistant Administrator for Fisheries, NOAA (AA) finds good cause under 5 U.S.C. 553(b)(B) to waive the requirement to provide prior notice and opportunity for public comment on the closure of the Winter I scup fishery in the coastal states from Maine through North Carolina and closure of the Quarter 1 black sea bass fishery in these states north of 35°15.3′ N. lat. Failure to implement this provision immediately would result in overfishing, so under 5 U.S.C. 553(d)(3), the AA also finds good cause to waive the 30-day delay in effectiveness of the closure of the Winter I scup fishery in the coastal states from Maine through North Carolina and closure of the Quarter 1 black sea bass fishery in these states north of 35°15.3′N. lat. Likewise, it would be impracticable to delay implementation of the remaining quota provisions, because doing so would prevent the agency from carrying out its function of preventing overfishing of the scup, and black sea bass resources in the remaining periods. The fisheries covered by this action are already in progress and quota monitoring for the fishing years began on January 1, 2001. Therefore, the AA finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delayed effectiveness period for the 2001 quotas and related management measures, including the landings restrictions. The provision in this final rule that increases the threshold possession limit for scup above which a vessel is required to use 4.5-inch (11.4-cm) minimum mesh from 200 lb (90.7 kg) to 500 lb (226.8 kg) relieves a restriction and, under 5 U.S.C. 553(d)(1), is not subject to a 30-day delay in effectiveness.

NMFS determined that this rule will be implemented in a manner that is consistent, to the maximum extent practicable, with the approved coastal management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida. This determination was submitted for review by the responsible state agencies on October 24, 2000, under section 307 of the Coastal Zone Management Act. The following states submitted responses concurring with NMFS' determination: Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, North Carolina and Georgia. Maine, New Hampshire, Maryland, South Carolina and Florida did not respond and, therefore, consistency is inferred. The State of Connecticut concurred with the determinations for all of the components of the proposed 2001 specifications except for the summer flounder TAL, which is not included in this action.

The Council and NMFS prepared a final regulatory flexibility analysis (FRFA) for this action. The document contains an analysis of the final scup and black sea bass analysis and a draft analysis of the proposed summer flounder measures. A copy of this analysis is available from the Regional Administrator (see **ADDRESSES**). The preamble to the proposed rule included a detailed summary of the analyses contained in the IRFA, and that discussion is not repeated in its entirety here. A summary of the FRFA follows.

A description of the reasons why action by the agency is being taken and the objectives of this final rule are explained in the preambles to the

proposed rule and final rule and are not repeated here. This action does not contain any collection-of- information, reporting, recordkeeping, or other compliance requirements.

Public Comments

Thirty-four comments were received on the measures contained in the proposed rule. Four of the comments exclusively addressed the summer flounder measures, which are not implemented through this final rule. Two were submitted in response to the initial regulatory flexibility analysis (IRFA) of the expected impacts of these measures on small entities. NMFS has responded to these comments in the Comments and Responses section of this final rule (see response to Comment 10). Additional comments were received not specifically on the IRFA, but related to economic impacts (see responses to Comments 7 and 16). Changes were made to the measures outlined in the proposed rule regarding the scup TAL; the size, location, and season of the GRAs; and exemptions to the requirements of the GRAs. Although these changes were not directly related to the comments received on the IRFA, the intent of the changes was, in part, to minimize the economic effect on small entities. These changes and the reasons for them are discussed in the responses to Comments 1, 7, 8 and 13, as well as in the preamble to this final rule.

Number of Small Entities

The measures established by this action potentially impact a total of 1,158 vessels that participated in at least one of the summer flounder, scup, and black sea bass fisheries or that had fished with mobile gear with less than 4.5-inch (11.43-cm) mesh inside at least one of the proposed GRAs.

Minimizing Significant Economic Impact on Small Entities

In the FRFA, NMFS analyzed the measures being implemented in this action. Although summer flounder measures are not being implemented through this action, a summer flounder TAL of 17.91 million lb (8.12 million kg) was assumed for comparing the impacts of the various options. The analysis compared the effects of the measures with both the 2000 adjusted quotas and with the actual 2000 landings when available. When not available, 1999 landings were used. In terms of overall impacts on revenues, the scup measures selected for implementation (Option V) have the second highest positive impact on revenues. Using the landings baseline proration method, Options I, III, and V are expected to yield total gross revenues higher than those yielded by the status quo measures by approximately $0.91 million, $0.40 million and $0.70 million respectively, whereas Options II and IV yielded total gross revenues lower than the status quo by approximately $0.16 million and $0.13 million, respectively. Option I is presumed to have produced the highest overall revenues because the *Loligo* fishery is exempted from the GRA restrictions. This Option was not selected for implementation in this action because, as explained in the preamble, available information does not justify an exemption of the *Loligo* fishery.

The FRFA also analyzed revenue impacts on individual vessels, as summarized here:

PERCENT OF VESSELS EXPERIENCING REVENUE LOSS > 5%

	Landings Baseline	Quota Baseline
Option I	2.1%	3.4%
Option II	3.2%	4.0%
Option III	2.8%	4.1%
Option IV	2.9%	4.7%
Option V	2.9%	4.4%

The measures selected for implementation (Option V) have slightly greater impacts than either Option I or Option III. As discussed earlier, Option I was not selected for implementation because the available information does not support an exemption for *Loligo* squid. The impact of Option III is presumed to be lower because there are no GRAs established. This alternative was not selected for implementation because, as explained in the preamble, NMFS believes that GRAs remain necessary for scup conservation. The specific GRAs implemented by this action were selected to moderate the economic impacts on small entities by extending GRAs further south and opening the Hudson Canyon area.

For black sea bass, the harvest level adopted in this final rule minimizes significant economic impacts while achieving the stated objectives of the FMP. No other harvest level that was considered would meet this objective while minimizing significant economic impacts on small entities.

Revision of the trip limits in the scup and black sea bass fisheries were recommended by the Council to allow these fisheries to remain open for a longer period of time, preferably for the entire quota period. This is expected to reduce the period of time that a fishery would be closed, and, thereby, provide for a more reliable stream of income for small entities.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this proposed rule. Such comments should be sent to the Northeast Regional Administrator (see **ADDRESSES**).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 22, 2001.

William T. Hogarth

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.14, paragraph (a)(123) is removed; and paragraphs (a)(84), (a)(92), (a)(122) and (u)(9) are revised to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(84) Fish for, catch, possess, or retain scup in or from the EEZ north of 35°15.3' N. lat. in excess of the amount specified in § 648.123 (500 lb (226.8 kg) or more from November 1– April 30, or 100 lb (45.4 kg) or more from May 1–October 31), unless the vessel meets the gear restrictions in § 648.123.

* * * * *

(92) Fish for, catch, possess, or retain 1,000 lb (453.4 kg) or more of black sea bass in or from the EEZ north of 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, to the U.S. - Canadian border, unless the vessel meets the gear restrictions of § 648.144.

* * * * *

(122) Fish for, catch, possess, retain or land *Loligo* squid, silver hake or black sea bass in or from the areas and during the time periods described in § 648.122(a) or (b) while in possession of any trawl nets or netting that do not meet the minimum mesh restrictions or that are modified, obstructed, or constricted, as specified in § 648.122 and § 648.123(a), unless the nets or netting are stowed in accordance with § 648.23(b).

* * * * *

(u) * * *

(9) Possess, retain, or land black sea bass harvested in or from the EEZ in excess of the commercial possession limit established at § 648.140.

* * * * *

3. In § 648.120, paragraph (b)(2) is revised to read as follows:

§ 648.120 Catch quotas and other restrictions.

* * * * *

(b) * * *

(2) Possession limits for the Winter I and Winter II periods. The possession limit is the maximum quantity of scup that is allowed to be landed within a 24-hour period (calendar day).

* * * * *

4. In § 648.122, paragraph (d) is removed and reserved, and paragraphs (a), (b), and (c) are revised to read as follows:

§ 648.122 Season and area restrictions.

(a) *Southern Gear Restricted Area*–(1) *Restrictions.* From January 1 through March 15, all trawl vessels in the Southern Gear Restricted Area that fish for or possess non-exempt species as specified in paragraph (a)(2) of this section must fish with nets that have a minimum mesh size of 4.5 inches (11.43 cm) diamond mesh, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net. For codends with fewer than 75 meshes, the minimum-mesh-size codend must be a minimum of one-third of the net, measured from the terminus of the codend to the headrope, excluding any turtle excluder device extension, unless otherwise specified in this section. The Southern Gear Restricted Area is an area bounded by straight lines connecting the following points in the order stated (copies of a chart depicting the area are available from the Regional Administrator upon request):

SOUTHERN GEAR RESTRICTED AREA

Point	N. Lat.	W. Long.
SGA1	39°20′	72°50′
SGA2	39°20′	72°25′
SGA3	38°00′	73°55′
SGA4	37°00′	74°40′
SGA5	36°30′	74°40′
SGA6	36°30′	75°00′
SGA7	37°00′	75°00′
SGA8	38°00′	74°20′
SGA1	39°20′	72°50′

(2) *Non-exempt species.* Unless otherwise specified in paragraph (d) of this section, the restrictions specified in paragraph (a)(1) of this section apply only to vessels in the Southern Gear Restricted Area that are fishing for or in possession of the following non-exempt species: *Loligo* squid, black sea bass and silver hake (whiting).

(b) *Northern Gear Restricted Area I*– (1) *Restrictions.* From November 1 through December 31, all trawl vessels in the Northern Gear Restricted Area I that fish for or possess non-exempt species as specified in paragraph (b)(2) of this section must fish with nets that have a minimum mesh size of 4.5 inches (11.43 cm) diamond mesh, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net. For codends with fewer than 75 meshes, the minimum-mesh-size codend must be a minimum of one-third of the net, measured from the terminus of the codend to the headrope, excluding any turtle excluder device extension, unless otherwise specified in this section. The Northern Gear Restricted Area I is an area bounded by straight lines connecting the following points in the order stated (copies of a chart depicting the area are available from the Regional Administrator upon request):

NORTHERN GEAR RESTRICTED AREA I

Point	N. Lat.	W. Long.
NGA1	41°00′	71°00′
NGA2	41°00′	71°30′
SGA3	40°00′	72°40′
SGA4	40°00′	72°05′
NGA1	41°00′	71°00′

(2) *Non-exempt species.* Unless otherwise specified in paragraph (d) of this section, the restrictions specified in paragraph (b)(1) of this section apply only to vessels in the Northern Gear Restricted Area I that are fishing for, or in possession of, the following non-exempt species: *Loligo* squid, black sea bass and silver hake (whiting).

(c) *Transiting.* Vessels that are subject to the provisions of the Southern and Northern GRAs, as specified in paragraphs (a) and (b) of this section, respectively, may transit these areas provided that trawl net codends on board of mesh size less than that specified in paragraphs (a) and (b) of this section are not available for immediate use and are stowed in accordance with the provisions of § 648.23(b).

(d) [Reserved]

* * * * *

5. In § 648.123, paragraphs (a)(1) and (a)(5) are revised to read as follows:

§ 648.123 Gear restrictions.

(a) * * *

(1) *Minimum mesh size.* The owners or operators of otter trawlers who are issued a scup moratorium permit and who possess 500 lb (226.8 kg) or more of scup from November 1 through April 30, or 100 lb (45.4 kg) or more of scup from May 1 through October 31, must fish with nets that have a minimum mesh size of 4.5 inches (11.43 cm) diamond mesh, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net. For codends with fewer than 75 meshes, the minimum-mesh-size codend must be a minimum of one-third of the net, measured from the terminus of the codend to the headrope, excluding any turtle excluder device extension. Scup on board these vessels shall be stored separately and kept readily available for inspection.

* * * * *

(5) *Stowage of nets.* The owner or operator of an otter trawl vessel retaining 500 lb (226.8 kg) or more of scup from November 1 through April 30, or 100 lb (45.4 kg) or more of scup from May 1 through October 31, and subject to the minimum mesh requirements in paragraph (a) (1) of this section, and the owner or operator of a mid water trawl or other trawl vessel subject to the minimum mesh size requirement in § 648.122, may not have available for immediate use any net, or any piece of net, not meeting the minimum mesh size requirement, or mesh that is rigged in a manner that is inconsistent with the minimum mesh size. A net that is stowed in conformance with one of the methods specified in § 648.23 (b), and that can be shown not to have been in recent use, is considered to be not available for immediate use.

* * * * *

6. In § 648.140, paragraph (b) (2) is revised to read as follows:

§ 648.140 Catch quotas and other restrictions.

* * * * *

(b) * * *

(2) A commercial possession limit for all moratorium vessels may be set from a range of zero to the maximum all owed to assure that the quarterly quota is not exceeded, with the provision that these quantities be the maximum

allowed to be landed within a 24-hour period (calendar day).

* * * * *

[FR Doc. 01–4973 Filed 2–26–01; 4:00 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013–1013–01; I.D. 022601B]

Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for groundfish by vessels using hook-and-line gear in the Gulf of Alaska (GOA), except for sablefish or demersal shelf rockfish. This action is necessary because the first seasonal bycatch mortality allowance of Pacific halibut apportioned to hook-and-line gear targeting groundfish other than sablefish or demersal shelf rockfish in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 26, 2000, until 1200 hrs, A.l.t., May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Pacific halibut bycatch mortality allowance for groundfish included in the other hook-and-line fishery, which is defined at § 679.21(d)(4)(iii)(C), was established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001) for the first season, the period January 1, 2001, through May 17, 2001, as 175 metric tons. The other hook-and-line fishery includes all groundfish except sablefish or demersal shelf rockfish.

In accordance with § 679.21(d)(7)(ii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the first seasonal apportionment of the 2001 Pacific halibut bycatch mortality allowance specified for the hook-and-line groundfish fisheries other than sablefish or demersal shelf rockfish in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for groundfish other than sablefish or demersal shelf rockfish by vessels using hook-and-line gear in the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action because the first seasonal bycatch mortality allowance of Pacific halibut apportioned to hook-and-line gear in the GOA has been caught constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly the need to implement these measures in a timely fashion because the first seasonal bycatch mortality allowance of Pacific halibut apportioned to hook-and-line gear in the GOA has been caught constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 26, 2001.

Dean Swanson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5001 Filed 2–26–01; 4:40 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register

Vol. 66, No. 41

Thursday, March 1, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–342–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all Model A320 series airplanes, that currently requires repetitive measurements of the deflection of the elevator trailing edge; inspections of the elevator servo controls and their attachments; and replacement of worn or damaged parts, if necessary. This action would require periodic inspection of the elevators for excessive freeplay; repair or replacement of worn parts, if excessive freeplay is detected; replacement of the elevator servo controls with modified elevator servo controls; and modification of the elevator neutral setting. It would also revise the applicability to include additional models of airplanes. This proposal is prompted by additional reports of severe vibration in the aft cabin of Model A320 series airplanes and studies which indicate that the primary cause is excessive freeplay in the elevator attachments. The actions specified by the proposed AD are intended to prevent excessive vibration of the elevators, which could result in reduced structural integrity, leading to reduced controllability of the airplane.

DATES: Comments must be received by April 2, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–342–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–342–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2141; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–342–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–342–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 29, 1992, the FAA issued AD 92–04–06, amendment 39–8177, (57 FR 6068, February 20, 1992), applicable to all Airbus Model A320 series airplanes. [A correction to that final rule was published in the **Federal Register** on April 1, 1992 (57 FR 11137).] That AD requires repetitive measurements of the deflection of the elevator trailing edge; inspections of the elevator servo controls and their attachments; and replacement of worn or damaged parts, if necessary. The AD was prompted by reports of in-flight airframe vibrations resulting from worn bolts and bushings on the elevator servo attachments. The requirements of that AD are intended to prevent excessive freeplay (backlash) at the elevator trailing edge, resulting in in-flight airframe vibrations, which could lead to reduced controllability of the airplane.

Actions Since Issuance of Previous Rule

Since issuance of AD 92–04–06, there have been more reports of airframe vibration. To investigate this problem, Airbus conducted extensive flight tests with varying degrees of elevator servo control backlash (freeplay) and elevator hinge moments to determine the source of the elevator vibration. Airbus found that a combination of elevator freeplay and low hinge moment caused the

vibration. Airbus describes this vibration as limit cycle oscillation (i.e., sustained vibration at a fixed frequency and limited amplitude).

Explanation of Relevant Service Information

To address this problem, Airbus issued two service bulletins and made a change to the Aircraft Maintenance Manual for the affected airplanes.

Airbus has issued Service Bulletin A320–27–1111, dated August 16, 1996, and Revision 01, dated November 14, 2000, which provides procedures to replace the existing elevator servo controls with modified elevator servo controls having improved spherical bearings. The service bulletin addresses the problem of elevator freeplay (backlash) at the servo control eye-end, which had been found to be due to wear of the spherical bearings.

Airbus has also issued Service Bulletin A320–27–1114, Revision 04, dated December 7, 1999, which provides procedures to modify the elevator neutral setting to ensure that the elevators are sufficiently loaded in most flight conditions. The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has approved these service bulletins, but has not classified them as mandatory.

Finally, Airbus has changed the Aircraft Maintenance Manual (AMM) to reduce the allowable elevator freeplay from 10 millimeters to 7 millimeters.

FAA's Conclusions

Airbus describes the vibration as a limit cycle oscillation (resulting from a nonlinear behavior of the structure) that is acceptable from a static strength, fatigue, and controllability standpoint. Nevertheless, the FAA considers the vibration to be an aeroelastic stability problem, which could potentially result in reduced structural integrity, leading to reduced controllability of the airplane. In order to ensure that this condition does not occur in-service, the FAA proposes to mandate repetitive inspections for freeplay per the new aircraft maintenance manual limits, modification of the actuator bearings, and incorporation of the new neutral setting of the elevator control surface.

U.S. Type Certification of the Airplanes

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 92–04–06 to require periodic inspection of the elevators for excessive freeplay; repair or replacement of worn parts, if excessive freeplay is detected; replacement of the elevator servo controls with modified elevator servo controls; and modification of the elevator neutral setting. These actions would be required to be accomplished in accordance with the service bulletins and AMM described above. The proposed AD would also revise the applicability to add Model A319 and A321 series airplanes, which are similar in design to Model A320 series airplanes, but were not on the U.S. registry at the time of issuance of AD 92–04–06.

Cost Impact

There are approximately 291 airplanes of U.S. registry that would be affected by this proposed AD.

Inspection for freeplay in the elevators would take approximately 2 work hours at an average labor rate of $60 per work hour. There would be no charge for required parts. Based on these figures, the cost impact of the initial inspection proposed by this AD on U.S. operators is estimated to be $34,920, or $120 per airplane.

Replacement of the elevator servo controls would take approximately 7 work hours at an average labor rate of $60 per work hour. There would be no charge for required parts. Based on these figures, the cost impact of the replacement of the elevator servo controls proposed by this AD on U.S. operators is estimated to be $122,220, or $420 per airplane.

Change of the elevator neutral setting would take approximately 12 work hours at an average labor rate of $60 per work hour. There would be no charge for required parts. Based on these figures, the cost impact of the replacement of the change of the elevator neutral setting proposed by this AD on U.S. operators is estimated to be $209,520, or $720 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8177 (57 FR 6068, February 20, 1992), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 2000–NM–342–AD. Supersedes AD 92–04–06, Amendment 39–8177.

Applicability: All Model A319, A320, and A321 series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent excessive vibration of the elevators, which could result in reduced structural integrity, leading to reduced controllability of the airplane, accomplish the following:

Inspection

(a) Within 18 months from the last inspection for excessive freeplay or within 3 months after the effective date of this AD, whichever occurs later: Inspect the elevators for excessive freeplay, using a load application tool and a spring scale assembly, in accordance with Airbus A319/A320 Aircraft Maintenance Manual (AMM) Task 27–34–00–200–001, including all changes through August 1, 2000. Thereafter, repeat the inspection at intervals not to exceed 18 months.

Repair

(b) If any inspection required by paragraph (a) of this AD indicates that the freeplay in the elevator exceeds 7 millimeters: Prior to further flight, repair the elevator or servo controls, in accordance with Airbus A319/A320 AMM Task 27–34–51–200–001 and/or 27–34–41–200–001, as applicable, including all changes through August 1, 2000.

Replacement

(c) For the airplanes listed in Airbus Service Bulletin A320–27–1111, Revision 01, dated November 14, 2000: Within 18 months after the effective date of this AD, replace the elevator servo controls with modified elevator servo controls, in accordance with Airbus Service Bulletin A320–27–1111, dated August 16, 1996; or Revision 01, dated November 14, 2000.

(d) For the airplanes listed in Airbus Service Bulletin A320–27–1114, Revision 04, dated December 7, 1999: Within 18 months after the effective date of this AD, shift the elevator neutral setting to minus 0.5 degrees, nose-up, in accordance with Airbus Service Bulletin A320–27–1114, Revision 04, dated December 7, 1999.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 22, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4934 Filed 2–28–01; 8:45 am]

BILLING CODE 4910–13–U

FEDERAL TRADE COMMISSION

16 CFR Part 432

Trade Regulation Rule Relating to Power Output Claims for Amplifiers Utilized in Home Entertainment Products

AGENCY: Federal Trade Commission.

ACTION: Notice to reopen comment period.

SUMMARY: On December 22, 2000, the Federal Trade Commission (the "Commission") commenced a rulemaking proceeding and requested public comments on a supplemental notice of proposed rulemaking to amend its Rule relating to Power Output Claims for Amplifiers Utilized in Home Entertainment Products (the "Amplifier Rule"). The Commission solicited comments until February 23, 2001. In response to a request from an industry trade association, the Commission reopens the comment period until March 30, 2001.

DATES: Written comments will be accepted until March 30, 2001.

ADDRESSES: Written comments should be submitted to Office of the Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Comments should be identified as "16 CFR Part 432 Comment—Amplifier Rule." If possible, submit comments both in writing and on a personal computer diskette in Word Perfect or other word processing format (to assist in processing, please identify the format and version used). Written comments should be submitted, when feasible and not burdensome, in five copies.

FOR FURTHER INFORMATION CONTACT: Dennis Murphy, Economist, Division of Consumer Protection, Bureau of Economics, (202) 326–3524, or Neil Blickman, Attorney, Division of Enforcement, Bureau of Consumer Protection, (202) 326–3038, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

On December 22, 2000, the Commission published in the **Federal Register** a request for public comments on a supplemental notice of proposed rulemaking to amend its Amplifier Rule, 16 CFR part 432 (65 FR 80798). The Amplifier Rule was promulgated on May 3, 1974 (39 FR 15387), to assist consumers in purchasing power amplification equipment for home entertainment purposes by standardizing the measurement and disclosure of various performance characteristics of the equipment. Specifically, the **Federal Register** notice solicited public comments on Commission proposals to amend the Amplifier Rule's testing procedures to provide appropriate power output ratings for the recently introduced class of "home theater" receivers that incorporate five or more channels of amplification. Pursuant to the **Federal Register** notice, the comment period on the supplemental notice of proposed rulemaking ended on February 23, 2001.

On February 13, 2001, the Commission staff received a request for an extension of the comment period from the Consumer Electronics Association ("CEA"). CEA has indicated that additional time is required so that it can conduct consumer research and industry surveys, which it asserts will be useful in preparing thorough, thoughtful responses to the proposals and questions contained in the **Federal Register** notice.

The Commission is aware that the issues raised by the **Federal Register** notice are complex and technical. Accordingly, to provide sufficient time for interested parties to prepare useful comments, the Commission has decided to extend the deadline for comments on its supplemental notice of proposed rulemaking until March 30, 2001.

Authority 15 U.S.C. 41–58.

List of Subjects in 16 CFR Part 432

Amplifiers, Home entertainment products, Trade practices.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–4974 Filed 2–28–01; 8:45 am]

BILLING CODE 6750–01–M

NATIONAL INDIAN GAMING COMMISSION

25 CFR Part 542

Minimum Internal Control Standards

AGENCY: National Indian Gaming Commission.

ACTION: Advance notice of proposed rulemaking: Notice of extension of time.

SUMMARY: On November 27, 2000, the National Indian Gaming Commission (Commission) issued an advance notice of proposed rulemaking (65 FR 70673, November 27, 2000) proposing to revise its regulations establishing minimum internal control standards (MICS) for gaming operations on Indian land. The date for filing comments is being extended.

DATES: Comments shall be filed on or before March 30, 2001.

ADDRESSES: Comments may be mailed to Minimum Internal Control Standards, First Revision Comments, National Indian Gaming Commission, Suite 9100, 1441 L Street, NW., Washington, DC 20005. Fax number: 202–632–7066 (not a toll-free number). Public comments may be delivered or inspected from 9 a.m. until noon and from 2 p.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Joe H. Smith at 503–326–7050, or by facsimile at 503–326–5092 (not a toll free number).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA), 25 U.S.C. 2701–2721, was signed into law on October 17, 1988, creating the Commission and establishing a comprehensive system for regulating gambling activities on Indian lands. Following a thorough rulemaking process, that included a tribal advisory committee and public hearings, the Commission determined that minimum internal control standards were needed to ensure the integrity of gaming on Indian lands and to safeguard this source of tribal revenues. On January 5, 1999, the Commission published its Minimum Internal Control Standards, 25 CFR Part 542. In developing the MICS, the Commission anticipated that the regulation would be subject to periodic revision to maintain consistency with evolving technology and sound practice in the gaming industry. The Commission recognized the importance of ensuring that tribal gaming operations were not locked into internal control systems that contained unworkable requirements or that laced those operations at a competitive disadvantage. Overall, implementation of the MICS has had a positive impact on the ability of tribal oversight officials and the Commission to identify potential threats to the integrity of Indian gaming operations. As anticipated, however, in the period since publication of the MICS, there have been changes in Indian gaming and gaming technology that may need to be reflected in the MICS. Additionally, as gaming tribes and the Commission have gained practical experience with the MICS, it has become apparent that there are some technical errors in the regulation and that some of the standards themselves may not be operating as the Commission has intended.

Montie R. Deer,

Chairman, National Indian Gaming Commission.

[FR Doc. 01–4971 Filed 2–28–01; 8:45 am]

BILLING CODE 7565–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–106030–98]

RIN 1545–AW50

Source of Income from Certain Space and Ocean Activities; Also, Source of Communications Income; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Change of date of public hearing; extension of time to submit outlines of oral comments.

SUMMARY: This document changes the date of the public hearing on the proposed regulations under section 863(d) governing the source of income from certain space and ocean activities. It also extends the time to submit outlines of oral comments for the hearing.

DATES: The public hearing will be held May 23, 2001, beginning at 10 a.m. Additional outlines of oral comments must be received by May 2, 2001.

ADDRESSES: The public hearing will be held in Room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Send submissions to: Regulations Unit CC (REG–106030–98), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: Regulations Unit CC (REG–106030–98), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington DC. Alternatively, taxpayers may submit outlines of oral comments electronically directly to the IRS Internet site at http://www.irs.gov/tax regs/reglist.html.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Anne Shelburne, (202) 874–1490; concerning submission, LaNita Van Dyke, (202) 622–7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

A notice of proposed rulemaking and notice of public hearing, appearing in the **Federal Register** on Wednesday, January 17, 2001 (66 FR 3903), announced that a public hearing on the proposed regulations under section 863(d) governing the source of income from certain space and ocean activities would be held on March 28, 2001, in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Subsequently, the date of the public hearing has changed to May 23, 2001, at 10 a.m. in room 2615. Outlines of oral comments must be received by May 2, 2001.

Cynthia Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–4924 Filed 2–28–01; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 70 and 71

[FRL–6934–6]

RIN 2060–AJ04

State and Federal Operating Permits Programs: Amendments to Compliance Certification Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We, the EPA, are proposing to amend the State Operating Permits Program and the Federal Operating Permits Program. The amendments are in response to the United States Circuit Court of Appeals October 29, 1999, decision to remand to us part of the October 22, 1997, Compliance Assurance Monitoring rulemaking that included revisions describing the ongoing compliance certification content requirements. In particular, the Court ruled that the compliance certification must address whether the affected facility or source has been in continuous or intermittent compliance. This action will revise only certain sections to carry through the revisions to the compliance certification requirements. We believe this proposed amendment will not affect the stringency of the existing standards. We do not consider this amendment controversial and expect no negative comments, so we are also publishing it as a direct final rule without prior proposal in the Final Rules section of this **Federal Register** publication. We have set forth and detailed rationale for this approval in the direct final rule. We will consider any negative comments about today's direct final rule to also be negative comments about this proposal. We will take no further action unless, within the time allowed (see **DATES**), we receive negative comments about the proposal or final rule, or we receive a request for a public hearing on the proposal. If we receive no adverse comments, we contemplate no further action on this proposal. We will not institute a second comment period on this action. People interested in commenting on the direct final rule should do so at this time.

DATES: Comments. We will accept comments regarding the proposed amendment on or before April 2, 2001. We will arrange a public hearing concerning the accompanying proposed rule if we receive a request for one by March 16, 2001. If someone requests a hearing it will be held on April 16, 2001 beginning at 10 a.m. For more information about submittal of comments and requesting a public hearing, see the **SUPPLEMENTARY INFORMATION** section in this preamble.

ADDRESSES: Comments. Interested parties having comments on this action may submit these comments in writing (original and two copies, if possible) to Docket No. A–91–52 at the following address: Air and Radiation Docket and Information Center (6102), US Environmental Protection Agency, 401 M Street, SW., Room 1500, Washington, DC 20460. We request that a separate copy of the comments also be sent to the contact person listed in the following paragraph of this preamble.

If someone requests a hearing, the hearing will be held at the EPA Office of Administration Auditorium, Research Triangle Park, NC.

FOR FURTHER INFORMATION CONTACT: Peter Westlin, Environmental Protection Agency, Office Air Quality Planning and Standards, at 919/541–1058, e-mail: *westlin.peter@epa.gov*, facsimile 919/541–1039.

SUPPLEMENTARY INFORMATION: Regulated entities. The requirements in this proposed regulation may apply to you if you own or operate any facility subject to the compliance certification requirements of part 70 or 71. These proposed regulations apply to, but are not limited to, owners or operators of all sources who must have operating permits under either of these programs. State, local, and tribal governments are potentially affected to the extent that those governments must revise existing compliance certification requirements in implementing the part 70 operating permits program to make consistent with these revisions.

Internet. The text of this **Federal Register** document is also available on our web site on the Internet under the Recently Signed Rules category at the following address: *http://www.epa.gov/ttn/oarpg/rules.html* and the OAQPS, Emissions Measurement Center website at *http://www.epa.gov/ttn/emc/*. Our Office of Air and Radiation (OAR) homepage on the Internet also contains a wide range of information on the air toxics program and many other air pollution programs and issues. The OAR's homepage address is: *http://www.epa.gov/oar*.

Electronic Access and Filing Addresses. The official record for this rulemaking, as well as the public version, has been established for this rulemaking under Docket No. A–91–52 (including comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 8 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address listed in the **ADDRESSES** section at the beginning of this preamble. You may submit comments on this rulemaking electronically to the EPA's Air and Radiation Docket and Information Center at their address: *A-and-R-Docket@epa.gov*. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 6.1 file format or ASCII file format. You must identify all comments and data in electronic form by the docket number (A–91–52). You should not submit CBI through electronic mail. You may file electronic comments online at many Federal Depository Libraries.

Docket. Docket A–91–52 contains the supporting information for the original NESHAP and this action. This **Federal Register** document and other materials related to this proposed rule are available for review in the docket. The docket is available for public inspection and copying at the EPA's docket office located at the above address in Room M–1500, Waterside Mall (ground floor). The public is encouraged to phone in advance to review docket materials. Appointments can be scheduled by phoning the Air Docket Office at (202) 260–7548. A reasonable fee may be charged for copying docket materials.

Outline. The information in this preamble is organized as follows:

I. Authority
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  I. Submission to Congress and the General Accounting Office
  J. National Technology Transfer and Advancement Act

I. Authority

The statutory authority for this action is provided by sections 114 and 501 through 507 of the Clean Air Act, as amended (42 U.S.C. 7414a and 7661–7661f).

II. Background

A. Regulatory and Litigation Background

On October 22, 1997 (62 FR 54900), we published the final part 64, Compliance Assurance Monitoring (CAM) rule, and revisions to parts 70 and 71, the State and Federal Operating

Permits Programs. Part 64 included procedures, design specifications, and performance criteria intended to satisfy, in part, the enhanced monitoring requirements of the Clean Air Act (the Act). The revisions to parts 70 and 71 included language to §§ 70.6(c)(5)(iii)(B) and 71.6(c)(5)(iii)(B) specifying the minimum information necessary for the compliance certification required of responsible officials.

Subsequent to that publication, the Natural Resources Defense Council, Inc. (NRDC) and the Appalachian Power Company et al. (industry) filed petitions with the United States Court of Appeals for the District of Columbia Circuit (Court) challenging several aspects of the CAM rule. Industry challenged our authority to promulgate the parts 70 and 71 language requiring that compliance certifications be based on any other material information including credible evidence.

The NRDC argued that the monitoring in part 64 failed to meet requirements of the Act regarding enhanced monitoring and that the parts 70 and 71 revisions were inconsistent with the Act's explicit requirement that compliance certifications indicate whether compliance is continuous or intermittent.

B. Direction From Court

On October 29, 1999, the Court issued its decision (see docket A–91–52, item VIII–A–1) *Natural Resources Defense Council* v. *EPA*, 194 F.3d 130 (D.C. Cir. 1999) on these challenges. Most importantly, the court held that "EPA's adoption of CAM as 'enhanced monitoring' meets the requirements of the Clean Air Act.' *Id.* at 137. The court also dismissed the industry's challenge as unripe relying on its earlier decision involving EPA's Credible Evidence Rule. *See Clean Air Implementation Project* v. *EPA*, 150 F.3d 1200 (D.C. Cir. 1998). The court did, however, agree with NRDC that EPA's removal from parts 70 and 71 of the explicit requirement that compliance certifications address whether compliance is continuous or intermittent ran contrary to the statutory requirement that each source must certify "whether compliance is continuous or intermittent * * *" *See* § 114(a)(3)(D), 42 U.S.C. 7414(a)(3)(D). Our rationale for revising the compliance certification language had been that so long as the compliance certification addressed the substance of whether compliance had been continuous or intermittent there was no need to require responsible officials to use the terms "continuous" or "intermittent." The court disagreed finding Congress' intent to be "express and unambiguous." 194 F.3d at 138. Accordingly, the court remanded that portion of the CAM rule "pertaining to 'continuous or intermittent' compliance certification" to us for revision consistent with the court's decision.

III. Regulatory Revisions and Effects

A. What are the Regulatory Revisions?

In response to the court's remand, we have added text to sections, §§ 70.6(c)(5)(iii)(B) and 71.6(c)(5)(iii)(B), to require that the responsible official for the affected facility include in the annual (or more frequent) compliance certification whether compliance during the period was continuous or intermittent. Specifically, the revised text, including the introductory language for both sections reads: "Permits shall include each of the following * * *: A requirement that the compliance certification include all of the following * * *: The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in paragraph (c)(5)(iii)(B) of this section." The italicized text indicates the revisions made in response to the Court decision. Other text within both of these sections remains as promulgated in 1997. Under this revised language, the responsible official must include in the compliance certification a statement as to whether compliance during the period was continuous or intermittent. We believe these revisions respond directly and adequately to the Court's decision to remand the compliance certification requirements to us and are consistent with the requirements of the Act.

The Court's decision and this amendment to our regulations also necessitate a change to a guidance document issued in connection with the CAM rulemaking. In "Compliance Assurance Monitoring Rule Implementation Questions and Responses" (from Steve Hitte, OPG–ITPID to APMs, Regions I–X (January 8, 1998)), EPA advised permitting authorities that they could require sources to certify compliance using either existing state regulations that tracked the statute (e.g., certify to whether compliance was continuous or intermittent) or the certification language in the CAM revisions to Part 70. *See* at Question 10. This guidance was based on EPA's interpretation that (1) the statutory requirement to certify whether compliance is continuous or intermittent had sufficient flexibility to allow the approach taken in the CAM revisions to Part 70 and (2) the state regulations on compliance certification generally tracked exactly the statutory language on certification of continuous or intermittent compliance. The Court, however, disagreed with EPA's interpretation of the statutory language and remanded the revisions to Part 70 to EPA. As a result, the guidance above is no longer justified. Accordingly, EPA withdraws the guidance provided to permitting authorities in Question and Response 10 in the above-mentioned guidance to the extent it states that permitting authorities may allow certifications based on the Part 70 revisions set aside by the Court. EPA is aware that most if not all approved state program regulations continue to require responsible officials to certify whether compliance was intermittent or continuous. Accordingly, any state programs that followed the interpretation in Question 10 above should be able to expeditiously require certifications to be based upon the proper statutory certification language.

B. What Must I Include in the Compliance Certification?

The compliance certification is your assessment, signed by your facility's responsible official, as to whether your facility complied with the terms and conditions of the permit. The compliance certification includes three main elements. The first is identification of all the permit terms and conditions to which your facility is subject. These include applicable design provisions, work practice elements, required operating conditions, and emissions limitations in addition to general and specific monitoring, reporting, and record keeping requirements.

Second, you must identify the method(s) and any other material information used to determine compliance status of each term and condition. The method(s) includes at a minimum any testing and monitoring methods required by Parts 70 or 71 that were conducted during the period for the certification. You must describe whether the data collection using the methods referenced for the compliance certification provide continuous or intermittent data.

Third, you must certify as to the status of compliance including whether compliance was continuous or intermittent. You must base this status on the results of the identified methods and other material information. You must note as possible exceptions to compliance any deviations from the permit requirements and any excursions, or exceedances as defined in part 64, or other underlying applicable requirements, during which compliance is required.

You can find additional explanation on our interpretation of a certification of continuous or intermittent compliance in the preamble to the final CAM rule. *62 FR 54937*

IV. Administrative Requirements

A. Executive Order 12866: "Significant Regulatory Action Determination"

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs of the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Because the annualized cost of this proposed amendment would be significantly less than $100 million and would not meet any of the other criteria specified in the Executive Order, we have determined that this action is not a "significant regulatory action" under the terms of Executive Order 12866, and is therefore not subject to OMB review. Executive Order 12866 also encourages agencies to provide a meaningful public comment period, and suggests that in most cases the comment period should be 60 days. However, in consideration of the very limited scope of this amendment, we consider 30 days to be sufficient in providing a meaningful public comment period for this rulemaking.

B. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. We determined that these amendments to the parts 70 and 71 do not have a significant impact on a substantial number of small entities. We intended that compliance with the CAM rule would provide monitoring information sufficient to demonstrate whether compliance was continuous or intermittent. Even though we did not require that the responsible official use those terms in the revisions to the compliance certification, we did require that the responsible rely on the monitoring information in making that certification. That the court held that the responsible official must address explicitly whether compliance was continuous or intermittent does not substantively change the monitoring responsibilities or economic impact. The revisions to parts 70 and 71 in this action add no burden on responsible officials other than to categorize their compliance status as continuous or intermittent. We have determined that a regulatory flexibility analysis is not necessary in connection with this action.

C. Paperwork Reduction Act

This amendment does not include or create any information collection activities subject to the Paperwork Reduction Act, and therefore we will submit no information collection request (ICR) to OMB for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501, et seq.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, we must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before we promulgate a rule for which a written statement is needed, section 205 of the UMRA requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, we must have developed under section 203 of the UMRA a small government agency plan. That plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

As noted above, this amendment is of very narrow scope, and provides a compliance alternative very similar to one already available in the promulgated part 70 compliance certification requirements. We have determined that this action contains no regulatory requirements that might significantly or uniquely affect small governments. We have also determined that this action does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's action is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Docket

The docket includes an organized and complete file of all the information upon which we relied in taking this action. The docketing system is intended to allow you to identify and locate documents readily so that you can participate effectively in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket, except for certain interagency documents, will serve as the record for judicial review. (See CAA section 307(d)(7)(A).)

F. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires us to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism

implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Under Section 6 of Executive Order 13132, we may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or we consult with State and local officials early in the process of developing the proposed regulation. We also may not issue a regulation that has federalism implications and that preempts State law, unless we consult with State and local officials early in the process of developing the proposed regulation.

This final rule does not have federalism implications. The rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Today's action does not create a mandate on State, local or tribal governments. The amendments to the rule do not impose any new or additional enforceable duties on these entities. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 applies to any rule that the EPA determines (1) economically significant as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. These amendments to the State and Federal operating permits program are not subject to E.O. 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it is not an economically significant regulatory action as defined by E.O. 12866, and the amendments do not address an environmental health or safety risk that would have a disproportionate effect on children.

H. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, we may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If we comply by consulting, Executive Order 13084 requires us to provide to the Office of Management and Budget, in a separate identified section of the preamble to the rule, a description of the extent of our prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires us to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." These amendments to parts 70 and 71 do not significantly or uniquely affect the communities of Indian tribal governments. The amendments to the rule do not impose any new or additional enforceable duties on these entities. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

I. National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act (NTTAA), Public Law 104–113 (March 7, 1996), we are required to use voluntary consensus standards in its regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) which are adopted by voluntary consensus standard bodies. Where we do not use available and potentially applicable voluntary consensus standards, the NTTA requires us to provide Congress, through OMB, an explanation of the reasons for not using such standards. This action does not involve technical standards. Therefore, we are not considering the use of any voluntary consensus standards.

List of Subjects in 40 CFR Parts 70 and 71

Environmental protection, Air pollution control, Reporting and recordkeeping requirements.

Dated: January 12, 2001.

Carol M. Browner,

Administrator.

[FR Doc. 01–4976 Filed 2–28–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–445; MM Docket No. 99–233; RM–9662 & RM–9828]

Radio Broadcasting Services; Graham, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: Graham Tollway Broadcasting Company proposed the allotment of Channel 253A at Graham, Texas. *See* 64 FR 36322, July 6, 1999. The proposal for Graham has been withdrawn with no other interest expressed in an allotment at Graham. A counterproposal was filed by North Texas Radio Group, L.P., proposing changes at Bridgeport, Bonham, Palestine, Price, Range and Stephenville, Texas and Ardmore, Lawton, Tecumseh and Fort Towson, Oklahoma (RM–9828). Although the counterproposal was placed on public notice, it was found to be technically unacceptable and has been dismissed. Therefore, the petition and counterproposal have been dismissed, with no action taken with respect to the above-listed communities.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–233, adopted February 7, 2001, and released February 16, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4919 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–396; MM Docket No. 01–47; RM–10063]

Radio Broadcasting Services; Valley Mills, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed by Valley Mills Radio Broadcasting Company seeking the allotment of Channel 237C2 at Valley Mills, TX, as the community's first local aural service. Channel 237C2 can be allotted to Valley Mills in compliance with the Commission's minimum distance separation requirements with a site restriction of 27.8 kilometers (17.3 miles) west, at coordinates 31–44–52 NL; 97–44–33 WL, to avoid a short-spacing to proposed Channel 236C2 at Caldwell, TX.

DATES: Comments must be filed on or before April 9, 2001, and reply comments on or before April 24, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Robert Lewis Thompson, Taylor Thiemann & Aitkin, L.C., 908 King Street, Suite 300, Alexandria, VA 22314 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–47; adopted February 7, 2001 and released February 16, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4919 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–399; MM Docket No. 01–48; RM–10062]

Radio Broadcasting Services; Junction City, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed by Bishop Community Radio, Inc., seeking the allotment of Channel 295A to Junction City, MO, as its first local aural service. Petitioner is requested to provide a showing demonstrating that Junction City possesses the customary factors normally associated with community status. Channel 295A can be allotted to Junction City in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.2 kilometers (5.7 miles) northeast, at coordinates 37–37–33 NL; 90–12–18 WL, to avoid a short-spacing to Station KAUL, Channel 294A, Ellington, MO.

DATES: Comments must be filed on or before April 9, 2001, and reply comments on or before April 24, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Randall Eugene Spenco, President/CEO, Bishop Community Radio, Inc., 5916 Fleming Drive, Evansville, IN 47711 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–48; adopted February 7, 2001 and released February 16, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Valley Mills, Channel 237C2.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4917 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–399; MM Docket No. 01–48; RM–10062]

Radio Broadcasting Services; Junction City, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed by Bishop Community Radio, Inc., seeking the allotment of Channel 295A to Junction City, MO, as its first local aural service. Petitioner is requested to provide a showing demonstrating that Junction City possesses the customary factors normally associated with community status. Channel 295A can be allotted to Junction City in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.2 kilometers (5.7 miles) northeast, at coordinates 37–37–33 NL; 90–12–18 WL, to avoid a short-spacing to Station KAUL, Channel 294A, Ellington, MO.

DATES: Comments must be filed on or before April 9, 2001, and reply comments on or before April 24, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Randall Eugene Spenco, President/CEO, Bishop Community Radio, Inc., 5916 Fleming Drive, Evansville, IN 47711 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–48; adopted February 7, 2001 and released February 16, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by adding Junction City, Channel 295A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4916 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–417, MM Docket No. 01–53, RM–10040]

Television Broadcast Service; Galesburg, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Northwest Television, Inc., an applicant for a construction permit for a new TV station on channel 67 at Galesburg, Illinois, requesting the substitution of channel 53 for channel 67 at Galesburg. TV Channel 53 can be allotted to Galesburg, Illinois, in compliance with the of section 73.623(d) of the Commission's Rules with a zero offset at reference coordinates 41–18–45 W. and 90–22–45 N.). We will not accept competing expressions of interest in the use of television channel 53 at Galesburg pursuant to the provisions outlined in the Commission's Public Notice, released November 22, 1999, DA 99–2605.

DATES: Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: George R. Borsari, Jr., Anne Thomas Paxson, Borsari & Paxson, 2021 L Street, NW., Suite 402, Washington, DC 20036 (Counsel for Northwest Television, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–53, adopted February 20, 2001, and released February 21, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under Illinois is amended by removing TV Channel 67 and adding TV Channel 53 at Galesburg.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–4912 Filed 2–28–01; 8:45 am]

BILLING CODE 6712–01–U

Notices

Federal Register
Vol. 66, No. 41
Thursday, March 1, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Board for International Food and Agricultural Development

One Hundred and Thirty Fourth Meeting; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the one hundred and thirty-fourth meeting of the Board for International Food and Agricultural Development (BIFAD). The meeting will be held from 8:30 a.m. to 4:30 p.m. on March 29th, 2001 and from 8:30 a.m. to 1:30 p.m. on March 30th, 2001, in the NASULGC Meeting Room, 1307 New York Avenue, NW, Washington, DC.

The first day will be devoted to a joint session with the CRSPs (Collaborative Research Support Programs—consortia of universities and international research entities devoted to agricultural commodity or theme research). The second day focuses on the future of university-government partnerships on international agriculture, and on visions for BIFAD itself.

Those wishing to attend the meeting to obtain additional information about BIFAD should contact Mr. Lawrence Paulson, the Designated Federal Officer for BIFAD. Write him in care of the U.S. Agency for International Development, Ronald Reagan Building, Office of Agriculture and Food Security, 1300 Pennsylvania Avenue, NW, Room 2.11–073, Washington DC, 20523–2110 or telephone him at (202) 712–1436 or fax (202) 216–3010.

Lawrence Paulson,

USAID Designated Federal Officer for BIFAD, Office of Agriculture and Food Security, Economic, Growth Center, Bureau for Global Programs.

[FR Doc. 01–4966 Filed 2–28–01; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Census Quality Survey to Evaluate Responses to the Census 2000 Question on Race

Form Number(s): CQS–1A, CQS–1B, CQS–1A(E), CQS–1B(E), CQS–1A(E)SUPP, CQS–1B(E)SUPP, CQS–6, CQS–7(L) , CQS–8(L), CQS–1A(F), CQS–1B(F).

Agency Approval Number: None.

Type of Request: New collection.

Burden: 20,833 hours.

Number of Respondents: 50,000.

Avg Hours Per Response: Initial response—10 minutes; telephone recontact—15 minutes.

Needs and Uses: The Census Bureau requests authorization from the Office of Management and Budget (OMB) to conduct the Census Quality Survey to Evaluate Responses to the Census 2000 Question on Race. The proposed survey is the principal vehicle for evaluating fundamental changes to the questions on race and Hispanic origin used in Census 2000. This survey is critical to implementing the OMB guidance on Aggregate and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement. On October 30, 1997, the OMB issued revised standards by which all federal agencies, beginning with Census 2000, are to collect, tabulate, and present data on race and ethnicity. Included in these standards was the identification of a minimum of five racial categories—White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander. For the 1990 Census the 16 separate response categories collapsed into a minimum of four racial categories consistent with the 1977 OMB guidance: White; Black; American Indian or Alaskan Native; and Asian or Pacific Islander. The standards also included changes in the terminology used for each group and the sequencing of the questions on race and Hispanic origin. In the 1990 Census, the question on race preceded the question on Hispanic origin with two intervening questions. For Census 2000, the question on Hispanic origin is immediately before the question on race with a note to respondents to answer both questions. The most profound change to the standards was that of allowing respondents to report one or more races if they chose to do so. Some of the impetus for the OMB change to allow the reporting of one or more races came from the increasing number of interracial marriages and births to parents of different races in the past 25 to 35 years. For governmental, non-governmental, and private sector data users, there is a need to understand how the Census 2000 race distributions compare to race distributions from previous censuses, current surveys and other data collection procedures where respondents were instructed to report only one race. The survey also will include three questions to reinforce the idea that we are interested in improving census quality and how the Census might conduct the next census.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Sections 141 and 193.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Forms Clearance Officer, (202) 482–3129, Department of Commerce, room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at mclayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: February 26, 2001.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–5011 Filed 2–28–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Collection; Comment Request; BISNIS FinanceLink

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 30, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th & Constitution Avenue, NW., Washington, DC 20230 or via the Internet at Mclayton@doc.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to: Trevor Gunn, RRB, Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; phone (202) 482–4655, fax (202) 482–2293.

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration's Business Information Service for the Newly Independent States offers business intelligence and counseling to U.S. companies seeking to export or invest in the countries of the former Soviet Union. One of the essential components of BISNIS's services is assisting companies in locating suitable financing for exports. Often, official sources, such as the Export-Import Bank of the United States, cannot handle all requests for a variety of reasons. FinanceLink is an internet-based service to facilitate contact between exporters and financing agencies. Exporters fill out a form giving relevant details about the desired transaction and submit it via Internet to BISNIS; BISNIS will, in turn, distribute the information collected to potential financing agencies. The intention is to provide a service that benefits both exporters and financing agencies.

II. Method of Collection

The request is sent via Internet to Department of Commerce, BISNIS Information Service for the Newly Independent States, Trade Finance Specialist.

III. Data

OMB Number: 0625–0231.
Form Number: N/A.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 200.
Estimated Time per Response: 12 minutes.
Estimated Total Annual Burden Hours: 34 hours.
Estimated Total Annual Cost: $1155—no capital costs are required.

IV. Requested for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 26, 2001.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–5010 Filed 2–28–01; 8:45 am]

BILLING CODE 3510–DA–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–822, A–122–823]

Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada: Extension of Time Limits for Preliminary Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Abdelali Elouaradia, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1374.

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, codified at 19 CFR part 351 (2000).

Background

Based on timely requests by petitioners and respondents in both proceedings, the Department published its initiation of this antidumping duty administrative review covering the period of August 1, 1999 through July 31, 2000 (65 FR 58733) on October 2, 2000.

Extension of Time Limits for Preliminary Results

Due to the complex issues involved with this case, we find that it is not practicable to make a preliminary determination by the current deadline of May 3, 2001. Therefore, in accordance with section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department's regulations, the Department is extending the time limits for the preliminary results for 120 days, until no later than August 31, 2001.

Dated: February 23, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01–5016 Filed 2–28–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–812, A–570–863]

Honey From Argentina and the People's Republic of China: Notice of Postponement of Preliminary Determinations of Antidumping Duty Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Postponement of Preliminary Antidumping Duty Determinations.

SUMMARY: The Department of Commerce (the Department) is postponing the preliminary determinations of the antidumping duty investigations on honey from Argentina and the People's Republic of China (the PRC). These investigations cover manufacturers and exporters of the subject merchandise to the United States during the period July 1, 1999 through June 30, 2000, for Argentina, and during the period January 1, 2000 through June 30, 2000, for the PRC. As a result of this extension, the deadline for issuing the preliminary determinations in these investigations is now May 4, 2001.

EFFECTIVE DATE: March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Melissa Blackledge (Argentina) at (202) 482–3518, Angelica Mendoza (the PRC) at (202) 482–3019, or Charles Rast at (202) 482–1324 and Donna Kinsella at (202) 482–0194; Antidumping and Countervailing Duty Enforcement Group III, Office Eight, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On October 26, 2000, the Department initiated antidumping duty investigations of honey from Argentina and the PRC for the period July 1, 1999 through June 30, 2000, for Argentina, and the period January 1, 2000 through June 30, 2000, for the PRC. (*See* Initiation of Antidumping Duty Investigations: Honey From Argentina and the People's Republic of China, 65 FR 65831–65834 (November 2, 2000).) The notice stated that the Department would issue its preliminary determinations no later than 140 days after the date of initiation, unless this deadline is extended.

Postponement of Preliminary Determinations

Pursuant to section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.205(e), on February 14, 2001, the petitioners filed a request that the Department postpone the honey determinations for Argentina and the PRC. The petitioners' request for postponement was timely, and the Department finds no compelling reason to deny the request.

Therefore, in accordance with section 733(c)(1)(A) of the Act, the Department is postponing the deadline for issuing the preliminary determinations of the aforementioned investigations until May 4, 2001.

This notice is published pursuant to section 733(c)(2) of the Tariff Act of 1930, as amended, and 19 CFR 351.205(f). Richard W. Moreland is temporarily fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 22, 2001.

Richard W. Moreland,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5015 Filed 2–28–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–825]

Oil Country Tubular Goods From the Republic of Korea; Initiation of Changed Circumstances Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Changed Circumstances Antidumping Duty Administrative Review.

SUMMARY: In response to a letter from Hyundai Pipe Co., Ltd. ("HDP") notifying the Department of Commerce that its corporate name would be changing to Hyundai Steel Company ("Hyundai Hysco"), the Department of Commerce is initiating a changed circumstances administrative review of the antidumping duty order on oil country tubular goods from the Republic of Korea (*see Antidumping Duty Order: Oil Country Tubular Goods from the Republic of Korea ("Korea")*, 60 FR 41057, August 11, 1995).

EFFECTIVE DATE: March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Mike Strollo or Scott Lindsay, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–5255 and (202) 482–3782, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended ("the Act"), by the Uruguay Round Agreements Act.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 2001, a respondent in the original investigation of this proceeding, HDP, notified the Department of Commerce ("the Department") that as of February 1, 2001, its corporate name would change to Hyundai Hysco. HDP stated that the corporate structure would not change, and that all owners, management, production facilities, suppliers and customers will also remain the same. HDP provided documentation to support this claim, consisting of an official announcement and a press article noting the name change.

On February 9, 2001, HDP submitted supplementary information documenting the nature of the name change including, *inter alia*, relevant notes from the most recent financial statement, minutes of a shareholders' meeting, customer lists, and organizational charts under both names, which are identical.

Scope of the Review

The products covered by this order are oil country tubular goods ("OCTG"), hollow steel products of circular cross-section, including only oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute ("API") or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing or tubing pipe containing 10.5 percent or more of chromium, or drill pipe. The products subject to this order are currently classified in the Harmonized Tariff Schedule of the United States ("HTSUS") under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.30.10, 7304.29.30.20, 7304.29.30.30, 7304.29.30.40, 7304.29.30.50, 7304.29.30.60, 7304.29.30.80, 7304.29.40.10, 7304.29.40.20, 7304.29.40.30, 7304.29.40.40, 7304.29.40.50, 7304.29.40.60, 7304.29.40.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.60.15, 7304.29.60.30, 7304.29.60.45, 7304.29.60.60, 7304.29.60.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50. Although the HTSUS item numbers are provided for convenience and Customs purposes, the written description remains dispositive of the scope of this review.

Initiation of Antidumping Duty Changed-Circumstances Review

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order.

In making a successor-in-interest determination, the Department examines several factors including, but not limited to, the following changes: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See*, e.g., *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 57 FR 20460 (May 13, 1992) (*Canadian Brass*).

The information submitted by HDP shows changed circumstances sufficient to warrant a review under 19 CFR 351.216. Although HDP did not request a changed circumstances review, we consider that, in order to determine whether Hyundai Hysco is a successor-in-interest to HDP, which was the company originally investigated, we must conduct a changed circumstances review. Therefore, we are initiating a changed circumstances antidumping duty administrative review pursuant to section 751(b)(1) of the Act to determine whether Hyundai Hysco as manufacturer or exporter should be excluded from the antidumping duty order as HDP is.

We will publish in the **Federal Register** a notice of preliminary results of antidumping duty changed circumstances review, in accordance with 19 CFR 351.221(b)(4) and 351.221(c)(3)(i), which will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed based on those results. As per 351.221(b)(4), interested parties will have an opportunity to comment. The Department will issue its final results of review in accordance with the time limitations set forth in 19 CFR 351.216(e). All written comments must be submitted to the Department and served on all interested parties on the Department's service list in accordance with 19 CFR 351.303.

During the course of this changed circumstances review, we will not change any cash deposit instructions on the merchandise subject to this changed circumstances review, unless a change is determined to be warranted pursuant to the final results of this review.

This notice is in accordance with section 751(b)(1) of the Act and 19 CFR 351.216 and 351.221.

Dated: February 23, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01–5013 Filed 2–28–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–504]

Porcelain-on-Steel Cookware From Mexico: Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On October 24, 2000, the Department of Commerce published the preliminary results of the thirteenth administrative review of the antidumping duty order on porcelain-on-steel cookware from Mexico. The review covers two manufacturers/exporters. The period of review is December 1, 1998, through November 30, 1999.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Dinah McDougall or Rebecca Trainor, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–3773 or (202) 482–4007, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1999).

Background

The review covers two manufacturers/exporters, Cinsa, S.A. de C.V. (Cinsa) and Esmaltaciones de Norte America, S.A. de C.V. (ENASA). The period of review (POR) is December 1, 1998, through November 30, 1999.

On October 24, 2000, the Department published in the **Federal Register** the preliminary results of the thirteenth antidumping duty administrative review of the antidumping duty order on porcelain-on-steel cookware from Mexico (65 FR 63562). We invited parties to comment on the preliminary results of review. We received case briefs from the petitioners and respondents on November 27, 2000. We received rebuttal briefs from petitioners and respondents on December 4, 2000. We held a public hearing on December 12, 2000. We have conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

The products covered by this review are porcelain-on-steel cookware, including tea kettles, which do not have self-contained heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 7323.94.00. Kitchenware currently classifiable under HTSUS subheading 7323.94.00.30 is not subject to the order. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping duty administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memo) from Richard W. Moreland, Deputy Assistant Secretary for Import Administration, to Bernard T. Carreau, fulfilling the duties of Assistant Secretary for Import Administration, dated February 21, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099 of the main Department building. In addition, a complete version of the Decision Memo can be accessed directly on the Web at *http://ia.ita.doc.gov/*. The paper copy and electronic version of the Decision Memo are identical in content.

Changes From the Preliminary Results

Based on our analysis of comments received, we have made certain changes to the margin calculations. For a discussion of these changes, see the "Margin Calculations" section of the Decision Memo, which is on file in room B–099 at the Department and available on the Web at *http://ia.ita.doc.gov/*.

Final Results of Review

We determine that the following weighted-average margin percentages exist for the period December 1, 1998, through November 30, 1999:

Manufacturer/exporter	Margin (percent)
Cinsa	10.39
ENASA	17.69

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated importer-specific assessment rates. We will direct Customs to assess the resulting percentage margins against the entered Customs values for the subject merchandise on each importer's entries under the relevant order during the review period.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of the administrative review for all shipments of porcelain-on-steel cookware from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for Cinsa and ENASA will be the rates shown above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 29.52. This rate is the "All Others" rate from the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 21, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—List of Issues

1. Use of Partial Adverse Facts Available
2. Use of an Adverse Inference
3. Selection of the Adverse Facts Available Rate
4. Adjustment of Enamel Frit Prices
5. Calculation of General and Administrative Expenses
6. Treatment of Discounts and Rebates
7. Indirect Selling Expenses
8. Calculation of CEP Profit
9. CEP Offset Adjustment
10. Clerical Errors—Application of Facts Available Margins

[FR Doc. 01–5012 Filed 2–28–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–806]

Silicon Metal From the People's Republic of China: Notice of Rescission of New Shipper Antidumping Duty Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Rescission of New Shipper Antidumping Duty Review.

EFFECTIVE DATE: March 1, 2001.

SUMMARY: On August 16, 2000 the Department published in the **Federal Register** (65 FR 49965) a notice announcing the initiation of a new shipper review of the antidumping duty order on silicon metal from the People's Republic of China (PRC), covering Groupstars Chemical LLC for the period June 1, 1999 through May 31, 2000. This new shipper review is now being rescinded since Groupstars Chemical LLC (Groupstars Chemical) is not an exporter or producer of subject merchandise as required by 19 CFR 351.214(b)(1).

FOR FURTHER INFORMATION CONTACT: Thomas Gilgunn or Douglas Campau, AD/CVD Enforcement Group III, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–0648 and (202) 482–1395, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2000, Groupstars Chemical, requested a new shipper review of the antidumping duty order on silicon metal from the PRC in accordance with 19 CFR 351.214(b). In its request, Groupstars Chemical certified that it was a producer and exporter of silicon metal. Based on this information, the Department initiated a new shipper review of this order on August 16, 2000, in accordance with 19 CFR 351.221(c)(1)(i). However, a review of information now on the record with respect to Groupstars Chemical has led us to conclude that Groupstars Chemical is not, in fact, a producer or exporter of silicon metal. Based on Groupstars Chemical's questionnaire response, the Department determined that Groupstars Chemical was only a U.S. "marketing company" and not a producer or exporter of silicon metal.

Rescission of Review

Since Groupstars Chemical is not an exporter or producer of silicon metal as required by 19 CFR 351.214(b)(1), the Department is hereby rescinding Groupstars Chemical's new shipper review.

This determination is issued and published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675) and 19 CFR 351.214(f). Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: January 31, 2001.
Bernard T. Carreau,
Deputy Assistant Secretary, AD/CVD Enforcement II.
[FR Doc. 01–5014 Filed 2–28–01; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022601A]

Coral Reefs Economic Valuation Study

AGENCY: National Oceanic and Atmospheric Administration (NOAA).
ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 30, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Vernon R. Leeworthy, NOS/Special Projects Office, N/SP3, Room 9124, 1305 East-West Highway, Silver Spring, MD 20910 (phone 301–713–3000, ext. 138), or via Internet at Bob.Leeworthy@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of this data collection would be to provide information on the value of coral reef habitats to specific segments of the U.S. population. The study will measure nonmarket economic values for coral reefs. This effort is designed to provide defensible information for both resource managers and damage assessments on the value of coral reef habitats and alternative management actions. The project is designed as a phased three-year effort to ensure effective use of all the available information. This effort will involve development of extensive knowledge about how reef habitats are perceived, implication of alternative management actions, designing original survey instruments, interviewing of a large number of respondents, conducting formal statistical analysis of the data, and developing a decision-support system for resource managers to use.

For active users of coral reefs, separate surveys of residents and visitors will be conducted to estimate the amount of use (measured in person-days) of the coral reefs, spending in the local economies while undertaking the activities on the reefs, and information that will support estimation of nonmarket economic use values using travel cost demand models, and discrete choice contingent valuation methods. For nonuse or passive use, a nationally-oriented survey will be conducted using stated preferences methods.

II. Method of Collection

Interviews will be conducted. The survey instruments will be formulated with the use of focus groups and a pre-test of the instrument will be conducted.

III. Data

OMB Number: None.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Individuals or households.
Estimated Number of Respondents: 2,538.
Estimated Time Per Response: 2 hours for a focus group member, 30 minutes for a pretest, and 30 minutes for the final survey.
Estimated Total Annual Burden Hours: 1,400.
Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 22, 2001.
Madeleine Clayton,
Departmental Forms Clearance Officer, Office of Chief Information Officer.
[FR Doc. 01–4955 Filed 2–28–01; 8:45 am]
BILLING CODE 3510–JS

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the Commission of Fine Arts is scheduled for 15 March 2001 at 10 a.m., in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 441 F Street, NW., Washington, DC, 20001–2728. Items of discussion affecting the appearance of Washington, DC, may include buildings, parks and memorials.

The World War II Memorial sponsors will have on-site material samples for consideration by the reviewing agencies.

Draft agendas are available to the public one week prior to the meeting. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, 23 February 2001.
Charles H. Atherton,
Secretary.
[FR Doc. 01–4984 Filed 2–28–01; 8:45 am]
BILLING CODE 6330–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.
TIME AND DATE: 11 a.m., Friday, March 2, 2001.
PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.
STATUS: Closed.
MATTERS TO BE CONSIDERED: Surveillance Matters.
CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 01–5048 Filed 2–27–01; 11:04 am]
BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.
TIME AND DATE: 11:00 a.m., Friday, March 16, 2001.
PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.
STATUS: Closed.
MATTERS TO BE CONSIDERED: Surveillance Matters.
CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 01–5049 Filed 2–27–01; 11:04 am]
BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.
TIME AND DATE: 11:00 a.m., Friday, March 16, 2001.
PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.
STATUS: Closed.
MATTERS TO BE CONSIDERED: Surveillance Matters.
CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 01–5050 Filed 2–27–01; 11:04 am]
BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.
TIME AND DATE: 11 a.m., Friday, March 23, 2001.
PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.
STATUS: Closed.
MATTERS TO BE CONSIDERED: Surveillance Matters.
CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 01–5051 Filed 2–27–01; 11:04 am]
BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Meeting; Sunshine Act

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.
TIME AND DATE: 11 a.m., Friday, March 30, 2001.
PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.
STATUS: Closed.
MATTERS TO BE CONSIDERED: Surveillance Matters.
CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 01–5052 Filed 2–27–01; 11:04 am]
BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, DoD.
ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Retiree and Transition Programs Division, Air Force Personnel Center, announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 30, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Retiree and Transition Programs Division (DPPT), Air Force Personnel Center, 550 C Street West, Suite 11, ATTN: Mr. Bruce O. Creller, Randolph AFB, TX 78150–4713.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call Ms. Mary Stigers at 210–565–2461.

Title, Associated Form, and OMB Number: Air Force Instruction 36–2913, "Request for Approval of Foreign Government Employment of Air Force Members," OMB Number 0701–0134.

Needs and Uses: The information collection requirement is to obtain the information needed by the Secretary of the Air Force and Secretary of State on which to base a decision to approve/disapprove a request to work for a foreign government. This approval is specified by Title 37, United States Code, Section 908. This statute delegates such approval authority of Congress to the respective service secretaries and to the Secretary of the State.

Affected Public: Individuals and households.

Annual Burden Hours: 144.
Number of Respondents: 144.
Responses per Respondent: 1.
Average Burden per Response: 1 Hour.
Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are Air Force retired members and certain Reserve members who have gained jobs with a foreign government and who must obtain approval of the Secretary of the Air Force and Secretary of State to do so. Information, in the form of a letter, includes a detailed description of duty, name of employer, Social Security Number, and statements specifying whether or not the employee will be compensated; declaring if employee will be required or plans to obtain foreign citizenship; declaring that the member will not be required to execute an oath of allegiance to the foreign government; verifying that the member understands that retired pay equivalent to the amount received from the foreign government may be withheld if he or she accepts employment with a foreign government before receiving approval. Reserve members only must include a request to be reassigned to Inactive

Status List Reserve Section (Reserve Section Code RB). After verifying the status of the individual, the letter is forwarded to the Air Force Review Board for processing. If the signed letter is not included in the file, individuals reviewing the file cannot furnish the necessary information to the Secretary of the Air Force and Secretary of State on which a decision can be made. Requested information is necessary to maintain the integrity of the Request for Approval of Foreign Government Employment Program.

Janet A. Long,
Air Force Federal Register Liaison Officer.
[FR Doc. 01–4985 Filed 2–28–01; 8:45 am]
BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Air Force

Second Supplemental Record of Decision (ROD) for the Disposal of Portions of the Former Homestead Air Force Base (AFB), FL

On January 15, 2001, the Air Force signed the Second Supplemental ROD for Portions of the Former Homestead AFB. The ROD was developed based on consideration of the December 2000 Final Supplemental Environmental Impact Statement (SEIS), correspondence received by the Air Force, and other relevant factors.

The Air Force decided in the ROD to offer approximately 717 acres of surplus property to Miami-Dade County for mixed-use development, but will not allow construction of a commercial airport at the site. The Air Force will retain the runway and airfield areas at the former base for its own use. Those areas will continue to be maintained by the Air Force and used by the Air Force Reserve, the Florida Air National Guard, Customs Service, and other federal agencies.

If the county opts not to apply for the transfer or declines the surplus property, the Air Force then will act upon a request for the property from the Department of the Interior, which hopes to trade the land for other valuable property. This transaction also would be in support of mixed-use development of the Homestead property.

This decision struck a balance between the federal interests in economic development of realigned military bases and the protection of environmental values in two nearby national parks. Although this decision is a reversal of one made by the Air Force in 1994, the new decision sought to protect the County's interests by giving the County the first opportunity to accept the land for redevelopment. The County is the local redevelopment authority under the base closure laws, and offering the property to the County first reflects policy that local redevelopment authorities be given a central role in the determination of how base closure property is to be reused.

More details about the decision can be found in the Second Supplemental Record of Decision (ROD) for Disposal of Portions of the Former Homestead Air Force Base (AFB), Florida, which is available on request by contacting Mr. John Corradetti, Jr. Program Manager, Division A, Air Force Base Conversion Agency, 1700 N. Moore Street, Suite 2300, Arlington, VA 22209–2809. A copy can also be viewed electronically at *http://www.denix.osd.mil/SEIS.*

Janet A. Long,
Air Force Federal Register Liaison Officer.
[FR Doc. 01–4986 Filed 2–28–01; 8:45 am]
BILLING CODE 5001–05–U

DELAWARE RIVER BASIN COMMISSION

Revised Proposed Amendment to the Delaware River Basin Commission's Water Code and Comprehensive Plan To Establish Water Usage Reporting Requirements and Proposed Amendment to the Commission's Water Metering Requirements

SUMMARY: The Delaware River Basin Commission ("Commission") will hold a public hearing to receive comments on revised proposed amendments to its Water Code and Comprehensive Plan to establish water usage reporting requirements for source water withdrawals and water service and to receive comments on proposed amendments to its water metering requirements. On October 23, 2000 the Commission published on its web site a Notice of Proposed Rulemaking to establish water usage reporting requirements to ensure that the Commission has the source and service information needed to evaluate how and where water is being used in the basin. Notice also was published in the **Federal Register** on November 29, 2000 (65 FR 71094). The Commission held a public hearing on the proposed rulemaking on January 9, 2001. Today, in response to written and oral testimony, including recommendations of the Commission's Water Management Advisory Committee, substantive changes are proposed to the previously noticed amendments to the Water Code and Comprehensive Plan. The Commission deems the changes significant enough to warrant this revised notice, a new opportunity for comment, and a second hearing before it adopts the proposed amendments. The proposal that is the subject of today's notice differs significantly from the original in that it extends the water usage reporting obligation set forth in proposed Section 2.50.3 of the Water Code to users subject to the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania, including the owner(s) of each water supply system serving the public and each person, firm, corporation, or other entity, other than water supply systems serving the public, subject to the Ground Water Protected Area Regulations for Southeastern Pennsylvania. Minor changes to the proposed water usage reporting requirements include additional requests for data on acres irrigated (for irrigated uses only), whether water is recycled or reclaimed, and the percentages recycled or reclaimed. These data are requested only if available and only in an initial report and thereafter when changes occur. The revised proposed water usage reporting requirements differ from the original proposed requirements in one further respect. They provide that in the absence of an administrative agreement between the Commission and the state agency serving as the designated agency, the Commission shall administer and enforce the regulations. To ensure consistency, a similar revision as to administration and enforcement is proposed in Sections 2.50.1 and 2.50.2, concerning water metering requirements.

DATES: The public hearing will be held on Thursday, April 19, 2001 during the Commission's regular business meeting. The meeting will begin at 1 p.m. and continue until all those present who wish to testify are afforded an opportunity to do so. Persons wishing to testify at the hearing are asked to register in advance with the Commission Secretary.

The deadline for submission of written comments will be April 6, 2001.

ADDRESSES: The public hearing will be held at the New York City Municipal Building, One Centre Street, Building One, Room 1019, in lower Manhattan. Directions will be posted on the Commission's web site, *www.drbc.net,* by mid-March. Written comments should be submitted to Pamela M. Bush, Delaware River Basin Commission, P.O. Box 7360, West Trenton, NJ 08628–0360.

FOR FURTHER INFORMATION CONTACT: Supplemental information, including an explanation of the need for water usage reporting requirements and an account of the process by which the amendments originally were proposed, is contained in the original Notice of Proposed Rulemaking. The existing regulations, original Notice of Proposed Rulemaking and this Notice of Revised Proposed Rulemaking all are posted on the Delaware River Basin Commission web site at *www.drbc.net.* Please contact Esther Siskind at 609–883–9500 ext. 202 with questions about the proposed amendments and Pamela M. Bush, ext. 203 with questions about the rulemaking process.

Dated: February 23, 2001.

Pamela M. Bush,
Commission Secretary.
[FR Doc. 01–4954 Filed 2–28–01; 8:45 am]
BILLING CODE 6360–01–P

DEPARTMENT OF ENERGY

National Energy Technology Laboratory; Technology Development With Independents Financial Assistance Solicitation

AGENCY: National Energy Technology Laboratory, Department of Energy (DOE).

ACTION: Notice of availability of a financial assistance solicitation—restricted eligibility.

SUMMARY: Notice is hereby given of the intent to issue Financial Assistance Solicitation DE–PS26–01NT15263 entitled "Technology Development with Independents." The Department of Energy announces that it intends to conduct a competitive Program Solicitation and award financial assistance (grants) to small independent oil production operators, operating onshore in the lower contiguous 48 states. Small independent oil-producing operators are defined as (1) companies employing less than 50 full-time employees; and (2) those having no affiliation with a major oil or gas producer (domestic or foreign). The program seeks solutions to oil production problems. Applications will be subjected to review by a DOE technical panel, and awards will be made to a limited number of applicants based on a scientific and engineering evaluation and funding availability.

DATES: The solicitation will be available on the DOE/NETL's Internet address at http://www.netl.doe.gov/business on or about February 15, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Beth Pearse, Contract Specialist, MS 921–107, U.S. Department of Energy, National Energy Technology Laboratory, 626 Cochrans Mill Rd., Pittsburgh PA 15236–0940, E-mail Address: marybeth.pearse@netl.doe.gov, Telephone Number: 412–386–4949.

SUPPLEMENTARY INFORMATION:

Solicitation Release Notification

Prospective applicants who would like to be notified as soon as the solicitation is available should register at http://www.netl.doe.gov/business. Provide your E-mail address and click on the "Oil & Gas" technology choice located under the heading "Fossil Energy." Once you subscribe, you will receive an announcement by E-mail that the solicitation has been released to the public. Telephone requests, written requests, E-mail requests, or facsimile requests for a copy of the solicitation package will not be accepted and/or honored. Applications must be prepared and submitted in accordance with the instructions and forms contained in the solicitation. The actual solicitation document will allow for requests for explanation and/or interpretation.

Objectives

Through Program Solicitation DE–PS26–01NT15263, the DOE seeks applications from small independent oil producing operators for research and development, advocating solutions for production problems experienced by small independent oil producers.

Eligibility

Eligibility for participation in this Program Solicitation is restricted to small independent oil producing operators.

Areas of Interest

The Department is interested in innovative field technologies which increase production, reduce operating costs, reduce environmental concerns, or a combination thereof.

Awards

DOE anticipates issuing financial assistance (grants) for each project selected. DOE reserves the right to support or not support, with or without discussions, any or all applications received in whole or in part, and to determine how many awards may be made through the solicitation subject to funds available in this fiscal year (FY) and the first quarter of fiscal year 2002. Approximately $530,000 is planned for FY 2001 and $1,000,000 for FY 2002. The estimated funding or cost sharing by the DOE is $75,000 per award, or less. Cost sharing by the applicant is to be not less than 50% of the total proposed amount, which may consist of in-kind contributions.

Issued in Pittsburgh, PA on February 21, 2001.

Dale A. Siciliano,
Deputy Director, Acquisition and Assistance Division.
[FR Doc. 01–4981 Filed 2–28–01; 8:45 am]
BILLING CODE 6450–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

* * * * *

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, February 27, 2001 10:00 a.m., meeting closed to the public.

This meeting was cancelled.

* * * * *

DATE AND TIME: Tuesday, March 6, 2001 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, March 8, 2001 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington DC (ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 2001–03: The Honorable Gregory W. Meeks and the Meeks for Congress Committee.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,
Acting Secretary of the Commission.
[FR Doc. 01–5154 Filed 2–27–01; 2:48 pm]
BILLING CODE 6715–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

White House Commission on Complementary and Alternative Medicine Policy; Notice of Meeting

Notice is given of the fourth Town Hall Meeting of the White House Commission on Complementary and Alternative Medicine Policy. The purpose of the meeting is to convene the Commission for a public hearing to receive public testimony from individuals and organizations interested in the subject of Federal policy regarding complementary and alternative medicine. Comments received at the meeting may be used by the Commission to prepare the report to the President as required by the Executive Order.

Comments should focus on the four areas that follow. Questions for consideration include, but are not limited to those presented below. For each question, please consider including in your response concerns, possible obstacles, existing programs, and suggested solutions to guide the Commission in their deliberations.

I. Coordinated Research and Development To Increase Knowledge of Complementary and Alternative Medicine Practices and Interventions

(A) What can be done to expand the current research environment so that practices and interventions that lie outside conventional science are adequately and appropriately addressed?

(B) What types of incentives are needed to stimulate the research of CAM practices and interventions by the public and private sectors?

(C) How can we more effectively integrate the CAM and conventional research communities to stimulate and coordinate research?

II. Guidance for Access to, Delivery of, and Reimbursement for Complementary and Alternative Medicine Practices and Interventions

(A) Do you have ready access to CAM practices and interventions?

(B) How can access to safe and effective CAM practices and interventions be improved?

(C) What types of CAM practices and interventions should be reimbursable through federal programs or other health care coverage systems?

III. Training, Education, Certification, Credentialing, Licensing, and Accountability of Health Care Practitioners in Complementary and Alternative Medicine

(A) How can uniform standards of education, training, licensing and certification be applied to all CAM practitioners?

(B) What training and education should be required of all health care providers to assure access to safe and effective CAM practices and interventions?

(C) What sources of funds exist for the education and training of CAM practitioners?

(D) Are performance standards or practices guidelines needed to ensure the public will have access to the full range of safe and effective CAM practices and interventions?

IV. Delivery of Reliable and Useful Information on Complementary and Alternative Medicine to Health Care Professionals and the Public

(A) How can useful, reliable, and updated information about CAM practices and interventions be made more accessible? How would you like to receive such information?

(B) As a consumer, what kinds of information about CAM practices and interventions are most needed and important to you?

(C) As a health care provider, what kinds of information about CAM practices and interventions are most needed and important to you?

The Town Hall Meeting is open to the public and opportunities for oral comments and written statements by the public will be provided.

Name of Committee: The White House Commission on Complementary and Alternative Medicine Policy.

Date: March 16, 2001.

Time: 8:30 a.m.–5:00 p.m.

Place: Cowles Auditorium, Hubert H. Humphrey Institute of Public Affairs Conference Center, 301 19th Avenue South, Minneapolis, MN 55455.

Contact Persons: Stephen C. Groft, Pharm. D., Executive Director, or Michele Chang, CMT, MPH, Executive Secretary, 6701 Rockledge Drive, Room 1010, MSC–7707, Bethesda, MD 20817–7707, Phone: (301) 435–7592 or 866–373–1124 (Toll-Free), Fax: (301) 480–1691, E-Mail: WHCCAMP@od.nih.gov.

The President established the White House Commission on Complementary and Alternative Medicine Policy on March 7, 2000 by Executive Order 13147. The mission of the White House Commission on Complementary and Alternative Medicine Policy is to provide a report, through the Secretary of the Department of Health and Human Services, on legislative and administrative recommendations for assuring that public policy maximizes the benefits of complementary and alternative medicine to Americans.

Because of the need to obtain the views of the public on these issues as soon as possible and because of the early deadline for the report required of the Commission, this notice is being provided at the earliest possible time.

Public Participation: The Town Hall meeting is open to the public with attendance limited by the availability of space on a first come, first serve basis. Members of the public who wish to present oral comment may register by faxing a request to 301–480–1691 or by accessing the website at *http://whccamp.hhs.gov* no later than March 9, 2001.

Oral comments will be limited to five minutes. Individuals who register to speak will be assigned in the order in which they registered. Due to time constraints, only one representative from each organization will be allotted time for oral testimony. The number of speakers and the time allotted may also be limited by the number of registrants. All requests to register should include the name, address, telephone number, and business or professional affiliation of the interested party, and should indicate the area of interest or question (as described above) to be addressed. Individuals interested in attending the meeting to observe the proceedings but not to provide oral testimony should also register.

Any person attending the meeting who has not registered to speak in advance of the meeting will be allowed to make a brief oral statement at the conclusion of the morning and afternoon sessions, if time permits, and at the chairperson's discretion.

Individuals unable to attend the meeting, or any interested parties, may send written comments by mail, fax, or electronically to the staff office of the Commission for inclusion in the public record. When mailing or faxing written comments, please provide, if possible, an electronic version or a diskette.

Persons needing special assistance, such as sign language interpretation or other special accommodations, should contact the Commission staff at the address or telephone number listed no later than March 9, 2001.

Dated: February 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4908 Filed 2–28–01; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01021]

Strategies for Improving Health Risk Communication Related to Military Deployments Among Military Personnel, Veterans, Their Family Members, and Their Health Care Providers; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a grant program for developing, implementing, and evaluating strategies for improving health risk communication related to military deployments among military personnel, veterans, their family members, and their health care providers. CDC is committed to achieving the health promotion and disease prevention objectives of "Healthy People 2010," a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the focus area of Environmental Health.

For a conference copy of the "Healthy People 2010," visit the internet site: *http://www.health.gov/healthypeople.*

The purpose of this program is to enhance interagency efforts to protect the health of deployed military personnel, veterans, and their families through improved health risk communication efforts that are timely, understandable, and effective. This should be accomplished through the development, implementation, and evaluation of strategies for communicating health risk information related to military deployments. This may include, but is not limited to the following types of studies:

a. Assessment of optimal strategies, methods or tools for conveying health information to deployed military personnel, veterans, their families, and their health care providers;

b. Evaluation of the impact of various health risk communication strategies on attitudes regarding risk, knowledge of health issues and outcomes, health and illness behaviors, and the prevention of ill-defined, symptom-based conditions such as those seen among Gulf War veterans;

c. Evaluation of patient and health care provider acceptance and attitudes about various risk communication tools and assessment of how these tools impact upon patient-provider communication.

For additional information, see Addendum II of this announcement, Background Information.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit and for-profit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit and for-profit organizations, State and local governments or their bona fide agents, federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations, and small, minority, or women-owned businesses.

Note: Public Law 104–65 states that an organization, described in section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $800,000 is available in FY 2001 to fund up to three awards. It is expected that the average award will be $260,000, ranging from $200,000 to $400,000. It is expected the awards will begin on or about September 1, 2001, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

The budget should include a request for travel funds for key staff to participate in at least 3 planning meetings in either Atlanta or Washington DC per year (or clearly specify that the organization will provide required travel funds from other sources).

D. Program Requirements

The following are requirements for this program:

1. Develop and pilot test the study protocol and data collection instruments.

2. Ensure that appropriate cognitive, behavioral, and human factors variables are included in the project's experimental design and analyses.

3. Provide time lines for completing all components of the study.

4. Assure and maintain the confidentiality of all study participants.

5. Conduct the analysis, interpretation, presentation, and reporting of the study findings.

6. Establish appropriate partnerships to ensure the successful completion of the study. This may include, but is not limited to; partnerships with state or local health departments, community-based or professional organizations, local veterans' or military service organizations, and other veterans and military groups.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan.

F. Submission and Deadline

Submit the original and five copies of PHS–398 (OMB No. 0925–0001. (Adhere to instructions in the ERRATA Instruction Sheet for PHS–398). Forms are available in the application kit. On or before May 2, 2001, submit the application to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either: (a) received on or before the deadline date, or (b) sent on or before the deadline date and received in time for orderly processing. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Background and Need (10 Points)

The extent to which the applicant has provided adequate background information justifying the need for the research, and his or her ability to

conduct this or similar research. This should include the following: (a) Description of the scientific basis for the research (including an understanding of the role of symptom-based conditions in military and civilian populations), identification of the knowledge gaps which the research is intended to fill, and the expected outcome of the research; (b) description of the problems, complexities, and partnerships that will be required to carry out the research; and (c) description of the applicant's current and previous experience conducting health risk communication research and/or research with military populations and their family members.

2. Goals and Objectives (20 Points)

a. The extent to which the applicant has included goals and objectives which are relevant to the purpose of the proposal and feasible to be accomplished during the project period, and the extent to which the goals and objectives are specific and measurable.

b. The extent to which the proposed goals and objectives are relevant for enhancing federal efforts to improve deployment-related health risk communication.

3. Proposed Plan (50 Points)

a. The extent to which the applicant provides a detailed description of proposed activities which are likely to achieve each objective and overall program goal. This should include a reasonable and complete time line for implementing all activities; designation of responsibility for each action undertaken; and a description of data management and quality assurance procedures, data analysis plans, and methods to evaluate and assess the cognitive, behavioral, and human factors aspects of the risk communication activities

b. The extent to which the applicant has adequately described the key communication elements that will form the basis of the research. This should include a description of targeted audience(s), plans for developing messages and selecting channels for message delivery, expected communication objectives, implementation and monitoring plans, and methods of evaluation.

c. The extent to which the applicant documents the establishment of internal and external partnerships, the adequacy of plans for maintaining these partnerships, the appropriateness of the described partners, and the degree to which these partnerships will ensure the successful and timely completion of the research. The applicant provides meaningful letters of support from identified partners.

d. The degree to which the applicant has met the CDC policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This should include the proposed plan for inclusion of both sexes and racial and ethnic minority populations for appropriate representation, the proposed justification when representation is limited or absent, a statement as to whether the design of the study is adequate to measure differences when warranted, and a statement as to whether the plans for recruitment and outreach of study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

4. Management and Staffing Plan (20 Points)

The extent to which proposed staffing, organizational structure, staff experience and background, job descriptions and curricula vitae for both proposed and current staff indicate ability to carry out the purposes of the research.

5. Budget and Justification (Not Scored)

The extent to which the budget is reasonable, adequately justified, and consistent with the intended use of the grant funds. All budget categories should be itemized.

6. Human Subjects (Not Scored)

The extent to which the applicant adequately addresses the requirements of Title 45 CFR Part 46 for the protection of human subjects.

H. Other Requirements

Technical Reporting Requirements:

Provide CDC with original plus two copies of:

1. Semi-annual progress reports;
2. Financial status report, no more than 90 days after the end of the budget period; and
3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Addendum I in the application kit.

AR–1—Human Subjects Requirements
AR–2—Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–7—Executive Order 12372 Review
AR–9—Paperwork Reduction Act Requirements
AR–10—Smoke-Free Workplace Requirements
AR–11—Healthy People 2010
AR–12—Lobbying Restrictions
AR–14—Accounting System Requirements
AR–15—Proof of Non-Profit Status

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301 and 317 of the Public Health Service Act (42 U.S.C. sections 241 and 247b, as amended). The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

This and other CDC announcements may be downloaded through the CDC home page on the internet at: *http://www.cdc.gov* (click on funding). Please refer to Program Announcement Number 01021 when requesting information.

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–8874). You will be asked to leave your name and address, and will be instructed to identify the announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical information may be obtained from: Sharron Orum, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: 770–488–2716.

For program technical assistance, contact: Drue H. Barrett, Ph.D., Chief, Veterans' Health Activity Working Group, Office of the Director, Division of Environmental Hazards and Health Effects, National Center for Environmental Health, Centers for Disease Control and Prevention, 1600 Clifton Road, Mail Stop E–19, Atlanta, GA 30333, Telephone number: 404–639–4862, Email address: dhb1@cdc.gov

Dated: February 23, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–4936 Filed 2–28–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement Number 01030]

Traumatic Brain Injury Surveillance; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC), announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for Central Nervous System Injury Surveillance activities, consisting of the following parts: Core Traumatic Brain Injury (TBI) Surveillance (Part A); and Enhanced TBI Surveillance (Part B). This Program addresses the "Healthy People 2010" focus areas for Injury and Violence Prevention. The purpose of the program is to develop and sustain injury surveillance programs with a focus on central nervous system injuries, particularly TBI. The goal of this program is to produce data of demonstrated quality that will (a) be useful to State injury prevention and control programs and (b) enable national estimates of TBI incidence and public health consequences.

B. Eligible Applicants

Assistance will be provided only to the official public health departments of States or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, federally recognized Indian tribal governments, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Applicants must submit one application for either Part A alone or for Parts A and B combined. Applicants cannot apply for Part B only. To be eligible, all applicants must provide evidence of: (a) An existing statewide population-based surveillance system for TBI-related hospitalizations and deaths, (b) the availability of at least one year of data from the TBI surveillance system (describing cases occurring in calendar year 1998 or 1999), and (c) existing legislation and/or regulations that support current collection of necessary TBI data. Applications that fail to submit evidence of (a), (b), and (c) will be considered non-responsive and will be returned without review.

Note: Public Law 104–65 states that an organization, described in section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $1,350,000 is available in FY 2001 to fund approximately 12 awards:

Part A: Core TBI Surveillance—Approximately $960,000 is available to fund approximately 12 awards. It is expected that the average award will be $80,000. It is expected that the awards will begin on or about August 1, 2001, and will be made for a 12-month budget period within a project period of up to 3 years. Funding estimates may change.

Part B: Enhanced TBI Surveillance—Approximately $390,000 is available to fund approximately 6 of the 12 above (Part A). It is expected that the average additional award will be $65,000. It is expected that the awards will begin on or about August 1, 2001, and will be made for a 12-month budget period within a project period of up to 3 years. Funding estimates may change.

Applicants must be approved for part A in order to be eligible to receive part B funding.

Continuation awards within an approved project period will be made on the basis of satisfactory progress, as evidenced by required reports, and on the availability of funds.

Note: Funds awarded may not be used to supplant funds available from other sources to the recipient to conduct similar activities. Funding may not be used to provide patient care or management. Funds are not to be used for construction purposes or for rental of office space or for the purchase or rental of furniture or vehicles.

Funding Preferences

During the selection process, CDC may attempt to ensure a balanced geographic distribution of funded TBI surveillance projects.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. and 2. (Recipient Activities), and CDC will be responsible for the activities listed under 3. (CDC Activities).

1. Recipient Activities for Part A (all recipients):

a. Conduct statewide surveillance of TBI, consistent with standard definitions and methods for core surveillance, described in the current CDC Guidelines for Central Nervous System Injury Surveillance. This includes linking and unduplicating data obtained from State vital records (death certificates and/or multiple-cause-of-death data) and statewide hospital discharge data (or equivalent data), including data elements that describe diagnosis, demographics, external cause, and survival status.

b. Conduct yearly evaluations of the surveillance system to assess the predictive value positive and sensitivity of case ascertainment as well as the completeness and validity of the data collected.

c. Analyze and interpret collected data.

d. Link surveillance activities and findings to State injury prevention and control activities, including CDC Core State Injury Surveillance and Program Development, where applicable.

e. Provide representative(s) to CDC-sponsored meetings for Cooperative Agreement recipients.

2. Additional Recipient Activities for Part B:

a. Review medical records to obtain data for additional variables (*e.g.*, "optional" variables described in the CDC Guidelines), that address severity of injury, circumstances and etiology of injury, and early outcome of injury, in a large representative sample (*e.g.*, n =1000) of reported cases of TBI-related hospitalization.

b. Analyze and interpret collected data.

3. CDC Activities:

a. Provide technical assistance, if necessary, for effective project planning and management.

b. Provide technical assistance to evaluate the surveillance system for completeness and validity.

c. Facilitate communication/coordination among States to improve efficiency of activities and quality of data.

d. Coordinate meetings for Cooperative Agreement recipients, to be held annually.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The proposal narrative (excluding budget narrative and any appendices) should be no more than 25 double-spaced pages for Part A, or an additional 10–15 pages if also applying for Part B, printed on one side with one inch margins, and no smaller than 12-point font. If applying for Parts A and B, include a separate budget and narratives that are clearly identified as "Part A" and "Part B." Number each page consecutively and provide a complete

table of contents. The entire application with appendices should be no longer than 70 pages total.

Applications should include:

1. Executive Summary (one page, may be single spaced): This section (used to determine eligibility) should briefly summarize:

a. amount of federal assistance requested in dollar amounts for Part A and, if applicable, Part B.

b. existing capacity, *i.e.*, (a) the existence of a statewide population-based surveillance system for TBI-related hospitalizations and deaths, (b) the most recent year for which data from the TBI surveillance system have been analyzed, and (c) existing legislation and/or regulations that support current collection of necessary TBI data.

c. major objectives and activities proposed.

2. Application Narrative:

a. Introduction, review of the literature, and statement of need.

b. Existing TBI surveillance program and capacity.

c. Proposed goals and objectives.

d. Proposed methods and activities.

e. Project management and project staff.

f. Proposed methods to evaluate the attainment of objectives.

g. Description of capacity, methods, activities, and staff specific to Part B, if applicable.

h. Budget narrative, including justification for all proposed expenditures. If applying for part B, submit a separate budget.

F. Submission and Deadline

Letter of Intent (LOI)

Prospective applicants are asked to submit a letter of intent that includes the number and title of the announcement, a descriptive title of the proposed program, the name, address, and telephone number of the Principal Investigator and whether applying for Part A only or Parts A and B. Although a letter of intent is not required, is not binding, and is not used in the review of an application, the information that it contains is used to estimate the potential review workload and avoid any potential conflict of interest in the review. The letter of intent should be submitted on or before April 2, 2001 to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

Application: Submit the original and 2 copies of PHS 5161–1 (OMB Number 0937–0189). Forms are in the application kit. On or before May 2, 2001, submit the application to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review panel. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing).

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated and scored individually by an objective review panel. All applications will be evaluated and scored first for Part A and subsequently, where applicable, for Part B.

Evaluations and scoring for Part A will be conducted according to the following criteria:

1. Review of Literature and Statement of Need: (5 Points)

Consistent with this Program Announcement, the extent to which the applicant reviews key literature relevant to the proposed project, and the extent to which the applicant describes needs within the jurisdiction to which the applications are responsive.

2. Existing TBI Surveillance Program and Capacity: (20 Points)

The extent to which the applicant demonstrates authority to collect and maintain necessary TBI surveillance data. The extent to which the applicant describes an effective existing TBI surveillance system whose methods, including case definitions, are consistent with CDC Guidelines, with demonstrated timeliness of case ascertainment, completeness of case ascertainment, and ability to analyze data. The extent to which the applicant provides evidence of successful TBI surveillance activities, including:

a. a summary of current (*i.e.*, 1998 or 1999) TBI morbidity and mortality data analyzed by age, sex, and cause;

b. an evaluation of TBI surveillance data quality (*e.g.*, predictive value positive, completeness, timeliness).

3. Goals and Objectives: (10 Points)

The extent to which objectives are specific, achievable, practical, measurable, time-linked, and consistent with the overall purposes described in this announcement.

4. Methods and Activities: (35 Points)

The extent to which the proposed methods and activities can achieve the proposed objectives, consistent with the purposes of this announcement. The extent to which clear explanations of appropriate methods addressing case ascertainment and data collection, TBI case definition(s), data elements, sources and availability of data, protection of confidentiality, and data processing and analysis.

5. Management and Staffing: (20 Points)

The extent to which the staffing plan indicates the applicant's ability to carry out the objectives of the program. Considerations include: organizational structure, staff qualifications, experience, degree of stability maintaining current staff in critical positions, identified training needs or plan, and job descriptions and curricula vitae for both proposed and current staff. Also, the extent to which the applicant plans to coordinate activities with any other injury surveillance, prevention, and control programs or activities in the applicant's organizations.

6. Evaluation: (10 Points)

The degree to which the applicant includes plans to evaluate the attainment of proposed objectives, including plans to evaluate the sensitivity and predictive value positive of case ascertainment and the completeness and quality of data.

7. Budget and Justification: (Not Scored)

The extent to which the budget is reasonable, clearly justified, and consistent with stated objectives and proposed activities.

Part B will be evaluated and scored according to the following criteria:

1. Existing Capacity for Enhanced TBI Surveillance: (30 Points)

The extent to which the applicant demonstrates appropriate existing capacity to collect and analyze optional data (e.g., describing TBI severity, circumstances, and early outcome) from a representative sample of cases reported to the TBI surveillance system.

2. Methods for Enhanced TBI Surveillance: (70 Points)

The extent to which the applicant proposes appropriate methods and activities to collect and analyze optional data consistent with the Program Requirements for Part B, including sampling methods and proposed staffing.

3. Budget and Justification: (Not Scored)

The extent to which the budget is reasonable, clearly justified, and consistent with stated objectives and proposed activities.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus 2 copies of:

1. Semi-annual progress reports.
2. Financial status report, no more than 90 days after the end of the budget period.
3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

For descriptions of the following Other Requirements, see Attachment I in the application package:

AR–7—Executive Order 12372 Review
AR–9—Paperwork Reduction Act Requirements
AR–10—Smoke-Free Workplace Requirements
AR–11—Healthy People 2010
AR–12—Lobbying Restrictions
AR–13—Prohibition on Use of CDC Funds for Certain Gun Control Activities
AR–21—Small, Minority, and Women-Owned Businesses

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301(a), 317(k)(2), 391, 392, 393A, 394, and 394A [42 U.S.C. 241(a), 247b(k)(2), 280b, 280b–1, 280b–2, 280b–3] of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance number is 93.136.

J. Where To Obtain Additional Information

This and other CDC announcements are available through the CDC home page on the Internet at: http://www.cdc.gov. To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888 472–6874). You will be asked to leave your name and address, and will be instructed to identify the announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management assistance may be obtained from: Angie Nation, Grants Management Specialist, Announcement #01030, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Suite 3000, Atlanta, GA 30341–4146, Telephone number (770) 488–2719, Email address: aen4@cdc.gov.

For program technical assistance, contact: Renee Johnson, MSPH, CDC National Center for Injury Prevention and Control, 4770 Buford Highway, NE, Mailstop F41, Atlanta, GA 30341–3724, Telephone (770) 488–4031, Email address: nba7@cdc.gov.

For a copy of the CDC Guidelines for Central Nervous System Injury Surveillance, contact: Patricia Allen, CDC National Center for Injury Prevention and Control, 4770 Buford Highway, NE, Mailstop F41, Atlanta, GA 30341–3724, Telephone (770) 488–4031, Email address: pca9@cdc.gov.

CDC does not guarantee to accept or justify its nonacceptance of recommendations that are received more than 60 days after the application deadline.

Dated: February 23, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–4937 Filed 2–28–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Study of the TANF Application Process.

OMB No. New Collection.

Description: The Study of the TANF Application Process is designed to provide systematic information about how application policies and processes have changed under TANF, and how States define and count applications and application results. The Study will also explore how application polices are implemented in a sample of local TANF offices and will collect data on individuals' application decisions, experiences, and outcomes. In addition, the Study will also collect information on the availability and quality of State-collected data on the TANF application process. The primary purpose of this Study is to provide useful information to be considered in the upcoming TANF reauthorization process.

Respondents: The respondents for the Mail Questionnaire are the 50 States, the District of Columbia, and the U.S. Territories of Guam, Puerto Rico, and the Virgin Islands. Eighteen States will be respondents to the State Telephone Survey, 54 individuals for the Open-ended Interviews for Case Studies, six States for Case Abstractions, and 1200 individuals for the follow-up Telephone Interviews with Applicants and Non-applicants.

ANNUAL BURDEN ESTIMATES

Instrument	Number of Respondents	Number of Responses per Respondent	Average Burden Hours per Response	Total Burden Hours
18-State Telephone Survey	18	1	3	54
54-State Mail Questionaire	54	1	6	324
Open-ended interview for Case Studies	54	1	1.5	81
Follow-up Telephone Interview with Applicants and Non-applicants	1200	1	.33	396
Case abstractions—pulling case files for contractor review and abstraction	6	1	20	120
Estimated Total Annual Burden Hours:				975

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF.

Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 26, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–5009 Filed 2–28–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1435]

Agency Information Collection Activities; Announcement of OMB Approval; Substantial Evidence of Effectiveness of New Animal Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Substantial Evidence of Effectiveness of New Animal Drugs" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 16, 2000 (65 FR 49989), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0356. The approval expires on February 29, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 22, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–4961 Filed 2–28–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 95N–0220]

Agency Information Collection Activities; Announcement of OMB Approval; Substances Approved for Use in the Preparation of Meat and Poultry Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Substances Approved for Use in the Preparation of Meat and Poultry Products" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 25, 2000 (65 FR 51758), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0461. The approval expires on February 29, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 22, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–4965 Filed 2–28–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N–0242]

Agency Information Collection Activities; Announcement of OMB Approval; Biological Products: Reporting of Biological Product Deviations in Manufacturing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Biological Products: Reporting of Biological Product Deviations in Manufacturing" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 7, 2000 (65 FR 66621), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0458. The approval expires on February 29, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 22, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–4966 Filed 2–28–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0044]

Medical Devices Draft Guidance for Clinical Laboratory Improvement Amendments of 1988 (CLIA) Criteria for Waiver; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled "Guidance for Clinical Laboratory Improvement Amendments of 1988 (CLIA) Criteria for Waiver." FDA is issuing this draft guidance to propose alternative criteria for obtaining CLIA waiver to the criteria proposed by the Health Care Financing Administration (HCFA) and the Centers for Disease Control and Prevention (CDC). This draft guidance is neither final nor in effect at this time.

DATES: Submit written comments on the draft guidance by May 30, 2001.

ADDRESSES: Submit written requests for single copies on a 3.5" diskette of the draft guidance entitled "Guidance for Clinical Laboratory Improvement Amendments of 1988 (CLIA) Criteria for Waiver" to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Joseph L. Hackett, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1243.

SUPPLEMENTARY INFORMATION:

I. Background

FDA assumes primary responsibility for performing the CLIA complexity categorization functions that includes requests for waiver. Responsibility for determining whether a particular device is waived was transferred from the CDC to FDA on January 21, 2000. At the same time, HCFA is responsible for financial management operations of the CLIA program. In the **Federal Register** of September 13, 1995 (60 FR 47534), HCFA and CDC published a notice of proposed rulemaking that proposed criteria for obtaining CLIA waiver (the 1995 proposed rule). FDA believes, based on its interpretation of the legislative history and the changes to the CLIA statute enacted by Congress on November 21, 1997, as part of the Food and Drug Administration Modernization Act of 1997 (FDAMA), that alternative criteria to the criteria proposed by HCFA and CDC can be used to determine whether a device can be waived. HCFA, CDC, and FDA are continuing to discuss whether the criteria contained in this guidance appropriately reflect the intent of the statute. In an effort to get additional perspective on these criteria, this draft guidance will be discussed at the Clinical Laboratory Improvement Advisory Committee (CLIAC) meeting to obtain their advice and recommendations. FDA is publishing this draft guidance so that it can be presented and discussed at the February 7 and 8, 2001, CLIAC meeting. FDA remains committed to ensuring an open, consistent, reliable process that all parties can understand and comment on as we take steps to finalize a rule.

Because FDA believes the agency will have to repropose a regulation to clarify waiver criteria, we think it will be some time before a final rule is codified. If this draft guidance is made final, the agency would propose alternative waiver criteria that may continue in the interim (based on comments received on this draft guidance) until a reproposal of the regulation to clarify waiver criteria is published.

II. Significance of Guidance

FDA bases the recommendations in this draft guidance document on our interpretation of the law, our review experience with CLIA complexity reviews, and our interactions with stakeholders throughout the transition of this program from CDC to FDA. One of the interactions with stakeholders was in the form of an open public workshop on August 14 and 15, 2000. We are still evaluating the comments from this workshop. We intend to reevaluate and revise this draft guidance, as circumstances warrant, based on these and future comments. The recommendations in this draft guidance are different from the recommendations made by HCFA and CDC in their 1995 proposed rule. As stated in this draft guidance, FDA will continue to review requests for waiver that follow the criteria contained in the 1995 proposed rule; however, we will also review requests for waiver that follow the criteria contained in this draft guidance document. The most significant difference between the criteria proposed by CDC and HCFA, and the criteria outlined in this draft guidance, is that this draft guidance allows studies that compare the performance of the device in the hands of untrained users with the performance of the device in the hands of laboratory professionals to demonstrate accuracy.

This draft guidance represents the agency's current thinking on criteria for obtaining CLIA waiver. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statutes and regulations.

The agency has adopted good guidance practices regulations (GGP's), which set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (21 CFR 10.115; 65 FR 56468, September 19, 2000). This draft guidance is issued as a Level 1 draft guidance consistent with the GGP regulations.

III. Electronic Access

In order to receive the draft guidance entitled "Guidance for Clinical Laboratory Improvement Amendments of 1988 (CLIA) Criteria for Waiver" via your fax machine, call the CDRH Facts-On-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At the second voice prompt press 1 to order a document. Enter the document number (1147) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the draft guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes the draft document entitled "Guidance for Clinical Laboratory Improvement Amendments

of 1988 (CLCIA) Criteria for Waiver," device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh. "Guidance for Clinical Laboratory Improvement Amendments of 1988 (CLIA) Criteria for Waiver" is available at http://www.fda.gov/cdrh.

IV. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this draft guidance by May 30, 2001. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 14, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–4963 Filed 2–26–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–265]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Independent Renal Dialysis Facility Cost Report Form and Supporting Regulations 42 CFR 413.24, 413.20;

Form No.: HCFA–265 (OMB# 0938–0236);

Use: The Medicare Independent Renal Dialysis Facility Cost Report provides for determinations and allocation of costs to the components of the Renal Dialysis facility in order to establish a proper basis for Medicare payment;

Frequency: Annually;

Affected Public: Business or other for-profit, not-for-profit institutions, and State, Local, or Tribal Government;

Number of Respondents: 3,085;

Total Annual Responses: 3,085;

Total Annual Hours: 604,660.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Melissa Musotto, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 14, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–4987 Filed 2–26–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Children's Hospitals Graduate Medical Education (CHGME) Payment Program: Final Eligibility and Funding Criteria and List of Eligible Hospitals and Proposed Methodology for Determining FTE Resident Count, Treatment of New Children's Teaching Hospitals, and Calculating Indirect Medical Education Payment

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final notice and additional provisions proposed for comment.

SUMMARY: This notice sets forth final eligibility, funding criteria, payment methodology and performance measures for the Children's Hospitals Graduate Medical Education Payment (CHGME) program, authorized by section 340E of the Public Health Service Act (42 U.S.C. 256e), amended by Pub. L. 106–310, The Children's Health Act, 2000. It includes a list of hospitals potentially eligible for the CHGME program. The notice also requests comments on proposed criteria for: determining FTE resident count, the treatment of new children's teaching hospitals, and the methodology for indirect medical education (IME) payments. In compliance with the Paperwork Reduction Act of 1995, the Department obtained Office of Management and Budget (OMB) approval on an emergency clearance to any data collections imposed on the public (OMB No. 0915–0247). The Department has requested approval for extension of OMB clearance to any data collections imposed on the public by this notice. Any changes to this collection will not become effective until approved by OMB.

DATES: Interested persons are invited to comment by April 2, 2001. All comments received on or before April 2, 2001 will be considered in the development of the final notice concerning the proposed methodology. The Department will address comments individually or by group and publish a final notice on these comments in the **Federal Register**.

ADDRESSES: Submit all written comments concerning this notice to Barbara Brookmyer, Division of Medicine and Dentistry, Bureau of Health Professions, Health Resources and Services Administration, Room 9A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; or by e-mail to *ChildrensHospitalGME@hrsa.gov*.

FOR FURTHER INFORMATION CONTACT: Barbara Brookmyer, Division of Medicine and Dentistry; telephone (301) 443–1058.

SUPPLEMENTARY INFORMATION: The CHGME program, as authorized by section 340E of the Public Health Service (PHS) Act (the Act) (42 U.S.C. 256e), provides funds to children's hospitals to address disparity in the level of Federal funding for children's hospitals that result from Medicare funding for graduate medical education (GME). Pub. L. 106–310 amended the CHGME statute to extend the program through Federal fiscal year (FFY) 2005.

On June 19, 2000, the Secretary published a notice in the **Federal Register** (65 FR 37985) setting forth proposed rules to implement the CHGME Program. During the comment period, the Department received 21 comments from hospitals, hospital and professional associations, Medicare counseling companies, other Federal agencies, and individuals.

The Secretary thanks the respondents for the quality and the thoroughness of their comments. As a result of these comments, the Department has made numerous revisions and clarifications in this final notice. The comments and the Department's responses to the comments are discussed below. This Notice also reflects amendments to the CHGME statute made by Pub. L. 106–310, the Children's Health Act, 2000, enacted on October 17, 2000. As required by these amendments, subsequent to the publication of this notice, the Department will promulgate them as codified regulations through additional rulemaking procedures in accordance with Title 5 of the United States Code.

Provisions Proposed for Comment

The Department is soliciting comments on the following proposed provisions within these rules: (1) The criteria for FTE resident count; (2) the treatment of new children's teaching hospitals with respect to resident count; and (3) the methodology for IME payments. The first and second issues result from amendments made to the CHGME statute. The third proposal relating to IME payments were not addressed in the Department's June 19, 2000, **Federal Register** notice.

I. Funding

The Department will make CHGME program payments in FFY 2001 as payments were made in FFY 2000, dividing the available funding based on the CHGME authorization statute with approximately one-third of the funds for direct medical education (DME) payments and two-thirds to IME payments. Should a FY 2001 appropriation act alter this plan, the CHGME program will revise the payment plan accordingly.

The CHGME statute, as amended, sets forth the following funding process for DME and IME payments:

1. *Calculation of payments:* The Secretary must determine the amounts to be paid for DME and IME before the beginning of each fiscal year for which payments will be made.

2. *Withholding:* the Secretary must withhold up to 25 percent from each interim installment for DME and IME as necessary to ensure that a hospital will not be overpaid on an interim basis.

3. *Revised Counts:* The Secretary must determine, prior to the end of the fiscal year, any changes to the number of residents reported by a hospital in its application for the current fiscal year to determine the final amount payable to the hospital for the current fiscal year for both DME and IME payments.

4. *Reconciliation:* The Secretary then must pay any balance due or recoup any overpayments made to each hospital.

II. Withholding and Reconciliation

The CHGME statute, prior to its amendment, provided for a withholding and reconciliation process designed to increase the accuracy of the DME payments made to hospitals. The amendments revised this provision to include IME payments in the withholding and reconciliation process.

In FFY 2000, the Department did not implement the withholding and reconciliation process for DME payments provided for in the CHGME program statute due to inadequate time and restrictions in the FFY 2000 Appropriations Act. The FFY 2000 Appropriations Act required all appropriated funds to be obligated in FFY 2000, thus prohibiting carryover funds to be awarded to hospitals in FFY 2001. To the extent possible, the Department will implement the CHGME program's withholding and reconciliation process for both DME and IME payments beginning in FFY 2001.

As revised, the CHGME statute requires the Secretary to withhold up to 25 percent from each installment payment for both DME and IME as necessary to ensure that a hospital will not be overpaid on an interim basis. To distribute the funds withheld, prior to the end of the fiscal year the Secretary must determine any changes to the number of residents reported by a hospital in its application for the current fiscal year in order to determine the final amount payable to the hospital for the current fiscal year for both DME and IME payments. Then, the Secretary must pay any balance due or recoup any overpayments made to each hospital.

As provided by statute, a hospital may request a hearing on the Secretary's payment determination by the Provider Reimbursement Review Board under section 1878 of the Social Security Act (42 U.S.C. 1395oo), implemented by regulations at 42 CFR subpart R.

The Secretary will include in the reconciliation process funds that are returned to the Department during a fiscal year by the termination of hospitals from the CHGME program. These funds will be distributed to the remaining children's hospitals as part of reconciliation payments.

III. Eligible Hospitals

Pub. L. 106–310 amended the CHGME statute to revise the definition of an eligible hospital, effective October 17, 2000. As revised, a "children's hospital" eligible to participate in the CHGME program meets the following criteria:

1. It participates in an approved GME program;

2. It has a Medicare provider agreement;

3. It is excluded from the Medicare inpatient prospective payment system (PPS) under section 1886(d)(1)(B)(iii) of the Social Security Act and its accompanying regulations; and

4. It is a "freestanding" children's hospital.

Several respondents indicated that the Department may have omitted additional potentially eligible hospitals from the list included in the June 19, 2000, **Federal Register** notice due to the proposed eligibility requirement published in that notice that a hospital have a provider agreement with a unique Medicare provider number as a "children's hospital" under section 1886(d)(1)(B)(iii) of the Social Security Act.

The Department agreed with the respondents and for FFY 2000, used the following eligibility for the CHGME program;

A "children's hospital" eligible to apply for CHGME funds in FFY 2000 was a hospital that met all of the following criteria:

1. More than 50% of its inpatients were individuals under 18 years of age;

2. It participated in an approved GME program;

3. It is excluded from the Medicare PPS under section 1886(d)(1)(B) of the Social Security Act; and

4. It was a "freestanding" children's hospital. For purposes of the CHGME

program, the term "freestanding" excludes a hospital that shares a Medicare provider number with a health care system. Although an independent listing in the American Medical Association Directory or being separated physically from an adult hospital affiliate may be indicative of "freestanding," for the purposes of the CHGME program, they do not alone make a hospital "freestanding."

Several respondents indicated a concern with the term "hospital system" and suggested clarifying the definition of a "freestanding" hospital.

The Department recognizes the ambiguity of the terms "hospital system" and "freestanding," particularly in today's rapidly changing world of health care delivery. Some "freestanding" hospitals also may be affiliated with or are part of larger systems. For purposes of eligibility in the CHGME program, the Department intends to exclude those children's hospitals that operate under a Medicare hospital provider number assigned to a larger health care entity that would allow the children's hospital to receive Medicare GME payments as part of the larger health care entity. The Department will maintain its definition of "freestanding" as stated in the eligibility criteria.

A number of respondents asserted that other entities such as children's units within PPS hospitals and, in some cases, PPS hospitals themselves should be eligible for CHGME funds, if they meet the other eligibility criteria, since they also may suffer from the allegedly inequitable internal distribution of GME funds under 1886(h) of the Social Security Act.

The Department does not agree with these comments. The intent of the CHGME Act is to create parity in GME payments among all hospitals providing GME. It is clear that primarily two factors cause this disparity in children's hospitals: (1) low Medicare utilization; and (2) PPS-exempt status. While there may be some GME payment disparity among PPS hospitals that serve children and among children's units within PPS hospitals, unlike "freestanding" children's hospitals which are only eligible to receive DME payments, they are eligible to receive both DME and IME payments.

One respondent requested the Department to clarify how waiver from the PPS system by a State would affect eligibility. Currently, Maryland is the only PPS-waivered State. A State's PPS status has no effect on the CHGME eligibility criteria. Hospitals in PPS-waivered States must still meet all the eligibility criteria of the CHGME program.

Two respondents brought to the Department's attention the inconsistency in using the term "accredited" instead of the term "approved" to refer to a GME training program. The Department agrees with this comment and will consistently refer to these training programs as "approved" in accordance with the Medicare program's definition of hospitals eligible to receive funds for GME, 42 U.S.C. 256e(b)(1); 42 CFR 413.86.

Based on the revised eligibility criteria, the Department has identified the below-listed hospitals as potentially eligible for participation in the CHGME program and will send these hospitals applications for FFY 2001 through FFY 2005. This list is not a final determination of eligibility. A hospital omitted from this list, including a new hospital, can obtain an application by download form the CHGME Web Site: http://bhpr.hrsa.gov/childrenshospitalgme.

CHGME HOSPITALS

Medicare provider No.	Facility name	City	State
01–3300	Children's Hospital of Alabama	Birmingham	AL
03–3301	Los Ninos Hospital	Phoenix	AZ
04–3300	Arkansas Children's Hospital	Little Rock	AR
05–3300	Valley Children's Hospital, California	Madera	CA
05–3301	Children's Hospital Medical Center	Oakland	CA
05–3302	Children's Hospital of Los Angeles	Los Angeles	CA
05–3303	Children's Hospital and Health Center	San Diego	CA
05–3304	Children's Hospital of Orange County	Orange	CA
05–3305	Lucile Salter Packard Children's Hospital	Palo Alto	CA
05–3306	Children's Hospital at Mission	Mission Viejo	CA
05–3307	Children's Recovery Center of Northern California	Campbell	CA
05–3308	Healthbridge Children's Rehab Hospital	Orange	CA
06–3301	The Children's Hospital	Denver	CO
07–3300	Connecticut Children's Medical Center	Hartford	CT
08–3300	Alfred I. Dupont Institute	Wilmington	DE
09–3300	Children's Hospital National Medical Center	Washington	DC
10–3300	All Children's Hospital	St. Petersburg	FL
10–3301	Miami Children's Hospital	Miami	FL
11–3300	Egleston Children's Hospital at Emory	Atlanta	GA
11–3301	Scottish Rite Medical Center—Atlanta	Atlanta	GA
12–3300	Kapiolani Women's & Children's Medical Center	Honolulu	HI
14–3300	Children's Memorial Hospital	Chicago	IL
14–3301	Larabida Children's Hospital	Chicago	IL
15–3300	St. Vincent's Children's Specialty Hospital	Indianapolis	IN
17–3300	Children's Mercy Hospital South	Overland Park	KS
19–3300	Children's Hospital	New Orleans	LA
21–3300	Mt. Washington Pediatric Hospital	Baltimore	MD
21–3301	Kennedy Krieger Institute	Baltimore	MD
22–3300	Franciscan Children's Hospital & Rehabilitation Center	Brighton	MA
22–3302	The Children's Hospital	Boston	MA
23–3300	Children's Hospital of Michigan	Detroit	MI
24–3300	Gillette Children's Hospital	Saint Paul	MN
24–3301	Children's Hospitals and Clinics—Saint Paul	Saint Paul	MN
24–3302	Children's Hospitals and Clinics—Minneapolis	Minneapolis	MN
26–3301	St. Louis Children's Hospital	Saint Louis	MO

CHGME HOSPITALS—Continued

Medicare provider No.	Facility name	City	State
26–3302	Children's Mercy Hospital	Kansas City	MO
28–3300	Boys Town National Research Hospital	Omaha	NE
28–3301	Children's Memorial Hospital	Omaha	NE
31–3300	Children's Specialized Hospital	Mountainside	NJ
32–3307	Carrie Tingley Hospital	Albuquerque	MN
33–3301	Blythdale Children's Hospital	Valhalla	NY
36–3300	Children's Hospital Medical Center	Cincinnati	OH
36–3301	Convalescent Hospital for Children	Cincinnati	OH
36–3302	Rainbow Babies and Children's Hospital	Cleveland	OH
36–3303	Children's Hospital Medical Center	Akron	OH
36–3304	Cleveland Clinic Children's Rehabilitation Hospital	Cleveland	OH
36–3305	Children's Hospital	Columbus	OH
36–3306	Children's Medical Center	Dayton	OH
36–3307	Tod Children's Hospital	Youngstown	OH
39–3300	J.D. McCarty Center for Children with Developmental Disabilities	Norman	OK
37–3301	Children's Medical Center	Tulsa	OK
39–3302	Children's Hospital of Pittsburgh	Pittsburgh	PA
39–3303	Children's Hospital of Philadelphia	Philadelphia	PA
39–3304	Children's Home of Pittsburgh	Pittsburgh	PA
39–3306	Temple University	Philadelphia	PA
39–3307	St. Christopher's Hospital for Children	Philadelphia	PA
40–3301	University Pediatric Hospital	San Juan	PR
44–3302	St. Jude Children's Research Hospital	Memphis	TN
44–3303	East Tennessee Children's Hospital	Knoxville	TN
45–3300	Cook Ft. Worth Children's Medical Center	Fort Worth	TX
45–3301	Driscoll Children's Hospital	Corpus Christi	TX
45–3302	Children's Medical Center of Dallas	Dallas	TX
45–3304	Texas Children's Hospital	Houston	TX
45–3305	Christus Santa Rosa Children's Hospital	San Antonio	TX
45–3306	Coveneant Children's Hospital	Lubbock	TX
45–3308	Pediatric Center for Restorative Care	Dallas	TX
45–3309	Beacon Health Westchase	Houston	TX
46–3301	Primary Children's Medical Center	Salt Lake City	UT
49–3300	Cumberland Hospital—The Brown Schools of Virginia	New Kent	VA
49–3301	Children's Hospital—King's Daughters	Norfolk	VA
49–3302	Children's Hospital	Richmond	VA
50–3300	Children's Hospital & Regional Medical Center	Seattle	WA
50–3301	Mary Bridge Children's Health Center	Tacoma	WA
52–3300	Children's Hospital of Wisconsin	Milwaukee	WI

IV. Loss of Eligibility

Several respondents noted that there should be a distinction preserved between hospitals that lose their eligibility to participate in the CHGME program and hospitals that retain their eligibility, but for some defined period have no residents rotating through the hospitals.

The Department agrees with the need to clarify the definition of loss of eligibility for the CHGME program. A hospital is eligible to participate in the CHGME program if it trains residents as a freestanding children's hospital in the FFY for which the CHGME payments are being made. Reporting residents on Medicare cost reports is irrelevant to the eligibility of the hospital. Hospitals that do not report residents to Medicare remain eligible for the CHGME program if they continue to train residents as a freestanding children's hospital in the FFY for which the payment amounts are established.

Any hospital which loses its eligibility during the course of a FFY must notify HRSA immediately of the change in status and the date on which it became ineligible. The Department will then terminate the hospitals payments under the CHGME program. The hospital will be liable for the reimbursement, with interest, of any funds received during a period after it became ineligible.

Several respondents questioned the Department's legal authority to collect interest from ineligible institutions during a reimbursement process. They requested clarification on the applicability of interest to amounts paid to hospitals later deemed to be ineligible as opposed to overpayments to eligible hospitals that may be required to reimburse the Department after a reconciliation process for the DME and IME payments.

The Federal Debt Collection Act requires the Department to collect interest on the recovery of CHGME funds, just as on any debt owed to the Federal Government. There is no interest due on payments recovered under the reconciliation process because this is not a debt owed to the government.

V. Determining FTE Resident Counts for DME

Residency FTE Reporting Period

As amended, the CHGME statute provides that the Secretary make interim payments to hospitals "based on the number of residents reported in the hospital's most recently filed Medicare cost report prior to the application date for the FFY for which the interim payment amounts are established. In the case of a hospital that does not report residents on a Medicare cost report, such interim payments shall be based on the number of residents trained during the hospital's most recently completed cost report filing period." For hospitals that report resident counts to Medicare, the most recently filed cost

report reflects the average of the actual FTE resident count for that filing period and the prior two cost report filing periods.

Hospitals that do not report resident counts to Medicare are to report the number of FTE residents trained during their most recently completed Medicare cost report filing period. This number reflects the average of the actual FTE residents trained during the most recently completed Medicare cost report filing period and the prior two cost report filing periods.

If the cost reporting period ends less than 5 months prior to the CHGME program's application deadline, hospitals that do not report residents to Medicare may use either the FTE resident count in the most recently completed cost report year or the FTE resident count in the previous cost report year. The determination of the 5-month period is based on the Medicare program's policy that hospitals have 5 months from the completion of the cost report year to file the Medicare cost report.

Several respondents objected to the use of the FFY for calculating the FTE resident count in the FFY 2000 CHGME application process. They asserted that most hospitals use either an academic year (7/1–6/30) or the Medicare cost reporting period.

Prior to amendment, the CHGME statute required the Secretary to make CHGME payments "for each of *fiscal years* 2000 and 2001" (emphasis added). For FFY 2000, the Department interpreted "fiscal year" to mean that payments were to be based on the FTE resident counts for FFYs (from October 1 of each year through September 30 of the following year), rather than the hospital cost reporting period or the hospital academic year.

To assist hospitals in determining FTE resident counts based on the FFY required in the FFY 2000 CHGME application, tables contained in the application materials instructed hospitals on how to convert their data to the applicable FFY. In addition, the Department presented four technical assistance workshops to hospitals and related association staff to give advice on how to complete the necessary application forms and how to convert an academic/hospital accounting period to a FFY.

Counting FTE Residents in FFY 2000

The methodology described by the Department in its June 19, 2000, **Federal Register** notice regarding the determination of a hospital's FTE resident count, generated considerable comment. Some respondents felt that it was unfair to allow hospitals that had not previously filed Medicare cost reports to recreate their resident count. Some respondents felt that all hospitals should be allowed to recreate their resident count because of the significant inaccuracies in the previously filed Medicare cost reports. Other respondents questioned the Department's proposed adoption of the Medicare GME resident counting methodology. Simpler methods were suggested that would eliminate the use of "caps", or "rolling averages."

Section 340E(c)(1)(B) of the CHGME statute requires that the average number of FTE residents in the hospital's approved residency programs be determined according to section 1886(h)(4) (42 U.S.C. 1395ww(h)(4)) of the Social Security Act. This section is implemented by regulations at 42 CFR 413.86(f), (g), (h), and (i). These provisions indicate: how to determine the total and weighted numbers of FTE residents; the required documentation and certification for purposes of application for Medicare payments by hospitals for cost reporting periods; and the application of the "caps" (described in sec. 1886(h)(4)(f) of the Social Security Act; 42 U.S.C. sec. 1395ww(h)(4)(f)) and "rolling averages" (described in sec. 1886(h)(4)(g) of the Social Security Act; 42 U.S.C. sec. 1395ww(h)(4)(g)) to FTE resident counts prior to weighting. The Department notes that dental and podiatric residents are not included in the resident FTE cap. Hospitals must certify the accuracy of their FTE resident counts and apply the Medicare cap and rolling average to this count. Since the Act specifically references use of caps and rolling averages for DME, the Department does not have discretion to accept the respondents' suggestion.

For FFY 2000 applications, the Department was more flexible in the FTE resident counts accepted due to the short time frame hospitals had from publication of the June 19, 2000, **Federal Register** notice to the application deadline. Most respondents agreed with the Department's requirement that resident counts from Medicare hospital cost reports determine the CHGME resident counts. However, some objected because they may have under reported their resident counts on their past Medicare cost reports. Since the Medicare utilization and reimbursement was so low among the children's hospitals, many Fiscal Intermediaries (FIs) and hospitals paid little attention to the counts submitted or to correcting and auditing the counts.

According to regulations, the FIs have 180 days from the reopening request and submission of all supporting data to finalize a cost report. Several hospitals wanted the Department to instruct Medicare FIs to respond quickly to their requests to reopen cost reports and adjust resident counts to more accurately reflect the actual training programs.

The Department contacted the majority of hospitals' FIs, and, in accordance with existing rules and regulations, many of the CHGME program applicant hospital's FIs were able to expedite the review and revision process for new FTE resident counts. On average, these reviews were completed within a one-week period.

Clearly, hospitals that have never submitted Medicare cost reports have no comparable validated counts to submit on their CHGME program applications. Therefore, these hospitals must determine FTE resident counts through the methodology described in the application. The accuracy of the resident counts, as all information filed by hospitals, is subject to audit by the Department and the General Accounting Office.

Several respondents requested clarification on counting time spent by a resident on required research. The Department is using the Medicare regulation 42 CFR 413.86(f) to apply to counting research time. In brief, the research conducted by the resident must be part of the residency program and the resident must carry out the research in either:

1. The children's hospital (clinical or bench research); or

2. In a nonhospital site where the research involves direct patient care and the salaries of both the resident and the supervising faculty are paid by the children's hospital.

Respondents were concerned that the CHGME program could inadvertently cause a shift in the primary care focus of pediatric GME. General pediatrics residency training programs require a significant amount of training (at least 50%) to occur in ambulatory care settings such as freestanding clinics and physicians' offices. Respondents asserted that the CHGME program payments should reflect the cost of training in both inpatient and outpatient settings.

The Department recognizes the important of the primary care focus in general pediatrics residency training, which implements the Department's own goal of improving public access to primary care. All resident training in ambulatory care settings may be included in the resident FTE resident count as long as the hospital funds the faculty and resident cost of this training through a written agreement between the hospital and the ambulatory care setting, according to 42 CFR 413.86(f)(3) and (4).

One respondent requested that the Department provide a waiver of the requirement to obtain written agreements with participating ambulatory care sites. They contend that since children's hospitals were not able to claim significant GME payments, many failed to obtain written agreements with their participating ambulatory care sites.

Hospitals will not be required to submit such written agreements to the Department with their annual applications to the CHGME program. Hospitals should be prepared to produce such agreements in any subsequent audit carried out by the Department.

One respondent was concerned about what they perceived as the "arbitrary 5-year limit" for the initial residency periods.

The Department follows Medicare rules regarding the use of the initial residency period. The Medicare rules reduce counts for all hospitals that train residents beyond their initial residency period (i.e., fellows) with regard to the DME and IME portions of the GME reimbursement. In addition, this 5-year limit is not arbitrary, but rather reflective of the minimum number of years required for the resident to reach initial board eligibility.

Several respondents suggested that the Department require that hospitals submit their Intern and Residents Information System (IRIS) diskettes as the primary source of data for validating their resident counts. This source would then provide a consistent method for verifying submitted counts. Another respondent indicated that the data on the IRIS diskettes are rarely completed correctly, frequently contained inaccurate data and duplicated resident counts between two hospitals.

The department recognizes that the submission of IRIS diskettes by hospitals to the CHGME program may potentially reduce the administrative burden of reporting among those hospitals that submit IRIS diskettes for Medicare. There are several reasons, however, that the use of the IRIS diskettes as the primary source of data for the CHGME program would not be feasible: (1) Not all hospitals participating in the CHGME program submit IRIS diskettes to Medicare so there would not be a consistent source of information for all hospitals participating in the program; (2) information required by the CHGME program in its FFY 2000 applications included some information not available on the IRIS diskettes—the "conversion" of FTE resident counts based on the Medicare cost reporting period to an FTE resident count based on the FFY; (3) the CHGME program will not have access to the IRIS diskettes from those hospitals that may potentially be double counting residents so there would be no way to validate the IRIS data from hospitals participating in the program.

One respondent commented that the Medicare provision for FTE adjustments in the context of an affiliated group cap requires a retroactive adjustment to account for situations in which the group remains under its aggregate cap, but individual hospitals exceed their individual caps (allowable under Medicare rules, so long as the aggregate cap is not exceeded). This respondent proposed that the FFY 2000 and 2001 counts would need to be adjusted after audits of the respective hospital cost reports. The respondent stated that since the Department proposed no reconciliation for FFY 2000, the hospital might be disadvantaged.

The Department is aware that it would be difficult for hospitals to estimate adjustments to their aggregate cap. In FFY 2000, there were no children's hospitals claiming an adjustment to their cap based on a written affiliation agreement. Given the recent legislative changes, hospitals will no longer have to estimate adjustments to their aggregate cap. Hospitals will report the actual adjustment made to the aggregate cap as reported on their Medicare cost reports.

One respondent questioned the accuracy of examples B and D on page 37988 of the **Federal Register** notice of June 19, 2000. The Department clarifies these examples as follows:

Example B: One respondent questioned the accuracy of the 1999 resident count. This example is correct as written. The two residents added to the hospital count for the period 7/1/99 to the end of the cost reporting year 12/31/99 would add 1.0 FTE to the count because the residents only were counted for one-half of the cost reporting year. One-half of two FTEs equals one FTE.

Example D: The respondent stated that the 1999 resident count would not be reduced if the hospital is incurring all or substantially all of the training costs for the three residents in the continuity clinic. The Department agrees with the respondent's observation; however, this example demonstrates how to estimate the number of FTEs in 1996, when there was a substantial change to the number of FTEs trained. To determine the number of FTEs trained during the 1996 cost report year, subtract the 1.5 FTEs which were added to the program in 1997 from the 1999 number of 25 FTEs to arrive at the cap of 23.5 FTEs.

Proposed Criteria for Determining FTE Resident Counts Beginning in FFY 2001

The Department invites comments on the following proposed criteria for determining FTE resident counts. The comments will be considered by the Department in developing final criteria for determining FTE resident counts to be used for the purposes of the CHGME program in determining payment to eligible hospitals. These final criteria will be published in a subsequent **Federal Register** notice and applied to the CHGME program beginning in FFY 2001.

The Department wants to use the most accurate and valid data it can obtain on a hospital's resident counts. Beginning in FFY 2001, for hospitals that report residents to Medicare, the application requirement will be as follows:

1. For the most recent cost reports ending on or before December 31, 1996, a hospital must report the latest settled FTE resident count or a preliminary FI determined resident count. All preliminary FI determined counts must be determined according to HCFA and Medicare criteria. Hospitals may not use the "preliminary" numbers that were used for the FFY 2000 CHGME program unless those FTE resident counts have since become finalized or are validated according to HCFA and Medicare standards.

2. For all other settled cost reports, a hospital must report the latest settled count. For a settled report that has been reopened, a hospital must report the latest settled count or, if available, the most recent "preliminary" FI determined FTE count.

3. For cost reports which have never been settled, a hospital must report, in order of decreasing priority:

a. The most recent "preliminary" FI determined FTE resident count;

b. The "amended" FTE resident count; or

c. The "as filed" FTE resident count.

Resident count requirements remain unchanged for hospitals that do not report residents to Medicare but have been operating a residency training program. If these hospitals wish to revise their FTE resident counts, they must submit a detailed explanation of the revision with supporting documentation. For hospitals that have previously filed Medicare cost reports, the Department will use the cost reports filed with the FIs to verify the resident counts submitted.

Proposed Criteria for "New Children's Teaching Hospitals"

Because of the amendment revising the reporting of residents using the most recently filed Medicare cost report, the Department will need to propose a method for "new children's teaching hospitals" to report residents for application for funding under the CHGME program. Accordingly, the Department invites comments on the proposed criteria for reporting FTE residents by new children's teaching hospitals. The comments will be considered by the Department in developing final criteria for determining FTE resident counts in "new children's teaching hospitals". These final criteria will be published in a subsequent **Federal Register** notice and applied to the CHGME program beginning in FFY 2001.

The Department defines a "new children's teaching hospital" as a children's hospital that began training residents from an already existent residency training program, less than three cost report periods prior to the FFY in which CHGME payments are being made. In order to participate in the CHGME program, a "new children's teaching hospital" must meet all necessary eligibility criteria.

These "new children's teaching hospitals" are distinct from those teaching hospitals that are participating in a new medical residency training program, defined under 42 CFR 413.86(g)(9) as "a medical residency that receives initial accreditation by the appropriate accrediting body or begins training residents on or after January 1, 1995." Medicare regulations at 42 CFR 413.86(g)(6)(i) and (g)(7) set forth criteria for applying the "caps and rolling averages" in these teaching hospitals with new residency training programs.

Establishing the Cap

"New children's teaching hospitals" that did not train residents during the most recent cost report period ending on or before December 31, 1996, would have a cap of zero. These hospitals may receive an adjustment to their cap through an affiliation agreement specifying an aggregate cap as described in 63 FR 26338, published May 12, 1998, which establishes the process for application of an aggregate FTE cap in accordance with section 1886(h)(4)(H) of the Social Security Act.

To the extent that it is reasonable and feasible, the CHGME program will implement the HCFA final rule cited above. If a "new children's teaching hospital" elects to establish the cap through an affiliation agreement, it must comply with 63 FR 26338, published May 12, 1998, in accordance with section 1886(h)(4)(H) of the Social Security Act. For purposes of the CHGME program, however, the following exceptions to the HCFA final rule are proposed; these exceptions would be in effect only during the first year of a hospital's application for the CHGME program.

(1) For the first year of the affiliation agreement, an effective date must be specified for purposes of the CHGME program. The effective date does not need to be July 1 for purposes of the CHGME program. However, for the first year of the agreement, an effective date of July 1 will apply for purposes of the Medicare program (63 FR 26338, published May 12, 1998, in accordance with section 1886(h)(4)(H) of the Social Security Act.). Subsequent to the first year of the affiliation agreement, the effective date must comply with the above cited **Federal Register** final rule which specifies a date for all affiliation agreements.

(2) The affiliation agreement must be for a minimum of 1 year and must include a full academic year (July 1–June 30 period).

(3) The effective date and length of the affiliation agreement for an aggregate cap must be clearly documented in the agreement.

(4) The affiliation agreement must be filed with all the necessary HCFA fiscal intermediaries and HRSA.

"New children's teaching hospitals" will calculate their FTE resident count using the full value of the cap as determined by the affiliation agreement. The Department recognizes that the cap in "new children's teaching hospital's" first Medicare cost report may not agree with the cap specified by the affiliation agreement as Medicare does not apply an affiliation agreement for an aggregate cap until July 1 (63 FR p. 26338, published May 12, 1998, in accordance with section 1886(h)(4)(H) of the Social Security Act.) As a children's hospital's cost report period may not be July 1–June 30, it may potentially receive a prorated cap for its first Medicare cost reporting period.

Establishing FTE Resident Counts and Payments

In general, the FTE resident count from each hospital reflects the residents trained during the Medicare cost report period, limited by the unweighted FTE resident count from the most recent cost report period ending on or before December 31, 1996 (the cap). Payments to each hospital are based on the average of the FTE resident count for the Medicare cost report and the prior two cost reports (3-year rolling average). The Department proposes that the "new children's teaching hospitals" training residents who were originally trained in a program that received and will continue to receive funds under the CHGME program wait until they have completed a Medicare cost report period before applying for payments from the CHGME program. These hospitals would also need to apply the 3-year rolling average consistent with Medicare regulations. Over a 3-year period, the "new children's teaching hospital" will gradually increase the number of FTE residents that can be claimed on the CHGME application as the children's hospital that previously received during for those FTE residents gradually decreases its resident count.

The Department proposes the following methodology for determining FTE resident counts and payment for "new children's teaching hospitals" training residents that were never previously claimed for CHGME payment:

1. Since payments under the CHGME program are based on FTE resident counts from a completed cost report filing period, "new children's hospitals" training residents never previously claimed for CHGME payment that have not completed a cost report filing period at the time of the CHGME program application would not have an FTE resident count to report to the program. The Department proposes that these "new children's teaching hospitals" submit FTE resident counts to the CHGME program according to the following methodology in their initial application:

a. Divide the number of FTE residents trained from the effective date, specified for purposes of the CHGME program, of the affiliation agreement to the application deadline by the number of days during this period to produce the average number of FTEs per day.

b. Multiply the average number of FTEs per day by the number of days the hospital will train residents during the FFY in which payments are being made.

2. After the initial application year, a "new children's teaching hospital" training residents that were never previously claimed for CHGME payment will submit its actual FTE resident count from the most recently completed Medicare cost report period rather than using the 3-year rolling average. Once these hospitals have completed three Medicare cost report periods, the 3-year rolling average will apply.

Hospitals eligible for the CHGME program participating in a new medical residency training program, defined under 42 CFR 413.86(g)(9), will follow Medicare regulations regarding the determination of their cap and 3-year rolling average (42 CFR 413.86(g)(6)(i) and (g)(7)). If the hospital has not completed a Medicare cost report period to submission of the CHGME application, it will follow the methodology described above for "new children's teaching hospitals" training residents not previously claimed by the CHGME program in the calculation of its FTE resident count.

VI. Determining Direct Medical Education Payments

Wage Adjustment in Standardizing Per Resident Amounts

The per resident amount applicable to a specific children's teaching hospital (prior to pro-rata reduction) is determined by multiplying the Medicare PPS labor-related share of the per resident amount by the FY 1999 hospital wage index and adding the non-labor related share to the result. Respondents expressed concern regarding use of the PPS labor-related share to standardize wages in determining the national standard per resident amount because the pediatric population is not represented in the wage index calculations. They asserted that since children's hospitals are PPS exempt and are not required to complete the wage index portion of the Medicare cost report, this factor does not reflect the children's hospital population.

The Secretary recognizes that the wage data used to develop the PPS labor-related share is based on PPS hospitals which would not include information from PPS-exempt hospitals. Accordingly, the Department analyzed Medicare cost reports to develop a more accurate estimate of the labor-related share of the per resident amount. As the analytically derived labor-related share does not vary significantly from the Medicare labor-related share, for FFY 2000 the Department used the Medicare PPS labor-related share of 71.1 percent in the calculation of direct medical education payments. In FFY 2001 and beyond, the Secretary will use the most recent Medicare PPS labor-related share calculation.

The **Federal Register** notice published in June 19, 2000, for the CHGME program announced that the Secretary would publish a computed national per resident amount in the final notice. The Secretary has determined that the national average per resident amount for cost reporting periods ending in FFY 1997 is $67,688. After updating for inflation as specified in the statute, the FFY 2000 national average per resident amount is $71,709.

VII. Determining Indirect Medical Education Payments

The **Federal Register** notice of June 19, 2000, sought comments on the case mix measure to be used for determining IME payments. Due to lack of time, this notice omitted a detailed methodology for distribution of the IME funds. The Secretary also stated that this final **Federal Register** notice would include this methodology for public comment subject to revision in another final **Federal Register** notice.

After considering suggestions submitted by respondents, the Department is proposing IME payment methodology for FFY 2001 organized by: (1) The purpose and use of payments under the program, (2) case mix, (3) number of FTE residents, (4) teaching intensity factor, (5) patient volume, (6) outpatient services, and (7) determination of payments. Interested parties are invited to submit comments on the proposed rules for a 30-day period. After consideration of the comments, the Department will publish the final IME methodology in the **Federal Register** and apply it to the determination of IME payments beginning in FFY 2001.

Purpose and Use of IME Payments

The CHGME statue requires the Secretary to make payments for IME associated with operating approved graduate medical residency training programs for each of fiscal years 2000 through 2005. Section 340E(b)(1)(B) describes IME payments as covering "expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs."

Section 340E(d)(2) of the Act requires the Secretary to determine IME payments by considering:

1. Variations in case mix among children's hospitals; and

2. The hospitals' number of FTE residents in approved training programs.

One respondent commented that the educational purposes of the CHGME program take precedence over what he described as imitation of the Medicare system in developing the payment methodologies. This commenter recommended that the calculation for IME payments incorporate the costs associated with providing training opportunities in rural and underserved areas.

The Department agrees that the CHGME program's purpose is to provide reimbursement to children's hospitals for costs associated with training residents.

Although the CHGME statute describes factors that the Secretary must consider in developing payment methodology, the statute does not reference the type of training, such as training in rural and underserved areas. Nevertheless, the CHGME payment methodology which incorporates the Medicare FTE resident count does allow for an adjustment to the FTE resident cap for residents training in rural areas (42 CFR 413.86(g)(4) and (11)).

One respondent expressed concern that the CHGME program payments would be disbursed only for inpatient training. The respondent stated it was essential for payments to be disbursed to children's hospitals to defray the costs of training in both inpatient and outpatient settings. The respondent cited the pediatrics Residency Review Committee of the Accreditation Council for Graduate Medical Education's requirements that at least 50 percent of resident training take place in ambulatory settings and the recommendation of the Council on Graduate Medical Education that clinical education should occur in settings representative of the environment in which graduates will eventually practice.

These payments do reflect the cost of training residents in outpatient facilities in the hospital calculation of FTE resident count. Hospitals may include residents rotating through outpatient facilities and in ambulatory outpatient clinics, as provided in 42 CFR 413.86(f)(3) and (4). However, the CHGME program has no statutory authority to prescribe how hospitals are to use the funds received from the program.

One respondent indicated that the **Federal Register** notice of June 19, 2000, did not state that the IME payments will be wage-adjusted, whereas Medicare DME and IME payments are both wage-adjusted.

The Department agrees with this comment and revised the IME calculation used in FFY 2000 and proposed for FFY 2001, accordingly. For FFY 2000, the Department incorporated a wage adjustment into the formula for calculating IME payments by adjusting the labor-related share of the hospital operating cost for geographic differences by using the hospital wage index for FFY 1999. In FFY 2001, the Department will incorporate the same wage adjustment in its calculation of IME payments.

Determination of Case Mix

Two respondents suggested that the case mix index (CMI) be excluded from the formula for distributing FFY 2000 funds because no standardized CMI and Diagnosis Related Group (DRG) weights exist for children's hospitals nationwide.

The Department does not have the discretion to exclude the CMI from the IME formula because the CHGME statute explicitly requires the use of case-mix in determining IME payments under the program.

The Department received several comments on the development and utilization of a uniform CMI for all hospitals applying for funding from the CHGME program, as follows:

1. Five respondents supported the use of one CMI system for determining the IME payments to eliminate inconsistency among hospitals by using a variety of case mix index systems.

2. One respondent stated that "converting" CMIs derived from different CMI systems, such as HCFA–DRG and All-Payer Refined DRG systems, was not possible.

3. Four respondents recommended the use of the HCFA–DRG CMI system; one respondent suggested that version 15 of the HCFA–DRG system, with appropriate Medicare weights, should be used as the standard.

4. One respondent suggested providing a default value for hospitals that cannot provide a HCFA–DRG CMI.

The Department agrees that CMIs must be based on one system to assure equitable distribution of IME funds to hospitals. Due to insufficient implementation time, the Department could not establish a single CMI requirement for FFY 2000. Nevertheless, all but five of the 56 children's hospitals applying for FFY 2000 CHGME program funds were eventually able to furnish one of three versions of a HCFA–DRG CMI (versions 15, 16 or 17).

One respondent commented that case mix methodologies to be employed in determining IME payments should include both inpatient and outpatient care delivered by the hospital as well as factor in costs associated with providing residency training in rural and urban underserved areas, to avoid creating financial incentives that reduce education in primary care pediatrics.

The Department agrees that payment systems should not produce incentives that reduce education in primary care pediatrics. However, all current case-mix systems rely totally on hospital inpatient data based on reporting for the Uniform Hospital Discharge Data System which includes only inpatient data. No present CMI reflects both inpatient and outpatient care.

For FFY 2000, the Secretary used the average of all CMIs from the 27 hospitals that furnished a CMI based on HCFA–DRG version 15 as a default CMI for those hospitals unable to furnish a HCFA–DRG CMI. For the hospitals that supplied a CMI from version 16 or 17 of the HCFA–DRGs, the Secretary adjusted the version 16 or 17 reported by the hospital by the percentage difference in the CMI between the HCFA–DRG version 15 and the reported HCFA–DRG version according to the following table.

	Average FFY 1998 relative weight (HCFA v.15)	Average FFY1999 relative weight (HCFA v. 16)	Average FFY2000 relative weight (HCFA v. 17)
All cases excluding newborn	0.9711	1.0005	0.9639
Percent change from v. 15		[1]3.03	[1] −0.74

[1] percent.

For FFY 2000, hospitals were asked to remove DRG 391, newborn births, from the calculation of their CMI. Given the time frame for CHGME program implementation in FFY 2000, it was difficult to create an accurate conversion factor including DRG 391 due in part to variability in hospitals reporting a CMI including DRG 391.

Beginning in FFY 2001, all applicant hospitals must submit a CMI, based on the discharges from the most recently completed cost report period, using HCFA–DRG Version 17 with the appropriate HCFA Version 17 weights reported to the ten-thousandth decimal place; all DRGs must be included in the calculation of this CMI. In subsequent years, the version of the HCFA–DRG to be used by hospitals will be updated annually.

If a children's hospital eligible to participate in the CHGME program has not completed a Medicare cost report period prior to submission of an application to the CHGME program, it would base its CMI on discharges from the day it became eligible for the CHGME program until the CHGME application deadline.

While the Department recognizes that the HCFA–DRG based CMI was not designed to be used with children's hospitals, this CMI system has been proposed as the most reasonable choice. Currently, the most commonly used case mix index system is based on CMIs. This system, however, does not exist for outpatient services. For future use, the Department intends to investigate the feasibility of developing a case mix index that is more reflective of the relative resource utilization experienced by children's hospitals in both an inpatient and an outpatient setting.

Determining the Number of FTE Residents for IME Payments

One respondent stated that resident counts should not be used as a separate factor because it is already included in the measure of teaching intensity, and the purpose of IME payments is to compensate for higher patient care costs, not the number of residents.

The Department agrees that resident counts should be incorporated only in the teaching intensity measure in the IME formula. The IME formula used in FFY 2000 and proposed for FFY 2001 and future years include the resident count only in the teaching intensity measure.

Many respondents provided comments concerning the difficulty hospitals anticipated in reopening their Medicare cost reports and making any necessary corrections to their FTE resident counts used to develop caps and rolling averages.

The June 19, 2000, **Federal Register** notice proposed using an unweighted FTE resident count for the IME portion of the payment and to apply the caps and rolling averages to the IME resident count, consistent with Medicare's application to its IME count. However, during the application process, the administrative difficulty of obtaining an unweighted FTE count from October 1, 1997, to September 30, 2000, became clear. The unweighted resident FTE count was not reported on the HCFA–2552, E–3, Part IV worksheet until the Medicare cost report period beginning on or after October 1, 1997. For some hospitals, this occurred as late as their 1999 Medicare cost report. While it would have been possible to eventually determine the unweighted count for all

the years necessary in order to calculate a 3-year rolling average, it would have been additionally administratively burdensome to children's hospitals, fiscal intermediaries and HRSA. As a result, the payments for FFY 2000 would have been delayed.

To resolve these difficulties, for FFY 2000, the Department did not apply either the caps or the rolling averages to the unweighted resident FTE count in calculating the IME payments. Since the CHGME statute does not require application of "caps and rolling averages" to the FTE resident count for IME payment (as it does for the DME payment), the Department calculated the unweighted FTE resident count from the application forms and the cost reports.

In addition, the Department's June 19, 2000, **Federal Register** notice stated that the resident count for the IME portion would be based upon 42 CFR 412.105(a)(1). That regulation was cited in error because it refers to the determination of a ratio rather than an actual number.

For FFY 2001, the Secretary believes that hospitals will have had sufficient notice and time to adjust their unweighted FTE counts from 1996 through 1999 and to obtain their unweighted numbers from their FIs. Therefore, beginning with FFY 2001, the Secretary will apply the "caps and rolling averages" consistent with Medicare regulation 42 CFR 412.105(f), with the exception of 42 CFR 412.105(f)(1)(ii)(A) as it refers to the "PPS sections" of the hospital, in calculating IME payments.

Factoring in Teaching Intensity

The **Federal Register** notice of June 19, 2000, proposed the addition of a teaching intensity factor to the statutorily required case-mix and FTE resident count in determining IME payments. The Secretary used the current Prospective Payment System (PPS) operating teaching intensity factor of 6.5 percent per 0.1 interns and residents-to-bed ratio (IRB) to determine IME payments for FFY 2000.

The Department calculated the IRB using the unweighted FTE resident count and the number of beds reported by each hospital to Medicare for the most recently completed fiscal year. For those hospitals that did not report this information to Medicare, the Department used the number of available beds on July 1, 2000. According to Medicare regulations at 42 CFR 412.105(b), the Department defined "hospital beds" as "available beds," which are beds that are permanently maintained for inpatients in rooms and wards, excluding beds and bassinets in the healthy newborn nursery.

Several respondents suggested measures of teaching intensity in the formula for determining IME payments to hospitals. Two recommended using a resident-to-bed ratio, and two recommended a resident-to-average daily census (RADC) ratio. One respondent recommended a resident-to-bed ratio, stating that either ratio was feasible but noted that Medicare uses a resident-to-bed ratio. One respondent recommended the RADC ratio stating that, the ADC is more appropriate because it measures actual activity, while the number of beds might not change even when the patient volume changes.

For FFY 2001, the Department invites comment on:

1. The proposed continuation of the use of the Medicare IRB-based teaching intensity factor in the calculation of IME payments. The CHGME program would use the most current PPS IRB in its calculation of IME payments;

2. Application of a cap on the IRB ratio, similar to the cap applied by the Medicare program, 42 CFR 412.105(a)(1), whereby the ratio may not exceed the ratio for the hospital's most recent prior cost reporting period. Application of this cap will not be initiated until FFY 2002 due to the proposed change in the definition of bed count;

3. Suggestions on alternative teaching intensity factors, such as the Medicare RADC-based teaching intensity factor (2.8 percent per 0.1 percent increase in RADC ratio) or any other analytically justified teaching intensity factor; and

4. The proposed definition of "bed count" to be used in calculating the Medicare IRB teaching intensity factor—the sum of all available beds per day in the most recently completed cost report filing period, including beds and bassinets in the healthy newborn nursery, divided by the number of days in that period. If a children's hospital eligible to participate in the CHGME program has not completed a Medicare cost report period prior to submission of an application to CHGME program, it would base its "bed count" on the sum of all available beds per day, including beds and bassinets in the healthy newborn nursery, in the period from the day it became eligible for the CHGME program until the CHGME application deadline, divided by the number of days in that period.

In addition, the Department intends to explore for future proposal the development of other measures of teaching intensity which may be more appropriate for children's hospitals.

Patient Volume

Since the IME payment is cover "expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs," the patient volume in a particular hospital is an important factor in its calculation. For FFY 2000, the Department used inpatient discharges from the hospital's most recently completed fiscal year as the measure of patient volume for IME payments. Beginning in FFY 2001, the Department will use inpatient discharges for the hospital's most recently completed Medicare cost report filing period as the measure of patient volume for IME payments.

If a children's hospital eligible to participate in the CHGME program has not completed a Medicare cost report period prior to submission of an application to the CHGME program, its patient volume will be calculated by the following methodology:

a. Divide the number of inpatient discharges from the date the hospital became eligible to the CHGME application deadline by the number of days during this period to produce the average number of discharges per day.

b. Multiply the average number of discharges per day by the number of days the hospital will provide inpatient care as a hospital eligible to participate in the CHGME program during the FFY in which payments are being made.

Outpatient Services

Since a large component of training programs in children's hospitals involves training in ambulatory outpatient settings, the Department will explore the development of a factor to indicate the resources associated with training in outpatient settings. Any such factor will be proposed for comment in a subsequent **Federal Register** notice.

Determining IME Payments to Hospitals

For FFY 2000, the Department used the following formula to calculate IME payments:

$$\text{IME Pay}_i = Z * \frac{\text{NoD}_i * \text{CMI}_i * (\text{WI}_i * .711 + .289) * 1.6 \left((1 + \text{residents}_i\text{-to-bed}_i \text{ ratio})^{.405} - 1\right)}{\sum_{i=1}^{n} \text{NoD}_i * \text{CMI}_i * (\text{WI}_i * .711 + .289) * 1.6 \left((1 + \text{residents}_i\text{-to-bed}_i \text{ ratio})^{.405} - 1\right)}$$

Where:
i = individual hospital
n = the total number of hospitals participating in the CHGME program
WI = area wage index for hospital$_i$
NoD = number of discharges for hospital$_i$
CMI = average case mix index for hospital$_i$
IME Pay = IME payment to individual hospital$_i$ for the CHGME program
Z = total funds available for IME

The Department used the current Medicare teaching intensity factor of $1.6((1 + \text{residents-to-bed ration})^{.405} - 1)$. Residents indicated the unweighted actual FTE resident count during FFY 2000 without application of the cap. The bed count was based on the number of beds reported on a hospital's most recently filed Medicare cost report or the number of available beds on July 1, 2000. The bed count did not include bassinets.

This FFY 2000 IME payment formula used by the CHGME program was derived from the following basic formula:

$Y_i = X (.711 * WI_i + .289) * NoD_i * CMI_i * IME_i$

Where:
X = national average cost per case
i = individual hospital
WI = area wage index for hospital$_i$
NoD = number of discharges for hospital$_i$
CMI = average case mix index for hospital$_i$
IME = IME educational adjustment factor for hospital$_i$
Y = IME payment to individual hospital$_i$

Because the CHGME program has a filed appropriation, a hospital's individual payment reflects its share of the sum of IME payments to all hospitals, multiplied by the total funds available for IME, as in the following formula:

$$\text{IME Pay}_i = Z * \frac{X * (.711 * WI_i + .289) * NoD_i * CMI_i * IME_i}{\sum_{i=1}^{n} X * (.711 * WI_i + .289) * NoD_i * CMI_i * IME_i}$$

Since the national average cost per case appears in both the numerator and denominator of the formula, it does not impact the calculation of a hospital's IME payment and may be removed from the final formula.

For FFY 2001, the CHGME program will use the same formula that was used in FFY 2000. If the PPS IRB teaching intensity factor to be used in FFY 2001 is different from 6.5 percent to .1 interns and residents-to-bed ratio, the teaching intensity factor in the equation to calculate IME payments would be altered accordingly.

Children's Hospitals With Average Lengths of Stay Greater Than or Equal to 30 Days

In calculating IME payments for FFY 2000, it became apparent that certain hospitals with lengths of stay greater than or equal to 30 days were significantly disadvantaged by the formula utilized to calculate the IME payments. These hospitals provided a variety of services, including rehabilitative services, that required their patients to remain as inpatients for a prolonged period of time. The Department proposes to apply an adjustment factor in the calculation of IME payments for children's hospitals with average lengths of stay greater than or equal to 30 days.

The Department found that when using the HCFA–DRG based CMI to measure relative resource allocation in the IME payment formula, it did not adequately account for the resources required to treat patients in children's hospitals with significantly long lengths of stay because the HCFR–DRG was developed based on different classes of patients in hospitals with shorter lengths of stay. For example, functional status, which is not measured by the DRG system, accounts for systematic differences in the cost of rehabilitation stays for the same diagnosis.

Since the length of stay is a major factor in determining the relative costliness of an inpatient stay, the Department proposes an adjustment factor based on the average length of stay (ALOS) to more adequately reflect the relative costliness of patients treated by the children's hospitals with significantly long lengths of stay. For hospitals with ALOS greater than or equal to 30 days, the adjustment factor is the ALOS for the individual hospital divided by the average ALOS for all hospitals with ALOS less than 30 days.

The IME calculation will use one formula to calculate IME payments for hospitals with an average length of stay less than 30 days and a second formula to calculate payments for hospitals with an average length of stay greater than or equal to 30 days, as follows:

Where:
NoD=number of discharges for hospital
CMI=average case mix index for hospital using HCFA v. 17
LOSadj=average length of stay (ALOS) per hospital with ALOS > or = 30 days/ALOS for all hospitals with ALOS < 30 days)
WI=area wage index for hospital
IME=IME adjustment factor for hospital
Z=total dollars available for CHGME program IME payments
IME Pay=total IME payments to hospital
i=individual hospital with ALOS < 30 days
j=individual hospital with ALOS > or = 30 days
m=total number of hospitals with ALOS > or = 30 days participating in the CHGME program
n=total number of hospitals with ALOS < 30 days participating in the CHGME program
residents=average number of unweighted FTE residents in the most recently completed cost reporting period with application of the cap.
beds=sum of available beds, including beds and bassinets in the healthy newborn nursery, in the most recently completed cost report filing period, divided by the number of days in that period.

For children's hospitals with ALOS < 30 days, the following formula will be used in FY 2001 to calculate the IME payment.

$$\text{IME Pay}_i = Z * \frac{\text{NoD}_i * \text{CMI}_i (\text{WI}_i * .711 + .289) * 1.6 \left((1 + \text{residents}_i\text{-to-bed}_i \text{ ratio})^{.405} - 1\right)}{\sum_{j=1}^{n} \text{NoD}_i * \text{CMI}_i * (\text{WI}_i * .711 + .289) * 1.6 \left((1 + \text{residents}_i\text{-to-bed}_i \text{ ratio})^{.405} - 1\right) + \sum_{j=1}^{m} \text{NoD}_j * \text{LOSadj}_j * \text{CMI}_j * (\text{WI}_j * .711 + .289) * 1.6 \left((1 + \text{residents}_j\text{-to-bed}_j \text{ ratio})^{.405} - 1\right)}$$

For children's hospitals with ALOS > or = 30 days, the following formula will be used in FY 2001 to calculate the IME payment:

$$\text{IME Pay}_j = Z * \frac{\text{NoD}_j * \text{LOSadj}_j * \text{CMI}_j * (\text{WI}_j * .711 + .289) * 1.6 \left((1 + \text{residents}_j\text{-to-bed}_j \text{ ratio})^{.405} - 1\right)}{\sum_{i=1}^{n} \text{NoD}_i * \text{CMI}_i * (\text{WI}_i * .711 + .289) * 1.6 \left((1 + \text{residents}_i\text{-to-bed}_i \text{ ratio})^{.405} - 1\right) + \sum_{j=1}^{m} \text{NoD}_j * \text{LOSadj}_j * \text{CMI}_j * (\text{WI}_j * .711 + .289) * 1.6 \left((1 + \text{residents}_j\text{-to-bed}_j \text{ ratio})^{.405} - 1\right)}$$

VIII. Evaluation Criteria

General Comments on Reporting

Respondents generally supported the collection of some performance data, although a number of respondents raised concerns about the potential reporting burden. Most respondents favored the use of existing hospital data systems for the reports, whenever possible. Two respondents asserted that these performance measures are unnecessary.

The Government Performance and Results Act (GPRA) requires the Department to collect, analyze and submit reports on the performance of its legislative programs. Therefore, the Department must collect information on performance measures for the CHGME program. To the extent the CHGME program is successful, aggregated hospital data reported should reflect this success. The reports will not affect the specific payment amounts made to participating hospitals.

The Department will reduce this reporting burden by eliminating the requirement for reporting rotations to rural and underserved areas. However, the Department will continue to request data on the number of FTE residents participating in children's hospital approved residency training program; the percentage of gross revenue associated with patient care; hospital total and operating margins; and patient-related operating costs. The period for which the performance goals are measured is the most recently filed Medicare cost report. Hospitals that do not file Medicare cost reports should submit data from the most recently completed Medicare cost reporting period.

GPRA Performance Measures for CHGME Program

Beginning in FFY 2001, the CHGME program will use the following GPRA performance measures:

- Maintain the number of FTE residents receiving training in the hospitals funded by the program;
- Maintain the number of FTE residents sponsored by hospitals funded by the program;
- Monitor the proportion of the hospital's gross revenue from patient care attributed to public insurance (Medicaid, Medicare, State Children's Health Insurance Program (SCHIP)), uncompensated care, and uninsured patients;
- Monitor the percentage of hospitals, funded by the program, with negative total margins; and
- Monitor the hospital's allowable operating costs.

Some respondents requested clarification of performance elements and necessary data requirements. These data requirements are described below:

1. A "sponsoring institution" is an institution that assumes the ultimate responsibility for a graduate medical education program. According to the Accreditation Council for Graduate Medical Education (ACGME), the following are the institutional requirements for a sponsoring institution: (1) A residency program must operate under the authority and control of a sponsoring institution; (2) there must be a written statement of institutional commitment to GME that is supported by the governing authority, the administration, and the teaching staff; (3) sponsoring institution must be in a substantial compliance with the Institutional Requirements and must ensure that their ACGME-accredited programs are in substantial compliance with the Program Requirements; and (4) an institution's failure to comply substantially with the Institutional Requirements may jeopardize the accreditation of all of its sponsored residency programs.

2. Medicaid refers to any funding provided by Title XIX including that from Medicaid HMOs. Payments for Disproportionate Share Hospitals (DSH) are also included in gross revenue for Medicate patient care.

3. State Children's Health Insurance Program (SCHIP) refers to funding provided under Title XXI.

4. "Uncompensated Care" means bad debt and charity. "Uncompensated care" does not include contractual allowances. The definition of "uncompensated care" is to be used for purposes of the CHGME program only. "Uninsured patients" means those patients that are self-pay.

For hospitals which do not file Medicare cost reports—(a) operating margin is net income from service to patients (net patient revenues − total operating expenses)/net patient revenues (total patient revenues − contractual allowances) * 100; and (b) total margin is net income from all sources (net patient revenue + all other income − total operating-other expenses)/total hospital revenues (net patient revenues + total other income) * 100.

For hospitals completing Medicare cost reports (HCFA–2552–96), the

margins should be calculated from Worksheet G–3:

Operating margin = (Line 5/Line 3) * 100

Total margin = (Line 31/(Line 3 + Line 25)) * 100

In calculating hospital operating costs, hospitals should include allowable operating costs based on Medicare cost reports.

IX. Other Laws Applicable to the CHGME Program

HHS is responsible to Congress and the U.S. taxpayers for carrying out its mission in compliance with applicable rules and regulations. HHS seeks to ensure integrity and accountability in its financial assistance programs. Applicants for and recipients of HHS funds are responsible for and must adhere to all applicable Federal statutes, regulations, and policies.

Legal Implication of Application

To be considered for support, an applicant must be an eligible entity and must submit a complete application in accordance with the established deadline. The application must be signed by an authorized representative of the applicant organization. This person is the designated representative of the hospital in matter related to the award of HHS financial assistance. HHS does not specify the organizational location of the applicant's representative; however, it requires the designation of such an official as the focal point for the organization's responsibilities as the recipient of HHS funds.

The signature of an authorized representative of the applicant on the application attests that:

1. All information contained in the application is true and complete, and in conformance with Federal requirements and the organization's own policies and requirements; and

2. The applicant organization's intent to comply with all assurances and certifications referenced in the application.

Civil and criminal penalties apply to any certification, assurance or submission made to HHS made in connection with any program administered by HHS. Even if the application for funding is not granted, the applicant may be subject to penalties if the information contained in it, including its assurances, is found to be false, fictitious, or fraudulent. The applicable provisions are summarized below:

The Program Fraud and Civil Remedies Act of 1986, 31 U.S.C. 3801, provides for the administrative imposition by HHS of civil penalties and assessments against persons who knowingly make false, fictitious, or misleading claims to the Federal Government for money, including money representing grants, loans, or benefits. A civil penalty of not more than $5,000 may be assessed for each such claim. If a grant is awarded and payment is made on a false or fraudulent claim, an assessment of not more than twice the amount of the claim may be made in lieu of damages, up to $150,000. Regulations at 45 CFR Part 79 specify the process for imposing civil penalties and assessments, including hearing and appeal rights.

The Criminal False Claims Act, 18 U.S.C. 287 and 1001, provides for criminal prosecution of a person who knowingly makes or presents any false, fictitious, or fraudulent statements or representations or claims against the United States. Such person may be subject to imprisonment of not more than 5 years and a fine.

The Civil False Claims Act, 31 U.S.C. 2739, provides for imposition of penalties and damages by the United States, through civil litigation, against any person who knowingly makes a false or fraudulent claim for payment, makes or uses a false record or false statement to get a false claim paid or approved, or conspires to defraud the Government to get a false claim paid. A "false claim" is any request or demand for money or property made to the United States or to a contractor, grantee, or other recipient, if the Government provides or will reimburse any portion of the funds claimed. Civil penalties of $5,000 to $10,000 may be imposed for each false claim, plus damages of up to three times the amount of the false claim.

45 CFR Part 74 authorizes HHS to recover funds administratively.

Record Retention and Access

Financial and programmatic records, supporting documents, statistical records, and all other records of a participating hospital that are required by the terms of the award or may reasonably be considered pertinent to the award, must be retained for the time period specified in 45 CFR Part 74, Subpart D. Access to these records is also governed by the provisions of 45 CFR Part 74, Subpart D.

Audit

HHS, or any other authorized Federal agency, may conduct an audit to determine whether the applicant hospital has complied with all governing laws and regulations in its application for funding. Any and all information submitted to HHS by an applicant or participating hospital during or after the award of funds is subject to review in an audit.

Hospitals must comply with OMB requirements for audits. OMB Circulars explain the scope, frequency, and other aspects of the audit. OMB Circular A–128, Audits of State and Local Governments, contains the requirements for audits of governmental hospitals. OMB Circular A–133, Audits of Institutions of Higher Education and Other Nonprofit Institutions, issued March 8, 1990, establishes the audit requirements for institutions of higher education and other nonprofit institutions receiving Federal awards. The main features of this Circular are as follows:

1. Nonprofit institutions receiving Federal awards of:

a. $100,000 or more a year shall have an audit made in accordance with the Circular. However, if the awards are under one program, the institution can have either an audit made in accordance with the Circular or have an audit made of the one program only. Individual program audits must conform to the reporting requirements set forth in General Accounting Office publication, government Auditing Standards, 1988 revision.

b. At least $25,000 but less than $100,000 a year must have an audit made in accordance with the Circular or the requirements of each Federal award.

c. Less than $25,000 a year are exempt from Federal audits but must have their records available for review by Federal agencies.

An audit made in accordance with OMB Circular A–133 will be in lieu of any financial audit required under individual Federal awards. However HHS will perform any additional audits necessary to carry out its responsibilities under Federal law or regulation.

Hospitals must submit a copy of audit reports to the National External Audit Resources, HHS Office of Audit Services, 323 West 8th Street, Lucas Place, Room 514, Kansas City, MO 64105.

Suspension, Termination, and Withholding of Support

If a hospital has failed to materially comply with the terms and conditions of the CHGME program, HHS may suspend the award, pending corrective action, or may terminate the award for cause.

Suspension: Temporary withdrawal of a hospital's authority to obligate funds, pending either corrective action by the hospital, as specified by HHS, or a decision by HHS to terminate the award.

Termination: Permanent withdrawal by HHS of a hospital's authority to obligate previously awarded funds before that authority would otherwise expire. HHS regulations at 45 CFR Part 76 provide for the debarment and suspension of individuals and institutions from eligibility to receive grants and other forms of financial assistance under HHS discretionary programs. (Also see Executive Order 12549, Debarment and Suspension.)

Fraud, Waste and Abuse

HHS encourages anyone who becomes aware of the existence or apparent existence of fraud, abuse, and waste of HHS financial assistance to report this to the HHS Inspector General's Office in writing or on the Inspector General's Hotline. The toll-free number is 1–800–368–5779. All telephone calls will be confidential. Address written complaints to Inspector General, HHS, Room 5250, 200 Independence Avenue SW, Washington, D.C. 20201.

Economic and Regulatory Impact

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when rulemaking is necessary, to select regulatory approaches that provide the greatest net benefits (including potential economic, environmental, public health, safety distributive and equity effects). In addition, under the Regulatory Flexibility Act (RFA of 1980), if a rule has a significant economic effect on a substantial number of small entities, the Secretary must specifically consider the economic effect of a rule on small entities and analyze regulatory options that could lessen the impact of the rule.

Executive Order 12866 requires that all regulations reflect consideration of alternatives of costs, of benefits, of incentives, of equity, and of available information. Regulations must meet certain standards, such as avoiding an unnecessary burden. Regulations which are "significant" because of cost, adverse effects on the economy, inconsistency with other agency actions, effects on the budget, or novel legal or policy issues, require special analysis.

The Department has determined that the only burden this action will impose on children's hospitals is the resources required to submit an application to the CHGME program. Therefore, in accordance with the RFA and the Small Business Regulatory Enforcement Act of 1996, which amended the RFA, the Secretary certifies that this action will have a significant impact on a substantial number of small entities in that this action will provide significant funding to eligible children's hospitals. However, since this action will not impose a significant burden on a substantial number of small entities, we have not examined any alternatives for reducing the burden on children's hospitals. The Secretary has also determined that this action does not meet with criteria for a major rule as defined by Executive Order 12866 and would have no major effect on the economy of Federal expenditures.

We have determined that the proposed rule is not a "major rule" within the meaning of the statute providing for Congressional Review of Agency Rulemaking, 5 U.S.C. 801. Similarly, the proposed rule will not have effects on States, local and tribal governments and on the private sector such as to require consultation under the Unfunded Mandates Reform Act of 1995.

Further, Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct compliance costs on State and local governments, preempts State law, or otherwise has Federalism implications. We have reviewed this action under the threshold criteria of Executive Order 13132, Federalism, and, therefore, have determined that this action would not have substantial direct effects on the rights, roles, and responsibilities of States.

Paperwork Reduction Act of 1995

In accordance with section 3507(a) of the Paperwork Reduction Act (PRA) of 1995, the Department is required to solicit public comments, and receive final Office of Management and Budget (OMB) approval, on collections of information. As indicated, in order to implement the Children's Hospital Graduate Medical Education Payment Program (CHGME), certain information is required as set forth in this notice in order to determine eligibility for payment. In accordance with the PRA, we are submitting to OMB at this time the following requirement for seeking review of these provisions. A 30-day notice was published in the **Federal Register** on November 7, 2000, to provide for public comment and to request a review of the information collection associated with CHGME.

Collection of Information: The Children's Hospital Graduate Medical Education Program.

Description: Data is collected on the number of full-time equivalent residents in applicant children's hospital training programs to determine the amount of direct and indirect expense payments to participating children's hospitals. Indirect expense payments will also be derived from a formula that requires the reporting of case mix index information from participating children's hospitals. Hospitals will be requested to submit such information in an annual application.

Description of Respondents: Children's hospitals operating approved graduate medical residency training operations.

Estimating Annual Reporting: The estimated average annual reporting for this data collection is approximately 150 hours per hospital. The estimated annual burden is as follows:

Form name	Number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden
HRSA–99–1:					
(Annual)	54	1	54	99.9	5,395
(Reconciliation)	54	1	54	8	432
HRSA–99–2 (IME)	54	1	54	14	756
HRSA–99–4 (Required GPRA tables)	54	1	54	28	1,512
Total	54	1	54		8095

National Health Objectives for the Year 2000

The Public Health Service is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, and its successor, Healthy People 2010. These are Department-led efforts to set priorities for national attention. The CHGME program is related to the priority area 1 (Access to Quality Health Services) in Health People 2010, which is available online at *http://www.health.gov/healthypeople.*

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between Department education programs and programs which provide comprehensive primary care services to the underserved.

Smoke-Free Workplace

The Department strongly encourages all award recipients to provide a smoke-free workplace and promote abstinence from all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

This program is not subject to the Public Health Systems Reporting Requirements.

Dated: February 6, 2001.

Claude Earl Fox,

Administrator.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–5008 Filed 2–28–01; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Program Project.

Date: March 16, 2001.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Rd., Bethesda, MD 20814.

Contact Person: Rita Liu, PhD, Health Scientist Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, (301) 443–2620.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: February 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4906 Filed 2–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel.

Date: March 26, 2001.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Room 1AS–13, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Arthur L. Zachary, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13H, Bethesda, MD 20892, (301) 592–2886, zacharya@nigms.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4907 Filed 2–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–14000–01–1220–AF]

Shooting Closure Order on North Hardscrabble Access Road in Glenwood Springs Field Office; CO

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Shooting closure order.

SUMMARY: This order, issued under the authority of 43 CFR 8364.1 closes public lands along the North Hardscrabble Access Road to recreational target shooting for the purpose of enhancing public safety. For this closure order, recreational target shooting is defined as the discharge of any weapon for any purpose other than the lawful taking of a game animal recognized by the State of Colorado. This order applies to public land administered by BLM in Township 5 South, Range 85 West, Section 10, Tract 80 and Lot 7, and in Section 15, Lot 2 and Lot 3, 6th Principal Meridian; Eagle County. The affected public land is generally located east and south of the Town of Gypsum, CO, off of Eagle County Spring Creek Road, 102A.

This action is in accordance with the Glenwood Springs Resource Management Plan, Record of Decision (BLM, 1984). This order, issued under the authority of 43 CFR 8364.1, is established to protect persons, property, public lands and resources.

EFFECTIVE DATES: The restriction shall be effective upon publication until rescinded or modified by the Authorized Officer.

SUPPLEMENTARY INFORMATION: Federal Register Notice CO–070–4333–13–241A, published January 2, 1992 closed land administered by the Bureau to camping, parking and discharge of firearms to land in T 5 S, R 85 W, Tract 80, also known as Lot 2 of O.R.E.O. Subdivision, 6th Principal Meridian, within 30 feet from the centerline of the North Hardscrabble Access Road. That restriction has not been sufficient in protecting adjacent land owners from the target shooting that takes place on BLM.

The area and routes affected by this order will be posted with appropriate regulatory signs in such a manner and location as is reasonable to bring prohibitions to the attention of visitors. Information, including maps of the restricted area, is available in the Glenwood Springs Field Office at the addresses shown below.

Persons who are exempt from the restrictions include: (1) Any Federal, State, or local officers engaged in fire, emergency and law enforcement activities; (2) BLM employees engaged in official duties.

Penalties

Any person who fails to comply with the provisions of this order may be subject to penalties outlined in 43 CFR 8360.0–7. Violations of this closure are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

ADDRESSES: Field Office Manager, Glenwood Springs Field Office, Bureau of Land Management, 50629 Highway 6 & 24, P.O. Box 1009, Glenwood Springs, CO 81602.

FOR FURTHER INFORMATION CONTACT: Dorothy Morgan (970) 947–2806.

Anne Huebner,

Glenwood Springs Field Office Manager.

[FR Doc. 01–4968 Filed 2–28–01; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–020–1310–AC]

Notice of Meeting

AGENCY: Bureau of Land Management (BLM), Montana, Billings and Miles City Field Offices, Interior.

ACTION: Notice of meeting.

SUMMARY: The Eastern Montana Resource Advisory Council will have a meeting on April 5, 2001 at the Hampton Inn Conference Room, 5110 Southgate Drive, Billings, Montana starting at 8 a.m. Primary agenda topics include off-highway vehicle use and travel management planning with updates on the Oil and Gas EIS, and Pompeys Pillar.

The meeting is open to the public and the public comment period is set for 11 a.m. The public may make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying during regular business hours.

FOR FURTHER INFORMATION CONTACT: Marilyn Krause, Public Affairs Specialist, Miles City Field Office, 111 Garryowen Road, Miles City, Montana 59301, telephone (406) 233–2831.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management. The 15 member Council includes individuals who have expertise, education, training or practical experience in the planning and management of public lands and their resources and who have a knowledge of the geographical jurisdiction of the Council.

Dated: February 20, 2001.

Todd S. Christensen,

Assistant Field Manager, Resources.

[FR Doc. 01–4969 Filed 2–28–01; 8:45 am]

BILLING CODE 4310–GG–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–080–1430–EU; Serial No. NMNM–104295]

Notice of Realty Action

SUMMARY: The following land has been found suitable for direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value of $9,000.00. The land will not be offered for sale until at least 60 days after the date of this notice.

T. 23 S., R. 25 E., NMPM
Sec. 12: NE¼NE¼, containing 40 acres.

The land is hereby segregated from appropriation under the public land laws, including the mining laws. The segregative effect of the notice of realty action shall terminate upon issuance of patent or other document of conveyance to such lands, upon publication in the **Federal Register** of a termination of the segregation, or 270 days from the date of publication, whichever occurs first.

The land is being offered by direct sale to the City of Carlsbad for expansion/upgrade of their water facility. The subject lands are adjacent to the City's #6 water well. The subject lands are not required for any other Federal purpose and meet the disposal criteria of the regulations contained in 43 CFR 2710.03(a) and 43 CFR 2711.3–3(a)(2).

The patent, when issued, will contain certain reservations to the United States, including the mineral estate, and will be subject to prior existing rights. Detailed information is available for review at the Carlsbad Field Office, 620 E. Greene, Carlsbad, NM 88220.

For a period of 45 days from March 1, 2001, interested parties may submit comments to Bobbe Young, Lead Realty Specialist, at P.O. Box 1778, Carlsbad, NM 88220. Any adverse comments will be evaluated by the Field Manager, who may vacate or modify this realty action and issue a final determination. In absence of objections, this realty action will become the final determination of the Department of the Interior.

Dated: February 12, 2001.

Leslie A. Theiss,

Carlsbad Field Manager.

[FR Doc. 01–4970 Filed 2–28–01; 8:45 am]

BILLING CODE 4310–VA–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of new information collection (OMB Control Number 1010–NEW).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled "Form MMS–144, Rig Movement/Skid Notification Report."

DATES: Submit written comments by April 30, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is:

rules.comments@mms.gov. Reference "Information Collection, form MMS–144, 1010–New" in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the new form MMS–144.

SUPPLEMENTARY INFORMATION:

Title: Form MMS–144, Rig Movement/Skid Notification Report.

OMB Control Number: 1010–New.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, requires the Secretary of the Interior to preserve, protect, and develop oil and gas resources in the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. Section 1332(6) of the OCS Lands Act (43 U.S.C. 1332) requires that "operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health." This authority and responsibility are among those delegated to MMS, under which we issue regulations governing oil and gas and sulphur operations in the OCS. The reporting and recordkeeping of information required by our 30 CFR part 250 regulations are mandatory. To facilitate and standardize required reporting, MMS has developed various forms. MMS also issues Notices to Lessees and Operators, which provide clarification, description, or interpretation of requirements contained in regulations, or implement supplemental or regional procedures.

This ICR concerns regulations in 30 CFR 250 subparts D, E, and F, and specifically in sections 401(g), 502, and 602, on equipment movement on and off an offshore platform or from well to well on the same offshore platform. The requirement for operators to notify MMS of rig movements is not specifically stated in §§ 250.401(g), 250.502, and 250.602. However, because of the increased volume of activity in the Gulf of Mexico Region (GOMR), it is now standard MMS procedure to require this notification as a condition of approval for drilling, well workover, recompletion, or abandonment operations. Because of this we have included the rig movement notification with the other the general information collection requirements of these regulations under OMB control numbers 1010–0053, 1010–0067, and 1010–0043. Also, MMS specifically included this reporting notification in the pending revised subpart D proposed regulations (§ 250.404), which OMB approved under 1010–0141.

In reporting rig movement, respondents will generally FAX the information or leave a telephone message. Because the current regulations do not specifically state what information MMS needs and MMS has not issued standard instructions on what to report, in many cases, the respondents have not provided sufficient information for MMS to identify the operator and type of activity. This then requires follow-up telephone calls or messages to the respondent to obtain the needed information. The current non-standard format for rig movement reporting has resulted in increased inspection flight time due to incorrect information. To avoid this recurring problem, the GOMR has developed a new form MMS–144, "Rig Movement/SKID Notification Report." The MMS District Offices use the information reported to accurately ascertain the arrival and departure of all rigs in OCS waters. The accurate location of these rigs is necessary to better facilitate the scheduling of inspections by MMS personnel.

Responses are mandatory. No questions of a "sensitive" nature are asked and no proprietary information is involved.

Frequency: The frequency is "on occasion."

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas lessees.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: We estimate respondents will average 6 minutes to fill out and complete form MMS–144. The total annual estimate is 180 burden hours.

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified no "non-hour cost" burden associated with form MMS–144.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *". Agencies must specifically solicit comments to:

(a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful;

(b) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(c) Enhance the quality, usefulness, and clarity of the information to be collected; and

(d) Minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the "hour" and "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of form MMS–144. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

Dated: February 23, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–4982 Filed 2–28–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf Oil and Gas and Sulphur Operations

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice.

SUMMARY: MMS has scheduled its annual Industry Awards Program and Luncheon to honor outstanding companies for their exemplary safety and pollution prevention records during the year 2000.

DATES: April 4, 2001.

FOR FURTHER INFORMATION CONTACT: Debbie O'Brien, 703–787–1579, deborah.o'brien@mms.gov; or Marcia Oliver, 703–787–1043, marcia.oliver@mms.gov.

SUPPLEMENTARY INFORMATION: The MMS will host its annual Industry Awards Program and Luncheon on Wednesday, April 4, 2001. It will be held at the Westin Galleria Hotel in Houston, Texas. This is the 19th year that MMS has honored outstanding companies for their exemplary safety and pollution prevention records, and the third year for our industry awards program. To recognize performance during the year 2000, the following awards will be presented:

- *Corporate Leadership Award (CORLA)*—Recognizes corporation employees for performing an act or service that enhances MMS's ability to meet Offshore Minerals Management or Minerals Revenue Management (MRM) mission objectives. An MMS CORLA recipient must be judged by MMS to have performed an exemplary act or service that helps MMS meet its mission objectives.
- *Corporate Citizen Award (CORCIT)*—Recognizes OCS lessees that are outstanding in the areas of offshore operating performance and fiscal responsibility. An MMS CORCIT recipient must be judged by MMS to be among the safest and most committed to timely and accurate financial reporting. Contributions to overall industry performance are considered.
- *Secretary of the Interior's Minerals Revenues Stewardship Award*—Recognizes companies committed to timely and accurately filing mineral lease revenue and production reports with the MRM Program.
- *Safety Award for Excellence (SAFE)*—Recognizes exemplary performance by oil and gas lessees, operators, and contractors. It also highlights to the public that companies conduct offshore oil and gas activities safely and in a pollution-free manner, even though such activities are complex and carry a significant element of risk. The SAFE Award Categories are as follows:
  - High Activity Operator
  - Moderate Activity Operator
  - Contractor—Drilling
  - Contractor—Production

Please visit our web site at http://www.mms.gov/awards. The site has information on registration, luncheon, and hotel reservations. Or, you may contact Ms. O'Brien or Ms. Oliver for further information.

Dated: February 26, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–4983 Filed 2–28–01; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–921 (Preliminary)]

Folding Gift Boxes From China

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigation and scheduling of a preliminary phase investigation.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping investigation No. 731–TA–921 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of folded gift boxes, provided for in subheading 4819.20.00.40 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by April 6, 2001. The Commission's views are due at the Department of Commerce within five business days thereafter, or by April 13, 2001.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: February 20, 2001.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk (202–205–3190), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted in response to a petition filed on February 20, 2001, by counsel on behalf of Simkins Industries, Inc., New Haven, CT, and Field Container Company, L.P., Elk Grove Village, IL.

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in

Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on March 13, 2001, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Valerie Newkirk (202–205–3190) not later than March 9, 2001, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before March 16, 2001, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: February 23, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–5002 Filed 2–28–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–355 and 731–TA–659–660 (Review)]

Grain-Oriented Silicon Electrical Steel From Italy and Japan

Determination

On the basis of the record[1] developed in the subject five-year reviews, the United States International Trade Commission determines,[2] pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the countervailing duty order on imports of grain-oriented silicon electrical steel from Italy and revocation of the antidumping duty orders on imports of grain-oriented silicon electrical steel from Italy and Japan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on December 1, 1999 (64 FR 67318) and determined on March 3, 2000, that it would conduct full reviews (65 FR 13989, March 15, 2000). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on August 16, 2000 (65 FR 50004).[3] The hearing was held in Washington, DC, on January 11, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in this investigation to the Secretary of Commerce on February 23, 2001. The views of the Commission are contained in USITC Publication 3396 (February 2001), entitled Grain-Oriented Silicon Electrical Steel from Italy and Japan: Investigations Nos. 701–TA–355 and 701–TA–659–660 (Review).

Issued: February 26, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–5004 Filed 2–28–01; 8:45 am]

BILLING CODE 7020–02–U

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Vice Chairman Deanna Tanner Okun and Commissioners Lynn M. Bragg and Jennifer A. Hillman dissenting.

[3] As revised by 65 FR 75302, December 1, 2000.

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–204–4]

Wheat Gluten; Notice of Commission Determination to Conduct a Portion of the Hearing In Camera

AGENCY: U.S. International Trade Commission.

ACTION: Closure of a portion of a Commission hearing to the public.

SUMMARY: Upon request of counsel for the Wheat Gluten Industry Council, the Commission has determined to conduct a portion of its hearing in the above-captioned investigation scheduled for February 27, 2001, in camera. See Commission rules 201.13(m) and 201.35(b)(3) (19 CFR 201.13(m) and 201.35(b)(3)). The remainder of the hearing will be open to the public. The Commission has determined that the seven-day advance notice of the change to a meeting was not possible. See Commission rule 201.35(a), (c)(1) (19 CFR 201.35(a), (c)(1)).

FOR FURTHER INFORMATION CONTACT: William Gearhart, Office of General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone 202–205–3091, e-mail wgearhart@usitc.gov. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission believes that counsel has justified the need for a closed session. Counsel seeks a closed session to provide a full discussion of information relating to new products and industry adjustment efforts and to certain customer information of two domestic producers. Because such discussions will necessitate disclosure of confidential business information (CBI), they can only occur if a portion of the hearing is held in camera. In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will include the usual public presentations by parties, with questions from the Commission. In addition, the hearing will include in camera sessions for confidential presentations by the two producers and for questions from the Commission relating to the CBI. For any in camera session the room will be cleared of all persons except for those company officials and their counsel who are authorized to have access to the CBI at issue. See 19 CFR 201.35(b)(1), (2). The time for the party's presentations in the in camera session will be taken from its overall allotment for the hearing. All persons planning to attend the in camera portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR 201.39) that, in her opinion, a portion of the Commission's hearing in Inv. No. TA–204–4, Wheat Gluten, may be closed to the public to prevent the disclosure of CBI.

Issued: February 23, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–5003 Filed 2–28–01; 8:45 am]

BILLING CODE 7020–02–U

DEPARTMENT OF JUSTICE

[AAG/A Order No. 220–2001]

Privacy Act of 1974; System of Records; Delay of Effective Date

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: Notice; delay of effective date.

SUMMARY: This action delays the effective date of the amendments to the Privacy Act notice for the National Instant Criminal Background Check System (Justice/FBI–018) published on January 22, 2001, at 66 FR 6676.

DATES: The effective date of the amendments to the Privacy Act notice for the National Instant Criminal Background Check System (Justice/FBI–018) published on January 22, 2001, at 66 FR 6676, is delayed for 60 days, from March 5, 2001, until May 4, 2001.

FOR FURTHER INFORMATION CONTACT: Mary E. Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, 1400 National Place Building, Washington, DC 20530.

SUPPLEMENTARY INFORMATION: The Department is delaying the effective date of the amendments to the Privacy Act notice published for the National Instant Criminal Background Check System (Justice/FBI–018) on January 22, 2001, at 66 FR 6676, for 60 days, from March 5, 2001 to a new effective date of May 4, 2001. This delay in effective date is being done in order to conform with the delayed effective date of the final rule entitled "National Instant Criminal Background Check System Regulation" published in the **Federal Register** on January 22, 2001, at 66 FR 6470, which is the basis for the amendments made in the Privacy Act notice. In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001 (66 FR 7702), the effective date of the final rule is being delayed for 60 days, from March 5, 2001, until May 4, 2001. The temporary 60-day delay in effective date is necessary to give Department of Justice officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. The delay of effective date of the final rule entitled "National Instant Criminal Background Check Regulation" is published in the Rules section of this issue of the **Federal Register**.

Dated: February 13, 2001.

Stephen R. Colgate,

Assistant Attorney General for Administration.

[FR Doc. 01–4980 Filed 2–28–01; 8:45 am]

BILLING CODE 4410–02–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules for Electronic Copies Previously Covered by General Records Schedule 20; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal.

This request for comments pertains solely to schedules for electronic copies of records created using word processing and electronic mail where the recordkeeping copies are already scheduled. (Electronic copies are records created using word processing or electronic mail software that remain in storage on the computer system after the recordkeeping copies are produced.)

These records were previously approved for disposal under General Records Schedule 20, Items 13 and 14. The agencies identified in this notice have submitted schedules pursuant to NARA Bulletin 99–04 to obtain separate disposition authority for the electronic copies associated with program records and administrative records not covered by the General Records Schedules. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a). To facilitate review of these schedules, their availability for comment is announced in **Federal Register** notices separate from those used for other records disposition schedules.

DATES: Requests for copies must be received in writing on or before April 16, 2001. On request, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums concerning a proposed schedule. These, too, may be requested. Requesters will be given 30 days to submit comments.

Some schedules submitted in accordance with NARA Bulletin 99–04 group records by program, function, or organizational element. These schedules do not include descriptions at the file series level, but, instead, provide citations to previously approved schedules or agency records disposition manuals (see **SUPPLEMENTARY**

INFORMATION section of this notice). To facilitate review of such disposition requests, previously approved schedules or manuals that are cited may be requested in addition to schedules for the electronic copies. NARA will provide the first 100 pages at no cost. NARA may charge $.20 per page for additional copies. These materials also may be examined at no cost at the National Archives at College Park (8601 Adelphi Road, College Park, MD).

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to records.mgt@arch2.nara.gov.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports and/or copies of previously approved schedules or manuals should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 713–7110. E-mail: records.mgt@arch2.nara.gov.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs the records to conduct its business. Routine administrative records common to most agencies are approved for disposal in the General Records Schedules (GRS), which are disposition schedules issued by NARA that apply Government-wide.

On March 25, 1999, the Archivist issued NARA Bulletin 99–04, which told agencies what they must do to schedule electronic copies associated with previously scheduled program records and certain administrative records that were previously scheduled under GRS 20, Items 13 and 14. On December 27, 1999, the Archivist issued NARA Bulletin 2000–02, which suspended Bulletin 99–04 pending NARA's completion in FY 2001 of an overall review of scheduling and appraisal. On completion of this review, which will address all records, including electronic copies, NARA will determine whether Bulletin 99–04 should be revised or replaced with an alternative scheduling procedure. However, NARA will accept and process schedules for electronic copies prepared in accordance with Bulletin 99–04 that are submitted after December 27, 1999, as well as schedules that were submitted prior to this date.

Schedules submitted in accordance with NARA Bulletin 99–04 only cover the electronic copies associated with previously scheduled series. Agencies that wish to schedule hitherto unscheduled series must submit separate SF 115s that cover both recordkeeping copies and electronic copies used to create them.

In developing SF 115s for the electronic copies of scheduled records, agencies may use either of two scheduling models. They may add an appropriate disposition for the electronic copies formerly covered by GRS 20, Items 13 and 14, to every item in their manuals or records schedules where the recordkeeping copy has been created with a word processing or electronic mail application. This approach is described as Model 1 in Bulletin 99–04. Alternatively, agencies may group records by program, function, or organizational component and propose disposition instructions for the electronic copies associated with each grouping. This approach is described as Model 2 in the Bulletin. Schedules that follow Model 2 do not describe records at the series level.

For each schedule covered by this notice the following information is provided: name of the Federal agency and any subdivisions requesting disposition authority; the organizational unit(s) accumulating the records or a statement that the schedule has agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency; the control number assigned to each schedule; the total number of schedule items; the number of temporary items (the record series proposed for destruction); a brief description of the temporary electronic copies; and citations to previously approved SF 115s or printed disposition manuals that scheduled the recordkeeping copies associated with the electronic copies covered by the pending schedule. If a cited manual or schedule is available from the Government Printing Office or has been posted to a publicly available Web site, this too is noted. Further information about the disposition process is available on request.

Schedules Pending

1. National Labor Relations Board, Agency-wide, (N9–25–01–1, 3 items, 3 temporary items). Electronic copies of records created using electronic mail and word processing that relate to activities common to most agency offices. Included are electronic copies associated with such matters as records management, personnel administration, financial management, and program administration. Also included are back-up tapes of these electronic copies. This schedule follows Model 2 as described in the SUPPLEMENTARY INFORMATION section of this notice. Recordkeeping copies of these files are included in Appendix 1, Chapter 1, of the NLRB Files Management and Records Disposition Handbook.

2. National Labor Relations Board, Agency-wide, (N9–25–01–2, 3 items, 3 temporary items). Electronic copies of records created using electronic mail and word processing that relate to such matters as committee management, organization planning, program evaluations, audits and investigations, forms and directives management, and automated data processing projects. Also included are back-up tapes of these electronic copies. This schedule follows Model 2 as described in the SUPPLEMENTARY INFORMATION section of this notice. Recordkeeping copies of these files are included in Appendix 1, Chapter 2, of the NLRB Files Management and Records Disposition Handbook.

3. National Labor Relations Board, Agency-wide, (N9–25–01–3, 3 items, 3 temporary items). Electronic copies of records created using electronic mail and word processing that relate to such matters as emergency preparedness, telecommunications, publications and printing, graphics and audiovisual products, security, space management, and travel and transportation. Also included are back-up tapes of these electronic copies. This schedule follows Model 2 as described in the SUPPLEMENTARY INFORMATION section of this notice. Recordkeeping copies of these files are included in Appendix 1, Chapter 3, of the NLRB Files Management and Records Disposition Handbook.

4. National Labor Relations Board, Agency-wide, (N9–25–01–4, 3 items, 3 temporary items). Electronic copies of records created using electronic mail and word processing that relate to personnel management, including such matters as employee performance and utilization, position classification and job evaluation, employee training, equal employment opportunity, and labor-management relations. This schedule follows Model 2 as described in the SUPPLEMENTARY INFORMATION section of this notice. Recordkeeping copies of these files are included in Appendix 1, Chapter 4, of the NLRB Files Management and Records Disposition Handbook.

5. National Labor Relations Board, Agency-wide, (N9–25–01–5, 3 items, 3 temporary items). Electronic copies of records created using electronic mail and word processing that relate to such matters as public relations, congressional relations, and implementation of the Freedom of Information and Privacy Acts. This schedule follows Model 2 as described in the SUPPLEMENTARY INFORMATION section of this notice. Recordkeeping copies of these files are included in Appendix 1, Chapter 5, of the NLRB Files Management and Records Disposition Handbook.

6. National Labor Relations Board, Agency-wide, (N9–25–01–6, 3 items, 3 temporary items). Electronic copies of records created using electronic mail and word processing that relate to general financial matters, budget, accounting and the disbursement of funds, and payroll. This schedule follows Model 2 as described in the SUPPLEMENTARY INFORMATION section of this notice. Recordkeeping copies of these files are included in Appendix 1, Chapter 6, of the NLRB Files Management and Records Disposition Handbook.

7. National Labor Relations Board, Agency-wide, (N9–25–01–7, 3 items, 3 temporary items). Electronic copies of records created using electronic mail and word processing that relate to procurement, contracts, supplies, and interagency agreements for reimbursable services dealing with these matters. This schedule follows Model 2 as described in the SUPPLEMENTARY INFORMATION section of this notice. Recordkeeping copies of these files are included in Appendix 1, Chapter 7, of the NLRB Files Management and Records Disposition Handbook.

8. National Labor Relations Board, Agency-wide, (N9–25–01–8, 3 items, 3 temporary items). Electronic copies of records created using electronic mail and word processing that relate to labor relations, including general case matters, unfair labor practices, and representation proceedings. This schedule follows Model 2 as described in the SUPPLEMENTARY INFORMATION section of this notice. Recordkeeping copies of these files are included in Appendix 1, Chapter 8, of the NLRB Files Management and Records Disposition Handbook and in Disposition Job Number N1–25–97–1.

Dated: February 23, 2001.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 01–4909 Filed 2–28–01; 8:45 am]

BILLING CODE 7515–01–U

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–04983, License No. 22–01376–02, EA–00–169]

In the Matter of Stork/Twin City Testing St. Paul, MN; Order Imposing Civil Monetary Penalty

I

Stork/Twin City Testing (Licensee) is the holder of Materials License No. 22–01376–02 issued by the Nuclear Regulatory Commission (NRC or Commission) on August 2, 1999, and amended in its entirety on June 16, 2000. The license authorizes the Licensee to perform industrial radiography in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted January 25 through February 24, 2000, and an investigation by the NRC Office of Investigations was initiated on February 7, 2000. The results of the inspection and investigation indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated December 15, 2000. The Notice states the nature of the violation, the provision of the NRC's requirements that the Licensee violated, and the amount of the civil penalty proposed for the violation.

The Licensee responded to the Notice in a letter dated December 21, 2000. In its response, the Licensee did not contest the violation, but requested reconsideration of the amount of the civil penalty based on the safety significance of the violation, the duration of the violation while Stork was involved, and that the violation occurred at only one location of use.

III

After considering the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined that the violation occurred as stated in the Notice, that the licensee has not provided a sufficient basis to warrant reduction of the civil monetary penalty, and that therefore the civil monetary penalty in the amount of $11,000 should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It Is Hereby Ordered That:*

The Licensee pay a civil penalty in the amount of $11,000 within 30 days of the date of this Order, in accordance with NUREG/BR–0254. In addition, at the time of making the payment, the licensee shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738.

V

The Licensee may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, IL 60532–4351.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If

payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be whether, on the basis of the findings made by the staff, this Order should be sustained.

Dated this 20th day of February 2001.

For the Nuclear Regulatory Commission.

R.W. Borchardt,

Director, Office of Enforcement.

[FR Doc. 01–4960 Filed 2–28–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–0299]

Umetco Minerals Corporation

AGENCY: Nuclear Regulatory Commission.

ACTION: Final finding of no significant impact; Notice of opportunity for hearing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) proposes to amend NRC Source Material License SUA–648 to authorize the licensee, Umetco Minerals Corporation (Umetco), to decommission the contaminated land associated with the operation of the uranium mill facility according to the Revised Soil Decommissioning Plan submitted September 15, 2000, as amended. The Umetco East Gas Hills site, is located in Natrona County, Wyoming, approximately 50 miles (80 kilometers) southeast of the town of Riverton, Wyoming. The mill operated from 1960 to 1979 and was dismantled in 1992. During operation, wind-blown tailings and tailings-solution from the Above-Grade Impoundment contaminated areas north of the Impoundment. A portion of the land contaminated with byproduct material was remediated (excavated) in 1993. Several changes and improvements have been proposed in the revised decommissioning plan.

An Environmental Assessment (EA) was performed by the NRC staff in support of its review of Umetco's license amendment request, in accordance with the requirements of 10 CFR part 51. The conclusion of the Environmental Assessment is a Finding of No Significant Impact (FONSI) for the proposed licensing action.

FOR FURTHER INFORMATION CONTACT: Ms. Elaine Brummett, Fuel Cycle Licensing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T–C6, Washington, DC 20555. Telephone 301/415–6606.

SUPPLEMENTARY INFORMATION:

Background

The Umetco Minerals Corporation (Umetco) site is licensed by the U.S. Nuclear Regulatory Commission (NRC) under Source Materials License SUA–648 to possess byproduct material in the form of uranium waste tailings as well as other radioactive wastes generated by past milling operations. The mill has been dismantled and current site activities include completion of reclamation of three disposal areas and continuation of the ground water corrective action program.

The original soil decommissioning plan was approved with additional requirements as documented in License Condition (LC) 30. The major proposed modifications in the revised plan include:

1. An improved method of gamma scanning;
2. A detailed plan for providing documentation that the regulations have been met;
3. A revised radium background value for compliance in the wind-blown area; and
4. Alternate criteria for the residual byproduct material in the channel of East Canyon Creek.

Summary of the Environmental Assessment

The NRC staff performed an appraisal of the environmental impacts associated with the revised soil decommissioning plan, in accordance with 10 CFR part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions. The license amendment would authorize Umetco to complete soil cleanup in the wind-blown area north of the Above-Grade Impoundment and to leave small amounts of residual byproduct material in the channel of East Canyon Creek as proposed. In conducting its appraisal, the NRC staff considered the following information: (1) Umetco's 1999 and 2000 submittals supporting the license amendment request, including a risk assessment for East Canyon Creek; (2) previous environmental evaluations of the facility; (3) data contained in required environmental monitoring reports; (4) existing license conditions; (5) results of NRC staff site visits and inspections of the Umetco facility; and (6) consultations with the U.S. Fish and Wildlife Service, the U.S. Bureau of Land Management, and the Wyoming State Historic Preservation Officer. The technical aspects of the revised reclamation plan are discussed separately in a Technical Evaluation Report (TER) that will accompany the final agency licensing action.

The results of the staff's appraisal are documented in an EA placed in the docket file. Based on its review, the NRC staff has concluded that there are no significant environmental impacts associated with the proposed action.

Conclusions

The NRC staff has examined actual and potential impacts associated with the revised decommissioning plan, and has determined that the requested amendment of Source Material License SUA–648, authorizing implementation of the revised soil decommissioning plan, will: (1) Be consistent with requirements of 10 CFR part 40, appendix A; (2) not be inimical to the public health and safety; and (3) not have long-term detrimental impacts on the environment.

The following statements summarize the conclusions resulting from the staff's environmental assessment, and support the FONSI:

1. An acceptable environmental and effluent monitoring program is in place to monitor effluent releases and to detect if applicable regulatory limits are exceeded. Radiological effluents from facility operations have been and are expected to remain below the regulatory limits.

2. Present and potential health risks to the public and risks of environmental damage from the proposed decommissioning were assessed. Given the remote location, limited activities requested, small area of impact, and past activities on the site, the staff determined that the risk factors for health and environmental hazards are insignificant.

3. Potential risks to the public and the environment from the byproduct material proposed to remain in the channel of East Canyon Creek (an ephemeral stream) were evaluated. Data on radionuclides and heavy metals in soil, water, vegetation, and animals were reviewed. Also, staff considered the contributions of these constituents from the near-by uranium mining activities and from natural uranium deposits in the creek bank. The staff determined that the current and long-term hazards from byproduct material in the creek channel are insignificant. The cost of remediation, risks to remediation workers, and the environmental harm (erosion, affect on wildlife including endangered species, etc) that would result from excavation of soil in the creek channel far out-weigh any slight health benefit that might arise as a result of remediation in this area. Also, the level of protection would be equivalent to meeting the soil radium standard, to the extent practicable.

Alternatives to the Proposed Action

The proposed action is to amend NRC Source Material License SUA–648, for decommissioning of the windblown tailings area and application of alternative criteria (no remediation) for the residual byproduct material in a portion of the East Canyon Creek channel, as requested by Umetco. Therefore, the principal alternatives available to NRC are to:

1. Approve the license amendment request as submitted; or
2. Amend the license with such additional conditions as are considered necessary or appropriate to protect public health and safety and the environment; or
3. Deny the amendment request.

Based on its review, the NRC staff has concluded that the environmental impacts associated with the proposed action do not warrant either the limiting of Umetco's future operations or the denial of the license amendment. Additionally, in the TER prepared for this action, the staff has reviewed the licensee's proposed action with respect to the criteria for reclamation, specified in 10 CFR part 40, appendix A, and has no basis for denial of the proposed action. Therefore, the staff considers that Alternative 1 is the appropriate alternative for selection.

Finding of No Significant Impact

The NRC staff has prepared an EA for the proposed renewal of NRC Source Material License SUA–648. On the basis of this assessment, the NRC staff has concluded that the environmental impacts that may result from the proposed action would not be significant, and therefore, preparation of an Environmental Impact Statement is not warranted.

The EA and other documents related to this proposed action are available for public inspection and copying at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852.

Notice of Opportunity for Hearing

The Commission hereby provides notice that this is a proceeding on an application for a licensing action falling within the scope of 10 CFR part 2, subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operators Licensing Proceedings," of the Commission's Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(d), a request for a hearing must be filed within thirty (30) days from the date of publication of this **Federal Register** notice. The request for a hearing must be filed with the Office of the Secretary either:

(1) By delivery to the Rulemakings and Adjudications Staff of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemakings and Adjudications Staff.

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail to:

(1) The applicant, Umetco Minerals Corporation, PO 1029, Grand Junction, CO 81502;

(2) The NRC staff, by delivery to the General counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or

(3) By mail addressed to the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR part 2 of the Commission's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(d).

Any hearing that is requested and granted will be held in accordance with the Commission's "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings" in 10 CFR part 2, subpart L.

Dated at Rockville, Maryland, this 23rd day of February 2001.

For the Nuclear Regulatory Commission.

Philip Ting,

Chief, Fuel Cycle Licensing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–4959 Filed 2–28–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 125th meeting on March 21–23, 2001, at 11545 Rockville Pike, Rockville, Maryland, Room T–2B3. The entire meeting will be open to public attendance. The schedule for this meeting is as follows:

Wednesday, March 21, 2001

A. *8:30–10 a.m.: Opening Statement/ Planning and Procedures* (Open)—The Chairman will open the meeting with brief opening remarks. The Committee will then review items under consideration at this meeting and consider topics proposed for future ACNW meetings.

B. *10:15–10:35 a.m.: DOE's Status Report on Key Technical Issue (KTI) Resolution* (Open)—The Committee will receive an update by a DOE representative as to the current status of the KTI resolution.

C. *10:35–12 Noon: Key Technical Issues—Vertical Slice Report* (Open)—The Committee members will present a report on their assigned KTIs.

D. *1–2 p.m.: Partial Release of a Reactor Facility or Site for Unrestricted Use* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the partial release of a reactor facility or site for unrestricted use.

E. *2–3 p.m.: License Termination Plan Review—Lessons Learned* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding lessons learned from experience with the License Termination Plan.

F. *3:15–5 p.m.: Commission Meeting Preparation* (Open)—The Committee will discuss the topics scheduled for its March 22, 2001 meeting with the Commission.

G. *5–7 p.m.: Discussion of Proposed ACNW Reports* (Open)—The Committee will discuss proposed ACNW reports on Entombment, Partial Release of Reactor Facility or Site for Unrestricted Use, Lessons Learned from Experience with the License

Termination Plan, and High Level Waste Chemistry.

Thursday, March 22, 2001

H. *8:30–8:40 a.m.: Opening Remarks by the ACNW Chairman* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.

I. *8:40–10 a.m.: Commission Meeting Preparation* (Open)—The Committee will continue to discuss topics scheduled for its meeting with the Commission on March 22, 2001.

J. *10:30–12 Noon.: Meeting with the NRC Commissioners* (Open)—The Committee will meet with the NRC Commissioners, Commissioners' Conference Room, One White Flint North to discuss ACNW's Integrated Strategy to Evaluate Staff's Overall License Review Capability and Staff's Sufficiency Review of DOE's Site Recommendation Considerations Report (SRCR), and related matters.

K. *1–2:30 p.m.: Proposed Revisions to 10 CFR Part 71, "Packaging and Transportation of Radioactive Material"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding proposed revisions to 10 CFR Part 71.

L. *2:45–5:30 P.M.: ACNW 2001 Action Plan* (Open)—The Committee will finalize the ACNW Action Plan for CY 2001, review its self assessment for the year 2000, and other activities relevant to the conduct of Committee business.

Friday, March 23, 2001

M. *8:30–8:35 A.M.: Opening Remarks by the ACNW Chairman* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.

N. *8:35–10 a.m.: Meeting Reports* (Open)—The Committee will hear reports from the members and staff on meetings attended since the 124th ACNW Meeting, including the Waste Management 2001 Symposium, NWTRB Meeting, and joint meeting of the ACRS/ACNW Subcommittee on integrated safety assessment.

O. *10:15–1 p.m.: Discussion of Proposed ACNW Reports* (Open)—The Committee will continue its discussion of proposed ACNW reports.

P. *1–1:30 p.m.: Miscellaneous* (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 11, 2000 (65 FR 60475). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Howard J. Larson, ACNW, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Larson as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by contacting Mr. Howard J. Larson, ACNW (Telephone 301/415–6805), between 8 a.m. and 5 p.m. EST.

ACNW meeting notices, meeting transcripts, and letter reports are now available for downloading or viewing on the internet at http://www.nrc.gov/ACRSACNW.

Videoteleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301/415–8066), between 7:30 a.m. and 3:45 p.m. EST at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: February 23, 2001.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 01–4957 Filed 2–28–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Joint Meeting of the ACRS Subcommittees on Materials and Metallurgy, Thermal-Hydraulic Phenomena, and Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittees on Materials and Metallurgy, Thermal-Hydraulic Phenomena, and Reliability and Probabilistic Risk Assessment will hold a joint meeting on March 16, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, March 16, 2001—8:30 a.m. until the conclusion of business.

The Subcommittees will discuss the status of risk-informed revisions to the technical requirements of 10 CFR 50.46 for emergency core cooling systems. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman. Written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Michael T. Markley (telephone 301/415–6885) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: February 22, 2001.

James E. Lyons,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–4956 Filed 2–28–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Thermal-Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal-Hydraulic Phenomena will hold a meeting on March 15, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

Portions of the meeting will be closed to public attendance to discuss proprietary information per 5 U.S.C. 552b(c)(4) pertinent to the Westinghouse Electric Corporation.

The agenda for the subject meeting shall be as follows:

Thursday, March 15, 2001—1:00 p.m. until the conclusion of business.

The Subcommittee will review the Westinghouse Electric Corporation's proposed approach to address thermal-hydraulic issues pertaining to its AP1000 passive plant design. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman. Written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Westinghouse Electric Corporation, the NRC staff, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Paul A. Boehnert (telephone 301–415–8065) between 7:30 a.m. and 4:30 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: February 22, 2001.

James E. Lyons,

Associate Director for Technical Support.

[FR Doc. 01–4958 Filed 2–28–01; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting

Board Votes to Close March 1, 2001, Meeting

By paper vote on February 22 and 23, 2001, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for March 1, 2001, in Washington, DC, via teleconference.

ITEM CONSIDERED: 1. Opinion and Further Recommended Decision of the Postal Rate Commission in Docket No. R2000–1.

PERSONS EXPECTED ATTEND: Governors Ballard, Daniels, del Junco, Dyhrkopp, Fineman, Kessler, McWherter, Rider and Walsh; Postmaster General Henderson, Deputy Postmaster General Nolan, Secretary to the Board Hunter, and General Counsel Gibbons.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting was properly closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Requests for information about the meeting should be addressed to the Deputy Secretary of the Board, William T. Johnstone, at (202) 268–4800.

William T. Johnstone,

Deputy Secretary.

[FR Doc. 01–5126 Filed 2–27–01; 2:13 pm]

BILLING CODE 7710–12–M

SMALL BUSINESS ADMINISTRATION

Program Announcement for the Paul D. Coverdell Drug-Free Workplace Program

AGENCY: Small Business Administration.

ACTION: Program announcement.

SUMMARY: The U.S. Small Business Administration (SBA) plans to issue program announcement #SBDC–01–0002 to invite applications from eligible intermediaries in accordance with the Drug-Free Workplace Act of 1998 (Act). The authorizing legislation is the Small Business Act, section 21(c)(3)(T) and section 27, 15 U.S.C. 648(c)(3)(T) and 654, (Title IX of Pub. L. 105–277).

The Act permits the SBA to make grants to eligible intermediaries for the purpose of providing financial and technical assistance to small businesses seeking to establish drug-free workplace programs. In establishing these DFWP programs, as contemplated by the Act, eligible intermediaries should provide outreach to the small business community and provide additional voluntary education for parents. Outreach must include educating small businesses on the benefits of a drug-free workplace and encouraging small business employers and employees to participate in drug-free workplace programs. Education for parents must include teaching them how to keep their children drug-free.

All applicants must meet the definition of "Eligible Intermediary" as defined in the Act. Any applicants not meeting the definition will be considered non-responsive and their proposals will not be technically evaluated. The Act defines "Eligible Intermediary" as an organization that:

1. Has at least two years of experience in carrying out drug-free workplace programs;

2. Has a drug-free workplace policy in effect;

3. Is located in a State, the District of Columbia, or a territory of the United States; *and*

4. Has as its purpose the development of comprehensive drug-free workplace programs, or supplying drug-free workplace services, or providing other forms of assistance and services to small businesses.

SBA is looking for applications that include innovative and creative approaches to address the Drug-Free Workplace Act of 1998. The grants should be viewed as an opportunity to develop a community-wide collaborative effort in which a plan for a system of action aimed at reducing drug abuse in small businesses can serve as a national demonstration model.

SBA will select successful applicants through a competitive process. Evaluation criteria will be included in the program announcement. The successful applicants will receive a 12-month grant award to provide financial and technical assistance to small businesses seeking to implement drug-free workplace programs.

DATES: SBA will mail the program announcement to interested parties in mid-March 2001. The closing date will be 30 days later. SBA Headquarters must receive the applications/proposals by the date and time that will be specified in the program announcement. Interested parties may also view the Program Announcement, minus attachments, online at: *http://www.sba.gov/news/drugfree.*

FOR FURTHER INFORMATION CONTACT: Joan Bready, Office of Small Business Development Centers, SBA, at (202) 205–7384 or Mina Bookhard, Office of Procurement and Grants Management, SBA, at (202) 205–7080.

Dated: February 21, 2001.

Johnnie Albertson,

Associate Administrator, Small Business Development Centers.

[FR Doc. 01–4921 Filed 2–28–01; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF STATE

[Public Notice 3591]

Information Collection Under Emergency Review; Nonimmigrant V Visa Application

AGENCY: Department of State.

ACTION: Notice of information collection under emergency review: Nonimmigrant V Visa Application.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

Type of Request: New Information Collection.

Originating Office: Bureau of Consular Affairs, Department of State.

Title of Information Collection: Nonimmigrant V Visa Application.

Frequency: Once per respondent.

Respondents: Spouses and children of lawful permanent residents awaiting the approval of a visa petition, the availability of an immigrant visa, the issuance of an immigrant visa, or the approval of an application for adjustment of status, provided that the petitioner filed a petition before December 21, 2000 and that three years have passed since the petition was filed.

Estimated Number of Respondents: 300,000.

Average Hours Per Response: 1 hour.

Total Estimated Burden: 300,000 hours.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by February 9, 2001. If granted, the emergency approval is valid only for 180 days. Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, (202) 395–5871.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until April 9, 2001. The agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments are being solicited to permit the agency to:

- Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Eric Cohan of the Directorate for Visa Services, U.S. Department of State, Room L706, SA–1, Washington, DC 20520–0106, or by fax at (202) 663–3897.

Dated: February 2, 2001.

Linda Donahue,

Acting Deputy Assistant Secretary of State for Visa Services, Bureau of Consular Affairs, U.S. Department of State.

[FR Doc. 01–4990 Filed 2–28–01; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–8982]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel *Andante.*

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 2, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–8982. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: *Andante.* Owner: Jeffrey W. Lippitt and Jeannette L. Lippitt.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Length 37.9 feet; Breadth 12.3 feet; Depth 6.0 feet; Gross Tonnage 13; Net Tonnage 12."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "The Vessel will be used part-time to provide sailboat rides, sailing vacations and sailing lessons to small groups of 12 passengers or less.

We are planning to dock the Vessel in Greenport, New York for the next two years and then we will be spending a year doing coastal cruising on the U.S. east coast and we would like to be able to generate income during that time to cover some of our expenses. In the future, we are planning to move the Vessel to Lake George, near our home. East Coast of the United States from Maine to Florida
Lake George, New York."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1979. Place of construction: Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "We are aiming at the low volume, high-end market. Our primary means of advertising will be on the internet and word of mouth. We expect to draw a small amount of business from a wide geographic area, and therefore doubt that our operation will interfere with other business. We are both employed full-time in non-boating related jobs and we will continue in them."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "Our mission is to introduce people to the joys of sailing and to teach them the sailing and boating skills necessary to become responsible boat owners. I expect that some of these people will become interested in purchasing sailboats in the range of 18 to 30 feet. It would be speculative however, to project how many actual boat sales will result from our business."

Dated: February 26, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4992 Filed 2–28–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2001–8981]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel *Dragonlord.*

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 2, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–8981. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. *Name of vessel: Dragonlord. Owner:* Herman Bips III.

(2) *Size, capacity and tonnage of vessel. According to the applicant:* "31′2½″, 6 Passengers, 6 Net Tons."

(3) *Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:* "Teach sailing locally and local

charters." "Tampa Bay and Gulf Waters from Tampa to Key West."

(4) *Date and Place of construction and (if applicable) rebuilding. Date of construction:* 1969. *Place of construction:* Belleville Marine Yards, Belleville, Ontario.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:* "This waiver will not have an impact on other commercial passenger vessel operators. No one does charters in the immediate Tampa Bay area, and other charters exist in the Gulf waters but not based in Tampa."

(6) *A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:* "This waiver will not have an impact on any US Shipyards. Many foreign vessels are used for charter operations."

Dated: February 26, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4994 Filed 2–28–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–8979]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel HERON.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 2, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–8979. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: HERON. Owner: Aram S. Nersesian.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Gross Tonnage: 25 (measured by standard documentation standards and formulas), Net Tonnage: 22, Length: 51.5 feet, Breadth: 15.2 feet, Depth: 6.5 feet, Hull Material: Aluminum."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

I would use this vessel for day or overnight charters; I would find corporate sponsorship to cover costs of taking inner city kids, kids at risk, cancer kids and families, etc. for day/overnight charters; I would create a sailing club taking paying members for day/overnight sails; I would provide a sailing platform to bring scholars and journalists of similar scientific and social backgrounds together for 'think tank' programs. Geographic region: entire United States Coastline, Great Lakes, all Inland Rivers and Waterways, and Puerto Rico and US Virgin Islands.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1982. Place of construction: La Rochelle, France.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

A waiver for my personally owned vessel will have absolutely no impact on other commercial passenger vessel operators. I have no plans to create an ongoing charter business of any kind. My use would follow my own interests to bring people together who have an interest in sailing, to use the boat to give disadvantaged children and their families an opportunity to get out on the water, or to create a floating 'think tank' for scholars, scientists and journalists. These uses are completely original and not commercially based, and would therefore not compete in any way with existing commercial operations.

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:

This waiver, also, will have no impact on U.S. shipyards, other than to provide ongoing business for these shipyards in the way of maintenance and upgrades to this vessel which is already in and documented in United States waters.

Dated: February 26, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4991 Filed 2–28–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2001–8983]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel *Sortilege.*

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 2, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–8983. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: *Sortilege.* Owner: Willie M. Moxley.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Net 55 tons Gross 59 tons."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

"We intend to provide a Galveston Bay moonlight cruise for guests of our bed & breakfast." "Galveston Port at Pier 22 into Galveston Bay and back to Pier 22."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1985. Place of construction: Taipei, Taiwan, Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "We see no impact on any other commercial passenger vessel operators as there is only one in our immediate area. The other operator is Harbour Tours and it provides tours of our harbour and a dolphin watch for paying customers."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "There are no shipyards in our area and I see no impact that we could have on US shipyards."

Dated: February 26, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration

[FR Doc. 01–4993 Filed 2–28–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2001–8980]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel *Southern Cross.*

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 2, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–8980. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested

parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: *Southern Cross*. Owner: Peter Murray.

(2) Size, capacity and tonnage of vessel. According to the applicant:

In pursuant with reg. 46 U.S.C. 14502 Gross tonnage is 28 and net tonnage is 25. The Southern Cross is a custom built Cross design trimaran sailboat. It is 46ft long and 25.2 breadth and 9.0 depth.

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

I intend to use the vessel as a sailing, diving, and teaching, liveaboard, for 6 passenger or less, sailing trimaran, in the area of the Florida keys, Key Largo to the Dry tortuous. I feel that this boat is unique in the fact that this is a sailing trimaran, engaged in not only sailing and diving, but I intend to use this vessel as a teaching platform, of not only sailing and diving, but a much greater concern, our environment.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1975. Place of construction: Ontario, Canada.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

To my knowledge there are no other trimaran sailboats in my immediate area that is doing a sailing, diving and teaching liveaboard operation. Although there are other boats down in key West, which is over 90 miles away as well as in key Largo, which is 15 miles away from my area, that are doing sailing charters, there are no trimarans doing a sailing, diving and teaching liveaboard operation. Each seems to have their own cliental, and also seem to go after localized traffic. Where I will advertise on the Internet and get my cliental from around the country. So I feel that my vessel would be a minimal financial impact if any, on other vessels in my area.

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:

To my knowledge there are no us ship builders building a vessel similar to the southern Cross. The Southern Cross is custom built from a Norman Cross design. The vessel is constructed using a cold molded process which is very expensive and very heavy using the materials that were used in building Southern Cross. The new ship builders are using lighter materials and different designs i.e. * * * catamaran design hulls, but on the other hand being an older boat and made of wood, I've already spent many hours and lots of money in local boat yards. I know for a fact this will never end, and I feel that the Southern Cross will only stimulate the economic growth of local boat yards.

Dated: February 26, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4995 Filed 2–28–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date, time, and location for the quarterly meeting of the Treasury Advisory Committee on Commercial Operations (COAC), and the provisional agenda for consideration by the Committee.

DATES: The next meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service will be held on Friday, March 23, 2001 at 9 a.m. at the Omni Colonnade Hotel, located at 180 Aragon Avenue, Coral Gables, FL 33134 (Tel: 305–441–2600, Fax: 305–444–9706) The meeting is being hosted by Gilbert Lee Sandler, Sandler, Travis & Rosenberg, P.A., 5200 Blue Lagoon Drive, #600, Miami, FL 33126. The duration of the meeting will be approximately four hours (9a to 1p).

FOR FURTHER INFORMATION CONTACT: Timothy E. Skud, Acting Deputy Assistant Secretary, Regulatory, Tariff and Trade (Enforcement), Office of the Under Secretary (Enforcement), Telephone: (202) 622–0230.

At this meeting, the Advisory Committee is expected to pursue the following agenda. The agenda may be modified prior to the meeting.

Agenda

(1) Merchandise Processing Fee (MPF)
(2) CAT (Compliance Assessment Team) Sub Committee
(3) OR & R (Office of Rules & Regulation) Sub Committee
(4) Import Data & Customs entry Sub Committee
(5) Port Uniformity Initiative
(6) Customs Authorization Bills
(7) Status of Customs & Treasury Comments on Revision to Kyoto Convention

SUPPLEMENTARY INFORMATION: The meeting is open to the public; however, participation in the Committee's deliberations is limited to Committee members, Customs and Treasury Department staff, and persons invited to attend the meeting for special presentations. A person other than an Advisory Committee member who wishes to attend the meeting should contact Theresa Manning at (202) 622–0220 or Helen Belt at (202) 622–0230 for pre-clearance.

Dated: February 26, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary, Regulatory, Tariff, and Trade (Enforcement).

[FR Doc. 01–4997 Filed 2–28–01; 8:45 am]

BILLING CODE 4810–25–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Brooklyn District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Brooklyn District Citizen Advocacy Panel will be held in Brooklyn, New York.

DATES: The meeting will be held Wednesday, March 28, 2001.

FOR FURTHER INFORMATION CONTACT: Eileen Cain at 1–888–912–1227 or 718–488–3555.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an operational meeting of the Citizen Advocacy Panel will be held Wednesday, March 28, 2001, 6 p.m. to 9:20 p.m. at the Internal Revenue Service Brooklyn Building located at 625 Fulton Street, Brooklyn, NY 11201. For more information or to confirm attendance, notification of intent to attend the meeting must be made with Eileen Cain. Mrs. Cain can be reached at 1–888–912–1227 or 718–488–3555. The public is invited to make oral comments from 8:30 p.m. to 9:20 p.m. on Wednesday, March 28, 2001.

Individual comments will be limited to 5 minutes. If you would like to have the CAP consider a written statement, please call 1–888–912–1227 or 718–488–3555, or write Eileen Cain, CAP Office, P.O. Box R, Brooklyn, NY, 11201. The Agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: February 16, 2001.

Cathy VanHorn,

National Project Manager, Taxpayer Advocate Service.

[FR Doc. 01–4778 Filed 2–28–01; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Thursday,
March 1, 2001

Part II

Environmental Protection Agency

40 CFR Parts 72, 74, and 78
Acid Rain Program—Permits Rule Revision, Industrial Utility-Units Exemption; Final Rule; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 72, 74, and 78

[FRL–6930–9]

Acid Rain Program—Permits Rule Revision, Industrial Utility-Units Exemption

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to remove the provision for the industrial utility-units exemption in the regulations for the Acid Rain Program under title IV of the Clean Air Act (Act). The purpose of the Acid Rain Program is to significantly reduce emissions of sulfur dioxide and nitrogen oxides from utility electric generating plants in order to reduce the adverse health and ecological effects of acidic deposition (or acid rain) resulting from these emissions. In January 1993, EPA issued rules implementing the program, including the permits rule. In October 1997, EPA revised the permits rule in order to add, among other things, a provision establishing a limited exemption from the program for certain industrial boilers (referred to as "industrial utility-units"). One party filed a petition for review challenging the industrial utility-units exemption. On August 23, 2000, EPA and the petitioning party signed a settlement agreement addressing the exemption provision. Today, EPA is removing the industrial utility-units exemption based on a review of the record. This action is consistent with the August 23, 2000 settlement.

DATES: This rule is effective on May 10, 2001 without further notice, unless EPA receives adverse comment by April 16, 2001. If we receive such adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: *Comments:* If you submit any written comments on this proposed rule, the comments must reference Docket No. A–95–56 and must be submitted in duplicate to EPA's Air and Radiation Docket and Information Center (6102), 401 M Street, SW., Room M–1500, Washington, DC 20460.

Docket. Docket No. A–95–56, containing supporting information used in developing the direct final rule, is available for public inspection and copying between 8:30 a.m. and 5:30 p.m., Monday through Friday, at EPA's Air and Radiation Docket and Information Center (6102), 401 M Street, SW., Room M–1500, Washington, DC 20460. EPA may charge a reasonable fee for copying.

FOR FURTHER INFORMATION CONTACT: Dwight C. Alpern, at (202) 564–9151, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., (6204J), Washington, DC 20460; or the Acid Rain Hotline at (202) 564–9089.

SUPPLEMENTARY INFORMATION: EPA is publishing this rule as a direct final rule because we view this as a noncontroversial amendment and anticipate no adverse comment. The rule, which removes the provision for the industrial utility-units exemption, is consistent with a settlement signed by EPA and the only party that petitioned for review of the industrial utility-units exemption. However, in the "Proposed Rules" section of today's **Federal Register**, we are publishing a separate document that will serve as the proposed rule revision if we receive any timely, adverse comments on today's direct final rule. Today's direct final rule will be effective on May 10, 2001 without further notice unless we receive adverse comment by April 16, 2001. If we receive such adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

The information in this preamble is organized as follows:

I. Regulated Entities
II. Background
III. Rule Revision
IV. Administrative Requirements
A. Executive Order 12866: Regulatory Impacts Analysis
B. Regulatory Flexibility Act: Small Entity Impacts
C. Unfunded Mandates Reform Act
D. Paperwork Reduction Act
E. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
F. Executive Order 12898: Environmental Justice
G. Executive Order 13132: Federalism
H. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments
I. National Technology Transfer and Advancement Act
J. Submission to Congress and the General Accounting Office

I. Regulated Entities

Entities potentially regulated by this action are fossil-fuel fired boilers or turbines that serve generators producing electricity for sale. Regulated categories and entities include:

Category	Examples of regulated entities
NAICS Code: 221112, Fossil Fuel Electric Power Generation.	Electric service providers, boilers and turbines from a wide range of industries.

EPA does not intend this table to be exhaustive, but rather to provide a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that, EPA is now aware, this action could potentially affect. This action could also affect other types of entities not listed in the table. To determine whether this action affects your facility, you should carefully examine the applicability criteria in §§ 72.6 and 76.1 and the exemptions in §§ 72.7 and 72.8 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

II. Background

Under title IV of the Act, "utility units" are subject to sulfur dioxide (SO_2) emission limitations (under sections 404, 405, 408, and 409) and must monitor SO_2, NO_X, carbon dioxide (CO_2), and opacity (under section 412)[1]. On October 24, 1997, EPA issued a final rule establishing a limited exemption from most Acid Rain Program requirements for certain industrial boilers ("industrial utility-units") that are not cogeneration units and that generate small amounts of electricity for sale. *See* 62 FR 55460, 55462–55466 and 55478–55480 (October 24, 1997). A cogeneration unit is a unit that uses the same energy to produce sequentially both: Thermal energy (heat or steam) that is used for industrial, commercial, or heating or cooling purposes; and electricity.

Under the industrial utility-unit exemption in the existing rule, the owners or operators of an industrial utility-unit that is not a cogeneration unit and that meets several requirements specified in § 72.14 may apply for, and obtain from the permitting authority, an exemption from most Acid Rain Program requirements. First, the existing § 72.14 requires that the unit must have no owner or operator whose principal business is electricity sale, transmission, or distribution or that is a public utility subject to State or local utility regulation. Second, on or before March 23, 1993, the owners or operators of the unit must have entered into an interconnection agreement with a company whose principal business is electricity sale, transmission, or distribution or that is a public utility subject to State or local utility regulation. The agreement must require that the generator served by the unit produce electricity for sale only for incidental sales. Third, in 1985 and any year thereafter, the generator served by the unit must have actually produced electricity for sale only for incidental sales to the public utility. EPA defined "incidental sales" as annual sales not exceeding the lesser of 10 percent of the output capacity of the generator or 10 percent of the actual annual electric output of the generator. *See* 62 FR 55478.

[1] *See also* section 821 of the Clean Air Act Amendments of 1990, 42 U.S.C. 7651k note (concerning monitoring of CO_2).

III. Rule Revision

After the issuance of the October 24, 1997 rule, one commenter filed a petition for review of the rule. On August 23, 2000, EPA and the commenter signed a settlement addressing the issues raised by the petition for review.

The commenter's units were among the 15 units that, according to EPA estimates in the October 24, 1997 rule, might qualify for the industrial utility-unit exemption. *See* 62 FR 55463 n.7. In connection with the petition for review, this party has raised significant questions as to whether industrial utility-units that are covered by the exemption provided in § 72.14 are actually "utility units" and would otherwise be subject to the Acid Rain Program. If such industrial utility-units would not otherwise be subject to the Acid Rain Program, then their owners or operators would not need to apply and qualify for an exemption under § 72.14. Indeed, there might not be any purpose for retaining § 72.14. In the rulemaking in which EPA proposed and then adopted § 72.14, these questions concerning whether industrial utility-units were "utility units" were not raised or addressed in any comprehensive way. Instead, the comments on the proposal and EPA's analysis of the comments focused on the details of what requirements an industrial utility-unit would have to meet in order to qualify for an exemption from most Acid Rain Program requirements. *See* 62 FR 55463–55466.

Under these circumstances, EPA concludes that the adoption of § 72.14 was premature. EPA believes that the underlying questions concerning whether industrial utility-units are actually "utility units" and would otherwise be subject to the Acid Rain Program should be fully addressed before an exemption for such units is implemented. Consequently, today's rule provides that § 72.14 in the October 24, 1997 rule is vacated, all references to § 72.14 in the parts 72–78 of the regulations (40 CFR parts 72–78) implementing the Acid Rain Program under title IV of the Clean Air Act are removed, and the portion of the preamble of the December 27, 1996 proposed rule addressing § 72.14 (i.e., section I.B.4 at 61 FR 68344–68347) and of the October 24, 1997 rule addressing § 72.14 (i.e., section II.B.3 of the preamble of the October 24, 1997 rule (62 FR 55462–55466)) is no longer valid and should not be regarded as representing EPA's views.

This will provide EPA an opportunity to consider comments that industrial-utility units (as defined in § 72.14) are not affected utility units under title IV of the Act and therefore do not need an exemption from requirements of title IV. Further, EPA will not take any further action on the provisions of § 72.14 in the December 27, 1996 proposed rule or the portion of the preamble of the December 27, 1996 rule addressing § 72.14 (i.e., section I.B.4 of the preamble of the December 27, 1996 rule (61 FR 68344–68347)) without first promulgating a new notice of proposed rulemaking that proposes such action and without first providing a new opportunity for public comment on any such new notice. EPA notes that today's rule is consistent with the August 23, 2000 settlement.

IV. Administrative Requirements

A. Executive Order 12866: Regulatory Impacts Analysis

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that today's final rule is not a "significant regulatory action" under the terms of Executive Order 12866 and, therefore, is not subject to OMB review.

B. Regulatory Flexibility Act: Small Entity Impacts

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), Public Law 104–121, generally requires the agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant, economic impact on a substantial number of small entities. Such entities include small businesses, small organizations, and small governmental jurisdictions.

Today's final rule will not significantly change the regulatory burden or economic impact of the existing Acid Rain regulations on any parties. When EPA promulgated the industrial utility-units exemption provision, EPA concluded that the provision would not change the overall economic impact of the Acid Rain regulations and would not have a significant economic impact on a substantial number of small entities. 62 FR 55474. EPA anticipated that the exemption would cover about 15 units with 4 owners, who were unlikely to be small entities. *See* 62 FR 55463 n. 7. Today's final rule vacates the industrial utility-units exemption provision and similarly will not change the overall economic impact of the Acid Rain regulations and will not have a significant economic impact on a substantial number of small entities.

For these reasons, I certify that today's final rule will not have a significant, economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local,

and tribal governments and the private sector. Under section 202 of the UMRA, 2 U.S.C. 1532, EPA generally must prepare a written statement, including a cost-benefit analysis, for any proposed or final rule with "Federal mandates" that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with regulatory requirements.

The EPA has determined that today's final rule does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector in any one year. Today's final rule will not significantly change the regulatory burden or economic impact of the existing Acid Rain regulations on any parties. When EPA promulgated the industrial utility-units exemption provision, EPA concluded that the provision would not change the overall economic impact of the Acid Rain regulations and would not have a significant economic impact on a substantial number of small entities. 62 FR 55474. EPA anticipated that the exemption would cover about 15 units with 4 owners, who were unlikely to be State, local, or tribal governments. *See* 62 FR 55463 n. 7. Today's final rule vacates the industrial utility-units exemption provision and similarly will not change the overall economic impact of the Acid Rain regulations. Accordingly, little or no additional costs to State, local, or tribal governments in aggregate, or to the private sector, will result from the final rule. Because today's rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than $100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Similarly, EPA has determined that today's rule contains no regulatory requirements that might significantly or uniquely affect small governments. Thus, today's final rule is not subject to the requirements of sections 202, 203, or 205 of the UMRA.

D. Paperwork Reduction Act

Today's final revisions to part 72 will not impose any new information collection burden subject to the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*). OMB has previously approved the information collection requirements contained in the permits rule, 40 CFR part 72, under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.* See OMB Control Number 2060–0258 (Acid Rain Program ICR No. 1633.12).

Today's final rule vacates the industrial utility-units exemption and thus any information required to qualify and apply for the exemption. Any units otherwise qualifying for the exemption that are covered by the Acid Rain Program will have the same information requirements as any other units subject to the Acid Rain Program. Those requirements were previously approved.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Copies of the previously approved ICR may be obtained from Sandy Farmer, Collection Strategies Division; U.S. Environmental Protection Agency (28822); 1200 Pennsylvania Ave., NW, Washington, DC 20460 or by calling (202) 260–2740. Include the ICR and/or OMB number in any correspondence.

E. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885 (April 23, 1997) applies to any rule that, EPA determines, (1) is "economically significant" as defined under Executive Order 12866 and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

Today's final rule is not subject to Executive Order 13045 because it is not "economically significant" as defined under Executive Order 12866. Further, the Agency does not have reason to believe that the environmental health risks or safety risks addressed by this action present a disproportionate risk to children.

F. Executive Order 12898: Environmental Justice

Executive Order 12898 requires that each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations.

Today's final rule vacates the industrial utility-units exemption provision. Neither the industrial utility-units exemption provision nor the vacating of the provision has disproportionately high and adverse human health or environmental effects on minorities and low-income populations.

G. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255 (August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Today's final rule vacates the industrial utility-units exemption provision. Neither the provision nor the vacating of the provision has any federalism implications. This action will not have substantial direct effects on the States, on the relationship between the national governments and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to today's final rule.

H. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's final rule vacates the industrial utility-units exemption provision. Neither the industrial utility-units exemption provision nor the vacating of the provision significantly or uniquely affects the communities of Indian tribal governments or imposes any direct compliance costs on those communities. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d), 15 U.S.C. 272 note, directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

Today's final rule does not involve any technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

J. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801, *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing today's final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. Today's final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Parts 72, 74, and 78

Environmental protection, Acid rain program, Administrative practice and procedure, Air pollution control, Electric utilities, Permits, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: January 3, 2001.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 72—[AMENDED]

1. The authority citation for part 72 continues to read as follows:

Authority: 42 U.S.C. 7601 and 7651, *et seq.*

§ 72.6 [Amended]

2. Section 72.6 is amended in paragraph (b)(9) by revising the words "§ 72.7, § 72.8, or § 72.14" wherever they occur to read "§ 72.7 or § 72.8".

§ 72.9 [Amended]

3. Section 72.9 is amended in paragraph (c)(6) by revising the words "§§ 72.7, 72.8, or 72.14" to read "§ 72.7 or § 72.8"; paragraph (g)(1) by revising the words "§ 72.7, § 72.8, or § 72.14" by to read "§ 72.7 or § 72.8"; and in paragraph (h) by revising the words "§ 72.7, § 72.8, or § 72.14" to read "§ 72.7 or § 72.8".

§ 72.14 [Removed]

4. Section 72.14 is removed.

§ 72.70 [Amended]

5. Section 72.70 is amended in paragraph (b) by removing the words "or for issuing exemptions under § 72.14".

§ 72.72 [Amended]

6. Section 72.72 is amended by removing paragraph (b)(6).

§ 72.83 [Amended]

7. Section 72.83 is amended in paragraph (a)(13) by removing the words "or which was approved by the permitting authority under § 72.14".

PART 74—[AMENDED]

The authority citation for part 74 continues to read as follows:

Authority: 42 U.S.C. 7601 and 7651, *et seq.*

§ 74.2 [Amended]

2. Section 74.2 is amended by revising the words "§ 72.7, § 72.8, or § 72.14" to read "§ 72.7 or § 72.8".

PART 78—[AMENDED]

1. The authority citation for part 78 continues to read as follows:

Authority: 42 U.S.C. 7601 and 7651, *et seq.*

§ 78.1 [Amended]

2. Section 78.1 is amended by removing and reserving paragraph (b)(1)(v).

§ 78.12 [Amended]

3. Section 78.12 is amended by removing from paragraph (a)(2), after the words "an Acid Rain permit", the words "or an exemption under § 72.14 of this chapter".

[FR Doc. 01–721 Filed 2–28–01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 72, 74, and 78

[FRL–6930–8]

Acid Rain Program—Permits Rule Revision, Industrial Utility-Units Exemption

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to remove the provision for the industrial utility-units exemption in the permits rule for the Acid Rain Program under title IV of the Clean Air Act (Act). The purpose of the Acid Rain Program is to significantly reduce emissions of sulfur dioxide and nitrogen oxides from utility electric generating plants in order to reduce the adverse health and ecological effects of acidic deposition (or acid rain) resulting from these emissions. In January 1993, EPA issued rules implementing the program, including the permits rule. In October 1997, EPA revised the permits rule in order to add, among other things, a provision establishing a limited exemption from the program for certain industrial boilers (referred to as "industrial utility-units"). One party filed a petition for review challenging the industrial utility-units exemption. On August 23, 2000, EPA and the petitioning party signed a settlement agreement addressing the exemption provision. Today, EPA is proposing to remove the industrial utility-units exemption. This action is consistent with the August 23, 2000 settlement.

DATES: If you want to submit any written comments on this proposed rule, EPA must receive the written comments by April 16, 2001.

Public Hearing: If you want to request a public hearing, you must submit a written request, which EPA must receive by March 8, 2001. Refer to the EPA website at *http://www.epa.gov/acidrain* to determine if a public hearing has been requested and will be held.

ADDRESSES: *Comments:* If you submit any written comments on this proposed rule, the comments must reference Docket No. A–95–56 and must be submitted in duplicate to EPA's Air and Radiation Docket and Information Center (6102), 401 M Street, SW., Room M–1500, Washington, DC 20460.

Docket: Docket No. A–95–56, containing supporting information used in developing the direct final rule, is available for public inspection and copying between 8:30 a.m. and 5:30 p.m., Monday through Friday, at EPA's Air and Radiation Docket and Information Center at the above address. EPA may charge a reasonable fee for copying.

FOR FURTHER INFORMATION CONTACT: Dwight C. Alpern, at (202) 564–9151, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., (6204J), Washington, DC 20460; or the Acid Rain Hotline at (202) 564–9089.

SUPPLEMENTARY INFORMATION: EPA is proposing to remove the industrial utility-units exemption in the permits rule for the Acid Rain Program. In the "Rules and Regulations" section of today's **Federal Register**, we are vacating the exemption as a direct final rule because we view the vacating of the exemption as noncontroversial and anticipate no adverse comment. We have explained our reasons for the vacating of the exemption in the preamble to the direct final rule. If we receive no timely, adverse comment, we will not take further action on this proposed rule. If we receive timely, adverse comment, we will withdraw the direct final rule and it will not take effect. We will then address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

List of Subjects in 40 CFR Parts 72, 74, and 78

Environmental protection, Acid rain program, Administrative practice and procedure, Air pollution control, Electric utilities, Permits, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: January 3, 2001.

Carol M. Browner,

Administrator.

[FR Doc. 01–722 Filed 2–28–01; 8:45 am]

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Federal Register

Thursday,
March 1, 2001

Part III

Environmental Protection Agency

40 CFR Part 55

Outer Continental Shelf Air Regulations Consistency Update for Alaska; Final Rule; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[Alaska 001; FRL –6919–3]

Outer Continental Shelf Air Regulations Consistency Update for Alaska

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Direct final rule.

SUMMARY: EPA is updating the Outer Continental Shelf ("OCS") Air Regulations as they apply to OCS sources off the coast of Alaska. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area ("COA"), as mandated by section 328(a)(1) of the Clean Air Act, as amended in 1990 ("the Act"). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the State of Alaska is the designated COA. The intended effect of incorporating the State of Alaska requirements applicable to OCS sources in effect as of July 2, 2000, is to regulate emissions from OCS sources in accordance with the requirements onshore.

DATES: This direct final rule is effective on April 16, 2001 without further notice, unless EPA receives adverse comment by April 2, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of April 16, 2001.

ADDRESSES: Written comments should be addressed to: Dan Meyer, EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, WA 98101. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations: Office of Air Quality, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, WA 98101; and Environmental Protection Agency (LE–6102), 401 "M" Street, SW., Room M–1500, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Dan Meyer, Office of Air Quality (OAQ–107), U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101, Telephone: (206) 553–4150.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 1992, EPA promulgated the OCS air regulations and incorporated into 40 CFR part 55, Appendix A, *State of Alaska Requirements Applicable to OCS Sources*, August 21, 1992. (57 FR 40806) The OCS air regulations have been amended a number of times since original promulgation. On August 4, 1997, EPA promulgated amendments to the OCS air regulations and incorporated *State of Alaska Requirements Applicable to OCS Sources*, January 18, 1997 (62 FR 41870). EPA is today promulgating amendments to the OCS air regulations. The amendments incorporate the *State of Alaska Requirements Applicable to OCS Sources*, July 2, 2000.

Pursuant to 40 CFR 55.12(b)(2), EPA is updating its OCS air regulations so as to maintain the rule's consistency with the corresponding onshore regulations. Since EPA's August 4, 1997, rulemaking, the State of Alaska has amended its air quality control regulations on several occasions. A number of these regulations are represented in the *State of Alaska Requirements Applicable to OCS Sources*, July 2, 2000. Specifically, 18 AAC 50.010, 020, 030, 035, 055, 070, 215, 225, 230, 235, 300, 325, 335, 345, 350, 365, 370, 375, 380, 400, and 990 have been revised by the State of Alaska and are now updated in the *State of Alaska Requirements Applicable to OCS Sources*, July 2, 2000. In addition, 18 AAC 50.341 and 385 were promulgated by the State of Alaska after August 4, 1997. These two provisions are now represented in the *State of Alaska Requirements Applicable to OCS Sources*, July 2, 2000. Although not previously included, EPA is today incorporating 18 AAC 50.310(n) and 350(m). The construction permit provision 18 AAC 50.310(n) requires certain new sources of air pollution to demonstrate that the proposed allowable emissions from the source will not interfere with attainment or maintenance of the ambient air quality standards or maximum allowable ambient concentrations. The operating permit provision 18 AAC 50.350(m) contains substantive requirements for insignificant sources. Insignificant sources are described at 18 AAC 50.335(q).

Although previously identified as a requirement applicable to OCS sources, EPA is today not incorporating 18 AAC 50.300(g) and (h)(11). These State of Alaska requirements applicable to certain sources located in the Port of Anchorage are not applicable to OCS sources. Similarly, EPA is not incorporating 18 AAC 50.340(d), (e), (f), (g), and (i) although previously identified as applicable to OCS sources. These administrative or procedural requirements applicable to the State of Alaska permitting authority are not applicable to OCS sources.

EPA has evaluated the COA requirements to ensure that they are rationally related to the attainment or maintenance of Federal or state ambient air quality standards or Part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS, and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure that they are not arbitrary or capricious. 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules.

EPA Action

In this document, EPA takes direct final action under section 328(a)(1) of the Act, 42 U.S.C. 7627, to incorporate *State of Alaska Requirements Applicable to OCS Sources*, July 2, 2000, into 40 CFR part 55. Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into Part 55.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

B. Executive Order 13045

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation.

In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments to "provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop and accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final rule will not have a significant impact on a substantial number of small entities because consistency updates under section 328(a) of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the consistency update approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of the state action.

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual cost to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that my result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available

and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 30, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review not does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: December 8, 2000.

Charles E. Findley,

Acting Regional Administrator, Region 10.

Title 40 of the Code of Federal Regulations, part 55, is to be amended as follows:

PART 55—[AMENDED]

1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101–549.

2. Section 55.14 is amended by revising paragraph (e)(2)(i)(A) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.

* * * * *

(e) * * *

(2) * * *

(i) * * *

(A) *State of Alaska Requirements Applicable to OCS Sources,* July 2, 2000.

* * * * *

3. Appendix A to CFR part 55 is amended by revising paragraph (a)(1) under the heading "Alaska" to read as follows:

Appendix A to 40 CFR Part 55—Listing of State and Local Requirements Incorporated by Reference into Part 55, by State

* * * * *

Alaska

(a) * * *

(1) The following requirements are contained in the *State of Alaska Requirements Applicable to OCS Sources,* July 2, 2000.

Alaska Administrative Code—Department of Environmental Conservation. The following sections of Title 18, Chapter 50:

Article 1. Ambient Air Quality Management

18 AAC 50.005. Purpose and Applicability of Chapter. (effective 1/18/1997)
18 AAC 50.010. Ambient Air Quality Standards. (effective 6/21/1998)
18 AAC 50.015. Air Quality Designations, Classifications, And Control Regions. (effective 1/18/1997)
Table 1. Air Quality Classifications
18 AAC 50.020. Baseline Dates, Maximum Allowable Increases, And Maximum Allowable Ambient Concentrations. (effective 6/21/1998)
Table 2. Baseline Dates
Table 3. Maximum Allowable Increases
18 AAC 50.025. Visibility and Other Special Protection Areas. (effective 1/18/1997)
(a) [untitled]
18 AAC 50.030. State Air Quality Control Plan. (effective 9/04/1998)
18 AAC 50.035. Documents, Procedures, and Methods Adopted by Reference. (effective 7/02/2000)
18 AAC 50.045. Prohibitions. (effective 1/18/1997)
18 AAC 50.050. Incinerator Emission Standards. (effective 1/18/1997)
Table 4. Particulate Matter Standards for Incinerators
18 AAC 50.055. Industrial Processes and Fuel-burning Equipment. (effective 11/04/1999)
18 AAC 50.065. Open Burning. (effective 1/18/1997)
(a) General Requirements.
(b) Black Smoke Prohibited.
(c) Toxic and Acid Gases and Particulate Matter Prohibited.
(d) Adverse Effects Prohibited.
(e) Air Quality Advisory.
(i) Firefighter Training: Fuel Burning.
(j) Public Notice.
(k) Complaints.
18 AAC 50.070. Marine Vessel Visible Emission Standards. (effective 6/21/1998)
18 AAC 50.080. Ice Fog Standards. (effective 1/18/1997)
18 AAC 50.100. Nonroad Engines/ (effective 1/18/1997)
18 AAC 50.110. Air Pollution Prohibited. (effective 5/26/1972)

Article 2. Program Administration

18 AAC 50.201. Ambient Air Quality Investigation. (effective 1/18/1997)
18 AAC 50.205. Certification. (effective 1/18/1997)
18 AAC 50.210. Potential to Emit. (effective 1/18/1997)
18 AAC 50.215. Ambient Air Quality Analysis Methods. (effective 6/21/1998)
18 AAC 50.220. Enforceable Test Methods. (effective 1/18/1997)
18 AAC 50.225. Owner-requested Limits. (effective 6/21/1998)
18 AAC 50.230. Preapproved Limits. (effective 6/21/1998)
18 AAC 50.235. Unavoidable Emergencies and Malfunctions. (effective 6/14/1998)
18 AAC 50.240. Excess Emissions. (effective 1/18/1997)

Article 3. Permit Procedures and Requirements

18 AAC 50.300. Construction Permits: Classifications. (effective 6/21/1998)
(a) [untitled]
(b) Ambient Air Quality Facilities.
(c) Prevention of Significant Deterioration Major Facilities.
(d) Nonattainment Major Facilities.
(e) Major Facility Near a Nonattainment Area.
(f) Hazardous Air Contaminant Major Facilities.
(h) Modifications. (paragraphs 1 through 10)
18 AAC 50.305. Construction Permit Provisions Requested by the Owner or Operator. (effective 1/18/97)
18 AAC 50.310. Construction Permits: Application. (effective 1/18/1997)
(a) Application Required.
(b) Operating Permit Coordination.
(c) General Information.
(d) Prevention of Significant Deterioration Information.
Table 6. Significant Concentrations
(e) Excluded Ambient Air Monitoring.
(f) Nonattainment Information.
(g) Demonstration Required Near A Nonattainment Area.
(h) Hazardous Air Contaminant Information.
(j) Nonattainment Air Contaminant Reductions.
(k) Revising Permit Terms.
(l) Requested Limits.
(m) Stack Injection.
(n) Ambient Air Quality Information.
18 AAC 50.320. Construction Permits: Content and Duration. (effective 1/18/1997)
18 AAC 50.325. Operating Permits: Classifications. (effective 6/21/1998)
18 AAC 50.330. Operating Permits: Exemptions. (effective 1/18/1997)
18 AAC 50.335. Operating Permits: Application. (effective 6/21/1998)
(a) Application Required.
(b) Identification.
(c) General Emission Information.
(d) Fees.
(e) Regulated Source Information.
(f) Facility-wide Information: Ambient Air Quality.
(g) Facility-wide Information: Owner Requested Limits.
(h) Facility-wide Information: Emissions Trading.
(i) Compliance Information.
(j) Proposed Terms and Conditions.
(k) Compliance Certifications.
(l) Permit Shield.
(m) Supporting Documentation.
(n) Additional Information.
(o) Certification of Accuracy and Completeness.
(p) Renewals.
(q) Insignificant Sources.
(r) Insignificant Sources: Emission Rate Basis.
(s) Insignificant Sources: Category Basis.
(t) Insignificance Sources: Size or Production Rate Basis.
(u) Insignificant Sources: Case-by-Case Basis.
(v) Administratively Insignificant Sources.
18 AAC 50.340. Operating Permits: Review and Issuance. (effective 1/18/1997)
(a) Review for Completeness.
(b) Evaluation of Complete Applications.
(c) Expiration of Application Shield.
18 AAC 50.341. Operating Permits: Reopenings. (paragraphs a, b, c, f, and g) (effective 6/14/1998)
18 AAC 50.345. Operating Permits: Standard Conditions. (effective 6/21/1998)
18 AAC 50.350. Operating Permits: Content. (effective 6/21/1998)
(a) Purpose of Section.
(b) Standard Requirements.
(c) Fee Information.
(d) Source-Specific Permit Requirements.
(e) Facility-Wide Permit Requirements.
(f) Other Requirements.
(g) Monitoring Requirements.
(h) Records.
(i) Reporting Requirements.
(j) Compliance Certification.
(k) Compliance Plan and Schedule.
(l) Permit Shield.
(m) Insignificant Sources.
18 AAC 50.355. Changes to a Permitted Facility. (effective 1/18/1997)
18 AAC 50.360. Facility Changes that Violate a Permit Condition. (effective 1/18/1997)
18 AAC 50.365. Facility Changes that do not Violate a Permit Condition. (effective 6/14/1998)
18 AAC 50.370. Administrative Revisions. (effective 6/14/1998)
18 AAC 50.375. Minor and Significant Permit Revisions. (effective 6/21/1998)
18 AAC 50.380. General Operating Permits. (effective 6/14/1998)
18 AAC 50.385. Permit-by-rule for Certain Small Storage Tanks. (effective 6/21/1998)

Article 4. User Fees

18 AAC 50.400. Permit Administration Fees. (effective 6/21/1998)
18 AAC 50.410. Emission Fees. (effective 1/18/1997)
18 AAC 50.420. Billing Procedures. (effective 1/18/1997)

Article 9. General Provisions

18 AAC 50.910. Establishing Level of Actual Emissions. (effective 1/18/1997)
18 AAC 50.990. Definitions. (effective 1/01/2000)

* * * * *

[FR Doc. 01–691 Filed 2–28–01; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[Alaska 001; FRL–6919–4]

Outer Continental Shelf Air Regulations Consistency Update for Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to update a portion of the Outer Continental Shelf ("OCS") Air Regulations. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area ("COA"), as mandated by section 328(a)(1) of the Clean Air Act, as amended in 1990 ("the Act"). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the State of Alaska is the designated COA. The intended effect of approving the OCS requirements is to regulate emissions from OCS sources in accordance with the requirements onshore.

EPA is incorporating *State of Alaska Requirements Applicable to OCS Sources,* July 2, 2000, into the OCS air regulations as a direct final rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received in writing by April 2, 2001.

ADDRESSES: Written comments should be addressed to: Dan Meyer, EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, WA 98101. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations: Office of Air Quality, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, WA 98101; Environmental Protection Agency (LE–6102), 401 "M" Street, SW., Room M–1500, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Dan Meyer, EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–4150.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: December 8, 2000.

Charles E. Findley,

Acting Regional Administrator, Region 10.

[FR Doc. 01–692 Filed 2–28–01; 8:45 am]

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Federal Register

Thursday,
March 1, 2001

Part IV

The President

Proclamation 7408—American Red Cross Month, 2001

Proclamation 7409—Irish-American Hertiage Month, 2001

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Vol. 66, No. 41
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Presidential Documents

Title 3—

The President

Proclamation 7408 of February 26, 2001

American Red Cross Month, 2001

By the President of the United States of America

A Proclamation

The American Red Cross was founded in 1881 by Clara Barton, a woman selflessly devoted to the needs of humanity. Many of the Red Cross's guiding principles—compassion, courage, character, and civic duty—are timeless ideals shared by the people of the United States.

Chartered and authorized by the Congress to act in times of need, the American Red Cross serves our Nation and the world, providing compassionate assistance to people afflicted by personal, local, national, or international disasters. Every day, millions of Red Cross volunteers and employees follow in Clara Barton's footsteps by providing essential services to people in their communities.

For more than 120 years, Americans have relied on the expertise of the American Red Cross in disaster relief. Last year, the Red Cross helped people during devastating wildfires in New Mexico and Montana and in communities hit by massive ice storms in Nebraska, Arkansas, and across the Midwest. Volunteers respond to an estimated 63,000 disasters each year and help millions of people during trying times of loss. The American Red Cross also saves lives long before tragedy strikes by helping individuals and entire communities learn to prepare for disasters.

The educational information distributed by the American Red Cross helps people feel safe at home, at work, at school, and at play. Last year, the Red Cross trained nearly 12 million people in lifesaving CPR and first aid, in the use of automated external defibrillators (AEDS), on HIV/AIDS education, and in lifeguarding and water safety. Many people also know about the Red Cross because of the organization's blood collection drives. In 2000, more than 6.3 million units of blood were collected from 4 million generous blood donors.

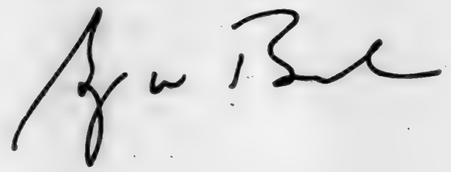
Under its charter, the American Red Cross is entrusted to deliver emergency messages and provide vital services for military members and their families. Staff members deploy with our Armed Forces to provide emergency communications and a caring presence to service men and women separated from their families. Almost 40,000 Red Cross volunteers work at more than 100 military sites here and around the world.

Through the years, the American Red Cross has reached out to people worldwide, preventing and relieving the most desperate cases of human suffering caused by crises abroad. For families in need right now—in more than 50 developing nations—the American Red Cross is helping to establish sanitary and healthy living conditions by creating reliable sources of food and water. The organization's international services save the lives of people threatened by calamities such as epidemics, natural disasters, armed conflict, deadly weather, social strife, or economic collapse.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2001 as American Red Cross Month. I request, as my predecessor Franklin Roosevelt did 58 years ago, that

each American enlist in the Red Cross "army of mercy"—and give part of themselves to advance this organization's noble humanitarian mission. We have a long way yet to travel, but together, we can save lives. On behalf of a grateful Nation, we applaud and salute the selfless dedication of generations of Red Crossers.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–5189
Filed 2–28–01; 8:45 am]
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Presidential Documents

Proclamation 7409 of February 26, 2001

Irish-American Heritage Month, 2001

By the President of the United States of America

A Proclamation

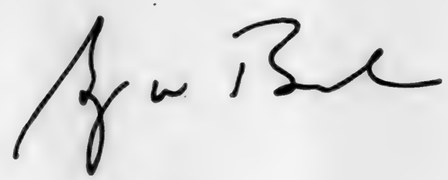
Beginning from the earliest years of settlement, millions of Ireland's people have emigrated to America's shores. This immigration reached a particular peak during the terrible years of the Great Famine more than 150 years ago. Irish immigrants, from professionals to laborers, made an enormous contribution to the building of our Nation.

The Irish who came to America endured many hardships but have prevailed to play vital roles in every chapter of our country's history. Nine of the signers of the Declaration of Independence were of Irish origin, and 19 Presidents of the United States have proudly claimed Irish heritage—including George Washington, Andrew Jackson, John F. Kennedy, and Ronald Reagan. Irish Americans have served with distinction in every war this Nation has fought, from Revolutionaries John Barry and Stephen Moylan to General Douglas MacArthur. Other influential and renowned figures of Irish descent include pioneers Buffalo Bill Cody, Daniel Boone, and Davy Crockett; authors Flannery O'Connor, Eugene O'Neill, and John O'Hara; Civil War photographer Matthew Brady; and entertainers Jackie Gleason, Gene Kelly, and John Wayne. These distinguished Americans represent only a small sampling of the men and women whose legacy has forever changed our national identity and who trace their ancestry to Ireland's green shores.

Today, the more than 44 million Americans who claim Irish heritage look back with pride on the achievements and contributions of their forebears. Irish Americans have distinguished themselves in every sector of American life. We are all enriched, strengthened, and blessed by their service to our country.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2001 as Irish-American Heritage Month. I call upon all the people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–5190
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CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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H.J. Res. 7/P.L. 107–1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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3–2–01 Friday
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Pages 12993–13226

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

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[No. 2001–11]

RIN 1550–AB14

Application Processing

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Thrift Supervision (OTS) is revising its application processing guidelines and procedures. These changes update OTS rules to reflect existing practices; to provide more predictable procedures for applicants; and to provide greater flexibility to OTS and applicants in the processing of applications. OTS has also rewritten the rules in "plain language" to make them easier to understand.

EFFECTIVE DATE: April 1, 2001, except 12 CFR 516.290, which is effective July 1, 2001.

FOR FURTHER INFORMATION CONTACT: Lane Langford, Regulatory Analyst, Examination Policy, (202) 906–7027; Celeste Anderson, Program Analyst, Compliance Policy & Specialty Examinations, (202) 906–7990; Robyn Dennis, Manager, (202) 906–5751 and Josephine Battle, Program Analyst Trainee, (202) 906–6870, Supervision Policy Division; John P. Harootunian, Senior Counsel for Special Transactions, Business Transactions Division, (202) 906–6415, and Koko Ives, Counsel (Banking and Finance) Regulations and Legislation Division, Office of Chief Counsel, (202) 906–6661, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 2000, OTS proposed to revise its OTS application processing guidelines and procedures at 12 CFR part 516.[1] The proposed rule was intended to make the processing of applications more efficient, more expeditious, and easier to understand.[2]

Most of the proposed changes clarified existing procedures. The proposed rules, for example, presented current information in user-friendly charts; explained how OTS computes time periods; and explained how an applicant may determine whether an application should be filed with the Regional Office and OTS headquarters. OTS also proposed to add a new provision codifying OTS's policy protecting confidential information.

In addition, OTS proposed to remove some technical requirements from the existing regulations and to incorporate this information into individual application forms. OTS has revised its forms and application-processing handbook to reflect these changes. These forms and the handbook will be available on the effective date of today's final rule.

OTS proposed only a few substantive changes to the existing rules. These included new provisions that address pre-filing procedures for certain complex applications, permit OTS to extend certain processing time frames, and allow OTS to deem certain long-pending applications to be withdrawn.

The comment period on the proposed rule closed on January 2, 2001. OTS received five comments from two community organizations, one law firm representing financial institutions, one federal savings bank, and one trade association. Generally, the commenters supported the proposed rule, but objected to certain provisions. These issues are summarized in the following analysis.

[1] *See* 65 FR 66118 (Nov. 2, 2000).

[2] In 1997, OTS added three new subparts to part 516. 62 FR 64138 (Dec. 4, 1997). These new subparts were drafted using plain language drafting techniques. OTS has redrafted the remainder of part 516 consistent with section 722 of Gramm-Leach-Bliley Act (the G–L–B Act or Act), which requires OTS to use "plain language" in all proposed and final rules published after January 1, 2000.

II. Analysis of the Comments

A. Pre-Filing Procedures

As noted above, the proposed rule included new pre-filing procedures. Proposed § 516.15 would have required applicants to meet with OTS and submit a draft business plan before filing certain complex applications. These applications included:

- An application for permission to organize a de novo savings association.
- An application to convert an existing financial institution or credit union (other than a state-chartered savings association regulated by OTS or a state-chartered savings bank that is regulated by the FDIC) to a federal savings association.
- An application to acquire control of a savings association filed by an insurance company, an investment company, a securities firm, a commodities firms or a pension fund.

Several commenters addressed these pre-filing procedures. One commenter agreed that pre-filing meetings could be useful in expediting application processing under certain conditions. The commenter, however, argued that a pre-filing meeting might not always be necessary. Instead, the commenter suggested that OTS should require pre-filing meetings on a case-by-case basis at the discretion of the Regional Offices or upon the request of the applicant.[3] One commenter supported discussing, but not submitting, a business plan with OTS at the pre-filing stage.

OTS has reconsidered whether it should require a pre-filing meeting and draft business plan for all applications that fall within the three categories described in the proposed rule. Based on the types of issues that are commonly presented by these applications, OTS has revised the final rule to impose different requirements for each category of applications.

OTS believes that a pre-filing meeting and draft business plan are essential for an application for permission to organize a *de novo* federal savings association. These applications involve the creation of a new organization that has not previously operated as an insured depository institution. As a

[3] This commenter noted that FDIC does not require a pre-filing meeting for any applications, and that OCC requires consultations only for certain types of applications. *See* 12 CFR 5.24(d)(2)(i) and 12 CFR 303.161.

result, these applications often involve operational, compliance and other issues that could benefit from the additional pre-filing review. For these reasons, OTS will require *de novo* applicants to meet with OTS and to file a draft business plan. This process will permit applicants to identify legal or policy issues before the application is filed and enable them to address these issues early in the process.

Conversion applications filed by a commercial bank or credit union may involve significant changes to the way the institution conducts business. A credit union, for example, is not FDIC-insured, will probably have a different asset mix than a typical savings association, may not be familiar with savings associations' asset limitations, Qualified Thrift Lender (QTL) requirements and Community Reinvestment Act (CRA) requirements, will not have previously paid taxes, and will have focused on serving a particular group or community, rather than the general public. Similarly, commercial banks typically may not be familiar with QTL requirements, asset limitations applicable to savings associations, and other restrictions that apply to savings associations. For these reasons, OTS believes that it is appropriate to require credit unions and commercial banks to meet with the Regional Office before they may file a conversion application. On the other hand, these applications involve existing entities that have conducted banking operations, are generally familiar with safe and sound banking practices, and have previously been supervised by another banking regulator. Accordingly, OTS does not believe that a draft business plan must always be required for these applications. The final rule provides the Regional Office with discretion to determine whether a conversion applicant must submit a draft business plan or other relevant information before the pre-filing meeting.

Change of control applications may or may not involve significant modifications to the way the institution conducts business, and may or may not raise other major issues.[4] Accordingly, the final rule provides the Regional Office with discretion to determine whether a change of control applicant must meet with OTS before it files its application and whether an applicant must submit a draft business plan or other relevant information before this meeting. In exercising this discretion, the Regional Offices will review each proposal on a case-by-case basis and will consider a number of factors. These factors will include the complexity of the legal and policy issues presented by the proposal and the level of assistance required by a particular applicant. For example, it may be beneficial for OTS to meet with an applicant the first time that it applies to control an association. However, it may not be necessary to hold a pre-filing meeting when that applicant seeks to acquire control of a second association with similar operating characteristics. Similarly, a pre-filing meeting and draft business plan may not be necessary, for example, where an application involves a simple reorganization of a holding company's corporate structure.

The proposed rule would have permitted a Regional Office to require, or an applicant to request, a pre-filing meeting for any type of application if doing so would help resolve issues or expedite the process. The final rule continues to encourage all applicants to contact the Regional Office before filing an application. This process will allow the Regional Office and the applicant to determine whether a meeting and the submission of information will help expedite the application review process. Even where no pre-filing meeting is conducted or information submitted, these contacts will serve to expedite processing by providing an opportunity to discuss the application before it is filed.

1. *Contacting Regional Office.* Final § 516.15(b) requires applicants within the three categories to contact the Regional Office to ascertain how OTS will exercise its discretion regarding the pre-filing meeting and the submission of other relevant information. This rule also addresses scheduling.

The proposed rule indicated that the applicant must meet with OTS at least 30 days before it files an application. Several commenters asserted that the proposed 30-day time frame was too inflexible. These commenters noted that 30 days may be sufficient in some instances, but that a shorter or longer time period may be appropriate for other transactions.

Rather than establish a fixed time period for the meeting, the final rule provides the Regional Office with discretion regarding scheduling. OTS anticipates that the Regional Office will consider such factors as the nature of the application, the parties' schedules, expected review time, and staff resources. OTS notes that it is up to the applicant to contact the Regional Office a reasonable period in advance of the filing. If the applicant fails to do so, the filing of the application may be delayed.[5]

2. *Contents of the business plan.* Under proposed § 516.20(a), the draft business plan, at a minimum, would have been required to: (1) Identify the projected operations and activities; (2) include financial projections for at least three years; (3) describe the risks associated with the transaction and the impact of the transaction on any existing activities; (4) identify all proposed directors and senior executive officers of the savings association and demonstrating that these individuals have the expertise to prudently manage the operations and activities described in the plan; and (5) demonstrate how applicable requirements regarding serving the credit and lending needs of the savings association's market areas will be met.

Two commenters considered the business plan requirements too detailed. They argued that it is unrealistic to expect applicants to submit much of this information at the pre-filing stage. Specifically, the commenters noted that a description of the projected operations of the savings association, including financial projections for a minimum of three years, may not be available for some transactions at the pre-filing stage. One of the two commenters would require financial projections and capital matters only when a complete application is filed. One commenter argued that the draft business plan should address only the proposed management and the board, the applicant's proposed operating strategy, and its compliance with relevant laws. Another commenter urged OTS to develop a description of the draft business plan that is more flexible. Such a business plan might include an overview of the general areas such as operations, risks, management, and service to community.

OTS has not significantly revised the content requirements for the draft business plan in the final rule. For example, the final rule continues to require an applicant to provide financial projections for a minimum of three years. These financial projections assist the Regional Office in determining how well the applicant has planned and analyzed its proposed operations and how well the applicant understands the underlying statutory and regulatory requirements. OTS notes that while the final rule lays out a common structure and sets out minimum standards for a draft business plan, it also provides considerable flexibility in applying those minimum standards. For example, while all draft business plans must clearly and completely describe projected operations and activities, the Regional Office may, depending on the circumstances, merely require an overview of operations, or may require more detailed discussions.

OTS has made one minor adjustment to one of the proposed business plan requirements. Proposed § 516.20(b)(3) would have required the applicant to identify all proposed directors and senior executive officers of the savings association and demonstrate that these individuals have the expertise to prudently manage the operations and activities described in the plan. OTS recognizes that an applicant may not have identified all of its directors and senior executive officers before submitting the proposed business plan. Accordingly, the final rule requires draft business plan to include this information for only a majority of the proposed directors and for key senior executive officers.

One commenter mistakenly believed that OTS approval of the business plan at a pre-filing meeting is a precondition of an accepted application and opposed this concept. As stated in the preamble to the proposed rule, OTS will review in certain circumstances, but will not approve, the business plan at the pre-filing stage.

3. *Public attendance at pre-filing meeting.* One commenter argued that the public should be permitted to witness the pre-filing meeting or that OTS should make transcripts of the meeting available to the public. If this public access is not possible, the commenter requested that OTS delete the pre-filing meeting requirement.

OTS does not believe that it is appropriate to allow the public to attend or review discussions that take place at the pre-filing meeting. The purpose of the pre-filing meeting requirement is to permit OTS and the applicant to identify legal or policy issues before the application is filed, and to enable the applicant to address these issues early in the process. For this process to work effectively, the applicant must be free to discuss all aspects of the application with OTS staff, including protected business information and confidential information about potential securities filings.[6] Although members of the public will not be able to attend a pre-filing meeting, they can comment on applications during the comment period and may request informal and formal meetings with the applicant and OTS. *See* 12 CFR part 516, subparts C and D.

B. Contents of Application

Proposed part 516 did not impose substantive requirements regarding the content of applications. Some commenters urged OTS to codify application requirements relating to antitrust matters, CRA issues, management issues and fair lending matters in the final rule. Commenters argued that these requirements would help the general public to make informed comments. The commenters urged OTS to state that an inadequate CRA plan would result in an OTS determination that the application is materially deficient and ineligible for further review.

OTS has not changed the final rule to codify requirements relating to these matters. Specific application requirements are contained in substantive regulations and in other guidance affecting particular notices and applications, appropriate forms, and instructions. Applicants may obtain guidance affecting particular notices and applications from any OTS Regional Office or, as of April 1, 2001, the OTS web site at www.ots.treas.gov. *See* § 516.30. Although OTS will not codify specific requirements in part 516, the applicant still must comply with the applicable underlying substantive regulation and guidance. An inadequate discussion of required items could result in requests for additional information. In addition, OTS may deem an application containing an inadequate discussion of CRA factors or other required items to be materially deficient and not process it further. *See* §§ 516.210(a)(3) and 516.220(a)(1)(iii).

C. Confidentiality

Proposed § 516.35 is new, but would restate current OTS policy protecting confidential information. Under this proposed section, OTS would make submissions under part 516 available to the public. An applicant, however, may request that OTS keep portions of the application confidential consistent with the standards of the Freedom of Information Act (5 U.S.C. 552 et seq.) (FOIA) and OTS regulations implementing FOIA.[7] In the proposed rule, OTS would not grant confidential treatment for those portions of the application describing the applicant's CRA objectives.

Several commenters agreed that CRA plans should not be confidential. One commenter observed that other parts of the application may address management issues or antitrust considerations that may relate to a CRA plan. The commenter urged OTS to make *all* parts of the application publicly available, "unless the applicant can clearly establish any breach of privacy or competitive harm resulting from public availability." In contrast, another commenter asserted that it is imperative that certain portions of the applications remain confidential for competitive reasons and that OTS should respect an applicant's judgments regarding confidentiality.

The FOIA requires OTS to disclose information to the public, unless the information falls within certain exempt categories. While the FOIA does not prohibit OTS from publicly disclosing any information, various other laws may do so. *See* Trade Secrets Act, 18 U.S.C. 1905; Privacy Act of 1974, 5 U.S.C. 552a. Even when these laws do not prohibit the disclosure of information, OTS believes that the policy considerations that support the protection of particular information, including the policy considerations that underlie the FOIA exemptions, weigh against OTS routinely disclosing matters that are exempt under FOIA.

Under the final rules, an applicant may request confidential treatment for those portions of the application that the applicant believes would be exempt from disclosure if OTS were asked for the information under FOIA. 5 U.S.C. 552. The FOIA exemptions most likely to apply to portions of an application are Exemption (4) and Exemption (6). Exemption (4) may protect from disclosure "privileged or confidential" material consisting of "trade secrets and commercial or financial information." 5 U.S.C. 552(b)(4). If the applicant requests confidential treatment of a portion of the application based on FOIA Exemption (4), the applicant must describe how it will suffer competitive

[4] The proposed rule would have required a pre-filing meeting whenever an insurance company, an investment company, a securities firm, a commodities firm or a pension firm sought to acquire control of a savings association. Upon reconsideration, OTS has concluded that all acquisition applications, regardless of the nature of the acquiror, potentially may raise significant issues. Accordingly, the final rule requires all companies or individuals who intend to file a holding company application or a change in control notice to contact OTS and discuss whether OTS will require a pre-filing meeting.

[5] The proposed rule required the applicant to submit the business plan seven calendar days before the pre-filing meeting. The final rule has been revised to permit the Regional Office to set an appropriate schedule for the submission of required information. *See* § 516.15(b).

[6] This commenter expressed concern that the pre-filing meeting could lead to abuses. Specifically, the commenter was concerned that OTS and applicants would discuss "how to resolve issues so that OTS can issue speedy approvals rather than how to submit an application that addresses the significant legal and policy issues." The pre-filing meeting is intended to help applicants to submit the most complete application possible by identifying and addressing problematic legal and policy issues at the earliest possible date. While this may result in the speedier approval of some applications, the complete consideration and resolution of all legal and policy issues remains of paramount importance.

[7] 12 CFR part 505.

harm if the information were released. Exemption (6) protects against disclosure of information that if released "would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. 552(b)(6). If an applicant has requested confidential treatment for a portion of the application and OTS does not have sufficient information to determine whether confidential treatment is appropriate, OTS will ask the applicant for additional information before determining whether to disclose the information in response to a FOIA request.

Under proposed § 516.35(c), OTS would advise an applicant before disclosing to the public information for which the applicant has requested confidential treatment consistent with paragraph (b) of this section. One commenter urged OTS to adopt pre-disclosure notice requirements that are consistent with OCC rules governing confidential commercial information. *See* 12 CFR 4.16. Specifically, the commenter urged OTS to notify an applicant that it has 10 business days to object to a request for disclosure of confidential commercial information filed with OTS. The commenter would also require OTS to provide an applicant with notice of any decision to disclose confidential commercial information over the applicant's objection. OTS would provide this notice at least 10 business days before it intends to disclose the information.

OTS complies with FOIA regulations issued by the Department of the Treasury (Treasury) at 31 CFR part 1, subpart A, and OTS supplemental FOIA regulations at 12 CFR part 505.[8] The Treasury regulations provide substantively identical guidance for advance notice as those contained in OCC rules. Therefore, it is unnecessary to make the requested change.

OTS has made a technical change to the text of 12 CFR 574.6(f)(4), which addresses the procedural requirements for disclosure of confidential information contained in an application for acquisition of control of a savings association. Under existing § 574.6(f)(4), OTS must give the applicant five business days notice of its intent to disclose information for which confidential treatment has been requested. The technical change will conform § 574.6(f)(4) to § 516.35. OTS will comply with the advance notice required under the FOIA regulations.

Under proposed § 516.35(d), if OTS issues a public statement with its decision on the application, the agency may comment on confidential submissions in the application without notifying the applicant. OTS has decided to delete § 516.35(d) as unnecessary. It is not OTS practice to comment on confidential submissions in the application in a public statement without first notifying the applicant.

D. Filing Amendments or Supplemental Information

The final rule adds § 516.47 to clarify how an applicant may amend or supplement an application. Under the final rule, an applicant must file the amendment or supplemental information at the appropriate OTS office(s) along with the number of copies required under § 516.40. Any amendment or supplemental information must also be appropriately captioned and meet the exhibit requirements at § 516.30(b).

E. Comment Procedures

OTS proposed only minor revisions to the publication and comment procedures at existing subpart B and C. The proposed rule made two revisions to existing § 516.130, which governs where commenters should file their comments on an application. Proposed § 516.130 would require commenters to file their comments with the appropriate OTS Regional Office and, where an application involves a significant issue of law or policy, with OTS headquarters. In addition, commenters would also be required to simultaneously provide a copy of the comment directly to the applicant.

OTS has decided that it is too burdensome to require a commenter to determine whether an application involves a significant issue of law or policy in order to file its comments properly. Instead, the final rule merely requires a commenter to file its comment with the appropriate Regional Office. The Regional Office will forward a copy of the comment to OTS headquarters where appropriate.

Several commenters urged OTS to delete the proposed requirement that commenters must send their comments directly to the applicant. These commenters noted that the other banking agencies do not require this submission.[9] The commenters also asserted that this requirement may intimidate community groups.

OTS disagrees. All comments are public information and, in the past, OTS has forwarded copies of comments to applicants to permit them to address the concerns raised. As a result, applicants know the substance of all comments and the identity of the commenters. Requiring commenters to provide comments directly to the applicant is therefore unlikely to intimidate community groups. OTS acknowledges that providing a copy to the applicant may impose costs on commenters. If providing a copy of a comment to an applicant imposes a significant burden on the commenter, OTS may on a case-by-case basis waive the requirement and forward the comment on the commenter's behalf.

Under existing § 516.140, commenters must file comments with OTS within 25 calendar days after the application is filed. OTS will consider a late-filed comment, if within the comment period, the commenter demonstrates good cause for the untimely comment, and OTS determines that the comment addresses a significant regulatory concern and will assist in the disposition of the application. OTS is changing § 516.140 to permit OTS greater flexibility in accepting late-filed comments. The final rule will allow OTS to consider late-filed comments if the commenter demonstrates good cause within the comment period for the untimely comment *or* OTS concludes that the comment addresses a significant regulatory concern and will assist in the disposition of the application.

F. Meeting Procedures

OTS did not propose changes to the formal and informal meeting procedures in Subpart D, but sought comment on how these meeting procedures are operating in practice.

One commenter noted that the informal and formal meetings are valuable opportunities to make views known to OTS and applicants. Another commenter, however, suggested several changes to these procedures. This commenter noted that the existing rules do not address the timing of the informal or formal meetings. The commenter argued that time is of the essence for many corporate transactions. Accordingly, this commenter asserted that the regulation should require all parties to be available to meet within 10 days after the submission of a comment.

OTS has decided not to impose these time frames in order to retain maximum flexibility in scheduling. It is, however, OTS's practice to schedule the meetings as soon as possible taking into account the schedules of the parties and other factors.

Under § 516.170, OTS will conduct an informal meeting whenever a commenter requests such a meeting.[10] One commenter argued that not all comments should result in an informal meeting. The commenter asserted that OTS should require that allegations have some merit before an informal meeting is arranged. The commenter also noted that under existing § 516.190, arranging an informal meeting will suspend the application processing time frames. The commenter argued that OTS should only suspend the time frames if OTS determines that there are extraordinary circumstances. Compare § 516.260 (OTS may suspend processing under § 516.260 only for extraordinary circumstances such as pending legislation or material litigation).

OTS has not revised the informal meeting process. This process ensures that all allegations of harm to individuals and communities are fully explored and that OTS may issue an informed decision on the merits of an application. While the commenter feared that some individuals or community groups may request an informal meeting solely to suspend the application processing time periods, OTS knows of no situation where this has occurred. In addition, the rules permit OTS to suspend processing time frames only for a limited time,[11] and allow OTS to select the type of meeting that is best suited to the issues raised. OTS may, for example, prescribe an informal meeting as simple as a telephone conference call. Under these circumstances, OTS does not believe that the delay caused by the suspension of processing will be significant.

If a meeting has been arranged, the application processing time periods will resume only when OTS determines that a record has been developed that sufficiently supports a determination on the issues raised by the commenters. *See* existing § 516.190. One commenter argued that OTS should establish a deadline for the completion of the meeting process. The commenter argued that OTS should have a fixed time period following the conclusion of the meeting (e.g., two weeks) to create a record supporting the determinations regarding the issues raised by the commenters.

OTS believes that a fixed time frame would limit its ability to develop a thorough record. In some instances, two weeks may be insufficient to develop a record. Accordingly, OTS will resume the time periods when the record is developed. It will not impose a rigid time period that will unnecessarily inhibit its flexibility.

G. OTS Review

OTS processes applications under part 516 using two procedures—expedited treatment and standard treatment. Like the current rule, the proposed rule would base the decision to process an application under expedited treatment, in part, on the association's condition, as reflected in the composite Uniform Financial Institutions Rating System, the CRA performance rating, and the most recent compliance rating. *See* proposed § 516.5. The preamble noted that OTS also assesses an association's condition using other rating systems including the Uniform Rating System for Data Processing Operations and the Uniform Interagency Trust Rating System. OTS specifically requested comment on whether it should incorporate these ratings in its decision to process applications under expedited treatment.

One commenter asserted that OTS should not revise the proposed rule to incorporate these other ratings because such a change would be inconsistent with the other banking agencies' procedures. The commenter argued that any proposed changes to the criteria for expedited treatment of an application should be based on interagency consensus.

OTS has decided not to incorporate other ratings in its decision to process applications under expedited treatment. OTS monitors new developments for each thrift and updates the CAMELS rating, as needed, so that the rating is a current indicator of the institution's condition. As part of this monitoring, OTS examiners are authorized to make off-site changes to the management score (the M component) of the CAMELS rating to reflect the scores received under the other rating systems. As a result, the CAMELS rating used in § 516.5 determinations already reflect other ratings and considerations.

H. OTS Review Under Standard Treatment

OTS received the following comments on OTS review under standard treatment:[12]

1. *Review for completeness.* Under the proposed rule governing standard treatment, OTS will review each application for completeness within 30 calendar days after its filing date. If OTS determines that additional information is necessary to complete the application, OTS will notify the applicant of this fact and the applicant will have 30 calendar days to respond. *See* proposed §§ 516.210 and 516.220. Within 15 calendar days after the applicant files additional information, OTS will complete its review of the additional information.[13] OTS may, however, extend this 15-day period by an additional 15 days, if OTS requires this additional time to review the response.

One commenter supported the proposed provision permitting OTS to extend its review period. Another commenter, however, argued that the rules should require OTS to explain why the extension is necessary. The final rule adds the requirement that OTS must briefly explain why the extension is necessary.

2. *Publishing a new public notice.* Under proposed § 516.250, OTS may require an applicant to publish a new public notice of the application if an applicant submits a revision to the application, the applicant submits new or additional information, or a major issue of law or change in circumstance arose after filing the application.

One commenter argued that OTS should always grant a new comment period when it requires the applicant to submit additional information. OTS disagrees. The purpose of the new comment period is to ensure that the public has adequate notice and opportunity to comment on applications that change substantially after the initial comment period. Not all revisions, new information, changes in circumstances, or issues of law are of a sufficient magnitude to merit the delays, expense, and burden inherent in the republication of a notice. Accordingly, OTS has left this provision unchanged in order to retain its discretion in

[8] Section 505.1(a) provides: "This part is issued by the Office of Thrift Supervision ("OTS") as a supplement to the Freedom of Information Act regulations of the Department of the Treasury, 31 CFR part 1, subpart A, which apply to the OTS as a component part of the Department of the Treasury."

[9] *See* 12 CFR 5.10(OCC); 12 CFR 262.3(e)(FRB); and 12 CFR 303.9(FDIC).

[10] OTS will not arrange an informal meeting, however, where a request is clearly frivolous or clearly lacking a factual basis. With respect to formal meetings, OTS will conduct a formal meeting when a request is filed under § 516.170(e). A request under § 516.170(e) must demonstrate that material issues or facts have not been adequately addressed by the informal meeting and that a formal meeting is necessary to develop a record sufficient to support a determination on those facts or issues.

[11] Under § 516.190, processing is suspended only until OTS determines that a record has been developed that sufficiently supports a determination on the merits. By contrast, OTS may suspend processing indefinitely when it finds extraordinary circumstances under § 516.280.

[12] OTS received no comments on OTS review under expedited treatment.

[13] Under § 516.220(a)(2)(ii), OTS may deny an applicant's request for an extension of time to file additional information and may decide not to process the application further. If an applicant's request for more time is denied, but the applicant nonetheless files a timely response to all information requests, OTS will process the application under § 516.220(a)(1).

determining when a new comment period is appropriate.

3. *Review criteria.* The proposed rule did not describe the standards that OTS will apply when it reviews applications. The preamble indicated that approval or disapproval would be based on the standards in the underlying regulation for the particular application.

The current rule, however, includes one standard governing the review of applications. *See* existing § 516.3(b)(2). That provision requires OTS to deny applications that are subject to standard treatment unless the applicant affirmatively demonstrates how the application will clearly improve its financial or managerial condition or improve its compliance with CRA or other consumer-related statutes without affecting its financial or managerial resources. OTS proposed to delete this provision.

Two commenters opposed this deletion, arguing that the change may lead regulators to discount or limit consideration of CRA factors. The final rule follows the proposed rule on this point. OTS continues to believe that the review standards in the applicable substantive statutes and regulations sufficiently address these matters. OTS will not limit or discount CRA or other consumer-related compliance requirements as a result of the deletion because an applicant is still subject to these underlying substantive statutes and regulations.

III. Miscellaneous Changes

OTS has made miscellaneous technical changes to the text of several rules. For example, OTS has revised the chart at § 516.40 to update the addresses of the OTS Regional Offices. The chart, however, does not reflect the new address of the West Region Office, which is expected to move later this year. OTS will update the address in its end of the year technical amendments. OTS has also made other minor editorial changes to §§ 516.5, 516.15, 516.40, 516.45, 516.120, 516.220 and 516.230.

OTS has also made a technical change to 12 CFR 545.92(d)(2) to make the publication requirements for a branch office consistent with the publication requirements in subpart B of part 516. In 1997, OTS amended the application processing rules to consolidate the publication notice provisions in other OTS regulations in a single regulation under part 516. At that time, OTS intended to include the branching regulation in the amendment but inadvertently omitted this change.

IV. Derivation Chart for Revised Part 516

Revised provision	Former provision	Comments
§ 516.1(a)		Added.
§ 516.1(b)	§ 516.2(a)(1)	Modified.
§ 516.1(c)	§ 516.2(a) (2)	Modified.
§ 516.5(a)		Added.
§ 516.5(b)		Added.
§ 516.5(c)	§ 516.3(b)(1)(i)	Modified.
§ 516.5(d)	§ 516.3(b)(1)(ii)	Modified.
§ 516.5(e)	§ 516.3(B)(1)(iii)	Modified.
§ 516.5(f)	§ 516.3(b)(1)(iv)	Modified.
§ 516.5(g)	§ 516.3(b)(1)(v)	Modified.
§ 516.5(h)		Added.
§ 516.5(i)		Added.
§ 516.10		Added.
§ 516.15		Added.
§ 516.20		Added.
§ 516.25(a)	§ 516.3(a)(2)	Modified.
§ 516.25(b)	§§ 516.2(b)	Modified and Added.
§ 516.30(a)	§ 516.1.(c)	Modified and Added.
§ 516.30(b)	§ 516.1.(c)	Modified.
§ 516.35		Added.
§ 516.40(a)(1)	§ 516.1(c)	Modified and Added.
§ 516.40(a)(2)	§ 516.1(b)	Modified.
§ 516.40(b)	§ 516.1(a)&(c)	Modified.
§ 516.45(a)		Added.
§ 516.45(b)		Added.
§ 516.47		Added.
§ 516.55		Added.
§ 516.120	§ 516.120	Modified.
§ 516.130	§ 516.130	Modified.
§ 516.140	§ 516.140	Modified.
§ 516.150	§ 516.150	Modified.
§ 516.185		Added.
§ 516.190	§ 516.190	Modified.
§ 516.200(a)	§ 516.3(a)(2)	Modified and Added.
§ 516.200(b)	§ 516.3(a)(3)	Modified.
§ 516.200(c)		Added.
§ 516.200(d)		Added.
§ 516.210(a)	§ 516.2(c)(1)	Modified and Added.
§ 516.210(b)	§ 516.2(c)(1)	Modified.
§ 516.220(a)	§ 516.2(c)(2)–(5)	Modified and Added.
§ 516.220(b)	§ 516.2(e)	Modified.
§ 516.220(c)	§ 516.2(c)(4)	Modified.
§ 516.230		Added.
§ 516.240(a)	§ 516.2(c)(4)–(5)	Modified.
§ 516.240(b)	§ 516.2(c)(5)	Modified and Added.
§ 516.250		Added.
§ 516.260	§ 516.2(c)(7)	Modified and Added.
§ 516.270(a)	§ 516.2(d)(1)	Modified.
§ 516.270(b)	§ 516.2(d)(2)	Modified.
§ 516.270(c)(1)	§ 516.2(e)	Modified.
§ 516.270(c)(2)	§ 516.2(f)	Modified.
§ 516.280(a)		Added.
§ 516.280(b)	§ 516.2(d)(1)	Modified.
§ 516.290		Added.

V. Executive Order 12866

The Director of OTS has determined that this final regulation does not constitute a "significant regulatory action" for purposes of Executive Order 12866.

VI. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, OTS certifies that this final regulation will not have a significant economic impact on a substantial number of small entities. The final rule generally restates the existing rule in plain language and clarifies existing procedures. These changes should make it easier for all applicants to file applications and for OTS to review applications expeditiously. These changes should, therefore, assist all potential applicants, including small businesses. While the final rule would make several minor changes, only two of these changes would impose additional burden on certain applicants. Under the final rule, certain applicants may be subject to a possible pre-filing meeting requirement and may be required to provide a draft business plan or other relevant information before the meeting. OTS believes that the pre-filing meeting is generally consistent with existing procedures and imposes only a minimal burden. Moreover, most applicants should already have drafted business plans to provide to the agency.

VII. Paperwork Reduction Act of 1995

The information collection requirements in this final rule have previously been approved by OMB under the substantive regulations or under the application forms; or involve technical changes that do not affect the overall burden of compliance. To the extent that this regulation imposes new burden, OTS has filed applications to update the information collection requirements in the underlying forms. These have been submitted under 1550–0005, 1550–00015, and 1550–0037.

VIII. Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4 (Unfunded Mandates Act), requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a federal mandate that may result in expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. The final rule generally restates the existing application processing procedures in plain language and clarifies existing procedures. These changes should make it easier for all applicants to file applications and for OTS to review applications. While the final rule makes several minor changes, OTS has determined that the final rule will not result in expenditures by state, local, or tribal governments or by the private sector of $100 million or more. Accordingly, this final rulemaking is not subject to section 202 of the Unfunded Mandates Act.

List of Subjects

12 CFR Part 516

Administrative practice and procedure, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 517

Government contracts, Individuals with disabilities, Minority businesses, Women.

12 CFR Part 543

Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 544

Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 545

Accounting, Consumer protection, Credit, Electronic funds transfers, Investments, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 550

Savings associations, Trusts and trustees.

12 CFR Part 552

Reporting and recordkeeping requirements, Savings associations, Securities.

12 CFR Part 555

Accounting, Consumer protection, Credit, Electronic funds transfers, Investments, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 559

Reporting and recordkeeping requirements, Savings associations, Subsidiaries.

12 CFR Part 560

Consumer protection, Investments, Manufactured homes, Mortgages, Reporting and recordkeeping requirements, Savings associations, Securities.

12 CFR Part 562

Accounting, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 563

Accounting, Advertising, Crime, Currency, Investments, Reporting and recordkeeping requirements, Savings associations, Securities, Surety bonds.

12 CFR Part 563b

Reporting and recordkeeping requirements, Savings associations, Securities.

12 CFR Part 563f

Antitrust, Holding companies, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 565

Administrative practice and procedure, Capital, Savings associations.

12 CFR Part 567

Capital, Savings associations.

12 CFR Part 574

Administrative practice and procedure, Holding companies, Reporting and recordkeeping requirements, Savings associations, Securities.

12 CFR Part 575

Administrative practice and procedure, Capital, Holding companies Reporting and recordkeeping requirements, Savings associations, Securities.

12 CFR Part 584

Administrative practice and procedure, Holding companies, Reporting and recordkeeping requirements, Savings associations, Securities.

Accordingly, the Office of Thrift Supervision amends title 12, chapter V, of the Code of Federal Regulations as set forth below:

PART 516—APPLICATION PROCESSING GUIDELINES AND PROCEDURES

1. The authority citation for part 516 continues to read as follows:

Authority: 5 U.S.C. 552, 559; 12 U.S.C. 1462a, 1463, 1464, 2901 *et seq.*

§§ 516.1, 516.2, 516.3 [Removed]

2. Subpart A of part 516 (§§ 516.1, 516.2, 516.3) is removed.

§§ 516.1, 516.5, 516.10 [Added]

Subpart A [Added]

3. Sections 516.1, 516.5, and 516.10, and new subpart A, consisting of §§ 516.15 through 516.45, are added to read as follows:

Sec.

516.1 What does this part do?
516.5 Do the same procedures apply to all applications under this part?
516.10 How does OTS compute time periods under this part?

Subpart A—Pre-Filing and Filing Procedures

Pre-Filing Procedures

516.15 Must I meet with OTS before I file my application?
516.20 What information must I include in my draft business plan?

Filing Procedures

516.25 What type of application must I file?
516.30 What information must I provide with my application?
516.35 May I keep portions of my application confidential?
516.40 Where do I file my application?
516.45 What is the filing date of my application?
516.47 How do I amend or supplement my application?

§ 516.1 What does this part do?

(a) This part explains OTS procedures for processing applications, notices, or filings (applications). Except as provided in paragraph (b) of this section, subparts A and E of this part apply whenever an OTS regulation requires any person (you) to file an application with OTS. Subparts B, C, and D, however, only apply when an OTS regulation incorporates the procedures in the subpart or where otherwise required by OTS.

(b) This part does not apply to any of the following:

(1) An application related to a transaction under section 13(c) or (k) of the Federal Deposit Insurance Act, 12 U.S.C. 1823(c) or (k).

(2) A request for reconsideration, modification, or appeal of a final OTS action.

(3) A request related to litigation, an enforcement proceeding, a supervisory directive or supervisory agreement. Such requests include a request seeking approval under, modification of, or termination of an order issued under part 508 or 509 of this chapter, a supervisory agreement, a supervisory directive, a consent merger agreement or a document negotiated in settlement of an enforcement matter or other litigation, unless an applicable OTS regulation specifically requires an application under this part.

(4) An application filed under an OTS regulation that prescribes other application processing procedures and time frames for the approval of applications.

(c) If an OTS regulation for a specific type of application prescribes some application processing procedures, or time frames, OTS will apply this part to the extent necessary to process the application. For example, if an OTS regulation for a specific type of application does not identify time periods for the processing of an application, the time periods in this part apply.

§ 516.5 Do the same procedures apply to all applications under this part?

OTS processes applications under this part using two procedures, expedited treatment and standard treatment. To determine which treatment applies, you may use the following chart:

If * * *	Then OTS will process your application under * * *
(a) The applicable regulation does not specifically state that expedited treatment is available	Standard treatment.
(b) You are not a savings association	Do.
(c) Your composite rating is 3, 4, or 5. The composite rating is the composite numeric rating that OTS or the other federal banking regulator assigned to you under the Uniform Financial Institutions Rating System [1] or under a comparable rating system. The composite rating refers to the rating assigned and provided to you, in writing, as a result of the most recent examination.	Do.
(d) Your Community Reinvestment Act (CRA) rating is Needs to Improve or Substantial Noncompliance. The CRA rating is the Community Reinvestment Act performance rating that OTS or the other federal banking regulator assigned and provided to you, in writing, as a result of the most recent compliance examination. *See*, for example, § 563e.28 of this chapter.	Do.
(e) Your compliance rating is 3, 4, or 5. The compliance rating is the numeric rating that OTS or the other federal banking regulator assigned to you under OTS compliance rating system, or a comparable rating system used by the other federal banking regulator. The compliance rating refers to the rating assigned and provided to you, in writing, as a result of the most recent compliance examination.	Do.
(f) You fail any one of your capital requirements under part 567 of this chapter	Do.
(g) OTS has notified you that you are an association in troubled condition	Do.
(h) Neither OTS nor any other federal banking regulator has assigned you a composite rating, a CRA rating or a compliance rating.	Do.
(i) You do not meet any of the criteria listed in paragraphs (a) through (h) of this section	Expedited treatment.

[1] A savings association may obtain a copy of its composite rating from the appropriate Regional Office.

§ 516.10 How does OTS compute time periods under this part?

In computing time periods under this part, OTS does not include the day of the act or event that commences the time period. When the last day of a time period is a Saturday, Sunday, or Federal holiday, the time period runs until the end of the next day that is not a Saturday, Sunday, or Federal holiday.

Subpart A—Pre-filing and Filing Procedures

Pre-Filing Procedures

§ 516.15 Must I meet with OTS before I file my application?

(a) *Chart.* To determine whether you must attend a pre-filing meeting before you file an application, please consult the following chart:

If you file * * *	Then * * *
(1) An application for permission to organize a *de novo* federal savings association.	You must meet with OTS before filing your application. You must submit a draft business plan before this meeting.
(2) An application to convert an existing insured depository institution (other than a state-chartered savings association or a state-chartered savings bank) or a credit union to a federal savings association.	You must meet with OTS before filing your application. OTS may require you to submit a draft business plan or other relevant information before this meeting.
(3) An application to acquire control of a savings association	OTS may require you to meet with OTS before filing your application and may require you to submit a draft business plan or other relevant information before this meeting.

(b) *Contacting the Regional Office.* (1) You must contact the appropriate Regional Office a reasonable time before you file an application described in paragraph (a) of this section. Unless paragraph (a) already requires a pre-filing meeting or a draft business plan, the Regional Office will determine whether it will require a pre-filing meeting, and whether you must submit a business plan or other relevant information before the meeting. The Regional Office will also establish a schedule for any meeting and the submission of any information.

(2) All other applicants are encouraged to contact the appropriate Regional Office to determine whether a pre-filing meeting or the submission of a draft business plan or other relevant information would expedite the application review process.

§ 516.20 What information must I include in my draft business plan?

If you must submit a draft business plan under § 516.15, your plan must:

(a) Clearly and completely describe the savings association's projected operations and activities;

(b) Describe the risks associated with the transaction and the impact of this transaction on any existing activities and operations of the savings association, including financial projections for a minimum of three years;

(c) Identify the majority of the proposed board of directors and the key senior executive officers (as defined in § 563.555 of this chapter) of the savings association and demonstrate that these individuals have the expertise to prudently manage the activities and operations described in the savings association's draft business plan; and

(d) Demonstrate how applicable requirements regarding serving the credit and lending needs in the market areas served by the savings association will be met.

Filing Procedures

§ 516.25 What type of application must I file?

(a) *Expedited treatment.* If you are eligible for expedited treatment under § 516.5, you may file your application in the form of a notice that includes all information required by the applicable substantive regulation. If OTS has designated a form for your notice, you must file that form. Your notice is an application for the purposes of all statutory and regulatory references to "applications."

(b) *Standard treatment.* If you are subject to standard treatment under § 516.5, you must file your application following all applicable substantive regulations and guidelines governing the filing of applications. If OTS has a designated form for your application, you must file that form.

(c) *Waiver requests.*Z If you want OTS to waive a requirement that you provide certain information with the notice or application, you must include a written waiver request:

(1) Describing the requirement to be waived and

(2) Explaining why the information is not needed to enable OTS to evaluate your notice or application under applicable standards.

§ 516.30 What information must I provide with my application?

(a) *Required information.* You may obtain information about required certifications, other regulations and guidelines affecting particular notices and applications, appropriate forms, and instructions from any OTS Regional Office. You may also obtain forms and instructions on OTS's web page at www.ots.treas.gov.

(b) *Captions and exhibits.* You must caption the original application and required copies with the type of filing, and must include all exhibits and other pertinent documents with the original application and all required copies. You are not required to include original signatures on copies if you include a copy of the signed signature page or the copy otherwise indicates that the original was signed.

§ 516.35 May I keep portions of my application confidential?

(a) *Confidentiality.* OTS makes submissions under this part available to the public, but may keep portions of your application confidential based on the rules in this section.

(b) *Confidentiality request.* (1) You may request OTS to keep portions of your application confidential. You must submit your request in writing with your application and must explain in detail how your request is consistent with the standards under the Freedom of Information Act (5 U.S.C. 552) and part 505 of this chapter. For example, you should explain how you will be substantially harmed by pubic disclosure of the information. You must separately bind and mark the portions of the application you consider confidential and the portions you consider non-confidential.

(2) OTS will not treat as confidential the portion of your application describing how you plan to meet your Community Reinvestment Act (CRA) objectives. OTS will make information in your CRA plan, including any information incorporated by reference

from other parts of your application, available to the public upon request.

(c) *OTS determination on confidentiality.* OTS will determine whether information that you designate as confidential may be withheld from the public under the Freedom of Information Act (5 U.S.C. 552) and part 505 of this chapter. OTS will advise you before it makes information you designate as confidential available to the public.

§ 516.40 Where do I file my application?

(a) *Regional Office.* (1) You must file the original application and the number of copies indicated on the applicable form with the applications filing division of the appropriate OTS Regional Office. You should address the filings to "Attn: Applications Filing Room" at the Regional address listed in paragraph (a)(2) of this section. If the form does not indicate the number of copies you must file or if OTS has not prescribed a form for your application, you must file the original application and two copies.

(2) The address and the states served for each Regional Office are:

Region	Office address	States served
Northeast	Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07303.	Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.
Southeast	Office of Thrift Supervision, 1475 Peachtree Street, N.E., Atlanta, Georgia 30309.	Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, District of Columbia, Puerto Rico, Virgin Islands.
Central	Office of Thrift Supervision, One South Wacker Drive, Suite 2000, Chicago, Illinois 60606.	Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, Wisconsin.
Midwest	Office of Thrift Supervision, 225 E. John Carpenter Freeway, Suite 500, Irving, Texas 75062–2731. Mail to: P.O. Box 619027, Dallas/Ft. Worth, Texas 75261–9027.	Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Mississippi, North Dakota, Nebraska, New Mexico, Oklahoma, South Dakota, Texas.
West	Office of Thrift Supervision, Pacific Telesis Tower, 1 Montgomery Street, San Francisco, California, 94104–4533. Mail to: P.O. Box 7165, San Francisco, California 94120–7165.	Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, Guam, Northern Mariana Islands.

(b) *Additional filings with OTS Headquarters.* (1) In addition to filing in the Regional Office, if your application involves a significant issue of law or policy or if an applicable regulation or form directs you to file with OTS Headquarters, you must also file copies of your application with the Applications Filing Room at OTS headquarters, 1700 G Street, NW., Washington, DC 20552. You must file the number of copies indicated on the applicable form. If the form does not indicate the number of copies you must file or if OTS has not prescribed a form for your application, you must file three copies.

(2)(i) You may obtain a list of applications involving significant issues of law or policy at the OTS website at www.ots.treas.gov or by contacting a Regional Office.

(ii) OTS reserves the right to identify significant issues of law or policy in a particular application. OTS will advise you, in writing, if it makes this determination.

§ 516.45 What is the filing date of my application?

(a) Your application's filing date is the date that you complete all of the following requirements.

(1) You attend a pre-filing meeting and submit a draft business plan or relevant information, if OTS requires you to do so under § 516.15.

(2) You file your application and all required copies with OTS, as described under § 516.40.

(i) If you are required to file with a Regional Office and with OTS Headquarters, you have not filed with OTS until you file with both offices.

(ii) You have not filed with a Regional Office or OTS Headquarters until you file the application and the required number of copies with that office.

(iii) If you file after the close of business established by a Regional Office or OTS Headquarters, you have filed with that office on the next business day.

(3) You pay the applicable fee. You have not paid the fee until you submit the fee to the appropriate Regional Office, or OTS waives the fee. You may pay by check, money order, cashier's check or wire transfer payable to OTS.

(b) OTS may notify you that it has adjusted your application filing date if you fail to meet any applicable publication requirements.

(c) If, after you properly file your application with the Regional Office, OTS determines that a significant issue of law or policy exists under § 516.40(b)(2)(ii), the filing date of your application is the day you filed with the Regional Office. The 30-day review period under §§ 516.200 or 516.210 of this part will restart in its entirety when the Regional Office forwards the appropriate number of copies of your application to OTS Headquarters.

§ 516.47 How do I amend or supplement my application?

To amend or supplement your application, you must file the amendment or supplemental information at the appropriate OTS office(s) along with the number of copies required under § 516.40. Your amendment or supplemental information also must meet the caption and exhibit requirements at § 516.30(b).

4. Section 516.55 is added to read as follows:

§ 516.55 What information must I include in my public notice?

Your public notice must include the following:

(a) Your name and address.

(b) The type of application.

(c) The name of the depository institution(s) that is the subject matter of the application.

(d) A statement indicating that the public may submit comments to the appropriate OTS office(s).

(e) The address of the appropriate OTS offices where the public may submit comments.

(f) The date that the comment period closes.

(g) A statement indicating that the nonconfidential portions of the application are on file in the Regional Office, and are available for public inspection during regular business hours.

(h) Any other information that OTS requires you to publish. You may find the format for various publication notices in the appendix to OTS application processing handbook.

§ 516.110 [Amended]

5. Section 516.110 is amended by removing the phrase "(you)".

6. Section 516.120 is revised to read as follows:

§ 516.120 What information should a comment include?

(a) A comment should recite relevant facts, including any demographic, economic, or financial data, supporting the commenter's position. A comment opposing an application should also:

(1) Address at least one of the reasons why OTS may deny the application under the relevant statute or regulation;

(2) Recite any relevant facts and supporting data addressing these reasons; and;

(3) Address how the approval of the application could harm the commenter or any community.

(b) If a commenter wishes to request an informal meeting under § 516.170, the commenter must file a request with the comment. The commenter should describe the nature of the issues or facts to be discussed and the reasons why written submissions are insufficient to adequately address these facts or issues.

7. Section 516.130 is revised to read as follows:

§ 516.130 Where are comments filed?

A commenter must file with the appropriate OTS Regional Office (See table at § 516.40(a)(2)). The commenter must simultaneously send a copy of the comment to the applicant.

8. Section 516.140 is revised to read as follows:

§ 516.140 How long is the comment period?

(a) *General.* Except as provided in paragraph (b) of this section, a commenter must file a written comment with OTS within 25 calendar days after the application is filed with OTS.

(b) *Late-filed comments.* OTS will consider a late-filed comment if:

(1) Within the comment period, the commenter demonstrates to OTS good cause why the commenter could not submit a timely comment; or

(2) OTS concludes that the comment addresses a significant regulatory concern and will assist in the disposition of the application.

9. Section 516.150 is revised to read as follows:

§ 516.150 Will there be additional opportunities to discuss the application?

OTS may provide the commenter with additional opportunities to discuss the application in informal or formal meetings under subpart D of this part.

10. Section 516.185 is added to read as follows:

§ 516.185 Will OTS approve or disapprove an application at a meeting?

OTS will not approve or deny an application at a formal or informal meeting under this subpart.

11. Section 516.190 is revised to read as follows:

§ 516.190 Will a meeting affect application processing time frames?

If OTS has arranged a meeting, it will suspend applicable application processing time frames, including the time frames for deeming an application complete and the applicable approval time frames specified in subpart E of this part. The time period will resume when OTS determines that a record has been developed that sufficiently supports a determination on the issues raised in the comments.

12. Subpart E, consisting of §§ 516.200 through 516.280, is added to read as follows:

Subpart E—OTS Review

Expedited Treatment

Sec.

516.200 If I file a notice under expedited treatment, when may I engage in the proposed activities?

Standard Treatment

516.210 What will OTS do after I file my application?
516.220 If OTS requests additional information to complete my application, how will it process my application?
516.230 Will OTS conduct an eligibility examination?
516.240 What may OTS require me to do after my application is deemed complete?
516.250 Will OTS require me to publish a new public notice?
516.260 May OTS suspend processing of my application?
516.270 How long is the OTS review period?
516.280 How will I know if my application has been approved?
516.290 What will happen if OTS does not approve or disapprove my application within two calendar years after the filing date?

Subpart E—OTS Review

Expedited Treatment

§ 516.200 If I file a notice under expedited treatment, when may I engage in the proposed activities?

If you are eligible for expedited treatment and you have appropriately filed your notice with OTS, you may engage in the proposed activities upon the expiration of 30 days after the filing date of your notice, unless OTS takes one of the following actions before the expiration of that time period:

(a) OTS notifies you in writing that you must file additional information supplementing your notice. If you are required to file additional information, you may engage in the proposed activities upon the expiration of 30 calendar days after the date you file the additional information, unless OTS takes one of the actions described in paragraphs (b) through (d) of this section before the expiration of that time period;

(b) OTS notifies you in writing that your notice is subject to standard treatment under this subpart. OTS will subject your notice to standard treatment if it raises a supervisory concern, raises a significant issue of law or policy, or requires significant additional information;

(c) OTS notifies you in writing that it is suspending the applicable time frames under § 516.190; or

(d) OTS notifies you that it disapproves your notice.

Standard Treatment

§ 516.210 What will OTS do after I file my application?

(a) *OTS action.* Within 30 calendar days after the filing date of your application, OTS will take one of the following actions:

If OTS * * *	Then * * *
(1) Notifies you, in writing, that your application is complete * * *	The applicable review period will begin on the date that OTS deems your application complete.
(2) Notifies you, in writing, that you must submit addition information to complete your application * * *	You must submit the required additional information under § 516.220.
(3) Notifies you, in writing, that your application is materially deficient * * *	OTS will not process your application.
(4) Takes no action * * *	Your application is deemed complete. The applicable review period will begin on the day the 30-day time period expires.

(b) *Waiver requests.* If your application includes a request for waiver of an information requirement under § 516.25(b), and OTS has not notified you that you must submit additional information under paragraph (a)(2) of this section, your request for waiver is granted.

§ 516.220 If OTS requests additional information to complete my application, how will it process my application?

(a) You may use the following chart to determine the procedure that applies to your submission of additional information under § 516.210(a)(1):

If, within 30 calendar days after the date of OTS's request for additional information * * *	Then, OTS may * * *.	And * * *.
(1) You file a response to all information requests * * *.	(i) Notify you in writing within 15 days after the filing date of your response that your applicaiton is complete * * * applicable to all response that your application is complete * * *.	The applicable review period will begin on the date tha t OTS deems your application complete.
	(ii) Notify you in writing within 15 calendar days after the filing date of your response that you must submit additional information regarding matters derived from or prompted by information already furnished or any additional information information necessary to resolve the issues presented in your application * * *.	You must respond to the additional information request within the time period required by OTS. OTS will review your response under the procedures described in this section.
	(iii) Notify you in writing within 15 calendar days after the filing date of your response that your application is materially deficient * * *.	OTS will not process your application.
	(iv) Take no action within 15 calendar days after the filing date of your response * * *.	Your application is deemed complete. The applicable review period will begin on the day that the 15-day time period expires.
(2) You request an extension of time to file additional information * * *.	(i) Grant an extension, in writing, specifying the number of days for the extension * * *.	You must fully reapond within the extended time period specified by OTS. OTS will review your response under the procedures described under this section.
	(ii) Notify you in writing that your extension request is disapproved *-* *.	OTS will not process your application further. You may resubmit the application for processing as a new filing under the applicable regulation.
(3) You fail to respond completely * * *	(i) Notify you in writing that your application is deemed withdrawn * * *.	OTS will not process your to respond application further. You may resubmit the application for processing as a new filing under the applicable regulation.
	(ii) Notify you, in writing, that your response is incomplete and extend the response period, specifying the number of days for the respond extension * * *.	You must fully respond within the extended time period specified by OTS. OTS will review your response under the procedures described under this section.

(b) OTS may extend the 15-day period referenced in paragraph (a)(1) of this section by up to 15 calendar days, if OTS requires the additional time to review your response. OTS will notify you that it has extended the period before the end of the initial 15-day period and will briefly explain why the extension is necessary.

(c) If your response filed under paragraph (a)(1) of this section includes a request for a waiver of an informational requirement, your request for a waiver is granted if OTS fails to act on it within 15 calendar days after the filing of your response, unless OTS extends the review period under paragraph (b). If OTS extends the review period under paragraph (b), your request is granted if OTS fails to act on it by the end of the extended review period.

§ 516.230 Will OTS conduct an eligibility examination?

(a) *Eligibility examination.* OTS may notify you at any time before it deems your application complete that it will conduct an eligibility examination. If OTS decides to conduct an eligibility examination, it will not deem your application complete until it concludes the examination.

(b) *Additional information.* OTS may, as a result of the eligibility examination, notify you that you must submit additional information to complete your application. If so, you must respond to the additional information request within the time period required by OTS. OTS will review your response under the procedures described in § 516.220.

§ 516.240 What may OTS require me to do after my application is deemed complete?

After your application is deemed complete, but before the end of the applicable review period,

(a) OTS may require you to provide additional information if the information is necessary to resolve or clarify the issues presented by your application.

(b) OTS may determine that a major issue of law or a change in circumstances arose after you filed your application, and that the issue or changed circumstances will substantially effect your application. If OTS identifies such an issue or changed circumstances, it may:

(1) Notify you, in writing, that your application is now incomplete and require you to submit additional information to complete the application under the procedures described at § 516.220; and

(2) Require you to publish a new public notice of your application under § 516.250.

§ 516.250 Will OTS require me to publish a new public notice?

(a) If your application was subject to a publication requirement, OTS may require you to publish a new public notice of your application if:

(1) You submitted a revision to the application, you submitted new or additional information, or a major issue of law or a change in circumstances arose after the filing of your application; and

(2) OTS determines that additional comment on these matters is appropriate because of the significance of the new information or circumstances.

(b) OTS will notify you in writing if you must publish a new public notice of your revised application.

(c) If you are required to publish a new public notice of your revised application, you must notify OTS after you publish the new public notice.

§ 516.260 May OTS suspend processing of my application?

(a) *Suspension.* OTS may, at any time, indefinitely suspend processing of your application if:

(1) OTS, another governmental entity, or a self-regulatory trade or professional organization initiates an investigation, examination, or administrative proceeding that is relevant to OTS's evaluation of your application;

(2) You request the suspension or there are other extraordinary circumstances that have a significant impact on the processing of your application.

(b) *Notice.* OTS will promptly notify you, in writing, if it suspends your application.

§ 516.270 How long is the OTS review period?

(a) *General.* The applicable OTS review period is 60 calendar days after the date that your application is deemed complete, unless an applicable OTS regulation specifies a different review period.

(b) *Multiple applications.* If you submit more than one application in connection with a proposed action or if two or more applicants submit related applications, the applicable review period for all applications is the review period for the application with the longest review period, subject to statutory review periods.

(c) *Extensions.* (1) OTS may extend the review period for up to 30 calendar days beyond the period described in paragraph (a) or (b) of this section. OTS must notify you in writing of the extension and the duration of the extension. OTS must issue the written extension before the end of the review period.

(2) OTS may also extend the review period as needed until it acts on the application, if the application presents a significant issue of law or policy that requires additional time to resolve. OTS must notify you in writing of the extension and the general reasons for the extension. OTS must issue the written extension before the end of the review period, including any extension of that period under paragraph (c)(1) of this section. This section applies to applications and notices filed under § 575.3(b) and part 574 of this chapter.

§ 516.280 How will I know if my application has been approved?

(a) *OTS approval or denial.* (1) OTS will approve or deny your application before the expiration of the applicable review period, including any extensions of the review period.

(2) OTS will promptly notify you in writing of its decision to approve or deny your application.

(b) *No OTS action.* If OTS fails to act under paragraph (a)(1) of this section, your application is approved.

§ 516.290 What will happen if OTS does not approve or disapprove my application within two calendar years after the filing date?

(a) *Withdrawal.* If OTS has not approved or denied your pending application within two calendar years after the filing date under § 516.45, OTS will notify you, in writing, that your application is deemed withdrawn unless OTS determines that you are actively pursuing a final OTS determination on your application. You are not actively pursuing a final OTS determination if you have failed to timely take an action required under this part, including filing required additional information, or OTS has suspended processing of your application under § 516.260 based on circumstances that are, in whole or in part, within your control and you have failed to take reasonable steps to resolve these circumstances.

(b) *Effective date.* This section is effective July 1, 2001.

PART 517—THE MINORITY, WOMEN, AND INDIVIDUALS WITH DISABILITIES OUTREACH PROGRAM: CONTRACTING FOR GOODS AND SERVICES

13. The authority citation for part 517 continues to read as follows:

Authority: 12 U.S.C. 1833(e); 42 U.S.C. 12101 *et seq.*

14. Section 517.6 is amended by revising paragraph (b) to read as follows:

§ 517.6 Certification.

* * * * *

(b) Self-certify ownership status by filing with the OTS Outreach Program Advocate a completed and signed ABELS Registration/Certification Form, as prescribed by the U.S. Department of Commerce's Minority Business Development Agency and available from the Outreach Program Advocate at the headquarters address of the OTS listed in § 516.40(b) of this chapter.

* * * * *

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION OF FEDERAL MUTUAL ASSOCIATIONS

15. The authority citation for part 543 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 2901 *et seq.*

16. Section 543.9 is amended by revising paragraph (a) to read as follows:

§ 543.9 Application for conversion to Federal mutual charter.

(a)(1) *Filing.* Any depository institution that proposes to convert to a Federal mutual association as provided in § 543.8 must, after approval by its board of directors, file an application on forms obtained from OTS. The applicant must submit any financial statements or other information OTS may require.

(2) *Procedures.* An application for conversion filed under this section is subject to the procedures for organization of a federal mutual association at § 543.2(d) through (f) of this chapter.

* * * * *

PART 544—CHARTER AND BYLAWS

17. The authority citation for part 544 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 2901 *et seq.*

18. Section 544.2 is amended by revising the last sentence of paragraph (c) to read as follows:

§ 544.2 Charter amendments.

* * * * *

(c) * * * Such request for reissuance should be filed with the Corporate Secretary at the Washington Headquarters Office at the address listed at § 516.40(b) of this chapter and contain signatures required under § 544.1 of this part, together with such supporting documents as may be needed to demonstrate that the amendments were properly adopted.

19. Section 544.5 is amended by revising paragraph (c)(1)(ii) to read as follows:

§ 544.5 Federal mutual savings association bylaws.

* * * * *

(c) * * * (1) * * *

(ii) Applications submitted under paragraph (c)(1)(i) of this section are subject to standard treatment processing procedures at part 516, subparts A and E of this chapter.

* * * * *

PART 545—OPERATIONS

20. The authority citation for part 545 continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464, 1828.

21. Section 545.92 is amended by revising paragraphs (b) and (d)(2), and by removing the first sentence of paragraph (f) and adding two new sentences in its place, to read as follows:

§ 545.92 Branch offices.

* * * * *

(b) *Eligibility.* Federal savings associations eligible for expedited treatment under § 516.5 of this chapter may establish a branch office subject to the procedures in paragraph (f) of this section. A Federal savings association subject to standard treatment under § 516.5 of this chapter must not establish a branch office without prior approval subject to the procedures in paragraph (e) of this section.

* * * * *

(d) * * *

(2) *Submission of application or notice.* A Federal savings association must comply with § 556.5 of this chapter and must file its application or notice within the time frame in § 516.60.

* * * * *

(f) *Approval of branch notice.* A notice filed by a Federal savings association that qualifies for expedited treatment must be deemed to be approved 30 days after its filing with OTS, unless OTS takes one of the actions described at § 516.200 of this chapter. OTS will apply the review standards set forth in paragraph (e)(1) of this section; or OTS determines to process the filing as an application under § 516.200(b) of this chapter.

* * *

* * * * *

PART 550—FIDUCIARY POWERS OF SAVINGS ASSOCIATIONS

22. The authority citation for part 550 continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464.

23. Section 550.80 is revised to read as follows:

§ 550.80 How do I obtain OTS approval?

You must file an application under part 516, subparts A and E of this chapter.

24. Section 550.260 is amended by revising the first sentence of paragraph (b)(2) to read as follows:

§ 550.260 How may I invest funds of a fiduciary account?

* * * * *

(b) * * *

(2) If you must file a document with the Comptroller of the Currency under 12 CFR 9.18, you must also file that document with the appropriate Regional Office at § 516.40(a) of this chapter.

* * *

* * * * *

25. Section 550.530 is amended by revising the last sentence to read as follows:

§ 550.530 How do I surrender fiduciary powers?

* * * You must file the resolution with the appropriate Regional Office at the address listed in § 516.40(a) of this chapter.

PART 552—INCORPORATION, ORGANIZATION, AND CONVERSION OF FEDERAL STOCK ASSOCIATIONS

26. The authority citation for part 552 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a.

27. Section 552.2–6 is amended by adding the following sentence to the end of the section to read as follows:

§ 552.2–6 Conversion from stock form depository institution to Federal stock association.

* * * An application for conversion filed under this section is subject to the procedures for organization of a federal stock organization at § 552.2–1.

28. Section 552.4 is amended by revising the last sentence of paragraph (d) to read as follows:

§ 552.4 Charter amendments.

* * * * *

(d) * * * Such requests for reissuance should be filed with the Corporate Secretary at Washington Headquarters Office at the address listed in § 516.40(b) of this chapter, and contain signatures required under § 552.3 of this part, together with such supporting documents as needed to demonstrate that the amendments were properly adopted.

29. Section 552.5 is amended by revising paragraph (b)(1)(ii) to read as follows:

§ 552.5 Bylaws.

* * * * *

(b) * * * (1) * * *

(ii) Applications submitted under paragraph (b)(1)(i) of this section are subject to standard treatment processing procedures at part 516, subparts A and E of this chapter.

* * * * *

PART 555—ELECTRONIC OPERATIONS

30. The authority citation for part 555 continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464.

31. In section 555.310, the first sentence of the introductory text of paragraph (a) is revised to read as follows:

§ 555.310 How do I notify OTS?

(a) *Notice requirement.* You must file a written notice with the appropriate Regional Office listed at § 516.40(a) of this chapter at least 30 days before you establish a transactional website. * * *

* * * * *

PART 559—SUBORDINATE ORGANIZATIONS

32. The authority citation for part 559 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1828.

§ 559.3 [Amended]

33. Section 559.3 is amended by:

a. Removing, in paragraph (e)(2)(i), the phrases "§ 516.3(a) of this chapter" and "§ 516.1 of this chapter", and by adding in lieu thereof the phrases § 516.5 of this chapter" and "standard treatment processing procedures at part 516, subparts A and E of this chapter"; and

b. Removing, in paragraph (e)(2)(ii), the phrases "§ 516.3(b) of this chapter" and "§ 516.1 of this chapter", and by adding in lieu thereof the phrases § 516.5 of this chapter" and, "standard treatment processing procedures at part 516, subparts A and E of this chapter" respectively.

34. Section 559.4 is amended by revising the third sentence of the introductory text to read as follows:

§ 559.4 What activities are preapproved for service corporations?

* * * You should read these two sections together to determine whether you must file a notice with OTS under § 559.11 of this part, or whether you must file an application subject to standard treatment processing procedures at part 516, subparts A and E of this chapter to request prior written OTS approval in order for your service corporation to engage in a particular activity. * * *

* * * * *

35. Section 559.11 is amended by revising the first sentence and the last sentence to read as follows:

§ 559.11 What notices are required to establish or acquire a new subsidiary or engage in new activities through an existing subsidiary?

When required by section 18(m) of the Federal Deposit Insurance Act, a savings association ("you") must file a notice ("Notice") under part 516, subpart A of this chapter at least 30 days before establishing or acquiring a subsidiary or engaging in new activities in a subsidiary. * * * If OTS notifies you within 30 days that the Notice presents supervisory concerns, or raises significant issues of law or policy, you must apply for and receive OTS's prior written approval under the standard treatment processing procedures at part 516, subpart A and E of this chapter before establishing or acquiring the subsidiary or engaging in new activities in the subsidiary.

36. Section 559.13 is amended by revising paragraph (b) to read as follows:

§ 559.13 How may a savings association exercise its salvage power in connection with a service corporation or lower-tier entities?

* * * * *

(b) If OTS notifies you within 30 days that the Notice presents supervisory concerns, or raises significant issues of law or policy, you must apply for and receive OTS's prior written approval under the standard treatment processing procedures at part 516, subparts A and E of this chapter before making a salvage investment.

* * * * *

PART 560—LENDING AND INVESTMENT

37. The authority citation for part 560 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1701j–3, 1828, 3803, 3806; 42 U.S.C. 4106.

38. Section 560.32 is amended by revising the second sentence of paragraph (c) to read as follows:

§ 560.32 Pass-through investments.

* * * * *

(c) * * * If within that 30-day period OTS notifies you that an investment presents supervisory, legal, or safety and soundness concerns, you must apply for and receive OTS prior written approval under the standard treatment processing procedures at part 516, subparts A and E of this chapter before making the investment. * * *

39. Section 560.35 is amended by revising paragraph (d)(3) to read as follows:

§ 560.35 Adjustments to home loans.

* * * * *

(d) * * *

(3) A Federal savings association may use an index not satisfying the requirements of paragraph (d)(2) of this section 30 days after filing a notice unless, within that 30-day period, OTS has notified the association that the notice presents supervisory concerns or raises significant issues of law or policy. If OTS notifies the association of such concerns or issues, the Federal savings association may not use such an index unless it applies for and receives OTS's prior written approval under the standard treatment processing procedures at part 516, subparts A and E of this chapter.

40. Section 560.93 is amended by revising the second and third sentences of paragraph (d)(3)(iii) to read as follows:

§ 560.93 Lending limitations.

* * * * *

(d) * * *

(3) * * *

(iii) * * * A savings association that meets the requirements of paragraphs (d)(3)(i), (ii), (iv) and (v) of this section and that meets the requirements for "expedited treatment" under § 516.5 of this chapter may use the higher limit set forth under this paragraph (d)(3) if the savings association has filed a notice with OTS that it intends to use the higher limit at least 30 days prior to the proposed use. A savings association that meets the requirements of paragraphs (d)(3)(i), (ii), (iv), and (v) of this section and that meets the requirements for "standard treatment" under § 516.5 of this chapter may use the higher limit set forth under this paragraph (d)(3) if the savings association has filed an application with OTS and OTS has approved the use the higher limit;

* * * * *

41. Section 560.160 is amended by revising paragraph (a)(1) to read as follows:

§ 560.160 Asset classification.

(a)(1) Each savings association must evaluate and classify its assets on a regular basis in a manner consistent with, or reconcilable to, the asset classification system used by OTS in its Thrift Activities Handbook (Available at the address of Washington Headquarters Office at § 516.40(b) of this chapter).

* * * * *

PART 562—REGULATORY REPORTING STANDARDS

42. The authority citation for part 562 continues to read as follows:

Authority: 12 U.S.C. 1463.

43. Section 562.4 is amended by revising paragraph (b)(1) to read as follows:

§ 562.4 Audit of savings associations and savings association holding companies.

* * * * *

(b) * * *

(1) If a savings association has received a composite rating of 3, 4 or 5, as defined at § 516.5(c) of this chapter; or

* * * * *

PART 563—OPERATIONS

44. The authority citation for part 563 continues to read as follows:

Authority: 12 U.S.C. 375b, 1462, 1462a, 1463, 1464, 1467a, 1468, 1817, 1820, 1828, 3806; 42 U.S.C. 4106.

45. Section 563.22 is amended by revising paragraphs (b)(1)(ii), (b)(2), (d)(4), (f)(1), and (h)(2) to read as follows:

§ 563.22 Merger, consolidation, purchase or sale of assets, or assumption of liabilities.

* * * * *

(b)(1) * * *

(ii) In the case of a savings association that meets the conditions for expedited treatment under § 516.5 of this chapter, convert, directly or indirectly, to a national or state bank.

(2) A savings association that does not meet the conditions for expedited treatment under § 516.5 of this chapter

may not, directly or indirectly, convert to a national or state bank without prior application to and approval of OTS, as provided in paragraph (h)(2)(ii) of this section.

* * * * *

(d) * * *

(4) Applications filed under section 5(d)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(3)) and paragraph (a) of this section must be processed in accordance with the time frames set forth in §§ 516.220 through 516.290 of this chapter, provided that the period for review may be extended only if the Office determines that the applicant has failed to furnish all requested information or that the information submitted is substantially inaccurate, in which case the review period may be extended for up to 30 days.

* * * * *

(f) * * *

(1) The acquiring savings association does not meet the criteria for expedited treatment under § 516.5 of this chapter;

* * * * *

(h) * * *

(2) *Other transfer transactions*—(i) *Expedited treatment.* A notice in conformity with § 516.25(a) of this chapter may be submitted to OTS under § 516.40 of this chapter for any transaction under paragraph (c) of this section, provided all constituent savings associations meet the conditions for expedited treatment under § 516.5 of this chapter. Notices submitted under this paragraph must be deemed approved automatically by OTS 30 days after receipt, unless OTS advises the applicant in writing prior to the expiration of such period that the proposed transaction may not be consummated without OTS's approval of an application under paragraphs (h)(2)(ii) or (h)(2)(iii) of this section.

(ii) *Standard treatment.* An application in conformity with § 516.25(b) of this chapter and paragraph (d) of this section must be submitted to OTS under § 516.40 by each savings association participating in a transaction under paragraph (b)(2) or (c) of this section, where any constituent savings association does not meet the conditions for expedited treatment under § 516.5 of this chapter, except as provided in paragraph (h)(2)(iii) of this section. Applications under this paragraph must be processed in accordance with the procedures in part 516, subparts A and E of this chapter.

(iii) *Standard treatment for transactions under section 5(d)(3) of the Federal Deposit Insurance Act.* An application in conformity with § 516.25(b) of this chapter and paragraph (d) of this section must be submitted to OTS under § 516.40 by each savings association which will survive any transaction under both section 5(d)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(3)) and paragraph (c) of this section, where any constituent savings association does not meet the conditions for expedited treatment under § 516.5 of this chapter. Applications under this paragraph must be processed in accordance with the procedures in part 516, subparts A and E of this chapter, provided that the period for review may be extended only if OTS determines that the applicant has failed to furnish all requested information or that the information submitted is substantially inaccurate, in which case the review period may be extended for up to 30 days.

46 Section 563.41 is amended by revising paragraph (e)(2)(ii)(A) to read as follows:

§ 563.41 Loans and other transactions with affiliates and subsidiaries.

* * * * *

(e) * * *

(2) * * *

(ii) * * *

(A) Has a composite rating of 4 or 5, as defined in § 516.5(c) of this chapter;

* * * * *

47. Section 563.81 is amended by revising the first sentence in paragraphs (a)(1), (a)(2), and (c) to read as follows:

§ 563.81 Issuance of subordinated debt securities and mandatorily redeemable preferred stock.

(a) *General*—(1) *Savings associations receiving standard treatment.* No savings association subject to standard treatment of its applications under § 516.5 of this chapter may issue subordinated debt securities or mandatorily redeemable preferred stock includable in regulatory capital pursuant to this section or amend the terms of such securities unless it has obtained the written approval of OTS.

* * *

(2) *Savings associations receiving expedited treatment.* No savings association eligible for expedited treatment under § 516.5 of this chapter may issue subordinated debt securities or mandatorily redeemable preferred stock pursuant to this section for inclusion in regulatory capital or amend the terms of such securities unless it provides notice to OTS, and such notice contains a statement of the association's intent to include such securities in regulatory capital. * * *

* * * * *

(c) *Form of application or notice; supporting information.* Applications subject to standard treatment or notices eligible for expedited treatment under § 516.5 of this chapter must be in the form prescribed by OTS. * * *

* * * * *

48. Section 563.143 is amended by revising the heading and the first sentence of paragraph (a)(1) to read as follows:

§ 563.143 Must I file with OTS?

* * * * *

(a) * * *

(1) You are not eligible for expedited treatment under § 516.5 of this chapter. * * *

* * * * *

49. Section 563.171 is amended by revising paragraph (b)(4) to read as follows:

§ 563.171 Frequency of safety and soundness examination.

* * * * *

(b) * * *

(4) At its most recent examination, OTS determined that the savings association was in outstanding or good condition, that is, it received a composite rating of 1 or 2, as composite rating defined in § 516.5(c) of this chapter;

* * * * *

50. Section 563.180 is amended by revising paragraph (d)(11) to read as follows:

§ 563.180 Suspicious Activity Reports and other reports and statements.

* * * * *

(d) * * *

(11) *Obtaining SARs.* A savings association or service corporation may obtain SARs and the instructions from the appropriate OTS Regional Office listed in § 516.40(a) of this chapter.

* * * * *

51. Section 563.183 is amended by revising paragraph (c)(1) to read as follows:

§ 563.183 Reports of change in chief executive officer or director; other reports; form and filing of such reports.

* * * * *

(c) *Form and filing of reports.* (1) Unless otherwise specified by OTS, a report required by § 563.181 of this part or this § 563.183 must comply with § 516.30 and must be submitted to the appropriate Regional Office listed in § 516.40(a) of this chapter.

* * * * *

52. Section 563.555 is amended by revising paragraph (1) of the definition of "troubled condition" to read as follows:

§ 563.555 What definitions apply to this subpart?

* * * * *

Troubled condition means:

(1) A savings association that has a composite rating of 4 or 5, as composite rating is defined in § 516.5(c) of this chapter.

* * * * *

53. Section 563.565 is revised to read as follows:

§ 563.565 What procedures govern the filing of my notice?

The procedures found in part 516, subpart A of this chapter govern the filing of your notice under § 563.560.

PART 563b—CONVERSIONS FROM MUTUAL TO STOCK FORM

54. The authority citation for part 563b continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 2901; 15 U.S.C. 78c, 78l, 78m, 78n, 78w.

§ 563b.27 [Amended]

55. Section 563b.27 is amended in paragraph (e), footnote 1, by removing the phrase "§ 516.1(a) of this chapter", and by adding in lieu thereof "§ 516.40(b) of this chapter".

PART 563f—MANAGEMENT OFFICIAL INTERLOCKS

56. The authority citation for part 563f continues to read as follows:

Authority: 12 U.S.C. 3201–3208.

57. Section 563f.6 is amended by revising the last sentence of paragraph (a) to read as follows:

§ 563f.6 General exemption.

(a) * * * A depository organization may apply to OTS for an exemption under part 516, subpart E, of this chapter.

* * * * *

PART 565—PROMPT CORRECTIVE ACTION

58. The authority citation for part 565 continues to read as follows:

Authority: 12 U.S.C. 1831o.

§ 565.4 [Amended]

59. Section 565.4 is amended as follows:

a. Section 565.4(b)(2)(iii)(B) is amended by removing the phrase "as defined in § 516.3(c)" and adding in lieu thereof "as composite rating is defined in § 516.5(c)";

b. Section 565.4(b)(3)(iii)(B) is amended by removing the phrase "as defined in § 516.3(c)" and adding in lieu thereof "as composite rating is defined in § 516.5(c)"; and

c. Section 565.4(c)(2), footnote 1, is amended by removing the phrase § 516.1 of this chapter", and by adding in lieu thereof "§ 516.40 of this chapter".

PART 567—CAPITAL

60. The authority citation for part 567 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1828 (note).

61. Section 567.3 is amended by revising the third sentence in paragraph (d)(2)(i) introductory text, to read as follows:

§ 567.3 Individual minimum capital requirements.

* * * * *

(d) * * *

(2) * * * (i) * * * Such response must be filed in accordance with §§ 516.30 and 516.40 of this chapter.

* * *

* * * * *

62. Section 567.4 is amended by revising the fifth sentence of paragraph (a)(3)(i) to read as follows:

§ 567.4 Capital directives.

(a) * * *

(3) * * * (i) * * * Such responses must be filed in accordance with §§ 516.30 and 516.40 of this chapter.

* * *

* * * * *

63. Section 567.7 is amended by revising paragraph (f) to read as follows:

§ 567.7 Interest-rate risk component.

* * * * *

(f) OTS will provide, upon request, manuals describing the OTS Model and guidance at the address set forth in § 516.40(b) of this chapter.

PART 574—ACQUISITION OF CONTROL OF SAVINGS ASSOCIATIONS

64. The authority citation for part 574 continues to read as follows:

Authority: 12 U.S.C. 1467a, 1817, 1831i.

65. Section 574.4 is amended by revising the second sentence of paragraph (f)(2) to read as follows:

§ 574.4 Control.

* * * * *

(f) * * *

(2) * * * Certifications provided for in this paragraph must be filed with OTS in accordance with §§ 516.30 and 516.40 of this chapter.

(ii)(B) is amended by removing the phrase "as defined in § 516.3(c)" and adding in lieu thereof "as composite rating is defined in § 516.5(c)";

b. Section 565.4(b)(3)(iii)(B) is amended by removing the phrase "as defined in § 516.3(c)" and adding in lieu thereof "as composite rating is defined in § 516.5(c)"; and

c. Section 565.4(c)(2), footnote 1, is amended by removing the phrase § 516.1 of this chapter", and by adding in lieu thereof "§ 516.40 of this chapter".

PART 567—CAPITAL

60. The authority citation for part 567 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1828 (note).

61. Section 567.3 is amended by revising the third sentence in paragraph (d)(2)(i) introductory text, to read as follows:

§ 567.3 Individual minimum capital requirements.

* * * * *

(d) * * *

(2) * * * (i) * * * Such response must be filed in accordance with §§ 516.30 and 516.40 of this chapter.

* * *

* * * * *

62. Section 567.4 is amended by revising the fifth sentence of paragraph (a)(3)(i) to read as follows:

§ 567.4 Capital directives.

(a) * * *

(3) * * * (i) * * * Such responses must

66. Section 574.6 is amended by revising the second sentence of paragraph (f)(4) to read as follows:

§ 574.6 Procedural requirements.

* * * * *

(f) * * *

(4) * * * If the Office receives a request for the information under the Freedom of Information Act, OTS will advise the filing party before it discloses material for which confidential treatment has been requested.

* * * * *

PART 575—MUTUAL HOLDING COMPANIES

67. The authority citation for part 575 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828, 2901.

68. Section 575.3 is amended by revising paragraph (b)(2) introductory text to read as follows:

§ 575.3 Mutual holding company reorganizations.

* * * * *

(b) * * *

(2) Sixty days have passed since OTS received the Reorganization Notice and deemed it complete under § 516.210 or § 516.220 of this chapter, and OTS has not:

* * * * *

69. Section 575.13 is amended by revising the third sentence of paragraph (a)(1), paragraph (b), the first sentence of paragraph (c)(2), and the first and last sentences of paragraph (e), to read as follows:

§ 575.13 Procedural requirements.

(a) * * * (1) * * * Proxies and proxy statements must be filed in accordance with § 563b.5(e) of this chapter and must be addressed to the Business Transactions Division, Chief Counsel's Office, Office of Thrift Supervision, at the address set forth in § 516.40(b) of this chapter. * * *

* * * * *

(b) *Applications under this part.* Except as provided in paragraph (c) of this section, any application, notice or certification required to be filed with OTS under this part must be filed in accordance with part 516, subpart A of this chapter.

(c) * * *

(2) *Filing instructions.* Any Reorganization Notice submitted under § 575.3(b) of this part must be filed in accordance with part 516, subpart A of this chapter. * * *

* * * * *

(e) *Time-frames.* All Reorganization Notices and applications filed pursuant to this part must be processed in accordance with standard treatment processing procedures at part 516, subparts A and E. * * * The review by OTS of proxy solicitation materials, including forms of proxy and proxy statements, and of any other materials used in connection with the issuance of stock under § 575.7 of this part must not be subject to the applications processing time-frames set forth in §§ 516.210 through 516.290 of this chapter.

* * * * *

PART 584—REGULATED ACTIVITIES

70. The authority citation for part 584 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1468.

71. Section 584.2–2 is amended by revising the last sentence of paragraph (b) to read as follows:

§ 584.2–2 Permissible bank holding company activities of savings and loan holding companies.

* * * * *

(b) * * * OTS must act upon such application under the guidelines in part 516, subpart E of this chapter.

* * * * *

Dated: February 23, 2001.

By the Office of Thrift Supervision.

Ellen Seidman,

Director.

[FR Doc. 01–4996 Filed 3–1–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–24–AD; Amendment 39–12129; AD 2001–04–10]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada (PWC) Model PW305 and PW305A Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Pratt & Whitney Canada (PWC) Models PW305 and PW305A turbofan engines, that requires removing stage 4 low pressure turbine (LPT) disks from service before exceeding new, lower cyclic life limits. This amendment is prompted by the results of a spin pit test analysis which indicate that the stage 4 LPT disk does not have full published life. The actions specified by this AD are intended to prevent LPT disk failure resulting from premature cracking of the LPT disks, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective date April 6, 2001.

FOR FURTHER INFORMATION CONTACT: James Rosa, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: (781) 238–7152; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to PWC Models PW305 and PW305A turbofan engines, was published in the **Federal Register** on November 16, 2000 (65 FR 69258). That action proposed to require removing stage 4 LPT disks from service before exceeding new, lower cyclic life limits.

No Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Economic Impact

There are currently 358 engines in the domestic fleet containing the affected stage 4 LPT disks, part numbers (P/N's) 30A1457 and 30A1499, and a total of 484 engines in the worldwide fleet. The total cost to the domestic fleet to remove and replace these disks at the new life limit of 4000 cycles-in-service (CIS), rather than the former life limit of 5000 CIS, is estimated to be $6,331,015.

Regulatory Impact

This proposed rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposed rule.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–04–10 Pratt & Whitney Canada: Amendment 39–12129. Docket 2000–NE–24–AD.

Applicability

Pratt & Whitney Canada (PWC) Models PW305 and PW305A turbofan engines with stage 4 low pressure turbine (LPT) disks, part numbers (P/N's) 30A1457 and 30A1499. These engines are installed on but not limited to British Aerospace BAe. 125 1000A, BAe. 125 1000B, Hawker 1000, and Learjet 60 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance

Required as indicated, unless accomplished previously.

To prevent premature LPT disk failure due to cracking of the LPT disks, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

New Stage 4 LPT Disk Life Limit

(a) Remove stage 4 LPT disks, P/N's 30A1457 and 30A1499, prior to exceeding the new life limit of 4000 cycles-in-service (CIS).

(b) Except for the provisions of paragraph (c) of this AD, no parts, identified by P/N in paragraph (a) of this AD, that exceed the new life limit of 4000 CIS, may be installed.

Alternative Method of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Effective Date

(e) This amendment becomes effective on April 6, 2001.

Issued in Burlington, Massachusetts, on February 21, 2001.

David A. Downey,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–4889 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ACE–2]

Amendment to Class E Airspace; Phillipsburg, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Phillipsburg, KS. The FAA has developed Area Navigation (RNAV) Global Positioning System (GPS) Runway (RWY) 13 ORIGINAL, RNAV (GPS) RWY 31 ORIGINAL, and Nondirectional Beacon (NDB)–A, ORIGINAL (5/17/01) Standard Instrument Approach Procedures (SIAP) to serve Phillipsburg Municipal Airport. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAPs and for other Instrument Flight Rules (IFR) operations at this airport. This action will also correct the geographical coordinates of Phillipsburg Municipal Airport, Phillipsburg, KS.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the SIAPs and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, July 12, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 1, 2001.

ADDRESSES: Sends comments regarding the rule in triplicate to: Manager, Operations and Airspace Branch, Air Traffic Division, ACE–530, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 01–ACE–2, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Operations & Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA has developed RNAV (GPS) RWY 13 ORIGINAL, RNAV (GPS) RWY 31 ORIGINAL and NDB–A ORIGINAL (5/17/01) SIAPs to serve Phillipsburg Municipal Airport, Phillipsburg, KS. The amendment to Class E airspace at Phillipsburg, KS, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules (IFR). The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of

safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 01–ACE–2." The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The Authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9H Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE KS E5 Phillipsburg, KS [Revised]

Phillipsburg Municipal Airport, KS
(Lat. 39°44'09"N., long. 99°19'02"W.)
Phillipsburg NDB
(Lat. 39°42'22"N., long. 99°17'17"W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Phillipsburg Municipal Airport and within 2.6 miles each side of the 143° bearing from the Phillipsburg NDB extending from the 6.5-mile radius to 7 miles southeast of the NDB.

* * * * *

Issued in Kansas City, MO, on February 21, 2001.

Richard L. Day,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 01–5136 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 658

Truck Size and Weight, Route Designations—Length, Width and Weight Limitations

CFR Correction

In Title 23 of the Code of Federal Regulations, revised as of April 1, 2000, in part 658, on page 257, § 658.5 is corrected by adding the definition of "*National Network*" to read as follows:

§ 658.5 Definitions.

* * * * *

National Network (NN). The composite of the individual network of highways from each State on which vehicles authorized by the provisions of the STAA are allowed to operate. The network in each State includes the Interstate System, exclusive of those portions excepted under § 658.11(f) or deleted under § 658.11(d), and those portions of the Federal-aid Primary System in existence on June 1, 1991, set out by the FHWA in appendix A to this part.

* * * * *

[FR Doc. C1–55503 Filed 3–1–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8921]

RIN 1545–AY23

Tax Treatment of Cafeteria Plans; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Corrections to final regulations.

SUMMARY: This document contains corrections to final regulations that were published in the **Federal Register** on Wednesday, January 10, 2001 (66 FR 1837), relating to section 125 cafeteria plans.

DATES: This correction is effective January 10, 2001.

FOR FURTHER INFORMATION CONTACT: Christine L. Keller (202) 622–6080 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 125 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 8921) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8921), which were the subject of FR Doc. 01–258, is corrected as follows:

1. On page 1838, column 1, in the preamble under the paragraph heading *1. Changes in the March 2000 Final Regulations*, line 3 of the first paragraph, the language "final regulations issued earlier this year" is corrected to read "final regulations issued in March 2000".

2. On page 1838, column 3, under the paragraph heading *2. Changes From the March 2000 Proposed Regulations*, line 4, the language "earlier this year, but include various" is corrected to read "in March 2000, but include various".

3. On page 1840, column 1, amendatory instruction Par. 2. is corrected by adding a new instruction "3a." following item 3 to read as follows:

3a. Revising paragraph (c)(3)(ii).

§ 1.125–4 [Corrected]

4. On page 1840, column 2, § 1.125–4 is corrected by removing the 5 asterisks following paragraph (c)(1)(ii).

5. On page 1840, column 2, § 1.125–4 is corrected by removing the 5 asterisks following paragraph (c)(3)(i) and adding the text of revised paragraph (c)(3)(ii) in their place to read as follows:

§ 1.125–4 Permitted election changes.

* * * * *

(c) * * *

(3) * * *

(ii) *Application to other qualified benefits.* An election change satisfies the requirements of this paragraph (c)(3) with respect to other qualified benefits if the election change is on account of and corresponds with a change in status that affects eligibility for coverage under an employer's plan. An election change also satisfies the requirements of this paragraph (c)(3) if the election change is on account of and corresponds with a change in status that effects expenses described in section 129 (including employment-related expenses as defined in section 21(b)(2)) with respect to dependent care assistance, or expenses described in section 137 (including qualified adoption expenses as defined in section 137(d)) with respect to adoption assistance.

* * * * *

6. On page 1841, column 3, § 1.125–4(f)(5)(ii), line 4, the language "Service, or a tribal organization" is corrected to read "Service, or a tribal organization;".

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization and Strategic Planning).

[FR Doc. 01–4923 Filed 3–1–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 53 and 301

[TD 8920]

RIN 1545–AY64

Excise Taxes on Excess Benefit Transactions; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains corrections to temporary regulations that were published in the **Federal Register** on January 10, 2001 (66 FR 2144). This document relates to the excise taxes on excess benefit transactions under section 4958 of the Internal Revenue Code.

DATES: This correction is effective January 10, 2001.

FOR FURTHER INFORMATION CONTACT: Phyllis D. Haney (202) 622–4290 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

These temporary regulations that are the subject of this correction are under section 4958 of the Internal Revenue Code.

Need for Correction

As published, these temporary regulations (TD 8920) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the temporary regulations (TD 8920), which were the subject of FR Doc. 01–256, is corrected as follows:

§ 53.4958–4T [Corrected]

1. On page 2164, column 3, § 53.4958–4T, paragraph (a)(3)(vii), *Example 1*, line 12, the language "T (see § 53.4958–3T(a)). Under the initial" is corrected to read "T (see § 53.4958–3T (c)(3)). Under the initial".

2. On page 2165, column 1, § 53.4958–4T, paragraph (a)(3)(vii), *Example 6*, line 19, the language "respect to B, Company X also becomes a" is corrected to read "respect to Hospital B, Company X also becomes a".

3. On page 2165, column 1, § 53.4958–4T, paragraph (a)(3)(vii), *Example 6*, line 20, the language "disqualified person with respect to B (see" is corrected to read "disqualified person with respect to Hospital B (see".

4. On page 2167, column 2, § 53.4958–4T, paragraph (c)(3)(i)(B), last line in the paragraph, the language "paragraph (b)(3)(i)(A) of this section." is corrected to read "paragraph (c)(3)(i)(A) of this section.".

§ 53.4958–6T [Corrected]

5. On page 2168, column 1, § 53.4958–6T, paragraph (a)(1), first line in the column, the language "the organization with the meaning of" is corrected to read "the organization within the meaning of".

6. On page 2169, column 1, § 53.4958–6T, paragraph (c)(2)(iv), *Example 2*, line 1, the language "*Example 2.* The facts are the same as" is corrected to read "*Example 2.* The facts are the same as in".

7. On page 2169, column 1, § 53.4958–6T, paragraph (c)(2)(iv), *Example 4*, line 1, the language "*Example 4.* The facts are the same as" is corrected to read "*Example 4.* The facts are the same as in".

§ 301.7611–1 [Corrected]

8. On page 2171, column 3, § 301.7611–1, under the undesignated centerheading "Application to Section 4958", A–19, line 1, the language "A–19: See § 53.4958–7(b) of this" is

corrected to read "A–19: See § 53.4958–8T(b) of this".

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization and Strategic Planning).

[FR Doc. 01–5006 Filed 3–1–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 22

[T.D. ATF–443; Ref: Notice No. 828]

RIN 1512–AB57

Distribution and Use of Tax-Free Alcohol (2000R–294P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule amends the regulations in 27 CFR part 22 by eliminating the requirement for users of tax-free alcohol to file a bond. It also liberalizes certain qualification requirements relating to tax-free alcohol user permits. ATF believes that these revisions will greatly reduce and simplify the qualification process for tax-free alcohol permits.

DATES: This rule is effective on May 1, 2001.

FOR FURTHER INFORMATION CONTACT: Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, (202–927–9347) or e-mail at alctob@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:

Background

There are certain registration requirements under the law and its implementing regulations that must be met prior to the issuance of a permit to withdraw and use tax-free alcohol. Once such registration requirements are met, the applicant is issued a tax-free alcohol users permit and may commence conducting any of the uses authorized under the law and regulations for tax-free alcohol permittees. The permittee is allowed to purchase and acquire alcohol from a registered distilled spirits plant (DSP) free of the excise tax payments normally required to be made by the DSP proprietor.

Authorized users of tax-free alcohol include any State or political subdivision of a State, or the District of Columbia acquiring the alcohol for nonbeverage purposes. Tax-free alcohol may also be used by any educational organization (exempt from income tax), scientific university or college of learning, laboratory for use exclusively in scientific research, hospital, blood bank, sanitarium, pathological laboratory exclusively engaged in making analyses, or tests, for hospitals or sanitariums, or clinic operated for charity and not for profit.

Notice of Proposed Rulemaking

On June 13, 1996, ATF published a notice of proposed rulemaking (Notice No. 828, 61 FR 30019) to solicit public comment on proposed regulations that would eliminate the bonding requirements for tax-free alcohol users. ATF also proposed to revise the qualification requirements for obtaining a permit to withdraw and use tax-free alcohol. The public was invited to submit written comments on this notice for a period of 60 (sixty) days ending August 12, 1996.

Comments on the NPRM

In response to Notice 828, ATF received two written comments. Comments were received from: the Distilled Spirits Council of the United States (DISCUS), and the Surety Association of America.

Bonds and Consents of Surety

As discussed in Notice No. 828, 26 U.S.C. 5272 provides that bond coverage may be required as part of the tax-free alcohol permit qualification process. Prior to 1985, the regulations in 27 CFR part 22 required that every applicant, with certain exceptions, obtain a bond prior to issuance of a permit. Then, in 1985, the tax-free regulations were revised and the exemption from bond coverage was expanded. See T.D. ATF–199 (50 FR 9152). Under the revisions adopted in 1985, the percentage of users of tax-free alcohol who were exempt from filing a surety bond increased from 36 percent to 75 percent.

Based on the post-1985 experience in administering part 22, ATF concluded that bond coverage should no longer be required of any applicant for a tax-free alcohol permit. ATF believed that elimination of the bond requirement in part 22 would result in substantially reduced administrative and financial burdens on the tax-free alcohol permittees. Accordingly, in Notice No. 828, ATF proposed to eliminate the requirement to obtain a bond.

In response to this proposal, DISCUS submitted a comment stating that they support all efforts by ATF to eliminate unnecessary regulation and to reduce the administrative burdens imposed upon industry.

The Surety Association of America commented against this proposal. They stated that "the ATF is overlooking the importance of the bond requirement in preventing losses. The bond provision may be one of the primary reasons why the experience has been favorable, and without it, we believe the ATF runs the risk of losing tax revenue without a means of recapture."

While ATF agrees that bond requirements for tax-free alcohol users may have reduced the risk of tax revenue losses at some time in the past, our experience since 1985 indicates that tax-free alcohol users pose a minimal risk to the revenue. Further, the elimination of the bond requirement does not leave the ATF "without a means of recapture." Any permittee who uses tax-free alcohol in a manner that violates the laws and regulations is still directly liable for the tax as provided in 26 U.S.C. 5001(a)(4).

In summary, ATF has concluded that the bond requirement in 27 CFR part 22 is unnecessary to protect the revenue and the proposal to eliminate the bond requirement for tax-free alcohol users has been adopted in this final rule.

Qualification Requirements

Section 5271 of the Internal Revenue Code of 1986 requires the submission of an application before a permit may be issued to procure or use tax-free alcohol. Regulations have required the submission of a detailed application with supporting data by all applicants. The appropriate ATF officer is authorized to waive some of the detailed data for applicants who are a State, political subdivisions thereof, or the District of Columbia or whose annual withdrawal and usage of tax-free alcohol will not exceed 1,500 proof gallons.

In Notice No. 828, ATF proposed that this waiver should be available to all applicants when the appropriate ATF officer concludes that the revenue is adequately protected with respect to the person submitting the application.

In response to this proposal, the DISCUS submitted a comment that expressed their support. No one commented in opposition to this proposal. Accordingly, the proposal has been adopted in this final rule.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. The regulations will give ATF specific regulatory authority to relax and remove certain registration requirements. A copy of the proposed rule was submitted to the Chief Counsel for Advocacy of the Small Business Administration in accordance with 26 U.S.C. 7805(f). No comments were received.

Executive Order 12866

It has been determined that this regulation is not a significant regulatory action as defined by Executive Order 12866. Therefore, a Regulatory Assessment is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because there are no new reporting or recordkeeping requirements.

Drafting Information

The principal author of this document is Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 22

Administrative practice and procedure, Advertising, Alcohol and alcohol beverages, Authority delegations (Government agencies), Claims, Excise taxes, Reporting and recordkeeping requirements, Surety bonds.

Authority and Issuance

Accordingly, title 27, Code of Federal Regulations part 22 is amended as follows:

PART 22—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

Par. 1. The authority citation for part 22 continues to read as follows:

Authority: 26 U.S.C. 5001, 5121, 5142, 5143, 5146, 5206, 5214, 5271–5276, 5311, 5552, 5555, 6056, 6061, 6065, 6109, 6151, 6806, 7011, 7805; 31 U.S.C. 9304, 9306.

§ 22.21 [Amended]

Par. 2. Amend § 22.21(a) by removing the word "bonds" from the first sentence.

§ 22.25 [Removed]

Par. 3. Remove § 22.25.

§ 22.26 [Redesignated]

Par. 4. Redesignate § 22.26 as § 22.25.

§ 22.27 [Redesignated]

Par. 5. Redesignate § 22.27 as § 22.26.

§ 22.43 [Amended]

Par. 6. Amend § 22.43 by revising paragraphs (a)(2) and (b) to read as follows:

§ 22.43 Exceptions to application requirements.

(a) * * *

(2) Applications, Form 5150.22, filed by applicants, where the appropriate ATF officer has determined that the waiver of such requirements does not pose any jeopardy to the revenue or a hindrance of the effective administration of this part.

(b) The waiver provided for in this section will terminate for a permittee, other than States or political subdivisions thereof or the District of Columbia, when the permittee files an application to amend the permit and the appropriate ATF officer determines that the conditions justifying the waiver no longer exist. In this case, the permittee will furnish the information in respect to the previously waived items, as provided in § 22.57(a)(2).

§ 22.59 [Amended]

Par. 7. Amend § 22.59 by removing the second sentence.

§ 22.60 [Amended]

Par. 8. Amend § 22.60 as follows:

a. Remove paragraph (b);

b. Redesignate paragraph (c) as paragraph (b); and

c. Redesignate paragraph (d) as paragraph (c).

§ 22.62 [Amended]

Par. 9. Amend § 22.62 by removing the last sentence.

§ 22.63 [Amended]

Par. 10. Amend § 22.63 as follows:

a. Remove the paragraph letter and title designation "(a) Permit"; and

b. Remove paragraph (b).

§ 22.68 [Amended]

Par. 11. Amend § 22.68 as follows:

a. Remove the paragraph letter and title designation "(a) Notice"; and

b. Remove paragraph (b).

Subpart E—[Removed and Reserved]

Par. 12. Remove and reserve Subpart E (Bonds and Consent of Surety).

§ 22.152 [Amended]

Par. 13. Amend § 22.152 as follows:

a. Remove paragraph (b); and

b. Redesignate paragraph (c) as paragraph (b).

Bradley A. Buckles,

Director.

Approved: February 1, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 01–5130 Filed 3–1–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

[SPATS No. ND–041–FOR, Amendment No. XXX]

North Dakota Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving this proposed amendment to the North Dakota regulatory program (hereinafter, the "North Dakota program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). North Dakota proposed revisions to rules about rulemaking notices, prime farmland reclamation plans, permit approval and denial criteria, performance bond liability period, bond release applications, surface water monitoring, revegetation success standards, prime farmland reclamation standards, and small operator assistance.

The State intended to revise its program to be consistent with the corresponding Federal regulations and SMCRA, and improve operational efficiency.

EFFECTIVE DATE: March 2, 2001.

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Telephone: 307/261–6550, Internet address: GPadgett@OSMRE.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Program
II. Submission of the Proposed Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the North Dakota Program

On December 15, 1980, the Secretary of the Interior conditionally approved the North Dakota program. You can find background information on the North Dakota program, including the Secretary's findings, the disposition of comments, and conditions of approval in the December 15, 1980, **Federal Register** (45 FR 82214). You can also find later actions concerning North Dakota's program and program amendments at 30 CFR 934.15 and 934.16.

II. Submission of the Proposed Amendment

By letter dated June 20, 2000, North Dakota sent us an amendment to its program (North Dakota Amendment No. XXX, administrative record No. ND–EE–01) under SMCRA (30 U.S.C. 1201 *et seq.*). North Dakota sent the amendment: (1) In response to a July 17, 1997 letter (administrative record No. ND–EE–02) that we sent to it in accordance with 30 CFR 732.17(c) and (2) to include changes made at its own initiative. The provisions of North Dakota's Administrative Code that North Dakota proposed to revise were: (1) NDAC 69–05.2–01–03, Rulemaking notices; (2) NDAC 69–05.2–09–15, Prime farmland reclamation plans; (3) NDAC 69–05.2–10–03.6.c, Permit approval or denial criteria; (4) NDAC 69–05.2–12–12.2, Bond release applications; (6) NDAC 69–05.2–16–05, Surface water monitoring; (7) NDAC 69–05.2–22–07.4.1, Revegetation success standards; (8) NDAC 69–05.2–26–05.3.h, Prime farmland revegetation requirements; and (9) NDAC 69–05.2–29–03, Small operator assistance.

We announced receipt of the proposed amendment in the July 17, 2000, **Federal Register** (65 FR 44015). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy (administrative record No. ND–EE–05). We did not hold a public hearing or meeting because no one requested one.

III. Director's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment.

1. Minor Revisions to North Dakota's Rules

North Dakota proposed minor wording, editorial, punctuation, grammatical, and recodification changes to the following previously-approved rules.

A. Rulemaking Notices, NDAC 69–05.2–01–03; NDCC 28–32

There is no Federal counterpart to this rule change. It is being made because a recent legislative change in North Dakota's Administrative Procedures Act requires that notices of all rulemaking hearings be published in all official county newspapers in the State as well as filed with North Dakota's Legislative Council.

Because these changes are minor, we find that they will not make North Dakota's rules less effective than the corresponding Federal regulations.

B. NDAC 69–05.2–12–09; NDAC 69–05.2–22–07.4.1: Period of Performance Bond Liability

Due to an oversight, the cross reference in NDAC Section 69–05.2–12–09(2) was not updated in North Dakota State Program Amendment XXIII as it should have been. This change, which adds reference to subsection k, corrects that oversight. There is no Federal counterpart.

C. NDAC 69–05.2–16–05, Performance Standards—Hydrologic Balance—Surface Water Monitoring

A cross reference is corrected to read in "subparagraph 2 of this" subdivision (instead of subparagraph c). The revision only involves a change to a cross reference.

2. Revisions to North Dakota's Rules That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations

North Dakota proposed revisions to the following rules containing language that is the same as or similar to the corresponding sections of the Federal regulations.

A. NDAC 69–05.2–10–03.6.c, Permit Applications—Criteria for Permit Approval or Denial

The proposed revised State rule adds two new paragraphs as requested by OSM in a July 17, 1997, 30 CFR 732(d) letter to North Dakota. As enumerated in that letter (administrative record No. ND–EE–02) the State needed to add counterparts to the Federal regulations at 30 CFR 785.17(e)(3) and (5). Paragraph "(3)" addresses the applicant's technological capability to restore prime farmland within a reasonable amount of time, and Paragraph "(5)" addresses total prime farmland acreage as it relates to postmining water bodies that are part of the reclamation.

The State of North Dakota is adding new language at 69–05.2–10–03.6.c, Permit applications—Criteria for permit approval or denial. It states that:

* * * * *

"6. In addition to the requirements of subsection 3 of North Dakota Century Code section 38.14.1–21, no permit or significant revision will be approved, unless the application affirmatively demonstrates and the commission finds, in writing, on the basis of information in the application or otherwise available, which is documented in the approval and made available to the applicant, that:

c. The applicant has, with respect to prime farmland, obtained either a negative determination or if the permit area contains prime farmlands:

4. The permit demonstrates that the applicant has the technological capability to restore prime farmland, within a reasonable time, to equivalent or higher yields as non-mined prime farmland in the surrounding area under equivalent management practices.

5. The aggregate total prime farmland acreage will not be decreased from that which existed prior to mining based on the cooperative soil survey. Any postmining water bodies that are part of the reclamation must be located within the non-prime farmland portions of the permit area. If any such water bodies reduce the amount of prime farmland that a surface owner had before mining, the affected surface owners must consent to the creation of the water bodies and the plans must be approved by the commission."

Federal Regulations at 30 CFR 785.17(e), Issuance of permit, require that "[a] permit for the mining and reclamation of prime farmland may be granted by the regulatory authority, if it first finds, in writing, upon the basis of a complete application, that—

* * * * *

(3) The applicant has the technological capability to restore the prime farmland, within a reasonable time, to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management; and (5) The aggregate total prime farmland acreage shall not be decreased from that which existed prior to mining. Water bodies, if any, to be constructed during mining and reclamation operations must be located within the post-reclamation non-prime farmland portions of the permit area. The creation of any such water bodies must be approved by the regulatory authority and the consent of all affected property owners within the permit area must be obtained."

* * * * *

The proposed language is almost identical to the Federal language and is therefore consistent with and no less effective than the Federal regulations.

B. NDAC 69–05.2–12–12.2, 30 CFR 800.40(a)(3), Release of Performance Bond—Bond Release Application

The existing State regulation at NDAC 69–05.2–12–09 does not require a permittee to submit a notarized statement certifying that the permittee accomplished reclamation in accordance with the North Dakota statute, regulatory program, and the approved reclamation plan.

The counterpart Federal regulation at 30 CFR 800.40(a)(3) requires the permittee to include in its application for bond release a notarized statement which certifies that all applicable reclamation activities have been accomplished in accordance with the Act, the regulatory program, and the approved reclamation plan.

To satisfy OSM's requirement that North Dakota's regulatory program be revised to be consistent with revised Federal regulations at 30 CFR 800.40(a)(3), North Dakota is proposing to revise its regulations to require that each application for bond release submitted by the permittee include, in an application for any bond release, a notarized statement which certifies that the permittee has accomplished all applicable reclamation activities in accordance with NDAC 69–05.2, NDCC 38–14.1 and the approved reclamation plan.

The proposed revision is consistent with and no less effective than the Federal regulations.

C. NDAC 69–05.2–29–03. Small Operator Assistance—Eligibility for Assistance

The existing State regulation at NDAC 69–05.2–29–03(2)(c) provides for a minimum five percent ownership of the coal by an applicant for Small Operator Assistance. However, Federal regulations at 30 CFR 795.6(a)(2)(i) and (ii) require that an applicant own at least ten percent of the coal in order to qualify as an applicant.

Through this revision in its regulations, North Dakota will now also require a minimum ten percent ownership in the coal before allowing the use of subsidies from the Federal government to conduct the studies necessary in order to obtain a permit to mine coal.

The proposed revision is consistent with and no less effective than the Federal regulations.

3. NDAC 69–05.2–09.15.8, 69–05.2–26–05.3.h, 69–05.2–22–07.4.1; Prime Farmland Reclamation Plans and Revegetation Requirements

The State of North Dakota is adding new language at 69–05.2–09–15, Permit applications—Operation and reclamation plans—Prime farmlands. It states that "[i]f appropriate, the applicant shall submit a mining and restoration plan for prime farmland containing:

* * * * *

8. If a reclaimed cropland tract will contain a mixture of prime and non-prime farmlands and Commission approval of a single yield standard for the entire tract is requested as allowed by subdivision 1 of subsection 4 of section 69–05.2–22–07, a detailed description and comparison of the soil mapping units and acreages occurring in the prime and non-prime parcels must be provided.

North Dakota is also adding new language at 69–05.2–26–05.3, Performance standards—Prime farmland—Revegetation and restoration of productivity. It states that "[t]he following revegetation requirements must be met for areas being returned to prime farmland after mining:

* * * * *

3. Prime farmland productivity must be restored in accordance with the following:

h. If a reclaimed tract contains a mixture of prime and non-prime farmlands, the commission may approve a single yield standard for the entire tract as allowed under subdivision 1 of subsection 4 of section 69–05.2–22–07.

Proposed North Dakota regulation at NDAC 69–05.2–22–07.1 requires "[a]s an alternative to meeting revegetation success standards for the last two consecutive growing seasons of the responsibility period, an operator may demonstrate that the applicable standards have been achieved for any three years starting no sooner than the sixth year of the responsibility period and with one year being the last year of the responsibility period. This alternative does not pertain to success standards for prime farmlands unless a reclaimed tract contains both prime and non-prime farmlands. If a reclaimed tract contains a mixture of prime and non-prime farmlands, the commission may approve a single yield standard for the entire tract based on the soil types that occurred on the prime and non-prime areas prior to mining. When a single yield standard is approved, the operator must demonstrate that the standard has been achieved for any three years starting no sooner than the sixth year of the responsibility period and with one year being the last year of the responsibility period. If this option is approved, the operator must also meet the applicable requirements of section 69–05.2–26–05 for the entire tract."

Federal regulations at 30 CFR 823.15(b) require that prime farmland soil productivity shall be restored in accordance with the following provisions:

* * * * *

(2) Soil productivity shall be measured on a representative sample or on all of the mined and reclaimed prime farmland area using the reference crop determined under Paragraph (b)(6) of this Section. A statistically valid sampling technique at a 90-percent or greater statistical confidence level shall be used as approved by the regulatory authority in consultation with the U.S. Soil Conservation Service.

(3) The measurement period for determining average annual crop production (yield) shall be a minimum of 8 crop years prior to release of the operator's performance bond.

(5) Restoration of soil productivity shall be considered achieved when the average yield during the measurement period equals or exceeds the average yield of the reference crop established for the same period for nonmined soils of the same or similar texture or slope phase of the soil series in the surrounding area under equivalent management practices.

In discussing the new language North Dakota indicates that the rules being proposed pertain to proving reclamation success on reclaimed cropland tracts that contain a mixture of prime and non-prime farmland. The additional language will allow the North Dakota Public Service Commission to approve a single yield standard for such tracts, rather than applying separate yield standards to the prime and non-prime farmland parcels. In western North Dakota, soils that are designated as prime farmland by the Natural Resource Conservation Service (NRCS) primarily occur in swale or nearly level landscape positions that receive runoff from adjoining areas. During the reclamation process the topsoil materials from the prime farmland areas are replaced in similar landscape positions and these prime areas are usually intermingled with non-prime areas. Although both prime and non-prime cropland must be restored to premine productivity levels, a separate yield standard must be developed for the reclaimed prime farmlands under the current rules and the prime areas must be harvested separately from the non-prime areas. The intermingling of the prime and non-prime areas throughout a larger field makes separate harvesting difficult. It is much easier to harvest the field as a single unit. The proposal will allow the Commission to approve a single yield standard in these situations. Prior to approval, a detailed comparison of the premine soils occurring in the prime and non-prime areas would have to be included in the reclamation plan as discussed in item 2 above. At least three years of production data, starting no sooner than the sixth year of the liability period, would be required to demonstrate reclamation success. Also, one of those three years would have to be the last year of the liability period.

OSM believes that the proposed use of the single yield standard is appropriate because it ensures that the productivity of the reclaimed tract, based on both the productivity of the prime and non-prime soils, is restored to premine levels. This ensures that a tract is returned to a land owner with the same capability it had prior to mining.

As required under 30 CFR 823.15(b)(2) North Dakota has provided documentation that it has consulted with the NRCS on the use of a single production standard based on the weighted averages of prime and non-

prime soils within a given tract. In a letter dated April 11, 2000 to the State the NRCS concurred with North Dakota's proposal. OSM also concurs. This satisfies the requirements of 30 CFR 823.15(b)(2).

The proposed amendment is consistent with and no less effective than the Federal regulations.

4. NDAC 69–05.22–07.4.1, Performance Standards—Revegetation—Standards for Success

Existing NDAC 69–05.2–22–07.4.1. allows "[a]s an alternative to meeting revegetation success standards for the last two consecutive growing seasons of the responsibility period, an operator may demonstrate that the applicable standards have been achieved for three out of five consecutive years starting no sooner than the eighth year of the responsibility period. This alternative does not pertain to success standards for prime farmlands."

Proposed NDAC 69–05.2.–22–07.4.1. provides "[a]s an alternative to meeting revegetation success standards for the last two consecutive growing seasons of the responsibility period, an operator may demonstrate that the applicable standards have been achieved for any three years starting no sooner than the sixth year of the responsibility period and with one year being the last year of the responsibility period. This alternative does not pertain to success standards for prime farmlands unless a reclaimed tract contains both prime and non-prime farmlands. If a reclaimed tract contains a mixture of prime and non-prime farmlands, the commission may approve a single yield standard for the entire tract based on the soil types that occurred on the prime and non-prime areas prior to mining. When a single yield standard is approved, the operator must demonstrate that the standard has been achieved for any three years starting no sooner than the sixth year of the responsibility period. If this option is approved, the operator must also meet the applicable requirements of section 69–5.2–26–05 for the entire tract."

The Federal regulations at 30 CFR 816.116(c)(3) require that in areas of 26.0 inches or less average annual precipitation, the period of responsibility shall continue for a period of not less than: (i) Ten full years, except as provided in paragraph (c)(3)(ii). Vegetation parameters identified in paragraph (b) of this section shall equal or exceed the approved success standard for at least the last two consecutive years of the responsibility period.

The new provision will allow mining companies to use data from any three of the last five years of the responsibility period, starting in year six, to prove reclamation success. However, one year of these three years must be the last year of the responsibility period. This language will give the mining companies more flexibility in using vegetation data collected during a number of years near the end of the revegetation liability period without extending the period of extended responsibility beyond the 10 years envisioned at Section 515(b)(20) of SMCRA.

On September 7, 1988 OSM revised 30 CFR 816.116(c)(2) to require that in areas with more than 26 inches of average annual precipitation the vegetation parameters identified in paragraph (b) of this section for grazing land, pasture land, or cropland shall equal or exceed the approved success standards for during the growing season of any 2 years of the five year responsibility period, except the first year. This change eliminated the requirement to measure revegetation success during the last two years of the responsibility period in areas with more than 26 inches of average annual precipitation. In the September 7, 1988, preamble to this regulation change OSM, in discussing the reasons for the change, states that measurements in nonconsecutive years avoids unduly penalizing the operator for the negative effects of climatic variability (53 FR 34636, 24640). OSM goes on to state that it continues to believe that measurement over two years is important to attenuate the influences of climatic variability, but now realizes that consecutiveness imposes an unnecessary degree of regulatory rigidity. Under a system requiring measurement of revegetation success in two consecutive years, an operator would be unnecessarily penalized if bad weather in the second year of the measurement period caused failure to meet the revegetation success standard after it had been achieved in the first year.

While no changes were made to 30 CFR 816.116(c)(3) at the time 30 CFR 816.116(c)(2) was changed OSM believes that the same problems with climatic variability discussed in the above referenced preamble are applicable to areas that receive 26 inches or less average annual precipitation. As discussed in the previous approval allowing the use of data from any three of the last five years of the responsibility period, starting in year eight in North Dakota (64 FR 12896, 12898, March 16, 1999, administrative record No. ND–Z–17), climatic factors such as hail or drought can reduce yields resulting in failure to meet revegetation success standards in consecutive years. Localized insect infestations, such as grasshoppers or cutworms, can have the same effect. North Dakota's proposal, which provides the operators the option to demonstrate revegetation success during any three years beginning in year six, gives operators the same level of flexibility provided under 30 CFR 816.116(c)(2). However, it limits evaluation of revegetation success to starting no sooner than the sixth year of the responsibility period. This ensures that only well established plant communities or croplands are evaluated and only in the final years of the responsibility period. The proposal minimizes any potential impacts augmentative practices, such as fertilization or irrigation, might have on the reestablished plant communities. Finally, the proposed rule requires three years of data to demonstrate revegetation success, which is more than required by the Federal regulations. It also requires that one year be the last year of the responsibility period. This ensures that evaluation of revegetation success can never be completed before year 10 of the responsibility period.

For the reasons cited above OSM has determined that, for evaluating revegetation success, data from any three years starting no sooner than the sixth year of the responsibility period and with one year being the last year of the responsibility period is no less effective than the Federal regulations and achieves the requirements of sections 515(b)(19) and (b)(20) of SMCRA.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment (administrative record No. ND–EE–04), but did not receive any.

Federal Agency Comments

Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from various Federal agencies with an actual or potential interest in the North Dakota program (administrative record No. ND–EE–04).

On August 2, 2000, the U.S. Fish and Wildlife Service commented (administrative record No. ND–EE–06) that "I do not anticipate any significant impacts to fish and wildlife resources as a result of the proposed amendment."

On August 4, 2000, the U.S. Natural Resources Conservation Service commented (administrative record No. ND–EE–07) that "we do not have any further comments at this time."

Also on August 4, 2000, the Agricultural Research Service commented that "we see no problems with the proposed changes."

On August 23, 2000, the U.S. Army Corps of Engineers commented (administrative record ND–EE–09) that although it found the proposed amendment "generally satisfactory * * *, in order to avoid any inadvertent implication that the requirements of Section 404 of the Clean Water Act are somehow superseded by this amendment, we suggest the inclusion of a statement indicating that separate authorization from the U.S. Army Corps of Engineers (COE) is required for all work involving any discharge of dredged or fill material into waters of the United States."

We have considered this comment and believe it unlikely that anyone would think that the amendment would supersede Section 404 of the Clean Water Act and therefore decided not to include the statement suggested by the COE.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(i), OSM requested comments on the amendment from EPA (administrative record No. ND–EE–04). EPA did not respond to our request.

State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On July 7, 2000, we requested comments on North Dakota's amendment (administrative record No. ND–EE–01), but neither responded to our request.

V. Director's Decision

We approve, as discussed in: Finding No. 1.A NADAC 69–05.2–01–03, NDCC 28–32, concerning rulemaking notices; finding No. 1B, NDAC 69–05.2–12–09 and NDAC 69–05.2–22–07.4.1, concerning period of performance bond liability; finding No. 1C, NDAC 69–05.2–16–05, concerning hydrologic balance performance standards for surface water monitoring; finding No. 2A, NDAC 69–05.2–10–03.6.c concerning criteria for approval or denial in permit applications; finding No. 2B, NDAC 69–05.2–12–12.2, concerning the release of the performance bond; finding No. 2C, NDAC 69–05.2–29–03, concerning the eligibility for assistance by small operators; finding No. 3, NDAC 69–05.2–09.15.8, NDAC 69–05.2–26–05.3.h, and NDAC 69–05.2–22–07.4.1 concerning prime farmland reclamation plans and revegetation requirements; and finding No. 4, NDAC 69–05.2–22–07.4.1, concerning revegetation success standards.

To implement this decision, we are amending the Federal regulations at 30 CFR part 934, which codify decisions concerning the North Dakota program. We are making this final rule effective immediately to expedite the State program amendment process and to encourage States to make their programs conform with the Federal standards. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

1. Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

3. Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA.

4. Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

5. National Environmental Policy Act

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

6. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

7. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

8. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) will not cause a major increase in costs or prices for consumers,

individual industries, federal, state, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

9. Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on any local, State, or Tribal governments or private entities.

List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 8, 2001.

Brent Wahlquist,

Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR part 934 is amended as set forth below:

PART 934—NORTH DAKOTA

1. The authority citation for part 934 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 934.15 is amended in the table by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

§ 934.15 Approval of North Dakota regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
June 20, 2000	March 2, 2001	NDAC 69–05.2–01–03; NDCC 28–32 NDAC 69–05.2–09.15.8 NDAC 69–05.2–10–03.6.c NDAC 69–05.2–12–09 NDAC 69–05.2–12–12.2 NDAC 69–05.2–16–05 NDAC 69–05.2–22–07.4.1 NDAC 69–05.2–26–05.3 NDAC 69–05.2–29–03

[FR Doc. 01–4989 Filed 3–01–01; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 410, 412, 413, and 485

[HCFA–1118–CN2]

RIN 0938–AK09

Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2001 Rates; Midyear Corrections Effective December 1, 2000.

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; correction notice.

SUMMARY: In the August 1, 2000 issue of the **Federal Register** (65 FR 47054), we published a final rule that revised the Medicare hospital inpatient prospective payment systems for operating costs and capital-related costs to implement necessary changes arising from our continuing experience with the system. This document corrects wage index and related data errors identified after October 1, 2000.

EFFECTIVE DATE: December 1, 2000.

FOR FURTHER INFORMATION CONTACT: Anne Tayloe, (410) 786–4546.

SUPPLEMENTARY INFORMATION: This document corrects a limited number of errors in the August 1, 2000 final rule (65 FR 47054) identified after October 1, 2000. We are making these changes in accordance with 42 CFR 412.63(x)(2)(i), which specifies that we may make midyear corrections to the wage index for an area only if a hospital can show that—

- The intermediary or HCFA made an error in tabulating the hospital's data; and
- The hospital could not have known about the error or did not have the opportunity to correct the error, before the beginning of the Federal fiscal year (in this case before the beginning of FY 2001). In addition, § 412.63(x)(2)(ii) specifies that midyear corrections are effective prospectively from the date that the change is made to the wage index. On December 1, 2000, we issued a program memorandum entitled "Corrections to the Calculation of Federal Fiscal Year (FY) 2001 Inpatient Payment Amounts" that made midyear corrections to the wage index (HCFA Pub. 60 A). This program memorandum included the midyear corrections presented in this notice; therefore, the effective date is the same as that of the program memorandum (December 1, 2000). The midyear corrections are as follows:

1. On page 47138, in Table 3C—Hospital Case Mix Indexes for Discharges Occurring in Federal Fiscal Year 1999; Hospital Average Hourly Wages for Federal Fiscal Year 2001 Wage Index, the average hourly wage for the specified provider is corrected to read as follows:

Provider	Case mix index	Average hourly wage
260027	1.6845	21.30

2. On pages 47149 through 47156, in Table 4A—Wage Index and Capital Geographic Adjustment Factor (GAF) for Urban Areas, the wage indexes and GAFs for the specified urban areas are corrected to read as follows:

	Urban area (constituent counties)	Wage index	GAF
0870	Benton Harbor, MI[2]	0.9003	0.9306
3060	Green Bay, WI	0.9339	0.9542
3640	Jersey City, NJ	1.1318	1.0885
3660	Johnson City-Kingsport-Bristol, TN–VA	0.8318	0.8815
3760	Kansas City, KS–MO[1]	0.9527	0.9674
5640	Newark, NJ[1]	1.0890	1.0601
7485	Santa Cruz-Watsonville, CA	1.4040	1.2616
7600	Seattle-Bellevue-Everett, WA[1]	1.1018	1.0686

[1] Large Urban Area.

[2] Hospitals geographically located in the area are assigned the statewide rural wage index for FY 2001.

3. On page 47156, in Table 4B—Wage Index and Capital Geographic Adjustment Factor (GAF) for Rural Areas, the wage indexes and GAFs for the specified nonurban are corrected to read as follows:

Nonurban area	Wage index	GAF
Michigan	0.9003	0.9306

4. On page 47156 through 47157, in Table 4C—Wage Index and Capital Geographic Adjustment Factor (GAF) for Hospitals that are Reclassified, the wage indexes and GAFs for the specified areas are added or corrected to read as follows:

Area reclassified to	Wage index	GAF
Benton Harbor, MI	0.9003	0.9306
Green Bay, WI	0.9339	0.9542
Jackson, MS	0.8679	0.9075
Jersey City, NJ[1]		
Johnson City-Kingsport-Bristol, TN–VA	0.8318	0.8815
Kansas City, KS–MO	0.9527	0.9674
Las Cruces, NM[1]		
Salinas, CA[1]		
Santa Cruz-Watsonville, CA	1.3861	1.2505
Seattle-Bellevue-Everett, WA	1.1018	1.0686
Sioux City, IA–NE[1]		
Sioux Falls, SD	0.8790	0.9155
Rural Michigan	0.9003	0.9306

[1] No hospitals are reclassified to the area.

5. On page 47158, in Table 4D—Average Hourly Wage for Urban Areas, the hourly wage for the specified urban area is corrected to read as follows:

Urban area	Average hourly wage
Kansas City, KS–MO	20.7416

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance)

Dated: February 22, 2001.

William E. Clark,

Acting, Deputy Assistant Secretary for Information Resource Management.

[FR Doc. 01–5108 Filed 3–1–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 410, 412, 413, and 485

[HCFA–1118–CN1]

RIN 0938–AK09

Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2001 Rates; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; correction notice.

SUMMARY: In the August 1, 2000 issue of the **Federal Register** (65 FR 47054), we published a final rule that revised the Medicare hospital inpatient prospective payment systems for operating costs and capital-related costs to implement necessary changes arising from our continuing experience with the system. This document corrects errors made in that final rule.

EFFECTIVE DATE: October 1, 2000.

FOR FURTHER INFORMATION CONTACT: Anne Tayloe, (410) 786–4546.

SUPPLEMENTARY INFORMATION: This document corrects a limited number of values to address technical errors in preparing tables 3C and 4A through 4D for publication in the August 1, 2000 **Federal Register**. Table 3C reflects changes to the wage data and tables 4A through 4D reflect changes in the actual payments due to hospital reclassification with the exception of the change in table 4A for MSA 0240 (Allentown-Bethlehem-Easton, PA).

The August 1, 2000 final rule also contained other technical and typographical errors. Therefore, we are making the following corrections:

1. On page 47144, in Table 3C—Hospital Case Mix Indexes for Discharges Occurring in Federal Fiscal Year 1999; Hospital Average Hourly Wage for Federal Fiscal Year 2001 Wage Index, the average hourly wages for the specified providers is corrected to read as follows:

Provider	Case mix index	Average hourly wage
390263	1.3571	20.69

2. On pages 47149 and 47151, in Table 4A—Wage Index and Capital Geographic Adjustment Factor (GAF) for Urban Areas, the wage indexes and GAFs for the specified urban areas are corrected to read as follows:

	Urban area (constituent counties)	Wage index	GAF
0240	Allentown-Bethlehem-Easton, PA; Carbon, PA; Lehigh, PA	0.9925	0.9949
3040	Great Falls, MT; Cascade, MT	0.9330	0.9536

3. On page 47156, in Table 4B—Wage Index and Capital Geographic Adjustment Factor (GAF) for Rural Areas, the wage index and GAF for the specified nonurban area is corrected to read as follows:

Nonurban area	Wage index	GAF
Vermont	0.9409	0.9591

4. On page 47156 through 47157, in Table 4C—Wage Index and Capital Geographic Adjustment Factor (GAF) for Hospitals that are Reclassified, the wage indexes and GAFs for the specified areas are added or corrected to read as follows:

Area	Wage index	GAF
Barnstable-Yarmouth, MA	1.3583	1.2333
Burlington, VT	1.0236	1.0161
Great Falls, MT	0.9330	0.9536
Kalamazoo-Battlecreek, MI	1.0291	1.0198
Newburgh, NY–PA	1.0317	1.0216

5. On page 47157, in Table 4D—Average Hourly Wage for Urban Areas, the average hourly wage for the specified urban area is corrected to read as follows:

Urban area	Average hourly wage
Allentown-Bethlehem-Easton, PA	21.5065

6. On pages 47160 and 47167, in Table 5—List of Diagnosis Related Groups (DRGs), Relative Weighting Factors, Geometric and Arithmetic Mean Length of Stay, the fourth column (DRG title) is amended as follows:

a. DRG 27, "Traumatic Stupor & Coma, Coma <1 hr" is corrected to read "Traumatic Stupor & Coma, Coma >1 hr."

b. DRG 29, "Traumatic Stupor & Coma, Coma <1 hr Age ≤17 W/O CC" is corrected to read "Traumatic Stupor & Coma, Coma <1 hr Age> 17 W/O CC."

c. DRG 425, "Acute Adjustment Reaction & Psychological Dysfunction" is corrected to read "Acute Adjustment Reaction & Psychosocial Dysfunction."

7. On page 47171, in Table 6C—Invalid Diagnosis Codes the following entry is added before the first line of the table to read as follows:

Diagnosis code	Description	CC	MDC	DRG
282.5	Anemia in chronic illness	N	18	395, 396

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance)

Dated: February 22, 2001.

William E. Clark,

Acting, Deputy Assistant Secretary for Information Resource Management.

[FR Doc. 01–5107 Filed 3–1–01; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 93–144; RM 8117; RM 8029; RM 8030; GN Docket No. 93–252; PP Docket No. 93–253; FCC 01–33]

Future Development of SMR Systems in the 800 MHz Frequency Band, Regulatory Treatment of Mobile Services, and Competitive Bidding

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: In this *Third Order on Reconsideration*, the Commission answers petitions for reconsideration filed by the American Mobile Telecommunications Association ("AMTA") and Petroleum Communications, Inc. ("Petrocom") of the Commission's *Memorandum Opinion and Order on Reconsideration*. In that document, the Commission completed the implementation of a new licensing framework for the 800 MHz Specialized Mobile Radio Service ("SMR"). In this document, the Commission denies the petition filed by AMTA seeking interim payments for incumbent 800 MHz licensees being involuntarily relocated to new frequencies by geographic licensees. Additionally, the Commission denies the Petrocom petition requesting that the Commission include the Gulf of Mexico as an additional Economic Area ("EA") in the then-upcoming 800 MHz auctions for the 150 General Category channels (Auction 34) and the Lower 80 channels (Auction 36).

FOR FURTHER INFORMATION CONTACT: Don Johnson, Wireless Telecommunications Bureau, Commercial Wireless Division at (202) 418–7240.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's ("the Commission") *Third Order on Reconsideration*, FCC 01–33, in PR Docket No. 93–144; RM–8117; RM–8029; RM–8030; GN Docket No. 93–252; PP Docket No. 93–253 was adopted January 26, 2001, and was released February, 2, 2001. The full text of this *Third Order on Reconsideration* is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037. The full text may also be downloaded at: www.fcc.gov. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

Synopsis of Third Order on Reconsideration

I. Introduction

1. On January 19, 2000, the American Mobile Telecommunications Association (AMTA) [1] and Petroleum Communications, Inc. (Petrocom) [2] filed separate petitions for reconsideration of the Commission's *Memorandum Opinion and Order on Reconsideration*.[3] Three parties filed comments, and two filed reply comments.[4] In the *MO&O on Reconsideration*, the Commission completed the implementation of a new licensing framework for the 800 MHz Specialized Mobile Radio Service (SMR).[5] In this order, we deny the petitions filed by AMTA and Petrocom for the reasons discussed below.

I. Summary of Third Order on Reconsideration

A. AMTA Petition

2. AMTA requests that the Commission reconsider its decision with respect to the timing of EA licensee payments to incumbent licensees who are involuntarily relocated to new frequencies.[6] Specifically, it urges the Commission to require EA licensees to make "reasonable progress payments to the incumbent if requested."[7] AMTA argues that the MO&O on Reconsideration's decision to make payments for incumbent relocation costs due at the end of the relocation process is unsupported by our rules or previous decisions.[8] According to AMTA, the MO&O on Reconsideration incorrectly relied on the 800 MHz Second Report and Order published in the **Federal Register** at 62 FR 41190 (July 31, 1997), because the referenced discussion in the 800 MHz Second Report and Order "did not relate to the timing of payments from EA licensees to incumbents during the retuning process" but instead concerned the "timing of payments among EA licensees when the relocation of an incumbent by one EA licensee would result in the availability of a channel(s) to another EA licensee, one that had not paid any of the associated relocation costs'."[9] AMTA reiterated that the Commission's decision not to require progress payments to incumbent licensees would render incumbent licensees especially vulnerable after the involuntary relocation period begins because each incumbent will have lost any bargaining power it previously possessed vis-à-vis the EA licensee.[10]

3. Upon further review, we conclude that AMTA is correct that neither the 800 MHz Second Report and Order nor the MO&O on Reconsideration adequately addressed the question of when incumbent licensees should be repaid for their involuntary relocation costs.[11] On reconsideration of this issue here, however, we affirm our decision that EA licensees should not be required to make progress payments of an incumbent's relocation costs. We believe that this policy is consistent with the involuntary relocation procedures established in our 800 MHz Second Report and Order and adopted in § 90.699(c) and (d) of the Commission's rules.[12] Section 90.699(c)(1) requires that the EA licensee guarantee repayment of relocation costs, "including all engineering, equipment, site and FCC fees, as well as any legitimate and prudent transaction expenses . . ."[13] Additionally, § 90.699(c)(2) states that the EA licensee must "[c]omplete all activities necessary for implementing the replacement facilities [of the incumbent], including all engineering and cost analysis of relocation and, if radio facilities are used, identifying and obtaining, on the incumbent's behalf, new frequencies and frequency coordination."[14] Furthermore, § 90.699(c)(3) requires that EA licensees must "build the replacement system and test it for comparability with the existing 800 MHz system."[15] Section 90.699(d) requires that the "replacement system" provided by the EA licensee to an incumbent licensee during this involuntary relocation process "must be at least equivalent to the existing 800 MHz system" with respect to the system itself, capacity, quality of service, and operating costs.[16]

4. In view of the requirements of § 90.699(c) and (d) that the EA licensees directly bear the cost of building and testing the replacement system, it is clear that the primary cost burden for involuntary relocation rests on the EA licensees, not the incumbent. To the extent that the incumbent may incur additional relocation costs, the rule further requires the EA licensee to guarantee payment of those costs. However, because we anticipate that EA licensees will bear most relocation costs directly we believe that it is equitable for the incumbent to be repaid for any remaining costs that it has incurred after relocation has occurred. We note that such reimbursable costs may include costs that reflect the time-value of money, such as reasonable and customary interest expenses incurred by incumbents who must borrow or finance the funds needed to relocate. We pointed out previously that this approach is unlikely to prejudice incumbents inasmuch as EA licensees "have a large financial incentive to relocate the incumbent licensees, construct their facilities, and begin operating."[17] We also stated in the *MO&O on Reconsideration* that "parties are free to negotiate when reimbursement of relocation costs will occur, and may agree to reimbursement as such expenses are incurred."[18] Thus, we have consistently encouraged EA and incumbent licensees to arrange for

[1] AMTA Petition for Reconsideration filed January 19, 2000 (AMTA Petition).

[2] Petrocom Petition for Reconsideration filed January 19, 2000 (Petrocom Petition).

[3] *See* Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, *Memorandum Opinion and Order on Reconsideration*, 64 FR 71042 (pub. Dec. 20, 1999) (*MO&O on Reconsideration*).

[4] On March 16, 2000, the Commission released a public notice, Report No. 2395, informing parties interested in filing comments regarding the AMTA and Petrocom petitions that they would be due within 15 days of the date of public notice in the Federal Register. Notice was published in the Federal Register on March 24, 2000. *See* Petitions for Reconsideration of Action in Rulemaking Proceedings, Report No. 2395, 65 FR 15907 (Pub. March 24, 2000). Comments were filed by Nextel Communications, Inc. (styled as an "Opposition" to AMTA's petition); Mobex Communications, Inc. (urging the Commission "to embrace" the AMTA proposal); and, the Personal Communications Industry Association (PCIA) (urging the Commission to allow progress payments). Reply comments were filed by Nextel and AMTA.

[5] *Id.* at 17558 (paragraph 1).

[6] AMTA Petition at 1. *See Public Notice*, Petitions for Reconsideration of Action in Rulemaking Proceeding, Report No. 2395 (rel. March 16, 2000), 65 FR 15907 (Mar. 24, 2000).

[7] AMTA Petition at 3, note 4 (citing AMTA's October 20, 1997 Reply to Opposition to Petitions for Reconsideration of the 800 MHz Second Report and Order).

[8] AMTA Petition at 3–4 (paragraphs 6–7).

[9] AMTA Petition at 4 (paragraph 7) (referring to the costs set forth in 47 CFR 90.699(f)(4)(i)).

[10] AMTA Petition at 4–5 (paragraph 8), 6–7 (paragraphs 11–13).

[11] The cited discussion in the *800 MHz Second Report and Order* concerns cost-sharing among EA licensees, not the payments EA licensees must make to involuntarily relocated incumbents. *See 800 MHz Second Report and Order*, 12 FCC Rcd. at 19123 (paragraph 124).

[12] 47 CFR 90.699(c), (d).

[13] 47 CFR 90.699(c)(1).

[14] 47 CFR 90.699(c)(2).

[15] 47 CFR 90.699(c)(3).

[16] 47 CFR 90.699(d).

[17] *MO&O on Reconsideration*, 14 FCC Rcd. at 17584–5 (paragraph 57–8).

[18] *Id.*

the payment of relocation costs as they see fit, and we continue to do so.

5. AMTA does not present any new arguments to support its current request that the Commission require EA licensees to make progress payments to incumbent 800 MHz licensees during their involuntary relocation. Moreover, there is nothing currently before us in the record that would prompt us to change our decision. In its opposition, Nextel, the predominant winner of EA licenses in the upper 200 channel auction, states that it has initiated relocation discussions with over ninety percent of the nation's upper 200 channel incumbents and has already reached voluntary agreements to acquire or relocate over fifty percent of the total number of incumbent channels that it, as an EA licensee, will be allowed to relocate.[19] Nextel recommends that the timing of payments for relocation expenses should continue to be left to the negotiation process and the common sense of the parties "to select the payment schedule and other terms that meet the unique requirements of the individual transaction."[20] Nextel also points out that neither AMTA nor PCIA has cited any instance in which an EA licensee did not agree to some form of progress payments or an incumbent has been harmed by the current rule structure.[21] We also note that the Commission did not adopt a progress payments method when it established policies relocating 2 GHz microwave licensees by PCS MTA and BTA licensees.[22] For these reasons, we deny AMTA's petition.

6. We also disagree with AMTA's contention that incumbent licensees will be especially vulnerable after the involuntary relocation period begins because they will not be in a position to negotiate with the EA licensee.[23] As our discussion above demonstrates, an EA licensee that seeks to involuntarily relocate an incumbent licensee assumes a broad range of obligations to the incumbent that must be met before the incumbent can be required to relocate. Because the burden of providing comparable facilities and paying relocation costs rests on the EA licensee, we do not believe that an incumbent will be prejudiced by the process.

B. Petrocom Petition

7. In its petition,[24] Petrocom, which holds site-specific SMR licenses as well as one of the cellular licenses for the Gulf of Mexico, requested that the Commission include the Gulf of Mexico as an additional Economic Area (EA) in the then-upcoming 800 MHz auctions for the 150 General Category channels (Auction 34) and the Lower 80 channels (Auction 36). Petrocom acknowledged that it had not previously raised this issue in the 800 MHz proceeding.[25] Since Petrocom filed its petition, both Auction 34 and Auction 36 have concluded.[26] Although neither of these auctions provided for EA licensing in the Gulf, we note that Petrocom has filed a similar petition for rulemaking in the *Gulf Cellular* proceeding,[27] and that we have sought comment in that proceeding as to whether we should establish a Gulf EA in the 800 and 900 MHz SMR services for possible future licensing. Because this issue is before us in the *Gulf Cellular* proceeding, and because Petrocom has not raised it previously in this proceeding, we decline to address it here. Therefore, we dismiss Petrocom's petition.

III. Procedural Matters

A. Regulatory Flexibility Act

8. No Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) has been prepared for this item because this *Third Order on Reconsideration* does not promulgate or revise any rules, and our previous RFA analyses in this proceeding remain unchanged. Furthermore, no Regulatory Flexibility comments were received regarding the *Memorandum Opinion and Order on Reconsideration*.

B. Paperwork Reduction Act of 1995 Analysis

9. This Third Report and Order on Reconsideration does not contain a new or modified information collection.

IV. Ordering Clauses

10. Pursuant to sections 4(i) and 405 of the Communications Act as 1934, as amended, 47 U.S.C. 154(i), 405, the petition for reconsideration filed by the American Mobile Telecommunications Association is denied.

11. Further, pursuant to sections 4(i) and 405 of the Communications Act as 1934, as amended, 47 U.S.C. 154(i), 405, the petition for reconsideration filed by the Petroleum Communications, Inc., is dismissed.

Federal Communications Commission.

William F. Caton,

Deputy, Secretary.

[FR Doc. 01–5041 Filed 3–1–01; 8:45 am]

BILLING CODE 6712–01–P

[19] Opposition of Nextel Communications, Inc., to Petition for Reconsideration of the American Mobile Telecommunications Association, Inc., filed on April 10, 2000, at 2 (Nextel Opposition).

[20] Nextel Opposition at 5.

[21] *Id.* AMTA and PCIA agree that the relocation process has proceeded successfully. AMTA Petition at 2; PCIA Comments at 3.

[22] Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation, *First Report and Order and Further Notice of Proposed Rule Making*, 11 FCC Rcd. 8825, 8838 (paragraph 23) 61 FR 29679 (June 12, 1996) (incumbent must be made "whole," which includes being provided with "comparable facilities"). Section 101.75 requires the payment of relocation costs to the incumbent but envisages that this will occur after the relocation process is completed, not according to a progress payments system. *See* 47 CFR 101.75.

[23] AMTA Petition at 4–5 (paragraph 8), 6–7 (paragraphs 11–13).

[24] Petrocom Petition at 1.

[25] *Id.*

[26] Auction 34 concluded on September 1, 2000, and Auction 36 concluded on December 5, 2000.

[27] *See* In re Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico, WT Docket No. 97–112, *Second Further Notice of Proposed Rule Making*, 12 FCC Rcd. 4578, 4600 (paragraph 62) (1997), 65 FR 24168 (Apr. 25, 2000) (*Gulf Cellular Second Further Notice*). The Commission took notice in the *Gulf Cellular Second Further Notice* of Petrocom's petition for rulemaking. *Id.* at 4600–1 (paragraph 62) (citing Letter from Kenneth W. Burnley, Myers Keller Communications Law Group, to David Furth, FCC, dated February 21, 1997).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 001127331–1044–02; I.D. 102600B]

RIN 0648–AN69

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2001 Specifications and Foreign Fishing Restrictions

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; specifications for 2001.

SUMMARY: NMFS issues final specifications for the 2001 fishing year for Atlantic mackerel, squid, and butterfish (MSB). This action also allocates the domestic annual harvest for *Loligo* squid into quarterly periods. The intent of this final rule is to conserve and manage the MSB resource in compliance with the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP); the regulations; and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective March 2, 2001, except that the quotas for *Loligo* and *Illex* squid, Atlantic mackerel, and butterfish are effective March 2, 2001, through December 31, 2001.

ADDRESSES: Send comments on any ambiguity or unnecessary complexity arising from the language used in this final rule to Patricia A. Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930–2298.

Copies of supporting documents, including the Environmental Assessment(EA), Regulatory Impact Review (RIR), Final Regulatory Flexibility Analysis (FRFA) and the Essential Fish Habitat Assessment, are available from Patricia A. Kurkul (see previous address). The EA/RIR/FRFA is accessible via the Internet at http://www.nero.gov/ro/doc/nr.htm.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978-281-9273, fax 978-281-9135, e-mail paul.h.jones@noaa.gov.

SUPPLEMENTARY INFORMATION:

Regulations implementing the FMP require NMFS to publish annual specifications for maximum optimum yield (Max OY), allowable biological catch (ABC), initial optimum yield (IOY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable levels of foreign fishing (TALFF) for the species managed under the FMP.

Proposed 2001 initial specifications were published on December 5, 2000 (65 FR 75912). Public comments were requested through January 4, 2001. The final specifications are unchanged from those that were proposed. A complete discussion of the specifications appears in the preamble to the proposed rule and is not repeated here.

2001 Final Specifications

The following table contains the final specifications for the 2001 MSB fisheries as recommended by the Mid-Atlantic Fishery Management Council (Council).

TABLE 1. FINAL ANNUAL SPECIFICATIONS FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR JANUARY 1 THROUGH DECEMBER 31, 2001. METRIC TONS (MT)

Specifications	Squid		Atlantic Mackerel	Butterfish
	Loligo	Illex		
Max OY	26,000	24,000	N/A[1]	16,000
ABC	17,000	24,000	347,000	7,200
IOY	17,000[6]	24,000[6]	88,000[2,6]	5,900[6]
DAH	17,000	24,000	85,000[3]	5,897
DAP	17,000	24,000	50,000	5,897
JVP	0	0	20,000[4]	0
TALFF	0	0	3,000	3[5]

[1] Not applicable.
[2] OY may be increased during the year, but the total ABC will not exceed 347,000 mt
[3] Includes 15,000 mt of Atlantic mackerel recreational allocation.
[4] JVP may be increased up to 30,000 mt at discretion of RA.
[5] Bycatch TALFF specified at § 648.21(b)(3)(ii).
[6] If a 2 percent research set-aside is deducted, the total IOY would be as follows: Atlantic mackerel - 86,240 mt, *Loligo*–16,660 mt, *Illex*–23,520 mt, and butterfish– 5,782 mt.

Atlantic Mackerel

This final rule specifies an Atlantic mackerel JVP of 20,000 mt for the 2001 fishery, with a possible increase of up to 10,000 mt (for a total JVP of up to 30,000 mt) later in the fishing year, should additional applications for JVP be received. This adjustment would be made through publication of a notification in the **Federal Register**. This action also specifies an Atlantic mackerel DAP of 50,000 mt and a DAH of 85,000 mt, which includes a 15,000-mt recreational component.

A TALFF of 3,000 mt is specified for the 2001 Atlantic mackerel fishery. Several foreign nations have expressed their interest in JVP, with two applications already submitted by Lithuania and the Russian Federation. A permit would only authorize a foreign vessel to harvest TALFF when U.S. vessels are unable to deliver product to foreign JV catcher/processor vessels for a period of time due to events such as bad weather.

When setting TALFF specifications for the 2001 Atlantic mackerel fishery, the Council also recommended conditions and restrictions for JVs and TALFF allocations. Those recommendations include: (1) Allowing JVs south of 37°30′ N. lat., but restricting river herring incidental catch to no more than 0.25 percent of the over-the-side transfers of Atlantic mackerel; (2) prohibiting directed foreign fishing for Atlantic mackerel south of 37° 30′ N. lat., prohibiting directed foreign fishing for Atlantic mackerel landward of a line 20 nautical miles from shore north of 37° 30′ N. lat., and specifying no TALFF for river herring; (3) ensuring, through the Administrator, Northeast Region, NMFS (Regional Administrator), that impacts on marine mammals are reduced in the prosecution of the Atlantic mackerel fishery; (4) allowing the mackerel optimum yield (OY) to be increased during the year, provided the total does not exceed 347,000 mt; (5) allowing the review of applications from a particular nation for a Atlantic mackerel JV or TALFF allocation for 2001 to include an evaluation by the Regional Administrator of that nation's performances relative to purchase obligations for previous years; (6) releasing 50 percent of the foreign nation's TALFF allotment upon approval of an application for TALFF and releasing additional TALFF only when the foreign participant has purchased 25 percent of the JVP allotment to that nation, while specifying no purchase ratios; (7) requiring foreign fishing vessels (FFVs) purchasing JVP-caught fish from contracted U.S. vessels to cease directed fishing and take the transfer from the U.S. vessel as soon as practicable if a FFV engaged in directed fishing is approached by a contracted U.S. vessel; (8) authorizing no in-season adjustment in TALFF (i.e., TALFF not to exceed 3,000 mt), unless the Regional Administrator, in consultation with the Council, determines that it is appropriate to increase IOY to provide additional TALFF, provided the TALFF does not exceed a cap of 5,000 mt; and (9) limiting directed foreign fishing for Atlantic mackerel to the use of mid-water trawl gear. The Council recommended these conditions and restrictions to strictly control any

foreign fishing for TALFF for the benefit of the domestic fishery and in conformance with the FMP. NMFS will consider these recommendations prior to allocating TALFF.

Distribution of Annual *Loligo* Squid Quota into Four Quarters

This final rule specifies a *Loligo* squid IOY of 17,000 mt, which is equal to ABC, and sub-divides the annual quota into quarterly periods. The quota is allocated to each period based on the proportion of landings occurring in each corresponding 3-month period from 1994–1998. The directed *Loligo* squid fishery will be closed in Quarters I, II, and III when 80 percent of any of those periods' allocations are harvested, with vessels restricted to a 2,500-lb (1,134 kg) *Loligo* trip limit until the end of the respective quarter. Additionally, when 95 percent of the total annual DAH has been harvested, the trip limit will be reduced to 2,500 lb (1,134 kg) of *Loligo* for the remainder of the year. When the 2,500-lb (1,134 kg) trip limit has been triggered, vessels will be prohibited from possessing or landing more than 2,500 lb in a single calendar day. Any quota overages in Quarter I will be deducted from the allocation in Quarter III, and any overage in Quarter II will be deducted from the allocation in Quarter IV. The quota allocation is shown in Table 2.

TABLE 2. LOLIGO QUARTERLY ALLOCATIONS.

Quarter	Percent	Metric Tons
I (Jan–Mar)	33.23	5,649
II(Apr–Jun)	17.61	2,994
III (Jul–Sep)	17.30	2,941
IV (Oct–Dec)	31.86	5,416
Total	100.00	17,000

Butterfish

Regulations promulgated under Amendment 5 to the FMP eliminated the possibility of JVP or TALFF specifications for butterfish, except for a bycatch TALFF specification if TALFF is specified for Atlantic mackerel. Because this final rule allows for an Atlantic mackerel TALFF allocation, a 3 mt bycatch TALFF for butterfish has been specified. If the Regional Administrator, in consultation with of the Council, determines that it is appropriate to increase the specified TALFF of 3,000 mt for Atlantic mackerel, then the specified TALFF of 3 mt for butterfish also will be increased. The Regional Administrator may increase the TALFF for Atlantic mackerel by up to 2000 mt and may increase the TALFF for butterfish by up to 1 mt (A butterfish TALFF of 4 mt is equal to 0.08 percent of an Atlantic mackerel TALFF of 5000 mt, as described at § 648.21(b)(3)(ii).

Comments and Responses

Fifty-two comments were received on the proposed specifications from the public during the comment period that ended on January 4, 2001. Specific comments related to the proposed annual specifications and regulations are discussed and responded to as follows:

Comment 1: A commenter supported the allocation of Atlantic mackerel JVP and TALFF.

Response: This final rule implements the proposed allocation of Atlantic mackerel JVP and TALFF.

Comment 2: Many commenters did not support the allocation of Atlantic mackerel TALFF. One commenter stated that commercial and recreational fishers have been unable to harvest even a small percentage of the total allowable landings based on the current assessment of the mackerel fishery, leading fishers to believe that the assessments overestimate the actual stock size by orders of magnitude. The commenter concluded that NMFS does not have the data to take such a risk of exploiting such a valuable resource. Another commenter stated that it is unreasonable to encourage direct foreign harvest of mackerel while limiting domestic participation. The commenter further argued that foreign U.S. mackerel harvested product would compete with U.S. domestic mackerel harvest.

Response: The most recent stock assessment for Atlantic mackerel (the 30th Northeast Regional Stock Assessment Workshop, April 2000 (SAW-30)) concluded that the stock is at a high level of biomass and is underexploited. Current annual landings are considerably below the long-term potential yield estimated to be 150,000 mt. The SAW-30 management advice stated that the forgone yield is in excess of 100,000 mt and the fishery can be increased substantially. The Council believes the capacity of the domestic fleet to harvest mackerel greatly exceeds the domestic processors' capacity to process mackerel. The question of whether or not to provide an allocation of TALFF, other than zero, was reviewed and discussed by the Council at length before it made a final recommendation. Allowing a very small level (<1 percent of the ABC) of foreign fishing to take place, primarily to move incrementally toward achieving OY and to provide opportunity to utilize U.S. harvesting capacity by stimulating JVP activity, will have a positive impact on the development of the U.S. Atlantic mackerel fishery in the world market and will not compete with mackerel harvested by U.S. vessels.

Comment 3: A commenter raised the need for an ecosystem-wide, integrated approach to population assessments, and stated that removal of mackerel by the foreign fleets could dramatically effect the entire ecosystem food chain (whales, cod, haddock, dogfish, and other groundfish) along the east coast of the Atlantic. The commenter concluded that any surplus of fish not harvested by domestic vessels should be reserved for the ecosystem and those species that depend upon them for food.

Response: Ecosystem approaches to fishery assessment and management are desirable, and NMFS is working on such approaches that may prove useful in the future. However, given the complexity of ecosystem interactions, there is no demonstrative link between mackerel abundance and the survival and recovery of whales, cod, haddock, and other groundfish. The current population assessment is consistent with the best available scientific information and scientific practices, complies with requirements of applicable law, and is adequate to manage effectively the mackerel fishery.

Comment 4: A commenter argued that foreign vessels intending to operate under an allocation of TALFF would greatly exceed the restrictions of the law passed by Congress limiting the length, weight, and horsepower of vessels participating in the mackerel fishery.

Response: NMFS disagrees. In the NMFS appropriations bills for fiscal years 1998 and 1999, Congress restricted NMFS from using any of its funds to issue permits or other authorization letters to domestic vessels exceeding the established length, weight, and horsepower limit restrictions. Current mackerel regulations (§ 648.4(a)(5)(iii)) allow any domestic vessel to obtain a permit to fish for or retain Atlantic mackerel in or from the EEZ, except for vessels that exceed either 165 ft (50.3 m) in length overall and 750 gross registered tons, or a shaft horsepower of 3000. These restrictions were put into place to manage the harvest capacity of the domestic fleet. In the case of foreign vessels, the harvest capacity is controlled by the extremely small amount of TALFF allocation, rendering the size limit restrictions immaterial.

Comment 5: A commenter stated that the allocation of Atlantic mackerel DAP is overestimated, noted that U.S. processors in past years have not attained the DAP levels recommended by the Council, and recommended reducing DAP.

Response: NMFS disagrees. Reducing DAP, which could negatively affect U.S. processing and exports by infringing on markets currently engaged in by domestic processors, goes well beyond any measures discussed and analyzed by the Council. In order to be considered by NMFS, recommendations to reduce DAP should be made through the Council for its consideration and analysis.

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared a FRFA for this action. A copy of the FRFA is available from NMFS (see **ADDRESSES**). A summary of the FRFA follows:

A description of the reasons why action by the agency is being taken and the objectives of this final rule are explained in the preamble to the proposed rule and are not repeated here. This action does not contain any collection-of-information, reporting, recordkeeping, or other compliance requirements. It does not duplicate, overlap, or conflict with any other Federal rules. This action is taken under authority of the Magnuson-Stevens Act and regulations at 50 CFR part 648.

Fifty-two comments were submitted on the proposed rule, but none of them were specific to the initial regulatory flexibility analysis. However, 10 commenters responded to the economic impacts of the measures on of fishing industry, and NMFS addressed those comments (1, 2, and 5) in the Comments and Responses section of the preamble to the final rule. No changes were made to the final rule as a result of these comments received.

There are 475 *Loligo* vessels, 77 *Illex* vessels, 443 butterfish vessels, and 1,980 Atlantic mackerel vessels that reported landings during the period 1996–1999 that would likely be impacted by the 2001 specifications. Many vessels participate in more than one of these fisheries; therefore, the numbers are not additive. The final *Illex*, butterfish, and Atlantic mackerel specifications represent no constraint on vessels in these fisheries. The levels of these specifications have not been achieved by landings for these species in recent years. Absent a constraint on the fisheries, no impacts on revenues are expected.

If the final 2001 DAH specification for *Loligo* squid is not exceeded, the result would be a decrease in catch and revenue in the *Loligo* fishery relative to the 1999 landings and an increase from the average landings from 1996-1999 (i.e., if the status quo were maintained) and the 2000 preliminary landings.

The first alternative action for Atlantic mackerel would be to set the 2001 specifications at the same level as 2000, with DAP at 50,000 mt and JVP at 10,000 mt. Although it was rejected as inconsistent with the FMP because it would not meet the policy objectives of the Council relative to further development of the U.S. domestic harvest of Atlantic mackerel, this alternative would place no constraints, and consequently no revenue impacts, on the fishery.

The second alternative for mackerel would be to set ABC at the long-term potential catch, or 150,000 mt, with DAP at 50,000 mt and JVP at 20,000 mt. This alternative was found inconsistent with the FMP because it would not allow for variations and contingencies in the status of the stock. For example, the current adult stock was recently estimated to exceed 2.1 million mt. The specification of ABC at LTPC would effectively result in an exploitation rate of only about 6 percent, well below the optimal level of exploitation. The level of foregone yield under this alternative was considered unacceptable and would not impact the IOY specifications.

The third alternative for mackerel would be to lower the specification of IOY to 68,000 mt and eliminate JVP, resulting in a DAP of 50,000 mt. This alternative would not constrain the fishery and would have no impact on revenues of participants in this fishery.

For *Loligo*, one alternative would be to set the ABC, DAH, DAP, and IOY at 13,000 mt. This was the same level as 2000 until an inseason adjustment increased the ABC, DAH, DAP, and IOY to 15,000 mt (65 FR 60118, October 10, 2000). Under the scenario of a 13,000 mt DAH; if that value were not exceeded in 2001, 121 of the 443 impacted vessels would experience revenue reductions of greater than 5 percent. This would represent a 20.5-percent reduction in 1996-1999 average landings of 16,348 mt. The remaining 322 vessels would experience less than a 5-percent reduction in revenue or an increase in revenue. A second alternative would be to set ABC, DAH, DAP, and IOY at 11,700 mt. This would represent a 28.4-percent reduction in 1996-1999 average landings. Under this scenario, 161 of the 443 impacted vessels would experience revenue reductions of greater than 5-percent. The remaining 282 vessels would experience less than a 5-percent reduction in revenue, or an increase in revenue.

For *Illex*, the first alternative would be to set Max OY, ABC, IOY, DAH, and DAP at 30,000 mt, and the second alternative would be to set Max OY at 24,000 mt and ABC, IOY, DAH, and DAP at 19,000 mt, far exceeding recent landings in this fishery. Therefore, there would be no constraints, and, thus, no revenue reductions, associated with these specifications.

Alternatives for butterfish would be a DAH, OY, and Max OY of 16,000 mt, and a DAH and OY of 10,000 mt. These specifications would not constrain or impact the industry; however, they would lead to overfishing of the stock, and, thus, were rejected by the Council.

Because this final rule only establishes either year-long or seasonal quotas for the managed species to be used for the sole purpose of closing the fishery when the quotas are reached and does not establish any requirements for which a regulatory entity must come into compliance, it is unnecessary to delay for 30 days the effective date of this final rule. Therefore, the Assistant Administrator for Fisheries, NOAA, under 5 U.S.C. 553(d)(3), finds good cause not to delay the effective date of this final rule.

NMFS determined that this final rule will be implemented in a manner that is consistent, to the maximum extent practicable, with the approved coastal management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida. Concurrence in consistency was submitted by the responsible state agencies of Massachusetts, Rhode Island, Connecticut, New Jersey (*Loligo* squid, *Illex* squid, and butterfish), Pennsylvania, Delaware, Virginia, North

Carolina, South Carolina, and Georgia. Because no response was received from Maine, New Hampshire, New York, Maryland, and Florida, state concurrence in consistency is inferred. New Jersey disagreed with this determination and advocated that the specification of Atlantic mackerel TALFF is inconsistent with the economic protection provisions of its coastal management program relative to employment and financial opportunities for commercial, charter, and party vessels. NMFS and the Council disagree with New Jersey's determination. Allowing a very small level (<1 percent of the ABC) of foreign fishing to take place, primarily to move incrementally toward achieving OY and to provide opportunity to utilize U.S. harvesting capacity by stimulating JV activity, will have a positive impact on the development of the U.S. Atlantic mackerel fishery and will not compete with mackerel harvested by U.S. vessels.

The President has directed Federal agencies to use plain language in their communications with the public including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this final rule. Such comments should be sent to the Northeast Regional Administrator (see **ADDRESSES**).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 26, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.21, paragraph (e) is revised to read as follows:

§ 648.21 Procedures for determining initial annual amounts.

(e) *Distribution of annual Loligo squid commercial quota.* (1) Beginning January 1, 2001, a commercial quota will be allocated annually for *Loligo* squid into quarterly periods, based on the following percentages:

Quarter	Percent
I–January–March	33.23
II–April–June	17.61
III–July–September	17.30
IV–October–December	31.86

(2) Beginning January 1, 2001, any overages of commercial quota landed from Quarter I will be subtracted from Quarter III and any overages of commercial quota landed from Quarter II will be subtracted from Quarter IV.

3. In § 648.22, paragraph (a) is revised to read as follows:

§ 648.22 Closure of the fishery.

(a) *General.* NMFS shall close the directed mackerel fishery in the EEZ when U.S. fishermen have harvested 80 percent of the DAH of that fishery if such closure is necessary to prevent the DAH from being exceeded. The closure shall remain in effect for the remainder of the fishing year, with incidental catches allowed as specified in paragraph (c) of this section, until the entire DAH is attained. When the Regional Administrator projects that DAH will be attained for mackerel, NMFS will close the mackerel fishery in the EEZ, and the incidental catches specified for mackerel in paragraph (c) of this section will be prohibited. NMFS will close the directed fishery in the EEZ for *Loligo* when 80 percent is harvested in Quarters I, II and III, and when 95 percent of the total annual DAH has been harvested. The closure of the directed fishery will be in effect for the remainder of the fishing year, with incidental catches allowed as specified in paragraph (c) of this section. NMFS will close the directed fishery in the EEZ for *Illex* or butterfish when 95 percent of the DAH has been harvested. The closure of the directed fishery will be in effect for the remainder of the fishing year, with incidental catches allowed as specified in paragraph (c) of this section.

[FR Doc. 01–5133 Filed 3–1–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 022701B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season amount of the Pacific cod total allowable catch (TAC) apportioned to vessels catching Pacific cod for processing by the inshore component of the Western Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 27, 2001, until 1200 hrs, A.l.t., June 10, 2001.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2001 A season Pacific cod TAC apportioned to vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA is 9,882 metric tons (mt) as established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season amount of the Pacific cod TAC apportioned to vessels catching Pacific cod for processing by the inshore component of the Western Regulatory Area of the GOA will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 9,632 mt, and is setting aside the remaining 250 as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached.

Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the amount of the 2001 A season Pacific cod TAC specified for the inshore component constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly the need to implement these measures in a timely fashion to prevent exceeding the 2001 A season Pacific cod TAC specified for the inshore component constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 27, 2001

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5109 Filed 2–27–01; 2:35 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 42
Friday, March 2, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–116050–99]

RIN 1545–AX65

Stock Transfer Rules: Carryover of Earnings and Taxes; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to stock transfer rules and carryover of earnings and taxes.

DATES: The public hearing originally scheduled for Tuesday, March 13, 2001, at 10 a.m., is canceled.

FOR FURTHER INFORMATION CONTACT: Guy R. Traynor of the Regulations Unit, Office of Special Counsel, at (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on November 15, 2000, (65 FR 69138), announced that a public hearing was scheduled for March 13, 2001 at 10 a.m., in Room 7218 of the Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC 20224. The subject of the public hearing is proposed regulations under section 367 of the Internal Revenue Code. The public comment period for these proposed regulations expired on February 20, 2001.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of February 23, 2001, no one has requested to speak. Therefore, the public hearing scheduled for March 13, 2001, is canceled.

Cynthia E. Grigsby,
Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–4925 Filed 3–1–01; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–00–248]

RIN 2115–AA97

Safety Zone: Triathlon, Ulster Landing, Hudson River, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent safety zone for the annual Hudson Valley Triathlon swim on the Hudson River. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the Hudson River.

DATES: Comments and related material must reach the Coast Guard on or before May 1, 2001.

ADDRESSES: You may mail comments and related material to Waterways Oversight Branch (CGD01–00–248), Coast Guard Activities New York, 212 Coast Guard Drive, room 204, Staten Island, New York 10305. The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room 204, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–00–248), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Waterways Oversight Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard proposes to establish a permanent safety zone for the annual Hudson Valley Triathlon swim on the Hudson River. The safety zone encompasses all waters of the Hudson River, in the vicinity of Ulster Landing, bound by the following points: 42°00′03.7″ N 073°56′43.1″ W, thence to 41°59′52.5″ N 073°56′34.2″ W, thence to 42°00′15.1″ N 073°56′25.2″ W, thence to 42°00′05.4″ N 073°56′41.9″ W (NAD 1983), thence along the shoreline to the point of beginning.

The proposed safety zone is effective from 6 a.m. (e.s.t.) until 9 a.m. (e.s.t.) on the first Sunday after July 4th. There is no rain date for this event. The proposed safety zone prevents vessels from transiting a portion of the Hudson River. It is needed to protect swimmers and boaters from the hazards associated with 500 swimmers competing in a confined area of the Hudson River. Recreational vessels can still transit to the east of the zone during the event and will not be precluded from mooring at or getting underway from recreational piers in the vicinity of the zone.

Commercial vessels will be precluded from transiting the area because the safety zone encompasses about 800 yards of Barrytown Reach and there is no viable alternative route. No vessel may enter the safety zone without permission from the Captain of the Port, New York.

Special Local Regulations have been published for this event in 33 CFR 100.121 for the same date. The location of this event was moved 3.5 nautical miles north in the summer of 2000 to the proposed new location in the northern area of Barrytown Reach. A Temporary final rule was required for the 2000 event. This new location encompasses about 800 yards of Barrytown Reach and is about 1,000 yards smaller than the permanent area in 33 CFR 100.121.

This safety zone covers the minimum area needed and imposes the minimum restrictions necessary to ensure the protection of all swimmers and vessels. Public notifications will be made prior to the event via the Local Notice to Mariners.

Discussion of Proposed Rule

The proposed safety zone is for the Hudson Valley Triathlon swim held in the Hudson River. This event is held annually on the first Sunday after July 4th. There is no rain date for this event. This rule is being proposed to provide for the safety of life on navigable waters during the event, to give the marine community the opportunity to comment on this event, and to decrease the amount of annual paperwork required for this event. This safety zone covers the minimum area needed and imposes the minimum restrictions necessary to ensure the protection of all swimmers and vessels.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This safety zone temporarily closes a portion of the Hudson River to vessel traffic; however, the impact of this regulation is expected to be minimal for the following reasons: this is an annual marine event currently published in 33 CFR 100.121, this safety zone would close a smaller portion of the Hudson River during this event, this proposed zone in only 3.5 miles north of the current zone the limited duration of the event; the event occurs early on a Sunday morning, which historically is a time when there is less commercial traffic transiting the area, the advance advisories that will be made to allow the maritime community to schedule transits before and after the event; the event has been held for 4 years in succession and is therefore anticipated annually; and recreational vessels may still transit to the east of the zone during the event and will not be precluded from mooring at or getting underway from recreational piers in the vicinity of the zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the Hudson River during the time this zone is activated.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: this is an annual marine event currently published in 33 CFR 100.121, this safety zone would close a smaller portion of the Hudson River during the event, the limited duration of the event; it is expected that no more than 1 or 2 commercial vessels would be affected by this event early on a Sunday morning, the advance advisories that will be made to allow the maritime community to schedule transits before and after the event; the event has been held for 4 years in succession and is therefore anticipated annually; and recreational vessels may still transit to the east of the zone during the event and will not be precluded from mooring at or getting underway from recreational piers in the vicinity of the zone.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice

Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. This proposed rule fits paragraph 34(g) as it establishes a safety zone. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add § 165.170 to read as follows:

§ 165.170 Safety Zone: Triathlon, Ulster Landing, Hudson River, NY.

(a) *Regulated area.* The following area is a safety zone: All waters of the Hudson River, in the vicinity of Ulster Landing, bound by the following points: 42°00′03.7″ N 073°56′43.1″ W, thence to 41°59′52.5″ N 073°56′34.2″ W, thence to 42°00′15.1″ N 073°56′25.2″ W, thence to 42°00′05.4″ N 073°56′41.9″ W (NAD 1983), thence along the shoreline to the point of beginning.

(b) *Effective period.* This section is in effect annually from 6 a.m. (e.s.t.) until 9 a.m. (e.s.t.) on the first Sunday after July 4th.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) No vessels will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: January 16, 2001.

R.E. Bennis,

Rear Admiral, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 01–5114 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–01–015]

RIN 2115–AA97

Safety Zone: Queens Millennium Concert Fireworks, East River, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for the Queens Millennium Concert Fireworks on the East River. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the East River.

DATES: Comments and related material must reach the Coast Guard on or before April 1, 2001.

ADDRESSES: You may mail comments and related material to Waterways Oversight Branch (CGD01–01–015), Coast Guard Activities New York, 212 Coast Guard Drive, room 204, Staten Island, New York 10305. The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room 204, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–01–015), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Waterways Oversight Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard proposes to establish a temporary safety zone for the Queens Millennium Concert Fireworks on the East River. The safety zone encompasses all waters of the East River, within a 180-yard radius of the fireworks barge in approximate position 40°44′43.3″N 073°57′43.2″W, about 240 yards east of Belmont Island.

The proposed safety zone is effective from 9 p.m. (e.s.t.) until 10:30 p.m. (e.s.t.) on May 19, 2001. There is no rain date for this event. The proposed safety zone prevents vessels from transiting a portion of the East River. It is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit to the west of Belmont Island through the western 340 yards of the East River. Additionally, vessels will not be precluded from mooring at or getting underway from recreational or commercial piers in the vicinity of the zone. No vessel may enter the safety zone without permission from the Captain of the Port, New York.

This safety zone covers the minimum area needed and imposes the minimum restrictions necessary to ensure the protection of all vessels. Public notifications will be made prior to the event via the Local Notice to Mariners and Marine Information Broadcasts. The Coast Guard is limiting the comment period for this NPRM to 30 days because the proposed safety zone is only for a one and a half hour long local event and it should have negligible impact on vessel transits. The Coast Guard expects to receive no comments on this NPRM due to the limited duration of the event and the fact that it should not interfere with vessel transits.

Discussion of Proposed Rule

The proposed safety zone is for the Queens Millennium Concert Fireworks held in the East River. This event will be held on Saturday, May 19, 2001. There is no rain date for this event. This rule is being proposed to provide for the safety of life on navigable waters during the event and to give the marine community the opportunity to comment on this event. This safety zone covers the minimum area needed and imposes the minimum restrictions necessary to ensure the protection of all vessels.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This proposed safety zone would temporarily close a portion of the East River to vessel traffic; however, the impact of this regulation is expected to be minimal for the following reasons: the limited duration of the event; that vessels are not precluded from getting underway, or mooring at, public or private facilities in the vicinity of the event, the advance advisories that will be made to the maritime community; and marine traffic may still transit to the west of the zone during the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the East River during the time this zone is activated.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: the limited duration of the event; that vessels are not precluded from getting underway, or mooring at, public or private facilities in the vicinity of the event, the advance advisories that will be made to the maritime community; and marine traffic may still transit to the west of the zone during the event.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. This proposed rule fits paragraph 34(g) as it establishes a safety zone. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add Temporary § 165.T01–015 to read as follows:

§ 165.T01–015 Safety Zone: Queens Millennium Concert Fireworks, East River, NY.

(a) *Location.* The following area is a safety zone: All waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°44°43.3"N 073°57'43.2"W (NAD 1983), about 240 yards east of Belmont Island.

(b) *Effective period.* This section is effective from 9 p.m. (e.s.t.) until 10:30 p.m. (e.s.t.) on May 19, 2001.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) No vessels will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: February 15, 2001.

P.A. Harris,

Captain, U.S. Coast Guard, Captain of the Port, New York, Acting.

[FR Doc. 01–5113 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF EDUCATION

34 CFR Part 50

RIN 1845–AA21

Performance Standards for Retention of Electronic Records in the Student Financial Assistance Programs

AGENCY: Department of Education.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Secretary will propose rules to implement section 101(d) of the Electronic Signatures in Global and National Commerce Act (E-Sign Act), Public Law 106–229. These regulations will set forth proposed performance standards regarding the accuracy, integrity, and accessibility of electronic records that would apply to lenders, guaranty agencies, schools, and other parties administering any student financial assistance program authorized under Title IV of the Higher Education Act of 1965, as amended (HEA).

DATES: We must receive your comments on or before March 19, 2001. We are offering this limited comment period in order to expedite issuance of the proposed rule. Comments received by this date will be considered in the development of the proposed rule. As a consequence of the publication of this notice, and under section 107(b) of the E-Sign Act, the authority of a program participant to retain a required record in electronic form, in instances where that authority did not previously exist, will become effective on June 1, 2001, rather than on March 1, 2001.

ADDRESSES: Address all comments about this advanced notice of proposed rulemaking to: Gail McLarnon, U. S. Department of Education, 1990 K St., NW., room 8062, Washington, DC 20006–8540. If you prefer to send your comments through the Internet, use the following address: gail_mclarnon@ed.gov.

FOR FURTHER INFORMATION CONTACT: Gail McLarnon, 202/219–7048.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

Background

The E-Sign Act provides, in part, that a signature, contract, or other record relating to a transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form, or because an electronic signature or electronic record was used in its formation. By eliminating legal barriers, the E-Sign Act will allow lenders, guaranty agencies, schools, and other parties administering the Title IV, HEA student financial assistance programs to use electronic records and electronic signatures in place of records and signatures that, under the HEA and underlying regulations, must be maintained and provided in writing. Section 104(b)(3) of the E-Sign Act authorizes the Secretary to set forth general requirements regarding the accuracy, integrity, and accessibility of electronic records, and procedures relating to the maintenance of those records. The Secretary will be issuing proposed regulations that will contain such requirements and procedures.

Invitation to Comment

We are seeking comments or suggestions on this notice. We are interested in comments on assuring approaches to assuring the accuracy, integrity, and accessibility of electronic records in the administration of the federal student aid programs. Specifically, we are interested in comments related to the maintenance of electronic records by program participants. Areas of interest include the following:

- The timeframe to implement the use and maintenance of electronic records.
- The impact of using and maintaining electronic records on the integrity of the Federal student financial aid programs.
- The comparability between electronic records and hard copy paper records.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

List of Subjects in 34 CFR Part 50

Colleges and universities, Grant programs-education, Reporting and recordkeeping requirements.

Dated: February 27, 2001.

Rod Paige,

Secretary of Education.

[FR Doc. 01–5161 Filed 2–27–01; 4:34 pm]

BILLING CODE 4000–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 022101A]

Western Pacific Fishery Management Council; Public Meetings and Hearing

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings/public hearing.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a joint meeting of its Coral Reef Ecosystem Plan Team (CREPT) and Ecosystem and Habitat Advisory Panel (EHAP) on March 8, 2001, in Honolulu, HI, and hold its 109th meeting of the full Council on March 13, 2001, in Honolulu, HI.

At the full Council meeting, a public hearing will be held prior to the Council taking final action on its Coral Reef Ecosystem Fishery Management Plan/Draft Environmental Impact Statement (CREFMP/DEIS).

DATES: The joint meeting of the CREPT and EHAP (non-Hawaii members by telephone conference call) will be held on March 8, 2001, from 12 noon to 5 p.m. The full Council meeting (non-Hawaii members by telephone conference call) will be held on March 13, 2001, from 12 noon to 5 p.m. See **SUPPLEMENTARY INFORMATION** for specific telephone link locations.

ADDRESSES: The joint CREPT/EHAP meeting, Council meeting, and public hearing will be held at the Council Office Conference Room, Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI, 96813; telephone: 808–522–8220. Copies of the CREFMP/DEIS are available from the Western Pacific Fishery Management Council. The following locations have been identified for telephone conference call links to the 109th Council meeting in Honolulu, HI on March 13, 2001: American Samoa, Commonwealth of the Northern Mariana Islands (CNMI), and Guam. For specific telephone link locations see SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: 808–522–8220.

SUPPLEMENTARY INFORMATION: On March 8, 2001, the Plan Team/Advisory Panel (CREPT/EHAP) will consider public comments during the public comment period on the CREFMP/DEIS and make recommendations to the Council. On March 13, 2001, the Council will consider comments and recommendations from the CREPT/EHAP on the CREFMP/DEIS and take final action on the CREFMP. Dates, Times, and Locations for telephone conference call links to the Council meeting and public hearing are as follows:

1. Honolulu, HI: March 13, 2001, local meeting time, 12 noon to 5 p.m., public hearing time, 3 p.m., Western Pacific Fishery Management Council, Council Office Conference Room, 1164 Bishop Street, Honolulu, HI 96813; contact Kitty Simonds (see **ADDRESSES**) for further information.

2. Fagatogo, AS: March 13, 2001, local meeting time, 11 a.m. to 4 p.m., public hearing time, 2 p.m., Department of Marine and Wildlife Resources (DMWR) conference room, Fagatogo, AS Local phone contact c/o DMWR at 684–633–4456.

3. Saipan, CNMI: March 14, 2001, local meeting time, 8 a.m. to 1 p.m., public hearing time, 11 a.m., Division of Fish and Wildlife, P.O. Box 10007, Saipan, MP 96950. Local phone contact 670–664–6000.

4. Tamuning, Guam: March 14, 2001, local meeting time, 8 a.m. to 1 p.m., public hearing time, 11 a.m., Guam Economic Development Authority, Suite 511, ITC Building, 590 S. Marine Drive, Tamuning, Guam. Local phone contact 671–475–0321.

CREPT/EHAP Meeting

The CREPT/EHAP will meet on March 8, 2001, from 12 noon to 5 p.m.

Background

The DEIS was prepared to examine the impacts of implementing the proposed CREFMP. The DEIS also addresses potential problems due to human interactions with coral reefs in the Western Pacific exclusive economic zone (EEZ). Although local regulations control many of the impacts of harvesting nearshore coral reef resources in settled areas, exploitation of coral reef ecosystem remains relatively uncontrolled in Federal waters of the EEZ. Although these areas have been minimally exploited to date, there has been interest expressed for fisheries to expand in these areas. In addition, the DEIS was prepared to provide for better understanding of impacts due to natural environmental changes, other FMP managed fisheries, and non-fishing related impacts such as dredging. To address these problems, four alternatives were examined: (1) No action or status quo; (2) minimal additional protection for coral reef resources;(3) substantial additional protection to coral reef resources (preferred alternative); and (4) maximum additional protection for coral reef resources. The environmental effects of each of the alternatives, management measures, components, and options have been analyzed in the DEIS. In June 2000, the Council adopted a preferred alternative and management options. Management measures proposed in the FMP represent a combination of choices made by the Council based on a comparison of alternatives. Alternatives were a product of numerous public meetings and meetings of the Council's various advisory bodies. The proposed management measures include: (a) Designating marine protected areas (MPAs), including no-take marine reserves and areas zoned for specific fishing activities allowed only with a special permit; (b) establishing fishing permit and reporting requirements for fishing for coral reef resources in the EEZ; (c) specifying the use of selective, non-destructive gears and methods for harvesting management-unit species; and (d) establishing a framework process to allow for future regulatory adjustments to the coral reef ecosystem management program. In addition, the Council recommends that a formal procedure be established for assessing and controlling ecosystem effects of reef-related fisheries managed under the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region, the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region, and the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region.

CREPT/EHAP Meeting

The agenda for the joint CREPT/EHAP meeting on March 8, 2001, will include the items listed below:

1. Introduction
2. CREFMP/DEIS
   - A. Review of public comments
   - (1) MPAs
   - (2) Permits and Reporting
   - (3) Fishing Gear and Methods
   - (4) Framework Actions
   - (5) Non-regulatory Actions
   - (6) Research, Monitoring and Assessment
   - (7) Enforcement
   - (8) Other
3. Relation of Executive Orders (E.O.s 13178 and 13196) on the Northwestern Hawaiian Islands (NWHI) Coral Reef Ecosystem Reserve to CREFMP
4. Discussion Recommendation

A. CREPT
B. EHAP
Full Council Meeting
The agenda for the Council meeting on March 13, 2001, will include the items listed below:
1. Introduction
2. Approval of 107th Meeting Minutes
3. CREFMP/DEIS
A. Review of public comments
(1) MPAs
(2) Permits and Reporting
(3) Fishing Gear and Methods
(4) Framework Actions
(5) Non-regulatory Actions
(6) Research, Monitoring and Assessment
(7) Enforcement
(8) Other
4. Relation of E.O.s 13178 and 13196 on NWHI Coral Reef Ecosystem Reserve to CREFMP
5. Review of CREPT and EHAP comments and recommendations
6. Review of comments from other advisory body members
7. Council discussion and action
8. Crustacean Fisheries
A. Preferred alternative for Crustaceans DEIS
B. Consideration of long-term closure of Northwestern Hawaiian Islands (NWHI) lobster fishery
C. Council discussion and action
9. Community Demonstration Project Program (CDPP)
A. Approval of draft **Federal Register** notice for CDPP
B. Appointment of new CDPP Advisory Panel member from American Samoa
10. Other Business
Although non-emergency issues not contained in this agenda may come before the Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this document and any issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808–522–8220 (voice) or 808–522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 26, 2001.

Dean Swanson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5000 Filed 2–27–01; 2:35 pm]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 66, No. 42
Friday, March 2, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 01–006N]

Codex Alimentarius Commission: 29th Session of the Codex Committee on Food Labelling

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS), are sponsoring two public meetings, on Friday, March 16, 2001, and one on Wednesday, April 11, 2001. The purpose of this meeting is to provide information and receive public comments on agenda items that will be discussed at the 29th Session of the Codex Committee on Food Labelling (CCFL), which will be held in Ottawa, Canada, April 30 to May 4, 2001. The Under Secretary and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 29th Session of the Codex Committee on Food Labelling and address items on the agenda.

DATES: The public meetings are scheduled for Friday, March 16, 2001 from 1:00 p.m. to 4:00 p.m. and Wednesday, April 11, 2001 from 2:00 p.m. to 4:00 p.m.

ADDRESSES: The public meetings will be held in Room 1813, Federal Office Building 8, Food and Drug Administration, 200 C. St. SW., Washington, DC 20204. To receive copies of the documents referenced in this notice, contact the FSIS Docket Room, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102 Cotton Annex, 300 12th Street, SW., Washington, DC 20250–3700. The documents will also be accessible via the World Wide Web at the following address: *http://www.fao.org/waicent/faoinfo/ECONOMIC/esn/codex/ccfl29/fl01_01e.htm*. Submit one original and two copies of written comments to the FSIS Docket Room at the address above and reference docket number 01–006N. All comments submitted in response to this notice will be available for public inspection in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Patrick J. Clerkin, Associate U.S. Manager for Codex, U.S. Codex Office, Food Safety and Inspection Service, Room 4861, South Building, 1400 Independence Avenue SW., Washington, DC 20250. Telephone (202) 205–7760, Fax: (202) 720–3157.

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius Commission (Codex) was established in 1962 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the major international organization for encouraging fair international trade in food and protecting the health and economic interests of consumers. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and correctly labeled.

The Codex Committee on Food Labelling drafts provisions on labelling applicable to all foods; considers and endorses draft specific provisions on labelling prepared by the Codex Committees drafting standards, codes of practice, and guidelines; studies problems associated with the advertisement of food with particular reference to claims and misleading descriptions; and responds to specific labeling problems assigned to it by the Commission. The Committee is chaired by Canada.

Issues To Be Discussed at the First Public Meeting

The provisional agenda items to be discussed during the public meeting on March 16, 2001:
1. Matters Referred from other Codex Committees
2. Consideration of Labelling Provisions in Draft Codex Standards
3. Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods:
(a) Sections on Bees and on Additives
(b) Proposed Draft Amendment: Table 1? Substances for Use in Soil Fertilizing and Conditioning
4. Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (Class Names)
5. Proposed Draft Amendment to the Guidelines on Nutrition Labelling (Section 3.2 Listing of Nutrients)
6. Proposed Draft Recommendations for the Use of Health Claims
7. Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients
8. Discussion Paper on Country of Origin Labeling

Issues To Be Discussed at the Second Public Meeting

The provisional agenda items to be discussed during the public meeting on April 11, 2001:
1. Draft Recommendations for the Labelling of Foods obtained through Certain Techniques of Genetic Modification/Genetic Engineering (Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods): Definitions
2. Draft Recommendations for the Labelling of Foods obtained through Certain Techniques of Genetic Modification/Genetic Engineering (Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods): Section 5—Additional Mandatory Labelling

Each issue listed will be fully described in documents distributed, or to be distributed, by the Canadian Secretariat to the Meeting. Members of the public may access or review copies of these documents (see **ADDRESSES**).

Public Meeting

At the March 16th public meeting, the CCFL agenda items other than those pertaining to Labelling of Foods

obtained through Certain Techniques of Genetic Modification/Genetic Engineering will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. At the April 11th public meeting, the agenda items pertaining to Labelling of Foods obtained through Certain Techniques of Genetic Modification/Genetic Engineering will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments should state that they relate to activities of the 29th CCFL.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at *http://www.fsis.usda.gov*. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/ stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC on February 6, 2001.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarius.

[FR Doc. 01–5036 Filed 3–1–01; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 01–004N]

Codex Alimentarius Commission: 2nd Session, Ad Hoc Intergovernmental Task Force on Foods Derived From Biotechnology

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS), are sponsoring two public meetings, on Tuesday, February 13, and on Wednesday, March 7, 2001. The purpose of these meetings is to provide information and receive public comments on draft United States' positions and agenda items that will be discussed at the 2nd Session of the Ad Hoc Intergovernmental Task Force on Foods Derived From Biotechnology, which will be held in Chiba, Japan, March 25–29, 2001. The Under Secretary and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 2nd Session, Ad Hoc Intergovernmental Task Force on Foods Derived From Biotechnology, and address items on the agenda.

DATES: The public meetings are scheduled for Tuesday, February 13, 2001, from 1 p.m. to 4 p.m., and on Wednesday, March 7, 2001, 1 p.m. to 4 p.m.

ADDRESSES: The public meeting will be held in Conference Room 1409, Federal Office Building 8, Food and Drug Administration, 200 C Street, SW., Washington, DC 20204. Reference documents will be available for review in the FSIS Docket Room, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102 Cotton Annex, 300 12th Street, SW., Washington, DC 20250–3700. The documents will also be accessible via the World Wide Web at the following address: *http://www.fao.org/waicent/faoinfo/ECONOMIC/esn/codex/ccfbt2/bt01_01e.htm*. Submit one original and two copies of written comments to the FSIS Docket Room at the address above and reference docket number 01–004N. All comments submitted in response to this notice will be available for public inspection in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Patrick J. Clerkin, Associate U.S. Manager for Codex, U.S. Codex Office, Food Safety and Inspection Service, Room 4861, South Building, 1400 Independence Avenue SW., Washington, DC 20250. Telephone (202) 205–7760, Fax (202) 720–3157. Persons requiring a sign language interpreter or other special accommodations should notify Mr. Clerkin at the above number.

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius Commission (Codex) was established in 1962 by two United Nations Organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the major international organization for encouraging fair international trade in food and protecting the health and economic interests of consumers. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and correctly labeled. Codex, at its 23rd Session, established the Ad Hoc Intergovernmental Task Force on Foods Derived From Biotechnology to develop standards, guidelines, or recommendations, as appropriate, for foods derived from biotechnology or traits introduced into foods by biotechnology, on the basis of scientific evidence, risk analysis and having regard, where appropriate, to other legitimate factors relevant to the health of consumers and the promotion of fair trade practices. The Task Force is chaired by the government of Japan.

Issues To Be Discussed at the Public Meetings

The provisional agenda items and the relevant documents to be discussed during the public meetings:

1. Adoption of the Agenda, Document CX/FBT 01/1
2. Matters Referred to the Task Force by Other Codex Committees, Document CX/FBT 01/2
3. Matters of Interest from Other International Organizations with respect to the Evaluation of the Safety and Nutrition Aspects of Foods Derived from Biotechnology, Document CX/FBT 01/3
4. Consideration of Proposed Draft General Principles for the Risk Analysis of Foods Derived from Modern Biotechnology at Step 4, Document CX/FBT 01/4, and Comments submitted at Step 3, Document CX/FBT 01/4 Add.1
5. Consideration of Proposed Draft Guideline for the Conduct of Safety Assessment of Foods Derived from Recombinant-DNA Plants at Step 4, Document CX/FBT 01/5, and Comments submitted at Step 3, Document CX/FBT 01/5 Add.1
6. Discussion Paper on Traceability, Document CX/FBT 01/6
7. Information Paper on Familiarity, Document CX/FBT 01/7
8. Consideration of Analytical Methods, Document CX/FBT 01/8
9. Other Business, Future Work and Date and Place of Next Session

In advance of these meetings, the U.S. Delegate to the Task Force will have assigned responsibility for development of U.S. positions on these issues to members of government. The individuals assigned responsibility will be named at these meetings and will take comment on and develop draft U.S positions. All interested parties are invited to provide information and comments on the above issues, or on any other issues that may be brought before the Task Force.

Public Meetings

At the February 13th public meeting, the issues will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. At the March 7th public meeting, draft United States' positions on the issues will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. Please state that your comments relate to Task Force activities and specify which issues your comments address.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at *http://www.fsis.usda.gov*. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/ stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC on February 6, 2001.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarius.

[FR Doc. 01–5037 Filed 3–1–01; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Announcement of Funding To Develop Essential Community Facilities in Rural Communities for Eligible Public Entities, Nonprofit Corporations, and Tribal Governments With Extreme High Unemployment and Severe Economic Depression

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service (RHS) announces the availability of $47.5 million in National competitive grant funds to be administered in accordance with this Notice, 7 U.S.C. 1926(a)(20), and the Community Facilities grant program (7 CFR part 3570, subpart B) to develop essential community facilities in rural communities with extreme high unemployment and severe economic depression. An additional $2.5 million is available for community planning and implementation related to these essential community facilities.

DATES: Applications may be submitted at any time until funds are exhausted.

ADDRESSES: Entities wishing to apply for assistance are encouraged to contact their local USDA Rural Development office for guidance on the intake and processing of preapplications.

A listing of Rural Development State offices, their addresses, telephone numbers, and a person to contact follows:

Note: Telephone numbers listed are not toll-free.

Alabama State Office, Suite 601, Sterling Centre, 4121 Carmichael Road, Montgomery, AL 36106–3683, 334–279–3400, Chris Harmon

Alaska State Office, 800 W. Evergreen, Suite 201, Palmer, AK 99645–6539, 907–761–7705, Merlaine Kruse

Arizona State Office, Phoenix Corporate Center, 3003 North Central Avenue, Suite 900, Phoenix, AZ 85012–2906, 602–280–8700, Leonard Gradillas

Arkansas State Office, 700 W. Capitol Avenue, Room 3416, Little Rock, AR 72201–3225, 501–301–3200, Jesse G. Sharp

California State Office, 430 G Street, #4169, Davis, CA 95616–4169, 530–792–5800, Robert Longman

Colorado State Office, 655 Parfet Street, Room E100, Lakewood, CO 80215, 303–236–2801, Leroy Cruz

Delaware State Office,* 4607 S. DuPont Highway, P.O. Box 400, Camden, DE 19934–9998, 302–697–4300, Arthur Greenwood

* The Delaware State Office also administers the Maryland program.

Florida State Office,* 4440 N.W. 25th Place, P.O. Box 147010, Gainesville, FL 32614–7010, 352–338–3400, Glenn W. Walden

* The Florida State Office also administers the Virgin Islands program.

Georgia State Office, Stephens Federal Building, 355 E. Hancock Avenue, Athens, GA 30601–2768, 706–546–2162, Jerry Thomas

Hawaii State Office, Room 311, Federal Building, 154 Waianuenue Avenue, Hilo, HI 96720, 808–933–8380, Thao Khamoui

Idaho State Office, 9173 W. Barnes Drive, Suite A1, Boise, ID 83709, 208–378–5600, Dan Fraser

Illinois, Illini Plaza, Suite 103, 1817 South Neil Street, Champaign, IL 61820, 217–398–5235, Gerald Townsend

Indiana State Office, 5975 Lakeside Boulevard, Indianapolis, IN 46278, 317–290–3100, Gregg Delp

Iowa State Office, 873 Federal Building, 210 Walnut Street, Des Moines, IA 50309, 5150284–4663, Dorman A. Otte

Kansas State Office, 1200 SW Executive Drive, P.O. Box 4653, Topeka, KS 66604, 785–271–2700, Gary Smith

Kentucky, Suite 200, 771 Corporate Drive, Lexington, KY 40503, 859–224–7300, Vernon C. Brown

Louisiana State Office, 3727 Government Street, Alexandria, LA 71302, 318–473–7920, Danny Magee

Maine State Office, 967 Illinois Avenue, Suite 4, P.O. Box 405, Bangor, ME 04402–0405, 207–990–9106, Alan Daigle

Massachusetts State Office,* 967 Illinois Ave., Suite 4, 451 West Street, Amherst, MA 01002, 413–253–4300, Daniel Beaudette

* The Massachusetts State Office, also administers the Rhode Island and Connecticut programs.

Michigan State Office, 3001 Coolidge Road, Suite 200, East Lansing, MI 48823, 517–324–5100, Philip H. Wolak

Minnesota State Office, 410 AgriBank Building, 375 Jackson Street, St. Paul, MN 55101–1853, 651–602–7800, James Maras

Mississippi State Office, Federal Building, Suite 831, 100 W. Capitol, Jackson, MS 39269, 601–965–4316, Darnella Smith-Murray

Missouri State Office, 601 Business Loop, 70 West, Parkade Center, Suite 235, Columbia, MO 65203, 573–876–0976, Randall L. Griffith

Montana State Office, Unit 1, Suite B, P.O. Box 850, 900 Technology Boulevard, Bozeman, MT 59715, 406–585–2580, Mary Lou Affleck
Nebraska State Office, Federal Building, Room 152, 100 Centennial Mall N, Lincoln, NE 68508, 402–437–5551, Denise Brosius-Meeks
Nevada State Office, 1390 South Curry Street, Carson City, NV 89703–9910, 775–887–1222, Mike Holm
New Hampshire State Office, 10 Ferry Street, Concord Center, P.O. Box 317, Concord, NH 03301, 603–223–6034, William Konrad
New Jersey State Office, Tarnsfield Plaza, Suite 22, 790 WoodLane Road, Mt. Holly, NJ 08060, 609–265–3600, Michael P. Kelsey
New Mexico State Office, 6200 Jefferson Street NE, Room 255, Albuquerque, NM 87109, 505–761–4950, Clyde Hudson
New York State Office, The Galleries of Syracuse, 441 S. Salina Street, Suite 357, Syracuse, NY 13202–2541, 315–477–6400, Gail Giannotta
North Carolina State Office, 4405 Bland Road, Suite 260, Raleigh, NC 27609, 919–873–2000, Phyllis Godbold
North Dakota State Office, Federal Building, Room 208, 220 East Rosser, P.O. Box 1737, Bismarck, ND 58502–1737, 701–530–2037, Don Warren
Ohio State Office, Federal Building, Room 507, 200 North High Street, Columbus, OH 43215–2418, 614–255–2400, David Douglas
Oklahoma State Office, 100 USDA, Suite 108, Stillwater, OK 74074–2654, 405–742–1000, Rock W. Davis
Oregon, 101 SW Main, Suite 1410, Portland, OR 97204–3222, 503–414–3300, Bill Daniels
Pennsylvania State Office, One Credit Union Place, Suite 330, Harrisburg, PA 17110–2996, 717–237–2299, Gary Rothrock
Puerto Rico State Office, IBM Building, Suite 601, 654 Munos Rivera Avenue, Hato Rey, PR 00918–6106, 787–766–5095, Pedro Gomez
South Carolina State Office, Strom Thurmond Federal Bldg., 835 Assembly Street, Room 1007, Columbia, SC 29102, 803–765–5163, Larry Floyd
South Dakota State Office, Federal Building, Room 210, 200 Fourth Street SW., Huron, SD 57350, 605–352–1100, Dwight Wullweber
Tennessee State Office, Suite 300, 3322 West End Avenue, Nashville, TN 37203–1084, 615–783–1300, Keith Head
Texas State Office, Federal Building, Suite 102, 101 South Main, Temple, TX 76501, 254–742–9700, Mike Meehan
Utah State Office, Wallace F. Bennett, Federal Building, 125 S. State Street, Rm. 4311, P.O. Box 11350, Salt Lake City, UT 84147–0350, 801–524–4320, Jack Cox
Vermont State Office, City Center, 3rd Floor, 89 Main Street, Montpelier, VT 05602, 802–828–1600, Ronda Shippee
Virginia State Office, Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229, 804–287–1550, Carrie Schmidt
Washington State Office, 1835 Black Lake Blvd. SW., Suite B, Olympia, VA 98512–5715, 360–704–7740, Jack Gleason
West Virginia State Office, Federal Building, 75 High Street, Room 320, Morgantown, WV 26505–7500, 304–284–4860, Dianne Crysler
Wisconsin State Office, 4949 Kirschling Court, Stevens Point, WI 54481, 715–345–7600, Mark Brodziski
Wyoming State Office, 100 East B, Federal Building, Room 1005, P.O. Box 820, Casper, WY 82602, 307–261–6300, John Cochran

FOR FURTHER INFORMATION CONTACT: Joseph Ben-Israel, Community Programs, RHS, USDA, STOP 0787, 1400 Independence Ave. SW., Washington, DC 20250–0787, Telephone (202) 720–1490, Facsimile (202) 690–0471, E-mail: *jbenisra@rdmail.rural.usda.gov.*

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The reporting requirements contained in this notice have been approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 0575–0173 in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Authorizing Legislation and Regulations

This program is authorized under section 306(a) of the Consolidated Farm and Rural Development Act, as amended by section 304 of the Grain Standards and Warehouse Improvement Act of 2000 (106 Pub. L. 472). Funding was made possible through the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Act 2001 (106 Pub. L. 387) (FY 2001 Appropriation). RHS has decided to administer these funds using, where possible, those same regulations that govern its Community Facilities grant program. Program administration, eligibility, processing, and servicing requirements, which govern the Community Facilities grant program, may be found under 7 CFR part 3570, subpart B.

Background

Under the FY 2000 appropriation, Congress appropriated $47.5 million for a Community Facilities grant program for rural communities with extreme unemployment and severe economic depression, hereafter referred to as the Economic Impact Initiative. These funds are in addition to the Community Facilities grant program's regular allocation of competitive grant funds. The Community Facilities grant program, authorized by Congress in 1996, is used in conjunction with the existing direct and guaranteed loan programs for the development of essential community facilities for public use in rural areas. Funding is intended to complement rather than compete with other credit sources. Grants are made available to public entities, such as municipalities, counties, and special-service districts, as well as to eligible nonprofit corporations and tribal governments. Grants are targeted to communities with the smallest populations and lowest incomes. Communities with lower population and income levels receive a greater percentage of the Federal contribution, between 15 to 75 percent of the cost of developing the facility.

Additional Eligibility Requirements

In addition to those requirements contained in 7 CFR part 3570, subpart B, applicants interested in competing for Economic Impact Initiative funds for FY 2001 must meet the following statutory eligibility criteria by demonstrating extreme unemployment and severe economic depression for funding consideration: the essential community facility must be located in a rural community where the "not employed rate" is greater than 19.5 percent.

Definition of Not Employed Rate

This is the percentage of individuals over the age of 18 who reside within the community and who are ready, willing, and able to be employed but are unable to find employment, as determined by the department of labor of the State in which the community is located.

Allocation of Funds

All Economic Impact Initiative funds will remain in the National Office reserve for funding consideration for FY 2001. Project selections will be on a National competitive basis with project selections made on a monthly basis.

Selection Process

Once a determination has been made by the State Office that an applicant is eligible, the preapplication is evaluated competitively and points awarded as specified in the project selection priorities contained in 7 CFR part 3570, subpart B. The State Director or designee will then forward the request to the National Office to compete for funding consideration. Unless withdrawn by the applicant, projects will then be rated, ranked, and selections made in order of priority. Each proposal will be judged on its own merit. Unless withdrawn by the applicant, projects not selected for funding consideration for a given month will remain eligible to compete for the next month's round of funding selections through the remainder of the fiscal year or until funds are exhausted.

Notice of Invitation To Submit Complete Application

All preapplications selected for funding consideration will be notified by the State or field office by issuing Form AD–622, "Notice of Preapplication Review Action." At that time, the proposed recipient will be invited to submit a complete application, along with instructions related to the agreed upon award amount, and asked to schedule an application conference to discuss items needed for formal application and to further clarify issues related to the project.

Final Approval and Funding Process

Final approval is subject to the availability of funds; the submission by the applicant of a formal, complete application and related materials that meet the program requirements and responsibilities of the grantee (contained in 7 CFR part 3570, subpart B); the letter of conditions; and the grant agreement.

Those preapplications that do not have sufficient priority necessary to receive funding consideration for FY 2001 will be notified, in writing, by the Agency's State or designated field office.

Dated: February 26, 2001.

James C. Alsop,

Acting Administrator, Rural Housing Service.

[FR Doc. 01–5076 Filed 3–1–01; 8:45 am]

BILLING CODE 3410–XV–U

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletion from Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete a commodity previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 2, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3250.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.
2. The action will result in authorizing small entities to furnish the services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information. The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Administrative Services, Health Care Financing Administration, 7500 Security Blvd., Baltimore, Maryland
NPA: ServiceSource, Inc., Alexandria, Virginia
Administrative Services, U.S. Army Space Command, 1670 N. Newport Road, Colorado Springs, Colorado
NPA: Bayaud Industries, Inc., Denver, Colorado
Hospital Housekeeping Services, DeWitt Army Community Hospital, Fort Belvior, Virginia
NPA: The Chimes, Inc., Baltimore, Maryland
Janitorial/Custodial, FAA Flight Standards District Office, 9191 Plank Road, Baton Rouge, Louisiana
NPA: Louisiana Industries for the Disabled, Baton Rouge, Louisiana
Janitorial/Custodial, Social Security Building, Lewiston, Idaho
NPA: Opportunities Unlimited, Inc., Lewiston, Idaho
Janitorial/Custodial, U.S. Fish & Wildlife Service, Bosque del Apache NWR, Socorro, New Mexico
NPA: Tresco, Inc., Las Cruces, New Mexico
Janitorial/Custodial, U.S. Fish & Wildlife Service, Santa Ana NWR, Alamo, Texas
NPA: Training, Rehabilitation & Development Institute, Inc., San Antonio, Texas

Office Supply Store for the following locations:

Department of Energy, 1000 Independence Avenue, SW., Washington, DC
19901 Germantown Road, Germantown, Maryland
80300 Century Blvd, Germantown, Maryland
NPA: Winston-Salem Industries for the Blind, Winston-Salem, North Carolina

Deletion

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action will result in authorizing small entities to furnish the services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity proposed for deletion from the Procurement List.

The following commodity has been proposed for deletion from the Procurement List:

Commodity:

Pallet, Wood
3990–00–NSH–0001

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 01–5129 Filed 3–2–01; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Kentucky Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on

Civil Rights that a meeting of the Kentucky Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on April 4, 2001, at the Kentucky Human Rights Office, 332 W. Broadway, Suite 700, Louisville, Kentucky 40202. The purpose of the meeting is to follow up on the Kentucky Title VI law, plan future projects, and discuss civil rights issues of the State and Nation.

Persons desiring additional information, or planning a presentation to the Committee, should contact Bobby D. Doctor, Director of the Southern Regional Office, 404–562–7000 (TDD 404–562–7004). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 26, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–5124 Filed 3–1–01; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Maryland Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a meeting of the Maryland Advisory Committee to the Commission will convene at 11:00 a.m. and adjourn at 7:00 p.m. on March 31, 2001, at the Lexington Park United Methodist Church, 21760 Great Mills Road, Lexington Park, Maryland 20653. The purpose of the meeting is to gather information on civil rights complaints and developments from knowledgeable representatives of minority groups and local government in Southern Maryland, and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 26, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–5121 Filed 3–1–01; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Mississippi Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a meeting of the Mississippi Advisory Committee to the Commission will convene at 6:00 p.m. and adjourn at 8:00 p.m. on March 12, 2001, at the Crowne Plaza Hotel, 200 East Amite, Jackson, Mississippi 39201. The purpose of the meeting is to plan for future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 26, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–5122 Filed 3–1–01; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Vermont Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a meeting of the Vermont Advisory Committee to the Commission will convene at 11:00 a.m. and adjourn at 3:00 p.m. on April 2, 2001, at the Conference Room One, Burlington International Airport, Airport Drive, South Burlington, Vermont 05403. The purpose of the meeting is to discuss future coordination with educational leaders, and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 26, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–5123 Filed 3–1–01; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the West Virginia Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a meeting of the West Virginia Advisory Committee to the Commission will convene at 11:15 a.m. and adjourn at 3:15 p.m. on April 10, 2001, at the Governor's Conference Room (Office of the Secretary of State, Room 157), State Capitol Building, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305. The Committee will hold a planning meeting to discuss the drafting of a report based on three community forums held between 1998 and 2000, coordinate information gathered from newly elected officials, and plan future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 26, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–5125 Filed 3–1–01; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

[I.D. 022701A]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Dr. Nancy Foster Scholarship Program.

Form Number(s): None.

OMB Approval Number: None.

Type of Request: Emergency.

Burden Hours: 725.

Number of Respondents: 400.

Average Hours Per Response: 5 hours for an application, 45 minutes for a recommendation.

Needs and Uses: The Dr. Nancy Foster Scholarship Program recognizes outstanding scholarship by providing financial support to graduate students pursuing masters and doctoral degrees in the areas of marine biology, oceanography, and maritime archaeology. Applicants must submit documentation that NOAA uses to select candidates, including three letters of recommendation.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Require to obtain or retain a benefit.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Forms Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: February 23, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01–5132 Filed 3–1–01; 8:45 am]

BILLING CODE 3510–JT–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 000411102-1045-03; I.D. 122800E]

RIN 0648-ZA85

Financial Assistance for Community-based Habitat Restoration Projects

AGENCY: National Marine Fisheries Service (NOAA Fisheries), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of funds.

SUMMARY: The purpose of this document is to invite the public to submit proposals for available funding to implement grass-roots habitat restoration projects that will benefit living marine resources, including anadromous fish, under the NOAA Community-Based Restoration Program (CRP or Program). This document describes the conditions under which applications (project proposals) will be accepted under the CRP, and describes criteria under which applications will be evaluated for funding consideration. Projects funded through the CRP will be expected to have strong on-the-ground habitat restoration components that provide educational and social benefits for people and their communities in addition to long-term ecological habitat improvements for NOAA trust resources. Proposals selected for funding through this solicitation will be implemented through a project grant, cooperative agreement, or interagency transfer.

DATES: Applications for funding under the CRP will be accepted upon publication of this document in the Federal Register and must be received by or postmarked by May 1, 2001. Applications postmarked after that time will not be considered for funding. Applications submitted via the U.S. Postal Service must have an official postmark; private metered postmarks are not acceptable. Applications delivered by a delivery service after the postmark date will be accepted for review if the applicant can document that the application was provided to the delivery service on or prior to the specified postmark cut-off date. No facsimile or electronic mail applications will be accepted.

ADDRESSES: Send applications to James P. Burgess, Director, NOAA Restoration Center, National Marine Fisheries Service, 1315 East West Highway (F/HC3), Silver Spring, MD 20910–3282; ATTN: CRP Project Applications.

See **SUPPLEMENTARY INFORMATION** section under Electronic Access for additional information on the Program and for application form information.

FOR FURTHER INFORMATION CONTACT: Christopher D. Doley or Robin J. Bruckner, (301) 713–0174, or by e-mail at Chris.Doley@noaa.gov or Robin.Bruckner@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Program Description

The CRP, a financial and technical Federal assistance program, promotes strong partnerships at the national, regional and local level to fund grass-roots, community-based activities that restore living marine resources and their habitats and promote stewardship and a conservation ethic for NOAA trust resources. NOAA trust resources are living marine resources that include commercial and recreational fishery resources (marine fish and shellfish and their habitats); anadromous species (fish, such as salmon and striped bass, that spawn in freshwater and then migrate to the sea); endangered and threatened marine species and their habitats; marine mammals, turtles, and their habitats; marshes, mangroves, seagrass beds, coral reefs, and other coastal habitats; and resources associated with National Marine Sanctuaries and National Estuarine Research Reserves.

The CRP's objective is to bring together citizen groups, public and nonprofit organizations, watershed groups, industry, corporations and businesses, youth conservation corps, students, landowners, and local government, state, and Federal agencies to cooperatively implement habitat restoration projects. Partnerships developed at national, regional and local levels contribute funding, land, technical assistance, workforce support or other in-kind services to promote citizen participation in the improvement of locally-important living marine resources, as well as develop local stewardship and monitoring activities to sustain and evaluate the success of the restoration.

The CRP recognizes the significant role that communities can play in habitat restoration, and acknowledges that habitat restoration is often best implemented through technical and monetary support provided at a community level. Community-based restoration projects supported by the CRP are successful because they have significant local backing, depend upon citizens hands-on involvement, and typically involve NOAA technical assistance or oversight. The role of

NOAA in the CRP is to help identify potential restoration projects, strengthen the development and implementation of sound restoration projects within communities, and develop long-term, ongoing national and regional partnerships to support community-based restoration efforts of living marine resource habitats across a wide geographic area. For more information on the CRP, see *Electronic Access*.

II. Authority

The Secretary of Commerce is authorized under the Fish and Wildlife Coordination Act, 16 U.S.C. 661–666, to provide grants or cooperative agreements for fisheries habitat restoration.

III. Catalogue of Federal Domestic Assistance

This Program is described in the "Catalogue of Federal Domestic Assistance," under program number 11.463, Habitat Conservation.

IV. Eligible Applicants

Eligible applicants are institutions of higher education, hospitals, other non-profits, commercial organizations, organizations under the jurisdiction of foreign governments, international organizations, state, local and Indian tribal governments. Due to a significant increase in funding available to the CRP in FY 2001, applications from Federal agencies will be considered. Although Federal agencies are eligible to apply under this solicitation, they are strongly encouraged to work with states, non-governmental organizations, national service clubs or youth corps organizations and others that are eligible to apply, rather than seeking project funding directly from the CRP. Proposals selected for funding from non-Federal applicants will be funded through a project grant or cooperative agreement under the terms of this document. Proposals selected for funding from a non-NOAA Federal agency will be funded through an interagency transfer. Before non-NOAA Federal applicants may be funded, they must demonstrate that they have legal authority to receive funds for the purpose of this program in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

The Department of Commerce/National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to broadening the participation of Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities in its educational and research programs. The DOC/NOAA vision, mission, and goals are to achieve full participation by Minority Serving Institutions (MSI) in order to advance the development of human potential, to strengthen the nation's capacity to provide high-quality education, and to increase opportunities for MSIs to participate in, and benefit from, Federal financial assistance programs. DOC/NOAA encourages proposals for habitat restoration projects involving MSIs according to the criteria in this document.

V. Eligible Restoration Activities

NOAA is interested in funding projects that will result in on-the-ground restoration of habitat to benefit living marine resources, including anadromous fish species. Restoration is defined here as activities that contribute to the return of degraded or altered marine, estuarine, coastal and freshwater anadromous fish habitats to a close approximation of their condition prior to disturbance. Restoration may include, but is not limited to, improvement of coastal wetland tidal exchange or reestablishment of historic hydrology; dam or berm removal; improvement or reestablishment of fish passageway; natural or artificial reef/substrate/habitat creation; establishment of riparian buffer zones and improvement of freshwater habitat features that support anadromous fishes; planting of native coastal wetland and submerged aquatic vegetation; and enhancement of feeding, spawning and growth areas essential to marine or anadromous fish. NOAA recognizes that accomplishing restoration is a multi-faceted effort involving project design, engineering services, permitting, construction, oversight and monitoring.

In general, proposed projects should clearly demonstrate anticipated benefits to habitats, such as salt marshes, seagrass beds, coral reefs, mangrove forests, and riparian habitat near rivers, streams and creeks used or formerly used by anadromous fish. Priorities for habitat restoration activities include: areas identified by NOAA Fisheries as essential fish habitat (EFH) and areas within EFH identified as Habitat Areas of Particular Concern; areas identified as critical habitat for federally or state listed marine and anadromous species; areas identified as important habitat for marine mammals and turtles; watersheds or such other areas under conservation management as special management areas under state coastal management programs; and other important commercial or recreational marine fish habitat, including degraded areas that historically were important habitat for living marine resources.

To protect the Federal investment, projects on private lands need to provide assurance that the project will be maintained for its intended purpose for the life of the project. Projects on permanently protected lands may be given priority consideration.

Projects must involve significant community support through an educational and/or volunteer component tied to the restoration activities. Implementation of on-the-ground habitat restoration projects must involve community outreach and monitoring to assess project success, and may involve limited pre-implementation activities, such as engineering and design and short-term baseline studies. Proposals emphasizing a singular restoration component, such as only outreach or program coordination are discouraged, as are applications that propose to expand an organization's day-to-day activities, or that primarily seek support for administration, salaries, overhead and travel. The CRP anticipates the availability of funds for high quality, quantitative monitoring projects to advance the science and technology of coastal and marine habitat restoration. Proposals emphasizing science-based monitoring of existing or simultaneously proposed Community-Based Restoration Program projects are encouraged.

Although NOAA recognizes that water quality issues may impact habitat restoration efforts, this initiative is intended to fund physical habitat restoration projects rather than direct water quality improvement measures, such as wastewater treatment plant upgrades or combined sewer outfall improvements. Similarly, the following restoration projects will not be eligible for funding: (1) Activities that constitute legally required mitigation for the adverse effects of an activity regulated or otherwise governed by state or Federal law; (2) activities that constitute restoration for natural resource damages under Federal or state law, and (3) activities that are required by a separate consent decree, court order, statute or regulation. Funds from this program may be sought to enhance restoration activities beyond the scope legally required by these activities.

VI. Funding Availability

This solicitation announces that funding of up to $3,000,000 will be available for community-based habitat restoration projects in FY 2001. The NOAA Restoration Center anticipates

that typical project awards will range from $25,000 to $150,000; NOAA will not accept proposals for under $10,000 or proposals for over $200,000 under this solicitation. There is no guarantee that sufficient funds will be available to make awards for all proposals. The number of awards to be made as a result of this solicitation will depend on the number of eligible applications received, the amount of funds requested for initiating restoration projects by the applicants, the merit and ranking of the proposals, and the amount of funds made available to the CRP by Congress. The exact amount of funds that may be awarded will be determined in pre-award negotiations between the applicant and NOAA representatives. Publication of this document does not obligate NOAA to award any specific project or obligate all or any parts of any available funds.

VII. Matching Requirements

The overall focus of the CRP is to provide seed money to individual projects that leverage funds and other contributions from a broad public and private sector to implement locally important habitat restoration to benefit living marine resources. To this end, applicants are encouraged to demonstrate a minimum 1:1 non-Federal match for CRP funds requested to complete the proposed project. NOAA strongly encourages applicants to leverage as much investment as possible; applicants with less than 1:1 match will not be disqualified. The degree to which cost-sharing exceeds the minimum level, and the nature (cash versus in-kind) of the contribution may be taken into account in the final selection of projects to be funded (see Evaluation Criteria section).

For non-Federal applicants, the match can come from a variety of public and private sources and can include in-kind goods and services. Federal funds may not be considered matching funds. Applicants are permitted to combine contributions from additional non-Federal partners in order to meet the 1:1 match expected. Applicants whose proposals are selected for funding will be bound by the percentage of cost sharing reflected in the award document signed by the NOAA Grants Officer.

VIII. Award Period

Generally, the Program will make awards only to those projects where requested funding will be used to complete proposed restoration activities, with the exception of post-construction monitoring, within a period of 18 months from the time awards are distributed. If an application is selected for funding, NMFS has no obligation to provide any additional prospective funding in connection with that award in subsequent years. Any subsequent proposal to continue work on an existing project must be submitted to the competitive process for consideration and will not receive preferential treatment. Renewal of an award to increase funding or to extend the period of performance is at the total discretion of the Restoration Center Director.

IX. Electronic Access

Information on the Program, including examples of community-based habitat restoration projects that have been funded to date, can be found on the world wide web at http://www.nmfs.noaa.gov/habitat/restoration. The standard NOAA application forms and instructions for applicants are accessible through this web site, or they can be obtained from the NOAA Restoration Center (see **ADDRESSES**).

X. Application Process

To submit a proposal, a NOAA grants application must be filed, and must be complete and in accordance with instructions in the standard NOAA Grants Application Package and guidelines in this document. Each application must include all specified sections as follows: cover sheet-an applicant must use Office of Management and Budget (OMB) Standard Form 424 as the cover sheet for each project; budget detail (SF 424A and budget justification narrative); grant assurances SF424B and CD-511, and SF-LLL if applicable; and narrative project description (statement of work). Budgets must include a detailed breakdown by category of cost estimates as they relate to specific aspects of the project, with appropriate justification for both the Federal and non-Federal shares.

In general, applications should clearly demonstrate the broad-based benefits expected to specific habitats, and how these benefits will be achieved through the proposed restoration activities. The narrative project description should be no more than 7 double-spaced pages long, in 12 point font, and should give a clear presentation of the proposed work. It should identify the problems the project will address and describe short- and long-term objectives and goals, the methods for carrying out and monitoring the project, and the project's relevance to enhancing habitat to benefit living marine resources. The project narrative should describe the organizational structure of the applicant group, detail its qualifications, and identify proposed project staff; participants (project partners) other than the applicant, and their contributions, should be identified. The need for assistance should be demonstrated, and the narrative should provide assurance that all necessary environmental permits and consultations will be secured prior to the use of Federal funds for construction. Applicants should not assume prior knowledge on the part of NOAA as to the relative merits of the project described in the application.

Applications should not be bound in any manner and should be printed on one side only. All incomplete applications will be returned to the applicant. Three copies (one signed original and two signed copies) of each application are required and must be submitted to the NOAA Restoration Center (see **ADDRESSES**). Applicants may opt to submit additional copies (seven are needed for reviewing purposes) if it does not cause a financial hardship. Applications for multiple projects submitted by the same applicant must be submitted in separate envelopes.

XI. Indirect Costs

The budget may include an amount for indirect costs if the applicant has an established indirect cost rate with the Federal government. The total dollar amount of indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award. However, the Federal share of the indirect costs may not exceed 25 percent of the proposed request for Federal support. Applicants with indirect cost rates above 25 percent may use the amount above the 25–percent level as part of the non–Federal share. A copy of the approved, currently negotiated Indirect Cost Agreement with the Federal Government must be included in the application. If the applicant does not have a current negotiated rate and plans to seek reimbursement for indirect costs, documentation necessary to establish a rate must be submitted within 90 days of receiving an award.

XII. Project Selection Process

Applications will be screened to determine if they are complete and in accordance with instructions detailed in the standard NOAA Grants Application Package. Eligible restoration proposals will undergo a technical review, ranking, and selection process. As appropriate during this process, the NOAA Restoration Center will solicit individual technical evaluations of each project proposed and may consult with other NOAA offices, the NOAA Grants

Management Division, the U.S. Department of Commerce, the Regional Fishery Management Councils, other Federal and state agencies, such as state coastal management agencies and state fish and wildlife agencies, and private and public sector restoration experts who have knowledge of a specific applicant, program or its subject matter. Proposals also will be reviewed by NOAA field and headquarters staff to determine how well applications meet the stated aims of the CRP, and how well the proposal meets the goals of the NOAA RC.

Applications for habitat restoration projects will be evaluated by individual technical reviewers according to the criteria and weights described in this solicitation. The proposals will be rated, and reviewer comments and composite project ranks will be presented to the Director of the NOAA Restoration Center. The Director, in consultation with Program staff, will consider the evaluations and may take into account the following: (a) Diversity of geographic location and habitat types to be restored; (b) diversity of applicants; (c) degree of duplication of proposed activities with other projects that are currently in effect or approved for funding by NOAA and other Federal agencies; (d) factors that may not be known by technical reviewers that would affect achievement of the CRP's objectives as described in this announcement and the Program Guidelines (65 FR 16890, March 30, 2000); and (e) the availability of funds. Hence, awards may not necessarily be made to the highest scored proposals. The Director, in consultation with Program staff, will select the proposals to be funded and determine the amount of funds available for each approved proposal.

Applicants may be asked to modify objectives, work plans, or budgets prior to final approval of an award. The exact amount of funds to be awarded, the final scope of activities, the project duration, and specific NOAA cooperative involvement with the activities of each project will be determined in pre-award negotiations among the applicant, the NOAA Grants Office, and the NOAA Program staff. Projects should not be initiated in expectation of Federal funding until a notice of award document is received from the NOAA Grants Office.

Successful applicants generally will be selected approximately 45 days after the close of this solicitation. The earliest date for receipt of awards will be approximately 90 days after the close of this solicitation, when all NOAA/applicant negotiations of cooperative activities have been completed. Applicants should consider this selection and processing time in developing requested start dates for proposed restoration activities.

XIII. Evaluation Criteria

Reviewers will assign scores to proposals ranging from 0 to 60 points based on the following four evaluation criteria and respective weights. Applicants that score less than 6 points on either of the first two criteria will not receive further funding consideration.

(1) Potential of the Project to Benefit Living Marine Resources (15 points)

Proposals will be evaluated on the extent of proposed habitat restoration activities and the type(s) of habitat(s) that will be restored. In particular, NOAA will evaluate proposals based on the amount and type of habitat proposed for restoration and the potential of the applicant to restore, protect, conserve, and enhance habitats and ecosystems vital to self-sustaining populations of living marine resources under NOAA Fisheries stewardship; whether the habitat(s) to be restored will benefit commercial, recreational, threatened or endangered species; whether the proposal addresses a priority habitat, restoration need, special consideration, or is part of a watershed or community stewardship plan; whether the effects of restoration are expected to persist; and whether the proposed project will compliment or encourage other local restoration activities. Proposals for science-based monitoring of existing or simultaneously proposed Community-Based Restoration Program projects will be evaluated on the extent to which the potential results advance restoration methods, techniques and project implementation.

(2) Technical Merit and Adequacy of Project Implementation Plan (15 points)

Proposals will be evaluated on the technical feasibility of the project from both biological and engineering perspectives, and on the qualifications and past experience of the project leaders and/or partners in designing, implementing and effectively managing and overseeing projects. Communities and/or organizations developing their first locally-driven restoration project may not be able to document past experience and, therefore, will be evaluated on the basis of their potential to effectively manage and oversee all project phases and on the availability of NOAA or other technical expertise to guide the project to a successful completion.

Proposals also will be evaluated on their ability to deliver the restoration objective stated in the proposal; demonstrate that the restoration activity will result in tangible benefits and will be sustainable and long-lasting; provide for long-term management of the restored resource, including adequate monitoring and a method for evaluating project success; and provide assurance that implementation of the project will meet all Federal and state environmental laws by obtaining or proceeding to obtain applicable permits and consultations. Projects on permanently protected lands may be given priority consideration.

(3) Community Commitment and Partnership Development (15 points)

Proposals will be evaluated on activities proposed to involve citizens and broaden their participation in habitat restoration or science-based monitoring; the potential for, or demonstrated NOAA involvement in, the project; and the depth and breadth of community support, as reflected by the diversity and strength of project partners. Community participation may include: (a) hands-on training, restoration and monitoring activities undertaken by volunteers; (b) sponsorship by local entities, either through in-kind goods and services (earth-moving services, technical expertise, conservation easements) or cash contributions; (c) public education and outreach; (d) support from state and local governments; and (e) ability to achieve long-term stewardship for restored resources and to generate a community conservation ethic.

(4) Cost-effectiveness and Budget Justification (15 points)

Proposals will be evaluated on the percentage of funds that will be dedicated to all phases of project implementation including physical, on-the-ground restoration and/or science-based monitoring, compared to the percentage that is for administration, salaries, overhead and travel; applications proposing to use restoration funds to expand an organization's day-to-day activities are unlikely to obtain a high score under this criterion. Proposals also will be evaluated on the need for funding and the overall leverage of NOAA funds anticipated, including the amount of cash match; the ability to which the proposed project is likely to catalyze future restoration and protection of living marine resources; and the ability of the applicant to demonstrate that a significant benefit will be generated for a reasonable cost. NOAA will expect

cost-sharing to leverage funding and to further encourage partnerships among government, industry, and academia.

XIV. Allowable Costs

Funds awarded cannot necessarily pay for all the costs that the recipient might incur in the course of carrying out the project. Allowable costs are determined by reference to the OMB Circulars A-122, "Cost Principles for Non-profit Organizations"; A–21, "Cost Principles for Education Institutions"; and A–87, "Cost Principles for State, Local and Indian Tribal Governments." Generally, costs that are allowable include salaries, equipment, supplies, and training, as long as these are "necessary and reasonable." To encourage on-the-ground restoration, funding for salaries must be used to support staff directly involved in accomplishing the restoration work.

XV. Other Requirements

Federal Policies and Procedures

Recipients and subrecipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal financial assistance awards.

Past Performance

Any first-time applicant for Federal grant funds under this announcement is subject to a pre-award accounting survey prior to execution of the award. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

Pre-award Activities

If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that they may have received, there is no obligation on the part of NOAA to cover pre-award costs.

No Obligation of Future Funding

If an application is selected for funding, NOAA has no obligation to provide additional future funding in connection with the award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Restoration Center Director.

Delinquent Federal Debts

No award of Federal funds will be made to an applicant or to its subrecipients who have any outstanding delinquent Federal debt or fine until:

1. The delinquent account is paid in full;

2. A negotiated repayment schedule is established, and at least one payment is received; or

3. Other arrangements are made that are satisfactory to the Department of Commerce.

Name Check Review

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal whether key individuals associated with the applying organization have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the applicant's management, honesty, or financial integrity. Potential non-profit and for-profit recipients also may be subject to reviews of Dun and Bradstreet data or other similar credit checks.

Primary Applicant Certifications

All primary applicants must submit a completed Form CD 511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying." The following explanations are hereby provided:

1. *Nonprocurement debarment and suspension.* Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension," and the related section of the certification form prescribed earlier applies.

2. *Drug-free workplace.* Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR 26, subpart F, "Government-wide Requirements for Drug-Free Workplace (Grants)," and the related section of the certification form prescribed earlier applies; also please enter the Principal Place of Performance, that is, where the work will be done.

3. *Anti-Lobbying.* Persons (as defined at 15 CFR 28.105) are subject to the lobbying provision of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, contracts for more than $100,000, and loans and loan guarantees for more than $150,000.

4. *Anti-Lobbying Disclosures.* Any applicant who has paid or will pay for lobbying using any funds must submit a Form SF-LLL, "Disclosure Form to Report Lobbying," as required under 15 CFR part 28, appendix B.

Lower Tier Certifications

Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD 512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure Form SF-LLL "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to DOC. An SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

False Statements

A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Intergovernmental Review

Applications under this program are subject to the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs."

American-made Equipment and Products

Applicants are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program.

Classification

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or by any other law for this document concerning grants, benefits, and contracts. Accordingly, a regulatory flexibility analysis is not required by the Regulatory Flexibility Act.

This action has been determined to be "not significant" for purposes of Executive Order 12866.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB control number.

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B and SF-LLL have been approved by OMB under the respective control numbers 0348-0043, 0348-0044, 0348-0040, and 0348-0046.

Dated: February 27, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5131 Filed 3–1–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021301D]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of rescheduling and cancellation of public meetings.

SUMMARY: The New England Fishery Management Council (Council) has rescheduled a March meeting of its Skate Oversight Committee and Advisory Panel and changed the location of the meeting, and has cancelled a meeting of its Habitat Oversight Committee.

DATES: The Skate Oversight Committee and Advisory Panel meeting will be held on March 13, 2001, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Radisson Hotel, 35 Governor Winthrop Boulevard, New London, CT 06320; telephone: (860) 443-7000.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465-0492.

SUPPLEMENTARY INFORMATION: The original notice (66 FR 11001, February 21, 2001) stated that the Skate Oversight meeting would be held on March 6, 2001 at 9:30 a.m. It also stated that the location was the Radisson Airport Hotel in Warwick, RI. The meeting of the Habitat Oversight Committee scheduled for March 7, 2001 at 9:30 a.m. is cancelled.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

All other previously published information remains unchanged.

Dated: February 27, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5149 Filed 3–1–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 010222048–1048–01]

RIN 0660–XX11

Notice, Request or Comments on Section 105(a) of the Electronic Signatures in Global and National Commerce Act

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Request for comments on the Section 105(a) of the Electronic Signatures in Global and National Commerce Act.

SUMMARY: The National Telecommunications and Information Administration (NTIA) invites interested parties to review and comment on section 105(a) of the Electronic Signatures in Global and National Commerce Act ("ESIGN" or "the Act") (Pub. L. 106–229, 114 Stat. 464). Section 105(a) requires the Secretary of Commerce to conduct an inquiry and report to Congress on the effectiveness of delivery of electronic records to consumers using electronic mail as compared with the delivery of written records via the United States Postal Service and private express mail services. In connection with this report, this **Federal Register** notice is intended to solicit comments from interested parties. NTIA invites the public to submit comments on section 105(a) of the ESIGN Act in paper or electronic form. All comments submitted in response to this Notice will be posted on the NTIA website.

DATES: Interested parties are invited to submit comments no later than April 2, 2001.

ADDRESSES: Comments may be mailed to Josephine Scarlett, Office of the Chief Counsel, National Telecommunications and Information Administration, Room 4713 HCHB, 1401 Constitution Ave., NW, Washington, DC 20230. Paper submissions should include a diskette in ASCII, WordPerfect (please specify version) or Microsoft Word (please specify version) format. Diskettes should be labeled with the name and organizational affiliation of the filer, and the name version of the word processing program used to create the document.

In the alternative, comments may be submitted electronically to the following electronic mail address: *<esign105a@ntia.doc.gov>*. Comments submitted via electronic mail should be submitted in one or more of the formats specified above.

FOR FURTHER INFORMATION CONTACT: Josephine Scarlett, Office of the Chief Counsel, telephone: (202) 482–1816; or electronic mail: *<jscarlett@ntia.doc.gov>*. Media inquiries should be directed to the Office of Public Affairs, National Telecommunications and Information Administration, at (202) 482–7002.

SUPPLEMENTARY INFORMATION:

I. Background

Advances in information technology and increased Internet usage in domestic and international business transactions have produced significant benefits to U.S. businesses and consumers. Electronic commerce or "e-commerce" has contributed significantly to the growth of the U.S. economy in recent years. Census Bureau statistics show that total retail e-commerce sales for 2000 reached an estimated $25.8 billion, and accounted for .08 percent of the total retail sales. Although commercial transactions over the Internet have increased over previous years, one of the greatest burdens to the growth of Internet commerce has been the lack of consistent, national rules that govern the use of electronic documents and signatures in electronic business transactions.

In order to promote continued growth in electronic commerce, Congress enacted ESIGN on June 30, 2000. ESIGN facilitates the use of electronic documents in domestic and international commerce and reinforces the validity and enforceability of electronic contracts and signatures. The Act gives businesses the option of transmitting electronic copies of documents that are legally required to be provided to consumers in written form, and provides consumers with the option of receiving electronic copies of these documents. ESIGN does not apply, however, to all documents and notices that are required to be presented in writing.[1]

[1] Section 103 of ESIGN provides exceptions for testamentary and domestic relations documents, court orders, notices of cancellation for utility services and health benefits, housing or rental foreclosure and default notices, and product safety and hazardous material notices. ESIGN does not affect state or federal laws that require a writing for these types of documents and notices.

Section 105(a) of ESIGN directs the Secretary of Commerce to prepare a study comparing the effectiveness of electronic mail in the delivery of electronic records with the effectiveness of traditional methods of document delivery (e.g. mail, express delivery services), and to report the findings of the study to Congress no later than June 30, 2001. NTIA invites interested parties to submit comments on the general issue of the effectiveness of electronic mail in the delivery of electronic documents in comparison to the traditional methods of document delivery and on the specific issues set out in this Notice.

NTIA recently sought public comment on a joint study conducted with the Federal Trade Commission on section 105(b) of the ESIGN Act.[2] The joint study being conducted under section 105(b) concerns the consumer consent provisions of the ESIGN Act and is separate from the study being prepared for this Notice. Comments submitted in this proceeding may be used in preparation of the report to Congress regarding the consumer consent provisions of the Act under section 105(b). Parties should note or incorporate by reference any comment that was submitted in conjunction with the joint study under 105(b) that also should be considered in this study.

II. Statutory Language Requiring a Report to Congress

The statutory language requiring the Secretary of Commerce to submit a report to Congress on the effectiveness of electronic mail is found in section 105(a) of ESIGN and is set forth below.

Sec. 105. STUDIES.

(a) DELIVERY.—Within 12 months after the date of the enactment of this Act, the Secretary of Commerce shall conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with delivery of written records via the United States Postal Service and private express mail services. The Secretary shall submit a report to the Congress regarding results of such inquiry by the conclusion of such 12-month period.

III. Specific Questions

The Department seeks comment on the following specific questions. Parties need not address all questions, but are encouraged to respond to those about which they have particular knowledge or information.

1. General Issues

a. Provide an estimate of the percentage of transactions that you conduct per month that require next day, or same day, delivery.

b. Of the transactions included in 1(a) above, approximately what percentage of these are complicated by the fact that mail services do not have Sunday delivery?

c. Describe any delivery problems that you experience with electronic transmissions. How do these problems compare with any problems you experience using the Postal Service, private express, or courier services for delivery of records?

2. Business Issues

a. Do you offer consumers a choice of delivery mechanisms (i.e. electronic or traditional)? Has the market evolved enough to give consumers the choices they need? State whether you conduct a mail or express delivery service, or an electronic mail business.

b. Explain any benefits to your business of providing consumers with a choice between electronic transmission, postal service, or express mail service delivery of documents. Is cost a large factor in your decision to offer more than one method of delivery?

c. How important is the elimination of paper to your business?

d. Does your software enable your company or business to accurately keep track of customer confirmations and electronically "file" correspondence and consents received from customers?

e. What method(s), if any, do you employ for sender/signature verification for electronic transactions?

f. What types of consent mechanisms does your business employ?

g. What methods do you employ for third parties who are authenticating electronic delivery?

h. Under what circumstances will information received from a customer be shared?

i. Do you provide universal service (i.e. delivery to all geographic locations)?

(i) Please estimate the percentage of the population that your business serves that receives daily deliveries, as opposed to deliveries every few days (e.g. to areas less populated). Estimate the number of those who receive deliveries every few days that also use your electronic services, if available, for faster delivery.

(ii) What percentage of your electronic customers are small businesses, what percentage are large businesses, and what percentage are individuals?

3. Consumer Issues

a. Do you have access to the necessary tools to enable you to receive documents electronically?

b. If you have the option of receiving electronic records but choose not to, is this decision related to a lack of technology to conduct business in this manner?

c. Describe any burdens that you as a consumer experience, or expect to experience, in receiving electronic records (such as the inability to open, store, or print electronic records).

d. Compare the usefulness and burdens of receiving an electronic record, and confirming receipt electronically, with the usefulness and burdens of receiving a written record.

e. Describe how the existence of electronic records affects the convenience of record-keeping, both negatively and positively.

f. How concerned are you with online privacy and security issues? Describe any specific issues you have encountered (e.g. viruses).

g. Describe any concerns you have with keeping paper documents confidential during their transmission or storage. Are the same concerns present for electronic documents received through electronic mail? If so, state whether you are more concerned with preserving the confidentiality of paper documents or electronic documents.

h. Are electronic transactions complicated by the fact that the consumer must notify a business when the consumer's e-mail address changes? If so, how significantly?

i. Do electronic transactions increase or decrease the potential for fraud or identity theft?

4. Technology Issues

a. What are the estimated costs, either to businesses or consumers, of updating software to ensure compatibility for the electronic transmission of electronic records?

b. What types of technology are being employed to ensure security of transmissions? For example, does your business utilize smart cards, encryption, or password protection devices? Are these devices effective?

c. Are anonymizer-type programs effective in protecting online privacy? Do such programs render authentication ineffective?

d. Does your business use/provide biometrics?

e. Does your business provide consumers with technical support in the

[2] See Request for Comment and Notice of Public Workshop: Electronic Signatures in Global and National Commerce Act, 66 FR 10011 (Feb. 13, 2001). The notice and comments received concerning the joint study are also available on NTIA's homepage at <http://www.ntia.doc.gov>.

event that consumers encounter difficulties in making electronic transmissions?

Kathy D. Smith,
Chief Counsel.
[FR Doc. 01–5053 Filed 3–1–01; 8:45 am]
BILLING CODE 3510–60–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: Consumer Product Safety Commission.

TIME AND DATE: Wednesday, March 7, 2001, 2:30 p.m.

LOCATION: Room 410, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public—Pursuant to 5 U.S.C. 5532(f)(1) and 16 CFR 1013.4(b) (3) (7) (9) and (10) and submitted to the **Federal Register** pursuant to 5 U.S.C. 552b(e)(3).

MATTER TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: February 26, 2001.

Sadye E. Dunn,
Secretary.
[FR Doc. 01–5212 Filed 2–28–01; 10:03 am]
BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 01–02]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, and Transmittal 01–02 with attached transmittal and policy justification.

Dated: February 26, 2001.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

15 FEB 2001

In reply refer to:
I-01/000807

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 01-02 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services estimated to cost $1.5 billion. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

Edward W. Ross
Acting Director

Attachments

Separate Cover:
Classified Annex

Same ltr to: **House Committee on International Relations**
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 01-02

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) Prospective Purchaser: Republic of Korea Government

(ii) Total Estimated Value:

Major Defense Equipment*	$ 993 million
Other	$ 507 million
TOTAL	$1,500 million

(iii) Description of Articles or Services Offered: Forty APG-63 Active Electronically Scanned Array Radars; 40 ALQ-135 Electronic Warfare Systems; 60 Joint Helmet Mounted Cueing Systems; 157 AIM-120C Advanced Medium Range Air-to-Air Missiles; 105 AIM-9X SIDEWINDER missiles; 118 Guided Joint Direct Attack Munitions/Global Positioning Systems; four GBU-12 and 48 GBU-24 Guided Bomb Units; 45 AGM-154 Joint Stand-Off Weapons, 42 AGM-130 and 42 AGM-142C/D stand-off air-to-ground missiles; 18 AGM-84L Block II HARPOON missiles; 20 AGM-88B Block IIIA High-speed Anti-Radiation Missiles; 63 MK-82 500 lbs. Laser Guided Bomb Warhead; 16 CBU-87, 16 CBU-97, 16 CBU-103, and 16 CBU-105 Cluster Bomb Units; 80 AN/ARC-210 HAVE QUICK Radios; 40 ALR-56C radar warning receivers; 40 AN/APX-113 Identify Friend or Foe with Mode IV; and 40 AN/ALE-47 Chaff and Flares Countermeasures Sets; associated support equipment, software development/integration, spares and repair parts, flight test instrumentation, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability will also be provided.

(iv) Military Department: Air Force (SIR) and Navy (AIK, AIL, AIN, and AIO)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vi) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex under separate cover

(vii) Date Report Delivered to Congress: 15 FEB 2001

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Korea - F-15E/K Aircraft Munitions and Avionics

The Republic of Korea Government (ROKG) has requested a possible sale of munitions, sub-systems and related equipment for F-15K aircraft, consisting of: 40 APG-63 Active Electronically Scanned Array Radar; 40 ALQ-135 Electronic Warfare Systems; 60 Joint Helmet Mounted Cueing Systems; 157 AIM-120C Advanced Medium Range Air-to-Air Missiles; 105 AIM-9X SIDEWINDER missiles; 118 Guided Joint Direct Attack Munitions/Global Positioning Systems; four GBU-12 and 48 GBU-24 Guided Bomb Units; 45 AGM-154 Joint Stand-Off Weapons; 42 AGM-130 and 42 AGM-142C/D stand-off air-to-ground missiles; 18 AGM-84L Block II HARPOON missiles; 20 AGM-88B Block IIIA High-speed Anti-Radiation Missiles; 63 MK-82 500 lbs. Laser Guided Bomb Warhead; 16 CBU-87, 16 CBU-97, 16 CBU-103, and 16 CBU-105 Cluster Bomb Units; 80 AN/ARC-210 HAVE QUICK Radios; 40 ALR-56C radar warning receivers; 40 AN/APX-113 Identify Friend Foe with Mode IV; and 40 AN/ALE-47 Chaff and Flares Countermeasures Sets; associated support equipment, software development/integration, spares and repair parts, flight test instrumentation, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability will also be provided. The estimated cost of this possible sale is $1.5 billion. If the ROKG selects the F-15K from among several competing foreign aircraft, it would purchase the aircraft and engines commercially, for which there would be an eventual 36(c) notification of the commercial sale.

This proposed sale, together with the related F-15K commercial sale, will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in Northeast Asia.

This proposed sale will provide an opportunity to further modernize and strengthen the ROKG air forces. The munitions, associated equipment and support proposed for this sale will improve the ROK Air Force's capabilities as well as its ability to protect and defend its national boundaries. ROKG will have no difficulty absorbing these additional munitions into their armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Boeing Company of Seattle, Washington. (The F-15 production line is in St. Louis, Missouri.) There are no offset agreements proposed in connection with this FMS portion of the proposed sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government representatives; however, it is estimated that approximately eight contractor representatives will be required for seven years for technical support in Korea.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 01-5031 Filed 3-1-01; 8:45 am]
BILLING CODE 5001-10-C

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Department of the Army is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on April 2, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 22, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0001–20 SALL

SYSTEM NAME:

Congressional Inquiry File (March 2, 1998, 63 FR 10205).

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "10 U.S.C 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions; 10 U.S.C.3013, Secretary of the Army and E.O. 9397 (SSN)."

* * * * *

STORAGE:

Delete entry and replace with "Electronic storage media on local area network."

RETRIEVABILITY:

Delete entry and replace with "Requester's name or Social Security Number (when available), date of correspondence, Congress-member's name."

SAFEGUARDS:

Delete entry and replace with 'Records are maintained on a password protected network accessible to authorized personnel only."

* * * * *

A0001–20 SALL

SYSTEM NAME:

Congressional Inquiry File.

SYSTEM LOCATION:

Chief, Legislative Liaison, Office of the Secretary of the Army, 1600 Army Pentagon, Washington, DC 20310–1600.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who writes to a Member of Congress requesting that the Member solicits information from the Department of the Army on their behalf.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's request to the Member of Congress, the Member's inquiry to the Army, the Army's response, and relevant supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions; 10 U.S.C.3013, Secretary of the Army and E.O. 9397(SSN).

PURPOSE(S):

To conduct necessary research and/or investigations so as to provide information responsive to Congressional inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD "Blanket Routine Uses" set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media on local area network.

RETRIEVABILITY:

Requester's name or Social Security Number (when available), date of correspondence, Congress-member's name.

SAFEGUARDS:

Records are maintained on a password protected network accessible to authorized personnel only.

RETENTION AND DISPOSAL:

Information on congressional inquiries on all matters within the scope and activity of the Department of the Army are maintained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Legislative Liaison, Office of the Secretary of the Army, 1600 Army Pentagon, Washington, DC 20310–1600.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Chief, Legislative Liaison, Office of the Secretary of the Army, 1600 Army Pentagon, Washington, DC 20310–1600; or to the legislative liaison and control officer at the Army Staff or field office known to have the record. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide the full name, current address and telephone number, and sufficient detail to permit locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Legislative Liaison, Office of the Secretary of the Army, 1600 Army Pentagon, Washington, DC 20310–1600; or to the legislative liaison and control officer at the Army Staff or field office known to have the record. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide the full name, current address and telephone number, and sufficient detail to permit locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual Member of Congress; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–5030 Filed 3–1–01; 8:45 am]

BILLING CODE 5001–10–U

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for an Expansion of the Existing Craney Island Dredged Material Management Area in Hampton Roads, Virginia

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: An Environmental Impact Statement will be prepared to evaluate environmental impacts, project alternatives, and other public interest review factors for proposed expansion of the Craney Island Dredged Material Management Area.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and the DEIS may be directed to: Craig L. Seltzer, U.S. Army Engineer District (USAED), Norfolk, 803 Front Street, Norfolk, Virginia 23510–1096, (757) 441–7390.

SUPPLEMENTARY INFORMATION:

1. *Proposed Action:* The Corps of Engineers, along with the Commonwealth of Virginia through the Virginia Port Authority, is preparing a comprehensive feasibility investigation report and Environmental Impact Statement to evaluate project impacts, and the need for and interest in an expansion of the Craney Island Dredged Material Management Area (CIDMMA) located in Hampton Roads, Virginia. The proposed expansion would provide dredged material placement capacity and port facilities to support port commerce in Hampton Roads. This activity will require a State permit pursuant to Section 401 of the Clean Water Act (Public Law 95–217). A Section 404(b)(1) analysis will be completed and presented in the NEPA document.

2. *Alternatives:* Alternatives to be investigated include, but will not be limited to various expansion configurations of the existing CIDDMA facility, ocean disposal of dredged material, island construction, overboard placement in Chesapeake Bay, other alternative upland sites, and the "No Action" alternative. Alternative construction and access methods which avoid or minimize wetland impacts will be investigated.

3. *Scoping Process:* A NEPA Technical Review Committee has been formed and one meeting has been conducted with Federal, state, local agency and private interest group representatives. Alternatives have been discussed and continue to be developed by this group. The public scoping process may add to or subtract from the list of alternatives that have been discussed.

4. *Public Scoping Meeting:* Because a number of pre-scoping meetings will be held with the Federal, state, and local representatives, no additional scoping meetings are anticipated at this time. Since there has been no opportunity for public input to this point, a public notice and the pertinent maps will be sent to the adjacent property owners, newspapers having circulation in the area, and individuals and organizations having previously asked to receive copies of Corps public notices. Written comments on the scope of the DEIS will be accepted from any interested agency, organization, or individual.

5. *DEIS Availability:* It is estimated that the DEIS will be available to the public for review and comment in the fall of 2001.

Allan B. Carroll,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 01–5116 Filed 3–1–01; 8:45 am]

BILLING CODE 3710–EN–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent to Prepare a Draft Environmental Impact Statement (DEIS) for the Hudson River at Athens, New York Navigation Channel Project: Feasibility Phase.

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The New York District of the U.S. Army Corps of Engineers is preparing a Draft Environmental Impact Statement (DEIS) to ascertain compliance with and to lead to the production of a National Environmental Policy Act (NEPA) document in accordance with the President's Council of Environmental Quality (CEQ) Rules and Regulations, as defined and amended in 40 Code Federal Regulations (CFR) Parts 1500–1508, Corps' Principals and Guidelines as defined in Engineering Regulation (ER) 1105–2–100 and (ER) 1105–1–200 and other applicable Federal and State environmental laws for the proposed Hudson River at Athens, New York Federal Navigation Project. This project is an element of the Hudson River, New York to Waterford, New York Project.

The study area includes the Hudson River Main Channel from the Hudson City Light to Athens Harbor, Athens, New York.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Jenine Gallo, Project Biologist at (212) 264–0912, Planning Division, Corps of Engineers, New York District, 26 Federal Plaza, New York, New York 10278–0090.

SUPPLEMENTARY INFORMATION: This study is authorized by Section 110 of the Energy and Water Appropriations Act 1997 which reads:

"The Secretary of the Army is authorized and directed to modify the project for the Hudson River, New York, New York City to Waterford, authorized by the Act of June 25, 1910 (Pub. L. 264, 61st Congress, 36 Stat. 635), to include design and construction of a 300-foot wide channel to a depth of 24 feet MLW (mean low water), extending from the existing federal channel in the vicinity of the Hudson City Light to the north dock at Union Street, Athens, New York."

1. *Description of the Previously Authorized Project:* The Hudson River at Athens Federal Navigation Project area is located on the west bank of the Hudson River in Athens Township, Greene County, New York. The purpose of the project is to construct a new navigation channel as a spur off the existing Federal channel. The new channel would serve two terminals in the Port of Athens. Currently, vessels of the classes that typically call at Athens cannot reach the terminals there while fully loaded because the depth of the channel is insufficient. The Project will allow these vessels to reach Athens at low tide (MLW) while fully loaded.

2. Two types of environmental analysis will be conducted; (1) of impacts associated with channel deepening and widening and (2) of impacts associated with placement of dredged material at a site specified by the project sponsor.

3. Public scoping meeting(s) are expected to be scheduled in Spring 2001. Meeting(s) will be held in Athens, New York at locations not yet determined. Results from the public scoping meeting(s) with the District and Federal, state and local agency coordination will be addressed in the DEIS. Parties interested in receiving notices of public scoping meeting(s) should contact Jenine Gallo at the above address.

4. Federal agencies interested in participating as a Cooperating Agency are requested to submit a letter of intent to Colonel William H. Pearce, District Engineer at the above address.

5. *Estimated Date of DEIS availability:* January 2002.

Joseph Vietri,

Deputy Chief, Planning Division.

[FR Doc. 01–5117 Filed 3–1–01; 8:45 am]

BILLING CODE 3710–06–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent and Notice of Preparation for an Environmental Impact Statement and Environmental Impact Report for a Proposed Flood Damage Reduction Investigation in Stanislaus County, California

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The objectives of this project are to identify a flood reduction plan that will yield a sound project, both functionally and economically, to reduce flood damages to the populated towns of Newman and Patterson, California, and the surrounding agricultural land. The intent of this project is to improve the hydraulic conveyance of the Orestimba, Salado, and Del Puerto Creeks. Environmental restoration may be a component of the plan if a sponsor can be identified.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS/EIR can be directed to Josh Garcia at (916) 557–6778 or sent to U.S. Army Corps of Engineers, Planning Division, ATTN: CESPK–PD–R, 1325 J Street, Sacramento, California 95814–2922.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

The Corps, in cooperation with the local sponsor (Stanislaus County), is conducting a feasibility investigation on the alternative flood damage reduction measures identified during the expedited reconnaissance phase and described in the Project Study Plan dated September 1998. This flood control investigation proposes to reduce the flood hazards currently associated with floodflows along Oristemba, Salado, and Del Puerto Creeks.

2. Alternatives

The feasibility report will address an array of alternatives. Alternatives analyzed during the feasibility investigation will be a combination of one or more flood reduction measures identified during the reconnaissance phase; additional measures may be considered. These alternative measures include detention basins, hydraulic system modifications, creek widening, structural modifications, and snag clearing.

a. No Action. there will be no flood control projects implemented for west Stanislaus County.

b. Detention basin and hydraulic system modifications are proposed for Salado Creek. This alternative focuses on safely conveying floodflows from the Salado creek foothills to the San Joaquin River.

c. Detention basin, creek widening, and structural modifications are proposed for Oristemba Creek. This alternative focuses on conveying floodflaws from the Oristemba Creek foothills to the San Joaquin River.

d. Multipurpose detention basin and hydraulic system modifications are proposed for Del Puerto Creek. This alternative focuses on safely conveying floodflows from the Del Puerto Creek foothills to the San Joaquin River. Additionally, this alternative will provide water supply, hydroelectric power generation, and recreation for the region.

3. Scoping Process

a. The project plan provides for public scoping and comment. The Corps has initiated a process of involving concerned individuals, local, state, and Federal agencies.

b. Significant issues to be analyzed in depth in the EIS/EIR include appropriate levels of the flood damage reduction, adverse affects on vegetation and wildlife resources, special-status species, esthetics, cultural resources, recreation, and cumulative effects of related projects in the study area.

c. The Corps will consult with the State Historic Preservation Officer, National Marine Fisheries Service, and the U.S. Fish and Wildlife Service to provide a Fish and Wildlife Coordination Act Report as an appendix to the EIS/EIR.

d. A 45-day public review period will be provided for individuals and agencies to review and comment on the draft EIS/EIR. All interested parties responding to this notice and providing a current address will be notified of the draft EIS/EIR circulation.

4. Public Meeting

A public scoping meeting was held on March 3, 1999, in Newman, California. Public support for these proposed projects was strong.

5. Availability

The draft EIS/EIR is scheduled to be available for public review and comment early in calendar year 2002.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 01–5116 Filed 3–1–01; 8:45 am]

BILLING CODE 3710–EZ–M

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Disposal and Reuse of Marine Corps Air Station Tustin, California

SUMMARY: The Department of the Navy (Navy), pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C) (1994), and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 CFR Parts 1500–1508, hereby announces its decision to dispose of Marine Corps Air Station (MCAS) Tustin, which is located in Tustin, California.

Navy and the City of Tustin jointly analyzed the impacts of the disposal and reuse of MCAS Tustin in an Environmental Impact Statement/ Environmental Impact Report (EIS/EIR), as prescribed by NEPA and the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code, §§ 21000–21177. The City of Tustin is the Local Redevelopment Authority (LRA) for MCAS Tustin, as defined in the Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance (DoD Rule), 32 CFR 176.20(a).

The City of Tustin's proposed reuse of MCAS Tustin is set forth in the Marine Corps Air Station (MCAS) Tustin Specific Plan/Reuse Plan, dated October 1996, as modified by the MCAS Tustin Specific Plan/Reuse Plan Errata, dated September 1998 (Reuse Plan). The Reuse Plan is set out in Chapters 1, 2 (except Section 2.17), and 5 of these documents. The Specific Plan, which includes the Reuse Plan, describes the proposed design for redevelopment of the base as well as certain private property adjacent to the base. The EIS/EIR analyzed three reuse alternatives and identified the Reuse Plan as Alternative 1. Navy will dispose of the base in accordance with Alternative 1.

The alternative chosen will use the base for residential, commercial, educational, research and development, and light industrial purposes, to develop parks and recreational areas, and to build access roads. These land uses will complement the urban character of the City of Tustin and the surrounding area, and meet the Navy goals of achieving local economic redevelopment, creating new jobs, and providing additional housing, while limiting adverse environmental impacts and ensuring land uses that are generally compatible with adjacent property. Selection of the specific means to achieve the proposed redevelopment is in the hands of the acquiring entities and the local zoning authorities.

Background

Under the authority of the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101–510, 10 U.S.C. 2687 note (1994), the 1991 Defense Base Closure and Realignment Commission recommended the closure of Marine Corps Air Station Tustin. The Commission also recommended that Navy retain the Air Station's family housing and related personnel facilities to support those stationed at the nearby Marine Corps Air Station El Toro. These recommendations were approved by President Bush and accepted by the One Hundred Second Congress in 1991.

The 1993 Defense Base Closure and Realignment Commission recommended the closure of MCAS El Toro. Thus, it was no longer necessary to retain the family housing and related personnel support facilities at MCAS Tustin, and these facilities were also closed. The recommendation to close MCAS El Toro was approved by President Clinton and accepted by the One Hundred Third Congress in September 1993. The Air Stations at Tustin and El Toro closed on July 2, 1999.

Description of the Installation

Marine Corps Air Station Tustin covers an area of about 1,602 acres, and nearly all of the property is located in the City of Tustin, near the center of Orange County. About 95 acres are located in the City of Irvine. The City of Santa Ana lies west and northwest of the Air Station. The main property, located largely within the City of Tustin, covers about 1,503 acres and contains the air operations facilities personnel support facilities, and most of the military family housing units. A second property, located south of the main property in the City of Irvine along Harvard Avenue between Barranca Parkway and Warner Avenue, covers 74 acres and also contains military family housing units. A third property, located east of the main property in Tustin at the intersection of Edinger Avenue and Harvard Avenue, covers 25 acres.

The aviation facilities at MCAS Tustin consist of one runway, about 2,000 feet long, oriented in an east-west alignment, four helicopter parking aprons, four helicopter hangers, and other airfield support facilities that are located in the center of the base. Two large blimp hangars (Hangars 28 and 29), each about 175 feet tall and about 1,000 feet long, are also located in this area. These wood-frame structures were built in 1942 and are listed on the National Register of Historic Places. The two blimp hangars, five blimp mooring mats constitute an historic district eligible for listing on the National Register of Historic Places.

The gate at the intersection of Redhill Avenue and Valencia Avenue provides the primary access to MCAS Tustin. There is a secondary access, currently closed except for emergencies, at the intersection of Harvard Avenue and Moffett Avenue. Personnel support, administrative, storage, and medical facilities and barracks form a campus-like setting around the main gate in the northeastern part of the base. Recreational facilities, composed of athletic fields, playgrounds, and picnic areas, separate a residential neighborhood of 274 housing units along Edinger Avenue from the personnel support and administrative areas of the base. There are cultivated fields located along Barranca Parkway in the southwestern part of the base, northwest of Jamboree Road in the southeastern part of the base, and on property south of Edinger Avenue along the northeastern boundary of the Air Station.

Military family housing is found in two places at the base. One cluster of 274 housing units is located along Edinger Avenue on the northwest edge of the base. The other cluster is located on the southeast edge of the Air Station. This cluster is composed of 1,263 housing units located along the eastern side of Peters Canyon Channel and is bounded by the Channel and Harvard Avenue and by Edinger Avenue and Barranca Parkway. The boundary between the City of Tustin and the City of Irvine crosses this housing area; 771 residential units are located in Tustin and 552 units are located in Irvine.

In 1992, Navy acquired 25 acres of undeveloped property east of the main property that it planned to develop as military family housing to support MCAS El Toro. When MCAS El Toro was designated for closure in 1993, there was no longer a requirement for the housing and Navy included this undeveloped property in the surplus Federal property associated with MCAS Tustin.

During the Federal screening process, one Federal agency, the Department of the Army (Army), requested an interagency transfer of base closure property at MCAS Tustin. Navy plans to transfer about 17 acres in the southwestern part of the Air Station along Barranca Parkway to Army. Army will continue to use this property as an Army Reserve Center. The remaining 1,585 acres at MCAS Tustin were declared surplus to the needs of the Federal Government.

The Environmental Analysis Process

Navy published a Notice of Intent in the **Federal Register** on July 5, 1994, announcing that Navy and the City of Tustin would jointly prepare an EIS/EIR under NEPQA and CEQA that would analyze the impacts of the disposal and reuse of MCAS Tustin. On July 20, 1994, Navy and the City held a public scoping meeting in the Tustin City Council Chambers at the Tustin Civic Center; the scoping process concluded on August 5, 1994.

Navy and the City distributed a Draft EIS/EIR (DEIS/EIR) on January 16, 1998, and commenced a 45-day public review and comment period. Both oral and written comments were received. On February 5, 1998, Navy and the City held a public hearing in the Tustin City Council Chambers.

After the public comment period for the DEIS/EIR concluded, Navy and the City modified the analysis for the disposal and reuse of MCAS Tustin and prepared a Revised DEIS/EIR. On July 9, 1999, Navy and the City distributed the Revised DEIS/EIR and commenced a 45-day public review and comment period. Again, both oral and written comments were received and considered. On August 11, 1999, Navy and the City held a public hearing on the Revised DEIS/EIR in the Tustin City Council Chambers.

Navy's and the City's responses to the public comments concerning the Revised DEIS/EIR were incorporated in the Final EIS/EIR (FEIS/EIR), which was distributed to the public on December 23, 1999, for a review period that

concluded on January 24, 2000. Navy received eight letters commenting on the Final EIS/EIR.

Alternatives

In the FEIS/EIR, Navy analyzed the environmental impacts of three reuse alternatives for MCAS Tustin. Navy also evaluated a "No Action" alternative that considered leaving the property in caretaker status with Navy maintaining the physical condition of the property, providing a security force, and making repairs essential to safety.

In early December 1993, a Task Force established by the City Council of the city of Tustin composed of representatives of the cities of Tustin, Irvine and Santa Ana, Orange County, local area businesses, homeowner associations, residents of the City of Tustin and the United States Marine Corps proposed three reuse alternatives that it designated as the Arterial Loop Pattern/Large Community Core/Medium Residential Alternative (Alternative 1); the Arterial Grid Pattern/No Core/High Residential Alternative (Alternative 2); and the Arterial Loop Pattern/Low Residential Alternative (Alternative 3). On December 11, 1993, the Task Force conducted a public workshop to consider these three redevelopment proposals and selected Alternative 1 as the preferred option. Navy adopted these alternatives for in its environmental impact study.

On October 21, 1996, the City of Tustin approved the Marine Corps Air Station (MCAS) Tustin Specific Plan/ Reuse Plan. On September 8, 1998, the City adopted the MCAS Tustin Specific Plan/Reuse Plan Errata. City Council Resolution No. 98–80. The 1993 Errata refined the 1996 reuse plan but did not change any of the land uses proposed in that plan. That plan is consistent with the Task Force identified preferred option, Alternative 1.

The Alternative Selected

The selected alternative, identified in the FEIS/EIR as Alternative 1, sets out a mix of land uses for MCAS Tustin. It dedicates about 686 acres and more than nine million square feet of space to commercial, research and development, and light industrial activities, 475 acres to residential development, 236 acres and more than two million square feet of space to institutional and recreational activities, and 187 acres to roadways and drainage facilities. The two historic blimp hangars, which together contain 660,416 square feet of space, are to be re-used if an economically feasible reuse is found for them.

At full build-out, the selected alternative will be characterized by an arterial loop roadway system. This roadway will circumscribe a 225-acre community Core (containing residential, commercial, and light industrial uses) as well as an 85-acre Urban Regional Park that surrounds Hangar 28. This alternative will allow or development of about 4,600 housing units. It will also reuse the military barracks as transitional housing for the homeless. The selected alternative includes development of one high school, three local elementary schools, one community park, and three neighborhood parks. Finally, this alternative foresees the development of educational and training facilities, offices, a 500-room hotel, an 18-hole golf course (available for public use), retail stores, and restaurants.

Other Alternatives

Navy analyzed a second reuse alternative, identified in the FEIS/EIR as Alternative 2. This Alternative dedicates about 681 acres and more than eight million square feet of space to commercial, research and development, and light industrial activities, 595 acres to residential uses, 178 acres to roadways and drainage facilities, and 131 acres and more than one million square feet of space to institutional and recreational activities.Similar to the Selected alternative, Hangar 28 would be adaptively used if an economically feasible reuse were found, but under this alternative, Hangar 29 would be demolished.

At full build-out, Alternative 2 allows for development of more housing (6,205 units) than that proposed by the selected alternative. Like the selected alternative, this alternative would allow for development of offices, schools, neighborhood parks, community parks, a hotel, an 18-hole golf course, retail stores, and restaurants, but in different densities. However, unlike the selected alternative, it does not develop a Community Core and an Urban Regional Park and the layout of the development would be characterized by a grid pattern system of roadways.

Navy analyzed a third reuse alternative, described in the FEIS/EIR as Alternative 3. This Alternative dedicates about 815 acres and more than nine million square feet of space to commercial, research and development, and light industrial activities, 446 acres to residential uses, 184 acres to roadways and drainage facilities, and 139 acres and more than one million square feet of space to institutional and recreational activities. Similarly to the selected alternative, Hangar 28 would be adaptively used if an economically feasible reuse were found, but under this alternative, hangar 29 would be demolished.

At full build-out, Alternative 3 allows for development of less housing (4,340 units) than that proposed by the selected alternative. As in the selected alternative, this alternative allows for development of offices, schools, neighborhood parks, community parks, a hotel, an 18-hole golf course, retail stores, and restaurants, but in different densities. Alternative 3 is characterized by an arterial loop roadway system similar to that proposed by the selected alternative, however, unlike the selected alternative, it does not immediately develop a Community Core within the loop, but sets aside 179 acres of land for future development; this alternative does not develop an Urban Regional Park.

Environmental Impacts

Navy analyzed the direct, indirect, and cumulative impacts of the disposal and reuse of MCAS Tustin for each alternative. Effects on land use, socioeconomics, utilities, public services and facilities, aesthetics, cultural and paleontological resources, biological resources, agricultural resources, soils and geology, water resources, hazardous wastes, substances and materials, traffic and circulation, air quality, and noise are discussed in detail in the EIS/EIR.

Significant Effects

The selected alternative will have a significant and unmitigable impact on agricultural resources. There are 702 acres at the Air Station that are currently being used for agricultural activities. The United States Department of Agriculture's Natural Resource Conservation Service has determined that 862 acres at MCAS Tustin meet the definition of prime farmland, defined as land that contains the best combination of physical and chemical features for the production of agricultural crops. The Service classified an additional 20 acres, located in the City of Irvine between Marble Mountain Road and Barranca Parkway, as farmland of statewide importance, which the Service defines as land that contains a good combination of physical and chemical features for the production of agricultural crops.

The Farmland Protection Policy Act, 7 U.S.C. 4201–4209 (1994), was enacted to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural purposes. In May 1999, pursuant to the Farmland Protection Policy Act, Navy and the Natural Resource Conservation Service conducted a Farmland Conversion Impact Rating of MCAS Tustin to determine whether the 702 acres of farmland in Tustin and Irvine qualified for protection under the Act. Navy concluded that this farmland did not qualify for such protection.

The selected alternative would not use any of the farmland for agricultural purposes. There is no long-term, feasible mitigation that would offset the impact of converting the farmland on MCAS Tustin to nonagricultural uses.

The selected alternative could have significant unmitigable impacts on visual resources. The two blimp hangars have been the most visibly dominant and unique marks on the landscape since their construction in 1942. The selected alternative could demolish one or both of these hangars if no economically feasible reuse were found after completion of a marketing survey. The loss of both of these hangars will constitute a significant unmitigable visual impact.

There will be other significant visual impacts that will result from changing the land uses at the Air Station from a less developed landscape with agricultural fields to a more developed urban setting. Integration of the new uses with adjacent land uses could, however, result in a beneficial impact.

The selected alternative could have a significant and unmitigable impact on cultural resources. In 1975, the two blimp hangars, Hangar 28 and Hangar 29, were placed on the National Register of Historic Places. In 1993, pursuant to Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470f (1994), and its implementing regulations, Protection of Historic Properties, 36 CFR Part 800, Navy performed a cultural resources survey to assess the potential impacts that could result from the disposal of MCAS Tustin. Navy concluded that seven other structures (Buildings 28A and 29A, and five blimp mooring mats) and their connecting roads were related to the World War II mission of the hangars and thus were eligible for listing on the National Register of Historic Places as a discontiguous historic district. In a letter dated June 28, 1996, the California State Historic Preservation Officer (SHPO) concurred with Navy's determination.

Navy has completed consultations with the Advisory Council on Historic Preservation and the SHPO. These consultations identified actions that Navy must take before it conveys property at MCAS Tustin and actions that the acquiring entities must take to avoid or mitigate adverse impacts on the structures that are listed or eligible for listing on the National Register. These obligations were set forth in a Memorandum Of Agreement (MOA), dated December 13, 1999, among Navy, the Advisory Council on Historic Preservation, and the California State Historic Preservation Officer. The City of Tustin, Orange County, and the United States Department of the Interior's National Park Service signed the MOA as concurring parties.

Navy has completed an Historic American Building Survey for the historic hangars and contributing structures in the discontiguous historic district; the National Park Service approved that survey on March 16, 2000. Navy will donate copies of plans and architectural drawings and other archival materials and records concerning the layout of the original blimp facility and its buildings and structures to the City of Tustin and to a local curation facility.

The MOA requires that Orange County and the City of Tustin undertake a marketing effort to determine whether there is an economically feasible reuse for Hangar 28 and its supporting Building 28A and for Hangar 29 and its supporting Building 29A. If those marketing efforts produce an economically feasible reuse for either or both hangars, then Navy will place an historic preservation covenant in the deed for the hangar and its associated building.

If there is no economically feasible reuse for Hanger 28 and Building 28A, as determined by the National Park Service (because Hangar 28 and Building 28A are situated on property to be acquired from Navy through the National Park Service by way of a public benefit conveyance) or for Hangar 29 and Building 29A, as determined by the SHPO, then Navy will not place an historic preservation covenant in the deed for these hangars and buildings. In that event, Orange County and the City of Tustin will undertake specific mitigation measures that are set forth in the MOA and consist of preparing a written history of the base, an interpretive exhibit, and a documentary film concerning the hangars and the base's World War II mission.

The selected alternative will have significant impacts on traffic circulation. By the year 2020, the Reuse Plan, if built out, will generate about 216,445 average daily motor vehicle trips compared with the 12,400 average daily trips that were associated with the Marine Corps' use of the property. The traffic generated can be predicted to cause substantial delays during peak commuting hours at seventeen intersections near the base.

The selected alternative will have significant impacts on air quality. The traffic predicted will increase ozone precursor emissions, carbon monoxide emissions, and sulfur oxide emissions above the South Coast Air Quality Management District's (SCAQMD) thresholds. Although the carbon monoxide emissions will exceed SCAQMD thresholds, they will not result in violations of current Federal or State standards for ambient air quality. However, the particulate matter emissions and the reactive organic compound emissions resulting from demolition, construction, and renovation activities over the 20-year build-out period will exceed the SCAQMD thresholds of significance in spite of mitigation undertaken by the acquiring entities. The selected alternative will not be consistent with the Final 1994 Air Quality Management plan for this region that was approved by the United States Environmental Protection Agency. Although this Plan acknowledges the closure of MCAS Tustin, it is not evident that the 1994 Plan considered the air emissions that would be generated by activities of the intensity proposed by the Reuse Plan.

Section 176(c) of the Clean air Act, 42 U.S.C. 7506 (1994), requires Federal agencies to review their proposed activities to ensure that these activities do not hamper local efforts to control air pollution. Section 176(c) prohibits Federal agencies from conducting activities in air quality areas, such as the South Coast Air Basin, that do not meet one or more of the national standards for ambient air quality, unless the proposed activities conform to an approved implementation plan. The United States Environmental Protection Agency regulations implementing Section 176(c) recognize certain categorically exempt activities. Conveyance of title to real property and certain leases are categorically exempt activities. 40 CFR 93.153(c)(2)(xiv) and (xix). Therefore, the disposal of MCAS Tustin will not require Navy to conduct a conformity determination.

The selected alternative could have significant impacts on "waters of the United States" that are subject to the regulations that implement Section 404 of the Clean Water Act, 33 U.S.C. 1344 (1994). These waters consist of about two acres of vegetated wetlands and about 29 acres of natural bottom stormwater channels. Of these 29 acres, thirteen acres are located in Peters Canyon Channel and would be affected by the Orange County Flood Control District's improvement of that Channel. These improvements would accommodate drainage resulting from

the Reuse Plan, as noted above, and from redevelopment of the Eastern Transportation Corridor, a State toll road located east of the Air Station. While impacts on some or all of these waters may be avoided during the proposed redevelopment, it may be necessary for the acquiring entities to consult with the Army Corps of Engineers and with California environmental regulatory agencies and obtain permits for construction projects that do affect these waters.

The selected alternative could have significant noise impacts on the new housing and parks that would be built on the MCAS Tustin property. The construction of new roads and the resultant traffic would generate noise impacts on any residence and park located within 75 feet of the centerline of these roads. Additionally, the operations and maintenance activities of the Southern California Regional Rail Authority and the Orange County Transportation Authority along Edinger Avenue could have significant noise impacts on the proposed residential areas at Edinger Avenue. The use of noise attenuation measures such as barriers and insulation would reduce these potentially significant impacts to a less than significant level.

Less Than Significant Impacts of Disposal and Reuse

The selected alternative will not have an adverse impact on socioeconomics. Orange County expects the increases in employment, population, and housing that are reflected in the County projections upon which the local jurisdictions rely for land use planning. About 90 percent of the projected new jobs are expected to be filled by current residents of Tustin, Irvine, Santa Ana, and other communities in Orange County. The selected alternative will result in an increase in population of about 12,500 people in the vicinity of the base. By the full build-out year of 2020, the selected alternative will develop about 4,600 residential units on the former Air Station. These units will readily serve the projected increase in population.

The selected alternative will not have a significant impact on utilities. Utility distribution systems will be replaced or upgraded during the redevelopment. Although the projected demand for potable water would increase by about 1.5 million gallons per day over the Marine Corps' historical use, there is an adequate supply of water off the base and an adequate system to deliver that water to meet the projected daily demand. The local wastewater treatment plants in Tustin and Irvine have sufficient capacity to manage the projected average daily sewer flow of 2.5 million gallons.

The amount of solid waste generated will increase as a result of demolition, construction, and redevelopment activities but will decrease over time as the demolition and construction activities are completed. The local landfill has sufficient capacity to accommodate the solid waste that the selected alternative would generate.

The selected alternative will not have a significant impact on public services and facilities. The proposed redevelopment of MCAS Tustin will, however, increase the demand for police, fire, and emergency medical services. Additional personnel and equipment will be needed for each of these services to meet the demand created by the increase in new residents and jobs. This impact will not be significant and it will not be necessary to build new facilities.

The selected alternative will not have a significant impact on local school districts in the City of Tustin or the City of Irvine. As a direct result of the Reuse Plan, by the year 2020, an additional 1,473 students will live in the Tustin Unified School District, and an additional 959 students will live in the Irvine Unified School District. The selected alternative proposes to build two elementary schools and one high school on MCAS Tustin property in the Tustin district and one elementary school on MCAS Tustin property in the Irvine district. The availability of these properties, combined with State statutory development fees, redevelopment taxes, special district financing and other funding sources, will provide sufficient resources to build the four schools.

The selected alternative did not propose to build new residential units or new schools in that part of the Air Station that is located in the Santa Ana district. However, the Reuse Plan will create new employment opportunities that could result in an increase in the number of students residing in neighborhoods served by the Santa Ana district. The precise nature of this indirect impact on the Sana Ana district will not be known until the Reuse Plan is built out.

The selected alternative will not have a significant impact on libraries, parks, recreational facilities, and bike paths and trails. There are three libraries located within three miles of the Air Station that would adequately serve the current and projected residents. The selected alternative proposes to develop three kinds of parks to accommodate the current and projected demands for recreational resources. The General Plans of Tustin and Irvine require three acres of parks for every 1,000 residents. The City of Tustin currently has a deficit of 100 acres of parks and recreational areas, and the selected alternative's increase in population will generate a requirement to provide an additional 33 acres for the 10,900 new residents. The selected alternative will develop 127 acres of parks and recreational areas in Tustin to satisfy nearly its entire General Plan requirement. In the City of Irvine, the selected alternative will develop 18 acres of parks and recreational areas, which will exceed its requirement to provide five additional acres of parks and recreational areas for the 1,600 new residents. The selected alternative provides for development of recreational bike paths and trails in Tustin and Irvine and will incorporate bicycling lanes and parking areas in satisfaction of the South Coast Air Quality Management District's air quality regulations.

The selected alternative will not have a significant impact on geology and soils. The Air Station is located in an area known for seismic activity and non-seismic geologic conditions such as local soil settlement, soil expansion, and erosion. Existing structures that are renovated and new structures that are built will be required to meet current building codes governing seismic safety. State and local laws and regulations and the use of standard soil erosion and sedimentation control measures during construction will ensure that significant impacts are avoided.

The selected alternative will not have a significant impact on the environment arising out of the use or generation of hazardous substances by the acquiring entities. Construction activities that include dewatering or disturbing subsurface soils would be subject to the institutional controls set forth in the process required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601–9675q (1994). These controls will ensure that construction activities do not affect the groundwater gradient and cause migration of contaminants.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 3 CFR 859 (1995), requires that Navy determine whether any low income and minority populations will experience disproportionately high and adverse human health or environmental effects from the proposed action. Navy analyzed the impacts on low income and minority populations pursuant to Executive Order 12898. The FEIS addressed the potential environmental, social, and economic impacts associated with the disposal of MCAS Tustin and subsequent reuse of the property under the three proposed alternatives. None of the reuse alternatives will have a disproportionate impact on minority populations or low income populations. Although the adjacent City of Santa Ana has a greater proportion of minority residents and low income residents than the City of Tustin, the City of Irvine, and Orange County, there are no significant unmitigable impacts that affect only the City of Santa Ana. Indeed, the increased employment opportunities, housing, and recreational resources generated by the selected alternative would have beneficial effects.

Navy also analyzed the impacts on children as required by pursuant to Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, 3 CFR 198 (1998). Under the selected alternative, the largest concentration of children would be present in the residential, educational, and recreational areas. The selected alternative would not pose any disproportionate environmental health or safety risks to children.

Mitigation

Implementation of Navy's decision to dispose of MCAS Tustin does not require Navy to implement any mitigation measures. Navy will take certain actions to implement existing agreements and to comply with regulations. These actions were treated in the FEIS as agreements or regulatory requirements rather than as mitigation. If, after completion of the marketing surveys, an economically feasible reuse is found for Hangar 28 and Building 28A and for Hangar 29 and Building 29A, Navy will place historic preservation covenants in the deeds that convey these hangars and buildings. In the event that the property is ready for conveyance before the marketing surveys are completed, Navy will place historic preservation covenants in the deeds in accordance with the MOA.

The FEIS identified and discussed those actions that will be necessary to mitigate the environmental impacts associated with the reuse and redevelopment of MCAS Tustin. The Acquiring entities, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will be responsible for implementing necessary environmental mitigation measures.

Comments Received on the FEIS

Navy received comments on the FEIS from one State agency, three local agencies, two private organizations, and two persons. The State agency was California's Department of Transportation. The local agencies were Orange County, the City of Irvine, and the City of Santa Ana. The private organizations were the Irvine Business Consortium and The Gas Company.

All of the substantive comments received concerned the same issues raised in comments submitted on the DEIS. These substantive issues were fully addressed in the FEIS and require no further discussion here. Several of the comments received addressed the efforts of Santa Ana Unified School District to obtain some of the former MCAS Tustin property to construct new educational facilities. The City of Tustin and the Santa Ana Unified School District laudably continue to look for a solution within the parameters of the approved reuse plan, the Federal Property Act, and the Defense Base Closure and Realignment Act. Continuing discussion among the federal, state and local governmental entities responsible for identifying, screening and requesting transfer of surplus federal property pursuant to a Public Benefit Conveyance for educational use, such as the U.S. Department of Education, is the appropriate process for resolving this issue.

Regulations Governing the Disposal Decision

Since the proposed action contemplates a disposal under the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101–510, 10 U.S.C. 2687 note (1994), Navy's decision was based upon the environmental analysis in the FEIS/EIR and application of the standards set forth in the DBCRA, the Federal Property Management Regulations (FPMR), 41 CFR Part 101–47, and the Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance (DoD Rule), 32 CFR Parts 174 and 175.

Section 101–47.303–1 of the FPMR requires that disposals of Federal property benefit the Federal Government and constitute the "highest and best use" of the property. Section 101–47.4909 of the FPMR defines the "highest and best use" as that use to which a property can be put that produces the highest monetary return from the property, promotes its maximum value, or serves a public or institutional purpose. The "highest and best use" determination must be based upon the property's economic potential, qualitative values inherent in the property, and utilization factors affecting land use such as zoning, physical characteristics, other private and public uses in the vicinity, neighboring improvements, utility services, access, roads, location, and environmental and historic considerations.

After Federal property has been conveyed to non-Federal entities, the property is subject to local land use regulations, including zoning and subdivision regulations, and building codes. Unless expressly authorized by statute, the disposing Federal agency cannot restrict the future use of surplus Government property. As a result, the local community exercises substantial control over future use of the property. For this reason, local land use plans and zoning affect determination of the "highest and best use" of surplus Government property.

The DBCRA directed the Administrator of the General Services Administration (GSA) to delegate to the Secretary of Defense authority to transfer and dispose of base closure property. Section 2905(b) of the DBCRA directs the Secretary of Defense to exercise this authority in accordance with GSA's property disposal regulations, set forth in Part 101–47 of the FPMR. By letter dated December 20, 1991, the Secretary of Defense delegated the authority to transfer and dispose of base closure property closed under the DBCRA to the Secretaries of the Military Departments. Under this delegation of authority, the Secretary of the Navy must follow FPMR procedures for screening and disposing of real property when implementing base closures. Only where Congress has expressly provided additional authority for disposing of base closure property, *e.g.*, the economic development conveyance authority established in 1993 by Section 2905(b)(4) of the DBCRA, may Navy apply disposal procedures other than those in the FPMR.

In Section 2901 of the National Defense Authorization Act for Fiscal Year 1994, Public Law 103–160, Congress recognized the economic hardship occasioned by base closures, the Federal interest in facilitating economic recovery of base closure communities, and the need to identify and implement reuse and redevelopment of property at closing installations. In Section 2903(c) of Public Law 103–160, Congress directed the Military Departments to consider each base closure community's economic needs and priorities in the

property disposal process. Under Section 2905(b)(2)(E) of the DBCRA, Navy must consult with local communities before it disposes of base closure property and must consider local plans developed for reuse and redevelopment of the surplus Federal property.

The Department of Defense's goal, as set forth in Section 174.4 of the DoD Rule, is to help base closure communities achieve rapid economic recovery through expeditious reuse and redevelopment of the assets at closing bases, taking into consideration local market conditions and locally developed reuse plans. Thus, the Department has adopted a consultative approach with each community to ensure that property disposal decisions consider the LRA's reuse plan and encourage job creation. As a part of this cooperative approach, the base closure community's interests, as reflected in its zoning for the area, play a significant role in determining the range of alternatives considered in the environmental analysis for property disposal. Furthermore, Section 175.7(d)(3) of the DoD Rule provides that the LRA's plan generally will be used as the basis for the proposed disposal action.

The Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484 (1994), as implemented by the FPMR, identifies several mechanisms for disposing of surplus base closure property: by public benefit conveyance (FPMR Sec. 101–47.303–2); by negotiated sale (FPMR Sec. 10–47.304–9); and by competitive sale (FPMR 101–47.304–7). Additionally, in Section 2905(b)(4), the DBCRA established economic development conveyances as a means of disposing of surplus base closure property.

The selection of any particular method of conveyance merely implements the Federal agency's decision to dispose of the property. Decisions concerning whether to undertake a public benefit conveyance or an economic development conveyance, or to sell property by negotiation or by competitive bid, are left to the Federal agency's discretion. Selecting a method of disposal implicates a broad range of factors and rests solely within the Secretary of the Navy's discretion.

Conclusion

The LRA's proposed reuse of Marine Corps Air Station Tustin, reflected in the Reuse Plan, is consistent with the requirements of the FPMR and Section 174.4 of the DoD Rule. The LRA has determined in its Reuse Plan that the property should be used for various purposes including residential, commercial, educational, research and development, and light industrial activities and to develop parks and recreational areas. The property's location, physical characteristics, and existing infrastructure as well as the current uses of adjacent property make it appropriate for the proposed uses.

Although the "No Action" Alternative has less potential for causing adverse environmental impacts, this alternative would not take advantage of the location, physical characteristics, and infrastructure of MCAS Tustin or the current uses of adjacent property. Additionally, it would not foster local economic redevelopment of the base.

The acquiring entities, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will be responsible for adopting practicable means to avoid or minimize environmental harm that may result from implementing the Reuse Plan.

Accordingly, Navy plans to dispose of MCAS Tustin in a manner that is consistent with the land uses identified in the LRA's Reuse Plan for the property.

Dated: February 9, 2001.

Duncan Holaday,

Senior Civilian Official, Office of the Assistant Secretary of the Navy, (Installations and Environment).

[FR Doc. 01–5127 Filed 3–1–01; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Board of Visitors to the U.S. Naval Academy

AGENCY: Department of the Navy, DOD.

ACTION: Notice of partially closed meeting.

SUMMARY: The U.S. Naval Academy Board of Visitors will meet to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy. During this meeting inquiries will relate to the internal personnel rules and practices of the Academy, may involve ongoing criminal investigations, and include discussions of personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The Executive Session of this meeting will be closed to the public.

DATES: The meeting will be held on Monday, March 5, 2001, from 8:30 a.m. to 11:45 a.m. The closed Executive Session will be from 10:50 a.m. to 11:45 a.m.

ADDRESSES: The meeting will be held in the Bo Coppedge Dining Room of Alumni Hall at the U.S. Naval Academy.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Thomas E. Osborn, Executive Secretary to the Board of Visitors, Office of the Superintendent, U.S. Naval Academy, Annapolis, MD 21402–5000, telephone number (410) 293–1503.

SUPPLEMENTARY INFORMATION: This notice of partially closed meeting is provided per the Federal Advisory Committee Act (5 U.S.C. app. 2). The Executive Session of the meeting will consist of discussions of information which pertain to the conduct of various midshipmen at the Naval Academy and internal Board of Visitors matters. Discussion of such information cannot be adequately segregated from other topics, which precludes opening the Executive Session of this meeting to the public. In accordance with 5 U.S.C. app. 2, section 10(d), the Secretary of the Navy has determined in writing that the special committee meeting shall be partially closed to the public because they will be concerned with matters as outlined in sections 552(b)(2), (5), (6), and (7) of title 5, U.S.C. Due to unavoidable delay in administrative processing, the normal 15 days notice could not be provided.

Dated: February 28, 2001.

James L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–5273 Filed 3–1–01; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meeting be announced in the **Federal Register**.

DATES: Wednesday, March 14, 2001, 6 p.m.–9:30 p.m.

ADDRESSES: Garden Plaza Hotel, 215 South Illinois Avenue, Oak Ridge, TN 37830.

FOR FURTHER INFORMATION CONTACT: Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–922, Oak Ridge, TN 37831. Phone (865) 576–4025; Fax (865) 576–5333 or e-mail: *halseypj@oro.doe.gov.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. "Status of the DOE/ORO 2001 Budget" Ms. Barbara Brower, DOE/ORO

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments at the end of the meeting. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved prior to publication.

Minutes: Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 7:30 a.m. and 5:30 p.m. Monday through Friday, or by writing to Pat Halsey, Department of Energy, Oak Ridge Operations Office, P.O. Box 2001, EM–922, Oak Ridge, TN 37831, or by calling her at (865) 576–4025.

Issued at Washington, DC, on February 27, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–5092 Filed 3–1–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–131–000]

American Ref-Fuel Company of Niagara, L.P.; Notice of Application for Commission Determination of Exempt Wholesale Generator Status

February 26, 2001.

Take notice that on February 20, 2001, American Ref-Fuel Company of Niagara, L.P., (the Applicant), with its principal place of business at (c/o American Ref-Fuel Company) 15990 North Barker's Landing, Suite 200, Houston, Texas 77079, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before March 19, 2001, and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection or on the Internet at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5104 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR01–8–000]

Arkansas Oklahoma Gas Corporation; Notice of Petition for Rate Approval

February 26, 2001.

Take notice that on January 31, 2001, Arkansas Oklahoma Gas Corporation (AOG), filed pursuant to sections 284.224(e)(1) and 284.123(b)(2) of the Commission regulations, 18 CFR 284.224(e)(1) and 284.123(b)(2), and pursuant to the Commission's order, issued July 18, 1995 in Docket No. RP98–6–000, a petition for approval to maintain its existing maximum rate of $0.2329 per MMBtu, plus 2.766 percent for company use and lost and unaccounted for gas, applicable to all of AOG's existing and future transportation services provided under its Order No. 63 blanket certificate, all as more fully described in the petition filed therewith which are on file with the Commission and open to public inspection.

AOG states it is proposing to maintain its existing rates; it is not proposing to change the rates actually being charges in its existing Order No. 63 blanket certificate transportation arrangements. AOG states that it is only seeking to maintain the existing ceiling rate up to which AOG and its transportation customers may agree upon in any future negotiations.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date of AOG's Petition, AOG's rates for firm and interruptible storage services will be deemed to be fair and equitable. The Commission may within such 150 day period extend the time for action or institute a proceeding in which all interested parties will be afforded an opportunity for written comments and the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All motions must be filed with the Secretary of the Commission on or before March 12, 2001. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rimshtm* (call 202–208–2222 for

assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instruction on the Commission's web site at *http://www.ferc.fed.us.efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5106 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–39–000]

The Consumers of New England v. New England Power Pool; Notice of Complaint

February 26, 2001.

Take notice that on February 22, 2001, The Consumers of New England tendered for filing a complaint with the Federal Energy Regulatory Commission requesting immediate reform of New England Power Pool governance.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 14, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us./online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before March 14, 2001. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5105 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–87–000]

Dominion Transmission, Inc.; Notice of Application

February 26, 2001.

Take notice that on February 13, 2001, Dominion Transmission, Inc. (Dominion), 445 West Main Street, Clarksburg, West Virginia 26301, filed a request with the Commission in Docket No. CP01–87–000 pursuant to Section 7(c) of the Natural Gas Act (NGA) for authorization to expand the active pool boundary of its Fink-Kennedy/Lost Creek Storage Reservoir, centered around the Buck Run area in Lewis County, West Virginia, in the northwestern portion of the Fink Reservoir, all as more fully set forth in the application which is open to the public for inspection. This application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Dominion proposes to expand the northwestern active boundary of the Fink Reservoir by approximately 3,063 acres in the Buck Run area. Dominion states that the subject area has a high potential for migration of storage gas to the area outside the currently certificated reservoir boundary,[1] due either to the production of storage gas by outside operators, the production of oil, or both. According to Dominion, the pending application does not seek to change either the capacity or deliverability of the storage field, nor are there any new facilities associated with the application. Dominion states that it does not expect the acquisition costs of obtaining the additional necessary storage leases to exceed $1,211,000. Dominion states that requested certification will permit it to protect the integrity of the storage reservoir and to reduce or eliminate gas losses that may be associated with outside production in the Buck Run area.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Any questions regarding the application should be directed to Sean R. Sleigh, Certificates Manager, Dominion Transmission, Inc., 445 West Main Street, Clarksburg, West Virginia 26301, telephone (304) 627–3462.

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by everyone of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order at a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the proposal is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Dominion to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 01–5095 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

[1] The reservoir boundary as currently drawn was certificated in 1956. *See,* Hope Natural Gas Co., 16 FPC 955 (1956).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–132–000]

Kentucky Pioneer Energy L.L.C., Notice of Application for Commission Determination of Exempt Wholesale Generator Status

February 26, 2001.

Take notice that on February 21, 2001, Kentucky Pioneer Energy L.L.C. (KPE) filed an Application for Determination of Exempt Wholesale Generator Status pursuant to Section 32(a)(1) of the Public Utility Holding Company Act of 1935, all as more fully explained in the Application.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and procedure (18 CFR 385.211 and 385.214). The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before March 19, 2001, and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection or on the Internet at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance). Comments and protest may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–5103 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–222–000]

The Los Angeles Department of Water and Power; Notice of Filing

February 26, 2001.

Take notice that on February 1, 2001, the Los Angeles Department of Water and Power (LADWP) filed an emergency petition pursuant to Rule 207(a)(4) and (5) of the Commission's Rules of Practice and Procedure. The filing requests that the Commission immediately rescind the portion of Order No. 637 that removed the price cap for short-term capacity releases for service to the California border and to points of interconnection between interstate pipelines and California local distribution companies until March 31, 2001. LADWP further requests that the Commission initiate a proceeding that will allow the Commission to determine by March 31, 2001, if the removal of the price cap on short-term transactions associated with the California market is warranted.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before March 2, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protesters parties in the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm

David P. Boergers,

Secretary.

[FR Doc. 01–5101 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–232–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

February 26, 2001.

Take not that on February 16, 2001; Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to be effective March 19, 2001:

Second Revised Sheet No. 16
Fourth Revised Sheet No. 17
Seventh Revised Sheet No. 18
Second Revised Sheet No. 18–A
First Revised Sheet No. 30
Second Revised Sheet No. 100
Original Sheet No. 100–A
Third Revised Sheet No. 254
Fourth Revised Sheet No. 255
Fourth Revised Sheet No. 256

Northwest states that the purpose of this filing to withdraw the tariff sheets which Northwest submitted to the Commission on January 26, 2001, in Docket No. RP01–214–000, and to replace those sheets with the proposed tariff sheets listed above, which better describe Northwest's proposed facilities reimbursement policies and procedures.

Northwest states that a copy of this filing has been served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us.efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5099 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–21–001]

Ozark Gas Transmission, L.L.C. and Arkansas Western Pipeline, L.L.C.; Notice of Compliance Filing

February 26, 2001.

Take notice that on February 9, 2001, Ozark Gas Transmission, L.L.C. (Ozark) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheets, to be effective February 1, 2001:

First Revised Sheet No. 11
First Revised Sheet No. 12

Ozark further tendered for filing, as part of the Arkansas Western Pipeline; L.L.C. (AWP) FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet, which reflects the cancellation of AWP's FERC Gas Tariff, to be effective February 1, 2001:

First Revised Sheet No. 1

Ozark states that the purpose of its filing is to comply with the Commission's order issued December 15, 2000, in Docket No. CP01–21–000. (Ozark Gas Transmission, 93 FERC ¶61,281 (2000)) In that order, the Commission directed Ozark to notify the Commission within 10 days of the effective date its acquisition by merger of its affiliate AWP and make tariff filings within 30 days of such date reflecting the acquisition in Ozark's tariff and the cancellation of AWP's tariff. Ozark's states that its acquisition of AWP occurred on February 1, 2001.

Ozark further states that it has served copies of this filing upon the company's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 2, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5097 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–233–000]

Questar Pipeline Company; Notice of Tariff Filing

February 26, 2001.

Take notice that on February 21, 2001, Questar Pipeline Company (Questar) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A, the tariff sheets as listed on Appendix A to the filing, to be effective March 23, 2001.

Due to a change in Questar's management personnel, changes were proposed to modify the reference to the person by whom Questar's tariff has been issued. In addition, miscellaneous tariff "clean-up" revisions were made.

Questar states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah, and the Public Service Commission of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5100 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–133–000]

Whiting Clean Energy, Inc., Notice of Application for Commission Determination of Exempt Wholesale Generator Status

February 26, 2001.

Take notice that on February 22, 2001, Whiting Clean Energy, Inc. (WCE), 8407 Virginia Street, Merrillville, Indiana 46410, filed with the Federal Energy Regulatory Commission (Commission) an Application for Determination of Exempt Wholesale Generator Status pursuant to Part 365 of the Commission's Regulations and Section 32 of the Public Utility Holding Company Act, as amended (the Application).

The Application seeks a determination that WCE qualifies for Exempt Wholesale Generator status. WCE is an Indiana Corporation that will own and operate a gas-fired combined cycle cogeneration facility rated at approximately 525 MW capacity. Upon WCE's determination as an EWG, the facility will be used for the generation of electricity exclusively for sale at wholesale.

Copies of this application have been served upon the Indiana Utility Regulatory Commission and the Securities and Exchange Commission.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the

Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before March 19, 2001, and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection or on the Internet at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–5102 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1260–000, et al.]

Commonwealth Edison Company, Inc., et al.; Electric Rate and Corporate Regulation Filings

February 22, 2001.

Take notice that the following filings have been made with the Commission:

1. Commonwealth Edison Company, Inc.

[Docket No. ER01–1260–000]

Take notice that on February 20, 2001, Commonwealth Edison Company (ComEd), tendered for filing a Notice of Cancellation for Service Agreement No. 64 (Service Agreement No. 64) and Service Agreement No. 65 (Service Agreement No. 65), effective November 28, 1995, under Commonwealth Edison Company's FERC Electric Tariff, Second Revised Volume No. 3 between ComEd and Louisville Gas and Electric Company/Kentucky Utilities Company (LG&E/KU), and submits for filing a Short-Term Firm Transmission Service Agreement and a Non-Firm Point-to-Point Transmission Service Agreement (New Service Agreements) between ComEd and LGE/KU under the terms of ComEd's Open Access Transmission Tariff, FERC Electric Tariff Volume No. 5 (OATT).

ComEd requests an effective date of March 1, 2001 for the New Service Agreements and an effective date of March 1, 2001 for the cancellation of Service Agreement No. 64 and Service Agreement No. 65.

Copies of this filing were served on LG&E/KU.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Exelon Generation Company, L.L.C.

[Docket No. ER01–948–000]

Take notice that on February 20, 2001, Exelon Generation Company, L.L.C. (Exelon), tendered for filing a request that the Federal Energy Regulatory Commission (Commission) hold the filing submitted in this docket in abeyance.

Exelon states that a copy of the filing was served on all parties to the proceeding as well as on all customers under the agreements.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Exelon Generation Company, L.L.C.

[Docket No. ER01–1008–000]

Take notice that on February 20, 2001, Exelon Generation Company, L.L.C. (Exelon), tendered for filing a request that the Federal Energy Regulatory Commission (Commission) hold in abeyance the Power Sales Agreement filed with the Commission on January 19, 2001, the above-referenced docket.

Exelon states that a copy of the filing was served on all parties to the proceeding as well as on the customer under the agreement.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. American Transmission Company LLC

[Docket No. ER01–1262–000]

Take notice that on February 16, 2001, American Transmission Company LLC (ATCLLC), tendered for filing an unexecuted Generator Interconnection Agreement between ATCLLC, RockGen Energy, LLC.

ATCLLC requests an effective date of February 12, 2001.

Comment date: March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Xcel Energy Services, Inc.

[Docket No. ER01–205–002]

Take notice that on February 16, 2001, Xcel Energy Services, Inc., tendered for filing substitute sheets to its revised wholesale market-based rate tariff, filed on February 14, 2001 in the above-referenced dockets.

Comment date: March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. American Electric Power Service Corporation

[Docket No. ER01–1256–000]

Take notice that on February 20, 2001, the American Electric Power Service Corporation (AEPSC), tendered for filing executed a Network Integration Transmission Service Agreement for The New Power Company, an ERCOT Regional Transmission Service Agreement for Guadalupe Power Partners, LP, and a Long-Term Firm Point-to-Point Transmission Service Agreement Specification for AEPSC's Merchant Organization Power Marketing and Trading Division. All of these agreements are pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Second Revised Volume No. 6.

AEPSC requests waiver of notice to permit the Service Agreements to be made effective for service on and after February 1, 2001.

A copy of the filing was served upon the Parties and the state utility regulatory commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Northeast Utilities Service Company

[Docket No. ER01–1261–000]

Take notice that on February 20, 2001, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company (CL&P), tendered for filing unexecuted Licensing Engineering and Construction and Interconnection and Operating Agreements between CL&P and Milford Power Company LLC (Milford). NUSCO states that CL&P and Milford are still in the process of negotiating the final terms of the Agreements, but that it is filing the unexecuted Agreements at Milford's request.

NUSCO requests a waiver of the Commission's regulations to permit the Agreements to become effective March 1, 2001, subject to the outcome of further negotiation.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Bridgeport Harbor Power LLC, New Haven Harbor Power LLC, NRG Connecticut Power Assets LLC

[Docket Nos. ER01–1257–000, ER01–1258–000, ER01–1259–000]

Take notice that on February 20, 2001, Bridgeport Harbor Power LLC, New Haven Harbor Power LLC, and NRG Connecticut Power Assets LLC, (together the Applicants), limited liability corporations organized under the laws of the State of Delaware, filed, under section 205 of the Federal Power Act, requests that for each of the Applicants the Commission (1) accept for filing proposed market-based FERC Rate Schedules; (2) grant blanket authority to make market-based wholesale sales of capacity and energy under their appropriate FERC Rate Schedules; (3) grant authority to sell ancillary services at market-based rates within the New England Power Pool, as well as the control areas of the New York Independent System Operator, Inc. and the PJM Interconnection, L.L.C.; and (4) grant such waivers and blanket authorizations as the Commission has granted in the past to other nonfranchised entities with market-based rate authority.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5035 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2146–081 Alabama]

Alabama Power Company; Notice of Availability of Final Environmental Assessment

February 26, 2001.

A final environmental assessment (EA) is available for public review. The final EA analyzes the environmental impacts of Alabama Power Company's application for a temporary variance to maintain water levels in Neely Henry Reservoir is part of the Coosa River Hydroelectric Project on the Coosa River in Calhoun, St. Clair and Etowah Counties, Alabama. This project does not occupy any federal lands.

The final EA was written by staff in the Office of Energy Projects, Federal Energy Regulatory Commission. In our final EA, Commission staff conclude that approving Alabama Power Company's application would not constitute a major federal action significantly affecting the quality of the human environment. Copies of our final EA can be viewed on the web at *www.ferc.fed.us/online/rim.htm*. Call (202) 208–2222 for assistance. Copies are also available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5094 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–165–000]

Transcontinental Gas Pipe Line Corporation; Notice of Availability of the Environmental Assessment for the Proposed Sundance Expansion Project

February 22, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline and compressor facilities proposed by Transcontinental Gas Pipe Line Corporation (Transco) in the above referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of Transco's proposed pipeline loops and the related expansion and modification of compressor units. Transco's proposed Sundance Expansion Project would include:

- A total of approximately 38 miles of 42-inch and 48-inch diameter pipeline looping[1] in four separate locations on existing pipelines;
- Piping modifications to existing Compressor Station No. 105;
- The addition of one new 18,975 horsepower (hp) electric motor-driven compressor, the uprating of an existing 15,000 hp electric motor-driven compressor, and the uprating of an existing 16,500 hp electric motor-driven compressor to 18,975 hp at the existing Compressor Station No. 115, thus increasing total certificated compression at the facility to 56,925 hp;
- The addition of one new 15,000 hp gas turbine-driven natural gas compressor and the uprating of an existing 4,000 hp compressor to 4,800 hp at existing Compressor Station No. 125, thus increasing total compression at the facility to 38,800 hp;
- The addition of gas coolers to the existing Compressor Station No. 150;
- The Installation of various pig launcher/receiver facilities and mainline block valves at the beginnings and ends of the proposed loops, with additional mainline block valves installed as needed on the loops.

The Sundance Expansion Project also includes nonjurisdictional facilities. These include a 6.5-mile-long, 24-inch-diameter pipeline (Wansley Lateral) from a tap on Transco's Mainline System at milepost 1000.9 to a planned electric generating facility (Wansley Plant) in Heard County, Georgia, set for commencement of service on June 1, 2002; and an 81.7-mile-long, 30-inch-diameter pipeline (Richmond Lateral) from a tap on Transco's Mainline System at milepost 1286.96 to an electric generating facility (Richmond Plant) in Richmond County, North Carolina, that is presently under construction.

Transco's proposed Sundance Expansion Project would expand the capacity of its existing mainline system to transport an additional 236,383 dekatherms per day of natural gas to accommodate firm transportation service.

[1] A loop is a segment of pipeline that is installed adjacent to an existing pipeline and connected to it on both ends. The loop allows more gas to be moved through the pipeline system.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, N.E., Room 2A, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Gas Hydro Group;
- Reference Docket No. CP00–165–000; and
- Mail your comments so that they will be received in Washington, DC on or before March 16, 2001.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–0004 or on the FERC Internet website (*www.ferc.fed.us*) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS menu, and follow the instructions. For assistance with access to RIMS the RIMS helpline can be reached at (202) 208–2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5093 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Declaration of Intention and Soliciting Comments Motions To Intervene, and Protests

February 26, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Petition for Declaration of Intention.

b. *Docket No:* DI01–6–000.

c. *Date Filed:* February 8, 2001.

d. *Applicant:* Northern Illinois Hydropower.

e. *Name of Project:* Brandon Road Hydropower Plant.

f. *Location:* The Brandon Road Hydropower Plant is located at the U.S. Army Corps of Engineers' Brandon Road Lock and Dam on the Illinois Waterway, in Will County, near Joliet, Illinois. The project does not occupy additional federal or Tribal land.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. §§ 817(b).

h. *Applicant Contact:* Dennis Cohil, 801 Oakland Avenue, Joliet, IL 60435, telephone (815) 723–6314, Fax number; (815) 725–5687 E-Mail *damonzdunich@aol*

i. *FERC Contact:* Any questions on this notice should be addressed to Henry Ecton at (202) 219–2678, or E-mail address: *henry.ecton@ferc.fed.us.*

j. *Deadline for filing comments and/or motions:* March 26, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http//www.ferc.fed.us/efi/doorbell.htm*

Please include the docket number (DI01–6–000) on any comments or motions filed.

k. *Description of Project:* The proposed project will consist of: (1) A 61-foot-long by 90-foot-wide powerhouse; (2) three 3,000 mm tubulat turbines, with a rated capacity of 9.9 MW; and (3) appurtenant facilities. The power produced will be sold into an interstate grid.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.fer.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "Comments", "Recommendations for Terms and

Conditions", "Protest", or "Motion to Intervene", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant Specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–5096 Filed 3–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–477–000, RP01–18–000 and RP01–81–000]

Tennessee Gas Pipeline Company; Notice of Settlement and Technical Conferences

February 26, 2001.

Take notice that a settlement conference to discuss the various issues raised by Tennessee's Order No. 637 filing in Docket No. RP00–477–000, *et al.* will be held on Tuesday, March 6, 2001, at 9:00 am, in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

All interested parties are permitted to attend the settlement conference.

Upon conclusion of the settlement conference, take notice that a technical conference to discuss the various issues raised by Tennessee's Order No. 637 filing in Docket No. RP00–477–000, *et al.* will be held in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

All interested persons and Staff are permitted to attend the technical conference.

David P. Boergers,

Secretary.

[FR Doc. 01–5098 Filed 3–1–01; 8:45 am]

BILLING CODE 5717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6615–9]

Environmental Impact Statements; Notice of Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 564–7167 *www/epa/gov/oeca/ofa*

Weekly receipt of Environmental Impact Statements.

Filed February 19, 2001, through February 23, 2001.

Pursuant to 40 CFR 1506.9.

EIS No. 010054, DRAFT EIS, BLM, NV, Phoenix Project, Expansion of Current Mining Operations and Processing Activities, Battle Mountain, Plan of Operations, Lander County, NV, Due: May 04, 2001, Contact: Pam Jarnecke (775) 635–4144.

EIS No. 010055, DRAFT EIS, FAA, KY, Cincinnati/Northern Kentucky International Airport, Construction and Operation of a New 8,000-foot Runway 17/35 (Future 18R/36L); 2,000-foot Extension of Runway 9/27, Funding and Airport Layout Plan, (ALP) Boone County, KY, Due: May 01, 2001, Contact: Peggy S. Kelly (901) 544–3495.

EIS No. 010056, DRAFT SUPPLEMENT, COE, KY, Lower Cumberland and Tennessee Rivers Navigation Improvements, Kentucky Lock - Addition, Implementation, Nashville District, Marshall and Livingston Counties, KY, Due: April 16, 2001, Contact: Tim Higgs (615) 736–7863.

EIS No. 010057, FINAL EIS, TVA, TN, Future Water Supply Needs in the Upper Duck River Basin, NPDES Permit and COE Section 404 Permit, Bedford, Marshall, Maury and Williamson Counties, TN, Due: April 02, 2001, Contact: Linda B. Oxendine (865) 632–3440.

EIS No. 010058, FINAL EIS, BLM, NV, Red Rock Canyon National Conservation Area (RRCNCA), General Management Plan (GMP), Amendment to the Las Vegas Resource Management Plan, Las Vegas, NV, Due: April 02, 2001, Contact: Gene Arnesen (702) 647–5068.

EIS No. 010059, DRAFT SUPPLEMENT, FTA, CA, Los Angeles Eastside Corridor Transit Improvements, Updated Information on the Light Rail Transit (LRT) Build Alternative and Three Transition Options, Extending from Union Station to Beverly and Atlantic Boulevards in East Los Angeles, via Alameda St., 1st. Street, Indiana St., 3rd Street, and Beverly Boulevard, Due: April 17, 2001, Contact: Erv Poka (213) 202–3952.

Dated: February 27, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–5134 Filed 3–1–01; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6616–0]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–AFS–F61020–WI Rating EC2, Boundary Waters Canoe Area Wilderness Fuel Treatment, Implementation, Superior National Forest, Cook County, WI.

Summary: EPA expressed concerns over the use of fire retardants for control of prescribed burns and wildfire, air quality, and the threat to noxious weed invasion in the wake of burns and fire control activities. ERP No. D–AFS–F65028–MI Rating LO, Plantation Lakes Vegetation Management Project, Implementation, Ottawa National Forest, Kenton and Ontonagon Ranger Districts, Houghton County, MI.

Summary: EPA has not identified any potential environmental impacts requiring substantive changes to the proposed action.

ERP No. D–FAA–E51048–CA Rating EC2, Hartsfield Atlanta International Airport, Construction and Operation of the 9,000-Foot Fifth Runway and Associated Projects, Approval of Airport Layout Plan (ALP), City of Atlanta, Fulton and Clayton Counties, GA.

Summary: EPA expressed environmental concerns with the proposed fifth runway regarding noise, air quality and environmental justice and their mitigation. EPA also encouraged the continuance of the ongoing noise mitigation program.

ERP No. D–USN–E65055–FL Rating EC2, Renewal of Authorization to Use Pinecastle Range, Continue Use of the Range for a 20-Year Period, Special Use Permit Issuance, Ocala National Forest, Marion and Lake Counties, FL.

Summary: Environmental impacts to range and its environs from continued training need to be analyzed in the final document.

Final EISs

ERP No. F–FHW–K50013–00, US 93 Hoover Dam Bypass Project, Construction of a New Bridge and Highway, Funding, Right-of-Way Easement, US Coast Guard, NPDES and COE Section 404 Permits, Federal Lands—Lake Mead National Recreation Area and Hoover Dam Reservation, Clark County, NV and Mohave County, AZ.

Summary: EPA reviewed the FEIS and found that the document adequately addressed the issues raised in EPA's previous comment letter.

Dated: February 23, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–5135 Filed 3–1–01; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

February 20, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 2, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0741.

Title: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96–98, Second Report and Order and Memorandum Opinion and Order; Second Order on Reconsideration; CC Docket No. 99–273, First Report and Order.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 2,000.

Estimated Time Per Response: 8–36 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Total Annual Burden: 228,030 hours.

Total Annual Cost: $60,000.

Needs and Uses: In the First Report and Order (R&O) issued in CC Docket No. 99–273, the Commission adopts several of its tentative conclusions. The Commission concludes that local exchange carriers must provide competing directory assistance (DA) providers that qualify under section 251 of the Communications Act, with nondiscriminatory access to the LECs local directory assistance databases, and must do so at nondiscriminatory and reasonable rates. The Commission determined that LECs are not required to grant competing DA providers nondiscriminatory access to non-local directory assistance databases.

OMB Control No.: 3060–0624.

Title: Section 24.103(f), Construction Requirements.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households, businesses or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Responsdents: 8.

Estimated Time per Response: 250 hours for nationwide licensees; 50 hours for regional licensees; and 25 hours for MTA licensees.

Frequency of Response: Recordkeeping requirement and 10 year reporting requirement.

Total Annual Burden: 770 hours.

Total Annual Cost: N/A.

Needs and Uses: The Commission adopted a number of modifications to our existing narrowband Personal Communications Services (PCS) rules in the Second Report and Order in Gen. Docket No. 90–314, ET Docket No. 92–100, and PP Docket No. 93–253. These modifications include the use of Major Trading Areas (MTA's) for future licensing, the establishment of a "substantial service" alternative to our construction benchmarks, and modifications to certain provisions of our narrowband PCS competitive bidding rules. The information collection requirements are used to ensure that licensees quickly construct their systems and that the systems serve significant areas.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–5043 Filed 3–1–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–405]

Public Safety National Coordination Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document advises interested persons of a meeting of the Public Safety National Coordination Committee ("NCC"), which will be held in Washington, D.C. The Federal Advisory Committee Act, Public Law 92–463, as amended, requires public notice of all meetings of the NCC. This notice advises interested persons of the twelfth meeting of the Public Safety National Coordination Committee.

DATES: March 23, 2001 at 9:30 a.m.–12:30 p.m.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer, Michael J. Wilhelm, (202) 418–0680, e-mail

mwilhelm@fcc.gov. Press Contact, Meribeth McCarrick, Wireless Telecommunications Bureau, 202–418–0600, or e-mail mmccarri@fcc.gov.

SUPPLEMENTARY INFORMATION: Following is the complete text of the Public Notice: This Public Notice advises interested persons of the twelfth meeting of the Public Safety National Coordination Committee ("NCC"), which will be held in Washington, D.C. The Federal Advisory Committee Act, Public Law 92–463, as amended, requires public notice of all meetings of the NCC.

Date: March 23, 2001.

Meeting Time: General Membership Meeting—9:30 a.m.–12:30 p.m.

Address: Federal Communications Commission, 445 12th Street, SW., Commission Meeting Room, Washington, DC 20554.

The NCC Subcommittees will meet from 9:00 a.m. to 5:30 p.m. the previous day. The NCC General Membership Meeting will commence at 9:30 a.m. and continue until 12:30 p.m. The agenda for the NCC membership meeting is as follows:

1. Introduction and Welcoming Remarks.
2. Administrative Matters.
3. Report from the Interoperability Subcommittee including, without limitation, consideration of its report on reconciliation of prior NCC Interoperability Subcommittee recommendations with the FCC's *Public Safety Fourth Report and Order and Fifth Notice of Proposed Rule Making.* Review and reformulation of prior recommendations. Setting of agenda for May meeting.
4. Report from the Technology Subcommittee including, without limitation, consideration of its report on reconciliation of prior NCC Technology Subcommittee recommendations with the FCC's *Public Safety Fourth Report and Order and Fifth Notice of Proposed Rule Making.* Review and reformulation of prior recommendations. Setting of agenda for May meeting.
5. Report from the Implementation Subcommittee including, without limitation, consideration of its report on reconciliation of prior NCC Implementation Subcommittee recommendations with the FCC's *Public Safety Fourth Report and Order and Fifth Notice of Proposed Rule Making.* Review and reformulation of prior recommendations. Setting of agenda for May meeting.
6. FCC Staff Report on WRC–03 Preparations, Global Harmonization of Spectrum for Public Safety and Disaster Relief.
7. Public Discussion.
8. Other Business.
9. Upcoming Meeting Dates and Locations.
10. Closing Remarks.

The FCC has established the Public Safety National Coordination Committee, pursuant to the provisions of the Federal Advisory Committee Act, to advise the Commission on a variety of issues relating to the use of the 24 MHz of spectrum in the 764–776/794–806 MHz frequency bands (collectively, the 700 MHz band) that has been allocated to public safety services. *See* The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010 and Establishment of Rules and Requirements For Priority Access Service, WT Docket No. 96–86, *First Report and Order and Third Notice of Proposed Rulemaking*, FCC 98–191, 14 FCC Rcd 152 (1998), 63 FR 58645 (11–2–98).

The NCC has an open membership. Previous expressions of interest in membership have been received in response to several Public Notices inviting interested persons to become members and to participate in the NCC's processes. All persons who have previously identified themselves or have been designated as a representative of an organization are deemed members and are invited to attend. All other interested parties are hereby invited to attend and to participate in the NCC processes and its meetings and to become members of the Committee. This policy will ensure balanced participation. Members of the general public may attend the meeting. To attend the twelfth meeting of the Public Safety National Coordination Committee, please RSVP to Joy Alford or Bert Weintraub of the Policy and Rules Branch of the Public Safety and Private Wireless Division, Wireless Telecommunications Bureau of the FCC by calling (202) 418–0680, by faxing (202) 418–2643, or by E-mailing at jalford@fcc.gov or bweintra@fcc.gov. Please provide your name, the organization you represent, your phone number, fax number and e-mail address. This RSVP is for the purpose of determining the number of people who will attend this twelfth meeting. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. Persons requesting accommodations for hearing disabilities should contact Joy Alford immediately at (202) 418–7233 (TTY). Persons requesting accommodations for other physical disabilities should contact Joy Alford immediately at (202) 418–0694 or via e-mail at jalford@fcc.gov. The public may submit written comments to the NCC's Designated Federal Officer before the meeting.

Additional information about the NCC and NCC-related matters can be found on the NCC website located at: http://www.fcc.gov/wtb/publicsafety/ncc.html.

Federal Communications Commission.

Jeanne Kowalski,

Deputy Division Chief for Public Safety, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 01–5077 Filed 3–1–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Technological Advisory Council Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, Public Law 92–463, as amended, this notice advises interested persons of the first meeting of the Technological Advisory Council ("Council") to be held under its new charter, renewed December 11, 2000. The meeting will be held at the Federal Communications Commission in Washington, DC.

DATES: Wednesday, March 28, 2001, at 10:00 a.m.

ADDRESSES: Federal Communications Commission, 445 12th St. SW., Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kent Nilsson at knilsson@fcc.gov or 202–418–0845.

SUPPLEMENTARY INFORMATION: The Council was established by the Federal Communications Commission to provide a vehicle through which a diverse array of recognized experts in technologies that affect, or are affected by, telecommunications can provide timely advice to the FCC on trends in technological innovations that may affect the communications industry. The purpose of this meeting will be to determine the way to best achieve this goal. The Council may also consider such other issues as come before the Council at the meeting. Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many persons as possible. Admittance, however, will be limited to the seating available. Depending on the Council's progress at this meeting, public participation may be permitted at the discretion of the Council's Chairman. Interested persons may submit written comments to Kent Nilsson before the meeting either by e-mail (knilsson@fcc.gov) or by U.S. mail to Kent Nilsson, Special Counsel and Deputy Chief-Network Technology Division, Office of Engineering & Technology, U.S. Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

Federal Communications Commission.

William F. Caton,

Deputy, Secretary.

[FR Doc. 01–5042 Filed 3–1–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 26, 2001.

A. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. Southwest USA Corporation, Las Vegas, Nevada; to become a bank holding company by acquiring 100 percent of the voting shares of SouthwestUSA Bank, Las Vegas, Nevada (in organization).

Board of Governors of the Federal Reserve System, February 26, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–5022 Filed 3–1–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 16, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Southern Community Bancorp, Orlando, Florida; to retain 50 percent equity interest in Southern Community Banc Mortgage, LLC, Longwood, Florida, and thereby continue to engage in brokering loans, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, February 26, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–5021 Filed 3–1–00; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–01–21]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404)639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Sentinel Surveillance for Chronic Liver Disease (0920–0427)—Extension—National Center for Infectious Diseases (NCID), Centers for Disease Control and Prevention (CDC). A questionnaire has been designed to collect information for the Sentinel Surveillance for Chronic Liver Disease project. The purpose of this project is to determine the incidence and period prevalence of physician-diagnosed chronic liver

disease in a defined geographic area, the contribution of chronic viral hepatitis to the burden of disease, and the influence of etiologic agent(s) and other factors on mortality, and to monitor the incidence of and mortality from chronic liver disease over time. The information gathered will be analyzed in conjunction with data collected from other sources to address these questions. The results of the project will assist the Hepatitis Branch, Division of Viral and Rickettsial Diseases, National Center for Infectious Diseases in accomplishing the part of its mission related to preparing recommendations for the prevention and control of all types of viral hepatitis and their sequella. In order to focus on prevention efforts and resource allocation, a representative view of the overall burden of chronic liver disease, its natural history, and the relative contribution of viral hepatitis is needed. The total annualized estimated cost to respondents is $5,000.

Respondents	No. of respondents	No. of responses per respondent	Average burden per response in hours	Total burden in hours
All Consenting adults with physician-diagnosed chronic liver disease living in catchment areas	500	1	1	500
Total				500

Dated: February 22, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–5038 Filed 3–1–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1501]

Agency Information Collection Activities; Announcement of OMB Approval; Threshold of Regulation for Substances Used in Food-Contact Articles

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Threshold of Regulation for Substances Used in Food-Contact Articles" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 26, 2000 (65 FR 81530), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0298. The approval expires on February 29, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 23, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–5017 Filed 3–1–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1379]

Agency Information Collection Activities; Announcement of OMB Approval; Procedures for the Safe Processing and Importing of Fish and Fishery Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Procedures for the Safe Processing and Importing of Fish and Fishery Products" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 21, 2000 (65 FR 45382), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0354. The approval expires on February 29, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 23, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–5018 Filed 3–1–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1521]

Agency Information Collection Activities; Announcement of OMB Approval; Food Labeling Regulations (21 CFR Parts 101, 102, 104, and 105)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Food Labeling Regulations (21 CFR Parts 101, 102, 104, and 105)" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 10, 2000 (65 FR 60195), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0381. The approval expires on February 29, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 23, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–5019 Filed 3–1–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–0505]

Agency Information Collection Activities; Announcement of OMB Approval; Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Tuesday, February 22, 2000 (65 FR 8714), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0339. The approval expires on February 29, 2004.

Dated: February 23, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy.

[FR Doc. 01–5075 Filed 3–1–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1426]

Agency Information Collection Activities; Announcement of OMB Approval; Emergency Health Surveys

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Emergency Health Surveys" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 30, 2000 (65 FR 64716), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0457. The approval expires on February 28, 2002. A copy of the supporting statement for this information collection is available on the Internet at *http://www.fda.gov/ohrms/dockets.*

Dated: February 23, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–5074 Filed 3–1–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4651–N02]

Notice of Proposed Information Collection: Comment Request Housing Discrimination Information Form HUD–903 HUD–903A

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement concerning the Housing Discrimination Information Form HUD–903 HUD–903A will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: May 1, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to Hope File, Department of Housing and Urban Development, 451 7th Street, SW., Room 5228, Washington, DC 20410. Telephone number (202) 619–8041.

FOR FURTHER INFORMATION CONTACT: Hope File, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 619–8041. (This is not a toll-free number). Hearing or speech-impaired individuals may access this number TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8399.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information for: The collection of information relative to the Fair Housing Act. The Act prohibits discrimination in the sale or rental of dwellings, and the availability of real estate-related transactions based on race, color, religion, sex, national origin, handicap or familial status.

Any person who claims to have been injured by a discriminatory housing practice or who believes that he or she will be irrevocably injured by a discriminatory housing practice may file

a complaint no later than one year after the alleged discriminatory housing practice occurs. The HUD–903 was developed to provide for uniformity in the documents that, by statute, must be furnished to the person(s) against whom complaints are filed as well as for the convenience of the public. The HUD regulation states what each complaint should contain. For the purposes of meeting the statutory time requirement for filing complaints (1 year), initially these complaints do not have to be submitted on the form that HUD provides. The Housing Discrimination Complaint Form HUD–903 (English) and HUD–903A (Spanish) may be filed by mail, in person or by telephone with the Office of Fair Housing and Equal Opportunity (FHEO), Department of Housing and Urban Development. FHEO staff uses the information provided by this form as the basis for the Department's determination of jurisdiction over a complaint's allegations.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Housing Discrimination Information Form.

Office: Fair Housing and Equal Opportunity.

OMB Control Number: 2529–0011.

Description of the need for the information and proposed use: The Housing Discrimination Information Form is necessary for the collection of information from person(s) who wish to file a housing discrimination complaint under the Fair Housing Act (the Act). The Act makes it unlawful to discriminate in housing and residential real estate-related transactions based on race, color, religion, sex, national origin, familial; status or handicap (disability).

Any person who claims to have been injured by a discriminatory housing practice, or who believes that he or she will be injured by a discriminatory practice that is about to occur, may bring their claim to HUD no later than one year after the alleged discriminatory housing practice takes place. The now form provides for uniformity in collecting information needed to contact person(s) who file a complaint, and for making initial assessments regarding HUD's jurisdiction under the Act. Subsequently, such data is furnished to person(s) against whom complaints are filed, as required by statute.

Agency form numbers, if applicable: Form HUD–903 (English) and HUD–903A (Spanish).

Members of affected public: Individuals or households, businesses or other for-profit, not-for-profit institutions, State, Local or Tribal Government.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency or response, and hours of responses: The Department estimates that during the course of a year, approximately 10,750 complaints are submitted to HUD. It is estimated that it takes a complainant approximately 20 minutes to complete the form. These forms are completed one time by each complainant. Therefore the total number of annual burden hours for this form is 3583 hours. (10,750 × 1 (frequency) × 20 minutes = 3583 hours.)

There is no annualized cost to complainants. Complainants submit the form to HUD by mail using a postage-paid mailer at no cost to the complainant. They also may complete the form electronically via the Internet.

Status of the proposed information collection: Reinstatement of a currently approved revised collection to reflect the collection of information from person(s) wishing to file a housing discrimination complaint.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 16, 2001.

David H. Enzel,

Deputy Assistant Secretary, Enforcement and Programs.

[FR Doc. 01–5046 Filed 3–1–01; 8:45 am]

BILLING CODE 4210–28–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–06]

Notice of Proposed Information Collection: Comment Request; Pet Ownership in Assisted Rental Housing for the Elderly or Handicapped

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 1, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Building, Room 8202, Washington, DC 20410, telephone (202) 708–5221 (this is not a toll-free number) for copies of the proposed forms and other available information.

FOR FURTHER INFORMATION CONTACT: Beverly J. Miller, Director, Policy and Participation Standards Division, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone number (202) 708–1320 (this is not a toll-free number), for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1955 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Pet Ownership in Assisted Rental Housing for the Elderly or Handicapped.

OMB Control Number, if applicable: 2502–0342.

Description of the need for the information and proposed use: The "Notice to Tenants". is distributed to tenants identifying the requirement of the project owner to inform the tenant of the pet ownership approval, and the rules under which such approval will be granted when he/she is—offered a dwelling unit. The pet rules established the requirements for the pet owner to register the pet with the project manager annually.

Agency form numbers, if applicable: None.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents is 28,500; the frequency of response is 1, the estimate time to distributed information is approximately .56 hours per response, and the total annual burden hours requested are 15,960.

Status of the proposed information collection: Reinstatement, without change, of previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 21, 2001.

Wayne Eddins,

Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–5047 Filed 3–1–01; 8:45 am]

BILLING CODE 4210–37–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–16]

Notice of Submission of Proposed Information Collection to OMB; Comprehensive Improvement Assistance Program (CIAP) Budget/Progress Report and Actual Modernization Cost Certificate

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 2, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0044) and should be sent to: Joseph F. Lackey Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proosal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Comprehensive Improvement Assistance Program (CIAP) Budget/Progress Report and Actual Modernization Cost Certificate.

OMB Approval Number; 2577–0044.

Form Numbers: HUD–52825, HUD–53001.

Description of the Need for the Information and its Proposed Use: The Comprehensive Improvement Assistance Program (CIAP) provides modernization funds to housing authorities (HAs) that own or operate fewer than 250 units. Grantees (Public Housing Agencies) must submit a budget and progress report for the life of the CIAP funding grant. This Certificate must be submitted to HUD to enable the fiscal closeout of the CIAP grant.

Respondents: Not-for-profit institutions, State, Local or Tribal Government

Frequency of Submission: Annually.

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Reporting burden	1,000		1		10		10,000

Total Estimated Burden Hours: 10,000.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 16, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–5045 Filed 3–1–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Endangered Species Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application for endangered species permit.

SUMMARY: The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to "victoria_davis@fws.gov". Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents,

available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not; however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written data or comments on these applications must be received, at the address given below, by April 2, 2001.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Victoria Davis, Permit Biologist). Telephone: 404/679–4176; Facsimile: 404/679–7081.

FOR FURTHER INFORMATION CONTACT: Victoria Davis, Telephone: 404/679–4176; Facsimile: 404/679–7081.

SUPPLEMENTARY INFORMATION: *Applicant:* Michael Hardman, Illinois Natural History Survey, Champaign, Illinois TE038178–0.

The applicant requests authorization to take the following species: Yaqui catfish, *Ictalurus pricei*; Smoky madtom, *Noturus baileyi;* Yellowfin madtom, *Noturus flavipinnis;* Neosho madtom, *Noturus placidus*; Pygmy madtom, *Noturus stanauli*; and Scioto madtom, *Noturus trautmani*. Yaqui catfish, *Ictalurus pricei* will be obtained throughout the species ranges in the San Bernardino Creek and Yaqui River, Arizona. *Noturus baileyi* will be obtained in Citico Creek, Monroe County, Tennessee. *Noturus flavipinnis* will be obtained throughout the species ranges in the North Fork Holston River, Virginia and Tennessee; South Fork Holston River to Fort Ratrick Henry Dam, Tennessee; Holston River downstream to John Sevier Detention Lake Dam, Tennessee; and all tributaries thereto. *Noturus placidus* will be obtained from the Neosho River, Kansas. *Noturus stanauli* will be obtained from the Clinch River, Hancock County, and Duck River/Hurricane Creek, Humphreys County, Tennessee. Finally, *Noturus trautmani* will be obtained from the Big Darby Creek, Pickaway County, Ohio. The purpose of the take is to collect nucleotide sequence data to recover the relationship among all species of Ictaluridae, to recover the sister taxon of Ictaluridae and the placement of the family among all catfish families, and to develop a method of error analysis for phylogenetic studies involving multiple data.

Applicant: The Nature Conservancy, Virginia Chapter, Charlottesville, Virginia TE038256–0.

The applicant requests authorization to take (harass) the red-cockaded woodpecker, *Picoides borealis*, for the purpose of installing cavity restrictors on active cavities located on the Nature Conservancy's Piney Grove Preserve.

Dated: February 16, 2001.

H. Dale Hall,

Acting Regional Director.

[FR Doc. 01–4938 Filed 3–1–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services FY 2001 Community Policing Discretionary Grants

AGENCY: Office of Community Oriented Policing Services, Department of Justice.

ACTION: Notice of availability.

SUMMARY: The Department of Justice, Office of Community Oriented Policing Services ("COPS") announces a new grant program, COPS in Schools 2001, designed to combat school violence by helping local law enforcement agencies hire additional community policing officers to work in schools. This program provides an incentive for law enforcement agencies to build working relationships with schools and to use community policing efforts to combat school violence. The COPS in Schools 2001 program will help reduce the local match requirement for local law enforcement agencies seeking to hire additional new officers to be used in or around schools.

DATES: There are two application deadlines for the COPS in Schools 2001 program. Applications are due and must be postmarked no later than June 15, 2001. Priority consideration for FY 2001 funding will be given to applications received postmarked on or before March 30, 2001. Applications received postmarked after March 30, 2001, but postmarked on or before June 15, 2001 will receive secondary consideration for funding in FY 2001. All applications received prior to the June 15, 2001 deadline that are not funded in FY 2001 because of limited funding will be carried over for consideration in FY 2002 (subject to available funding). Applications must be postmarked by this date to be considered for funding. All applicants must apply to the COPS in Schools 2001 program using the CIS Application kit. Previous editions of the application are null and void and will not be accepted.

ADDRESSES: To obtain a copy of an application or for more information, please call the U.S. Department of Justice Response Center at 1–800–421–6770 or (202) 307–1480, or visit the COPS web site at *http://www.usdoj.gov/cops/*.

FOR FURTHER INFORMATION CONTACT: The U.S. Department of Justice Response Center, (202) 307–1480 or 1–800–421–6770 or your grant advisor. The CIS application and information on the COPS Office are also available on the Internet via the COPS web site at: *http://www.usdoj.gov/cops/*.

SUPPLEMENTARY INFORMATION:

Overview

The Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. 103–322) authorizes the Department of Justice to make grants to increase deployment of law enforcement officers devoted to community policing on the streets and rural routes in this nation. The COPS in Schools program is specifically designed to combat school violence.

Many communities are discovering that trained, sworn Law enforcement officers assigned to schools make a difference. The presence of these officers provides schools with on-site security and a direct link to local law enforcement agencies.

Community policing officers typically perform a variety of functions within the school including teaching crime prevention and substance-abuse classes, monitoring troubled students, and building respect for law enforcement among students. School Resource Officers combine the functions of law enforcement and education.

The COPS in Schools initiative provides an incentive for law enforcement agencies to build working relationships with schools to use community policing efforts to combat school violence.

The COPS in Schools initiative reduces the local match requirement for law enforcement agencies seeking to hire additional officers in and around schools.

Grants will be awarded to provide for a designated portion of the salary and benefits of each new officer over three years. The maximum grant amount is $125,000 per officer; any remainder is paid with state or local funds. To qualify for funding, officers must be hired on or after the grant award start date. Funding begins when new officers are hired or on the award date (whichever is later). Funds are distributed over the course of the grant.

COPS in Schools funding must be used to hire new, additional School Resource Officers, over and above the number of sworn officers that your agency would fund with state or local funds in the absence of the grant (including other School Resource Officers). Your agency may not reduce its state or locally-funded level of sworn officers (including other School Resource Officers) as a result of applying for or receiving COPS in Schools grant funding.

COPS in Schools funding may also be used to rehire sworn officers previously employed by your agency who have been laid off for financial reasons unrelated to the availability of the COPS in Schools grant. Your agency must obtain prior written approval from the COPS Office, however, if you wish to use COPS in Schools funding to rehire any officer who is laid off after the official award start date of the COPS in Schools grant.

All grant recipients must develop a written plan to retain their COPS-funded officer positions with State or local funding after Federal funding ends. This plan must be submitted at the time of application to be considered for funding. The application must also include a Memorandum of Understanding (MOU) to document the roles and responsibilities of the collaborative effort between law enforcement and education. The MOU must be signed by the law enforcement executive and the appropriate school official and must be submitted at the time of application to be considered for funding. The application must also include a Narrative Addendum to document that the School Resource Officers will be assigned to work in and around primary or secondary schools, and provide a descriptive narrative of the use of the School Resource Officers.

In addition to these general program requirements, agencies seeking funding under this program will be asked to provide supporting documentation in the following areas: problem identification and justification, community policing strategies to be used by the officers, quality and level of commitment to the effort, and the link to community policing.

All COPS in Schools awards will contain an "Additional Grant Condition" that must be signed and returned to the COPS Office. This condition requires the funded officer(s) and the school administrator designated as the educational partner under the CIS grant to attend a COPS in Schools Training. Costs for training, per diem, travel, and lodging for attendance of required participants will be reimbursed by the COPS Office up to a maximum of $1100.

An award under the COPS in Schools grant program will not affect the eligibility of an agency to receive awards under any other COPS program.

The Catalog of Federal Domestic Assistance (CFDA) reference for this program is 16.710.

Dated: February 8, 2001.

Ralph Justus,

Acting Director.

[FR Doc. 01–5057 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services FY 2001 Community Policing Discretionary Grants

AGENCY: Office of Community Oriented Policing Services, Department of Justice.

ACTION: Notice of availability.

SUMMARY: The Department of Justice, Office of Community Oriented Policing Services ("COPS") announces the availability of funds under the Tribal Resources Grant Program, a program designed to meet the most serious needs of law enforcement in Indian communities through a broadened, comprehensive hiring program that will offer a variety of funding options from salary and benefits for new police personnel to funding for law enforcement training and equipment for new and existing officers. This program, which complements the COPS Office's efforts to fund 100,000 additional community policing officers and to support innovative community policing, will enhance law enforcement infrastructures and community policing efforts in tribal communities which have limited resources and are affected by high rates of crime and violence. Applications should reflect the department's most serious law enforcement needs and must link these needs to the implementation or enhancement of community policing. In addition, a written plan to retain COPS-funded officer positions after Federal funding has ended must be submitted with the grant application.

All Federally Recognized Tribes with established police departments or existing police efforts are eligible to apply. Tribes that wish to establish police departments and meet specific criteria are eligible to apply. Tribes or villages may also apply as a consortium with a written partnership agreement that names a lead agency and describes how requested resources will serve the consortium's population. In addition, tribes that are currently served by Bureau of Indian Affairs (BIA) law enforcement may request funding under this grant program to supplement their existing police services. Tribes whose law enforcement services are exclusively provided by local policing agencies through a contract agreement are not eligible under the COPS TRGP program, but may apply to the COPS Universal Hiring Program for police officer positions only.

DATES: Applications will be sent to all Federally Recognized Tribes with existing law enforcement efforts by February 2001. Tribes or villages that wish to apply as a start-up or consortium may request an application kit from the COPS Office. The deadline for the submission of application is April 16, 2001. Applications must be postmarked by April 16, 2001 to be eligible.

ADDRESSES: To obtain an application or for more information, call the U.S. Department of Justice Response Center at 1–800–421–6770. A copy of the application kit will be available in February on the COPS Office web site at: http://www.usdoj.gov/cops.

FOR FURTHER INFORMATION CONTACT: The U.S. Department of Justice Response Center, 1–800–421–6770 or your grant advisor.

SUPPLEMENTARY INFORMATION:

Overview

The Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. 103–322) authorizes the Department of Justice to make grants to increase deployment of law enforcement officers devoted to community policing on the streets and rural routes in this nation. The Tribal Resources Grant Program is a program developed to meet the most serious needs of law enforcement in Indian communities through a broadened, comprehensive hiring program that will offer a variety of funding options from salary and benefits

for new police personnel to funding for law enforcement training and equipment for new and existing officers. This program will enhance law enforcement infrastructures and community policing efforts in these Tribal communities, many of which have limited resources and are affected by high rates of crime and violence.

The Tribal Resources Grant Program is part of a larger Federal initiative which over the last three years, has resulted in the Departments of Interior and Justice working in collaboration to improve law enforcement in tribal communities. Funding has been appropriated to several DOJ agencies including the FBI, the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Corrections Program Office (CPO), and the COPS Office. COPS is coordinating with these agencies as well as with the Office of Law Enforcement Services of the Bureau of Indian Affairs to ensure that limited resources are not spent on duplicative efforts.

The Tribal Resources Grant will provide tribal communities with the resources to: Hire new police officers; train new and existing officers in community policing, grants management and computer training as well as basic police training at a state academy or the Indian Police Academy in Artesia, NM; and provide basic standard issue equipment, ranging from bullet-proof vests and uniforms, to firearms and portable radios.

The Tribal Resources Grant Program emphasizes deployment of officers and resources into communities that are affected by high rates of crime and violence. Applicants must submit a written plan to retain their COPS-funded officer positions after Federal funding has ended. This plan must be submitted to the COPS Office with the Tribal Resources Grant Program application.

A total of $40,000,000 in funding will be available under the Tribal Resources Grant Program. The grant will cover a maximum Federal Share of 75% of total project costs,, including approved salary and benefits of entry-level police officers (up to a maximum of $75,000 per officer over three years), basic law enforcement training and equipment, vehicles, and technology. A local match requirement of 25% of the total project costs is included in this program. A waiver of the local match requirement may be requested but will be granted only on the basis of documented demonstrated fiscal hardship. Requests for waivers must be submitted with the application.

Tribes whose law enforcemnt services are exclusively provided by local policing agencies through contract arrangements are not eligible under this COPS program. However, tribes that do not meet the eligibility requirements for this program may apply to the COPS Office Universal Hiring Program for police officer positions only.

Receiving an award under the Tribal Resources Grant Program will not preclude grantees from future consideration under other COPS grant programs for which they are eligible.

The Catalog of Federal Domestic Assistance (CFDA) reference for this program is 16.710.

Dated: February 8, 2001.

Ralph Justus,

Acting Director.

[FR Doc. 01–5058 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that a proposed Consent Decree ("Decree") in *United States* v. *Preston Engravers, Inc.*, Civil Action No. 3:99CV1273(JBA) (D. Conn.), and *United States* v. *Roto-Die Company, Inc. d/b/a Rotometrics Group and Micrometrics Systems*, Civil Action No. 4:99CV10186SNL (E.D. Mo.), was lodged on February 5, 2001, with the United States District Court for the District of Connecticut.

The complaints in these cases allege that defendants Preston Engravers, Inc. ("Preston") and Roto-Die Company, Inc. ("Roto-Die") (collectively the "Defendants") violated section 112 of the Clean Air Act ("CAA"), 42 U.S.C. 7412, and the National Emission Standard for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (the "Chromium Electroplating NESHAP") at machine tooling facilities owned and/or operated by the Defendants in East Windsor, Connecticut, Eureka, Missouri, and Meadows of Dan, Virginia.

Under the proposed Decree, Defendants shall pay the United States a civil penalty of $245,000.00. Moreover, the Decree requires Defendants to, *inter alia*, refrain from further violating the CAA, to complete the development of and implementation of an operation and maintenance plan for each of the three facilities operated by Defendants, and to submit four quarterly reports to EPA for each facility documenting the ongoing compliance with relevant emission limits for the affected sources.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, D.C. 20044–7611, and should refer to *United States* v. *Preston Engravers, Inc.*, DOJ Ref. #90–5–2–1–06029 and/or *United States* v. *Roto-Die Company, Inc., d/b/a Rotometrics Group and Micrometrics Systems*, DOJ Ref. #90–5–2–1–06032.

The proposed consent decree may be examined at the office of the United States Attorney, District of Connecticut, 157 Church Street, New Haven, Connecticut 06510, (203) 821–3700; the office of the United States Attorney, Eastern District of Missouri, United States Court & Customs House, 1114 Market Street, Room 401, St. Louis, Missouri 63101, (314) 539–2200; the Region I Office of the Environmental Protection Agency, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114, (617) 918–2001; the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029, (215) 814–2900; and the Region VII Office of the Environmental Protection Agency, 901 North Fifth Street, Kansas City, Kansas 66101, (913) 551–7010. A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044. In requesting a copy please refer to the referenced case and enclose a check in the amount of $7.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ronald G. Gluck,

Assistant Chief, Environmental Enforcement Section, Environment Natural Resources Division.

[FR Doc. 01–5059 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Aerospace Vehicle Systems Institute ("AVSI") Cooperative

Notice is hereby given that, on November 7, 2000, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Aerospace Vehicle Systems Institute ("AVSI") Cooperative has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status and planned activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Textron Company, acting through its Cessna Aircraft Company, Wichita, KS; and Science Applications International Corporation, San Diego, CA have been added as parties to this venture. Also, Moog Inc., East Aurora, NY has been dropped as a party to this venture. Additionally, the AVSI Cooperative intends to undertake the following joint research projects:

"Systems Engineering and Information Management II—Collaborative Development"—To investigate methods for electronic connections, corporate proprietary policies, and recommended tools for a prototype secure, electronic collaboration capability to allow multiple supplier participation in aerospace systems development.

"Tools and Best Practices for Implementing RTCA D254"—To generate guidance, templates, tools, key documents/artifacts and examples to allow aerospace electronic suppliers to efficiently incorporate the requirements of RTCA D254, "Design Assurance Guidance for Airborne Electronic Hardware" into their electronic hardware design process.

"Develop the 'How-To' of a Qualified Compiler and Linker"—To develop a technical plan for the development of a qualified compiler & linker that can be used with auto-code generation capabilities of several modeling and simulation tools to improve the software requirement, development and validation process.

"Electronic Component Parts Obsolescence Forecasting Tool, Phase 1 Software Tool Development"—To develop a software tool to forecast when an electronic component is likely to become obsolete in order to provide guidance for long term parts management.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and "AVSI" Cooperative intends to file additional written notification disclosing all changes in membership.

On November 18, 1998, AVSI Cooperative filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 18, 1999 (64 FR 8123).

The last notification was filed with the Department on June 7, 2000. A notice has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5069 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Aerospace Vehicle Systems Institute ("AVSI") Cooperative

Notice is hereby given that, on June 7, 2000, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Aerospace Vehicle Systems Institute ("AVSI") Cooperative has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership and production status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Honeywell, Inc., Phoenix, AZ; and Allied Signal, Inc., Bellevue, WA have merged to form Honeywell International, Inc., Morristown, NJ. BFGoodrich, Charlotte, NC, acting through its BFGoodrich Aerospace Division, and Smith Industries, Grand Rapids, MI acting through its Smiths Industries Aerospace Division have been added as parties to this venture. Additionally, the AVSI Cooperative intends to work on the following joint research project: "Certification Issues for Embedded Object Oriented Software"—To investigate issues concerning the use of embedded object-oriented software in aerospace systems which require certification via the FAA DO–178B. The project will investigate advantages, study issues and recommend guidelines for the use of specific object-oriented, embedded software in safety-critical systems.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Aerospace Vehicle Systems Institute ("AVSI") Cooperative intends to file additional written notification disclosing all changes in membership.

On November 18, 1998, Aerospace Vehicle Systems Institute ("AVSI") Cooperative filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 18, 1999 (64 FR 8123).

The last notification was filed with the Department on September 21, 1999. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 22, 2000 (65 FR 15174).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5070 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–11–M

U.S. DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Auto Body Consortium Inc.: Near Zero Stamping

Notice is hereby given that, on January 16, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Auto Body Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Troy Design and Manufacturing, Redford, MI became a 100%-owned subsidiary of Ford Motor Company, Dearborn, MI, though it has retained its name and continues to operate as a stand-alone company. Also, Data Instruments Inc., Acton, MA merged with Honeywell Sensing and Control to become Honeywell Data Instruments, Acton, MA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Auto Body Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On September 14, 1995, Auto Body Consortium, Inc. filed its original notification pursuant to Section 6(a) of

the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 31, 1996 (61 FR 3463).

The last notification was file with the Department on April 20, 1999. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 14, 1999 (64 FR 69797).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5071 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Biotransplant, Inc.

Notice is hereby given that, on January 12, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Biotransplant, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the identities of the parties are Immerge BioTherapeutics, Charlestown, MA; and Infigen, Inc., DeForest, WI. The nature and objectives of the venture are to conduct research on the genetic modification of pigs by nuclear transfer technology.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5061 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IAP Research, Inc.: Electromagnetic Dynamic Compaction

Notice is hereby given that, on November 15, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), IAP Research, Inc.: Electromagnetic Dynamic Compaction has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Ideas & Inventions, Anderson, IN has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IAP Research, Inc.: Electromagnetic Dynamic Compaction intends to file additional written notification disclosing all changes in membership.

On July 21, 1999, IAP Research, Inc.: Electromagnetic Dynamic Compaction filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 14, 1999 (64 FR 69799).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5063 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on January 23, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), IMS Global Learning Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Saba, Redwood Shores, CA; and Fretwell Downing Informatics Limited, Sheffield, England, United Kingdom have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global Learning Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On April 7, 2000, IMS Global Learning Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on October 23, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 20, 2000 (65 FR 69789).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5065 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Silicon Integration Initiative, Inc.

Notice is hereby given that, on April 8, 1999, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Silicon Integration Initiative, Inc. ("SI2") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Avant!, Sunnyvale, CA; Matsushita Electric Ind. Company, Osaka, Japan; Sun Microsystems, Inc., Mountain View, CA; Frequency Technology, Inc., San Jose, CA; Monterey Design Systems, Inc., Sunnyvale, CA; and RAPID, Dallas, TX have been added as parties to this venture. Also, OKI Electric Industry Co., Ltd., Tokyo, Japan; and Ambit Design Systems, Inc., Sunnyvale, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SI2 intends to file additional written notifications disclosing all changes in membership.

On December 30, 1998, SI2 filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 13, 1989 (54 FR 10456).

The last notification was filed with the Department on June 22, 1998. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on April 3, 2000 (65 FR 17536).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5062 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research, and Production Act of 1993—Silicon Integration Initiative, Inc.

Notice is hereby given that, on April 28, 2000, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Silicon Integration Initiative, Inc. ("SI2") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Infineon Technologies Corporation, San Jose, CA; National Semiconductor, Richardson, TX; Silicon Graphics, Mountain View, CA; Agile Software, San Jose, CA; InfoQuick, Irvine, CA; Magma Design Automation, Cupertino, CA; Numerical Technologies, San Jose, CA; Saqqara Systems, Inc., Sunnyvale, CA; Virtual Component Exchange, Livingston, Scotland, United Kingdom; and VSI Alliance, Los Gatos, CA have been added as parties to this venture. Also, Duet Technologies, Inc., Santa Clara, CA; Nortel, Nepean, Ontario, Canada; Sharp Corporation, Tenri Nara, Japan; Synopsys, Inc., Mountain View, CA; and VLSI Technologies, Inc., Tempe, AZ have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SI2 intends to file additional written notifications disclosing all changes in membership.

On December 30, 1988, SI2 filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 13, 1989 (54 FR 10456).

The last notification was filed with the Department on April 8, 1999. A notice for this filing has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5066 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Southwest Research Institute ("SwRI"): Advanced Reciprocating Engine Systems ("ARES")

Notice is hereby given that, on January 16, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Southwest Research Institute ("SwRI"): Advanced Reciprocating Engine Systems ("ARES") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership and project status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Altronic, Inc. has been dropped as a party to this venture; and the period of performance has been extended to May 30, 2001.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Southwest Research Institute ("SwRI"): Advanced Reciprocating Engine Systems ("ARES") intends to file additional written notification disclosing all changes in membership.

On February 9, 1999, Southwest Research Institute ("SwRI"): Advanced Reciprocating Engine Systems ("ARES") filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 26, 1999 (64 FR 28521).

The last notification was filed with the Department on March 6, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on July 11, 2000 (65 FR 42727).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5064 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Southwest Research Institute: Fuel Filtration Cooperative R&D Program—Phase III

Notice is hereby given that, on July 30, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Southwest Research Institute has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Davco Manufacturing, L.L.C., Saline, MI has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and southwest Research Institute intends to file additional written notification disclosing all changes in membership.

On March 1, 1999, Southwest Research Institute filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 26, 1999 (64 FR 28521). A correction notice was published in the **Federal Register** on July 11, 2000 (65 FR 42727).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5068 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Spray Drift Task Force

Notice is hereby given that, on November 1, 2000, pursuant to section

6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Spray Drift Task Force has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Nations Ag II, LLC, Arlington, VA has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Spray Drift Task Force intends to file additional written notification disclosing all changes in membership.

On May 15, 1990, Spray Drift Task Force filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 1990 (55 FR 27701).

The last notification was filed with the Department on May 11, 2000. A notice for this filing has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5060 Filed 3–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

February 21, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration (ETA).

Title: Attestations by Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports.

OMB Number: 1205–0309.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Number of Respondents: 1.

Number of Annual Responses: 1.

Estimated Time Per Response: 4.

Total Burden Hours: 4.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: The ETA Form 9033 is used by employers seeking to employ alien crewmembers to perform longshore activities in U.S. ports. The continued collection of this information will allow the Department to meet Federal responsibilities mandated by 20 CFR Part 655, Subparts F and G.

Ira Mills,

Departmental Clearance Officer.

[FR Doc. 01–5079 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–22–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

February 20, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail to King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ESA, Office of Management and Budget, room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Employment Standards Administration (ESA).

Title: Davis-Bacon and Related Acts/Contract Work Hours and Safety Standards Act Reporting Requirements.

OMB Number: 1215–0140.

Affected Public: Business or other for-profit; State, Local, or Tribal Government, and Federal Government.

Frequency: On occasion.

Requirement	No. of respondents	No. of responses	Estimated time per response	Burden hours
Conformance Report	3,500	3,500	15 minutes	875
Unfunded Fringe Benefit Plans	6	6	6 hours	6
Total	3,506	3,506		881

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $1,297.

Description: 29 CFR section 5.5 requires Federal contractors to report on conformed classifications and wage rates and to submit requests for approval of unfunded fringe benefit plans to the Department of Labor. This collection of information is necessary to ensure that federal contractors are in compliance with the Davis-Bacon and Related Acts (DBRA) as well as the Contract Work Hours and Safety Standards Act (CWHSSA).

Type of Review: Extension of a currently approved collection.

Agency: Employment Standards Administration (ESA).

Title: Rehabilitation Maintenance Certification.

OMB Number: 1215–0155.

Affected Public: Individuals or households.

Frequency: On occasion, annually, and semi-annually.

Form	Number of respondents/ responses	Frequency	Average time per form	Burden hours
CA–5	150	Once	90	225
CA–5b	20	Once	90	30
CA–1615	600	Once	30	300
CA–1617	300	Semiannually	30	150
CA–1085	500	Once	45	375
CA–1031	150	Annually	15	37
CA–1074	10	Once	60	10
CA–1093	15	Once	30	7
CA–1618	150	Semiannually	30	75
Total	1,895			1,210

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: These reports request information from the survivors of deceased Federal employees that verify dependent status when making a claim for benefits, and on a periodic basis in accepted claims. Some of the forms are used to obtain information in claimed dependents in disability cases. The collection of this information is required to receive benefits under the Federal Employees' Compensation Act (FECA/U.S.C. 8110) and are authorized by 20 CFR 10.7, 10.105, 10.410, 10.413, 10.417, 10.535, 10.537.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–5080 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–22–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of February, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–38,417; Wing Industries, Div. of Atrium Companies, Inc., Mt. Pleasant, TX

TA–W–38,437; SNE Enterprises, AWC-Crestline Div., Commerce, TX

TA–W–38,336; Dunham Bush, Inc., Harrisonburg, PA

TA–W–38,133; UFE, Inc., El Paso, TX

TA–W–38,521; Burnt River Forest Products, Inc., Unity, OR

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–38,432; Singer Sewing Co., Industrial Div., Murfreesboro, TN
TA–W–38,513; Comdata, Inc., Birmingham, AL

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–38,107; Timex Corp., Little Rock, AR
TA–W–38,391; Foxboro Co., Foxboro, MA
TA–W–38,408; Williams Energy Services, Bloomfield, MN
TA–W–38,496; Dynamic Metal Forming, Inc., Koppel, PA
TA–W–38,337; Norton Co., Coated Abrasives Div., Watervliet, NY
TA–W–38,358; Tower Automotive Kalamazoo, Kalamazoo, MI
TA–W–38,412; Columbia Falls Aluminum Co., Columbia Falls, MT
TA–W–38,321; International Paper Co., Lock Haven, PA
TA–W–38,594; Regional Recycling LLC, Attalla, AL
TA–W–38,445; Burlington Resources, Inc., Farmington, NM
TA–W–38,585; Portola Packaging, New Castle, PA
TA–W–38,483; Saputo Cheese USA, Inc., Thorp, WI

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–38,439; Eastern Fine Paper, Inc., Brewer, ME

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–38,486; Tyco Electronics, Irvine, CA: December 11, 1999.
TA–W–38,300; ABB/Westinghouse, Hematite Plant, Festus, MO: October 17, 1999.
TA–W–37,970; Devro-Teepak, Inc., Danville, IL: July 31, 1999.
TA–W–38,561; Oshkosh B' Gosh, Inc., Byrdstown Div., Byrdstown, TN: January 8, 2000.
TA–W–38,590; Bianco Sportswear, Inc., Copiague, NY: January 3, 2000.
TA–W–38,438; Bend N' Stretch, Cutting Dept., Hialeah, FL: November 30, 1999.
TA–W–38,447; Pinebluff Manufacturing Co., Pinebluff, NC: December 4, 1999.
TA–W–38,288; Middleby Marshall, Inc., Southbend Div., Including Leased Workers of Express Temporary Services, Fuquay Varina, NC: October 23, 1999.
TA–W–38,402; Leroi International, Inc., DBA Compair, Sidney, OH: November 15, 1999.
TA–W–38,592; Exide Technologies, Automotive Battery Div., A/K/A GNB Batteries, Inc., A/K/A Exide Corp., Farmers Branch, TX: January 10, 2000.
TA–W–38,379; Trumark Industries, Spokane, WA: November 8, 1999.
TA–W–38,283; Fernbrook #2, Palmerton, PA: October 23, 1999.
TA–W–38,277; Camp Healthcare, Jackson, MI: October 23, 1999.
TA–W–38,324; Remacor, West Pittsburg, PA: October 23, 1999.
TA–W–38,460; Crompton and Knowles Color, Inc., Nutley, NJ: December 5, 1999
TA–W–38,526; Victor Equipment Co., Abilene, TX: December 21, 1999
TA–W–38,330; Central Industries of Indiana, Inc., Greenwood Arkansas Div., Greenwood, AR: October 25, 1999.
TA–W–38,407; Tower Automotive Products Co., Inc., Milwaukee, WI: November 22, 1999.
TA–W–38,512; VF Imagewear (West), Inc., Clarksville, TX: December 19, 1999.
TA–W–38,511; VF Imagewear (West), Inc., Antlers, OK: December 19, 1999.
TA–W–38,315; DeBon Leather Goods, Hackensack, NJ: October 20, 1999.
TA–W–38,567; Pirelli Tire North America, Hanford, CA: January 9, 2000.
TA–W–38,459; Pennsylvania Steel Div., Pennsylvania Foundry Group, Subsidiary of Atchinson Casting Corp., Hamburg, PA: December 8, 1999.
TA–W–38,578; Berne Apparel Co., Inc., Hardinsburg, KY: January 5, 2000.
TA–W–38,270; General Electric Co., GEA Bloomington, Inc., Bloomington, IN: October 10, 1999.
TA–W–38,370; A.O. Smith Electrical Products Co., Altavista, VA: November 16, 1999.
TA–W–38,554; Lego Systems, Inc., Molding Dept., Enfield, CT: January 4, 2000.
TA–W–38,430; Unilever-Bestfoods, Lipton, Dallas, TX: December 5, 1999.
TA–W–38,261; McNeil and NRM, Inc., Akron, OH: October 5, 1999.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of February, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increased imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–04334; Cherokee Finishing Co., Spartan International, Gaffney, SC
NAFTA–TAA–04409; Burnt River Forest Products, Inc., Unity, OR
NAFTA–TAA–04380; Wing Industries, Div. of Atrium Companies, Inc., Mt Pleasant, TX
NAFTA–TAA–04459; Pirelli Tire North America, Hanford, CA
NAFTA–TAA–04241; Tower Automotive Kalamazoo Business Unit, Kalamazoo, MI
NAFTA–TAA–04384; Saputo Cheese USA, Inc., Thorp, WI
NAFTA–TAA–04359; G&P Cutting Contractors, Inc., d/b/a G&P Logging Contractors, Inc., Parkdale, OR

NAFTA–TAA–04246; National Mills, Inc., Pittsburg, KS
NAFTA–TAA–04174; UFE, Inc., El Paso, TX
NAFTA–TAA–04237; Middleby Marshall, Inc., Southbend Div., Fuquay Varina, NC
NAFTA–TAA–04287; ABB/ Westinghouse, Hematite Plant, Festus, MO
NAFTA–TAA–04446; Borg Wagner Air Fluid Systems, Inc., Blytheville Plant, Blytheville, AR
NAFTA–TAA–04355; SNE Enterprises, AWC–Crestline Div., Commerce, TX
NAFTA–TAA–04371; Columbia Falls Aluminum Co., Columbia Falls, MT
NAFTA–TAA–04482; Master Patern, Inc., Norton Shores, MI
NAFTA–TAA–04367; Carolina Imprints, Greenville, NC

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

NAFTA–TAA–04426; Southern Oregon Log Scaling and Grading Bureau, Roseburg, OR

The investigation revealed that criteria (2) has not been met. Sales or production, or both, of such firm or subdivision did not decrease during the relevant period.

NAFTA–TAA–04470; Delbar Products, Inc., Perkasie, PA
NAFTA–TAA–04365; Eastern Fine Paper, Inc., Brewer, ME

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–04445; Burlington Industries, Inc., Burlington House Floor Accents, Monticello, AR: January 3, 2000.
NAFTA–TAA–04361; Money's Foods U.S., Inc., Money's Mushrooms Ltd, Blandon, PA: December 1, 1999.
NAFTA–TAA–04338 & A, B; Wiscassett Mills Co., Kannapolis, NC, Concord, NC and Albemarle, NC: November 21, 1999.
NAFTA–TAA–04443; Berne Apparel Co., Inc., Hardinsburg, KY: January 5, 2000.
NAFTA–TAA–04472; Portola Packaging, New Castle, PA: January 10, 2000.
NAFTA–TAA–04417; VF Imagewear (West), Inc., Antlers, OK: December 19, 1999.
NAFTA–TAA–04433; VF Imagewear (West), Inc., Clarksville, TX: December 19, 1999.
NAFTA–TAA–04456; Exide Technologies/GNB Batteries, Inc., Leavenworth, KS: January 16, 2000.
NAFTA–TAA–04442; Oshkosh B'Gosh, Inc., Byrdstown Div., Byrdstown, TN: January 8, 2000.
NAFTA–TAA–04392; Unilever-Bestfoods, Lipton, Dallas, TX: December 5, 1999.
NAFTA–TAA–04230; General Electric Co., GEA Bloomington, Inc., Bloomington, IN: October 6, 1999.
NAFTA–TAA–04286; Poly One Corp. (Formerly The Geon Co), Denver Compound Plant, Denver, CO: November 8, 1999.
NAFTA–TAA–04339; Tower Automotive Products Co., Inc., Milwaukee, WI: November 22, 1999.
NAFTA–TAA–04312; Trumark Industries, Spokane, WA: November 8, 1999.
NAFTA–TAA–04310; Commonwealth Sprague Capacitor, Inc., Components Div., Assembly and Finishing Departments, North Adams, MA: November 9, 1999.
NAFTA–TAA–04483; Vilter Manufacturing Corp., Cudahy, WI: January 10, 2000.
NAFTA–TAA–04419; TI Automotive Group, New Haven Div., New Haven, MI: January 3, 2000.
NAFTA–TAA–04388; Winpak Films, Inc., Converting Department, Senoia, GA: December 14, 1999.
NAFTA–TAA–04309; Kojo Worldwide Corp., Huntington Beach, CA: November 1, 1999.
NAFTA–TAA–04350; State Coat Front Co., Inc., Boston, MA: November 27, 1999.
NAFTA–TAA–04499; Rexam Medial Packaging, Mt. Holly, NJ: December 16, 1999.
NAFTA–TAA–04458; Leach International, Buena Park, CA: January 12, 2000.
NAFTA–TAA–04515; Talon Automotive Group, Production Stampong Div., Oxford, MI: January 12, 2000.
NAFTA–TAA–04545; Accuride Corp., Henderson, KY: February 7, 2000.
NAFTA–TAA–04421; HYD-Mech Group, Ltd, HY-Mech Pueblo, Inc., Pueblo, CO: January 3, 2000.

I hereby certify that the aforementioned determinations were issued during the month of February, 2001. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: February 21, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–5091 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,253]

Intercontinental Branded Apparel, Ellwood Avenue, Buffalo, New York; Notice of Revised Determination on Reconsideration

By letter of February 5, 2001, the company requested administrative reconsideration of the Department's denial of eligibility to apply for trade adjustment assistance applicable to workers and former workers of the subject firm.

The initial investigation resulted in a negative determination issued on December 18, 2000, and was published in the **Federal Register** on January 11, 2001 (66 FR 2450). The investigation findings showed that employment did not decrease during the relevant time period.

New information provided by the company show that employment of production workers decreased in January through November 2000, compared to January through November 1999.

At Intercontinental Branded Apparel, Ellwood Avenue, Buffalo, New York, production of coats declined in January through November 2000, compared to the same 1999 time period. During this same time period, company imports of men's suit coats increased.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with men's suit coats contributed importantly to the declines in sales or production and to the total or partial separation of workers of Intercontinental Branded Apparel, Ellwood Avenue, Buffalo, New York. In accordance with the provisions of the Act, I make the following certification:

All workers of Intercontinental Branded Apparel, Ellwood Avenue, Buffalo, New York, who became totally or partially separated from employment on or after October 17, 1999, through two years from the date of this certification are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 21st day of February, 2001.

Edward A. Tomchick,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–5089 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,311]

LIGHTNIN—SPX Corporation, Wytheville, Virginia; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 13, 2000, in response to a petition filed by a company official on behalf of workers at LIGHTNIN Division, SPX Corporation, Wytheville, Virginia.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 30th day of January 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–5081 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,576]

Northwest Alloys, Inc., Addy, Washington; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 22, 2001, in response to a petition filed on behalf of workers at Northwest Alloys, Inc., Addy, Washington.

The company official submitting the petition has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 30th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–5083 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,174]

Paper, Calmenson & Company, Blades Division, Bucyrus, OH; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of January 4, 2001, the United Steelworkers of America (USWA), District 1/Sub-District 3, requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on December 5, 2000, and was published in the **Federal Register** on December 21, 2000 (65 FR 80456).

Information provided by the USWA reveals that further investigation is warranted regarding imports of articles like or directly competitive with those produced by workers at the Bucyrus, Ohio plant.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed in Washington, DC, this 20th day of February, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–5086 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,049]

Puget Plastics Corporation, Tualatin, Oregon; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 5, 2000, in response to a petition filed by a company official on behalf of workers at Puget Plastics Corporation, Tualatin, Oregon.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 31st day of January 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–5082 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,399]

Reactive Metals & Alloys Corporation, West Pittsburg, Pennsylvania; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 11, 2000, in response to a petition field on behalf of workers at Reactive Metals & Alloys Corporation, West Pittsburg, Pennsylvania.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TAW–38,324). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 26th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–5084 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,217; TA–W–38,217G]

Union Pacific Fuels Inc., Union Resources Company, and Union Pacific Resources Group, Inc., Headquarter in Fort Worth Texas and Operating in Texas, Notice of Negative Determination Regarding Application for Reconsideration

By application of December 28, 2000, the petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Union Pacific Fuels Inc., Union Resources Company, and Union Pacific Resources Group, Inc., Headquartered in Forth Worth, Texas (TA–W–37,217), and operating in various States including Texas (TA–W–37,217G), was signed on December 6, 2000, and was published in the **Federal Register** on December 21, 2000 (65 FR 80456).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The request for reconsideration of TA–W–37,217 and TA–W–37,217G, states that the Fort Worth, Texas workers of the subject firm are being retained to transition computer systems, land records, train Anadarko employees and transfer assets. The petitioner adds that these workers are being retained because of their specialized expertise unique to the oil and gas industry; opportunities in Forth Worth are limited as more companies close. The petitioner submitted excerpts from the subject firm's 1998 and 1999 annual reports, and materials related to the oil and gas industry.

The TAA petition filed on October 16, 2000, was filed on behalf of workers engaged in employment related to the production of crude oil and natural gas, at the subject firm headquarters in Forth Worth, Texas, and operating in Colorado, Wyoming, Oklahoma, Kansas, Louisiana, Utah and Texas. On December 6, 2000, workers of the subject firm were denied eligibility to apply for worker adjustment assistance because the "contributed importantly" criterion of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was not met. The subject firm merged with another firm in July 2000. Workers of the subject firm were covered by an existing certification, TA–W–35,465, which expired January 21, 2001. Any layoffs that occurred at the subject firm after the expiration date of the certification applicable to the petitioning worker group, were attributable to this merger and a redundancy in employee positions. Furthermore, aggregate U.S. imports of crude oil and natural gas declined in the twelve-month period of July through June 1999–2000, both absolutely and relative to domestic shipments.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 20th day of February 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–5090 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,343]

United Steelworkers of America (USWA), Local 2176, Gadsden, AL; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Trade Adjustment Assistance for workers at United Steelworkers of America (USWA), Local 2176, Gadsden, Alabama. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–38,343; United Steelworkers of America (USWA), Local 2176, Gadsden, Alabama (February 22, 2001)

Signed in Washington, DC, this 22nd day of February, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–5087 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,342]

Gulf States Steel, Inc., Gadsden, AL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 20, 2000 in response to a worker petition which was filed on November 20, 2000 on behalf of workers at Gulf States Steel, Gadsden, Alabama.

Since all workers at the subject firm were separated prior to November 23, 2000, workers are eligible to apply for Trade Adjustment Assistance benefits under a certification which was issued on November 23, 1998, and covered all separations extending through November 23, 2000 (TA–W–35,108). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 25th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–5085 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4253]

Homestake Mining Company, Homestake Gold Mine, Lead, South Dakota; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Homestake Mining Company, Homestake Gold Mine, Lead, South Dakota. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

NAFTA–4253; Homestake Mining Company, Homestake Gold Mine, Lead, South Dakota (February 22, 2001)

Signed at Washington, DC this 22nd day of February, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–5088 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 27a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or government agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Supersedeas Decisions to General Wage Determination Decisions

The number of decisions being superseded and their date of notice in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of decisions being superseded.

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Volume III

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General Wage Determination Publication

General Wage Determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determination issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 20th day of February 2001.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–4645 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Notice of Open Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of a meeting of the Advisory Committee on Construction Safety and Health (ACCSH).

SUMMARY: OSHA is notifying the public that ACCSH will meet March 15–16, 2001, at the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC. This meeting is open to the public.

DATES, TIMES, LOCATION: ACCSH will meet 8:30 a.m. to 5 p.m., Thursday, March 15 and 9 a.m. to Noon, Friday, March 16 in rooms N–3437 A, B, C & D of the Frances Perkins Building. ACCSH work groups will meet March 13–14 in the Frances Perkins Building. For an updated schedule of activities please refer to the ACCSH Web Page located at OSHA's Web site at *http://www.osha.gov*, or contact Jim Boom in OSHA's Directorate of Construction at (202) 693–1839.

FOR FURTHER INFORMATION CONTACT: Veneta Chatmon, OSHA Office of Public Affairs, Room N–3647, 200 Constitution Ave., NW., Washington, DC 20210, telephone (202) 693–1999.

SUPPLEMENTARY INFORMATION: An official record of the meeting will be available for public inspection at the OSHA Docket Office, Room N–2625, at the address above, telephone (202)–693–2350. All ACCSH meetings and those of its work groups are open to the public. Individuals needing special accommodation should contact Veneta Chatmon no later than March 5, 2001, at the above address.

The agenda items for this meeting include:

- Introduction of new ACCSH members
- Remarks by the Acting Assistant Secretary for the Occupational Safety and Health Administration, R. Davis Layne
- ACCSH Work Group updates
- Update on past ACCSH business
- Directorate of Construction report

Work Group Meeting Schedule

The following work groups will meet in the Francis Perkins Building:

- Subpart N—Cranes—9 a.m. to 4:00 p.m., Tuesday, March 13 in room N–5437 A&B.
- Sanitation—9 a.m. to Noon, Wednesday, March 14 in room N–5437 A.
- OSHA 10 Hour Training—10 a.m. to Noon, Wednesday, March 14 in room N–5437 B.
- Hexavalent Chromium—1:30 to 4 p.m., Wednesday, March 14 in room N–5437 A.
- Noise in Construction—1 to 5 p.m., Wednesday, March 14 in room N–5437 B.

For up-to-date information on ACCSH work groups and scheduling please refer to the OSHA Web site at *http://www.osha.gov*, or call Jim Boom in OSHA's Directorate of Construction at (202) 693–1839.

Authority: R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by section 7 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333), and Secretary of Labor's Order No. 6–96 (62 FR 181).

Signed at Washington, DC on February 26, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–5078 Filed 3–1–01; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–031)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that SRS Technologies, Inc., of Huntsville, AL, 35806, has applied for an exclusive license to practice the inventions described and claimed in U.S. Patent No. 5,520,960 entitled "Electrically Conductive Polyimides Containing Silver Trifluoroacetylacetonate"; U.S. Patent No. 5,575,955 entitled "Electrically Conductive Polyimide Film Containing Gold (III) Ions, Composition, and Process of Making"; U.S. Patent No. 5,677,418 entitled "Reflective Self-Metallizing Polyimide Films"; U.S. Patent No. 6,019,926, entitled "Reflective Silvered Polyimide Films Via In-Situ Thermal Reduction of Silver (I) Complexes"; U.S. Patent No. 5,502,156 entitled "Electrically Conducting Polyimide Film Containing Tin Complexes"; U.S. Patent No. 5,376,209 entitled "Process for Preparing an Assembly of an Article and a Polyimide Which Resists Dimensional Change, Delamination, and Debonding When Exposed to Changes in Temperature," and U.S. Patent No. 5,248,519 entitled "Process for Preparing an Assembly of an Article and a Soluble Polyimide Which Resists Dimensional Change, Delamination, and Debonding When Exposed to Changes in Temperature," all of which are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Ms. Robin W. Edwards, Patent Attorney, Langley Research Center.

DATES: Responses to this notice must be received by May 1, 2001.

FOR FURTHER INFORMATION CONTACT: Robin W. Edwards, Patent Attorney, Langley Research Center, Mail Stop 212, Hampton, VA, 23681–2199; telephone 757–864–3230.

Dated: February 23, 2001.

Edward A. Frankle,

General Counsel.

[FR Doc. 01–5034 Filed 3–1–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL INSTITUTE FOR LITERACY

Notice of Meeting; Correction

SUMMARY: For the notice published in the **Federal Register** dated February 23, 2001, Volume 66, Number 37, pages 11333–11334, make the following corrections:

On page 11333, under "Date and Time," the second day of the Board meeting, March 9, 2001, is cancelled. On page 11334, under **SUPPLEMENTARY INFORMATION** the Advisory Board meeting on March 9, 2001, is cancelled.

FOR FURTHER INFORMATION CONTACT: Shelly Coles, Executive Assistant, National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006. Telephone number (202) 233–2027, email scoles@nifl.gov.

Dated: February 26, 2001.

Carolyn Y. Staley,

Acting Director.

[FR Doc. 01–5032 Filed 3–1–01; 8:45 am]

BILLING CODE 6055–01–U

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical and Transport Systems (1190).

Date/Time: April 2, 2001; 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 340, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Stefan T. Thynell, Program Director, Division of Chemical & Transport Systems, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Room 525 (703) 292–8371.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY 2001 Information Technology Research Panel of proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 27, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5120 Filed 3–1–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical and Transport Systems (1190).

Date/Time: April 23, 2001; 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 340, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Stefan T. Thynell, Program Director, Division of Chemical & Transport Systems, National Science Foundation, 4201 Wilson Blvd. Arlington, VA 22230. Room 525 (703) 292–8371.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY 2001 Information Technology Research Panel of proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 27, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5119 Filed 3–1–01; 8:45 am]

BILLING CODE 7555–01–M

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Reclearance of Expiring Information Collections: OPM Forms 1496 and 1496A

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for reclearance of an information collection. OPM Forms 1496 and 1496A, Application for Deferred Retirement (Separations before October 1, 1956) and Application for Deferred Retirement (Separations on or after October 1, 1956) are used by eligible former Federal employees to apply for a deferred Civil Service annuity. Two forms are needed because there was a major revision in the law effective October 1, 1956; this affects the general information provided with the forms.

Comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 3,000 OPM Forms 1496 and 1496A will be completed annually. We estimate it takes approximately 1 hour to complete both forms. The annual burden is 3,000 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–2150, or email to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before May 1, 2001.

ADDRESSES: Send or deliver comments to—Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415–3540.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget & Administrative Services Division, (202) 606–0623.

Steven R. Cohen,

Acting Director, Office of Personnel Management.

[FR Doc. 01–5054 Filed 3–1–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of an Expiring Information Collection: RI 30–10

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of an expiring information collection. RI 30–10, Disabled Dependent Questionnaire, is used to collect sufficient information about the medical condition and earning capacity for the Office of Personnel Management to be able to determine whether a disabled adult child is eligible for health benefits coverage and/or survivor annuity payments under the Civil Service Retirement System or the Federal Employees Retirement System.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of OPM, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 2,500 RI 30–10 Forms are completed annually. The form takes approximately 60 minutes to complete. The annual estimated burden is 2,500 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov

DATES: Comments on this proposal should be received May 1, 2001.

ADDRESSES: Send or deliver comments to—Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349A, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–5055 Filed 3–1–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review: Comment Request for Review of an Expired Information Collection: Procedures for Submitting Compensation and Leave Claims

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of an expired information collection. Procedures for Submitting Compensation and Leave Claims is used to collect information from current and former Federal employees who are submitting a claim for compensation and/or leave. OPM needs this information in order to adjudicate the claim.

We received no comments on our 60-day notice on Procedures for Submitting Compensation and Leave Claims, published in the **Federal Register** on November 9, 2000.

Approximately 100 claims are submitted annually. It takes approximately 60 minutes to compile the information needed to submit a claim. The annual estimated burden is 100 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to *mbtoomey@opm.gov*.

DATES: Comments on this proposal should be received on or before April 2, 2001.

ADDRESSES: Send or deliver comments to—

Melissa A. Drummond, Program Manager, Office of Merit Systems Oversight, Office of Merit Systems Oversight and Effectiveness, U.S. Office of Personnel Management, 1900 E Street, NW, Room 7671, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–5056 Filed 3–1–01; 8:45 am]

BILLING CODE 6325–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

Summary: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Application for RRB Survivor Annuities.

(2) *Form(s) submitted:* AA–17, AA–17b, AA–17cert, AA–18, AA–19, AA–20.

(3) *OMB Number:* 3220–0030.

(4) *Expiration date of current OMB clearance:* September 30, 2001.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 4,137.

(8) *Total annual responses:* 4,137.

(9) *Total amount reporting hours:* 1,718.

(10) *Collection description:* Under Section 2(d) of the Railroad Retirement Act, monthly survivors annuities are payable to surviving widow(ers), parents, unmarried children, and in certain cases, divorced wives (husbands), mothers, (fathers), remarried widow(ers) and grandchildren of deceased railroad employees. The collection obtains information needed by the RRB for determining entitlement to and amount of annuity applied for.

Additional Information or Comments

Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp., Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 and the OMB reviewer, Joe Lackey (202–395–7316), Office of Management and Budget, Room 10203, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–5072 Filed 3–1–01; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Self-Employment Questionnaire.

(2) *Form(s) submitted:* AA–4.

(3) *OMB Number:* 3220–0138.

(4) *Expiration date of current OMB clearance:* June 30, 2001.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or Households.

(7) *Estimated annual number of respondents:* 600.

(8) *Total annual responses:* 600.

(9) *Total annual reporting hours:* 415.

(10) *Collection description:* Section 2 of the Railroad Retirement Act provides for payment of annuities to qualified employees and their spouses. Work for a Last Pre-Retirement Nonrailroad Employer (LPE) and work in self-employment affect payment in different ways. This collection obtains information to determine whether claimed self-employment is really self-employment, and not work for a railroad or LPE.

Additional Information or Comments

Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Joe Lackey (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–5073 Filed 3–1–01; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–24878]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

February 23, 2001.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of February 2001. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., NW., Washington, DC 20549–0102 (tel. 202–942–8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 20, 2001, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549–0609. For Further Information Contact: Diane L. Titus, at (202) 942–0564, SEC, Division of Investment Management, Office of Investment Company Regulation, 450 Fifth Street, NW., Washington, DC 20549–0506.

Federated Master Trust [File No. 811–2784], Money Market Obligations Trust II [File No. 811–7364], Federated Tax-Free Trust [File No. 811–2891], Liberty U.S. Government Money Market Trust [File No. 811–2956], Federated Short-Term U.S. Government Trust [File No. 811–5035], Federated Municipal Trust [File No. 811–5911], Trust for Short-Term U.S. Government Securities [File No. 811–2602], Trust for U.S. Treasury Obligations [File No. 811–29511], Trust for Government Cash Reserves [File No. 811–5772], Liquid Cash Trust [File No. 811–3057], Money Market Management, Inc. [File No. 811–2430], Money Market Trust [File No. 811–2550], Automated Government Money Trust [File No. 811–3475], and Federated Government Trust [File No. 811–5981]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. Between April 26, 1999, and February 1, 2000, each

applicant transferred its assets to Money Market Obligations Trust based on net asset value. Applicants bore none of the expenses incurred in connection with the reorganizations. Any expenses were paid by Federated Investment Management Company, each applicant's investment adviser, or its affiliates.

Filing Dates: The applications were filed on December 8, 2000, and amended on February 7, 2001.

Applicants' Address: 5800 Corporate Drive, Pittsburgh, Pennsylvania 15237–7000.

Van Kampen Global Managed Assets Fund [File No. 811–8286]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On May 24, 2000, applicant made a final liquidating distribution to its shareholders based on net asset value. Expenses of $100 incurred in connection with the liquidation were paid by Van Kampen Asset Management Inc., applicant's investment adviser.

Filing Date: The application was filed on February 1, 2001.

Applicant's Address: 1 Parkview Plaza, P.O. Box 5555, Oakbrook Terrace, IL 60181–5555.

PMD Investment Company [File No. 811–3135]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 3, 2000, applicant made a liquidating distribution to its shareholders based on net asset value. First National Bank of Omaha, applicant's depository agent, is holding any unclaimed funds, which will escheat to the State of Nebraska after the applicable holding period. Expenses of $46,188 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on December 21, 2000.

Applicant's Address: 10050 Regency Circle, Suite 315, Omaha, Nebraska 68114.

The Sheffield Funds, Inc. [File No. 811–5869]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 26, 2000, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $11,000 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on December 28, 2000.

Applicant's Address: 900 Circle 75 Parkway, Suite 750, Atlanta, Georgia 30339.

The Travelers Timed Bond Account for Variable Annuities [File No. 811–5092]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant was a fund only offered as part of a market timing marketing program. The program was discontinued effective October 1, 1997. Customers were given the option of terminating before October 1, 1997 and moving into a fund of their choice. After October 1, 1997, customers were transferred to the American Odyssey Short-Term Bond Fund. As a result, all of the assets of the applicant were distributed in 1997. The applicant states that the Travelers Insurance Company absorbed any expenses that were incurred to achieve the liquidation.

Filing Dates: The application was filed on June 19, 2000, and amended on February 21, 2001.

Applicant's Address: One Tower Square, Hartford, CT 06183.

PFL Endeavor Target Account [File No. 811–8377]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 25, 2000, the shareholders of applicant voted to approve the merger of applicant with another investment company. The name of the investment company surviving the merger is Capital Guardian U.S. Equity Subaccount of the Endeavor Variable Annuity Separate Account, and its Investment Company Act file number is 811–06032. Expenses of $40,000 were incurred in connection with the merger and were paid by PFL Life Insurance Company, which established and maintained applicant as a managed separate account and which is the depositor of the surviving investment company.

Filing Date: The application was filed on December 19, 2000.

Applicant's Address: 4333 Edgewood Road NE, Cedar Rapids, IA 52499–4520.

Penfield Partners, L.P. [File No. 811–8604]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering. Applicant will continue to operate as a private investment vehicle in reliance on section 3(c)(1) of the Act.

Filing Date: The application was filed on February 14, 2001. Applicant has agreed to file an amendment during the notice period.

Applicant's Address: 153 East 53rd Street, New York, NY 10022.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5044 Filed 3–1–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27349]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

February 23, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 20, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 20, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

DTE Energy Company, et al. (70–9589)

DTE Energy Company ("DTE"), a Michigan public utility holding company that claims exemption, under section 3(a)(1) of the Act by rule 2, and its inactive, wholly owned subsidiary, DTE Enterprises, Inc. ("Merger Sub" and with DTE, "Applicants"), both located at 2000 Second Avenue, Detroit, Michigan 48226–1279, have filed an application under sections 3(a)(1), 9(a)(2), and 10 of the Act.

DTE is engaged, through subsidiaries, in various utility and nonutility

activities.[1] Its common stock is listed on the New York Stock Exchange ("NYSE") and, as of October 31, 2000, 142,651,172 of its shares were outstanding. For the twelve-month period ending on September 30, 2000, DTE had consolidated operating revenues of $5.27 billion, approximately $4.04 billion of which were attributable to utility activities. Applicants state that the total value of the assets of DTE and its subsidiaries as of September 30, 2000 was approximately $12.3 billion, of which approximately $7.3 billion consisted of the net value of electric plant and equipment. Applicants state that, as of September 30, 2000, the Detroit Edison Company ("Detroit Edison"), DTE's wholly owned electric public utility subsidiary company, had 8,608 employees and the nonutility subsidiaries of DTE had 429 employees.[2]

Detroit Edison is engaged in the generation, purchase, transmission, distribution and sale of electric energy in a 7,600 square-mile area in southeastern Michigan. Detroit Edison's service area includes about 13% of Michigan's total land area and about half of the population of the State (approximately five million people). Applicants state that, for the twelve months ending on September 30, 2000, Detroit Edison's operating revenues and net income were approximately $4.05 billion and $349 million, respectively. As of September 30, 2000, Detroit Edison's assets were valued at $10.946 billion. As of September 30, 2000, Detroit Edison had a summer net rated capability of approximately 11,030 MW. Detroit Edison's electric generating plants are interconnected by a transmission system operating at up to 345 kilovolts through 37 transmission stations. Detroit Edison is subject to general regulation by the Michigan Public Service Commission ("MPSC") regarding the conditions of its service, rates and recovery of certain costs, accounting and various other matters. DTE is also subject to regulation by the Federal Energy Regulatory Commission under the Federal Power Act. In addition, the Nuclear Regulatory Commission has regulatory jurisdiction over all phases of the operation, construction (including plant modifications), licensing and decommissioning of Detroit Edison's Fermi 2 nuclear power plant.

DTE requests authority to acquire indirectly, through Merger Sub, under the terms of an Agreement and Plan of Merger dated October 4, 1999, as amended on November 12, 1999 ("Merger Agreement"), all issued and outstanding common stock of MCN Energy Group Inc. ("MCN"), a Michigan public utility holding company claiming exemption under section 3(a)(1) of the Act by rule 2 under the Act. Specifically, DTE proposes to merge Merger Sub with MCN, with Merger Sub surviving as a wholly owned direct subsidiary of DTE. Under the Merger Agreement, each share of outstanding MCN common stock (including the associated right to purchase Series A Junior Participating Preferred Stock) will be converted into a right to receive either $28.50 in cash or .775 shares of DTE common stock.

MCN, a Michigan corporation, is engaged through subsidiaries in the production, gathering processing, transmission, storage, and distribution of natural gas, as well as various nonutility activities.[3] The common stock of MCN on the NYSE, and Applicants state that, as of the close of business on November 30, 2000, there were 90,212,588 shares of MCN common stock issued and outstanding. For the twelve months ending on September 30, 2000, MCN's operating revenues on a consolidated basis were approximately $2.6 billion, of which approximately $1.1 billion were attributable to utility activities. Applicants state that the consolidated assets of MCN and its subsidiaries, as of September 30, 2000, were valued at more than $4.2 billion, of which approximately $1.5 billion consisted of the net value of gas utility plant and equipment. As of September 30, 2000, Michigan Consolidated Gas Company ("MichCon"), a wholly owned public utility subsidiary of MCN, employed 2,740 people, while MCN itself and the other MCN subsidiaries had 253 employees.

MichCon, a Michigan corporation, is a natural gas distribution and transmission company that owns distribution, transmission, production and storage properties and facilities and serves approximately 1.2 million customers in more than 500 communities throughout Michigan. As of November 30, 2000, MichCon's distribution system included 17,272 miles of distribution mains, 1,107,428 service lines and 1,216,514 active meters. MichCon owns 2,663 miles of transportation and production lines that deliver natural gas to the distribution districts and interconnect its storage fields with the sources of supply and the market areas, as well as properties relating to four underground natural gas storage fields with an aggregate working gas storage capacity of approximately 124 Bcf. For the twelve months ended September 30, 2000, MichCon's operating revenues and net income were approximately $1.1 billion and $89.9 million, respectively. As of September 30, 2000, MichCon had $2.2 billion in assets. MichCon's rates are regulated by the MPSC.

Citizens Gas Fuel Company ("Citizens"), a wholly owned utility subsidiary of MCN, is engaged in the distribution of natural gas Michigan. Citizens serves approximately 15,000 residential, commercial and industrial customers in and around Adrian, Michigan. The Adrian Gas Rate Commission establishes the rates of Citizens, and Applicants state that all other phases of its operations are subject to the jurisdiction of the MPSC. For the twelve months ending on September 30, 2000, Citizens' operating revenues and net income were approximately $16.6 million and $900,000, respectively. As of September 30, 2000, Citizens' assets were valued at $24.4 million.

MCN also owns a 46.5% limited partnership interest, and a 1.% general partnership interest in Southern Missouri Gas Company, L.P. ("SMGC"), a public utility engaged in the distribution of natural gas, SMGC serves approximately 7,000 residential, commercial, and industrial customers in southern Missouri. For the twelve months ending on September 30, 2000, MCN's share of SMGC's operating revenues were approximately $3 million and MCN 's share of SMGC's net loss was approximately $900,000. As of September 30, 2000, MCN's shares of SMGC's assets were valued at $23.8 million. Applicants state that SMGC's rates, along with other phases of its operations, are subject to the jurisdiction of the Missouri Public Service Commission.

DTE requests authority to acquire indirectly through Merger Sub, under the terms of an Agreement and Plan of Merger dated October 4, 1999, as amended on November 12, 1999 ("Merger Agreement"), all issued and outstanding common stock of MCN.

[1] DTE is engaged in many activities and projects, including fuel procurement, rail car maintenance and repair, electricity generation (by exempt wholesale generators), landfill gas projects, real estate, and power marketing. DTE's utility activities are described below.

[2] By order dated September 13, 2000, the Commission authorized DTE to acquire all of the issued and outstanding voting securities of International Transmission Company ("ITC"). *See DTE Energy Co.*, HCAR No. 27229. Applicants state that, in January of 2001, Detroit Edison transferred its transmission assets to ITC in exchange for stock, and that ITC assumed responsibility for Detroit Edison's transmission business.

[3] MCN is engaged in many nonutility activities, including gas marketing, asphalt manufacturing and distribution and methanol production.

Specifically, Merger Sub will merge with MCN, with Merger Sub surviving as a wholly owned direct subsidiary of DTE ("Merger"). Under the Merger Agreement, each share of outstanding MCN common stock (including the associated right to purchase Series A Junior Participating Preferred Stock) will be converted into a right to receive either $28.50 in each or 775 shares of DTE common stock.

The officers, directors, corporate charter and bylaws of MCN immediately before the Merger will become the officers, directors, corporate charter and bylaws of Merger Sub. DTE's principal and executive offices will not change as a result of the Merger.

Applicants state that the Merger will enable DTE to provide its customers with an expanded range of the energy choices, while producing economies of scope and integration that will benefit consumers and investors. Specifically, Applicants state that DTE will be able to offer attractive energy supply options to large customers, provide expanded product offerings to its customers, and develop on-site energy facilities and services for business customers. Applicants state that DTE will be better positioned after the Merge to compete with other integrated regional and national energy companies, and that the Merger will therefore enhance competition.

Additionally, Applicants request that the Commission issue an order exempting DTE and Merger Sub, under section 3(a)(1) of the Act, from all of the requirements of the Act, except for section 9(a)(2) of the Act.

NiSource, Inc., et al. (70–9681)

NiSource Inc. ("NiSource") 801 East 86th Avenue, Merrillville, Indiana 46410–6272, a registered holding company,[4] NiSource's direct public utility subsidiary companies, Northern Indian Public Service Company ("Northern Indiana"). Kokomo Gas and Fuel Company ("Kokomo"), Northern Indiana Fuel and Light Company ("NIFL") all located at 801 East 86th Avenue, Merrillville, Indiana 46410–6272 and Bay State Gas Company[5] ("Bay State"), its exempt intermediate public utility holding company, and Bay State's public utility subsidiary company, Northern Utilities, Inc. ("Northern Utilities"), both located at 300 Friberg Parkway, Westborough, Massachusetts 01581–5039 (collectively Northern Indiana, Kokomo, NIFL, Bay State, and Northern Utilities, "NiSource Utility Subsidiaries"), Columbia, 200 Civic Center Drive, Columbus, Ohio 43215, NiSource's registered intermediate holding company, Columbia's public utility subsidiary companies, Columbia Gas of Kentucky; Inc., Columbia Gas of Maryland, Inc., Columbia Gas of Ohio, Inc., Columbia Gas of Pennsylvania, Inc., and Columbia Gas of Virginia, Inc., all located at 200 Civic Center Drive, Columbia, Ohio 43215 (collectively "Columbia Utility Subsidiaries"), NiSource's nonutility subsidiary companies, EnergyUSA, Inc., NiSource Pipeline Group, Inc., NI Energy Services, Inc., NiSource Development Company, Primary Energy, Inc., NiSource Capital Markets, Inc., NiSource Finance Corp., Hamilton Harbour Insurance Services, Ltd., NiSource Corporate Services Company, NiSource Energy Technologies, Inc., Columbia LNG Corporation, Columbia Atlantic Trading Corporation, Columbia Energy Group Capital Corporation, Columbia Pipeline Corporation, Columbia Finance Corporation, and Columbia Energy Services Corporation all located at 801 East 86th Avenue, Merrillville, Indiana 46410–6272, IWC Resources Corporation, 1220 Waterway Blvd., Indianapolis, Indiana 46202, SM&P Utility Resources Inc., 1145 Meredian St., Suite 200, Carmel, Indiana 46032, Columbia Energy Resources, Inc., c/o 900 Pennsylvania Avenue, Charleston, West Virginia 25302, Columbia Gas Transmission Corporation and Columbia Transmission Communications Corporation both located at 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–0146, Columbia Gulf Transmission Company, 2603 Augusta, Suite 125, Houston, Texas 77057, Columbia Network Services Corporation, 1600 Dublin Road, Columbus, Ohio 43215–1082, and Columbia Insurance Corporation Ltd., 20 Parliament Street, P.O. Box HM 649; Hamilton HM CX, Bermuda have filed a post-effective amendment to their application-declaration under sections 6(a), 7, 9(a), 10, and 12(b) of the Act. The Commission issued the notice of the original application-declaration on September 26, 2000 (HCAR No. 27236).

By order dated November 1, 2000 (HCAR No. 27265) ("Financing Order"), the Commission authorized NiSource and its subsidiaries to engage in external financing and intrasystem financing, and other related transactions, for the period through December 31, 2003 ("Authorization Period"). Under the Financing Order, the Commission authorized NiSource to issue and sell from time to time during the Authorization Period, either directly or indirectly through one or more financing subsidiaries (including NiSource Finance Corp. ("NiSource Finance")), equity securities and long-term and short-term debt securities. Among other specific approvals granted, the Commission authorized NiSource to issue and sell, directly or indirectly, short-term debt securities in the form of commercial paper, bank notes or other evidence of indebtedness having maturities of less than one year ("Short-term Debt") in an aggregate principal amount at any time outstanding not to exceed $2 billion. The Commission also authorized the NiSource Utility Subsidiaries to issue and sell short-term debt securities, including commercial paper, to finance their utility operations, in the following maximum principal amounts at any time outstanding during the Authorization Period:

Subsidiary	Amount
Northern Indiana	$1,000,000,000
Bay State	250,000,000
NIFL	50,000,000
Kokomo	50,000,000
Northern Utilities	50,000,000

Northern Indiana and Bay State currently have commercial paper facilities that are backed by revolving credit lines. Borrowings by Bay State are used, in part, to make short-term loans to Northern Utilities.

NiSource is now requesting a modification to the Financing Order to authorize an increase from $2 billion to $3.4 billion in the maximum principal amount of short-term debt that NiSource (or any financing subsidiary of NiSource) may have outstanding at any one time. NiSource states that it will use the proceeds of increased short-term borrowings to make loans to Columbia and the NiSource Utility Subsidiaries in order to enable those companies to retire, at maturity, external short-term borrowings. After March 31, 2001, Columbia and Northern Indiana will not issue any new Short-term Debt securities to unaffiliated lenders but will instead satisfy all of their short-term borrowing needs through intercompany borrowings from NiSource. Bay State will maintain its external funding arrangements in order to fund loans to Northern Utilities until such time as Northern Utilities has obtained an order of the Maine Public Utilities Commission permitting NiSource (or a financing subsidiary of NiSource) to become the external funding source for Bay State's loans to Northern Utilities. All short-term borrowings by Columbia and the NiSource Utility Subsidiaries from NiSource will bear interest at rates designed to parallel the effective cost of short-term debt issued by NiSource. Short-term borrowings by Columbia and the NiSource Utility Subsidiaries from NiSource will be within the individual company limits previously approved in the Financing Order.

[4] By order dated November 1, 2000 (HCAR No. 27263) NiSource became a registered holding company following its acquisition of Columbia Energy Group ("Columbia"), which is also a registered holding company.

[5] Bay State is a holding company for Northern Utilities, Inc. Bay State is currently claiming an exemption as a holding company under section 3(a)(2) of the Act and under rule 2 of the Act.

Allegheny Energy, Inc., et al. (70–9683)

Allegheny Energy, Inc., ("Allegheny"), a registered public-utility holding company, Allegheny Energy Service Corporation ("AESC"), a service company subsidiary of Allegheny, both located at 10435 Downsville Pike, Hagerstown, Maryland 21740–1766, and Allegheny Energy Supply Company, LLC ("AE Supply"), a utility[6] generating company subsidiary of Allegheny, R.R. 12, P.O. Box 1000, Roseytown Road, Greensburg, Pennsylvania 15601 (collectively, "Applicants"), have filed an application-declaration ("Application") under sections 6(a), 7, 9(a), 10, 12(b), 12(f), 13(b), 32 and 33 of the Act and rules 45, 53, 54, 90 and 91 under the Act.

Applicants seek authority to engage in various transactions relating to the development and acquisition of interests in exempt wholesale generators ("EWGs") and foreign utility companies ("FUCOs"), as defined in sections 32 and 33 of the Act, respectively, and in activities permitted by rule 58 under the Act ("Rule 58 Activities"). Applicants also propose to engage in various related financing and intrasystem transactions, as described below.

I. Formation of Special-Purpose Subsidiaries

AE Supply requests authorization to organize and finance one or more special purpose subsidiaries ("Exempt Subsidiaries") to: (1) Engage in Rule 58 Activities within the United States; and (2) to invest, directly or indirectly, in EWGs and FUCOs. AE Supply also proposes to organize one or more special project entities ("Intermediate Companies") for the purpose of facilitating the development and consummation of investments in EWGs and FUCOs by (1) exploring investment opportunities; and (2) investing in companies for the acquisition and ownership of EWGs, FUCOs, and to engage in Rule 58 Activities prior to the formation of the Exempt Subsidiaries.

II. Proposed External and Internal Financings

Applicants also seek authority to issue guaranties, short-term debt and long-term debt through July 31, 2005 ("Authorization Period"), up to an aggregate amount of $430 million at any one time outstanding ("Aggregate Financing Limit") for the purpose of investing directly or indirectly in EWGs, FUCOs, Rule 58 Activities, or for other strategic corporate purposes related to investments in EWGs and RUCOs.[7] Applicants further represent that investments in EWGs and FUCOs will not exceed the limits imposed by rules 53 and 54 under the Act.

Applicants state that the proposed debt to be issued includes, but is not limited to, bank financing, bank credit support, sales of secured[8] or unsecured debt, notes, loans, and debentures. Applicants also seek authorization for the Exempt Subsidiaries and Intermediate Companies to issued debt securities to unaffiliated third parties,[9] including banks, insurance companies and other financial institutions, exclusively for the purpose of financing or refinancing investments in EWGs and FUCOs up to the Aggregate Financing Limit. Applicants state that interest rates, fees, and expenses will be comparable to those obtainable by similar entities issuing comparable securities containing the same or similar terms and maturities.

Applicants further propose that investments may be made from Allegheny to AE Supply, Exempt Subsidiaries or to Intermediate Companies directly or indirectly. Investment by Allegheny or AE Supply into the Exempt Subsidiaries or Intermediate Companies may take the form of capital stock or shares, debt securities, trust certificates, capital contributions, open account advances and partnership interests or other equity or participation interests, bid bonds, or other credit support to secure obligations incurred by AE Supply and/or the Intermediate Companies in connection with the Exempt Subsidiaries.[10]

Applicants also request authority to issue guaranties and enter into support agreements ("Guaranties") to and for the benefit of Exempt Subsidiaries and Intermediate Subsidiaries through the Authorization Period up to the Aggregate Financing Limit. Applicants state that the Guaranties will be used to support the commercial paper program and to support counterparty agreements and other trading contracts. Guaranties will be issued without recourse to any of the Allegheny system operating companies.[11]

III. Proposed Intrasystem Service Transactions

Applicants state that the Exempt Subsidiaries and Intermediate Companies will not have their own paid employees. Consequently, Applicants request authority for AESC to provide services to those companies under proposed service agreements ("Service Agreements") to be entered into between each of those companies and AESC. The Service Agreements will take effect upon Commission approval and will be similar in all material respects to those service agreements that AESC has executed. AESC will render services to Exempt Subsidiaries and Intermediate Companies in accordance with rules 90 and 91 under the Act.

IV. Proposed Transfer of Generating Assets

On January 8, 2001, Allegheny acquired a five percent interest, totaling approximately 83 megawatts, in the Conemaugh Generating Station ("Conemaugh"), a coal-fired generating station located near Johnstown, Pennsylvania,[12] from The Potomac Electric Power Company for a purchase price of approximately $78 million. In order to centralize its generating assets, Allegheny now proposes to transfer the Conemaugh generating assets to AE Supply for net book value of approximately $80 million, including capitalized transaction costs. In

[6] AE Supply is a public utility company within the meaning of section 2(a)(3) of the Act, but is not a utility for purposes of state regulation.

[7] AE Supply may use a portion of the proceeds as capital contributions to to-be-formed Intermediate Companies and Exempt Subsidiaries to the extent permissible under the Act and rules.

[8] Applicants state that any debt issued by Allegheny under the authority requested in this Application will be unsecured.

[9] Applicants state that there will be no recourse to Allegheny with respect to these debt securities.

[10] Applicants state that the source of funds for direct or indirect contributions by Allegheny to AE Supply may include dividends received from operating companies that are derived from proceeds of sales of energy to customers and other available cash resources. Loans by Allegheny to AE Supply or by Applicants to Exempt Subsidiaries and Intermediate Subsidiaries will have interest rates and maturities that are designed to provide a return equal to the Applicant's respective effective cost of capital.

[11] Guaranties may take the form of Applicants agreeing to guarantee, undertake reimbursement obligations, assume liabilities or assume other obligations with respect to, or to act as surety on, bonds, letters of credit, evidences of indebtedness, equity commitments, performance, and other obligations undertaken by AE Supply, the Exempt Subsidiaries, and Intermediate Companies.

[12] Applicants state that the Federal Energy Regulatory Commission has certified Conemaugh as an EWG under section 32 of the Act.

exchange for Allegheny's interest in Conemaugh, AE Supply will issue to Allegheny an interest-baring unsecured promissory note for the purchase price.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5110 Filed 3–1–01; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Region IX Hawaii District Advisory Council; Public Meeting

The U.S. Small Business Administration, Region IX District Advisory Council, located in the geographical area of Honolulu, Hawaii, will hold a public meeting at 10:00 a.m., on Thursday, March 22, 2001, at the Business Information and Counseling Center, 1111 Bishop Street, Suite 204, Training Center, Honolulu, HI 96813; to discuss such matters as may be presented by members, staff of the Small Business Administration or others present. For further information write or call Mr. Andrew K. Poepoe, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, Room 2–235, Honolulu, Hawaii 96850; telephone (808) 541–2965.

Nancyellen Gentile,

Committee Management Officer.

[FR Doc. 01–5033 Filed 3–1–01; 8:45 am]

BILLING CODE 8025–01–U

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

In compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

(SSA Address)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235

(OMB Address)

Office of Management and Budget, OIRA, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW., Washington, DC 20503

I. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer at the address shown above. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed above.

1. Request for SSI Benefit Estimate—0960–0492. The Social Security Administration (SSA) uses Form SSA–3716 for Supplemental Security Income (SSI) beneficiaries who wish to request a 5-month estimate of what their benefits would be if they should return to work in the future. The respondents are SSI Recipients or Applicants for SSI Benefits.

Number of Respondents: 50,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 4,167 hours.

2. Supplemental Statement Regarding Farming Activities Of Person Living Outside The U.S.A.—0960–0103. Form SSA–7163A–F4 is used by SSA to collect needed information whenever a Social Security beneficiary or claimant reports work on a farm outside the U.S. The information is used to make a determination for work deduction purposes. The respondents are Social Security beneficiaries or claimants who are engaged in farming activities outside the U.S.

Number of Respondents: 1,000.

Frequency of Response: 1.

Average Burden Per Response: 60 minutes.

Estimated Annual Burden: 1,000 hours.

II. The information collection listed below has been submitted to OMB for clearance. Written comments and recommendations on the information collection would be most useful if received within 30 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer and the OMB Desk Officer at the addresses listed above. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

Pre-1957 Military Service Federal Benefit Questionnaire—0960–0120. Form SSA–2512 collects data used in the claims adjudication process to grant gratuitous military wage credits, when applicable, and solicits sufficient information to make a determination of eligibility. The respondents are individuals who are applying for Social Security benefits on the record of a wage earner with pre-1957 military service.

Number of Respondents: 12,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 2,000 hours.

Dated: February 27, 2001.

Frederick W. Brickenkamp,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 01–5142 Filed 3–1–01; 8:45 am]

BILLING CODE 4191–02–U

SOCIAL SECURITY ADMINISTRATION

The Ticket to Work and Work Incentives Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of meeting.

DATES: March 26, 2001, 10:00 a.m.–5:00 p.m.; March 27, 2001, 9:00 a.m.–5:00 p.m.; March 28, 2001, 9:00 a.m.–4:00 p.m.

ADDRESSES: Sheraton Crescent Hotel, 2620 W. Dunlap Avenue, Phoenix, AZ 85021, (602) 943–8220 phone, (602) 371–2857 fax.

SUPPLEMENTARY INFORMATION: *Type of meeting:* This meeting is open to the public. The public is invited to participate by coming to the address listed above. Public comment will be taken. The public is also invited to submit comments in writing on the implementation of the Ticket to Work and Work Incentives Improvement Act (TWWIIA) of 1999 at any time.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces a meeting of the Ticket to Work and Work Incentives Advisory Panel (the Panel). Section 101(f) of Public Law 106–170 establishes the Panel to advise the Commissioner of SSA, the President, and the Congress on issues related to work incentives programs, planning and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of the TWWIIA. The Panel is also to advise the Commissioner on matters specified in section 101(f)(2)(B) of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a) of that Act.

Interested parties are invited to attend the meeting. The Panel will use the meeting time to receive public testimony, hear presentations, conduct full Panel deliberations on the implementation of TWWIIA, receive briefings and conduct business.

The Panel will meet in person commencing Monday, March 26, 2001 from 10:00 a.m. to 5 p.m., Tuesday, March 27, 2001 from 9:00 a.m. to 5:00 p.m. and Wednesday, March 28, 2001 from 9:00 a.m. to 4:00 p.m.

Agenda: Public testimony will be heard in person on Tuesday, March 27, 2001 from 9:30 a.m. to 12:00 a.m. Individuals interested in providing testimony in person should contact the Panel staff as outlined below to schedule time slots. Members of the public must schedule a timeslot in order to comment.

Each presenter will be called on by the Chair in the order in which they are scheduled to testify and is limited to a maximum five-minute verbal presentation. Full written testimony on TWWIIA Implementation, no longer than 5 pages, may be submitted in person or by mail, fax or email on an ongoing basis to the Panel for consideration.

In the event that the public comments do not take up the scheduled time period for public comment, the Panel will use that time to deliberate and conduct other Panel business.

Since seating may be limited, persons interested in providing testimony at the meeting should contact the Panel staff by e-mailing Kristen M. Breland, at *kristen.m.breland@ssa.gov* or calling (410) 966–7225.

The full agenda for the meeting follows this announcement. The agenda is posted on the Internet at *http://www.ssa.gov/work/Resources/Toolkit/* or can be received in advance electronically or by fax upon request.

Contact Information: Anyone requiring information regarding the Panel should contact the TWWIIA Panel staff. Records are being kept of all Panel proceedings and will be available for public inspection by appointment at the Panel office. Anyone requiring information regarding the Panel should contact the Panel staff by:

- Mail addressed to Social Security Administration, Ticket to Work and Work Incentives Advisory Panel Staff, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore MD, 21235.
- Telephone contact with Kristen Breland by telephone at (410) 966–7225.
- Fax at (410) 965–9063.
- E-mail to *TWWIIAPanel@ssa.gov.*

Dated: February 23, 2001.

Deborah M. Morrison,

Designated Federal Officer.

Ticket to Work and Work Incentives Advisory Panel—Public Meeting Agenda

Sheraton Crescent Hotel, 2620 W. Dunlap Avenue, Phoenix, AZ 85021, (602) 943–8220 phone, (602) 371–2857 fax

March 26, 27 and 28, 2001

Monday, March 26, 2001, Day 1

10:00 a.m.
Meeting Called to Order by Deborah Morrison, Designated Federal Officer
10:00 a.m. to 10:30 a.m.
Welcome and Introductions—Sarah Mitchell, Chair, Presiding
10:30 a.m. to 12:00 p.m.
Panel Deliberations on TWWIIA Implementation
12:00 p.m. to 1:30 p.m.
Lunch (On Your Own)
1:30 p.m.
Meeting Reconvenes, Sarah Mitchell, Presiding
1:30 p.m. to 3:00 p.m.
Panel Deliberations on TWWIIA Implementation 3:00 p.m. to 3:30 p.m.
Break
3:00 p.m. to 5:00 p.m.
Panel Deliberations on TWWIIA Implementation
5:00 p.m.
Adjournment

Tuesday, March 27, 2001, Day 2

9:00 a.m. to 9:30 a.m. Sarah Mitchell, Chair, Presiding
Meeting Reconvened
9:30 a.m. to 10:30 a.m.
Public Testimony Comment Period on TWWIIA Implementation
10:30 a.m. to 11:00 a.m.
Break
11:00 a.m. to 12:00 p.m.
Public Testimony Comment Period on TWWIIA Implementation Continued
12:00 p.m. to 1:30 p.m.
Lunch (On Your Own)
1:30 p.m.
Meeting Reconvenes Sarah Mitchell, Presiding
1:30 p.m. to 3:30 p.m.
Panel Deliberations on TWWIIA Implementation 3:30 p.m. to 3:45 p.m.
Break
3:45 p.m. to 5:00 p.m.
Panel Deliberations on TWWIIA Implementation

Please Note: In the event that the public comments do not take up the scheduled time period, the Panel will use that time to deliberate and conduct other Panel business.

Wednesday, March 28, 2001 Day Three

9:00 a.m. to 9:30 a.m.
Sarah Mitchell, Chair, Presiding; Meeting Reconvened and Opening Remarks
9:30 a.m. to 10:30 a.m.
Panel Deliberations on TWWIIA Implementation
10:30 a.m. to 11:00 a.m.
Break
11:00 a.m. to 12:00 p.m.
Panel Deliberations on TWWIIA Implementation
12:00 p.m. to 1:30 p.m.
Lunch (On Your Own)
1:30 p.m.
Meeting Reconvenes Sarah Mitchell, Presiding
1:30 p.m. to 2:30 p.m.
Panel Deliberations on TWWIIA Implementation 2:30 p.m. to 3:00 p.m.
Break
3:00 p.m. to 4:00 p.m.
Administrative Discussions
4:00 p.m.
Adjournment

[FR Doc. 01–5020 Filed 3–1–01; 8:45 am]

BILLING CODE 4191–02–U

DEPARTMENT OF STATE

[Public Notice 3593]

Culturally Significant Objects Imported for Exhibition Determinations: "Impression: Painting Quickly in France, 1860–1890"

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition, "Impression: Painting Quickly in France, 1860–1890", imported from abroad for the temporary exhibition without profit within the United States, are of cultural

significance. These objects are imported pursuant to loan agreements with the foreign lender. I also determine that the exhibition or display of the exhibit objects at the Clark Art Institute, Williamstown, MA from on or about June 16, 2001, through on or about September 8, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Jacqueline Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6982). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 22, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–5151 Filed 3–1–01; 8:45 am]

BILLING CODE 4710–08–U

DEPARTMENT OF STATE

[Public Notice 3594]

Culturally Significant Objects Imported for Exhibition Determinations: "L'Esprit Nouveau: Purism in Paris"

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition "L'Esprit Nouveau: Purism in Paris," imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art in Los Angeles, CA from on or about April 25, 2001 to on or about August 5, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul Manning, Attorney-Adviser, Office of the Legal Adviser, Department of State (telephone: 202/619–5997). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC. 20547–0001.

Dated: February 22, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–5152 Filed 3–1–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3592]

Culturally Significant Objects Imported for Exhibition Determinations: "The Legacy of Lord Carnarvon: Miniatures from Ancient Egypt and the Valley of the Kings"

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition, "The Legacy of Lord Carnarvon: Miniatures from Ancient Egypt and the Valley of the Kings", imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lender. I also determine that the exhibition or display of the exhibit objects at the University of Wyoming Art Museum, Laramie, WY from on or about April 6, 2001, through on or about September 2, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Jacqueline Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6982). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 22, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–5150 Filed 3–1–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

Redelegation of Authorities by the Secretary of State, From the Under Secretary of State for Public Diplomacy and Public Affairs to the Assistant Secretary of State for Public Affairs; Delegation of Authority 242

By virtue of the authority vested in me by the laws of the United States, including the Mutual Educational and Cultural Exchange Act of 1961, the United States Information and Educational Exchange Act of 1948, and the State Department Basic Authorities Act of 1956, I hereby delegate to Richard A. Boucher, the Assistant Secretary for Public Affairs, to the extent authorized by law, all authorities vested in the Under Secretary of State for Public Diplomacy and Public Affairs, including all authorities vested in the Secretary of State that have been or may be delegated or redelegated to that Under Secretary.

Any authorities covered by this delegation may also be exercised by the Deputy Secretary, the Under Secretary for Political Affairs, or the Under Secretary for Economic, Business and Agricultural Affairs.

This delegation shall expire upon the appointment of an individual to serve as Under Secretary of State for Public Diplomacy and Public Affairs.

This memorandum shall be published in the **Federal Register**.

Dated: January 22, 2001.

Colin L. Powell,

Secretary of State.

[FR Doc. 01–4887 Filed 3–1–01; 8:45 am]

BILLING CODE 4710–10–U

DEPARTMENT OF STATE

Redelegation of Authorities by the Secretary of State, From the Under Secretary of State for Global Affairs to the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs; Delegation of Authority 240

By virtue of the authority vested in me by the laws of the United States, including the State Department Basic Authorities Act of 1956, I hereby delegate to R. Rand Beers, the Assistant Secretary for International Narcotics and Law Enforcement Affairs, to the extent authorized by law, all authorities vested in the Under Secretary of State for Global Affairs, including all authorities vested in the Secretary of State that have been or may be delegated or redelegated to that Under Secretary.

Any authorities covered by this delegation may also be exercised by the Deputy Secretary, the Under Secretary for Political Affairs, or the Under Secretary for Economic, Business and Agricultural Affairs.

This delegation shall expire upon the appointment of an individual to serve as Under Secretary of State for Global Affairs.

This memorandum shall be published in the **Federal Register**.

Dated: January 22, 2001.

Colin L. Powell,

Secretary of State.

[FR Doc. 01–4998 Filed 3–1–01; 8:45 am]

BILLING CODE 4710–10–U

DEPARTMENT OF STATE

Redelegation of Authorities by the Secretary of State, From the Under Secretary of State for Management to the Assistant Secretary of State for Diplomatic Security; Delegation of Authority 241

By virtue of the authority vested in me by the laws of the United States, including the Clinger-Cohen Act of 1996, the Diplomatic Security Act of 1986, the Foreign Service Act of 1980, the Immigration and Nationality Act of 1952, and the State Department Basic Authorities Act of 1956, I hereby delegate to David G. Carpenter, the Assistant Secretary for Diplomatic Security, to the extent authorized by law, all authorities vested in the Under Secretary of State for Management, including all authorities vested in the Secretary of State that have been or may be delegated or redelegated to that Under Secretary.

Any authorities covered by this delegation may also be exercised by the Deputy Secretary, the Under Secretary for Political Affairs, or the Under Secretary for Economic, Business and Agricultural Affairs.

This delegation shall expire upon the appointment of an individual to serve as Under Secretary of State for Management.

This memorandum shall be published in the **Federal Register**.

Dated: January 22, 2001.

Colin L. Powell,

Secretary of State.

[FR Doc. 01–4999 Filed 3–1–01; 8:45 am]

BILLING CODE 4710–10–U

DEPARTMENT OF STATE

Redelegation of Authorities by the Secretary of State, From the Under Secretary of State for Arms Control and International Security Affairs to the Assistant Secretary of State for Arms Control; Delegation of Authority 243

By virtue of the authority vested in me by the laws of the United States, including the Foreign Assistance Act of 1961, the Arms Export Control Act, and the State Department Basic Authorities Act of 1956, I hereby delegate to Avis T. Bohlen, the Assistant Secretary for Arms Control, to the extent authorized by law, all authorities vested in the Under Secretary of State for Arms Control and International Security Affairs, including all authorities vested in the Secretary of State that have been or may be delegated or redelgated to that Under Secretary.

Any authorities covered by this delegation may also be exercised by the Deputy Secretary, the Under Secretary for Political Affairs, or the Under Secretary for Economic, Business and Agricultural Affairs.

This delegation shall expire upon the appointment of an individual to serve as Under Secretary of State for Arms Control and International Security Affairs.

This memorandum shall be published in the **Federal Register**.

Dated: January 22, 2001.

Colin L. Powell,

Secretary of State.

[FR Doc. 01–4888 Filed 3–1–01; 8:45 am]

BILLING CODE 4710–10–U

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Tennessee Valley Authority (Meeting No. 1527).

TIME AND DATE: 9 a.m. (EST), March 5, 2001.

PLACE: TVA Chattanooga Office Complex Auditorium, 1101 market Street, Chattanooga, Tennessee.

STATUS: Open.

Agenda

Approval of minutes of meeting held on January 24, 2001.

New Business

B—Purchase Award

B1. Supplement to Contract No. 98PPW–231635 with Zurich American Insurance Company for workers' compensation, employer's liability, and general liability insurance for TVA's Owner Controlled Insurance Program.

C—Energy

C1. Contract with STEAG LLC to design, fabricate, and deliver an ammonia vaporization system for each of the selective catalytic reduction systems being constructed at TVA's fossil plants.

E—Real Property Transaction

E1. Public auction sale of approximately 2.73 acres of TVA land in DeSoto County, Mississippi, Tract No. XFRESS–1.

F—Other

F1. Approval to file a condemnation case to acquire property interest and a road easement for access to a TVA power project. The affected tracts are Tract Nos. LSSSS–1 AND –2AR, South Scottsville, Kentucky, Switching Station in Allen County, Kentucky.

Information Items

1. Delegation of authority to the Vice President, Fuel Supply and Engineering Services, or such officer's designee, to assign monetary credits received by TVA under the Kentucky National Forest Land Transfer Action of 2000.

2. Modification of Contract No. P00P07–259943 with Virginia Electric and Power Company for coal supply to John Sevier Fossil Plant.

3. Modification of Contract No. P98P07–233158 with Coastal Coal Company, LLC, for coal supply to John Sevier Fossil Plant.

4. Modification of Contract No. P90P07–115734 with Arch Coal Sales for coal supply to John Sevier Fossil Plant.

5. Delegation of authority to the Vice President, Fuel Supply and Engineering Services, to award an extension of a term transportation contract to CSX Transportation, Inc., for delivery services to Bull Run Fossil Plant.

6. Approval to file a condemnation case to acquire a right-of-way easement for the Gallatin Fossil Plant-Hoeganaes Transmission Line in Sumner County, Tennessee, Tract No. GFPH–2.

For more information: Please call TVA media Relations at (865) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999. People who plan to attend the meeting and have special needs should call (865) 632–6000.

Dated: February 26, 2001.

Maureen H. Dunn,

General Counsel and Secretary.

[FR Doc. 01–5160 Filed 2–27–01; 4:16 pm]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–8920]

Guidelines for Assessing Merchant Mariners' Proficiency Through Demonstrations of Skills for Ratings Forming Part of an Engineering Watch

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability; request for comments.

SUMMARY: The Coast Guard announces the availability of, and seeks public comments on, the national performance measures proposed here for use as guidelines when mariners demonstrate their proficiency in skills for ratings forming part of an engineering watch. A working group of the Merchant Marine Personnel Advisory Committee (MERPAC) developed and recommended measures for this proficiency. The Coast Guard has adapted the measures recommended by MERPAC.

DATES: Comments and related material must reach the Docket Management Facility on or before May 1, 2001.

ADDRESSES: Please identify your comments and related material by the docket number of this rulemaking [USCG 2001–8920]. Then, to make sure they enter the docket just once, submit them by just one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov*.

The Facility maintains the public docket for this Notice. Comments and related material received from the public, as well as documents mentioned in this Notice, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

The measures proposed here are available on the Internet at *http://dms.dot.gov*. They are also available from Mr. Mark Gould, Maritime Personnel Qualifications Division, Office of Operating and Environmental Standards, Commandant (G–MSO–1), U.S. Coast Guard Headquarters, telephone 202–267–0229.

FOR FURTHER INFORMATION CONTACT: For questions on this Notice or on the national performance measures proposed here, write or call Mr. Gould where indicated under **ADDRESSES.** For questions on viewing or submitting material to the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

What Action Is the Coast Guard Taking?

Table A–III/4 of the Code accompanying the treaty on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended in 1995, articulates qualifications for merchant mariners' attaining the minimum standard of competence for ratings forming part of an engineering watch. The Coast Guard tasked MERPAC with referring to the Table, modifying and specifying it as it deemed necessary, and recommending national performance measures. The Coast Guard has adapted the measures recommended by MERPAC and is proposing them now for use as guidelines when assessing mariners' proficiency in skills (manifesting knowledge, understanding, and proficiency) for ratings forming part of an engineering watch.

Here follow the eight skills that a mariner must demonstrate respecting ratings forming part of an engineering watch, with an example of a Performance Condition, a Performance Behavior, and three Performance Standards for one of the eight:

Eight Skills: Engine-room watchkeeping procedures; Safe working practices as related to engine-room operations; Basic environmental-protection procedures; Use of appropriate internal-communication systems; Engine-room alarms and ability to distinguish among the various alarms, with special reference to alarms for fire-extinguishing gas; Safe operations of boilers; Escape routes from machinery spaces; and Familiarity with the location and use of fire-fighting equipment in machinery spaces.

The Performance Condition for the skill entitled, "Engine-room watchkeeping procedures" is: "Aboard a ship, in port or underway, or in an approved simulator or laboratory, given proper equipment . . ." This calls for, in the case of this skill, various Performance Behaviors.

One Performance Behavior for the same skill is: "The candidate will properly relieve the watch." This behavior calls for three Performance Standards.

The Performance Standards for the same behavior are: "(1) Reports for duty 15 minutes before the hour; (2) Determines from the off-going watch: plant operational status, unusual alarms or conditions during previous watch, standing orders, maintenance performed during previous watch, on-going repairs affecting plant operations, [and] outstanding safety conditions; [and] (3) Seeks clarification from the off-going watch or engineer if information was not clearly understood."

If the mariner properly meets all of the Performance Standards, he or she passes the practical demonstration. If he or she fails to properly carry out any of the Standards, he or she fails the demonstration.

Why Is the Coast Guard Taking This Action?

The Coast Guard is taking this action to comply with STCW, as amended in 1995 and 1997 and incorporated into domestic law at 46 CFR Parts 10, 12, and 15 in 1997 and since. Guidance from the International Maritime Organization on shipboard assessments of proficiency suggests that Parties develop standards and measures of performance for practical tests as part of their programs for training and assessing seafarers.

How May I Participate in This Action?

You may participate in this action by submitting comments and related material on the national performance measures proposed here. (Although the Coast Guard does not seek public comment on the measures recommended by MERPAC, as distinct from the measures proposed here, those measures are available on the Internet at the Homepage of MERPAC, *http://www.uscg.mil/hq/g-m/advisory/merpac/merpac.htm.*) The measures proposed here, again, are available on the Internet at http://dms.dot.gov. They are also available from Mr. Gould where indicated under **ADDRESSES.** If you submit written comments please include—

- Your name and address;
- The docket number for this Notice [USCG 2001–8920];
- The specific section of the performance measures to which each comment applies; and
- The reason for each comment.

You may mail, deliver, fax, or electronically submit your comments and related material to the Docket Management Facility, using an address or fax number listed in **ADDRESSES.** Please do not submit the same comment or material more than once. If you mail or deliver your comments and material, they must be on 8½-by-11-inch paper, and the quality of the copy should be clear enough for copying and scanning. If you mail your comments and material and would like to know whether the Facility received them, please enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments and material received during the 60-day comment period.

Once we have considered all comments and related material, we will publish a final version of the national performance measures for use as guidelines by the general public. Individuals and institutions assessing the competence of mariners may refine the final version of these measures and develop innovative alternatives. If you vary from the final version of these measures, however, you must submit your alternative to the National Maritime Center for approval by the Coast Guard under 46 CFR 10.303(e) before you use it as part of an approved course or training program.

Dated: February 20, 2001.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 01–5115 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number ANM–99–01]

Improving Flightcrew Awareness During Autopilot Operation

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final policy statement.

SUMMARY: This document announces an FAA general statement of policy applicable to the type certification of transport category airplanes. This document advises the public, in particular manufacturers of transport category airplanes and automatic flight control (autopilot) systems, that the FAA, when certifying automatic pilot installations, intends to evaluate various items that will improve the flightcrew's awareness during autopilot operation.

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SUPPLEMENTARY INFORMATION:

Background

Recent incidents and accidents that have occurred worldwide involving pilot-autopilot interactions have emphasized to the FAA the need to reexamine the current certification policy relative to autopilot issues.

In 1991, the National Transportation Safety Board (NTSB) began an investigation of an incident involving a transport category airplane that experienced an in-flight upset. When the airplane was in cruise at flight level 310, the flightcrew noted that the inertial navigation system "FAIL" lights had illuminated. When the flightcrew cross-checked the instrument panel, they determined that the airplane was in a steep right-wing-down banking angle. The flight lost nearly 10,000 feet of altitude and the airplane approached supersonic speeds before the pilots could complete a recovery. The airplane eventually made a successful landing, and there were no injuries.

Investigation of the incident revealed, among other things, that a failure in the autopilot system could cause an airplane to roll slowly into a banking attitude. The roll rate induced from such a failure of the autopilot system may be barely perceptible to the flightcrew; it also may be difficult to detect without external visual attitude references or continuous close monitoring of the flight attitude instruments.

The NTSB has advised the FAA of its concern that some autopilot failures can result in changes in attitude at rates that may be imperceptible to the flightcrew, and thus remain undetected until the airplane reaches significant attitude deviations.

FAA Evaluation of Flightcrew/Flight Deck Automation Interfaces

In 1994, the FAA launched a study to evaluate all flightcrew/flight deck automation interfaces of current generation transport category airplanes. The FAA chartered a Human Factors Team to conduct the study. Team members included experts from the FAA, the European Joint Airworthiness Authorities (JAA), and academia. The objective of the study was to look beyond the label of "flightcrew error," and examine the contributing factors from the perspective of design; flightcrew training and qualifications; operations; and regulatory processes. The FAA also tasked the team to develop recommendations to address any problems identified.

With regard to autopilot issues, the Team identified several specific problematic issues, including:

- Pilot/autopilot interactions that create hazardous out-of-trim conditions;
- Autopilots that can produce hazardous speed conditions and may attempt maneuvers that would not normally be expected by a pilot; and
- Insufficient wording in the Airplane Flight Manual regarding the capabilities and limitations of the autopilot.

Regulatory Initiatives

The FAA has acknowledged the autopilot issues raised by both the NTSB and the Human Factors Team, and has taken steps to address them. For example, the FAA has tasked the Aviation Regulation Advisory Committee (ARAC) to review and propose harmonized revisions to the following documents:

- *14 CFR 25.1329* ("Automatic pilot system"), which contains FAA's standards for certifying automatic pilot systems on transport category airplanes;
- *14 CFR 25.1335* ("Flight director systems"), which contains FAA's standards for certifying flight director systems on transport category airplanes; and
- *Advisory Circular (AC) 25–1329–1A* ("Automatic Pilot Systems Approval," dated July 8, 1968), which describes an acceptable means by which compliance with the automatic pilot installation requirements of § 25.1329 may be shown.

The work of ARAC currently is in progress.

Current Certification Standards

In general, the FAA has traditionally certified automatic pilot systems on transport category airplanes in accordance with § 25.1329 on the basis that:

- The systems are conveniences to reduce flightcrew workload, and
- The systems do not relieve the flightcrew of any responsibility for assuring proper flight path management.

As a result, the autopilot evaluation criteria contained in AC 25.1329–1A, are chiefly concerned with the effects of autopilot failures on the airplane. The most recent revision to AC 25–7A, "Flight Test Guide for Certification of Transport Category Airplanes," also defines some evaluation criteria for determining whether the autopilot is performing its intended function of relieving the flightcrew of some of their control functions.

Accordingly, even when the flightcrew is not manually performing a specific flight path control function, the FAA expects the flightcrew to be "aware" when this function is not being performed safely, and to take appropriate and timely corrective action. The installation certification guidelines presented in AC 25.1329–1A, for example, state "* * * at least one pilot [should] monitor the behavior of the airplane and associated autopilot performance at all times."

In certifying all autopilot systems to date, the FAA has accepted the premise that the capability for this flightcrew "awareness" comes from either:

- Adherence to operational training and/or procedures;
- A dedicated failure detection and annunciation feature on the flight deck; or
- Inherent aircraft operational cues (for example, a perceived change of aircraft attitude or change of engine noise).

As shown by recent relevant accident and incident cases, one cannot assume that the flightcrew will reliably detect and accommodate adverse autopilot behavior solely from inherent operational cues; other cues are needed.

Inherent operational cues can be insufficient because:

1. During normal autopilot operations, the flightcrew may not be able to detect operational cues related to significant changes in aerodynamic characteristics, such as drag and controllability, as effectively as during manual operation. One specific example of this is the change of control response or "feel" during low speed operations as ice accumulates on the airplane surfaces, gradually and imperceptibly reducing control authority. This condition can progress, intangible to the flightcrew, until the autopilot exhausts its control authority and automatically disengages. The flightcrew then is suddenly required to take manual control of the airplane, which (1) is not in proper trim, (2) is at a low margin-to-stall, and (3) has significantly degraded aerodynamic performance.

2. As pointed out by the NTSB, and recognized by the FAA, some autopilot failures can result in changes in attitude at rates that may be imperceptible to the flightcrew, and thus remain undetected until the airplane reaches significant attitude deviations.

Neither the certification standards nor the relevant advisory material currently contain actions or detailed guidance to address these types of situations. Because of this, the FAA has found it necessary and appropriate to provide additional guidelines for the provision of design features needed to enable flightcrew control and awareness of the unintended changes of speed and attitude during the operation of the autopilot system.

Discussion of Proposed Policy Statement

On, August 30, 1999, the FAA issued a proposed general statement of policy (64 FR 49043, September 9, 1999) concerning how the FAA would evaluate various items when certifying automatic pilot installations in transport category airplanes. (A correction was later published on September 20, 1999 (64 FR 50872).) This information, presented in the form of a general statement of policy, was intended to clarify, detail, and formally state items that the FAA:

- Assumes about the flightcrew's awareness capability;
- Employs or accepts on an on-going basis in making compliance findings relative to autopilot systems; and
- Considers frequently in developing a means to prevent recurrences of the accident/incident situations described previously, or to enable an appropriate and timely response to other situations that could result in similar circumstances.

Comments Received in Response to Proposed Policy Statement

The FAA received comments on the proposed policy statement from five commenters. Many of the comments submitted were editorial in nature and did not take issue with the content of the policy itself. We have incorporated most of these editorial changes into the final policy statement where they made the information clearer or corrected typographical errors.

The remainder of the comments were substantive in nature and addressed the correctness, merit, or appropriateness of the policy's technical details. These are discussed below, divided by the issues addressed and by comments related to specific paragraphs of the proposed policy statement.

"Rulemaking by Policy"

One commenter states that the proposed policy statement differs significantly from existing regulatory and advisory material, and constitutes "rulemaking by policy." This commenter further states that industry would rather see a statement of the issue and defer the exact mechanism to address that issue to the applicant. The commenter suggests that any new direction should be harmonized with the activities of ARAC.

The FAA does not agree with the commenter. With regard to this policy statement being "rulemaking by policy," all features discussed in the policy statement are covered by the current 14 CFR 25.1309 (especially § 25.1309(c)) and § 25.1329, as well as several other regulations. This policy statement (and the planned revisions to the associated advisory circulars) only defines one possible implementation that would be acceptable to the regulatory authorities when determining compliance with existing regulations. Neither this policy statement nor any current or future advisory circulars define regulations.

The FAA does intend to incorporate all the material described in the policy statement in the upcoming revision of AC 25.1329–1A. Likewise, the European Joint Aviation Authorities (JAA) also plan to incorporate this material into their parallel Advisory Circular Joint (ACJ) 25.1329.

Change in Role of Flightcrew

One commenter states that current autopilot systems have been shown, by operational experience, to be safe. This commenter asserts that the new policy would change the role of the flightcrew, who are currently required to monitor the performance of an engaged autopilot at all times. It could make them more dependent on automatic functions and, thereby, less likely to be constantly monitoring the state of the aircraft.

The FAA does not agree with this commenter. Crew alerting features are intended to increase pilot awareness, not replace or reduce the requirement for crew vigilance and professional aviation skills. Current crew alerting features—such as Enhanced Ground Proximity Warning System, Terrain Awareness and Warning System, Engine Fail Indications, or any other alert on modern transport category aircraft—enhance safety. The autopilot alert described in the policy statement is no different in this respect.

While the autopilot systems currently in service are safe, there have been several serious incidents and accidents of transport category aircraft over the last 10 years that have involved the automatic disconnection of an engaged autopilot when the aircraft was in a mis-trimmed configuration or an unusual attitude. The new features described in the policy statement are in direct response those incidents and accidents.

The FAA does not intend for this policy to alter the roles and responsibilities of the flightcrew as they are currently defined. The autopilot alerts discussed are intended as an added safeguard to a vigilant flightcrew. History has shown that pilots sometimes do miss cues (be they subtle or overt) of a developing or ongoing unusual situation. The accidents and incidents mentioned previously have occurred when an engaged autopilot disconnected automatically during a time when the aircraft was in a significantly mis-trimmed condition or an unusual attitude. These accidents and incidents may have been avoided if that condition had been brought to the attention of the flightcrew prior to the disconnection of the autopilot. The autopilot alert described in the policy statement is intended to preclude a recurrence of accidents and incidents of that type.

Conflict Between Policy and New Advisory Material or Rules

Several commenters suggest that the policy statement should include language specifying that rules or advisory material promulgated as a result of the parallel work of ARAC (and the Flight Guidance Systems Harmonization Working Group) would supersede this or any existing policy statement if there is a conflict between the two.

The FAA does not consider the suggested language necessary. We plan to "cancel" this policy statement when the next revision of AC 25.1329–1A is published. As indicated previously, this policy statement is interim guidance until the new revision of AC 25.1329–1A is issued. Therefore, there is no need for language in the policy statement that would give priority to any specific document.

Comments on Paragraph 2., "Definitions"

One commenter requests the FAA to clarify the definition of "hazardous flight path deviations," which appeared as paragraph 2.c. in the proposed policy statement. The commenter states that the term "hazardous" is used in multiple ways and this may create confusion.

The FAA finds it appropriate to delete this definition from the final policy statement to avoid confusion. Additionally, the term is not used anywhere else in the policy statement, so its appearance under the heading "Definitions" is not necessary.

Comments on Paragraph 4., "System Response"

Several commenters suggest various changes to proposed paragraph 4. to make it clearer and more consistent with guidance that is already in or planned for inclusion in FAA and JAA advisory material. For example, one commenter suggests that paragraph 4.b. of the proposal be revised to make clear that the autopilot should not be allowed to command unsafe maneuvers, regardless of the ease of recovery. The commenter also suggests that the restrictions on out-of-trim conditions in the event of a manual autopilot disconnect, which were listed in proposed paragraph 4.d., should be added to paragraph 4.c.'s description of the automatic disconnect case. Additionally, the commenter suggests that examples of maneuvers that might be considered "dangerous" be included.

Other commenters state that the text of proposed paragraph 4.d. allows no "credit" for a mis-trim warning and, thus, would require autopilots to have a critical trim function, which most autopilots do not support. Other commenters suggest use of the term "ultimate loads" instead of "limit loads" in proposed paragraph 4.d., because catastrophic failure conditions are normally associated with "ultimate loads," not "limit loads." These commenters also suggest using the term "unsafe maneuver" instead of "dangerous maneuver" (as used in proposed paragraph 4.f.), because "dangerous" cannot be explicitly defined.

The FAA has considered these suggestions and has rewritten paragraph 4 with the following specific changes:

- *Paragraph 4.a.* is unchanged from the proposed version.
- *Paragraph 4.b.* refers to the autopilot providing guidance or control, as appropriate, for the intended function in a safe and predictable manner.
- *Paragraph 4.c.* describes the expected system response to the presence of transient flight control movements during non-maneuvering flight and under dynamic conditions.
- *Paragraph 4.d.* describes the expected system response, relative to significant transient flight control movements, during automatic or manual disengagement of the autopilot.
- *Paragraph 4.e.* describes the expected system response, relative to significant transients, during other than normal conditions.
- *Proposed paragraph 4.f.* has been deleted as a result of these changes.

(Note that previous references to "dangerous" maneuvers and to "limit loads" have been deleted from the final text.)

The wording in the final policy statement reflects the text that will appear in the upcoming revision of AC 25.1329–1A.

Comments on Paragraph 5., "Controls, Displays, and Alerting"

Several commenters consider that the autopilot alert defined in paragraph 5.e. of the policy statement constitutes a significant design challenge. First, these commenters point out that paragraphs 5.e.(1) and 5.e.(2) require "the autopilot to remain engaged for some time period after a failure has been detected by a monitor (assuming that a monitor exists to detect all failure conditions)." To these commenters, this appears contrary to safety in almost all failure conditions. Many failure conditions require an immediate automatic disconnection of the autopilot in order to minimize the adverse effects of the failure. If autopilot engagement is maintained for some time after the failure, the undesirable effects of the failure will persist and, consequently, increase the severity of the failure condition.

Second, these commenters point to paragraph 5.e.(4), which lists the conditions for which the flightcrew alert, and possibly automatic disengagement of the autopilot, should be considered. The commenters state that some of the warning conditions listed in that paragraph are within the normal operating flight envelope, and that it would be difficult to provide useful alerts without producing frequent nuisance alarms.

The commenters request clarification on the intent of paragraph 5.e. and the conditions that should or should not result in an automatic disengagement.

The FAA agrees that clarification is necessary. We recognize that any alert must be carefully designed so it does not cause a nuisance alert and, in doing so, precipitate unnecessary crew actions. This policy statement calls for a more advanced (earlier) autopilot alert to increase the flightcrew's awareness of a potentially dangerous condition that the flightcrew might not otherwise detect in a timely manner.

Examples of situations that could warrant advance crew notification are listed in paragraph 5.e.(4) of the policy statement. It is not required that the crew be alerted prior to any automatic disconnect of an engaged autopilot. All failure conditions that require an immediate automatic disconnect, and whose onset cannot be detected prior to the actual failure condition, must still cause an immediate automatic disconnect. No preceding alert is required. We have clarified the wording of the final policy statement in this regard.

Comments on Paragraph 7., "Airplane Flight Manual"

Several commenters consider the detailed list of design specifications contained in paragraph 7 of the proposed policy statement inappropriate for inclusion in an Airplane Flight Manual. One of these commenters states that it is more appropriate for this information to be included in Operations Manuals and training material. Another commenter states that the AFM operating procedures should be limited to only a general description of the autopilot capability. The commenters state that the literal interpretation of what is asked for in this section would require reproduction of extensive logical expressions that are implemented in either hardware or software. These commenters question the usefulness of this information for the flightcrew in actual flight operations.

The FAA agrees somewhat with the commenters. We have revised paragraph 7 in the final policy statement to provide guidance on material that should be provided in the AFM to ensure that the appropriate information related to operation of the flight guidance system is translated into air carrier operations. This information is similar to guidance that will be provided in the upcoming revision to AC 25.1329–1A.

Effect of General Statement of Policy

Much of the information presented in this final policy statement has been developed from service experience garnered and flightcrew conventions practiced throughout the years since the guidance contained in AC 25.1329–1A was published in 1968. The FAA has assembled this information and is presenting it in this general statement of policy as a set of "guidelines" that are appropriate for use with § 25.1329 for autopilot certification.

Additionally, as discussed previously, actions currently are underway to revise the applicable airworthiness standards (§ 25.1329) and associated advisory material (AC 25.1329–1A) to more fully address the autopilot system and other flight deck issues. Until then, the guidance provided in this general statement of policy would serve as a reference to assist in the certification of new autopilot systems.

The general policy stated in this document is not intended to establish a binding norm; it does not constitute a new regulation and the FAA would not apply or rely upon it as a regulation. The FAA Aircraft Certification Offices (ACO) that certify transport category airplanes and/or the automatic pilot systems installed on them should generally attempt to follow this policy, when appropriate. However, in determining compliance with certification standards, each ACO has the discretion not to apply these guidelines where it determines that they are inappropriate. The ACO should coordinate with the Transport Airplane Directorate, for purposes of standardization, whenever the ACO determines that some deviation from this policy is appropriate. Applicants should expect that the certificating officials would consider this information when making findings of compliance relevant to new certificate actions.

Applicants may consider the material contained in this policy statement as supplemental to that currently contained in AC 25.1329–1A when developing a means of compliance with the relevant certification standards.

As with all advisory material, this statement of policy identifies one means, but not the only means, of compliance.

For the convenience of the reader, we have formatted this general statement of policy in outline form.

The General Statement of Policy

1. General

1.a. Operational experience has shown that flightcrews may not have adequate awareness of potentially hazardous aircraft states or adequate capability to anticipate sudden, unexpected actions of the autopilot. In this regard, the autopilot design should take into consideration conditions that could create hazardous deviations in the flight path, specifically (ref: 14 CFR 25.1329(f), "Automatic pilot system"):

- Conditions that could make continued autopilot operation unsafe; or
- Conditions that could cause the manual control of an upset following autopilot disengagement to require exceptional piloting skill or alertness.

Note that automatic disengagement may not be the safest autopilot response for all cases, particularly with trim conditions that could lead to a significant upset.

1.b. If automatic functions are provided that may be used with the autopilot (e.g., automatic thrust control or yaw damper), and use of the autopilot is permitted with any of these functions inoperative, then the design of the autopilot should comply with the provisions of this general policy statement and Advisory Circular 25.1329–1A, "Automatic Pilot Systems Approval" with these functions operative and inoperative.

1.c. The autopilot should perform its intended function in all configurations in which it may be used throughout all appropriate maneuvers and environmental conditions, including turbulence and icing, unless an appropriate operating limitation or statement is included in the Airplane Flight Manual.

2. Definitions

2.a. The term *autopilot* is synonymous with the term *automatic pilot*. The term autopilot includes the sensors, computers, power supplies, servo-motors, servo-actuators, and associated wiring necessary for its function. It includes any displays and controls necessary for the pilot to manage and supervise the system.

2.b. The term *autothrust* is synonymous with the term *autothrottle* or *automatic throttle control*.

2.c. The term *extremely improbable* is defined as the average probability per flight hour of the occurrence of an event (e.g., a failure condition), which is on the order of 1×10^{-9} or less. Catastrophic failure conditions must be extremely improbable (ref. § 25.1309(b)(1)).

2.d. The term *warning* is defined as an indication for a hazard requiring immediate corrective action by the flightcrew.

2.e. The term *caution* is defined as an indication for an event requiring immediate crew awareness and possibly requiring subsequent timely corrective crew action.

3. Design, Installation, and Maintenance

3.a. The autopilot system design should not possess characteristics, in normal operation or when failed, that would degrade safety or lead to an unsafe condition, unless such failures can be limited by design or the effects can be limited and mitigated by the pilot response within a reasonable time. The allowable probability of any failure should be based on its safety effects in accordance with the requirements of § 25.1309.

3.b. Adequate precautions should be taken in the design process, and adequate procedures should be specified in the maintenance manual, to prevent the incorrect installation, connection, or adjustment of parts of the autopilot if such errors would create a hazard to the airplane (e.g., torque clutches or limit switches with a range of adjustment such that maladjustment could be hazardous).

3.c. The autopilot should be designed and installed so that the tolerances demonstrated during certification tests can be maintained in service.

4. System Response

4.a. The autopilot should not cause nuisance oscillations, undue control activity, or sudden large attitude changes, especially when configuration or power changes are taking place. All maneuvers should be accomplished smoothly, accurately, and in a manner similar to normal pilot control.

4.b. The autopilot should provide guidance or control, as appropriate, for the intended function of the active mode(s) in a safe and predictable manner within the normal flight envelope.

4.c. In non-maneuvering flight, the engagement of the autopilot should be free of perceptible transient flight control movement. Under dynamic conditions, including maneuvering flight, some minimal flight control transients may be acceptable if they do not cause significant operational difficulty for the flightcrew or unsafe conditions for the occupants.

4.d. Under normal conditions, automatic or manual disengagement of the autopilot should be free of significant transients or out of trim forces that are not consistent with the maneuvers being conducted by the airplane at the time of disengagement. If multiple autopilots are engaged, any disengagement of an individual autopilot should be free of significant transients and should not adversely affect the operation of the remaining autopilot.

4.e. In other than normal conditions, disengagement of the autopilot may result in a significant transient. The flightcrew should be able to respond to a significant transient without:

- Exceptional piloting skill, alertness, or strength;
- Forces greater than those given in § 25.143 (c); and
- Accelerations or attitudes in the airplane that might result in a hazard to secured or non-secured occupants.

5. Controls, Displays, and Alerting

5.a. Unless the probability of failure of the quick-disconnect button on the control wheel, or equivalent, is shown to be extremely improbable, an alternative means of disengagement, that is readily accessible in flight, should be provided.

5.b. The controls, displays, and alerts should be designed to minimize crew errors.

5.c. Mode, state, status, and malfunction indications should be presented in a manner compatible with the procedures and assigned tasks of the flightcrew. The indications should be grouped in a logical and consistent manner and be visible from each pilot's station under all expected lighting conditions.

5.d. *Autopilot Disconnect Warning:*

5.d.(1) Disengagement of the autopilot, whether intended by the pilot or not, should trigger both an aural alert and visual warning during any phase of flight, since immediate pilot action is required.

5.d.(2) The aural alert associated with the autopilot disconnect should be unique and distinct. The aural alert should be cancelable by the pilot pushing the quick-disconnect button on the control wheel or stick. The aural alert should sound until cancelled by the pilot, except that a minimum cycle should sound. If the autopilot is disengaged by means of the quick-disconnect button, then an additional push of this button should be required to cancel the aural alert.

5.e. An aural alert and a visual caution should be provided to the flightcrew for conditions that:

- Could make continued autopilot operation unsafe, or
- Could cause the manual control of an upset following autopilot disengagement to require exceptional piloting skill or alertness.

5.e.(1) The flightcrew alert should be generated before the conditions lead to a situation that could require exceptional piloting skill or alertness, such as an automatic disconnect while the airplane is in an unusual attitude, significantly out of trim, or near stall warning.

5.e.(2) Whenever possible, the alert should provide the flightcrew enough time to be prepared to place their hands on the controls and to take appropriate corrective action (e.g., change thrust, set trim, disconnect autopilot).

5.e.(3) The thresholds for triggering the flightcrew alert should be designed carefully, with consideration for undue distraction (e.g., nuisance alerts) and potential "rippling" of multiple alerts triggered by the same or related conditions, which could mask or override the sounding of this alert.

5.e.(4) Conditions that should be considered for a flightcrew alert and possibly automatic disengagement include, but are not limited to:

- Limits of autopilot control authority;
- Out-of-trim;
- Excessive trim rates;
- Airspeeds greater than those intended for autopilot operations;
- Low speeds (e.g., less than 1.2 V_{S1} for the current flap configuration, but greater than 1.07 V_S); and
- Bank and pitch angles beyond those intended for autopilot operation.

5.e.(5) Detected failure conditions that require an immediate autopilot disconnect, such as a fault within the autopilot processing unit or a failed autopilot servo, do not require an alert to be displayed prior to automatic disconnection. Only those conditions that are sustained and/or build up over time such that an advance warning could be given to the flightcrew prior to automatic autopilot disengagement (e.g., the autopilot close to its maximum authority in the roll axis for a specific period of time), or conditions that would not by themselves cause an automatic autopilot disengagement, are candidates for an alert.

5.f. The means provided to comply with § 25.1329(h) (mode indications when coupled with airborne navigation equipment) should also give an appropriate indication when:

5.f.(1) The autopilot cannot engage the mode selected by the flightcrew; and

5.f.(2) The system automatically makes a mode change or mode disengagement that is considered operationally significant and, perhaps, unexpected. (For example, a change from altitude capture to altitude hold is significant, but expected; while a change from vertical path mode to vertical speed mode is both operationally significant and unexpected.)

5.g. If the autopilot has envelope limiting or protection capability, the system should provide an alert to indicate to the pilots when envelope limiting or protection is invoked and the condition is sustained and/or flightcrew action is necessary.

6. Engagement

If a flight director is available and active, the autopilot should engage in the same mode as the flight director and provide consistent flight path guidance.

7. Airplane Flight Manual (AFM)

The following paragraphs provide guidance on material to be provided in the Airplane Flight Manual (AFM) to ensure that the appropriate information related to flight guidance system (FGS) operation is translated into air carrier operations. For additional guidance, note that FAA Advisory Circular (AC) 25.1581–1 ("Airplane Flight Manual," dated July 14 1997) addresses requirements of the AFM for transport category aircraft and distinguishes between those aircraft that are used in air carrier operations and those not in air carrier service. The terminology used in the AFM should be consistent with the intended operational use. Appropriate AFM information related to

low-visibility operations is addressed in:

• AC 120–28D, "Criteria for Approval of Category III Weather Minima for Takeoff, Landing, and Rollout," and

• AC 120–29A, "Criteria for Approving Category 1 and Category II Landing Minima for FAR 121 Operators."

7.a. *Limitations.* The Limitations section of the AFM presents those FGS operating limitations appropriate to the airplane model as established in the course of the type certification process, and as necessary. The FGS operational limitations (should any exist) should specify, but not be limited to, the following:

• Minimum engagement altitude(s) or height(s), if and when necessary.

Note: If Minimum Engagement Altitude(s) or height(s) are not specified, then "maximum displacement deviation" information from a pertinent takeoff flight path and approach profile should be provided in the AFM Normal Procedures section, or in the associated Flight Crew Operation Manual (FCOM).

• Mandatory disengagement requirements, if necessary.

• Configuration/envelope restrictions, if and as applicable.

7.b. *Abnormal/Emergency Procedures.* Any FGS anomaly that is addressed to the flight crew by a non-normal procedure must be included in the AFM.

7.c. *Normal Procedures.*

7.c.(1) *General.* The normal procedures for use of the FGS should be documented in the AFM or Flight Crew Operation Manuals (FCOM), as appropriate. These procedures should be demonstrated during the type certification process. In lieu of specification of minimum engagement altitude(s) or height(s), the AFM may alternately specify "maximum-displacement deviations" from a specified takeoff flight path, or from a specified approach profile. This information may be based on typical departure or approach flight paths suited for the aircraft type and for and failure conditions that are determined applicable to the type of FGS system and modes suitable for use.

7.c.(2) *Aircraft with Published Flight Crew Operation Manuals (FCOM).* Airplane Flight Manuals for aircraft for which the manufacturer has published FCOM's should contain essential information on normal operating procedures that are considered "peculiar" to the operation of the FGS for the aircraft type or are otherwise necessary for safe operation. System description, specification, and operational procedures that are normally associated with flight guidance systems may be described in the FCOM.

7.c.(3) *Aircraft without Published FCOM's.* For aircraft that rely on the AFM as the sole operating manual, the AFM should contain operating information sufficient for crew reference. System description, operation, checklists, and normal operating procedures should be amplified in sufficient detail so that an appropriately trained flight crew may operate the FGS under normal conditions.

Conclusion

As discussed previously, the FAA intends to update 14 CFR 25.1329 and associated Advisory Circular (AC) 25.1329–1A to more fully address the autopilot issues found in this general statement of policy and others. Until then, this general statement of policy serves as a reference to supplement § 25.1329, and for use in the certification of new autopilot systems. Please inform the appropriate flight controls and systems designated engineering representatives (DER) of this proposed general statement of policy.

Issued in Renton, Washington, on February 22, 2001.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Receipt of Noise Compatibility Program and Request for Review for Williams Gateway Airport, Mesa, AZ

AGENCY: Federal Aviation Administration (FAA), Transportation.

ACTION: Notice.

SUMMARY: The FAA announces that it is reviewing a proposed Noise Compatibility Program submitted by the Williams Gateway Airport Authority for the Williams Gateway Airport, Mesa, Arizona under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) (hereinafter referred to as "the Act") and title 14, Code of Federal Regulations (CFR), part 150. This program was submitted subsequent to a determination by the FAA that associated Noise Exposure Maps submitted under 14 CFR part 150 were in compliance with applicable requirements effective May 2, 2000. The proposed Noise Compatibility Program will be approved or disapproved on or before August 18, 2001.

EFFECTIVE DATE: The effective date of the start of the FAA's review of the Noise Compatibility Program is February 20, 2001. The public comment period ends April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Brian Armstrong, Airport Planner, Airports Division, AWP611.1, Federal Aviation Administration, Western-Pacific Region. Mailing Address: P.O. Box 92007, Los Angeles, CA, 90009–2007; Street Address: 15000 Aviation Boulevard, Hawthorne, CA, 290261; Telephone Number (310) 725–3614. Comments on the proposed Noise Compatibility Program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed Noise Compatibility Program for Williams Gateway Airport which will be approved or disapproved on or before August 18, 2001. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted Noise Exposure Maps that are found by the FAA to be in compliance with the requirements of 14 CFR part 150, promulgated pursuant to Title I of the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the Noise Compatibility Program for Williams Gateway Airport, effective on February 20, 2001. It is requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under Section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 18, 2001.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, Section 150.33. The primary considerations in the evaluation process are whether the proposed measures reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or are reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the Noise Exposure Maps, the FAA's evaluation of the maps, and the proposed Noise Compatibility Program are available for examination at the following locations:

Federal Aviation Administration, National Headquarters, Community Environmental Needs Division, 800 Independence Avenue, SW Room 621, Washington, DC 20591.

Federal Aviation Administration, Western-Pacific Region, 15000 Aviation Boulevard, Room 3012, Hawthorne, CA, 90261.

Williams Gateway Airport Authority, 5835 South Sossman Road, Mesa, AZ 85212–0919.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on February 20, 2001.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region, AWP–600.

[FR Doc. 01–5028 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at Fort Worth Meacham International Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Request to Release Airport Property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at Fort Worth Meacham International Airport under the provisions of section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before March 16, 2001.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Mike Nicely, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports Development Office, Fort Worth, Texas 76193–0650.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Lisa Pyles, Aviation Director, City of Fort Worth at the following address: Fort Worth Meacham International Airport, Aviation Department, 4201 North Main Street, Suite 200, Fort Worth, Texas 76106–2749.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Nicely, Federal Aviation Administration, TEXAS Airports Development Office, ASW–650, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0650.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Fort Worth Meacham International Airport under the provisions of the AIR–21.

On February 12, 2001, the FAA determined that the request to release property at Fort Worth Meacham International Airport submitted by the city of Fort Worth met the procedural requirements of the Federal Aviation Regulations, Part 155. The FAA may approve the request, in whole or in part, no later than April 12, 2001.

The following is a brief overview of the request: The city of Fort Worth requests the release of 3.25 acres of airport property. The release of property will allow for the construction of a new intersection of North Main Street and the extension of Meacham Boulevard. The fair market value of the land to be released is estimated to provide $250,000 to Aviation Fund for airfield improvement projects.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Fort Worth Meacham International Airport.

Issued in Fort Worth, Texas on February 12, 2001.

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 01–5139 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee: General Aviation and Business Airplane and General Aviation Operations Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of the General Aviation Certification and Operations Issues, Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: Notice is given of the decision to combine activities of General Aviation and Business Airplanes with General Aviation Operations. The activities are retitled General Aviation Certification and Operations. This notice informs the public of the decision to consolidate these ARAC activities.

FOR FURTHER INFORMATION CONTACT: Mike Dahl, Federal Aviation Administration, Central Region Headquarters, 901 Locust, Kansas City, Missouri 64106, Telephone: (816) 329–4110, FAx (816) 329–4090, or e-mail, *mike.dahl@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1991, the Federal Aviation Administration (FAA) announced the establishment of the Aviation Rulemaking Advisory Committee (56 FR 2190, January 22, 1991). The committee held its first meeting at Baltimore, MD, on May 23, 1991 (56 FR 20492, May 3, 1991). At that meeting the Aviation Rulemaking Advisory committee accepted General Aviation and Business Airplanes (GABA) as an issue on which it would provide advice and recommendations to the FAA regarding the airworthiness standards for small general aviation and business airplanes. Later that year, the FAA published notice of ARAC's acceptance of activities concerning General Aviation Operations (56 FR 199; October 15, 1991). Under this issue, ARAC would provide advice and recommendations to the FAA on activities concerning operation of general aviation aircraft. The FAA does not anticipate a change in the range of activities as a result of the consolidation of these issues. The decision to combine the two issues should result in more efficient use of resources and ensure that decisions concerning certification and operation of small airplanes are consistently applied. General Aviation Certification and Operations will continue to address those issues, as well as FAA/JAA harmonization issues.

The leadership and operating procedures for General Aviation Certification and Operations will be similar to the current structure, except there will be Co-Assistant Executive Directors with respective alternates working within respective areas of expertise.

Recommendations concerning General Aviation Certification and Operations may include reports, proposed rules, and guidance and advisory materials and should be harmonized to the maximum extent practicable. The ARAC may choose to establish working groups to provide technical support in carrying out the tasks assigned.

Participation

The Aviation Rulemaking Advisory Committee on General Aviation Certification and Operations is composed of representatives from organizations who have interest in and can provide the technical expertise needed to develop recommendations on tasks assigned by the FAA. ARAC Members who previously expressed interest in and support activities concerning General Aviation and Business Airplanes or General Aviation Operations and any other members who are now interested in supporting General Aviation Certification and Operations are asked to validate your interest by contacting the person listed under the **FOR FURTHER INFORMATION CONTACT.** All requests for validation and participation must be received no later than March 30, 2001. The Assistant Chairs and Assistant Executive Directors will review the requests and advise the individuals whether or not their request will be accommodated.

Organizations chosen to support General Aviation Certification and Operations are expected to provide a primary representative who will represent that segment of the aviation industry/community and actively participate in activities associated with this issue. Member organizations are expected to support the activities of this issue area to ensure assigned deadlines are met.

The Secretary of Transportation has determined that the formation and use of ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of ARAC on General Aviation Certification and Operations will be open to the public. The FAA will make a public announcement of each ARAC meeting on this issue.

Issued in Washington, DC on Februayr 27, 2001.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 01–5140 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee: Emergency Evacuation Issues

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of establishment of the Occupant Safety Issues, Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: Notice is given that the issue of Emergency Evacuation has been changed to Occupant Safety to reflect a broader range of rulemaking activity that may be considered by the Aviation Rulemaking Advisory Committee. This notice informs the public of the change in scope for this ARAC activity.

FOR FURTHER INFORMATION CONTACT: John McGraw, Federal Aviation Administration, Northwest Mountain Region Headquarters, 1601 Lind Avenue, SW., Renton, Washington 98055, (425) 227–2111, FAX (425) 227–1320, or E–Mail, *john.mcgraw@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1991, the Federal Aviation Administration (FAA) announced the establishment of the Aviation Rulemaking Advisory Committee (56 FR 2190, January 22, 1991). The committee held its first meeting at Baltimore, MD, on May 23, 1991 (56 FR 20492, May 3, 1991). At that meeting the Aviation Rulemaking Advisory Committee accepted Emergency Evacuation as an issue on which it would provide advice and recommendations to the FAA. With respect to this issue, the Aviation Rulemaking Advisory Committee would provide advice and recommendations on enhancing the ability of passengers to quickly and safety evacuate an aircraft in an emergency.

The Aviation Rulemaking Advisory Committee has provided several recommendations on issues involving Emergency Evacuation, and the FAA has determined it appropriate to now expand activities of this issue to include tasks associated with occupant safety and protection. As such, the name has been changed to reflect this broader scope. The Aviation Rulemaking Advisory Committee on Occupant Safety will provide advice and recommendations to the FAA and Joint Aviation Authorities (JAA) on a range of rulemaking activities concerning occupant safety and protection and emergency evacuation. Recommendations should consider harmonizing Federal Aviation Regulations and guidance material with Joint Aviation Requirements and advisory circulars joint.

The leadership and operating procedures for Occupant Safety will be similar to that which supported activities concerning Emergency Evacuation and consistent with the terms of the ARAC charter.

Recommendations concerning Occupant Safety may include reports, proposed rules, and guidance and advisory materials and should be harmonized to the maximum extent practicable. The ARAC may choose to establish working groups to provide technical support in carrying out the tasks assigned.

Participation

The ARAC Occupant Safety issues area is composed of representatives from organizations who have interest in an can provide the technical expertise needed to develop recommendations on tasks assigned by the FAA. ARAC members who previously expressed interest in an support activities concerning Emergency Evacuation and members who are now interested in supporting Occupant Safety are asked to validate your interest by contacting the person listed under the caption **FOR FURTHER INFORMATION CONTACT.** All requests for validation and participation must be received no later than March 30, 2001. The Assistant Chair and Assistant Executive Director for Occupant Safety Issues will review the requests and advise the individuals whether or not their request will be accommodated.

Organizations chosen to support Occupant Safety are expected to provide a primary representative who will represent that segment of the aviation industry/community and actively participate in activities associated with this issue. Member organizations are expected to support the actions of this issue area to ensure that deadlines are met.

The Secretary of transportation has determined that the formation and use of ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of ARAC on Occupant Safety Issues will be open to the public. The FAA will make a public announcement of each meeting of this issue area.

Issued in Washington, DC on February 27, 2001.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 01–5141 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–16]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions; correction.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 15, 2001.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You must also submit comments through the Internet to http://dms.dot.gov. You must review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 pm., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR §§ 11.85 and 11.91.

Issued in Washington, DC, February 23, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2001–8933.

Petitioner: Pacific Island Aviation, Inc.

Section of 14 CFR Affected: 14 CFR 25.857(c), 25.858, and 121.314(c).

Description of Relief Sought/Disposition: To allow operation, until June 20, 2001, of three SD3–60 airplanes beyond the cargo compartment modification deadline of March 20, 2001.

[FR Doc. 01–5027 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Future Flight Data; Collection Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for the Future Flight Data Collection Committee meeting to be held March 29, 2001, starting at 9:00 a.m. This meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will include: (1) Welcome and Introductory Remarks; (2) Review Meeting Agenda; (3) Review Previous Meeting Minutes; (4) Receive report on the deliberations of Working Group 1 (Data Needs); (5) Receive report on the deliberations of Working Group 2 (Technology); (6) Receive report on the deliberations of Working Group 3 (Data Use and Protection); (7) Discuss timeline for deliverables from the Working Groups; (8) Review progress on the Final Report; (9) Receive Presentations; (10) Other Business; (11) Establish Agenda for Next Meeting; (12) Date and Location of Next Meeting; (13) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements, obtain information or pre-register for the committee should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 23, 2001.

Janice L. Peters,

Designated Official.

[FR Doc. 01–5137 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc.; Government/Industry Certification Steering Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for RTCA Government/Industry Certification Steering Committee meeting to be held March 23, 2000, from 10:00 a.m. to 2:00 p.m. The meeting will be held at Federal Aviation Administration (FAA), 800 Independence Avenue, SW., Washington, DC 20591, in the Bessie Coleman Conference Center, Room 2AB.

The agenda will include: (1) Welcome and Introductory Remarks; (2) Review Previous Meeting Minutes; (3) Review Meeting Agenda; (4) Certification Select Committee Progress Report; (5) Working Group Report on Implementation of Task Force 4 Recommendations; (6) Update and Demonstration of FAA Web Site Redesign; (7) Other Business; (8) Date and Location of Next Meeting; (9) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the co-chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 23, 2001.

Janice L. Peters,

Designated Official.

[FR Doc. 01–5136 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Revision to the Santa Ana Class C Airspace Area, CA; Public Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a fact-finding informal airspace meeting to solicit information from airspace users, and others, concerning proposals to revise the Class C airspace area at John Wayne Airport/Orange County, CA. The purpose of this meeting is to provide interested parties an opportunity to present views, recommendations, and comments on this proposal. All comments received during the meeting will be considered prior to any revision or issuance of a notice of proposed rulemaking.

Times and Dates: The informal airspace meeting will be held on Wednesday, March 28, 2001, from 6:30 p.m. to 9 p.m. Comments must be received on or before May 15, 2001.

Place: The meeting will be held at Los Alamitos Army Air Field in the Base Theater (Building 4411) main auditorium. Directions: From Katella Avenue, gain access to the base via the Main Gate located on Lexington Drive. Proceed straight on Lexington Drive to Minuteman Circle. Minuteman Circle is not marked with a conventional street sign, but is easily identifiable by an Army tank on the right side and a helicopter on the left side. These two monuments are where Lexington Drive splits into the right/left loops of Minuteman Circle. Bear to the right on Minuteman Circle to Yorktown Avenue and turn right. Building 4411 is the first building on the right. Park adjacent to the theater or across Yorktown Avenue.

Comments: Send or deliver comments on the proposal in triplicate to: Manager, Air Traffic Division, AWP–500, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

FOR FURTHER INFORMATION CONTACT: Debra Trindle, Air Traffic Division, AWP–520, FAA, Western-Pacific Regional Office, telephone (310) 725–6613.

SUPPLEMENTARY INFORMATION:

Meeting Procedures

(a) This meeting will be informal in nature and will be conducted by one or more representatives of the FAA Western-Pacific Region. A representative from the FAA will present a briefing on the proposed airspace classification changes. Each participant will be given an opportunity to deliver comments or make a presentation. Only comments concerning the proposed Class C airspace area revision will be accepted.

(b) The meeting will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

(c) Any person wishing to make a presentation to the FAA panel will be asked to sign in and estimate the amount of time needed for such presentation. This will permit the panel to allocate an appropriate amount of time for each presenter.

(d) The meeting will not be adjourned until everyone on the list has had an opportunity to address the panel.

(e) Position papers or other handout material relating to the substance of the meeting will be accepted. Participants wishing to submit handout material should present three copies to the presiding officer. There should be additional copies of each handout available for other attendees.

(f) The meetings will not be formally recorded. However, a summary of the comments made at the meeting will be filed in the docket.

Agenda for the Meeting

Opening Remarks and Discussion of Meeting Procedures.
Briefing on Background for the Proposal.
Public Presentations.
Closing Comments.

Issued in Washington, DC, on February 22, 2001.

Avis Person,

Acting Manager, Airspace and Rules Division.

[FR Doc. 01–5024 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In January 2001, there were 10 applications approved. This notice also includes information on one application, approved in December 2000, inadvertently left off the December 2000 notice. Additionally, 40 approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Airport Authority of Calcasieu Parish, Lake Charles, Louisiana.
Application Number: 01–01–C–00–LCH.
Application Type: Impose and use a PFC.
PFC Level: $3.00.
Total PFC Revenue Approved in This Decision: $4,251,977.
Earliest Charge Effective Date: March 1, 2001.
Estimated Charge Expiration Date: March 1, 2001.
Class of Air Carriers Not Required to Collect PFC's: Part 135 on-demand air taxi/commercial operators.
Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Lake Charles Regional Airport.
Brief Description of Projects Approved for Collection and Use:
Terminal improvement.
Expand terminal public parking.
Renovate aircraft rescue and firefighting facility.
Security fencing at general aviation area.
1997 terminal improvement.
Professional fees of PFC application preparation.
Decision Date: December 21, 2000.

FOR FURTHER INFORMATION CONTACT: G. Thomas Wade, Southwest Region Airports Division, (817) 222–5613.

Public Agency: Savannah Airport Commission, Savannah Georgia.
Application Number: 00–04–C–00–SAV.
Application Type: Impose and use a PFC.
PFC Level: $4.50.
Total PFC Revenue Approved in This Decision: $4,223,046.
Earliest Charge Effective Date: July 1, 2011.
Estimated Charge Expiration Date: July 1, 2012.
Class of Air Carriers Not Required to Collect PFC's: All air taxi/commercial operators filing or required to file FAA Form 1800–31.
Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Savannah International Airport.
Brief Description of Projects Approved for Collection and Use:
Sweeper.
Six loading bridges.
Airfield lighting control.
Extend general aviation taxiway number 2.
Cross connector taxiway.
Access road southwest quadrant.
Buildout gates 9 and 10.
Escalator number 2.
Elevator at 5A.
Cargo apron.
Terminal apron.
PFC development, implementation, and administration.
Decision Date: January 3, 2001.

FOR FURTHER INFORMATION CONTACT: Daniel Gastan, Atlanta Airports District Office, (404) 305–7146.

Public Agency: Port of Seattle, Seattle, Washington.
Application Number: 01–05–U–00–SEA.
Application Type: Use PFC revenue.
PFC Level: $3.00.
Total PFC Revenue To Be Used in This Decision: $40,618,000.
Charge Effective Date: January 1, 2004.
Estimated Charge Expiration Date: September 1, 2021.
Class of Air Carriers Not Required to Collect PFC's: No change from previous decision.
Brief Description of Projects Approved for Use:
Security system upgrade.
Airfield pavement and infrastructure improvements: taxiway pavement replacement; transitional navigation aids and lighting system; and apron pavement replacement.
Decision Date: January 17, 2001.

FOR FURTHER INFORMATION CONTACT: Suzanne Lee-Pang, Seattle Airports District Office, (425) 227–2654.

Public Agency: County of Gunnison, Gunnison, Colorado.
Application Number: 01–03–C–00–GUC.
Application Type: Impose and use a PFC.
PFC Level: $4.50.
Total PFC Revenue Approved in This Decision: $480,667.
Earliest Charge Effective Date: March 1, 2004.
Estimated Charge Expiration Date: April 1, 2006.
Class of Air Carriers Not Required to Collect PFC's: None.
Brief Description of Projects Approved for Collection and Use:
Land acquisition (Wilson property).
Land acquisition (Bratton property).
Perimeter fencing.
Aircraft rescue and firefighting vehicle.
Design for group D–IV safety area standards.
Design and construction of the 1-Bar Road.
Brief Description of Projects Withdrawn:
Gold Basin road relocation.
Runway and taxiway shift (phase 1).
Wetlands mitigation.
Determination: These projects were withdrawn by the public agency in its letter dated October 31, 2000. Therefore, the FAA did not rule on these projects in this decision.
Decision Date: January 19, 2001.

FOR FURTHER INFORMATION CONTACT: Chris Schaffer, Denver Airports District Office, (303) 342–1258.

Public Agency: County of Outagamie, Appleton, Wisconsin.
Application Number: 00–04–C–00–ATW.
Application Type: Impose and use a PFC.
PFC Level: $3.00.
Total PFC Revenue To Be Used in This Decision: $5,891,467.
Earliest Charge Effective Date: May 1, 2001.
Estimated Charge Expiration Date: March 1, 2008.
Class of Air Carriers Not Required to Collect PFC's: None.
Brief Description of Projects Approved for Collection and Use:
Terminal building expansion.
Master plan update.
Acquire snow removal equipment.

FOR FURTHER INFORMATION CONTACT: Sandra E. DePottey, Minneapolis Airports District Office, (612) 713–4363.

Public Agency: Jacksonville Port Authority, Jacksonville, Florida.
Application Number: 00–06–U–00–JAX.
Application Type: Use PFC revenue.
PFC Level: $3.00.
Total PFC Revenue To Be Used in This Decision: $5,584,454.
Charge Effective Date: August 1, 1996.
Estimated Charge Expiration Date: June 1, 1999.
Class of Air Carriers Not Required to Collect PFC's: No change from previous decision.
Brief Description of Projects Approved for Collection and Use: Taxiway improvement for runways 5/23 and 14/32.
Decision Date: January 29, 2001.

FOR FURTHER INFORMATION CONTACT: Richard M. Owen, Orlando Airports District Office, (407) 812–6331, extension 19.

Public Agency: Jacksonville Port Authority, Jacksonville, Florida.
Application Number: 01–07–C–00–JAX.
Application Type: Impose and use a PFC.
PFC Level: $3.00.
Total PFC Revenue Approved in This Decision: $28,181,513.
Earliest Charge Effective Date: July 1, 2001.
Estimated Charge Expiration Date: June 1, 2004.
Class of Air Carriers Not Required to Collect PFC'S: Air taxi/commercial operators filing FAA Form 1800–31.
Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Jacksonville International Airport.
Brief Description of Project Approved for Collection and Use: Renovation and expansion of landside terminal area, stage 1.
Decision Date: January 29, 2001.

FOR FURTHER INFORMATION CONTACT: Richard M. Owen, Orlando Airports District Office, (407) 812–6331, extension 19.

Public Agency: City of Stracuse Department of Aviation, Syracuse, New York.
Application Number: 01–04–I–00–SYR.
Application Type: Impose a PFC.
PFC Level: $3.00.
Total PFC Revenue Approved in This Decision: $3,018,210.
Earliest Charge Effective Date: April 1, 2001.
Estimated Charge Expiration Date: February 1, 2002.
Class of Air Carriers not Required to Collect PFC'S: Air taxi/commercial operators filing FAA Form 1800–31.
Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Syracuse-Hancock International Airport.
Brief Description of Project Approved for Collection: Taxiway A rehabilitation.
Decision Date: January 29, 2001.

FOR FURTHER INFORMATION CONTACT: Philip Brito, New York Airports District Office, (516) 227–3800.

Public Agency: City and County of Denver, Denver, Colorado.

Application Number: 00–02–C–00–DEN.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $211,990,000.

Earliest Charge Effective Date: September 1, 2030.

Class of Air Carriers Not Required to Collect PFC'S: Dedicated air ambulances.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Denver International Airport.

Brief Description of Projects Approved for Collection and Use at a $4.50 PFC Level:

Runway 16R/34L.
Industrial waste containment facilities.
Construction of taxiway EA.
Construction of C–2 deicing pad.

Brief Description of Project Approved for Collection and Use at a $3.00 PFC Level: Terminal module 3E build out public and non-exclusive systems.

Brief Description of Projects Approved for Collection at a $4.50 PFC Level:

Industrial waste management system—cargo area connection.
Taxiway L (AA–EA) grading, paving, lighting, and marking.
Concourse A east deicing/penalty box.
Concourse A expansion of public areas.
Automated ground transportation system (AGTS)—new cars.
Six additional gates.

Brief Description of Project Approved for Collection at a $3.00 PFC Level: Common use terminal equipment.

Brief Description of Project Disapproved: AGTS maintenance facility expansion.

Determination: Disapproved. The FAA has determined that maintenance of airport facilities is not eligible under the Airport Improvements Program (AIP), paragraph 501 and Item 10 of Appendix 2 of FAA Order 5100/38A, AIP Handbook (October 24, 1989). Therefore, buildings for the purpose of maintaining airport facilities are not AIP eligible. Thus, the FAA determined that this project did not meet the requirements of § 158.15(b).

Brief Description of Withdrawn Project: Central terminal automation system center—terminal automated system.

Determination: This project was withdrawn from the application by the public agency in its letter dated January 26, 2001. Therefore, the FAA did not rule on this project in this decision.

Decision Date: January 30, 2001.

FOR FURTHER INFORMATION CONTACT: Chris Schaffer, Denver Airports District Office, (303) 342–1258.

Public Agency: Lafayette Airport Commission, Lafayette, Louisiana.

Application Number: 01–03–C–00–LFT.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $2,323,000.

Earliest Charge Effective Date: April 1, 2001.

Estimated Charge Expiration Date: April 1, 2004.

Class of Air Carriers Not Required to Collect PFC'S: Air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Lafayette Regional Airport.

Brief Description of Projects approved for Collection and Use:

Widen and rehabilitate taxiway L.
PFC development, implementation, and administration.

Decision Date: January 30, 2001.

FOR FURTHER INFORMATION CONTACT: G. Thomas Wade, Southwest Region Airports Division, (817) 222–5613.

Public Agency: Benedum Airport Authority, Bridgeport, West Virginia.

Application Number: 01–02–C–00–CKB.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $162,334.

Earliest Charge Effective Date: April 1, 2001.

Estimated Charge Expiration Date: February 1, 2003.

Class of Air Carriers Not Required to Collect PFC'S: None.

Brief Description of Projects Approved for Collection and Use:

Rehabilitate terminal/fixed base operator ramp and taxiway radius widening.
Perimeter fencing.
Foreign object debris removal equipment.
Snow removal equipment.
Master plan update.
Rehabilitate taxiways A, B, C, D, and E.

Decision Date: January 30, 2001.

FOR FURTHER INFORMATION CONTACT: Larry Clark, Beckley Airports Field Office, (304) 252–6216.

Amendments to PFC Approvals

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
99–03–C–01–CLL, College Station, TX*	11/22/00	$951,400	$951,400	05/01/04	09/01/02
97–01–C–01–SBA, Santa Barbara, CA	12/17/00	2,572,182	2,530,182	01/01/02	01/01/02
95–01–C–03–LFT, Lafayette, LA	12/27/00	1,491,900	1,083,024	09/01/98	09/01/98
97–03–C–01–MIA, Miami, FL	12/28/00	296,167,000	253,011,000	07/01/05	01/01/05
92–01–I–06–SRQ, Sarasota, FL	12/28/00	21,287,893	21,287,893	01/01/01	01/01/01
95–03–C–03–SRQ, Sarasota, FL	12/28/00	1,100,000	1,100,000	04/01/02	04/01/02
98–03–C–01–ATW, Appleton, WI	01/02/01	3,909,000	3,159,000	05/01/03	05/01/01
94–01–C–01–DLH, Duluth, MN	01/04/01	562,248	548,296	10/01/96	09/01/96
96–02–C–01–DLH, Duluth, MN	01/04/01	775,332	552,215	05/01/99	09/01/98
99–03–C–01–DLH, Duluth, MN	01/04/01	561,879	589,989	07/01/01	05/01/00
00–03–C–01–IDA, Idaho Falls, ID*	01/12/01	2,640,000	6,950,000	09/01/09	07/01/20
99–01–C–01–LMT, Klamath Falls, OR*	01/12/01	426,374	426,374	11/01/04	05/01/03
93–01–C–02–IND, Indianapolis, IN	01/17/01	78,386,441	68,562,881	11/01/01	11/01/00
96–02–C–01–IND, Indianapolis, IN*	01/17/01	36,622,175	21,275,922	06/01/04	04/01/02
92–01–C–04–MEI, Meridian, MS	01/18/01	140,875	138,669	06/01/94	06/01/94
98–01–C–01–XNA, Bentonville, AR*	01/19/01	125,775,332	125,552,215	03/01/49	06/01/40

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
98–02–C–01–GUC, Gunnison, CO	01/24/01	619,631	183,754	03/01/04	04/01/01
92–01–C–01–MSP, Minneapolis, MN	01/24/01	66,355,682	92,714,464	08/01/94	08/01/95
94–02–C–03–MSP, Minneapolis, MN	01/24/01	126,222,000	140,778,569	01/01/00	03/01/99
93–01–C–11–ORD, Chicago, IL*	01/25/01	1,129,865,761	1,014,808,714	11/01/11	12/01/05
94–02–U–06–ORD, Chicago, IL*	01/25/01	NA	NA	11/01/11	12/01/05
95–03–C–03–ORD, Chicago, IL*	01/25/01	NA	NA	11/01/11	12/01/05
96–05–C–04–ORD, Chicago, IL*	01/25/01	NA	NA	11/01/11	12/01/05
98–04–C–01–MSP, Minneapolis, MN*	01/25/01	55,460,000	55,471,897	06/01/01	05/01/01
00–05–C–01–LSE, La Crosse, WI*	01/25/01	689,028	689,028	04/01/03	06/01/02
94–01–C–02–BMI, Bloomington, IL*	01/26/01	6,276,132	6,276,132	12/01/10	11/01/03
97–02–C–02–BMI, Bloomington, IL*	01/26/01	21,894,432	21,808,432	12/01/10	10/01/17
00–05–C–01–MSP, Minneapolis, MN*	01/26/01	106,873,838	106,873,838	03/01/03	12/01/02
99–02–C–01–MSO, Missoula, MT*	01/26/01	1,985,000	1,985,000	08/01/03	06/01/02
99–02–C–01–MSO, Missoula, MT*	01/26/01	1,500,000	1,500,000	06/01/06	02/01/04
98–05–C–01–GFK, Grand Forks, ND*	01/26/01	1,398,163	1,398,163	09/01/04	06/01/03
99–05–C–02–MFR, Medford, OR*	01/26/01	1,672,962	1,672,962	08/01/04	02/01/03
96–02–C–01–SLC, Salt Lake City, UT*	01/29/01	66,291,558	61,882,646	09/01/01	07/01/01
99–04–C–01–CPR, Casper, WY*	01/29/01	471,251	471,251	05/01/04	06/01/03
98–06–I–01–SJC, San Jose, CA*	01/30/01	35,000,000	35,000,000	02/01/01	07/01/01
99–07–C–01–SJC, San Jose, CA*	01/30/01	12,950,000	12,950,000	07/01/02	01/01/02
99–08–C–01–SJC, San Jose, CA*	01/30/01	23,598,000	23,598,000	09/01/03	11/01/02
98–07–I–02–PHL, Philadelphia, PA*	01/30/01	672,000,000	672,000,000	07/01/11	07/01/07
99–08–U–01–PHL, Philadelphia, PA*	01/30/01	NA	NA	07/01/11	07/01/07

Note: The amendments denoted by an asterisk (*) include a change to the PFC level charged from $3.00 per enplaned passenger to $4.50 per enplaned passenger. For all of the locations listed above as being approved to change the charge level, this change is effective on April 1, 2001.

Issued in Washington, DC, on February 21, 2001.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 01–5025 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Easterwood Field, College Station, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent To Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Easterwood Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before April 2, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to John H. Happ, Director of Aviation, Easterwood Field at the following address: Mr. John H. Happ, Director of Aviation, 1 McKenzie Terminal Blvd., Suite 112, Easterwood Field, College Station, TX 77843–1583.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under Section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610, (817) 222–5613.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Easterwood Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 13, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 22, 2001.

The following is a brief overview of the application.

Level of the proposed PFC: $4.50.

Proposed charge effective date: September 1, 2002.

Proposed charge expiration date: November 1, 2005.

Total estimated PFC revenue: $1,174,445.

PFC application number: 01–04–C–00–CLL.

Brief description of proposed project(s):

Projects To Impose and Use PFC's

1. Acquire two (2) Loading Bridges
2. Extend Taxiway H
3. Conduct Master Plan Study
4. Security Access Improvements
5. PFC Program Development Fees

Proposed class or classes of air carriers to be exempted from collecting PFC's: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Easterwood Field, College Station, Texas.

Issued in Fort Worth, Texas on February 13, 2001.

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 01–5026 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2000–8105; Notice 1]

Accuride Corporation; Receipt of Application for Decision of Inconsequential Noncompliance

Accuride Corporation of Evansville, Indiana, a major manufacturer of truck rims and wheels, has determined that approximately 3,700 20 × 7.5 FL side rings produced by Accuride de Mexico (AdM), Accuride's wholly-owned subsidiary, at its Monterrey, Mexico plant and Industria Automotriz S.A. de C.V. (IaSa), a Mexican corporation and Accuride's Mexican joint venture partner contain a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) 120, "Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Accuride has petitioned for a determination that this condition is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

The noncompliance relates to the mis-stamping of the marking of the rings. The stamped symbol which indicates the size and type of the ring, in this case was inadvertently stamped as "R7.5 × 20 FL" instead of "20 × 7.5 FL." Accuride states "All other stampings and markings required by FMVSS 120 and Accuride, including the part number and load rating, are correctly identified on each of the components in question. This ring marking is for information only and there is no safety-related issue potentially arising from the exclusion of these symbols on the rings." A total of approximately 896 rings were produced by AdM from January 3, 2000 and February 18, 2000 and approximately 2,804 rings were produced by IaSa and sold by Accuride prior to January 3, 2000.

Accuride believes that there is no safety-related issue with respect to this equipment.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: April 2, 2001.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: February 26, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–5111 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2001–8925, Notice 1]

Mazda Motor Corporation, Receipt of Application for Decision of Inconsequential Noncompliance

Mazda Motor Corporation has determined that all Mazda MPV minivans produced beginning with the 1989 model year through 2001 models manufactured prior to October 6, 2000, and all 1979 through 1993 Mazda B-Series pickup trucks do not meet the labeling requirements of paragraph 5.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 120 "Tire Selection and Rims for Motor Vehicles Other than Passenger Cars." This includes approximately 1,449,000 vehicles.

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Mazda has petitioned for a determination that this condition is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

The noncompliance with paragraph 5.3 of FMVSS 120 relates to labeling. The vehicles are all equipped with both certification labels required by 49 CFR Part 567 and tire information labels as specified in paragraph 5.3(b) of FMVSS 120. However the tire information labels do not include the appropriate gross vehicle weight rate (GVWR) and the gross axle weight rating (GAWR) as required.

Mazda supports its application for inconsequential noncompliance by stating that in all cases, the Part 567 certification labels that include the GVWR and GAWR information are located on the B-pillar and the tire information is located on the door, both of which are visible when the door is open. The information is also included in the owner's manual for all the subject vehicles beginning with the 1988 model year. Mazda believes that this noncompliance presents no risk to motor vehicle safety and therefore seeks exemption from the notification and remedy requirements.

Interested persons are invited to submit written data, views and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: April 2, 2001.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: February 26, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–5112 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 23, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 2, 2001.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0518.

Form Number: ATF F 7CR (5310.16).

Type of Review: Extension.

Title: Application for License, Collector of Curios and Relics.

Description: This form is used by the public when applying for a Federal firearms license to collect curios and relics in interstate and foreign commerce. The information requested on the form establishes eligibility for the license.

Respondents: Individuals or households.

Estimated Number of Respondents: 6,000.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,500 hours.

OMB Number: 1512–0559.

Form Number: None.

Type of Review: Extension.

Title: Identification of Explosive Materials.

Description: This information is necessary to ensure that explosives can be effectively traced. The regulations at 27 CFR 55.109 implement title XI of the Organized Crime Control Act of 1970. The respondents are persons and companies engaged in the business of manufacturing explosives.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 1,563.

Estimated Burden Hours Per Recordkeeper: None.

Frequency of Response: Other (the day following manufacturer of explosive materials).

Estimated Total Recordkeeping Burden: 1 hour.

Clearance Officer: Frank Bowers (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 01–5039 Filed 3–1–01; 8:45 am]

BILLING CODE 4810–31–M

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 23, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 2, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1036.

Form Number: IRS Form 8716.

Type of Review: Extension.

Title: Election to Have a Tax Year Other Than a Required Tax Year.

Description: Filed by partnerships, S Corporations, and personal service corporations, under section 444(a), to retain or to adopt a tax year that is not a required tax year. Service Centers accept Form 8716 and use the form information to assign master-file codes that allow the Center to accept the filer's tax returned filed for a tax year (fiscal year) that would not otherwise be acceptable.

Respondents: Business or other for-profit, Farms.

Estimated Number of Respondents/Recordkeepers: 40,000.

Estimated Burden Hours Per Respondent/Recordkeepers:

Recordkeeping	2 hr., 37 min..
Learning about the law and the form	1 hr., 12 min..
Preparing and sending the form to the IRS	1 hr., 16 min..

Frequency of Response: Other (one-time).

Estimated Total Reporting/Recordkeeping Burden: 204,400 hours.

OMB Number: 1545–1219.

Form Number: IRS Form 8038–T.

Type of Review: Extension.

Title: Arbitrage Rebate and Penalty in Lieu of Arbitrage Rebate.

Description: Form 8038–T is used by issuers of tax exempt bonds to report and pay the arbitrage rebate and to elect and/or pay various penalties associated with arbitrage bonds. These issuer's include state and local governments.

Respondents: State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 2,500.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	12 hr., 12 min..
Learning about the law or the form	8 hr., 21 min..
Preparing, copying, assembling, and sending the form to the IRS	8 hr., 54 min..

Frequency of Response: Other (at least once every five years).
Estimated Total Reporting/Recordkeeping Burden: 73,625 hours.
OMB Number: 1545–1569.
Form Number: IRS Form 8861.
Type of Review: Extension.
Title: Welfare-to-Work Credit.

Description: Section 51A of the Internal Revenue Code allows employers an income credit of 35% of the first $10,000 of first-year wages and 50% of the first $10,000 of second-year wages paid to long-term family assistance recipients. The credit is part of the general business credit.

Respondents: Business or other for-profit, farms.

Estimated Number of Respondents/Recordkeepers: 500.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	8 hr., 7 min..
Learning about the law or the form	1 hr., 35 min..
Preparing and sending the form to the IRS	1 hr., 48 min..

Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 5,755 hours.
Estimated Total Reporting Burden: 8,000 hours.
Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.
[FR Doc. 01–5040 Filed 3–1–01; 8:45 am]
BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8819

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8819, Dollar Election Under Section 985.

DATES: Written comments should be received on or before May 1, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Dollar Election Under Section 985.
OMB Number: 1545–1189.
Form Number: 8819.
Abstract: Form 8819 is filed by U.S. and foreign businesses to elect the U.S. dollar as their functional currency or as the functional currency of their controlled entities. The IRS uses Form 8819 to determine if the election is properly made.
Current Actions: There are no changes being made to the form at this time.
Type of Review: Extension of a currently approved collection.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 1,500.
Estimated Time Per Respondent: 5 hours, 34 minutes.
Estimated Total Annual Burden Hours: 8,340.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 26, 2001.
Garrick R. Shear,
IRS Reports Clearance Officer.
[FR Doc. 01–5143 Filed 3–1–01; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8703

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8703, Annual Certification of a Residential Rental Project.

DATES: Written comments should be received on or before May 1, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW.; Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Annual Certification of a Residential Rental Project.
OMB Number: 1545–1038.
Form Number: 8703.
Abstract: Form 8703 is used by the operator of a residential rental project to provide annual information that the IRS will use to determine whether a project continues to be a qualified residential rental project under Internal Revenue Code section 142(d). If so, and certain other requirements are met, bonds issued in connection with the project are considered "exempt facility bonds" and the interest paid on them is not taxable to the recipient.
Current Actions: There are no changes being made to the form at this time.
Type of Review: Extension of a currently approved collection.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 6,000.
Estimated Time Per Respondent: 6 hours, 32 minutes.
Estimated Total Annual Burden Hours: 39,180.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 22, 2001.
Garrick R. Shear,
IRS Reports Clearance Officer.
[FR Doc. 01–5144 Filed 3–1–01; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5307

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5307, Application for Determination for Adopters of Master or Prototype, Regional Prototype or Volume Submitter Plans.

DATES: Written comments should be received on or before May 1, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Determination for Adopters of Master or Prototype, Regional Prototype or Volume Submitter Plans.
OMB Number: 1545–0200.
Form Number: 5307.
Abstract: Employers whose pension plans meet the requirements of Internal Revenue Code section 401(a) are permitted a deduction for their contributions to these plans. To have a plan qualified under Code section 401(a), the employer must submit an application to the IRS as required by regulation § 1.401–1(b)(2). Form 5307 is used as an application for this purpose by adopters of master or prototype, regional prototype, or volume submitter plans.
Current Actions: There are no changes being made to the form at this time.
Type of Review: Extension of a currently approved collection.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 39,000.
Estimated Time Per Respondent: 18 hours, 38 minutes.
Estimated Total Annual Burden Hours: 726,570.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 22, 2001.
Garrick R. Shear,
IRS Reports Clearance Officer.
[FR Doc. 01–5145 Filed 3–1–01; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5471 (and Related Schedules)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5471 (and related schedules), Information Return of U.S. Persons With Respect To Certain Foreign Corporations.

DATES: Written comments should be received on or before May 1, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Information Return of U.S. Persons With Respect To Certain Foreign Corporations.

OMB Number: 1545–0704.

Form Number: 5471 (and related schedules).

Abstract: Form 5471 and related schedules are used by U.S. persons that have an interest in a foreign corporation. The form is used to report income from the foreign corporation. The form and schedules are used to satisfy the reporting requirements of Internal Revenue Code sections 6035, 6038 and 6046 and the regulations thereunder pertaining to the involvement of U.S. persons with certain foreign corporations.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 43,000.

Estimated Time Per Respondent: 149 hours, 55 minutes.

Estimated Total Annual Burden Hours: 6,446,145.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 26, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5146 Filed 3–1–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1128

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1128, Application To Adopt, Change, or Retain a Tax Year.

DATES: Written comments should be received on or before May 1, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application to Adopt, Change, or Retain a Tax Year.

OMB Number: 1545–0134.

Form Number: 1128.

Abstract: Section 442 of the Internal Revenue Code requires that a change in a taxpayer's annual accounting period be approved by the Secretary. Under regulation section 1.442–1(b), a taxpayer must file Form 1128 to secure prior approval unless the taxpayer can automatically make the change. The IRS uses the information on the form to determine whether the application should be approved.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, not-for-profit institutions, and farms.

Estimated Number of Respondents: 11,800.

Estimated Time Per Respondent: 30 hours, 39 minutes.

Estimated Total Annual Burden Hours: 361,720.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 22, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5147 Filed 3–1–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1120–ND

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1120–ND, Return for Nuclear Decommissioning Funds and Certain Related Persons.

DATES: Written comments should be received on or before May 1, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Return for Nuclear Decommissioning Funds and Certain Related Persons.

OMB Number: 1545–0954.

Form Number: 1120–ND.

Abstract: A nuclear utility files Form 1120–ND to report the income and taxes of a fund set up by the public utility to provide cash to decommission the nuclear power plant. The IRS uses Form 1120–ND to determine if the fund income taxes are correctly computed and if an entity related to the fund or the nuclear utility must pay taxes on self-dealing, as required by Internal Revenue Code section 4951.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time Per Respondent: 32 hours, 21 minutes.

Estimated Total Annual Burden Hours: 3,235.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 22, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5148 Filed 3–1–01; 8:45 am]

BILLING CODE 4830–01–P

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Federal Register

Friday,
March 2, 2001

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–09]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Air Force:* Ms. Barbara Jenkins, Air Force Real Estate Agency, (Area-MI), Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; *COE:* Ms. Shirley Middleswarth, Army Corps of Engineers, Management & Disposal Division, 441 G Street, Washington, DC 20314–1000; (202) 761–7425; *DOT:* Mr. Rugene Spruill, Space Management, SVC–140, Transportation Administrative Service Center, Department of Transportation, 400 7th Street, SW., Room 2310, Washington, DC 20590; (202) 366–4246; *Energy:* Mr. Tom Knox, Department of Energy, Office of Contract & Resource Management, MA–53, Washington, DC 20585; (202) 586–8715; *Interior:* Ms. Linda Tribby, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., Washington, DC 20240; (202) 606–3139; (These are not toll-free numbers).

Dated: February 22, 2001.

John D. Garrity,

Office of Special Needs Assistance Programs.

Title V, Federal Surplus Property Program Federal Register Report for 3/2/01

Suitable/Available Properties

Buildings (by State)

California

Bldg. 604
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010237
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 605
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010238
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 612
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010239
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 611
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010240
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 613
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010241
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 614
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010242
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 615
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010243
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 616
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010244
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 617
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010245
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 618
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010246
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing; needs rehab.

Colorado

Bldg. 964
Former Lowry AFB
Denver Co: CO 80220–
Landholding Agency: Air Force
Property Number: 18199930016
Status: Unutilized
Comment: 14,495 sq. ft., local land use controls, most recent use—child care/kitchen facility.

Idaho

Bldg. CF603
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200020004
Status: Excess
Comment: 15,005 sq ft. cinder block, presence of asbestos/lead paint, major rehab, off-site use only.

CPP657, CPP669, CPP686
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200110001
Status: Excess
Comment: 8000 sq. ft., bldgs. connected, possible asbestos/lead paint, most recent use—offices, off-site use only.

Indiana

Radio Tower
Myers Locks & Dam Project
Mt. Vernon Co: IN 47620–
Landholding Agency: COE
Property Number: 31200040002
Status: Excess
Comment: communication, off-site use only.

Towers #1 & #2
Newburgh Locks & Dam
Newburgh Co: IN 47630–
Landholding Agency: COE
Property Number: 31200040003
Status: Excess
Comment: radio towers, off-site use only.

Radio Tower
Cagles Mill Project
Cloverdale Co: IN 47872–
Landholding Agency: COE
Property Number: 31200040004
Status: Excess
Comment: communication, off-site use only.

Radio Tower
C.M. Harden Project
Rockville Co: IN 47872–
Landholding Agency: COE
Property Number: 31200040005
Status: Excess
Comment: communication, off-site use only.

Radio Tower
Mississinewa Lake Project
Peru Co: IN 46970–
Landholding Agency: COE
Property Number: 31200040006
Status: Excess
Comment: communication, off-site use only.

Radio Tower
Patoka Lake Project
Birdseye Co: IN 46970–
Landholding Agency: COE
Property Number: 31200040007
Status: Excess
Comment: communication, off-site use only.

Kentucky

Green River Lock & Dam #3
Rochester Co: Butler KY 42273–
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Landholding Agency: COE
Property Number: 31199010022
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Kentucky River Lock and Dam 3
Pleasureville Co: Henry KY 40057–
Location: SR 421 North from Frankfort, KY. to highway 561, right on 561 approximately 3 miles to site.
Landholding Agency: COE
Property Number: 31199010060
Status: Unutilized
Comment: 897 sq. ft.; 2 story wood frame; structural deficiencies.

Bldg. 1
Kentucky River Lock and Dam
Carrolton Co: Carroll KY 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to Highway 320, then left for about 1.5 miles to site.
Landholding Agency: COE
Property Number: 31199011628
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Bldg. 2
Kentucky River Lock and Dam
Carrolton Co: Carroll KY 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to highway 320, then left for about 1.5 miles to site.
Landholding Agency: COE
Property Number: 31199011629
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Utility Bldg, Nolin River Lake
Moutardier Recreation Site
Co: Edmonson KY
Landholding Agency: COE
Property Number: 31199320002
Status: Unutilized
Comment: 541 sq. ft., concrete block, off-site use only.

Maryland

Bldg. 9
Coast Guard Yard
2401 Hawkins Point Rd.
Baltimore Co: MD 21226–
Landholding Agency: DOT
Property Number: 87200110013
Status: Excess
Comment: 5250 sq. ft. bowling center, off-site use only.

Bldg. 21
Coast Guard Yard
2401 Hawkins Point Rd.
Baltimore Co: MD 21226–
Landholding Agency: DOT
Property Number: 87200110014
Status: Excess
Comment: 8100 sq. ft. storage shed, off-site use only.

Bldg. 23
Coast Guard Yard
2401 Hawkins Point Rd.
Baltimore Co: MD 21226–
Landholding Agency: DOT
Property Number: 87200110015
Status: Excess
Comment: 8100 st. ft.storage shed, off-site use only.

Bldg. 52
Coast Guard Yard
2401 Hawkins Point Rd.
Baltimore Co: MD 21226–
Landholding Agency: DOT
Property Number: 87200110016
Status: Excess
Comment: 1560 sq. ft. storage shed, off-site use only.

Bldg. 57
Coast Guard Yard
2401 Hawkins Point Rd.
Baltimore Co: MD 21226–
Landholding Agency: DOT
Property Number: 87200110017
Status: Excess
Comment: 800 sq. ft.storage shed, off-site use only.

Massachusetts

Bldg. 001
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940001
Status: Excess
Comment: 37,557 sq. ft., most recent use—shops/vehicle maintenance.

Bldg. 002
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940002

Status: Excess
Comment: 5,580 sq. ft., most recent use—office/shops.
Bldg. 003
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940003
Status: Excess
Comment: 3,840 sq. ft., most recent use—warehouse.
Bldg. 004
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940004
Status: Excess
Comment: 225 sq. ft., most recent use—shop.
Bldg. 005
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940005
Status: Excess
Comment: 8000 sq. ft., most recent use—warehouse
Storage Bldg.
Knightville Dam Road
Huntington Co: Hampshire MA 01050–
Landholding Agency: COE
Property Number: 31200030005
Status: Unutilized
Comment: 480 sq. ft., needs rehab, off-site use only.

Minnesota

Project Office
Mississippi Hdqts Lakes Proj.
Remer Co: Cass MN 56672–
Landholding Agency: COE
Property Number: 31200020007
Status: Unutilized
Comment: 780 sq. ft., needs rehab.
Storage 1
Mississippi Hdqts Lakes Proj.
Remer Co: Cass MN 56672–
Landholding Agency: COE
Property Number: 31200020008
Status: Unutilized
Comment: 2240 sq. ft., needs rehab.
Storage 2
Mississippi Hdqts Lakes Proj.
Remer Co: Cass MN 56672–
Landholding Agency: COE
Property Number: 31200020009
Status: Unutilized
Comment: 180 sq. ft., needs rehab.
Storage Bldg.
Upper St. Anthony Falls Lock & Dam
Minneapolis Co: Hennepin MN 55401–2528
Landholding Agency: COE
Property Number: 31200040009
Status: Unutilized
Comment: 192 sq. ft., cold storage, off-site use only.

Montana

Bldg. 1
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Landholding Agency: COE
Property Number: 31200040010
Status: Unutilized
Comment: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only.
Bldg. 2
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Landholding Agency: COE
Property Number: 31200040011
Status: Unutilized
Comment: 3292 sq. ft., most recent use—cold storage, off-site use only.
Bldg. 3
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Landholding Agency: COE
Property Number: 31200040012
Status: Unutilized
Comment: 964 sq. ft., most recent use—cold storage, off-site use only.
Bldg. 4
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Landholding Agency: COE
Property Number: 31200040013
Status: Unutilized
Comment: 72 sq. ft., most recent use—cold storage, off-site use only.
Bldg. 5
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Landholding Agency: COE
Property Number: 31200040014
Status: Unutilized
Comment: 1286 sq. ft., most recent use—cold storage, off-site use only.

New Jersey

Module 4, C63
Princeton Plasma Physics Lab
Princeton Co: Mercer NJ 08540–
Landholding Agency: Energy
Property Number: 41200030002
Status: Excess
Comment: modular unit, 693 sq. ft., most recent use—office, off-site use only.

New Mexico

Bldgs. 847, 6600
Kirtland AFB
Albuquerque Co: Bernalilo NM 87185–
Landholding Agency: Energy
Property Number: 41200020021
Status: Excess
Comment: 4053 sq. ft. & 1501 sq. ft., needs rehab, presence of asbestos, off-site use only.

New York

Bldg. 1452 & 297 acres
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920030
Status: Unutilized
Comment: 11,000 sq. ft. on 297 acres (67 acres of wetland), most recent use—electronic research testing, presence of asbestos/lead paint.
Bldg. 1453
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920031
Status: Unutilized
Comment: 266 sq. ft., most recent use—generator bldg., presence of asbestos.
Bldg. 1454
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920032
Status: Unutilized
Comment: 53 sq. ft., most recent use—switch station, presence of asbestos.
Lockport Comm. Facility
Shawnee Road
Lockport Co: Niagara NY
Landholding Agency: Air Force
Property Number: 18200040004
Status: Excess
Comment: 2 concrete block bldgs., (415 & 2929 sq. ft.) on 7.68 acres.

North Dakota

Office Bldg.
Lake Oahe Project
3rd & Main
Ft. Yates Co: Sioux ND 58538–
Landholding Agency: COE
Property Number: 31200020001
Status: Unutilized
Comment: 1200 sq. ft., 2-story wood, off-site use only.

Ohio

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Landholding Agency: COE
Property Number: 31199120018
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only.
Dwelling No. 2
Delaware Lake, Highway 23 North
Delaware OH 43015–
Landholding Agency: COE
Property Number: 31199810005
Status: Excess
Comment: 2-story brick w/basement, most recent use—residential, presence of asbestos/lead paint, off-site use only.

Oklahoma

Water Treatment Plant
Belle Starr, Eufaula Lake
Eufaula Co: McIntosh OK 74432–
Landholding Agency: COE
Property Number: 31199630001
Status: Excess
Comment: 16'x16', metal, off-site use only.
Water Treatment Plant
Gentry Creek, Eufaula Lake
Eufaula Co: McIntosh OK 74432–
Landholding Agency: COE
Property Number: 31199630002
Status: Excess
Comment: 12'x16', metal, off-site use only.

Pennsylvania

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242–
Landholding Agency: COE
Property Number: 31199210008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only.
Dwelling
Lock & Dam 6, Allegheny River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 31199620008
Status: Unutilized
Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes.
Govt. Dwelling
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Landholding Agency: COE
Property Number: 31199640002
Status: Unutilized
Comment: 1421 sq. ft., 2-story brick w/basement, most recent use—residential.
Dwelling
Lock & Dam 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Landholding Agency: COE
Property Number: 31199710009
Status: Unutilized
Comment: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only.
Dwelling #1
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740002
Status: Excess
Comment: 2030 sq. ft., most recent use—residential, good condition, off-site use only.
Dwelling #2
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740003
Status: Excess
Comment: 3045 sq. ft., most recent use—residential, good condition, off-site use only.
Dwelling #3
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740004
Status: Excess
Comment: 1847 sq. ft., most recent use—office, good condition, off-site use only.
Govt Dwelling
East Branch Lake
Wilcox Co: Elk PA 15870–9709
Landholding Agency: COE
Property Number: 31199740005
Status: Underutilized
Comment: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only.
Dwelling #1
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 31199740006
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only.
Dwelling #2
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 31199740007
Status: Excess

Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only.
Dwelling #1
Woodcock Creek Lake
Saegertown Co: Crawford PA 16433–0629
Landholding Agency: COE
Property Number: 31199740008
Status: Excess
Comment: 2106 sq. ft., most recent use—residential, good condition, off-site use only.
Dwelling #2
Lock & Dam 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 31199740009
Status: Excess
Comment: 2652 sq. ft., most recent use—residential, good condition, off-site use only.
Dwelling #2
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Landholding Agency: COE
Property Number: 31199830003
Status: Excess
Comment: 1421 sq. ft., 2-story + basement, most recent use—residential.
Residence/Office
Cowanesque Lake Project
Lawrenceville Co: Tioga PA 16929–
Landholding Agency: COE
Property Number: 31199940002
Status: Unutilized
Comment: 1653 sq. ft. residence, and 2,640 sq. ft. storage bldg., need major repairs, no operating sanitary facilities.

South Dakota

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding
Air Force
Property Number: 18199340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage.

Virginia

Metal Bldg.
John H. Kerr Dam & Reservoir
Co: Boydton VA
Landholding Agency: COE
Property Number: 31199620009
Status: Excess
Comment: 800 sq. ft., most recent use—storage, off-site use only.
Former Bowen Residence
Cavalry Court
Spotsylvania Co: VA 22553–
Landholding Agency: Interior
Property Number: 61200010007
Status: Excess
Comment: 1512 sq. ft. residence, off-site use only.
Former Jones Residence
Plantation Drive
Spotsylvania Co: VA 22553–
Landholding Agency: Interior
Property Number: 61200010008
Status: Excess Comment: 1040 sq. ft. residence, off-site use only.
Former Busic House
Brock Rd.
Spotsylvania Co: VA 22553–
Landholding Agency: Interior
Property Number: 61200010009
Status: Excess
Comment: 4128 sq. ft. residence, off-site use only.

Washington

Fishhook Park Residence
Ice Harbor
Prescott Co: Walla Walla WA 99323–
Landholding Agency: COE
Property Number: 31200030009
Status: Unutilized
Comment: mobile home, off-site use only.
Charbonneau Park Residence
Ice Harbor
Burbank Co: Walla Walla WA 99323–
Landholding Agency: COE
Property Number: 31200030010
Status: Unutilized
Comment: 1344 sq. ft. mobile home, off-site use only.
Levey Park Residence
Ice Harbor
Pasco Co: Franklin WA 00000–
Landholding Agency: COE
Property Number: 31200030011
Status: Unutilized
Comment: 924 sq. ft. mobile home, off-site use only.

West Virginia

Dwelling 1
Summersville Lake
Summersville Co: Nicholas WV 26651–9802
Landholding Agency: COE
Property Number: 31199810003
Status: Excess
Comment: 1200 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only.
Dwelling 2
Sutton Lake
Sutton Co: Braxton WV 26651–9802
Landholding Agency: COE
Property Number: 31199810004
Status: Excess
Comment: 1100 sq. ft., most recent use—residential, off-site use only.

Wisconsin

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 31199011524
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.
Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 31199011525
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna Co: Outagamie WI 54131–
Landholding Agency: COE
Property Number: 31199011527
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 31199011531
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown Co: Outagamie WI 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Landholding Agency: COE
Property Number: 31199011533
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence Co: Brown WI 54130–
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway "D") and River Street.
Landholding Agency: COE
Property Number: 31199011535
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute Co: Outagamie WI 54140–
Landholding Agency: COE
Property Number: 31199011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

Land (by State)

Arkansas

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010071
Status: Unutilized
Comment: 77.6 acres.

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010072
Status: Unutilized
Comment: 198.5 acres.

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010073
Status: Unutilized
Comment: 50.46 acres.

Parcel 04
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010074
Status: Unutilized
Comment: 236.37 acres.

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010075
Status: Unutilized
Comment: 187.30 acres.

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010076
Status: Unutilized
Comment: 13.0 acres.

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010077
Status: Unutilized
Comment: 0.27 acres.

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010078
Status: Unutilized
Comment: 14.6 acres.

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010079
Status: Unutilized
Comment: 6.60 acres.

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010080
Status: Unutilized
Comment: 4.5 acres.

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010081
Status: Unutilized
Comment: 19.50 acres.

Lake Greeson
Section 7, 8 and 18
Murfreesboro Co: Pike AR 71958–9720
Landholding Agency: COE
Property Number: 31199010083
Status: Unutilized
Comment: 46 acres.

Kansas

Parcel 1
El Dorado Lake
Section 13, 24, and 18
(See County) Co: Butler KS
Landholding Agency: COE
Property Number: 31199010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Kentucky

Tract 2625
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: Adjoining the village of Rockcastle.
Landholding Agency: COE
Property Number: 31199010025
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 31199010026
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 31199010027
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 31199010028
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 6½ miles west of Cadiz.
Landholding Agency: COE
Property Number: 31199010029
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 1 mile in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 31199010031
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: Trigg Co. adjoining the city of Canton, KY, on the waters of Hopson Creek.

Landholding Agency: COE
Property Number: 31199010032
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 3½ miles in a southerly direction from Canton, KY.
Landholding Agency: COE
Property Number: 31199010033
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 5 miles south of Canton, KY.
Landholding Agency: COE
Property Number: 31199010034
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 31199010035
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 6½ miles south of Canton, KY.
Landholding Agency: COE
Property Number: 31199010036
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: On the north side of the Illinois Central Railroad.
Landholding Agency: COE
Property Number: 31199010042
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4 miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010044
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010045
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010046
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010047
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 5½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010048
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 7 1/2 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010049
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 7 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010050
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 9 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010051
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Landholding Agency: COE
Property Number: 31199010052
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 31199010053
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 31199010054
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Landholding Agency: COE
Property Number: 31199010055
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 6½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010056
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: Village of Linton, KY state highway 1254.
Landholding Agency: COE
Property Number: 31199010058
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: 1 mile northwest of Linton, KY.
Landholding Agency: COE
Property Number: 31199010059
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 31199011621
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 31199011622
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: 7 miles southeasterly from Eddyville, KY.
Landholding Agency: COE
Property Number: 31199011623
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 31199011624
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 31199011625
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 31199011626
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 31199011627
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract B—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–Landholding Agency: COE
Property Number: 31199130002
Status: Unutilized
Comment: 10 acres, most recent use—recreational, possible periodic flooding.

Tract A—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–Landholding Agency: COE
Property Number: 31199130003
Status: Unutilized
Comment: 8 acres, most recent use—recreational, possible periodic flooding.

Tract C—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–Landholding Agency: COE
Property Number: 31199130005
Status: Unutilized
Comment: 4 acres, most recent use—recreational, possible periodic flooding.

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–Landholding Agency: COE
Property Number: 31199140009
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Portion of Lock & Dam No. 1
Kentucky River
Carrolton Co: Carroll KY 41008–0305
Landholding Agency: COE
Property Number: 31199320003
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access monitored.

Portion of Lock & Dam No. 2
Kentucky River
Lockport Co: Henry KY 40036–9999
Landholding Agency: COE
Property Number: 31199320004
Status: Underutilized
Comment: approx. 13.14 acres (sloping), access monitored.

Carr Creek Lake Project
Tract Nos. 611, 681, 619
Sassafras Co: KY 41759–9703
Landholding Agency: COE
Property Number: 31200040008
Status: Excess
Comment: irregular-shaped, very steep.

Louisiana

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Landholding Agency: COE
Property Number: 31199011009
Status: Unutilized
Comment: 10.81 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo LA 71037–9707
Location: 35 miles Northeast of Shreveport, La.
Landholding Agency: COE
Property Number: 31199011010
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Minnesota

Land, 2.2 acres
Mississippi Hdqts Lakes Proj.
Remer Co: Cass MN 56672–Landholding Agency: COE
Property Number: 31200020010
Status: Unutilized
Comment: 2.2 acres, easements

Mississippi

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011020
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Grenada Lake
Section 20, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Grenada Lake
Sections 16, 17, 18 T24N R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 31199011022
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 31199011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Grenada Lake
Section 4, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Grenada Lake
Section 2 and 3. T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Grenada Lake
Section 7, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Grenada Lake
Section 9, T24N, R6E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 31199011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Grenada Lake
Section 20, T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 31199011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha MS 38390–10903
Landholding Agency: COE
Property Number: 31199011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Grenada Lake
Section 34, T24N, R7E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 31199011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Grenada Lake
Section 4, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada Co: Grenada MS 28901–0903
Landholding Agency: COE
Property Number: 31199011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada Co: Grenada MS 28902–0903
Landholding Agency: COE
Property Number: 31199011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Grenada Lake
Section 9, T22N, R7E
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 31199011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Missouri

Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355–
Location: Triangular shaped parcel southwest of access road "B", part of Bledsoe Ferry Park Tract 150.
Landholding Agency: COE
Property Number: 31199030014
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Nebraska

Hastings Radar Bomb Scoring
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199810027
Status: Unutilized
Comment: 11 acres.

Oklahoma

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Landholding Agency: COE
Property Number: 31199010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Location: Route 28 north to Belknap, Road #4
Landholding Agency: COE
Property Number: 31199010018
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Landholding Agency: COE
Property Number: 31199011001
Status: Excess
Comment: 24.09 acres; subject to flowage easement.

Tracts L24, L26
Crooked Creek Lake
Co: Armstrong PA 03051–
Location: Left bank—55 miles downstream of dam.
Landholding Agency: COE
Property Number: 31199011011
Status: Unutilized
Comment: 7.59 acres; potential for utilities.

Portion of Tract L–21A
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226–
Landholding Agency: COE
Property Number: 31199430012
Status: Unutilized
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights.

Portion of Tract 119
State Rt 969
Curwensville Co: Clearfield PA 16833–
Landholding Agency: COE
Property Number: 31200010005
Status: Unutilized
Comment: approx. 17 acres, hilly wooded terrain.

Tennessee

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles west of Dover, TN.
Landholding Agency: COE
Property Number: 31199010927
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3½ miles south of village of Tobaccoport.
Landholding Agency: COE
Property Number: 31199010928
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Location: ½ mile downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 31199010929
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130–
Location: West of Buckeye Bottom Road.
Landholding Agency: COE
Property Number: 31199010930
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130–
Location: Old Jefferson Pike.
Landholding Agency: COE
Property Number: 31199010931
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Across Fall Creek near Fall Creek camping area.
Landholding Agency: COE
Property Number: 31199010932
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 56.
Landholding Agency: COE
Property Number: 31199010933
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: East of Lamar Road.
Landholding Agency: COE
Property Number: 31199010934
Status: Excess
Comment: 6.92 acres; subject to existing easements.

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–

Location: South of Old Jefferson Pike.
Landholding Agency: COE
Property Number: 31199010935
Status: Excess
Comment: 12 acres; subject to existing easements.

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 31199010936
Status: Excess
Comment: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050–
Location: 1½ miles East of Cumberland City.
Landholding Agency: COE
Property Number: 31199010937
Status: Excess
Comment: 96 acres; subject to existing easements.

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050–
Location: 4 miles east of Cumberland City.
Landholding Agency: COE
Property Number: 31199010938
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tract 11503
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2 miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 31199010939
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2½ miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 31199010940
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028–
Location: 4½ miles SW. of Bumpus Mills.
Landholding Agency: COE
Property Number: 31199010941
Status: Excess
Comment: 17 acres; subject to existing easements.

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142–
Location: 3 miles NE of Palmyer, TN. Highway 149.
Landholding Agency: COE
Property Number: 31199010943
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tract 6949
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 1½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 31199010944
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3 miles south of Village of Tobaccoport.
Landholding Agency: COE
Property Number: 31199011173
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074–
Landholding Agency: COE
Property Number: 31199130007
Status: Underutilized
Comment: 92 acres (38 acres in floodway), most recent use—recreation.

Tract A–102
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 31199140006
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements.

Tract A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 31199140007
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Tracts A–20, A–21
Dale Hollow Lake & Dam Project
Red Oak Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 31199140008
Status: Underutilized
Comment: 821 acres, most recent use—recreation, subject to existing easements.

Tract D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570–
Landholding Agency: COE
Property Number: 31199140010
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Suitable/Unavailable Properties

Buildings (by State)

California

Santa Fe Flood Control Basin
Irwindale Co: Los Angeles CA 91706–
Landholding Agency: COE
Property Number: 31199011298
Status: Unutilized
Comment: 1400 sq. ft.; 1 story stucco; needs rehab; termite damage; secured area with alternate access.

Colorado

Bldg. 9023
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730010
Status: Underutilized
Comment: 4112 sq. ft., most recent use—preschool.

Bldg. 9027
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730011
Status: Underutilized
Comment: 4112 sq. ft., most recent use—child care center.

Idaho

Bldg. 224
Mountain Home Air Force
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840008
Status: Unutilized
Comment: 1890 sq. ft., no plumbing facilities, possible asbestos/lead paint, most recent use—office.

Bldg. CFA–613
Central Facilities Area
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199630001
Status: Unutilized
Comment: 1219 sq. ft., most recent use—sleeping quarters, presence of asbestos, off-site use only.

Illinois

Bldg. 7
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain.
Landholding Agency: COE
Property Number: 31199010001
Status: Unutilized
Comment: 900 sq. ft.; 1 floor wood frame; most recent use—residence.

Bldg. 6
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain.
Landholding Agency: COE
Property Number: 31199010002
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 5
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain.
Landholding Agency: COE
Property Number: 31199010003
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 4
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain.

Landholding Agency: COE
Property Number: 31199010004
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 3
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain.
Landholding Agency: COE
Property Number: 31199010005
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame.

Bldg. 2
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain.
Landholding Agency: COE
Property Number: 31199010006
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 1
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain.
Landholding Agency: COE
Property Number: 31199010007
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Iowa

Bldg. 00627
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310001
Status: Unutilized
Comment: 1932 sq. ft., 1-story concrete block bldg., most recent use—storage; pigeon infested, contamination investigation in progress.

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310002
Status: Unutilized
Comment: 1113 sq. ft., 1-story concrete block bldg., contamination clean-up in process.

Maine

Dow Pines Rec Site
Great Pond Co: Hancock ME 04408–
Landholding Agency: Air Force
Property Number: 18200040005
Status: Excess
Comment: 12 bldgs. totaling 19012 sq. ft. on approx. 376 acres (5 cabins, bathhouse, rec bldg, lodges).

New Hampshire

Bldg. 127
New Boston Air Force Staton
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199320057
Status: Excess
Comment: 698 sq. ft., 1-story, concrete and metal frame, possible asbestos, access restrictions, most recent use—storage.

Ohio

Bldg.—Berlin Lake
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Landholding Agency: COE
Property Number: 31199640001
Status: Unutilized
Comment: 1420 sq. ft., 2-story brick w/garage and basement, most recent use—residential, secured w/alternate access.

Pennsylvania

Tract 353
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430019
Status: Unutilized
Comment: 812 sq. ft., 2-story, log structure, needs repair, most recent use—residential; if used for habitation must be flood proofed or removed off-site.

Tract 403A
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430021
Status: Unutilized
Comment: 620 sq. ft., 2-story, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 403B
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430022
Status: Unutilized
Comment: 1600 sq. ft., 2-story, brick structure, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 403C
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430023
Status: Unutilized
Comment: 672 sq. ft., 2-story carriage house/stable barn type structure, needs repair, most recent use—storage/garage, if used for habitation must be flood proofed or removed.

Tract 434
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430024
Status: Unutilized
Comment: 1059 sq. ft., 2-story, wood frame, 2 apt. units, historic property, if used for habitation must be flood proofed or removed off-site.

Tract No. 224
Grays Landing Lock & Dam Project
Greensboro Co: Green PA 15338–
Landholding Agency: COE
Property Number: 31199440001
Status: Unutilized
Comment: 1040 sq. ft., 2 story bldg., needs repair, historic struct., flowage easement, if habitation is desired property will be required to be flood proofed or removed off site.

Env. Learning Ctr.
Rt. 66/Crooked Creek Dam
Ford City Co: Armstrong PA 16226–
Landholding Agency: COE
Property Number: 31200030007
Status: Underutilized
Comment: 4576 sq. ft., needs rehab.

Wisconsin

Former Lockmaster's Dwelling
DePere Lock
100 James Street
De Pere Co: Brown WI 54115–
Landholding Agency: COE
Property Number: 31199011526
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Land (by State)

Georgia

Land—St. Simons Boathouse
St. Simons Island Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 87199540003
Status: Unutilized
Comment: .08 acres, most recent use—pier and dockage for Coast Guard boats.

Illinois

Lake Shelbyville
Shelbyville Co: Shelby & Moultrie IL 62565–9804
Landholding Agency: COE
Property Number: 31199240004
Status: Unutilized
Comment: 5 parcels of land equalling 0.70 acres, improved w/4 small equipment storage bldgs. and a small access road, easement restrictions.

Pennsylvania

East Branch Clarion River Lake
Wilcox Co: Elk PA
Location: Free camping area on the right bank off entrance roadway.
Landholding Agency: COE
Property Number: 31199011012
Status: Underutilized
Comment: 1 acre; most recent use—free campground.

Dashields Locks and Dam
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Landholding Agency: COE
Property Number: 31199210009
Status: Unutilized
Comment: 0.58 acres, most recent use—baseball field.

Texas

Parcel #222
Lake Texoma
Co: Grayson TX
Location: C. Meyerheim survey A–829 J. Hamilton survey A–529.
Landholding Agency: COE
Property Number: 31199010421
Status: Excess
Comment: 52.80 acres; most recent use—recreation.

Suitable/To Be Excessed

Buildings (by State)

Massachusetts

Cuttyhunk Boathouse

South Shore of Cuttyhunk Pond
Gosnold Co: Dukes MA 02713–
Landholding Agency: DOT
Property Number: 87199310001
Status: Unutilized
Comment: 2700 sq. ft., wood frame, one story, needs rehab, limited utilities, off-site use only.

Nauset Beach Light
Nauset Beach Co: Barnstable MA
Landholding Agency: DOT
Property Number: 87199420001
Status: Unutilized
Comment: 48 foot tower, cylindrical cast iron, most recent use—aid to navigation.

Light Tower, Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430005
Status: Excess
Comment: 66 ft. tower, 14'9" diameter, brick structure, scheduled to be vacated 9/94.

Keepers Dwelling
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430006
Status: Excess
Comment: 1160 sq. ft., 2-story wood frame, attached to light tower, scheduled to be vacated 9/94.

Duplex Housing Unit
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430007
Status: Excess
Comment: 2 living units, 930 sq. ft. each, 1-story each, located on eroding ocean bluff, scheduled to be vacated 9/94.

Nahant Towers
Nahant Co: Essex MA
Landholding Agency: DOT
Property Number: 87199530001
Status: Unutilized
Comment: 196 sq. ft., 8-story observation tower.

New York

Bldg. 1
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530048
Status: Excess
Comment: 4955 sq. ft., 2 story concrete block, needs rehab, most recent use—administration.

Bldg. 2
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530049
Status: Excess
Comment: 1476 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop.

Bldg. 6
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530050
Status: Excess
Comment: 2466 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop.

Bldg. 11
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530051
Status: Excess
Comment: 1750 sq. ft., 1 story wood frame, needs rehab, most recent use—storage.

Bldg. 8
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530052
Status: Excess
Comment: 1812 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop communications.

Bldg. 14
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530053
Status: Excess
Comment: 156 sq. ft., 1 story wood frame, most recent use—vehicle fuel station.

Bldg. 30
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530054
Status: Excess
Comment: 3649 sq. ft., 1 story, needs rehab, most recent use—assembly hall.

Bldg. 31
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530055
Status: Excess
Comment: 8252 sq. ft., 1 story concrete block, most recent use—storage.

Bldg. 32
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530056
Status: Excess
Comment: 1627 sq. ft., 1 story concrete block, most recent use—storage.

South Carolina

5 Bldgs.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 101 Vector Ave., 112, 114, 116, 118 Intercept Ave.
Landholding Agency: Air Force
Property Number: 18199830035
Status: Unutilized
Comment: 1433 sq. ft. + 345 sq. ft. carport, lead base paint/exterior most recent use—residential.

1 Bldg.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 102 Vector Ave.
Landholding Agency: Air Force
Property Number: 18199830036
Status: Unutilized
Comment: 1545 sq. ft. + 345 sq. ft. carport, lead base paint/exterior most recent use—residential.

1 Bldg.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 103 Vector Ave.
Landholding Agency: Air Force
Property Number: 18199830037
Status: Unutilized
Comment: 1445 sq. ft. + 346 sq. ft. carport, lead base paint/exterior most recent use—residential.

18 Bldg.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 104–107 Vector Ave., 108–111, 113, 115, 117, 119 Intercept Ave., 120–122 Radar Ave.
Landholding Agency: Air Force
Property Number: 18199830038
Status: Unutilized
Comment: 1265 sq. ft. + 353 sq. ft. carport, lead base paint/exterior most recent use—residential.

South Dakota

Family Residence
Oahe Dam/Lake Oahe Proj.
205 East 5th Ave
Pierre Co: SD 57501–
Landholding Agency: COE
Property Number: 31200040015
Status: Unutilized
Comment: 912 sq. ft., possible asbestos/lead paint, off-site use only.

Family Residence
Oahe Dam/Lake Oahe Proj
2412 East Reen St.
Pierre Co: SD 57501–
Landholding Agency: COE
Property Number: 31200040016
Status: Unutilized
Comment: 912 sq. ft., possible asbestos/lead paint, off-site use only.

Family Residence
Oahe Dam/Lake Oahe Proj
914 South Arthur Ave
Pierre Co: SD 57501–
Landholding Agency: COE
Property Number: 31200040017
Status: Unutilized
Comment: 1248 sq. ft., possible asbestos/lead paint, off-site use only.

Family Residence
Oahe Dam/Lake Oahe Proj
917 South McKinley Ave
Pierre Co: SD 57501–
Landholding Agency: COE
Property Number: 31200040018
Status: Unutilized
Comment: 1488 sq. ft., possible asbestos/lead paint, off-site use only.

Land (by State)

Alaska

Gibson Cove Tract
Kodiak Co: AK 99819–
Landholding Agency: DOT
Property Number: 87199920001
Status: Unutilized
Comment: 37.55 acres, undeveloped land.

Georgia

Lake Sidney Lanier
Co: Forsyth GA 30130–
Location: Located on Two Mile Creek adj. to State Route 369.
Landholding Agency: COE
Property Number: 31199440010
Status: Unutilized
Comment: 0.25 acres, endangered plant species.

Lake Sidney Lanier—3 parcels
Gainesville Co: Hall GA 30503–
Location: Between Gainesville H.S, and State Route 53 By-Pass.
Landholding Agency: COE
Property Number: 31199440011
Status: Unutilized
Comment: 3 parcels totalling 5.17 acres, most recent use—buffer zone, endangered plant species.

Indiana

Brookville Lake—Land
Liberty Co: Union IN 47353–
Landholding Agency: COE
Property Number: 31199440009
Status: Unutilized
Comment: 6.91 acres, limited utilities.

Kansas

Parcel #1
Fall River Lake
Section 26
Co: Greenwood KS
Landholding Agency: COE
Property Number: 31199010065
Status: Unutilized
Comment: 126.69 acres; most recent use—recreation and leased cottage sites.

Parcel No. 2, El Dorado Lake
Approx. 1 mi east of the town of El Dorado
Co: Butler KS
Landholding Agency: COE
Property Number: 31199210005
Status: Unutilized
Comment: 11 acres, part of a relocated railroad bed, rural area.

Massachusetts

Buffumville Dam
Flood Control Project
Gale Road
Carlton Co: Worcester MA 01540–0155
Location: Portion of tracts B–200, B–248, B–251, B–204, B–247, B–200 and B–256.
Landholding Agency: COE
Property Number: 31199010016
Status: Excess
Comment: 1.45 acres.

Minnesota

Tract #3
Lac Qui Parle Flood Control Project
County Rd. 13
Watson Co: Lac Qui Parle MN 56295–
Landholding Agency: COE
Property Number: 31199340006
Status: Unutilized
Comment: approximately 2.9 acres, fallow land.

Tract #34
Lac Qui Parle Flood Control Project
Marsh Lake
Watson Co: Lac Qui Parle MN 56295–
Landholding Agency: COE
Property Number: 31199340007
Status: Unutilized
Comment: approx. 8 acres, fallow land.

New York

14.90 Acres
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530057
Status: Excess
Comment: Fenced in compound, most recent use—Air Natl. Guard Communication & Electronics Group.

Tennessee

Tract D–456
Cheatham Lock and Dam
Ashland Co: Cheatham TN 37015–
Location: Right downstream bank of Sycamore Creek.
Landholding Agency: COE
Property Number: 31199010942
Status: Excess
Comment: 8.93 acres; subject to existing easements.

Texas

Corpus Christi Ship Channel
Corpus Christi Co: Neuces TX
Location: East side of Carbon Plant Road, approx. 14 miles NW of downtown Corpus Christi.
Landholding Agency: COE
Property Number: 31199240001
Status: Unutilized
Comment: 4.4 acres, most recent use—farm land.

Unsuitable Properties

Buildings (by State)

Alabama

Dwelling A
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120001
Status: Excess
Reason: Floodway.

Dwelling B
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120002
Status: Excess
Reason: Floodway.

Oil House
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120003
Status: Excess
Reason: Floodway.

Garage
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120004
Status: Excess
Reason: Floodway.

Shop Building
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120005
Status: Excess
Reason: Floodway.

Alaska

Bldg. 203
Tin City Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010296
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.

Bldg. 165
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010298
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.

Bldg. 150
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010299
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.

Bldg. 130
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010300
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.

Bldg. 306
King Salmon Airport
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010301
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.

Bldg. 11–230
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010303
Status: Unutilized
Reasons: Contamination; Secured Area.

Bldg. 63–320
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010307
Status: Unutilized
Reasons: Contamination; Secured Area.

Bldg. 103
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010309
Status: Unutilized

Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 110
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010310
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 112
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010311
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 113
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010312
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 114
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010313
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 115
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010314
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 118
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010315
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 1018
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010317
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 1025
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010318
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 1055
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010319
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 107
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010320
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 115
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010321
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 113
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010322
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 150
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 88506–5000
Landholding Agency: Air Force
Property Number: 18199010323
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 152
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010324
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 301
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010325
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 1001
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010326
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 1003
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010327
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 1055
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010328
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 1056
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010329
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 103
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010330
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 104
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010331
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 105
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010332
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 110

Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010333
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 114
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010334
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 202
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010335
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 204
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010336
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 205
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010337
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 1001
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010338
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 1015
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010339
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Contamination; Secured Area.
Bldg. 50
Cold Bay Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010433
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Isolated and remote; Arctic environment.
Bldg. 1548, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420001
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.
Bldg. 1568, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420002
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.
Bldg. 1570, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420003
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.
Bldg. 1700, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420004
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.
Bldg. 1832, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420005
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.
Bldg. 1842, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420006
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.
Bldg. 1844, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420007
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.
Bldg. 1853, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199440011
Status: Unutilized
Reasons: Floodway; Secured Area.
Bldg. 142
Tin City Long Range Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 18199520013
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 110
Tin City Long Range Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 18199520014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 646
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199520015
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 2541
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 18199520016
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 1770
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 18199520017
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 1
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520024
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 2
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520025
Status: Unutilized
Reasons: Not accessible by road; Extensive deterioration.
Bldg. 12
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520026
Status: Unutilized
Reasons: Not accessible by road; Extensive deterioration.
Bldg. 1
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520027
Status: Unutilized
Reasons: Not accessible by road; Extensive deterioration.
Bldg. 2
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520028
Status: Unutilized
Reasons: Not accessible by road; Extensive deterioration.
Bldg. 3
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520029
Status: Unutilized
Reasons: Not accessible by road; Extensive deterioration.
Bldg. 3045
Tatalina Long Range Radar Site
Elmendorf AFB AK 99506–4420

Landholding Agency: Air Force
Property Number: 18199530002
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 18
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 23
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1015
Kotzebue Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530005
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530006
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 3
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530008
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 4100
Cape Romanzof Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530009
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 200
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 2166
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530011
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5500
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 8
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530013
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 75
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 86
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530015
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 3060
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530016
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 11–330
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199530017
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area; Extensive deterioration.

Bldg. 31–342
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199530022
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 32–126
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199530023
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area; Extensive deterioration.

Bldg. 21–737
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199540001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 52–651
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199740004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 132
Tin City Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldgs. 1001, 211
Murphy Dome AF Station
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1551
Galena Airport
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810030
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 1771
Galena Airport
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199820001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 34–570
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199830008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 3
Oliktok Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 8
Oliktok Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840011
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 19
Lonely Short Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 20
Lonely Short Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840013
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 338
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 560
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840015
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 612
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840016
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 618
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840017
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 643
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840018
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 649
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840019
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 114
Indian Mountain Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840020
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 34–636
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area; Extensive deterioration.

Bldg. 34–638
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area; Extensive deterioration.

Bldg. 140
Cape Lisburne Long Range Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840023
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 145
Cape Lisburne Long Range Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840024
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 310
Cape Lisburne Long Range Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840025
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 27
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840026
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 30
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840027
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 42
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840028
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 212
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840029
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 213
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840030
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 223
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840031
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 452
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840032
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 502
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840033
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 503
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840034
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 522
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840035
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 587
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840036
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 588
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840037
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 598
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840038
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 605
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840039
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 613
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840040
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 614
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840041

Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 615
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840042
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 616
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840043
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 617
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840044
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 624
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840045
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 700
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840046
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 718
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840047
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 727
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840048
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 731
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840049
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 751
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840050
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 753
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840051
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1001
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840052
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1005
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840053
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1010
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840054
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1025
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840055
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1030
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840056
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 3016
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840057
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 3062
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840058
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 3063
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840059
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 32–189
Elmendorf Air Force Base
Anchorage Co: AK 99506–3230
Landholding Agency: Air Force
Property Number: 18199920001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 4893
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930001
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 4905
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930002
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 4913
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930003
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 5887
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Bldg. 10449
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930005
Status: Unutilized
Reason: Secured Area.

Bldg. 12759
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 7227
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200010001
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 7192
Elmendorf AFB
Anchorage Co: AK 99506–3240
Landholding Agency: Air Force
Property Number: 18200020001
Status: Unutilized
Reason: Secured Area.

Bldg. 7231
Elmendorf AFB
Anchorage Co: AK 99506–3240
Landholding Agency: Air Force
Property Number: 18200020002

Status: Unutilized
Reason: Secured Area.

Bldg. 14427
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200020003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Bldg. 14487
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200020004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Bldg. 4305
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 13367
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Bldg. 13559
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Bldg. 15379
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Bldg. 15526
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030005
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 15534
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030006
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 16512
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Bldg. 17497
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Bldg. 20174
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030009
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 19
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: Air Force
Property Number: 87199210128
Status: Excess
Reasons: Within airport runway clear zone; Extensive deterioration; Secured Area.

Bldg. 18
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 87199210132
Status: Excess
Reasons: Within airport runway clear zone; Secured Area.
GSA Number: U–ALAS–655A.

Bldg. A512
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 87199210133
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Bldg. R1, Holiday Beach
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 87199310014
Status: Unutilized
Reason: Secured Area.

Bldg. 624
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 87199310021
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 456
Coast Guard—ISC Kodiak
Kodiak Co: Kodiak Borough AK 99615–
Landholding Agency: DOT
Property Number: 87199710002
Status: Excess
Reasons: Within airport runway clear zone; Secured Area; Extensive deterioration.

Bldg. 524A
USCG ISC Kodiak
Kodiak Co: Kodiak Is. Bor. AK 99619–
Landholding Agency: DOT
Property Number: 87199710004
Status: Excess
Reasons: Floodway; Secured Area.

Bldg. R13, USCG ISC Kodiak
Holiday Beach
Kodiak Co: Kodiak Is Bor AK 99619–
Landholding Agency: DOT
Property Number: 87199720003
Status: Excess
Reason: Secured Area.

Bldg. 172, USCG ISC Kodiak
Nyman's Peninsula
Kodiak Co: Kodiak Is Bor AK 99619–
Landholding Agency: DOT
Property Number: 87199720004
Status: Excess
Reason: Secured Area.

Bldg. 160, USCG ISC Kodiak
Comsta/Buskin Lake
Kodiak Co: Kodiak Is Bor AK 99619–
Landholding Agency: DOT
Property Number: 87199720005
Status: Excess
Reasons: Secured Area; Extensive deterioration.

Bldg. 16
Airstation Kodiak
Kodiak Co: AK 99615–
Landholding Agency: DOT
Property Number: 87200010001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

"Gazebo"
Coast Guard
Cordova Co: AK 99574–
Landholding Agency: DOT
Property Number: 87200010002
Status: Unutilized
Reason: Extensive deterioration.

Boathouse
Coast Guard Station Ketchikan
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200020001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 52
Integrated Support Command
Kodiak Co: AK 99615–
Landholding Agency: DOT
Property Number: 87200110012
Status: Unutilized
Reason: Extensive deterioration.

Arizona

Facility 90002
Holbrook Radar Site
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 18199340049
Status: Unutilized
Reason: Within airport runway clear zone.

Arkansas

Dwelling
Bull Shoals Lake/Dry Run Road
Oakland Co: Marion AR 72661–
Landholding Agency: COE
Property Number: 31199820001

Status: Unutilized
Reason: Extensive deterioration.

California

Bldg. 707 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010193
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 575 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010195
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 502 63 ABG/DE
Norton Air Force Base
Lorton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010196
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 23 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010197
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 100
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010233
Status: Unutlized
Reason: Secured Area.

Bldg. 101
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010234
Status: Underutilized
Reason: Secured Area.

Bldg. 116
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010235
Status: Unutilized
Reason: Secured Area.

Bldg. 202
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010236
Status: Unutilized
Reason: Secured Area.

Bldg. 201
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010546
Status: Unutilized
Reason: Secured Area.

Bldg. 202
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010547
Status: Unutilized
Reason: Secured Area.

Bldg. 203
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010548
Status: Unutilized
Reason: Secured Area.

Bldg. 204
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010549
Status: Unutilized
Reason: Secured Area.

Bldg. 1823
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246, Coast Road, PT Sal Rd., Miguelito CYN
Landholding Agency: Air Force
Property Number: 18199130360
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 10312
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199210026
Status: Unutilized
Reason: Secured Area.

Bldg. 16104, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., Pt Sal Rd.; Miguelito Cyn
Landholding Agency: Air Force
Property Number: 18199230020
Status: Underutilized
Reason: Secured Area.

Bldg. 5428, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199310015
Status: Unutilized
Reason: Secured Area.

Bldg. 7304, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199310030
Status: Unutilized
Reason: Secured Area.

Bldg. 8215
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199330016
Status: Unutilized
Reason: Secured Area.

Bldg. 1988
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340003
Status: Unutilized
Reasons: Electrical Power Generator Bldg.; Secured Area.

Bldg. 1324
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340006
Status: Unutilized
Reason: Secured Area.

Bldg. 1341
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340007
Status: Unutilized
Reason: Secured Area.

Bldg. 1955
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340008
Status: Unutilized
Reason: Secured Area.

Bldg. 7306
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340022
Status: Unutilized
Reason: Secured Area.

Bldg. 16164
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340028
Status: Unutilized
Reason: Secured Area.

Bldg. 422
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530029
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 431
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530030
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 470
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530031
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 480
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530032
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 6606
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530037
Status; Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 7307
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530039
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 10717
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530041
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 10722
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530043
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 893
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620028
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 9350
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620030
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 13003
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620031
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 13222
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620032
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 815
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630040
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1850
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630041
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1853
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630042
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1856
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630043
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1865
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630044
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1874
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630045
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1875
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630046
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1877
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630047
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1879
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630048
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1885
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630049
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1898
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630050
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 06445
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630052
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 21160
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630055
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 06437
Vandenberg Air Force Base
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199710014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 10715
Vandenberg Air Force Base
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199710016
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 00879
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720009
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 01630
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720011
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 01797
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 01830
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720013
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 01852
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 11345
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720019
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 14019
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720022
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 14026
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720023
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 22300
Vandenberg Air Force Base
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199730002
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 08412
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740006
Status: Unutilized
Reason: Secured Area.

Bldg. 11153
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740007
Status: Unutilized
Reason: Secured Area.

Bldg. 11154
Vandenberg AFB
Vandenberg AFB Co:
Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740008
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldgs. 2–11, 20–21
Edwards AFB
P-Area Housing
Edwards AFB Co: Kern CA 93524–
Landholding Agency: Air Force
Property Number: 18199810029
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1681
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 01839
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 06519
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820005
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 06526
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820006
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 11167
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820007
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 11168
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820008
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 13024
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200030010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 6436
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200040001
Status: Unutilized
Reason: Extensive deterioration.

Soil & Materials Testing Lab
Sausalito Co: CA 00000–
Landholding Agency: COE
Property Number: 31199920002
Status: Excess
Reason: contamination.

Parker Dam Govt Housing Camp
Township 2 North
San Bernardino Co: CA 92401–
Landholding Agency: Interior
Property Number: 61199930001
Status: Excess
Reason: Extensive deterioration.

10 Bldg.
USCG Station Humboldt Bay
Samoa Co:
Humboldt CA 95564–9999
Landholding Agency: DOT
Property Number: 87199440027
Status: Excess
Reason: Extensive deterioration.
Comment: Land to be relinquished to BLM (Public Domain Land).

Colorado

Bldg. 00910
"Blue Barn"—Falcon Air Force Base
Falcon Co: El Paso CO 80912–
Landholding Agency: Air Force
Property Number: 18199530046
Status: Underutilized
Reason: Secured Area.

Bldg. 1007
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730003
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material.
Secured Area; Extensive deterioration.

Bldg. 1008
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730004
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material;
Secured Area; Extensive deterioration.

Bldg. 9214
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730012
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 7067
USAF Academy
Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 18199810005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8222
USAF Academy
Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 18199810006
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9200
USAF Academy
Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 18199810007
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area.

Facility 9022
U.S. A.F. Academy
El Paso Co: CO 80840–2400
Landholding Agency: Air Force
Property Number: 18200010004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 34
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540001
Status: Underutilized
Reasons: Contamination; Secured Area.

Bldg. 35
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540002
Status: Underutilized
Reasons: Contamination; Secured Area.

Bldg. 36
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540003
Status: Underutilized
Reasons: Contamination; Secured Area.

Bldg. 2
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610039
Status: Unutilized
Reasons: Contamination; Secured Area.

Bldg. 7
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610040
Status: Unutilized
Reasons: Contamination; Secured Area.

Bldg. 31–A
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610041
Status: Unutilized
Reasons: Contamination; Secured Area.

Bldg. 33
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610042
Status: Unutilized
Reasons: Contamination; Secured Area.

Bldg. 727
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 729
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 779
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 780
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 780A
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 780B
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 782
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 783
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 784(A–D)
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 785
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 786
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 787(A–D)
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 875
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 880
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 886
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 308A
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 788
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910017
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 888
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 714 A/B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930021
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 717
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930022
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 770
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930023
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 771
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930024
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 771B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930025
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 771C
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930026
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 772–772A
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930027
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 773
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930028
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 774
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930029
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 776
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 777
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 778
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Structure 712–712A
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010004
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Structure 713–713A
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010005
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Structure 771 TUN
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010006
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Structure 776A–781
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010007
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 111, 111B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200030001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Alemeda Facility 350 S. Santa Fe Drive
Denver Co: Denver CO 80223–
Landholding Agency: DOT
Property Number: 87199010014
Status: Unutilized
Reasons: Other environmental
Comment: contamination.

Connecticut

Bldg. 13
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 10
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 5
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material.

Bldg. 4
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material.

Hezekiah S. Ramsdell Farm
West Thompson Lake
North Grosvenordale Co: Windham CT 06255–9801
Landholding Agency: COE
Property Number: 31199740001
Status: Unutilized
Reasons: Floodway; Extensive deterioration.

Bldgs. 25 and 26
Prospect Hill Road
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199440003
Status: Excess
Reasons: Secured Area.

9 Bldgs.
Knolls Atomic Power Lab, Windsor Site
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199540004
Status: Excess
Reasons: Secured Area.

Bldg. 8, Windsor Site
Knolls Atomic Power Lab
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199830006
Status: Unutilized
Reason: Extensive deterioration.

Falkner Island Light
U.S. Coast Guard
Guilford Co: New Haven CT 06512–
Landholding Agency: DOT
Property Number: 87199240031
Status: Unutilized
Reason: Floodway.

Florida

Bldg. 1179
Patrick Air Force Base
1179 School Avenue
Co: Brevard FL 32935–
Landholding Agency: Air Force
Property Number: 18199240030
Status: Unutilized
Reasons: Extensive Deterioration; Secured Area.

Bldg. 575
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding agency: Air Force
Property Number: 18199320004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Extensive Deterioration; Secured Area.

Bldg. 921
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199430002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

23 Family Housing
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Location: Include Bldgs: 448, 451 thru 470, 472 and 474
Landholding Agency: Air Force
Property Number: 18199520006
Status: Excess
Reason: Within airport runway clear zone.

Bldg. 240
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 18199520007
Status: Excess
Reason: Extensive deterioration.

Bldg. 307
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710022
Status: Unutilized
Reason: Secured Area.

Bldg. 315
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710023
Status: Unutilized
Reason: Secured Area.

Bldg. 317
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710024
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 318
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710025
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Facility No. 10831
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710033
Status: Unutilized
Reason: Secured Area.

Facility No. 15500
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710034
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Facility No. 70662
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710037
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Facility No. 72920
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710038
Status: Unutilized
Reason: Secured Area.

Bldg. 895, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199710045
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 744
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820009
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 3008
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 3010
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820011
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 12709
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 08807
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820013
Status: Unutilized
Reason: Secured Area.

Bldg. 08809
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 21911
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820015
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Facility 44608
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199830006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 12577
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910001
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.

Bldg. 12576
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910002
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.

Bldg. 12534
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910003
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.

Bldg. 12533
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910004
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.

Bldg. 12528
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910005
Status: Unutilized

Reasons: Floodway; Secured Area; Extensive deterioration.
Bldg. 9281
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910006
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.
Bldg. 9280
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910007
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.
Bldg. 609
Eglin AFB
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910008
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 55152
Cape Canaveral Air Station
Brevard Co: FL 32925–
Landholding Agency: Air Force
Property Number: 18199910010
Status: Unutilized
Reason: Secured Area.
Facility 1737
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199920002
Status: Underutilized
Reason: Secured Area.
Bldg. 1704
Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–
Landholding Agency: Air Force
Property Number: 18199930007
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.
Facility 90330
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199940008
Status: Unutilized
Reason: Secured Area.
Bldg. 72905
Cape Canaveral AFS
Brevard Co: FL 32907–
Landholding Agency: Air Force
Property Number: 18200020006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Facility 935
Patrick AFB
Patrick AFB Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18200030011
Status: Unutilized
Reason: Secured Area.
Facility 990
Patrick AFB
Patrick AFB Co: FL 32925–
Landholding Agency: Air Force
Property Number: 18200030012
Status: Unutilized
Reason: Secured Area.
Bldg. #3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050–
Landholding Agency: DOT
Property Number: 87199210008
Status: Unutilized
Reasons: Floodway; Secured Area.
Bldg. 103, Trumbo Point
Key West Co: Monroe FL 33040–
Landholding Agency: DOT
Property Number: 87199230001
Status: Unutilized
Reasons: Floodway; Secured Area.
Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 87199410004
Status: Unutilized
Reason: Floodway.
9988 Keepers Quarters A
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440009
Status: Underutilized
Reasons: Floodway; Secured Area.
9989 Keepers Quarters B
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440010
Status: Underutilized
Reasons: Floodway; Secured Area.
9990 Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440011
Status: Underutilized
Reasons: Floodway; Secured Area.
9991 Plant Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440012
Status: Underutilized
Reasons: Floodway; Secured Area.
9992 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440013
Status: Underutilized
Reasons: Floodway; Secured Area.
9993 Admin. Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440014
Status: Underutilized
Reasons: Floodway; Secured Area.
9994 Water Pump Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440015
Status: Underutilized
Reasons: Floodway; Secured Area.
Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440016
Status: Underutilized
Reasons: Floodway; Secured Area.
9999 Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440017
Status: Underutilized
Reasons: Floodway; Secured Area.
3 Bldgs. and Land
Peanut Island Station
Riveria Beach Co: Palm Beach FL 33419–0909
Landholding Agency: DOT
Property Number: 87199510009
Status: Unutilized
Reasons: Floodway; Secured Area.
Cape St. George Lighthouse
Co: Franklin FL 32328–
Landholding Agency: DOT
Property Number: 87199640002
Status: Unutilized
Reason: Extensive deterioration.

Georgia

Bldgs. 1180–1185
Robins AFB
Warner Robins Co: GA 31098–2207
Landholding Agency: Air Force
Property Number: 18200010005
Status: Unutilized
Reason: Extensive deterioration.
Coast Guard Station
St. Simons Island
Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 87199540002
Status: Unutilized
Reason: Extensive deterioration.

Guam

Andersen South
Andersen Admin. Annex
360 housing units & a commercial structure
Mangilao GU 96923–
Landholding Agency: Air Force
Property Number: 18199840009
Status: Underutilized
Reason: Secured Area.

Hawaii

Bldg. 1740
U.S. Coast Guard Air Station
Barbers Point
Honolulu Co: HI 96862–5800
Landholding Agency: DOT
Property Number: 87199910002
Status: Unutilized
Reason: Secured Area.
Phase II Lift Station
Red Hill
Honolulu Co: HI 96818–
Landholding Agency: DOT
Property Number: 87200040001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.
Bldg. 1820
Coast Guard ISC
Honolulu Co: HI 96819–
Landholding Agency: DOT

Property Number: 87200040002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Extensive deterioration.

Idaho

Bldg 1012
Mountain Home Air Force Base
7th Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199030004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
Bldg. 923
Mountain Home Air Force Base
7th Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199030005
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
Bldg. 604
Mountain Home Air Force Base
Pine Street
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199030006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
Bldg. 229
Mt. Home Air Force Base
1st Avenue and A Street
Mt. Home AFB Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199040857
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material
Within airport runway clear zone.
Bldg. 4403
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 83647–
Landholding Agency: Air Force
Property Number: 18199520008
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 101
Mountain Home Air Force
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840001
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 105
Mountain Home Air Force
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840002
Status: Unutilized
Reason: Extensive deterioration.
Bldg. AFD0070
Albeni Falls Dam
Oldtown Co: Bonner ID 83822–
Landholding Agency: COE
Property Number: 31199910001
Status: Unutilized
Reason: Extensive deterioration.
Bldg. PBF–621
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610001
Status: Unutilized
Reason: Secured Area.
Bldg. CPP–1609
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610002
Status: Unutilized
Reason: Secured Area.
Bldg. CPP–691
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610003
Status: Unutilized
Reason: Secured Area.
Bldg. CPP–625
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610004
Status: Unutilized
Reason: Secured Area.
Bldg. CPP–650
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610005
Status: Unutilized
Reason: Secured Area.
Bldg. CPP–608
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610006
Status: Unutilized
Reason: Secured Area.
Bldg. TAN–660
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610007
Status: Unutilized
Reason: Secured Area.
Bldg. TAN–636
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610008
Status: Unutilized
Reason: Secured Area.
Bldg. TAN–609
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610009
Status: Unutilized
Reason: Secured Area.
Bldg. TAN–670
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610010
Status: Unutilized
Reason: Secured Area.
Bldg. TAN–661
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610011
Status: Unutilized
Reason: Secured Area.
Bldg. TAN–657
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610012
Status: Unutilized
Reason: Secured Area.
Bldg. TRA–669
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610013
Status: Unutilized
Reason: Secured Area.
Bldg. TAN–637
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610014
Status: Unutilized
Reason: Secured Area.
Bldg. TAN–635
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610015
Status: Unutilized
Reason: Secured Area.
Bldg. TAN–638
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610016
Status: Unutilized
Reason: Secured Area.
Bldg. TAN–651
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610017
Status: Unutilized
Reason: Secured Area.
Bldg. TRA–673
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610018
Status: Unutilized
Reason: Secured Area.
Bldg. PBF–620
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610019
Status: Unutilized
Reason: Secured Area.
Bldg. PBF–616
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610020
Status: Unutilized
Reason: Secured Area.
Bldg. PBF–617
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610021
Status: Unutilized
Reason: Secured Area.
Bldg. PBF–619
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610022

Status: Unutilized
Reason: Secured Area.

Bldg. PBF–624
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610023
Status: Unutilized
Reason: Secured Area.

Bldg. PBF–625
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610024
Status: Unutilized
Reason: Secured Area.

Bldg. PBF–629
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610025
Status: Unutilized
Reason: Secured Area.

Bldg. PBF–604
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610026
Status: Unutilized
Reason: Secured Area.

Bldg. TRA–641
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610034
Status: Unutilized
Reason: Secured Area.

Bldg. CF–606
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610037
Status: Unutilized
Reason: Secured Area.

TAN620/TAN656
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199710009
Status: Excess
Reasons: Secured Area; Extensive deterioration.

TAN 602, 631, 663, 702, 724
Idaho Natl Engineering & Environmental Lab
Test Area North
Scovile Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199830002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

8 Bldgs.
Idaho Natl Engineering & Environmental Lab
Test Reactor North
Scovile Co: Butte ID 83415–
Location: TRA 643, 644, 655, 660, 704–706, 755
Landholding Agency: Energy
Property Number: 41199830003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Illinois

Calumet Harbor Station
U.S. Coast Guard
Chicago Co: Cook IL
Landholding Agency: DOT
Property Number: 87199310005
Status: Excess
Reason: Secured Area.

Indiana

Brookville Lake—Bldg.
Brownsville Rd. in Union
Liberty Co: Union IN 47353–
Landholding Agency: COE
Property Number: 31199440004
Status: Excess
Reason: Extensive deterioration.

Iowa

Bldg. 00671
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310009
Status: Unutilized
Reason: Fuel pump station.

Bldg. 00736
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310010
Status: Unutilized
Reason: Pump station.

Kansas

Bldg. 2703
Forbes Field
Topeka KS
Landholding Agency: Air Force
Property Number: 18199820018
Status: Unutilized
Reason: Extensive deterioration.

Kentucky

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton Co: Carroll KY 41008–
Landholding Agency: COE
Property Number: 21199040416
Status: Unutilized
Reason: Spring House.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 21199040417
Status: Unutilized
Reason: Coal Storage.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 21199040418
Status: Unutilized
Reason: Coal Storage.

Barn
Kentucky River Lock and Dam No. 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 21199040419
Status: Underutilized
Reason: Extensive deterioration.

Latrine
Kentucky River Lock and Dam Number 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 31199040009
Status: Unutilized
Reason: Detached Latrine.

6-Room Dwelling
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120010
Status: Unutilized
Reason: Floodway.

2-Car Garage
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120011
Status: Unutilized
Reason: Floodway.

Office and Warehouse
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120012
Status: Unutilized
Reason: Floodway.

2 Pit Toilets
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Landholding Agency: COE
Property Number: 31199120013
Status: Unutilized
Reason: Floodway.

Louisiana

Bldg. 3477
Barksdale Air Force Base
Davis Avenue
Barksdale AFB Co: Bossier LA 71110–5000
Landholding Agency: Air Force
Property Number: 18199140015
Status: Unutilized
Reason: Secured Area.

Weeks Island Facility
New Iberia Co: Iberia Parish LA 70560–
Landholding Agency: Energy
Property Number: 41199610038
Status: Underutilized
Reason: Secured Area.

Maine

Supply Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240005
Status: Unutilized
Reason: Floodway.

Base Exchange, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240006
Status: Unutilized

Reason: Floodway.

Engineering Shop, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240007
Status: Unutilized
Reason: Floodway.

Storage Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240008
Status: Unutilized
Reason: Floodway.

Squirrel Point Light
U.S. Coast Guard
Phippsburg Co: Sayadahoc ME 04530–
Landholding Agency: DOT
Property Number: 87199240032
Status: Unutilized
Reason: Floodway.

Keepers Dwelling
Heron Neck Light, U.S. Coast Guard
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 87199240035
Status: Unutilized
Reason: Extensive deterioration.

Fort Popham Light
Phippsburg Co: Sagadahoc ME 04562–
Landholding Agency: DOT
Property Number: 87199320024
Status: Unutilized
Reason: Extensive deterioration.

Nash Island Light
U.S. Coast Guard
Addison Co: Washington ME 04606–
Landholding Agency: DOT
Property Number: 87199420005
Status: Unutilized
Reason: Inaccessible.

Bldg.—South Portland Base
U.S. Coast Guard
S. Portland Co: Cumberland ME 04106–
Landholding Agency: DOT
Property Number: 87199420006
Status: Unutilized
Reason: Secured Area.

Garage—Boothbay Harbor Stat.
Boothbay Harbor Co: Lincoln ME 04538–
Landholding Agency: DOT
Property Number: 87199430001
Status: Unutilized
Reason: Secured Area.

Maryland

Bldg. 3542
Andrews AFB
Andrews AFB MD 20652–25177
Landholding Agency:
Air Force
Property Number: 18199810010
Status: Unutilized
Reason: Secured Area.

Bldg. 3543
Andrews AFB
Andrews AFB MD 20652–25177
Landholding Agency: Air Force
Property Number: 18199810011
Status: Unutilized
Reason: Secured Area.

7 Bldgs.
Davidsonville Family Housing Annex
300, 301, 303, 305, 308, 309, 311
Davidsonville Co: Anne Arundel MD 20755–
Landholding Agency: Air Force
Property Number: 18199910011
Status: Unutilized
Reason: Extensive deterioration.

8 Bldgs.
Davidsonville Family Housing Annex
302, 306, 307, 310, 312–315
Davidsonville Co: Anne Arundel MD 20755–
Landholding Agency: Air Force
Property Number: 18199910012
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1226
Andrews AFB
Camp Springs Co: Prince George's MD 20762–
Landholding Agency: Air Force
Property Number: 18200040002
Status: Unutilized
Reason: Secured Area.

Bldgs. 38–39, 41, 43–46, 56
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87199540005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 53
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87199540006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 6
U.S. Coast Guard Yard, 2401 Hawkins Point Rd.
Baltimore MD 21226–1797
Landholding Agency: DOT
Property Number: 87199620001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 59
U.S. Coast Guard Yard, 2401 Hawkins Point Rd.
Baltimore MD 21226–1797
Landholding Agency: DOT
Property Number: 87199620002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Massachusetts

Bldg. 110
Otis Air National Guard
Otis Co: MA 02542–5028
Landholding Agency: Air Force
Property Number: 18199940009
Status: Unutilized
Reason: Secured Area.

Bldg. 4, USCG Support Center
Commercial Street
Boston Co: Suffolk MA 02203–
Landholding Agency: DOT
Property Number: 87199240001
Status: Underutilized
Reason: Secured Area.

Eastern Point Light
U.S. Coast Guard
Gloucester Co: Essex MA 01930–
Landholding Agency: DOT
Property Number: 87199240029
Status: Unutilized
Reasons: Floodway; Secured Area.

Storage Shed
Highland Light
N. Truro Co: Barnstable MA 02652–
Location: DeSoto Johnson KS66018–
Landholding Agency: DOT
Property Number: 87199430004
Status: Unutilized
Reason: Extensive deterioration.

Michigan

Bldg. 71
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010810
Status: Excess
Reason: Sewage treatment and disposal facility.

Bldg. 99 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010831
Status: Excess
Reason: Water well.

Bldg. 100 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010832
Status: Excess
Reason: Water well.

Bldg. 118
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010875
Status: Excess
Reason: Gasoline Station.

Bldg. 120
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010876
Status: Excess
Reason: Gasoline Station.

Bldg. 166
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010877
Status: Excess
Reason: Pump lift station.

Bldg. 168
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010878
Status: Excess
Reason: Gasoline station.

Bldg. 69
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010889
Status: Excess
Reason: Sewer pump facility.

Bldg. 2

Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010890
Status: Excess
Reason: Water pump station.

Facility 20
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 21
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 30
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 98
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 103
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 116
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 129
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 152
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 156
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 161
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 509
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 562
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 573
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630013
Status: Unutilized
Reason: Secured Area.

Facility 801
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 827
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 832
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 833
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1005
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630018
Status: Unutilized
Reason: Secured Area.

Facility 1012
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630019
Status: Unutilized
Reason: Secured Area.

Facility 1017
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630020
Status: Unutilized
Reason: Secured Area.

Facility 1025
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630021
Status: Unutilized
Reason: Secured Area.

Facility 1031
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630022
Status: Unutilized
Reason: Secured Area.

Facility 1041
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1445
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1514
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630025
Status: Unutilized
Reason: Secured Area.

Facility 1575
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630026
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1576
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630027
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1578
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630028
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1580
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630029
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1582
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630030
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1583
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630031
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1584
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630032
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1585
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630033
Status: Unutilized
Reason: Secured Area.

Facilities 246, 248, 252–254
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

7 Facilities
Selfridge Air National Guard #240, 242, 244, 245, 247, 250, 251
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710040
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facilities 237, 238
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710041
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

5 Facilities
Selfridge Air National Guard #228, 230, 232, 234, 236
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710042
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 114
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710043
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 114
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18199930009
Status: Unutilized
Reason: Secured Area.

Bldg. 318
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18199930010
Status: Unutilized
Reason: Secured Area.

Boathouse
Coast Guard Station
East Tawas Co: Iosco MI 48730–
Landholding Agency: DOT
Property Number: 87200040003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Mississippi

Natchez Moorings
82 L.E. Berry Road
Natchez Co: Adams MS 39121–
Landholding Agency: DOT
Property Number: 87199340002
Status: Unutilized
Reason: Extensive deterioration.

Missouri

Rec Office
Harry S. Truman Dam & Reservoir
Osceola Co: St. Clair MO 64776–
Landholding Agency: COE
Property Number: 31200110001
Status: Unutilized
Reason: Extensive deterioration.

Montana

Bldg. 23
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 18199720030
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 24
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 18199720031
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 35
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 18199720033
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 22
Great Falls IAP
Great Falls Co: Cascade MT 59404–5570
Landholding Agency: Air Force
Property Number: 18199820019
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 803
Malmstrom AFB
Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199840003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1846
Malmstrom AFB
Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199840005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 920, 1242
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18200010006
Status: Unutilized
Reason: Secured Area.

Bldg. 1411
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18200030015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Nebraska

Offutt Communications Annex-#3
Offutt Air Force Base
Scribner Co: Dodge NE 68031–
Landholding Agency: Air Force
Property Number: 18199210006
Status: Unutilized
Reason: former sewage lagoon.

Bldg. 637
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 18199230021
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 639
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 18199230022
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 31
Offutt Air Force Base
Sac Boulevard
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240007
Status: Unutilized
Reason: Secured Area.

Bldg. 311
Offutt Air Force Base
Nelson Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force

Property Number: 18199240008
Status: Unutilized
Reason: Secured Area.

Bldg. 401
Offutt Air Force Base
Custer Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240009
Status: Unutilized
Reason: Secured Area.

Bldg. 416
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240010
Status: Unutilized
Reason: Secured Area.

Bldg. 417
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240011
Status: Unutilized
Reason: Secured Area.

Bldg. 545
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240012
Status: Unutilized
Reason: Secured Area.

Bldg. 21
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320058
Status: Excess
Reason: Generator.

Bldg. 4, Hastings Family Hsg.
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320059
Status: Excess
Reason: Contamination.

Bldg. 500
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320060
Status: Excess
Reason: Contamination.

Bldg. 502
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320061
Status: Excess
Reason: Contamination.

Bldg. 504
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320062
Status: Excess
Reason: Contamination.

Bldg. 508
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320063
Status: Excess
Reason: Contamination.

Bldg. 507
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320064
Status: Excess
Reason: Contamination.

Bldg. 509
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320065
Status: Excess
Reason: Contamination.

Bldg. 511
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320066
Status: Excess
Reason: Contamination.

Bldg. 512
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320067
Status: Excess
Reason: Contamination.

Bldg. 515
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320068
Status: Excess
Reason: Contamination.

Bldg. 517
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320069
Status: Excess
Reason: Contamination.

Bldg. 519
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320070
Status: Excess
Reason: Contamination.

Bldg. 521
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320071
Status: Excess
Reason: Contamination.

Bldg. 523
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320072
Status: Excess
Reason: Contamination.

Bldg. 525
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320073
Status: Excess
Reason: Contamination.

Bldg. 526
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320074
Status: Excess
Reason: Contamination.

Bldg. 529
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320075
Status: Excess
Reason: Contamination.

Bldg. 531
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320076
Status: Excess
Reason: Contamination.

Bldg. 533
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320077
Status: Excess
Reason: Contamination.

Bldg. 534
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320078
Status: Excess
Reason: Contamination.

Bldg. 536
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320079
Status: Excess
Reason: Contamination.

Bldg. 538
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320080
Status: Excess
Reason: Contamination.

Bldg. 541
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320081
Status: Excess
Reason: Contamination.

Bldg. 542
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320082
Status: Excess
Reason: Contamination.

Bldg. 544
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320083
Status: Excess
Reason: Contamination.

Bldg. 546
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320084
Status: Excess
Reason: Contamination.

Bldg. 549
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320085
Status: Excess
Reason: Contamination.

Bldg. 550
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320086
Status: Excess
Reason: Contamination.

Bldg. 552
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320087
Status: Excess
Reason: Contamination.

Bldg. 553
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320088
Status: Excess
Reason: Contamination.

Bldg. 555
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320089
Status: Excess
Reason: Contamination.

Bldg. 557
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320090
Status: Excess
Reason: Contamination.

Bldg. 558
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320091
Status: Excess
Reason: Contamination.

Bldg. 560
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320092
Status: Excess
Reason: Contamination.

27 Detached Garages.
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320093
Status: Excess
Reason: Contamination.

Bldg. 17
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320094
Status: Excess
Reason: Contamination.

Bldg. 16
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320095
Status: Excess
Reason: Contamination.

Bldg. 18
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320096
Status: Excess
Reason: Contamination.

Bldg. 6
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320097
Status: Excess
Reason: Contamination.

Bldg. 547
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320098
Status: Excess
Reason: Contamination.

Bldg. 604
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320099
Status: Excess
Reason: Contamination.

Bldg. 686
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199510021
Status: Unutilized
Reason: Secured Area.

Bldg. 439
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199510022
Status: Unutilized
Reason: Secured Area.

Bldg. 606
NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 18199720028
Status: Underutilized
Reasons: Floodway; Secured Area.

Bldg. 675
NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 18199720029
Status: Unutilized
Reasons: Floodway; Secured Area.

New Hampshire

Bldg. 117
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199920008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 129
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199920009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 5210
Newington POL DFS
Newington Co: Rockingham NH 03801–
Landholding Agency: Air Force
Property Number: 18199920010
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 155
Pease Air National Guard
Newington Co: Rockingham NH 03803–
Landholding Agency: Air Force
Property Number: 18199930011
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 124
New Boston Air Force Station
New Boston Co: Hilsboro NH 03070–5125
Landholding Agency: Air Force
Property Number: 18200030013
Status: Unutilized
Reason: Secured Area.

Bldg. 125
New Boston Air Force Station
New Boston Co: Hilsboro NH 03070–5125
Landholding Agency: Air Force
Property Number: 18200030014
Status: Unutilized
Reason: Secured Area.

New Jersey

Module 5, C56
Princeton Plasma Physics Lab

Princeton Co: Mercer NJ 08540–
Landholding Agency: Energy
Property Number: 41200030003
Status: Excess
Reason: Extensive deterioration.

Piers and Wharf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 87199240009
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Chapel Hill Front Range
Light Tower
Middletown Co: Monmouth NJ 07748–
Landholding Agency: DOT
Property Number: 87199440002
Status: Unutilized
Reason: Skeletal tower.

Bldg. 103
U.S. Coast Guard Station Sandy Hook
Middleton Co: Monmouth NJ 07737–
Landholding Agency: DOT
Property Number: 87199610002
Status: Unutilized
Reason: Secured Area.

Ship Stg. Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110018
Status: Excess
Reason: Secured Area.

Exchange Whse
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110019
Status: Excess
Reason: Secured Area.

Patrol Boat Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110020
Status: Excess
Reason: Secured Area.

Station Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110021
Status: Excess
Reason: Secured Area.

ANT Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110022
Status: Excess
Reason: Secured Area.

New Mexico

Bldg. 831
833 CSG/DEER
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199130333
Status: Unutilized
Reason: Secured Area.

Bldg. 21
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240032
Status: Unutilized
Reason: Secured Area.

Bldg. 98
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240034
Status: Unutilized
Reason: Secured Area.

Bldg. 324
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240035
Status: Unutilized
Reason: Secured Area.

Bldg. 598
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240036
Status: Unutilized
Reason: Secured Area.

Bldg. 801
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240037
Status: Unutilized
Reason: Secured Area.

Bldg. 802
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240038
Status: Unutilized
Reason: Secured Area.

Bldg. 1095
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240039
Status: Unutilized
Reason: Secured Area.

Bldg. 1096
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240040
Status: Unutilized
Reason: Secured Area.

Facility 321
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240041
Status: Unutilized
Reason: Secured Area.

Facility 75115
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240042
Status: Unutilized
Reason: Secured Area.

Bldg. 874
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199320041
Status: Unutilized
Reasons: Extensive Deterioration; Secured Area.

Bldg. 1258
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199320042
Status: Unutilized
Reasons: Extensive Deterioration; Secured Area.

Bldg. 134
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430014
Status: Unutilized
Reason: Secured Area.

Bldg. 640
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430015
Status: Unutilized
Reason: Secured Area.

Bldg. 703
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430016
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 813
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430017
Status: Unutilized
Reason: Secured Area.

Bldg. 821
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430018
Status: Unutilized
Reason: Secured Area.

Bldg. 829
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430019
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 867
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430020
Status: Unutilized
Reason: Secured Area.

Bldg. 884
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430021
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 886
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430022
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 908
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430023
Status: Unutilized
Reason: Secured Area.

Bldg. 599
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199510001
Status: Unutilized
Reason: Secured Area.

Bldg. 600
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199510002
Status: Unutilized
Reason: Secured Area.

Bldg. 599
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199610007
Status: Unutilized
Reason: Secured Area.

Bldg. 600
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199610008
Status: Unutilized
Reason: Secured Area.

Bldg. 995
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199610009
Status: Unutilized
Reason: Secured Area.

Bldg. 1257
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740012
Status: Unutilized
Reason: Secured Area.

Bldg. 332
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 205
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1089
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830009
Status: Unutilized
Reason: Secured Area.

Bldg. 2149
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 2151
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 2176
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 2178
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 197
Holloman AFB
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18200040003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1021
Holloman AFB
Otero Co: NM 88330–
Landholding Agency: Air Force
Property Number: 18200110001
Status: Unutilized
Reason: Secured Area.

Bldg. 1025
Holloman AFB
Otero Co: NM 88330–
Landholding Agency: Air Force
Property Number: 18200110002
Status: Unutilized
Reason: Secured Area.

Bldgs. 9252, 9268
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 41199430002
Status: Unutilized
Reason: Extensive deterioration.

Tech Area II
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87105–
Landholding Agency: Energy
Property Number: 41199630004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area. Extensive deterioration.

Bldg. 1, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 2, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810002
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 24, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 26, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 86, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810005
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 88, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810006
Status: Unutilized
Reasons: Secured Area: Extensive deterioration.

Bldg. 89, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810007
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 2, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810008
Status: Underutilized
Reason: Secured Area.

Bldg. 5, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810011
Status: Unutilized
Reason: Secured Area.

Bldg. 21, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810012
Status: Unutilized
Reason: Secured Area.

Bldg. 116, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–

Landholding Agency: Energy
Property Number: 41199810013
Status: Unutilized
Reason: Secured Area.

Bldg. 212, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810014
Status: Unutilized
Reason: Secured Area.

Bldg. 228, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810015
Status: Unutilized
Reason: Secured Area.

Bldg. 286, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810016
Status: Unutilized
Reason: Secured Area.

Bldg. 63, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810019
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldg. 515, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 516, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 517, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 518, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 519, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 520, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810025
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 18, TA–16
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199840001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 31
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 4, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930004
Status: Unutilized
Reason: Secured Area.

Bldg. 50, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930005
Status: Unutilized
Reason: Secured Area.

Bldg. 88, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930006
Status: Unutilized
Reason: Secured Area.

Bldg. 89, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930007
Status: Unutilized
Reason: Secured Area.

Bldg. 21, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940001
Status: Unutilized
Reason: Secured Area.

Bldg. 57, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940002
Status: Unutilized
Reason: Secured Area.

Bldg. 28, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940003
Status: Unutilized
Reason: Secured Area.

Bldg. 38, TA–14
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 8, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940005
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 9, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940006
Status: Unutilized
Reason: Secured Area.

Bldg. 22, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940007
Status: Unutilized
Reason: Secured Area.

Bldg. 141, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940008
Status: Unutilized
Reason: Secured Area.

Bldg. 44, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940009
Status: Unutilized
Reason: Secured Area.

Bldg. 2, TA–18
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 5, TA–18
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940011
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 166, TA–18
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 168, TA–18
Los Alamos National Lab

Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940013
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 254, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 44, TA–36
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940015
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 45, TA–36
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940016
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 19, TA–40
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940017
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 43, TA–40
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940018
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 258, TA–46
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940019
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

TA–2, Bldg. 1
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010008
Status: Unutilized
Reason: Secured Area.

TA–2, Bldg. 44
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010009
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

TA–3, Bldg. 208
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

TA–6, Bldg. 1
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010011
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

TA–6, Bldg. 2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

TA–6, Bldg. 3
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010013
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

TA–6, Bldg. 5
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

TA–6, Bldg. 6
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010015
Status: Unutilized
Reason: Secured Area.

TA–6, Bldg. 7.
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010016
Status: Unutilized
Reason: Secured Area.

TA–6, Bldg. 8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010017
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

TA–6, Bldg. 9
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010018
Status: Unutilized
Reason: Secured Area.

TA–14, Bldg. 5
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010019
Status: Unutilized
Reason: Secured Area.

TA–21, Bldg. 150
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010020
Status: Unutilized
Reason: Secured Area.

Bldg. 149, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010024
Status: Unutilized
Reason: Secured Area.

Bldg. 312, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010025
Status: Unutilized
Reason: Secured Area.

Bldg. 313, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010026
Status: Unutilized
Reason: Secured Area.

Bldg. 314, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010027
Status: Unutilized
Reason: Secured Area.

Bldg. 315, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010028
Status: Unutilized
Reason: Secured Area.

Bldg. 1, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010029
Status: Unutilized
Reason: Secured Area.

Bldg. 2, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010030
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 3, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 51, TA–9
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020002
Status: Unutilized
Reason: Secured Area.

Bldg. 30, TA–14
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020003

Status: Unutilized
Reason: Secured Area.
Bldg. 16, TA–3
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020009
Status: Unutilized
Reason: Secured Area.
Bldg. 339, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020010
Status: Unutilized
Reason: Secured Area.
Bldg. 340, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020011
Status: Unutilized
Reason: Secured Area.
Bldg. 341, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020012
Status: Unutilized
Reason: Secured Area.
Bldg. 342, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020013
Status: Unutilized
Reason: Secured Area.
Bldg. 343, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020014
Status: Unutilized
Reason: Secured Area.
Bldg. 345, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020015
Status: Unutilized
Reason: Secured Area.
Bldg. 16, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020016
Status: Unutilized
Reason: Secured Area.
Bldg. 48, TA–55
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020017
Status: Unutilized
Reason: Secured Area.
Bldg. 125, TA–55
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020018
Status: Unutilized
Reason: Secured Area.
Bldg. 162, TA–55
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020019
Status: Unutilized
Reason: Secured Area.
Bldg. 22, TA–33
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020022
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 23, TA–49
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020023
Status: Unutilized
Reason: Secured Area.
Bldg. 37, TA–53
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020024
Status: Unutilized
Reason: Secured Area.
Bldg. 121, TA–49
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020025
Status: Unutilized
Reason: Secured Area.
Bldg. 30, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200040001
Status: Unutilized
Reason: Secured Area.
Bldg. 152 TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200040002
Status: Unutilized
Reason: Secured Area.

New York

Bldg. 626 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14303–5000
Landholding Agency: Air Force
Property Number: 18199010075
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 272
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199140022
Status: Excess
Reason: Secured Area.
Bldg. 888
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199140023
Status: Excess
Reason: Secured Area.
Facility 814, Griffiss AFB
NE of Weapons Storage Area
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199230001
Status: Excess
Reasons: Within airport runway clear zone; Secured Area.
Facility 808, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199230002
Status: Excess
Reasons; Within airport runway clear zone Secured Area.
Facility 807, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199230003
Status: Excess
Reasons: Within airport runway clear zone; Secured Area.
Facility 126
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240020
Status: Unutilized
Reason: Secured Area.
Facility 127
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240021
Status: Unutilized
Reason: Secured Area.
Facility 135
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240022
Status: Unutilized
Reason: Secured Area.
Facility 137
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240023
Status: Unutilized
Reason: Secured Area.
Facility 138
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240024
Status: Unutilized
Reason: Secured Area.
Facility 173
Griffiss Air Force Base
Selfridge Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240025
Status: Unutilized
Reason: Secured Area.
Facility 261
Griffiss Air Force Base
McDill Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240026
Status: Unutilized
Reason: Secured Area.
Facility 308
Griffiss Air Force Base
205 Chanute Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240027
Status: Unutilized
Reason: Secured Area.
Facility 1200
Griffiss Air Force Base
Donaldson Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240028
Status: Unutilized
Reason: Secured Area.
Facility 841
Griffiss Air Force Base
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199330097
Status: Unutilized
Reason: Secured Area.
Bldg. 740
Niagara Falls Air Force Reserve
Niagara Falls Co: Niagara NY 14304–5001
Landholding Agency: Air Force
Property Number: 18199720026
Status: Unutilized
Reasons: Within airport runway clear zone; Floodway; Secured Area.
Bldg. 629
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199730006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 604
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 606
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 615
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810018
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 629
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810019
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 630
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 635
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 640
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 733
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 514
Niagara Falls ARS
Niagara Falls Co: Niagara NY 14304–5001
Landholding Agency: Air Force
Property Number: 18199810024
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration.
Bldg. 614
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.
Bldg. 722
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.
Bldg. 750
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.
Bldg. 751
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.
Facility 1200
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920011
Status: Unutilized
Reason: No public access.
Facility 1202
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920012
Status: Unutilized
Reason: No public access.
Facility 1203
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920013
Status: Unutilized
Reason: No public access.
Facility 1204
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920014
Status: Unutilized
Reason: No public access.
Facility 1206
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920016
Status: Unutilized
Reason: No public access.
Facility 1207
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920017
Status: Unutilized
Reason: No public access.
Facility 1208
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920018
Status: Unutilized
Reason: No public access.
Facility 1209
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920019
Status: Unutilized
Reason: No public access.
Facility 1210
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920020
Status: Unutilized
Reason: No public access.
Facility 1259
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920021
Status: Unutilized
Reason: No public access.

Facility 1260
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920022
Status: Unutilized
Reason: No public access.

Warehouse
Whitney Lake Project
Whitney Point Co: Broome NY 13862–0706
Landholding Agency: COE
Property Number: 31199630007
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 577
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41199940022
Status: Excess
Reason: Extensive deterioration.

Bldg. AT–1
Knolls Atomic Power Lab
Niskayuna Co: Schenectady NY 12301–
Landholding Agency: Energy
Property Number: 41200010022
Status: Excess
Reason: Secured Area.

Bldg. AT–1
Knolls Atomic Power Lab
Niskayuna Co: Schenectady NY 12301–
Landholding Agency: Energy
Property Number: 41200020020
Status: Unutilized
Reason:
Secured Area.

2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477–
Landholding Agency: DOT
Property Number: 87199230005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 606, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240020
Status: Unutilized
Reason: Secured Area.

Bldg. 607, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240021
Status: Unutilized
Reasons: Extensive deterioration; Secured Area.

Bldg. 605, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240022
Status: Unutilized
Reasons: Extensive deterioration; Secured Area.

Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743–
Landholding Agency: DOT
Property Number: 87199310003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 517, USCG Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199320025
Status: Unutilized
Reason: Secured Area.

Bldg. 138
U.S. Coast Guard Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199410003
Status: Unutilized
Reason: Secured Area.

Bldg. 830
U.S. Coast Guard
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199420004
Status: Unutilized
Reason: Secured Area.

Bldg. 8
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530009
Status: Unutilized
Reason: Secured Area.

Bldg. 7
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 222
Fort Wadsworth"
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620003
Status: Unutilized
Reason: Secured Area.

Bldg. 223
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620004
Status: Unutilized
Reason: Secured Area.

Bldg. 205
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620005
Status: Unutilized
Reason: Secured Area.

Bldg. 9
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630027
Status: Excess
Reason: Secured Area.

Bldg. 10
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630028
Status: Excess
Reason: Secured Area.

Bldg. 206, Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630029–
Status: Excess
Reason: Secured Area.

Cottage
Coast Guard Station
Wellesley Island Co: Jefferson NY 13640–
Landholding Agency: DOT
Property Number: 87199940001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

North Carolina

Bldg. 4230—Youth Center
Cannon Ave.
Goldsboro Co: Wayne NC 27531–5005
Landholding Agency: Air Force
Property Number: 18199120233
Status: Underutilized
Reason: Secured Area.

Bldg. 607, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 18199330041
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 910, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 18199420022
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 912, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 18199420023
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 914, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 18199420024
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 633, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–
Landholding Agency: Air Force
Property Number: 18199540019
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199240018
Status: Unutilized
Reason: Secured Area.

Group Cape Hatteras
Bowling Alley
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199240019
Status: Unutilized
Reason: Secured Area.

Bldg. 54
Group Cape Hatteras
Buston Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340004
Status: Unutilized
Reason: Secured Area.

Bldg. 83
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340005
Status: Unutilized
Reason: Secured Area.

Water Tanks
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340006
Status: Unutilized
Reason: Secured Area.

USCG Gentian (WLB 290)
Fort Macon State Park
Atlantic Beach Co: Carteret NC 27601–
Landholding Agency: DOT
Property Number: 87199420007
Status: Excess
Reason: Secured Area.

Unit #71
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530011
Status: Unutilized
Reason: Floodway.

Unit #72
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530012
Status: Unutilized
Reason: Floodway.

Unit #73
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530013
Status: Unutilized
Reason: Floodway.

Unit #74
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530014
Status: Unutilized
Reason: Floodway.

Unit #75
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530015
Status: Unutilized
Reason: Floodway.

Unit #63
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530016
Status: Unutilized
Reason: Floodway.

Unit #64
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530017
Status: Unutilized
Reason: Floodway.

Unit #76
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530018
Status: Unutilized
Reason: Floodway.

Unit #68
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530019
Status: Unutilized
Reason: Floodway.

Unit #69
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530020
Status: Unutilized
Reason: Floodway.

Unit #70
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530021
Status: Unutilized
Reason: Floodway.

Unit #77
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530022
Status: Unutilized
Reason: Floodway.

Unit #78
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530023
Status: Unutilized
Reason: Floodway.

Bldg. 53
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630022
Status: Unutilized
Reason: Secured Area.

North Dakota

Bldg. 422
Minot Air Force Base
Minot Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 18199010724
Status: Underutilized
Reason: Secured Area.

Bldg. 50
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 18199310107
Status: Excess
Reason: Garbage incinerator.

Bldg. 119
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 18199320034
Status: Unutilized
Reason: Secured Area.

Bldg. 526
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 18199320038
Status: Unutilized
Reason: Secured Area.

B–B–548Shp
Grand Forks AFB
Emerado Co: Grand Forks ND 58205–
Landholding Agency: Air Force
Property Number: 18200110003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Ohio

14 Bldgs.
Area B, Wright-Patterson AFB
Co: Montgomery OH 45433–
Location: 6036, 38, 42, 44, 45, 49, 54, 64, 65, 69, 75
Landholding Agency: Air Force
Property Number: 18199820030
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 6104, 08, 09
Area B, Wright-Patterson AFB
Co: Montgomery OH 45433–
Landholding Agency: Air Force
Property Number: 18199820044
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 522
Youngstown Air Reserve
Vienna Co: Trumbull OH 44473–0910
Landholding Agency: Air Force
Property Number: 18200010007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Lab
Ohio River Division Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 31199510002
Status: Unutilized
Reason: Secured Area.

Storage Facility
Ohio River Division Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 31199510003
Status: Unutilized
Reason: Secured Area.

Office Building
Ohio River Division Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 31199510004
Status: Unutilized
Reason: Secured Area.

Bldg. 77
Fernald Environmental Management Project
Fernald Co: Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41199840003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 82A
Fernald Environmental Mgmt Project
Fernald Co: Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41199910018
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 16
RMI Environmental Services
Ashtabula Co: OH 44004–

Landholding Agency: Energy
Property Number: 41199930016
Status: Unutilized
Reason: Secured Area.

Bldg. 22B
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–9402
Landholding Agency: Energy
Property Number: 41200020026
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 28A
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–9402
Landholding Agency: Energy
Property Number: 41200020027
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 28B
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–9402
Landholding Agency: Energy
Property Number: 41200020028
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Oklahoma

Bldg. 010
Tulsa IAP Base
Tulsa OK 74115–1699
Landholding Agency: Air Force
Property Number: 18199820031
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 305
Tulsa IAP Base
Tulsa OK 74115–1699
Landholding Agency: Air Force
Property Number: 18199820032
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Oregon

Bldg. 6
USCG Tongue Point Moorings
Astoria Co: OR 97103–2099
Landholding Agency: DOT
Property Number: 87199910001
Status: Unutilized
Reason: Extensive deterioration.

Duplex
Cape Blanco
Sixes Co: Curry OR 97465–
Landholding Agency: DOT
Property Number: 87199940002
Status: Unutilized
Reason: Extensive deterioration.

Pennsylvania

Z–Bldg.
Bettis Atomic Power Lab
West Mifflin Co: Allegheny PA 15122–0109
Landholding Agency: Energy
Property Number: 41199720002
Status: Excess
Reason: Extensive deterioration.

Puerto Rico

NAFA Warehouse
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199310011
Status: Unutilized
Reason: Secured Area.

Storage Equipment Bldg.
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199330001
Status: Unutilized
Reason: Secured Area.

Bldg. 115
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510001
Status: Unutilized
Reason: Secured Area.

Bldg. 117
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510002
Status: Unutilized
Reason: Secured Area.

Bldg. 118
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510003
Status: Unutilized
Reason: Secured Area.

Bldg. 119
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510004
Status: Unutilized
Reason: Secured Area.

Bldg. 120
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510005
Status: Unutilized
Reason: Secured Area.

Bldg. 122
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510006
Status: Unutilized
Reason: Secured Area.

Bldg. 128
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510007
Status: Unutilized
Reason: Secured Area.

Bldg. 129
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510008
Status: Unutilized
Reason: Secured Area.

Rhode Island

Station Point Judith Pier
Narranganset Co: Washington RI 02882–
Landholding Agency: DOT
Property Number: 87199310002
Status: Unutilized
Reason: Extensive deterioration.

South Dakota

Bldg. 88470
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199340033
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 7506
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199340037
Status: Unutilized
Reason: Secured Area.

Bldg. 111
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199730007
Status: Unutilized
Reason: Secured Area.

Bldg. 7504
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820034
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Bldg. 7239
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820036
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Bldg. 1102
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820037
Status: Unutilized
Reason: Secured Area.

Bldg. 88307
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 88320
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

5 Bldgs.
Ellsworth Air Force Base
6926, 6928, 6929, 6930, 6931
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920025
Status: Unutilized
Reason: Secured Area.

Bldg. 8001
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920026
Status: Unutilized
Reason: Secured Area.

Bldg. 805
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200110004
Status: Unutilized
Reason: Secured Area.

Bldg. 7140
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200110005
Status: Unutilized
Reason: Secured Area.

Bldg. 7426
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200110006
Status: Unutilized
Reason: Secured Area.

Bldg. 12880
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200110007
Status: Unutilized
Reason: Secured Area.

Bldg. 88512
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200110008
Status: Unutilized
Reason: Secured Area.

Sundance Nuclear Reactor Site
Ellsworth AFB
Warren Peak Co: Crook SD 57706–
Landholding Agency: Air Force
Property Number: 18200110009
Status: Unutilized
Reason: Secured Area.

Mobile Home
Tract L–1295
Oahe Dam
Landholding Agency: COE
Property Number: 31200030001
Status: Excess
Reason: Extensive deterioration.

Tennessee

Bldg. 204
Cordell Hull Lake and Dam Project.
Defeated Creek Recreation Area
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 31199011499
Status: Unutilized
Reason: Floodway.

Tract 2618 (Portion)
Cordell Hull Lake and Dam Project
Roaring River Recreation Area
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 135
Landholding AGENCY: COE
Property Number: 31199011503
Status: Underutilized
Reason: Floodway.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Obey River Park, State Hwy 42
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 31199140011
Status: Excess
Reason: Water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 31199140012
Status: Excess
Reason: Water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Willow Grove Recreational Area, Hwy No. 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 31199140013
Status: Excess
Reason: Water treatment plant.

Bldg. 3004
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199710002
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 3004
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199720001
Status: Excess
Reason: Extensive deterioration.

Bldgs. 9714–3, 9714–4, 9983–AY
Y–12 Pistol Range
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199720004
Status: Unutilized
Reason: Secured Area.

5 Bldgs.
K–724, K–725, K–1031, K–1131, K–1410
East Tennessee Technology Park
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199730001
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9418–1
Y–12 Plant
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199810026
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 9825
Y–12 Plant
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199810027
Status: Unutilized
Reason: Secured Area.

Bldg. 3026
Oak Ridge Natl Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199830001
Status: Excess
Reasons: Secured Area; Extensive deterioration.

Bldg. 3505
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199940020
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
E. Tennessee Tech Park
Oak Ridge Co: Roane TN 37831–
Location: K–1001, K–1301, K–1302, K–1303, K–1404, K–1405–6, K–1407, K–1408A, K–1413
Landholding Agency: Energy
Property Number: 41200010023
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Texas

Old Exchange Bldg.
U.S. Coast Guard
Galveston Co: Galveston TX 77553–3001
Landholding Agency: DOT
Property Number: 87199310012
Status: Unutilized
Reason: Secured Area

WPB Building
Station Port Isabel
Coast Guard Station
South Padre Island Co: Cameron TX 78597–6497
Landholding Agency: DOT
Property Number: 87199530002
Status: Unutilized
Reason: Floodway.

Aton Shops Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

WPB Storage Shed
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Flammable Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Battery Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Boat House
USCG Station Sabine
Sabine Co: Jefferson TX 77655–

Landholding Agency: DOT
Property Number: 87199530007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Small Boat Pier
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 108
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 87199630008
Status: Unutilized
Reason: Extensive deterioration.

Utah

Bldg. 789
Hill Air Force Base
(See County) Co: Davis UT 84056–
Landholding Agency: Air Force
Property Number: 18199040859
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area; Vermont.

Vermont

Facility 100
Burlington IAP
Burlington Co: Chittenden VT 05403–5872
Landholdingq Agency: Air Force
Property Number: 18199730008
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Facility 110
Burlington IAP
Burlington Co: Chittenden VT 05403–5872
Landholding Agency: Air Force
Property Number: 18200030016
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Depot Street
Downtown at the Waterfront
Burlington Co: Chittenden VT 05401–5226
Landholding Agency: DOT
Property Number: 87199220003
Status: Excess
Reason: Floodway.

Virginia

Bldg. 417
Camp Pendleton
Virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 18199710003
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 418
Camp Pendleton
Virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 18199710004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York VA 23690–
Landholding Agency: DOT
Property Number: 87199230004
Status: Excess
Reason: Secured Area.

Admin. Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 87199240014
Status: Unutilized
Reason: Secured Area.

Little Creek Station
Navamphib Base, West Annex, U.S. Coast Guard
Norfolk Co: Princess Anne VA 23520–
Landholding Agency: DOT
Property Number: 87199310004
Status: Unutilized
Reason: Secured Area.

Operations Bldg.
U.S. Coast Guard Group Hampton Roads
Portsmouth VA 23703–
Landholding Agency: DOT
Property Number: 87199710003
Status: Unutilized
Reason: Secured Area.

Washington

Bldg. 100, Geiger Heights
Grove and Hallet Streets
Fairchild AFB Co: Spokane WA 99204–
Landholding Agency: Air Force
Property Number: 18199210004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2000
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 18199310058
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 2450
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 18199310065
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1, Waste Annex
West of Craig Road
Co: Spokane WA 99022–
Landholding Agency: Air Force
Property Number: 18199320043
Status: Unutilized
Reason: Secured Area.

Old Soccer Bldg.
McNary Lock & Dam
Kennewick Co: Benon WA 99336–
Landholding Agency: COE
Property Number: 31200110002
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 0074
North Cascades Natl Park Service Complex
Stehekin Co: Chelan WA 98852–
Landholding Agency: Interior
Property Number: 61200110008
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 0048
North Cascades Natl Park Service Complex
Stehekin Co: Chelan WA 98852–
Landholding Agency: Interior
Property Number: 61200110009
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 0044
North Cascades Natl Park Service Complex
Stehekin Co: Chelan WA 98852–
Landholding Agency: Interior
Property Number: 61200110010
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 0047
North Cascades Natl Park Service Complex
Stehekin Co: Chelan WA 98852–
Landholding Agency: Interior
Property Number: 61200110011
Status: Unutilized
Reason: Extensive deterioration.

McKeller's Cabin
North Cascades Natl Park Service Complex
Stehekin Co: Chelan WA 98852–
Landholding Agency: Interior
Property Number: 61200110012
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1170
North Cascades Natl Park Service Complex
Hozomeen Co: Whatcom WA 98852–
Landholding Agency: Interior
Property Number: 61200110013
Status: Unutilized
Reason: Extensive deterioration.

Pistol Range Bldg.
USCG Port Angeles
Port Angeles Co: Clallam WA 98362–0159
Landholding Agency: DOT
Property Number: 87199630030
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area; Extensive deterioration.

Floating Boathouse
Bellingham Co: Whatcom WA 98225–
Landholding Agency: DOT
Property Number: 87199820001
Status: Excess
Reason: Inaccessible.

Quarters 8, 10, 12, 14
USCG Station Cape Disappointment
Ilwaco Co: Pacific WA 98624–
Landholding Agency: DOT
Property Number: 87199930001
Status: Unutilized
Reason: Extensive deterioration.

Avionics Shop
Coast Guard Air Station
Port Angeles Co: Clallam WA 98362–
Landholding Agency: DOT
Property Number: 87200110023
Status: Unutilized
Reason: Secured Area.

Storage Bldg.
Coast Guard Air Station
Port Angeles Co: Clallam WA 98362–
Landholding Agency: DOT
Property Number: 87200110024
Status: Underutilized
Reason: Secured Area.

Maint. Work Shop
Coast Guard Air Station
Port Angeles Co: Clallam WA 98362–
Landholding Agency: DOT
Property Number: 87200110025
Status: Underutilized
Reason: Secured Area.

Wisconsin

Rawley Point Light
Two Rivers Co: Manitowoc WI
Landholding Agency: DOT
Property Number: 87199540004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Wyoming

Bldg. 31
F. E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 18199010198
Status: Unutilized
Reason: Secured Area.

Bldg. 284
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 18199010201
Status: Unutilized
Reason: Secured Area.

Bldg. 385
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 18199010202
Status: Unutilized
Reason: Secured Area.

Bldgs. 2565–2571
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199720001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldgs. 2564, 2572
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199720002
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
2982–2986, 2989, 2991, 2994–2995
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199720003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

6 Bldgs.
F.E. Warren AFB
2788, 2772, 2773, 2993, 2980, 2988
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199720004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

8 Bldgs.
F.E. Warren AFB
2784, 2762–2764, 2769, 2775, 2777, 2981
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199720005
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

8 Bldgs.
F.E. Warren AFB
2785–2786, 2770–2771, 2774, 2776, 2990, 2992
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199720006
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldgs. 2460–2468
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199830018
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2469, 2470, 2508–2511, 2520, 2523, 2528
Landholding Agency: Air Force
Property Number: 18199830019
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2471–2472, 2502, 2504–2507, 2544
Landholding Agency: Air Force
Property Number: 18199830020
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

8 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2473, 2500, 2503, 2547, 2557, 2601, 2613, 2625
Landholding Agency: Air Force
Property Number: 18199830021
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2512, 2514–2517, 2418, 2519, 2524, 2525
Landholding Agency: Air Force
Property Number: 18199830022
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2513, 2530, 2537, 2606, 2626, 2700, 2707, 2720, 2750
Landholding Agency: Air Force
Property Number: 18199830023
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2526, 2527, 2532–2534, 2439, 2608, 2610, 2612
Landholding Agency: Air Force
Property Number: 18199830024
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2529, 2531, 2535–2536, 2538, 2540–2543
Landholding Agency: Air Force
Property Number: 18199830025
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2545, 2546, 2548–2554
Landholding Agency: Air Force
Property Number: 18199830026
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2555, 2556, 2558, 2559, 2603, 2605, 2607, 2609, 2611
Landholding Agency: Air Force
Property Number: 18199830027
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2560, 2561, 2600, 2602, 2604, 2701, 2702, 2704, 2705
Landholding Agency: Air Force
Property Number: 18199830028
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2614, 2616, 2618, 2620, 2622, 2624, 2714, 2718, 2722
Landholding Agency: Air Force
Property Number: 18199830029
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

6 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2615, 2617, 2619, 2621, 2623, 2627
Landholding Agency: Air Force
Property Number: 18199830030
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2706, 2708–2713, 2715, 2716

Landholding Agency: Air Force
Property Number: 18199830031
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2717, 2719, 2721, 2727, 2728, 2751, 2753, 2757, 2759
Landholding Agency: Air Force
Property Number: 18199830032
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
10 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2723–2726, 2752, 2754–2756, 2758, 2703
Landholding Agency: Air Force
Property Number: 18199830033
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
4 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2739, 2740, 2760, 2761
Landholding Agency: Air Force
Property Number: 18199830034
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 919
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199930015
Status: Unutilized
Reason: Secured Area.
Bldg. 39
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–2788
Landholding Agency: Air Force
Property Number: 18200110010
Status: Unutilized
Reason: Secured Area.
Bldg. 400
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–2788
Landholding Agency: Air Force
Property Number: 18200110011
Status: Unutilized
Reason: Secured Area.

Land (by State)

Alaska

Campion Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010430
Status: Unutilized
Reasons: Isolated area; Not accessible by road; isolated and remote area; Arctic environ.
Lake Louise Recreation
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010431
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Isolated and remote area; Arctic coast.
Nikolski Radio Relay Site
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010432
Status: Unutilized
Reasons: Isolated area; Not accessible by road; Isolated and remote area; Arctic coast.
Russian Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 87199440025
Status: Excess
Reason: Floodway.
Sargent Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 87199440026
Status: Excess
Reason: Floodway.
Land—Sanak Island 106+acres
Sanak Island Co: Sanak Harbor AK
Landholding Agency: DOT
Property Number: 87199640003
Status: Unutilized
Reason: Inaccessible.

Florida

Land
MacDill Air Force Base
6601 S. Manhattan Avenue
Tampa Co: Hillsborough FL 33608–
Landholding Agency: Air Force
Property Number: 18199030003
Status: Excess
Reason: Floodway.
Land—approx. 220 acres
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440018
Status: Underutilized
Reasons: Floodway; Secured Area.

Kentucky

Tract 4626
Barkley, Lake, Kentucky and Tennessee
Donaldson Creek Launching Area
Cadiz Co: Trigg KY 42211–
Location: 14 miles from US Highway 68.
Landholding Agency: COE
Property Number: 31199010030
Status: Underutilized
Reason: Floodway.
Tract AA–2747
Wolf Creek Dam and Lake Cumberland
US HWY. 27 to Blue John Road
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 31199010038
Status: Underutilized
Reason: Floodway.
Tract AA–2726
Wolf Creek Dam and Lake Cumberland
KY HWY. 80 to Route 769
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 31199010039
Status: Underutilized
Reason: Floodway.
Tract 1358
Barkley Lake, Kentucky and Tennessee
Eddyville Recreation Area
Eddyville Co: Lyon KY 42036–
Location: US Highway 62 to state highway 93.
Landholding Agency: COE
Property Number: 31199010043
Status: Excess
Reason: Floodway.
Red River Lake Project
Stanton Co: Powell KY 40380–
Location: Exit Mr. Parkway at the Stanton and Slade Interchange, then take SR Hand 15 north to SR 613.
Landholding Agency: COE
Property Number: 31199011684
Status: Unutilized
Reason: Floodway.
Barren River Lock & Dam No. 1
Richardsville Co: Warren KY 42270–
Landholding Agency: COE
Property Number: 31199120008
Status: Unutilized
Reason: Floodway.
Green River Lock & Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy. 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120009
Status: Unutilized
Reason: Floodway.
Green River Lock & Dam No. 4
Woodbury Co: Butler KY 42288–
Location: Off State Hwy 403, which is off State Hwy 231
Landholding Agency: COE
Property Number: 31199120014
Status: Underutilized
Reason: Floodway.
Green River Lock & Dam No. 5
Readville Co: Butler KY 42275–
Location: Off State Highway 185
Landholding Agency: COE
Property Number: 31199120015
Status: Unutilized
Reason: Floodway.
Green River Lock & Dam No. 6
Brownsville Co: Edmonson KY 42210–
Location: Off State Highway 259
Landholding Agency: COE
Property Number: 31199120016
Status: Underutilized
Reason: Floodway.
Vacant land west of locksite
Greenup Locks and Dam 5121 New Dam Road
Rural Co: Greenup KY 41144–
Landholding Agency: COE
Property Number: 31199120017
Status: Unutilized
Reason: Floodway.
Tract 6404, Cave Run Lake
U.S. Hwy 460
Index Co: Morgan KY
Landholding Agency: COE
Property Number: 31199240005
Status: Underutilized
Reason: Floodway.
Tract 6803, Cave Run Lake

State Road 1161
Pomp Co: Morgan KY
Landholding Agency: COE
Property Number: 31199240006
Status: Underutilized
Reason: Floodway.
8.04 acres
Taylorsville Lake Project
Taylorsville Co: Spenser KY 40071–9801
Landholding Agency: COE
Property Number: 31199840003
Status: Unutilized
Reason: Inaccessible.
Patriot Boat Ramp
Land
Wade & Goose Creeks
Patriot Co: Boone KY 00000–
Landholding Agency: COE
Property Number: 31200010003
Status: Unutilized
Reason: Floodway.

Maryland

Land
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–
Landholding Agency: Air Force
Property Number: 18199010263
Status: Unutilized
Reason: Secured Area.
Tract 131R
Youghiogheny River Lake, Rt. 2, Box 100
Friendsville Co: Garrett MD
Landholding Agency: COE
Property Number: 31199240007
Status: Underutilized
Reason: Floodway.

Michigan

Middle Marker Facility
Yipsilanti Co: Washtenaw MI 48198–
Location: 549 ft. north of intersection of Coolidge and Bradley Ave. on East side of street
Landholding Agency: DOT
Property Number: 87199120006
Status: Unutilized
Reason: Within airport runway clear zone.

Minnesota

Parcel G
Pine River
Cross Lake Co: Crow Wing MN 56442–
Location: 3 miles from city of Cross Lake between highways 6 and 371.
Landholding Agency: COE
Property Number: 31199011037
Status: Excess
Reason: Highway right of way .

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 31199011018
Status: Underutilized
Reason: Within airport runway clear zone.

Missouri

Ditch 19, Item 2, Tract No. 230
St. Francis Basin Project
2½ miles west of Malden
Co: Dunklin MO
Landholding Agency: COE
Property Number: 31199130001
Status: Unutilized
Reason: Floodway.

New Mexico

Facility 75100
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240043
Status: Unutilized
Reason: Secured Area.

North Carolina

0.52 acres
Summerall TACAN Annex
Seymour Johnson AFB
Wayne Co: NC 27530–
Landholding Agency: Air Force
Property Number: 18200020008
Status: Unutilized
Reason: Within airport runway clear zone.

North Dakota

0.23 acres
Minot Middle Marker Annex
Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 18199810001
Status: Unutilized
Reason: Within airport runway clear zone.

Ohio

Mosquito Creek Lake
Everett Hull Road Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440007
Status: Underutilized
Reason: Floodway.
Mosquito Creek Lake
Housel—Craft Rd., Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440008
Status: Underutilized
Reason: Floodway.
36 Site Campground
German Church Campground
Berlin Canter Co: Portage OH 44401–9707
Landholding Agency: CEO
Property Number: 31199810001
Status: Unutilized
Reason: Floodway.

Pennsylvania

Lock and Dam #7
Monongahela River
Greensboro Co: Greene PA
Location: Left hand side of entrance roadway to project.
Landholding Agency: CEO
Property Number: 31199011564
Status: Unutilized
Reason: Floodway.
Mercer Recreation Area
Shenango Lake
Transfer Co: Mercer PA 16154–
Landholding Agency: COE
Property Number: 31199810002
Status: Unutilized
Reason: Floodway.
Tract No. B–212C
Upstream from Gen. Jadwin Dam & Reservoir
Honesdale Co: Wayne PA 18431–
Landholding Agency: COE
Property Number: 31200020005
Status: Unutilized
Reason: Floodway.

Puerto Rico

119.3 acres
Culebra Island PR 00775–
Landholding Agency: Interior
Property Number: 61199210001
Status: Excess
Reason: Floodway.

South Dakota

Badlands Bomb Range
60 miles southeast of Rapid City, SD
1½ miles south of Highway 44
Co: Shannon SD
Landholding Agency: Air Force
Property Number: 18199210003
Status: Unutilized
Reason: Secured Area.

Tennessee

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro Co: Jackson TN 38562–
Location: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Landholding Agency: COE
Property Number: 21199040413
Status: Underutilized
Reason: Floodway.
Cheatham Lock and Dam
Highway 12
Ashland City Co: Cheatham TN 37015–
Location: Tracts E–513, E–512–1 and E–512–2
Landholding Agency: COE
Property Number: 21199040415
Status: Underutilized
Reason: Floodway.
Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Stewart TN 37058–
Location: U.S. Highway 79/TN Highway 761
Landholding Agency: COE
Property Number: 31199011478
Status: Underutilized
Reason: Floodway.
Tracts 3102, 3105, and 3106
Brimstone Launching Area
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 31199011479
Status: Excess
Reason: Floodway.
Tract 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 52
Landholding Agency: COE
Property Number: 31199011480
Status: Unutilized
Reason: Floodway.
Tract 3721
Obey
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–

Location: TN Highway 53
Landholding Agency: COE
Property Number: 31199011481
Status: Unutilized
Reason: Floodway.

Tracts 608, 609, 611 and 612
Sullivan Bend Launching Area
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 31199011482
Status: Underutilized
Reason: Floodway.

Tract 920
Indian Creek Camping Area
Cordell Hull Lake and Dam Project
Granville Co: Smith TN 38564–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 31199011483
Status: Underutilized
Reason: Floodway.

Tracts 1710, 1716 and 1703
Flynns Lick Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Whites Bend Road
Landholding Agency: COE
Property Number: 31199011484
Status: Underutilized
Reason: Floodway.

Tract 1810
Wartrace Creek Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 31199011485
Status: Underutilized
Reason: Floodway.

Tract 2524
Jennings Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 31199011486
Status: Unutilized
Reason: Floodway.

Tracts 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 31199011487
Status: Unutilized
Reason: Floodway.

Tracts 2200 and 2201
Gainesboro Airport
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 31199011488
Status: Underutilized
Reasons: Within airport runway clear zone; Floodway.

Tracts 710C and 712C
Sullivan Island
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 31199011489
Status: Unutilized
Reason: Floodway.

Tract 2403, Hensley Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 31199011490
Status: Unutilized
Reason: Floodway.

Tracts 2117C, 2118 and 2120
Cordell Hull Lake and Dam Project
Trace Creek
Gainesboro Co: Jackson TN 38562–
Location: Brooks Ferry Road
Landholding Agency: COE
Property Number: 31199011491
Status: Unutilized
Reason: Floodway.

Tracts 424, 425 and 426
Cordell Hull Lake and Dam Project
Stone Bridge
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 31199011492
Status: Unutilized
Reason: Floodway.

Tract 517
J. Percy Priest Dam and Reservoir
Suggs Creek Embayment
Nashville Co: Davidson TN 37214–
Location: Interstate 40 to S. Mount Juliet Road.
Landholding Agency: COE
Property Number: 31199011493
Status: Underutilized
Reason: Floodway.

Tract 1811
West Fork Launching Area
Smyrna Co: Rutherford TN 37167–
Location: Florence road near Enon Springs Road
Landholding Agency: COE
Property Number: 31199011494
Status: Underutilized
Reason: Floodway.

Tract 1504
J. Perry Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford TN 37167–
Location: Lamon Road
Landholding Agency: COE
Property Number: 31199011495
Status: Underutilized
Reason: Floodway.

Tract 1500
J. Perry Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford TN 37167–
Location: Jones Mill Road
Landholding Agency: COE
Property Number: 31199011496
Status: Underutilized
Reason: Floodway.

Tracts 245, 257, and 256
J. Perry Priest Dam and Reservoir
Cook Recreation Area
Nashville Co: Davidson TN 37214–
Location: 2.2 miles south of Interstate 40 near Saunders Ferry Pike
Landholding Agency: COE
Property Number: 31199011497
Status: Underutilized
Reason: Floodway.

Tracts 107, 109 and 110
Cordell Hull Lake and Dam Project
Two Prong
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 31199011498
Status: Unutilized
Reason: Floodway.

Tracts 2919 and 2929
Cordell Hull Lake and Dam Project
Sugar Creek
Gainesboro Co: Jackson TN 38562–
Location: Sugar Creek Road
Landholding Agency: COE
Property Number: 31199011500
Status: Unutilized
Reason: Floodway.

Tracts 1218 and 1204
Cordell Hull Lake and Dam Project
Granville—Alvin Yourk Road
Granville Co: Jackson TN 38564–
Landholding Agency: COE
Property Number: 31199011501
Status: Unutilized
Reason: Floodway.

Tract 2100
Cordell Hull Lake and Dam Project
Galbreaths Branch
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 31199011502
Status: Unutilized
Reason: Floodway.

Tract 104 et al.
Cordell Hull Lake and Dam Project
Horshoe Bend Launching Area
Carthage Co: Smith TN 37030–
Location: Highway 70 N
Landholding Agency: COE
Property Number: 31199011504
Status: Underutilized
Reason: Floodway.

Tracts 510, 511, 513 and 514
J. Percy Priest Dam and Reservoir Project
Lebanon Co: Wilson TN 37087–
Location: Vivrett Creek Launching Area, Alvin Sperry Road
Landholding Agency: COE
Property Number: 31199120007
Status: Underutilized
Reason: Floodway.

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson TN 37138–
Landholding Agency: COE
Property Number: 31199130008
Status: Underutilized
Reason: Floodway.

Tract D, 7 acres
Cheatham Lock & Dam
Nashville Co: Davidson TN 37207–
Landholding Agency: COE
Property Number: 31200020006
Status: Underutilized
Reason: Floodway.

Texas

Tracts 104, 105–1, 105–2 & 118
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010397
Status: Underutilized
Reason: Floodway.

Part of Tract 201–3
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010398
Status: Underutilized
Reason: Floodway.

Part of Tract 323
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010399
Status: Underutilized
Reason: Floodway.

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010401
Status: Unutilized
Reason: Floodway.

Tract 706
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010402
Status: Unutilized
Reason: Floodway.

Utah

10.24 acres
Southern Utah Communication Site
Salt Lake UT
Landholding Agency: Air Force
Property Number: 18199810002
Status: Unutilized
Reason: inaccessible.

Washington

Fairchild AFB
SE corner of base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 18199010137
Status: Unutilized
Reason: Secured Area.

Fairchild AFB
Fairchild AFB Co: Spokane WA 99011–
Location: NW corner of base
Landholding Agency: Air Force
Property Number: 18199010138
Status: Unutilized
Reason: Secured Area.

West Virginia

Morgantown Lock and Dam
Box 3 RD #2
Morgantown Co: Monongahelia WV 26505–
Landholding Agency: COE
Property Number: 31199011530
Status: Unutilized
Reason: Floodway.

London Lock and Dam
Route 60 East
Rural Co: Kanawha WV 25126–
Location: 20 miles east of Charleston, W. Virginia.
Landholding Agency: COE
Property Number: 31199011690
Status: Unutilized
Reason: .03 acres; very narrow strip of land.

Portion of Tract #101
Buckeye Creek
Sutton Co: Braxton WV 26601–
Landholding Agency: COE
Property Number: 31199810006
Status: Excess
Reason: inaccessible.

[FR Doc. 01–4781 Filed 3–1–01; 8:45 am]

BILLING CODE 4210–29–P

Federal Register

Friday,
March 2, 2001

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 39

Airworthiness Directives; Boeing, McDonnell Douglas, and Airbus Airplanes Modified by Supplemental Type Certificates; Proposed Rules

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–228–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 Series Airplanes Modified by Supplemental Type Certificate SA1727GL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 757–200 series airplanes modified by supplemental type certificate (STC) SA1727GL. This proposal would require deactivation of the air-to-ground telephone system approved by that STC. This action is necessary to prevent the inability of the flight crew to remove power from the telephone system when necessary. Inability to remove power from the telephone system during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–228–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–228–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

FOR FURTHER INFORMATION CONTACT: Wess Rouse, Aerospace Engineer, Airframe and Propulsion Branch, ACE–117C, Chicago Aircraft Certification Office, 2300 East Devon, Des Plaines, Illinois 60018; telephone (847) 294–8113; fax (847) 294–7380.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–228–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–228–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.

- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on Boeing Model 757–200 series airplanes modified by STC SA1727GL. The In-Flight Phone Corporation air-to-ground telephone system approved by this STC is connected to an electrical bus that cannot be deactivated without also removing power from airplane systems necessary for safe flight and landing. Also, there is no means, other than pulling circuit breakers, to allow the flight crew or cabin crew to remove power from the telephone system when necessary. Additionally, the flight crew and cabin crew emergency procedures have not been revised to advise the crew that they cannot remove power from the telephone system. This condition, if not corrected, could result in inability to remove power from the telephone system during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require deactivation of the air-to-ground telephone system approved by STC SA1727GL. Accomplishment of the actions specified in this proposed AD is intended to adequately address the unsafe condition.

The holder of the STC addressed by this proposed AD, In-Flight Phone Corporation, is no longer in business, and the FAA has developed the proposed actions.

Calculation of Compliance Time

In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of these factors, the FAA has determined that 18 months represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–200	SA4998NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8543SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

As stated above, the STC holder is no longer in business. Thus, the FAA is unable to determine how many airplanes of U.S. registry would be affected by this proposed AD.

For an airplane subject to this AD, it would take approximately 3 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Required parts would cost approximately $35 per airplane. Based on these figures, the cost impact of the proposed AD is estimated to be $215 per affected airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–228–AD.

Applicability: Model 757–200 series airplanes modified by supplemental type certificate (STC) SA1727GL, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability of the flight crew to remove power from the telephone system when necessary, accomplish the following:

Deactivation

(a) Within 18 months after the effective date of this AD, deactivate the In-Flight Phone Corporation air-to-ground telephone system approved by STC SA1727GL. Accomplish the deactivation in accordance with the procedures in paragraphs (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) of this AD.

(1) Remove the circuit breakers listed in the following table:

Number	Label	Location
CB9012	ATG Phone Bus	P11–2 Overhead Cockpit.
CB9013	CSU	P37 Right Miscellaneous Electrical Equipment Panel.
CB9014	RFU	P37 Right Miscellaneous Electrical Equipment Panel.
C340	C340	P70 Miscellaneous Electrical Equipment Panel.
C341	C341	P70 Miscellaneous Electrical Equipment Panel.

(2) Remove wire between circuit breaker C340 and C334 bus connection in P70 Miscellaneous Electrical Equipment Panel.

(3) Remove wire between circuit breaker C340 and C1292 bus connection in P70 Miscellaneous Electrical Equipment Panel.

(4) Remove wire between circuit breaker CB9012 and C560 in P11–2 Overhead Cockpit panel.

(5) Cap and stow any remaining wires associated with the circuit breakers listed in the table above.

Spares

(b) As of the effective date of this AD, no person shall install an IFE system in accordance with STC SA1727GL, on any airplane.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Chicago Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Chicago ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4940 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–229–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas DC–9–51 and DC–9–83 Series Airplanes Modified by Supplemental Type Certificate SA8026NM

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all McDonnell Douglas Model DC–9–51 and DC–9–83 series airplanes modified by Supplemental Type Certificate SA8026NM. This proposal would require deactivation of the in-flight entertainment (IFE) system and removal of the system from the airplane. This action is necessary to prevent the inability of the flight crew to remove power from the IFE system when necessary. Inability to remove power from the IFE system during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–229–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–229–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Hollingsead International, Inc., 7416 Hollister Avenue, Goleta, California 93117. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: George Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5341; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–229–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–229–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?

• Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

• Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.

• Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).

• Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on McDonnell Douglas Model DC–9–51 and DC–9–83 series airplanes modified by STC SA8026NM. While a means, other than pulling the circuit breakers, exists to remove power from the IFE system, the emergency procedures for the flight crew and cabin crew have not been revised to advise the crew that this means is available to remove power from the IFE system when necessary. This condition, if not corrected, could result in failure to remove power from the IFE system during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved Hollingsead International Service Bulletin 2526–2332–001, dated July 19, 2000, which describes procedures for deactivation of the IFE system and removal of the system from the airplane. The procedures include removal of circuit breakers, stowage of associated wires, installation of plug buttons in circuit breaker holes, and removal of audio and video equipment. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. In addition, the operators of the affected airplanes have informed the FAA that the IFE systems installed in accordance with STC SA8026NM are no longer in use, and the operators are removing them.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators also should note that the service bulletin specifies that the actions therein should be accomplished within 1 year after the date of issuance of the service bulletin. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, the availability of necessary parts, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of all of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–200	SA4998NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8843SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

There are approximately 6 airplanes of the affected design in the worldwide fleet. The FAA estimates that 3 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $720, or $240 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 19 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 2000–NM–229–AD.

Applicability: Model DC–9–51 and DC–9–83 series airplanes modified by Supplemental Type Certificate (STC) SA8026NM, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability of the flight crew to remove power from the in-flight entertainment (IFE) system when necessary; which, during a non-normal or emergency situation, could result in inability to control smoke or fumes in the airplane flight deck or cabin; accomplish the following:

Deactivation and Removal

(a) Within 18 months after the effective date of this AD, deactivate the IFE system and remove the system from the airplane, in accordance with Hollingsead International Service Bulletin 2526–2332–001, dated July 19, 2000.

Spares

(b) As of the effective date of this AD, no person shall install an IFE system in accordance with STC SA8026NM on any airplane.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4941 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–231–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–30 Series Airplanes Modified by Supplemental Type Certificate ST00054SE

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all McDonnell Douglas Model DC–10–30 series airplanes modified by supplemental type certificate (STC) ST00054SE. This proposal would require removal of the in-flight entertainment (IFE) system installed by that STC. This action is necessary to prevent inability of the flight crew to remove power from the IFE system when necessary. Inability to remove power from the IFE system during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–231–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–231–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

FOR FURTHER INFORMATION CONTACT: Stephen S. Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2793; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–231–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–231–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on McDonnell Douglas Model DC–10–30 series airplanes modified by STC ST00054SE. The IFE system on these airplanes is connected to an electrical bus that cannot be deenergized without also removing power from airplane systems necessary for safe flight and landing. Additionally, the flight crew and cabin crew emergency procedures have not been revised to advise the crew that they cannot remove power from the IFE system. This condition, if not corrected, could result in inability to remove power from the IFE system during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require removal of the IFE system installed by STC ST00054SE. The action would be required to be accomplished by a method approved by the FAA. Subsequent to the FAA's review of STC ST00054SE, the STC holder informed the FAA that the IFE system installed by that STC has been removed from all affected airplanes. However, the FAA finds it necessary to propose this AD to ensure that all operators have indeed removed the IFE system and to prohibit future installation of the system in other eligible airplanes.

Calculation of Compliance Time

In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–222ER	SA4998NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8543SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

As stated previously, the STC holder has informed the FAA that the subject IFE system has been removed from all affected airplanes. Therefore, the FAA expects that there will be no future cost impact on U.S. operators as a result of the proposed rule.

However, if an airplane subject to this AD is identified, the FAA estimates that removal of the IFE system would take approximately 12 work hours per airplane, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on an affected airplane is estimated to be $720 per airplane.

The cost impact figure discussed above is based on information that the subject IFE system has been removed from all affected airplanes. The cost impact figures discussed in most proposed AD actions are based on assumptions that no operator has yet accomplished any of the proposed requirements, and that no operator

would accomplish those actions in the future if the proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 2000–NM–231–AD.

Applicability: Model DC–10–30 series airplanes modified by supplemental type certificate (STC) ST00054SE, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability of flight crew to remove power from the in-flight entertainment (IFE) system when necessary; which, during a non-normal or emergency situation, could result in inability to control smoke or fumes in the airplane flight deck or cabin; accomplish the following:

Removal of IFE System

(a) Within 18 months after the effective date of this AD, remove the IFE system installed by STC ST00054SE by a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. For a removal method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Spares

(b) As of the effective date of this AD, no person may install an IFE system by STC ST00054SE on any airplane.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4942 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–232–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing 767–300 Series Airplanes Modified by Supplemental Type Certificate SA5765NM or SA5978NM

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing 767–300 series airplanes modified by supplemental type certificate (STC) SA5765NM or SA5978NM. This proposal would require removal of the in-flight entertainment (IFE) system installed by those STC's. This action is necessary to prevent the inability of the flight crew to remove power from the IFE system when necessary. Inability to remove power from the IFE system during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–232–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–232–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

FOR FURTHER INFORMATION CONTACT: Stephen S. Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2793; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule.

The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–232–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–232–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on Boeing Model 767–300 series airplanes modified by STC SA5765NM or SA5978NM. The IFE system on these airplanes is connected to an electrical bus that cannot be deenergized without also removing power from airplane systems necessary for safe flight and landing. Additionally, the airplane manufacturer's published flight crew and cabin crew procedures do not advise the crewmembers on removing power from the IFE system. This condition, if not corrected, could result in inability to remove power from the IFE system during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require removal of the IFE system installed by STC SA5765NM or SA5978NM. The action would be required to be accomplished by a method approved by the FAA. Subsequent to the FAA's review of these STC's, the STC holder informed the FAA that the IFE systems installed by these STC's have been removed from all affected airplanes. However, the FAA finds it necessary to propose this AD to ensure that all operators have indeed removed the IFE systems and to prohibit future installation of the systems in other eligible airplanes.

Calculation of Compliance Time

In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In

consideration of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–200	SA4998NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8843SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

As stated previously, the holder of the STC's has informed the FAA that the subject IFE systems have been removed from all affected airplanes. Therefore, the FAA expects that there will be no future cost impact on U.S. operators as a result of the proposed rule.

However, if an airplane subject to this AD is identified, the FAA estimates that removal of the IFE system would take approximately 12 work hours per airplane, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on an affected airplane is estimated to be $720 per airplane.

The cost impact figure discussed above is based on information that the subject IFE systems have been removed from all affected airplanes. The cost impact figures discussed in most proposed AD actions are based on assumptions that no operator has yet accomplished any of the proposed requirements, and that no operator would accomplish those actions in the future if the proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–232–AD.

Applicability: Model 767–300 series airplanes modified by supplemental type certificate (STC) SA5765NM or SA5978NM, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability of flight crew to remove power from the in-flight entertainment (IFE) system when necessary; which, during a non-normal or emergency situation, could result in inability to control smoke or fumes in the airplane flight deck or cabin; accomplish the following:

Removal of IFE System

(a) Within 18 months after the effective date of this AD, remove the IFE system installed by STC SA5765NM or STC SA5978NM by a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. For a removal method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Spares

(b) As of the effective date of this AD, no person shall install an IFE system in accordance with STC SA5765NM or SA5978NM on any airplane.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4943 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–235–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200 Series Airplanes Modified by Supplemental Type Certificate SA5134NM

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 767–200 series airplanes modified by supplemental type certificate SA5134NM. This proposal would require modification of the in-flight entertainment (IFE) system. This action is necessary to prevent the inability of the flight crew to remove power from the IFE system when necessary. Inability to remove power from the IFE system during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–235–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–235–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Flight Structures, Inc., 4407 172nd Street NE, Arlington, Washington 98223. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Elias Natsiopoulos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1279; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact

concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–235–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–235–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on Boeing Model 767–200 series airplanes modified by STC SA5134NM. The IFE system on these airplanes is connected to an electrical bus that cannot be deactivated without also cutting power to airplane systems necessary for safe flight and landing. Also, there is no means available to the flight or cabin crew to remove power from the IFE system without pulling circuit breakers for the system, which are located in the electronics bay and not accessible to the crew. The airplane flight manual and cabin crew manual also do not provide instructions on how to remove power from the IFE system when responding to an emergency. This condition, if not corrected, could result in inability to remove power from the IFE system during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved Flight Structures Service Bulletin 90FS062–23–01, Revision 2, dated September 21, 2000, which describes procedures for modification of the IFE system. This modification changes the source of electrical power for the IFE system from the main bus to a utility bus from which power can be removed manually or automatically without affecting systems required for the continued safe flight and landing of the airplane. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Calculation of Compliance Time

In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–226–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–200	SA4998NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8843SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

There are approximately 13 airplanes of the affected design in the worldwide fleet. The FAA estimates that all 13 airplanes are of U.S. registry and would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $300 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $10,140, or $780 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–235–AD.

Applicability: Model 767–200 series airplanes modified by supplemental type certificate (STC) SA5134NM, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in

the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability of flight crew to remove power from the in-flight entertainment (IFE) system when necessary, which, during a non-normal or emergency situation, could result in inability to control smoke or fumes in the airplane flight deck or cabin; accomplish the following:

Modification

(a) Within 18 months after the effective date of this AD, modify the IFE system to change the source of electrical power for the IFE system from the main bus to a utility bus, in accordance with Flight Structures Service Bulletin 90FS062–23–01, Revision 2, dated September 21, 2000.

Spares

(b) As of the effective date of this AD, no person may install an IFE system in accordance with STC SA5134NM, on any airplane, unless it is modified in accordance with this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4944 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–237–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–300 Series Airplanes Modified by Supplemental Type Certificate ST00171SE

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 737–300 series airplanes modified by supplemental type certificate ST00171SE. This proposal would require installation of a master switch to apply and remove power from the in-flight entertainment (IFE) system, and revision of the Airplane Flight Manual. This action is necessary to ensure that the flight crew is able to remove electrical power from the IFE system when necessary and is advised of appropriate procedures for such action. Inability to remove power from the IFE system during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–237–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–237–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Flight Structures, Inc., 4407 172nd Street NE, Arlington, Washington 98223. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Elias Natsiopoulos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1279; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–237–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–237–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on Boeing Model 737–300 series airplanes modified by STC ST00171SE. The IFE system on these airplanes is connected to an electrical bus that cannot be deactivated without also cutting power to airplane systems necessary for safe flight and landing. Also, there is no means available to the flight or cabin crew to remove power from the IFE system without pulling circuit breakers for the system. The airplane flight manual and cabin crew manual also do not provide clear instructions on how to remove power from the IFE system when responding to an emergency. This condition, if not corrected, could result in inability to remove power from the IFE system during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved Flight Structures Service Bulletin 94FS492–23–01, Revision 2, dated September 21, 2000, which describes procedures for installation of a master switch to apply and remove power from the IFE system. The service bulletin also includes a Temporary Revision to the Airplane Flight Manual, which advises the flight crew on using the master switch to remove power from the IFE system. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Calculation of Compliance Time

In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD

Model/Series	STC number	Docket number
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 767–200	SA4998NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8843SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. The single airplane included in the applicability of this rule currently is operated by a non-U.S. operator under foreign registry; therefore, it is not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that the subject airplane is imported and placed on the U.S. Register in the future.

Should the affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 24 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,500 per airplane. Based on these figures, the cost impact of the proposed AD would be $2,940 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–237–AD.

Applicability: Model 737–300 series airplanes modified by supplemental type certificate (STC) ST00171SE, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is able to remove electrical power from the in-flight entertainment (IFE) system when necessary and is advised of appropriate procedures for such action, accomplish the following:

Installation of Power Switch and Revision of Airplane Flight Manual

(a) Within 18 months after the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD, in accordance with Flight Structures Service Bulletin 94FS492–23–01, Revision 2, dated September 21, 2000.

(1) Install a master switch to apply and remove power from the IFE system.

(2) Insert the Temporary Revision included in the service bulletin into the Emergency Procedures section of the FAA-approved Airplane Flight Manual (AFM), to advise the flight crew on procedures for using the master switch installed in accordance with paragraph (a)(1) of this AD. Once the AFM has been formally revised to include the information in the Temporary Revision, the Temporary Revision may be removed from the AFM.

Spares

(b) As of the effective date of this AD, no person may install an IFE system in accordance with STC ST00171SE on any airplane, unless it is modified and the AFM is revised in accordance with this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4945 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–238–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200 Series Airplanes Modified by Supplemental Type Certificate SA4998NM

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 767–200 series airplanes modified by supplemental type certificate SA4998NM. This proposal would require modification of the in-flight entertainment (IFE) system to connect it to a different power source. This action is necessary to prevent the inability of the flight crew to remove power from the IFE system when necessary. Inability to remove power from the IFE system during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–238–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–238–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Flight Structures, Inc., 4407 172nd Street NE., Arlington, Washington 98223. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Elias Natsiopoulos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1279; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–238–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–238–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on Boeing Model 767–200 series airplanes modified by STC SA4998NM. The IFE system on these airplanes is connected to an electrical bus that cannot be deactivated without also removing power from airplane systems necessary for continued safe flight and landing. Also, there is no means available to the flight or cabin crew to remove power from the IFE system without pulling circuit breakers for the system. The airplane flight manual and cabin crew manual also do not provide clear instructions on how to remove power from the IFE system when responding to an emergency. This condition, if not corrected, could result in inability to remove power from the IFE system during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved Flight Structures Service Bulletin 89FS134–23–01, Revision 2, dated September 21, 2000, which describes procedures for modification of the in-flight entertainment system to change the power source from the main electrical bus to a utility electrical bus. Power can be removed from the utility electrical bus without removing power from systems necessary for continued safe flight and landing. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Calculation of Compliance Time

In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD

Model/Series	STC number	Docket number
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8843SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

There are approximately 17 airplanes of the affected design in the worldwide fleet. The FAA estimates that all 17 airplanes are of U.S. registry and would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $300 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $13,260, or $780 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–238–AD.

Applicability: Model 767–200 series airplanes modified by supplemental type certificate (STC) SA4998NM, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability of the flight crew to remove power from the in-flight entertainment (IFE) system when necessary; which, during a non-normal or emergency situation, could result in inability to control smoke or fumes in the airplane flight deck or cabin; accomplish the following:

Modification

(a) Within 18 months after the effective date of this AD, modify the in-flight entertainment system to change the power source from the main electrical bus to a

utility electrical bus, in accordance with Flight Structures Service Bulletin 89FS134–23–01, Revision 2, dated September 21, 2000.

Spares

(b) As of the effective date of this AD, no person may install an IFE system in accordance with STC SA4998NM on any airplane, unless it is modified in accordance with this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4946 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–240–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100 and –200 Series Airplanes Modified by Supplemental Type Certificate SA8622SW

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 747–100 and –200 series airplanes modified by supplemental type certificate SA8622SW. This proposal would require deactivation of the in-flight entertainment (IFE) system. This action is necessary to ensure that the flight crew is able to remove power from the IFE system when necessary. Inability to remove power from the IFE system during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–240–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–240–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Continental Airlines, Inc., 600 Jefferson Street HQJAV, Houston, Texas 77002. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Ingrid Knox, Aerospace Engineer, ASW–150, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298; telephone (817) 222–5139; fax (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–240–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–240–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of

IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on Boeing Model 747–100 and –200 series airplanes modified by STC SA8622SW. The IFE system (an in-seat video system) on these airplanes is connected to an electrical bus that cannot be deenergized without also cutting power to airplane systems necessary for safe flight and landing. Also, there is no means available to the flight or cabin crew to remove power from the IFE system without pulling circuit breakers for the system, and the airplane flight manual and cabin crew manual do not provide instructions on how to remove power from the IFE system when responding to an emergency. This condition, if not corrected, could result in failure to remove power from the IFE system during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

The operator of the affected airplanes has informed the FAA that none of the affected airplanes are currently in service: All affected airplanes have been placed in storage, dismantled, or converted to freighters. Thus, the operator has chosen to deactivate the IFE system on these airplanes. The FAA has reviewed and approved Continental Airlines Engineering Change/Repair Authorizations (EC/RA) 2330–02321, 2330–02322, 2330–02323, 2330–02324, 2330–02325, 2330–02326, 2330–02327, and 2330–02328; all dated August 29, 2000. These EC/RA's describe procedures for deactivating the IFE system, which involves opening and collaring certain circuit breakers, and capping and stowing certain wires. Accomplishment of the actions specified in the applicable EC/RA is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the applicable EC/RA described previously.

Calculation of Compliance Time

In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions. In consideration of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and 200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD

Model/Series	STC number	Docket number
Boeing 767–200	SA4996NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8843SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

There are approximately 8 airplanes of the affected design in the worldwide fleet. The FAA estimates that 8 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $480, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–240–AD.

Applicability: Model 747–100 and –200 series airplanes modified by supplemental type certificate (STC) SA8622SW, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is able to remove power from the in-flight entertainment (IFE) system when necessary; which, if not done during a non-normal or emergency situation, could result in inability to control smoke or fumes in the airplane flight deck or cabin; accomplish the following:

Deactivation

(a) Within 18 months after the effective date of this AD, deactivate the IFE system, in accordance with Continental Airlines Engineering Change/Repair Authorization 2330–02321, 2330–02322, 2330–02323, 2330–02324, 2330–02325, 2330–02326, 2330–02327, or 2330–02328; all dated August 29, 2000; as applicable.

Spares

(b) As of the effective date of this AD, no person shall install an IFE system in accordance with STC SA8622SW on any airplane.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Fort Worth Airplane Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4947 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–241–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–30 Series Airplanes Modified by Supplemental Type Certificate SA8452SW

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all McDonnell Douglas Model DC–10–30 series airplanes modified by supplemental type certificate SA8452SW. This proposal would require modification of the in-flight entertainment (IFE) system and revision of the Airplane Flight Manual and the Inflight Manual. This action is necessary to ensure that the flight crew is able to remove electrical power from the IFE system when necessary and is advised of appropriate procedures for such action. Inability to remove power from the IFE system during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–241–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–241–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Continental Airlines, Inc., 600 Jefferson Street HQJAV, Houston, Texas 77002. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Ingrid Knox, Aerospace Engineer, ASW–150, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298; telephone (817) 222–5139; fax (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–241–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–241–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a

switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]

- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on McDonnell Douglas Model DC–10–30 series airplanes modified by STC SA8452SW. The IFE system (an in-seat video system) on these airplanes is connected to an electrical bus that cannot be deenergized without also cutting power to airplane systems necessary for safe flight and landing. Also, there is no means available to the flight crew or cabin crew to remove power from the IFE system without pulling circuit breakers for the system, and the Airplane Flight Manual and Inflight Manual do not provide instructions on how to remove power from the IFE system when responding to an emergency. This condition, if not corrected, could result in failure to remove power from the IFE system during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved Continental Airlines Top Drawing 2330DA11072, Revision B, dated September 15, 2000, which describes procedures for modifying the IFE system to incorporate a toggle switch and relay. Installation of the toggle switch will enable the cabin crew to remove power from the IFE system when necessary. Top Drawing 2330DA11072, Revision B, refers to the following Continental Airlines drawings as additional sources of information for accomplishment of the modification:

- 1100DB11064, Revision A, dated September 5, 2000;
- 2330DB11063, dated August 2, 2000;
- 2500DB11059, Revision A, dated August 18, 2000;
- 2330DB11073, Revision A, dated September 5, 2000;
- 2330DA11074, Revision A, dated September 5, 2000; and
- 2330DB11075, Revision A, dated September 5, 2000.

Top Drawing 2330DA11072, Revision B, also refers to Continental Airlines Engineering Change/Repair Authorizations (EC/RA) 2330–02334 and 2330–02335, both dated September 15, 2000. EC/RA 2330–02334 describes a revision to the "Electrical Fire or Smoke Source Unknown Checklist" in the Airplane Flight Manual, to alert the flight crew to the existence of the master power switch for the IFE system. EC/RA 2330–02335 describes revisions to the "Fires" section, "General Procedures" paragraph, and "Smoke in the Cabin" section of the Inflight Manual to alert the flight crew and cabin crew to the existence of the master power switch for the IFE system and to ensure that the flight crew and cabin crew are informed of where to find and how to operate the switch.

Accomplishment of the actions specified in the drawings and EC/RA's described previously is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the drawings and EC/RA's described previously.

Calculation of Compliance Time

In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, the availability of necessary parts, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operator. In consideration of all of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD

Model/Series	STC number	Docket number
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–200	SA4998NM–D	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8843SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

There are approximately 31 airplanes of the affected design in the worldwide fleet. The FAA estimates that 31 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 16 work hours per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would cost approximately $2,000 per airplane. Based on these figures, the cost impact of the proposed modification on the affected U.S. operator is estimated to be $91,760, or $2,960 per airplane.

It would take approximately 1 work hour per airplane to accomplish the proposed manual revisions, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed manual revisions on the affected U.S. operator is estimated to be $1,860, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 2000–NM–241–AD.

Applicability: Model DC–10–30 series airplanes modified by supplemental type certificate (STC) SA8452SW; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is able to remove electrical power from the in-flight entertainment (IFE) system when necessary and is advised of appropriate procedures for such action, accomplish the following:

Modification

(a) Within 18 months after the effective date of this AD, accomplish paragraphs (a)(1), (a)(2), and (a)(3) of this AD.

(1) Modify the IFE system to incorporate a master power switch and relay, in accordance with Continental Airlines Top Drawing 2330DA11072, Revision B, dated September 15, 2000.

(2) Revise the "Electrical Fire or Smoke Source Unknown Checklist" in the Airplane Flight Manual to alert the flight crew to the existence of the master power switch for the IFE system, in accordance with Continental Airlines Engineering Change/Repair Authorization (EC/RA) 2330–02334, dated September 15, 2000.

(3) Revise the "Fires" section, "General Procedures" paragraph, and "Smoke in the Cabin" section of the Inflight Manual to alert the flight crew and cabin crew to the existence of the master power switch for the IFE system and to inform the flight crew and cabin crew of where to find and how to operate the switch, in accordance with Continental Airlines EC/RA 2330–02335, dated September 15, 2000.

Note 2: Continental Airlines Top Drawing 2330DA11072, Revision B, refers to the following drawings as additional sources of information for accomplishment of the modification: 1100DB11064, Revision A, dated September 5, 2000; 2330DB11063, dated August 2, 2000; 2500DB11059, Revision A, dated August 18, 2000; 2330DB11073, Revision A, dated September 5, 2000; 2330DA11074, Revision A, dated September 5, 2000; and 2330DB11075, Revision A, dated September 5, 2000.

Spares

(b) As of the effective date of this AD, no person shall install an IFE system in accordance with STC SA8452SW on any airplane, unless it is modified and the applicable manuals are revised in accordance with this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Fort Worth Airplane Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4948 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–242–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–700IGW Series Airplanes Modified by Supplemental Type Certificate ST09100AC–D, ST09104AC–D, ST09105AC–D, or ST09106AC–D

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 737–700IGW series airplanes modified by supplemental type certificate ST09100AC–D, ST09104AC–D, ST09105AC–D, or ST09106AC–D. This proposal would require modifying the passenger entertainment system (PES) installed by those STC's and revising the Airplane Flight Manual. This action is necessary to ensure that the flight crew is able to remove electrical power from the PES when necessary and is advised of appropriate procedures for such action. Inability to remove power from the PES during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–242–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–242–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Raytheon Systems Company, Intelligence Information and Aircraft Integration Systems, 7500 Maehre Road, Waco, Texas 76705. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Ingrid Knox, Aerospace Engineer, ASW–150, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298; telephone (817) 222–5139; fax (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–242–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–242–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on Boeing Model 737–700IGW series airplanes modified by STC's ST09100AC–D, ST09104AC–D, ST09105AC–D, or ST09106AC–D. Currently, multiple circuit breakers in the flight and avionics compartments control power to various components of the passenger entertainment system (PES) installed by those STC's. To remove power from the PES in the event of an emergency, the flight crew must locate and open each of the subject circuit breakers. This condition, if not corrected, could result in failure to remove power from the entire PES system during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved Raytheon Service Bulletin 737IGW–24–1, dated August 11, 2000. The service bulletin describes procedures for modifying the PES by installing a power switch and a load-shed circuit breaker as well as associated relays and wiring. The FAA has also reviewed and approved Raytheon Flight Manual Supplement B737–700 IGW, dated October 16, 2000, which is supplied with the service bulletin. The Flight Manual Supplement contains a revision of the Non-Normal Procedures section of the FAA-approved AFM to advise the flight crew on using the power switch to remove power from the PES in the event of an emergency related to smoke or fire. Accomplishment of the actions specified in the service bulletin, including the Flight Manual Supplement, is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that the service bulletin specifies that a Flight Manual Supplement for the Boeing 737–700IGW is included with the service bulletin. However, the service bulletin does not specify what action operators must take with regard to this Flight Manual Supplement. The FAA has determined that revision of the AFM is necessary to ensure that the flight crew is aware of the installation of a power switch for the PES and that they are advised of appropriate use of the switch. Therefore, paragraph (a)(2) of this proposed AD would require operators to revise the AFM by inserting the Flight Manual Supplement supplied with the service bulletin.

Operators also should note that the service bulletin specifies that the actions therein should be accomplished at the next maintenance opportunity, but not later than 12 months after receipt of the service bulletin. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, the availability of necessary parts, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of all of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been

determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–200	SA4998NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8843SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

There are approximately 4 airplanes of the affected design in the worldwide fleet. The FAA estimates that 2 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 141 work hours per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would cost approximately $95,968 per airplane. Based on these figures, the cost impact of the modification in this proposed AD on U.S. operators is estimated to be $208,856, or $104,428 per airplane.

It would take approximately 1 work hour per airplane to accomplish the proposed AFM revision, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the AFM revision in this proposed AD on U.S. operators is estimated to be $120, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–242–AD.

Applicability: Model 737–700IGW series airplanes modified by supplemental type certificate (STC) ST09100AC–D, ST09104AC–D, ST09105AC–D, or ST09106AC–D; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is able to remove electrical power from the passenger entertainment system (PES) when necessary and is advised of appropriate procedures for such action, accomplish the following:

Modification and Airplane Flight Manual Revision

(a) Within 18 months after the effective date of this AD, do paragraphs (a)(1) and (a)(2) of this AD.

(1) Modify the PES by installing a power switch and a load-shed circuit breaker as well as associated relays and wiring, in accordance with Raytheon Service Bulletin 7371GW–24–1, dated August 11, 2000.

(2) Revise the Non-Normal Procedures Section of the FAA-approved Airplane Flight Manual (AFM) to advise the flight crew on using the power switch installed by paragraph (a)(1) to remove power from the PES in the event of an emergency related to smoke or fire, in accordance with Raytheon Flight Manual Supplement B737–700 IGW, dated October 16, 2000, which is supplied with Raytheon Service Bulletin 737IGW–24–1, dated August 11, 2000.

Spares

(b) As of the effective date of this AD, no person shall install a PES in accordance with STC ST09100AC–D, ST09104AC–D, ST09105AC–D, or ST09106AC–D on any airplane, unless it is modified and the AFM is revised in accordance with this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Fort Worth Airplane Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4949 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–243–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200 Series Airplanes Modified by Supplemental Type Certificate ST09022AC–D

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 767–200 series airplanes modified by supplemental type certificate ST09022AC–D. This proposal would require modifying the passenger entertainment system (PES) and revising the Airplane Operations Manual. This action is necessary to ensure that the flight crew is able to remove electrical power from the entire PES when necessary and is advised of appropriate procedures for such action. Inability to remove power from the PES during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–243–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–243–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Raytheon Systems Company, Intelligence Information and Aircraft Integration Systems, 7500 Maehre Road, Waco, Texas 76705. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Ingrid Knox, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, ASW–150, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298; telephone (817) 222–5139; fax (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this

proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–243–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–243–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on Boeing Model 767–200 series airplanes modified by STC ST09022AC–D. Power to the Airshow System, a subsystem of the passenger entertainment system (PES) installed by that STC, is not currently controlled by the same power switch that controls power to the rest of the PES. Thus, there is no means available to the flight crew to remove power from the Airshow System without locating and pulling circuit breakers for the system. This condition, if not corrected, could result in failure to remove power from the entire PES during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved Raytheon Service Bulletin 767VIP–24–1, dated August 28, 2000, which describes procedures for modifying the PES to install a load shed relay and associated wiring for the Airshow System portion of the PES. This modification will allow power for the Airshow System to be controlled by the same switch as power to the remainder of the PES.

The FAA also has reviewed and approved Raytheon Airplane Operations Manual Supplement 767–27G, dated October 18, 2000, which describes revisions to certain sections of the Airplane Operations Manual to advise the flight crew of the function of the utility bus switch located on the flight deck, including the use of this switch to remove power from the PES. Accomplishment of the actions specified in the service bulletin and the Airplane Operations Manual Supplement is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin and Airplane Operations Manual Supplement described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that the service bulletin specifies that the actions therein should be accomplished at the next maintenance opportunity, but not later than 12 months after receipt of the service bulletin. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, the availability of necessary parts, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of all of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–200	SA4998NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8843SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. The single airplane included in the applicability of this proposed rule currently is operated by a non-U.S. operator under foreign registry; therefore, it is not directly affected by this AD action. However, the FAA considers that this proposed rule is necessary to ensure that the unsafe condition is addressed in the event that the subject airplane is imported and placed on the U.S. Register in the future.

Should the affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 80 work hours to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would cost approximately $165,673 per airplane. Based on these figures, the cost impact of the proposed modification would be $170,473.

Should the affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 1 work hour to accomplish the proposed manual revision, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed manual revision would be $60.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–243–AD.

Applicability: Model 767–200 series airplanes modified by supplemental type certificate (STC) ST09022AC–D, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is able to remove electrical power from the entire passenger entertainment system (PES) when necessary and is advised of appropriate procedures for such action, accomplish the following:

Modification and Airplane Operations Manual Revision

(a) Within 18 months after the effective date of this AD, do paragraphs (a)(1) and (a)(2) of this AD.

(1) Modify the PES to install a load shed relay and associated wiring for the Airshow System portion of the PES, in accordance with Raytheon Service Bulletin 767VIP–24–1, dated August 28, 2000.

(2) Revise the Airplane Operations Manual to describe the function of the utility bus power switch located on the flight deck, including the use of this switch to remove power to the PES, in accordance with Raytheon Airplane Operations Manual Supplement 767–27G, dated October 18, 2000.

Spares

(b) As of the effective date of this AD, no person shall install a PES in accordance with STC ST09022AC–D on any airplane, unless it is modified and the Airplane Operations Manual is revised in accordance with this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Fort Worth Airplane Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4950 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–244–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747SP Series Airplanes Modified by Supplemental Type Certificate ST09097AC–D

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 747SP series airplanes modified by supplemental type certificate ST09097AC–D. This proposal would require modifying the passenger entertainment system (PES) installed by that STC and revising the Airplane Flight Manual. This action is necessary to ensure that the flight crew is able to remove electrical power from the PES when necessary and is advised of appropriate procedures for such action. Inability to remove power from the PES during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–244–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–244–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Raytheon Systems Company, Intelligence Information and Aircraft Integration Systems, 7500 Maehre Road, Waco, Texas 76705. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Ingrid Knox, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, ASW–150, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298; telephone (817) 222–5139; fax (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.

- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–244–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–244–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on Boeing Model 747SP series airplanes modified by STC ST09097AC–D. Currently, multiple circuit breakers in the flight and avionics compartments control power to various components of the passenger entertainment system (PES) installed by that STC. To remove power from the PES in the event of an emergency, the flight crew must locate and open each of the subject circuit breakers. This condition, if not corrected, could result in failure to remove power from the entire PES during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved Raytheon Service Bulletin 747(SP)VIP–24–1, dated September 22, 2000, which describes procedures for modifying the PES by installing a master power switch and load shed circuit breaker in the flight compartment, and associated relays and wiring. Installation of this switch will enable the flight crew to remove power from all components of the PES quickly and easily. The FAA also has reviewed and approved Raytheon Flight Manual Supplement 747SP–21, dated October 16, 2000, which is supplied with the service bulletin. That Flight Manual Supplement includes revisions to the Normal Procedures section of the AFM to describe the location and function of the power switch for the PES, and to the Emergency Procedures section of the AFM to advise the flight crew of proper procedures for using the switch to remove power from all components of the PES in the event of an emergency related to smoke or fire. Accomplishment of the actions specified in the service bulletin and Flight Manual Supplement is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin and Flight Manual Supplement described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that the service bulletin specifies that a Flight Manual Supplement for the Boeing Model 747SP is included with the service bulletin. However, the service bulletin does not specify what action operators must take with regard to this Flight Manual Supplement. The FAA has determined that revision of the AFM is necessary to ensure that the flight crew is aware of the installation of a power switch for the PES and that they are advised of appropriate procedures for using the switch. Therefore, paragraph (a)(2) of this proposed AD would require operators to revise the AFM by inserting

the previously described Flight Manual Supplement.

Operators also should note that the service bulletin specifies that the actions therein should be accomplished at the next maintenance opportunity, but not later than 12 months after receipt of the service bulletin. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, the availability of necessary parts, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of all of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–200	SA4998NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747–400	SA8843SW	2000–NM–245–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. The single airplane included in the applicability of this rule currently is operated by a non-U.S. operator under foreign registry; therefore, it is not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that the subject airplane is imported and placed on the U.S. Register in the future.

Should the affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 72 work hours to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would cost approximately $93,369 per airplane. Based on these figures, the cost impact of the proposed modification would be $97,689.

Should the affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 1 work hour to accomplish the proposed manual revision, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed manual revision would be $60.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–244–AD.

Applicability: Model 747SP series airplanes modified by supplemental type certificate (STC) ST09097AC–D, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is able to remove electrical power from the passenger entertainment system (PES) when necessary and is advised of appropriate procedures for such action, accomplish the following:

Modification and Airplane Flight Manual Revision

(a) Within 18 months after the effective date of this AD, do paragraphs (a)(1) and (a)(2) of this AD.

(1) Modify the PES by installing a power switch and a load-shed circuit breaker as well as associated relays and wiring, in accordance with Raytheon Service Bulletin 747(SP)VIP–24–1, dated September 22, 2000.

(2) Revise the Normal Procedures and Emergency Procedures sections of the FAA-approved Airplane Flight Manual (AFM) to advise the flight crew on using the power switch installed by paragraph (a)(1) to remove power from the PES in the event of an emergency related to smoke or fire, in accordance with Raytheon Flight Manual Supplement 747SP–21, dated October 16, 2000, which is supplied with Raytheon Service Bulletin 747(SP)VIP–24–1, dated September 22, 2000.

Spares

(b) As of the effective date of this AD, no person shall install a PES in accordance with STC ST09097AC–D, on any airplane, unless it is modified and the AFM is revised in accordance with this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Fort Worth Airplane Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4951 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–245–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400 Series Airplanes Modified by Supplemental Type Certificate SA8843SW

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 747–400 series airplanes modified by supplemental type certificate SA8843SW. This proposal would require modifying the passenger entertainment system (PES) installed by that STC and revising the Airplane Flight Manual. This action is necessary to ensure that the flight crew is able to remove electrical power from the PES when necessary and is advised of appropriate procedures for such action. Inability to remove power from the PES during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–245–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–245–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Raytheon Systems Company, Intelligence Information and Aircraft Integration Systems, 7500 Maehre Road,

Waco, Texas 76705. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Ingrid Knox, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, ASW–150, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298; telephone (817) 222–5139; fax (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–245–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–245–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (*i.e.*, power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (*e.g.*, one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [*i.e.*, is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on Boeing Model 747–400 series airplanes modified by STC SA8843SW. Currently, multiple circuit breakers in the flight and avionics compartments control power to various components of the passenger entertainment system (PES) installed by that STC. To remove power from the PES in the event of an emergency, the flight crew must locate and open each of the subject circuit breakers. This condition, if not corrected, could result in failure to remove power from the entire PES during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved Raytheon Service Bulletin 747(400)VIP–24–1, dated September 22, 2000, which describes procedures for modifying the PES by installing load shed relays and cable assemblies. Installation of these relays and cable assemblies will allow power to all components of the PES system to be controlled by existing "UTILITY BUS ON/OFF" power switches in the cockpit.

The FAA also has reviewed and approved Raytheon Flight Manual Supplement 747–430, dated October 17, 2000. That Flight Manual Supplement includes revisions to the Non-Normal Procedures section of the FAA-approved AFM to advise the flight crew that the "UTILITY BUS ON/OFF" power switches control power to the PES and should be switched "off" in the event of an emergency related to smoke or fire. Accomplishment of the actions specified in the service bulletin and Flight Manual Supplement is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin and Flight Manual Supplement described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators also should note that the service bulletin specifies that the actions therein should be accomplished at the next maintenance opportunity, but not later than 12 months after receipt of the service bulletin. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, the availability of necessary parts, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of all of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–200	SA4998NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Airbus A340–211	ST0902AC–D	2000–NM–246–AD

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. The single airplane included in the applicability of this rule currently is operated by a non-U.S. operator under foreign registry; therefore, it is not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that the subject airplane is imported and placed on the U.S. Register in the future.

Should the affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 80 work hours to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would cost approximately $94,574 per airplane. Based on these figures, the cost impact of the proposed modification would be $99,374.

Should the affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 1 work hour to accomplish the proposed manual revision, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed manual revision would be $60.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD

action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–245–AD.

Applicability: Model 747–400 series airplanes modified by supplemental type certificate (STC) SA8843SW, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is able to remove electrical power from the entire passenger entertainment system (PES) when necessary and is advised of appropriate procedures for such action, accomplish the following:

Modification and Airplane Flight Manual Revision

(a) Within 18 months after the effective date of this AD, do paragraphs (a)(1) and (a)(2) of this AD.

(1) Modify the PES to install load shed relays and associated cable assemblies for the PES, in accordance with Raytheon Service Bulletin 747(400)VIP–24–1, dated September 22, 2000.

(2) Revise the Non-Normal Procedures section of the FAA-approved Airplane Flight Manual (AFM) to advise the flight crew on using the "UTILITY BUS ON/OFF" power switches to control power to the PES, in accordance with Raytheon Flight Manual Supplement 747–430, dated October 17, 2000.

Spares

(b) As of the effective date of this AD, no person shall install a PES system in accordance with STC SA8843SW on any airplane, unless it is modified and the AFM is revised in accordance with this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Fort Worth Airplane Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4952 Filed 3–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–246–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A340–211 Series Airplanes Modified by Supplemental Type Certificate ST09092AC–D

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Airbus Model A340–211 series airplanes modified by supplemental type certificate ST09092AC–D. This proposal would require modifying the passenger entertainment system (PES) and revising the Flight Crew Operating Manual. This action is necessary to ensure that the flight crew is able to remove electrical power from the entire PES when necessary and is advised of appropriate procedures for such action. Inability to remove power from the PES during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 2, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–246–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–246–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Raytheon Systems Company, Intelligence Information and Aircraft Integration Systems, 7500 Maehre Road, Waco, Texas 76705. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Ingrid Knox, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, ASW–150, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298; telephone (817) 222–5139; fax (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–246–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–246–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? [i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?]
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe condition exists on Airbus Model A340–211 series airplanes modified by STC ST09092AC–D. While power to certain components of the passenger entertainment system (PES) installed by that STC is controlled through the "COMMERCIAL" load shed switch in the flight compartment, a portion of the PES is not included in the existing load shed circuits for the airplane. Thus, there is no means available to the flight crew to remove power from that portion of the PES without locating and pulling circuit breakers for the system, which are located in the avionics compartment. This condition, if not corrected, could result in failure to remove power from the entire PES during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

Raytheon has issued Service Bulletin A340VIP–24–1, dated August 28, 2000, which describes procedures for modifying the PES by replacing a three-unit busbar with a two-unit busbar and installing associated wiring. This

modification will allow power for the entire PES system to be controlled by the "COMMERCIAL" load shed switch in the flight compartment.

Raytheon has also issued Electrical Controls and Indicators, 1.24.20, page 4, Revision 07, which revised the "Electrical Controls and Indicators" section of the Airbus A340 Flight Crew Operating Manual. The revision advises the flight crew that power to the PES can be removed by using the "COMMERCIAL" switch.

Accomplishment of the actions specified in the service bulletin and Flight Crew Operating Manual revision is intended to adequately address the identified unsafe condition.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that the service bulletin specifies that the actions therein should be accomplished at the next maintenance opportunity, but not later than 12 months after receipt of the service bulletin. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, the availability of necessary parts, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of all of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC number	Docket number
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM SA5978NM	2000–NM–232–AD
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–200	SA4998NM	2000–NM–238–AD
Boeing 767–300	SA7019NM–D	2000–NM–239–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D ST09104AC–D ST09105AC–D ST09106AC–D	2000–NM–242–AD
Boeing 767–200	ST09022AC–D	2000–NM–243–AD
Boeing 747SP	ST09097AC–D	2000–NM–244–AD
Boeing 747–400	SA8843SW	2000–NM–245–AD

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. The single airplane included in the applicability of this rule currently is operated by a non-U.S. operator under foreign registry; therefore, it is not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that the subject airplane is imported and placed on the U.S. Register in the future.

Should the affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 28 work hours to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would cost approximately $162,597 per airplane. Based on these figures, the cost impact of the proposed modification would be $164,277.

Should the affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 1 work hour to accomplish the proposed manual revision, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed manual revision would be $60.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus: Docket 2000–NM–246–AD.

Applicability: Model A340–211 series airplanes modified by supplemental type certificate (STC) ST09092AC–D, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is able to remove electrical power from the entire passenger entertainment system (PES) when necessary and is advised of appropriate procedures for such action, accomplish the following:

Modification and Flight Crew Operating Manual Revision

(a) Within 18 months after the effective date of this AD, do paragraphs (a)(1) and (a)(2) of this AD.

(1) Modify the PES by replacing the three-unit busbar with a two-unit busbar and installing associated wiring, in accordance with Raytheon Service Bulletin A340VIP–24–1, dated August 28, 2000.

(2) Revise the Electrical Controls and Indicators section of the Airbus A340 Flight Crew Operating Manual to advise the flight crew that power to the PES can be removed by using the "COMMERCIAL" switch in the flight compartment, by inserting Electrical Controls and Indicators, 1.24.20, page 4, Revision 07.

Spares

(b) As of the effective date of this AD, no person shall install a PES system in accordance with STC ST09092AC–D on any airplane, unless it is modified and the Flight Crew Operating Manual is revised in accordance with this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Fort Worth Airplane Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with § 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4953 Filed 3–1–01; 8:45 am]

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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H.J. Res. 7/P.L. 107–1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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Monday
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–416–AD; Amendment 39–12128; AD 2001–04–09]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Boeing Model 767 series airplanes. This action requires repetitive testing of the elevator control system to determine if an elevator power control actuator (PCA) is rigged incorrectly due to yielded or failed shear rivets in a bellcrank assembly for the elevator PCA, and follow-on actions, if necessary. This action is necessary to prevent continued operation with yielded or failed shear rivets in a bellcrank assembly for the elevator PCA, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective March 20, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 20, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 4, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–416–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–416–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Fairhurst, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1118; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has previously issued AD 2000–17–05, amendment 39–11879 (65 FR 51754, August 25, 2000), applicable to certain Boeing Model 767–200, –300, and –300F series airplanes. That AD requires a one-time functional check of the shear rivets in all six bellcrank assemblies for the elevator power control actuators (PCA) to determine the condition of the shear rivets, and replacement or rework of the bellcrank assemblies, if necessary.

Since the issuance of that AD, the FAA has received reports that several Model 767–200, –300, and –300F series airplanes failed the one-time check. Such failures indicate yielded or failed shear rivets in the bellcrank assemblies for the elevator PCA's. This condition, if not corrected, could result in reduced controllability of the airplane.

The FAA has received no factual information that indicates that this condition is related to an accident involving a Boeing Model 767 series airplane that occurred off the coast of Massachusetts. The cause of that accident is still under investigation.

Though the inspections described above apply to only certain Model 767–200, –300, and –300F series airplanes, the FAA finds that this condition may occur on all Model 767 series airplanes. Testing by the manufacturer has revealed that the elevator single hydraulic system check currently required by a Certification Maintenance Requirement (CMR) (documented in the Boeing 767 Maintenance Planning Document as Item Number 27–31–00–5B) may not detect yielded or failed shear rivets in the bellcrank assemblies for the elevator PCA's. Therefore, this AD applies to all Model 767 series airplanes, including future production.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletins 767–27A0168 (for Model 767–200, –300, and –300F series airplanes) and 767–27A0169 (for Model 767–400ER series airplanes), both dated November 21, 2000. The subject of those service bulletins is "Elevator Power Control Actuator (PCA) Bellcrank Repetitive Check." Those service bulletins describe procedures for repetitive tests (referred to in the service bulletins as "checks") of the elevator control system, including specific rigging tests (referred to in the service bulletins as "checks") to determine if the elevator PCA's are rigged incorrectly, and follow-on actions, if necessary.

The test per the service bulletins verifies proper operation of the elevator control system with each of the hydraulic systems pressurized, one at a time. (Three hydraulic PCA's control each elevator surface. For each surface, each PCA is powered by a different airplane hydraulic system.) This portion of the test is equivalent to the existing CMR which is referenced in the **SUPPLEMENTARY INFORMATION** section above. Accomplishment of the applicable service bulletin described above is equivalent to accomplishment of the CMR and satisfies the CMR requirement.

The test in the service bulletins also includes instructions to record the rigged elevator surface position for each of the three PCA's. The three positions per surface are compared relative to each other to determine if an elevator PCA is rigged incorrectly. This specific rigging test is not included in the check

per the CMR. If an elevator PCA is determined to be rigged incorrectly, the service bulletins specify an inspection to measure the penetration depth of shear rivets in the three elevator bellcrank assemblies of the affected elevator surface. If the measured penetration depth of the shear rivets is less than 0.50 inch, the service bulletins specify either repairing the affected bellcrank assembly by replacing both rivets or replacing the affected bellcrank assembly.

After inspection of the shear rivets, and replacement of the rivets or the bellcrank(s), if necessary, the service bulletins include instructions to adjust the PCA input rods to properly rig each of the elevator PCA's.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent continued operation with yielded or failed shear rivets in a bellcrank assembly for the elevator PCA, which could result in reduced controllability of the airplane. This AD requires accomplishment of the actions specified in the applicable service bulletin described previously, except as discussed below.

Interim Action

This is considered to be interim action. The FAA and the manufacturer are currently developing a terminating action that will positively address the unsafe condition addressed by this AD. Once this terminating action is developed, approved, and available, the FAA may consider additional rulemaking.

Differences Between Service Bulletins and This AD

The service bulletins recommend that the initial check of the bellcranks for the elevator PCA be performed at the next convenient opportunity when the airplane and manpower are available, not to exceed 1,200 flight hours after receipt of the service bulletins. However, this AD requires the initial check within 90 days after the effective date of this AD. In developing this compliance time, among other factors, the FAA considered the urgency of the subject unsafe condition, and the amount of time it takes to do the test (approximately 2 work hours). The FAA finds that 90 days is an optimal amount of time that will allow the test to be done on all affected airplanes without compromising flight safety.

Also, if an inspection of the shear rivets is necessary, the service bulletins ask operators to report inspection results to Boeing if the penetration depth of the shear rivets is less than 0.50 inch during the inspection of the shear rivets of the bellcrank assemblies of the elevator PCA. This AD requires that inspection results be reported to the FAA under these conditions.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–416–AD." The postcard will be date-stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–04–09 Boeing: Amendment 39–12128. Docket 2000–NM–416–AD.

Applicability: All Model 767 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent continued operation with yielded or failed shear rivets on a bellcrank assembly for the elevator power control actuator (PCA), which could result in reduced controllability of the airplane, accomplish the following:

Repetitive Tests

(a) Within 90 days after the effective date of this AD, perform a test of the elevator PCA bellcranks to determine if an elevator PCA is rigged incorrectly due to yielded or failed shear rivets in a bellcrank assembly, per Boeing Alert Service Bulletin 767–27A0168 (for Model 767–200, –300, and –300F series airplanes), or 767–27A0169 (for Model 767–400ER series airplanes), both dated November 21, 2000; as applicable. Repeat the test thereafter at least every 400 flight hours. Accomplishment of these repetitive tests is acceptable for compliance with the functional check of the elevator system required by a Certification Maintenance Requirement that is documented as Item Number 27–31–00–5B in the Boeing 767 Maintenance Planning Document.

Follow-on Actions

(b) If an elevator PCA is determined to be rigged incorrectly during any test per paragraph (a) of this AD, before further flight, do a one-time inspection to measure penetration depth of shear rivets of all three elevator bellcrank assemblies of the affected elevator surface, per Boeing Alert Service Bulletin 767–27A0168 (for Model 767–200, –300, and –300F series airplanes), or 767–27A0169 (for Model 767–400ER series airplanes), both dated November 21, 2000; as applicable.

(1) If the measured penetration depth of the shear rivets on all bellcrank assemblies is 0.50 inch or more: Before further flight, re-rig the elevator PCA correctly per the applicable service bulletin.

(2) If the measured shear rivet penetration depth on any single bellcrank assembly is less than 0.50 inch: Before further flight, repair the bellcrank assembly by replacing the shear rivets or replace the bellcrank assembly, and reassemble and re-rig the elevator control system, per the applicable service bulletin. Then, do paragraph (c) of this AD.

Reporting Requirement (On-Condition)

(c) If the penetration depth of any of the shear rivets is less than 0.50 inch, submit a report of inspection findings to the Manager, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; fax (425) 227–1181. Submit the report at the applicable time specified in paragraph (c)(1) or (c)(2) of this AD. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) For airplanes on which the inspection is done after the effective date of this AD: Submit the report within 15 days after doing the inspection required by paragraph (b) of this AD.

(2) For airplanes on which the inspection was done prior to the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(f) Except per paragraph (c) of this AD, the actions shall be done per Boeing Alert Service Bulletin 767–27A0168, dated November 21, 2000, or Boeing Alert Service Bulletin 767–27A0169, dated November 21, 2000; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on March 20, 2001.

Issued in Renton, Washington, on February 21, 2001.

Charles D. Huber,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4762 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–13–AD; Amendment 39–12127; AD 2001–04–08]

RIN 2120–AA54

Airworthiness Directives; Boeing Model 737–600, –700, –800, and –700C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–600, –700, –800, and –700C series airplanes. This action requires initial and repetitive inspections of the elevator tab assembly to detect any damage or discrepancy; and corrective actions, if necessary. This action is necessary to prevent excessive in-flight vibrations of the elevator tab, which could lead to loss of the elevator tab and reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective March 20, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 20, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 4, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–13–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001–NM–13–AD" in the

subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2028; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received numerous reports of excessive in-flight vibrations of the elevator tab on Model 737–600, –700, and –800 series airplanes. These vibration events have been attributed to loose or missing components, excessive wear, or excessive freeplay of the tab. Elevator tab vibrations can result from wear to the elevator tab hinges and components of the elevator tab control system. Such wear can cause the elevator tab assemblies to become loose. Increased exposure to spoiler buffeting can cause premature wear to the elevator tab components. Continued operation of these airplanes in such conditions could lead to loss of the elevator tab and reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–55A1072, Revision 1, including Appendix A, dated January 11, 2001. The inspection procedures specified in this service bulletin are listed in Table 1:

TABLE 1.—INSPECTION PROCEDURES

Work package and action specified	Figure
I—Initial and repetitive detailed visual inspections of the following:	
• Elevator tab aerodynamic surfaces	1.
• Attachment of the elevator tab assembly at four hinge locations	1.
• Attachment of the elevator tab control rods to the elevator tab mast fitting	1.

TABLE 1.—INSPECTION PROCEDURES—Continued

Work package and action specified	Figure
Note: The service bulletin recommends scheduling the repetitive inspections to coincide with the inspections specified in Work Packages II and III.	
II—One-time free-play inspections of the following:	
• Elevator tab hinges 1 through 4	2.
• Elevator tab lug assembly of all four elevator tab hinges	2.
• Elevator tab trailing edge	2.
• Elevator tab axial	2.
• Elevator tab control mechanism to the horizontal stabilizer, elevator front spar, and elevator tab control rods	3.
• Elevator tab control rods to the elevator tab mast fitting/tab rod adjustment lock nut	3.
III—Repetitive free-play inspections of the following:	
• Elevator tab hinge (all four elevator tab hinges)	2.
• Elevator tab lug assembly (hinge 1 of the elevator tab)	2.
• Elevator tab trailing edge	2.
• Elevator tab axial	2.

In addition, the service bulletin specifies corrective actions that include, among other things, follow-on inspections; replacing, reworking, repairing, and lubricating parts; applying inspection putty; cleaning; and aligning and torqueing components. Procedures also specify the replacement of any damaged or discrepant part with a new part, or repair, as applicable. Discrepancies include loose or missing parts or excessive wear.

The elevator tab assembly on Model 737–700C series airplanes is identical to those installed on Model 737–600, –700, and –800 series airplanes. Therefore, Model 737–700C series airplanes may be subject to the same unsafe condition revealed on Model 737–600, –700, and –800 series airplanes. Model 737–700C series airplanes are included in paragraph 1.A. (Effectivity) of the service bulletin.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent excessive in-flight airframe vibrations of the elevator tab, which could lead to loss of the elevator tab and reduced controllability of the airplane. This AD requires initial and repetitive inspections of the elevator tab assembly to detect any damage or discrepancy; and corrective actions, if necessary.

The FAA has determined that the actions required by this AD are necessary to ensure the integrity of the elevator tab and the continued safe operation of the Model 737 next-generation fleet, until a newly designed elevator tab can be retrofitted onto the affected airplanes.

This AD requires doing the actions specified in the service bulletin described previously, except as discussed below.

Differences

Operators should note the following differences between the service bulletin and this AD:

- Although the service bulletin recommends doing the one-time free-play inspections specified in Work Package II, "within 120 days from date of service bulletin, or at 750 total flight cycles, whichever is later," the FAA has determined that an interval of 120 days would not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the one-time inspections (13 hours). In light of these factors, we find a 90-day compliance time for completing the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety. In addition, it is necessary to require these actions "after the effective date of this AD" rather than "from date of the service bulletin." These changes are included in paragraph (a) of this AD, accordingly.
- Although the service bulletin uses the term "check" for certain inspections, this AD uses the term "inspection" instead.
- Although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this AD would require the repair of those conditions to be accomplished per a method approved by the FAA.

Explanation of Compliance Time for Work Package III

The compliance time for Work Package III is 1,500 flight hours or 750 flight cycles after doing the actions specified in Work Package II. (Work Package II has a compliance time of 90 days or 750 total flight cycles after airplane delivery.) The inspections and corrective actions specified in Work Package III and Figure 2 of the service bulletin include only some of the actions specified in Work Package II and Figures 2 and 3 of the service bulletin. As a result, because the actions specified in Work Package III are less work-intensive than those actions in Work Package II, the FAA considers that the longer compliance time for Work Package III would provide an acceptable level of safety.

Interim Action

This is interim action. The manufacturer has advised that it currently is developing a modification that will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001–NM–13–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–04–08 Boeing: Amendment 39–12127. Docket 2001–NM–13–AD.

Applicability: Model 737–600, –700, –800, and –700C series airplanes, as listed in Boeing Alert Service Bulletin 737–55A1072, Revision 1, including Appendix A, dated January 11, 2001; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent excessive in-flight vibrations of the elevator tab, which could lead to loss of the elevator tab and reduced controllability of the airplane, do the following:

Initial and Repetitive Inspections, and Corrective Actions (Work Package I)

(a) Within 30 days or 100 flight cycles after the effective date of this AD, whichever occurs later: Inspect the elevator tab, as specified in the Accomplishment Instructions for Work Package I of Boeing Alert Service Bulletin 737–55A1072, Revision 1, including Appendix A, dated January 11, 2001, to detect any damage or discrepancy per the service bulletin.

(1) If no damage or discrepancy (including loose or missing parts, or excessive wear) is found, repeat the inspections required by paragraph (a) of this AD thereafter at intervals not to exceed 250 flight cycles.

(2) Except as provided by paragraph (d) of this AD, if any damage or discrepancy is found, before further flight, do the corrective actions (including follow-on inspections; replacing, reworking, repairing, and lubricating parts; applying inspection putty; cleaning; and aligning and torqueing components) specified in Figure 1 of the service bulletin, as applicable. Repeat the inspections required by paragraph (a) of this AD thereafter at intervals not to exceed 250 flight cycles.

One-Time Freeplay Inspections and Corrective Actions (Work Package II)

(b) Within 90 days after the effective date of this AD, or before the accumulation of 750

total flight cycles after airplane delivery, whichever occurs later: Do the one-time free-play inspections of the elevator tab, as specified in the Accomplishment Instructions for Work Package II of Boeing Alert Service Bulletin 737–55A1072, Revision 1, including Appendix A, dated January 11, 2001, to detect any damage or discrepancy per the service bulletin.

(1) If no damage or discrepancy is found, no further action is required by this paragraph.

(2) If any damage or discrepancy is found, before further flight, do the corrective actions specified in Figures 2 and 3 of the service bulletin, as applicable.

Repetitive Inspections and Corrective Actions (Work Package III)

(c) Within 1,500 flight hours or 750 flight cycles, whichever occurs earlier, after doing Work Package II: Inspect the elevator tab, as specified in the Accomplishment Instructions for Work Package III of Boeing Alert Service Bulletin 737–55A1072, Revision 1, including Appendix A, dated January 11, 2001, to detect any damage or discrepancy per the service bulletin.

(1) If no damage or discrepancy is found, repeat the inspections required by paragraph (c) of this AD thereafter at intervals not to exceed 1,500 flight hours or 750 flight cycles, whichever occurs earlier.

(2) If any damage or discrepancy is found, before further flight, do the applicable corrective actions specified in Figure 2, as specified by the Accomplishment Instructions for Work Package III, of the service bulletin.

Repair

(d) Repair any damage or discrepancy of the elevator tab assembly that is outside the limits specified by the Accomplishment Instructions of Boeing Alert Service Bulletin 737–55A1072, Revision 1, including Appendix A, dated January 11, 2001, per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be done.

Incorporation by Reference

(g) Except as provided by paragraph (d) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 737–55A1072, Revision 1, including Appendix A, dated January 11, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(h) This amendment becomes effective on March 20, 2001.

Issued in Renton, Washington, on February 21, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4761 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–31–AD; Amendment 39–12131; AD 2001–04–12]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model EC120B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Eurocopter France Model EC120B helicopters. This action requires visually checking the engine to main gearbox coupling tube assembly (tube) for a crack and replacing any cracked tube. This amendment is prompted by a report of a crack detected on a tube. The actions specified by this AD are intended to prevent a tube failure, loss of engine drive, and a subsequent forced landing.

DATES: Effective March 20, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 4, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–31–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov.

FOR FURTHER INFORMATION CONTACT: Paul Madej, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110, telephone (817) 222–5125, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter France Model EC120B helicopters equipped with tube, part number (P/N) C631A1101101. The DGAC advises that a crack was reported on a reinforced tube, which may lead to a tube failure.

Eurocopter France has issued Eurocopter Service Bulletin 05–003, dated July 20, 2000, which specifies visually checking each tube, P/N C631A1101101, for a crack.

This helicopter model is manufactured in France and is type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since we have identified an unsafe condition that is likely to exist or develop on other Eurocopter France Model EC120B helicopters of the same type design registered in the United States, this AD is being issued to prevent failure of a tube, P/N C631A1101101. This AD requires visually checking each tube, P/N C631A1101101, for a crack. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, visually checking each tube, P/N C631A1101101, for a crack within the next 5 hours time-in-service (TIS) and thereafter at intervals not to exceed 5 hours TIS and replacing any cracked tube with an airworthy tube before further flight are required, and this AD must be issued immediately.

The owner/operator (pilot) may perform the visual check required by this AD and must enter compliance with paragraph (a) of this AD into the aircraft maintenance records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v). This AD allows a pilot to perform this check because it involves only a visual check for a cracked tube and can be performed equally well by a pilot or a mechanic.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 30 helicopters will be affected by this proposed AD, that it will take approximately 2 work hours to check the tube, and that the average labor rate is $60 per work hour. A replacement tube will cost approximately $4020 per helicopter and will require approximately 2 work hours to install. Based on these figures and on an assumption of one replacement and 100 checks per year per helicopter, the total cost impact of the AD on U.S. operators is estimated to be $484,200.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing dates for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2000–SW–31–AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2001–04–12 Eurocopter France: Amendment 39–12131. Docket No. 2000–SW–31–AD.

Applicability: Model EC120B helicopters, with engine to main gearbox (MGB) coupling tube assembly (tube), part number C631A1101101, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent a tube failure, loss of engine drive, and a subsequent forced landing, accomplish the following:

(a) Within 5 hours time-in-service (TIS) and thereafter at intervals not to exceed 5 hours TIS, visually check each affected tube for a crack as follows:

(1) Open the left and right cowlings.

(2) Check inside the MGB in the area of the tube cylindrical casing on either side of the fitting that attaches the tube to the MGB.

(b) Before further flight, replace any cracked tube with an airworthy tube.

Note 2: Eurocopter France Service Bulletin 05–003, dated July 20, 2000, pertains to the subject of this AD.

(c) An owner/operator (pilot) holding at least a private pilot certificate may perform the visual check required by paragraph (a) and must enter compliance with paragraph (a) of this AD into the aircraft maintenance records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v).

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(e) Special flight permits will not be issued.

(f) This amendment becomes effective on March 20, 2001.

Note 4: The subject of this AD is addressed in Direction General De L'Aviation Civile (France), AD 2000–176–004(A) R1, dated August 23, 2000.

Issued in Fort Worth, Texas, on February 20, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–5166 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–13–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239, 240, 270 and 274

[Release Nos. 33–7932A; 34–43786A; IC–24816A; File No. S7–23–99]

RIN 3235–AH75

Role of Independent Directors of Investment Companies; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Correction to preamble, final rules, and forms.

SUMMARY: This document contains corrections to the preamble, final rules, and forms which were published on Tuesday, January 16, 2001 (66 FR 3734). These rules related to the disclosure that investment companies provide about their directors.

EFFECTIVE DATE: March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Kimberly A. Browning, Attorney, Office of Disclosure Regulation, (202) 942–0721, at the Division of Investment Management, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549–0506.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") adopted amendments on January 2, 2001, to its rules and forms [1] to improve the disclosure that investment companies provide about their directors.[2] These amendments were designed to enhance the independence and effectiveness of boards of directors of investment companies and to better enable investors to assess the independence of those directors. As published, the final rules and forms contain technical errors. In this release, the rules and forms containing these technical errors are being corrected. This release also contains administrative corrections to the rules and forms to conform cross-references. In addition, this release includes minor clerical corrections to the text of the adopting release.

[1] These rules and forms include Forms N–1A [17 CFR 274.11A], N–2 [17 CFR 274.11a–1], and N–3 [17 CFR 274.11b] under the Investment Company Act of 1940 [15 U.S.C. 80a] ("Investment Company Act") and the Securities Act of 1933 [15 U.S.C. 77a–aa]; and Schedule 14A [17 CFR 240.14a–101] under the Securities Exchange Act of 1934 [15 U.S.C. 78a–mm].

[2] Investment Company Act Release No. 24816 (January 2, 2001) [66 FR 3734 (January 16, 2001)]. The Commission also adopted amendments to certain exemptive rules under the Investment Company Act.

Correction of Publication

Accordingly, the publication on January 16, 2001, of the final rules and forms relating to the disclosure that investment companies provide about their directors, which were the subject of FR Doc. 01–536, is corrected as follows:

1. On page 3742, third column, footnote 85, first line, remove "73 note" and add in its place "note 73".

2. On page 3744, second column, beginning on line thirty, revise the phrase "heightening "investors" awareness and understanding of the fees they pay." to read "heightening "investors, awareness and understanding of the fees they pay." "

3. On page 3752, first column, four lines from the bottom, remove "reduces" and add in its place "reduce".

PART 240—[CORRECTED]

4. On page 3753, second column, fifth line from the bottom, remove the quote "Item 22(b)(13)" and add in its place the quote "Item 22(b)(13)(i)".

5. On page 3754, first column, first line, remove "(f) and (g)" and add in its place "(d)(3), (f), and (g)".

PART 274—[CORRECTED]

6. On page 3760, second column, amendment 25, paragraph c., beginning on line two, remove "(d) and (e) as paragraphs (c) and (d)" and add in its place "(d), (e), and (f) as paragraphs (c), (d), and (e)".

7. On page 3763, first column, amendment 25(a) is added. 25(a). Form N–1A (referenced in §§ 239.15A and 274.11A) is amended by:

a. In Item 1, Instruction 4 to paragraph (b)(1), by revising "30d–1 [17 CFR 270.30d–1]" to read "30e–1 [17 CFR 270.30e–1]".

b. In Item 5, introductory text, by revising "rule 30d–1 [17 CFR 270.30d–1]" to read "rule 30e–1 [17 CFR 270.30e–1]".

c. In Item 9, paragraph (b), by revising "rule 30d–1" to read "rule 30e–1".

d. In Item 22, introductory text to paragraphs (b) and (c) and paragraph (c)(1)(ii) by revising "rule 30d–1" to read "rule 30e–1".

8. On page 3763, first column, amendment 26, Form N–2 (referenced in §§ 239.14 and 274.11a–1) is amended by revising instruction c. to read as follows:

c. In Item 18 by redesignating paragraphs 3, 4, and 5 as paragraphs 4, 14, and 15 and revising newly redesignated paragraph 4.

9. On page 3765, third column, amendment 26(a) is added.

26(a). Form N–2 (referenced in §§ 239.14 and 274.11a–1) is amended by:

a. In General Instruction F., Incorporation by Reference, fourth paragraph, by revising the phrase "Section 30(d) of the 1940 Act [15 U.S.C. 80a–29d] and Rule 30d–1 [17 CFR 270.30d–1]" to read "Section 30(e) of the 1940 Act [15 U.S.C. 80a–29e] and Rule 30e–1 [17 CFR 270.30e–1]".

b. In Item 23, Instruction 4, introductory text, by revising the phrase "Section 30(d) of the 1940 Act [15 U.S.C. 80a–29(d)] and Rule 30d–1 [17 CFR 270.30d–1]" to read "Section 30(e) of the 1940 Act [15 U.S.C. 80a–29(e)] and Rule 30e–1 [17 CFR 270.30e–1]".

c. In Item 23, Instruction 5, introductory text, by revising the phrase "Section 30(d) of the 1940 Act and Rule 30d–1" to read "Section 30(e) of the 1940 Act and Rule 30e–1".

d. In Item 23, paragraph a. of Instruction 5, by revising "Rule 30d–1" to read "Rule 30e–1".

10. On page 3765, third column, third and fourth lines from the bottom, remove "paragraph (c) as paragraph (m)" and add in its place "paragraphs (c) and (d) as paragraphs (m) and (n)".

11. On page 3768, third column, amendment 27(a) is added.

27(a). Form N–3 (referenced in §§ 239.17a and 274.11b) is amended by:

a. In General Instruction G., Incorporation by Reference, fourth paragraph, by revising the phrase "Section 30(d) of the 1940 Act [15 U.S.C. 80a–29(d)] and Rule 30d–1 [17 CFR 270.30d–1]" to read "Section 30(e) of the 1940 Act [15 U.S.C. 80a–29(e)] and Rule 30e–1 [17 CFR 270.30e–1]".

b. In Item 27, Instruction 4 to paragraph (a), introductory text, by revising the phrase "Section 30(d) of the 1940 Act and Rule 30d–1 under it [17 CFR 270.30d–1]" to read "Section 30(e) of the 1940 Act and Rule 30e–1 under it [17 CFR 270.30e–1]".

c. In Item 27, Instruction 5 to paragraph (a), introductory text, by revising the phrase "Section 30(d) of the 1940 Act and Rule 30d–1 under it [17 CFR 270.30d–1]" to read "Section 30(e) of the 1940 Act and Rule 30e–1 under it [17 CFR 270.30e–1]".

d. In Item 27, Instruction 5(i) to paragraph (a), by revising the phrase "Rule 30d–1" to read "Rule 30e–1".

e. In Item 37, Instruction 2 to paragraph (a), by revising the phrase "Section 30(d) of the 1940 Act and Rule 30d–1" to read "Section 30(e) of the 1940 Act and Rule 30e–1".

By the Commission.

Dated: February 27, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5244 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Oxytetracycline Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental abbreviated new animal drug application (ANADA) filed by Pennfield Oil Co. The ANADA provides for the subcutaneous administration of oxytetracycline injectable solution in cattle.

DATES: This rule is effective March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Dianne T. McRae, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0212.

SUPPLEMENTARY INFORMATION: Pennfield Oil Co., 14040 Industrial Rd., Omaha, NE 68137, filed a supplement to ANADA 200–154 that provides for the use of PENNOX™ (oxytetracycline) 200 Injection as treatment for various bacterial diseases in cattle and swine. The supplemental ANADA provides for the subcutaneous administration of oxytetracycline injectable solution in beef cattle, nonlactating dairy cattle, and calves, including preruminating (veal) calves. The supplemental ANADA is approved as of January 12, 2001, and the regulations are amended in 21 CFR 522.1660 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subject in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.1660 [Amended]

2. Section 522.1660 *Oxytetracycline injection* is amended in the second sentence in paragraph (d)(1)(iii) by removing "Sponsor 000010," and by adding in its place "Sponsors 000010 and 053389".

Dated: February 8, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–5223 Filed 3–2–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Ivermectin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Phoenix Scientific, Inc. The ANADA provides for use of ivermectin injection for the treatment and control of various species of external and internal parasites in cattle, swine, reindeer, and American bison.

DATES: This rule is effective March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0209.

SUPPLEMENTARY INFORMATION: Phoenix Scientific, Inc., 3915 South 48th St. Terrace, P.O. Box 6457, St. Joseph, MO 64506–0457, filed ANADA 200–228 that provides for use of Phoenectin™ (ivermectin) Injection for cattle and swine. The ANADA provides for use of a 1 percent solution of ivermectin, by subcutaneous injection, in cattle for the treatment and control of various species of gastrointestinal nematodes, lungworms, grubs, lice, and mites; in swine for the treatment and control of various species of gastrointestinal nematodes, lungworms, lice, and mites; in reindeer for the treatment and control of warbles; and in American bison for the treatment and control of grubs. The ANADA is approved as a generic copy of Merial Ltd.'s NADA 128–409 for Ivomec® (ivermectin) Injection.

ANADA 200–228 is approved as of December 27, 2000, and the regulations are amended in 21 CFR 522.1192 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

2. Section 522.1192 is amended by revising paragraph (b) to read as follows:

§ 522.1192 Ivermectin injection.

* * * * *

(b) *Sponsors.* See No. 050604 in § 510.600(c) of this chapter for use as in paragraph (d) of this section. See No. 059130 in § 510.600(c) of this chapter for use as in paragraphs (d)(2), (d)(3), (d)(4), and (d)(6) of this section.

* * * * *

Dated: February 12, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 01–5222 Filed 3–2–01; 8:45 am]

BILLING CODE 4160–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs; Ivermectin Pour-On

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Med-Pharmex, Inc. The ANADA provides for topical use of ivermectin on cattle for treatment and control of various species of external and internal parasites.

DATES: This rule is effective March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0209.

SUPPLEMENTARY INFORMATION: Med-Pharmex, Inc., 2727 Thompson Creek Rd., Pomona, CA 91767–1861, filed ANADA 200–299 for Ivermectin Pour-On for Cattle. The application provides for topical use of 0.5 percent ivermectin solution on cattle for the treatment and control of various species of gastrointestinal nematodes, lungworms, grubs, horn flies, lice, and mites. Med-Pharmex's Ivermectin Pour-On for Cattle is approved as a generic copy of Merial Limited's IVOMEC® (ivermectin) Pour-On for Cattle, approved under NADA 140–841. ANADA 200–299 is approved as of December 28, 2000, and the regulations in § 524.1193 (21 CFR 524.1193) are amended to reflect the approval. The basis of approval is discussed in the freedom of information summary. Section 524.1193 is further revised to reflect current format and to reflect the expiration of 3 years of marketing exclusivity granted to Merial Ltd,. in 1997 (62 FR 38907, July 21, 1997), for which revisions were made to § 524.1193 (63 FR 44384, August 19, 1998).

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 524

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 524 is amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

2. Section 524.1193 is amended in paragraph (a) by adding "(mL)" after "milliliter"; by revising paragraph (b); by redesignating paragraph (d) as paragraph (e) and by adding new paragraph (d); and by revising redesignated paragraph (e) to read as follows:

§ 524.1193 Ivermectin pour-on.

* * * * *

(b) *Sponsors.* See Nos. 050604, 051259, and 059130 in § 510.600(c) of this chapter for use as in paragraph (e) of this section.

* * * * *

(d) *Special considerations.* See § 500.25 of this chapter.

(e) *Conditions of use.* (1) *Amount.* One mL per 22 pounds of body weight.

(2) *Indications for use in cattle.* It is used topically for the treatment and control of: Gastrointestinal roundworms (adults and fourth-stage larvae) *Ostertagia ostertagi* (including inhibited stage), *Haemonchus placei, Trichostrongylus axei, T. colubriformis, Cooperia* spp., *Oesophagostomum radiatum*; (adults) *O. venulosum, Strongyloides papillosus, Trichuris* spp.; lungworms (adults and fourth-stage larvae) *Dictyocaulus viviparus*; cattle grubs (parasitic stages) *Hypoderma bovis, H. lineatum*; mites *Chorioptes bovis, Sarcoptes scabei* var. *bovis*; lice *Linognathus vituli, Haematopinus eurysternus, Damalina bovis, Solenoptes capillatus*; horn flies *Haematobia irritans.* It is also used to control infections of gastrointestinal roundworms *O. ostertagi, O. radiatum, H. placei, T. axei, Cooperia punctata,* and *C. oncophora* for 14 days after treatment.

(3) *Limitations.* Do not treat cattle within 48 days of slaughter. Because a withdrawal time in milk has not been established, do not use in female dairy cattle of breeding age.

Dated: February 12, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 01–5221 Filed 3–2–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Monensin, Bacitracin Methylene Disalicylate, and Roxarsone

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Alpharma, Inc. The NADA provides for use of approved, single-ingredient monensin and bacitracin methylene disalicylate Type A medicated articles to make two-way combination drug Type C medicated feeds for broiler and replacement chickens. These combination medicated feeds are used as an aid in the prevention of coccidiosis, as an aid in the prevention and control of necrotic enteritis, and for increased rate of weight gain and improved feed efficiency.

DATES: This rule is effective March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Charles J. Andres, Center for Veterinary Medicine (HFV–128), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–1600.

SUPPLEMENTARY INFORMATION: Alpharma, Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, filed NADA 141–140 that provides for use of COBAN® (45 or 60 grams per pound (g/lb) of monensin activity as monensin sodium) and BMD® (10, 25, 30, 40, 50, 60, or 75 g/lb bacitracin methylene disalicylate) Type A medicated articles to make combination Type C medicated feeds containing 90 to 110 grams per ton (g/ton) monensin and 4 to 50, 50, or 100 to 200 g/ton bacitracin methylene disalicylate for use in broiler chickens and replacement chickens intended for use as caged layers. The Type C medicated feeds containing 90 to 110 g/ton monensin and 4 to 50 g/ton bacitracin methylene disalicylate are used as an aid in the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima*; and for increased rate of weight gain and improved feed efficiency in replacement chickens intended for use as caged layers. The Type C medicated feeds containing 90 to 110 g/ton monensin and 50 g/ton bacitracin methylene disalicylate are used as an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima*; and as an aid in the prevention of necrotic enteritis caused or complicated by *Clostridium* spp. or other organisms susceptible to bacitracin in broiler chickens and replacement chickens intended for use as caged layers. The Type C medicated feeds containing 90 to 110 g/ton monensin and 100 to 200 g/ton bacitracin methylene disalicylate are used as an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima*; and as an aid in the control of necrotic enteritis caused or complicated by *Clostridium* spp. or other organisms susceptible to bacitracin in broiler chickens and replacement chickens intended for use as caged layers. The NADA is approved as of January 2, 2001, and the regulations in 21 CFR 558.355 are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

2. Section 558.355 is amended by adding paragraphs (f)(1)(xxix) and (f)(1)(xxx), by redesignating paragraphs (f)(4)(ii), (f)(4)(iii), and (f)(4)(iv) as paragraphs (f)(4)(iv), (f)(4)(vi), and (f)(4)(vii), and by adding paragraphs (f)(4)(ii), (f)(4)(iii), and (f)(4)(v) to read as follows:

§ 558.355 Monensin.

* * * * *

(f) * * *

(1) * * *

(xxix) *Amount per ton.* Monensin, 90 to 110 grams; plus bacitracin methylene disalicylate, 50 grams.

(a) *Indications for use.* As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima*; and as an aid in the prevention of necrotic enteritis caused or complicated by *Clostridium* spp. or other organisms susceptible to bacitracin.

(b) *Limitations.* Feed continuously as sole ration. Do not feed to chickens over 16 weeks of age. Do not feed to laying chickens. As monensin sodium provided by 000986; bacitracin methylene disalicylate as provided by 046573 in § 510.600(c) of this chapter.

(xxx) *Amount per ton.* Monensin, 90 to 110 grams; plus bacitracin methylene disalicylate, 100 to 200 grams.

(a) *Indications for use.* As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima*; and as an aid in the control of necrotic enteritis caused or complicated by *Clostridium spp.* or other organisms susceptible to bacitracin.

(b) *Limitations.* Feed continuously as sole ration. Do not feed to chickens over 16 weeks of age. Do not feed to laying chickens. To control necrotic enteritis, start medication at first clinical signs of disease; vary dosage based on the severity of infection; administer continuously for 5 to 7 days or as long as clinical signs persist, then reduce bacitracin to prevention level (50 grams per ton). As monensin sodium provided by 000986; bacitracin methylene disalicylate as provided by 046573 in § 510.600(c) of this chapter.

* * * * *

(4) * * *

(ii) *Amount per ton.* Monensin, 90 to 110 grams; plus bacitracin methylene disalicylate, 4 to 50 grams.

(a) *Indications for use.* As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima*; for increased rate of weight gain, and improved feed efficiency.

(b) *Limitations.* Feed continuously as sole ration. Do not feed to chickens over 16 weeks of age. Do not feed to laying chickens. As monensin sodium provided by 000986; bacitracin methylene disalicylate as provided by 046573 in § 510.600(c) of this chapter.

(iii) *Amount per ton.* Monensin, 90 to 110 grams; plus bacitracin methylene disalicylate, 50 grams.

(a) *Indications for use.* As an aid in the prevention of coccidiosis caused by

E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati, and *E. maxima*; and as an aid in the prevention of necrotic enteritis caused or complicated by *Clostridium* spp. or other organisms susceptible to bacitracin.

(b) *Limitations.* Feed continuously as sole ration. Do not feed to chickens over 16 weeks of age. Do not feed to laying chickens. As monensin sodium provided by 000986; bacitracin methylene disalicylate as provided by 046573 in § 510.600(c) of this chapter.

* * * * *

(v) *Amount per ton.* Monensin, 90 to 110 grams; plus bacitracin methylene disalicylate, 100 to 200 grams.

(a) *Indications for use.* As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima*; and as an aid in the control of necrotic enteritis caused or complicated by *Clostridium* spp. or other organisms susceptible to bacitracin.

(b) *Limitations.* Feed continuously as sole ration. Do not feed to chickens over 16 weeks of age. Do not feed to laying chickens. To control necrotic enteritis, start medication at first clinical signs of disease; vary dosage based on the severity of infection; administer continuously for 5 to 7 days or as long as clinical signs persist, then reduce bacitracin to prevention level (50 grams per ton). As monensin sodium provided by 000986; bacitracin methylene disalicylate as provided by 046573 in § 510.600(c) of this chapter.

* * * * *

Dated: February 12, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 01–5220 Filed 3–2–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Monensin and Tylosin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Animal Health. The supplemental NADA provides for use of monensin and tylosin single-ingredient Type A medicated articles to make combination drug Type C medicated feeds used for improved feed efficiency, prevention and control of coccidiosis, and reduction of the incidence of liver abscesses in cattle fed in confinement for slaughter.

DATES: This rule is effective March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Daniel A. Benz, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0223.

SUPPLEMENTARY INFORMATION: Elanco Animal Health, A Division of Eli Lilly & Co., Lilly Corporate Center, Indianapolis, IN 46285, filed supplemental NADA 104–646 that provides for use of RUMENSIN® (20, 30, 45, 60, 80, or 90.7 grams per pound (g/lb) monensin activity as monensin sodium) and TYLAN® (10, 40, or 100 g/lb tylosin phosphate) Type A medicated articles to make combination drug Type C medicated feeds for cattle fed in confinement for slaughter. The Type C medicated feeds contain 10 to 30 g/ton monensin and 8 to 10 g/ton tylosin, and are used for improved feed efficiency, prevention and control of coccidiosis caused by *Eimeria bovis* and *E. zuernii*, and reduction of the incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Actinomyces* (*Corynebacterium*) *pyogenes*. The supplemental NADA is approved as of February 2, 2001, and the regulations are amended in 21 CFR 558.355 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

2. Section 558.355 is amended by adding paragraph (f)(3)(xii) to read as follows:

§ 558.355 Monensin.

* * * * *

(f) * * *

(3) * * *

(xii) *Amount per ton.* Monensin, 10 to 30 grams; plus tylosin, 8 to 10 grams.

(*a*) *Indications for use.* For improved feed efficiency, prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii*, and reduction of incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Actinomyces* (*Corynebacterium*) *pyogenes*.

(*b*) *Limitations.* Feed only to cattle being fed in confinement for slaughter. Feed continuously to provide 50 to 360 milligrams monensin per head per day. For prevention and control of coccidiosis, feed at a rate of 0.14 to 0.42 milligram monensin per pound of body weight per day, depending upon the severity of challenge, up to maximum of 360 milligrams per head per day; and 60 to 90 milligram of tylosin per head per day.

* * * * *

Dated: February 15, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation Center for Veterinary Medicine.

[FR Doc. 01–5219 Filed 3–2–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–01–004]

RIN 2115–AE46

Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, Maryland

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: The Coast Guard is implementing the special local regulations for the 22nd Annual Safety at Sea Seminar, a marine event to be held March 31, 2001, on the waters of Spa Creek and Severn River at Annapolis, Maryland. These special local regulations are necessary to control vessel traffic due to the confined nature of the waterway and expected vessel congestion during the event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and vessels transiting the event area.

DATES: 33 CFR 100.511 is effective from 11:30 a.m. to 3 p.m. on March 31, 2001.

FOR FURTHER INFORMATION CONTACT: Chief Warrant Officer R.L. Houck, Marine Events Coordinator, Commander, Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226–1971, (410) 576–2674.

SUPPLEMENTARY INFORMATION: The U.S. Naval Academy Sailing Squadron will sponsor the 22nd Annual Safety at Sea Seminar on the waters of the Severn River Spa Creek at Annapolis, Maryland. Waterbone activities will include demonstrations of life rafts, pyrotechnics, man overboard procedures, and a helicopter rescue. In order to ensure the safety of participants, spectators and transiting vessels, 33 CFR 100.511 will be in effect for the duration of the event. Under provisions of 33 CFR 100.511, vessels may not enter the regulated area without permission from the Coast Guard Patrol Commander. Spectator vessels may anchor outside the regulated area but may not block a navigable channel. Because these restrictions will only be in effect for a limited period, they should not result in a significant disruption of maritime traffic.

Dated: February 22, 2001.

T.C. Paar,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 01–5267 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–018]

Drawbridge Operation Regulations: Shaw Cove, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Amtrak Bridge, at mile 0.0, across the Shaw Cove at New London, Connecticut. This deviation allows the bridge to remain closed to vessel traffic from 8 a.m. on March 5, 2001 through 11 p.m. on March 8, 2001. This action is necessary to facilitate necessary maintenance at the bridge.

DATES: This deviation is effective March 5, 2001 through March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668–7165.

SUPPLEMENTARY INFORMATION: The Amtrak Bridge, at mile 0.0, across the Shaw Cove has a vertical clearance of 3 feet at mean high water, and 6 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.223.

The bridge owner, the National Railroad Passenger Corporation (Amtrak), requested a temporary deviation from the drawbridge operating regulations to facilitate necessary maintenance at the bridge. This deviation from the operating regulations allows the bridge to remain closed to vessel traffic from 8 a.m. on March 5, 2001 through 11 p.m. on March 8, 2001. Vessels that can pass under the bridge without an opening may do so at all times during the closed period.

In accordance with 33 CFR 117.35(c) this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 13, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–5266 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF EDUCATION

34 CFR Part 361

RIN 1820–AB52

State Vocational Rehabilitation Services Program

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final regulations; correction.

SUMMARY: On January 22, 2001, final regulations for the State Vocational Rehabilitation Services Program were published in the **Federal Register** (66 FR 7250). This document corrects the January 22 document.

DATES: This correction is effective October 1, 2001.

FOR FURTHER INFORMATION CONTACT: Beverlee Stafford, U.S. Department of Education, 400 Maryland Avenue, SW., room 3014, Mary E. Switzer Building, Washington DC 20202–2531. Telephone: (202) 205–8831. If you use a telecommunications device for the deaf (TDD), you may call (202) 205–5538.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to Katie Mincey, Director, Alternate Formats Center, U.S. Department of Education, 400 Maryland Avenue, SW., room 1000, Mary E. Switzer Building, Washington, DC 20202–2531. Telephone (202) 260–9895. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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(Catalog of Federal Domestic Assistance Number: 84.126 State Vocational Rehabilitation Services Program)

Dated: February 28, 2001.

Andrew J. Pepin,

Executive Administrator for Special Education and Rehabilitative Services.

In the final regulations, FR Doc. 01–1746, published on January 22, 2001 (66 FR 7250), make the following correction:

1. On page 7250, in the second column, in the preamble, under the

SUPPLEMENTARY INFORMATION heading, in lines 22 and 37, correct "2000" to read "2001".

[FR Doc. 01–5252 Filed 3–2–01; 8:45 am]
BILLING CODE 4000–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Associate Director for Mitigation has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona:					
Cochise (FEMA Docket No. B–7312).	Unincorporated Areas	November 10, 1999, November 17, 1999, *Arizona Range News.*	The Honorable Mike Palmer, Chairman, Cochise County Board of Supervisors, 1415 West Melody Lane, Building B, Bisbee, Arizona 85603.	February 15, 2000	040012
Cochise (FEMA Docket No. 7312).	City of Wilcox	November 10, 1999, November 17, 1999, *Arizona Range News.*	The Honorable Marlin Easthouse, Mayor, City of Wilcox, 101 South Railroad Avenue, Suite B, Willcox, Arizona 85643.	February 15, 2000	040018

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Maricopa (FEMA Docket No. B–7312).	Town of Gilbert	October 20, 1999, October 27, 1999, *The Tribune Newspapers.*	The Honorable Cynthia Dunham, Mayor, Town of Gilbert, 1025 South Gilbert Road, Gilbert, Arizona 85296.	September 28, 1999	040044
Graham (FEMA Docket No. 7312).	Unincorporated Areas	November 10, 1999, November 17, 1999, *Eastern Arizona Courier.*	The Honorable Lynn Skinner, Chairman, Graham County Board of Supervisors, 921 Thatcher Boulevard, Safford, Arizona 85546.	February 15, 2000	040032
Pima (FEMA Docket No. 7312).	Town of Marana	October 8, 1999, October 15, 1999, *Arizona Daily Star.*	The Honorable Ora Mae Ham, Mayor, Town of Marana, 13251 North Lon Adams Road, Marana, Arizona 85653.	August 31, 1999	040118
Maricopa (FEMA Docket No. 7312).	Unincorporated Areas	October 20, 1999, October 27, 1999, *Arizona Republic.*	The Honorable Fulton Brock, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.	September 28, 1999	040037
Maricopa (FEMA Docket No. 7312).	Unincorporated Areas	November 12, 1999, November 19, 1999, *Arizona Republic.*	The Honorable Fulton Brock, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.	February 17, 2000	040037
Maricopa (FEMA Docket No. 7312).	City of Mesa	October 20, 1999, October 27, 1999, *Mesa Tribune.*	The Honorable Wayne Brown, Mayor, City of Mesa, P.O. Box 1466, Mesa, Arizona 85211–1466.	September 28, 1999	040048
Pima (FEMA Docket No. 7312).	Unincorporated Areas	October 8, 1999, October 15, 1999, *The Arizona Daily Star.*	The Honorable Sharon Bronson, Chairperson, Pima County Board of Supervisors, 130 West Congress, 11th Floor, Tucson, Arizona 85701.	August 31, 1999	040073
Pima (FEMA Docket No. 7312).	Unincorporated Areas	November 10, 1999, November 17, 1999, *The Arizona Daily Star.*	The Honorable Sharon Bronson, Chairperson, Pima County Board of Supervisors, 130 West Congress, 11th Floor, Tucson, Arizona 85701.	October 1, 1999	040073
Maricopa (FEMA Docket No. 7312).	Town of Queen Creek	October 20, 1999, October 27, 1999, *Arizona Republic.*	The Honorable Mark Schnepf, Mayor, Town of Queen Creek, 22350 South Ellsworth Road, Queen Creek, Arizona 85242.	September 28, 1999	040132
Pima (FEMA Docket No. 7312).	Town of Sahuarita	November 10, 1999, November 17, 1999, *Green Valley News & Sun.*	The Honorable Gordon Van Camp, Mayor, Town of Sahuarita, P.O. Box 879, Sahuarita, Arizona 85629.	October 1, 1999	040173
Santa Cruz (FEMA Docket No. 7312).	Unincorporated Areas	October 19, 1999, October 21, 1999, *Nogales International.*	The Honorable Robert Damon, Chairperson, Santa Cruz County Board of Supervisors, 2150 North Congress Drive, Nogales, Arizona 85621.	September 21, 1999	040090
Yavapai (FEMA Docket No. 7312).	Unincorporated Areas	October 21, 1999, October 28, 1999, *Prescott Courier.*	The Honorable A.G. "Chip" Davis, Chairman, Yavapai County Board of Supervisors, 10 South Sixth Street, Cottonwood, Arizona 86326.	January 26, 2000	040093
Arkansas:					
Craighead (FEMA Docket No. 7312).	City of Jonesboro	October 8, 1999, October 15, 1999, *The Jonesboro Sun.*	The Honorable Hubert Brodell, Mayor, City of Jonesboro, P.O. Box 1845, Jonesboro, Arkansas 72403–1845.	September 10, 1999	050048

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Pulaski (FEMA Docket No. 7312).	City of Little Rock	November 4, 1999, November 11, 1999, *Arkansas Democrat Gazette.*	The Honorable Jim Dailey, Mayor, City of Little Rock, City Hall, 500 West Markham Street, Room 203, Little Rock, Arkansas 72201.	September 30, 1999 ...	050181
California:					
Los Angeles (FEMA Docket No. 7312).	City of Calabasas	October 7, 1999, October 14, 1999, *Los Angeles Daily News.*	The Honorable Robert Sibilla, Mayor, City of Calabasas, 26135 Mureau Road, Calabasas, California 91302.	September 2, 1999	060749
Riverside (FEMA Docket No. 7312).	City of Murrieta	November 16, 1999, November 23, 1999, *The Californian.*	The Honorable Chuck Washington, Mayor, City of Murrieta, 26442 Beckman Court, Murrieta, CA 92562.	October 19, 1999	060751
Riverside (FEMA Docket No. 7312).	Unincorporated Areas	November 10, 1999, November 17, 1999, *Press-Enterprise.*	The Honorable Roy Wilson Chairperson, Riverside County Board of Supervisors, County Administrative Center, 4080 Lemon Street, 14th Floor, Riverside, California 92501.	October 6, 1999	060245
San Diego (FEMA Docket No. 7312).	Unincorporated Areas	November 9, 1999, November 16, 1999, *San Diego Union-Tribune.*	The Honorable Pam Slater, Chairwoman, San Diego County Board of Supervisors, 1600 Pacific Highway, Room 335, San Diego, California 92101.	February 14, 2000	060284
San Diego (FEMA Docket No. 7312).	City of Santee	November 9, 1999, November 16, 1999, *San Diego Union-Tribune.*	The Honorable Jack Dale, Mayor, City of Santee, 10601 Magnolia Avenue, Santee, California 92071–1266.	February 14, 2000	060703
Colorado:					
Arapahoe (FEMA Docket No. 7312).	Unincorporated Areas	November 4, 1999, November 11, 1999, *The Villager.*	The Honorable Steve Ward, Chairman, Arapahoe County, Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166.	October 12, 1999	080011
Arapahoe (FEMA Docket No. 7312).	Unicorporateed Areas	November 18, 1999, November 25, 1999, *The Villager.*	The Honorable Steve Ward, Chairperson, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166.	October 12, 1999	080011
Boulder (FEMA Docket NO. 7312).	Unincorporated Areas	November 9, 1999, November 16, 1999, *Daily Camera.*	The Honorable Ron Stewart, Chairman, Boulder County Board of Commissioners, P.O. Box 471, Boulder, Colorado 80306–0471.	October 5, 1999	080023
Boulder (FEMA Docket No. 7312.	City of Boulder	November 12, 1999, November 19, 1999, *Daily Camera.*	The Honorable Robert D. Greenlee, Mayor, City of Boulder, P.O. Box 791, Boulder, Colorado 80306–0791.	October 12, 1999	080024
Arapahoe (FEMA Docket No. 7312.	Town of Columbine Valley.	November 4, 1999, November 11, 1999, *The Littleton Independent.*	The Honorable James C. McShane, Mayor, Town of Columbine Valley, 5931 South Middlefield Road, Suite 101, Columbine Valley, Colorado 80123.	October 12, 1999	080014
Douglas (FEMA Docket No. 7312).	Unincorporated Areas	November 17, 1999, November 24, 1999 *Douglas County News Press.*	The Honorable James Sullivan, Chairperson, Douglas County Board of Commissioners, 101 Third Street, Castle Rock, Colorado 80104.	October 12, 1999	080049

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Boulder (FEMA Docket No. 7312).	City of Longmont	November 9, 1999, November 16, 1999, *Longmont Daily Times-Call.*	The Honorable Leona Stoecker, Mayor, City of Longmont, 350 Kimbark Street, Longmont, Colorado 80501.	October 5, 1999	080027
Hawaii:					
(FEMA Docket No. 7312).	City and County of Honolulu.	October 19, 1999, October 26, 1999, *Honolulu Star Bulletin.*	The Honorable Jeremy Harris, Mayor, City of Honolulu, Honolulu Hall, 530 South King Street, Honolulu, Hawaii 96813.	January 24, 2000	150001
Kansas:					
Johnson (FEMA Docket No. 7312).	City of Overland Park	November 5, 1999, November 12, 1999, *Overland Park Sun.*	The Honorable Ed Eiler, Mayor, City of Overland Park, City Hall, 8500 Santa Fe Drive, Overland Park, Kansas 66212.	October 12, 1999	200174
Missouri:					
Jefferson (FEMA Docket No. 7312).	City of Crystal City	October 20, 1999, October 27, 1999, *Suburban Journal.*	The Honorable Grant Johnston, Mayor, City of Crystal City, 130 Mississippi Avenue, Crystal City, Missouri 63019.	September 28, 1999 ...	290189
Clay, Platte, and Jackson (FEMA Docket No. 7312).	City of Kansas City	October 12, 1999, October 19, 1999, *Daily Record.*	The Honorable Kay Barnes, Mayor, City of Kansas City, 414 East 12th Street, 29th Floor, Kansas City, Missouri 64106.	September 6, 1999	290173
New Mexico:					
Bernalillo (FEMA Docket No. 7312).	City of Albuquerque ...	November 3, 1999, November 10, 1999, *Albuquerque Journal.*	The Honorable Jim Baca, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	September 29, 1999 ...	350002
Nevada:					
Clark (FEMA Docket No. 7312).	Unincorporated Areas	October 14, 1999, October 21, 1999, *Las Vegas Review-Journal.*	The Honorable Bruce Woodbury, Chairperson, Clark County Board of Commissioners, 500 Grand Central Parkway, Las Vegas, Nevada 89155.	January 19, 2000	320003
Clark (FEMA Docket No. 7312).	Unincorporated Areas	October 14, 1999, October 21, 1999, *Las Vegas Review-Journal.*	The Honorable Bruce Woodbury, Chairperson, Clark County Board of Supervisors, P.O. Box 551601, Las Vegas, Nevada 89155–1601.	September 17, 1999 ...	320003
Clark (FEMA Docket No. 7312).	City of Henderson	October 14, 1999, October 21, 1999, *Las Vegas Review-Journal.*	The Honorable James Gibson, Mayor, City of Henderson, 240 South Water Street, Henderson, Nevada 89015.	Janauary 19, 2000	320005
Oklahoma:					
Tulsa (FEMA Docket No. 7312).	City of Broken Arrow	October 22, 1999, October 29, 1999, *Broken Arrow Ledger.*	The Honorable James Reynolds, Mayor, City of Broken Arrow, P.O. Box 610, Broken Arrow, Oklahoma 74013.	September 28, 1999 ...	400236
Cleveland (FEMA Docket No. 7312).	City of Moore	October 22, 1999, October 29, 1999, *Moore American.*	The Honorable Glenn Lewis, Mayor, City of Moore, 301 North Broadway, Moore, Oklahoma 73160.	September 24, 1999 ...	400044
Texas:					
Tarrant (FEMA Docket No. 7312).	City of Arlington	October 21, 1999, October 28, 1999, *Fort Worth Star-Telegram.*	The Honorable Elzie Odom, Mayor, City of Arlington, P.O. Box 231, Arlington, Texas 76004–0231.	January 26, 2000	485454

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Tarrant (FEMA Docket No. 7312).	City of Arlington	November 19, 1999, November 26, 1999, *Fort Worth Star-Telegram.*	The Honorable Elzie Odom, Mayor, City of Arlington, P.O. Box 231, Arlington, Texas 76004–0231.	October 25, 1999	485454
Bexar (FEMA Docket No. 7312).	Unincorporated Areas	November 10, 1999, November 17, 1999, *San Antonio Express-News.*	The Honorable Cyndi Taylor Krier, Bexar County Judge, Bexar County Courthouse, 100 Dolorosa, Suite 101, San Antonio, Texas 78205–3036.	October 12, 1999	480035
Brazos (FEMA Docket No. 7312).	City of College Station	November 9, 1999, November 16, 1999, *Bryan and College Station Eagle.*	The Honorable Lynn McIlhaney, Mayor, City of College Station, P.O. Box 9960, College Station, Texas 77842–9960.	October 8, 1999	480083
Dallas (FEMA Docket No. 7312).	City of Dallas	October 12, 1999, October 19, 1999, *Dallas Morning News.*	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla Street, Dallas, Texas 75201.	January 17, 2000	480171
Dallas (FEMA Docket No. 7312).	City of Dallas	October 14, 1999, October 21, 1999, *Dallas Morning News.*	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla Street, Dallas, Texas 75201.	September 17, 1999	480171
Dallas (FEMA Docket No. 7312).	City of Dallas	November 16, 1999, November 23, 1999, *Dallas Morning News.*	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla Street, Dallas, Texas 75201.	October 6, 1999	480171
Dallas (FEMA Docket No. 7312).	City of Garland	October 14, 1999, October 21, 1999, *The Garland News.*	The Honorable Jim Spence, Mayor, City of Garland, P.O. Box 469002, Garland, Texas 75046–9002.	September 15, 1999	485471
Harris (FEMA Docket No. 7312).	Unincorporated Areas	November 3, 1999, November 10, 1999, *Houston Chronicle.*	The Honorable Robert Eckels, Harris County Judge, 1001 Preston Street, Suite 911, Houston, Texas 77002.	September 29, 1999	480287
Hays (FEMA Docket No. 7312).	Unincorporated Areas	November 26, 1999, December 3, 1999, *San Marcos Daily Record.*	The Honorable Eddy Etheredge, Hays County Judge, Hays County Courthouse, 111 East San Antonio Street, San Marcos, Texas 78666.	March 2, 2000	480321
Tarrant (FEMA Docket No. 7312).	City of Keller	October 6, 1999, October 13, 1999, *Fort Worth Star-Telegram.*	The Honorable Dave Phillips, Mayor, City of Keller, P.O. Box 770, Keller, Texas 76244.	August 30, 1999	480602
Kendall (FEMA Docket No. 7312).	Unincorporated Areas	October 19, 1999, October 26, 1999, *The Boerne Star.*	The Honorable Bill Gooden, Kendall County Judge, 201 East San Antonio Street, 120, Boerne, Texas 78006.	September 15, 1999	480417
Dallas (FEMA Docket No. 7312).	City of Lancaster	October 7, 1999, October 14, 1999, *Lancaster Today.*	The Honorable Martha Wallace, Mayor, City of Lancaster, P.O. Box 940, Lancaster, Texas 75146–0940.	September 7, 1999	480182
Collin (FEMA Docket No. 7312).	City of Plano	October 13, 1999, October 20, 1999, *Plano Star Courier.*	The Honorable John Longstreet, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086–0358.	September 7, 1999	480140
Bexar (FEMA Docket No. 7312).	City of San Antonio	October 15, 1999, October 22, 1999, *San Antonio Express-News.*	The Honorable Howard W. Peak, Mayor, City of San Antonio, P.O. Box 83996, San Antonio, Texas 78283–3966.	January 20, 2000	480045

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California:					
Santa Clara (FEMA Docket No. 7316).	City of Milpitas	December 3, 1999, December 10, 1999, *San Jose Mercury News.*	The Honorable Henry Manayan, Mayor, City of Milpitas, 455 East Calaveras Boulevard, Milpitas California 95035.	November 2, 1999	060344
Sacramento (FEMA Docket No. 7316).	City of Sacramento	December 21, 1999, December 28, 1999, *Sacramento Bee.*	The Honorable Joe Serna, Mayor, City of Sacramento, City Hall, 9151 I Street, Room 205, Sacramento, California 95814.	November 24, 1999	060266
Sacramento FEMA Docket No. 7316.	Unincorporated Areas	December 15, 1999, December 22, 1999, *Sacramento Bee.*	The Honorable Muriel Johnson, Chairperson, Sacramento County Board of Supervisors, 700 H Street, Room 2450, Sacramento, California 95814.	March 21, 2000	060262
Sacramento (FEMA Docket No. 7316).	Unincorporated Areas	December 21, 1999, December 28, 1999, *Sacramento Bee.*	The Honorable Muriel Johnson, Chairperson, Sacramento County Board of Supervisors, 700 H Street, Room 2450, Sacramento, California 95814.	November 24, 1999	060262
Colorado:					
Boulder (FEMA Docket No. 7316).	City of Boulder	December 9, 1999, December 16, 1999, *Daily Camera.*	The Honorable Robert D. Greenlee, Mayor, City of Boulder, P.O. Box 791, Boulder, Colorado 80306.	November 9, 1999	080024
Kansas:					
Butler (FEMA Docket No. 7316).	Unincorporated Areas	November 26, 1999, December 3, 1999, *El Dorado Times.*	The Honorable Linsey Cutsinger, Butler County Commissioner Chair, Butler County Courthouse, 205 West Central Avenue, Fourth Floor, El Dorado, Kansas 67042.	March 2, 2000	200037
Missouri:					
St. Louis (FEMA Docket No. 7316).	City of Chesterfield	December 14, 1999, December 21, 1999, *St. Louis Countian.*	The Honorable Nancy Greenwood, Mayor, City of Chesterfield, 16052 Swingley Ridge Road, Suite 100, Chesterfield, Missouri 63017.	November 24, 1999	290896
Nevada:					
Clark (FEMA Docket No. 7316).	City of Las Vegas	December 8, 1999, December 15, 1999, *Las Vegas Review Journal.*	The Honorable Oscar Goodman, Mayor, City of Las Vegas, 400 East Stewart Avenue, Las Vegas, Nevada 89101.	November 2, 1999	325276
Oregon:					
Marion (FEMA Docket No. 7316).	Unincorporated Areas	December 2, 1999, December 9, 1999, *Statesman Journal.*	The Honorable Patti Milne, Chairman, Marion County Board of Supervisors, County Courthouse, 100 High Street Northeast, Salem, Oregon 97301.	November 9, 1999	410154
Texas:					
Collin (FEMA Docket No. 7316).	City of Allen	December 8, 1999, December 15, 1999, *Allen American.*	The Honorable Steve Terrell, Mayor, City of Allen, One Butler Circle, Allen, Texas 75013.	November 2, 1999	480131
Tarrant (FEMA Docket No. 7316).	City of Arlington	December 3, 1999, December 10, 1999, *Fort Worth Star-Telegram.*	The Honorable Elzie Odom, Mayor, City of Arlington, P.O. Box 231, Arlington, Texas 76004–0231.	November 3, 1999	485454
Denton (FEMA Docket No. 7316).	Town of Cooper Canyon.	December 22, 1999, December 29, 1999, *Lewisville News.*	The Honorable Thomas A. Rogers, Mayor, Town of Copper Canyon, City Hall, 400 Woodland Drive, Copper Canyon, Texas 75067–8501.	March 28, 2000	481508

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Dallas (FEMA Docket No. 7316).	City of Dallas	November 30, 1999, December 7, 1999, *Dallas Morning News.*	The Honorable Ronald Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla Street, Room 5EN, Dallas, Texas 75201.	November 1, 1999	480171
Denton (FEMA Docket No. 7316).	Town of Flower Mound.	December 22, 1999, December 29, 1999, *Lewisville News.*	The Honorable Lori DeLuca, Mayor, Town of Flower Mound, Town Hall, 2121 Cross Timbers Drive, Flower Mound, Texas 75028.	November 29, 1999	480777
Denton (FEMA Docket No. 7316).	City of Highland Village.	December 22, 1999, December 29, 1999, *Lewisville News.*	The Honorable Austin Adams, Mayor, City of Highland Village, City Hall, 1800 FM 407, Highland, Texas 75077.	March 28, 2000	481105
Montgomery (FEMA Docket No. 7316).	Unincorporated Areas	December 20, 1999, December 27, 1999, *Conroe Courier.*	The Honorable Alan Sadler, Montgomery County Judge, 301 North Thompson Street, Suite 210, Conroe, Texas 77301.	November 29, 1999	480483
Hays (FEMA Docket No. 7316).	City of San Marcos	November 26, 1999, December 3, 1999, *San Marcos Daily Record.*	The Honorable Billy Moore, Mayor, City of San Marcos, City Hall, 630 East Hopkins Street, San Marcos, Texas 78666.	March 2, 2000	485505
Fort Bend (FEMA Docket No. 7316).	Unincorporated Areas	December 15, 1999, December 22, 1999, *Herald Coaster.*	The Honorable James C. Adolphus, Fort Bend County Judge, 301 Jackson Street, Suite 719, Richmond, Texas 77469.	November 5, 1999	480228
Collin (FEMA Docket No. 7316).	City of Frisco	December 3, 1999, December 10, 1999, *Frisco Enterprise.*	The Honorable Kathy Seei, Mayor, City of Frisco, P.O. Box 1100, Frisco, Texas 75034.	March 9, 2000	480134
Dallas (FEMA Docket No. 7316).	City of Garland	November 18, 1999, November 25, 1999, *Garland News.*	The Honorable Jim Spence, Mayor, City of Garland, 200 North Fifth Street, Garland, Texas 75040.	October 12, 1999	485471
Dallas (FEMA Docket No. 7316).	City of Garland	November 18, 1999, November 25, 1999, *Garland News.*	The Honorable Jim Spence, Mayor, City of Garland, P.O. Box 469002, Garland, Texas 75046–9002.	February 23, 2000	485471
Cameron (FEMA Docket No. 7316).	Town of South Padre Island.	November 18, 1999, November 25, 1999, *Port Isable and South Padre Press.*	The Honorable Edmund Cyganiewicz, Mayor, Town of South Padre Island, 4501 Padre Boulevard, South Padre Island, Texas 78597.	October 12, 1999	480115
Utah:					
Davis (FEMA Docket No. 7316).	Unincorporated Areas	December 2, 1999, December 9, 1999, *Davis County Clipper.*	The Honorable Dannie McConkie, Chairman, Davis County Board of Supervisors, P.O. Box 618, Farmington, Utah 84025.	October 26, 1999	490038
Davis (FEMA Docket No. 7316).	City of Kaysville	December 2, 1999, December 9, 1999, *Davis County Clipper.*	The Honorable Brian Cook, Mayor, City of Kaysville, 23 East Center Street, Kaysville, Utah 84037.	October 26, 1999	490046
Arizona:					
Pima (FEMA Docket No. 7320).	Unincorporated Areas	January 20, 2000, January 27, 2000, *The Arizona Daily Star.*	The Honorable Sharon Bronson, Chairperson, Pima County Board of Supervisors, 130 West Congress, 11th Floor, Tucson, Arizona 85701.	April 26, 2000	040073

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Colorado:					
Arapahoe (FEMA Docket No. 7320).	Unincorporated Areas	February 3, 2000, February 10, 2000, *The Villager.*	The Honorable Steve Ward, Chairman, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166–0060.	January 6, 2000	080011
El Paso (FEMA Docket No. 7320).	City of Colorado Springs.	January 4, 2000, January 11, 2000, *Gazette Telegraph.*	The Honorable Mary Lou Makepeace, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901–1575.	December 14, 1999	080060
Jefferson (FEMA Docket No. 7320).	Unincorporated Areas	January 19, 2000, January 26, 2000, Columbine Community *Charter.*	The Honorable Michelle Lawrence, Chairperson, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, Colorado 80419.	December 22, 1999	080087
Larimer (FEMA Docket No. 7320).	City of Fort Collins	January 26, 2000, February 2, 2000, *The Coloradoan.*	The Honorable Ray Martinez, Mayor, City of Fort Collins, P.O. Box 580, Fort Collins, Colorado 80522–0580.	December 22, 1999	080102
Larimer (FEMA Docket No. 7320).	Unincorporated Areas	January 26, 2000, February 2, 2000, *The Coloradoan.*	The Honorable Cheryl Olson, Chairperson, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, Colorado 80522–1190.	December 22, 1999	080101
Hawaii:					
Hawaii (FEMA Docket No. 7320).	Hawaii	February 2, 2000, February 9, 2000, West Hawaii Today.	The Honorable Stephen K. Yamashiro, Mayor, Hawaii County, 25 Aupuni Street, Room 202, Hilo, Hawaii 96720–4252.	January 6, 2000	155166
Missouri:					
Butler (FEMA Docket No. 7320).	Unincorporated Areas	January 24, 2000, January 31, 2000, *Daily American Republic.*	The Honorable Joe Humphrey, Commissioner, Butler County, Butler County Courthouse, Room 203, Poplar Bluff, Missouri 63901.	January 27, 2000	290044
St. Louis (FEMA Docket No. 7320.	City of Chesterfield	January 11, 2000, January 18, 2000, *St. Louis Countian.*	The Honorable Nancy Greenwood, Mayor, City of Chesterfield, 16052 Swingley Ridge Road, Suite 100, Chesterfield, Missouri 63017.	April 17, 2000	290896
Butler (FEMA Docket No. 7320).	City of Poplar Bluff	January 24, 2000, January 31, 2000, *American Republic.*	The Honorable Reid Forrester, Mayor, City of Poplar Bluff, City Hall, 101 Oak Street, Poplar Bluff, Missouri 63901.	December 27, 1999	290047
Perniscot (FEMA Docket No. 7320).	City of Steele	February 3, 2000, February 10, 2000, *The Steele Enterprise.*	The Honorable Keith Samford, Mayor, City of Steele, 115 South Walnut Street, Steele, Missouri 63877.	December 20, 1999	290279
St. Louis (FEMA Docket No. 7320).	City of Wildwood	January 11, 2000, January 18, 2000, *St. Louis Countian.*	The Honorable R. W. Marcantano, Mayor, City of Wildwood, 16962 Manchester Road, Wildwood, Missouri 63040.	April 17, 2000	290922
New Mexico:					
Sandoval (FEMA Docket No. 7320).	Town of Bernalillo	January 24, 2000, January 31, 2000, *Albuquerque Jounal.*	The Honorable Charles Aguilar, Mayor, Town of Bernalillo, P.O. Box 638, Bernalillo, New Mexico 87004.	December 14, 1999	350056
Sandoval (FEMA Docket No. 7320).	City of Rio Rancho	January 24, 2000, January 31, 2000, *Albuquerque Journal.*	The Honorable John Jennings, Mayor, City of Rio Rancho, P.O. Box 15550, Rio Rancho, New Mexico 87174.	December 14, 1999	350146

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Sandoval (FEMA Docket No. 7320).	Unincorporated Areas	January 24, 2000, January 31, 2000, *Albuquerque Journal.*	Ms. Debbie Hays, County Manager, Sandoval County, P.O. Box 40, Bernalillo, New Mexico 87004.	December 14, 1999	350055
Texas:					
Dallas (FEMA Docket No. 7320).	City of Dallas	December 28, 1999, January 4, 2000, *Dallas Morning News.*	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla Street, Dallas, Texas 75201.	December 2, 1999	480171
Dallas (FEMA Docket No. 7320).	City of Dallas	January 5, 2000, January 12, 2000, Dallas Morning News.	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla, Dallas, Texas 75201.	December 15, 1999	480171
Dallas (FEMA Docket No. 7320).	City of Dallas	January 17, 2000, January 24, 2000, *Dallas Morning News.*	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla, Dallas, Texas 75201.	December 20, 1999	480171
Tarrant (FEMA Docket No. 7320).	City of Euless	January 24, 2000, January 31, 2000, *Fort Worth Star-Telegram.*	The Honorable Mary Lib Saleh, Mayor, City of Euless, 201 North Ector Drive, Euless, Texas 76039.	December 22, 1999	480593
Tarrant (FEMA Docket No. 7320).	City of Fort Worth	January 24, 2000, January 31, 2000, *Fort Worth Star-Telegram.*	The Honorable Kenneth Barr, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102.	December 22, 1999	480596
Harris (FEMA Docket No. 7320).	Unincorporated Areas	December 28, 1999, January 4, 2000, *Houston Chronicle.*	The Honorable Robert Eckels, Harris County Judge, 1001 Preston Street, Suite 911, Houston, Texas 77002.	December 15, 1999	480287
Harris (FEMA Docket No. 7320).	Unincorporated Areas	December 28, 1999, January 4, 2000, *Houston Chronicle.*	The Honorable Robert Eckels, Harris County Judge, 1001 Preston Street, Suite 911, Houston, Texas 77002.	April 3, 2000	480287
Bexar (FEMA Docket No. 7320).	Town of Hollywood Park.	January 5, 2000, January 12, 2000, *San Antonio Express-News.*	The Honorable Gary Mercer, Mayor, Town of Hollywood Park, Two Mecca Drive, Hollywood Park, Texas 78232.	April 11, 2000	480040
Midland (FEMA Docket No. 7320).	City of Midland	January 4, 2000, January 11, 2000, *Midland Reporter-Telegram.*	The Honorable Robert Burns, Mayor, City of Midland, P.O. Box 1152, Midland, Texas 79702–1152.	December 7, 1999	480477
Bexar (FEMA Docket No. 7320).	City of San Antonio ...	February 4, 2000, February 11, 2000, *San Antonio Express-News.*	The Honorable Howard W. Peak, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	May 11, 2000	480045
Bexar (FEMA Docket No. 7320).	City of San Antonio ...	January 5, 2000, January 12, 2000, *San Antonio Express-News.*	The Honorable Howard W. Peak, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	April 11, 2000	480045
Bexar (FEMA Docket No. 7320).	City of Shavano Park	January 5, 2000 January 12, 2000, San Antonio Express-News.	The Honorable Tommy Peyton, Mayor, City of Shavano Park, 99 Saddletree Road, San Antonio, Texas 78231.	April 11, 2000	480047
California:					
Orange (FEMA Docket No. 7324).	City of Anaheim	January 20, 2000, January 27, 2000, *Anaheim Bulletin.*	The Honorable Tom Daly, Mayor, City of Anaheim, P.O. Box 3222, Anaheim, California 92803.	January 13, 2000	060213
Orange (FEMA Docket No. 7324).	City of Irvine	January 31, 2000, February 7, 2000, *Orange County Register.*	The Honorable Christina Shea, Mayor, City of Irvine, P.O. Box 19575, Irvine, California 92623–9575.	December 29, 1999	060222

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Orange (FEMA Docket No. 7324).	City of Irvine	February 24, 2000, March 2, 2000, *The Irvine World News.*	The Honorable Christina Shea, Mayor, City of Irvine, P.O. Box 19575, Irvine, California 92623–9575.	January 27, 2000	060222
Los Angeles (FEMA Docket No. 7324).	City of Santa Clarita ..	February 17, 2000, February 24, 2000, *The Signal.*	The Honorable Joanne Darcy, Mayor, City of Santa Clarita, 23920 Valencia Boulevard, Suite 300, Santa Clarita, California 91355.	January 18, 2000	060729
Orange (FEMA Docket No. 7324).	City of Tustin	January 31, 2000, February 7, 2000, *Orange County Register.*	Mr. Thomas Saltarelli, Mayor, City of Tustin, 300 Centennial Way, Tustin, California 92780.	December 29, 1999	060235
Colorado:					
Arapahoe (FEMA Docket No. 7324).	Unincorporated Areas	February 10, 2000, February 17, 2000, *The Villager.*	The Honorable Steve Ward, Chairman, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166–0060.	May 17, 2000	080011
Boulder (FEMA Docket No. 7324).	City of Louisville	February 23, 2000, March 1, 2000, *Louisville Times.*	The Honorable Tom Davidson, Mayor, City of Louisville, 749 Main Street, Louisville, Colorado 80027.	January 19, 2000	085076
Idaho:					
Blaine (FEMA Docket No. 7324).	City of Bellevue	February 9, 2000, February 16, 2000, *Wood River Journal.*	The Honorable Steve Fairbrother, Mayor, City of Bellevue, P.O. Box 449, Bellevue, Idaho 83313.	January 4, 2000	160021
Blaine (FEMA Docket No. 7324).	Unincorporated Areas	February 9, 2000, February 16, 2000, *Wood River Journal.*	The Honorable Mary Ann Mix, Chairperson, Blaine County Board of Commissioners, 206 First Avenue South, Suite 300, Hailey, Idaho 83333.	January 4, 2000	165167
Kansas:					
Miami (FEMA Docket No. 7324).	City of Paola	February 23, 2000, March 1, 2000, *Miami County Republic.*	The Honorable Floyd J. Grimes, Mayor, City of Paola, 19 East Teoria, Paola, Kansas 66071.	May 30, 2000	200224
Nebraska:					
Colfax (FEMA Docket No. 7324).	Village of Howells	February 23, 2000, March 1, 2000, *Howells Journal.*	The Honorable Larry Jakubowski, Chairperson, Village of Howells Board of Commissioners, 128 North Third Street, Howells, Nebraska 68641–0351.	May 30, 2000	310380
Nevada:					
Clark (FEMA Docket No. 7324).	Unincorporated Areas	February 17, 2000, February 24, 2000, *Las Vegas Review-Journal.*	The Honorable Bruce Woodbury, Chairperson, Clark County Board of Commissioners, P.O. Box 551601, Law Vegas, Nevada 89155.	January 7, 2000	32003
New Mexico:					
Bernalillo (FEMA Docket No. 7324).	Unincorporated Areas	February 25, 2000, March 3, 2000, *Albuquerque Journal.*	The Honorable Tom Rutherford, Chairperson, Board of Commissioners, Bernalillo County, 2400 Broadway Southeast, Albuquerque, New Mexico 87102.	January 19, 2000	350001
Oklahoma:					
Stephens (FEMA Docket No. 7324).	City of Duncan	February 7, 2000, February 14, 2000, *The Duncan Banner.*	The Honorable Dennis Johnson, Mayor, City of Duncan, P.O. Box 969, Duncan, Oklahoma 73534.	December 29, 1999	400202

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Tulsa (FEMA Docket No. 7324).	City of Tulsa	February 24, 2000, March 2, 2000, *Tulsa World.*	The Honorable M. Susan Savage, Mayor, City of Tulsa, City Hall, 200 Civic Center, Tulsa, Oklahoma 74103.	May 31, 2000	405381
Texas:					
Tarrant (FEMA Docket No. 7324).	City of Bedford	February 23, 2000, March 1, 2000, *Fort Worth Star-Telegram.*	The Honorable Rick Hurt, Mayor, City of Bedford, 2000 Forest Ridge Drive, Bedford, Texas 76021.	January 24, 2000	480585
Bexar (FEMA Docket No. 7324).	Unincorporated Areas	February 15, 2000, February 22, 2000, *San Antonio Express-News.*	The Honorable Cyndi Taylor Krier, Bexar County Judge, Bexar County Courthouse, 100 Dolorosa, Suite 101, San Antonio, Texas 78205–3036.	January 7, 2000	480035
Dallas (FEMA Docket No. 7324).	City of Carrollton	February 11, 2000, February 18, 2000, *Metrocrest News.*	The Honorable Milburn Gravely, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, Texas 75011–0535.	January 7, 2000	480167
Dallas (FEMA Docket No. 7324).	City of Dallas	February 7, 2000, February 14,2000, *Dallas Morning News.*	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla, Dallas, Texas 75201.	May 15, 2000	480171
Tarrant (FEMA Docket No. 7324).	City of Euless	February 23, 2000, March 1, 2000, *Fort Worth Star-Telegram.*	The Honorable Mary Lib Saleh, Mayor City of Euless, 201 North Ector Drive, Euless, Texas 76039.	January 24, 2000	480593
Tarrant (FEMA Docket No. 7324).	City of Fort Worth	February 29, 2000, March 7, 2000, *Fort Worth Star-Telegram.*	The Honorable Kenneth Barr, Mayor, City of Fort Worth, City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102–6311.	January 24, 2000	480596
Tarrant (FEMA Docket No. 7324).	City of North Richland Hills.	February 8, 2000, February 15, 2000, *Fort Worth Star-Telegram.*	The Honorable Charles Scoma, Mayor, City of North Richland Hills, P.O. Box 820609, North Richland Hills, Texas 76182–0609.	January 11, 2000	480607
Tarrant City (FEMA Docket No. 7324).	City of Saginaw	February 29, 2000, March 7, 2000, *Fort Worth Star-Telegram.*	The Honorable Monte Nichols, Mayor, City of Saginaw, P.O. Box 79070, Saginaw, Texas 76179.	January 24, 2000	480610
Bexar (FEMA Docket No. 7324).	City of San Antonio	February 25, 2000, March 3, 2000, *San Antonio Express-News.*	The Honorable Howard W. Peak, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	January 24, 2000	480045
Arizona:					
Maricopa (FEMA Docket No. 7328).	Unincorporated Areas	March 24, 2000, March 31, 2000, *Arizona Republic.*	The Honorable Andrew Kunasek, Chairperson, Maricopa County, Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.	February 23, 2000	040037
Maricopa (FEMA Docket No. 7328).	Unincorporated Areas	May 17, 2000, May 24, 2000, *Arizona Republic.*	The Honorable Andrew Kunasek, Chairperson, Maricopa County, Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.	April 20, 2000	040037
Maricopa (FEMA Docket No. 7328).	City of Avondale	May 17, 2000, May 24, 2000, *Arizona Republic.*	The Honorable Ron Drake, Mayor, City of Avondale, 525 North Central Avenue, Avondale, Arizona 85323.	April 20, 2000	040038

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Maricopa (FEMA Docket No. 7328).	City of Avondale	March 24, 2000, March 31, 2000, *Arizona Republic.*	The Honorable Thomas F. Morales, Jr., Mayor, City of Avondale, 525 North Central Avenue, Avondale, Arizona 85323.	February 23, 2000	040038
Maricopa (FEMA Docket No. 7328).	Town of Buckeye	May 17, 2000, May 24, 2000, *Arizona Republic.*	The Honorable Dusty Hull, Mayor, Town of Buckeye, 100 North Apache Road, Suite A, Buckeye, Arizona 85236.	April 20, 2000	040039
Maricopa (FEMA Docket No. 7328).	City of Goodyear	May 17, 2000, May 24, 2000, *Arizona Republic.*	The Honorable William O. Arnold, Mayor, City of Goodyear, 119 North Litchfield Road, Goodyear, Arizona 85338.	April 20, 2000	040046
Maricopa (FEMA Docket No. 7328).	City of Mesa	May 17, 2000, May 24, 2000, *Arizona Republic.*	The Honorable Wayne Brown, Mayor, City of Mesa, P.O. Box 1466, Mesa, Arizona 85211.	April 20, 2000	040048
Maricopa (FEMA Docket No. 7328).	City of Phoenix	May 17, 2000, May 24, 2000, *The Arizona Republic.*	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, Arizona 85003.	April 20, 2000	040051
Maricopa (FEMA Docket No. 7328).	City of Tempe	May 17, 2000, May 24, 2000, *The Arizona Republic.*	The Honorable Neil G. Giuliano, Mayor, City of Tempe, Tempe City Hall, P.O. Box 5002, Tempe, Arizona 85281.	April 20, 2000	040054
Maricopa (FEMA Docket No. 7328).	City of Phoenix	March 24, 2000, March 31, 2000, *The Arizona Republic.*	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington, 11th Floor, Phoenix, Arizona 85003.	February 23, 2000	040051
Maricopa (FEMA Docket No. 7328).	City of Tolleson	March 24, 2000, March 31, 2000, *The Arizona Republic.*	The Honorable Adolfo Gamez, Mayor, City of Tolleson, 9555 West Van Buren, Tolleson, Arizona 85353.	February 23, 2000	040055
Navajo (FEMA Docket No. 7328).	Unincorporated Areas	May 17, 2000, May 24, 2000, *Holbrook Tribune News.*	The Honorable Tommy Thompson, Chairperson, Navajo County, Board of Supervisors, P.O. Box 668, Holbrook, Arizona 86025.	April 20, 2000	040056
California:					
Los Angeles (FEMA Docket No. 7328).	City of Carson	March 16, 2000, March 23, 2000 *Daily Breeze.*	The Honorable Peter Fajardo, Mayor, City of Carson, 701 East Carson Street, Carson, California 90749.	February 25, 2000	060107
Los Angeles (FEMA Docket No. 7328).	City of Compton	March 15, 2000, March 22, 2000, *Compton Bulletin.*	The Honorable Omar Bradley, Mayor, City of Compton, 205 South Willowbrook Avenue, Compton, California 90220.	February 25, 2000	060111
Los Angeles (FEMA Docket No. 7328).	City of Lakewood	March 16, 2000, March 23, 2000, *Press-Telegram.*	The Honorable Joseph Esquivel, Mayor, City of Lakewood, 5050 Clark Avenue, Lakewood, California 90712.	February 25, 2000	060130
Los Angeles (FEMA Docket No. 7328).	City of Los Angeles	March 16, 2000, March 23, 2000, *Los Angeles Times.*	The Honorable Richard Riordan, Mayor, City of Los Angeles, 200 North Main Street, Room 800, Los Angeles, California 90012.	February 25, 2000	060137
Los Angeles (FEMA Docket No. 7328).	City of Long Beach	March 16, 2000, March 23, 2000, *Press-Telegram.*	The Honorable Beverly O'Neill, Mayor, City of Long Beach, 333 West Ocean Boulevard, Long Beach, California 90802.	February 25, 2000	060136

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Sacramento (FEMA Docket Sacramento No. 7328).	City of Folsom	June 28, 2000, July 5, 2000, *The Folsom Telegraph.*	The Honorable Stephen Miklos, Mayor, City of Folsom, 50 Natoma Street, Folsom, California 95630.	June 8, 2000	060263
San Joaquin (FEMA Docket No. 7328).	City of Stockton	May 26, 2000, June 2, 2000, *The Record.*	The Honorable Gary Podesto, Mayor, City of Stockton, 425 North El Dorado Street, Stockton, California 95202.	May 10, 2000	060302
Los Angeles (FEMA Docket No. 7328).	City of Santa Clarita	June 5, 2000, June 12, 2000, *The Signal.*	The Honorable Jo Anne Darcy, Mayor, City of Santa Clarita, 23920 Valencia Boulevard, Suite 300, Santa Clarita, California 91355.	May 15, 2000	060729
San Diego (FEMA Docket No. 7328).	City of Lemon Grove	May 3, 2000, May 10, 2000, *Lemon Grove Review.*	The Honorable Mary Sessom, Mayor, City of Lemon Grove, 3232 Main Street, Lemon Grove, California 91945.	March 27, 2000,	060723
Los Angeles (FEMA Docket No. 7328).	City of Gardena	March 16, 2000, March 23, 2000, *Gardena Valley News.*	The Honorable Donald L. Dear, Mayor, City of Gardena, P. O. Box 47003 Gardena, California 90247–6803.	February 25, 2000	060119
San Diego (FEMA Docket No. 7328).	City of Escondido	March 10, 2000, March 17, 2000, *North County Times.*	The Honorable Lori Pfeiler, Mayor, City of Escondido, 201 North Broadway, Escondido, California 92025.	January 31, 2000	060290
San Diego (FEMA Docket No. 7328).	Unincorporated Areas	May 9, 2000, May 16, 2000, *San Diego Union Tribune.*	The Honorable Dianne Jacob, Chairperson, San Diego County, Board of Supervisors, 1600 Pacific Highway, Room 335, San Diego, California 92101.	April 3, 2000	060284
San Diego (FEMA Docket No. 7328).	City of San Diego	March 10, 2000, March 17, 2000, *San Diego Daily Transcript.*	The Honorable Susan Golding, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, California 92101.	January 31, 2000	060295
Riverside (FEMA Docket No. 7328).	City of Hemet	March 24, 2000, March 31, 2000, *The Hemet News.*	The Honorable Lori VanArsdale, Mayor, City of Hemet, 450 East Latham Avenue, Hemet, California 92543.	February 18, 2000	060253
Riverside, (FEMA Docket No. 7328).	Unincorporated Areas	March 24, 2000, March 31, 2000, *The Hemet News.*	The Honorable Tom Mullen, Chairperson, Riverside County, Board of Supervisors, 4080 Lemon Street, 14th Floor, Riverside, California 92501.	February 18, 2000	060245
San Diego, (FEMA Docket No. 7328).	City of Chula Vista	March 18, 2000, March 25, 2000, *Star News.*	The Honorable Shirley Horton, Mayor, City of Chula Vista, City Hall, 276 Fourth Avenue, Chula Vista, California 91910.	February 15, 2000	065021
Colorado:					
Arapahoe , (FEMA Docket No. 7328).	Unincorporated Areas	March 23, 2000, March 30, 2000, *The Villager.*	The Honorable Steve Ward, Chairman, Arapahoe County, Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166.	June 29, 2000	080011
Arapahoe (FEMA Docket No. 7328).	City of Greenwood Village.	March 23, 2000, March 30, 2000, *The Villager.*	The Honorable David Phifer, Mayor, City of Greenwood Village, 6060 South Quebec Street, Greenwood Village, Colorado 80111.	June 29, 2000	080195
Douglas (FEMA Docket No. 7328).	City of Littleton	March 23, 2000, March 30, 2000, *The Littleton Independent.*	The Honorable Susan Thornton, Mayor, City of Littleton, 2255 West Berry Avenue, Littleton, Colorado 80165.	June 29, 2000	080017
Douglas (FEMA Docket No. 7328).	Unincorporated Areas	March 22, 2000, March 29, 2000, *Douglas County News Press.*	The Honorable James Sullivan, Chairperson, Douglas County Board of Commissioners, 100 Third Street, Castle Rock, Colorado 80104.	June 29, 2000	080049
Adams (FEMA Docket No. 7328).	City of Federal Heights.	June 5, 2000, June 12, 2000, *Denver Rocky Mountain News.*	The Honorable Phil Stewart, Mayor, City of Federal Heights, 2380 West 90th Avenue, Federal Heights, Colorado 80221.	September 11, 2000	080240
Arapahoe (FEMA Docket No. 7328).	City of Englewood	March 24, 2000, March 31, 2000, *The Englewood Herald.*	The Honorable Tom Burns, Mayor, City of Englewood 3400 South Elati Street, Englewood, Colorado 80110.	June 29, 2000	085074
Adams (FEMA Docket No. 7328).	City of Westminster	March 10, 2000, March 17, 2000, *Denver Post.*	The Honorable Nancy M. Heil, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, Colorado 80030.	February 1, 2000	080008
Jefferson (FEMA Docket No. 7328).	Unincorporated Areas	March 1, 2000, March 8, 2000, *Columbine Community Courier.*	The Honorable Richard Sheehan, Chairperson, Jefferson County, Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, Colorado 80419.	January 31, 2000	080087
Iowa:					
Black Hawk (FEMA Docket No. 7328).	City of Waterloo	March 29, 2000, April 5, 2000, *Waterloo Courier.*	The Honorable John R. Rooff, Mayor, City of Waterloo, City Hall, 715 Mulberry Street, Waterloo, Iowa 50703.	February 22, 2000	190025
Kansas:					
Johnson (FEMA Docket No. 7328).	City of DeSoto	May 4, 2000, May 11, 2000, *DeSoto Explorer.*	The Honorable Steven Pruden, Mayor, City of DeSoto, P.O. Box C, DeSoto, Kansas 66018.	August 10, 2000	200161
Johnson (FEMA Docket No. 7328).	Unincorporated Areas	May 5, 2000, May 12, 2000, *The Johnson County Sun.*	The Honorable Michael B. Press, Interim County Administrator, Johnson County, 111 South Cherry, Suite 3300, Olathe, Kansas 66061–3441.	August 10, 2000	200159
Sedgwick (FEMA Docket No. 7328).	City of Wichita	April 6, 2000, April 13, 2000, *Wichita Eagle.*	The Honorable Bob Knight, Mayor, City of Wichita, City Hall, First Floor, 455 North Main Street, Wichita, Kansas 67202.	July 12, 2000	200328
Sedgwick (FEMA Docket No. 7328).	Unincorporated Areas	April 18, 2000, April 25, 2000, *Wichita Eagle.*	The Honorable William Hancock, Chairperson, Sedgwick County, Board of Commissioners, 1144 South Seneca, Wichita, Kansas 67213.	July 24, 2000	200321
Louisiana:					
Lafayette Parish (FEMA Docket No. 7328).	Unincorporated Areas	April 21, 2000, April 28, 2000, *The Advertiser.*	The Honorable Walter S. Comeaux, Lafayette Parish President, P.O. Box 4017–C, Lafayette, Louisiana 70501–0417.	March 9, 2000	220101
Nevada:					
Clark (FEMA Docket No. 7328).	Unincorporated Areas	April 19, 2000, April 26, 2000, *Las Vegas Review-Journal.*	The Honorable Bruce Woodbury, Chairperson, Clark County, Board of Commissioners, 500 Grand Central Parkway, Las Vegas, Nevada 89155.	March 21, 2000	320003

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Clark (FEMA Docket No. 7328).	City of Henderson	April 19, 2000, April 26, 2000, *Las Vegas Review-Journal.*	The Honorable James Gibson, Mayor, City of Henderson, 240 South Water Street, Henderson, Nevada 89015.	March 21, 2000	320015
Washoe (FEMA Docket No. 7328).	City of Sparks	March 21, 2000, March 28, 2000, *Reno Gazette–Journal.*	The Honorable Tony Armstrong, Mayor, City of Sparks, P.O. Box 857, Sparks, Nevada 89432–0857.	February 10, 2000	320021
New Mexico:					
Bernalillo (FEMA Docket No. 7328).	City of Albuquerque ...	May 5, 2000, May 12, 2000, *Albuquerque Journal.*	The Honorable Jim Baca, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	March 21, 2000	350002
Texas:					
Bexar (FEMA Docket No. 7328).	Unincorporated Areas	March 21, 2000, March 28, 2000, *San Antonio Express–News.*	The Honorable Cyndi Taylor Krier, Bexar County Judge, Bexar County Courthouse, 100 Dolorosa, Suite 100, San Antonio, Texas 78205–3036.	February 11, 2000	480035
Burleson (FEMA Docket No. 7328).	City of Somerville	March 2, 2000, March 9, 2000, *Burleson County Citizen–Tribune.*	The Honorable Don Strickland, Mayor, City of Somerville, P.O. Box 159, Somerville, Texas 77879–0159.	February 2, 2000	480091
Dallas (FEMA Docket, No. 7328).	City of Irving	March 9, 2000, March 16, 2000, *The Irving News.*	The Honorable Joe H. Putnam, Mayor, City of Irving, P.O. Box 152288, Irving, Texas 75015–2288.	February 2, 2000	480180
Dallas (FEMA Docket No. 7328).	City of Dallas	April 21, 2000, April 28, 2000, *Dallas Morning News.*	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla Street, Dallas Texas 75201.	March 22, 2000	480171
Dallas (FEMA Docket No. 7328).	City of Garland	May 25, 2000, June 1, 2000, *The Garland News.*	The Honorable Jim Spence, Mayor, City of Garland, P.O. Box 469002, Garland Texas 75046–9002.	April 21, 2000	485471
Denton (FEMA Docket No. 7328).	Unincorporated Areas	May 10, 2000, May 17, 2000, *Lewisville News.*	The Honorable Kirk Wilson, Denton County Judge, Courthouse-on-the-Square, 110 West Hickory Street, Denton, Texas 76201.	March 31, 2000	480774
Denton (FEMA Docket No. 7328).	Unincorporated Areas	March 14, 2000, March 21, 2000, *Denton Record Chronicle.*	The Honorable Kirk Wilson, Judge, Denton County, Courthouse on the Square, 110 West Hickory Street, Second Floor, Denton, Texas 76201.	February 2, 2000	480774
Fort Bend (FEMA Docket No. 7328).	West Keegans Bayou, Improvement District.	March 21, 2000, March 28, 2000 *Houston Chronicle.*	Ms. Sandra Weider, President, West Keegans Bayou, Improvement District, 15014 Tranmore Drive, Houston, Texas 77083.	February 10, 2000	481602
Harris (FEMA Docket No. 7328).	City of Houston	March 3, 2000, March 10, 2000, *Houston Chronicle.*	The Honorable Lee Brown, Mayor, City of Houston, P.O. Box 1562, Houston, Texas 77251–1562.	January 31, 2000	480296
Tarrant (FEMA Docket No. 7328).	City of Saginaw	April 27, 2000, May 4, 2000, *The Times Record.*	The Honorable Monte Nichols, Mayor, City of Saginaw, P.O. Box 79070, Saginaw, Texas 76179.	March 24, 2000	480610
Williamson (FEMA Docket No. 7328).	City of Round Rock ...	March 23, 2000, March 30, 2000, *Round Rock Leader.*	The Honorable Charles Culpepper, Mayor, City of Round Rock, City Hall, 221 East Main Street, Round Rock, Texas 78664.	February 8, 2000	481048

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Dallas (FEMA Docket No. 7328).	City of Dallas	May 16, 2000, May 23, 2000, *Dallas Morning News.*	The Honorable Ron Kirk, Mayor, City of Dallas, 1500 Marilla Street, Dallas, Texas 75201.	August 21, 2000	480171
Johnson (FEMA Docket No. 7328).	City of Burleson	May 31, 2000, June 7, 2000, *Burleson Star.*	The Honorable Byron F. Black, Mayor, City of Burleson, City Hall, 141 West Renfro, Burleson, Texas 76028.	September 5, 2000	485459
Denton (FEMA Docket No. 7328).	City of Lewisville	May 26, 2000, June 2, 2000, *Lewisville News.*	The Honorable Clarence R. Myers, Mayor, City of Lewisville, 1197 West Main Street, Lewisville, Texas 75029–9002.	May 2, 2000	480195
Collin (FEMA Docket No. 7328).	City of Frisco	June 16, 2000, June 23, 2000, *Frisco Enterprise.*	The Honorable Kathy Seei, Mayor, City of Frisco, P.O. Box 1100, Frisco, Texas 75034.	May 24, 2000	480134
Travis (FEMA Docket No. 7328).	Unincorporated Areas	May 2, 2000, May 9, 2000, *Austin American Statesman.*	The Honorable Samuel T. Biscoe, Travis County Judge, P.O. Box 1748, Austin, Texas 78767–1748.	August 7, 2000	481026
Wichita (FEMA Docket No. 7328).	City of Wichita Falls ..	March 17, 2000, March 24, 2000, *Wichita Falls Times Record News.*	The Honorable Kay Yeager, Mayor, City of Wichita Falls, 1300 Seventh Street, Wichita Falls, Texas 76301.	February 11, 2000	480662
Utah:					
Utah (FEMA Docket No. 7328).	City of Provo	March 17, 2000, March 24, 2000, *The Daily Herald.*	The Honorable Lewis Billings, Mayor, City of Provo, 351 West Center, Provo, Utah 84604.	June 22, 2000	490159
Washington:					
Chelan (FEMA Docket No. 7328).	Unincorporated Areas	March 24, 2000, March 31, 2000, *Wenatchee World.*	The Honorable John Hunter, Chairperson, Chelan County, Board of Commissioners, 350 Orando Avenue, Wenatchee, Washington 98801.	February 11, 2000	530015
Douglas (FEMA Docket No. 7328).	City of East Wenatchee.	May 11, 2000, May 18, 2000, *Wenatchee World.*	The Honorable Steve Lacy, Mayor, City of East Wenatchee, 215 Ninth Street Northeast, East Wenatchee, Washington 98802.	April 14, 2000	530030
Arizona:					
Maricopa (FEMA Docket No. B–7400).	Unincorporated Areas	April 7, 2000, April 14, 2000, *Arizona Republic.*	The Honorable Andrew Kunasek, Chairperson, Maricopa County, Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.	February 29, 2000	040037
Pima (FEMA. Docket No. B–7400).	City of Tucson	April 18, 2000, April 25, 2000, *Tucson Citizen.*	The Honorable Robert E. Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	July 24, 2000	040076
Pima (FEMA Docket No. B–7400).	Unincorporated Areas	April 18, 2000, April 25, 2000, *Arizona Daily Star.*	The Honorable Sharon Bronson, Chairperson, Pima County, Board of Supervisors, 130 West Congress, 11th Floor, Tucson, Arizona 85701.	July 24, 2000	040073
Arkansas:					
Sebastian (FEMA Docket No. B–7400).	City of Fort Smith	April 21, 2000, April 28, 2000, *Southwest Times Record.*	The Honorable Ray Baker, Mayor, City of Fort Smith, P.O. Box 1908, Fort Smith, Arkansas 72902.	March 21, 2000	055013

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California:					
Contra Costa (FEMA Docket No. B–7400).	City of Walnut Creek	April 5, 2000, April 12, 2000, *Contra Costa Times.*	The Honorable Charlie Abrams, Mayor, City of Walnut Creek, 1666 North Main Street, Walnut Creek, California 94596–8039.	March 8, 2000	065070
Riverside (FEMA Docket No. B–7400).	City of Corona	April 19, 2000, April 26, 2000, *The Press Enterprise.*	The Honorable Jeffrey P. Bennett, Mayor, City of Corona, P.O. Box 940, Corona, California 92882–0940.	March 13, 2000	060250
Riverside (FEMA Docket No. B–7400).	City of Norco	April 19, 2000, April 26, 2000, *The Press Enterprise.*	The Honorable Frank Hall, Mayor, City of Norco, P.O. Box 428, Norco, California 92860–0428.	March 13, 2000	060256
Colorado:					
Arapahoe (FEMA Docket No. B–7400).	Unincorporated Areas	April 20, 2000, April 27, 2000, *The Villager.*	The Honorable Steve Ward, Chairperson, Arapahoe County, Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166.	March 13, 2000	080011
Nebraska:					
Thurston (FEMA Docket No. B–7400).	Village of Pender	April 20, 2000, April 27, 2000, *Pender Times.*	The Honorable Frank Appleton, Chairperson, Village of Pender, Board of Trustees, P.O. Box S, Pender, Nebraska 68047.	July 26, 2000	310221
New Mexico:					
Bernalillo (FEMA Docket No. B–7400).	City of Albuquerque	April 6, 2000, April 13, 2000, *Albuquerque Journal.*	The Honorable Jim Baca, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	February 29, 2000	350002
Oklahoma:					
Wagoner (FEMA Docket No. B–7400).	City of Coweta	April 19, 2000, April 26, 2000, *Coweta American.*	The Honorable Mike Dill, Mayor, City of Coweta, City Hall, P.O. Box 850, Coweta, Oklahoma 74429.	March 10, 2000	400216
Texas:					
Tarrant (FEMA Docket No. B–7400).	City of Fort Worth	April 20, 2000, April 27, 2000, *The Star-Telegram.*	The Honorable Kenneth Barr, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102–6311.	March 24, 2000	480596
Tarrant (FEMA Docket No. B–7400).	City of Keller	March 28, 2000, April 4, 2000, *The Keller Citizen.*	The Honorable Dave Phillips, Mayor, City of Keller, P.O. Box 770, Keller, Texas 76244.	July 3, 2000	480602
Williamson (FEMA Docket No. B–7400).	City of Austin	April 7, 2000, April 14, 2000, *Austin American-Statesman.*	The Honorable Kirk Watson, Mayor, City of Austin, 124 West Eighth Street, Suite 103, Austin, Texas 78701.	March 1, 2000	480624
Williamson (FEMA Docket No. B-7400).	Unincorporated Areas	April 7, 2000, April 14, 2000, *Austin American-Statesman.*	The Honorable John Doerffler, County Judge, Williamson County, 710 Main Street, Suite 201, Georgetown, Texas 78626.	March 1, 2000	481079
Arizona:					
Gila (FEMA Docket No B–7402).	Town of Payson	June 6, 2000, June 13, 2000, *Payson Roundup.*	The Honorable Vernon M. Stiffler, Mayor, Town of Payson, 303 North Beeline Highway, Payson, Arizona 85541–4306.	May 18, 2000	040107
Mohave (FEMA Docket No. B–7402).	Unincorporated Areas	May 3, 2000, May 10, 2000, *Kingman Daily Miner.*	The Honorable Buster Johnson, Chairman, Mohave County, Board of Supervisors, 809 East Beale Street, Kingman, Arizona 86401–5924.	October 20, 2000	040058

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Pima (FEMA Docket No. B–7402).	City of Tucson	June 20, 2000, June 27, 2000, *Arizona Daily Star.*	The Honorable Robert Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	May 31, 2000	040076
Arkansas:					
Crawford (FEMA Docket No. B–7402).	Unincorporated Areas	June 7, 2000, June 14, 2000, *Crawford County Courier.*	The Honorable Jerry Williams, Crawford County Judge, Crawford County Courthouse, 300 Main Street, Room 4, Van Buren, Arkansas 72956–5798.	September 12, 2000	050428
California:					
Alameda (FEMA Docket No. B–7402).	City of Fremont	June 1, 2000, June 8, 2000, *The Argus.*	The Honorable Gus Morrison, Mayor, City of Fremont, P.O. Box 5006, Fremont, California 94537.	April 25, 2000	065028
Lake (FEMA Docket No. B–7402).	Unincorporated Areas	June 14, 2000, June 21, 2000, *Lake County Record Bee.*	The Honorable D.W. Merriman, Chairperson, Lake County, Board of Supervisors, 255 North Forbes Street, Lakeport, California 95453.	May 25, 2000	060090
Colorado:					
Adams (FEMA Docket No. B–7402).	City of Northglenn	May 18, 2000, May 25, 2000, *Northglenn-Thornton Sentinel.*	The Honorable Don Parsons, Mayor, City of Northglenn, Colorado 80233–8061.	August 23, 2000	080257
Adams (FEMA Docket No. B–7402).	City of Thornton	May 18, 2000, May 25, 2000, *Northglenn-Thornton Sentinel.*	The Honorable Noel Busck, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, Colarodo 80229.	August 23, 2000	080007
Missouri:					
St. Charles (FEMA Docket No. B–7402).	City of O'Fallon	June 9, 2000, June 16, 2000, *St. Charles Journal.*	The Honorable Paul Renaud, Mayor, City of O'Fallon, 138 South Main Street, O'Fallon, Missouri 63366.	May 24, 2000	290315
New Mexico:					
Bernalillo (FEMA Docket No. B–7402).	Unincorporated Areas	May 11, 2000, May 18, 2000, *Albuquerque Journal.*	The Honorable Tom Rutherford, Chairperson, Bernalillo County, Board of Commissioners, 2400 Broadway Southeast, Albuquerque, New Mexico 87102.	March 31, 2000	350001
Oklahoma:					
Oklahoma (FEMA Docket No. B–7402).	City of Oklahoma City	May 31, 2000, June 7, 2000, *Daily Oklahoma.*	The Honorable Kirk Humphreys, Mayor, City of Oklahoma City, 200 North Walker, Suite 302, Oklahoma City, Oklahoma 73102.	May 12, 2000	405378
Tulsa (FEMA Docket No. B–7402).	City of Glenpool	May 31, 2000, June 7, 2000, *Tulsa World.*	The Honorable Charles Campbell, Mayor, City of Glenpool, P.O. Box 70, Glenpool, Oklahoma 74033.	September 5, 2000	400206
Texas:					
Brazos (FEMA Docket No. B–7402).	City of Bryan	June 14, 2000, June 21, 2000, *Bryan-College Station Eagle.*	The Honorable Lonnie Stabler, Mayor, City of Bryan, P.O. Box 1000, Bryan, Texas 77805.	September 19, 2000	480082
Brazos (FEMA Docket No. B–7402).	City of College Station	June 14, 2000, June 21, 2000, *Bryan-College Station Eagle.*	The Honorable Lynn McIlhaney, Mayor, City of College Station, P.O. Box 9960, College Station, Texas 77842–0960.	September 19, 2000	480083
Denton (FEMA Docket No. B–7402).	City of Denton	June 22, 2000, June 29, 2000, *Denton Record Chronicle.*	The Honorable Eulene Brock, Mayor, City of Denton, 215 East McKinney Street, Denton, Texas 76201.	June 1, 2000	480194

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Denton (FEMA Docket No. B–7402).	City of Lewisville	May 26, 2000, June 2, 2000, *Lewisville News.*	The Honorable Gene Carey, Mayor, City of Lewisville, 1197 West Main Street, Lewisville, Texas 75029–9002.	May 5, 2000	480195
Denton (FEMA Docket No. B–7402).	Unincorporated Areas	June 22, 2000, June 29, 2000, *Denton Record Chronicle.*	The Honorable Kirk Wilson, Denton County Judge, 110 West Hickory Street, Denton, Texas 76201.	June 1, 2000	480774
Denton (FEMA Docket No. B–7402).	Town of Westlake	June 6, 2000, June 13, 2000, *Keller Citizen.*	The Honorable Scott Bradley, Mayor, Town of Westlake, 3 Village Circle, Suite 207, Westlake, Texas 76262.	May 15, 2000	480614
Fort Bend (FEMA Docket No. B–7402).	Fort Bend County, Municipal Utility District No. 34.	May 12, 2000, May 19, 2000, *Herald-Coaster.*	Mr. Saib Y. Saour, P.E., R.L.S, District Engineer, Fort Bend County Municipal, Utility District No. 34, c/o Benchmark Engineering Corporation, 2401 Fountainview Drive, Suite 220, Houston, Texas 77057.	March 31, 2000	481520
Fort Bend (FEMA Docket No. B–7402).	Fort Bend County, Municipal Utility District No. 35.	May 12, 2000, May 19, 2000, *Herald-Coaster.*	Mr. Saib Y. Saour, P.E., R.L.S, District Engineer, Fort Bend County Municipal, Utility District No. 35, C/o Benchmark Engineering Corporation, 2401 Fountainview Drive, Suite 220, Houston, Texas 77057.	March 31, 2000	481519
Fort Bend (FEMA Docket No. B–7402).	Unincorporated Areas	May 12, 2000, May 19, 2000, *Herald-Coaster.*	The Honorable James Adolphus, Fort Bend County Judge, 301 Jackson Street, Suite 719, Richmond, Texas 77469.	March 31, 2000	480228
Harris (FEMA Docket No. B–7402).	City of Houston	June 6, 2000, June 13, 2000, *Houston Chronicle.*	The Honorable Lee Brown, Mayor, City of Houston, P.O. Box 1562 Houston, Texas 77251–1562.	September 11, 2000	480296
Washington:					
Skagit (FEMA Docket No. B–7402).	Unincorporated Areas	May 11, 2000, May 18, 2000, *Skagit Valley Herald.*	The Honorable Harvey Wolden, Chairperson, Skagit County, Board of Commissioners, 700 South Second Street, Room 202, Mount Vernon, Washington 98273.	April 7, 2000	530151
Arizona:					
Maricopa (FEMA Docket No. B–7403).	City of Glendale	July 27, 2000, August 3, 2000, *Arizona Republic.*	The Honorable Elaine Scruggs, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, Arizona 85301.	July 5, 2000	040045
Maricopa (FEMA Docket No. B–7403).	City of Glendale	August 31, 2000, September 7, 2000, *Arizona Republic.*	The Honorable Elaine Scruggs, Mayor, City of Glendale, 5850 West Glendale, Glendale, Arizona 85301.	August 10, 2000	040045
Maricopa (FEMA Docket No. B–7403).	City of Peoria	July 27, 2000, August 3, 2000, *Arizona Republic.*	The Honorable John Keegan, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, Arizona 85345.	July 5, 2000	040050
Maricopa (FEMA Docket No. B–7403).	City of Phoenix	July 27, 2000, August 3, 2000, *Arizona Republic.*	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, Arizona 85003.	July 5, 2000	040051
Maricopa (FEMA Docket No. B–7403).	City of Phoenix	August 31, 2000, September 7, 2000, *Arizona Republic.*	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, Arizona 85003.	August 10, 2000	040051

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Maricopa (FEMA Docket No. B–7403).	City of Phoenix	September 14, 2000, September 21, 2000, *Arizona Republic.*	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, Arizona 85003.	August 22, 2000	040051
Maricopa (FEMA Docket No. B–7403).	Unincorporated Areas	August 31, 2000, September 7, 2000, *Arizona Republic.*	The Honorable Andrew Kunasek, Chairperson, Maricopa County, Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.	August 10, 2000	040037
Pima (FEMA Docket No.B–7403).	City of Tucson	July 6, 2000, July 13, 2000, *Arizona Daily Star.*	The Honorable Robert E. Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	June 16, 2000	040076
Pima (FEMA Docket No. B–7403).	City of Tucson	July 27, 2000, August 3, 2000, *Tucson Citizen.*	The Honorable Robert E. Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	July 10, 2000	040076
Pima (FEMA Docket No. B–7403).	City of Tucson	August 29, 2000, September 5, 2000, *Tucson Citizen.*	The Honorable Robert E. Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	August 8, 2000	040076
Pima (FEMA Docket No. B–7403).	City of Tucson	August 30, 2000, September 6, 2000, *Tucson Citizen.*	The Honorable Robert E. Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	July 26, 2000	040076
Pima (FEMA Docket No. B–7403).	Unincorporated Areas	July 6, 2000, July 13, 2000, *Arizona Daily Star.*	The Honorable Sharon Bronson, Chairperson, Pima County, Board of Supervisors 130 West Congress, 11th Floor, Tucson, Arizona 85701.	June 16, 2000	040073
California:					
Mendocino (FEMA Docket No. B–7403).	Unincorporated Areas	September 22, 2000, September 29, 2000, *Ukiah Daily Journal.*	The Honorable Michael Delbar, Chairperson, Mendocino County, Board of Supervisors, 501 Low Gap Road, Room 1090, Ukiah, California 95482.	August 21, 2000	060183
Napa (FEMA Docket No. B–7403).	Unincorporated Areas	June 29, 2000, July 6, 2000, *Napa Valley Register.*	The Honorable Jay Hull, Administrator, Napa County, 1195 Third Street, Third Floor, Room 310, Nape, California 94559.	June 14, 2000	060205
Orange (FEMA Docket No. B–7403).	City of Irvine	June 9, 2000, June 16, 2000, *Orange County Register.*	The Honorable Christina Shea, Mayor, City of Irvine, P.O. Box 19575, Irvine, California 92623–9575.	May 26, 2000	060222
Orange (FEMA Docket No. B–7403).	City of Laguna Hills	June 9, 2000, June 16, 2000, *Orange County Register.*	The Honorable Joel Lautenschleger, Mayor, City of Laguna Hills, 25201 Paseo de Alicia, Suite 150, Laguna Hills, California 92653.	May 26, 2000	060760
Riverside (FEMA Docket No. B–7403).	City of Moreno Valley	September 22, 2000, September 29, 2000, *Valley Times.*	The Honorable Richard Stewart, Mayor, City of Moreno Valley, 14177 Frederick Street, Moreno Valley, California 92552.	August 31, 2000	065074
Sacramento (FEMA Docket No. B–7403).	City of Sacramento	September 13, 2000, September 20, 2000, *Sacramento Bee.*	The Honorable Joe Serna, Jr., Mayor, City of Sacramento, City Hall 915 I Street, Room 205, Sacramento, California 95814.	August 21, 2000	060266
Sacramento (FEMA Docket No. B–7403).	Unincorporated Areas	August 22, 2000, August 29, 2000, *Sacramento Bee.*	The Honorable Roger Dickinson, Chairperson, Sacramento County, Board of Supervisors, 700 H Street, Room 2450, Sacramento, California 95814.	August 2, 2000	060262

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Sacramento (FEMA Docket No. B–7403).	Unincorporated Areas	September 14, 2000, September 21, 2000, *Sacramento Bee.*	The Honorable Roger Dickinson, Chairperson, Sacramento County, Board of Supervisors, 700 H Street, Room 2450, Sacramento, California 95814.	August 23, 2000	060262
San Diego (FEMA Docket No. B–7403).	City of Oceanside	September 12, 2000, September 19, 2000, *North County Times.*	The Honorable Dick Lyon, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, California 92054–2885.	August 25, 2000	060294
Colorado:					
Arapahoe (FEMA Docket No. B–7403).	City of Aurora	August 10, 2000, August 17, 2000, *Aurora Sentinel.*	The Honorable Paul Tauer, Mayor, City of Aurora, 1470 South Havana Street, Aurora, Colorado 80012.	July 19, 2000	080002
El Paso (FEMA Docket No. B–7403).	City of Colorado Springs.	August 15, 2000, August 22, 2000, *The Gazette.*	The Honorable MaryLou Makepeace, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901–1575.	July 28, 2000	080060
Mesa (FEMA Docket No. B–7403).	City of Grand Junction	August 17, 2000, August 24, 2000, *Daily Sentinel.*	The Honorable Gene Kinsey, Mayor, City of Grand Junction, 250 North Fifth Street Grand Junction, Colorado 81501–2668.	November 22, 2000	080117
Mesa (FEMA Docket No. B–7403).	Unincorporated Areas	August 17, 2000, August 24, 2000,*Daily Sentinel.*	The Honorable Doralyn B. Genova, Chairperson, Mesa County, Board of Commissioners, P.O. Box 20000, Grand Junction, Colorado 81502–5001.	November 22, 2000	080115
Weld (FEMA Docket No. B–7403).	Town of Windsor	August 31, 2000, September 7, 2000, *Windsor Beacon.*	The Honorable Wayne Miller, Mayor, Town of Windsor, 301 Walnut Street, Windsor, Colorado 80550.	December 6, 2000	080264
Weld (FEMA Docket No. B–7403).	Unincorporated Areas	August 31, 2000, September 7, 2000, *Greeley Daily Tribune.*	The Honorable Barbara Kirkmeyer, Chairperson, Weld County, Board of Commissioners, P.O. Box 758, Greeley, Colorado 80632–0758.	December 6, 2000	080266
Idaho:					
Boise (FEMA Docket No. B–7403).	City of Idaho City	August 18, 2000, August 25, 2000, *The Idaho Statesman.*	The Honorable Thomas D. Corum, Mayor, City of Idaho City, P.O. Box 130, Idaho City, Idaho 83631.	July 28, 2000	160222
Boise (FEMA Docket No. B–7403).	Unincorporated Areas	August 18, 2000, August 25, 2000, *The Idaho Statesman.*	The Honorable John S. Foard, Sr., Chairperson, Boise County, Board of Commissioners, P.O. Box BC, Idaho City, Idaho 83631.	July 28, 2000	160205
Teton (FEMA Docket No. B–7403).	Unincorporated Areas	August 17, 2000, August 24, 2000, *Teton Valley News.*	The Honorable Brent Robson, Chairperson, Teton County, Board of Commissioners, 89 North Main, Driggs, Idaho 83422.	August 2, 2000	160230
Nevada:					
Clark (FEMA Docket No. B–7403).	Unincorporated Areas	July 21, 2000, July 28, 2000, *Las Vegas Review-Journal.*	The Honorable Bruce L. Woodbury, Chairman, Clark County, Board of Commissioners, P.O. Box 551601, Las Vegas, Nevada 89155–1601.	June 28, 2000	320003
Clark (FEMA Docket No. B–7403).	Unincorporated Areas	September 21, 2000, September 28, 2000, *Las Vegas Review-Journal.*	The Honorable Bruce L. Woodbury, Chairperson, Clark County, Board of Commissioners P.O. Box 551601, Las Vegas, Nevada 89155–1601.	August 29, 2000	320003

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Elko (FEMA Docket No. B–7403).	City of Elko	August 16, 2000, August 23, 2000, *Elko Daily Free Press.*	The Honorable Mike Franzoia, Mayor, City of Elko, 1751 College Avenue, Elko, Nevada 89801.	July 21, 2000	320010
New Mexico:					
Bernalillo (FEMA Docket No. B–7403).	City of Albuquerque ..	August 9, 2000, August 16, 2000, *Albuquerque Journal.*	The Honorable Jim Baca, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	July 13, 2000	350002
Bernalillo (FEMA Docket No. B–7403).	City of Albuquerque ..	August 10, 2000, August 17, 2000, *Albuquerque Journal.*	The Honorable Jim Baca, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	July 13, 2000	350002
Oklahoma:					
Tulsa (FEMA Docket No. B–7403).	City of Bixby	September 15, 2000, September 22, 2000, *Tulsa World.*	The Honorable Joe Williams, Mayor, City of Bixby, 116 West Needles Avenue, Bixby, Oklahoma 74008.	December 21, 2000	400207
Tulsa (FEMA Docket No. B–7403).	City of Tulsa	September 15, 2000, September 22, 2000, *Tulsa World.*	The Honorable M. Susan Savage, Mayor, City of Tulsa, City Hall, 200 Civic Center, Tulsa, Oklahoma 74103.	December 21, 2000	405381
Tulsa (FEMA Docket No. B–7403).	Unincorporated Areas	September 15, 2000, September 22, 2000, *Tulsa World.*	The Honorable Wilbert E. Collins, Sr., Chairperson, Tulsa County, Board of Commissioners, 500 South Denver, Tulsa, Oklahoma 74103.	December 21, 2000	400462
Oregon:					
Clackamas (FEMA Docket No. B–7403).	City of Milwaukie	September 15, 2000, September 22, 2000, *The Oregonian.*	The Honorable Carolyn Tomeri, Mayor, City of Milwaukie, City Hall, 10722 Southeast Main Street, Milwaukie, Oregon 97222.	December 21, 2000	410019
Clackamas (FEMA Docket No. B–7403).	Unincorporated Areas	September 15, 2000, September 22, 2000, *The Oregonian.*	The Honorable Bill Kennemer, Chairperson, Clackamas County, Board of Commissioners, 906 Main Street, Oregon City, Oregon 97045.	December 21, 2000	415588
Multnomah (FEMA Docket No. B–7403).	City of Portland	September 15, 2000, September 22, 2000, *The Oregonian.*	The Honorable Vera Katz, Mayor, City of Portland, 1221 Southwest Fourth Avenue, Portland, Oregon 97204.	December 21, 2000	410183
Multnomah (FEMA Docket No. B–7403).	Unincorporated Areas	September 15, 2000, September 22, 2000, *The Oregonian.*	The Honorable Beverly Stein, Chairperson, Multnomah County, Board of Commissioners, 1120 Southwest Fifth Avenue, Room 1515, Portland, Oregon 97204.	December 21, 2000	410179
Texas:					
Brazos (FEMA Docket No. B–7403).	City of College Station	August 3, 2000, August 10, 2000, *Bryan-College Station Eagle.*	The Honorable Lynn McIlhaney, Mayor, City of College Station, P.O. Box 9960, College Station, Texas 77842–0960.	July 10, 2000	480083
Collin (FEMA Docket No. B–7403).	City of Frisco	July 28, 2000, August 4, 2000, *Frisco Enterprise.*	The Honorable Kathy Seei, Mayor, City of Frisco, P.O. Box 1100, Frisco, Texas 75034.	July 5, 2000	480134
Collin (FEMA Docket No. B–7403).	City of Plano	August 16, 2000, August 23, 2000, *Plano Star Courier.*	The Honorable Jeran Akers, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086–0358.	July 25, 2000	480140

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Collin (FEMA Docket No. B–7403).	Unincorporated Areas	August 16, 2000, August 23, 2000, *Plano Star Courier.*	The Honorable Ron Harris, Collin County Judge, 210 South McDonald Street, McKinney, Texas 75086–0358.	July 25, 2000	480130
Dallas (FEMA Docket No. B–7403).	City of Dallas	September 19, 2000, September 26, 2000, *Dallas Morning News.*	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla Street, Dallas, Texas 75201.	August 24, 2000	480171
Dallas (FEMA Docket No. B–7403).	City of Richardson	August 3, 2000, August 10, 2000, *Richardson Daily News.*	The Honorable Gary Slagel, Mayor, City of Richardson, P.O. Box 830309, Richardson, Texas 75083–0309.	November 8, 2000	480184
Denton (FEMA Docket No. B–7403).	City of Denton	August 10, 2000, August 17, 2000, *Denton Record-Chronicle.*	The Honorable Euline Brock, Mayor, City of Denton, 215 East Mckinney Street, Denton, Texas 76201.	July 14, 2000	480194
Harris (FEMA Docket No. B–7403).	Unincorporated Areas	August 29, 2000, September 5, 2000, *Houston Chronicle.*	The Honorable Robert Eckels, Harris County Judge, 1001 Preston Street, Suite 911, Houston, Texas 77002.	August 14, 2000	480287
Montgomery (FEMA Docket No. B–7403).	Unincorporated Areas	September 7, 2000, September 14, 2000, *Conroe Courier.*	The Honorable Alan Sadler, Montgomery County Judge, 301 North Thompson Street, Suite 210, Conroe, Texas 77301.	December 13, 2000	480483
Arizona:					
Cochise (Docket No. FEMA–B–7406).	Unincorporated Areas	September 20, 2000, September 27, 2000, *Arizona Range News.*	The Honorable Mike Palmer, Chairman, Cochise County, Board of Supervisors, 1415 West Melody Lane, Bisbee, Arizona 85603.	December 26, 2000	040012
Cochise (Docket No. FEMA–B–7406).	City of Sierra Vista	September 20, 2000, September 27, 2000, *Sierra Vista Herald.*	The Honorable Tom Hessler, Mayor, City of Sierra Vista, 1011 North Coronado Drive, Sierra Vista, Arizona 85635.	December 26, 2000	040017
Hawaii:					
Hawaii (Docket No FEMA–B–7406).	Unincorporated Areas	October 5, 2000, October 12, 2000, *Hawaii Tribune Herald.*	The Honorable Stephen K. Yamashiro, Mayor, Hawaii County, 25 Aupuni Street, Hilo, Hawaii 96720.	September 19, 2000	155166
Oregon:					
Polk (Docket No. FEMA–B–7406).	City of Dallas	October 18, 2000, October 25, 2000, *Polk County Itemizer Observer.*	The Honorable Gwen Van Den Bosch, Mayor, City of Dallas, P.O. Box 67, Dallas, Oregon 97338.	January 23, 2001	410187
Polk (Docket No. FEMA–B–7406).	Unincorporated Areas	October 18, 2000, October 25, 2000, *Polk County Itemizer Observer.*	The Honorable Thomas Ritchey, Chairman, Polk County, Board of Commissioners, 850 Main Street, Dallas, Oregon 97338.	January 23, 2001	410186
Washington (Docket No. FEMA–B–7406).	City of Beaverton	October 4, 2000, October 11, 2000, *The Oregonian.*	The Honorable Rob Drake, Mayor, City of Beaverton, P.O. Box 4755, Beaverton, Oregon 97076.	May 25, 2000	410240
Washington (Docket No. FEMA–B–7406).	Unincorporated Areas	October 4, 2000, October 11, 2000, *The Oregonian.*	The Honorable Tom Brian, Chairman, Washington County, Board of Commissioners, 155 North First Avenue, Suite 300, M.S. 22, Hillsboro, Oregon 97124–3072.	May 25, 2000	410238
Texas:					
Dallas (Docket No. FEMA–B–7406).	City of Dallas	September 29, 2000, October 6, 2000, *Dallas Morning News.*	The Honorable Ron Kirk, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, Texas 75201.	January 4, 2001	480171
Harris (Docket No. FEMA–B–7406).	City of Houston	September 15, 2000, September 22, 2000, *Houston Chronicle.*	The Honorable Lee Brown, Mayor, City of Houston, P.O. Box 1562 Houston, Texas 77251–1562.	August 24, 2000	480296
Harris (Docket No. FEMA–B–7406).	Unincorporated Areas	September 15, 2000, September 22, 2000, *Houston Chronicle.*	The Honorable Robert Eckels, Harris County Judge, 1001 Preston Street, Suite 911, Houston, Texas 77002.	August 24, 2000	480287
Hays (Docket No. FEMA–B–7406).	City of Kyle	June 22, 2000, June 29, 2000, *The Free Press.*	The Honorable James Adkins, Mayor, City of Kyle, P.O. Box 40, Kyle, Texas 78640.	September 27, 2000	481108
Tarrant (Docket No. FEMA–B–7406).	City of Keller	October 17, 2000, October 24, 2000, *The Keller Citizen.*	The Honorable Dave Philips, Mayor, City of Keller, P.O. Box 770, Keller, Texas 76244.	October 3, 2000	480602
Travis (Docket No. FEMA–B–7406).	City of Austin	September 29, 2000, October 4, 2000, *Austin American Statesman.*	The Honorable Kirk Wilson, City of Austin, 124 West 8th Street, Austin, Texas 78701.	January 4, 2001	480624
Williamson (Docket No. FEMA–B–7406).	City of Leander	September 27, 2000, October 4, 2000, *Hill Country News.*	The Honorable Larry Barnett, Mayor, City of Leander, P.O. Box 319, Leander, Texas 78646.	January 2, 2001	481536
Virginia:					
Albemarle (Docket No. FEMA–B–7406).	Unincorporated Areas	July 27, 2000, August 3, 2000, *Daily Progress.*	The Honorable Robert W. Tucker, Jr., Albemarle County Executive, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia 22902.	July 5, 2000	510006

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: February 26, 2001.

Margaret E. Lawless,

Acting Executive Associate Director For Mitigation.

[FR Doc. 01–5186 Filed 3–2–01; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–B–7409]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director for Mitigation reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State, county and location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona:				
Cochise, City of Sierra Vista.	Nov. 10, 2000, Nov. 17, 2000, *Sierra Vista Herald.*	The Honorable Tom Hessler, Mayor, City of Sierra Vista, 1011 North Coronado Drive, Sierra Vista, Arizona 85635.	Feb. 15, 2001 ...	040017
Cochise, Unincorporated Areas.	Nov. 8, 2000, Nov. 15, 2000, *Arizona Range News.*	The Honorable Mike Palmer, Chairman, Cochise County Board of Supervisors, 1415 West Melody Lane, Bisbee, Arizona 85603.	Feb. 15, 2001 ...	040012
Maricopa, Town of Buckeye.	Aug. 10, 2000, Aug. 17, 2000, *Arizona Republic.*	The Honorable Dusty Hull, Mayor, Town of Buckeye, 100 North Apache Road, Suite A, Buckeye, Arizona 85326.	July 19, 2000	040039
Maricopa, Unincorporated Areas.	Aug. 10, 2000, Aug. 17, 2000, *Arizona Republic.*	The Honorable Andrew Kunasek, Chairperson, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor Phoenix, Arizona 85003.	July 19, 2000	040037
Mohave, Unincorporated Areas.	Nov. 10, 2000, Nov. 17, 2000, *Kingman Daily Miner.*	The Honorable Buster Johnson, Chairman, Mohave County Board of Supervisors, 809 East Beale Street, Kingman, Arizona 86401–5924.	Oct. 23, 2000	040058
Pima, City of Tucson	Oct. 12, 2000, Oct. 19, 2000, *Tucson Citizen.*	The Honorable Robert Walkup, Mayor, city of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	Sept. 25, 2000 ..	040076
Pima, City of Tucson	Dec. 1, 2000, Dec. 8, 2000, *Arizona Daily Star.*	The Honorable Robert E. Walkup, Mayor, city of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	Nov. 8, 2000	040076
Pima, City of Tucson	Dec. 22, 2000, Dec. 29, 2001, *Arizona Daily Star.*	The Honorable Robert E. Walkup, Mayor, city of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	Mar. 29, 2001 ...	040076
Pima, Unincorporated Areas.	Oct. 12, 2000, Oct. 19, 2000, *Arizona Daily Star.*	The Honorable Sharon Bronson, Chairperson, Pima County Board of Supervisors, 130 West Congress, 11th Floor, Tucson, Arizona 85701.	Sept. 25, 2000 ..	040073
California:				
Lake, Unincorporated Areas.	Apr. 18, 2000, Apr. 25, 2000, *Lake County Record—Bee.*	The Honorable D.W. Merriman, Chairman, Lake County Board of Supervisors, 255 North Forbes Street, Lakeport, California 95453.	Mar. 13, 2000 ...	060090
Los Angeles, Unincorporated Areas.	Mar. 16, 2000, Mar. 23, 2000, *Metropolitan News Enterprise.*	The Honorable Don Knabe, Chairman, Los Angeles County Board of Supervisors, 500 West Temple Street, Suite 821, Los Angeles, California 90012.	Feb. 25, 2000 ...	065043
Mendocino, City of Ukiah	Dec. 1, 2000, Dec. 8, 2000, *Ukiah Daily Journal.*	The Honorable Jim Mastin, Mayor, City of Ukiah, 300 Seminary Avenue, Ukiah, California 95482.	Nov. 14, 2000 ...	060186
Santa Clara, City of Milpitas.	Dec. 14, 2000, Dec. 21, 2000, *Milpitas Post.*	The Honorable Henry Manayan, Mayor, City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California 95035.	Nov. 27, 2000 ...	060344
Tehama, City of Red Bluff.	Nov. 22, 2000, Nov. 29, 2000, *Red Bluff Daily News.*	The Honorable Larry Stevens, Mayor, City of Red Bluff, 555 Washington Street, Red Bluff, California 96080.	Feb. 27, 2001 ...	065053

State, county and location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Tehama, Unincorporated Areas.	Nov. 22, 2000, Nov. 29, 2000, *Red Bluff Daily News.*	The Honorable Rick Robinson, Chief Administrator, Tehama County Board of Supervisors, P.O. Box 927, Red Bluff, California 96080.	Feb. 27, 2001 ...	065064
Colorado:				
Arapahoe, Unincorporated Areas.	Nov. 29, 2000, Dec. 6, 2000, *Denver Post.*	The Honorable John Brackney, Chairman, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166.	Nov. 3, 2000	080011
Mesa, City of Grand Junction.	Nov. 3, 2000, Nov. 10, 2000, *The Daily Sentinel.*	The Honorable Gene Kinsey, Mayor, City of Grand Junction, 250 North Fifth Street, Grand Junction, Colorado 81501.	Feb. 8, 2001	080117
Weld, Unincorporated Areas.	Oct. 19, 2000, Oct. 26, 2000, *Windsor Beacon.*	The Honorable Barbara J. Kirkmeyer, Chairperson, Weld County Board of Commissioners, P.O. Box 758, Greeley, Colorado 80632–0758.	Jan. 24, 2001 ...	080266
Weld, Town of Windsor	Oct. 19, 2000, Oct. 26, 2000, *Windsor Beacon.*	The Honorable Wayne Miller, Mayor, Town of Windsor, 301 Walnut Street, Windsor, Colorado 80550.	Jan. 24, 2001 ...	080264
Idaho:				
Ada, Unincorporated Areas.	Nov. 3, 2000, Nov. 10, 2000, *Idaho Statesman.*	The Honorable Roger Simmons, Chairperson, Ada County Board of Commissioners, 650 West Main Street, Boise, Idaho 83702.	Feb. 8, 2001	160001
Louisiana:				
St. Landry Parish, Unincorporated Areas.	Apr. 21, 2000, Apr. 28, 2000, *The Daily World.*	The Honorable Howard Austin, St. Landry Parish President, P.O. Box 551, Opelousas, Louisiana 70571.	Mar. 9, 2000	220165
Missouri:				
St. Charles, City of St. Peters.	Aug. 11, 2000, Aug. 18, 2000, *St. Peters Journal.*	The Honorable Thomas Brown, Mayor, City of St. Peters, One St. Peters Centre Boulevard, St. Peters, Missouri 63376.	July 20, 2000	290319
Oklahoma:				
Rogers, City of Owasso	Sept. 28, 2000, Oct. 5, 2000, *Owasso Reporter.*	The Honorable Mark Wilken, Mayor, City of Owasso, P.O. Box 180, Owasso, Oklahoma 74055–0180.	Sept. 8, 2000	400210
Tulsa, City of Bixby	May 29, 2000, June 5, 2000, *Tulsa World.*	The Honorable Joe Williams, Mayor, City of Bixby, 116 West Needles Avenue, Bixby, Oklahoma 74008.	Sept. 4, 2000	400207
Tulsa, City of Broken Arrow.	Oct. 24, 2000, Oct. 31, 2000, *Broken Arrow Daily Ledger.*	The Honorable James Reynolds, Mayor, City of Broken Arrow, P.O. Box 610, Broken Arrow, Oklahoma 74013.	Oct. 5, 2000	400236
Tulsa, City of Jenks	May 29, 2000, June 5, 2000, *Tulsa World.*	The Honorable Mike Tinker, Mayor, City of Jenks, P.O. Box 2007, Jenks, Oklahoma 74037–2007.	Sept. 4, 2000	400209
Tulsa, Unincorporated Areas.	May 29, 2000, June 5, 2000, *Tulsa World.*	The Honorable John Selph, Chairman, Tulsa County Board of Commissioners, 500 South Denver Avenue, Tulsa, Oklahoma 74103.	Sept. 4, 2000	400462
Oregon:				
Clackamas, Unincorporated Areas.	Nov. 24, 2000, Dec. 1, 2000, *The Oregonian.*	The Honorable Bill Kennemer, Chairman, Clackamas County Board of Commissioners, 906 Main Street, Oregon City, Oregon 97045.	Mar. 1, 2001	415588
Lincoln, City of Newport	Aug. 25, 2000, Sept. 1, 2000, *Newport News-Times.*	The Honorable Mark Jones, Mayor, City of Newport, 1801 North Coast Highway, Newport, Oregon 97365.	Aug. 11, 2000 ...	410131
Texas:				
Bexar, City of San Antonio.	Dec. 7, 2000, Dec. 14, 2000, *San Antonio Express-News.*	The Honorable Howard W. Peak, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	Nov. 15, 2000 ...	480045
Collin, City of Plano	Nov. 17, 2000, Nov. 24, 2000, *Plano Star Courier.*	The Honorable Jeran Akers, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086–0358.	Nov. 2, 2000	480140
Dallas, City of Carrollton	Sept. 29, 2000, Oct. 6, 2000, *Metrocrest News.*	The Honorable Mark Stokes, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, Texas 75011–0535.	Jan. 4, 2001	480167
Fort Bend, City of Katy ..	Mar. 15, 2000, Mar. 22, 2000, *Katy Times.*	The Honorable Hank Schmidt, Jr., Mayor, City of Katy, 910 Avenue C, Katy, Texas 77493.	Jan. 31, 2000 ...	480301
Tarrant, City of Forest Hill.	Oct. 23, 2000, Oct. 27, 2000, *Commercial Recorder.*	The Honorable Malinda Miller, Mayor, City of Forest Hill, 6800 Forest Hill Drive, Forest Hill, Texas 76140.	Oct. 3, 2000	480595
Tarrant, City of North Richland Hills.	May 25, 2000, June 1, 2000, *Star Telegram.*	The Honorable Charles Scoma, Mayor, City of North Richland Hills, P.O. Box 820609, North Richland Hills, Texas 76182–0609.	May 3, 2000	480607

State, county and location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Tarrant, City of North Richland Hills.	June 20, 2000, June 27, 2000, *Star Telegram.*	The Honorable Charles Scoma, Mayor, City of North Richland Hills, P.O. Box 820609, North Richland Hills, Texas 76182–0609.	May 24, 2000 ...	480607

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: February 26, 2001.

Margaret E. Lawless,

Acting Executive Associate Director for Mitigation.

[FR Doc. 01–5185 Filed 3–2–01; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 022701I]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure, notice of opening.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2001 A season harvest specification of Atka mackerel. NMFS is also opening fishing with trawl gear in Steller sea lion critical habitat in the Central Aleutian District for species for which directed fisheries are open.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 28, 2001, until 1200 hrs, A.l.t., September 1, 2001.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2001 A season Atka mackerel TAC in the Central Aleutian District of the BSAI is 15,540 metric tons (mt) as established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2001 A season Atka mackerel total allowable catch (TAC) in the Central Aleutian District will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 15,290 mt, and is setting aside the remaining 250 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Central Aleutian District of the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

On February 13, 2001, NMFS prohibited trawling within Steller sea lion critical habitat in the Central Aleutian District because the allowable harvest of Atka mackerel in the Steller Sea lion protection areas in the Central Aleutian District had been reached (FR 66 10637, February 16, 2001). Regulations at § 679.22(a)(12)(iii)(C) authorize opening Steller sea lion critical habitat in the Central Aleutian District to fishing with trawl gear after NMFS closes Atka mackerel to directed fishing within that district. Therefore, NMFS announces that it is opening critical habitat in the Central Aleutian District to fishing with trawl gear for species open to directed fishing.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the amount of the 2001 A season harvest specification of Atka mackerel in the Central Aleutian District of the BSAI constitutes good cause to waive the requirement to provide prior notice opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the 2001 A season harvest specification of Atka mackerel in the Central Aleutian District of the BSAI constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by §§ 679.20 and 679.22 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 27, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5237 Filed 2–28–01; 1:19 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 43
Monday, March 5, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Chapter I

Grain Inspection, Packers and Stockyards Administration

7 CFR Chapter VIII

[Docket Number FGIS–2000–001b]

RIN 0580–AA73

Request for Public Comments on How USDA Can Best Facilitate the Marketing of Grains, Oilseeds, Fruits, Vegetables, and Nuts in Today's Evolving Marketplace

AGENCY: Agricultural Marketing Service, Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice of reopening and extension of comment period.

SUMMARY: The Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration published an advance notice of proposed rulemaking in the **Federal Register** on November 30, 2000, asking for comments on how USDA can best facilitate the marketing of grains, oilseeds, fruits, vegetables, and nuts in today's evolving marketplace. The 90-day comment period provided in the ANPRM closed February 28, 2001. It has been brought to our attention that several potential commenters need additional time to formulate their responses to the ANPRM. Therefore, we are reopening and extending the comment period to provide interested parties with additional time in which to comment.

DATES: Comments must be received on or before April 16, 2001.

ADDRESSES: Interested persons are invited to submit written comments on this notice to Richard Hardy, GIPSA, USDA, 1400 Independence Avenue, SW., Room 0757–S, Washington, DC 20250–3650. Comments may also be sent by fax to (202) 720–2459; filed via the Internet through the GIPSA homepage at www.usda.gov/gipsa; or e-mailed to *anpr@gipsadc.usda.gov.*

It is our intention to have all comments on the advance notice of proposed rulemaking available for viewing on the GIPSA homepage at www.usda.gov/gipsa in a timely manner.

Comments are also available for viewing in room 0757–S from 9 a.m. to 12 noon and from 1p.m. to 4 p.m. Monday through Friday (except official Federal holidays) (7 CFR 1.27). Persons wanting to visit the USDA South Building to view the comments are requested to make an appointment in advance by calling (202) 720–4848.

FOR FURTHER INFORMATION CONTACT: Marianne Plaus, Assistant to the Deputy Administrator, Federal Grain Inspection Service, GIPSA, 202–690–3460.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration published an advance notice of proposed rulemaking (ANPRM) in the **Federal Register** on November 30, 2000 (65 FR 71272), asking for comments on how USDA can best facilitate the marketing of grains, oilseeds, fruits, vegetables, and nuts in today's evolving marketplace. Comments on the ANPRM were required to be received on or before February 28, 2001. Several potential commenters have indicated a need for additional time to formulate their responses to the ANPRM. Therefore, we are reopening and extending the comment period for the ANPRM for an additional 45 days. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 71 et seq. and 7 U.S.C. 1621 et seq.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5236 Filed 3–2–01; 8:45 am]

BILLING CODE 3410–EN–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM–50–72]

Union of Concerned Scientists; Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking filed by David Lochbaum of the Union of Concerned Scientists. The petition, docketed on December 13, 2000, has been assigned Docket No. PRM–50–72. The petitioner requests that the NRC revise its regulations to require nuclear power plant owners to submit the performance indicator information needed for the NRC's revised reactor oversight program.

DATES: Submit comments by May 21, 2001. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland between 7:30 a.m. and 4:15 p.m. on Federal workdays.

For a copy of the petition, write to Michael T. Lesar, Acting Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

You may also provide comments via the NRC's interactive rulemaking website at http://ruleforum.llnl.gov. This site allows you to upload comments as files in any format, if your web browser supports the function. For information about the interactive rulemaking website, contact Carol Gallagher, (301) 415–5905 e-mail:cag@nrc.gov.

The petition and copies of comments received may be inspected, and copied for a fee, at the NRC Public Document Room, (first floor) 11555 Rockville Pike, Rockville, Maryland.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Acting Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–7163 or Toll Free: 1–800–368–5642 or *e-mail:mtl@nrc.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Petitioner

The Union of Concerned Scientists (UCS) states that it was actively involved in the development of the reactor oversight program. UCS served on the Pilot Program Evaluation Panel formally established by the NRC to independently assess the trial implementation of the reactor oversight program at eight nuclear plant sites in 1999. UCS presented its views on the reactor oversight process to the NRC Chairman and Commissioners during a public meeting. UCS presented the criticism that the public perceives that the NRC allows the nuclear industry to regulate itself through the collection and voluntary submittal of performance indicator information. UCS recommended that: "the NRC must appear more authoritative to gain the confidence of the public. The NRC should obtain an irrevocable commitment from all plant owners to participate in the revised reactor oversight process before industry-wide implementation."

The petitioner asserts that no commitment has been obtained by the NRC, and that despite the importance of the performance indicators in the reactor oversight program and the fact that the NRC's revised inspection program, by itself, cannot provide a complete evaluation of safety levels, nuclear plant owners are not required to submit the performance indicator information to the NRC.

Discussion

The petitioner states that on March 28, 2000, the NRC approved the implementation of a revised reactor oversight program [1] at all operating nuclear power plants, except DC Cook. The petitioner states that, according to the NRC, the revised oversight process calls for—

1. Focusing inspections on activities where the potential risks are greater;
2. Applying greater regulatory attention to nuclear power plants with performance problems, while maintaining a normal level of regulatory attention on facilities that perform well;
3. Using objective measurements of the performance of nuclear power plants;
4. Giving both the public and the nuclear industry timely and understandable assessments of plant performance;
5. Reducing unnecessary regulatory burden on nuclear facilities; and
6. Responding to violations of regulations in a predictable and consistent manner that reflects the potential safety impact on the violations.

According to the petitioner, these objectives are to be achieved by a combination of objective performance indicators and by the NRC inspection program. The petitioner states that according to the NRC—

> Performance indicators use objective data to monitor performance within each of the 'cornerstone' areas. The data which make up the performance indicators will be generated by the utilities and submitted to the NRC on a quarterly basis. Each performance indicator is measured against established thresholds which are related to their effect on safety. While performance indicators can provide insights into plant performance for selected areas, the NRC's inspection program provides a greater depth and breadth of information for consideration by the NRC in assessing plant performance.

The petitioner states that the NRC supplements the insights from the performance indicators with the baseline inspection program. The baseline inspection program covers three parts:

(1) Inspection of areas not covered by performance indicators or where a performance indicator does not fully cover the inspection area;

(2) Inspections to verify the accuracy of a licensee's reports on performance indicators; and

(3) A thorough review of the utility's effectiveness in finding and resolving problems on its own.

Under the new reactor oversight process, the petitioner also notes that the NRC revised the procedures used by its inspectors. The revised procedures define how often areas must be inspected, *i.e.* certain areas must be inspected four times a year while other areas need only be inspected once every three years. The petitioner states that the scope of the inspection program is directly affected by the availability of the performance indicators. Therefore, the petitioner asserts that the NRC inspection program is not a fully redundant backup to the performance indicators, and that both the inspection program results and the performance indicators must be available to get a full picture of nuclear plant safety levels. The petitioner states that if the performance indicator information is not available, the NRC cannot get an accurate assessment of plant safety levels.

The petitioner further states that the performance indicators and the results from the baseline inspection programs are used by the NRC to evaluate safety levels at each nuclear plant and to identify areas for future inspections. The petitioner provided the following detail:

Each calendar quarter, the resident inspectors and the staff in the regional office will review the performance of all nuclear power plants in that region, as measured by the performance indicators and by inspection findings. Every six months, this review will be expanded to include planning of inspections for the following 12-month period.

Each year, the final quarterly review will involve a more detailed assessment of plant performance over the previous 12 months and preparation of a performance report, as well as the inspection plan for the following year. This review will include NRC headquarters staff members, the regional staff, and the resident inspectors.

These annual performance reports will be available to the public on the agency's web site, and the NRC staff will hold public meetings with utilities to discuss the previous year's performance at each plant.

The Petitioner's Requested Amendment

The petitioner requests that the NRC revise its regulations to require nuclear reactor licensees to submit the performance indicator information. In support of the requested amendment, the petitioner included NRC's stated objectives for its mission as follows: (1) Maintaining safety, (2) enhancing public confidence, (3) improving the effectiveness and efficiency of NRC processes, and (4) reducing unnecessary regulatory burden. The petitioner believes that the requested amendment satisfies all four objectives of the NRC's mission and offers the summary below to support this conclusion.

Maintaining Safety—The petitioner states that the NRC's new assessment program (reactor oversight program) is substantially different from the previous process. It makes greater use of objective performance indicators. Together, the indicators and inspection findings provide the information needed to support reviews of plant performance, to be conducted on a quarterly basis, with the results posted on the NRC's Internet site.

The petitioner believes that performance indicators are an essential element of the reactor oversight program and that their omission would degrade the ability of the reactor oversight program to assess nuclear plant performance levels. According to the petitioner, the current NRC staff may be able to compensate for missing performance indicators from one or two nuclear plants by conducting additional inspections. Also, the petitioner states that NRC inspectors could be expected to revert to broader inspection procedures that they used as recently as last spring. However, the petitioner states that as time passes and familiarity with the old ways fades, that capability also diminishes. In addition, the petitioner asserts that it is uncertain that the NRC staff has, or will continue to have, sufficient inspection staff to compensate for the eventuality where an owner operating numerous reactors suddenly decides not to submit the performance indicator information for any plant. The petitioner believes that the suggested amendment would satisfy the objective of maintaining safety by ensuring that the NRC continues to receive the vital information that it needs to assess nuclear plant performance levels.

Enhancing Public Confidence—The petitioner believes that public confidence only can be enhanced by requiring plant owners to submit information that is needed for the NRC to conduct its oversight program. As an analogy, the petitioner offers that, just as the Internal Revenue Service does not rely on the voluntary submission of tax returns by American taxpayers, the NRC should not rely on voluntary submission of vital safety information by nuclear plant owners.

Improving the Effectiveness and Efficiency of NRC Processes—The petitioner indicates that the substantive changes made by the NRC within its reactor oversight program were predicated on the assumption that nuclear plant owners would submit the performance indicator information. For example, the NRC inspection program was scaled back to only confirmatory checks in areas covered by performance indicators. The petitioner believes that any effectiveness and efficiency gains realized from the reactor oversight program would be sacrificed if one or more plant owners opted not to submit performance indicator information and that NRC's effectiveness would be impaired by having to inspect what had been covered by the performance indicator.

Reducing Unnecessary Regulatory Burden—The petitioner states that all nuclear plant owners in the U.S. today must consider the submission of the performance indicator information as a necessary regulatory burden; otherwise they would not have participated in the voluntary program that has been in place since April 2000. The petitioner believes that if the performance indicator information showed that safety levels declined, that plant owners must not have the option of viewing the submission as an unnecessary regulatory burden to avoid NRC scrutiny of the problem areas. The petitioner states that by merely codifying current industry practice, no unnecessary regulatory burden is introduced.

Conclusion

The petitioner believes that the NRC must require performance indicator information from all nuclear power plant owners if the NRC is to meet its stated objectives of maintaining safety, enhancing public confidence, improving the effectiveness and efficiency of its processes, and reducing regulatory burden. The petitioner notes that the recent example of the vehicle tire safety issue emphasizes the need for definitive requirements for submission of safety information to Federal regulators. The petitioner states that Congressional hearings revealed that the tire company had information on potential safety problems that it delayed transmitting to the Federal regulator. The petitioner further states that the tire company was not aggressive in responding to requests by the Federal regulator for information. The petitioner concludes that the NRC must revise its regulations to prevent similar abuses.

Dated at Rockville, Maryland, this 27th day of February, 2001.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 01–5215 Filed 3–2–01; 8:45 am]

BILLING CODE 7590–01–P

[1] Nuclear Regulatory Commission, "Staff Requirements Memorandum SRM–00–0049, Staff Requirements—SECY–00–0049—Results of the Revised Reactor Oversight Process Pilot Program (Part 1)," March 28, 2000. Available on the internet at http://www.nrc.gov/NRC/COMMISSION/SRM/2000–0049srm.html).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–50–AD]

RIN 2120–AA64

Airworthiness Directives; Kaman Aerospace Corporation Model K–1200 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) for Kaman Aerospace Corporation (Kaman) Model K–1200 helicopters. The AD would require reducing the life limit of the rotor shaft and teeter pin assembly, and establishing a life limit for the flap clevis. This proposal is prompted by the discovery of cracks in parts that were returned to the manufacturer. The actions specified by the proposed AD are intended to prevent failure of the rotor shaft, teeter pin assembly, or flap clevis due to fatigue cracks, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before May 4, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–50–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Noll, Aviation Safety Engineer, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7160, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All

communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2000–SW–50–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–50–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

This document proposes the adoption of a new airworthiness directive (AD) for Kaman Model K–1200 helicopters. The AD would require:

- Reducing the life limit for the rotor shaft from 10,000 hours time-in-service (TIS) to 3,750 TIS;
- Reducing the life limit of the teeter pin assembly from 10,000 hours TIS to 550 hours TIS; and
- Establishing a life limit of the flap clevis of 640 hours TIS.

This proposal is prompted by the discovery of cracks in parts that were returned to the manufacturer. The actions specified by the proposed AD are intended to prevent failure of the rotor shaft, teeter pin assembly, or flap clevis due to fatigue cracks, and subsequent loss of control of the helicopter.

Since an unsafe condition has been identified that is likely to exist or develop on other Kaman Model K–1200 helicopters of the same type design, the proposed AD would require:

- Reducing the life limit of the rotor shaft, part number (P/N) K974112–001, –003, –005, –007, –009, or –101, from 10,000 hours TIS to 3,750 hours TIS;
- Reducing the life limit of the teeter pin assembly, P/N K910005–007 or –009, from 10,000 hours to 550 hours TIS; and
- Establishing a life limit of the flap clevis, P/N K911049–011, –017, –019, or –021, of 640 hours TIS.

The FAA estimates that 9 helicopters of U.S. registry would be affected by this proposed AD, that it would take 0.25 hour per helicopter to accomplish the proposed changes to the Limitations section of the applicable maintenance manual, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $135, plus an increase in hourly operating costs of approximately $13 for each affected helicopter.

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Kaman Aerospace Corporation: Docket No. 2000–SW–50–AD.

Applicability: Model K–1200 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within 25 hours time-in-service, unless accomplished previously.

To prevent failure of the rotor shaft, teeter pin assembly, or flap clevis due to fatigue cracks, and subsequent loss of control of the helicopter, accomplish the following:

(a) Remove any rotor shaft, part number (P/N) K974112–001, –003, –005, –007, –009, or –101, that has 3,750 or more hours time-in-service (TIS) and replace it with an airworthy rotor shaft. Remove any teeter pin assembly, P/N K910005–007 or –009, that has 550 or more hours TIS and replace it with an airworthy teeter pin assembly. Remove any flap clevis, P/N K911049–011, –017, –019, or –021, that has 640 or more hours TIS and replace it with an airworthy flap clevis.

(b) This AD revises the Limitations section of the maintenance manual by reducing the life limit of the rotor shaft, P/N K974112–001, 003, –005, –007, –009, and –001, to 3,740 hours TIS; reducing the life limit of the teeter pin assembly, P/N K910005–007 and –009, to 550 hours TIS; and establishing a life limit for the flap clevis, P/N K911049–011, –017, –019, and –021, of 640 hours TIS.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Boston Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Boston Aircraft Certification Office.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on February 21, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–5170 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–82–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft LTD Models PC–12 and PC–12/45 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 99–17–08, which currently requires modifying the generator 2 excitation by removing certain diodes and installing a new 5-amp circuit breaker and suppression filter found on certain Pilatus Aircraft Ltd. (Pilatus) Models PC–12 and PC–12/45 airplanes. The Federal Aviation Administration has determined that the A250 voltage spike suppression filter in the modification kit can cause the circuit breaker 235 to trip because of overload. In extreme circumstances, this can lead to overheating of wiring. The proposed AD would require modifying the generator 2 excitation by removing certain diodes, installing a new 5-amp circuit breaker and new suppression filter requirement in accordance with revised procedures. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by the proposed AD are intended to prevent damage to electrical components if generator 2 is not switched off before engine shutdown and it overheats. This could result in loss of electrical power to certain critical airplane components.

DATES: The FAA must receive any comments on this proposed rule by April 12, 2001.

ADDRESSES: Send three copies of comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–82–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

You may get service information that applies to the proposed AD from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 65 09; facsimile: +41 41 610 33 51. You may also read this information at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? We invite your comments on the proposed rule. You may send whatever written data, views, or arguments you choose. You need to include the rule's docket number and send your comments in triplicate to the address mentioned under the caption **ADDRESSES.** We will consider all comments received by the closing date mentioned above, before acting on the proposed rule. We may change the proposals contained in this notice because of the comments received.

Are there any specific portions of the proposed AD I should pay attention to? The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the proposed rule that might call for a need to change the proposed rule. You may read all comments we receive. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of this proposal.

The FAA is reexamining the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires federal agencies to communicate more clearly with the public. We are interested in your comments on the ease of understanding this document, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at *http://www.faa.gov/language/.*

How can I be sure FAA receives my comment? If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 99–CE–82–AD." We will date stamp and mail the postcard back to you.

Discussion

Has FAA taken any action to this point? The FAA issued AD 99–17–08, Amendment 39–11256 (64 FR 45149, August 19, 1999), against Pilatus models PC–12 and PC–12/45 airplanes, to prevent damage to electrical components if generator 2 is not switched off before engine shutdown and it overheats. This could result in loss of electrical power to certain critical airplane components of Pilatus Models PC–12 and PC–12/45 airplanes.

AD 99–17–08 requires that you do the following on the affected airplanes:

—modify the generator 2 excitation by removing certain diodes; and

—install a new 5-amp circuit breaker and suppression filter.

AD 99–17–08 was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland.

What has happened since AD 99–17–08 to begin this action? The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified FAA of the need to change AD 99–17–08. The FOCA reports that after installation of Pilatus Service Bulletin SB 21–012 and turning on electrical power on one of the affected airplanes, the circuit breaker CB 235 tripped.

Investigation revealed that the suppression filter (A250) (part number 524.52.12.358) was shorted. The suppression diode, installed in the filter was shorted and the wrong type. The manufacturer's A250 voltage spike suppression filter is inadequate and must be replaced with a new A250 voltage spike suppression filter.

Is there service information that applies to this subject? Pilatus issued:

—Service Bulletin No 24–012, dated February 19, 1999; and

—Service Bulletin No 24–014, dated October 27, 1999.

What are the provisions of these service bulletins? These service bulletins include procedures for:

—modifying the generator 2 excitation by removing certain diodes and installing a new 5-amp circuit breaker and suppression filter;

—removing the A250 voltage spike suppression filter; and

—installing the new A250 voltage spike suppression filter.

What action did the FOCA take? The FOCA classified both service bulletins as mandatory and issued Swiss AD HB 99–143, dated February 19, 1999, and AD HB 99–542, dated October 29, 1999, to assure the continued airworthiness of these airplanes in Switzerland.

Was this in accordance with the bilateral airworthiness agreement? This airplane model is manufactured in Switzerland and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Complying with this bilateral airworthiness agreement, the FOCA has kept FAA informed of the situation described above.

The FAA's Determination and an Explanation of the Provisions of the Proposed AD

What has FAA decided? The FAA has examined the findings of the FOCA; reviewed all available information, including the service information referenced above; and determined that:

—the unsafe condition referenced in this document exists or could develop on other Pilatus Models PC–12 and PC–12/45 airplanes of the same type design that are equipped with one of the previously referenced stabilizer trim actuators;

—the actions specified in the previously-referenced service information should be done on the affected airplanes; and

—AD action should be taken to correct this unsafe condition.

What would the proposed AD require? This proposed AD would supersede AD 99–17–08 with a new AD that would require you to incorporate the actions in the previously referenced service bulletins.

Cost Impact

How many airplanes would the proposed AD impact? We estimate that the proposed AD affects 69 airplanes in the U.S. registry.

What would be the cost impact of the proposed AD on owners/operators of the affected airplanes? We estimate the following costs to do the proposed modification of the generator 2 excitation:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
8 workhours × $60 per hour = $480	Parts will be provided at no cost to the owners/operators of the affected aircraft.	$480	$33,120

If the modification of the generator 2 excitation has been done with the manufacturer's modification kit, then we estimate the following costs to remove the A250 voltage spike suppression filter and replace it with the new A250 voltage spike suppression filter:

Labor Cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
3 workhours × $60. per hour = $180	Parts will be provided at no cost to the owners/operators of the affected aircraft.	$180	$12,420

Regulatory Impact

Would this proposed AD impact various entities? The regulations proposed would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have determined that this proposed rule would not have federalism implications under Executive Order 13132.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. You may request copy by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by removing airworthiness directive (AD) 99–17–08, Amendment 39–11256 (64 FR 45149, August 19, 1999), and by adding a new AD to read as follows:

Pilatus Aircraft Ltd.: Docket No. 99–CE–82–AD; Supersedes AD 99–17–08, Amendment 39–11256.

(a) *What airplanes are affected by this AD?* This AD affects Models PC–12 and PC–12/45 airplanes, serial numbers 101 through 289, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent damage to electrical components if generator 2 is not switched off before engine shutdown and it overheats. This could result in loss of electrical power to certain critical airplane components.

(d) *What actions must I accomplish to address this problem?* To address this problem, unless already done, you must do the following:

Action	Compliance time	Procedures
(1) Modify the generator 2 excitation with the modification kit, part number 500.50.12.192, replacing the A250 voltage spike suppression filter, part number 524.52.12.358, with a new A250 voltage spike suppression filter, part number 524.52.12.502.	Within the next 100 hours time-in-service (TIS) after the effective date of this AD.	Do this action following the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus Service Bulletin No. 24–012, dated February 19, 1999, and Service Bulletin No. 24–014, dated October 27, 1999.
(2) If the modification kit, part number 500.50.12.192, is already installed using the A250 voltage spike suppression filter, part number 524.52.12.358, only replace this voltage spike suppression filter with a new A250 voltage spike suppression filter, part number 524.52.12.502.	Within the next 100 hours TIS after the effective date of this AD.	Do this action following the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus Service Bulletin No. 24–014, dated October 27, 1999.
(3) Do not install any A250 voltage spike suppression filter, part number 524.52.12.358, or FAA–approved equivalent part number.	As of the effective date of this AD	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Send your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may get copies of the documents referenced in this AD from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 65 09; facsimile: +41 41 610 33 51. You may read these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Note 2: The subject of this AD is addressed in these Swiss AD's:

—HB 99–143, dated February 19, 1999; and

—HB 99–542, dated October 29, 1999.

Issued in Kansas City, Missouri, on February 26, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–5169 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–13–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR Chapter II

[Release Nos. 33–7955, 34–44014, 35–27350, IA–1929, IC–24879]

RIN 3235–AI14

Public Information: Advanced Notice of Proposed Rulemaking on Electronic Reporting and Recordkeeping and Delayed Effective Date of Recordkeeping Provisions in the Electronic Signatures in Global and National Commerce Act of 2000

AGENCY: Securities and Exchange Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Securities and Exchange Commission announces several upcoming rulemaking activities regarding recordkeeping requirements under the federal securities laws consistent with the Electronic Signatures in Global and National Commerce Act of 2000. The action delays the effective date of certain provisions in the Act that may affect certain recordkeeping requirements under the federal securities laws.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, Associate Director, (202) 942–0131; Thomas K. McGowan, Assistant Director, (202) 942–4886; Randall W. Roy, Special Counsel, (202) 942–0798, or Mathew Comstock, Attorney, (202) 942–0156, Division of Market Regulation (for broker-dealers); Larry E. Bergmann, Associate Director, (202) 942–0770; Jerry Carpenter, Assistant Director; David Karasik, Special Counsel, (202) 942–4187, Division of Market Regulation (for transfer agents); Martha B. Peterson, Special Counsel, Office of Regulatory Policy, Division of Investment Management (202) 942–0690; Victoria J. Adraktas, Attorney-Advisor, Office of Public Utility Regulation (202) 942–0545; Mark Borges, Attorney-Advisor, Office of Rulemaking, Division of Corporation Finance, (202) 942–2900, at the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission announces today several upcoming rulemaking activities regarding recordkeeping requirements under the federal securities laws consistent with the Electronic Signatures in Global and National Commerce Act of 2000 (Pub. L. 106–229) ("ESign"). Under Section 107(b)(1)(B) of ESign, the record retention provisions of Title I of that Act will become effective on June 1, 2001.

Under the federal securities laws, regulated entities, including registered broker-dealers, transfer agents, investment companies, investment advisers, and public utility holding companies, must keep certain records of their activities. The Commission currently allows these entities to keep certain records electronically, subject to standards designed to protect investors' interests, the financial stability of regulated entities and generally to further the purposes of the federal securities laws. ESign is intended to remove unnecessary impediments to the use of electronic records in commerce, while preserving the ability of agencies

like the Commission to reconcile ESign's policy with the statutes they administer. The Commission will act shortly to provide interpretative guidance and, where appropriate, propose or adopt rules consistent with ESign. These releases will be published separately in the **Federal Register**.

Because ESign does not generally apply to information required to be filed with government agencies, the Commission is not currently contemplating any changes to its existing filing rules as a result of ESign. Filers should therefore continue to follow current filing rules.

Dated: February 28, 2001.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5328 Filed 3–1–01; 11:12 am]

BILLING CODE 8010–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1304, 1305, 1306, 1311

[DEA–214A]

RIN 1117–AA60, 1117–AA61

Electronic Commerce: Electronic Orders for Schedule I and II Controlled Substances; Electronic Prescriptions for Controlled Substances

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration (DEA) is publishing this Advance Notice of Proposed Rulemaking to formally notify the interested public of DEA's intent to publish Notices of Proposed Rulemaking regarding two electronic initiatives. The first electronic initiative (RIN 1117–AA60) will propose regulations to provide DEA registrants with the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (21 U.S.C. 801 *et seq.*). The regulations will propose that this electronic system may also be used for ordering controlled substances in Schedules III, IV and V. The second electronic initiative (RIN 1117–AA61) will propose regulations to permit DEA registered prescribers to electronically write, sign and transmit prescriptions. These proposed regulations would be an addition to, not a replacement of, the existing rules. Through these electronic initiatives, DEA will be proposing regulations consistent with the Government Paperwork Elimination Act (Pub. L. 105–277) (GPEA) and the Electronic Signatures in Global and National Commerce Act (Pub. L. 106–229) (E-Sign). Publication of this Advance Notice of Proposed Rulemaking also responds to the requirements of E-Sign which state that for a Federal agency which has announced, proposed, or initiated a rulemaking proceeding to prescribe a regulation responding to E-Sign on or before March 1, 2001, the effect of E-Sign's record retention provision is delayed until June 1, 2001.

FOR FURTHER INFORMATION CONTACT: Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 307–7297, Web site: *http://www.deadiversion.usdoj.gov.*

SUPPLEMENTARY INFORMATION:

Why Is DEA Publishing This Advance Notice of Proposed Rulemaking?

DEA is publishing this Advance Notice of Proposed Rulemaking to formally notify the interested public that DEA intends to publish, in the near future, two Notices of Proposed Rulemaking regarding two electronic initiatives DEA has undertaken. These electronic initiatives, and their accompanying regulations, will permit DEA to comply with GPEA and E-Sign, while ensuring appropriate controls over the ordering and prescribing of controlled substances in order to prevent diversion. DEA is publishing this Advance Notice of Proposed Rulemaking to comply with Sec. 107(b)(1)(B) of Pub. L. 106–229 which states: "DELAYED EFFECT FOR PENDING RULEMAKINGS. If on March 1, 2001, a Federal regulatory agency or State regulatory agency has announced, proposed, or initiated, but not completed, a rulemaking proceeding to prescribe a regulation under section 104(b)(3) with respect to a requirement described in subparagraph (A), this title shall be effective on June 1, 2001, with respect to such requirement."

What Electronic Initiatives Does DEA Intend To Propose?

DEA expects to publish, in the near future, two Notices of Proposed Rulemaking to propose new regulations for two electronic initiatives. The first electronic initiative (RIN 1117–AA60) will propose regulations to provide DEA registrants with the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (21 U.S.C. 801 et seq.). The regulations will propose that this electronic system may also be used for controlled substances in Schedules III, IV and V. The second electronic initiative (RIN 1117–AA61) will propose regulations to permit DEA registered prescribers to electronically write, sign and transmit prescriptions. These proposed regulations would be an addition to, not a replacement of, the existing rules.

What Actions Has DEA Already Undertaken Regarding These Electronic Initiatives?

In 1999, PEC Solutions, Inc. (PEC) (formerly Performance Engineering Corporation) was selected by DEA's Office of Diversion Control to analyze mandated, paper-based regulatory processes and to design and develop proposed concepts for public key infrastructures (PKIs) that would allow DEA and industry the option of using the current paper-based systems or electronic formats to order or prescribe controlled substances. As part of the project methodology, DEA/PEC sought input from persons within the interested industries to gain an understanding of processes involved in these regulated activities. DEA has published relevant documents and information regarding both electronic initiatives on the Office of Diversion Control's web site, at *http://www.deadiversion.usdoj.gov*, link to "Electronic Commerce Initiatives". Finally, DEA has held a number of public meetings (announced on DEA's web site and in letters to the industry) to detail progress of the projects, answer questions and solicit further input. DEA continues to provide information on its web site regarding project documents, updates and future meetings.

Rulemaking Analyses and Notices

Due to the preliminary nature of this document, information to complete the rulemaking analyses and notice is unavailable, and thus, not contained in this Advance Notice of Proposed Rulemaking.

Dated: February 27, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 01–5362 Filed 3–1–01; 11:12 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[REG–110374–00]

RIN 1545–AY21

Interest-Free Adjustments With Respect to Underpayments of Employment Taxes; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTON: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to a notice of proposed rulemaking that was published in the **Federal Register** on Wednesday, January 17, 2001 (66 FR 3956), relating to interest-free adjustments with respect to underpayments of employment taxes.

FOR FURTHER INFORMATION CONTACT: Anne O'Connell Devereaux (202) 622–3850 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking (REG–110374–00), that is the subject of this correction is under section 6205 of the Internal Revenue Code.

Need for Correction

As published the notice of proposed rulemaking (REG–110374–00), contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking which was the subject of FR Doc. 01–273, is corrected as follows:

On page 3958, column 2, in the preamble under the paragraph heading "Proposed Effective Date", the first paragraph, line 7, the language "January 12, 2001. No inference is" is corrected to read "January 17, 2001. No inference is".

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–5283 Filed 3–2–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY–229–FOR]

Kentucky Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Kentucky regulatory program (Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Kentucky regulations pertaining to subsidence control. The amendment is intended to revise the Kentucky program to be consistent with the corresponding Federal regulations.

DATES: If you submit written comments, they must be received by 4:00 p.m., [E.D.T.], April 4, 2001. If requested, a public hearing on the proposed amendment will be held on March 30, 2001. Requests to speak at the hearing must be received by 4:00 p.m., [E.D.T.], on March 20, 2001.

ADDRESSES: Mail or hand-deliver your written comments and requests to speak at the hearing to William J. Kovacic, Field Office Director, at the address listed below.

You may review copies of the Kentucky program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Lexington Field Office.

William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, Telephone: (859) 260–8400, E-Mail: bkovacic@osmre.gov

Department of Surface Mining Reclamation and Enforcement, 2 Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone: (502) 564–6940

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office, Telephone: (859) 260–8400.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. You can find background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the May 18, 1982, **Federal Register** (47 FR 21404). You can find subsequent actions concerning the conditions of approval and program amendments at 30 CFR 917.11, 917.13, 917.15, 917.16, and 917.17.

II. Description of the Proposed Amendment

By letter dated January 25, 2001 (Administrative Record No. KY–1502), Kentucky submitted a proposed amendment to its program consisting of changes to the Kentucky Administrative Regulations (KAR) at 405 KAR 18:210—Subsidence Control. Kentucky is responding to OSM's suspension of regulations pertaining to presubsidence surveys of structures and rebuttable presumption of causation of subsidence damage (64 FR 71652, December 22, 1999).

Specifically, Kentucky proposes to: (a) delete the requirement for presubsidence surveys of structures at Section 1(4); (b) amend Section 2(2) to change the minimum period of prior notice by the permittee to surface owners prior to undermining their property from 10 days to 30 days in emergency conditions; and (c) delete the rebuttable presumption of causation of subsidence damage in Section 3(4).

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kentucky program.

Written Comments: If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, be confined to issues pertinent to the notice, and explain the reason for your recommendation(s). We may not be able to consider or include in the Administrative Record comments delivered to an address other than the one listed above (see **ADDRESSES**).

Electronic Comments: Please submit Internet comments as an ASCII, WordPerfect, or Word file and avoid using special characters and any form of encryption. Please also include "Attn:

SPATS No. KY–229–FOR" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Lexington Field Office at (859) 260–8400.

Availability of Comments: Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours at the OSM Administrative Record Room (see **ADDRESSES**). Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may also be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you want us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Public Hearing: If you want to speak at the public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m. (local time), on March 20, 2001. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who testifies at a public hearing provide us with a written copy of his or her testimony. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak, and who wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Public Meeting: If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with OSM representatives to discuss the proposed amendment, you may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart federal regulation.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The state submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the state. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the state submittal which is the subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 21, 2001.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 01–5225 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–133–FOR]

Pennsylvania Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Pennsylvania regulatory program (Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment references Pennsylvania's anthracite coal mining regulations when describing conditions for meeting Stage 2 bond release where prime farmlands were present prior to mining. The amendment is intended to satisfy the conditions of the required regulatory program amendment at 30 CFR 938.16(p) and make the Pennsylvania program consistent with the corresponding federal regulations.

DATES: If you submit written comments, they must be received by 4:00 p.m. (local time), April 4, 2001. If requested, a public hearing on the proposed amendment will be held on March 30, 2001. Requests to speak at the hearing must be received by 4:00 p.m. (local time), on March 20, 2001.

ADDRESSES: Mail or hand-deliver your written comments and requests to speak at the hearing to Mr. Robert J. Biggi, at the address listed below.

You may review copies of the Pennsylvania program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Harrisburg Field Office.

Robert J. Biggi, Director, Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, Suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036, e-mail: bbiggi@osmre.gov.

Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation, Rachel Carson State Office Building, P.O. Box 8461, Harrisburg, Pennsylvania 17105–8461, Telephone: (717) 787–5103.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program

On July 31, 1982, the Secretary of the Interior conditionally approved the Pennsylvania program. You can find background information on the Pennsylvania program, including the Secretary's findings, the disposition of comments, and the conditions of the approval in the July 31, 1982, **Federal Register** (47 FR 33050). You can find subsequent actions concerning the conditions of approval and program amendments at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Description of the Proposed Amendment

By letter dated January 3, 2001, (Administrative Record No. PA–875.00), Pennsylvania submitted a proposed amendment to its program at 25 PA Code 86.174(b)(3). The full text of this section as proposed is:

> If prime farmlands are present, the soil productivity has been returned to the required level when compared with nonmined prime farmland in the surrounding area, to be determined from the soil survey performed under the reclamation plan approved in Chapters 87–90.

This amendment was submitted to satisfy a required regulatory program amendment at 30 CFR 938.16(p). The Director required this amendment in the May 31, 1991, **Federal Register** (56 FR 24687) as our review of Pennsylvania's proposed amendment submitted on December 22, 1989 (Administrative Record Number PA 790.00) showed that Pennsylvania had inadvertently omitted the cross reference to Chapter 88 in section 86.174(b)(3) dealing with prime farmlands. If prime farmlands are present, the soil productivity must be returned to the required level of yield when compared with nonmined prime farmland in the surrounding area as determined from the soil survey performed under the approved reclamation plan prior to approval for Stage II bond release. Through the required amendment, Pennsylvania was to amend its program to include the omitted cross reference to Chapter 88. In the current amendment, Pennsylvania believes it addressed the omitted cross reference by inserting the reference to Chapters 87–90 at 25 Pa Code 86.174(b)(3).

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Pennsylvania program.

Written Comments: If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, should be confined to issues pertinent to the notice, and should explain the reason for your recommendation(s). We may not be able to consider or include in the Administrative Record comments delivered to an address other than the one listed above (see **ADDRESSES**).

Electronic Comments: Please submit Internet comments as an ASCII, WordPerfect, or Word file avoiding the use of special characters and any form of encryption. Please also include "Attn: SPATS NO. PA–133–FOR" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Harrisburg Field Office at (717) 782–4036.

Availability of Comments: Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours at the OSM Administrative Record Room (see **ADDRESSES**). Individual respondents may request that we withhold their home address from the rulemaking

record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Public Hearing: If you wish to speak at the public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m. (local time), on March 20, 2001. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who testifies at a public hearing provide us with a written copy of his or her testimony. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Public Meeting: If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with OSM representatives to discuss the proposed amendment, you may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the Administrative Record.

Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart federal regulation.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of state regulatory programs and program amendments since each such program is drafted and promulgated by a specific state, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed state regulatory programs and program amendments submitted by the states must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The state submittal which is the subject of this rule is based upon counterpart federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the state. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart federal regulation.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the state submittal which is the subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 21, 2001.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 01–5226 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 96–98; DA 01–501]

Common Carrier Bureau Grants Motion for Limited Extension of Time for Filing Comments and Reply Comments on the Use of Unbundled Network Elements To Provide Exchange Access Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission issued a public notice granting a limited extension of time for filing comments and reply comments on issues raised in conjunction with the use of unbundled network elements to provide exchange access service.

DATES: Comments are due April 5, 2001 and reply comments are due April 30, 2001.

FOR FURTHER INFORMATION CONTACT: Jodie Donovan-May or Tom Navin, Attorney Advisors, Policy and Program Planning Division, Common Carrier Bureau, (202) 418–1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice regarding CC Docket No. 96–98, released on February 23, 2001. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY–B400, 445 12th Street, SW., Washington, DC. It is also available on the Commission's website at *http://www.fcc.gov.*

Synopsis of Public Notice

1. On January 24, 2001, the Commission released a Public Notice in CC Docket No. 96–98 inviting comment on issues raised in conjunction with the use of unbundled network elements to provide exchange access service. Based on publication of the Public Notice in the **Federal Register** (66 FR 8555) parties were required to file comments on March 5, 2001 and reply comments on March 19, 2001. On February 22, 2001, BellSouth, SBC, Qwest and Verizon (Movants) filed a motion to extend the dates for filing comments to April 5, 2001 and reply comments to April 30, 2001 in order to submit joint factual data and economic analysis addressing alternatives to incumbent facilities and the degree to which carriers are using those alternatives. They also state that an extension is necessary to account for substantial market developments over the last year, and that an extension will speed resolution of this proceeding by avoiding piecemeal submissions of data and arguments.

2. Although requests for extension of time are not routinely granted, in this instance, the Commission finds that the Movants have shown good cause for an extension of time in this proceeding. This matter shall continue to be treated as a "permit-but disclose" proceeding in accordance with the Commission's ex parte rules. All other requirements discussed in the January 24, 2001 Public Notice remain in effect.

Federal Communications Commission.

Michelle Carey,

Chief, Policy and Program Planning Division, Common Carrier Bureau.

[FR Doc. 01–5227 Filed 3–2–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 648

[Docket No. 010220043–1043–01; I.D. 120400D]

RIN 0648–AN65

Foreign Fishing and Fisheries of the Northeastern United States; Proposed 2001 Specifications for the Atlantic Herring Fishery and Foreign Fishing Restrictions

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed 2001 specifications for the Atlantic herring fishery; request for comments.

SUMMARY: NMFS proposes specifications for the 2001 Atlantic herring fishery. The intent of the specifications is to conserve and manage the herring resource and provide for sustainable fisheries, and to comply with the provisions in the Fishery Management Plan for Atlantic Herring (FMP), which require annual specifications for the fishery.

DATES: Comments must be received no later than 5 p.m., Eastern Standard Time, on April 4, 2001.

ADDRESSES: Copies of supporting documents, including the Environmental Assessment, Regulatory Impact Review, Initial Regulatory Flexibility Analysis (EA/RIR/IRFA), and the Essential Fish Habitat Assessment are available from Patricia A. Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930–2298. The EA/RIR/IRFA is accessible via the Internet at http:/www.nero.gov/ro/doc/nr.htm.

Written comments on the proposed specifications should be sent to the Regional Administrator at the above address. Mark on the outside of the envelope: "Comments-2001 Herring Specifications." Send comments on any ambiguity or unnecessary complexity arising from the language used in these proposed specifications to the Regional Administrator. Comments may also be sent via facsimile (fax) to (978) 281–9371. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, (978) 281–9104, e-mail at M.A.Raizin@noaa.gov, fax at (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations implementing the FMP appear at 50 CFR part 648, subpart K. Regulations governing foreign fishing appear at 50 CFR part 600, subpart F. The FMP requires the New England Fishery Management Council's (Council) Atlantic Herring Plan Development Team (PDT) to meet at least annually, no later than July each year, with the Atlantic States Marine Fisheries Commission's (Commission) Atlantic Herring Plan Review Team (PRT) to develop and recommend the following specifications for consideration by the Council's Atlantic Herring Oversight Committee: Allowable biological catch (ABC), optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), total foreign processing (JVPt), joint venture processing (JVP), internal waters processing (IWP), U.S. at-sea processing (USAP), border transfer (BT), total allowable level of foreign fishing

(TALFF), and reserve (if any). The PDT and PRT also recommend the total allowable catch (TAC) for each management area and sub-area identified in the FMP. As the basis for its recommendations, the PDT reviews available data pertaining to: Commercial and recreational catch; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results and other estimates of stock size; sea sampling and trawl survey data or, if sea sampling data are unavailable, length frequency information from trawl surveys; impact of other fisheries on herring mortality; and any other relevant information. Recommended specifications are presented to the Council for adoption and recommendation to NMFS.

Proposed 2001 Specifications

The Council, at its August 2000 meeting, adopted recommendations for the 2001 specifications for the Atlantic herring fishery. Specifications approved for the 2000 fishery were published in the **Federal Register** on December 11, 2000 (65 FR 77450). In a notification action published in the same edition of the **Federal Register**, NMFS adjusted the 2000 annual specifications for JVP, IWP, USAP, and the TAC for Areas 1A and 1B. The adjusted specifications are contained in Table 1. Proposed specifications for the 2001 fishery are contained in Table 2. Changes from the 2000 specifications include increases in OY, DAH, TALFF, DAP, and the TAC reserve for Area 2, which are discussed in this preamble.

TABLE 1. 2000 ATLANTIC HERRING SPECIFICATIONS (ADJUSTED)

Specification	Amount (mt)
ABC	300,000
OY	224,000
DAH	224,000
TALFF	0
DAP	180,000
USAP	20,000
BT	4,000
JVPt	20,000
JVP– Area 2 and Area 3	10,000
IWP	10,000
Reserve	0
TAC –Area 1A	60,000
TAC– Area 1B	10,000
TAC– Area 2	50,000 (54,000 TAC reserve)
TAC– Area 3	50,000

TABLE 2. RECOMMENDED 2001 ATLANTIC HERRING SPECIFICATIONS

Specification	Amount (mt)
ABC	300,000
OY	250,000
DAH	245,000
TALFF	5,000
DAP	221,000
USAP	20,000
BT	4,000
JVPt	20,000
JVP– Area 2 and Area 3	10,000
IWP	10,000
Reserve	0
TAC– Area 1A	60,000
TAC– Area 1B	10,000
TAC – Area 2	50,000 (80, 000 TAC reserve)
TAC– Area 3	50,000

TALFF

The Council recommends the specification of 5,000 metric tons (mt) of TALFF for the 2001 fishery, because it concluded that a sufficiently large stock of herring exists in Areas 2 and 3 to allow directed foreign fishing. The Council recommended restricting fishing under a TALFF allocation to these areas. The Council recommended setting TALFF largely to enhance the probability that foreign vessels would engage in JVP, thus benefitting U.S. fishermen who have had difficulty in procuring markets for herring. TALFF would benefit foreign vessels fishing under a joint venture (JV) by ensuring a supply of herring for processing if domestic vessels are not able to supply herring due to bad weather.

The Council met in September 2000 and recommended conditions and restrictions for TALFF. Those recommendations include: A restriction on direct foreign fishing landward of 20 nautical miles from shore; a restriction limiting gear to midwater trawls; a condition that foreign vessels be allowed to harvest 25 percent of their TALFF allocation up front but, before release of additional TALFF, a foreign vessel must receive 25 percent of its JVP allocation or provide proof for why this was not possible; a restriction on direct mealing by the foreign vessel; a restriction on fishing in regulated multispecies closed areas; and a prohibition on foreign fishing in Area 1 (Gulf of Maine). These conditions and restrictions are intended to strictly control any foreign fishing for TALFF to the benefit of the domestic fishery and in conformance with the objectives of the FMP. NMFS would consider these recommendations prior to authorizing TALFF.

TAC Reserve for Area 2

The Council recommended an increase in the TAC reserve for Area 2 of 26,000 mt, which would increase the reserve to 80,000 mt. This results in 130,000 mt of available TAC in Area 2 (50,000 mt of TAC plus 80,000 mt of TAC reserve). It is unlikely that any portion of this reserve will be utilized, since the fishery has never harvested more than the TAC of 50,000 mt from Area 2. The Council's recommendation for the increase is intended to communicate to the industry that there is a significant opportunity for growth in the fishery without compromising the status of the resource.

ABC, OY, DAH, and DAP

The preferred ABC specification of 300,000 mt (661,200,000 lb) was chosen over an alternative that would have utilized an F_{Target} yielding over 1 million mt (2204 million lb) of ABC. The conservative approach in setting the ABC takes into account the uncertainty about current stock size, which may be overestimated, and addresses the need to retain stability in the year-to-year estimate of ABC in the event of a sudden shift in the terminal year estimate of biomass. In addition, recognizing that herring is a key forage resource for a number of recreational finfish species such as striped bass and bluefish, and possibly some species of cetaceans, it is critical that allowable catch levels be conservatively set. Harvest of the entire preferred ABC would allow the herring stock to increase although it is close to carrying capacity at present.

Recommended increases in OY, DAH, and DAP are a direct result of recommended increases in TALFF and TAC reserve in Area 2. The TAC reserve increase would increase both the amount harvested by U.S. vessels as DAH and the amount processed by U.S. industry as DAP. The difference between OY and DAH represents the amount recommended for TALFF. OY is recommended at 250,000 mt, well under the ABC of 300,000 mt.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Council and NMFS prepared an IRFA that describes the economic impact this proposed rule, if adopted, would have on small entities. A summary of the analysis follows:

A description of the reasons why action by the agency is being considered and the objectives of the proposed rule are explained in the preamble to this rule and are not repeated here. This action does not contain any collection-of-information, reporting, or recordkeeping requirements. It will not duplicate, overlap, or conflict with any other Federal rules. This action is taken under authority of the Magnuson-Stevens Act and regulations at 50 CFR part 648.

All of the affected businesses (fishing vessels and dealers) qualify as small entities under the standards described in NMFS guidelines. There were 2,215 vessels, 6 known processors, and 72 known dealers participating in the fishery in 1999. The proposed increase in OY of 26,000 mt would provide additional opportunities for increased harvests. It cannot reasonably be expected to cause a significant increase in catch, however, given that vessels caught less than half the current OY in 1999. Therefore, the proposed increase in OY is not likely to result in any significant impact on the revenues of vessels, producer surplus or consumer surplus. Other alternatives considered and rejected, either "no-action" or increasing the allowable biological catch, would have a similar impact.

If foreign vessels avail themselves of the opportunity to harvest some or all of the TALFF, and those vessels are obligated to engage in JVs with U.S. fishing vessels, there would be a positive impact on the revenues of those U.S. vessels participating. Since the number of vessels that would be involved in the JVs and the specifics of the financial arrangements between the harvesters and foreign processor are not known, the per-vessel revenue impacts cannot be estimated. If the full amount of the JVP (10,000 mt) is harvested, revenues to the participating vessels would approximate $1.2 million, based on an average price of $120/mt. This would represent an increase in overall fleet revenues of 10–12 percent. While this represents a maximum dollar benefit, the net economic benefit would have to take into account opportunity costs in the form of revenues that could have been earned by delivering herring to shoreside processors, assuming that there is coincidental shoreside demand. In comparison, setting TALFF at 0 mt (the "no-action" alternative) would not provide as much incentive for foreign vessels to establish operations in the exclusive economic zone and would likely preclude the utilization of JVP, based on the activity in the fishery during the past 2 years. Alternatively, setting TALFF at a higher level, as considered by the Herring Committee, would have essentially the same economic impact as the proposed action because the economic benefits to the domestic fishery are realized through, and limited by, the utilization of the JVP specification (which is not changed), not the TALFF.

While a higher specification of TALFF may provide a greater incentive to foreign participants, there is no experience on which to base an estimate of this effect. The economic impact to shoreside processors from JVP (enhanced by a specification of TALFF) is uncertain. A reduction in supply to shoreside processors could result in an increase in the cost of herring to shoreside processors or bait dealers. Conversely, if domestic vessels concentrate on increasing supply of herring to shoreside processors, a decrease in cost could occur.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this proposed rule. Such comments should be sent to the Northeast Regional Administrator (see **ADDRESSES**).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 26, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5261 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 012401D]

Fisheries of the Northeastern United States; Supplemental Environmental Impact Statements (SEISs) for the Essential Fish Habitat (EFH) Components of the Northeast Multispecies Fishery Management Plan (FMP) and Atlantic Sea Scallop FMP

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of intent to prepare an SEIS; request for comments; extension of the comment period.

SUMMARY: NMFS recently announced its intention to prepare SEISs in accordance with the National Environmental Policy Act of 1969 (NEPA) for the EFH components for both the Northeast Multispecies FMP and Atlantic Sea Scallop FMP. NMFS will accept written comments to determine the range of management alternatives to be addressed in the SEISs to describe and identify EFH, minimize to the extent practicable the adverse effects of fishing on EFH, and identify other actions to encourage the conservation and enhancement of EFH. NMFS is extending the comment period for the submission of written comments to ensure opportunity for public comment.

DATES: Written comments on the intent to prepare the SEISs must be received on or before 5 p.m., local time, April 4, 2001.

ADDRESSES: Written comments on the intent to prepare the SEISs and requests for the scoping document or other information should be directed to the National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, Attn: Louis A. Chiarella. Telephone (978) 281–9277. Comments may also be sent via facsimile (fax) to (978) 281–9301. NMFS will not accept comments by e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Louis A. Chiarella, Essential Fish Habitat Coordinator, (Lou.Chiarella@noaa.gov), (978) 281–9277, fax (978) 281–9301.

SUPPLEMENTARY INFORMATION: On February 1, 2001 (66 FR 8568), NMFS published notification of its intention to prepare SEISs for the EFH components of the Northeast Multispecies FMP and Atlantic Sea Scallop FMP. See the February 1, 2001, **Federal Register** notification for background and scoping information related to the development of these SEISs. NMFS is extending the comment period so that written comments will now be accepted through April 4, 2001, rather than through March 5, 2001.

Authority 16 U.S.C. 1801 *et seq.*

Dated: February 27, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5258 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 66, No. 43
Monday, March 5, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Opal Creek Scenic Recreation Area (SRA) Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: An Opal Creek Scenic Recreation Area Advisory Council meeting will convene in Stayton, Oregon on Monday, March 19, 2001. The meeting is scheduled to begin at 6:00 p.m., and will conclude at approximately 8:30 p.m. The meeting will be held in the South Room of the Stayton Community Center located on 400 West Virginia Street in Stayton, Oregon.

The Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996 (Opal Creek Act) (Pub. L. 104–208) directed the Secretary of Agriculture to establish the Opal Creek Scenic Recreation Area Advisory Council. The Advisory Council is comprised of thirteen members representing state, county and city governments, and representatives of various organizations, which include mining industry, environmental organizations, inholders in Opal Creek Scenic Recreation Area, economic development, Indian tribes, adjacent landowners and recreation interests. The council provides advice to the Secretary of Agriculture on preparation of a comprehensive Opal Creek Management Plan for the SRA, and consults on a periodic and regular basis on the management of the area. The tentative agenda will include refining issue statements and describing the desired future condition of the SRA.

The public comment period is tentatively scheduled to begin at 8:00 p.m. Time allotted for individual presentations will be limited to 3 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits of the comment period. Written comments may be submitted prior to the March 19 meeting by sending them to Designated Federal Official Stephanie Phillips at the address given below.

FOR FURTHER INFORMATION CONTACT: For more information regarding this meeting, contact Designated Federal Official Stephanie Phillips; Willamette National Forest, Detroit Ranger District, HC 73 Box 320, Mill City, OR 97360; (503) 854–3366.

Darrel Kenops,
Forest Supervisor.

[FR Doc. 01–5229 Filed 3–2–01; 8:45 am]
BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Meeting; Sunshine Act Notice

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Friday, March 9, 2001, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, NW., Room 540, Washington, DC 20425.

STATUS:

Agenda

I. Approval of Agenda.
II. Approval of Minutes of February 16, 2001 Meeting.
III. Announcements.
IV. Staff Director's Report.
V. Project Planning.
VI. Status Report on Voting Rights Issues.
VII. State Advisory Committee Report:
- Reconciliation at a Crossroads: The Implications of Rice V. Cayetano on Programs for Native hawaiians (Hawaii);
- The Decision to Prosecute Drug Offense and Homicides in Marion County, Indiana (Indiana).

VIII. Future Agenda Items.

FOR FURTHER INFORMATION CONTACT: David Aronson, Press and Communications (202) 376–8312.

Edward A. Hailes, Jr.,
General Counsel.

[FR Doc. 01–5426 Filed 3–1–01; 2:24 pm]
BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Implementation of Tariff Rate Quota Established Under Title V of the Trade and Development Act of 2000 for Imports of Certain Worsted Wool Fabric

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 4, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th & Constitution Avenue, NW, Washington, DC 20230. Phone number: (202) 482–3272 or via the Internet at MClayton@doc.gov.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: Sergio Botero, Trade Development, Room 3119, 14th & Constitution Avenue, NW., Washington, DC 20230; Phone number: (202) 482–4058 and fax number: (202) 482–0667.

SUPPLEMENTARY INFORMATION:

I. Abstract

Title V of the Trade and Development Act of 2000 ("the Act") contains several provisions to assist the wool products industries. These include the establishment of tariff rate quotas (TRQ) for a limited quantity of worsted wool fabrics. The Act requires the President to fairly allocate the TRQ to persons who cut and sew men's and boys' worsted wool suits and suit like jackets and trousers in the United States, and who apply for an allocation based on the amount of suits they produce in the prior year. The Act further requires the President, on an annual basis, to consider requests from the manufacturers of the apparel products listed above, to modify the limitation on the quantity of imports subject to the TRQ. The Act specifies factors to be considered in making determinations on such requests. The TRQ is effective for goods entered or withdrawn from warehouse for consumption, on or after January 1, 2001, and will remain in force through 2003. A TRQ allocation will be valid only in the year for which it is issued.

On December 1, 2000, the President issued Proclamation 7383 that, among other things, delegates authority to the Secretary of Commerce to allocate the TRQ; to consider, on an annual basis, requests to modify the limitation on the quantity of the TRQ and to recommend appropriate modifications to the President; and to issue regulations to implement these provisions. On January 22, 2001, the Department of Commerce published regulations establishing procedures for allocation of the tariff rate quotas (66 FR 6459, 15 CFR part 335) and for considering requests for modification of the limitations (66 FR 6459, 15 CFR part 340). The Department must collect certain information in order to fairly allocate the TRQ to eligible persons and to make informed recommendations to the President on whether or not to modify the limitation on the quantity of the TRQ. The Office of Management and Budget (OMB) has approved this information collection request (OMB Number 0625–0240) with an expiration date of July 31, 2001. This request for comment is for the proposed information collection after July 31, 2001.

II. Method of Collection

The information collection forms will be provided via the Internet and by mail to requesting firms.

III. Data

OMB Number: 0625–0240.

Form Number: ITA–4137P, ITA–4138P, ITA–4139, and ITA–4140P.

Type of Review: Regular.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 35.

Estimated Time Per Response: 1–24 hours.

Estimated Total Annual Burden Hours: 1,222 hours.

Estimated Total Annual Costs: $207,275.

The estimated annual cost for this collection is $207,275 ($66,825 for respondents and $140,450 for federal government).

IV. Request for Comments

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and costs) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 27, 2001.

Madeleine Clayton,
Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–5157 Filed 3–2–01; 8:45 am]
BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with section 351.213(2000) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than the last day of March 2001, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period
Antidumping Duty Proceeding	
Bangladesh: Cotton Shop Towels, A–538–802	3/1/00–2/28/01
Canada: Iron Construction Castings, A–122–503	3/1/00–2/28/01
France: Brass Sheet & Strip, A–427–602	3/1/00–2/28/01
Germany: Brass Sheet & Strip, A–428–602	3/1/00–2/28/01
India: Sulfanilic Acid, A–533–806	3/1/00–2/28/01
Italy: Brass Sheet & Strip, A–475–601	3/1/00–2/28/01
Japan: Stainless Steel Butt-Weld Pipe Fittings, A–588–702	3/1/00–2/28/01
Spain: Stainless Steel Bar, A–469–805	3/1/00–2/28/01
Taiwan: Light-Walled Welded Rectangular Carbon Steel Tubing, A–583–803	3/1/00–2/28/01
Thailand: Circular Welded Carbon Steel Pipes & Tubes, A–549–502	3/1/00–2/28/01
The People's Republic of China:	
Chloropicrin, A–570–002	3/1/00–2/28/01
Glycine, A–570–836	3/1/00–2/28/01
Countervailing Duty Proceeding	
France: Brass Sheet and Strip, C–427–603	1/1/00–12/31/00
India: Sulfanilic Acid, C–533–807	1/1/00–12/31/00
Iran: In-Shell Pistachios Nuts, C–507–501	1/1/00–12/31/00

	Period
Pakistan: Cotton Shop Towels, C–535–001	1/1/00–12/31/00
Turkey: Welded Carbon Steel Pipes and Tubes, C–489–502	1/1/00–12/31/00

Suspension Agreements

None.

In accordance with section 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(1)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of March 2001. If the Department does not receive, by the last day of March 2001, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 27, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Group II for Import Administration.

[FR Doc. 01–5280 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Glycine From the Peoples Republic of China: Amended Final Results of New Shipper Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amended final results in the antidumping duty new shipper administrative review of glycine from the People's Republic of China.

EFFECTIVE DATE: March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Bolling or Rick Johnson, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3434 or (202) 482–3818, respectively.

Scope of the Review

The product covered by this review is glycine, which is a free-flowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a buffering agent, reabsorbable amino acid, chemical intermediate, and a metal complexing agent. Glycine is currently classified under subheading 2922.49.4020 of the Harmonized Tariff Schedule of the United States ("HTSUS"). This proceeding includes glycine of all purity levels. Although the HTSUS subheading is provided for convenience and Customs purposes, the written description of the scope of this review is dispositive.

Amendment of Final Results

On January 31, 2001, the Department of Commerce (the Department) published the final results of its new shipper administrative review on glycine from the People's Republic of China (66 FR 8383). This review covered Nantong Dongchang Chemical Industry Corp., a new shipper of the subject merchandise to the United States. The period of review (POR) is March 1, 1999 through August 31, 1999.

On February 2, 2001, we received a submission from Hampshire Chemical Corporation and Chattem Chemicals (collectively, "Petitioners") alleging a clerical error in the final results of this new shipper administrative review of the antidumping duty order on glycine from the People's Republic of China. Respondent submitted rebuttal comments on February 8, 2001. The allegation and rebuttal comments were filed in a timely fashion.

Comment 1: Petitioners allege that the Department committed a ministerial error in the final results of the new shipper review. Petitioners state that the Department used an incorrect factory overhead surrogate value that was derived from the financial statement of Daurala Organics Ltd. Petitioners claim that the Department used a 21.07 percent factory overhead surrogate value; however, the correct percentage is 21.70 percent.

Respondent argues that no clerical error has occurred and therefore, no recalculation of the final margin is necessary. Respondent asserts that under section 351.224(c) of the Department's regulations, comments concerning ministerial errors made in the preliminary results are to be included in an interested parties case brief. Respondent contends that petitioners' alleged error occurred during the preliminary stage of this review, and thus petitioners' comments are untimely according to Department regulations and no correction needs to be made to the factory overhead ratio.

Department's Position: After a review of petitioners' allegation, we agree with petitioners and have corrected our calculation worksheet to correct the factory overhead surrogate value. For the factory overhead ratio we used to correct this ministerial error, please see the *Memorandum from Robert A. Bolling to Edward Yang* dated February 21, 2001, a public version of which is available in the Central Records Unit, Room B–099 of the Department of Commerce Building, 14th Street and Constitution Ave, NW., Washington, DC.

Amended Final Results of New Shipper Review

As a result of our review and the correction of the ministerial error described above, we have determined that the following margin exists:

GLYCINE

Producer/manufacturer/exporter	Weighted-average margin (percent)
Nantong Dongchang Chemical Industry Corp	18.60

The Department shall determine, and the U.S. Customs Service ("Customs") shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated exporter/importer-specific assessment rates. We divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each importer. We will direct Customs to assess the resulting percentage margin against the entered Customs values for the subject merchandise on each of that importer's entries under the relevant order during the review period.

Furthermore, the following deposit requirements will be effective, upon publication of this notice of amended final results of the new shipper review for all shipments of glycine from the People's Republic of China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate shown above; (2) the cash deposit rate for PRC exporters who received a separate rate in a prior segment of the proceeding but for whom a review was not requested for this POR will continue to be the rate assigned in that segment of the proceeding; (3) the cash deposit rate for the PRC NME entity (i.e., all other exporters, which have not been reviewed) will continue to be 155.89 percent; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and in the subsequent assessment of doubled antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanctions.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 26, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5279 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–835]

Oil Country Tubular Goods From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On September 11, 2000, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on oil country tubular goods (OCTG) from Japan (65 FR 54838). The review covers one manufacturer. The period of review is August 1, 1998 through July 31, 1999.

We have not made changes to the preliminary margins. The final dumping margins for the reviewed firms, based on adverse facts available, are listed below in the section entitled "Final Results of the Review."

EFFECTIVE DATE: March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley or Samantha Denenberg, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–0666 and (202) 482–1386, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2000).

Background

On September 11, 2000, the Department published the preliminary results of administrative review of the antidumping duty order on OCTG from Japan (65 FR 54838). We invited parties to comment on our preliminary results of review. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

The merchandise covered by this order consists of oil country tubular goods, hollow steel products of circular cross-section, including oil well casing, tubing, and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The products subject to this order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.21.30.00, 7304.21.60.30, 7304.21.60.45, 7304.21.60.60, 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.30.10,

7304.29.30.20, 7304.29.30.30, 7304.29.30.40, 7304.29.30.50, 7304.29.30.60, 7304.29.30.80, 7304.29.40.10, 7304.29.40.20, 7304.29.40.30, 7304.29.40.40, 7304.29.40.50, 7304.29.40.60, 7304.29.40.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.60.15, 7304.29.60.30, 7304.29.60.45, 7304.29.60.60, 7304.29.60.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memo) from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, to Bernard T. Carreau, fulfilling the duties of Assistant Secretary for Import Administration, dated February 8, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, located in room B–099 of the main Department of Commerce Building. In addition, a complete version of the Decision Memo can be accessed directly on the Web at *http://ia.ita.doc.gov*. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

We have not made any changes to the preliminary margins, which were based on adverse facts available.

Final Results of Review

We determine that the following percentage margins exist for the period August 1, 1998 through July 31, 1999:

Manufacturer/exporter	Margin (percent)
Hallmark Tubulars Ltd	44.20
Itochu Corp	44.20
Itochu Project Management Corp	44.20
Nippon Steel Corp	44.20

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries.

In addition, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of OCTG from Japan entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and therefore *de minimis*, the Department shall require no deposit of estimated antidumping duties; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 44.20 percent. This rate is the "All Others" rate from the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 8, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—List of Issues

1. Existence of a Sale to an Unaffiliated Party for Exportation to the United States.
2. Application of North American Free Trade Agreement Provisions to Merchandise Imported under Temporary Import Bond (TIB).
3. Liquidation of Entries of Sumitomo Metal Industries' Unreviewed Sales.

[FR Doc. 01–5155 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–810]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Solid Agricultural Grade Ammonium Nitrate From Ukraine

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary determination of sales at less than fair value.

SUMMARY: We preliminarily determine that solid agricultural grade ammonium nitrate from Ukraine is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended. The estimated dumping margin for J.S.C. "Concern" Stirol is 113.38 percent. The Ukraine-wide rate, which is applicable to all other producers/exporters, is 113.38 percent. We also preliminarily determine that critical circumstances exist.

Interested parties are invited to comment on this preliminary determination. If this investigation proceeds on the current schedule, we will make our final determination not later than 105 days after the date of publication of this preliminary determination in the **Federal Register**.

EFFECTIVE DATE: March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Melani Miller or Jarrod Goldfeder, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0116 or (202) 482–0189, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department of Commerce ("the Department") regulations are to the regulations at 19 CFR part 351 (April 2000).

SUPPLEMENTARY INFORMATION

Case History

Since the initiation of this investigation on November 8, 2000 (*see Initiation of Antidumping Duty Investigation: Solid Agricultural Grade Ammonium Nitrate from Ukraine*, 65 FR 66966 (November 8, 2000) ("*Notice of Initiation*")), the following events have occurred:

In the *Notice of Initiation*, the Department invited parties to comment on the request made by the petitioner (the Committee for Fair Ammonium Nitrate Trade) for an expedited preliminary determination. On November 13, 2000, we received comments from J.S.C. "Concern" Stirol ("Stirol"), a Ukrainian producer/exporter of the subject merchandise; the petitioner; and ConAgra, Inc. ("ConAgra"), an interested party and importer of the subject merchandise. Based on our review of these comments and the original request from the petitioner, we announced our intention to issue our preliminary determination by February 23, 2001. *See* November 22, 2000 memorandum to the Acting Deputy Assistant Secretary "Whether to Expedite the Preliminary Determination," which is on file in Import Administration's Central Records Unit ("CRU"), Room B–099 of the main Department of Commerce building.

On November 22, 2000, the Department issued an antidumping questionnaire to the Ukrainian Embassy in Washington, DC and requested that the Embassy forward the questionnaire to all Ukrainian producers/exporters of subject merchandise that sold to the United States during the period of investigation ("POI"). The Department also sent the antidumping questionnaire directly to the four producers/exporters named in the petition.[1]

Pursuant to the allegation of critical circumstances in the petition, the Department, in its November 22, 2000 questionnaire, also requested information regarding shipments of the subject merchandise to the United States for the period January 1998 through the most recent date for which data was available (including, at minimum, November 2000). We received this information from Stirol on December 6, 2000. At the Department's request, Stirol submitted revised shipment data on February 7, 2001. No other company provided the requested information. The petitioner provided supplemental information with respect to its critical circumstances allegation on February 13, 2001. The critical circumstances analysis for this preliminary determination is discussed below in the "Critical Circumstances" section.

Also on November 22, 2000, in response to a request by the petitioner to alter the POI, we issued a memorandum explaining our decision not to do so in this investigation. *See* November 22, 2000 memorandum to the Acting Deputy Assistant Secretary "Time Period for the Period of Investigation" ("*POI Memo*"), which is on file in the Department's CRU. This issue is discussed further in the "Period of Investigation" section, below.

On November 22, 2000, the Department also invited interested parties to comment on surrogate country selection and to provide publicly available information for valuing the factors of production. We received responses from the petitioner and Stirol on December 27, 2000. Both Stirol and the petitioner filed rebuttal comments on surrogate values on January 3, 2001. Stirol and the petitioner submitted further surrogate value information on February 13, February 15, February 16, February 20, and February 21, 2001.

On November 27, 2000, the United States International Trade Commission ("ITC") notified the Department of its affirmative preliminary injury determination in this case.

On December 6, 2000, we received a response from Severodonetsk indicating that it did not make any shipments of the subject merchandise to the United States during the POI.

On December 27, 2000, and January 12, 2001, the Department received questionnaire responses for Sections A, C, and D from Stirol. We issued supplemental questionnaires to Stirol on January 10 and January 24, 2001, and received supplemental responses from Stirol on January 24 and February 7, 2001. We received comments on Stirol's responses from the petitioner on January 5 and January 19, 2001.

With regard to Cherkassy, we received an improperly filed Section A response on December 27, 2000. This response was resubmitted by Cherkassy on January 12, 2001. We received comments on Cherkassy's Section A response from the petitioner on January 22, 2001. We issued a Section A supplemental questionnaire to Cherkassy on January 24, 2001. Despite the Department's numerous attempts to contact Cherkassy and to allow Cherkassy to file its responses, Cherkassy neither submitted a response to the Section A supplemental questionnaire nor to Sections C and D of the questionnaire.

On January 3, 2001, we sent letters to Rivneazot and the Embassy of Ukraine informing them that, because we had not received any questionnaire responses from Rivneazot or from any other producer/exporter of the subject merchandise, we were assuming that, other than the companies already participating, no other companies (including Rivneazot) would be participating in this investigation. In response, on January 30, 2001, the Embassy of Ukraine notified us that Rivneazot did not make any shipments of the subject merchandise to the United States during the POI. We received no other response to these letters.

Finally, on February 13 and February 15, 2001, both the petitioner and Stirol provided comments and rebuttal comments on several issues related to the preliminary determination.

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to section 735(a)(2) of the Act, on February 13, 2001, Stirol requested that in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination by 30 days. At the same time, Stirol requested that the Department extend by 30 days the application of the provisional measures prescribed under 19 CFR 351.210(e)(2). In accordance with 19 CFR 351.210(b), because (1) our preliminary determination is affirmative, (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise, and (3) no compelling reasons for denial exist, we are granting Stirol's request and are postponing the final determination until no later than 105 days after the publication of this notice in the **Federal Register**. Suspension of liquidation will be extended accordingly.

Scope of Investigation

For purposes of this investigation, the products covered are solid, fertilizer grade ammonium nitrate ("ammonium

[1] The four companies named in the petition were Stirol, Open Joint Stock Company "AZOT" Cherkassy ("Cherkassy"), J.S. Co. Rivneazot ("Rivneazot"), and Severodonetsk State Manufacturing Enterprise "Azot Association" ("Severodonetsk").

nitrate") products, whether prilled, granular or in other solid form, with or without additives or coating, and with a bulk density equal to or greater than 53 pounds per cubic foot. Specifically excluded from this scope is solid ammonium nitrate with a bulk density less than 53 pounds per cubic foot (commonly referred to as industrial or explosive grade ammonium nitrate). The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States ("HTSUS") at subheading 3102.30.00.00. Although the HTSUS subheadings are provided for convenience and for purposes of the Customs Service, the written description of the merchandise under investigation is dispositive.

Period of Investigation

As noted above, the petitioner requested that the Department alter the normal POI called for in section 351.204(b)(1) of the Department's regulations to include the first quarter of 2000, either by defining the POI as the first and second quarters, or by expanding the POI to include the first, second, and third quarters. As explained in the *POI Memo*, we have not adopted the petitioner's suggested POI. Thus, the POI for this investigation corresponds to the two most recent fiscal quarters prior to the filing of the petition, *i.e.*, April 1, 2000 through September 30, 2000.

Nonmarket Economy Country and Market Oriented Industry Status

The Department has treated Ukraine as a nonmarket economy ("NME") country in all past antidumping investigations. *See, e.g., Notice of Preliminary Determinations of Sales at Less Than Fair Value: Steel Concrete Reinforcing Bars from Poland, Indonesia, and Ukraine*, 66 FR 8343 (January 30, 2001) and *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from Ukraine*, 62 FR 61754 (November 19, 1997) (*"CTL Plate from Ukraine"*). This NME designation remains in effect until it is revoked by the Department (*see* section 771(18)(C) of the Act).

The respondents in this investigation have not requested a revocation of Ukraine's NME status. We have, therefore, preliminarily determined to continue to treat Ukraine as an NME.

Separate Rates

In an NME proceeding, the Department presumes that a single dumping margin is appropriate for all exporters unless a firm establishes that it is eligible for a separate rate. In this investigation, Stirol has requested that it be assigned a separate rate. Pursuant to this request, Stirol has provided the requested company-specific separate rates information and has stated that it is not subject to any element of governmental ownership or control. Although Cherkassy submitted information relating to separate rates, that information was incomplete.

The Department establishes whether each exporting entity is entitled to a separate rate based on its independence from government control over its exporting activities by applying a test arising out of the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991), as modified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China* (59 FR 22585, May 2, 1994).

The Department's separate rate test is not concerned, in general, with macroeconomic/border-type controls, *e.g.*, export licenses, quotas, and minimum export prices, particularly if these controls are imposed to prevent dumping. The test focuses, rather, on controls over the investment, pricing, and output decision-making process at the individual firm level. *See CTL Plate from Ukraine; Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 62 FR 61276 (November 17, 1997) (*"TRBs IX"*); and *Honey from the People's Republic of China: Preliminary Determination of Sales at Less than Fair Value*, 60 FR 14725, 14726 (March 20, 1995).

Under the separate rates test, the Department assigns a separate rate in an NME case only if an individual respondent can demonstrate the absence of both *de jure* and *de facto* governmental control over its export activities:

1. Absence of De Jure Control

The Department considers three factors which support, though do not require, a finding of *de jure* absence of governmental control. These factors include: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; or (3) any other formal measures by the government decentralizing control of companies (*see, e.g., TRBs IX*).

Stirol has placed documents on the record that it claims demonstrate the absence of *de jure* governmental control, including the "Law of Ukraine On Economic Associations," the "Law of Ukrainian SSR On Foreign Economic Activities," and the "Edict of the President of Ukraine On Improvement of the Currency Regulation." These laws, enacted by the Government of Ukraine, demonstrate a significant degree of deregulation of Ukrainian business activity, as well as deregulation of Ukrainian export activity.

Because the Government of Ukraine created a right of ownership of business enterprises for private persons and collectives, open joint-stock companies, such as Stirol, are now distinct legal entities. According to Stirol, through this ownership right, it has the right to freely engage in economic activity, negotiate and sign contracts, and independently develop business plans. It also may independently choose its managers.

In a prior case, *CTL Plate from Ukraine*, the Department analyzed Ukraine's laws and regulations, and found that they establish an absence of *de jure* control. We have no new information in this proceeding that would cause us to reconsider this determination. Moreover, although the Government of Ukraine does maintain export controls for certain categories of goods, Stirol states that the subject merchandise exported to the United States is not subject to any of these controls. Additionally, Stirol asserts that the subject merchandise does not appear on any government list regarding export provisions or licensing and that there are no export quotas applicable to the subject merchandise.

Accordingly, we preliminarily determine that there is an absence of *de jure* governmental control over Stirol's export pricing and marketing decisions.

2. Absence of De Facto Control

The Department typically considers four factors in evaluating whether a respondent is subject to *de facto* governmental control of its export functions: (1) Whether the export prices are set by, or subject to the approval of, a governmental authority; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of its management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses (*see Final Determination of Sales at Less Than Fair Value: Certain Preserved Mushrooms from the People's Republic of China*, 63 FR 72255 (December 31, 1998)).

Stirol has asserted (and has provided supporting documentation) that it: (1) Establishes its own export prices; (2) negotiates contracts without guidance from any governmental entities or organizations; (3) makes its own personnel decisions with regard to the selection of management; and (4) retains the proceeds from export sales (although 50 percent of foreign currency earnings must be converted into Ukrainian currency) and uses profits according to its business needs without any restrictions. Additionally, Stirol has stated that it does not coordinate or consult with other exporters regarding its pricing. This information supports a preliminary finding that there is an absence of *de facto* governmental control of the export functions of Stirol.

Consequently, subject to verification, we preliminarily determine that Stirol has met the criteria for the application of separate rates. Also, because Cherkassy failed to provide the information needed to support its claim for a separate rate, we preliminarily determine that Cherkassy is subject to the Ukraine-wide rate, discussed below.

Ukraine-Wide Rate

Information on the record of this investigation indicates that Stirol, the only company that demonstrated its eligibility for a separate rate, did not account for all exports of subject merchandise to the United States from Ukraine during the POI. Therefore, because we presume that NME producers/exporters that are not eligible for a separate rate do not act independently from the government, we preliminarily determine that all Ukrainian producers/exporters of ammonium nitrate, other than Stirol, failed to respond to our questionnaire.

Section 776(a)(2) of the Act provides that "if an interested party or any other person (A) withholds information that has been requested by the administering authority or the Commission under this title, (B) fails to provide such information by the deadlines for submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782, (C) significantly impedes a proceeding under this title, or (D) provides such information but the information cannot be verified as provided in section 782(i), the administering authority and the Commission shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title." Pursuant to section 782(e) of the Act, the Department shall not decline to consider information that is submitted by an interested party and that is necessary to the determination, even if that information does not meet all the applicable requirements established by the Department, if all of the following requirements are met: (1) The information is submitted by the deadline established for its submission; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the Department with respect to the information; and (5) the information can be used without undue difficulties.

Section 776(b) of the Act further provides that adverse inferences may be used when an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information. In this case, except for Stirol, any Ukrainian producers/exporters of subject merchandise that exported to the United States during the POI failed to act to the best of their ability by not providing a response to the Department's questionnaire. Thus, the Department has determined that, in selecting from among the facts otherwise available, an adverse inference is warranted.

It is the Department's practice to assign to respondents which do not provide a full response to the Department's antidumping questionnaire the higher of: (1) The highest margin stated in the notice of initiation; or (2) the highest margin calculated for any respondent in the investigation (*see, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Wire Rod from Japan*, 63 FR 40434 (July 29, 1998)). In this case, the highest margin on record is 257 percent, the rate from the petition as recalculated by the Department in the *Notice of Initiation*.

Section 776(c) of the Act provides that where the Department selects from among the facts otherwise available and relies on "secondary information," such as the petition, the Department shall, to the extent practicable, corroborate that information from independent sources reasonably at the Department's disposal. The Statement of Administrative Action accompanying the URAA, H.R. Doc. No. 103–316 (1994) (SAA), states that "corroborate" means to determine that the information used has probative value. *See* SAA at 870.

In order to determine the probative value of the information used to calculate the Ukraine-wide rate, we examined evidence supporting the calculations in the petition. In accordance with section 776(c) of the Act, to the extent practicable, we examined the key elements of the export price ("EP") and normal value ("NV") calculations on which the petition margin calculations were based. The petitioner's methodology for calculating EP and NV is discussed in the *Notice of Initiation*. To corroborate the petitioner's EP calculations, we compared the U.S. sales prices in the petition to official U.S. government import statistics for the subject merchandise during the POI. To corroborate the petitioner's NV calculations, we compared the factor consumption rates for the most significant inputs reported in the petition to the factor consumption rates reported by Stirol, the only responding company in this investigation. Regarding the factor values, because the Department has preliminarily determined to use a different surrogate country than was used in the petition, we have substituted the factor values developed for this preliminary determination for those in the petition. In instances where a factor was reported in the petition for which we did not develop a surrogate value, we continued to use the value in the petition.

After making these changes, we found that the margin calculated for Stirol, 113.38 percent, is the highest margin on the record of this case.[2] Since this margin is a calculated margin in this investigation, this margin does not represent secondary information, and, thus, does not need to be corroborated. Thus, the Department has preliminarily determined the Ukraine-wide rate to be 113.38 percent. For the final determination, the Department will consider all margins on the record at that time for the purpose of determining the most appropriate margin based on adverse facts available.

Fair Value Comparisons

To determine whether sales of the subject merchandise by Stirol for export to the United States were made at less than fair value, we compared EP to NV, as described in the "Export Price" and "Normal Value" sections of this notice, below. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI-wide weighted-average EPs to the NVs.

[2] *See*, also, February 23, 2001, memorandum to the Deputy Assistant Secretary "Preliminary Determination Adverse Facts Available Rate," which is on file in the Department's CRU.

Export Price

For Stirol, we used EP methodology in accordance with section 772(a) of the Act because the subject merchandise was sold directly to unaffiliated customers in the United States prior to importation, and constructed export price ("CEP") methodology was not otherwise appropriate. We calculated EP based on FOB Ukrainian port prices. Where appropriate, we made deductions from the starting price (gross unit price) for inland freight from the plant/warehouse to the port of export and foreign brokerage and handling expenses. Because the domestic inland freight and brokerage and handling expenses were paid in a nonmarket economy currency, we based these charges on surrogate values from Indonesia. (*See* "Normal Value" section below for further discussion.)

Normal Value

1. Surrogate Country

Section 773(c)(4) of the Act requires the Department to value the NME producer's factors of production, to the extent possible, in one or more market economy countries that: (1) Are at a level of economic development comparable to that of the NME, and (2) are significant producers of comparable merchandise. Regarding the first criterion, the Department has determined that Pakistan, Indonesia, Sri Lanka, the Philippines, and Egypt are countries comparable to Ukraine in terms of overall economic development (*see* memorandum from Jeff May, Director, Office of Policy, to Susan Kuhbach, Office Director, AD/CVD Enforcement, Office 1, dated November 14, 2000 ("*Surrogate Country Memorandum*")). The petitioner has alleged that India is also economically comparable to Ukraine based on a comparison of per capita GNP in 1998 and 1999.

Regarding the second criterion (related to significant production of comparable merchandise), Stirol has argued that, among the countries that are economically comparable to Ukraine, Indonesia and Egypt are significant producers of merchandise comparable to ammonium nitrate. The petitioner has alleged that India, Indonesia, and Pakistan are significant producers of comparable merchandise.

The petitioner argues that the Department should depart from the *Surrogate Country Memorandum*, as it has done in past cases, and select India as the appropriate surrogate country in this investigation. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Romania*, 65 FR 39125 (June 23, 2000) (determining that, although not included in the original Office of Policy surrogate country memorandum, Indonesia was the most appropriate surrogate country for Romania because Indonesia was a significant producer of merchandise comparable to the subject merchandise and, contrary to other potential surrogate countries, provided reliable surrogate values for virtually all factors of production) ("*Pipe from Romania*"). While conceding that Indonesia is a suitable surrogate country, the petitioner claims that India is a more appropriate surrogate because, in addition to satisfying the two statutory criteria, India has the most complete and reliable set of publicly available information among possible surrogate countries. Moreover, the petitioner asserts that India is a more significant producer of comparable merchandise than Indonesia. Finally, the petitioner was able to obtain the financial statements of an Indian producer of ammonium nitrate to use in valuing selling, general, and administrative expenses ("SG&A"), profit, and overhead expenses, whereas the Indonesian data obtained by the petitioner pertained to a urea producer.

Stirol argues that Indonesia and Egypt are suitable surrogate countries as both satisfy the statutory criteria. For Indonesia, Stirol was able to obtain contemporaneous and reliable surrogate data, including official Indonesian import statistics for valuing all raw material inputs and audited financial reports from Indonesia producers of identical and comparable merchandise for purposes of calculating overhead, SG&A, and profit. Stirol was not able to obtain data for Egypt.

Stirol objects to the use of India as a surrogate country, asserting that India is not economically comparable to Ukraine. Although the two countries are similar in terms of per capita GDP, Stirol argues that, according to *The World Factbook 2000*, India is not comparable to Ukraine in terms of overall economic development. *See Pipe from Romania*, 65 FR at 39125 (noting that Indonesia was included among the countries that are economically comparable to Romania because Indonesia's GNP per capita *and overall economic development* were similar to the countries listed in the Office of Policy surrogate country memorandum). Finally, Stirol argues that the public data available for India is neither reliable nor contemporaneous with the POI.

For purposes of the preliminary determination, we have used Indonesia as our surrogate. As noted in the *Surrogate Country Memorandum*, Indonesia is economically comparable to Ukraine. Indonesia is also a significant producer of merchandise similar to the merchandise under investigation. Although the Department has the authority to select a country that is not included in the *Surrogate Country Memorandum*, there should be a good reason to do so. In this case, Indonesia was identified in the *Surrogate Country Memorandum* as being economically comparable to Ukraine. Indonesia is also a significant producer of comparable merchandise. Moreover, there is sufficient publicly available information on Indonesian values. Accordingly, we have calculated normal value using publicly available information from Indonesia to value Stirol's factors of production, except where noted below.

2. Factors of Production

In accordance with section 773(c) of the Act, we calculated NV based on the factors of production reported by Stirol using Indonesian values, except where noted below.

In selecting the surrogate values, we considered the quality, specificity, and contemporaneity of the data. For those values not contemporaneous with the POI, unless otherwise noted below, we adjusted for inflation using price indices published in the International Monetary Fund's *International Financial Statistics*. As appropriate, we adjusted input values to make them delivered prices.

For a detailed analysis of surrogate values, see the memorandum from the Team to the File, dated February 23, 2001, "Valuation of factors of production for the preliminary determination," which is on file in the Department's CRU.

Natural Gas: For purposes of valuing natural gas as both a material input and energy input, we used publicly available natural gas data for Indonesia for 1998 derived from the Second Quarter 2000 *Energy Prices & Taxes*, which is published by the International Energy Agency of the OECD ("*Energy Prices & Taxes*"). To inflate the 1998 *Energy Prices and Taxes* natural gas value to the POI, we used a regional inflation index specific to the energy sector.

Auxiliary Materials and Catalysts: With the exception of denatured alcohol, belting, and materials purchased from a market economy country and paid for in a market economy currency, we valued all of the other material inputs and catalysts using Indonesian import statistics obtained from the Indonesian Bureau of Statistics. For denatured alcohol, because we found the Indonesian import statistics to be unreliable, we valued these inputs using Indian import statistics. To value belting, we used an Indian price quote from a published news article. For materials purchased from market economy suppliers that were paid for in market economy currency (*i.e.*, lilamine, potassium hydroxide, and ukon), we used the actual purchase prices paid by Stirol during the POI.

Labor: We valued labor using the method described in 19 CFR 351.408(c)(3).

Energy: To value electricity, we used the 1997 electricity rates reported in *Energy Prices and Taxes*.

Inland Freight Rates: To value truck freight, we used a August 1999 rate quote from an Indonesian trucking company. With regard to rail freight, we used a February 2001 rail rate from an Indonesian rail company obtained by the Department from the American Embassy in Jakarta, Indonesia.

Brokerage and Handling: We valued brokerage and handling using publicly available February 2001 price quotes from an Indonesian freight forwarder that provides both import-and export-related cargo services.

Factory Overhead, SG&A, and Profit: We derived ratios for factory overhead, SG&A, and profit using the 1999 annual report of one Indonesian producer of a product similar to the subject merchandise.

Critical Circumstances

The petitioner has alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of ammonium nitrate from Ukraine.[3] The petitioner submitted information supplementing its allegation on February 13, 2001.

According to section 733(e) of the Act, the Department may make a critical circumstances determination at any time after initiation of an investigation, including prior to a preliminary determination of dumping, assuming adequate evidence of critical circumstances is available. The Department's policy bulletin No. 98.4 of October 15, 1998,[4] provides further guidance on this section of the Act, stating that, if the facts of a case show that importers, exporters, or producers had knowledge that a case was likely to be filed, and the other statutory and regulatory criteria are met, the Department should issue its preliminary finding on critical circumstances before the preliminary determination, and as soon as possible after the initiation.

While the petitioner did include arguments and evidence relating to critical circumstances in the petition, the petitioner did not provide at that time evidence that importers, exporters, or producers of ammonium nitrate had early knowledge of the case. This evidence was only provided on February 13, 2001. Thus, there was not sufficient information on the record for the Department to make an early preliminary critical circumstances determination. Therefore, we are making our preliminary critical circumstances determination in conjunction with this preliminary less than fair value determination.

Section 733(e)(1) of the Act provides that the Department will determine that critical circumstances exist if there is a reasonable basis to believe or suspect that: (A)(i) There is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period.

With respect to the first criterion, there is currently an antidumping duty order on ammonium nitrate from Ukraine in the European Community ("EC"). The existence of an antidumping duty order in the EC on ammonium nitrate from Ukraine is sufficient evidence of a history of injurious dumping. Accordingly, there is no need to examine importer knowledge.

In addressing the second criterion, *i.e.*, whether there are "massive imports" over a "relatively short time period," the Department ordinarily bases its analysis on import data for at least the three months preceding (the "base period") and following (the "comparison period") the filing of the petition. Imports normally will be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period. Section 351.206(i) of the Department's regulations also provides, however, that if the Department finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, the Department may consider a base and comparison period of not less than three months from that earlier time.

In this case, the petitioner has argued that importers, exporters, or producers of ammonium nitrate had reason to believe that an antidumping proceeding was likely as early as January 2000, well before the filing of the petition, based on the increase in imports of ammonium nitrate from Ukraine and the corresponding decrease in ammonium nitrate imports from Russia following the January 2000 preliminary determination in the investigation of ammonium nitrate from Russia. *See Notice of Preliminary Determination of Sales at Less Than Fair Value; Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation*, 65 FR 1139 (January 7, 2000) and *Notice of Final Determination of Sales at Less Than Fair Value; Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation*, 65 FR 42669 (July 11, 2000) ("*Ammonium Nitrate from Russia*"). Thus, the petitioner contends that, as a result of the shift of imports of ammonium nitrate from Russia to Ukraine, importers, exporters, or producers of ammonium nitrate would have been aware that an investigation of ammonium nitrate from Ukraine would likely be forthcoming. Alternately, the petitioner argues that two press reports relating to *Ammonium Nitrate from Russia* published in May and August 2000 in *Green Markets*, a fertilizer industry publication, are sufficient evidence to impute knowledge that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely.

In order to determine whether the facts of this case showed that importers, exporters, or producers had advance knowledge that a case was likely to be filed, we examined whether conditions in the industry or published reports and statements provided a basis for inferring knowledge that an antidumping investigation of ammonium nitrate from Ukraine was likely. As noted above, the petitioner provided two articles relating to the *Ammonium Nitrate from Russia* investigation from May and August 2000. The May 2000 article did not specifically mention imports of ammonium nitrate from Ukraine; however, the August 2000 article did

[3] For a further discussion of the Department's critical circumstances analysis, *see* February 23, 2001, memorandum to the Deputy Assistant Secretary "Critical Circumstances Preliminary Determination: Massive Imports," which is on file in the Department's CRU.

[4] *See* Department October 15, 1998 Policy Bulletin No. 98.4, "Timing of Issuance of Critical Circumstances Determinations" ("policy bulletin"), which can be found on the Department's web page at *http://ia.ita.doc.gov*.

state that the U.S. industry was closely monitoring imports of this product from Ukraine. The petitioner did not provide any published reports or information indicating that knowledge of a possible antidumping investigation of ammonium nitrate from Ukraine was publicly available as of January 2000. We did a search of Lexis-Nexis and the Internet to see if there were any other articles or information pertaining to ammonium nitrate from Ukraine. Our research revealed nothing prior to the August 2000 report.

Therefore, we find no evidence that importers, or exporters or producers, had reason to believe that a proceeding on ammonium nitrate from Ukraine was likely as of January or May 2000. However, we find that the press report in August 2000 was sufficient to establish that, by early August 2000, importers, exporters, or producers knew, or should have known, that a proceeding was likely. Accordingly, it is appropriate to utilize a comparison period starting in August 2000. Therefore, to determine whether imports of subject merchandise have been massive over a relatively short period, we compared shipment data for Stirol and all other Ukrainian importers covered by the Ukraine-wide rate during the comparison period, August 2000 through November 2000, to shipments during the base period, April 2000 to July 2000.

Based on our analysis of the data from the above base and comparison periods, we found that shipments made by both Stirol and all other Ukrainian producer/exporters during the POI increased by more than 15%.

Because of the alleged seasonality of ammonium nitrate shipments (*see Ammonium Nitrate from Russia*), we examined whether this observed increase was due to a seasonal surge. We compared the reported shipment data for Stirol and the data for all other Ukrainian producers/exporters to relevant historical data on all ammonium nitrate shipments to the United States (with the exception of imports from Russia and Ukraine). We used total imports in to the United States of ammonium nitrate to test for seasonality rather than historical shipment patterns by Ukrainian producers/exporters because Ukraine only recently entered the U.S. market. Hence, historical data for Ukraine was not available.

We compared the percent change from the base to the comparison period to the historical percent change of all sales of ammonium nitrate made to the United States for the same base and comparison periods from 1996 through 1999, excluding data from Ukraine and Russia. This data shows that, during these same base and comparison periods in the years from 1996 through 1999, there was a small percentage increase relative to the increase in shipments for Stirol and all other Ukrainian producers/exporters in 2000. Thus, the increase in shipments by Stirol and all other Ukrainian producers/exporters does not appear to be explained by seasonality of shipments.

Therefore, we preliminarily determine that the increases in imports for Stirol and all other Ukrainian producers/exporters were massive over a relatively short period. Having met both requirements for an affirmative determination of critical circumstances, we preliminarily determine that critical circumstances exist for both Stirol and the Ukraine-wide entity. We will make a final determination concerning critical circumstances when we make our final determination of this investigation.

Verification

As provided in section 782(i) of the Act, we will verify all information relied upon in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing the Customs Service to suspend liquidation of all imports of subject merchandise from Ukraine entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. In addition, we are directing Customs to suspend liquidation of any unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days prior to the date on which this notice is published in the **Federal Register**. We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP or CEP, as appropriate, as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

Exporter/manufacturer	Weighted-average margin percentage
J.S.C. "Concern" Stirol	113.38
Ukraine-wide rate	113.38

The Ukraine-wide rate applies to all entries of the subject merchandise except for entries from exporters/factories that are identified individually above.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 150 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

Case briefs or other written comments in six copies must be submitted to the Assistant Secretary for Import Administration no later than April 20, 2001, and rebuttal briefs no later than April 25, 2001. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on April 27, 2001, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination not later than 105 days after the date of the preliminary determination.

This determination is issued and published in accordance with sections 733(d) and 777(i)(1) of the Act. Richard W. Moreland is temporarily fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 23, 2001.

Richard W. Moreland,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5156 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Rensselaer Polytechnic Institute; Notice of Decision on Application for Duty-Free Entry of Electron Microscope

This is a decision pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 00–039. *Applicant:* Rensselaer Polytechnic Institute, Troy, NY 12180–3590. *Instrument:* Electron Microscope, Model JEM–2010. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 66 FR 7626, January 24, 2001. *Order Date:* December 13, 1999.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as the instrument is intended to be used, was being manufactured in the United States at the time the instrument was ordered. *Reasons:* The foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of the instrument.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 01–5281 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Channel Islands National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Channel Islands National Marine Sanctuary (CINMS or Sanctuary) is seeking applicants for the following vacant seats on its Sanctuary Advisory Council (Council): Research member; Education member; and Fishing alternate. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the conservation and management of marine resources; and the length of residence in the area affected by the Sanctuary. Applicants who are chosen as members should expect to serve three-year terms, pursuant to the Council's Charter.

DATES: Applications are due by March 10, 2001.

ADDRESSES: Application kits may be obtained from Michael Murray at 115 Harbor Way, Suite 150, Santa Barbara, CA 96825. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Michael Murray at (805) 884–1464, or michael.murray@noaa.gov, or visit the CINMS web site at: www.cinms.nos.noaa.gov.

SUPPLEMENTARY INFORMATION: The CINMS Advisory Council was originally established in December 1998 and has a broad representation consisting of 20 members, including ten government agency representatives and ten members from the general public. The Council functions in an advisory capacity to the Sanctuary Manager. The Council works in concert with the Sanctuary Manager by keeping him or her informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Manager in achieving the goals of the Sanctuary program. Specifically, the Council's objectives are to provide advice on: (1) Protecting natural and cultural resources, and identifying and evaluating emergent or critical issues involving Sanctuary use or resources; (2) Identifying and realizing the Sanctuary's research objectives; (3) Identifying and realizing educational opportunities to increase the public knowledge and stewardship of the Sanctuary environment; and (4) Assisting to develop an informed constituency to increase awareness and understanding of the purpose and value of the Sanctuary and the National Marine Sanctuary Program.

Authority: 16 U.S.C. Section 1431 et seq.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: February 27, 2001.

Margaret A. Davidson,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01–5287 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.022601C]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability and request for comment.

SUMMARY: The Washington Department of Fish and Wildlife and the Puget Sound Treaty Tribes submitted a jointly developed Resource Management Plan (RMP) pursuant to the protective regulations promulgated for Puget Sound chinook salmon under section 4(d) of the Endangered Species Act (ESA). The RMP specifies the future management of commercial, recreational and tribal salmon fisheries potentially affecting listed Puget Sound chinook salmon. This document serves to notify the public of the availability for comment of the proposed evaluation of the Secretary of Commerce (Secretary) as to how the RMP addresses the criteria in the ESA.

DATES: Written comments on the Secretary's proposed evaluation must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on March 26, 2001.

ADDRESSES: Written comments and requests for copies of the evaluation should be addressed to Susan Bishop, Sustainable Fisheries Division, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, Washington 98115–0070. Comments may also be sent via fax to 206/526–6736. The document is also available on the Internet at *http://www.nwr.noaa.gov/*, Sustainable Fisheries Division site. Comments will not be accepted if submitted via e-mail or the internet.

FOR FURTHER INFORMATION CONTACT: Susan Bishop at phone number: 206/526–4587, or e-mail: *susan.bishop@noaa.gov* regarding the RMP.

SUPPLEMENTARY INFORMATION: This notice is relevant to the Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU).

Background

The Washington Department of Fish and Wildlife and the Puget Sound Treaty Tribes have provided a jointly

developed RMP for Puget Sound chinook. The RMP encompasses fisheries within the range of the Puget Sound chinook salmon ESU, as well as the western Strait of Juan de Fuca, which is not within the ESU. Harvest objectives specified in the RMP account for fisheries-related mortality throughout the migratory range of Puget Sound chinook from Oregon and Washington to Southeast Alaska. The RMP also includes implementation, monitoring and evaluation procedures designed to ensure fisheries are consistent with these objectives.

As required by § 223.203 (b)(6) of the ESA 4(d) rule, the Secretary must determine pursuant to 50 CFR 223.209 and pursuant to the government to government processes therein whether the RMP for Puget Sound chinook would appreciably reduce the likelihood of survival and recovery of the Puget Sound chinook and other affected threatened ESUs. The Secretary must take comments on how the RMP addresses the criteria in § 223.203(b)(4) in making that determination.

Authority

Under section 4 of the ESA, the Secretary is required to adopt such regulations as he deems necessary and advisable for the conservation of the species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to actions undertaken in compliance with a RMP developed jointly by the State of Washington and the Tribes (joint plan) and determined by the Secretary to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000).

Dated: February 27, 2001.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–5259 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021601B]

Fisheries of the Exclusive Economic Zone off Alaska; Prohibited Species Donation Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Authorization and Renewal.

SUMMARY: NMFS announces the renewal of Northwest Food Strategies' (NFS) authorization to donate Pacific halibut to economically disadvantaged individuals under the Prohibited Species Donation (PSD) program. This action is necessary to comply with provisions of the PSD program implemented at 50 CFR part 679.

DATES: January 1, 2001, through December 31, 2003.

ADDRESSES: Copies of the PSD Permit may be obtained from the Sustainable Fisheries Division, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802–21668, Attn: Lori Gravel. Copies of Amendments 50 to the groundfish FMPs and of the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for the amendments may be obtained from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99510–2252.

FOR FURTHER INFORMATION CONTACT: Nina Mollett, 907–586–7462.

SUPPLEMENTARY INFORMATION:

Background

The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska and Bering Sea and Aleutian Islands Management Area are managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the Alaska groundfish fisheries appear at 50 CFR parts 600 and 679. Fishing for Pacific halibut in waters in and off Alaska is governed by the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea and by regulations adopted by the International Pacific Halibut Commission and approved by the Secretary of State of the United States pursuant to section 4 of the Northern Pacific Halibut Act (16 U.S.C. 773–773k).

Amendments 50/50 to the FMPs, which authorize the PSD program, were published in the **Federal Register** on June 12, 1998 (63 FR 32144). These amendments expanded the existing Salmon Donation Program by creating a program that includes Pacific halibut as well. The regulations authorize the voluntary distribution of Pacific halibut, taken incidentally in groundfish trawl fisheries off Alaska and landed at shoreside processing plants, to needy individuals by tax-exempt organizations, through an authorized distributor.

The Regional Administrator, Alaska Region, NMFS (Regional Administrator) selected NFS, 600 Erickson Avenue, Suite 395, Bainbridge Island, WA 98110 to be an authorized distributor, as defined by 50 CFR 679.2, based on information submitted by NFS as required under § 679.26. The selection was announced in the **Federal Register** (63 FR 43380, August 13, 1998) and a permit was issued to NFS. A PSD permit issued to an authorized distributor may be renewed following application procedures at § 679.26(b).

The PSD program was scheduled to expire on December 31, 2000. This sunset provision was established to allow time for agency evaluation before Council action was taken to make it a permanent program. Following evaluation, NMFS permanently extended the PSD program on January 1, 2001 (65 FR 78119, December 14, 2000).

NFS had been authorized to distribute Pacific halibut under the PSD program from August 13, 1998, through December 31. 2000. During this period, NFS effectively coordinated the distribution of prohibited halibut bycatch for 3 years. NFS employed an independent seafood laboratory to ensure product quality and received support from cold storage facilities and common carriers servicing the areas where Pacific halibut donation would take place. The company worked with three shoreside processors located in Dutch Harbor, AK. Approximately 6 to 10 metric tons were landed and donated annually. NFS anticipates that this amount could increase.

NFS has submitted an application to renew its status as an authorized distributor. NMFS has reviewed NFS' application, and, on the basis of information submitted in the application, selects NFS as an authorized distributor. This document announces NFS' selection and the renewal of NFS' permit through December 31, 2003.

The PSD permit may not be transferred and will be in effect for a 3-year period unless suspended or revoked. Suspension, modification, or revocation could occur under 15 CFR part 904, for noncompliance with terms and conditions specified in the permit or for a violation of this section or other regulations in 50 CFR part 679.

Classification

This action is taken under 50 CFR 679.26.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

Dated: February 27, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5263 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 990125030–1039–02]

RIN 0648–ZA56

National Oyster Disease Research Program and Gulf Oyster Industry Initiative: Request for Proposals

AGENCY: National Sea Grant College Program, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of request for proposals.

SUMMARY: The purpose of this notice is to advise the public that the National Sea Grant College Program (Sea Grant) is entertaining grant proposals to participate in innovative research, outreach and demonstration in two separate competitions: one to continue the National Oyster Disease Research Program (ODRP) and one to continue the Gulf Oyster Industry Program (GOIP). Approximately $1.85 million is available for the Oyster Disease Research Program and $.9 million for the Gulf Oyster Program in FY–2001 and a similar amount is expected for FY–2002. Therefore, two year proposals are being accepted. The National Oyster Disease Research Program focuses on diseases that are impacting the oyster populations of the US and the Gulf Oyster Industry Program focuses on the oyster industry problems of the Gulf Coast with special emphasis on the human health considerations within that industry.

DATES: Preliminary proposals must be received at the individual state Sea Grant Programs by 5:00 p.m. (local time) on April 4, 2001 and at the National Sea Grant Office by 5:00 pm (EST) April 9, 2001. After evaluation at the National Sea Grant Office (NSGO), some proposers will be encouraged to prepare full proposals, and those comments will be made available by April 23, 2001. Full proposals must be received at individual Sea Grant Programs by 5:00 p.m. (local time), May 28, 2001 and copies to the National Sea Grant Office by 5:00 pm (EDT) May 31, 2001. Written peer reviews from state Sea Grant programs must be at the National Sea Grant Office by 5:00 pm (EDT) on July 11, 2001. It is anticipated that full proposal funding decisions will be made by July 20, 2001. State Program Directors should allow enough time in their process to pass the proposals and other materials to the National Sea Grant Office by the dates indicated above. Please see list of state program addresses and phone numbers below.

ADDRESSES: For those applicants living in Sea Grant States, the preliminary proposals and full proposals must go to state Sea Grant programs at the addresses obtainable at the web address below. If the applicant is not from a Sea Grant state they should submit directly to: National Sea Grant College Program, R/SG, Attn: Oyster Disease and Gulf Oyster Industry Competition, Room 11838, NOAA, 1315 East-West Highway, Silver Spring, MD 20910, by the dates listed for submission to the National Sea Grant Office.

Electronic Addresses:

Sea Grant Directors—
http://www.nsgo.seagrant.org/SGDirectors.html;

Sea Grant Forms—
www.nsgo.seagrant.org/research/rfp/index.html#3

FOR FURTHER INFORMATION CONTACT: James P. McVey, Program Director for Aquaculture, or Mary Robinson, Secretary, National Sea Grant Office, 301–713–2451, facsimile 301–713–0799, e-mail-Jim.McVey@NOAA.gov.

SUPPLEMENTARY INFORMATION:

I. Program Authority

33 U.S.C. 1121 et seq.
Catalog of Federal Assistance Numbers: 11.417. Sea Grant Support.

II. Program Description

Background

National Oyster Disease Research Program: For more than two decades, oyster populations in the Chesapeake Bay and mid-Atlantic area have been increasingly battered by Dermo and MSX, two parasitic diseases for which there is no known remedy. In the Northeast, a new and as yet unidentified pathogen, called Juvenile Oyster Disease (JOD), has been taking a toll in hatcheries. On the West Coast, the Pacific Oyster has been subjected to puzzling summer mortalities.

The continuing decline of oyster stocks has been a catalyst for federal support of the Oyster Disease Research Program, a far-reaching effort by the National Oceanic and Atmospheric Administration to support innovative research that will lead to improved techniques for combating oyster disease. The Program began in 1990 with oversight by the NOAA National Marine Fisheries Service and its Chesapeake Bay Office, and is now administered by the National Sea Grant College Program.

The Oyster Disease Research Program is supporting efforts to reduce the impacts of oyster disease on oyster populations through a competitive research program coupled with outreach and management efforts. The ODRP is committed to the restoration of healthy populations of oysters in the nation's coastal waters.

Gulf Oyster Industry Program: The Gulf Oyster Industry Program is a long term, research-based program aimed at assisting the oyster industry in states adjoining the Gulf of Mexico to achieve full economic recovery and sustainable oyster production. This program will foster the participation of highly qualified academic researchers with industry and management agency personnel in an organized, comprehensive search for practical solutions to the most pressing problems of the Gulf oyster industry, including those relating to Vibrio vulnificus, a human pathogen, and other human health risks associated with raw molluscan shellfish.

Funding Availability and Priorities

Approximately $1.85 million in FY–2001 funding is available for the Oyster Disease competition and approximately $900,000 is available for the Gulf Oyster Industry competition. A similar amount is expected but not assured for both competitions in FY–2002, therefore, two-year projects will be considered. Funding will be on an annual basis, with grant renewal depending upon satisfactory demonstration of progress and availability of funds. Any two-year grant awards that are funded annually must have scopes of work that can be easily separated into annual increments of meaningful work that represents solid accomplishments if prospective funding is not made available to the applicant

(i.e., the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

The National Sea Grant College Program encourages proposals that address one of the following two program areas:

(1) National Oyster Disease Research Program (ODRP)

The official vision statement for the program is "to provide, through a coordinated research and outreach program, the technological basis for overcoming diseases which currently limit oyster production in the United States." Even though ODRP emphasis is on diseases associated with the American oyster, proposals addressing disease problems of other oyster species will be considered as long as they relate to the priorities identified below.

In response to the progress reports and discussions that took place at the International Shellfish Restoration Conference, 16–18 November, 2000, this announcement will encourage partnerships for the transfer of basic research findings and new technology to the industry and to State shellfish managers where opportunity exists. Even though this announcement is encouraging projects of this type, Sea Grant recognizes that some of the best work being done on oyster disease involves basic research, which may not be ready for application, but which still contributes to a greater understanding of the fundamental nature of oyster diseases. Sea Grant will continue to support this basic research, while providing opportunity for those researchers that have already developed useful applications to receive consideration in the proposal process.

Primary consideration for funding will be given to proposals which address the specific priorities listed below. These priorities, originally determined at a national workshop in January, 1995 and further refined at the Oyster Disease Research Program session during the International Shellfish Restoration Conferences in 1996 and 2000, are not listed in any implied order of importance.

(1) Design, apply and evaluate disease management strategies for enhanced natural and aquaculture production and prediction (i.e. advanced forecasting)—there are many issues related to establishment of oyster sanctuaries, commercial oyster beds, oyster aquaculture, remote setting, use of natural seed, bottom cleaning before setting, cultch type, etc. which should be addressed as related to the impacts of disease. Activities that involve private sector, state restoration programs and extension/outreach in the implementation of research results and field trials using diagnostic methods, and other disease related technology and information for improved oyster disease management or oyster culture are appropriate under this priority.

(2) Parasite life cycles and the dynamics and mechanisms of transmission—investigations of selected aspects of the life cycles of oyster pathogens, especially MSX and *Perkinsus*, and the dynamics/mechanisms of disease transmission among host organisms.

(3) Host-parasite interactions—investigations which: determine how pathogens avoid host defense mechanisms, biochemically characterize *Perkinsus* strains, determine factors which confer virulence to *Perkinsus* strains, determine mechanisms of infection/entry into the host, or compare disease processes in oyster species are being sought.

(4) Mechanisms of disease resistance—continued emphasis is placed on studies concerning cellular/molecular mechanisms of disease infection and resistance in Crassostrea spp. and studies which determine the mechanisms of immune response in oysters. In addition, analysis of host defense factors, the development of molecular markers of disease and stress resistance, the development of immuno-stimulants, the application of chemo-therapeutics, and the identification of pathogen virulence and resistance mechanisms are needed; as are studies comparing resistance among diploid and polyploid oysters.

(5) Development and application of diagnostic methods for all oyster diseases—investigations which lead to the development and application of molecular techniques for disease diagnosis, and those which develop rapid field diagnostic methods are high priority. This program has already developed many diagnostic techniques for several disease organisms and new proposals will be expected to show a significant improvement over the techniques already developed.

(6) Environmental influences on disease processes—proposals which address the influence of biotic and abiotic factors upon host-parasite interactions are high priority. Also included are studies of the effects of eutrophication and other stresses upon disease dynamics, basic physiological and adaptation processes in both hosts and parasites, the mechanisms of the summer kill phenomenon, relationships between disease progression and climate, and the eco-physiology of *Perkinsus*.

Taxonomy, phylogeny and population studies of both hosts and parasites—emphasis continues on studies of variations in population susceptibility, host resistance and pathogen virulence. Also needed are investigations of the genetic structure of both hosts and parasites.

(8) Development and application of selective breeding strategies—We are seeking studies which develop molecular/biochemical markers for breeding resistance into oysters, as well as genome analysis and gene transfer techniques related to disease resistance. Evaluation of non-native oyster species genomes with regard to disease resistance under aquaculture conditions will also be considered.

(9) Development and testing of geographic and mathematical models to improve understanding of disease dynamics—A basic model now exists and new work in this area must clearly state how additional investment will take us to an even better level of prediction or disease management.

(2) Gulf Oyster Industry Program

The Gulf Oyster Industry Program was created as a result of information provided by Gulf oyster industry leaders, state resource managers, and academic researchers spanning the five-state Gulf region. Specific needs identified by these individuals were subsumed into 12 concise issue statements as a result of a workshop held in New Orleans, Louisiana in 1997 and reaffirmed in 2000. This list of research and extension needs and proposed responses was presented to a select Industry Advisory Panel at the Gulf Oyster Industry Program Workshop conducted in New Orleans, La., on February 28, 1998, and again in 2000 and the group was asked to establish research priorities based on that framework. Through an ensuing discussion, the high-priorities were delineated as shown below:

(1) At-Risk Consumer Education and Evaluation—This RFP seeks proposals that will develop, implement and/or evaluate a *Vibrio vulnificus* Education Program, including, but not limited to: at-risk consumer foundations and associations, pharmacies, alcohol treatment centers, wound infection issues, media relations, and public perceptions.

(2) Human Pathogenic Organisms—Raw oysters have the potential to cause human illness due to the presence of naturally occurring opportunistic pathogens (e.g., *Vibrio vulnificus*), naturally occurring pathogens that become a concern only when present at elevated levels (e.g., *Vibrio cholrea* or *Vibrio parahaemolyticus*), and which pathogens are related to contaminated growing areas (e.g., Norwalk and Norwalk-like viruses, *Salmonella* sp. and *Shigella*). This potential has created a perception that consumption of raw oysters places a large number of people at risk of contracting illnesses from opportunistic bacteria, toxins, and viruses. This RFP also seeks proposals that will develop new means of treating shell stock to eliminate human pathogens, and, develop or investigate new technology, such as ionized water, for depurating oysters of human pathogens.

(3) Post-Harvest Treatment (PHT) Process Evaluation and Education—This RFP seeks proposals that will develop and evaluate PHT demonstration projects, including, but not limited to, providing PHT product in demonstration projects to wholesalers & retailers, and, conducting economic analyses regarding the changes to current handling and processing practices.

(4) Consumer Attitudes and Preferences—The oyster industry and regulators lack knowledge concerning the attitudes, preferences, and other characteristics of potential oyster consumers. Learning about consumers' attitudes and preferences will help increase demand for new PHT and traditional oyster products. This RFP seeks proposals that will determine oyster consumer demographics, consumption patterns, attitudes and preferences, develop media-relations protocol for the oyster industry, conduct media-relations workshops for the Gulf oyster industry to improve communication skills, develop media-relations protocol or decision tree for researchers and state regulatory personnel, and, determine the characteristics of the market for Gulf oysters, including sales (region, size of establishment, average sales, etc.), distribution, and product forms.

(5) Harmful Algal Blooms (HAB)/Red Tide—HAB causes lengthy public health closures of shellfish growing waters, halting production for weeks and causing severe economic hardship in the impacted area. This RFP seeks proposals to develop rapid detection methods for toxic marine algae, especially *G. breve*, conduct HAB research advisory and outreach activities in the Gulf states, and, conduct a workshop for state and federal shellfish sanitation personnel and researchers to include new monitoring, diagnostic, and management protocols for use in the reopening of shellfish growing waters closed by HAB.

(6) Economic and Legal Impacts of Regulatory Action—The regulation of molluscan shellfish is unique from all other foods. Regulatory action either by state or federal public health agencies, and subsequent news media responses can have severe economic and legal impacts on the harvesting, processing and marketing of shellfish, such as Gulf oysters. This RFP seeks proposals that analyze the effects of inaccurate media reports on sales, the delisting of a processor or state from the Interstate Certified Shellfish Shippers List, the ramifications from product disparagement, and/or, the impact of the oyster and support industries on demand for labor and the coastal economies of the Gulf region.

(7) Coastal Restoration/Freshwater Diversion—Coastal land loss, deterioration of estuarine habitat, and coastal restoration programs, e.g., freshwater diversions and sedimentation projects, are causing widespread dislocations and conflicts with established oyster-producing operations. This RFP seeks proposals that educate oyster men, public officials, and citizens regarding the economic role of the oyster industry and the economic costs of displacing and relocating oyster bedding operations, and/or, conduct demonstration projects for oyster farmers to show them the best strategy to relocate their oyster farms that are damaged by coastal restoration projects.

(8) Labor and Mechanization—The traditional labor base that supports oyster growing, harvesting, and processing is shrinking rapidly, with consequently declining production and increased costs. This RFP seeks proposals that investigate and develop cost-effective mechanized approaches to oyster harvesting, and processing, including, but not limited to, developing new means to package and handle oyster shell stock and shucked oysters, including large re-usable, low-cost containerization of shell stock for vessels to trucks, handling equipment to move large containers of shell stock; and, cheaper containers for shucked oysters.

(9) Oyster Diseases—Oyster diseases are having a major impact on Gulf Coast oyster stocks and for the most part this topic will be covered under the Oyster Disease topic in this solicitation. However, oyster disease research specific to the Gulf Coast will be considered in this solicitation.

(10) Genetics and Oyster Hatchery technology—These technologies are needed to develop cost-effective hatchery/nursery operations to augment wild oyster production with specialized strains. This RFP seeks proposals that develop polyploid broodstock for the Gulf Coast, disease resistant transgenic oysters, and/or, address practical problems which may be common to oyster production in general, but especially acute in a farming situation, e.g., biofouling, predation, disease, etc.

Primary consideration for funding will be given to proposals that address the topics listed above. Although the Industry Advisory Panel has indicated a clear preference for projects with a technological focus, more fundamental scientific studies may be supported when clear linkages between scientific findings and their incorporation into technological advances and management practices can be, demonstrated.

III. Eligibility

Eligible applicants include institutions of higher education, other non-profits, commercial organizations, state, local and Indian tribal governments. For the Oyster Disease Research topic National Marine Fishery Services personnel may participate in joint efforts with non-federal persons or groups in these projects as long as non-Federal matching fund requirements are met and these non-federal persons or groups are the principal investigators and have applied and successfully competed for oyster disease research funds through the process outlined in this announcement.

Note: NMFS personnel must demonstrate that they have been authorized to participate in this activity. Should funds be requested as part of the NMFS personnel effort, NMFS must demonstrate that they have legal authority to receive these funds in excess of their appropriation.

Investigators submitting proposals in response to this announcement are strongly encouraged to develop inter-institutional, inter-disciplinary research teams in the form of single, integrated proposals or as individual proposals that are clearly linked together. Such collaborative efforts will be factored into the final funding decision.

IV. Evaluation Criteria

A. The evaluation criteria for both preproposals and full proposals submitted for support under the Oyster Disease Research Program are as follows:

(1) Impact of proposed project (35 points)—Significance of the ODRP problem that is being addressed and the level of expected improvement of oyster industry production or technology as a result of funding or the need for this activity as a necessary step toward

having a positive impact on future improvement of technology or production.

(2) Scientific or Professional Merit (30 points)—Degree to which the activity will advance the state of the science or state-or-the-art methods.

(3) Field-Scale trials (5 points)—Degree to which industry and state oyster managers are using or will use technology or products developed through applied research under actual field conditions.

(4) User Relationships, partnerships, collaborative efforts and leveraging (15 points)—Degree to which the potential users of the results have been involved in the planning of the activity, will be involved in the execution of the activity and/or are providing matching funds. Establishment of effective partnerships and collaborations that leverage funds.

(5) Innovativeness (10 points)—Degree to which new approaches to solving problems and exploiting opportunities in oyster disease research, or in public outreach on such issues will be employed, or the degree to which the activity will focus on new types of important or potentially important resources and issues.

(6) Qualifications and Past Record of investigators (5 points)—Degree to which investigators are qualified by education, training, and/or experience to execute the proposed activity; record of achievement with previous funding.

B. The evaluation criteria for both preproposals and full proposals submitted for support under the Gulf Coast Oyster Industry Initiative are as follows:

(1) Impact of proposed project (40 points)—Significance of the GCOIP that will be addressed; the effect this activity will have on the improvement of oyster industry production or technology as a result of funding or the need for this activity as a necessary step toward having a positive impact on future improvement of technology or production.

(2) Field-Scale Trials (10 points)—Degree to which industry and state oyster managers are using or will use technology or products developed through applied research under actual field or industry conditions.

(3) Scientific or Professional Merit (20 points)—Degree to which the activity will advance the state of the science or discipline through use and extension of state-of-the-art methods.

(4) User Relationships, partnerships, collaborations and leveraging (15 points)—Degree to which potential users of the results of the proposed activity have been involved in planning the activity, will be involved in the execution of the activity, and/or are providing matching funds. Establishment of effective partnerships and collaborations that leverage funds.

(5) Innovativeness (10 points)—Degree to which new approaches to solving problems and exploiting opportunities in Gulf Coast Oyster Industry issues, or in public outreach on such issues will be employed, or the degree to which the activity will focus on new types of important or potentially important resources and issues.

(6) Qualifications and Past Record of Investigators (5 points)—Degree to which investigators are qualified by education, training, and/or experience to execute the proposed activity; record of achievement with previous funding.

V. Selection Procedures

All preliminary proposals will be evaluated by selection panels constituted by the National Sea Grant Office for each of the oyster programs. A determination will be made as to the preproposal's appropriateness according to the list of priorities listed above for each of the two competitions. Points will be assigned to each of the evaluation criteria relative to the priority areas listed by the review panels with a total of 100 points possible for all criteria in the respective competitions. Full proposals will be requested of those preliminary proposals that are rated above a certain score to be determined by the panel. Invitation to submit a full proposal does not constitute an indication that the proposal will be funded. Interested parties who are not invited to submit full proposals will not be precluded from submitting full proposals if they have submitted a preliminary proposal in accordance with the procedures described below. A list of those projects already funded in previous years is available from the National Sea Grant Office.

Full proposals will be received at the individual state Sea Grant programs or at the National Sea Grant Office if from a non-Sea Grant State applicant, and sent to peer reviewers for written reviews. The National Sea Grant Office will obtain the written reviews for proposals from Non-Sea Grant states. Complete full proposals and their written reviews will be sent from the state Sea Grant programs to the National Sea Grant Office to be ranked in accordance with the assigned weights of the above evaluation criteria by one of two independent peer review panels consisting of government, academic, and industry experts; one panel will review the Oyster Disease Research Program and a second panel will review the Gulf Oyster Industry Program. The panel members of each panel will provide individual evaluations on each proposal, but there will be no consensus advice. Proposals not receiving an average score of 81 points or above, will not be given further consideration. For the Proposals rated 81 points and higher the Sea Grant Program Managers will: (a) Ascertain which proposals best meet the priorities, and do not substantially duplicate other projects that are currently funded by NOAA or other federal agencies; (b) select the proposals to be funded; (c) determine which components of the selected projects will be funded; (d) determine the total duration of funding for each proposal; and (e) determine the amount of funds available for each proposal, hence, awards may not necessarily be made to the highest-scored proposals. Investigators may be asked to modify objectives, work plans, or budgets prior to approval of the award. Subsequent grant administration procedures will be in accordance with current NOAA grants procedures. A summary statement of the scientific review by the peer panel will be provided to each applicant.

Applications must reflect the total budget necessary to accomplish the project, and be matched by one dollar of non-federal funds for each two dollars of federal funds. The appropriateness of all cost-sharing will be determined on the basis of guidance provided in applicable Federal cost principles. The applicants will be bound by the percentage of cost sharing reflected in the grant award.

VI. Instructions for Application

What To Submit

Preliminary Proposal Guidelines

To prevent the expenditure of effort that may not be successful, proposers must first submit preliminary proposals. Preliminary proposals must be single- or double-spaced, typewritten in at least a 10 point font, and printed on metric A4 (210mm × 297mm) or 8½″ × 11″ paper. The following information should be included:

(1) Signed title page: The title page should be signed by the Principal Investigator and should clearly identify the program area being addressed by starting the project title with either "Oyster Disease Research Program" or "Gulf Oyster Industry Initiative." Principal Investigators and collaborators should be identified by affiliation and contact information. The total amount of Federal funds and matching funds being requested or provided should be listed for each budget period, as well as the source of the matching funds. Preliminary proposals must include matching fund equivalent to at least 50% of the Federal funds requested.

(2) A concise (2-page limit) description of the project, its experimental design, its expected output or products, the anticipated users of the information, and its anticipated impact. Proposers should use the Evaluation Criteria for additional guidance in preparing the preliminary proposals.

(3) Resumes (1-page limit) of the Principal Investigators.

(4) Proposers are encouraged (but not required) to include a separate page suggesting reviewers that the proposers believe are especially well qualified to review the proposal. Proposers may also designate persons they would prefer not review the proposal, indicating why. These suggestions will be considered during the review process.

The original and two copies of the preliminary proposals must be submitted to the state Sea Grant Program Director or, for investigators in non-Sea Grant states, directly to the National Sea Grant Office (NSGO) by the times and dates listed under the "Dates" section of this announcement. Preliminary proposals submitted to state Sea Grant Programs will be forwarded, along with a cover letter, to the NSGO by the dates indicated in this announcement.

Full Proposal Guidelines

Each full proposal should include the items listed below. All pages should be single- or double-spaced, typewritten in at least a 10-point font, and printed on metric A4 (210 mm × 297 mm) or 8½″ × 11″ paper. Brevity will assist reviewers and program staff in dealing effectively with proposals. Therefore, the Project Description may not exceed 15 pages. Tables and visual materials, including charts, graphs, maps, photographs and other pictorial presentations are included in the 15-page limitation. Conformance to the 15-page limitation will be strictly enforced. All information needed for review of the proposal should be included in the main text; no appendices are permitted.

(1) *Signed title page:* The title page should be signed by the Principal Investigator and the institutional representative and should clearly identify the program area being addressed by starting the project title with either Oyster Disease Research Program or Gulf Oyster Industry Initiative, as appropriate. The Principal Investigator and institutional representative should be identified by full name, title, organization, telephone number, e-mail address, and mailing address. The total amount of Federal funds and matching funds being requested should be listed for each budget period.

(2) *Project Summary:* This information is very important. It is critical that the project summary accurately describe the research being proposed and convey all essential elements of the research. The project summary should include: 1. Title: Use the exact title as it appears in the rest of the application. 2. Investigators: List the names and affiliates of each investigator who will significantly contribute to the project. Start with the Principal Investigator. 3. Funding request for each year of the project, including matching funds if appropriate. 4. Project Period: Start and completion dates. Proposals should request a start date of October 1, 2001. 5. Project Summary: This should include the rationale for the project, the scientific or technical objectives and/or hypotheses to be tested, and a brief summary of work to be completed.

(3) *Projected Description (15-page limit):*

Introduction/Background/Justification: Subjects that the investigator(s) may wish to include in this section are: (a) Current state of knowledge; (b) contributions that the study will make to the particular discipline or subject area; and (c) contributions the study will make toward addressing the problems of oyster disease or Gulf oyster industry issues.

Research or Technical Plan: (a) Objectives to be achieved, hypotheses to be tested; (b) Experimental design and statistical analysis to be used; (c) Plan of work discuss how stated project objectives will be achieved; and (d) Role of project personnel.

Output: Describe the project outputs that will enhance the Nation's ability to improve the status of oysters and the oyster industry.

Coordination with other Program Elements: Describe any coordination with other agency programs or ongoing research efforts. Describe any other proposals that are essential to the success of this proposal.

Reference and Literature Citations: Should be included but will not be counted in the 15 page project description limit.

(4) *Budget and Budget Justification:* There should be a separate budget for each year of the project as well as a cumulative annual budget for the entire project. Applicants are encouraged to use the Sea Grant Budget Form 90–4, but may use their own form as long as it provides the same information as the Sea Grant form. Subcontracts should have a separate budget page. Matching funds must be indicated; failure to provide required matching funds will result in the proposal being rejected without review. Each annual budget should include a separate budget justification page that itemizes all budget items in sufficient detail to enable reviewers to evaluate the appropriateness of the funding requested. Please pay special attention to any travel, supply or equipment budgets and provide details. For proposals to either of the competition categories the total dollar amount of indirect costs must not exceed the indirect cost rate negotiated and approved by the cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less.

(5) *Current and Pending Support:* Applicants must provide information on all current and pending Federal support for ongoing projects and proposals, including subsequent funding in the case of continuing grants. The number of person-months per year to be devoted to the projects must be stated, regardless of source of support. Similar information must be provided for all proposals already submitted or submitted concurrently to other possible Federal sponsors, including those within NOAA.

(6) *Vitae (2 pages maximum per investigator)*

(7) *Standard Application Forms:* See Address section for web address for forms. Forms can also be obtained from state Sea Grant programs or the National Sea Grant Office. The following forms must be included:

(a) Standard Forms 424, Application for Federal Assistance, and 424B, Assurances—Non-Construction Programs, (Rev 4–88). Applications should clearly identify the program area being addressed by starting the project title with either Oyster Disease Research Program or Gulf Oyster Industry Program, as appropriate. Please note that both the Principal Investigator and an administrative contact should be identified in Section 5 of the SF424. For Section 10, applicants for the National Oyster Disease Research Program and Gulf Oyster Industry Initiative program areas should enter "11.417" for he CFDA Number and "Sea Grant Support" for the title. The form must contain the original signature of an authorized representative of the applying institution.

(b) Primary Applicant Certifications. All primary applicants must submit a completed Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

(i) Nonprocurement Debarment and Suspension. Prospective participants (as defined at 15 CFR part 26, Section 105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

(ii) Drug-Free Workplace. Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Government wide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

(iii) Anti-Lobbying. Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, and

(iv) Anti-Lobbying Disclosures. Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, Appendix B.

(c) Lower Tier Certifications. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF–LLL, "Disclosure of Lobbying Activities." Form CD–512 is intended for the use of recipients and should not be transmitted to the Department of Commerce (DOC). SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

How To Submit

Although investigators are not required to submit more than the original and two copies of the proposal, the normal review process requires ten copies. Investigators are encourage to submit sufficient proposal copies for the full review process if they wish all reviewers to receive color, unusually sized (not 8.5 × 11″), or otherwise unusual materials submitted as part of the proposal. Only the original and two copies of the Federally required forms are needed.

Federal Policies and Procedures

Grant recipients and subrecipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal financial assistance awards. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, these is no obligation on the part of the Department of Commerce to cover pre-award costs.

Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made products with funding provided under this program.

If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of Commerce.

No award of Federal funds shall be made to a applicant who has an outstanding delinquent Federal debt or fine until either:

a. The delinquent account is paid in full,

b. A negotiated repayment schedule is established and at least one payment is receive, or

c. Other arrangements satisfactory to Department of Commerce are made.

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honestly or financial integrity.

Pursuant to Executive Orders 12876, 12900, and 13021, the Department of Commerce, National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to broadening the participation of Historically Black Colleges and Universities (HBCU), Hispanic Serving Institutions (HSI), and Tribal Colleges and Universities (TCU) in its educational and research programs. The DOC/NOAA vision, mission, and goals are to achieve full participation by Minority Serving Institutions (MSI) in order to advance the development of human potential, strengthen the nation's capacity to provide high-quality education, and to increase opportunities for MSIs to participate in and benefit from Federal Financial Assistance programs. DOC/NOAA encourages all applicants to include meaningful participation of MSIs. Institutions eligible to be considered MSIs are listed at the following Internet website: http://www.ed.gov/offices/OCR/99minin.html.

A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Applications under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of Executive Order 12866.

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The Sea Grant Project Summary Form and the Sea Grant Budget Form have been approved under the Office of Management and Budget (OMB) Control Number 0648–0362, with estimated times per response of 20 and 15 minutes, respectively. The use of Standard Forms 424, 424B, and the SF–LLL have been approved by OMB under the respective control numbers 0348–0043, 0348–0040 and 0348–0046. The response time estimates above include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completed and reviewing the collection of information. Send comments on these estimates or any other estimates of these collections to the National Sea Grant Office/NOAA, 1315 East-West Highway, Silver Spring, Maryland 20910 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Dated: February 23, 2001.

Louisa Koch,

Deputy Assistant Administrator, Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 01–5264 Filed 3–2–01; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 990125020–1050–02]

RIN 0648–ZA54

Aquatic Nuisance Species Research and Outreach: Request for Proposals for FY 2001

AGENCY: National Sea Grant College Program, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of request for proposals.

SUMMARY: The purpose of this notice is to advise the public that the National Sea Grant College Program (Sea Grant) is entertaining preliminary proposals and subsequently full proposals for innovative research and outreach projects that address the problems of Aquatic Nuisance Species in U.S. coastal waters. In FY 2001 and 2002, Sea Grant expects to make available about $2,700,000 per year to support projects to prevent and/or control nonindigenous species invasions in all U.S. marine waters, the Great Lakes, and Lake Champlain; matching funds equivalent to a minimum of 50% of the Federal request must be provided. Successful projects will be selected through national competitions.

DATES: Preliminary proposals must be submitted before 5 pm (local time) on April 4, 2001. After evaluation at the National Sea Grant Office (NSGO), some proposers will be encouraged to prepare full proposals, which must be submitted before 5 pm (local time) on May 28, 2001. (See **ADDRESSES** for where to submit preliminary and full proposals.)

ADDRESSES: Preliminary proposals and full proposals from applicants in Sea Grant states must be submitted through the state Sea Grant Program. Preliminary proposals and full proposals from applicants outside Sea Grant states may be submitted either through the nearest Sea Grant Program or directly to the Program Manager at the National Sea Grant Office. The addresses of the Sea Grant College Program directors may be found on Sea Grant's home page (www.nsgo.seagrant.org/SGDirectors.html) or may also be obtained by contacting the Program Manager at the National Sea Grant Office (see below).

FOR FURTHER INFORMATION CONTACT: Leon M. Cammen, Aquatic Nuisance Species Coordinator, National Sea Grant College Program, R/SG, NOAA, 1315 East-West Highway, Silver Spring, MD 20910, or Mary Robinson, Secretary, National Sea Grant Office, 301–713–2435; facsimile 301–713–0799.

SUPPLEMENTARY INFORMATION:

I. Program Authority

Authority: 33 U.S.C. 1121–1131.

Catalog of Federal Assistance Number: 11.417, Sea Grant Support.

II. Program Description

Background

Nonindigenous species introductions are increasing in frequency and causing substantial damage to the Nation's environment and economy. Although the most prominent of these has been the zebra mussel, many other nonindigenous species have been introduced and have truly become a nationwide problem that threatens many aquatic ecosystems. While some intentional introductions may have had beneficial effects, there are many other nonindigenous species already present in U.S. waters, or with the potential to invade, that may cause significant damage to coastal resources and the economies that depend upon them. In response, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 *et seq.*) established a framework for the Nation to address the problems of aquatic nuisance species invasions of coastal and Great Lakes ecosystems.

Although problems such as the zebra mussel and the sea lamprey within the Great Lakes have received the most attention, invasions of nonindigenous species in coastal marine environments are an increasing and serious threat. The National Invasive Species Act of 1996 (16 U.S.C. 4711–4714) recognized this by calling for Federal funding to support aquatic nuisance species prevention and control along the Nation's marine coast.

Funding Availability and Priorities

The National Sea Grant College Program encourages proposals that address the following program area: "Research and Outreach to Prevent and Control Aquatic Nuisance Species Invasions."

An interagency Ad Hoc Committee on Exotic Species in the Great Lakes has prepared a report entitled, "Coordinated Program of Research for Exotic Species in the Great Lakes." Although targeted for the Great Lakes, the report provides a useful framework for research and outreach on any nonindigenous species problems and is therefore being used to structure this more general request for proposals covering U.S. marine waters, the Great Lakes, and Lake Champlain. Research and outreach proposals are requested that address one or more of the following program areas:

(a) Biology and Life History: Basic biological research into population dynamics, genetics, physiology, behavior, and parasites and diseases of nonindigenous species with the potential to lead to the development of ecologically safe, effective, and inexpensive control. Research on the ecological and environmental tolerances of nonindigenous species with the potential for prediction of eventual geographic and ecological impacts.

(b) Effects on Ecosystems: Research on the impacts of nonindigenous species at each stage of their life history with the potential for helping natural resource managers determine how to minimize the impacts on established biota and their habitats.

(c) Socio-Economic Analysis: Costs and Benefits: Research on the potential impacts of nonindigenous species on human health in terms of spread of disease, concentration of pollutants, and contamination or purification of drinking water sources. Economic impact on sport, commercial and tribal fisheries, the recreation and tourism industry, the shipping and navigation industry, and municipal and industrial water users. Use of research results to provide a scientific basis for developing sound policy and environmental law, and for public education and technology transfer.

(d) Control and Mitigation: Research into various types of control—engineering (redesigning water intakes, etc.), physical (scraping, filtering, etc.), chemical (biocides, antifoulants, etc.), biological (parasites, predators, etc.), and physicochemical (heat, salinity, pH, etc.)—to develop selective, effective controls that minimize adverse ecological/environmental impacts. Outreach activities that will transfer

these technologies to the appropriate users.

(e) Preventing New Introductions: Research and outreach into identifying vectors of introduction, developing cost-effective, realistic methods of prevention, and transferring the information to appropriate users. In particular, research to develop workable and effective methods to eliminate ballast water discharge as a source of nonindigenous species introductions without imposing undue hardships on the shipping industry.

(f) Reducing the Spread of Established Populations: Research and outreach to identify mechanisms for further dispersal of individual established species that will lead to the development of safeguards and protocols to prevent and/or slow the spread of nonindigenous species to uninfested areas, and transfer of that information to appropriate users.

(g) Ballast Water Pathogens and Public Health: Research to assess the public health risks posed by pathogens released in ballast waters discharges in U.S. ports.

Potential investigators are encouraged to review the list of recent and currently funded Sea Grant projects related to Aquatic Nuisance Species that is available on Sea Grant's Aquatic Nuisance Species web page (www.nsgo.seagrant.org/research/nonindigenous/index.html). In addition, regional priorities that were developed by the Great Lakes, Western, and Gulf of Mexico Regional Panels on Aquatic Nuisance Species are also available on the same web page and provide valuable guidance on the major issues within each of those coastal regions.

About $2,7000,000 is available from the National Sea Grant College Program to support these projects in FY 2001; an additional $2,700,000 may be available in FY 2002 depending on the overall funding appropriation for the National Sea Grant College Program. Of this amount, 70% of the funds will be made available to support research projects and 30% for outreach activities. Any two-year awards that are funded annually must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant (*i.e.*, the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves); the second year of funding is contingent upon availability of funds and submission of an annual report showing satisfactory progress. Projects selected for funding will be limited to $150,000 of federal contributions per year and each proposal must include additional matching funds equivalent to at least 50% of the Federal funds requested; for example, a proposal requesting a total of $200,000 in Federal support for two years would have to include at least an additional $100,000 in matching funds.

III. Eligibility

Proposals may be submitted by individuals; public or private corporations, partnerships, or other associations or entities (including institutions of higher education, institutes, or non-Federal laboratories), or any State, political subdivision of a State, or agency or officer thereof.

IV. Evaluation Criteria

The evaluation criteria for proposals submitted in response to this Announcement are:

(1) Impact of Proposed Project (65%): The effect this activity will have on reducing the impact of invasive species on the environment and/or the economy, or the need for this activity as a necessary step toward such a reduction in impact; and the degree to which partners and potential users of the results of the proposed activity have been involved in planning the activity and will be involved in the execution of the activity as appropriate.

(2) Scientific or Professional Merit (35%): Degree to which the activity will advance the state of the science or discipline through synthesis of existing information and use and extension of cutting edge as well as state-of-the-art methods; degree to which new approaches to solving problems and exploiting opportunities in resource management or development, or in public outreach on such issues will be employed; degree to which investigators are qualified by education, training and/or experience to execute the proposed activity; and record of achievement with previous funding.

V. Selection Procedures

Preliminary proposals will be reviewed at the NSGO by a panel composed of government, academic, and industry experts. The panel will be asked to assess each preliminary proposal according to the evaluation criteria listed above. The panel will make individual recommendations to the Director of the NSGO regarding which preliminary proposals may be suitable for further consideration. On the basis of the panel's recommendations, the Director of the NSGO will advise proposers whether or not the submission of full proposals is encouraged. Invitation to submit a full proposal does not constitute an indication that the proposal will be funded. Interested parties who are not invited to submit full proposals will not be precluded from submitting full proposals if they have submitted a preliminary proposal in accordance with the procedures described below.

Individual state Sea Grant programs receiving proposals will conduct the mail peer review of the proposed projects in accordance with the Evaluation Criteria listed above. Complete proposals and copies of the mail reviews will then be sent by the state Sea Grant programs to the National Sea Grant Office. The National Sea Grant Office will conduct mail reviews for proposals submitted directly to it by applicants not in Sea Grant states. The proposals will be ranked in accordance with the assigned weights of the above evaluation criteria by an independent peer review panel consisting of government, academic, and industry experts. These panel members will provide individual evaluations on each proposal; thus there will be no consensus advice. Their recommendations and evaluations will be considered by the National Sea Grant Office in the final selection. Only those proposals awarded a score of 50% or greater by the panel will be eligible for funding. For those proposals, the National Sea Grant Office will: (a) Ascertain which proposals best meet the program priorities (stated in Section II), and do not substantially duplicate other projects that are currently funded or are approved for funding by NOAA and other federal agencies, hence, awards may not necessarily be made to the highest-scored proposals; (b) select the proposals to be funded; (c) determine which components of the selected projects will be funded; (d) determine the total duration of funding for each proposal; and (e) determine the amount of funds available for each proposal. Investigators may be asked to modify objectives, work plans, or budgets prior to final approval of the award. Subsequent grant administration procedures will be in accordance with current NOAA grants procedures. A summary statement of the scientific review by the peer panel will be provided to each applicant.

VI. Instructions For Application

Timetable

April 4, 2001, 5 pm (local time)—Preliminary proposals due at state Sea Grant Program, or at NSGO if application is being submitted by a non Sea Grant College Program.

April 9, 2001, 5 pm (EST)—Preliminary proposals received at state Sea Grant Programs due at NSGO.

May 28, 2001, 5 pm (local time)—Full proposals due at state Sea Grant Program, or at NSGO if application is being submitted by a non Sea Grant College Program.

May 31, 2001, 5 pm (EST)—Full proposals received at state Sea Grant Programs due at NSGO.

October 1, 2001 (approximate)—Funds awarded to selected recipients; projects begin.

General Guidelines

Interested parties must submit applications (preliminary or full proposals) as follows. Applications originating in a Sea Grant state must be submitted to that state's Sea Grant Program, who will submit the final grant application to the National Sea Grant Office. Applications originating in a state with no Sea Grant Program may be submitted to the nearest state Sea Grant Program who will then submit the final grant application to the National Sea Grant Office, or the application may be submitted directly to the National Sea Grant Office. Applications may be made for a grant to support up to two-thirds of the total budget. Projects can be for a maximum of two years' duration. Awards will not exceed $150,000 of Federal funds per year. Allocation of matching funds, equal to at least half the federal request, must be specified in the budget; failure to provide adequate matching funds will result in the proposal being rejected without review.

The ideal proposal attacks a well-defined problem that is, or will be, a significant societal issue. The organization or people whose task it will be to make related decisions, or who will be able to make specific use of the projects results, have been identified and contacted by the Principal Investigator(s). The project demonstrates an understanding of what constitutes necessary and sufficient information for responsible decision-making or for applied use, and shows how that information will be provided by the proposed activity, or in concert with other planned activities.

Research projects are expected to have: a rigorous, hypothesis-based scientific work plan, or a well-defined, logical approach to address an engineering problem; a strong rationale for the proposed research; and a clear and established relationship with the ultimate users of the information. Research undertaken jointly with industry, business, or other agencies with interest in the problem will be seen as being meritorious. Their contribution to the research may be in the form of collaboration, in-kind services, or dollar support. Projects that are solely monitoring efforts are not appropriate for funding.

What To Submit

Preliminary Proposal Guidelines

To prevent the expenditure of effort that may not be successful, proposers must first submit preliminary proposals. Preliminary proposals must be single- or double-spaced, typewritten in at least a 10-point font, and printed on metric A4 (210 mm × 297 mm) or 8 ½″ × 11″ paper. The following information should be included:

(1) Signed Title Page: The title page should be signed by the Principal Investigator and should clearly identify the program area being addressed by starting the project title with "Aquatic Nuisance Species." Principal Investigators and collaborators should be identified by affiliation and contact information. The total amount of Federal funds and matching funds being requested should be listed, as well as the source of the matching funds. Preliminary proposals must include matching funds equivalent to at least 50% of the Federal funds requested.

(2) A concise (2-page limit) description of the project that addresses the following questions: What technology will be developed? How is it important to the nation? What fundamental work has been done that allows advancement of this technology to a more applied level? What are the anticipated economic benefits? Proposers should consult the Evaluation Criteria for additional guidance in preparing the preliminary proposals.

(3) Resumes (1-page limit) of the Principal Investigators.

(4) Proposers are encouraged (but not required) to include a separate page suggesting reviewers that the proposers believe are especially well-qualified to review the proposal. Proposers may also designate persons they would prefer not review the proposal, indicating why. These suggestions will be considered during the review process.

The original and two copies of the preliminary proposals must be submitted to the nearest state Sea Grant Program Director or to the NSGO Program Manager (as explained in "General Guidelines") before 5 pm (local time) on April 2, 2001. Preliminary proposals received at the state Sea Grant Program offices must be forwarded by the Sea Grant Programs, along with a cover letter, to Dr. Leo Cammen, Program Manager, at the address given above (**FOR FURTHER INFORMATION CONTACT**) so as to reach the National Sea Grant Office (NSGO) on or before 5 pm on April 6, 2001. No institutional signatures or federal government forms are needed while submitting preliminary proposals.

Full Proposal Guidelines

All pages should be single- or double-spaced, typewritten in at least a 10-point font, and printed on metric A4 (210 mm × 297 mm) or 8½″ × 11″ paper. Each full proposal should include the items listed below. Brevity will assist reviewers and program staff in dealing effectively with proposals. Therefore, the Project Description may not exceed 15 pages. Tables and visual materials, including charts, graphs, maps, photographs and other pictorial presentations are included in the 15-page limitation; literature citations are not included in the 15-page limitation. Conformance to the 15-page limitation will be strictly enforced. All information needed for review of the proposal should be included in the main text; no appendices are permitted.

(1) Signed Title Page: The title page should be signed by the Principal Investigator and the institutional representative and should clearly identify the program area being addressed by starting the project title with "Aquatic Nuisance Species." The Principal Investigator and institutional representative should be identified by full name, title, organization, telephone number and address. The total amount of Federal funds being requested should be listed for each budget period.

(2) Project Summary: This information is very important. Prior to attending the peer review panel meetings, some of the panelists may read only the project summary. Therefore, it is critical that the project summary accurately describe the research being proposed and convey all essential elements of the research. The project summary should include: 1. Title: Use the exact title as it appears in the rest of the application. 2. Investigators: List the names and affiliations of each investigator who will significantly contribute to the project. Start with the Principal Investigator. 3. Funding request for each year of the project, including matching funds if appropriate. 4. Project Period: Start and completion dates. Proposals should request a start date of October 1, 2001, or later. 5. Project Summary: This should include the rationale for the project, the scientific or technical objectives and/or hypotheses to be tested, and a brief summary of work to be completed.

(3) Project Description (15-page limit):

(a) Introduction/Background/Justification: Subjects that the investigator(s) may wish to include in this section are: (i) current state of knowledge; (ii) contributions that the study will make to the particular discipline or subject area; and (iii) contributions the study will make toward addressing the problem of nonindigenous species.

(b) Research or Technical Plan: (i) Objectives to be achieved, hypotheses to be tested; (ii) Plan of work—discuss how stated project objectives will be achieved; and (iii) Role of project personnel.

(c) Output: Describe the project outputs that will enhance the Nation's ability to manage and control nonindigenous species impacts.

(d) Coordination with other Program Elements: Describe any coordination with other agency programs or ongoing research efforts. Describe any other proposals that are essential to the success of this proposal.

(e) Literature Cited: Should be included here, but does not count against the 15-page limit.

(4) Budget and Budget Justification: There should be a separate budget for each year of the project as well as a cumulative annual budget for the entire project. Applicants are encouraged to use the Sea Grant Budget Form 90–4, but may use their own form as long as it provides the same information as the Sea Grant form. Subcontracts should have a separate budget page. Matching funds must be indicated; failure to provide required matching funds will result in the proposal being rejected without review. Applicants should provide justification for all budget items in sufficient detail to enable the reviewers to evaluate the appropriateness of the funding requested. For all applications, regardless of any approved indirect cost rate applicable to the award, the maximum dollar amount of allocable indirect costs for which the Department of Commerce will reimburse the Recipient shall be the lesser of: (a) The Federal share of the total allocable indirect costs of the award based on the negotiated rate with the cognizant Federal agency as established by audit or negotiation; or (b) The line item amount for the Federal share of indirect costs contained in the approved budget of the award.

(5) Current and Pending Support: Applicants must provide information on all current and pending Federal support for ongoing projects and proposals, including subsequent funding in the case of continuing grants. The proposed project and all other projects or activities using Federal assistance and requiring a portion of time of the principal investigator or other senior personnel should be included. The relationship between the proposed project and these other projects should be described, and the number of person-months per year to be devoted to the projects must be stated.

(6) Vitae (2 pages maximum per investigator)

(7) Research Protocol (if appropriate): Research activities funded under this program must not accelerate the spread of nonindigenous species to non-infested watersheds. Therefore, investigators whose laboratories or research study sites are in currently uninfested areas must develop procedures for handling the particular nonindigenous species that will prevent its release into the environment. As part of the plan of action, the investigator must detail how the proposed work will be accomplished while safeguarding the environment, and the research protocol will be reviewed by an interagency committee created under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 *et seq.*). Guidelines for developing suitable protocols are available through the World Wide Web (www.nsgo.seagrant.org/research/nonindigenous/RFP01.html) or from Dr. Leon Cammen at the National Sea Grant Office (phone: 301–713–2435 x136 or e-mail: leon.cammen@noaa.gov). Proposals lacking a suitable protocol will not be eligible for funding.

(8) Standard Application Forms: Applicants may obtain all required application forms through the World Wide Web at www.nsgo.seagrant.org/research/rfp/index.html#3, from the state Sea Grant Programs or from Dr. Leon Cammen at the National Sea Grant Office (phone: 301–713–2435 x136 or e-mail: leon.cammen@noaa.gov). The following forms must be included:

(a) Standard Forms 424, Application for Federal Assistance and 424B, Assurances—Non-Construction Programs, (Rev 4–88). Applications should clearly identify the program area being addressed by starting the project title with either as appropriate. Please note that both the Principal Investigator and an administrative contact should be identified in Section 5 of the SF424. For Section 10, applicants should enter "11.417" for the CFDA Number and "Sea Grant Support" for the title. The form must contain the original signature of an authorized representative of the applying institution.

(b) Primary Applicant Certifications. All primary applicants must submit a completed Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

(i) Nonprocurement Debarment and Suspension. Prospective participants (as defined at 15 CFR part 26, Section 105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

(ii) Drug-Free Workplace. Grantees (as defined at 15 CFR part 26, Section 605) are subject to 15 CFR part 26, Subpart F, "Government wide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

(iii) Anti-Lobbying. Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000; and

(iv) Anti-Lobbying Disclosures. Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, Appendix B.

(c) Lower Tier Certifications. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF–LLL, "Disclosure of Lobbying Activities." Form CD–512 is intended for the use of recipients and should not be transmitted to the Department of Commerce (DOC). SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

VII. How To Submit

Preliminary proposals and proposals must be submitted to the state Sea Grant Programs or to the NSGO according to the schedule outlined above (see **ADDRESSES** and "Timetable"). Although investigators are not required to submit more than the original and two copies of either preproposals or full proposals, the normal review process requires ten copies. Investigtors are encouraged to submit sufficient copies for the full review process if they wish all reviewers to receive color, unusually sized (not 8.5 x 11"), or otherwise unusual materials submitted as part of the proposal. Only the original and two copies of the Federally required forms are needed. The addresses of the Sea Grant College Program directors may be found on Sea Grant's World Wide Web home page (www.nsgo.seagrant.org/SGDirectors.html) or may also be obtained by contacting the Program Manager, Dr. Leon M. Cammen, at the National Sea Grant Office (phone: 301–713–2435 x 136 or e-mail: leon.cammen@noaa.gov). Preproposals and proposals sent to the National Sea Grant Office should be addressed to: National Sea Grant office, R/SG, Attn: Aquatic Nuisance Species Coordinator, NOAA, Room 11841, 1315 East-West Highway, Silver Spring, MD 20910 (phone 301–713–2435 for express mail applications).

Applications received after the deadline and applications that deviate from the format described above will be returned to the sender without review. Facsimile transmissions and electronic mail submission of full proposals will not be accepted.

VIII. Other Requirements

(A) Federal Policies and Procedures—Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce (DOC) policies, regulations, and procedures applicable to Federal financial assistance awards.

(B) Past Performance—Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

(C) Preaward Activities—If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC to cover preaward costs.

(D) No Obligation for Future Funding—If an application is selected for funding, DOC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

(E) Delinquent Federal Debts—No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

(1) The delinquent account is paid in full.

(2) A negotiated repayment schedule is established and at least one payment is received, or

(3) Other arrangements satisfactory to DOC are made.

(F) Name Check Review—All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

(G) False Statements—A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

(H) Intergovernmental Review—Applications for support from the National Sea Grant College Program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

(I) Purchase of American-Made Equipment and Products—Applicants are hereby notified that they will be encouraged to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this program.

Classification

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of E.O. 12866.

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The Sea Grant Project Summary Form and the Sea Grant Budget Form have been approved under Office of Management and Budget (OMB) Control Number 0648–0362, with estimated times per response of 20 and 15 minutes respectively. The use of Standard Forms 424, 424B, and SF–LLL have been approved by OMB under the respective control numbers 0348–0043, 0348–0040, and 0348–0046. The response time estimates above include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments on these estimates or any other aspect of these collections to National Sea Grant Office/NOAA, 1315 East-West Highway, Silver Spring, MD 20910 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Dated: February 28, 2001.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 01–5265 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–KA–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022301B]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of applications for five scientific research/enhancement permits (1293, 1295, 1296, 1297, 1298).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received five applications for scientific research/enhancement permits under the Endangered Species Act (ESA): Brian Perleberg of Northern Resource Consulting at Longview, WA (NRC) (1293); Peter Dutton, Ph.D., of the NMFS Southwest Fisheries Science Center and Donna McDonald (1297), Dr. R. Michael Laurs, of the NMFS - Southwest Fisheries Science Center (NMFS-SWFSC) (1296); Dr. Michael P. Sissenwine of the NMFS - Northeast Fisheries Science Center (NMFS-NEFSC) (1295) and Ms. Melissa Salmon, of Riverbanks Zoological Park (1298).

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5

p.m. eastern standard time on April 4, 2001.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

For permits 1295, 1296, 1297, 1298: Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone:301–713–1401, fax: 301–713–0376).

For permit 1293: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737 (phone: 503–230–5400, fax: 503–230–5435).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (phone:301–713–1401).

FOR FURTHER INFORMATION CONTACT: For permits 1295, 1296, 1297, 1298: Terri Jordan, Silver Spring, MD (phone: 301–713–1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov)

For permit 1293: Robert Koch, Portland, OR (ph: 503–230–5424, fax: 503–230–5435, e-mail: Robert.Koch@noaa.gov).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species are covered in this notice:

Sea turtles

Threatened and endangered Green turtle (*Chelonia mydas*)
Endangered Hawksbill turtle (*Eretmochelys imbricata*)
Endangered Kemp's ridley turtle (*Lepidochelys kempii*)
Endangered Leatherback turtle (*Dermochelys coriacea*)
Threatened Loggerhead turtle (*Caretta caretta*)
Threatened and endangered Olive ridley turtle (*Lepidochelys olivacea*)

Fish

Chinook salmon (*O. tshawytscha*): endangered, naturally produced and artificially propagated, upper Columbia River (UCR) spring; threatened lower Columbia River (LCR).

Chum salmon (*O. keta*): threatened Columbia River.

Steelhead (*O. mykiss*): endangered, naturally produced and artificially propagated, UCR; threatened middle Columbia River (MCR); threatened LCR.

Endangered Shortnose Sturgeon (*Acipenser brevirostrum*)

New Applications Received

Application 1293

Brian Perleberg of NRC requests a 5–year permit (1293) for annual takes of ESA-listed anadromous fish species associated with scientific research to be conducted in numerous headwater streams throughout OR and WA. The purpose of the research is to determine juvenile fish presence or absence on privately owned timberlands and to provide the Washington Department of Natural Resources, the Oregon Department of Forestry, and other state agencies with information to be used to update fish distribution maps. The research will benefit ESA-listed salmonids by providing information on the upper extent of fish usage in headwater streams, providing information on potential stream blockages which may inhibit anadromous fish migration, and providing information that will assist small landowners with culvert projects that could result in an increase in available fish habitat. ESA-listed juvenile fish are proposed to be observed/harassed or captured (using electrofishing or angling), handled, and released. ESA-listed juvenile fish indirect mortalities are also requested.

Application 1295

The applicant has requested a 5–year permit to take sea turtles during research activities conducted by the Northeast Fisheries Science Center. The center is developing a 5–year plan for turtle research. The goal of the 5–year plan for sea turtles in the Northeast is to work cooperatively with other regions to support and direct research on sea turtles in order to identify and assess the status of sea turtle stocks, reduce the estimated mortality associated with fishing activities and other anthropogenic and natural sources and to recover ESA listed species.

Application 1296

The applicant has requested a 5–year permit to authorize commercial fisherman working in the Hawaii Longline Fishery to flipper tag and collect biopsy samples from sea turtles incidentally taken in the fishery. Tissue collection training and program oversight will be conducted by the Southwest Fisheries Science Center. The information gained from the additional tissue samples will allow NMFS to better fulfill its ESA responsibilities to protect, conserve, and recover listed species of sea turtles and better meet the goals and objectives of the U.S. Pacific Sea Turtle Recovery Plans and the requirements of present and future Section 7 biological opinions developed for this fishery.

Application 1297

The applicant has requested a 5–year permit to continue to conduct long-term monitoring of the status of turtles in San Diego Bay, CA. The applicant currently holds permit 1988 which will expire on April 30. 2001. Information that will be gathered during the continuation of this research include: numbers of animals present, species composition, size, sex, health status, and presence or absence of tags.

Application 1298

The applicant has requested a 5–year permit to continue to maintain eleven adult shortnose sturgeon received from the South Carolina Department of Natural Resources in 1996 for education purposes.

Dated: February 27, 2001.

Wanda L. Cain,

Acting Deputy Office Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–5260 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in Pakistan

February 28, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: March 17, 2001.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715. For information on categories on which consultations have been requested, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

A notice published in the **Federal Register** on December 31, 1998 (63 FR 72288) announced that the Government of the United States had requested consultations with the Government of Pakistan on December 24, 1998 with respect to combed cotton yarn in Category 301, produced or manufactured in Pakistan and that, if no solution was agreed upon in consultations with the Government of Pakistan, the Government of the United States reserved its right to establish a twelve-month limit of not less than 5,262,665 kilograms for the entry for consumption and withdrawal from warehouse for consumption of combed cotton yarn in Category 301, produced or manufactured in Pakistan.

The Government of the United States has decided to establish a limit of 5,913,131 kilograms for the entry for consumption and withdrawal from warehouse for consumption of combed cotton yarn in Category 301, produced or manufactured in Pakistan for a third twelve-month period, beginning on March 17, 2001 and extending through March 16, 2002.

The United States remains committed to finding a mutually agreed solution concerning Category 301. Should such a solution be reached in consultations with the Government of Pakistan, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 14544, published on March 17, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 28, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on March 17, 2001, entry into the United States for consumption and withdrawal from warehouse for consumption of combed cotton yarn in Category 301, produced or manufactured in Pakistan and exported during the twelve-month period beginning on March 17, 2001 and extending through March 16, 2002, in excess of 5,913,131 kilograms.

The limit set forth above is subject to adjustment pursuant to the provisions of the ATC.

Products in the above category exported during the March 17, 2000 through March 16, 2001 period shall be charged to the limit for that year (see directive dated March 14, 2000) to the extent of any unfilled balances. In the event the limit established for that period has been exhausted by previous entries, such products shall be charged to the limit set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–5391 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Department of the Army

Fuel-Related Rate Adjustment

AGENCY: Military Traffic Management Command (MTMC), DoD.

ACTION: Notice.

SUMMARY: The Military Traffic Management Command, as the Program Director for the Department of Defense (DoD), announces an adjustment to the current Fuel-Related Rate requirements for qualified carriers. This action is a result of joint MTMC Industry Fuel Board which included industry representatives. The change will be implemented to assist transportation industry and carriers on diesel fuel cost increases. Further details covering the policy and requirements are contained in the **SUPPLEMENTARY INFORMATION** paragraph indicated below.

DATES: The change will become effective on April 1, 2001.

FOR FURTHER INFORMATION CONTACT: Ruth Tetreault, Headquarters, Military Traffic Management Command, ATTN: MTDAC, Room 11S31, Hoffman Building II, 200 Stovall St., Alexandria, VA 22332–5000; Telephone (703) 428–2462; Telefax (703) 428–3351.

SUPPLEMENTARY INFORMATION:

Background

MTMC developed and implemented an automatic fuel surcharge that goes into effect on April 1, 2001. Carriers will be entitled to an automatic increase when the national average price of diesel fuel rises above $1.30 a gallon as reported by the Department of Energy, Energy Information Administration. Diesel fuel prices are segregated into 10-cent increments, for which there is a 1% addition for each time the threshold is crossed. In the past, carriers incurring high diesel costs faced long delays in receiving surcharges. MTMC has mad surcharges automatic for carriers by linking them directly to the price of diesel fuel. The new automatic fuel surcharge is a result of a joint MTMC-Industry Fuel Board which included industry representatives. The policy ensures fair compensation for our industry partners when the price of fuel rises.

Effective April 1, 2001, MTMC Policy No. TR–12 (Fuel-Related Rate Adjustment Policy) replaces MTMC 1–7, C–1, Policy No. 55–4 (Fuel Related Carrier Rate Changes) as follows:

Transportation and Travel

Policy No. TR–12

Subject: Fuel-Related Rate Adjustment Policy

a. *Policy:* Written provision will be made in Military Traffic Management Command (MTMC) regulations and solicited tender agreements for fuel related rate adjustments. The following Fuel-Related Rate Adjustment policy provides the transportation industry, including individual carriers, economic adjustment and reasonable relief from increases in diesel fuel prices. Carriers are urged to consider changes in fuel prices when submitting or supplementing rates during rate filing and/or bid submission periods. See Sections I and J for specific program applications and exceptions.

b. *Issue Date:* The issue date is January 2, 2001.

c. *Effective Date:* The effective date is April 1, 2001.

d. *Expiration Date:* The expiration date is April 1, 2002 and is subject to reauthorization on an annual basis at the sole discretion of HQ MTMC. The MTMC Fuel Board will periodically meet to consider changes and modifications to this policy.

e. *Application:* The policy will apply to MTMC Personal Property and Domestic Freight Programs.

f. *Policy and Guidance:* 1. *Application:* Applicability of the Fuel-Related Adjustment is based on guidance contained in the solicitation or other procurement request for transportation services. Application of a Fuel-Related Rate Adjustment will be determined the first Monday of the month and based on the National Average diesel fuel price as determined by the Department of Energy, Energy Information Administration (EIA). If the first Monday is a holiday the fuel price will be determined based on the price on the next business day.

2. *Determination of Adjustment:* (a) Only the National Average diesel fuel price as published by the DOE, EIA on the first Monday of the month (or the first working day after a Monday if the Monday falls on a Federal Holiday) may be used as a basis for determining the applicability of a Fuel-Related Rate Adjustment. The fuel adjustment will automatically apply to shipments picked up on or after the 15th day of the month through the 14th day of the following month. The diesel fuel prices published by the EIA may be found via the following sources:

(1) EIA Web site: http://www.eia.doe.gov/.

(2) EIA Weekly Petroleum Status Report.

(3) EIA Hotline: (202) 586–6966.

(b) It is the responsibility of the carrier to monitor diesel fuel prices via one of the sources identified above. The National Average diesel fuel price determined by the DOE, EIA on the first Monday of the month will serve as the basis for determining the entitlement to a Fuel-Related Adjustment, until the first Monday of the following month when the National Average diesel fuel price is published. The National Average fuel price and the actual pickup date of the shipment will determine if there is an entitlement to an adjustment and the amount of the adjustment. An adjustment is not applicable to any portion of transportation in which a surcharge or any other additional payment for fuel is already in existence. For example, portions of transportation to which the Bunker Fuel Surcharge is applicable.

3. *Amount of Adjustment:* a. The table below will be used to determine the fuel related adjustment factor. No fuel adjustment will be granted when prices are within the neutral range ("0"). When the DOE, EIA fuel price exceeds the neutral range amount, the carrier will be entitled to the specific fuel rate adjustment percentage based on the applicable fuel cost per gallon as indicated in the table. The increase applies to line haul transportation charges only unless otherwise identified in the solicitation. The following rates adjustments are provided in the following table:

TABLE

Cost per gallon (in cents)	Rate adjustment (percent)
130.0 and below	0
130.1–140.0	1
140.1–150.0	2
150.1–160.0	3
160.1–170.0	4
170.1–180.0	5
180.1–190.0	6
190.1–200.0	7
200.1–210.0	8
210.1–220.0	9

b. For example, if the reported DOE, EIA National Average diesel fuel price is $1.52 the carrier would be entitled to a fuel-related surcharge of 3% for shipments picked up on or after the 15th of the month. For each 10 cents per gallon above 220.0 add 1%.

4. *Readjustments:* The surcharge is automatically recalculated monthly and adjusted upward or downward depending on the DOE EIA National Average price on the 1st Monday of the month. In no case will the adjustment lower the original price offered in the carriers' initial filing or response to a solicitation.

g. *Billing Procedures:* Carriers will clearly show fuel price adjustments on all paper and electronic commercial freight bills and Government Bills of Lading and invoices. The amount of any diesel fuel rate surcharge must be shown as a separate item on the carriers' invoice.

h. The policy supersedes Policy No. 55–4 Fuel Related Carrier Rate Changes.

i. *Personal Property Program:* Specific program applications and exceptions are listed below:

1. Applications: (CONUS segment, including Alaska and Hawaii).

(a) Line haul portion of domestic interstate and intrastate movements.

(b) Domestic line haul portion of international personal property movements.

(c) Transportation charges applicable on domestic and international storage-in-transit shipments when such shipments are delivered or removed from the domestic storage-in-transit warehouse.

2. Exceptions: None.

j. *Domestic Freight Program:* Specific program applications are listed below:

1. Applications: a. Applies only to the domestic line haul portion of the carrier rate.

2. Exceptions: None.

(end of change)

Regulatory Flexibility Act

The change is not considered rule making within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3051 et seq., does not apply because no information collection requirement or recordkeeping responsibilities are imposed on offerors, contractors, or members of the public.

Francis A. Galluzzo,

Director, Distribution Analysis Center.

[FR Doc. 01–5241 Filed 3–2–01; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Management of Excess Mercury; Expressions of Interest; Alternative Locations for the Long Term Storage of Mercury

AGENCY: Defense National Stockpile Center (DNSC), Defense.

ACTION: Notice of request for expression of interest.

SUMMARY: The Defense National Stockpile Center (DNSC), part of the Defense Logistics Agency (DLA) within the Department of Defense (DoD), is preparing an environmental impact statement (EIS) to assess several alternatives for the long term management or use of mercury that has been declared excess to national defense needs. As part of the EIS assessment, DNSC is requesting Expressions of Interest from interested federal agencies for potential locations for the long term (greater than 40 years) consolidated storage of the excess mercury. For the purposes of this EIS, the term "long term management" shall include any potential action to sell, treat, store, or dispose of such material. The DNSC inventory of approximately 4,890 tons of excess mercury is currently stored in warehouses at four locations. Suggested sites that are submitted for DNSC consideration would be evaluated to determine their reasonableness for inclusion as an alternative in the EIS. More detailed information on the EIS can be found in the February 5, 2001 **Federal Register** (66 FR 8947). Information on the EIS may also be found at the Mercury Management EIS website at *www.mercuryeis.com*. Department of Energy (DOE) is a cooperating agency for the preparation of this EIS because some of DoD's excess mercury is currently stored at the DOE Y–12 National Security Complex in Oak Ridge, Tennessee.

DATES: Agencies wishing to make an Expression of Interest should do so in writing by April 30, 2001, to ensure their consideration.

ADDRESSES: Please submit Expressions of Interest to: Project Manager, Mercury Management EIS; DNSC–E; Defense Logistics Agency; Defense National Stockpile Center, 8725 John J. Kingman Road, Suite 4616, Fort Belvoir, VA 22060–6223.

SUPPLEMENTARY INFORMATION:

Background.

DNSC is a mandatory source of supply for raw materials for all Federal agencies as required by the Federal acquisition Regulation, Part 8.002—Use of Other Government Supply Sources. The mercury in DLA's Stockpile has been declared excess to national defense needs and DNSC must decide on long term management of the excess mercury.

The DNSC inventory of approximately 4,890 tons of excess mercury is currently stored in warehouses at four locations: Somerville, NJ; New Haven, IN; Oak Ridge, TN; and Warren, OH. Most of the excess inventory, about 2,882 tons (75,980 flasks) is stored at the Somerville Depot in Somerville, NJ. Approximately 770 tons (20,276 flasks) is stored at the U.S. Department of Energy (DOE) Y–12 National Security Complex in Oak Ridge, TN; and 621 tons (16,355 flasks) is stored at the Warren Depot in Warren, OH. The remainder, approximately 614 tons (16,151 flasks), is stored at the Casad Depot, located approximately 3 miles (4.8 kilometers) east of New Haven, IN. Mercury is a dense, naturally occurring, silver-colored metallic element that is liquid at room temperature. sometimes called 'quicksilver', liquid mercury has been used extensively in manufacturing because it readily conducts electricity, reacts to temperature changes, and alloys with other metals. Mercury is designated as a hazardous substance under Section 307(a) of the Clean Water Act, Section 112 of the Clean Air Act, and Section 3001 of the Resource Conservation and Recovery Act.

The DNSC mercury is between 99.5 and 99.9 percent pure. The material is currently stored in 3 liter, carbon steel flasks with each flask containing about 76 pounds (34.5 kilograms) of mercury. The flasks are stored in wooden box pallets equipped with drip pans, with 50 to 60 flasks to a pallet. Some of the flasks were manufactured and date from the 1940's and 1950's, although the mercury at the Y–12 National Security Complex was transferred into new flasks in 1975.

DNSC, as custodian of the excess inventory of mercury, must decide on an approach for long term management or use of the material. As required by Council on Environmental Quality (CEQ) and DLA National Environmental Policy Act (NEPA) regulations, this decision must include consideration of a range of reasonable management alternatives and the environmental and socioeconomic impacts of those alternatives. Therefore, as announced in the Notice of Intent to prepare an environmental impact statement published in the **Federal Register** on February 5, 2001 (66 FR 8947), DNSC is evaluating a range of reasonable alternatives in the EIS. These alternatives include no action, and are likely to include consolidated long term storage, processing, disposal, and sales alternatives. Consolidated long term storage could occur at existing storage locations or at other locations. The purpose of this Notice is to determine if there is interest on the part of other federal agencies in hosting a consolidated storage facility. Consideration of any particular consolidation site in the EIS is not a guarantee of its selection. DNSC would likely hold public outreach (e.g., an EIS scoping meeting) in cooperation with the host agency to judge reaction to the proposal and would probably request that agency to be a cooperating agency under NEPA for the EIS.

Request for Expression of Interest: DNSC requests Expressions of Interest from federal agencies on locations for storage of approximately 4,890 tons (128,762, 76-lb flasks) of mercury. This request for expression of interest published, in today's **Federal Register**, is the first step in the process to consider alternative sites for consolidated long term storage of the mercury. This request will help to ensure that the resulting long term management options will consider all reasonable alternatives. Because DNSC expects that each Agency's submission and site would have unique characteristics associated with its proposal, terms and conditions of use of any site would be negotiated to the mutual satisfaction of both agencies.

DNSC will evaluate each submission to determine if it should be included as a reasonable alternative in the EIS, which will assess the environmental impacts of the various alternative management strategies. DNSC estimates that approximately 100,000 to 150,000 square feet of space would be required depending on the storage configuration to store the entire mercury stockpile with sufficient space between pallets to conduct routine inspections. DNSC requires that the space be in compliance with all current building codes and construction standards, and have a fire suppression system. In addition the temperature of the storage area must not exceed 70 degrees F; temperature can be limited by natural means or climate control. Since the mercury is an industrial commodity and the storage period to begin in 2003 and, for planning purposes, continue for 40 or more years.

DNSC requires the following information for each proposed storage location:

1. A map showing the location of the storage building on the site, nearby (within 10 miles) political boundaries, communities (especially minority, low income or Native American), roads, railroads, airports, water bodies, parkland, or other environmentally sensitive areas;

2. A description of the site, including ownership, current activities, access control system, hazardous materials handling experience, mercury handling experience, current tenants, previous

regulatory compliance problems, and existing environmental contamination;

3. A description of the storage building, if pre-existing, including date and type of construction including any special features which provide protection against leaks and external environmental hazards, fire suppression system, access control system, current activities and materials in storage, current tenants, and existing environmental contamination;

4. Equipment, materials, and labor required to upgrade or construct the facility to accept long term mercury storage;

5. Environmental and health and safety approvals required;

6. Estimated cost, including construction, operations, and decontamination. Include a description of the basis for the estimate, and any assumptions; and

7. Proposed schedule for providing a consolidation facility meeting the above requirements.

Expression of Interest Format: The length of the Expression of Interest should be no more than 30 pages using 12-point font. While the responder may determine how best to use the 30 pages, we recommend the following format: SECTION 1—Summary; SECTION 2—Description of Location with specific reference to the items requested by DNSC above; SECTION 3—Qualifications and experience of respondents in mercury storage operations or operations of similar complexity. When describing similar work that has been performed, include the name of the organization, contract number if applicable, and name and telephone number of the organization's point of contact and contracting officer.

Proprietary Information: If the Expression of Interest contains information that is privileged or confidential and which the respondent does not want disclosed to the public or used by the Federal Government for any purpose other than this Notice, the respondent should place the following notice on the Expression of Interest. "Notice: Data contained in these pages of this Expression of Interest have been submitted in confidence and contain trade secrets or commercial or financial information that is confidential or privileged, and such data should be used or disclosed only for purposes of consideration of this Expression of Interest. This restriction does not limit the Government's right to use or disclose data obtained without restriction from any source, including the respondent." The respondent should mark the pages that are considered "Proprietary Information".

Submission: Agencies wishing to make an Expression of Interest should do so in writing by April 30, 2001, to ensure their consideration. Each submittal should consist of an original and three photocopies, and be mailed to Project Manager, Mercury Management EIS; DNSC–E; Defense Logistics Agency; Defense National Stockpile Center, 8725 John J. Kingman Road, Suite 4616, Fort Belvoir, VA 22060–6223. DNSC will not consider attachments or appendices. Respondents may submit questions within 20 business days of this notice being published. Questions may be submitted by e-mail to dennis_lynch@hq.dla.mil or by fax to (703) 767–5411. Responses to questions will be posted on the Mercury Management EIS web site at www.mercuryeis.com. DNSC is under no obligation to pay for any costs associated with the preparation or submission of Expressions of Interest in response to this Notice. DNSC reserves the right to respond or not respond to any portion, all, or none of the Expressions of Interest submitted in response to this Notice.

Issued in Fort Belvoir, VA., on this 21st day of February, 2001.

Richard Connelly,

Administrator, Defense National Stockpile Center.

[FR Doc. 01–5171 Filed 3–2–01; 8:45 am]

BILLING CODE 3620–01–M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Meeting

Pursuant to the provision of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given of the Defense Nuclear Facilities Safety Board's (Board) meeting described below.

TIME AND DATE OF MEETING: 9:00 a.m., March 28, 2001.

PLACE: The Defense Nuclear Facilities Safety Board, Public Hearing Room, 625 Indiana Avenue, NW, Suite 300, Washington, DC 20004.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Department of Energy (DOE) requires contractors at defense nuclear facilities to develop and implement quality assurance programs to ensure the requisite quality of operations, products, and services. Activities required to be conducted under established quality assurance programs extend from scientific studies, to the design of new facilities, operations of facilities, and deactivation of defense nuclear facilities and directly affect safety-related systems and operations. Notwithstanding contract and rule requirements concerning quality assurance, there is evidence that quality assurance programs at defense nuclear facilities are not consistently achieving their quality objectives.

The Defense Nuclear Facilities Safety Board (Board) intends to hold a series of open meetings on the topic of quality assurance within the DOE nuclear defense activities. Board inquiries will address (1) the current framework of DOE quality assurance programs relative to industry standards, and (2) results of DOE assessments of contractor implementation of quality assurance requirements.

CONTACT PERSON FOR MORE INFORMATION: Richard A. Azzaro, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004, (800) 788–4016. This is a toll-free number.

SUPPLEMENTARY INFORMATION: The Defense Nuclear Facilities Safety Board reserves its right to further schedule and otherwise regulate the course of this meeting, to recess, reconvene, postpone or adjourn the meeting, and otherwise exercise its authority under the Atomic Energy Act of 1954, as amended.

Dated: March 1, 2001.

John T. Conway,

Chairman.

[FR Doc. 01–5403 Filed 3–1–01; 12:51 pm]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

[CFDA Nos.: 84.141A and 84.149A]

Notice Inviting Applications for New Awards for Fiscal year (FY) 2001 for the High School Equivalency Program (HEP) and the Colleges Assistance Migrant Program (CAMP)—Correction.

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 2001 for the high school equivalency program (HEP) and the college assistance migrant program (CAMP)—Correction.

SUMMARY: On January 25, 2001 a notice inviting applications for new awards for fiscal year (FY) 2001 for the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP) was published in the **Federal Register** (66 FR 7748). This document corrects the *Deadline for Transmittal of Applications* and also corrects the *Deadline for Intergovernmental Review*. The new dates are shown below:

Deadline for Transmittal of Applications: April 23, 2001.

Deadline for Intergovernmental Review: June 23, 2001.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the application or to obtain information on the program, call or write Mary L. Suazo, U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, 400 Maryland Avenue, SW., Room 3E227, FOB 6, Washington, DC 20202–6135. Telephone Number: (202) 260–1396. Inquiries may be sent by e-mail to mary_suazo@ed.gov or by FAX at (202) 205–0089. A copy of the application can be obtained electronically at: *http://www.ed.gov/grantapps*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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Program Authority: 20 U.S.C. 1070d–2.

Dated: February 28, 2001.

Thomas M. Corwin,

Acting Deputy Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 01–5255 Filed 3–2–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

[CFDA No. 84.341]

Grants and Cooperative Agreements; Availability, etc.

AGENCY: Office of Vocational and Adult Education.

ACTION: Notice inviting applicants to serve as field readers for the Community Technology Centers Program.

SUMMARY: The Office of Vocational and Adult Education (OVAE) invites interested individuals to apply to serve as field readers to evaluate grant applications for the Community Technology Centers Program. The purpose of the Community Technology Centers Program is to increase access to information technology and related educational services for adults and children in economically distressed low-income urban and rural communities through grants to establish or expand community technology centers.

DATES: Interested individuals are strongly encouraged to apply by April 15, 2001.

SUPPLEMENTARY INFORMATION: Detailed information on the program is available online at: http://ed.gov/offices/OVAE/CTC.

Duties and Compensation of Field Readers: Field readers will review applications according to the applicable selection criteria. It is expected that reviewers will be mailed applications and materials, oriented in a telephone conference call, assigned to a panel, and given a set period of time to review applications. Panel discussions with other reviewers will take about five hours and will also be conducted by telephone conference call. Each field reader who is selected will receive compensation for the review.

Field Reader Qualifications: The Department is seeking experienced and knowledgeable professionals who are current with issues regarding the provision of computers and technology to residents of low-income urban and rural communities. These professionals should be familiar with issues dealing with the start-up and expansion of community technology centers; use of technology in adult, preschool, elementary or secondary education programs; technology and technology management; or community development and outreach to residents of low-income communities.

Prospective field readers may include technology providers, administrators, and experts; individuals with experience in use of technology in preschool, elementary, secondary or adult education; individuals from State and district agencies, early childhood, elementary and secondary education, institutions of higher education, and community-based organizations and agencies; and individuals with experience in providing access to technology in low-income communities. Each field reader must have the expertise necessary to accurately assess an applicant's submission on the applicable selection criteria.

The Community Technology Centers Program will be participating in a pilot of e-Reader, the Department's electronic field reading initiative. Readers will be required to have unrestricted access to a computer with Internet accessibility and a printer. In addition, a reader should be able to navigate a World Wide Web browser, be able to complete and submit on-line forms, and be able to send and receive e-mail.

Conflict of Interest: You may not serve as a reviewer if you or your spouse plan to submit a grant application under the program in Fiscal Year (FY) 2001 and you will be paid by the grant if awarded, and/or you or your spouse otherwise have a financial interest in the outcome of the FY 2001 grant competition.

Application Process: If you are interested in serving as a field reader, mail, fax or e-mail a copy of your resume to the address listed below and indicate that you are interested in serving as a field reader for the Community Technology Centers Program. Resumes should not exceed two pages and should include an e-mail address. A cover letter should highlight any experience the individual may have had as a reader in other competitions and any special knowledge and skills that are applicable for the review of applications under this competition.

FOR FURTHER INFORMATION CONTACT: Community Technology Centers Program, Division of Adult Education and Literacy, Office of Vocational and Adult Education, U.S. Department of Education, Washington, DC 20202–7240. Resumes and inquiries may be sent by e-mail to *ctc@ed.gov* or by Fax to: (202) 205–8973. Individuals who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audio tape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the *Code of Federal Regulations* is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html*

Program Authority: 20 U.S.C. 6832.

Dated: February 28, 2001.

Robert Muller,

Deputy Assistant Secretary for Vocational and Adult Education.

[FR Doc. 01–5256 Filed 3–2–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, March 15, 2001, 5:30 p.m.–9 p.m.

ADDRESSES: Paducah Information Age Park Resource Center, 2000 McCracken Boulevard, Paducah, Kentucky.

FOR FURTHER INFORMATION CONTACT: John D. Sheppard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6804.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration and waste management activities.

Tentative Agenda

5:30 p.m. Informal Discussion
6:00 p.m. Call to Order, Introductions
6:10 p.m. Approve Minutes
6:20 p.m.
Site Manager's Comments—
Environment Safety & Health Issues, Investigation
Board Discussion
Public Comments
6:50 p.m. Project Status Updates—
Environmental Management & Enrichment Facilities Project Updates; Waste Disposition
7:15 p.m.
Presentations
Scrap Metal Engineering Evaluation/Cost Analysis; North-South Diversion Ditch
8:15 p.m. Administrative Issues
8:30 p.m.
SSAB Subcommittee Reports
Community Concerns and Relations
Membership
Finance
9:00 p.m. Adjourn

Copies of the final agenda will be available at the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact John D. Sheppard at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments as the first item of the meeting agenda. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that needed to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information Center and Reading Room at 175 Freedom Boulevard, Highway 60, Kevil, Kentucky between 8 a.m. and 5 p.m. on Monday thru Friday or by writing to John D. Sheppard, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001 or by calling him at (270) 441–6804.

Issued at Washington, DC on February 28, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–5238 Filed 3–2–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–3144–003, et al.]

Alliance Companies, et al.; Notice of Convening Session

February 27, 2001.

In the matter of Alliance Companies, Docket Nos. ER99–3144–003, ER99–3144–004 and ER99–3144–005; American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, Docket Nos. EC99–80–003, EC99–80–004, and EC99–80–005; The Detrojt Edison Company; First Energy Corporation on behalf of: The Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, The Toledo Edison Company; Virginia Electric and Power Company; and Consumers Energy Company, Docket Nos. ER00–2869–000 and EC00–103–000 (not consolidated). Notice of Convening Session.

Pursuant to the order in *Alliance Companies, et al.*, 94 FERC ¶ 61,070 (2001), the Commission directed parties with grandfathered contracts whose terms extend beyond the transition period to negotiate amendments or termination of such contracts. To assist the parties, the Commission directed the Director of the Commission's Dispute Resolution Service (DRS) to convene a meeting of the parties to explore the use of an ADR process to foster negotiation and agreement.

The convening session in this matter will be held on March 5, 2001 at the Federal Energy Regulatory Commission located at 888 First Street, NE., Washington, DC. The conference will begin at 11:00 a.m. in Room 3M–2A. Any questions with respect to the convening session should be directed to Amy Blauman. Her telephone number is (202) 208–2143 and her e-mail address is *Amy.Blauman@ferc.fed.us*

The purpose of the convening session will be to explore options for renegotiating or terminating the relevant grandfathered contracts, as directed by the Commission. In addition, the meeting will explore whether any future sessions should be held with all parties or with individual transmission companies and contracting parties.

David P. Boergers,

Secretary.

[FR Doc. 01–5177 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER97–1326–004, ER99–238–004, ER99–4534–004, and ER00–982–006]

Central Maine Power Company; Notice of Filing

February 27, 2001.

Take notice that on February 16, 2001, Central Maine Power Company (CMP) tendered for filing with the Federal Energy Regulatory Commission (Commission) a supplemental information filing that revises certain data for the 1998 and 1999 test years that are used to develop the rates charged for services taken under Schedule No. 14 of CMP's OATT.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 9, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5240 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–946–001]

Doyle I, L.L.C.; Notice of Filing

February 27, 2001.

Take notice that on February 16, 2001, Doyle I, L.L.C. (Doyle), tendered for filing a supplemental letter to denote typographical errors in its January 12, 2001 filing, as well as to update the cost support included in the filing. On January 12, 2001, Doyle filed with the Commission a revised cost-based rate to its FERC Electric Rate Schedule No. 1, the Power Purchase and Sale Agreement, as amended (PPSA), executed by Doyle and Oglethorpe Power Corporation (an electric membership corporation), on May 25, 1999 (Rate Schedule). Doyle adjusted a rate under its Rate Schedule, as agreed-to by the parties to the PPSA, to reflect the change in the Producer Price Index (PPI) for calendar year 2000.

Copies of the filing were served upon Oglethorpe and on the Georgia Public Service Commission.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 9, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5239 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–90–000]

El Paso Natural Gas Company; Notice of Request Under Blanket Authorization

February 27, 2001.

Take notice that on February 21, 2001, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP01–90–000 a request pursuant to Sections 157.205, 157.208(b)(2), and 157.211(b)(2) of the Commission's Regulations (18 CFR 157.205, 157.208 and 157.211) under the Natural Gas Act (NGA) for authorization to construct, own and operate lateral line and delivery point facilities to facilitate deliveries of natural gas to shippers to serve two gas-fired electric generation facilities, referred to as the Arlington Valley/Redhawk Project in Maricopa County, Arizona, under El Paso's blanket certificate issued in Docket No. CP82–435–000, pursuant to Section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/htm* (call 202–208–2222 for assistance).

El Paso requests authorization to construct and operate two meter stations and approximately 6.67 miles of 20-inch, 24-inch and 26-inch diameter pipeline to serve the two electric power plants. It is indicated that Redhawk Power Plant, to be operated by Pinnacle West Corporation West Corporation (Pinnacle), will be a 2,120 megawatt, gas-fired facility requiring 410,000 Mcf per day, with a scheduled test date of October 1, 2001, and an anticipated in-service date of June 1, 2002. It is also indicated that the Arlington Valley facility, to be operated by Duke Energy Maricopa LLC (Duke), will be a 1,000 megawatt gas-fired electrical facility, will require approximately 210,000 Mcf per day, with a scheduled test date of October 1, 2001, and an in-service date of June 1, 2002.

El Paso indicates that Pinnacle is a full-requirements customer entitled to request natural gas transportation service sufficient to supply its requirements in serving its power plants. It is stated that the new delivery point will permit Pinnacle to request firm transportation service from all receipt points on its system to the Redhawk Power Plant. El Paso states that it is not aware of the nature of the

upstream arrangements that will be made by Duke, but that Duke may either make arrangements to obtain bundled gas supplies, acquire capacity as a result of El Paso's recent right-of-first-refusal posting or acquire capacity from the active capacity release market.

El Paso estimates the facility costs at $7,661,700 to be reimbursed by the shippers. El Paso indicates that the construction and operation of the above-facilities is not prohibited by its tariff.

Any questions regarding the application may be directed to Robert T. Tomlinson at (915) 496–2600.

Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to Section 157.205 of the Commission's regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5179 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–404–000]

Texas Eastern Transmission Corporation; Notice of Availability of the Environmental Assessment for the Proposed Columbia Liberty Project

February 27, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Texas Eastern Transmission Corporation (Texas Eastern) in the above referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the environmental effects of the construction and operation of the proposed facilities in Chester and Delaware Counties, Pennsylvania. These facilities would consist of investigating and replacing or repairing 37 anomaly sites on Texas Eastern's existing 20-inch-diameter Line 1–A, constructing 3,086 feet of new pipeline, constructing a meter station, modifying piping at Chester Junction, and adding 4,000 horsepower of electric driven compression at Texas Eastern's existing Eagle Compressor Station.

The facilities would supply 84,000 decatherms per day of natural gas to the nonjurisdictional Columbia Liberty Electric Generating Plant being developed by PG&E Energy Trading—Power, L.P. and Liberty Electric Power, LLC in Delaware County, Pennsylvania.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

1. Send original and two copies of your comments to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

2. Label one copy of the comments for the attention of the Gas 1, PJ–11–1;

3. Reference Docket No. CP00–404–000; and

4. Mail your comments so that they will be received in Washington, DC on or before March 29, 2001.

Comments may also be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website at *http://www.ferc.fed.us/efi/doorbell.htm* under the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on "Login to File" and then "New user Account".

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–0004 or on the FERC website (www.ferc.fed.us) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 01–5178 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

February 27, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands.

b. *Project No.:* P–1494–228.

c. *Date Filed:* February 7, 2001.

d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Pensacola Project.

f. *Location:* The project is located on the Grand (Neosho) River in Craig, Delaware, Mayers, and Ottawa Counties, Oklahoma. this project does not utilize Federal or Tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Bob Sullivan, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301, (918) 256–55545.

i. *FERC Contact:* James Martin at *james.martin@ferc.fed.us,* or telephone (202) 308–1046.

j. *Deadline for filing comments, motions, or protests:* March 28, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Please include the project number (P–1494–228) on any comments or motions filed.

k. *Description of Project:* Grand River Dam Authority, licensee for the Pensacola Project, requests approval to grant permission to Shangri-La Marina to install two new docks with 60 slips, and replace and reconfigure five existing docks to add 17 new slips. The modifications would all a total of 77 new slips and would result in a total facility configuration of 15 docks with 270 slips. The proposed project is on Grand Lake O' the Cherokees in Section 15, Township 24 North, Range 23 East, Delaware County.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NW, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–5180 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00704; FRL–6767–1]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: There will be a 1–day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Food Quality Protection Act (FQPA) Scientific Advisory Panel (SAP) to review a set of issues being considered by the Agency pertaining to the LifeLine® Model System Operation Review as a tool for dietary and residential pesticide exposure and risk assessments.

DATES: The meeting will be held on March 28 from 8:30 a.m. toapproximately 4:30 p.m.

ADDRESSES: The meeting will be held at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA. The telephone number for the Sheraton Hotel is (703) 486–1111. Requests to participate may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your request must identify docket control number OPP–00704 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Olga Odiott, Designated Federal Official, Office of Science Coordination and Policy, (7202C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5369; fax number: (703) 605–0656; e-mail address: odiott.olga@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Food Quality Protection Act (FQPA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding theapplicability of this action to a particular entity, consult the person listed above under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* A meeting agenda and copies of EPA primary background documents for the meeting will be available by February 28. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, from the FIFRA/SAP Internet Home Page at http://www.epa.gov./scipoly/sap/. To access this document, on the Home Page, select **Federal Register** Notice Announcing

This Meeting. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedregstr/.

2. *In person.* The Agency has established an administrative record for this meeting under docket control number OPP–00704. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to the review of key features of the LifeLine® Model, including any information claimed as Confidential Business Information (CBI). This administrative record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the administrative record, which includes printed, paper versions of any electronic comments thatmay be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How Can I Request to Participate in this Meeting?

The meeting is open to the public. Seating at the meeting will be on a first-come basis. individuals requiring special accommodations at this meeting , including wheelchair access, should contact Olga Odiott at the address listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the meeting so that appropriate arrangements can be made.

You may submit a request to participate in this meeting through the mail, in person, or electronically. Do not submit any information in your request that is considered CBI. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00704 in the subject line on the first page of your request. Members of the public wishing to submit comments should contact the person listed above under **FOR FURTHER INFORMATION CONTACT** to confirm that the meeting date and agenda have not been modified. Interested persons are permitted to file written statements before the meeting. To the extent that time permits, and upon advance written request to the persons listed under **FOR FURTHER INFORMATION CONTACT**, interested persons may be permitted by the Chair of the FIFRA Scientific Advisory Panel to present oral statements at the meeting. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35 mm projector, chalkboard, etc.). There is no limit on the extent of written comments for consideration by the Panel, but oral statements before the panel are limited to approximately 5 minutes. The Agency also urges the public to submit written comments in lieu of oral presentations. Persons wishing to make oral or written statements at the meeting should contact the persons listed under **FOR FURTHER INFORMATION CONTACT** and submit 30 copies of their presentation and/or remarks to the Panel. The Agency encourages that written statements be submitted before the meeting to provide Panel Members the timenecessary to consider and review the comments.

1. *By mail.* You may submit a request to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your request electronically by e-mail to: "opp-docket@epa.gov." Do not submit any information electronically that you consider to be CBI. Use WordPerfect 6.1/8.0 or ASCII file format and avoid the use of special characters and any form of encryption. Be sure to identify by docket control number OPP–00704. You may also file a request online at many Federal Depository Libraries.

II. Background

A. Purpose of the Meeting

This 1–day meeting concerns scientific issues undergoing consideration within the EPA Office of Pesticide Programs (OPP). The purpose of this meeting is the review of key features of the LifeLine® Model to include the software code, data requirements, data inputs, and output reports. The presentation will focus on the operating system and will solicit panel comments and advice with respect to the transparency and operation of the model. LifeLine® is a model for assessing aggregate and cumulative exposures and risks from pesticides. Previous SAP presentations for LifeLine® focused on model design (September 1999) and model utility(September 2000). To assist the Panel in the evaluation of LifeLine® each Panel member will be provided a copy of the LifeLine® software and supporting documentation. The Panel will also be provided with hypothetical, yet representative, residue and toxicological data sets for assessing aggregate and cumulative exposure and risk via the dietary, residential, and drinking water pathways. Interested public parties can obtain a copy of the LifeLine® software by contacting the LifeLine Group, Inc., at http://www.hrlifeline.org. This program is copyrighted and there will be a charge for a copy of the program.

B. Panel Report

Copies of the Panel's report of their recommendations will be available approximately 45 working days after the meeting, and will be posted on the FIFRA SAP web site or may be obtained by contacting the Public Information Records Integrity Branch (PIRIB) at the address and telephone listed under Unit I of this document.

List of Subjects

Environmental protection, Aggregate risk assessment, Cumulative risk assessment, Exposure models.

Dated: February 13, 2001.

Steven K. Galson,

Director, Office of Science Coordination and Policy.

[FR Doc 01–5235 Filed 3–2–01; 8:45 a.m.]

BILLING CODE 6560–50–S

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board

Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on March 8, 2001, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Kelly Mikel Williams, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- February 21, 2001 (Open and Closed)

B. Reports

- FCS Building Association's Quarterly Report
- Corporate Approvals

C. New Business

1. Regulation

- Stock Issuance [12 CFR Parts 611 and 615] (Final)

1. Other

- Conversion of Central Oklahoma FLCA
- Consolidation of AgCredit of California PCA/FLCA and Intermountain PCA/FLCA

Dated: February 20, 2001.

Kelly Mikel Williams,

Secretary, Farm Credit Administration Board.

[FR Doc. 01–5390 Filed 3–1–01; 11:51 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

February 13, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 4, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0970.
Title: Section 90.621(e)(2).
Form No.: N/A.
Type of Review: Extension of currently approved collection.
Respondents: Businesses or other for-profit; State, Local or Tribal Governments.
Number of Respondents: 1,000.
Estimated Time Per Response: .5 hour per response.
Total Annual Burden: 500 hours.
Total Annual Cost: None.
Needs and Uses: The information requested requires applicants proposing to modify operations to use channels for commercial purposes in certain frequency bands in 800 MHZ to provide written notice of the modification to all Public Safety licensees within 70 miles of the site of the channels for which the authorization for commercial use is sought that operate within 25 kHz of the center of those channels.

OMB Approval Number: 3060–xxxx.
Title: Sections 90.35(b)(2) & 90.175(b)(1).
Form No.: N/A.
Type of Review: New Collection.
Respondents: Businesses or other for-profit; State, Local or Tribal Governments.
Number of Respondents: 3,800.
Estimated Time Per Response: 1 hour per response.
Total Annual Burden: 3,800 hours.
Total Annual Cost: None.
Needs and Uses: The information requested requires applicants proposing to operate a land mobile radio station that have service contours that overlap an existing land mobile station obtain written concurrence of the frequency coordinator associated with the industry for which the existing station license was issued, or the written concurrence of the licensee of the existing station.

OMB Approval Number: 3060–xxxx.
Title: Standards for Co-channel and Adjacent Channel Interference in the Land Mobile Radio Services.
Form No.: N/A.
Type of Review: New Collection.
Respondents: Businesses or other for-profit;.
Number of Respondents: 19.
Estimated Time Per Response: 40 hour per response.
Total Annual Burden: 760 hours.
Total Annual Cost: None.
Needs and Uses: The information requested requires frequency coordinators to arrive at consensus standards for co-channel and adjacent channel interference and to report these standards to the Commission. This represents a one-time effort on the part of the frequency coordinators.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4211 Filed 3–2–01; 8:45 am]

BILLING CODE 5712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–517]

Consumer/Disability Telecommunications Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the first meeting date, agenda, and membership of the Consumer/Disability Telecommunications Advisory Committee (hereinafter "the Committee"), whose purpose is to make recommendations to the Commission regarding consumer and disability issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including people with disabilities and underserved populations) in proceedings before the Commission.

DATES: The first meeting of the Committee will take place on March 26, 2001, from 9 a.m. to 4:30 p.m.

ADDRESSES: The Committee will meet at the Federal Communications Commission, Room TW–C305, 445 12th Street, SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Federal Designated Officer, Consumer/Disability Telecommunications Advisory Committee, Consumer Information Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Telephone 202–418–2809 (voice) or 202–418–0179 (TTY). Email: cdtac@fcc.gov.

SUPPLEMENTARY INFORMATION: By public notice dated February 28, 2001, the Commission announced the first meeting date, meeting agenda, and membership of its Consumer/Disability Telecommunications Advisory Committee. The establishment of the Committee had been announced by Public Notice dated November 30, 2000, 15 FCC Rcd 23798, as published in the **Federal Register** (65 FR76265, December 6, 2000).

Availability of Copies and Electronic Accessibility

A copy of the February 28 notice is available in alternate formats (Braille, cassette tape, large print or diskette) upon request. It is also posted on the Commission's website at *www.fcc.gov/cib/cdtac*. The Committee meeting will be broadcast on the Internet in Real Audio/Real Video format with captioning at *www.fcc.gov/cib/cdtac*. The meeting will be sign language interpreted and realtime transcription will also be available. The meeting site is fully accessible to people with disabilities. Copies of meeting agendas and handout material will also be provided in accessible formats. Meeting minutes and transcripts will be available for public inspection at the FCC headquarters building and will be posted on the Commission's website at *www.fcc.gov/cib/cdtac*. During its first meeting, members of the Committee will:

- Receive welcome messages from the Chairman and Commissioners;
- Clarify the Committee's roles and responsibilities;
- Establish various subcommittee working groups and confirm membership thereof;
- Define, clarify, and prioritize issues for which each subcommittee working group is responsible; and
- Clarify the next steps for the work of the Committee.

Membership of the Committee and Chairperson

The Commission previously requested nominations for membership in the Committee. See Public Notice, DA 00–2692, 65 FR 76265 (December 6, 2000). The Commission considered all applications for membership filed in response to the Notice and selected the members named below. Because the Committee includes individuals (including individuals with disabilities or their advocacy organizations), industry, trade associations, and consumer groups, the Committee's membership will be impartial and well balanced. Pursuant to Section K of the Committee's Charter, FCC Chairman Michael K. Powell has appointed Shirley L. Rooker, President, Call For Action, as the Committee Chairperson.

Committee Membership

Federal Designated Officer

Scott Marshall

Organizations

AARP
Alliance for Public Technology
American Council of the Blind
AT&T
California Department of Rehabilitation
Call For Action
Cellular Telecommunications & Internet Association
Cingular Wireless, LLC
Communication Service for the Deaf
ConnectBid, LLC
Consumer Action
Ericsson, Inc.
Gallaudet University
Gila River Telecommunications, Inc.
Hewlett-Packard Company
Inclusive Technologies
Information Technology Technical Assistance and Training Center
Microsoft Corporation
Mitsubishi Electric America Foundation
National Association of Broadcasters
National Cable Television Association
National Consumers' League
National Association of State Relay Administration
National Urban League
NCR Corporation
Nokia, Inc.
Qwest Communications International, Inc.
Rainbow/PUSH Coalition and Citizen Educational Fund
San Carlos Apache Tribe
Self Help for Hard of Hearing People
Smithsonian Center for Latino Initiatives
Sprint Corporation
Telecommunications Research & Action Center
Tripod Captioned Films
Wynd Communications Corporation

Individuals

Shelley Nixon
Kathleen O'Reilly

Committee meetings will be open to the public and interested persons may attend the meetings and communicate their views. Members of the public will have an opportunity to address the Committee on issues of interest to them and the Committee. Members of groups or individuals who are not members of the Committee will also have the opportunity to participate in work conducted by subcommittees of the Committee. Notices of future meetings of the Committee will be published in the **Federal Register**.

Federal Communications Commission.

Karen Peltz Strauss,

Deputy Bureau Chief, Consumer Information Bureau.

[FR Doc. 01–5228 Filed 3–2–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled "Extensions of Credit to Executive Officers, Unsafe and Unsound Practices."

DATES: Comments must be submitted on or before May 4, 2001.

ADDRESSES: Interested parties are invited to submit written comments to Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Room F–4058, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429. All comments should refer to "Extensions of Credit to Executive Officers, Unsafe and Unsound Practices." Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov]. Comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Tamara R. Manly, at the address identified above.

SUPPLEMENTARY INFORMATION:

Proposal To Renew the Following Currently Approved Collection of Information

Title: Extensions of Credit to Executive Officers, Unsafe and Unsound Practices.

OMB Number: 3064–0108.

Frequency of Response: Annually.

Affected Public: All financial institutions.

Estimated Number of Respondents: 4,000.

Estimated Number of Responses: 8,000.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden: 8,000 hours.

General Description of Collection: The information collection and recordkeeping requirements are mandated by statute and take the form of (1) a report by executive officers of insured nonmember banks to their boards of directors within 10 days of incurring any indebtedness to any other bank in an amount in excess of the amount the insured nonmember bank could lend to the officer, and (2) a report from insured nonmember banks, included with their reports of condition filed with the FDIC, on any extensions of credit made by the bank to its executive officers since the bank filed its last report of condition.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, DC, this 28th day of February, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–5243 Filed 3–2–01; 8:45 am]

BILLING CODE 6714–01–U

FEDERAL MARITIME COMMISSION

[Docket No. 01–03]

Pactrans Air & Sea, Inc. v. Altraco, Inc.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission ("Commission") by Pactrans Air & Sea, Inc. ("Complainant" or "Pactrans") against Altraco, Inc. ("Respondent").

Complainant is a non-vessel-operating common carrier ocean transportation intermediary. Among other things, Complainant alleges that Respondent knowingly and willfully violated section 10(a)(1) of the Shipping Act of 1984, as amended, ("Shipping Act") by causing Pactrans to lose its maritime lien and by using an unfair device or means to gain free transportation. Complainant asks that the Commission issue an order against Respondent finding it in violation of the Shipping Act. Complainant also asks for an order compelling Respondent to make reparations to Complainant in an amount to be proved at an administrative hearing, plus interest, costs, and reasonable attorneys' fees; an order holding that the Respondent's activities described in the complaint are unlawful and in violation of section 10(a)(1) of the Shipping Act and ordering that Respondent cease and desist from such unlawful activities; and such other and further relief as the Commission deems just and proper. Complainant requests that hearing be held in Washington, DC.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by February 25, 2002, and the final decision of the Commission shall be issued by June 25, 2002.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–4929 Filed 3–2–01; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 01–02]

Notice of Filing of Complaint and Assignment

In the matter of Transworld Shipping (USA), Inc. v. FMI Forwarding (San Francisco), Inc. a/k/a Inter-Maritime Forwarding Co. (San Francisco), Inc. and Inter-Maritime Forwarding Company, Incorporated—A Division of Union-Transport Corporation, a/k/a Inter-Maritime Forwarding Co., Inter-Maritime Container Line and Union-Transport Corporation; Notice of Filing of Complaint and Assignment.

Notice is given that a complaint has been filed with the Federal Maritime Commission ("Commission"), by Transworld Shipping (USA), Inc., ("Complainant"), against FMI Forwarding (San Francisco, Inc. a/k/a Inter-Maritime Forwarding Co. (San Francisco), Inc. ("FMI"), Inter-Maritime Forwarding Company, Incorporated A Division of Union-Transport Corporation, a/k/a Inter-Maritime Forwarding Co., Inter-Maritime Container Line ("IMF"); and Union-Transport Corporation ("Union-Transport) (collectively, "Respondents").

Complainant is a non-vessel-operating common carrier Ocean Transportation Intermediary. Among other things, Complainant alleges that the Respondents violated sections 10(a)(1) and 10(d)(1) of the Shipping Act of 1984 and several of the Commission's freight forwarder regulations at 46 CFR part 515 by engaging in a pattern of deceit by booking cargo and mis-representing that ocean freight charges would be paid, thereby inducing Complainant to

provide ocean transportation service and to advance credit when Respondents had no intent to, or were aware that payment would not be made to Complainant. Complainant further alleges that Respondents misrepresented business arrangements and engaged in a patter of delay in order to enable them to collect shipper freight charges that they would not have been able to obtain if the involved shippers and Complainant had been apprised of the true facts as to their future activities. Complainant further alleges that Respondents filed a petition for bankruptcy in order to obfuscate and obstruct creditors' investigation and recovery of funds. As a result of Respondents' violation, Complainant asserts that it has been unable to fully recover ocean freight charges and has been further required to expend substantial sums of money investigating the Respondents' activities.

Complainant asks that the Respondents be held liable to Complainant for damages in an amount determined by the Commission but no less than $22,630.76 plus prejudgment interests, costs and reasonable attorney's fees. Complainant also asks that the Commission award it such further and other relief as the Commission deems just and appropriate in the circumstances. Complainant requests that hearing be held either in Washington, DC or Los Angeles, CA.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by February 20, 2002, and the final decision of the Commission shall be issued by June 20, 2002.

Brian L. VanBrakle,

Secretary.

[FR Doc. 01–4930 Filed 3–2–01; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 30, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Rivoli BanCorp, Inc., Macon, Georgia; to become a bank holding company by acquiring at least 80 percent of the voting shares of Rivoli Bank & Trust, Macon, Georgia.

Board of Governors of the Federal Reserve System, February 28, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–5271 Filed 3–2–00; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 20, 2001.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:.

1. The Bank of New York Company, Inc., New York, New York; J.P. Morgan Chase & Co, New York, New York; Citizens Banking Corporation, Flint, Michigan; Comerica Incorporated, Detroit, Michigan; FleetBoston Financial Corp., Boston, Massachusetts; HSBC Holdings plc, London, England; HSBC Finance (Netherlands), London, U.K.; HSBC Holdings BV, Amsterdam, Netherlands; HSBC North America Inc., Buffalo, New York; HSBC USA Inc., Buffalo, New York; and Summit Bancorp, Princeton, New Jersey; all to acquire through NYCE Corporation, Woodcliff, New Jersey, voting interests in SecureAccess Company, LLC, a Delaware limited liability company that will implement a secure Internet payment and authentication system and its related product applications, and distribute such systems and applications worldwide. NYCE proposes to directly engage in SAC-related activities, including the marketing and sale of the secure Internet payment and authentication system, and its related product applications. Notificant also will engage in data processing and related services to facilitate transactions among consumers or between consumers and commercial entities using various media such as the Internet, hand-held wireless devices, telephone systems and other account access means made available by participating financial institutions, pursuant to § 225.28(b)(14) of Regulation Y.

Board of Governors of the Federal Reserve System, February 28, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–5270 Filed 3–2–00; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10 a.m. (est) March 12, 2001.

PLACE: 4th Floor, Conference Room 4506, 1250 H Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the February 12, 2001, Board member meeting.
2. Thrift Savings Plan activity report by the Executive Director.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942–1640.

Date: February 27, 2001.

Elizabeth S. Woodruff,

Secretary to the Board, Federal Retirement Thrift Investment Board.

[FR Doc. 01–5302 Filed 2–28–01; 4:28 pm]

BILLING CODE 6760–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Proposed Collections; Comment Request

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS Reports Clearance Officer on (202) 690–6207.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Projects 1. State Children's Health Insurance Program Focus Group Study—NEW—As part of an evaluation of the State Children's Health Insurance Program (SCHIP), the Office of the Assistant Secretary for Planning and Evaluation is proposing the collection of qualitative data by conducting a series of 52 focus groups in nine states. The 52 focus groups comprised of low income families will each consist of 8–10 participants. The purpose of this study is to identify factors which influence enrollment in, and disenrollment from Medicaid and SCHIP.

Activity	Number of respondents	Time per response (minutes)	Frequency	Total burden (hours)
Screen	6,240	6	1	624
Registration Form	468	5	1	39
Focus Group	468	150	1	1,170
Total				1,833

Send comments to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Written comments should be received within 60 days of this notice.

Dated: February 21, 2001.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 01–4926 Filed 3–2–01; 8:45 am]

BILLING CODE 4154–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Uniform Relocation and Real Property Acquisition under Federal and Federally-assisted Programs (45 CFR part 15)—0900–0150—Extension—HHS has adopted standard government-wide regulations on acquisition of real property and relocation of persons thereby displaced. Federal agencies and State and local governments must maintain records of their displacement activities sufficient to demonstrate compliance with these regulations. *Respondents:* State or local governments; *Annual Number of Respondents:* one; *Frequency of Response;* once; *Burden:* one hour.

2. HHS Acquisition Regulations: HHSAR Section 352.270–9 and Section 352.223–70—0990–0128—Revision—This clearance request addresses reporting and recordkeeping requirements for acquisitions involving care of laboratory animals (Section 352.270–9) or safety and health (Section

352.223–70) Burden Information for Section 352.270–9—*Annual Number of Respondents:* 63; *Burden Per Response:* 10 hours; *Annual Frequency of Response:* one time; *Annual Burden for Section 352.270–9:* 630 hours—*Burden Information for Section 352.223–70—Annual Number of Respondents:* 59; *Frequency of Response:* one time; *Burden Per Response:* 8 hours; *Annual Burden for Section 352.223–70:* 472 hours. *Total Burden for 0900–0128:* 1,102 hours. *OMB Desk Officer:* Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington DC, 20201. Written comments should be received within 30 days of this notice.

Dated: February 13, 2001.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 01–4927 Filed 3–2–01; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Request for State Data Needed to determine the Amount of a Tribal Family Asistance Grant.

OMB No.: 0970–0173

Description: This document consists of a letter to the States' requesting data to determine the amount of a Tribal Family Assistance Grant.

Respondents: State Governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Request	20	1	40	840

Estimated Total Annual Burden Hours: 840.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: February 26, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–5162 Filed 3–2–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Guidance for the Tribal Assistance For Needy Families Program.

OMB No: 0970–0157.

Description: 42 U.S.C. 612 (Section 412 of the Social Security Act—the Act—as amended by Pub. L. 104–193, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996—PRWORA) gives Federally recognized Indian Tribes "* * * with an approved plan * * *" the opportunity to administer a Tribal Temporary Assistance for Needy Families (Tribal TANF) program. This document provides guidance to Tribes seeking to develop a plan which may be approved.

Respondents: American Indian Tribes that want to establish and administer their own TANF program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Guidance for Tribal Assistance for Needy Families Program	20	1	54	1,080
Estimated Total Burden				1,080

Additional Information

Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: February 27, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–5234 Filed 3–2–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1441]

Agency Information Collection Activities; Announcement of OMB Approval; Infant Formula Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Infant Formula Requirements" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 9, 2000 (65 FR 67388), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0256. The approval expires on February 29, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1257]

International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; World Health Organization Scheduling Recommendations for 4-Bromo-2,5-dimethoxyphenethylamine (2C–B); Gamma-hydroxybutyric acid (GHB); 4-Methylthioamphetamine (4-MTA); Zolpidem (INN)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing interested persons with the opportunity to submit written comments concerning recommendations by the World Health Organization (WHO) to impose international manufacturing and distribution restrictions, under international treaties, on certain drug substances. The comments received in response to this notice will be considered in preparing the U.S. position on these proposals for a meeting of the United Nations Commission on Narcotic Drugs (CND) in Vienna, Austria, March 20 to 29, 2001. This notice is issued under the Controlled Substances Act.

DATES: Submit written comments by March 15, 2001.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. To ensure expeditious review of written comments, send a copy by facsimile or e-mail to: James R. Hunter (address below).

FOR FURTHER INFORMATION CONTACT: James R. Hunter, Controlled Substances Staff (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2098, Fax: 301–443–9222, e-mail: hunterj@cder.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The United States is a party to the 1971 Convention on Psychotropic Substances (the Convention). Section 201(d)(2)(B) of the Controlled Substances Act (the CSA) (21 U.S.C. 811(d)(2)(B)) provides that when the United States is notified under Article 2 of the Convention that CND proposes to decide whether to add a drug or other substance to one of the schedules of the Convention, transfer a drug or substance from one schedule to another, or delete it from the schedules, the Secretary of State must transmit notice of such information to the Secretary of Health and Human Services (HHS). The Secretary of HHS must then publish a summary of such information in the **Federal Register** and provide opportunity for interested persons to submit comments. The Secretary of HHS must then evaluate the proposal and furnish a recommendation to the Secretary of State that shall be binding on the representative of the United States in discussions and negotiations relating to the proposal.

As detailed below, the Secretary of State has received notification from the Secretary-General of the United Nations (the Secretary-General) regarding substances to be considered for control under the Convention. The notification reflects the recommendations from the 31st WHO Expert Committee for Drug Dependence (ECDD), which met in June 1998. In the **Federal Register** of April 28, 2000 (65 FR 24969), FDA announced the WHO ECDD review, and the agency invited interested persons to submit information for WHO's consideration.

The full text of the notification from the Secretary-General is provided in section II of this document. Section 201(d)(2)(B) of the CSA requires the Secretary of HHS, after receiving a notification proposing scheduling, to publish a notice in the **Federal Register** to provide the opportunity for interested persons to submit information and comments on the proposed scheduling action.

II. United Nations Notification

The formal United Nations notification that identifies the drug substances and explains the basis for the recommendations is reproduced below.

Notification on 2C-B, 4-MTA, GHB and Zolpidem: Reference: NAR/CL.26/2000 CU 2000/240.

C1971/WHO
UNDCP 42nd CND
TLACSB/CNDS–40/00

The Secretary-General of the United Nations presents his compliments to the Secretary of State of the United States of

America and has the honour to inform the Government that, pursuant to article 2, paragraphs 1 and 4, of the Convention on Psychotropic Substances, 1971, he has received a notification from the World Health Organization (WHO) concerning proposed recommendations for international control in respect of the following four substances: 2C-B, 4-MTA, GHB and zolpidem.

In accordance with the provisions of article 2, paragraph 2, of the 1971 Convention, the Secretary-General is transmitting the text of that notification as an annex to the present note.

As will be seen from the notification and the attached assessments and recommendations, WHO recommends that 2C-B be included in Schedule II, 4-MTA in Schedule I, and GHB and zolpidem in Schedule IV of that Convention.

Article 2, paragraph 1, of the Convention reads:

If a Party or the World Health Organization has information relating to a substance not yet under international control which in its opinion may require the addition of that substance to any of the Schedules of this Convention, it shall notify the Secretary-General and furnish him with the information in support of that notification. The foregoing procedure shall also apply when a Party or the World Health Organization has information justifying the transfer of a substance from one Schedule to another among those Schedules, or the deletion of a substance from the Schedules.

Article 2, paragraph 4, reads:

If the World Health Organization finds: (a) That the substance has the capacity to produce (i)(1) a state of dependence and (2) central nervous system stimulation or depression, resulting in hallucinations or disturbances in motor function or thinking or behaviour or perception or mood, or (ii) similar abuse and similar ill effects as a substance in Schedule I, II, III or IV, and (b) That there is sufficient evidence that the substance is being or is likely to be abused so as to constitute a public health and social problem warranting the placing of the substance under international control, the World Health Organization shall communicate to the Commission an assessment of the substance, including the extent or likelihood of abuse, the degree of seriousness of the public health and social problem and the degree of usefulness of the substance in medical therapy, together with recommendations on control measures, if any, that would be appropriate in the light of its assessment.

Pursuant to article 2, paragraph 2, of the Convention, the notification, together with the assessments and recommendations from WHO as well as any data received from Governments on any of these substances, will be brought to the attention of the Commission on Narcotic Drugs at its forty-fourth session in March 2001. Any action or decision taken by the Commission with respect to that notification, pursuant to article 2, paragraph 5, of the Convention, will be notified to States Parties in due course.

Article 2, paragraph 5, of the Convention reads:

The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources.

The Secretary-General would appreciate it if the Government would submit data on seizures of any of these substances or on the existence of clandestine laboratories manufacturing them. Such data would assist the Commission in its consideration of possible international control of some or all of the substances under review.

In order to further assist the Commission in reaching a decision, it would be appreciated if any economic, social, legal, administrative or other factors the Government may consider relevant to the question of the possible scheduling of these four substances could be communicated by 12 December 2000 to the Executive Director of the United Nations International Drug Control Programme, c/o Commission on Narcotic Drugs Secretariat Section, P.O. Box 500, A–1400 Vienna, Austria, fax: 43–1–26060–5885.

2 November 2000
NAR/CL.26/2000

Annex—Note Dated 4 October 2000 Addressed to the Secretary-General by the Director-General of the World Health Organization

The Director-General of the World Health Organization presents her compliments to the Secretary-General of the United Nations and has the honour to submit, in accordance with Article 2, paragraphs 1 and 4, of the Convention on Psychotropic Substances, 1971, assessments and recommendations of the World Health Organization, as set forth on the annex hereto, concerning the proposed international control in respect of 2C-B, 4-MTA, GHB, and zolpidem.

The Director-General of the World Health Organization avails herself of this opportunity to renew to the Secretary-General of the United Nations the assurances of her highest consideration.

2C-B (4-Bromo-2,5-dimethoxyphenylethylamine) Substance identification

2C-B is chemically 4-bromo-2,5-dimethoxyphenylethylamine; 2-(4-bromo-2,5-dimethoxyphenyl) ethylamine (CAS 66142–81–2). Other names include: α-desmethyl DOB; BDMPEA; MFT; Erox; Nexus; Performax. There are no chiral centres; therefore, no stereoisomers or racemates are possible.

Similarity to Known Substances and Effects on the Central Nervous System

2C-B has structural and pharmacological similarities to brolamfetamine and mescaline. 2C–B is a selective partial agonist for 5-HT_{2A}- and 5-HT_{2C}-serotonin receptors. In humans, 2C–B is more potent than mescaline but less potent than brolamfetamine. In low doses it has sensory enhancing effects: skin sensitivity, heightened responsiveness to smells, tastes and sexual stimulation. In higher doses 2C-B is a strong hallucinogen. 2C-B produces particularly marked visual hallucinations with an intense colour play, intriguing patterns emerging on surfaces and distortions of objects and faces. It was reported to enhance sexual feelings, sexual perception and performance.

Dependence Potential

There are no animal or human studies about the dependence potential of 2C-B.

Actual Abuse and/or Evidence of Likelihood of Abuse

In the 1990s, 2C-B was sold as an aphrodisiac in several countries and some abuse of 2C-B has been reported by a number of countries. These suggest that 2C-B has modest abuse liability like other hallucinogens. Although hallucinogens are rarely associated with compulsive use or dependent use, they are known to have modest abuse potential, particularly in polydrug abusers.

Therapeutic Usefulness

Apart from the controversial experimental use to facilitate psychotherapy, hallucinogens, such as 2C-B, do not have any therapeutic usefulness.

Recommendation

Despite the limited availability of studies, the chemical and pharmacological similarity of 2C-B to the hallucinogen mescaline has been demonstrated. The altered state of mind induced by hallucinogens such as 2C-B may result in harm to the user and to others. Based on its perceived aphrodisiac effects and known modest abuse potential of hallucinogenic drugs in general, it is estimated that 2C-B may be abused so as to constitute a public health and social problem warranting its placement under international control. However, hallucinogens are rarely associated with compulsive use and abuse of 2C-B has been infrequent, suggesting that abuse of 2C–B is likely to constitute a substantial, rather than an especially serious, risk to public health. On these bases, it is recommended that 2C-B be placed in Schedule II of the 1971 Convention on Psychotropic Substances.

4-MTA (4-methylthioamphetamine) Substance Identification

4-MTA is chemically 4-methylthioamphetamine (CAS 14116–06–4) Other names include: α-methyl 4-methylthiophenetylarnine, *p*-methylthioamphetamine; 4-MTA; *p–MTA;* MTA; MK; S5; S_5; Flatliner; The One and Only Dominator. 4-MTA has one chiral centre and can exist in two enatiomers and a racemate. Only the racemic mixture has been reported to have been synthesised.

Similarity to Known Substances and Effects on the Central Nervous System

4-MTA is a potent serotonin-releasing agent and reversible inhibitor of monoamine oxidase-A, and is structurally similar to 4-methoxyamphetamine. Pharmacologically, it is similar to MDA and MDMA; studies suggest that 4-MTA is six times more potent than MDMA and MDA in inhibiting 5-HT uptake.

Dependence Potential

Drug discrimination studies in rats suggest that 4-MTA produces discriminative stimulus effects similar to MDMA. 4-MTA did not substitute for amphetamine, LSD or phencyclidine. Reports from the United Kingdom indicate that 4-MTA is abused for its stimulant/euphoric effects similar to MDMA.

Actual Abuse and/or Evidence of Likelihood of Abuse

4-MTA is mainly abused in Europe. It appears that 4-MTA is part of the dance music culture although its use is relatively less widespread probably because of perceptions by users that the drug is stronger and more harmful than other "club drugs" such as MDMA. 4-MTA has resulted in a number of fatalities and hospital admissions. It appears that toxic effects can be produced directly from the drug and that the presence of other drugs or alcohol may exacerbate such effects.

Therapeutic Usefulness

4-MTA has no recognized therapeutic use.

Recommendation

4-MTA is chemically and pharmacologically similar to MDA and MDMA. 4-MTA is a new synthetic drug which was seized for the first time in 1997. Although evidence of its actual abuse is available only in several countries in Europe, seizures, including those of large quantities reported from a wider range of countries, suggest that the trafficking and abuse of 4-MTA are more widespread than have been reported. Based on this and its similarity to known MDA-type psychotropic substances, as well as data from drug discrimination studies in animals, it is estimated that 4-MTA is likely to be abused so as to constitute a public health and social problem warranting its placement under international control. Taking into consideration that 4-MTA has no recognized therapeutic use and that it has resulted in a number of fatalities, abuse of 4-MTA is estimated to constitute an especially serious risk to public health. It is therefore recommended that 4-MTA be placed in Schedule I of the 1971 Convention on Psychotropic Substance.

GHB (Gamma-hydroxybutyric acid) Substance Identification

GHB is chemically γ-hydroxybutyric acid; 4-hydroxybutyric acid (CAS 591–81–1). GHB usually exists as either the free acid or as the sodium salt. Sodium oxybate (CAS 502–85–2) is a national nonproprietary name for its sodium salt. There are no chiral centres; therefore, no stereoisomers or racemates are possible.

Similarity to Known Substances and Effects on the Central Nervous System

GHB is an endogenous compound and is structurally similar to the neurotransmitter GABA. Pharmacologically, it produces sedative and anaesthetic effects at high doses. Such depressant effects of GHB appear to be associated with its cataleptic effects and are different from those of barbiturates and benzodiazepines. GHB sedation possessed distinct excitatory properties, which may be due to its effect on the dopaminergic system (increase in intracellular neuronal dopamine). GHB has been found to induce anesthesia (but does not provide pain relief), (slow-wave) sleep, bradycardia, vomiting, random clonic movements, hypothermia, reduction in potassium levels, decrease in ventilatory rate and apnoea. However, the respiratory centre remains sensitive to an increase in carbon dioxide.

Dependence Potential

In drug discrimination studies in animals, none of the known abused drugs has the ability to fully substitute for GHB. Morphine, dexamphetamine, LSD and some benzodiazepines produced, at best, partial substitution. There have been few studies regarding the dependence/abuse potential of GHB. However, during the numerous studies involving administration of GHB to patients at varying concentrations, no dependence has been observed at low doses of GHB. At prolonged high doses, however, a withdrawal syndrome including insomnia, muscular cramping, tremor and anxiety has been noted upon discontinuation in some cases.

Actual Abuse and/or Evidence of Likelihood of Abuse

GHB abuse has been reported in Australia, USA and many countries in Europe. Precursors of GHB, such as γ-butyrolaztone and 1,4-butanediol, which are metabolized to GHB in the body, have also been abused. Although initially abused by body-builders for its apparent growth hormone promoting properties, the more recent primary mode of abuse worldwide has been the use of GHB for its subjective hypnotic, euphoric and hallucinogenic effects, especially in the context of the dance music culture (i.e. "raves"). Some users have also claimed to use GHB as an alternative to alcohol (for relaxation), as a sexual adjunct, appetite suppressant, anti-aging product and has also been implicated in cases of sexual assault.

It appears that toxic effects can be produced directly from the drug and the presence of other depressant or sedative drugs (e.g. opiates, benzodiazepines, alcohol and barbiturates) and possibly other psychoactive compounds (e.g. amphetamine) may exacerbate the effects of GHB. Hospital admissions and deaths have been linked to GHB ingestion and generally involve the onset of coma and respiratory depression.

Therapeutic Usefulness

GHB has been used as an anaesthetic agent and as an aid to alcohol/opiate withdrawal, primarily in France, Germany and Italy, respectively. In USA and Canada it is currently under evaluation for the treatment of narcolepsy-associated cataplexy.

Recommendation

Although GHB is an endogenous compound that exists in the human body, GHB has psychoactive and toxic effects when administered. The pattern and consequences of its abuse in a number of countries in Europe and the USA seem to suggest that its liability to abuse constitutes a significant risk to public health. The current easy availability of GHB and some of its precursors has contributed to its recent abuse. The wide availability is likely to be reduced once GHB is placed under international control. On these bases, it is recommended that GHB be placed in Schedule IV of the 1971 Convention on Psychotropic Substances.

Zolpidem (INN) Substance Identification

Zolpidem is chemically N,N,6-trimethyl-2-p-tolylimidazo [1,2-a]pyridine-3-acetamide; N,N,6-trimethyl-2-(4-methylphenyl)imidazo[1,2-a]pyridine-3-acetamide (CAS 82626–48–0). Trade names include: Ambien, Bikalm, Niotal, Stilnoct, Stilnox.

Similarity to Known Substances and Effects on the Central Nervous System

Though chemically different from benzodiazepines, zolpidem produces benzodiazepine-like effects. It acts as an agonist binding with high and low affinity to BZ_1 and BZ_2 receptor subtypes, respectively. It is generally believed to produce relatively greater hypnotic effects than other benzodiazepine-like effects.

Dependence Potential

The results of human laboratory studies suggest that zolpidem and triazolam are generally similar in terms of producing subjective reinforcing effects. As with many of the benzodiazepines, there have been a number of case reports describing withdrawal symptoms after cessation of zolpidem administration. Though withdrawal discomfort does not necessarily lead to compulsory drug taking (drug dependence) in humans, there are reports of clinically diagnosed cases of drug dependence resulting from a prolonged use of zolpidem.

Actual Abuse and/or Evidence of Likelihood of Abuse

Epidemiological studies indicate that zolpidem is associated with relatively low incidence of abuse. Sporadic case reports in the scientific literature have indicated that zolpidem is abused, but these cases usually involved patients with histories of drug abuse or chronic psychiatric disorders. Cases of zolpidem overdose requiring emergency treatment have been reported. Death due to zolpidem overdose is rare. Rates of actual abuse and dependence of zolpidem appear to be similar to other hypnotic benzodiazepines in Schedule IV. In terms of the numbers of cases of abuse, dependence and withdrawal reported as adverse drug reactions to the WHO adverse drug reaction database, less than ten benzodiazepines are ranked higher than zolpidem.

Therapeutic Usefulness

Zolpidem is used for treatment of insomnia in more than 80 countries.

Recommendation

Although zolpidem has a somewhat novel neuropharmacological profile relative to classic benzodiazepines, studies of its abuse potential suggest that it may be comparable to that of many benzodiazepines. Furthermore, rates of actual abuse and dependence of zolpidem in medical use, as well as the risk to public health of its abuse, appear to be similar to hypnotic benzodiazepines presently placed in Schedule IV. On these bases, it is recommended that zolpidem be placed in Schedule IV of the 1971 Convention on Psychotropic Substances.

I. Discussion

Although WHO has made specific scheduling recommendations for each of the drug substances, the CND is not obliged to follow the WHO recommendations. Options available to the CND for substances considered for control under the Psychotropic Convention include: (1) Acceptance of the WHO recommendations; (2) acceptance of the recommendations to control, but control the drug substance in a schedule other than that recommended; or (3) rejection of the recommendations entirely.

4-Bromo-2,5-dimethoxyphenethylamine (2C-B) is a Schedule I controlled substance in the United States. The U.S. Drug Enforcement Administration (DEA) placed 2C-B (including salts, isomers, and salts of isomers: isomers include optical, positional, and geometric) in Schedule I of the Controlled Substance Act (CSA) in June 1995. 4-methylthioamphetamine (4-MTA) is not marketed in the United States and is not currently a controlled substance in the United States. Gamma hydroxybutyric acid (GHB) is a Schedule I controlled substance in the United States. GHB, including its salts, optical isomers, and salts of optical isomers, became a Schedule I controlled substance in March 2000. Registered manufacturers and distributors of GHB when it is manufactured, distributed, or possessed in accordance with an FDA authorized investigational new drug exemption under Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 USC 355(i)) are subject to Schedule III security requirements. If FDA approves a drug product containing GHB for marketing, the approved product will be placed into Schedule III under Public Law 106–172. Zolpidem, its salts, isomers, and salts of isomers, is a Schedule IV controlled substance in the United States. The DEA placed zolpidem in Schedule IV in February 1993. With the exception of 4-MTA, current controls in the United States on the substances under consideration for international control appear to meet the requirements of the recommended Psychotropic Convention schedules.

IV. Comments

Interested persons may, on or before March 15, 2001, submit to the Dockets Management Branch (address above) written comments regarding this notice. This abbreviated comment period is necessary to allow HHS to furnish a recommendation to the Secretary of State in time for the March 2001 meeting of the United Nations Commission on Narcotic Drugs. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 27, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5218 Filed 2–28–01; 11:36 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Blood Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 15, 2001, from 8:30 a.m. to 6 p.m. and on March 16, 2001, from 8:30 a.m. to 12 noon.

Location: Hilton, 620 Perry Pkwy., Gaithersburg, MD.

Contact: Linda A. Smallwood, Center for Biologics Evaluation and Research (HFM–302), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3514, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 19516. Please call the Information Line for up-to-date information on this meeting.

Agenda: On March 15, 2001, the committee will hear presentations, discuss and make recommendations on the comparative sensitivity of Hepatitis B Virus nucleic acid testing versus Hepatitis B Surface Antigen testing. In the afternoon, the committee will hear presentations, discuss and make recommendations on the implementation of nucleic acid testing for Hepatitis C Virus and human immunodeficiency virus, testing donor and product management, and blood bags for diversion of the initial collection. On March 16, 2001, the committee will hear updates on the following topics: (1) Summaries of the Transmissible Spongiform Encephalopathies Advisory Committee Meeting and the Public Health Service Advisory Committee Meeting on blood safety and availability, and (2) The Office of Inspector General's report on tissue and organ regulation. The committee will additionally hear presentations, discuss and make recommendations on the topic of guidance on malaria, applicability to plasma.

Procedure: On March 15, 2001, from 8:30 a.m. to 6 p.m. and on March 16, 2001, from 8:30 a.m. to 12 noon, the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 9, 2001. Oral presentations from the public will be scheduled between approximately 9:30 a.m. and 10:30 a.m., 1:30 p.m. and 2:30 p.m., and 4:30 p.m. and 5:30 p.m. on March 15, 2001, and 10:15 a.m. and 10:30 a.m. on March 16, 2001. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 9, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

FDA regrets that it was unable to publish this notice 15 days prior to the March 15 to 16, 2001, Blood Products Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Blood Products Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 28, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–5375 Filed 3–1–01; 11:53 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–1728]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Home Health Agency Cost Report and Supporting Regulations in 42 CFR 413.20, 413.24 and 413.106; *Form No.:* HCFA–1728 (OMB No. 0938–0022); *Use:* Participating providers are required to submit annual information to HCFA in order to achieve settlement of costs for health care services rendered to Medicare beneficiaries. The HCFA–1728 is the form used by Home Health Agencies to report their health care costs to determine the amount reimbursable for services furnished to Medicare beneficiaries; *Frequency:* Annually; *Affected Public:* Business or other for profit, Not for profit institutions, and State, Local or Tribal Gov.; *Number of Respondents:* 7,310; *Total Annual Responses:* 7,310; *Total Annual Hours Requested:* 1,293,870.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 15, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5181 Filed 3–2–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–108]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the

following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Criteria for Medicare Coverage of Liver Transplants; *Form No.:* HCFA–R–108 (OMB# 0938–0580); *Use:* Medicare participating hospitals must file an application to be approved for coverage and payment of liver transplants performed on Medicare beneficiaries; *Frequency:* Monthly; *Affected Public:* Business or other for-profit; *Number of Respondents:* 12; *Total Annual Responses:* 12; *Total Annual Hours:* 2,110.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 14, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5182 Filed 3–2–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–170]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Criteria for Medicare Coverage of Lung Transplants; *Form No.:* HCFA–R–170 (OMB# 0938–0670); *Use:* Medicare participating hospitals must file an application to be approved for coverage and payment of lung transplants performed on Medicare beneficiaries; *Frequency:* Annually; *Affected Public:* Business or other for-profit; *Number of Respondents:* 6; *Total Annual Responses:* 6; *Total Annual Hours:* 900.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 14, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5183 Filed 3–2–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–2065–N]

Medicare, Medicaid, and CLIA Programs; Continuance of the Approval of the American Society for Histocompatibility and Immunogenetics as a CLIA Accreditation Organization

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces the continued approval of the American Society for Histocompatibility and Immunogenetics (ASHI) as an accreditation organization for clinical laboratories under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) program. We have determined that the accreditation process of this organization provides reasonable assurance that the laboratories accredited by ASHI meet the conditions required by CLIA and its implementing regulations. Consequently, laboratories that voluntarily become accredited by ASHI would meet the CLIA condition level requirements for laboratories and, therefore, are not subject to routine inspection by State survey agencies to determine their compliance with CLIA requirements. These laboratories are, however, subject to Federal validation and complaint investigation surveys.

EFFECTIVE DATE: This notice is effective for the period March 5, 2001 through October 31, 2006.

FOR FURTHER INFORMATION CONTACT: Minnie Christian, (410) 786–3339.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Authority

On October 31, 1988, the Congress enacted the Clinical Laboratory Improvement Amendments of 1988 (CLIA), Pub. L. 100–578. CLIA replaced in its entirety section 353(e)(2) of the Public Health Service Act, as enacted by the Clinical Laboratories Improvement Act of 1967. HCFA issued a final rule (57 FR 33992) implementing the accreditation provisions of CLIA on July 31, 1992. HCFA may approve a private, nonprofit organization as an approved accreditation organization to accredit clinical laboratories under the CLIA program if the organization meets certain requirements. An organization's requirements for accredited laboratories must be equal to, or more stringent than, the applicable CLIA program requirements in 42 CFR part 493 (Laboratory Requirements). Therefore, a laboratory accredited by an approved accreditation organization that meets and continues to meet all of the accreditation organization's requirements would be considered to meet CLIA condition level requirements if it were inspected against CLIA regulations. The regulations listed in subpart E (Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program) of part 493 specify the requirements an accreditation organization must meet to be an approved accreditation organization. HCFA approves an accreditation organization for a period not to exceed 6 years.

In general, the approved accreditation organization must among other conditions and requirements:

- Use inspectors qualified to evaluate laboratory performance and agree to inspect laboratories with the frequency determined by HCFA.
- Apply standards and criteria that are equal to or more stringent than those condition level requirements established by HCFA when taken as a whole.
- Provide reasonable assurance that these standards and criteria are continually met by its accredited laboratories.
- Provide HCFA with the name of any laboratory that has had its accreditation denied, suspended, withdrawn, limited, or revoked within 30 days of the action taken.
- Notify HCFA at least 30 days before implementing any proposed changes in its standards.
- If HCFA withdraws its approval, notify the accredited laboratories of the withdrawal within 10 days of the withdrawal. A laboratory can be accredited if, among other things, it meets the standards of an approved accreditation organization and authorizes the accreditation organization to submit to HCFA records and other information HCFA may require.

Along with requiring the promulgation of criteria for approving an accreditation organization and for withdrawing this approval, CLIA regulations require HCFA to perform an annual evaluation by inspecting a sufficient number of laboratories accredited by an approved accreditation organization as well as by any other means that HCFA determines appropriate.

II. Notice of Continued Approval of ASHI as an Accreditation Organization

In this notice, we approve ASHI as an organization that may continue to accredit laboratories for purposes of establishing their compliance with CLIA requirements. HCFA and the Centers for Disease Control and Prevention (CDC) have examined the ASHI application and all subsequent submissions to determine equivalency with HCFA requirements under subpart E of part 493 that an accreditation organization must meet to be granted approved status under CLIA. We have determined that ASHI complied with the applicable CLIA requirements as of March 5, 2001 and grant ASHI approval as an accreditation organization under subpart E, through October 31, 2006, for the following specialty and subspecialty areas:

- Histocompatibility.
- ABO/Rh typing.

As a result of this determination, any laboratory that is accredited by ASHI during this time period for an approved specialty or subspecialty (listed above) is deemed to meet the applicable CLIA condition level requirements for the laboratories found in part 493 of HCFA regulations and, therefore, is not subject to routine inspection by a State survey agency to determine its compliance with CLIA requirements. The accredited laboratory, however, is subject to validation and complaint investigation surveys performed by HCFA, or by any other validly authorized agent.

III. Evaluation of ASHI

The following describes the process used to determine that ASHI, as a private, nonprofit organization, provides reasonable assurance that laboratories it accredits will meet the applicable requirements of CLIA and applicable regulations.

A. Requirements for Approving an Accreditation Organization Under CLIA

To determine whether we should grant approved status to ASHI as a private, nonprofit organization for accrediting laboratories under CLIA for the specific specialty or subspecialty areas of human specimen testing it requested, we conducted a detailed and in-depth comparison of ASHI's requirements for its laboratories to those of CLIA. In summary, we evaluated whether ASHI meets the following requirements:

- Provides reasonable assurance to us that it requires the laboratories it accredits to meet requirements that are equal to or more stringent than the CLIA condition level requirements (for the requested specialty and subspecialty) and would, therefore, meet the condition level requirements of CLIA if those laboratories had been inspected against condition level requirements.
- Meets the applicable requirements of part 493, subpart E.

As specified in the regulations of subpart E, the review of a private, nonprofit accreditation organization seeking approved status under CLIA includes, but is not limited to, an evaluation of the following:

- Whether the organization's requirements for its accredited laboratories are equal to or more stringent than the condition level requirements of the CLIA regulations.
- The organization's inspection process to determine the following:

—The composition of the inspection teams, qualifications of the inspectors, and the ability of the organization to provide continuing education and training to all of its inspectors.
—The comparability of the organization's full inspection and complaint inspection requirements to the Federal requirements including, but not limited to, inspection frequency, and the ability to investigate and respond to complaints against its accredited laboratories.
—The organization's procedures for monitoring laboratories that it has found to be out of compliance with its requirements.
—The ability of the organization to provide HCFA with electronic data and reports that are necessary for effective validation and assessment of the organization's inspection process.
—The ability of the organization to provide HCFA with electronic data related to the adverse actions resulting from unsuccessful proficiency testing (PT) participation in HCFA approved PT programs, as well as data related to the PT failures, within 30 days of the initiation of the action.
—The ability of the organization to provide HCFA with electronic data for all its accredited laboratories and the area of specialty and subspecialty testing.
—The adequacy of the numbers of staff and other resources.

—The organization's ability to provide adequate funding for performing the required inspections.

• Whether the organization has an agreement with HCFA that requires it, among other things, to meet the following:

—Notify HCFA of any laboratory that has had its accreditation denied, limited, suspended, withdrawn, or revoked by the accreditation organization, or that has had any other adverse action taken against it by the accreditation organization, within 30 days of the date the action is taken.

—Notify HCFA within 10 days of a deficiency identified in an accredited laboratory if the deficiency poses an immediate jeopardy to the laboratory's patients or a hazard to the general public.

—Notify HCFA of all newly accredited laboratories, or laboratories whose areas of specialty or subspecialty are revised, within 30 days.

—Notify each laboratory accredited by the organization within 10 days of HCFA's withdrawal of approval of the organization.

—Provide HCFA with inspection schedules, on request, for the purpose of conducting onsite validation inspections.

—Provide HCFA or our agent, or the State survey agency, with any facility-specific data that HCFA requires, including, but not limited to, PT results that constitute unsuccessful participation in an approved PT program and notification of the adverse actions or corrective actions imposed by the accreditation organization as a result of unsuccessful PT participation.

—Provide HCFA with written notification at least 30 days in advance of the effective date of any proposed changes in its requirements.

—Provide upon the request by any person, on a reasonable basis (under State confidentiality and disclosure requirements, if applicable), any laboratory's PT results with the explanatory information needed to assist in the interpretation of the results.

Laboratories that are accredited by an approved accreditation organization must, among other things, meet the following requirements:

• Authorize the organization to release to HCFA all records and information required.

• Permit inspections as required by the CLIA regulations in part 493, subpart Q (Inspection).

• Obtain a certificate of accreditation under § 493.61 (Requirements for a certificate of accreditation).

B. Evaluation of the ASHI Request for Continued Approval as an Accreditation Organization Under CLIA

HCFA made the following determinations concerning ASHI's standards for accreditation of laboratories in relation to the CLIA requirements contained in part 493 as explained below:

Subpart E—Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program

ASHI has submitted and requested re-approval for the specialty of Histocompatibility that it would continue to accredit and new approval for the subspecialty of ABO/Rh typing that it would also accredit. ASHI has submitted a description of its PT monitoring process; inspection process and guidelines; a listing of the size, composition, education, and experience of its inspection teams; its investigative and complaint response procedures; its data management and analysis system; its notification agreements with HCFA; its removal or withdrawal of laboratory accreditation procedures; its current list of accredited laboratories; and its announced or unannounced inspection process. We have determined that ASHI has complied with the requirements under CLIA for approval as an accreditation organization under this subpart.

Subpart H—Participation in Proficiency Testing for Laboratories Performing Tests of Moderate or High Complexity, or Both

ASHI's requirements for PT are equivalent to those of CLIA for ABO/Rh typing.

For the specialty of Histocompatibility, ASHI's requirements exceed those of HCFA. ASHI requires participation in at least one external PT program, if available, in each category of histocompatibility testing with an 80 percent score required for successful participation and enhanced PT for laboratories that fail an event.

Subpart J—Patient Test Management for Moderate or High Complexity Testing, or Both

ASHI exceeds CLIA retention requirements for Test Requisitions, requiring 5 years, whereas CLIA requires § 493.1105 only 2 years. In addition, ASHI requires laboratories to obtain written authorization for all testing performed by the laboratory, which exceeds the CLIA requirements. All other requirements in Patient Test Management are equivalent to those of CLIA on an overall basis.

Subpart K—Quality Control for Tests of Moderate or High Complexity, or Both

The quality control (QC) requirements of ASHI have been evaluated against the applicable requirements of CLIA and its implementing regulations. We have determined that ASHI's requirements, when taken as a whole, are more stringent than the CLIA requirements. For instance, ASHI's Nucleic Acid Analysis addresses DNA extraction and digestion, amplification, contamination, physical containment, and multiple quality controls for the test systems. HCFA regulations do not include this requirement.

Subpart M—Personnel for Moderate and High Complexity Testing

We have found that ASHI personnel requirements, when taken as a whole, are equal to or more stringent than the CLIA requirements for Histocompatibility. Experience requirements for Director, Technical Supervisor, and General Supervisor exceed CLIA's personnel experience requirements in the specialty of Histocompatibility.

Subpart P—Quality Assurance for Moderate or High Complexity Testing or Both

We have determined that ASHI's requirements are equal to the CLIA requirements of this subpart. ASHI has adopted the CLIA quality assurance requirements in their entirety and included them in ASHI's checklist.

Subpart Q—Inspections

We have determined that ASHI's inspections are more frequent than CLIA requires. ASHI performs an onsite inspection every 2 years and requires submission of a self-evaluation inspection in the intervening years. If the self-evaluation inspection indicates that an onsite inspection is warranted, ASHI conducts an additional onsite review. In addition, ASHI inspectors provide onsite proficiency testing samples to be processed during the inspection.

Subpart R—Enforcement Procedures for Laboratories

ASHI meets the requirements of subpart R to the extent that it applies to accreditation organizations. ASHI policy stipulates the action it takes when laboratories it accredits do not comply with its requirements. ASHI shall withdraw, revoke, or limit accreditation of a laboratory as appropriate and report the action to HCFA within 30 days. ASHI also provides an appeal process for laboratories that have had accreditation denied, revoked, suspended, or limited.

We have determined that ASHI's laboratory enforcement and appeal policies are equivalent to the requirements of this subpart as they apply to accreditation organizations.

IV. Federal Validation Inspections and Continuing Oversight

The Federal validation inspections of ASHI accredited laboratories may be conducted on a representative sample basis or in response to substantial allegations of noncompliance (complaint inspections). The outcome of those validation inspections, performed by HCFA or our agent, or the State survey agency, will be HCFA's principal means for verifying that the laboratories accredited by ASHI remain in compliance with CLIA requirements. This Federal monitoring is an ongoing process.

V. Removal of Approval as an Accrediting Organization

Our regulations provide, in part, that we may remove the approval of an accreditation organization, such as that of ASHI, for cause, before the end of the effective date of approval. If validation inspection outcomes and the comparability or validation review produce findings as described in § 493.573 (Continuing Federal oversight of private nonprofit accreditation organizations and approved State licensure programs), HCFA will conduct a review of an approved accreditation organization's program. We also conduct a review when the validation review findings, irrespective of the rate of disparity (as defined in § 493.2 (Definitions)), indicate widespread or systemic problems in the organization's accreditation processes that provide evidence that the organization's requirements, taken as a whole, are no longer equivalent to the CLIA requirements, taken as a whole. If validation inspection results over a 1-year period indicate a rate of disparity of 20 percent or more between the findings of the organization and those of HCFA, HCFA will conduct a review under § 493.575(a)(4).

If HCFA determines that ASHI has failed to adopt or maintain requirements that are equal to or more stringent than the CLIA requirements, or systematic problems exist in its inspection process, a probationary period as determined by HCFA, not to exceed 1 year, may be given to ASHI to adopt equal or more stringent requirements. HCFA will make a final determination as to whether or not ASHI retains its approved status as an accreditation organization under CLIA. If approved status is withdrawn, an accreditation organization such as ASHI may resubmit its application if it revises its program to address the rationale for the withdrawal, demonstrates that it can reasonably assure that its accredited laboratories meet CLIA condition level requirements, and resubmits its application for approval as an accreditation organization in its entirety. If, however, an approved accreditation organization requests reconsideration of an adverse determination in accordance with subpart D (Reconsideration of Adverse Determinations—Deeming Authority for Accreditation Organizations and CLIA Exemption of Laboratories Under State Programs) of part 488 (Survey, Certification, and Enforcement Procedures) of our regulations, it may not submit a new application until HCFA issues a final reconsideration determination.

Should circumstances result in ASHI having its approval withdrawn, HCFA will publish a notice in the **Federal Register** explaining the basis for removing its approval.

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management of Budget.

Authority: Section 353 of the Public Health Service Act (42 U.S.C. 263a).

Dated: February 2, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 01–4928 Filed 3–2–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project

Clinical Pharmacy Demonstration Project Evaluation: NEW

The Clinical Pharmacy Demonstration Projects, a supplemental grant opportunity for health center networks, were established to evaluate the impact of comprehensive pharmacy services on the patients served by Health Resources and Services Administration (HRSA) supported programs. The overarching mission is to demonstrate the effect of implementing comprehensive pharmacy services in underserved populations. By collecting data regarding health outcomes and the level of pharmacy services provided, the Office of Pharmacy Affairs hopes to establish the provision of comprehensive pharmacy services as a key to improving access and eliminating health disparities.

The grantee networks will provide valuable pharmacy services to patients, and in the process generate data that will demonstrate the effect of the projects on health outcomes. Patient encounter data will be collected (baseline and semi-annual) for diabetic patients who receive clinical pharmacy services. In addition, each participating pharmacy will complete survey instruments (baseline, annual) for utilization, financial, and process data which describe the program. These data will result in the following: the creation of a database to document the nationwide impact of implementing comprehensive pharmacy services through the Clinical Pharmacy Demonstration Projects in underserved areas; and, information sources for the sharing of best practices, with the ultimate goal of aiding other health

center networks in the implementation of comprehensive pharmacy services.

The estimated burden is as follows:

Form name	Number of respondents	Responses per respondent	Hours per response	Total burden hours
Baseline	1400	1	.33	462
Encounter data	1400	4	.16	933
Pharmacy Survey	14	3	1	42
Total	1414			1437

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–22, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: February 27, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–5224 Filed 3–2–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Drug Accountability Record

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Cancer Institute (NCI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 14, 2000, pages 78175–78176, and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: Drug Accountability Record. *Type of Information Collection Request:* Revision. (OMB No. 0925–0240, expires 3/31/2001). *Need and use of Information Collection:* The regulations of the Food and Drug Administration (FDA) require investigators to establish a record of the receipt, use, and disposition of all investigational agents. The National Cancer Institute (NCI), as a sponsor of investigational drug trials, has the responsibility for assuring to the FDA that systems for drug accountability are being maintained by investigators in its clinical trials program. In order to fulfill these requirements, we have developed two standardized forms. One, the investigational Drug Accountability Report Form (NIH 2564) designed to account for drug inventories and usage by protocol and the other, Transfer Investigational Drug Form (NIH–2564–1) that permits intra-institutional transfer of agents to NCI approved protocols for use by the investigator or other NCI registered investigators on approved protocols. The data obtained from the drug accountability record is used to track the dispensing of investigational anticancer drugs from receipt from NCI to dispensing or administration to patients. NCI uses the accountability data to ensure that investigational drug supplies are not diverted for inappropriate protocol or patient use. The drug accountability information is used to validate patient protocol reporting forms during site audits conducted at each of the Cooperative Groups. The intent is to ensure the investigational agents are used according to protocol guidelines and to ensure the patient's safety and protection. *Frequency of response:* Daily. *Affected public:* State or local governments, businesses or other for-profit, Federal agencies or employees, non-profit institutions, and small business or organizations. *Types of Respondents:* Investigators and their designees, pharmacists, nurses, pharmacy technicians, data managers. The annual reporting burden is divided into two major areas. These are the audits of Drug Accountability Forms by Government and its contractors and the use of the forms by clinical research sites. The burden is as follows: The annualized respondents' burden for record keeping is estimated to require 2,436 hours for drug accountability and 80 hours for drug transfer. The reporting burden is the average time (4 minutes or 0.0668 hours) required to complete the transfer investigational drug form multiplied by the number of forms completed annually. The record keeping burden represents an average time required for multiple entries (4 minutes or 0.0668 hours per entry) on the drug accountability form, the average number of forms maintained by each record keeper and the number of record keepers. These estimates are based on the items shipped by the PMB and the number of transfer approvals in the calendar year 1999.

Type of respondents	Est. number of respondents	Est. number of responses/ respondents	Avg. burden hours per response	Avg. burden hours	Est. total annual burden hours requested
Drug transfer, form	1,200	1	0.0668	80	80
Drug, accountability, form	4,560	1	0.0668	2,436	2,436
Total	5,760				2,516

There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proposed performance of the functions of the agency, including whether the information shall have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB

Written comment and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Carl Huntley, Head Drug Management and Authorization Section, Pharmaceutical Management Branch, Cancer Therapy Evaluation Program, Division of Cancer Therapy and Diagnosis, National Cancer Institute, Executive Plaza North, Room 7112, 9000 Rockville Pike, Bethesda, Maryland 20892. Or call non-toll-free number 301–496–5725 or e-mail your request, include your address to *HuntleyC@ctep.nci.nih.gov.*

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before April 14, 2001.

Dated: February 26, 2001.

Reesa Nichols,

NCI Project Clearance Liaison.

[FR Doc. 01–5174 Filed 3–2–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Initial Review Group, Biomedical Research and Research Training Review Subcommittee A.

Date: March 14, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Carole H. Latker, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (301) 594–2848, latkerc@nigms.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS).

Dated: February 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–5172 Filed 3–2–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, National Center for Toxicogenomics (NCT) Microarray Resource.

Date: March 14, 2001.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate contract proposals.

Place: NC Biotechnology Center, 15 T.W. Alexander Drive, Post Office Box 13547, Research Triangle Park, NC 27709.

Contact Person: Linda K. Bass, Scientific Review Administrator, Nat'l Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–24, Research Triangle Park, NC 27709, (919) 541–1307.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: February 23, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–5173 Filed 3–2–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; Call for Public Comments on 8 Nominations, Proposed for Listing in or Delisting From the Report on Carcinogens, Tenth Edition

Background

The National Toxicology Program (NTP) solicits final public comments on agents, substances, mixtures and exposure circumstances reviewed in 2000 for listing in or delisting from the Report on Carcinogens, Tenth Edition. This Report (previously known as the Annual Report on Carcinogens) is a Congressionally mandated listing of known human carcinogens and reasonably anticipated human carcinogens and its preparation is delegated to the National Toxicology Program by the Secretary, Department of Health and Human Services (DHHS). Section 301(b)(4) of the Public Health Service Act, as amended, provides that the Secretary, (DHHS), shall publish a biennial report which contains a list of all substances (1) which either are known to be human carcinogens or may reasonably be anticipated to be human carcinogens; and (2) to which a significant number of persons residing in the United States (US) are exposed. The law also states that the reports should provide available information on the nature of exposures, the estimated number of persons exposed and the extent to which the implementation of Federal regulations decreases the risk to public health from exposure to these chemicals.

In 2000, eight nominations were reviewed for listing in the Tenth Report. This review included two Federal and one non-government, scientific peer reviews and public comment and review. The three scientific review committees evaluated all available data relevant to the criteria for inclusion of candidate nominations in the Report. The criteria used in the review process and a detailed description of the review procedures, including the steps in the current formal review process, can be obtained from the NTP Home Page web site at http://ntp-server.niehs.nih.gov/ or by contacting: Dr. C.W. Jameson, National Toxicology Program, Report on Carcinogens, MD EC–14, P.O. Box 12233, Research Triangle Park, NC 27709; phone: (919) 541–4096, fax: (919) 541–0144, email: jameson@niehs.nih.gov.

Public Comment Requested

The nominations reviewed in 2000 are provided in the following table with their Chemical Abstracts Services (CAS) Registry numbers (where available) and the recommendations from the three scientific peer reviews of the nominations. The NTP will be making a final recommendation in 2001 for these eight nominations for listing in, or changing the current listing from reasonably anticipated to be a human carcinogen to the known to be a human carcinogen category in the Tenth Report.

Background documents provided to the review committees and the public are available on the web in PDF-format at the address above. Hard copies of these documents are also available upon request. The NTP will review the recommendations from each of the review committees and consider the public comments received throughout the process in making decisions regarding the NTP recommendations to the Secretary, DHHS, for listing of the nominated substances in the Tenth Edition of the Report on Carcinogens. The NTP solicits final public comment to supplement any previously submitted comments or to provide comments for the first time on any substance in the following table. Comments will be accepted for 60 days from the publication date of this announcement and should be directed to Dr. C.W. Jameson at the address listed above. Individuals submitting public comments are asked to include relevant contact information [name, affiliation (if any), address, telephone, fax, and e-mail].

Attachment

Dated: February 21, 2001.

Kenneth Olden,

Director, National Toxicology Program.

SUMMARY OF RG1,[9] RG2[2] AND NTP BOARD SUBCOMMITTEE[3] RECOMMENDATIONS FOR THE AGENTS, SUBSTANCES, MIXTURES OR EXPOSURE CIRCUMSTANCES REVIEWED IN 2000 FOR LISTING IN, DELISTING FROM, OR UPGRADING IN THE REPORT ON CARCINOGENS,[4] 10TH EDITION

Nomination/CAS No.	Primary uses or exposures	RG1 action	RG2 action	NTP board subcommittee action
Broad Spectrum UV Radiation (UVR) and UVA, and UVB, and UVC.	Solar and artificial sources of ultraviolet radiation.	Motion to list UVR as known to be a human carcinogen passed by unanimous vote (6/0). Motion to list UVA, UVB and UVC as reasonably anticipated to be human carcinogens passed by unanimous vote (6/0).	Motion list UVR as known to be a human carcinogen passed by unanimous vote (8/0). Motion to list UVA, UVB and UVC as reasonably anticipated to be human carcinogens passed by unanimous vote (8/0).	Motion to list UVR as known to be a human carcinogen passed by unanimous vote (10/0). Motion to list UVA as reasonably anticipated to be human carcinogen passed by unanimous vote (10/0). Motion to list UVB as reasonably anticipated to be human carcinogen passed by vote of 7 yes to 3 no. Negative votes (3) cast because members felt data meets criteria to list as known human carcinogen.

SUMMARY OF RG1,[9] RG2[2] AND NTP BOARD SUBCOMMITTEE[3] RECOMMENDATIONS FOR THE AGENTS, SUBSTANCES, MIXTURES OR EXPOSURE CIRCUMSTANCES REVIEWED IN 2000 FOR LISTING IN, DELISTING FROM, OR UPGRADING IN THE REPORT ON CARCINOGENS,[4] 10TH EDITION—Continued

Nomination/CAS No.	Primary uses or exposures	RG1 action	RG2 action	NTP board subcommittee action
				Motion to list UVC as reasonably anticipated to be human carcinogen passed by vote of 9 yes to 1 no. Negative vote (1) cast because member felt insufficient human data to list as reasonably anticipated carcinogen.
Chloramphenicol (56–75–7).	Chloramphenicol has been used an antibiotic since the 1950s.	Motion to list Chloramphenicol as reasonably anticipated to be human carcinogen passed by unanimous vote (7/0).	Motion to list Chloramphenicol reasonably anticipated to be human carcinogen passed by vote of 7 yes to 0 no with 1 abstention. Abstention (1) was because member felt data concerning link between aplastic anemia and leukemia was not compelling.	Motion to list Chloramphenicol as reasonably anticipated to be human carcinogen passed by unanimous vote (10/0).
Estrogens, Steroidal	Estrogens are widely used in post-menopausal therapy and in oral contraceptives for women.	Motion to list Steroidal Estrogens as known to be a human carcinogen passed by unanimous vote (7/0).	Motion to list Steroidal Estrogens as known to be a human carcinogen passed by unanimous vote (8/0).	Motion to list Steriodal Estrogens as known to be a human carcinogen passed by a vote of 8 yes to 1 no. Negative vote (1) cast because member felt insufficient human data to list all steroidal estrogens in the Report.
Methyleugenol (93–15–2) ..	Methyleugenol are flavoring agents used in jellies, baked goods, nonalcoholic beverages, chewing gum, candy, and ice cream. Also used as fragrance for many perfumes, lotions, detergents and soaps.	Motion to list Methyleugenol as reasonably anticipated to be human carcinogen passed by unanimous vote (7/0).	Motion to list Methyleugenol as reasonably anticipated to be human carcinogen passed by unanimous vote (8/0).	Motion to list Methyleugenol as reasonably anticipated to be human carcinogen passed by a vote of 9 yes to 1 no. Negative vote (1) cast because member felt insufficient human data to list in the Report.
Nickel (metallic) and Certain Nickel Alloys.	Metallic Nickel and Nickel Alloys have been used in commercial applications for over 100 years.	Motion to list Metallic Nickel and Certain Nickel alloys as reasonability anticipated to be human carcinogen passed by a vote of 6 yes to 2 no. Negative votes (2) cast because members did not agree with the use of term "certain" in the listing of Nickel alloys.	Motion to list Metallic Nickel as reasonability anticipated to be human carcinogen passed by a vote of 7 yes to 1 no. Negative vote (1) cast because member felt the animal data not persuasive to list in the Report as reasonably anticipated human carcinogens because of inappropriate routes of exposure.	Motion to list Metallic Nickel as reasonability anticipated to be human carcinogen passed by a vote of 7 yes to 3 no. Negative votes (3) cast because members felt that the human and animal data not persuasive to list in the Report as reasonably anticipated human carcinogens.

SUMMARY OF RG1,[9] RG2[2] AND NTP BOARD SUBCOMMITTEE[3] RECOMMENDATIONS FOR THE AGENTS, SUBSTANCES, MIXTURES OR EXPOSURE CIRCUMSTANCES REVIEWED IN 2000 FOR LISTING IN, DELISTING FROM, OR UPGRADING IN THE REPORT ON CARCINOGENS,[4] 10TH EDITION—Continued

Nomination/CAS No.	Primary uses or exposures	RG1 action	RG2 action	NTP board subcommittee action
			Motion *not* to list Certain Nickel Alloys in RoC was passed a vote of 6 yes to 2 no. Negative votes (2) cast because members felt data meets criteria to list as reasonably anticipated to be a human carcinogen.	Motion to list Certain Nickel Alloys as reasonably anticipated to be human carcinogen was defeated by a vote of 3 yes to 7 no. in RoC. Negative votes (7) cast because members felt available data not persuasive to list in the Report as reasonably anticipated human carcinogens. Motion *not* to list Certain Nickel Alloys in RoC was passed by a vote of 9 yes 1 no. Negative votes (1) cast because member felt data meets criteria to list as reasonably anticipated to be a human carcinogen.
Talc (14807–96–6) Abestiform and Non-Abestiform.	Both Asbestiform talc (i.e., talc containing asbestiform fibers) and non-asbestiform talc (i.e. talc not containing asbestiform fibers) occur in various geological settings around the world. Occupational exposure to both forms occurs during mining, milling, and processing. Exposure to non-asbestiform talc by the general population occurs through the use of products such as cosmetics.	Motion to list Talc containing asbestiform fibers as known to be a human carcinogen passed by unanimous vote (7/0). Motion to list Talc not containing asbestiform fibers as reasonably anticipated to be a human carcinogen passed by a vote of 6 yes to 1 no. Negative vote (1) cast because member questioned the biological plausibility of talc using causing ovarian neoplasms in women.	Motion to list Talc containing asbestiform fibers as known to be a human carcinogen was defeated by a vote of 2 yes to 6 no. Negative votes (6) cast because members felt human data were not sufficient to list as a known human carcinogen because asbestiform fibers were not considered to include asbestos contamination.	Motion to list Talc containing asbestiform fibers as reasonably anticipated to be a human carcinogen resulted in a tie vote (5 yes to 5 no). Negatives votes (4) cast because members felt human and animal data not sufficient to list in Report. Other negative (1) cast because member felt action should be deferred.

SUMMARY OF RG1,[9] RG2[2] AND NTP BOARD SUBCOMMITTEE[3] RECOMMENDATIONS FOR THE AGENTS, SUBSTANCES, MIXTURES OR EXPOSURE CIRCUMSTANCES REVIEWED IN 2000 FOR LISTING IN, DELISTING FROM, OR UPGRADING IN THE REPORT ON CARCINOGENS,[4] 10TH EDITION—Continued

Nomination/CAS No.	Primary uses or exposures	RG1 action	RG2 action	NTP board subcommittee action
			Motion to list Talc containing asbestiform fibers as reasonably anticipated to be a human carcinogen passed by a vote of 6 yes to 2 no. Negative vote (1) cast because member felt data sufficient to list as a known human carcinogen. Other negative vote (1) cast because member felt evidence not adequate to list in the Report. Motion to list Talc not containing asbestiform fibers as reasonably anticipated to be human carcinogen passed by a vote of 7 yes to 1 no. Negative vote (1) cast because member felt animal data not sufficient and human data confounded because of the uncertainty of possible contamination of talc with asbestos.	Motion *not* to list talc not containing asbestiform fibers as reasonably anticipated to be a human carcinogen passed by a vote of 7 yes to 3 no. Negative votes cast either because the member felt that data meets criteria to list talc not containing asbestiform fibers as reasonability anticipated to be a human carcinogen or that ovarian cancer studies should have been considered in the evaluation. The Subcommittee did not consider the ovarian cancer studies in the evaluation of talc not containing asbestiform fibers because it was unclear if the talc used in these studies might have been contaminated with asbestos.
Trichloroethylene (TCE) (79–01–6).	Trichloroethylane is widely used as a solvent with 80–90% used worldwide for degreasing metals.	Motion to list TCE as known to be a human carcinogen passed by unanimous vote (7/0).	Motion to list TCE as known to be a human carcinogen was defeated by a vote of 3 yes to 4 no. Negative votes (4) cast because members felt the human data did not meet the criteria for listing as a known human carcinogen because the exposures in the human studies may not have been specific for TCE.	Motion that the listing of TCE should remain as reasonably anticipated to be a human carcinogen passed by a vote of 9 yes to 1 no. Negative vote (1) because member felt human data sufficient to list as a known human carcinogen.
Wood Dust	It is estimated that at least two million people are routinely exposed occupationally to wood dust worldwide. Non-occupational exposure also occurs. The highest exposures have generally been reported in wood furniture and cabinet manufacture, especially during machine sanding and similar operations..	Motion to list Wood Dust as known to be a human carcinogen passed by unanimous vote (80).	Motion to list Wood as known to be a human carcinogen passed by unanimous vote (70).	Motion to list Wood Dust as known to be a human carcinogen passed by unanimous vote (80).

[1] The NIEHS Review Committee for the Report on Carcinogens (RG1).

[2] The NTP Executive Committee (Agencies from the NTP Executive Committee represented on RG2 include: Agency for Toxic Substances and Disease Registry (ATSDR), Consumer Product Safety Commission (CPSC), Environmental Protection Agency (EPA), National Center for Environmental Health of the Centers for Disease Control and Prevention (NCEH/CDC), National Center for Toxicological Research of the Food and Drug Administration (NCTR/FDA), National Institute for Occupational Safety and Health/CDC (NIOSH/CDC), Occupational Safety and Health Administration (OSHA), National Cancer Institute of the National Institutes of Health (NCI/NIH), and National Institute of Environmental Health Sciences/NIH(NIEHS/NIH) Interagency Working Group for the Report on Carcinogens (RG2).

[3] The NTP Board of Scientific Counselors Report on Carcinogens Subcommittee (the External Peer Review Group).

[4] RoC—Report on Carcinogens.

[FR Doc. 01–5175 Filed 3–2–01; 8:45 am]
BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (59 FR 29916, 29925). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

If any laboratory has withdrawn from the National Laboratory Certification Program during the past month, it will be listed at the end, and will be omitted from the monthly listing thereafter.

This Notice is also available on the internet at the following website: *http://www.health.org/workplace.*

FOR FURTHER INFORMATION CONTACT: Mrs. Giselle Hersh or Dr. Walter Vogl, Division of Workplace Programs, 5600 Fishers Lane, Rockwall 2 Building, Room 815, Rockville, Maryland 20857; Tel.: (301) 443–8014, Fax: (301) 443–3031.

Special Note: Please use the above address for all surface mail and correspondence. For all overnight mail service use the following address: Division of Workplace Programs, 5515 Security Lane, Room 815, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION:

Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100–71. Subpart C of the Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in a quarterly performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements expressed in the HHS Guidelines. A laboratory must have its letter of certification from SAMHSA, HHS (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with Subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414–328–7840/800–877–7016(Formerly: Bayshore Clinical Laboratory)

Advanced Toxicology Network, 3560 Air Center Cove, Suite 101, Memphis, TN 38118, 901–794–5770/888–290–1150

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400

Alabama Reference Laboratories, Inc., 543 South Hull St., Montgomery, AL 36103, 800–541–4931/334–263–5745

Alliance Laboratory Services, 3200 Burnet Ave., Cincinnati, OH 45229, 513–585–9000 (Formerly: Jewish Hospital of Cincinnati, Inc.)

American Medical Laboratories, Inc., 14225 Newbrook Dr., Chantilly, VA 20151, 703–802–6900

Associated Pathologists Laboratories, Inc., 4230 South Burnham Ave., Suite 250, Las Vegas, NV 89119–5412, 702–733–7866/800–433–2750

Baptist Medical Center—Toxicology Laboratory, 9601 I–630, Exit 7, Little Rock, AR 72205–7299, 501–202–2783 (Formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Laboratory Partners, LLC, 129 East Cedar St., Newington, CT 06111, 860–696–8115 (Formerly: Hartford Hospital Toxicology Laboratory)

Clinical Reference Lab, 8433 Quivira Rd., Lenexa, KS 66215–2802, 800–445–6917

Cox Health Systems, Department of Toxicology, 1423 North Jefferson Ave., Springfield, MO 65802, 800–876–3652/417–269–3093 (Formerly: Cox Medical Centers)

Dept. of the Navy, Navy Drug Screening Laboratory, Great Lakes, IL, Building 38–H, P.O. Box 88–6819, Great Lakes, IL 60088–6819, 847–688–2045/847–688–4171

Diagnostic Services Inc., dba DSI, 12700 Westlinks Drive, Fort Myers, FL 33913, 941–561–8200/800–735–5416

Doctors Laboratory, Inc., P.O. Box 2658, 2906 Julia Dr., Valdosta, GA 31602, 912–244–4468

DrugProof, Division of Dynacare/Laboratory of Pathology, LLC, 1229 Madison St., Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206–386–2672/800–898–0180 (Formerly: Laboratory of Pathology of Seattle, Inc., DrugProof, Division of Laboratory of Pathology of Seattle, Inc.)

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Rd., Warminster, PA 18974, 215–674–9310

Dynacare Kasper Medical Laboratories,* 14940–123 Ave., Edmonton, Alberta, Canada T5V 1B4, 780–451–3702/800–661–9876

ElSohly Laboratories, Inc., 5 Industrial Park Dr., Oxford, MS 38655, 662–236–2609

Express Analytical Labs, 1301 18th Ave NW, Suite 110, Austin, MN 55912, 507–437–7322

Gamma-Dynacare Medical Laboratories,* A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall St., London, ONT, Canada N6A 1P4, 519–679–1630

General Medical Laboratories, 36 South Brooks St., Madison, WI 53715, 608–267–6267

Integrated Regional Laboratories, 5361 NW 33rd Avenue, Fort Lauderdale, FL 33309, 954–777–0018, 800–522–0232, (Formerly: Cedars Medical Center, Department of Pathology)

Kroll Laboratory Specialists, Inc., 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Laboratory Specialists, Inc.)

LabOne, Inc., 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–728–4064, (Formerly: Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 4022 Willow Lake Blvd., Memphis, TN 38118, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc., MedExpress/National Laboratory Center)

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986 (Formerly: Roche Biomedical Laboratories, Inc.)

Marshfield Laboratories, Forensic Toxicology Laboratory, 1000 North Oak Ave., Marshfield, WI 54449, 715–389–3734/800–331–3734

MAXXAM Analytics Inc.,* 5540 McAdam Rd., Mississauga, ON, Canada L4Z 1P1, 905–890–2555, (Formerly: NOVAMANN (Ontario) Inc.)

Medical College Hospitals Toxicology Laboratory, Department of Pathology, 3000 Arlington Ave., Toledo, OH 43699, 419–383–5213

MedTox Laboratories, Inc., 402 W. County Rd. D, St. Paul, MN 55112, 651–636–7466/800–832–3244

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, Minnesota 55417, 612–725–2088

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515

Northwest Drug Testing, a division of NWT Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 801–293–2300/800–322–3361, (Formerly: NWT Drug Testing, NorthWest Toxicology, Inc.)

One Source Toxicology Laboratory, Inc., 1705 Center Street, Deer Park, TX 77536, 713–920–2559 (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory)

Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Ave., Eugene, OR 97440–0972, 541–687–2134

Pacific Toxicology Laboratories, 6160 Variel Ave., Woodland Hills, CA 91367, 818–598–3110/800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory

Pathology Associates Medical Laboratories, 11604 E. Indiana Ave., Spokane, WA 99206, 509–926–2400/800–541–7891

PharmChem Laboratories, Inc., 1505–A O'Brien Dr., Menlo Park, CA 94025, 650–328–6200/800–446–5177

PharmChem Laboratories, Inc., Texas Division, 7606 Pebble Dr., Fort Worth, TX 76118, 817–215–8800 (Formerly: Harris Medical Laboratory)

Physicians Reference Laboratory, 7800 West 110th St., Overland Park, KS 66210, 913–339–0372/800–821–3627

Poisonlab, Inc., 7272 Clairemont Mesa Blvd., San Diego, CA 92111, 858–279–2600/800–882–7272

Quest Diagnostics Incorporated, 3175 Presidential Dr., Atlanta, GA 30340, 770–452–1590 (Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 4444 Giddings Road, Auburn Hills, MI 48326, 248–373–9120/800–444–0106, (Formerly: HealthCare/Preferred Laboratories, HealthCare/MetPath, CORNING Clinical Laboratories)

Quest Diagnostics Incorporated, 8000 Sovereign Row, Dallas, TX 75247, 214–638–1301 (Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 4770 Regent Blvd., Irving, TX 75063, 972–916–3376/800–526–0947 (Formerly: Damon Clinical Laboratories, Damon/MetPath, CORNING Clinical Laboratories)

Quest Diagnostics Incorporated, 801 East Dixie Ave., Suite 105A, Leesburg, FL 34748, 352–787–9006x4343 (Formerly: SmithKline Beecham Clinical Laboratories, Doctors & Physicians Laboratory)

Quest Diagnostics Incorporated, 400 Egypt Rd., Norristown, PA 19403, 610–631–4600/800–877–7484 (Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 506 E. State Pkwy., Schaumburg, IL 60173, 800–669–6995/847–885–2010 (Formerly: SmithKline Beecham Clinical Laboratories, International Toxicology Laboratories)

Quest Diagnostics Incorporated, 7470 Mission Valley Rd., San Diego, CA 92108–4406, 619–686–3200/800–446–4728 (Formerly: Nichols Institute, Nichols Institute Substance Abuse Testing (NISAT), CORNING Nichols Institute, CORNING Clinical Laboratories)

Quest Diagnostics Incorporated, One Malcolm Ave., Teterboro, NJ 07608, 201–393–5590 (Formerly: MetPath, Inc., CORNING MetPath Clinical Laboratories, CORNING Clinical Laboratory)

Quest Diagnostics Incorporated, 7600 Tyrone Ave., Van Nuys, CA 91405, 818–989–2520/800–877–2520 (Formerly: SmithKline Beecham Clinical Laboratories)

San Diego Reference Laboratory, 6122 Nancy Ridge Dr., San Diego, CA 92121, 800–677–7995/858–677–7970

Scientific Testing Laboratories, Inc., 463 Southlake Blvd., Richmond, VA 23236, 804–378–9130

S.E.D. Medical Laboratories, 5601 Office Blvd., Albuquerque, NM 87109, 505–727–6300/800–999–5227

South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 219–234–4176

Southwest Laboratories, 2727 W. Baseline Rd., Tempe, AZ 85283, 602–438–8507/800–279–0027

Sparrow Health System, Toxicology Testing Center, St. Lawrence Campus, 1210 W. Saginaw, Lansing, MI 48915, 517–377–0520, (Formerly: St. Lawrence Hospital & Healthcare System)

St. Anthony Hospital Toxicology Laboratory, 1000 N. Lee St., Oklahoma City, OK 73101, 405–272–7052

Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 2703 Clark Lane, Suite B, Lower Level, Columbia, MO 65202, 573–882–1273

Toxicology Testing Service, Inc., 5426 N.W. 79th Ave., Miami, FL 33166, 305–593–2260

UNILAB, 18408 Oxnard St., Tarzana, CA 91356, 818–996–7300/800–339–4299 (Formerly: MetWest-BPL Toxicology Laboratory)

Universal Toxicology Laboratories, LLC, 9930 W. Highway 80, Midland, TX 79706, 915–561–8851/888–953–8851

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. DHHS, with the DHHS' National Laboratory Certification Program (NLCP) contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do. Upon finding a Canadian laboratory to be qualified, the DHHS will recommend that DOT certify the laboratory (**Federal Register**, 16 July 1996) as meeting the minimum standards of the "Mandatory Guidelines for Workplace Drug Testing" (59 **Federal Register**, 9 June 1994, Pages 29908–29931). After receiving the DOT certification, the laboratory will be included in the monthly list of DHHS certified laboratories

and participate in the NLCP certification maintenance program.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–5230 Filed 3–2–01; 8:45 am]

BILLING CODE 4160–30–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration (SAMHSA)

Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of the following meetings of SAMHSA Special Emphasis Panels I in March, April and May.

A summary of the meetings and a roster of the members may be obtained from: Ms. Coral Sweeney, Review Specialist, SAMHSA, Office of Policy and Program Coordination, Division of Extramural Activities, Policy, and Review, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857. Telephone: 301–443–2998.

Substantive program information may be obtained from the individual named as Contact for the meeting listed below.

The meetings will include the review, discussion and evaluation of individual grant applications. These discussions could reveal personal information concerning individuals associated with the applications. Accordingly, these meetings are concerned with matters exempt from mandatory disclosure in Title 5 U.S.C. 552b(c) (6) and 5 U.S.C. App.2, § 10(d).

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).
Meeting Date: March 2001.
Place: SAMHSA / DEAPR, Parklawn Building, 5600 Fishers Lane, Room 17089, Rockville, Maryland 20817,
Closed: Entire Meeting.
Panel: Conference Grants PA 98–90.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I),
Meeting Date: March 2001.
Place: SAMHSA, DEAPR, Parklawn Building, 5600 Fishers Lane, Room 17089, Rockville, Maryland 20817.
Closed: Entire Meeting.
Panel: Community Action Grants, CSAT, Room 1789, Rockville, Maryland 20857.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).
Meeting Date: April 2001.
Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.
Closed: Entire Meeting.
Panel: Community Initiated Prevention Intervention, SP 00–01.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Committee Name: SAMHSA Special Emphasis Panel (SEP I).
Meeting Date: April 2001.
Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland 20814.
Closed: Entire Meeting.
Panel: Targeted Capacity Expansion, PA 00–01.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).
Meeting Date: April/May 2001.
Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.
Closed: Entire Meeting.
Panel: Community Comprehensive Treatment Program, PA 99–080.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Committee Name: SAMHSA Special Emphasis Panel (SEP I).
Meeting Date: May 2001.
Place: SAMHSA, DEAPR, Parklawn Building, 5600 Fishers Lane, Room 17089, Rockville, Maryland 20617.
Closed: Entire Meeting.
Panel: State Incentive Grant, Homeless II.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Dated: February 13, 2001.

Coral Sweeney,

Review Specialist, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–5159 Filed 3–2–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Exxon Valdez Oil Spill Public Advisory Group Meeting

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Notice of meeting.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the Exxon Valdez Oil Spill Public Advisory Group.

DATES: April 4, 2001, at 9 a.m.

ADDRESSES: Fourth floor conference room, 645 "G" Street, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Department of the Interior, Office of Environmental Policy and Compliance, 1689 "C" Street, Suite 119, Anchorage, Alaska, (907) 271–5011.

SUPPLEMENTARY INFORMATION: The Public Advisory Group was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska*, Civil Action No. A91–081 CV. The meeting agenda will feature an orientation for Public Advisory Group members and briefings on the Gulf Ecosystem Monitoring program and the annual restoration work plan.

Dated: February 27, 2001.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 01–5257 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–RG–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit Number TE038823

Applicant: Christopher W. Sanders, Sayre, Pennsylvania

The applicant requests a permit to take (capture, handle and release) the Indiana bat (Myotis sodalis), Virginia big-eared bat *(Corynorhinus townsendii virginianus)*, and gray bat *(Myotis grisescens)*. Activities are proposed for studies throughout the range of the Indiana bat (Eastern and Midwestern U.S.) to identify populations (mistnetting, harp trapping, echolocation), develop methods to minimize or avoid project related impacts to those populations (radio telemetry, banding), and to identify new populations of Indiana bats. The scientific research is aimed at enhancement of survival of the species in the wild.

Permit Number TE036824

Applicant: Jeanette C. Martinez, Minneapolis, Minnesota

The applicant requests a permit to take (capture, handle and release) the Hine's emerald dragonfly *(Somatochlora hineana)* in Door County, Wisconsin, and DuPage, Cook, and Will Counties, Illinois. Research activities proposed are designed to model population dynamics via genetic analyses. The scientific research is aimed at enhancement of survival of the species in the wild.

Permit Number TE039066

Applicant: Merrill B. Tawse, Lucus, Ohio

The applicant requests a permit to take (capture, handle and release) the Indiana bat *(Myotis sodalis)* in Ohio. Research activities include capture, radio-marking, and evaluating habitat used by the Indiana bat. The scientific research is aimed at enhancement of survival of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who requests a copy from the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, *peter_fasbender@fws.gov*, telephone (612) 713–5343, or FAX (612) 713–5292.

Dated: February 16, 2001.

Jeff Gosse,

Acting Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 01–4932 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability; Travis County TX; Golden-Cheeked Warbler

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for an Incidental Take Permit for the Endangered Golden-cheeked Warbler (*Dendroica chrysoparia*) During Construction and Operation of a Six-Unit Condominium and One Single-family Residence on Lots One and Two (29.86 acres) at the Southwest Corner of Bridge Point Parkway and City Park Road, Austin, Travis County, Texas (Gray Mountain).

SUMMARY: Gray Mountain, Ltd. (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE–037888–0. The requested permit, which is for a period of 30 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the construction and operation of a six-unit Condominium and one single-family residence on a portion of the 29.86 acres of Lots one and two, Coldwater Section one, Phase A, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 60 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application and the EA/HCP should be received on or before May 4, 2001.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by written or telephone request to Scott Rowin, U.S. Fish and Wildlife Service, Ecological Services Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0063). Documents will be available for public inspection by written request or by appointment only during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service Office, Austin, Texas. Data or comments concerning the application and EA/HCP should be submitted in writing to the Field Supervisor, U.S. Fish and Wildlife Service Office, Austin, Texas at the above address. Please refer to permit number TE–037888–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Scott Rowin, at the above U.S. Fish and Wildlife Service Office, Austin, TX.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the "taking" of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant: Gray Mountain, Ltd. plans to construct and operate a six-unit Condominium and one single-family residence, with associated access road/driveway, utilities, and other associated improvements and facilities, on portions of the approximately 29.86-acre property. As proposed, the six-unit condominium will be constructed on Lot One and the single-family residence will be constructed on Lot two, Coldwater Section one, Phase A, Travis County, Texas. This action will eliminate approximately 4.6 acres of habitat and indirectly impact 14.4 additional acres of golden-cheeked warbler habitat. The Applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by donating through fee simple or conservation easement to Travis County the remaining 25.26 acres of the property, and providing an additional $33,250.00 to the Balcones Canyonlands Preserve, as administered by Travis County and managed by the City of Austin, for the specific purpose of land acquisition within golden-cheeked warbler habitat or for the management and maintenance of existing preserve lands. This on-site mitigation land is adjacent to existing Balcones Canyonlands Preserve land and will be managed by the City of Austin as such.

Frank S. Shoemaker, Jr.,

Acting Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 01–5163 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Reopening of Public Comment Period and Availability of a Draft Environmental Assessment and Preliminary Finding of No Significant Impact, and Receipt of an Application for an Incidental Take Permit for Forest Management and Timber Harvest in Mississippi and Alabama

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reopening of public comment period.

We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft Environmental Assessment and preliminary Finding of No Significant Impact, and receipt of an

application for an incidental take permit for forest management and timber harvest in Mississippi and Alabama. We also provide notice that the public comment period for the proposal is reopened to allow all interested parties to submit written comments on the proposed incidental take permit. Comments previously submitted during the comment period need not be resubmitted as they will be incorporated into the public record and will be fully considered in the final determination on the proposal.

International Paper (Applicant) has requested an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 et seq.), as amended (Act). The Applicant anticipates taking the threatened gopher tortoise (*Gopherus polyphemus*) over the next 5 years incidental to forest management for timber production and wildlife enhancement, road construction, research, and timber harvest. The anticipated take and measures to minimize and mitigate these takings will occur on 80,000 acres of the Applicant's fee simple and leased lands in Lamar, George, Pearl River, Greene, Stone, Harrison, Perry, Forrest, and Jackson counties, Mississippi; and in Washington and Mobile counties, Alabama. The proposed permit would authorize incidental take of up to 1,420 tortoises that are not associated with gopher tortoise colonies. Of the tortoises incidentally taken, most would be harmed but not actually killed or physically injured during this 5-year plan.

To minimize and mitigate for taking of gopher tortoises, the Applicant will protect, restore, and maintain habitat for 1,280 tortoises within 240 gopher tortoise colonies within stands where timber will be thinned or regenerated. Adaptive management will be used to ensure that at least 10 colony tortoises are conserved in restored and managed habitat for every 11 tortoises potentially subject to incidental take. The Applicant's Habitat Conservation Plan (HCP) is an interim 5-year plan and permit during which time additional research and planning will be completed for a more long-term comprehensive HCP. A more detailed description of the mitigation and minimization measures to address the effects of the Project to the gopher tortoise is provided in the Applicant's HCP, the Service's draft Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service announces the availability of a draft EA and HCP for the incidental take application. Copies of the draft EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (NEPA). The preliminary Finding of No Significant Impact (FONSI) is based on information contained in the draft EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to section 10 of the Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action, including the identification of any other aspects of the human environment not already identified in the Service's draft EA. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE033112–0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to "david_dell@fws.gov". Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not; however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: The original comment period closed December 27, 2000. The comment period is hereby reopened until April 4, 2001. Written comments on the ITP application, draft EA, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**).

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. Written data or comments concerning the application, or HCP should be submitted to the Regional Office. Please reference permit number TE033112–0 in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES** above), telephone: 404/679–7313, facsimile: 404/679–7081; or Mr. Will McDearman, Fish and Wildlife Biologist, Jackson Field Office, Mississippi (see **ADDRESSES** above), telephone: 601/321–1124.

SUPPLEMENTARY INFORMATION: The gopher tortoise was listed in 1987 as a threatened species in the western part of its geographic range, west of the Tombigbee and Mobile Rivers in Alabama, Mississippi and Louisiana. The gopher tortoise is a burrowing animal that historically inhabited fire-maintained longleaf pine communities on moderately well drained to xeric soils in the Coastal Plain. These longleaf pine communities consisted of relatively open fire-maintained forests, without a closed overstory, with a well developed herbaceous plant layer of grasses and forbs. About 80% of the original habitat for gopher tortoises was lost by the time the species was listed due to conversions to urban and agricultural land use. On remaining forests, management practices converting longleaf pine to densely planted pine stands for pulpwood production, fire exclusion, and infrequently prescribed fire further reduced the open forest with grasses and forbs that tortoises need for burrowing, nesting, and feeding. Over 19,000 gopher tortoises have been estimated to occur in the listed range. The tortoise, however, is a long-lived animal with low reproductive rates. Remaining populations, though relatively widespread, are individually small, fragmented, and usually in poor habitat without adequate reproduction for a self-sustaining viable population. Frequent fire no longer naturally occurs in the listed range due to past effects of habitat alteration and fragmentation. Without prescribed fire and other restoration actions the quality of gopher tortoise habitat continues to decline. Land management to avoid the incidental take of tortoises will not recover the species since restoration and active management to maintain habitat is required.

Under section 9 of the Act and its implementing regulations, "taking" of endangered and threatened wildlife is prohibited. However, the Service, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Applicant has prepared an HCP as required for the incidental take permit application.

The biological goal of the Applicant's HCP is to conserve, restore, and sustain all gopher tortoise colonies for a 5-year period in stands where timber will be thinned or regenerated. Prior to timber harvests, each stand will be comprehensively surveyed for gopher tortoise colonies. A management area will be designated for each colony where thinning, prescribed fire, and other measures will be used to reduce or eliminate encroaching shrubs, hardwoods, and as necessary pine trees to create an open forest and optimal conditions for gopher tortoises. Since the density of tortoises is greater in colonies, the objective of the plan is to conserve and manage segments of the population that most likely continue to breed.

Gopher tortoise surveys on 20,000 acres of transects on the Applicant's land have not identified any colonies or populations that are potentially viable with 50 or more interbreeding tortoises. Gopher tortoises occur, overall, at low densities on the Applicant's land. The focus of this interim plan is to conserve the most likely breeding segments of the population that are important for short-term survival. During this period, a long-term plan will be developed based on additional research and comprehensive surveys on up to 80,000 acres of habitat. The goal of the future plan is restore and manage habitat for aggregations of colonies with the greatest potential to contribute to recovery.

The HCP has the following objectives:

1. Survey Applicant's lands within the historic gopher tortoise range to identify tortoise occurrence in relation to soil type and other habitat parameters in order to develop predictive models of tortoise occurrence.

2. Conduct research to form a scientific basis for submission of an HCP for at least an additional 25 years that would seek to build and maintain viable gopher tortoise populations on the Applicant's lands.

3. Conduct research to evaluate adverse effects of mechanized forest management and harvesting, and other silvicultural practices on gopher tortoises.

4. Identify gopher tortoise colonies and designate management areas around these sites. Improve and perpetuate favorable habitat conditions around these management areas.

5. Conduct research necessary to implement long term mitigation with the goal of creating larger, contiguous gopher tortoise management units that will become viable population centers contributing to species recovery goals.

6. Demonstrate successful application of adaptive management, sound science, and third party involvement in development of a broad-base HCP that has the core objective of contributing to gopher tortoise recovery.

7. Establish management, mitigation, and monitoring protocol for implementation of future versions of the HCP in longer term incidental take authorizations.

8. Inform and train applicant's employees, contractors, and recreational users on the gopher tortoise management guidelines specified in the HCP.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the draft EA and HCP.

The Service will also evaluate whether the issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: February 7, 2001.

Sam D. Hamilton,

Regional Director.

[FR Doc. 01–5231 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–6320–ET; HAG–01–0060; OR–10576, et al]

Cancellation of Proposed Withdrawals, and Expiration of Public Land Order; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: On October 30, 2000, Public Law (PL) 106–399, the Steens Mountain Cooperative Management and Protective Act of 2000 was enacted into law. As a result of the law, the Bureau of Land Management (BLM) has canceled two withdrawal applications and allowed Public Land Order (PLO) No. 5822 to expire, in Harney County, Oregon.

FOR FURTHER INFORMATION CONTACT: Charles R. Roy, BLM Oregon/Washington State Office, 503–952–6189.

SUPPLEMENTARY INFORMATION: On October 30, 2000, the Steens Mountain Cooperative Management and Protective Act of 2000 (PL 106–399) was enacted into law, superseding two proposed withdrawals and PLO No. 5822.

A Notice of Proposed Withdrawal was published in the **Federal Register**, (64FR50531, September 17, 1999) as FR Doc. 99–23812, for the BLM to withdraw 619,000 acres of Federal lands, 73,900 acres of Federal minerals, and 37,400 acres of Federal Surface lands from the non-discretionary public land and mining laws, for the Steens Mountain Area. Another Notice of Proposed Withdrawal was published in the **Federal Register**, (65FR38849, June 22, 2000) as FR Doc. 00–15781, for the BLM to withdraw 17,056.18 acres of public lands, and 680 acres of non-federal lands, from surface entry and mining, but not the mineral leasing, for the Diamond Craters Outstanding Natural Area/Area of Critical Environmental Concern. In addition, Public Land Order No. 5822, published in the **Federal Register**, (46FR6947, January 22, 1981) as FR Doc. 81–2310, for the BLM withdrew 16,656.18 acres of Federal lands from settlement, sale, location, or entry under the general land laws, including the mining laws, but not

from mineral leasing, for the Diamond Craters Geologic Area has also been superseded by PL 106–399, and allowed to expire.

The segregative effect for the Federal interests in the above mentioned proposed withdrawals, and the PLO, are lifted, subject to PL 106–399, valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: February 26, 2001.

Robert D. DeViney, Jr.,

Chief, Branch of Realty and Records Services.

[FR Doc. 01–5232 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–33–U

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of proposed contractual actions pending through December 31, 2000, and contract actions that have been completed or discontinued since the last publication of this notice on October 16, 2000. From the date of this publication, future quarterly notices during this calendar year will be limited to new, modified, discontinued, or completed contract actions. This annual notice should be used as a point of reference to identify changes in future notices. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities. Additional Bureau of Reclamation (Reclamation) announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

FOR FURTHER INFORMATION CONTACT: Sandra L. Simons, Manager, Water Contracts and Repayment Office, Bureau of Reclamation, PO Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2902.

SUPPLEMENTARY INFORMATION: Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273) and 43 CFR 426.20 of the rules and regulations published in 52 FR 11954, Apr. 13, 1987, Reclamation will publish notice of the proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the "Final Revised Public Participation Procedures" for water resource-related contract negotiations, published in 47 FR 7763, Feb. 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. Each proposed action is, or is expected to be, in some stage of the contract negotiation process in 2001. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to: (I) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the regional director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Acronym Definitions Used Herein

BON Basis of Negotiation
BCP Boulder Canyon Project
Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
D&MC Drainage and Minor Construction
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District
M&I Municipal and Industrial
NEPA National Environmental Policy Act
O&M Operation and Maintenance
P–SMBP Pick-Sloan Missouri Basin Program
PPR Present Perfected Right
RRA Reclamation Reform Act
R&B Rehabilitation and Betterment
SOD Safety of Dams
SRPA Small Reclamation Projects Act
WCUA Water Conservation and Utilization Act
WD Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5346.

1. Irrigation, M&I, and miscellaneous water users; Idaho, Oregon, Washington, Montana, and Wyoming: Temporary or interim water service contracts for irrigation, M&I, or miscellaneous use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Rogue River Basin Water Users, Rogue River Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

3. Willamette Basin Water Users, Willamette Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

4. Pioneer Ditch Company, Boise Project, Idaho; Clark and Edwards Canal and Irrigation Company, Enterprise Canal Company, Ltd., Lenroot Canal Company, Liberty Park Canal Company, Parsons Ditch Company, Poplar ID, Wearyrick Ditch Company, all in the Minidoka Project, Idaho; and Juniper Flat District Improvement Company, Wapinitia Project, Oregon: Amendatory repayment and water service contracts; purpose is to conform to the RRA (Public Law 97–293).

5. Bridgeport ID, Chief Joseph Dam Project, Washington: Warren Act contract for the use of an irrigation outlet in Chief Joseph Dam.

6. Palmer Creek WD Improvement Company, Willamette Basin Project, Oregon: Irrigation water service contract for approximately 13,000 acre-feet.

7. U. S. Fish and Wildlife Service and Boise-Kuna ID, Boise Project, Idaho: Memorandum of agreement for the use of approximately 400 acre-feet of storage space annually in Anderson Ranch Reservoir. Water to be used for wildlife mitigation purposes (ponds and wetlands).

8. North Unit ID and/or City of Madras, Deschutes Project, Oregon: Long-term municipal water service contract for provision of approximately 125 acre-feet annually from the project water supply to the City of Madras.

9. North Unit ID, Deschutes Project, Oregon: Repayment contract for reimbursable cost of dam safety repairs to Wickiup Dam under the SOD program.

10. North Unit ID, Deschutes Project, Oregon: Warren Act contract with cost of service charge to allow for use of project facilities to convey non-project water.

11. Baker Valley ID, Baker Project, Oregon: Warren Act contract with cost of service charge to allow for use of project facilities to store non-project water.

12. Trendwest Resorts, Yakima Project, Washington: Long-term water exchange contract for assignment of Teanaway River and Big Creek water rights to Reclamation for instream flow use in exchange for annual use of up to 3,500 acre-feet of water from Cle Elum Reservoir for a proposed resort development.

13. City of Cle Elum, Yakima Project, Washington: Contract for up to 2,170 acre-feet of water for municipal use.

14. Farmer's and Buck and Jones Ditch Associations, Rogue River Basin Project, Oregon: Long-term irrigation water service contract for provision of up to 4,475 acre-feet of stored water from Applegate Reservoir (a Corps of Engineers project) in exchange for the assignment of Little Applegate River natural flow rights to Reclamation for instream flow use.

15. Ochoco ID, Crooked River Project, Oregon: Contract for the deferment of the District's annual installment due December 31, 2000 and 2001, under the Ochoco Dam, SOD repayment contract.

16. Burley ID, Minidoka Project, Idaho-Wyoming: Supplemental and amendatory contract providing for the transfer of O&M of the headworks of the Main South Side Canal and works incidental thereto.

17. Minidoka ID, Minidoka Project, Idaho-Wyoming: Supplemental and amendatory contract providing for the transfer of O&M of the headworks of the Main North Side Canal and works incidental thereto.

18. Fremont-Madison ID, Minidoka Project, Idaho-Wyoming: Repayment contract for reimbursable cost of SOD modifications to Grassy Lake Dam.

19. Tualatin Valley ID, Tualatin Project, Oregon: Amendatory contract to allow for the addition of 419.5 acres and appropriate District obligation adjustments.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

1. Irrigation water districts, individual irrigators, M&I and miscellaneous water users, Mid-Pacific Region projects other than CVP: Temporary (interim) water service contracts for available project water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; temporary Warren Act contracts for use of project facilities for terms up to 1 year; temporary conveyance agreements with the State of California for various purposes; long-term contracts for similar service for up to 1,000 acre-feet annually. *Note.* Copies of the standard forms of temporary water service contracts for the various types of service are available upon written request from the Regional Director at the address shown above.

2. Contractors from the American River Division, Buchanan Unit, Cross Valley Canal, Delta Division, Friant Division, Hidden Unit, Sacramento River Division, San Felipe Division, Shasta Division, Trinity River Division, and West San Joaquin Division, CVP, California: Early renewal of existing long-term contracts; long-term renewal of the interim renewal water service contracts expiring in 2001; water quantities for these contracts total in excess of 5.6M acre-feet. These contract actions will be accomplished through long-term renewal contracts pursuant to Public Law 102–575. Prior to completion of negotiation of long-term renewal contracts, existing interim renewal water service contracts may be renewed through successive interim renewal of contracts.

3. Redwood Valley County WD, SRPA, California: Restructuring the repayment schedule pursuant to Public Law 100–516.

4. El Dorado County Water Agency, CVP, California: M&I water service contract to supplement existing water supply: 15,000 acre-feet for El Dorado County Water Agency authorized by Public Law 101–514.

5. U.S. Fish and Wildlife Service, California Department of Fish and Game, Grasslands WD, CVP, California: Water service contracts to provide water supplies for refuges and private wetlands within the CVP pursuant to Public Law 102–575 and Federal Reclamation Laws; quantity to be contracted for is approximately 450,000 acre-feet.

6. Sutter Extension and Biggs-West Gridley WDs, Buena Vista Water Storage District, and the State of California Department of Water Resources, CVP, California: Pursuant to Public Law 102–575, conveyance agreements for the purpose of wheeling refuge water supplies and funding District facility improvements and exchange agreements to provide water for refuge and private wetlands.

7. Mountain Gate Community Services District, CVP, California: Amendment of existing long-term water service contract to include right to renew. This amendment will also conform the contract to current Reclamation law, including Public Law 102–575.

8. Santa Barbara County Water Agency, Cachuma Project, California: Repayment contract for SOD work on Bradbury Dam.

9. CVP Service Area, California: Temporary water purchase agreements for acquisition of 20,000 to 200,000

acre-feet of water for fish and wildlife purposes as authorized by the Central Valley Project Improvement Act for terms of up to 3 years.

10. City of Roseville, CVP, California: Execution of long-term Warren Act contract for conveyance of non-project water provided from the Placer County Water Agency. This contract will allow CVP facilities to be used to deliver non-project water to the City of Roseville for use within their service area.

11. Sacramento Municipal Utility District, CVP, California: Amendment of existing water service contract to allow for additional points of diversion and assignment of up to 30,000 acre-feet of CVP water to the Sacramento County Water Agency. The amended contract will conform to current Reclamation law.

12. Mercy Springs WD, CVP, California: Partial assignment of about 7,000 acre-feet of Mercy Springs WD's water service contract to Westlands WD for agricultural use.

13. Santa Barbara County Water Agency, Cachuma Project, California: Contract to transfer responsibility for O&M and O&M funding of certain Cachuma Project facilities to the member units.

14. M&T, Inc., Sacramento River Water Rights Contractors, CVP, California: A proposed exchange agreement with M&T, Inc. to take Butte Creek water rights water from the Sacramento River in exchange for CVP water to facilitate habitat restoration.

15. East Bay Municipal Utility District, CVP, California: Amendment to long-term water service contract No. 14–06–200–5183A to change the points of diversion and adjust water quantities. The amended contract will conform to current Reclamation law.

16. Madera and Lindsay-Strathmore IDs, and Delta Lands Reclamation District No. 770, CVP, California: Execution of 2-to 3-year Warren Act contracts for conveyance of non-project water in the Friant-Kern and/or Madera Canals when excess capacity exists.

17. Casitas Municipal WD, Ventura Project, California: Repayment contract for SOD work on Casitas Dam.

18. Centerville Community Services District, CVP, California: A long-term supplemental repayment contract for reimbursement to the United States for conveyance costs associated with CVP water conveyed to Centerville.

19. El Dorado ID, CVP, California: Execution of long-term Warren Act contract for conveyance of non-project water. This contract will allow CVP facilities to be used to deliver non-project water to the District for use within their service area.

20. Placer County Water Agency, CVP, California: Amendment of existing water service contract to allow for additional points of diversion and adjustment to CVP water quantities. The amended contract will conform to current Reclamation law.

21. Horsefly, Klamath, Langell Valley, and Tulelake IDs, Klamath Project, Oregon: Repayment contract for SOD work on Clear Lake Dam.

22. Warren Act Contracts, CVP, California: Execution of long-term Warren Act contracts (up to 25 years) with various entities for conveyance of non-project water in the Delta-Mendota Canal and the Friant Division facilities.

23. Tuolumne Utilities District (formerly Tuolumne Regional WD), CVP, California: Long-term water service contract for up to 9,000 acre-feet from New Melones Reservoir, and possibly a long-term contract for storage of non-project water in New Melones Reservoir.

24. City of Folsom, CVP, California: Contract to amend their water rights settlement contract's point of diversion.

25. Banta Carbona ID, CVP, California: Long-term Warren Act contract for conveyance of non-project water in the Delta-Mendota Canal.

26. Plain View WD, CVP, California: Long-term Warren Act contract for conveyance of non-project water in the Delta-Mendota Canal.

27. City of Redding, CVP, California: Amend water service contract No. 14–06–200–5272A for the purpose of renegotiating the provisions of contract Article 15, "Water Shortage and Apportionment," to conform to current CVP M&I water shortage policy.

28. Tehama-Colusa Canal Authority, CVP, California: Amendment of existing long-term O&M agreement to also include the O&M of the Red Bluff Diversion Dam and related facilities and to implement certain changes to the Direct Funding provisions of the O&M agreement to comply with applicable Federal law.

29. Byron-Bethany ID, CVP, California: Long-term Warren Act contract for conveyance of non-project water in the Delta-Mendota Canal.

30. Resource Renewal Institute, CVP, California: Proposed water purchase agreement with Resource Renewal Institute for the permanent purchase of water rights on Butte Creek for instream flow purposes.

31. Sacramento Area Flood Control Agency, CVP, California: Execution of a long-term operations agreement for flood control operations of Folsom Dam and Reservoir to allow for recovery of costs associated with operating a variable flood control pool of 400,000 to 670,000 acre-feet of water during the flood control season. This agreement is to conform to Federal law.

32. Lower Tule River, Porterville, and Vandalia IDs, and Pioneer Water Company, Success Project, California: Repayment contract for the SOD costs assigned to the irrigation purpose of Success Dam.

33. Colusa County WD, CVP, California: Proposed long-term Warren Act contract for conveyance of up to 4,500 acre-feet of ground water through the Tehama-Colusa Canal.

34. Banta-Carbona and The West Side IDs, CVP, California: Assignment of 5,000 acre-feet of each district's water service contract to the City of Tracy. The assignment will require approval of conversion of the districts' CVP irrigation water to M&I water.

35. Friant Water Users Authority and San Luis and Delta-Mendota Water Authority, CVP, California: Amendments to the Operation, Maintenance, and Replacement and Certain Financial and Administrative Activities' Agreements to implement certain changes to the Direct Funding provisions to comply with applicable Federal law.

36. Monterey County Water Resources Agency, SRPA, California: Proposed contract amendment to provide for deferral of installments of construction charges under a SRPA loan repayment contract.

37. Monterey Regional Water Pollution Control Agency, SRPA, California: Proposed contract amendment to provide for deferral of installments of construction charges under a SRPA loan repayment contract.

38. Madera-Chowchilla Water and Power Authority, CVP, California: Agreement to transfer the operation, maintenance, and replacement and certain financial and administrative activities related to the Madera Canal and associated works.

39. Truckee-Carson ID, Newlands Project, Nevada: Amendment to O&M contract No. 7–07–20–X0348 to include mutually agreed upon Consumer Price Index for the current year and incorporation of a new Consumer Price Index as determined by the Contracting Officer applicable to Fallon, Nevada (or the nearest urban area in the event that such index is not determined for Fallon, Nevada).

40. Clear Creek Community Services District, CVP, California: Contract to transfer title to Clear Creek South Unit to the District.

41. El Dorado ID, CVP, California: Title transfer agreement for conveyance of CVP facilities. This agreement will allow transfer of title for Sly Park Dam, Jenkinson Lake, and appurtenant facilities from the CVP to the El Dorado ID.

42. Foresthill Public Utilities District, CVP, California: Title transfer agreement for conveyance of CVP facilities. This agreement will allow transfer of title for Sugarpine Dam and appurtenant facilities from the CVP to Foresthill Public Utility District.

43. Carpinteria WD, Cachuma Project, California: Contract to transfer title to Carpinteria Distribution System to the District.

44. Monticito WD, Cachuma Project, California: Contract to transfer title to Monticito Distribution System to the District.

45. Delano-Earlimart, Exeter, Ivanhoe, Lindmore, Lindsay-Strathmore, Madera, Shafter Wasco, and Stone Corral IDs; South San Joaquin Municipal Utilities District; and Tea Pot Dome WD, Friant Unit, CVP, California: Contract to transfer title to 11 distribution systems to the respective districts.

46. City of Vallejo, Solano Project, California: Execution of long-term Warren Act Contract for conveyance of non-project water. This contract will allow Solano Project facilities to be used to deliver non-project water to the City of Vallejo for use within their service area.

47. Northridge WD, CVP, California: Execution of long-term Warren Act Contract for conveyance of non-project water. This contract will allow CVP facilities to be used to deliver non-project water to the Northridge WD for use within their service area.

The following contract action has been completed since the last publication of this notice on October 16, 2000.

1. (5) Townsend Flat Ditch Company, or its shareholders, Centerville Community Services District and McConnell Foundation, CVP, California: Proposed exchange contract for 6,000 acre-feet of water in relation to the Clear Creek restoration and fish passage program in Section 3406(b)12) of the Central Valley Project Improvement Act. Contract Nos. 00–WC–20–1707 and 00–WC–20–1708 executed August 11, 2000.

Lower Colorado Region: Bureau of Reclamation, PO Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8536.

1. Milton and Jean Phillips, Cameron Brothers Construction Company, Ogram Farms, John J. Peach, Sunkist Growers, Inc., BCP, Arizona: Colorado River water delivery contracts as recommended by the Arizona Department of Water Resources with agricultural entities located near the Colorado River for up to 3,168 acre-feet per year total.

2. Armon Curtis, Arlin Dulin, Jack Rayner, Glen Curtis, Jamar Produce Corporation, and Ansel T. Hall, BCP, Arizona: Amendatory Colorado River water delivery contracts to exempt each referenced contractor from the acreage limitation and full-cost pricing provisions of the RRA.

3. Brooke and Havasu Water Companies, BCP, Arizona: Contracts for additional Colorado River water to entities located along the Colorado River in Arizona for up to 1,540 acre-feet per year for domestic uses as recommended by the Arizona Department of Water Resources.

4. National Park Service for Lake Mead National Recreation Area, Supreme Court Decree in *Arizona* v. *California*, and BCP in Arizona and Nevada: Agreement for delivery of Colorado River water for the National Park Service's Federal Establishment PPR for diversion of 500 acre-feet annually and the National Park Service's Federal Establishment PPR to Executive Order No. 5125 (April 25, 1930).

5. Mohave Valley IDD, BCP, Arizona: Amendment of current contract for additional Colorado River water, change in service area and diversion points, RRA exemption, and PPRs.

6. Miscellaneous PPR entitlement holders, BCP, Arizona and California: New contracts for entitlement to Colorado River water as decreed by the U.S. Supreme Court in *Arizona* v. *California*, as supplemented or amended, and as required by section 5 of the Boulder Canyon Project Act. Miscellaneous PPRs holders are listed in the January 9, 1979, Supreme Court Supplemental Decree in *Arizona* v. *California et al.*

7. Miscellaneous present PPR No. 11, BCP, Arizona: Assign a portion of the PPR from Holpal to McNulty et al.

8. Federal Establishment PPRs entitlement holders, BCP: Individual contracts for administration of Colorado River water entitlement of the Colorado River, Fort Mojave, Quechan, Chemehuevi, and Cocopah Indian Tribes.

9. United States facilities, BCP, California: Reservation of Colorado River water for use at existing Federal facilities and lands administered by Reclamation.

10. Bureau of Land Management, BCP, Arizona: Contract for 1,176 acre-feet per year, for irrigation use, of Arizona's Colorado River water that is not used by higher priority Arizona entitlement holders.

11. Curtis Family Trust et al., BCP, Arizona: Contract for 2,100 acre-feet per year of Colorado River water for irrigation.

12. Beattie Farms SW, BCP, Arizona: Contract for 1,890 acre-feet per year of unused Arizona entitlement of Colorado River water for irrigation use.

13. U.S. Fish and Wildlife Service, Lower Colorado River Refuge Complex, BCP, Arizona: Agreement to administer the Colorado River water entitlement for refuge lands located in Arizona to resolve water rights coordination issues and to provide for an additional entitlement for non-consumptive use of flow through water.

14. Hillander C ID, Colorado River Basin Salinity Control Project, Arizona: Colorado River water delivery contract for 4,500 acre-feet per year.

15. Maricopa-Stanfield IDD, CAP, Arizona: Amend distribution system repayment contract No. 4–07–30–W0047 to reschedule repayment pursuant to June 28, 1996, agreement.

16. Indian and non-Indian agricultural and M&I water users, CAP, Arizona: New and amendatory contracts for repayment of Federal expenditures for construction of distribution systems.

17. Tohono O'odham Nation, SRPA, Arizona: Repayment contract for a $7.3 million loan for the Schuk Toak District.

18. San Tan ID, CAP, Arizona: Amend distribution system repayment contract No. 6–07–30–W0120 to increase the repayment obligation by approximately $168,000.

19. Central Arizona Drainage and ID, CAP, Arizona: Amend distribution system repayment contract No. 4–07–30–W0048 to modify repayment terms pursuant to final order issued by U.S. Bankruptcy Court, District of Arizona.

20. City of Needles, Lower Colorado Water Supply Project, California: Amend contract No. 2–07–30–W0280 to extend Needles' water service subcontracting authority to the Counties of Imperial and Riverside.

21. Imperial ID/Coachella Valley WD and/or The Metropolitan WD of Southern California, BCP, California: Contract to fund the Department of the Interior's expenses to conserve All-American Canal seepage water in accordance with Title II of the San Luis Rey Indian Water Rights Settlement Act dated November 17, 1988.

22. Coachella Valley WD and/or The Metropolitan WD of Southern California, BCP, California: Contract to fund the Department of the Interior's expenses to conserve seepage water from the Coachella Branch of the All-American Canal in accordance with Title II of the San Luis Rey Indian Water

Rights Settlement Act, dated November 17, 1988.

23. Southern Nevada Water Authority, Robert B. Griffith Water Project, BCP, Nevada: Amend the repayment contract to provide for the incorporation of the Griffith Project into the expanded southern Nevada Water System, funded and built by Southern Nevada Water Authority, to facilitate the diversion, treatment, and conveyance of additional water out of Lake Mead for which the Authority has an existing entitlement to use.

24. Salt River-Pima Maricopa Indian Community, CAP, Arizona: O&M contract for its CAP water distribution system.

25. U.S. Army Proving Ground, BCP, Arizona: Amend agreement to add additional points of diversion for Colorado River water.

26. Arizona State Land Department, BCP, Arizona: Colorado River water delivery contract for 1,535 acre-feet per year for domestic use.

27. Miscellaneous PPR No. 38, BCP, California: Assign Schroeder's portion of the PPR to Murphy Broadcasting and change the place and type of water use.

28. Berneil Water Company, CAP, Arizona: Water service contracts associated with partial assignment of water service to the Cave Creek Water Company.

29. Tohono O'odham Nation, CAP, Arizona: Repayment contract for construction costs associated with water distribution system for Central Arizona IDD.

30. Tohono O'odham Nation, CAP, Arizona: Contracts for Schuk Toak and San Xavier Districts for repayment of Federal expenditures for construction of distribution systems.

31. Canyon Forest Village II Corporation, BCP, Arizona: Colorado River water delivery contract for up to 400 acre-feet per year of unused Arizona apportionment or surplus apportionment for domestic use.

32. Gila Project Works, Gila Project, Arizona: Title transfer of facilities and certain lands in the Wellton-Mohawk Division from the United States to the Wellton-Mohawk IDD.

33. ASARCO Inc., CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2001.

34. BHP Copper, Inc., CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2001.

35. Cyprus Miami Mining Corporation, CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2001.

36. Agricultural and M&I water users, CAP, Arizona: Water service subcontracts for percentages of available supply reallocated in 1992 for irrigation entities and up to 640,000 acre-feet per year allocated in 1983 for M&I use.

37. Southern Nevada Water Authority, Robert B. Griffith Water Project, Nevada: Title transfer of physical facilities with interest in acquired lands and grant or assignment of perpetual rights or easements over Federal lands.

38. Hohokam IDD, CAP, Arizona: Amend water distribution system repayment contract to reflect final project costs.

39. Gila River Indian Community, CAP, Arizona: Amend CAP water delivery contact and distribution system repayment and operation, maintenance, and replacement contract pursuant to anticipated Gila River Indian Community Water Rights Settlement Agreement.

40. Basic Management, Inc., Salinity Project, Nevada: Title transfer of the Pitman Wash Bypass Demonstration Project Facilities and all interests in acquired lands and easements associated with an obligation to continue bypassing the water in Pitman Wash.

41. BHP Copper, Inc., CAP, Arizona: Proposed agreement and amendments to CAP water delivery subcontracts to transfer BHP Copper's CAP water allocation to the City of Scottsdale, Town of Carefree, and Tonto Hills Utility Company.

42. California WDs, BCP, California: Incorporate into the water delivery contracts with several water districts (Coachella Valley WD, Imperial ID, Palo Verde ID, and The Metropolitan WD of Southern California), through new contracts, contract amendments, contract approvals, or other appropriate means, the agreement to be reached with those water districts to (i) quantity the Colorado River water entitlements for Coachella Valley WD and Imperial ID and (ii) provide a basis for water transfers among California water districts.

43. Coachella Valley WD, BCP, California: Amend contract designated symbol 14–20–650, contract No. 631, which authorizes the United States to construct irrigation and drainage works for certain Indian lands within the District, to provide for construction of necessary facilities to allow water deliveries for irrigation of up to 322 acres of lands on the Torres-Martinez Indian Reservation located within the Coachella Valley WD's Improvement District No. 1.

44. North Gila Valley IDD, Yuma ID, and Yuma Mesa IDD, Yuma Mesa Division, Gila Project, Arizona: Administrative action to amend each district's Colorado River water delivery contract to effectuate a change from a "pooled" water entitlement for the Division to a quantified entitlement for each district.

45. Indian and/or non-Indian M&I users, CAP, Arizona: New or amendatory water service contracts or subcontracts in accordance with an anticipated final record of decision for reallocation CAP water, as discussed in the Secretary of the Interior's notice published on page 41456 of the FR on July 30, 1999.

46. San Carlos-Apache Tribe, CAP, Arizona: Agreement among the United States, Salt River Project Agricultural Improvement and Power District, and the Salt River Valley Water User's Association for exchange of up to 14,000 acre-feet of Black River Water for CAP water.

47. San Carlos-Apache Tribe, Arizona: Agreement among the San Carlos-Apache Tribe, the United States, and the Phelps Dodge Corporation for the lease of Black River Water.

48. Arizona Water Banking Authority and Southern Nevada Water Authority, BCP, Arizona and Nevada: Contract to provide for the interstate contractual distribution of Colorado River water through the offstream storage of Colorado River water in Arizona, the development by the Arizona Water Banking Authority of intentionally created unused apportionment, and the release of this intentionally created unused apportionment by the Secretary of the Interior to Southern Nevada Water Authority.

49. Gila River Farms, Arizona: Amendment of SRPA contract to restructure the repayment schedule.

50. Litchfield Park Service Company, CAP, Arizona: Proposed assignment of 5,580 acre-feet of CAP M&I water to the Central Arizona Groundwater Replenishment District and to the Cities of Avondale, Carefree, and Goodyear.

51. Shepard Water Company, Inc., Arizona: Contract for the delivery of 50 acre-feet of domestic water.

52. The United States International Boundary and Water Commission, The Metropolitan WD of Southern California, San Diego County Water Authority, and Otay WD, Mexican Treaty Waters: Agreement for the temporary emergency delivery of a portion of the Mexican Treaty waters of the Colorado River to the International Boundary in the vicinity of Tijuana, Baja California, Mexico.

53. Arizona State Land Department, CAP, Arizona: Proposed assignment of 1,000 acre-feet of the Department's CAP M&I water entitlement to the City of Peoria.

54. City of Chandler, CAP, Arizona: Proposed amendment of CAP water delivery subcontract to delete provision requiring offsetting reduction of Chandler's CAP water entitlement for quantities of water received in a direct effluent exchange with an Indian community.

55. City of Mesa, CAP, Arizona: Proposed amendment of CAP water delivery subcontract to delete provision requiring offsetting reduction of Mesa's CAP water entitlement for quantities of water received in a direct effluent exchange with an Indian community.

The following contract actions have been discontinued since the last publication of this notice on October 16, 2000.

1. (13) Arizona Game and Fish Department, BCP, Arizona: Contract for 250 acre-feet per year of unused Arizona entitlement of Colorado River water for environmental use until a permanent water supply can be obtained.

2. (26) Bullhead City, BCP, Arizona: Assignment of annual 1,800 acre-feet of Colorado River water entitlement and associated service area from Mohave County Water Conservation District to Bullhead City, Arizona.

3. (27) U.S. Army Proving Ground, BCP, Arizona: Agreement of 1,883 acre-feet of Colorado River water per year.

4. (33) Don Schuler, BCP, California: Temporary delivery contract for surplus and/or unused apportionment Colorado River water for domestic and industrial use on 18 lots of recreational homes.

5. (62) Central Arizona Water Conservation District, CAP, Arizona: Agreement for delivery of CAP excess water to the Gila River Indian Community and the San Carlos IDD in exchange for San Carlos Reservoir water.

The following contract actions have been completed since the last publication of this notice on October 16, 2000.

1. (9) United States facilities, BCP, Arizona: Reservation of Colorado River water for use at existing Federal facilities and lands administered by Reclamation. (This action has been completed in Arizona, but is still listed in this report for California).

2. (41) BHP Copper, Inc., CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2000.

3. (42) Cyprus Miami Mining Corporation, CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2000.

4. (43) Bureau of Reclamation, BCP, Arizona and California: Surplus Colorado River water entitlements for environmental habitat improvement projects.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone 801–524–4419.

1. Individual irrigators, M&I, and miscellaneous water users, Initial Units, CRSP; Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 10 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) Harrison F. and Patricia E. Russell, Aspinall Unit, CRSP, Colorado: Contract for 1 acre-foot to support an augmentation plan, Case No. 97CW39, Water Division Court No. 4, State of Colorado, to provide for a single-family residential well, including home lawn and livestock watering (non-commercial).

(b) City of Page, Arizona, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 1,000 acre-feet of water for municipal purposes.

(c) LeChee Chapter of the Navajo Nation, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 1,000 acre-feet for municipal purposes.

(d) Walter Daniel Stephens, Aspinall Unit, CRSP, Colorado: Contract for 2 acre-feet to support an augmentation plan, Case No. 97CW49, Water Division Court No. 4, State of Colorado, to provide for pond evaporative depletions during the non-irrigation season.

(e) Daggett County, Utah, Flaming Gorge Unit, CRSP, Utah: M&I water service contract covering payment for and delivery of 1,000 acre-feet of untreated water as required by Section 10(k)(2) of Public Law 105–326.

2. San Juan-Chama Project, New Mexico: San Juan Pueblo repayment contract for up to 2,000 acre-feet of project water for irrigation purposes. Taos Area—The Taos area Acequias, the Town and County of Taos are forming a joint powers agreement to form an organization to enter into a repayment contract for up to 2,990 acre-feet of project water to be used for irrigation and M&I in the Taos, New Mexico area.

3. Carlsbad ID, Carlsbad Project, New Mexico: Contract to provide for repayment of the District's 15 percent share of proposed modifications to Avalon Dam under the SOD program.

4. The National Park Service, Colorado Water Conservation Board, Wayne N. Aspinall Unit, CRSP, Colorado: Contract to provide specific river flow patterns in the Gunnison River through the Black Canyon of the Gunnison National Monument.

5. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: A long-term water service contract for up to 25,000 acre-feet for irrigation use.

6. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: Substitute supply plan for the administration of the Gunnison River.

7. Uncompahgre Valley Water Users Association, Upper Gunnison River Water Conservancy District, Colorado River Water Conservation District, Uncompahgre Project, Colorado: Water management agreement for water stored at Taylor Park Reservoir and the Wayne N. Aspinall Storage Units to improve water management.

8. Southern Ute Indian Tribe, Florida Project, Colorado: Supplement to contract No. 14–06–400–3038, dated May 7, 1963, for an additional 181 acre-feet of project water, plus 563 acre-feet of water pursuant to the 1986 Colorado Ute Indian Water Rights Final Settlement Agreement.

9. Grand Valley Water Users Association, Orchard Mesa ID, and Public Service Company of Colorado, Grand Valley Project, Colorado: Water service contract for the utilization of project water for cooling purposes for a steam electric generation plant.

10. Public Service Company of New Mexico, CRSP, Navajo Unit, New Mexico: New water service contract for a depletion of 16,200 acre-feet of project water for cooling purposes for a steam electric generation plant.

11. Sanpete County Water Conservancy District, Narrows Project, Utah: Application for a SRPA loan and grant to construct a dam, reservoir, and pipeline to annually supply approximately 5,000 acre-feet of water through a transmountain diversion from upper Gooseberry Creek in the Price River drainage (Colorado River Basin) to the San Pitch—Savor River (Great Basin).

12. Individual irrigators, Carlsbad Project, New Mexico: The United States proposes to enter into long-term forbearance lease agreements with individuals who have privately held water rights to divert non-project water either directly from the Pecos River or from shallow/artesian wells in the Pecos River Watershed. This action will result in additional water in the Pecos River to make up for the water depletions caused

by changes in operations at Sumner Dam which were made to improve conditions for a threatened species, the Pecos bluntnose shiner.

13. Dolores Water Conservancy District, Dolores Project, Colorado: Carriage contract with the District to carry up to 8,000 acre-feet of non-project water in project facilities under the authority of the Warren Act of 1911.

14. Various contractors, San Juan-Chama Project, New Mexico: The United States proposes to purchase lease water from various contractors to stabilize flows in a critical reach of the Rio Grande in order to meet the needs of irrigators and preserve habitat for the silvery minnow.

15. Ogden River Water Users Association and Weber Basin Water Conservancy District, Ogden River and Weber Basin Projects, Utah: Contract to provide for repayment of water users portion of construction contract due to SOD investigations recommendations at Pineview Dam.

The following contract actions have been discontinued since the last publication of this notice on October 16, 2000.

1. (2) Southern Ute Indian Tribe, Animas-La Plata Project, Colorado: Repayment contract for 26,500 acre-feet per year for M&I use and 2,600 acre-feet per year for irrigation use in Phase One and 700 acre-feet in Phase Two; contract terms to be consistent with binding cost-sharing agreement and water rights settlement agreement.

2. (3) Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico: Repayment contract; 6,000 acre-feet per year for M&I use in Colorado; 26,400 acre-feet per year for irrigation use in Colorado; 900 acre-feet per year for irrigation use in New Mexico; contract terms to be consistent with binding cost-sharing agreement and water rights settlement agreement.

The following contract action has been completed since the last publication of this notice on October 16, 2000.

1. (1)(g) James F. Squirrell, Aspinall Unit, CRSP, Colorado: Ten-year contract for 23 acre-feet of M&I water to support the augmentation plan. Mr. Squirrell has filed a Finding of Fact and Ruling of Referee with the Division 4 Water Court of the State of Colorado, case No. 97–CW–223, dated July 7, 1999. The augmentation plan requires Mr. Squirrell to augment out-of-priority depletions caused by the operation of the Arrowhead Subdivision's potable water supply system.

Great Plains Region: Bureau of Reclamation, PO Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone 406–247–7730.

1. Individual irrigators, M&I, and miscellaneous water users: Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming: Temporary (interim) water service contracts for the sale, conveyance, storage, and exchange of surplus project water and non-project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for a term up to 1 year.

2. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts for irrigation and M&I; contract negotiations for sale of water from the marketable yield to water users within the Colorado River Basin of western Colorado.

3. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Second round water sales from the regulatory capacity of Ruedi Reservoir. Water service and repayment contracts for up to 17,000 acre-feet annually for M&I use; contract with Colorado Water Conservation Board and the U.S. Fish and Wildlife Service for 10,825 acre-feet for endangered fishes.

4. Garrison Diversion Unit, P–SMBP, North Dakota: Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to conform with the Garrison Diversion Unit Reformulation Act of 1986; negotiation of repayment contracts with irrigators and M&I users.

5. City of Rapid City, Rapid Valley Unit, P–SMBP, South Dakota: Contract renewal for storage capacity in Pactola Reservoir. A temporary (1 year not to exceed 10,000 acre-feet) water service contract will be negotiated with the Rapid Valley Water Conservancy District, Rapid Valley Unit, for use of water from Pactola Reservoir.

6. Pathfinder ID, North Platte Project, Nebraska: Negotiation of contract regarding SOD program modification of Lake Alice Dam No. 1 Filter/Drain.

7. Northern Cheyenne Indian Reservation, Yellowtail Unit, Lower Bighorn Division, P–SMBP, Montana: The Northern Cheyenne Reserved Water Rights Settlement Act of 1992 allocates to the Tribe, 30,000 acre-feet of water per year stored at Bighorn Reservoir, Montana. In accordance with section 9 of the Act, Reclamation and the Tribe must negotiate an agreement for the water. The Tribe is to pay the United States both capital and O&M costs for water the Tribe uses or sells from this storage for M&I purposes. Reclamation and the Tribe are continuing to negotiate the terms of the agreement. The agreement has been sent to the Tribe for signature. A date for execution has not been scheduled.

8. Mid-Dakota Rural Water System, Inc., South Dakota: Pursuant to the Reclamation Projects Authorization and Adjustment Act of 1992, the Secretary of the Interior is authorized to make grants and loans to Mid-Dakota Rural Water System, Inc., a non-profit corporation for the planning and construction of a rural water supply system.

9. Angostura ID, Angostura Unit, P–SMBP, South Dakota: Another interim 3-year contract was executed on June 9, 2000, to provide for a continuing water supply and allow adequate time for completion of the Environmental Impact Statement for long-term contract renewal. A BON for a long-term contract renewal has been sent to the Denver Office for review/approval by the Commissioner's Office.

10. Cities of Loveland and Berthoud, Colorado, Colorado-Big Thompson Project, Colorado: Long-term contracts for conveyance of non-project M&I water through Colorado-Big Thompson Project facilities pursuant to the Town Sites and Power Development Act of 1906. The BON has been approved by the Commissioner.

11. Northwest Area Water Supply, North Dakota: Long-term contract for water supply from Garrison Diversion Unit facilities. The BON has been approved by the Commissioner. Negotiations are pending.

12. P–SMBP, Kansas: Existing water service contracts with the Kirwin and Webster IDs in the Solomon River Basin in Kansas were extended for a period of 4 years in accordance with Public Law 104–326. These contracts will be renewed prior to their expiration on December 31, 2003 (Kirwin ID) and December 31, 2005 (Webster ID). It is anticipated that a draft environmental assessment will be prepared by July 2001 and the final environmental assessment will be completed prior to executing the contracts.

13. City of Cheyenne, Kendrick Project, Wyoming: Negotiation of a contract to renew for an additional term of 5 years. Contract for up to 10,000 acre-feet of storage space for replacement water on a yearly basis in Seminoe Reservoir. A temporary contract has been issued pending negotiation of the long-term contract.

14. Highland-Hanover ID, P–SMBP, Hanover-Bluff Unit, Wyoming: Renegotiation of long-term water service contract; includes provisions for repayment of construction costs.

15. Upper Bluff ID, P–SMBP, Hanover-Bluff Unit, Wyoming: Renegotiation of long-term water service contract; includes provisions for repayment of construction cost.

16. Fort Clark ID, P–SMBP, North Dakota: Negotiation of a water service contract to continue delivery of project water to the District.

17. Nueces River Project, Texas: Recalculate existing contract repayment schedule to conform with the provisions of the Emergency Drought Relief Act of 1996. The revised schedule is to reflect a 5-year deferment of payments. Received approval of the BON from the Commissioner and a public notice has been printed in the Corpus Christi Caller-Times.

18. Western Heart River ID, P–SMBP, Heart Butte Unit, North Dakota: Negotiation of a water service contract to continue delivery of project water to the District.

19. Lower Marias Unit, P–SMBP, Montana: Water service contract expired in July 2000. Initiating renewal of existing contract for 25 years for up to 480 acre-feet of storage from Tiber Reservoir to irrigate 160 acres. Received approved BON from the Commissioner. Currently performing a water availability study and consulting with the Tribes regarding the Water Rights Compact. A 1-year interim contract will be issued to continue delivery of water until the necessary actions can be completed to renew a long-term contract.

20. Lower Marias Unit, P–SMBP, Montana: Initiating 25-year water service contract for up to 750 acre-feet of storage from Tiber Reservoir to irrigate 250 acres. A 1-year temporary contract has been issued to allow additional time to complete necessary actions required for the long-term contract. Another 1-year temporary has been issued to continue delivery of water until the long-term renewal process can be completed.

21. Lower Marias Unit, P–SMBP, Montana: Water service contract expired May 2000. Initiating renewal of existing long-term contract for 25 years for up to 4,570 acre-feet of storage from Tiber Reservoir to irrigate 2,285 acres. Currently performing a water availability study and consulting with the Tribes regarding the Water Rights Compact. A 1-year interim contract has been issued to continue delivery of water until the necessary actions can be completed to renew the long-term contract. Another 1-year temporary will be issued to continue delivery of water until the long-term renewal process can be completed.

22. Dickinson-Heart River Mutual Aid Corporation, P–SMBP, Dickinson Unit, North Dakota: Negotiate renewal of water service contract for irrigation of lands below Dickinson Dam in western North Dakota.

23. Savage ID, P–SMBP, Montana: A second interim contract has been entered into with the District. The District is currently seeking title transfer. The contract is subject to renewal on an annual basis pending outcome of the title transfer process.

24. City of Fort Collins, Colorado-Big Thompson Project, Colorado: Long-term contracts for conveyance and storage of non-project M&I water through Colorado-Big Thompson Project facilities pursuant to the Town Sites and Power Development Act of 1906.

25. Green Mountain Project, Colorado: Historic user pool contracts for surplus water for recreation. This contract is to benefit the endangered fish.

26. Keith Bower (Individual), P–SMBP, Boysen Unit, Wyoming: Contract for up to 500 acre-feet of irrigation water to service 144 acres.

27. Canyon Limited Liability (Individual), P–SMBP, Boysen Unit, Wyoming: Contract for up to 16 acre-feet of supplemental irrigation water to service 4 acres.

28. L.U. Sheep Company (Individual), P–SMBP, Boysen Unit, Wyoming: Contract for up to 60 acre-feet of irrigation water to service 180 acres.

29. Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: Acting by and through the Pleasant Valley Pipeline Project Water Activity Enterprise, beginning discussions and draft BON for a long-term contract for conveyance of non-project water through Colorado-Big Thompson Project facilities.

30. Standing Rock Sioux Tribe, P–SMBP, North Dakota: Negotiate a long-term water service contract with the Standing Rock Sioux Tribe in North Dakota for irrigation of up to 2,380 acres of land within the reservation.

31. North Fork Valley Ditch (Individual), Shoshone Project, Buffalo Bill Dam, Wyoming: Exchange water service contract not to exceed 1,000 acre-feet of water to service 855 acres.

32. Virginia L. and Earl K. Sauerwein (Individual), Shoshone Project, Buffalo Bill Dam, Wyoming: Exchange water service contract not to exceed 100 acre-feet of water to service 126 acres.

33. Denise J. Evans (Individual), Shoshone Project, Buffalo Bill Dam, Wyoming: Exchange water service contract not to exceed 100 acre-feet of water to service 48.5 acres.

34. Glendo Unit, P–SMBP, Wyoming: Contract amendment to long-term water service contracts for Burbank Ditch, New Grattan Ditch Company, Torrington ID, Lucerne Canal and Power Company, and Wright and Murphy Ditch Company pursuant to Public Law 105–293, as amended in October 2000.

35. Glendo Unit, P–SMBP, Nebraska: Contract amendment to long-term water service contracts for Bridgeport, Enterprise, and Mitchell IDs, and Central Nebraska Public Power and ID pursuant to Public Law 105–293, as amended in October 2000.

36. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: The District has requested deferment of its 2001 construction payment. Received approval of the BON and delegation of authority to execute an amendment for deferment of the 2001 construction charge installment from the Commissioner. A public notice has been printed in the San Angelo Times.

37. Belle Fourche ID, Belle Fourche Project, South Dakota: Contract amendment to reduce their required annual payment to be more commensurate with the ability to pay.

38. Helena Valley Unit, P–SMBP, Montana: Initiating negotiations for renewal of Part A of the A/B contract with Helena Valley ID which expires in 2003.

39. Crow Creek Unit, P–SMBP, Montana: Initiating negotiations for renewal of Part A of the A/B contract with Toston ID which expires in 2004.

40. Louis F. Polk, Jr. (Individual), Shoshone Project, Buffalo Bill Dam, Wyoming: Exchange water service contract not to exceed 500 acre-feet of water to service 249 acres.

The following contract actions have been completed since the last publication of this notice on October 16, 2000.

1. (27) Fryingpan-Arkansas Project, Colorado: Proposed contract amendment to contract No. 9–07–70–W099 with Busk-Ivanhoe, Inc. Contract has been executed.

2. (29) Fryingpan-Arkansas Project, Colorado: Pueblo Board of Wter Works, long-term storage and conveyance contract.

3. (36) Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: SOD repayment contract negotiations for modification to Horsetooth Dam.

4. (42) Fryingpan-Arkansas Project, Colorado: Pueblo Board of Water Works, long-term conveyance contract.

Dated: February 26, 2001.

Sandra L. Simons,

Acting Deputy Director, Office of Policy.

[FR Doc. 01–5233 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; extension of a currently approved collection; School-Based Partnership Response Phase Report.

The Department of Justice, Office of Community Oriented Policing Services, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 15, 2000, 65 FR 49836, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until April 14, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, National Place, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information, e.g., permitting electronic submission of responses.

Overview of This Information

(1) Type of Information Collection: Extension of a currently approved collection.

(2) Title of the Form/Collection: COPS School-Based Partnership Response Phase Report.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form COPS PPSE/03. Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Approximately 275 COPS School-Based Partnership '98 and '99 grant recipients will be asked to respond. The COPS School-Based Partnership Response Phase report will allow the COPS office to collect information on the responses utilized by three grantees to tackle the crime and disorder problems being addressed through the problem-solving model. The COPS Office will use the information collected to examine issues grantees have faced with respect to generating, selecting and implementing effective responses. A report on these findings may prove vital to other grantees in implementing effective responses. Additionally, the information will help the COPS Office anticipate challenges of current and future School-Based Partnership grantees and will help inform future program design.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: Surveys will be administered by mail to approximately 275 COPS School-Based Partnership '98 and '99 grant recipients. Administrative preparation and survey completion will take approximately 0.75 hours per respondent (there is no record keeping burden on this collection).

(6) An estimate of the total public burden (in hours) associated with the collection: The estimated burden hours are 207.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW., Washington, DC 20530.

Dated: February 28, 2001.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 01–5277 Filed 3–2–01; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services, Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; extension of a currently approved collection; School-Based Partnership Implementation Report.

The Department of Justice, Office of Community Oriented Policing Services, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 15, 2000, 65 FR 49835, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until April 4, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, National Place, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* COPS School-Based Partnership Implementation Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: COPS PPSE/04. Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Approximately 500 grant project coordinators, school administrators, and school resource officers, who have participated in the implementation of a COPS School-Based Partnership '98 grant project, will be asked to respond. The COPS School-Based Partnership Report will allow the COPS office to collect information from COPS School-Based Partnership '98 grantees on the implementation of collaborative problem-solving techniques used to address crime and disorder in and around schools. The COPS office will use the information collected to examine the processes undertaken by SBP grantees in implementing collaborative problem-solving techniques. A report of these findings will identify lessons learned and will provide recommendations to policing agencies and schools seeking to implement similar problem-solving partnerships.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Surveys will be administered by mail to approximately 500 project coordinators, school administrators, and school resource officers, who have participated in the implementation of a COPS School-Based Partnership '98 grant project. Survey completion will take approximately 0.25 hours per respondent (there is no recordkeeping burden for this collection).

(6) *An estimate of the public burden (in hours) associated with the collection:* The estimated burden hours are 125.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Dated: February 28, 2001.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 01–5278 Filed 3–2–01; 8:45 am]

BILLING CODE 4410–AT–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–032]

NASA Advisory Council, Aero-Space Technology Advisory Committee, Aviation Operations Systems Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting cancellation.

Federal Register Citation of Previous Announcement: 66FR29, Notice Number 01–022, February 12, 2001.

Previously Announced Dates of Meeting: Wednesday, March 28, 2001, 1 p.m. to 5 p.m. and Thursday, March 29, 2001, 8:30 a.m. to 4:30 p.m. The meeting will be rescheduled.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Jacobsen, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 650/604–3743.

Dated:February 27, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–5213 Filed 3–2–01; 8:45 am]

BILLING CODE 7510–01–P

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of meeting.

SUMMARY: The Compact Commission will hold its regular monthly meeting to consider matters relating to administration and enforcement of the price regulation, including the reports and recommendations of the Commission's standing Committees.

DATES: The meeting will begin at 10 a.m. on Wednesday, March 14, 2001.

ADDRESSES: The meeting will be held at the Holiday Inn, 700 Elm Street, Manchester, NH.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission, 64 Main Street, Room 21, Montpelier, VT 05602. Telephone (802) 229–1941.

Authority: 7 U.S.C. 7256

Dated: February 27, 2001.

Daniel Smith,

Executive Director.

[FR Doc. 01–5272 Filed 3–2–01; 8:45 am]

BILLING CODE 1650–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–317 and 50–318]

Calvert Cliffs Nuclear Power Plant, Inc; Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2; Exemption

1.0 Backround

Calvert Cliffs Nuclear Power Plant, Inc. (CCNPPI, the licensee) is the holder of Renewed Facility Operating License Nos. DPR–53 and DPR–69 which authorize operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (CCNPP). The licenses provide, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of two pressurized-water reactors located in Calvert County, Maryland.

2.0 Purpose

Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix G, requires that pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) for normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR part 50, Appendix G states, "The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions." Appendix G of 10 CFR Part 50 also states that the "P–T limits identified as "ASME [American Society of Mechanical Engineers] Appendix G limits" in Table 1 require that the limits must be at least as conservative as limits obtained by

following the methods of analysis and the margins of safety of Appendix G of Section XI of the ASME Code." Section XI of the ASME Code, Appendix G, Figure G–2210–1 specifies a K_{Ia} fracture toughness curve for reactor vessel materials in determining P–T limits.

To address provisions of a proposed license amendment to the Technical Specification P–T limits for CCNPP, the licensee requested, in its submittal of September 14, 2000, that the NRC staff exempt CCNPP from application of specific requirements of 10 CFR Part 50, Section 50.60(a) and Appendix G, and substitute use of ASME Code Case N–640. Code Case N–640 permits the use of an alternate reference fracture toughness (K_{Ic} fracture toughness curve instead of K_{Ia} fracture toughness curve) for reactor vessel materials in determining the P–T limits. Since the K_{Ic} fracture toughness curve shown in ASME Section XI, Appendix A, Figure A–2200–1 (the K_{Ic} fracture toughness curve, K_{Ic} curve) provides greater allowable fracture toughness than the corresponding K_{Ia} fracture toughness curve of ASME Section XI, Appendix G, Figure G–2210–1 (the K_{Ia} fracture toughness curve, K_{Ia} curve), using Code Case N–640 for establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G, and, therefore, an exemption to apply the Code Case would also be required by 10 CFR 50.60.

Code Case N–640 (Formerly Code Case N–626)

The licensee has proposed an exemption to allow use of ASME Code Case N–640 in conjunction with ASME Section XI, 10 CFR 50.60(a) and 10 CFR part 50, Appendix G, to determine P–T limits. These revised P–T limits have been developed using the K_{Ic} fracture toughness curve, in lieu of the K_{Ia} fracture toughness curve, as the lower bound for fracture toughness.

Use of the K_{Ic} curve in determining the lower bound fracture toughness in the development of P–T operating limits curve is more technically correct than use of the K_{Ia} curve since the rate of loading during a heatup or cooldown is slow and is more representative of a static condition than a dynamic condition. The K_{Ic} curve appropriately implements the use of static initiation fracture toughness behavior to evaluate the controlled heatup and cooldown process of a reactor vessel. The NRC staff has required use of the initial conservatism of the K_{Ia} curve since 1974 when the curve was codified. This initial conservatism was necessary due to the limited knowledge of RPV materials. Since 1974, additional knowledge has been gained about RPV materials which demonstrates that the lower bound on fracture toughness provided by the K_{Ia} curve is well beyond the margin of safety required to protect the public health and safety from potential RPV failure. In addition, P–T curves based on the K_{Ic} curve will enhance overall plant safety by opening the P–T operating window with the greatest safety benefit in the region of low temperature operations.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. These circumstances include the special circumstances that "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; * * *"

The underlying purpose of 10 CFR part 50, Appendix G is to provide an adequate margin of safety against brittle failure of the RPV. Use of a P–T limit that is at least as conservative as the limits obtained by following the methods of analysis and margin of safety of the ASME Code, Section XI, Appendix G is not necessary, in this case, to achieve the underlying purpose of the rule. Specifically, substitution of the K_{Ic} fracture toughness curve for the K_{Ia} fracture toughness curve for establishing the P–T limits provides a more technically correct outcome in that it accounts for the rate of loading during heatup or cooldown and is more representative of a static condition. In addition, the staff has determined that improved knowledge regarding the RPV materials justifies elimination of unnecessary conservatisms, such as that brought about by the use of the K_{Ia} curve. Use of the less conservative K_{Ic} curve would provide an adequate margin of safety against brittle failure of the RPV in this case, due in part to the remaining conservatisms incorporated into the methodologies of 10 CFR part 50, Appendix G and Regulatory Guide 1.99 which would still be applicable. Therefore, use of a P–T limit that is at least as conservative as the limits obtained by following the methods and margins of safety of the ASME Code, Section XI, Appendix G, is not necessary in this case to achieve the underlying purpose of the rule, i.e., to provide sufficient margin of RPV fracture toughness to ensure structural integrity of the RPV.

Therefore, the staff concludes that granting an exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) is appropriate and that the methodology of Code Case N–640 may be used to revise the P–T limits for CCNPP.

4.0 Conclusion

In summary, the ASME Section XI, Appendix G, procedure was conservatively developed based on the level of knowledge existing in 1974 concerning RPV materials and the estimated effects of operation. Since 1974, the level of knowledge about these topics has been greatly expanded. The NRC staff concurs that this increased knowledge permits relaxation of the ASME Section XI, Appendix G, requirements by application of ASME Code Case N–640. Implementation of the proposed P–T limits, as allowed by ASME Code Case N–640, are sufficient to ensure the structural integrity of RPVs during plant operations. Thus, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present in that application of the regulation is not necessary to achieve the underlying purpose of the rule. Therefore, the Commission hereby grants CCNPPI an exemption from the requirements of 10 CFR Part 50, Section 50.60(a) and 10 CFR Part 50, Appendix G, for CCNPP.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 9729).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 26th day of February 2001.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5217 Filed 3–2–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8681–MLA–9; ASLBP No. 01–789–01–MLA]

International Uranium (USA) Corporation; Designation of Presiding Officer

Pursuant to delegation by the Commission, *see* 37 FR 28710 (Dec. 29, 1972), and the Commission's regulations, *see* 10 CFR 2.1201, 2.1207, notice is hereby given that (1) a single member of the Atomic Safety and Licensing Board Panel is designated as Presiding Officer to rule on petitions for leave to intervene and/or requests for hearing; and (2) upon making the requisite findings in accordance with 10 CFR 2.1205(h), the Presiding Officer will conduct an adjudicatory hearing in the following proceeding:

International Uranium (USA) Corporation (Source Material License Amendment)

The hearing will be conducted pursuant to 10 CFR part 2, Subpart L, of the Commission's Regulations, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." This proceeding concerns a February 7, 2001 request for hearing submitted by the Glen Canyon Group of the Sierra Club. The request was filed in response to a request from International Uranium (USA) Corporation (IUSA) to amend its source material license to receive and process alternate feed materials at its Blanding, Utah White Mesa Uranium Mill from the Molycorp site located in Mountain Pass, California. The notice of receipt of the amendment and opportunity for a hearing was published in the **Federal Register** on January 9, 2001 (66 FR 1702).

The Presiding Officer in this proceeding is Administrative Judge Alan S. Rosenthal. Pursuant to the provisions of 10 CFR 2.722, 2.1209, Administrative Judge Richard F. Cole has been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents, and other materials shall be filed with Judges Rosenthal and Cole in accordance with 10 CFR 2.1203. Their addresses are:

Administrative Judge Alan S. Rosenthal, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Richard F. Cole, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Issued at Rockville, Maryland, this 27th day of February 2001.

G. Paul Bollwerk III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 01–5214 Filed 3–2–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–285]

Omaha Public Power District; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–40 issued to Omaha Public Power District (the licensee) for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska.

The proposed amendment would change the surveillance requirements for laboratory testing of the charcoal adsorbers for the control room, the spent fuel pool storage area and the safety injection pump rooms. In addition, the amendment would delete the laboratory testing requirements for the containment charcoal adsorbers. The changes comply with the guidance of Generic Letter (GL) 99–02, "Laboratory Testing of Nuclear-Grade Activated Charcoal."

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Testing the control room, spent fuel pool storage area and safety injection pump rooms charcoal adsorbers in accordance with the requirements of ASTM D3803–1989 will not increase the probability or consequences of an accident previously evaluated. As noted in GL 99–02, testing to the new standards will strengthen the assurance the charcoal adsorbers will perform their design function during a Loss of Coolant Accident (LOCA). The ASTM D3803–1989 testing methodology is superior to the method OPPD [Omaha Public Power District] presently uses.

Removing credit for the containment charcoal adsorbers and replacing their function with the containment spray system will not involve a significant increase in the probability or consequences of an accident previously evaluated. This change is being accomplished in accordance with SRP [Standard Review Plan] 6.5.2. The containment spray system is an ESF [engineered safety feature] system and its operability is assured by Technical Specifications 2.4 and 3.6. In addition, the LOCA radiological consequences analyses were revised to re-confirm that OPPD is in compliance with SRP 6.4. The revised analyses resulted in a post-LOCA control room thyroid dose of 32 REM, which exceeds the SRP 6.4 limit of 30 REM. The SRP 6.4 dose limits are based on ICRP–2 dose methodology. The critical organ approach of ICRP–2 has been replaced by the ICRP–30 dose methodology that utilizes a weighted sum of doses to all irradiated organs and tissues. The applicable dose limits for analyses utilizing the ICRP–20 methodology are 5 REM for stochastic effects, 50 REM for all organs and tissues (e.g., thyroid), and 15 REM for the lens of the eye. The ICRP–30 dose methodology has been approved and implemented by the NRC through the new 10 CFR Part 20 regulation. Therefore, the calculated doses presented above are acceptable and meet the intent of SRP 6.4.

Finally, these changes will not affect non-credited functions of the containment charcoal adsorbers. The filters will be left in place, but not credited in the Loss of Coolant (LOCA) radiological consequences analyses. The filters will be tested in accordance with TS 3.6 (3) to verify they are not clogged by excessive amounts of foreign matter.

In conclusion, based on the discussion above, these changes will not significantly increase the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Testing the control room, spent fuel pool storage area and safety injection pump rooms charcoal adsorbers in accordance with the requirements of ASTM D3803–1989 will not create the possibility of a new or different kind of accident from any accident previously evaluated. Testing to the new standards will strengthen the assurance the

charcoal adsorbers will perform their design function during a Loss of Coolant Accident. The ASTM D3803–1989 testing protocol is superior to the method OPPD presently uses. Finally, testing these charcoal adsorbers in accordance with requirements of ASTM D3803–1989 will bring OPPD in compliance with the requirements of Generic Letter 99–02.

Removing credit for the containment charcoal adsorbers and replacing their function with the containment spray system will not create the possibility of a new or different kind of accident from any accident previously evaluated. This change is being accomplished in accordance with SRP 6.5.2. Using the containment spray system instead of the containment charcoal adsorbers is a different, but equally effective, approach to mitigating the consequences of a LOCA.

This change will not result in any physical alterations to the containment spray system or the control room, spent fuel pool storage area, S.I. [safety injection] pump rooms or containment charcoal adsorbers. This change will not result in any physical alterations to any plant configuration, systems, or operational characteristics. There will be no changes in operating modes, or safety limits, or instrument limits. Therefore, these changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

Testing the control room, spent fuel pool storage area and S.I. pump rooms charcoal adsorbers in accordance with the requirements of ASTM D3803–1989 will not involve a significant reduction in a margin of safety. Testing to the new standards will strengthen the assurance the charcoal adsorbers will perform their design function during a LOCA. The ASTM D3803–1989 testing protocol is superior to the method OPPD presently uses. Finally, testing these charcoal adsorbers in accordance with requirements of ASTM D3803–1989 will bring OPPD in compliance with the requirements of Generic Letter 99–02. Removing credit for the containment charcoal adsorbers and replacing their function with the containment spray system will not involve a significant reduction in a margin of safety.

This change is being accomplished in accordance with SRP 6.5.2. The containment spray system is an ESF system and its operability is assured by Technical Specifications 2.4 and 3.6. In addition, the LOCA radiological consequences analyses were revised to re-confirm that OPPD is in compliance with SRP 6.4.

The revised analyses resulted in a post-LOCA control room thyroid dose of 32 REM, which exceeds the SRP 6.4 limit of 30 REM. The SRP 6.4 dose limits are based on ICRP–2 dose methodology. The critical organ approach of ICRP–2 has been replaced by the ICRP–30 dose methodology that utilizes a weighted sum of doses to all irradiated organs and tissues. The applicable dose limits for analyses utilizing the ICRP–30 methodology are 5 REM for stochastic effects, 50 REM for all organs and tissues (e.g., thyroid), and 15 REM for the lens of the eye. The ICRP–30 dose methodology has been approved and implemented by the NRC through the new 10 CFR 20 regulation. Therefore, the calculated doses presented above are acceptable and meet the intent of SRP 6.4.

Finally, these changes will not affect non-credited functions of the containment charcoal adsorbers. The filters will be left in place, but not credited in the Loss of Coolant Accident (LOCA) radiological consequences analyses.

In conclusion, these changes will not significantly reduce a margin of safety because: (1) Use of a superior test methodology will provide better assurance of the safety functionality of credited charcoal filters, and (2) the analysis for control room dose is now based on empirical in-leakage data.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 5, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, DC 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 14, 2000, and supplements dated June 2, July 28, and December 1, 2000, and January 31, 2001, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 1st day of March 2001.

For the Nuclear Regulatory Commission.

L. Raynard Wharton,

Project Manager, Section 2 Project Directorate IV and Decomissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5409 Filed 3–2–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549. Extension: Notification under Regulation E; Form 1–E; Rule 604 and Rule 605, SEC File No. 270–221, OMB Control No. 3235–0232.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) ("PRA"), the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Rule 604—Filing of Notification on Form 1–E

Rule 604 of Regulation E [17 CFR 230.604] under the Securities Act of 1933 [15 U.S.C. 77a et seq.] ("Securities Act") requires a small business investment company ("SBIC") or a business development company ("BDC") claiming an exemption from registering its securities under the Securities Act to file a notification with the Commission on Form 1–E.

Rule 605—Filing and Use of the Offering Circular

Rule 605 of Regulation E [17 CFR 230.605] under the Securities Act requires an SBIC or BDC claiming an exemption from registering its securities under the Securities Act to file an offering circular with the Commission that must also be provided to persons to whom an offer is made.

Form 1–E—Notification Under Regulation E

Form 1–E is the form that an SBIC or BDC uses to notify the Commission that it is claiming an exemption under Regulation E from registering its securities under the Securities Act. Form 1–E requires an issuer to provide the names and addresses of the issuer, its affiliates, director, officers, and counsel; a description of events which would make the exemption unavailable; the jurisdiction in which the issuer intends to offer its securities; information about unregistered securities issued or sold by the issuer within one year before filing the notification on Form 1–E; information as to whether the issuer is presently offering or contemplating offering any other securities; and exhibits, including copies of the offering circular and any underwriting contracts.

The Commission uses the information provided in the notification on Form 1–E and the offering circular to determine whether an offering qualifies for the exemption under Regulation E. It is estimated that approximately three issuers file with the Commission approximately two notifications on Form 1–E annually, including offering circulars. The Commission estimates that the total burden hours for preparing these notifications would be 600 hours

in the aggregate. Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 16, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4931 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request; Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Industry Guides, SEC File No. 270–69, OMB Control No. 3235–0069

Notice of Exempt Roll-Up Preliminary Communication, SEC File No. 270–396, OMB Control No. 3235–0425.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Industry Guides are used by registrants in certain specified industries as disclosure guidelines in preparing Securities Act of 1933 ("Securities Act") and Securities Exchange Act of 1934 ("Exchange Act") registration statements as well as other Exchange Act filings. The information filed with the Commission using the industry guides permits verification of compliance with securities law requirements and assures the public availability and dissemination of such information. The information required by the industry guides is filed on occasion and is mandatory. All information is provided to the public. The Commission estimates for administrative purposes that the total annual burden is one hour and the total number of respondents is one.

Notice of Exempt Preliminary Roll-Up Communication ("Notice") is required to be filed by a person making such a communication by Exchange Act Rules 14a–2(b)(4) and 14a–6(a). The Notice provides public information regarding the person's ownership interest and any potential conflicts of interest. The Notice is filed on occasion and the information required is mandatory. All information is provided to the public upon request. The Notice takes approximately .25 hours per response and is filed by 4 respondents for a total 1 annual burden hour.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: February 21, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5245 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44005; File No. SR–CBOE–00–60]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Chicago Board Options Exchange, Inc. To Change Its Membership Application Posting Process and Clarify Its Membership Rules

February 26, 2001.

I. Introduction

On November 22, 2000, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange"), filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule to change its membership application posting process and to make some clarifying revisions to its membership rules. The Commission issued a release seeking comment on the proposed rule change [3] which was published in the **Federal Register** on January 18, 2001. No comments were received on the proposal. On January 12, 2001, CBOE filed Amendment No. 1 to the proposed rule change.[4] This order approves the proposed rule change, as amended.

II. Description of the Proposed Rule Change

The Exchange propose to change its membership application posting process and make some clarifying revisions to its membership rules.

Under CBOE Rule 3.9(e), a posting must be included in the Exchange Bulletin and on the Exchange Bulletin Board with respect to any application for membership, any application from a current member to change membership capacity statuses, and any application to change Clearing Members (unless the posting requirement is waived under certain specified circumstances in accordance with the provisions of the rule). CBOE Rule 3.9(e) also provides that the posting period on the Exchange Bulletin Board be no less than ten days, and that the Exchange's Membership Committee shall determine the required posting period for each of these types of applications in conformity with this minimum time period. The posting period for each of these application categories is fourteen days. The posting must set forth the name of the applicant and the application request. Its purpose is to provide members with an opportunity to submit information concerning an applicant that may bear on the applicant's qualifications and fitness for membership under the Exchange's rules. Under CBOE Rule 3.9(h), an application may not be approved until any applicable posting requirement has been satisfied.

The Exchange represents that two factors have caused it to propose changing its membership application posting process. First, the Exchange represents that it receives no submissions from members in response to the postings for the vast majority of applicants that are posted to the membership on the Exchange's Bulletin Board as part of the posting process. Second, the Exchange represents that it has a less extensive and shorter application process for current members that are applying to change membership capacity statuses and for member applicants that have been a member at any time during the last six months. In addition, the Exchange represents that it is able to process these applications well before the expiration of the posting period in most cases. According to the Exchange, the vast majority of these applicants are required to wait for a period of time following the completion of the processing of their applications for their new membership capacities to become effective. The Exchange believes that this results in inefficiency in the conduct of business on the Exchange, as well as inconvenience to these applicants.

The Exchange therefore proposes to change its membership application posting process to eliminate this inefficiency and inconvenience, while at the same time preserving the ability of members to submit information concerning the qualifications and fitness for membership of applicants. Specifically, the Exchange proposes to amend CBOE Rule 3.9(e) to eliminate the posting period for current members that are applying to change membership capacity statuses and for member applicants that have been a member during the last six months. Additionally, the Exchange intends to notify its membership via circular that the Membership Department will accept submissions concerning any current or former member at any time (in contrast to the current limited formal submission period during the posting period) and that these submissions will be retained in the member's membership file.[5] Subsequently, if a current or former member submits any membership application and there is a submission for that current or former member in the membership file at the time of submission of the application, the submission concerning that current or former member will be reviewed and considered in the same manner that occurs under the posting process.

Further, the Exchange proposes to retain the posting period requirement for new membership applicants (*i.e.*, those membership applicants that have never been a member or that have not been a member during the last six months). The Exchange represents that the posting period generally does not result in a delay in processing these applications because they are subject to a more extensive and longer application process that takes more than fourteen days (during which there is adequate time to complete a fourteen day posting). In addition, the Exchange proposes to retain the posting period for an application to change Clearing Members (which in the vast majority of cases is waived pursuant to the current provision of CBOE Rule 3.9(e), which provides for the waiver of this posting period if the Clearing Member(s) that will no longer be guaranteeing the member's Exchange transactions consents to such a waiver).

The Exchange also proposes to make the following clarifying changes to its membership rules. The Exchange proposes to revise CBOE Rule 3.9(f) to clarify those categories of membership applicants for which the Exchange does not conduct a background investigation due to the fact that the applicant is a current member, the applicant was recently a member, or the Exchange recently conducted a background investigation concerning the applicant. Specifically, the Exchange proposes to revise CBOE Rule 3.9(f) to clarify that the Membership Department is not required under CBOE Rule 3.9(f) to investigate the following categories of applicants: (i) Any associated person applicant who is a current member, (ii) any member applicant that was a member during the last six months before the date of receipt of that applicant's membership application by the Membership Department, and (iii) any member or associated person applicant that was investigated by the Membership Department during the last six months before the date of receipt of that applicant's application by the Membership Department. In addition, the Exchange proposes to revise CBOE Rule 3.9(f) to clarify that the Membership Department retains the discretion to investigate any applicant that is not required to be investigated under CBOE Rule 3.9(f) if the Membership Department determines that a background investigation is warranted under the circumstances.

Further, the Exchange proposes to revise Rule 3.13(c) to clarify that the payment for the purchase of a membership by a certified or cashier's check must be in the amount of the purchase price and to permit payment via a wire transfer.

The Exchange also proposes to clarify the provisions of CBOE Rule 3.14(c)(iv). CBOE Rule 3.14(c)(iv) sets forth one of the four circumstances pursuant to which a membership may be transferred without going through the normal auction process for the purchase and sale of Exchange memberships. Specifically, CBOE Rule 3.14(c)(iv) provides that the owner of a transferable membership may request the transfer of the membership to an individual or organization which is a partner or shareholder of the transferor as part or all of a distribution of the transferor.[6] The Exchange proposes to revise CBOE Rule 3.14(c)(iv) to clarify that the transferee must have at least a fifty percent interest in the transferor. Without this provision, a person could avoid the normal membership auction process by becoming a nominal partner or shareholder in a member organization and then having the member organization transfer the membership to that partner or shareholder. Further, the Exchange proposes to revise CBOE Rule 3.14(c)(iv) to delete the word "liquidation" because of confusion between a liquidation distribution and a non-liquidation distribution (given that an entity can have partial liquidation in which it does not distribute all of its assets and continues in operation following the partial liquidation). Because the Exchange has interpreted Rule 3.14(c)(iv) to permit membership transfers in connection with partial liquidation distributions, and because the Exchange believes there is no meaningful distinction in this context between a partial liquidation distribution and a regular distribution, the Exchange proposes to delete the

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43827 (January 9, 2001), 66 FR 4874.

[4] In Amendment No. 1, CBOE made minor technical changes to the rule text that do not need to be published for comment. *See* letter from Arthur B. Reinstein, Associate General Counsel, CBOE, to Sapna Patel, Attorney, Division of Market Regulation ("Division"), Commission (January 11, 2001) ("Amendment No. 1").

[5] The CBOE indicated that the circular will be detailed and widely disseminated. The circular will be attached to the back of the CBOE rule book and made readily available to the public. Telephone conversation between Arthur B. Reinstein, Associate General Counsel, CBOE, and Sapna C. Patel, Attorney, Division, Commission (January 5, 2001).

[6] Under CBOE Rule 3.3.01, the transferee could also be a limited liability company member if the transferor were a limited liability company.

word "liquidation" to make it easier for members to understand CBOE Rule 3.14(c)(iv).

Further, the Exchange proposes to clarify the nature of the security interest received by the grantee of an Authorization to Sell under CBOE Rule 3.14(d)(viii) which allows an owner of a transferable membership to voluntarily grant to another member an Authorization to Sell the membership. The Exchange represents that the grantee of an Authorization to Sell is vested with all of the authority provided for under the Exchange's Constitution and Rules relating to the sale of the membership. Pursuant to CBOE Rule 3.15(b), the grantee of an Authorization to Sell also has the right on the sale of the membership to submit claims against the grantor that are related to the grantor's Exchange business activities, which will be satisfied out of the proceeds of the sale of the membership. CBOE Rule 3.14(d)(viii) provides that the grant of an Authorization to Sell a membership includes the grant of a security interest in any proceeds from the sale of the membership that the grantee of the Authorization to Sell is entitled to receive under CBOE Rule 3.15(b). The Exchange proposes to revise CBOE Rule 3.14(d)(viii) to clarify that the grant of an Authorization to Sell also includes the grant of a security interest in the membership to the extent necessary to establish the priority of the security interest in the membership sale proceeds that the grantee is entitled to receive under CBOE Rule 3.15(b). The Exchange has interpreted CBOE Rule 3.14(d)(viii) to provide for a security interest in the membership and believes that the grant of a security interest is fairly and reasonably implied from the existing language of CBOE Rule 3.14(d)(viii). The Exchange simply proposes to revise CBOE Rule 3.14(d)(viii) to make the language of Rule more explicit.

The Exchange also proposes to revise CBOE Rule 3.24, the Exchange's Member Death Benefit Rule,[7] to make clear that the term "active member" under that rule only includes individual members and is not intended to include associated persons who are not individual members pursuant to the Exchange's rules. Specifically, the definition of the term "active member" in CBOE Rule 3.24(c) would be revised to replace the words "natural person" in that definition with the words "individual member." The remainder of definition of "active member" in CBOE Rule 3.24(c) would not be revised. Thus, as revised, the definition of "active member" contained in CBOE Rule 3.24(c) would state that the term "active member" shall mean any individual member who is a nominee of a member organization, a Chicago Board of Trade exerciser, a lessee of an Exchange membership, or an owner of an Exchange membership that is not being leased to a lessee.

[7] CBOE Rule 3.24(b) provides that the following individuals are eligible for the Member Death Benefit: (i) Any individual who is an active member at the time of his or her death; and (ii) any individual who (a) was an active member within ninety days prior to the date of his or her death, and (b) was an active member during at least 274 out of the 365 days preceding the date of his or her termination from active member status.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder application to a national securities exchange.[8] In particular, the Commission believes that the proposal is consistent with section 6(b)(5) of the Act,[9] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

The Commission believes that the changes to the Exchange's membership application posting process, under CBOE Rule 3.9(e), will help the Exchange streamline its application process and avoid unnecessary delay while preserving the ability of members to provide input. Although the Exchange proposes to amend CBOE Rule 3.9(e) to eliminate the requirement that there be a posting period for current members that are applying to change membership capacity statuses and for member applicants that have been a member during the last six months, the Exchange has, at the same time, preserved members' ability to submit information concerning the qualifications and fitness for membership of applicants. The Exchange will notify its membership via circular that its Membership Department will accept submissions concerning any current or former member at any time and that these submissions will be retained in the member's membership file. These submissions will then be reviewed the same as under the Exchange's posting process if a current or former member submits a membership application.

In addition, the Commission finds that it is appropriate for the Exchange to retain its current posting periods for new membership applicants and for applications to change Clearing Members because the application process takes more time.

The Commission believes that clarifying CBOE Rule 3.9(f) on background investigations, CBOE Rule 3.13(c) on the purchase of memberships, CBOE Rule 3.14(c)(iv) on the sale and transfer of memberships, and CBOE Rule 3.24(c) on who is considered an "active member" under the Member Death Benefit Rule, will provide members with better guidance as to the meaning of these rules.

The Commission therefore finds that the Exchange's proposed rule change is consistent with the Act because it is designed to promote just and equitable principles of trade and to protect investors and the public interest by providing a more efficient membership application posting process and by clarifying its membership rules.

IV. Conclusion

For the foregoing reasons, the Commission finds that CBOE's proposal to change its membership application posting process and to make some clarifying revisions to its membership rules, as amended, is consistent with the requirements of the Act and rules and regulations thereunder.

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[10] that the proposed rule change (SR–CBOE–00–60), is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5246 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

[8] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44000; File No. SR–CHX–00–27]

Self-Regulatory Organization; Order Granting Accelerated Approval of a Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to Participation in Crossing Transactions Effected on the Exchange Floor

February 23, 2001.

I. Introduction

On September 14, 2000, the Chicago Stock Exchange, Incorporated ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to participation in crossing transactions effected on the exchange floor. The CHX amended the proposal on January 18, 2001.[3] The **Federal Register** published the proposed rule change, as amended, for comment on February 2, 2001.[4] The Commission received no comments on the proposal. This order approves the proposal on an accelerated basis.

II. Description of Proposal

The Exchange proposes to amend Article XX, Rule 23 of the Exchange's rules relating to participation in crossing transactions in Nasdaq/National Market ("NNM") securities effected on the floor of the Exchange. This proposal is currently operating, on a pilot basis through February 28, 2001, for Dual Trading System issues traded on the Exchange.[5] This pilot was approved in connection with the securities industry's move to a decimal pricing environment. The proposed rule change would extend the pilot to cover crossing transactions in NNM securities.

Under current CHX Rule 23, if a floor broker presents a crossing transaction involving NNM issues, another member may participate, or "break up," the transaction, by offering (after presentation of the proposed crossing transaction) to better one side of the transaction by the minimum price variation. The floor broker is then effectively prevented from consummating the transaction as a "clean cross." In instances where the minimum price variation is relatively small, it is very inexpensive for a member to break up crossing transactions in this matter.

Under the proposed pilot program, a floor broker will be permitted to consummate cross transactions in NNM issues, as well as Dual Trading System issues, involving 5,000 shares or more, without interference by any specialist or market maker if, prior to presenting the cross transaction, the floor broker first requests a quote for the subject security.[6] These requests will place the specialist and other market makers on notice that the floor broker is intending to "cross" within the bid-offer spread. The proposed rule change will operate on a pilot basis through July 9, 2001.

III. Discussion

The Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of section 6(b) of the Act.[7] Specifically, the Commission finds that the proposed rule change is consistent with the section 6(b)(5)[8] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.[9]

The Commission believes that the proposed rule change strikes a reasonable balance between the ability of floor brokers on the Exchange to execute crossing transactions and the ability of specialists and market makers to provide price improvement. In addition, the Commission believes that requiring floor brokers to request a quote in a particular security before presenting the transaction to be crossed will provide specialists and market makers both sufficient notice that the cross is about to occur between the bid and offer spread and an opportunity to improve their quote. The Commission notes that floor brokers would still retain the ability to present both sides of the order at the post if the customers so desire.

The Commission believes that it is consistent with the protection of investors and the public interest and therefore finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The proposed rule change is designed to minimize possible negative effects on crossing transactions of decimal pricing, which is scheduled to begin in NNM securities on March 12, 2001. In addition, the Commission notes that the proposed rule change is being approved on a pilot basis only, through July 9, 2001. In light of these factors, the Commission finds good cause to approve the proposed rule change on an accelerated basis.

IV. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–CHX–00–27), as amended, is approved through July 9, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5248 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter dated January 16, 2001, from Kathleen M. Boege, Associate General Counsel, CHX, to Alton S. Harvey, Office Head, Division of Market Regulation, Commission ("Amendment No. 1"). Amendment No. 1 requests pilot approval of the proposed rule change through July 9, 2001.

[4] Securities Exchange Act Release No. 43882 (January 24, 2001), 66 FR 8819.

[5] Dual Trading System issues are issues that are listed on either the New York Stock Exchange or the American Stock Exchange. *See* Securities Exchange Act Release No. 43203 (August 24, 2000), 65 FR 53087 (August 31, 2000) (approving SR–CHX–00–13 on a pilot basis through February 28, 2001). The proposed rule change deletes the provisions of Article XX, Rule 23 that govern cross transactions in NNM issues, and, thus, has the effect of also extending the pilot program in Dual Trading System issues until July 9, 2001.

[6] These updated quotes will not be directed solely to the floor broker. Anyone at the post may respond to the updated quotes.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] In approving this rule change, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44003; File No. SR–NASD–01–10]

Self-Regulatory Organizations; Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Requiring Conversion to Decimals of Open Fractional Orders in Nasdaq Securities

February 26, 2001.

I. Introduction

On January 29, 2001, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission"), pursuant

to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change that would require all open orders priced in fractions in NASD member firms' systems on the evening before that security is to commence quoting in decimals to be converted to decimals. Notice of the proposed rule change appeared in the **Federal Register** on February 6, 2001.[3] The Commission received no comments on the proposed rule change. This order grants accelerated approval of the proposed rule change.

II. Description of the Proposal

Pursuant to the Decimals Implementation Plan for the Equities and Options Markets ("Implementation Plan"), which was submitted to the Commission on July 24, 2000, the NASD is to fully convert the Nasdaq market to decimal pricing no later than April 9, 2001. Before full implementation, Nasdaq will begin a decimal pricing pilot program for 10–15 Nasdaq issues on March 12, 2001, and add a second decimal phase-in of approximately 100+ additional Nasdaq securities on March 26, 2001.

Nasdaq's proposal would adopt a mandatory conversion rule for all open orders in Nasdaq securities that are priced in fractions and reside in the internal systems of NASD member firms on the evening prior to the first day a particular security commences quoting in decimals. Under the proposal, all open orders, including those with price qualifiers such as "Do Not Reduce" ("DNR") and "Do Not Increase" ("DNI"), priced in fractions that reside in a firm's internal system on the evening before the start of decimal pricing, will be converted as follows: (1) The price of all open Buy Orders (including "Good-til-Canceled" ("GTC"), "Good-til-Executed" ("GTX"), and Buy Stop and Buy Stop Limits) priced in fractions will be converted to their decimal equivalent and "rounded down" to the nearest $0.01; and (2) the price of all open Sell Orders (GTC, GTX, Sell Stop and Sell Stop Limits) priced in fractions will be converted to their decimal equivalent and "rounded up" to the nearest $0.01. Examples of fractional buy and sell conversions were provided in the notice for SR–NASD–01–10.[4]

Under the proposal, market participants would be free to accept decimal-priced orders for any number of values beyond the decimal point as they deem appropriate after the conversion to decimals. Nasdaq will continue to require that firms round orders to two decimal places before submitting them to Nasdaq for display in the quote montage. Likewise, the Automated Confirmation Transaction Service ("ACT") will only accept trade reports up to six places beyond the decimal point and disseminate decimal priced transaction reports to four decimal points to the tape.

III. Discussion

The Commission has reviewed carefully the proposed rule change, and finds that it is consistent with the Act and the rules and regulations promulgated thereunder.[5] Specifically, the Commission finds that approval of the proposed rule change is consistent with section 15A(b)(6)[6] of the Act, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission believes that uniform open fractional order conversion methodology may aid in structuring an orderly transition from fractional to decimal pricing. The Commission finds that Nasdaq's proposal is narrowly tailored to require only the conversion of open fractional orders that reside in the internal systems of NASD member firms on the evening prior to the first day a particular security commences quoting in decimals. After the conversion, market participants will be free to accept orders priced in decimals for any number of values beyond the decimal point. The Commission believes Nasdaq's approach is reasonable, and that requiring such conversion may help to reduce investor confusion, reduce discrepancies in reconciliation, and in general, provide for a more orderly transition to decimal pricing.

The Commission finds good cause for approving the proposed rule change prior to the 30th date after the date of publication of notice of the filing in the **Federal Register**. Notice of the proposal indicated that the Commission would consider granting accelerated approval of the proposed rule change after a 15-day comment period.[7] The Commission received no comments on the proposal. Given the absence of comments, and Nasdaq's resolve to begin decimal pricing in certain Nasdaq securities on March 12, 2001, the Commission finds good cause to approve the proposal on an accelerated basis to ensure adequate notice of the rule in advance of March 12, 2001.

IV. Conclusion

For the above reasons, the Commission finds that the proposed rule change is consistent with the provisions of the Act, in general, and with section 15A(b)(6),[8] in particular.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (SR–NASD–01–10), be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5249 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43906 (January 30, 2001), 66 FR 9115 (February 6, 2001).

[4] Securities Exchange Act Release No. 43906 (January 30, 2001), 66 FR 9115 (February 6, 2001).

[5] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78o–3(b)(6).

[7] *See* Securities Exchange Act Release No. 43906 (January 30, 2001), 66 FR 9115 (February 6, 2001).

[8] 15 U.S.C. 78o–3(b)(6)

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43998; File No. SR–NASD–01–08]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Amendments to Rule 10301 of the Code of Arbitration Procedure To Prohibit Terminated, Suspended, Barred or Otherwise Defunct Firms From Enforcing Predispute Arbitration Agreements in the NASD Arbitration Forum

February 23, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on January 25, 2001, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly owned subsidiary, NASD Dispute Resolution, Inc. ("NASD Dispute Resolution") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Dispute Resolution. On February 15, 2001, NASD Dispute Resolution filed Amendment No. 1 to the proposal.[3] On February 22, 2001, NASD Dispute Resolution filed Amendment No. 2 to the proposal.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Dispute Resolution is proposing to amend Rule 10301 of the Code of Arbitration of the NASD, to prohibit a firm that has been terminated, suspended, or barred from the NASD, or that is otherwise defunct, from enforcing a predispute arbitration agreement against a customer in the NASD arbitration forum. Below is the text of the proposed rule change. Proposed new language is in *italics*.

* * * * *

10301. Required Submission

(a) Any dispute, claim, or controversy eligible for submission under the Rule 10100 Series between a customer and an active member and/or associated person arising in connection with the business of such member or in connection with the activities of such associated persons shall be arbitrated under this Code, as provided by any duly executed and enforceable written agreement or upon the demand of the customer. *A claim involving a member in the following categories shall be ineligible for submission to arbitration under the Code unless the customer agrees in writing to arbitrate the claim after it has arisen:*

1. A member whose membership is terminated, suspended, canceled, or revoked;

2. A member that has been expelled from the NASD; or

3. A member that is otherwise defunct.

(b)–(d) Unchanged.

* * * * *

[3] *See* letter from Laura Leedy Gansler, Counsel, NASD Dispute Resolution, to Florence Harmon, Senior Special Counsel, Division of Market Regulation ("Division"), Commission, dated February 14, 2001 ("Amendment No. 1"). In Amendment No. 1, NASD Dispute Resolution made changes to the description of the rule change to more accurately describe its purpose.

[4] *See* letter from Laura Leedy Gansler, Counsel, NASD Dispute Resolution, to Florence Harmon, Senior Special Counsel, Division, Commission, dated February 21, 2001 ("Amendment No. 2"). In Amendment No. 2, NASD Dispute Resolution made further changes to the description of the rule change to more accurately describe its purpose.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Dispute Resolution included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Dispute Resolution has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In October 1998, the Government Accounting Office ("GAO") undertook a study of the securities industry arbitration process, focusing on the number of unpaid arbitration awards. In its report, *Securities Arbitrations: Actions Needed to Address Problem of Unpaid Awards* ("GAO Report"), the GAO found that a significant percentage of the awards favorable to customers that were issued in 1998 were unpaid. The majority of unpaid awards involved arbitration cases against firms that the NASD had terminated from membership for serious violations of the federal securities laws and NASD rules, or that had filed for bankruptcy. In fact, investors collect their awards in well over 90 percent of the NASD cases involving active firms.

The GAO noted that the NASD takes aggressive action to address complaints about nonpayment of awards. However, in response to the recommendations in the GAO Report, NASD Dispute Resolution has taken the following additional steps to track and address non-payment. In NASD *Notice to Members* 00–55, published August 10, 2000, NASD Dispute Resolution introduced a new system of monitoring and tracking compliance with arbitration awards by members and associated persons. On September 18, 2000, NASD Dispute Resolution began asking Claimants to notify it if a member or associated person has not paid the arbitration award within 30 calendar days of receipt of the award. In addition, member firms are now required to notify NASD Dispute Resolution in writing within 30 days of receipt of an award that they or their associated persons have paid or otherwise complied with the award, or to identify a valid basis for non-payment. NASD Dispute Resolution has agreed to provide the Commission with quarterly reports on the results of this process. These steps will enable the NASD to institute suspension proceedings promptly when appropriate, and will prevent unnecessary regulatory effort in cases in which the award is the subject of a pending motion to vacate or there is another valid basis for non-payment.

Even in light of NASD Dispute Resolution's vigorous efforts to ensure payment of awards, the GAO Report highlighted the fact that customers in arbitration cases involving terminated or suspended members face a significantly higher risk of non-payment than in cases involving active members. While non-payment of awards by terminated or suspended members is beyond the control of NASD Dispute Resolution, NASD Dispute Resolution recognizes that it may be inappropriate to permit terminated or suspended members to require customers who have claims against them to arbitrate such claims in the NASD forum when an arbitration award may be unenforceable against the terminated or suspended member. In such cases, NASD Dispute Resolution believes that even customers who have signed a predispute arbitration agreement should be able to seek relief in court, where they could more directly avail themselves of any judicial remedies available under state law, including those that might prevent the dissipation of assets. Due to the time required for the appointment of arbitrators, and the delay inherent in the process of converting an arbitration award into an enforceable judgment, the ability to go directly to court to seek relief may save customers precious time in cases in which the dissipation of assets is a threat.

Therefore, NASD Dispute Resolution is proposing to amend Rule 10301 of the Code of Arbitration Procedure to prohibit a firm that has been terminated, suspended, or expelled from the NASD, or that is otherwise defunct, from enforcing a predispute arbitration agreement against a customer in the NASD forum. As a corollary to this rule change, NASD Dispute Resolution will advise customers making claims against a terminated or suspended member of the member's status, so that the customers can decide whether to proceed in arbitration, to file their claim in court, or to take no action.

The proposed rule change precludes terminated, suspended, barred, or otherwise defunct members from requiring a customer to arbitrate in the NASD forum under Rule 10301, unless the customer agrees in writing to arbitrate the claim in the NASD forum

after the claim has arisen. The proposed rule change is similar to Rule 10301(d) of the Code of Arbitration Procedure, which provides that class actions are ineligible for arbitration in the NASD forum. It is also similar in principle to New York Stock Exchange ("NYSE") Rule 600(f), which makes employment discrimination claims ineligible for arbitration in the NYSE forum unless the parties agree to arbitrate after the claim has arisen.

2. Statutory Basis

NASD Dispute Resolution believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[5] which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. Because terminated, suspended, barred or otherwise defunct firms have a significantly higher incidence of non-payment of arbitration awards than do active firms, NASD Dispute Resolution believes that the proposed rule change will protect investors and the general public by giving customers greater flexibility to seek remedies against such firms.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Dispute Resolution does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether it is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 26, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5250 Filed 3–2–01; 8:45 am]

BILLING CODE 8010-01-M

[5] 15 U.S.C. 78o(b)(6).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43993; File No. SR–NYSE–01–03]

Self-Regulatory Organizations: Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the New York Stock Exchange, Inc. To Amend Supplementary Material to Rules 451 and 465 Concerning Householding

February 22, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 7, 2001, the New York Stock Exchange, Inc. ("Exchange" or "NYSE") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. On February 14, 2001, the NYSE submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Many listed company proxy statements and annual reports are mailed to beneficial holders of the company's stock by brokerage firms. The practice of sending only one proxy statement or annual report to multiple beneficial holders with a single address is known as "householding." A newly effective Commission rule now permits householding by implied consent with certain appropriate safeguards.[4] The Exchange proposes to amend its own rules to align them with the Commission's recent amendments.[5] The NYSE's proposal would permit members to household annual reports, interim reports, proxy statements and other material so long as they comply with applicable Commission rules, including Rule 14b–1 and under the Act.[6]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rules of the Commission and the Exchange require member organizations

[3] Letter from Darla C. Stuckey, Assistant Secretary, NYSE, to Nancy J. Sanow, Assistant Director, Division of Market Regulation, SEC, dated February 12, 2001 ("Amendment No. 1"). In Amendment No. 1, the Exchange corrected an error in the purpose section of the Form 19b–4 filing.

[4] *See* Securities Act Release No. 7912 (October 27, 2000), 65 FR 65736 (November 2, 2000) ("Householding Release").

[5] *Id.*

[6] 17 CFR 240.14b–1.

to mail to all beneficial holders the issuer's annual report and the issuer's proxy statement prior to a stockholders' meeting. Currently, Exchange rules permit member organizations to mail one copy of such material to multiple beneficial owners that have the same address so long as each beneficial owner consents thereto in writing. The practice of sending only one set of materials to multiple beneficial holders with a single address is known as "householding."

The Commission recently adopted amendments to its rules to permit companies and intermediaries to satisfy their delivery requirements for proxy statements, information statements and annual reports with respect to two or more beneficial owners sharing the same address by delivering a single copy of the documents to those beneficial owners so long as certain conditions are met including consent.[7] Accordingly, the Exchange proposes to amend its own rules to conform to the recently amended Commission rules. Therefore, Supplementary Material to NYSE Rules 451 and 465 is proposed to be amended to specify that member organizations may household proxy statements, annual reports, interim reports and other material provided they do so in compliance with the applicable Commission rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b)(5)[8] the Act, which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[7] *See* note 4 *supra*.

[8] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–01–03 and should be submitted by March 26, 2001.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange,[9] and in particular the requirements of section 6(b)(5) of the Act.[10] Specifically, the Commission finds that the Exchange's proposal to permit householding of annual reports, proxy statements, interim reports and other materials consistent with Commission rules promotes just and equitable of trade by eliminating conflicting regulatory obligations for NYSE members. The Commission notes that while the current NYSE rule permits householding, the NYSE requires its members to get consent in writing from beneficial owners. The Commission's recent amendments to Rule 14b–1[11] under the Act permits householding on an implied consent basis if certain conditions are met. Thus, as a result of this proposal, NYSE rules will conform to the Commission's requirements and NYSE members will be able to receive the benefits provided by householding to an even greater extent by utilizing implied consent. These benefits include reducing the amount of duplicative information that beneficial owners receive and lowering the printing and mailing costs for companies.

The Commission finds good cause to approve the proposal prior to the thirtieth day after the date of publication of notice of the filing in the **Federal Register**. By accelerating effectiveness of the Exchange's rule proposal, NYSE members will be able to utilize the new householding rule for the current proxy season. In addition, the Commission notes that it recently solicited comment from interested persons on its rule amendments[12] and considered the comments received when adopting the final rules.[13] Accordingly, the Commission believes that good cause exists, consistent with sections 6(b)(5)[14] and 19(b)(2)[15] of the Act to approve the proposed rule change on an accelerated basis.

V. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[16] that the amended proposed rule change (SR–NYSE–01–03) is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5247 Filed 3–2–01; 8:45 am]

BILLING CODE 8010-01-M

[9] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(b)(5).

[11] 17 CFR 240.14b–1.

[12] *See* Securities Act Release No. 7767 (November 4, 1999), 64 FR 62548 (November 16, 1999) (proposing release).

[13] *See* Householding Release.

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(2).

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and

recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 4, 2001. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Financial Institution Confirmation Form.

No: 860.

Frequency: On Occasion.

Description of Respondents: SBIC Investment Companies.

Annual Responses: 1,500.

Annual Burden: 750.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 01–5289 Filed 3–2–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 4, 2001. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, S.W., 5th Floor, Washington, D.C. 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Request for Information Concerning Portfolio Financing.

No: 857.

Frequency: On Occasion.

Description of Respondents: SBIC Investment Companies.

Annual Responses: 2,160.

Annual Burden: 2,160.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 01–5290 Filed 3–2–01; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 28895]

Airport Privatization Pilot Program

AGENCY: Federal Aviation Administration (FAA), (DOT.

ACTION: Notice of Receipt of Final Application of Niagara Falls International Airport, Niagara Falls, New York; Request for Comments.

SUMMARY: The Federal Aviation Administration (FAA) is seeking information and comments from interested parties on the final application by the Niagara Frontier Transportation Authority (NFTA) for participation of Niagara Falls International Airport (IAG) in the airport privatization pilot program. The final application is accepted for review.

Title 49 U.S.C. Section 47134 establishes an airport privatization pilot program and authorizes the Department of Transportation to grant exemptions from certain Federal statutory and regulatory requirements for up to five airport privatization projects. The application procedures require the FAA to publish a notice of receipt of the final application in the **Federal Register** and accept public comment on the final application for a period of 60 days.

DATES: Comments must be received by May 4, 2001. Comments that are received after the date will be considered only to the extend possible.

ADDRESSES: The IAG final application is available for public review in the Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 28895, 800 Independence Avenue, SW., Washington, DC 20591. NFTA, the airport sponsor, has also made a copy of the application available at the following locations:

Buffalo & Erie County Public Library, 1 Lafayette Square, Buffalo, New York 14202, (716) 858–8900

Niagara Frontier Transportation Authority, 181 Ellicott Street, Buffalo, New York, 14203 Attn: Ruth Keating, (716) 855–7398

Earl W. Brydges Public Library, 1425 Main Street, Niagara Falls, New York 14305, (716) 286–4881

Niagara Falls International Airport, Niagara Falls Boulevard, Niagara Falls, New York 14304, (716) 297–4494

Comments on the IAG final application must be delivered or mailed, in quadruplicate, to: the Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. #28895, 800 Independence Avenue, SW., Washingotn, DC 20591. All comments must be marked "Docket No. 28895". Commenters wishing the FAA to acknowledge receipt of their comments must include a preaddressed, stamped postcard on which the following statement is made: "Comments to Docket No. 28895." The postcard will be date stamped and mailed to the commenter. Comments on this Notice may be delivered or examined in room 915G on weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Kevin C. Willis, Compliance Specialist (AAS–400), (202–267–8741) Airport Compliance Division, Office of Airport Safety and Standards, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 29591.

SUPPLEMENTARY INFORMATION: Section 149 of the Federal Aviation Administration Authorization Act of 1996, Pub. L. No. 104–264 (October 9, 1996) (1996 Reauthorization Act), added a new 47134 to Title 49 of the U.S. Code. Section 47134 authorizes the Secretary of Transportation, and through delegation, the FAA Administrator, to exempt a sponsor of a public use airport that has received Federal assistance from certain Federal requirements in connection with the privatization of the airport by sale or lease to a private party. Specifically, the Administrator may exempt the sponsor from all or part of the requirements to use airport revenues for airport-related purposes (upon approval of 65 percent of the air carriers serving the airport and having 65 percent of the landed weight), to pay back a portion of Federal grants Government upon transfer of the airport. Since, Niagara Falls International Airport is a general aviation airport without air carrier service; the 65 percent approval of air carriers is not required. The Administrator is also authorized to exempt the private purchaser or lessee from the requirement to use all airport revenues for airport-related purposes, to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

On September 16, 1997, the FAA issued a notice of procedures to be used in applications for exemption under Airport Privatization Pilot Program (62 FR 48693). The notice of procedures and public comments received are available for review in FAA Rules Docket No. 28895.

On June 5, 2000, NFTA filed a final application and selected Cintra Niagara Falls Airport Corporation, USA, as the airport's private operator. Cintra Niagara proposes to lease the airport under a 99-year lease agreement. It plans to market the airport to develop new services such as low cost domestic passenger flights to business and leisure centers, international charter and cargo services. Cintra Niagara will commit $10.1 million in the initial 13 years for the purposes of operating, managing and developing the airport. $1.125 million will be used for operating, marketing and capital improvements costs. The remaining $8.975 million will be used for marketing expenses and to fund the initial five year capital planning period.

Cintra Niagara will receive an operating subsidy of $2.475 million from the NFTA for the first three years ($900,000, year 1; $900,000, year 2; $675,000, year 3). The operating subsidy will end after year 3. Cintra Niagara will pay a rental to the NFTA equivalent to $2.00 per passenger for each eligible passenger in excess of 450,000 total annual passengers at the Airport. Cintra Niagara forecasts that rental payments will begin in calendar year 2007.

On August 11, 2000, in an effort to clarify certain parts of the application, FAA staff requested responses to 21 questions from the NFTA and Cintra Niagara, the private operator. Copies of the 21 questions, the answers submitted by the NFTA, and the draft lease are available for public view and comment included as an attachment to the sponsor's application for public review.

The FAA has determined that the application is substantially complete. As part of its review of the IAG final application, the FAA will consider all comments and information submitted by interested parties during the 60-day comment period for this notice.

Issued in Washington, DC on February 21, 2001.

David L. Bennett,

Director, Airport Safety and Standards.

[FR Doc. 01–5268 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice Before Waiver With Respect to Land at Tri-State Airport, Huntington, West Virginia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The FAA is publishing notice of proposed release of 0.459 acres of land at the Tri-State Airport, Huntington, West Virginia to the City of Kenova for the installation of a water storage tank. There are no impacts to the Airport and the land is not needed for airport development as shown on the Airport Layout Plan. Fair Market Value of the land will be paid to the Airport sponsor, and used for Airport purposes.

DATES: Comments must be received on or before April 4, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Larry F. Clark, Manager, FAA Beckley Airports Field Office, 176 Airport Circle, Room 101, Beaver, WV 25813.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Larry G. Salyers, Airport Director, Tri-State Airport at the following address: Larry G. Salyers, Airport Director, Tri-State Airport, 1449 Airport Road, Huntington, WV 25704.

FOR FURTHER INFORMATION CONTACT: Larry F. Clark, Manager Beckley Airports Field Office, (304) 252–6216, fax (304) 253–8028.

SUPPLEMENTARY INFORMATION: On April 5, 2000, new authorizing legislation became effective. That bill, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, Public Law 106–181 (Apr. 5, 2000; 114 Stat. 61) (AIR 21) requires that a 30 day public notice must be provided before the Secretary may waive any condition imposed on an interest in surplus property.

Issued in Beckley, West Virginia on February 2, 2001.

Larry F. Clark,

Manager, Beckley Airports Field Office, Eastern Region.

[FR Doc. 01–5269 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34008]

Dickinson Osceola Railroad Association—Acquisition and Operation Exemption—Union Pacific Railroad Company

Dickinson Osceola Railroad Association (DORA), a non-profit entity, newly created to become a Class III railroad, has filed a notice of exemption under 49 CFR 1150.31 to acquire (by purchase) and operate approximately 37.21 miles of rail line currently owned by Union Pacific Railroad Company (UP). The line to be acquired and operated, UP's Estherville Branch, extends between approximately milepost 79.34, at a point west of Superior, IA, and the end of the line at approximately milepost 116.55, a point west of Allendorf, IA, in Dickinson and Osceola Counties, IA. DORA certifies that its projected revenues will not exceed those that would qualify it as a Class III rail carrier and its revenues are not projected to exceed $5 million.[1]

The transaction was scheduled to be consummated on or shortly after February 16, 2001.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34008, must be filed with

[1] DORA states that it will interchange traffic with UP. DORA further states that it will provide common carrier rail freight service over the line for its own account or through a contract operator, which will obtain its own operating authority from the Board.

the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on John D. Heffner, Esq., REA, CROSS & AUCHINCLOSS, Suite 570, 1707 L Street, NW., Washington, DC 20036 [Attorney for DORA], and Mac Shumate, Esq., Law Department, Union Pacific Railroad Company, 101 N. Wacker Drive, Suite 1920, Chicago, IL 60606 [Attorney for UP].

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: February 23, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–5128 Filed 3–2–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (the "agencies") may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. On May 31, 2000, the OCC, the Board, and the FDIC (the agencies) requested public comment for 60 days on proposed revisions to the Consolidated Reports of Condition and Income (Call Report), which are currently approved collections of information. After considering the comments the agencies received, the Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, adopted several modifications to the revised reporting requirements initially proposed. However, the proposed reporting of subprime lending data remains under study and the collection of these data will not be implemented as of March 31, 2001, as proposed.

DATES: Comments must be submitted on or before April 4, 2001.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Written comments should be submitted to the Communications Division, Office of the Comptroller of the Currency, 250 E Street, SW., Public Information Room, Mail Stop 1–5, Attention: 1557–0081, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874–4448, or by electronic mail to regs.comments@occ.treas.gov. Comments will be available for inspection and photocopying at the OCC's Public Reference Room, 250 E Street, SW., Washington, DC 20219. Appointments for inspection of comments may be made by calling (202) 874–5043.

Board: Written comments should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, submitted by electronic mail to regs.comments@federalreserve.gov, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9 a.m. and 5 p.m., except as provided in section 261.12 of the Board's Rules Regarding Availability of Information, 12 CFR 261.12(a).

FDIC: Written comments should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number: (202) 898–3838; Internet address: comments@fdic.gov]. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m. on business days.

A copy of the comments may also be submitted to the OMB desk officer for the agencies: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Sample copies of the two versions of the Call Report forms (designated forms FFIEC 031 and FFIEC 041) that will replace the current four versions of the Call Report (forms FFIEC 031, 032, 033, and 034) effective March 31, 2001, can be obtained at the FFIEC's web site (www.ffiec.gov) and at the FDIC's web site.[1] Sample copies of these revised Call Report forms also may be requested from any of the agency clearance officers whose names appear below.

OCC: Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Mary M. West, Chief, Financial Reports Section, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, (202) 452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

FDIC: Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Request for OMB approval to extend, with revision, the following currently approved collections of information:

Report Title: Consolidated Reports of Condition and Income.

Form Number: Current form numbers: FFIEC 031, 032, 033, and 034. Revised form numbers: FFIEC 031 and 041.[2]

[1] On the FDIC's web site, a sample copy of the FFIEC 031 report form for March 31, 2001, can be accessed at http://www.fdic.gov/news/news/financial2001/fi10105d.pdf. A sample copy of the FFIEC 041 report form for March 31, 2001, can be accessed at http://www.fdic.gov/new/news/financial/2001/fi10105e.pdf.

[2] The FFIEC 031 report form will continue to be filed by banks with domestic and foreign offices. At present, the FFIEC 032 report form is filed by banks with domestic offices only and $300 million or more in total assets, the FFIEC 033 report form is filed by banks with domestic offices only and $100 million or more but less than $300 million in total assets, and the FFIEC 034 report form is filed by banks with domestic offices only and less than $100 million in total assets. The FFIEC 041 report form will replace the FFIEC 032, 033, and 034 report forms and will be filed by all banks with domestic offices only.

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

For OCC:

OMB Number: 1557–0081.

Estimated Number of Respondents: 2,300 national banks.

Estimated Time per Response: 41.11 burden hours.

Estimated Total Annual Burden: 378,194 burden hours.

For Board:

OMB Number: 7100–0036.

Estimated Number of Respondents: 1,001 state member banks.

Estimated Time per Response: 47.15 burden hours.

Estimated Total Annual Burden: 188,789 burden hours.

For FDIC:

OMB Number: 3064–0052.

Estimated Number of Respondents: 5,640 insured state nonmember banks.

Estimated Time per Response: 31.76 burden hours.

Estimated Total Annual Burden: 716,612 burden hours.

The estimated time per response is an average which varies by agency because of differences in the composition of the banks under each agency's supervision (e.g., size distribution of banks, types of activities in which they are engaged, and number of banks with foreign offices). The time per response for a bank is estimated to range from 14 to 500 hours, depending on individual circumstances. Moreover, because the revisions to the Call Report will be phased in over several quarters rather than all at once, the time per response represents an estimate of the reporting burden when the phase-in has been completed on March 31, 2002.

In addition, the effect on the time per response of the changes to the Call Report that are the subject of this submission for OMB review will vary from bank to bank. Except for the one-time additional burden associated with their initial adjustment to the revisions to the reporting requirements, many smaller banks should experience an overall decrease in time per response, after considering eliminations of items and reductions in detail, because they are not involved in the activities for which most of the new information will be collected. In contrast, the time per response for many large banks is expected to increase, even after considering eliminations of items and reductions in detail, because the proposed new information will be applicable to them and because the reporting of trust activities will be moved into the Call Report from two separate trust activities reports.[3]

General Description of Report

This information collection is mandatory: 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), and 12 U.S.C. 1817 (for insured state nonmember commercial and savings banks). Except for selected items, this information collection is not given confidential treatment. Small businesses (i.e., small banks) are affected.

Abstract

Banks file Call Reports with the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of reporting banks and the industry as a whole. In addition, Call Reports provide the most current statistical data available for evaluating bank corporate applications such as mergers, for identifying areas of focus for both on-site and off-site examinations, and for monetary and other public policy purposes. Call Reports are also used to calculate all banks' deposit insurance and Financing Corporation assessments and national banks' semiannual assessment fees.

Current Actions

The agencies requested comment on proposed revisions to the Call Report that are intended to make the content of the report more relevant to the agencies. The more significant of the proposed revisions included:

- Streamlining the present reporting requirements through deletions of items and reductions in detail that would produce a decrease of approximately 10 percent in the overall number of individual data items currently contained on the four existing versions of the Call Report forms (excluding items reported for regulatory capital purposes), the collection of which is no longer warranted;
- Adopting a new regulatory capital reporting approach that uses step-by-step "building blocks" to compute the key elements of the capital ratios;
- Combining the three separate report forms for banks of different sizes that have only domestic offices into a single form while retaining the separate form for banks with foreign offices;
- Collecting new information on:
- Nontraditional and higher risk bank activities, i.e., subprime loans, securitizations and asset sale activities, additional categories of noninterest income, and restructured derivative contracts, and
- Federal Home Loan Bank advances and other borrowings;
- Replacing the two separate trust activities reports with a single, streamlined trust schedule in the Call Report;
- Eliminating the confidential treatment for loans, leases, and other assets that are past due 30 through 89 days; and
- Eliminating the additional 15-day period that banks with more than one foreign office are given for submitting their Call Reports.

These revised reporting requirements were also designed to complement the agencies' emphasis on risk-focused supervision. Furthermore, the revisions address certain aspects of sections 307(b) and (c) of the Riegle Community Development and Regulatory Improvement Act of 1994 (the Riegle Act). These sections direct the federal banking agencies to work jointly toward more uniform reporting, review the information that institutions currently report, and eliminate existing reporting requirements that are not warranted for safety and soundness or other public policy purposes.[4]

After considering the comments the agencies received, the FFIEC approved several modifications to the initial set of proposed revisions. However, the proposed reporting of subprime lending data remains under study and the collection of these data will not be implemented as of March 31, 2001, as proposed. The comments on the agencies' initial Call Report proposal and the changes made in response to the comments are discussed below.

Type of Review: Revisions of currently approved collections.

On May 31, 2000, the agencies jointly published a notice soliciting comments for 60 days on proposed revisions to their currently approved Call Report information collections (65 FR 34801). The notice described the specific changes that the agencies, with the approval of the FFIEC, were proposing to implement as of March 31, 2001.

In response to this notice, the agencies collectively received comments

[3] The Annual Report of Trust Assets (FFIEC 001) and the Annual Report of International Fiduciary Activities (FFIEC 006): for the OCC, OMB Number 1557–0127; for the Board, OMB Number 7100–0031; and for the FDIC, OMB Number 3064–0024. The FDIC does not collect the FFIEC 006.

[4] Sections 1211(b) and (c) of the American Homeownership and Economic Opportunity Act of 2000, Pub. L. 106–569, which was signed into law on December 27, 2000, are identical to Sections 307(b) and (c) of the Riegle Act. As a consequence, the Call Report revisions that are the subject of this submission likewise address certain aspects of Sections 1211(b) and (c) of Pub. L. 106–569.

from 110 respondents: 86 banks and banking organizations, 15 state and national banking trade groups and other bankers' organizations, 4 community groups, 2 bank supervisory groups, a mortgage insurance trade group, a law firm, and a government-sponsored enterprise. Of these 110 respondents, 88 commented on the proposed reporting of subprime lending data and the majority of these commenters addressed only this aspect of the proposal. The agencies and the FFIEC have considered all of the comments received on the proposal.

Most of the commenters that discussed the streamlining of the information currently collected in the Call Report supported this portion of the proposed revisions. However, several small banks complained that the Call Report forms they would be receiving in 2001 would be increasing from 29 to 41 pages and some of these institutions recommended that the agencies continue to keep a separate form for small banks. Nevertheless, the agencies note that the single form for all banks with domestic offices only, which has been designated the FFIEC 041, contains reporting thresholds for certain schedules and portions of schedules that will exempt smaller institutions from having to complete these schedules or portions thereof. In addition, because of the specialized nature of the activities covered in the new schedule on securitizations and asset sales, this schedule will not be applicable to most banks. The Call Report's new schedule on trust activities, which replaces two separate trust activities reports, will only be applicable to about 2,300 institutions.

In addition, one national banking trade group, while urging the FFIEC and the agencies to move forward with the proposed deletions and reductions in detail in March 2001, stated that the proposed revisions did not achieve the goal of streamlining the Call Report burden as required by the Riegle Act. This trade group indicated that the agencies' review of information that banks report in the Call Report failed to meet the statute's mandate to "eliminate requirements that are not warranted for reasons of safety and soundness or other public purposes." The FFIEC and the agencies have interpreted "public purposes" to mean public policy purposes. The FFIEC and the agencies therefore believe that the Riegle Act permits the agencies to retain (and impose) reporting requirements for purposes other than safety and soundness that assist the agencies in fulfilling their missions.

In contrast, the banking trade group stated that Congress intended "that information required for another public purpose was intended to be narrowly construed" because "the conference report [on the Riegle Act] gives only one example of a 'public purpose,'" i.e., information needed to determine an institution's deposit insurance premiums. The agencies believe that, by using the word "purposes," which is plural, Congress clearly intended for the agencies to read the statutory language more broadly than the trade group suggested with respect to the purposes for which data collection is warranted.

In developing the streamlining portion of the proposed Call Report revisions, the agencies carefully reviewed the purposes for which each existing Call Report data item is used. This process involved requesting feedback from the staffs within the agencies on the specific uses of each Call Report item. The trade group's comment letter asked the agencies to "release their compilation of 'the purposes for which and extent to which they use each data item.'" In this regard, the results of the agencies' review of the uses of the Call Report items were not compiled as a single statistical report. Rather, each agency analyzed its use of each Call Report item in order to determine whether and, if so, how the item was essential to the agency's safety and soundness efforts or critical for other public policy purposes. Those items lacking sufficient practical utility were proposed for elimination or collection in a more appropriate aggregate form.

As a result, the agencies believe the principal reason for collecting virtually all of the items in the Call Report as it has been streamlined, aside from those items used for deposit insurance assessment calculations, directly relate to their safety and soundness objectives. The principal safety and soundness uses of Call Report data were identified as examination activities, including pre-examination planning and report preparation; analysis of industry performance and risk exposures; off-site surveillance and modeling, e.g., the Uniform Bank Performance Report, the FDIC's SCOR (Statistical CAMELS Off-site Rating), and the Board's SEER (System to Estimate Examination Ratings) models; the evaluation of bank applications; and assessing compliance with safety and soundness laws and regulations such as regulatory capital requirements. The agencies acknowledge that Call Report data are also used for public policy purposes besides deposit insurance assessments, such as assessing consumer compliance issues including the Community Reinvestment Act, constructing and benchmarking various financial aggregate measures, constructing sources and uses of funds for the banking sector in the flow of funds accounts and debt aggregates, and publishing banking statistics. However, the agencies believe that items collected solely for these other public policy purposes are a small percentage of the Call Report items when compared to those collected for safety and soundness purposes.

More specific information on the comments received is presented below.

Implementation Timetable for the Call Report Revisions—With respect to the proposed information that would be new to the Call Report, two trade groups whose members include large banks that would be subject to these new reporting requirements and four large banks addressed the proposed March 31, 2001, effective date for this new information. They stated that, considering the complexity of a number of the proposed Call Report changes and changes in generally accepted accounting principles taking effect at the beginning of 2001, they would not have time to put reporting systems in place by March 31. Some of these commenters suggested that the agencies should phase in the reporting of the new data (including trust data) quarter by quarter over the course of 2001 or delaying it until 2002. A few smaller banks also commented that there would be insufficient time to modify software and reporting systems by March 31 and to train personnel in the proposed new reporting requirements.

The FFIEC and the agencies have concluded that deferring the starting dates for reporting certain new information until the dates recommended by respondents would be a reasonable response to bankers' concerns about the need for lead time to make necessary systems changes and train staff. The remainder of the revisions to the Call Report that the FFIEC and the agencies have decided to proceed with will take effect in March 2001 as originally proposed, except as discussed in the following section.

In this regard, those respondents that suggested a specific implementation schedule recommended the introduction of the proposed securitization and asset sales activity schedule in June 2001, the subprime loan reporting requirements in September 2001, and the trust activity reporting in December 2001. As discussed further below, because the agencies are continuing to evaluate how to proceed with the proposed subprime

lending reporting requirements, the collection of subprime lending data will not be implemented as of March 31, 2001, as proposed.

Reporting Loan Information by Loan Category Outside the Loan Schedule—The Call Report currently uses two different definitional schemes for reporting information on loan income, loan averages, past due and nonaccrual loans, and charge-offs and recoveries by loan category. The definitional scheme applicable to a particular bank depends primarily on its size. Banks that file the FFIEC 033 and 034 report forms, i.e., banks with domestic offices only and less than $300 million in total assets, are permitted to report these four types of loan information using general loan categories. These banks define for themselves which of their loans to include in the general loan categories based upon their own individual loan systems. In contrast, banks that currently file the FFIEC 031 and 032 report forms, i.e., banks with foreign offices or with $300 million or more in total assets, must provide these four types of loan information using the standard loan category definitions from the Call Report's loan schedule (Schedule RC–C, part I).

To obtain more consistent loan information, the agencies proposed to adopt uniform loan categories and definitions based on the standard loan categories found in the loan schedule. These standard loan categories would be used by all banks for reporting loan income, loan averages, past due and nonaccrual loans, and loan charge-offs and recoveries by loan category. However, banks with less than $25 million in assets currently are not required to report a breakdown of their total loan income or their quarterly average of total loans by loan category. The agencies requested comment on the merits of eliminating this exemption.

In their comment letters, a few small banks indicated that it would be difficult to change from reporting certain loan information using self-defined general loan categories to reporting based on the standard loan category definitions. One bank trade group also observed that community banks would have to modify various general ledger accounts in order to implement this reporting change, which would be a significant burden for many of them. However, other small banks commented favorably on parts of the proposal without mentioning the change in the loan category definitions that they would have to use. The only bank with less than $25 million in assets that commented on the proposed changes to the existing reporting requirements urged the agencies to leave the Call Report unchanged in its entirety.

All banks regardless of size currently provide a breakdown of the loans in their loan portfolios as of the Call Report date each quarter using the standard loan categories. Therefore, the definitions for the standard loan categories should not be entirely foreign to banks with less than $300 million in assets. Nevertheless, considering the concerns expressed by commenters, the FFIEC and the agencies believe that a transition rule for banks with domestic offices only and less than $300 million in assets (as of June 30, 2000) would help to address their concerns about this reporting change. Therefore, these banks may use their best efforts through year-end 2001 to report information on loan income, loan averages, past due and nonaccrual loans, and charge-offs and recoveries by loan category based on the standard Call Report loan category definitions.[5] However, banks with less than $25 million in assets that do not currently report loan income and averages by loan category would retain this reporting exemption during 2001. This will provide the smallest banks with one year to plan for and make whatever changes may be needed in their records and reporting systems. The transition period will end in the first quarter of 2002, at which time all banks should be reporting loan information outside the loan schedule based on that schedule's standard loan category definitions.

Regulatory Capital Reporting—The agencies proposed to adopt a revised regulatory capital reporting approach and schedule that uses step-by-step building blocks to compute the key elements of the capital ratios for all banks. More commenters supported this revised approach than objected to it. However, one bank trade group pointed out that the schedule would be expanded for many banks that are not required to complete the existing schedule in its entirety if a capital ratio test is met. One respondent suggested that the changes to the schedule should be deferred until the new capital framework under development internationally by the Basel Committee on Banking Supervision takes effect. In this regard, the Basel Committee has proposed that implementation of its new framework begin in 2004. Moreover, a number of larger banking organizations have for some time been recommending that a more logical reporting format for regulatory capital information, such as the format used in bank holding company reports filed with the Board on form FR Y–9C, be incorporated into the Call Report. The regulatory capital schedule proposed by the agencies would accomplish this. After considering all the comments addressing the proposed new approach, the FFIEC and the agencies have concluded that they should proceed with the capital reporting revisions.

Nevertheless, one banking organization commented that the portion of the proposed regulatory capital schedule in which assets are allocated to appropriate risk weight categories was more detailed than necessary. The bank suggested that the agencies could reduce the number of separate asset categories in this part of the schedule without any real loss of information because of the typical risk weights to which these assets would be assigned. The agencies agreed with this suggestion and have simplified the schedule in the manner the bank recommended. Accordingly, the proposed separate lines for reporting interest- and noninterest-bearing balances due from depository institutions have been combined as have six separate lines for such "other assets" as bank premises, other real estate owned, and intangible assets.

Even with this reduction in the number of separate asset categories, the agencies recognize that the revised regulatory capital schedule may give some banks that were previously not required to complete existing Schedule RC–R in its entirety the impression that they are now required to go through an extensive exercise in risk-weighting their assets and off-balance sheet items. The agencies' proposal reminded banks that they are not required to identify each on-balance sheet asset and off-balance sheet item that qualifies for a risk weight of less than 100 percent. Rather, each bank can decide for itself how detailed an analysis of its assets and off-balance sheet items it wishes to perform and how many of the specific lower risk-weighted items it wishes to identify. In other words, a bank can choose from among its assets and off-balance sheet items that have a risk weight of less than 100 percent which ones to risk-weight at an appropriate lower risk weight, or it can simply risk-weight some or all of these items at a 100 percent risk weight. A statement along these lines has been placed at the beginning of the risk-weighting section of Schedule RC–R in the Call Report forms to ensure that banks are aware of

[5] For example, for each new loan, a bank could begin reporting loan information using the appropriate standard loan category in 2001. For existing loans, the banks could make reasonable estimates of the amounts that should be reallocated from the general loan categories to the various standard loan categories.

this. The FFIEC and the agencies also reiterated this position on risk-weighting in materials they issued to all banks on January 17, 2001, describing all of the revisions to the Call Report. For banks that were previously not required to complete existing Schedule RC–R in its entirety, these materials also describe a simplified risk-weighting process they could follow in the revised schedule that is similar to the one they have been using when they perform the capital ratio test in the existing schedule.

The proposal also noted that the agencies are reviewing and implementing applicable provisions of the Gramm-Leach-Bliley Act. One area where the agencies' review of the Act indicated the need to modify the Call Report involves regulatory capital requirements for banks with financial subsidiaries. In this regard, the agencies decided to add six new items to the regulatory capital schedule. These items cover the adjustments to regulatory capital that are necessary to calculate the capital ratios of banks with financial subsidiaries, i.e., adjustments to total risk-based capital, risk-weighted assets, and average total assets for the leverage ratio. Over the near term, these financial subsidiary items are likely to be applicable to only a small percentage of banks.

Finally, one bank observed that, in the version of Schedule RC–R that appeared in the proposed Call Report forms, the items for "Net unrealized gains (losses) on available-for-sale debt securities" and "Net unrealized gains on available-for-sale equity securities" in the leverage ratio section of the schedule appeared to be unnecessary because of the manner in which average total assets is calculated. The FFIEC and the agencies agree with this commenter and have deleted these two items.

New Data on Subprime Lending Activities—The agencies proposed to collect information on subprime lending to make possible the early detection and proper supervision of subprime lending programs through offsite monitoring procedures. Banks involved in subprime lending would report quarter-end data for eight categories of subprime loans as well as past due and nonaccrual subprime loans and the year-to-date charge-offs and recoveries on these loans for two broader categories of loans. The proposal acknowledged that the quality and validity of the proposed Call Report information on subprime lending would depend on the agencies' ability to develop a workable definition of subprime lending. The agencies also indicated that subprime loans could be defined on the basis of either (a) loan portfolios or programs that possess certain characteristics or (b) individual loans with these characteristics. The proposal included numerous questions pertaining to the definition and specifically requested comment on this issue. The proposed definition was based on the definition in the agencies' March 1999 guidelines for subprime lending and, in part, characterized these loans as "extensions of credit to borrowers who, at the time of the loan's origination, exhibit characteristics indicating a significantly higher risk of default than traditional bank lending customers."

Virtually every commenter that addressed the proposed collection of data on subprime lending had unfavorable comments on the agencies' proposed definition of this term. The commenters observed that, without a clearer definition of subprime lending, the proposed reporting requirement would result in inconsistent information across banks while imposing a significant burden on banks.

In light of the comments received on the proposed collection of subprime lending data, the agencies are continuing to evaluate how to proceed with this part of the proposal. In this regard, the banking agencies issued expanded examination guidance for subprime lending programs on January 31, 2001, which defines subprime lending. Thus, the agencies are considering whether this definition should form the basis for reporting requirements on banks' subprime lending activities. In the meantime, however, the FFIEC and the agencies are delaying the effective date for the reporting of subprime lending data in the Call Report until after March 31, 2001, the effective date that had been proposed. Banks will be notified when the FFIEC and the agencies complete their deliberations concerning the introduction of a subprime loan reporting requirement. At that time, in accordance with the Paperwork Reduction Act of 1995, the agencies will request comment on this reporting requirement, including the definition of subprime lending to be used for reporting purposes, when they submit this requirement to OMB for review and approval.

Bank Securitization and Asset Sale Activities—The agencies proposed to revise and expand the information collected in the Call Report on bank involvement in securitization and asset sale activities in order to facilitate more effective analysis of these activities on bank credit exposures. This revision would be accomplished by creating a new Schedule RC–S to comprehensively capture information related to bank securitizations and asset sales.

In their proposal, the agencies requested comment on the reporting of data on ownership (or seller's) interests in securitizations. As proposed, the agencies would collect data for seller's interests carried as securities, but they asked whether (and, if so, how) these data should cover seller's interests carried as loans. One commenter pointed out that, for seller's interests carried as loans, the delinquency and charge-off information is already included in the separate Call Report schedules for past due and nonaccrual loans and for loan charge-offs and recoveries. Thus, this bank observed that having banks combine this information in Schedule RC–S with the delinquency and charge-off information for loans underlying seller's interests carried as securities would create duplicate reporting in the Call Report. As a consequence, the FFIEC and the agencies decided to modify the Schedule RC–S proposal to add an item to this new schedule that asks banks to report seller's interests carried as loans, but without any additional disclosures about delinquencies and charge-offs.

One commenter recommended that the agencies compare the Call Report's new asset securitization disclosures in proposed Schedule RC–S to those that were to be promulgated by the Financial Accounting Standards Board (FASB) in its amendment to FASB Statement No. 125, Accounting for Transfers and Servicing of Financial Assets and Extinguishments of Liabilities (FAS 125). This commenter and one other added that the agencies should make every effort to coordinate these Call Report disclosures with those in the FAS 125 amendment and with the agencies' revisions to the risk-based capital rules on recourse. The agencies note that, in designing Schedule RC–S, their intent was for the content of the schedule to be consistent with the direction they were taking in their proposed amendments to the risk-based capital treatment of recourse and securitizations.

The agencies reviewed the securitization disclosure provisions contained in the May 2000 preballot draft of the FASB Statement amending FAS 125 and the final Statement amending FAS 125 itself, which was issued in September 2000 and designated FASB Statement No. 140 (FAS 140). The disclosure requirements of FAS 140 covering securitizations (paragraphs 17(f) and (g)) require information to be presented for each major asset type and the standard cites mortgage loans, credit card receivables, and automobile loans as examples of asset types. Similarly, new Schedule RC–S requires disclosures for seven major asset types including 1–4 family residential mortgages, credit card receivables, and auto loans.

When an institution has securitized financial assets during any period presented in its financial statements and it accounts for the transfer as a sale, paragraph 17(f) of FAS 140 requires the institution to describe its "continuing involvement with transferred assets, including, but not limited to, servicing, recourse, and restrictions on retained interests." As proposed, Schedule RC–S required the reporting of information on securitizations when the continuing involvement was in the form of recourse or other seller-provided credit enhancements, including retained interest-only strips. The agencies' proposal, however, did not include securitizations where the continuing involvement is limited to servicing. For this reason, the agencies requested comment on the manner in which banks' internal management reports capture information on asset securitization activities, *i.e.*, are these reports prepared based on whether the bank provides credit enhancements (which was how the proposed Schedule RC–S was structured) or on whether the bank services the securitized assets. One bank commented that its internal reporting for the residential mortgage loans it sells is based on the retention of servicing rather than retention of recourse or other credit enhancements. After considering this aspect of FAS 140 and the one comment on this issue, the FFIEC and the agencies agreed to revise the securitization disclosures in Schedule RC–S so that they would cover transactions in which servicing is retained as well as those in which the bank retains recourse or provides other credit enhancements for the assets it securitizes.

The disclosure requirements of paragraph 17(g) of FAS 140 also direct an institution that has retained interests in securitized financial assets as of the financial statement date to separately disclose for each major asset type the total principal amount outstanding, including the portion no longer carried on the balance sheet and the portion that continues to be carried on the balance sheet, delinquencies, and credit losses (net of recoveries) during the period. Schedule RC–S also collects data by major asset type on the principal amount outstanding for the portion of securitized assets no longer carried on the balance sheet and on the carrying amount, rather than the principal amount, of seller's interests that continue to be carried on the balance sheet. For the off-balance sheet portion of these securitizations and for the on-balance sheet portion carried as securities, Schedule RC–S requires disclosure of delinquencies and of charge-offs and recoveries during the year-to-date period. For Schedule RC–S, as discussed above, a bank must report this information when it retains interests that act as credit enhancements, when it otherwise provides recourse, and when it retains servicing. In contrast, this FAS 140 disclosure requirement does not apply when an institution has provided recourse or has retained servicing, but has no retained interest. The agencies acknowledge that this represents a difference between Schedule RC–S and FAS 140. Nevertheless, when a bank is the servicer of loans and leases it has sold and securitized, but has no other continuing involvement, the bank should have information on the outstanding principal balance of these assets as well as the delinquencies, charge-offs, and recoveries. As servicer, it would need to report this information to trustees, investors, and/or other providers of credit enhancements. If the bank does not service the loans and leases it has securitized, but provides recourse or other credit enhancements, sound risk management practices would dictate that the bank should regularly receive the same type of performance information so that it can evaluate its ongoing credit exposure.

One bank noted that reporting past due and charge-off data may be an issue when the securitization structure contains loans sold by multiple banks because the ongoing reporting of the loans in the structure is not concerned with who the original seller of the loans was. As Schedule RC–S is designed, a bank that has sold loans to another institution with recourse or other seller-provided credit enhancements (but was not the bank that securitized the loans) would not have to report delinquency and charge-off information for these loans. The FFIEC and the agencies have attempted to address this concern by providing appropriate guidance in the instructions for Schedule RC–S.

Another bank raised general concerns about the content of some of the proposed items in Schedule RC–S and indicated that the agencies' instructions for the schedule should be clear and concise. This bank recommended that the FFIEC and the agencies circulate these instructions to the banking industry prior to the implementation of the schedule. The FFIEC issued draft instructions for Schedule RC–S on January 17, 2001, mailing them to each bank and making them available on the Internet on the FFIEC's and the FDIC's Web sites. The FFIEC invited institutions to submit questions and comments on these instructions.

Under the existing Call Report requirements, banks report certain information related to securitizations, asset sales, and servicing in Schedules RC–L—Off-Balance Sheet Items—and RC–M—Memoranda. To avoid the loss of this information until the new Schedule RC–S is implemented on June 30, 2001, these existing items will be moved and reported in the Memoranda section of Schedule RC–S for the March 31, 2001, report date. These existing items cover: the outstanding principal balance and amount of recourse exposure on single family residential mortgage loans, small business obligations, and other financial assets that have been sold with recourse; the amount outstanding of consumer credit cards and related plans that have been securitized and sold with servicing retained; and residential mortgage loan and other loan servicing volume. To the extent that some of this information is currently collected only from banks that meet certain reporting thresholds, these thresholds would continue to apply for purposes of reporting this information as of the March 31, 2001, report date.

Additional Information on Components of Noninterest Income—The agencies proposed to collect a more detailed breakdown of noninterest income in the Call Report income statement (Schedule RI) in order to identify the principal types of revenue-generating services in which banks are involved and the amount of income earned from them. One commenter questioned how meaningful the proposed noninterest income category for "loan and other credit-related fees" would be and suggested that it be eliminated as a required income category. The agencies considered the merits of this suggestion in light of the accounting standards that govern the recognition of fees associated with lending and other extensions of credit and decided to eliminate this proposed item.

Trading Revenue from Cash Instruments—Banks with $100 million or more in assets currently report a four-way breakdown of their trading revenue by risk exposure (interest rate, foreign exchange, equity, and other including commodity). Under the proposal, banks with $5 billion or more in notional amount of derivatives held for trading were to begin to also report the amount of their trading revenue derived from cash instruments using the same four-way breakdown. Comments from large

banks opposed the collection of this additional information on trading revenue. These banks indicated that they often manage market risk or use trading strategies that involve managed positions in combinations of cash instruments and derivative contracts. Because the revenue resulting from these managed positions is generally not separated by instrument (cash versus derivative), significant information systems modifications would be needed to capture these data. Even if the data were available, these banks believe that evaluating cash instrument revenue figures in isolation would be misleading because their linkage to managed positions would not be seen. After considering these comments, the agencies decided against collecting the proposed cash instrument trading revenue information.

Federal Home Loan Bank Advances—To improve their monitoring and understanding of individual banks' funding sources, asset-liability management, and liquidity, the agencies proposed to have banks report Federal Home Loan Bank advances separately from their remaining "Other borrowed money," including the existing three-way maturity breakdown on these borrowings. The only commenter addressing the segregation of advances from other borrowings, a national banking trade group, supported this proposed reporting change. The FFIEC and the agencies are implementing this revision as proposed.

One government-sponsored enterprise further recommended that a bank's "Other borrowings" be split so that secured and unsecured borrowings are reported separately. This commenter stated that, given the different treatment that secured and unsecured borrowings receive when an institution fails, this information would be of great value to regulators, analysts, and all of a bank's creditors. The agencies acknowledge that data on secured and unsecured borrowings would be of some value to them, and they may consider proposing such a reporting change in the future.

Restructured Derivative Contracts—The agencies proposed to require banks with foreign offices or with $300 million or more in assets to report the fair value of derivative contracts carried as assets that have been restructured or renegotiated for reasons related to the counterparty's financial difficulties. This information was intended to supplement data these banks currently report on past due derivative contracts. Comments from large banks questioned the need for this information because derivative contracts will be reported at fair value and this value will reflect any decline in the counterparty's credit risk. They noted that such contracts will typically be included in a bank's derivatives held for trading and these losses in value will be charged to earnings. Furthermore, these banks stated that it would be difficult for them to identify derivative contracts that were restructured in prior years for credit reasons. Based on these comments, the agencies concluded that the proposed new item for restructured derivatives should not be implemented.

Reporting of Trust Data—Currently, banks that exercise fiduciary powers and have fiduciary assets or accounts report information on their trust activities each December 31 in the Annual Report of Trust Assets (FFIEC 001). Institutions with trust operations in foreign offices also complete the Annual Report of International Fiduciary Activities (FFIEC 006).

The agencies proposed to change the manner in which banks report information on their trust activities by replacing these separate reports with a new Call Report schedule on fiduciary and related services. This new schedule significantly reduces the amount of detail reported in the current forms, but continues to collect information on the number of accounts and market value of trust assets for specified categories of fiduciary activities, fiduciary and related services income, corporate trust activities, collective investment funds and common trust funds, fiduciary settlements and other losses, and types of managed assets held in personal trust and agency accounts.

As originally proposed, institutions (including all nondeposit trust companies that file Call Reports) with total fiduciary assets greater than $100 million or with fiduciary income greater than 10 percent of their net interest income plus noninterest income would be required to report some of the trust information quarterly and the rest annually. Other institutions with trust activities would report only annually, but would not be required to report fiduciary income and loss information.

Four commenters questioned the need for quarterly reporting by larger trust institutions, indicating that the agencies should better justify this change in reporting frequency. The collection of quarterly data is limited to essential trust asset and income information. The agencies believe that this information is necessary to carry out their respective supervisory responsibilities, particularly because the income generated from fiduciary activities (before expenses) is a significant contributor to the earnings of large banks.[6] Specifically, quarterly data will allow the agencies to identify and monitor in a timely manner those institutions with significant exposure to fiduciary-related risks, accurately monitor and measure fiduciary asset and income profiles and trends both on an individual institution basis and on an industry basis, and respond to changing risk profiles by allocating examiner resources toward areas of increasing or significant risk.

Two banks with trust departments commented that the $100 million in fiduciary assets test is too low a threshold for imposing a quarterly trust reporting requirement given the limited amount of revenue and risk arising from that level of trust department business. The FFIEC and the agencies reviewed the proposed fiduciary asset size threshold for quarterly reporting and decided to increase this threshold to $250 million in fiduciary assets. Thus, under the phased-in implementation schedule discussed above, annual reporting of trust data by all trust institutions will take effect December 31, 2001, and quarterly reporting of trust data by institutions meeting the fiduciary assets or income test will begin in March 2002. Institutions subject to the quarterly reporting requirement hold more than 90 percent of total fiduciary assets.

In their comments opposing the introduction of quarterly reporting for larger trust operations, a number of banks stated that they have not developed automated systems for capturing certain trust data. Because of the significant amount of manual data gathering and compilation that would be entailed, these banks regard quarterly reporting of a trust income statement as imposing a significant additional burden. The expense information in the trust income statement was specifically cited as one area where data are developed manually.

The agencies' primary supervisory interest in the quarterly trust income information is in institutions' fee income rather than net trust income. Consequently, the FFIEC and the agencies concluded that only fee income data should be reported in March, June, and September by institutions subject to quarterly reporting. Thus, institutions with larger trust operations will continue to report fiduciary expenses, losses, and intracompany income credits only annually as of December 31, consistent with current reporting requirements. Trust institutions with more than $100 million but less than $250 million in fiduciary assets that do not meet the fiduciary income threshold will complete the trust income statement in the Call Report once each year as of December 31, which is also consistent with their current reporting requirements.

[6] For commercial banks with $1 billion or more in total assets, income from fiduciary activities has approximated 30 percent of these banks' aggregate net income each year since 1993.

After comparing the information proposed to be reported on corporate trust and agency accounts in Schedule RC–T, Memorandum item 2, with the existing reporting requirements, the agencies are reducing the amount of data they will collect on this trust activity. Institutions with fiduciary activities will report the number of issues and principal amount outstanding for "Corporate and municipal trusteeships" in Memorandum item 2.a and only the number of issues for "Transfer agent, registrar, paying agent, and other corporate agency" in Memorandum item 2.b. The agencies are also correcting two lines in the fiduciary assets section of the schedule. For corporate trust and agency accounts (Schedule RC–T, item 6), the proposed forms that the agencies distributed to banks erroneously indicated that the two items for the number of accounts were not to be reported. However, institutions should report the number of managed and non-managed accounts (columns C and D). For investment management agency accounts (Schedule RC–T, item 7), institutions should report the market value of managed assets and the number of managed accounts (columns A and C) whereas the proposed forms incorrectly showed that the market value of non-managed assets and the number of non-managed accounts (columns B and D) were also to be reported.

Eliminating Confidential Treatment for Certain Past Due and Nonaccrual Data—The information that banks report in the Call Report on the amount of their loans, leases, and other assets that are past due 30 through 89 days and still accruing (and on the amount of restructured loans and leases that are past due 90 days or more and still accruing or in nonaccrual status) has been accorded confidential treatment on an individual bank basis since its collection began 18 years ago. In contrast, Call Report data on assets that are 90 days or more past due and still accruing or that are in nonaccrual status have been publicly available, after an initial transition period, for the past 17 years. The agencies proposed to eliminate the confidential treatment for the 30–89 days past due (and restructured) items beginning with the amounts banks would report as of March 31, 2001.

The five banks and bank trade groups that commented on this issue opposed the public disclosure of the currently confidential information on past due (and restructured) assets. The two bank supervisory groups that commented on this proposal supported the elimination of confidential treatment.

In their comments objecting to the proposal, bankers stated that 30–89 day delinquencies, particularly those that are 30–59 days past due, are not highly correlated with actual losses and a material percentage of these accounts return to current status. One large bank observed that the amount of its 30–89 day past due loans is subject to periodic volatility due to seasonal factors that vary with the type of loan. These bankers therefore believe that the value of this delinquency information as a performance indicator is not reliable and can be misleading. As a result, by releasing information that is highly susceptible to misinterpretation, the agencies will reduce rather than enhance market discipline.

One trade group also indicated that the disclosure of this past due information would put U.S. banks at a competitive disadvantage with domestic nonbank financial institutions and foreign banks that are not subject to a comparable disclosure requirement. This group also suggested that this disclosure may exaggerate the public's perception of a bank's credit risk and could cause an unjustifiable loss of funding. The group recommended that the agencies should await the American Institute of Certified Public Accountants' decisions on additional public disclosures about the loan loss allowance and loan quality as part of its project to provide additional accounting and disclosure guidance about the allowance.

Two smaller banks stated that many of the delinquencies in the 30–89 day range are due to technicalities and do not represent additional credit risk. As an example, they cited matured loans where the borrower is still making the normal monthly payment, but the renewal process has not yet been completed because the borrower has not provided all the necessary information for the bank to approve the renewal. It was suggested that public disclosure would cause banks to imprudently renew loans to avoid having to report them as past due, which would be an unsafe and unsound practice. However, if a bank follows sound loan administration procedures, the process for determining whether to renew a loan should be initiated prior to maturity for those loans whose repayment schedule indicates that a renewal request is expected to be made. As a result, the delinquency situations these banks described should occur infrequently.

The FFIEC and the agencies have considered the comments received on this issue and have decided to proceed with the elimination of the confidential treatment now accorded the 30–89 day past due (and restructured) assets effective March 31, 2001. However, for periods prior to March 31, 2001, data on loans, leases, and other assets past due 30 through 89 days and still accruing (and on restructured loans and leases that are 90 days or more past due and still accruing or that are in nonaccrual status) will not be publicly disclosed on an individual bank basis.

The agencies have consistently found 30–89 day past due information helpful in identifying potential problem banks when used in conjunction with other key measures of financial performance and condition. Further, they use the 30–89 day past due information in econometric surveillance models that flag weak and potentially weak banks for review between on-site examinations.[7] These models have consistently shown data on 30–89 day past due loans to be among the items that are statistically significant in contributing to bank deterioration and supervisory rating (CAMELS) downgrades. Therefore, the FFIEC and the agencies believe that the 30–89 day delinquency information complements data currently available publicly and is useful in the assessment of general asset quality.

Moreover, when presented in the Uniform Bank Performance Report, a publicly available analytical tool created for bank supervisory, examination, and bank management purposes, ratios of 30–89 day past due loans to total loans will be supplemented with the peer average ratio for banks of similar size. This will assist the public in evaluating the significance of a bank's level of 30–89 day past due loans. In addition, banks have the option to include in their Call Report a brief narrative statement that provides explanatory comments about any data disclosure which they feel may be subject to

[7] The FDIC uses the delinquency date in SCOR (Statistical CAMELS Off-site Rating), a model designed to identify banks with a relatively high likelihood of receiving a downgrade to a less than satisfactory CAMELS rating. The Board uses the 30–89 day past due loan data in its two SEER (System to Estimate Examination Ratings) models. The SEER ratings model estimates a bank's current CAMELS using its current Call Report data. The SEER risk rank model estimates the probability that a bank will fail or become critically undercapitalized within the next two years.

misinterpretation, the text of which is available to the public.

The agencies consider market discipline an important public policy issue as it is used to complement supervisory resources. Market discipline relies on market participants having information about the risks and financial condition of banking organizations. The agencies believe that disclosure that increases transparency of asset quality information should lead to more accurate market assessments of risk and value that, in turn, should result in more effective market discipline on banking organizations.

Call Report Submission Period for Banks with Foreign Offices—Banks that have (or have previously had) more than one foreign office are given 45 days to submit their Call Reports rather than the 30 days which applies to all other banks. Because of technological advances that have improved the timeliness with which data from overseas locations can be gathered and to put all banks on an equal footing in terms of the amount of time available to complete their Call Reports, the agencies proposed to eliminate the additional 15 days that these banks with foreign offices receive for filing their reports.

Banks with foreign offices strongly objected to this proposed change. While some acknowledged that the additional 15 days is not needed from a data collection perspective, they argued that this extra time is needed because banks with foreign offices must report a larger amount of data in their Call Reports than other banks are required to report. These banks also pointed out that they will be the ones who are most significantly affected by the new reporting requirements the agencies have proposed and by the incorporation of quarterly trust activity reporting into the Call Report. Thus, these banks believe that a 45-day reporting deadline is necessary to ensure that they report high quality data given the large number of departments and entities within their organizations that are involved in preparing the detailed data required in the Call Report. The 45-day filing period also enables these banks to reconcile their Call Report data to the comparable consolidated holding company data their organizations report to the Board in the FR Y–9C report and to the information in the holding company reports their organizations (if they are public companies) file with the Securities and Exchange Commission, which have 45-day or longer deadlines.

After considering these comments, the FFIEC and the agencies concluded that they should retain the existing 45-day Call Report submission period for banks with foreign offices.

Subchapter S Bank Dividends—A bank that has elected Subchapter S status is treated as a pass-through entity for federal income tax purposes and generally is not subject to any federal income taxes. Instead, the bank's shareholders pay federal income taxes on their proportionate share of the bank's taxable income.

The agencies requested comment on whether they should add an item to the Call Report in which Subchapter S banks would report the amount of dividends distributed to cover shareholders' personal tax liabilities. Adding such an item was considered as a way to improve the agencies' comparisons of the dividend rates and after-tax earnings of Subchapter S banks and banks that are subject to federal corporate income taxes, i.e., Subchapter C banks, in the Uniform Bank Performance Report (UBPR).

Two Subchapter S banks and one bank trade group commented on the proposed dividend item and each opposed adding it to the Call Report. These banks considered the item to be unnecessary and one indicated that it would be difficult for a bank to determine the amount to report in the item. The trade group stated that the information would most likely be unavailable and, if available, inappropriate to report. Based on these comments, the FFIEC and the agencies decided against adding an item to the Call Report for dividends distributed by Subchapter S banks to their shareholders to cover their personal tax liabilities.

Other Comments—The agencies proposed to modify the Call Report income statement (Schedule RI) to segregate the amortization expense of goodwill from the amortization expense of other intangible assets. Under this proposal, banks would report "Goodwill charges," i.e., goodwill amortization expense net of applicable income taxes, after their "Income (loss) before extraordinary items and other adjustments" rather than as part of noninterest expense. The agencies proposed this change in response to the FASB's proposed accounting standard, Business Combinations and Intangible Assets, which would require this method of financial statement presentation for goodwill charges. Two commenters questioned whether this change in presentation should be implemented in the Call Report based on a FASB proposal.

Because the FASB has not yet adopted a final standard on accounting for business combinations and intangible assets, the agencies agree that it would be premature to implement the proposed method of presenting goodwill charges. Accordingly, goodwill amortization expense will be reported as part of "Amortization expense of intangible assets" in the noninterest expense section of the Call Report income statement. However, in their submissions to OMB, the agencies are requesting approval to revise the Call Report income statement in the first calendar quarter of the first calendar year after the effective date of the final FASB standard so it will conform automatically with the method of presentation ultimately prescribed by the FASB for goodwill amortization or impairment losses.

The agencies requested comment on the current thresholds for itemizing and describing in Schedule RI–E—Explanations—significant components of other noninterest income and expense. At present, the reporting threshold is 10 percent of the total amount reported for other noninterest income and expense, respectively, in the Call Report income statement. In particular, the agencies asked whether it would be more appropriate to base these disclosure thresholds on the sum of "Net interest income" plus "Total noninterest income." Two banks recommended that the agencies adopt a disclosure threshold of 1 percent of total interest and noninterest income, which is consistent with the Securities and Exchange Commission's threshold for the disclosure by bank holding companies of components of other noninterest income and expense in Regulation S–X, Section 210.9–04 (17 CFR 210.9–04). The FFIEC and the agencies agreed with this recommendation and are revising this Schedule RI–E disclosure threshold accordingly.

Another bank suggested that the agencies should significantly expand the reporting of noninterest expenses in Schedule RI–E so that banks can benchmark expenses against their peers. This bank proposed several specific categories of noninterest expenses that all banks should report in Schedule RI–E. While the agencies believe that it would be nice to know the amount of noninterest expenses in these categories for all banks, requiring this information from all banks would trigger the reporting of amounts that would be immaterial for some banks. Therefore, instead of implementing this bank's suggestion, the agencies will proceed with their proposal to add preprinted captions to Schedule RI–E, item 2 (and item 1) for the most commonly itemized and described categories of other noninterest expense (and other noninterest income). These disclosures would be made only if the dollar amount for a particular category of expense (or income) exceeded the revised disclosure threshold discussed above.

One state banking trade group recommended that the agencies combine two items in Schedule RC–A—Cash and Balances Due From Depository Institutions—so that the amount of a bank's "Currency and coin" is not separately reported. This trade group stated that having the amount of a bank's currency and coin available to the public on the Call Report could facilitate and encourage more people to commit robberies and burglaries at those institutions that disclose a large amount of cash on hand. While the current Call Report requirements call upon all banks to report the amount of currency and coin they have, this commenter may have overlooked the agencies' proposal to eliminate this reporting requirement for all banks with less than $300 million in total assets that do not have foreign offices. Thus, only the largest banks must continue to disclose the amount of their "Currency and coin" in the Call Report, which essentially achieves this trade group's objective.

One bank trade group stated that differences in the information required for Call Reports versus the information required by the Board in the quarterly holding company reports on form FR Y–9C is a source of frustration for bankers. The trade group suggested that differences in these reports should be minimized. As the agencies noted in their proposal, some of their proposed revisions were designed to reduce these differences. Furthermore, in its notice requesting comment on revisions to the FR Y–9C for 2001, which was published on November 17, 2000 (65 FR 69525), the Board proposed several reporting changes that will introduce more uniformity to certain aspects of regulatory reporting. These reporting changes include bringing a number of items on the FR Y–9C, as well as the overall reporting format of the FR Y–9C, into closer alignment with the Call Report.

Request for Comment

Comments are invited on:

(a) Whether the proposed revisions to the Call Report collections of information are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this Notice will be shared among the agencies. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden as well as other relevant aspects of the information collection request.

Dated: February 26, 2001.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, February 26, 2001.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, DC., this 27th day of February, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–5242 Filed 3–2–01; 8:45 am]

BILLING CODE 4810–33–P, 6210–01–P, 6714–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–24–94]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, INTL–24–94 (TD 8671), Taxpayer Identifying Numbers (TINs) (§ 301.6109–1).

DATES: Written comments should be received on or before May 4, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Taxpayer Identifying Numbers (TINs).

OMB Number: 1545–1461.

Regulation Project Number: INTL–24–94.

Abstract: This regulation relates to requirements for furnishing a taxpayer identifying number on returns, statements, or other documents. Procedures are provided for requesting a taxpayer identifying number for certain alien individuals for whom a social security number is not available. The regulation also requires foreign persons to furnish a taxpayer identifying number on their tax returns.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals.

The burden for the collection of information is reflected in the burden for Form W–7, Application for IRS Individual Tax Identification Number (For Non-U.S. Citizens or Nationals).

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the

information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5285 Filed 3–2–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Midwest District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: A meeting of the Midwest Citizen Advocacy Panel will be held in Milwaukee, Wisconsin.

DATES: The meeting will be held Thursday, March 22, 2001, and Friday, March 23, 2001.

FOR FURTHER INFORMATION CONTACT: Sandra McQuin at 1–888–912–1227, or 414–297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Citizen Advocacy Panel (CAP) will be held Thursday, March 22, 2001, from 9:00 a.m. to 4:00 p.m. and Friday, March 23, 2001, from 8:00 a.m. to Noon at the Reuss Federal Building, Meeting Room 290B, 310 West Wisconsin Avenue, Milwaukee, WI. The Citizen Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service. Public comments will be welcome during the meeting, or you can submit written comments to the panel by faxing to (414) 297–1623, or by mail to Citizen Advocacy Panel, Mail Stop 1006 MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221.

The Agenda will include the following: Reports by the CAP sub-groups, presentation of taxpayer issues by individual members, discussion of issues, and an update on the recruitment for new panel members.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: February 26, 2001.

M. Cathy VanHorn,

Director, Citizen Advocacy Panel (CAP) Communication and Liaison.

[FR Doc. 01–5286 Filed 3–2–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Education, Notice of Meeting

The Department of Veterans Affairs gives notice that a meeting of the Veterans' Advisory Committee on Education, authorized by 38 U.S.C. 3692, will be held on March 12 and March 13, 2001. The meeting will take place at the Department of Veterans Affairs, Room 542, 1800 G Street, NW., Washington, DC. The meeting will begin at 8:30 a.m. and end at 4:00 p.m. on Monday, March 12. On Tuesday, March 13, the meeting will begin at 8:30 a.m. and end at 12:00 p.m. The purpose of the Committee is to assist in the evaluation of existing programs and services, and recommend needed programs and services. The focus of this meeting will be "Partnership for Veterans' Education". The Committee will also review recently proposed legislation increasing GI Bill benefits for the 21st century and submit their recommendations for necessary improvements to the GI Bill to the Secretary.

The meeting will be open to the public. Those wishing to attend should contact Mr. Bill Susling, Education Policy and Program Administration, (phone 202–273–7187) prior to the meeting.

Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 9:00 a.m. Tuesday, March 13, 2001.

Dated: February 23, 2001.

By direction of the Secretary.

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01–5188 Filed 3–2–01; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Environmental Hazards, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Veterans' Advisory Committee on Environmental Hazards will be held on Wednesday and Thursday, March 21–22, 2001, in room 930 of VA Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on both days.

The purpose of the meeting is to review information relating to the health effects of exposure to ionizing radiation. The major items on the agenda for both days will be discussions and analyses of medical and scientific papers concerning the health effects of exposure to ionizing radiation. On the basis of their analyses and discussions, the Committee may make recommendations to the Secretary concerning diseases that are the result of exposure to ionizing radiation. The agenda for the second day will include planning future Committee activities and assignment of tasks among the members.

The meeting is open to the public on both days. Those who wish to attend should contact Ersie Farber-Collins of the Department of Veterans Affairs, Compensation and Pension Service, 810 Vermont Avenue, NW., Washington, DC 20420, prior to March 16, 2001. Ms. Farber-Collins may also be reached at 202–273–7268.

Members of the public may submit written questions or prepared statements for review by the Advisory Committee in advance of the meeting. Submitted material must be received at least five (5) days prior to the meeting and should be sent to Ms. Farber-Collins' attention at the address given above. Those who submit material may be asked to clarify it prior to its consideration by the Advisory Committee.

Dated: February 23, 2001.

By direction of the Secretary.

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01–5187 Filed 3–2–01; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 66, No. 43

Monday, March 5, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Co–Exclusive License: Homogeneous Tests for Sequentially Determining Lipoprotein Fractions

Correction

In notice document 01–4618 beginning on page 11595 in the issue of Monday, February 26, 2001, make the following corrections:

1. On page 11595, in the third column, under the heading **SUMMARY**, in the seventh line, after "co–exclusive" add "license".

2. On page 11595, in the third column, under the heading **SUMMARY**, in the ninth line "(60/136,709" should read "60/136,709".

[FR Doc. C1–4618 Filed 3–2–01; 8:45 am]

BILLING CODE 1505–01–D

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Federal Register

Monday,
March 5, 2001

Part II

Department of Education

Electronic Grant Initiatives; Notice

DEPARTMENT OF EDUCATION

Electronic Grant Initiatives

AGENCY: Office of the Chief Financial Officer, Department of Education.

ACTION: Notice announcing the development and implementation of a system to administer grants via the Internet.

SUMMARY: The Chief Financial Officer announces the U.S. Department of Education Electronic Grant Initiatives (e-Grants) and requests comments on the effectiveness of this system. We intend to use your comments to assist us in improving our services and helping potential applicants and grantees to benefit from electronic commerce (e-commerce).

ADDRESSES: Address all comments and suggestions regarding e-Grants to Rebecca Harding-Spitzgo, U.S. Department of Education, 400 Maryland Avenue, SW., room 4E310, Washington, DC 20202–4300. If you prefer to send your comments through the Internet, use the following address: edcapsuser@ed.gov.

FOR FURTHER INFORMATION CONTACT: Blanca Rosa Rodriguez, Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, SW., room 3652, ROB–3, Washington, DC 20202–4248. Telephone: (202) 260–0172; fax: (202) 205–0667; or via Internet: Blanca_Rodriguez@ed.gov or Rebecca Harding-Spitzgo, Project Manager (GAPS), U.S. Department of Education, 400 Maryland Avenue, SW., room 4E310, Washington, DC 20202–4300. Telephone: (202) 205–0707; fax: (202) 205–0729; or via Internet: Rebecca_Harding@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to either contact person listed under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION:

New Initiatives in Electronic Grant-Making at the U.S. Department of Education

The Government Paperwork Elimination Act (GPEA) of 1998, (Pub. L. 105–277) and the Federal Financial Assistance Management Improvement Act of 1999, (Pub. L. 106–107) encourage us to undertake initiatives to improve our grant process. Enhancing the ability of individuals and entities to conduct business with us electronically is a major part of our response to these Acts. E-commerce—for example, conducting transactions via Internet—is playing a vital role in achieving our mission. This notice presents an overview of the Department's present and proposed activities.

We are taking steps to adopt the Internet as our chief means of conducting transactions in order to improve services to our customers and to simplify and expedite our business processes.

We are also working with other Federal departments and agencies to develop the Federal Commons, which will be a shared location on the Internet for information about Federal financial assistance. The goal of this initiative is to create a single point of entry on the Internet to make it easier for prospective applicants to locate information about, and apply for, grants under all Federal programs. In the future, applicants who access the Federal Commons can search for available funding opportunities throughout the Federal Government, complete standard application forms, and submit grant applications online. You may obtain more information about the Federal Commons at: http://www.fedcommons.gov.

Accomplishments to Date

During fiscal year (FY) 2000, under our Grant Administration and Payment System (GAPS), we conducted a pilot project using an Internet-based software program for submitting applications. The project involved eight grant competitions. Applicants had the opportunity to submit their grant applications to us online through the e-Application Web site.

A survey after the pilot project indicated that participants were positive about their experiences using e-Application. In fact, 90 percent of the participating applicants found our system easy to use, and most said that they would use the system in future competitions. To help applicants get used to applying for grants electronically, we have established a demonstration and training area on the e-Grants Web site.

We have also developed e-Reports, a new electronic enhancement to GAPS. Using e-Reports grantees will be able to submit their annual grant performance reports to us via the Internet. The system will also notify each grantee of the deadline for its annual grant performance report. Additional features of the system will include applicant registration, e-mail confirmations, and printing capabilities.

In addition, we are developing e-Reader, another electronic enhancement to GAPS, to support the review of grant applications. With e-Reader, an ED discretionary grant program can use the Internet to transmit applications electronically to reviewers at various locations, enable reviewers to evaluate and score applications on a Web-based form; and collect the reviewers' scores and comments. One of the many benefits of e-Reader is that it will give program officials a cost-effective way to facilitate and monitor the application review process from their offices in the Washington, DC area.

ED's Plans for the Future

For FY 2001 we plan to—

- Provide applicants the option of submitting their applications electronically in up to 50 percent of our new grant competitions, including several formula programs;
- Increase the number of ED programs using e-Reports, allowing grantees in these programs to submit their annual grant performance reports electronically; and
- Complete the development of e-Reader and apply it in eight to ten grant competitions that use the electronic grant application review process.

Beyond FY 2001 we plan to expand and promote the use of electronic procedures for the submission and review of applications and the filing of reports under all of our grant programs. Our goal over time is to encourage applicants and grantees to make e-commerce their preferred method of doing business. We will do this by communication and outreach efforts to the public.

We plan to do the following to make applicants and grantees aware of our Electronic Grant Initiatives and familiar with our electronic business process:

- Continue to host public workshops on our electronic grant initiatives at various national conferences and meetings of project directors;
- Make the system more convenient for users by increasing the hours it is available;
- Provide ongoing support to applicants who need assistance using the system;
- Inform the public about changes and improvements to our Electronic Grant Initiatives; and
- Work toward further integration of our electronic applications system with the Governmentwide system known as the Federal Commons.

Information concerning the availability of e-Application will be contained in specific program announcements and application packages, grant forecasts, and specific areas of our Web site. In addition, program offices will make grantees aware of electronic reporting options as they become available.

Please be aware that electronic application and reporting will be voluntary. Paper-based application and reporting options will still be available to applicants and grantees who do not have the capability to do business electronically. We will give every application, whether paper or electronic, the same consideration in the review process.

Invitation To Comment

We are determined to help make the transition to e-commerce as smooth as possible for our customers. As we develop e-commerce capabilities, we ask you for your support and welcome your suggestions regarding our plans for electronic grantmaking. We invite you, as potential applicants and grantees, to use the electronic methods described and to provide feedback about your experiences. We also invite you to comment now on the plans outlined in this notice. Please send your comments to the address in the **ADDRESSES** section of this notice.

To obtain additional information about e-GRANTS or to participate in e-GRANTS pilot projects, see the portal page at: http://e-grants.ed.gov.

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Dated: February 27, 2001.

Mark Carney,

Deputy Chief Financial Officer.

[FR Doc. 01–5253 Filed 3–2–01; 8:45 am]

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Federal Register

Monday,
March 5, 2001

Part III

Department of Education

Intent To Repay to the State of Ohio Rehabilitation Services Commission Funds Recovered as a Result of an Investigation; Notice

DEPARTMENT OF EDUCATION

Intent to Repay to the State of Ohio Rehabilitation Services Commission Funds Recovered as a Result of an Investigation

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of intent to award grantback funds.

SUMMARY: Under section 459 of the General Education Provisions Act (GEPA), 20 U.S.C. 1234h (1994), the U.S. Secretary of Education intends to repay to the State of Ohio Rehabilitation Services Commission (ORSC), under a grantback arrangement, an amount equal to 75 percent of the principal amount of funds recovered by the U.S. Department of Education (Department) as a result of an investigation. This notice describes the ORSC's plan for the use of the repaid funds and the terms and conditions under which the Secretary intends to make those funds available. This notice invites comments on the proposed grantback.

DATES: We must receive your comments on or before April 4, 2001.

ADDRESSES: Address all comments about the proposed grantback to Syed M. Asghar, U.S. Department of Education, 400 Maryland Avenue, SW., room 3215, Switzer Building, Washington, DC 20202–6132. If you prefer to send your comments through the Internet, use the following address: syed_asghar@ed.gov

FOR FURTHER INFORMATION CONTACT: Syed M. Asghar. Telephone: (202)205–3015. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain the document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

A. Background

The Department has recovered $538,210 from the ORSC for overclaimed indirect costs following an investigation conducted by the Office of Inspector General (OIG) covering Federal fiscal years ending September 30, 1993 and 1994.

The claims involved the ORSC's administration of the State Vocational Rehabilitation (VR) Services Program (Federal Grants H126A930052 and H126A940052). This program is authorized by the Rehabilitation Act of 1973, as amended (Act), 29 U.S.C. 701 *et seq.* The Act authorizes grants to assist States to meet the current and future needs of individuals with disabilities so that those individuals may prepare for and engage in gainful employment to the extent of their capabilities.

During a review of ORSC's expenditures for fiscal years 1993 and 1994, the Office of the Chief Financial Officer (OCFO) determined that ORSC's provisional indirect cost rates for those years were greater than its final rate. On July 1, 1997, OCFO asked the OIG to quantify the actual amount of overclaimed indirect costs so that OCFO could recover them from ORSC.

OIG carried out an investigation of the indirect costs claimed by ORSC during fiscal years 1993 and 1994. The investigative report was issued on November 21, 1997. According to that report, in fiscal years 1993 and 1994, ORSC billed Federal programs using the provisional indirect cost rates that turned out to be higher than the final rates negotiated for those periods. The allowable recovery for the 2-year period, based on the final indirect cost rates, was $13,773,251. By using provisional rates, ORSC actually billed Federal programs $15,463,402. As a result, ORSC overclaimed indirect costs of $1,690,151 in fiscal years 1993 and 1994, of which $538,210 was the portion that belonged to the Department.

Based on the OIG investigation, ORSC submitted a payment of $538,210 to the Department in August, 1999 in full settlement of the Department's claims arising from the investigation.

On September 20, 1999, the ORSC requested a grantback of $403,650, which represents 75 percent of these recovered funds.

B. Authority for Awarding a Grantback

Section 459(a) of GEPA, 20 U.S.C. 1234h(a), provides that, whenever the Secretary has recovered funds under an applicable program because the recipient made an expenditure of funds that was not allowable, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to the grantee affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this grantback requested by the ORSC if the Secretary determines that the—

(a) Practices and procedures of the ORSC that resulted in the findings have been corrected, and the State agency is, in all other respects, in compliance with the requirements of the applicable programs;

(b) ORSC has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the program and, to the extent possible, benefits the population that was affected by the failure to comply or by misexpenditures that resulted in the investigation; and

(c) Use of funds to be awarded under the grantback arrangement in accordance with the ORSC's plan would serve to achieve the purposes of the program under which the funds were originally granted.

C. Plan for Use of Funds Awarded Under a Grantback Arrangement

Pursuant to section 459(a)(2) of GEPA, the ORSC has applied for a grantback totaling $403,650, which is 75 percent of the principal amount of the recovered funds, and has submitted a plan for use of the grantback funds. The agency will use the funds for the reengineering of the ORSC Accounting System (RAS) to bring it into operating compatibility with the agency's consumer reporting system and the Ohio Central Accounting System. The project will greatly enhance the agency's ability to efficiently process and track program expenditures and eliminate the outdated overnight batch transfer of consumer and financial information between the two ORSC's internal computer systems. The project will also allow direct entry of payments into the Ohio Statewide Central Accounting System in place of the current overnight batch processing of administrative payments. The new system will be a much more responsive, functional, and integrated computer system that will bring the agency's consumer and financial systems into the same operating environment.

The procedural violation, which led to the repayment of Federal funds has been corrected by the ORSC. In addition, ORSC has clarified to the Rehabilitation Services Administration that the situation has been remedied through the Department of Education's approval of their current fixed rate structure, under which they have been operating since fiscal year 1995. There have been no audit exceptions noted against their indirect cost plans, and none are anticipated.

D. The Secretary's Determinations

The Secretary has carefully reviewed the plan submitted by the ORSC. Based upon that review, the Secretary has determined that the conditions under section 459(a) of GEPA have been met.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action. In finding that the conditions of section 459(a) of GEPA have been met, the Secretary makes no determination concerning any pending audit recommendations or other investigations.

E. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement

Section 459(d) of GEPA requires that, at least 30 days before entering into an arrangement to award funds under a grantback, the Secretary publish in the **Federal Register** a notice of intent to do so, and the terms and conditions under which the payment will be made.

In accordance with section 459(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the Ohio Rehabilitation Services Commission under a grantback arrangement. The grantback award would be in the amount $403,650, which is 75 percent—the maximum percentage authorized by statute—of the principal amount recovered as a result of the investigation.

F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Would Be Made

The ORSC agrees to comply with the following terms and conditions under which payments under a grantback arrangement would be made:

(a) The funds awarded under the grantback must be spent in accordance with—

(1) All applicable statutory and regulatory requirements;

(2) The plan that the ORSC submitted and any amendments to the plan that are approved in advance by the Secretary; and

(3) The budget that was submitted with the plan and any amendments to the budget that are approved in advance by the Secretary.

(b) All funds received under the grantback arrangement must be obligated by September 30, 2002, in accordance with section 459(c) of GEPA.

(c) The ORSC must, no later than January 1, 2003, submit a report to the Secretary that—

(1) Indicates that the funds awarded under the grantback have been spent in accordance with the proposed plan and any amendments that have been approved in advance by the Secretary; and

(2) Describes the results and effectiveness of the project for which the funds were spent.

(d) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

(e) Before funds will be repaid pursuant to this notice, the ORSC must repay to the Department any debts that become overdue or enter into a repayment agreement for those debts.

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(Catalog of Federal Domestic Assistance Number 84.126 The State Vocational Rehabilitation Services Program)

Dated: February 28, 2001.

Andrew J. Pepin,

Executive Administrator for Special Education and Rehabilitative Services.

[FR Doc. 01–5254 Filed 3–2–01; 8:45 am]

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H.J. Res. 7/P.L. 107–1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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[2] The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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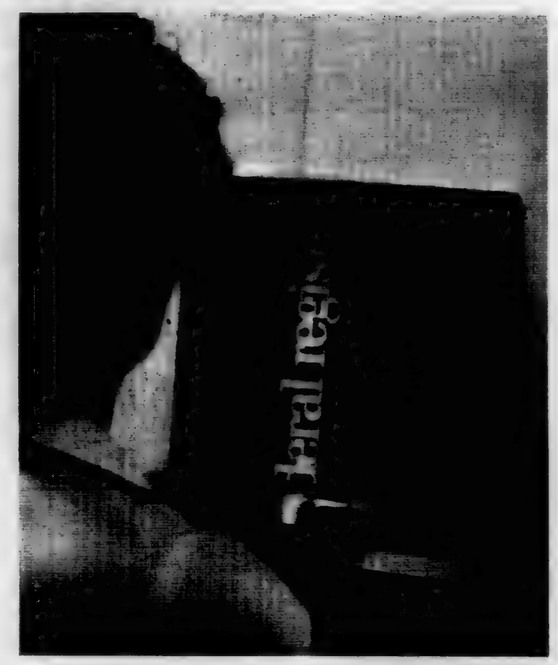
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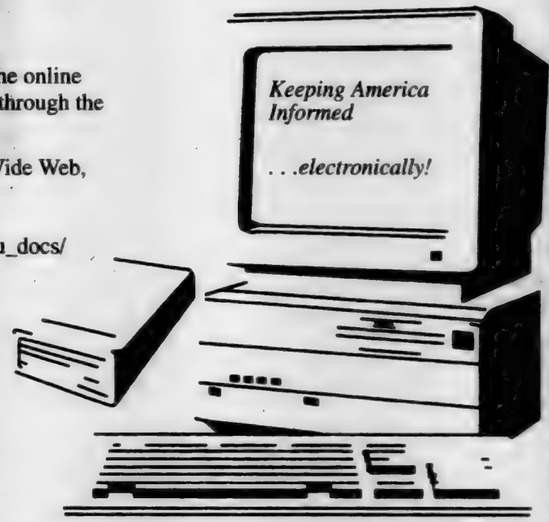
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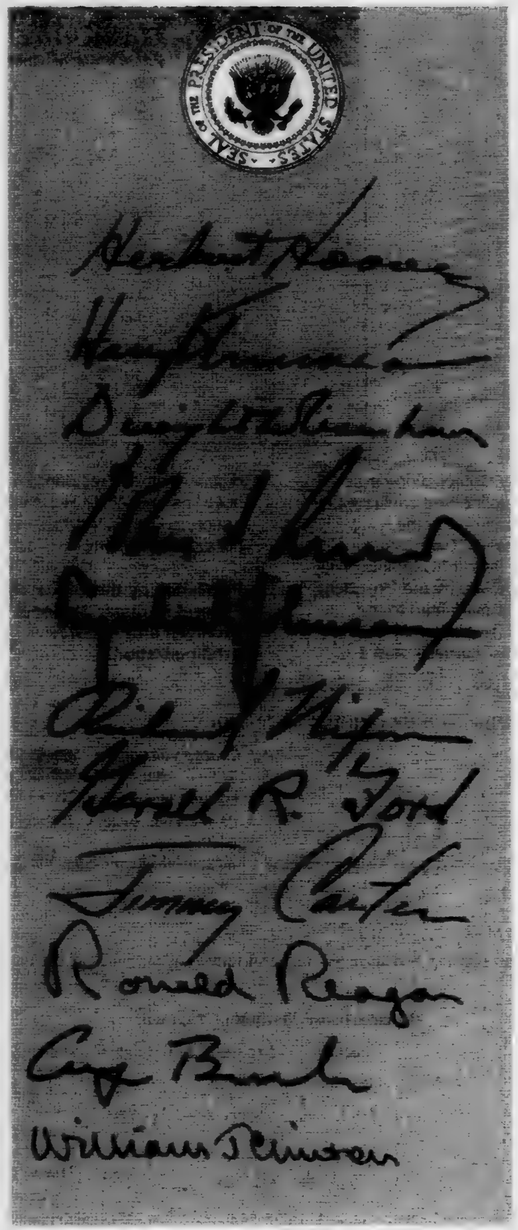
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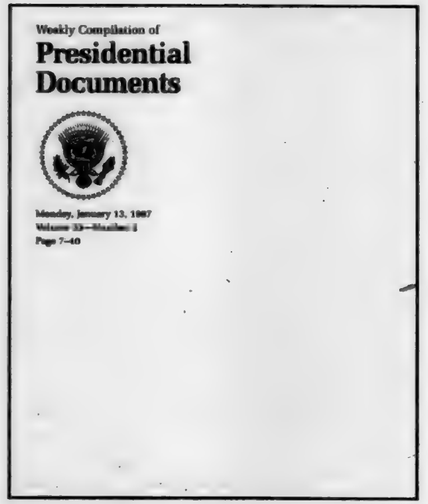
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Docket No. FV01–932–1 IFR]

Olives Grown in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule increases the assessment rate established for the California Olive Committee (Committee) for the 2001 and subsequent fiscal years from $21.73 to $27.90 per ton of olives handled. The Committee is responsible for local administration of the marketing order which regulates the handling of olives grown in California. Authorization to assess olive handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal year begins January 1 and ends December 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: March 7, 2001. Comments received by May 7, 2001, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698, or E-mail: moab.docketclerk@usda.gov. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http//www.ams.usda.gov/fv/moab.html.*

FOR FURTHER INFORMATION CONTACT: Rose Aguayo, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 148 and Order No. 932, both as amended (7 CFR part 932), regulating the handling of olives grown in California, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California olive handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable olives beginning on January 1, 2001, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the Committee for the 2001 and subsequent fiscal years from $21.73 per ton to $27.90 per ton of olives.

The California olive marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of California olives. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2000 and subsequent fiscal years, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from fiscal year to fiscal year unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee met on December 12, 2000, and unanimously recommended fiscal year 2001 expenditures of $1,348,242 and an assessment rate of $27.90 per ton of olives. In comparison, last year's budgeted expenditures were $2,472,235 and the assessment rate was $21.73. Assessable tonnage for 2001 is estimated at 46,374, significantly below last year's of 113,750. Although the Committee reduced expenditures in

marketing development and research, the significant decrease in tonnage necessitates a higher assessment rate. The reduced research expenditures will fund: (1) Continued research and development of the mechanical olive harvester and (2) scientific studies to develop chemical and scientific defenses to counteract a potential threat from the olive fruit fly in the California production area. Market development expenditures are significantly lower because handlers have taken more responsibility for market development.

The following table compares major budget expenditure recommendations for the 2001 fiscal year with those from last year.

Budget expenditure	2000	2001
Administration	$356,190	$343,490
Research	868,550	408,337
Market Development	1,212,495	596,415

The assessment rate recommended by the Committee was derived by considering anticipated expenses, actual tonnage, and additional pertinent factors. The significant assessable tonnage decrease in 2001, due in large part to the alternate-bearing nature of olives, has made it necessary for the Committee to increase the assessment rate from $21.73 to $27.90 per ton, an increase of $6.17. Income derived from handler assessments, interest, and reserve funds will be adequate to cover budgeted expenses. Funds in the reserve will continue to be less than the maximum permitted by § 932.40 of the order (approximately one fiscal year's expenses) by the end of 2001.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2001 budget and those for subsequent fiscal years will be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,200 producers of olives in the production area and 2 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. None of the olive handlers may be classified as small entities, while the majority of olive producers may be classified as small entities.

This rule increases the assessment rate established for the Committee and collected from handlers for the 2001 and subsequent fiscal years from $21.73 per ton to $27.90 per ton of olives. The Committee unanimously recommended 2001 expenditures of $1,348,242 and an assessment rate of $27.90 per ton. The assessment rate of $27.90 is $6.17 higher than the 2000 rate. The estimated quantity of assessable olives for the 2001 fiscal year is 46,374 tons. Thus, the $27.90 rate should generate enough funds to meet this year's budgeted expenses, when combined with funds from the authorized reserve and interest income.

The following table compares major budget expenditure recommendations for the 2001 fiscal year with those from last year.

Budget expenditure	2000.	2001
Administration	$356,190	$343,490
Research	868,550	408,337
Market Development	1,212,495	596,415

The reduced research expenditures will fund: (1) Continued research and development of the mechanical olive harvester and (2) scientific studies to develop chemical and scientific defenses to counteract a potential threat from the olive fruit fly in the California production area. Market development expenditures are significantly lower because handlers have taken more responsibility for market development.

A higher assessment rate is recommended for 2001 because the 2001 fiscal year assessable tonnage is approximately 59 percent smaller than last fiscal year's tonnage, due in large part to the alternate bearing nature of the crop:

1999	2000	2001
67,900	113,750	46,374

The Committee reviewed and unanimously recommended 2001 expenditures of $1,348,242, which reflects the decreases in the research, market development and administrative budgets. Prior to arriving at this budget, the Committee considered information from various sources, such as the Committee's Executive Subcommittee, the Research Subcommittee, and the Marketing Subcommittee. Alternate spending levels were discussed by these groups, based upon potential reductions in the funding of various research and market development projects. The Committee determined it was necessary to increase the assessment rate to cover these expenses because the significant decrease in tonnage will not provide sufficient funds to cover anticipated expenses. The assessment rate of $27.90 per ton of assessable olives was derived by considering anticipated expenses, the Committee's estimate of assessable olives, and additional pertinent factors.

A review of historical and preliminary information pertaining to the upcoming fiscal year indicates that the grower revenue for the 2000–2001 crop year is estimated to be approximately $36,068,864. Therefore, if the assessment rate is increased to $27.90 per ton, the estimated assessment revenue to the Committee will be $1,293,835 for the 2001 fiscal year, or approximately 3.59 percent of grower revenue.

This action increases the assessment obligation imposed on handlers for fiscal year 2001 by $286,128 ($6.17 difference between the new and current rate × 46,374 assessable tonnage estimate for 2001). Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, increasing the assessment rate increases the burden on handlers, and may increase the burden on producers. In addition, the Committee's meeting was widely publicized throughout the California olive industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the December 12, 2000, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action imposes no additional reporting or recordkeeping requirements on California olive handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2001 fiscal period begins on January 1, 2001, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable olives handled during such fiscal period; (2) the action increases the assessment rate for assessable olives beginning with the 2001 fiscal period; (3) this action was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 932.230 is revised to read as follows:

§ 932.230 Assessment rate.

On and after January 1, 2001, an assessment rate of $27.90 per ton is established for California olives.

Dated: February 28, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5320 Filed 3–5–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 956

[Docket No. FV00–956–1 FIR]

Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Revision of Administrative Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule modifying the handler assessment and reporting requirements under the Walla Walla sweet onion marketing order. The marketing order regulates the handling of sweet onions grown in the Walla Walla Valley and is administered locally by the Walla Walla Sweet Onion Marketing Committee (Committee). For sweet onions handled during the period September 1 through May 31 of each fiscal period, this rule continues in effect dates by which handlers must pay assessments and furnish reports to the Committee that reflect new cultural and storage practices that have extended the traditional mid-summer marketing season.

EFFECTIVE DATE: April 5, 2001.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, Oregon 97204–2807; telephone: (503) 326–2724, Fax: (503) 326–7440; or George Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 956, as amended (7 CFR part 956), regulating the handling of sweet onions grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule provides dates by which handlers must pay assessments and furnish reports to the Committee that reflect new cultural and storage practices for sweet onions handled during the period September 1 through May 31 of each fiscal period. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for

a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Section 956.41 of the order provides the Committee with the authority to establish an annual budget of expenditures and § 956.42 provides authority for the Committee to levy assessments upon handlers of Walla Walla sweet onions to provide adequate funds to defray such expenditures. Section 956.202 establishes the current assessment rate of $0.21 per 50-pound bag of Walla Walla sweet onions handled. Section 956.42 also provides the Committee with the authority to impose an interest charge on any handler who fails to pay any assessment in a timely manner, and § 956.142 of the order's administrative rules and regulations establishes the rate of interest and the dates such interest charges begin to accrue. Section 956.80 establishes the authority for the Committee to require handler reports, while § 956.180 provides the rules and regulations necessary for the Committee to implement and administer such reporting requirements.

For sweet onions handled on or after September 1, this rule continues in effect dates by which handlers must pay assessments and furnish reports to the Committee. These changes recognize new cultural and storage practices that have extended the traditional mid-summer marketing season. The changes provide dates by which handlers must pay assessments and submit reports on shipments made in September or later. This rule was unanimously recommended by the Committee on August 15, 2000.

Sections 956.142 (interest charges) and 956.180 (reports) were established in August 1996 to foster prompt assessment payments and to ensure that adequate funds would be available to cover budgeted expenses incurred by the Committee under the order. Section 956.180 establishes reporting requirements for providing the Committee with statistical information regarding total industry shipments and is used as a basis for assessment collection. This information also is useful for the development of a budget and in making marketing and promotion plans for the upcoming season. Section 956.142 establishes assessment due dates and an interest charge of 1.5 percent per month on any handler who fails to pay his or her assessments within thirty days of the due date.

Historically, Walla Walla sweet onions have been planted in the fall, then harvested and marketed from late June to early August. Due to the short shelf life of this, traditionally non-storage, summer onion, the marketing season has closely followed the annual harvest. However, recent changes in cultural and storage practices within the Walla Walla sweet onion industry are lengthening the marketing season for some of the sweet onions produced in the Walla Walla Valley. A few producers have been planting sweet onions in the spring, thereby extending the traditional mid-summer harvest into late summer or early fall. In addition, with the recent introduction of Controlled Atmosphere (CA) storage, the potential now exists for extending the marketing season further into the fall and early winter season.

By extending the due dates for assessments and reports on sweet onions handled on or after September 1, this action provides Walla Walla sweet onion handlers more time to comply with these requirements. This will enable them to take advantage of the expanding marketing season. The Committee will continue to require that assessments be paid and reports submitted by September 1 for onions handled in June, July, and August.

For assessments due on sweet onions handled prior to September 1, the monthly interest charge of 1.5 percent will continue to accrue after September 30. For assessments due on sweet onions handled during the period September 1 through May 31 of each fiscal period, interest charges will begin accruing 30 days after the handler's report of shipments is due.

Handlers marketing their sweet onions prior to September 1 will continue to submit reports (Committee Form No. 1) showing weekly and seasonal totals by September 1, and assessments for their shipments to the Committee no later than September 30 to avoid late payment interest charges. For shipments during the period September 1 through May 31 of each fiscal period, handlers will submit a separate report, along with the appropriate assessment payment, for each monthly period that they continue to make shipments. Such reports will be due at the office of the Committee no later than 30 days following the end of the month in which shipments were made. Assessments will be due within thirty (30) days of the last day of the month in which the shipments are made. For example, a handler shipping Walla Walla sweet onions anytime during the month of September would furnish the shipment report to the Committee no later than October 30. In this example, the report would contain the number of 50-pound equivalents of Walla Walla sweet onions shipped by such handler during each week in September, along with the monthly total of shipments and a check for the appropriate assessment amount. This reporting and payment schedule continues for each monthly period Walla Walla sweet onions are handled after September 1.

With the introduction of spring planting and CA storage for Walla Walla sweet onions and the associated extension of the traditional marketing season, this action is necessary to ensure that adequate Committee operating funds are obtained in a timely manner, that producers and handlers are treated equitably and have the needed flexibility to produce and market their crop as they desire, and that consumers have an extended season in which to purchase Walla Walla sweet onions.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, the AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 30 handlers of Walla Walla sweet onions who are subject to regulation under the order and approximately 60 sweet onion producers in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000.

The Committee estimates that all of the handlers of Walla Walla sweet onions ship under $5,000,000 worth of sweet onions on an annual basis. In addition, based on acreage, production, and producer prices reported by the National Agricultural Statistics Service, and the total number of onion producers in the regulated production area, the average gross annual producer revenue from sweet onions was about $117,000 in 1999, the most recent year statistics are available. Based on this information, it can be concluded that the majority of Walla Walla sweet onion handlers and producers may be classified as small entities, excluding receipts from other sources.

Based on authority in §§ 956.42 and 956.80, the Committee unanimously recommended this action at a public meeting on August 15, 2000.

Specifically, for sweet onions handled on or after September 1, this rule continues in effect dates by which handlers must pay assessments (§ 956.142) and furnish reports (§ 956.180) to the Committee. These changes are being made to recognize new cultural and storage practices that extend the traditional mid-summer marketing season to mid-winter, and provide handlers more time to pay assessments and file reports on these later shipments.

Regarding the impact of this action on affected entities, sweet onion handlers will not be forced into noncompliance with the order because they are now able to pay assessments and submit shipment reports later than was previously provided. When the previous deadlines were established, the Committee did not envision shipments being made in September or later. Walla Walla sweet onions have a relatively high market value, but generally must be harvested and sold within a short time period between late June and early August. With this extension in the marketing season, producers and handlers hope to increase their returns while providing consumers with unique, highly demanded sweet onions during a period of time when such onions were traditionally not available.

The Committee estimated that during the 2000 marketing season only a limited amount of sweet onions would be handled on or after September 1 and into early winter. The Committee has been informed, however, that an additional 1,300 acres of sweet onions may be planted for the 2001 marketing season, with many of the onions possibly going into CA storage. Approximately 800 acres of Walla Walla sweet onions were planted for the 2000 season.

The Committee discussed alternatives to the recommendation, including leaving the regulations unmodified. However, the Committee decided that it did not have the option of leaving the regulations unmodified because some handler assessment obligations are expected to accrue during the period September 1 through May 31 of each fiscal period. Another alternative discussed would have changed the regulations to require the submission of reports and assessments for the entire crop, regardless of when marketed, within 30 to 60 days of the date of shipment. The Committee rejected this option because it felt that the bulk of the Walla Walla sweet onion crop will continue to be marketed during the traditional mid-summer season, and it wants to ensure that an adequate income is received early in the fiscal period to offset expenditures. The fiscal period begins June 1 and ends May 31.

The Committee uses Form No. 1, Handler's Statement of Walla Walla Sweet Onion Shipments, for collecting assessments and statistical data. Prior to this action, this form was mailed to handlers in mid-August with the requirement that it be returned by September 1, and assessments were due within 30 days of September 1 to avoid imposition of the 1.5 percent per month interest charge. The Committee revised Form No. 1 to reflect the changes in handling practices and due dates.

The Committee estimates that only two of the currently regulated handlers in the Walla Walla sweet onion production area may initially ship sweet onions on or after September 1. The Committee also estimates that the revised Form No. 1 will continue to take approximately 25 minutes to complete. With only two handlers submitting reports on October 31 and possibly again on November 30, for example, the total additional burden on the industry for the information reporting requirements for sweet onions shipped on or after September 1 would approximate 100 minutes per year. Thus, while this rule will impose some additional reporting requirements, the burden is currently approved under OMB No. 0581–0078 by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The Agricultural Marketing Service has notified the Office of Management and Budget of this change in burden.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, as noted in the initial regulatory flexibility analysis, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

The Committee's meeting was widely publicized throughout the Walla Walla sweet onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 15, 2000, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Further, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses.

An interim final rule concerning this action was published in the **Federal Register** on October 16, 2000. A copy of the rule was mailed to Committee staff, who handled the distribution of copies to Committee members and sweet onion producers and handlers. In addition, the rule was made available through the Internet by the Office of the Federal Register. The rule provided a 60-day comment period that ended December 15, 2000. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (65 FR 61080, October 16, 2000) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 956

Marketing agreements, Onions, Reporting and recordkeeping requirements.

PART 956—SWEET ONIONS GROWN IN THE WALLA WALLA VALLEY OF SOUTHEAST WASHINGTON AND NORTHEAST OREGON

Accordingly, the interim final rule amending 7 CFR part 956 which was published at 65 FR 61080 on October 16, 2000, is adopted as a final rule without change.

Dated: February 28, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5318 Filed 3–5–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Docket No. FV00–966–1 FIR]

Tomatoes Grown in Florida; Change in Size Designation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule that increased the maximum diameter of the 6x6 numeric size designation prescribed under the Florida tomato marketing order (order). The order regulates the handling of tomatoes grown in Florida and is administered locally by the Florida Tomato Committee (Committee). This rule continues in effect a maximum diameter increase of 2/32 of an inch, from $2^{27}/_{32}$ inches to $2^{29}/_{32}$ inches for tomatoes designated 6x6. This change allows handlers to pack slightly larger tomatoes in a 6x6 container, and provides them with greater flexibility when packing tomatoes. The increased flexibility is expected to increase the number and availability of containers of 6x6 tomatoes, which are often in short supply.

EFFECTIVE DATE: April 5, 2001.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883; telephone: (863) 299–4770, Fax: (863) 299–5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 125 and Marketing Order No. 966, both as amended (7 CFR part 966), regulating the handling of tomatoes grown in certain designated counties in Florida, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Under the order, tomatoes produced in the production area and shipped to fresh market channels outside the regulated area are required to meet grade, size, inspection, and container requirements. These requirements apply during the period October 10 through June 15 each year. Current requirements include a minimum grade of U.S. No. 2 and a minimum size of $2^{9}/_{32}$ inches in diameter. Current pack and container requirements outline the types of information that need to appear on a container, weight restrictions, and other requirements containers must meet.

Section 966.52 of the order provides authority for the modification, suspension, and termination of regulations. It includes the authority to establish and modify size and pack requirements for tomatoes grown in the defined production area and handled under the order.

Section 966.323 of the order's rules and regulations specifies the handling regulations for Florida tomatoes. Section 966.323(a)(2)(i) currently specifies that all tomatoes packed by a registered handler must meet a minimum size requirement of $2^{9}/_{32}$ inches in diameter. That section also requires that all such tomatoes must be sized with proper equipment in one of three numeric size designations with specified ranges of diameter. Tomatoes designated as "6x67" must be a minimum of $2^{9}/_{32}$ inches in diameter and a maximum of $2^{19}/_{32}$. These are the smallest tomatoes marketed. Tomatoes, other than producer field-packed tomatoes, designated as "6x66" must be a minimum of $2^{17}/_{32}$ inches in diameter and, prior to the issuance of the interim final rule, a maximum of $2^{27}/_{32}$ inches in diameter. The interim final rule changed that maximum to $2^{29}/_{32}$. Tomatoes designated as "5x6" must be a minimum of $2^{25}/_{32}$ inches in diameter with no maximum size requirement. These are the largest size marketed. To allow for variation incident to proper sizing, not more than a total of 10 percent, by count, of the tomatoes in the lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

This rule continues in effect the increase in the maximum diameter prescribed for size 6x66 tomatoes by 2/32 of an inch, from $2^{27}/_{32}$ inches to $2^{29}/_{32}$ inches. This will allow handlers the option of packing slightly larger tomatoes in a 6x66 container. This increased flexibility in packing tomatoes is expected to allow handlers to pack some of the smaller 5x6 tomatoes into 6x66 containers. This is expected to increase the number and availability of containers of 6x66 tomatoes, which are often in short supply, and improve the uniformity of the 5x6-sized tomatoes. The Committee unanimously recommended this change at a meeting held on September 8, 2000.

Based on an analysis of markets and demands of buyers, the Committee believes that the increase in the maximum diameter for size 6x66 tomatoes will improve the marketing of Florida tomatoes, provide handlers with additional flexibility in packing tomatoes, and help improve grower returns. Recent industry trends have been toward shipping larger tomatoes. In response to a strong consumer demand, new commercial tomato varieties have been planted to produce bigger tomatoes and have resulted in more large sized tomatoes being shipped. Because of this demand, production of larger tomatoes has been a popular method of improving returns among producers as it also increases total yields. Increasing the 6x66 maximum diameter provides handlers the option of shifting the smallest sized tomatoes in a 5x6 pack to a 6x66 pack. By making this shift, handlers will be able to increase the average size in both the 6x66 and the 5x6 pack.

The 3/32 inch increase in the maximum diameter of the 6x66-size designation results in a 1/32 overlap in the maximum diameter of the 6x66 and the minimum size for the 5x6. Tomatoes at the bottom of the 5x6 size can either be packed as 5x6 tomatoes or as 6x66 tomatoes. According to the Committee, this will provide for greater distribution of tomato shipments throughout the two size designations, enabling handlers to make better decisions on which size of tomatoes to pack. Such packing decisions could depend on specific buyer or market demands, on general crop size, or on prices.

Shifting the smallest sizes from the 5x6 pack to the 6x66 pack would increase the average size in both the 6x66 and the 5x6 packs. It would move larger tomatoes into the 6x66 pack while providing space for additional larger tomatoes in the 5x6 pack. This would lower the count of tomatoes for each pack as well. In its discussions, the Committee recognized that buyers prefer larger tomatoes and a lower count per box. With buyer preferences trending toward larger sized tomatoes, the Committee believes that having this option could help grower returns.

This change also makes more tomatoes available to fill the 6x66 pack. In past years, there have been shortages of this pack due to tomato size. Committee members stated that during the past season there were periods when the tomatoes were sizing so well they were having trouble packing many 6x66 packs. The Committee recognized that there is a strong demand for the 6x66 pack and that it brings a favorable price, occasionally equal to or above the price for a 5x6 pack. Therefore, the Committee believes that it is important to continue to supply this market. With the option of shifting slightly larger tomatoes into the 6x66 pack, handlers have more flexibility to move tomatoes to meet market demand. This will be particularly beneficial when the majority to tomatoes are sizing well.

In addition, the Committee also believes that raising the maximum diameter for the 6x6 pack could improve the uniformity of tomatoes in the 5x6 pack. While increasing the maximum diameter of the 6x6 pack does increase the size range, the increase is only by 2/32 of an inch. Further, shifting the smaller sizes from a 5x6 pack to the 6x6 pack could improve the uniformity of the 5x6 pack, which is expected to be viewed as a benefit to buyers.

Because there is no upper limit on size for a 5x6 pack, there can be a considerable variation in size. With newer tomato varieties producing larger fruit, the size variance in containers of 5x6 tomatoes has grown. This size variation is particularly evident with the smaller sizes in the pack. By having the opportunity to shift the smaller sizes to the 6x6 pack, handlers will be able to improve the uniformity of their 5x6 packs. This is particularly important because the 5x6 pack usually commands the best price in the market, faces the most competition, and is the most popular size.

During the 1999–2000 season, approximately 58 percent of the Florida tomatoes sold were 5x6 packs, and about 28 percent were sold as 6x6's. Increasing the maximum diameter size of the 6x6 by 3/32 inch will give handlers the flexibility to reduce the number of smaller sized tomatoes packed in the 5x6-size designation.

A study conducted by Dr. John J. VanSickle at the University of Florida indicates that increasing the maximum diameter could result in an increase in the prices received for Florida tomatoes. The study indicates that if 1 percent of the smallest 5x6 size tomatoes are shifted into the smaller size categories, then prices for 5x6 size tomatoes could increase by .25 percent. With regard to 6x6 size tomatoes, the study indicates that the prices could increase by .15 percent. The increase in price would occur because of the redistribution of larger sized tomatoes into the smaller size designations, which is a response to consumer demand for a more consistent pack and slightly larger tomatoes.

Committee members do not believe that this change will create any confusion on the part of buyers. Rather, they stated that this change allows handlers more opportunity to address the demands of their buyers.

Consumers and buyers are demanding a slightly larger tomato. Smaller tomatoes with a less uniform pack have poor consumer acceptance, especially in chain stores. This change provides handlers with some flexibility to adjust the size composition and uniformity of their packs to address the needs of their customers.

This change does not affect the current exemption provided to producer field packed tomatoes as long as the containers are designated as 6x6 and larger. Specifically, field packed tomatoes designated as size 6x6 and larger are not subject to the maximum diameter specified in the order's rules and regulations for 6x6 sized tomatoes (65 FR 8247, February 18, 2000).

Section 8e of the Act requires that whenever grade, size, quality, or maturity requirements are in effect for certain commodities under a domestic marketing order, including tomatoes, imports of that commodity must meet the same or comparable requirements. However, the Act does not authorize the imposition of container requirements on imports, when such requirements are in effect under a domestic marketing order. Florida tomatoes must be packed in accordance with three specified size designations, and tomatoes falling into different size designations may not be commingled in a single container. These pack restrictions do not apply to imported tomatoes. Therefore, no change is necessary in the tomato import regulation as a result of this action.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 70 handlers of Florida tomatoes who are subject to regulation under the marketing order and approximately 130 tomato producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000 (13 CFR 121.201).

Committee data indicates that approximately 20 percent of the Florida tomato handlers handle 80 percent of the total volume. Based on the industry and Committee data, the average annual price for fresh Florida tomatoes during the 1999–2000 season was $6.89 per 25-pound carton or equivalent, and total fresh shipments for the 1999–2000 season were 58,006,721 25-pound equivalent cartons of tomatoes. Based on this information, the majority of handlers would be classified as small entities as defined by the SBA. The majority of producers of Florida tomatoes may also be classified as small entities.

This rule continues in effect an increase in the maximum diameter requirement for size 6x6 tomatoes prescribed in the order's handling

regulations from 2 27/32 inches to 2 29/32 inches, and will allow handlers the option of packing slightly larger tomatoes in a 6x6 container. With this increased flexibility, handlers will be able to better meet consumer demand for larger tomatoes, while providing greater returns to growers. The Committee unanimously recommended this change. Authority for this action is provided in § 966.52.

If handlers take advantage of the increased packing flexibility, they would incur direct costs associated with the purchase of new sizing belts. Sizing belts convey and size fruit during the packing process. Depending on the amount of use, sizing belts can last a season or may need to be replaced two to three times a season. Estimated prices associated with these purchases could range from $450.00 for a small handler to $19,000 for very large handlers. While there are short-term costs associated with the maximum diameter of the 6x6 sizing designation, the benefits are expected to outweigh the costs. Moreover, changing sizing belts is a routine action since they have to be regularly replaced depending on use. These costs are expected to be minimal relative to the benefits expected, and in relation to normal operating costs and procedures.

A study conducted by Dr. John J. VanSickle at the University of Florida estimates that a shift of 1 percent of 5x6 tomatoes into the smaller size categories would increase the prices for 5x6-size tomatoes by .25 percent. For 6x6's, the price could increase by .15 percent. The increase in price would occur in response to consumer demand for packs with slightly larger tomatoes.

This change is designed to provide handlers with more flexibility as to how sizes are packed. Because of this, handlers can choose to continue to pack as they have without making any adjustments due to this rule change. Purchasing new equipment is not necessary to remain in compliance with order provisions. Therefore, this rule places the decision with the individual handler as to whether the costs are outweighed by the benefits.

Individual seasons and different periods during the same season can present a fair amount of variability in production and size. This change provides handlers with some additional flexibility when packing for size to allow handlers to make some adjustments in order to maximize returns and to service customer demand. This rule provides the opportunity for handlers to make adjustments based on market conditions. This should have a positive effect on returns.

The Committee recommended these changes to improve the marketing of Florida tomatoes. The opportunities and benefits of this rule are expected to be equally available to all tomato handlers and growers regardless of their size of operation. This action will have a beneficial impact on producers and handlers since it will allow tomato handlers more flexibility in making tomatoes available to meet consumer needs consistent with crop and market conditions.

The Committee discussed alternatives to this recommendation, including leaving the regulations as currently issued. All Committee members agreed that this change would be helpful in improving pack appearance and in providing handlers some additional flexibility. Therefore, the Committee voted to make this change rather than leave the size designation for 6X6 unchanged.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large tomato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

In addition, as noted in the initial regulatory flexibility analysis, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the tomato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the September 8, 2000, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

Also, the Committee has a number of appointed subcommittees to review certain issues and make recommendations to the Committee. The Committee's Marketing Subcommittee met on August 21, 2000, and discussed this issue in detail. That meeting was also a public meeting and both large and small entities were able to participate and express their views.

An interim final rule concerning this action was published in the **Federal Register** on November 6, 2000. Copies of the rule were mailed by the Committee's staff to all Committee members and tomato handlers. In addition, the Office of the Federal Register made the rule available through the Internet. That rule provided for a 60-day comment period, which ended January 5, 2001. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (65 FR 66492, November 6, 2000) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

PART 966—TOMATOES GROWN IN FLORIDA

Accordingly, the interim final rule amending 7 CFR part 966 which was published at 65 FR 66492 on November 6, 2000, is adopted as a final rule without change.

Dated: February 28, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5317 Filed 3–5–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

[Docket No. FV01–982–1 IFR]

Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 2000–2001 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule establishes interim and final free and restricted percentages for domestic inshell hazelnuts for the 2000–2001 marketing year under the Federal marketing order for hazelnuts grown in Oregon and Washington. The percentages allocate the quantity of domestically produced hazelnuts which may be marketed in the domestic inshell market. The percentages are intended to stabilize the supply of domestic inshell hazelnuts to meet the limited domestic demand for such hazelnuts and provide reasonable returns to producers. This rule was recommended unanimously by the Hazelnut Marketing Board (Board), which is the agency responsible for local administration of the marketing order.

DATES: *Effective Date:* This interim final rule is effective March 7, 2001 through June 30, 2001.

Applicability Date: This interim final rule applies during the period July 1, 2000, through June 30, 2001. Comments received by May 7, 2001 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698, or E-mail: moab.docketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can viewed at: *http://www.ams.usda.gov/fv/moab.html*.

FOR FURTHER INFORMATION CONTACT: Teresa L. Hutchinson, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, OR 97204; telephone: (503) 326–2724, Fax: (503) 326–7440; or George J. Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202)720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 115 and Marketing Order No. 982, both as amended (7 CFR part 982), regulating the handling of hazelnuts grown in Oregon and Washington, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is intended that this action apply to all merchantable hazelnuts handled during the 2000–2001 marketing year (July 1, 2000, through June 30, 2001). This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule establishes marketing percentages which allocate the quantity of inshell hazelnuts that may be marketed in domestic markets. The Board is required to meet prior to September 20 of each marketing year to compute its marketing policy for that year, and compute and announce an inshell trade demand if it determines that volume regulations would tend to effectuate the declared policy of the Act. The Board also computes and announces preliminary free and restricted percentages for that year.

The inshell trade demand is the amount of inshell hazelnuts that handlers may ship to the domestic market throughout the marketing season. The order specifies that the inshell trade demand be computed by averaging the preceding three "normal" years' trade acquisitions of inshell hazelnuts, rounded to the nearest whole number. The Board may increase the three-year average by up to 25 percent, if market conditions warrant an increase. The Board's authority to recommend volume regulations and the computations used to determine the percentages are specified in § 982.40 of the order.

The quantity to be marketed is broken down into free and restricted percentages to make available hazelnuts which may be marketed in domestic inshell markets (free) and hazelnuts which must be exported, shelled or otherwise disposed of by handlers (restricted). Prior to September 20 of each marketing year, the Board must compute and announce preliminary free and restricted percentages. The preliminary free percentage releases 80 percent of the inshell trade demand to the domestic market. The purpose of releasing only 80 percent of the inshell trade demand under the preliminary percentage is to guard against an underestimate of crop size. The preliminary free percentage is expressed as a percentage of the total supply subject to regulation (supply) and is based on the preliminary crop estimate.

The National Agricultural Statistics Service (NASS) has estimated hazelnut production at 25,000 tons for the Oregon and Washington area. The majority of domestic inshell hazelnuts are marketed in October, November, and December. By November, the marketing season is well under way.

The Board initially adjusted the crop estimate down to 24,153 tons by taking into consideration the average crop disappearance over the preceding three years (8.32 percent) and the undeclared carry-in (1,234 tons.) The Board computed the adjusted inshell trade demand of 3,163 tons by taking the difference between the average of the past three years' sales (4,347 tons) and the declared carry-in from last year's crop (1,184 tons.)

The Board computed and announced preliminary free and restricted percentages of 10 percent and 90 percent, respectively, at its August 31, 2000, meeting. The Board computed the preliminary free percentage by multiplying the adjusted trade demand by 80 percent and dividing the result by the adjusted crop estimate (3,163 tons × 80 percent/24,153 tons = 10 percent.) The preliminary free percentage thus initially released 2,530 tons of hazelnuts from the 2000 supply for domestic inshell use, and the restricted percentage withheld 21,738 tons for the export and kernel market.

Under the order, the Board must meet again on or before November 15 to recommend interim final and final percentages. The Board uses current crop estimates to calculate interim final and final percentages. The interim final percentages are calculated in the same way as the preliminary percentages and release the remaining 20 percent (to

total 100 percent of the inshell trade demand) previously computed by the Board. Final free and restricted percentages may release up to an additional 15 percent of the average of the preceding three years' trade acquisitions to provide an adequate carryover into the following season (*i.e.*, desirable carryout). The order requires that the final free and restricted percentages shall be effective 30 days prior to the end of the marketing year, or earlier, if recommended by the Board and approved by the Secretary.

Revisions in the marketing policy can be made until February 15 of each marketing year, but the inshell trade demand can only be revised upward, consistent with § 982.40(e).

The Board met on November 14, 2000, and reviewed and approved an amended marketing policy and recommended the establishment of interim final and final free and restricted percentages. The interim final free and restricted percentages were recommended at 14 percent free and 86 percent restricted. Final percentages, which included an additional 15 percent of the average of the preceding three-years' trade acquisitions for desirable carry-out, were recommended at 17 percent free and 83 percent restricted effective May 1, 2001. The final free percentage releases 3,815 tons of inshell hazelnuts from the 2000 supply for domestic use.

The final marketing percentages are based on the Board's final production estimate and the following supply and demand information for the 2000–2001 marketing year:

	Tons
Inshell Supply:	
(1) Total production (Board's estimate)	23,000
(2) Less substandard, farm use (disappearance)	1,914
(3) Merchantable production (Board's adjusted crop estimate; item 1 minus item 2)	21,086
(4) Plus undeclared carry-in as of July 1, 2000, subject to regulation	1,233
(5) Supply subject to regulation (item 3 plus item 4)	22,319
Inshell Trade Demand:	
(6) Average trade acquisitions of inshell hazelnuts for three prior years	4,347
(7) Less declared carry-in as of July 1, 2000, not subject to regulation	1,184
(8) Adjusted Inshell Trade Demand (item 6 minus item 7)	3,163
(9) Desirable carry-out on August 31, 2001 (15 percent of item 6)	652
(10) Adjusted Inshell Trade Demand plus desirable carry-out (item 8 plus item 9)	3,815

Percentages	Free	Restricted
(11) Interim final percentages (item 8 divided by item 5) × 100	14	86
(12) Final percentages (item 10 divided by item 5) × 100	17	83

In addition to complying with the provisions of the order, the Board also considered the Department's 1982 "Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders" (Guidelines) when making its computations in the marketing policy. This volume control regulation provides a method to collectively limit the supply of inshell hazelnuts available for sale in domestic markets. The Guidelines provide that the domestic inshell market has available a quantity equal to 110 percent of prior years' shipments before secondary market allocations are approved. This provides for plentiful supplies for consumers and for market expansion, while retaining the mechanism for dealing with oversupply situations. The established final percentages are based on the final inshell trade demand, and will make available an additional 652 tons for desirable carry-out effective May 1, 2001. The total free supply for the 2000–2001 marketing year is 4,999 tons of hazelnuts, which is the sum of the final trade demand of 4,347 tons and the 652 ton desirable carry-out. This amount is 115 percent of prior years' sales and exceeds the goal of the Guidelines.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, the AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 800 producers of hazelnuts in the production area and approximately 22 handlers subject to regulation under the order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. Using these criteria, virtually all of the producers are small agricultural producers and an estimated 19 of the 22 handlers are small agricultural service firms. In view of the foregoing, it can be concluded that the majority of hazelnut producers and handlers may be classified as small entities.

Board meetings are widely publicized in advance of the meetings and are held in a location central to the production area. The meetings are open to all industry members and other interested persons who are encouraged to participate in the deliberations and voice their opinions on topics under discussion. Thus, Board recommendations can be considered to represent the interests of small business entities in the industry.

Many years of marketing experience led to the development of the current volume control procedures. These procedures have helped the industry solve its marketing problems by keeping inshell supplies in balance with domestic needs. The current volume control procedures fully supply the domestic inshell market while preventing oversupplies in that market.

Inshell hazelnuts sold to the domestic market provide higher returns to the industry than are obtained from shelling. The inshell market is inelastic and is characterized as having limited demand and being prone to oversupply.

Industry statistics show that total hazelnut production has varied widely over the last 10 years, from a low of 15,500 tons in 1998 to a high of 47,000 tons in 1997. Average production has been around 29,800 tons. While crop size has fluctuated, the volume regulations contribute toward orderly marketing and market stability, and help moderate the variation in returns for all producers and handlers, both large and small. For instance, production in the shortest crop year (1998) was 55 percent of the 10-year average (1990–1999). Production in the biggest crop year (1997) was 158 percent of the 10-year average. The percentage releases provide all handlers with the opportunity to benefit from the most profitable domestic inshell market. That market is available to all handlers, regardless of handler size.

As an alternative, the Board discussed not regulating the 2000–2001 hazelnut crop. However, without any regulations in effect, the Board believes that the industry would oversupply the inshell domestic market.

While the level of benefits of this rulemaking is difficult to quantify, the stabilizing effects of the volume regulations impact both small and large handlers positively by helping them maintain and expand markets even though hazelnut supplies fluctuate widely from season to season.

Hazelnuts produced under the order comprise virtually all of the hazelnuts produced in the United States. This production represents, on average, less than 5 percent of total U.S. tree nut production, and less than 5 percent of the world's hazelnut production.

This volume control regulation provides a method for the U.S. hazelnut industry to limit the supply of domestic inshell hazelnuts available for sale in the United States. Section 982.40 of the order establishes a procedure and computations for the Board to follow in recommending to the Secretary release of preliminary, interim final, and final quantities of hazelnuts to be released to the free and restricted markets each marketing year. The program results in plentiful supplies for consumers and for market expansion while retaining the mechanism for dealing with oversupply situations.

Currently, U.S. hazelnut production can be successfully allocated between the inshell domestic and secondary markets. One of the best secondary markets for hazelnuts is the export market. Inshell hazelnuts produced under the marketing order compete well in export markets because of quality. Europe, and Germany in particular, is historically the primary world market for U.S. produced inshell hazelnuts. A third market is for shelled hazelnuts (kernels) sold domestically. Domestically produced kernels generally command a higher price in the domestic market than imported kernels. The industry is continuing its efforts to develop and expand secondary markets, especially the domestic kernel market. Small business entities, both producers and handlers, benefit from the expansion efforts resulting from this program.

There are some reporting, recordkeeping, and other compliance requirements under the order. The reporting and recordkeeping burdens are necessary for compliance purposes and for developing statistical data for maintenance of the program. The information collection requirements have been previously approved by the Office of Management and Budget under OMB No. 0581–0178. The forms require information which is readily available from handler records and which can be provided without data processing equipment or trained statistical staff. As with other marketing order programs, reports and forms are periodically reviewed to reduce or eliminate duplicate information collection burdens by industry and public sector agencies. This interim final rule does not change those requirements. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this regulation.

Further, the Board's meeting was widely publicized throughout the hazelnut industry and all interested persons were invited to attend the meeting and participate in Board deliberations. Like all Board meetings, the November 14, 2000, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on the establishment of interim and final free and restricted percentages for the 2000–2001 marketing year under the hazelnut order. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Board's recommendation, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The 2000–2001 marketing year began July 1, 2000, and the percentages established herein apply to all merchantable hazelnuts handled from the beginning of the crop year; (2) handlers are aware of this rule, which was recommended at an open Board meeting, and need no additional time to comply with this rule; and (3) interested persons are provided a 60-day comment period in which to respond, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 982

Filberts, Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 982 is amended as follows:

PART 982—HAZELNUTS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR Part 982 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 982.248 is added to read as follows:

Note: This section will not be published in the annual Code of Federal Regulations.

§ 982.248 Free and restricted percentages—2000–2001 marketing year.

(a) The interim final free and restricted percentages for merchantable hazelnuts for the 2000–2001 marketing year shall be 14 and 86 percent, respectively.

(b) On May 1, 2001, the final free and restricted percentages for merchantable hazelnuts for the 2000–2001 marketing year shall be 17 and 83 percent, respectively.

Dated: February 28, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5319 Filed 3–5–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1210

[FV–00–703 FR]

Watermelon Research and Promotion Plan; Redistricting and Adding Two Importer Members to the National Watermelon Promotion Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the boundaries of all seven districts under the Watermelon Research and Promotion Plan (Plan) to apportion producer and handler membership on the National Watermelon Promotion Board (Board). This will make all districts equal according to the assessments collected in each district. Pursuant to the provisions of the Plan and regulations, this rule will also add two importer members to the Board to ensure that representation of importers is proportionate to the percentage of assessments importers pay to the Board. These changes are based on a review of the production and assessments paid in each district and the amount of watermelon import assessments, which the Plan requires at least every five years.

EFFECTIVE DATE: April 5, 2001.

FOR FURTHER INFORMATION CONTACT: Kathie Birdsell, Research and Promotion Branch, FV, AMS, USDA, Room 2535–S, Stop 0244, Washington, DC 20250–0244; telephone (202) 720–6930 or (888) 720–9917 (toll free); e-mail to *kathie.birdsell@usda.gov*.

SUPPLEMENTARY INFORMATION: This final rule is issued under the Watermelon Research and Promotion Plan (Plan) (7 CFR part 1210). The Plan is authorized under the Watermelon Research and Promotion Act (Act) (7 U.S.C. 4901–4916). Prior document in this proceeding: A proposed rule published in the October 16, 2000, issue of the **Federal Register** (65 FR 61122).

Question and Answer Overview

Why is this action being taken?

Section 1210.320 (d) of the Plan requires the National Watermelon Promotion Board (Board) to review the alignment of the seven districts and importer representation every five years. The Board conducted a review in 1999 and made recommendations to the U.S. Department of Agriculture (USDA). USDA published those recommendations as a proposed rule in the October 16, 2000, issue of the **Federal Register**. No comments were received on the proposed rule. Therefore, this rule implements the Board's recommendations.

What is the size and composition of the Board?

The Plan divides the United States into seven districts of comparable watermelon production. Each district is allocated two producer members and two handler members. The Plan also requires the number of importer members on the Board to be proportionate to the percentage of assessments paid by importers. In addition, one public member should serve on the Board. The Board currently has 33 members: 14 producers, 14 handlers, 4 importers, and 1 public member. However, two importer positions and the public member position are currently vacant.

What data was used by the Board to conduct the review?

The Board is required to base its recommendations on the most recent three years of USDA production reports or Board assessment reports. In this instance, the Board used assessment reports for 1996, 1997, and 1998 because USDA production reports were available for only 16 of the 35 states in which watermelons are produced.

What was the outcome of the 1999 redistricting review?

The 1999 review indicated that the boundaries of the districts needed to be adjusted in order for there to be an equal amount of assessments paid by the producers and handlers in the districts and that two additional importers needed to be added to the Board.

How will this action change the size and composition of the Board?

The number of producer and handler members will not be changed. However, the number of importer positions on the Board will be increased from four to six.

Will this action affect the current assessment rates paid by importers? By producers and handlers?

This action will not have any impact on the assessment rates paid by producers, handlers, and importers.

Executive Orders 12866 and 12988

This rule has been determined "not significant" for purposes of Executive Order (E.O.) 2866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

In addition, this rule has been reviewed under Executive Order 12988, Civil Justice Reform. The rule is not intended to have retroactive effect and will not affect or preempt any other State or Federal law authorizing promotion or research relating to an agricultural commodity.

The Act allows producers, producer-packers, handlers, and importers (if covered by the program) to file a written petition with the Secretary of Agriculture (Secretary) if they believe that the Plan, any provision of the Plan, or any obligation imposed in connection with the Plan, is not established in accordance with law. In any petition, the person may request a modification of the Plan or an exemption from the Plan. The petitioner will have the opportunity for a hearing on the petition. Afterwards, an Administrative Law Judge (ALJ) will issue a decision. If the petitioner disagrees with the ALJ's ruling, the petitioner has 30 days to appeal to the Judicial Officer, who will issue a ruling on behalf of the Secretary. If the petitioner disagrees with the Secretary's ruling, the petitioner may file, within 20 days, an appeal in the U.S. District Court for the district where the petitioner resides or conducts business.

Regulatory Flexibility Act and Paperwork Reduction Act

Final Regulatory Flexibility Analysis. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), AMS has examined the economic impact of this rule on the small producers, handlers, and importers that will be affected by this rule.

The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $500,000 and small agricultural service firms (handlers and importers) as those having annual receipts of no more than $5 million. Under these definitions, the majority of the producers, handlers, and importers that would be affected by this rule would be considered small entities. Producers of less than 10 acres of watermelons are exempt from this program. Importers of less than 150,000 pounds of watermelons per year are also exempt.

According to the Board, there are approximately 2,219 non-exempt producers, 619 handlers, and 278 importers who are eligible to serve on the Board.

The Plan requires producers to be nominated by producers, handlers to be nominated by handlers, and importers to be nominated by importers. This will not change. Because some current members are in states or counties which will be moved to other districts under this rule, at least one producer member vacancy in Districts 1, 6, and 7 and one handler member vacancy in District 6 will be created. Nomination meetings will need to be held in the new districts to fill these vacancies.

The overall impact will be favorable for producers and handlers because the new district boundaries will provide more equitable representation for the producers and handlers who pay assessments in the various districts. For importers, too, the overall impact will be favorable because they will be provided two additional seats on the Board and more equitable representation on the Board.

The Board considered several alignments of the districts in an effort to provide balanced representation for each district. The Board selected the alignment described in this rule as it will provide proportional representation on the Board of producers, handlers, and importers.

The addition of two importer seats on the Board will mean four additional nominees. This is because two nominees must be submitted for each position. The estimated additional annual cost of providing nomination information by four persons eligible to be nominated to serve as importer members on the Board will be $6.00 or $1.50 per importer. The increase of .06 hours has been added to the burden previously approved under OMB No. 0505–0001.

There are no federal rules that duplicate, overlap, or conflict with this rule.

Paperwork Reduction Act. This rule will increase the information collection burden previously approved by OMB for the Board nominee background information form under OMB Number 0505–0001. This is because there will be two additional importers on the Board. Since two nominees must be submitted to the Secretary for each position, there is the potential for four additional background forms to be submitted under this final rule. As required by OMB regulations (5 CFR part 1320), the revised burden, as described below, has been submitted to OMB.

Title: National Research, Promotion, and Consumer Information Programs.

OMB Number: 0505–0001.

Expiration Date of Approval: July 31, 2001.

Type of Request: Revision of a currently approved information collection for research and promotion programs.

Abstract: The information collection requirements in this request are essential to carry out the intent of the Act. The increase in burden associated with the background form is as follows:

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.50 hours per response.

Respondents: Importers.

Estimated Number of Respondents: 4.

Estimated Number of Responses per Respondent: 1 every 3 years (0.3).

Estimated Total Annual Burden on Respondents: 0.6 hours.

The estimated additional annual cost of providing nomination information by four persons eligible to be nominated to serve as importer members on the Board is $6.00 or $1.50 per importer. The increase of .06 hours has been added to the burden previously approved under OMB No. 0505–0001.

Background

Under the Plan, the Board administers a nationally coordinated program of research, development, advertising, and promotion designed to strengthen the watermelon's position in the market place and to establish, maintain, and expand markets for watermelons. This program is financed by assessments on producers growing 10 acres or more of watermelons, handlers of watermelons, and importers of 150,000 pounds of watermelons or more per year. The Plan specifies that handlers are responsible for collecting and submitting both the producer and handler assessments to the Board, reporting their handling of watermelons, and maintaining records necessary to verify their reporting(s). Importers are responsible for payment of assessments to the Board on watermelons imported into the United States through the U.S. Customs Service.

Domestic membership on the Board is determined on the basis of two producers and two handlers for each of the seven districts established by the Plan. The Board should also include at least one representative of importers and one public member. There are currently four importer positions on the Board.

The current U.S. districts were established in 1994. They are:

District 1—South Florida, including all south areas of State Highway 50.

District 2—North Florida, including all north areas of State Highway 50.

District 3—Alabama, Georgia, and Mississippi.

District 4—Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, D.C., and West Virginia.

District 5—Alaska, Arkansas, Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, and Wisconsin.

District 6—Arkansas, Louisiana, and Texas.

District 7—Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

The Plan provides that two years after its effective date (June 8, 1989), and at least every five years thereafter, the Board should review the districts to determine whether realignment of the districts is necessary.

When making a review, the Plan specifies that the Board should consider factors such as the most recent three years of USDA production reports or Board assessment reports if USDA production reports are unavailable, shifts and trends in quantities of watermelons produced, and any other relevant factors. In reviewing importer representation, the Board should review a three-year average of watermelon import assessments.

The Plan further specifies that, as a result of a review, the Board may recommend realignment of the districts and a change in the number of importer members subject to the approval of the Secretary. Any realignment should be recommended by the Board at least six months prior to the date of the call for nominations and should become effective at least 30 days prior to this date.

On November 8, 1999, the Board appointed a subcommittee to begin reviewing the U.S. districts and to determine whether realignment was necessary based on production and assessment collections in the current districts. During the review, as prescribed by the Plan, the subcommittee reviewed USDA's Annual Crop Summary reports for 1996 through 1998, which provide figures for the top 16 watermelon producing states, and the Board's assessment collection records for 1996 through 1998, including assessments collected at the county level for California and Florida.

The subcommittee recommended to the Board that the boundaries of Districts 3 through 7 be changed and that Districts 1 and 2 be defined by Florida counties, rather than using Route 50 as the boundary line.

The subcommittee also determined that assessments on imports represented 20 percent of the Board's assessment income during 1996–1998. The Plan

requires that importers have proportionate representation on the Board. Therefore, importers should have 20 percent of the seats on the Board. Currently, the four importer positions represent only 12.5 percent of the 32 industry seats on the Board. Adding two more importer member positions will give importers approximately 20 percent of the seats on the Board. Because the Plan and regulations are self-executing in this regard, no change to the regulations is needed.

Subsequently, the realignment was approved by Board at its February 15–16, 2000, meeting, with slight modification. Under the realignment, each district will represent, on average, 14 percent of total U.S. production.

Therefore, this final rule will realign the districts as follows:

District 1—The Florida counties of Brevard, Broward, Collier, Dade, Glades, Hardee, Hendry, Highlands, Indian River, Lee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Polk, and St. Lucie.

District 2—The Florida counties of Alachula, Baker, Bay, Bradford, Calhoun, Charlotte, Citrus, Clay, Columbia, Desoto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Hillsborough, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Manatee, Marion, Nassau, Okaloosa, Orange, Pasco, Pinnellas, Putnam, Santa Rosa, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.

District 3—Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee.

District 4—Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, D.C., West Virginia, and Wisconsin.

District 5—Alaska, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming and the California counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Toulumne, Venture, Yolo, and Yuba.

District 6—Texas.

District 7—Arizona, New Mexico, and the California counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and San Diego.

With these district boundaries: (1) South Carolina and Tennessee will be moved from District 4 to District 3; (2) Arkansas and Louisiana will be moved from District 6 to District 3; (3) Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin will be moved from District 5 to District 4; (4) four California counties will be moved from District 7 to District 5; and (5) only Texas will remain in District 6.

This will create one producer vacancy in Districts 1, 6, and 7 and one handler in District 6. Current Board members will be affected because their states or counties will be moved to other districts. Nomination meetings will be held in the new districts to fill the vacancies.

List of Subjects in 7 CFR Part 1210

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Reporting and recordkeeping requirements, Watermelon promotion.

For the reasons set forth in the preamble, Part 1210, Chapter XI of Title 7 is amended as follows:

PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN

1. The authority citation for 7 CFR Part 1210 continues to read as follows:

Authority: 7 U.S.C. 4901–4916.

2. Section 1210.501 is revised to read as follows:

§ 1210.501 Realignment of districts.

Pursuant to § 1210.320(c) of the Plan, the districts shall be as follows:

District 1—The Florida counties of Brevard, Broward, Collier, Dade, Glades, Hardee, Hendry, Highlands, Indian River, Lee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Polk, and St. Lucie.

District 2—The Florida counties of Alachula, Baker, Bay, Bradford, Calhoun, Charlotte, Citrus, Clay, Columbia, Desoto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Hillsborough, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Manatee, Marion, Nassau, Okaloosa, Orange, Pasco, Pinnellas, Putnam, Santa Rosa, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.

District 3—Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee.

District 4—Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, D.C., West Virginia, and Wisconsin.

District 5—Alaska, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and the California counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Toulumne, Venture, Yolo, and Yuba.

District 6—Texas.

District 7—Arizona, New Mexico, and the California counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and San Diego.

Dated: March 1, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5419 Filed 3–5–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

RIN 0560–AG22

Grazing Payments for 2001 Wheat, Barley, or Oats

AGENCY: Commodity Credit Corporation; USDA.

ACTION: Final rule.

SUMMARY: This rule implements provisions of the Agricultural Risk Protection Act of 2000 (ARPA) related to grazing payments in lieu of loan deficiency payments (LDP's), for the 2001 crop year only, to include producers who elect to use acreage planted to wheat, barley, or oats for the grazing by livestock and forgo any other harvesting of such acreage.

EFFECTIVE DATE: March 6, 2001.

FOR FURTHER INFORMATION CONTACT: Raellen Erickson, Program Specialist, Price Support Division, Farm Service Agency (FSA), USDA, STOP 0512, 1400 Independence Avenue, SW., Washington, DC 20250–0540, telephone: (202) 720–7320.

SUPPLEMENTARY INFORMATION:

Notice and Comment

Section 263 of the ARPA requires that these regulations be promulgated without regard to the notice and comment provisions of 5 U.S.C. 553 or the Statement of Policy of the Secretary of Agriculture effective July 24, 1971, (36 FR 13804) relating to notices of proposed rulemaking and public participation in rulemaking. These regulations are thus issued as final.

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

Federal Assistance Programs

The titles and numbers of the Federal assistance programs, as found in the Catalog of Federal Domestic Assistance, to which this final rule applies is Commodity Loan Deficiency Payments—10.051.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Unfunded Mandates

The provisions of Title II of the Unfunded Mandates Reform Act of 1995 are not applicable to this rule because the USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Small Business Regulatory Enforcement Fairness Act of 1998

Section 263 of the Act of 2000 requires that the regulations necessary to implement Title II, Subtitle A of the Act of 2000 be issued as soon as practicable and without regard to the notice and comment provisions of 5 U.S.C. 553 or the Statement of Policy of the Secretary of Agriculture effective July 24, 1971, (36 FR 13804) related to the notice of proposed rulemaking and public participation in rulemaking. It also requires the Secretary to use the provisions of 5 U.S.C. 808 (the Small Business Regulatory Enforcement Act (SBREFA), which provide that a rule may take effect at such time as the agency may determine if the agency finds for good cause that public notice is impracticable, unnecessary, or contrary to the public purpose and thus does not have to meet the requirements of section 801 of SBREFA requiring a 60-day delay for Congressional review of a major regulation before the regulation can go into effect. This final rule is considered major for the purposes of SBREFA. Based on the foregoing authorities, however, it has been determined that it would be contrary to the public interest to delay the implementation of this rule. This rule, accordingly, has been made effective immediately.

Paperwork Reduction Act

Section 263 of the Act of the ARPA also requires that these regulations be promulgated and the program administered without regard to the Paperwork Reduction Act. This means the information to be collected from the public to implement these programs and the burden, in time and money, the collection of the information would have on the public, does not have to be approved by the Office of Management and Budget.

Background

Producers of certain commodities are allowed by the provisions under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) and related provisions to obtain, upon harvest, market assistance loans, or, in lieu of those loans, "loan deficiency payments" (LDP's). Section 205 of ARPA, however, provides additional relief for farmers in a form which in effect amounts to the equivalent of an LDP. Under section 205 of ARPA, a farmer who is otherwise eligible for a wheat, barley, or oat LDP under section 135 of AMTA can graze the acreage instead and still receive a payment if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage. That section (Section 205 of ARPA) provides further that the amount of the payment shall be determined using the loan deficiency payment rate determined under section 135(c) of the Agricultural Market Transition Act (7 U.S.C. 7235(c)) in effect, as of the date of the agreement, for the county in which the farm is located. That rate, the statute provides, will be multiplied by the payment quantity. The payment quantity, the law provides, is determined by multiplying (for the commodity involved) the quantity of the grazed acreage involved by the higher of the farm's established yield or the county's average yield. Further, section 205 provides that the payment shall be made at the same time and in the same manner as loan deficiency payments. Still further, the statute specifies that the payment shall be made not later than September 30, 2001. Also, section 205 provides that, in operating this program, the Secretary shall establish an availability period for the payment consistent with the availability period for wheat, barley, and oats established for AMTA marketing assistance loans. Section 205 further specifies that the Secretary shall promulgate such regulations as are needed to administer the payments in a fair and equitable manner with respect to those producers of wheat and feed grains that will not receive the new payments.

This rule implements those provisions by regulations that will be codified in a new subpart in 7 CFR part 1421. In so doing, however, several important determinations had to be made. Among those, was a determination with respect to limitations on payments. LDPs under section 135 of AMTA are, by the provisions of section 1001 of the Food Security Act of 1985, 7 U.S.C. 1308, as amended, payment-limited. That is, the amount that any one "person" (as defined in rules in 7 CFR part 1400) can receive in any one program year, in the form of LDPs, is limited to a set amount. By the terms of section 1001 of the Food Security Act, the limit applies to payments under section 135 of AMTA, and does not, for that reason, cover these new grazing payments, as such, in section 205 of ARPA. That follows because section 205 does not, as such, amend section 135 of AMTA. Rather,

section 205 is a stand-alone source of authority for making the new payments. Nonetheless, as indicated above, Congress, by the terms of section 205, instructs the agency to make the payment "in the same manner" as section 135 of AMTA and further instructs the agency to make the payments in such a way as to be fair with respect to farmers who will not be making use of the new authority. For those reasons, it seems clear that the payments should be treated as limited as well and, in order to do so, it is provided in these rules that a farmer will be considered to be eligible to receive, or retain, payments under section 205 of ARPA only to the extent that the farmer would have a remaining eligibility for payments under section 135 of AMTA taking into account the payment limit that applies to payment under that section. That is, if the producer had for example hit the payment limit under that section by receiving LDP's up to that limit, then the producer would not be eligible for grazing payments under the new program and would, if payments for grazing had already been received, be required to return those payments with interest. This conclusion—linking the two payments—is consistent with still another provision in section 205 of ARPA that being the provision which specifies that the producer will only be eligible for payments under section 205 to the extent that the farmer would be eligible for a payment under section 135. While that provision does not directly address the situation where the producer was eligible for the payment when it was received and only later hits the LDP payment limit, it would not make sense to have the rules allow the farmer retain the grazing as such would change the connection between the two programs from being a matter of substance to being one of timing only. Presumably, placing form over substance was not intended. Accordingly, once it has been determined that the grazing payment will in effect be tied to the same payment limit it follows that this rule will apply regardless of which payments were requested first. As indicated, this seems to be fully consistent with the idea of the statute which appear to be that the LDP program should not force farmers to harvest forage of certain crops just to utilize their LDP eligibility. Provision has been made in the rule to assure that the connection between the two programs will be enforced irrespective of whether the normal rules of offset would allow a charge-off between the two programs.

Other provisions in the new regulations specify that producers will not be eligible for the payment if the crop could not be harvested anyway because of weather or other reasons. Also, the rules provide that applications cannot be filed before the date on which mechanical harvesting of the crop would, otherwise, have first been possible. This provision is consistent with the timing provisions of the statute as described above. Also, there are provisions, requiring consistency between the producer's grazing reports and others that might be filed, and a number of other aspects of the program as well. Further, since the grazing payments allowed by the new rules only apply where the producer could otherwise have obtained LDP for the crop, the new rules will only apply to wheat, barley and oats crops produced by the applicant on a farm on which that person has an existing and valid production flexibility contract (PFC). That is because wheat, barley, and oats are so-called "contract commodities" and, by statute, generally, contract commodities are eligible for LDP only if produced on a PFC farm. The PFC program is a program in which farmers with certain crop bases under older programs can receive certain special payments it they agreed to abide by certain limited conditions with respect to the operation of their farms. The PFC program is administered under 7 CFR part 12. For the 2000 crop only, Congress has severed the tie between PFC's and LDP's. However, as the new grazing payment program applies only to the 2001 crops wheat, barley, and oats, the existence of a PFC contract will continue to be an eligibility requirement for the new payment. Should the requirements for LDP's be modified again, it would have to be determined whether such a change would also expand eligibility for the new grazing payment provided for in these new rules.

List of Subjects in 7 CFR Part 1421

Loan programs/Agriculture, Loan Deficiency Payment, Grazing Payments for 2001 Crop of Wheat, Barley, or Oats, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 1421 is amended to read as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1. The authority citation for part 1421 is revised to read as follows:

Authority: 7 U.S.C. 7213–7235, 7237; 15 U.S.C. 714b, 714c; Sec. 813, Pub. L. 106–78, 113 Stat. 1182; Secs. 205 and 206, Pub. L. 106–224 (7 U.S.C. 1421 note).

2. Part 1421 is amended by adding Subpart—Grazing Payments for 2001 Crop of Wheat, Barley, or Oats to read as follows:

Subpart—Grazing Payments for 2001 Crop of Wheat, Barley, or Oats

Sec.

1421.300 Applicability.
1421.301 Administration.
1421.302 Definitions.
1421.303 Eligible producer and eligible land.
1421.304 Time and method for application.
1421.305 Payment amount.
1421.306 Misrepresentation and scheme or device.
1421.307 Refunds; joint and several liability.

§ 1421.300 Applicability.

(a) The regulations in this subpart are applicable to 2001 crops of eligible acreage planted to wheat, barley, or oats that is grazed by livestock and not harvested in any other manner. This subpart sets forth the terms and conditions under which a grazing payment in lieu of a loan deficiency payment can be made by the Commodity Credit Corporation (CCC).

(b) The form that is used in administering these payments is available in State and county FSA offices and shall be prescribed by CCC.

§ 1421.301 Administration.

(a) This subpart shall be administered by the Farm Service Agency (FSA) under the general direction and supervision of the Executive Vice President, CCC or designee. The program shall be carried out in the field by State and county FSA employees under the general direction and supervision of the State and county FSA committees.

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations in this part, as amended or supplemented.

(c) The State committee shall take any action required by this part which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this part; or

(2) Require a county committee to withhold taking any action which is not in accordance with the regulations of this part.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(e) The Deputy Administrator for Farm Programs (DAFP), FSA, may authorize State and county committees to waive or modify deadlines and other program requirements in cases where timeliness or failure to meet such other requirements does not adversely affect the operation of the program. In addition, DAFP may establish other conditions for payments that will assist in achieving the goals of the program and may include such provisions in the program agreement or other program documents.

§ 1421.302 Definitions.

The definitions set forth in this section shall be applicable for all purposes of program administration under this subpart:

COC means the FSA county office committee.

CCC means the Commodity Credit Corporation.

Department means the United States Department of Agriculture.

Deputy Administrator means the Deputy Administrator for Farm Programs, Farm Service Agency (FSA) or a designee of that person.

FSA means the Farm Service Agency of the Department.

Secretary means the Secretary of the United States Department of Agriculture, or the Secretary's delegate.

STC means the FSA State committee.

§ 1421.303 Eligible producer and eligible land.

(a) To be an eligible producer for purposes of this subpart, the person must be a producer of an eligible crop which the producer agrees under the terms of this part to graze in lieu of any other harvesting. The only crops which are eligible for this program are the 2001 crops of wheat, barley or oats, and then only if all other conditions for eligibility under this part have met. For this purpose and all purposes of this subpart, the "person" may be an individual, partnership, association, corporation, estate, trust, or State or political subdivision or agency thereof, or other legal entity. The crop year will be determined using the normal designations that apply in connection with farm commodity programs operated under this chapter. Also, to be an eligible producer, the person must meet all other qualifications for payment that are set out in this subpart, set out in the program agreement, set out under other provisions of this title, including regulations that appeal in parts 12, 718, 1400, and 1405 of this title, or otherwise set out. A person will not be considered the "producer" of the crop unless that person was responsible for the planting of the crop and had the risk of loss in the crop at all times material to the request for payment, including, but not limited to, the time of planting and the time of the request for, and payment of benefits under, this part.

(b) A minor may participate in the program if the right of majority has been conferred on the minor by court order or by statute, or if the minor participates through a guardian authorized to act on the minor's behalf in these matters. Alternatively, a minor may participate if the program documents are all signed by an acceptable (to CCC) guarantor or if bond, acceptable to CCC, is provided by a surety.

(c) For the crop to be eligible, the crop, in addition to other standards that may apply, must be grown on land that is classified as "cropland" in FSA farm records or on land that FSA determines has been cropped in the last 3 years except that the land may also qualify if the land is committed to a crop rotation, normal for the locality, that includes harvesting the subject crop for grain. These rules are designed to assure, to the extent practicable, the available payment did not produce plantings that otherwise would not have occurred and the CCC may deny payments in any instance in which there is reason to believe that the planting was done for that purpose. To that end, if the commodity involved has not been previously grown by the producer or is not one which is not predominately produced locally, the producer must submit evidence of seed purchases for planting the commodities and other evidence deemed needed or appropriate by the COC in order to assure that the program goals are made and that the land was not planted to an eligible commodity simply to obtain a payment. Also, the land to be eligible must, for the year involved, be grazed and cannot, during the crop year, be harvested at any time for any purpose, except as determined by the Deputy Administrator to accommodate producers with a history of double-cropping when the crop to be harvested is not the crop for which a payment is to be made under this subpart. Land will be considered grazed only to the extent that the crop on the land is consumed in the field as live plants by livestock for the normal period of time for grazing in the area.

(d) Further, the producers must have, to be eligible at the time the crop is grown and used, full right of possession in the property with the consent of the landowner and must have, but for an agreement made to receive payments under this subpart, the right to harvest and market the crop as grain and, as that time the crop is grazed, the right and ability to obtain a loan deficiency payment (LDP) under this title. Further, the producer must, at the time of the agreement made under this part to obtain a payment, meet all other eligible criteria for LDP's including the general statutory requirement that the producer will eligible for LDP for "contract commodities" only if they were produced by that person on the farm on which there is a "production flexibility contract" (PFC) under the PFC program administered under 7 CFR part 1412. As wheat, barley and oats are contract commodities, this means that no grazing payments will be made under this subpart unless the wheat, barley or oat crop which is, or will be, grazed, was produced by the person seeking the payment on land on which there is PFC to which such person is party. In the event, that Congress, as it did for the 2000 crop, change the requirements for LDP's so as to eliminate the tie to an existing PFC, CCC shall determine whether that waiver will also expand the eligibility of producers for grazing payments under this subpart.

(e) In addition, no payment will be made if the crop could not have been harvested and used to obtain LDP's because of weather or other conditions that may have occurred or because of any legal restrictions against harvesting the crop, or because of promises made in connection with other programs, or because of any promise to any person, or because of any other reason. The producer must, in addition, to be considered eligible to receive a grazing payment on the commodity under this subpart, retain the control, title and risk of loss in the commodity for which the payment is sought from the date of planting through the date on which no mechanical harvesting of the crop is still possible. However, nothing in the prior sentence shall prevent a person from receiving a payment merely because the producer has granted a licence or permission to some other party to graze their animals upon the property. In addition, the producer can receive no payment for any crop on any land for which, for the relevant crop year, the producer reported to anyone for any purpose, harvesting the crop for grain. This prohibition and others under the program only apply to land for which

the payment is sought (that is, the part of the farm on which the crop is to be grazed) and does not extend to other parts of the farm. Any condition that applies under this subpart as a condition of payment, shall also be considered to be a condition for retaining payment.

§ 1421.304 Time and method for application.

Application for the program must be received, at the county office that is responsible for administering programs for the farm, no earlier than the date on which eligible crops would, for the 2001 crop, normally be harvested and no later than August 31, 2001. The application must describe the land to be grazed and, in accordance with standards set by CCC, the tract/field location. The COC will determine the first harvest date which shall take into account the date on which such crops are, locally, normally harvested for any purpose. Where multiple producers are involved, the form must reflect each producer's share in the crop. No producer must receive payments under this subpart except to the extent that the payments are commensurate with that share. Should a person who is entitled to receive a payment under this subpart die, that payment, as earned, may be made to other persons as provided for in the rules set out in part 707. Third parties may also receive payments to the extent provided for in that part for other situations involving an incapacitation of the producer. Refusals to allow CCC to verify information on any form or report utilized for this subpart can result in program ineligibility and producers must provide CCC and its agent to the property involved and to all records as may be relevant to the making of payments under this subpart. Further, false statements will disqualify the producer from the program and may be subject to other sanctions including criminal sanctions.

§ 1421.305 Payment amount.

(a) Eligible persons growing an eligible crop and agreeing to the restrictions provided for in this subpart may (if all other conditions of eligibility are met) receive a payment under this subpart. That payment for purposes of this section shall be referred to as a "grazing payment". The grazing payment shall be made at the per/unit LDP rate for the relevant crop. The LDP rate that applies shall be that which is current on the date on which the producer submits a complete program application or is deemed, by CCC, to have submitted a completed application. The rate shall be the rate for the relevant county in which the farm is located. The "LDP rate" for this purpose means the rate for "loan deficiency payments" under this subpart. The LDP rate shall be applied against the payable units of production as determined under this section.

(b) The payable units of production shall be computed by multiplying the eligible grazed acres by the applicable yield determined under paragraph (c) of this section.

(c) The yield shall be either the farm's established yield for the crop as determined under part 1412 by the FSA or the relevant average county yield as determined by the FSA. The average county yield must be established by the COC by August 31, 2001, but shall be valid only if the STC concurs. That yield shall, if acceptable data is available, be based on NASS data using an Olympic average for the 1996 through 2000 crop years. If that data is not available, or STC does not concur, other sources may be used.

(d) No payment may be received or retained under this subpart to the extent that the payment, were they considered to be LDP's, would place that person over the per person per year payment limit that applies to LDP's. The producer agrees that the CCC may collect any payment considered to be an overpayment by reason of this subsection by withholding LDP payments until the matter is resolved, by treating the LDP as being not payable to the extent that a grazing refund would otherwise be due , by setoff, or by any other means available to CCC.

(e) Payments can be withheld until the actual grazed acreage is verified and justified in connection with any other reports filed with FSA with respect to the farm (or filed with some other person or agency) and until all other necessary information is obtained. The CCC may require such other verification as it deems appropriate to assure that the program goals are met.

(f) To receive the payment, the eligible producer must submit a request for payment on the FSA-approved form. That form will be "CCC–633 Grazing (Grazing Payment Program Application)". The form may be obtained from the county FSA office. Also, a copy may be obtained at http://www.fsa.usda.gov/dafp/psd. The form must be submitted to the county by the close of business on August 31, 2001.

(g) The producer will ineligible for payments under this subpart if any discrepancies between the reported acreage on the program form and other reports of acreage by the producer are not resolved by a date set by the CCC.

(h) Unless otherwise authorized by the Deputy Administrator, all payment shall be made no later than September 28, 2001.

§ 1421.306 Misrepresentation and scheme or device.

(a) A producer shall be ineligible to receive payments under this subpart if it is determined by DAFP, the State committee, or the county committee to have:

(1) Adopted any scheme or device which tends to defeat the purpose of this program;

(2) Made any fraudulent representation; or

(3) Misrepresented any fact affecting a program determination.

(b) Any funds disbursed pursuant to this subpart to a producer engaged in a misrepresentation, scheme, or device, or to any other person as a result of the producer's actions, shall be refunded with interest together with such other sums as may become due. Any producer engaged in acts prohibited by this section and any person receiving payment under this subpart, as a result of such acts, shall be jointly and severally liable for any refund due under this section and for related charges. The remedies provided in this subpart shall be in addition to other civil, criminal, or administrative remedies which may apply.

§ 1421.307 Refunds; joint and several liability.

(a) In the event there is a failure to comply with any term, requirement, or condition for payment arising under this application, or this subpart, and if any refund of a payment to CCC shall become due for that or other reason in connection with the application, or this subpart, all payments made under this subpart to any producer shall be refunded to CCC together with interest as determined in accordance with paragraph (c) of this section and late-payments charges as provided for in part 1402 of this chapter.

(b) All persons listed on an application shall be jointly and severally liable for any refund due in connection with that application and for any related charges which may be determined to be due for any reason.

(c) Interest shall be applicable to refunds required of the producer. Such interest shall be charged at the rate of interest which the United States Treasury charges CCC for funds, as of the date CCC made such benefits available. Such interest shall accrue from the date such benefits were made available to the date of repayment but the interest rate shall increase to reflect any increase in the rate charged to CCC by Treasury for any percent of time for which the interest assessment is collected. CCC may waive the accrual of interest if CCC determines that the cause of the erroneous determination was not due to any action of the producer.

(d) Late payment interest shall be assessed on refunds in accordance with the provisions of, and subject to the rates in 7 CFR part 1403.

(e) Producers must refund to CCC any excess payments made by CCC with respect to any application in which they have an interest. Such refund shall be subject to interest at the same rate that applies to other refunds.

Signed at Washington, D.C., on March 1, 2001.

Diane Sharp,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 01–5492 Filed 3–2–01; 3:18 pm]

BILLING CODE 3410–05–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG70

List of Approved Spent Fuel Storage Casks: VSC–24 Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations revising the Pacific Sierra Nuclear Associates (PSNA) VSC–24 listing within the "List of approved spent fuel storage casks" to include Amendment No. 3 to the Certificate of Compliance (CoC). This amendment changes the Technical Specifications 1.2.1 and 1.2.6 to modify the fuel specifications for Combustion Engineering 16x16 spent fuel stored in the VSC–24 cask system, modifies the text in TS 1.2.7 for accuracy, modifies the text in Certificate Section 2.b. to remove ambiguity, modifies Certificate Section 3 to be consistent with TS 1.1.4, modifies Certificate Section 4 for consistency with TS 1.1.3, and modifies Certificate Section 5 to remove ambiguity.

DATES: The final rule is effective May 21, 2001, unless significant adverse comments are received by April 5, 2001. If either the rule is withdrawn or the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff. Deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 am and 4:15 pm on Federal workdays.

All publicly available documents related to this rulemaking, as well as all public comments received on this rulemaking, may be viewed and downloaded electronically via the NRC's rulemaking website at *http://ruleforum.llnl.gov*. You may also provide comments via this website by uploading comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rule, including comments received by the NRC, may also be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. For more information, contact the NRC's Public Document Room Reference staff at 1–800–397–4209, (301) 415–4737 or by e-mail to pdr@nrc.gov.

Documents created or received at the NRC after November 1, 1999 are also available electronically at the NRC Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html*. From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. An electronic copy of the proposed CoC and preliminary safety evaluation report (SER) can be found under ADAMS Accession No. ML003733556. For more information, contact the NRC's Public Document Room Reference Staff at 1–800–397–4209, 301–415–4737 or by e-mail at pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Stan Turel, telephone (301) 415–6234, e-mail, spt@nrc.gov, of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPA), requires that "[t]he Secretary [of the Department of Energy (DOE)] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission." Section 133 of the NWPA states, in part, that "[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 218(a) for use at the site of any civilian nuclear power reactor."

To implement this mandate, the NRC approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule in 10 CFR Part 72 entitled, "General License for Storage of Spent Fuel at Power Reactor Sites" (55 FR 29181; July 18, 1990). This rule also established a new Subpart L within 10 CFR Part 72, entitled "Approval of Spent Fuel Storage Casks" containing procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on April 7, 1993 (58 FR 17948), that approved the VSC–24 cask design, added it to the list of NRC-approved cask designs in § 72.214, and issued Certificate of Compliance Number (CoC No.) 1007.

Discussion

On March 29, 2000, PSNA (the certificate holder) submitted an application to the NRC to amend CoC No. 1007 to change Technical Specifications (TS) 1.2.1 and 1.2.6. This change modifies the fuel specifications for Combustion Engineering 16x16 spent fuel stored in the VSC–24 cask system. Amendment 3 also modifies the text in TS 1.2.7 for accuracy, modifies the text in Certificate Section 2.b. to remove ambiguity, modifies Certificate Section 3 to be consistent with TS 1.1.4, modifies Certificate Section 4 for consistency with TS 1.1.3, and modifies Certificate Section 5 to remove ambiguity and removes the "Basis" section from all TSs in accordance with revised NRC TS format. The NRC staff performed a detailed safety evaluation of the proposed CoC amendment request. The NRC staff found that the changes stated above do not reduce the safety margin. In addition, the NRC staff has determined that changes do not pose any increased risk to public health and safety. A full discussion of the NRC staff's evaluation is presented in its SER that can be found under ADAMS Accession No. ML003733556.

This direct final rule revises the PSNA VSC–24 cask system listing within the list of NRC-approved casks

for spent fuel storage in § 72.214 by adding Amendment No. 3 to CoC No. 1007. Amendment No. 3 applies to any VSC–24 cask loaded after May 21, 2001.

Amendment No. 3 to CoC No. 1007 and the underlying SER, and the Environmental Assessment and Finding of No Significant Impact are available for inspection and comment at the NRC Public Document Room (PDR), 11555 Rockville Pike, Rockville, Maryland 20852. Single copies of the CoC and SER may be obtained from Stan Turel, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6195, email spt@nrc.gov

Discussion of Amendments by Section

Section 72.214 List of Approved Spent Fuel Storage Casks

Certificate No. 1007 will be revised indicating the addition of Amendment No. 3 and its effective date.

Procedural Background

This rule is limited to the changes contained in Amendment No. 3 to CoC 1007 and does not include other aspects of the VSC–24 cask system design. The NRC is using the "direct final rule procedure" to promulgate this amendment because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial; adequate protection of public health and safety continues to be ensured. This amendment is not considered to be a significant amendment by the NRC staff. The amendment to the rules will become effective on May 21, 2001. However, if the NRC receives significant adverse comments by April 5, 2001, then the NRC will publish a document that withdraws this action and will address the comments received in response to the proposed amendments published elsewhere in this issue of the **Federal Register**. These comments will be addressed in a subsequent final rule. The NRC will not initiate a second comment period on this action.

Agreement State Compatibility

Under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs" approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as compatibility Category "NRC." Compatibility is not required for Category "NRC" regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended (AEA), or the provisions of Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements by a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled "Plain Language in Government Writing," directed that the Federal Government's writing be in plain language. The NRC requests comments on this direct final rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR Part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rule will amend the CoC for the VSC–24 cask system within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. This amendment revises Technical Specifications 1.2.1 and 1.2.6 to modify the fuel specifications for Combustion Engineering 16x16 spent fuel stored in the VSC–24 cask system and makes other minor clarifying changes to the CoC and TS. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Electronic copies of the environmental assessment and finding of no significant impact can be found in the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html*. Single copies are available from Stan Turel, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6234, email spt@nrc.gov.

Paperwork Reduction Act Statement

This direct final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0132.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC will revise the VSC–24 cask system design list in § 72.214 (List of NRC-approved spent fuel storage cask designs). This action does not constitute the establishment of a standard that establishes generally-applicable requirements.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR Part 72 to provide for the storage of spent nuclear fuel under a general license in cask system designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On April 7, 1993 (58 FR 17948), the NRC issued an amendment to Part 72 that approved the VSC–24 cask design, added it to the list of NRC-approved cask designs in § 72.214, and issued CoC No. 1007. On March 29, 2000, the certificate holder submitted an application to the NRC to amend CoC No. 1007 to change Technical Specifications 1.2.1 and 1.2.6 to modify the fuel specifications for Combustion Engineering 16x16 spent fuel stored in the VSC–24 cask system. The amendment also makes other minor clarifying changes to the CoC and TSs.

The alternative to this action is to withhold approval of this amended cask system design and issue an exemption to each general license. This alternative would cost both the NRC and the utilities more time and money because each utility would have to pursue an exemption.

Approval of the direct final rule will eliminate the problems described above and is consistent with previous Commission actions. Further, the direct final rule will have no adverse effect on public health and safety. This direct final rule has no significant identifiable impact or benefit on other Government agencies.

Based on this discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This direct final rule affects only the operation of nuclear power plants, independent spent fuel storage facilities, and NAC. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this direct final rule because this amendment does not involve any provisions that would impose backfits as defined. Therefore, a backfit analysis is not required.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

List of Subjects in 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is adopting the following amendments to 10 CFR Part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 10d–48b, sec. 7902, 10b Stat. 31b3 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance 1007 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1007.
Initial Certificate Effective Date: May 7, 1993.
Amendment Number 1 Effective Date: May 30, 2000.
Amendment Number 2 Effective Date: September 5, 2000.
Amendment Number 3 Effective Date: May 21, 2001.
SAR Submitted by: Pacific Sierra Nuclear Associates.
SAR Title: Final Safety Analysis Report for the Ventilated Storage Cask System.
Docket Number: 72–1007.
Certificate Expiration Date: May 7, 2013.
Model Number: VSC–24.

* * * * *

Dated at Rockville, Maryland, this 8th day of February, 2001.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 01–5399 Filed 3–5–01; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Regulation E; Docket No. R–1077]

Electronic Fund Transfers

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is publishing revisions to Regulation E, which implements the Electronic Fund Transfer Act. The revisions implement amendments to the act contained in the Gramm-Leach-Bliley Act that require the disclosure of certain fees associated with automated teller machine (ATM) transactions. The amendments require ATM operators that impose a fee for providing electronic fund transfer services to post a notice in a prominent and conspicuous location on or at the ATM. The operator must also disclose that a fee will be imposed and the amount of the fee, either on the screen of the machine or on a paper notice, before the consumer is committed to completing the transaction. In addition, when the consumer contracts for an electronic fund transfer service, financial institutions are required to provide initial disclosures, including a notice that a fee may be imposed for electronic fund transfers initiated at an ATM operated by another entity.

DATES: This rule is effective March 9, 2001; however, to provide adequate time to make any necessary systems changes, mandatory compliance date is delayed until October 1, 2001.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Counsel, or David A. Stein, Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–2412 or (202) 452–3667.

SUPPLEMENTARY INFORMATION:

I. The Electronic Fund Transfer Act

The Electronic Fund Transfer Act (EFTA or Act), 15 U.S.C. 1693 *et seq.*,

enacted in 1978, provides a basic framework establishing the rights, liabilities, and responsibilities of participants in electronic fund transfer (EFT) systems. The Board's Regulation E (12 CFR part 205) implements the Act. Types of transfers covered by the Act and regulation include transfers initiated through an ATM, point-of-sale terminal, automated clearinghouse, telephone bill-payment plan, or home-banking program. The Act and regulation prescribe restrictions on the unsolicited issuance of ATM cards and other access devices; disclosure of terms and conditions of an EFT service; documentation of EFT services by means of terminal receipts and periodic account statements; limitations on consumer liability for unauthorized transfers; procedures for error resolution; and certain rights related to preauthorized EFT services.

The Official Staff Commentary (12 CFR part 205 (Supp. I)) interprets the regulation, and provides guidance to financial institutions in applying the regulation to specific transactions. The commentary is a substitute for individual staff interpretations; it is updated periodically, as necessary, to address significant questions that arise.

EFTA coverage is not limited to traditional financial institutions holding consumers' asset accounts. For EFT services made available by entities other than an account-holding financial institution, the act directs the Board to assure, by regulation, that the provisions of the act are made applicable.

II. The Gramm-Leach-Bliley Amendments to the EFTA

The Gramm-Leach-Bliley Act (GLBA), Pub. L. 106–102, 113 Stat. 1338, amended the EFTA. Sections 702, 703, and 705 of the GLBA require disclosure of ATM fees (sometimes referred to as "surcharges") imposed by ATM operators. Many ATM operators—including financial institutions that impose such a fee—currently disclose information about the fee to satisfy existing regulatory and network requirements.

Section 702 of the GLBA amends section 904(d) of the EFTA regarding services provided by entities other than the account-holding institution. An ATM operator that imposes a fee on a consumer for EFT services is required to post a notice of that fact in a prominent and conspicuous location on or at the ATM. The ATM operator must also disclose that a fee will be imposed and the amount of the fee, either on the screen of the ATM or on a paper notice, before the consumer is committed to completing the transaction. No fee may be imposed unless proper notice is provided and the consumer elects to complete the transaction.

Section 703 of the GLBA amends section 905(a) of the EFTA regarding the disclosure of terms and conditions at the time a consumer signs up for EFT services. The financial institution holding the consumer's account must include in its initial disclosures a notice that a fee may be imposed by (1) An ATM operator not holding the consumer's account, or (2) any national, regional, or local network used to complete the transaction.

Section 705 of the GLBA amends section 910 of the EFTA regarding liability of financial institutions. ATM operators are not liable for failing to comply with the requirement to post notice if the notice posted at an ATM is subsequently removed, damaged, or altered by any person other than the ATM operator.

III. Revisions to Regulation E Implementing the GLBA Amendments to the EFTA

In July 2000, the Board published proposed revisions to Regulation E to implement the EFTA amendments made by the GLBA. (65 FR 44481, July 18, 2000.) The proposal paralleled the statutory provisions for the most part. The Board received approximately 50 comment letters. The majority of comments on the proposed revisions were from financial institutions and industry associations. Several commenters requested action outside the scope of the Board's authority, such as deleting the statutory requirement to post a sign about fees at the ATM as unnecessary and burdensome or prohibiting ATM surcharges.

In general, most commenters supported the Board's proposed revisions. Many industry commenters, however, requested a longer period than 30 days after issuance to comply with a final rule. They stated that while the proposed revisions will not require extensive software or other system changes, ATM operators will need more than 30 days to implement them. In response to comments received, the mandatory compliance date for the final rule is October 1, 2001.

Pursuant to its authority under section 904(a) of the EFTA, the Board is adopting a final rule amending Regulation E to implement sections 702 and 703 of the GLBA. The final rule is substantially similar to the proposal with some technical and editorial revisions. To facilitate compliance, a new § 205.16 addresses in a single location most of the rules related to disclosure of fees by ATM operators. Below is a section-by-section analysis of the final rule.

IV. Section-by-Section Analysis of the Final Rule

Section 205.3—Coverage

3(b) Electronic Fund Transfer

Section 205.3(b) generally defines the term "electronic fund transfer." The GLBA treats a balance inquiry as an EFT for purposes of the ATM fee disclosure requirement. Therefore, the proposed rule added balance inquiries at ATMs to the list of examples of an EFT in paragraph (b), but only for purposes of ATM fee disclosure requirements. Based on comments, the final rule does not include a balance inquiry as an example of an "electronic fund transfer," since such an inquiry does not fit within the literal definition of a "fund transfer."

Section 205.7—Initial Disclosures

7(b) Content of Disclosures

Section 205.7(b) is revised substantially as proposed to implement section 703 of the GLBA. At the time a consumer contracts for an EFT service or before the first EFT, a financial institution is required to provide initial disclosures related to the EFT service, such as fees imposed and a summary of the consumer's liability for unauthorized transfers. Section 703 of the GLBA amends section 905(a) of the EFTA by adding to the initial disclosures a notice that a fee may be imposed for an EFT or balance inquiry at an ATM by an ATM operator or by a national, regional, or local network used to complete the transfer.

The Board solicited specific comment on whether national, regional, or local networks separately impose fees and thus should be distinguished, or whether it is sufficient to refer to "any network" in the disclosures as an alternative to the statutory language. Many commenters, including network owners, indicated that while networks currently charge an interchange fee to a financial institution whose customers use the network, they do not separately impose a fee on the consumer.

Commenters requested clarification that reference to network-imposed fees may be excluded from the disclosure in paragraph § 205.7(b)(11), if networks are not imposing fees on consumers. Disclosures are generally required only to the extent applicable. Therefore, an institution may omit any reference to a network fee if the disclosure does not apply to the consumer's account. Model language in appendix A–2 regarding ATM fees is amended to reflect this flexibility. If networks begin to impose fees on consumers to complete an EFT or a balance inquiry, institutions that choose to exclude the reference to network fees from their section 7(b) disclosures will be required to send a change-in-terms notice to account holders who contract for EFT services on or after October 1, 2001.

Section 205.16—Disclosures at Automated Teller Machines

A new § 205.16 is added, as proposed, to implement section 702 of the GLBA. Section 205.16(a) defines ATM operator. The ATM disclosure requirements are set forth in §§ 205.16(b) and (c).

Some ATM operators only impose a fee for a specific type of transfer such as a cash withdrawal, and not for a balance inquiry. In such cases, the notice in § 205.16(b)(1) may contain a general statement that a fee will be imposed for providing EFT services or may specify the type of service for which a fee is imposed. If a financial institution provides a specific notice, and subsequently imposes fees on a broader category of transactions, the notice must be revised to reflect changes in an ATM operator's practice. Comment 16(b)(1)–1 is added to provide this guidance.

Several commenters requested guidance on how the requirements in § 205.4(a), that disclosures be clear and readily understandable and in a form the consumer may keep, apply to the ATM disclosure requirements. The notice required to be posted on or at the ATM under § 205.16(c)(1) must be placed in a prominent and conspicuous location. The "clear and readily understandable" standard applies to the content of the notice.

Regulation E provides that disclosures required to be given to a consumer must generally be in a retainable format. The notices posted on the screen (and, of course, those provided on or at the ATM) need not be in retainable format. If a paper notice is provided to comply with § 205.16(c)(2), the notice must be provided in a form that may be retained by the consumer.

Based on the comments received, § 205.16(c) is revised from the proposed language to clarify that two notices are required—one on or at the ATM and another on the screen or in paper form. Editorial changes are for clarity; no substantive change is intended.

Section 205.16(d) provides, in accordance with the statute, that the requirement for a disclosure on the screen or on a paper notice does not apply—through December 31, 2004—to any ATM that lacks the technical capability to provide such information. Commenters noted that many ATM operators are already providing notices about ATM fees in compliance with state law or network rules and guidelines. A few commenters urged the Board to eliminate the temporary exemption. The exemption is statutory and is adopted as proposed. The burden of proof rests on any ATM operator relying on the temporary exemption.

Appendix A to Part 205—Model Disclosure Clauses and Forms

Model language added to Appendix A–2 reflects the new disclosure in § 205.7(b)(11) regarding fees that may be imposed by an ATM operator and by any network. Brackets indicate that institutions may omit terms and conditions not applicable to the consumer's account, such as fees imposed directly by networks.

V. Revisions to the Official Staff Commentary

Section 205.7—Initial Disclosures

Comment 7(b)(5)–3 to § 205.7(b)(5), which addresses interchange system fees, is revised to provide a cross-reference to § 205.7(b)(11).

Section 205.9—Receipts at Electronic Terminals; Periodic Statements

Section 205.9(a)(1) requires financial institutions that include in the transaction amount a fee for completing an EFT at an electronic terminal to disclose the amount of the fee on the receipt and to display it on or at the terminal. Comment 9(a)(1)–1, which provides guidance on complying with the disclosure requirement, is revised to provide a cross-reference to the notice requirements in § 205.16 for ATM operators. The cross-reference is intended to alert financial institutions of additional requirements in § 205.16. In addition, a new comment 9(a)(1)–2 is added to give guidance on the relationship between § 205.9(a)(1) and § 205.16.

Section 205.16—Disclosures at Automated Teller Machines

Comment 16(b)(1)–1 is added to clarify that an institution may state generally that a fee will be imposed for providing EFT services or may specify the type of service for which a fee is imposed.

VI. Regulatory Flexibility Analysis

In accordance with section 3(a) of the Regulatory Flexibility Act and section 904(a)(2) of the EFTA, the Board has reviewed the amendments to Regulation E. The amendments impose disclosure requirements on ATM operators and account-holding financial institutions about ATM fees. In accordance with the GLBA, the final rule exempts ATMs lacking technical capabilities from certain notice requirements until December 31, 2004.

The amendments are not expected to have any significant impact on small entities. Many financial institutions that impose a fee for carrying out a transaction at an ATM already disclose the fee to satisfy existing requirements under § 205.9(a)(1). The amendment would require that a disclosure regarding the fee be posted at the terminal and on the screen. The notice is generic, however, and can easily be programmed for display on the screen and at the terminal.

VII. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board reviewed the rule under the authority delegated to the Board by the Office of Management and Budget (OMB). The Federal Reserve may not conduct or sponsor, and an organization is not required to respond to, an information collection unless it displays a currently valid OMB number. The OMB control number for Regulation E is 7100–0200.

The information collection requirements relevant to this rulemaking are in 12 CFR part 205 and Appendix A. This information collection is mandatory (15 U.S.C. 1693 *et seq.*) to evidence compliance with the requirements of Regulation E and the Electronic Fund Transfer Act (EFTA). The revised requirements help ensure adequate disclosure of fees imposed for electronic fund transfers at ATMs owned by a party other than the account-holding financial institution. The respondents/recordkeepers are for-profit financial institutions, including small businesses. Institutions are required to retain records for 24 months. This regulation applies to all types of financial institutions, not just state member banks; however, under Paperwork Reduction Act regulations, the Federal Reserve accounts for the burden of the paperwork associated with the regulation only for state member banks. Other agencies account for the paperwork burden on their respective constituencies under this regulation.

The revisions are not expected to increase the ongoing annual burden of Regulation E. With respect to state member banks, it is estimated that there are 884 respondents/recordkeepers and an average frequency of about 85,600 responses per respondent each year. The current annual burden is estimated to be approximately 480,786 hours. The Federal Reserve estimates that there

would be associated start-up cost of $3,500 with a range from $1,600 to $5,000 per respondent, depending on size and location, for changing disclosures (or disclosure producing software) to include disclosures relating to ATM surcharges and for posting a notice regarding the surcharge on or at the ATM and on the screen of the ATM.

Because the records would be maintained at state member banks and the notices are not provided to the Federal Reserve, no issue of confidentiality under the Freedom of Information Act arises; however, any information obtained by the Federal Reserve may be protected from disclosure under exemptions (b)(4), (6), and (8) of the Freedom of Information Act (5 U.S.C. 522(b)(4), (6) and (8)). The disclosures and information about error allegations are confidential between institutions and the customer.

The Board has a continuing interest in the public's opinion of the Federal Reserve's collections of information. Comments regarding the burden estimates, or any other aspect of this collection of information, including suggestions for reducing the burden estimate, may be sent at any time to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551; and to the Office of Management and Budget, Paperwork Reduction Project (7100–0200), Washington, DC 20503.

List of Subjects in 12 CFR Part 205

Consumer protection, Electronic fund transfers, Federal Reserve System, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board amends Regulation E, 12 CFR part 205, as set forth below:

PART 205—ELECTRONIC FUND TRANSFERS (REGULATION E)

1. The authority citation for part 205 would continue to read as follows:

Authority: 15 U.S.C. 1693–1693r.

2. Section 205.7 is amended by adding a new paragraph (b)(11) to read as follows:

§ 205.7 Initial disclosures.

* * * * *

(b) *Content of disclosures.* * * *

(11) *ATM fees.* A notice that a fee may be imposed by an automated teller machine operator as defined in § 205.16(a)(1), when the consumer initiates an electronic fund transfer or makes a balance inquiry, and by any network used to complete the transaction.

* * * * *

3. A new § 205.16 is added to read as follows:

§ 205.16 Disclosures at automated teller machines.

(a) *Definition. Automated teller machine operator* means any person that operates an automated teller machine at which a consumer initiates an electronic fund transfer or a balance inquiry and that does not hold the account to or from which the transfer is made, or about which an inquiry is made.

(b) *General.* An automated teller machine operator that imposes a fee on a consumer for initiating an electronic fund transfer or a balance inquiry shall:

(1) Provide notice that a fee will be imposed for providing electronic fund transfer services or a balance inquiry; and

(2) Disclose the amount of the fee.

(c) *Notice requirement.* An automated teller machine operator must comply with the following:

(1) *On the machine.* Post the notice required by paragraph (b)(l) of this section in a prominent and conspicuous location on or at the automated teller machine; and

(2) *Screen or paper notice.* Provide the notice required by paragraphs (b)(1) and (b)(2) of this section either by showing it on the screen of the automated teller machine or by providing it on paper, before the consumer is committed to paying a fee.

(d) *Temporary exemption.* Through December 31, 2004, the notice requirement in paragraph (c)(2) of this section does not apply to any automated teller machine that lacks the technical capability to provide such information.

(e) *Imposition of fee.* An automated teller machine operator may impose a fee on a consumer for initiating an electronic fund transfer or a balance inquiry only if

(1) The consumer is provided the notices required under paragraph (c) of this section, and

(2) The consumer elects to continue the transaction or inquiry after receiving such notices.

4. Under Appendix A, A–2 is amended by adding a new paragraph (j) to read as follows:

Appendix A to Part 205—Model Disclosure Clauses and Forms

* * * * *

A–2—Model Clauses for Initial Disclosures (§ 205.7(B))

* * * * *

(j) *ATM fees (§ 205.7(b)(11)).* When you use an ATM not owned by us, you may be charged a fee by the ATM operator [or any network used] (and you may be charged a fee for a balance inquiry even if you do not complete a fund transfer).

* * * * *

5. In Supplement I to Part 205, the following amendments would be made:

a. Under Section 205.7—Initial Disclosures, under Paragraph 7(b)(5)—Fees, paragraph 3. is revised;

b. Under Section 205.9—Receipts at Electronic Terminals; Periodic Statements, under Paragraph 9(a)(1)—Amount, paragraph 1. is revised and a new paragraph 2 is added; and

c. A new Section 205.16—Disclosures at Automated Teller Machines is added.

The additions and revision read as follows:

Supplement I to Part 205—Official Staff Interpretations

* * * * *

Section 205.7—Initial Disclosures

* * * * *

7(b) Content of Disclosures

* * * * *

Paragraph 7(b)(5)—Fees

* * * * *

3. *Interchange system fees.* Fees paid by the account-holding institution to the operator of a shared or interchange ATM system need not be disclosed, unless they are imposed on the consumer by the account-holding institution. Fees for use of an ATM that are debited directly from the consumer's account by an institution other than the account-holding institution (for example, fees included in the transfer amount) need not be disclosed. (See § 205.7(b)(11) for the general notice requirement regarding fees that may be imposed by ATM operators and by a network used to complete the transfer.)

* * * * *

Section 205.9—Receipts at Electronic Terminals; Periodic Statements

* * * * *

Paragraph 9(a)(1)—Amount

1. *Disclosure of transaction fee.* The required display of a fee amount on or at the terminal may be accomplished by displaying the fee on a sign at the terminal or on the terminal screen for a reasonable duration. Displaying the fee on a screen provides adequate notice, as long as a consumer is given the option to cancel the transaction after receiving notice of a fee. (See § 205.16 for the notice requirements applicable to ATM operators that impose a fee for providing EFT services.)

2. *Relationship between § 205.9(a)(1) and § 205.16.* The requirements of §§ 205.9(a)(1) and 205.16 are similar but not identical.

i. Section 205.9(a)(1) requires that if the amount of the transfer as shown on the receipt will include the fee, then the fee must be disclosed either on a sign on or at the terminal, or on the terminal screen. Section 205.16 requires disclosure both on a sign on or at the terminal (in a prominent and conspicuous location) and on the terminal screen. Section 205.16 permits disclosure on a paper notice as an alternative to the on-screen disclosure.

ii. The disclosure of the fee on the receipt under § 205.9(a)(1) cannot be used to comply with the alternative paper disclosure procedure under § 205.16, if the receipt is provided at the completion of the transaction because, pursuant to the statute, the paper notice must be provided before the consumer is committed to paying the fee.

iii. Section 205.9(a)(1) applies to any type of electronic terminal as defined in Regulation E (for example, to POS terminals as well as to ATMs), while § 205.16 applies only to ATMs.

* * * * *

Section 205.16—Disclosures at Automated Teller Machines

16(b) General

Paragraph 16(b)(1)

1. *Specific notices.* An ATM operator that imposes a fee for a specific type of transaction such as a cash withdrawal, but not a balance inquiry, may provide a general statement that a fee will be imposed for providing EFT services or may specify the type of EFT for which a fee is imposed.

* * * * *

By order of the Board of Governors of the Federal Reserve System, February 28, 2001.

Jennifer J. Johnson,

Secretary to the Board.

[FR Doc. 01–5295 Filed 3–5–01; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–17–AD; Amendment 39–12133; AD 2001–04–14]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, and AS355N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) for Societe Nationale Industrielle Aerospatiale (currently Eurocopter France) Model AS350 and AS355 series helicopters that currently requires inspecting the fuselage frame (frame) for a crack at the fuselage-to-tailboom interface and replacing or repairing, as necessary. That AD also requires a fastener torque check and retorquing, as necessary. This amendment retains the requirements of the existing AD but would increase the inspection interval from 1,200 hours time-in-service (TIS) to 2,500 hours or 6 years TIS, whichever occurs first. This amendment revises the time interval for inspecting the frame at the fuselage-to-tailboom interface to coincide with the inspection interval specified in the maintenance manual. The actions specified by this AD are intended to eliminate confusion and unnecessary costs and to prevent a cracked frame, tailboom failure, and subsequent loss of control of the helicopter.

EFFECTIVE DATE: April 10, 2001.

FOR FURTHER INFORMATION CONTACT: Jim Grigg, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5490, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 85–14–06, Amendment 39–5089 (50 FR 28561, July 15, 1985) and AD 85–14–06 R1, Amendment 39–5121 (50 FR 37173, September 12, 1985), which apply to Societe Nationale Industrielle Aerospatiale (currently Eurocopter France) Model AS350 and AS355 series helicopters, was published in the **Federal Register** on December 8, 2000 (65 FR 76953). That action proposed the same actions as the existing AD's and also proposed increasing the inspection interval from 1,200 hours TIS to 2,500 hours or 6 years TIS, whichever occurs first, to coincide with the maintenance manual and eliminate confusion and unnecessary costs. To compensate for the increase in the inspection interval, reducing the initial inspection interval from 100 hours TIS to 30 hours TIS and changing the visual inspection to a dye-penetrant inspection were also proposed.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 475 helicopters of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $228,000, assuming no cracked frames are discovered.

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–5089 (50 FR 28561, July 15, 1985) and Amendment 39–5121 (50 FR 37173, September 12, 1985), and by adding a new airworthiness directive (AD), Amendment 39–12133, to read as follows:

2001–04–14 Eurocopter France: Amendment 39–12133. Docket No. 2000–SW–17–AD. Supersedes AD 85–14–06, Amendment 39–5089, and AD 85–14–06 R1, Amendment 39–5121, Docket No. 85–ASW–15.

Applicability: Model AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AS350D, AS350D1, AS355E, AS355F,

AS355F1, AS355F2, and AS355N helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To eliminate confusion and unnecessary costs and to prevent a cracked fuselage frame (frame), tailboom failure, and subsequent loss of control of the helicopter, accomplish the following:

(a) Inspect the fuselage-to-tailboom attachment bolts in accordance with paragraph (d) for this AD within 30 hours time-in-service (TIS).

(b) Inspect the fuselage-to-tailboom attachment bolts in accordance with paragraph (d) for this AD within 30 hours TIS of replacing or reinstalling a tailboom.

(c) Repeat the inspection in accordance with paragraph (d) of this AD at intervals not to exceed 2500 hours or 6 years TIS, whichever occurs first.

(d) Inspect the fuselage-to-tailboom attachment bolts for proper torque range and the frame, part number 350A21–1247–00, for a crack at the fuselage-to-tailboom interface.

(1) Procedure for inspecting proper torque range:

(i) Using a fine-point felt tip pen, mark the position of the nut relative to the assembly.

(ii) One at a time, slightly loosen each nut. Do not allow the corresponding bolt to rotate relative to the assembly.

(iii) Tighten the nut with a properly calibrated torque wrench until the mark on the nut lines up with the mark on the assembly.

(iv) Record the torque value required to line up the two marks.

(2) Interpretation of the recorded torque values for each nut:

(i) If the torque value is less than 0.3 mdaN (26 in-lbs) on any nut:

(A) Remove the tailboom.

(B) Perform a dye-penetrant inspection for a crack in the bending radius of the frame.

(C) If a crack is found, repair or replace the frame with an airworthy frame before further flight.

(ii) If the torque value is between 0.3 mdaN and 1 mdaN (26 to 88 in-lbs), re-torque to 0.75 mdaN to 0.9 mdaN (67 to 79 in-lbs).

(iii) If the torque value is equal to or greater than 1 mdaN (88 in-lbs), remove the nut and bolt and replace them with a new nut and bolt. Torque the nut to 0.75 mdaN to 0.9 mdaN (67–79 in-lbs).

Note 2: Aerospatiale Service Bulletins AS 355 No. 05.14 and AS 350 No. 05.16 pertain to the subject of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(f) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(g) This amendment becomes effective on April 10, 2001.

Issued in Fort Worth, Texas, on February 20, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–5167 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–26–AD; Amendment 39–12135; AD 2001–04–15]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, DC–8–43, DC–8–51, DC–8–52, DC–8–53, DC–8–55, DC–8–61, DC–8–61F, DC–8–62, DC–8–62F, DC–8–63, DC–8–63F, DC–8F–54, and DC–8F–55 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, DC–8–43, DC–8–51, DC–8–52, DC–8–53, DC–8–55, DC–8–61, DC–8–61F, DC–8–62, DC–8–62F, DC–8–63, DC–8–63F, DC–8F–54, and DC–8F–55 series airplanes. This action requires modification of the flow control system by rerouting the bleed air ducts to warm the pitot tube lines. This action is necessary to prevent the pitot lines from freezing, which could result in erroneous or total loss of airspeed indications to the flight crew, and consequent loss of control of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective March 21, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 21, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 7, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–26–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001–NM–26–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from National Aircraft Service, Inc., 9133 Tecumseh-Clinton Road, Tecumseh, Michigan 49286. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Chicago Aircraft Certification Office, 2330 East Devon Avenue, Room 323, Des Plaines, Illinois; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roy Boffo, Aerospace Engineer, Systems and Flight Test Branch, ACE–117C, FAA, Chicago Aircraft Certification Office, 2350 East Devon Avenue, Room 323, Des Plaines, Illinois 60018; telephone (847) 294–7564; fax (847) 294–7834.

SUPPLEMENTARY INFORMATION: The FAA has received reports of erroneous airspeed readings, including those from the airspeed indicator and Machmeter, after a McDonnell Douglas Model DC–8 series airplane had flown through visible moisture. The original airplane design included a turbo compressor system. The turbo compressors generated enough heat to prevent freezing of any trapped moisture in the lines running from the pitot tubes. The turbo compressors were removed during installation of Supplemental Type Certificate (STC) ST466CH, which incorporated a flow control system that uses bleed air from the engines. However, the flow control system did not generate enough heat in the area of the pitot tube lines to prevent freezing. Frozen pitot lines could generate erroneous or total loss of airspeed indications to the flight crew, which could result in loss of control of the airplane

A modification to positively address this unsafe condition was subsequently developed, and applicable parts and procedures were provided to operators of the affected airplanes. However, a recent fleetwide inspection revealed that not all of those airplanes had been modified.

Explanation of Relevant Service Information

National Aircraft Service, Inc., issued Service Bulletin SB–98–01R1, dated January 26, 1999, which the FAA reviewed and approved. The service bulletin describes procedures to modify the flow control system by rerouting the bleed air ducts to warm the pitot tube lines. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent the pitot lines from freezing, which could result in erroneous or total loss of airspeed indications to the flight crew, and consequent loss of control of the airplane. This AD requires accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Difference Between AD and Service Bulletin

The service bulletin recommends the modification within 500 flight hours after March 1, 1999; this AD requires the modification within 30 days after the effective date of this AD. In light of the urgency of the unsafe condition and the fact that the revised service bulletin has been available to affected operators for nearly two years, the FAA finds that the required compliance time represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket 2001–NM–26–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–04–15 McDonnell Douglas: Amendment 39–12135. Docket 2001–NM–26–AD.

Applicability: The following Model DC–8 series airplanes that have been modified in accordance with Supplemental Type Certificate (STC) ST466CH, certificated in any category:

DC-8-31	DC-8-55
DC-8-32	DC-8-61
DC-8-33	DC-8-61F
DC-8-41	DC-8-62
DC-8-42	DC-8-62F
DC-8-43	DC-8-63
DC-8-51	DC-8-63F
DC-8-52	DC-8F-54
DC-8-53	DC-8F-55

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the pitot lines from freezing, which could result in erroneous or total loss of airspeed indications to the flight crew, and consequent loss of control of the airplane, accomplish the following:

Modification

(a) Within 30 days after the effective date of this AD, modify the flow control system to reroute the bleed air ducts, in accordance with National Aircraft Service, Inc., Service Bulletin SB–08–01R1, dated January 26, 1999.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Chicago Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Chicago ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with National Aircraft Service, Inc., Service Bulletin SB–08–01R1, dated January 26, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from National Aircraft Service, Inc., 9133 Tecumseh-Clinton Road, Tecumseh, Michigan 49286. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Chicago Aircraft Certification Office, 2330 East Devon Avenue, Room 323, Des Plaines, Illinois; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on March 21, 2001.

Issued in Renton, Washington, on February 22, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4933 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–56–AD; Amendment 39–12130; AD 2001–04–11]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Pratt & Whitney (PW) JT9D series turbofan engines. This amendment requires initial and repetitive detailed eddy current inspections for cracks in 1st stage high pressure turbine (HPT) disks, and, if necessary, replacement with serviceable parts. This amendment is prompted by the discovery of a crack in the web of one cooling air hole on a 1st stage HPT disk. The actions specified by this AD are intended to prevent 1st stage HPT disk cracking, which could result in an uncontained engine failure and damage to the aircraft.

DATES: Effective May 7, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 7, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone 860–565–8770, fax 860–565–4503. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Wego Wang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: 781–238–7134, fax: 781–238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to certain PW JT9D series turbofan engines was published in the **Federal Register** on March 7, 2000 (65 FR 11940). That action proposed to require initial and repetitive detailed eddy current inspections for cracks in 1st stage HPT disks, and, if necessary, replacement with serviceable parts.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Rule as Proposed

Two commenters state their support of the notice of proposed rulemaking (NPRM) as written.

Economic Analysis Question

One commenter states that the cost incurred due to premature engine removal is not captured in the NPRM economic analysis. This cost would adversely impact operators when an engine must be removed prematurely in order to perform disk inspections. The cost would specifically impact this operator when an engine that is not under its maintenance program is acquired and is inducted into its system.

The FAA does not agree. The NPRM cost analysis is based on the costs of parts and labor to U.S. operators needed to perform the required initial inspections, and is not specific to any particular maintenance system. However, the economic analysis is corrected to clarify that the cost totals are for initial inspection only.

Two Types of Compliance Times

Two commenters state that the NPRM's proposed compliance times are inconsistent with the compliance times referenced in PW Alert Service Bulletins (ASB's) JT9D A6376, dated July 28, 1999 and JT9D–7R4–A72–563, dated July 28, 1999. Specifically, for disks that have had a prior fluorescent penetrant inspection, the NPRM proposed reinspections based on cycles-since-new (CSN) intervals. The ASB's, however, require reinspections based on cycles-in-service (CIS) intervals.

The FAA agrees. The compliance is corrected as follows:

- In the JT9D series engines section, in paragraph (a)(4)(ii) and (a)(4)(iii), the compliance time type is changed from CSN to CIS.
- In the JT9D–7R4 series engines section, in paragraph (b)(4)(ii) and (b)(4)(iii), the compliance time type is changed from CSN to CIS.

Incorrect Aircraft Model Applicability

One commenter states that under the Applicability section in the NPRM, the reference to Airbus Industrie A300 series aircraft is incorrect, and should read Airbus Industrie A310 series aircraft.

The FAA agrees. The Applicability section is corrected in this amendment.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Economic Analysis

There are approximately 330 engines of the affected design in the worldwide fleet. The FAA estimates that 220 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 4.5 work hours per engine to accomplish the initial inspection, and that the average labor rate is $60 per work hour. Required parts would cost approximately $165,000 per engine. Based on these figures, the total initial inspection cost impact of the proposed AD on U.S. operators is estimated to be $36,359,400.

Regulatory Impact

This rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this rule.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–04–11, Pratt & Whitney: Amendment 39–12130. Docket No. 99–NE–56–AD.

Applicability: Pratt & Whitney (PW) JT9D–7R4D, –7R4D1, –7R4E, –7R4E1 (AI–500), –7, –7A, –7AH, –7H, –7F, and –20 series turbofan engines, installed on but not limited to Boeing 747 and 767 series, McDonnell Douglas DC–10 series, and Airbus Industrie A310 series aircraft.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent 1st stage high pressure turbine (HPT) disk cracking, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

JT9D Series

(a) For PW JT9D–7, –7A, –7AH, –7H, –7F, and –20 series turbofan engines, with 1st stage HPT disks, part numbers (P/Ns) 761401, 811401, 823401, 825601, 826001, and 826301:

Initial Inspection

(1) Perform the initial detailed eddy current inspection (ECI) for cracks in accordance with the Accomplishment Instructions of PW Alert Service Bulletin (ASB) No. JT9D A6367, dated July 28, 1999.

(2) Inspect at the following compliance times, depending on whether parts have had prior fluorescent penetrant inspections (FPI) or not.

Initial Compliance Times

No Prior FPI

(3) The following are the initial compliance times for parts that have had no prior FPI:

(i) For disks with more than 8,000 total part cycles-since-new (CSN) on the effective date of this AD, inspect within 250 cycles-in-service (CIS) after the effective date of this AD.

(ii) For disks with at least 6,000 CSN though no more than 8,000 total part CSN on the effective date of this AD, inspect within 1,000 CIS after the effective date of this AD.

(iii) For disks with at least 4,000 CSN though no more than 5,999 total part CSN on the effective date of this AD, inspect within 2,000 CIS after the effective date of this AD.

(iv) For disks with less than 4,000 total part CSN on the effective date of this AD, inspect prior to accumulating 6,000 total part CSN.

Prior FPI Accomplished

(4) The following are the initial compliance times for parts that have had a previous FPI:

(i) For disks with more than 8,000 CIS since last FPI on the effective date of this AD, inspect within 250 CIS after the effective date of this AD.

(ii) For disks with at least 6,000 CIS though no more than 8,000 CIS since last FPI on the effective date of this AD, inspect within 1,000 CIS after the effective date of this AD.

(iii) For disks with at least 4,000 CIS though no more than 5,999 CIS since last FPI on the effective date of this AD, inspect within 2,000 CIS after the effective date of this AD.

(iv) For disks with less than 4,000 CIS since last FPI on the effective date of this AD, inspect prior to accumulating 6,000 CIS since last FPI on the effective date of this AD.

Repetitive Inspections

(5) Thereafter, perform detailed ECI for cracks:

(i) At intervals not to exceed 6,000 CIS since last ECI.

(ii) Inspect in accordance with the Accomplishment Instructions of PW ASB No. JT9D A6367, dated July 28, 1999.

Cracked Disks

(6) Prior to further flight, replace cracked disks with serviceable parts.

JT9D–7R4 Series

(b) For PW JT9D–7R4D, –7R4D1, –7R4E, and –7R4E1 (AI–500) series turbofan engines, with 1st stage HPT disks, P/N 825601:

Initial Inspection

(1) Perform the initial detailed ECI for cracks in accordance with the Accomplishment Instructions of PW ASB No. JT9D–7R4–A72–563, dated July 28, 1999.

(2) Inspect at the following compliance times, depending on whether parts have had prior FPI or not.

Initial Compliance Times

No Prior FPI

(3) The following are the initial compliance times for parts that have had no prior FPI:

(i) For disks with more than 10,000 total part CSN on the effective date of this AD, inspect within 250 CIS after the effective date of this AD.

(ii) For disks with at least 8,000 CSN though no more than 10,000 total part CSN on the effective date of this AD, inspect within 1,000 CIS after the effective date of this AD.

(iii) For disks with at least 6,000 CSN though no more than 7,999 total part CSN on the effective date of this AD, inspect within 2,000 CIS after the effective date of this AD.

(iv) For disks with less than 6,000 total part CSN on the effective date of this AD, inspect prior to accumulating 8,000 total part CSN.

Prior FPI Accomplished

(4) The following are the initial compliance times for parts that have had a previous FPI:

(i) For disks with more than 10,000 CIS since last FPI on the effective date of this AD, inspect within 250 CIS after the effective date of this AD.

(ii) For disks with at least 8,000 CIS though no more than 10,000 CIS since last FPI on the effective date of this AD, inspect within 1,000 CIS after the effective date of this AD.

(iii) For disks with at least 6,000 CIS though no more than 7,999 CIS since last FPI on the effective date of this AD, inspect within 2,000 CIS after the effective date of this AD.

(iv) For disks with less than 6,000 CIS since last FPI on the effective date of this AD, inspect prior to accumulating 8,000 CIS since last FPI on the effective date of this AD.

Repetitive Inspections

(5) Thereafter, perform detailed ECI for cracks:

(i) At intervals not to exceed 8,000 CIS since last ECI.

(ii) Inspect in accordance with the Accomplishment Instructions of PW ASB No. JT9D–7R4–A72–563, dated July 28, 1999.

Cracked Disks

(6) Prior to further flight, replace cracked disks with serviceable parts.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Ferry Flights

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the inspection requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions required by this AD must be done in accordance with the following Pratt & Whitney Alert Service Bulletins:

Document No.	Pages	Revision	Date
JT9D A6367 Total pages: 12.	1–12	Original	July 28, 1999.
JT9D–7R4–A72–563 Total pages: 37.	1–37	Original	July 28, 1999.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, 400 Main Street, East Hartford, CT 06108; telephone: 860 565–6600, fax: 860 565–4503. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on May 7, 2001.

Issued in Burlington, Massachusetts, on February 21, 2001.

David A. Downey,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–4890 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–38–AD; Amendment 39–12136; AD 2001–04–16]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF6–50 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to General Electric Company (GE) CF6–50 series turbofan engines. That AD currently requires visual inspection of the stage 2 low pressure turbine (LPT) nozzle lock assemblies, and replacement of the borescope plug with a new design plug.

This amendment is prompted by a report of an uncontained engine failure on an engine that had complied with the current AD. This amendment requires additional inspections and provides interim and terminating corrective actions. The actions specified in this AD are intended to detect cracked, loose or missing stage 2 LPT nozzle lock assembly studs that could lead to failure of the locks, nozzle segment rotation, LPT case machining, and subsequent uncontained failure of the engine. The actions also provide for modifications of nozzle lock assemblies if the nozzle lock studs are found cracked, loose, or missing.

DATES: Effective March 21, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 21, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 7, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel,

Attention: Rules Docket No. 2000–NE–38–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov." Comments sent via the Internet must contain the docket number in the subject line. The service information referenced in this AD may be obtained from General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone (513) 672–8400, fax (513) 672–8422. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: 781–238–7192, fax: 781–238–7199.

SUPPLEMENTARY INFORMATION: On September 21, 2000, the FAA issued AD 2000–20–02, Amendment 39–11913 (65 FR 58645, October 2, 2000) to require visual inspection of the stage 2 LPT nozzle lock studs, and replacement of the borescope plug with a new design plug. That action was prompted by three uncontained engine failures resulting from stage 2 LPT lock stud failures, nozzle segment rotation, and LPT case machining. That condition, if not corrected, could result in failure of the stage 2 LPT nozzle lock assemblies. Since AD 2000–20–02 was issued, there has been one more uncontained engine failure, on February 4, 2001, that has been attributed to the failure of stage 2 Waspalloy LPT nozzle lock assembly studs. That engine is reported to have been in compliance with AD 2000–20–02, at the time of failure. Because of this report, and because of the recent issuance of three GE service bulletins (SB's), two of which are alert service bulletins (ASB's), the FAA has determined that it is necessary to supersede AD 2000–20–02. The GE SB's provide for

- Stage 2 Waspalloy LPT nozzle lock ultrasonic inspection (previously allowed as an alternative method of compliance (AMOC) to AD 2000–20–02),
- LPT case modification and new nozzle lock incorporation (previously allowed as an AMOC to AD 2000–20–02), and,
- Stage 2 LPT additional nozzle lock incorporation.

The methods for complying with AD 2000–20–02 that were previously approved as AMOCS to that AD have been incorporated into this AD.

This AD incorporates by reference, one SB and one ASB as-written. This AD also incorporates by reference another inspection ASB, but with two exceptions. Because of the recent engine failure, the inspection ASB is incorporated with a reduction in the stage 2 LPT Waspalloy nozzle lock ultrasonic inspection thresholds, but does not include the requirement to inspect the stages 3 and 4 LPT nozzle locks.

Manufacturer's Service Information

The FAA has reviewed and approved the technical contents of the following:

- GE ASB CF6–50 72–A1197, dated December 14, 2000, that describes procedures for on-wing or off-wing initial and repetitive ultrasonic inspections of stage 2 LPT Waspalloy nozzle lock studs for cracks. This ASB also defines initial and repetitive visual inspections of stage 2 LPT Rene nozzle lock studs.
- GE ASB CF6–50 72–A1201, dated December 22, 2000, and CF6–50 72–A1201, Revision 1, dated February 6, 2001, describe procedures for LPT case modification and incorporation of new design nozzle locks. Accomplishment of this ASB constitutes terminating action for the inspection requirements of this AD.
- GE SB CF6–50 72–1203, dated November 22, 2000, and CF6–50 72–1203 Revision 1, dated February 7, 2001, describe procedures for incorporating additional stage 2 LPT nozzle locks when an engine is found to have a reject condition as described in GE ASB CF6–50 72–A1197, dated December 14, 2000, and the required compliance cannot be addressed by an immediate shop visit.

Differences Between the Manufacturer's Service Information and This AD

Although GE ASB CF6–50 72–A1197, dated December 14, 2000, requires ultrasonic inspections of stage 2 LPT Waspalloy nozzle lock studs to be done at specified times, the FAA has determined that more stringent initial and repetitive ultrasonic inspection time intervals are required to meet the necessary level of safety, and have incorporated those intervals in this amendment. Also, although that ASB requires the stages 3 and 4 LPT nozzle locks to be inspected, the FAA has determined that an unsafe condition is not likely to occur as a result of a stage 3 or 4 lock stud failure and therefore this AD requires only the stage 2 LPT nozzle locks to be inspected.

Actions Required by This AD

Since an unsafe condition has been identified that is likely to exist or develop on other GE CF6–50 series turbofan engines of the same type design, this AD supersedes AD 2000–20–02 to require:

- Installation of the solid borescope plug for engines that have not already complied with paragraph (e) of AD 2000–20–02.
- On-wing or off-wing initial and repetitive ultrasonic inspections of stage 2 Waspalloy LPT nozzle lock assembly studs for cracks.
- On-wing or off-wing initial and repetitive visual inspections of stage 2 LPT nozzle lock assembly studs for loose or missing studs.
- Replacement of all of the stage 2 LPT lock assemblies with new design assemblies before further flight if a cracked, loose, or missing stud is found, OR,
- Incorporation of additional stage 2 LPT nozzle locks if no indications of nozzle rotation are found, as an interim action to allow time to arrange for a shop visit, within 3,500 cycles-in-service.
- Inspection of the area surrounding the borescope plug for evidence of buckling or cracks whenever the nozzle lock studs are inspected.
- Inspection for loose or missing added nozzle locks and LPT case cracking in the areas of the added nozzle locks, every 750 hours time-in-service.
- Replacement of the LPT lock assemblies with new design assemblies before further flight if any LPT case buckling or cracks are found, or if nozzle segment rotation is found.

Immediate Adoption of This AD

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Received

Interested persons were afforded an opportunity to participate in the making of Amendment 39–11913. Due consideration has been given to the comments received.

Change Inspection Thresholds and Intervals

One commenter requests that the inspection thresholds and intervals be changed to coincide with scheduled

aircraft "A-Check" intervals, or the manufacturer's recommended engine repetitive maintenance intervals.

The FAA disagrees. As the commenter stated in their request, the "A-Check" interval can vary from operator to operator. "A-Check" intervals as low as 200 hours to as high as 700 hours have been reported. To provide an equivalent level of safety for all operators, the inspection thresholds and intervals must therefore be defined in this AD.

Extend 30 Day Compliance Requirement for Borescope Plug Replacement

One commenter requests that the 30 day compliance requirement for the borescope plug installation be extended to 90 days or next "A-Check", due to limited parts availability.

The FAA disagrees. The manufacturer provided evidence that sufficient parts had been procured and distributed to support the 30 day requirement.

Editorial Correction

One commenter requests that the word "place" in paragraph (d) of AD 2000–20–02 be changed to read "replace".

The FAA agrees. A correction was published in the **Federal Register** on October 16, 2000 (65 FR 61216).

Comments on New Amendment Invited

Although this superseding amendment is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000NE–38–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

This final rule does not have federalism implications, as defined in Executive Order No. 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this rule.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of Title 14 of the Code of Federal Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–11913 (65 FR 58645, October 2, 2000), and by adding a new airworthiness directive (AD), Amendment 39–12136, to read as follows:

2001–04–16 General Electric Company: Amendment 39–12136. Docket No. 2000–NE–38–AD. Supersedes AD 2000–20–02, Amendment 39–11913.

Applicability. This airworthiness directive (AD) is applicable to General Electric Company (GE) CF6–50 series turbofan engines. These engines are installed on, but not limited to, Airbus Industries A300, Boeing Airplane Company 747, and McDonnell Douglas Corporation DC10 airplanes.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (l) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance. Compliance with this AD is required as indicated, unless already done.

To detect cracked, loose, or missing stage 2 low pressure turbine (LPT) nozzle lock assembly studs that could lead to failure of the locks, segment rotation, LPT case machining, and subsequent uncontained failure of the engine, do the following:

Installation of Solid Borescope Plug

(a) For engines that have not already complied with paragraph (e) of AD 2000–20–02, install a stage 2 LPT solid borescope inspection plug part number (P/N) 2083M99P01, or a plug with the alternate P/N's 305–381–303–0 or 2110M79P01, before further flight, unless paragraph (e)(1) (GE Alert Service Bulletin (ASB) CF6–50 72–A1201, or CF6–50 72–A1201, Revision 1) of this AD has already been accomplished.

Visual Inspection of Stage 2 Nozzle Lock Assemblies

(b) For engines with stage 2 LPT Rene 41 nozzle lock assemblies, visually inspect locks for loose or missing studs, in accordance with Paragraph 3.B., Accomplishment Instructions of GE ASB CF6–50 72–A1197, dated December 14, 2000, within the following times:

TABLE 1.—RENE 41 STAGE 2 NOZZLE LOCK ASSEMBLIES

Time on Rene 41 lock assembly	Inspect within	Repetitive inspect within
(1) Less than 4,000 hours time-since-new (TSN) on the effective date of this AD.	750 hours after accumulating 4,000 hours TSN.	750 hours time-since-last inspection (TSLI).
(2) 4,000 hours TSN or greater, or if TSN is not known, on the effective date of this AD.	750 hours TIS after the effective date of this AD.	750 hours TSLI.

(c) For engines with stage 2 LPT Waspalloy nozzle lock assemblies, visually inspect for loose or missing studs within the following times:

TABLE 2.—WASPALLOY STAGE 2 NOZZLE LOCK ASSEMBLIES

Time on Stage 2 Waspalloy lock assembly	Initial inspect within	Repetitive inspect within
(1) Less than 1,250 hours TSN on the effective date of this AD	750 hours after accumulating 1,250 hours TSN.	750 hours TSLI.
(2) Greater than or equal to 1,250 hours TSN, but less than 4,000 hours TSN on the effective date of this AD.	750 hours TIS after the effective date of this AD.	750 hours TSLI.
(3) 4,000 hours TSN or greater, on the effective date of this AD, or, if hours unknown.	250 hours TIS after the effective date of this AD.	750 hours TSLI.

Ultrasonic Inspection of Stage 2 LPT Waspalloy Nozzle Lock Assemblies

(d) For engines with stage 2 LPT Waspalloy nozzle lock assemblies with no loose or missing studs found in accordance with paragraph (c) of this AD, ultrasonically inspect studs for cracks in accordance with Paragraph 3.A., Accomplishment Instructions of GE ASB CF6–50 72–A1197, dated December 14, 2000, within the times identified in paragraph (c) of this AD.

Corrective Action

(e) For engines with either stage 2 LPT Rene 41 or Waspalloy nozzle lock assemblies where the assembly studs are found loose or missing, do one of the following:

(1) Prior to further flight, modify the LPT case and install new design nozzle locks as specified in GE ASB CF6—50 72-A1201, dated December 22, 2000, or CF6—50 72-A1201, Revision 1, dated February 6, 2001; or

(2) Prior to further flight, as an interim on-wing action for stage 2 LPT nozzle locks only, modify the LPT case and install seven additional nozzle locks as specified in GE service bulletin CF6–50 72–1203, dated November 22, 2000, or CF6–50 72–1203, Revision 1, dated February 7, 2001, providing the following conditions are met prior to modification:

(i) There are no cracks or distortion in the stage 2 borescope plug area of the LPT case.

(ii) The borescope plug is able to be removed.

(iii) There is no evidence of stage 2 nozzle segment rotation, as evidenced by a borescope inspection that reveals that no nozzle segment circumferential gap is greater than 0.250 inch.

(f) For engines with stage 2 LPT nozzle lock assemblies modified in accordance with paragraph (e)(2) of this AD, perform the following inspections every 750 hours TIS, until the engine is modified in accordance with paragraph (e)(1) of this AD:

(1) Repetitive visual inspections of the seven additional nozzle locks for loose or missing locks.

(2) Repetitive visual inspections of the LPT case in the area of the additional locks for cracks.

(3) Repetitive visual inspections of the LPT case in the area of the borescope plug for cracks.

Note 2: Modification of the LPT case and installation of the additional locks per paragraph (e)(2) of this AD should not be performed by the same individual for all engines installed on the same airplane prior to the same flight.

(g) Engines rejected by the inspections in paragraph (f) of this AD are not serviceable and must be modified in accordance with paragraph (e)(1) of this AD prior to further flight.

(h) Modification of the LPT case in accordance with paragraph (e)(2) of this AD establishes a life limit for LPT case P/N's 2083M38G01, 2083M38G02, 2083M38G03, 2083M38G04, 2083M38G05, 2083M38G06, 2083M38G07, and 2083M38G08, of 3,500 CIS since modification.

(i) Except as required in paragraph (j) of this AD, for engines with stage 2 LPT Waspalloy nozzle lock assemblies where one or more studs are found cracked by the inspections in paragraph (d) of this AD, but where no two cracked studs are located adjacent to each other, continued operation for an additional 25 hours time-in-service, maximum, is allowed prior to performing one of the corrective actions in paragraph (e) of this AD.

(j) For engines with two or more adjacent stage 2 LPT Waspalloy nozzle lock studs found cracked by the inspections in paragraph (d) of this AD, do one of the corrective actions in paragraph (e) of this AD prior to further flight.

Note 3: After installation of new design nozzle locks in accordance with paragraph (e)(1) of this AD, any solid borescope plug may be replaced with the standard borescope plug if the operator so chooses.

Terminating Action

(k) Accomplishment of Paragraphs 3.A. through 3.E.(2) of GE ASB CF6–50 72–A1201, dated December 22, 2000, or CF6–50 72–A1201, Revision 1, dated February 6, 2001 (modification of the LPT case and installation of new design nozzle locks per paragraph (e)(1) of this AD), is terminating action for the inspection requirements of this AD.

Alternative Methods of Inspection

(l) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

(m) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Incorporation by Reference Material

(n) The actions required by this AD shall be done in accordance with the following General Electric Co. alert service bulletins (ASB) and service bulletin (SB):

Document	Pages	Revision	Date
ASB CF6–50 72–A1197 Total pages: 28	1–28	Original	December, 14, 2000.
ASB CF6–50 72–A1201 Total pages: 21	1–21	Original	December 22, 2000.
ASB CF6–50 72–A1201 Total pages: 22	1–22	1	February 6, 2001.
SB CF6–50 72–1203 Total pages: 9	1–9	Original	November 22, 2000.
SB CF6–50 72–1203 Total pages: 12	1–12	1	February 7, 2001.

The incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone (513) 672–8400, fax (513) 672–8422. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Effective Date

(c) This amendment becomes effective on March 21, 2001.

Issued in Burlington, Massachusetts, on February 23, 2001.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–4939 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–01–AD; Amendment 39–12134; AD 2001–03–51]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Model S–76B and S–76C Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 2001–03–51, which was sent previously to all known U.S. owners and operators of Sikorsky Aircraft Corporation (Sikorsky) Model S–76B and S–76C helicopters by individual letters. This AD requires, for certain main rotor shafts, initial and recurring fluorescent penetrant inspections. Replacing each affected main rotor shaft (shaft) on or before reaching 1,000 hours time-in-service (TIS) is also required. This amendment is prompted by four reports of shaft cracks. The actions specified by this AD are intended to prevent failure of the shaft and subsequent loss of control of the helicopter.

DATES: Effective March 21, 2001, to all persons except those persons to whom it was made immediately effective by Emergency AD 2001–03–51, issued on January 30, 2001, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 21, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 7, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001–SW–01–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov.

The applicable service information may be obtained from Sikorsky Aircraft Corporation, Attn: Manager, Commercial Tech Support, 6900 Main Street, Stratford, Connecticut 06614, phone (203) 386–3001, fax (203) 386–5983. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Wayne Gaulzetti, Aviation Safety Engineer, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7156, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: On January 30, 2001, the FAA issued Emergency AD 2001–03–51 for Sikorsky Model S–76B and S–76C helicopters, which requires, for certain shafts, initial and recurring fluorescent penetrant inspections. Replacing each affected shaft on or before reaching 1,000 hours TIS is also required. That action was prompted by four reports of shaft cracks. This condition, if not corrected, could result in failure of the shaft and subsequent loss of control of the helicopter.

The FAA has reviewed Sikorsky Alert Service Bulletin (ASB) No. 76–66–32A, Revision A, dated January 17, 2001, which specifies identifying main gear box assemblies containing certain shafts, conducting a recurring fluorescent penetrant inspection (FPI), and removing certain main gear box assemblies containing certain shafts.

Since the unsafe condition described is likely to exist or develop on other Sikorsky Model S–76B and S–76C helicopters of the same type designs, the FAA issued Emergency AD 2001–03–51 to prevent failure of the shaft and subsequent loss of control of the helicopter. The AD requires, for certain main rotor shafts, an FPI before further flight and thereafter at intervals not to exceed 20 hours TIS or 80 landings, whichever occurs first. Replacing each affected shaft on or before reaching 1,000 hours TIS is also required. The actions must be accomplished in accordance with the ASB described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, FPI's and removal of each affected shaft are required at the specified time intervals, and this AD must be issued immediately.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on January 30, 2001, to all known U.S. owners and operators of Sikorsky Model S–76B and S–76C helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to 14 CFR 39.13 to make it effective to all persons.

The FAA estimates that 7 helicopters of U.S. registry will be affected by this AD. It will take approximately 4 work hours per helicopter to accomplish each FPI and 5 work hours to replace each shaft. The average labor rate is $60 per work hour. Required parts will cost approximately $25,000 per shaft. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $178,780 (assuming 1 FPI per helicopter and 1 shaft replacement on each helicopter). Additional FPI's would cost $240 per inspection and additional shaft replacements would cost $25,300 per helicopter.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2001–SW–01–AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2001–03–51 Sikorsky Aircraft Corporation: Amendment 39–12134. Docket No. 2001–SW–01–AD.

Applicability: Model S–76B and S–76C helicopters, with main rotor shaft assembly (shaft), part number (P/N) 76351–09630 all dash numbers, serial number (S/N) C213–00274, C213–00275, C213–00276, C213–00277, C213–00278, C213–00279, C213–00280, C213–00282, C213–00292, C213–00294, C213–00295, C213–00296, C213–00297, C213–00299, and C213–00300, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the shaft and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight and thereafter at intervals not to exceed 20 hours time-in-service (TIS) or 80 landings, whichever occurs first, conduct a fluorescent penetrant inspection (FPI) in the area above the uppers shaft output seal and below the lower hub attachment flange in accordance with the Accomplishment Instructions, paragraphs 3.B.(1) through 3.B.(5), of Sikorsky Aircraft Corporation (Sikorsky) Alert Service Bulletin (ASB) No. 76–66–32A, Revision A, dated January 17, 2001. Contacting Sikorsky is not required by this AD. If a crack is found, replace the shaft with an airworthy shaft before further flight.

Note 2: Accomplishing the FPI before further flight is not required if previously accomplished in accordance with the Accomplishment Instructions, paragraphs 3.C.(1) through 3.C.(5), of Sikorsky ASB No. 76–66–31B, Revision B, dated November 7, 2000.

(b) On or before 1000 hours TIS, replace each affected shaft with an airworthy shaft.

(c) This AD revises the Limitations section of the maintenance manual by establishing a retirement life of 1000 hours TIS for the affected shafts.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Boston Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Boston Aircraft Certification Office.

(e) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished if the FPI or a visual inspection, using a 10X or higher magnifying glass, does not reveal a crack.

(f) The FPI shall be done in accordance with the Accomplishment Instructions, paragraphs 3.B.(1) through 3.B.(5), of Sikorsky Aircraft Corporation Alert Service Bulletin No. 76–66–32A, Revision A, dated January 17, 2001. This incorporation by

reference was approved the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Sikorsky Aircraft Corporation, Attn: Manager, Commercial Tech Support, 6900 Main Street, Stratford, Connecticut 06614, phone (203) 386–3001, fax (203) 386–5983. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 21, 2001, to all persons except those persons to whom it was made immediately effective by Emergency AD 2001–03–51, issued January 30, 2001, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on February 20, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–5165 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–01–AD; Amendment 39–12141; AD 2001–05–05]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This action requires repetitive detailed visual inspections to find discrepancies of the installation of the midspar fuse pins of the inboard and outboard struts, and follow-on actions, if necessary. This action also provides for an optional terminating modification for the repetitive inspections. This action is necessary to find and fix discrepancies of the installation of the midspar fuse pins, which could result in loss of the secondary retention capability of the fuse pins, migration of the fuse pins, and consequent loss of the strut and engine from the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective March 21, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 21, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 7, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–01–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001–NM–01–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tamara Anderson, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2771; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received several reports indicating that, during routine maintenance, loose primary retention nuts of the midspar fuse pins of the inboard and outboard struts were found on certain Boeing Model 747 series airplanes. One report indicated that the primary retention nut migrated into the secondary retention washer. The cause of these discrepancies was determined to be inadequate run-on torque of the primary retention nut. Such conditions, if not fixed, could result in the loss of secondary retention capabilities of the fuse pins, migration of the fuse pins, reduction of the joint capability of the midspar fittings to carry the design loads, and consequent loss of the strut and engine from the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 747–54A2206, Revision 1, dated February 22, 2001, which describes procedures for repetitive detailed visual inspections to find discrepancies (incorrect thread protrusion, which is less than two threads protruding from the nut between the nut and the secondary retention washer; incorrect gap between the fuse pin primary nut and secondary retention washer; cracked or broken torque stripe) of the installation of the midspar fuse pins of the inboard and outboard struts, and follow-on actions, if necessary.

If the primary nut has backed off and is contacting the secondary retention washer; the follow-on actions include, but are not limited to:

- Inspection of the fuse pin threads for damage,
- Installation of a new primary nut,
- Replacement of damaged fuse pins with new pins, and
- Installation of a torque stripe.

If the primary nut has backed off and is not contacting the secondary retention washer, follow-on actions consist of repeating the inspection of the fuse pin installation at a reduced inspection interval.

The service bulletin also provides for an optional terminating modification which consists of replacement of the primary nut of the midspar fuse pin with a new nut and installation of the torque stripe, a detailed visual inspection of the fuse pin threads for damage, and replacement of the fuse pin, if necessary. Doing these actions ends the repetitive inspections.

Other Relevant Rulemaking

This AD is related to AD 95–10–16, amendment 39–9233 (60 FR 27008, May 22, 1995); AD 95–13–05, amendment 39–9285 (60 FR 33333, June 28, 1995); AD 95–13–06, amendment 39–9286 (60 FR 33338, June 28, 1995); AD 95–13–07, amendment 39–9287 (60 FR 33336, June 28, 1995), and AD 99–10–10, amendment 39–11163 (64 FR 25197, May 11, 1999). The replacement of fuse pins in the upper link, midspar fittings, and diagonal brace of the nacelle strut with new corrosion-resistant pins is required by those AD's as part of the modification of the nacelle strut/wing structure for earlier Model 747 series airplanes. The actions required by this AD are to be done if any of the AD's specified above, or the production equivalent, has been accomplished.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, this AD requires accomplishment of the actions specified in the service bulletin described previously.

Interim Action

This is considered to be interim action. The FAA is currently considering requiring the optional terminating modification, which will constitute terminating action for the repetitive inspections required by this AD action. However, the planned compliance time for the installation of the modification is sufficiently long so that notice and opportunity for prior public comment will be practicable.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001–NM–01–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–05–05 Boeing: Amendment 39–12141. Docket 2001–NM–01–AD.

Applicability: Model 747 series airplanes, as listed in Boeing Service Bulletin 747–54A2206, Revision 1, dated February 22, 2001, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance per paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To find and fix discrepancies of the installation of the midspar fuse pins of the inboard and outboard strut, which could result in loss of the secondary retention capability of the fuse pins, migration of the fuse pins, and consequent loss of the strut and engine from the airplane; accomplish the following:

Inspections/Follow-On Actions

(a) At the latest of the times specified in paragraphs (a)(1) and (a)(2) of this AD, as applicable: Do a detailed visual inspection to find discrepancies (incorrect thread protrusion, which is less than two threads protruding from the nut between the nut and the secondary retention washer; incorrect gap between the fuse pin primary nut and secondary retention washer; cracked or broken torque stripe) of the installation of the midspar fuse pins of the inboard and outboard struts, per Figure 2 of Boeing Service Bulletin 747–54A2206, Revision 1, dated February 22, 2001.

(1) For airplanes not modified per one of the AD's listed in Table 1 of this AD: Do the inspection at the later of the times specified in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD:

(i) Before the accumulation of 8,000 total flight hours, or within 24 months since manufacture of the airplane, whichever occurs first.

(ii) Within 90 days after the effective date of this AD.

(2) For airplanes modified per one of the AD's listed in Table 1 of this AD: Do the inspection at the later of the times specified

in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD. Table 1 follows:

TABLE 1

AD No.	Amendment No.
AD 95–16–16	39–9233
AD 95–13–05	39–9285
AD 95–13–06	39–9286
AD 95–07	39–9287
AD 99–10–10	39–11163

(i) Within 8,000 flight hours, or within 24 months since doing the modification, whichever occurs first.

(ii) Within 90 days after the effective date of this AD.

Note 2: Where there are differences between the AD and the service bulletin, the AD prevails.

Note 3: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(A) If no discrepancy is found: Repeat the inspection at intervals not to exceed 8,000 flight hours or 24 months, whichever is first, until you do the terminating modification specified in paragraph (b) of this AD.

(B) If any discrepancy is found, and the primary nut has backed off and contacts the secondary retention washer: Before further flight, do the terminating modification specified in paragraph (b) of this AD.

(C) If any discrepancy is found, and the primary nut does not contact the secondary retention washer: Repeat the inspection at intervals not to exceed 90 days. Within 18 months after the initial finding, or the effective date of this AD, whichever occurs later, do the terminating modification specified in paragraph (b) of this AD.

Note 4: Inspections accomplished prior to the effective date of this AD per Boeing Alert Service Bulletin 747–54A2206, dated October 19, 2000, are acceptable for compliance with the inspections required by paragraph (a) of this AD.

Optional Terminating Action

(b) Doing the terminating modification (replacement of the primary nut of the midspar fuse pin with a new nut, installation of torque stripe, a detailed visual inspection of the fuse pin threads for damage, and replacement, if necessary) per Figure 3 of Boeing Service Bulletin 747–54A2206, Revision 1, dated February 22, 2001, ends the repetitive inspections required by this AD.

Note 5: Accomplishment of the terminating action specified in Boeing Alert Service Bulletin 747–54A2206, dated October 19, 2000, is acceptable for compliance with the terminating action specified in paragraph (b) of this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 6: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(d) Special flight permits may be issued per sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done per Boeing Service Bulletin 747–54A2206, Revision 1, dated February 22, 2001. This incorporation by reference was approved by the Director of the Federal Register per 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on March 21, 2001.

Issued in Renton, Washington, on February 26, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–5168 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for three approved new animal drug applications (NADA's) from PM Ag Products, Inc., to Sweetlix, LLC.

DATES: This rule is effective March 6, 2001.

FOR FURTHER INFORMATION CONTACT: Norman J. Turner, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0214.

SUPPLEMENTARY INFORMATION: PM Ag Products, Inc., 1055 West 175th St., Homewood, IL 60430, has informed FDA that it has transferred ownership of, and all rights and interests in NADA 033–773 for Sweetlix Bloat Guard Block, NADA 109–471 for Staley Sweetlix with Rumensin®, and NADA 136–214 for Enproal Bloat Blox to Sweetlix, LLC, 175 South Main St., suite 150, Salt Lake City, UT 84111. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the transfer of ownership. The agency is removing the sponsor name for PM Ag Products, Inc., because the firm no longer is the holder of any approved NADA's, and the drug labeler code assigned to PM Ag Products, Inc., is being retained as the drug labeler code for Sweetlix, LLC.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by removing the entry for "PM Ag Products, Inc." and by alphabetically adding an entry for "Sweetlix, LLC " and in the table in paragraph (c)(2) by revising the entry for "036904 " to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
Sweetlix, LLC, 175 South Main St., suite 150, Salt Lake City, UT 84111	036904

(2) * * *

Drug labeler code	Firm name and address
036904	Sweetlix, LLC, 175 South Main St., suite 150, Salt Lake City, UT 84111

Dated: February 8, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–5311 Filed 3–5–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8944]

RIN 1545–AX41

Grouping Rules for Foreign Sales Corporation Transfer Pricing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations and amendments to temporary regulations that provide guidance to taxpayers that have made an election to be treated as a foreign sales corporation (FSC). These regulations permit the grouping of transactions for purposes of applying the administrative pricing (including marginal costing) rules to determine FSC transfer prices and provide a time for filing for the election to group transactions.

DATES: *Effective date:* These regulations are effective March 2, 2001.

Applicability: For dates of applicability, see § 1.925(a)–1(c)(8)(i).

FOR FURTHER INFORMATION CONTACT: Christopher J. Bello (202) 874–1490 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1987, the IRS and Treasury published temporary regulations (TD 8126, 1978–1 C.B. 184) in the **Federal Register** (52 FR 6428) to provide (among other things) rules for grouping transactions for purposes of applying the FSC transfer pricing rules. A notice of proposed rulemaking (INTL–153–86, 1987–1 C.B. 799) cross-referencing the temporary regulations and inviting comments and requests for a public hearing was published on the same day in the **Federal Register** (52 FR 6467). Written comments concerning the proposed regulations were received and a public hearing was held.

On March 3, 1998, the IRS and Treasury amended the above temporary regulations by publishing temporary regulations (TD 8764, 1998–1 C.B. 844) in the **Federal Register** (63 FR 10305) that (among other things) modified the time for filing the election to group transactions for purposes of applying the administrative pricing (including marginal costing) rules to determine FSC transfer prices. A notice of proposed rulemaking (REG–102144–98, 1998–1 C.B. 860) cross-referencing the temporary regulations and notice of public hearing was published on the same day in the **Federal Register** (63 FR 10351). Written comments concerning the proposed regulations were received and, on June 24, 1998, a public hearing was held.

After consideration of all the comments, certain proposed regulations relating to grouping of transactions for FSC transfer pricing are adopted as revised by this Treasury decision.

Explanation of Provisions

Section 927(d)(2)(B) of the Internal Revenue Code provides generally that FSCs and their related suppliers may, to the extent provided in regulations, elect to apply the FSC transfer pricing provisions under section 925 on the basis of groups of transactions based on product lines or recognized industry or trade usage, rather than on a transaction-by-transaction basis. Sections 1.925(a)–1T(c)(8)(i) and 1.925(b)–1T(b)(3)(i) of the temporary regulations permit taxpayers, at their annual choice, to group transactions in applying the administrative pricing (including marginal costing) rules to determine FSC transfer prices. Such grouping elections must be evidenced on a Schedule P of the FSC's timely filed (including extensions) U.S. income tax return for the taxable year. No untimely or amended returns are allowed to make a grouping election, change a grouping basis, or change from a grouping basis to a transaction-by-transaction basis (collectively "grouping redeterminations").

Section 1.925(a)–1T(c)(8)(i) of the temporary regulations also contains a transition rule that requires grouping redeterminations for any taxable year beginning before January 1, 1998, to be made no later than the due date of the FSC's timely filed (including extensions) U.S. income tax return for the FSC's first taxable year beginning after December 31, 1997 (transition rule).

Conforming changes are reflected in §§ 1.925(a)–1T(e)(4) and 1.925(b)–1T(b)(3)(i) of the temporary regulations.

Commentators requested that the rule limiting grouping elections to timely filed returns be removed to allow taxpayers to maximize FSC benefits and correct grouping errors. Other commentators requested that the time limit for grouping elections be replaced by a case-by-case analysis that would disallow only those grouping redeterminations that are abusive. Commentators also suggested alternative time limits that would allow taxpayers to file amended returns to reflect grouping redeterminations within a

specified time limit (for example, one year from the extended due date of the original return). In response to these comments, the Treasury and the IRS have revised the time limits for filing grouping elections under § 1.925(a)–1T(c)(8)(i). Accordingly, these regulations permit grouping redeterminations no later than one year after the due date of the FSC's timely filed (including extensions) U.S. income tax return for taxable years beginning after December 31, 1999. For any taxable year beginning before January 1, 2000, a grouping redetermination may be made no later than the due date of the FSC's timely filed (including extensions) U.S. income tax return for the FSC's first taxable year beginning on or after January 1, 2000.

Commentators also suggested that the transition rule be extended by two or more years to enable taxpayers to assemble data and determine the most advantageous groupings for taxable years beginning before January 1, 1998. In response, the IRS on May 17, 1999, published Notice 99–24 (1999–1 C.B. 1069). Notice 99–24 notified taxpayers that the IRS and Treasury intended to extend by one year the transition rule for such years. These regulations provide a further extension of the transition rule time limit.

These regulations also provide an additional time period for certain taxpayers to make grouping redeterminations notwithstanding the time limits for filing grouping redeterminations otherwise specified in these regulations. In particular, a grouping redetermination may be made at any time during the one-year period commencing upon notification of the related supplier by the Internal Revenue Service of an examination, provided that both the FSC and the related supplier agree to extend their respective statutes of limitations for assessment by one year. The IRS and Treasury anticipate the IRS and taxpayers to plan and conduct examinations in a manner consistent with the foregoing provision so as to facilitate efficient and fair administration of the FSC grouping rules for transfer pricing.

Finally, these regulations provide that the requirements under § 1.925(a)–1T(e)(4) with respect to redeterminations other than grouping also apply to grouping redeterminations.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, the temporary regulations and notice of proposed rule-making preceding these regulations were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Christopher J. Bello of the Office of the Associate Chief Counsel (International). Other personnel from the IRS and Treasury Department also participated in the development of these regulations.

List of Subjects 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirement.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding an entry in numerical order for section 1.925(a)–1 to read as follows:

Authority: 26 U.S.C. 7805 * * *.

Section 1.925(a)–1 also issued under 26 U.S.C. 925(b)(1) and (2) and 927(d)(2)(B). * * *

Par. 2. Section 1.925(a)–1 is added to read as follows:

§ 1.925(a)–1 Transfer pricing rules for FSCs.

(a) through (c)(7) [Reserved] For further guidance, see § 1.925(a)–1T(a) through (c)(7).

(c)(8) *Grouping transactions.* (i) The determinations under this section are to be made on a transaction-by-transaction basis. However, at the annual choice made by the related supplier if the administrative pricing methods are used, some or all of these determinations may be made on the basis of groups consisting of products or product lines. The election to group transactions shall be evidenced on Schedule P of the FSC's U.S. income tax return for the taxable year. No untimely or amended returns filed later than one year after the due date of the FSC's timely filed (including extensions) U.S. income tax return will be allowed to elect to group, to change a grouping basis, or to change from a grouping basis to a transaction-by-transaction basis (collectively "grouping redeterminations"). The rule of the previous sentence is applicable to taxable years beginning after December 31, 1999. For any taxable year beginning before January 1, 2000, a grouping redetermination may be made no later than the due date of the FSC's timely filed (including extensions) U.S. income tax return for the FSC's first taxable year beginning on or after January 1, 2000. Notwithstanding the time limits for filing grouping redeterminations otherwise specified in the previous three sentences, a grouping redetermination may be made at any time during the one-year period commencing upon notification of the related supplier by the Internal Revenue Service of an examination, provided that both the FSC and the related supplier agree to extend their respective statutes of limitations for assessment by one year. In addition, any grouping redeterminations made under this paragraph must meet the requirements under § 1.925(a)–1T(e)(4) with respect to redeterminations other than grouping. The language "or grouping of transactions" is removed from the fourth sentence of § 1.925(a)–1T(e)(4), applicable to taxable years beginning after December 31, 1997. See also § 1.925(b)–1T(b)(3)(i).

(c)(8)(ii) through (f) [Reserved] For further guidance, see § 1.925(a)–1T(c)(8)(ii) through (f).

(g) *Effective date.* The provisions of this section apply on or after March 2, 2001.

Par. 3. Section 1.925(a)–1T is amended as follows:

1. Paragraph (c)(8)(i) is revised.

2. The last sentence of paragraph (e)(4) is removed.

The revision reads as follows:

§ 1.925(a)–1T Temporary regulations; transfer pricing rules for FSCs.

* * * * *

(c) * * *

(8) * * * (i) * * * [Reserved] For further guidance, see § 1.925(a)–1(c)(8)(i).

§ 1.925(b)–1T [Amended]

Par. 4. Section 1.925(b)–1T is amended by removing the last sentence of paragraph (b)(3)(i).

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Dated: February 28, 2001.

Pamela F. Olson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 01–5428 Filed 3–2–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8941]

RIN 1545–AX87

Obligations of States and Political Subdivisions; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final and temporary regulations.

SUMMARY: This document contains a correction to final and temporary regulations, TD 8941, which were published in the **Federal Register** on Thursday, January 18, 2001 (66 FR 4661). These regulations provide guidance to issuers of tax-exempt bonds for output facilities.

DATES: This correction is effective January 19, 2001.

FOR FURTHER INFORMATION CONTACT: Rose M. Weber (202) 622–3980 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations that are the subject of this correction are under sections 141 and 142 of the Internal Revenue Code.

Need for Correction

As published, TD 8941 contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of final and temporary regulations, TD 8941, which are the subject of FR Doc. 01–1412, is corrected as follows:

On page 4661, column 1, in the preamble under the paragraph heading "*Paperwork Reduction Act*", last line of the first paragraph, the language "number 1545–" is corrected to read "number 1545–1730".

Cynthia Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–5282 Filed 3–5–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–445; RE: Notice No. 904]

RIN 1512–AA07

West Elks Viticultural Area (2000R–257P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area to be known as "West Elks," located in Delta County, Colorado. This action is the result of a petition filed on behalf of several grape growers and winery owners in the area.

The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising allow wineries to designate the specific areas where the grapes used to make the wine were grown. This enables consumers to better identify the wines they may purchase.

EFFECTIVE DATE: May 7, 2001.

FOR FURTHER INFORMATION CONTACT: Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–9347).

SUPPLEMENTARY INFORMATION:

1. Background on Viticultural Areas

What Is ATF's Authority To Establish a Viticultural Area?

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624). This decision revised the regulations in 27 CFR part 4, Labeling and Advertising of Wine, to allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new part 9 to 27 CFR, American Viticultural Areas, for providing the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

What Is the Definition of an American Viticultural Area?

Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Viticultural features such as soil, climate, elevation, topography, etc., distinguish it from surrounding areas.

What Is Required To Establish a Viticultural Area?

Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

- Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;
- Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;
- Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) that distinguish the viticultural features of the proposed area from surrounding areas;
- A description of the specific boundaries of the viticultural area, based on features that can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and
- A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

2. West Elks Petition

ATF received a petition from Barbara E. Heck proposing to establish a viticultural area in Delta County, Colorado, known as "West Elks." The area encompasses approximately 75 square miles. Over 84 acres of vineyards are currently planted in West Elks and the area presently boasts eighteen vineyard and/or winery businesses.

Notice of Proposed Rulemaking

In response to the petition, ATF published a notice of proposed rulemaking, Notice No. 904, in the **Federal Register** on October 16, 2000, (65 FR 61129), proposing the establishment of the West Elks viticultural area. The notice requested comments from interested persons by December 15, 2000.

Comments on Notice of Proposed Rulemaking

No comments were received as a result of Notice No. 904.

What Name Evidence Has Been Provided?

The West Elks viticultural area takes its name from the West Elk Mountains located just east of the area. Each vineyard in the area has a magnificent view of the West Elk Mountains. The petitioner submitted the following as evidence of name recognition:

• Brochure from the U.S. Department of Agriculture Forest Service indicating that the proposed "West Elks" viticulture area is known as West Elk Wilderness;

• Brochure from the Colorado State Historical Society and Delta County Tourism mapping the West Elk Loop which runs through the proposed "West Elks" viticultural area;

• Delta County Area Map on which the West Elk Mountains are prominently labeled; and

• United States Department of the Interior topographic map on which the West Elk Wilderness and the West Elk Mountains are prominently labeled.

• News article from the *Delta County Independent* which depicts a 1855 map on which the Elk Mountains are prominently labeled;

• Delta County Historical Society map which also shows the Elk Mountains.

What Boundary Evidence Has Been Provided?

The West Elks viticultural area is located on mesa lands. Its borders are the West Elk Mountains to the east and the higher Grand Mesa to the north. To the south, Crawford and Fruitland Mesa have a higher elevation and the plateau climbs until it reaches the north rim of the Black Canyon of the Gunnison. To the west lie the Adobe Badlands in which very little grows.

What Evidence Relating to Geographical Features Has Been Provided?

• *Soil:* The soils of the West Elks viticultural area distinguish it from the surrounding areas. The petitioner provided a General Soil Map which indicates that the West Elks viticultural area is comprised mostly of Aqua Fria-Saration soils, which are deep and moderately deep well-drained stony soils that formed in outwash alluvium derived from igneous rock. To the north of the viticultural area, the soils change to Delson-Cerro soils and to the east the soils are Fughes-Bulkley, Absarokee-Beenom and Delson-Cerro. Billings-Gullied land soils are found to the south of the viticultural area.

• *Elevation:* The boundaries of the West Elks viticultural area are defined by elevation. The far eastern boundary, Juanita Junction, sits at 5942 feet. The eastern line sits mainly at 6200 feet. The southern border of the viticultural area follows section lines of the U.S.G.S. maps that have elevations that range from 5300 to over 5800 feet. The northern border has an elevation range from 6900 to 5900 feet.

The elevations of the areas surrounding the West Elks viticultural area are much higher. Mountains surround the area to the east with elevations reaching 11,000 feet. The Grand Mesa is located to the north of the viticultural area with elevations reaching 10,000 feet at the top. To the south, Crawford and Fruitland Mesa have higher elevations and the plateau climbs until it reaches the north rim of the Black Canyon of the Gunnison. To the west, the Adobe Badlands, on which very little grows, and the Redlands Mesa, which sits above 6200 feet, separate the West Elks viticultural area from Delta, Cedaredge and the Surface Creek areas. The farming area to the east of Delta sits under 5000 feet elevation, which indicates a longer growing season than that of the West Elks viticultural area.

The high elevation of the viticultural area creates a fruit that has tremendous flavor. The area is completely protected and sheltered by lofty mesas and mountain ranges. The elevations of the surrounding areas help protect the viticultural area from severe storms and climatic disturbances, which often injure or destroy fruit.

• *Climate:* The climate of the West Elks viticultural area is rather mild. With over 300 full sun days a year, grape sugar contents are high. The West Elk Loop Scenic and Historical Byway brochure states ". . . warm days, cool nights, and the so-called *Million Dollar Breeze* which flows down valley enhance the growing season." The areas surrounding the West Elks viticultural area are much cooler due to their higher elevation.

3. Regulatory Analyses and Notices

Is This a Significant Regulatory Action as Defined by Executive Order 12866?

It has been determined that this final rule is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this final rule is not subject to the analysis required by this Executive Order.

How Does the Regulatory Flexibility Act Apply to This Rule?

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

Does the Paperwork Reduction Act Apply to This Rule?

The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no requirement to collect information is imposed.

4. Drafting Information

The principal author of this document is Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Alcohol and alcoholic beverages, Consumer protection, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.172 to read as follows:

§ 9.172 West Elks.

(a) *Name.* The name of the viticultural area described in this section is "West Elks."

(b) *Approved Maps.* The appropriate maps for determining the boundary of the West Elks viticultural area are four United States Geological Survey (U.S.G.S.) topographic maps (Scale: 1:250,000). They are titled:

(1) Lazear Quadrangle (Colorado-Delta Co. 1955 (photorevised 1978));

(2) Hotchkiss Quadrangle (Colorado-Delta Co. 1965 (photorevised 1979));

(3) Paonia Quadrangle (Colorado-Delta Co. 1965 (photorevised 1979); and

(4) Bowie Quadrangle (Colorado-Delta Co. 1965 (photorevised 1978).

(c) *Boundaries.* The West Elks viticultural area is located in eastern Delta County, Colorado. The beginning point is found on the "Bowie Quadrangle" U.S.G.S. map at the ¼ corner common to Sections 19 and 20, Township 13 South, Range 91 West (T. 13 S., R. 91 W.);

(1) The boundary proceeds east following the center subdivision lines of Sections 20 and 21 to its intersection with Colorado Highway 133;

(2) Then northeasterly following Colorado Highway 133 to its intersection with the N–S center subdivision line of Section 14, T. 13 S., R. 91 W., near Juanita Junction;

(3) Then south following the center subdivision line to its intersection with the North Fork of the Gunnison River;

(4) Then southwesterly following the North Fork of the Gunnison River to its intersection with the Stewart Ditch in the extreme southern part of Section 15, T. 13 S., R. 91 W.;

(5) Then southwesterly following the Stewart Ditch to its intersection with the section line common to Sections 21 and 28, T. 13 S., R. 91 W.;

(6) Then east following the section line common to Sections 21 and 28 to its intersection with the 6000 foot contour;

(7) Then southerly following the 6000 foot contour to its second intersection with the section line common to Sections 3 and 4, T. 14 S., R. 91 W., located on the Paonia, Colo. U.S.G.S. map;

(8) Then south following the section line common to Sections 3 and 4 to its intersection with the 6200 foot contour;

(9) Then southerly following the 6200 foot contour to its intersection with the section line common to Sections 16 and 17, T. 14 S., R. 91 W.;

(10) Then south following the section line common to Sections 16 and 17 to the point of intersection of Sections 16, 17, 20 and 21;

(11) Then west following the section line common to Sections 17 and 20 to the point of intersection of Sections 17, 18, 19 and 20;

(12) Then south following the section line common to Sections 19 and 20 to the N1/16 corner common to Sections 19 and 20;

(13) Then west following the subdivision line across Section 19 to the N1/16 corner common to Section 19, T. 14 S., R. 91 W. and Section 24, T, 14 S., R. 92 W.;

(14) Then south following the range line between R. 91 W. and R. 92 W. to the point of intersection between Sections 19 and 30, T. 14 S., R. 91 W. and Sections 24 and 25, T. 14 S., R. 92 W.;

(15) Then west following the section line common to Sections 24 and 25 to the point of intersection between Sections 23, 24, 25 and 26, located on the Hotchkiss, Colo. U.S.G.S. map;

(16) Then south following the section line common to Sections 25 and 26 to the point of intersection between Sections 25, 26, 35 and 36;

(17) Then west following the section lines common to Sections 26 and 35 and Sections 27 and 34 to the point of intersection between Sections 27, 28, 33 and 34;

(18) Then south following the section line common to Sections 33 and 34 to the point of intersection between Sections 33 and 34, T. 14 S., R. 92 W. and Sections 3 and 4, T. 15 S., R. 92 W.;

(19) Then west following the township line between T. 14 S. and T. 15 S. approximately three miles to the point of intersection between Section 31, T. 14 S., R. 92 W., Section 6, T. 15 S., R. 92 W., Section 1, T. 15 S., R. 93 W., and Section 36, T. 14 S., R. 93 W.;

(20) Then south following the range line between R. 92 W. and R. 93 W. to the point of intersection between Sections 6 and 7, T. 15 S., R. 92 W. and Sections 1 and 12, T. 15 S., R. 93 W.;

(21) Then west following the section lines common to Sections 1 and 12 and Sections 2 and 11 to its intersection with the North Fork of the Gunnison River, located on the Lazear, Colo. U.S.G.S. map;

(22) Then westerly following the North Fork of the Gunnison River to its intersection with Big Gulch in the extreme northeastern corner of Section 6, T. 15 S., R. 93 W.;

(23) Then northerly following Big Gulch to its intersection with the section line common to Sections 17 and 18, T. 14 S., R. 93 W.;

(24) Then north following the section lines common to Sections 17 and 18, Sections 7 and 8, and Sections 5 and 6 to the point of intersection between Sections 5 and 6, T. 14 S., R. 93 W. and Sections 31 and 32, T. 13 S., R. 93 W.;

(25) Then east following the township line between T. 13 S. and T. 14 S. approximately two miles to the point of intersection between Sections 3 and 4, T. 14 S., R. 93 W. and Sections 33 and 34, T. 13 S., R. 93 W.;

(26) Then south following the section line common to Sections 3 and 4 to the point of intersection between Sections 3, 4, 9 and 10;

(27) Then east following the section lines for approximately 6 miles to the point of intersection between Sections 3, 4, 9 and 10, T. 14 S., R. 92 W., located on the Hotchkiss, Colo. U.S.G.S. map;

(28) Then north following the section line common to Sections 3 and 4 to the point of intersection between Sections 3 and 4, T. 14 S., R. 92 W. and Sections 33 and 34, T. 13 S., R. 92 W.;

(29) Then east following the township line between T. 13 S. and T. 14 S. to its intersection with the Fire Mountain Canal in the southwestern corner of Section 35, T. 13 S., R. 92 W.;

(30) Then northeasterly following the Fire Mountain Canal through the extreme northwest corner of the Paonia, Colo. U.S.G.S. map to its intersection with the section line common to Sections 29 and 30, T. 13 S., R. 91 W., located on the Bowie, Colo. U.S.G.S. map;

(31) Then north following the section lines common to Sections 29 and 30 and Sections 19 and 20 to the 1/4 corner common to Sections 19 and 20, the point of beginning.

Dated: February 1, 2001.

Bradley A. Buckles,

Director.

Approved: February 15, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 01–5423 Filed 3–5–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05–01–003]

RIN 2115–AE46

Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is adopting temporary special local regulations for the Crawford Bay Crew Classic, a marine event to be held on the waters of the Western Branch of the Elizabeth River, Portsmouth, Virginia. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Western Branch of the Elizabeth River during the event.

DATES: This rule is effective from 11 a.m. on March 23, 2001 to 6 p.m. on March 24, 2001.

ADDRESSES: Materials received from the public as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–01–003 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m.,

Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, telephone number (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Regulatory Information

A notice of proposed rulemaking (NPRM) was not published for this regulation. In keeping with 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a NPRM. The Coast Guard received confirmation of the request for special local regulations on January 16, 2001. We were notified of the need for special local regulations with insufficient time to publish a NPRM, allow for comments, and publish a final rule prior to the event.

Background and Purpose

On March 23 and March 24, 2001, Ports Events, Inc. will sponsor the Crawford Bay Crew Classic. The event will consist of intercollegiate crew rowing teams racing along a 2000 meter course on the waters of the Western Branch of the Elizabeth River. A fleet of spectator vessels is expected to gather near the event site to view the competition. To provide for the safety of participants, spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the crew races.

Discussion of Regulations

The Coast Guard is establishing temporary special local regulations on specified waters of the Western Branch of the Elizabeth River. The temporary special local regulations will be enforced from 11 a.m. to 6 p.m. on March 23, 2001 and from 6:30 a.m. to 6 p.m. on March 24, 2001. The effect will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. The Patrol Commander will allow non-participating vessels to transit the regulated area between races. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

We expect the economic impact of this temporary final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Although this regulation prevents traffic from transiting a portion of the Western Branch of the Elizabeth River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, vessel traffic will be allowed to transit through the regulated area in between races.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the effected portions of the Western Branch of the Elizabeth River during the event.

Although this regulation prevents traffic from transiting a portion of the Western Branch of the Elizabeth River during the event, the effect of this regulation will not be significant because of the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, vessel traffic will be allowed to transit through the regulated area in between races.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this temporary rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under **ADDRESSES**.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We prepared an "Environmental Assessment" in accordance with Commandant Instruction M16475.1C and determined that this rule will not significantly affect the quality of the human environment. The "Environmental Assessment" and "Finding of No Significant Impact" is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—MARINE EVENTS

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. A temporary section, § 100.35–T05–003 is added to read as follows:

§ 100.35–T05–003 Western Branch, Elizabeth River, Portsmouth, Virginia.

(a) *Regulated Area.* The waters of the Western Branch, Elizabeth River bounded by a line connecting the following points:

Latitude	*Longitude*
36°50′18″ North	076°23′06″ West, to
36°50′18″ North	076°21′42″ West, to
36°50′12″ North	076°21′42″ West, to
36°50′12″ North	076°23′06″ West, to
36°50′18″ North	076°23′06″ West

All coordinates reference Datum NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

(c) *Special Local Regulations:*

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(d) *Effective Dates.* This section is effective from 11 a.m. on March 23, 2001 to 6 p.m. on March 24, 2001.

(e) *Enforcement Times.* This section will be enforced from 11 a.m. to 6 p.m. on March 23, 2001 and from 6:30 a.m. to 6 p.m. on March 24, 2001.

Dated: February 22, 2001.

T. C. Paar,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 01–5441 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD09–01–001]

RIN–2115–AE47

Drawbridge Operation Regulations; Manitowoc River, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule.

SUMMARY: By this direct final rule, the Coast Guard is revising the operating regulations governing the Eighth Street bridge (mile 0.29), Tenth Street bridge (mile 0.43), and Wisconsin Central Railroad (formerly Soo Line) bridge (mile 0.91), all over the Manitowoc River in Manitowoc, Wisconsin. This rule would re-establish the operating schedules published in 1983, and erroneously removed by another rule in 1984.

DATES: This rule is effective on June 4, 2001, unless a written adverse comment, or written notice of intent to submit adverse comment, reaches Commander, Ninth Coast Guard District, on or before May 7, 2001. If an adverse comment, or notice of intent to submit an adverse comment, is received, the Coast Guard will withdraw this direct final rule and publish a timely notice of withdrawal in the **Federal Register**.

ADDRESSES: Comments may be mailed or delivered to: Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Room 2019, Cleveland, OH 44199–2060 between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (216) 902–6084.

The District Commander maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Scot M. Striffler, Project Manager, at (216) 902–6084.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting data, views or arguments for or against this rule. Persons submitting comments should include their name, address, identify this rulemaking (CGD09–01–001), the specific section of this rule to which each comment applies, and the reason(s) for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½″ × 11″ unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

Regulatory Information

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05–55, because no adverse comments are anticipated. If no adverse comments or any written notice of intent to submit adverse comment are received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, approximately 30 days prior to the effective date, the Coast Guard will publish a notice in the **Federal Register** stating that no adverse comment was received and announcing confirmation that this rule will become effective as scheduled. However, if the Coast Guard receives written adverse comment or written notice of intent to submit adverse comment, the Coast Guard will publish a notice in the final rule section of the **Federal Register** to announce withdrawal of all or part of this direct final rule. If adverse comments apply to only part of this rule, and it is possible to remove that part without defeating the purpose of this rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comments were received. The part of this rule that was the subject of adverse comments will be withdrawn. If the Coast Guard decides to proceed with a rulemaking, a

separate Notice of Proposed Rulemaking (NPRM) will be published and a new opportunity for comment provided.

A comment is considered "adverse" if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

Background and Purpose

The Coast Guard published a final rule on September 22, 1983 (48 FR 43173), which completed a rulemaking to revise the bridge operating regulations for drawbridges on Manitowoc River, Wisconsin. The revised regulation was not included in the re-codified numbering of bridge regulations that occurred on April 24, 1984 (49 FR 17452). Commander, Ninth Coast Guard District, has reviewed the operating schedule adopted in 1983 and evaluated the present conditions of marine traffic and bridge operations in Manitowoc Harbor, WI, and determined that the adopted schedule adequately provides for the reasonable needs of navigation in the harbor. The adopted schedule has been enforced in Manitowoc for the past 17 years without any reported complaints or difficulties.

The Coast Guard has identified a minor change to the final rule of 1983; the Soo Line bridge at mile 0.9 is now owned by the Wisconsin Central railroad company. The bridge is correctly named in this direct final rule.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This determination is based on the Coast Guard review of impacts on commerce and marine activities in Manitowoc during the 17 years since the original final rule was published. There have been no reported problems or complaints with the bridge operating schedule.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

The revised bridge regulations have been employed for approximately seventeen years with no complaints or problems for known small entities.

Therefore, the Coast Guard certifies under 5 U.S.C 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 13132, and determined that this rule does not have federalism implications under that order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the federal government having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph 34(g) of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. This rule changes a drawbridge regulation which has been found not to have a significant effect on the environment. A "Categorical Exclusion Determination" is not required.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For reasons set out in the preamble, 33 CFR part 117 is revised as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); § 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Revise § 117.1089 to read as follows:

§ 117.1089 Manitowoc River.

(a) The draws of the Eighth Street bridge, mile 0.29, and Tenth Street bridge, mile o.43, both at Manitowoc, shall open on signal except that:

(1) From April 1 through October 31, Monday through Friday, the bridges need not open from 6:50 a.m. to 7 a.m., 7:50 a.m. to 8 a.m., 11:55 a.m. to 12:10 p.m., and 12:45 p.m. to 1 p.m., except federal holidays. From 10:30 p.m. to 4:30 a.m. the draws shall open on signal if at least a 6 hour advance notice is given.

(2) From November 1 through March 31 the draws shall open on signal if at least a 12 hour advance notice is given.

(3) The opening signals for these bridges are:

(i) Eighth Street—one prolonged blast followed by one short blast.

(ii) Tenth Street—two short blasts followed by one prolonged blast.

(4) When signal is given by car ferry or other large vessel to pass either of the two bridges, the remaining bridge shall open promptly so that such vessels shall not be held between the two bridges.

(b) The draw of the Wisconsin Central railroad bridge, mile 0.91 at Manitowoc, shall open on signal except that:

(1) From April 1 through October 31 between the hours of 10:30 p.m. and 4:30 a.m., the draws shall open on signal if at least a 6 hour advance notice is given.

(2) From November 1 through March 31 the draw shall open on signal if at least a 12 hour advance notice is given.

(3) Opening signal for this bridge is two short blasts followed by one prolonged blast.

Dated: February 20, 2001.

James D. Hull,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 01–5443 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AJ51

Revised Criteria for Monetary Allowance for an Individual Born With Spina Bifida Whose Biological Father or Mother is a Vietnam Veteran

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the evaluation criteria that the Department of Veterans Affairs (VA) uses to determine the amount of the monthly monetary allowance that it pays to an individual born with spina bifida whose biological father or mother is a Vietnam veteran. The intended effect of this amendment is to clarify the criteria to ensure that they are applied consistently and to add a provision allowing the Director of the Compensation and Pension Service to adjust the payment level for individuals with disabling impairments due to spina bifida that are not addressed in the evaluation criteria.

DATES: *Effective Date:* This amendment is effective April 5, 2001.

FOR FURTHER INFORMATION CONTACT: Caroll McBrine, M.D., Consultant, Policy and Regulations Staff (211A), Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 273–7230.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 13, 2000 (65 FR 13254), we published a proposal to revise the criteria for determining the level of payment for an individual born with spina bifida whose biological father or mother is a Vietnam veteran. The proposed revisions were developed based on VA's review of a sample of adjudicated spina bifida claims to determine the effectiveness of the evaluation criteria and how they were applied, a further review of the medical literature, and suggestions from several veterans service organizations. The proposed evaluation criteria were based on certain medical impairments due to spina bifida and on the disabling effects of those impairments on ordinary day-to-day activities. We also proposed to allow the Director of the Compensation and Pension Service to increase the payment level for an individual with spina bifida who has such impairments as blindness, uncontrolled seizures, or renal failure.

In addition, we proposed to change the references to "child" and "children" to "individual" and "individuals" throughout 38 CFR 3.814 and to define the word "individual" to make it clear that the regulation applies to eligible individuals regardless of age.

We received one comment, which was from the Veterans of Foreign Wars.

Under VA's initial evaluation criteria for individuals with disabilities due to spina bifida, the effects of bowel and bladder impairment were evaluated as follows: Level I if "continent of urine and feces"; Level II if "requires drugs or intermittent catheterization or other mechanical means to maintain proper urinary bladder function, or mechanisms for proper bowel function"; and Level III if "has complete urinary or fecal incontinence." We proposed that the effects of bowel and bladder impairment be evaluated as follows: Level I if "continent of urine and feces without the use of medication or other means to control incontinence"; Level II if "requires medication or other means to control the effects of urinary bladder impairment and is unable no more than two times per week to remain dry for at least three hours at a time during waking hours; or, requires bowel management techniques or other treatment to control the effects of bowel impairment but does not have fecal leakage severe or frequent enough to require daily wearing of absorbent materials"; and Level III if "despite the use of medication or other means to control the effects of urinary bladder impairment, at least three times per week is unable to remain dry for three hours at a time during waking hours; or, despite bowel management techniques or other treatment to control the effects of bowel impairment, has fecal leakage severe or frequent enough to require daily wearing of absorbent materials; or, regularly requires manual evacuation or digital stimulation to empty the bowel."

The commenter suggested that we change the Level III requirement for "daily wearing of absorbent materials" to "wearing of absorbent materials on most days" because a requirement for daily wearing of absorbent materials is too stringent, considering that constipation may occur intermittently and absorbent materials not be necessary for a day or two.

On further consideration, we agree that the commenter's suggested change would be an improvement, in view of the fact that when constipation is present, the individual might feel comfortable not wearing absorbent materials for a day or so, although they would ordinarily wear them on most days and be incontinent a substantial part of the time. We have therefore revised the criteria for Level III by changing "daily wearing of absorbent materials" to "wearing of absorbent materials at least four days a week" and revised the Level II criteria accordingly.

The commenter also felt that Level III should be assigned for those who undergo a surgical procedure that permanently alters the structure and/or function of the bowel or bladder, for example, a colostomy, because these surgical alterations and appliances disrupt day-to-day activities as much as the frequent need to wear absorbent materials.

We agree in part with the commenter. There are a number of surgical procedures and appliances that may be used to improve bowel and bladder function. At times they make an individual continent or at least decrease the extent or frequency of incontinence; however, they are not always successful. For example, an artificial bladder sphincter that is implanted for urinary incontinence might result in improved bladder function with diminished incontinence or no incontinence at all, but it might also fail to improve bladder function significantly. When an individual must use appliances or undergo surgical procedures, at least a Level II assignment would be warranted because such use or procedure is akin to the use of medication or other means to control the effects of urinary bladder impairment. If the device or surgery does not restore continence sufficiently,

a Level III assignment would be warranted. However, the presence of an appliance or history of a surgical procedure does not necessarily mean an individual will have the extent of functional impairment contemplated by the Level III criteria. If incontinence is diminished by a surgical procedure or appliance, day-to-day functioning should be improved, and a Level III payment would not be warranted. Therefore, no overall change in criteria is needed to assure the assignment of an appropriate payment level to individuals who must wear an appliance or who have undergone a surgical procedure that alters the structure of the bowel or bladder.

In the case of a colostomy, as with other procedures, some individuals are helped more than others. Some become continent of feces with a colostomy and may not need to wear a bag. In this case, the resulting impairment is contemplated by the criteria listed under Level II. Individuals who have a colostomy have required surgery but may not have fecal leakage severe or frequent enough to require wearing of absorbent materials on most days. In fact, they may not need to wear absorbent materials at all. Others with a colostomy remain incontinent and must wear a bag. In our judgment, the need to wear a bag is akin to the Level III criteria, specifically, the need to wear absorbent materials. To assure consistency of evaluations for a relatively common procedure with different possible outcomes, we have added "a colostomy that requires wearing a bag" to the Level III criteria and "a colostomy that does not require wearing a bag" to the Level II criteria. Impairment resulting from other procedures and the use of other appliances can be assessed using the existing criteria to determine whether Level II (which would be the minimum) or Level III is appropriate, according to the extent of urinary or fecal incontinence.

VA appreciates the comment submitted in response to the proposed rule, which is now adopted with the amendments noted above.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Executive Order 12866

This regulatory amendment has been reviewed by the Office of Management and Budget under the provisions of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993.

Regulatory Flexibility Act

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

(The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.109.)

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: February 15, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.814, the heading for the section and paragraphs (a), (c)(2), and (d) are revised to read as follows:

§ 3.814 Monetary allowance under 38 U.S.C. 1805 for an individual suffering from spina bifida whose biological father or mother is or was a Vietnam veteran.

(a) VA will pay a monthly allowance based upon the level of disability determined under the provisions of paragraph (d) of this section to or for an individual who it has determined is suffering from spina bifida and whose biological father or mother is or was a Vietnam veteran. Receipt of this allowance will not affect the right of the individual or any other related individual to receive any other benefit to which he or she may be entitled under any law administered by VA. An individual suffering from spina bifida is entitled to only one monthly allowance under this section, even if the individual's biological father and mother are or were both Vietnam veterans.

* * * * *

(c) * * *

(2) *Individual.* For the purposes of this section, the term "individual" means a person, regardless of age or marital status, whose biological father or mother is or was a Vietnam veteran and who was conceived after the date on which the veteran first served in the Republic of Vietnam during the Vietnam era. Notwithstanding the provisions of § . 3.204(a)(1), VA shall require the types of evidence specified in §§ 3.209 and 3.210 sufficient to establish in the judgment of the Secretary that an individual's biological father or mother is or was a Vietnam veteran.

* * * * *

(d)(1) Except as otherwise specified in this paragraph, VA will determine the level of payment as follows:

(i) *Level I.* The individual walks without braces or other external support as his or her primary means of mobility in the community, has no sensory or motor impairment of the upper extremities, has an IQ of 90 or higher, and is continent of urine and feces without the use of medication or other means to control incontinence.

(ii) *Level II.* Provided that none of the disabilities is severe enough to warrant payment at Level III, and the individual: walks with braces or other external support as his or her primary means of mobility in the community; or, has sensory or motor impairment of the upper extremities, but is able to grasp pen, feed self, and perform self care; or, has an IQ of at least 70 but less than 90; or, requires medication or other means to control the effects of urinary bladder impairment and no more than two times per week is unable to remain dry for at least three hours at a time during waking hours; or, requires bowel management techniques or other treatment to control the effects of bowel impairment but does not have fecal leakage severe or frequent enough to require wearing of absorbent materials at least four days a week; or, has a colostomy that does not require wearing a bag.

(iii) *Level III.* The individual uses a wheelchair as his or her primary means of mobility in the community; or, has sensory or motor impairment of the upper extremities severe enough to prevent grasping a pen, feeding self, and performing self care; or, has an IQ of 89 or less; or, despite the use of medication or other means to control the effects of urinary bladder impairment, at least three times per week is unable to remain dry for three hours at a time during waking hours; or, despite bowel management techniques or other treatment to control the effects of bowel impairment, has fecal leakage severe or frequent enough to require wearing of absorbent materials at least four days a week; or, regularly requires manual evacuation or digital stimulation to empty the bowel; or, has a colostomy that requires wearing a bag.

(2) If an individual who would otherwise be paid at Level I or II has one or more disabilities, such as blindness, uncontrolled seizures, or renal failure that result either from spina bifida, or from treatment procedures for spina bifida, the Director of the Compensation and Pension Service may increase the monthly payment to the level that, in his or her judgment, best represents the extent to which the disabilities resulting from spina bifida limit the individual's ability to engage in ordinary day-to-day activities, including activities outside the home. A Level II or Level III payment will be awarded depending on whether the effects of a disability are of equivalent severity to the effects specified under Level II or Level III.

(3) VA may accept statements from private physicians, or examination reports from government or private institutions, for the purpose of rating spina bifida claims without further examination, provided the statements or reports are adequate for assessing the level of disability due to spina bifida under the provisions of paragraph (d)(1) of this section. In the absence of adequate medical information, VA will schedule an examination for the purpose of assessing the level of disability.

(4) VA will pay an individual eligible for a monetary allowance due to spina bifida at Level I unless or until it receives medical evidence supporting a higher payment. When required to reassess the level of disability under paragraph (d)(5) or (d)(6) of this section, VA will pay an individual eligible for this monetary allowance at Level I in the absence of evidence adequate to support a higher level of disability or if the individual fails to report, without good cause, for a scheduled examination. Examples of good cause include, but are not limited to, the illness or hospitalization of the claimant, death of an immediate family member, etc.

(5) VA will pay individuals under the age of one year at Level I unless a pediatric neurologist or a pediatric neurosurgeon certifies that, in his or her medical judgment, there is a neurological deficit that will prevent the individual from ambulating, grasping a pen, feeding himself or herself, performing self care, or from achieving urinary or fecal continence. If any of those deficits are present, VA will pay the individual at Level III. In either case, VA will reassess the level of disability when the individual reaches the age of one year.

(6) VA will reassess the level of payment whenever it receives medical evidence indicating that a change is warranted. For individuals between the ages of one and twenty-one, however, it must reassess the level of payment at least every five years.

Authority: 38 U.S.C. 501, 1805)

[FR Doc. 01–5450 Filed 3–5–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 19

RIN 2900–AK61

Appeals Regulations: Title for Members of the Board of Veterans' Appeals—Rescission

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: In a document published in the **Federal Register** on September 14, 2000 (65 FR 55461), we amended the Department of Veterans Affairs (VA) Appeals Regulations by providing that a Member of the Board of Veterans' Appeals (Board) may also be known as a Veterans Law Judge. Consistent with legal authority, we published the amendment without providing an opportunity for notice-and-comment.

On October 27, 2000, six veterans service organizations wrote to the Acting Secretary, opposing the amendment and arguing that they should have been provided an opportunity to comment before we made such a change. Under these circumstances, we agreed to rescind the amendment and propose to reestablish the amendment. Accordingly, this document rescinds the amendment. In a companion document in the "Proposed Rules" section of this issue of the **Federal Register**, we are proposing to amend the regulations to again provide that a Member of the Board may also be known as a Veterans Law Judge.

DATES: *Effective Date:* March 6, 2001.

FOR FURTHER INFORMATION CONTACT: Steven L. Keller, Senior Deputy Vice Chairman, Board of Veterans' Appeals (01C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202–565–5978).

SUPPLEMENTARY INFORMATION: This final rule concerns agency organization, procedure or practice and is not a substantive rule. Accordingly, this final rule is exempt from the notice-and-comment requirements and the delayed effective date provisions of 5 U.S.C. 553.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule will not affect small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

List of Subjects in 38 CFR Part 19

Administrative practice and procedure, Claims, Veterans.

Dated: February 21, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 19 is amended as set forth below:

PART 19—BOARD OF VETERANS' APPEALS: APPEALS REGULATIONS

1. The authority citation for part 19 continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. Section 19.2 is revised to read as follows:

§ 19.2 Composition of the Board.

The Board consists of a Chairman, Vice Chairman, Deputy Vice Chairmen, Members and professional, administrative, clerical and stenographic personnel. Deputy Vice Chairmen are Members of the Board who are appointed to that office by the Secretary upon the recommendation of the Chairman.

Authority: 38 U.S.C. 501(a), 512, 7101(a))

[FR Doc. 01–5451 Filed 3–5–01; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[CO–001–0056 and CO–001–0057; FRL–6951–1]

Standards of Performance for New Stationary Sources; Supplemental Delegation of Authority to the State of Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule and delegation of authority.

SUMMARY: The purpose of this document is to inform the public that, on September 8, 2000, EPA updated its delegation of authority to the State of Colorado for implementation and enforcement of the Federal new source performance standards (NSPS) as in effect on July 1, 1996 and for the NSPS for hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996 (40 CFR 60, subpart Ec, promulgated on September 15, 1997, 62 FR 48382). EPA granted delegation in response to requests dated June 27, 1997 and December 16, 1998 from the State of Colorado. EPA is also updating the table in 40 CFR part 60 regarding the NSPS delegation status for EPA Region VIII States. Last, EPA is updating the EPA Region VIII address and the State of Colorado's address listed in 40 CFR part 60.

EFFECTIVE DATE: This action will be effective April 5, 2001. The delegation of authority to Colorado became effective on September 8, 2000.

ADDRESSES: Copies of the documents relative to this delegation are available for inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466. Copies of the State documents relevant to this delegation are available for public inspection at the Air Pollution Control Division, Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80222–1530.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, EPA Region VIII, (303) 312–6445.

SUPPLEMENTARY INFORMATION:

I. What Is the Purpose of This Document?

EPA provides notice that, on September 8, 2000, we delegated authority to the State of Colorado to implement and enforce the NSPS of 40 CFR part 60 as in effect on July 1, 1996. EPA also delegated authority to Colorado to implement and enforce the NSPS for hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996 in 40 CFR part 60, subpart Ec (as promulgated on September 15, 1997 at 62 FR 48382). In addition, EPA is updating the table in 40 CFR 60.4 regarding the NSPS delegation status for Region VIII States. Last, EPA is updating the EPA Region VIII address and the State of Colorado's address listed in 40 CFR 60.4.

EPA considers these changes to 40 CFR 60.4 to be minor amendments. Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. Because these regulatory changes are minor in nature, EPA has determined that there is good cause for making today's changes to 40 CFR 60.4 final without prior proposal and opportunity for comment. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

II. What Is EPA's Authority for Granting Delegation?

Sections 110, 111(c)(1) and 301, of the Clean Air Act (Act), as amended, authorize EPA to delegate authority to implement and enforce the NSPS standards set out in 40 CFR part 60.

III. How Was the Delegation of Authority Granted by EPA?

On June 27, 1997 and December 16, 1998, the State of Colorado submitted requests for delegation of authority for the NSPS in effect as of July 1, 1996 and for 40 CFR part 60, subpart Ec, as promulgated on September 15, 1997 (62 FR 48382). These delegation requests were submitted subsequent to the State revising its adoption of the Federal NSPS by reference in Colorado's Regulation No. 6. With this adoption of the NSPS, the State adopted two new NSPS subparts: hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996 (Subpart Ec) and municipal solid waste landfills (Subpart WWW).

EPA granted delegation of authority to the State of Colorado to implement and enforce the NSPS in the following letter dated September 8, 2000:

Ref: 8P–AR

Honorable Bill Owens
Governor of Colorado, 136 State Capitol, Denver, Colorado 80203–1792

Dear Governor Owens:

On June 27, 1997 and on December 16, 1998, Margie Perkins, Director of the Colorado Air Pollution Control Division, requested delegation of authority for revisions to the New Source Performance Standards (NSPS) in Colorado's Regulation No. 6. The State revised its NSPS to adopt standards for two additional source categories. The State also updated its incorporation by reference of all the NSPS to reflect the July 1, 1996 version of the Federal regulations.

Subsequent to states adopting NSPS regulations, EPA delegates the authority for the implementation and enforcement of those NSPS, so long as the State's regulations are equivalent to the Federal regulations. EPA reviewed the pertinent statutes and regulations of the State of Colorado and determined that they provide an adequate and effective procedure for the implementation and enforcement of the NSPS by the State of Colorado. Therefore, pursuant to Section 111(c) of the Clean Air Act (Act), as amended, and 40 CFR Part 60, EPA hereby delegates its authority for the implementation and enforcement of two NSPS to the State of Colorado as follows:

(A) Responsibility for all sources located, or to be located, in the State of Colorado subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60. The categories of new stationary sources covered by this delegation are as follows: hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996 (Subpart Ec) and municipal solid waste landfills (Subpart WWW).

(B) Not all authorities of NSPS can be delegated to states under Section 111(c) of the Act, as amended. The EPA Administrator retains authority to implement those sections of the NSPS that require: (1) approving equivalency determinations and alternative test methods, (2) decision making to ensure national consistency, and (3) EPA rulemaking to implement. Therefore, of the NSPS of 40 CFR Part 60 being delegated in this letter, the following sections are not delegated to the State of Colorado:

(i) 40 CFR 60.56c(i) establishing operating parameters when using controls other than those listed in 40 CFR 60.56c(d) (Subpart Ec);

(ii) Alternative methods of demonstrating compliance under 40 CFR 60.8 (Subpart Ec); and (iii) 40 CFR 60.754(a)(5), pertaining to municipal solid waste landfills (Subpart WWW).

(C) As 40 CFR Part 60 is updated, Colorado should revise its regulations accordingly and in a timely manner.

This delegation is based upon and is a continuation of the same conditions as those stated in EPA's original delegation letter of August 27, 1975, except that condition 3, relating to Federal facilities, was voided by the Clean Air Act Amendments of 1977. Please also note that EPA retains concurrent enforcement authority as stated in condition 2. In addition, if at any time there is a conflict between a State and Federal NSPS regulation, the Federal regulation must be applied if it is more stringent than that of the State, as stated in condition 10. EPA published its August 27, 1975 delegation letter in the notices section of the October 31, 1975 **Federal Register** (40 FR 50748), along with an associated rulemaking notifying the public that certain reports and applications required from operators of new or modified sources shall be submitted to the State of Colorado (40 FR 50718). Copies of the **Federal Register** are enclosed for your convenience.

Since this delegation is effective immediately, there is no need for the State to notify the EPA of its acceptance. Unless we receive written notice of objections from you within ten days of the date on which you receive this letter, the State of Colorado will be deemed to accept all the terms of this delegation. EPA will publish an information notice in the **Federal Register** in the near future to inform the public of this delegation, in which this letter will appear in its entirety.

If you have any questions on this matter, please contact me or have your staff contact Richard Long, Director of our Air and Radiation Program, at (303) 312–6005.

Sincerely yours,
William P. Yellowtail,
Regional Administrator.

Enclosures.

cc: Margie Perkins, Director, Colorado Air Pollution Control Division.

IV. How Do I Know Which NSPS Subparts Have Been Delegated by EPA to the States?

We publish a table in 40 CFR 60.4 for Region VIII States that identifies, for each State, the NSPS subparts for which EPA has delegated authority to implement. In this document, we update that table to reflect the NSPS subparts delegated to Colorado.

V. What Are the Administrative Requirements Associated With This Document?

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely notifies the public of our delegation to Colorado and makes minor regulatory amendments. Thus, it imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely notifies the public of our delegation to the State to implement a Federal standard and makes minor regulatory changes. Thus, the rule does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing State delegation requests, EPA's role is to delegate authority to implement Federal standards, provided that the State meets the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to not grant a delegation request for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a delegation request, to use VCS in place of a State rule that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Taking" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. section 804(2). This rule will be effective April 5, 2001.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 7, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, ammonium sulfate plants, Beverages, Carbon monoxide, Cement industry, Coal, Copper, Drycleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Grains, Graphic arts industry, Household appliances, Insulation, Intergovernmental relations, Iron, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide, Paper and paper products industry, Particulate matter, Paving and roofing materials, Petroleum, Phosphate, Plastics materials and synthetics, Reporting and recordkeeping requirements, Sewage disposal, Steel, Sulfur oxides, Tires, Urethane, Vinyl, Waste treatment and disposal, Wool, Zinc.

Dated: February 26, 2001.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

Part 60, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 60—AMENDED

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, and 7601 as amended by the Clean Air Act Amendments of 1990, Pub. L. 101–549, 104 Stat. 2399 (November 15, 1990; 402, 409, 415 of the Clean Air Act as amended, 104 Stat. 2399, unless otherwise noted).

Subpart A—General Provisions

2. Section 60.4 is amended by:

a. Revising the address listed for "Region VIII" in paragraph (a) to read as follows;

b. Revising the address listed "State of Colorado" in paragraph (b)(G) to read as follows; and

c. Amending the table entitled "Delegation Status of New Source Performance Standards [(NSPS) for Region VIII]" by revising the entries for "Ec—Hospital/Medical/Infectious Waste Incinerators" and "WWW—Municipal Solid Waste Landfills" to read as follows:

§ 60.4 Address.

(a) * * *

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, 999 18th Street, Suite 300, Denver, CO 80222–2466.

* * * * *

(b) * * *

(G) State of Colorado, Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, CO 80222–1530.

* * * * *

(c) * * *

DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS

[(NSPS) for Region VIII]

Subpart	CO	MT–A[1]	ND	SD–A[1]	UTA[1]	WY
. . . .	.		.		.	
Ec—Hospital/Medical/Infectious Waste Incinerators	(*)		(*)	(*)		
. . . .	.		.		.	
WWW—Municipal Solid Waste Landfills	(*)		(*)	(*)	(*)	(*)

(*) Indicates approval of State regulation.

[1] Indicates approval of State regulation as part of the State Implementation Plan (SIP).

[FR Doc. 01–5416 Filed 3–5–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 991008273-0070-02; I.D. 022801B]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS closes the commercial hook-and-line fishery for Gulf king mackerel in the exclusive economic zone (EEZ) in the southern Florida west coast subzone. This closure is necessary to protect the overfished Gulf king mackerel resource.

DATES: The closure is effective 12:01 a.m., local time, March 2, 2001, through June 30, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, telephone: 727-570-5305, fax: 727-570-5583, e-mail: Mark.Godcharles@noaa.gov.

SUPPLEMENTARY INFORMATION:

INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, on February 19, 1998 (63 FR 8353), NMFS implemented a commercial quota of 2.34 million lb (1.06 million kg) for the eastern zone (Florida) of the Gulf migratory group of king mackerel. On April 27, 2000, NMFS divided the Florida west coast subzone of the eastern zone into northern and southern subzones and established a separate quota for the southern Florida west coast subzone of 1,082,250 lb (490,900 kg) (65 FR 16336, March 28, 2000). That quota was further divided into two equal quotas of 541,125 lb (245,450 kg) for vessels in each of two groups fishing with hook-and-line gear and run-around gillnets (50 CFR 622.42(c)(1)(i)(A)(2)(i)).

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel commercial fishery when its quota has been reached, or is projected to be reached, by filing a notification at the Office of the Federal Register. NMFS has determined that the commercial quota of 541,125 lb (245,450 kg) for Gulf group king mackerel for vessels using hook-and-line gear in the southern Florida west coast subzone was reached on March 1, 2001. Accordingly, the commercial hook-and-line fishery for king mackerel in the southern Florida west coast subzone is closed at 12:01 a.m., local time, March 2, 2001, through June 30, 2001, the end of the fishing year.

The Florida west coast subzone is that part of the eastern zone south and west of 25°20.4′ N. lat. (a line directly east from the Miami-Dade County, FL, boundary). The Florida west coast subzone is further divided into northern and southern subzones. The southern subzone is that part of the Florida west coast subzone that from November 1 through March 31 extends south and west from 25°20.4′ N. lat. to 26°19.8′ N. lat.(a line directly west from the Lee/Collier County, FL, boundary), i.e., the area off Collier and Monroe Counties. From April 1 through October 31, the southern subzone is that part of the Florida west coast subzone which is between 26°19.8′ N. lat. and 25°48′ N. lat.(a line directly west from the Monroe/Collier County, FL, boundary), i.e., the area off Collier County.

NMFS previously determined that the commercial quota for king mackerel from the western zone of the Gulf of Mexico was reached and closed that segment of the fishery on August 26, 2000 (65 FR 52350, August 29, 2000). Subsequently, NMFS determined that the commercial quota for Gulf group king mackerel in the northern Florida west coast subzone was reached and closed that segment of the fishery on November 19, 2000 (65 FR 70317, November 22, 2000). Next, NMFS determined that the commercial quota for Gulf group king mackerel for vessels fishing with run-around gillnets in the southern Florida west coast subzone was reached and closed that segment of the fishery on January 19, 2001 (66 FR 7591, January 24, 2001). Thus, with this closure, all commercial fisheries for Gulf group king mackerel in the EEZ are closed from the U.S./Mexico border through the southern Florida west coast subzone through June 30, 2001.

Except for a person aboard a charter vessel or headboat, during the closure, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for Gulf group king mackerel in the EEZ in the closed zones or subzones. A person aboard a vessel that has a valid charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed zones or subzones under the bag and possession limits set forth in 50 CFR 622.39(c)(1)(ii) and (c)(2), provided the vessel is operating as a charter vessel or headboat. Note, however, that the bag limit for an operator or crew member of a charter vessel or headboat is zero. A charter vessel or headboat that also has a commercial king mackerel permit is considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed zones or subzones taken in the EEZ, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in king mackerel from the closed zones or subzones that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor.

Classification

This action responds to the best available information recently obtained from the fishery. The closure must be implemented immediately to prevent an overrun of the commercial quota (50 CFR 622.42(c)(1)) of Gulf group king mackerel, given the capacity of the fishing fleet to quickly harvest the quota. Overruns could potentially lead to further overfishing and unnecessary delays in rebuilding this overfished resource. Any delay in implementing this action would be impractical and contradictory to the Magnuson-Stevens Act, the FMP, and the public interest. NMFS finds, for good cause, that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is waived.

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 28, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5427 Filed 3–1–01; 3:23 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 010112015-1015-01; I.D. 120500A]

RIN 0648-AO85

Atlantic Highly Migratory Species; Commercial Shark Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency rule; request for comments.

SUMMARY: NMFS issues emergency regulations to re-establish the commercial quotas for large and small coastal sharks and catch accounting/monitoring procedures at 1997 levels. These regulations are necessary to ensure that the regulations in force are consistent with the court-approved settlement agreement.

DATES: This emergency rule is effective March 6, 2001 through September 4, 2001. Comments must be received no later than 5 p.m. on June 4, 2001.

ADDRESSES: Written comments on this action must be mailed to Christopher Rogers, Acting Chief, NMFS Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910; or faxed to 301-713-1917. Comments will not be accepted if submitted via email or the Internet. Copies of the environmental assessment and regulatory impact review prepared for this action may be obtained from Margo Schulze-Haugen at the same address.

FOR FURTHER INFORMATION CONTACT: Margo Schulze-Haugen or Karyl Brewster-Geisz at 301-713-2347.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) is implemented by regulations at 50 CFR part 635.

On May 2, 1997, NMFS was sued by the Southern Offshore Fishing Association (SOFA) and other commercial fishermen and dealers on a regulation that reduced the large coastal shark (LCS) commercial quota by 50 percent to 1,285 metric tons (mt) dressed weight (dw) and established a small coastal shark (SCS) commercial quota of 1,760 mt dw.

In April 1999, in response to new requirements of the Magnuson-Stevens Act, NMFS published the final HMS FMP. The HMS FMP included numerous measures to rebuild or prevent overfishing of Atlantic sharks in commercial and recreational fisheries, including a rebuilding plan for LCS that further reduced commercial quotas and measures to prevent overfishing of SCS. On June 25, 1999, SOFA and commercial fishermen and dealers sued NMFS on the commercial shark measures in the HMS FMP and its implementing regulations.

On June 30, 1999, Judge Steven D. Merryday of the U.S. District Court for the Middle District of Florida enjoined the Atlantic shark commercial quotas and fish-counting methods (including the counting of dead discards and state commercial landings after Federal closures) adopted in the HMS FMP. The injunction ordered that NMFS maintain the commercial shark quotas and fish-counting methods at 1997 levels.

On June 12, 2000, in response to a joint motion, Judge Merryday ordered that NMFS may proceed with implementation and enforcement of the prohibited species provisions adopted in the HMS FMP.

Settlement Agreement

On November 21, 2000, plaintiffs and NMFS reached a settlement agreement

that would dismiss both lawsuits and prescribed actions to be taken by both parties. On December 7, 2000, Judge Merryday entered an order approving the settlement agreement. The settlement agreement requires NMFS to re-establish the 1997 commercial LCS quota and catch accounting/monitoring procedures (dead discards and state landings after Federal closure not counted against Federal quotas; no splitting of the LCS commercial quota into ridgeback and non-ridgeback subgroups; no minimum size for ridgeback LCS) pending an independent review of the 1998 LCS stock assessment. The settlement agreement also requires NMFS to re-establish the 1997 SCS commercial quota pending a new SCS stock assessment. Both the independent review of the 1998 LCS stock assessment and a new SCS stock assessment are anticipated to be completed in 2001. NMFS also anticipates conducting a new LCS stock assessment in 2001, which will also be independently reviewed.

NMFS determined that the settlement agreement was appropriate because it will conserve Atlantic sharks while maintaining a sustainable fishery in the long-term; move the management process for Atlantic sharks forward through quality-controlled scientific assessment and appropriate rulemaking; and promote confidence in the management process and its underlying science.

This emergency rule is necessary because, since the court injunction was dissolved per the settlement agreement, the HMS FMP and its implementing regulations are in force. Specifically, without this emergency rule, the reduced LCS and SCS commercial quotas of 616 mt dw and 329 mt dw, respectively, and the catch accounting/monitoring procedures adopted in the HMS FMP would remain in force, inconsistent with the court-approved settlement agreement. This emergency rule will ensure that the regulations in force are consistent with the court-approved settlement agreement.

Commercial Quotas and Catch Accounting/Monitoring Procedures

Pending completion of the independent review of the 1998 LCS stock assessment, this emergency rule establishes the LCS commercial quota at 1,285 mt dw; suspends the regulation on the ridgeback LCS minimum size; suspends the regulation on season-specific quota adjustments for LCS and SCS; and suspends the regulation on counting dead discards and state landings after Federal closures against Federal quotas. Pending completion of a new SCS stock assessment, this emergency rule establishes the SCS commercial quota at 1,760 mt dw. NMFS will ensure that the independent review of the 1998 LCS stock assessment and new stock assessments for LCS and SCS are completed as soon as possible. NMFS will take appropriate action at the earliest practicable date upon completion of these assessments and reviews to ensure the conservation of Atlantic sharks while maintaining a sustainable fishery in the long-term.

Classification

These emergency regulations are published under the authority of the Magnuson-Stevens Act. The Assistant Administrator for Fisheries (AA) has determined that these regulations are necessary to ensure that regulations in force are consistent with the court-approved settlement agreement.

NMFS prepared an Environment Assessment for this emergency rule that describes the impact on the human environment and found that no significant impact on the human environment would result. This emergency rule is of limited duration and is the surest and quickest way to conserve Atlantic sharks and ensure the long-term sustainability of shark fisheries. While this action could result in further LCS stock declines in the short-term, NMFS believes that the risks of protracted litigation (potentially several years) and uncertain outcome outweigh these short-term negative ecological impacts.

NMFS also prepared a Regulatory Impact Review for this action which assesses the economic costs and benefits of the action. Because the fishing quotas and catch accounting/ monitoring procedures for the LCS or SCS fisheries, as adopted in the HMS FMP and its implementing regulations, have been thus far enjoined by court order, re-establishing the 1997 management measures for the duration of this emergency rule will not change the short-term economic benefits or costs associated with the fisheries.

This emergency rule has been determined to be not significant for the purposes of Executive Order 12866.

NMFS issues this emergency rule, effective for 180 days, as authorized by section 305(c) of the Magnuson-Stevens Act. This emergency rule may be extended for an additional 180 days provided the public has had an opportunity to comment on the emergency rule and, at the time of extension, the agency is actively pursuing a plan amendment or proposed regulations to conserve Atlantic sharks on a permanent basis. NMFS will consider public comments on this emergency rule in determining whether to maintain or extend this emergency rule. Responses to comments will be provided if the emergency rule is revoked, modified, or extended. Because no general notice of proposed rulemaking is required to be published in the **Federal Register** for this emergency rule, the analytical requirements of the Regulatory Flexibility Act do not apply; thus, no Regulatory Flexibility Analysis was prepared.

The AA finds that there is good cause to waive the requirement to provide prior notice and an opportunity for public comment pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such provisions would be contrary to public interest. This emergency rule is necessary to meet the requirements of a court-approved settlement agreement. Further litigation that could further delay implementation of appropriate quotas is contrary to the public interest, because of the concern that LCS stocks would experience further decline during any protracted litigation.

The AA, under 5 U.S.C. 553(d)(3), also finds that there is good cause to waive the 30-day delay in the effective date of this emergency rule, as is normally required, because such delay would be contrary to the public good. The AA finds that this measure is necessary to meet the timely requirements of the court order and to achieve the agency's goals, as described here. Given NMFS's ability to communicate rapidly these regulations to fishing interests through the HMS Fax network, NOAA weather radio, press releases, mailing lists, and the HMS Infoline, the AA believes that affected fishermen and other interested persons will have sufficient and timely notice of this action.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing Vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: February 28, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

1. The authority citation for 50 CFR part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

§ 635.20 [Amended]

2. In § 635.20, paragraph (e)(1) is suspended effective from March 6, 2001 through September 4, 2001.

3. In § 635.27, paragraphs (b)(1)(i), (ii), and (iv)(A) and (C) are suspended and paragraphs (b)(1)(v) and (vi) are added, effective from March 6, 2001 through September 4, 2001, to read as follows:

§ 635.27 Quotas.

* * * * *

(b) * * *

(1) * * *

(v) *Large coastal and small coastal sharks.* The annual commercial quota for large coastal sharks is 1,285 mt dw, divided between two equal semiannual seasons, January 1 through June 30, and July 1 through December 31. The quota for each semiannual large coastal shark season is 642.5 mt dw. The length of each large coastal shark season will be determined based on the projected catch rates, available quota, and other relevant factors. NMFS will file with the Office of the Federal Register for publication in the **Federal Register** notification of the length of each season for large coastal sharks at least 30 days prior to the beginning of the season. The annual commercial quota for small coastal sharks is 1,760 mt dw, divided between two equal semiannual seasons, January 1 through June 30, and July 1 through December 31. The quota for each semiannual small coastal shark season is 880 mt dw.

(vi) NMFS will adjust the next year's semiannual quota for pelagic sharks to reflect actual landings during any semiannual period. For example, a commercial quota underharvest or overharvest in the season that begins January 1 will result in an equivalent increase or decrease in the following year's quota for the season that begins January 1, provided that the annual quota is not exceeded. NMFS will file with the Office of the Federal Register for publication in the **Federal Register** notification of any adjustment at least 30 days prior to the start of the next fishing season.

* * * * *

4. In § 635.28, paragraph (b)(1) is suspended and paragraph (b)(4) is added, effective from March 6, 2001 through September 4, 2001, to read as follows:

§ 635.28 Closures.

(b) * * *

(4) The commercial fishery for large coastal sharks will remain open for fixed semiannual fishing seasons, as specified at § 635.27(b)(1)(v). From the effective date and time of a season closure until additional quota becomes available, the fishery for large coastal sharks is closed, and sharks of that species group may not be retained on board a fishing vessel issued a commercial permit pursuant to § 635.4

* * * * *

[FR Doc. 01–5435 Filed 3–5–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[Docket No. 010165024-1024-10; I.D. 121500D]

RIN 0648-AO88

American Lobster; Interstate Fishery Management Plans

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of determination of noncompliance; declaration of a moratorium.

SUMMARY: In accordance with the Atlantic Coastal Fisheries Cooperative Management Act (Act), NMFS, upon a delegation of authority from the Secretary of Commerce (Secretary), has determined that the State of Rhode Island is not in compliance with Amendment 3 to the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan (ISFMP) for American Lobster, because the state has failed to implement and enforce a measure that is necessary for the conservation of American lobster. Pursuant to the Act, a Federal moratorium on fishing for American lobster within Rhode Island state waters is hereby declared and will be effective on May 1, 2001. If Rhode Island is found to be in compliance with the ISFMP for American lobster before that date, the moratorium will be withdrawn. The purpose of this action is to support and encourage implementation and enforcement of the Commission's American Lobster ISFMP.

DATES: Effective May 1, 2001.

ADDRESSES: Copies of an Environmental Assessment and Regulatory Impact Review (EA/RIR) are available from the Director, State, Federal and Constituent Programs Office, NMFS, 1 Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Harry Mears, NMFS, Northeast Region, 978–281–9144.

SUPPLEMENTARY INFORMATION:

Background

The purpose of the Act is to support and encourage the development, implementation, and enforcement of the Commission's ISFMPs to conserve and manage Atlantic coastal fishery resources. Section 806 of the Act specifies that, after notification by the Commission that an Atlantic coastal state is not in compliance with an ISFMP of the Commission, the Secretary must make a finding, no later than 30 days after receipt of the Commission's notification, on: (1) whether the state has failed to carry out its responsibilities to implement and enforce the Commission's ISFMP; and (2) whether the measures that the state has failed to implement and enforce are necessary for the conservation of the fishery in question. In making such a finding, the Act requires the Secretary to give careful consideration to the comments of the Commission, the Atlantic coastal state found out of compliance by the Commission, and the appropriate Regional Fishery Management Councils. If the Secretary finds that the state is not in compliance with the Commission's ISFMP and that the measures the state has failed to implement and enforce are necessary for the conservation of the fishery, the Secretary must declare a moratorium on fishing in that fishery within the waters of the noncomplying state. The Secretary must specify the moratorium's effective date, which may be any date within 6 months after the declaration of the moratorium. NMFS has been delegated this decision-making authority.

On November 6, 2000, the Secretary received a letter from the Commission prepared pursuant to section 806(b) of the Act. The Commission's letter stated that the State of Rhode Island's American lobster regulations did not meet the provisions of Amendment 3 to the Commission's ISFMP for American lobster and, therefore, the Commission found the State of Rhode Island out of compliance with the ISFMP.

Commission Findings of Non-compliance

The Commission adopted Amendment 3 to the ISFMP for American Lobster in December 1997. Under Amendment 3, states are required to implement and enforce the nontrap gear limit of no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip,

for trips 5 days or longer. The Commission found that the State of Rhode Island did not implement and is not enforcing this measure and, therefore, is not in compliance with the ISFMP for American Lobster.

NMFS Determination Regarding Compliance by the State of Rhode Island

NMFS met with representatives from the State of Rhode Island on December 5, 2000, to receive comments on their compliance status. Rhode Island temporarily reinstated the non-trap gear possession limit by emergency rule on November 29, 2000. Under Rhode Island law, regulations implemented by emergency action expire after 120 days unless replaced by a final rule. Therefore, there is no guarantee that this regulation will remain in effect after the 120-day period. On December 17, 2000, based on a careful analysis of all relevant information, including comments from the State of Rhode Island and the New England and Mid-Atlantic Fishery Management Councils, NMFS determined that the State of Rhode Island is not in compliance with the Commission's ISFMP for American lobster. This determination is based on Rhode Island's failure to implement and enforce on a permanent basis the nontrap gear limit of no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer as specified in Amendment 3.

Whether the Measure Is Necessary for Conservation

On December 17, 2000, NMFS also determined that implementation and enforcement of the nontrap gear limit by Rhode Island is necessary for the conservation of the resource. "Conservation" is defined in ACFCMA as "the restoring, rebuilding, and maintaining of any coastal fishery resource and the marine environment, in order to assure the availability of coastal fishery resources on a long-term basis." The most recent stock assessment (March 2000) indicates that all three stocks of American lobster are overfished. The stock assessment reveals that the lobster landings are comprised mainly of young lobsters that have just recruited into the fishery and have not had the opportunity to reproduce before being harvested. If states are not required to both implement and enforce mandatory measures of the ISFMP, the ability of the plan to rebuild American lobster stocks by meeting the necessary egg production goals is compromised.

Unless Rhode Island permanently implements and enforces the non-trap limit, non-trap vessels licensed to fish for lobster in Rhode Island state waters will be able to land unlimited numbers of lobsters. Uncontrolled harvest of lobster taken by non-trap gear is expected to result in elevated landings beyond historical levels, thereby resulting in higher fishing mortality, counter to ISFMP objectives to end overfishing of American lobster. Therefore, Rhode Island's implementation of the non-trap gear landing limit specified in Amendment 3 is necessary to allow the Commission to assure the sustainability of the fishery and long-term viability of the American lobster resource.

Declaration of a Moratorium

On December 18, 2000, NMFS notified the State of Rhode Island that it was not in compliance with Amendment 3 to the Commission's ISFMP for American lobsters, and that the measure Rhode Island failed to implement and enforce is necessary for the conservation of American lobsters. NMFS also indicated that it required further time to analyze the timing and impacts of the moratorium's implementation before declaring a moratorium, as required by law. The Act allows the effective date of the moratorium to be delayed for up to 6 months from the date on which the moratorium is declared. NMFS completed an Environmental Assessment and Regulatory Impact Review (EA/RIR), which analyze the impacts of various alternatives for the implementation of a moratorium. After a thorough review of the EA/RIR, NMFS is hereby declaring, pursuant to subsection 806(c) of the Act, a Federal moratorium on fishing for American lobsters in Rhode Island waters. Since Rhode Island has temporarily reinstated the non-trap gear possession limit by emergency rule on November 29, 2000, which will be in effect until March 28, 2001, NMFS is delaying implementation of the moratorium until May 1, 2001. If the State of Rhode Island is not in compliance with Amendment 3 to the ISFMP for American lobster by that date, a moratorium on fishing for American lobster in Rhode Island state waters will go into effect. If NMFS determines that the State of Rhode Island has complied with Amendment 3 to the ISFMP by May 1, 2000, NMFS will issue an appropriate announcement in the **Federal Register** rescinding the moratorium with respect to the State of Rhode Island. Delaying the effective date of the moratorium until May 1, 2001, will allow Rhode Island time to complete its legislative process to issue permanent regulations implementing the non-trap limit, and will provide the Commission time to review the new regulations for compliance. The delay will not significantly diminish American lobster conservation efforts because the state has implemented the non-trap possession limit as a temporary measure effective until March 28, 2001. The delay will not significantly impact the American lobster resource for several reasons. As indicated in the March 2000 lobster stock assessment, migrating lobsters move offshore in the fall and winter and inshore during the spring and summer. While lobsters are in inshore waters in April, generally they are inactive due to a variety of factors, such as water temperature and burrowing activity; therefore, they are less likely to be caught. Furthermore, those present in inshore waters are likely to be below the minimum legal size and cannot be retained. Total landings of lobsters for the month of April 1999, in Rhode Island State waters accounted for 2.3 percent of the state's total lobster harvest, equivalent to approximately 54,000 lbs (22.5 metric tons). In comparison, monthly landings from Rhode Island State waters from May 1 through December 31 averaged about 260,000 lbs (117.9 metric tons).

If the moratorium goes into effect, NMFS will terminate it as soon as possible upon determination that the State has taken appropriate remedial actions to bring it into compliance with the the Commission's ISFMP for American lobster

The moratorium on fishing for American lobster includes the statutory prohibitions listed in subsection 806(e) of the Act (16 U.S.C. 5106(e)). Subsection 806(e) states: "During the time in which a moratorium under this section is in effect, it is unlawful for any person to - (1) violate the terms of the moratorium or of any implementing regulation issued under subsection 806(d) of this section; (2) engage in fishing for any species of fish to which the moratorium applies within the waters of the State subject to the moratorium; (3) land, attempt to land, or possess fish that are caught, taken, or harvested in violation of the moratorium or of any implementing regulation issued under subsection (d) of this section; (4) fail to return to the water immediately, with a minimum of injury, any fish to which the moratorium applies that are taken incidental to fishing for species other than those to which the moratorium applies, except as provided by regulations issued under subsection (d) of this section; (5) refuse to permit any officer authorized to enforce the provisions of this chapter to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this chapter; (6) forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection under this chapter; (7) resist a lawful arrest for any act prohibited by this section; (8) ship, transport, offer for sale, sell, purchase, import, or have custody, control or possession of, any fish taken or retained in violation of this chapter; or (9) interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such person has committed any act prohibited by this section."

Classification

This declaration of a moratorium and rule are consistent with section 806 of the Atlantic Coastal Fisheries Cooperative Management Act.

The Assistant Administrator for Fisheries, NOAA (AA), finds that providing prior public notice and opportunity for comment is impracticable and unnecessary. Providing prior notice and opportunity for comment would be impracticable, because it would prevent the agency from executing its functions under section 806 of the Act in a timely manner. Section 806 contemplates quick action on the declaration of a moratorium that would not be possible if prior notice and an opportunity for comment are provided. Furthermore, providing prior notice and opportunity for comment would be unnecessary because it would serve no purpose. The nature of a moratorium is described in section 806 of the Act and, therefore, cannot be modified in response to public comments. Therefore, the AA, under 5 U.S.C. 553(b)(B), finds that good cause exists to waive the requirement of prior notice and opportunity for comment.

Because prior notice and opportunity for public comment are not required for this action by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Federalism Summary Impact Statement

The Act does not explicitly preempt state law. Rather, section 806 of the Act provides clear evidence that Congress intended the Secretary to have the authority to preempt state law. That authority has been delegated from the Secretary to NMFS. NMFS has met the special requirements for preemption under section 4 of Executive Order 13132. The agency, in declaring a moratorium on fishing for American lobsters in Rhode Island state waters has restricted the preemption of state law to the minimum level necessary to achieve the objectives of the statute.

NMFS notified the Governor of Rhode Island on November 13, 2000, of the Commission's non-compliance determination, and the possibility that a moratorium may be declared, and offering him an opportunity to meet and present comments on these issues. In response, Rhode Island requested a meeting with NMFS representatives. This meeting occurred on December 5, 2000.

Rhode Island was found out of compliance because on June 6, 2000, Part 15.18 to the Rhode Island Marine Fisheries Statutes and Regulations was repealed by the Rhode Island Marine Fisheries Council. This section imposed a possession limit on the number of lobsters that could be harvested by commercial vessels using methods other than pots or traps. As a result of the repeal of this section, effective June 29, 2000, vessels permitted by the State of Rhode Island to harvest lobster by a method other than traps may land an unlimited number of lobsters. Consequently, the State of Rhode Island has failed to implement and enforce the required possession limit of 100 lobsters per day/500 lobsters per trip for non-trap gear as mandated in the ISFMP for American lobster.

Rhode Island representatives stated that the non-trap possession limit was temporarily reinstated by Rhode Island's Director of the Department of Environmental Management (DEM) by emergency action on November 29, 2000. In issuing the emergency action, the Director stated that "...imminent peril exists to the public health, safety and welfare which requires the adoption of the [non-trap gear lobster possession limit] prior to notice of promulgation and opportunity for public comment. Specifically, I find that without the adoption of the attached regulation, the welfare of a significant portion of the state's commercial fishing industry and their families, which rely upon American lobster, would be jeopardized." The Director further states in the emergency adoption of the regulations,"... Failure to take action at this time would negatively affect the numerous commercial fishing vessels, which rely on American lobster and not allow for the orderly development of the fishery." Rhode Island's Administrative Procedures Act allows measures implemented by emergency action to be effective for a period of 120 days; accordingly, the state's emergency measures will expire March 28, 2001. Rhode Island had informed both NMFS and the Commission's Lobster Management Board (Board) of this emergency action at the Board's meeting on November 30.

Rhode Island representatives also stated that they did not agree with the need for a non-trap gear lobster possession limit, and that implementation of the emergency action should not be viewed as implicit agreement with the need for the non-trap regulations by Rhode Island. Further, NMFS was told that the Rhode Island Marine Fisheries Council will hold a hearing on the matter in February to garner public comments, and will decide then whether to continue the emergency rule or let it expire. Therefore, there is no guarantee that this regulation will remain in effect after the 120 day period. Rhode Island intends to ask its congressional delegation to meet with NMFS officials in the near future to further discuss this issue.

On December 18, 2000, the AA wrote to the Governor of Rhode Island notifying him that NMFS completed its independent review and concurred with the Commission's findings that Rhode Island was out of compliance, and that the measure Rhode Island failed to implement and enforce is necessary for the conservation of the American lobster fishery. NMFS indicated that it required further time to analyze the timing and impacts of the moratorium's before issuing a declaration of a moratorium, as required by law. The Act allows the effective date of the moratorium to be delayed for up to 6 months from the date on which the moratorium is declared.

In a subsequent letter to the AA, the Executive Director of the Commission indicated that although the State of Rhode Island was making an effort to come into compliance by temporarily reinstating the measure, the state will not be in full compliance until the non-trap measure is permanently reinstated. Consequently, the Executive Director recommended delaying any potential moratorium "to allow the state to complete its regulatory process."

In response to Rhode Island's comments received during the December 5, 2000, meeting and a subsequent request by the Commission to delay the moratorium to allow Rhode Island time to complete its regulatory process, NMFS, pursuant to section 806(c) of the Act, declares a Federal moratorium on fishing for American lobsters in Rhode Island state waters effective May 1, 2001. If Rhode Island is found in compliance with the Commission's ISFMP for American

lobster before that date, the moratorium will be withdrawn. The delay until May 1 will allow Rhode Island time to complete its legislative process to issue permanent regulations implementing the non-trap limit, and will provide the Commission time to review the new regulations for compliance.

This declaration of moratorium has been determined to be significant for purposes of Executive Order 12866.

Dated: February 28, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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Proposed Rules

Federal Register

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 923

[Docket Nos. 99AMS–FV–923–A1; FV00–923–1]

Sweet Cherries Grown in Designated Counties in Washington; Secretary's Decision and Referendum Order on Proposed Amendment of Marketing Agreement No. 134 and Marketing Order No. 923

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and referendum order.

SUMMARY: This decision proposes amendments to the marketing agreement and order (order) for sweet cherries and provides growers with the opportunity to vote in a referendum to determine if they favor the proposed amendments. The proposed amendments were submitted by the Washington Cherry Marketing Committee (Committee), which is responsible for local administration of the order. The proposed amendments would: increase the production area to cover the area in the State of Washington east of the Cascade Mountain Range and allow for special purpose shipments of cherries to packing operations outside the production area; increase representation on the Committee by adding an additional handler member; provide for late payment and interest charges on delinquent assessments; authorize establishment of container marking requirements; and allow prospective Committee members and alternates to qualify for membership by filing a single form. The Fruit and Vegetable Programs (F&V) of the Agricultural Marketing Service (AMS) proposed establishing of tenure requirements for Committee members and requiring that continuance referenda be conducted every 6 years. These proposals are intended to improve the operation and functioning of the Washington sweet cherry marketing order program.

DATES: The referendum shall be conducted from April 10, 2001, through April 27, 2001. The representative period for the purpose of the referendum is April 1, 1999, through March 31, 2000.

FOR FURTHER INFORMATION CONTACT: Teresa Hutchinson, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Northwest Marketing Field Office, 1220 SW. Third Avenue, room 369, Portland, Oregon 97204; telephone (503) 326–2724 or Fax (503) 326–7440; or Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, Washington, DC 20250–0200; telephone: (202) 720–2491, or Fax: (202) 720–8363.

Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491; Fax (202) 720–8353.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued on November 3, 1999, and published in the November 8, 1999, issue of the **Federal Register** (64 FR 60733). Recommended Decision and Opportunity to File Written Exceptions issued on November 2, 2000, and published in the **Federal Register** on November 9, 2000 (65 FR 67584).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

Question and Answer Overview

What Circumstances Led to This Secretary's Decision and Referendum Order?

The Committee, which is responsible for local administration of the marketing order, recommended amending the current order. A hearing was held on the proposed amendments in Yakima, Washington, on November 16, 1999.

The Washington Cherry Marketing Order was created in 1957 and has never been amended. Since that time, cherry production has dramatically increased in areas outside the current 6-county production area.

The marketing order's primary authority is the use of grade, size and container regulations for fresh shipments of cherries from the production area. The purpose of these regulations is to ensure the shipment of high quality cherries. The order has allowed the industry to develop the reputation for shipping a quality product, which has allowed producers to ship and sell sweet cherries in a more stable marketplace.

The primary purpose of this proceeding is to expand the production area to include the other sweet cherry producing counties in Washington and maintain the high quality image of the Washington sweet cherry. This proceeding would also allow shipments of cherries outside the production area for packing, to accommodate growers in the proposed production area who have their cherries packed in Oregon.

The Committee also recommended increasing representation on the Committee, allowing for late payment and interest charges on unpaid assessments, authorizing container marking requirements and other administrative changes.

AMS proposed establishing a limit on the number of consecutive terms a person may serve as a member on the Committee and requiring that continuance referenda be conducted every 6 years to ascertain industry support for the order.

Upon the basis of evidence introduced at the hearing and the record thereof, the Administrator of the Agricultural Marketing Service (AMS) on November 2, 2000, filed with the Hearing Clerk, U.S. Department of Agriculture, a Recommended Decision and Opportunity to File Written Exceptions thereto by December 11, 2000. No exceptions were filed.

Who Would Be Impacted by This Action?

Growers and handlers of sweet cherries in the current and proposed production area would be affected by these amendments. Handlers would be required to pay assessments based on the amount of cherries handled. The current assessment rate is 75 cents per ton of cherries handled. Handlers would also be required to abide by the regulations in effect under the order

which includes obtaining Federal/State inspections on all cherries to ensure that marketing order requirements are met. Current regulations specify certain size, maturity and pack requirements and are based on the State of Washington grade standards.

Field-run cherries from Washington growers sent to Oregon packers would have to meet these requirements as well.

Who Is Eligible To Vote in The Referendum?

To be eligible to vote in the referendum, growers must currently be producers and they must have produced sweet cherries in the production area during the period April 1, 1999, through March 31, 2000. The amendments to the order will become effective only if approved by at least two-thirds of those growers voting in the referendum, or by growers producing at least two-thirds of the volume of sweet cherries represented in the referendum.

When Will the Referendum Be Held?

A producer referendum will be conducted from February 14, 2001, through February 28, 2001, among all affected producers. The referendum will be conducted by mail ballot, and producers can vote on each of the seven proposed amendments.

Preliminary Statement

The proposed amendments were formulated on the record of a public hearing held in Yakima, Washington on November 16, 1999. The hearing was held to consider the proposed amendment of Marketing Agreement No. 134 and Marketing Order No. 923, regulating the handling of sweet cherries grown in designated counties of Washington, hereinafter referred to as the "order." The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the Act, and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR part 900). The Notice of Hearing contained amendment proposals submitted by the Committee and the U.S. Department of Agriculture.

The Committee proposed 5 amendments: (1) Increase the production area to cover the area in the State of Washington east of the Cascade Mountain Range; to redefine the districts established under the order; and to authorize special purpose shipments, with appropriate safeguards, to facilitate the movement of cherries to packing facilities outside the production area; (2) increase representation on the Committee by adding one additional handler member; (3) authorize the Committee, with USDA approval, to collect late payment and interest charges on delinquent assessments; (4) authorize the Committee, with USDA approval, to establish container marking requirements; and (5) authorize Committee nominees to qualify as a member or alternate by filing a written acceptance of willingness to serve prior to the selection.

Also, the Fruit and Vegetable Programs of the Agricultural Marketing Service (AMS), U.S. Department of Agriculture, proposed three amendments: (1) Establish a limit on the number of consecutive terms a person may serve as a member of the Committee; (2) require that continuance referenda be conducted every 6 years to ascertain grower support for the order; and (3) adopt such changes as may be necessary to the order, if any of the above amendments are adopted, so that all of its provisions conform with those amendments. No conforming changes have been deemed necessary.

Upon the basis of evidence introduced at the hearing and the record thereof, the Administrator of the Agricultural Marketing Service (AMS) on November 2, 2000, filed with the Hearing Clerk, U.S. Department of Agriculture, a Recommended Decision and Opportunity to File Written Exceptions thereto by December 11, 2000. None were received.

Small Business Considerations

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the AMS has considered the economic impact of this action on small entities. Accordingly, the AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions so that small businesses will not be unduly or disproportionately burdened. Small agricultural producers have been defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $500,000. Small agricultural service firms, which include handlers regulated under the order, are defined as those with annual receipts of less than $5,000,000.

Interested persons were invited to present evidence at the hearing on the probable regulatory and informational impact of the proposed amendments on small businesses. The record indicates that growers and handlers would not be burdened by any additional regulatory requirements, including those pertaining to reporting and recordkeeping as a result of these proposed amendments.

Marketing orders and amendments thereto are unique in that they are normally brought about through group action of essentially small entities for their own benefit. Thus, both the RFA and the Act are compatible with respect to small entities.

The record indicates that there are approximately 75 handlers currently regulated under Marketing Order No. 923. There are two additional packing houses in the proposed production area that would be considered handlers if the production area is expanded. There are four packing operations in Oregon that pack Washington cherries for grower/handlers. In addition, there are approximately 1,400 cherry growers in the current production area. There would be approximately 200 additional growers if the production area is expanded as proposed.

In 1998, Washington produced 96,000 tons of sweet cherries. The average price for fresh cherries in 1998 was $1,600 per ton. This computes to approximate revenues for the 1998 crop of $153,600,000. The record indicated that approximately 15 handlers handle the majority of the crop and could be classified as large businesses. Thus, a majority of sweet cherry handlers could be classified as small entities. The same is estimated with regard to the packing houses in Oregon.

Dividing total production from 1998 by the number of growers in the proposed production area, the average grower produces about 60 tons of cherries annually. With an average price of $1,600 per ton for 1998 sweet cherries, average revenues would be $96,000. Thus, it is reasonable to conclude that most sweet cherry growers are small entities.

Industry Background

Sweet cherries rank second to apples as the most important fruit grown in Washington, with a value of production of $128.7 million. Washington growers produced 96,000 tons of sweet cherries in 1998, which is 46 percent of the nation's total.

The varieties of sweet cherries subject to regulation under the order are: Bing, Chelan, Lambert, Lapin, Rainier, and Sweetheart. Shipping of these cherries generally begins around June 15 and usually ends around August 15. The most active harvest period is from June 10 through July 20.

The order authorizes the use of grade, size and container regulations for the fresh shipment of sweet cherries from the production area. The regulations, specify certain size, maturity and pack requirements. The current regulations are based on Washington grade standards and apply to specific varieties. The purpose of these regulations is to ensure the shipment of high quality cherries. The order has allowed the industry to develop the reputation for shipping a quality product, which has allowed producers to ship and sell fruit in a more stable marketplace.

Washington is the leading producer of sweet cherries for fresh market sale. Washington's main competitors in domestic fresh markets are California and Oregon. From 1994 through 1998, Washington produced an average of 55,600 tons per year. This represents 59 percent of the total sweet cherries marketed fresh. California produced an average of 20,460 tons per year and Oregon produced 12,900 tons per year from 1994 through 1998.

Sweet cherries are also grown in Idaho, Montana and Utah, as well as Michigan, New York and Pennsylvania. Bearing acreage figures are not published for the States of Idaho and Montana. Utah's production area totals 600 acres, and has been declining. Bearing acreage figures are published for Michigan, New York and Pennsylvania, but the majority of sweet cherries grown in those states are not sold in fresh markets. The fruit in these States are produced and marketed during the summer months each year. While these States compete with Washington, Oregon and California in the marketing of fresh sweet cherries, their production is relatively small.

From 1964 through 1998, total U.S. production of sweet cherries increased 332 percent and fresh utilization increased 393 percent. This suggests that fresh shipments have been growing in importance, while the processing sector has remained relatively stable. Over the past five seasons, 66 percent of Washington's production moved into fresh markets.

Over the last 30 years, prices between the three primary growing States have been very competitive. Prices in California, Washington and Oregon have averaged $1,166, $1,028 and $798 per ton, respectively. California prices are slightly higher than prices in Washington or Oregon. One of the reasons that California prices average higher than Washington's is that California shipments begin in the early part of May, when competition in the fresh fruit market is limited. Washington shipments do not start until the middle of June. Early-season shippers generally receive a premium for their product on the fresh market.

Fresh prices for Washington sweet cherries receive a premium over processing sweet cherries. From 1969 to 1998, fresh prices have increased more than 350 percent. Fresh cherry prices were $350 per ton in 1969 and were as high as $2,150 per ton in 1996. Prices were $1,600 per ton in 1998.

While California growers receive higher prices than Washington growers on average, Washington's value of production is much greater than California's or Oregon's. This is due to higher yields and larger production levels in Washington. This likely indicates that Washington growers have a comparative cost advantage over California or Oregon growers. In 1998, Washington reported its highest value of fresh production, $113.6 million. This compares to a 1998 value of fresh production of $17.9 million for California and $22.6 million for Oregon. The value of fresh production has increased more than 150 percent since 1991.

Exports play an important role in the marketing of Washington sweet cherries. With increasing bearing acres and production levels trending toward 100,000 tons in the near future, increasing levels of exports can be anticipated. However, competition in the export markets is expected to be high. California continues to export a large volume of their increasing production. In addition, China is estimated to have 25,000 acres of cherries planted. Spain, Greece, Turkey, Iran, Lebanon, Syria and some Eastern European countries have also increased production levels. These countries do not import sweet cherries into the U.S.

Exports of fresh Washington sweet cherries have been increasing, in particular during the 1997 and 1998 seasons. Exports reached a high of 21,148 tons in 1997. In 1998, exports increased 35 percent over the 1997 levels, achieving a new high of 28,560 tons.

Export markets demand a high quality product. With a limited shelf life, these fresh deliveries of sweet cherries require a high quality product. The shipment of low quality product could ruin years of market development in an export market. Grades and standards assure the shipment of high quality fruit into export markets, and small growers as well as large growers will benefit.

Production Area and Shipments Outside Production Area

When the marketing order was created in 1957, sweet cherries were primarily grown in only 6 counties in the State of Washington. The 6 counties that are currently regulated are Okanogan, Chelan, Douglas, Grant, Benton, and Yakima. The 14 additional counties proposed for inclusion are Kittitas, Klickitat, Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin.

Cherry production has dramatically increased in areas within the State of Washington that are outside the current production area. As more land has come into irrigation and farmers look for alternative crops to grow, sweet cherry production is expected to increase in areas outside the current production area.

The proposed amendment to increase the production area to cover the area in the State of Washington east of the Cascade Mountain Range, to redefine the districts in order to include the additional counties and to authorize special purpose shipments, with appropriate safeguards, allowing movement of cherries to packing operations outside the production area would improve the effectiveness of the marketing order by ensuring that the major cherry producing counties in Washington are covered under the marketing order. In addition, including counties with potential to produce significant amounts of sweet cherries would ensure that all major production would be covered under the marketing order in the future. The proposed amendment would also benefit growers, especially growers not currently regulated under the order, by allowing many of these growers to continue shipping their cherries to Oregon for packing.

The Committee has been discussing amending the order in this regard for many years. In 1990, a subcommittee composed of small and large growers and handlers was appointed to study the expansion of the production area. The Committee discussed expanding the production area with producers located outside the production area. Out of these discussions, it was determined that if the production area was expanded, the authority to grade and pack cherries outside the production area was also needed in order to allow growers in the proposed production area to avoid financial hardships by maintaining continuity in the packing of their cherries.

In March 1998, the Committee recommended numerous amendments to the marketing order, including covering the entire State of Washington in the production area. In August 1999, the Committee recommended modifying the recommendation on the production area proposal from regulating the entire

State to only including the eastern part of the State.

Alternatives to the current proposal on the expansion of the production area were considered by the Committee. These alternatives were: (1) including the entire State of Washington; (2) including the States of Washington and Oregon; and (3) including the States of Washington, Oregon, Idaho and Utah. Committee representatives communicated with growers and handlers in these regions. Public meetings on the subject were publicized in these growing areas and interested parties were encouraged to attend. Committee members also attended grower meetings in these areas to discuss expansion of the production area.

Regarding including the entire State of Washington, the Committee determined that due to weather conditions, it would be unlikely that cherries could be commercially produced in significant amounts west of the Cascade Mountain Range in Washington. Average production in this area is 50 tons per year. Testimony indicated that excessive rain causes serious quality problems with sweet cherries, such as cracking. Generally, weather conditions in eastern Washington are more favorable for growing sweet cherries, as well as other horticultural crops.

Representatives from Idaho and Utah believed that their production and marketing could be easily distinguished and segregated from Washington and Oregon production. In addition, it was believed the Idaho and Utah sweet cherry industry was not large enough to make an impact on Washington cherries. Statistical data presented at the hearing on the volume of cherries produced in Idaho and Utah supports this belief.

Oregon's sweet cherry industry primarily borders the State of Washington, but representatives from Oregon believed their industry should be kept separate from the Washington industry. The record evidence revealed that Oregon already has two organizations that represent the interests of sweet cherry growers, the Oregon Sweet Cherry Commission and the Wasco County Fruit and Produce League. These organizations collect assessments based on cherry production. According to record testimony, the Oregon growers did not see the need to form another organization to protect their interests. In addition, testimony indicated that Oregon growers did not want to become a minor part of the Washington order.

An organization called the Northwest Cherry Growers also represents the States of Washington, Oregon, Idaho and Utah. This group is responsible for collecting assessments based on cherry tonnage and directing promotion programs for sweet cherries grown in these four states.

Based on record evidence, the Committee considered these various alternatives and concluded that the proposal it submitted on the expansion of the production area is the most reasonable alternative. The proposed production area is the smallest regional area, which is practicable, while maintaining program effectiveness.

The record revealed that the average cherry farm size in Washington ranges from 3 or 4 acres to several hundred acres. The average farm is approximately 40 acres. According to testimony, there are approximately 180 growers in the proposed production area that are larger that the average farm. Some farms in the proposed production area, particularly in Franklin County, are 50 to 200 acres. Although much of this acreage is currently non-producing, testimony indicated that the potential exists for significant production. Unlike the western part of the State where significant production is not anticipated, if those areas with significant production potential are not regulated, it could have a detrimental impact on the favorable Washington sweet cherry quality image.

Testimony was received at the hearing on the costs associated with the proposed amendments. This testimony indicated that costs associated with this proposal would be minor. The total annual cost of production for a mature orchard is $7,413.06 per acre. The current assessment of 75 cents per ton comprises less than 1 percent of total production costs. Any increase in assessments resulting from this proposed amendment would not have a significant negative financial impact on growers or handlers. Testimony indicated that the annual assessment could even be reduced due to additional cherries being assessed with the expansion of the production area.

Applying grades and standards to the new production areas should provide benefits to small producers. The grades and standards allow small producers the opportunity to develop a reputation for producing and delivering a consistent, high quality product. These grades and standards provide incentives and rewards for the production of high quality product. In addition, the establishment of uniform grades and standards across all the production areas provides a level field for competition among both small and large growers. Testimony indicated that as production increases, quality issues become more important and production is expected to increase in excess of 100,000 tons for the first time in the industry's history.

The 1999–2000 budget for the Committee is $62,815, of which $3,388 is earmarked for compliance efforts. Testimony indicated that increased compliance and administrative costs necessary to monitor this proposal would not be significant. It was testified that the benefits of strengthening the market would outweigh any increase in costs. Adversely, if the production area is not redefined, testimony indicated that the Washington cherry image could be harmed, as more and more areas are growing cherries. In addition, indications are that a large number of non-bearing acres are coming into production inside and outside the current production area. Adding to the increase in production are growers of other crops, such as grain and apples, looking for alternative crops to grow in order to supplement incomes. Sweet cherries are an option these growers consider.

The Washington cherry market distinguishes itself from competitors. More product is available from Washington than the other cherry producing States. The Washington cherry market is more diverse and national in scope, and testimony indicated that buyers have confidence in Washington sweet cherries due to consistent quality. Testimony revealed that this distinction is a direct result of the establishment of minimum quality requirements under the marketing order. If the proposal to allow cherry shipments outside the production area for packing is implemented there are safeguards in place to ensure that minimum quality requirements are met. If these facilities fail to abide by the applicable requirements, the committee can rescind their privileges and Washington cherries could not be delivered to that facility.

When regulations are in place, all cherries in the production area are required to be inspected and certified as meeting established requirements. The Washington State Department of Agriculture's Fruit and Vegetable Inspection Program (WSDA), headquartered in Olympia, Washington collaborates with USDA–AMS, Fresh Products Branch to provide inspection to marketing order commodities in Washington. WSDA's district offices are located in Yakima, Wenatchee and Moses Lake. These main district offices have area offices in strategic locations to

the various growing areas in the State. WSDA employs approximately 150–160 full-time inspection staff throughout the State. In addition, during peak harvest periods, temporary inspectors are hired.

The WSDA operates on a user-fee basis; no appropriated funds are received. Inspection fees pay for the program to operate.

Except for random inspections conducted on fruit stands to comply with a cherry fruit fly quarantine program, WSDA provides inspections only upon request. The applicant indicates to WSDA what type of inspection is needed, such as compliance with a marketing order.

The fees for cherry inspections are 21 cents per hundred weight or $23/hour, whichever is greater, plus additional charges for travel time and mileage. The larger growers have individual inspectors stationed at their warehouses during the season. The time and mileage charges are more frequently assessed to the smaller grower/packer because of the small volumes inspected and remote locations. However, WSDA attempts to mitigate costs, especially to small growers and handlers. WSDA helps smaller growers mitigate these costs by meeting growers halfway between their orchard and the inspection office or WSDA authorizes the grower to bring the product to the inspection office.

Individual shipments not exceeding 100 pounds in the aggregate are exempt from the regulations, as well as cherries for home use and cherries not intended for re-sale. In addition, shipments for consumption by charitable institutions, for distribution by relief agencies or for commercial processing into products are exempt from regulation.

Testimony indicated that increased costs associated with more cherries being inspected in accordance with marketing order requirements would be offset by consistent quality and a stable market place. In addition, most handlers already pack their cherries and have them inspected in accordance with marketing order requirements, regardless of whether the cherries are grown inside or outside the current production area.

Minimum quality and size standards in the proposed production area would maintain the integrity of the product so that the commodity's overall quality image is not diminished by a low quality sample. The principle objective of a grading system is to make the market work more efficiently. Minimum quality and size requirements would improve information between buyers and sellers. Contracts could be made based on grade specifications, and buyers need not personally inspect each lot of product. Standardization of quality and size reduces uncertainty between buyers and sellers, and this helps reduce marketing costs. The goal of an effective grading system is to improve quality and size. Minimum quality and size standards would help ensure that substandard produce does not find its way to the market and destroy consumer confidence and harm producer returns. Cherries that do not meet the grade and size requirements can be sold in the processed market.

In addition to proximity to their orchards, there are other reasons growers select certain packinghouses. Many growers select handlers based on the quality of pack, the packinghouse image and/or whether or not the handler is a cooperative. These options for growers would be limited if they were no longer able to have their cherries packed in Oregon.

Testimony indicated that existing packing facilities in the State of Washington could have difficulty handling the volume of Washington cherries if the production continues to increase. The proposal to allow shipments of Washington cherries outside the production area for packing would specifically address this issue. This proposal would provide flexibility in moving product in and out of the marketing order production area.

WSDA currently has an agreement with the Oregon Department of Agriculture covering the border area between both states, namely in the Bingen, Washington area, where Oregon Department of Agriculture conducts the inspections to Washington standards and marketing order specifications. Testimony indicated this agreement works well, as it assists the WSDA in supplying quality inspections in that area. Testimony indicated that the inspection office does not envision any oversight burden imposed by these proposals that it cannot meet. Safeguard provisions are incorporated into this proposal to ensure compliance with the proposal to authorize shipments outside the production area.

If the production area is expanded, it would be necessary to incorporate the additional counties regulated into the districts currently established under the order. The Committee discussed dividing the production area into three districts and distributing the counties and membership across these districts. The Committee was concerned that this would entail increasing Committee membership by more than one handler member as proposed and discussed in Material Issue No. 2. The record indicated that the Committee believed a 16 member Committee would be the most effective. Therefore, it was decided to distribute the counties proportionately among the two districts.

The proposed District 1 encompasses the northern part of the production area and District 2 encompasses the southern part. In 1997 production in proposed District 1 was approximately 44,300 tons of sweet cherries and in proposed District 2, 45,500 tons. In addition, tons packed in each proposed district is close to equal. This distribution of counties among the two districts would provide for equal representation of handlers and growers from each district.

Committee Representation

The proposed amendment to increase representation on the Committee by adding one additional handler member would improve representation on the Committee and allow the Committee to function more efficiently.

Record evidence supports increasing the membership on the Committee by one handler member. The Washington sweet cherry industry is growing. Bearing acres and production are increasing and markets, including exports, are expanding. Although the Committee's recommendation to increase the number of Committee members by one initially related to the expansion of the production area, the record testimony revealed that the Committee would prefer to have an additional handler member even if the production area is not expanded.

Increasing representation on the Committee would allow additional input in Committee decisions. Having equal handler representation for each district is reasonable considering that the volume handled is similar in each district, regardless if the production area is expanded. Costs of adding an additional member to the Committee would be minimal.

In its deliberations, the Committee discussed alternatives to address appropriate representation and districting should the production area be expanded. One alternative was to divide the area into three districts and distribute membership proportionately across these districts. This alternative would have likely entailed increasing membership by more than one. The Committee was concerned that increasing the number of members by more than one would hinder the decisionmaking capability of the Committee. The Committee agreed that 16 members was an appropriate number for the Committee to be most effective while adequately representing the expanded production area.

Late Payment and Interest Charges on Delinquent Assessments

The proposed amendment to authorize the Committee, with AMS approval, to collect late payment and interest charges on delinquent assessments would encourage handlers to pay their assessments on time. Assessments not paid promptly add an undue burden on the Committee because the Committee has ongoing projects and programs funded by assessments that are functioning throughout the year. The addition of such a charge is consistent with standard business practices. No costs would be associated for handlers who pay timely assessments.

Late payment and interest charges for delinquent assessments would provide an incentive for handlers to pay on time. This would result in fewer funds needed by the Committee for collection activities. Also, the fees derived from late payment and interest charges would partially compensate the Committee for its collection efforts.

Container Marking Requirements

The proposed amendment to authorize the Committee, with AMS approval, to establish container marking requirements would further expand and enhance the current container and pack requirements already being used. Uniform marking requirements would assist in avoiding confusion in the marketplace.

Testimony indicated that no significant costs would be incurred if this authority were implemented because handlers already have the equipment to mark containers. Container markings are currently accomplished by handlers, on an individual basis. The benefits of this proposed amendment would be in the form of uniform marking requirements for Washington sweet cherries.

Combining Forms Required by Committee Nominees

The proposed amendment to authorize Committee nominees to qualify as a member or alternate by filing a written acceptance of willingness to serve prior to the selection would allow the selection process to take place in a more timely fashion.

The proposal would delete the requirement that the selected member/alternate file a written acceptance after notification of selection and combine the acceptance letter with the background statement submitted prior to selection. The nominee would, in effect, be indicating willingness to serve on the Committee prior to being selected.

Testimony indicated that there is no benefit in waiting for the nominee to sign the acceptance letter after being selected. No negative impacts are anticipated from implementing this proposal. However, the benefits are that the nominees are only required to sign and deliver one form. In addition, the Committee could obtain all pertinent information well ahead of the time for seating of the new Committee, thereby operating more efficiently.

Committee Tenure Requirements

The proposed amendment to add tenure requirements for Committee members would allow more persons the opportunity to serve as members on the Committee. It would provide for more diverse membership, provide the Committee with new perspectives and ideas, and increase the number of individuals in the industry with Committee experience. It is anticipated that this proposed amendment would not increase costs to small businesses.

Continuance Referenda

The proposed amendment to require that continuance referenda be conducted on a periodic basis to ascertain industry support for the order would allow growers the opportunity to vote on whether to continue the operation of the marketing order. Although this proposed amendment may generate minimal Committee costs to assist in conducting the referenda, there are no additional costs anticipated for small businesses.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the reporting and recordkeeping provisions that would be generated by the proposed amendments have been submitted to the Office of Management and Budget (OMB). Specifically, if the production area is expanded, the overall burden of completion of all Committee generated forms and reports could increase due to additional handlers being regulated, as well as additional growers in the regulated area. Current total burden hours are approximately 69 hours and only relate to referenda and nominations. Sixty eight of these hours relate to producer referenda and handlers signing of marketing agreements. The other hour covers time spent by Committee members and alternates completing membership forms. Adding the additional growers and handlers from the expanded production area would increase the overall burden for referenda documentation by approximately 22 hours. Adding an additional handler member would increase the overall burden to complete nomination forms from 1.25 hours to 1.33 hours. The documentation required to implement the safeguard provisions for the four packing facilities in Oregon are yet to be established, but it is not anticipated that the overall burden would be dramatically increased. It is anticipated an application form would be developed for these packing operations. These provisions and any additional provisions modifying reporting and recordkeeping burdens that generate from these proposed amendments would not be effective until receiving OMB approval. Current information collection requirements for part 923 are approved by OMB under OMB number 0581–0189. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule. All of these amendments are designed to enhance the administration and functioning of the marketing order to the benefit of the industry.

While the implementation of these requirements may impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of these costs may be passed on to growers. However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, the meetings regarding these proposals as well as the hearing date were widely publicized throughout the Washington sweet cherry production area and proposed production area and all interested persons were invited to attend the meetings and the hearing and participate in Committee deliberations on all issues. All Committee meetings and the hearing were public forums and all entities, both large and small, were able to express views on these issues. The Committee itself is composed of 15 members, of whom five are handlers and ten are producers. Finally, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following web site: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

Civil Justice Reform

The amendments proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have retroactive effect. If adopted, the proposed amendments would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with the amendments.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

Findings and Conclusions

The material issues, findings and conclusions, rulings, and general findings and determinations included in the Recommended Decision set forth in the November 9, 2000, issue of the **Federal Register** (65 FR 67584) are hereby approved and adopted.

Marketing Agreement and Order

Annexed hereto and made a part hereof is the document entitled "Order Amending the Order Regulating the Handling of Sweet Cherries Grown in designated counties of Washington." This document has been decided upon as the detailed and appropriate means of effectuating the foregoing findings and conclusions.

It is hereby ordered, That this entire decision be published in the **Federal Register**.

Referendum Order

It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR part 900.400 *et seq.*) to determine whether the issuance of the annexed order amending the order regulating the handling of sweet cherries grown in designated counties in Washington is approved or favored by growers, as defined under the terms of the order, who during the representative period were engaged in the production of sweet cherries in the production area.

The representative period for the conduct of such referendum is hereby determined to be April 1, 1999, through March 31, 2000.

The agents of the Secretary to conduct such referendum are hereby designated to be Gary Olson and Teresa Hutchinson, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW. Third Avenue, room 369, Portland, Oregon 97204; telephone (503) 326–2724.

List of Subjects in 7 CFR Part 923

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

Dated: March 1, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

Order Amending the Order Regulating the Handling of Sweet Cherries Grown in designated counties in Washington [1]

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings and Determinations Upon the Basis of the Hearing Record

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure effective thereunder (7 CFR part 900), a public hearing was held upon the proposed amendments to the Marketing Agreement and Order No. 923 (7 CFR part 923), regulating the handling of sweet cherries grown in designated counties in Washington.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The marketing agreement and order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The marketing agreement and order, as hereby proposed to be amended, regulate the handling of sweet cherries grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing order upon which hearings have been held;

(3) The marketing agreement and order, as hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act; and

(4) The marketing agreement and order, as hereby proposed to be amended, prescribe, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of sweet cherries grown in the production area; and

(5) All handling of sweet cherries grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, all handling of sweet cherries grown in designated counties in Washington, shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby proposed to be amended as follows:

The provisions of the proposed marketing agreement and the order amending the order contained in the Recommended Decision issued by the Administrator on November 2, 1999, and published in the **Federal Register** on November 9, 1999, shall be and are the terms and provisions of this order amending the order and are set forth in full herein.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

1. The authority citation for 7 CFR part 923 continues to read as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Authority: 7 U.S.C. 601–674.

2. Revise § 923.4 to read as follows:

§ 923.4 Production area.

Production area means the counties of Okanogan, Chelan, Kittitas, Yakima, Klickitat in the State of Washington and all of the counties in Washington lying east thereof.

3. Amend § 923.14 by revising paragraphs (a) and (b) to read as follows:

§ 923.14 District.

* * * * *

(a) *District 1* shall include the Counties of Chelan, Okanogan, Douglas, Grant, Lincoln, Spokane, Pend Oreille, Stevens, and Ferry.

(b) *District 2* shall include the counties of Kittitas, Yakima, Klickitat, Benton, Adams, Franklin, Walla Walla, Whitman, Columbia, Garfield and Asotin.

§ 923.20 [Amended]

4. Amend § 923.20 as follows:

(a) In the first sentence remove the word "fifteen" and add the word "sixteen" in its place;

(b) In the third and fourth sentences remove the word "five" and add the word "six" in its place;

(c) In the fifth sentence, remove the words "four" and "six" and add the word "five" in their place; and

(d) In the sixth sentence, remove the word "two" and add the word "three" in its place.

5. Revise § 923.21 to read as follows:

§ 923.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning April 1 and ending March 31. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. Committee members shall not serve more than three consecutive terms. Members who have served for three consecutive terms must leave the committee for at least one year before becoming eligible to serve again.

6. Revise § 923.25 to read as follows:

§ 923.25 Acceptance.

Any person prior to selection as a member or an alternate member of the committee shall qualify by filing with the Secretary a written acceptance of willingness to serve on the committee.

7. Revise § 923.41 by adding a new paragraph (c) to read as follows:

§ 923.41 Assessments.

* * * * *

(c) If a handler does not pay any assessment within the time prescribed by the committee, the assessment may be subject to an interest or late payment charge, or both, as may be established by the Secretary as recommended by the committee.

§ 923.52 [Amended]

8. In § 923.52, paragraph (a)(3) is amended by adding the word "markings,"; after the word "dimensions,".

9. Amend § 923.54 as follows

Remove the words "(including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 923.45)," in paragraph (b) and add a new sentence at the end of the paragraph; and add a new sentence at the end of paragraph (c) to read as follows:

§ 923.54 Special purpose shipments.

* * * * *

(b) * * * Specified purposes under this section may include shipments of cherries for grading or packing to specified locations outside the production area and shipments to facilitate the conduct of marketing research and development projects established pursuant to § 923.45.

(c) * * * The committee may rescind or deny to any packing facility the special purpose shipment certificate if proof satisfactory to the committee is obtained that cherries shipped for the purpose stated in this section were handled contrary to the provisions of this section.

10. Amend § 923.64 by adding a new sentence at the beginning of paragraph (c) to read as follows:

§ 923.64 Termination

* * * * *

(c) The Secretary shall conduct a referendum six years after [the effective date of this paragraph] and every sixth year thereafter to ascertain whether continuance of this part is favored by growers. * * *

* * * * *

[FR Doc. 01–5418 Filed 3–5–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[Docket No. FV01–993–1 PR]

Dried Prunes Produced in California; Undersized Regulation for the 2001–02 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on changes to the undersized regulation for dried prunes received by handlers from producers and dehydrators under Marketing Order No. 993 for the 2001–02 crop year. The marketing order regulates the handling of dried prunes produced in California and is administered locally by the Prune Marketing Committee (Committee). This rule would remove the smallest, least desirable of the marketable size dried prunes produced in California from human consumption outlets and allow handlers to dispose of the undersized prunes in such outlets as livestock feed. The Committee estimated that this rule would reduce the excess of dried prunes by approximately 3,400 tons while leaving sufficient prunes to fulfill foreign and domestic trade demand.

DATES: Comments received by April 16, 2001, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698, or E-mail: moab.docketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

FOR FURTHER INFORMATION CONTACT: Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 993, both as amended (7 CFR part 993), regulating the handling of dried prunes in California, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposal will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposal invites comments on changes to the undersized regulation in § 993.49(c) of the prune marketing order for the 2001–02 crop year for supply management purposes. The regulation removes prunes passing through specified screen openings. For French prunes, the screen opening would be increased from $^{23}/_{32}$ to $^{24}/_{32}$ of an inch in diameter; and for non-French prunes, the opening would be increased from $^{28}/_{32}$ to $^{30}/_{32}$ of an inch in diameter. This rule would remove the smallest, least desirable of the marketable size dried prunes produced in California from human consumption outlets. This rule would be in effect from August 1, 2001, through July 31, 2002, and was unanimously recommended by the Committee at a November 29, 2000, meeting.

Section 993.19b of the prune marketing order defines undersized prunes as prunes which pass freely through a round opening of a specified diameter. Section 993.49(c) of the prune marketing order establishes an undersized regulation of $^{23}/_{32}$ of an inch for French prunes and $^{28}/_{32}$ of an inch for non-French prunes. These diameter openings have been in effect for quality control purposes. Section 993.49(c) also provides that the Secretary upon a recommendation of the Committee may establish larger openings for undersized dried prunes whenever it is determined that supply conditions for a crop year warrant such regulation. Section 993.50(g) states in part: "No handler shall ship or otherwise dispose of, for human consumption, the quantity of prunes determined by the inspection service pursuant to § 993.49(c) to be undersized prunes." Pursuant to § 993.52 minimum standards, pack specifications, including the openings prescribed in § 993.49(c), may be modified by the Secretary on the basis of a recommendation of the Committee or other information.

Pursuant to the authority in § 993.52 of the order, § 993.400 modifies the undersized prune openings prescribed in § 993.49(c) to permit openings of $^{23}/_{32}$ or $^{24}/_{32}$ of an inch for French prunes and $^{28}/_{32}$ or $^{30}/_{32}$ of an inch for non-French prunes.

During the 1974–75 and 1977–78 crop years, the undersized prune regulation was established by the Department at $^{23}/_{32}$ of an inch in diameter for French prunes and $^{28}/_{32}$ of an inch in diameter for non-French prunes. These diameter openings were established in §§ 993.401 and 993.404, respectively (39 FR 32733, September 11, 1974; and 42 FR 49802, September 28, 1977). In addition, the Committee recommended and the Department established volume regulation percentages during the 1974–75 crop year with an undersized regulation at the aforementioned 23/32 and $^{28}/_{32}$ inch diameter screen sizes. During the 1975–76 and 1976–77 crop years, the undersized prune regulation was established at $^{24}/_{32}$ of an inch for French prunes and $^{30}/_{32}$ of an inch for non-French prunes. These diameter openings were established in §§ 993.402 and 993.403 respectively (40 FR 42530, September 15 1975; and 41 FR 37306, September 3, 1976). The prune industry had an excess supply of prunes—particularly small size prunes. Rather than recommending volume regulation percentages for the 1975–76, 1976–77, and 1977–78 crop years, the Committee recommended the establishment of an undersized prune regulation applicable to all prunes received by handlers from producers and dehydrators during each of those crop years.

The objective of the undersized prune regulations during each of those crop years was to preclude the use of small prunes in manufactured prune products such as juice and concentrate. Handlers could not market undersized prunes for human consumption, but could dispose of them in nonhuman outlets such as livestock feed.

With these experiences as a basis, the marketing order was amended on August 1, 1982, establishing the continuing quality-related regulation for undersized French and non-French prunes under § 993.49(c). That regulation has removed from the marketable supply those prunes which are not desirable for use in prune products.

As in the 1970's, the prune industry is currently experiencing an excess supply of prunes. During the 1998–99 crop year, an undersized prune regulation was established at $^{24}/_{32}$ of an inch for French prunes, and $^{30}/_{32}$ of an inch for non-French prunes. These diameter openings were established in § 993.405 (63 FR 20058, April 23, 1998). With larger than desired carryin inventories and a 1999–2000 prune crop of about 172,000 natural condition tons, the Committee unanimously recommended continuing with an undersized prune regulation at $^{24}/_{32}$ of an inch in diameter for French prunes and $^{30}/_{32}$ of an inch in diameter for non-French prunes. These diameter openings were established in § 993.406 (64 FR 23759, May 4, 1999) and made effective from August 1, 1999, through July 31, 2000. With larger than desired carryin inventories and a 2000–01 prune crop of about 203,000 natural condition tons, the Committee unanimously recommended continuing with an undersized prune regulation at $^{24}/_{32}$ of an inch in diameter for French prunes and $^{30}/_{32}$ of an inch in diameter for non-French prunes. These diameter openings were established in § 993.407 (65 FR 29945, May 10, 2000) and made effective from August 1, 2000, through July 31, 2001.

For the 1998–99 crop year, the carryin inventory level reached a record high of

126,485 natural conditions tons. Excessive inventories tend to dampen producer returns, and cause weak marketing conditions. The carryin for the 1999–2000 crop year was reduced to 59,944 natural condition tons. This reduction was due to the low level of salable production in 1998–99 (about 102,521 natural condition tons and 50 percent of a normal size crop) and the undersized prune regulation. The carryin for the 2000–01 crop increased to 65,131 natural condition tons. This increase was due to a larger crop size of about 172,000 natural condition tons and reduced shipments during the 1999–2000 crop year. According to the Committee, the desired inventory level to keep trade distribution channels full while awaiting the new crop has ranged between 35,353 and 42,071 natural condition tons since the 1996–97 crop year, while the actual inventory has ranged between 59,944 and 126,485 natural condition tons since that year. The desired inventory level for early season shipments fluctuates from year-to-year depending on market conditions.

At its meeting on November 29, 2000, the Committee unanimously recommended continuing an undersized prune regulation at $^{24}/_{32}$ of an inch in diameter for French prunes and $^{30}/_{32}$ of an inch in diameter for non-French prunes during the 2001–02 crop year for supply management purposes. This regulation would be in effect from August 1, 2001, through July 31, 2002.

The Committee estimated that there would be an excess of about 41,476 natural condition tons of dried prunes as of July 31, 2001. This proposed rule would continue to remove primarily small-sized prunes from human consumption channels, consistent with the undersized prune regulation that was implemented for the 1998–99, 1999–2000, and 2000–01 crop years. It is estimated that approximately 3,400 natural condition tons of small prunes would be removed from human consumption channels during the 2001–02 crop year as a result of this rule. This would leave sufficient prunes to fill domestic and foreign trade demand during the 2001–02 crop year, and provide an adequate carryout on July 31, 2002, for early season shipments until the new crop is available for shipment. According to the Committee, the desired inventory level to keep trade distribution channels full while awaiting the 2001–02 crop is about 41,000 natural condition tons.

In its deliberations, the Committee reviewed statistics reflecting: (1) A worldwide prune demand which has been relatively stable at about 260,000 tons; (2) a worldwide oversupply that is expected to continue growing this century (estimated at 299,420 natural condition tons by the year 2005; (3) a continuing oversupply situation in California caused by increased production from increased plantings and higher yields per acre (between the 1990–91 and 2000–01 crop years, the yields ranged from 1.2 to 2.6 versus a 10-year average of 2.1 tons per acre); and (4) California's continued excess inventory situation. The production of these small sizes ranged from 1,335 to 8,778 natural condition tons during the 1990–91 through the 1999–2000 crop years. The Committee concluded that it has to continue utilizing supply management techniques to accelerate the return to a balanced supply/demand situation in the interest of the California dried prune industry. The proposed changes to the undersized regulation for the 2001–02 crop year are the result of these deliberations, and the Committee's desire to gradually bring supplies in line with market needs.

The industry's oversupply situation is expected to continue over the next few years due to new prune plantings in recent years with higher yields per acre. These plantings have a higher tree density per acre than the older prune plantings. During the 1990–91 crop year, the non-bearing acreage totaled 5,900 acres; but by 1998–99, the non-bearing acreage had quadrupled to more than 26,000 acres. The non-bearing acreage has subsequently been reduced to 22,000 acres during the 1999–2000 crop year. The 1996–97 through 1999–2000 yields have ranged from 1.2 to 2.6 tons per acre. Over the last 10-years, the average was 2.1 tons per acre.

The 2000–01 dried prune crop is expected to be 203,000 natural condition tons. Another large crop of about 193,000 natural condition tons is expected for the 2001–02 crop year, partly because of an anticipated increase in bearing acreage.

The 1997–98 crop year producer prices for the $^{24}/_{32}$ size French prunes have been about $40–$50 per ton, about $260–$270 per ton below post harvest costs. During the 2000–01 crop year, feedlots are paying about $35 to $40 per ton for the $^{24}/_{32}$ size French prunes, which is about $270–275 per ton below post harvest costs. The lower producer prices are expected to continue as an incentive for production of larger size prunes. The larger sizes will help the industry better meet the increasing market demand for larger-sized pitted prunes.

The 1998–99, 1999–2000, and 2000–01 undersized prune rules of $^{24}/_{32}$ of an inch for French prunes and $^{30}/_{32}$ of an inch for non-French prunes have expedited the reduction of small prune inventories, but more needs to be done to bring supplies into balance with market demand. The excess inventory on July 31, 2000, was 65,131 natural condition tons, and about 3,400 natural condition tons of dried prunes are expected to be removed from the 2000–01 marketable supply by the current undersized regulation. The Committee believes that the same undersized regulation also should be implemented during the 2001–02 crop year to continue reducing the inventories of small prunes, to help reduce the expected large 2001–02 prune crop, and more quickly bring supplies in line with demand. Attainment of this goal would benefit all of the producers and handlers of California prunes.

The recommended decision of June 1, 1981 (46 FR 29271) regarding undersized prunes states that the undersized prune regulation at the $^{23}/_{32}$ and $^{29}/_{32}$ inch diameter size openings would be continuous for the purposes of quality control even in above parity situations. It further states that any change (i.e., increase) in the size of those openings would not be for the purpose of establishing a new quality-related minimum. Larger openings would only be applicable when supply conditions warranted the regulation of a larger quantity of prunes as undersized prunes. Thus, any regulation prescribing openings larger than those in § 993.49(c) should not be implemented when the grower average price is expected to be above parity. The season average price received by prune growers ranged from 39 percent to 62 percent of parity during the 1994 through 1999 seasons. As discussed later, the average grower price for prunes during the 2001–02 crop year is not expected to be above parity, and implementation of this more restrictive undersized regulation would be appropriate in reference to parity.

Section 8e of the Act requires that when certain domestically produced commodities, including prunes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements for the domestically produced commodity. This action would not impact the dried prune import regulation because the action would affect volume control, not quality control. The smaller diameter openings of $^{23}/_{32}$ of an inch for French prunes and $^{29}/_{32}$ of an inch for non-French prunes were implemented to improve product quality. The recommended increases to $^{24}/_{32}$ of an inch in diameter for French prunes and $^{30}/_{32}$ of an inch in diameter for non-French prunes are for purposes of volume control. Therefore, the increased diameters would not be applied to imported prunes.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,250 producers of dried prunes in the production area and approximately 22 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

An updated industry profile shows that 9 out of 22 handlers (41%) shipped over $5,000,000 worth of dried prunes and could be considered large handlers by the Small Business Administration. Thirteen of the 22 handlers (59%) shipped under $5,000,000 worth of prunes and could be considered small handlers. An estimated 109 producers, or less than 9% of the 1,250 total producers, would be considered large growers with annual incomes over $500,000. The majority of handlers and producers of California dried prunes may be classified as small entities.

This proposed rule would establish an undersized prune regulation of $^{24}/_{32}$ of an inch in diameter for French prunes and $^{30}/_{32}$ of an inch in diameter for non-French prunes for the 2001–02 crop year for inventory management purposes. This change in regulation would result in more of the smaller sized prunes being classified as undersized prunes and is expected to benefit producers, handlers, and consumers. The larger screen openings currently in place for 2000–01 are expected to remove about 3,400 tons of dried prunes from the excess marketable supply. The Committee estimated that there will be an excess of about 41,400 natural condition tons of dried prunes on July 31, 2001. Implementation of the larger openings in 2001–02 is expected to reduce that surplus by about 3,400 tons.

Because the benefits and costs of the proposed action would be directly proportional to the quantity of $^{24}/_{32}$ screen French prunes and $^{30}/_{32}$ screen non-French prunes produced or handled, small businesses should not be disproportionately affected by the proposal. While variation in sugar content, prune density, and dry-away ratio vary from county to county, they also vary from orchard to orchard and season to season. In the major producing areas of the Sacramento and San Joaquin Valleys (which account for over 99 percent of the state's production), the prunes produced are homogeneous enough that the proposal should not be viewed as inequitable by large and small producers in any area of the State.

The quantity of small prunes in a lot is not dependent on whether a producer or handler is small or large; but is primarily dependent on cultural practices, soil composition, and water costs. The cost to minimize the quantity of small prunes is similar for small and large entities. The anticipated benefits of this rule are not expected to be disproportionately greater or lesser for small handlers or producers than for large entities. The only additional costs on producers and handlers expected from the increased openings would be the disposal of additional tonnage (now estimated to be about 3,400 tons) to nonhuman consumption outlets. These costs are expected to be minimal and would be offset by the benefits derived by the elimination of some of the excess supply of small-sized prunes.

At the November 29, 2000, meeting, the Committee discussed the financial impact of this change on handlers and producers. Handlers and producers receive higher returns for the larger size prunes. Prunes eliminated through the implementation of this rule have very little value. As mentioned earlier, the current situation for producers of these small sizes is quite bleak with producers losing about $270–$275 on every ton delivered to handlers. During the 2000–01 crop year, the feedlot prices for $^{24}/_{32}$ screen French prunes ranges between $35 and $40 per ton. This price is a little lower than the $40–50 price during the 1998–99 crop year. The cost of drying a ton of such prunes is $260 per ton at a 4 to 1 dry-away ratio, transportation is at least $20 per ton, and the producer assessment paid to the California Prune Board (a body which administers the State marketing order for promotion) is $30 per ton. The total cost is about $310 per ton which equates to a loss of about $270–$275 per ton for every ton of $^{24}/_{32}$ screen French prunes produced and delivered to handlers.

Utilizing data provided by the Committee, the Department has evaluated the impact of the proposed undersized regulation change upon producers and handlers in the industry. The analysis shows that a reduction in the marketable production and handler inventories could result in higher season-average prices, which would benefit all producers. The removal of the smallest, least desirable of the marketable dried prunes produced in California from human consumption outlets would eliminate an estimated 3,400 tons of small-sized dried prunes during the 2001–02 crop year from the marketplace. This would help lessen the negative marketing and pricing effects resulting from the excess inventory situation facing the industry. California prune handlers reported that they held 65,131 tons of natural condition prunes on July 31, 2000, the end of the 1999–2000 crop year. The 65,131 ton year-end inventory is larger than what is desired for early season shipments by the prune industry. The desired inventory level is based on an average 12-week supply to keep trade distribution channels full while awaiting new crop. Currently, it is about 41,000 natural condition tons. This leaves a 2000–01 inventory surplus of about 24,000 tons. The undersized regulation will help reduce the surplus, but the anticipated large 2001–02 prune crop is expected to worsen the supply imbalance.

One of the primary reasons for this proposed rulemaking action is that the dried prune industry continues to be plagued by high carryin inventories. California prune handlers estimate that 82,286 tons of prunes (natural condition) will be inventoried at the end of the 2000–01 crop year. This will result in a surplus of 41,476 tons over the industry's desired carryout of 40,810 tons.

Increasing the screen openings is an attempt to moderately reduce and control the marketable production and carryin inventory. If the marketable supply and the carryin inventory are both reduced, then prices may be expected to increase. If no action is taken, rising production levels, high inventories, and low grower prices will continue.

To assess the impacts that regulation has on the prices growers receive for their product, an econometric model has been estimated. The two variables of interest in this model are marketable production and carryin inventory. Both of the estimated parameters for these variables are negative and statistically significant. This provides evidence that

reducing the marketable supply and the carryin inventory would result in higher grower prices. This action would benefit all growers and handlers regardless of size.

Increasing the undersized openings would result in a reduced level of marketable production. The Committee estimates that marketable production will be reduced by 3,400 tons, or 2.2 percent. If marketable production for the 2001–02 crop year is reduced by 2.2 percent, the model suggests an increase in prices of approximately 0.9 percent compared to taking no action. Although increasing the undersized openings will only have a modest effect on marketable production, price increases would result. This proposed action would not only help reduce the oversupply situation, but improve the quality of the manufactured prune products by removing the smaller, less desirable prunes from the supply chain.

Without increasing the undersized openings, the industry could be expected to continue to build unwanted inventories. These inventories have a depressing effect on grower prices. The econometric model shows that, for every 1 percent increase in carryin inventories, a decrease in grower prices of 0.12 percent occurs.

This action would not result in a shortage of prunes for either retail or food service outlets. Inventories are expected to remain above desired levels and marketable production is anticipated to be in excess of demand. Additionally, this action is not expected to have a significant impact on retail or food service outlet prices.

In summary, increasing the openings in the sizing screens may reduce the volume of marketable production and decrease the carryin inventory. If the rule change accomplishes these two intended effects, the model shows that season-average prices will be slightly higher than if the screen openings remain unchanged. A higher season-average price should benefit all producers regardless of size.

As the marketable dried prune production and surplus prune inventories are reduced through this proposal, and producers continue to implement improved cultural and thinning practices to produce larger-sized prunes, continued improvement in producer returns is expected.

For the 1991–92 through the 1999–2000 crop years, the season average price received by the producers ranged from a high of $1,140 per ton to a low of $778 per ton during the 1998–99 crop year. The season average price received by producers during that 9-year period ranged from 39 percent to 68 percent of parity. Based on available data and estimates of prices, production, and other economic factors, the season average producer price for 2000–01 season is expected to be about the same as the 1999–2000 season average producer price of $892 per ton, or about 42 percent of parity.

The Committee discussed alternatives to this change, including making no changes to the undersized prune regulation and allowing market dynamics to foster prune inventory adjustments through lower prices on the smaller prunes. While reduced grower prices for small prunes are expected to contribute toward a slow reduction in dried prune inventories, the Committee believed that the undersized rule change is needed to expedite that reduction. With the excess tonnage of dried prunes, the Committee also considered establishing a reserve pool and diversion program to reduce the oversupply situation. A third alternative discussed was to advance to a $^{28}/_{32}$ screen undersized regulation for French prunes. However, handlers expressed concern that this would reduce the amount of manufacturing prunes available for the manufacture of prune juice and concentrate. The first two initiatives were not supported because they would not specifically eliminate the smallest, least valuable prunes, which are in oversupply. Instead, the reserve pool and diversion program would eliminate larger size prunes from human consumption outlets. Reserve pools for prunes have historically been implemented on dried prunes regardless of the size of the prunes. While the marketing order also allows handlers to remove the larger prunes from the pool by replacing them with small prunes and the value difference in cash, this exchange would be cumbersome and expensive to administer compared to the proposal.

Section 8e of the Act requires that when certain domestically produced commodities, including prunes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements for the domestically produced commodity. This action does not impact the dried prune import regulation because the action to be implemented is for inventory management, not quality control purposes. The smaller diameter openings of $^{23}/_{32}$ of an inch for French prunes and $^{26}/_{32}$ of an inch for non-French prunes were implemented to improve product quality. The recommended increases to $^{24}/_{32}$ of an inch in diameter for French prunes and $^{30}/_{32}$ of an inch in diameter for non-French prunes are for purposes of inventory management. Therefore, the increased diameters would not be applied to imported prunes.

This action would not impose any additional reporting or recordkeeping requirements on either small or large California dried prune handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

In addition, the Committee's meeting was widely publicized throughout the prune industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the November 29, 2000, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. The Committee itself is composed of twenty-two members. Seven are handlers, fourteen are producers, and one is a public member. Moreover, the Committee and its Supply Management Subcommittee have been monitoring the supply situation, and this proposed rule reflects their deliberations completely. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

The Committee requested a comment period through April 16, 2001, to allow interested persons to respond to this proposal. This longer comment period is needed to give the Committee more time to observe the bloom period during the spring and industry shipment trends during the year and allow sufficient time to comment to the Department concerning any changes that are deemed appropriate. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is proposed to be amended as follows:

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1. The authority citation for 7 CFR part 993 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Note: This section will not appear in the Code of Federal Regulations.

A new § 993.408 is added to read as follows:

§ 993.408 Undersized prune regulation for the 2001–02 crop year.

Pursuant to §§ 993.49(c) and 993.52, an undersized prune regulation for the 2001–02 crop year is hereby established. Undersized prunes are prunes which pass through openings as follows: for French prunes, $^{24}/_{32}$ of an inch in diameter; for non-French prunes, $^{30}/_{32}$ of an inch in diameter.

Dated: February 28, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5321 Filed 3–5–01; 8:45 am]

BILLING CODE 3410–02–U

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG70

List of Approved Spent Fuel Storage Casks: VSC–24 Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations revising the Pacific Sierra Nuclear Associates (PSNA) VSC–24 listing within the "List of approved spent fuel storage casks" to include Amendment No. 3 to the Certificate of Compliance (CoC). This amendment will allow holders of power reactor operating licenses as general licensees to store Combustion Engineering 16x16 spent fuel assemblies in accordance with revised technical specifications in the VSC–24 cask system. The proposed Amendment No. 3 to the VSC–24 CoC changes Technical Specifications 1.2.1 and 1.2.6 to modify the fuel specifications for Combustion Engineering 16x16 spent fuel stored in the VSC–24 cask system, modifies the text in TS 1.2.7 for accuracy, modifies the text in Certificate Section 2.b. to remove ambiguity, modifies Certificate Section 3 to be consistent with TS 1.1.4, modifies Certificate Section 4 for consistency with TS 1.1.3, and modifies Certificate Section 5 to remove ambiguity.

DATES: Comments on the proposed rule must be received on or before April 5, 2001.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff. Deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website (*http://ruleforum.llnl.gov*). This site provides the capability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rule, including comments received by the NRC, may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. These documents may also be viewed and downloaded electronically via the rulemaking website.

Documents created or received at the NRC after November 1, 1999 are also available electronically at the NRC Public Electronic Reading Room on the Internet at http://www.nrc.gov/NRC/ADAMS/index.html. From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. An electronic copy of the proposed CoC and preliminary safety evaluation report (SER) can be found in ADAMS under Accession No. ML003733556. For more information, contact the NRC's Public Document Room Reference Staff at 1–800–397–4209, 301–415–4737 or by e-mail at pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Stan Turel, telephone (301) 415–6234, e-mail, spt@nrc.gov, of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: For additional information see the Direct Final Rule published in the final rules section of this **Federal Register**.

Procedural Background

The NRC is also publishing this proposed rule as a direct final rule because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial; adequate protection of public health and safety continues to be ensured. The direct final rule will become effective on May 21, 2001. However, if the NRC receives significant adverse comments on the direct final rule by April 5, 2001, then the NRC will publish a document to withdraw the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to the proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period for this action if the direct final rule is withdrawn.

List of Subjects In 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR Part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 10d–48b, sec. 7902, 10b Stat. 31b3 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203,

101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance 1007 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1007
Initial Certificate Effective Date: May 7, 1993
Amendment Number 1 Effective Date: May 30, 2000
Amendment Number 2 Effective Date: September 5, 2000
Amendment Number 3 Effective Date: May 21, 2001
SAR Submitted by: Pacific Sierra Nuclear Associates
SAR Title: Final Safety Analysis Report for the Ventilated Storage Cask System
Docket Number: 72–1007
Certificate Expiration Date: May 7, 2013
Model Number: VSC–24

* * * * *

Dated at Rockville, Maryland, this 8th day of February, 2001.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 01–5398 Filed 3–5–01; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–011]

RIN 2115–AE47

Drawbridge Operation Regulations; Harlem River, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the drawbridge operating regulations for the two Broadway bridges, at mile 6.8, across the Harlem River at New York City, New York. This temporary rule would allow the bridge owner to not open the bridges for the passage of vessels from May 15, 2001 through August 15, 2001, in order to facilitate bridge painting operations at the bridge. Vessels that can pass under the bridges without bridge openings may do so at any time.

DATES: Comments must reach the Coast Guard on or before March 27, 2001.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, Bridge Branch, at 408 Atlantic Avenue, Boston, MA. 02110–3350, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except, Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Jose Arca, Project Officer, First Coast Guard District, (212) 668–7165.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–01–011), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the First Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The two Broadway bridges, at mile 6.8, across the Harlem River have a vertical clearance of 24 feet at mean high water and 29 feet at mean low water. The existing operating regulations at 33 CFR 117.789(c) require the two Broadway bridges to open on signal from 10 a.m. to 5 p.m. if at least a four-hour advance notice is given. From 5 p.m. to 10 a.m. the bridges need not open for vessel traffic.

The owner of the bridges, the New York City Department of Transportation (NYCDOT), requested a temporary change to the operating regulations for the bridges to allow the bridges to remain in the closed position from May 15, 2001 through August 15, 2001, to facilitate painting operations. Vessels that can pass under the bridges without openings may do so at all times.

An abbreviated comment period of 21 days is appropriate because it is anticipated that the closure will have little or no effect on the public since the bridge has opened only once in the past two years.

Discussion of Proposal

The Coast Guard proposes to temporarily revise the operating regulations in 33 CFR 117.789 to require that the two Broadway Bridges, at mile 6.8, need not open for vessel traffic from May 15, 2001 through August 15, 2001.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that keeping the bridges closed should have no significant impact on navigation because the bridges opened only one time from 1999 through 2001.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, Feb. 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the closure of the bridges should have no significant impact on navigation because the bridges have opened only one time from 1999 through 2001.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under section 5 U.S.C. 605(b), that this proposed rule would not have a significant economic impact on a substantial number of small entities. This conclusion is based upon the fact that the closure of the bridges should have no significant impact on navigation because the bridges have opened only one time from 1999 through 2001.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); § 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From May 15, 2001 through August 15, 2001, § 117.789 is temporarily amended by suspending paragraph (c) and adding a new paragraph (g) to read as follows:

§ 117.789 Harlem River.

* * * * *

(g) The draws of the bridges at 103rd Street, mile 0.0, Willis Avenue, mile 1.5, 3rd Avenue, mile 1.9, Madison Avenue, mile 2.3, 145th Street, mile 2.8, Macombs Dam, mile 3.2, and 207th Street, mile 6.0, shall open on signal from 10 a.m. to 5 p.m. if at least a four-hour advance notice is given to the New York City Highway Radio (Hotline) Room. The two Broadway bridges, mile 6.8, need not open for vessel traffic.

Dated: February 20, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–5442 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AK01

Compensated Work Therapy/ Transitional Residences Program

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend VA's medical regulations to establish provisions regarding housing under the Compensated Work Therapy/ Transitional Residences program. These provisions are designed to ensure proper management, ensure reasonable payment rates for residents, and ensure that residents stay only for the time necessary to meet the intended goals.

DATES: Comments must be received by VA on or before May 7, 2001.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1154, Washington, DC 20420; or fax comments to (202) 273–9289; or e-mail comments to *OGCRegulations@mail.va.gov*. Comments should indicate that they are submitted in response to "RIN 2900–AK01." All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Jamie Ploppert, Program Specialist, Office of Psychosocial Rehabilitation Services (116D), Veterans Health Administration, 757–722–9961, ext. 1123 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This document proposes to amend VA's Medical regulations to establish provisions regarding housing under the Compensated Work Therapy/ Transitional Residences program. This VA program is a psychosocial rehabilitation program of therapeutic work and transitional housing. This program is designed for veterans with

physical and/or mental disabilities. It utilizes normalized work and residential living environments, along with peer and professional support, to improve vocational, social, and independent living skills.

Under the provisions of 38 U.S.C. 1772, VA must prescribe the qualifications for house managers, make provision for reasonable payment rates for residents, and establish limits on the length of stay for residents.

House Managers

The proposed rule provides that house managers shall be selected by the local VA program coordinator and will be responsible for coordinating and supervising the day-to-day operation of the facility. The proposed rule also sets forth qualifications for house managers. These qualifications are designed to foster effective management of the residence. Further, consistent with specific authority in 38 U.S.C. 1772(d), house managers would be exempt from the residence fee.

Resident Must Be in Program

The proposed rule states that each resident, except for a house manager, must be in the Compensated Work Therapy/Transitional Residences program. This reflects statutory requirements in 38 U.S.C. 1772.

Resident's Payment

The proposed rule sets forth criteria for establishing the amount to be paid by residents. The fee is based on the cost of utilities, maintenance, furnishings, appliances, service equipment, all other operating costs, plus an additional 15 percent of such operating expenses. Our experience has demonstrated that this would approximately equal the amount to be expended. The additional 15 percent would cover unexpected costs.

Further, we propose that the fee would be the same for each resident except that a resident shall not on average pay more than 30 percent of their gross weekly earnings. This percentage is what low-income subsidized housing uses in determining its rental fees. Further, our experience with the Compensated Work Therapy/Transitional Residences program has demonstrated that 30 percent of income would be adequate to cover housing expenses. The limitation of 30 percent also would help to ensure that residents have sufficient funds to meet their other living expenses as well as to help prepare for a successful transition to independent living.

Also, to help ensure that there is money to cover operating expenses when due, the proposal states that a resident's fee must be paid bi-weekly in advance.

The proposed rule also contains a mechanism for the transfer of funds from the medical center of jurisdiction if necessary for the residence to obtain fiscal solvency.

Resident's Length of Stay

We propose that the length of stay in the housing be based on the individual needs of each veteran in consensus with his/her clinical treatment team. However, we also propose that the length of stay not exceed 12 months. We believe this period of time to be sufficient to address the veterans' psychosocial rehabilitative needs before their transition to independent living.

OMB Review

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This document affects individuals and does not affect small entities. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analysis requirement of sections 603 and 604.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Government programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Incorporation by reference; Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing home care, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: February 15, 2001.

Anthony J. Principi,

Acting Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 17 is proposed to be amended to read as follows:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

2. Redesignate § 17.49 as new § 17.48.

3. Add a new § 17.49 to read as follows:

§ 17.49 Compensated Work Therapy/Transitional Residences program.

(a) This section sets forth requirements for persons residing in housing under the Compensated Work Therapy/Transitional Residences program.

(b) House managers shall be responsible for coordinating and supervising the day-to-day operations of the facilities. Each house manager shall be appointed as a without-compensation employee. The local VA program coordinator shall select each house manager and may give preference to an individual who is a current or past resident of the facility or the program. A house manager must have the following qualifications:

(1) A stable, responsible and caring demeanor;

(2) Leadership qualities including the ability to motivate;

(3) Effective communication skills including the ability to interact;

(4) A willingness to accept feedback;

(5) A willingness to follow a chain of command.

(c) Each resident admitted to the Transitional Residence, except for a house manager, must also be in the Compensated Work Therapy program.

(d) Each resident, except for a house manager, must bi-weekly, in advance, pay a fee to VA for living in the housing. The local VA program coordinator will establish the fee for each resident in accordance with the provisions of paragraph (d)(1) of this section.

(1) The total amount of actual operating expenses of the residence (utilities, maintenance, furnishings, appliances, service equipment, all other operating costs) for the previous fiscal year plus 15 percent of that amount equals the total operating budget for the current fiscal year. The total operating budget is to be divided by the average number of beds occupied during the previous fiscal year and the resulting amount is the average yearly amount per bed. The bi-weekly fee shall equal to 1/26 of the average yearly amount per bed, except that a resident shall not, on average, pay more than 30 percent of their gross CWT (Compensated Work Therapy) bi-weekly earnings. The VA program manager shall, bi-annually, conduct a review of the factors in this paragraph for determining resident payments. If he or she determines that the payments are too high or too low by more than 5 percent of the total operating budget, he or she shall recalculate resident payments under the criteria set forth above, except that the calculations shall be based on the current fiscal year (actual amounts for the elapsed portion and projected amounts for the remainder).

(2) If the revenues of a residence do not meet the expenses of the residence resulting in an inability to pay actual operating expenses, the medical center of jurisdiction shall provide the funds necessary to return the residence to fiscal solvency in accordance with the provisions of this section.

(e) The length of stay in housing under the Compensated Work Therapy/Transitional Residences program is based on the individual needs of each resident, as determined by consensus of the resident and his/her VA Clinical Treatment team. However, the length of stay should not exceed 12 months.

(Authority: 38 U.S.C. 1772)

[FR Doc. 01–5404 Filed 3–5–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 19

RIN 2900–AK62

Appeals Regulations: Title for Members of the Board of Veterans' Appeals

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Department of Veterans Affairs' (VA) Appeals Regulations to provide that a Member of the Board of Veterans' Appeals (Board) may also be known as a Veterans Law Judge. A companion document in the "Rules and Regulations" section of this issue of the **Federal Register** contains other actions regarding this matter.

DATES: Comments must be received on or before May 7, 2001.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1154, Washington, DC 20420; or fax comments to (202) 273–9289; or e-mail comments to *OGCRegulations@mail.va.gov*. Comments should indicate that they are submitted in response to "RIN 2900–AK62." All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Steven L. Keller, Senior Deputy Vice Chairman (01C), Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202–565–5978).

SUPPLEMENTARY INFORMATION: The Board is an administrative body that decides appeals from denials of claims for veterans' benefits, after an opportunity for a hearing. There are currently 59 Board "Members," who decide 35,000 to 40,000 such appeals per year.

Board Members other than the Chairman are appointed by the Secretary of Veterans Affairs, with the approval of the President of the United States, 38 U.S.C. 7101A(a)(1), and must be licensed attorneys, 38 U.S.C. 7101A(a)(2). Board Members are compensated at rates equivalent to the rates payable to Administrative Law Judges. 38 U.S.C. 7101A(b).

In a document published in the **Federal Register** on September 14, 2000 (65 FR 55461), we amended VA's Appeals Regulations by providing that a Member of the Board may also be known as a Veterans Law Judge. Consistent with legal authority, we published the amendment without providing an opportunity for notice-and-comment. Six veterans service organizations in a letter to the Acting Secretary opposed the amendment and argued that they should have been provided an opportunity to comment before we made such a change. Under these circumstances, in a companion document in the "Rules and Regulations" section of this issue of the **Federal Register** we rescinded the amendment. However, in this document we are proposing to amend the regulations to again provide that a Member of the Board may also be known as a Veterans Law Judge.

This proposal to allow the use of the title Veterans Law Judge is based on the following analyses.

Throughout the Executive Branch, individuals who decide appeals at the administrative level after the opportunity for a hearing—as do Board Members—are known as "judges." *E.g.*, "Administrative Law Judges," 5 U.S.C. 3105; "Administrative Appeals Judges" at the Benefits Review Board at the Department of Labor, 20 CFR 801.2; "Administrative Judges" at The Financial Assistance Appeals Board of the Department of Energy, 10 CFR 1024.3; "Administrative Judges" at the Equal Employment Opportunity Commission, 29 CFR 1614.109; "Administrative Judges" at the Personnel Appeals Board of the General Accounting Office, 4 CFR 28.3; "Administrative Judges" at the Merit Systems Protection Board, 5 CFR 1201.4; "Administrative Judges" at the National Aeronautics and Space Administration, 14 CFR 1259.404; and "Administrative Judges" at the Office of Hearings and Appeals, Small Business Administration, 13 CFR 134.101. *See also* "Administrative Appeals Judges" at the Office of Hearings and Appeals of the Social Security Administration, 20 CFR 416.924(g) (decide appeals from decisions of administrative law judges, but without the opportunity for a hearing); "Immigration Judges" at the Executive Office for Immigration Review in the Department of Justice, 8 CFR 1.1(l) (initial decisions in immigration cases).

In our view, the title Veterans Law Judge would convey a Board Member's function to veterans more accurately than the term "Member." In addition, we believe that the title would enhance the confidence of veterans in the administrative appellate process by providing recognition that appeals in the VA system are adjudicated by legal professionals, as are benefit appeals in other administrative systems.

The letter from the six veterans service organizations asserted that VA could not accomplish through regulation what Congress chose not to do by statute. We are aware of no legal authority to support this view. The letter from the six veterans service organizations also opposed the proposed change by arguing that the title Veterans Law Judge "will intimidate veterans and could lead them to believe the agency is more concerned with formality rather than deciding claims in a non-adversarial setting." The comments from the six veterans service organizations will be considered in connection with any other comments received in response to this proposed rule.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a

significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This proposed rule does not affect small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

List of Subjects in 38 CFR Part 19

Administrative practice and procedure, Claims, Veterans.

Dated: February 21, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, we propose to amend 38 CFR part 19 as set forth below:

PART 19—BOARD OF VETERANS' APPEALS: APPEALS REGULATIONS

1. The authority citation for part 19 continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. Section 19.2 is revised to read as follows:

§ 19.2 Composition of the Board; Titles.

(a) The Board consists of a Chairman, Vice Chairman, Deputy Vice Chairmen, Members and professional, administrative, clerical and stenographic personnel. Deputy Vice Chairmen are Members of the Board who are appointed to that office by the Secretary upon the recommendation of the Chairman.

(b) A Member of the Board (other than the Chairman) may also be known as a Veterans Law Judge. An individual designated as an acting Member pursuant to 38 U.S.C. 7101(c)(1) may also be known as an acting Veterans Law Judge.

(Authority: 38 U.S.C. 501(a), 512, 7101(a)).

[FR Doc. 01–5452 Filed 3–5–01; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6950–9]

RIN 2060–AC28

Ethylene Oxide Emissions Standards for Sterilization Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed amendments.

SUMMARY: This proposal amends the emission standards for sterilization facilities by eliminating maximum achievable control technology (MACT) requirements for chamber exhaust vents. This action is being proposed to eliminate safety problems associated with the existing requirements. This proposal also amends testing and monitoring requirements for sterilization chamber, aeration, and chamber exhaust vents. Specific testing and monitoring requirements are being removed or simplified to correct technical problems associated with the existing requirements.

DATES: Submit comments on or before May 7, 2001.

Public hearing. If anyone contacts the EPA requesting to speak at a public hearing by March 26, 2001, a public hearing will be held on April 5, 2001.

ADDRESSES: *Comments.* Written comments should be submitted (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–88–03, U.S. EPA, 401 M Street, SW, Washington, DC 20460. The EPA requests a separate copy also be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

Docket. Docket No. A–88–03 contains supporting information used in developing the standards. The docket is located at the U.S. EPA, 401 M Street, SW., Washington, DC 20460, in room M–1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

Public Hearing. If a public hearing is held, it will be held at 10 a.m. in the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina, or at an alternate site nearby.

FOR FURTHER INFORMATION CONTACT: David Markwordt, Policy, Planning, and Standards Group, Emission Standards Division, (MD–13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541–0837, electronic mail address *markwordt.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

Comments. Comments and data may be submitted by electronic mail (e-mail) to: a-and-r-docket@epa.gov. Electronic comments must be submitted as an ASCII file to avoid the use of special characters and encryption problems and will also be accepted on disks in WordPerfect® version 5.1, 6.1 or Corel 8 file format. All comments and data submitted in electronic form must note the Docket No. A–88–03. No confidential business information (CBI) should be submitted by e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

Commenters wishing to submit proprietary information for consideration must clearly distinguish such information from other comments and clearly label it as CBI. Send submissions containing such proprietary information directly to the following address, and not to the public docket, to ensure that proprietary information is not inadvertently placed in the docket: Attention: David Markwordt, C/O OAQPS Document Control Officer, U.S. Environmental Protection Agency, 411 W. Chapel Hill Street, (Room 740B), Durham NC 27701. The EPA will disclose information identified as CBI only to the extent allowed by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies a submission when it is received by the EPA, the information may be made available to the public without further notice to the commenters.

Public Hearing. Persons interested in presenting oral testimony or inquiring as to whether a hearing is to be held should contact Dorothy Apple, Policy, Planning, and Standards Group, Emission Standards Division (MD–13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number: (919) 541–4487 at least 2 days in advance of the public hearing. Persons interested in attending the public hearing must also call Dorothy Apple to verify the time, date, and location of the hearing. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning these proposed emission standards amendments.

Docket. The docket is an organized and complete file of all the information we considered in the development of this rulemaking. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Clean Air Act (CAA)). The regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials. *World Wide Web (WWW).* In addition to being available in the docket, an electronic copy of these proposed amendments will also be available on the Technology Transfer Network (TTN). Following signature, a copy of the rule will be posted on the policy and guidance page for newly proposed or promulgated rules *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call our HELP line at (919) 541–5384.

Regulated Entities. Categories and entities regulated by this action include:

Category	SIC[a]/NAICS[b]	Examples of regulated entities
Industry	3841, 3842	Medical suppliers.
	2834, 5122, 2831, 2833	Pharmaceuticals.
	2099, 5149, 2034, 2035, 2046	Spice Manufactures Contract.
	7399, 7218, 8091	Sterilizers.
Federal Government	Not Affected	
State/Local/Tribal Gov	Not affected	

[a] Standard Industrial Classification Code.
[b] North American Information Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities regulated by the NESHAP addressed in these proposed amendments. To determine whether your facility is regulated by this action, you should examine the applicability criteria in § 63.360 of the proposed rule. If you have questions regarding the applicability of the NESHAP addressed in this proposed rule to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Outline. The information presented in this preamble is organized as follows:

I. Chamber Exhaust Vents
  A. Why are we reconsidering MACT for chamber exhaust vents?
  B. What is MACT for chamber exhaust vents?
II. Monitoring
  A. Why are we reconsidering the monitoring requirements?
  B. How are we proposing to amend the monitoring requirements?
III. Testing
  A. Why are we proposing to change the testing requirements?
  B. How are we proposing to amend the testing requirements?
IV. Summary of Environmental, Energy, and Economic Impacts
V. Administrative Requirements
  A. Executive Order 12866, Regulatory Planning and Review
  B. Paperwork Reduction Act
  C. Executive Order 13132, Federalism
  D. Executive Order 13084, Consultation and Coordination with Indian Tribal Governments
  E. Unfunded Mandates Reform Act of 1995
  F. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*
  G. National Technology Transfer and Advancement Act of 1995
  H. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks

I. Chamber Exhaust Vents

A. Why Are We Reconsidering MACT for Chamber Exhaust Vents?

On December 6, 1994, we promulgated the ethylene oxide (EO) national emission standards for hazardous air pollutants (NESHAP) which regulate emissions of ethylene oxide from commercial sterilization and fumigation operations (59 FR 62585). In July 1997, we learned of explosions at ethylene oxide sterilization and fumigation facilities. We suspended the EO NESHAP for 1 year until December 6, 1998 to provide time to determine the appropriate action necessary to mitigate the cause of the explosions (62 FR 64736).

After becoming aware of the explosions, the industry worked through the Ethylene Oxide Sterilization Association (EOSA) to begin investigations. The EOSA established a Safety Committee in September 1997 which continues to meet bimonthly. Sterilization industry leaders, abatement device vendors, and Federal, State and local agencies have been participating in the Safety Committee meetings.

In a June 2, 1998 letter to EPA, the EOSA recommended, "additional time to consider safe and economical control, installation, operation and maintenance alternatives applicable to aeration and chamber exhaust (backvent) emissions * * *." The Health Industries Manufacturers Association (HIMA) reviewed the recommendation. Together, the EOSA and HIMA memberships represent most of the ethylene oxide sterilization and fumigation industry. The EOSA concluded that "The oxidizer systems had not been properly integrated with traditional ethylene oxide sterilization process operations, that is, installation, operation and maintenance issues had not been sufficiently addressed by sterilizer operators." The EOSA also concluded that "improperly overfeeding the oxidizer system from the chamber backvent was the primary safety concern."

The EPA conducted an independent investigation of the accidents and reviewed reports prepared by EPA Regional Offices and by EOSA member sterilization companies and, based on that investigation and review, concurred with the industry conclusion and recommendation. In 1998, we agreed with industry that, in the cases where explosions occurred, the catalytic oxidizer units were overfed with ethylene oxide in concentrations above the safe operations limit due to abnormal activation of the chamber exhaust (backvent). We concluded that the main sterilizer vent emissions routed through the vacuum pump played no role in the explosions. Therefore, the December 6, 1998 compliance date for the main sterilizer vent was allowed to take effect. However, we further suspended the EO NESHAP for both aeration room vents and chamber exhaust vents for 1 year (until December 6, 1999) to provide time to determine the appropriate action necessary to mitigate the cause of the explosions (63 FR 66990). Aeration room vents were included in the suspension because control systems typically integrate both vents to the same control device.

We also concluded that any emissions control technology necessary to comply with the EO NESHAP needs to be properly integrated into the sterilization system and operations; it must reflect the full range of normal and abnormal conditions that may occur. The December 1998 suspension was based on the assumption that sterilization chamber operators would be able to evaluate and integrate the emission control technology with sterilizer

operations to ensure prevention of future explosions by December 6, 1999. In June 1999, the EOSA and individual plant operators requested that EPA eliminate the control requirement for chamber exhaust vents. In response to the June 1999 request, we further suspended the control requirements for aeration and chamber exhaust vents on December 3, 1999 (64 FR 67789).

We suspended the control requirements for aeration room vents because they are typically combined with chamber exhaust vents and ducted to a single control device. The December 3, 1999 notice (64 FR 67789) explained that there is no safety issue associated with controlling only the aeration room vent; no revisions to control requirements were anticipated. The 1999 notice also suspended the compliance date for aeration room vents by 1 year to provide time to decouple them from any chamber exhaust vents. Aeration room vents were required to comply with the emission control requirements by December 6, 2000.

However, the compliance date for the chamber exhaust vent control requirements was suspended until December 6, 2001 in the 1999 notice (64 FR 67789). At the time we said, "The suspension, in December 1998, for chamber exhaust vents was based on the assumption that sterilization chamber operators would be able to evaluate and integrate the emission control technology with sterilizer operations to ensure prevention of future explosions by December 6, 1999. To date, solutions to the safety problems have not been developed." We further stated that the Agency would reconsider its original MACT determination for chamber exhaust vents and propose a course of action in the near future.

In April 2000, a report jointly published by the National Institute for Occupational Safety and Health (NIOSH), EPA, and the EOSA concluded the following:

1. Fires and explosions result when sterilizer oxidizing emission control devices (OECD) are overfed with high concentrations of ethylene oxide;
2. Current procedures for aborting the ethylene oxide sterilizer cycle are deficient when OECD are used;
3. Current safety systems for ethylene oxide sterilization processes are deficient when OECD are used; and
4. When OECD are used as the only emission control device (that is, when acidified wet scrubbers are not used or are bypassed), the risk of fire and explosion is greatly increased.

The conclusions in this report are supportive of our conclusions in the December 3, 1999 notice.

We are still in the position today of being unable to make a finding that solutions to the safety problems have been developed. It is beyond the Agency's legal mandate and technical expertise to certify equipment for safe use. The CAA generally requires the Agency to assess existing emission control technology for application to non-controlled emission sources. The use of existing technology by some sources in the relevant category presumes the ability to operate that technology in a proven safe manner. At the time of rule promulgation (December 1994), state-of-the-art control technology for chamber exhaust emissions involved safety hazards not known at the time.

We are aware that some companies have removed their catalytic oxidizers and replaced them with alternative control devices. Some of these alternative control devices operate without a flame source and would presumably be safer than systems which rely on combustion. However, even non-combustion control devices must be designed to avert potential safety problems due to exothermic reaction resulting from the control of ethylene oxide. We are not aware of any authoritative institution which has evaluated these alternative systems for safe operation.

B. What Is MACT for Chamber Exhaust Vents?

In the preamble to the proposed NESHAP (59 FR 10598), we explained the basis of the MACT floor for chamber exhaust vents. The available data indicated that there were no chamber exhaust vents routed to a control device; we concluded that the MACT floor for chamber exhaust vents at new and existing major and area sources required no reduction in emissions from these vents. However, to ensure that the current amount of ethylene oxide being evacuated via the sterilization pump continued to be routed to a control device rather than exhausted via an uncontrolled vent, the proposed NESHAP incorporated a concentration-based limit on emissions from chamber exhaust.

In public comments received on the proposed rule, an abatement device vendor provided sufficient data to establish a MACT floor consisting of control requirements for chamber exhaust vents at both existing and new major sources. The vendor data listed ethylene oxide sterilizer operations using catalytic oxidizers for control of chamber exhaust vents. No data indicating the use of technology other than catalytic oxidizers were supplied to us. As described in the preamble to the promulgated NESHAP (59 FR 62585), based on vendor data, we required control of chamber exhaust vent emissions at new and existing major sources. However, at the time, neither we nor the commercial sterilizer industry were aware of the potential safety issues associated with controlling chamber exhaust vents.

Experience over the last 5 years clearly demonstrates the over-simplification of controlling chamber exhaust by simply ducting the vent stream to a control device designed to control aeration room vent emissions. Based on what we have learned since the explosions, it is clear that no one was aware of the potential to overfeed the aeration control with ethylene oxide inadvertently routed from the chamber exhaust. Control systems designed for aeration room emissions had not been designed to handle potentially large quantities of ethylene oxide from chamber exhaust malfunctions. Obviously, appropriate safety design features are necessary to make this control approach acceptable as a viable means of emissions reductions. The same safety issue exists for control devices dedicated exclusively to chamber exhaust vent emissions.

The CAA requires that emission standards for HAP established under section 112(d) be based on "* * * the maximum degree of reduction in emissions of the hazardous air pollutants subject to this section * * * that the Administrator, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable for new or existing sources in the category or subcategory to which such emission standards applies * * *." These emission standards are commonly referred to as MACT.

The requirement to consider "any non-air quality health and environmental impacts and energy requirements" would necessarily require control devices to be intrinsically safe. Had we known of the potential safety issue and known this control approach was blind to the safety issue, we would have refuted the commenters' assertion and made a finding of MACT floor as no control of chamber exhaust emissions. As stated above, it is beyond the Agency's legal mandate and technical expertise to certify equipment for safe use. Since no one has demonstrated to the Agency's satisfaction that the equipment is safe for this purpose, we are reconsidering our original MACT determination for chamber exhaust vents.

Today, we are proposing that MACT for chamber exhaust vents at major sources should be no control. To ensure that the current amount of ethylene oxide being evacuated via the sterilization pump continues to be routed to a control device rather than exhausted via an uncontrolled vent, we are proposing a concentration-based limit on emissions from major source chamber exhaust vents. This is the same requirement that was originally proposed for the major sources and currently applies to area sources.

II. Monitoring

A. Why Are We Reconsidering the Monitoring Requirements?

Commercial sterilization facilities subject to the rule were originally required to demonstrate compliance by June 8, 1998. Before that date, the Agency received requests to clarify specific testing and monitoring requirements. Companies conducting tests questioned how to determine the level of the monitored temperature which would be used to determine compliance on a continuous basis.

There are three emission vents associated with the sterilization process: the sterilization chamber vent, the aeration room vent, and the chamber exhaust vent. The sterilization process results in short-term episodic releases of various concentrations of ethylene oxide. The majority of facilities use either scrubbers or catalytic oxidizers or a combination of both to reduce emissions.

Catalytic oxidizers combust ethylene oxide, an exothermic reaction, which increases the catalyst bed temperature. The higher the concentration of ethylene oxide fed to the catalytic oxidizer, the higher the bed temperature. The bed temperature spikes during periods when higher concentrations of ethylene oxide are fed to the catalyst bed. Generally, a catalytic oxidizer bed is designed to be at or above a minimum temperature to be hot enough to combust ethylene oxide when it contacts the bed.

Sterilization chambers are filled with the product to be sterilized and then infused with ethylene oxide gas. The ethylene oxide is pumped from the chamber after completion of the sterilization cycle. After the chamber is evacuated, the chamber is flooded with air to facilitate off-gassing of ethylene oxide residing in the product. Then, the chamber pump is turned on and the chamber is evacuated again. This air wash/evacuation cycle is repeated multiple times. The amount of ethylene oxide decreases with each subsequent evacuation. For main sterilization vents controlled with a catalytic oxidizer, chamber evacuations cause temporary spikes in catalyst bed temperature.

The existing rule requires a 99 percent reduction in emissions for the main sterilizer vent, and either a 99 percent reduction in emissions or a 1 parts per million per volume (ppmv) maximum outlet concentration for aeration room vents. For the main sterilizer vent, the existing rule requires the operator to demonstrate compliance with the 99 percent reduction requirement only during the first evacuation.

The existing rule also requires facilities to meet appropriate operating limits to ensure continuous compliance with the emission reduction requirements. We did not establish the relationship between any of the operating limits and the emissions reductions associated with the technologies used in the industry.

Nearly all operators who had installed controls prior to promulgation of the final rule used either catalytic oxidizers or acid scrubbers to reduce emissions. Acid scrubbers are used primarily to control the main sterilizer vent. The existing rule requires monitoring of either the ethylene oxide glycol concentration of the scrubbing liquor or the level of liquor in the scrubber tank. Facilities could perform the initial compliance test when the ethylene glycol concentration or liquor level was at the highest level at which the emission reduction requirement could be met. Both the ethylene glycol concentration and liquor level increase with each sterilization batch that is run. Over a period of time, which could be weeks or months, the concentration of ethylene glycol gradually increases and will result in less emissions reductions; the liquor level is an indirect method of measuring ethylene glycol concentration. The rule states that to exceed these parameters would violate the emission reduction requirement. As stated previously, we have not established a precise relationship between ethylene glycol concentrations or levels and the 99 percent/1 ppmv emission reduction requirements. On the other hand, we have not received data showing problems using the ethylene glycol concentration or scrubber level, determined during the initial performance test, on a continuous basis to indicate good operation (as opposed to compliance with the specific 99 percent/1 ppmv emission reduction requirements).

Catalytic oxidizers are used primarily to control emissions from aeration room vents. To ensure continuous compliance with the emission reduction requirements for the main sterilizer, aeration, or chamber exhaust vent, the promulgated rule (59 FR 62585, December 6, 1994) requires the oxidizer to operate at a temperature, averaged over the sterilization cycle, above the baseline temperature established during the initial compliance test. This requirement is based on the premise that the temperature at which the equipment operated during the initial performance test directly correlates with the 99 percent emission reductions requirement under all operating conditions. The existing requirement also states that if the operating temperature falls below the baseline temperature, then the facility has violated the 99 percent emission reduction requirement. Again, we did not establish the relationship between temperature and emission reduction. Given the fluctuations in temperature of this batch process, it is unlikely that a single temperature could be selected to correlate with emissions reductions.

The basic difference between using operating limits determined during the initial performance test for scrubbers and catalytic oxidizers is that catalytic oxidizer operating limits are sensitive to changing operating conditions during each batch operation. Scrubber operating limits change gradually over many batch operations.

In the response to comments published with the promulgated rule, we added a specific additional test during the final evacuation in an attempt to establish an operating limit valid for the full range of operating conditions. We stated that, "Demonstration of the baseline temperature during the last evacuation addresses concerns that a baseline temperature established during the first evacuation would not be sustainable for subsequent evacuations where the ethylene oxide concentration is lower."

However, in practice we have found that this additional test did not solve the problem because operating temperatures during the last evacuation, although lower than temperatures during the first evacuation, are typically higher than temperatures during periods when ethylene oxide is not being fed to the control devices. Therefore, facilities cannot meet either temperature requirement on a continuous basis.

The catalytic oxidizer operates at a design temperature of approximately 280°F when little or no ethylene oxide is being fed to the oxidizer. During the short periods when ethylene oxide is introduced to the oxidizer (approximately 10 minutes), the

temperature spikes to about 400°F. Therefore, the average temperature over the sterilization cycle is between the design temperature (280°F) and the highest temperature (400°F). In fact, the only temperature that can actually be met consistently is the temperature when little or no ethylene oxide is being fed to the oxidizer (i.e., approximately 280°F).

The requirement to operate at the average temperature is inconsistent with normal operation of the equipment. Properly operated equipment will maintain the design temperature, approximately 280°F, to ensure proper combustion when ethylene oxide is introduced to the catalyst. Short term temperature spikes do not directly correlate to the 99 percent emission reduction requirement for the control system.

B. How Are We Proposing To Amend the Monitoring Requirements?

To correct the problems discussed in the previous section, we are proposing a new rule structure. There will be no change to the emission limits. We are proposing a different workable approach for ensuring continuous compliance. We will maintain the 99 percent emission reduction requirement and measure compliance only through performance testing during the first evacuation. An initial performance test is still required; facilities that have performed this test need not repeat the test. (Note that enforcement agencies can always request another test at a later date if they choose.)

We have decided the only practical way to ensure continuous compliance of catalytic control devices is to establish two requirements. One concerns catalyst replacement to ensure that the catalyst remains active. The other concerns maintaining a minimum temperature to ensure that ethylene oxide is combusted when it passes through the catalytic oxidizer.

First, to ensure that the catalyst remains active we are proposing a work practice standard. The work practice standard would require that facilities periodically replace the catalyst. Failure to perform the work practice would be a violation of the work practice standard.

Efficient emission destruction depends on the catalyst being active. Vendors advertise a 3 to 5 year catalyst life after which performance may decline. Therefore, to ensure proper combustion, we are proposing that facilities replace the catalyst every 2 years.

We are proposing an operating limit that requires facilities to maintain a minimum design temperature sufficiently high to ensure combustion when ethylene oxide contacts the catalyst. We are proposing that the combustion device be operated at or above the vendor-recommended minimum design temperature. Operating at or above the vendor minimum design temperature would ensure that combustion takes place but does not require direct correlation to the 99 percent requirement.

Because we are proposing a minimum temperature based on the vendor minimum design temperature, we can eliminate the existing requirement to test the last evacuation. We originally required a test on the last evacuation of the main sterilizer vent because we believed this would be a lower "average" temperature than that during the first evacuation. Since we are proposing a new approach, there is no longer a need for this test.

We are proposing the reporting of "deviations." A deviation occurs when control equipment fails to achieve the 99 percent emission reduction during a performance test, when one doesn't perform a required work practice, or when the operating limits for maintaining a minimum temperature are not met.

Although we are not changing the monitoring requirements for scrubbers, we are proposing the removal of rule language which states that the failure to maintain an operating limit "shall constitute a violation of the * * * standard." However, failure to meet either the minimum liquor level or ethylene glycol concentration requirement will constitute a deviation from the operating limit. We are replacing the current reporting requirements with the requirement to report all deviations.

The current rule has two alternative standards for aeration room vents; facilities can demonstrate initial compliance with either the 99 percent emission reduction or the 1 ppmv concentration limit. Facilities demonstrating compliance with the 99 percent emission reduction are required to use temperature as an operating limit. Facilities demonstrating compliance with the 1 ppmv concentration limit are required to use ethylene oxide concentration as an operating limit.

The 1 ppmv concentration limit was based on phone conversations with facilities operating catalytic oxidizers. These facilities stated that their test results showed no measurable ethylene oxide after controls; 1 ppmv was the lower detectable limit at the time. We allowed an alternative 99 percent emission reduction limit to provide a demonstrable emission limit for facilities which have high inlet concentrations; in this situation, it would not be possible to demonstrate compliance with the 1 ppmv limit even though the control unit was operating efficiently. We had very limited data to support these limits and no knowledge that the limits are achievable under all operating conditions.

Although ethylene oxide concentration measurements would indicate whether outlet concentrations are above or below 1 ppmv, it would not indicate proper operation under all operating conditions. For this reason, we are proposing, for facilities which demonstrate initial compliance with the 1 ppmv concentration limit, an operating limit that requires facilities to maintain the vendor minimum design temperature.

III. Testing

A. Why Are We Proposing To Change the Testing Requirements?

Prior to promulgation of the rule in 1994, many facilities used chlorofluorocarbons with ethylene oxide. The current rule requires the use of the EPA Method 18 because chlorofluorocarbons will distort test results. If a source is using an organic compound along with ethylene oxide in the sterilizer, the current Method 25A or Performance Specification (PS) 8 test method requirement would count the organic constituent as ethylene oxide. Since the industry has shifted almost exclusively to using only ethylene oxide, we are proposing a test method change to a less expensive test method.

B. How are we proposing to amend the testing requirements?

We are proposing the use of Method 25A and PS 8 as an option to avoid the higher cost of the current test method requirement. The affected sources would have the option of using a flame ionization analyzer (Method 25A or PS 8) or a gas chromatograph (Method 18 or PS 9) to measure ethylene oxide concentration.

IV. Summary of Environmental, Energy and Economic Impacts

There are negligible environmental, energy, and economic impacts associated with these amendments.

V. Administrative Requirements

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether a proposed regulatory action is "significant" and, therefore, subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not a "significant regulatory action" because none of the listed criteria apply to this action. Consequently, this action was not submitted to OMB for review under Executive Order 12866.

B. Paperwork Reduction Act

The information collection requirements of the EO NESHAP were submitted to and approved by Management and OMB. A copy of this Information Collection Request (ICR) document (OMB control number 2060–0283) may be obtained from Ms. Sandy Farmer by mail at the U.S. Environmental Protection Agency, Office of Environmental Information, Collection Strategies Division (2822), 1200 Pennsylvania Avenue, Washington, DC 20460, by email at *farmer.sandy@epa.gov*, or by calling (202) 260–2740. A copy may also be downloaded off the internet at *http://www.epa.gov/icr*.

Today's action has little or no impact on the information collection burden estimates made previously. Today's action eliminates requirements for chamber exhaust vents and clarifies testing and monitoring requirements for sterilization and aeration room vents. These changes revise existing requirements and do not impose new additional burdens; consequently, the ICR has not been revised.

C. Executive Order 13132, Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." Policies that have federalism implications is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government."

These proposed amendments do not have federalism implications and will not have substantial direct effects on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of Government, as specified in Executive Order 13132. Today's action eliminates requirements for chamber exhaust vents and streamlines requirements for monitoring and testing which were promulgated in December 1994. There are minimal, if any, impacts associated with this action. Thus, Executive Order 13132 does not apply to these proposed amendments.

D. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

On January 1, 2001, Executive Order 13084 was superseded by Executive Order 13175. However, this proposed rule was developed during the period when Executive Order 13084 was still in force, and so tribal considerations were addressed under Executive Order 13084. Development of the final rule will address tribal considerations under Executive Order 13175.

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or we consult with those governments. If EPA complies by consulting, EPA is required by Executive Order 13084 to provide to the OMB in a separately identified section of the preamble to the rule, a description of the extent of EPAs prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's proposed amendments do not significantly or uniquely affect the communities of Indian tribal governments because the affected facilities are not located on tribal lands. Accordingly, the requirements of Executive Order 13084 do not apply to these proposed amendments.

E. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least-costly, most cost-effective, or least-burdensome alternative that achieves the objective of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least-costly, most cost-effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's proposed amendments contain no Federal mandates for State, local, and tribal governments or the private sector. Instead, these proposed amendments either eliminate or

streamline requirements of the existing rule. Thus, today's proposed amendments are not subject to the requirements of sections 202 and 205 of the UMRA. In addition, we have determined that these proposed amendments contain no regulatory requirements that might significantly or uniquely affect small governments because they contain no requirements that apply to such governments or impose obligations upon them.

F. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For the purposes of assessing the impacts of today's proposed amendments on small entities, a small entity is defined as: (1) A small business whose parent company has fewer than 1000 employees; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

We believe there will be little or no impact on any small entities because these proposed amendments do not impose additional requirements but instead either eliminate or streamline some existing requirements of the EO NESHAP. The Administrator certifies that this action will not have a significant economic impact on a substantial number of small entities.

G. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995, (Public Law No. 104–113) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in their regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) developed or adopted by one or more voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through annual reports to OMB, with explanations when an agency does not use available and applicable voluntary consensus standards.

These proposed amendments do not establish or modify technical standards in the existing rule. The EPA believes that the use of voluntary consensus standards for these proposed amendments is not necessary. These proposed amendments do not require sources to take substantive steps that lend themselves to voluntary consensus standards.

H. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonable alternatives considered by the Agency.

These proposed amendments are not subject to Executive Order 13045 because they are not an economically significant regulatory action as defined by Executive Order 12866. In addition, the EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks. These proposed amendments are not subject to Executive Order 13045 because they are based on technology performance and not on health or safety risks.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Ethylene oxide sterilization, Hazardous substances, Reporting and recordkeeping requirements.

Dated: February 28, 2001.

Christine Todd Whitman,

Administrator.

For reasons set out in the preamble, part 63 of title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart O—[Amended]

2. Table 1 of § 63.360 is amended by revising the entry for "63.7(a)(2)" to read as follows:

§ 63.360 Applicability.

(a) * * *

TABLE 1 OF SECTION 63.360–GENERAL PROVISIONS APPLICABILITY TO SUBPART O

Reference	Applies to sources using 10 tons in subpart O[a]	Applies to sources using 1 to 10 tons in subpart O[a]	Comment
* * * * *	*	*	*
63.7(a)(2)		(Yes)	
* * * * *	*	*	*

[a]–See definition.

* * * * *

3. Section 63.361 is amended by removing the definition for "Parametric monitoring" and revising the definition for "Baseline temperature" to read as follows:

§ 63.361 Definitions.

* * * * *

Baseline temperature means an average minimum temperature at the catalyst bed of a catalytic oxidation control device or at the exhaust point from the combustion chamber for a thermal oxidation control device.

* * * * *

4. Section 63.362 is amended by:

a. Revising Table 1 of paragraph (a);

b. Removing and reserving paragraph (e)(1);

c. Revising paragraph (e)(2).

The revisions read as follows:

§ 63.362 Standards.

(a) * * *

TABLE 1 OF SECTION 63.362—STANDARDS FOR ETHYLENE OXIDE COMMERCIAL STERILIZERS AND FUMIGATORS

Existing and new sources	Source type	Sterilization chamber vent	Aeration room vent	Chamber exhaust vent
Source size	<907 kg (<1 ton)	No control required; minimal recordkeeping requirements (see § 63.367(c))		
	≥907 kg and <9,070 kg (≥1 ton and <10 tons).	99% emission reduction (see § 63.362(c)).	No control	Maximum chamber concentration limit of 5,300 ppm prior to activation of the chamber exhaust[1] (see § 63.362(e)).
	≥9,070 kg (≥10 tons)	99% emission reduction (see § 63.362(c)).	1 ppm maximum outlet concentration or 99% emission reduction (see § 63.362(d)).	Maximum chamber concentration limit of 5,300 ppm prior to activation of the chamber exhaust[1] (see § 63.362(e)).

[1] Affected sources may show compliance by manifolding emissions to a control device used to comply with § 63.362(c) or (d) by reducing emissions by at least 99%.

* * * * *

(e)(1) [Reserved]

(2) *Chamber exhaust vent at sources using 1 to 10 tons or sources using 10 tons.* Each owner or operator of a sterilization source using 1 to 10 tons or a sterilization source using 10 tons shall limit ethylene oxide emissions from the chamber exhaust vent to the atmosphere to a maximum concentration of 5,300 ppmv from each chamber exhaust vent. If the owner or operator chooses to limit emissions to 5,300 ppmv concentration through the use of a control device, the owner or operator may choose either to manifold ethylene oxide emissions from each chamber exhaust vent to a control device used to comply with paragraph (c) or (d) of this section or to reduce ethylene oxide emissions to the atmosphere (without manifolding) to a maximum concentration of 1 ppmv or by at least 99 percent, whichever is less stringent.

5. Section 63.363 is revised (including the section heading) to read as follows:

§ 63.363 Compliance and performance provisions.

(a)(1) The owner or operator of a source subject to emissions standards in § 63.362 shall conduct an initial performance test using the procedures listed in § 63.7 of subpart A of this part according to the applicability in Table 1 of § 63.360, the procedures listed in this section, and the test methods listed in § 63.365.

(2) The owner or operator of all sources subject to these emissions standards shall complete the performance test within 180 days after the compliance date for the specific source as determined in § 63.360(g).

(b) The procedures in paragraphs (b)(1) through (3) Of this section shall be used to determine initial compliance with the emission limits under § 63.362(c), the sterilization chamber vent standard;

(1) The owner or operator shall determine the efficiency of control devices used to comply with § 63.362(c) using the test methods and procedures in § 63.365(b). The owner or operator shall also determine:

(2) For facilities with acid-water scrubbers, the owner or operator shall establish as an operating parameter either:

(i) The maximum ethylene glycol concentration using the procedures described in § 63.365(e)(1); or

(ii) The maximum liquor tank level using the procedures described in § 63.365(e)(2).

(3) For facilities with catalytic oxidizers or thermal oxidizers, the owner or operator shall establish a baseline temperature for an operating parameter using the procedures described in § 63.365(f) and shall, after the initial compliance test, comply with the following work practice by, every 2 years, replacing the catalyst bed with new catalyst material and conducting a performance test using the procedures described in § 63.365(b) or (d) as appropriate.

(c) The procedures in paragraphs (c)(1) through (c)(3) of this section shall be used to determine initial compliance with the emission limits under § 63.362(d), the aeration room vent standard:

(1) The owner or operator shall comply with either paragraph (b)(2) or (3) of this section.

(2) Determine the concentration of ethylene oxide emitted from the aeration room into the atmosphere (after any control device used to comply with § 63.362(d)) using the methods in § 63.365(c)(1); or

(3) Determine the efficiency of the control device used to comply with § 63.362(d) using the test methods and procedures in § 63.365(d)(1).

(d) The procedures in paragraphs § 63.363(d)(1) through (3) shall be used to determine initial compliance with the emission limits under § 63.362(e)(2), the chamber exhaust vent standard for sources using 1 to 10 tons or sources using 10 tons:

(1) For facilities manifolding emissions from the chamber exhaust vent to a control device controlling emissions from the sterilization chamber vent, the owner or operator shall comply with the applicable compliance provisions for the appropriate control technology (see paragraphs (b)(2) and (3) of this section).

(2) For facilities controlling only emissions from the chamber exhaust vent with a control device, the owner or operator shall determine the efficiency of control devices used to comply with § 63.362(e)(2) using the test methods and procedures in § 63.365(d)(2), as well as the following:

(i) For facilities with acid-water scrubbers, the owner or operator shall comply with paragraph (b)(2) of this section.

(ii) For facilities with catalytic oxidizers or thermal oxidizers, the owner or operator shall comply with paragraph (b)(3) of this section.

(3) For facilities exhausting emissions to the atmosphere, the owner or operator shall determine the concentration of ethylene oxide in the sterilization chamber immediately prior to the operation of the chamber exhaust using the test methods and procedures in § 63.365(c)(2).

(e) For facilities complying with the emissions limits under section § 63.362 with a control technology other than

acid-water scrubbers or catalytic or thermal oxidizers, the owner or operator of the facility shall provide to the Administrator or delegated authority information describing the design and operation of the air pollution control system including recommendations for the operating parameters to be monitored to indicate proper operation and maintenance of the air pollution control system. Based on this information, the Administrator will determine the operating parameter(s) to be established during the performance test. During the performance test required in paragraph (a) of this section using the methods approved in § 63.365(g), the owner or operator shall determine the site-specific operating parameter(s) approved by the Administrator.

(f) A facility must demonstrate continuous compliance with each operating limit and work practice standard required under § 63.363, except during periods of startup and shutdowns, according to the methods specified in § 63.364.

6. Section 63.364 is amended by:

a. Revising paragraph (b) introductory text;

b. Adding a sentence to the end of paragraph (b)(2);

c. Revising paragraph (c) introductory text;

d. Removing and reserving paragraphs (c)(1), (2) and (3);

e. Adding a sentence to the end of paragraph (c)(4);

f. Revising paragraph (d);

g. Revising paragraph (e); and

h. Revising paragraph (f).

The additions and revisions read as follows:

§ 63.364 Monitoring requirements.

* * * * *

(b) For sterilization facilities complying with § 63.363 (b) or (d) through the use of an acid-water scrubber, the owner or operator shall either:

* * * * *

(2) * * * Monitoring is required during a week only if the scrubber unit has been operated.

(c) For sterilization facilities complying with § 63.363(b), (c), or (d) through the use of catalytic oxidation or thermal oxidation, the owner or operator shall continuously monitor and record the oxidation temperature at the outlet to the catalyst bed or at the exhaust point from the thermal combustion chamber using the temperature monitor described in paragraph (c)(4) of this section. Monitoring is required only when the oxidation unit is operated. From 15-minute or shorter period temperature values, a data acquisition system for the temperature monitor shall compute and record a daily average oxidation temperature.

(1) [Reserved]

(2) [Reserved]

(3) [Reserved]

(4) * * * As an alternative, the accuracy temperature monitor may be verified in a calibrated oven (traceable to NIST standards).

(d) For sterilization facilities complying with § 63.363(b), (c), or (d) through the use of a control device other than acid-water scrubbers or catalytic or thermal oxidizers, the owner or operator shall monitor the parameters as approved by the Administrator using the methods and procedures in § 63.365(g).

(e) For sterilization facilities complying with § 63.363, (c)(2), or through the use of direct measurement of ethylene oxide concentration, the owner or operator shall follow paragraph (e)(1) of this section. For sterilization facilities complying with § 63.363(d)(3) through the use of direct measurement of ethylene oxide concentration, the owner or operator shall follow paragraph (e)(2) of this section.

(1) Measure and record once per hour the ethylene oxide concentration at the outlet to the atmosphere after any control device according to the procedures specified in § 63.365(c)(1). The owner or operator shall compute and record a 3-hour average every third hour. The owner or operator will install, calibrate, operate, and maintain a monitor consistent with the requirements of performance specifications (PS) 8 or 9 in 40 CFR part 60, appendix B, to measure ethylene oxide. The daily calibration requirements of section 7.2 of PS 9 or section 2.3 of PS 8 are required only on days when ethylene oxide emissions are vented to the control device.

(2) Measure and record the ethylene oxide concentration in the sterilization chamber immediately before the chamber exhaust is activated according to the procedures specified in § 63.365(c)(2). The owner or operator shall install, calibrate, operate, and maintain a monitor consistent with the requirements of PS 8 or 9 to measure ethylene oxide concentration. The daily calibration requirements of section 7.2 of PS 9 or section 2.3 of PS 8 are required only on days when the chamber exhaust is activated. Sources complying with PS 8 are exempt from the relative accuracy procedures in sections 2.4 and 3 of PS 8.

(f) For sterilization facilities complying with § 63.363(d)(1) by manifolding emissions from the chamber exhaust vent to a control device controlling emissions from another vent type, the owner or operator shall monitor the control device to determine which emissions from the chamber exhaust vent are manifolded using the applicable monitoring requirements in paragraphs (a) through (e) of this section and record the monitoring data.

7. Section 63.365 is amended by:

a. Revising paragraph (b)(1) introductory text;

b. Revising paragraph (b)(1)(iv)(B);

c. Removing and reserving paragraph (b)(1)(iv)(C);

d. Removing and reserving paragraph (b)(2);

e. Revising paragraph (c);

f. Revising paragraph (d);

g. Revising paragraph (f);

h. Revising paragraph (h).

The revisions read as follows:

§ 63.365 Test methods and procedures.

* * * * *

(b) * * *

(1) *First evacuation of the sterilization chamber.* These procedures shall be performed on an empty sterilization chamber, charged with a typical amount of ethylene oxide, for the duration of the first evacuation under normal operating conditions (i.e., sterilization pressure and temperature).

* * * * *

(iv) * * *

(A) * * *

(B) Test Method 18 or 25A, 40 CFR part 60, appendix A (hereafter referred to as Method 18 or 25A respectively), shall be used to measure the concentration of ethylene oxide.

(*1*) Prepare a graph of volumetric flow rate versus time corresponding to the period of the run cycle. Integrate the area under the curve to determine the volume.

(*2*) Calculate the mass of ethylene oxide by using the following equation:

$$W_o = C \times V \times \frac{MW}{SV} \times \frac{1}{10^6}$$

Where:

Wo = Mass of ethylene oxide, g (lb)

C = concentration of ethylene oxide in ppmv

V = volume of gas exiting the control device corrected to standard conditions, L (ft^3)

$1/10^6$ = correction factor $L_{EO}/10^6\ L_{TOTAL\ GAS}$ ($ft^3_{EO}/10^6\ ft^3_{TOTAL\ GAS}$)

(*3*) Calculate the efficiency by the equation in paragraph (*B*)(1)(v) of this section.

(C) [Reserved]

* * * * *

(2) [Reserved]

* * * * *

(c) *Concentration determination.* The following procedures shall be used to determine the ethylene oxide concentration as the monitored parameter for aeration room vents as established in § 63.364(e)(1) and to monitor the ethylene oxide concentration before activation of the chamber exhaust vents as established in § 63.364(e)(2).

(1) *Parameter Monitoring.* For determining the ethylene oxide concentration established in § 63.363(b)(2)(i), (c)(2), and (d)(2), follow the procedures in PS 8 or PS 9 in 40 CFR part 60, appendix B. Sources complying with PS 8 are exempt from the relative accuracy procedures in sections 2.4 and 3 of PS 8.

(2) *Sterilization chamber prior to activation of the chamber exhaust.* For determining the ethylene oxide concentration established in § 63.363(d)(2) for the sterilization chamber before activation of the chamber exhaust, follow the procedures in PS 8 or PS 9 in 40 CFR part 60, appendix B. Sources complying with PS 8 are exempt from the relative accuracy procedures in sections 2.4 and 3 of PS 8.

(d) *Efficiency determination at the aeration room vent and at the chamber exhaust vent (not manifolded).* The following procedures shall be used to determine the efficiency of a control device used to comply with § 63.362(d) or (e), the aeration room vent standard or the chamber exhaust vent standards.

(1) Determine the concentration of ethylene oxide at the inlet and outlet of the control device using the procedures in Test Method 18 or 25A in 40 CFR part 60, appendix A. A test is comprised of three 1-hour runs.

(2) Determine control device efficiency (% Eff) using the following equation:

$$\%\ Eff = \frac{W_i - W_o}{W_i} \times 100$$

Where:

% Eff = percent efficiency

W_i = mass flow rate into the control device

W_o = mass flow rate out of the control device

(3) Repeat the procedures in paragraphs (d)(1) and (2) of this section three times. The arithmetic average percent efficiency of the three runs shall determine the overall efficiency of the control device.

* * * * *

(f) *Determination of baseline temperature for oxidation units.* The procedure in paragraph (f)(1) of this section shall be used to establish the baseline temperature required in § 63.363(b), (c), or (d) for catalytic oxidation units or thermal oxidation units.

(1) The owner or operator shall maintain the recommended minimum oxidation temperature provided by the oxidation unit manufacturer.

(2)–(3) [Reserved]

* * * * *

(h) An owner or operator of a sterilization facility seeking to demonstrate compliance with the standards found at § 63.362(d) or (e) with a monitoring device or procedure other than a gas chromatograph or a flame ionization analyzer shall provide to the Administrator information describing the operation of the monitoring device or procedure and the parameter(s) that would indicate proper operation and maintenance of the device or procedure. The Administrator may request further information and will specify appropriate test methods and procedures.

8. Section 63.366 is amended by revising paragraph (a)(3) as follows:

* * * * *

§ 63.366 Reporting requirements.

(a) * * *

(3) Content and submittal dates for excess emissions and monitoring system performance reports. All excess emissions and monitoring system performance reports and all summary reports, if required per § 63.10(e)(3)(vii) and (viii) of subpart A of this part, shall be delivered or postmarked or postmarked within 30 days following the end of each calendar half or quarter as appropriate (see § 63.10(e)(3)(i) through (iv) for applicability). Written reports of exceedances, excursions, or violations of process or control system parameters, or operating limits, shall include all information required in § 63.10(c)(5) through (13) of subpart A of this part, as applicable in Table 1 of § 63.360, and information from any calibration tests in which the monitoring equipment is not in compliance with PS 9 or the method used for temperature calibration. The written report shall also include the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no exceedances, excursions, or violations have occurred or monitoring equipment has not been inoperative, repaired, or adjusted, such information shall be stated in the report.

* * * * *

9. Section 63.367 is revised to read as follows:

§ 63.367 Recordkeeping requirements.

(a) The owner or operator of a source subject to the emissions standards in § 63.362 shall comply with the recordkeeping requirements in § 63.10(b) and (c) of subpart A of this part, according to the applicability in Table 1 of § 63.360, and in this section. All records required to be maintained by this subpart or a subpart referenced by this subpart shall be maintained in such a manner that they can be readily accessed and are suitable for inspection. The most recent 2 years of records shall be retained onsite or shall be accessible to an inspector while onsite. The records of the preceding 3 years, where required, may be retained offsite. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, computer disk, magnetic tape, or microfiche.

(b) The owners or operators of a source using 1 to 10 tons not subject to an emissions standard in § 63.362 shall maintain records of ethylene oxide use on a 12-month rolling average basis (until the source changes its operations to become a source subject to an emissions standard in § 63.362).

(c) The owners or operators of a source using less than 1 ton shall maintain records of ethylene oxide use on a 12-month rolling average basis (until the source changes its operations to become a source subject to the emissions standard in § 63.362).

[FR Doc. 01–5414 Filed 3–5–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF ENERGY

48 CFR Parts 904, 952 and 970

RIN 1991–AB54

Acquisition Regulations; Conditional Payment of Fee, Profit, and Other Incentives

AGENCY: Department of Energy.

ACTION: Proposed rule; extension of public comment period.

SUMMARY: On February 1, 2001, the Department of Energy (DOE) published a Notice of Proposed Rulemaking to consider amending its Acquisition Regulation to: implement, in part, the requirements of Section 3147 of the National Defense Authorization Act for Fiscal Year 2000 relating to the safeguarding of classified information; establish more objective standards and procedures for considering and applying reductions of fee or other amounts payable for contractor performance

failures relating to environment, safety, and health (ES&H); and make related technical and conforming amendments. The comment period was to end on March 5, 2001. In response to requests of several of DOE's major contractors, DOE is extending the comment period to on or before the close of business on April 5, 2001.

DATES: Written comments must be received on or before the close of business April 5, 2001.

ADDRESSES: Comments (3 copies) should be addressed to: Michael L. Righi, Department of Energy, Office of Procurement and Assistance Management, MA–51, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Michael L. Righi at michael.l.righi@hq.doe.gov or (202) 586–8175.

Issued in Washington, D.C. on February 28, 2001.

Gwendolyn S. Cowan,

Acting Director, Office of Procurement and Assistance Management, Department of Energy.

[FR Doc. 01–5431 Filed 3–5–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 229

[FRA Docket No. FRA 2000–8545; Notice No. 2]

RIN 2130—AB89

Locomotive Cab Sanitation Standards

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of public hearing.

SUMMARY: By notice of proposed rulemaking (NPRM) published on January 2, 2001 (66 FR 136), FRA proposed safety standards for sanitation facilities for locomotive cab employees. This document announces a public hearing to give interested parties an opportunity to make comments on the record concerning the NPRM.

DATES: FRA will host a public hearing on April 2, 2001 at 2:00 p.m. Any interested party who desires to participate in the hearing must notify the Department of Transportation Central Docket Management Facility in writing on or before March 27, 2001. Written notification to the Docket Clerk must identify the docket number, and the participant's name, affiliation, and phone number.

ADDRESSES: *Public Hearing:* The public hearing will take place at the Omni Ambassador East, 1301 North State Parkway, Chicago, Illinois 60610 (312–787–7200).

Docket Clerk: Each notification must be submitted to the Department's Central Docket located in Room PL–401 at the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Docket hours at the Nassif Building are Monday-Friday, 10:00 a.m. to 5:00 p.m., excluding Federal holidays. Submissions may also be made via the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Christine Beyer, Office of the Chief Counsel, 1120 Vermont Avenue, NW., Mail Stop 10, Washington, DC 20950 (telephone 202–493–6027); or Brenda Hattery, Office of Safety Assurance and Compliance, 1120 Vermont Avenue, NW., Mail Stop 25, Washington, DC 20590 (telephone: 202–493–6326).

SUPPLEMENTARY INFORMATION: FRA published its NPRM on locomotive cab sanitation standards on January 2, 2001 (66 FR 136). In the NPRM, FRA provided all interested parties the opportunity to request a public hearing, and the Brotherhood of Maintenance-of-Way Employes has requested a hearing.

FRA prepared the NPRM through consultations with the Railroad Safety Advisory Committee (RSAC). FRA established RSAC in 1996 to provide a forum for collaborative rulemaking and program development. RSAC includes representation from all of the agency's major customer groups, including railroad carriers, labor organizations, suppliers, manufacturers and other interested parties.

FRA presented the issue of locomotive cab working conditions to RSAC in June 1997, and RSAC agreed to take on the task of preparing recommendations for any rulemaking FRA promulgated on the subject of cab sanitation facilities. RSAC formed the Locomotive Cab Working Conditions Working Group (Working Group) to meet and discuss the nature and extent of the problem, and to recommend a course of action for the agency. The Working Group included representatives of the rail carriers, affected labor organizations, and manufacturers. FRA and the Working Group met extensively over a period of 3 years, and discussed the area of cab sanitation thoroughly. FRA's NPRM is based largely on the recommendations that the Working Group prepared, and FRA believes the input the Working Group provided greatly enhanced the quality of the product. FRA invited written comments on the NPRM from all interested parties, and looks forward to additional oral comments at the public hearing.

Public Hearing Procedures

The public hearing will be conducted on the record, with a stenographer present. Any interested party may make a statement for the record and offer suggestions for improving the proposed standards. Any person wishing to participate in the public hearing should notify the Docket Clerk by mail or via the Internet at the address provided in the **ADDRESSES** section above, on or before March 27, 2001. The notification should identify the participant's name, affiliation and phone number.

Issued in Washington, D.C., on February 28, 2001.

S. Mark Lindsey,

Acting Deputy Administrator.

[FR Doc. 01–5307 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG41

Endangered and Threatened Wildlife and Plants; Proposal To Delist *Eriastrum hooveri* (Hoover's Woolly-Star)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to remove *Eriastrum hooveri* (Hoover's woolly-star) from the List of Endangered and Threatened Plants. This action is based on a review of all available data, which indicate that *E. hooveri* is more widespread and abundant than was documented at the time of listing, is more resilient and less vulnerable to certain activities than previously thought, and is protected on Federal, State, and private lands. The management practices of the Bureau of Land Management (BLM), on whose land a significant number of new populations have been found, afford adequate protection to the species. Occidental of Elk Hills, Inc. will manage and monitor a 2,863 hectare (7,075 acre) conservation area that contains *E. hooveri* occurrences. Occurrences of *E. hooveri* are also found on six other preserves and natural areas managed variously by the BLM, California Department of Fish and Game, and other private entities. Consequently, *E. hooveri* is not likely to become endangered within the foreseeable future throughout all or a significant portion of its range. *Eriastrum hooveri* populations range from the upper Cuyama Valley in Santa Barbara County, northward to the Panoche Hills area of San Benito County, and include sites in Fresno, Kings, Kern, and San Luis Obispo Counties in California. If made final, this rule would remove Federal protection for *E. hooveri* under the Endangered Species Act of 1973, as amended.

DATES: Comments from all interested parties must be received by May 7, 2001. Public hearing requests must be received by April 20, 2001.

ADDRESSES: If you wish to comment on this proposal, you may submit your comments by any one of several methods. You may submit written comments by mail to the Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Suite W–2605, Sacramento, California 95825–1888. You may send comments by electronic mail (e-mail) to: fw1hoovers_woolly_star@fws.gov. Finally, you may hand-deliver comments to our Sacramento Fish and Wildlife Office at 2800 Cottage Way, Suite W–2605, Sacramento, California.

FOR FURTHER INFORMATION CONTACT: Elizabeth Warne, botanist, U.S. Fish and Wildlife Service at the above address or telephone 916/414–6600.

SUPPLEMENTARY INFORMATION:

Background

Eriastrum hooveri (Hoover's woolly-star) was evidently first collected in 1935 by Gregory Lyons near Little Panoche Creek in Fresno County; however, Willis Jepson (1943) described the plant as *Hugelia hooveri*, citing a 1937 collection by Robert Hoover (the namesake for the scientific and common names) as the type. Later, Herbert Mason (1945) transferred the species along with the rest of the woolly-stars to the genus *Eriastrum*.

Eriastrum hooveri, an annual herb of the phlox family (Polemoniaceae), produces many wire-like stems and tiny white to pale blue flowers that are less than 5 millimeters (0.2 inch (in.)) across. The flowers are nearly hidden in tufts of woolly hair. The leaves are thread-like and may have two narrow lobes near the base. Standing 1–20 centimeters (cm) (0.4–8 in.) tall, the species has grayish, fuzzy stems, which are often branched (Munz and Keck 1959; Ellen Cypher, San Joaquin Valley Endangered Species Recovery Planning Program, pers. comm. 1998). The most important characteristics for distinguishing this species from other *Eriastrum* species are the flower size and the ratio between the length of the corolla and the length of the lobes on the petals (petals are highly colored portions of the flower and collectively are called the corolla). Characteristics of the stamen (male reproductive organ) can also help identify this species (Taylor and Davilla 1986).

Eriastrum hooveri prefers areas with lower annual plant densities and stable, silty to sandy soils that often exhibit cryptogamic crusting (cryptogamic crusts are composed of a complex of mosses, algae, bacteria, fungi, and lichens at the soil surface) (Bureau of Land Management (BLM) 1994). The influence of ongoing geological processes of the Lost Hills appears to provide favorable conditions and habitat for the species. *Eriastrum hooveri* is found on Federal lands at Lost Hills and in the Buena Vista Hills on alluvial deposits adjacent to the San Joaquin Valley (BLM 1992, 1994; EG&G Energy Measurements, Inc. (EG&G) 1994). In the area of the largest concentration of plants, which occurs on both privately and publicly owned land in the Kettleman Hills, the species has been found growing primarily on Cantua coarse sandy loam (Russ Lewis, BLM, pers. comm. 1995). Soil preferences of this species have not been studied for other locations.

Historically, prior to 1986, *Eriastrum hooveri* was known from 19 sites in San Luis Obispo, Kern, Fresno, and Santa Barbara Counties in California. *Eriastrum hooveri* was originally thought to be distributed in the Temblor Range (Kern and San Luis Obispo Counties), Cuyama Valley (San Luis Obispo and Santa Barbara Counties), and in a discontinuous fashion within valley saltbush scrub and valley sink scrub from Fresno County south in the San Joaquin Valley (Taylor and Davilla 1986) in California. Most of these sites occurred on private property on the San Joaquin and Cuyama Valley floors or on land known as the Naval Petroleum Reserve, which was administered by the U.S. Department of Energy (Department of Energy).

The Naval Petroleum Reserve-1 (NPR–1) was established in 1912 for national defense purposes but was largely maintained in reserve shut-in status until 1976. Because of oil shortages in the early 1970s, Congress passed the Naval Petroleum Reserve Production Act in 1976, which provided for oil production on NPR–1. Buena Vista Hills Oil Field, which encompasses Naval Petroleum Reserve-2 (NPR–2), lies to the south of and is partially contiguous with NPR–1. Together, NPR–1 and NPR–2 constitute what was known as the Naval Petroleum Reserves in California (Service 1995a).

Eriastrum hooveri was listed July 19, 1990 (55 FR 29361) as a threatened species under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). Prior to listing, a study of *Eriastrum hooveri* was conducted in 1986 to determine the status of the species (Davilla and Taylor 1986). This study and additional surveys conducted between 1986 and the time of listing revealed that 118 populations existed (55 FR 29361). Twelve populations were known to have been lost due to conversion of habitat to agriculture (Taylor and Davilla 1986; 55 FR 29361). Only two were identified as occurring on public land. Ninety-two percent of these sites were considered to be threatened by various activities, especially oil and gas development. Threats to the species at the time of listing were oil and gas development, agricultural land conversion, urbanization, and other habitat modifications.

The results of the 1986 survey, however, did not accurately reflect the distribution of the species because of the poor growing conditions during this period (EG&G 1995a). In subsequent years, particularly 1993, abundant spring rainfall created favorable growing conditions for annual plants (EG&G 1994, 1995b). Since the listing, surveys have shown *Eriastrum hooveri* to be more widespread and abundant than was previously known on public land, especially in the foothill areas. New locations were reported by the BLM (BLM 1992, 1994), and additional locations were submitted to the California Natural Diversity Data Base (CNDDB). Over 400 locations have been recorded on NPR–1 since the time of listing (Brian Cypher, Enterprise Advisory Services, Inc., pers. comm. 1998). *Eriastrum hooveri* is also known to occur on NPR–2; however, detailed population information is not available (B. Cypher, pers. comm., 1998).

BLM staff estimate that 1,056 *Eriastrum hooveri* sites occupying approximately 982 hectares (ha) (2,426 acres (ac)) have been located during surveys conducted on private and public lands in 1992 and 1994 (BLM 1992, 1994). These surveys have shown that *E. hooveri* populations range from the upper Cuyama Valley near Ventucopa, Santa Barbara County, northward to the Panoche Hills in San Benito County, a distance of approximately 224 kilometers (140

miles). This distance approximates the historic range; however, many more foothill sites have been found. *Eriastrum hooveri* is now known to occur in 42 U.S. Geological Survey quadrangles within Kings, Kern, San Luis Obispo, Santa Barbara, San Benito, and Fresno Counties. Large areas of potential suitable habitat remain unsurveyed, and it is likely that additional sites remain undiscovered throughout the range of this species (BLM 1994).

Eriastrum hooveri occurrences are mainly located within four areas, or metapopulations (E. Cypher, pers. comm. 1995; Service 1998). A metapopulation consists of scattered groups of plants that function as a single population due to occasional interbreeding. The four metapopulations from largest to smallest are—(1) the Kettleman Hills area in Fresno and Kings Counties; (2) the Carrizo Plain-Elkhorn Plain-Temblor Range-Caliente Mountains-Cuyama Valley-Sierra Madre Mountains area in San Luis Obispo, Santa Barbara, and extreme western Kern Counties; (3) the Lokern-Elk Hills-Buena Vista Hills-Coles Levee-Maricopa-Taft area in Kern County; and (4) the Antelope Plain-Lost Hills-Semitropic area in Kern County. Each of the metapopulations occurs on both private and public land. Additional, more isolated populations occur throughout the region.

The numbers of sites within the metapopulations range from 425 sites in the Kettleman Hills area to 112 sites in the Antelope Plain-Lost Hills-Semitropic area. The numbers of plants present in these two areas from 1992 to 1994 ranged from 135 million plants in Kettleman Hills to approximately 479,000 plants in the Antelope Plain-Lost Hills-Semitropic area. These numbers, however, vary widely from year to year due to changes in climatic conditions, particularly rainfall (Service 1998). Not all sites discovered during the 1992 and 1994 surveys constitute individual populations. The sites vary in area and numbers of plants and may be sufficiently close to one or more other sites to be considered part of a larger population.

An estimated 25 percent of all *Eriastrum hooveri* plants are on land managed by the BLM. The U.S. Forest Service (Forest Service) and the Department of Energy have less than 7 percent under their management. In addition, 23 percent of individual plants are located on split estate lands, where Federal mineral rights exist on private lands. Of the remaining individuals, 18 percent occur on a combination of split estate and private lands, and at least 27 percent occur on private lands only.

Oil and gas development on split estate land is controlled by the Federal Government, although the private landowner retains control of the surface property. Any oil and gas development on these lands would require environmental review by the BLM of impacts to listed species. Activities authorized by the BLM that may impact *Eriastrum hooveri* are restricted by the protection measures agreed upon by the BLM through a section 7 consultation with us, which dealt with 35 species of animals and plants including *E. hooveri* (consultation file number 1–1–97–F–0064) (Service 1997; Susan Carter, BLM, pers. comm. 1998). The BLM has incorporated species-specific and general habitat protection measures into their resource area land use plans since *E. hooveri* was listed. These measures will provide effective protection of natural habitat values and minimize impacts of various activities on *E. hooveri*. The BLM has agreed to consider the species as a special status species after delisting. This status will provide continued protection on BLM lands from impacts due to oil and gas development and grazing. The BLM also agreed to annually monitor the species at representative sites within each of the four metapopulations on their lands for a period of at least 5 years following publication of the final rule to delist the species. See more discussion about BLM actions in the section of this proposed rule titled "Effects of Proposed Rule to Delist."

On February 5, 1998, the Department of Energy transferred ownership and management of one of its two reserves, NPR–1, to the private ownership of Occidental of Elk Hills, Inc. (Occidental) (B. Cypher, pers. comm. 1998). The Department of Energy agreed, through a consultation with us (consultation file number 1–1–95–F–102) (Service 1995a) prior to transfer, to implement conservation measures at Elk Hills including the dedication of a 2,863-ha (7,075-ac) conservation area for the protection of *Eriastrum hooveri*, among other species (LSA Associates, Inc., 1998). Occidental has agreed to abide by the Department of Energy agreement (Peter Cross, Service, pers. comm. 1998).

There is no formal agreement between us and the Department of Energy for the specific protection of *Eriastrum hooveri* on NPR–2; however, they informally consult with us on a case-by-case basis on projects that may affect listed species on NPR–2. The Department of Energy currently proposes to continue ownership of NPR–2 (Duane Marti, BLM, pers. comm. 1998) and has agreed to consult with the us on the operation of NPR–2 once the decision that they will retain the reserve is final (P. Cross, pers. comm. 1998).

Eriastrum hooveri also occurs on several areas that have been acquired for the protection of listed animals. These areas include the Alkali Sink Ecological Reserve and Buttonwillow Preserve, both managed by California Department of Fish and Game (CDFG); Carrizo Plain Natural Area, co-managed by the BLM and CDFG; Coles Levee Ecosystem Preserve, owned and managed by ARCO; Lokern Natural Area, managed by the BLM, Center for Natural Lands Management, Chevron, and other private landowners; and Semitropic Ridge Preserve, owned and managed by the Center for Natural Lands Management (Service 1998; Wendie Duron, The Nature Conservancy, pers. comm. 1998).

Considering these ownership patterns and the protection provided to the species by BLM management practices (refer to Factor D "The inadequacy of existing regulatory mechanisms" under "Summary of Factors Affecting the Species"); the number of new occurrences found since the time of listing; and the knowledge that the species is more resilient and less vulnerable to certain activities than previously thought; it is not likely that *Eriastrum hooveri* will become endangered within the foreseeable future throughout all or a significant portion of its range. *Eriastrum hooveri*, therefore, no longer meets the definition of a threatened species under the Act.

Previous Federal Action

On September 27, 1985, we published a revised notice of review for native plants in the **Federal Register** (50 FR 39526). This revised notice added *Eriastrum hooveri* as a category 2 candidate species. Category 2 species were those species for which information in our possession indicated that listing was possibly appropriate, but for which additional information on biological vulnerability and threats was needed to support a proposed rule. On July 27, 1989, we published a proposal to list *E. hooveri* as threatened (54 FR 31201). The final rule listing *E. hooveri* as a threatened species was published July 19, 1990 (55 FR 29361).

Summary of Factors Affecting the Species

Section 4 of the Act and regulations (50 CFR part 424) written to implement the listing provisions of the Act set forth the procedures for listing, reclassifying, and delisting species. A species may be listed if one or more of the five factors

described in section 4(a)(1) of the Act threatens the continued existence of the species. A species may be delisted, according to 50 CFR 424.11(d), if the best scientific and commercial data available substantiate that the species is neither endangered nor threatened because of (1) extinction, (2) recovery, or (3) error in the original data for classification of the species. We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by *Eriastrum hooveri*. We conclude that, based on more complete survey data and information on the biology of the species than was available at the time of listing, *E. hooveri* is not likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Therefore, we propose to remove *E. hooveri* from the List of Endangered and Threatened Plants.

The five factors affecting the species, as described in section 4(a)(1), and their current application to *Eriastrum hooveri* (Jepson) H.L. Mason (Hoover's woolly-star) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Oil and Gas Leasing

The predominant threat facing *Eriastrum hooveri* at the time it was listed as a threatened species was oil and gas development, especially in the Elk Hills area. Russ Lewis of the BLM has conducted several surveys for *E. hooveri* on public and private lands since the time of listing (BLM 1992, 1994). Of the 1,056 new sites found by Lewis during 1992 and 1994, oil and gas development threats were present for about 21 percent of the sites. Threats at many of these sites are no longer significant because several oil fields are at or near their peak of development, and the likelihood of additional habitat loss from new activity is low.

In the Elk Hills area, oil production areas are established on the upper flanks of the hills on the former NPR–1. Exploration activities generally have failed to establish oil production in the lower flanks (BLM 1994). The majority (73 percent) of the *Eriastrum hooveri* sites occur at lower elevations (EG&G 1995a); therefore, the majority of *E. hooveri* populations in NPR–1 are in areas not likely to be developed for petroleum production (B. Cypher, pers. comm. 1998).

Mobil Oil Corporation enacted measures to protect *Eriastrum hooveri* by placing protective exclosures around all known sites on a Lost Hills leased property (BLM 1994). Lewis also noted that above-surface pipeline corridors appear to be unintentionally restricting access of off-highway vehicles to remaining undisturbed habitat and, consequently, are protecting many other sites in the area (BLM 1994). The *E. hooveri* Field Inventory Report (BLM 1994) documents the presence of *E. hooveri* in large numbers throughout fully developed oil fields, such as Lost Hills, that have been in existence for several decades.

Because *Eriastrum hooveri* reoccupies disturbed surfaces such as well pads and pipeline rights-of-way after a period of non-use, the species likely will continue to exist both on federally and privately owned, fully developed oil fields (BLM 1994). EG&G Energy Measurements monitored the reestablishment of *E. hooveri* (under sponsorship by the Department of Energy and Chevron) following two disturbances that occurred in 1990. Density estimates of *E. hooveri* 3 years after disturbance in both cases approached density estimates recorded on undisturbed sites (EG&G 1995a). Although oil and gas development does constitute a potential surface disturbance threat, it does not appear to threaten the long-term survival of this species.

Agricultural and Urban Development

Agricultural and urban development was also cited as a threat at the time of listing. Although sites that occur within the San Joaquin Valley are experiencing threats from development, the majority of the plants are found along the hilly margins of the Valley, usually between 90 and 910 meters (300 to 3,000 feet) in elevation. The full extent of the historic distribution of *Eriastrum hooveri* on the San Joaquin Valley floor will never be fully known due to widespread agricultural development throughout this geographic area.

The California Natural Diversity Data Base documents that *Eriastrum hooveri* sites have existed on sandy places along the historic drainage routes running northward from Buena Vista Lake to Tulare Lake (R. Lewis, *in litt.* 1995). There are other locations along the Kern River drainage from Bakersfield to Buena Vista Lake and additional sites on the valley floor in Fresno County. Much of the valley floor is agriculturally developed, virtually to its fullest extent (R. Lewis, *in litt.* 1995). Future development is uncertain and would require encroachment into hilly and agriculturally less-desirable geographic areas. Limited water availability for additional agricultural and urban development is a severely limiting factor in the southern San Joaquin Valley; however, urban development along the Interstate 5 corridor could impact remaining occupied habitat at a few locations. The majority of the existing locations are located on or near hilly areas due to ongoing geological processes that create habitat essential for the species; therefore, agricultural and urban threats to the continued survival of *E. hooveri* appear to be minimal.

Off-Highway Vehicles

The *Eriastrum hooveri* Field Inventory Report (BLM 1994) considered 15 percent of sites evaluated to have potential threats from off-highway vehicles. The report stated that the presence of a dirt road near a site constituted a threat; however, many of these dirt roads are very remote, seldom traveled, and inaccessible to the public due to locked gates. Most of the sites documented in the report had no threats or documented impacts because the sites were inaccessible to vehicles.

Off-highway vehicle impacts are rare occurrences and typically consist of tire tracks across occupied habitat, in many cases as a one-time occurrence by a single vehicle. In some roads located in the Caliente Mountains and Cuyama Valley, the species was found growing in the wheel treads of the road. In addition, *E. hooveri* was found growing on several inactive motorcycle paths located in the Kettleman Hills, some of which were approximately 46 cm (18 in.) deep. The plants appear to persist in the absence of renewed disturbance. The low number of documented impacts and the recolonizing ability of *E. hooveri* indicate that off-highway vehicle use does not represent a threat to the long-term survival of the species (BLM 1994).

The majority of the six *Eriastrum hooveri* populations in Los Padres National Forest are located on lightly used or abandoned roads that receive an estimated one to ten vehicle passes per year. This light road use appears to help maintain the presence of the species, although the plants do not grow in the actual tire tracks. The populations do not extend into areas, which apparently have suitable habitat, that surround the roads (Mike Foster, Forest Service, pers. comm. 1998).

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Overutilization is not a factor known to affect *Eriastrum hooveri*.

C. Disease or Predation

Eriastrum hooveri tends to occupy soil surface that does not support a large amount of vegetation. Grazing by wild herbivores is not known to occur. And, although cattle may trail through areas occupied by *E. hooveri* en route to areas of desirable forage (refer to Factor E "Other natural or manmade factors affecting its continued existence."), they do not appear to be grazing within the sparsely vegetated *E. hooveri* occupied habitat (BLM 1994). Furthermore, observations of the wiry and low-growing *E. hooveri* plants have shown that they are not desirable forage for livestock (BLM 1994); therefore, grazing does not constitute a serious threat to *E. hooveri*.

No known diseases affect *Eriastrum hooveri*.

D. The Inadequacy of Existing Regulatory Mechanisms

The Act may incidentally afford protection to *Eriastrum hooveri* where it coexists with other federally listed species. For example, *E. hooveri* occupies a subset of the range and habitat of the federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*). The recovery plan for this species recommends the establishment of a system of multispecies reserves that are within the range of *E. hooveri* (Service, 1983). Lands acquired for this reserve system will likely benefit *E. hooveri*, as will the continued legal protection afforded the fox under the Act.

Eriastrum hooveri is not a State-listed species under the California Endangered Species Act.

The principal protection for *Eriastrum hooveri*, if this rule is finalized, will be through management on BLM land where Areas of Critical Environmental Concern, which contain occupied *E. hooveri* habitat, were designated in the Kettleman Hills, Carrizo Plain, and Lokern areas in May 1997 (S. Carter, pers. comm. 1998; Amy Kuritsubo, BLM, pers. comm. 1998). Areas of Critical Environmental Concern were authorized in Section 202(c)(3) of the Federal Land Policy and Management Act of 1976. These are areas where special management attention is needed to protect and prevent irreparable damage to important resources or to protect human life from natural hazards (BLM 1993). The management prescriptions proposed for Areas of Critical Environmental Concern are included in the Caliente Resource Area Resource Management Plan and provide protection to the plants by minimizing residual impacts from rights-of-way, oil and gas leasing, and authorized grazing (R. Lewis, pers. comm. 1995; S. Carter, pers. comm. 1998).

The BLM's Caliente Resource Area Resource Management Plan and Environmental Impact Statement addresses future management of *Eriastrum hooveri*. *Eriastrum hooveri* will be designated a "sensitive species" by the BLM after the species is delisted (Ed Hastey, BLM, *in litt.* 1995). BLM policy will minimize impacts to the species at all known sites that are under their jurisdiction. Before any surface disturbance is allowed, the BLM will require an inventory to be conducted on the project site as outlined in the Formal Consultation on Oil and Gas Leasing in the Caliente Resource Management Plan (Service 1995b). A Limited Surface Use Stipulation for Federally Proposed and Listed Species will be issued for oil and gas leases within listed species habitat in the Caliente Resource Area (Service 1995b; BLM 1996). Impacts to the species by oil and gas leasing on BLM lands will be minimized by avoidance of populations, by requiring that surface disturbing activities take place after seed set and prior to germination if avoidance is not possible, and by fencing during project activity. If populations cannot be avoided, topsoil may be stockpiled for a period less than one year and replaced after project completion (BLM 1995).

In areas where *Eriastrum hooveri* overlaps the range of the federally listed plant species *Caulanthus californicus* (California jewelflower), *Lembertia congdonii* (San Joaquin woolly-threads), or *Eremalche kernensis* (Kern mallow), grazing will be allowed only in approved study areas (S. Carter, pers. comm. 1995). In addition, where the species overlaps the range of federally listed animal species, certain grazing restrictions will apply. The restrictions include requirements for residual mulch (dry plant material) of 50 kilograms (kg) per ha (49 pounds (lbs) per ac), and 5 cm (2 in.) of green growth, or 318 kg per ha (238 lbs per ac) in order for grazing to occur. Because *E. hooveri* habitat is generally sparsely vegetated, this residual mulch requirement will protect *E. hooveri* from overgrazing (S. Carter, pers. comm. 1998). In areas where the species occurs in saltbush scrub, the season of use will be from December 1 to May 31, with 20 percent maximum use of saltbush plants (S. Carter, pers. comm. 1995).

Eriastrum hooveri population site locations will be placed into a Geographic Information System (GIS) to help in the management of future activities that may arise within the range of the species (S. Carter, pers. comm. 1995). The BLM will establish monitoring locations at key sites on public land in the four metapopulations (see "Background" under **SUPPLEMENTARY INFORMATION** where oil and gas development, grazing, off-highway vehicles, and agricultural or urban uses pose potential threats. These locations will be monitored annually for a period of at least 5 years after delisting, at which time the status of the species on BLM land will be evaluated for possible changes in management strategy (E. Hastey, *in litt.* 1995). The BLM will continue to report new locations.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Although *Eriastrum hooveri* is not a desirable forage plant for livestock, damage can occur by trampling (BLM 1994). Only 5 percent of the sites recorded by Lewis were affected by cattle and sheep grazing activities; therefore, livestock trampling does not appear to constitute a serious threat to *E. hooveri*.

At the time of listing, competition with nonnative grasses was cited as a threat. *Eriastrum hooveri* requires habitat with lower plant densities, therefore, it does not occur in areas with a dense cover of nonnative species (E. Cypher, pers. comm. 1995). These areas of lower plant densities generally have evidence of cryptogamic crusts, which also indicate minimal levels of past disturbance. Dense stands of nonnative annual vegetation can be found adjacent to these open surface areas. In all cases, small numbers of nonnative plants can be found throughout *E. hooveri* habitat but not in densities that would exclude *E. hooveri*. This species may initially colonize areas having low plant cover because of disturbance, but *E. hooveri* subsequently may be outcompeted by nonnative plants in areas with sufficient moisture (E. Cypher, pers. comm. 1995). Considering the wide distribution and abundance of preferred habitat areas with relatively open surface area and low numbers of nonnative species, however, competition with nonnative grasses is not a threat to the long-term survival of *E. hooveri*.

Eriastrum hooveri has been found in many more locations than were documented at the time of listing; it is more resilient and less vulnerable to certain activities, particularly impacts from grazing and oil and gas development, than was previously thought; and is protected on Federal, State, and private lands. BLM's management practices afford adequate protection to the species. Occurrences are also found on the 2,863-ha (7,075-ac) Occidental conservation area and six other preserves and natural areas managed variously by the BLM, CDFG, and other private entities.

Effects of the Rule

If finalized, the proposed action would remove *Eriastrum hooveri* from the List of Endangered and Threatened Species. The threatened designation under the Act for this species would be removed. The prohibitions and conservation measures provided by the Act would no longer apply to this species. Therefore, taking, interstate commerce, import, and export of *E. hooveri* would no longer be prohibited under the Act. In addition, Federal agencies would no longer be required to consult with us to insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of *E. hooveri*. The take and use of *E. hooveri* must comply with State regulations. There is no designated critical habitat for this species.

Monitoring

Section 4(g)(1) of the Act requires us to monitor a species for at least 5 years after delisting due to recovery. Since *E. hooveri* is being delisted based on new information, rather than recovery, the Act does not require us to monitor this plant following its delisting. Although this species is not being delisted due to recovery, its level of protection has met the recovery criteria outlined in the Draft Recovery Plan for Upland Species (Service 1998). The recovery strategy states that recovery of *E. hooveri* can be accomplished using public lands and other areas already dedicated for conservation with the goal of protecting populations throughout the species' range and at sites representing a variety of topographic areas and community types. The species is currently found on six preserves and natural areas, three BLM Areas of Critical Environmental Concern, and NPR–1 and –2. These areas contain portions of each of the four metapopulations and occurrences in the northernmost and the southernmost extent of the species' range. Monitoring will be conducted by the BLM at representative sites within each metapopulation to determine trends for 5 years following delisting as part of their agreement to protect the species (E. Hastey, *in litt.* 1995).

Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Eriastrum hooveri;*

(2) Additional information concerning the range, distribution, location of any additional populations, and population size of this species; and

(3) Current or planned activities in the subject area and their possible impacts on this species.

Submit comments as indicated under **ADDRESSES.** If you wish to submit comments by e-mail, please submit these comments as an ASCII file and avoid the use of special characters and any form of encryption. Please also include "Attn: [RIN number] and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Sacramento Fish and Wildlife Office at phone number 916–414–6600. Please note that the e-mail address "fw1hoovers_woolly_star@fws.gov" will be closed at the termination of the public comment period.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received, as well as supporting information used to write this rule, will be available for public inspection, by appointment, during normal business hours at the above address.

In making a final decision on this proposal, we will take into consideration the comments and any additional information we receive. Such communications may lead to a final regulation that differs from this proposal.

The Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Suite W–2605, Sacramento, California 95825–1888.

Paperwork Reduction Act

Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act, require that Federal agencies obtain approval from OMB before collecting information from the public. Implementation of this rule does not include any collections of information that require approval by OMB under the Paperwork Reduction Act.

National Environmental Policy Act

We have determined that we do not need to prepare an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Executive Order 12866

This rule is not subject to review by the OMB under Executive Order 12866.

References Cited

A complete list of all references cited herein is available upon request from the Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

Author

The primary author of this proposed rule is Elizabeth Warne, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we hereby propose to amend part 17, subchapter B of chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.12(h) is amended by removing the entry for *Eriastrum hooveri*, Hoover's woolly star, under "Flowering Plants" from the List of Endangered and Threatened Plants.

Dated: December 5, 2000.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 01–5288 Filed 3–5–01; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 010119023-1023-01; I.D. 121900A]

RIN 0648–AO80

Pacific Halibut Fisheries; Catch Sharing Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed changes to catch sharing plan and sport fishing management; availability of draft environmental assessment and regulatory impact review.

SUMMARY: NMFS proposes, under authority of the Northern Pacific Halibut Act (Halibut Act), to approve and implement changes to the Area 2A Pacific Halibut Catch Sharing Plan (Plan) to adjust the management of the sport fisheries off Washington, and to adjust the management of the non-treaty commercial fisheries off Oregon and Washington. NMFS also proposes sport fishery regulations to implement the Plan in 2001. A draft environmental assessment and regulatory impact review (EA/RIR) on this action is also available for public comment.

DATES: Comments on the proposed changes to the Plan and the proposed sport fishery regulations must be received by March 9, 2001.

ADDRESSES: Send comments or requests for a copy of the Plan and/or the EA/RIR to Donna Darm, Acting Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, Seattle, WA 98115. Electronic copies of the Plan, including proposed changes for 2001, and of the draft EA/RIR are also available at the NMFS Northwest Region website: http://www.nwr.noaa.gov, under "Halibut Management."

Comments will not be accepted if submitted via e-a-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier, 206–526–6140.

SUPPLEMENTARY INFORMATION: The Halibut Act, at 16 U.S.C. 773c, gives the Secretary of Commerce (Secretary) general responsibility for carrying out the Halibut Convention between the United States and Canada. It requires the Secretary to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) of the Halibut Act authorizes the Regional Fishery Management Councils to develop regulations that are not in conflict with regulations adopted by the International Pacific Halibut Commission (IPHC) to govern the Pacific halibut catch that occurs in their regions. Each year since 1988, the Pacific Fishery Management Council (Council) has developed a catch sharing plan in accordance with the Halibut Act to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-treaty harvesters and among non-treaty commercial and sport fisheries in IPHC statistical Area 2A (off Washington, Oregon, and California).

In 1995, upon the recommendation of the Council, NMFS implemented the Plan (60 FR 14651, March 20, 1995). In each of the intervening years between 1995 and the present, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries. The Plan allocates 35 percent of the Area 2A TAC to Washington treaty Indian tribes in Subarea 2A-1 and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery is further divided into a directed commercial fishery that is allocated 85 percent of the commercial allocation and an incidental catch in the salmon troll fishery that is allocated 15 percent of the commercial allocation. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53'18" N. lat.), Oregon, and California. The Plan also divides the sport fisheries into seven geographic subareas, each with separate allocations, seasons, and bag limits.

Council Recommended Changes to the Plan

At its September 2000 meeting, the Council adopted, for public comment, the following proposed changes to the plan: (1) separating the directed commercial fishery sub-quota from the incidental salmon fishery allowance and permitting the salmon troll fishery to retain incidentally caught halibut from May 1 until its sub-quota is estimated to have been achieved; (2) allowing the setting of sport fishery season start dates in the Washington North Coast and South Coast sub-areas following the IPHC annual meeting, rather than before; (3) removing the 1,000 lb (0.45 mt) nearshore set-aside in the Washington South Coast sub-area; and (4) eliminating the Washington South Coast closed "hot spot."

At its November 2000 public meeting, the Council considered the results of state-sponsored workshops on the proposed changes to the Plan and public comments, and made final recommendations for three modifications to the Plan as follows:

(1) Set a halibut sub-quota for the salmon troll fishery that is distinct from the directed commercial fishery sub-quota. The salmon troll fishery would be permitted to retain halibut taken incidentally in that fishery, beginning May 1 until the sub-quota is estimated to have been achieved. The directed commercial fishery would no longer have access to the salmon troll fishery sub-quota in July.

(2) Revise the season guidance for the Washington South Coast sport fishery to remove the 1,000 lb (0.45 mt) nearshore halibut set-aside. Nearshore fishing for halibut would be permitted during the all-depth season. If the all-depth season closes with halibut remaining in its quota, additional nearshore fishing would also be permitted after the all-depth season.

(3) Eliminate the closed "hot spot" for the Washington South Coast sport fishery.

The Council also recommended a minor change to update the plan to reflect the elimination of the Halibut Managers Group, and to clarify which Salmon Advisory Subpanel member should be consulted regarding inseason halibut actions.

Proposed Changes to the Catch Sharing Plan

NMFS is proposing to approve and to make the following changes to the Plan:

In section (e) of the Plan, Non-Indian Commercial Fisheries, add a new sentence to the end of sub-paragraph (e)(1) to read as follows:

The primary management objective for this fishery is to harvest the troll quota as incidental catch during the May/June salmon troll fishery. The secondary management objective is to harvest the remaining troll quota as incidental catch during the July through September salmon troll fishery.

In section (e), Non-Indian Commercial Fisheries, revise the last sentence of sub-paragraph (e)(1)(ii)(A) to read as follows:

In determining whether to make such inseason adjustments, NMFS will consult with the applicable state representative(s), a representative of the Council's Salmon Advisory Sub-Panel, and Council staff.

In section (e), Non-Indian Commercial Fisheries, revise sub-paragraph (e)(1)(iii), redesignate paragraphs (e)(1)(iv) and (e)(1)(v) as (e)(1)(iii) and (e)(1)(iv), respectively, and revise redesignated paragraph (e)(1)(iii) to read as follows:

If the overall quota for the non-Indian, incidental commercial troll fishery has not been harvested by salmon trollers during the May/June fishery, additional landings of halibut caught incidentally during salmon troll fisheries will be allowed in July and will continue until the amount of halibut that was initially available as a quota for the troll fishery is taken or the overall non-Indian commercial quota is estimated to have been achieved by the IPHC. Landing restrictions implemented for the May/June salmon troll fishery will apply for as long as this fishery is open. Notice of the July opening of this fishery will be announced on the NMFS hotline (206) 526–6667 or (800) 662–9825. No halibut retention in the salmon troll fishery will be allowed in July unless the July opening has been announced on the NMFS hotline.

In section (e), Non-Indian Commercial Fisheries, remove the fourth sentence of paragraph (e)(2).

In section (f), Sport Fisheries, revise the seventh and eighth sentences of paragraph (1)(iii) to read as follows:

The fishery will continue until September 30, or until the quota is achieved, whichever occurs first. Subsequent to this closure, if any remaining quota is insufficient for an offshore fishery, but is sufficient for a nearshore fishery, the area from the Queets River south to 47°00'00" N. lat. and east of 124°40'00" W. long. will reopen for 7 days per week until either the remaining subarea quota is estimated to have been taken and the season is closed by the IPHC, or until September 30, whichever occurs first.

In section (f), Sport Fisheries, delete the last two sentences of paragraph (1)(iii).

In section (f), Sport Fisheries, revise paragraph (5)(iv)(A) to read as follows:

Inseason actions will be effective on the date specified in the **Federal Register** or at the time that the action is filed for public inspection at the Office of the Federal Register, whichever is later.

Proposed 2001 Sport Fishery Management Measures

NMFS is proposing sport fishery management measures that are necessary to implement the Plan in 2001. The 2001 TAC for Area 2A is 1,140,000 lb (517 mt), as set by the IPHC at its annual meeting of January 22–25, 2001. The proposed 2001 sport fishery regulations are based on this 2001 Area 2A TAC as follows:

Washington Inside Waters (Subarea Puget Sound and Straits)

This subarea is allocated 57,393 lb (26 mt) of an Area 2A TAC of 1,140,000 lb (517 mt) in accordance with the Plan. The season should be longer than the 46-day season in 2001 because of the increase in the overall TAC and resultant subarea allocation. In accordance with the procedure developed with IPHC to project the catch in this subarea based on past catch per "fishing day equivalent" (FED), where a weekday is equal to 1 FED and a weekend/holiday is equal to 2.5 FEDs, approximately 89 FEDs are expected with a 57,393 lb (26 mt) quota. This calculation is based on an average catch of 643 lb (0.3 mt) per FED over the past 3 years. The number of fishing days is based on setting a season that opens in May and continues at least through July 4 for a 5-day per week fishery (Thursday through Monday). A final determination of the season dates will be made based on the allowable harvest level, projected 2001 catch rates, and on recommendations developed in a public workshop sponsored by Washington Department of Fish and Wildlife in February. The daily bag limit is one halibut of any size per day per person.

Washington North Coast Subarea (North of the Queets River)

This subarea is allocated 108,030 lb (49 mt) at an Area 2A TAC of 1,140,000 lb (517 mt) in accordance with the Plan. The 2000 fishery began on May 2, lasted through June 16, and re-opened July 1 to 4. This fishery is held 5 days per week (Tuesday through Saturday). According to the Plan, the structuring objective for this subarea is to maximize the season length for viable fishing opportunity and, if possible, stagger the seasons to spread out this opportunity to anglers who use these remote grounds. For the 2001 fishing season, the fishery in this subarea is set to meet the structuring objectives described in the Plan. While this season is scheduled to begin in May, a final determination of the season dates will be made based on the allowable harvest level, projected 2001 catch rates, and on recommendations developed in a public workshop sponsored by Washington Department of Fish and Wildlife in February. The daily bag limit is one halibut of any size per day per person. A portion of this subarea located about 19 nm (35 km) southwest of Cape Flattery is closed to sport fishing for halibut. The size of this closed area is described in the Plan, but may be modified preseason by NMFS to maximize the season length.

Washington South Coast Subarea

This subarea is allocated 42,739 lb (19.4 mt) of an Area 2A TAC of 1,140,000 lb (517 mt) in accordance with the Plan. The fishery will open in May and continue 5 days per week (Sunday through Thursday) in all areas, except where prohibited, and 7 days per week only in the area from the Queets River south to 47°00'00" N. lat. and east of 124°40'00" W. long. When there is not enough quota available for a single day of offshore fishing, fishing will be allowed 7 days per week in the area from the Queets River south to 47°00'00" N. lat. and east of 124°40'00" W. long., until the quota is reached or until September 30, whichever occurs first. The daily bag limit is one halibut of any size per day per person.

Columbia River Subarea

This subarea is allocated 10,487 lb (4.8 mt) of an Area 2A TAC of 1,140,000 lb (517 mt) in accordance with the Plan. The fishery will open on May 1 and continue 7 days per week until the quota is reached or September 30, whichever occurs first. The daily bag limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

Oregon North Central Coast Subarea

This subarea is allocated 199,803 lb (90.6 mt) of an Area 2A TAC of 1,140,000 lb (517 mt) in accordance with the Plan. The May all-depth season is allocated 135,866 lb (61.6 mt). Based on an observed catch per day trend in this fishery, an estimated 24,000 lb (10.9 mt) will be caught per day in 2001, resulting in a 5-day fixed season. In accordance with the Plan, the season dates will be May 9, 10, 11, 16, and 17. If the quota is not taken, an appropriate number of fishing days will be scheduled for late May or early June. The restricted depth fishery inside 30 fathoms is combined for the north central and south central coast subareas, and is allocated 17,150 lb (7.8 mt)

and will be open starting May 1 through September 30 or until the TAC is attained, whichever occurs first. The August coastwide all-depth fishery (Cape Falcon to Humbug Mountain) is allocated 49,951 lb (22.7 mt), which may be sufficient for a 1-day or 2-day opening in August, based on the expected catch per day. If sufficient quota remains after this season for additional days of fishing, the dates for an all-depth fishery will be in mid-August. A final determination of the season dates will be made based on the allowable harvest level, projected catch rates, and recommendations developed in a public workshop sponsored by the Oregon Department of Fish & Wildlife in February. The daily bag limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

Oregon South Central Coast Subarea

This subarea is allocated 15,820 lb (7.2 mt) at an Area 2A TAC of 1,140,000 lb (517 mt) in accordance with the Plan. The May all-depth season is allocated 12,656 lb (5.7 mt) and, based on observed catch per day trend in this fishery, an estimated 3,000 lb (1.4 mt) would be caught per day in 2001, resulting in a 4-day fixed season. In accordance with the Plan, the season dates are May 9, 10, 16, and 17. If the quota is not taken, an appropriate number of fishing days will be scheduled for late May or early June. The restricted depth fishery inside 30 fathoms is combined for the north central and south central coast subareas, and would be allocated 17,150 lb (7.8 mt) and will be open starting May 1 through September 30 or until the TAC is attained, whichever occurs first. The August coastwide all-depth fishery (Cape Falcon to Humbug Mountain) is allocated 49,951 lb (22.7 mt), which may be sufficient for a 1-day or 2-day opening in August, based on the expected catch per day. If sufficient quota remains for additional fishing days after this season, the dates for an all-depth fishery will be in mid-August. A final determination of the season dates will be made based on the allowable harvest level, projected catch rates, and recommendations developed in an ODFW-sponsored public workshop in February. The daily bag limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

Humbug Mountain, OR, through California Subarea

This subarea is allocated 6,809 lb (3.1 mt) of an Area 2A TAC 1,140,000 lb (517 mt) in accordance with the Plan. The 2001 sport season for this subarea is the same as last year, with a May 1 opening and continuing 7 days per week until September 30. The daily bag limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

NMFS requests public comments on the Council's recommended modifications to the Plan and the proposed sport fishing regulations. The Area 2A TAC was set by the IPHC at its annual meeting on January 22 to 25, 2001, in Vancouver, British Columbia. NMFS requests comments on the proposed changes to the Plan and on the proposed changes to sport fishing regulations by February 16, 2001, after the IPHC annual meeting, so that the public will have the opportunity to consider the final Area 2A TAC before submitting comments on the proposed sport fishing regulations. The States of Washington and Oregon will conduct public workshops shortly after the IPHC meeting to obtain input on the sport season dates. NMFS will issue final rules for the Area 2A Pacific halibut sport fishery concurrent with the IPHC regulations for the 2001 Pacific halibut fisheries.

Classification

NMFS has prepared a draft EA/RIR on the proposed changes to the Plan. Copies of the "Draft Environmental Assessment and Regulatory Impact Review of Changes to the Catch Sharing Plan for Pacific Halibut in Area 2A" are available from NMFS (see **ADDRESSES**). Comments on the EA/RIR are requested by March 21, 2001.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed changes to the Plan would not have a significant economic impact on a substantial number of small entities as follows:

Setting a fishery-specific halibut quota for the salmon troll fishery will not appreciably alter the annual halibut harvest of that fishery or the directed commercial fishery. The basic allocation scheme of 85% of the non-treaty commercial quota for the directed commercial fishery and 15% of the non-treaty commercial quota for the salmon troll fishery would not change under this action. Rather, the directed commercial fishery would no longer have access to the halibut that remains in the salmon troll fishery sub-quota after the June salmon fisheries; that halibut would remain available to the salmon fishery. Although it is theoretically possible that commercial halibut fishers could be adversely affected because they would be unable to harvest any halibut remaining in the salmon troll sub-quota, past experience indicates that salmon troll participants have harvested most of their annual quotas. Accordingly, because fishery participants will basically have the same fishing opportunities in 2001 as 2000. In 2000, 268 licenses were issued to fishers participating in the 3-day directed fishery, and 235 licenses were issued to salmon fishers wishing to land halibut incidentally to their troll fisheries. The total combined quota for these two fisheries was less than 160,000 lb (72 mt) in 2000, an insignificant amount relative to the annual West Coast commercial salmon and groundfish landings.

Similar to revisions on separating the non-treaty commercial allocations, proposed changes for the Washington South Coast subarea would not re-allocate halibut or appreciably alter halibut fishing opportunities for charter businesses and anglers operating in that area. Nearshore halibut opportunities have traditionally varied from year to year, based on harvest rates in the all-depth fishery. Under the proposed changes to the Plan, the all-depth fishery would close when the remaining quota is not adequate to cover a day of all-depth fishing. Because a single day of all-depth fishing could require up to 2,000 lb, nearshore fishing opportunities are not expected to be reduced from the current system of setting aside 1,000 lb for nearshore harvest.

The "hot spot" closed area in the Washington South Coast subarea was opened inseason in 1999 and 2000. Opening the hot spot before the start of the season in 2001 will not alter quota availability for fishers in that area. This proposed change is expected to improve business planning convenience for South Coast fishers, who will be able to fish throughout the South Coast subarea from the start of the season, rather than waiting for guidance on whether the hot spot will be closed or opened.

These proposed changes to the Plan are insignificant and are expected to result in either no impact at all, or a modest increase in fishery and regulatory convenience. Consequently, these changes to the Plan are not expected to meet any of the RFA tests of having a "significant" economic effect on a "substantial number" of small entities. The proposed sport management measures for 2001 merely implement the Plan at the appropriate level of TAC; their impacts are within the scope of the impacts analyzed for the Plan.

Accordingly, a regulatory flexibility analysis was not prepared.

This action has been determined to be not significant for purposes of E.O. 12866.

Dated: February 28, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5314 Filed 3–5–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 022101A]

Western Pacific Fishery Management Council; Public Meetings and Hearing

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings/public hearing revision.

SUMMARY: The Western Pacific Fishery Management Council (Council) has changed the time, address, and agenda for the March 13, 2001, 109th meeting in Honolulu, HI.

DATES: The meeting time has been changed to 12 noon to 6 p.m.

ADDRESSES: The meeting will now be held at the Ala Mona Hotel, Hibiscus Room No 1., 410 Atkinson Drive, Honolulu, HI 96813; telephone: 808-944-2974.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: 808–522–8220.

SUPPLEMENTARY INFORMATION: This revised notification modifies the original notice published on March 2, 2001. The new agenda item will be the Endangered Species Act Biological Opinion (BO) on the effects of the Hawaii-based pelagic longline fishery on threatened and endangered sea turtles. The Council expects to receive public comments on the BO and its recommended measures.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808–522–8220 (voice) or 808–522–8226 (fax), at least 5 days prior to the meeting date. All other previously published information remains unchanged.

Authority: 16 U.S.C. 1801 et seq.

Dated: March 1, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5436 Filed 3–5–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 66, No. 44
Tuesday, March 6, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–073–1]

Pine Shoot Beetle Host Material From Canada; Availability of a Draft Environmental Assessment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a draft environmental assessment concerning various alternative actions for addressing the spread of the pine shoot beetle into noninfested areas of the United States due to the importation of pine shoot beetle host material from Canada. The draft environmental assessment documents our review and analysis of the environmental impacts associated with the alternative actions under consideration. Among the alternative actions considered in the assessment is the imposition of specific regulatory requirements covering the importation of pine shoot beetle host material into the United States from Canada. We are making this draft environmental assessment available to the public for review and comment.

DATES: We invite you to comment on the draft environmental assessment. We will consider all comments that we receive by April 5, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 00–073–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 00–073–1.

A copy of the draft environmental assessment and any comments that we receive on this docket will be available for public inspection in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html*.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Jones, Operations Officer, Program Support, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

Pine shoot beetle, *Tomicus piniperda* (Linnaeus) is a pest of pine trees. Pine shoot beetle (PSB) can cause damage in weak and dying trees, where reproduction and immature stages of PSB occur, and in the new growth of healthy trees. During "maturation feeding," young beetles tunnel into the center of pine shoots (usually of the current year's growth), causing stunted and distorted growth in host trees. PSB is also a vector of several diseases of pine trees. Adults can fly at least 1 kilometer, and infested trees and pine products are often transported long distances. These factors can result in the establishment of PSB populations far from the location of the original host tree. This plant pest damages urban ornamental trees and can cause economic losses to the timber, Christmas tree, and nursery industries.

PSB hosts include all pine species. The beetle has been found in a variety of pine species (*Pinus* spp.) in the United States. Scotch pine (*P. sylvestris*) is the preferred host of PSB. The Animal and Plant Health Inspection Service (APHIS) has determined, based on scientific data from European countries, that fir (*Abies* spp.), spruce (*Larix* spp.), and larch (*Picea* spp.) are not hosts of PSB.

PSB first established itself in Canada approximately 8 years ago. Areas of infestation are currently located in the Provinces of Ontario and Quebec, and are contiguous, for the most part, with PSB infested areas located in the northeastern United States. PSB populations have spread in both Ontario and Quebec in recent years despite the efforts of the Canadian Food Inspection Agency (CFIA) to implement regulatory compliance practices to control the spread of this plant pest.

Under the Plant Protection Act (Title IV, Pub. L. 106–224, 114 Stat. 438, 7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to prohibit or restrict the importation and entry into the United States of any plants and plant products, including pine forest materials and products, to prevent the introduction of plant pests or noxious weeds into the United States.

APHIS has regulated the interstate movement of PSB host material from areas of the United States that are generally infested with PSB through its domestic quarantine notices (see 7 CFR 301.50 through 301.50–10), but has not established specific regulations in its foreign quarantine notices prohibiting or restricting the importation of PSB host material into the United States from foreign countries. Rather, we have used our authority under the emergency provisions of the Federal Plant Pest Act (repealed in 2000, formerly at 7 U.S.C. 150dd), and more recently, the Plant Protection Act, as the basis for any actions we have taken on a case-by-case basis to regulate the movement of certain PSB host material from Canada in order to prevent the introduction of PSB into noninfested areas of the United States.

APHIS is investigating the possibility of implementing regulations that would impose specific requirements on the importation of PSB host material into the United States from Canada in order to prevent the spread of the PSB into noninfested areas of the United States. These new regulations, if implemented, would parallel requirements recently implemented by Canada with respect to the export of PSB host material from the United States to Canada. The reciprocal regulation of imported PSB host material by Canada and the United States would be consistent with North American Plant Protection Organization standards of preventing the introduction and spread of quarantine plant pests and fostering the preservation of plant resources in North America by coordinating joint programs of mutual interest.

To assist us in our decisionmaking, APHIS has prepared a draft environmental assessment (EA), entitled "Pine Shoot Beetle Host Material from Canada" (December 2000), that considers alternative actions and the associated environmental impacts for addressing the spread of PSB into noninfested areas of the United States. The alternative actions reviewed and analyzed include implementing reciprocal regulations on imported PSB host material from Canada, taking no action (i.e., retaining the current domestic quarantine program only), or rescinding the domestic quarantine program and not implementing reciprocal regulations on imported PSB host material from Canada.

We are making this draft EA available to the public for review and comment. We will consider all comments that we receive by the date listed under the heading **DATES** at the beginning of this notice.

The draft EA may be viewed on the Internet at *http://www.aphis.usda.gov/ppd/es/ppq/psbcan.pdf*. You may also request paper copies of the draft EA by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT.** Please refer to the title of the draft EA when requesting copies. The draft EA is also available for review in our reading room (information on the location and hours of the reading room is listed under the heading **ADDRESSES** at the beginning of this notice).

The draft EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 28th day of February 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–5422 Filed 3–5–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–006–2]

Imported Fire Ant

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service will continue to administer its imported fire ant program.

FOR FURTHER INFORMATION CONTACT: Ron Milberg, Operations Officer, PPQ, APHIS, 4700 River Road, Unit 134, Riverdale, MD 20737–1236; (301) 734–5255.

SUPPLEMENTARY INFORMATION: Our imported fire ant program is based on our imported fire ant regulations (7 CFR 301.81–1 through 301.81–10, referred to below as the regulations). The regulations govern the interstate movement of regulated articles from areas quarantined because of the imported fire ant. Section 301.81–2 of the regulations provides a list of articles regulated because of the imported fire ant. Regulated articles are imported fire ant queens and reproducing colonies of imported fire ants, soil (except potting soil shipped in its original container), baled hay or straw stored in direct contact with the ground, nursery stock (except plants maintained indoors in a home or office environment and not for sale), used soil-moving equipment (unless removed of all noncompacted soil), and any other article or means of conveyance determined to present a risk of spreading imported fire ant. Section 301.81–3 of the regulations lists areas quarantined because of the imported fire ant. Quarantined areas are all or portions of the following States and territories: Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, and Texas. Sections 301.81–4 through 301.81–10 provide requirements for moving regulated articles interstate from quarantined areas to nonquarantined areas. These sections include requirements for certificates and limited permits and for treatment of regulated articles.

On March 2, 2000, we published in the **Federal Register** (65 FR 11281–11283, Docket No. 00–008–1), a notice announcing four public meetings to discuss how we should administer our imported fire ant program in light of reduced funding. The meetings were held in Raleigh, NC, on March 21, 2000; Orlando, FL, on March 23, 2000; Austin, TX, on March 28, 2000; and Santa Ana, CA, on March 30, 2000. We also solicited written comments on our notice for 60 days, ending May 1, 2000.

In the notice, we asked the public to comment on the following three options: (1) Maintain our imported fire ant program with minimal Federal regulatory activity, in line with Fiscal Year 2000 funding; (2) eliminate the imported fire ant regulations (i.e., rescind the Federal quarantine) and develop model guidelines for States to use in harmonizing their quarantines; or (3) eliminate the imported fire ant regulations (i.e., rescind the Federal quarantine) and establish a voluntary nursery self-certification program.

Approximately 105 individuals representing industry and cooperating States attended the public meetings. In addition, we received 58 written comments in response to the notice by the May 1, 2000, close of the comment period. They were from representatives of industry, cooperating States, and other interested individuals. With one exception, those who spoke at the public meetings and those who submitted written comments supported retention of the current imported fire ant program with a significant increase in funding for the program. They stated that the program enhances producers' ability to move regulated articles interstate. One commenter recommended enacting more stringent regulations in order to prevent the spread of the imported fire ant to the State of Hawaii. The majority of respondents also supported the National Plant Board's proposal for $7.5 million in congressional funding for the imported fire ant program and the Gulfport Plant Protection Station's unique methods development work.

Given the public support for our imported fire ant program, we will maintain the program in line with current funding. Therefore, our regulations will continue to provide uniform standards for the regulated industry, along with consistent interstate shipping requirements. Along with cooperating States, we will also continue to enforce the Federal quarantine. This means that when alerted by States, APHIS personnel will investigate noncompliance with the regulations and will examine the origin and pathway of introduction of imported fire ants found on regulated articles. In addition, we will continue to develop new regulatory treatments and nursery compliance protocols to control or reduce imported fire ant populations

in nursery production areas. For the development of new regulatory treatments, about $350,000 is allocated annually to our plant protection station in Gulfport, MS. To our knowledge, the Gulfport Plant Protection Station is the only facility in the country that is developing regulatory treatments for the imported fire ant.

In response to public support for increased funding for our imported fire ant program, Congress restored about $2.1 million for the imported fire ant program in Fiscal Year 2001. The majority of this appropriation will be distributed to States for enforcement and regulatory activities. We will retain a small percentage for administrative costs.

Done in Washington, DC, this 28th day of February 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–5421 Filed 3–5–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 01–011N]

Codex Alimentarius: Meeting of the Codex *ad hoc* Intergovernmental Task Force on Animal Feeding

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS), are sponsoring a public meeting, on Tuesday, March 6, 2001. The purpose of this meeting is to provide information and receive public comments on agenda items that will be discussed at the 2nd Session of the Codex *ad hoc* Intergovernmental Task Force on Animal Feeding, which will be held in Copenhagen, Denmark, on March 19–21, 2001. USDA and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 2nd Session of the Codex *ad hoc* Intergovernmental Task Force on Animal Feeding and to address items on the Agenda.

DATES: The public meeting is scheduled for Tuesday, March 6, 2001, from 9 a.m. to 1 p.m.

ADDRESSES: The public meeting will be held in the Conference Room M of the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20855 (Twinbrook Metro Station on the Red Line). Reference documents will be available for review in the FSIS Docket Room, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102 Cotton Annex, 300 12th Street, SW., Washington, DC 20250–3700. The documents will also be accessible via the World Wide Web at the following address: *http://www.fao.org/waicent/faoinfo/economic/esn/codex/ccaf02/af01_01e.htm.*

Submit one original and two copies of written comments to the FSIS Docket Room and at the address above and reference docket number 01–011N. All comments submitted in response to this notice will be available for public inspection in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Patrick J. Clerkin, Associate U.S. Manager for Codex, U.S. Codex Office, Food Safety and Inspection Service, Room 4861, South Building, 1400 Independence Avenue SW., Washington, DC 20250. Telephone (202) 205–7760, Fax: (202) 720–3157. Persons requiring a sign language interpreter or other special accommodations should notify Mr. Clerkin at the above number.

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius Commission was established in 1962 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the major international organization for encouraging fair international trade in food and protecting the health and economic interests of consumers. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and correctly labeled. In the United States, USDA, FDA, and the Environmental Protection Agency (EPA) manage and carry out U.S. Codex activities.

The Codex *ad hoc* Intergovernmental Task Force on Animal Feeding was established by the 23rd Session of the Codex Alimentarius Commission to develop Guidelines or Standards as appropriate on Good Animal Feeding practices with the aim of ensuring the safety and quality of foods of animal origin. The *ad hoc* Task Force is chaired by Denmark.

Issues To Be Discussed at the Public Meeting

The provisional agenda items to be discussed during the public meeting:

1. Information paper compiling a list of internationally available standards and validated methods for the examination of animal feed.

2. Information paper on lists established by different governments to control the use of prohibited and undesirable substances in animal feed or other approaches.

3. Consideration of the Revised Draft Code of Practice on Good Animal Feeding at Step 4.

Public Meeting

At the March 6th public meeting, the agenda items will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. Comments may be sent to the FSIS Docket Room (see **ADDRESSES**). Written comments should state that they relate to activities of the 2nd *ad hoc* International Task Force on Animal Feeding.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at *http://www.fsis.usda.gov.* The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups; allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC on March 1, 2001.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarius.

[FR Doc. 01–5420 Filed 3–5–01; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Funds Availability (NOFA) Invitation for Applications for the Value-Added Agricultural Product Market Development Grant Program (VADG) (Information Resource Center)

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (RBS) announces the availability of up to $5,000,000 in competitive grant funds for the establishment of a value-added technical resource center. RBS hereby requests proposals from eligible institutions to establish a single pilot project to be known as the Agricultural Marketing Resource Center. This Center will have the capabilities, including electronic, to coordinate and provide information regarding research, business, legal, financial, and logistical assistance to independent producers and processors of value-added agricultural commodities and products of agricultural commodities. The Center will also develop a nationwide market information and coordination system.

DATES: The deadline for receipt of an application is 4:00 p.m. eastern time on April 30, 2001. The application deadline is firm as to date and hour and applies to submission of the original application and two copies to the National Office in Washington, DC. The agency will not consider any application received after the deadline. Comments regarding the information collection requirements under the Paperwork Reduction Act of 1995 must be received on or before May 7, 2001 to be assured of consideration.

ADDRESSES: Send proposals and other required materials to Dr. Thomas H. Stafford, Director, Cooperative Marketing Division, Rural Business-Cooperative Service, USDA, Stop 3252, Room 4204, 1400 Independence Avenue SW., Washington, DC 20250–3252. Telephone: (202) 690–0368, E-Mail: thomas.stafford@usda.gov.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas H. Stafford, Director, Cooperative Marketing Division, Rural Business-Cooperative Service, USDA, STOP 3252, Room 4202, 1400 Independence Ave. SW., Washington, DC 20250–3252. Telephone (202) 690–0368, Facsimile (202) 690–2723, E-mail: thomas.stafford@usda.gov. You may also obtain information from the RBS website at: *http://www.rurdev.usda.gov/rbs/coops/vadg.htm.*

SUPPLEMENTARY INFORMATION:

Background

This solicitation is issued pursuant to section 231 of the Agriculture Risk Protection Act of 2000 authorizing the establishment of the Value-Added Agricultural Product Market Development grants. The Secretary of Agriculture has delegated the program's administration to USDA's Rural Business-Cooperative Service (RBS) for the fiscal year ending September 30, 2001. The Rural Business-Cooperative Service (RBS) was established by the Department of Agriculture Reorganization Act of 1994. The mission of RBS is to improve the quality of life in rural America by financing businesses, providing technical assistance, and creating effective strategies for rural development.

The primary objective of this program is to establish a pilot project to be known as the Agricultural Marketing Resource Center. This Center will have the capabilities, including electronic capabilities, to collect, disseminate, coordinate, and provide information on value-added processing to independent producers and processors of value-added agricultural commodities and products of agricultural commodities. This includes information on value-added research, business operations, legal issues, financial issues, and logistical assistance. The Center will also develop a strategy to establish a nationwide market information and coordination system.

A single grant will be awarded on a competitive basis to an eligible institution as defined in this NOFA based on specific selection criteria. Parts 3015 and 3019 of 7 CFR will be applicable to this program.

This grant program has a matching funds requirement. Applicants must provide matching funds at least equal to the grant. Grant funds will be disbursed pursuant to relevant provisions of 7 CFR parts 3015 and 3019, as applicable. Matching funds must be used to support the overall purpose of the VADG program.

All forms required to apply are available from the Cooperative Services Program web-site at *http://www.rurdev.usda.gov/rbs/coops/vadg.htm,* by calling (202) 690–0368, or faxing (202) 690–2723. Forms may also be requested via the internet by sending a message with your name, mailing address (not e-mail), and phone number to *thomas.stafford@usda.gov.* When calling or e-mailing, please indicate you are requesting forms for fiscal year FY 2001 (FY 2001) Value-Added Product Market Development Grant Program. Forms will be mailed to you (not e-mailed or faxed) as quickly as possible.

Definitions

Agency—The Rural Business-Cooperative Service (RBS) or its successor.

Agricultural Product—Plant and animal products and their by-products, including aquaculturally produced fish and seafood products and forestry products.

Business Plan—A description of economic activities that will lead to a potential viable value-added venture including feasibility studies, marketing plans, business operations plans, and legal evaluations.

Center—The Agricultural Marketing Resource Center which is to be established and operated by the grantee to work with independent producers and processors on value-added ventures.

Independent Producers—Agricultural producers, including associations of producers and producer-owned corporations, who do not produce the agricultural product under contract or joint ownership with any other organization.

Matching Funds—Cash or confirmed funding commitments from non-Federal sources. Matching funds must be at least equal to the grant amount. In-kind contributions as defined in 7 CFR part 3015, subpart G and 7 CFR section 3019.23 can be used as matching funds. Examples of in-kind contributions include volunteer services furnished by professional and technical personnel, donated supplies and equipment, and donated office space.

Non-Profit Corporation or Institution—Any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

Public Body—Any state, county, city, township, incorporated town or village, borough, authority, district, economic development authority, or Indian tribe on Federal or state reservations or other federally recognized tribe.

Technical Assistance—Development activities to ensure that a successful value-added venture is organized. These activities include, but are not limited to, conducting feasibility, environmental, and other essential studies, or preparing

business, marketing, and other plans for independent agricultural producers wishing to enter into value-added activities.

Value-Added—Changes in the raw or partly processed agriculturally produced commodity that result in a product having a higher value to potential buyers. Examples include processing wheat into flour, slaughtering livestock or poultry, further processing of meat and poultry products, or collecting and converting methane from animal waste to generate energy.

VADG—Value-Added Agricultural Product Market Development Grant Program.

Recipient Eligibility Requirements

A grant may be made to a nonprofit corporation or institution, including an accredited institution of higher education, that demonstrates the capacity and technical expertise to provide assistance to independent producers, an established plan outlining support of the applicant in the agricultural community, and the availability of resources (in cash or in-kind) of definite value to sustain the Center following establishment. Grants may not be made to public bodies. Trade associations are not eligible recipients.

Proposal Preparation

A proposal should contain the following:

(1) *Standard Form 424*, "Application for Federal Assistance."

(2) *Standard Form 424A*, "Budget Information—Non-Construction Programs."

(3) *Standard Form 424B*, "Assurances—Non-Construction Programs."

(4) *Table of Contents*. For ease of locating information, each proposal must contain a detailed Table of Contents immediately following the required forms. The Table of Contents should include page numbers for each component of the proposal. Pagination should begin immediately following the Table of Contents.

(5) *Proposal Summary*. A summary of the Proposal, not to exceed one page, should include the following: description of the proposed Center; types of projects to be undertaken; and names of the individuals responsible for conducting and completing the work of the Center.

(6) *Proposal Narrative*. The narrative portion of the project proposal must include at least the following:

(i) Information sheet. A separate one-page information sheet, which lists each of the seven evaluation criteria listed in this NOFA under the "Evaluation Criteria and Weights" section, followed by the page numbers of all relevant material and documentation contained in the proposal which addresses or supports that criteria.

(ii) Goals of the Center. A clear statement of the ultimate goals of the proposed Center must be presented.

(iii) Specific Tasks to Be Performed by the Center. The narrative must describe the specific tasks that the Center will perform in collecting and disseminating information on value-added research, business operations, legal issues, financial issues, and logistical assistance related to value-added processing and in developing a strategy to establish a nationwide market information and coordination system.

(iv) Evaluation Criteria. Each of the seven evaluation criteria listed in the Evaluation Criteria and Weights section of this NOFA must be addressed specifically and individually by category. Present these criteria in narrative form with any supporting documentation.

(7) *Verification of Matching Funds*. For cash you should provide a copy of a bank statement. Otherwise, you should provide a copy of the confirmed funding commitment from the funding source.

(8) *Budget*. A detailed breakdown of estimated costs and a project budget.

Grant Amounts

The amount of grant funds for the Center in FY 2001 will not exceed $5,000,000.

Eligible Grant and Matching Fund Uses

Grant funds may be used to pay up to 50 percent of the cost of establishing the Center, including the collection of information the Center will disseminate to independent producers and processors of value-added agricultural commodities and products of agricultural commodities. The applicant's funding match may be either in cash or in-kind contributions in accordance with 7 CFR parts 3015 and 3019 and must be from non-Federal sources. Grant and matching funds may be used for, but are not limited to, the following purposes:

1. Activities to develop the Center's capacity to collect, interpret and disseminate principles, facts, technical knowledge, or other information that may be useful to independent agricultural producers or processors wishing to enter into value-added activities.

2. Activities to develop a market information sharing and coordination system.

3. Activities to develop training and instructional materials for independent agricultural producers wishing to enter into value-added activities.

4. Activities to develop resources concerning principles of organizing value-added enterprises, facts, and other information concerning the business, economic, and technical nature of value-added activities.

Ineligible Grant and Matching Fund Uses

Grant and matching funds cannot be used to:

1. Plan, repair, rehabilitate, acquire, or construct a building or facility (including a processing facility);

2. purchase, rent, or install fixed equipment;

3. repair or maintain privately owned vehicles;

4. pay for the preparation of the grant application;

5. fund political activities;

6. pay costs incurred prior to receiving this grant;

7. fund any activities prohibited in 7 CFR parts 3015 and 3019, as applicable; or

8. fund the Center's continuing operation.

Funds from this grant and the recipient's matching funds cannot be used for the architectural or engineering design work for the physical facility that are often part of the project feasibility studies.

Methods for Evaluating and Ranking Applications

RBS will review all applications for conforming to the requirements of this NOFA. Applications that fall within the guidelines of this NOFA will then be evaluated by a panel of agricultural economists and other technical experts appointed by RBS. Applications will be evaluated competitively and points awarded as specified in the Evaluation Criteria and Weights section of this NOFA. After assigning points upon those criteria, the application with the highest ranking will be awarded the grant.

Evaluation Criteria and Weights

RBS will initially determine whether the submitting organization is eligible and whether the application contains the information required by this NOFA. Prior to technical examination, each proposal will be reviewed for responsiveness to the funding solicitation. Submissions that do not meet the guidelines stated in this NOFA will be eliminated from the competition and will be returned to the applicant. After this initial screening, RBS will use the following criteria to rate and rank proposals received in response to this NOFA. Failure to address any of the following criteria will disqualify the proposal:

1. Nature of the Center's operations (Maximum 20 points). Describe in detail the operation of the Center including the specific tasks to be performed. Demonstrate how and where information will be collected, processed, stored, and disseminated (print and electronic). Describe in detail relevant experience in collecting and distributing research information on business principles and operations, legal activities, financial matters, and logistical methodologies. Describe in detail what type of electronic capabilities the Center will adopt. Proposals will be evaluated under this criteria for their overall ability to maximize (1) the utility of the information to be provided, (2) its accessibility, (3) its comprehensiveness to the user, and (4) the level of personal assistance provided by the Center.

2. Ability and experience in producer and producer group outreach (maximum 20 points). Describe in detail your experience in reaching producers and producer groups with the kind of information that would be provided by the Center. This includes mechanisms for promoting the Center's products and services, methods of interacting with stakeholders, and ways of obtaining feedback from producers and producer groups about information products and services received.

3. Experience in developing an electronic market information and coordination system (Maximum 15 points). Describe in detail relevant experience in developing and operating electronic market information and coordinating systems including web page design and maintenance, on-line transactions, and other relevant activities.

4. Qualifications of the personnel performing the tasks; and a demonstrated track-record of performing activities similar to those being proposed (maximum 15 points). Describe in detail qualifications of the in-house staff who will actually do the proposed tasks and provide resumes and information about their organizations. If a consultant or others are to be hired, include a statement as to their commitment, as well as their qualifications.

5. A sound plan of work incorporating the appropriate tasks to establish the Agricultural Marketing Resource Center (maximum 10 points). Describe in detail your plan of work to establish the Center. This plan must provide a "road map" for establishing the Center from start to finish. This includes time tables, project benchmarks, and the evaluation procedures used to determine the success of the effort.

6. Amount and type of linkages within the agriculture community (Maximum 10 points). Describe in detail the types of linkages and support the applicant has from the agriculture community, including development organizations, cooperatives, and other agribusinesses. Discuss the nature of these relationships and any joint activities with them.

7. Amount and type of resources to sustain the Center once established (Maximum 10 points). Described in detail the various sources of funding and in-kind support available to the applicant to sustain operations once the Center has been established and grant funding exhausted. Discuss how the Center will retain its in-house expertise after grant funds are exhausted.

What and Where To Submit

An original and two copies of the proposal, with all required forms and documentation, must be submitted in one package to: Dr. Thomas H. Stafford, Director, Cooperative Marketing Division, Rural Business-Cooperative Service, USDA, Stop 3252, Room 4204, 1400 Independence Avenue SW, Washington, D.C. 20250–3252. Applications sent electronically or by facsimile will not be accepted.

When To Submit

The deadline for receipt of an application is 4:00 p.m. eastern time on April 30, 2001. The application deadline is firm as to date and hour and applies to submission of the original application and two copies to the National Office in Washington, DC. The Agency will not consider any application received after the deadline.

Grantee Requirements

The grantee will be required to do the following.

1. Sign a Value-Added Agricultural Product Market Development Grant Agreement acceptable to RBS.

2. Sign required Federal grant making forms.

3. Use Standard Form 270, "Request for Advance or Reimbursement" to request advances and reimbursements.

4. Submit a Standard Form 269, "Financial Status Report" and list expenditures according to agreed upon budget categories on a quarterly basis starting with the first full quarter after the grant award.

5. Submit quarterly performance reports which compare accomplishments to the objectives; if established objectives are not met, the report must discuss problems or delays that may affect completion of the project, establish objectives for the next reporting period; and discuss compliance with any special conditions on the use of awarded funds.

6. Maintain a financial management system that is acceptable to the Agency.

7. Collect and maintain data provided by the independent producers on race, sex, and national origin.

8. Submit a final project performance report.

Other Federal Statutes and Regulations That Apply

Several other Federal statutes and regulations apply to proposals considered for review and to the grant awarded. These include, but are not limited to:

7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

7 CFR part 3015—Uniform Federal Assistance Regulations.

7 CFR part 3017—Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

7 CFR part 3018—New Restrictions on Lobbying.

7 CFR part 3019—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

7 CFR part 3052—Audits of States, Local Governments, and Non-Profit Organizations.

Paperwork Reduction Act

The reporting requirements contained in this NOFA have received temporary emergency clearance by the Office of Management and Budget (OMB) under Control Number 0570–0040. However, in accordance with the Paperwork Reduction Act of 1995, RBS will seek standard OMB approval of the reporting requirements contained in this NOFA. Comments should be submitted within 60 days of May 7, 2001.

Abstract: RBS, an Agency within the USDA Rural Development mission area, will administer the VADG program. The primary objective of this program is to establish the Agricultural Marketing Resource Center. This Center will have the capabilities, including electronic

capabilities, to coordinate and provide to independent producers and processors of value-added agricultural commodities and products of agricultural commodities information on value-added research, business operations, legal issues, financial issues, and logistical assistance related to value-added processing. The Center will also develop a strategy to establish a nationwide market information and coordination system.

Public Burden in This NOFA

At this time, the Agency is requesting OMB clearance of the following burden:

Standard Form 424 "Application for Federal Assistance."

This form is used by applicants as a required face sheet for applications for Federal assistance.

Standard Form 424A "Budget Information—Non-construction Programs."

This form must be completed by applicants to show the project's budget breakdown, both as to expense categories and the division between Federal and non-Federal sources.

Standard Form 424B "Assurances—Non-Construction Programs."

This form must be completed by the applicant to give the Federal government certain assurances that the applicant has the legal authority to apply for Federal assistance and the financial capacity to pay the non-Federal share of project costs. The applicant also gives assurance it will comply with various legal and regulatory requirements as described in the form.

The grant awardee will be required to do the following.

1. Sign a Value-Added Agricultural Product Market Development Grant Agreement acceptable to RBS.

2. Use Standard Form 270, "Request for Advance or Reimbursement" to request advances and reimbursements.

3. Submit a Standard Form 269, "Financial Status Report" and list expenditures according to agreed upon budget categories on a quarterly basis starting with the first full quarter after the grant award.

4. Submit quarterly performance reports which compares accomplishments to the objectives. If established objectives are not met, discuss problems, delays, or other problems that may affect completion of the project; establish objectives for the next reporting period; and discuss compliance with any special conditions on the use of awarded funds.

5. Maintain a financial management system that is acceptable to the Agency.

6. Collect and maintain data provided by the independent producers on race, sex, and national origin.

7. Submit a final project performance report.

Project Proposal

The applicant must submit a project proposal containing the elements described in this NOFA and in the format prescribed. The elements of the proposal are: (1) Table of Contents providing page numbers for each component of the proposal; (2) a project Summary, not to exceed one page, that includes a description of the project and the names of individuals working on the project; and (3) a project narrative that discusses the goals of the Center, the specific tasks to be performed, and the seven criteria which are the basis for selection for funding.

Project Reporting Requirements

The grant Awardee will be required to submit written performance reports on a quarterly basis. The performance report shall include, but need not be limited to: (1) A comparison of actual accomplishments to the objectives; (2) if objectives were not met, reasons why they were not; (3) problems, delays, or adverse conditions which will materially affect attainment of planned project objectives; (4) objectives established for the next reporting period; and (5) status of compliance with any special conditions on the use of awarded funds.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 13 hours per response.

Respondents: Non-profit corporations and institutions of higher education.

Estimated Number of Respondents: 40.

Estimated Number of Responses per Respondent: 1.2.

Estimated Number of Responses: 48.

Estimated Total Annual Burden on Respondents: 628 hours.

Copies of this information collection can be obtained from Cheryl Thompson, Regulations and Paperwork Management Branch, (202) 692–0043.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this NOFA will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Comments on the paperwork burden may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, Rural Development, U.S. Department of Agriculture, Stop 0742, 1400 Independence Avenue SW., Washington, DC 20250–0742.

Dated: February 26, 2001.

William F. Hagy III,

Acting Administrator, Rural Business-Cooperative Service, United States Department of Agriculture.

[FR Doc. 01–5372 Filed 3–5–01; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Funds Availability (NOFA) Inviting Applications for the Value-Added Agricultural Product Market Development Grant Program (VADG) (Independent Producers)

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (RBS) announces the availability of approximately $20,000,000 in competitive grant funds to help independent producers enter into value-added activities under 231(a) of the Agriculture Risk Protection Act of 2000. RBS hereby requests proposals from eligible independent producers of agricultural commodities interested in a competitively awarded grant to develop business plans to establish a viable marketing opportunity for their value-added product; or to acquire capital to establish a value-added business venture or alliance that will allow the producers to better compete in domestic and international markets. Up to $10,000,000 will be allocated for the first competition, with unused funds being made available in a second competition. The maximum award per grant is $500,000.

DATES: The deadline for receipt of an application for the first competition is 5 p.m. eastern time on April 23, 2001. Applications for the second competition are due 4 p.m. eastern time on June 27, 2001. The application deadlines are firm as to date and hour. The agency will not consider any application received after the deadline. Comments regarding the information collection requirements under the Paperwork Reduction Act of 1995 must be received on or before May 7, 2001 to be assured of consideration.

ADDRESSES: Send proposals and other required materials to Dr. Thomas H. Stafford, Director, Cooperative Marketing Division, Rural Business-Cooperative Service, USDA, Stop 3252, Room 4204, 1400 Independence Avenue SW., Washington, DC 20250–3252. Telephone: (202) 690–0368, E–Mail: thomas.stafford@usda.gov.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas H. Stafford, Director, Cooperative Marketing Division, Rural Business-Cooperative Service, USDA, STOP 3252, 1400 Independence Ave. SW., Washington, DC 20250–3252. Telephone (202) 690–0368, Facsimile (202) 690–2723, E-mail: thomas.stafford@usda.gov. You may also obtain information from the RBS website at: *http://www.rurdev.usda.gov/rbs/coops/vadg.htm.*

SUPPLEMENTARY INFORMATION:

Background

This solicitation is issued pursuant to section 231 of the Agriculture Risk Protection Act of 2000 (Pub. L. 106–224) authorizing the establishment of the Value-Added Agricultural Product Market Development grants. The Secretary of Agriculture has delegated the program's administration to USDA's Rural Business-Cooperative Service for the fiscal year ending September 30, 2001.

The primary objective of this grant program is to encourage producers of agricultural commodities and products of agricultural commodities to further refine these products increasing their value to end users. These grants will facilitate greater participation in markets for value-added agricultural commodities and facilitate the opening of new markets for value-added products. These grants will be used to fund ventures for a variety of agricultural commodities. Grants will only be awarded if projects or ventures are determined to be economically viable and sustainable.

Since there are numerous eligible uses for a VADG grant, applicants must carefully list each activity they will undertake and the order each activity will be completed. This is critical since payments for subsequent activities will be made based on the successful completion of prerequisite activities. The Agency reserves the right to terminate the grant award if a prerequisite activity was not successful or if it showed the venture has a low probability of success. For example, business operations plan development will not be funded until a feasibility study has been completed and the results of the study show the venture has a strong chance of success.

Applicants must provide matching non-Federal funds at least equal to the grant. Grant funds will be disbursed pursuant to 7 CFR parts 3015 and 3019. Matching funds must be used to support the overall purpose of the VADG program.

All forms required to apply are available from the Cooperative Services Program web-site at *http://www.rurdev.usda.gov/rbs/coops/vadg.htm*, by calling (202) 690–0368, or facsimile (202) 690–2723. Forms may be requested via the internet by sending a message with your name, mailing address (not e-mail), and phone number to *thomas.stafford@usda.gov*. When calling or e-mailing, please indicate you are requesting forms for fiscal year (FY) 2001 Value-Added Product Market Development Grant Program. Forms will be mailed to you (not e-mailed or faxed) as quickly as possible. Forms are also available from most local USDA Rural Development offices.

Definitions

Agency—The Rural Business-Cooperative Service (RBS) or its successor.

Agricultural Product—Plant and animal products and their by-products to include aquaculturally produced fish and seafood products and forestry products.

Business Plan—A defined program of economic activities to determine the viability of a potential value-added venture including feasibility studies, marketing plans, business operations plans, and legal evaluations.

Independent Producers—Agricultural producers, including associations of producers and producer-owned corporations, who do not produce the agricultural product under contract or joint ownership with any other organization.

Matching Funds—Cash or confirmed funding commitments from non-Federal sources. Matching funds must be at least equal to the grant amount. In-kind contributions as defined at 7 CFR 3019.23 can be used as matching funds. Examples of in-kind contributions include volunteer services furnished by professional and technical personnel, donated supplies and equipment, and donated office space.

Value-Added—Changes in the raw or partly processed agriculturally produced commodity that results in a product having a higher value to potential buyers. Examples include processing wheat into flour, slaughtering livestock or poultry, and collecting and converting methane from animal waste to generate energy.

Recipient Eligibility Requirements

Potential recipients of the grant must be Independent Producers as defined above.

The project proposed must add value as defined above to an agricultural product or a product of an agricultural product.

Proposal Preparation

A proposal should contain the following:

(1) *Form SF–424*, "Application for Federal Assistance."

(2) *Form SF–424A*, "Budget Information—Non-Construction Programs."

(3) *Form SF–424B*, "Assurances—Non-Construction Programs."

(4) *Table of Contents.* For ease of locating information, each proposal must contain a detailed Table of Contents immediately following the required forms. The Table of Contents should include page numbers for each component of the proposal. Pagination should begin immediately following the Table of Contents.

(5) *Proposal Summary.* A summary of the Project Proposal, not to exceed one-page, should include the following: title of the project; description of the project including goals and tasks to be accomplished; names of the individuals responsible for conducting and completing the tasks; and the expected timeframe for completing all tasks.

(6) *Proposal Narrative.* The narrative portion of the project proposal must include at least the following:

(i) Project Title. The title of the proposed project must be brief, yet represent the major thrust of the project.

(ii) Information sheet. A separate one-page information sheet which lists each of the seven evaluation criteria listed in this NOFA under the "Evaluation Criteria and Weights" section, followed by the page numbers of all relevant material and documentation contained in the proposal which addresses or supports that criteria.

(iii) Goals of the Project. A clear statement of the ultimate goal of the project must be presented. It must describe the value-added venture to be developed and all the organizational

tasks and their sequence that need to be completed before operations can begin. Examples of similar types of operations should be presented and discussed in detail.

(iv) Specific Tasks to Be Completed. The narrative must list the specific tasks that will be funded by the grant. For example, a group of producers may want to have a feasibility study conducted and a business operations plan drafted. The details of these two tasks must be presented and discussed. This includes the order in which they will be completed and an estimate of the time necessary to complete the tasks. The Agency reserves the right to terminate the grant if a prerequisite activity was not successful or it showed the venture had a low probability of success.

(v) Evaluation Criteria. Each of the seven evaluation criteria listed in the Evaluation Criteria and Weights section of this NOFA must be addressed specifically and individually by category. These criteria should be in narrative form with any specific supporting documentation.

(7) *Verification of Matching Funds.* Present a copy of a bank statement if matching funds are in cash or a copy of the confirmed funding commitment from the funding source. If in-kind match is included, so state and provide verification of all commitments and how those commitments are priced.

(8) *Budget.* A detailed breakdown of estimated costs and a project budget.

Grant Amounts

The amount of funds available for VADG grants in FY 2001 is $20,000,000. The actual number of grants funded will depend on the quality of proposals received and the amount of funding requested. Maximum amount of Federal funds awarded for any one proposal will be $500,000. Up to $10,000,000 will be awarded in the first round of competition with any residual amount awarded in the second round. Eligible applicants not awarded in the first round will automatically be included in the second competition, unless an applicant wishes to submit a modified proposal.

In the event that the applicant is awarded a grant that is less than the amount requested, they will be required to modify their application to conform to the reduced amount before execution of the grant agreement. The Agency reserves the right to reduce or de-obligate the award, if acceptable modifications are not submitted by the awardee within 15 working days from the date the application is returned to the applicant. Any modifications must be within the scope of the original application.

Eligible Grant and Matching Funds Uses

Grant funds may be used to pay up to 50 percent of the costs for carrying out relevant projects. Applicant's contribution in cash or in-kind must be in accordance with 7 CFR parts 3015 and 3019. Grant and the recipient's matching funds may be used for, but are not limited to, the following purposes:

1. Conduct a feasibility analysis of the proposed value-added venture to help determine the potential success of the venture. Funds can be used to hire a qualified consultant.

2. Develop a business operations plan that provides comprehensive details on the management, planning, and other operational aspects of the proposed venture. Funds can be used to hire a qualified consultant.

3. Develop a business marketing plan for the proposed value-added product or products including the identification of a market window, the identification of potential buyers, a description of the distribution system, and possible promotional campaigns. Funds can be used to hire a qualified consultant.

4. Establish a working capital account to fund operations prior to obtaining sufficient cash flow from operations. Funds from this account can be used for, but are not limited to:

(a) hiring an attorney to provide legal advice and to draft articles of incorporation, bylaws, and other legal documents related to the proposed venture;

(b) hiring a Certified Public Accountant or other qualified individual to design an accounting system for the proposed venture; and

(c) pay salaries, utilities, and other operating costs to finance inventories, purchase office equipment, computers, and supplies, and finance other related activities necessary to establish alliances or business ventures that allow producers to better compete in domestic or international markets for value-added products.

Ineligible Grant Uses

Grant and matching funds cannot be used to:

1. Plan, repair, rehabilitate, acquire, or construct a building or facility (including a processing facility);

2. Purchase, rent, or install fixed equipment;

3. Repair or maintain privately owned vehicles;

4. Pay for the preparation of the grant application;

5. Fund political activities;

6. Pay costs incurred prior to receiving this grant;

7. Fund any activities prohibited by 7 CFR parts 3015 and 3019; and

8. Fund architectural or engineering design work for the physical facility that are often part of the project feasibility study.

Methods for Evaluating and Ranking Applications

Applications will be evaluated by a panel of agricultural economists and other technical experts appointed by RBS. Applications will be evaluated competitively and points awarded as specified in the "Evaluation Criteria and Weights" section of this NOFA. After assigning points upon those criteria, applications will be listed in initial rank order and presented, along with funding level recommendations, to the Administrator of RBS, who will award the grants. The Administrator reserves the right to add 10 points to any proposal to ensure geographic distribution. The Administrator further reserves the right to add 10 points to any proposal to ensure commodity type distribution. Applications will then be funded in final rank order until all available funds have been expended. Applicants must score 65 points or more during the first round to be considered for funding. Unused remaining funds from the first competition will be allocated to the second competition. Unless the proposal is withdrawn, eligible, but unfunded, proposals from the first competition will be considered in the second competition, with or without a revision by the applicant.

Evaluation Criteria and Weights

RBS will initially determine whether the submitting organization is eligible and whether the application contains the information required by this NOFA. Prior to technical examination, each proposal will be reviewed for responsiveness to the funding solicitation. Submissions that do not fall within the guidelines as stated in this NOFA will be eliminated from the competition and will be returned to the applicant. After this initial screening, RBS will use the following criteria to rate and rank proposals received in response to this NOFA. Failure to address any of the following criteria will disqualify the proposal.

1. Technical feasibility of the value-added activity (Maximum 20 points). Describe in detail the operations of the proposed venture. This must include the value-added activity being proposed, the technology to be used and its availability, and examples of similar ventures. Projects will be evaluated under this criteria for their overall ability to (1) operate efficiently, (2) maximize returns to producers, (3) be sustainable, and (4) improve the local rural economy.

2. Level of producer commitment (Maximum 20 points). Describe in detail the number of independent producers who will participate in the venture and their total level of production, the number and type of written commitments received, and the amount of funds raised from the independent producers.

3. Level of commitment from end-users of the product to be produced (Maximum 15 points). Describe in detail who will purchase the output of the venture; estimate the amount to be purchased; provide any completed marketing studies; and provide any letters of intent or similar commitment from the potential end-users.

4. Qualifications of personnel performing the proposed tasks and a demonstrated track-record of performing activities similar to those being proposed (Maximum 15 points). Describe in detail qualifications of the individuals who will actually do the proposed tasks and provide resumes and information about their organizations. If a consultant or others are to be hired, include a statement as to their commitment, as well as their qualifications.

5. Plan of work incorporating the appropriate tasks to accomplish the stated objectives (Maximum 15 points). The work plan must include the specific tasks that will be completed using the grant and matching fund money. Describe in detail the various tasks to be performed. For example, if the task is a feasibility study, the work plan must include the various aspects of the venture that will be analyzed. The work plan must present the order the tasks will be undertaken and the estimated time for completing each task. If the grant and match will be used for working capital, a detailed description of how the capital will be used must be included. Sufficient detail must be provided to determine whether or not funds are being used for qualified purposes.

6. Project cost per producer (Maximum 10 points). Calculated by dividing the estimated total number of producers benefiting from the venture by the project funding (grant amount plus the applicant's match). Scores will be assigned based on all applications in the competition.

7. Level of support from different development groups and agencies (Maximum 5 points). Describe in detail the involvement of other groups, state agencies, and local agencies in the venture and the kind of support they are providing. This can be financial and in-kind support.

What and Where To Submit

An original and two copies of the proposal, with all required forms and documentation, must be submitted in one package to: Dr. Thomas H. Stafford, Director, Cooperative Marketing Division, Rural Business-Cooperative Service, USDA, Stop 3252, Room 4204, 1400 Independence Avenue SW., Washington, DC 20250–3252. Applications sent electronically or by facsimile will not be accepted.

When To Submit

The deadline for receipt of first round applications is 4 p.m. eastern time on April 23, 2001. The deadline for receipt of second round applications is 4 p.m. eastern time on June 27, 2001. The application deadline is firm as to date and hour and applies to submission of the original application and two copies to the National Office in Washington, DC. The Agency will not consider any application received after the deadline.

Grantee Requirements

Grantees will be required to do the following:

1. Sign a Value-Added Agricultural Product Market Development Grant Agreement similar to the one published at the end of this NOFA.

2. Sign required Federal grant-making forms.

3. Submit a feasibility study showing the viability of the venture, if any Federal grant and matching funds are to be used as working capital.

4. Use Standard Form 270, "Request for Advance or Reimbursement" to request advances and reimbursements. Requests to be submitted on a quarterly or less frequent basis.

5. Submit a Standard Form 269, "Financial Status Report" and list expenditures according to agreed upon budget categories on a semi-annual basis. Reports are due by April 30 and October 30 after the grant is awarded.

6. Submit semi-annual performance reports which compare accomplishments to the objectives; if established objectives are not met, discuss problems, delays, or other problems that may affect completion of the project; establish objectives for the next reporting period; and discuss compliance with any special conditions on the use of awarded funds.

7. Upon completion of each task outlined in the proposal, grant recipients will deliver the results of the study or activity to RBS, accompanied by all applicable supporting data. These include, but are not limited to, feasibility studies, marketing plans, business operation plans, articles of incorporation and bylaws, or an accounting of how working capital funds were spent. All items delivered to RBS will be held in confidence to the extent permitted by law.

8. Maintain a financial management system that is acceptable to the Agency.

9. Collect and maintain data on race, sex, and national origin provided by the membership of the Independent Producers as defined above.

10. Submit a final project performance report.

Other Federal Statutes and Regulations That Apply

Several other Federal statutes and regulations apply to proposals considered for review and to grants awarded. These include but are not limited to:

7 CFR part 15, subpart A—Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture-Effectuation of title VI of the Civil Rights Act of 1964;

7 CFR part 3015—Uniform Federal Assistance Regulations;

7 CFR part 3017—Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants);

7 CFR part 3018—New Restrictions on Lobbying;

7 CFR part 3019—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; and

7 CFR part 3052—Audits of States, Local Governments, and Non-Profit Organizations.

Paperwork Reduction Act

The reporting requirements contained in this notice have received temporary emergency clearance by the Office of Management and Budget (OMB) under Control Number 0570–0039. However, in accordance with the Paperwork Reduction Act of 1995, RBS will seek standard OMB approval of the reporting requirements contained in this Notice and hereby opens a 60-day public comment period.

Abstract: RBS, an Agency within the USDA Rural Development mission area, will administer the VADG grant program. The intent of the VADG grant program is to develop a business plan for viable marketing opportunities for a value-added agricultural commodity or product of an agricultural product; or to acquire capital to establish a value-

added business venture or alliance that will allow the producers to better compete in domestic and international markets.

Public Burden in This Notice

At this time, the Agency is requesting OMB clearance of the following burden:

Form SF–424 "Application for Federal Assistance." This form is used by applicants as a required face sheet for applications for Federal assistance.

Form SF–424A "Budget Information-Non construction Programs." This form must be completed by applicants to show the project's budget breakdown, both as to expense categories and the division between Federal and non-Federal sources.

Form SF–424B "Assurances-Non Construction Programs." This form must be completed by the applicant to give the Federal government certain assurances that the applicant has the legal authority to apply for Federal assistance and the financial capacity to pay the non-Federal share of project costs. The applicant also gives assurance it will comply with various legal and regulatory requirements as described in the form.

Grantees will be required to do the following:

1. Grant Agreement. Sign a Value-Added Agricultural Product Market Development Grant Agreement similar to the one published at the end of this NOFA.

2. Feasibility Study. Submit a feasibility study showing the viability of the venture if any Federal grant and matching funds are to be used as working capital.

3. Payment requests. Use Standard Form 270, "Request for Advance or Reimbursement" to request advances and reimbursements. Requests to be submitted on a quarterly or less frequent basis.

4. Report Financial Status. Submit a Standard Form 269, "Financial Status Report" and list expenditures according to agreed upon budget categories on a semi-annual basis. Reports are due by April 30 and October 30, after the grant is awarded.

5. Performance Reports. Submit semi-annual performance reports which compares accomplishments to the objectives; if established objectives are not met, discuss problems, delays, or other problems that may affect completion of the project; establish objectives for the next reporting period; and discuss compliance with any special conditions on the use of awarded funds.

6. Study Results. Upon completion of each task outlined in the proposal, grant recipients will deliver the results of the study or activity to RBS, accompanied by all applicable supporting data. These include, but are not limited to, feasibility studies, marketing plans, business operation plans, articles of incorporation and bylaws, or an accounting of how working capital funds were spent. All items delivered to RBS will be held in confidence to the extent provided for by law.

7. Financial Management System. Maintain a financial management system that is acceptable to the Agency.

8. Civil Rights Data. Collect and maintain data on sex, race, and national origin of the Independent Producers membership.

9. Final Performance Report. Submit a final project performance report.

Project Proposal

The applicant must submit a project proposal containing the elements described in this notice and in the format prescribed. The elements of the proposal are: (1) Table of contents providing page numbers for each component of the proposal; (2) a project summary, not to exceed one page, that includes the title of the project, a description of the project, and the names of individuals working on the project; and (3) a project narrative that discusses the goals of the project, the specific tasks to be completed, and the seven criteria which is the basis for selection for funding.

Project Reporting Requirements

Awardees will be required to submit written project performance reports on a semi-annual basis. The project performance report shall include, but need not be limited to: (1) A comparison of actual accomplishments to the objectives; (2) problems in meeting established objectives; (3) problems, delays, or adverse conditions which will materially affect completion of the project; (4) objectives established for the next reporting period; (5) status of compliance with any special conditions on the use of awarded funds.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 8.2 hours per response.

Respondents: Associations of independent producers and entities representing steering committees of independent producers.

Estimated Number of Respondents: 120.

Estimated Number of Responses per Respondent: 2.5.

Estimated Number of Responses: 300.

Estimated Total Annual Burden on Respondents: 2,460 hours.

Copies of this information collection can be obtained from Cheryl Thompson, Regulations and Paperwork Management Branch, (202) 692–0043.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Comments on the paperwork burden may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, Rural Development, U.S. Department of Agriculture, Stop 0742, 1400 Independence Avenue SW, Washington, DC 20250–0742.

Dated: February 26, 2001.

William F. Hagy III,

Acting Administrator, Rural Business-Cooperative Service, United States Department of Agriculture.

Rural Business-Cooperative Service

Value-Added Agricultural Product Market Development Grant Agreement (VADG)

This Grant Agreement (Agreement) dated _____, between _____ (Grantee), and the United States of America, acting through the Rural Business-Cooperative Service of the Department of Agriculture (Grantor), for $____ in grant funds under the VADG program, delineates the agreement of the parties.

Now, Therefore, in consideration of the grant;

The parties agree that:

1. All the terms and provisions of the application submitted by the Grantee for this VADG grant, including any attachments or amendments, are incorporated and included as part of this Agreement. Any changes to these documents or this agreement must be approved in writing by the Grantor.

2. As a condition of the Agreement, the Grantee certifies that it is in compliance with and will comply in the course of the Agreement with all applicable laws, regulations, Executive Orders, and other generally applicable requirements, including those contained in 7 CFR 3015.205(b), which are incorporated into this agreement by reference, and such other statutory provisions as are specifically contained herein. The Grantee will comply with title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and Executive Order 12250;

3. The provisions of 7 CFR part 3015, "Uniform Federal Assistance Regulations," part 3016, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," or part 3019, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations," as applicable are incorporated herein and made a part hereof by reference;

Further, the Grantee agrees that it will:

1. Not use grant funds to plan, repair, rehabilitate, acquire, or construct a building or facility (including a processing facility); or to purchase, rent, or install fixed equipment.

2. Use Grant Funds only for the purposes and activities specified in the proposal approved by the Agency including the approved budget. Any uses not provided for in the approved budget must be approved in writing by the Agency in advance of obligation by the grantor.

3. Submit a feasibility study, business operations plans, and other studies and plans required by the Grantor if any part of the grant will be used to establish a working capital account.

4. Deliver the results of a study or activity to the Grantor upon completion of each task outlined in the proposal. These include, but are not limited to, feasibility studies, marketing plans, business operations plans, articles of incorporation and bylaws, and accounting of how working capital funds were spent. All items delivered to the Grantor will be held in confidence to the extent provided by law.

5. Request any cash advances in the minimum amount needed and timed to the actual, immediate cash requirements for carrying out the grant purpose. Standard Form 270, "Request for Advance or Reimbursement," will be used for this purpose.

6. Submit a Standard Form 269, "Financial Status Report" and list expenditures according to agreed upon budget categories on a semi-annual basis. Reports are due by April 30 and October 30 after the grant is awarded.

7. Provide periodic reports as required by the Grantor. A financial status report and a project performance report will be required on a semi-annual basis (due April 30 and October 30). The financial status report must show how grant funds and matching funds have been used to date and project the funds needed and their purposes for the next quarter. A final report may serve as the last quarterly report. Grantees shall constantly monitor performance to ensure that time schedules are being met and projected goals by time periods are being accomplished. The project performance reports shall include the following:

a. A comparison of actual accomplishments to the objectives for that period.

b. Reasons why established objectives were not met, if applicable.

c. Reasons for any problems, delays, or adverse conditions which will affect attainment of overall program objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accomplished by a statement of the action taken or planned to resolve the situation.

d. Objectives and timetables established for the next reporting period.

e. The final report will also address the following:

(i) What have been the most challenging or unexpected aspects of this program?

(ii) What advice you would give to other organizations planning a similar program. These should include strengths and limitations of the program. If you had the opportunity, what would you have done differently?

(iii) If an innovative approach was used successfully, the grantee should describe their program in detail so that other organizations might consider replication in their areas.

8. Collect and maintain data on producer-members by race, sex, and national origin. The grantee must ensure that their recipients also collect and maintain data on beneficiaries by race, sex, and national origin as required by title VI of the Civil Rights Act of 1964 and must be provided to the Agency for compliance review purposes.

9. Provide Financial Management Systems which will include:

a. Records that identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income;

b. Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall ensure that they are used solely for authorized purposes;

c. Accounting records supported by source documentation; and

d. Grantee tracking of fund usage and records that show matching funds and grant funds are used in equal proportions. The grantee will provide verifiable documentation regarding matching fund usage, i.e., bank statements or copies of funding obligations from the matching source.

10. Retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least 3 years after grant closing, except that the records shall be retained beyond the 3-year period if audit findings have not been resolved. Microfilm or photocopies or similar methods may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee's which are pertinent to the specific grant program for the purpose of making audits, examinations, excerpts, and transcripts.

11. Not encumber, transfer or dispose of the equipment or any part thereof, acquired wholly or in part with Grantor funds without the written consent of the Grantor.

12. Not duplicate other program purposes for which monies have been received, are committed, or are applied to from other sources (public or private).

Grantor agrees to make available to Grantee for the purpose of this Agreement funds in an amount not to exceed the Grant Funds. The funds will be reimbursed or advanced based on submission of Standard Form 270.

In Witness Whereof, Grantee has this day authorized and caused this Agreement to be executed by

Attest

By _____

(Grantee)

(Title) _____

United States of America

Rural Business-Cooperative Service

By _____

(Grantor) (Name) (Title)

[FR Doc. 01–5373 Filed 3–5–01; 8:45 am]

BILLING CODE 3410–XY–U

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar from India: Preliminary Results of New Shipper Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of new shipper antidumping duty administrative review: stainless steel bar from India.

SUMMARY: In response to a request from Snowdrop Trading PVT. LTD., the Department of Commerce is conducting a new shipper administrative review of the antidumping duty order on stainless steel bar from India. This review covers sales of the subject merchandise to the United States during the period February 1 through September 30, 2000.

We have preliminarily determined that Snowdrop Trading PVT. LTD. has not made sales of subject merchandise below normal value. If these preliminary results are adopted in our final results, we will instruct the Customs Service not to assess antidumping duties.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 6, 2001.

FOR FURTHER INFORMATION CONTACT: Blanche Ziv, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482–4207.

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, all references to the Department of Commerce's ("the Department's") regulations are to 19 CFR part 351 (April 2000).

Background

On August 3, 2000, the Department received a request from Snowdrop Trading PVT. LTD. ("Snowdrop") to conduct a new shipper administrative review of the antidumping duty order on stainless steel bar from India. The Department published in the **Federal Register**, on September 11, 2000, a notice of initiation of a new shipper administrative review of Snowdrop covering the period February 1 through July 31, 2000 (65 FR 54840). *See* 351.214(g)(1)(A).

On September 28, 2000, the Department issued an antidumping questionnaire to Snowdrop. We received a response on October 19, 2000. We issued a supplemental questionnaire on January 22, 2001, to which we received a response on January 31, 2001.

The Department expanded the POR through September 30, 2000, in order to capture the sale and corresponding entry made by Snowdrop to the United States (*see* the memorandum from team to Susan Kuhbach, dated February 15, 2001).

Scope of Review

Imports covered by this review are shipments of stainless steel bar ("SSB"). SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The SSB subject to these orders is currently classifiable under subheadings 7222.10.0005, 7222.10.0050, 7222.20.0005, 7222.20.0045, 7222.20.0075, and 7222.30.0000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Treatment of Sales of Tolled Merchandise

Pursuant to 19 CFR 351.401(h), the Department will not consider a toller or subcontractor to be a manufacturer or producer when the toller or subcontractor does not acquire ownership of the finished products and does not control the relevant sales of the subject merchandise and the foreign like product. In determining whether a company that uses a subcontractor in a tolling arrangement is a producer pursuant to 19 CFR 351.401(h), we examine all relevant facts surrounding a tolling agreement. Snowdrop claims that under the tolling arrangement with its unaffiliated subcontractor, Snowdrop is the producer of the subject merchandise at issue. In support of this claim, Snowdrop reports that it: (1) Purchases all of the inputs, (2) pays the subcontractor a processing fee, and (3) maintains ownership at all times of the inputs as well as the final product. Based on this evidence, we preliminarily determine that Snowdrop is the producer of the tolled merchandise and, hence, the appropriate respondent.

United States Price

In calculating the price to the United States, we used export price ("EP"), in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation into the United States and the use of constructed export price was not otherwise indicated.

We calculated EP based on the CIF price to the United States. In accordance with section 772(c)(2) of the Act, we made deductions, as appropriate, for foreign inland freight, international freight, marine insurance, and brokerage and handling.

Normal Value

Snowdrop reported no home market sales or third country sales during the POR. Therefore, we based normal value on constructed value ("CV"). In accordance with section 773(e) of the Act, we calculated CV for Snowdrop based on the sum of the respondent's cost of materials, labor, overhead, general and administrative expenses ("GNA"), profit, and U.S. packing costs. With respect to G&A, we used the amounts reported by Snowdrop in its October 19, 2000 response. We calculated profit using the 1999–2000 financial statements submitted by Snowdrop (*see* calculation memo to the file dated February 28, 2001).

Preliminary Results of the Review

As a result of our comparison of EP and CV, we preliminarily determine the following weighted-average dumping margin:

Manufacturer/exporter	Period of review	Margin (percent)
Snowdrop Trading PVT. LTD.	2/1/00–9/30/00	0.00

The above deposit rate will be effective upon publication of the final results of this new shipper review for all shipments of SSB from India entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act.

Public Comment

Interested parties may request a hearing within 30 days of the date of publication of this notice. Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs (*see* below). Interested parties may submit written arguments in case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the date of filing the case briefs. Parties who submit briefs in these proceedings should provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f)(3).

The Department will issue the final results of this administrative review within 90 days from the issuance of these preliminary results.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This new shipper review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5440 Filed 3–5–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of Insular Affairs

[Docket No. 990813222–0035–03]

RIN 0625–AA55

Allocation of Duty-Exemptions for Calendar Year 2001 Among Watch Producers Located in the Virgin Islands

AGENCY: Import Administration, International Trade Administration, Department of Commerce; Office of Insular Affairs, Department of the Interior.

ACTION: Notice.

SUMMARY: This action allocates calendar year 2001 duty-exemptions for watch producers located in the Virgin Islands pursuant to Pub. L. 97–446, as amended by Pub. L. 103–465 ("the Act").

FOR FURTHER INFORMATION CONTACT: Faye Robinson, (202) 482–3526.

SUPPLEMENTARY INFORMATION: Pursuant to the Act, the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of duty exemptions among watch assembly firms in the United States insular possessions and the Northern Mariana Islands. In accordance with Section 303.3(a) of the regulations (15 CFR 303(a)), the total quantity of duty-free insular watches and watch movements for calendar year 2001 is 1,866,000 units for the Virgin Islands (65 F.R. 8048, February 17, 2000).

The criteria for the calculation of the calendar year 2001 duty-exemption allocations among insular producers are set forth in Section 303.14 of the regulations (15 CFR 303.14).

The Departments have verified and adjusted the data submitted on application form ITA–334P by Virgin Islands producers and inspected their current operations in accordance with Section 303.5 of the regulations (15 CFR 303.5).

In calendar year 2000 the Virgin Islands watch assembly firms shipped 624,215 watches and watch movements into the customs territory of the United States under the Act. The dollar amount of creditable corporate income taxes paid by Virgin Islands producers during calendar year 2000 plus the creditable wages paid by the industry during calendar year 2000 to residents of the territory was $3,175,576.

There are no producers in Guam, American Samoa or the Northern Mariana Islands.

The calendar year 2001 Virgin Islands annual allocations, based on the data verified by the Departments, are as follows:

Name of firm	Annual allocation
Belair Quartz, Inc.	500,000
Hampden Watch Co., Inc.	200,000
Unitime Industries, Inc.	500,000
Tropex, Inc.	300,000

The balance of the units allocated to the Virgin Islands is available for new entrants into the program or producers who request a supplement to their allocation.

Timothy J. Hauser,

Acting Under Secretary for International Trade, Department of Commerce.

Nikolao Pula,

Acting Director, Office of Insular Affairs, Department of the Interior.

[FR Doc. 01–5439 Filed 3–5–01; 8:45 am]

BILLING CODE 3510–DS–P; 4310–93–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of the American Petroleum Institute's Standards Activities

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of intent to develop or revise standards and request for public comment and participation in standards development.

SUMMARY: The American Petroleum Institute (API), with the assistance of other interested parties, continues to develop standards, both national and international, in several areas. This notice lists the standardization efforts currently being conducted by API committees. The publication of this notice by the National Institute of Standards and Technology (NIST) on behalf of API is being undertaken as a public service. NIST does not necessarily endorse, approve, or recommend the standards referenced.

ADDRESSES: American Petroleum Institute, 1220 L Street, NW., Washington, DC 20005; telephone (202) 682–8000, *http://www.api.org*.

FOR FURTHER INFORMATION CONTACT: All contact individuals listed in the supplementary information section of this notice may be reached at the American Petroleum Institute.

SUPPLEMENTARY INFORMATION:

Background

The American Petroleum Institute develops and publishes voluntary standards for equipment, materials, operations, and processes for the petroleum and natural gas industry. These standards are used by both private industry and by governmental agencies. All interested persons should contact the appropriate source as listed for further information.

Pipeline Committee

New (1160) Pipe Integrity in High Consequence Areas (HCAs)
New (1133) Guidelines for Onshore Hydrocarbon Pipelines Crossing Floodplains
1109 Marking Liquid Petroleum Pipeline Facilities
1129 Assurance of Hazardous Liquid Pipeline System Integrity
1130 Computational Pipeline Monitoring

For Further Information Contact: Andrea Johnson, Standards and Training Resource Group, email: johnsona@api.org.

Committee on Marketing

New (1582) Similarity Calculations and Software for Aviation Jet Fuel Filter/Separators
2610 Design, Construction, Operation, Maintenance, and Inspection of Terminal and Tank Facilities
1621 Bulk Liquid Stock Control at Retail Outlets
1584 Four-inch Aviation Hydrant System
1585 Guidance for Cleaning Hydrant Systems
1004 Bottom Loading and Vapor Recovery for MC–306 Tank Motor Vehicles
2510 Design and Construction of Liquefied Petroleum Gas Installations
1501 Recommended Practice for Retail or Consumer Aviation Fueling Facilities
1560 Lubricant Service Designations for Automotive Manual Transmissions, Manual Transaxles, and Axles
1621 Bulk Liquid Stock Control
1631 Interior Lining of Underground Storage Tanks
1637A Equipment Marking Color System Chart

For Further Information Contact: David Soffrin, Standards and Training Resource Group, email: soffrind@api.org.

Committee on Refining

575 Inspection of Atmospheric & Low Pressure Storage Tanks
577 Welding Inspection and Metallurgy
530 Calculation of Heater Tube Thickness in Petroleum Refineries
661 Air-Cooled Heat Exchangers
662 Plate Heat Exchangers
598 Fire Test for Evaluation of Valve Stem Packing
599 Metal Plug Valves
600 Steel Gate Valves
608 Metal Ball Valves
620 Design & Construction of Large Welded LP Tanks
650 Welded Steel Tanks for Oil Storage
653 Tank Repair, Inspection, and Alteration
610 Centrifugal Pumps
612 Steam Turbines
617 Centrifugal Compressors
673 Centrifugal Air Compressors
682 Shaft Sealing Systems for Centrifugal and Rotary Pumps
687 Rotor Repair
541 FWSC Induction Motors
545 Lightning Protection for Storage Tanks
552 Transmission Systems
526 Flanged Steel Pressure Relief Valves

Meetings/Conferences: The Spring Refining Meeting will be held May 7–9, 2001, in Atlanta, Georgia at the Hyatt Regency Hotel. The Fall Refining Meeting will be held September 24–26, 2001, in Los Angeles, California at the Westin Bonaventure Hotel. Interested parties may visit the API Events calendar at *http://www.api.org/events* for more information regarding participation in these meetings.

For Further Information Contact: David Miller, Standards and Training Resource Group, email: miller@api.org.

Committee on Safety and Fire Protection

2003 Venting Atmospheric and Low-Pressure Tanks
2015 Standard on Safe Entry and Cleaning of Petroleum Storage Tanks
New (2016) Recommended Practice for Safe Entry and Cleaning of Petroleum Tanks
2023 Guide for Safe Storage of Asphalt
2027 Ignition Hazards
2028 Flame Arrestors for Piping Systems
2216 Ignition Risks of Vapors
2350 Overfill Protection

For Further Information Contact: David Soffrin, Standards and Training Resource Group, email: soffrind@api.org.

Committee on Petroleum Measurement

2.2C Calibration of Tanks by Optimal Methods
7.0 Temperature Determination
8 Sampling, Parts 1–4
9.1 Hydrometer Test of Crude Oil
9.2 Pressure Hydrometer Test Method for Density or Relative Density
9.3 TH Test Method for Density and API Gravity of Crude
10.1 Determination of Sediment in Crude Oil
10.3 Determination of Water and Sediment in Crude Oil
10.5 Determination of Water in Petroleum Products by Distillation
10.6 Determination of Water in Petroleum Products by Centrifuge
10.6 Test for Water in Crude Oil by KF Method
10.9 Test for Water in Crude Oil by CKF Method
11.1 VCF, incorporating all Chapter 11.1 Volume I through Volume XIV, 11.2.1, 11.2.1M
New (11.2) Compressibility Factors
14.1 Natural Gas Sampling
15 SI Guidelines
19.1 Fixed Roof Tanks
19.3 Part D, Fugitive Emissions
Draft Standard of Measurement of Crude Oil by Coriolis Meter

Meetings/Conferences: The Spring Measurement Meeting will be held March 26–30, 2001, in San Antonio, Texas at the Hyatt Regency Hotel. The Fall Measurement Meeting will be held October 15–19, 2001, in Memphis, Tennessee at the Peabody Hotel. Interested parties may visit the API Events calendar at *http://www.api.org/events* for more information regarding participation in these meetings.

For Further Information Contact: Jon Noxon, Standards and Training Resource Group, email: noxonj@api.org.

Committee on Exploration and Production:

2B Offshore Tubulars
2C Offshore Cranes
2MT1 Carbon Manganese Steel Plates
5B Threading and Gauging
5CT Casing & Tubing
5L Line Pipe
6A Valves and Wellhead Equipment
6AF Capabilities of API Flanges
6D Pipeline Valves
6J Testing Elastomers
4F Drilling & Well Servicing Equipment
7 Rotary Drill Stem Elements
7K Drilling Equipment
7L Inspection, Maintenance, Repair & Remanufacture of Drilling Equipment
8A Drilling & Production Hoisting Equipment
8B Inspection, Maintenance, Repair & Remanufacture of Hoisting Equipment
8C Drilling & Production Hoisting Equipment, PSL1/2
10A Well Cements
10D Casing Centralizers
New Packer Specification
11S4 Sizing & Selection of ESPIs
13A Drilling Fluid Materials
13B–2 Field Testing Oil-based Fluids
New (14FZ) Offshore Electrical Systems/Zone Classification
14J Offshore Hazards Analysis
15HR High Pressure Pipe
15LE PE Pipe
15LR Low Pressure Pipe
16C Choke & Kill Systems
16D Control Systems
17A Design and Operation of Subsea Production Systems
17B Flexible Pipe
17C TFL Systems
New (17F) Design and Operation of Subsea Production Control Systems
17J Unbonded Flexible Pipe
New (17K) Bonded Flexible Pipe
59 Well Control Practices
64 Diverter Systems
T2 Training Personnel using OSAPE

Meetings/Conferences: The Summer Standardization Measurement Meeting will be held June 25–29, 2001, in Calgary, Alberta, Canada at the Hyatt Regency Hotel. Interested parties may visit the API Events calendar at *http://www.api.org/events* for more information regarding participation in this meeting.

For Further Information Contact: Mike Spanhel, Standards and Training Resource Group, email: spanhel@api.org.

Dated: February 27, 2001.

Karen Brown,

Acting Director.

[FR Doc. 01–5381 Filed 3–5–01; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 00314073-1042-02; I.D. 022701G]

RIN 0648-ZA83

Fisheries Finance Program; Program Notice

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Federal fisheries loan availability

SUMMARY: The Fisheries Finance Program (FFP) has a $23.7 million loan authority in fiscal year 2001. NMFS now accepts loan applications from qualified applicants. Until April 1, 2001, NMFS reserves all loan funds for certain priority lending purposes. If any loan funds remain unreserved after April 1, 2001, they are available for non-priority lending purposes as well.

DATES: Effective March 6, 2001.

ADDRESSES: (1) *Applicants in the Alaskan, Northwest, and Southwest Regions*: Kimberly Ott, Northwest Financial Services Branch (F/SF23), 7600 Sand Point Way, NE (BIN C15700), Building 1, Seattle, WA 98115;

(2) *Applicants in the Northeast Region*: Leo Erwin, Northeast Financial Services Branch (F/SF21), One Blackburn Drive, Gloucester, MA 01930; and

(3) *Applicants in the Southeast Region*: Kell Freeman, Southeast Financial Services Branch (F/SF22), 9721 Executive Center Drive North, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Michael L. Grable, 301-713-2390, fax 301-713-1306, E-mail Michael.Grable@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

(1) *Notice purpose.* The notice's purpose is to:

(a) Announce the availability of FFP loans;

(b) Describe the FFP's lending purposes;

(c) Explain the amount of loan authority available in fiscal year 2001;

(d) Establish the basis for selecting backlogged loan applications for the $5 million FFP loan authority dedicated to purchasing halibut and sablefish individual fishing quota (IFQ);

(e) Establish priority lending purposes for which NMFS until April 1, 2001, reserves the $18.7 million non-dedicated loan authority;

(f) Establish non-priority lending purposes for which NMFS allows any of the $18.7 million unreserved on and after April 1, 2001 to be used; and

(g) Provide for a fiscal year 2002 waiting list for potential loan applicants for whom sufficient fiscal year 2001 loan authority is unavailable.

(2) *FFP description.* The FFP is a direct loan program under Title XI of the Merchant Marine Act, 1936, as amended. Debt maturities can be up to 25 years, but not longer than the financed property's economically useful life. Interest rates, which are fixed, equal the U.S. Treasury's borrowing cost at the time the loan is funded plus 2 percent. There are no prepayment penalties. Loans may equal 80 percent of financed property's depreciated cost, and may generally be either original financing or refinancing of existing loans.

FFP loans generally require experienced fisheries borrowers with strong primary and secondary means of repayment, including personal guarantees.

FFP loans generally have longer maturities and somewhat lower interest rates than private fisheries credit. This stretches the service of lower-cost FFP debt over a longer repayment period more consistent with cyclical fisheries economics.

For further FFP details, see the FFP's operating rules at 50 CFR part 253, subpart B.

(3) *FFP lending purposes.* These are the FFP's statutory lending purposes:

(a) Fishing vessel construction, reconstruction, reconditioning, and acquisition. The FFP rules, however, prohibit loans that increase existing harvesting capacity. FFP loans may not, consequently, originally finance either vessel construction or reconstruction that increases vessel harvesting capacity. Nevertheless, FFP loans remain available for refinancing existing

vessel loans for all eligible purposes because this does not increase harvesting capacity. Additionally, FFP loans remain available for originally financing the purchase and/or reconditioning of used vessels;

(b) Fisheries shoreside facilities construction, reconstruction, reconditioning, and acquisition;

(c) Aquacultural facilities construction, reconstruction, reconditioning, and acquisition;

(d) IFQ acquisition. Only entry level or small boat fishermen in the halibut and sablefish fisheries are presently eligible for these loans. Eligibility in additional fisheries depends on Fishery Management Council requests;

(e) Fishing capacity reduction under section 312(b)-(e) of the Magnuson-Stevens Fishery Conservation and Management Act. Before we can make a loan for this purpose, a Fishery Management Council must request a fishing capacity reduction program, we must approve the requested program, and harvesters in the reduction fishery voting in a referendum must approve a landing fee for repaying the loan; and

(f) Acquiring pollock fishing vessels or shoreside facilities. This dedicated use of FFP loan ceilings was available in FY 1999 only to communities eligible to participate in the Western Alaska Community Development Program.

(4) *What determines annual FFP loan ceilings.* Congress annually authorizes FFP loan ceilings. Since 1992, Congress has done this by appropriating FCRA costs at rates projected in the President's annual budgets.

FCRA cost is the loan loss that the Office of Management and Budget (OMB) projects for different Federal loan categories. A loan ceiling is the amount that a stated FCRA cost appropriation produces at a stated FCRA cost rate. The following table shows, for example, the loan ceiling effect of different FCRA cost rates for a $0.1 million FCRA cost appropriation:

FCRA Cost Appropriation	Rate	Loan Ceiling
$0.1 million	1%	$10 million
$0.1 million	2%	$5 million
$0.1 million	5%	$2 million
$0.1 million	10%	$1 million
$0.1 million	20%	$0.5 million
$0.1 million	50%	$0.2 million

The FFP uses FCRA cost appropriations as lending capital, and borrows the balance from the U.S. Treasury. If, for example, the FFP had a $0.1 million FCRA cost appropriation at a one percent FCRA cost rate, the FFP's lending capital would be the $0.1 million FCRA cost appropriation plus $9.9 million borrowed from the U.S. Treasury. The FFP would then make loans worth $10 million, using their repayment proceeds to repay (with interest) the Treasury's loan to the FFP.

(5) FFP's FY 2001 loan ceiling. The President's FY 2001 budget established a 1 percent FCRA cost rate for all FFP loan authority that the budget requested. None of the President's budgets have ever requested loan authority for this loan purpose. When Congress first dedicated FCRA cost to this loan purpose, OMB established a 2 percent FCRA cost rate for these loans, and this FCRA cost rate has since applied to all subsequent FCRA cost appropriations dedicated to these loans (fiscal years 1998 and 1999).

Consequently, the FFP's apportioned loan ceiling for FY 2001 is:

Loan Purpose	Appropriation	Cost Rate	Ceiling
IFQ	$0.100 million	2%	$05.0 million
Other Purposes	$0.187 million	1%	$18.7 million
Totals	$0.287 million	–	$23.7 million

(6) *Catalog of Federal Domestic Assistance.* The FFP is listed in the "Catalog of Federal Domestic Assistance" under number 11.415: Fisheries Finance Program.

II. Expected $5 Million Ceiling For IFQ Loans During FY 2001

Backlogged IFQ applications from fiscal 2000 exceed the $5 million loan ceiling for this purpose during fiscal year 2001. NMFS will not, consequently, accept new IFQ loan applications during FY 2001. Instead, NMFS will select $5 million worth of backlogged applications for processing. This accords with NMFS' previous **Federal Register** notice (65 FR 16179, March 27, 2000). NMFS will use for FY 2001 selection the same random process it used for FY 1999 and FY 2000 selection. NMFS' previous **Federal Register** notice requested, but did not receive, public comment about this.

III. Expected $18.7 Million Ceiling For Other Loan Purposes During FY 2001

(1) *Priority lending purposes.* These are the priority lending purposes for this $18.7 million loan ceiling:

(a) Fishing Capacity Reduction. This is the highest priority because harvesting overcapitalization is a major national fisheries problem;

(b) Supporting the existing FFP credit portfolio. These include: refinancing loans, assuming loans, and other loan servicing actions that protect the Government's interest in the existing FFP portfolio and limit loan loss exposure;

(c) Backlogged FY 2000 loan applications. This includes about $4.0 million in FFP loan applications backlogged from FY 2000; and

(d) Marine and closed system aquaculture. This excludes land-based aquaculture not occurring in closed systems.

(2) *Non-priority lending purposes.* These are the non-priority lending purposes for this $18.7 million loan ceiling:

(a) Land based aquaculture in open systems;

(b) Fisheries shoreside facilities; and

(c) Fishing vessels.

(3) *Reserving FY 2001 loan ceiling.*

(a) Before April 1, 2001. Before this date, NMFS will reserve the entire $18.7 million loan ceiling for applications that involve the priority lending purposes;

(b) April 1 through September 30, 2001. If any of the $18.7 million loan ceiling remains unreserved after April 1, 2001, the unreserved amount will then be available to reserve for applications involving any FFP lending purpose; and

(c) Fishing Capacity Reduction Exclusion. Because this is the highest FFP lending priority, NMFS may at any time during FY 2001 consider reserving for this purpose any or all of the $18.7 million FFP loan ceiling not previously reserved for another purpose. NMFS will do so only for accepted fishing capacity reduction program requests whose further processing requires FY 2001 loan approval, but will not do so at the expense of applicants for other lending purposes who have already paid their application fee. There presently are no such requests.

(4) *Application fee.* Subject to loan ceiling availability, NMFS will reserve loan ceiling for an application only upon the applicant's payment of an application fee. Fifty percent of this fee is non-refundable (NMFS earns the remainder upon loan approval).

(5) *Losing loan ceiling reservations.* NMFS intends to ensure that it obligates this entire fiscal year 2001 loan ceiling before October 1, 2001. If an applicant with a loan ceiling reservation does not comply with NMFS' loan processing requirements promptly enough for NMFS to prospectively achieve this intention, NMFS may transfer the loan ceiling reservation to another applicant who can and will comply.

(6) *Applications and waiting list.* All potential applicants must first discuss their loan projects with the appropriate NMFS Regional Financial Services Branch (see **ADDRESSES**).

If a potential applicant appears to be ineligible for an FFP loan or unable to meet the FFP's loan risk criteria, NMFS will take no further action.

If, however, a potential applicant prospectively appears to be both eligible and able to meet the loan risk criteria, NMFS will then either advise the applicant that it may submit an application and application fee or add the applicant to the FFP waiting list for submitting future applications when lending priorities and/or unreserved loan ceilings permit.

NMFS will reserve sufficient loan ceiling for every applicant that submits an application and application fee after NMFS advises the applicant that it may do so.

Although NMFS advises a potential applicant that it may submit a loan application and application fee, only subsequent loan investigation and analysis will determine whether, and under what conditions, NMFS will approve a loan.

Subject to fiscal year 2002 loan priorities and loan ceilings, NMFS will consider as FY 2002 application candidates all parties on the FY 2001 waiting list for whom NMFS did not reserve FY 2001 loan ceiling. NMFS will do so in the chronological order in which parties were added to the waiting list.

All FFP loans are subject to the FFP operating rules. Potential applicants should see these rules (50 CFR part 253, subpart B) for further eligibility and qualification details.

IV. Administrative Requirements

The Debt Collection Improvement Act of 1996 bars additional Federal loans (other than disaster loans) to delinquent Federal borrowers (excluding debt under the Internal Revenue Code of 1986).

Loan applicants are subject to name-check reviews intended to reveal whether applicant principals have been convicted of, or are facing, criminal charges for fraud, theft, perjury, or other matters affecting the applicant's honesty, integrity, or credit-worthiness.

False application statements can result in loan denial, loan termination, and possible punishment by fines or imprisonment as provided in 18 U.S.C. 1001.

Applicants must complete a Form CD-511 because they are subject to 15 CFR part 26 (Federal assistance debarment) and the lobbying provisions of 31 U.S.C. 1352 (using appropriated funds to influence Federal financial transactions). NMFS will furnish this form when it advises potential applicants to submit their applications.

V. Classification

Neither the Administrative Procedure Act nor any other law requires prior notice and opportunity for public comment about this loan notice. Consequently, the Regulatory Flexibility Act does not require a regulatory flexibility analysis.

This notice is not significant for purposes of Executive Order 12866.

FFP applications are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

This notice refers to collection-of-information requirements subject to the Paperwork Reduction Act. Applications for FFP loans have been approved by OMB under control number 0648-0012. Public reporting burden for this collection of information is estimated to average 11.5 hours per application, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Michael L. Grable (see the **FOR FURTHER INFORMATION CONTACT** section above).

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

Dated: February 28, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5434 Filed 3–5–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030101B]

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Information and Education Committee, Large Pelagic Committee, Executive Committee, and Law Enforcement Committee will hold a public meeting.

DATES: The meeting will be held on Tuesday, March 20, 2001, through Thursday March 22, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meeting will be held at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ; telephone: 609–368–5155.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: 302–674–2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: *Tuesday, March 20, 2001, 1 p.m. to 5 p.m.*—Information and Education Committee program.

Wednesday, March 21, 2001, 8 a.m. to 9 a.m.—the Large Pelagics Committee will meet

9 a.m. to 5 p.m.—Council will meet.

Thursday, March 22, 2001, 8 a.m. to 9 a.m.—the Executive Committee and Law Enforcement Committee will meet.

9 a.m. to 1 p.m.—Council will meet.

Agenda items for this meeting are: Review and discuss new bycatch reduction technologies; review recent NMFS actions and rules affecting Highly Migratory Species (HMS); review, discuss, and adopt Framework 2 management measures regarding extension of *Illex* moratorium, *Loligo* exemption in *Illex* fishery, real time management of *Loligo*, rule roll-over for mackerel; address preparation of an Environmental Impact Statement (EIS), or Supplemental Environmental Impact Statement (SEIS), to assess potential affects on the human environment owing to initiation of Amendment 13 to the Surfclam and Ocean Quahog Fishery

Management Plan (FMP), which deals with new surfclam overfishing definition, fishing gear impacts on essential fish habitat (EFH), multi-year quotas, reversal of the requirement of regulatory action to suspend the surfclam size limit, development of a vessel monitoring system; address preparation of an EIS, or SEIS, to assess potential effects on the human environment owing to initiation of Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP, which deals with future commercial fishery management measures for black sea bass, and fishing gear impacts on EFH; the Executive Committee will review outcomes from the February Coordinating Council meeting, and review outcomes from NMFS meeting on National Environmental Policy Act (NEPA) requirements/responsibilities (potential EFH and EIS impacts); the Law Enforcement Committee will address means to better integrate and synchronize timing of law enforcement comments regarding proposed management actions and enforceability; the Council will hear organizational and committee reports including the New England Council's report where the Council may address possible actions on herring, groundfish, monkfish, red crab, scallops, skates, and whiting. Council may also address possible actions from the South Atlantic Council meeting on dolphin/wahoo; may discuss whiting management and possible impacts on the Mid-Atlantic Council fisheries; and may address and recommend a position regarding joint venture processing allocation for mackerel.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, these issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final actions to address such emergencies.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: March 1, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5438 Filed 3–5–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030101A]

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of committee meetings.

SUMMARY: Two committees of the North Pacific Fishery Management Council (Council) will meet in Anchorage, AK.

DATES: The meeting will be held on March 20-23, 2001.

ADDRESSES: The meeting will be held at the Hilton Hotel, 500 W. Third Avenue, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Council Staff, North Pacific Fishery Management Council; 907–271–2809.

SUPPLEMENTARY INFORMATION: The Council's Gulf of Alaska Rationalization Committee will meet beginning at 8 a.m. on Tuesday, March 20, and continue on Wednesday, March 21, until their agenda is completed. The Committee will continue discussions on the aspects of rationalizing the groundfish fisheries in the Gulf of Alaska, focusing on the following points:

1. Determine whether rationalization in the Gulf of Alaska is needed;
2. If so, for what species and/or areas;
3. Determine the need for analyses of the economic impacts of:
   a. individual fishing quotas;
   b. processor quotas;
   c. cooperatives; and/or
   d. community quotas.

The Council's Bering Sea/Aleutian Islands Crab Rationalization Committee will also meet at the hotel, beginning at 10 a.m. on Thursday, March 22, continuing through Friday, March 23. The Committee will continue their task of developing alternatives, elements, and options for rationalization of the Bering Sea/Aleutian Islands crab fisheries. Committee recommendations will be considered by the Council when tasking staff with an analysis for future crab management programs.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907-271-2809, at least 5 working days prior to the meeting date.

Dated: March 1, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5437 Filed 3–5–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Procedures In Considering Requests Under the Textile and Apparel "Short Supply" Provisions of The African Growth and Opportunity Act and The United States-Caribbean Basin Trade Partnership Act

March 2, 2001.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Notice of Procedures.

SUMMARY: This notice sets forth the procedures the Committee for the Implementation of Textile Agreements (the Committee) will follow in implementing certain provisions of the Trade and Development Act of 2000 (the Act). Title I of the Act (the African Growth and Opportunity Act or the AGOA) and Title II of the Act (the United States-Caribbean Basin Trade Partnership Act or the CBTPA) provide for quota- and duty-free treatment for qualifying textile and apparel products from designated beneficiary countries. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. However, the AGOA and the CBTPA authorize quota- and duty-free treatment for apparel

articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary countries from fabric or yarn that is not formed in the United States or a beneficiary country, provided the President has determined that such yarns or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner and has proclaimed such treatment. The President has delegated to the Committee the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and the CBTPA and has ordered the Committee to establish procedures to ensure appropriate public participation in any such determination. The Committee hereby notifies interested parties of the procedures it will follow in considering requests.

EFFECTIVE DATE: March 6, 2001.

FOR FURTHER INFORMATION CONTACT: Philip J. Martello, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 112(b)(5)(B) of the Act and Section 211 of the Act, amending Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act; Sections 1 and 6 of Executive Order No. 13191 of January 17, 2001.

Background

The AGOA and the CBTPA provide for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. In addition, the AGOA provides for preferential treatment for apparel articles wholly assembled in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric used to make such articles. Both the AGOA and the CBTPA provide for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary countries, from fabric or yarn that is not formed in the United States or a beneficiary country, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabric or yarn, under the rules of origin for the North American Free Trade Agreement.

In addition, the AGOA and the CBTPA authorize quota- and duty-free treatment for apparel products assembled in a beneficiary country from yarn or fabric that cannot be supplied by the U.S. industry in commercial quantities in a timely manner. More specifically, the AGOA authorizes quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country, provided the President has determined that such yarns or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner and has proclaimed such treatment. (Section 112(b)(5)(B) of the Act). Similarly, the CBTPA authorizes quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more the CBTPA beneficiary countries from yarns or fabrics that are not formed in the United States or in one or more the CBTPA beneficiary countries, provided the President has determined that such yarns or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner and has proclaimed such treatment. (Section 211 of the Act, amending Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act).

Under these provisions (the Short Supply Provisions), interested parties may request that the President proclaim quota- and duty-free treatment for apparel articles assembled from a fabric or yarn that cannot be supplied by the domestic industry in commercial quantities in a timely manner. In order to proclaim such treatment, the Act requires the President to submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate within 60 calendar days of the request setting forth the proposed action to be proclaimed and the reasons for such actions. Moreover, within these 60 calendar days, the President must seek advice from the appropriate advisory committees and the U.S. International Trade Commission (USITC) and consult with the Congressional committees. The President may not proclaim quota- and duty-free treatment under the Short Supply Provisions until 60 calendar days after the report, including the advice obtained from the USITC and the appropriate advisory committees, has been submitted to the Congressional committees.

In Executive Order No. 13191, the President delegated to the Committee the authority under the Short Supply Provisions to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner and ordered the Committee to establish procedures to ensure appropriate public participation in any such determination. The Committee and the United States Trade Representative (USTR) were jointly authorized to obtain advice from the appropriate advisory committees, to submit a report to the Congressional committees cited above, and to consult with those Congressional committees. The USTR was authorized to obtain advice from the USITC. The Committee intends to comply with the following procedures in carrying out this authority.

These agency procedures are not subject to the requirement to provide prior notice and opportunity for public comment, pursuant to 5 U.S.C. 553(b)(A).

Procedures for Considering Requests

The Committee will consider requests sent to Chairman, Committee for the Implementation of Textile Agreements, Room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230. The Committee will consider only requests that address a single yarn or single fabric. The term "a single yarn or single fabric" means a single product, which may be classified in more than one heading of the Harmonized Tariff Schedule of the United States or may be only part of a heading.

In considering requests, the Committee will consider of particular relevance the following information: (1) The requester's description of the yarn or fabric that is the subject of the request; (2) The basis for the requester's belief that the product cannot be supplied by the domestic industry in commercial quantities in a timely manner, which may include (if available) correspondence with manufacturers of the product that is the subject of the request, manufacturers of substitutable products, and/or manufacturers of similar products; (3) The basis for the requester's belief that other products that are supplied by the domestic industry in commercial quantities in a timely manner are not substitutable for the product that is the subject of the request for purposes of the intended use.

Within seven days of receipt of a request, the Committee will determine whether the request provides the information necessary for the Committee to consider the request in light of the considerations set forth above. If the request does not, the Committee will promptly notify the

requester of the reasons for this determination, and the request will not be considered. However, the Committee will reevaluate any request that is resubmitted with additional information.

If the Committee determines that the request provides the information necessary for the Committee to consider the request in light of the considerations set forth above, the Committee will cause to be published in the **Federal Register** a notice seeking public comments regarding the request, which will include a summary of the request and the date by which comments must be received. If a comment submitted alleges that the product can be supplied by a domestic manufacturer in commercial quantities in a timely manner, the Committee will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn or fabric stating that it produces the product that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

Prior to determining that a fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner, the Committee, working with the USTR, will seek advice from appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and will consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and USTR will obtain the advice of the USITC.

With respect to any request considered by the Committee, the Committee will make a determination within 60 calendar days of receipt. If the Committee makes a negative determination, it will cause this determination and the reasons therefore to be published in the **Federal Register.** If the Committee makes an affirmative determination, it will submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the action proposed to be proclaimed, the reasons for such action, and the advice obtained. In the event the President proclaims that a fabric or yarn is eligible for preferential treatment under the Short Supply Provisions, the Proclamation will be published in the **Federal Register**.

Business Confidential Information, Public Reading Room

The Committee will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law.

As noted above, the Committee will cause to be published in the **Federal Register** a notice seeking public comments regarding a request that is being considered, a notice which will include a summary of the request. Moreover, the Committee will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, NW., Washington, DC 20230. Persons submitting a request or comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–5501 Filed 3–2–01; 12:17 pm]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Wool Textile Products Produced or Manufactured in Guatemala

February 28, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing limits.

EFFECTIVE DATE: March 6, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being reduced for carryforward used.

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 75673, published on December 4, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 28, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 28, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Guatemala and exported during the period which began on January 1, 2001 and extends through December 31, 2001.

Effective on March 6, 2001, you are directed to reduce the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
347/348	2,033,348 dozen.
443	70,212 numbers.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–5394 Filed 3–5–01; 8:45 am]

BILLING CODE 3510–DR–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request.

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the "Corporation"), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning its proposed renewal of its AmeriCorps*NCCC Team Leader Application, OMB Control Number 3045–0005. This form is used to collect information that will be used by AmeriCorps*NCCC staff in the evaluation and selection of Team Leaders.

Copies of the information collection requests can be obtained by contacting the office listed in the address section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by May 7, 2001.

ADDRESSES: Comments may be sent to the Corporation for National and Community Service, Attention: Mr. Philip Shaw, AmeriCorps*National Civilian Community Corps, 1201 New York Ave., NW., 9th Floor, Washington, DC 20525.

FOR FURTHER INFORMATION CONTACT: Philip Shaw, (202) 606–5000, ext. 476.

SUPPLEMENTARY INFORMATION: The Corporation is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background

The Team Leader Application form is completed by applicants who wish to serve as Team Leaders at AmeriCorps*NCCC regional campuses.

Current Action

The Corporation seeks to renew and revise the current form. When revised, the form will include discussion concerning an additional application consideration period and will be used for the same purpose and in the same manner as the existing form. The Corporation also seeks to continue using the current form until the revised form is approved by OMB. The current form is due to expire on September 30, 2001.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: AmeriCorps*NCCC Team Leader Application Form.

OMB Number: 3045–0005.

Agency Number: None.

Affected Public: Citizens of diverse ages and backgrounds who are committed to national service.

Total Respondents: 500.

Frequency: Bi-Annually.

Average Time Per Response: Two hours.

Estimated Total Burden Hours: 2,000 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 28, 2001.

Fred Peters,

*Acting Director, AmeriCorps*National Civilian Community Corps.*

[FR Doc. 01–5313 Filed 3–5–01; 8:45 am]

BILLING CODE 6050–$$–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection Submission to Office of Management and Budget for Review; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

The Corporation for National and Community Service (hereinafter the "Corporation") has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, (44 U.S.C. Chapter 35)). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Corporation, Tracy Stone, Director, AmeriCorps Promise Fellows, (202) 606–5000, extension 173. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: Brenda Aguilar, OMB Desk Officer for the Corporation for National and Community Service, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–6466, within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Description

The AmeriCorps Promise Fellows program supports a leadership cadre of

AmeriCorps members spearheading community efforts to provide young people with five basic promises:

- Ongoing relationships with caring adults—parents, mentors, tutors or coaches;
- Safe places with structured activities during nonschool hours;
- Healthy start and future;
- Marketable skills through effective education; and
- Opportunities to give back through community service.

The 2001 AmeriCorps Promise Fellows Application Instructions provide the requirements, instructions and forms that eligible applicants need to complete an application to the Corporation for funding.

The Corporation seeks public comment on the forms, the instructions for the forms, and the instructions for the narrative portion of these application instructions.

Type of Review: New collection.

Agency: Corporation for National and Community Service.

Title: 2001 AmeriCorps Promise Fellows Application Instructions.

OMB Number: None.

Agency Number: None.

Affected Public: Governor-appointed state commissions on national and community service (State Commissions); nonprofit organizations proposing to sponsor AmeriCorps Promise Fellows in more than one state; Indian Tribes; and local government agencies, institutions of higher education, or public or private nonprofit organizations in states or U.S. territories that do not have a State Commission.

Total Respondents: 90.

Frequency: Once per year.

Average Time Per Response: 28 hours.

Estimated Total Burden Hours: 2,520 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Technical Assistance Call

The Corporation will host a conference call to provide technical assistance regarding the 2001 AmeriCorps Promise Fellows Application Instructions. The primary purpose of these calls is to offer technical assistance to interested applicants to the program. The call will occur on Wednesday, March 21, 2001, at 2 p.m. Eastern time. To register for this call, please contact Austin Holland at (202) 606–5000, extension 274 or *aholland@cns.gov* to receive the information you need to join the call.

Dated: February 28, 2001.

Tracy Stone,

Director, AmeriCorps Promise Fellows.

[FR Doc. 01–5312 Filed 3–5–01; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, Defense.

ACTION: Notice.

In accordance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs/TRICARE Management Activity announces a proposed new public health information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed new collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and, (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received on or before May 1, 2001.

ADDRESSES: Written comments and recommendations on the information collection should be sent to the TRICARE Management Activity (Optimization & Integration), Attention: LTC Scott Goodrich, MC, USA, Deputy Director, Population Health Programs, 5111 Leesburg Pike, Suite 810, Falls Church, VA 22041–3206.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection, please write to the above address.

Title; Associated Form; and OMB Number: Health Evaluation Assessment Review (HEAR) Survey 2.X.

Needs and Uses: The objective of this work is to design and implement the HEAR 2.X. The HEAR is a tool that will help to define the health status of a population. The survey is a self-reported health assessment tool designed to provide information regarding: (1) An individual's health risk factors and preventive care needs. These are reported to both the individual and their primary care manager; (2) which individuals are likely to use high levels of medical resources; and, (3) risk factors, care levels, and healthcare utilization for use in strategic planning for population health management and resource utilization at the Office of the Assistant Secretary of Defense (Health Affairs), TRICARE Management Activity, Regional, Major Command, Military Treatment Facility, and provider level healthcare. In addition, the HEAR 2.X will provide information in support of Healthy People 2010 and other population health programs. These data will provide needed information to better plan, deliver, and evaluate health care provided in the Military Health System.

Affected Public: Individual households.

Annual Burden Hours: 703,427.71 hours.

Number of Respondents: 2,106,071.

Responses per Respondent: 1 each year.

Average Burden per Response: 20 Minutes (0.334).

Frequency: Once.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

This request encompasses all activities required to develop and implement the HEAR 2.X survey. The HEAR is a unified approach to assess health and fitness for active duty and other DoD health care beneficiaries. The information is primarily used by health care personnel to plan health care delivery needs and to: (1) Identify patients requiring clinical preventive care (e.g., cholesterol screening, mammography, prostate exam, etc.); (2) target individuals who could benefit from counseling services associated with high risk behaviors (e.g., excessive alcohol consumption, smoking, drinking and driving, etc.); (3) categorize patients into one of three primary care levels according to the complexity and intensity of care required; (4) predict which patients will be high users of health care resources; (5) empower individuals to take responsibility for their own health; and, (6) assess the health status of the population so patients, providers, resource managers, commanders, and health planners at all levels can work towards improving health and managing care.

Dated: February 27, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5382 Filed 3–5–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Interactive Customer Evaluation System (ICE); OMB Number 0704–[To Be Determined].

Type of Request: New Collection.

Number of Respondents: 2,880.

Responses Per Respondent: 1.

Annual Responses: 2,880.

Average Burden Per Response: 3 minutes.

Annual Burden Hours: 144.

Needs and Uses: Members of the public who respond to this interactive customer evaluation system are authorized customers and have been provided a service through DoD customer service organizations. They have the opportunity to give automated feedback to the service provider on the quality of their experience and their satisfaction level. Customers also have the opportunity to provide any comments that might be beneficial in improving the process and in turn service to the customer. This is a management tool for improving customer services.

Affected Public: Individuals or Households; Business or Other For-Profit.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing. Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: February 27, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5383 Filed 3–5–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form, and OMB Number: Request for Information Regarding Deceased Debtor; DD Form 2840; OMB Number 0730–[To Be Determined].

Type of Request: New Collection.

Number of Respondents: 10,000.

Responses per Respondent: 1.

Annual Responses: 10,000.

Average Burden per Response: 5 minutes.

Annual Burden Hours: 833.

Needs and Uses: Defense Finance and Accounting Service maintains updated debt accounts and initiates debt collection action for separated military members, out-of-service civilian employees, and other individuals not on an active federal government payroll system. When notice is received that an individual debtor is deceased, an effort is made to ascertain whether the decedent left an estate by contacting clerks of probate courts. If it is determined that an estate was established, attempts are made to collect the debt from the estate. If no estate appears to have been established, the debt is written off as uncollectable. This form is used to obtain information on deceased debtors from probate courts.

Affected Public: Individuals or Households; State, Local or Tribal Government.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing. Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: February 27, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5384 Filed 3–5–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Forms, and OMB Number: Dependency Statement—Parent, Child Born Out of Wedlock, Incapacitated Child Over Age 21, Full Time Student 21–22 Years of Age, and Ward of a Court; DD Forms 137–3, 137–4, 137–5, 137–6, 137–7; OMB Number 0730–[To Be Determined].

Type of Request: New Collection.

Number of Respondents: 19,440.

Responses per Respondent: 1.

Annual Responses: 19,440.

Average Burden per Response: 1.25 hours.

Annual Burden Hours: 24,300.

Needs and Uses: The information collection requirement is necessary to certify dependency or obtain informaton to determine entitlement to basic allowance for housing (BAH) with dependent rate, travel allowance, or Uniformed Services Identification and Privilege Card. Information regarding a parent, a child born out-of-wedlock, an incapacitated child over age 21, a student 21–22, or a ward of a court is provided by the military member or by another individual who may be a member of the public. Pursuant to 37 U.S.C. 401, 403, 406, and 10 U.S.C. 1072 and 1076, the member must provide at least one-half of the claimed child's monthly expenses. DoDFMR 7000.14, Vol. 7A, defines dependency and directs that dependency be proven. Dependency claim examiners use the information from these forms to determine the degree of benefits. The requirement to provide the information decreases the possibility of monetary allowances being approved on behalf of ineligible dependents.

Affected Public: Individuals or Households.

Frequency: On Occasion.
Respondent's Obligation: Required to Obtain or Retain Benefits.
OMB Desk Officer: Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.
DOD Clearance Officer: Mr. Robert Cushing. Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: February 27, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5385 Filed 3–5–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form Number, and OMB Number: Application for Establishment of Air Force Junior ROTC Unit; AFOATS Form 59; OMB Number 0701–0114.
Type of Request: Extension.
Number of Respondents: 40.
Responses per Respondent: 1.
Annual Responses: 40.
Average Burden per Response: 30 minutes.
Annual Burden Hours: 20.
Needs and Uses: The information collection requirement is necessary to obtain information about schools that would like to host an Air Force Junior ROTC unit. Respondents are high school officials who provide information about their school. The completed form is used to determine the eligibility of the school to host an Air Force JROTC unit.
Affected Public: Not-For-Profit Institutions; State, Local or Tribal Government.
Frequency: On Occasion.
Respondent's Obligation: Required to obtain or retain benefits.
OMB Desk Officer: Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.
DOD Clearance Officer: Mr. Robert Cushing. Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: February 27, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5386 Filed 3–5–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of the Federal Advisory Committee for the End-to-End Review of the U.S. Nuclear Command and Control System (NCCS)

ACTION: Notice of establishment.

SUMMARY: The NCCS End-to-End Review is being established in consonance with the public interest and in accordance with the provisions of Pub. L. 92–463, the "Federal Advisory Committee Act," Title 5 U.S.C., Appendix 2. This advisory committee will provide advice and recommendations to the Secretary of Defense, in his role and the President's NCCS Executive Agent, regarding the full range of U.S. Nuclear Command and Control System (NCCS) policies, responsibilities, functions, management structures and capabilities to meet National and Departmental/Agency policy and guidance. It will identify opportunities to enhance system effectiveness and efficiency, identify emerging issues for consideration or action, and will recommend cost-effective changes to the system where warranted. The End-to-End Review Federal Advisory Committee will consist of a balanced membership of approximately four senior members from the private sector, appointed by the Secretary of Defense, and two senior members currently serving in governmental positions.

FOR FURTHER INFORMATION CONTACT: Contact William L. Jones, U.S. Nuclear Command and Control System Support Staff, 703–681–8681.

Dated: February 28, 2001.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5388 Filed 3–5–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Education Activity (DoDEA); Overseas Dependents' Schools National Advisory Panel (NAP) on the Education of Dependents With Disabilities.

ACTION: Notice.

SUMMARY: Pursuant to Public Law 92–463, as amended (5 U.S.C. app. 2 § 10), the Federal Advisory Committee Act, notice is hereby given that a meeting of the Overseas Dependents' School National Advisory Panel (NAP) on the Education of Dependents with Disabilities is scheduled to be held from 8 a.m. to 3 p.m. on May 8–10, 2001. The meeting is open to the public and will be held at the Department of Defense Education Activity, 4040 North Fairfax Drive, Arlington, VA 22203. The purpose of the meeting is to: (1) Review the response to the NAP's recommendations from its April 2000 meeting; (2) review and comment on data and information provided by the Department of Defense Education Activity; and (3) review and comment on a subcommittee report on special education services for secondary level students with disabilities. Persons desiring to attend the meeting or desiring to make oral presentations or submit written statement for consideration by the panel must contact Ms. Diana Patton by April 30, 2001, at (703) 696–4492, extension 1947 or at her email address, *dpatton@hq.odedodea.edu.*

Dated: February 28, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 01–5387 Filed 3–3–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on E-Commerce will meet in closed session on March 28, 2001; April 25–26, 2001; May 1–2, 2001; June 5–6, 2001; June 26–27, 2001; and July 24–25, 2001, at SAIC, Inc., 4001 N. Fairfax Drive, Arlington, VA. This Task Force will review the DoD's current implementation status of a e-commerce tools and make any appropriate recommendations that might enhance opportunities for cost reduction, capital and manpower efficiency.

The mission of the Defense Science Board is to advise the Secretary of defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will review and evaluate the Department's new procurement approaches and its current implementation status in light of the fact that the Department has one of the largest acquisition systems in the world for both goods and services.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(4), and that accordingly these meetings will be closed to the public.

Dated: February 28, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5389 Filed 3–5–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.
SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.
DATES: Interested persons are invited to submit comments on or before May 7, 2001.
SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 28, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.
Title: Report of Infants and Toddlers Receiving Early Intervention Services and of Program Settings Where Services are Provided in Accordance with Part C, and Report on Infants and Toddlers Exiting Part C.
Frequency: Annually.
Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.
Reporting and Recordkeeping Hour Burden: Responses: 57; Burden Hours: 5,472.
Abstract: This package provides instructions and forms necessary for States to report, by race and ethnicity, the number of infants and toddlers with disabilities who: (a) Are served under the Individuals with Disibilities Education Act (IDEA), Part C; (b) are served in different program settings; and (c) exit Part C because of program completion and for other reasons. Data are obtained from state and local service agencies and are used to assess and monitor the implementation of IDEA and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–5363 Filed 3–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.
SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.
DATES: Interested persons are invited to submit comments on or before May 7, 2001.
SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed

information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 28, 2001.

John Tressler,

Leader,Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More Than 10 Days.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 58; Burden Hours: 149,350.

Abstract: This package provides instructions and a form for States to report the number of children and youth and the number of acts involving students served under the Individuals with Disabilities Education Act (IDEA) involving a unilateral removal by school personnel or long-term suspension/expulsion. The form satisfies reporting requirements and is used by the Office of Special Education Programs (OSEP) to monitor State Educational Agencies (SEAs) and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–5364 Filed 3–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 7, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 28, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Part B, Individuals with Disabilities Education Act (IDEA) Implementation of FAPE Requirements.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 58; Burden Hours: 272,890.

Abstract: This package provides instructions and forms necessary for States to report the settings in which children with disabilities served under IDEAN/–B receive special education and related services. The form satisfies reporting requirements and is used by the Office of Special Education Programs (OSEP) to monitor State Educational Agencies (SEAs) and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–5365 Filed 3–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 7, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 28, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Report of Children with Disabilities Receiving Special Education under Part B of the Individuals with Disabilities Education Act (IDEA).

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 58; Burden Hours: 30,682.

Abstract: This package provides instructions and a form necessary for States to report the number of children with disabilities served under IDEA-B that receive special education and related services. It serves as the basis for distributing federal assistance, monitoring, implementing, and Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–5366 Filed 3–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 7, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 28, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Personnel Employed to Provide Special Education and Related Services for Children with Disabilities.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 58; Burden Hours: 107,590.

Abstract: This package provides instructions and a form necessary for States to report Personnel serving

children with disabilities served under the Individuals with Disabilities Education Act, Part B (IDEA–B). This form satisfies reporting requirements and is used by the Office of Special Education Programs (OSEP) for monitoring, implementing IDEA, and Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–5367 Filed 3–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 7, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 28, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Report of Early Intervention Services on an Individualized Family Service Plan (IFSPs) Provided to Infants, Toddlers and Their Families in Accordance with Part C and Report of Number and Type of Personnel Employed and Contracted to Provide Early Intervention Services.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs (primary).

Reporting and Recordkeeping Hour Burden: Responses: 57; Burden Hours: 5,187.

Abstract: This package provides instructions and forms necessary for States to report, by race and ethnicity, the number of infants and toddlers with disabilities and their families receiving different types of Part C services, and the number of personnel employed and contracted to provide services for infants and toddlers with disabilities and their families. Data are obtained from state and local service agencies and are used to assess and monitor the implementation of the Individuals with Disabilities Education Act (IDEA) and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–5368 Filed 3–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 7, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 28, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Report of Children with Disabilities Exiting Special Education During the School Year.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 58; Burden Hours: 53,244.

Abstract: This package provides instructions and a form necessary for States to report the number of students aged 14 and older served under the Individuals with Disabilities Education Act, Part B (IDEA–B) exiting special education. The form satisfies reporting requirements and is used by the Office of Special Education Programs (OSEP) to monitor State Educational Agencies (SEAs) and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–5369 Filed 3–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Acting Leader, Regulatory Information Management, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by March 5, 2001. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before May 7, 2001.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer: Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Leader, Information Management Group, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: March 1, 2001.

Joe Schubart,

Acting Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Student Financial Assistance Programs

Type of Review: Revision.

Title: Joint Special Leveraging Educational Assistance Partnership (SLEAP) and Leveraging Educational Assistance and Partnership (LEAP) Formulas Grant Application Collection.

Abstract: The LEAP and SLEAP programs use matching Federal and State funds to provide a nationwide system of grants to assist postsecondary educational students with substantial financial need. On this application the states provide information the Department requires to obligate funds and for program management. The signed assurances legally bind the states to administer the programs according to regulatory and statutory requirements. With the clearance of this collection, the Department is seeking to automate the application for web-based applying for both the LEAP Program and the subprogram, SLEAP. There are no significant changes to the current LEAP form data elements. There are, however, some additional items pertaining to the SLEAP Program which combines the application into one form for both programs.

Additional Information: Because of the recent changes (December, 2000) to the law, the time schedule of having to

go live with the information collection early enough for states to apply for funding and the awarding of funds to states by July 1, 2001, the Department is requesting emergency approval.

Frequency: Annually

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs

Reporting and Recordkeeping Hour Burden

Responses: 56.

Burden Hours: 112.

Requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov, or should be faxed to 202–708–9346.

Comments regarding burden and/or the collection activity requirements, contact Joseph Schubart at (202) 708–9266 or his internet address Joe_Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–5430 Filed 3–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

National Energy Technology Laboratory

Notice of Intent To Issue a Financial Assistance Solicitation (PS)

AGENCY: National Energy Technology Laboratory (NETL), Department of Energy (DOE).

ACTION: Notice of Intent to Issue a Financial Assistance Solicitation (PS).

SUMMARY: Notice is hereby given of the intent to issue Financial Assistance Solicitation No. DE–PS26–01NT40868 entitled "Gas Storage Program Solicitation." The general goal of this research and development effort is to support further development of the innovative gas storage concepts that are required to meet the needs of the natural gas industry and end-use customers of the U.S. through the year 2015. The Gas Storage Program's "Advanced Storage Concepts (ASC)" projects have been exploring alternatives to service the need for new storage development and expansion in close proximity to areas of growing residential natural gas use and existing and planned industrial and power generation facilities without conventional storage options.

DATES: The solicitation will be available on the DOE/NETL's Internet address at *http://www.netl.doe.gov/business* on or about March 16, 2001. Based on the information contained herein, prospective Applicants are encouraged to begin defining their requirements and potential teaming arrangements prior to release of the solicitation.

FOR FURTHER INFORMATION CONTACT: Kelly A. McDonald, Contract Specialist, MS I07, U.S. Department of Energy, National Energy Technology Laboratory, 3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507–0880, E-mail Address: *kelly.mcdonald@netl.doe.gov*, Telephone Number: (304) 285–4113.

SUPPLEMENTAL INFORMATION: It is anticipated that this action will consist of a single solicitation with three (3) multiple needs areas that specifically address: (1) Proof-of-concept studies or demonstrations aimed at establishing the potential for full-scale field deployment and commercialization of previously developed technologies such as Lined Rock Cavern, Refrigerated-Mined Rock Cavern, Gas Storage as Hydrates, or Gas Storage in Basalt (a CD–ROM publication titled "Advanced Gas Storage Concepts: Technologies for the Future," which contains the final reports of the Lined Rock Cavern, Refrigerated-Mined Rock Cavern, and Gas Storage as Hydrates concepts, is available through the CD–ROM Ordering System at the NETL website *http://www.netl.doe.gov/publications*); (2) development of new ideas for innovative storage alternatives; or (3) development of technological innovations in salt brine disposal to overcome the dominant barrier to developing salt cavern storage in areas remote to ocean disposal. Proposed approaches are anticipated that will include teaming arrangements and can encompass any combination of theory, laboratory validation of concepts, field validation of concepts, proof-of-concept demonstration, or commercial technology demonstration. The overall goal of this solicitation shall be to work toward a demonstration of the storage concept at a commercially scalable size. It is anticipated that the work performed under this action will consist of three (3) phases similar to the following:

Phase I—Concept Definition and Research, Development and Testing (RD&T) Planning;

Phase II—Research, Development and Testing; and,

Phase III—Preliminary Engineering Design of the Storage Technology.

The maximum period of performance for all three (3) phases is estimated at forty-eight (48) months. The goal of this procurement is to encourage private sector firms to proceed with detailed engineering design and obtain private sector funding for the construction and operation of an advanced natural gas storage technology. It is recognized that each Applicant may propose varying scopes of effort for one or more of the three (3) phases, and consequently, an Applicant is not required to perform all Phase I activities if significant work on Phase I type activities has previously been completed. If the Applicant proposes to initially proceed to Phase II or III efforts, information must be included in their application which demonstrates the merit of the previous research and reference to the results. For successful Applicants proposing to Phase II or III, the cost of work performed by the Recipient to satisfy the Phase I or II requirements prior to the execution of the resulting agreement will not be considered when calculating cost-share. Due to the nature and objective of this solicitation, it is anticipated that a mixture of proposals will be accepted with staggered beginning dates, and it is therefore anticipated that any Applicant selected for award shall proceed on it's own schedule, independent of any other application. The schedule will be based on the best estimate of the time it will take the team to complete the three (3)-phase effort, address the objective of the advanced natural gas storage program, and meet the government's target date for completion of the Preliminary Engineering Design.

DOE anticipates multiple cooperative agreement awards under each area of interest resulting from this solicitation, and no fee or profit will be paid to a Recipient or Subrecipient under the awards. This particular program is covered by section 3001 and 3002 of the Energy Policy Act (EPAct), 42 U.S.C. 13542 for financial assistance awards. EPAct 3002 requires a cost-share commitment of at least twenty (20) percent from non-Federal sources for research and development projects and at least fifty (50) percent for demonstration and commercial projects. Depending on the phase and maturation stage of the agreement, cost-share expectations will range from 20 to 50 percent. The particular program is also covered by section 2306 of EPAct, 42 U.S.C. 13525 for financial assistance awards. In order for a company to be eligible for an award under this solicitation, the Applicant must be a United States-owned company. If the Applicant is not a United States-owned company, it must be incorporated or organized in a foreign country that affords treatment to United States-owned companies that is comparable to treatment the United States affords foreign-owned companies. This eligibility requirement also applies to all companies participating in any joint venture, "team" arrangement, or as a major subcontractor. The solicitation will contain as part of the application package the applicable EPAct representation form(s). At current planning levels, and subject to the availability of funds, DOE expects to provide up to approximately $4,000,000 to support work under this solicitation. Applications which include performance of Federal agencies and agents (i.e. Management and Operations (M&O) contractors and/or National Laboratories) as a subcontractor will be acceptable under this solicitation if the proposed use of any such entities is specifically authorized by the executive Federal agency managing the M&O or National Laboratory, and the work is not otherwise available from the private sector. Such work, if approved, would be accomplished through a direct transfer of funding from the NETL to the M&O contractor and/or National Laboratory. Even though participation of an M&O and/or National Laboratory may be appropriate, their participation cannot exceed fifty (50) percent of the Applicant's total estimated project cost.

Telephone requests, written requests, E-mail requests, or facsimile requests for a copy of the solicitation package will not be accepted and/or honored. Applications must be prepared and submitted in accordance with the instructions and forms contained in the solicitation. The actual solicitation document will allow for requests for explanation and/or interpretation.

Issued in Morgantown, WV, on February 20, 2001.

Randolph L. Kesling,

Director, Acquisition and Assistance Division.

[FR Doc. 01–5433 Filed 3–5–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: proposed collection; comment request.

SUMMARY: The EIA is soliciting comments on the proposed three-year extension to the Form EIA–63A, "Annual Solar Thermal Collector Manufacturers Survey," and EIA–63 B, "Annual Photovoltaic Module/Cell Manufacturers Survey."

DATES: Comments must be filed on or before May 7, 2001. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Send comments to James Holihan, Energy Information Administration, EIA–52, Renewable Energy Branch, Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0650, telephone (202) 287–1735; e-mail *jholihan@eia.doe.gov;* FAX (202) 287–1946. Alternatively, Fred Mayes may be contacted by telephone at (202) 287–1750; FAX at (202) 287–1946, or e-mail at fred.mayes@eia.doe.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of any forms and instructions should be directed to James Holihan at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background

II. Current Actions

III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. No. 93–275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. No. 95–91, 42 U.S.C. 7101 *et seq.*) require the EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) of the collections under section 3507(a) of the Paperwork Reduction Act of 1995.

The forms currently are used to gather information on the supply and distribution of solar thermal collectors, photovoltaic cells, and photovoltaic modules. Specifically, the forms collect information on manufacturing, imports, exports, and shipments. The EIA has been collecting this information annually and proposes to continue the surveys. The data collected will be published in the Renewable Energy Annual and will also be available through EIA's Internet site at *http://www.eia.doe.gov/fuelrenewable.html.*

II. Current Actions

The EIA will request a three-year extension through August 31, 2004 to continue using Forms EIA–63A and EIA–63B. No substantive modifications to the currently approved forms will be proposed unless substantive suggestions are received and approved.

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments. (If the notice covers more than one form, add "Please indicate to which form(s) your comments apply.")

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent to the Request for Information

A. Are the instructions and definitions clear and sufficient? If not, which instructions need clarification?

B. Can the information be submitted by the due date?

C. Public reporting burden for this collection is estimated to average 3 hours per response. The estimated burden includes the total time necessary to provide the requested information. In your opinion, how accurate is this estimate?

D. The agency estimates that the only cost to a respondent is for the time it will take to complete the collection. Will a respondent incur any start-up costs for reporting, or any recurring

annual costs for operation, maintenance, and purchase of services associated with the information collection?

E. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

F. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

As a Potential User of the Information to be Collected

A. Is the information useful at the levels of detail to be collected?

B. For what purpose(s) would the information be used? Be specific.

C. Are there alternate sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13, 44 U.S.C. Chapter 35).

Issued in Washington, DC, February 26, 2001.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 01–5432 Filed 3–5–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER01–747–000 and ER01–747–001]

Attala Generating Company, L.L.C.; Notice of Issuance of Order

February 28, 2001.

Attala Generating Company, L.L.C. (Attala) submitted for filing a rate schedule under which Attala will engage in wholesale electric power and energy transactions at market-based rates. In its application, Attala also requested waiver of various Commission regulations. In particular, Attala requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Attala.

On February 15, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Attala should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Attala is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Attala's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 19, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5338 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GP94–2–010]

Columbia Gas Transmission Corporation; Notice of Refund Report

February 28, 2001.

Take notice that on February 19, 2001, Columbia Gas Transmission Corporation (Columbia) tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report made to comply with the April 17, 1995 Settlement (Settlement) in Docket No. GP94–02, et al. as approved by the Commission on June 15, 1995 (Columbia Gas Transmission Corp., 71 FERC ¶61,337 (1995)).

On January 22, 2001 Columbia states that it made refunds, as billing credits and with checks, in the amount of $308,341.85. The refunds represent deferred tax refunds received from Trailblazer Pipeline Company and Overthrust Pipeline Company. These refunds were made pursuant to Article VIII, Section E of the Settlement using the allocation percentages shown on Appendix G, Schedule 5 of the Settlement. The refunds include interest at the FERC rate, in accordance with the Code of Federal Regulations, Subpart F, Section 154.501(d).

Columbia states that copies of its filing have been mailed to all affected customers and state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 9, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission, and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5341 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–408–039]

Columbia Gas Transmission Corporation; Notice of Filing of Refund Report

February 28, 2001.

Take notice that on February 20, 2001, Columbia Gas Transmission Corporation Columbia) filed a refund report in the above referenced docket, pursuant to Section 154.501(e) of the Federal Regulatory Commission's (Commission) regulations.

Columbia states that it made a filing on December 15, 2000, pursuant to a settlement approved by the Commission in Docket no. RP95–408 (79 FERC ¶61,044), to share gains from the sale of certain gathering and products extraction facilities. The Commission approved the filing on January 31, 2001. Columbia states that the instant filing shows that Columbia made the refund, including interest through the date of refund, which was January 22, 2001.

Columbia states that copies of its filing have been mailed to all affected customers and state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 9, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5342 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT00–34–003]

Dauphin Island Gathering Partners; Notice of Proposed Changes in FERC Gas Tariff

February 28, 2001.

Take notice that on February 14, 2001, Dauphin Island Gathering Partners (DIGP) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the tariff sheet listed below to become effective January 1, 2001. DIGP states that the reason for this filing is to correct a typographical error in four of the negotiated rates.

Substitute Fourth Revised Sheet No. 9

DIGP states that a copies of this filing are being served on its customers and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–5354 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–383–021]

Dominion Transmission, Inc.; Notice of Compliance Filing

February 28, 2001.

Take notice that on February 23, 2001, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Substitute Second Revised Sheet No. 1404, with an effective date of November 1, 2000.

DTI states that the filing is being made to comply with the Commission's January 24, 2001, Letter Order in the Docket No. RP96–383–016.

DTI states that copies of its letter of transmittal and enclosures have been served upon DTI's customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protest must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission, and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5355 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–383–022]

Dominion Transmission, Inc.; Notice of Compliance Filing

February 28, 2001.

Take notice that on February 23, 2001, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Substitute First Revised Sheet No. 1406, with an effective date of November 1, 2000.

DTI states that the tariff sheet is being made to comply with the Commission's January 24, 2001, Letter Order in Docket No. RP96–383–017.

DTI states that copies of its letter of transmittal and enclosures have been served upon DTI's customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5356 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–845–000]

FirstEnergy Generation Corporation; Notice of Issuance of Order

February 28, 2001.

On December 28, 2000, FirstEnergy Generation Corporation, (hereafter "GENCO", a recently formed subsidiary of FirstEnergy Services Corporation) filed with the Commission an application seeking the authority to sell energy and capacity at market-based rates. In its filing, GENCO also requested certain waivers and authorizations. In particular, GENCO requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liabilities by GENCO. On February 22, 2001, the Commission issued an Order Accepting For Filing Market-Based Rate Tariff And Granting Waivers And Blanket Authorizations (Order), in the above-docketed proceeding.

The Commission's February 22, 2001 Order granted the request for blanket approval under part 34, subject to the conditions found in Ordering Paragraphs (C), (D), and (F):

(C) Within 30 days of the date of issuance of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by GENCO should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(D) Absent a request to be heard within the period set forth in Ordering Paragraph (C) above, GENCO is hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of GENCO, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(F) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of GNECO's issuances of securities or assumptions of liabilities. * * *

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 26, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5336 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–234–000]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

February 28, 2001.

Take notice that on February 22, 2001, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1 the following tariff sheets, effective April 1, 2001:

Forty-Sixth Revised Sheet No. 8A
Thirty-Eighth Revised Sheet No. 8A.01
Thirty-Eighth Revised Sheet No. 8A.02
Forty-Second Revised Sheet No. 8B
Thirty-Fifth Revised Sheet No. 8B.01

FGT states that the tariff sheets listed above are being filed pursuant to Section 27 of the General Terms and Conditions (GTC) of FGT's Tariff which provides for the recovery by FGT of gas used in the operation of its system and gas lost from the system or otherwise unaccounted for. The fuel reimbursement charges pursuant to Section 27 consist of the Fuel Reimbursement Charge Percentage (FRCP), designed to recover current fuel usage on an in-kind basis, and the Unit Fuel Surcharge (UFS), designed to recover or refund previous under or overcollections on a cash basis. Both the FRCP and the UFSs are applicable to Market Area deliveries and are effective for seasonal periods, changing effective each April 1 (for the Summer Period) and each October 1 (for the Winter Period).

FGT states that it is filing herein to establish an FRCP of 2.90% to become effective April 1, 2001 based on the actual company fuel use, lost and unaccounted for volumes and Market Area deliveries for the period from April 1, 2000 through September 30, 2000. The proposed FRCP of 2.90%, to become effective April 1, 2001, is an increase of 0.65% from the currently effective FRCP of 2.25%. In addition, FGT states that it is filing to establish a Unit Fuel Surcharge (UFS) of ($0.0056), a decrease of $0.0127 from the currently effective UFS of $0.0071.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5360 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–838–000]

FPL Energy Vanscycle, L.L.C.; Notice of Issuance of Order

February 28, 2001.

FPL Energy Vanscycle, L.L.C. (FPL Vanscycle) submitted for filing a rate schedule under which FPL Vanscycle will engage in wholesale electric power and energy transactions at market-based rates. In its application, FPL Vanscycle also requested waiver of various Commission regulations. In particular, FPL Vanscycle requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by FPL Vanscycle.

On February 15, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by FPL Vanscycle should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, FPL Vanscycle is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of FPL Vanscycle's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 19, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5337 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–66–000]

Georgia Power Company, Southern Power Company; Notice of Filing

February 28, 2001.

Take notice that on February 20, 2001, Georgia Power Company and Southern Power Company jointly filed certain errata to their February 12, 2001, "Application for Approval of the Disposition of Jurisdictional Facilities Under section 203 of the Federal Power Act," in the above-referenced docket, in the form of corrected pages to the filing, as well as redlined pages showing the changes made.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 9, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5340 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–67–000]

Indiana Michigan Power Company; Notice of Filing

February 28, 2001.

Take notice that on February 22, 2001, Indiana Michigan Power Company (I&M), a wholly-owned subsidiary of American Electric Power, Inc., a public utility holding company filed with the Federal Energy Regulatory Commission a supplement to its application filed on February 12, 2001 pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities to Wabash Valley Power Association (WVPA). I&M has agreed to sell to WVPA for $550,000 approximately 15 miles of 34.5 kV transmission lines used to deliver power primarily to WVPA member Midwest Energy Cooperative (formerly Fruit Belt Electric Cooperative).

Copies of I&M's filing were served upon WVPA and the public service commissions of Indiana and Michigan.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 9, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5339 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3090]

Village of Lyndonville Electric Department; Notice of Authorization for Continued Project Operation

February 28, 2001.

On January 27, 1999, the Village of Lyndonville Electric Department, licensee for the Vail Project No. 3090, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 3090 is located on the Passumpsic River in Caledonia County, Vermont.

The license for Project No. 3090 was issued for a period ending January 31, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 3090 is issued to the Village of Lyndonville Electric Department for a period effective February 1, 2001, through January 31, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 1, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that the Village of Lyndonville Electric Department is authorized to continue operation of the Vail Project No. 3090 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–5352 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP94–367–012]

National Fuel Gas Supply Corporation; Notice of Compliance Filing

February 28, 2001.

Take notice that on February 22, 2001, National Fuel Gas Supply Corporation (National) tendered for filing to be part of its FERC Gas Tariff, Fourth Revised Volume No. 1, to comply with the Letter Order issued by the Federal Energy Regulatory Commission (Commission) on February 7, 2001. Pursuant to the Letter Order the revised rates are to be effective on April 1, 2001.

National states that the revised tariff sheets reflect updates to the pro forma sheets National filed on September 29, 2000, at Docket No. RP94–367–011 which establish its unbundled gathering rates.

National states that copies of this filing were served upon its current customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5353 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2901]

Nekoosa Packaging Corporation; Notice of Authorization for Continued Project Operation

February 28, 2001.

On December 29, 1998, Nekoosa Packaging Corporation, licensee for the Holcomb Rock Project No. 2901, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2901 is located on the James River in Amherst and Bedford Counties, Virginia.

The license for Project No. 2901 was issued for a period ending January 31, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2901 is issued to Nekoosa Packaging Corporation for a period effective February 1, 2001, through January 31, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 1, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Nekoosa Packaging Corporation is authorized to continue operation of the Holcomb Rock Project No. 2901 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–5347 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2060]

Niagara Mohawk Power Corporation; Notice of Authorization for Continued Project Operation

February 28, 2001.

On January 28, 1999, Niagara Mohawk Power Corporation, licensee for the Carry Falls Project No. 2060, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2060 is located on the Raquette River in St. Lawrence County, New York.

The license for Project No. 2060 was issued for a period ending January 31, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2060 is issued to Niagara Mohawk Power Corporation for a period effective February 1, 2001, through January 31, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 1, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Niagara Mohawk Power Corporation is authorized to continue operation of the Carry Falls Project No. 2060 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–5345 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–7–001]

Overthrust Pipeline Company; Notice of Tariff Filing

February 28, 2001.

Take notice that on February 20, 2001, Overthrust Pipeline Company (Overthrust) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A, Third Revised Sheet No. 56, to be effective February 12, 2001.

Overthrust stated that the purpose of this filing was to comply with the Commission's February 12, 2001, order in Docket No. GT01–7–000, wherein the Commission approved certain tariff sheets and rejected Sheet No. 56 without prejudice to Overthrust filing a correctly paginated version. Therefore, Overthrust has modified the pagination of Sheet No. 56.

Overthrust states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah, and the Public Service Commission of Wyoming.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5343 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2897]

S. D. Warren Company; Notice of Authorization for Continued Project Operation

February 28, 2001.

On January 22, 1999, S. D. Warren Company, licensee for the Saccarappa Project No. 2897, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2897 is located on the Presumpscot River in Cumberland County, Maine.

The license for Project No. 2897 was issued for a period ending January 26, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the

prior license until a new license is issued, or the project is otherwise disposed of as provided section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the mirror or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2897 is issued to S. D. Warren Company for a period effective January 27, 2001, through January 26, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before January 27, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that S. D. Warren Company is authorized to continue operation of the Saccarappa Project No. 2897 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–5346 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2931]

S.D. Warren Company; Notice of Authorization for Continued Project Operation

February 28, 2001.

On January 22, 1999, S.D. Warren Company, licensee for the Gambo Project No. 2931, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2931 is located on the Presumpscot River in Cumberland County, Maine.

The license for Project No. 2931 was issued for a period ending January 26, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2931 is issued to S.D. Warren Company for a period effective January 27, 2001, through January 26, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before January 27, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(12) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to seciton 15 of the FPA, notice is hereby given that S.D. Warren Company is authorized to continue operation of the Gambo Project No. 2931 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–5348 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2941]

S.D. Warren Company; Notice of Authorization for Continued Project Operation

February 28, 2001.

On January 22, 1999, S.D. Warren Company, licensee for the Little Falls Project No. 2941, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2941 is located on the Presumpscot River in Cumberland County, Maine.

The license for Project No. 2941 was issued for a period ending January 26, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2941 is issued to S.D. Warren Company for a period effective January 27, 2001, through January 26, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before January 27, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the

Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that S.D. Warren Company is authorized to continue operation of the Little Falls Project No. 2941 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–5350 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2942]

S.D. Warren Company; Notice of Authorization for Continued Project Operation

February 28, 2001.

On January 22, 1999, S.D. Warren Company, licensee for the Dundee Project No. 2942, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2942 is located on the Presumpscot River in Cumberland County, Maine.

The license for Project No. 2942 was issued for a period ending January 26, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensees of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2942 is issued to S. D. Warren Company for a period effective January 27, 2001, through January 26, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before January 27, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that S. D. Warren Company is authorized to continue operation of the Dundee Project No. 2942 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–5351 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2932]

S. D. Warren Company; Notice of Authorization for Continued Project Operation

February 28, 2001.

On January 22, 1999, S. D. Warren Company, licensee for the Mallison Falls Project No. 2932, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2932 is located on the Presumpscot River in Cumberland County, Maine.

The license for Project No. 2932 was issued for a period ending January 26, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions and of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 2932 is issued to S. D. Warren Company for a period effective January 27, 2001, through January 26, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before January 27, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that S. D. Warren Company is authorized to continue operation of the Mallison Falls Project No. 2932 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–5349 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–205–001]

Southern Natural Gas Company; Notice of Tariff Filing

February 28, 2001.

Take notice that on February 23, 2001, Southern Natural Gas Company (Southern), tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets, with an effective date of February 1, 2001:

Fourth Revised Sheet No. 23
Third Revised Sheet No. 24
Third Revised Sheet No. 25
Substitute Third Revised Sheet No. 208

Southern states that the purpose of the filing is to clarify that Southern may file either the negotiated rate contract or a tariff sheet with the contract information and negotiated rate formula or rate and to provide an explanation of Southern's proposal regarding the prevention of cost-shifting from negotiated rate shippers to recourse rate shippers both in compliance with the Commission's order dated January 24, 2001 in Docket No. RP01–205.

Southern states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5359 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–71–025]

Transcontinental Gas Pipe Line Corporation; Notice of Compliance Filing

February 28, 2001.

Take notice that on February 16, 2001 Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed below with a proposed effective date of February 1, 2001:

Substitute Eleventh Revised Sheet No. 42
Substitute Ninth Revised Sheet No. 46
Fifth Revised Sheet No. 171

Transco states that the purpose of the instant filing is to supplement Transco's compliance filing in Docket Nos. RP97–71–021 & RP97–71–020 of February 1, 2001 (February 1 Filing), which inadvertently neglected to reflect the Rate Schedule IT tariff modifications specifically relating to transportation serve received at Washington Storage field and delivered in Zone 3. These modifications are necessary in order to comply with the Commission's final resolution of the backhaul rate equals to the forward haul rate under Transco's Rate Schedule IT. Accordingly, Transco is submitting Substitute Eleventh Revised sheets No. 42 and Substitute Ninth Revised Sheet No. 46 to replace the respective tariff sheets in the February 1 Filing and also submitting Fifth Revised Sheet No. 171 as an addition to the February 1 Filing.

Transco states that copies of the filing are being mailed to each of its affected customers, interested State Commissions, and other interested parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commissions, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commissions's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commissions's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5357 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–288–012

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

February 28, 2001.

Take notice that on February 22, 2001, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, proposed to become effective on February 23, 2001.

Eighth Revised Sheet No. 5B.05
Original Sheet No. 5B.08

Transwestern states that the above sheets are being filed to describe a negotiated rate agreement with Richardson Products Company in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such protest must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5358 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–40–000]

Tucson Electric Power Company v. Gray Davis, Governor of the State of California, The State of California, and California Power Exchange Corporation; Notice of Complaint

February 28, 2001.

Take notice that on February 27, 2001, Tucson Electric Power Company (Tucson Electric) tendered for filing a complaint against the above-styled parties alleging that Respondents violated Section 203 of the Federal Power Act. In addition, Tucson Electric alleged that the California Power Exchange Corporation ("PX") has failed to collect the duly filed rates from Pacific Gas & Electric Company and Southern California Edison Company, in accordance with the rates, terms and conditions of the PX's FERC-filed tariffs.

Copies of the filing were served upon Respondents and their known counsel, and upon the California Public Utilities Commission.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 19, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before March 19, 2001. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5400 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2009]

Virginia Electric and Power Company; Notice of Authorization for Continued Project Operation

February 28, 2001.

On January 28, 1999, Virginia Electric and Power Company, licensee for the Roanoke Rapids and Gaston Project No. 2009, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2009 is located on the Roanoke River in Halifax, Northampton, and Warren Counties, North Carolina and Brunswick and Mecklenburg Counties, Virginia.

The license for Project No. 2009 was issued for a period ending January 31, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on section 9(b) of the Administrative procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2009 is issued to Virginia Electric and Power Company for a period effective February 1, 2001, through January 31, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. if issuance of a new license (or other disposition) does not take place on or before February 1, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Virginia Electric and Power Company is authorized to continue operation of the Roanoke Rapids and Gaston Project No. 2009 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–5344 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1279–000, *et al.*]

Connecticut Energy Cooperative, Inc., *et al.*; Electric Rate and Corporate Regulation Filings

February 27, 2001.

Take notice that the following filings have been made with the Commission:

1. Connecticut Energy Cooperative, Inc.

[Docket No. ER01–1279–000]

Take notice that on February 20, 2001, Connecticut Energy Cooperative, Inc. (the Co-op), petitions the Commission for acceptance of Co-op Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations.

The Co-op intends to engage in wholesale electric power and energy purchases and sales as a marketer. The Co-op is not in the business of generating or transmitting electric power. The Co-op is a privately owned business with no corporate parents or affiliates.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Carolina Power & Light Company

[Docket No. ER00–1491–001]

Take notice that on February 20, 2001, Carolina Power & Light Company (CP&L), re-filed the Service Agreement with Allegheny Energy Supply Company, LLC in this Docket.

CP&L is requesting an effective date of January 20, 2000 for this agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. American Electric Power Service Corporation

[Docket No. ER01–1280–000]

Take notice that on February 20, 2001, the American Electric Power Service Corporation (AEPSC), tendered for filing an executed Interconnection and Operation Agreement between Ohio Power Company and Duke Energy Hanging Rock, LLC. The agreement is pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Revised Volume No. 6, effective June 15, 2000.

AEP requests an effective date of March 1, 2001.

A copy of the filing was served upon the Ohio Public Utilities Commission.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Southern Company Services, Inc.

[Docket No. ER01–1281–000]

Take notice that on February 20, 2001, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company (APC), tendered for filing an Interconnection Agreement (IA) by and between APC and GenPower Kelley, L.L.C. (GenPower). The IA allows GenPower to interconnect its generating facility to be located in Walker County, Alabama, to APC's electric system.

An effective date of February 19, 2001 has been requested.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Southern Company Services, Inc.

[Docket No. ER01–1282–000]

Take notice that on February 20, 2001, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company (MPC), and Savannah Electric and Power Company (collectively referred to as Southern Companies), tendered for filing an agreement for network integration transmission service between Southern Companies and Southern Wholesale Energy, a department of SCS, as agent for MPC, under the Open Access Transmission Tariff of Southern Company (FERC Electric Tariff, Fourth Revised Volume No. 5) for the delivery of power to the Aleco Fire Tower Road Substation of Singing River EPA, a member cooperative of South Mississippi Electric Power Association (SMEPA). This agreement is being filed in conjunction with a power sale by SCS, as agent for MPC, to SMEPA under Southern Companies' Market-Based Rate Power Sales Tariff.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Xcel Energy Services, Inc.

[Docket No. ER01–1283–000]

Take notice that on February 20, 2001, Xcel Energy Services, Inc. (XES), on behalf of Public Service Company of Colorado (Public Service), tendered for filing the Master Power Purchase and Sale Agreement between Public Service and Colorado River Commission, which is an umbrella service agreement under Public Service's Rate Schedule for Market-Based Power Sales (Public Service FERC Electric Tariff, First Revised Volume No. 6).

XES requests that this agreement become effective on February 1, 2001.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Mississippi Power Company

[Docket No. ER01–1284–000]

Take notice that on February 20, 2001, Mississippi Power Company and Southern Company Services, Inc., its agent, tendered for filing a Service Agreement with South Mississippi Electric Power Association for twelve (12) Delivery Points, pursuant to the Southern Companies' Electric Tariff, FERC Electric Tariff, First Revised Volume No. 4. The agreement will permit Mississippi Power to provide wholesale electric service to South Mississippi Electric Power Association at the new service delivery points.

Copies of the filing were served upon South Mississippi Electric Power Association, the Mississippi Public Service Commission, and the Mississippi Public Utilities Staff.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Consumers Energy Company

[Docket No. ER01–1285–000]

Take notice that on February 20, 2001, Consumers Energy Company (Consumers), tendered for filing a Letter Agreement Between Mirant Zeeland, L.L.C. (Customer) and Consumers, dated February 5, 2001, (Agreement). Under the Agreement, Consumers is to perform certain preliminary activities associated with providing an electrical connection between Customer's generating plant and Consumers' transmission system.

Consumers requested that the Agreement be allowed to become effective February, 5, 2001.

Copies of the filing were served upon Customer and the Michigan Public Service Commission.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. PJM Interconnection, L.L.C.

[Docket No. ER01–1286–000]

Take notice that on February 20, 2001, PJM Interconnection, L.L.C. (PJM), tendered for filing a request to amend the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (Operating Agreement) to waive for this year the requirement of Section 7.1 of the Operating Agreement that PJM retain an independent consultant to propose candidates for the two seats on PJM's Board of Managers ("PJM Board") for which an election is required at PJM's 2001 Annual Meeting. PJM states that the PJM Members Committee has approved the requested amendment.

PJM requests that its filing become effective on April 22, 2001.

Copies of this filing were served upon all PJM members and all electric utility regulatory commissions in the PJM control area.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Entergy Services, Inc.

[Docket No. ER01–1287–000]

Take notice that on February 20, 2001, Entergy Services, Inc., as agent for System Energy Resources, Inc. and Entergy Arkansas, Inc., tendered, pursuant to Section 205 of the Federal Power Act, a revised Appendix B to the Grand Gulf Accelerated Recovery Tariff (GGART-A) to reflect the termination of the amortization component of the GGART-A.

ESI requests an effective date of July 1, 2001.

A copy of this filing has been served upon the state regulators of the Entergy operating companies.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Kentucky Utilities Company

[Docket No. ER01–1288–000]

Take notice that on February 20, 2001, Kentucky Utilities Company (KU), tendered for filing information to establish a new interconnection point under FERC Rate Schedule 203, the Interconnection Agreement between KU and East Kentucky Power Cooperative.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. New England Power Pool

[Docket No. ER01–1289–000]

Take notice that on February 20, 2001, the New England Power Pool (NEPOOL) Participants Committee filed for acceptance materials to terminate the NEPOOL membership of Alternate Power Source, Inc. (APS) as of March 5, 2001 unless APS cures its existing defaults. The NEPOOL Participants Committee states that APS has suspended its participation in the NEPOOL markets pending the earlier of a cure of its defaults or the effectiveness of its termination from the Pool.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. American Transmission Company

[Docket No. ER01–1290–000]

Take notice that on February 21, 2001, American Transmission Company LLC (ATCLLC), tendered for filing a revised Service Agreement No. 96 to include amended exhibits to the Distribution-Transmission Agreement between ATCLLC and Edison Sault Electric Company previously filed in this docket on December 27, 2000.

ATCLLC requests an effective date of January 1, 2001.

Comment date: March 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. California Independent System Operator Corporation

[Docket No. ER01–1291–000]

Take notice that on February 21, 2001, the California Independent System Operator Corporation, tendered for filing an Amendment to Schedule 1 of the Participating Generator Agreement between the ISO and Energy 2001, Inc. (Energy 2001) for acceptance by the Commission.

The ISO states that this filing has been served on Energy 2001 and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective January 29, 2001.

Comment date: March 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. UGI Power Supply, Inc.

[Docket No. ER01–1292–000]

Take notice that on February 21, 2001, UGI Power Supply, Inc. (UGI Power Supply), tendered for filing a notice of cancellation of its Rate Schedule FERC No. 1, pursuant to section 205 of the Federal Power Act, 16 U.S.C. 824d (1994), and Section 35.15 of the Commission's regulations, 18 CFR 35.15.

UGI Power Supply proposes that this cancellation become effective as of April 22, 2001.

Comment date: March 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Allegheny Energy Service Corporation, on Behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–1293–000]

Take notice that on February 21, 2001, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing Service Agreement Nos. 342 and 343 to add Ameren Energy Marketing Company to Allegheny Power's Open Access Transmission Service Tariff which has been accepted for filing by the Federal Energy Regulatory Commission in Docket No. ER96–58–000.

The proposed effective date under the Service Agreements is February 20, 2001 or a date ordered by the Commission.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: March 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Idaho Power Company

[Docket No. ER01–1294–000]

Take notice that on February 21, 2001, Idaho Power Company (Idaho Power), tendered for filing a long-term service agreement under its open access transmission tariff in the above-captioned proceeding.

Idaho Power requests the Commission accept this Service Agreement for filing and designate an effective date of April 1, 2001.

Comment date: March 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Cleco Power LLC

[Docket No. ER01–1295–000]

Take notice that on February 21, 2001, Cleco Power LLC (Cleco), tendered for filing under Section 205 of the Federal Power Act a Phase-Shifting Transformer Funding Agreement between Cleco and Acadia Power Partners, LLC. The agreement provides for the terms and conditions under which Cleco will construct a phase-shifting transformer at Cleco's Beaver Creek substation.

Comment date: March 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Southwest Power Pool, Inc.

[Docket No. ER01–1296–000]

Take notice that on February 21, 2001, Southwest Power Pool, Inc. (SPP), tendered for filing an enclosed Interconnection and Operating Agreement (Agreement) between WFEC GENCO L.L.C. (Genco), Western Farmers Electric Cooperative (WFEC), and SPP.

SPP seeks an effective date of February 22, 2001, for this Agreement.

Copies of this filing were served on Genco and WFEC.

Comment date: March 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. California Independent System Operator Corporation

[Docket No. ER01–1297–000]

Take notice that on February 21, 2001, the California Independent System Operator Corporation, tendered for filing an Amendment to Schedule 1 of the Participating Generator Agreement between the ISO and Sierra Pacific Industries (Sierra Pacific) for acceptance by the Commission.

The ISO states that this filing has been served on Sierra Pacific and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective January 26, 2001.

Comment date: March 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Duquesne Light Company

[Docket No. ER01–1298–000]

Take notice that February 22, 2001, Duquesne Light Company (DLC) filed a Service Agreement dated February 21, 2001 with Dynegy Power Marketing, Inc. under DLC's Open Access Transmission Tariff (Tariff). The Service

Agreement adds Dynegy Power Marketing, Inc. as a customer under the Tariff.

DLC requests an effective date of February 21, 2001 for the Service Agreement.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. Public Service Company of New Mexico

[Docket No. ER01–1299–000]

Take notice that on February 22, 2001, Public Service Company of New Mexico (PNM) filed a Notice of Cancellation with the Federal Energy Regulatory Commission with respect to Rate Schedule FERC No. 75. By its terms, the Public Service Company of New Mexico and San Diego Gas & Electric Company 1988–2001 100 MW System Power Agreement on file as PNM Rate Schedule FERC No. 75, is to terminate on April 30, 2001.

Consistent with this agreement, PNM requests that cancellation of the related rate schedule become effective on April 30, 2001.

A copy of the filing has been served upon San Diego Gas & Electric Company and an informational copy was provided to the New Mexico Public Regulation Commission. The Notice of Cancellation has been posted and is available for public inspection during normal business hours at PNM's offices in Albuquerque, New Mexico.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

23. Whiting Clean Energy, Inc.

[Docket No. ER01–1300–000]

Take notice that on February 22, 2001, Whiting Clean Energy, Inc. (WCE), an indirect wholly owned subsidiary of NiSource Inc., tendered for filing its FERC Electric Rate Schedule 1 and a Statement of Policy and Code of Conduct.

WCE seeks an effective date of April 25, 2001 for the tariff sheets submitted with this filing.

WCE states that it meets all requirements to sell electric energy and capacity at market based rates. In addition, WCE states Statement of Policy and Code of Conduct meets all Commission requirements regarding transactions and relationships with its franchised public utility affiliates.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. International Transmission Company and Michigan Electric Transmission Company

[Docket No. ER01–1301–000]

Take notice that on February 22, 2001, International Transmission Company (ITC) and Michigan Electric Transmission Company (Michigan Transco) tendered for filing a Joint Open Access Transmission Tariff (JOATT) which is to supersede and replace the Consumers Energy Company's (Consumers) and ITC's existing JOATT (Consumers/ITC's FERC Electric Tariff, Original Volume No. 1). The new JOATT reflects the transfer of Consumers' transmission assets to Michigan Transco.

Copies of the filing were served upon all customers under the Consumers/ITC JOATT and upon the Michigan Public Service Commission.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. American Ref-Fuel Company of Niagara, L.P.

[Docket No. ER01–1302–000]

Take notice that on February 22, 2001, American Ref-Fuel Company of Niagara, L.P. submitted for filing, pursuant to Section 205 of the Federal Power Act, and Part 35 of the Commission's regulations, a Petition for authorization to make sales of electric capacity and energy at market-based rates and for related waivers and blanket authorizations.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. International Transmission Company

[Docket No. ER01–1303–000]

Take notice that on February 22, 2001, International Transmission Company submitted for filing an unexecuted Interconnection Agreement with Dearborn Industrial Generation, L.L.C.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. Pacific Gas and Electric Company

[Docket No. ER01–1304–000]

Take notice that on February 22, 2001, Pacific Gas and Electric Company (PG&E) tendered for filing Agreements between PG&E and Calpine Construction Finance Company, L.P. (Calpine) on behalf of Los Medanos Energy Center (LMEC), which Agreements include: a Generator Special Facilities Agreement (GSFA); a Letter Agreement Supplementing, Clarifying, and Modifying the Generator Special Facilities Agreement between Pacific Gas and Electric Company and Calpine Construction Finance Company, L.P. on behalf of Los Medanos Energy Center (Supplemental Letter Agreement); and a Letter Agreement Documenting Revised System Upgrade Work for the Los Medanos Energy Center and Notice to Proceed (Documenting Letter Agreement).

The GSFA permits PG&E to recover the ongoing costs associated with installing, owning, operating and maintaining Special Facilities necessary for the interconnection of LMEC to the PG&E transmission system. The Supplemental Letter Agreement and the Documenting Letter Agreement clarify and replace language in the GSFA. The Supplemental Letter Agreement further establishes the intent of the parties with respect to the rates and rate methodology set forth in the agreements, and the Documenting Letter Agreement provides the Notice to Proceed for PG&E to commence construction.

Copies of this filing have been served upon LMEC, Calpine, the California Independent System Operator, and the California Public Utilities Commission (CPUC).

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

28. Bethlehem Steel Corporation

[Docket No. ER01–1312–000]

Take notice that on February 22, 2001, Bethlehem Steel Corporation (Bethlehem) petitioned the Commission for acceptance of Bethlehem Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

Bethlehem intends to engage in wholesale electric power and energy purchases and sales as a marketer. Bethlehem is a Delaware corporation headquartered in Bethlehem, Pennsylvania. Bethlehem and its affiliates are engaged in the production of a wide variety of steel mill products and Bethlehem owns generation facilities in Maryland, New York, and Indiana.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

29. New England Power Pool

[Docket No. ER01–1313–000]

Take notice that on February 22, 2001, the New England Power Pool (NEPOOL) Participants Committee submitted revisions to Market Rule 5 relating to eligibility for units to receive Uplift payments.

It is requested that the revisions become effective on the earlier of two days following a Commission order approving the changes, or April 23, 2001, sixty days after the filing.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

30. American Electric Power Service Corporation

[Docket No. OA01–4–000]

Take notice that on February 20, 2001, American Electric Power Service Corporation, on behalf of the operating companies of the American Electric Power System (AEP) submitted for filing updated Procedures for Implementation of FERC Standards of Conduct.

AEP requests an effective date of February 20, 2001.

Copies of AEP's filing have been served upon AEP's transmission customers and the public service commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Tennessee, Texas, Virginia and West Virginia and the Oklahoma Corporation Commission.

Comment date: March 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

31. Sempra Energy

[Docket No. ER01–1193–000]

Take notice that on February 16, 2001, Sempra Energy tendered for filing a request for withdrawal of its February 7, 2001, Petition for Waivers, and Blanket approvals in the above-referenced docket.

Comment date: March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

32. PacifiCorp

[Docket No. ER01–814–001]

Take notice that on February 22, 2001, PacifiCorp tendered for filing, an amendment to its original filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

33. Illinois Power Company and Dynegy Midwest Generation, Inc.

[Docket No. EC01–71–000]

Take notice that on February 22, 2001, Illinois Power Company (Illinois Power) and Dynegy Midwest Generation, Inc. (Dynegy Midwest) filed a joint application under Section 203 of the Federal Power Act requesting the Commission to authorize the indirect transfer of generation-related facilities consisting of generator step-up and station power transformers with associated generation lead lines, switches, circuit breakers and foundations from Illinois Power to Dynegy Midwest.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

34. Entergy Services, Inc.

[Docket No. ER01–894–002]

Take notice that on February 20, 2001, Entergy Services, Inc. (Entergy), on behalf of the Entergy Operating Companies, tendered for filing the Third Revised Network Integration Transmission Service Agreement (NITSA) between Entergy and East Texas Electric Cooperative, Inc., Sam Rayburn G&T Electric Cooperative, Inc., and Tex-La Electric Cooperative, Inc., as an amendment to its January 5, 2001 filing in Docket No. ER01–894–000. The Third Revised NITSA adds the Line No. 81 Settlement Agreement between Jasper-Newton Electric Cooperative, Inc. and Entergy, dated February 1, 2001, to the NITSA.

Comment date: March 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5335 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6940–8]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Fort James Camas Mill, Camas, Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition to object to state operating permit.

SUMMARY: Pursuant to Clean Air Act Section 505(b)(2) and 40 CFR 70.8(d), the EPA Administrator is hereby granting in part and denying in part a petition to object to a State operating permit issued by the Washington Department of Ecology (Ecology) to Fort James Camas Mill, Camas, Washington. This order constitutes final action on the petition submitted by Mr. Carl D. Larkins. Pursuant to section 505(b)(2) of the Clean Air Act (Act), petitioner may seek judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of this decision under section 307 of the Act.

ADDRESSES: Copies of the final order, the petition, and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, Washington 98101. The final order is also available electronically at the following address: *http://www.epa.gov/ttn/oarpg/t5sn.html*

FOR FURTHER INFORMATION CONTACT: William M. Hedgebeth, Office of Air Quality, EPA Region 10, telephone (206) 553–1059, e-mail *hedgebeth.william@epa.gov*. Interested parties may also contact the Washington Department of Ecology, Industrial Section, 300 Desmond Drive, Lacey, Washington 98503, mailing address P.O. Box 47600, Olympia, Washington 98504–7600.

SUPPLEMENTARY INFORMATION: The Clean Air Act affords EPA the opportunity for a 45-day period to review, and object to as appropriate, operating permits proposed by State permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after

the expiration of this review period to object to State operating permits if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

Mr. Carl D. Larkins submitted a petition to the Administrator on November 24, 1999, seeking EPA's objection to the operating permit issued to Fort James Camas Mill, Camas, Washington. The petitioner maintains that the Fort James Camas Mill operating permit is inconsistent with the Act because the permit fails to: (1) provide sufficient basis for providing compliance assurance for certain permit conditions; and (2) provide sufficient basis for using surrogate parameters as compliance indicators in certain permit conditions. The order granting in part and denying in part this petition explains the reasons behind EPA's conclusion that: (1) Petitioner adequately demonstrated in certain instances that the Fort James Camas Mill permit did not satisfy all the requirements of 40 CFR Part 70; and (2) petitioner in other instances failed to demonstrate that the Fort James Camas Mill permit does not assure compliance with the Clean Air Act on the grounds raised.

Pursuant to sections 505(b)and 505(e) of the Clean Air Act (42 U.S.C. 7661d(b) and (e)) and 40 CFR 70.7(g) and 70.8(d), Ecology has 90 days from the receipt of the Administrator's order to resolve the objections identified in sections C(1), C(2), C(5), C(8), C(12), C(15), D(2), and D(5) of the order, and submit a proposed determination of termination, modification, or revocation and reissuance of the Fort James Title V permit in accordance with EPA's objection.[1]

Dated: January 19, 2001.

Charles E. Findley,

Acting Regional Administrator, Region X.

[FR Doc. 01–5415 Filed 3–5–01; 8:45 am]

BILLING CODE 6560–50–P

[1] The description on page 5 of the Administrator's order of the procedures for resolving the objection is in error. As provided in 40 CFR 70.7(g)(4), Ecology has 90 days from the receipt of the order to resolve the objection issues, not two 90 day periods.

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority; Comments Requested.

February 21, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 7, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, Room 1 A–804, 445 Twelfth Street, SW., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0570.

Title: Section 76.982 Continuation of rate agreements.

Form Number: n/a.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities, State, Local or Tribal Government.

Number of Respondents: 25.

Estimated Time Per Response: 0.5 hours.

Total Annual Burden: 13 hours.

Total Annual Costs: $2,600.00.

Needs and Uses: The information collection requirements reported under this control number enable the Commission to determine the extent of rate regulation agreements that pre-date the Cable Television Consumer Protection and Competition Act of 1992 and that are still in effect.

OMB Control Number: 3060–0609.

Title: Section 76.934(e) Petitions for Extension of Time.

Form Number: n/a.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities, State, Local or Tribal Government.

Number of Respondents: 35.

Estimated Time Per Response: 4 hours.

Total Annual Burden: 140 hours.

Total Annual Costs: $84,000.00.

Needs and Uses: The information collection requirements reported under this control number are used by the Commission to grant temporary relief to small systems who demonstrate a need for an extension of time to come into compliance with rate regulation.

OMB Control Number: 3060–0562.

Title: Section 76.916 Petition for Recertification.

Form Number: n/a.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities, State, Local or Tribal Government.

Number of Respondents: 10.

Estimated Time Per Response: 10.

Total Annual Burden: 100 hours.

Total Annual Costs: $6,530.00.

Needs and Uses: The information collection requirements reported under this control number are used by the Commission to implement section 76.916 Petition for Recertification, by franchising authorities wishing to request certification after its requests for certification have been revoked or denied.

OMB Control Number: 3060–0610.

Title: Section 76.916 Notice to Commission of Rate Change While Complaint Pending.

Form Number: n/a.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 400.

Estimated Time Per Response: .50 hours.

Total Annual Burden: 200 hours.

Total Annual Costs: $40,000.00.

Needs and Uses: The information collection requirements reported under this control number are used by the Commission to review pending cable service tier rate complaints.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4920 Filed 3–5–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

February 26, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 5, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0281.

Title: Section 90.651, Supplemental Reports Required of Licensees Authorized under this Subpart.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 16,408.

Estimated Time Per Response: .166 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 2,724 hours.

Total Annual Cost: N/A.

Needs and Uses: In Report and Order in WT Docket No. 97–153 (FCC 99–9), the Commission revised rule section 90.651 for reporting the number of mobile units placed in operation from eight months to 12 months. The radio facilities addressed in this subpart of the rules are allocated on and governed by regulations designed to award facilities on a need basis determined by the number of mobile units served by each base station. This is necessary to avoid frequency hoarding by applicants. This rule requires licensees to report the number of mobile units served.

The Commission licensing personnel use the information to maintain an accurate database of frequency users. The Commission and the public use the data base information in spectrum planning, interference resolution and licensing activities.

OMB Control No.: 3060–0291.

Title: Section 90.477, Interconnected Systems.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 1,000.

Estimated Time Per Response: .50 hours.

Frequency of Response: On occasion and annual reporting requirements, and recordkeeping requirement.

Total Annual Burden: 500 hours.

Total Annual Cost: N/A.

Needs and Uses: This rule section allows private land mobile radio licensees to use common point telephone interconnection with telephone service costs distributed on a non-profit cost sharing basis. Records of such arrangements must be placed in the licensee's station file and made available to participants in the sharing arrangement and the Commission upon request.

Federal Communications Commission.

William F. Canton,

Deputy Secretary.

[FR Doc. 01–5393 Filed 3–5–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–36–A (Auction No. 39); DA 01–477]

Auction of Licenses for the VHF Public Coast and Location and Monitoring Services Spectrum Scheduled for June 6, 2001

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the auction of 16 VHF public coast licenses and 241 multilateration Location and Monitoring Services Spectrum scheduled for June 6, 2001. The notice seeks comments on reserve prices or minimum opening bids and other procedural issues regarding Auction No. 39.

DATES: Comments are due on or before March 9, 2001, and reply comments are due on or before March 16, 2001.

ADDRESSES: An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW., TW–A325, Washington, DC 20554, in accordance with § 1.51(c) of the Commission's rules.

FOR FURTHER INFORMATION CONTACT: Kenneth Burnley, Auctions Attorney, or Lyle Ishida, Auctions Analyst, at (202) 418–0660; or Linda Sanderson, Project Manager, at (717) 338–2888.

SUPPLEMENTARY INFORMATION: This is a summary of a public notice released February 23, 2001 that announces the auction of 16 VHF public coast licenses and 241 multilateration Location and Monitoring Service ("LMS") licenses ("Auction No. 39") to commence on June 6, 2001. This auction will include the licenses that remained unsold in Auctions No. 20 and No. 21, which closed on December 14, 1998 and March 5, 1999, respectively. Auction No. 39 will include the following:

- *VHF Public Coast.* Specifically, sixteen licenses will be available in

geographic areas known as VHF Public Coast Areas (VPCs). There are two categories of VPCs: maritime VPCs and inland VPCs. All of the VHF Public Coast licenses to be offered in Auction No. 39 are inland VPC licenses. Inland VPCs are identical to the Commerce Department's Economic Areas, no part of which is within 100 miles of a major waterway. Each VPC license has seven 25 kHz channel pairs, adding up to 350 kHz.

Inland VPCs	Channel Pairs (total kHz available)
Inland Border VPCs:, VPCs 10, 11	24, 26, 27, 28, 85, 86, 87 (350 kHz)
Inland Non-Border VPCs:	24, 26, 27, 28, 85, 86, 87 (350 kHz)
VPCs 12–15, 23, 26, 38 VPCs 16, 18, 19, 20, 21, 22, 40	24, 26, 27, 28, 84, 86, 87 (350 kHz)

• *LMS.* Three blocks of spectrum are allocated for LMS systems:

Block A: 904.000–909.750 MHz and 927.750–928.000 MHz;

Block B: 919.750–921.750 MHz and 927.500–927.750 MHz;

Block C: 921.750–927.250 MHz and 927.250–927.500 MHz.

A geographic licensing area is comprised of each of these spectrum blocks. LMS spectrum is licensed in 176 Economic Areas (EAs). In Auction No. 39, 241 LMS licenses will be available: 117 licenses will be auctioned in Block A, 61 licenses will be auctioned in Block B, and 63 licenses will be auctioned in Block C.

A list of licenses available for this auction is included in Attachment A of the Public Notice. The Balanced Budget Act of 1997 requires the Commission to "ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed . . . before issuance of bidding rules, to permit notice and comment on proposed auction procedures. . . ." Consistent with the provisions of the Balanced Budget Act and to ensure that potential bidders have adequate time to familiarize themselves with the specific rules that will govern the day-to-day conduct of an auction, the Commission directed the Bureau, under its existing delegated authority, to seek comment on a variety of auction-specific procedures prior to the start of each auction. We therefore seek comment on the following issues relating to Auction No. 39.

I. Auction Structure

A. Simultaneous Multiple Round Auction Design

1. We propose to award the licenses in a single, simultaneous multiple-round auction. As described further, this methodology offers every license for bid at the same time in successive bidding rounds. We seek comment on this proposal.

B. Upfront Payments and Initial Maximum Eligibility

2. The Bureau has delegated authority and discretion to determine an appropriate upfront payment for each license being auctioned taking into account such factors as the population in each geographic license area, and the value of similar spectrum. As described further, the upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on licenses. Upfront payments related to the specific spectrum subject to auction protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of the auction. With these guidelines in mind, we propose for Auction No. 39, to calculate upfront payments on a license-by-license basis using the following formulas:

• VHF Public Coast

Inland VPC Licenses: $.075 * MHz * Pops (the result rounded to the nearest hundred for results less than $10,000) with a minimum upfront payment of $2,500 per license.

• LMS

Block A: $0.0004 * MHz * Pops (the result rounded to the nearest hundred for results less than $10,000) with a minimum upfront payment of $1,000 per license.

Block B: $0.0005 * MHz * Pops (the result rounded to the nearest hundred for results less than $10,000) with a minimum upfront payment of $1,000 per license.

Block C: $0.0005 * MHz * Pops (the results rounded to the nearest hundred for results less than $10,000 and to the nearest thousand for results greater than $10,000) with a minimum upfront payment of $1,000 per license.

3. A complete list of all licenses, including the related license area population and upfront payment, are listed as Attachment A of the Public Notice. We seek comment on this proposal.

4. We further propose that the amount of the upfront payment submitted by a bidder will determine the initial maximum eligibility (as measured in bidding units) for each bidder. Upfront payments will not be attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility, which cannot be increased during the auction. The maximum eligibility will determine the licenses on which a bidder may bid in each round of the auction. Thus, in calculating its upfront payment amount, an applicant must determine the maximum number of bidding units it may wish to bid on (or hold high bids on) in any single round, and submit an upfront payment covering that number of bidding units. We seek comment on this proposal.

C. Activity Rules

5. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to either place a valid bid and/or be the standing high bidder during each round of the auction rather than waiting until the end to participate. A bidder that does not satisfy the activity rule will either use an activity rule waiver, if any remain, or lose bidding eligibility in the auction.

6. We propose to divide the auction into two stages: Stage One and Stage Two—each characterized by an increased activity requirement. The auction will start in Stage One. We propose that the auction will generally advance to the next stage when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is approximately thirty percent or below for three consecutive rounds of bidding. However, we further propose that the Bureau retain the discretion to change stages unilaterally by announcement during the auction. In exercising this discretion, the Bureau will consider a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentage of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. We seek comment on these proposals.

7. For Auction No. 39, we propose the following activity requirements:

Stage One: In each round of Stage One, a bidder desiring to maintain its current eligibility is required to be active on licenses encompassing at least 80 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-fourths (5/4).

Stage Two: In each round of Stage Two, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. In this final stage, reduced eligibility for the next round will be calculated by multiplying the current round activity by fifty-fortyninths (50/49). We seek comment on these proposals. If commenters believe that these activity rules should be changed, they should explain their reasoning and comment on the desirability of an alternative approach. Commenters are advised to support their claims with analyses and suggested alternative activity rules.

D. Activity Rule Waivers and Reducing Eligibility

8. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license. Activity waivers are principally a mechanism for auction participants to avoid the loss of auction eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

9. The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an "automatic waiver") at the end of any bidding period where a bidder's activity level is below the minimum required unless: (i) there are no activity rule waivers available; or (ii) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

10. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding period by using the reduce eligibility function in the bidding software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

11. A bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a bidding period in which no bids are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids will not keep the auction open.

12. We propose that each bidder in Auction No. 39 be provided with five activity rule waivers that may be used at the bidder's discretion during the course of the auction as set forth. We seek comment on this proposal.

E. Information Relating to Auction Delay, Suspension, or Cancellation

13. For Auction No. 39, we propose that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to resume the auction starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. We emphasize that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers. We seek comment on this proposal.

II. Bidding Procedures

A. Round Structure

14. The Commission will use its Automated Auction System to conduct the electronic simultaneous multiple round auction format for Auction No. 39. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of the auction, and will be included in the registration mailings. The auction format will consist of sequential bidding rounds; each followed by the release of round results. Details regarding the location and format of round results will be included in the same public notice.

15. The Bureau has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureau may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors. We seek comment on this proposal.

B. Reserve Price or Minimum Opening Bid

16. The Balanced Budget Act calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when FCC licenses are subject to auction (*i.e.*, because the Commission has accepted mutually exclusive applications for those licenses), unless the Commission determines that a reserve price or minimum bid is not in the public interest. Consistent with this mandate, the Commission has directed the Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.

17. Normally, a reserve price is an absolute minimum price below, which an item will not be sold in a given auction. Reserve prices can be either published or unpublished. A minimum-opening bid, on the other hand, is the minimum bid price set at the beginning of the auction below which no bids are accepted. It is generally used to accelerate the competitive bidding process. Also, in a minimum opening bid scenario, the auctioneer generally has the discretion to lower the amount later in the auction. It is also possible for the minimum opening bid and the reserve price to be the same amount.

18. In light of the Balanced Budget Act, the Bureau proposes to establish minimum opening bids for Auction No. 39. The Bureau believes a minimum opening bid, which has been utilized in other auctions, is an effective bidding tool. A minimum opening bid, rather than a reserve price, will help to regulate the pace of the auction and provides flexibility.

19. Specifically, for Auction No. 39, the Commission proposes the following formulae for calculating minimum opening bids on a license-by-license basis:

• VHF Public Coast

Inland VPC Licenses: $.011 * MHz * Pops (the result rounded to the nearest hundred for results less than $10,000) with a minimum of no less than $2,500 per license.

• LMS

Block A: $0.0004 * MHz * Pops (the result rounded to the nearest hundred for results less than $10,000) with a minimum of no less than $1,000 per license.

Block B: $0.0005 * MHz * Pops (the result rounded to the nearest hundred for results less than $10,000) with a minimum of no less than $1,000 per license.

Block C: $0.0005 * MHz * Pops (the result rounded to the nearest hundred for results less than $10,000 and to the nearest thousand for results greater than $10,000) with a minimum of no less than $1,000 per license.

20. The specific minimum opening bid for each license available in Auction No. 39 is set forth in Attachment A of the Public Notice. Comment is sought on this proposal. If commenters believe that these minimum opening bids will result in substantial numbers of unsold licenses, or are not reasonable amounts, or should instead operate as reserve prices, they should explain why this is so, and comment on the desirability of an alternative approach. Commenters are advised to support their claims with valuation analyses and suggested reserve prices or minimum opening bid levels or formulas. In establishing the minimum opening bids, we particularly seek comment on such factors as, among other things, the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, issues of interference with other spectrum bands and any other relevant factors that could reasonably have an impact on valuation of the VHF public coast station and the LMS spectrum. Alternatively, comment is sought on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.

C. Minimum Accepted Bids and Bid Increments

21. Once there is a standing high bid on a license, a bid increment will be applied to that license to establish a minimum acceptable bid for the following round. For Auction No. 39, we propose to use a smoothing methodology to calculate bid increments, as we have done in several other auctions. The Bureau retains the discretion to change the minimum bid increment if it determines that circumstances so dictate. The Bureau will do so by announcement in the Automated Auction System. We seek comment on these proposals.

22. The exponential smoothing formula calculates the bid increment for each license based on a weighted average of the activity received on each license in all previous rounds. This methodology will tailor the bid increment for each license based on activity, rather than setting a global increment for all licenses. For every license that receives a bid, the bid increment for the next round for that license will be established using the exponential smoothing formula.

23. The calculation of the percentage bid increment for each license in a given round is made at the end of the previous round. The computation is based on an activity index, which is calculated as the weighted average of the activity in that round and the activity index from the prior round. The activity index at the start of the auction (round 0) will be set at 0. The current activity index is equal to a weighting factor times the number of new bids received on the license in the most recent bidding round plus one minus the weighting factor times the activity index from the prior round. The activity index is then used to calculate a percentage increment by multiplying a minimum percentage increment by one plus the activity index with that result being subject to a maximum percentage increment. The Commission will initially set the weighting factor at 0.5, the minimum percentage increment at 0.1 (10%), and the maximum percentage increment at 0.2 (20%).

Equations

$A_i = (C * B_i) + ((1–C) * A_{i-1})$

I_{i+1} = smaller of $((1 + A_i) * N)$ and M

where,

A_i = activity index for the current round (round i)
C = activity weight factor
B_i = number of bids in the current round (round i)
A_{i-1} = activity index from previous round (round i – 1), A_0 is 0
I_{i+1} = percentage bid increment for the next round (round i+1)
N = minimum percentage increment or bid increment floor
M = maximum percentage increment or bid increment ceiling

Under the exponential smoothing methodology, once a bid has been received on a license, the minimum acceptable bid for that license in the following round will be the new high bid plus the dollar amount associated with the percentage increment (variable I_{i+1} from above times the high bid). This result will be rounded to the nearest thousand if it is over ten thousand or to the nearest hundred if it is under ten thousand.

Examples

License 1

C=0.5, N = 0.1, M = 0.2

Round 1 (2 new bids, high bid = $1,000,000)

i. Calculation of percentage increment for round 2 using exponential smoothing:
$A_1 = (0.5 * 2) + (0.5 * 0) = 1$
I_2 = The smaller of $((1 + 1) * 0.1) = 0.2$ or 0.2 (the maximum percentage increment)

ii. Minimum bid increment for round 2 using the percentage increment (I_2 from above)
0.2 * $1,000,000 = $200,000

iii. Minimum acceptable bid for round 2 = $1,200,000

Round 2 (3 new bids, high bid = $2,000,000)

i. Calculation of percentage increment for round 3 using exponential smoothing:
$A_2 = (0.5 * 3) + (0.5 * 1) = 2$
I_3 = The smaller of $((1 + 2) * 0.1) = 0.3$ or 0.2 (the maximum percentage increment)

ii. Minimum bid increment for round 3 using the percentage increment (I_3 from above)
0.2 * $2,000,000 = $400,000

iii. Minimum acceptable bid for round 3 = $2,400,000

Round 3 (1 new bid, high bid = $2,400,000)

i. Calculation of percentage increment for round 4 using exponential smoothing:
$A_3 = (0.5 * 1) + (0.5 * 2) = 1.5$
I_4 = The smaller of $((1 + 1.5) * 0.1) = 0.25$ or 0.2 (the maximum percentage increment)

ii. Minimum bid increment for round 4 using the percentage increment (I_4 from above)
0.2 * $2,400,000 = $480,000

iii. Minimum acceptable bid for round 4 = $2,880,000

D. Information Regarding Bid Withdrawal and Bid Removal

24. For Auction No. 39, we propose the following bid removal and bid withdrawal procedures. Before the close of a bidding period, a bidder has the option of removing any bid placed in that round. By using the remove bid function in the bidding software, a bidder may effectively "unsubmit" any bid placed within that round. A bidder removing a bid placed in the same round is not subject to a withdrawal payment. Once a round closes, a bidder may no longer remove a bid. We seek comment on this bid removal procedure.

25. Once a round closes, a bidder may no longer remove a bid. However, in the next round, a bidder may withdraw standing high bids from previous rounds using the withdraw bid function. A high bidder that withdraws its standing high bid from a previous round is subject to the bid withdrawal payment provisions. We seek comment on these bid removal and bid withdrawal procedures.

26. In the *Part 1 Third Report and Order*, 63 FR 2315 (January 15, 1998), the Commission explained that allowing bid withdrawals facilitates efficient aggregation of licenses and the pursuit of efficient backup strategies as information becomes available during the course of an auction. The Commission noted, however, that, in some instances, bidders may seek to withdraw bids for improper reasons. The Bureau, therefore, has discretion, in managing the auction, to limit the number of withdrawals to prevent any bidding abuses. The Commission stated that the Bureau should assertively exercise its discretion, consider limiting the number of rounds in which bidders may withdraw bids, and prevent bidders from bidding on a particular market if the Bureau finds that a bidder is abusing the Commission's bid withdrawal procedures.

27. Applying this reasoning, we propose to limit each bidder in Auction No. 39 to withdraw standing high bids in no more than two rounds during the course of the auction. To permit a bidder to withdraw bids in more than two rounds would likely encourage insincere bidding or the use of withdrawals for anti-competitive strategic purposes. The two rounds in which withdrawals are utilized will be at the bidder's discretion; withdrawals otherwise must be in accordance with the Commission's rules. There is no limit on the number of standing high bids that may be withdrawn in either of the rounds in which withdrawals are utilized. Withdrawals will remain subject to the bid withdrawal payment provisions specified in the Commission's rules. We seek comment on this proposal.

C. Stopping Rule

28. For Auction No. 39, the Bureau proposes to employ a simultaneous stopping rule approach. The Bureau has discretion "to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time." A simultaneous stopping rule means that all licenses remain open until the first round in which no new acceptable bids, proactive waivers, or withdrawals are received. After the first such round, bidding closes simultaneously on all licenses. Thus, unless circumstances dictate otherwise, bidding would remain open on all licenses until bidding stops on every license.

29. The Bureau seeks comment on a modified version of the simultaneous stopping rule. The modified stopping rule would close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this modified stopping rule. The Bureau further seeks comment on whether this modified stopping rule should be used unilaterally or only in stage two of the auction.

30. The Bureau proposes to retain the discretion to keep an auction open even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. The activity rule, therefore, will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a remaining activity rule waiver.

31. Finally, we propose that the Bureau reserve the right to declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the Bureau invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds. The Bureau proposes to exercise this option only in certain circumstances, such as, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time. Before exercising this option, the Bureau is likely to attempt to increase the pace of the auction by, for example, moving the auction into the next stage (where bidders would be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. We seek comment on these proposals.

III. Conclusion

32. Comments are due on or before March 9, 2001, and reply comments are due on or before March 16, 2001. An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW., TW–A325, Washington, DC 20554, in accordance with § 1.51(c) of the Commission's rules. *See* 47 CFR 1.51(c). In addition, one copy of each pleading must be delivered to each of the following locations: (a) the Commission's duplicating contractor, International Transcription Service, Inc. (ITS), 1231 20th Street, NW., Washington, DC 20036; (b) Office of Media Relations, Public Reference Center, 445 Twelfth Street, SW., Suite CY–A257, Washington, DC 20554; (c) Rana Shuler, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, 445 Twelfth Street, SW., Suite 4–A628, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Public Reference Room, Room CY-A257, 445 12th Street, SW., Washington, DC 20554.

Federal Communications Commission.

Margaret Wiener,

Chief, Auctions & Industry Analysis Division, WTB.

[FR Doc. 01–5395 Filed 3–5–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 01–512]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On February 27, 2001, the Commission released a public notice announcing the March 20 and 21, 2001, meeting and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next meeting and its agenda.

FOR FURTHER INFORMATION CONTACT: Deborah Blue, Special Assistant to the Designated Federal Officer (DFO) at (202) 418–2320 or dblue@fcc.gov. The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, The Portals, 445 12th Street, SW., Suite 6A207, Washington, DC 20554. The fax number is: (202) 418–2345. The TTY number is: (202).418–0484.

SUPPLEMENTARY INFORMATION: Released: February 27, 2001.

The North American Numbering Council (NANC) has scheduled a meeting to be held Tuesday, March 20, 2001, from 8:30 a.m. until 5:00 p.m., and on Wednesday, March 21, from 8:30 a.m., until 12 noon. The meeting will be held at the Federal Communications

Commission, Portals II, 445 12th Street, SW., Room TW–C305, Washington, DC.

This meeting is open to members of the general public. The FCC will attempt to accommodate as many participants as possible. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting. Requests to make an oral statement or provide written comments to the NANC should be sent to Cheryl Callahan at the address under **FOR FURTHER INFORMATION CONTACT**, stated above.

Proposed Agenda

1. Approval of January 16–17, 2001 and February 20–21, 2001 meeting minutes.
2. North American Numbering Plan Administrator (NANPA) Report
3. Report of NANPA Oversight Working Group
—NANPA Performance Issues (if any)
—NANPA Technical Requirements Update
—2000 NANPA Performance Update
4. Report of Numbering Resource Optimization (NRO) Working Group
—Continuing Review of NANP Exhaust
—Monitoring of State Pooling Trials
5. Industry Numbering Committee Report
6. Report of Toll Free Access Codes IMG
—Competitive Bids
—Structure and Tariff Issues
—Final Technical Requirements
—Transmittal to FCC
7. Report of the Local Number Portability Administration (LNPA) Working Group
—Wireless Number Portability Subcommittee
—Revised PIM–5 Solutions for Inadvertent Porting
8. Report of Cost Recovery Working Group
—Finalize NBANC B&C Technical Requirements
9. Report of "Big Picture" Ad Hoc Group
10. Steering Group Meeting
—Table of NANC Projects
11. Steering Group Report
12. Report from NBANC
13. Reseller CIC IMG status report
14. Oversight of LLCs NPAC
15. Meeting Procedures IMG
16. Action Items and Decisions Reached (5 minutes each, if any)
17. Public Participation
18. Other Business

Federal Communications Commission.

Diane Griffin Harmon,

Deputy Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 01–5303 Filed 3–5–01; 8:45 am]

BILLING CODE 5712–01–U

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11 a.m., Monday, March 12, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3203.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: March 2, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–5582 Filed 3–2–01; 2:21 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Notice Requesting Comments on Retail Electricity Competition Plans

AGENCY: Federal Trade Commission.

ACTION: Notice requesting comments on retail electricity competition plans.

SUMMARY: Many States have enacted and, in some cases, begun to implement legislation designed to introduce competition into the retail sale of electricity in order to encourage lower prices, better service, and greater innovation. Recently, however, substantial price increases and reliability problems in some of the areas undergoing a transition to competition raise questions about how electricity restructuring can best be designed to benefit retail customers. The Federal Trade Commission seeks to gather information about the results, to date, of different regulatory approaches to the issues that arise in restructuring the retail sale of electricity. The Commission will produce a report that discusses the advantages and disadvantages associated with different approaches to particular issues and that identifies, if warranted, areas in which additional federal legislative or regulatory action may be desirable.

DATES: Comments are due on April 3, 2001.

ADDRESSES: Any interested person may submit a written comment that will be considered part of the public record. Written presentations should be submitted in both hard copy and electronic form. Six hard copies of each submission should be addressed to Donald S. Clark, Office of the Secretary, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Submissions should be captioned "V010003—Comments Regarding Retail Electricity Competition." Electronic submissions may be sent by electronic mail to retailelectricity@ftc.gov. Alternatively, electronic submissions may be filed on a 3½ inch computer disk with a label on the disk stating the name of the submitter and the name and version of the word processing program used to create the document.

FOR FURTHER INFORMATION CONTACT: Michael Wroblewski, Policy Planning, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580, 202–326–2155, *mwroblewski@ftc.gov* or John Hilke, Bureau of Economics, Federal Trade Commission, 1961 Stout Street, C/O HHS RM. 325, Denver, CO 80294–0101, 303–844–3565, *jhilke@ftc.gov*.

SUPPLEMENTARY INFORMATION:

Overview

In recent years, many states and the Federal government have taken steps to encourage competition in the generation sector of the electric power industry. To date, 24 states and the District of Columbia have set dates to allow customers to choose their electric power supplier. In light of recent reliability problems and increases in electricity prices in California and the western states generally, however, some States have delayed, or are considering delaying, implementation of retail competition plans. For example, Nevada, Montana, West Virginia, and Arkansas have decided to delay, or have considered delaying, the transition to competition that they had previously established, while others have determined that restructuring is not in the public interest at this time (*e.g.*, Louisiana, Colorado, Alabama, and Mississippi).

Competition among market participants will ordinarily provide customers with the benefits of lower prices than would otherwise prevail, higher quality products and services, increased variety of products and services, and enhanced rates of innovation.[1] Effective competition may not develop instantaneously, however, after decades of pervasive regulation and local franchised monopolies. Moreover, the effectiveness of competition may be affected greatly by the rules that govern the operation of the market and that provide incentives to guide market participants' behavior.

In light of the recent increases in electric power prices and reliability difficulties, the Chairman of the Energy and Commerce Committee of the United States House of Representatives, W.J. "Billy" Tauzin, and the Chairman of the Subcommittee on Energy and Air Quality, Joe Barton, have requested that the Commission examine various state retail competition programs and describe those features that appear to have resulted in consumer benefits and those that have not yielded consumer benefits. In addition, the Commission has been asked to examine possible jurisdictional limitations on the states' authority to design successful retail competition plans. To comply with this request, the Commission will update its July 2000 Staff Report: Competition and Consumer Protection Perspectives on Electric Power Regulatory Reform.

For the updated report, the Commission seeks additional information about the benefits and drawbacks of state retail electricity competition plans. The Commission proposes to examine state plans that allow customers to choose their generation supplier, and state plans with unique approaches to retail electricity competition. These states may include, but are not limited to, Arizona, California, Illinois, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Texas. The Commission will work with the states to understand the various features of plans (*e.g.*, standardized labeling rules, supplier licensing requirements, provider of last resort obligations, pricing of default service) and to gather facts relevant to understanding the market reaction to a particular state's plan (*e.g.*, number of customers eligible for retail competition, rate of customer switching to new suppliers, number of new suppliers offering service).

Listed below is a series of additional questions about which the Commission seeks public comment. The Commission seeks comments on features of state retail competition plans that have benefitted consumers and those that have not. The Commission is particularly interested in receiving information about the market response to various provisions of state retail competition plans. It is not necessary to respond to each question for every state. Rather, it would be helpful for respondents to provide, for example, specific information about market responses to a particular state's retail competition plan, or a comparison of the market responses to the means individual states have used to address one or more subject matter areas (*e.g.*, provider of last resort pricing, consumer education efforts).

Specific Questions to Be Addressed

History and Overview

1. Why did the state implement retail electricity competition? What problems of the previous regulatory regime was it trying to solve?
2. What were the expected benefits of retail competition? Were price reductions expected in absolute terms or in relation to what price levels would be absent retail competition? Were the benefits of retail competition expected to be available to consumers in urban, suburban, and rural areas? Were the benefits expected to be available for residential, commercial, and industrial customers? Were the benefits expected to be comparable for each group of customers?
3. What factors or measures should the Commission examine in viewing the success of a state's retail electricity competition program? How should these measures be evaluated?
4. What are the most successful and least successful elements in the state's retail competition program? Has the state taken steps to modify the least successful elements?

Consumer Protection Issues

1. What efforts were made to educate consumers about retail competition? How was the success of these efforts measured? Were the programs successful? Who funded these efforts? Who implemented the programs?
2. Do consumers have enough information to readily make informed choices among competing suppliers? Did the state coordinate its labeling requirements about the attributes of a supplier's product, if any, with neighboring states? Is there a need for federal assistance to provide standardized supplier labeling? If so, what would be the most useful federal role?
3. Have consumers complained about unauthorized switching of their accounts to alternative suppliers ("slamming") or the placement of unauthorized charges on their electric bills ("cramming")? Were rules adopted to prevent these practices? Has the state taken enforcement action under its new authority against slamming and cramming? Have these actions been effective to curb the alleged abuses? Is there a need for federal assistance with slamming and cramming issues? If so, what would be the most useful federal role?
4. How did the state facilitate the ability of customers to switch to a new supplier? Have these efforts been successful? Does the state allow consumers to aggregate their electricity demand? If so, has aggregation enabled consumers to benefit from retail electricity competition? If not, why not?
5. Has the state established licensing or certification requirements for new suppliers to provide electricity to customers? Why? Which licensing provisions are designed to protect consumers? How do they operate? Has the state taken enforcement action

[1] *See generally* Letter of the Federal Trade Commission to House Commerce Committee Chairman Thomas Bliley, Analysis of H.R. 2944 at 1 (Jan. 14, 2000). The Commission has a long history of involvement in energy markets. The Commission has reviewed a series of oil and gas mergers, as well as several vertical mergers affecting the electric industry that have raised antitrust concerns. The Commission also has provided testimony on market power and consumer protection issues in the electric power industry to various Congressional Committees and has analyzed proposed comprehensive electricity legislation. The staff of the Commission has responded to requests for comments from the Federal Energy Regulatory Commission on aspects of wholesale competition and on the appropriate analytical framework for analyzing mergers. The staff also has responded to requests from a number of states for comments on how to evaluate the impact of existing market power and how to protect consumers as the states introduce retail competition in the electric power industry. Moreover, the Commission further assisted states by conducting a public workshop in September 1999 that focused on market power and consumer protection issues of interest to state regulators who are introducing competition into retail electric power markets. Workshop findings were published in a Staff Report: Competition and Consumer Protection Perspectives on Electric Power Regulatory Reform (July 2000) *http://www.ftc.gov/be/v000009.htm*.

against unlicensed firms? Have these actions been effective to curb unlicensed activity? Have these requirements acted as an entry barrier for new suppliers?

6. Did the state place any restrictions on the ability of a utility's unregulated affiliate(s) to use a similar name and/or logo as its parent utility, in order to avoid consumer confusion when the affiliate offered unregulated generation services? Why or why not? What has been the experience to date with the use of these restrictions? Are consumers knowledgeable about who their suppliers are?

7. Did the state place any restrictions on third-party or affiliate use of a utility's customer information (*e.g.*, customer usage statistics, financial information, etc.)? What were the reasons for enacting the restrictions? What has been the effect of these restrictions on new marketing activity?

8. Has the state adopted any other measures intended to protect consumers (*e.g.*, length of consumer contracts, automatic renewal provisions, etc.) as it implemented retail competition? What has been the effect of these measures?

9. To what extent have suppliers engaged in advertising to sell their product(s)? Do some suppliers claim that their product is differentiated (*e.g.*, that it has environmental benefits)? Has there been any enforcement or attempts to verify these advertising claims? Do any certification organizations, such as Green-e, operate in the state? Are they used by (or at least available to) a substantial portion of consumers?

Retail Supply Issues

1. What difficulties have suppliers encountered in entering the market? What conditions/incentives attract suppliers to retail markets? Have suppliers exited the market after beginning to provide retail service? If so, why?

2. What are the customer acquisition costs and operational costs to service retail customers? How do acquisition and operational costs compare to profit margins for electric power generation services? Do retail margins affect entry? If so, how? Did the state harmonize the procedures suppliers use to attract and switch customers with other states' procedures, in order to reduce suppliers' costs?

3. Have customers switched to new suppliers? Why or why not? Are there greater incentives for certain customer classes (*i.e.*, industrial, commercial, residential) than for others to switch suppliers? Why or why not? Are penalties or different rates applied to customers that switch back to the supplier of last resort? Are there other measures to determine whether customers are actively considering switching suppliers? If so, do these indicators show different patterns than the switching rate data?

4. Have suppliers offered new types of products and services (*e.g.*, time of day pricing, interruptible contracts, green power, etc.) in states where retail competition has been implemented? If so, describe the products and what customer response has been.

5. What are the benefits or drawbacks of the different approaches to handling the supplier of last resort obligation [2] for customers who do not choose a new supplier (*e.g.*, allow incumbent utility to retain the obligation to provide generation services to non-choosing customers, auction the obligation, or assign the obligation to non-utility parties). What has been consumer reaction to these approaches? Is provider of last resort service necessary?

Retail Pricing Issues

1. How is entry affected by the price for the provider of last resort service (for customers who do not choose) or for default service (for customer whose supplier exits the market)? How does the price for the provider of last resort or default service compare to prices offered by alternative suppliers? Is the price for provider of last resort service or default service capped? If so, for how long?

2. Has the state required retail rate reductions prior to the start of retail competition? What is the rationale for these reductions? How have state-mandated rate reductions prior to the start of retail competition affected retail competition?

3. Do any seasonal fluctuations in the price of wholesale generation cause some suppliers to enter the market only at certain times of the year? How have these suppliers fared?

4. How has the state addressed public benefit programs (*e.g.*, universal service requirements, low income assistance, conservation education, etc.) as it has implemented retail competition? Which of these programs are necessary as competition is introduced and why? Are public benefits available to all customers or are they restricted to customers of the supplier of last resort? How does this affect retail competition?

[2] "Supplier of last resort" obligation refers to a company's duty to provide generation services to customers who have not chosen a new supplier. This obligation may be retained by the incumbent utility, it may be auctioned to alternative suppliers, or customers may be assigned to new suppliers. Many states have combined this obligation with the default service obligation to serve customers whose chosen supplier has exited the market.

Market Structure Issues

1. How has the development of Regional Transmission Organizations (RTOs) affected retail competition in the state?

2. Did the state require the divestiture of generation assets (or impose other regulatory conditions on the use of these assets) when retail competition was introduced? To what extent was divestiture of generation assets a component of the state's handling of a utility's stranded costs? Was divestiture used to remedy a high concentration of generation assets serving the state? Was there appreciable voluntary divestiture of generation assets? Has the state examined whether there has been appreciable consolidation of ownership of generation serving the state since the start of retail competition?

3. If a utility no longer owns generation assets to meet its obligations as the supplier of last resort or default service provider, what market mechanism (*e.g.*, spot market purchases, buy back or output contracts, etc.) does it use to obtain generation services to fulfill these obligations? What share of a utility's load is obtained via the different mechanisms? How are these shares trending? Is the market mechanism transparent? Is it necessary to monitor these market mechanisms? Why or why not? If so, what should the monitor examine?

4. Explain the state's role in overseeing operation of the transmission grid in the state and the extent to which public power or municipal power transmission systems are integrated into this effort. What is the relationship between the state's role and the Federal Energy Regulatory Commission's role in transmission system operation in the state?

5. Do firms that have provider of last resort or default service obligations (formerly "native load" obligations in the regulated environment) receive preferential transmission treatment? If so, how does this affect wholesale electric power competition? How and by whom should retail sales of bundled transmission services (*i.e.*, retail sales of both energy and transmission services) and retail sales of unbundled transmission be regulated? If by more than one entity, how should regulation be coordinated? What should the state's role be in overseeing wholesale transmission reliability?

6. To what extent did the state identify transmission constraints affecting access to out-of-state or in-state generation prior to the start of retail competition? Is the state capable of remedying these transmission constraints, or is federal jurisdiction necessary? How do the rationales for federal jurisdiction over electric power transmission siting compare to the reasons underlying federal jurisdiction over the siting of natural gas pipelines?

7. How have state siting regulations for new generation and transmission facilities been affected by the onset of retail competition? Has new generation siting kept pace with demand growth in the state? If not, why not? Is federal jurisdiction necessary for siting of electric power generation facilities? Has the state actively monitored and reported the relationship between in-state capacity and peak demand in the state? What incentives do suppliers have to maintain adequate reserve capacity? What are the ways to value capacity in competitive markets? Is reserve sharing still important in competitive markets? Do other institutions/market processes provide a reasonable substitute for reserve sharing?

8. Since the start of retail competition, what has been the rate of generation plant outages (scheduled and unscheduled)? To what extent has the state monitored these outages and examined their causes?

Other Issues

1. What measures has the state taken to make customer demand responsive to changes in available supply? Has the state provided utilities incentives to make customers more price responsive? Has the state moved away from average cost pricing? What effect have these measures had on demand and on demand elasticity?

2. Has the state provided mechanisms and incentives for owners of co-generation capacity to offer power during peak demand periods? Has the state identified, reported, and facilitated development of pumped storage facilities or other approaches to arbitraging between peak and off-peak wholesale electricity prices?

3. What issues have arisen under retail competition that have required cooperation or coordination with other states? What approach was taken to securing this cooperation or coordination? Are there other issues requiring cooperation that have not yet been addressed? Which of these issues are the most significant?

4. How prevalent is the use of distributed resources (*e.g.*, distributed generation) within the state? What barriers do customers face to implementing distributed resources?

5. Which specific jurisdictional issues prevent state retail competition programs from being as successful as they might be?

6. Which specific technological developments are likely to substantially affect retail or wholesale competition in the electric power industry that may alter the manner in which states structure retail competition plans? Why? What time frame is associated with these developments?

7. What are the lessons to be learned from the retail electricity competition efforts of other countries? Are there other formerly-regulated industries in the U.S. (*e.g.*, natural gas) that allow customer choice and provide useful comparisons to retail electricity competition? If so, what are the relevant insights or lessons to be learned?

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–5429 Filed 3–5–01; 8:45 am]

BILLING CODE 5750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Draft Guideline for Environmental Infection Control in Healthcare Facilities, 2001

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

ACTION: Notice of availability and request for public comment.

SUMMARY: This notice is a request for review of and comment on the "Draft Guideline for Environmental Infection Control in Healthcare Facilities, 2001." The guideline consists of two parts, references, and appendices. Part I is entitled "Background Information: Environmental Infection Control in Healthcare Facilities," and Part II is entitled "Recommendations for Environmental Infection Control in Healthcare Facilities." The document was prepared by the Healthcare Infection Control Practices Advisory Committee (HICPAC), the Division of Healthcare Quality Promotion (formerly Hospital Infections Program), the Division of Bacterial and Mycotic Diseases, and the Division of Parasitic Diseases, National Center for Infectious Diseases (NCID), and the Division of Oral Health, National Center for Chronic Disease Prevention and Health Promotion, CDC.

DATES: Comments on the draft document must be submitted in writing on or before April 20, 2001.

ADDRESSES: Comments on the Draft Guideline for Environmental Infection Control in Healthcare Facilities, 2001 should be submitted to the Resource Center, *Attention:* EnviroGuide, Division of Healthcare Quality Promotion, CDC, Mailstop E–68, 1600 Clifton Road, NE., Atlanta, Georgia 30333; fax: 404–639–6459; e-mail: *envirocomments@cdc.gov;* or Internet URL: *http://www.cdc.gov/ncidod/hip/enviro/guide.htm.*

FOR FURTHER INFORMATION CONTACT: Requests for copies of the Draft Guideline for Environmental Infection Control in Healthcare Facilities, 2001 should be submitted to the Resource Center, Division of Healthcare Quality Promotion, CDC, Mailstop E–68, 1600 Clifton Road, NE., Atlanta, Georgia 30333; fax: 404–639–6459; e-mail: *envirorequests@cdc.gov;* or Internet URL: *http://www.cdc.gov/ncidod/hip/enviro/guide.htm.*

SUPPLEMENTARY INFORMATION: This 2-part document updates and replaces portions of the previously published CDC Guideline for Handwashing and Hospital Environmental Control and the Environmental Infection Control portions of the CDC Guideline for Prevention of Nosocomial Pneumonia, 1994. Part I, "Background Information: Environmental Infection Control in Healthcare Facilities," serves as the background for the consensus recommendations of HICPAC that are contained in Part II, "Recommendations for Environmental Infection Control in Healthcare Facilities." This guideline also identifies key process management elements to assist facilities in monitoring compliance with the evidence-based Category IA or IB recommendations provided in Part II. These include: (1) Conducting risk assessment prior to construction, renovation, demolition, or major repair projects; (2) conducting ventilation assessments related to construction barrier installation; (3) establishing and maintaining appropriate pressure differentials for special care areas [*e.g.*, operating rooms, airborne infection isolation, protective environments]; (4) evaluating non-tuberculous mycobacteria culture results for possible environmental sources; and (5) implementing infection control procedures to prevent environmental spread of antibiotic-resistant gram-positive cocci and assuring compliance with these procedures.

HICPAC was established in 1991 to provide advice and guidance to the Secretary and the Assistant Secretary for Health, DHHS; the Director, CDC, and the Director, NCID, regarding the

practice of infection control and strategies for surveillance, prevention, and control of healthcare-associated infections in U.S. healthcare facilities. The committee advises CDC on guidelines and other policy statements regarding prevention of healthcare-associated infections and related adverse events.

Dated: February 28, 2001.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–5376 Filed 3–5–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Proposed Vaccine Information Materials for Pneumococcal Conjugate, Diphtheria, Tetanus, Acellular Pertussis (DTaP/DT) and Hepatitis B Vaccines

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: Under the National Childhood Vaccine Injury Act (42 U.S.C. 300aa–26), the CDC must develop vaccine information materials that all health care providers are required to give to patients/parents prior to administration of specific vaccines. CDC seeks written comment on proposed new vaccine information materials for pneumococcal conjugate vaccine, and revised vaccine information materials for diphtheria, tetanus, acellular pertussis (DTaP/DT) vaccines and hepatitis B vaccine.

DATES: Written comments are invited and must be received on or before May 7, 2001.

ADDRESSES: Written comments should be addressed to Walter A. Orenstein, M.D., Director, National Immunization Program, Centers for Disease Control and Prevention, Mailstop E–05, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

FOR FURTHER INFORMATION CONTACT: Walter A. Orenstein, M.D., Director, National Immunization Program, Centers for Disease Control and Prevention, Mailstop E–05, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone (404) 639–8200.

SUPPLEMENTARY INFORMATION: The National Childhood Vaccine Injury Act of 1986 (Pub. L. 99–660), as amended by section 708 of Public Law 103–183, added section 2126 to the Public Health Service Act. Section 2126, codified at 42 U.S.C. 300aa-26, requires the Secretary of Health and Human Services to develop and disseminate vaccine information materials for distribution by all health care providers in the United States to any patient (or to the parent or legal representative in the case of a child) receiving vaccines covered under the National Vaccine Injury Compensation Program.

Development and revision of the vaccine information materials have been delegated by the Secretary to the Centers for Disease Control and Prevention (CDC). Section 2126 requires that the materials be developed, or revised, after notice to the public, with a 60-day comment period, and in consultation with the Advisory Commission on Childhood Vaccines, appropriate health care provider and parent organizations, and the Food and Drug Administration. The law also requires that the information contained in the materials be based on available data and information, be presented in understandable terms, and include:

(1) A concise description of the benefits of the vaccine,

(2) A concise description of the risks associated with the vaccine,

(3) A statement of the availability of the National Vaccine Injury Compensation Program, and

(4) Such other relevant information as may be determined by the Secretary.

The vaccines initially covered under the National Vaccine Injury Compensation Program were diphtheria, tetanus, pertussis, measles, mumps, rubella, and poliomyelitis vaccines. Since April 15, 1992, any health care provider in the United States who intends to administer one of these covered vaccines is required to provide copies of the relevant vaccine information materials prior to administration of any of these vaccines. Since June 1, 1999, health care providers are also required to provide copies of vaccine information materials for the following vaccines that were added to the National Vaccine Injury Compensation Program: hepatitis B, haemophilus influenzae type b (Hib), and varicella (chickenpox) vaccines. Instructions for use of the vaccine information materials and copies of the materials can be found on the CDC website at: http://www.cdc.gov/nip/publications/VIS/. In addition, single camera-ready copies are available from State health departments. A list of State health department contacts for obtaining copies of these materials is included in a December 17, 1999 **Federal Register** notice (64 FR 70914).

Pneumococcal Conjugate Vaccine Information Materials

With the December 18, 1999, addition of pneumococcal conjugate vaccine to the National Vaccine Injury Compensation Program, CDC, as required under 42 U.S.C. 300aa-26, is proposing vaccine information materials covering that vaccine, which are included in this notice.

Revised Vaccine Information Materials for Diphtheria, Tetanus, Acellular Pertussis (DTaP/DT) Vaccines and Hepatitis B Vaccine

This notice also includes proposed revised vaccine information materials for diphtheria, tetanus and acellular pertussis vaccines (other than Td vaccine) and hepatitis B vaccine.

The DTaP/DT materials are being revised to remove references to DTP (whole cell pertussis-containing vaccine) because this vaccine is no longer used in the United States. In addition, these proposed revised materials reflect a new adverse event profile for DTaP, including updated adverse event information on acellular pertussis vaccine.

The hepatitis B materials are being revised to note a recently approved two dose schedule for administration to adolescents 11 to 15 years of age as an alternative to the three dose schedule. Interim revised hepatitis B vaccine information materials were published in a September 1, 2000 **Federal Register** notice (65 FR 53316) for use pending completion of the formal revision process.

Development of New/Revised Vaccine Information Materials

The proposed vaccine information materials included in this notice were drafted in consultation with the Advisory Commission on Childhood Vaccines, the Food and Drug Administration, the American Academy of Pediatrics, American Pharmaceutical Association, Association of American Indian Physicians, Every Child by Two, Immunization Action Coalition, Immunization, Education and Action Committee, Infectious Disease Society of America, National Association for Pediatric Nurse Associates and Practitioners and the National Vaccine Advisory Committee. Also, CDC provided copies of the draft materials to other organizations and sought their consultation; however, those organizations did not provide comments. Comments provided by the consultants were considered in drafting the proposed vaccine information materials included in this notice.

We invite written comment on the proposed vaccine information materials that follow, entitled "Pneumococcal Conjugate Vaccine: What You Need to Know," "Diphtheria, Tetanus & Pertussis Vaccines: What You Need to Know," and "Hepatitis B Vaccine: What You Need to Know." Comments submitted will be considered in finalizing these materials. When the final materials are published in the **Federal Register**, the notice will include an effective date for their use.

We also propose to revise the December 17, 1999, Instructions for Use of Vaccine Information Materials (Vaccine Information Statements), and interim instructions dated September 6, 2000, to add the requirement for use of the pneumococcal conjugate vaccine information materials and to note the new edition dates for the revised vaccine information materials covering diphtheria, tetanus, pertussis (DTaP/DT) vaccines and hepatitis B vaccine.

Pneumococcal Conjugate Vaccine: What You Need to Know

1. Why Get Vaccinated?

Pneumococcal disease is a serious disease that causes sickness and death. In fact, it is the leading cause of bacterial meningitis in the United States. (Meningitis is a serious infection of the covering of the brain).

Each year pneumococcal disease causes in children under five:

- 17,000 cases of invasive disease, including 700 cases of meningitis
- About 5 million ear infections
- About 200 deaths

It can also lead to other health problems, including:

- Pneumonia
- Deafness
- Brain damage

Children under 2 years old are at highest risk for serious disease.

Pneumococcus bacteria are spread from person to person through close contact.

Pneumococcal infections can be hard to treat because some bacteria have become resistant to drugs that have been used to treat them. This makes prevention of the disease even more important.

Pneumococcal conjugate vaccine can prevent serious pneumococcal disease, such as meningitis and blood infections. It also prevents some ear infections. But ear infections have many causes, and pneumococcal vaccine is effective against only some of them.

2. Pneumococcal Conjugate Vaccine

Pneumococcal conjugate vaccine is approved for infants and toddlers. Protection lasts at least 3 years, so children who are vaccinated as infants will be protected when they are at greatest risk for serious disease.

Some older children and adults may get a different vaccine called pneumococcal polysaccharide vaccine. There is a separate Vaccine Information Statement for people getting the pneumococcal polysaccharide vaccine.

3. Who Should Get the Vaccine and When?

Children under 2 years of age:

- 2 months
- 4 months
- 6 months
- 12–15 months

Children who weren't vaccinated at these ages can still get the vaccine. The number of doses needed depends on the child's age. Ask your health care provider for details.

- Children between 2 and 5 years of age:

Pneumococcal conjugate vaccine is also recommended for children between 2 and 5 years old who have not already gotten the vaccine and are at high risk of serious pneumococcal disease. This includes children who:

- Have sickle cell disease,
- Have a damaged spleen or no spleen,
- Have HIV/AIDS,
- Have other diseases that affect the immune system, such as diabetes, cancer, or liver disease, or
- Take medications that affect the immune system, such as chemotherapy or steroids.

Other children who are at increased risk of serious pneumococcal disease include those who:

- Are under 3 years of age,
- Are of Alaska Native, American Indian or African American descent, or
- Attend group day care.

The number of doses needed depends on the child's age. Ask your health care provider for more details.

Pneumococcal conjugate vaccine may be given at the same time as other routine childhood vaccines.

4. Some Children Should Not Get Pneumococcal Conjugate Vaccine or Should Wait

Children should not get pneumococcal conjugate vaccine if they had a severe (life-threatening) allergic reaction to a previous dose of this vaccine, or have a severe allergy to a vaccine component. Tell your health-care provider if your child has ever had a severe reaction to any vaccine, or has any severe allergies.

Children with minor illnesses, such as a cold, may be vaccinated. But children who are moderately or severely ill should usually wait until they recover before getting the vaccine.

5. What Are the Risks From Pneumococcal Conjugate Vaccine?

In clinical trials (nearly 60,000 doses), pneumococcal conjugate vaccine was associated with only mild reactions:

- Up to about 1 infant out of 4 had redness, tenderness, or swelling where the shot was given.
- About 1 out of 3 had a fever of over 100.4 °F, and up to about 1 in 50 had a higher fever (over 102.2 °F).
- Some children also became fussy or drowsy, or had a loss of appetite.

So far, no moderate or severe reactions have been associated with this vaccine. However, a vaccine, like any medicine, could cause serious problems, such as a severe allergic reaction. The risk of this vaccine causing serious harm, or death, is extremely small.

6. What If There Is a Moderate or Severe Reaction?

What Should I Look For?

Look for any unusual condition, such as a serious allergic reaction, high fever, or unusual behavior.

Serious allergic reactions are extremely rare with any vaccine. If one were to occur, it would be within a few minutes to a few hours after the shot. Signs can include difficulty breathing, hoarseness or wheezing, hives, paleness, weakness, a fast heart beat, dizziness, and swelling of the throat.

What Should I Do?

- Call a doctor or get the person to a doctor right away.
- Tell your doctor what happened, the date and time it happened, and when the vaccination was given.
- Ask your health care provider to file a Vaccine Adverse Event Reporting System (VAERS) form, or call VAERS yourself at 1–800–822–7967.

7. The Vaccine Injury Compensation Program

In the rare event that you or your child has a serious reaction to a vaccine, a federal program has been created to help pay for the care of those who have been harmed.

For details about the National Vaccine Injury Compensation Program, call 1–800–338–2382 or visit their website at *http://www.hrsa.gov/bhpr/vicp*

8. How Can I Learn More?

- Ask your doctor or nurse. They can give you the vaccine package insert or suggest other sources of information.
- Call your local or state health department's immunization program.
- Contact the Centers for Disease Control and Prevention (CDC):
  —Call 1–800–232–2522 (English) or 1–800–232–0233 (Español)
  —Visit the National Immunization Program's website at *http://www.cdc.gov/nip*

U.S. Department of Health & Human Services Centers for Disease Control and Prevention, National Immunization Program

Vaccine Information Statement
Pneumococcal Conjugate Vaccine
(00/00/0000) (Proposed)
42 U.S.C. 300aa–26

Diphtheria, Tetanus & Pertussis Vaccines: What You Need To Know

1. Why Get Vaccinated?

Diphtheria, tetanus, and pertussis are serious diseases caused by bacteria. Diphtheria and pertussis are spread from person to person. Tetanus enters the body through cuts or wounds.

Diphtheria causes a thick covering in the back of the throat.

- It can lead to breathing problems, paralysis, heart failure, and even death.

Tetanus (Lockjaw) causes painful tightening of the muscles, usually all over the body.

- It can lead to "locking" of the jaw so the victim cannot open his mouth or swallow. Tetanus leads to death in about 3 out of 10 cases.

Pertussis (Whooping Cough) causes coughing spells so bad that it is hard for infants to eat, drink, or breathe. These spells can last for weeks.

- It can lead to pneumonia, seizures (jerking and staring spells), brain damage, and death.

Diphtheria, tetanus, and pertussis vaccine (DTaP) can prevent these diseases. Most children who are vaccinated with DTaP will be protected throughout childhood. Many more children would get these diseases if we stopped vaccinating.

DTaP is a safer version of an older vaccine called DTP. DTP is no longer used in the United States.

2. Who Should Get DTaP Vaccine and When?

Children should get *5 doses* of DTaP vaccine, one dose at each of the following ages:
—2 months
—4 months
—6 months
—15–18 months
—4–6 years

DTaP may be given at the same time as other vaccines.

3. Some Children Should Not Get DTaP Vaccine or Should Wait

- Any child who has had a life-threatening allergic reaction after a dose of DTaP should not get any more doses.
- Any child who suffered a brain or nervous system disease within 7 days after a dose of DTaP should not get any more doses.
- Talk with your doctor if your child:
  —Had a seizure or collapsed after a previous dose of DTaP,
  —Cried non-stop for 3 hours or more after a previous dose of DTaP,
  —Had a high fever (over 105 °F) after a previous dose of DTaP.
- Children who are moderately or severely ill at the time the shot is scheduled should usually wait until they recover before getting DTaP vaccine.

Ask your health care provider for more information. Children who should not get the pertussis part of the vaccine can get a vaccine called DT, which doesn't contain pertussis.

4. Older Children and Adults

DTaP should not be given to anyone 7 years of age or older. Pertussis can still strike older children, adolescents, and adults, but the pertussis vaccine is currently licensed only for children under 7.

Adolescents and adults still need protection from tetanus and diphtheria. A booster shot called Td is recommended at 11–12 years of age. It should be repeated every 10 years. There is a separate Vaccine Information Statement for Td vaccine.

5. What Are the Risks From DTaP Vaccine?

Getting diphtheria, tetanus, or pertussis disease is much riskier than getting DTaP vaccine. However, a vaccine, like any medicine, is capable of causing serious problems, such as severe allergic reactions. The risk of DTaP vaccine causing serious harm, or death, is extremely small.

Mild Problems (Common)

- Fever (up to about 1 child in 4)
- Redness or swelling where the shot was given (up to about 1 child in 4)
- Soreness or tenderness where the shot was given (up to about 1 child in 4)

These problems occur more often after the 4th and 5th doses of the DTaP series than after earlier doses.

Another mild problem is swelling of the arm or leg in which the shot was given, after the 4th or 5th dose (up to about 1 child in 30).

Other mild problems include:

- Fussiness (up to about 1 child in 3)
- Tiredness or poor appetite (up to about 1 child in 10)
- Vomiting (up to about 1 child in 50)

These problems generally occur 1–3 days after the shot.

Moderate Problems (Uncommon)

- Seizure (jerking or staring) (about 1 child out of 14,000)
- Non-stop crying, for 3 hours or more (up to about 1 child out of 1,000)
- High fever, over 105 °F (about 1 child out of 16,000)

Severe Problems (Very Rare)

- Serious allergic reaction (less than 1 out of a million doses)
- Several other severe problems have been reported after DTaP vaccine. These include:
  —Long-term seizures, coma, or lowered consciousness
  —Permanent brain damage.

These are so rare it is hard to tell if they are caused by the vaccine.

Controlling fever is especially important for children who have had seizures, for any reason. It is also important if another family member has had seizures.

You can reduce fever and pain by giving your child an aspirin-free pain reliever when the shot is given, and for the next 24 hours, following the package instructions.

6. What If There Is a Moderate or Severe Reaction?

What Should I Look For?

Any unusual conditions, such as a serious allergic reaction, high fever or behavior changes. Signs of a serious allergic reaction include difficulty breathing, hoarseness or wheezing, hives, paleness, weakness, a fast heart beat or dizziness within a few minutes to a few hours after the shot. If a high fever or seizure occurs, it is usually within 2 weeks after the shot.

What Should I Do?

- Call a doctor, or get the person to a doctor right away.
- Tell your doctor what happened, the date and time it happened, and when the vaccination was given.
- Ask your doctor, nurse, or health department to file a Vaccine Adverse Event Reporting System (VAERS) form, or call VAERS yourself at 1–800–822–7967.

7. The National Vaccine Injury Compensation Program

In the rare event that you or your child has a serious reaction to a vaccine, a federal program has been created to help pay for the care of those who have been harmed.

For details about the National Vaccine Injury Compensation Program, call 1–800–338–2382 or visit the program's website at *http://www.hrsa.gov/bhpr/vicp*

8. How Can I Learn More?

- Ask your health care provider. They can give you the vaccine package insert or suggest other sources of information.
- Call your local or state health department's immunization program.
- Contact the Centers for Disease Control and Prevention (CDC):
  —Call 1–800–232–2522 (English)
  —Call 1–800–232–0233 (Español)
  —Visit the National Immunization Program's website at *http://www.cdc.gov/nip*

Department of Health & Human Services, Centers for Disease Control and Prevention, National Immunization Program

Vaccine Information Statement
DTaP
(00/00/0000) (Proposed)
42 U.S.C. 300aa–26

Hepatitis B Vaccine: What You Need To Know

1. Why Get Vaccinated?

Hepatitis B Is a Serious Disease

The hepatitis B virus can cause short-term (acute) illness that leads to:

- Loss of appetite
- Diarrhea and vomiting
- Tiredness
- Jaundice (yellow skin or eyes)
- Pain in muscles, joints, and stomach

It can also cause long-term (chronic) illness that leads to:

- Liver damage (cirrhosis)
- Liver cancer
- Death

About 1.25 million people in the U.S. have chronic hepatitis B virus infection. If you are infected as a young child, you are much more likely to develop chronic illness.

Each year it is estimated that:

- 200,000 people, mostly young adults, get infected with hepatitis B virus
- More than 11,000 people have to stay in the hospital because of hepatitis B
- 4,000 to 5,000 people die from chronic hepatitis B

Hepatitis B vaccine can prevent hepatitis B. It is the first anti-cancer vaccine because it can prevent a form of liver cancer.

2. How Is Hepatitis B Virus Spread?

Hepatitis B virus is spread through contact with the blood and body fluids of an infected person.

A person can get infected in several ways, such as:

- During birth when the virus passes from an infected mother to her baby
- By having sex with an infected person
- By injecting illegal drugs
- By being stuck with a used needle on the job
- By sharing personal items, such as a razor or toothbrush with an infected person

People can get hepatitis B infection without knowing how they got it. About ⅓ of hepatitis B cases in the United States have an unknown source.

3. Who Should Get Hepatitis B Vaccine and When?

(1) Everyone 18 years of age and younger
(2) Adults over 18 who are at risk

Adults at risk for hepatitis B infection include people who have more than one sex partner, men who have sex with other men, injection drug users, health care workers, and others who might be exposed to infected blood or body fluids.

If you are not sure whether you are at risk, ask your doctor or nurse.

People should get 3 doses of hepatitis B vaccine according to the following schedule. If you miss a dose or get behind schedule, get the next dose as soon as you can. There is no need to start over.

HEPATITIS B VACCINATION SCHEDULE

When?	Who?		
	Infant whose mother is infected with hepatitis B virus	Infant whose mother is not infected with hepatitis B virus	Older child, adolescent, or adult
First Dose	Within 12 hours of birth	Birth–2 months of age	Any time.
Second Dose	1–2 months of age	1–4 months of age (At least 1 month after first dose).	1–2 months after first dose.
Third Dose	6 months of age	6–18 months of age	4–6 months after first dose.

The second dose must be given at least 1 month after the first dose.
The third dose must be given at least 2 months after the second dose and at least 4 months after the first.
The third dose should not be given to infants younger than 6 months of age.

Adolescents 11 to 15 years of age may need only two doses of hepatitis B vaccine, separated by 4–6 months. Ask your health care provider for details.

Hepatitis B vaccine may be given at the same time as other vaccines.

4. Some People Should Not Get Hepatitis B Vaccine or Should Wait

People should not get hepatitis B vaccine if they have ever had a life-threatening allergic reaction to baker's yeast (the kind used for making bread) or to a previous dose of hepatitis B vaccine.

People who are moderately or severely ill at the time the shot is scheduled should usually wait until they recover before getting hepatitis B vaccine.

Ask your doctor or nurse for more information.

5. What Are the Risks From Hepatitis B Vaccine?

A vaccine, like any medicine, is capable of causing serious problems, such as severe allergic reactions. The risk of a vaccine causing serious harm, or death, is extremely small.

Getting hepatitis B vaccine is much safer than getting hepatitis B disease.

Most people who get hepatitis B vaccine do not have any problems with it.

Mild Problems

- Soreness where the shot was given, lasting a day or two (up to 1 out of 11 children and adolescents, and about 1 out of 4 adults)
- Mild to moderate fever (up to 1 out of 14 children and adolescents and 1 out of 100 adults)

Severe Problems

- Serious allergic reaction (very rare)

6. What If There Is a Moderate or Severe Reaction?

What Should I Look For?

Any unusual condition, such as a serious allergic reaction, high fever or behavior changes. Signs of a serious allergic reaction can include difficulty breathing, hoarseness or wheezing, hives, paleness, weakness, a fast heart beat or dizziness. If such a reaction were to occur, it would be within a few minutes to a few hours after the shot.

What Should I Do?

- Call a doctor or get the person to a doctor right away.
- Tell your doctor what happened, the date and time it happened, and when the vaccination was given.
- Ask your doctor, nurse, or health department to file a Vaccine Adverse Event Reporting System (VAERS) form, or call VAERS yourself at 1–800–822–7967.

7. The National Vaccine Injury Compensation Program

In the rare event that you or your child has a serious reaction to a vaccine, a federal program has been created to help pay for the care of those who have been harmed.

For details about the National Vaccine Injury Compensation Program, call 1–800–338–2382 or visit the program's website at *http://www.hrsa.gov/bhpr/vicp*

8. How Can I Learn More?

- Ask your doctor or nurse. They can give you the vaccine package insert or suggest other sources of information.
- Call your local or state health department's immunization program.
- Contact the Centers for Disease Control and Prevention (CDC):

—Call 1–800–232–2522 or 1–888–443–7232 (English)
—Call 1–800–232–0233 (Español)
—Visit the National Immunization Program's website at *http://www.cdc.gov/nip* or CDC's Hepatitis Branch website at *http://www.cdc.gov/ncidod/diseases/hepatitis*

Department of Health & Human Services, Centers for Disease Control and Prevention, National Immunization Program

Vaccine Information Statement
Hepatitis B
(00/00/0000) (Proposed)
42 U.S.C. 300aa–26

Dated: February 28, 2001.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–5377 Filed 3–5–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1168]

Relative Risk to Public Health From Foodborne Listeria Monocytogenes Among Selected Categories of Ready-to-Eat Foods; Draft Risk Assessment Document and Risk Management Action Plan; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

The Food and Drug Administration (FDA), in cooperation with the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA), and the Centers for Disease Control and Prevention is announcing the following public meeting: Relative Risk to Public Health from Foodborne *Listeria Monocytogenes* Among Selected Categories of Ready-to-Eat Foods; Draft Risk Assessment Document and Risk Management Action Plan. The purpose of the public meeting is to receive comments on the technical aspects of a draft risk assessment on the relationship between foodborne *Listeria monocytogenes* and human health, and on a proposed risk management action plan for *L. monocytogenes*. A notice of availability of the draft risk assessment and the action plan was published in the **Federal Register** of January 19, 2001 (66 FR 5515).

Date and Time: The meeting will be held on March 19, 2001, 8:30 a.m. to 4 p.m.

Location: The meeting will be held at the Hilton Hotel, 2399 Jefferson Davis Hwy., Arlington, VA 22202.

Contact: Catherine M. DeRoever, Center for Food Safety and Applied Nutrition (HFS–6), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4251, FAX 202–205–4970, e-mail: cderoeve@cfsan.fda.gov.

Registration and Requests for Oral Presentations: Send registration information (including name, title, firm name, address, telephone, and fax number), to the contact person by March 14, 2001. Interested persons may present data, information, or views orally or in writing, on the issues identified above. Written submissions must also be made to the contact person by March 14, 2001. Time allotted for each presentation may be limited. If you wish to make a formal oral presentation, you should notify the contact person before March 14, 2001, and be prepared to provide a brief statement of the general nature of the evidence you wish to present.

If you need special accommodations due to a disability, please contact Catherine M. DeRoever (address above) at least 7 days in advance.

Transcripts: Transcripts of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting at a cost of 10 cents per page.

SUPPLEMENTARY INFORMATION: The U. S. Department of Health and Human Services and the USDA are seeking comments on the technical aspects of the draft risk assessment in the following areas: (1) The assumptions made, (2) the modeling technique, (3) the data used, and (4) the transparency of the draft risk assessment document. All public comments will be reviewed and evaluated, and the assessment will be modified, as appropriate. The agencies are also inviting comments on the risk management strategies as presented in the draft action plan.

Dated: February 28, 2001.

Ann M Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5379 Filed 3–1–01; 4:23 pm]

BILLING CODE 4150–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1075]

Public Health Impact of Vibrio Parahaemolyticus in Raw Molluscan Shellfish; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

The Food and Drug Administration (FDA) is announcing the following meeting on: *Vibrio parahaemolyticus* in raw molluscan shellfish and human health. The purpose of the meeting is to receive comments on the technical aspects of the draft risk assessment on the relationship between *Vibrio parahaemolyticus* in raw molluscan shellfish and human health. Notice of availability of the draft risk assessment was previously published in the **Federal Register** of January 19, 2001.

Date and Time: The meeting will be held on March 20, 2001, 9 a.m. to 3 p.m.

Location: The meeting will be held at the Hilton Hotel-Crystal City, 2399 Jefferson Davis Hwy., Arlington, VA 22202.

Contact: Catherine M. DeRoever, Center for Food Safety and Applied Nutrition (HFS–6), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–251, FAX 202–205–4970, e-mail cderoeve@cfsan.fda.gov.

Agenda: FDA is seeking comments on the draft risk assessment in the following areas: (1) The assumptions made, (2) the modeling technique, (3) the data used, and (4) the transparency of the draft risk assessment document. FDA will review and evaluate all public comments and make modifications to the risk assessment, as appropriate.

Registration and Requests for Oral Presentation: Send registration information (including name, title, firm name, address, telephone, and fax number) to the contact person by March 14, 2001. Interested persons may present data, information, or views orally or in writing, on the draft risk assessment on the relationship between *V. parahaemolyticus* in raw molluscan shellfish and human health. Written submissions must also be made to the contact person by March 14, 2001. Time allotted for each presentation may be limited. If you wish to make a formal oral presentation, you should notify the contact person before March 14, 2001, and be prepared to provide a brief statement of the general nature of the evidence you wish to present.

If you need special accommodations due to a disability, please contact Catherine M. DeRoever (address above) at least 7 days in advance.

Transcripts: Transcripts of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting at a cost of 10 cents per page.

Dated: February 28, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5462 Filed 3–1–01; 4:23 pm]

BILLING CODE 4162–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1168]

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 00-048N]

Relative Risk to Public Health From Foodborne Listeria Monocytogenes Among Selected Categories of Ready-to-Eat Foods; Draft Risk Assessment Document and Risk Management Action Plan; Availability; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS, and Food Safety and Inspection Service, USDA.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA), in cooperation with the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA), and the Centers for Disease Control and Prevention, published a notice of availability of a draft risk assessment on the relationship between foodborne *Listeria monocytogenes* and human health and a proposed risk management action plan for *L. monocytogenes* in the **Federal Register** of January 19, 2001. Interested persons were given until March 20, 2001, to comment on these documents. Because a public meeting to receive comments on these documents has been scheduled close to the end of the comment period and in response to the requests of the National Food Processors Association and the LM Working Group for an extension of the comment period, FDA and FSIS are extending the comment period until May 21, 2001.

DATES: Submit written comments by May 21, 2001.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Docket No. 99N–1168, Food and Drug Administration, 5630 Fishers Lane, rm. 1060, Rockville, MD 20852. Two copies of any comments are to be submitted, except that individuals may submit one copy. Received comments may be reviewed at the FDA Dockets Management branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Submit one original and two copies of written comments to FSIS Docket Clerk, Docket No. 00–048N, U.S. Department of Agriculture, Food Safety and Inspection Service, rm. 102, Cotton Annex, 300 12th Street SW., Washington, DC 20250–3700. All comments submitted in response to this notice will be available for public inspection in the Docket Clerk's office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

For information concerning the draft risk assessment document: Sherri B. Dennis, Risk Assessment Coordinator, Center for Food Safety and Applied Nutrition (HFS–032), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–260–3984, FAX 202–260–9653, e–mail: sdennis@cfsan.fda.gov.

For information concerning the risk management action plan: Kathy Gombas, Center for Food Safety and Applied Nutrition (HFS–615), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4231, FAX 202–260–0136, e–mail: kgombas@cfsan.fda.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 19, 2001, (66 FR 5515), the Department of Health and Human Services and USDA announced the availability of two documents: A draft risk assessment on the relationship between foodborne *L. monocytogenes* and human health and a draft risk management action plan. Comments were sought on the technical aspects of the draft risk assessment in the following areas: (1) The assumptions made, (2) the modeling technique, (3) the data used, and (4) the transparency of the draft risk assessment document. The agencies also invited comments on the risk management strategies as presented in the draft action plan. Interested persons were given until March 20, 2001, to comment on the draft risk assessment and draft risk management action plan. Because a public meeting to receive comments on these documents has been scheduled close to the end of the comment period, and in response to the requests of the National Food Processors Association and the LM Working Scheduled close to the end of the comment period, and in response to the requests of the National Food Processors Association and the LM Working Group for an extension of the comment period, FDA and FSIS are extending the comment period until May 21, 2001.

To be considered, submit written comments to FDA Dockets Management Branch or the FSIS Dockets Clerk (addresses above) by May 21, 2001.

Printed copies of the draft risk assessment and the risk management action plan may be requested by faxing your name and mailing address with the

names of the documents you are requesting to the CFSAN Outreach and Information Center at 1–877–366–3322. The documents may be reviewed at the FDA Dockets Management Branch or the FSIS Docket Clerk's Office at the addresses and hours noted above. The draft risk assessment and the draft risk management action plan documents are also available electronically as follows: www.cfsan.fda.gov, www.fsis.usda.gov, www.foodsafety.gov. The draft risk assessment is also available electronically at www.foodriskclearinghouse.umd.edu.

Dated: February 26, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5378 Filed 3–1–01; 4:23 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1075]

Public Health Impact of Vibrio Parahaemolyticus in Raw Molluscan Shellfish; Draft Risk Assessment Document; Availability; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) published a notice of availability of a draft risk assessment on the relationship between *Vibrio parahaemolyticus* in raw shellfish and human health in the **Federal Register** of January 19, 2001 (66 FR 5517). Interested persons were given until March 20, 2001, to comment on the draft risk assessment. Because a public meeting has been scheduled close to the end of the comment period, FDA is extending the comment period until May 21, 2001, in order to allow additional time for public comment.

DATES: Submit written comments by May 21, 2001.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1060, Rockville, MD 20852. Two copies of comments are to be submitted, except that individuals may submit one copy. Comments must be identified with the docket number found in brackets in the heading of this document. Received comments may be reviewed at the Dockets Management branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Sherri B. Dennis, Risk Assessment Coordinator, Center for Food Safety and Applied Nutrition (HFS–032), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–260–3984, FAX 202–260–9653, or e-mail: sdennis@cfsan.fda.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 19, 2001 (66 FR 5517), FDA announced the availability of a draft risk assessment on the relationship between *Vibrio parahaemolyticus* in raw molluscan shellfish and human health. Comments were sought on the technical aspects of the draft risk assessment in the following areas: (1) The assumptions made, (2) the modeling technique, (3) the data used, and (4) the transparency of the draft risk assessment document. Interested persons were given until March 20, 2001, to comment on the risk assessment. Because a public meeting to receive comments on the draft risk assessment has been scheduled close to the end of the comment period, FDA is extending the comment period until May 21, 2001, to allow additional time for public comment.

To be considered, written comments must be received by May 21, 2001, by the agency's Dockets Management Branch (address above).

A printed copy of the draft risk assessment may be requested by faxing your name and mailing address with the name of the document you are requesting to the CFSAN Outreach and Information Center at 1–877–366–3322. The documents may be reviewed at the Dockets Management Branch at the address and hours noted above. The draft risk assessment is available electronically as follows: www.cfsan.fda.gov, www.foodsafety.gov, and www.foodriskclearinghouse.umd.edu.

Dated: February 28, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5461 Filed 3–1–01; 4:23 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–214]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Independent Diagnostic Testing Facility and Supporting Regulations contained in 42 CFR 401.33; *Form No.:* HCFA–R–214 (OMB# 0938–0721); *Use:* The information collection requirements associated with an Independent Diagnostic Testing Facilities involve documentation of proficiency of medical personnel and of resources; *Frequency:* Quarterly; *Affected Public:* Business or other for-profit, Federal Government and State, local and tribal government; *Number of Respondents:* 500; *Total Annual Responses:* 500; *Total Annual Hours:* 42.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Attn.: HCFA–R–214, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 22, 2001.

John P. Burke, III,

Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5325 Filed 3–5–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–724]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicare/Medicaid Psychiatric Hospital Survey Data and Supporting Regulations Contained in 42 CFR 482.60, 482.61 and 482.62; *Form No.:* HCFA–724 (OMB# 0938–0378); *Use:* The information collected on this form will assist HCFA in maintaining an accurate data base on providers participating in the Medicare psychiatric hospital program; Frequency: Annually; *Affected Public:* Federal government, Business or other for-profit, Not-for-profit institutions, and State, local or tribal government; *Number of Respondents:* 350; *Total Annual Responses:* 350; *Total Annual Hours:* 175.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Attn.: HCFA 784, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5326 Filed 3–5–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–417]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Hospice Request for Certification in the Medicare Program; *Form No.:* HCFA–417 (OMB # 0938–0313); *Use:* The Hospice Request for Certification Form is used for hospice identification, screening, and to initiate the certification process. The information captured on this form is entered into a data base which assists HCFA in determining whether providers have sufficient personnel to participate in the Medicare program; *Frequency:* Annually; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, and State, local or tribal government; *Number of Respondents:* 2,286; *Total Annual Responses:* 2,286; *Total Annual Hours:* 572.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Attn.: HCFA 417, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5327 Filed 3–5–01; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Poison Control Stabilization and Enhancement Grant Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that up to $15 million in fiscal year (FY) 2001 funds is anticipated for up to 80 grants to regional poison control centers (PCCs) for the implementation of project grants to enhance and improve poison education, prevention and treatment services. Grants will be made in the following categories: financial stabilization grants to certified PCCs across the Nation; certification grants to non-certified PCCs; incentive grants to encourage collaboration; and system development and service access grants for rural and geographically isolated areas to allow time to obtain certified poison control services. All awards will be made under the program authority of the Poison Center Enhancement and Awareness Act (Pub. L. 106–174). This Poison Control Stabilization and Enhancement Grant Program (CFDA #93.253) will be administered by the Maternal and Child Health Bureau (MCHB), HRSA. Projects in the following four categories will be approved for up to a 3-year period, with awards in subsequent years contingent upon the availability of funds: (1) Stabilization grant awards will range from approximately $60,000 to $1,600,000 annually, depending on the size of the population served, and will be awarded for up to three years; (2) Certification grants, also population based, will range from $50,000 to $200,000 annually and will be awarded for up to three years; (3) Incentive grants will be awarded at $125,000 annually for up to two years; and (4) Service Access grant awards will be $50,000 for one year only. Funding for Poison Control Stabilization and Enhancement Grants in FY 2001 is made available under the FY 2001 Labor-HHS-Education Appropriations Act (Pub. L. 106–554).

DATES: The deadline for receipt of applications is May 8, 2001. Applications will be considered "on time" if they are either received on or before the deadline date or postmarked on or before the deadline date. The projected award date is September 1, 2001.

ADDRESSES: To receive a complete application kit, applicants may telephone the HRSA Grants Application Center at 1–877–477–2123 (1–877–HRSA–123) beginning March 12, 2001, or register on-line at: *http://www.hrsa.dhhs.gov/*, or by accessing *http://www.hrsa.gov/g__order3.htm* directly. This program uses the standard Form PHS 5161–1 (rev. 7/00) for applications (approved under OMB No. 0920–0428). Applicants must use Catalog of Federal Domestic Assistance (CFDA) number 93.253 when requesting application materials. The CFDA is a Government wide compendium of enumerated Federal programs, projects, services, and activities which provide assistance. All applications should be mailed or delivered to: Grants Management Officer, MCHB; HRSA Grants Application Center, 1815 N. Fort Meyer Drive, Suite 300, Arlington, Virginia 22209; telephone: 1–877–477–2123; E-mail: *hrsagac @ hrsa.gov*.

This application guidance and the required forms for the Poison Control Center Stabilization and Enhancement Grant Program may be downloaded in either WordPerfect 6.1 or Adobe Acrobat format (.pdf) from the MCHB Home Page at *http://www.mchb.hrsa.gov/*. Please contact Joni Johns, at 301/443–2088, or *jjohns@hrsa.gov/*, if you need technical assistance in accessing the MCHB Home Page via the Internet.

This announcement will appear in the **Federal Register** and on the HRSA Home Page at: *http://www.hrsa.dhhs.gov/*. **Federal Register** notices are found on the World Wide Web by following instructions at: *http://www.access.gpo.gov/su__docs/aces/aces140.html*.

FOR FURTHER INFORMATION CONTACT: Carol A. Delany, 301/443–5372, email: *cdelany@hrsa.gov/* (for questions specific to project activities of the program, program objectives); Theda Duvall, 301/443–1440, email *tduvall@hrsa.gov/* (for grants policy, budgetary, and business questions).

SUPPLEMENTARY INFORMATION:

Program Background and Objectives

Of an estimated four million poisonings in the United States each year, more than two million are reported to PCCs. More than 90 percent of these poisonings occur in the home and 60 percent of the poisoning victims are children under age six. United States PCCs provide easy access, free of charge, to persons seeking help, including a telephone hotline staffed by toxicology professionals and immediate information and treatment advice regarding suspected toxic exposures to drugs, chemicals, plants, and other substances.

The ready accessibility of high quality poison control services has been proven to decrease the severity of illness, prevent deaths and significantly reduce health care costs. Despite the life-saving, cost-effective contributions of poison control centers to the health and well-being of the U.S. population, chronic underfunding has reduced the number of centers significantly in the past three decades. At the present time, funding instability continues to threaten the existence of the poison control centers which serve this country. Unstable funding has also had an adverse impact on the capacity of the PCCs to enhance and improve services and develop a comprehensive National system.

Public Law 106–174, the "Poison Control Center Enhancement and Awareness Act," was enacted on February 25, 2000, to respond to this crisis. It authorizes funding to stabilize centers financially and encourage the enhancement and improvement of poison education, prevention and treatment services. It contains provisions designed to increase the number of Americans with access to quality poison control services and decrease the use of more expensive emergency medical services, by: establishing a national toll-free telephone number with related nationwide media and advertising campaigns to ensure access to PCCs for all Americans; educating the public and health care providers about poison prevention and the availability of poison control resources in local communities; and establishing a grant program to improve the financial stability of PCCs and strengthen poisoning prevention and treatment programs and services.

Public Law 106–554 includes an appropriation of $20 million to fund activities specified under Public Law 106–174. This Notice addresses the establishment of the grant program for poison centers authorized under Section 6(a) of Public Law 106–174 . The law prohibits use of these grant funds for the supplantation of other Federal, State, and local funds and requires maintenance of effort by the poison control centers.

The MCHB has sought input from interested parties as it develops its plan for a realistic and effective response to the crisis in the Nation's PCCs. It has worked in consultation with the Centers for Disease Control and Prevention and has met with key stakeholders over the last year.

Authorization: Poison Control Center Enhancement and Awareness Act (Pub. L. 106–174).

Purpose

The purpose of this grant program is to stabilize certified poison control centers and to encourage the certification of non-certified centers in order to improve access to poison education, prevention and treatment services. Grants awarded will be used by PCCs for the purposes of achieving financial stabilization, assisting non-certified centers to achieve certification, promoting systems development and collaboration, and assuring the orderly transition or development of poison services by a certified center for rural or geographically isolated areas.

Eligibility

Eligibility for funding under this grant program is limited to certified Poison Control Centers (PCCs). Centers must be certified by the American Association of Poison Control Centers or a State with equivalent standards, as determined by the Secretary. A waiver of certification may be granted by the Secretary to non-certified or newly-established PCCs that apply for a grant if the PCC can reasonably demonstrate that it will obtain certification within a three-year period.

Funding Categories

(1) *Financial Stabilization Grants:* It is anticipated that 45–50 grants, ranging from $60,000 to $1,600,000, will be awarded in this category to enable certified PCCs or Poison Control Systems to achieve financial stability, strengthen and maintain poison prevention programs and services, and strengthen the centers as sources of treatment information and recommendations for poisonings.

(2) *Certification Grants:* It is anticipated that 10–15 grants, ranging from $50,000—$200,000, will be awarded, in order to improve access to poison prevention services, to non-certified centers or systems which demonstrate through progress after two years that they can attain certification within a three-year period.

(3) *Incentive Grants:* It is anticipated that 8–10 competitive grants, at $125,000, will be awarded to encourage collaboration and systems development between centers to strengthen poison prevention and treatment alternatives. Applicants may be certified or uncertified PCCs applying to the Secretary for a waiver. Centers may apply in this category in addition to applying for a Financial Stabilization or Certification grant. This category carries a matching requirement of one non-Federal dollar for every two Federal dollars contributed. Specific guidance regarding collaboration between PCCs and the matching requirement is supplied in the application materials for this program.

(4) *Service Access Grants:* It is anticipated that 2–4 grants will be awarded, at $50,000 each, for one year only, to certified centers acting as co-applicants with uncertified PCC's or organizations responsible for the provision of poison control services in rural or geographically isolated States, for the purpose of obtaining access to certified poison control services.

Funding Level/Project Period

Projects will be approved for up to a three-year period, varying by category. The total funding level for these grants is approximately $15 million for the one-year budget period from August 1, 2001 through July 31. The project period consists of one or more budget periods, each generally of one year duration.

Funding for this grant program beyond FY 2001 is contingent upon the availability of funds. The initial budget period is expected to be 12 months, with subsequent budget periods being 12 months. Continuation of any project from one budget period to the next is subject to satisfactory performance, availability of funds, and program priorities.

Review Criteria

In general, applications for this grant program will be reviewed on the basis of the extent to which they address the following criteria:

—Completeness and clarity of the project narrative;
—Practicability and achievability of the plan to use requested funds;
—Clarity and appropriateness of the budget and coordinated budget narrative;
—Strength and adequacy of current and/or proposed staff;
—Evidence from the responsible State agency that the applicant is designated to operate in the State; and
—Clarity and strength of letters of support or collaboration.

Review criteria vary slightly from one grant category to another. Further specific guidance regarding review criteria is supplied in the application materials for this program.

Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements (approved under OMB No. 0937–0195). Under these requirements, community-based nongovernmental applicants must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprized of proposed health services grant applications submitted by community-based nongovernmental organizations within their jurisdictions. Community-based non-governmental applicants are required to submit the following information to the head of the appropriate State and local health agencies in the area(s) to be impacted no later than the Federal application receipt due date:

(a) A copy of the face page of the application (SF 424).

(b) A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

The project abstract may be used in lieu of the one-page PHSIS, if the applicant is required to submit a PHSIS.

Executive Order 12372

This program has been determined to be a program which is subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs by appropriate health planning agencies, as implemented by 45 CFR Part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice will contain a listing of States which have chosen to set up such a review system and will provide a single point of contact (SPOC) in the States for review. Applicants (other than federally-recognized Indian tribal governments) should contact their State SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline for new and competing awards. The granting agency does not guarantee to "accommodate or explain" for State process recommendations it receives after that date. (See Part 148, Intergovernmental Review of PHS

Programs under Executive Order 12372 and 45 CFR Part 100 for a description of the review process and requirements).

Dated: February 28, 2001.

Claude Earl Fox,

Administrator.

[FR Doc. 01–5500 Filed 3–5–01; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel.

Date: March 30, 2001.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: 31 Center Drive, Conference Rm. B2B32, NHGRI, MD 20892, (Telephone Conference Call).

Contact Person: Rudy O. Pozzatti, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301–402–0838.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 28, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–5444 Filed 3–5–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 9, 2001.

Time: 3 pm to 4 pm.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: David I. Sommers, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6144, MSC 9606, Bethesda, MD 20892–9606, 303–443–6470.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientists Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 28, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–5445 Filed 3–5–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: March 19, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, Chevy Chase Pavilion, 4300 Military Rd., Wisconsin at Western Avenue, Washington, DC 20015.

Contact Person: Alan L. Willard, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

February 28, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–5447 Filed 3–5–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Small Grants in Sociology and Psychology.

Date: March 9, 2001.

Time: 8:30 am to 3 pm.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Ave., N.W., Washington, DC 20007.

Contact Person: Mary Ann Guadagno, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: March 21, 2001.

Time: 3 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: 7201 Wisconsin, Suite 502C, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Health Scientific Administrator, Office of Scientific Review, National Institute on Aging, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS).

Dated: February 28, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–5449 Filed 3–5–01; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 9, 2001.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jerry L. Klein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892, (301) 435–1213.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 9, 2001.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lee S. Mann, PhD, JD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, (301) 435–0677.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 12, 2001.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conferencce Call).

Contact Person: Martin L. Padarathsingh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7804, Bethesda, MD 20892, (301) 435–1717.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 13, 2001.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Angela Y. Ng, PhD, MBA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7804, Bethesda, MD 20892, (301) 435–1715, nga@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 13, 2001.

Time: 1 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Victor A. Fung, PhD, MBA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7804, Bethesda, MD 20892, (301) 435–3504, fungv@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Genetic Sciences Integrated Review Group Biological Sciences Subcommittee 1.

Date: March 15, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 Twenty-Fifth Street, NW, Columbia Suite, Washington, DC 20037.

Contact Person: Bruce Maurer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5102, MSC 7852, Bethesda, MD 20892, (301) 435–1168.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 15, 2001.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mariana Dimitrov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301) 435–0902, dimitrom@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 15, 2001.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Governor's Inn, 1615 Rhode Island Ave., NW., Washington, DC 20036.

Contact Person: Julian L. Azorlosa, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 3190, MSC 7848, Bethesda, MD 20892, (301) 435–1507.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 15, 2001.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sharon K. Pulfer, BA, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892, (301) 435–1767.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 15, 2001.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Thomas A. Tatham, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7848, Bethesda, MD 20892, (301) 435–0692, tathamt@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 16, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, Fortune Room, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Karen Sirocca, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–0676, siroccok@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 16, 2001.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Syed Amir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435–1043, amirs@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1–HEM–1 (02S).

Date: March 16, 2001.

Time: 4 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert T. Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7840, Bethesda, MD 20892, (301) 435–1195.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 19–20, 2001.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW, Washington, DC 20007.

Contact Person: Prabha L Atreya, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7842, Bethesda, MD 20892, (301) 435–8367.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 19–20, 2001.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda,MD 20814.

Contact Person: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1 SSS–1 (01).

Date: March 19, 2001.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sharon K. Pulfer, BA, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892, (301) 435–1767.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 19, 2001.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sharon K. Pulfer, BA, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892, (301) 435–1767.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 19–20, 2001.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW, Washington, DC 20007.

Contact Person: Debora L. Hamernik, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, Bethesda, MD 20892, 301–435–4511, hamernid@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 21, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 21, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Sofitel, 1914 Connecticut Ave., NW, Washington, DC 20009.

Contact Person: Donald Schneider, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4172, MSC 7806, Bethesda, MD 20892, (301) 435–1727.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 21, 2001.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Martin L. Padarathsingh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7804, Bethesda, MD 20892, (301) 435–1717.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 21, 2001.

Time: 1:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael H. Sayre, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435–1219.

Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1 VISB (02) Study Section.

Date: March 21, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Leonard Jakubczak, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5172, MSC 7844, Bethesda, MD 20892, (301) 435–1247.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 21, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Gamil C. Debbas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 21, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Janet Nelson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes, of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1723, nelsonj@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 21–22, 2001.

Time: 6 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jean D. Sipe, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892–7814, 301/435–1743, sipej@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 21–23, 2001.

Time: 7 p.m. to 10 a.m.

Agenda: To review and evaluate grant applications.

Place: The Virginian Suites, 1500 Arlington Blvd., Arlington, VA 22209.

Contact Person: Richard D. Rodewald, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, (301) 435–1024, rodewalr@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 28, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–5446 Filed 3–5–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 2, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Monarch Hotel, 2400 M Street, NW., Washington, DC 20037.

Contact Person: David L. Simpson, PHD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5192, MSC 7846, Bethesda, MD 20892, (301) 435–1278.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 28, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–5448 Filed 3–5–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4652–N–05]

Notice of Proposed Information Collection for Public Comment; Outline Specification

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 7, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4238, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202) 708–3642, extension 4128, for copies of the proposed forms and other available documents. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the

agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Outline Specification.

OMB Control Number: 2577–0012.

Proposed Use: Public Housing Agencies (PHAs) in the development of public housing employ architects or turnkey developers to establish quality and kind of materials and equipment to be incorporated into the housing developments. The Outline Specifications are used by the PHAs and HUD to determine that specified items comply with code and standards and are appropriate in the development.

Agency form number: HUD–5087.

Members of affected public: State, Local government; businesses or other for profit groups.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: 816 total by development, (720 turnkey; 96 conventional), annual, three hours per response, .25 hours per specification for recordkeeping, for a total burden of 2,652 hours.

Status of the proposed information collection: Extension.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 27, 2001.

Gloria Cousar,

Acting General Deputy, Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

Outline Specification

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0012 (Exp. 4/30/2001)

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. This information is collected under the authority of Section 6(c) of the U.S. Housing Act of 1937. Housing Agencies (HAs) contract with architects to prepare outline specifications to establish quality and kind of materials and equipment for projects being developed, or proposed to be developed under the Low-Income Housing Program. HUD and the HA will use the information to determine that specified items comply with code and HUD standards and are appropriate in the project. The information will also serve as a basis for reaching all major decisions as to materials and methods of construction, finish, equipment, for making the estimated project construction cost Responses to the collection of information are required to obtain a benefit The information requested does not lend itself to confidentiality.

Local Authority or Developer:	Project Number:
Project Name:	Architect:
Location:	Date:

Instructions: Describe all materials and equipment to be used. Include no alternates or equivalents. Show extent of work and typical details on drawings. Attach additional sheets if necessary to completely describe the work. The Cost Estimate will recognize quality products and materials in excess of acceptable minimums, when specified. Certain parts of the work cannot be put in their proper classification until more information about their materials and construction is known; therefore describe, under suitable categories below, the following: main service and other stairs, treads, risers, handrails, balusters, etc.; sound insulation of partitions and floors separating apartments and between apartments and public spaces, utility conduits and tunnels, waterproofing and draining, utilities, and related insulation; retaining walls; garages and accessory buildings; and off-site improvements required to serve the project such as roads, curbs, walks, utilities, storm sewers, planting, etc.

1. General Requirements

2. Site Work

Type of Soil	Bearing Capacity

Material and thickness of fill and base course.

Demolition: Construction of structures to be demolished and materials to be reused.

Storm Drainage: Culverts, pipes, manholes, catch basins, downspout connection (dry well, splash blocks, storm sewer).

Site Preparation: Tree protection, surgery, wells, walls, topsoil stripping, clearing, grubbing, and rough grading.

Curbs and Gutters: Type and material.

Pavement: Material and thickness of base and wearing surface for drives, parking areas, streets, alleys, courts, walks, drying yards and play areas. Steps, handrails, checkwalls.

Equipment for Special Areas and Enclosures: Play equipment, benches, fences.

Finish Grading: Approximate existing depth and method of improving topsoil. Extent of finish grading.

Lawns and Planting: Type, size, quantity and location of lawn seeded or sodded; ground cover and hedge material, trees, shrubs, etc.

Note: This Outline is based on the "Uniform System" for Construction Specifications, Data Filing, and Cost Accounting developed by AIA, CSI, and AGC.

3. Concrete

Concrete strength for exterior walls below and above grade, interior walls and partitions, piers, footings, columns and girders. Size, thickness and location on drawings. Note portions having reinforcing steel on drawings. Location, size and material of footing drains and outlets.

Structural system of concrete floors at basement, other floors and roof. Thickness of slabs and strength of concrete. Attached exterior concrete steps and porches. If more than one type of construction is used, list separately and state locations.

Slab Perimeter Insulation:

4. Masonry

Material and thickness of exterior walls above and below grade, interior walls and partitions, fire walls, stair, hall and elevator enclosures, chimneys, incinerators, veneer, sills, copings, etc.

5. Metals

Miscellaneous Iron	Material	Size
Access Doors		
Area Gratings		
Lintels		
Fire Escapes		

Foundation Vents

Structural Steel: (Framing or structural system used.)

6. Carpentry

Size, spacing, and grade of lumber to be used for floor, roof, exterior walls above grade and interior partition framing, subfloor, sheathing, underlayment and exterior finish materials (wood siding, shingles, asbestos siding, etc.).

Grade and species for interior and exterior finish woodwork.

7. Moisture Protection

Materials and method of waterproofing walls and slabs below grade, location, thickness or number of plies. Type of permanent protection of waterproofing (parging) if used. Method of dampproofing above grade. Flashing materials if other than sheet metal. Spandrel waterproofing.

Thermal Insulation	Thickness	R-value & Type of Material	Method of Installation
Exterior Walls			
Ceiling Below Roof			
Roof			
Other			

Roofing: Roof covering materials and method of application, weight of shingles, numbers of felt plies, bitumen, etc.

Sheet Metal: Material and weight or gauge for flashings, copings, gutters and downspouts, roof ventilators, scuppers, etc.

Caulking: (Materials and Locations)

8. Doors, Windows and Glass

Windows and Frames: Type and Material. Special construction features or protective treatment.

Glazing: Thickness, strength and grade of glass and method of glazing.

Metal Curtain Walls:

Doors and Frames:
Exterior: Thickness, material and type at all locations.

Interior: Thickness, material and type for public halls and stairs, apartments (entrance and interior), boiler rooms, fire doors and doors at other locations.

Finish Hardware: Material and finish of exterior and interior locksets, sliding and folding door hardware, window and cabinet hardware, door closers, door knockers, numbers, etc.

8. Doors, Windows and Glass (Cont.)

Weatherstripping	Material	Type
Windows		
Exterior Doors		
Thresholds		
Screens: Mesh / Frames		

9. Finishes

Grade, material, and thickness of all finishes.

Painting:

Exterior	Type	Number of Coats	Interior	Type	Number of Coats
Wood			Wood		
Metal			Metal		
Masonry			Walls & Ceilings		
			Kitchen & Bath		

Tile & Ceramic Bathroom Accessories:

Floor and Wall Covering: Location	Material (Thickness, grade, finish and wainscot height) Floors	Walls
a. b. c. d. e.		
Bathroom Accessories	**Material**	**Quantity**
Attached		
Recessed		

Resilient Flooring: Location, type and gauge, for all materials.

10. Specialties: (List Significant Items)

Interior partitions other than concrete, masonry or wood.

Medicine Cabinets: Material, size and type.

Mail Boxes, Package Receivers	Packaged Incinerators

11. Equipment

Refrigerators: Capacity and type for each size of living unit.

11. Equipment (Cont.)

Kitchen Ranges: Size and type for each size of living unit

Kitchen Cabinets: (Detail on drawings)	Material	Finish
Wall Units		
Base Units		

Counter Top and Backsplash Material

Other cabinets and built-in storage units

Equipment: Garbage disposal units, dishwashers, clothes washers and dryers

12. Furnishings Shades: Types of shades , draperies or other devices for privacy and control of natural light.

13. Special Construction:
(Incinerator-Job Construction)

14. Conveying Systems
Elevators: Attach letter from manufacturer whose elevator installation is proposed, containing a brief comprehensive specification for the complete elevator installation, and the manufacturer's statement that the number of elevators proposed and the installation described will provide adequate service, and that manufacturer maintains an effective service organization in the project locality.

15. Mechanical:
Plumbing and Hot Water Supply:

Fixtures: (Material, size, fittings, trim and color)

Sink

Lavoratory

Water Closet

Bathtub

Shower Over Tub

Stall Shower

Laundry Trays

Other

15. Mechanical (Cont.)

Piping: (Material)

Soil Lines	Gas Lines
Waste Lines	Standpipes
Vents	Interior Downspouts
Water	

Valve Shutoff for Servicing

Domestic Water Heating
Direct fired (Type, capacity and recovery rate.)

Indirect fired (Separate boiler or combined with space heating boiler. Storage and recovery capacity.)

Solar Energy:

Application	System

Subsystem

System Capacity

Insulation: Type and thickness of insulation on water lines and water heating equipment.

Heating
Kind of System: Hot water, steam, forced warm air, gravity warm air, etc.

Fuel Used:	Calculated Load:	
Heating Load	Domestic Hot Water Load	Total

Equipment: (Make & Model)

Input (per hr.): Coal (lbs.)	Oil (gals.)	Gas (BTUH)

Output (BTUH)

Distribution System:

Insulation: Type and thickness of insulation on heating equipment and distribution system.

Room Heating Units: Baseboard units, radiators, convectors, registers, etc.

Solar Energy: Application	System

Subsystem

System Capacity

15. Mechanical (Cont.)

Space Heaters: Type, make, model, location and output of heating systems such as wall heaters, floor furnaces and unit heaters.

Temperature Controls: Individual unit, zone, central, etc.

Ventilation: Location, capacity and purpose of ventilating fans.

Air Conditioning

Unitary Equipment (Self Contained or packaged units.)

Calculated Load:

Equipment: Make, model, operating voltage and capacity in BTUH for each size serving individual rooms, apartment units, or zone.

Central System:

Calculated Load:

Equipment (Make, model capacity, etc., of compressor, cooling tower, water chillers, air handling equipment, and other components which make up the complete system.)

Utilities On-Site: Material for distribution system for all piped utilities.

Water Supply: Fire hydrants, yard hydrants, lawn sprinkler systems, exterior drinking fountains.

Gas:

Sanitary Sewerage: Treatment plants, pumping stations, manholes.

16. Electrical

Electrical Wiring: Type of wiring and load centers, number of circuits per unit, individual unit metering or project metering, spare conduit for future load requirements, radio or TV antenna systems. Show receptacles, light outlets, switches, power outlets, telephone outlets, door bells, fire alarm systems, etc., on drawings.

Electric Fixtures: Type for various locations.

18. Electrical (Cont.)

Electric light standards for lighting grounds, streets, courts, etc. Underground or overhead service.

All items of construction, equipment and finish, together with all incidentals, which are essential to the completion of the project will be provided whether or not specifically included in the exhibits and will be of a type, quality and capacity acceptable to HUD and appropriate to the character of the project.

Signed (Local Authority or Developer)

By (Architect)

[FR Doc. 01–5308 Filed 3–5–01; 8:45 am]

BILLING CODE 4210–33–C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–17]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request, Electronic Services Assessment Internet Survey; Notice of Proposed Information Collection for Public Comment

AGENCY: Office of Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 13, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) days from the date of this Notice. Comments should refer to the proposal by name/or OMB approval number) and should be sent to: Joseph F. Lackey, Jr., HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer,Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, an information collection package with respect to a survey of HUD's customers about their access to the Internet. The Department has developed an Electronic Government Strategic Plan that outlines how the Department will use the Internet and eCommerce to better provide services to citizens. Also, the Department has developed its schedule to implement the Government Paperwork Elimination Act (GPEA) by 2003. To best develop electronic solutions for customers and effectively automate collection information items from the public HUD will use this survey to ask citizens about their usage and access to the Internet. It will be used to support the implementation of the Electronic Government Strategic Plan and GPEA in three ways.

1. Create a numeric baseline for the use of the Internet and Electronic Government services by HUD's customers.

2. Assist in establishing performance measures and provides targets for improvements of HUD's Electronic Government services and web-based applications.

3. Support Electronic Government priorities and assist in allocation of funds for GPEA compliance and Electronic Government solutions.

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Electronic Services Assessment Internet Survey.

OMB Control Number: Pending.

Agency Form Numbers: None.

Members of Affected Public: Individuals or households.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of response: 1000 respondents; one-twelfth of an hour per response; one response per respondent; and 166.7 total hours of burden.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 27, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–5309 Filed 3–5–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4653–N–01]

Notice of Proposed Information Collection for Public Comment: Tribal College and Universities Program Application Kit

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments are due: March 13, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) days from the date of this Notice. Comments should refer to the proposal by name and should be sent to: Reports Liaison Officer, Department of Housing and Urban Development, Office of Policy Development and Research, 451 7th Street, SW., Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Jane Karadbil, Office of University Partnerships—telephone (202) 708–1537, extension 5918. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Karadbil.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, an information collection package with respect to a proposed Notice of Funding Availability and Application Kit for the Tribal Colleges and Universities Program (TCUP). HUD seeks to implement this initiative as soon as possible.

The Tribal Colleges and Universities Program provides grants to tribal colleges and universities to help them build, expand, renovate, and equip their own facilities. Approximately 9 grants will be awarded with Fiscal Year 2000 funds.

Submission of the information required under this information collection is mandatory in order to compete for and receive the benefits of the program. All materials submitted are subject to the Freedom of Information

Act and can be disclosed upon request. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. The OMB control number, when assigned, will be announced by a separate notice in the **Federal Register**.

The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35):

(1) *Title of the information collection proposal:* Application Kit—Tribal Colleges and Universities Program.

(2) *Summary of the collection of information:* Each applicant for this program would be required to submit current information, as listed below as:

(A) *SF–424*, Application for Federal Assistance.

(B) *HUD–424M*, Federal Assistance Funding Matrix.

(C) *Application Checklist.*

(D) *Transmittal Letter*, signed by the Chief Executive Officer of the institution or his or her designee.

(E) *Abstract/Executive Summary* (one page limit) describing the goals and activities of the project.

(F) *Narrative Statement Addressing the Factors for Award.* (50 page limit, including the statement of work, tables, and maps, but not including any letters of commitment and budget forms)

(G) SF–424B, Assurances for Non-Construction Programs.

(H) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(I) SF–LLL, Disclosure of Lobbying Activities (if applicable);

(J) HUD–2880, Applicant/Recipient Disclosure/Update Form;

(K) HUD–50070, Certification of Drug-Free Workplace;

(L) HUD–2992, Certification Regarding Debarment and Suspension.

(3) *Description of the need for the information and its proposed use:* To appropriately determine which applicants should be awarded Tribal Colleges and Universities Program grants, certain information is necessary about the applicant's project and qualifications.

(4) *Description of the likely respondents, including the estimated number of likely respondents, and proposed frequency of response to the collection of information:* Respondents will be tribal colleges and universities. Grants will also be expected to prepare and submit semi-annual progress reports and a final report.

The estimated number of respondents submitting applications is 32. The proposed frequency of the response to the collection of information is one-time. The application need only be submitted once. The estimated number of respondents to the monitoring requirements is 9. Each grantee will submit two progress reports annually.

(5) *Estimate of the total reporting burden that will result from the collection of information:*

Reporting Burden

Number of respondents: 32 for applicants; 9 for monitoring requirements.

Total burden hours: 80 hours per respondent for applications); 56 hours a year per respondent for monitoring requirements.

Total Estimated Burden Hours: 3,208.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 26, 2001.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 01–5310 Filed 3–5–01; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection To Be Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to request information collection authority.

SUMMARY: We, the U.S. Fish and Wildlife Service, will be submitting to the OMB the collection of information described below for approval and renewal under the provisions of the Paperwork Reduction Act of 1995. Copies of specific information collection requirements, related forms, and explanatory material may be obtained by contacting our Information Collection Officer at the address or phone number listed below.

DATES: You must submit comments on or before May 7, 2001.

ADDRESSES: Your comments and suggestions on specific requirements should be sent to our Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222, ARLSQ, 1849 C Street, NW., Washington, DC 20240; Telephone 703/358–1943.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Horwath, Division of Fish and Wildlife Management Assistance and Habitat Restoration, Arlington, Virginia, at 703–358–1718, or Wells Stephensen, Office of Marine Mammals Management, Anchorage, Alaska, at 907/786–3815.

SUPPLEMENTARY INFORMATION: We propose to submit the following information collection clearance requirements to the OMB for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13. Your comments are invited on: (1) Whether this collection of information is necessary for us to properly perform our functions, including whether this information will have practical utility; (2) the accuracy of our estimate of burden, including the validity of the methodology and assumptions we use; (3) ways to enhance the quality, utility, and clarity of the information we are proposing to collect; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. We may not conduct or sponsor, and a person is not required to respond to, a collection of information unless we display a current valid OMB control number.

In October 1988, pursuant to provisions of Section 109(i) of the Marine Mammal Protection Act (MMPA) of 1972, as amended (16 U.S.C. 1361–1407), we implemented formal Marking, Tagging, and Reporting Regulations in 50 CFR 18.23 for Alaska natives harvesting polar bear, sea otter, and Pacific walrus in Alaska. Under Section 101(b) of the MMPA, Alaska Natives residing in Alaska and dwelling on the coast of the North Pacific or Arctic Oceans may harvest these species for subsistence or handicraft purposes. Section 109(i) of the MMPA authorized us, acting on behalf of the Secretary of the Interior, to prescribe marking, tagging, and reporting regulations applicable to this Native subsistence and handicraft take.

On June 28, 1988, under authority of Section 109(i) of the MMPA, we published a final rule in the **Federal Register** that added paragraph (f) to our marine mammal regulations at 50 CFR 18.23. These regulations have enabled us to gather data on the Native subsistence and handicraft harvest, and on the biology of polar bear, sea otter, and Pacific walrus in Alaska in order to determine what effect such take is having on these populations. The regulations have also provided us with a means of monitoring the disposition of the harvest to ensure that any commercial use of products created from these species meets the criteria set forth in Section 101(b) of the MMPA.

The information that we propose to continue to collect from Alaska Natives beyond the currently authorized period that expires on October 31, 2001 (under OMB Clearance Number 1018–0066), will be used to improve our decision-making ability by substantially expanding the quality and quantity of harvest and biological data upon which we can base future management decisions. It will provide us with the ability to make inferences about the condition and general health of these populations, and to consider the importance and impacts to these population from such processes as development activities and habitat degradation. Without authority to collect this harvest information, our ability to measure the take of polar bear, sea otter and walrus is inadequate. We believe that mandatory marking, tagging and reporting is essential for us, in concert with Alaska Natives, to be able to improve the quality and quantity of harvest and biological data necessary to base future management decisions. It allows us to make rational, knowledgeable decisions regarding the Native harvest; habitat degradation; and the effects of oil and gas exploration, development, and production planned or underway for areas within the range of these species.

We estimate that the annual burden associated with this request will be 674 hours for each year of the 3-year period of OMB authorization. We calculated this estimated burden based on previous experience suggesting that Alaska Natives annually will take about 2,695 polar bears, sea otter, and Pacific walrus for subsistence and handicraft purposes, and that 15 minutes will be needed to provide the required information for each animal taken.

Title: Marine Mammal Marking, Tagging, and Reporting Program.

Bureau form numbers: R7–50, R7–51, and R7–52.

Frequency of collection: Occasional.

Description of respondents: Individuals and households.

Number of respondents: Approximately 2,695 per year.

Estimated completion time: 15 minutes per response.

Annual burden hours: 674 hours.

Current OMB Clearance Number: 1018–0066.

Approval expires: October 31, 2001.

Dated: February 28, 2001.

Rebecca A. Mullin,

Information Collection Officer, Fish and Wildlife Service.

[FR Doc. 01–5324 Filed 3–5–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*). Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Applicant: Paul Gardner, Bloomsburg, PA, PRT–039151

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Housni Habibi, West Hempstead, NY, PRT–039149

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Michael Ciavardone, Lakeland, FL, PRT–039124

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: James Benham, Boise, ID, PRT–039268

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Armand Bertocchi, Denville, NJ, PRT–039380

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: John Shivers, Fort Worth, TX, PRT–039379

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Eli Robert Huffman, Houston, TX, PRT–039425

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Northern Animal Exchange dba Action Animals, British Columbia, Canada, PRT–770742

The applicant is requesting to have their permit amended to include for import and re-export a captive born Siberian tiger (*Panthera tigris altaica*) and progeny of the animal currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

Applicant: Lawrence Masserant, Newport, MI, PRT–037808

The applicant requests a permit to import a wood bison (*Bison bison athabascae*) sport hunted in Yukon, Canada, for the purpose of enhancement of the survival of the species.

Applicant: Russell Kohler, Detroit, MI, PRT–038081

The applicant requests a permit to import a wood bison (*Bison bison athabascae*) sport hunted in Yukon, Canada, for the purpose of enhancement of the survival of the species.

Marine Mammals

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Written data, comments or requests for copies of these complete applications or requests for a public hearing on these applications should be sent to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281. These requests must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Applicant: Circo Hermanos Suarez S.A., San Juan, PR, PRT–036843.

Permit Type: Import for public display.

Name and Number of Animals: Polar bear, (*Ursus maritimus*) 7

Summary of Activity to be Authorized: The applicant requests to import for Public Display purposes.

Source of Marine Mammals: Captive and wild born.

Period of Activity: 5 years.

Applicant: United States Fish and Wildlife Service/Marine Mammal Management, Anchorage, AK PRT–039386.

Permit Type: Take for scientific research.

Name and Number of Animals: Walrus, (*Odobenus rosmarus divergens*), Variable

Summary of Activity to be Authorized: The applicant requests a permit to conduct aerial fly overs of walrus hauled-out on sea ice, that may result in Level B harassment, for the purpose of developing new survey techniques using ventricle digital video imagery.

Source of Marine Mammals: Free ranging.

Period of Activity: 5 years.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

The U.S. Fish and Wildlife has information collection approval from OMB through February 28, 2001. OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: February 23, 2001.

Anna Barry,

Branch of Permits, Division of Management Authority.

[FR Doc. 01–5413 Filed 3–5–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Application Notice Describing the Areas of Interest and Establishing the Closing Date for Receipt of Applications Under the National Earthquake Hazards Reduction Program (NEHRP) for Fiscal Year (FY) 2002

AGENCY: Department of the Interior, U.S. Geological Survey.

ACTION: Notice.

SUMMARY: Applications are invited for research projects under the NEHRP.

The purpose of this Program is to support the USGS Earthquake Hazards Program by providing products for earthquake loss reduction to the public and private sectors and by carrying out research on earthquake occurrence and effects.

Applications may be submitted by educational institutions, private firms, private foundations, individuals, and agencies of state and local governments.

ADDRESSES: The program announcement is expected to be available on or about March 1, 2001. You may obtain a copy of Announcement No. 02HQPA0001 from the USGS Contracts and Grants Information Site at *http://www.usgs.gov/contracts/nehrp/* or by writing to Sherri Newman, U.S. Geological Survey, Office of Acquisition and Grants—Mail Stop 205G, 12201 Sunrise Valley Drive, Reston, Virginia 20192, or by fax (703) 648–7901.

DATES: The closing date for receipt of applications will be on or about May 1, 2001. The actual closing date will be specified in Announcement No. 02HQPA0001.

FOR FURTHER INFORMATION CONTACT: John Unger, Earthquake Hazards Reduction Program—U.S. Geological Survey, Mail Stop 905, 12201 Sunrise Valley Drive, Reston, Virginia 20192. Telephone: (703) 648–6701.

SUPPLEMENTARY INFORMATION: Authority for this program is contained in the Earthquake Hazards Reduction Act of 1977, Public Law 95–124 (42 U.S.C. 7701, *et seq.*). The Office of Management and Budget Catalog of Federal Domestic Assistance Number is 15.807.

Dated: February 15, 2001.

Patricia P. Dunham,

Deputy Chief, Office of Administrative Policy and Services.

[FR Doc. 01–5460 Filed 3–5–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–030–3130 EU; AZA–29852]

Notice of Realty Action Direct Sale of Public Lands in Mohave County, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, direct sale.

SUMMARY: The following public lands have been found suitable for a direct sale under Section 214 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at not less than the estimated fair market value of $1,000. The land will not be offered for sale for at least 60 days after the date of this notice.

T. 24 N., R. 13 W., Gila and Salt River Meridian, Arizona

Section 34: E½E½NE¼SE¼NW¼,
Consisting of 1.25 acres.

The land described above is hereby segregated from appropriation under the public land laws including the mining laws, pending disposition of this action 270 days from the date of publication of this notice, whichever occurs first.

This land will be offered to a private landowner due to the need to resolve an inadvertent unauthorized use or occupancy of the lands, and must be for not less than the appraised value specified above.

The private landowner will make an application for conveyance of those mineral interests offered under the authority of Section 209(b) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2757; 43 U.S.C. 1719). A nonrefundable fee of $50 will be required from the private landowner for purchase of the mineral interests. Those mineral interests to be conveyed simultaneously with the sale of the land have been determined to have no known mineral value.

The conveyance document, when issued, will contain certain reservations to the United States and will be subject to any existing rights-of-way and any other valid existing rights. Detailed information concerning this sale is available for review at the Kingman Field Office, U.S. Bureau of Land Management, 2475 Beverly Avenue, Kingman, Arizona 86401, (520) 692–4416.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Field Manager, Kingman Field Office, at the above address. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

Dated: February 22, 2001.

John Christensen,

Field Manager, Kingman Field Office.

[FR Doc. 01–5361 Filed 3–5–01; 8:45 am]

BILLING CODE 4310–32–U

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–703 and 705 (Review)]

Furfuryl Alcohol from China and Thailand; Notice of Commission Determination to Conduct a Portion of the Hearing in Camera

AGENCY: U.S. International Trade Commission.

ACTION: Closure of a portion of a Commission hearing.

SUMMARY: Upon request of foreign producer Indo-Rama Chemicals (Thailand) Ltd. ("Indo-Rama") conduct a portion of its hearing in the above-captioned investigation scheduled for March 1, 2001, *in camera*. See Commission rules 207.24(d), 201.13(m) and 201.36(b)(4) (19 CFR 207.24(d), 201.13(m) and 201.36(b)(4)). The remainder of the hearing will be open to the public. The Commission has determined that the seven-day advance notice of the change to a meeting was not possible. See Commission rule 201.35(a), (c)(1) (19 CFR 201.35(a), (c)(1)).

FOR FURTHER INFORMATION CONTACT: Gracemary Rizzo, Office of General Counsel, U.S. International Trade Commission, telephone 202–205–3117, e-mail grizzo@usitc.gov. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202–205–3105.

SUPPLEMENTARY INFORMATION: The Commission believes that Indo-Rama has justified the need for a closed session. In this review, significant data for both the foreign and domestic industries are business proprietary. Indo-Rama seeks a closed session in order to fully address the issues before the Commission without referring to business proprietary information. In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will begin with public presentations by Penn Speciality Chemicals ("PSC"), a domestic producer opposing revocation of the antidumping duty order, followed by foreign respondents in support of revocation. During the public session, the Commission may question the parties following their respective presentations. Next, the hearing will include a 10-minute *in camera* session for a confidential presentation by Indo-Rama and for questions from the Commission relating to the BPI, followed by a 10-minute *in camera* rebuttal presentation by PSC. For any *in camera* session the room will be cleared of all persons except those who have been granted access to BPI under a Commission administrative protective order (APO) and are included on the Commission's APO service list in these investigations. See 19 CFR 201.35(b)(1), (2). The time for the parties' presentations and rebuttals in the *in camera* session will be taken from their respective overall time allotments for the hearing. All persons planning to attend the *in camera* portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR 201.39) that a portion of the Commission's hearing in Furfuryl Alcohol from China and Thailand, Inv Nos. 731–TA–703 and 705 (Review), may be closed to the public to prevent the disclosure of BPI.

Issued: February 28, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–5306 Filed 3–5–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–450]

Certain Integrated Circuits, Processes for Making Same, and Products Containing Same; Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 26, 2001, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of United Microelectronics Corporation of Hsinchu City, Taiwan, UMC Group (USA) of Sunnyvale, California, and United Foundry Service, Inc. of Hopewell Junction, New York. A letter supplementing the complaint was filed on February 7, 2001. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain integrated circuits and products containing same by reason of infringement of claims 1, 2, and 8 of U.S. Letters Patent 5,559,352, and claims 1, 3–16, and 19–21 of U.S. Letters Patent 6,117,345. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the

Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*).

FOR FURTHER INFORMATION CONTACT: Shival P. Virmani, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2568.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2000).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 26, 2001, *Ordered* That

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain integrated circuits or products containing same by reason of infringement of claims 1, 2, or 8 of U.S. Letters Patent 5,559,352 or claims 1, 3–16, or 19–21 of U.S. Letters Patent 6,117,345, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

United Microelectronics Corporation, No. 3, Li-Hsin Road 2, Science-Based Industrial Park, Hsinchu City, Taiwan
UMC Group (USA), 488 De Guigne Drive, Sunnyvale, CA 94086
United Foundry Service, Inc., 1989 Route 52, Hopewell Junction, NY 12533

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Silicon Integrated Systems Corp., No. 16, Creation Road, Science-Based Industrial Park
Hsinchu City, Taiwan, Silicon Integrated Systems Corporation, 240 North Wolfe Road, Sunnyvale, CA 94086

(c) Shival P. Virmani, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401–J, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a) of the Commission's Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

By order of the Commission.
Issued: February 27, 2001.

Donna R. Koehnke,
Secretary.

[FR Doc. 01–5305 Filed 3–5–01; 8:45 am]
BILLING CODE 7025–02–U

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–919–920 (Preliminary)]

Certain Welded Large Diameter Line Pipe from Japan and Mexico

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Japan and Mexico of certain welded large diameter line pipe,[2] that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under section 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On January 10, 2001, a petition was filed with the Commission and the Department of Commerce by Berg Steel Pipe Corp., Panama City, FL; American Steel Pipe Division of American Cast Iron Pipe Co., Birmingham, AL; and Stupp Corp., Baton Rouge, LA; alleging that an industry in the United States is materially injured by reason of LTFV imports of certain welded large diameter line pipe from Japan and Mexico. Accordingly, effective January 10, 2001, the Commission instituted antidumping duty investigations Nos. 731–TA–919–920 (Preliminary).

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] For purposes of these investigations, certain welded large diameter line pipe is welded carbon and alloy steel line pipe, of circular cross section and with an outside diameter greater than 406.4 mm (16 inches), whether or not stenciled. This product is normally produced according to American Petroleum Institute specifications, including Grades A25, A, B, and X grades ranging from X42 to X80, but can also be produced to other specifications. The product is provided for in subheadings 7305.11.10, 7305.11.50, 7305.12.10, 7305.12.50, 7305.19.10, and 7305.19.50 of the Harmonized Tariff Schedule of the United States.

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 18, 2001 (66 FR 4860). The conference was held in Washington, DC, on January 31, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 26, 2001. The views of the Commission are contained in USITC Publication 3400 (March 2001), entitled Certain Welded Large Diameter Line Pipe from Japan and Mexico: Investigations Nos. 731–TA–919–920 (Preliminary).

By order of the Commission.
Issued: February 26, 2001

Donna R. Koehnke,
Secretary.

[FR Doc. 01–5304 Filed 3–5–01; 8:45 am]
BILLING CODE 7020–02–U

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection under Review: Application for Asylum and for Withholding of Removal.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

The INS published a **Federal Register** notice on August 7, 2000 at 65 FR 48252 to solicit public comments for a 60-day period regarding the proposed revision of Form I–589 (Application for Asylum and for Withholding of Removal). The proposed revisions included both the Instructions to completing the Form I–589 and the application form itself. At the close of the public comment period on October 6, 2000, the INS had received three responses regarding the proposed revisions. The public comments received have been addressed in the accompanying Supporting Statement.

The purpose of this notice is to allow an additional 30 days for public comments. The proposed draft of the revised information collection published with this notice is for public review and comment only and may not be used to obtain immigration benefits. Comments are encouraged and will be accepted until April 5, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Room 10235, Washington, DC 20530; Attention: Lauren Wittenberg, Department of Justice Desk Officer; 202–395–4318.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of currently approved collection.

(2) *Title of the Form/Collection:* Application for Asylum and for Withholding of Removal.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–589, Office of International Affairs, Asylum Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The information collected on this form will be used to determine whether an alien applying for asylum and/or withholding of removal in the United States is classifiable as a refugee, or eligible for protection under the Convention Against Torture, and is eligible to remain in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 53,000 responses at 12 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 636,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: February 27, 2001.

Richard A. Sloan,
Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

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U.S. Department of Justice
Immigration and Naturalization Service OMB No. 1115-0086

Instructions for Form I-589
Application for Asylum and for Withholding of Removal

Purpose of This Form.

This form is used to apply for asylum in the United States (U.S.) and for withholding of removal (formerly called "withholding of deportation"). This application may also be used to apply for protection under the Convention Against Torture. You may file this application if you are physically present in the United States and you are not a United States citizen.

NOTE: You must submit an application for asylum within one (1) year of arriving in the United States, unless there are changed circumstances that materially affect your eligibility for asylum or extraordinary circumstances relating to a delay in filing for asylum. (See Instructions, Part 1: Filing Instructions, Section V, "Completing the Form," Part C, for further explanation.)

You may include in your application your spouse and your unmarried children who are under 21 years of age and physically present in the United States. Married children and children 21 years of age or older must file a separate Form I-589 application. If your spouse and/or unmarried children under the age of 21 are outside the United States, you may file a petition Form I-730, Refugee and Asylee Relative Petition, OMB No. 1115-0121, for them to gain similar benefits, if you are granted asylum.

This instruction pamphlet is divided into two (2) sections. The first section has filing instructions. It discusses basic eligibility criteria and will guide you through filling out and filing the application. The second section describes how your application will be processed. This section also describes potential interim benefits while your application is pending.

Please read these instructions carefully. The instructions will help you complete your application and understand how it will be processed. If you have questions about your eligibility, completing the form, or the asylum process, you may wish to consult an attorney or other qualified person to assist you. (See Instructions, Part I, Filing Instructions, Section IV, "Right to Counsel.")

Additional information concerning asylum and withholding of removal is available on the following websites: Immigration and Naturalization Service: http://www.ins.usdoj.gov and Executive Office for Immigration Review: http://www.usdoj.gov/eoir/.

WARNING: **Applicants who are in the United States illegally are subject to removal if their asylum or withholding claims are not granted by an Asylum Officer or an Immigration Judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings, even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act (Act). See Section 208(d)(6) of the Act and 8 CFR 208.20.**

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PART 1: FILING INSTRUCTIONS

I. Who May Apply and Filing Deadlines

You may apply for asylum irrespective of your immigration status, and even if you are in the United States unlawfully.

You MUST file this application within one (1) year after you arrived in the United States, unless you can show that there are changed circumstances that affect your eligibility for asylum or extraordinary circumstances that prevented you from filing within one (1) year. (See Instructions, Part 1: Filing Instructions, Section V, "Completing the Form," Part C, for further explanations of this requirement.)

If you have previously been denied asylum by an Immigration Judge or the Board of Immigration Appeals, you must show that there are changed circumstances that affect your eligibility for asylum.

The determination of whether you are permitted to apply for asylum will be made once you have had an asylum interview with an Asylum Officer or a hearing before an Immigration Judge. Even if you are not eligible to apply for asylum for the reasons stated above, you may still be eligible to apply for withholding of removal under section 241 (b) (3) of the Immigration and Nationality Act (Act) or the Convention Against Torture before the Immigration Court.

II. Basis of Eligibility

A. Asylum

In order to qualify for asylum, you must establish that you are a refugee. A refugee is a person who is unable or unwilling to return to his or her country of nationality, or last habitual residence in the case of a person having no nationality, because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

If you are granted asylum, you and any eligible dependents included in your application will be permitted to remain and work in the United States and may eventually adjust to lawful permanent resident status. **If you are not granted asylum, the Immigration and Naturalization Service (INS) may use the information you provide in this application to establish that you are removable from the United States.**

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B. Withholding of Removal

Your asylum application is also considered to be an application for withholding of removal under section 241(b)(3) of the Act, as amended. It may also be considered an application for withholding of removal under the Convention Against Torture if you checked the box on page 1 of this application . If asylum is not granted, you may still be eligible for withholding of removal. Regardless of the basis for the withholding application, you will not be eligible for withholding if you 1) assisted in Nazi persecution or engaged in genocide, 2) have persecuted another person, 3) have been convicted by a final judgment of a particularly serious crime and therefore represent a danger to the community of the United States, 4) are considered for serious reasons to have committed a serious non-political crime outside the United States, or 5) represent a danger to the security of the United States. (See section 241 (b)(3) of the Act; 8 CFR 208.16.)

i. Withholding of Removal under Section 241 (b)(3) of the Act

In order to qualify for withholding of removal under section 241(b)(3) of the Act, you must establish that it is more likely than not that your life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, in the proposed country of removal.

If you obtain an order withholding your removal, you cannot be returned to the country in which your life or freedom would be threatened. This means that you may be removed to a third country in which your life or freedom would not be threatened. Withholding of removal does not apply to any spouse or child included in the application. They would have to apply for such protection on their own. If you are granted withholding of removal, this would not give you the right to bring dependents to the United States. It also would not give you the right to become a lawful permanent resident of the United States.

ii. Withholding of Removal under the Convention Against Torture

The Convention Against Torture refers to the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

To be granted withholding of removal to a country under the Convention Against Torture, you must show that it is more likely than not that you would be tortured in that country.

"Torture" is defined in Article 1 of the Convention Against Torture and at 8 CFR 208.18(a). For an act to be considered torture, it must be an extreme form of cruel and inhuman treatment; it must cause severe physical or mental pain and suffering; and it must be intended to cause severe pain and suffering. Torture is an act inflicted for such purposes as obtaining from the victim or a third person information or a confession, punishing the victim for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing the victim or a third person, or for any reason based on discrimination of any kind. Torture must be inflicted by or at the instigation of a public official or someone acting in an official capacity, or it must be inflicted with the consent or acquiescence of a public official or person acting in an official capacity. The victim must be in the custody or physical control of the torturer. Torture does not include pain or suffering that arises from or is incidental to lawful sanctions.

Form I-589, Application for Asylum and for Withholding of Removal, will be considered an application for withholding of removal under the Convention Against Torture if you tell the Immigration Judge that you would like to be considered for withholding of removal under the Convention Against Torture or if it is determined that the evidence you present indicates you may be tortured in the country of removal. To apply for withholding of removal under the Convention Against Torture, you must check the box at the top of page one (1) of the application and fully complete the Form I-589. You should include a detailed explanation of why you fear torture in response to Question 4, Part B of the application. In your response you should write about any mistreatment you experienced or any threats made against you by a government or somebody connected to a government.

Only Immigration Judges and the Board of Immigration Appeals may grant withholding of removal or deferral of removal under the Convention Against Torture. If you have applied for asylum, the Immigration Judge will first determine whether you are eligible for asylum

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under section 208 of the Act and for withholding of removal under section 241(b)(3) of the Act. If you are not eligible for either asylum or withholding of removal under section 241(b)(3) of the Act, the Immigration Judge will determine whether the Convention Against Torture prohibits your removal to a country in which you fear torture.

Article 3 of the Convention Against Torture prohibits the United States from removing you to a country in which it is more likely than not that you would be subject to torture. The Convention Against Torture does not prohibit the United States from returning you to any other country where you would not be tortured. This means that you may be removed to a third country, in which you would not be tortured. Withholding of removal does not allow you to adjust to lawful permanent resident status or to petition to bring family members to come to, or remain in, the United States.

C. Deferral of Removal under the Convention Against Torture.

If it is more likely than not that you will be tortured in a country but you are ineligible for withholding of removal, your removal will be deferred under 8 CFR 208.17(a). Deferral of removal does not confer any lawful or permanent immigration status in the United States and does not necessarily result in release from detention. Deferral of removal is effective only until it is terminated. Deferral of removal is subject to review and termination if it is determined that it is no longer more likely than not that you would be tortured in the country to which your removal is deferred or if you request that your deferral be terminated.

D. Legal Sources Relating to Eligibility

The documents listed below are some of the legal sources relating to asylum, withholding of removal under section 241(b)(3) of the Act, and withholding of removal or deferral of removal under the Convention Against Torture. These sources are provided for reference only. You do not need to refer to them in order to complete your application.

- Section 101(a)(42) of the Act, 8 U.S.C. 1101(a)(42) (defining "refugee");
- Section 208 of the Act, 8 U.S.C. 1158 (regarding eligibility for asylum);
- Section 241(b)(3) of the Act, 8 U.S.C. 1251 (b)(3) (regarding eligibility for withholding of removal);
- Title 8 of the Code of Federal Regulations, section 208, et. seq.;
- Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as ratified by Sec. 2242(b) of the Foreign Affairs Reform and Restructuring Act of 1998 and 8 CFR as amended by the Regulations Concerning the Convention Against Torture: Interim Rule, 64 FR 8478-8492 (February 19, 1999) (effective March 22, 1999); 64 FR 13881 (March 23, 1999);
- The 1967 United Nations Protocol Relating to the Status of Refugees;
- The 1951 Convention Relating to the Status of Refugees; and
- Office of the United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for Determining Refugee Status (Geneva, 1992).

III. Confidentiality

The information collected will be used to make a determination on your application. It may also be provided to other government agencies (federal, state, local and/or foreign) for purposes of investigation or legal action on criminal and/or civil matters and for issues arising from the adjudication of benefits. However, no information indicating that you have applied for asylum will be provided to any government or country from which you claim a fear of persecution. Regulations at 8 CFR 208.6 protect the confidentiality of asylum claims.

IV. Right to Counsel

Immigration law concerning asylum and withholding of removal or deferral of removal is complex. You have a right to provide your own legal representation at an asylum interview and

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during immigration proceedings before the Immigration Court, at no cost to the United States Government. If you need, or would like, help in completing this form and preparing your written statements, assistance from pro bono (free) attorneys and/or voluntary agencies may be available. Voluntary agencies may help you for no fee or for a reduced fee and attorneys on the list may take your case for no fee. If you have not already received from INS or the Immigration Court a list of attorneys and accredited representatives, you may obtain a list by calling 1-800-870-FORM (3676) or visiting the United States Department of Justice, Executive Office for Immigration Review (EOIR) website at: http://www.usdoj.gov/eoir/probono/states.htm.

Representatives of the United Nations High Commissioner for Refugees (UNHCR) may be able to assist you in identifying persons to help you complete the application. The UNHCR website provides useful country conditions information and also has links to other reliable sources. You may also, if you wish, forward a copy of your application and other supporting documents to the UNHCR. (For instructions on where to file the original, please see Instructions, Part 1: Filing Instructions, Section XII. "Where to File." The current address of the UNHCR is:

United Nations High Commissioner for Refugees
1775 K Street, NW, Suite 300
Washington, DC 20006
Telephone: (202) 296-5191
Website: http://www.unhcr.ch

Calls from Detention Centers and Jails: Between the hours of 2:00 and 5:00 p.m. (Eastern Standard Time), Monday through Friday, asylum-seekers in detention centers and jails may call UNHCR collect at (202) 296-5191 or may call UNHCR's toll-free number at (888) 272-1913.

V. Completing the Form

Type or print all of your answers in black ink on the Form I-589. Your answers must be completed in English. Forms completed in a language other than English will be returned to you.

Provide the specific information requested about you and your family. Answer ALL of the questions asked. If any question does not apply to you or you do not know the information requested by the question, answer "none," "not applicable," or "unknown." Provide detailed information and answer the questions as completely as possible. If you need more space, attach the Supplement A or B Forms (included in the application package) and/or an additional sheet(s) indicating the question number(s) you are answering. You are strongly urged to attach additional written statements and documents that support your claim. Your written statements should include events, dates, and details of your experiences that relate to your claim for asylum.

NOTE: Please put your Alien Registration Number (A#), (if any), name (exactly as it appears in Part A.I. of the form), signature, and date on each supplemental sheet and on the cover page of any supporting documents.

You will be permitted to amend or supplement your application at the time of your asylum interview before an Asylum Officer and at your hearing in Immigration Court by providing additional information and explanations about your asylum claim.

Part A. I. Information about You

This part asks for basic information about you. Alien Registration Number (A#) refers to your INS file number. If you do not already have an A#, the INS will assign one to you. You must provide your residential street address in the United States in Part A. I., Question 7, of the asylum application. You may also provide a mailing address, if different from the address where you reside, in Question 8. In Question 12, use the current name of the country. Do not use historical, ethnic, provincial, or other local names.

If you entered the country with inspection, the I-94#, referred to in Question 18b, is the number on Form I-94, Arrival-Departure Record, OMB No. 1115-0077, given to you when you entered the United States. In Question 18c, enter the date and status as it appears on the Form I-94. If you did not receive a Form I-94, write "None". If you entered without being inspected by an immigration officer, write "No Inspection" in Question 18e in the status section.

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Part A. II. Spouse and Children

You should list your spouse and all your children in this application regardless of their age, marital status, or whether they are in the United States when you file your asylum application.

You may ask to have included in your asylum application your spouse and/or any children who are under the age of 21 and unmarried, if they are in the United States. Children who are married and/or children who are 21 years of age or older must file separately for asylum by submitting their own asylum application, (Form I-589).

If you apply for asylum while in proceedings before the Immigration Court, the Immigration Judge may not have authority to grant asylum to any spouse or child included in your application who is not also in proceedings.

When including family members in your asylum application, you MUST submit one additional copy of your completed asylum application and primary documentary evidence establishing your family relationship, for each family member, as described below.

If you are including your spouse in your application, submit three (3) copies of your marriage certificate, and three (3) copies of proof of termination of any prior marriages.

If you are including any unmarried children under 21 years of age in your application, submit three (3) copies of each child's birth certificate.

If you do not have and are unable to obtain these documents, you may submit secondary evidence. Secondary evidence includes, but is not limited to, medical records, religious records, and school records. You may also submit an affidavit from at least one (1) person for each event you are trying to prove. Affidavits may be provided by relatives or others. Persons providing affidavits need not be United States citizens or lawful permanent residents. **Affidavits must:**

- fully describe the circumstances or event(s) in question and fully explain how the person acquired knowledge of the event(s);
- be sworn to, or affirmed by, persons who were alive at the time of the event(s) and have personal knowledge of the event(s) (date and place of birth, marriage, etc.) that you are trying to prove; and
- show the full name, address, date, and place of birth of each person giving the affidavit, and indicate any relationship between you and the person giving the affidavit.

If you submit secondary evidence or affidavits, you must explain why primary evidence (e.g., birth or marriage certificate) is unavailable. You may explain the reasons primary evidence is unavailable using the Supplement B Form or additional sheets of paper. Attach this explanation to your secondary evidence or affidavits.

If you have more than four (4) children, complete the Supplement A Form for each additional child, or attach additional pages and documentation providing the same information asked in Part A. II. of the Form I-589.

Part A. III. Information about Your Background

Please answer questions 1 through 5, providing details as requested for each question. Your responses to the questions concerning the places you have lived, your education, and employment histories should be in reverse chronological order starting with your current residence, education, and employment, working back in time.

Part B. Information about Your Application

This part asks specific questions relevant to eligibility for asylum, for withholding of removal under section 241(b)(3) of the Act, or for withholding of removal under the Convention Against Torture. At question 1, please check the box(es) next to the reason(s) that you are completing this application. For all other questions, please check "Yes" or "No" in the box provided. If you answer "Yes" to any question, explain in detail using the Supplement B Form or additional sheets of paper as needed. You should clearly describe any of your experiences, or those of family members or others who have had similar experiences, that may show that you are a refugee.

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If you have experienced harm that is difficult for you to write down and express, you should be aware that these experiences may be very important to the decision-making process regarding your request to remain in the United States. At your interview with an Asylum Officer or hearing with an Immigration Judge, you will need to be prepared to discuss the harm you have suffered. If you are having trouble remembering or talking about past events, it is suggested that you talk to a lawyer, an accredited representative, or a health professional who may be able to help you explain your experiences and current situation.

Part C. Additional Information about Your Application

Check "Yes" or "No" in the box provided for each question. If you answer "Yes" to any question, explain in detail using the Supplement B Form or additional sheets of paper as needed.

If you answer "Yes" to question 5, you must explain why you did not apply for asylum within the first year after you arrived in the United States. The government will accept as an explanation certain changes in the conditions in your country, certain changes in your own circumstances, and certain other events that may have prevented you from applying earlier. For example, some of the events the government might consider as valid explanations include, but are not limited to, the following:

- You have learned that human rights conditions in your country have worsened since you left;
- Because of your health, you were not able to submit this application within a year after you arrived;
- You previously submitted an application, but it was returned to you because it was not complete, and you submitted a complete application within a reasonable amount of time.

Federal regulations specify some of the other types of events that may also qualify as valid explanations for why you filed late. These regulations are found at 8 CFR 208.4. The list in the regulations is not all-inclusive, and the government recognizes that there are many other circumstances that might be acceptable reasons for filing more than one year after arrival.

If you are unable to explain why you did not apply for asylum within the first year after you arrived in the United States, or your explanation is not accepted by the government, you may not be eligible to apply for asylum, but you could still be eligible for withholding of removal.

Part D. Your Signature

You must sign your application in Part D and respond to the questions concerning any assistance you received to complete your application, providing the information requested. Sign after you have completed and reviewed the application.

If it is determined that you have knowingly made a frivolous application for asylum you can be permanently ineligible for any benefits under the Immigration and Nationality Act. According to regulations at 8 CFR 208.20, an application is frivolous if any of its material elements is deliberately fabricated. (See Instructions, Part 1: Filing Instructions, Section IV, "Right to Counsel," in the event that you have any questions.)

Part E. Signature of Person Preparing Form If Other than You

Any person, other than an immediate family member (your spouse, parent(s), or children) who helped prepare your application must sign the application and provide the information requested.

Penalty for Perjury. All statements in response to questions contained in this application are declared to be true and correct under penalty of perjury. You and anyone, other than an immediate family member, who assists you in preparing the application must sign the application under penalty of perjury. Your signature is evidence that you are aware of the contents of this application. Any person assisting you in preparing this form, other than an immediate family member, must include his or her name, address, telephone number, and sign the application where indicated in Part E. Failure of the preparer to sign will result in the application being returned to you as an incomplete application. If the INS later learns that you received assistance from someone other than an immediate family member and the person who assisted you willfully failed to sign the application, this may result in an adverse ruling against you.

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Title 18, United States Code, Section 1546, provides in part:

Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement shall be fined in accordance with this title or imprisoned not more than five years, or both.

If you knowingly provide false information on this application, you or the preparer of this application may be subject to criminal penalties under Title 18 of the United States Code and to civil penalties under Section 274C of the Immigration and Nationality Act, 8 U.S.C. 1324c.

Part F. To Be Completed at Interview

Do not sign your application in Part F before filing this form. You will be asked to sign your application in this space at the conclusion of the interview regarding your claim.

NOTE: You must, however, sign Part D of the application.

VI. Required Documents and Required Number of Copies that You Must Submit with Your Application

You must submit the following documents to apply for asylum and withholding of removal:

- **The completed, signed original and two (2) copies of your completed application,** Form I-589, and the original and two (2) copies of any supplementary sheets and supplementary statements. If you choose to submit additional supporting material (See Instructions, Part 1: Filing Instructions, Section VII, "Additional Documents that You Should Submit," page 9), you MUST include three (3) copies of each document. You should make and keep one (1) additional copy of the completed application for your own records.
- **An additional copy of your completed application,** Form I-589, with supplementary sheets and supplementary statements, for each family member listed in Part A. II. who you want to have included in your application.
- **Three (3) copies of primary or secondary evidence** of relationship, such as birth or school records of your children, marriage certificate, or proof of termination of marriage, for each family member listed in Part A. II. who you want to have included in your application.

  NOTE: If you submit an affidavit, you must submit the original and two (2) copies. (For affidavit requirements, see Instructions, Part 1: Filing Instructions, Section V, "Completing the Form," Part A. II., page 6.)
- **One (1) passport-style photograph of you** and of each family member listed in Part A. II. who is included in your application. The photos must have been taken no more than 30 days before you file your application. Print the person's complete name and A# (if any) on the back of his or her photo with a pencil.
- **Three (3) copies of all passports or other travel documents** (cover to cover) in your possession, and three (3) copies of any U.S. Immigration documents, such as an I-94 Arrival-Departure Record, for you and each family member who you want included in your application, if you have such documents.
- If you have other **identification documents** (for example, birth certificate, military or national identification card, driver's license, etc.), it is recommended that you submit three (3) copies with your application and bring the original(s) with you to the interview.

It is recommended that any documents filed with this application be photocopies but, please be advised, if you choose to send an original document, the INS or Immigration Court may keep that original document for its records.

Translation of documents not in English is required. Any document in a language other than English must be accompanied by an adequate English translation that the translator

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has certified as complete and correct, and by the translator's certification that he or she is competent to translate into English the language used in the document.

VII. Additional Documents that You Should Submit

If they are available to you, you should submit documents evidencing (1) the general conditions in the country from which you are seeking asylum, and (2) the specific facts on which you are relying to support your claim. If documents supporting your claim are not available or you are not providing them at this time, you must explain why using the Supplement B Form or additional sheets of paper. Supporting documents may include, but are not limited to newspapers articles, affidavits of witnesses or experts, medical and/or psychological records, doctors' statements, periodicals, journals, books, photographs, official documents, or personal statements.

If you have difficulty discussing harm you have suffered in the past, you may wish to submit a health professional's report explaining this difficulty.

VIII. Fee

There is no fee for filing this application.

IX. Fingerprints

Applicants for asylum are subject to a check of all appropriate records and other information databases maintained by the Attorney General and by the Secretary of State. You and all of your dependents over the age of fourteen (14) listed on your asylum application must be fingerprinted and photographed. You and your dependents will be given instructions on how to complete this requirement. You will be notified in writing of the time and location of the Application Support Center or the designated Law Enforcement Agency where you must go to be fingerprinted and photographed. Failure to appear for a scheduled fingerprinting may delay eligibility for work authorization and/or result in an Asylum Officer dismissing your asylum application or referring it to an Immigration Judge. For applicants before an Immigration Judge, such failure will make the applicant ineligible for asylum and may delay eligibility for work authorization.

You are required to submit photographs as specified in Instructions, Part 1: Filing Instructions, Section VI, "Required Documents and Required Number of Copies" of the Form I-589 instructions at the time you file your Form I-589 Application for Asylum and for Withholding of Removal.

X. Organizing Your Application

Put your application together in the following order, forming one (1) complete package (if possible, secure with binder clips and rubber bands so that material may be easily separated):

- Your original Form I-589, with all questions completed, and the application signed by you in Part D, and signed by any preparer, in Part E; and
- One (1) passport-style photo of you stapled to the form at Part D.

Behind your original Form I-589, attach in the following order:

- One (1) Form G-28 Notice of Entry of Appearance as Attorney or Representative, signed by you and the attorney/representative if you are represented by an attorney or other representative;
- The original of all supplemental sheets and supplementary statements submitted with your application;
- One (1) copy of the evidence of your relationship to your spouse and unmarried children under 21 years of age who you want included in your application, if any;
- Two (2) copies of the items listed above in your original package, except for your photograph.

If you are including family members in your application, attach one (1) additional package for each family member. Arrange each family member's package as follows:

- One (1) copy of your completed, signed Form I-589 and supplemental sheets submitted with the original application. In Part A. II, staple in the upper right corner
one (1) passport-style photo of the family member to be included; and

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- One (1) copy of Form G-28, if any.

For example, if you include your spouse and two (2) children, you should submit your original package, plus two (2) duplicates for you, plus one (1) package for your spouse, plus one (1) package for each child, for a total of six (6) packages. Be sure each has the appropriate documentation.

NOTE: Any additional pages submitted should include the applicant's printed name (exactly as it appears in Part A.I. of the form), A# (if any), signature and date.

XI. Incomplete Asylum Applications

An asylum application that is incomplete will be returned to you by mail within thirty (30) days of receipt of the application by the INS. An application that has not been returned to you within thirty (30) days of having been received by the INS will be considered complete and you will receive written acknowledgement of receipt from the Service.

The filing of a complete application starts the 150-day period you must wait before you may apply for employment authorization. If your application is not complete and is returned to you, the 150-day period will not begin until you resubmit a complete application. (See Instructions, Part 2: Information Regarding Post-Filing Requirements, Section V, "Employment Authorization," for further information regarding eligibility for employment authorization.)

An application will be considered incomplete in each of the following cases:

- The application does not include a response to each of the questions contained in the Form I-589;
- The application is unsigned;
- The application is submitted without the required photograph;
- The application is sent without the appropriate number of copies for any supporting materials submitted; or
- You indicated in Part D that someone prepared the application other than yourself or an immediate family member and the preparer failed to complete Part E of the asylum application.

XII. Where to File

Although the INS will confirm in writing its receipt of your application, you may wish to send the completed forms by registered mail (return receipt requested) for your own records.

If you are in proceedings in Immigration Court:

If you are currently in proceedings in Immigration Court (that is, if you have been served with Form I-221, Order to Show Cause and Notice of Hearing; Form I-122, Notice to Applicant for Admission Detained for Hearing Before an Immigration Judge; Form I-862, Notice to Appear; or Form I-863, Notice of Referral to Immigration Judge), you are required to file your Form I-589, Application for Asylum and for Withholding of Removal with the Immigration Court having jurisdiction over your case.

If you are NOT in proceedings in Immigration Court:

You are to mail your completed application for Asylum and for Withholding of Removal, Form I-589, and any other additional information, to the INS Service Center as indicated below.

If you live in Alabama, Arkansas, Colorado, Commonwealth of Puerto Rico, District of Columbia, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, Oklahoma, western Pennsylvania in the jurisdiction of the Pittsburgh Suboffice, South Carolina, Tennessee, Texas, United States Virgin Islands, Utah, Virginia, West Virginia, or Wyoming, mail your application to:

USINS Texas Service Center
Attn: Asylum
P.O. Box 851892
Mesquite, TX 75185-1892

If you live in Alaska, northern California, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, northern Nevada in the jurisdiction of the Reno Suboffice, North Dakota, Ohio, Oregon, South Dakota, Washington, or Wisconsin, mail your application to:

USINS Nebraska Service Center
P.O. Box 87589
Lincoln, NE 68501-7589

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If you live in Arizona, southern California, Hawaii, southern Nevada in the jurisdiction of the Las Vegas Suboffice, or the Territory of Guam, mail your application to:

USINS California Service Center
P.O. Box 10589
Laguna Niguel, CA 92607-0589

If you live in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, eastern Pennsylvania excluding the jurisdiction of the Pittsburgh Suboffice, Rhode Island, or Vermont, mail your application to:

USINS Vermont Service Center
Attn: Asylum
75 Lower Welden Street
St. Albans, VT 05479-0589

For applicants in the states of California, Nevada and Pennsylvania who may be unsure of which Service Center to use for mailing applications, you may call the National Customer Service Center or your local asylum office for more specific information. The National Customer Service Center and the asylum offices serving these states are listed below with their public information numbers:

The National Customer Service Center:

Toll Free Number	800-375-5283
TDD Hearing Impaired	800-767-1833

For California or Nevada:

Los Angeles Asylum Office	714-808-8199
San Francisco Asylum Office	415-744-8419

For Pennsylvania:

Newark Asylum Office	201-531-0555
Arlington Asylum Office	703-525-8141

Information concerning asylum offices and where to file asylum applications is also available on the INS website at: http://www.ins.usdoj.gov.

PART 2: INFORMATION REGARDING POST-FILING REQUIREMENTS

I. Notification Requirements when Your Address Changes

If you change your address you must inform the INS in writing within ten (10) days of moving.

While your asylum application is pending before the asylum office, you MUST notify the asylum office on Form AR-11 (Change of Address Form) or by a signed and dated letter of any changes of address within ten (10) days after you change your address. The address that you provide on the application, or the last change of address notification you submitted, will be used by the INS for mailing. Any notices mailed to that address will constitute adequate service, except that personal service may be required for the following: Notice to Alien Detained for Hearing by an Immigration Judge (Form I-122), Notice to Appear (Form I-862), Notice of Referral to Immigration Judge (Form I-863), and a Notice and Order of Expedited Removal (Form I-860).

If you are already in proceedings in Immigration Court, you MUST notify the Immigration Court on Form EOIR 33 (Change of Address Form) or by a signed and dated letter of any changes of address within five (5) days of the change in address. You must send the notification to the Immigration Court having jurisdiction over your case.

II. Asylum Interview Process

If you are not in proceedings in Immigration Court, you will be notified by the INS asylum office of the date, time and place (address) of a scheduled interview. The INS suggests that you bring a copy of your Form I-589, asylum application, with you when you have your asylum interview. An Asylum Officer will interview you under oath and make a determination concerning your claim. In most cases, you will not be notified of the decision in your case until a date after your interview. You have the right to legal representation at your interview, at no cost to the United States Government. (See Instructions, Part I: Filing Instructions, Section IV, "Right to Counsel.") You also may bring witnesses with you to the interview to testify on your behalf.

If you are unable to proceed with the asylum interview in fluent English, you must provide at no expense to the INS, a competent interpreter fluent in both English and a language that you speak fluently. Your interpreter must be at least 18 years of age. The following persons cannot serve as your interpreter: your attorney or representative of record; a witness testifying on

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your behalf at the interview; or a representative or employee of your country. Quality interpretation may be crucial to your claim. Such assistance must be obtained, at your expense, prior to the interview.

Failure without good cause to bring a competent interpreter to your interview may be considered an unexcused failure to appear for the interview. Any unexcused failure to appear for an interview may prevent you from receiving work authorization, and your asylum application may be dismissed or referred directly to the Immigration Court.

If available, you must bring some form of identification to your interview, including any passport(s), other travel or identification documents, or Form I-94 Arrival-Departure Record. You may bring to the interview any additional available items documenting your claim that you have not already submitted with your application.

If members of your family are included in your application for asylum, they must also appear for the interview and bring any identity or travel documents they have in their possession.

III. Status while Your Claim Is Pending

While your case is pending, you will be permitted to remain in the United States. After your asylum interview, if you have not been granted asylum and appear to be deportable under Section 237 of the Act, 8 U.S.C. 1227, or inadmissible under Section 212 of the Act, 8 U.S.C. 1182, your application will be filed with the Immigration Court upon referral by the asylum office.

IV. Travel Outside the United States

If you leave the United States without first obtaining advance parole from the INS using Form I-131, Application for a Travel Document, OMB No. 1115-0005, it will be presumed that you have abandoned your application. If you obtain advance parole and return to the country of claimed persecution, it will be presumed that you abandoned your application, unless you can show that there were compelling reasons for your return.

NOTE: The application process for advance parole varies depending on your personal circumstances. Check with your local INS District Office for application instructions.

V. Employment Authorization while Your Application is Pending

You will be granted permission to work if your asylum application is granted.

Simply filing an application for asylum does not entitle you to work authorization. You may request permission to work if your asylum application is pending and 150 days have lapsed since your application was accepted by the INS or the Immigration Court. See 8 CFR 208.7(a)(1). Any delay in the processing of your asylum application that you request or cause shall not be counted as part of the 150-day period. If your asylum application has not been denied within 180 days from the date of filing a complete asylum application, you may be granted permission to work by filing an Application for Employment Authorization, Form I-765, (OMB No. 1115-0163) with the Service. Follow the instructions on that application and submit it with a copy of evidence as specified in the instructions that you have a pending asylum application. Each family member you have asked to have included in your application who also wants permission to work must submit a separate Form I-765. You may obtain a Form I-765 by calling 1- 800-870-FORM (3676), or from the INS website at http://www.ins.usdoj.gov.

VI. Privacy Act Notice

The authority to collect this information is contained in Title 8 of the United States Code. Furnishing the information on this form is voluntary; however, failure to provide all of the requested information may result in the delay of a final decision or denial of your request.

VII. Paperwork Reduction Act Notice

Under the Paperwork Reduction Act an agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application is as follows: (1) 2 hours to learn about the form;

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(2) 5 hours to complete the form; and (3) 5 hours to assemble and file the application; for the total estimated average burden hours of 12 hours per application. The estimated time to complete the form will vary depending on the complexity of your individual circumstances. If you have comments regarding the accuracy of this estimate or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, Policy Directives and Instructions Branch, 425 I Street, N.W., Room 4034, Washington, DC 20536, OMB No. 1115-0086. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

SUPPLEMENTS TO THE FORM I-589

Form I-589, Supplement A - for use in completing Part A. II.

Form I-589, Supplement B - for use in completing Parts B, C, and to provide additional information for any other part of the application.

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U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-0086

Application for Asylum and for Withholding of Removal

Start Here - Please Type or Print. **USE BLACK INK. SEE THE SEPARATE INSTRUCTION PAMPHLET FOR INFORMATION ABOUT ELIGIBILITY AND HOW TO COMPLETE AND FILE THIS APPLICATION.** (Note: There is NO filing fee for this application.)

Please check the box if you also want to apply for withholding of removal under the Convention Against Torture. ☐

PART A. I. INFORMATION ABOUT YOU

1. Alien Registration Number(s)(A#'s)*(If any)*		2. Social Security No. *(If any)*
3. Complete Last Name	4. First Name	5. Middle Name
6. What other names have you used? *(Include maiden name and aliases.)*		
7. Residence in the U.S. C/O		Telephone Number
Street Number and Name		Apt. No.
City	State	ZIP Code
8. Mailing Address in the U.S., If other than above		Telephone Number
Street Number and Name		Apt. No.
City	State	ZIP Code

9. Sex ☐ Male ☐ Female	10. Marital Status: ☐ Single ☐ Married ☐ Divorced ☐ Widowed		
11. Date of Birth *(Mo/Day/Yr)*	12. City and Country of Birth		
13. Present Nationality *(Citizenship)*	14. Nationality at Birth	15. Race, Ethnic or Tribal Group	16. Religion

17. *Check the box, a through c that applies:* a. ☐ I have never been in immigration court proceedings.
b. ☐ I am now in immigration court proceedings. c. ☐ I am not now in immigration court proceedings, but I have been in the past.

18. *Complete 18 a through c.*
a. When did you last leave your country? *(Mo/Day/Yr)* b. What is your current I-94 Number, if any?
c. Please list each entry to the U.S. beginning with your most recent entry.
List date (Mo/Day/Yr), place, and your status for each entry. (Attach additional sheets as needed.)

Date _____ Place _____ Status _____ Current Status _____
Date _____ Place _____ Status _____ Date Status Expires _____
Date _____ Place _____ Status _____
Date _____ Place _____ Status _____
Date _____ Place _____ Status _____

19. What country issued your last passport or travel document?	20. Passport # Travel Document #	21. Expiration Date *(Mo/Day/Yr)*
22. What is your native language?	23. Are you fluent in English? ☐ Yes ☐ No	24. What other languages do you speak fluently?

FOR EOIR USE ONLY

FOR INS USE ONLY
Action:
Interview Date: _____
Decision:
__ Approval Date: _____
__ Denial Date: _____
__ Referral Date: _____
Asylum Officer ID# _____

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OMB No. 1115-0086

PART A. II. INFORMATION ABOUT YOUR SPOUSE AND CHILDREN

Your Spouse. ☐ I am not married. (Skip to *Your Children, below.*)

1. Alien Registration Number (A#) *(If any)*	2. Passport/ID Card No. *(If any)*	3. Date of Birth *(Mo/Day/Yr)*	4. Social Security No. *(If any)*
5. Complete Last Name	6. First Name	7. Middle Name	8. Maiden Name
9. Date of Marriage *(Mo/Day/Yr)*	10. Place of Marriage	11. City and Country of Birth	
12. Nationality *(Citizenship)*	13. Race, Ethnic or Tribal Group	14. Sex ☐ Male ☐ Female	
15. Is this person in the U.S.? ☐ Yes *(Complete blocks 16 to 24.)* ☐ No *(Specify location)*			
16. Place of last entry in the U.S. ?	17. Date of last entry in the U.S. *(Mo/Day/Yr)*	18. I-94 No. *(If any)*	19. Status when last admitted *(Visa type, if any)*
20. What is your spouse's current status?	21. What is the expiration date of his/her authorized stay, if any? *(Mo/Day/Yr)*	22. Is your spouse in immigration court proceedings? ☐ Yes ☐ No	23. If previously in the U.S., date of previous arrival *(Mo/Day/Yr)*

24. If in the U.S. , is your spouse to be included in this application? *(Check the appropriate box.)*

☐ Yes *(Attach one (1) photograph of your spouse in the upper right hand corner of page 9 on the extra copy of the application submitted for this person.)*
☐ No

Your Children. Please list ALL of your children, regardless of age, location, or marital status.

☐ I do not have any children. *(Skip to Part A. III., Information about You.)*
☐ I do have children. Total number of children _____

(Use "Supplement A Form I-589" or attach additional pages and documentation if you have more than four (4) children.)

1. Alien Registration Number (A#) *(If any)*	2. Passport/ID Card No. *(If any)*	3. Marital Status (*Married, Single, Divorced, Widowed*)	4. Social Security No. *(If any)*
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth *(Mo/Day/Yr)*
9. City and Country of Birth	10. Nationality *(Citizenship)*	11. Race, Ethnic or Tribal Group	12. Sex ☐ Male ☐ Female
13. Is this child in the U.S.? ☐ Yes *(Complete blocks 14 to 21.)* ☐ No *(Specify Location)*			
14. Place of last entry in the U.S.?	15. Date of last entry in the U.S.? *(Mo/Day/Yr)*	16. I-94 No. *(If any)*	17. Status when last admitted *(Visa type, if any)*
18. What is your child's current status?	19. What is the expiration date his/her authorized stay, if any?*(Mo/Day/Yr)*	20. Is your child in immigration court proceedings? ☐ Yes ☐ No	

21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*

☐ Yes *(Attach one (1) photograph of your child in the upper right hand corner of page 9 on the extra copy of the application submitted for this person.)*
☐ No

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OMB No. 1115-0086

PART A. II. INFORMATION ABOUT YOUR SPOUSE AND CHILDREN Continued

1. Alien Registration Number (A#) *(If any)*	2. Passport/IDCard No. *(If any)*	3. Marital Status *(Married, Single, Divorced, Widowed)*	4. Social Security No. *(If any)*
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth *(Mo/Day/Yr)*
9. City and Country of Birth	10. Nationality *(Citizenship)*	11. Race, Ethnic or Tribal Group	12. Sex ☐ Male ☐ Female
13. Is this child in the U.S.? ☐ Yes *(Complete blocks 14 to 21.)* ☐ No *(Specify Location)*			
14. Place of last entry in the U.S.?	15. Date of last entry in the U.S. ? *(Mo/Day/Yr)*	16. I-94 No. *(If any)*	17. Status when last admitted *(Visa type, if any)*
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? *(Mo/Day/Yr)*	20. Is your child in immigration court proceedings? ☐ Yes ☐ No	

21. If in the U.S., is this person to be included in this application? *(Check the appropriate box.)*

☐ Yes *(Attach one (1) photograph of your child in the upper right hand corner of page 9 on the extra copy of the application submitted for this person.*
☐ No

1. Alien Registration Number *(A#) (If any)*	2. Passport/ID Card No.*(If any)*	3. Marital Status *(Married, Single, Divorced, Widowed)*	4. Social Security No. *(If any)*
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth *(Mo/Day/Yr)*
9. City and Country of Birth	10. Nationality *(Citizenship)*	11. Race, Ethnic or Tribal Group	12. Sex ☐ Male ☐ Female
13. Is this child in the U.S. ? ☐ Yes *(Complete blocks 14 to 21.)* ☐ No *(Specify Location)*			
14. Place of last entry in the U.S.?	15. Date of last entry in the U.S.? *(Mo/Day/Yr)*	16. I-94 No. *(If any)*	17. Status when last admitted *(Visa type, if any)*
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? *(Mo/Day/Yr)*	20. Is your child in immigration court proceedings? ☐ Yes ☐ No	

21. If in the U.S., is this person to be included in this application? *(Check the appropriate box.)*

☐ Yes *(Attach one (1) photograph of your child in the upper right hand corner of page 9 on the extra copy of the application submitted for this person.*
☐ No

1. Alien Registration Number (A#) *(If any)*	2. Passport/ID Card No. *(If any)*	3. Marital Status *(Married, Single, Divorced, Widowed)*	4. Social Security No. *(If any)*
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth *(Mo/Day/Yr)*
9. City and Country of Birth	10. Nationality *(Citizenship)*	11. Race, Ethnic or Tribal Group	12. Sex ☐ Male ☐ Female
13. Is this child in the U.S.? ☐ Yes *(Complete blocks 14 to 21.)* ☐ No *(Specify Location)*			
14. Place of last entry in the U.S.?	15. Date of last entry in the U.S.? *(Mo/Day/Yr)*	16. I-94 No. (If *any)*	17. Status when last admitted *(Visa type, if any)*
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? *(Mo/Day/Yr)*	20. Is your child in immigration court proceedings? ☐ Yes ☐ No	

21. If in the U.S., is this person to be included in this application? *(Check the appropriate box.)*

☐ Yes *(Attach one (1) photograph of your child in the upper right hand corner of page 9 on the extra copy of the application submitted for this person.*
☐ No

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OMB No. 1115-0086

PART A. III. INFORMATION ABOUT YOUR BACKGROUND

1. Please list your last address where you lived before coming to the U.S. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. *(List Address, City/Town, Department, Province, or State, and Country.) (Use Supplement Form B or additional sheets of paper if necessary.)*

Number and Street *(Provide if available)*	City/Town	Department, Province or State	Country	Dates From *(Mo/Yr)*	Dates To *(Mo/Yr)*

2. Provide the following information about your residences during the last five years. List your present address first. *(Use Supplement Form B or additional sheets of paper if necessary.)*

Number and Street	City/Town	Department, Province or State	Country	Dates From *(Mo/Yr)*	Dates To *(Mo/Yr)*

3. Provide the following information about your education, beginning with the most recent. *(Use Supplement Form B or additional sheets of paper if necessary.)*

Number of School	Type of School	Location (Address)	Attended From *(Mo/Yr)*	Attended To *(Mo/Yr)*

4. Provide the following information about your employment during the last five years. List your present employment first. *(Use Supplement Form B or additional sheets of paper if necessary.)*

Name and Address of Employer	Your Occupation	Dates From *(Mo/Yr)*	Dates To *(Mo/Yr)*

5. Provide the following information about your parents and siblings (brother and sisters). Check box if the person is deceased. *(Use Supplement Form B or additional sheets of paper if necessary.)*

Name	City/Town and Country of Birth	Current Location
Mother		☐ Deceased
Father		☐ Deceased
Siblings		☐ Deceased
		☐ Deceased

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OMB No. 1115-0086

PART B. INFORMATION ABOUT YOUR APPLICATION

(Use "Supplement B Form" or attach additional sheets of paper as needed to complete your responses to the questions contained in PART B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the Act or withholding of removal under the Convention Against Torture) you should provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You should attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection, and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, please explain why in your responses to the following questions. Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D and Section V, "Completing the Form," Part B, for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the Act, or for withholding of removal under the Convention Against Torture? Check the appropriate line(s) in the space(s) below and then provide detailed answers to questions A and B below:

I am seeking asylum or withholding of removal based on

- ☐ Race
- ☐ Religion
- ☐ Nationality
- ☐ Political opinion
- ☐ Membership in a particular social group
- ☐ Torture Convention

A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?
☐ No ☐ Yes If your answer is "Yes," explain in detail:

1) What happened;
2) When the harm or mistreatment or threats occurred;
3) Who caused the harm or mistreatment or threats; and
4) Why you believe the harm or mistreatment or threats occurred.

B. Do you fear harm or mistreatment if you return to your home country?
☐ No ☐ Yes If your answer is "Yes," explain in detail:

1) What harm or mistreatment you fear;
2) Who you believe would harm or mistreat you; and
3) Why you believe you would or could be harmed or mistreated.

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OMB No. 1115-0086

PART B. INFORMATION ABOUT YOUR APPLICATION Continued

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States?

☐ No ☐ Yes If "Yes," explain the circumstances and reasons for the action.

3. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

☐ No ☐ Yes If "Yes," describe the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

Do you or your family members continue to participate in any way in these organizations or groups?

☐ No ☐ Yes If "Yes," describe the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or group.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

☐ No ☐ Yes If "Yes," explain why you are afraid and describe the nature of the torture you fear, by whom, and why it would be inflicted.

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OMB No. 1115-0086

PART C. ADDITIONAL INFORMATION ABOUT YOUR APPLICATION

(Use "Supplement B Form" or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents, or your siblings ever applied to the United States Government for refugee status, asylum, or withholding of removal?

☐ No ☐ Yes If "Yes," explain the decision and what happened to any status you received as a result of that decision. Please indicate whether or not you were included in a parent or spouse's application. If so, please include your parent or spouse's A-number in your response. If you have been denied asylum by an Immigration Judge or the Board of Immigration Appeals, please describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

2. A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren), who are now in the United States, travel through or reside in any other country before entering the United States? ☐ No ☐ Yes

B. Also, have you, your spouse, your child(ren), or other family members such as your parents or siblings ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum? ☐ No ☐ Yes

If "Yes" to either or both questions, (2A and/or 2B) provide for each person the following: the name of each country and the length of stay; the person's status while there; the reasons for leaving; whether the person is entitled to return for residence purposes; and whether the person applied for refugee status or for asylum while there, and, if not, why he or she did not do so.

3. Have you, your spouse, or child(ren) ever ordered, incited, assisted, or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

☐ No ☐ Yes If "Yes," describe in detail each such incident and your own or your spouse's or child(ren)'s involvement.

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OMB No. 1115-0086

PART C. ADDITIONAL INFORMATION ABOUT YOUR APPLICATION Continued

4. After you left the country where you were harmed or fear harm, did you return to that country?

☐ No ☐ Yes If "Yes," describe in detail the circumstances of your visit (for example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length of time you remained in that country for the visit(s)).

5. Are you filing the application more than one year after your last arrival in the United States?

☐ No ☐ Yes If "Yes," explain why you did not file within the first year after you arrived. You should be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part 1: Filing Instructions, Section V. "Completing the Form," Part C.

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, and sentenced for any crimes in the United States?

☐ No ☐ Yes If "Yes," for each instance, specify in your response what occurred and the circumstances; dates; length of sentence received; location; the duration of the detention or imprisonment; the reason(s) for the detention or conviction; any formal charges that were lodged against you or your relatives included in your application; the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.

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OMB No. 1115-0086

PART D. YOUR SIGNATURE

After reading the information regarding penalties in the instructions, complete and sign below. If someone helped you prepare this application, he or she must complete Part E.

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546, provides in part: "Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or knowingly presents any such application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or imprisoned not more than five years, or both." I authorize the release of any information from my record which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Staple your photograph here.

WARNING: **Applicants who are in the United States illegally are subject to removal if their asylum or withholding claims are not granted by an Asylum Officer or an Immigration Judge. Any information provided in completing this application may be used as a basis for the institution of, or an evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. See 208(d)(6) of the Act and 8 CFR 208.20.**

Print Complete Name	Write your name in your native alphabet

Did your spouse, parent, or child(ren) assist you in completing this application? ☐ No ☐ Yes *(If "Yes," list the name and relationship.)*

(Name) *(Relationship)* *(Name)* *(Relationship)*

Did someone other than your spouse, parent, or child(ren) prepare this application? ☐ No ☐ Yes *(If "Yes," complete Part E)*

Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim? ☐ No ☐ Yes

Signature of Applicant *(The person in Part A. I.)*

[_____]
Sign your name so it all appears within the brackets

_____
Date *(Mo/Day/Yr)*

PART E. DECLARATION OF PERSON PREPARING FORM IF OTHER THAN APPLICANT, SPOUSE, OR CHILD

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324(c).

Signature of Preparer	Print Complete Name		
Daytime Telephone Number ( )	Address of Preparer: Street Number and Name		
Apt. No.	City	State	ZIP Code

PART F. TO BE COMPLETED AT INTERVIEW OR HEARING

You will be asked to complete this Part when you appear before an Asylum Officer of the Immigration and Naturalization Service (INS), or an Immigration Judge of the Executive Office for Immigration Review (EOIR) for examination.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are ☐ all true or ☐ not all true to the best of my knowledge and that correction(s) numbered _____ to _____ were made by me or at my request.

Signed and sworn to before me by the above named applicant on:

_____
Signature of Applicant

_____
Date *(Mo/Day/Yr)*

_____
Write Your Name in Your Native Alphabet

_____
Signature of Asylum Officer or Immigration Judge

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SUPPLEMENT A FORM I-589

A # *(If available)*	Date
Applicant's Name	Applicant's Signature

LIST ALL OF YOUR CHILDREN, REGARDLESS OF AGE OR MARITAL STATUS.
(Use this form and attach additional pages and documentation as needed to your application if you have more than four (4) children.)

1. Alien Registration Number (A#)*(If any)*	2. Passport/ID Card No. *(If any)*	3. Marital Status *(Married, Single, Divorced, Widowed)*	4. Social Security No. *(If any)*
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth *(Mo/Day/Yr)*
9. City and Country of Birth	10. Nationality *(Citizenship)*	11. Race, Ethnic or Tribal Group	12. Sex ☐ Male ☐ Female
13. Is this child in the U.S.? ☐ Yes *(Complete blocks 14 to 21.)* ☐ No *(Specify Location)*			
14. Place of last entry in the U.S.?	15. Date of last entry in the U.S.? *(Mo/Day/Yr)*	16. I-94 No. *(If any)*	17. Status when last admitted *(Visa type, if any)*
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? *(Mo/Day/Yr)*	20. Is your child in immigration court proceedings? ☐ Yes ☐ No	
21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)* ☐ Yes *(Attach one (1) photograph of your child in the upper right hand corner of page 9 on the extra copy of the application submitted for this person.* ☐ No			

1. Alien Registration Number (A#)*(If any)*	2. Passport/ID Card No. *(If any)*	3. Marital Status *(Married, Single, Divorced, Widowed)*	4. Social Security No. *(If any)*
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth *(Mo/Day/Yr)*
9. City and Country of Birth	10. Nationality *(Citizenship)*	11. Race, Ethnic or Tribal Group	12. Sex ☐ Male ☐ Female
13. Is this child in the U.S.? ☐ Yes *(Complete blocks 14 to 21.)* ☐ No *(Specify Location)*			
14. Place of last entry in the U.S.?	15. Date of last entry in the U.S.? *(Mo/Day/Yr)*	16. I-94 No. *(If any)*	17. Status when last admitted *(Visa type, if any)*
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? *(Mo/Day/Yr)*	20. Is your child in immigration court proceedings? ☐ Yes ☐ No	
21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)* ☐ Yes *(Attach one (1) photograph of your child in the upper right hand corner of page 9 on the extra copy of the application submitted for this person.* ☐ No			

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SUPPLEMENT B FORM I-589

ADDITIONAL INFORMATION ABOUT YOUR CLAIM TO ASYLUM.

A # *(If available)*	Date
Applicant's Name	Applicant's Signature

Use this as a continuation page for any information requested. Please copy and complete as needed.

PART ____

QUESTION ____

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[FR Doc. 01–5296 Filed 3–5–01; 8:45 am]
BILLING CODE 4410–10–C

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01-033)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council.

DATES: Thursday, March 15, 2001, 8:15 a.m. to 1:00 p.m.; and Friday, March 16, 2001, 8:30 a.m. to 2:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room 9H40, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Dakon, Code Z, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-0732.

SUPPLEMENTARY INFORMATION: The meeting will be closed to the public on Thursday, March 15, 2001, from 1:00 p.m. to 5:00 p.m. in accordance with 5 U.S.C. 552b(c)9(B), to hear briefings on the FY 2002 Performance Plan. Friday, March 16, 2001, will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Near Earth Asteroid Rendezvous (NEAR) Update
—Earth Science Update
—International Space Station (ISS) Research Management options
—Committee/TaskForce/Working Group Reports
—Discussion of Findings and Recommendations

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Dated: February 28, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01-5316 Filed 3-5-01; 8:45 am]

BILLING CODE 7510-01-U

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10:00 am, Thursday, March 8, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Request from a Federal Credit Union to Convert to a Community Charter.
2. Part 702—Prompt Corrective Action Risk Mitigation Credit Guidelines.
3. Notice of Proposed Rulemaking: Part 742 and Amendment to Part 722, NCUA'S Rules and Regulations, Regulatory Flexibility Program.
4. Amendments to the Field of Membership and Chartering Manual Regarding Requirements for Community Charters.
5. National Credit Union Share Insurance Fund (NCUSIF) Dividend and Insurance Premium.

RECESS: 11:15 am

TIME AND DATE: 11:30 am, Thursday, March 8, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Three (3) Personnel Matters. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board; Telephone 703-518-6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 01-5471 Filed 3-1-01; 4:11 pm]

BILLING CODE 7535-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities; Meeting

March 1, 2001.

Pursuant to the provisions of the Federal Advisory Committee Act (Public L. 92-463, as amended) notice is hereby given the National Council on the Humanities will meet in Washington, DC on March 26-27, 2001.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support from and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. A portion of the morning and afternoon sessions on March 26-27, 2001, will not be open to the public pursuant to subsections (c)(4), (c)(6) and (c)(9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the session on March 26, 2001 will be as follows:

Committee Meetings

(Open to the Public)

Policy Discussion

9:00-10:30 a.m.
Education Programs—Room M-07
Federal/State Partnership—Room 507
Preservation and Access/Challenge Grants—Room 415
Public Programs—Room 420
Research Programs—Room 315

(Closed to the Public)

Discussion of Specific Grant Applications and Programs Before the Council

10:30 a.m. until Adjourned
Education Programs—Room M-07
Federal/State Partnership—Room 507
Preservation and Access/Challenge Grants—Room 415
Public Programs—Room 420
Research Programs—Room 315
1:30-2:30 p.m.
Jefferson Lecture Committee Meeting—Room 527

The morning session on March 27, 2001 will convene at 9:00 a.m., in the 1st Floor Council Room, M-09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

Minutes of the Previous Meeting
Reports

A. Introductory Remarks and Presentation
B. Staff Report
C. Congressional Report
D. Reports on Policy and General Matters
1. Overview
2. Research Programs
3. Education Programs
3. Preservation and Access/Challenge Grants
4. Public Programs
5. Federal/State Partnership
6. Jefferson Lecture

The remainder of the proposed meeting will be given to the consideration of specific applications and closed to the public for the reasons stated above.

Further information about this meeting can be obtained from Ms. Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, or by calling (202) 606-8322, TDD (202) 606-8282. Advance notice of any special needs or accommodations is appreciated.

Laura S. Nelson,

Advisory Committee, Management Officer.

[FR Doc. 01-5371 Filed 3-5-01; 8:45 am]

BILLING CODE 7536-01-M

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Cancellation of panel meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Comittee Act (Public Law 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, has been cancelled.

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson at (202) 606-8322.

Cancellation

Date: March 15, 2001.
Time: 9 a.m. to 5:30 p.m.
Room: 730.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs at the February 1, 2001 deadline.

Dated: March 28, 2001.

Laura S. Nelson,

Advisory Committee, Management Officer.

[FR Doc. 01-5370 Filed 3-5-01; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities; Comment Request.

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104-13. The first notice for this collection was published at 65 FR 58297 and no comments were received. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725-17th Street, NW., Room 10235, Washington, DC 20503, and to Teresa R. Pierce, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send email to tpierce@nsf.gov. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703-292-7555.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number

Summary of Collection

Title: 2001 National Survey of Recent College Graduates
OMB Control Number: 3145-0077.

1. Abstract

The National Survey of Recent College Graduates (NSRCG) has been conducted biennially since 1974. For the 2001 cycle, a sample of individuals who have recently earned bachelor's and master's degrees in science and engineering from U.S. institutions will be surveyed. The purpose of the study is to provide national estimates describing the relationship between education and employment for bachelor's and master's recipients in science and engineering. The study is one of three components of the Scientists and Engineers Statistical Data System (SESTAT), which produces national estimates of the size and characteristics of the nation's science and engineering population.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to ". . . provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government." The National Survey of Recent College Graduates is designed to comply with these mandates by providing information on the supply and utilization of scientists and engineers at the bachelor's and master's degree level. Collected data will be used to produce estimates of the characteristics of these individuals. They will also provide necessary input into the SESTAT labor force data system, which produces national estimates of the size and characteristics of the country's science and engineering population. The Foundation uses this information to prepare congressionally mandated reports such as Women and Minorities in Science and Engineering and Science and Engineering Indicators. A public release file of collected data, designed to protect respondent confidentiality, is expected to be made available to researchers on CD-ROM and on the World Wide Web.

The Survey will be primarily conducted using Computer Assisted Telephone Interviews (CATI). Questionnaires will be mailed only to those individuals who are unwilling to provide information over the telephone but willing to complete a mail questionnaire. CATI interviewing will begin in May 2001 and is estimated to end in December 2001. The survey will be collected in conformance with the Privacy Act of 1974 and the individual's response to the survey is voluntary. NSF will insure that all information collected will be kept strictly confidential and will be used only for research or statistical purposes, analyzing data, and preparing scientific reports and articles.

2. Expected Respondents

We will sample approximately 14,000 graduates with bachelor's and master's

degrees in science and engineering from U.S. academic institutions.

3. Burden on the Public

The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average it will take approximately 30 minutes to complete the survey. We estimate that the total annual burden will be 5,737 hours during the year.

Dated: March 1, 2001.

Teresa R. Pierce,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 01–5417 Filed 3–5–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by April 5, 2001. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Joyce Jatko at the above address or (703) 292–8032.

SUPPLEMENTARY INFORMATION: The National Science Foundation, under the authority of the Antarctic Conservation Act of 1978, as amended, issued regulations providing for the conservation of Antarctic animals and plants. The regulations provide for a permit system for various activities in Antarctica otherwise prohibited, including entry into Antarctic Specially Protected Areas, taking of native mammals, birds, or plants, exporting or importing any native mammal, bird or plant, or introducing into Antarctica any non-native species.

The Application Received Is as Follows

Applicant: H. William Detrich, Department of Biology, Northeastern University, Boston, MA 02215.

Permit Application No.: 2001–027.

Activity for Which Permit is Requested: Introduce into Antarctica. The applicant proposes to use a mixture of species of frozen fish tissues from species native to Patagonian Chile, specifically *Macruronis magellanicus* and *Dissostichus eleginoides*, as bait in experimental fishing of fish traps/pots in the Antarctic peninsula area. The bait will be used to attempt to capture Antarctic fish for ongoing studies of their biochemistry and molecular biology. In all previous research seasons, capture of fish specimens has been carried out exclusively by benthic trawling. If use of the fish traps proves to be successful, this method could reduce the necessity and frequency of trawling for specimens and resultant disruption to benthic communities and could yield a much more diverse sample of fish species for research work. It is anticipated that a maximum of twenty traps using ten to fifteen kilogram blocks of frozen bait each would be required.

Location: Antarctic peninsula area in the vicinities of Low, Brabant, Anvers, Livingston Islands and Dallmann Bay.

Dates: June 10, 2001 to July 15, 2001.

Joyce A. Jatko,

Acting Permit Officer, Office of Polar Programs.

[FR Doc. 01–5315 Filed 3–5–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–389]

Florida Power and Light Company, et al., St. Lucie Plant, Unit No. 2; Exemption

1.0 Background

The Florida Power and Light Company, et al. (FPL, the licensee) is the holder of Facility Operating License No. NPF–16, which authorizes operation of St. Lucie Unit No. 2. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a pressurized water reactor located in St. Lucie County, Florida.

2.0 Purpose

Title 10 of the Code of Federal Regulations (10 CFR), part 54 addresses the various requirements for renewal of operating licenses for nuclear power plants. Section 54.17(c) of part 54 specifies:

> An application for a renewed license may not be submitted to the Commission earlier than 20 years before the expiration of the operating license currently in effect.

By letter dated October 30, 2000, the licensee requested an exemption from 10 CFR 54.17(c) for St. Lucie Unit 2. At the time of the request, there were more than 22 years remaining until the expiration of the current operating license for St. Lucie Unit 2. The exemption would allow FPL to process and submit the St. Lucie Unit 2 license renewal application concurrent with the St. Lucie Unit 1 license renewal application. Because of the similarities in design, operation, maintenance, operating experience and environments of the two St. Lucie units, many of the analyses to be performed for Unit 1 would be directly applicable to Unit 2.

Based on an anticipated submittal of a renewal application in June 2002, this exemption would permit the licensee to submit a license renewal request for St. Lucie Unit 2 approximately 1 year earlier than the date specified by 10 CFR 54.17(c), in order to allow it to be prepared and submitted concurrently with the license renewal application for St. Lucie Unit 1.

3.0 Discussion

Pursuant to 10 CFR 54.15, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 54, in accordance with the provisions of 10 CFR 50.12, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.

The requirements for exemption are discussed below:

3.1 Authorized by Law

The Commission's basis for establishing the 20-year limit contained in Section 54.17(c) is discussed in the 1991 Statements of Consideration for Part 54 (56 FR 64963). The limit was established to ensure that substantial operating experience was accumulated by a licensee before a renewal application is submitted such that any

plant-specific concerns regarding aging would be disclosed. In amending the rule in 1995, the Commission indicated that it was willing to consider plant-specific exemption requests by applicants who believe that sufficient information is available to justify applying for license renewal earlier than 20 years from expiration of the current license. FPL's exemption request is consistent with the Commission's intent to consider plant-specific requests and is permitted by Section 54.15 of its regulations.

3.2 No Undue Risk to Public Health and Safety

FPL's exemption request seeks only schedular relief regarding the date of submittal, and not substantive relief from the requirements of parts 51 or 54. FPL must still conduct all environmental reviews required by part 51 and all safety reviews and evaluations required by part 54 when preparing the applications for St. Lucie Units 1 and 2. Following submittal, the staff's review will verify that all applicable Commission regulations have been met before issuing the renewed licenses. Therefore, the staff finds that granting this schedular exemption will not represent an undue risk to public health and safety.

3.3 Consistent With the Common Defense and Security

As discussed previously, the exemption requested is only a schedular exemption. The NRC staff will subsequently review the renewal application to be submitted by FPL, pursuant to the requested exemption, to determine whether all applicable requirements are fully met. Accordingly, granting the requested exemption is consistent with the common defense and security.

3.4 Special Circumstances Supporting Issuance of the Exemption

An exemption will not be granted unless special circumstances are present as defined in 10 CFR 50.12(a)(2). Specifically, § 50.12(a)(2)(ii) states that a special circumstance exists when "application of the regulation in the particular circumstances * * * is not necessary to achieve the underlying purpose of the rule." In initially promulgating § 54.17(c) in 1991, the Commission stated that the purpose of the time limit was "to ensure that substantial operating experience is accumulated by a licensee before it submits a renewal application" (56 FR 64963). At that time, the Commission found that 20 years of operating experience provided a sufficient basis for renewal applications. However, in issuing the amended part 54 in 1995, the Commission indicated it would consider an exemption to this requirement if sufficient information was available on a plant-specific basis to justify submission of an application to renew a license before completion of 20 years of operation (60 FR 22488). The 20-year limit was imposed by the Commission to ensure that sufficient operating experience was accumulated to identify any plant-specific aging concerns. As set forth below, St. Lucie Unit 2 is sufficiently similar to Unit 1, such that the operating experience for Unit 1 is applicable to Unit 2. In addition, Unit 2 has accumulated significant operating experience. Accordingly, under the requested exemption, sufficient operating experience will have been accumulated to identify any plant-specific aging concerns for both units.

The licensee states that the two St. Lucie units are similar in design, operation, maintenance, use of operating experience, and environments, and, as such, Unit 1 operating experience is directly applicable to Unit 2. Both St. Lucie units are 2700 megawatt (thermal) pressurized water reactors designed by Combustion Engineering, Inc., with the same architect/engineer. The licensee states that the materials of construction for systems, structures, and components on both units are typically identical or similar. These statements are supported by a review of the St. Lucie Unit 2 Updated Final Safety Analysis Report (UFSAR). In particular, Section 1.3 of the UFSAR describes the similarities in design between the units. Table 1.3–1 of the UFSAR lists significant similarities between systems, structures, and components installed at both Units 1 and 2, including elements of the reactor system, the reactor coolant system, and engineered safety features.

St. Lucie Unit 2 is physically located adjacent to Unit 1. As such, the external environments would be similar for both units. Internal environments for both units are also similar due to the similarity in plant design and operation.

FPL also stated that many of the procedures that govern site activities are not unit specific and require the consideration of operating experience at the St. Lucie Plant. An administrative procedure governs the review and dissemination of operating experience obtained from both internal and external sources. If an item is potentially applicable to the St. Lucie Plant, the item is addressed in the plant's corrective action process. Nonconforming or degraded equipment on one unit must consider the condition on the other unit.

Because of the similarities between units, FPL does not divide the plant organizations by unit and typically assigns personnel to work on either unit. Licensed operators at St. Lucie receive training on both units and are licensed by the NRC to operate either unit. Having personnel assigned to work on both units facilitates the identification and transfer of operating experience between the units.

Given the similarities between units, the operating experience at Unit 1 is applicable to Unit 2 for purposes of the license renewal review. At the time of the exemption request, Unit 1 had achieved over 24 years of operating experience, which are applicable to Unit 2. Unit 2 has operated for over 17 years, which provides a substantial period of additional plant-specific operating experience to supplement the Unit 1 operating experience. The combined years of operating experience of Unit 1 and Unit 2 should be sufficient to identify any aging concerns applicable to the two units.

Therefore, sufficient combined operating experience exists to satisfy the intent of § 54.17(c), and the application of the regulation in this case is not necessary to achieve the underlying purpose of the rule. The staff finds that FPL's request meets the requirement in Section 50.12(a)(2)(ii) that special circumstances exist to grant the exemption.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants FPL the exemption sought from the requirements of 10 CFR 54.17(c) for St. Lucie Unit 2 based on the circumstances described herein.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 10759).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 27th day of February 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5396 Filed 3–5–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

Nuclear Management Company, LLC; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–49, held by Nuclear Management Company, LLC (the licensee), for operation of the Duane Arnold Energy Center (the facility) located in Linn County, Iowa.

By letter dated October 19, 2000, the licensee proposed an amendment to change the operating license. Specifically, the proposed amendment would authorize the licensee to change the licensing basis to utilize the full scope of an alternative radiological source term for accidents as described in NUREG–1465, "Accident Source Terms for Light-Water Nuclear Power Plants." The proposed amendment would change the Technical Specifications (TSs) implementing various assumptions in the Alternative Source Term analyses. These changes include:

In TS 1.1, the definition of Dose Equivalent Iodine–131 would be revised to reference Federal Guidance Report (FGR) 11, "Limiting Values of Radionuclide Intake and Air Concentration and Dose Conversion Factors for Inhalation, Submersion, and Ingestion," dated 1989, and FGR 12, "External Exposure to Radionuclides in Air, Water, and Soil," dated 1993. The word "thyroid" would be removed.

In Surveillance Requirement 3.3.7.1.3 regarding the channel calibration of the Control Building Air Intake Radiation Monitor, the setpoint for the allowable value would be reduced from ≤50mR/hr to ≤5 mR/hr.

In the Action Statements for Limiting Condition for Operations 3.4.6, "Reactor Coolant System Specific Activity," the dose equivalent Iodine–131 specific activity limits would be lowered from 1.2 microCuries /ml to 0.2 microCuries/gm and from 12.0 microCuries/ml to 2.0 microCuries/gm.

References to 10 CFR part 100 in various TSs and TS Bases would be changed to 10 CFR Part 50.67 to reflect adoption of the Alternative Source Term.

The proposed amendment would also remove requirements that the Secondary Containment, Secondary Containment Isolation Valves and Dampers, Secondary Containment Instrumentation, and the Standby Gas Treatment System are to be operable during movement of irradiated fuel assemblies and during core alterations.

The proposed changes are related to a proposed increase in power level that is identified in the licensee's letter to the NRC dated September 19, 2000. The proposed increase in power will be addressed in a separate **Federal Register** notice.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 5, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20855–2738, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20855–2738, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Al Gutterman, Morgan, Lewis, & Bockius LLP, 1800 M Street, N.W., Washington, DC 20036–5869, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated October 19, 2000, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20855–2738, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 28th day of February, 2001.

For the Nuclear Regulatory Commission.

Darl S. Hood,

Senior Project Manager, Section 1 Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5397 Filed 3–5–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Form S–3, OMB Control No. 3235–0073, SEC File No. 270–61

Form S–8, OMB Control No. 3235–0066, SEC File No. 270–66

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Form S–3 is used by issuers to register securities pursuant to the Securities Act of 1933. Form S–3 gives investors the necessary information to make investment decisions regarding securities offered to the public. Approximately 3,483 issuers file Form S–3 at an estimated 398 hours per response for a total annual burden of 1,385,934 hours.

Form S–8 is a primary registration statement used by qualified registrants to register securities issued in connection with employees benefit plans. It is estimated that 1,660 issuers file Form S–8 annually at estimated 24 hours per response for a total annual burden of 39,840 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 26, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5401 Filed 3–5–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44008; File No. SR–CBOE–01–03]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Maximum Size of Options Orders Eligible for Automatic Execution

February 27, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 8, 2001, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend its rules governing the operation of its Retail Automatic Execution System ("RAES") to increase the maximum order size eligibility for RAES from seventy-five contracts to one hundred contracts. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to increase from seventy-five contracts to one hundred contracts the maximum size of orders for equity and index options that are eligible to be executed through RAES.[3]

Currently, the maximum size of RAES-eligible orders is seventy-five contracts for all classes of options traded on the CBOE for which a greater maximum is not expressly provided in the rules.[4] Options subject to the seventy-five contract maximum include all classes of equity options, all classes of sector index options and all other classes of index options except options on the S&P 500 index, options on the Nasdaq 100 index, options on the Dow Jones Industrial Average ("DJIA"), options on the High Yield Select Ten, and interest rate options.[5]

Increasing the RAES eligibility maximum to one hundred contracts for these classes of options will not automatically permit orders up to this size to be entered into RAES. Instead, the actual maximum RAES eligibility size is established by the appropriate Floor Procedure Committee ("FPC") of the Exchange, which may maintain the maximum for particular classes at levels below the one hundred contract maximum that would be allowable under the proposed rule change.

The CBOE represents that increasing automatic execution levels will provide the benefits of automatic execution to a larger number of customer orders. The CBOE also represents that RAES affords prompt and efficient executions at the CBOE displayed price or, in many cases, at the current best bid or offer in another market if the current best bid or offer in that market is better than the CBOE'S displayed bid or offer.[6]

The Exchange notes that there are a number of safeguards incorporated into Exchange rules to ensure the appropriate handling of RAES orders, even as the maximum order size is being increased. The Exchange rules require CBOE Designated Primary Market-Makers to participate in any automated execution system which may be open in appointed option classes (CBOE Rule 8.85(a)(ix)), and state that market makers are expected to participate in and support Exchange-sponsored automated programs, including, but not limited to, RAES (*Interpretation* .07 to CBOE Rule 8.7). CBOE Rule 8.16(b) requires a market maker who has logged onto RAES at any time during an expiration month to log onto RAES in that option class whenever he is present in the trading crowd until the next expiration. CBOE Rule 8.16(c) states that, if there is inadequate participation on RAES, then Floor Officials of the appropriate Market Performance Committee may require market makers who are members of the trading crowd to log on RAES absent reasonable justification or excuse for non-participation, or the Floor Officials may allow market makers in other classes of options to log on RAES in such classes.

In addition, the Exchange does not believe that raising the maximum order size will create materially greater risks for CBOE market maker participants. The Exchange believes that the implementation of the Variable RAES and the 100 Spoke RAES Wheel order assignment methodologies on the CBOE provide safeguards to market makers from excessive risk from any one RAES order.[7]

The Exchange believes that the proposed increase should provide customers with quicker executions for a larger number of orders, by providing automatic rather than manual executions, thereby reducing the amount of orders subject to manual processing. In support of its proposal to increase the RAES eligibility maximum, the CBOE represents that its systems capacity is sufficient to accommodate the increased number of automatic executions anticipated to result from the implementation of this proposal.

2. Statutory Basis

The Exchange believes that the proposed rule change will enhance the ability of the Exchange to provide instantaneous automatic execution of public customers' orders at the best available prices, which is consistent with section 6(b)[8] of the Act in general, and furthers the objectives of section 6(b)(5) of the Act[9] in particular, in that it is designed to facilitate transactions in securities, to promote just and equitable principles of trade, to enhance competition and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

The CBOE requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2)[10] of the Act. The Exchange believes that expanding the number of contracts in selected option classes eligible to be entered into RAES will make the benefits of assured, instantaneous, automatic execution available to a larger number of customer orders, and will allow the Exchange to compete with other options exchanges which have received approval to increase their maximum order size for automatic executions to one hundred contracts.[11]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions

[3] RAES is the Exchange's automatic execution system for public customer market or marketable limit orders of less than a certain size.

[4] *See* Securities Exchange Act Release No. 43517 (November 3, 2000), 65 FR 66082 (November 15, 2000).

[5] The RAES eligibility maximum is currently one hundred contracts for options on the S&P 500 Index, the Nasdaq 100 Index, the DJIA, the High Yield Select Ten, and interest rate options. *See supra* note 4.

[6] *Interpretation* .02 to CBOE Rule 6.8 provides, in pertinent part, that: orders to buy or sell options that are multiply traded in one or more markets in addition to the Exchange will not be automatically executed on RAES at prices inferior to the current best bid or offer in any other market, as such best bids or offers are identified in RAES. In respect of those classes of options that have been specifically designated by the appropriate FPC as coming within the scope of this sentence ("automatic step-up classes"), under circumstances where the Exchange's best bid or offer is inferior to the current best bid or offer in another market by no more than the "step-up amount" as defined below, such orders will be automatically executed on RAES at the current best bid or offer in the other market.

[7] *See* Securities Exchange Act Release Nos. 41821 (September 1, 1999), 64 FR 50313 (September 16, 1999) (implementing Variable RABS); and 42824 (May 25, 2000), 65 FR 37442 (June 14, 2000) (implementing the 100 Spoke RAES Wheel).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78(b)(2).

[11] The Commission notes that it has approved similar proposals filed by the American Stock Exchange LLC ("Amex") and the Pacific Exchange, Inc. ("PCX"). *See* Securities Exchange Act Release No. 43867 (January 25, 2001), 66 FR 8831 (February 2, 2001) (order approving SR–Amex–00–57 and PCX–00–18).

should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–01–03 and should be submitted by March 27, 2001.

V. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 of the Act. Among other provisions, section 6(b)(5) of the Act requires that the rules of an exchange be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating securities transactions; remove impediments to and perfect the mechanism of a free and open market and a national securities system; and protect investors and the public interest.[12]

Pursuant to section 19(b)(2)[13] of the Act, the Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice thereof in the **Federal Register**.[14] The Commission believes that granting accelerated approval will provide the CBOE will flexibility to compete for order flow with other exchanges immediately.[15]

While increasing the maximum order size limit from seventy-five to one hundred contracts for automatic execution eligibility by itself does not raise concerns under the Act, the Commission believes that this increase raises collateral issues that the CBOE will need to monitor and address. Increasing the maximum order size for particular option classes will make a larger number of option orders eligible for RAES. These orders may benefit from greater speed of execution, but at the same time create greater risks for market maker participants. Market makers signed onto RAES will be exposed to the financial risks associated with larger-sized orders being routed through the system for automatic execution at the displayed price. When the market for the underlying security changes rapidly, it may take a few moments for the related option's price to reflect that change. In the interim, customers may submit orders that try to capture the price differential between the underlying security and the option. The larger the orders accepted through RAES, the greater the risk market makers must be willing to accept. The Commission does not believe that, because the CBOE's appropriate FPC determines to approve orders as large as one hundred as eligible for RAES, the FPC or any other CBOE committee or officials should disengage RAES more frequently by, for example, declaring a "fast" market. Disengaging RAES can negatively affect investors by making it slower and less efficient to execute their option orders. It is the Commission's view that the CBOE, when increasing the maximum size of orders that can be sent through their respective automatic execution systems, should not disadvantage all customers—the vast majority of whom enter orders for less than one hundred contracts—by making their automatic execution systems less reliable.

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[16] that the proposed change (SR–CBOE–01–03) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

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[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(2).

[14] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] *See supra* note 11.

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44004; File No. SR–NASD–01–06]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Amending the NASD By-Laws

February 26, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 17, 1999, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the NASD. The NASD submitted Amendment No. 1 on February 5, 2001,[3] and Amendment No. 2 on February 26, 2001.[4] The Commission is publishing this notice, as amended, to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing to amend its By-Laws to address several corporate governance issues, including the treatment of staff Governors for purposes of Industry/Non-Industry balancing on the NASD's Board of Governors (the "Board"); the role of the National Nominating Committee ("NNC") in contested elections; the petition process by which individuals and slates can be included in the election process; the industry classifications that must be represented on the Board; and other clarifying amendments, including the addition of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from T. Grant Callery, Senior Vice President and General Counsel, NASD, to Katherine A. England, Assistant Director, Division of Market Regulation ("Division"), Commission, dated February 2, 2001 ("Amendment No. 1"). In Amendment No. 1 the NASD provided the final ballot summary of the membership vote regarding the proposed amendments to the NASD By-Laws, indicating that the NASD membership approved the proposed amendments.

[4] Letter from T. Grant Callery, Senior Vice President and General Counsel, NASD, to Katherine A. England, Assistant Director, Division, Commission, dated February 23, 2001 ("Amendment No. 2"). In Amendment No. 2 the NASD amended proposed Article VII, Section 10(a)(ii) of the By-Laws to state "(ii) in the case of petitions in support of more than one person, petitions in support of the nominations of such persons duly executed by ten percent of the members."

certain definitions. Additionally, the amendments reflect the new NASD corporate structure, including the impending separation of The Nasdaq Stock Market, Inc. ("Nasdaq") and NASD and the creation of NASD Dispute Resolution, Inc., a wholly owned subsidiary of the NASD.

Below is the text of the proposed rule change, as amended. Proposed new language is in italics; proposed deletions are in brackets.

By-Laws of the National Association of Securities Dealers, Inc.

Article I—Definitions

(n) "Industry Director" means a Director of the NASD Regulation Board or [Nasdaq] *NASD Dispute Resolution* Board (excluding the Presidents) who: (1) is or has served in the prior three years as an officer, director, or employee of a broker or dealer, excluding an outside director or a director not engaged in the day-to-day management of a broker or dealer; (2) is an officer, director (excluding an outside director), or employee of an entity that owns more than ten percent of the equity of a broker or dealer, and the broker or dealer accounts for more than five percent of the gross revenues received by the consolidated entity; (3) owns more than five percent of the equity securities of any broker or dealer, whose investments in brokers or dealers exceed ten percent of his or her net worth, or whose ownership interest otherwise permits him or her to be engaged in the day-to-day management of a broker or dealer; (4) provides professional services to brokers or dealers, and such services constitute 20 percent or more of the professional revenues received by the Director or 20 percent or more of the gross revenues received by the Director's firm or partnership; (5) provides professional services to a director, officer, or employee of a broker, dealer, or corporation that owns 50 percent or more of the voting stock of a broker or dealer, and such services relate to the director's, officer's, or employee's professional capacity and constitute 20 percent or more of the professional revenues received by the Director or 20 percent or more of the gross revenues received by the Director's firm or partnership; or (6) has a consulting or employment relationship with or provides professional services to the NASD, NASD Regulation, *NASD Dispute Resolution*, Nasdaq, or Amex (and any predecessor), or has had any such relationship or provided any such services at any time within the prior three years;

(o) "Industry Governor" or "Industry committee member" means a Governor (excluding the Chief Executive Officer [and Chief Operating Officer of the NASD, the Presidents of NASD Regulation and Nasdaq, and the Chief Executive Officer of Amex)] *of the NASD and the President of NASD Regulation)* or committee member who: (1) is or has served in the prior three years as an officer, director[,] or employee of a broker or dealer, excluding an outside director or a director not engaged in the day-to-day management of a broker or dealer; (2) is an officer, director (excluding an outside director), or employee of an entity that owns more than ten percent of the equity of a broker or dealer, and the broker or dealer accounts for more than five percent of the gross revenues received by the consolidated entity; (3) owns more than five percent of the equity securities of any broker or dealer, whose investments in brokers or dealers exceed ten percent of his or her net worth, or whose ownership interest otherwise permits him or her to be engaged in the day-to-day management of a broker or dealer; (4) provides professional services to brokers or dealers, and such services constitute 20 percent or more of the professional revenues received by the Governor or committee member or 20 percent or more of the gross revenues received by the Governor's or committee member's firm or partnership; (5) provides professional services to a director, officer, or employee of a broker, dealer, or corporation that owns 50 percent or more of the voting stock of a broker or dealer, and such services relate to the director's, officer's, or employee's professional capacity and constitute 20 percent or more of the professional revenues received by the Governor or committee member or 20 percent or more of the gross revenues received by the Governor's or committee member's firm or partnership; (6) is a Floor Governor; or (7) has a consulting or employment relationship with or provides professional services to the NASD, NASD Regulation, *NASD Dispute Resolution*, Nasdaq or Amex (and any predecessor), or has had any such relationship or provided any such services at any time within the prior three years;

(v) *"NASD Dispute Resolution" means NASD Dispute Resolution, Inc.;*

(w) "Nasdaq" means The Nasdaq Stock Market, Inc.;

[(w) "Nasdaq Board" means the Board of Directors of Nasdaq;

(x) "Nasdaq Listing and Hearing Review Council" means a body appointed pursuant to Article V of the Nasdaq By-Laws;

[(y)] (x) "NASD Regulation" means NASD Regulation, Inc.;

[(z)] (y) "NASD Regulation Board" means the Board of Directors of NASD Regulation;

[(aa)] (z) "National Adjudicatory Council" means a body appointed pursuant to Article V of the NASD Regulation By-Laws;

[(bb)] *(aa)* "National Nominating Committee" means the National Nominating Committee appointed pursuant to Article VII, Section 9 of these By-Laws;

[(cc)] *(bb)* "Non-Industry Director" means a Director of the NASD Regulation Board or [Nasdaq] *NASD Dispute Resolution* Board (excluding the Presidents of NASD Regulation and [Nasdaq)] *NASD Dispute Resolution)* who is: (1) a Public Director; (2) an officer or employee of an issuer of securities listed on Nasdaq or Amex, or traded in the over-the-counter market; or (3) any other individual who would not be an Industry Director;

[(dd)] *(cc)* "Non-Industry Governor" or "Non-Industry committee member" means a Governor (excluding the Chief Executive Officer and [Chief Operating Officer] *any other officer* of the NASD [and], the [Presidents] *President* of NASD Regulation [and Nasdaq], any Floor Governor, and the Chief Executive Officer of Amex) or committee member who is: (1) a Public Governor or committee member; (2) an officer or employee of an issuer of securities listed on Nasdaq or Amex, or traded in the over-the-counter market; or (3) any other individual who would not be an Industry Governor or committee member;

[(ee)] *(dd)* "person associated with a member" or "associated person of a member" means: (1) a natural person who is registered or has applied for registration under the Rules of the Association; (2) a sole proprietor, partner, officer, director, or branch manager of a member, or other natural person occupying a similar status or performing similar functions, or a natural person engaged in the investment banking or securities business who is directly or indirectly controlling or controlled by a member, whether or not any such person is registered or exempt from registration with the NASD under these By-Laws or the Rules of the Association; and (3) for purposes of Rule 8210, any other person listed in Schedule A of Form BD of a member;

[(ff)] *(ee)* "Public Director" means a Director of the NASD Regulation Board or [Nasdaq Board] *NASD Dispute Resolution* who has no material business relationship with a broker or dealer or the NASD, NASD Regulation, *NASD Dispute Resolution*, or Nasdaq;

[(gg)] *(ff)* "Public Governor" or "Public committee member" means a Governor or committee member who has no material business relationship with a broker or dealer or the NASD, NASD Regulation, *NASD Dispute Resolution*, or Nasdaq;

[(hh)] *(gg)* "registered broker, dealer, municipal securities broker or dealer, or government securities broker or dealer" means any broker, dealer, municipal securities broker or dealer, or government securities broker or dealer which is registered with the Commission under the Act; [and

[(ii)] *(hh)* "Rules of the Association" or "Rules" means the numbered rules set forth in the NASD Manual beginning with the Rule 0100 Series, as adopted by the Board pursuant to these By-Laws, as hereafter amended or supplemented[.];

[(jj)] *(ii)* "Floor Governor" or "Amex Floor Governor" means a Floor Governor of Amex elected pursuant to Article II, Section .01(a) of the Amex By-Laws;

[(kk)] "Nasdaq-Amex" means Nasdaq-Amex Market Group, Inc.;

[(ll)] *(ii)* "Amex" means American Stock Exchange LLC; *and*

[(mm)] *(kk)* "Amex Board" means the Board of Governors of Amex[;].

Article IV—Membership

Application for Membership

Sec. 1. (a) Application for membership in the NASD, properly signed by the applicant, shall be made to the NASD via electronic process or such other process as the NASD may prescribe, on the form to be prescribed by the NASD, and shall contain:

(1) an agreement to comply with the federal securities laws, the rules and regulations thereunder, the rules of the Municipal Securities Rulemaking Board and the Treasury Department, the By-Laws of the NASD, NASD Regulations, and [Nasdaq] *NASD Dispute Resolution*, the Rules of the Association, and all rulings, orders, directions, and decisions issued and sanctions imposed under the Rules of the Association;

Article V—Registered Representatives and Associated Persons

Application for Registration

Sec. 2. (a) Application by any person for registration with the NASD, properly signed by the applicant, shall be made to the NASD via electronic process or such other process as the NASD may prescribe, on the form to be prescribed by the NASD and shall contain:

(1) an agreement to comply with the federal securities laws, the rules and regulations thereunder, the rules of the Municipal Securities Rulemaking Board and the Treasury Department, By-Laws of the NASD, NASD Regulation, and [Nasdaq] *NASD Dispute Resolution*, the Rules of the Association, and all rulings, orders, directions, and decisions issued and sanctions imposed under the Rules of the Association; and

Article VI—Dues, Assessments, and Other Charges

Power of the NASD to Fix and Levy Assessments

Sec. 1. The NASD shall prepare an estimate of the funds necessary to defray reasonable expenses of administration in carrying on the work of the NASD each fiscal year, and on the basis of such estimate, shall fix and levy the amount of admission fees, dues, assessments, and other charges to be paid by members of the NASD and issuers and any other persons using any facility or system which the NASD, NASD Regulation[, or Nasdaq] *or NASD Dispute Resolution* operates or controls. Fees, dues, assessments, and other charges shall be called and payable as determined by the NASD from time to time; provided, however, that such admission fees, dues, assessments, and other charges shall be equitably allocated among members and issuers and any other persons using any facility or system which the NASD operates or controls. The NASD may from time to time make such changes or adjustments in such fees, dues, assessments, and other charges as it deems necessary or appropriate to assure equitable allocation of due among members. In the event of termination of membership or the extension of any membership to a successor organization during any fiscal year for which an assessment has been levied and become payable, the NASD may make such adjustment in the fees, dues, assessments, or other charges payable by any such member or successor organization or organizations during such fiscal years as it deems fair and appropriate in the circumstances.

Article VII—Board of Governors

Powers and Authority of Board

Sec. 1. (a) The Board shall be the governing body of the NASD and, except as otherwise provided by applicable law, the Restated Certificate of Incorporation, or these By-Laws, shall be vested with all powers necessary for the management and administration of the affairs of the NASD and the promotion of the NASD's welfare, objects, and purposes. In the exercise of such powers, the Board shall have the authority to:

(c) To the fullest extent permitted by applicable law, the Restated Certificate of Incorporation, and these By-Laws, the NASD may delegate any power of the NASD or the Board to a committee appointed pursuant to Article IX, Section 1, the NASD Regulation Board, the [Nasdaq] *NASD Dispute Resolution* Board, or NASD staff in a manner not inconsistent with the Delegation Plan.

Authority to Take Action Under Emergency or Extraordinary Market Conditions

Sec. 3. The Board, or such person or persons as may be designated by the Board, in the event of an emergency or extraordinary market conditions, shall have the authority to take any action regarding:

(a) the trading in or operation of the over-the-counter securities market, the operation of any automated system owned or operated by the NASD[,] *or* NASD Regulation, [or Nasdaq,] and the participation in any such system of any or all persons or the trading therein of any or all securities; and

Composition and Qualifications of the Board

Sec. 4. (a) The Board shall consist of *no fewer than 17 nor more than 27 Governors, comprising (i)* the Chief Executive [Officer and the Chief Operating] Officer of the NASD, [the Presidents of NASD Regulation and Nasdaq,] *(ii) if the Board of Governors determines, from time to time, in its sole discretion, that the appointment of a second officer of the NASD to the Board of Governors is advisable, a second officer of the NASD, (iii) the President of NASD Regulation, (iv)* the Chair of the National Adjudicatory Council, *(v)* the Chief Executive Officer [of Amex] *and* one Floor Governor *of Amex*, and *(vi)* no fewer than [16] *12* and no more than [28] *22* Governors elected by the members of the NASD. The Governors elected by the members of the NASD shall include a representative of an issuer of investment company shares or an affiliate of such an issuer, a representative of an insurance company, [and a Nasdaq issuer] *a representative of a national retail firm, a representative of a regional retail or independent financial planning member firm, a representative of a firm that provides clearing services to other NASD members*, and a representative of an NASD member having not more than 150 registered persons. [A majority of the] *The number of Non-Industry* Governors shall [be Non-] *exceed the number of* Industry Governors. If the

[Board consists of 23 Governors, at least five shall be] *number of Industry and Non-Industry Governors is 15 to 17, the Board shall include at least four* Public Governors. If the [Board consists of 24 to 27 Governors, at least six shall be] *number of Industry and Non-Industry Governors is 18 to 19, the Board shall include at least five* Public Governors. If the [Board consists of 28 to 31 Governors, at least seven shall be Public Governors. If the Board consists of 32 to 35 Governors, at least eight shall be] *number of Industry and Non-Industry Governors is 20–25, the Board shall include at least six* Public Governors.

Term of Office of Governors

Sec.5. (a) The Chief Executive Officer and [the Chief Operating Officer], *if appointed, the second officer* of the NASD, the [Presidents] *President* of NASD Regulation [and Nasdaq], and the Chief Executive Officer of Amex shall serve as Governors until a successor is elected, or until death, resignation, or removal (*or, in addition, in the case of a second officer of the NASD, until the Board of Governors, in its sole discretion, determines that such appointment is no longer advisable*).

(d) The Governors elected by the members of the NASD shall be divided into three classes and hold office for a term of no more than three years, such term to be fixed by the Board at the time of the nomination or certification of *each* such Governor, or until a successor is duly elected and qualified, or until death, resignation, disqualification, or removal. A Governor elected by the members of the NASD may not serve more than two consecutive terms. If a Governor is elected by the Board to fill a term of less than one year, the Governor may serve up to two consecutive terms following the expiration of the Governor's initial term. The term of office of Governors of the first class shall expire at the January 1999 Board meeting, of the second-class one year thereafter, and of the third-class two years thereafter. At each annual election, commencing January 1999, Governors shall be elected for a term of three years to replace those whose terms expire.

Filling of Vacancies

Sec. 7. If [a] *an elected* Governor position becomes vacant, whether because of death, disability, disqualification, removal, or resignation, the National Nominating Committee shall nominate, and the Board shall elect by majority vote of the remaining Governors then in office, a person satisfying the classification (Industry, Non-Industry, or Public Governor) for the governorship as provided in Section 4 to fill such vacancy, except that if the remaining term of office for the vacant Governor position is not more than six months, no replacement shall be required. If the remaining term of office for the vacant Governor position is more than one year, the Governor elected by the Board to fill such position shall stand for election in the next annual election pursuant to this Article.

The National Nominating Committee

Sec. 9. (a) The National Nominating Committee shall nominate *and, in the event of a contested election, may, as described in Section 11(b), support:* Industry, Non-Industry, and Public Governors for each vacant or new Governor position on the NASD Board for election by the membership; Industry, Non-Industry, and Public Directors for each vacant or new position on the NASD Regulation Board and the [Nasdaq] *NASD Dispute Resolution* Board for election by the [Board;] *stockholder; and* Industry, Non-Industry, and Public members for each vacant or new position on the National Adjudicatory Council for appointment by the NASD Regulation Board [; and Industry and Non-Industry members for each vacant or new position on the Nasdaq Listing and Hearing Review Council for appointment by the Nasdaq Board].

(d) Members of the National Nominating Committee shall be appointed annually by the Board and may be removed only by majority vote of the whole Board, after appropriate notice, for refusal, failure, neglect, or inability to discharge such member's duties. [The NASD Regulation Board and the Nasdaq Board each shall propose two candidates to the NASD Board for appointment to the National Nominating Committee.]

Procedure for Nomination of Governors

Sec. 10. Prior to a meeting of members pursuant to Article XXI for the election of Governors, the NASD shall notify the members of the names of each nominee selected by the National Nominating Committee for each governorship up for election, the classification of governorship (Industry, Non-Industry, or Public Governor) for which the nominee is nominated, the qualifications of each nominee, and such other information regarding each nominee as the National Nominating Committee deems pertinent. A person who has not been so nominated may be included on the ballot for the election of Governors if: (a) within [30] *45* days after the date of such notice in 1998 and thereafter], such person presents to the Secretary of the NASD *(i) in the case of petitions solely in support of such person,* petitions in support of his or her nomination duly executed by three percent of the members, *and no member shall endorse more than one such nominee, or (ii) in the case of petitions in support of one or more persons, petitions in support of the nominations of such persons duly executed by ten percent of the members;* and (b) the Secretary certifies that (i) the petitions are duly executed by the Executive Representatives of the requisite number of members[;], and (ii) the person satisfies the classification (Industry, Non-Industry, or Public Governor) of the governorship to be filled, based on such information provided by the person as is reasonably necessary to make the certification. The Secretary shall not unreasonably withhold or delay the certification. Upon certification, the election shall be deemed a contested election. After the certification of a contested election or the expiration of time for contesting an election under this Section, the Secretary shall deliver notice of a meeting of members pursuant to Article XXI, Section 3(a).

Communication of Views

Sec. 11. *(a)* The NASD, the Board, [the National Nominating Committee,] a committee appointed pursuant to Article IX, Section 1, and NASD staff shall not take any position publicly or with a member or person associated with or employed by a member with respect to any candidate in a contested election or nomination held pursuant to these By-Laws or the NASD Regulation By-Laws. A Governor or a member of *any committee (other than* the National Nominating Committee [or any other committee]*)* may communicate his or her views with respect to any candidate if such Governor or committee member acts solely in his or her individual capacity and disclaims any intention to communicate in any official capacity on behalf of the NASD, the NASD Board, *or any committee (other than* the National Nominating Committee [, or any other committee]*).* Except as provided herein, any candidate and his or her representatives may communicate support for the candidate to a member or person associated with or employed by a member.

(b) In a contested election, the National Nominating Committee may support its nominees under this Article by sending to NASD members eligible to vote up to two mailings of materials, in the manner set forth in Article VII, Section 12, in support of its nominees.

In addition to such two mailings, in the event of mailings and or other communications to the NASD members by or on behalf of a candidate by petition in a contested election, the National Nominating Committee may respond in-kind, but shall not take a position unresponsive, to the contesting candidate's communications.

Election of Governors

Sec. 13. Governors *that are to be elected by the members* shall be elected by a plurality of the votes of the members of the NASD present in person or represented by proxy at the annual meeting of the NASD and entitled to vote thereat. The annual meeting of the NASD shall be on such date and at such place as the Board shall designate pursuant to Article XXI. Any Governor so elected must be nominated by the National Nominating Committee or certified by the Secretary pursuant to Section 10.

Maintenance of Compositional Requirements of the Board

Sec. 14. Each *elected* Governor shall update the information submitted under Section 9(e) regarding his or her classification as an Industry, Non-Industry, or Public Governor at least annually and upon request of the Secretary of the NASD, and shall report immediately to the Secretary any change in such classification.

Article VIII—Officers, Agents, and Employees

Resignation and Removal of Officers

Sec. 6. (b) Any officer of the NASD may be removed, with or without cause, by resolution adopted by a majority of the Governors then in office at any regular or special meeting of the Board or by a [written] consent [signed] *adopted* by all of the Governors then in office *in accordance with applicable law.* Such removal shall be without prejudice to the contractual rights of the affected officer, if any, with the NASD.

Article IX—Committees

Appointment

Sec. 1. Subject to Article VII, Section 1(c), the Board may appoint such committees or subcommittees as it deems necessary or desirable, and it shall fix their powers, duties, and terms of office. Any such committee or subcommittee consisting solely of one or more Governors, to the extent provided by these By-Laws or by resolution of the Board, shall have and may exercise all powers and authority of the Board in the management of the business and affairs of the NASD. *Any committee having the authority to exercise the powers and authority of the Board shall have a percentage of Non-Industry committee members at least as great as the percentage of Non-Industry Governors on the Board and a percentage of Public committee members at least as great as the percentage of Public Governors on the Board.*

Executive Committee

Sec. 4. (b) The Executive Committee shall consist of no fewer than six and no more than nine Governors. The Executive Committee shall include the Chief Executive Officer of the NASD, at least one Director of NASD Regulation, [at least one Director of Nasdaq,] at least one Governor of Amex, and at least two Governors who are not members of either the NASD Regulation Board[, the Nasdaq Board, or the Amex Board. The number of Directors of the NASD Regulation Board and the number of Directors of the Nasdaq Board serving on the Executive Committee shall be equal at all times.] *or the Amex Board.* The Executive Committee shall have a percentage of Non-Industry committee members at least as great as the percentage of Non-Industry Governors on the whole Board and a percentage of Public committee members at least as great as the percentage of Public Governors on the whole Board.

Article X—Compensation of Board and Committee Members

Sec. 1. The Board may provide for reasonable compensation of the Chair of the Board, the Governors, and the members of any committee. The Board may also provide for reimbursement of reasonable expenses incurred by such persons in connection with the business of the NASD, *including those expenses incurred in connection with the support of a candidate or candidates by the National Nominating Committee in contested elections in accordance with the By-Laws.*

Article XIII—Powers of Board To Impose Sanctions

Sec. 1. The Board is hereby authorized to impose appropriate sanctions applicable to members, including censure, fine, suspension, or expulsion from membership, suspension or bar from being associated with all members, limitation of activities, functions, and operations of a member, or any other fitting sanction, and to impose appropriate sanctions applicable to persons associated with members, including censure, fine, suspension or barring a person associated with a member from being associated with all members, limitation of activities, functions, and operations of a person associated with a member, or any other fitting sanction, for:

(b) violation by a member or a person associated with a member of any of the terms, conditions, covenants, and provisions of the By-Laws of the NASD, NASD Regulation, or [Nasdaq] *NASD Dispute Resolution,* the Rules of the Association, or the federal securities laws, including the rules and regulations adopted thereunder, the rules of the Municipal Securities Rulemaking Board, and the rules of the Treasury Department;

Article XV—Limitation of Powers

Conflicts of Interest

Sec. 4. (b) No contract or transaction between the NASD and one or more of its Governors or officers, or between the NASD and any other corporation, partnership, association, or other organization in which one or more of its Governors or officers are directors or officers, or have a financial interest, shall be void or voidable solely for this reason if: (i) the material facts pertaining to such Governor's or officer's relationship or interest and the contract or transaction are disclosed or are known to the Board or the committee, and the Board or committee in good faith authorizes the contract or transaction by the affirmative vote of a majority of the disinterested Governors, *even though the disinterested governors be less than a quorum;* or (ii) the material facts are disclosed or become known to the Board or committee after the contract or transaction is entered into, and the Board or committee in good faith ratifies the contract or transaction by the affirmative vote of a majority of the disinterested Governors *even though the disinterested governors be less than a quorum.* Only disinterested Governors may be counted in determining the presence of a quorum at the portion of a meeting of the Board or of a committee that authorizes the contract or transaction. This subsection shall not apply to any contract or transaction between the NASD and [:] NASD Regulation, [Nasdaq-Amex, Nasdaq] *NASD Dispute Resolution,* or Amex.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed

rule change. The text of these statemenets may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

According to the NASD, the proposed rule change has several significant purposes. First, the NASD Board of Governors has both Industry and Non-Industry members and is required by the By-Laws to have a majority of Non-Industry Governors. In 1998, the NASD affected a substantial corporate restructuring which included the acquisition of the American Stock Exchange LLC ("Amex"). As part of this restructuring, the NASD moved to an overlapping Board structure whereby all members of the NASD Regulation, Inc. ("NASDR") and Nasdaq Boards became members of the NASD Board. As a result of the 1998 restructuring, the number of Governors serving on the Board by virtue of their status as staff increased to five (the NASD Chief Executive Officer, the NASD Chief Operating Officer, the Presidents of NASDR and Nasdaq and the Chairman of Amex). In accordance with current NASD By-Laws, these five Governors have counted as Industry Governors for balancing purposes. With this current composition and classification of staff Governors, the only realistic manner for NASD to satisfy its obligation to ensure fair representation of all relevant constituencies has been to increase the number of Industry seats on the Boards, and, in order to maintain the required absolute majority of Non-Industry/Public seats on the Board, increase in the number of Non-Industry seats as well. These increases have made it extremely difficult for the NASD Board to be small enough to function with optimum efficiency while still satisfying NASD's obligation to ensure fair representation of the relevant constituencies.

To improve the efficiency of the Board while maintaining fair representation of the relevant constituents, the Association has determined to reclassify the NASD CEO and president of NASDR Governor positions as "neutral" Governors; that is, neither Industry nor Non-Industry Governors. The reclassification of these Governor positions as "neutral" is consistent with the neutrality classification other Self-Regulatory Organizations assign to their Board staff members and allows the two Industry seats the staff occupy to now be available to Industry candidates elected by the NASD membership.

Second, the proposed By-Law amendments allow limited National Nominating Committee participation in contested elections. Under the current By-Laws, the NASD, NASD staff, the NNC and other corporate committees are prohibited from taking a position in contested elections. As a result of this prohibition, in contested elections the NNC has been unable to explain the reasons a NNC nominated candidate is worthy of support, and has been unable to respond to statements made by other candidates or parties about the NNC nominees. The NNC's current inability to support its candidates in contested elections is a deterrent to qualified individuals accepting nominations. To remedy this, the NASD is proposing to allow the NNC to provide limited support to NNC nominated candidates. Specifically, the NASD will allow the NNC to distribute two mailings to NASD voting members in support of its candidates. The NASD will also allow the NNC to respond in-kind to vote solictations and additional mailings by other candidates. By limiting NNC's additional support to "responsiveness", the NASD will allow the NNC to support its candidates but not allow the NNC to unilaterally wage an electoral campaign on behalf of those candidates.

Next, the NASD elected to revise the NASD By-Laws with regard to inclusion on the ballot by petition. Under the current ballot by petition process, Industry candidates seeking nomination by petition can "coattail" other Industry and/or Non-Industry candidates in the same petition-gathering process. This process essentially allows the creation of a "slate" through the use of a single set of petitions signed by three percent of the membership. The NASD determined to continue to allow the nomination by petition of an individual signed by three percent of NASD's voting members and to permit each member to endorse only one such nominee. Under the revised amendments, the NASD specifically recognizes the validity of slate petitions, but requires that the slate be endorsed by ten percent of NASD's voting members. The NASD's adoption of separate thresholds for petition candidates and slate petitions is reasonable given the size and diversity of NASD's membership.

Fourth, to more accurately represent the full range of relevant industry constituents, the NASD proposes representation by three additional industry segments: a national retail firm, a regional retail or independent financial planning member firm and a clearing firm. These segments are in addition to required representation by an investment company, an insurance affiliate and a small firm. The Board will periodically adopt resolutions establishing the criteria for national and regional firm representatives in accordance with changes in the industry structure and demographics.

Finally, to set forth the new NASD corporate structure and the change in the NASD-Nasdaq relationship, the NASD determined to make several technical changes to the By-Laws reflecting the current corporate structure. The changes primarily consist of adding references to the newly formed NASD Dispute Resolutions subsidiary and deleting references to Nasdaq.

Summary of Amendments

By-Laws of the NASD

Article I. Definitions

New definitions have been added, and the terms Industry, Non-Industry and Public "Director" "Governor" and "committee member" have been amended, to reflect the new corporate structure, namely, the inclusion of NASD Dispute Resolution within the family of companies and the changed NASD-Nasdaq relationship.

Article IV. Membership

Application for Membership

Section 1 has been amended to reflect the new corporate structure, namely, the inclusion of NASD Dispute Resolution within the family of companies and the changed NASD-Nasdaq relationship.

Article V. Registered Representatives and Associated Persons

Application for Registration

Section 2 has been amended to reflect the new corporate structure, namely, the inclusion of NASD Dispute Resolution within the family of companies and the changed NASD-Nasdaq relationship.

Article VI. Dues, Assessments, and Other Charges

Power of the NASD to Fix and Levy Assessments

Section 1 has been amended to reflect the new corporate structure, namely, the inclusion of NASD Dispute Resolution within the family of companies and the changed NASD-Nasdaq relationship.

Article VII. Board of Governors

Powers and Authority of Board

Section 1 has been amended to reflect the new corporate structure, namely, the inclusion of NASD Dispute Resolution within the family of companies and the changed NASD-Nasdaq relationship.

Authority to Take Action Under Emergency or Extraordinary Market Conditions

Section 3 has been amended to reflect the new corporate structure, namely, the inclusion of NASD Dispute Resolution within the family of companies and the changed NASD-Nasdaq relationship.

Composition and Qualifications of the Board

Section 4 has been amended to adjust the overall Board composition to no fewer than 17 nor more than 27 Governors, including no more than four staff Governors. This section has also been amended to require representation by three additional industry segments: a national retail firm, a regional retail or independent financial planning member firm and a clearing services firm. Finally, this section has been amended to allow the Board, by resolution, to specify the criteria for representatives of national retail and regional retail or independent financial planning firms.

Term of Office of Governors

Section 5 has been amended to reflect the changed NASD-Nasdaq relationship and to recognize the Board's discretion in limiting the term of a second NASD officer serving as a Governor.

Filing of Vacancies

Section 7 has been amended by clarifying that the provision applies to elected Governor positions.

The National Nominating Committee

Section 9 has been amended to specify that the NNC may support Governors in contested elections. This section has also been amended to reflect the new corporate structure and to eliminate the requirement that NASDR and Nasdaq propose two candidates each to the NASD Board for appointment to the NNC.

Procedure for Nomination of Governors

Section 10 has been amended to allow nomination by petition for individual ballots by three percent of NASD voting membership, to limit voting members from endorsing more than one individual nominee, and to allow nomination by petition for slates by ten percent of the NASD voting membership.

Communication of Views

Section 11 has been amended to detail the NNC's limited support of NNC nominees.

Election of Governors

Section 13 has been amended by clarifying that the provision applies to elected Governor positions.

Maintenance of Compositional Requirements of the Board

Section 14 has been amended by clarifying that the provision applies to elected Governor positions.

Article VIII. Officers, Agents, and Employees

Resignation and Removal of Officers

Section 6 has been amended to allow the Board to remove an officer of the NASD by a resolution adopting by a majority of Governors or a consent adopted by all Governors.

Article IX. Committees

Appointment

Section 1 has been amended to ensure that the Industry/Non-Industry balance of any committee given powers of the Board reflects the same balance of the Board.

Executive Committee

Section 4 has been amended to ensure balanced committee representation and to reflect the changed NASD-Nasdaq relationship.

Article X. Compensation of Board and Committee Members

Section 1 of this Article has been amended to allow member reimbursement of expenditures related to the limited NNC nominee support in contested elections.

Article XIII. Powers of Board to Impose Sanctions

Section 1 has been amended to reflect the new corporate structure, namely, the inclusion of NASD Dispute Resolution within the family of companies and the changed NASD-Nasdaq relationship.

2. Statutory Basis

The NASD believes that the proposed rule change, as amended, is consistent with the provisions of Section 15A(b)(4) of the Act,[5] which requires, among other things, that the Association's rules must be designed to assure a fair representation of its members in the administration of its affairs. The NASD believes that the proposed rule change, as amended, enhances the Association's ability to assure fair representation on the NASD Board of its members.

(i) *Proposed Changes to NASD Board Composition.* NASD believes that the reservation of Board seats for three additional specific industry segments, a national retail firm, a regional retail firm or independent financial planning member and a clearing firm, assures the ongoing participation in the governance of the NASD by these important segments of NASD membership. The reclassification of two staff Governor positions as neutral allows for a smaller, more efficient Board without compromising either the fair representation of NASD members or an appropriate balance of Industry and Non-Industry members.

(ii) *Proposed Changes to NASD Board Elections.* The NASD believes that the proposed changes, as amended, to the election procedures will foster a fair and vigorous NASD Board election process. The proposed changes reflect two enhancements. First, the amendments set clear and fair thresholds for petitions by ballot for individuals and slates. Second, the NNC will be able to respond in-kind in support of NNC nominated candidates and, as a result, NASD members will be better informed about the candidates and issues arising in contested elections.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, as amended, or

B. Institute proceedings to determine whether the proposed rule change, as amended, should be disapproved.

[5] 15 U.S.C. 78o(b)(4).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–01–06 and should be submitted by March 27, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5329 Filed 3–5–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44009; File Nos. SR–NYSE–99–47 and SR–NASD–00–03]

Self-Regulatory Organizations; New York Stock Exchange, Inc., and National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Changes Relating to Margin Requirements for Day Trading; Notice of Filing and Order Granting Accelerated Approval of Amendments No. 1 to Each Proposed Rule Change

February 27, 2001.

I. Introduction

On December 13, 1999, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposal to amend NYSE Rule 431, *Margin Requirements*. The proposed rule change would establish margin requirements for day trading in customer accounts of the Exchange's member organizations. On January 25, 2000, the NYSE rule proposal was published for public comment in the **Federal Register**.[3]

On January 13, 2000, the National Association of Securities Dealers, Inc. ("NASD"), through its wholly owned subsidiary, NASD Regulation, Inc., also filed a proposed rule change to establish day trading margin requirements by amending NASD Rule 2520, *Margin Requirements*. On February 18, 2000, the NASD proposal was published for comment in the **Federal Register**.[4]

Although the NYSE and NASD rule proposals were substantially similar, they diverged on certain issues.[5] To reconcile the differences between, and provide for uniform application of, the two proposals, the NYSE and NASD each filed amendments to their respective proposals. The NYSE filed its amendment on September 8, 2000.[6] The NASD filed its amendment on October 3, 2000.[7] The Commission received 49 letters regarding the NASD proposal and 214 letters regarding the NYSE proposal.[8] The NYSE provided a response to comments on September 20, 2000.[9] The NASD filed its response to comments on October 3, 2000.[10] This order approves the NYSE and NASD rule change proposals, as amended.

II. Description of the Proposed Rule Changes

A. Margin Trading and Regulation

Trading securities on margin involves the use of credit to finance securities purchases. A margin transaction takes place where a customer purchases a security in reliance on an extension of credit (*i.e.*, a loan) from his or her broker-dealer. Use of a margin loan increases both the customer's potential return on investment and his or her financial risk.[11]

Section 7(a) of the Act grants authority to the Board of Governors of the Federal Reserve System ("Federal Reserve") to regulate the use of margin credit in order to prevent the excessive use of credit for the purchase or carrying of securities.[12] Pursuant to this authority, the Federal Reserve promulgated Regulation T[13] to govern extensions of credit by brokers and dealers. Regulation T contains "initial" margin requirements, which limit the amount of credit that can be extended by a broker-dealer on certain securities transactions. Briefly, Regulation T generally allows broker-dealers to extend credit to customers on "margin equity securities"[14] at 50 percent of the particular security's market value.[15]

Regulation T establishes minimum margin requirements, but expressly does not preclude any registered securities exchange or registered national securities association "from imposing additional requirements or taking action for its own protection."[16] Accordingly, the NYSE and NASD have, consistent with Regulation T, established their own maintenance margin requirements, including special maintenance margin requirements pertaining to "day-traders."

B. NYSE Proposal

According to the NTSE, the primary purpose of its rule proposal is to require that certain levels of equity be deposited and maintained in day trading accounts, and that these levels be sufficient to support the risks associated with day trading activities. The proposal would amend NYSE Rule 431, *Margin Requirements*, to establish special maintenance margin requirements for customers who engage in day trading, and to specify minimum equity requirements and buying power limitations for customers who demonstrate a pattern of day trading. The Exchange observed that advances in technology have contributed to a dramatic increase in day trading by customers. In the Exchange's view, these advancements have also contributed to the establishment of broker-dealers whose primary business is to provide customers with direct links to the securities markets, allowing customers to trade their respective portfolios on-line. According to the Exchange, in this environment, day traders attempt to profit from intra-day price movements of securities.

Under current NYSE rules, certain margin requirements must be calculated based on a customer's "open" positions[17] at the end of the trading day. If a customer only day trades, he or she has no "open" positions at the end of the day upon which a margin calculation would otherwise yield a margin call. Nevertheless, the same customer has generated financial risk throughout the day. The NYSE's rules for day trading address this risk by imposing a margin requirement for day trading that is calculated based on a day trader's largest open position during the day, rather than on his or her open positions at the *end* of the day. A customer who meets the NYSE definition of "day-trader"[18] must deposit in his or her account the amount of margin that would have been required had he or she not closed his or her largest open position before the end of the trading day (*i.e.*, generally 50 percent of the largest open position). If a customer day trades, but does not satisfy the definition of "day-trader," he or she is still required in general to deposit 25 percent of the amount of his or her open positions during the day.

The NYSE proposes to amend its margin rules covering day trading because, among other things, the current rule does not adequately address the risks inherent in certain patterns of day trading[19] and has encouraged practices, such as the use of cross-guarantees, which do not require customers to demonstrate actually financial ability to engage in day trading.

1. Proposed Definition of "Day Trading"

Proposed NYSE Rule 431(f)(8)(B) generally would redefine "day trading" as "purchasing and selling or selling and purchasing the same security in the same day in a margin account." An exception to this proposed definition is provided where a customer: (1) carries a long position in a security overnight and sells the security the next day prior to any new purchases of the security; or (2) carries a short security position in a security overnight and purchases the security the next day prior to any new sales of the security (*i.e.*, closing transactions to wrap-up the previous day's activities before any new purchases or sales of the same security).

2. Proposed Definition of "Pattern Day Trader"

A customer would be considered a "pattern day trader" if the customer made four or more day trades within five business days in his or her account, provided that the number of day trades was more than six percent of the total trades in the account during that period ("Pattern Day Trader"). The NYSE represented that the six percent threshold is designed to ensure that customers who engage in a large number of transactions overall are not inappropriately deemed Pattern Day Traders solely because there are four or more day trades in their accounts over the five-day period. Accordingly, a customer that, for example, transacts four day trades within five business days and also has a total of 100 transactions during that period, would not be deemed a Pattern Day Trader, since less than six percent of that customer's total trades would have been day trades.

Proposed Margin Requirement for Pattern Day Traders

The NTSE's rule proposal would require Pattern Day Traders to maintain special maintenance margin commensurate with their levels of day trading activity ("Day Trading Margin"). For day trades in equity securities, the required Day Trading Margin ("Day Trading Margin Requirement") would be 25 percent of either: (1) The cost of all day trades made during the day; or (2) the largest open position during that day. If a customer's Day Trading Margin Requirement is to be calculated based on his or her largest open position during the day, the customer's firm must maintain "time and tick" records documenting the sequence in which each day trade is completed. For non-equity securities, the amount of Day Trading Margin would be computed using applicable special maintenance margin requirements pursuant to other provisions of NYSE Rule 431.

4. Proposed Time To Meet Margin Calls

The NYSE's rule proposal also would reduce the time allowed for Pattern Day Traders to meet special maintenance margin calls from seven business days to five business days. If a Pattern Day Trader did not meet a Day Trading Margin call within five business days from the time his or her Day Trading Margin deficiency occurred, the customer would be restricted to executing transactions on a cash available basis for 90 days, or until he or she had met the Day Trading Margin call. The NYSE member organizations would incur a one-time capital charge for the amount of any unmet deficiency on the sixth business day after a customer receives a Day Trading Margin call.

5. Proposed Day Trading Minimum Equity Requirement

Currently, NYSE rule 431 requires $2,000 minimum equity for a customer to open a margin account. The NYSE rule proposal would require that accounts of Pattern Day Traders maintain minimum equity of $25,000 ("Day Trading Minimum Equity Requirement"). If the account of a Pattern Day Trader fell below its Day Trading Minimum Equity Requirement, the account would be restricted from further day trades until the Day Trading Minimum Equity Requirement was satisfied. In addition, if an NYSE

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[1] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 42343 (January 14, 2000), 65 FR 4005.

[4] Securities Exchange Act Release No. 42418 (February 11, 2000), 65 FR 8461.

[5] The NYSE and NASD rule proposals were the result of deliberations by the 431 Committee, which convenes regularly on margin issues. The Committee is generally comprised of NYSE and NASD staff, attorneys from the NYSE's outside counsel, the Board of Governors of the Federal Reserve System, and representatives from several clearing firms and broker-dealers. *See* letter from Alden Adkins, Senior Vice President and General Counsel, NASD, to Katherine England, Assistant Director, Division of Market Regulation ("Division"), Commission, dated October 3, 2000 ("NASD Response to Comments").

[6] *See* letter from James Buck, Senior Vice President, NYSE, to Nancy Sanow, Assistant Director, Division, Commission, dated September 8, 2000 ("Amendment No. 1 to the NYSE Proposal"). The amendment clarified that the proposed "knows or has a reasonable basis to believe" standard not only applies in the situation where a customer seeks to open an account, but also in the case where he or she seeks to resume day trading in an existing account. For further discussion of the "knows or has a reasonable basis to believe" standard, *see infra*, Section II, "Description of the Proposed Rule Changes."

[7] *See* letter from Alden Adkins, Senior Vice President and General Counsel, NASD, to Katherine England, Assistant Director, Division, Commission, dated October 3, 2000 ("Amendment No. 1 to the NASD Proposal"). The amendment: (1) Deleted a provision relating to a 90-day period in which a day trader could be designated as a Pattern Day Trader; (2) clarified that the proposed "knows or has a reasonable basis to believe" standard would apply not only where a customer seeks to open an account, but also where a customer seeks to resume day trading in an existing account; (3) clarified that a two-day funds deposit requirement would apply only to customers who have been designated Pattern Day Traders; and (4) extended from 30 days to six months the proposed period for implementing the proposed rule change.

[8] Some commenters sent letters in response to both the NYSE and NASD rule proposals. The public files for the NYSE and NASD rule proposals, including all comment letters received on the proposals and a List of Commenters that was prepared by Commission staff, are located at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549–0609. *See infra*, footnote 28.

[9] *See* letter from James Buck, Senior Vice President and Secretary, NYSE, to Nancy Sanow, Assistant Director, Division, Commission, dated September 20, 2000 ("NYSE Response to Comments").

[10] NASD Response to Comments.

[11] Since trading securities on margin permits a customer to purchase securities valued at an amount greater than the equity available to his or her account, an increase in the value of those securities yields a higher return on equity than is possible if the size of the customer's purchases is limited to his or her available equity. On the other hand, trading securities on margin also makes it possible for a customer to generate losses that exceed his or her available equity.

[12] 15 U.S.C. 78g(a).

[13] 12 CFR 220 *et seq.* Regulation T "imposes, among other things, obligations, initial margin requirements, and payment rules on securities transactions." 12 CFR 220.1(a).

[14] The definition of "margin equity security" includes any equity security (as defined in Section 3(a)(11) of the Act) which is registered or has unlisted trading privileges on a national securities exchange or the Nasdaq Market. 12 CFR 220.2.

[15] 12 CFR 220.12(a).

[16] 12 CFR 220.1(b)(2)

[17] A customer has an "open" position in a security if, for example, he or she has purchased, but not resold it.

[18] The rules define "day-trader" as "any customer whose trading shows a pattern of day-trading." NYSE Rule 431(f)(8)(B).

[19] NYSE Response to Comments.

member organization knew, or had reasonable basis to believe, that a new account would pattern day trade, or that a customer would resume day trading in an existing account, the member organization would require the customer to deposit the minimum $25,000 equity into his or her account before he or she began trading.[20]

6. Proposed Day Trading Buying Power

Under the proposed Rule 431 revisions, the accounts of Pattern Day Traders would be restricted based upon their "Day Trading Buying Power." For equity securities, Day Trading Buying Power would be equal to the equity in the customer's account at the close of business of the previous day, less any maintenance margin, multiplied by four. For non-equity securities, Day Trading Buying Power would be computed using applicable special maintenance margin requirements pursuant to other provisions of NYSE Rule 431.

7. Proposed Account Restrictions

The NYSE's rule proposal also would restrict the accounts of Pattern Day Traders who trade in excess of their Day Trading Buying Power. If a customer exceeded his or her Day Trading Buying Power, he or she would generate a Day Trading margin call. Until the customer meet the margin call, the NYSE member organization would be required to: (1) Margin the account based on the cost of all day trades made during the day; and (2) limit the customer's day trading buying power to the equity in the customer's account at the close of business on the previous day, less any maintenance margin, multiplied by two. If the Day Trading Margin call were not met within 5 business days, the NYSE member organization would then be required to restrict the account to trading on a cash available basis only.

8. Proposed Non-Withdrawal Requirement

The NYSE represented that, in order to provide greater financial stability to the accounts of Pattern Day Traders, its rule proposal would require that: (1) a day trading customer deposit into the day trading account a sufficient amount of money to meet the Day Trading Minimum Equity Requirement or a Day Trading Margin Requirement; and (2) such deposits not be withdrawn for at least two business days ("Non-Withdrawal Requirement").

9. Proposed Prohibition on Cross-Guarantees

In addition, the NYSE's rule proposal would require the NYSE member organizations to prohibit Pattern Day Traders from using guarantees between customer accounts at the same broker-dealer ("Cross-Guarantees") to meet the Day Trading Minimum Equity Requirement or a Day Trading Margin Requirement. According to the NYSE, this change is designed to address those instances where maintenance margin calls for day trading accounts would be avoided by having guarantees from the accounts of other customers at the same broker-dealer. Under the NYSE proposal, each Pattern Day Trader account would be required to meet its applicable requirements independently by using funds on deposit in that account.

10. Proposed Implementation

The NYSE proposal would become operational six months after Commission approval of the proposed rule change.[21]

C. NASD Proposal

Although the NYSE and NASD proposals differ somewhat in their structure, they are fundamentally comparable in their substance. The NASD rule proposal would amend NASD Rule 2520, *Margin Requirements*, to impose stricter margin requirements for customers who are Pattern Day Traders. The NASD observed that the expansion of day trading activity has brought increased scrutiny of margin requirements by self-regulatory organizations ("SROs"). The NASD asserted that its rule proposal would help to protect the safety and soundness of member firms and ensure the overall financial well being of the securities markets.

The NASD's current rules on day trading are similar in substance to those of the NYSE.[22] In its proposal, the NASD describes that initial margin requirements under Regulation T[23] and certain standard maintenance margin requirements under the NYSE and NASD rules currently are calculated only at the end of each day. Therefore, a day trader with no outstanding positions, including losses, in his or her account at the end of the day currently does not incur either an initial margin or maintenance margin requirement.

Although a day trader may end the day without any positions, the day trader and the member firm are nonetheless at risk during the day, if credit is extended. To address the risk, the NASD currently requires day traders to demonstrate that they have the ability to meet margin requirements for at least their open positions during the day. Specifically, a customer who meets the definition of "day-trader"[24] under the current rules must deposit in his or her account the margin that would have been required had the customer not liquidated his or her open positions during the trading day (*i.e.*, generally 50 percent of the largest open position). Under current rules, if the customer day trades, but does not fit the definition of "day trader," the customer is still required to deposit 25 percent of his or her open position during the day. The NASD proposed to amend its margin rules covering day trading because current rules are not adequate to address added risks in leveraged pattern day trading.[25]

1. Proposed Definition of Pattern Day Trader

The NASD stated that its proposal would define Pattern Day Trader to cover "true" day traders only, not merely incidental or occasional day traders. According to the NASD, the current definition of a day trader is overly broad: it includes customers, such as institutions and other large individual accounts, that have a high volume of trading activity and that occasionally day trade not as a strategy, but in response to a specific investment decision or in response to particular events. Accordingly, the NASD's proposal, like the NYSE proposal, would define as Pattern Day Traders those customers who execute four or more day trades within five business days, unless the number of their day trades is six percent or less of their total trades for that period.

[20] As originally filed, the NYSE proposal would require the member organization to obtain from a customer seeking to open a new account a deposit in satisfaction of the Day Trading Minimum Equity Requirement if the firm "knows or has a reasonable basis to believe" that the customer will pattern day trade. Amendment No. 1 to the NYSE rule proposal would expand the application of the "knows or has a reasonable basis to believe" standard to customers who resume pattern day trading in an existing account.

[21] Telephone conversation among Donald Van Weezel, Managing Director, Credit Regulation, NYSE; Albert Lucks, Director, Credit Regulation, NYSE; Mary Anne Furlong, Director, Rules and Interpretive Standards, NYSE; Olga Davis, Principal Specialist, Credit Regulation, NYSE; and Nancy Sanow, Assistant Director; Thomas McGowan, Assistant Director; Joseph Morra, Special Counsel; and Steven Johnson, Special Counsel, Division, Commission, January 23, 2001 ("January 23, 2001 Call with NYSE Staff") (confirming operative date of proposed rule change).

[22] See explanation of NYSE's current rules in Section II.B., *supra*.

[23] 12 CFR 220 *et seq.*

[24] Current NASD Rule 2520 defines a "day-trader" as "any customer whose trading shows a pattern of day-trading." The rule defines "day-trading" as "the purchasing and selling of the same security on the same day." NASD Rule 2520(f)(8)(b).

[25] NASD Response to Comments.

The NASD's proposed rule change would also require a firm that knows or has a reasonable basis to believe that a customer is a Pattern Day Trader to designate the customer as a Pattern Day Trader immediately. Under the NASD proposal, a firm would have a reasonable basis for believing that a customer is a Pattern Day Trader if, for example, the firm provided training to the customer on day trading in anticipation of the customer opening an account. Amendment No. 1 to the NASD Proposal deleted the provision that would have required a Pattern Day Trader to cease trading for 90 days before he or she would be free of that designation. According to NASD Regulation, the provision originally proposed is unnecessary because, even without the provision, a Pattern Day Trader could, under the proposed rules, shed the Pattern Day Trader designation by informing his or her broker-dealer that he or she would not day trade. This amendment also clarified that if a Pattern Day Trader claimed he or she was no longer a day trader, but then resumed day trading, he or she could be designated as a Pattern Day Trader based on the firm's knowledge or reasonable belief that the customer fit the proposed definition of a Pattern Day Trader.[26]

2. Proposed Day Trading Minimum Equity Requirement

The NASD's proposed rule change also would establish a Day Trading Minimum Equity Requirement that is identical to that proposed by the NYSE. The NASD represents that the current minimum equity requirement of $2,000 may not be large enough to prevent day traders from continuing to generate losses, without any additional deposit of funds into their accounts. Under the NASD proposal, a Pattern Day Trader, in order to meet the Day Trading Minimum Equity Requirement, would be required to maintain $25,000 in his or her account on any day in which he or she day trades. The NASD represents that the Day Trading Minimum Equity Requirement more appropriately addresses the additional risks inherent in leveraged day trading activities and ensures that customers cover losses incurred in their accounts from the previous day before continuing to day trade.

3. Proposed Day Trading Buying Power

Like the NYSE proposal, the NASD proposal would permit the use of Day trading Buying Power at a level up to four times the difference between the equity in a customer's account at the close of business on the previous day and any maintenance margin required. The NASD represents that this limitation on a customer's Day Trading Buying Power, along with the Day Trading Minimum Equity Requirement, more appropriately addresses the intra-day risks created by customer day trading. At the firm's option, the Day Trading Margin Requirement could be calculated based on either the largest open position at any time during the day (if the customer's firm maintains "time and tick" records) or the aggregate total of the customer's day trades during the day.

4. Proposed Account Restrictions

In addition, the NASD proposed rule change would impose a Day Trading Margin call if a customer exceeded his or her Day Trading Buying Power. Customers would have five business days to deposit funds to meet Day Trading Margin calls. Until the customer met the Day Trading Margin call, his or her Day Trading Buying Power would be limited to the equity in his or her account at the close of business on the previous day, less any maintenance margin, multiplied by two for equity securities. The Day Trading Margin Requirement would be calculated based on the aggregate cost of the customer's total day trades in a day. If the customer did not meet the Day Trading Margin call by the fifth business day, the account would be further restricted to trading on a cash available basis for 90 days or until the margin call was met.

5. Proposed Non-Withdrawal Requirement

A deposit made to meet the Day Trading Minimum Equity Requirement or a Day Trading Margin Requirement would have to remain in a customer's account for two business days following the close of business on any day when the deposit is required. Amendment No. 1 to the NASD proposal clarified that the non-Withdrawal Requirement would apply only to the accounts of Pattern Day Traders and not to the accounts of all day traders.[27]

6. Proposed Prohibition on Cross-Guarantees

Under the NASD proposal, Cross-Guarantees could not be used when calculating the Day Trading Minimum Equity Requirement or the Day Trading Margin requirement. Each day trading account would be required to satisfy independently the proposed rule's requirements, based solely on the financial resources available in the account.

7. Proposed Change to Definition of "Day Trade"

Finally, the NASD rule proposal would amend provisions of NASD Rule 2520, which currently requires that the sale and repurchase on the same day of a position held from the previous day be treated as a day trade. Under the NASD proposal, the sale of an existing position would be treated as liquidation, and a subsequent repurchase would be viewed as the establishment of a new position. Therefore, the sale of an existing position and subsequent repurchase would not be subject to NASD rules affecting day trades. Similarly, if a short position were carried overnight, the purchase to close the short position and the subsequent new sale would not be considered a day trade under the NASD's proposal.

8. Proposed Implementation Date

Amendment No. 1 to the NASD Proposal would change the proposed operational date of the proposal from 30 days after the date the NASD issues a notice to NASD members announcing that the proposal has been approved by the Commission to six months from the date of such notice.

III. Summary of Comments

The Commission received 214 letters commenting on the NYSE proposal and 49 letters commenting on the NASD proposal.[28] Comment letters expressed various degrees of opposition or support to the approach taken by the proposed rule changes, although most commenters opposed the proposals. The commenters generally addressed issues

[26] Amendment No. 1 to the NASD Proposal. Telephone conversation between Stephanie Dumont, Counsel, NASD Regulation, and Steven Johnston, Special Counsel, Division, Commission, January 31, 2001 (clarifying the purpose of Amendment No. 1).

[27] Amendment No. 1 to the NASD Proposal.

[28] The public files for the NYSE and NASD rule proposals are located at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. The public files for both rule proposals contain: (1) All comment letters on the proposals, including a list of all commenters on the proposals, which was prepared by Commission staff; (2) "Report of Examinations of Day-Trader Broker-Dealers," Office of Compliance Inspections and Examinations, Commission ("OCIE Report") dated February 25, 2000; and (3) "Securities Operations: Day Trading Requires Continued Oversight," the U.S. General Accounting Office, dated February 24, 2000. The public file for the NYSE rule proposal also contains: (1) The original NYSE Proposal; (2) Amendment No. 1 to the NYSE Proposal; and (3) NYSE Response to Comments. The public file for the NASD rule proposal also contains: (1) The original NASD proposal; (2) Amendment No. 1 to the NASD Proposal; and (3) NASD Response to Comments.

falling into one or more of the categories discussed below. In addition, the NYSE and NASD submitted responses [29] to the comments received by the Commission regarding the proposed rule changes. These responses are also incorporated below.

A. Definition of Pattern Day Trader

The proposed rule changes would define as Pattern Day Traders customers who execute four or more day trades [30] within five business days, unless the number of day trades is six percent or less of the total day trades for that five-day period. The NYSE stated that this definition is directed toward active Pattern Day Traders and the risk surrounding their activities.[31] A relatively small number of individuals raised specific objections to this definition. These individuals, along with a broker-dealer [32] and the Industry Day-Trading Advisory Task Force ("Task Force"),[33] expressed concern that the proposed definition could encourage customers to hold positions overnight that they might otherwise have liquidated, thus giving rise to additional risk of financial loss.[34]

In addition, a broker-dealer, the Task Force, and the Discount Brokerage Committee ("Brokerage Committee") and Ad Hoc Committee on Technology and Regulation ("Technology Committee") of the Securities Industry Association ("SIA") [35] (collectively, the "SIA Brokerage and Technology Committees") indicated concern over the impact that the proposed definition could have upon professional or institutional investors. These commenters stated that the definition lacks adequate exclusions for those types of investors.[36] Broker-dealers also opposed the definition of Pattern Day Trader because it would encompass so-called "incidental" or "inadvertent" day traders.[37] In this regard, a few firms proposed exceptions for customers who, as a result of "inadvertent" or "non-willful" error, temporarily met the proposed definition of Pattern Day Trader.[38] The SIA Brokerage and Technology Committees and SIA Office of General Counsel recommended that the proposed definition be revised to explicity exempt specific types of trading activity, such as the exercise of a profitable options position.[39] A law firm commenting on the proposed rule changes recommended exceptions to the proposed definition of Pattern Day Trader for certain institutional investors, arguing that sophisticated investors with large accounts do not need to be protected by the proposed rule changes.[40] The NASD responded to this comment by reasserting its belief that the proposed six percent exception adequately addresses institutional trading. The NASD argued that this exception was not intended to exempt all institutions that frequently day trade, but only those whose day trading represented a small proportion of their overall trading activity.[41]

Finally, the Task Force opposed the definition because it is based on transactional activity instead of the amount of available leverage. The Task Force asserted, for example, that a customer that completed five day trades within a "week" [42] would meet the definition of Pattern Day Trader "even though the customer ha[d] not taken on any greater level of financial risk or leverage."[43]

B. "Knows or Has a Reasonable Basis to Believe" Standard

Several securities industry commenters opposed the requirement to treat as Pattern Day Traders current or new customers whom a trading firm "knows or has a reasonable basis to believe" will engage in pattern day trading.[44] One securities firm opposed the "knows or has a reasonable basis to believe" standard because it calls for a firm to "subjectively consider the manner of trading a new customer might pursue."[45]

The NYSE responded to these criticisms by explaining that a firm could have a reasonable basis to believe that a customer would engage in Pattern Day Trading if this were indicated by information obtained from a customer's representations or by prior trading patterns of the customer at the firm.[46] The NASD responded that the proposed standard is based on a firm's knowledge or reasonable belief only, and would not require a firm to anticipate a new customer's activity unless the firm had knowledge or a reasonable belief that the customer would engage in pattern day trading. The NASD stated that if, for example, a firm provided a customer with training on day trading in anticipation of that customer opening an account with that firm, then the firm would have a reasonable basis to believe that customer would pattern day trade in his or her account.[47]

This standard was supported by comments from the North American Securities Administrators Association ("NASAA"). NASAA contended that brokerage firms have an affirmative duty to assess a prospective client's suitability to trade, and therefore firms should determine whether the client fits the definition of Pattern Day Trader. According to NASAA, this assessment should not be overly burdensome to make. NASAA noted as an example that where a firm trains a customer in day trading techniques, that firm would be presumed to know or have a reasonable basis to believe that such a customer would engage in pattern day trading.[48]

[29] NYSE Response to Comments; NASD Response to Comments.

[30] Under the proposed rules, a day trade is, generally, the purchase and sale or the sale and purchase of the same security on the same day.

[31] NYSE Response to Comments.

[32] Letter from Cornerstone Securities Corporation ("Cornerstone Letter").

[33] The Task Force is comprised of representatives from 15 firms: Advanced Clearing, Inc.; All-Tech Direct, Inc.; Ameritrade, Inc.; Charles Schwab & Co., Inc.; EDGETRADE.com, Inc.; E-Trade Group, Inc.; iClearing Corporation; Momentum Securities; NextTrend, Inc.; On-Line Investments Services, Inc.; Southwest Securities, Inc.; Speer, Leedst & Kellog; Terra Nova Trading LLC; Tradescape LLC; and US Clearing (Division Fleet Securities). Letter from the Task Force ("Task Force Letter").

[34] *See, e.g.*, E-mail from Steven Petrizzi, E-mail from M. Spetman; Cornerstone Letter; Task Force Letter.

[35] According to the SIA, the organization "brings together the shared interests of more than 740 securities firms to accomplish common goals." Letter from SIA Brokerage and Technology Committees ("SIA Brokerage and Technology Committees Letter").

[36] Letter from Momentum Securities, LLC ("Momentum Letter"); Task Force Letter; SIA Brokerage and Technology Committees Letter.

[37] *See, e.g.*, Momentum Letter.

[38] *See, e.g.*, Letter from Empire Programs.

[39] SIA Brokerage and Technology Committees Letter; Letter from the SIA Office of General Counsel ("SIA General Counsel Letter"). The SIA Brokerage and Technology Committees and SIA General Counsel recommended adding the following exceptions to the proposed definition of day trading: (1) Exercising a profitable option position; (2) reopening a long option position that had been closed out earlier the same day; (3) reopening a short option position that had been closed out earlier the same day; and (4) the purchase of a security by a customer and the sale of the same security by the customer in a repurchase or other financing transaction.

[40] Letter from Brunelle and Hadjikow.

[41] NASD Response to Comments.

[42] Status as a Pattern Day Trader is determined on a rolling five-business-day basis. Telephone conversation among Donald Van Weezel, Managing Director, Regulatory Affairs, NYSE; Albert Lucks, Director, Credit Regulation, NYSE; and Nancy Sanow, Assistant Director; Thomas McGowan, Assistant Director; Joseph Morra, Senior Special Counsel; and Melinda Diller, Attorney; Division, Commission, January 7, 2000.

[43] Task Force Letter.

[44] *See, e.g.*, Momentum Letter.

[45] Momentum Letter.

[46] NYSE Response to Comments.

[47] NASD Response to Comments.

[48] NASAA is a voluntary association of state, provincial, and territorial securities administrators in the 50 states, the District of Columbia, Puerto Rico, Canada, and Mexico. Letter from NASAA ("NASAA Letter"). *See also* Section II., Description of the Proposed Rule Changes, *supra*, for further discussion of "knows or has a reasonable basis to believe" standard.

C. Day Trading Minimum Equity Requirement

The majority of comments the Commission received on the proposals' Day Trading Minimum Equity Requirement were from individuals, many of whom identified themselves as day traders. Nearly all of these individuals characterized the Day Trading Minimum Equity Requirement as unfair to small investors.[49] Individual commenters asserted that the Day Trading Minimum Equity Requirement would act as a barrier to persons seeking to enter the day trading market.[50] Individual commenters also asserted that the requirement was designed to exclude small investors from a type of trading traditionally dominated by professional traders.[51] A securities firm, as well as a significant number of individual commenters, argued that the proposed Day Trading Minimum Equity Requirement would be "paternalistic." These commenters asserted that the risks of day trading are widely known; therefore, it is unnecessary for the NYSE or NASD to protect investors from those risks.[52] The SIA Brokerage and Technology Committees stated, however, that they had no objection to the proposed dollar amount of the Day Trading Minimum Equity Requirement (*i.e.*, $25,000).[53]

Most securities firms commenting on the proposed rule changes opposed the Day Trading Minimum Equity Requirement wholly or partially.[54] For example, one firm challenged the premise that there is a relationship between the size of a customer's account and his or her investment success. The same firm argued that the imposition of a higher equity requirement could encourage investors to put more of their capital at risk than they would absent the proposed rules.[55] Securities firms also took the position that imposing the Day Trading Minimum Equity Requirement on Pattern Day Traders would fail to protect either member firms or the securities markets.[56] One of the firms argued that the health of the securities markets is not threatened by accounts that have only small equity balances, and there is no data to suggest that a higher equity requirement for day trading would reduce the risk to securities firms.[57] As an alternative, one securities firm recommended applying a $25,000 minimum equity requirement to customers who seek and receive approval to trade at a 4:1 margin ratio, but not to customers who trade at a 2:1 ratio.[58]

In response to this alternative, the NASD stated that it believes an objective standard based on the level of day trading activity, which can be applied uniformly to all customers, is an important component to regulation in this area. In this regard, the frequency of day trading is a relevant indicator of intra-day risk, which in turn is important in determining whether additional requirements, such as the Day Trading Minimum Equity Requirement, are necessary. The NASD further stated that it believed requiring minimum equity of $25,000 would provide a significant "cushion" to prevent day traders from continuing to generate losses in their accounts and, at the same time, avoid imposition of excessive restrictions on day traders with limited capital.[59]

In response to comment letters objecting to the proposed imposition of the Day Trading Minimum Equity Requirement,[60] the NYSE stated that the current equity requirement of $2,000 does not sufficiently address the speculative nature and potential volatility of pattern day trading. Further, the NYSE stated that the amount of the proposed minimum Day Trading Minimum Equity Requirement appropriately addresses the financial exposure of firms and the potential for significant monetary losses by customers. In the NYSE's view, the Day Trading Minimum Equity Requirement should provide some "staying power" to day traders (*i.e.*, enable them to continue day trading) should they incur trading losses.[61] The NASD added that the current equity requirement of $2,000 does not adequately address day trading risks.[62] The NASD represents that given the speculative nature of day trading the proposed Day Trading Minimum Equity Requirement would provide a better "cushion" in case of financial losses by customers.[63]

NASAA and the U.S. Senate Permanent Subcommittee on Investigations ("Senate Subcommittee") supported substantial increases in the size of the equity requirement for day trading.[64] Following increased public and private sector concern over the risks associated with day trading, the Senate Subcommittee conducted an eight-month investigation of the day trading industry. Based on the investigation, the Senate Subcommittee found that "[securities] industry leaders agreed that a day trader's chance of success is directly and proportionally related to the amount of capital with which a person starts trading."[65] NASAA stated that the Day Trading Minimum Equity Requirement should reduce the frequency of margin calls, increase the chances that day traders will be able to independently meet margin calls, and provide a "cushion" when market corrections occur.[66]

Finally, the Senate Subcommittee submitted detailed alternative proposals regarding, among other things, the required level of equity and suggested restrictions on accounts that do not meet the equity requirement. For example, the Senate Subcommittee proposed that day trading rules establish a rebuttable presumption "such that a firm must initially presume that a day trading customer who does not have $50,000 with which to open an account in inappropriate for day trading." The presumption could be overcome if a firm concluded that other factors outweighed the fact that the customer did not have $50,000 with which to open an account. Under the Senate Subcommittee's proposal, a firm would be required, among other things, to state its reasons for concluding that a day trading strategy was appropriate for such a customer.[67]

In response to recommendations by the Senate Subcommittee that the equity requirement for Pattern Day Traders be increased to $50,000,[68] the NYSE stated that it believes $25,000 is a sufficient level of equity, given the fact that firms may further increase equity requirements based on their own policies and procedures, known as "house requirements."[69] The NASD stated that the proposed Day Trading Minimum Equity Requirement should

[49] *See, e.g.*, E-mail from Susie Brown ("Brown Letter").

[50] *See, e.g.*, Letter from Serg Palanov.

[51] *See, e.g.*, E-mail from Brent Aston.

[52] Datek Online Holdings Corporation Letter ("Datek Letter"); *See also* May letter.

[53] The SIA Brokerage and Technology Committees are opposed, however, to imposing the Day Trading Minimum Equity Requirement when a firm "knows or has a reasonable basis to believe" a customer will in engage in pattern day trading. SIA Brokerage and Technology Committees Letter.

[54] *See, e.g.*, Cornerstone Letter.

[55] Datek Letter.

[56] *See, e.g.*, Momentum Letter.

[57] Datek Letter.

[58] Momentum Letter. The Task Force also recommended that the day trading rules differentiate between customers who trade at a 4:1 ratio and those who trade at a 2:1 ratio. Task Force Letter.

[59] NASD Response to Comments.

[60] *See, e.g.*, Brown Letter.

[61] NYSE Response to Comments.

[62] NASD Response to Comments.

[63] NASD Response to Comments.

[64] NASAA Letter; Senate Subcommittee Letter.

[65] Senate Subcommittee Letter.

[66] NASAA Letter.

[67] Senate Subcommittee Letter.

[68] *Id.*

[69] NYSE Response to Comments.

provide protection against continued losses in day trading accounts while refraining from excessive restrictions on day traders with limited capital. The NASD also observed that firms have the option of increasing equity requirements on day traders by imposing house requirements.[70]

In addition, the Senate Subcommittee recommended that customers who fail to maintain sufficient funds in their accounts be restricted to trading on a cash basis only.[71] In response to this suggestion, the NASD stated that if a customer continued to day trade in his or her account without maintaining the proposed Day Trading Minimum Equity Requirement, the NASD would expect that the customer's firm would restrict that account to trading on a cash available basis.[72]

D. Margin Ratio

A small number of individual commenters expressed opposition to increasing to a 4:1 ration the amount of leverage available to customers who satisfy the Day Trading Minimum Equity Requirement.[73] These individual commenters, as well as the Senate Subcommittee, expressed concern that increasing the margin ratio would multiply any losses of, and increase speculation by, those persons who trade at the higher ratio.[74] On the other hand, securities firms generally did not object to allowing customers to trade at a 4:1 ratio.[75]

In response to concerns about increasing the amount of leverage available to Pattern Day Traders,[76] the NYSE and NASD represented that permitting the use of leverage at a 4:1 ratio is appropriate when considered in conjunction with other provisions of the proposed rule changes.[77] The NYSE stated that as a whole, its proposal would encourage customers to avoid margin calls by trading only within their Day Trading Buying Power. The NYSE and NASD also indicated that allowing pattern Day Traders to trade at the 4:1 ratio would bring day trading accounts into parity with ordinary margin accounts, where the standard maintenance margin is also 25 percent.[78]

E. Method of Computing Margin Calls

A substantial number of individuals and securities firms commenting on the rule proposals were opposed to the proposed method of computing the Day Trading Margin call.[79] Some of these commenters objected to calculating the margin call based on all day trades during a day, once a Pattern Day Trader had exceeded his or her Day Trading Buying Power.[80] Individual commenters asserted that using this method would result in customers receiving margin calls many times larger than the amount of equity in the customer's account. A few of these comments apparently believed that a customer with no outstanding Day Trading margin calls who exceeded his or her Day Trading Buying Power would, under the proposed rules, face a Day Trading Margin call equal to 50 percent of the total cost of all day trades executed on the day in which the customer exceeded his or her Day Trading Buying Power.[81] The NYSE has clarified that if a Pattern Day Trader had no outstanding Day Trading Margin calls, his or her Day Trading Margin Requirement would equal 25 percent of either (1) the customer's highest open position during the day,[82] or (2) 25 percent of the total cost of the customer's day trades during the day.[83] Many of the individual and industry commenters lodging concerns regarding the calculation of Day Trading Margin calls stated that such margin calls would be unfairly punitive to day traders.[84]

The NYSE and NASD explained the calculation of Day Trading Margin calls as follow.[85] In accounts not subject to restrictions under the proposed rules, Day Trading Margin calls would be calculated based on a customer's highest open position in a day.[86] For example, assume that a customer who is a Pattern Day Trader had $30,000 cash equity and no security positions in his or her account at the close of business on Day 0. The customer's Day Trading Buying Power for Day 1 would be $120,000 (four times the equity in the customer's account at the close of business on Day 0).[87] Also assume that the customer executed two day trades on Day 1—a $50,000 purchase and sale, followed by a $200,000 purchase and sale.[88] Under these conditions, the customer's highest open position on Day 1 is $200,000.[89] Since the customer's highest open position exceeds her or her Day Trading Buying Power, the customer incurs a Day Trading Margin call of $20,000, calculated as followings:

$200,000	(largest open position on Day 1)
−120,000	(Day Trading Buying Power)
80,000	
x .25	(Day Trading Margin)
$20,000	(Day Trading Margin call)

In addition to incurring a Day Trading Margin call on Day 1, the customer's account is restricted until the margin call is met. On Day 2, for example, the customer's Day Trading Buying Power is restricted to $60,000 (*two* times the assumed equity[90] in the customer's account at the close of business on Day 1). Further, the customer's account is margined based on the total cost of all day trades executed on Day 2. For example, assume that on Day 2 the customer executes two day trades—a $40,000 purchase and sale and $30,000 purchase and sale. Since the total cost of the customer's day trades ($70,000) exceeds his or her Day Trading Buying Power ($60,000), the customer incurs a second Day Trading Margin call of $5,000, calculated as follows:

$70,000	(cost of all day trades on Day 2)
−60,000	(Day Trading Buying Power)
10,000	
x [91].50	
$5,000	(Day Trading Margin call)

F. Time Allowed to Meet Margin Call

Some[91] commenters stated that they were opposed to the requirement that, once a customer receives a Day Trading Margin call, he or she must meet the margin call within five business days.[92] One commenter, for example, protested that along with other provisions of the proposed rule changes, this requirement would force customers to liquidate positions based on non-market considerations.[93] In response to objections to reducing the time to meet a margin call from seven to five business days, the NYSE stated that this change was made to conform its proposed rule revisions to the time frame included in Regulation T for standard margin accounts.[94]

G. Actions Required When Day Trading Buying Power Is Exceeded

A significant number of comment letters from individuals, and roughly half of the letters from securities industry commenters, addressed the subject of the actions to be taken if a customer exceeds his or her Day Trading Buying Power.[95] For example, individual commenters objected to the provisions restricting use of leverage to a 2:1 ratio once a Pattern Day Trader has incurred a Day Trading Margin call.[96] A securities firm and the SIA Brokerage and Technology Committees criticized provisions that would reduce the degree of leverage available to customer who has received a Day Trading Margin call because, they argued, it departs from the approach used in Regulation T.[97] This firm and the SIA Brokerage and Technology Committees were opposed to the imposition of immediate restrictions on the accounts of individuals who exceeded their Day Trading Buying Power, and the SIA Brokerage and Technology Committees favored imposing as few restrictions as possible during the five-business-day period for meeting a Day Trading Margin call.[98] Finally, the Task Force proposed that no restrictions be imposed on the account of a Pattern Day Trader during the five business days specified for meeting a Day Trading Margin call.[99]

In response, the NYSE stated that the proposed actions are appropriate and will help to minimize financial risk to securities firms and markets.[100] In response to concerns that the companion actions required may "penalize" customers,[101] the NASD represented that immediate consequences are necessary to discourage customers from exceeding their Day Trading Buying Power.[102]

The Senate Subcommittee supported the proposed restrictions on Pattern Day Traders who exceed their Day Trading Buying Power.[103] NASAA also supported the Day Trading Margin call provisions and other restrictions imposed by the proposed rule changes. NASAA described the proposed measures as the placement of regulatory "speed bumps" to ensure compliance with reasonable margin risk levels and to enforce penalties for day trading in accounts with little or no equity.[104]

H. Non-Withdrawal Requirement

Most securities firms, and The Rules and Regulations Committee of the SIA's Credit Division ("SIA Rules and Regulations Committee"), opposed the requirement that funds deposited into a customer's account to satisfy the Day Trading Margin Requirement or Day Trading Minimum Equity Requirement of the proposed rule changes must remain in the account for two business days.[105] One trading firm, for example, stated that the Non-Withdrawal Requirement is unnecessary because positions are not held overnight and, therefore, funds are not at risk. The firm also contrasted the proposed Non-Withdrawal Requirement with the treatment of deposits made to satisfy Regulation T[106] margin calls. The firm observed that customers are permitted to withdraw those deposits the day after the deposits have been made.[107]

The SIA Rules and Regulations Committee argued that the Non-Withdrawal Requirement is overly restrictive, and that customers should be able to use funds available in their accounts, absent a pattern of activity demonstrating that they lack sufficient financial resources to engage in Pattern Day trading.[108] The NYSE, however, represented that the effectiveness of other provisions of its proposed rule change could be limited if a customer were permitted to withdraw funds prior to trading on the day after that customer had been required by the proposal to deposit them. The NYSE explained that if a customer is permitted to withdraw such funds prior to the next day's trading, he or she could shield the funds from day trading losses through overnight borrowing. The NYSE observed that overnight borrowing to meet margin calls does not demonstrate a customer's fitness to engage in Pattern Day Trading.[109]

The NYSE and NASD stated that they believe the Non-Withdrawal Requirement would result in greater caution by entities lending funds to customers who must meet Day Trading Margin calls. In their view, this is because funds deposited to meet Day Trading Margin calls would be placed at risk of day trading losses.[110] This, the NYSE argued, may encourage entities lending funds to more carefully evaluate the creditworthiness of Pattern Day Traders. The NYSE believed that this increased caution should provide a better foundation for reducing financial risk to the securities industry and to individual investors.[111] The NASD believed that the Non-Withdrawal Requirement would also force Pattern Day Traders to more frequently rely upon their own funds and assets in meeting margin requirements and thereby decrease financial risk to securities firms.[112]

I. Cross-Guarantees

Many individual commenters, as well as a significant number of firms, expressed opposition to the exclusion of Cross-Guarantees from the calculation of

[70] NASD Response to Comments.
[71] Senate Subcommittee Letter.
[72] NASD Response to Comments.
[73] *See, e.g.*, Letter from Jay Marting ("Marting Letter").
[74] *See, e.g.*, Marting Letter; Senate Subcommittee Letter.
[75] *See, e.g.*, Momentum Letter.
[76] *See, e.g.*, Letter from Matthew Panza ("Panza Letter"); Letter from EDGETRADE.com ("EDGETRADE Letter").
[77] NYSE Response to Comments; NASD Response to Comments.
[78] NYSE Response to Comments; NASD Response to Comments.
[79] *See, e.g.*, Panza Letter; EDGETRADE Letter.
[80] *See e.g.*, Panza Letter; Letter from Ed Naylor ("Naylor Letter").
[81] *See e.g.*, Naylor Letter.
[82] For the Day Trading Margin Requirement to be based on a customer's highest open position, the customer's firm must maintain "time and tick" records documenting the sequence in which each day trade was completed.
[83] NYSE Response to Comments. January 23, 2001 Call with NYSE Staff (clarifying that this formula applies solely to Pattern Day Traders who have no outstanding day trading margin calls).
[84] *See e.g.*, Ray Letter; Momentum Letter.
[85] January 23, 2001 Call with NYSE Staff (clarifying operation of NYSE proposed rules). Telephone conversation between Susan Demando, Director, of Finance/Operations, Member Regulation, NASD and Thomas McGowan, Assistant Director, Division, Commission, January 24, 2001 ("January 24, 2001 Call with NASD Staff") (clarifying operation of NASD proposed rules).
[86] For a customer's Day Trading Margin Requirement to be based on his or her highest open position, the customer's firm must maintain "time and tick" records of the customer's transactions; otherwise, the customer's Day Trading Margin Requirement must be calculated based on the total cost of a customer's day trades during the day.
[87] The proposed rules would define Day Trading Buying Power for equity securities as the equity available in a customer's account as of the close of business on the previous day less any maintenance margin requirement, multiplied by four. Because, in this example, the customer has no open positions in his or her margin account, the customer has no maintenance margin requirement.
[88] The example assumes that the customer closes one position before opening the next. This would be the case, for example, if the customer: (1) Purchased "Security A" for $50,000 at 10:00 a.m.; (2) sold "Security A" for $50,000 at 11:00 a.m.; (3) purchased "Security B" for $200,000 at 1:00 p.m.; and (4) sold "Security B" for $200,000 at 3:30 p.m.
[89] Had the customer not closed the position in "Security A" before purchasing "Security B," the customer's highest open position would have been $250,000, the sum of positions open simultaneously.
[90] The example assumes that there are no profits or losses in the account, no commission or interest charges, and no other items that would affect the account balance. Therefore, the amount of equity in the account at the end of Day 0.
[91] The Day Trading Margin rises to 50 percent because the customer has an outstanding Day Trading Margin call. January 23, 2001 Call with NYSE Staff; January 24, 2001 Call with NASD Staff (both clarifying use of 50 percent margin under proposed rules).
[92] *See, e.g.*, Letter from Terry Laughlin ("Laughlin Letter").
[93] Laughlin Letter.
[94] NYSE Response to Comments; 12 CFR 220.2; 12 CFR 220.4(c)(3)(i).
[95] *See, e.g.*, Naylor Letter; Cornerstone Letter (addressing imposition of 2:1 ratio).
[96] *See, e.g.*, E-mail from Jeff Landau.
[97] Cornerstone Letter; SIA Brokerage and Technology Committees Letter. 12 CFR 220 *et seq.*
[98] SIA Brokerage and Technology Committees Letter; Cornerstone Letter.
[99] Task Force Letter.
[100] NYSE Response to Comments
[101] *See, e.g.*, Letter from Brent Johnson.
[102] NASD Response to Comments.
[103] Senate subcommittee Letter.
[104] NASAA Letter
[105] *See, e.g.*, Cornerstone Letter. Letter from SIA Rules and Regulations Committee ("SIA Rules and Regulations Committee Letter").
[106] 12 CFR 220 *et seq.*
[107] Cornerstone Letter.
[108] SIA Rules and Regulations Committee Letter.
[109] NYSE Response to Comments.
[110] NYSE Response to Comments; NASD Response to Comments.
[111] NYSE Response to Comments.
[112] NASD Response to Comments.

the Day Trading Margin Requirement.[113] In addition, one commenter proposed to exclude accounts trading at the 2:1 ratio from the application of the proposed provisions on Cross-Guarantees.[114] The NYSE believes that the provision in its rule proposal on Cross-Guarantees "suitably addresses concerns of whether [a] customer has the financial resources to day trade, and allows for separate evaluation of customers' day trading risks."[115] The NASD also believes that its proposed provision on Cross-Guarantees is necessary to address those concerns.[116]

NASAA also expressed support for the proposed provisions on Cross-Guarantees. NASAA suggested that Cross-Guarantees circumvent the purpose of margin requirements. In addition, NASAA expressed concern regarding the potential harm to investors if securities firms that are strongly recommending an investment or an investment strategy to a customer also take steps to arrange margin guarantees for that same customer.[117] Similarly, the Senate Subcommittee stated that Cross-Guarantees would "undermine margin requirements" and could "evade the purpose" of equity requirements as well.[118]

J. Burdens on Firms

Most securities industry commenters expressed concern over the implementation, administration, and enforcement burden that they believed would be placed upon securities firms by the proposed rule changes.[119] The SIA Brokerage and Technology Committees argued, for example, that the system enhancements required to monitor such parameters as Day Trading Buying Power and to impose restrictions on accounts would be "significant, complicated, and costly." The SIA Brokerage and Technology Committees asserted that such burdens should not be imposed on firms that do not promote day trading strategies. The committees also expressed particular concern regarding the burden of implementing provisions of the proposed rule changes that would exclude from the definition of Pattern Day Trader those customers whose day trades represent six percent or less of their total trades.[120] In addition, the Task Force argued that the proposed rule changes would require firms to classify and monitor their entire customer base on a daily basis.[121] As an alternative, one firm proposed that customers desiring to trade at a 4:1 ratio should be required to apply for approval to trade at that level, and that broker-dealers should only be required to monitor the accounts trading at a 4:1 ratio. The firm believed this would reduce a firm's burden of implementing day trading margin rules.[122]

Responding to these concerns, the NYSE stated that the programming and monitoring of its proposed rule would not be unduly burdensome, and stated that it would delay the operative date by six months from the date of commission approval, in order to allow firms to implement its proposed rule.[123] In response to specific concerns regarding the burden of implementing the proposed exclusion from the definition of Pattern Day Trader for customers whose day trades represent six percent or less of their total trades, the NYSE stated that the exclusion is not mandatory, *i.e.*, members may choose not to exclude such investors from the operation of the NYSE's proposed rules.[124] With regard to the same concern, the NASD responded that its staff consulted with members of the Rule 431 Committee who advised that programming and monitoring the exception would not be overly burdensome.[125]

IV. Discussion of the NYSE and NASD Proposed Rule Changes

Day trading generally refers to a kind of trading system involving frequent, rapid-fire purchase and sale transactions (or sale and purchase transactions) in securities in a single day. Day trading transactions are often effected by persons who typically have computerized links to market centers and who attempt to capture small differences in stock prices.[126] As day trading activity increased, so did media attention and public concern over the risks inherent in day trading.[127] Given the potential for significant losses to those persons who engage in day trading activities, legislators and regulators have scrutinized the practice and have taken steps to protect investors and limit financial risks to investors, broker-dealers, and securities markets.

For example, from October 1998 through September 1999, the Commission's Office of Compliance Inspections Examinations ("OCIE") examined 47 registered broker-dealers that were providing day trading facilities to the general public. In February 2000, OCIE issues a report of its findings and recommendations, addressing risk disclosure, net capital compliance, lending arrangements, supervisory infrastructure, and other issues associated with day trading.[128]

In addition, the Senate Subcommittee held hearings on day trading that focused on investor suitability, the use of margin, advertising, and profitability.[129] Moreover, various SROs filed, and the Commission approved, other rule proposals regulating day trading practices.[130] The NYSE and NASD rule proposals relating to margin requirements for day traders represent further regulatory responses to issues raised by day trading.

The rule proposals submitted by the NYSE and NASD were the result of collaborative efforts by these SROs, through the Rule 431 Committee—comprised of NYSE and NASD staff, attorneys from the NYSE's outside counsel, staff of the Board of Governors of the Federal Reserve, and representatives from several broker-dealers and clearing firms—to develop special margin rules that better reflect the risks inherent in day trading. Because initial margin requirements under Regulation T and standard maintenance margin requirements under current NYSE and NASD rules are calculated only at the end of the day incurred, a day trader with no outstanding positions, including losses, in his or her account at the end of the day currently incurs neither an initial margin nor a maintenance margin requirement. Although current NYSE and NASD special maintenance margin requirements apply to day traders, those requirements do not adequately address the potential financial risks posed by day trading, and may have encouraged practices, such as the use of Cross-Guarantees, that do not require customers to demonstrate actual financial ability to engage in day trading.

The Commission has reviewed the NYSE and NASD proposed rule changes, and has considered carefully the comment letters submitted in response to these proposals, as well as the NYSE and NASD responses to the comment letters, and finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and national securities association, respectively. The Commission finds that the NYSE proposal is consistent with section 6(b)(5) of Act,[131] which requires the rules of a national securities exchange to be designed to prevent fraudulent and manipulative act and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. Section 15A(b)(6) of the Act[132] imposes the same requirement on a national securities association. The Commission also finds that the NASD proposal is consistent with section 15A(b)(6) of the Act.

In addition, the Act specifically grants to SROs the authority to establish and enforce standards of financial responsibility among their members. Section 6(c)(3)(A) of the Act[133] provides, among other things, for a national securities exchange to deny or condition membership privileges on compliance with the exchange's own financial responsibility rules. Section 15A(g)(3)(A) of the Act[134] grants the same authority to national securities association. Pursuant to this authority, the SROs are authorized to promulgate rules governing the financial responsibility requirements of their members. The Commission finds that the NYSE proposal is consistent with goals of section 15a(g)(3)(A) of the Act and the NASD proposal is consistent with the goals of section 15A(g)(3)(A) of the Act.

The Commission finds that the NYSE and NASD proposals are designed to protect Pattern Day Traders, the firms where those traders have their accounts, and the markets on which they trade. The intra-day risk of substantial losses to both the customer and the firm increases in day trading accounts that do not have sufficient equity capital. Moreover, customers' and firms' reliance on cross-guarantees among customer accounts to meet margin requirements exacerbate these risks. These potential losses can be magnified if a sudden and substantial adverse movement were to occur in the prices of securities popular among day traders or in the markets as a whole. In the Commission's view, the integrity of U.S. financial markets will be better protected through appropriate margin and similar requirements on customers who engage in day trading practices.

The proposed NYSE and NASD rules are not designed to prevent day trading, but to reduce the risk of financial losses by Pattern Day Traders and their firms. For example, by increasing the minimum equity requirement for Pattern Day Trades, the proposed rule help ensure that day traders have an appropriate amount of equity for the potential losses that may be incurred through day trading. Finally, the Commission finds that overall market integrity is increased by rules, such as those here proposed by the NYSE and NASD, that are designed to reduce excessive and unnecessary risk of financial loss to market participants.

The Commission finds that the proposed definition of Pattern Day Trader takes a reasonable approach to specifying the type of trading activity for which the use of margin should be further regulated. In particular, the definition focuses on day trading behavior, while providing an exception for accounts where the number of day trades executed represents only a small percentage of all trading activity. The Commission finds that it is reasonable for the NYSE and NASD to use objective standards to identify and regulate accounts that may be at greatest risk as a result of day trading.

The Commission also finds that the proposed Day Trading Minimum Equity Requirements strikes a balance between, and responds to, the diverging concerns of the various commenters on this issue. While there was a range of views regarding the dollar amount of equity that should be required in connection with day trading, the Commission finds that the proposed rule changes are designed to accomplish the objective of assuring the financial well-being of broker-dealers, which in turn promotes the integrity of the securities markets.

Regarding the imposition of Day Trading Margin calls on Pattern Day Traders, the Commission notes that the proposed rules would impose relatively larger margin calls for accounts that have already generated but not yet satisfied a Day Trading Margin call. In those accounts, Day Trading Buying Power would be limited to a 2:1 ratio for leverage and Day Trading Margin would be calculated based on the aggregate cost of all day trades that occurred in a single day. The Commission finds that provisions would reduce Day Trading Buying Power, and those that would produce relatively larger Day Trading Margin calls for accounts already under restrictions, are in keeping with the NYSE and NASD's stated objectives of reducing risk by encouraging Pattern Day Traders to assume increased financial responsibility for their trading activities.[135]

The Commission also finds that the proposed rule changes take reasonable steps to require investors who day trade to assume a greater obligation for the intra-day financial risks associated with Pattern Day Trading. The Commission observes, for example, that the use of Cross-Guarantees in the calculation of Day Trading Margin calls could dilute the impact of proposed provisions designed to encourage greater independent financial responsibility. The Commission finds that this approach is consistent with Regulation T, which does not permit initial margin requirements to be met through the use of a guarantee for a customer's account.[136]

Finally, the Commission recognizes the concerns of commenters regarding the burden on securities firms of implementing the proposed rules. The Commission understands that practical implementation of the proposed rules may require systems changes by firms. However, the Commission finds that, by the NYSE and NASD delaying the operative dates of the proposed rule changes for six months, there should be sufficient time for securities firms to institute measures for monitoring and enforcing the new rules and to bring any interpretive issues to the attention of the NYSE or NASD.

The Commission finds good cause for approving Amendment No. 1 to the NYSE proposal and Amendment No. 1 to the NASD proposal prior to the

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[113] *See, e.g.*, Momentum Letter.

[114] Momentum Letter. *See also* Task Force Letter.

[115] NYSE Response to comments.

[116] NASD Response to Comments.

[117] NASAA Letter.

[118] Senate Subcommittee Letter.

[119] *See, e.g.*, SIA General Counsel Letter.

[120] SIA Brokerage and Technology Committees Letter.

[121] Task Force Letter.

[122] Datek Letter (referring to Task Force recommendations).

[123] NYSE Response to Comments. January 23, 2001 Call with NYSE Staff (confirming operative date of proposed rule change).

[124] NYSE Response to Comments.

[125] NASD Response to Comments.

[126] A day trading strategy is "an overall trading strategy characterized by the regular transmission by a customer of intra-day orders to effect both purchase and sale transactions in the same security or securities." Senate Subcommittee Letter (Citing definition in proposed NASD Rule 2360(e)).

[127] *See, e.g.*, "State Securities Regulators Investigate Practices of Securities Firms as Part of a Broad-Based Inquiry into Day Trading," *The Wall Street Journal*, Sec. C., pp. 1, col. 6, August 25, 1999; "Critical Report by North American Securities Administrators Association," *The Wall Street Journal*, Sec. A, pp. 26, col. 1; "Senators Lambaste Actions by Day Traders," *USA Today*, Sec. B, pp. 2, February 25, 2000; "Day Trading: A Study in Temptation; Senate Panel to Investigate Risk Disclosure," *The Washington Post*, February 24, 2000, Sec. E., pp. 1.

[128] OCIE Report.

[129] Day Trading: An Overview: Hearing Before the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, 106th Cong., 1st Sess. 106–285 (1999). The Senate Subcommittee also reviewed and provided recommendations concerning the NYSE and NASD rule proposals on the use of margin. Senate Subcommittee Letter.

[130] *See e.g.*, Securities Exchange Act Release No. 43021 (July 10, 2000), 65 FR 44082 (July 17, 2000) (File No. SR–NASD–99–41) (approving new rules pertaining to the opening of day trading accounts and delivery of a risk disclosure statement).

[131] 15 U.S.C. 78f(b)(5).

[132] 15 U.S.C. 78o–3(b)(6).

[133] 15 U.S.C. 78f(c)(3)(A).

[134] 15 U.S.C. 78o–3(g)(3)(A).

[135] For further discussion of Cross-Guarantees, *see*, Section II, *supra*. Description of the Proposed Rule Changes.

[136] 12 CFR 220.3(d).

thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 1 to the NYSE proposal ensures that the NYSE and NASD approaches to the regulation of day trading margin rules are consistent so that they can be applied and interpreted uniformly. Amendment No. 1 to the NASD's rule proposal also ensures that the NASD's and NYSE's approaches to the regulation of day trading are consistent and provides for additional time for firms to implement its proposed rule change. For these reasons, the Commission finds good cause for accelerating approval of both amendments.

V. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the Amendment No. 1 to each proposed rule change, including whether they are consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of Amendment No. 1 to the NYSE proposed rule change will also be available for inspection and copying at the principal office of the NYSE. Copies of Amendment No. 1 to NASD proposed rule change will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File Nos. SR–NYSE–99–47 or SR–NASD–00–03 and should be submitted by March 27, 2001.

VI. Conclusion

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[137] that the proposals SR–NYSE–99–47 and SR–NASD–00–03 as amended, be and hereby are approved.[138]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5402 Filed 3–5–01; 8:45 am]

BILLING CODE 6717–01–M

[137] 15 U.S.C. 78s(b)(2).

[138] In approving the proposals, the Commission has considered their impact on efficiency, competition, and capital formation.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44010; File No. SR–PCX–00–37]

Self-Regulatory Organizations; the Pacific Exchange, Inc.; Order Granting Approval to Proposed Rule Change to Increase Fines for Violations of Exchange Rules Under the Exchange's Minor Rule Plan

February 27, 2001.

I. Introduction

On December 11, 2000, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to increase fines for members, floor brokers and market makers for violating Exchange rules under the Minor Rule Plan. The Exchange amended the proposal on January 8, 2001.[3] The proposed rule change was published for comment in the **Federal Register** on January 23, 2001.[4] The Commission received no comments on the proposal. This order approves the proposed rule change, as amended.

II. Description of the Proposal

The Exchange proposes to amend PCX Rule 10.13(k) governing Minor Rule Plan violations to increase most of the fines. The PCX believes the current average Minor Rule Plan fine of $250 is too low to deter violations of PCX rules. The Exchange believes that an increase in fines will more adequately sanction violations of the PCX's order handling and investigating rules, many of which are processed under the Minor Rule Plan.

Most PCX Minor Rule Plan violations currently specify a fine of $250 for a first violation, $500 for a second, and $750 for a third. Multiple violations are calculated on a two-year basis. Under the proposed increases, most fines will be $1,000 for a first violation, $2,500 for a second and $3,500 for a third,[5] calculated on the same two-year basis. Some violations, such as disruptive conduct or abusive language on the options floor, will be $500 for a first violation, $2,000 for a second, and $3,500 for a third.

Other violations, such as a member's failure to cooperate with a PCX examination of its financial responsibility or operational condition, will be fined $2,000 for a first violation, $4,000 for a second, and $5,000 for a third. A member that impedes or fails to cooperate in an Exchange investigation will be fined $3,500 for a first violation, $4,000 for a second, and $5,000 for a third. Less serious violations, such as fines for improper dress under the PCX dress code, remain unchanged at $100 for the first violation, $200 for the second, and $500 for the third.

Under the proposal, the Enforcement Department would continue to exercise its discretion under PCX Rule 10.13(f) and take cases out of the Minor Rule Plan to pursue them as formal disciplinary matters if the facts or circumstances warrant such action.

III. Discussion

The Commission has reviewed carefully the PCX's proposed rule change and finds, for the reasons set forth below, that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,[6] and with the requirements of section 6(b).[7] In particular, the Commission finds the proposal is consistent with section 6(b)(5)[8] of the Act in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission finds the proposal is also consistent with section 6(b)(6)[9] of the Act, which requires that the rules of an exchange provide that its members and associated persons be appropriately disciplined for violations of the Act and the rules of the Exchange. The Commission believes that the proposed rule change should assist the Exchange in exercising its responsibilities as self-regulatory organization to properly conduct surveillance and to diligently monitor its members for compliance with the securities laws. The Commission also believes that increasing the fines for Minor Rule Plan violations will serve as a deterrent, and hopefully will result in fewer violations. The Commission notes, however, that the Exchange must continue to exercise its discretion under PCX Rule 10.13(f) and pursue violations of the rules included in the Minor Rule Plan as formal disciplinary matters if the facts and circumstances of the violation warrant such action.

[2] 17 CFR 240.19b–4.

[3] See January 5, 2001 letter from Cindy L. Sink, Senior Attorney, Regulatory Policy, PCX to Nancy Sanow, Assistant Director, Division of Market Regulation ("Division"), SEC and attachments ("Amendment No. 1"). In response to a request from the Division, the PCX converted the proposal from effective upon filing pursuant to section 19(b)(3)(A) of the Act, to being considered pursuant to Section 19(b)(2) in Amendment No. 1. 15 U.S.C. 78s(b)(3)(A). 15 U.S.C. 78s(b)(2).

[4] Securities Exchange Act Release No. 43846 (January 16, 2001), 66 FR 7526.

[5] The Commission notes that when the PCX imposes a sanction in excess of $2,500, it must comply with Rule 19d–1 under the Act. 17 CFR 240.19d–1.

[6] In approving this rule, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(6).

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

IV. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[10] that the proposed rule change (SR–PCX–00–37), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5331 Filed 3–5–01; 8:45 am]

BILLING CODE 8010–1–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster #9K85]

State of Georgia

Bryan, Glynn, and McIntosh Counties and the contiguous counties of Brantley, Bulloch, Camden, Chatham, Effingham, Evans, Liberty, Long, and Wayne in the State of Georgia constitute an economic injury disaster loan area as a result of extended cold and severe freezes that occurred between December 17, 2000 and January 7, 2001. Eligible small businesses and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance as a result of this disaster until the close of business on *November 26, 2001* at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The number assigned for economic injury for the State of Georgia is 9K8500.

(Catalog of Federal Domestic Assistance Program No. 59002.)

Dated: February 26, 2001.

John Whitmore,

Acting Administrator.

[FR Doc. 01–5333 Filed 3–5–01; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster #9K86]

State of Iowa

Hardin County, Iowa and the contiguous counties of Butler, Franklin, Hamilton, Grundy, Marshall, Story, and Wright constitute an economic injury disaster loan area as a result of a natural gas explosion in the City of Hubbard on December 7, 2000. Eligible small businesses and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance as a result of this disaster until the close of business on November 26, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Ft. Worth, TX 76155.

The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The number assigned for economic injury for the State of Iowa is 9K8600.

(Catalog of Federal Domestic Assistance Program No. 59002.)

Dated: February 26, 2001.

John Whitmore,

Acting Administrator.

[FR Doc. 01–5334 Filed 3–5–01; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3318]

State of Mississippi

As a result of the President's major disaster declaration on February 23, 2001, I find that Holmes, Lowndes and Oktibbeha Counties in the State of Mississippi constitute a disaster area due to damages caused by Severe Storms and Tornadoes on February 16, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 24, 2001 and for economic injury until the close of business on November 23, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties in Mississippi may be filed until the specified date at the above location: Attala, Carroll, Choctaw, Clay, Humphreys, Leflore, Madison, Monroe, Noxubee, Webster, Winston and Yazoo; Lamar and Pickens counties in the State of Alabama.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	7.000
Homeowners Without Credit Available Elsewhere	3.500
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.000
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 331811. For economic injury the number is 9K8300 for Mississippi, and 9K8400 for Alabama.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: February 26, 2001.

Herbert L. Mitchell,

Associate Administrator, For Disaster Assistance.

[FR Doc. 01–5332 Filed 3–5–01; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2001–8672]

Notice of Request for Comments on Renewing Approval for an Information Collection: OMB Control No. 2126–0014 (Transportation of Hazardous Materials, Highway Routing)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; request for comments.

SUMMARY: This notice announces that the FMCSA intends to request the Office of Management and Budget (OMB) to renew approval of the information collection described below. That information collection requires States and Indian tribes to identify designated/restricted highway routes and restrictions or limitations affecting how motor carriers may transport certain hazardous materials on the highway. This notice is required by the Paperwork Reduction Act.

DATES: Please submit your comments by May 7, 2001.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at *http://dmses.dot.gov/submit*. Be sure to include the docket number appearing in the heading of this document on your comment. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you would like to be notified when your comment is received, you must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Swedberg, (303) 969–5772 ext. 363, or Mr. William Quade, (202) 366–2172, Hazardous Materials Division (MC–ECH), Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:00 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Transportation of Hazardous Materials; Highway Routing.

OMB Number: 2126–0014.

Background: The data for the Transportation of Hazardous Materials; Highway Routing designations are collected under authority of 49 U.S.C. §§ 5112 and 5125. That authority places responsibility on the Secretary of Transportation to specify and regulate standards for establishing, maintaining, and enforcing routing designations. Under 49 CFR 397.73, the Administrator has the authority to request that each State and Indian tribe, through its routing agency, provide information identifying hazardous materials routing designations within their respective jurisdictions. That information will be consolidated by the FMCSA and published annually in whole or as updates in the **Federal Register**.

Respondents: The reporting burden is shared by the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, Northern Marianas, and the Virgin Islands.

Estimated Total Annual Burden: The annual reporting burden is estimated to be 13 hours, calculated as follows: (53 respondents × 1 response × 15 minutes/60 minutes = 13.25 hours, rounded to 13 hours).

Frequency: There is one response annually from approximately 53 respondents.

Public Comments Invited: Your comments are particularly invited on whether the collection of information is necessary for the FMCSA to meet its goal of reducing truck crashes, including whether the information is useful to this goal; the accuracy of the estimate of the burden of the information collection; ways to enhance the quality, utility and clarity of the information collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Electronic Access and Filing: You may submit or retrieve comments online through the Docket Management System (DMS) at *http://dmses.dot.gov/submit*. Acceptable formats include: MS Word (versions 95 to 97), MS Word for Mac (versions 6 to 8), Rich Text File (RTF), American Standard Code Information Interchange (ASCII)(TXT), Portable Document Format (PDF), and WordPerfect (versions 7 to 8). The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site. You may also download an electronic copy of this document from the DOT Docket Management System on the Internet at *http://dms.dot.gov/search.htm*. Please include the docket number appearing in the heading of this document.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.73.

Dated: February 27, 2001.

Stephen E. Barber,

Acting Assistant Administrator and Chief Safety Officer.

[FR Doc. 01–5410 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7827]

Agency Information Collection Activities Under OMB Review: OMB Control Nos. 2126–0004 and 2126–0012

AGENCY: Federal Motor Carrier Safety Administration, DOT.

ACTION: Notice; request for comments.

SUMMARY: The FMCSA has sent the two Information Collection Requests (ICRs) described in this notice to the Office of Management and Budget (OMB) for review and comment. The ICRs describe each information collection and its expected burden. We published a **Federal Register** notice on these information collections on September 5, 2000 (65 FR 53801). The notice had a 60-day comment period. We are required to send ICRs to OMB under the Paperwork Reduction Act.

DATES: Please submit comments by April 5, 2001.

FOR FURTHER INFORMATION CONTACT: Mrs. Valerie Height, (202) 366–0901 (for 2126–0004), or Mr. Kenny Rodgers, (202) 366–4016 (for 2126–0012), Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:00 p.m., e.t., Monday through Friday, except Federal holidays.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC 20503, *Attention:* DOT Desk Officer. We particularly request your comments on whether the collection of information is necessary for the FMCSA to meet its goal of reducing truck crashes, including whether the information is useful to this goal; the accuracy of the estimate of the burden of the information collection; ways to enhance the quality, utility and clarity of the information collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. OMB wants to receive comments within 30 days of publication of this notice in order to act on the ICR quickly.

SUPPLEMENTARY INFORMATION:

1. *Title:* Driver Qualification Files.

OMB Number: 2126–0004.

Background: The FMCSA requires motor carriers to maintain a driver qualification file for each commercial motor vehicle (CMV) driver that they employ. The file contains the minimum amount of information necessary to document that a driver is qualified to drive a CMV in interstate commerce.

Motor carriers and the FMCSA primarily use the driver's qualification file to ensure that a person: (1) Is physically qualified to safely operate a CMV; (2) has the experience and/or training to safely operate the type(s) of CMV he or she will be assigned to drive; (3) has the appropriate driver's license; and (4) has not been disqualified to operate a CMV.

Respondents: Motor carriers and CMV drivers.

Estimated Total Annual Burden: 941,856 hours.

2. *Title:* Controlled Substance and Alcohol Use and Testing.

OMB Number: 2126–0012.

Background: The FMCSA requires motor carriers to conduct alcohol and controlled substances testing on their commercial motor vehicle (CMV) drivers who drive larger CMVs (over 26,000 lbs.) requiring a commercial driver's license. The FMCSA uses the information collected to determine whether the motor carriers are using drivers who are alcohol-free and drug-free while driving trucks, buses, and other commercial motor vehicles. The reporting survey of the management information system (MIS) allows the agency to adjust the random testing rates for the industry when the industry shows performance improvements. The agency bases the adjustment upon the results of a small, statistically significant sample of motor carriers.

Respondents: 650,000 Motor carriers.

Estimated Total Annual Burden: 573,490 hours.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.73.

Dated: February 27, 2001.

Stephen E. Barber,

Acting Assistant Administrator and Chief Safety Officer.

[FR Doc. 01–5411 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provision involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Canadian Pacific Railway

[Docket Number FRA–2000–7927]

Canadian Pacific Railway Company (CPR), on behalf of itself, its Delaware and Hudson (D&H) subsidiary, and its Soo Line (Soo) subsidiary is seeking a waiver of compliance with the Railroad Locomotive Safety Standards, 49 CFR 229.71 (clearance above the rail).

CPR jointly with General Electric Transportation Systems is exploring methods for improving locomotive adhesion under heavy snow conditions. One method that appears to have some potential for consideration is the application of flexible wipers under the front pilot. These "snow flaps" are made of a corrugated urethane material similar to the non-metallic sand pipe tips currently allowed. These snow flaps extended below the 2½" limit allowed by the section 229.71

CPR did limited testing of these snow flaps in Canada last year and is requesting additional exemption from Transport Canada to continue the testing this winter. There will be up to 40 GE locomotives equipped for this test. These units are principally dedicated to coal routes in British Columbia, but they are internationally equipped and may operate into the U.S. on an occasional basis. These units will enter the U.S. through the Minnesota gateway and over Soo Line as far as Chicago, Illinois.

CPR reported no evidence that these snow flaps will present any risk to safe train operations or to employees.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2000–7927) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site *http://dms.dot.gov*.

Issued in Washington, D.C. on February 22, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–5406 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioners' arguments in favor of relief.

National Railway Historical Society

Freemont & Elkhorn Valley Railroad

[Docket Number FRA–2000–8367]

The Eastern Nebraska Chapter of the National Railway Historical Society (NRHS), which operates the Freemont & Elkhorn Valley Railroad (FEVR), has petitioned for a permanent waiver of compliance for two former C&NW Pullman sleeper cars, one former Burlington Northern RPO, one former Burlington Northern caboose, one former C&NW SW1200, one Davenport center cab, one Whitcomb/Baldwin S–4300, and one GE center cab from the requirements of Safety Glazing Standards, 49 CFR Part 223, which requires certified glazing. The NRHS,

which is located in Fremont, Nebraska, states that they operate in a rural farming area with a low incidence of vandalism.

Interested parties are invited to participate in these proceedings by submitting written views, data, comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2000–8367) and must be submitted in triplicate to: Docket Clerk, DOT Central Docket Management Facility, Room P1–401, 400 Seventh Street, SW., Washington, DC 20590–0001. Communications received within 45 days of the date will be considered as for as practical. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at: DOT Central Docket Management Facility, Room P1–401 (Plaza Level, 400 Seventh Street, SW., Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the facility's Web site at *http://dms.dot.gov.*

Issued in Washington, D.C., on February 22, 2001.

Grady Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–5407 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waivers of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR), Section 211.41, notice is hereby given that the Federal Railroad Administration (FRA) received a request for waiver of certain requirements of the Federal railroad safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being sought.

The Port Authority Trans-Hudson Corporation

[FRA Waiver Petition No. FRA–2000–7411]

The Port Authority Trans-Hudson Corporation (PATH) seeks a permanent waiver of compliance from certain requirements of 49 CFR, Part 239, Passenger Train Emergency Preparedness. Specifically, PATH requests relief from the emergency equipment requirements in § 239.101(a)(6)(i) that the fire extinguisher and pry-bar be accessible to the riding public for use in the event of an emergency situation. PATH argues that its practice of securing the fire extinguisher and pry-bar away from public access is in the public's interest, and contends that public safety is enhanced by restricting access only to crew members. PATH requests that FRA waive the public access requirement and allow PATH to continue to maintain the emergency equipment in a secure manner without permitting the riding public to use it during an emergency. In support of its request, PATH states that in times of emergency, the public address system can facilitate communication to train crew members, who would then unlock the lockers where the fire extinguisher and pry-bar are stored. PATH also notes that the locking of these items of emergency equipment can protect the public from harm, since the equipment would not be missing due to cases of vandalism or theft, and would therefore be in its proper location at the time of an emergency.

PATH also seeks a permanent waiver of compliance from certain requirements of 49 CFR Part 229, Locomotive Safety Standards. Specifically, PATH requests relief from the requirements of § 229.7, Prohibited acts, which mandates that a locomotive and its appurtenances must be in proper working condition and safe to operate in the service to which assigned, and from § 229.9, Movement of non-complying locomotives, which set forth the conditions under which a railroad may move a non-complying locomotive. PATH seeks to lessen the impact of dead cars (MU type locomotives) in its operation. PATH proposes to operate one dead car (MU type locomotive car) per consist of not less than seven cars, up to 24 hours prior to removing the car from service for the purpose of repair. PATH states that it would not allow a dead car to operate in the lead as the controlling car of the movement, and that operating crews of such trains would be notified in writing about the presence of the defective car prior to the movement of the train.

Interested parties are invited to participate in these proceedings by submitting written reviews, data, or comments. If any interested party desires the opportunity for oral comment, FRA must be notified in writing before the end of the comment period, and the party must specify the basis for the request. FRA will then determine whether to schedule a public hearing in connection with these proceedings. *See* 49 CFR 211.25.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2000–7411) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590. All documents in the public docket, including PATH's waiver request, are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.* Communications received within 45 days from the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5 p.m.) at the above facility.

Issued in Washington, D.C., on February 22, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–5405 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provision involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Union Pacific Railroad Company

[Docket Number FRA–2001–8697]

Union Pacific Railroad Company (UP) is seeking a waiver of compliance with a provision of the Railroad Power Brakes and Drawbars regulations, 49 CFR 232.12 (initial terminal road train air brake tests). The UP requests a waiver to permit cars received in interchange from Ferromex (Mexican railroad) at Nogales, Arizona to be moved approximately 8 miles north of Nogales to the siding at Rio before an initial terminal air brake test is performed.

UP states that presently, Ferromex delivers to UP on an average of three trains per day with lengths between 4000 and 6000 feet. UP states that the UP yard at Nogales is small and delivery of these trains all require blockages of key street crossings within the City of Nogales for considerable lengths of time. This problem has been exacerbated in recent years with the increase of traffic over the Nogales interchanges and as the result of changed traffic patterns, which were due to a number of factors. These include the privatization of the Mexican railroads, NAFTA trade agreement and UP–SP merger. Trains received from Ferromex require an initial terminal brake test to be performed before departing Nogales and this contributes to increased amount of time crossings are blocked.

The UP waiver request is to permit movement of trains to Rio for the performance of the initial terminal air brake test. Trains involved in such movements would have the air brake test system charged, a set and release to ensure brakes setting and releasing on the rear car, and movement restricted to 25 mph, until the initial brake test could be performed at Rio. Any bad order cars discovered at Rio would be set out there for repair purposes.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2001–8697) and must be submitted to the Docket Clerk, DOT Dockst Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site *http://dms.dot.gov.*

Issued in Washington, D.C. on February 22, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–5408 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. 2001–9007]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for extension of the currently approved information collections. The **Federal Register** Notice with a 60-day comment period soliciting comments was published on December 13, 2000.

DATES: Comments must be submitted before April 5, 2001. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Sylvia L. Barney-Marion, Office of Administration, Office of Management Planning, (2020 366–6680.

SUPPLEMENTARY INFORMATION:

Title: 49 U.S.C. Section 5310—Capital Assistance Program for Elderly Persons and Persons with Disabilities and Section 5311—Nonurbanized Area Formula Program *(OMB Number 2132–0500).*

Abstract: The Capital Assistance Program for Elderly Persons and Persons with Disabilities provides financial assistance for the specialized transportation service needs of elderly persons and persons with disabilities. The program is administered by the States and may be used in all areas (urbanized, small urban, and rural). The Nonurbanized Area Formula Program provides financial assistance for the provision of public transportation services in nonurbanized areas and is also administered by the States. FTA is authorized to review applications for federal financial assistance to determine eligibility and compliance with statutory and administrative requirements by 49 U.S.C. 5310 and 5311. Information collected during the application stage includes the project budget, which identifies funds requested for project implementation; a program of projects, which identifies subrecipients to be funded, the amount of funding that each will receive, and a description of the projects to be funded; the project implementation plan; a list of annual certifications and assurances; and public hearings notice, certification and transcript. The applications must contain sufficient information to enable FTA to make the findings required by law to enforce the program requirements. Information collected during the project management stage includes an annual financial report, an annual program status report, and pre-award and post-delivery audits. The annual financial report and program status report provide a basis for monitoring approved projects to ensure timely and appropriate expenditure of federal funds by grant recipients.

Estimated Total Annual Burden: 6,540 hours.

Title: Americans with Disabilities Act *(OMB Number 2132–0555).*

Abstract: On July 26, 1990, the President signed into law civil rights legislation entitled, "The Americans with Disabilities Act of 1990" (ADA) (Pub. L. 101–336). It contains sweeping changes for individuals with disabilities in every major area of American life. One key area of the legislation addresses transportation services provided by public and private entities. Some of the requirements under the ADA are: (1) No transportation entity shall discriminate against an individual with a disability in connection with the provision of transportation service; (2) All new vehicles purchased by public and private entities after August 25, 1990, must be readily accessible to and usable by persons with disabilities, including individuals who use wheelchairs; (3) Public entities that provide fixed route transit must provide complementary paratransit service for persons with disabilities, who are unable to use the fixed route system, that is comparable to the level of service provided to individuals without disabilities; and (4) Public entities operating light, rapid or commuter rail systems must designate key stations which were to be made accessible by July 26, 1993, unless the operator received a statutory time extension.

If FTA reasonably believes that an entity may not be in compliance, FTA

may require periodic reports on a quarterly or annual basis. The information collected provides FTA with a basis for monitoring compliance. In addition, public entities, including recipients of FTA funds, are required to provide information during triennial reviews, compliant investigations, resolutions of complaints, and compliance reviews.

Estimated Total Annual Burden: 40,000 hours.

Title: Pre-Award and Post Delivery Review Requirements (*OMB Number 2132–0544*).

Abstract: Under the Federal Transit Laws, at 49 U.S.C. 5323(l), grantees must certify that pre-award and post-delivery reviews will be conducted when using FTA funds to purchase revenue service vehicles. FTA regulation 49 CFR Part 663 implements this law by specifying the actual certificates that must be submitted by each bidder to assure compliance with the Buy America, contract specification, and vehicle safety requirements for rolling stock. The information collected on the certification forms is necessary for FTA grantees to meet the requirements of 49 U.S.C. 5323(l).

Estimated Total Annual Burden: 3,024 hours.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: FTA Desk Officer.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued: February 28, 2001.

Dorrie Y. Aldrich,

Associate Administrator for Administration.

[FR Doc. 01–5292 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 00–6985]

Insurance Cost Information Regulation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of availability.

SUMMARY: This notice announces publication by NHTSA of the 2001 text and data that all car dealers must include in an insurance cost information booklet that they must make available to prospective purchasers, pursuant to 49 CFR 582.4. This information may assist prospective purchasers in comparing differences in passenger vehicle collision loss experience that could affect auto insurance costs.

ADDRESSES: Interested persons may obtain a copy of this booklet by contacting the U.S. Department of Transportation, Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. (Docket hours are from 10:00 am to 5:00 pm.)

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Chief, Consumer Programs Division, NHTSA, 400 Seventh Street SW., Washington, DC 20590 (202–366–0846).

SUPPLEMENTARY INFORMATION: Pursuant to section 201(e) of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1941(e), on March 5, 1993, 58 FR 12545, the National Highway Traffic Safety Administration (NHTSA) amended 49 CFR Part 582, *Insurance Cost Information Regulation*, to require all dealers of automobiles to distribute to prospective customers information that compares differences in insurance costs of different makes and models of passenger cars based on differences in damage susceptibility. On March 17, 1994, NHTSA denied a petition submitted by the National Automobile Dealers Association (NADA) for NHTSA to reconsider Part 582 insofar as it requires all automobile dealers to prepare the requisite number of copies for distribution of the insurance cost information to prospective purchasers. 59 FR 13630.

On March 24, 1995, NHTSA published a Final Rule to amend Part 582 in a number of respects. 60 FR 15509. These changes included wording clarifications and a change in the availability date of the booklet.

Pursuant to 49 CFR § 582.4, all automobile dealers are required to make available to prospective purchasers booklets that include this comparative information as well as certain mandatory explanatory text that is set out in section 582.5. Early each year, NHTSA publishes the annual **Federal Register** document updating the Highway Loss Data Institute's (HLDI) December Insurance Collision Report. Booklets reflecting the updated data must be available for distribution to prospective purchasers without charge within 30 days from the date of the **Federal Register**.

NHTSA is mailing a copy of the 2001 booklet to each dealer on the mailing list that the Department of Energy uses to distribute the "Gas Mileage Guide." Dealers will have the responsibility of reproducing a sufficient number of copies of the booklet to assure that they are available for retention by prospective purchasers by April 6, 2001. Dealers who do not receive a copy of the booklet within 15 days of the date of this notice should contact Ms. Rosalind Proctor of NHTSA's Office of Planning and Consumer Programs (202) 366–0846 to receive a copy of the booklet and to be added to the mailing list. Dealers may also obtain a copy of the booklet through the NHTSA web page at: *http://www.nhtsa.dot.gov/cars/problems/studies/InsCost.*

Authority: (49 U.S.C. 32302; delegation of authority at 49 CFR 1.50(f).)

Issued on: February 28, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety, Performance Standards.

[FR Doc. 01–5294 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket NHTSA–99–5087]

Safety Performance Standards Program Meeting

AGENCY: National Highway Traffic Safety Administration (DOT).

ACTION: Notice of NHTSA rulemaking status meeting.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory program.

DATES: The Agency's regular, quarterly public meeting relating to its vehicle regulatory program will be held on Thursday, April 19, 2001, beginning at 9:45 a.m. and ending at approximately 12:00 p.m. at the Best Western Gateway International Hotel in Romulus, Michigan. Questions relating to the vehicle regulatory program must be submitted in writing with a diskette (Wordperfect) by Friday, March 23, 2001, to the address shown below or by e-mail. If sufficient time is available, questions received after March 23, may be answered at the meeting. The individual, group or company submitting a questions(s) does not have to be present for the questions(s) to be answered. A consolidated list of the questions submitted by March 23, 2001, and the issues to be discussed, will be posted on NHTSA's web site (*http://www.nhtsa.dot.gov*) by Monday, April 16, 2001, and also will be available at the meeting. The agency will not hold a second research and development public meeting on April 19.

ADDRESSES: Questions for the April 19, NHTSA Rulemaking Status Meeting, relating to the agency's vehicle regulatory program, should be submitted to Delia Lopez, NPS–01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW., Washington, DC 20590, Fax Number 202–366–4329, e-mail dlopez@nhtsa.dot.gov. The meeting will be held at the Best Western Gateway International Hotel, 9191 Wickham Road, Romulus, Michigan. The telephone number for the Best Western Gateway International Hotel is 734–728–2800.

FOR FURTHER INFORMATION CONTACT: Delia Lopez, (202) 366–1810.

SUPPLEMENTARY INFORMATION: NHTSA holds a regular, quarterly meeting to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory program. Questions on aspects of the agency's research and development activities that relate directly to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. The purpose of this meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. Transcripts of these meetings will be available for public inspection in the DOT Docket in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 80 to 150 pages) upon request to DOT Docket, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. The DOT Docket is open to the public from 10:00 a.m. to 5:00 p.m. The transcript may also be accessed electronically at *http://dms.dot.gov*, at docket NHTSA–99–5087. Questions to be answered at the quarterly meeting should be organized by categories to help us process the questions into an agenda form more efficiently. Sample format:

I. Rulemaking
  A. Crash avoidance
  B. Crashworthiness
  C. Other Rulemakings
II. Consumer Information
III. Miscellaneous

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Delia Lopez on (202) 366–1810, by COB Monday, April 16, 2001.

Issued: February 28, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–5293 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2001–9023]

RIN 2127–AG18

Automobile Parts Content Labeling; Review: American Automobile Labeling Act; Evaluation Report

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for comments on technical report.

SUMMARY: This notice announces NHTSA's publication of a Technical Report reviewing and evaluating its existing regulation Part 583, *Automobile Parts Content Labeling*. The report's title is *Evaluation of the American Automobile Labeling Act*.

DATES: Comments must be received no later than July 5, 2001.

ADDRESSES: *Report:* You may obtain a copy of the report free of charge by sending a self-addressed mailing label to Publications Ordering and Distribution Services (NAD–51), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. A summary of the report is available on the Internet for viewing on line at *www.nhtsa.dot.gov/cars/rules/regrev/evaluate/809208.html*. The full report is available on the Internet in PDF format at *www.nhtsa.dot.gov/cars/rules/regrev/evaluate/pdf/809208.pdf*.

Comments: All comments should refer to the Docket number of this notice (NHTSA–2001–9023). You may submit your comments in writing to: U. S. Department of Transportation Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. You may also submit your comments electronically by logging onto the Dockets Management System website at *http://dms.dot.gov*. Click on "Help & Information" or "Help/Info" to obtain instructions for filing the document electronically.

You may call Docket Management at 202–366–9324 and visit the Docket from 10:00 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Charles J. Kahane, Chief, Evaluation Division, NPP–22, Plans and Policy, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW., Washington, DC 20590. Telephone: 202–366–2560. FAX: 202–366–2559. E-mail: *ckahane@nhtsa.dot.gov*.

For information about NHTSA's evaluations of the effectiveness of existing regulations and programs: Visit the NHTSA web site at *http://www.nhtsa.dot.gov* and click "Regulations & Standards" underneath "Car Safety" on the home page; then click "Regulatory Evaluation" on the "Regulations & Standards" page.

SUPPLEMENTARY INFORMATION: NHTSA regulation Part 583 (49 CFR 583), *Automobile Parts Content Labeling* requires passenger vehicles manufactured after October 1, 1994 to have labels specifying their percentage value of U.S./Canadian parts content, the country of assembly, and countries of origin of the engine and transmission (59 FR 37294). This regulation implements the American Automobile Labeling Act (AALA) of 1992, and its purpose is to help consumers in the selection of new vehicles by providing information about the country of origin of vehicles and their parts.

As required by the Government Performance and Results Act of 1993 and Executive Order 12866 (58 FR 51735), NHTSA reviews existing regulations to determine if they are achieving policy goals. This evaluation is based on a 1998 consumer survey to see if new-vehicle purchasers know about the labels, understand them, and/or use them to help select a vehicle; manufacturer and dealer surveys to learn about their response to the labels; and statistical analyses of the actual trends in U.S./Canadian parts content in new motor vehicles after 1994.

Over 75 percent of the 646 consumer survey participants were unaware of the existence of the AALA labels. Many participants who did read the label said they used the country-of-assembly information, but none said they used the numerical U.S./Canadian parts content score or the engine/transmission information. Overall U.S./Canadian parts content in new cars and light trucks dropped from 70 percent in model year 1995 to 67.6 percent in 1998; however, it increased from 47 to 59 percent in transplants while dropping from 89 to 84 percent in Big 3 vehicles.

How can I influence NHTSA's thinking on this evaluation?

NHTSA welcomes public review of the technical report and invites reviewers to submit comments about the data and the statistical methods used in the analyses. NHTSA will submit to the Docket a response to the comments and, if appropriate, additional analyses that update, supplement or revise the technical report.

The agency is especially interested in learning of any additional data or information on the following topics:

- Measures that could make the labels more widely known, more convenient, easier to understand or more influential for consumers, or less costly to produce.
- Evidence that consumers are aware of and/or influenced by the labels, or related information.
- Evidence that the labels, or related data, have been used as a marketing, advertising, or public-information tool by manufacturers, dealers, or any other organizations.
- Evidence that the labels, or related considerations have influenced decisions on where to manufacture or purchase parts, or to assemble vehicles.
- Factors that have influenced the trends in U.S./Canadian parts content before, during and after the 1994–98 period studied in the report.

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA–2001–9023) in your comments.

Your primary comments must not be more than 15 pages long (49 CFR 553.21). However, you may attach additional documents to your primary comments. There is no limit on the length of the attachments.

Please send two paper copies of your comments to Docket Management or submit them electronically. The mailing address is U. S. Department of Transportation Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. If you submit your comments electronically, log onto the Dockets Management System website at *http://dms.dot.gov* and click on "Help & Information" or "Help/Info" to obtain instructions.

We also request, but do not require you to send a copy to Charles J. Kahane, Chief, Evaluation Division, NPP–22, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW., Washington, DC 20590 (alternatively, FAX to 202–366–2559 or e-mail to *ckahane@nhtsa.dot.gov*). He can check if your comments have been received at the Docket and he can expedite their review by NHTSA.

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, send three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NCC–01, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR Part 512).

In addition, send two copies from which you have deleted the claimed confidential business information to Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590, or submit them electronically.

Will the agency consider late comments?

In our response, we will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

How can I read the comments submitted by other people?

You may read the comments by visiting Docket Management in person at Room PL–401, 400 Seventh Street, SW., Washington, DC from 10:00 a.m. to 5:00 p.m., Monday through Friday.

You may also see the comments on the Internet by taking the following steps:

- Go to the Docket Management System (DMS) Web page of the Department of Transportation (*http://dms.dot.gov*).
- On that page, click on "search."
- On the next page ((*http://dms.dot.gov/search/*) type in the four-digit Docket number shown at the beginning of this Notice (6545). Click on "search."
- On the next page, which contains Docket summary information for the Docket you selected, click on the desired comments. You may also download the comments.

Authority: 49 U.S.C. 30111, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

William H. Walsh,

Associate Administrator for Plans and Policy.

[FR Doc. 01–5392 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–01–8587; Notice No. 01–06]

Hazardous Materials Safety: Public Meeting Related to Customer Service and Regulatory Review

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of public meeting.

SUMMARY: RSPA will hold a public meeting to seek information from the public on improving safety, reducing costs (especially to small businesses), and increasing customer service through RSPA's management of the national hazardous materials transportation safety program. This meeting is being held in conjunction with a Hazardous Materials Multimodal Training Seminar sponsored by RSPA on March 27 and 28, 2001.

ADDRESSES: The public meeting will be held at the Sheraton North Charleston Hotel, 4770 Goer Drive, North Charleston, South Carolina 29406 (843–747–1900). For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact Eileen Edmonson at the address or telephone number listed under **FOR FURTHER INFORMATION CONTACT** as soon as possible.

DATES: The public meeting will be held on Wednesday, March 28, 2001, 1:00 p.m. to 4:00 p.m.; however, the meeting may end prior to 4:00 p.m., depending on public interest.

FOR FURTHER INFORMATION CONTACT: Eileen Edmonson, Office of Hazardous Materials Standards, RSPA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Telephone 202–366–8553.

SUPPLEMENTARY INFORMATION:

Focus on Issues of Interest to Affected Parties

RSPA (we) is interested in soliciting comments on the kind and quality of services our customers want and their level of satisfaction with the services we currently provide to promote understanding of and compliance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180). These services include the following:

(1) *Hazardous Materials Information Center (HMIC).* A staff of three persons is available from Monday to Friday (except federal holidays) between 9:00 a.m. and 5:00 p.m. EST to address telephone inquiries from shippers, carriers, packaging manufacturers, and other persons concerning requirements in the HMR for the safe transportation of hazardous materials. In 2000, the HMIC handled more than 33,000 calls. The toll-free number is 1–800–HMR–4922.

(2) *Internet access.* Our site on the worldwide web (*http://hazmat.dot.gov*) provides information concerning hazardous materials rulemakings, exemptions, letters of clarification, international activities, incident data, the 2000 Emergency Response Guidebook, and much more.

(3) *Fax on demand.* For persons who do not have access to the Internet, we operate an automated fax-back system that allows callers access to more than 600 pages of informational materials, including letters of clarification and recently published rulemakings, through their own fax machines. A facsimile copy of the catalog of available documents may be obtained by accessing the fax-on-demand feature through our HMIC number 1–800–HMR–4922.

(4) *Training.* To promote compliance with the HMR, we distribute brochures, charts, publications, training materials, videotapes, and other safety-related information to hazmat employers and hazmat employees in the private and government sectors and to the general public. We also offer hazardous materials training to federal, state, and local enforcement agencies, industry, and emergency response personnel. In addition, we provide personal computer-based self-study programs through a CD–ROM modular training series.

(5) *Government-Industry partnerships.* To the extent resources permit, we participate in meetings, conferences, training workshops, and the like, sponsored by the public sector, industry, and international organizations having an interest in the safe transportation of hazardous materials.

Regulations and Administrative Procedures

On January 12, 2001, we published a notice of regulatory review (Docket No. RSPA–01–8587, 66 FR 2870) requesting comments on the economic impact of the HMR on small entities. This year we are analyzing rules in 49 CFR parts 174, Carriage by Rail, and 177, Carriage by Public Highway. We are inviting participants to take this opportunity to suggest whether or not we, in an effort to lessen the impact on small entities, should revise or revoke specific rules.

We are also interested in receiving comments on the quality of our processing of written requests for information, applications for exemptions and approvals, registration statements, and other administrative actions. Participants are encouraged to provide suggestions on how we can improve our performance in processing these administrative actions.

We welcome all comments on ways to improve the understanding of and compliance with the HMR, including removal of obsolete requirements, revisions to conflicting or confusing requirements, and the use of plain language. We will also address inquiries concerning new or proposed requirements, including recently published actions concerning:

- Proposed revisions for infectious substances and genetically modified materials to: (1) Adopt new classification criteria for infectious substances based on defining criteria developed by the World Health Organization and consistent with international transportation standards; (2) eliminate the current exception for diagnostic specimens and impose new packaging and hazardous communication requirements; (3) limit the current exception for biological products to biological products licensed for use by the Food and Drug Administration or U.S. Department of Agriculture; (4) adopt new requirements for the transportation of genetically modified micro-organisms consistent with international requirements; and (5) provide new bulk packaging options for the transportation of regulated medical waste, based on current exemption provisions (Docket No. RSPA–98–3971, 66 FR 6942, January 22, 2001).
- Harmonization of the HMR requirements with standards published in the United Nations Recommendations on the Transport of Dangerous Goods, the International Maritime Dangerous Goods Code, and the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (Docket No. RSPA–2000–7702; 65 FR 63294, October 23, 2000).

Representatives from the United States Coast Guard, Federal Aviation Administration, Federal Railroad Administration, and Federal Motor Carrier Safety Administration will participate with RSPA in this public meeting to address mode-specific issues.

Conduct of the Meeting

This is an informal meeting intended to foster a dialogue between agency personnel and persons affected by the hazardous materials transportation safety program. The presiding official may find it necessary to limit the time available to each person to ensure that all participants have an opportunity to speak. Conversely, this meeting may conclude earlier than 4 p.m. if all persons wishing to participate have been heard. While there will be no transcript of the meeting, RSPA will prepare a written summary and post it in this notice's docket (RSPA–01–8587). Persons interested in participating in this public meeting need not be registered for the Hazardous Materials Multimodal Training Seminar.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration.

[FR Doc. 01–5297 Filed 3–5–01; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 27, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 5, 2001 to be assured of consideration.

U.S. Customs Service (CUS)

OMB Number: 1515–0213.
Form Number: None.
Type of Review: Extension.
Title: Drawback Process Regulations and Entry Collection Documents.
Description: The information is to be used by Customs Officers to expedite the filing and processing of drawback claims, while maintaining necessary enforcement information to maintain effective administrative oversight over the drawback program.
Respondents: Business or other for-profit, Not-for-profit institutions.
Estimated Number of Respondents: 8,150.
Estimated Burden Hours Per Respondent: 8 hours.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 90,000 hours.

OMB Number: 1515–0219.
Form Number: None.
Type of Review: Extension.
Title: Andean Trade Preferences.
Description: The collection identifies the country of origin and related rules which apply for purposes of duty-free or reduced-duty treatment on imported goods under the Act and specifies the documentary and other procedural requirements which apply to any claim for such preferential tariff treatment under the Act (Public Law 102–182, which is codified at 19 U.S.C. 3201 through 3206.
Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.
Estimated Number of Respondents: 150,000.
Estimated Burden Hours Per Respondent: 2 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 5,000 hours.
Clearance Officer: J. Edgar Nichols (202) 927–1426 or Tracey Denning (202) 927–1429, U.S. Customs Service, Information Services Branch, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Room 3.2.C, Washington, DC 20229.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.
[FR Doc. 01–5322 Filed 3–5–01; 8:45 am]
BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 27, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 5, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: New.
Revenue Procedure Number: Revenue Procedure 2001–XX.
Type of Review: New collection.
Title: Leveraged Leases.
Description: The revenue procedure sets forth the information and representations required to be furnished by taxpayers in requests for an advance ruling that a leveraged lease transaction is, in fact, a valid lease for federal income tax purposes.
Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.
Estimated Number of Respondents: 10.
Estimated Burden Hours Per Respondent: 80 hours.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 800 hours.

OMB Number: 1545–0735.
Regulation Project Number: LR–189–80 (TD 7927) Final.
Type of Review: Extension.
Title: Amortization of Reforestation Expenditures.
Description: Section 194 allows taxpayers to elect to amortize certain reforestation expenditures over a 7-year period if the election is proper and allowable.
Respondents: Individuals or households, Business or other for-profit.
Estimated Number of Respondents: 12,000.
Estimated Burden Hours Per Respondent: 30 minutes.
Frequency of Response: Annually.
Estimated Total Reporting Burden: 6,001 hours.

OMB Number: 1545–1300.
Regulation Project Number: FI–46–89 Final.
Type of Review: Extension.
Title: Treatment of Acquisition of Certain Financial Institutions: Certain Tax Consequences of Federal Financial Assistance to Financial Institutions.
Description: Recipients of Federal financial assistance (FFA) must maintain an account of FFA that is deferred from inclusion in gross income and subsequently recaptured. This information is used to determine the recipient's tax liability. Also, tax not subject to collection must be reported and information must be provided if certain elections are made.
Respondents: Business or other for-profit, Federal Government.
Estimated Number of Respondents/Recordkeepers: 500.
Estimated Burden Hours Per Respondent/Recordkeeper: 4 hours, 24 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting/Recordkeeping Burden: 2,200 hours.

OMB Number: 1545–1564.
Regulation Project Number: REG–103330–97 Final.
Type of Review: Extension.
Title: IRS Adoption Taxpayer Identification Numbers.
Description: The regulation authorized the IRS to assign a new form of taxpayer identification number, the IRS Adoption Taxpayer Identification Number (ATIN), to children who are being adopted. The regulation is issued under section 6109 and is effective for tax returns due on or after April 15, 1998.
Respondents: Individuals or households.
Estimated Number of Respondents: 1.
Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: On occasion.
Estimated Total Reporting Burden: 1 hour.
Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.
[FR Doc. 01–5323 Filed 3–5–01; 8:45 am]
BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 720–CS

AGENCY: Internal Revenue Service (IRS), Treasury.
ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 720–CS, Carrier Summary Report.

DATES: Written comments should be received on or before May 7, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Carrier Summary Report.
OMB Number: 1545–1733.
Form Number: 720–CS.
Abstract: Representatives of the motor fuel industry, state governments, and the Federal government are working to ensure compliance with excise taxes on motor fuels. This joint effort has resulted in a system to track the movement of all products to and from terminals. Form 720–CS is an information return that will be used by carriers to report their monthly deliveries and receipts of products to and from terminals.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 475.

Estimated Time Per Respondent: 312 hours, 36 minutes.

Estimated Total Annual Burden Hours: 148,485.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2001.

Garrick R. Shear,
IRS Reports Clearance Officer.
[FR Doc. 01–5454 Filed 3–5–01; 8:45 am]
BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5308

AGENCY: Internal Revenue Service (IRS), Treasury.
ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5308, Request for Change in Plan/Trust Year.

DATES: Written comments should be received on or before May 7, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Request for Change in Plan/Trust Year.
OMB Number: 1545–0201.
Form Number: 5308.
Abstract: Form 5308 is used to request permission to change the plan or trust year for a pension benefit plan. The information submitted is used in determining whether IRS should grant permission for the change.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 480.

Estimated Time Per Respondent: 42 minutes.

Estimated Total Annual Burden Hours: 339.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5455 Filed 3–5–01; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4768

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4768, Application for Extension of Time To File a Return and/or Pay U.S. Estate (and Generation-Skipping Transfer) Taxes.

DATES: Written comments should be received on or before May 7, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Extension of Time To File a Return and/or Pay U.S. Estate (and Generation-Skipping Transfer) Taxes.

OMB Number: 1545–0181.

Form Number: 4768.

Abstract: Form 4768 is used to request an extension of time to file an estate (and generation-skipping) tax return and/or to pay the estate (and generation-skipping) taxes and to explain why the extension should be granted. IRS uses the information to decide whether the extension should be granted.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and business or other for-profit organizations.

Estimated Number of Respondents: 18,500.

Estimated Time Per Respondent: 1 hour, 12 minutes.

Estimated Total Annual Burden Hours: 22,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5456 Filed 3–5–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 706–QDT

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 706–QDT, U.S. Estate Tax Return for Qualified Domestic Trusts.

DATES: Written comments should be received on or before May 7, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: U.S. Estate Tax Return for Qualified Domestic Trusts.

OMB Number: 1545–1212.

Form Number: 706–QDT.

Abstract: Form 706–QDT is used by the trustee or the designated filer to compute and report the Federal estate tax imposed on qualified domestic trusts by Internal Revenue Code section 2056A. The IRS uses the information to enforce this tax and to verify that the tax has been properly computed.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 60.

Estimated Time Per Respondent: 4 hours, 28 minutes.

Estimated Total Annual Burden Hours: 357.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5457 Filed 3–5–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 720–TO

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 720–TO, Terminal Operator Report.

DATES: Written comments should be received on or before May 17, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Terminal Operator Report.

OMB Number: 1545–1734.

Form Number: 720–TO.

Abstract: Representatives of the motor fuel industry, state governments, and the Federal government are working to ensure compliance with excise taxes on motor fuels. This joint effort has resulted in a system to track the movement of all products to and from terminals. Form 720–TO is an information return that will be used by terminal operators to report their monthly receipts and disbursements of products.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,500.

Estimated Time Per Respondent: 1,523 hours, 31 minutes.

Estimated Total Annual Burden Hours: 2,285,280.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5458 Filed 3–5–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Florida Citizen Advocacy Panel

ACTION: Notice.

SUMMARY: An open meeting of the Florida Citizen Advocacy Panel will be held in Orlando, Florida.

DATES: The meeting will be held Friday, March 23, 2001 and Saturday, March 24, 2001.

FOR FURTHER INFORMATION CONTACT: Nancy Ferree at 1–888–912–1227, or 954–423–7973.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Citizen Advocacy Panel will be held Friday, March 23, 2001 from 6 p.m. to 9 p.m.

and Saturday, March 24, 2001 from 9 a.m. to 12 p.m., at the Sheraton World, 10100 International Dr., Orlando, Florida 32821. The public is invited to make oral comments. Individual comments will be limited to 10 minutes. If you would like to have the CAP consider a written statement, please call 1–888–912–1227 or 954–423–7973, or write Nancy Ferree, CAP Office, 7771 W. Oakland Park Blvd., Rm. 225, Sunrise, FL 33351, or e-mail firstcapsfl@mindspring.com. Due to limited conference space, notification of intent to attend the meeting must be made with Nancy Ferree. Ms. Ferree can be reached at 1–888–912–1227 or 954–423–7973, or e-mail firstcapsfl@mindspring.com.

The agenda will include the following: various IRS issue updates and reports by the CAP sub-groups.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: February 22, 2001.

John J. Mannion,

Director, Program Planning and Quality.

[FR Doc. 01–5459 Filed 3–5–01; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0325]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to authorize advance payment of educational assistance benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 7, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail comments to: nancy.kessinger@mail.va.gov. Please refer to "OMB Control No. 2900–0325" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Certificate of Delivery of Advance Payment and Enrollment, VA Form 22–1999V.

OMB Control Number: 2900–0325.

Type of Review: Extension of a currently approved collection.

Abstract: VA is authorized to pay educational assistance to veterans and other eligible individuals pursuing approved programs of education. If certain requirements are met, VA is authorized to issue payments in advance of the beginning date of training. The schools or training establishments deliver advance payments and are required to certify the deliveries to VA. The schools or training establishments are also required to report the following to VA: (1) The failure of the student to enroll; (2) an interruption or termination of attendance; or, (3) a finding of unsatisfactory attendance conduct or progress. VA Form 22–1999V serves as the certificate of delivery of the advance payment and also the report of any changes in training status.

Affected Public: Business or other for-profit, Not-for-profit institutions, and State, Local or Tribal Government.

Estimated Annual Burden: 1,779 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 21,353.

Dated: February 15, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–5301 Filed 3–5–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0021]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 5, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981 or e-mail to: *denise.mclamb@mail.va.gov.* Please refer to "OMB Control No. 2900–0021."

SUPPLEMENTARY INFORMATION:

Titles:

a. Notice of Default, VA Form 26–6850.

b. Notice of Default and Intention to Foreclose, VA Form 26–6850a.

c. Notice of Intention to Foreclose, VA Form 26–6851.

OMB Control Number: 2900–0021.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: Holders of guaranteed loans are required to notify VA within 45 days of a loan default by reason of nonpayment of any installment for a period of 60 days from the date of the first uncured default of their intention to foreclose. After delivery of such notice to VA, 30 days must pass before the holder can begin court proceedings or give notice of sale under power of sale or otherwise take steps to terminate the debtor's rights in the security. Many times, defaults are determined insoluble by holders at the time the notice of default is to be filed with VA. In such cases, the holders are required to file VA Form 26–6850a, which will provide both notices of default and intent to foreclose together on one form. VA Form 26–6850a requires that servicing efforts be fully explained so that VA can determine whether supplement servicing could develop further information which might justify the extension of forbearance to the veteran-borrower as opposed to foreclosure. The information provided is used to coordinate actions of VA and the holder to ensure that all legal requirements regarding foreclosure and claim payment are met.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on October 17, 2000, at pages 61379 and 61380.

Affected Public: Individuals or households and Business or other for-profit.

Estimated Annual Burden: 66,166.

a. VA Form 26–6850—20,166 hours.

b. VA Form 26–6850a—26,000 hours.

c. VA Form 26–6851—20,000 hours.

Estimated Average Burden Per Respondent:

a. VA Form 26–6850—10 minutes.

b. VA Form 26–6850a—20 minutes.

c. VA Form 26–6851—15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 279,000.

a. VA Form 26–6850—121,000 respondents.

b. VA Form 26–6850a—78,000 respondents.

c. VA Form 26–6851—80,000 respondents.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to "OMB Control No. 2900–0021" in any correspondence.

Dated: February 8, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–5298 Filed 3–5–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0438]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Information and Technology, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Office of Information and Technology, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 5, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981 or e-mail to: *denise.mclamb@mail.va.gov.* Please refer to "OMB Control No. 2900–0438" in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: 38 CFR 1.519(A) Lists of Names and Addresses.

OMB Control Number: 2900–0438.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Abstract: Title 38, U.S.C., 5701(f)(1) authorizes VA to disclose mailing lists of veterans and their dependents to nonprofit organizations, but only for certain specific and narrow purposes. Criminal penalties are provided for improper use of the list by the organization in violation of subsection (f) limitations. The information collection in this regulation ensures that any disclosure of a list under this subsection is authorized by law. VA must ascertain that the applicant is a nonprofit organization and intends to use the list for a proper purpose; if not, Title 38, U.S.C., 5701(a) prohibits disclosure. The additional information collection (specific geographic locations, point of contact, type of output and signature of organization head) is necessary to ensure timely and accurate processing of each application. Failure to obtain this information will prevent the Department from fulfilling its statutory obligations.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on September 14, 2000 at page 55680.

Affected Public: Not-For-Profit Institutions and State, Local or Tribal Governments.

Estimated Annual Burden: 50 hours.

Estimated Average Burden Per Respondent: 60 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 50.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to "OMB Control No. 2900–0438" in any correspondence.

Dated: January 26, 2001.

By direction of the Secretary:

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–5299 Filed 3–5–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control Number 2900–0572]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 5, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to "OMB Control Number 2900–0572."

SUPPLEMENTARY INFORMATION:

Title: Application for Spina Bifida Benefits, VA Form 21–0304.

OMB Control Number: 2900–0572.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: The law allows VA to pay a monetary allowance to a child born with Spina Bifida who is a natural child of a veteran who served in the Republic of Vietnam during the Vietnam era. The form is used to gather information to determine eligibility for the monetary allowance and appropriate level of payment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on September 25, 2000, at pages 57654 and 57655.

Affected Public: Individuals or households.

Estimated Annual Burden: 335 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to "OMB Control Number 2900–0572" in any correspondence.

Dated: January 31, 2001.
By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–5300 Filed 3–5–01; 8:45 am]

BILLING CODE 8320–01–U

Corrections

Federal Register
Vol. 66, No. 44
Tuesday, March 6, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

COMMODITY FUTURES TRADING COMMISSION

Request of the Cantor Exchange (CX) for Approval of its US Treasury Ten-Year Note Futures Contract

Correction

In notice document 01–3762 appearing on page 10273 in the issue of Wednesday, February 14, 2001, make the following correction:

On page 10273, in the second column, under the heading **ADDRESSES**, in the ninth line, the facsimile number "(202) 481-5521" should read, "(202) 418-5521".

[FR Doc. C1–3762 Filed 3–5–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–11–AD; Amendment 39–11959; AD 2000–22–13]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters

Correction

In rule document 00–28235 beginning on page 66617 in the issue of Tuesday, November 7, 2000, the docket number is corrected to read as set forth above.

[FR Doc. C0–28235 Filed 3–5–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8921]

RIN 1545–AY23

Tax Treatment of Cafeteria Plans

Correction

In rule document 01–258 beginning on page 1837 in the issue of Wednesday, January 10, 2001, make the following correction:

On page 1838, in the first column, in footnote 5, in the second line, "group-item life" should read "group-term".

[FR Doc. C1–258 Filed 3–5–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
March 6, 2001

Part II

The President

Proclamation 7410—Fortieth Anniversary of the Peace Corps

Proclamation 7411—Women's History Month, 2001

Proclamation 7412—National Poison Prevention Week, 2001

Federal Register
Vol. 66, No. 44
Tuesday, March 6, 2001

Presidential Documents

Title 3—

The President

Proclamation 7410 of February 28, 2001

Fortieth Anniversary of the Peace Corps

By the President of the United States of America

A Proclamation

The generous spirit of the American people has given this country a great and long-standing tradition of voluntary service. During the past four decades, the members of the Peace Corps have carried on that tradition with dramatic and far-reaching effect.

Established in 1961, the Peace Corps has brought a wealth of practical assistance to individuals and communities through out the world. Since its inception, more than 161,000 Americans have served as Peace Corps volunteers in 134 countries. Peace Corps volunteers have not only helped to fill immediate and dire human needs, but also have helped promote sustainable, long-term development in agriculture, business, education, urban development, health care, and the environment.

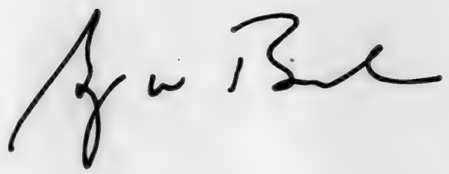
In many countries of the world, there exists an intense hunger for peace, hope, and opportunity—for genuine social and economic development that is rooted in respect for human rights and a belief in human potential. Recognizing the dignity and worth of all peoples and determined to help individuals help themselves, Peace Corps volunteers have served as our Nation's emissaries of hope and goodwill. Accordingly, their generous efforts have helped to foster mutual understanding and respect between the people of the United States and citizens of other countries.

Respected for its work around the world, the Peace Corps also conducts a number of valuable programs here at home. For example, through programs such as the Paul Coverdell World Wise Schools and Peace Corps Fellows/USA, Peace Corps volunteers are helping children in every State of our Nation to learn more about the world in which we live.

I am pleased to note that the current volunteer corps is the most ethnically diverse in Peace Corps history and that more and more Americans are joining in the work of the Peace Corps through its growing partnerships with the public and private sectors. These trends are a tribute to the many past achievements of the Peace Corps, and they are a promising sign of more to come.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby urge all Americans to observe March 1, 2001—the 40th anniversary of the Peace Corps—with appropriate programs, ceremonies, and activities designed to honor Peace Corps volunteers, past and present, for their many contributions to our country and to the universal cause of peace and human progress.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of February, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–5669
Filed 3–5–01; 11:47 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7411 of March 1, 2001

Women's History Month, 2001

By the President of the United States of America

A Proclamation

In 1845, journalist and author Margaret Fuller laid out her hope for the future of this Nation's women: "We would have every arbitrary barrier thrown down. We would have every path laid open to women as freely as to men. If you ask me what offices they may fill, I reply—any, I do not care what case you put; let them be sea captains, if you will."

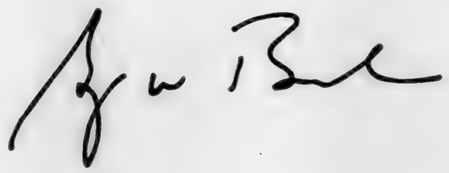
More than 150 years later, we are closer than ever to realizing Margaret Fuller's dream. Women account for nearly half of all workers. Today, women are "captains" of their own destinies, and they will continue to help shape our Nation's future. Women hold 74 seats in the United States Congress, more than at any time in our country's history, and women own more than 9 million businesses employing more than 27.5 million workers. Through their tireless service on a daily basis, the women of our Nation have woven the fabric of families and communities. They contribute immeasurably through faith-based and community organizations.

Our Nation's women could not be where they are—nor could our country be where it is—without the strength and courage, wisdom and persistence of those who preceded them. America has been blessed with women like Harriet Beecher Stowe, Susan B. Anthony, and Jane Addams, all of whom refused to accept oppression as inevitable. Female political leaders including Margaret Chase Smith and Eleanor Roosevelt forever changed the face of American government. Women have played a vital role in educating our Nation: Mary Lyon, Dorothea Dix, Elizabeth Blackwell, and Mary McLeod Bethune all fought history and stereotypes to become scholars in their own right and pass their knowledge to subsequent generations. Similarly, female authors such as Anne Bradstreet, Emily Dickinson, Pearl Buck, and Zora Neale Hurston represent only a small sample of the many women who have contributed to the American literary canon.

Our Nation boasts a rich history of women whose heroic achievements speak to the sense of excellence, potential, and patriotism shared by all Americans. Anna Warner Bailey's and Clara Barton's courage in war has inspired generations of men and women called upon to fight for America. The fortitude of spirit displayed by Helen Keller, Amelia Earhart, and Wilma Rudolph has made them role models both here and abroad. Finally, from the sacrifice of mothers and grandmothers to the dedication of successful women in business, government, and charitable work, the legacy of women in America gives all young people in this country the impetus to dream without limits.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2001 as "Women's History Month." I call upon all the people of the United States to observe this month with appropriate ceremonies and activities and to remember their contributions throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–5670
Filed 3–6–01; 11:47 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7412 of March 2, 2001

National Poison Prevention Week, 2001

By the President of the United States of America

A Proclamation

National Poison Prevention Week alerts Americans to the dangers of accidental childhood poisonings and to the measures that help prevent poisonings. During the 40 years since the Congress authorized the annual proclamation of National Poison Prevention Week, our Nation has seen a dramatic decrease in deaths from childhood poisoning. In 1962, nearly 450 children died from poisoning after they accidentally swallowed medicines or household chemicals. From 1993 through 1997, an average of 36 children died each year from poisoning. This dramatic reduction in poisoning fatalities is a significant public health success.

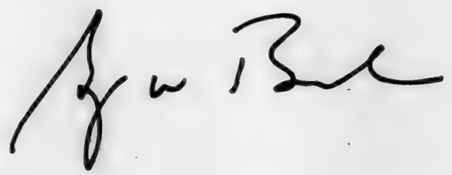
However, the death of even one child from poisoning should be prevented. According to the American Association of Poison Control Centers, more than 1 million children each year are exposed to potentially poisonous medicines and household chemicals. The first line of defense is child-resistant packaging required by the Consumer Product Safety Commission for many medicines and household chemicals. But this special packaging is "child-resistant," not "child-proof." Therefore, potential poisons must be locked up away from children. And if a poisoning occurs, local poison control centers should be called immediately.

The Poison Prevention Week Council brings together 35 national organizations to distribute poison prevention information to pharmacies, public health departments, and safety organizations nationwide. National Poison Prevention Week has been very effective, but there is more to do. We all should use and properly re-close child-resistant packaging, keep poisonous substances locked up away from children, and keep available poison control center phone numbers next to the telephone. These measures can help prevent tragedies.

To encourage the American people to learn more about the dangers of accidental poisonings and to take more preventive measures, the Congress, by joint resolution approved September 26, 1961 (75 Stat. 681), has authorized and requested the President to issue a proclamation designating the third week of March each year as "National Poison Prevention Week."

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim the week beginning March 18, 2001, as National Poison Prevention Week. I call upon all Americans to observe this week by participating in appropriate ceremonies and activities and by learning how to prevent accidental poisonings among children.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01-5671
Filed 3-5-01; 11:47 am]
Billing code 3195-01-P

Reader Aids

Federal Register
Vol. 66, No. 44
Tuesday, March 6, 2001

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H.J. Res. 7/P.L. 107–1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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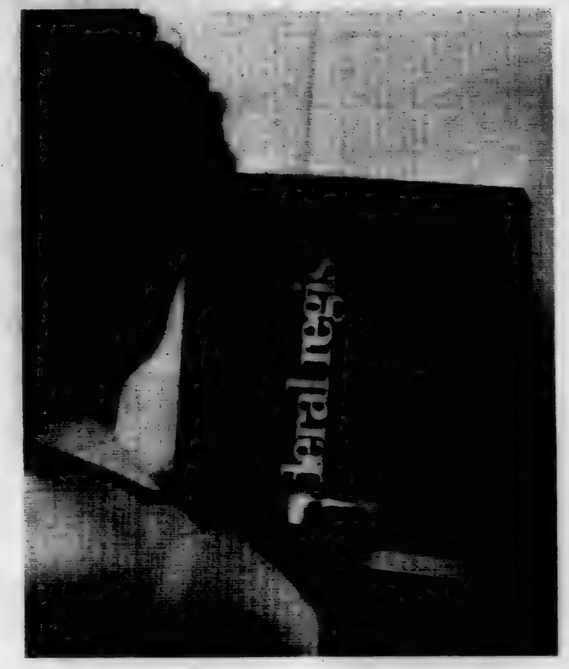
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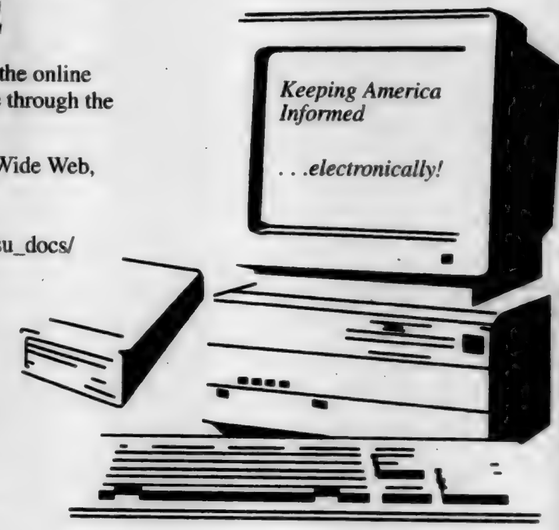
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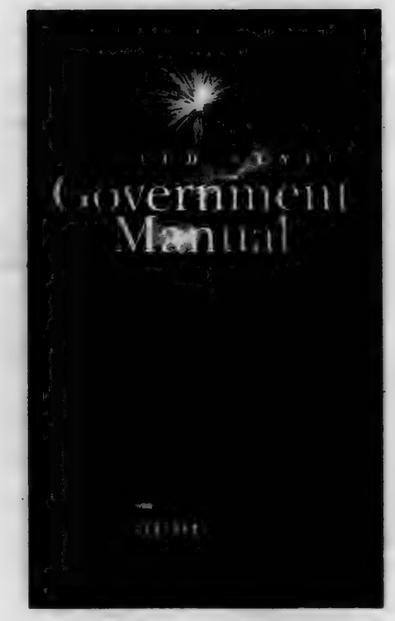
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL TRADE COMMISSION

16 CFR Part 4

Appearances Before the Commission; Restrictions as to Former Members and Employees

AGENCY: Federal Trade Commission (FTC).

ACTION: Final rule.

SUMMARY: The Commission is amending its rule governing the appearances of former members and employees, Rule 4.1(b), to make it consistent with President Clinton's December 28, 2000 revocation of Executive Order 12834 ("Ethics Commitments by Executive Branch Appointees").

EFFECTIVE DATE: These amendments are effective March 7, 2001.

FOR FURTHER INFORMATION CONTACT: Ira S. Kaye, 202–326–2426, or Shira Pavis Minton, 202–326–2479, Attorneys, Office of the General Counsel, FTC, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The Commission is deleting the note following section (b)(1)(iv) of Commission Rule 4.1, 16 CFR 4.1, which currently states that former Commissioners and certain other "senior" employees may be subject to Executive Order 12834. That order formerly required that certain Executive Branch officials appointed on or after January 20, 1993, sign a pledge making particular post-employment ethics commitments. This amendment is necessary in order to reflect that, by Executive Order 13184 of December 28, 2000, President Clinton revoked Executive Order 12834.

This rule amendment relates solely to agency practice and, thus, is not subject to the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553(a)(2), or to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601(2).

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For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, chapter I, subchapter A, of the Code of Federal Regulations as follows:

PART 4—MISCELLANEOUS RULES

1. The authority citation for part 4 continues to read as follows:

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46.

§ 4.1 [Amended]

2. Section 4.1 is amended by removing the note that follows paragraph (b)(1)(iv).

By direction of the Commission.

Donald S. Clark,
Secretary.

[FR Doc. 01–5507 Filed 3–6–01; 8:45 am]
BILLING CODE 6750–01–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Dive Sticks; Final Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission is issuing a rule to ban certain dive sticks under the authority of the Federal Hazardous Substances Act.[1] Dive sticks are used for underwater activities, such as retrieval games and swimming instruction. They are typically made of rigid plastic and stand upright at the bottom of a swimming pool. Due to these characteristics, if a child jumps onto a dive stick in shallow water he or she may suffer severe injuries.

DATES: The rule will become effective on April 6, 2001.

FOR FURTHER INFORMATION CONTACT: Renae Rauchschwalbe, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0608, ext. 1362.

SUPPLEMENTARY INFORMATION:

A. Background

As of November 2000, the Commission is aware of nine confirmed impalement incidents involving dive sticks that were submerged and standing vertically. These incidents resulted in injuries to the perineal region of young children. The products were cylindrical batons, approximately 7⅞ to 8⅝ inches long and ⅞ to one inch in diameter. They were all constructed of rigid plastic.

In early 1999, when the Commission staff first learned of incidents involving dive sticks, the staff worked with product manufacturers to recall hazardous dive sticks. On June 24, 1999, the Commission announced that it had reached agreements with 15 manufacturers and importers to voluntarily recall their dive sticks. The recalls have removed most dive sticks from the market.[1,9] [2] However, because the hazard posed by dive sticks appeared to be inherent to the product and not related to any specific model or manufacturer, the Commission began a proceeding to ban all dive sticks with hazardous characteristics.

On July 16, 1999, the Commission issued an advance notice of proposed rulemaking ("ANPR") announcing the Commission's intent to issue a rule addressing the risk of injury presented by dive sticks. 64 FR 38387 (1999). One alternative discussed in the ANPR was a rule declaring certain dive sticks to be banned hazardous substances.

On July 19, 2000, the Commission published a notice of proposed rulemaking ("NPR") proposing to ban hazardous dive sticks. 65 FR 44703 (2000). The proposed rule stated that it would ban dive sticks that (1) are rigid; (2) submerge to the bottom of a pool of water; and (3) stand upright in water. The Commission proposed a performance test to determine the rigidity of a dive stick. Dive sticks that come to rest underwater at an angle greater than 45 degrees from vertical would be exempt under the proposed rule as would dive sticks that maintain a compressive force of less than 5-lbf under a prescribed performance test. The Commission has determined to

[1] Commissioner Mary Gall filed a separate statement which is available from the Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda, Maryland.

[2] Numbers in brackets refer to documents listed at the end of this notice.

issue the proposed rule as a final standard without change.

The Commission received one comment on the proposed rule. That comment came from a student at Florida International University. He asked whether it would be safer to discontinue the sale of all dive sticks, both soft and rigid. Based on available medical literature, the Commission concludes that only rigid dive sticks pose the threat of impalement injuries to children. The Commission is not aware of any impalement incidents, reported to CPSC or in the medical literature, involving any flexible objects. Thus, the Commission believes that the rule, including the exemption for non-rigid dive sticks, will adequately protect the public.[11]

B. Statutory Authority

This proceeding is conducted pursuant to the Federal Hazardous Substances Act ("FHSA"), 15 U.S.C. 1261 *et seq.* Section 2(f)(1)(D) of the FHSA defines "hazardous substance" to include any toy or other article intended for use by children that the Commission determines, by regulation, presents an electrical, mechanical, or thermal hazard. 15 U.S.C. 1261(f)(1)(D). An article may present a mechanical hazard if its design or manufacture presents an unreasonable risk of personal injury or illness during normal use or when subjected to reasonably foreseeable damage or abuse. Among other things, a mechanical hazard could include a risk of injury or illness "(3) from points or other protrusions, surfaces, edges, openings, or closures, * * * or (9) because of any other aspect of the article's design or manufacture." 15 U.S.C. 1261(s).

Under section 2(q)(1)(A) of the FHSA, a toy, or other article intended for use by children, which is or contains a hazardous substance accessible by a child is a "banned hazardous substance." 15 U.S.C. 1261(q)(1)(A).

Section 3(f) through 3(i) of the FHSA, 15 U.S.C. 1262(f)–(i), governs a proceeding to promulgate a regulation determining that a toy or other children's article presents an electrical, mechanical, or thermal hazard. As required by section 3(f), this proceeding began with an ANPR. 64 FR 38387 (1999). After considering the one comment submitted in response to the ANPR, the Commission issued a proposed rule and a preliminary regulatory analysis in accordance with section 3(h) of the FHSA. 65 FR 44703 (2000). The Commission then considered the comment received in response to the proposed rule and determined to issue a final rule and a final regulatory analysis. 15 U.S.C. 1262(i)(1).

Before the Commission can issue a final rule it must find (1) if an applicable voluntary standard has been adopted and implemented, that compliance with the voluntary standard is not likely to adequately reduce the risk of injury, or compliance with the voluntary standard is not likely to be substantial; (2) that benefits expected from the regulation bear a reasonable relationship to its costs; and (3) that the regulation imposes the least burdensome alternative that would adequately reduce the risk of injury. *Id.* 1261(i)(2).

C. The Product

Dive sticks are generally used in swimming pools for underwater retrieval activities, such as retrieval games and swimming instruction. They are made of rigid plastic. They are typically cylindrical in shape, ten inches or less in length with a diameter one inch or less, but some have novelty shapes such as shark silhouettes. They are or can be weighted so that when dropped into water they sink and stand upright on the bottom.

Before the June 1999 recall, retail prices usually ranged from $4 to $7 per set or about $1 per individual stick. Retail prices were almost always less than $10, even when sold with other products such as disks, rings, and snorkels. An estimated 4 to 5 million dive sticks were sold in both 1997 and 1998. Altogether, about 20 million dive sticks have been sold since 1990. Sales of dive sticks increased substantially during the 1990's. About 1 million households may have owned dive sticks during any given year.[8,12]

Before the June 1999 recalls, the CPSC staff identified at least 15 firms that manufactured or imported dive sticks into the United States. Most of the importers obtained their products from China, Hong Kong, or Taiwan. Because the product is inexpensive and simple to manufacture, it is relatively easy for firms to enter or leave the dive stick market. Therefore, firms that have not supplied dive sticks in the past, and were not part of the June 1999 recalls, could begin or renew producing or supplying dive sticks.[8,12]

D. The Risk of Injury

1. *Description of Injury.* Impalement injuries have occurred when a child accidently sat, fell or jumped buttocks-first into shallow water and landed on a dive stick. As discussed in the NPR, serious rectal or vaginal injuries can result. The severity of injuries depends on the degree of penetration by the object. The injuries could range from laceration of the rectum and sphincter, to puncture wounds and tears of the colon. Less serious injuries such as facial and eye injuries are also possible when a child attempts to retrieve a dive stick under the water.[2,10]

2. *Impalement Injury Data.* As of November 2000, the Commission is aware of nine confirmed impalement injuries involving submerged vertically-standing dive sticks. All the victims were children ranging in age from three to nine years old.[10]

Four females (ages 7 to 9) sustained injuries when the dive stick penetrated the vagina. Two males (ages 3 and 7) and two females (ages 5 and 6) suffered injuries when the dive stick penetrated the rectum. In the remaining incident, a female received external lacerations around the rectum after landing on a dive stick. Medical attention was sought after each incident, and six of the injuries required surgery to address multiple internal and external injuries.These nine incidents involved vertical-standing dive sticks. The products were cylindrical batons, approximately 7⅞ to 8⅝ inches long and ⅞ to one inch in diameter.[2,10]

Eight of the impalement injuries occurred in shallow depths of water. Of these, five occurred in small wading pools with water levels between 12 and 24 inches. Of the remaining three incidents, one occurred on the top step of a spa, one occurred in a pool measuring three feet in height with approximately 27 inches of water, and the final incident occurred in a bathtub with approximately 6 inches of water. The ninth incident reportedly took place in a pool; however, neither the type of pool nor the water depth is known.[2,10] [3]

The July 1999 ANPR provided summaries of impalement incidents reported at that time. The NPR published in July 2000 provided summaries of the three impalement injuries reported between publication of the ANPR and the NPR. One additional incident was not included in either the ANPR or the NPR. That incident involved a three-year-old boy who jumped or slid into a shallow pool and landed on an upright dive stick which penetrated his rectum. He suffered a 1½ inch puncture wound and tear in his bowels. Doctors performed a temporary colostomy and will have to reattach his intestines to his bowels once the puncture wound heals. The dive stick came in a package with a retrofit so that the dive stick would not stand upright in the water. This retrofit was not attached to the product at the time of the incident.[10]

[3] A tenth unconfirmed incident was reported to CPSC, but many details of the incident remain unclear.

3. *Non-Impalement Injury Data.* In addition to genital and rectal injuries, the Commission received reports of four injuries to other body parts that occurred when the victim submerged onto the vertical-standing dive stick. As discussed in the NPR, the injuries occurred when the children attempted to retrieve the dive sticks from the bottom of the pool. The Commission has also received reports of 11 incidents of victims struck by a thrown dive stick. Five of these incidents were reported since the June 2000 briefing package. Seven females and four males were involved in the incidents. The victims ranged in age from 4 years old to 40 years old. One of the recent incidents involved a foam dive stick as opposed to the recalled dive sticks made of hard plastic. The foam dive stick was made of a foam cylinder with a weighted plastic end. The plastic end of the dive stick is the part that contacted the victim, resulting in a laceration to the scalp.[2,10]

E. The Ban

The Commission's rule will ban dive sticks with certain hazardous characteristics. Although voluntary recalls have removed most, if not all, of these products from the market for the present time, the Commission is concerned that, without a rule banning them, they could reappear on the market.

The rule will ban dive sticks that (1) are rigid, (2) submerge to the bottom of a pool of water, and (3) stand upright in water. After considering the reported impalement injuries, the Commission believes that these are the essential characteristics that create the impalement hazard. Dive sticks and similar articles that do not have these characteristics, as well as dive rings and dive disks, are still allowed.

All dive stick impalement incidents and other rectal or vaginal impalement cases reported in the medical literature involved objects that were rigid. The staff is not aware of any impalement injuries to the perineum that involved a flexible object. In order to prevent serious injuries, the dive stick should be of sufficient flexibility that it would bend to a degree that prevents penetration when impact occurs with the perineal area. The staff developed a test to distinguish dive sticks that are sufficiently flexible so as to effectively limit the potential for serious impalement injury.

The Commission believes that it is appropriate to base a rigidity test on a fraction of the weight of a child who is first beginning to walk. Although the youngest child involved in a reported impalement incident was three years old, if a child can walk independently it is possible that he or she might be playing in a shallow body of water and fall onto a dive stick in the same manner that occurred in the impalement incidents. Children begin to walk on their own at about 11½ months. Therefore, the test uses the weight of a 10 to 12 month-old child. The weight of a 5th percentile 10 to 12 month-old child is 16.5 pounds (7.5 kg). The Commission believes that a failure criterion of 5-lbf (approximately ⅓ of the weight of a 10 to 12 month-old child) will provide a margin of safety to effectively limit the potential for a serious impalement injury.

The performance test applies a gradual compression load to the top of the dive stick for a period of 40 seconds. If the force reaches 5 lbf the dive stick is too rigid and fails the test. The Commission is aware that some manufacturers are developing dive sticks that are constructed of flexible material that would pass this test. The Commission believes that such flexible articles would not pose an impalement hazard.[5,7]

Commission staff tested samples of both rigid and flexible dive sticks. The flexible dive sticks began deflecting almost immediately. The maximum force remained under 5 lbf, which was achieved in under 10 seconds. When the compression load was applied for a total of 40 seconds, the dive stick bent significantly and the force readings dropped further from the recorded maximum force. In contrast to the flexible dive sticks, maximum force readings for rigid dive sticks exceeded 25-lbf in less than 3 seconds, with no noticeable bending.[7]

All confirmed impalement injuries occurred with dive sticks that had submerged to the bottom of a pool of water. It is unlikely that a child falling onto a dive stick floating on the water would suffer impalement. A floating dive stick is likely to move away before the child's body strikes the bottom of the pool.[3,6]

The vertical orientation of a submerged dive stick is a key factor in these impalement incidents. The Commission's Human Factors staff examined the reported incidents and concluded that when force is applied in line with the long axis of the dive sticks (as it is when a child lands on it in a vertical position), the sticks do not move. According to Human Factors, "Because the stick is braced against the floor, the impact causes a relatively rapid deceleration of the body part which is struck, with the force of the impact concentrated on the small area at the end of the stick." The Human Factors staff believes that the potential for impalement injury declines as the angle of impact moves away from the vertical. However, the orientation of a child landing on a stick is variable, and impact at precisely the wrong angle may reorient the stick perpendicular to the bottom surface. Thus, slight deviations of the stick's position from vertical may not be adequate to avoid impalement. If the angle of the stick is sufficiently away from vertical, both impact in line with the axis and impact at an angle to the axis would tend to move the stick and limit the possibility of impalement. The Commission believes that a position at least 45 degrees from vertical would provide a sufficient safety margin to effectively limit the potential for impalement injuries.[3,6]

F. Alternatives

The Commission has considered other alternatives to reduce the risk of impalement injury related to dive sticks. However, as discussed below, the Commission does not believe that any of these would adequately reduce the risk of injury.

1. *Voluntary Recalls.* Before beginning this proceeding the Commission negotiated voluntary recalls with many companies that manufactured or imported dive sticks, and many other firms voluntarily removed their dive sticks from the market. One alternative to the banning rule is for the Commission to continue pursuing recalls on a case-by-case basis. However, it appears that the impalement hazard is present in all dive sticks that have the hazardous characteristics the staff has identified. The hazard is not limited to one particular model or brand. Therefore, a rule banning all dive sticks with the identified characteristics is more efficient. While the recalls have removed hazardous dive sticks from the market for now, proceeding with future recalls in the absence of a banning rule would allow hazardous dive sticks to return to the market until the Commission had a chance to act on the new dive sticks.[8,12]

2. *Voluntary Standard.* Currently, there is no applicable voluntary standard, nor was one submitted in response to the ANPR or the NPR. Moreover, because dive sticks are relatively inexpensive and easy to manufacture, compliance with a voluntary standard may be low.[8,12]

3. *Labeling.* One alternative to a banning rule would be to require cautionary labeling for dive sticks. Most dive sticks carry some warnings regarding small parts (in reference to the end caps); instructions to use only under the supervision of a competent swimmer, and/or warning against diving in shallow water. In order for a label warning of the impalement hazard to be fully effective, consumers must notice, read, and understand it, then comply with it 100% of the time. People are less likely to comply with a warning if the connection between the product and the injury potential is not clear, if they cannot imagine what the injury is, or if they do not fully understand how to avoid the hazard. As the impalement hazard presented by dive sticks is not apparent, the label would have to convey clearly that severe rectal or genital injuries can result if children jump into the water and land on the sticks. Further, a "safe" water depth would have to be identified to give consumers adequate information on which to base their purchasing decision.

A label that meets these criteria could have a significant impact at the point of purchase, but would need to be reinforced with an on-product warning. It would be difficult, however, to develop a label that is highly noticeable and easy to read because of the small and typically curved surface area of the dive stick. Moreover, a label may not last the life of the product because it is used in water. In contrast, the effectiveness of banning hazardous dive sticks is not in question, because the impalement hazard would be minimized or eliminated.[3, 8, 12]

4. *Change in Scope.* A final alternative considered was to modify the scope of the rule so that it would apply only to pre-weighted dive sticks. However, it is easy to add weight to certain unweighted dive sticks by filling them with water, sand or similar materials so that they too can stand vertically at the bottom of a pool. Because such unweighted dive sticks can pose the same risk as pre-weighted ones, the Commission is including them in the rule.

G. Final Regulatory Analysis

1. Introduction

The Commission has determined to ban dive sticks with certain hazardous characteristics. Section 3(i) of the FHSA requires the Commission to prepare a final regulatory analysis containing (1) a description of the potential benefits and costs of the rule, including any benefits or costs that cannot be quantified in monetary terms and the identification of those likely to be affected; (2) a description of alternatives considered by the Commission, a discussion of their costs and benefits, and a brief explanation of why they were not chosen; and (3) a discussion of any significant issues raised by comments on the preliminary regulatory analysis published with the proposed rule. 15 U.S.C. 1261(i). The following discussion addresses these requirements.

2. Potential Benefits of a Rule Banning Certain Dive Sticks

When used in shallow water, rigid dive sticks that stand upright in water can cause serious impalement injuries to the perineum. The CPSC is aware of eight confirmed impalement injuries that occurred prior to the 1999 recall. A ninth injury occurred in April 2000. However, because the recall of dive sticks had an unknown impact on the number of dive sticks in use, this analysis of the societal costs of dive stick injuries is limited to the eight occurring from 1990 through 1999.[4] All victims received medical attention after the injury and at least five required surgery. In one case a temporary colostomy was performed. The CPSC is aware of 17 non-impalement injuries associated with dive sticks. Four of these incidents involved submerged dive sticks and resulted in lacerations that required stitches or surgical glue to close. Although the rule is not directly aimed at reducing these injuries, some of these injuries may have been prevented by the rule.

The reduction in the societal costs of injuries represents the societal benefits of a ban on certain dive sticks. Based on estimates from the CPSC's Injury Cost Model, the costs of impalement injuries, such as those from dive sticks, may range from about $9,000 for injuries that do not require hospitalization to about $100,000 for injuries that require hospitalization. These estimates are based on the costs of injuries involving punctures or lacerations to the victims' lower trunk or pubic region for children 5 to 9 years-of-age (the age range of the known victims). These cost estimates include the cost of medical treatment, pain and suffering, lost work time (including that lost by parents and caregivers), and legal and liability costs.

If we assume that the only cases that required hospitalization were the 5 incidents that required surgery, the total societal costs of the known incidents are about $527,000 (5 cases × $100,000 and 3 cases × $9,000) or an average of $52,700 a year since 1990. This is a low estimate of the total societal cost because it is based only on the cases known to CPSC. There may have been other injuries of which CPSC is not aware.

A useful measure for analytical purposes is the annual average injury cost per dive stick. This estimate is derived by dividing the average annual societal costs of injuries by the average number of dive sticks in use each year. As discussed earlier, the average number of dive sticks in use each year from 1990 to 1999 ranged from about 3 million units (assuming a 1 year product life) to about 5.5 million units (assuming a 4 year product life). Therefore, the annual societal costs of dive stick injuries may range from about one cent per dive stick in use ($52,700 ÷ 5.5 million) to 2 cents per dive stick in use ($52,700 ÷ 3 million).

Since dive sticks may last from one to four years, the societal costs of injuries per dive stick over the entire life of the dive stick range from about 2 cents ($0.02 × 1 year) to about 4 cents ($.01 × 4 years). Since the benefit of a ban on certain dive sticks is the reduction in the societal cost of the injuries, the benefits of a ban that eliminates these injuries is about 2 to 4 cents per banned dive stick removed from or prevented from entering the market.

The average total annual cost of dive stick injuries of $52,700 is based on known injury cases from 1990 to 1999. However, as noted earlier, dive stick sales increased from less than 1 million per year to about 5 million. If rigid dive sticks that stand upright in water had not been recalled and their annual sales had leveled off at about 5 million units annually (the sales volume in the late 1990s), the product population model indicates that the number of dive sticks in use would have reached 8 to 20 million units within the next few years. Since we estimated that the societal cost of injuries per dive stick in use was about 1 to 2 cents, this indicates that the annual cost of dive stick impalement injuries would have reached approximately $160,000 ($0.02 × 8 million) to $200,000 ($0.01 × 20 million) per year had these dive sticks not been recalled.

The benefits of eliminating dive stick injuries most directly affect households with children, since all victims have been 9 years old or younger. However, since medical costs are generally pooled through insurance, and some of the benefits include a reduction in lost worktime of caregivers, the monetary benefits of the proposed rule would be diffused through society as a whole.

[4] An estimate of the number of dive sticks in use in needed to estimate the pre-regulatory risk of injury that will be addressed by the regulation.

3. Potential Costs of the Rule

Rigid dive sticks that stand upright were removed from the U.S. market in 1999 when the Commission recalled dive sticks. Since then, when the CPSC has become aware of a rigid dive stick that stands upright being available in this country, the staff has taken action under the authority of section 15 of the FHSA to remove the dive stick from the market. The rule being issued now promulgates a ban on these dive sticks and establishes a performance standard for dive sticks. The performance standard establishes criteria for distinguishing dive sticks that are unlikely to pose impalement risks (and so are not banned) from dive sticks that may impose impalement risks (and therefore, are banned).

Manufacturers that produced the banned dive sticks (or that continue to produce these dive sticks for sale in other countries) will incur some costs to modify their products to conform to the requirements of the rule. The CPSC staff believes that the modifications can be made with minimal impact on tooling and other production processes. For example, some manufacturers may be able to continue to use the same molds that they used for rigid dive sticks, but with a softer or more flexible plastic. Other manufacturers may be able to use the same material as before but adjust the center of gravity of the dive sticks so that they do not stand upright in water. Consequently, it seems reasonably likely that when the incremental cost of the changes are spread over large production runs, the cost will be no more than the benefits—2 to 4 cents per dive stick manufactured.[5]

The ban on rigid dive sticks that stand upright may reduce consumer utility if consumers prefer the banned dive sticks to the substitute products (*i.e.*, dive sticks that do not stand upright, flexible dive sticks, dive rings, dive disks, and so on). However, because these substitute products serve essentially the same purposes and would cost about the same,[6] the negative impact on consumer utility, if any, is unlikely to be significant.

4. Alternatives Considered

The Commission considered several alternatives to issuing this rule to ban certain dive sticks. These included (1) taking no action and relying on a voluntary standard or section 15 actions, (2) a labeling only requirement, and (3) changing the scope of the products subject to the ban.

(a) *Taking No Action and Relying on a Voluntary Standard or Section 15 Activities.* The Office of Compliance has successfully negotiated recalls with many of the firms that manufactured or imported the dive sticks. Other firms for which recalls were not negotiated have voluntarily ceased distributing these dive sticks. However, since it is relatively easy for firms to enter this market, new firms could begin selling non-complying dive sticks in the absence of a standard. CPSC is aware of at least one firm that was not involved in the June 1999 recall but was distributing dive sticks after June 1999.

The Commission could continue to use its Section 15 authority to recall hazardous dive sticks when they are found instead of banning them outright. However, this approach would require the CPSC staff to make a determination that a product was hazardous each time a new dive stick was introduced to the market. Additionally, without a standard, potentially hazardous products would be available to consumers while CPSC staff were making this determination.

There is no voluntary standard for dive sticks that addresses the impalement hazard, nor was a proposed standard submitted in response to the NPR. Even if one were developed, it would be difficult to enforce since dive sticks are relatively easy to manufacture and new firms could easily begin distributing the product. Therefore, compliance with a voluntary standard may be low.

(b) *Labeling Only Requirement.* The staff explored the possibility of a warning label instead of a ban. However, according to the Commission's Human Factors staff, a warning label is the least effective approach to reducing the number of injuries. A label that is highly visible and clearly communicates the hazard could have a significant impact at the point of purchase. However, a label on the package would not remain with the product after the sale, and because the product is intended for use in the water, it is likely that any label attached to the product itself would not last the life of the product. Moreover, the surface area on a dive stick is not conducive to designing an effective warning label.

(c) *Changing the Scope.* The scope of the rule could be modified so that it applies only to pre-weighted dive sticks. However, the staff found that consumers could weight some unweighted dive sticks so that they stood vertically in water. These products would then present exactly the same impalement hazard as the pre-weighted dive sticks.

5. Significant Issues Raised by Comments on Preliminary Regulatory Analysis

The Commission did not receive any comments concerning the preliminary regulatory analysis.

H. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act ("RFA"), when an agency issues a proposed rule it generally must prepare an initial regulatory flexibility analysis describing the impact the proposed rule is expected to have on small entities. 5 U.S.C. 603. The RFA does not require a regulatory flexibility analysis if the head of the agency certifies that the rule will not have a significant effect on a substantial number of small entities. 5 U.S.C. 605(b). For the reasons discussed below, the Commission made this certification in the NPR.

Although most of the firms that manufactured or imported dive sticks are small businesses, staff analysis suggests that the rule is unlikely to have a significant effect on any businesses, large or small. Most manufacturers removed their dive sticks from the market in response to the 1999 recalls. Some manufacturers have already taken steps to redesign their products. If the redesigned products conform to the rule, the manufacturers would not incur any additional costs. In addition, as discussed above, the costs of the rule are likely to be small. Finally, dive sticks probably account for only a small percentage of any individual firm's sales. Several dive stick manufacturers market various types of pool or other toys. Others have additional product lines such as pool supplies and equipment. Additionally, most of the firms that manufactured or imported dive sticks also distribute similar toys (such as dive rings and disks and certain dive eggs that do not rest vertically on the bottom) that would not be covered by the ban. If firms stopped producing and selling dive sticks, sales of these substitute products may increase, offsetting any loss due to a ban on dive sticks.[8,12]

[5] Manufacturers that enter the dive stick market after the rule goes into effect may not incur any additional costs associated with "redesigning" dive sticks because they would design their products from the start to comply with the rule's requirements.

[6] Dive rings appeared to retail for approximately the same price per package as dive sticks, but there are generally fewer dive rings per package than dive sticks. For example, packages of dive sticks often contained 6 dive sticks; packages of dive rings seldom contain more than 4 rings. The retail prices of dive disks appear to be roughly equal to the retail prices of dive sticks. Modified dive sticks (that are either not rigid or that do not stand upright) retail for close to the prices of the banned dive sticks.

I. Environmental Considerations

Pursuant to the National Environmental Policy Act, and in accordance with the Council on Environmental Quality regulations and CPSC procedures for environmental review, the Commission assessed the possible environmental effects associated with the rule banning certain dive sticks.

The Commission's regulations state that rules providing design or performance requirements for products normally have little or no potential for affecting the human environment. 16 CFR 1021.5(c)(1). Nothing in this rule alters that expectation. Therefore, because the rule would have no adverse effect on the environment, neither an environmental assessment nor an environmental impact statement is required.[8,12]

J. Executive Orders

According to Executive Order 12988 (February 5, 1996), agencies must state the preemptive effect, if any, of new regulations.

The FHSA provides that, generally, if the Commission issues a banning rule under section 2(q) of the FHSA to protect against a risk of illness or injury associated with a hazardous substance, "no State or political subdivision of a State may establish or continue in effect a requirement applicable to such substance and designed to protect against the same risk of illness or injury unless such requirement is identical to the requirement established under such regulations." 15 U.S.C. 1261n(b)(1)(B). Upon application to the Commission, a State or local standard may be excepted from this preemptive effect if the State or local standard (1) provides a higher degree of protection from the risk of injury or illness than the FHSA standard and (2) does not unduly burden interstate commerce. In addition, the Federal government, or a State or local government, may establish and continue in effect a non-identical requirement that provides a higher degree of protection than the FHSA requirement for the hazardous substance for the Federal, State or local government's own use. 15 U.S.C. 1261n(b)(2).

Thus, with the exceptions noted above, the rule banning certain dive sticks would preempt non-identical state or local requirements applicable to dive sticks designed to protect against the same risk of injury.

The Commission has also evaluated this rule in light of the principles stated in Executive Order 13132 concerning federalism, even though that Order does not apply to independent regulatory agencies such as CPSC. The Commission does not expect that the rule will have any substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government.

K. Effective Date

The rule will become effective 30 days from publication in the **Federal Register** and will apply to dive sticks entering the chain of distribution on or after that date. As stated in the NPR, the Commission believes a 30-day effective date is appropriate because (1) due to the 1999 recalls, few, if any, hazardous dive sticks should be currently on the market; (2) redesigning products to comply with the rule should be fairly simple; and (3) substitute products are readily available.[1,8,9]

L. Commission Findings

For the Commission to issue a rule under section 2(q)(1) of the FHSA classifying a substance or article as a banned hazardous substance, the Commission must make certain findings and include these findings in the regulation. 15 U.S.C. 1262(i)(2). Accordingly, the Commission makes the following findings.

Voluntary standard. The FHSA requires the Commission to make certain findings concerning compliance with and adequacy of a voluntary standard if a relevant voluntary standard has been adopted and implemented. *Id.* The Commission is not aware of any voluntary standards addressing the risk of injury posed by dive sticks. Therefore, no findings concerning voluntary standards are necessary.

Relationship of benefits to costs. The FHSA requires the Commission to find that the benefits expected from a regulation bear a reasonable relationship to its costs. *Id.* The Commission estimates the potential benefits of removing hazardous dive sticks from the market to be 2 to 4 cents per dive stick. With the availability of substitutes and the expected low cost of modifying dive sticks to conform to the rule, the Commission anticipates that necessary changes will be minimal. The Commission estimates that the costs of the rule will be no more than 2 to 4 cents per dive stick. Thus, the Commission finds that there is a reasonable relationship between the expected benefits of the rule and its costs.

Least burdensome requirement. The FHSA requires the Commission to find that a regulation imposes the least burdensome alternative that would adequately reduce the risk of injury. 15 U.S.C. 1262(i)(2). The Commission considered pursuing voluntary recalls, following a voluntary standard, requiring labeling or changing the scope of the rule. A banning rule would be more effective than case-by-case recalls because the impalement hazard affects all dive sticks, not a specific brand or model. Awaiting recalls would allow these hazardous items on the market until the Commission obtained recalls. As explained above, no applicable voluntary standard exists, and compliance may be low if one did. Although labeling could help reduce the risk of injuries from dive sticks, it would be less effective than a banning rule. It may be difficult for a label to convey the necessary information at the time of use. Modifying the scope so that the rule would only apply to pre-weighted dive sticks would continue to permit hazardous items because the unweighted dive sticks can easily be weighted to stand vertically at the bottom of the water. Thus, the Commission finds that a ban of dive sticks with the hazardous characteristics it has identified is the least burdensome alternative that would adequately reduce the risk of injury.

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous materials, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, and Toys.

Conclusion

For the reasons stated above, the Commission concludes that the dive sticks described in this rule are hazardous substances under section 2(f)(1)(D) of the FHSA. They are intended for children and present a mechanical hazard because their design or manufacture presents an unreasonable risk of injury. 15 U.S.C. 1261(s). Therefore, the Commission amends title 16 of the Code of Federal Regulations as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES: ADMINISTRATION AND ENFORCEMENT REGULATIONS

1. The authority for part 1500 continues to read as follows:

Authority: 15 U.S.C. 1261–1278.

2. Section 1500.18 is amended to add a new paragraph (a)(18) to read as follows:

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) * * *

(18)(i) Dive sticks, and other similar articles, that are used in swimming pools or other water environments for such activities as underwater retrieval games or swimming instruction, and which, when placed in the water, submerge and rest at the bottom of the pool. This includes products that are pre-weighted to sink to the bottom and products that are designed to allow the user to adjust the weight. Dive sticks and similar articles that come to rest underwater at an angle greater than 45 degrees from vertical when measured under the test at § 1500.86(a)(7) and dive sticks and similar articles that maintain a compressive force of less than 5-lbf under the test at § 1500.86(a)(8) are exempt from this banning rule. Articles that have a continuous circular shape, such as dive rings and dive disks are also exempt.

(ii)(A) *Findings.* In order for the Commission to issue a rule under section 2(q)(1) of the FHSA classifying a substance or article as a banned hazardous substance, the Commission must make certain findings and include these findings in the regulation. 15 U.S.C. 1262(i)(2). These findings are discussed in paragraphs (a)(18)(ii)(B) through (D) of this section.

(B) *Voluntary standard.* No findings concerning compliance with and adequacy of a voluntary standard are necessary because no relevant voluntary standard addressing the risk of injury posed by dive sticks has been adopted and implemented.

(C) *Relationship of benefits to costs.* The Commission estimates the potential benefits of removing hazardous dive sticks from the market to be 2 to 4 cents per dive stick. With the availability of substitutes and the expected low cost of modifying dive sticks to conform to the rule, the Commission anticipates that necessary changes will be minimal. The Commission estimates that the costs of the rule will be no more than 2 to 4 cents per dive stick. Thus, the Commission finds that there is a reasonable relationship between the expected benefits of the rule and its costs.

(D) *Least burdensome requirement.* The Commission considered pursuing voluntary recalls, following a voluntary standard, requiring labeling or changing the scope of the rule. A banning rule would be more effective than case-by-case recalls because the impalement hazard affects all dive sticks, not a specific brand or model. Awaiting recalls would allow these hazardous items on the market until the Commission obtained recalls. No applicable voluntary standard exists, and compliance may be low if one did. Although labeling could help reduce the risk of injuries from dive sticks, it would be less effective than a banning rule. It may be difficult for a label to convey the necessary information at the time of use. Modifying the scope so that the rule would only apply to pre-weighted dive sticks would continue to permit hazardous items because the unweighted dive sticks can easily be weighted to stand vertically at the bottom of the water. Thus, the Commission finds that a ban of dive sticks with the hazardous characteristics it has identified is the least burdensome alternative that would adequately reduce the risk of injury.

* * * * *

3. Section 1500.86 is amended to add new paragraphs (a)(7) and (8) to read as follows:

§ 1500.86 Exemptions from classification as a banned toy or other banned article for use by children.

(a) * * *

(7) Dive sticks and similar articles described in § 1500.18(a)(18) that come to rest at the bottom of a container of water in a position in which the long axis of the article is greater than 45 degrees from vertical when measured in accordance with the following test method:

(i) Test equipment.

(A) A container that is filled with tap water to a depth at least 3 inches [76 mm] greater than the longest dimension of the dive stick. The container shall:

(*1*) Be sufficiently wide to allow the dive stick to lie along the bottom with its long axis in a horizontal position,

(*2*) Have clear side walls to permit observation of the dive stick under water, and

(*3*) Be placed on a level surface and have a flat bottom.

(B) A protractor or other suitable angle measurement device that has an indicator for 45 degrees from vertical.

(ii) Testing procedure

(A) If the dive stick is sold such that the consumer is required to attach an additional component(s) to the dive stick, then the product shall be tested both with and without the attachment(s).

(B) From just above the water surface, drop the dive stick into the container.

(C) Let the dive stick sink and come to rest at the bottom of the container. If the dive stick is designed so that the weight can be adjusted by adding water or other substance, adjust the weight so that the dive stick sinks and comes to rest with its long axis positioned as close to vertical as possible.

(D) Align the angle measurement device alongside the dive stick underwater and wait for the dive stick to come to rest if there is any water disturbance. Determine whether the long axis of the dive stick is greater than or less than 45 degrees from vertical.

(8) Dive sticks and similar articles described in § 1500.18(a)(18) in which the maximum force measured in the following test method is less than 5–lbf [22N]. The test shall be conducted in the ambient environment of the laboratory and not under water.

(i) Test equipment.

(A) A compression rig that has a force gauge or equivalent device that is calibrated for force measurements within a minimum range of 0 to 5 lbf [0–22 N] and with an accuracy of ±0.1 lbf [±0.44 N] or better. The test rig shall have a system to guide this force application in the vertical direction and shall have a means to adjust the rate of load application.

(B) Compression disk—the loading device that is attached to the force gauge shall be a rigid metal disk with a minimum diameter of 1.125 inches [29 mm].

(C) Vise or other clamping device.

(ii) Testing procedure

(A) Position the bottom of the dive stick in the clamping device so that the longest axis of the dive stick is vertical. The bottom end of the dive stick is the end that sinks to the bottom of a pool of water. Secure the bottom of the dive stick in the clamp such that the clamping mechanism covers no more than the bottom ½ inch [13 mm] of the dive stick.

(B) Apply a downward force at a rate of 0.05 in/sec (±0.01 in/sec) [1.3 mm.sec ±0.3 mm/sec] at the top of the dive stick with the compression disk positioned so that the plane of the disk contact surface is perpendicular to the long axis of the dive stick.

(C) Apply the load for a period of 40 seconds or until the maximum recorded force exceeds 5-lbf [22 N].

(D) Record the maximum force that was measured during the test.

Dated: March 1, 2001.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

List of Relevent Documents

1. Briefing memorandum from Ronald Medford, AED, Office of Hazard Identification and Reduction and Scott Heh, Project Manager, Directorate for Engineering Sciences, to the Commission, "Dive Sticks," June 8, 2000.

2. Memorandum from Debra Sweet, Directorate for Epidemiology, to Scott Heh, Project Manager, "Injury Data Related to Dive Sticks," March 21, 2000.

3. Memorandum from Catherine A. Sedney, Division of Human Factors, to Scott

Heh, Project Manager, "Human Factors Assessment of Dive Sticks," April 10, 2000.
4. Comment Received in Response to the ANPR, Steve Hutchison, Department of Fair Trading, NSW Consumer Protection Agency, Australia, dated August 30, 1999.
5. Memorandum from Scott Heh, Project Manager, to File, "Banning Definition and Test Methods for Dive Sticks," May 3, 2000.
6. Memorandum from Catherine A. Sedney, Division of Human Factors, to Scott Heh, Project Manager, "Prevention of Impalement Injuries: Specification of the Position of Dive Sticks in Water," January 27, 2000.
7. Memorandum from Suad Nakamura, Ph.D., Physiologist, Division of Health Sciences, and Scott Heh, Mechanical Engineer, Directorate for Engineering Sciences, to File, "Development of an Exemption for Non-rigid Dive Sticks," May 3, 2000.
8. Memorandum from Robert Franklin, Economist, Directorate for Economic Analysis, to Scott Heh, Project Manager, "Preliminary Regulatory Analysis: Dive Sticks," May 18, 2000.
9. Briefing memorandum from Ronald Medford, AED, Office of Hazard Identification and Reduction and Scott Heh, Project Manager, Directorate for Engineering Sciences, to the Commission, "Dive Sticks," February 15, 2001.
10. Memorandum from Debra Sweet, Directorate for Epidemiology, to Scott Heh, Project Manager, "Injury Data Related to Dive Sticks," January 30, 2001.
11. Memorandum from Scott Heh, Project Manager, to File, "Comment Responding to the NPR on Dive Sticks," January 24, 2001.
12. Memorandum from Robert Franklin, Economist, Directorate for Economic Analysis, to Scott Heh, Project Manager, "Final Regulatory Analysis: Dive Sticks," February 14, 2001.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 00F–0812]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Dimethyl Dicarbonate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for a more descriptive term, in place of "inhibitor of yeast," for the safe use of dimethyl dicarbonate (DMDC). The more descriptive term is "microbial control agent." This document also involves adding related limitations to our regulations on dimethyl dicarbonate. This action is in response to a petition filed by Bayer Co.

DATES: This rule is effective March 7, 2001. Submit written objections and requests for a hearing by April 6, 2001.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Martha D. Peiperl, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3077.

SUPPLEMENTARY INFORMATION:

I. Introduction

In a notice published in the **Federal Register** of March 7, 2000 (65 FR 12014), FDA announced that a food additive petition (FAP 0A4718) had been filed by Bayer Co., c/o McKenna & Cuneo LLP, 1900 K St. NW., Washington, DC 20006–1106. The petition proposed to amend the food additive regulations in § 172.133 *Dimethyl dicarbonate* (21 CFR 172.133) both to provide for the safe use of DMDC in noncarbonated juice beverages containing up to and including 100 percent juice and to provide for a more descriptive term in place of "inhibitor of yeast," for the safe use of DMDC.

In a notice published in the **Federal Register** of September 27, 2000 (65 FR 58091), FDA announced that it was amending the filing notice of March 7, 2000, to clarify that the proposed amendment to provide for a more descriptive term in place of "inhibitor of yeast," for the safe use of DMDC will also involve adding related limitations to § 172.133. In the September 27, 2000, notice, FDA also announced that the petitioner's additional request, to amend the food additive regulations to provide for the safe use of DMDC in noncarbonated juice beverages containing up to and including 100 percent juice, was converted to a food-contact substance notice (FCN 0035) (21 U.S.C. 348(h)(5)). Subsequently, this request was withdrawn from the petition as of the effective date of FCN 0035 (June 9, 2000).

DMDC is currently listed in § 172.133 for use as a yeast inhibitor in wine, dealcoholized wine, and low alcohol wine (53 FR 41325, October 21, 1988; and 58 FR 6088, January 26, 1993); in ready-to-drink teas (59 FR 5317, February 4, 1994); in carbonated or noncarbonated, nonjuice-containing flavored or unflavored beverages containing added electrolytes (61 FR 26786, May 29, 1996); and in carbonated, dilute beverages containing juice, fruit flavor, or both, with juice content not to exceed 50 percent (61 FR 26786, May 29, 1996). In addition, there is an effective notification for the use of DMDC as a microbial control agent in noncarbonated juice beverages containing up to and including 100 percent juice (FCN 0035, June 9, 2000).

II. Evaluation of Safety

DMDC is used in the beverage industry for supplemental microbial control in beverages during the final stages of filling. It is added to beverages, whose viable microorganism load was previously reduced by other technologies, immediately prior to bottling, canning, or other forms of final packaging. To ensure its safe use, the agency set the maximum amount of DMDC that may be added to food at 250 parts per million (ppm). DMDC is currently approved under § 172.133(b)(1) and (b)(2) as an inhibitor of yeast in various beverages under normal circumstances of bottling or canning where the viable yeast count has been reduced to 500 per milliliter (mL) or less by current good manufacturing practices. DMDC is also approved under § 172.133(b)(3) and (b)(4) as an inhibitor of yeast in additional beverages. During its review of the subject petition, FDA found that restrictions given in paragraphs (b)(1) and (b)(2) were inadvertently omitted from paragraphs (b)(3) and (b)(4).

Bayer Co. petitioned the agency to change the term "inhibitor of yeast" to "microbial control agent" to better describe the actual functional effect of DMDC (at levels up to 250 ppm) in beverages during the final stages of filling. In support of the more descriptive term "microbial control agent," the petitioner provided studies of the effect of DMDC (at levels up to 250 ppm) on various yeast strains and on *Escherichia coli* 0157:H7 in several noncarbonated juice beverages.

In its review of the proposed use of the term "microbial control agent," the agency evaluated the information submitted with FAP 0A4718, as well as previously submitted information. FDA has determined that DMDC is effective in microbial control for beverages under normal circumstances of bottling, canning, and other forms of final packaging where the viable microorganism load has been reduced to 500 microorganisms/mL or less by current technologies.

III. Conclusion

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed renaming of the use of the additive is appropriate provided that related limitations are added to § 172.133, (2) the uses of the additive specified in this section remain safe, (3) the additive will achieve its intended technical effect, and therefore, (4) the regulations in § 172.133 should be amended as set forth in this document.

The agency is also taking this opportunity to correct an inadvertent error in and to make editorial changes to § 172.133 in response to the ongoing initiative regarding plain language in government writing.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

IV. Environmental Impact

The agency determined subsequent to the amended filing notice of this petition that the categorical exclusion in 21 CFR 25.30(i) is no longer appropriate. The agency is relying instead on the categorical exclusion in 21 CFR 25.32(k) for this action. Because this action is of a type that does not individually or cumulatively have a significant effect on the human environment, neither an environmental assessment nor an environmental impact statement is required.

V. Paperwork Reduction Act 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VI. Objections

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by April 6, 2001. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

2. Section 172.133 is amended by redesignating paragraph (c)(2) as paragraph (c)(3), by adding a new paragraph (c)(2), and by revising newly redesignated paragraph (c)(3) and paragraph (b), to read as follows:

§ 172.133 Dimethyl dicarbonate.

* * * * *

(b) The additive is used or intended for use as a microbial control agent in the following beverages under normal circumstances of bottling, canning, or other forms of final packaging, where the viable microbial load has been reduced to 500 microorganisms per milliliter or less by current good manufacturing practices such as heat treatment, filtration, or other technologies prior to the use of dimethyl dicarbonate:

(1) In wine, dealcoholized wine, and low alcohol wine in an amount not to exceed 200 parts per million.

(2) In ready-to-drink teas in an amount not to exceed 250 parts per million.

(3) In carbonated or noncarbonated, nonjuice-containing (less than or equal to 1 percent juice), flavored or unflavored beverages containing added electrolytes (5–20 milliequivalents/liter sodium ion (Na^+) and 3–7 milliequivalents/liter potassium ion (K^+)) in an amount not to exceed 250 parts per million.

(4) In carbonated, dilute beverages containing juice, fruit flavor, or both, with juice content not to exceed 50 percent, in an amount not to exceed 250 parts per million.

(c) * * *

(2) The intended use of the additive.

(3) Adequate directions for use to ensure compliance with this section.

Dated: February 20, 2001.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 01–5511 Filed 3–6–01; 8:45 am]
BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 175, 176, and 178

[Docket No. 99F–2081]

Indirect Food Additives: Adhesives and Components of Coatings and Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt as a surface active agent in adhesive formulations, and in components of paper and paperboard intended to contact food. This action is in response to a petition filed by Troy Corp.

DATES: This rule is effective March 7, 2001. Submit written objections and requests for a hearing by April 6, 2001.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Mark A. Hepp, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3098.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 2, 1999 (64 FR 36021), FDA announced that a food additive petition (FAP 9B4678) had been filed by Troy Corp., c/o S. L. Graham & Associates, 1801 Peachtree Lane, Bowie, MD 20721. The petition proposed to amend the food additive regulations in § 175.125 *Pressure-sensitive adhesives* (21 CFR 175.125) to provide for the safe use of butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt as a surface active agent in pressure sensitive adhesives.

Subsequent to the publication of the filing notice, the petition was amended to include a proposal to further amend the food additive regulations in §§ 175.105 *Adhesives* (21 CFR 175.105), 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170), 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180), and 178.3400 *Emulsifiers and/or surface active agents* (21 CFR 178.3400) to provide for the safe use of butanedioic acid, sulfo-1, 4-diisodecyl ester, ammonium salt as a surface active agent in adhesives, and in paper and paperboard intended to contact food. Therefore, in a notice published in the **Federal Register** of January 3, 2001 (66 FR 375), FDA announced that it was amending the filing notice of July 2, 1999, to indicate that the petitioner requests that the food additive regulations be amended to provide for the safe use of butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt as a surface active agent in adhesives, pressure sensitive adhesives, and paper and paperboard intended to contact food.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulations in §§ 175.105, 175.125, 176.170, 176.180, and 178.3400 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in §171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this rule as announced in the notices of filing for FAP 9B4678. No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by April 6, 2001. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 175

Adhesives, Food additives, Food packaging.

21 CFR Parts 176 and 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR parts 175, 176, and 178 are amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR part 175 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 175.105 is amended in the table in paragraph (c)(5) by alphabetically adding an entry under the headings "Substances" and "Limitations" to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * * * *	
Butanedioic acid, sulfo-1,4-di-(C_9-C_{11} alkyl) ester, ammonium salt (also known as butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt [CAS Reg. No. 144093–88–9]).	For use as a surface active agent in adhesives.
* * * * * * *	

3. Section 175.125 is amended by adding paragraph (a)(9) and by revising paragraph (b)(1) to read as follows:

§ 175.125 Pressure-sensitive adhesives.

* * * * *

(a) * * *

(9) Butanedioic acid, sulfo-1,4-di-(C_9-C_{11} alkyl) ester, ammonium salt (also known as butanedioic acid sulfo-1, 4-diisodecyl ester, ammonium salt [CAS Reg. No. 144093–88–9]) as a surface active agent at a level not to exceed 3.0 percent by weight of the finished pressure-sensitive adhesive.

(b) * * *

(1) Substances listed in paragraphs (a)(1), (a)(2), (a)(3), (a)(5), (a)(6), (a)(7), (a)(8), and (a)(9) of this section, and those substances prescribed by paragraph (a)(4) of this section that are not identified in paragraph (b)(2) of this section.

* * * * *

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

4. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 346, 348, 379e.

5. Section 176.170 is amended in the table in paragraph (b)(2) by alphabetically adding an entry under the headings "List of Substances" and "Limitations" to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * * * * * *	
Butanedioic acid, sulfo-1,4-di-(C_9-C_{11} alkyl) ester, ammonium salt (also known as butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt [CAS Reg. No. 144093–88–9]).	For use as a surface active agent in package coating inks at levels not to exceed 3 percent by weight of the coating ink.
* * * * * * *	

6. Section 176.180 is amended in the table in paragraph (b)(2) by alphabetically adding an entry under the headings "List of substances" and "Limitations" to read as follows:

§ 176.180 Components of paper and paperboard in contact with dry food.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * * * * * *	
Butanedioic acid, sulfo-1,4-di-(C_9-C_{11} alkyl) ester, ammonium salt (also known as butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt [CAS Reg. No. 144093–88–9]).	For use as a surface active agent in package coating inks at levels not to exceed 3 percent by weight of the coating ink.
* * * * * * *	

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

7. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

8. Section 178.3400 is amended in the table in paragraph (c) by alphabetically adding an entry under the headings "List of substances" and "Limitations" to read as follows:

§ 178.3400 Emulsifiers and/or surface active agents.

* * * * *

(c) * * *

List of substances	Limitations
* * * * * * *	
Butanedioic acid, sulfo-1,4-di-(C_9-C_{11} alkyl) ester, ammonium salt (also known as butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt [CAS Reg. No. 144093–88–9]).	For use as a surface active agent as provided in §§ 175.105, 175.125, 176.170, and 176.180 of this chapter.
* * * * * * *	

* * * * *

Dated: February 21, 2001.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 01–5512 Filed 3–6–01; 8:45 am]

BILLING CODE 4160–01–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–6949–8]

Protection of Stratospheric Ozone: Notice 14 for Significant New Alternatives Policy Program; Correction

AGENCY: Environmental Protection Agency.

ACTION: Notice of Acceptability, correction; Request for Information, correction.

SUMMARY: The Environmental Protection Agency published in the **Federal Register** of December 18, 2000, a Notice of Acceptability and Request for Information related to the Significant New Alternatives Policy (SNAP) program. A number of typographical errors were made inadvertently. In addition, a commenter provided updated information about the flammability of one chemical presented in the notice. This document identifies and corrects these errors.

DATES: These corrections are effective on March 7, 2001. Please submit any information in response to the December 18, 2000 requests for information by May 7, 2001.

FOR FURTHER INFORMATION CONTACT: Margaret Sheppard by telephone at (202) 564–9163, by fax at (202) 565–2141, by e-mail at *sheppard.margaret@epa.gov*, or by mail at U.S. Environmental Protection Agency, Mail Code 6205J, Washington, D.C. 20460. Overnight or courier deliveries should be sent to the office location at 501 3rd Street, N.W., Washington, D.C., 20001. Further information can be found by calling the Stratospheric Protection Hotline at (800) 296–1996, or by viewing EPA's Ozone Depletion World Wide Web site at *www.epa.gov/ozone/title6/snap/*.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency published in the **Federal Register** of December 18, 2000 (65 FR 78977), a Notice of Acceptability and Request for Information related to the Significant

New Alternatives Policy (SNAP). In FR Doc. 00–31946, published on December 18, 2000, a number of typographical errors were made inadvertently. In addition, a commenter provided updated information about the flammability of one chemical presented in the notice, showing that a statement in the notice was in error. This document identifies and corrects these errors.

In FR Doc. 00–31946, published on December 18, 2000 (65 FR 78977), in the "Supplementary Information" section make the following corrections:

1. On p. 78978, seventeenth and eighteenth lines from the top of the first column, correct the third bullet in EPA's decision for HFE–7100 to read "CFC–13, R–13B1, and R–503 in very low temperature refrigeration."

2. On p. 78978, fifth and sixth lines from the bottom of the first column, correct the third bullet in EPA's decision for HFE–7200 to read "CFC–13, R–13B1, and R–503 in very low temperature refrigeration."

3. On p. 78980, seventh line from the bottom of the third column under the heading "Flammability Information," remove the sentence, "HFC–365mfc has no flash point." Add the following sentences at the end of that paragraph: "HFC–365mfc has a flash point below −27 °C. This compound is flammable, but less flammable than hydrocarbon solvents."

4. On p. 78981, 32nd line from the top of the second column under the heading "Flammability Information," remove the sentence, "HFC–365mfc has no flash point." Add the following sentences at the end of that paragraph: "HFC–365mfc has a flash point below −27 °C. This compound is flammable, but less flammable than hydrocarbon solvents."

5. On p. 78984, in the ninth and tenth lines from the bottom of the third column, correct the reference to the ozone depletion potential of n-propyl bromide in the tropics to be "0.087 to 0.105."

6. On p. 78987, in the ninth and thirteenth lines from the top of the "Substitute" column in the table, for the end use of very low temperature refrigeration, remove the reference to "CFC–113" and add "CFC–13" in its place.

7. On p. 78988, in the eighth and fourteenth lines from the top of the "Substitute" column in the table, for the end uses of centrifugal and reciprocating chillers, remove the references to "HCFC–12" and add "HCFC–22" in their place.

Dated: February 1, 2001.

Drusilla Hufford,

Director, Global Programs Division.

[FR Doc. 01–5565 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG15

Endangered and Threatened Wildlife and Plants: Final Designation of Critical Habitat for the Arroyo Toad; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; Correction.

SUMMARY: The final rule to establish critical habitat for the arroyo toad was published in the **Federal Register** on February 7, 2001; the effective date for this final rule is March 9, 2001. This document contains corrections to the Final Designation of Critical Habitat for the Arroyo Toad. These corrections are necessary to provide the correct name for the Fallbrook Naval Weapons Station and to clarify the maps provided with the critical habitat designation. As noted in the final rule, the GIS maps are provided to assist the public in identifying areas that may fall within the designation. The legal descriptions of the critical habitat designation required by regulation (50 CFR 424.12(c)) are the UTM coordinates that provide specific limits using reference points as found on standard topographic maps of the areas. These coordinates and legal descriptions are correct as published in the **Federal Register**.

DATES: This correction is effective March 9, 2001.

FOR FURTHER INFORMATION CONTACT: For information about Monterey, San Luis Obispo, Santa Barbara, and Ventura Counties, northern Los Angeles County and the desert portion of San Bernardino County, contact Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, 2394 Portola Road, Suite B, Ventura, California, (telephone 805/644–1766; facsimile 805/644–3958). For information about southern Los Angeles and urban and montane San Bernardino Counties, and Riverside, Orange, and San Diego Counties, contact Ken Berg, Field Supervisor, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008 (telephone 760/431–9440; facsimile 760/431–9624).

SUPPLEMENTARY INFORMATION: On February 7, 2001, the U.S. Fish and Wildlife Service (Service) designated critical habitat for the arroyo toad (*Bufo californicus*) pursuant to the Endangered Species Act of 1973, as amended (Act) (66 FR 9414). A total of approximately 73,780 hectares (182,360 acres) in Monterey, Santa Barbara, Ventura, Los Angeles, San Bernardino, Riverside, Orange, and San Diego Counties, California, is designated as critical habitat.

As published, the final rulemaking contained errors in the title of the Fallbrook Naval Weapons Station and in the maps depicting critical habitat for units 1–22. In the final rule we inadvertently referred to the Fallbrook Naval Weapons Station as a Reserve. In addition, we mistakenly included draft maps, rather than the final, of the designated critical habitat. We are providing corrected GIS maps. These GIS maps are not the legal descriptions of the habitat. We provided legal descriptions, as required by regulation (50 CFR 424.12(c)), with specific limits using reference points (UTM coordinates) as found on standard topographic maps of the areas; the legal descriptions in the final rule are correct. The GIS maps are provided to help the public understand the general location of the designated critical habitat.

Accordingly, make the following corrections to FR Doc. 01–2253 published at 66 FR 9413 on February 7, 2001:

PART 17—[CORRECTED]

1. On pages 9427 and 9436, in the middle columns, correct "Fallbrook Naval Weapons Reserve" to read as follows:

Fallbrook Naval Weapons Station

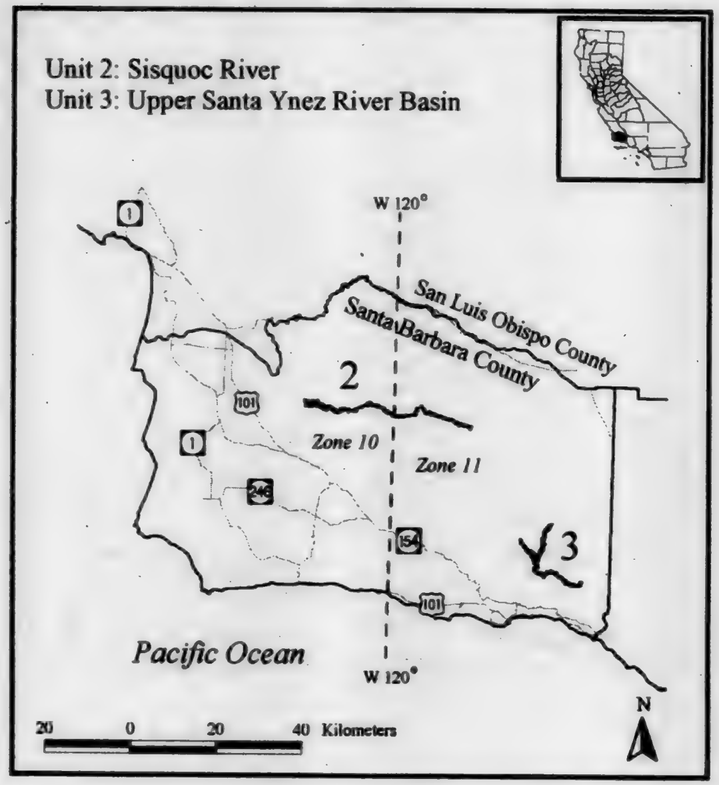
BILLING CODE 4310–55–P

2. On page 9453, correct the map for Unit 1 to read as follows:



BILLING CODE 4310–55–C

3. On page 9454, correct the map for Unit 2 and 3 to read as follows:



BILLING CODE 4310-55-C

4. On page 9456, correct the map for Unit 4 to read as follows:



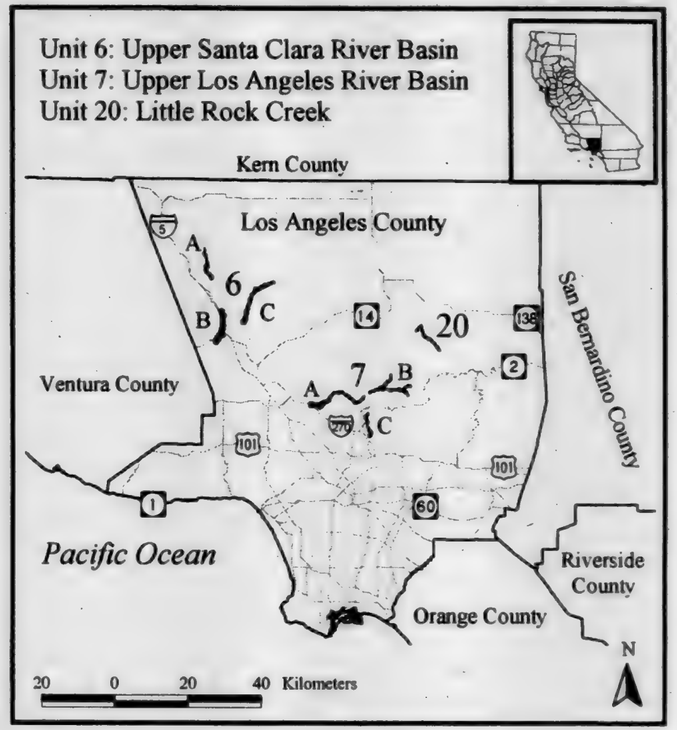
BILLING CODE 4310-55-C

5. On page 9457, correct the map for Unit 5 to read as follows:



BILLING CODE 4210-55-C

6. On page 9458, correct the map for Unit 6,7, and 20 to read as follows:



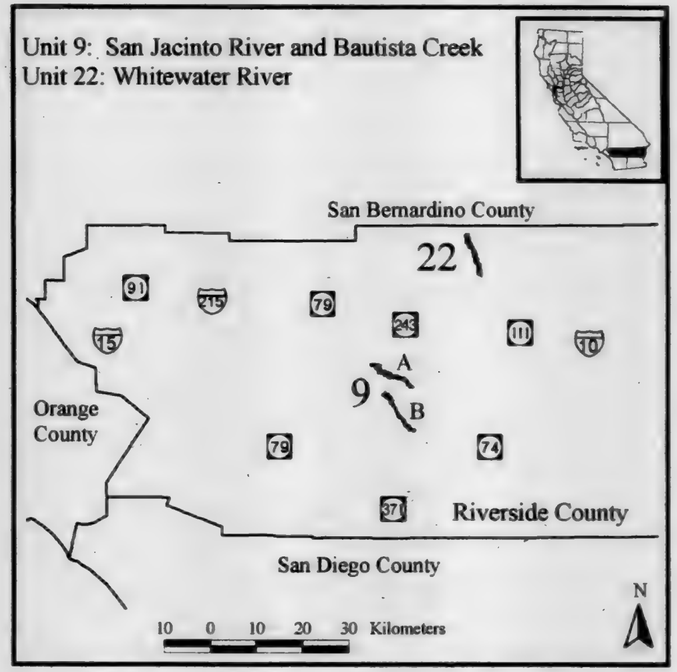
BILLING CODE 4310-55-C

7. On page 9460, correct the map for Unit 8 and 10 to read as follows:



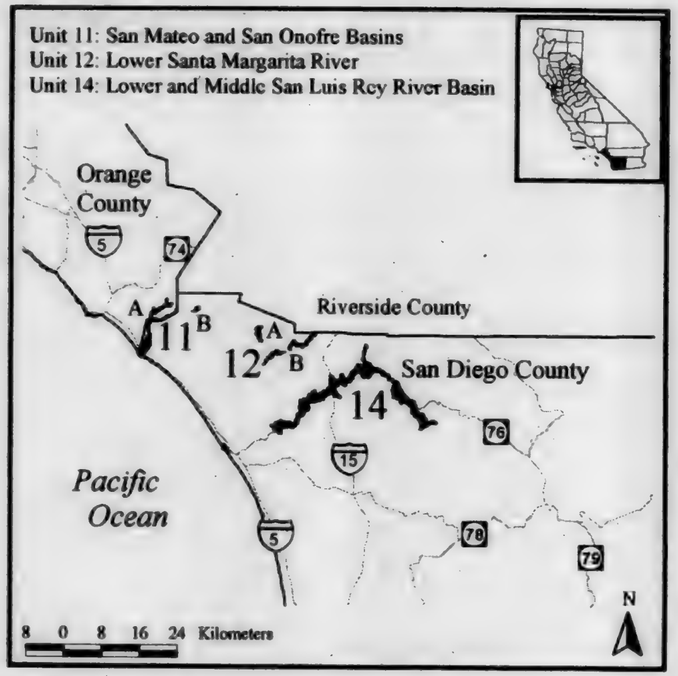
BILLING CODE 4310–55–C

8. On page 9461, correct the map for Unit 9 and 22 to read as follows:



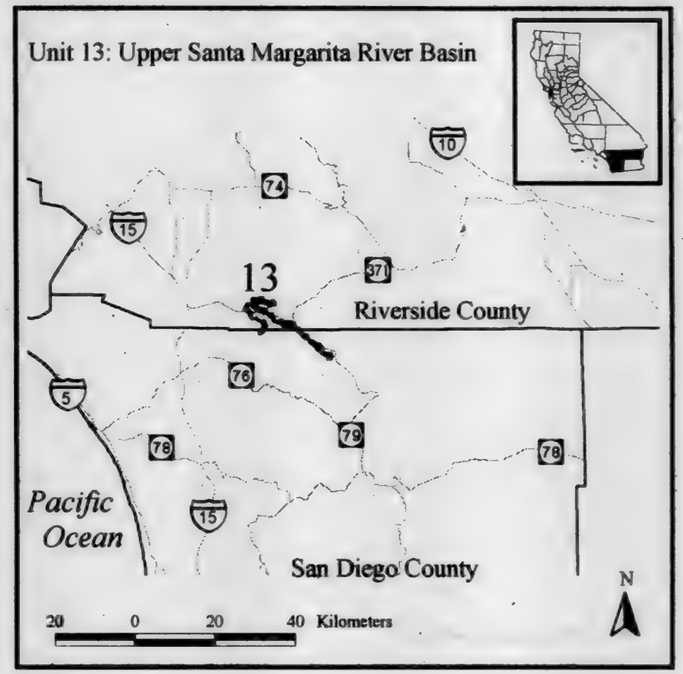
BILLING CODE 4310–55–C

9. On page 9463, correct the map for Unit 11, 12, and 14 to read as follows:



BILLING CODE 4310-55-C

10. On page 9464, correct the map for Unit 13 to read as follows:



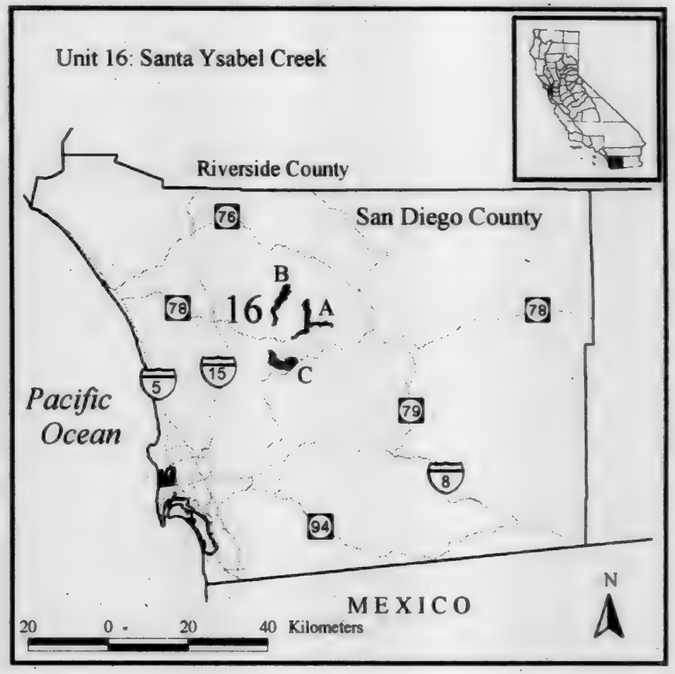
BILLING CODE 4310-55-C

11. On page 9466, correct the map for Unit 15 to read as follows:



BILLING CODE 4310-55-C

12. On page 9467, correct the map for Unit 16 to read as follows:



BILLING CODE 4310-55-C

13. On page 9468, correct the map for Unit 17 to read as follows:



BILLING CODE 4310-55-C

14. On page 9469, correct the map for Unit 18 to read as follows:



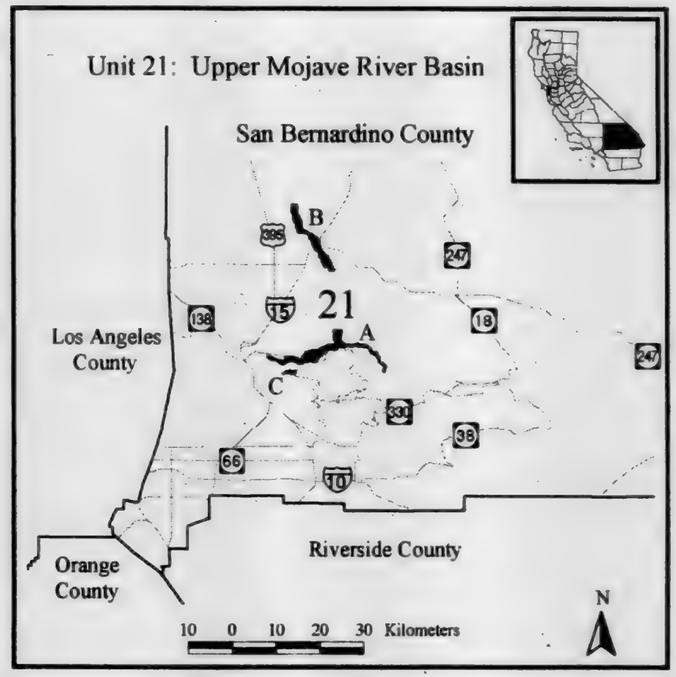
BILLING CODE 4310-55-C

15. On page 9471, correct the map for Unit 19 to read as follows:



BILLING CODE 4310-55-C

16. On page 9473, correct the map for Unit 21 to read as follows:



BILLING CODE 4310-55-C

Dated: February 23, 2001.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 01-5497 Filed 3-6-01; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 030201A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season amount of the Pacific cod total allowable catch (TAC) apportioned to vessels catching Pacific cod for processing by the inshore component of the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 4, 2001, until 1200 hrs, A.l.t., June 10, 2001.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2001 A season Pacific cod TAC apportioned to vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area is 16,335 metric tons (mt) as established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season amount of the Pacific cod TAC apportioned to vessels catching Pacific cod for processing by the inshore component of the Central Regulatory Area of the GOA will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 14,335 mt, and is setting aside the remaining 2,000 as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting

directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the amount of the 2001 A season Pacific cod TAC specified for the inshore component in the Central Regulatory Area constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly the need to implement these measures in a timely fashion to prevent exceeding the 2001 A season Pacific cod TAC specified for the inshore component in the Central Regulatory Area constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 2, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5550 Filed 3–2–01; 3:51 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991207325–0063–02; I.D. 100599A]

RIN 0648–AJ52

Fisheries in the Exclusive Economic Zone Off Alaska; A Cost Recovery Program for the Individual Fishing Quota Program; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: This document corrects regulatory text in the final rule that implements a cost recovery program for the Individual Fishing Quota (IFQ) program for fixed gear halibut and sablefish fisheries in waters in and off of Alaska, which was published in the **Federal Register** on March 20, 2000.

DATES: Effective March 15, 2000.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION:

Background

A final rule was published in the **Federal Register** on March 20, 2000 (65 FR 14919), to implement the IFQ cost recovery program. In the regulatory text portion of the final rule, the procedure described for payment of IFQ fees incorrectly included notarizing the fee payment section.

Need for Correction

As published, the final rule contained an error that must be corrected:

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

Accordingly, 50 CFR part 679 is corrected by making the following correcting amendment:

1. The authority for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

§ 679.5 [Corrected]

2. In § 679.5, paragraph (l)(7)(ii)(C)(*4*)(*i*) is correctly revised to read as follows:

* * * * *

(l) * * *

(7) * * *

(ii) * * *

(C) * * *

(*4*) *Fee payment and certification section—(i) Information required.* An IFQ permit holder with an IFQ landing must provide his or her NMFS person identification number and must sign and date the Fee Payment section and record the following: his or her printed name; the total annual fee amount as calculated and recorded on the Fee Calculation page; the total of any pre-payments submitted to NMFS that apply to the total annual fee amount; the remaining balance fee; and the enclosed payment amount.

* * * * *

Dated: February 27, 2001.

William T. Hogarth,

Deputy Asst. Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5559 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000629198–1038–02; I.D. 051500D]

RIN 0648–AM72

Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule implementing Amendment 66 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) and defining directed fishing for pollock CDQ. Amendment 66 removes the allocation of squid to the Western Alaska Community Development Quota (CDQ) Program to prevent the catch of squid from limiting the catch of pollock CDQ. The regulatory amendment defining directed fishing for pollock CDQ implements the intent of the American Fisheries Act (AFA) that only pollock caught while directed fishing for pollock CDQ accrue against the pollock CDQ allocation. Pollock caught incidentally in other groundfish CDQ fisheries will accrue against the pollock incidental catch allowance (ICA) established under the AFA. In addition, this definition allows NMFS to enforce closures to directed fishing for pollock CDQ in areas such as Steller Sea Lion conservation area or the Chinook Salmon Savings Area. This action is necessary to implement Amendment 66 and the CDQ Program-related provisions of the AFA. NMFS expects it to further the goals and objectives of the FMP.

DATES: Effective April 6, 2001.

ADDRESSES: Copies of Amendment 66 to the FMP, the two Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analyses (EA/RIR/IRFA), or the single Final Regulatory Flexibility Analysis (FRFA) prepared for these actions are available from NMFS, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, or by calling the Alaska Region, NMFS, at 907–586–7228. Send comments on any ambiguity or unnecessary complexity arising from the language used in this final rule to the Administrator, Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668.

FOR FURTHER INFORMATION CONTACT: Sally Bibb, 907–586–7389, sally.bibb@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

NMFS manages fishing for groundfish by U.S. vessels in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) according to the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels appear at 50 CFR parts 600 and 679.

Amendment 66 was approved by NMFS on August 30, 2000. This amendment removes the allocation of 7.5 percent of the BSAI squid total allowable catch (TAC) to the CDQ Program to prevent the catch of squid CDQ from limiting the catch of pollock CDQ. Amendment 66 was adopted by the Council at its June 1999 meeting without objection. NMFS published a notice of availability of the FMP amendment at 65 FR 34434, May 30, 2000, and invited comments on the FMP amendment through July 31, 2000. One letter of comment was received on the FMP amendment. The comments from this letter are summarized below in "Response to Comments." NMFS published a proposed rule to implement Amendment 66 and to define "directed fishing for pollock CDQ" on July 17, 2000 (65 FR 44018). Public comments were requested through August 31, 2000. No comments were received on the proposed rule.

NMFS proposed a method for determining whether a vessel operator was directed fishing for pollock CDQ to implement the intent of the AFA with respect to pollock CDQ accounting. The AFA establishes the pollock CDQ allocation as a "directed fishing allowance," which means that only pollock caught while directed fishing for pollock CDQ accrue against the pollock CDQ allocation. Pollock caught by vessels CDQ fishing, but not directed fishing for pollock CDQ, accrue against the pollock ICA. Based on the recommendation of the Council, NMFS proposed that the determination of whether a vessel operator was directed fishing for pollock CDQ would be based on the percent of pollock in each haul by a catcher/processor and each delivery by a catcher vessel. Hauls and deliveries in which pollock represented 60 percent or more of the total weight of groundfish would be considered directed fishing for pollock CDQ. In this final rule, NMFS revises the basis of determining directed fishing for pollock CDQ by catcher vessels from the definition that was included in the proposed rule. The revision is explained below in the section titled "Changes from the Proposed Rule."

Additional information about the objective of, and the impacts of Amendment 66 and the specific method for determining whether a vessel operator is directed fishing for pollock CDQ are described in the Classification section of this final rule and in the proposed rule (65 FR 44018, July 17, 2000).

Pollock Catch in the 2000 CDQ Fisheries

In 2000, 113,900 mt of pollock and 148 mt of squid were allocated to the CDQ Program. Through December 18, 2000, approximately 113,554 mt of pollock accrued against the pollock CDQ allocation because they were caught in hauls or deliveries in which pollock represented 60 percent or more of the catch. Approximately 469 mt of pollock accrued against the pollock ICA because they were caught in hauls or deliveries in which pollock represented less than 60 percent of the total catch. NMFS allocated approximately 51,255 mt of pollock to the 2000 pollock ICA for pollock caught incidentally in the CDQ and non-CDQ groundfish fisheries. Therefore, the incidental catch of pollock in the CDQ fisheries has, thus far in 2000, represented less than 1 percent of the amount of pollock available in the ICA.

Approximately 51 mt of squid have been caught in the CDQ fisheries through December 18, 2000. This amount represents about 34 percent of the 2000 squid CDQ allocation of 148 mt.

Response to Comments

NMFS received one letter of comment on Amendment 66 from the Center for Marine Conservation (CMC). Although the CMC does not specifically recommend that NMFS disapprove Amendment 66, it raises several concerns about the rationale for Amendment 66 and the management of squid in general.

Comment 1: The CMC questions NMFS' apparent interpretation that section 206(a) of the AFA requires NMFS to ensure that the CDQ groups harvest their 10 percent allocation of the pollock TAC. The CMC believes that NMFS is inappropriately prioritizing full harvest of the pollock CDQ allocations over the Magnuson-Stevens Act requirements to minimize bycatch. Furthermore, the CMC asserts that Amendment 66 sets a bad precedent by removing an allocation of a species from the CDQ Program to prevent the bycatch of that species from limiting the CDQ groups' harvest of a target species.

Response: The CMC correctly states that NMFS and the Council have interpreted that when Congress increased the allocation of pollock to the CDQ Program under the AFA, it intended that the CDQ groups harvest this increased allocation. In light of the increased allocation of pollock CDQ under the AFA, the Council re-evaluated the impact of the strict quota accountability requirements of the CDQ Program increasing the pollock CDQ allocation, which increased the chance that the 7.5 percent squid CDQ allocation would be reached before the pollock CDQ allocation was caught. In doing so, the Council and NMFS considered the trade-offs between the amount of squid bycatch in the CDQ fisheries and the importance of the pollock CDQ allocation in achieving the goals of the CDQ Program.

Section 301 of the Magnuson-Stevens Act requires that fishery management plans and their amendments be consistent with the national standards. As the CMC stated, national standard 9 requires that conservation and management measures shall, to the extent practicable, minimize bycatch and the mortality of such bycatch. Squid is a bycatch species in the BSAI groundfish fisheries and is caught primarily in the pollock fisheries. Removing squid as a CDQ species could, under some circumstances, result in a higher total catch of squid in the CDQ fisheries than would have occurred under the status quo. However, under both Amendment 66 and the status quo, the total catch of squid in the CDQ and non-CDQ fisheries combined is limited by the squid TAC, acceptable biological catch (ABC), and overfishing level (OFL). The total catch of squid in the CDQ and non-CDQ fisheries has been below the squid TAC since 1997, when new OFL definitions were implemented.

NMFS believes that Amendment 66 is consistent with the Magnuson-Stevens Act section 301 requirement that fishery management plans be consistent with all national standards, including

national standard 9. The stipulation "to the extent practicable" in national standard 9 requires the Council to consider minimizing bycatch together with other objectives. In recommending approval of Amendment 66, the Council and NMFS also considered consistency with all of the national standards. Specifically, national standard 1 requires that we prevent overfishing while achieving optimum yield and national standard 8 requires that management measures take into account the importance of fishery resources to fishing communities. Amendment 66 will increase the ability of the CDQ groups to fully harvest their pollock CDQ allocation, which is consistent with the objective of achieving optimum yield of the pollock TAC and the allocations provided under the AFA. With respect to national standard 8, the primary purpose of the CDQ allocations is to assist residents of 65 fishing communities in western Alaska to develop fisheries-based economies. Royalties received by the CDQ groups from their pollock CDQ allocation represented approximately 80 percent of the $25 million in royalties from the groundfish and crab CDQ allocations in 1999. Therefore, a management measure that increases the ability of the CDQ groups to fully harvest their pollock allocations is consistent with the objectives of national standard 8.

Comment 2: The CMC states that the EA does not adequately address Endangered Species Act and Marine Mammal Protection Act considerations with respect to Steller sea lions and the impact of squid harvests on the ecosystem. In addition, the CMC believes that NMFS should use more precaution in the procedure for setting OFL, ABC, and TAC for squid.

Response: The CMC's comments on the adequacy of the EA appear to be directed more toward the impact of the catch of the squid TAC in general than on Amendment 66. Amendment 66 addresses only the amount of squid that may be caught in the CDQ fisheries and the process used to account for squid catch in the CDQ and non-CDQ fisheries. Therefore, the CMC's concerns about the need for more information about squid, the process used to establish the squid TAC and OFL, the impact of squid harvests on Steller sea lions, or the impact on the ecosystem probably would not be alleviated by disapproval of Amendment 66. These concerns are more appropriately addressed in the annual specifications process through analysis documents required under the National Environmental Policy Act and the Endangered Species Act.

NMFS recognizes that the comments about the inadequacy of the EA for Amendment 66 are related to the U.S. District Court's July 13, 1999, remand order for the 1998 Final Supplemental Environmental Impact Statement (SEIS) NMFS prepared on setting TAC specifications and prohibited species catch limits. NMFS is preparing a programmatic SEIS for the GOA and BSAI groundfish fishery management plans in their entirety in accordance with the 1999 remand order. The EA prepared for Amendment 66 summarizes the biological and catch information for squid contained in the annual stock assessments documents and relies upon the information and conclusions of the 1998 SEIS for the groundfish fisheries off Alaska. The squid TAC, ABC, and OFL are determined annually through the groundfish specifications process. This process utilizes the best available scientific information on the status of the resource.

The finding of no significant impact as a result of Amendment 66 is based on the determination that, although the catch of squid in the CDQ fisheries may increase in some years, the total catch of squid in the BSAI CDQ and non-CDQ groundfish fisheries combined will continue to be limited by the squid TAC, ABC, and OFL. In many years, Amendment 66 will have no impact on the total catch of pollock or squid in the BSAI because the catch of squid in the CDQ fisheries will be less than 7.5 percent of the squid TAC.

On November 30, 2000, NMFS released a comprehensive biological opinion under the ESA (available from NMFS, see **ADDRESSES**). The biological opinion analyzed the impacts of the commercial groundfish fishery in the BSAI and GOA on Steller sea lions and other ESA listed species present in the area. In the biological opinion, NMFS determined that squid was an important component of the Steller sea lion diet. However, pollock, Pacific cod, and Atka mackerel were identified as the most important food sources. The fishery management measures recommended by NMFS to protect Steller sea lions focused on limiting the catch of pollock, Pacific cod, and Atka mackerel in critical habitat areas and during critical times of the year. Approximately 93 percent of the 384 mt of squid caught in the Bering Sea and Aleutian Islands groundfish fisheries in 2000 were caught in directed fisheries for pollock. Therefore, any limitations imposed on the directed fishery for pollock to protect Steller sea lions will similarly affect the catch of squid in critical habitat areas or during critical times of the year.

Changes from the Proposed Rule

In the final rule, NMFS is not implementing a stand-alone definition of directed fishing for pollock CDQ, as was proposed in the proposed rule. Rather, NMFS is adding a paragraph to the general definition of "directed fishing" in § 679.2 to include a reference to the calculation of directed fishing for the CDQ fisheries under § 679.20(f)(3). The specific method of calculating directed fishing for pollock CDQ using the 60 percent threshold is in this new paragraph § 679.20(f)(3).

This organization of the regulations is consistent with how directed fishing under the license limitation program and the American Fisheries Act fisheries is defined. NMFS expects to be required to define additional directed fisheries under the CDQ Program in future rulemakings. The organization established in this final rule provides a more logical regulatory base for adding new CDQ directed fishing calculations than having separate definitions in § 679.2 for each CDQ directed fishery.

The definition of directed fishing for pollock CDQ in the proposed rule was as follows:

> Directed fishing for pollock CDQ means, for purposes of determining whether pollock caught while CDQ fishing accrues against the pollock CDQ allocation or the pollock incidental catch allowance, a vessel operator using trawl gear is directed fishing for pollock CDQ if pollock represents 60 percent or more of the total catch of groundfish species by weight in a haul by a catcher/processor or a delivery by a catcher vessel. The groundfish species used to calculate total catch includes all species categories defined in Table 1 of the annual BSAI specificatios.

In the final rule, NMFS removes reference to "for purposes of determining whether pollock caught while CDQ fishing accrues against the pollock CDQ allocation or the pollock incidental catch allowance." In addition, NMFS revises the wording of the calculation of directed fishing for pollock CDQ for catcher vessels. In the proposed rule, the calculation of directed fishing for pollock CDQ was based on the percent of pollock in the delivery by a catcher vessel. CDQ Program quota accounting for catcher vessels is done at the time of delivery. Therefore, the definition in the proposed rule accomplished the objective of the AFA to properly account for the catch of pollock against the pollock CDQ or the pollock ICA.

In the time since the proposed rule was initiated, additional regulations have been implemented that require NMFS to be able to determine whether a vessel is directed fishing for pollock CDQ at any time during a fishing trip. This determination is necessary to enforce closures of areas to directed fishing for pollock CDQ. Two areas that currently can be closed to directed fishing for pollock CDQ are the Steller sea lion conservation area (65 FR 3892; January 25, 2000) and the Chinook Salmon Savings Area (65 FR 60587; October 12, 2000). The definition in the proposed rule would have allowed the determination of whether a catcher vessel operator was directed fishing for pollock CDQ only at the time a delivery was made. It would not have allowed a determination to be made while the vessel was participating in a CDQ fishery, before it delivered its catch.

In this final rule, NMFS bases the calculation of directed fishing for pollock CDQ by a catcher vessel on the percent of pollock in the total catch of groundfish onboard the vessel at any time. This revision allows the determination of whether an operator of a catcher vessel is directed fishing for pollock CDQ at any time during a fishing trip, including at the time of delivery. Thus, NMFS can use the 60 percent threshold for both quota accounting under the AFA and for determining whether a vessel is directed fishing for pollock CDQ for purposes of enforcing time and area closures implemented through other rulemaking.

For catcher/processors, calculating directed fishing on the basis of the percent of pollock in a haul allows the determination of directed fishing at any time while the vessel operator is fishing or after fishing has been completed. Therefore, no revision is made to text from the proposed rule related to the method of calculating directed fishing for catcher/processors.

The final rule adds § 679.32(a)(2) and (e) with a minor change from the proposed rule to correct the reference to § 679.20(f)(3). Section 679.32(a)(2) is a reference to the location of the pollock CDQ catch accounting regulations at paragraph (e). Section 679.32(e) contains the requirements that pollock caught while directed fishing for pollock CDQ accrue against the pollock CDQ allocation. All other catch of pollock in the CDQ fisheries accrue against the pollock ICA. Paragraph (e) also reiterates that 100 percent of all pollock caught in the groundfish CDQ fisheries, regardless of the percent of pollock in the haul or delivery, would be retained under the Improved Retention/Improved Utilization (IR/IU) regulations at § 679.27.

The following regulatory amendments to 50 CFR part 679 are implemented by this final rule with no change from the proposed rule:

1. In § 679.20, paragraph (b)(1)(iii)(A) is revised to remove the allocation of 7.5 percent of the squid TAC to the CDQ Program.

2. In § 679.31(f), the reference to the squid CDQ is removed from the paragraph describing the non-specific CDQ reserve. Squid will no longer be allocated to the CDQ Program, so NMFS could not allocate a portion of the squid CDQ to each CDQ group's non-specific CDQ reserve.

Compliance Guide for Small Entities

The removal of the allocation of squid does not result in additional recordkeeping or reporting requirements that must be complied with by small entities or any other entity participating in the CDQ fisheries. Current CDQ recordkeeping and reporting requirements at § 679.5(n) require the CDQ groups and shoreside processors to report the weight of all "CDQ species" on the CDQ catch report and CDQ delivery report. Squid will no longer be defined as a CDQ species, so squid will no longer be required to be reported on the CDQ catch report or the CDQ delivery report. However, no changes will be made to the recordkeeping and reporting requirements because these requirements do not refer to individual species but rather the general category of "CDQ species." The CDQ groups and shoreside processors can comply with the removal of squid from the CDQ Program by no longer reporting squid catch on their CDQ catch reports and CDQ delivery reports. They also may continue to report squid on the CDQ catch report and the CDQ delivery report if they wish to do so, although the CDQ catch accounting computer programs will disregard squid weights for purposes of CDQ catch accounting. Squid catch will continue to be reported by observers and by industry on their logbooks and in weekly production reports. The squid catch in the CDQ fisheries will be subtracted from the overall squid TAC through separate computer programs (the "blend system") that account for catch in the non-CDQ fisheries.

Implementing a method for determining whether a vessel operator is directed fishing for pollock CDQ also will not result in any changes in the recordkeeping and reporting requirements. The CDQ groups and shoreside processors will continue to report the catch of all pollock while CDQ fishing. NMFS will use current computer programs to subtract only pollock that is caught in hauls or deliveries with 60 percent or more pollock from the CDQ groups' pollock CDQ allocations and to accrue the remainder of the pollock against the pollock ICA.

Classification

The Administrator, Alaska Region, NMFS, determined that Amendment 66 is necessary for the conservation and management of the BSAI groundfish fisheries and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared a FRFA as required by the Regulatory Flexibility Act (RFA). A copy of this analysis is available from NMFS (see **ADDRESSES**) and is summarized below. The one letter of comment received on Amendment 66 did not address the IRFA or any issues associated with the impact of the action on small entities.

The objective of Amendment 66 and its removal of squid as a CDQ species is elimination of the possibility that CDQ groups will be unable to harvest all of their pollock CDQ allocations because they catch their squid CDQ allocation first. The incidental catch of squid in the 1998 pollock CDQ fisheries indicated that, at least in some years, the CDQ groups would catch their squid CDQ allocation of 148 mt before they harvested the full amount of their pollock CDQ allocations. Under existing CDQ catch monitoring and accounting regulations, as long as squid remains a CDQ species, the CDQ groups will be prohibited from exceeding their squid CDQ allocation even if this amount of squid CDQ is caught before the CDQ groups harvest all of their pollock CDQ. If the CDQ groups continue to fish for pollock CDQ after they reach their squid CDQ allocation, they likely will catch additional squid and increase their squid CDQ overage. Therefore, to avoid facing enforcement action due to a squid CDQ overage, the CDQ groups would have to stop pollock CDQ fishing before they reached their pollock CDQ allocation. If the CDQ groups are unable to fully harvest their pollock CDQ allocations, returns to the CDQ group in pollock royalty revenues will decrease.

The objective of the regulatory amendment to define directed fishing for pollock CDQ is to implement the intent of the AFA. The AFA requires that only pollock caught while directed fishing for pollock CDQ accrue against the pollock CDQ allocation. NMFS considered four alternatives for defining directed fishing for pollock CDQ. Alternative 1 is the status quo, which would not distinguish between pollock

caught while directed fishing for pollock CDQ from pollock caught incidentally to other groundfish CDQ fisheries. This alternative is not consistent with the AFA.

Alternative 2 would define directed fishing for pollock CDQ in the same manner as was implemented under an emergency rule in 1999. Pollock caught in hauls by a catcher/processor or deliveries by a catcher vessel in which pollock represents 40 percent or more of the total groundfish catch by weight would accrue against the pollock CDQ (the "40-percent threshold"). Pollock caught in hauls or deliveries in which pollock represents less than 40 percent of the total groundfish catch would accrue against the pollock ICA.

Alternative 3 is the same as Alternative 2 except that the threshold for defining directed fishing for pollock CDQ would be increased from 40 percent to 60 percent.

Alternative 4 would use maximum retainable amounts to define directed fishing for pollock CDQ, which is the method used to define directed fishing in all non-CDQ groundfish fisheries. A vessel operator would be directed fishing for pollock CDQ if the weight of pollock CDQ retained onboard the vessel was 20 percent or more of the weight of all retained CDQ species onboard the vessel.

Under Alternative 4, vessel operators could control whether they were directed fishing for pollock CDQ by discarding the amount of pollock that exceeded the maximum retainable amount. Under Alternatives 2 and 3, vessel operators cannot discard pollock to control whether they are directed fishing for pollock CDQ because they are required to retain all of their pollock under IR/IU regulations.

Amendment 66 and the accompanying regulatory amendments directly affect the six CDQ groups representing the 65 western Alaska communities that are eligible for the CDQ Program. The CDQ groups and the communities they represent all are small entities under the RFA.

The action also directly affects the owners of 10 trawl catcher/processors, one mothership, 22 trawl catcher vessels, and 3 shoreside processors that harvest and process pollock CDQ. None of these vessels or processors are small entities under the RFA for reasons explained more fully in the IRFAs and the FRFA.

Removing squid as a CDQ species will provide significant benefits to the CDQ groups and western Alaska communities they represent. It will allow the CDQ groups to more fully harvest their pollock CDQ allocations in years of high squid bycatch. Without Amendment 66, some risk existed that the pollock CDQ fisheries would be constrained if the catch of squid in the CDQ fisheries reached the squid CDQ allocation. If this occurred, the CDQ groups would have lost the opportunity to harvest all of their pollock CDQ and the royalties associated with this pollock catch. Based on recent years' squid incidental catch rates, this potential loss to the CDQ groups could range from $0 to $8.4 million annually. In addition to the loss of royalty revenue, the CDQ groups also would lose profit sharing and employment opportunities associated with full harvest of the pollock CDQ.

NMFS expects no negative impacts on the small entities participating in the CDQ Program or on any small entities participating in the non-CDQ groundfish fisheries as a result of removing the allocation of squid to the CDQ Program. The only exception occurs if the overall squid catch reaches an overfishing level, in which case some CDQ and non-CDQ fisheries would have to be constrained to prevent overfishing. This is unlikely since, to date, no domestic groundfish fishery has been limited due to the catch of squid reaching TAC or overfishing.

The regulatory amendment defining directed fishing for pollock CDQ also will directly affect the CDQ groups and CDQ communities. It will determine whether pollock caught in the CDQ fisheries will accrue against the pollock CDQ allocation or the pollock ICA. The CDQ groups benefit more from alternatives that maximize the amount of pollock that accrues against the pollock ICA. Of the four alternatives considered, Alternative 2 has the most negative impact on the CDQ groups because it would result in the largest amount of pollock accruing against the pollock CDQ allocations and the least amount accruing against the pollock ICA. Alternative 4 has the least negative impact on the CDQ groups because it would allow the groups to determine which vessels are directed fishing for pollock CDQ and would allow the catch of pollock by any other CDQ vessels to accrue against the ICA. The preferred alternative, with its 60 percent threshold for determining directed fishing for pollock CDQ, has less potential negative impacts on the CDQ groups than does Alternative 2, but more potential negative impacts than Alternative 4. NMFS estimates that the royalty value of the pollock CDQ allocation to the CDQ groups is about $22.1 million under Alternative 4. Depending on the value of the pollock CDQ harvested by vessels not intending to target on pollock under Alternative 2 and Alternative 3, NMFS estimates that the value of the pollock CDQ allocation could either (1) not change relative to the value under Alternative 4, or could (2) decrease up to $96,000 under Alternative 3 and decrease up to $312,000 under Alternative 2.

The definition of directed fishing for pollock CDQ also may indirectly affect up to 20 catcher/processors, 3 motherships, 8 shoreside processors, and 120 catcher vessels that participate in the AFA pollock fisheries (the 10 trawl catcher/processors, 1 mothership, 22 trawl catcher vessels, and 3 shoreside processors listed above as participating in the CDQ fisheries and directly affected by the alternatives are among the vessels and processors that also are indirectly affected by the alternatives). NMFS estimates that none of the catcher/processors, motherships, or shoreside processors are small entities for the reasons described above. However, approximately 40 of the 120 catcher vessels that participate in the AFA pollock fisheries are small entities based on information presented in the EA/RIR/IRFA prepared for Amendment 61 to the BSAI FMP - regulations implementing the AFA.

The vessels and processors participating in the AFA fisheries are indirectly impacted by the definition of directed fishing for pollock CDQ. Any pollock from the CDQ fisheries that accrues against the pollock ICA reduces the pollock directed fishing allowances available to the inshore, offshore, and mothership sectors under the AFA.

The status quo (not a viable alternative) would allow no accrual of pollock from the CDQ fisheries to the pollock ICA. Alternative 2 increases potential costs to participants in the directed pollock fisheries because pollock in hauls or deliveries in which pollock is less than 40 percent of the total catch would accrue to the pollock ICA (estimated range of 807 mt to 5,040 mt of pollock would accrue to the pollock ICA). Alternative 3 further increases potential costs to the AFA fishery participants under the 60 percent threshold (estimated range of 937 mt to 6,120 mt of pollock). Among the alternatives considered, Alternative 4 would provide the maximum potential costs to the directed AFA fishery because it would allow the CDQ groups to identify which vessels were directed fishing for pollock and allow all pollock caught by other CDQ vessels to accrue to the pollock ICA (estimated range 1,018 mt to 6,600 mt).

Both the pollock CDQ allocation and any pollock incidental catch from the other CDQ and non-CDQ groundfish fisheries are subtracted from the pollock TAC before pollock allocations are made to the AFA directed pollock fisheries. Therefore, the more pollock that is allowed as incidental catch in the CDQ fisheries, the larger the amount subtracted from the ICA, and the lower the amount available for the directed pollock fisheries. The 40 trawl catcher vessels (small entities) that participate in the BSAI pollock fisheries likely would prefer that no pollock CDQ allocations had been made. Instead, their preference would be that all of the BSAI pollock TAC were available to them as directed fisheries because direct harvest of pollock provides the highest net revenues to these vessels. However, the AFA authorizes some level of incidental pollock catch for the CDQ fisheries. The alternative that minimizes the amount of pollock that will accrue against the ICA (Alternative 2) results in the least negative impact on the 40 catcher vessels that participate in the AFA pollock fisheries, because it maximizes the amount of pollock available for the directed AFA fisheries. The preferred alternative provides a middle ground between Alternative 2, which minimizes the amount of pollock that accrues against the ICA and Alternative 4, which maximizes the amount of pollock that accrues against the ICA.

NMFS is not aware of any alternatives to removing squid as a CDQ species that would accomplish the objectives of the action and further minimize the impact on small entities. This action removes squid as a CDQ species, which would no longer require that the CDQ groups (small entities) account for their catch of squid against a CDQ allocation and remove the risk that the incidental catch of squid in the CDQ fisheries would prevent the CDQ groups from harvesting their full pollock CDQ allocation. Therefore, the preferred alternative provides the maximum relaxation of the current regulations and maximum benefits to small entities.

Alternatives increasing the amount of squid allocated to the CDQ Program are not practicable. Increasing the percentage of the TAC allocated to the CDQ reserve is not a viable alternative due to the moratorium on such increases at 16 U.S.C. 1855(i)(1)(c)(ii). Moreover, the option of increasing the squid TAC to provide more squid to the CDQ Program is not possible under the current process for setting OFLs, ABCs, and TACs, for the BSAI groundfish fisheries. Due to the lack of information about squid population dynamics and current biomass, the squid TAC is set based on the criteria in Tier 6 of the revised ABC and OFL definitions implemented through Amendment 44 to the BSAI FMP. Under this formula, the OFL for squid is the average catch from 1978 through 1995, or 2,620 mt, and the ABC is 75 percent of the OFL, or 1,970 mt. The squid TAC is set equal to the ABC at 1,970 mt. No TAC can be set higher than its ABC. Therefore, the squid TAC cannot be increased above 1,970 mt.

NMFS believes that the EA/RIR/IRFA contains the range of reasonable alternatives that would accomplish the objective of the AFA to provide for some level of pollock incidental catch in the CDQ fisheries. The regulations implemented in this final rule meet the objectives of the AFA and the Magnuson-Stevens Act, to minimize any significant economic impact on small entities, and to balance the competing interests of two groups of small entities affected by the regulation - the CDQ groups and the small catcher vessels participating in the non-CDQ fisheries.

The Council could have recommended a definition of directed fishing for pollock CDQ that further increased the amount of pollock catch in the CDQ fisheries that would accrue against the pollock ICA, thereby increasing the benefits to the small entities. Alternative 4 would have allowed the CDQ groups to catch as much pollock as they wished while CDQ fishing and to discard amounts of pollock above the maximum retainable amounts. This alternative was not preferred by the Council or the CDQ groups because it would require regulatory discards of pollock catch that exceed the maximum retainable amounts. In addition, this alternative would have increased the potential negative impacts to another group of small entities affected by the proposed action - the 40 catcher vessels in the AFA pollock fisheries - because increases in the amount of pollock from the CDQ fisheries accruing against the pollock ICA would decrease the directed pollock allowance to the AFA fisheries.

The Council also considered an alternative that could have further minimized negative economic impacts on the 40 catcher vessels in the AFA pollock fisheries. Under Alternative 2, the 40-percent threshold, less pollock from the CDQ fisheries would accrue against the pollock ICA than would accrue under the preferred alternative. However, the Council considered the trade-off in impacts to the participants in the AFA pollock fisheries and the CDQ fisheries and determined that the amount of pollock that would accrue against the pollock ICA under the preferred alternative was not likely to significantly affect the 40 trawl catcher vessels or other participants in the AFA fisheries. They recommended Alternative 3, which balances the impacts to the CDQ groups with the impacts to the participants in the non-CDQ fisheries.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this proposed rule. Such comments should be sent to the Administrator, Alaska Region (see **ADDRESSES**).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: February 28, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.* and 3631 *et seq.*

2. In § 679.2, in the definition for "Directed fishing," a new paragraph (4) is added to read as follows:

§ 679.2 Definitions.

* * * * *

Directed fishing * * *

(4) With respect to the harvest of CDQ species, directed fishing as calculated under § 679.20(f)(3).

* * * * *

3. In § 679.20, paragraph (b)(1)(iii)(A) is revised and a new paragraph (f)(3) is added to read as follows:

§ 679.20 General limitations.

* * * * *

(b) * * *

(1) * * *

(iii) * * *

(A) *Groundfish CDQ Reserve.* Except as limited by § 679.31(a), one half of the nonspecified reserve established by paragraph (b)(1)(i) of this section for all species except squid is apportioned to the groundfish CDQ reserve.

* * * * *

(f) * * *

(3) *CDQ fisheries*—(i) *General.* Directed fishing in the CDQ fisheries is determined based on the species composition of the total catch of

groundfish while harvesting groundfish CDQ species. For catcher/processors, the species composition of each haul is assessed to determine the directed fishery. For catcher vessels, the species composition of the catch onboard the vessel at any time is assessed to determine the directed fishery. The groundfish species used to calculate total catch of groundfish includes all species categories defined in Table 1 of the annual BSAI specifications.

(ii) *Directed fishing for pollock CDQ.* A vessel operator using trawl gear is directed fishing for pollock CDQ if pollock represents 60 percent or more of the total catch of groundfish species by weight in a haul by a catcher/processor or 60 percent or more of the total catch of groundfish species by weight onboard the catcher vessel at any time.

* * * * *

4. In § 679.31, paragraph (f) is revised to read as follows:

§ 679.31 CDQ reserves.

* * * * *

(f) *Non-specific CDQ reserve.* Annually, NMFS will apportion 15 percent of each arrowtooth flounder and "other species" CDQ for each CDQ group to a non-specific CDQ reserve. A CDQ group's non-specific CDQ reserve must be for the exclusive use of that CDQ group. A release from the non-specific CDQ reserve to the CDQ group's arrowtooth flounder or "other species" CDQ is a technical amendment to a community development plan as described in § 679.30(g)(5). The technical amendment must be approved before harvests relying on CDQ transferred from the non-specific CDQ reserve may be conducted.

5. In § 679.32, paragraph (a)(2) is revised and paragraph (e) is added to read as follows:

§ 679.32 Groundfish and halibut CDQ catch monitoring.

(a) * * *

(2) *Pollock CDQ.* Requirements for the accounting of pollock while CDQ fishing are at paragraph (e) of this section.

* * * * *

(e) *Pollock CDQ*—(1) Directed fishing for pollock CDQ. Owners and operators of vessels directed fishing for pollock CDQ as calculated under § 679.20(f)(3) and processors taking deliveries from vessels directed fishing for pollock CDQ must comply with all applicable requirements of paragraphs (a) through (d) of this section. Pollock catch by vessels directed fishing for pollock CDQ will accrue against the pollock CDQ for the CDQ group.

(2) *Catch of pollock by vessels not directed fishing for pollock CDQ.* Pollock catch by vessels groundfish CDQ fishing, but not directed fishing for pollock CDQ as calculated under § 679.20(f)(3), will not accrue against the pollock CDQ for the CDQ group.

(3) Operators of all vessels participating in any CDQ fishery must retain all pollock caught while CDQ fishing as required at § 679.27 (IR/IU).

* * * * *

[FR Doc. 01–5558 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register

Vol. 66, No. 45

Wednesday, March 7, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1439

RIN: 0560–AG33

Livestock Indemnity Program

AGENCIES: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule implements provisions of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 related to the Livestock Indemnity Program–2000 (LIP–2000). This proposed rule announces the program's availability and requirements and seeks comments on the program.

DATES: Comments on this rule must be received by April 6, 2001. Comments on the information collections in this rule must be received by May 7, 2001.

ADDRESSES: Comments should be mailed to: Sharon Biastock, Price Support Division, Farm Service Agency (FSA), U.S. Department of Agriculture, 1400 Independence Ave., SW, Washington, DC, 20250–0540, telephone (202) 720–6336, STOP 0517; e-mail address: sharon_biastock@wdc.fsa.usda.gov. Comments can be inspected in Room 4093 South Building, Washington, DC, between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Sharon Biastock, Production, Emergencies, and Compliance Division, Farm Service Agency (FSA), U.S. Department of Agriculture, 1400 Independence Ave., SW, Washington, DC, 20250–0540, telephone (202) 720–6336, STOP 0517; e-mail address: *sharon_biastock@wdc.fsa.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule is issued in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies must be exhausted.

Unfunded Mandates Reform Act of 1995

The provisions of Title II of the Unfunded Mandates Reform Act of 1995 are not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule. Further, in any case, these provisions do not impose any mandates on State, local or tribal governments, or the private sector.

Paperwork Reduction Act

Title: Certification of Livestock Losses For Eligible Disaster.

OMB Control Number: 0560–0179.

Type of Request: Reinstatement and revision of a previously approved information collection.

Abstract: The information previously collected under OMB Control Number 0560–0179, as identified above, is all that is currently required by FSA to meet administrative and statutory requirements for the Livestock Indemnity Program. Information collected from livestock owners will be used by CCC to approve or determine the eligibility and amount of assistance in accordance with this subpart. The CCC considers the information collected essential to prudent eligibility and assistance determinations. Failure to make sound decisions in providing livestock indemnity program payments would result in inaccurate payments to livestock owners and losses to the Government.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Livestock Owners.

Estimated number of Respondents: 2,000.

Estimated Number of Responses per Respondent: 1.5.

Estimated Total Annual Burden on Respondents: 3,000 hours.

Proposed topics for comment include: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information collected; or (d) ways to minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to Sharon Biastock, Program Specialist, Compliance Branch, Production, Emergencies, and Compliance Division, Farm Service Agency, United States Department of Agriculture, STOP 0517,

1400 Independence Avenue, SW, Washington, DC. 20250–0517, telephone (202) 720–6336.

Background

This proposed rule implements § 813 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Pub. Law 106–387) related to the Livestock Indemnity Program–2000 (LIP–2000). The statute provides that the Secretary of Agriculture (the Secretary) use up to $10 million of the funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on a farm for qualifying livestock losses occurring in the period beginning on January 1, 2000, and ending on December 31, 2000. A Government-Wide rescission of appropriated funds required by the FY 2001 Consolidated Appropriations Bill (Pub. Law 106–554, section 1403) reduces the funds available for by 0.22 percent. Funding available for LIP–2000 is therefore $9.978 million.

Pub. Law 106–387 specifically includes fires and anthrax as compensable losses under the new LIP–2000. LIP–2000 is a new authorization of funds and includes two new causes of disaster loss. However, in authorizing the program, Congress did not make any additional changes to the prior program so that, as proposed, the LIP–2000 will parallel many of the prior LIP program requirements and program parameters.

The losses must be due to disasters or wild fires in areas covered by a qualifying disaster declaration issued by the President or Secretary of Agriculture that was requested for calendar year 2000 and subsequently approved. In addition, the Act specifically requires LIP–2000 to include losses due to anthrax, but because disaster declarations are not issued for such losses, anthrax losses will be compensable without the declaration of a disaster by the Secretary or the President.

As in prior LIP's, losses due to drought will not be covered by the program because these losses are partially preventable by providing adequate shelter, food and water, which would be required to prove actions consistent with proper animal husbandry standards. No person can receive more than $40,000 in payments and no person can receive any payment if that person's annual gross revenue exceeds $2.5 million. Payment rates will vary by class of livestock involved and the payment rate will be a percentage of the assigned market price for the class. Should eligible claims exceed the available funds, the claims will, to the extent practicable, be prorated. Losses will be compensable only to the extent that they were caused by the disaster and were in excess of normal losses for the operation for the particular livestock category involved. This rule also amends the regulations to provide that payments will be made to *livestock owners* who have legal ownership of the livestock and are citizens, or legal resident aliens in, the United States. Previously, payments were made to *livestock producers*, which was defined as one who had a beneficial interest in eligible livestock, had a financial risk in the livestock, and were citizens of, or resident aliens in, the United States.

LIP–2000 is being published at Subpart C of 7 CFR part 1439 (7 CFR 1439.200 *et seq.*). Accordingly, the LIP program for prior years can be found at Subpart C of 7 CFR part 1439 in the Code of Federal Regulations as it existed on January 1, 2001, and the LIP–2000, once adopted as final, will completely replace that subpart. The public is invited to comment on all aspects of LIP–2000.

List of Subjects in 7 CFR Part 1439

Animal feeds, Disaster assistance, Livestock, Pasture, Reporting and record keeping requirements.

For the reasons set out in the preamble, 7 CFR part 1439 is amended as follows:

PART 1439—EMERGENCY LIVESTOCK ASSISTANCE

1. The statutory authority for part 1439 continues to read as follows:

Authority: 7 U.S.C. 1427a; 15 U.S.C. 714 et seq.; Sec. 1103, Pub. Law 105–277, 112 Stat. 2681–42–44; Pub. Law 106–31, 113 Stat. 57; Pub. Law 106–78, 113 Stat. 1135; Pub. Law 106–113, 113 Stat. 1501; Sec. 257, Pub. Law 106–224, 114 Stat. 358; Secs. 802, 806, and 813, Pub. Law 106–387, 114 Stat. 1549.

2. Revise Subpart C of part 1439 to read as follows:

Subpart C—Livestock Indemnity Program

Sec.

1439.201 Applicability.
1439.202 Administration.
1439.203 Definitions.
1439.204 Sign-up period.
1439.205 Proof of loss.
1439.206 Indemnity benefits.
1439.207 Availability of funds.
1439.208 Limitations on payments.

Subpart C—Livestock Indemnity Program

§ 1439.201 Applicability.

(a) This subpart sets forth the terms and conditions applicable to the Livestock Indemnity Program for 2000 (LIP–2000). Benefits will be provided under this subpart only for losses (deaths) of livestock occurring as a result of:

(1) Natural disasters, except drought;
(2) Fires; or
(3) Anthrax.

(b) Losses due to natural disasters and fires (except drought) will be considered eligible for benefits in counties included in the geographic area covered by a qualifying natural disaster declaration, excluding contiguous counties, issued by the President of the United States or the Secretary of Agriculture of the United States which declaration was requested and approved for the period of January 1, 2000, through December 31, 2000, inclusive.

(c) A Presidential declaration or Secretarial designation is not required for losses due to anthrax.

(d) Owners will be compensated by livestock category as established by CCC. The owner's loss must be the result of the declared disaster or anthrax and in excess of the normal losses, established by CCC, for the owner's livestock operation. Losses to livestock due to drought conditions are deemed to have been avoidable and are not eligible for benefits under LIP–2000.

§ 1439.202 Administration.

Where circumstances preclude compliance with § 1439.204 due to circumstances beyond the applicant's control, the FSA county or State committee may request that relief be granted by the Deputy Administrator under this section. In such cases, except for statutory deadlines and other statutory requirements, the Deputy Administrator may, in order to more equitably accomplish the goals of this subpart, waive or modify deadlines and other program requirements if the failure to meet such deadlines or other requirements does not adversely affect operation of the program and are not prohibited by statute.

§ 1439.203 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering this subpart. The terms defined in § 1439.3 shall also be applicable, except where those definitions conflict with the definitions set forth in this subpart.

Anthrax means a disease of animals caused by bacillus anthracis.

Application means the Form CCC–661, Livestock Indemnity Program Application.

Eligible disasters are any natural disasters occurring in 2000 that are named in the Presidential declaration or Secretarial designation, except drought or extreme heat.

Fires means wild fires that occurred in forests, brush, etc., and, as a result, livestock was killed when it was caught in these fires or in structures that burned in these fires. It does not include structure fires that were not the result of a wild fire.

Livestock means beef and dairy cattle, sheep, goats, swine, poultry (including egg-producing poultry), equine animals used for food or in the production of food, and buffalo and beefalo when maintained on the same basis and in the same manner as beef cattle maintained for commercial slaughter.

Livestock owner means a person who has legal ownership of the livestock and is a citizen of, or legal resident alien in, the United States. A farm cooperative, private domestic corporation, partnership, or joint operation in which a majority interest is held by members, stockholders, or partners who are citizens of, or legal resident aliens in, the United States, if such cooperative, corporation, partnership, or joint operation owns or jointly owns eligible livestock or poultry, will be considered livestock owners. Any Native American tribe (as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 88 Stat. 2203)); any Native American organization or entity chartered under the Indian Reorganization Act; any tribal organization under the Indian Self-Determination and Education Assistance Act; and any economic enterprise under the Indian Financing Act of 1974 will be considered livestock owners so long as they meet the terms of the definition.

§ 1439.204 Sign-up period.

A request for benefits under this subpart must be submitted to the CCC at the FSA county office serving the county where the livestock loss occurred. All applications must be filed in the FSA county office prior to the close of business on such date as determined and announced by the Deputy Administrator.

§ 1439.205 Proof of loss.

(a) In the case of fires or natural disasters, livestock owners must, in accordance with instructions issued by the Deputy Administrator, provide adequate proof that the death of the eligible livestock occurred during the recognized natural disaster period, as provided in § 1439.201(b); or was reasonably related to the disaster.

(b) The livestock owner shall provide any available supporting documents that will assist the county committee, or is requested by the county committee, in verifying:

(1) The quantity of eligible livestock that perished in the natural disaster including, but not limited to, purchase records, veterinarian receipts, bank loan papers, rendering truck certificates, Federal Emergency Management Agency and National Guard records, auction barn receipts, and any other documents available to confirm the presence of the livestock and subsequent losses; and

(2) That the loss was reasonably related to the recognized disaster in the declaration or designation, including, but not limited to, newspaper articles or other media reports, photographs of disaster damage, veterinarian records, and any other documents available to confirm that the disaster occurred and was responsible for the livestock losses.

(c) Livestock owners requesting benefits for losses due to anthrax shall provide documentation verifying the quantity of livestock deaths that was caused by anthrax.

(d) Certifications by third parties or the owner and other such documentation as the county committee determines to be necessary in order to verify the information provided by the owner must also be submitted. Third-party verifications may be accepted only if the owner certifies in writing that there is no other documentation available. Third-party verification must be signed by the party that is verifying the information. Failure to provide documentation that is satisfactory to the county committee will result in the disapproval of the application by the county committee.

(e) Livestock owners shall certify the accuracy of the information provided. All information provided is subject to verification and spot checks by the CCC. A failure to provide information requested by the county committee or by agency officials is cause for denial of any application filed under this part.

§ 1439.206 Indemnity benefits.

(a) Livestock indemnity payments for losses of eligible livestock as determined by CCC are authorized to be made to livestock owners, based on the owner's share of the livestock, who file an application for the specific livestock category in accordance with instructions issued by the Deputy Administrator, if:

(1) The livestock owner submits an approved proof of loss in accordance with § 1439.205; and

(2) The FSA county or State committee determines that because of an eligible disaster condition the livestock owner had a loss in the specific livestock category in excess of the normal mortality rate established by CCC, based on the number of animals in the livestock category that were in the owner's inventory at the time of the disaster.

(b) If the number of losses in the animal category exceeds the normal mortality rate established by CCC for such category, the loss of livestock that shall be used in making a payment shall be the number of animal losses in the animal category that exceed the normal mortality threshold established by CCC.

(c) Payments shall be calculated by multiplying the national payment rate for the livestock category as determined by CCC, by the number of qualifying animals determined under paragraph (b) of this section. Adjustments, if necessary, shall apply in accordance with § 1439.207.

§ 1439.207 Availability of funds.

(a) In the event that the total amount of eligible claims submitted under this subpart exceeds $10 million allocated by the Act, then each payment shall be reduced by a uniform national percentage.

(b) Such payment reductions shall be applied after the imposition of applicable per-person payment limitation provisions.

§ 1439.208 Limitations on payments.

(a) The provisions of §§ 1439.10 and 1439.11 apply to LIP–2000.

(b) Payments earned under other programs contained in this part shall not reduce the amount payable under this subpart.

(c) Disaster benefits under this part are not subject to administrative offset. See § 842 of Pub. L. 106–387.

(d) No interest will be paid or accrue on disaster benefits under this part that are delayed or are otherwise not timely issued unless otherwise mandated by law.

Dated: March 1, 2001.

James R. Little,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 01–5493 Filed 3–5–01; 1:12 pm]

BILLING CODE 3410–05–P

FEDERAL ELECTION COMMISSION

11 CFR Part 100

[Notice 2001–3]

Definition of Political Committee

AGENCY: Federal Election Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Election Campaign Act, with certain exceptions,

defines "political committee" as any group of persons that receives more than $1,000 in contributions or makes more than $1,000 in expenditures during a calendar year. The Commission is seeking comments on whether to revise the definition of "political committee" contained in its regulations to include more explicit descriptions of activities that will result in those funds being considered contributions or expenditures. The Commission is also examining whether and how to incorporate the concept of "major purpose" into the definition of "political committee." The Supreme Court has stated that the term "political committee" need only encompass organizations that are under the control of candidates or the major purpose of which is the nomination or election of a candidate. Please note that the Commission has not yet decided what, if any, revisions it will make to its rules in this area. Further information is provided in the supplementary information that follows.

DATES: Comments must be received on or before May 7, 2001. The Commission will determine at a later date whether to hold a public hearing on this Notice. If a hearing is held, its date and time will be published in the **Federal Register**.

ADDRESSES: All comments should be addressed to Rosemary C. Smith, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Federal Election Commission, 999 E Street, NW., Washington, DC 20463. Faxed comments should be sent to (202) 219–3923, with printed copy follow-up. Electronic mail comments should be sent to *polcomms@fec.gov* and must include the full name, electronic mail address and postal service address of the commenter. Electronic mail comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered.

FOR FURTHER INFORMATION CONTACT: Ms. Rosemary C. Smith, Assistant General Counsel, or Ms. Rita A. Reimer, Attorney, 999 E Street NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Federal Election Commission is publishing this Advance Notice of Proposed Rulemaking ("ANPRM") seeking comments on whether to revise the Commission's rules at 11 CFR 100.5 that define the term "political committee."

Section 431(4) of the Federal Election Campaign Act, 2 U.S.C. 431 *et seq.*, ("FECA" or "the Act"), which contains the statutory definition of "political committee," is divided into three parts. Paragraph (A) states that a political committee is "any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year." Paragraphs (B) and (C) state that separate segregated funds established under section 441b(b) of the FECA are political committees, and that local committees of a political party are also political committees for FECA purposes under certain circumstances. This statutory definition is incorporated into section 100.5 of the Commission's regulations.

The Act defines "contribution" as "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office." 2 U.S.C. 431(8)(a)(i). An "expenditure" is defined as "any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for federal office." 2 U.S.C. 431(9)(a)(i).

The Commission is seeking comment on the scope and meaning of the "major purpose" test, which first appeared in the Supreme Court's discussion of the definition of "political committee" in *Buckley* v. *Valeo*, 424 U.S. 1 (1976) ("*Buckley*"). In *Buckley*, the Supreme Court noted that section 431(4)(A) as written could be construed to define "political committee" solely in terms of the amount of annual contributions received and expenditures made, and thus "could be interpreted to reach groups engaged purely in issue discussion." 424 U.S. at 79. In *dicta*, the Court set forth criteria to prevent a potentially overbroad interpretation of "political committee": "To fulfill the purpose of the Act [the term 'political committee"] need only encompass organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate." *Id.*

The Supreme Court returned to the *Buckley* Court's "major purpose" concept in *FEC* v. *Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986) ("*MCFL*"). In *MCFL*, the Court concluded, *inter alia*, that the prohibition on expenditures by corporations contained in another provision of the FECA, section 441b, had to be construed narrowly to avoid overbreadth problems and could not constitutionally be applied to independent expenditures made by incorporated issue advocacy organizations with certain essential features. Id. at 263–64. However, the *MCFL* Court also said that "should [such an organization's] independent spending become so extensive that the organization's major purpose may be regarded as campaign activity, the corporation would be classified as a political committee." *Id.* at 262.

While the Supreme Court has yet to revisit the "major purpose" test, there have been lower court decisions that have done so. These decisions will be addressed in the "major purpose" portion of this document. There may be further judicial developments in this area of the law during the course of this rulemaking. Any such developments will obviously have an impact on any regulations to be promulgated by the Commission. Ways in which a "major purpose" test could be incorporated into the regulations defining "political committee" are discussed infra in Part II.

The Commission is also seeking comment on the extent to which the "express advocacy" requirement for independent expenditures should be incorporated into the "political committee" definition. In limiting the reach of the FECA's corporate independent expenditure ban at 2 U.S.C. 441b, the *MCFL* Court reiterated and expanded in application what it had held in *Buckley*, that the "term 'expenditure' encompassed 'only funds used for communications that expressly advocate the election or defeat of a clearly identified candidate.'" *Id.* at 248–49, quoting *Buckley*, 424 U.S. at 80. Ways in which the "express advocacy" requirement could be incorporated into the regulations defining "political committee" are discussed infra in Part II.

Becoming a political committee as defined in the FECA has recordkeeping and reporting consequences. Generally, groups that are not political committees, such as partnerships and other unincorporated associations, are treated as other persons under the Act, and are subject to minimal reporting obligations. *See* 2 U.S.C. 434(c), 11 CFR 109.2. In contrast, political committees are subject to a more extensive set of recordkeeping and reporting requirements. *See* 2 U.S.C. 432, 434 11 CFR parts 102, 104. In addition, political committees are subject to contribution limits and prohibitions. *See* 2 U.S.C. 441a(a), (f) and (h).

I. Definitions of "Political Committee," "Contribution" and "Expenditure"

Paragraph (a) of section 100.5 follows the statutory definition of "political committee" by providing that any committee, club, association, or other group of persons that receives contributions aggregating in excess of $1000 during a calendar year is a political committee, except as set out in 11 CFR 100.5(b), (c), and (d). Paragraph (b) indicates that any separate segregated fund established under 2 U.S.C. 441b(b)(2)(C) is a political committee without any dollar thresholds. Paragraph (c) indicates that local committees of a political party are themselves political committees if they exceed either of the $1,000 thresholds or if they engage in $5,000 in exempt activity during a calendar year. *See* 11 CFR 100.7(b)(9), (15), (17); 11 CFR 100.8(b)(10), (16), (18). Paragraph (d) indicates that an individual's principal campaign committee or authorized committee becomes a political committee when that individual becomes a candidate under 11 CFR 100.3.

Comments are sought on several proposed amendments to the definitions of "contribution" and "expenditure" that the Commission is considering incorporating into the definition of "political committee" at 11 CFR 100.5. One approach would be to establish more objective criteria, even bright line rules, for activities that fall within the regulatory definitions of "contribution" and "expenditure," respectively. Possible criteria are described below. This would alert organizations planning to spend more than the statutory thresholds on these activities that they will have to become, or establish, a political committee in compliance with the FECA. Please note that, if these objective criteria are included in the rules, money spent on these activities will count against the FECA's contribution limits and, if sufficient amounts are contributed or expended, they will also trigger the FECA's reporting requirements.

A. Contribution Definition

The Commission seeks comments on revising paragraph 100.5(a) by adding six new descriptions to the definition of "contribution." These new descriptions may include:

(1) *Money, services or any other thing of value received as the result of a solicitation, the express purpose of which was to raise money to influence federal elections.* This provision would codify Commission precedents. Under this provision, a solicitation that in express terms states that money given as a result of the solicitation will be used to support or defeat one or more candidates for federal office would make moneys received as a result "contributions." Political committee status would follow regardless of how the money received was ultimately spent if total contributions or expenditures exceed $1,000.

(2) *Money, services or anything of value received from a political committee organized pursuant to 11 CFR 100.5(b), (c), or (d), except money, services or anything of value received by an organization qualifying for tax exempt status pursuant to 26 U.S.C. 501(c)(3).*[1] This new provision would, for example, prevent national party committees from funneling money into groups that may not report their disbursements and receipts. Again, an examination of how the money was ultimately spent would be unnecessary to determine political committee status.

(3) *Money, services or anything of value received by an organization that is expressly authorized by its charter, constitution, bylaws, articles of incorporation or other organizational document(s) to engage in activities for the purpose of influencing federal elections.* This paragraph would allow for an objective inquiry into the purposes of an organization. Under this element, if an organization wanted to influence federal elections, it would have to register as a separate political committee to do so.

This paragraph would be limited to groups that specifically state in their organizational documents that they may influence federal elections. Thus, groups whose enabling documents authorize them to engage in "any lawful purpose" or similarly broad language would not become political committees solely on the basis of this provision in the absence of a specific election-influencing proviso.

(4) *Money, services or anything of value received by an organization that is controlled by a federal candidate, his or her principal campaign committee, or any other committee authorized by a federal candidate pursuant to 11 CFR 100.5(f)(1),*[2] *other than as an organization qualifying for tax exempt status pursuant to 26 U.S.C. 501(c)(3) or (c)(4)*[3] *or an organization whose exclusive purpose is the election or nomination of that candidate for state or local office.* This provision would remove the guise of independence from groups set up by candidates, or by their campaign staff or their agents, to assist the candidates' aims, and would focus the Commission's inquiry into the issue of "control" by the candidate.

This proposal is intended to clarify when the relationship between a candidate or candidate's committee and another organization becomes so close that funds given to the organization become "for the purpose of influencing" an election. However, it would exclude organizations that have a merely incidental relationship to a candidate, e.g., that share a common vendor or a staffer, and organizations that are *bona fide* charities or social welfare groups. For purposes of this paragraph, "controlled" would mean substantial participation in the organization's decision-making regarding the organization's activities or disbursements.

(5) *Money, services, or anything of value received by an organization that claims tax exempt status pursuant to 26 U.S.C. 527 and does not restrict its activities to influencing or attempting to influence elections to state or local public office or office in a political organization.* If an organization claims 527 status and does not confine its activities to state, local or intra-party elections, it is acknowledging that it is an organization that is "influencing or attempting to influence the selection * * * of any individual to any Federal * * * office." 26 U.S.C. 527(e)(2). This proposal would complement Public Law ("P.L.") 106–230 and would subject 527 organizations that influence federal elections to FECA's reporting requirements for political committees, rather than the reporting requirements of Public Law 106–230. *See* 26 U.S.C. 527(a)(i)(6), and discussion of 527 organizations, *infra*.

(6) *Payments or costs deemed to be in-kind contributions for general public political communications, pursuant to 11 CFR 100.23.* This provision would incorporate the Commission's recently-promulgated coordination rules. 65 FR 76138 (Dec. 6, 2000).

[1] 26 U.S.C. 501(c)(3) provides federal tax exemption to a charitable organization, so long as it "does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

[2] Paragraph 100.5(f)(1) defines "authorized committee" as the principal campaign committee or any other political committee authorized by a candidate to receive contributions or make expenditures on behalf of such candidate, which has not been disavowed under 11 CFR 100.3(a)(3).

[3] Social welfare organizations registered with the IRS under 26 U.S.C. 501(c)(4) may work in political candidate elections, but only as long as that activity remains secondary to their primary, non-political work. They may also establish separate segregated funds ("SSF") that engage in political activity; and qualify as political committees for FECA purposes under 2 U.S.C. 441b(b)(2)(C) and 11 CFR 100.5(b).

B. Expenditure Definition

The Commission also seeks comments on revising paragraph (a) of section 100.5 by adding five new elements to the definition of "expenditure." These new elements would include:

(1) *Payments or costs associated with the organization's solicitation of money or any other thing of value, where the solicitation appeals to donors by stating that donations will be used to influence a federal election.* This proposal would follow the first additional element of the revised definition of "contribution," *supra*.

(2) *Payments or costs deemed to be coordinated expenditures for general public political communications, pursuant to 11 CFR 100.23.* This provision would incorporate the Commission's recently-promulgated coordination rules. 65 FR 76138 (Dec. 6, 2000).

(3) *Payments or costs associated with any general public political communication that refers to a candidate for federal office and has been tested to determine its probable impact on the candidate preference of voters.* This proposal would provide an objective basis for determining if an otherwise independent "issue ad" was in reality undertaken for the purpose of influencing voters' preferences with respect to one or more federal candidates. The term "general public political communication" would have the same meaning as in 11 CFR 100.23: it will include communication "made through a broadcasting station (including a cable television operator), newspaper, magazine, outdoor advertising facility, mailing or any electronic medium, including the Internet or on a web site, with an intended audience of over one hundred people." 11 CFR 100.23(e)(1).

(4) *Payments or costs associated with any general public political communication that refers to a candidate for federal office, where the intended audience has been selected based on its voting behavior.* Like the previous element, this would provide an objective basis for determining that a communication to a targeted group of people, such as those residing in a specific area, had the purpose of influencing voters' preferences with respect to a particular candidate. Under this scenario, a link would have been established between the communication and the selection of the intended audience.

(5) *Payments made to a commercial vendor for a service or product with the express understanding that the service or product be designed to influence one or more federal elections.* This provision would rely on an organization's objective representations of purpose in the acquisition of goods or services to establish political committee status.

The Commission also seeks comments on adding new paragraph (a)(3) to section 100.5. This paragraph would provide that, notwithstanding any other provision of 11 CFR 100.5, a business organized for profit that provides goods or services to others at their usual and normal charge would not be considered a political committee. This savings clause would prevent political consultants and commercial vendors operating at the direction of their clients from becoming political committees if, for example, a vendor or consultant provides money up front to another vendor as an agent of a political committee with the express instruction that the service provided be for the purpose of influencing a federal election. Also, since vendors receive money from political committees organized under 11 CFR 100.5(b), (c), and (d) and are for-profit organizations, without this exemption they would be considered political committees under proposed paragraph 100.5(a)(1)(ii).

If these new descriptions of "contribution" and "expenditure" are adopted, the Commission could add cross references in 11 CFR 100.7 and 100.8 to the new language in 11 CFR 100.5(a), to alert readers that they need to also consult section 100.5. Alternatively, the Commission could limit the impact of the proposed amendments to 11 CFR 100.5 to political committees, thus leaving the current definitions of "contribution" and "expenditure" in 11 CFR 100.7 and 100.8 unchanged.

An alternative approach would be to locate the proposed new objective criteria in the generally applicable definitions of "contribution" and "expenditure" found at 11 CFR 100.7 and 100.8, respectively. The Commission invites comments on which of these approaches is appropriate, as well as whether they comport with constitutional safeguards and the Commission's statutory authority. No decision on whether to proceed further will be made until after the comment period has concluded.

II. The "Major Purpose" Test

A. Case Law

As explained above, the *Buckley* Court stated that the overbreadth of the general definition of "political committee" at 2 U.S.C. 431(4)(A) could be avoided if the definition were limited to "those organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate." 424 U.S. at 79. Similarly, in *MCFL*, the Supreme Court noted that an organization that would otherwise be exempt from FECA's requirements would be classified as a political committee if its "independent spending becomes so extensive that the organization's major purpose may be regarded as campaign activity." 479 U.S. at 262. Several lower court decisions have also addressed the "major purpose" test.

In *FEC* v. *GOPAC*, 917 F.Supp. 851, 859, 862 (D.D.C. 1996), a federal district court interpreted the FECA to reach only groups that "received and/or expended $1,000 or more and had as their major purpose the election of a particular candidate or candidates for federal office." The court held that an "organization's purpose may be evidenced by its public statements of its purpose or by other means, such as its expenditures in cash or in kind to or for the benefit of a particular candidate or candidates." The Commission did not appeal the district court's opinion. Other courts have endorsed a different approach.

In *Akins* v. *FEC*, 101 F.3d 731 (D.C. Cir. 1997) (*en banc*) ("*Akins*"), a group of former ambassadors, congressmen, and government officials argued that the American Israel Public Affairs Committee ("AIPAC"), an organization they considered to be a political committee, had failed to register with the Commission or file campaign disclosure reports. In 1989, the year in which the challenged activity took place, AIPAC had a budget of about $10 million. The Commission determined that AIPAC likely had made campaign contributions exceeding the $1,000 FECA threshold, but concluded that there was not probable cause to believe AIPAC was a political committee because its campaign-related activities were only a small portion of its overall activities and, therefore, not its major purpose.

The Court of Appeals for the District of Columbia Circuit concluded that an organization should be considered a political committee once it exceeds the $1,000 contribution level, even though its major purpose is not campaign-related activity. *Id.* at 741–42. The court reasoned that the major purpose test becomes relevant only where independent expenditures are involved.

While the Supreme Court granted *certiorari* in the *Akins* case, it avoided ruling on this issue. Finding that "a considered determination of the scope of the statutory exemption that Congress enacted to address membership

communication would helpfully inform our consideration of the 'major purpose' test," the Court declined to rule on the test's scope or meaning. 524 U.S. 1, 29 (1998). The Court suggested that a broader interpretation of the "membership exception" could affect its evaluation of whether *Buckley's* narrowing interpretation of what constitutes a political committee is necessary in all contexts. *Id.* at 28. In light of the Commission adopting membership communication regulations that substantially expanded the number of organizations that could take advantage of the membership exception without triggering political committee status, *see* 11 CFR 100.8(b)(4)(iv), 114.1(e), the Commission seeks comments on whether a less restrictive reading of *Buckley* is appropriate and necessary to promote fuller disclosure of campaign activity.

In declaring North Carolina's "political committee" definition unconstitutional, the Fourth Circuit in *North Carolina Right to Life, Inc.* v. *Bartlett*, 168 F.3d 705, 712 (4th Cir. 1999) read *Buckley* to limit narrowly the FECA's definition of "political committee" to "includ[e] only those entities that have as a major purpose engaging in express advocacy in support of a candidate * * * by using words such as 'vote for,' 'elect,' 'support,' 'vote against,' 'defeat,' or 'reject.'" Consequently, North Carolina's definition of "political committee,"[4] which, like the FECA definition, included organizations that "influence or attempt to influence the result of an election" (a "classic form of issue advocacy"), was "unconstitutionally vague and overbroad." *Id.* at 713.

In *North Carolina Right to Life, Inc.* v. *Leake*, 108 F.Supp.2d 498 (E.D. N.C. 2000) ("*NCRL*"), a federal district court upheld a North Carolina statute revised in light of *Bartlett* that, in contrast to the FECA, defines "political committee" as, *inter alia*, a group that has "a major purpose to support or oppose the nomination or election of one or more candidates." N.C.G.S. § 163–278.6(14)(d). The state law further provides that a group is presumed to have a "major purpose" of supporting or opposing one or more candidates if its contributions and expenditures total over $3,000 during an election cycle. However, the state statute further provides that the presumption can be rebutted "by showing that the contributions and expenditures giving rise to the presumption were not a major part of activities of the organization during the election cycle." *Id.*[5] The Commission is seeking comments on whether a similar approach should be employed at the federal level. Should the Commission amend the definition of "political committee" at 11 CFR 100.5 to contain a rebuttable presumption that groups that have a major purpose of supporting or opposing one or more federal candidates are presumed to be political committees for purposes of these rules?

In *Florida Right to Life, Inc.* v. *Mortham*, No. 98–770–CIV–ORL–19A, 1999 WL 33204523, at *4, 5 (M.D. Fla., Dec. 15, 1999), a federal district court declared Florida's "political committee" definition[6] "unconstitutionally overbroad" because its reach was not limited to "organizations whose *major* purpose is engaging in 'express advocacy,' as that term is defined in *Buckley* v. *Valeo*, 424 U.S. 1, 42–44 (1976)." The Eleventh Circuit affirmed the district court, holding the definition to be "unconstitutionally overbroad under the First Amendment," in *Florida Right to Life, Inc.* v. *Lamar*, 238 F.3d 1288 (11th Cir. 2001).

In *South Carolina Citizens for Life, Inc.* v. *Davis*, C.A. No. 3:00–124–19 (D. S.C. Sept. 11, 2000), the federal district court in South Carolina declared (without analysis) South Carolina's "political committee" definition (i.e., group of persons that spends more than $500 to "influence the outcome of an elective office") unconstitutional as applied to the plaintiff and permanently enjoined the defendants from enforcing it against the plaintiff's "issue and express advocacy activities." The court's order preliminarily enjoining the statute at issue did so because of its application to issue advocacy and because of the seriousness of the plaintiff's claim that its proposed express advocacy was so insignificant (less than 20 percent of its disbursements) that the "major purpose" test would exempt it from the requirements of the statute.

[4] Prior to *Bartlett*, North Carolina defined "political committee" as "a combination of two or more individuals, or any person, committee, association, or organization, the primary purpose of which is to support or oppose any candidate or political party or to influence or to attempt to influence the result of an election."

[5] It should be noted that the court also held that an "express advocacy" component was not constitutionally required of North Carolina's "political committee" definition.

[6] Florida Stat. section 106.11(1) defined "political committee" as a "combination of two or more individual, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, issue or political party, which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of $500."

B. Alternatives That Would Incorporate "Major Purpose" Into the Text of the Rules

Comments are sought as to several ways, which are described below, the major purpose test for political committee status could be applied to these entities. Please note that specific regulatory language that could be used to implement the various alternatives is not attached.

Alternative 1: Percentage of Disbursements

One way to define "major purpose" would consider an organization to be a political committee if at least 50% of that organization's disbursements are made for the purpose of influencing federal and non-federal elections. Comments are sought on whether a higher or lower percentage might be more appropriate in particular circumstances. For example, an organization may spend 30% or 40% of its total disbursements on election-related activity, while its other disbursements are used for a wide range of purposes. Under these circumstances, election-related activity could still be considered that organization's major purpose, even though most of its spending went for other purposes. This could also be true if, for example, an organization made 30% of its disbursements for electoral activity, and no more than 25% for any other purpose.

Alternative 2: Percentage of Time and Disbursements

Another approach would evaluate not only an organization's receipts and disbursements, but also the amount of time spent by its paid and unpaid staff. Both time and money would be divided among certain broad groupings, such as electoral, lobbying and educational activity. The organization's possible status as a political committee could be determined in several different ways. For example, a determination could be made as to whether the group devoted over 50% of either its time or its monetary resources to electoral activity and thus became a political committee. Alternatively, once these ratios are determined, if the combined share of time and money spent on elections is larger than that for either lobbying or education, the organization's major purpose could be considered to influence elections. The Commission seeks comments on these alternatives, as well.

1. Volunteer Activity. Under Alternative 2, the Commission also seeks comments on how, if at all,

organizations should value volunteer activity in making this calculation. Volunteer activity may become significant in situations where, for example, an organization spends only a small amount of money on election-related activity, but uses the money to recruit and train groups of volunteers to canvass neighborhoods, run phone banks, or sponsor other volunteer activity that has a substantial impact on the campaign. On the other hand, volunteer activity is exempt from the FECA's definition of "contribution." 2 U.S.C. 431(8)(B)(i), 11 CFR 100.7(b)(3); *but see* 11 CFR 100.7(a) for qualifications and exceptions. Thus, it can be argued that the value of such activity should not be included in any "major purpose" computation.

2. Time for the Computation. A related issue is, what period of time should be used in assessing major purpose? Should it be an election cycle, a calendar year, a calendar quarter, or some other period?

Using a quarterly basis would cover those situations where an organization engaged in substantial lobbying and educational efforts and only nominal campaign activity during the first three quarters of an election year, but put massive resources into a campaign during the last quarter in which the election was held. However, the statutory framework of the Act is such that it may be necessary to use a calendar year in computing this activity. Please note that once an organization qualifies as a political committee, it retains that status until it terminates. *See* 11 CFR 102.3 (termination of registration) and 11 CFR 102.4 (administrative termination).

Alternative 3: Percentage of Disbursements Spent on Communications Containing Express Advocacy

In contrast to Alternatives 1 and 2, the Commission is considering a substantially narrower approach to determining an organization's major purpose. Under Alternative 3, the organization would compare its total disbursements to only the amount it spends on general public political communications that expressly advocate the election or defeat of clearly identified candidates (i.e., "independent expenditures," 2 USC 431(17)) and any contributions, 2 USC 431(8). This approach is consistent with *MCFL*, which reiterated and expanded the scope of the express advocacy requirement to section 441b of the Act: "[In *Buckley*], the Court held that the term 'expenditure' encompassed 'only funds used for communications that expressly advocate the election or defeat of a clearly identified candidate.' * * * We therefore hold that an expenditure must constitute 'express advocacy' in order to be subject to the prohibition of § 441b." 479 U.S. at 248–49, quoting *Buckley*, 424 U.S. at 80.

This approach also follows Fourth Circuit's reading of *Buckley* in *Bartlett*, *Mortham* and *Davis*, *supra*, and other cases.

In *Colorado Right to Life, Inc.* v. *Davidson*, No. 99–1414, 2000 WL 1902427, at *14 (10th Cir., Dec. 26, 2000), the Tenth Circuit declared a state statute defining "political committee" unconstitutional as applied to plaintiffs. The definition encompassed groups that "associated themselves for the purpose of making independent expenditures," *i.e.*, on communications unambiguously referring to candidates. The court read *Buckley* and its progeny for the rule that "communications that do not contain express words advocating the election or defeat of a particular candidate are deemed issue advocacy, which the First Amendment shields from regulation." Id. at *7.

In *Iowa Right to Life Committee, Inc.* v. *Williams*, No. 4–98–CV–10399, slip op. at 17 (S.D. Iowa, Oct. 23, 1998), a federal district court preliminarily enjoined Iowa's definition of "political committee," which encompassed committees that spend in excess of $500 for the "purpose of supporting or opposing a candidate for public office," because the "plain meaning of the phrase can be interpreted to include issue advocacy." The court had read *Buckley* as holding that the "government may not regulate funds spent to publish communications that contain what is generally referred to as 'issue advocacy.'" Id. at 8 n.3.

In *Virginia Soc'y for Human Life, Inc.* v. *Caldwell*, 152 F.3d 268 (4th Cir. 1998), the Fourth Circuit held that a constitutionally narrow construction of Virginia's "political committee" definition was not readily apparent because the statutory language encompassed groups that spend money "for the purpose of influencing the outcome of any election" and thus necessarily applied to "materials which simply describe a candidate's voting record in the hopes of influencing people's votes, that is, issue discussion."[7]

[7] Numerous other courts, while not addressing the constitutionality of "political committee" definitions, have addressed the application of the express advocacy requirement. *See Perry* v. *Bartlett*, 231 F.3d 155, 160 (4th Cir. 2000); *Vermont Right to Life, Inc.* v. *Sorrell*, 221 F.3d 376, 386 (2nd Cir. 2000); *Iowa Right to Life Comm., Inc.* v. *Williams*, 187 F.3d 963, 968–70 (8th Cir. 1999); *FEC* v. *Christian Action Network, Inc.*, 110 F.3d 1049, 1051 (4th Cir. 1997); *Maine Right To Life Comm., Inc.* v. *FEC*, 98 F.3d 1 (1st Cir. 1996); *Faucher* v. *FEC*, 928 F.2d 468, 472 (1st Cir. 1991); *FEC* v. *Central Long Island Tax Reform Immediately Comm.*, 616 F.2d 45, 53 (2d Cir. 1980) (*en banc*); *Kansans for Life, Inc.* v. *Gaede*, 38 F. Supp.2d 928 (D. Kan. 1999); *Right to Life of Mich., Inc.* v. *Miller*, 23 F. Supp.2d 766 (W.D. Mich. 1998); *Planned Parenthood Affiliates of Mich., Inc.* v. *Miller*, 21 F. Supp.2d 740 (E.D. Mich. 1998); *Right To Life of Dutchess County, Inc.* v. *FEC*, 6 F. Supp.2d 248 (S.D. N.Y. 1998); *Clifton* v. *FEC*, 927 F. Supp. 493, 496 (D. Me. 1996), *aff'd on other grounds*, 114 F.3d 1309 (1st Cir. 1997); *FEC* v. *Survival Educ. Fund, Inc.*, 1994 WL 9658, at *3 (S.D. N.Y. Jan. 12, 1994), *aff'd in part and rev'd in part on other grounds*, 65 F.3d 285 (2d Cir. 1995); *FEC* v. *Colorado Republican Fed. Campaign Comm.*, 839 F.Supp. 1448, 1456 (D. Colo. 1993), *rev'd on other grounds*, 59 F.3d 1015 (10th Cir. 1995), *vacated on other grounds*, 519 U.S. 604 (1996); *West Virginians For Life, Inc.* v. *Smith*, 919 F.Supp. 954, 959 (S.D. W.Va. 1996); *FEC* v. *NOW*, 713 F.Supp. 428 (1989); *FEC* v. *AFSCME*, 471 F. Supp. 315, 317 (D. D.C. 1969); *Washington State Republican Party* v. *State Public Disclosure Comm'n*, 141 Wash.2d 245, 4 P.3d 808 (2000); *Elections Bd. Of Wisconsin* v. *Wisconsin Mfrs. & Commerce*, 227 Wis.2d 650, 597 N.W.3d 721 (1999); *Osterberg* v. *Peca*, 12 S.W.3d 31, 50–52 (Tex. 2000); *Brownsburg Area Patrons Affecting Change* v. *Baldwin*, 714 N.E.2d 135 (Ind. 1999); *State* v. *Proto*, 526 A.2d 1297, 1310–11 (Conn. 1987); *Richey* v. *Tyson*, 120 F.Supp.2d 1298, 1310–12 (S.D. Ala. 2000); *Chamber of Commerce of the United States* v. *Moore*, No. 00–228ws (S.D. Miss. Nov. 2, 2000).

The Commission invites comment on other possible content standards that could be used for communications.

Alternative 4: Dollar Amount of Campaign Activity

As discussed above, the *Akins* case illustrated that it is possible for a group to spend millions of dollars in direct candidate support that nevertheless represents only a small percentage of its overall financial activity. Thus, under any of the alternatives set out above, its "major purpose" might not be the election of candidates and it would therefore not be a political committee. Consequently, the Commission seeks comments on establishing a $50,000 threshold for political committee status. If an organization exceeds this amount in election activity, or alternatively in express advocacy communications, it will automatically be deemed to have a major purpose of influencing federal elections. Thus, it will be a political committee, even if $50,000 represents a small percentage of its total disbursements for all activities. Comments are also sought on a higher or lower threshold amount than $50,000.

III. Section 527 Organizations and Recent Statutory Changes

Section 527 of the Internal Revenue Code ("I.R.C.") grants beneficial tax treatment to political organizations, commonly called "527 organizations," that meet the qualifications set forth below. Organizations that qualify as FECA political committees qualify as 527 organizations, and thus are able to take advantage of this beneficial tax treatment.[8] Other 527 organizations, however, are alleged to have engaged in substantial political activity that fails to trigger the FECA registration and reporting requirements, and contribution restrictions.

The I.R.C. at section 527(e)(1) defines "political organization" as "a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function." "Exempt function" is defined at I.R.C. section 527(e)(2) to include "the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected or appointed."

This definition is on its face substantially broader than the FECA definition of "political committee." Moreover, beginning in 1996, the Internal Revenue Service ("IRS") has issued a series of private revenue rulings holding that activities such as circulating voting records, voter guides, and "issue advocacy" communications—those that do not expressly advocate the election or defeat of a clearly identified candidate—fall within the "exempt function" category under I.R.C. section 527(e)(2). Private Rulings 9652026 (Oct. 1, 1996), 9808037 (Nov. 21, 1997), and 199925051 (March 29, 1999). As knowledge of these rulings became more widespread, the number of 527 organizations is thought to have increased substantially, with a concomitant increase in their spending on federal elections. *See* Hill, "Probing the Limits of Section 527 to Design a New Campaign Finance Vehicle," *Tax Notes*, Jan. 17, 2000, at 387–88.

Until recently, section 527 organizations that did not qualify as political committees under the FECA filed no registration statements or informational material with the Commission or the IRS. Moreover, since section 527 taxes only investment income earned by these organizations, *see* 26 U.S.C. 527(f), and many earn no such income, they are not required to file tax returns with the IRS. Thus, unless they qualified as FECA committees, or voluntarily disclosed this information, little was known about their funding or activities.

When the Commission first considered the possibility of a rulemaking in this area, it anticipated that one of the issues such a rulemaking might address would be treatment of section 527 organizations. Since that time, however, P.L. 106–230, 114 Stat. 477, was signed into law on July 1, 2000. That law requires 527 organizations to notify the Secretary of the Treasury of their status and provide certain identifying information within 24 hours of the date on which the organization is established, 26 U.S.C. 527(a)(i)(1), or 30 days after the date of enactment of the law, for those organizations in existence on July 1, 2000. 26 U.S.C. 527(d)(2). They must also disclose information on expenditures that aggregate over $500 in a calendar year to a single person, and contributions from persons that aggregate $200 or more during a calendar year. For additional information on this new law, *see* Revenue Ruling 2000–49 (Oct. 30, 2000). Please note that these statutory requirements do not apply to organizations that qualify as political committees under the FECA. 26 U.S.C. 527(a)(6), 527(j)(5)(A).

Despite enactment of Public Law 106–230, concern remains that Commission action is needed to clarify when an organization becomes a political committee under the FECA. While many 527 organizations are complying with the new tax law and IRS requirements, others may have changed their tax status in order to avoid having to do so. The Commission is seeking comment as to how this rulemaking should address 527 organizations and organizations that are not organized under 26 U.S.C. 527.

The Commission also welcomes comments on any other aspect of the issues addressed in this Notice.

[8] Section 527 organizations are taxed only on their investment income. 26 U.S.C. 527(f).

List of Subjects in 11 CFR Part 100

Elections.

For the reasons set out in the preamble, it is proposed to amend Subchapter A, Chapter I of title 11 of the *Code of Federal Regulations* to read as follows:

PART 100—SCOPE AND DEFINITIONS (2 U.S.C. 431)

1. The authority citation for Part 100 would continue to read as follows:

Authority: 2 U.S.C. 431, 434(a)(11), and 438(a)(8).

2. Paragraph (a) of section 100.5 would be revised to read as follows:

11 CFR 100.5 Political committee (2 U.S.C. 431(4), (5), (6)).

* * * * *

(a) Except as provided in paragraphs (b), (c) and (d) of this section, any committee, club, association, or other group of persons that receives contributions aggregating in excess of $1,000, or that makes expenditures aggregating in excess of $1,000 during a calendar year is a political committee.

(1) The following are examples of "contributions" within the meaning of 11 CFR 100.7(a):

(i) Money, services or any other thing of value received as the result of a solicitation, the express purpose of which was to raise money to influence federal elections;

(ii) Money, services or anything of value received from a political committee organized pursuant to paragraphs (b), (c), or (d) of this section, except money, services or anything of value received by an organization qualifying for tax exempt status pursuant to 26 U.S.C. 501(c)(3);

(iii) Money, services or anything of value received by an organization that is expressly authorized by its charter, constitution, bylaws, articles of incorporation or other organizational document to engage in activities for the purpose of influencing federal elections;

(iv) Money, services or anything of value received by an organization that is controlled by a federal candidate, his or her principal campaign committee, or any other committee authorized by a federal candidate pursuant to paragraph (f)(1) of this section. This provision shall not encompass an organization qualifying for tax exempt status pursuant to 26 U.S.C. 501(c)(3) or (c)(4) or an organization whose exclusive purpose is the election or nomination of that candidate for state or local office;

(v) Money, services, or anything of value received by an organization that claims tax exempt status pursuant to 26 U.S.C. 527 and does not restrict its activities to influencing or attempting to influence elections to state or local public office or office in a political organization; or

(vi) Payments or costs deemed to be in-kind contributions for general public political communications, pursuant to 11 CFR 100.23.

(2) The following are examples of "expenditures" within the meaning of 11 CFR 100.8:

(i) Payments or costs associated with the organization's solicitation of money or any other thing of value, where the solicitation appeals to donors by stating that donations will be used to influence a federal election;

(ii) Payments or costs deemed to be coordinated expenditures for general public political communications, pursuant to 11 CFR 100.23;

(iii) Payments or costs associated with any general public political communication that refers to a candidate for federal office and has been tested to determine its probable impact on the candidate preference of voters;

(iv) Payments or costs associated with any general public political communication that refers to a candidate for federal office, where the intended audience has been selected based on its voting behavior; or

(v) Payments made to a commercial vendor for a service or product, with the express understanding that the service or product be designed to influence one or more federal elections.

(3) Notwithstanding any other provision of this section, a business entity organized for profit that provides goods or services to others at the usual and normal charge for such goods or services shall not be considered a political committee. Discounts may be provided as set forth in 11 CFR 9008.9(a).

* * * * *

Dated: March 1, 2001.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 01–5473 Filed 3–6–01; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 932

[No. 2001–03]

RIN 3069–AB11

Unsecured Credit Limits for Federal Home Loan Banks

AGENCY: Federal Housing Finance Board.

ACTION: Proposed rule.

SUMMARY: On December 20, 2000, as part of its new capital rule, the Federal Housing Finance Board (Finance Board) approved new limits on the amounts of unsecured credit that a Federal Home Loan Bank (Bank) may extend to a single counterparty or group of affiliated counterparties. These new unsecured limits revised and codified the unsecured credit guidelines set forth in the Finance Board's Financial Management Policy (FMP). The Finance Board is, hereby, proposing amendments to the unsecured credit provisions of the capital rule to increase the limit on a Bank's unsecured credit exposure to government-sponsored enterprises (GSEs).

DATES: The Finance Board will consider written comments on the proposed rulemaking that are received on or before April 23, 2001.

ADDRESSES: Send comments to: Elaine L. Baker, Secretary to the Board, by electronic mail at *bakere@fhfb.gov*, or by regular mail to the Board, at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006. Comments will be available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: James L. Bothwell, Managing Director, (202) 408–2821; Scott L. Smith, Acting Director, (202) 408–2991; or Julie Paller, Senior Financial Analyst, (202) 408–2842, Office of Policy, Research and Analysis; or Thomas E. Joseph, Attorney-Advisor, (202) 408–2512, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Background

On December 20, 2000, in accordance with the Gramm-Leach-Bliley Act, Pub. Law No. 106–102, 133 Stat. 1338 (Nov. 12, 1999) (GLB Act), the Finance Board adopted a final rule to implement the new capital structure that the GLB Act established for the Banks. *See* 66 FR 8262 (Jan. 30, 2001). As part of the final capital rule, the Finance Board adopted new limits on the permitted amounts of a Bank's unsecured credit exposures to a single counterparty or a group of affiliated counterparties. *Id.* at 8318–19 (to be codified at 12 CFR 932.9). These new limits represent a revision and codification of the unsecured credit guidelines of Section VI of the FMP, Finance Board Res. No. 96–45 (July 3, 1996), *as amended by* Finance Board Res. No. 96–90 (Dec. 6, 1996), Finance Board Res. No. 97–05 (Jan. 14, 1997), and Finance Board Res. 97–86 (Dec. 17, 1997), which will remain in effect until these new limits take effect on July 2, 2001.[1] During the comment period for the proposed capital rule, many commenters generally opposed the implementation of the unsecured credit guidelines in § 932.9, but did not comment on the specific limits set in the rule, which are designed to address safety and soundness concerns related to the risk created by credit concentrations in a single counterparty or group of affiliated counterparties. *See* 66 FR 8301–02.

The new unsecured credit limits in 12 CFR 932.9 are more restrictive than those that are applied under the FMP. They allow the Banks, however, to extend unsecured credit to lower-rated counterparties than is now allowed under the FMP and will remove maturity constraints on extensions of unsecured credit that are contained in Section VI of the FMP. Before a Bank may extend unsecured credit to any counterparty (or affiliated counterparties) to which a Bank could not previously lend because of the credit rating restrictions or maturity limits in the FMP, the Bank must obtain the Finance Board's approval for the lending activity as a new business activity pursuant to 12 CFR Part 980. The new limits do not apply to obligations backed by the full faith and credit of the United States government, which is the case under the unsecured credit guidelines of the FMP. Section 932.9 also does not require a Bank to unwind positions that do not conform to the new requirements provided the credit was extended in accordance with the FMP before the effective date of the new rule.

II. Proposed Rule

As discussed in the **SUPPLEMENTARY INFORMATION** section of the adopting release of the final capital rule, the Finance Board believes that the diversification of risk, particularly with regard to unsecured credit, promotes the safety and soundness of the Banks and that the specific limits adopted in 12 CFR 932.9 are necessary to address the increase in credit risk associated with concentrations of credit exposures. The limits are not unduly onerous[2] and generally are consistent with those applicable to commercial banks. *See* 12 CFR Part 32.

It has been suggested, however, that as applied to debt issued by the GSEs, the new limits may present problems for some Banks. Under the FMP, the Banks could maintain unsecured credit exposures with a single GSE in an amount equal to 100 percent of the Bank's capital. The new unsecured credit limits would treat GSEs like other private counterparties and base the unsecured credit limit on the long- or short-term ratings assigned to the GSE by a Nationally Recognized Statistical Rating Organization (NRSRO). Generally speaking, GSEs currently receive the highest investment grade rating assigned by an NRSRO. For all such counterparties, a Bank's maximum allowable unsecured credit exposure under § 932.9 cannot exceed 15 percent of the Bank's total capital or of the counterparty's regulatory capital, whichever amount is lower.

Some Banks have indicated that, given the magnitude of the reduction in the allowable credit exposure to a GSE under § 932.9, they will experience difficulty in developing new investment strategies to conform to these new limits. Since publication of the final unsecured credit rule, some Banks have indicated that GSE debt offers an attractive risk-return profile not available from other investments, especially in the immediate future. Some Banks also have suggested that GSEs are a better credit risk than other counterparties, even those counterparties with the highest investment grade ratings, and point to the premium over corporate debt at which GSE debt trades in the markets as an indication of the GSEs' special status. These Banks further claim that the new restrictions on their credit exposures to GSEs may result in greater investment in instruments with a lesser credit quality.

In the **SUPPLEMENTARY INFORMATION** section of the final capital rule, the Finance Board noted that it "may solicit additional comments regarding the appropriateness of the [unsecured credit] limits in future rulemaking and may consider revising them at that time." 66 FR 8302. The Finance Board also recognizes that for some Banks, the magnitude of the reduction in the allowable unsecured credit limit applicable to GSEs could be disruptive and that, historically, GSEs have been viewed more favorably by debt markets than even the highest-rated corporate debt issuers. Thus, the Finance Board is proposing to amend 12 CFR 932.9 to raise the limit on a Bank's unsecured extensions of credit to a GSE and is requesting comment and supporting analysis concerning the appropriate level for this new limit.

It also has been suggested that the Finance Board amend 12 CFR 932.9 to exclude from the unsecured credit limits the sale of Federal funds with a maturity of one day or less, or Federal funds sold under a continuing contract, as do commercial bank regulators. *See* 12 CFR Part 32. The Finance Board requests comment on whether it should adopt such an exclusion, although it is not proposing to do so at this time. If commenters support such an exclusion, they should provide data indicating how the lack of such an overnight Federal funds exclusion in 12 CFR 932.9 would negatively affect the Banks and should address why such an exclusion would not raise safety and soundness concerns.

III. Regulatory Flexibility Act

The proposed rule applies only to the Banks, which do not come within the meaning of small entities as defined in the Regulatory Flexibility Act (RFA). *See* 5 U.S.C. 601(6). Therefore, in accordance with section 605(b) of the RFA, 5 U.S.C. 605(b), the Finance Board hereby certifies that this proposed rule, if promulgated as a final rule, will not have a significant economic effect on a substantial number of small entities.

IV. Paperwork Reduction Act

The proposed rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. *See* 33 U.S.C. 3501 *et seq.* Therefore, the Finance Board has not submitted any information to the Office of Management and Budget for review.

Dated: February 28, 2001.

By the Board of Directors of the Federal Housing Finance Board.

Allan I. Mendelowitz,

Chairman.

[FR Doc. 01–5474 Filed 3–6–01; 8:45 am]

BILLING CODE 6725–01–P

[1] The Chairman of the Bank Presidents' Conference requested an extension of the March 1, 2001 effective date for complying with the new unsecured credit limits. In response, the Finance Board has waived the March 1, 2001 date by Resolution, dated February 28, 2001, and has extended the date for compliance with § 932.9 by 120 days until July 2, 2001.

[2] If extension of credit to GSEs are not included, at year-end 2000, the Banks in aggregate had only just over $4.4 billion in unsecured extensions of credit that would be in excess of the limits set forth in 12 CFR § 932.9 compared with a total unsecured extensions of credit to private counterparties of just over $84 billion.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. PL00–1–000]

Dialog Concerning Natural Gas Transportation Policies Needed To Facilitate Development of Competitive Natural Gas Markets

March 2, 2001.

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice organizing staff conference.

SUMMARY: In Order 637, issued on February 9, 2000, the Federal Energy Regulatory Commission (Commission) revised its regulatory policies, amended its regulations, and established new procedures to enhance the competitiveness and efficiency of markets for the transportation of natural gas in interstate commerce. This notice provides the organizational framework for the second of three public staff conferences in a dialog between the industry and Commission staff. This conference focuses on affiliate issues.

EFFECTIVE DATE: The conference will take place on March 15, 2001, starting at 1 p.m. Persons wishing to submit further comments following the conclusion of the conference must submit them by April 30, 2001.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Robert A. Flanders, Office of Markets, Tariffs and Rates, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208–2084, e-mail: Robert.Flanders@ferc.fed.us

Notice Organizing Staff Conference on Competitive Natural Gas Markets

This notice provides the organizational format for the Federal Energy Regulatory Commission staff conference to be held on March 15, 2001 to discuss how the changes in the natural gas market affect the way in which the Commission should regulate transportation transactions between pipelines and their affiliates, as well as between pipeline capacity holders and their affiliates, capacity managers and agents. The purpose of this conference is to continue the dialog begun with the September 19, 2000 staff conference to enable the industry to discuss with staff, as well as with each other, issues relating to the development of Commission policy and regulatory responses to rate and service revisions to meet the needs of the changing natural gas market. The conference will begin at 1:00 p.m. at the Commission's offices, 888 First Street, NE., Washington, DC in the Commission's Meeting Room.

The November 22, 2000 notice[1] of the conference requested those who were interested in making presentations or participating to indicate their interest by January 5, 2001. Sixteen requests to participate in the roundtable debate were made and comments from twenty-six interested persons were received.

The conference will be structured as a roundtable debate with staff as moderator. Panel participants are identified below. In order to facilitate a robust discussion of the affiliate issues identified in the November 22, 2000 notice, a roundtable debate format was selected. Accordingly, participants will not have the opportunity to make oral

[1] 65 FR 75627 (Dec. 4, 2000).

presentations. Interested persons have already had the opportunity to submit written comments reflecting their positions, and, as discussed below, are invited to submit additional comments. Participants should feel free to discuss or debate all topics during the course of the roundtable debate.

The composition of the roundtable panel is as follows:

Dena Wiggins, Process Gas Consumers Group, et al.
Representative to be designated, Ad Hoc Marketers Group
Thomas Riley, Independent Oil & Gas Assoc. of West Virginia
Alice Curtis, American Gas Association
Craig Goodman, National Energy Marketers Assoc.
Joan Dreskin, Interstate Natural Gas Assoc. of America
Jeff Holligan, Amoco Production Company and BP Energy Company
Denise Goulet, National Assoc. of State Utility Consumer Advocates
John Smith, The Williams Companies
Mark Haskell, Natural Gas Supply Assoc.
Leslie Lawner, Enron North America Corporation
Paul Koonce, Dominion Resources, Inc.
Michael Linn, Independent Petroleum Assoc. of America
Ed Ross, Dynegy, Inc.
Phillip Teumim, New York Public Service Commission
Kirby Bosley, Reliant Energy Services, Inc.
Mike Reidy, California Dairy Coalition of Concerned Energy Consumers

The Capitol Connection patrons in the Washington, DC area will receive notices regarding the broadcast of the conference. The conference will be available, for a fee, live over the Internet, via C-Band Satellite, and via telephone conferencing. Persons interested in receiving the broadcast, or who need further information, should contact David Reininger or Julia Morelli at the Capitol Connection (703–993–3100) as soon as possible or visit the Capitol Connection web site at http://www.capitolconnection.org and click on "FERC."

The Commission invites interested persons and participants to submit additional comments on the affiliate issues debated at the conference including any related matters or alternative proposals that commenters may wish to discuss and must be received by the Commission before 5 p.m. on April 30, 2001.

After-conference comments may be filed either in paper format or electronically. Those filing electronically do not need to make a paper filing. For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and should refer to Docket No. PL00–1–000.

Comments filed via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's website (*www.ferc.fed.us*) and click on "Make An E-Filing," and then follow the instructions for each screen. First-time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-Mail address upon receipt of comments.

User assistance for electronic filing is available at 202–208–0258 or by E-Mail to *efiling@ferc.fed.us*. Comments should not be submitted to the E-Mail address. All comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington, DC 20426 during regular business hours. Additionally, all comments may be viewed, printed, or downloaded remotely via the Internet through FERC's Homepage using the RIMS link. User assistance for RIMS is available at 202–208–2222, or by E-Mail to *rimsmaster@ferc.fed.us*.

Questions about the conference should be directed to: Robert Flanders, Office of Markets Tariffs and Rates, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, 202–208–2084, Robert.flanders@ferc.fed.us

Linwood A. Watson,

Acting Secretary.

[FR Doc. 01–5518 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 43

[CC Docket No. 98–137; FCC 01–68]

1998 Biennial Regulatory Review—Review of Depreciation Requirements for Incumbent Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: In this document the Commission denied US West, Inc. (now Qwest) petition for reconsideration of our December 30, 1999 Depreciation Order. The US West, Inc. petition sought reconsideration of: our denial of United States Telephone Association petition for forbearance; the methodology for certain equipment life ranges, and the accounting treatment in waiver situation. The Commission concluded that US West, Inc had not provided any new information or arguments that required us to alter our prior rulings.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 445–12th Street, SW, TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: JoAnn Lucanik, Accounting Safeguards Division, Common Carrier Bureau, at (202) 418–0873.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration adopted February 21, 2001, and released February 26, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC 20554. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, Washington, DC 20036, telephone (202) 857–3800.

Summary of Order on Reconsideration

In this order, we deny a petition for reconsideration filed on May 10, 2000, by US West, Inc. (now Qwest) of our December 30, 1999 Order (*Depreciation Order*) (which was not published in the **Federal Register**). In the *Depreciation Order*, which was part of our 1998 Biennial Regulatory Review proceeding, we undertook an extensive review of our depreciation requirements for price cap incumbent local exchange carriers (ILECs). Although we denied a petition filed by the United States Telecom Association (USTA) to forbear from imposing depreciation requirements on price cap ILECs, we significantly streamlined our depreciation requirements, and set out specific conditions under which ILECs could seek waiver of these requirements.

In a subsequent order, released on November 7, 2000, 66 FR 9681 (February 9, 2001), we reviewed an alternative proposal for relieving carriers of our depreciation requirements. We concluded that the alternative proposal to permit an above-the-line accounting treatment of the financial-to-regulatory book differential in lieu of a below-the-line accounting treatment lacked the inherent protections provided for in the waiver process adopted in the *Depreciation Order*. Thus, we declined to relieve carriers of our depreciation requirements in circumstances where they elected above-the-line treatment.

In its petition for reconsideration, Qwest requests (1) that we reconsider our denial of USTA's petition for forbearance of our depreciation requirements; (2) that if USTA's petition is not granted, we reconsider our methodology for establishing service life ranges for telecommunications plant equipment; and (3) that for purposes of seeking a waiver of the depreciation requirements, we permit an above-the-line accounting treatment of the differential between regulatory and financial book reserve levels.

After review of the arguments presented on reconsideration, we conclude that Qwest has not provided any new information or arguments that require us to alter our prior rulings. The precise issues and arguments that Qwest raises on reconsideration were thoroughly considered and examined in the previous proceeding. Our analysis and reasons for our rulings are fully stated in the *Depreciation Order*, and the *November 2000 Order* further underscores the appropriateness of the decision to deny reconsideration.

Accordingly, pursuant to sections 4, 201–205, 218–220, 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 201–205, 218–220, 303(r), and 405 of the Communications Act of 1934, as amended, and §§ 1.106 and 1.429 of the Commission's rules, 47 CFR 1.106, 1.429, that the petition for reconsideration filed May 10, 2000, by US West, Inc. (now Qwest) is denied.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–5489 Filed 3–6–01; 8:45 am]

BILLING CODE 6701–12–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–286; MM Docket Nos. 01–33, 01–34; RM–10060, RM–10061]

Radio Broadcasting Services; Warsaw, Windsor, MO, and Caro, Cass City, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comment on two petitions for rulemaking. One filed by Edwards Communications, L.C., licensee of Station WIDL(FM), Caro; Michigan, proposes the substitution of Channel 221C3 for Channel 221A at Caro, Michigan, and the reallotment of Channel 221C3 from Caro to Cass City, Michigan. Channel 221C3 can be allotted at Cass City in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, at a site 4.9 kilometers (3.0 miles) northeast of the community at coordinates 48–38–20 NL and 83–08–38 WL. The second, filed by D&H Media, permittee of Station KWKJ(FM), Warsaw, Missouri, proposes the reallotment of Channel 253A from Warsaw to Windsor, Missouri. Channel 253A can be allotted at Windsor in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, without the imposition of a site restriction at coordinates 38–31–56 NL and 93–31–19 WL.

DATES: Comments must be filed on or before April 5, 2001 and reply comments must be filed on or before April 20, 2001.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, S.W., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve petitioner(s) as follows: for MM Docket No. 01–33, Edwards Communications, L.C., C/O John S. Neely, Miller and Miller, P.C., P.O. Box 33003 Washington, DC 20033; for MM Docket No. 01–34, D&H Media, C/O Howard J. Barr, Pepper and Corazzini, LLP, 1776 K Street, NW., Suite 200, Washington, DC 20006–2334.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket Nos. 01–33 and 01–34, adopted January 31, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan is amended to remove Caro, Channel 221A and add Cass City, Channel 221C3.

3. Section 73.202(b), the Table of FM Allotments under Missouri is amended to remove Channel 253A at Warsaw and add Windsor, Channel 253A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4323 Filed 3–6–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG71

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of the Draft Economic Analysis for Proposed Critical Habitat for 76 Plants From the Islands of Kauai and Niihau, HI

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of availability of draft economic analysis.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of the draft economic analysis for the proposed designations of critical habitat for 76 plants from the islands of Kauai and Niihau, Hawaii. We are also providing notice of the reopening of the comment period for the proposal to designate critical habitat for these 76 plants to allow all interested parties to comment simultaneously on the proposed rule and the associated draft economic analysis. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this reopened comment period and will be fully considered in the final rule.

DATES: We will accept public comments until April 6, 2001.

ADDRESSES: Written comments and information should be submitted to Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala

Moana Blvd., P.O. Box 50088, Honolulu, HI 96850–0001. For electronic mail address and further instructions on commenting, refer to Public Comments Solicited section of this notice.

FOR FURTHER INFORMATION CONTACT: Paul Henson, Field Supervisor, Pacific Islands Office, at the above address (telephone: 808/541–3441; facsimile: 808/541–3470).

SUPPLEMENTARY INFORMATION:

Background

We, the U.S. Fish and Wildlife Service (Service) have reconsidered our findings concerning whether designating critical habitat for 81 federally protected plant species currently found on the islands of Kauai and Niihau is prudent. A total of 95 species historically found on these two islands were listed as endangered or threatened species under the Endangered Species Act of 1973, as amended (Act), between 1991 and 1996. Some of these species may also occur on other Hawaiian islands. At the time each plant was listed, we determined that designation of critical habitat was not prudent because designation would increase the degree of threat to the species and/or would not benefit the species.

These not prudent determinations were challenged in *Conservation Council for Hawaii* v. *Babbitt*, 2 F. Supp. 2d 1280 (D. Haw. 1988). On March 9, 1998, the United States District Court for the District of Hawaii, directed us to review the prudency determinations for 245 listed plant species in Hawaii, including these 95 species. On August 10, 1998, the court ordered us to publish proposed critical habitat designations or non-designations for at least 100 species by November 30, 2000, and to publish proposed designations or non-designations for the remaining 145 species by April 30, 2002 (24 F. Supp. 2d 1074). Due to this litigation, we reconsidered our previous prudency determinations for the 95 plants known historically from Kauai and Niihau. From this review, we proposed that critical habitat is prudent for 76 of these species because the potential benefits of designating critical habitat essential for the conservation of these species outweigh the risks of designation. On November 7, 2000, we published in the **Federal Register** (65 FR 66807) a proposed rule to designate critical habitat for 76 plants from the islands of Kauai and Niihau. In addition, we proposed that the designation of critical habitat is not prudent for five species which are either no longer extant in the wild and such designation would not be beneficial to the species, or because we believe that designation of critical habitat would likely increase the threat to the species from vandalism or collection. The remaining 14 species historically found on Kauai and/or Niihau, no longer occur on these islands. However, these species do occur on other islands, so proposed prudency determinations will be made in future rules addressing plants on those islands. The original comment period closed on January 8, 2001. Based on a request to hold a public hearing, we reopened the comment period until February 19, 2001. The public hearing was held on February 6, 2001 in Lihue, Kauai.

We have proposed to designate a total of 23 critical habitat units, 21 units on Kauai and 2 units on Niihau, covering 24,348.68 hectares (ha) (60,165.57 acres (ac)) on Kauai and 190.55 ha (470.85 ac) on Niihau.

Critical habitat receives protection from destruction or adverse modification through required consultation under section 7 of the Act (16 U.S.C. 1531 *et seq.*) with regard to actions carried out, funded, or authorized by a Federal agency. Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available, and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for 76 plants from Kauai and Niihau, and comments received during the previous comment periods, we have prepared a draft economic analysis of the proposed critical habitat designations. The draft economic analysis is available at the Internet and mailing addresses in the Public Comments Solicited section below.

Public Comments Solicited

We will accept written comments and information during this re-opened comment period. If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods:

(1) You may submit written comments and information to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Blvd., P.O. Box 50088, Honolulu, HI 96850–0001.

(2) You may send comments by electronic mail (e-mail) to: fw1pie_kauai_niihau_crithab @r1.fws.gov. If you submit comments by e-mail, please submit them as an ASCII file and avoid the use of special characters and any form of encryption. Please also include "Attn: RIN 1018– " and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Honolulu Fish and Wildlife Office at telephone number 808/541–3441.

(3) You may hand-deliver comments to our Honolulu Fish and Wildlife Office at the address given above.

Comments and materials received, as well as supporting documentation used in preparation of the proposal to designate critical habitat, will be available for inspection, by appointment, during normal business hours at the address under (1) above. Copies of the draft economic analysis are available on the Internet at *www.r1.fws.gov/pacific/wesa/endspindex.html* or by request from the Field Supervisor at the address and phone number under (1 and 2) above.

Author(s)

The primary author of this notice is Christa Russell (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: February 26, 2001.

Rowan W. Gould,

Regional Director, Region 1, Fish and Wildlife Service.

[FR Doc. 01–5506 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 622 and 635

[I.D. 020801A]

RIN 0648–AN83

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment to the Fishery Management Plans of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a generic amendment to the Gulf of Mexico Fishery Management Council's fishery management plans for the Gulf of Mexico regarding the Tortugas Marine Reserves; request for comments.

SUMMARY: NMFS announces that the Gulf of Mexico Fishery Management Council (Council) has submitted the Generic Amendment Addressing the Establishment of the Tortugas Marine Reserves in the Fishery Management Plans of the Gulf of Mexico (Tortugas Amendment) for review, approval, and implementation by NMFS. The Tortugas Amendment proposes to establish two marine reserves in the exclusive economic zone (EEZ) in the vicinity of the Dry Tortugas, FL. Within the marine reserves, fishing for any species and anchoring by fishing vessels would be prohibited. The intended effect is to protect and conserve important marine resources.

DATES: Written comments must be received on or before May 7, 2001.

ADDRESSES: Written comments on the Tortugas Amendment must be sent to Michael Barnette, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments may also be sent via fax to 727–570–5583. Comments will not be accepted if submitted via e-mail or the Internet.

Requests for copies of the Tortugas Amendment, which includes a regulatory impact review (RIR), an initial regulatory flexibility analysis (IRFA), and a final supplemental environmental impact statement (FSEIS), should be sent to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619–2266; phone: 813–228–2815; fax: 813–225–7015; e-mail: gulf.council@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Michael Barnette, NMFS; phone: 727–570–5305; fax: 727–570–5583; e-mail: Michael.Barnette@noaa.gov.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each Regional Fishery Management Council to submit any fishery management plan (FMP) or amendment to NMFS for review and approval, disapproval, or partial approval. NMFS implements approved FMP or amendment measures by issuing a final rule. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish a document in the **Federal Register** stating that the FMP or amendment is available for public review and comment.

The Gulf of Mexico fisheries for coastal migratory pelagics, coral and coral reefs, red drum, reef fish, shrimp, spiny lobster, and stone crab are managed under FMPs prepared by the Council and approved and implemented by NMFS. These FMPs were prepared solely by the Council, with the exception of the FMPs for coastal migratory pelagics and spiny lobster that were prepared jointly by the Council and the South Atlantic Fishery Management Council.

The Tortugas Amendment would amend the following FMPs: Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico; Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico; Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico; Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico; Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico; Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; and Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic. All of these FMPs, except the FMPs for spiny lobster and stone crab, are implemented under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622. The FMP for spiny lobster is implemented by regulations at 50 CFR part 640; the FMP for stone crab is implemented by regulations at 50 CFR part 654.

The Dry Tortugas are located approximately 70 miles (112 km) west of Key West, a very strategic location for a marine reserve. The Dry Tortugas contain the healthiest coral reefs found in the Florida Keys. Coral pinnacles as high as 40 feet (12 m), with the highest coral cover (over 30 percent) found in the Florida Keys, rise up from the ocean floor. These coral formations are bathed by some of the cleanest waters found in the Florida Keys and occur where the tropical waters of the Caribbean mingle with the more temperate waters of the Gulf of Mexico.

The Tortugas region is unique in its location and in the extent to which oceanographic processes affect the area. The Dry Tortugas play a dynamic role in supporting marine ecosystems throughout south Florida and the Florida Keys. Marine organisms that spawn in the Tortugas area produce larvae that are spread throughout the Keys by a persistent system of ocean eddies and currents. As the larval stages of various species range in duration from hours, e.g., for some coral species, to as much as a year, e.g., for spiny lobster, these eddies and currents provide the retention time in the water column and current pathways necessary for successful recruitment for numerous species (generally, recruitment is the survival of juvenile stages through the period where they mature sufficiently to join the adult population). In addition, the upwelling and convergence of the ocean currents in the Dry Tortugas area act to concentrate food supplies for the larval stages of numerous animal species.

The Tortugas region, relative to the rest of the Florida Keys, appears to have a greater population abundance and larger average individual size of many key species, e.g., groupers, snappers, and lobster. However, throughout the Florida Keys, including the Tortugas region, there appears to be an overfishing problem. Furthermore, the coral resources of the Florida Keys are under significant ecological stress resulting from coastal development impacts, e.g., sedimentation and pollution, and fishing activities, e.g., gear impacts and overfishing effects on fish stocks.

There is a considerable amount of literature on the benefits of marine reserves, such as the proposed Tortugas Marine Reserves. They are designed to protect older, larger fish and, thereby, protect critical spawning stock biomass, intra-specific genetic diversity, population age structure, recruitment supply, and ecosystem balance. Marine reserves are expected to supply adults and larvae to adjacent areas and will probably be most effective in addressing the problem of recruitment overfishing, especially in sedentary species. Marine reserves are believed to be important in maintaining the high abundance of many species of reef fish in certain protected areas worldwide. Exisfing reserves in the Netherlands Antilles and Barbados show increasing fish stock biomass and individual sizes of sampled reef fish. Expected benefits of the Tortugas Marine Reserves include the following: Establishment of a refuge and replenishment area to ensure continued abundance and diversity of coral reef resources; protection of critical fish spawning stock biomass and recruits from overfishing; physical protection of the coral reef structures; and "spillover" effects wherein organisms, such as fish, move from within to outside the reserve area, thereby providing improved fishing opportunities in the vicinity of the reserve.

The Florida Keys National Marine Sanctuary (FKNMS) is managed under NOAA's National Ocean Services. FKNMS managers initiated a collaborative effort with the State of Florida, the Dry Tortugas National Park (managed by the U.S. National Park Service), and NMFS to establish the boundaries for two proposed inter-jurisdictional marine reserves known as Tortugas North ecological reserve and Tortugas South ecological reserve. The

Tortugas Amendment would amend the aforementioned FMPs to establish the portion of the Tortugas North ecological reserve that falls within the Gulf of Mexico EEZ and to establish the Tortugas South ecological reserve, which resides entirely within the EEZ. The Tortugas North reserve encompasses an area of 120 square nautical miles (nm^2); the Tortugas Amendment would establish a 13 nm^2 portion of this reserve in the EEZ. The Tortugas South reserve encompasses 60 nm^2, which includes the Riley's Hump mutton snapper spawning aggregation site proposed by the Council and approved and implemented by NMFS in 1994.

The Tortugas Amendment proposes that fishing for any species, including Atlantic highly migratory species (Atlantic HMS), be prohibited within these marine reserves. Additionally, anchoring by all fishing vessels would be prohibited within the marine reserves. These fishing and anchoring prohibitions are intended to achieve the maximum benefits (see discussion above) from the two marine reserves over their initially anticipated duration of 10 years.

Under the Magnuson-Stevens Act, NMFS, acting on behalf of the Secretary of Commerce, has full management responsibility for Atlantic HMS. In its Tortugas Amendment, the Council proposed that its fishing and anchoring prohibitions within the reserves apply to Atlantic HMS for several reasons, including significant enforcement considerations as well as overall biological benefits to the marine reserve ecosystem. The U.S. Coast Guard and NMFS advised the Council that unless fishing for all species and anchoring of all fishing vessels was prohibited within the Tortugas Reserves, there was no way to enforce adequately such prohibitions for just those species managed under the Council's FMPs. Regarding the biological benefits of protecting Atlantic HMS species within the reserves, the region serves as a spawning ground for a variety of Atlantic HMS, including bluefin tuna. The Tortugas region has also been identified under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks as constituting a portion of the essential fish habitat for several tuna species and a variety of shark species. After considering the public comment received on the Tortugas Amendment and on its proposed rule, if NMFS adopts the proposed fishing and anchoring prohibition measures as applied to Atlantic HMS, it would implement such measures through its rulemaking authority for these species pursuant to section 304(g) of the Magnuson-Stevens Act and the regulatory adjustment framework provisions of the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks.

The Council proposes that the marine reserves be established for a period of at least 10 years, during which the ecological benefits of the reserves will be evaluated. The prohibition on fishing and anchoring of fishing vessels should minimize human disturbances in the Tortugas reserves and help to restore and maintain their ecological integrity, including a full assemblage of fish, coral, and other benthic invertebrates. The reserves will also create a reference or baseline area for studying human impacts on coral reef ecosystems.

In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the Tortugas Amendment, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Comments received by May 7, 2001, whether specifically directed to the Tortugas Amendment or to the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the Tortugas Amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the Tortugas Amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 1, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5557 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 022701H]

Fisheries of the Northeastern United States; Environmental Impact Statement (EIS) for Amendment 13 to the Surfclam and Ocean Quahog Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to prepare an EIS; scoping meeting; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) intends to prepare an EIS, or supplementary EIS (SEIS) under the National Environmental Policy Act (NEPA) to assess the potential effects on the human environment of its proposed action to initiate Amendment 13 to the Fishery Management Plan for Surfclams and Ocean Quahogs (FMP) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The amendment currently would incorporate a new surfclam overfishing definition, multi-year quotas, a reversal of the requirement for regulatory action to suspend the surfclam size limit, development of a vessel monitoring system (VMS), and analyses of fishing gear impacts on essential fish habitat (EFH) for both species. The Council will hold a public scoping meeting and accept written comments to determine the need for an EIS or SEIS and the scope of issues to be addressed.

DATES: The Council will accept written comments through April 6, 2001. A public scoping meeting will be held Wednesday, March 21, 2001 from 1-3 p.m.

ADDRESSES: Send comments to Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904. Comments may also be sent via facsimile (fax) to 302–674–5399. The Council will not accept comments via e-mail or the Internet.

The scoping meeting will be held at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609–368–5155.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director of the Mid-Atlantic Fishery Management Council, 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The Council announces a public process for determining the scope of issues to be addressed and for identifying the significant issues related to the development of Amendment 13 to the FMP. There are five issues currently to be addressed in this amendment: (1) A new surfclam overfishing definition, (2) multi-year quotas, (3) a reversal of the requirement for regulatory action to suspend the surfclam size limit, (4) development of a VMS, and (5) analyses of fishing gear impacts on EFH for both species. The analyses of fishing gear impacts on EFH are necessary to remedy previously disapproved sections of the FMP. In addition, the EIS/SEIS would evaluate changes to the fishery and its effects on the human environment, since the last EIS for this FMP was prepared in 1990. The FMP amendment will be prepared by the Mid-Atlantic Council in cooperation with NMFS.

Public Scoping Meeting

The public scoping meeting will be held on Wednesday, March 21, 2001, from 1-3 p.m., at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609–368–5155. The meeting will be held in conjunction with a meeting of the Council at the same time and location.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Mid-Atlantic Council, telephone 302–674–2331, ext. 18, at least 5 days prior to the hearing date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 2, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, national marine Fisheries Service.

[FR Doc. 01–5556 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 022701E]

Fisheries of the Northeastern United States; Environmental Impact Statement (EIS) for Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to prepare an EIS; scoping meeting; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) intends to prepare an EIS, or supplementary EIS (SEIS) under the National Environmental Policy Act (NEPA), to assess the potential effects on the human environment of its proposed action to initiate Amendment 13 to the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The amendment currently would incorporate development of new commercial management measures for the black sea bass fishery, and analyses of fishing gear impacts on essential fish habitat (EFH) for all three species. The Council will hold a public scoping meeting and accept written comments to determine the need for an EIS or SEIS and the scope of issues to be addressed.

DATES: The Council will accept written comments through April 6, 2001. A public scoping meeting will be held on Wednesday, March 21, 2001 from 3-5 p.m.

ADDRESSES: Send comments to Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904. Comments may also be sent via facsimile (fax) to 302–674–5399. The Council will not accept comments via e-mail or the Internet.

The scoping meeting will be held at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609–368–5155.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director of the Mid-Atlantic Fishery Management Council, 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The Council announces a public process for determining the scope of issues to be addressed and for identifying the significant issues related to the development of Amendment 13 to the FMP. There are two issues currently to be addressed in this amendment: (1) Development of new commercial management measures for the black sea bass fishery, and (2) analyses of fishing gear impacts on EFH for all three species. The analyses of fishing gear impacts on EFH are necessary to remedy previously disapproved sections of the FMP. In addition, the EIS/SEIS would incorporate changes to the fishery and its effect on the human environment, since the last EIS was prepared in 1992 for summer flounder and in 1996 for scup and black sea bass. The FMP amendment will be prepared by the Mid-Atlantic Council in cooperation with NMFS.

Public Scoping Meeting

The public scoping meeting will be held on Wednesday, March 21, 2001, from 3-5 p.m., at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609–368–5155. The meeting will be held in conjunction with a meeting of the Council at the same time and location.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council, telephone 302–674–2331, ext. 18, at least 5 days prior to the hearing date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 2, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, national Marine Fisheries Service.

[FR Doc. 01–5555 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 66, No. 45
Wednesday, March 7, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–011–1]

Public Meeting; Veterinary Biologics

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting on biologics for cancer diagnosis, prevention, and immunotherapy.

SUMMARY: We are issuing this notice to inform interested individuals, including producers and users of human and veterinary biological products, that we will be holding a public meeting to discuss regulatory and policy issues related to the manufacture, distribution, and use of biological products for the diagnosis, prevention, and treatment of cancer in humans and animals. The meeting is being organized by the Food and Drug Administration, Center for Biologics Evaluation and Research, and the Animal and Plant Health Inspection Service, Veterinary Services, Center for Veterinary Biologics. The Institute for International Cooperation in Animal Biologics is sponsoring the meeting.

DATES: The public meeting will be held on Thursday and Friday, April 12 and 13, 2001, from 8 a.m. to approximately 5 p.m.

ADDRESSES: The public meeting will be held in the Scheman Building at the Iowa State Center, Iowa State University, Ames, IA.

FOR FURTHER INFORMATION CONTACT: For further information about the meeting, contact Dr. Dave M. Dusek, Center for Veterinary Biologics, Veterinary Services, APHIS, 510 South 17th Street, Suite 104, Ames, IA 50010–8197; phone (515) 232–5785, fax (515) 232–7120, or e-mail *Dave.M.Dusek@usda.gov*. For registration information, contact Ms. Dawne Buhrow at the Institute for International Cooperation in Animal Biologics, room 2160, College of Veterinary Medicine, Iowa State University, Ames, IA 50011; phone (515) 294–7632, fax (515) 294–8259, or e-mail *iicab@iastate.edu*. Information is also available online at *http://www.vetmed.iastate.edu/iicab/cancerbiologics.htm*.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) specifies licensing requirements for veterinary biological products for the treatment of animals in title 9 of the Code of Federal Regulations, parts 101 to118. Veterinary biological products include, but are not limited to, viruses, serums, toxins (except antibiotics), immunostimulants, cytokines, diagnostic components, and analogous products that are intended for use in the treatment of animals and that act primarily through the direct stimulation, supplementation, enhancement, or modulation of the immune system or immune response. To date, most cancer biologics licensed by APHIS have been conventional in design. However, APHIS anticipates receiving applications for licenses to produce veterinary biological products intended for use in the diagnosis, prevention, or treatment of cancer that are based on advances in biotechnology. The Food and Drug Administration (FDA) regulates the production of biologics for use in humans under its regulations in title 21 of the Code of Federal Regulations. Within the FDA, the Center for Biologics Evaluation and Research has received applications for licensure of biologics for the diagnosis, prevention, or treatment of cancer.

To provide a forum for the discussion of regulatory and policy issues related to the manufacture, distribution, and use of biological products intended for use in the diagnosis, prevention, or treatment of cancer, APHIS and FDA are organizing a public meeting. This public meeting, which is sponsored by the Institute for International Cooperation in Animal Biologics, is scheduled for April 12–13, 2001, will provide an opportunity for the exchange of information and discussion of issues of common concern among APHIS and FDA representatives; producers and users of biological products intended for use in the diagnosis, prevention, or treatment of cancer; and other interested persons. The public meeting will begin at 8 a.m. and is scheduled to end at 5 p.m. each day.

Information regarding the meeting and registration instructions may be obtained from the persons listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 1st day of March 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–5591 Filed 3–6–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97–093–6]

Commercially Produced Official Identification Eartags and Backtags for Sheep and Goats

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are giving notice that the Animal and Plant Health Inspection Service has established a contact office for companies that wish to produce official identification eartags and backtags for sheep and goats. This office will advise companies on production standards necessary for eartags and backtags to qualify as the official identification that is required for certain sheep and goats under our regulations.

FOR FURTHER INFORMATION CONTACT: Dr. Diane Sutton, National Scrapie Program Coordinator, National Animal Health Programs Staff, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–6954.

SUPPLEMENTARY INFORMATION: Scrapie is a degenerative and eventually fatal disease affecting the central nervous systems of sheep and goats. To control the spread of scrapie within the United States, the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), administers regulations at 9 CFR part 79, which restrict the interstate movement of certain sheep and goats. APHIS also has regulations at 9 CFR part 54, which describe a voluntary scrapie control program.

These regulations require that, in some circumstances, certain sheep and goats must be either individually identified, or identified with their premises of origin. Eartags and backtags are two of the most common devices for accomplishing the required identification. As APHIS continues to revise and expand its scrapie programs, we anticipate that the demand for eartags and backtags for official identification will increase over the next few years. Federal and State agencies, accredited veterinarians, and sheep and goat flock owners will be looking for commercial sources to supply the needed eartags and backtags.

To assist interested companies that wish to produce eartags and backtags for sheep and goats, APHIS has identified the office of the National Scrapie Program Coordinator as the contact point for companies to obtain advice on the production standards eartags and backtags must meet to qualify as official identification in accordance with our regulations. Further details on production standards for eartags and backtags may be obtained from the office identified in the **FOR FURTHER INFORMATION CONTACT** section above. This office will also review sample tags for suitability and approve companies to produce official identification eartags and backtags.

In general, tags may be plastic or metal and must be an appropriate size for use in sheep and goats. Tags must be able to legibly accommodate any required alphanumeric sequences to identify individual animals or their premises. Tags must resist removal and must be difficult to place on another animal once removed, but need not be tamper-proof. Tags must be readily distinguishable as USDA official sheep and goat tags, must carry the alphanumeric sequences, symbols, or logos specified by APHIS, and must have a means of discouraging counterfeiting, such as use of a unique copyrighted logo or trade mark.

Done in Washington, DC, this 1st day of March 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–5589 Filed 3–6–01 8:45am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–009–1]

Control of Rabies in Wildlife; Request for Public Involvement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service's Wildlife Services program is soliciting public involvement in the planning of a proposed cooperative program to stop the spread of rabies in the States of New York, Ohio, Texas, Vermont, and West Virginia. A small portion of northeastern New Hampshire and the western counties in Pennsylvania that border Ohio could also be included in these control efforts. In addition, Wildlife Services may cooperate in smaller scale oral rabies vaccine projects in the States of Florida, Massachusetts, Maryland, New Jersey, Virginia, and Alabama. The information received in response to this notice will be considered during the planning of the proposed program and development of an environmental assessment that will be prepared in accordance with the National Environmental Policy Act.

DATES: We invite you to comment on this notice. We will consider all comments that we receive by April 6, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 01–009–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 01–009–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html*.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Slate, Rabies Program Coordinator, Wildlife Services, APHIS, 59 Chennell Drive, Suite 7, Concord, NH 03301–8548; phone (603) 223–6832.

SUPPLEMENTARY INFORMATION: Rabies is an acute, fatal viral disease of mammals most often transmitted through the bite of a rabid animal. The disease can be effectively prevented in humans and domestic animals, but abundant and widely distributed reservoirs among wild mammals complicate rabies control. The vast majority of rabies cases reported to the Centers for Disease Control and Prevention (CDC) each year occur in raccoons, skunks, bats, foxes, and other wild animals. Domestic animals account for less than 10 percent of the reported rabies cases, with cats, dogs, and cattle among those most often reported.

Public health importance of rabies. Over the last 100 years, the rabies situation in the United States has changed dramatically. About 90 percent or greater of all animal cases reported annually to CDC now occur in wildlife, whereas before 1960 the majority of cases were reported in domestic animals. The principal rabies hosts today are wild carnivores and bats. The number of rabies-related human deaths in the United States has declined from more than 100 annually at the beginning of the 20th century to an average of one or two people per year in the 1990's. Modern prophylaxis, which consists of a series of vaccine injections given to people who have been exposed, has proven nearly 100 percent successful in preventing mortality when administered promptly after exposure. In the United States, human fatalities associated with rabies occur in people who fail to seek timely medical assistance, usually because they were unaware of their exposure.

Although human rabies deaths are rare, the estimated public health costs associated with disease detection, prevention, and control have risen, exceeding $300 million annually. These costs include the vaccination of companion animals, animal control programs, maintenance of rabies laboratories, and medical costs, such as those incurred for exposure case investigations and rabies post-exposure prophylaxis (PEP).

Accurate estimates of these expenditures are not available. Although the number of PEP's given in the United States each year is unknown, it is estimated to be about 40,000. When rabies becomes epizootic (epidemics in animals) or enzootic (i.e., present in an area over time but at low case

frequency) in a region, the number of PEP's in that area increases. Although the cost varies, a course of rabies immune globulin and five doses of vaccine given over a 4-week period typically exceeds $1,000 and may be as high as $2,000.

Rabies in raccoons was virtually unknown prior to the 1950's. It was first described in Florida and spread slowly during the next three decades into Georgia, Alabama, and South Carolina. It was unintentionally introduced into the mid-Atlantic States by translocation of infected animals. The first cases appeared in West Virginia and Virginia in 1977 and 1978. Since then, raccoon rabies in the area has expanded to form the most intensive rabies outbreak in the United States.

Two rabies epizootics emerged in Texas in 1988; one involved spillover of canine dog rabies into coyotes in south Texas, and the other involved a rabies variant unique to gray foxes in west-central Texas. The south Texas epizootic alone resulted in 2 human deaths and caused over 3,000 people to receive post-exposure rabies treatment. In 1994, the public health threat created by these two expanding epizootics prompted the Governor of Texas to declare rabies a public health emergency in Texas.

Primary need for action. If the rabies strains transmitted by raccoons, gray foxes, and coyotes are not prevented from spreading to broader areas of the United States, the health threats and costs associated with rabies are expected to increase substantially. In the area that stretches west from the leading edge of the current distribution of raccoon rabies (which stretches from Alabama northeastward along the Appalachian Mountains to Maine) to the Rocky Mountains, and north from the distribution of gray fox and coyote rabies in Texas, there are more than 111 million livestock animals—including cattle, horses, mules, swine, goats, and sheep—valued at $42 billion. If raccoon, gray fox, or coyote rabies were to spread into the above described area, the livestock there would be at risk from these specific rabies variants. More importantly, human health care concerns would be expected to increase substantially as well if raccoon, coyote, and gray fox strains of rabies infect a much broader geographic area.

Development of oral rabies vaccine (ORV) programs. Although the concept of ORV to control rabies in free-ranging wildlife populations originated in the United States, it has a longer history of implementation in Europe and Canada. The emergence of raccoon rabies in the United States during the 1970's heightened interest in the application of ORV to raccoons. Due to biological and ecological differences between the types of animals that transmit rabies, development of specific vaccine and bait combinations was necessary. One of the main difficulties was the development of a safe and effective vaccine for raccoons. In contrast to red foxes, which were the primary subjects of ORV programs in Europe and Canada, raccoons were not readily immunized by the oral route with the modified live rabies virus vaccines that worked well in foxes. In addition, modified "live virus" vaccines pose a small risk of vaccine-induced rabies and resulted in some cases of vaccine-induced rabies associated with oral baiting programs in Europe and Canada. However, a genetically engineered vaccine, vaccinia-rabies glycoprotein (V–RG), has proven to be effective orally in raccoons, coyotes, and foxes. V–RG was extensively evaluated in the laboratory for safety in over 50 vertebrate species with no adverse effects, regardless of route or dose. Following successful field safety testing in the early 1990's, V–RG was licensed in 1995 in the United States for vaccination of free-ranging raccoons. It remains the only effective vaccine licensed for use in the United States for raccoons. It has also been approved for experimental use to vaccinate wild gray foxes and coyotes in Texas.

V–RG is commercially available from Merial, 115 Transtech Drive, Athens, GA 30601, under the registered name Raboral V–RG®. It is currently the only licensed oral vaccine available for rabies control for carnivores in the United States. V–RG is a recombinant vaccine that uses vaccinia, a living pox virus, as the vector (*i.e.*, carrier) for the rabies gene that encodes for the production of rabies antigen in the form of rabies glycoprotein. Rabies glycoprotein is the protective sheath around the bullet-shaped rabies virus. The glycoprotein by itself is noninfective and cannot cause rabies, but, because it serves as the rabies antigen, it elicits an immune antibody response to rabies when the vaccine is swallowed by raccoons, foxes, or coyotes. When raccoons, foxes, or coyotes swallow the V–RG vaccine, it bathes the lymphatic tissue in the throat area and initiates the immunization process.

There is no possibility of vaccine-induced rabies with Raboral V–RG® because the vaccine only contains the noninfective surface protein of the rabies virus; none of the viral nuclear material that would be required for the rabies virus to replicate is present in the vaccine. Over 22 million doses of Raboral V–RG® have been distributed in the United States since 1994, with only one reported case of adverse effects on humans (*i.e.*, a single case of a vaccinia virus infection, which caused localized skin rashes). This vaccine has been tested in 59 wild mammalian and avian species without adverse effects. In addition, a domestic animal's annual rabies vaccination can be safely administered even if it recently ingested a dose of oral rabies vaccine.

The V–RG vaccine is most often encased in baits and distributed by aircraft. The baits are small blocks of fishmeal (for coyotes and raccoons) or dog food (for gray foxes) that are held together with a polymer binding agent. The sachet, a thin plastic packet containing the liquid vaccine, is in the middle of the bait. Efforts to provide for more efficient delivery of vaccine/bait packages to wildlife populations at lower cost have resulted in the development of "baitless" sachets, in which the vaccine is enclosed within a plastic sachet that has been coated with special waxes and attractants, rather than the thick outer package of edible meal. These baitless sachets, which can be prepared without extensive manual labor and for less cost in materials, are smaller and lighter than other oral rabies vaccine baits, allowing for the possibility that more baits can be transported via aircraft, and smaller, less expensive aircraft can be used. Another attribute of the baitless sachet is that it is not possible for the animal to eat the edible material and leave the un-ruptured vaccine container behind. Field trials to date have shown that it performs very well in delivering vaccine to raccoons and coyotes. While the traditional fishmeal/dog food baits are likely to be used in most cases, it is possible that APHIS–WS and the States may employ baitless sachets, depending on their availability, in the course of the proposed cooperative program.

Oral wildlife vaccination for raccoon rabies control has been under field evaluation in the United States since 1990. A limited field release of the recombinant vaccine occurred on Parramore Island, VA, prior to wider use in the United States for control of raccoon rabies. A major objective of that field trial was to evaluate the free-ranging raccoon population for adverse effects after the distribution of V–RG vaccine-laden baits. With the development and field testing of the V–RG vaccine, a potential method of rabies control now exists for some rabies variants to complement methods of control that include public education, domestic animal vaccination, and human post-exposure prophylaxis.

Since the first field release of the V–RG vaccine in 1990, the annual number of vaccine-laden baits distributed to better understand the role of ORV for raccoon rabies control in the United States has risen exponentially.[1] Eleven field projects have been conducted or are in progress in Pennsylvania (1991–1992), New Jersey (1992–1994, with further projects reinitiated in the last couple of years), Massachusetts (1994–present), Florida (1995–present), New York (1994–present), Vermont (1997–present), Ohio (1997–present), Maryland (1998), and Virginia (2000). Since 1995, more than 13.25 million individual doses of ORV have been distributed over 196,000 square miles of southern and west-central Texas for control of rabies strains in coyotes and gray foxes.

Several pilot projects were conducted to evaluate the effect of ORV baiting upon raccoon rabies. Through intensive baiting efforts at the peninsular neck, raccoon rabies was prevented from invading the Cape Cod peninsula. A recently completed project in Albany and Rensselaer Counties in New York demonstrated that raccoon rabies may be virtually eliminated from an area where the disease had been present for a number of years by use of ORV. In Ohio, along the Pennsylvania border from Lake Erie to West Virginia, twice-yearly baiting has been successful to date in preventing the westward spread of raccoon rabies.

Previous rabies control activities by Wildlife Services. The Animal and Plant Health Inspection Service's (APHIS) Wildlife Services (WS) program is authorized to conduct programs to address wildlife-caused disease problems by the Animal Damage Control Act of 1931 and the Rural Development, Agriculture and Related Agencies Act of 1988. WS's previous involvement in rabies prevention and control has been to provide technical and operational assistance to State health departments in experimental and operational distribution of ORV baits; in some of those States, WS has also assisted in the collection of animal specimens for monitoring purposes.

Proposed programs. APHIS–WS is proposing to cooperate in State programs to stop the spread of rabies in the States of New York, Ohio, Texas, Vermont, and West Virginia. A small portion of northeastern New Hampshire and the western counties in Pennsylvania that border Ohio could also be included in these control efforts. In addition, APHIS–WS may cooperate in smaller scale ORV projects in the States of Florida, Massachusetts, Maryland, New Jersey, Virginia, and Alabama. Consequently, we are soliciting public involvement in the planning process. The proposal is to provide Federal funds authorized by Congress to: (1) Purchase ORV baits that would be distributed by air and ground placement; (2) provide other forms of assistance in monitoring rabies and determining the effectiveness of the ORV programs through collection and testing of samples from wild animal specimens; and (3) if the targeted rabies strains advance beyond the barriers created by the ORV zones, participate in implementing contingency plans to restore the integrity of the ORV barrier and prevent further spread of rabies. Such contingency plans may involve increased distribution of ORV baits in and around the ORV zones or, if necessary, the localized reduction of target species populations through lethal means.

The intent of the bait distribution is to orally vaccinate wild raccoons in portions of the above-listed States with the exception of Texas. Similar programs would be directed at gray foxes in west-central Texas and coyotes in southern Texas. The primary goals of the program are to: (1) Stop the forward advance of these strains of rabies from areas where they now occur by immunizing portions of target species populations along the leading edges of the rabies fronts; and (2) reduce the incidence of rabies cases involving wild and domestic animals and rabies exposure to humans in the areas where the ORV programs are conducted.

The areas over which the ORV baits would be distributed and from which animal specimens would be collected could be anywhere in the above-listed States. The ORV zones would be delineated based on the most current distribution of rabies cases and the expected direction of disease spread. Vaccination zones would be determined in cooperation with State health departments and other State agencies with jurisdiction over wildlife and domestic animals. Pending the verification of legal authorities to do so, ORV baits would be distributed over a variety of classes of land ownership, including private, public, tribal, and other State and Federal lands. Each individual bait would have a warning label advising persons not to handle or disturb the bait along with a toll-free telephone number to call for further information.

Wild animal collections for purposes of monitoring would be conducted using a variety of live capture or lethal methods. Information from raccoons would be predominantly collected from cage-trapped individuals that, if apparently healthy, would be released at or near their site of capture. The requisite sample from coyotes would be obtained primarily by aerial or ground-based shooting from sample areas within the ORV zone. Gray fox samples would be obtained by ground shooting and various capture methods including leghold traps, cage traps, foot snares, and wire cable neck snares. Only legally approved methods would be used in all animal sample collection areas to provide critical data for the evaluation of project effectiveness. Project effectiveness would be based in large part on the percentage of ORV baits consumed in populations of target species and by the presence of sufficient levels of serum neutralizing antibodies to produce immunity to rabies as determined from serological analysis of blood samples obtained from target species within ORV zones.

In the event that the targeted rabies strains advance beyond the barriers created by the ORV zones, contingency plans may be implemented by the involved States that could involve local population suppression of the target wildlife species using lethal means. Another type of contingency plan to address such outbreaks might be to distribute higher densities of ORV baits in and around such areas to attempt to arrest the outbreak without resorting to lethal population suppression. If any localized lethal population control efforts were undertaken, those efforts would likely be integrated with hand or aerial placement of ORV baits in and around the population suppression area to restore the integrity of the ORV barrier and prevent further spread of rabies. APHIS–WS may, as part of the proposed action, assist in such efforts by providing funds, personnel, or equipment to capture and kill target species. Should this occur, methods used would involve any of those described above for the collection of wild animal specimens. In Texas, an additional method that could be used to remove gray foxes and coyotes would be sodium cyanide in the M–44 device, which is approved by the U.S. Environmental Protection Agency for this purpose. The need for APHIS–WS involvement in contingency plans that employ localized lethal population suppression is considered to be unlikely.

We are encouraging members of the public and other interested agencies and organizations to assist in the planning of this program by answering the following questions:

[1] A total of over 800,000 V–RG vaccine-laden baits were distributed in 1997.

- What issues or concerns about the distribution of ORV baits by air and ground should we analyze?
- What other issues or concerns about the proposed action do you think we should address?
- What alternatives to the proposed action should we analyze?
- Do you have any information (*i.e.*, scientific data or studies) that we should consider in the analysis?

Information received will be considered in an environmental assessment (EA) prepared in accordance with the National Environmental Policy Act.

Issues and alternatives identified thus far. Several issues have already been identified as areas of concern for consideration in the EA:

- Potential for adverse effects on people that become exposed to the vaccine or the baits.
- Potential for adverse effects on nontargot wildlife species that might consume the baits.
- Potential for adverse effects on pet dogs or other domestic animals that might consume the baits.
- Potential for aerially dropped baits to strike and injure people or domestic animals.
- Cost of the program in comparison to perceived benefits.
- Humaneness of methods used to collect wild animal specimens critical for timely program evaluation.

Other issues may also be included in the analysis and will be identified based on comments obtained through gathering information from the public and other agencies. Several alternatives that have been identified for consideration are:

- No involvement by APHIS–WS in rabies prevention or control.
- Implement the proposed action.
- Live capture of species being targeted (*e.g.*, raccoon, gray fox, coyotes) followed by administration of rabies vaccines by injection and release back into the wild.
- Provide resources for ORV bait distribution without collection of wild animal specimens by APHIS–WS for monitoring purposes.

Other alternatives may also be included in the analysis based on comments obtained through gathering information from the public and other agencies.

Availability of additional information. Further information on rabies and ORV may be obtained from CDC Internet website *(http://www.cdc.gov)* and from the vaccine manufacturer, Merial (http://www.merial.com, e-mail: *raboral@merial.com*). Further information on the status of ORV program planning efforts within the involved individual States may be available by contacting individual State health departments. Links to individual State health department Internet websites are available on the CDC Internet website. Information regarding APHIS–WS rabies control activities may be obtained by calling or writing the person listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 2nd day of March 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–5590 Filed 3–6–01; 8:45 am]

BILLING CODE 3410-34-U

DEPARTMENT OF AGRICULTURE

Forest Service

Meadow Face Stewardship Pilot Project, Nez Perce National Forest, Idaho County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement. (Authority: 40 CFR 1501.7)

SUMMARY: The Forest Service will prepare an environmental impact statement to disclose the environmental impacts of implementing vegetation and watershed restoration activities and modification of the transportation system within the Meadow Face analysis area. Individuals interested in actions of this nature are encouraged to submit comments and become involved in the planning process.

DATES: Comments concerning the scope of the analysis should be received at the address below on or before April 6, 2001.

ADDRESSES: Send written comments to Darcy Pederson, District Ranger, Route 2 Box 475, Grangeville, ID 83530.

FOR FURTHER INFORMATION CONTACT: Heather Berg, Project Coordinator, (208) 983–1983.

SUPPLEMENTARY INFORMATION: The Meadow Face Stewardship Pilot Project area is located on the Nez Perce National Forest in northern Idaho within Idaho County. The project area lies approximately 7 air miles southeast of Grangeville Idaho. The project area encompasses 27,000 acres and includes Meadow, Wickiup and Ralph Smith Creek watersheds, which drain directly into the South Fork Clearwater River.

The Meadow Face Stewardship Pilot Project was authorized under the 1999 Department of Interior Appropriations Bill (Section 347). This legislation authorized 28 pilot projects to test contracting mechanisms that allow the exchange of goods for services, retention of receipts, and end-result rather than prescriptive contract specifications. The legislative intent includes meeting local and rural community needs and provided a clear expectation for the pilot projects to be developed cooperatively with local and affected communities.

The proposed activities described below were developed cooperatively with a local citizens group called the Stewards of the Nez Perce Forest. This group worked with the Forest Service to review the ecological conditions in the analysis area as described in the South Fork Clearwater River Landscape Assessment (USFS, Nez Perce National Forest, 1998) and Meadow Face Ecosystem Assessment at the Watershed Scale (USFS, Nez Perce National Forest, 1999) and make recommendations for actions to address current undesirable conditions while meeting the objectives of the Nez Perce Forest Plan.

The actions proposed for implementation include modifying vegetation through timber harvest and prescribed burning to achieve forest conditions which more closely resemble historic. The analysis area includes both low elevation, dry, ponderosa pine and mid-elevation, moist, fir vegetation types. Due to fire suppression and other past management activities the vegetation is denser with increased shrubs and small trees. These conditions result in increased fire risk and susceptibility to drought, insects and disease. To address these conditions, approximately 5700 acres of harvest and 7300 acres of prescribed burning is proposed.

In addition to the vegetation conditions described above, the analysis area has non-native and noxious plant species present. To address this condition, approximately 230 acres of herbicide application and native species restoration is proposed.

As part of the Meadow Face proposal, the transportation system of roads and trails in the area would also be modified to reduce adverse effects of the road system on forest resources, particularly soil and water. To address these conditions, approximately 80 miles of road decommissioning would occur. Road decommissioning would return these road segments to forest production and they would no longer be available as transportation routes.

Some streams in the analysis area have been affected by the transportation system, past vegetation manamagement and grazing. These streams would be restored by relocating the channels to their natural course, addition of woody debris and rock structures, and revegetation. These activities would occur in approximately 5 miles of stream.

Following the cooperative project development process, the proposed actions were scoped with the public in the summer of 2000 including a direct mailing to over 400 individuals in August and a field trip in September. Approximately 20 letters were received in response to the original scoping, and 27 individual attended the field trip. Based on the comments received, the following issues with the proposed action been identified: (1) Effects to the aquatic environment; (2) Effects to old and mature forest and dependent species; (3) Use of timber harvest, prescribed burning and herbicides as forest management tools and; (4) Effects to motorized recreation opportunities.

To address the issues identified above, alternatives to the proposed action have been developed. These alternatives propose varying levels of activities from those previously described. Some alternatives would require amendment of the Nez Perce Forest Plan to allow vegetation management within delineated old growth (Management Area 20). Some of the harvest proposed would exceed 40 acres in size and would require approval from the Regional Forester (Northern Region). Some of the activities associated with road repair and decommissioning and stream channel restoration would require permits from the Corps of Engineers to authorize work within a stream's high water mark.

The decisions to be made in response to this analysis include (1) Are vegetation management activities needed and if so where, when and how would they be implemented? (2) What transportation system is necessary in the analysis area and how will it be managed? (3) How will the roads identified as excess be returned to forest production? (4) Are the stream channel restoration activities necessary and if so where, when and how would they be implemented? (5) What mitigation is needed to assure forest management activities are consistent with the Nez Perce Forest Plan and environmental law? (6) Is an amendment to the Nez Perce Forest Plan necessary to implement the proposed actions? (7) What implementation and effectiveness monitoring is needed?

The responsible official for this project is the Nez Perce Forest Supervisor. Comments to this notice should be sent to the address and contacts identified above and should be submitted within 30 days of publication of this notice in the **Federal Register**. A Draft Environmental Impact Statement (EIS) is expected to be available in April 2001 and a Final EIS in July 2001. Should an action alternative be selected, implementation would be initiated in 2002. Implementation of any or all of the actions authorized with this decision may occur utilizing the stewardship contracting authorities granted in Section 347 of the 1999 Interior Appropriations Bill.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. Wisconsin Heritages, Inc. v. Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.).

Dated: February 27, 2001.

Michael J. Cook,

Acting Forest Supervisor, Nez Perce National Forest.

[FR Doc. 01–5593 Filed 3–6–01; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 960223046–1049–06; I.D. 011801D]

RIN 0648–ZA09

Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of solicitation for applications.

SUMMARY: NMFS (hereinafter "we" or "us") issues this document to describe how to apply for funding under the Saltonstall-Kennedy (S-K) Grant Program and how we will determine whether to fund a proposal.

Under the S-K Program, we provide financial assistance for research and development projects that address various aspects of U.S. fisheries (commercial or recreational), including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

DATES: We must receive your application by the close of business May 7, 2001 in one of the offices listed in section I.F. Applications Addresses of this document. You must submit one signed original and nine signed copies of the completed application (including supporting information). We will not accept facsimile applications.

ADDRESSES: You can obtain an application package from, and send your completed application(s) to, the NMFS Regional Administrator located at any of the offices listed in section I.F. Application Addresses of this document. You may also obtain the application package from the S-K Home Page (see section I.G. Electronic Access **ADDRESSES**). However, we cannot accept completed applications electronically.

FOR FURTHER INFORMATION CONTACT: Alicia L. Jarboe, S-K Program Manager, (301) 713–2358.

SUPPLEMENTARY INFORMATION:

I. Introduction

We are soliciting applications for Federal assistance pursuant to the Saltonstall-Kennedy Act (S-K Act), as amended (15 U.S.C. 713c–3). This document describes how you can apply for funding under the S-K Grant Program, and how we will determine which applications we will fund.

A. Background

The S-K Act established a fund (known as the S-K fund) that the Secretary of Commerce uses to provide grants or cooperative agreements for fisheries research and development projects addressed to any aspect of U.S. fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures. U.S. fisheries[1] include any fishery, commercial or recreational, that is, or may be engaged in, by citizens or nationals of the United States, or citizens of the Northern Mariana Islands, the Republic of the Marshall Islands, Republic of Palau, and the Federated States of Micronesia.

The objectives of the S-K Grant Program, and, therefore, the funding priorities, have changed over the years since the program began in 1980. The program has evolved as Federal fishery management laws and policies, and research needs, have evolved in response to changing circumstances.

The original focus of the program was to develop underutilized fisheries within the U.S. Exclusive Economic Zone (EEZ, i.e., 3–200 miles (4.8–320 kilometers) off the coast). This focus was driven in part by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Magnuson-Stevens Act, originally passed in 1976, directed us to give the domestic fishing industry priority access to the fishery resources in the EEZ. In 1980, the American Fisheries Promotion Act amended the S-K Act to stimulate commercial and recreational fishing efforts in underutilized fisheries. The competitive S-K Program initiated as a result included fisheries development and marketing as funding priorities.

In the following years, the efforts to Americanize the fisheries were successful to the point that most nontraditional species were fully developed and some traditional fisheries became overfished. Therefore, we changed the emphasis of the S-K Program to address conservation and management issues and aquaculture.

In 1996, the Sustainable Fisheries Act (SFA) (Public Law 104–297), was enacted. The SFA amended the Magnuson-Stevens Act and supported further adjustment to the S-K Program to address the current condition of fisheries.

The Magnuson-Stevens Act, as amended by the SFA, requires us to undertake efforts to prevent overfishing, rebuild overfished fisheries, insure conservation, protect essential fish habitats, and realize the full potential of U.S. fishery resources. It further requires that we take into account the importance of fishery resources to fishing communities; provide for the sustained participation of such communities; and, to the extent possible, minimize the adverse economic impacts of conservation and management measures on such communities. The Magnuson-Stevens Act defines a "fishing community" as "a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community." (16 U.S.C. 1802 (16)). We have refocused the S-K Program to address the needs of fishing communities as defined by the Magnuson-Stevens Act.

The NOAA Strategic Plan, updated in 1998, has also shaped the S-K Program. The Strategic Plan has three goals under its Environmental Stewardship Mission: Build Sustainable Fisheries (BSF), Recover Protected Species, and Sustain Healthy Coasts. The fisheries research and development mission of the S-K Program directly relates to the BSF goal. There are three BSF objectives in the Strategic Plan:

1. Eliminate and prevent overfishing and overcapitalization.
2. Attain economic sustainability in fishing communities.
3. Develop environmentally and economically sound marine aquaculture.

For the FY 2001 S-K Grant Program announced in this document, we have attempted to address the most important needs of fishing communities in terms of the preceding BSF objectives. This goal is reflected in the four funding priorities listed in section II of this document. Successful applications will be those aimed at helping fishing communities to resolve issues that affect their ability to fish; make full use of species currently under Federal jurisdiction or explore the potential for development of new sustainable managed fisheries; and address the socioeconomic impacts of overfishing and overcapitalization.

The S-K Program is open to applicants from a variety of sectors, including industry, academia, and state and local governments. We encourage applications that involve collaboration between industry and the other sectors listed.

B. Changes from the Last Solicitation Notice

We have changed some of the conditions in this document from the last S-K Grant Program solicitation notice published on June 21, 1999 (64 FR 33050). For example, the scope of the FY 2001 program announced in this document is limited to marine species under Federal jurisdiction. Therefore, we encourage you to read the entire document before preparing your application.

C. Comments and Responses

We published a notice in the **Federal Register** on February 25, 2000, (65 FR 10051) seeking comments on the proposed scope and priorities for the FY 2001 S-K Program. We proposed limiting the scope of the program to marine species under Federal management. Within the scope, we proposed four priority areas for funding. The proposed scope and priorities covered the issues we deemed to be the most important and the most appropriate for the limited funds and time frame of the S-K Program.

We received comments from one individual, two industry associations, a research institute, and an aquaculture company by the deadline date. We have combined similar comments here.

Comment 1: One individual called for proper legal analysis and coordination among Federal agencies on legal, regulatory, and national security issues as part of the proposed funding priority on developing marine aquaculture in the off-shore environment. In addition, he recommended that we add specific criteria to the notice (knowledge and experience) for successful applicants to address this priority area.

Response: We agree that applications should address all relevant considerations and should demonstrate the knowledge and ability of the investigator(s) to carry out the project, as well as familiarity with related work. However, these requirements are not unique to the aquaculture priority, but are evaluated for all applications in our technical review process (see IV.B.1 of this document). Appropriate subject matter experts rate all applications, regardless of their priority area, on "Project management and experience and qualifications of personnel," and the other technical review criteria. Therefore, we do not agree that we need to revise the aquaculture priority to include a criterion dealing with the expertise of those applicants proposing to address off-shore aquaculture.

Comment 2: A research laboratory director and a seafood industry association commented that we should solicit proposals dealing with the critical area of improved data for fisheries management, including biological data for stock assessments, either as part of Priority A., Conservation Engineering, or as a separate priority.

Response: We agree that better data are essential to successful management for sustainable fisheries. However, we do not believe that the S-K Program is the best means to conduct such work, due to the limited funding and the short term of S-K grants. Both NMFS and the Regional Fishery Management Councils (Councils) receive funds for stock assessments and related activities under their responsibilities for implementing the Magnuson-Stevens Act.

Comment 3: An aquaculture company and a shellfish industry group objected to our proposal to limit the program scope to federally managed species, and the aquaculture priority to only the off-shore marine environment, not land-based or near-shore aquaculture.

Response: In the past, we have accepted applications that addressed Great Lakes species and species under state management plans as well as federally managed species. While we have funded many worthy projects on non-federally managed species in the past, current funding is inadequate to cover every important and deserving project.

However, we have modified the scope somewhat. We recognize that species that are not currently federally managed, i.e., under Federal fishery management plans (FMPs), may be relevant to our fisheries management mission. For example, such species could present an opportunity to develop a sustainable managed fishery to substitute for an overfished fishery. Therefore, the scope of the program for FY 2001 has been changed to species under Federal jurisdiction, i.e., in the EEZ.

We have also modified the proposed funding priority for aquaculture, in response to the comments received and in accordance with the NMFS research plan for aquaculture. Although NOAA and NMFS continue to support all aspects of aquaculture development through various efforts, marine aquaculture remains the appropriate focus for NMFS and the S-K Program. While off-shore aquaculture development is still a priority need, we have added language to clarify that for projects that address off-shore aquaculture, the actual work does not need to be conducted in the off-shore environment. We have also added other priority areas, including the need to address environmental issues, develop best management practices, and develop effective enhancement strategies for wild stocks of marine and anadromous species.

As we stated in the notice of proposed priorities, other programs of the U.S. Department of Agriculture and NOAA's Office of Oceanic and Atmospheric Research address land-based and near-shore aquaculture operations. Another possible source of assistance for aquaculture is our Fisheries Finance Program, which we have revised to make loans to aquaculture ventures a priority.

D. Funding

We expect to have approximately $3.8 million available for grant awards for Fiscal Year (FY) 2001, which began on October 1, 2000. However, we cannot guarantee that sufficient funds will be available to make awards for all proposals deserving of funding.

In order to be funded under the S-K Grant Program, applications must propose activities that: address the funding priorities listed in section II of this document; are expected to produce a direct benefit (e.g., tool, information, service, or technology) to the fishing community (as defined in section I.A. of this document); and can be accomplished within 18 months. Acceptable research and development activities include applied research, demonstration projects, pilot or field testing, or business plan development. However, we will not fund projects that primarily involve infrastructure construction, port and harbor development, or start-up or operational costs for private business ventures. Furthermore, if your proposed project primarily involves data collection, we will only consider it if it is directed to a specific problem or need and has a fixed duration. Data collection programs of a continuing nature will not be considered.

E. Eligibility

You are eligible to apply for a grant or a cooperative agreement under the S-K Grant Program if:

1. You are a citizen or national of the United States;
2. You are a citizen of the Northern Mariana Islands (NMI), being an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the constitution of the NMI;
3. You are a citizen of the Republic of the Marshall Islands, Republic of Palau, or the Federated States of Micronesia; or
4. You represent an entity that is a corporation, partnership, association, or other non-Federal entity, non-profit or otherwise (including Indian tribes), if such entity is a citizen of the United States or NMI, within the meaning of section 2 of the Shipping Act, 1916, as amended (46 U.S.C. app. 802).

We support cultural and gender diversity in our programs and encourage women and minority individuals and groups to submit applications. Furthermore, we recognize the interest of the Secretaries of Commerce and Interior in defining appropriate fisheries policies and programs that meet the needs of the U.S. insular areas, so we also encourage applications from individuals, government entities, and businesses in U.S. insular areas.

We are strongly committed to broadening the participation of Minority Serving Institutions (MSIs), which include Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities, in our programs. The DOC/NOAA/NMFS vision, mission, and goals are to achieve full participation by MSIs, to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. Therefore, we encourage all applicants to include meaningful participation of MSIs.

We encourage applications from members of the fishing community, and applications that involve fishing community cooperation and participation. We will consider the extent of fishing community involvement when evaluating the potential benefit of funding a proposal.

You are not eligible to submit an application under this program if you are an employee of any Federal agency; a Council; or an employee of a Council. However, Council members who are not Federal employees can submit an application to the S-K Program.

Our employees (whether full-time, part-time, or intermittent) are not allowed to help you prepare your application, except that S-K Program staff may provide you with information

[1] For purposes of this document, a fishery is defined as one or more stocks of fish, including tuna, and shellfish that are identified as a unit based on geographic, scientific, technical, recreational and economic characteristics, and any and all phases of fishing for such stocks. Examples of a fishery are Alaskan groundfish, Pacific whiting, New England whiting, and eastern oysters.

on program goals, funding priorities, application procedures, and completion of application forms. Since this is a competitive program, NMFS and NOAA employees will not provide assistance in conceptualizing, developing, or structuring proposals, or write letters of support for a proposal.

Unsatisfactory performance under prior Federal awards may result in your application not being considered for funding.

F. Duration and Terms of Funding

We will award grants or cooperative agreements for a maximum period of 18 months.

We do not fund multi-year projects under the S-K Program. If we select your application for funding and you wish to continue work on the project beyond the funding period, you must submit another proposal to the competitive process for consideration, and you will not receive preferential treatment.

If we select your application for funding, we have no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is totally at our discretion.

Even though we are publishing this announcement, we are not required to award any specific grant or cooperative agreement, nor are we required to obligate any part or the entire amount of funds available.

G. Cost Sharing

We are requiring cost sharing in order to leverage the limited funds available for this program and to encourage partnerships among government, industry, and academia to address the needs of fishing communities. You must provide a minimum cost share of 10 percent of total project costs, but your cost share must not exceed 50 percent of total costs. (For example, if the proposed total budget for your project is $100,000, you must contribute at least $10,000, but no more than $50,000, toward the total costs. Accordingly, the Federal share you apply for would range from $50,000 to $90,000.) If your application does not comply with these cost share requirements, we will return it to you and will not consider it for funding.

The funds you provide as cost sharing may include funds from private sources or from state or local governments, or the value of in-kind contributions. You may not use Federal funds to meet the cost sharing requirement except as provided by Federal statute. In-kind contributions are non-cash contributions provided to you by non-Federal third parties. In-kind contributions may include, but are not limited to, personal services volunteered to perform tasks in the project, and permission to use, at no cost, real or personal property owned by others.

We will determine the appropriateness of all cost sharing proposals, including the valuation of in-kind contributions, on the basis of guidance provided in 15 CFR parts 14 and 24. In general, the value of in-kind services or property you use to fulfill your cost share will be the fair market value of the services or property. Thus, the value is equivalent to the cost for you to obtain such services or property if they had not been donated. You must document the in-kind services or property you will use to fulfill your cost share.

If we decide to fund your application, we will require you to account for the total amount of cost share included in the award document.

H. Catalog of Federal Domestic Assistance

The S-K Grant Program is listed in the "Catalog of Federal Domestic Assistance" under number 11.427, Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program.

I. Application Addresses

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930; (978) 281–9267.

Southeast Region, NMFS, 9721 Executive Center Drive, North, St. Petersburg, FL 33702–2432, (727) 570–5324.

Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA: 90802–4213, (562) 980–4033.

Northwest Region, NMFS, 7600 Sand Point Way, N.E., BIN C15700, Building 1, Seattle, WA 98115, (206) 526–6115.

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 or Federal Building, 709 West 9th Street, 4th Floor, Juneau, AK 99801–1668, (907) 586–7224.

J. Electronic Access Addresses

This solicitation and the application package are available on the NMFS S-K Home Page at: *www.nmfs.noaa.gov/sfweb/skhome.html*.

The 1998 updated Executive Summary of the NOAA Strategic Plan is available at: *www.strategic.noaa.gov/* and the Magnuson-Stevens Act is available at: *www.nmfs.noaa.gov/sfa/magact/*.

The list of species that are currently under Federal FMPs is in the publication, *Status of Fisheries of the United States*, available at: *www.nmfs.noaa.gov/sfa/reports.html*.

II. Funding Priorities

Your proposal must address one of the priorities listed here as they pertain to species under Federal jurisdiction. If you select more than one priority, you should list first on your application the priority that most closely reflects the objectives of your proposal.

If we do not receive proposals that adequately respond to the priorities listed, we may use S-K funds to carry out a national program of research and development addressed to aspects of U.S. fisheries pursuant to section 713c–3(d) of the S-K Act, as amended.

The priorities are not listed in any particular order and each is of equal importance.

A. Conservation Engineering

Reduce or eliminate adverse interactions between fishing operations and nontargeted, protected, or prohibited species, including the inadvertent take, capture, or destruction of such species. These include juvenile or sublegal-sized fish and shellfish, females of certain crabs, fish listed under the Endangered Species Act (ESA), marine turtles, seabirds, or marine mammals.

Improve the survivability of fish discarded or intentionally released and of protected species released in fishing operations.

Reduce or eliminate impacts of fishing activity on essential fish habitat (EFH) that adversely affect the sustainability of the fishery.

B. Optimum Utilization of Harvested Resources under Federal Jurisdiction

Reduce or eliminate factors such as diseases, human health hazards, and quality problems that limit the marketability of fish under Federal jurisdiction and their products in the United States and abroad.

Increase public knowledge of the safe handling and use of fish under Federal jurisdiction and their products.

Develop usable products from economic discards (defined in the Magnuson-Stevens Act as "fish which are the target of a fishery, but which are not retained because they are of an undesirable size, sex, or quality, or for other economic reasons") and from byproducts of processing of federally managed species.

Develop fishing data to be presented to the Council(s) to determine the feasibility of a new sustainably managed fishery.

C. Planning for Fishing Community Transition

Help fishing communities to address the socioeconomic effects of overfishing and overcapitalized fisheries through business, community, or state planning activities, including business planning for fishing capacity reduction. Activities may complement, but should not duplicate, programs available from other Federal, state, or local agencies.

D. Marine Aquaculture

Advance the implementation of marine aquaculture in the off-shore environment (i.e., the EEZ) by addressing technical aspects such as systems engineering, environmental compatibility, and culture technology. Although you are not required to conduct the actual work in the EEZ, your application must demonstrate that the project will contribute to the goal of off-shore industry development.

Reduce or eliminate legal and social barriers to off-shore aquaculture development, e.g., legal constraints, use conflicts, exclusionary mapping, and appropriate institutional roles.

Address environmental issues for marine aquaculture, e.g., measure and reduce water quality and benthic community impacts; evaluate and reduce negative interactions between aquaculture and wild stocks, protected resources, and EFH; develop best management practices with scientific analysis and assessment of risk.

Develop effective enhancement strategies for marine and anadromous species to help in the recovery of wild stocks.

III. How to Apply

You must follow the instructions in this document in order to apply for a grant or cooperative agreement under the S-K Program. Your application must be complete and must follow the format described here. Your application should not be bound in any manner and must be printed on one side only. You must submit one signed original and nine signed copies of your application.

A. Cover Sheet

You must use Office of Management and Budget (OMB) Standard Form 424 and 424B (4–92) as the cover sheet for each project. (In order to complete item 16 of Standard Form 424, see section V.A.5. of this document.)

B. Project Summary

You must complete NOAA Form 88–204 (10–98), Project Summary, for each project. You must list on the Project Summary the specific priority to which the application responds (see section II. of this document).

C. Project Budget

You must submit a budget for each project, using NOAA Form 88–205 (10–98), Project Budget and associated instructions. You must provide detailed cost estimates showing total project costs. Indicate the breakdown of costs between Federal and non-Federal shares, divided into cash and in-kind contributions. To support the budget, describe briefly the basis for estimating the value of the cost sharing derived from in-kind contributions. Specify estimates of the direct costs in the categories listed on the Project Budget form.

You may also include in the budget an amount for indirect costs if you have an established indirect cost rate with the Federal government. For this solicitation, the total dollar amount of the indirect costs you propose in your application must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award, or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less. The Federal share of the indirect costs may not exceed 25 percent of the total proposed direct costs. If you have an approved indirect cost rate above 25 percent of the total proposed direct cost, you may use the amount above the 25-percent level up to the 100-percent level as part of the non-Federal share. You must include a copy of the current, approved, negotiated indirect cost agreement with the Federal government with your application.

We will not consider fees or profits as allowable costs in your application.

The total costs of a project consist of all allowable costs you incur, including the value of in-kind contributions, in accomplishing project objectives during the life of the project. A project begins on the effective date of an award agreement between you and an authorized representative of the U.S. Government and ends on the date specified in the award. Accordingly, we cannot reimburse you for time that you expend or costs that you incur in developing a project or preparing the application, or in any discussions or negotiations you may have with us prior to the award. We will not accept such expenditures as part of your cost share.

D. Narrative Project Description

You must provide a narrative description of your project that may be up to 15 pages long. The narrative should demonstrate your knowledge of the need for the project, and show how your proposal builds upon any past and current work in the subject area, as well as relevant work in related fields. You should not assume that we already know the relative merits of the project you describe. You must describe your project as follows:

1. Project goals and objectives. Identify the specific priority listed earlier in the solicitation to which the proposed project responds. Identify the problem/opportunity you intend to address and describe its significance to the fishing community. State what you expect the project to accomplish.

If you are applying to continue a project we previously funded under the S-K Program, describe in detail your progress to date and explain why you need additional funding. We will consider this information in evaluating your current application.

2. Project impacts. Describe the anticipated impacts of the project on the fishing community in terms of reduced bycatch, increased product yield, or other measurable benefits. Describe how you will make the results of the project available to the public.

3. Evaluation of project. Specify the criteria and procedures that you will use to evaluate the relative success or failure of a project in achieving its objectives.

4. Need for government financial assistance. Explain why you need government financial assistance for the proposed work. List all other sources of funding you have or are seeking for the project.

5. Federal, state, and local government activities and permits. List any existing Federal, state, or local government programs or activities that this project would affect, including activities requiring: certification under state Coastal Zone Management Plans; section 404 or section 10 permits issued by the Corps of Engineers; experimental fishing or other permits under FMPs; environmental impact statements to meet the requirements of the National Environmental Policy Act; scientific permits under the ESA and/or the Marine Mammal Protection Act; or Magnuson-Stevens Act EFH consultation if the project may adversely affect areas identified as EFH. Describe the relationship between the project and these FMPs or activities, and list names and addresses of persons providing this information. You can get information on these activities from the NMFS Regions (see Section I.F., Application ADDRESSES). If we select your project for funding, you are responsible for complying with all applicable requirements.

6. Project statement of work. The statement of work is an action plan of activities you will conduct during the period of the project. You must prepare a detailed narrative, fully describing the work you will perform to achieve the project goals and objectives. The narrative should respond to the following questions:

(a) What is the project design? What specific work, activities, procedures, statistical design, or analytical methods will you undertake?

(b) Who will be responsible for carrying out the various activities? (Highlight work that will be subcontracted and provisions for competitive subcontracting.)

(c) What are the major products and how will project results be disseminated? Describe products of the project, such as a manual, video, technique, or piece of equipment. Indicate how project results will be disseminated to potential users.

(d) What are the project milestones? List milestones, describing the specific activities and associated time lines to conduct the scope of work. Describe the time lines in increments (e.g., month 1, month 2), rather than by specific dates. Identify the individual(s) responsible for the various specific activities.

This information is critical for us to conduct a thorough review of your application, so we encourage you to provide sufficient detail.

7. Participation by persons or groups other than the applicant. Describe how government and non-government entities, particularly members of fishing communities, will participate in the project, and the nature of their participation. We will consider the degree of participation by members of the fishing community in determining which applications to fund.

8. Project management. Describe how the project will be organized and managed. Identify the principal investigator and other participants in the project. If you do not identify the principal investigator, we will return your application without further consideration. Include copies of any agreements between you and the participants describing the specific tasks to be performed. Provide a statement no more than two pages long of the qualifications and experience (e.g., resume or curriculum vitae) of the principal investigator(s) and any consultants and/or subcontractors, and indicate their level of involvement in the project. If any portion of the project will be conducted through consultants and/or subcontracts, you must follow procurement guidance in 15 CFR part 24, "Grants and Cooperative Agreements to State and Local Governments," and 15 CFR part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations." If you select a consultant and/or a subcontractor prior to submitting an application, indicate the process that you used for selection.

E. Supporting Documentation

You should include any relevant documents and additional information (i.e., maps, background documents) that will help us to understand the project and the problem/opportunity you seek to address.

IV. Screening, Evaluation, and Selection Procedures

A. Initial Screening of Applications

When we receive applications at any of the NMFS Regional Offices, we will first screen them to ensure that they were received by the deadline date (see DATES); include OMB form 424 signed and dated by an authorized representative (see section III. A. of this document); were submitted by an eligible applicant (see section I.E. of this document); provide for at least a 10-percent cost share but not more than 50 percent (see section I.G. of this document); involve an eligible activity (see section I.D. of this document); address one of the funding priorities for species under Federal jurisdiction (see section II.A.-D. of this document); include a budget and a statement of work including milestones (see sections III.C. and III.D.6 of this document); and identify the principal investigator (see section III D.8. of this document). If your application does not conform to these requirements and the deadline for submission has passed, we will return it to you without further consideration.

We do not have to screen applications before the submission deadline, nor do we have to give you an opportunity to correct any deficiencies that cause your application to be rejected.

B. Evaluation of Proposed Projects

1. Technical Evaluation

After the initial screening, we will solicit individual evaluations of each project application from three or more appropriate private and public sector experts to determine the technical merit. These reviewers will be required to certify that they do not have a conflict of interest concerning the application(s) they are reviewing. They will assign scores ranging from a minimum of 60 (poor) to a maximum of 100 (excellent) to applications based on the following criteria, with weights shown in parentheses:

a. Soundness of project design/conceptual approach. Applications will be evaluated on the conceptual approach; the likelihood of project results in the time frame specified in the application; whether there is sufficient information to evaluate the project technically; and, if so, the strengths and/or weaknesses of the technical design relative to securing productive results. (50 percent)

b. Project management and experience and qualifications of personnel. The organization and management of the project will be evaluated. The project's principal investigator and other personnel, including consultants and contractors participating in the project, will be evaluated in terms of related experience and qualifications. Applications that include consultants and contractors will be reviewed to determine if your involvement, as the primary applicant, is necessary to the conduct of the project and the accomplishment of its objectives. (25 percent)

c. Project evaluation. The effectiveness of your proposed methods to monitor and evaluate the success or failure of the project in terms of meeting its original objectives will be examined. (10 percent)

d. Project costs. The justification and allocation of the budget in terms of the work to be performed will be evaluated. Unreasonably high or low project costs will be taken into account. (15 percent)

Following the technical review, we will determine the weighted score for each individual review and average the individual technical review scores to determine the final technical score for each application. Then, we will rank applications in descending order by their final technical scores and determine a "cutoff" score that is based on the amount of funds available for grants. We will eliminate from further consideration those applications that scored below the cutoff.

2. Constituent Panel(s)

For those applications at or above the cutoff technical evaluation score, we will solicit individual comments and evaluations from a panel or panels of three or more representatives selected by the Assistant Administrator for Fisheries (AA), NOAA. Panel members will be chosen from the fishing industry, state government, non-government organizations, and others, as appropriate. We will provide panelists with a summary of the technical evaluations, and, for applications to continue a previously funded project, information on progress on the funded work to date.

Each panelist will evaluate the applications in terms of the significance of the problem or opportunity being addressed, the degree to which the project involves collaboration with fishing community members and other appropriate collaborators, proposed means to disseminate project results, and the merits of funding each project. Each panelist will provide a rating from 0–4 (poor to excellent) for each project, and provide comments if they wish. Panel members will be required to certify that they do not have a conflict of interest and that they will maintain confidentiality of the panel deliberations.

Following the Constituent Panel meeting, we will average the individual ratings for each project. We will then develop a ranking of projects based on the individual ranks within each of the priority areas.

C. Selection Procedures and Project Funding

After projects have been evaluated and ranked, we will use this information, along with input from the NMFS Regional Administrators (RAs) and Office Directors (ODs), to develop recommendations for project funding. RAs/ODs will prepare a written justification for any recommendations for funding that fall outside the ranking order, or for any cost adjustments.

The AA will review the funding recommendations and comments of the RAs/ODs and determine the projects to be funded. In making the final selections, the AA may consider costs, geographical distribution, and duplication with other federally funded projects. Awards are not necessarily made to the highest ranked applications.

We will notify you in writing whether your application is selected or not. Furthermore, if your application is not selected, we will return it to you. Successful applications will be incorporated into the award document.

The exact amount of funds, the scope of work, and terms and conditions of a successful award will be determined in preaward negotiations between you and NOAA/NMFS representatives. The funding instrument (grant or cooperative agreement) will be determined by NOAA Grants. You should not initiate your project in expectation of Federal funding until you receive a grant award document signed by an authorized NOAA official.

We will not award any Federal funds to you or any subrecipients who have an outstanding delinquent Federal debt or fine until either:

a. The delinquent account is paid in full,

b. A negotiated repayment schedule is established and at least one payment is received, or

c. Other arrangements satisfactory to Commerce are made.

V. Administrative Requirements

A. Your Obligations as an Applicant

You must:

1. Meet all application requirements and provide all information necessary for the evaluation of the proposal(s), including one signed original and nine signed copies of the application.

2. Be available to respond to questions during the review and evaluation of the proposal(s).

3. Submit a completed Form CD-511, "Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying." The following explanations are provided:

a. Nonprocurement debarment and suspension. Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

b. Drug-free workplace. Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR part 26, subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)," and the related section of the certification form prescribed above applies;

c. Anti-lobbying. Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions," and the lobbying section of the certification form applies to applications for grants or cooperative agreements for more than $100,000; and

d. Anti-lobbying disclosures. Any applicant who has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, appendix B.

4. If applicable, require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for your use and should not be sent to the Department of Commerce (Commerce). You should send an SF-LLL submitted by any tier recipient or subrecipient to Commerce only if your application is recommended for funding. Instructions will be contained in the award document. We will provide you with all required forms.

5. Complete Item 16 on Standard Form 424 (4-92) regarding clearance by the State Point Of Contact (SPOC) established as a result of Executive Order 12372. You can get the list of SPOCs from any of the NMFS offices listed in this document or from the S-K Home Page (see section I.G. Electronic Access Addresses of this document). It is also included in the "Catalog of Federal Domestic Assistance." You must contact the SPOC, if your state has one, to see if applications to the S-K Program are subject to review. If SPOC clearance is required, you are responsible for getting that clearance in time to submit your application to the S-K Program by the deadline (see DATES).

6. Complete Standard Form 424B (4-92), "Assurances—Non-construction Programs." B. Your Obligations as a Successful Applicant (Recipient) If you are awarded a grant or cooperative agreement for a project, you must:

1. Manage the day-to-day operations of the project, be responsible for the performance of all activities for which funds are granted, and be responsible for the satisfaction of all administrative and managerial conditions imposed by the award.

2. Keep records sufficient to document any costs incurred under the award, and allow access to these records for audit and examination by the Secretary of Commerce, the Comptroller General of the United States, or their authorized representatives; and, submit financial status reports (SF 269) to NOAA's Grants Management Division in accordance with the award conditions.

3. Submit semiannual project status reports on the use of funds and progress of the project to us within 30 days after the end of each 6-month period. You will submit these reports to the individual identified as the NMFS Program Officer in the funding agreement.

4. Submit a final report within 90 days after completion of each project to the NMFS Program Officer. The final report must describe the project and include an evaluation of the work you performed and the results and benefits in sufficient detail to enable us to assess the success of the completed project.

We are committed to using available technology to achieve the timely and

wide distribution of final reports to those who would benefit from this information. Therefore, you are required to submit final reports in electronic format, in accordance with the award terms and conditions, for publication on the NMFS S-K Home Page. You may charge the costs associated with preparing and transmitting your final reports in electronic format to the grant award. We will consider requests for exemption from the electronic submission requirement on a case-by-case basis.

We will provide you with OMB-approved formats for the semiannual and final reports.

5. In addition to the final report in section V.B.4. of this document, we request that you submit any publications printed with grant funds (such as manuals, surveys, etc.) to the NMFS Program Officer for dissemination to the public. Submit either three hard copies or an electronic version of any such publications.

You are encouraged to the extent feasible to purchase American-made equipment and products with the funding provided under this program.

Note, if you incur any costs prior to receiving an award agreement signed by an authorized NOAA official, you do so solely at your own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that you may have received, Commerce has no obligation to cover preaward costs.

C. Other Requirements

1. Federal Policies and Procedures

If you receive Federal funding, you are subject to all Federal laws and Federal and Commerce policies, regulations, and procedures applicable to financial assistance awards. You must comply with general provisions that apply to all recipients under Commerce grant and cooperative agreement programs.

2. Name Check Review

You may be subject to a name check review process. We use name checks to determine if you or any key individuals named in your application have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on your management, honesty, or financial integrity.

3. Financial Management Certification/ Preaward Accounting Survey

You may, at the discretion of the NOAA Grants Officer, be required to have your financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable OMB Circulars prior to execution of the award. If you are a first-time applicant for Federal grant funds, you may be subject to a preaward accounting survey by Commerce prior to execution of the award.

4. False Statements

A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment (18 U.S.C. 1001).

Classification

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts.

Furthermore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of Executive Order 12866.

Applications under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424B, and SF-LLL have been approved by OMB under the respective control numbers 0348–0043, 0348–0040, and 0348–0046. NOAA-specific requirements have been approved under OMB control number 0648–0135. These requirements and their estimated response times are 1 hour for a project summary, 1 hour for a budget form, 2.5 hours for a semiannual report, and 13 hours for a final report. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to Alicia Jarboe, F/SF2, Room 13112, 1315 East West Highway, Silver Spring, MD 20910–3282.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

A solicitation for applications will also appear in the "Commerce Business Daily."

Dated: February 28, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5560 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0231]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Mortuary Services Contracts

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through July 31, 2001. DoD proposes that OMB extend its approval for use through July 31, 2004.

DATES: DoD will consider all comments received by May 7, 2001.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm*. As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil*. Please cite OMB Control Number 0704–0231 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, OUSD (AT&L) DP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0231.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf*.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, (703) 602–0289. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html*. Paper copies are available from Ms. Sandra Haberlin, OUSD (AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 237.70, Mortuary Services, and the associated clause at DFARS 252.237–7011; DD Form 2063, Record of Preparation and Disposition of Remains; OMB Control Number 0704–0231.

Needs and Uses: This requirement provides for the collection of necessary information from contractors regarding the results of the embalming process under contracts for mortuary services. The information is used to ensure proper preparation of the body for shipment and burial.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 400.

Number of Resondents: 114.

Responses Per Respondent: 7.

Annual Responses: 800.

Average Burden Per Response: .5 hours.

Frequency: On occasion.

Summary of Information Collection

The clause at DFARS 252.237–7011, Preparation History, requires that the contractor submit information describing the results of the embalming process on each body prepared for burial under a DoD contract. The contractor uses DD Form 2063 to provide this information.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5583 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0232]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Contract Pricing

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through September 30, 2001. DoD proposes that OMB extend its approval for use through September 30, 2004.

DATES: DoD will consider all comments received by May 7, 2001.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm*. As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil*. Please cite OMB Control Number 0704–0232 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0232.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf*.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0288. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html*. Paper copies are available from Ms. Amy Williams, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 215.4, Contract Pricing, and related clause in DFARS 252.215; OMB Control Number 0704–0232.

Needs and Uses: DoD contracting officers need this information to negotiate an equitable adjustment in the total amount paid or to be paid under a fixed-price redeterminable or fixed-price incentive contract, to reflect final subcontract prices; and to determine if a contractor has an adequate system for generating cost estimates, and monitor correction of any deficiencies.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 5,350.

Number of Respondents: 310.

Responses Per Respondent: .45.

Annual Responses: 141.

Average Burden Per Response: 37.94 hours.

Frequency: On occasion.

Summary of Information Collection

DFARS 215.404–3(a)(iv)(B) requires that, upon establishment of firm prices for each subcontract listed in a repricing modification, the contractor must submit the subcontractor's costs incurred in performing the subcontract and the final subcontract price. This requirement applies to the pricing of a fixed-price redeterminable or fixed-price incentive contract that includes subcontracts placed on the same basis, if the contractor has not yet established final prices for the subcontracts and circumstances require prompt negotiation.

DFARS 215.407–5 and the clause at 252.215–7002, Cost Estimating System Requirements, require that certain large business contractors—

- Establish an adequate cost estimating system and disclose the estimating system to the administrative contracting officer (ACO) in writing;
- Maintain the estimating system and disclose significant changes in the system to the ACO on a timely basis; and

• Respond in writing to reports from the Government that identify deficiencies in the estimating system.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5584 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0253]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Subcontracting Policies and Procedures

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) approved this information collection requirement for use through July 31, 2001. DoD proposes that OMB extend its approval for use through July 31, 2004.

DATES: DoD will consider all comments received by May 7, 2001.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm*. As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil*. Please cite OMB Control Number 0704–0253 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Mr. Rick Layser, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0253.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf*.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Layser, (703) 602–0293. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html*. Paper copies are available from Mr. Rick Layser, OUSD (AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 244, Subcontracting Policies and Procedures; OMB Control Number 0704–0253.

Needs and Uses: Administrative contracting officers use this information in making decisions to grant, withhold, or withdraw purchasing system approval at the conclusion of a contractor purchasing system review. Withdrawal of purchasing system approval would necessitate Government consent to individual subcontracts.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 1,440.

Number of Respondents: 90.

Responses Per Respondent: 1.

Annual Responses: 90.

Average Burden Per Response: 16 hours.

Frequency: On occasion.

Summary of Information Collection

This information collection includes the requirements of DFARS 244.305–70, Granting, withholding, or withdrawing approval. DFARS 244.305–70 requires the administrative contracting officer, at the completion of the in-plant portion of a contractor purchasing system review, to ask the contractor to submit within 15 days its plan for correcting deficiencies or making improvements to its purchasing system.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5585 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0272]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Environment, Conservation, and Occupational Safety

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through August 31, 2001. DoD proposes that OMB extend its approval for use through August 31, 2004.

DATES: DoD will consider all comments received by May 7, 2001.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm*. As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil*. Please cite OMB Control Number 0704–0272 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0272.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf*.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, (703) 602–0289. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html*. Paper copies are available from Ms. Sandra Haberlin, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 223, Environment, Conservation, and Occupational Safety, and related clauses in DFARS 252.223; OMB Control Number 0704–0272.

Needs and Uses: This information collection requires that an offeror/contractor provide information in response to solicitation provisions and contract clauses in DFARS 252.223, excluding those provisions and clauses relating to a drug-free workplace (which are approved under OMB Control Number 0704–0336). DoD contracting officers use this information to—

• Verify compliance with requirements for labeling of hazardous material;

• Ensure contractor compliance and monitor subcontractor compliance with DoD 4145.26–M, DoD Contractors' Safety Manual for Ammunition and Explosives, and minimize risk of mishaps;

• Identify the place of performance of all ammunition and explosives work; and

• Ensure contractor compliance and monitor subcontractor compliance with DoD 5100.76–M, Physical Security of sensitive Conventional Arms, Ammunition, and Explosives.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 9,996.

Number of Respondents: 8,873.

Responses Per Respondent: 1.66.

Annual Responses: 14,726.

Average Burden Per Response: .68 hours.

Frequency: On occasion.

Summary of Information Collection

This information collection includes the following requirements:

1. DFARS 252.223–7001, Hazard Warning Labels

Paragraph (c) requires all offerors to list which hazardous materials will be labeled in accordance with certain statutory requirements instead of the Hazard Communication Standard. Paragraph (d) requires only the apparently successful offeror to submit, before award, a copy of the hazard warning label for all hazardous materials not listed in paragraph (c) of the clause.

2. DFARS 252.223–7002, Safety Precautions for Ammunition and Explosives

Paragraph (c)(2) requires the contractor, within 30 days of notification of noncompliance with DoD 4145.26–M, to notify the contracting officer of actions taken to correct the noncompliance. Paragraph (d)(1) requires the contractor to notify the contracting officer immediately of any mishaps involving ammunition or explosives. Paragraph (d)(3) requires the contractor to submit a written report of the investigation of the mishap to the contacting officer. Paragraph (g)(4) requires the contractor to notify the contracting officer before placing a subcontract for ammunition or explosives.

3. DFARS 252.223–7003, Changes in Place of Performance—Ammunition and Explosives

Paragraph (a) requires the offeror to identify, in the Place of Performance provision of the solicitation, the place of performance of all ammunition and explosives work covered by the Safety Precautions for Ammunition and Explosives clause of the solicitation. Paragraphs (b) and (c) require the offeror/contractor to obtain written permission from the contacting officer before changing the place of performance after the date set for receipt of offers or after contract award.

4. DFARS 252.223–7007, Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives

Paragraph (e) requires the contractor to notify the cognizant Defense Security Service field office within 10 days after award of any subcontract involving sensitive conventional arms, ammunition, and explosives within the scope of DoD 5100.76–M.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5586 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0359]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement Part 232, Contract Financing

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through August 31, 2001. DoD proposes that OMB extend its approval for use through August 31, 2004.

DATES: DoD will consider all comments received by May 7, 2001.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm*. As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil*. Please cite OMB Control Number 0704–0359 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0359.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf*.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, (703) 602–0289. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html*. Paper copies are available from Ms. Sandra Haberlin, OUSD (AT&L)DP(DAR), IMD 3C132, 3062

Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 232, Contract Financing, and related clause at DFARS 252.237–7007, Limitation of Government's Obligation; OMB Control Number 0704–0359.

Needs and Uses: This information collection requires contractors that are awarded incrementally funded, fixed-price DoD contracts to notify the Government when the work under the contract will, within 90 days, reach the point at which the amount payable by the Government (including any termination costs) approximates 85 percent of the funds currently allotted to the contract. This information will be used to determine what course of action the Government will take (e.g., allot additional funds for continued performance, terminate the contract, or terminate certain contract line items).

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 800.

Number of Respondents: 800.

Responses Per Respondent: 1.

Annual Responses: 800.

Average Burden Per Response: 1 hour.

Frequency: On occasion.

Summary of Information Collection

This information collection includes requirements related to contract financing and payment in DFARS Part 232, Contract Financing, and the related clause at DFARS 252.232–7007, Limitation of Government's Obligation. DFARS Subpart 232.7, Contract Funding, limits the use of incrementally funded fixed-price contracts to situations where the contract is funded with research and development appropriations; where Congress has otherwise incrementally appropriated program funds; or where the head of the contracting activity approves the use of incremental funding for either base services contracts or hazardous/toxic waste remediation contracts. The clause at DFARS 252.232–7007 identifies procedures for incrementally funding the contract and requires the contractor to provide the Government with written notice when the work will reach the point at which the amount payable by the Government, including any termination costs, approximates 85 percent of the funds currently allotted to the contract.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5587 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Cost Accounting Standards Administration

AGENCY: Department of Defense (DoD).

ACTION: Notice of public meeting.

SUMMARY: The Director of Defense Procurement is sponsoring a public meeting to discuss potential opportunities to streamline the provisions in Part 31 of the Federal Acquisition Regulation concerning cost measurement, assignment, and allocation. The Director of Defense Procurement would like to hear the views of interested parties on what they believe are potential areas for streamlining in light of the evolution of Generally Accepted Accounting Principles, the advent of Acquisition Reform, and experience gained from implementation. A listing of some possible streamlining areas can be found on the Internet Home Page of the Office of Cost, Pricing, and Finance at *http://www.acq.osd.mil/dp/cpf*.

Upon identification of the key areas, subsequent public meetings will be held to hear views of interested parties regarding specific recommendations. The dates and times of those meetings will be published on the Internet Home Page of the Office of Cost, Pricing, and Finance.

DATES: The first meeting will be held on April 19, 2001, from 10 a.m. until 1 p.m., local time.

ADDRESSES: The meeting will be held in the Auditorium at the General Services Administration, 18th and F Streets, Washington, DC. Directions may be found on the Internet at *http://www.acq.osd.mil/dp/cpf*.

FOR FURTHER INFORMATION CONTACT: Mr. David Capitano, Office of Cost, Pricing, and Finance, by telephone at (703) 695–7249, by FAX at (703) 693–9616, or by e-mail at *dcapitano@osd.mil*.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5581 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Committee; Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of the following Committee meeting:

Name of Committee: U.S. Army War College Subcommittee of the Army Education Advisory Committee.

Dates of Meeting: April 25, 26, 27, and 28, 2001.

Place: Root Hall, U.S. Army War College, Carlisle Barracks, Pennsylvania.

Time: 8:30 a.m.–5 p.m.

Proposed Agenda: Receive information briefings; conduct discussions with the Commandant staff and faculty; table and examine online College issues; assess resident and distance education programs, self-study techniques, and plans for the Process for Accreditation of Joint Education (PAJE) 2000; assemble a working group for the concentrated review of institutional policies and a working group to address committee membership and charter issues; propose strategies and recommendations that will continue the momentum of federal accreditation success and guarantee compliance with regional accreditation standards.

FOR FURTHER INFORMATION CONTACT: To request advance approval or obtain further information, contact Lieutenant Colonel Cary A. Hilton, Box 524, U.S. Army War College, Carlisle Barracks, PA 17013 or telephone (717) 245–3396.

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee after receiving advance approval for participation. To request advance approval or obtain further information, contact Lieutenant Colonel Cary A. Hilton at the above address or phone number.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 01–5533 Filed 3–6–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB)—Venture Capital.

Date of Meeting: 05–06 March 2001.

Time of Meeting: 0900–1630, 05 March 2001, 0900–1630, 06 March 2001.

Place: Presidential Towers Office Bldg, 9th floor conference room, 2511 Jefferson Davis Highway, Arlington, VA 22202–3911.

Agenda: This is the second meeting of The Army Science Board's (ASB) Venture Capital Ad Hoc Study. Briefings will be presented on Department of Defense initiatives to access leading edge technologies and on commercial business strategies for accessing leading edge technologies. For further information, please contact LTC John Anzalone, Operations Research Analyst, (703) 604–7436. If you plan to attend and require an escort to the 9th floor conference room, please call Mr. Everett R. Gooch on (703) 604–7479.

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 01–5561 Filed 3–6–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of the Revised Draft Environmental Impact Statement for the Platte West Water Production Facilities, Douglas and Saunders Counties, Nebraska

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act and implementing regulations, a revised Draft Environmental Impact Statement (DEIS) has been prepared to evaluate the environmental impacts of the Metropolitan Utilities District's (MUD's) preferred water supply expansion location (Platte West) as well as other reasonable alternatives to that location. The environmental impacts of each of the five action alternatives, as well as the "no action" alternative are described in the DEIS. Public comment on the DEIS will be accepted by the Corps through April 13, 2001. A public workshop will be held from 7 p.m. to 9 p.m. on Wednesday, March 21 in the Russell Middle School cafeteria at 5304 South 172nd Street, Omaha, Nebraska. The public is invited to view displays related to the project and provide comments to the Corps.

FOR FURTHER INFORMATION CONTACT: Questions and comments regarding the DEIS can be addressed to Becky Latka, U.S. Army Corps of Engineers, 215 North 17th Street, Omaha, Nebraska 68102–4978, telephone at (402) 221–4602, or E-Mail rebecca.j.latka@usace.army.mil

SUPPLEMENTARY INFORMATION: MUD's preferred Platte West alternative is located in Douglas and Saunders Counties, and consists of 40 to 46 vertical wells that would withdraw groundwater to provide additional water for future growth of the Omaha metropolitan area. It is anticipated that the 30-year project could impact wetland habitat, as well as result in Platte River depletions. However, the location of the Platte West site, which is situated near future growth areas, as well as the quality and volume of water available at the site and the relatively low cost of the water, make the Platte West site the preference for MUD. Information on the costs and environmental impacts of the six alternatives (which includes the no-action alternative) are detailed in the DEIS.

Currently, the water supply for the Omaha metropolitan area consists of the Florence water treatment plant (67.5% of total capacity) which gets its water from the Missouri River, and the Platte South wellfield (25.5% of total capacity) which gets water from the groundwater in the Platte River aquifer. The remaining water (7% of total capacity) comes from smaller wellfields in Millard and Elkhorn. One of the purposes of the wellfield expansion project is to diversify the water supply so Omaha is not as dependent on any one water source as the city is currently. This diversification concept or planned redundancy increases the reliability of the overall water supply system by providing a back-up water supply in the event of an interruption of water supply or contamination of source water.

The Corps' role in this process is to determine whether a Section 404 (Clean Water Act) permit should be issued, issued with conditions, or denied. The Corps is neither a proponent nor opponent of the project, but is required through the National Environmental Policy Act to disclose the impacts of the project and reasonable alternatives.

An earlier DEIS was released for public comment in February of 1999. Numerous public and agency comments were received at that time. In the process of addressing these comments, additional reasonable alternatives were identified and included in the NEPA process, which has resulted in the release of a revised DEIS. The public may comment on the full range of alternatives now available. MUD's preferred alternative has remained the same for both DEIS's, although estimated Platte River depletions and estimated wetland impacts have each decreased slightly from the 1999 proposal. A public hearing to comply with the Section 404 permit process has already been held in conjunction with public meetings in 1999.

If the proposed Platte West alternative is permitted, land use changes could be expected in the vicinity of the wellfields over the next 30 years, and could also result in impacts to the Two Rivers State Recreation Area near Venice, Nebraska. A separate agreement between the Commission and MUD would allow for funding for deepening the lakes in mitigation for the groundwater reduction.

Additionally, a trust fund consisting of nearly $1 million will be established, if the Platte West alternative is permitted, in order to compensate for Platte River depletions. The intent is to use the fund to develop a backwater area and wetland mitigation site near LaPlatte, Nebraska. This proposed plan for mitigation is being coordinated with various agencies.

Dated: March 7, 2001.

Mark E. Tillotson,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 01–5535 Filed 3–6–01; 8:45 am]

BILLING CODE 3710–62–U

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Inland Waterways Users Board; Meeting

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with 10(a)(2) of the Federal Advisory Committee Act, Public Law (92–463) announcement is made of the next meeting of the Inland Waterways Users Board. The meeting will be held on April 11, 2001, in New Orleans, Louisiana, at the Wyndham Hotel New Orleans at Canal Place, 100 Rue Iberville (Tel. (504) 566–7006). Registration will begin at 7:30 a.m. and the meeting is scheduled to adjourn at 1 p.m. The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

FOR FURTHER INFORMATION CONTACT: Mr. Norman T. Edwards, Headquarters, U.S. Army Corps of Engineers, CECW–PD,

441 G Street, NW., Washington, DC 20314–1000.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 01–5534 Filed 3–6–01; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR01–5–000]

Chevron Products Company v. Anschutz Ranch East Pipeline, Inc. and Express Pipeline Partnership; Notice of Complaint

March 1, 2001.

Take notice that on February 28, 2001, Chevron Products Company (Chevron) tendered for filing a complaint against Anschutz Ranch East Pipeline, Inc. (Anschutz) and Express Pipeline Partnership (Express).

Chevron states that it is a shipper of crude oil and sour condensate on a local tariff filed by Anschutz for the shipment of crude petroleum and sour condensate originating at Frontier Station, Utah and Evanston Station, Wyoming and terminating in Kimball Junction, Utah. Chevron states that it is also a shipper of crude oil on joint tariffs published by Anschutz and Express for the shipment of crude petroleum between International boundary, Canada and Salt Lake City, Utah. Chevron alleges that the rates being charged on the Anschutz local tariff and on the Anschutz portion or division of the Anschutz/Express joint tariffs are unjust and unreasonable and unduly discriminatory and unduly preferential, and, therefore, in violation of the Interstate Commerce Act. Chevron further maintains that the rates charged on the Express/Anschutz joint tariffs exceed ceiling price levels.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 20, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before March 20, 2001. Comments and protests may be filed electronically via the internet if lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–5526 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–92–000]

East Tennessee Natural Gas Company; Notice of Application

March 1, 2001.

Take notice that on February 23, 2001, East Tennessee Natural Gas Company (East Tennessee), Post Office Box 1642, Houston, Texas, 77251–1642, filed in Docket No. CP01–92–000 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to install, construct, own and operate approximately 2.23 miles of 12-inch pipeline loop and appurtenant facilities in Washington County, Virginia; Loudon County, Tennessee; and Putnam County, Tennessee. In addition, East Tennessee proposes to perform seven pipeline road crossing replacements and hydrostatic testing in order to increase the maximum allowable operation pressure (MAOP) of approximately 17.5 miles of existing 22-inch pipe on its Line 3107, all as more fully set forth in the application on file with the Commission and open to public inspection. The project is collectively referred to as the "Gateway Project". This filing may be viewed on the web at *http://www.ferc.fed.us/online/htm* (call 202–208–2222 for assistance).

The proposed pipeline loop facilities will include approximately 2.23 miles of new 12-inch pipeline extending from main line valve (MLV) 3310–02, at milepost (MP) zero on East Tennessee's 8-inch line 3300 to MP 2.23 at the Saltville Storage facility interconnect. East Tennessee proposes to install a regulator on the Loudon-Lenoir City lateral at MLV 3218D–102. This regulator is required to allow gas deliveries into the Loudon meter station 75–9039, from the north, Line 3100 and the South Line 3200, operating at independent and possibly differential pressures. The Loudon regulator will be located within the existing rights-of-way.

East Tennessee also proposes to increase the MAOP on a portion of Line 3107. This increased MAOP is necessary to provide Etowah and Loudon firm transportation from the Ridgetop interconnect with Tennessee Gas Pipe Line Company to the respective Etowah and Loudon meter stations. To accomplish this, East Tennessee proposes to perform six road crossing replacements and hydrostatic test on approximately 12.85 miles of 22-inch pipe on Line 3107 from MLV 3107–1A to MLV 3108–1 and also to replace one road crossing and thereby uprate approximately 4.56 miles of 22-inch pipe on Line 3107 from the discharge of station 3107 to 3107–A. The hydrostatic testing and pipeline replacement will allow East Tennessee to increase the MAOP on these segments from 722 to 766 pounds per square inch gauge (psig), respectively to 773 psig.

The Gateway Project will allow East Tennessee to provide firm transportation service for Etowah Utility Department (Etowah), Loudon Utilities Gas Department (Loudon), and Stone Mountain Energy, LC (Stone Mountain), collectively referred to as the Gateway Customers. The proposed Gateway Project will provide 1,000 dekatherms (Dth/d) of capacity to Etowah, 3,000 Dth/d to Loudon, and 4,000 Dth/d to Stone Mountain, for a total of 8,000 Dth/d of FT–A transportation service resulting from the proposed Gateway Project facilities. East Tennessee held an open season from June 1, 2000, until June 15, 2000 for a potential expansion of its system. As a result of its open season, East Tennessee has provided precedent agreements and gas transportation agreements with each customer, for 100 percent of the proposed transportation service. In addition East Tennessee has provided other data indicating a growing market for natural gas in East Tennessee's market area citing projections from NERC's Electricity Supply and Demand 2000 database, among other things.

East Tennessee proposes to provide service to the Gateway Customers pursuant to its existing open access Rate Schedule FT–A. However, East Tennessee further seeks authorization to establish an initial Section 7(c) rate for the service proposed. East Tennessee states that all construction costs associated with the proposed facilities will be paid for through the incremental rates to be charged the Gateway Customers.

East Tennessee states that the Gateway Projects will be constructed on East Tennessee's existing pipeline right of way and thus will not result in a significant adverse effect on the environment.

The Gateway Customers have requested that East Tennessee provide the proposed transportation service during the 2001/2002 winter heating season. East Tennessee requests a certificate on or before August 1, 2001 in order for it to meet its November 1, 2001 in-service date requested by the Gateway Customers.

Any questions regarding the application should be directed to Steven E. Tillman, Director, Regulatory Affairs, East Tennessee Natural Gas Company, P.O. Box 1642, Houston, Texas, 77251, (713) 627–5113.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 2001, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Comments and protests may be filed electronically in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website at *http://ferc.fed.us/efl/doorbell.htm.*

A person obtaining intervener status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the interveners. An intervener can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervener must submit copies of comments or any other filing it makes with the Commission to every other intervener in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commentors will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commentors will not be required to serve copies of filed documents on all other parties. However, commentors will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commentors or those requesting intervener status.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be necessary for East Tennessee to appear or to be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 01–5524 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–869–000]

Geothermal Properties, Inc.; Notice of Issuance of Order

March 1, 2001.

Geothermal Properties, Inc. (GPI) submitted for filing a rate schedule under which GPI will engage in wholesale electric power and energy transactions at market-based rates. GPI also requested waiver of various Commission regulations. In particular, GPI requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by GPI.

On February 15, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by GPI should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, GPI is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of GPI's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 19, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5521 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–915–000]

GPN Pleasant Hill, LLC, GPN Pleasant Hill Operating, LLC; Notice of Issuance of Order

March 1, 2001.

GPN Pleasant Hill Operating, LLC (GPN) submitted for filing a rate

schedule under which GPN will engage in wholesale electric power and energy transactions at market-based rates. GPN also requested waiver of various Commission regulations. In particular, GPN requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by GPN.

On February 20, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by GPN should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, GPN is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of GPN's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 22, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5522 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–56–001]

Merrill Lynch Capital Services, Inc.; Notice of Filing

March 1, 2001.

Take notice that on February 23, 2001, pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's regulations, Merrill Lynch Capital Services, Inc. (MLCS) filed an Amendment to the Application for approval of the disposition of MLCS's jurisdictional facilities to Allegheny Energy Global Markets, LLC (Allegheny Global) and Allegheny Energy Supply Company, LLC (Allegheny Supply). The Amendment was filed to reflect Allegheny Supply as a possible recipient of some or all of MLCS's wholesale electric power supply agreements.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 8, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5525 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–457–000 and ER01–457–001]

Naniwa Energy LLC; Notice of Issuance of Order

March 1, 2001.

Naniwa Energy LLC (Naniwa) submitted for filing a rate schedule under which Naniwa will engage in wholesale electric power and energy transactions at market-based rates. Naniwa also requested waiver of various Commission regulations. In particular, Naniwa requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Naniwa.

On February 15, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Naniwa should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Naniwa is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Naniwa's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 19, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5520 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1044–000]

Riverside Generating Company, L.C.C.; Notice of Issuance of Order

March 1, 2001.

Riverside Generating Company, L.L.C. (Riverside) submitted for filing a rate schedule under which Riverside will engage in wholesale electric power and energy transactions at market-based rates. Riverside also requested waiver of various Commission regulations. In particular, Riverside requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Riverside.

On February 20, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Riverside should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Riverside is authorized to issue securities and assume obligations of liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Riverside's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 22, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE. Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5519 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–373–000 and ER01–373–001]

Tiger Natural Gas, Inc.; Notice of Issuance of Order

March 1, 2001.

Tiger Natural Gas, Inc. (Tiger) submitted for filing a rate schedule under which Tiger will engage in wholesale electric power and energy transactions at market-based rates. Tiger also requested waiver of various Commission regulations. In particular, Tiger requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Tiger.

On February 15, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Tiger should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Tiger is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Tiger's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 19, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5523 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–52–040]

Williams Gas Pipelines Central, Inc.; Notice of Settlement Agreement

March 1, 2001.

Take notice that on February 23, 2001, Williams Gas Pipelines Central, Inc., Ash Grove Cement, Atmos Energy Corporation, Farmland Industries, Inc., FMC Corporation, Heartland Cement, Kansas Gas Service Company, a Division of ONEOK, Inc., the Kansas Corporation Commission (KCC), Kansas Industrial Energy Supply Company, Lone Star Industries, Inc., Amoco Production Company, Pioneer Natural Resources USA, Inc., Mobil Oil Corporation, OXY USA Inc., and Union Pacific Resources Company, collectively Sponsoring Parties, filed a Settlement Agreement (Settlement) under Rule 602 of the Commission's Rules of Practice and Procedure in the captioned docket. A copy of the Settlement is available for public inspection in the Commission's Public Reference Room and may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Sponoring Parties state the purpose of the voluntary Settlement is to facilitate the partial resolution of complicated claims and mitigate administrative burdens relating to refunds asserted to be due as a result of the collection of Kansas *ad valorem* tax reimbursements in excess of maximum lawful prices

under the Natural Gas Policy Act. Sponsoring Parties also assert the Settlement, together with a Stipulated Settlement to be filed with the KCC, will resolve any issues between the Settling Parties but will not impact the claims of other parties. In addition, Sponsoring Parties state the Settlement will resolve all claims except those related to refunds due to Missouri jurisdictional customers and is supported by all active parties in Kansas, Oklahoma, Texas, Nebraska and Colorado.

Comments on the Settlement Agreement are due by March 15, 2001; reply comments are due on March 22, 2001. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5531 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1320–000, et al.]

Central Maine Power Company, et al.; Electric Rate and Corporate Regulation Filings

February 28, 2001.

Take notice that the following filings have been made with the Commission:

1. Central Maine Power Company

[Docket No. ER01–1320–000]

Take notice that on February 23, 2001, Central Maine Power Company (CMP) tendered for filing a service agreement for Non-firm Local Point-to-Point Transmission Service entered into with Select Energy, Inc. Service will be provided pursuant to CMP's Open Access Transmission Tariff, designated rate schedule CMP–FERC Electric Tariff, Fifth Revised Volume No. 3, Original Service Agreement No. 119.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Kandiyohi Power Cooperative

[Docket No. ES01–21–000]

Take notice that on February 22, 2001, Kandiyohi Power Cooperative (Kandiyohi) submitted an application pursuant to section 204 of the Federal Power Act requesting authorization to make long-term borrowings under a loan agreement with the National Rural Utilities Cooperative Finance Corporation in an amount not to exceed $8.8 million.

Kandiyohi also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Linasa Cogeneracion y Asociados, S.L.

[Docket No. EG01–134–000]

Take notice that on February 23, 2001, Linasa Cogeneracion y Asociados, S.L. (LICA) filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

LICA owns a 15 MW eligible facility located in Las Torres de Cotillas, Murcia, Spain. LICA states that it is engaged directly and exclusively in the business of owning and/or operating all or part of an eligible facility (as defined in Section 32(a)(1) of the Public Utility Holding Company Act); selling electricity at wholesale to Industria Jabonera LINA, S.A., the cogeneration host, and at wholesale to the local distribution utility, IBERDROLA, a publicly held Spanish corporation operating under the laws of Spain; and, possibly, selling electricity at retail to customers none of which will be located within the United States.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice. The commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Puget Sound Energy, Inc.

[Docket No. ER01–1319–000]

Take notice that on February 23, 2001, Puget Sound Energy, Inc., tendered for filing a Netting Agreement with California Department of Water Resources (CDWR).

A copy of the filing was served upon CDWR.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. The United Illuminating Company

[Docket No. ER01–1318–000]

Take notice that on February 23, 2001, The United Illuminating Company (UI) tendered for filing Service Agreement No. 21 under UI's FERC Electric Tariff, Second Revised Volume No. 4, a non-firm point-to-point transmission service agreement between UI and H.Q. Energy Services (U.S.) Inc.

UI requests an effective date for the service agreement of January 25, 2001.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Westar Generating, Inc.

[Docket No. ER01–1305–000]

Take notice that on February 23, 2001, Westar Generating, Inc. (Westar), tendered for filing proposed cost-based rates for sales to Western Resources, Inc., from Westar's 40 percent ownership share in the new State Line Combined Cycle Station presently under construction by The Empire District Electric Company (Empire) at the site of Empire's existing State Line Plant located in Jasper County, Missouri.

Westar asks that the Commission permit the rates to become effective March 19, 2001, the date the facility is expected to begin operational testing.

Westar states that it has served copies of its filing on the Kansas Corporation Commission and Western Resources.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Cargill-Alliant, LLC

[Docket No. ER01–1306–000]

Take notice that on February 23, 2001, Cargill-Alliant, LLC tendered for filing an application for authorization to make market-rate power sales to its affiliated public utilities.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. DPL Energy

[Docket No. ER01–1307–000]

Take notice that on February 23, 2001, DPL Energy (DPLE), tendered for filing a long-term transaction agreement with The Dayton Power and Light Company.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. New England Power Pool

[Docket No. ER01–1308–000]

Take notice that on February 23, 2001, the New England Power Pool (NEPOOL) Participants Committee hereby files for acceptance materials to terminate the status of Utility.com, Inc., as a NEPOOL Participant.

The Participants Committee seeks an effective date of the earlier of a Commission order accepting the filing, or April 24, 2001, sixty days after the filing.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. New England Power Pool

[Docket No. ER01–1309–000]

Take notice that on February 23, 2001, the New England Power Pool (NEPOOL), tendered a filing reflecting approval by the NEPOOL Participants of rate treatment for certain actual costs of the Vermont Electric Power Company (VELCO) incurred in the period January 1, 2001 through February 28, 2001 with respect to the deployment on an interim basis a generating unit to operate primarily as a synchronous condenser to enhance system reliability in light of the failure of a phase angle regulator, and for certain actual costs of VELCO incurred with respect to the repair of that phase angle regulator.

A January 1, 2001 effective date has been requested.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Xcel Energy Services Inc.

[Docket No. ER01–1311–000]

Take notice that on February 23, 2001, Xcel Energy Services Inc., on behalf of Public Service Company of Colorado (PSCo), tendered for filing a Power Supply Agreement (Agreement) between PSCo and Cheyenne Light, Fuel and Power Company (Cheyenne). Pursuant to the Agreement, PSCo will supply Cheyenne partial requirements service until the end of 2001.

Xcel Services requests that the Agreement be made effective on February 25, 2001, the day after the termination of Cheyenne's existing partial requirements contract.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Entergy Services, Inc.

[Docket No. ER01–1314–000]

Take notice that on February 23, 2001, Entergy Services, Inc., on behalf of the Entergy Operating Companies, tendered for filing a Network Integration Transmission Service Agreement with Entergy Power Marketing Corp. (EPMC), and a Network Operating Agreement with EPMC.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. AES Ironwood, L.L.C.

[Docket No. ER01–1315–000]

Take notice that on February 23, 2001, AES Ironwood, L.L.C., petitions the Commission for acceptance of AES Ironwood, L.L.C. Rate Schedule FERC No. 1, the granting of certain blanket approvals, including authority to sell capacity, energy and ancillary services at wholesale at market-based rates, and the waiver of certain Commission Regulations.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. PacifiCorp

[Docket No. ER01–1316–000]

Take notice that on February 23, 2001, PacifiCorp, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, Umbrella Service Agreements for Short-Term Firm and Non-Firm Transmission Service with Pacific Northwest Generating Cooperative (PNGC) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–1317–000]

Take notice that on February 23, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Service Agreement No. 110 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of January 26, 2001 for Minnesota Power Energy Exchange.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Delmarva Power & Light Company, Conectiv Delmarva Generation, Inc., Atlantic City Electric Company, Conectiv Atlantic Generation, LLC, Conectiv Energy Supply, Inc.

[Docket Nos. ER00–3322–003 and ER00–1770–003]

Take notice that on February 23, 2001, Conectiv tendered for filing a compliance filing in the above-captioned proceeding on behalf of its subsidiaries Delmarva Power & Light Company (Delmarva), Conectiv Delmarva Generation, Inc. (CDG), Atlantic City Electric Company (Atlantic), Conectiv Atlantic Generation, LLC (CAG) and Conectiv Energy Supply, Inc. (CESI).

Copies of the filing were served upon Delmarva's wholesale requirements customers, the Maryland Public Service Commission, Delaware Public Service Commission, New Jersey Public Service Commission, the Virginia State Corporation Commission and other persons shown on the list of recipients with this filing.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Public Service Company of New Mexico

[Docket No. ER01–615–001]

Take notice that on February 23, 2001, Public Service Company of New Mexico (PNM), tendered for filing Substitute Second Revised Sheet No. 2 to its FERC Electric Tariff, Original Volume No. 3. PNM states that the filing revises Section 4 of its market-based sales tariff in compliance with the Commission's January 24, 2001 order in Docket Nos. ER01–592–000 and ER01–615–000, Western Resources, Inc. and Public Service Company of New Mexico, 94 FERC 61,050 (2001).

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Western Resources, Inc.

[Docket No. ER01–592–001]

Take notice that on February 23, 2001, Western Resources, Inc. (WR), tendered for filing Substitute Second Revised Sheet No. 1 to its FERC Electric Tariff, Original Volume No. 1. WR states that the filing revises Section 4 of its market-based sales tariff in compliance with the Commission's January 24, 2001 order in Docket Nos. ER01–592–000 and ER01–615–000, Western Resources, Inc. and Public Service Company of New Mexico, 94 FERC 61,050 (2001).

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Ameren Energy, Inc.

[Docket No. ER01–466–001]

Take notice that on February 23, 2001, Ameren Energy, Inc. (Ameren Energy), tendered for filing a compliance filing required by the Commission's January 9, 2001 Order in Docket No. ER01–466–000.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. New York Independent System Operator, Inc.

[Docket Nos. ER99–4235–004, ER00–798–004 and ER01–461–002]

Take notice that on February 23, 2001, the New York Independent System Operator, Inc. (NYISO) tendered for filing substitute sheets to its Market Administration and Control Area Services Tariff in the above-captioned dockets. The filing corrects an inadvertent error in a previous filing.

The NYISO has requested an effective date of January 2, 2001 for the filing, and has requested waiver of the Commission's notice requirements.

The NYISO has requested waiver of the Commission's service requirements. The documents are available for download from the NYISO's website at www.nyiso.com. Copies will be provided upon request.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Kentucky Utilities Company

[Docket No. ER01–1334–000]

Take notice that on February 23, 2001, Kentucky Utilities Company (KU), tendered for filing revisions to existing contracts between KU and its wholesale requirements customers.

KU requests an effective date of January 1, 2001 for these contracts.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5488 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

March 1, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Minor License.

b. *Project No.:* 11855–000.

c. *Date Filed:* July 24, 2000; supplemented on February 14, 2001.

d. *Applicant:* JLH Hydro, Incorporated.

e. *Name of Project:* Idols Hydroelectric Project.

f. *Location:* On the Yadkin River near the town of Clemmons in Davie and Forsyth counties, North Carolina. The project would not utilize federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* James L. Horton, President, JLH Hydro, Inc. at 1800 Statesville Blvd., Salisbury, NC 28144. Telephone 704–638–0506.

i. *FERC Contact:* Jim Haimes, *james.haimes@ferc.fed.us;* (202) 219–2780.

j. *Deadline for filing motions to intervene and protest:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all persons and entities filing requests to intervene in the subject proceeding to serve a copy of each document they file with the Commission on each person on the official service list for the subject project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. *Description of the Project:* The proposed project would consist of the following existing facilities: (1) a 10-foot-high, 660-foot-long, rubble masonry dam having an ungated 410-foot-long spillway; (2) a 1-mile-long, reservoir with a surface area of 35 acres, and no appreciable storage at normal pool elevation, 672.3 feet mean sea level; (3) a 900-foot-long, 100 to 150-foot-wide tailrace, separated from the main river channel by a 200-foot-long, concrete retaining wall and a mid-channel island; and (4) a 60-foot-long by 39-foot-wide brick utility building, which would contain the project's transformers.

The site's 146-foot-long by 36-foot-wide powerhouse, located at the northeast and of the dam, was a stone masonry and wood structure, which contained 6 vertical Francis-type turbines directly connected to 6 generators having a total installed capacity of 1,411 kilowatts. On February 8, 1998, a major fire destroyed the powerhouse's generators and electrical equipment as well as its wooden roof, walls, and floor.

The applicant proposes: (1) to use the project's existing dam, water intake structures, wicket gates, and turbines; (2) to reconstruct the powerhouse with a steel roof and red concrete block walls; (3) to install 6 generators having a combined capacity of 1,440 kilowatts in the restored powerhouse structure; (4) to install 3 dry-type transformers in the utility building; (5) to improve the existing canoe take-out, portage trail, and put-in area around the dam's west side; and (6) to operate the project in a run-of-river mode to produce an average of 5,866,000 kilowatt-hours of electricity per year.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, Room 2A, located at 888 First Street, NE, Washington, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h, above.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

o. *All filings must:* (1) Bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon the representative of the applicant specified in item h, above.

David P. Boergers,

Secretary.

[FR Doc. 01–5527 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License, Motions To Intervene, and Protests

March 1, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Application Type:* Application to Amend License for the Round Butte & Pelton Project.

b. *Project No:* 2030–033.

c. *Date Filed:* February 20, 2001.

d. *Applicant:* Portland General Electric Company (PGE).

e. *Name of Project:* Round Butte & Pelton Project.

f. *Location:* The project is located on the Deschutes River in Jefferson County, Oregon, in part on federal lands, including tribal lands within the Warm Springs Indian Reservation.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Julie Keil, Director, Hydro Licensing, Portland General Electric Company, 121 SW Salmon Street, 3WTC–BRHL, Portland, OR 97204, (503) 464–8864.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Mohamad Fayyad (202) 219–2665 or by e-mail at mohamad.fayyad@ferc.fed.us.

j. *Deadline for filing comments and/or motions:* March 23, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorell.htm.

Please include the project number (2030–033) on any comments or motions filed.

k. *Description of Filing:* PGE proposes to replace the runners on two of the three turbines at the Round Butte Development of the project. The proposed new runners will have a maximum hydraulic capacity of 4,700 cfs at 345 ft net head, which represents an approximate 3% increase in the maximum hydraulic capacity of the turbines. The existing turbines are operated in their high efficiency range and the upgrade units would be operated in a similar manner. The capacity of the Round Butte Development would not change because it is limited by the generator capacity. Installation of new runners would provide increased flexibility in system load following and spinning reserve capability, and could alleviate some of the shortages in energy currently being experienced in that part of the Nation.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm [call (202) 208–2222 for assistance]. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTESTS", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–5528 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

March 1, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a: *Application Type:* Amendment of License.

b: *Project No.:* 8864–016.

d: *Applicant:* Calligan Hydro, Inc.

e: *Name of Project:* Calligan Creek Hydroelectric Project.

f: *Location:* The Calligan Creek Hydroelectric Project will be sited on Calligan Creek within the Snoqualmie River Basin of King County, Washington. No federal lands would be affected.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h: *Applicant Contact:* Cheryl Krueger, Hancock Hydro, Inc., 19515 North Creek Parkway, Suite 310, Bothell, WA 98011; (425) 487–6541.

i. *FERC Contact:* Questions about this notice can be answered by Kenneth Hogan at (202) 208–0434 or e-mail address: kenneth.hogan@ferc.fed.us. The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

j. *Deadline for filing comments, terms and conditions, motions to intervene, and protests:* 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Calligan Creek Hydro Inc., has applied for license amendment to the Calligan Creek Hydroelectric Project. The current license for the project was issued on May 13, 1993. An order amending the license was issued on June 2, 1994, approving the change from an overhead transmission line to a buried one. On April 10, 1995, the Commission issued an order granting an extension of time for the construction of the project commencement date of May 13, 1997 and construction completion on May 13, 1999. On March 24, 1999, the Commission issued another order extending the date for the projects construction commencement and construction completion to May 13, 2001 and May 13, 2003, respectively. No project facilities have been constructed to date.

The licensee has requested an amendment to change the project capacity from 5.4 MW to 7.4 MW with a 36 percent increase in hydraulic capacity to allow maximum power production during high flows; modify the intake and diversion structures to accommodate the increased flow needed to support the increased generation capacity, including an increase of surface area to the fish screens; bury the first 2,000 feet of the penstock to a depth of about 100 feet to eliminate the need for the approved siphon; and change the current tailrace design from a 140-foot-long buried pipe to an approximately 100-foot-long open channel.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Federal, state, local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–5529 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

March 1, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* 2103–002.

c. *Date filed:* June 29, 2000.

d. *Applicant:* Cominco American Incorporated.

e. *Name of Project:* Cedar Creek.

f. *Location:* On Cedar Creek, near the City of Northport, in Stevens County, Washington. 2.058 acres within the project boundary are Federal Lands managed by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Nan A. Nalder, Acres International Corp., 150 Nickerson St., Suite 310, Seattle, WA 98109–1634.

i. *FERC Contact:* Kenneth J. Hogan, kenneth.hogan@ferc.fed.us, (202) 208–0343.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretry, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, and is ready for environmental analysis at this time.

l. The project consists of 2.4 acres of U.S. land which is periodically inundated by operation of the Waneta Project located in British Columbia, Canada. The U.S. Bureau of Land Management (BLM) manages 2.058 acres of land within the project. The project boundary also includes a 60-foot Boundary Reserve designated by the International Joint Commission (0.298 acres). The remaining project area of 0.044 acres is privately owned.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2–A, Washington, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice. Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS", "TERMS AND CONDITIONS", or "PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

David P. Boergers,

Secretary.

[FR Doc. 01–5530 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

March 1, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a: *Application Type:* Amendment of License.

b: *Project No.:* 9025–012.

c: *Date Filed:* January 31, 2001.

d: *Applicant:* Hancock Hydro Inc.

e: *Name of Project:* Hancock Creek Hydroelectric Project.

f: *Location:* The Hancock Creek Hydroelectric Project will be sited on Hancock Creek within the Snoqualmie River Basin of King County, Washington. No federal lands would be affected.

g: *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h: *Applicant Contact:* Cheryl Krueger, Hancock Hydro, Inc., 19515 North Creek Parkway, Suite 310, Bothell, WA 98011; (425) 487–6541.

i. *FERC Contact:* Questions about this notice can be answered by Kenneth Hogan at (202) 208–0434 or e-mail address: kenneth.hogan@ferc.fed.us. The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

j. *Deadline for filing comments, terms and conditions, motions to intervene, and protests:* 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Hancock Creek Hydro Inc., has applied for license amendment to the Hancock Creek Hydroelectric Project. The current license for the project was issued on June 23, 1993. On April 25, 1995, the Commission issued an order granting an extension of time with a construction commencement date of June 21, 1997, and construction completion June 21, 1999. On March 26, 1999, the Commission issued another order extending the date for the project's construction commencement and construction completion to June 21, 2001 and June 21, 2003, respectively. No project facilities have been constructed to date.

The licensee has requested an amendment to change the project capacity from 6.3 MW to 7.4 MW with a 14.8 percent increase in hydraulic capacity to allow maximum power production during high flows; modify the intake and diversion structures to accommodate the increased flow needed to support the increased generation capacity, including an increase of surface area to the fish screens; reroute the first 2,500 feet of penstock to avoid a 0.46 acre sphagnum bog/wetland; bury the first 2,500 feet of the penstock to a depth of about 100 feet to eliminate the need for the approved siphon; shift the location of the powerhouse slightly to facilitate the use of an existing access road and create a short spur road, allowing access to the powerhouse from the north instead of the east, improving the aesthetics in the area; change the current tailrace design from a 140-foot-long buried pipe to a slightly shorter open channel, and modify the overhead transmission line, proposed in the current license, to a buried transmission line to provide greater reliability, visual benefits and eliminate the need for raptor protection.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–5532 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–2]

Agency Information Collection Activities: Proposed Collection; Comment Request; Clean Air Act Tribal Authority

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Clean Air Act Tribal Authority, EPA ICR Number 1676.02, and OMB Control No. 2060–0306, expiring 05/31/01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before May 7, 2001.

ADDRESSES: Office of Air and Radiation, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Mail Code 6101–A, Washington, DC 20460. Interested persons may request a copy of the ICR without charge from the contact person below.

FOR FURTHER INFORMATION CONTACT: Tony Bynum, tel.: (202) 564–1389; fax: (202) 564–2057; e-mail: *bynum.tony@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which request Clean Air Act Tribal Authority.

Title: Clean Air Act Tribal Authority (OMB Control No. 2060–0306; EPA ICR No.1676.02) expiring 05/31/01, renewal.

Abstract: This ICR requests clearance of EPA's review and approval process for determining Tribal eligibility to carry out the Clean Air Act (CAA). Tribes may choose to submit a CAA eligibility determination and a CAA program application to EPA at the same time for approval and EPA will review both submittals simultaneously. EPA will use this information to determine if a Tribe meets the statutory criteria under section 301(d) of the CAA and is qualified for purposes of implementing an Air Quality Program. Section 114 of the CAA is the authority for the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

The EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 40 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: February 22, 2001.

Robert D. Brenner,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 01–5570 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–4]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, the New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: The New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels at 40 CFR part 60, Subpart Kb, OMB Control Number 2060–0074, expiration date February 28, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1132.06 and OMB Control No. 2060–0074, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No.1132.06. For technical questions about the ICR contact Everett Bishop at 202–564–7032.

SUPPLEMENTARY INFORMATION:

Title: The New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels at 40 CFR part 60, Subpart Kb (OMB Control Number 2060–0074, EPA ICR Number 1132.06), expiration date February 28, 2001. This is a request for an extension of a currently approved collection.

Abstract: The notification of construction, reconstruction or modification indicates when a storage vessel becomes subject to the standards. The information generated by the inspecting, recordkeeping and reporting requirements is used by the Agency to ensure that the storage vessel affected by the NSPS continues to operate the control equipment in a manner that helps achieve compliance with the NSPS.

Information is recorded in sufficient detail to enable owners or operators to demonstrate the means of complying with the applicable standards. Under this standard, the data collected by the affected owner/operator is retained at the facility for a minimum of two years and made available to the Administrator either on request or by inspection.

The information generated by the recordkeeping and reporting requirements are used by the Agency to ensure that facilities affected by the NSPS continue to operate in compliance with the NSPS.

The information collected from the recordkeeping and reporting requirements is also used for targeting inspections, and is of sufficient quality to be used as evidence in court.

Collection of this information is authorized at 40 CFR 60.7 and 60.110b. Any information submitted to the Agency, for which a claim of confidentiality is made, will be safeguarded according to the Agency policies set forth in Title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (see 40 CFR part 2: 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on December 22, 2000 (65 FR 80854). No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1 hour per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners of storage vessels for petroleum liquids and synthetic organic chemicals.

Estimated Number of Respondents: 580.

Frequency of Response: Semi-annually, Annually, Initial Reports.

Estimated Total Annual Hour Burden: 74,606 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $4,714,690.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1132.06 and OMB Control No. 2060–0074 in any correspondence.

Dated: February 22, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–5567 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–100168; FRL–6767–2]

Systems Integration Group, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be tranferred to Systems Integration Group, Inc. in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). Systems Integration Group, Inc. has been awarded a contract to perform work for OPP, and access to this information will enable Systems Integration Group, Inc. to fulfill the obligations of the contract.

DATES: Systems Integration Group, Inc. will be given access to this information on or before March 12, 2001.

FOR FURTHER INFORMATION CONTACT: By mail: Erik R. Johnson, FIFRA Security Officer, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–305–7248; e-mail address: johnson.erik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

II. Contractor Requirements

Under contract number 01–35–4713/172, the contractor will perform the following:

The Contractor shall create digitized multi-page tiff images from approximately 2.9 million microfiche frames of scientific reviews on pesticides. Preparing such images will allow the Health Effects Division (HED), Records Reference Center the ability to retrieve previously microfiched scientific reviews from CDs. Electronic accessibility of old scientific reviews will allow EPA the necessary capability to quickly obtain reviews of studies performed, and enabling efficient regulatory decisions. The Contractor shall have access to CBI, and will treat all scientific documents as confidential business information per EPA directives.

This contract involves no subcontractors.

OPP has determined that the contract described in this document involves work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3) the contract with Systems Integration Group, Inc., prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, Systems Integration Group, Inc. is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Systems Integration Group, Inc. until the requirements in this document have been fully satisfied. Records of information provided to Systems Integration Group, Inc. will be maintained by EPA Project Officers for the contract. All information supplied to Systems Integration Group, Inc. by EPA for use in connection with the contract will be returned to EPA when Systems Integration Group, Inc. has completed its work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: February 14, 2001.

Richard D. Schmitt,

Acting Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01–5576 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–100167; FRL–6770–3]

Syracuse Environmental Research Associates, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be tranferred to Syracuse Environmental Research Associates, Inc. in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). Syracuse Environmental Research Associates, Inc. has been awarded a contract to perform work for OPP, and access to this information will enable Syracuse Environmental Research Associates, Inc. to fulfill the obligations of the contract.

DATES: Syracuse Environmental Research Associates, Inc. will be given access to this information on or before March 12, 2001.

FOR FURTHER INFORMATION CONTACT: By mail: Erik R. Johnson, FIFRA Security Officer, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–305–7248; e-mail address: johnson.erik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

II. Contractor Requirements

Under contract number GS-10F-0082F000, the contractor will perform the following:

The Forest Service (FS) has entered into Interagency Agreements with other Federal agencies to develop human health and safety risk assessments, and other related activities that are mutually beneficial to both agencies. Examples include the development of methodologies for determining human health and safety risks associated with tank mixture of pesticides with EPA.

The Contractor shall prepare documents using the most current information available, including current FS program information and pesticide or semiochemical data. This will require that the Contractor search all pertinent data bases, current literature, published and unpublished data, results of current research, and also contact Federal, state, local, and private individuals involved in current and recent research,

monitoring and regulatory activities associated with pest control or vegetation management efforts or the tools used in those efforts.

The Contractor shall also contact individuals who are specifically knowledgeable regarding the current regulatory status of the pesticidal agents' most recent toxicological information. This includes the Product Managers of each agent and toxicologists at the EPA, and the manufacturer's technical representatives or Product Managers.

The contract involves no subcontractors.

OPP has determine that the contract described in this document involves work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contract with Syracuse Environmental Research Associates, Inc. prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, Syracuse Environmental Research Associates, Inc. is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Syracuse Environmental Research Associates, Inc. until the requirements in this document have been fully satisfied. Records of information provided to Syracuse Environmental Research Associates, Inc. will be maintained by EPA Project Officers for the contract. All information supplied to Syracuse Environmental Research Associates, Inc. by EPA for use in connection with the contract will be returned to EPA when Syracuse Environmental Research Associates, Inc. has completed its work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: February 14, 2001.

Richard D. Schmitt,

Acting Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01–5577 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–100165; FRL–6770–2]

Science Applications International Corporation (SAIC); Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be tranferred to Science Applications International Corporation (SAIC) in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). SAIC has been awarded a contract to perform work for OPP, and access to this information will enable SAIC to fulfill the obligations of the contract.

DATES: SAIC will be given access to this information on or before March 12, 2001.

FOR FURTHER INFORMATION CONTACT: By mail: Erik R. Johnson, FIFRA Security Officer, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–305–7248; e-mail address: johnson.erik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

II. Contractor Requirements

Under contract number 68–W9–0060/000, the contractor will perform the following:

The Contractor shall provide technical expertise necessary to conduct analyses of samples of pesticide products, particularly aluminum phosphide fumigants, to support possible enforcement actions and provide expert testimony regarding the manner in which the analyses were conducted. The analyses may require testing for both the active ingredient and certain inert ingredients. The analyses of individual samples will not be routinely scheduled but will be conducted as necessary as products are found entering the marketplace. The analyses will determine if the product contains the amount of active ingredient as expressed on the product labeling and whether the active ingredient or specified inert ingredients are within the certified limits contained in the Confidential Statement of Formula (CSF) accepted in connection with the pesticide's registration. The analytical method will generally be specified by EPA and and ingredient may be required to be analyzed by more than one method, using both wet and dry chemical techniques. Analyses will be conducted in accordance with EPA quality assurance procedures, chain of custody procedures, and procedures for maintaining the security of CBI.

This contract involves no subcontractors.

The OPP has determined that the contract described in this document involve work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The

information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contract with SAIC, prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, SAIC is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to SAIC until the requirements in this document have been fully satisfied. Records of information provided to SAIC will be maintained by EPA Project Officers for the contract. All information supplied to SAIC by EPA for use in connection with the contract will be returned to EPA when SAIC has completed its work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: February 14, 2001.

Richard D. Schmitt,

Acting Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01–5578 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–5]

Notice of Request for Proposals for Projects to be Funded from the Water Quality Cooperative Agreement Allocation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA Region 4 (Atlanta) is soliciting proposals from state water pollution control agencies, interstate agencies, tribes, and other public or nonprofit private agencies, institutions and organizations interested in applying for Federal assistance for Water Quality Cooperative Agreements under the Clean Water Act section 104(b)(3) in the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee. EPA Region 4 will award an estimated $300,000 to eligible applicants through assistance agreements ranging in size from $25,000 to $150,000 for innovative projects/demonstrations/studies that have maximum transferability or can be used as models relating to the prevention, reduction, and elimination of water pollution. Priority will be given to proposals that relate to Total Maximum Daily Load (TMDL) activities which support the development of TMDLs. TMDL support includes the rotating basin approach and water quality monitoring.

DATES: EPA Region 4 will consider all proposals postmarked or received on or before 5 p.m. Eastern Time April 23, 2001. Proposals received after this date will not be accepted.

ADDRESSES: It is preferred that three copies of the proposal be mailed through the postal service or other means to: Dorothy Rayfield, Chief, Grants & Technical Assistance Section, Water Management Division, U.S. Environmental Protection Agency, 61 Forsyth St., SW., Atlanta, Georgia 30303. Proposals may also be electronically mailed to *rayfield.dorothy@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Dorothy Rayfield by telephone at 404–562–9278 or by E-mail at *rayfield.dorothy@epa.gov.*

SUPPLEMENTARY INFORMATION:

What is the Purpose of This Request for Proposals?

EPA Region 4, Water Management Division is requesting proposals from state water pollution control agencies, interstate agencies, tribes, and other public or nonprofit private agencies, institutions, and organizations under the Clean Water Act Section 104(b)(3) for unique and innovative projects.

An organization whose proposal is selected for Federal assistance must complete an EPA Application for Assistance, including the SF–424 form (Application for Federal Assistance, see 40 CFR 30.12 and 31.10).

Has EPA Region 4, Water Management Division Identified High Priority Areas for Consideration?

The Water Management Division, EPA Region 4 has identified project areas for priority consideration to the extent they are for proposals that are related to Total Maximum Daily Load (TMDL) activities which support the development of TMDLs. TMDL support includes the rotating basin approach and water quality monitoring. Further priority will be given to projects that are located within watersheds that have the following characteristics:

- Monitoring activities that support TMDL development on 303(d) listed waters.
- Modeling activities that support TMDL development on 303(d) listed waters.
- Other activities (e.g., watershed characterization, source identification, etc.) that support TMDL development on 303(d) listed waters

Additional consideration will be given to proposed projects that are consistent with the States's TMDL development schedules, with priority given to TMDL development processes, procedures or tools that can be transferred to other waters.

Statutory Authority, Applicable Regulations, and Funding Level

Funding is authorized under the provisions of the Clean Water Act section 104(b)(3), 33 U.S.C. 1254(b)(3).

The regulations governing the award and administration of Water Quality Cooperative Agreements are 40 CFR part 30 (for institutions of higher learning, hospitals, and other non-profit organizations) and 40 CFR part 31 (for States, Tribes, local governments, intertribal consortia, and interstate agencies). In addition, EPA expects to promulgate final rules in the near future that will include program specific regulations for Water Quality Cooperative Agreements to States, Tribes, local governments, interstate agencies and Intertribal consortia. When the rules are finalized, they will be codified at 40 CFR part 35, subparts A and B.

Total funding available for award will depend on EPA Region 4's appropriation for Fiscal Year 2001; however, it is estimated that $300,000 will be available for funding approved projects. Projects may range in size from $25,000 to $150,000.

Proposal Format and Contents

(A) The following format should be used for all proposals.

Name of Project:

Applicant Point of Contact: (Individual and Organization Name, Address, Phone Number, Fax Number, E-mail address)

Is this a Continuation of a Previously Funded Project? (If so, please provide its name, funding date, and expected final product with the date)

Proposed Award Amount:

Proposed Applicant Cost Share: (A 5% match is encouraged)

Expected Budget: Please include a budget by salary, fringe benefits, travel, supplies, equipment, contractual and indirect costs and a budget by activity, such as water monitoring, modeling, watershed characterization, best management practices, etc. Identify all sources of funding.

Project Description: (Should not exceed two (2) pages of single spaced text)

Expected Accomplishments or Products(s) with Dates and Interim Milestones: Since eligible activities must be of a relatively short time frame with tangible results, the project and budget period should not exceed two (2) years.

Describe How the Project Meets the Evaluation Criteria: EPA will consider proposals based on the following criteria:

- The relationship of the proposed project to the priorities identified in this notice
- How well the project proposes to address a need
- How well the project is likely to increase water quality protection
- How reasonable the expectation of being successful and implementable
- Soundness of technical content
- Applicant's financial commitment
- Compliance with direction for submittal contained in this notice.

Eligible Applicants

Eligible applicants for assistance agreements under Section 104(b)(3) of the Clean Water Act are state water pollution control agencies, tribes, interstate agencies, other public or nonprofit private agencies, institutions, and organizations. This solicitation is limited to applicants within EPA Region 4.

Application Procedure

Please send three copies of the proposal if it is not electronically transmitted. The completed proposals should be limited to three pages. Full application packages should not be submitted at this time.

Schedule of Activities

This is the estimated schedule of activities for review of proposals and notification of selections:

Proposals due to EPA by April 23, 2001.

June 5, 2001—Initial approvals identified and sponsors of projects selected for funding will be requested to submit a formal application package.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–5573 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–3]

Clean Air Act Advisory Committee Notice of Meeting

SUMMARY: The Environmental Protection Agency (EPA) established the Clean Air Act Advisory Committee (CAAAC) on November 19, 1990, to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical scientific, and enforcement policy issues.

Open Meeting Notice: Pursuant to 5 U.S.C. App. 2 Section 10(a)(2), notice is hereby given that the Clean Air Act Advisory Committee will hold its next open meeting on Wednesday, March 28, 2001, from approximately 8:30 a.m. to 3:30 p.m. at the Renaissance Mayflower Hotel, 1127 Connecticut Ave., NW., Washington, DC. Seating will be available on a first come, first served basis. Three of the CAAAC's four Subcommittees (the Linking Energy, Land Use, Transportation, and Air Quality Concerns Subcommittee; the Permits/NSR/Toxics Integration Subcommittee; and the Economics Incentives and Regulatory Innovations Subcommittee) will hold meetings on Tuesday, March 27, 2001 from approximately 9:30 a.m. to 4:30 p.m. at the Mayflower Hotel, the same location as the full Committee. The Energy, Clean Air and Climate Change Subcommittee will not meet at this time. The Permits/NSR/Toxics Subcommittee is scheduled to meet from 9:30 a.m. to 11:30 a.m.; the Economic Incentives and Regulatory Innovations Subcommittee is scheduled to meet from 12 noon to 2 p.m.; and the Linking Energy, Land Use, Transportation, and Air Quality Concerns subcommittee is scheduled to meet from 2:30 p.m. to 4:30 p.m.

Inspection of Committee Documents: The Committee agenda and any documents prepared for the meeting will be publicly available at the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will be available by contacting the Office of Air and Radiation Docket and requesting information under docket item A–94–34 (CAAAC). The Docket office can be reached by telephoning 202–260–7548; FAX 202–260–4400.

For Further Information concerning this meeting of the full CAAAC, please contact Paul Rasmussen, Office of Air and Radiation, US EPA (202) 564–1306, FAX (202) 564–1352 or by mail at US EPA, Office of Air and Radiation (Mail code 6102 A), 1200 Pennsylvania Avenue, NW., Washington, DC 20004. For information on the Subcommittee meetings, please contact the following individuals: (1) Permits/NSR/Toxics Integration—Debbie Stackhouse, 919–541–5354; and (2) Linking Transportation, Land Use and Air Quality Concerns—Lucie Audette, 734–668–4438; and (3) Economic Incentives and Regulatory Innovations—Carey Fitzmaurice, 202–564–1667. Additional information on these meetings and the CAAAC and its Subcommittees can be found on the CAAAC Web Site: *www.epa.gov/oar/caaac/*

Dated: February 21, 2001.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 01–5586 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6951–2]

National Advisory Council for Environmental Policy and Technology; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92463, EPA gives notice of a meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy and management issues.

NACEPT consists of a representative cross-section of EPA's partners and principle constituents who provide advice and recommendations on policy issues and serve as a sounding board for new strategies that the Agency is developing.

The NACEPT is addressing several policy issues associated with EPA's human resource planning, the integration of key Agency planning processes, and the identification of emerging issues and trends facing the Agency. The NACEPT Council will: Present its recommendations regarding EPA's Workforce Capacity efforts to the Agency; provide an update on the identification of emerging issues and trends facing EPA over the next five to ten years; and continue to help the Agency identify ways to integrate its

human resource planning, information and technology planning, and strategic planning processes.

DATES: The NACEPT will hold a 2-day public meeting on Wednesday, March 21, from 8:30 a.m. to 4:30 p.m. and Thursday, March 22, 2001 from 8:30 a.m. to 3:45 p.m.

ADDRESSES: The NACEPT 2-day public meeting will be held at the Latham Hotel, 3000 M Street, NW., Washington, DC. Materials or written comments may be transmitted to the Council through Gwendolyn Whitt, Designated Federal Officer/NACEPT, U.S. EPA, Office of Cooperative Environmental Management (1601A), 1200 Pennsylvania Avenue NW., Washington, DC 20460. The public will have an opportunity to make comments directly to the Council during the first day of the meeting. Oral comments will be limited to a total time of five minutes. Requests to make oral comments must be submitted no later than March 15, 2001 to Gwendolyn Whitt, at the address above or faxed to (202) 501–0661. Anyone who has not reserved time in advance, may make comments during the public comment period as time allows.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Whitt, Designated Federal Officer, NACEPT, at (202) 564–9741.

Dated: February 26, 2001.

Timothy O. Sherer,

Acting Deputy Director, Office of Cooperative Environmental Management.

[FR Doc. 01–5571 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6948–4]

Public Participation in Activities Relating to the 1998 Agreement on Global Technical Regulations; Statement of Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public workshop.

SUMMARY: EPA is holding a public workshop and soliciting public comments with regard to the development of the Agency's policy concerning its participation in the United Nations/Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations (WP.29) and the development of regulations under the 1998 "Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts." This notice is also soliciting comment on the involvement of the public in the Agency's participation in the development of global technical regulations under the 1998 Agreement. Finally, this notice sets forth the Agency's priorities in participating in the global regulatory harmonization process. The Agency intends to issue its policy following the receipt of comments solicited here.

The National Highway Traffic Safety Administration (NHTSA) which, together with EPA, negotiated the Agreement on behalf of the U.S., will participate in this workshop.

DATES: Written comments to the agency must be received by April 18, 2001. The public workshop will be held on March 19, 2001, from 9 a.m. to 1 p.m.

ADDRESSES: Comments must refer to docket number A–2001–08 and be submitted (preferably 2 copies) to EPA's Air Docket at the following address: U.S. Environmental Protection Agency (EPA), Air Docket (6102), Room M–1500, 401 M Street SW., Washington, DC 20460. The Docket Office is open between 8 a.m. and 5:30 p.m., Monday through Friday except on government holidays. You can reach the Air Docket by telephone at (202) 260–7548, and by facsimile at (202) 260–4400. We may charge a reasonable fee for copying docket materials, as provided in 40 CFR Part 2. *Public workshop:* The public workshop will be held in room 1332A of the EPA Headquarters, Ariel Rios Building North, 1300 Pennsylvania Avenue, NW, Washington DC. Those persons wishing to participate in the workshop should contact Mr. Kenneth Feith by telephone, (202) 564–1679, or email, "feith.ken@epa.gov" no later than March 15, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Feith, Office of Air and Radiation, Mail Code 6103A, U.S. Environmental Protection Agency, Washington, DC. 20460, Telephone: (202) 564–1679; Fax: (202) 564–1557; email "feith.ken@epa.gov

SUPPLEMENTARY INFORMATION:

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I. Introduction

A. The 1998 Agreement

The U.S. became the first signatory to the United Nations/Economic Commission for Europe (UN/ECE) Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts Which Can Be Fitted And/or Be Used on Wheeled Vehicles (the "Agreement"). The 1998 Agreement entered into force on August 28, 2000. The Agreement provides for the establishment of global technical regulations regarding wheeled vehicle safety, environmental performance, energy sources and theft prevention.

B. Purpose of and Need for 1998 Agreement

The decision of the U.S. to become a Contracting Party to the 1998 Agreement and participate in a global regulation development process is a critical step toward a cooperative worldwide identification of best safety, environmental and energy practices.

Becoming a Contracting Party to the 1998 Agreement accomplishes several purposes for the U.S. and the EPA in particular. It gives the U.S. a vote in the establishment of voluntary global environmental regulations for wheeled vehicles, equipment and parts under the United Nations. Such participation enables the U.S. to take a leading role in the design and development of globally harmonized mobile source environmental regulations that can be adopted worldwide. Further, the 1998 Agreement ensures that U.S. mobile source regulatory standards will be considered in any effort to develop such harmonized global technical regulations for mobile sources.

C. Purpose of this Notice

There are three main purposes of this notice. First, it announces the procedures that EPA intends to follow to ensure that its activities under the 1998 Agreement are open and transparent to the public. Second, it specifies the priorities that will guide the Agency during its participation in activities under the 1998 Agreement. One of these priorities is to promote and establish environmental standards for mobile sources that reflect the best environmental practices around the world. Lastly, the notice announces a public workshop on March 19, 2001 at which these issues will be discussed with interested stakeholders.

II. Highlights of 1998 Agreement

The key aspects of the 1998 Agreement are summarized below to aid persons unfamiliar with its provisions. The complete text of the Agreement can be found in docket A–2001–08 and on the Internet at the address provided herein.

- The Agreement establishes a global process under the United Nations, Economic Commission for Europe (UN/ECE), for developing and harmonizing global technical regulations ensuring high levels of environmental protection, safety, energy efficiency and anti-theft performance of wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles. (Preamble, Art. 1).
- Members of the ECE, as well as members of the United Nations that participate in ECE activities, are eligible to become Contracting Parties. Specialized agencies and organizations that have been granted consultative status by the UN/ECE may participate in that capacity without voting privilege. (Art. 2)
- The Agreement was entered into force on August 28, 2000, when the required minimum of eight (8) countries or regional economic integration organizations became Contracting Parties. (Art. 11) The current list of Contracting Parties is: the United States, Canada, Japan, France, the United Kingdom, the European Community, Germany, the Russian Federation, the People's Republic of China, and the Republic of Korea.
- The Agreement explicitly recognizes the importance of continuously improving and seeking high levels of safety and the right of national and subnational authorities, (e.g., California's authority under the Clean Air Act to set separate emission standards), to adopt and maintain technical regulations that are more stringently protective of health and the environment than those established at the global level. (Preamble)
- The Agreement explicitly states that one of its purposes is to ensure that actions under the Agreement do not promote, or result in, a lowering of environmental protection or safety within the jurisdiction of the Contracting Parties, including the subnational level. (Art. 1)
- To the extent consistent with achieving high levels of environmental protection and vehicle safety, the Agreement also seeks to promote global harmonization of wheeled vehicle regulations. (Preamble)
- The Agreement emphasizes that the development of global technical regulations will be transparent. (Art. 1)
- To complement the Agreement's transparency provisions, EPA will take steps to ensure transparency in its consideration of global regulations being developed under the Agreement. EPA will ensure that key documents developed under the Agreement are placed in the established public docket for this activity and on the Internet as they become available. Further, EPA will accept public comments on such documents.
- The Agreement provides two different paths to the establishment of global technical regulations. The first is the harmonization of existing national regulatory standards or their improvement. The second is the development of new global technical regulations where there are no existing regulatory standards. (Article 6.2 and 6.3)
- The process for developing a harmonized global technical regulation includes a technical review of existing regulations of the Contracting Parties, relevant UN/ECE regulations and international voluntary standards. If available, comparative assessments of the benefits of these regulations (also known as functional equivalence assessments) will be reviewed. (Art. 1.1.2, Article 6.2)
- The process for developing a new global technical regulation includes the assessment of technical and economic feasibility and a comparative evaluation of the potential benefits and cost effectiveness of alternative regulatory requirements and test method(s) by which compliance is to be demonstrated. (Article 6.3)
- To establish any global technical regulation, there must be a consensus vote. Thus, if any Contracting Party votes against a recommended global technical regulation, it would *not* be established. (Annex B, Article 7.2)
- The establishment of a global technical regulation *does not* obligate Contracting Parties to adopt that regulation. Contracting Parties retain the right to choose whether or not to adopt any technical regulation established as a global technical regulation under the Agreement. (Preamble, Article 7)
- Consistent with the recognition of that right, Contracting Parties have only a limited obligation when a global technical regulation is established under the Agreement. Any Contracting Party that voted to establish the regulation must initiate those national procedures that are used to adopt any domestic regulation. (Article 7)
- For the U.S., this would mean initiating the rulemaking process either by issuing an Advanced Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM). If the U.S. EPA were to adopt a global technical regulation into national law, it would do so in accordance with all applicable procedural and substantive statutory provisions, including the Administrative Procedure Act, the Clean Air Act, the Noise Control Act and comparable provisions of other relevant statutes.
- The Agreement allows for global technical regulations to contain a "global" level of stringency for most parties and "alternative" levels of stringency for developing countries. In this way, all countries can participate in the development, establishment and adoption of global technical regulations. The Agreement notes that a developing country may initially adopt one of the lower levels of stringency and later successively adopt higher levels of stringency. (Article 4)

III. Notice of EPA Participation Under the Global Agreement and Mechanisms for Public Involvement

The Agency believes that it must have flexibility so that its activities and procedures attendant to the 1998 Global Agreement can evolve easily and quickly as the U.S. gains experience in implementing the Agreement in a manner that advances environmental protection and involves the public.

EPA recognizes that its activities under the 1998 Agreement could lead to the modification of its existing regulations or the possible adoption of new globally harmonized regulations. Accordingly, EPA plans to provide the public with access to pertinent information developed under the global process. The EPA will also provide the public with adequate time to review and comment on any potential international regulatory activity that the US is considering for adoption. To this end, the Agency intends to provide:

A. Access to Information

The agency intends to publish an annual calendar of meetings and listing of global technical regulations under consideration by Working Party—29. As documents generated under the Global Agreement become available in English to EPA, the agency intends to place them in a docket and, whenever possible, make them Internet accessible as well.

B. Notice of Participation in Regulatory Activity Under the 1998 Global Agreement

The EPA intends to publish in the **Federal Register** a list of those regulatory activities under the Global

Agreement where the U.S. intends to participate in their development. The Agency will provide in the notice a description of the issues and the basis for U.S. participation.

Many or all of these documents are currently available on the website of the UNECE World Forum for the Harmonization of Vehicle Regulations: *http://www.unece.org/trans/main/welcwp29.htm*

C. Opportunity to Comment

The agency proposes to seek public comment at key points during the development of global technical regulations. In the case of a proposal submitted by the U.S. for a new global technical regulation or the harmonization of existing regulations, the EPA will give notice, as stated above, and request comment.

However, if the contemplated international regulation concerns a top environmental priority which needs to be addressed by the issuance of a regulation in the U.S., then the Agency will publish a **Federal Register** notice under the appropriate environmental statute.

When the administrative body (Working Party 29) determines that a draft global regulation is suitable for submission to the Contracting Parties of the 1998 Agreement for their consideration, the EPA will seek public review and comment. The EPA will provide for adequate time for receipt and review of any comments before the U.S. exercises its vote on whether to adopt such regulation as a global regulation under the United Nations Agreement. It should be emphasized that a U.S. vote to adopt a regulation under the Agreement only obligates the U.S., or any other Contracting Party, to initiate its domestic regulatory process. The U.S., or any other Contracting Party, is not compelled to adopt the global regulation into domestic law.

D. Establishment of a Continuing Forum

The Agency seeks comment regarding the desirability of holding periodic public meetings to provide interested parties an opportunity to comment on any information they have gained from various sources including the **Federal Register** and the Internet.

IV. The Agency's Priorities in Participating in the Global Harmonization Process

The Agency reaffirms its commitment to the harmonization of environmental regulations for wheeled vehicles, equipment and components, including engines. However, it will, as a matter of U.S. policy, recognize the sovereign right of any country to set regulations that provide an appropriate level of protection for that country. To that end, the EPA is committed to the development or harmonization of global regulations that will provide overall public health protection. As a matter of policy, the U.S. will not consider the adoption of global regulations that would diminish the level of environmental protection of existing regulations in the United States solely to achieve harmonization.

The Agency is also developing a list of recommended regulations that it believes should be candidates for future harmonization actions. This list, which will be formally submitted to the United Nations under this Agreement and kept in a compendium of technical regulations, will include both final U.S. EPA regulations that we believe should be seriously considered for adoption by other countries as well as future technical regulations in areas where new requirements should be developed. Examples of regulations that could be included in the compendium include the Tier 2 program, the 2007 Heavy-duty diesel program, the On-board diagnostic program, the development of driving cycles for on-highway motorcycles, and the next phase of standards for compression-ignition nonroad engines. We are interested in receiving comments on the types of actions EPA should be including in the compendium of regulations that will be submitted under the guidelines of the Agreement.

V. Public Workshop

All interested persons and organizations are invited to attend a workshop on the issues raised in this notice. The agency intends to conduct the workshop informally. The National Highway Traffic Safety Administration (NHTSA) which, together with EPA, negotiated the Agreement on behalf of the U.S., will participate in this workshop. An EPA official will briefly describe the topics discussed in this notice and then open the floor for public comment.

Any person planning to participate should contact Mr. Kenneth Feith at the address and telephone number given at the beginning of this notice, no later than 10 calendar days before the workshop.

VI. Comments

The Agency invites all interested parties to submit written comments. The agency notes that participation in the public workshop is not a prerequisite for submission of written comments. Written comments should be sent to the address specified above and follow the requirements stated therein.

Dated: February 27, 2001.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 01–5569 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6951–3]

Good Neighbor Environmental Board Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The next meeting of the Good Neighbor Environmental Board, a federal advisory committee that reports to the President and Congress on environmental and infrastructure projects along the U.S. border with Mexico, will take place March 21–22 in Yuma, Arizona. The meeting is open to the public. It is the first of three committee meetings that will take place along the border during 2001.

ADDRESSES: The meeting will take place at the Shilo Inn and Conference Center, 1550 Castle Dome Road, Yuma, Arizona.

Agenda: During the morning of March 21, the Board will hear from several invited speakers on the use of pesticides in the U.S.-Mexico border region; topics will include farmworker education, institutional responsibilities, the Colorado River toxics study, and others. These presentations will be followed by a public comment session during which attendees will be encouraged to speak about their own concerns and priorities for their communities as well as the wider border region.

Following lunch, the meeting will continue with report-outs from Board members on recent developments within their respective organizations and in other institutions in the United States and Mexico that have border-region programs. After these report-outs, the Board has invited a representative from the U.S.-Mexico Border Health Commission to give a status report on the Commission's activities and plans. The balance of the day, as well as the following day, primarily will be devoted to ongoing Board business such as strengthening outreach and preparations for its next advisory report. The meeting ends at noon on March 22.

Public Attendance: The public is welcome to attend all portions of the meeting. Members of the public who plan to file written statements and/or make brief oral statements at the public comment session on the morning of March 21 are encouraged to contact the Designated Federal Officer for the Board prior to the meeting.

Background: The Good Neighbor Environmental Board was created by the Enterprise for the Americans Initiative Act of 1992. An Executive Order delegates implementing authority to the Administrator of EPA. The Board is responsible for providing advice to the President and the Congress on environmental and infrastructure issues and needs within the States contiguous to Mexico in order to improve the quality of life of persons residing on the United States side of the border. The statute calls for the Board to have representatives from U.S. Government agencies; the governments of the States of Arizona, California, New Mexico and Texas; and private organizations with expertise on environmental and infrastructure problems along the southwest border. The Board meets three times annually, primarily in various border locations. The U.S. Environmental Protection Agency gives notice of this meeting of the Good Neighbor Environmental Board pursuant to the Federal Advisory Committee Act (Public Law 92–463).

FOR FURTHER INFORMATION CONTACT: Elaine M. Koerner, Designated Federal Officer for the Good Neighbor Environmental Board, Office of Cooperative Environmental Management, Office of the Administrator, USEPA, MC1601A, 1200 Pennsylvania Ave. NW., Washington, DC 20004, (202) 564–1484, *koerner.elaine@epa.gov.*

Dated: February 26, 2001.

Timothy O. Sherer,

Acting Deputy Director, Office of Cooperative Environmental Management.

[FR Doc. 01–5572 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00439J; FRL–6768–6]

Pesticide Program Dialogue Committee (PPDC); Inert Disclosure Stakeholder Workgroup; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: This notice announces a conference call meeting of the Inert Disclosure Stakeholder Workgroup. The workgroup was established to advise the Pesticide Program Dialogue Committee on ways of making information on inert ingredients more available to the public while working within the mandates of the Federal Insecticide, Fungicide, and Rodenticide Act and related Confidential Business Information concerns.

DATES: The meeting will be held by conference call on Tuesday, March 10, 2001, from noon to 3 p.m. eastern standard time.

ADDRESSES: Members of the public may listen to the meeting discussions on site at: Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; conference room 1123. Seating is limited and will be available on a first come, first serve basis.

FOR FURTHER INFORMATION CONTACT: By mail: Cameo Smoot, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone: (703) 305–5454. Office location: 11th floor, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; e-mail: smoot.cameo@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general and to persons interested in the availability of public information regarding inert or "other" ingredients in pesticide products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

The Inert Disclosure Stakeholder Workgroup was established to advise EPA, through the Pesticide Program Dialogue Committee (PPDC), on potential measures to increase the availability to the public of information about inert ingredients (also called "other ingredients") under FIFRA. Among the factors the workgroup has been asked to consider in preparing its recommendations are: existing law regarding inert ingredients and Confidential Business Information (CBI); current Agency processes and policies for disseminating inert ingredient information to the public, including procedures for the protection of CBI; informational needs for a variety of stakeholders; and business reasons for limiting the disclosure of inert ingredient information.

The Inert Disclosure Stakeholder Workgroup is composed of participants from the following sectors: Environmental/public interest and consumer groups; industry and pesticide users; Federal, State and local governments; the general public; academia and public health organizations.

The Inert Disclosure Stakeholder Workgroup meeting is open to the public. Written public statements are also welcome and should be submitted to the OPP administrative docket OPP–00439A. Any person who wishes to file a written statement can do so before or after the conference call. These statements will become part of the permanent file and will be provided to the workgroup members for their information. If you have any questions about the workgroup, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information or Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. For general background information about the Inert Disclosure Stakeholder Workgroup, its mission, and a list of its members, go to http://www.epa.gov/pesticides/ppdc/inert/.

2. *In person.* The Agency has established an administrative record for this workgroup under docket control number OPP-00439A. The administrative record consists of the workgroup documents including discussion papers, meeting agenda, as well as comments submitted to the workgroup by members of the public. This administrative record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the administrative record, which includes printed, paper versions of any electronic comments that may be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00439A in the subject line on the first page of your correspondence.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments and/or data electronically by e-mail to: "opp-docket@epa.gov," or you can submit a computer disk as described in Units III.A.1. and 2. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00439A. Electronic comments may also be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Pesticides, Inerts, PPDC.

Dated: February 15, 2001.

Joseph J. Merenda,

Acting Director, Office of Pesticide Programs.

[FR Doc. 01–5575 Filed 3–6–01 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50871A; FRL–6765–1]

Amendment of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: By mail: Alan Reynolds, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Office location, telephone number, and e-mail address: 1921 Jefferson Davis Hwy., Rm. 910W46, Crystal Mall #2, Arlington, VA; (703) 605–0515; e-mail address: reynolds.alan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this action, consult the designated contact person listed for the individual EUP.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–50871A. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. EUP

EPA has issued the following EUP:

524–EUP–91. Amendment. Monsanto Company, 700 Chesterfield Parkway North, St. Louis, Mo. 63198. The amendment to this EUP allows the use of the plant-pesticide *Bacillus thuringiensis* Cry1Ac protein and the genetic material necessary for its production (vectors PV-GMBT01 and PV-GMBT02) in soybean . Notice of the original issuance of the EUP was published in the **Federal Register** on June 22, 2000 (65 FR 38828) (FRL–6592–5). On June 2, 2000, the EUP was amended to modify the containment provisions. Notice of receipt of an amendment was published in the **Federal Register** on August 30, 2000 (65 FR 52730) (FRL–6739–5). On January 5, 2001, the EUP was amended to allow the planting of an additional 19 acres of soybean to evaluate control of velvetbean caterpillar, stem borer, and soybean looper; to preform phenotypic observations; maintain the lines through seed production; and to preform efficacy trials. Additional acreage under this amendment to the program is authorized only in the State of Puerto Rico. This amendment is effective from January 5, 2001 to May 31, 2001. This amendment is issued with the limitation that all treated crops will be genetically contained and destroyed or used for research purposes only. Twelve comments were received in reply to the **Federal Register** notice announcing receipt of this application. The **Federal Register** notice announcing receipt of this application indicated that 22.0 acres would be tested in the States of Hawaii and Puerto Rico. All comments encouraged EPA not to approve the amendment. One or more commentors offered the following comments: 1) Hawaii has a unique and isolated environment that needs to be protected from the introduction of foreign organisms; 2) rare and endangered species in Hawaii need to be protected, including the Kamehameha butterfly; 3) long-term effects on Hawaiian soils need to be addressed including competition with native bacteria and soil insects; 4) any effects on non-target species including pollinators and native insects exposed to Bt crops need to be addressed; 5) biotech crops have not been adequately tested for food uses and there is no evidence biotech food is safe; 6) effects of biotech crops on children are unknown; 7) biotech products should be labeled (at the supermarket); 8) organic farmers adversely affected by biotech should be compensated; 9) butterfly populations harmed by biotech should be restored; 10) ecological concerns including outcrossing and genetic drift need to be addressed; 11) adequate containment provisions are needed for the program.

After the **Federal Register** notice announcing this application was issued, Monsanto revised the program to eliminate the proposed acreage in Hawaii. Therefore, all comments and issues raised for the Hawaiian acreage are no longer germane for this EUP.

Based on submitted information, no significant or irreversible hazards to endangered species or non-target organisms in Puerto Rico are anticipated for this limited acreage, contained, crop destruct program.

Because the EUP has crop destruct provisions and is for non-food use only, no human dietary exposure is expected. As such, food safety issues (including food labeling, effects on children, and allergenicity concerns) are not germane for this EUP. There is no evidence that organic growers have been adversely affected by any EPA-registered Bt crop.

Outcrossing and genetic drift are unlikely due to the genetic containment provisions of the EUP, the lack of wild soybean relatives in test areas, and the low rate of soybean cross-pollination (soybeans are self-pollinated). All Cry1Ac soybeans grown under this EUP are required to be isolated from non-transgenic soybeans (not part of the program) by at least 6 meters. In addition, the following containment procedures are part of the experimental program: 1) Seeds will be stored in color-coded, marked bags in a secure location; 2) leftover seed will be destroyed or returned to Monsanto; 3) seeds will be double packaged for transport; 4) no plant material will be removed from the experimental sites without authorization; 5) field equipment and machinery will be throughly cleaned of any plant material and leftover seeds on-site before leaving the field; 6) soybeans are self-pollinating and have low potential for outcrossing (no special pollen-containment is needed); 7) seeds may be harvested for further research and harvesting equipment will be thoroughly cleaned; 8) all remaining plant material after harvest will be destroyed; 9) trial sites will be planted with a different crop the following year or left fallow; 10) trial sites will be monitored for 1 year to ensure no soybean regrowth or volunteers (those found will be eliminated).

Persons wishing to review this EUP are referred to the designated contact person. Inquiries concerning this permit should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 6, 2001.

Janet L.Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–5574 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50880; FRL–6770–4]

Experimental Use Permits; Receipt of Applications Bt Corn

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications 68467–EUP–G, 68467–EUP–L, 29964–EUP–R, and 29964–EUP–G from Mycogen Seeds c/o Dow AgroSciences and Pioneer Hi-Bred International requesting experimental use permits (EUPs) for the plant-pesticides *Bacillus thuringiensis* PS149B1 protein and the genetic material necessary for its production (from the insert of plasmid PHP12560) in corn and *Bacillus thuringiensis* PS149B1 protein and the genetic material necessary for its production (from the insert of plasmid PHP14352) in corn. The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

DATES: Comments, identified by docket control number OPP–50880, must be received on or before April 23, 2001.

ADDRESSES: Comments and data may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50880 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8715; e-mail address: mendelsohn.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons interested in plant-pesticides or those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–50880. The official record consists of the documents specifically referenced

in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50880 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–50880. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

Mycogen Seeds c/o Dow AgroSciences (9330 Zionsville Road, Indianapolis, IN 46268) and Pioneer Hi-Bred International (7250 NW 62nd Avenue, Johnston, IA 50131) have requested EUPs for the plant-pesticides *Bacillus thuringiensis* PS149B1 protein and the genetic material necessary for its production (from the insert of plasmid PHP12560) in corn and *Bacillus thuringiensis* PS149B1 protein and the genetic material necessary for its production (from the insert of plasmid PHP14352) in corn. Both active ingredients are for control of corn rootworm.

Pioneer Hi-Bred has requested to test 191.6 acres in Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Dakota, Texas, and Wisconsin.

Mycogen Seeds has requested to test 612.5 acres in Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Puerto Rico, South Dakota, and Wisconsin.

All EUPs are to be genetically contained. Corn grown during the EUPs is not to be used for food or feed.

III. What Action is the Agency Taking?

Following the review of the Mycogen Seeds and Pioneer Hi-Bred applications and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP requests for these EUP programs, and if issued, the conditions under which they are to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

IV. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is under FIFRA section 5.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 16, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–5579 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50881; FRL–6770–5]

Experimental Use Permits; Receipt of Applications Bt Corn

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications 68467–EUP–U and 29964–EUP–E from Mycogen Seeds c/o Dow AgroSciences and Pioneer Hi-Bred International requesting experimental use permits (EUPs) for the plant-pesticide *Bacillus thuringiensis* moCry1F protein and the genetic material necessary for its production (plasmid insert PHP 12537) in corn. The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

DATES: Comments, identified by docket control number OPP–50881, must be received on or before April 23, 2001.

ADDRESSES: Comments and data may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50881 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8715; e-mail address: mendelsohn.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons interested in plant-pesticides or those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–50881. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50881 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–50881. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

Mycogen Seeds c/o Dow AgroSciences (9330 Zionsville Road,

Indianapolis, IN 46268) and Pioneer Hi-Bred International (7250 NW 62nd Avenue, Johnston, IA 50131) have requested EUPs for the plant-pesticide *Bacillus thuringiensis* moCry1F protein and the genetic material necessary for its production (plasmid insert PHP 12537) in corn.

Pioneer Hi-Bred has requested to test 154.01 acres in Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, and Wisconsin.

Mycogen Seeds has requested to test 564 acres in Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Puerto Rico, South Dakota, and Wisconsin.

Both EUPs are to be genetically contained. Corn grown during the EUPs is not to be used for food or feed. However both Mycogen Seeds and Pioneer Hi-Bred have indicated that they intend to apply to amend the EUPs in the future and link them to the pending temporary tolerance petition (OG6112) submitted and pending for Mycogen Seeds currently approved crop destruct Cry1F Bt corn EUP, 68467–EUP–2. The pending temporary tolerance petition (OG6112) published in the **Federal Register** on June 15, 2000 (65 FR 37545) (FRL–6558–6).

III. What Action is the Agency Taking?

Following the review of the Mycogen Seeds and Pioneer Hi-Bred applications and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP requests for these EUP programs, and if issued, the conditions under which they are to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

IV. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is under FIFRA section 5.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 16, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–5580 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6945–9]

Stressor Identification Guidance Document; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA is announcing the availability of the *Stressor Identification Guidance Document* (EPA 822–B–00–025) published under the authority of Section 304(a)(2) of the Clean Water Act (CWA). This technical guidance document is designed to assist water quality managers in identifying unknown causes of biological impairments in any type of water body. Section 101(a) of the Clean Water Act states that it is the objective of the Act to restore and maintain the chemical, physical and *biological integrity* of the Nation's waters. To achieve this objective, numerous States and Tribes are using biological assessments and biocriteria to help protect the Nation's waters. Using these tools, State and Tribal water quality experts are finding water bodies where the fish, invertebrate, algae or plant communities (or other aquatic life) have been detrimentally impacted by different singular or multiple causes. In many cases, the cause, or causes, of these biological impairments have not yet been identified. The *Stressor Identification Guidance Document* provides a logical, scientific process by which State, Tribal, and other water quality experts can evaluate available information to identify the stressor(s) causing the biological impairments. The process has three main steps: (1) List candidate causes of impairment, (2) analyze the evidence, and (3) characterize the causes. When evidence is adequate, using this guidance, investigators should be able to successfully identify the likely cause, or causes. This guidance will also help investigators identify where evidence is weak or lacking and needs to be developed to be able to successfully identify the stressor(s). Once the causes of the biological impairments are identified, water resource managers will be better able to locate the sources of the stressor, or stressors, and take management actions aimed at improving the biological condition of the water body.

This guidance is advisory in nature and its use is not mandatory. As such this guidance does not impose legally-binding requirements on EPA, the States, Tribes, industry, the public or any other entity.

Availability of Documents: The guidance document is being published by EPA with the title and document number; *Stressor Identification Guidance Document* (EPA–822–B–00–025), dated December 2000. Paper copies can be obtained from the U.S. EPA, Water Resource Center by phone at: (202) 260–7786, or by sending an e-mail to the Center at center.water-resource@epa.gov, or through conventional mail by sending a letter of request to U.S. EPA Water Resource Center, Ariel Rios Building, 1200 Pennsylvania Ave., Washington, DC 20460. Copies of the document may also be obtained from the U.S. EPA National Center for Environmental Publications and Information (NCEPI), 11029 Kenwood Road, Cincinnati, OH 45242 or (513) 489–8190. The document and fact sheet are also available on the EPA website at www.epa.gov/OST/biocriteria.

FOR FURTHER INFORMATION CONTACT: Susan Cormier at (513) 569–7995 or email at cormier.susan@epa.gov; Glenn Suter at (513) 569–7808 or by email at *suter.glenn@epa.gov;* Sue Norton at (202) 564–3246 or by email at *norton.susan@epa.gov;* or William Swietlik at (202) 260–9569 or by e-mail at *swietlik.william@epa.gov.*

Dated: January 17, 2001.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 01–5563 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–9]

Metalex Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed agreement.

SUMMARY: The Environmental Protection Agency is proposing to enter into an agreement with Libby Corporation pursuant to 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, regarding the Metalex Superfund Site located in Lexington County, Lexington, South Carolina. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4 (WMD–CPSB), Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562–8887.

Written comments may be submitted to Ms. Batchelor within thirty (30) calendar days of the date of the publication.

Dated: February 15, 2001.

Franklin E. Hill,

Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01–5564 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–1]

Reeves Southeastern Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: Under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), the Envtronmental Protection Agency ("EPA") proposes to enter into a Prospective Purchaser Agreement ("PPA") regarding a portion of the Reeves Southeastern Superfund Site in Tampa, Hillsborough County, Florida. EPA proposes to enter into the PPA with Master-Halco, Inc. (MH). The PPA obligates MH to fully cooperate with any response actions EPA may take on the property. Further, the PPA provides MH with a covenant not to sue from the United States for Existing Contamination on the property. The covenant is conditioned upon MH's fulfilling its obligations under the PPA. EPA will consider comments on the proposed PPA for thirty (30) days.

EPA may withdraw from or modify the proposed PPA should such comments disclose facts or considerations which indicate the proposed PPA is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, Waste Management Division, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, 404/562–8887.

Written comments may be submitted to Ms. Batchelor at the above address within 30 days of the date of publication.

Dated: February 15, 2001.

Franklin E. Hill,

Chief, Cercla Program Services Branch, Waste Management Division.

[FR Doc. 01–5568 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Special Meeting of the Advisory Committee of the Export-Import Bank of the United States (Export-Import Bank)

SUMMARY: The Advisory Committee was established by Pub. L. 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress.

Time and Place: Tuesday, March 27, 2001, at 9:30 a.m. to 12:30 p.m. The meeting will be held at the Export-Import Bank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

Agenda: This meeting will include a discussion on the 2001 Advisory Committee Theme and a discussion of exporter need for support in new industries, sectors, and countries of destination.

Public Participation: The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to November 3, 2000, Nichole Westin, Room 1257, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 565–3542 or TDD (202) 565–3377.

FURTHER INFORMATION CONTACT: For further information, contact Nichole Westin, Room 1257, 811 Vermont Ave., NW., Washington, DC 20571, (202) 565–3542.

John M. Niehuss,

General Counsel.

[FR Doc. 01–5549 Filed 3–6–01; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–58]

Public Safety 700 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On January 10, 2001, the Commission's Wireless Telecommunications Bureau (WTB) released a public notice announcing that July 2, 2001, is the deadline by which states must indicate their decision to "opt out" of existing (800 MHz) planning regions for Public Safety 700 MHz band regional planning. This action is necessary because the Commission directed the WTB to issue a public notice that addresses regional planning committee implementation matters including the deadline date for reporting the exercise of "opt out" decisions. The intended effect of this action is to make all interested persons aware of the deadline date.

DATES: Opt out decisions must be reported to the WTB by July 2, 2001.

ADDRESS: Opt out decisions must be reported in letter format addressed to Chief, Public Safety and Private Wireless Division, WTB, and must be signed by the convener or elected chairperson of the RPC. Opt out letters should be submitted to: Federal Communications Commission, WTB/Public Safety and Private Wireless Division, 445 12th Street, SW., Room 4–C330, Washington, DC 20554 (Re: 700 MHz RPC).

FOR FURTHER INFORMATION CONTACT: For additional information, contact Joy Alford, Public Safety and Private Wireless Division at (202) 418–0680 or by e-mail: publicsafety@fcc.gov.

SUPPLEMENTARY INFORMATION: Following is a summary of Public Notice, DA 01–58 (rel. Jan 10, 2001). In 1998, the FCC decided that the 700 MHz regional planning committees (RPCs) would be based on the same fifty-five 800 MHz planning regions. However, the FCC also decided to allow states or territories not in regions defined by state boundaries to opt out of their existing regions to form or join a planning region that follows their state's boundaries. Prior to taking advantage of this option, the 800 MHz RPC chair must appoint a local convener who is responsible for organizing and publicizing the first 700 MHz RPC meeting. At the first meeting, RPC members from a state seeking to opt out must reach a consensus decision to opt out of the region and form a new RPC that would correlate to its state's

geographic boundaries. States that do not file an opt out report by the deadline date will continue to be included in their existing planning regions. No report is necessary for planning regions that are unchanged. After WTB's receipt and review of opt out reports, it will issue a public notice(s) to confirm timely-filed opt out decisions. After an opt out decision is confirmed, the new or modified RPC is authorized to begin the planning process, absent further action by WTB. The full text of the Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 12th Street, SW., Washington, DC; it may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20037. The full text of the Public Notice, including a list and map of the 55 planning regions and an attachment entitled "Opt Out" Decisions—By State, is available online at www.fcc.gov/Bureaus/Wireless/Public_Notices/2001/da010058.doc. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

Federal Communications Commission.

D'wana R. Terry,

Chief, Public Safety and Private Wireless Division.

[FR Doc. 01–5515 Filed 3–6–01; 8:45 am]

BILLING CODE 5712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2468]

Petition for Reconsideration of Action in Rulemaking Proceeding

February 27, 2001.

Petition for Reconsideration have been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC., or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to this petition must be filed by March 22, 2001. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz For Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems (ET Docket No. 00–258, RM–9920, RM–9911).

Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Implementation of WRC–2000: Review of Spectrum and Regulatory Requirements for IMT–2000.

Amendment of the U.S. Table of Frequency Allocations to Designate the 2500–2520/2670–2690 MHz Frequency Bands for the Mobile Satellite Service.

Number of Petitions filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–5490 Filed 3–6–01; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Planning and Evaluation: Notice Inviting Abstracts for Policy Research and Studies on Welfare Reform Outcomes for Fiscal Year 2001

AGENCY: Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services.

ACTION: Announcement of the request for abstracts and the availability of funds for welfare reform policy research and studies.

SUMMARY: The Office of the Assistant Secretary for Planning and Evaluation (ASPE) invites abstracts for policy research and studies related to welfare reform.

Closing Date: The closing date for submitting abstracts under this announcement is April 6, 2001. Only abstracts, not full proposals, will be accepted under this announcement. Please email Audrey Mirsky-Ashby at *amirsky@osaspe.dhhs.gov* by March 27, 2001 to inform the government of your intent to submit an abstract. Please include the proposed title of the research project and please put "intent to submit" in the subject line of your email. Providing notice of intent to submit is not a requirement for submitting an abstract. However, a notice of intent to submit will help the federal government in the planning for the review process. Please email Evvie Becker at *ebecker@osaspe.dhhs.gov* April 18, 2001 to confirm receipt of any abstracts submitted. Please include the researcher's name, the name of the organization submitting the abstract, the amount of federal funds requested, and the title of the research project. Please put "confirm receipt" in the subject line of your email.

Mailing Address: Abstracts should be submitted to: Adrienne Little, Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue, SW., Room 405F, Hubert H. Humphrey Building, Washington, DC 20201, Telephone: (202) 690–8794. Administrative questions will be accepted and responded to up to ten working days prior to closing date of receipt of abstracts.

The printed **Federal Register** notice is the only official program announcement. Any corrections to this announcement will be published in the **Federal Register** as well as published on the ASPE World Wide Web Pages. The web site is *http://aspe.hhs.gov/funding.htm*. Although reasonable efforts are taken to assure that the files on the ASPE World Wide Web Page containing electronic copies of this Program Announcement are accurate and complete, they are provided for information only. The applicant bears sole responsibility to assure that the copy downloaded and/or printed from any other source is accurate and complete.

FOR FURTHER INFORMATION CONTACT: Administrative questions should be directed to the Grants Officer at the address or phone number listed above. Technical questions should be directed to Audrey Mirsky-Ashby, DHHS, ASPE, telephone, 202–401–6640 or e-mail, *amirsky@osaspe.dhhs.gov*. Technical questions may also be directed in writing to Evvie Becker, DHHS, ASPE, at *ebecker@osaspe.dhhs.gov*. In addition, written technical questions may be faxed to Audrey Mirsky-Ashby or Evvie Becker at 202–690–6562 or may be addressed to either Audrey Mirsky-Ashby or Evvie Becker at the following address, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue, SW., Room 404E, Hubert H. Humphrey Building, Washington, DC 20201. Please call to confirm receipt. Technical questions will be accepted and responded to up to ten working days prior to the closing date of receipt of abstracts.

Part I. Supplementary Information

Legislative Authority

This announcement is authorized by Section 1110 of the Social Security Act (42 U.S.C. 1310) and awards will be made from funds appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, as enacted by section 1000(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554).

Eligible Applicants

Pursuant to section 1110 of the Social Security Act, any public organization, including state and local governments, and private nonprofit organizations, including universities and other institutions of higher education, may apply. Applications may also be submitted by private for-profit organizations, although no funds may be paid as profit to grantees or subgrantees.

Available Funds

ASPE is engaging in a two-part process. The first part of the process will be the submission of six page research abstracts. After the abstracts are reviewed by an independent review panel, a subset of the applicants who submitted abstracts will be invited by ASPE to submit full applications. These will be reviewed competitively. Financial awards will be made only in the second part of the process; no awards will be made based on abstracts submitted. An invitation to submit an application is not a guarantee of funding. The following information on fund availability is provided for planning purposes for applicants.

Approximately $1,000,000 is expected to be available from ASPE funds appropriated for fiscal year 2001. We estimate that this level of funding will support between 8 and 12 ASPE awards with *total* budgets ranging from $75,000 to $150,000 for most of these short-term policy analyses (to be completed within about 12 months of award). These figures are provided as guidance but do not constitute minimum or maximum limits. If additional funding becomes available in fiscal years 2001 or 2002, a greater number of projects may be funded.

No federal funds received as a result of this announcement can be used to purchase computer equipment and no funds may be paid as profit to grantees or subgrantees, i.e., any amount in excess of allowable direct and indirect costs of the recipient (45 CFR 74.81). Our intent is to sponsor research and analytic work and not to fund the provision of services. Grant funds awarded in the full-proposal phase of this initiative may not be used to pay for programs or services.

Grantees must provide at least 5 percent of the total approved cost of the project. The total approved cost of the project is the sum of the Federal share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. For example, a researcher with a project with a total budget (both direct and indirect costs) of $150,000 may request up to $142,500 in federal funds under the announcement.

If a proposed project activity has approved funding support from other funding sources, the amount, duration, purpose, and source of the funds should be indicated in materials submitted under this announcement. If completion of the proposed project activity is contingent upon approval of funding from other sources, the relationship between the funds being sought elsewhere and from ASPE should be discussed in the budget information submitted as a part of the abstract. In both cases, the contribution that ASPE funds will make to the project should be clearly presented.

Background

"The Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (PRWORA), a comprehensive bipartisan welfare reform plan that dramatically changed the nation's welfare system into one that requires work in exchange for time-limited assistance, was signed into law in August 1996. The Temporary Assistance for Needy Families (TANF) program was created to replace the Aid to Families with Dependent Children (AFDC) and Job Opportunities and Basic Skills Training (JOBS) programs, ending the federal entitlement to assistance and providing funds to states to operate time-limited, work-oriented welfare programs. PRWORA also effected changes in child support enforcement, child care, food stamps, disability benefits for children, and immigrant eligibility for federal, state, and local benefits.

The purpose of TANF, as articulated in the law, is to increase the flexibility of states in operating a program that is designed to (1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; (2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; (3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and (4) encourage the formation and maintenance of two-parent families.

Given the sweeping changes in the welfare system and the dramatic caseload declines since PRWORA was enacted, for the past three years the Department has received policy research funds targeted by Congressional appropriators to support studies of the outcomes of welfare reform. Additional funds were also included in the FY 2001 appropriation. The Department has used these funds to help create an integrated picture of the low-income population by complementing other public and private efforts to assess the outcome of welfare reform, with a particular focus on low-income families with children. Projects funded in fiscal years 1998, 1999, and 2000 include studies that measure outcomes for a broad population of low-income families, examine diversion practices, and measure family hardship and well-being, including the utilization of other support programs. Projects are in place to assess the outcomes of welfare reform on current, former and potential welfare recipients and other special populations affected by TANF policies. ASPE is also studying the workings of the low-wage labor markets, where current and former welfare recipients are most likely to be employed. A large portion of the welfare outcome funds have been spent on competitive grants to states and large counties to study families leaving welfare, as well as those who have been diverted (formally or informally) from welfare receipt. These projects have provided, and continue to provide, valuable data on welfare outcomes from a variety of perspectives. New data are becoming available to analyze the issues above and there is still more we need to learn about how low-income, disadvantaged children and families are faring under PRWORA. We are interested in the areas of economic outcomes for poor families (e.g., family hardship and well-being); child outcomes (including the children of teen parents); youth outcomes (including teen parents and teen children); the formation of families (e.g., marriage, fatherhood, child support, medical child support); and special populations (e.g., cases that involve domestic violence, mental health or substance abuse problems, homeless TANF families, incarcerated parents, cultural or language barriers, learning disabilities, low educational skills, chronic health problems).

Part II. Purpose

ASPE is again interested in soliciting ideas for studies on various aspects of welfare reform outcomes from the research community. ASPE is announcing this funding opportunity as

part of our strategy to encourage field-initiated research on the outcomes of welfare reform and the impacts of policy changes on low-income children and families. These studies should focus on outcomes for the broad population of welfare recipients, former recipients, potential recipients, and other special populations affected by TANF policies. We will support short-term research and data analyses designed to be completed within 12 months. This funding is intended for research and analytical work, not for the provision of services. Thus, grant funds awarded under this initiative may not be used to pay for programs or services.

ASPE is interested in analyses of the economic conditions, health and well-being, socio-demographic characteristics, and social service needs of low-income individuals, families and children affected by TANF policies. We want to cover a wide spectrum of policy interests related to welfare reform outcomes, focusing on poverty; working poor families; supports for low-income populations; special populations, including those with barriers to full participation in the work force or those who were made ineligible for federal TANF assistance (such as recent legal immigrants); and programs and policies related to low-income children and youth. Data from a variety of sources can be used, including state and county administrative records or survey data or data from a research project already underway. We also encourage the use of national surveys (e.g., the Panel Survey of Income Dynamics, the National Longitudinal Survey of Youth-79, National Longitudinal Survey of Youth-97, the Survey of Income and Participation Dynamics, the Survey of Program Dynamics, the National Longitudinal Study of Adolescent Health, and the Youth Risk Behavior Surveillance System) and comprehensive state level administrative and survey databases which allow for detailed analytic work on a variety of outcomes of welfare reform and the broader policy and economic environment. For example, we are interested in determining relationships between welfare policies and successful versus unsuccessful transitions to work. (Note: Despite the positive aspects of using national surveys, researchers must acknowledge and address the limitation that such data may represent periods that precede passage of welfare reform legislation or implementation of its major provisions.) We also welcome multidisciplinary approaches to research questions.

With this announcement, we are seeking abstracts that propose studies of welfare reform outcomes, including:

1. *Researcher-nominated projects:* Topics that are identified by the researcher as most important for our understanding of welfare reform outcomes, but that do not fall into one of the topic categories listed below.

2. *Economic Support for Poor Families:* We are interested in (1) understanding the characteristics and needs of working poor families and the low-wage labor market, including supports for families transitioning from welfare such as child care, food stamps, Medicaid, and EITC, and how these affect their transition from welfare to self-sufficiency; (2) understanding how the emphasis on work for welfare families is affecting adults and their children, and how they are faring; (3) identifying state-specific policies for welfare-to-work, such as state flexibility in the use of TANF funds for non-traditional service providers, and understanding how this is related to successful outcomes for families; (4) more fully understanding the economic status of low-income families (e.g., credit and debt, recent trends in poverty and employment, trends in income mobility); and; (5) understanding the interaction between welfare reform and housing; in particular, the effect of housing subsidies on the outcomes of welfare reform policies. (Note that the Department of Housing and Urban Development has helped researchers identify the recipients of housing subsidies in the past).

3. *Children and Youth:* We are interested in adolescents affected by welfare reform, teen parents on welfare and the children of these teen parents, youth who reside in low-income families transitioning from welfare, or sub-populations of youth affected by TANF policies. We would like to improve our understanding of the impact of welfare reform policies and of state TANF/Maintenance of Effort (MOE) funding on (1) policies and outcomes for low-income pregnant women and families with infants and toddlers; (2) child care and early childhood education for low-income populations, including child care for children with disabilities; (3) youth development programs for high-risk youth; (4) the prevention of teen risk behaviors; (5) the child protection and child welfare service systems and their caseloads (for example, is there an increasing overlap between child protective caseloads and TANF participants, divertees, and leavers, which may influence welfare outcomes?).

4. *Family Formation:* We are interested in projects that will increase our knowledge of the effect of TANF policies on family structure and functioning, including family composition, poverty, health insurance status, how resources are shared in cohabiting households before or after leaving welfare, and fertility issues, such as teen pregnancy and out-of-wedlock births. We are also interested in understanding the impact of welfare reform on marriage and on the living arrangements of children, and in examining how parents are fulfilling their economic and emotional responsibilities to their children. Issues of fatherhood, fragile families and cohabiting households, medical child support and other health care coverage for child support-eligible children, and how children are parented are also included in this topical area. There may also be issues related to how families with immigrant parents and citizen children are faring.

5. *Special Populations:* We are interested in (1) examining the welfare-eligible populations with serious barriers to succeeding in employment, including substance abuse, mental health problems, domestic violence, low educational skills, and those with multiple problems; (2) examining services for adults and children, including substance abuse and mental health treatment, domestic violence services, and programs for incarcerated adults and their families; (3) identifying supportive services and work strategies, as well as barriers of location, culture, language, and eligibility issues for specific low-income groups, such as immigrants and Native Americans; (4) understanding how the use of outcome-based performance systems, including incentives and penalties, affect these populations; (5) examining whether welfare caseloads have become more disadvantaged over time; and (6) understanding how newly ineligible populations, such as recent legal immigrants and their children and family members, have been affected.

6. *Cross-Cutting Topics.* We are interested in cross-generational issues affecting the low-income population, such as kinship networks, cohabitation, housing, intergenerational transmission of poverty, and the impact of welfare reform on teen parents and their children (e.g., living arrangements, prenatal and other medical care), child care, child outcomes, and the child-only caseload. We are interested in understanding the impact of local service delivery issues, such as privatization of services, integrated service delivery, performance-based contracting, and faith- and community-based service delivery. We are also interested in issues of place (e.g., rural, inner-city).

Part III. Abstract Application Guidelines and Evaluation Criteria

As noted previously, ASPE is engaging in a two-part process. Applicants must first submit an abstract as described in the application section below. Please read this section carefully. Abstracts must comply with the application guidelines. Abstracts that do not comply with the application guidelines will not be considered.

Abstracts must be received in the following format: 12 point font size; Single spaced; 1 inch top, bottom, left, and right margins.

The deadline for receipt of abstracts is April 6, 2001. An abstract will be considered as having met the deadline if it is either received at, or hand-delivered to, the mailing address on or before April 6, 2001, or postmarked before midnight three days prior to April 6, 2001 and received in time to be considered during the competitive review process (within two weeks of the deadline).

Hand-delivered applications will be accepted Monday through Friday, excluding Federal holidays, during the working hours of 9 a.m. to 4:30 p.m. in the lobby of the Hubert H. Humphrey building, located at 200 Independence Avenue, SW in Washington, DC. When hand-delivering an application, call (202) 690–8794 from the lobby for pick up. A staff person will be available to receive applications.

An original and two copies are required, but applicants are encouraged to send an additional 4 copies to ease processing, although applicants will not be penalized if these extra copies are not included. The original and copies of the abstract must be mailed to: Adrienne Little, Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue, SW, Room 405F, Hubert H. Humphrey Building, Washington, DC 20201, Telephone: (202) 690–8794.

Abstracts must include the material indicated below and in the order indicated. The information provided in items 1 through 4 *must not exceed 6 pages.* The title page MUST be the first page in any submission. Do not include a transmittal memo.

1. *Title page.* This page should include a reference to this program announcement: Policy Research and Studies on Welfare Reform Outcomes; proposed project title; name of researcher(s); organizational affiliation; and the address, telephone number, and e-mail address of the lead investigator. (This will be the mailing address and the email address used by ASPE to request full proposals from selected applicants.) The title page must include an indication of the research question(s) being addressed. A description of the proposed data set to be used must also be included. The title page must include the total number of months needed for completion of the project and the project's proposed start and end date. This should be the ONLY information on page one.

2. *Statement of research question.* The statement should briefly discuss the relevance of the proposed work to the purposes of this announcement. The statement will be reviewed for policy relevance and the importance of the research question. Please indicate clearly which research question(s) you are addressing.

3. *Statement of proposed methods.* This section should describe the conceptual model, the data source and the analytic methods. This description should explicitly relate data sources and analytic methods to the research issues to be addressed. This section must also contain information regarding the researcher's ability to obtain the data and information on when data will be available, if they are not already. Note that in the final proposal the researcher will have to provide assurances that the data are available. If the use of pre-TANF data is proposed, the limitation that such data may represent periods that precede passage of welfare reform legislation or implementation of its major provisions must be addressed.

4. *Experience.* The principal investigator's relevant research experience must be described. Other key staff must be identified with a brief description of their relevant experience and an indication of the tasks or activities for which they will be primarily responsible.

5. *Estimated budget.* This section must include an estimate of staff time and other direct costs. Information about other funding sources and the contribution that the ASPE funds will make must be discussed. Only a total project budget need be submitted at this time. Funding from other sources (non-federal) should also be identified and briefly described.

Part IV. The Review Process

An independent review panel will review and score all abstracts that are submitted by the deadline date and which meet the screening criteria (all information and in formats required by this announcement). The panel will review the abstracts using the evaluation criteria listed below to score each abstract. The panel review results will be the primary elements, along with the goal of funding research on a variety of topics, that will be used by the Assistant Secretary for Planning and Evaluation in making decisions regarding full application submission. The Department also reserves the option to discuss abstracts with other Federal or State staff, specialists, experts, and the general public. Comments from these sources, along with those of the reviewers, will be kept from inappropriate disclosure and may be considered in determining which applicants will be requested to submit a competitive application for review.

1. *Research Question(s):* The research must address important unanswered questions of local or national policy significance. The proposed research must contribute significantly to understanding the outcomes of welfare reform. (8 points)

2. *Methodology/Merits of the Research Design:* The research design must identify the study population, indicate data sources and demonstrate the availability and reliability of proposed data sources and the appropriateness and reliability of data collection instruments or observational techniques, as well as the validity of analytic methods proposed for addressing the research questions and hypotheses. The conceptual model and the analysis plan must be clearly explained. It is important to explain the time frame for the proposed work and that explanation must be clear and reasonable. If the use of pre-TANF data is proposed, the limitation that such data may represent periods that precede passage of welfare reform legislation or implementation of its major provisions must be addressed. (4 points)

3. *Experience.* The abstract must provide information on the principal investigator's relevant research experience and demonstrate capability to use the proposed data and methods. The relevant experience and proposed roles of other key staff must be presented. (6 points)

4. *Budget.* Applicants must provide an estimate of the total proposed budget, including information about other funding sources. The contribution of ASPE funding must be presented. The budget must be reasonable for the proposed scope of work. (2 points)

Estimate of Schedule

ASPE anticipates that abstracts will be reviewed and selected applicants notified to submit full proposals approximately 30 days following the

deadline for submission of abstracts. We expect that full proposals will be required to be submitted within 45 days of the date of the notification letter.

The Catalogue of Federal Domestic Assistance Numbers is 93.239.

Dated: March 1, 2001.

William F. Raub,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 01–5516 Filed 3–6–01; 8:45 am]

BILLING CODE 4151–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–01–25]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Evaluating HIV Prevention Programs in Community-Based Organizations (CBOs)—New—The National Center for HIV, STD, and TB Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC) proposes to evaluate HIV prevention programs in community-based organizations (CBOs) through a quarterly and annual reporting system. This evaluation is necessary to understand the impact of CDC's expenditures and efforts to support CBOs, and for modifying and improving the prevention efforts of CBOs. This data collection will provide CDC with standardized data which will allow CDC to (a) determine the extent to which HIV prevention efforts have contributed to a reduction in HIV transmission nationally; (b) improve programs to better meet the goal of reducing HIV transmission; (c) help focus technical assistance and support; and (d) be accountable to stakeholders by informing them of progress made in HIV prevention nationwide. CDC currently funds 181 CBOs.

Each CBO will be asked to report on the following types of interventions that it has implemented (a) individual level interventions; (b) group level interventions; (c) street and community outreach; (d) prevention case management; (e) partner counseling and referral services; (f) health communications/public information; (g) community level interventions; and (h) HIV antibody counseling and testing.

The total annual cost to respondents is estimated at $30,770 based on an average salary of $35,000 for program managers.

Respondents	Number of respondents	Number of responses	Avg. burden per response (in hrs.)	Total burden (in hrs.)
Intervention Plan	181	1	2	362
Process Monitoring	181	4	2	1,448
Total				1,810

Dated: February 28, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation Centers for Disease Control and Prevention.

[FR Doc. 01–5494 Filed 3–6–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking a CRADA partner for collaboration to examine the use of CD40L as a molecular adjuvant to enhance the humoral and cellular immune responses to Respiratory Syncytial Virus (RSV) and other viral vaccines. The methods comprise expression of the immune-enhancing CD40L molecule with viral antigens in vaccines or addition of CD40L to viral antigens in vaccines to augment the antibody and cellular immune responses to the vaccine antigens. RSV is one example of a viral agent for which vaccines are sought and for which CD40L might prove to be a safe and effective adjuvant.

Because CRADAs are designed to facilitate the development of scientific and technological knowledge into useful, marketable products, a great deal of freedom is given to Federal agencies in implementing collaborative research. The CDC may accept staff, facilities, equipment, supplies, and money from the other participants in a CRADA; CDC may provide staff, facilities, equipment, and supplies to the project. There is a single restriction in this exchange: CDC MAY NOT PROVIDE FUNDS to the other participants in a CRADA. This opportunity is available until 30 days after publication of this notice. Respondents may be provided a longer period of time to furnish additional information if CDC finds this necessary.

FOR FURTHER INFORMATION CONTACT:

Technical: Ralph A. Tripp, Ph.D., Respiratory and Enteric Viruses, Division of Viral and Rickettsial Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd. NE., Mailstop G–09, Atlanta, GA 30333, telephone (404) 639–3427.

Business: Lisa Blake-DiSpigna, Technology Development Coordinator, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd. NE., Mailstop C–19, Atlanta, GA 30333, telephone (404) 639–3227 or by E-Mail at LCB3@CDC.GOV.

SUPPLEMENTARY INFORMATION: The goal of this CRADA is to seek a partner for collaboration to examine development of research animal models (particularly for non-human primates) to study both the safety and efficacy of CD40L as a vaccine adjuvant. These animal model systems and vaccines will be used to study the ability of CD40L to enhance the immune response to (RSV) vaccine antigens. These studies will focus on humoral immune responses (eg. viral titers), cellular immune responses (eg. cytotoxicity), cytokines and chemokine expression, quantification of cell subsets at the site of infection (i.e. the pulmonary cell infiltrate) and quantification of viral replication in the lungs. Respondents should provide evidence of expertise in the development and evaluation of anti-viral vaccines and vaccine agents, evidence of experience in animal models systems including non-human primate models, commercialization of vaccines and vaccine agents, and supporting data (e.g., publications, proficiency testing, certifications, resumes, etc.) of qualifications for the principal investigator who would be involved in the CRADA. The respondent will develop the final research plan in collaboration with CDC.

Applicant submissions will be judged according to the following criteria:

1. Expertise in development and evaluation of anti-viral (RSV) vaccines;
2. Expertise in evaluation of anti-viral (RSV) vaccines in animal model systems including non-human primates;
3. Evidence of scientific credibility;
4. Evidence of commitment and ability to anti-viral (RSV) vaccines and;
5. Evidence of an existing infrastructure to commercialize successful technologies.

With respect to Government Intellectual Property (IP) rights to any invention not made solely by a CRADA partner's employees for which a patent or other IP application is filed, CDC has the authority to grant to the CRADA partner an exclusive option to elect an exclusive or nonexclusive commercialization license. This option does not apply to inventions conceived prior to the effective date of a CRADA that are reduced to practice under the CRADA, if prior to that reduction to practice, CDC has filed a patent application on the invention and has licensed it or offered to license it to a third party. This CRADA is proposed and implemented under the 1986 Federal Technology Transfer Act: Public Law 99–502, as amended.

The responses must be made to: Lisa Blake-DiSpigna, Technology Development Coordinator, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd. NE., Mailstop C–19, Atlanta, GA 30333.

Dated: March 1, 2001.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention.

[FR Doc. 01–5503 Filed 3–6–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The National Center for HIV, STD and TB Prevention of the Centers for Disease Control and Prevention (CDC) Announces the Following External Consultant Meeting

Name: External Consultant Meeting on Nonoccupational Antiretroviral Postexposure Prophylaxis (nPEP).

Times and Dates: 8 a.m.–5 p.m., May 10, 2001. 8:30 a.m.–3:15 p.m., May 11, 2001.

Place: Atlanta Hilton and Towers-Downtown, 255 Courtland Street, NE, Atlanta, GA 30303.

Status: Open to the public, limited only by the space available.

Purpose: Attendees at this meeting will discuss and make recommendations *as individuals* to the Division of HIV/AIDS Prevention-Surveillance and Epidemiology on matters related to the potential use of antiretroviral medications and other interventions following sexual, injection drug use, and other non-occupational exposures to human immunodeficiency virus with a resulting risk of infection.

Matters To Be Discussed: Agenda items will include: a review of data on the potential efficacy of antiretroviral prophylaxis in occupational, perinatal, and non-human primate retroviral exposures; information on the extent of, and situations leading to requests for, and provision of, nPEP in the United States; whether and how additional data to determine nPEP efficacy in humans can be collected; and whether and how the CDC and the Public Health Service should amend its 1998 statement on nPEP considerations.

Contact Person for More Information: Dr. Dawn K. Smith, Medical Epidemiologist, NCHSTP, CDC, 1600 Clifton Road, NE, M/S E–45, Atlanta, Georgia 30333, telephone 404–639–6165. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: March 1, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–5504 Filed 3–6–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Notice of Program Announcement No. ACF/ACYF/HS 2001–05]

Fiscal Year 2001 Discretionary Announcement for Nationwide Expansion Competition of Early Head Start; Availability of Funds and Request for Applications

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), DHHS

ACTION: Notice of Fiscal Year 2001 Early Head Start availability of financial assistance for nationwide expansion and request for applications.

SUMMARY: The Administration on Children, Youth and Families announces approximately $47 million in financial assistance to be competitively awarded to local public and private non-profit and for-profit entities—including Early Head Start and Head Start grantees—to provide child and family development services for low-income families with children under age three and pregnant women. Early Head Start programs provide early, continuous, intensive and comprehensive child development and family support services on a year-round basis to low-income families. The purpose of the Early Head Start program is to enhance children's physical, social, emotional, and intellectual development; to support parents' efforts to fulfill their parental roles; and to help parents move toward self-sufficiency.

Funds will be competitively awarded under this Notice to increase the number of children and families served by the Early Head Start program. There

are a number of benefits that accrue to communities when new Early Head Start services are initiated and ACYF wishes to reach as many different communities as possible. Therefore, in selecting successful applicants, ACYF will give priority to agencies that are proposing to provide services in communities that are not currently served by Early Head Start.

Current Early Head Start grantees may apply to provide services in communities that are not currently served by Early Head Start and may also apply to increase the number of children served within their current EHS service area. Any other applicants may apply to establish an Early Head Start program in an area which is currently unserved (see Appendix A for the list of geographic areas currently being served and unavailable for new grantees).

DATES: The closing date and time for receipt of applications is 5 p.m. EDT on May 7, 2001.

Note: Applications should be submitted to the ACYF Operations Center at: 1815 N. Fort Myer Drive, Suite 300, Arlington, VA 22209. However, prior to preparing and submitting an application, in order to satisfactorily compete under this announcement, it will be necessary for potential applicants to read the full announcement which is available through the addresses listed below.

ADDRESSES: A copy of the program announcement, necessary application forms, and appendices can be obtained by contacting: Early Head Start, ACYF Operations Center, 1815 North Fort Myer Drive, Suite 300, Arlington, Virginia 22209. The telephone number is 1–800–351–2293 or email to: *ehs@lcgnet.com*.

Copies of the program announcement and necessary application forms can be downloaded from the Head Start web site at: *www.acf.dhhs.gov/programs/hsb*.

FOR FURTHER INFORMATION CONTACT: ACYF Operations Center at: 1815 N. Fort Myer Drive, Suite 300, Arlington, VA 22209 or telephone: 1–800–351–2293 or email to: *ehs@lcgnet.com*.

SUPPLEMENTARY INFORMATION:

Eligible Applicants: Applicants eligible to apply to become an Early Head Start program are local public and private non-profit and for-profit entities. Early Head Start and Head Start grantees are eligible to apply. Applicants are reminded that eligibility to apply for a grant under this Notice is limited to local agencies, as defined in Section 641(a) and (b) of the Head Start Act.

Project Duration: For new Early Head Start grantees, the competitive awards made through this announcement will be for one-year budget periods and an indefinite project period. Subsequent year budget awards will be made non-competitively, subject to availability of funds and the continued satisfactory performance of the applicant. However, any current Early Head Start grantee that is successful in this competition will not be funded for an indefinite project period, but rather will be given a supplement to its current, time limited grant. A grantee, for example, currently funded for $200,000 with a project period ending September 30, 2002, that is awarded another $100,000 through this announcement will then be funded as a $300,000 Early Head Start grantee with a project period that still ends on September 30, 2002. This will be true regardless of whether the new funds are to expand services within the grantee's current service area or to expand into another currently unserved area. Prior to the end of an Early Head Start grantee's current project period (i.e., September 30, 2002, in the above example), ACF will announce a competition for those areas served by each EHS grantee whose project period is nearing an end. In such a competition, current EHS grantees in good standing, who submit acceptable applications, will be given priority in funding decisions.

Federal Share of Project Costs: In most cases, the Federal share will not be more than 80 percent of the total approved costs of the project.

Matching Requirements: Grantees that operate Early Head Start programs must, in most instances, provide a non-Federal contribution of at least 20 percent of the total approved costs of the project.

Available Funds: See Appendix B for the list of the approximate amount of funds available for States. These estimates have been developed based primarily on: (1) the statutory formula that determines the distribution of all Head Start program funds among the States, and (2) the existing distribution of funds. Applicants will compete against all other applicants proposing to provide EHS services in the same State or multi-State pool. Applicants that are Tribal Governments of federally recognized Indian Reservations (or their designees) will compete against each other.

Anticipated Number of Projects to be Funded: It is estimated that there will be 100–125 awards.

Statutory Authority: The Head Start Act, as amended, 42 U.S.C. 9831 et seq.

Evaluation Criteria

Competing applications for financial assistance will be reviewed and evaluated on the six criteria that are summarized below. The point values following each criterion indicate the numerical weight each criterion will be accorded in the review process.

Criterion 1. Objectives and Need for Assistance (15 Points)

The extent to which, based on community assessment information, the applicant identifies any relevant physical, economic (e.g., poverty in the community), social, financial, institutional, or other issues which demonstrate a need for the Early Head Start program.

The extent to which the applicant lists relevant program objectives that adequately address the strengths and needs of the community.

The extent to which the applicant describes the population to be served by the project and explains why this population is most in need of the services to be provided by the program.

The extent to which the applicant gives a precise location and rationale for the project site(s) and area(s) to be served by the proposed project. If the applicant is a current Early Head Start grantee planning to expand its program it needs to demonstrate that the geographic area is currently underserved or, where applicable, unserved by Early Head Start Programs. If the applicant does not currently have an Early Head Start grant, it needs to demonstrate that the proposed service area is currently unserved by Early Head Start programs.

Criterion 2 Results or Benefits Expected (10 Points)

The extent to which the applicant identifies the results and benefits to be derived from the project and links these to the stated objectives.

The extent to which the applicant describes the kinds of data to be collected and how they will be utilized to measure progress towards the stated results or benefits.

Criterion 3 Approach (25 Points)

The extent to which the applicant demonstrates a thorough knowledge and understanding of the Head Start Program Performance Standards.

The extent to which the applicant explains why the approach chosen is effective in light of the needs, objectives, results and benefits described above.

The extent to which the approach is grounded in recognized standards and/or guidelines for high quality service provision or is defensible from a current research or best practices standpoint.

Criterion 4 Staff and Position Data and Organization Profiles (15 Points)

The extent to which the proposed program director, proposed key project staff, the organization's experience, including experience in providing early, continuous, and comprehensive child and family development services, and the organization's history with the community demonstrate the ability to effectively and efficiently administer a project of this size, complexity and scope.

The extent to which the applicant's management plan demonstrates sufficient management capacity to implement a high quality Early Head Start program.

The extent to which the organization demonstrates an ability to carry out continuous improvement activities.

Criterion 5 Third Party Agreements/Collaboration (15 Points)

The extent to which the applicant presents documentation of efforts (letters of commitment, interagency agreements, etc.) to establish and maintain ongoing collaborative relationships with community partners.

The extent and thoroughness of approaches to combining Early Head Start resources and capabilities with those of other local child care agencies and providers to provide high quality child care services to infants and toddlers which meet the Head Start Program Performance Standards.

Criterion 6 Budget and Budget Justification (20 Points)

The extent to which the program's costs are reasonable in view of the planning and activities to be carried out and the anticipated outcomes.

The extent to which the program has succeeded in garnering cash or in-kind resources, in excess of the required Federal match, from local, State, other Federal or private funding sources.

The extent to which costs for facilities are reasonable and cost effective.

The extent to which the salaries and fringe benefits reflect the level of compensation appropriate for the responsibilities of staff.

The extent to which assurances are provided that the applicant can and will contribute the non-Federal share of the total project cost.

Required Notification of the State Single Point of Contact

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these jurisdictions need not take action regarding Executive Order 12372.

Applications for projects to be administered by federally recognized Indian Tribes are also exempt from the requirements of Executive Order 12372. Otherwise, applicants should contact their SPOC as soon as possible to alert them to the prospective application and to receive any necessary instructions. Applicants must submit any required material to the SPOC as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the "accommodate or explain" rule.

When comments are submitted directly to the ACF, they should be addressed to: William Wilson, Head Start Bureau, Grants Officer, 330 C Street S.W., Room 2220, Washington, D.C. 20447. Attn: Early Head Start Nationwide Competition/Expansion.

A list of the Single Points of Contact for each State and Territory can be found on the following web site:

http://www.hhs.gov/progorg/grantsnet/laws-reg/spoc999.htm

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: March 1, 2001.

James A. Harrell,

Acting Commissioner, Administration on Children, Youth and Families.

Appendix A—Early Head Start

FY 2001 EXPANSION SERVICE AREAS MATRIX

State and county	Service area (Local community)
Alabama:	
Blount	The communities of Allgood, Locust Fork and all areas North of those communities.
	All communities south of Allgood and Locust Folk.
Lawrence	Entire County.
Morgan	Entire County.
Jefferson	Birmingham, Bessemer, Tarrant City, Centerpoint, Adamsville, Grayville, Brookville, Sayre, Rosbuck, Ensley, Forrestdale, Gardendale, and other small unincorporated areas; and
	Referrals from the county welfare agency for teen mothers and mothers with chemical addictions and at risk of child abuse.
St. Claire	Entire County.
Walker	Jasper.
Shelby	Pell City.
	Entire county, except Pell City.
Elmore	Bradford.
Chilton	Entire County.
Autauga	Autaugaville.
Lee	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Russell	Entire County.
Tuscaloosa	Entire County.
Montgomery	Entire County.
Calhoun	Anniston.
Alaska:	
Lower Yukon	Villages of: Pilot Station and St. Mary's.
Kuskokwin	Villages of: Akiak, and Nunapitchuk.
Anchorage	Municipality of Anchorage.
Fairbanks North Star	Entire Borough.
Kenai Peninsula	Tyonek.
Arizona:	
Coconino	Flagstaff.
Navajo	Holbrook.
Yavapai	Cottonwood.
Navajo Nation	Navajo Reservation, Navajo School Board.
Maricopa	School Districts: Balsz, Creighton, Madison, Osborn, and Paradise Valley Unified.
Pima	School Districts: Amphitheater, Flowing Wells, Tucson and Sunnyside.
Graham,	Entire County.
Santa Cruz	Entire County.
Conchise	Entire County.
Greenlee	Entire County.
Pinal	Miami.
Gila	Entire County.
Arkansas:	
Arkansas	Entire County.
Logan	Entire County.
Lonoke	Entire County.
Conway	Entire County.
Franklin	Entire County.
Johnson	Entire County.
Yell	Entire County.
Polk	Entire County.
Pope	Entire County.
Calhoun	Cities of Hampton, Harrell and Thornton.
Clay	Cities of Rector, Piggott, and Corning.
Lawrence	City of Walnut Ridge.
Randolph	City of Pocahontas.
Newton	Entire County.
Ouachita	City of Bearden.
Mississippi	The townships of Leachville, Kaiser, Gosnell, Manila, and Luxora; Boundaries for city of Blytheville are the communities of Yarbo to the north, Dell to the South, Armore 1 to the east and Burdette to the south. Boundaries for the city of Osceola are Richard Prewitt Dr. to the south, Interstate 55 to the west, Jacksonville Rd. to the east and town of Luxora to the north.
Pulaski	Townships of College Station, Sweet Homes, Higgins, and Wrightsville to Oak Street. In the City of Little Rock: the township of Granite Mountain; in east Little Rock, east of Main Street to include West Broadway north and south; Interstate 30 South, Scott Hamilton Rd., Baseline Rd., and Geyer Springs Rd.
Sebastian	All of wards one and two on the north side of Fort Smith, joined and bordered by the Arkansas River on the north, east and west, ending to the south at Rogers Avenue, Dodson Avenue, and Euper Lane.
Union	Cities of: Calion, El Dorado, Huttig, Felthensal, Junction City, Norphlet, Smackover, Strong.
California:	
Alameda	Albany, Berkeley.
	San Leandro, Castro Valley, Union City, Fremont, San Lorenzo, Hayward Livermore, Dublin and Pleasanton (Cherryland), and Newark.
	West Oakland, Chinatown, Central Downtown, San Antonio, Fruitvale, Central East Oakland and Elmhurst.
Calaveras	San Andreas, Valley Springs and Angels Camp.
Colusa	Colusa, Grimes, Princeton, Williams, Arbuckle, Maxwell, Meridian.
Contra Costa	Concord, Pleasant Hill, Antioch, Brentwood, Oakley, Richmond, San Pablo, Pittsburg.
Del Norte	The cities of Crescent City, Fort Dick, Smith River and surrounding areas.
Humboldt	Entire County, excluding the Hoopa Valley Indian Reservation.
	Hoopa Valley Indian Reservation.
El Dorado	Shingle Springs, El Dorado, El Dorado Hills, Cameron Park, Placerville, Georgetown/Kelsey, Camino/Potock Pines, Tahoe Basin.
Fresno	West Fresno, Southeast Fresno and Fresno Unified School District.
Kern	Northeast Bakersfield, Arvin, Lamont;
	Metro Bakersfield—Central and Southeast.
Kings	Corcoran and Hanford.
Hanford	Avenal and Lemoore.
Lake	Lake, Mendocino.
Lassen	Entire County.
Modoc	Entire County.
Siskiyou	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Los Angeles	City of Los Angeles:
	(1) 3rd and Temple on the north, to Hoover, to Vermont, to 7th, to Wilshire, to Hoover and Central on the South border in the downtown L.A.,
	(2) Baldwin Park USD North: Oak Ave. And Arrow Hwy, South: Farnell East: Azusa Canyon, La Serna, Willow, Ardilla, Mayland, West: San Gabriel River;
	(3) City of South El Monte: North: Garvey Ave, Fern St., Elliot Ave., and Schmidt Rd., South: Whittier Narrows Recreation Area, East: San Gabriel River, Fruitvale Ave.,
	(4) El Monte City border; West to Whittier Narrows Recreation Area and Rio Hondo River; North: Century Blvd.; 104th Street; 103rd Street; South: Anderson Fwy (105); East: Prairie Ave.; West: La Cienega Blvd.
	(5) Gardena: North: El Segundo Blvd.; South: 182 St., Artesia Blvd. and Redondo Beach Blvd; East: Vermont Ave; West: Crenshaw Blvd. and Gramercy Blvd;
	(6) North: Century Blvd., 104th Street, 103rd Street, South: Anderson Freeway (105), East: Prairie Ave., and West: Crenshaw and Gramercy Blvds
	(7) Plaza De La Raza North: A.T.& S. F. Railroad and Washington Blvd. South: Lakeland Rd. and Imperial Hwy. East: Shoemaker, Carmenita and Mulberry West: San Gabriel River (605 Freeway);
	(8) Plaza De La Raza: North: Imperial Hwy; South: Excelsior Dr., Alondra Blvd. And Santa Ana Frwy; East: Valley View Ave., Marquardt Ave.; West: Shoemaker Ave., Bloomfield Ave., Best Ave. and Norwalk City border
	(9) Pomona USD: North: Foothill Blvd., Lewis Ave., Oak Dr., Parkwood Ln., Harrison Ave., Arrow Ave. and American Ave.; South: Pomona Frwy (60) and Riverside Dr.; East: San Bernardino County Line, Mountain Ave., Carnegie Ave., and Towne Ave.; West: Fulton Rd., L.A. County Fairplex, Fairplex Dr., San Bernardino Frwy (10), and Campus Dr;
	(10) North Hollywood service area: North: Saticoy St.; South: Universal City Border, Acama St. and Riverside Dr.; East: Clybourn Ave., Burbank Airport, and Burbank City border; West: Tujunga Ave., Fulton Ave., Coldwater Canyon Ave., and Hollywood Frwy. (170);
	(11) Harbor City service area: North: Sepulveda Blvd., Lomita Blvd.; South: Palo Verdes Dr., Anaheim St.; East: Harbor Frwy (110) and Normandie Ave.; West: Western Ave., City of Torrance border, and City of Lomita border;
	(12) North Hollywood, Sunland and harbor city, Wilmington, San Perdo, Lomita, Carson, portions of Torrence and Ranchos PalasVerde, Downey, South central, LA, Westwood, Pomano, Echo Park area, Pico Rivera, Antelope Valley (Lancaster, Palmdale). Bell, bell gardens, and Cudahy;
	(13) Greater Hollywood area: City of West Hollywood and Mid-Wilshire District.
	Koreatown, Echo Park, Pico/Union area, Mid-city area and Westlake area.
	City of Venice.
	City of Long Beach, central area.
	Inglewood/South Central LA: North: Slauson Avenue; South: Century Blvd.; East: Avalon Blvd.; West: Van Ness Avenue.
	The communities of West Adams, Jefferson Park, and University Park. Boundaries: 9th Street on the North, King Blvd. On the South, San Perdro Street on the East, and Crenshaw on the West.
	Compton.
	Cities of Santa Monica, West Los Angeles, Culver City, Ingelwood, Lennox, Westchester, Venice, Palms and Mar Vista. Bounded on the north by Wilshire Blvd. To Sepulveda to Olympic,
	East by Beverly Drive to Pico to Durango to La Cienega to Jeffereson to Sepulveda to Centinela to Prairie; South by Imperial Highway to Sepulveda to Lincoln to Admiralty Way to washington, West by the Pacific Ocean.
Marin	San Rafael, Novato, Corte Madera, Greenbrae, San Anselmo.
Mendocino	Ukiah, Willits.
Nevada	Entire County.
Placer	Entire County.
Sacramento	(1) The City of Sacramento: the communities of Del Paso Heights, North Sacramento/Gardenland, Midtown, Oak Park, South Sacramento, Meadowview, Natomas, Land Park and Arden/Howe;
	(2) the cities of Citrus Heights and Galt and;
	(3) the towns of Rio Linda/Everta, North Highlands, Foothill Farms, Orangevale, Carmichael, Fair Oaks, Rancho Cordova, South Sacramento, Franklin/Laguna, Elk Grove, and Antelope; and
	(4) Woodland, Winters, Davis and West Sacramento.
San Diego	Central San Diego, Peninsula, National City, Southeast San Diego, (2) Mid-City, Coastal Poway, Sweetwater, Chula Vista, and South Bay.
	Campo Reservation, Rincon Reservation, San Pasqual Reservation, Pauma Reservation, and Pala Reservation.
	San Bernardino County, City Of San Bernardino
	Oceanside, Vista, San Marcos, Fallbrook, Valley Center, Rincon, Pauma, and Pala.
San Francisco	Chinatown, Tenderloin, Visitation Valley; and parts of Northbeach, Civic Center, and Bayview Hunters Point.
San Joaquin	Lodi, Stockton, Manteca, Lathrop.
San Mateo	Half Moon Bay.
Santa Barbara	Santa Maria, Lompoc, Santa Barbara and Summerland.
Santa Clara	Northwest and central San Jose.
Santa Cruz	Watsonville and Santa Cruz.
Shasta	Entire County.
Trinity	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Stanislaus	Westside of county areas of Westley and Patterson.
Sutter	Entire County.
Yuba	Entire County.
Tulare	Entire County.
Ventura	Oxnard, Hueneme, Santa Paula, Fillmore and Piru.
Yolo	Entire County.
Riverside	Banning, Beaumont. Saboba Reservation, Morongo Reservation, and San Jacinto.
Sonoma	Sebastopol, Petaluma, Guemville, Sonoma, Rohnert Park, Windsor, Santa Rosa.
San Luis Obispo	Entire County.
San Benito	Entire County.
Monterey	Entire County. Seaside, Marina, E. Salinas, Pajaro, Casroville, Prunedale, Soledad, Gonzales, and surrounding rural areas.
Colorado:	
Adams	(1) City of Aurora: North to the city limits of Aurora; South to Mississippi St, East of Yosemite St, and West of Chambers Rd. (2) Beginning at north 54th Avenue and Peoria, go 54th east to Chambers; Chambers south to I–70, I–70 West to Peoria, Peoria north to 54th Avenue; (3) North Aurora bounded by Aurora and Dayton/Havana (West), I–225 (East) Mississippi Ave.(south and I–70(North).
Arapahoe	Colfax Avenue (county line) on the North, Mississippi Avenue on the South, Chambers Road on the East and Yosemite Street (county line) on the West.
Crowley	Entire County
Denver	City of Denver: (1) SW portion of the city, defined as within Federal Blvd to the East, Sheridan Blvd on the west, Hampden Ave to the south and Alameda Ave to the north; (2) NW Denver is bordered by Federal Blvd on the west, Interstate 25 on the east, 52nd Ave to the north and 38th Ave to the south; and (3) W Central Denver, defined by I -25 on the east, Sheridan Blvd on the west, 26th Ave on the north and 6th Ave to the South; (4) NE Denver: defined as 38th Ave. to the North, Park Ave. to the South, York Street to the East and I–25 to the West. (5) The area bounded by 52nd Avenue on the North, Alameda Boulevard on the South, Broadway Avenue on the East and Sheridan Boulevard on the West. (6) Beginning at north Broadway and 38th avenue, go east to Yosemite; Yosemite south to 11th Avenue, 11th Avenue west to Quebec; Quebec south to Hampden; Hampden west to Broadway; Broadway north to 35th Avenue (7) Beginning at North 54th Avenue and Peoria, go 54th East to Chambers Rd. Chambers South to I–70, I–70 West to Peoria, Peoria North to 54th Avenue. (8) Five Points, Cole, East Colfax, Whittier, Clayton, Northeast Park Hill, Cheeseman Park, Montbello, City Park, Globeville, Skyland and North Capitol Hill; bounded to the north by Broadway and 38th Ave., east to Yosemite, south to 11th Ave, west to Quebec; Quebec south to Hampden, Hampden west to Broadway, Broadway north to 35th Ave.
Eagle	Entire County.
El Paso	School Districts #2 and #11 boundaries.
Fremont	Entire County.
Otero	Entire County.
Larimer	Pourde School District boundary that includes the cities of Fort Collins, LaPorte, Timnath and Wellington, and the communities of Ft. Collins, Wellington, La Porte, Loreland and surrounding areas.
Navajo Nation	Navajo Reservation, Navajo School Board.
La Plata	Within the boundaries of the Southern Ute Reservation and the Ignacio School District.
Connecticut:	
Fairfield	(1) Neighborhoods of (1) The Hollow, (2) West End, (3) South End, (4) North End, (5) East End, (6) East Side; and the city of Bridgeport; and The City of Stamford.
Hartford	Cities of Manchester and Vernon.
Litchfield	Towns of Torrington, Winston, Canaan, & New Milford.
Middlesex	Towns of Middletown, Essex, Portland, Clinton, Westbrook, East Hampton and Deep River.
New Haven	City of Waterbury.
Windham	Towns of Brooklyn, Danielson and Willimantic.
Delaware:	
New Castle	Entire County.
Sussex	Georgetown.
Florida:	
Alachua	Communities of Majestic Oaks, Sugarfoot Oaks, Tower Oaks, Cedar Ridge, Clayton Estates, Magnolia Plantation.
Apalachicola	Entire County.
Bay	Panama City Beach.
Jackson	Graceville.
Baker	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Brevard	Entire County and Cities of Coca, Titusville, Palm Bay and Melbourne.
Broward	Pompano Beach, Hollywood.
Collier	Entire County.
DeSota	Entire County.
Glades	Entire County.
Hardy	Entire County.
Henry	Entire County.
Highlands	Entire County.
Columbia	Lake City.
Dade	City of Homestead and towns of Brownsville, Scott Carver, Liberty City, Winwood, Goulds, Leisure City, Carol City and OpaLocka.
Gadsden	Entire County.
Gulf	Wewahitchka, Port St. Joe.
Hillsboro	Tampa, Plant City.
Jefferson	Greenville.
Madison	Entire County.
Lake	Clermont, Eustis, Leesburg, Mount Dora, Montclair Village, Groveland.
Lee	Entire County.
Marion	Entire County.
Martin	Hobe Sound (Banner Lake, Pettway, Gomez), Port Salerno (Gomez, Jack Avenue, Rocky Point, New Monrovia), Stuart (Golden Gate, East Stuart).
Okaloosa	Crestview–20 mile radius.
Palm Beach	Pahokee, South Bay and Belle Glade-Western region of county, West Palm Beach, North-South West Palm Beach, S. Bay, Riviera Beach, Lake Worth, Boynton Beach, Delray Beach.
Sarasota	Sarasota, Cities of Newton, Venice and North Port.
Hillsborough	Tampa (Ybor City, North Tampa, Sulfhur Springs), Plant City.
St. Lucie	Entire County.
Santa Rosa	Milton, Santa Rosa Co.
Dixie	Cross City.
Gilchrist	Trenton.
Levy	Chiefland, Yankeetown, Williston, Bronson.
Volusia	Cities of Daytona Beach, Pierson, Deland, and New Smyrna.
Mantee	Entire County, including the Cities of Bradenton and Palmetto.
Georgia:	
Chatham	Savannah.
Chattooga	Entire County.
Catoosa	Entire County.
Dekalb	Decatur, City of Decatur, Ellenwood, Lithonia, Stone Mountain.
Emanuel	Swainsboro, Twin City, Summertown, Adrian, Oak Park, Lexsy, Garfield, Stillmore.
Fulton	East Point, Alpharetta, Roswell, Sandy Springs. Cabbagetown.
Clayton	Jonesboro.
Cobb	Marietta.
Douglas	Douglasville.
Gwinnett	Lawrenceville.
Dekalb	Decatur, City of Decatur, Elennwood, and Lithonia. South Dekalb bounded by Covinton Highway, Brown's Mill Road and Bouldercrest Road.
Hall	Entire County.
White	Entire County.
Forsyth	Entire County.
Hart	Entire County.
Sumter	Americus.
Whitfield	South of Tilton and North of Varnell.
Murray	North of Eton and South to North Georgia Speedway.
Carroll	City of Carrollton. Entire County., except City of Carrollton.
Troup	LaGrange.
Coweta	Newnan.
Clarke	Athens.
Greene	Entire County.
Morgan	Entire County.
Hawaii:	
Hawaii	South Kona & North Kona, South Kahala & North Kahala.
Maui	Lanai, Makawao/Upcountry, Hana/East Maui, Lahaina/West Maui Wailuku & Kahulu-Central Maui and Kihei-South Maui.
Oahu	Waipahu to Hawaii Kai; Honolulu vicinity defined by Hawaii Kai (Koolauloa): Kaaawa, Hau'ula, Laie, Kahuku, Pupukea (North Shore) Sunset, and Kahana Valley. Leeward Oahu: Waianae Coast, Windward Oahu: Kailua.
Idaho:	
Bonner	Community of Sand Point.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Kootenai	Cities of Coer d'Alene, Post Falls and surrounding areas.
Nez Perce	Entire county, except the Nez Perce Reservation and Asotin County, WA.
	Nez Perce Reservation.
Lewis	Nez Perce Reservation.
Clearwater	Nez Perce Reservation.
Illinois:	
Champaign	Entire County.
Clinton	Entire County.
Washington	Entire County.
Cook County	South Chicago / Lower West Side.
	Near South / Armour Square.
	New City/ West Englewood/ Englewood.
	Communities of: *Cicero:* Berwyn, and Cicero; *Maywood:* Broadview, Elmwood Park, Norridge, Franklin Park, Hillside, Maywood, North Riverside, River Grove, Schiller Park, Stone Park; *Bellwood:* Bellwood, Berkley, Brookfield, Forest Park, La Grange Park, Melrose Park, Northlake, North Riverside, Westchester, and Western Springs; *Robbins:* Blue Island, Harvey, Calumet Park, Riverdale, Dixmoor, and Robbins; *Summit:* Burbank, Hickory Hills, Worth, Hometown, Willow Springs, Oak Lawn, Justice, Nottingham Park, Chicago Ridge, Bridgeview, Summit, Hodgkins, Bedford Park, Palos Hills, Lyons, La Grang.
	Uptown Community.
	Rogers Park.
	West Humboldt Park Community and New City Community.
	Evanston Township;
	Community of Grand Boulevard;
	Communities of Oakland, Albany, Park, North Lawndale, Gage Park, Fuller Park, Near West Side, Roseland, West Town, Austin, Logan Square, West Pullman, Chatham, Woodlawn, Washington Heights, Near North Side, Garfield Park, and Douglas.
Edwards	Entire County.
Saline	Entire County.
Gallatin	Entire County.
Hamilton	Entire County.
Wabash	Entire County.
Wayne	Entire County.
White	Entire County.
Kane	Towns of Elgin, Aurora, and Carpentersville.
Sangamon	Sangamon.
St. Clair	District 1/East St. Louis; District 3/ Cahokia—Centreville.
Peoria	City of Peoria.
Madison	Towns of Alton, Granite City, Pontoon Beach, Venice, Collinsville and E. Alton.
Will	Town of Joliet.
Williamson	Entire County.
Franklin	Entire County.
DuPage	Towns of Bensenville & surrounding areas, Wheaton, West Chicago,Villa Park, and Lombard.
Lake	Entire County.
Hancock	Entire County.
McDonough	Entire County.
Pike	Entire County.
Indiana:	
Ada	Entire County.
Blackford	Entire County.
Grant	Entire County.
Clay	Entire County.
Owen	Entire County.
Putnam	Entire County.
DeKalb	Entire County.
Howard	Entire County.
Miami	Entire County.
Lawrence	Entire County.
Martin	Entire County.
Orange	Entire County.
Washington	Entire County.
Madison	Madison County.
Marshall	Entire County.
Starke	Entire County.
Marion	Pike, Washington, Lawrence, Wayne, Center, and Warren Townships.
Tippecanoe	Entire County.
Vanderburg	Town of Evansville.
Vigo	Entire County.
Knox	Entire County.
Sullivan	Entire County.
Koscinsko	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Iowa:	
Allamakee	Entire County.
Audubon	Entire County.
Blackhawk	City of Waterloo
Calhoun	Entire County.
Carroll	Entire County.
Cherokee	Entire County.
Clarke	Entire County.
Clay	Entire County.
Clayton	Entire County.
Dallas	Entire County.
Decatur	Entire County.
Des Moines	Entire County.
Greene	Entire County.
Guthrie	Entire County.
Hamilton	Entire County.
Hardin	Entire County.
Henry	Entire County.
Humboldt,	Entire County.
Lee	Entire County.
Linn	Entire County.
Louisa	Entire County.
Marshall	Entire County.
Plymouth	Entire County.
Polk	West—County Line from Raccoon River to 9400 N. North—9400 N to NW 58th to NW 110th Place to NE 22nd Street to NE 118th Street. East—NE 29th to I–80 to NE 120th Street to East University to NE 64th Street to SE 6th to SE 60th to the Des Moines River to I–65 to 80th SW. South—80th SW/County Line from Des Moines River to 9800 W.
Poweshiek	Entire County.
Sac	Entire County.
Scott	City of Davenport: West Boundary—an area bounded by the West side of I–280 on the west edge of Davenport continuing from the Mississippi River north to the north side of I–80 on the north edge of Davenport; North boundary: From a point where I–280 meets I–80 continuing east to the east side of I–74 on the east edge of Davenport; East boundary: From the north starting point of I–74 where it meets I–80, continuing south of I–74 to the Mississippi River; South boundary: East from the east side of I–74 west along the Mississippi River to the west edge of I–280 where I–280 meets the river.
Story	Entire County.
Tama	Entire County.
Webster	Entire County.
Woodbury	Entire County.
Wright	Entire County.
Kansas:	
Atchinson	Entire County.
Brown	Entire County.
Doniphan	Entire County.
Jefferson	Entire County.
Leavenworth	Entire County.
Marshall	Entire County.
Nemaha	Entire County.
Potawatomi	Entire County.
Jackson	Entire County, except the Potawatomi Reservation and the towns of Hoyt and Mayetta.
	Prairie Band of Potawatomi Reservation and two communities adjacent to the reservation, Hoyt and Mayetta.
Cherokee	Entire County.
Crawford	Entire County.
Labette	Entire County.
Montgomery	Entire County.
Clay	Entire County.
Cloud	Entire County.
Dickerson	Entire County.
Ellsworth	Entire County.
Saline	Entire County.
Ford	Entire County.
Johnson	City of Overland Park: North of I–435 to 47th Street, West of State Line Road to Lackman Road in Northeast Johnson County.
Lyon	Entire County.
Riley	Entire County.
Rush	Entire County.
Russell	Entire County.
Ellis	Entire County.
Sedgwick	*City of Wichita:* an area bounded by Murdock Street on the North. 47th South Street on the South. Woodlawn Street on the East and Main Street on the West.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Shawnee	Entire County.
Sumner	Entire County.
Washington	Entire County.
Wyandotte	Kansas City: bounded by: Wyandotte/Douglas County Line on the West. The Wyandotte/Johnson County Line on the South and the Kansas/Missouri State Line on the North and East.
Finney	Garden City.
Kentucky:	
Bourbon	Entire County.
Fayette	Entire County.
Harrison	Entire County.
Nicholas	Entire County.
Scott	Entire County.
Breckinridge	Entire County.
Grayson	Entire County.
Calloway	Entire County.
Carlisle	Entire County.
Fulton	Entire County.
Marshall	Entire County.
Hickman	Entire County.
Ballard	Entire County.
Graves	The towns of Mayfield, Fancy Farm, Lowes, Sedalia, Symsonia and Wingo.
Warren	Bowling Green, Rockville, Albaton, Rich Panel, Plano.
McCracken	Paducah, Concord, Farley, Heath, Hendron, Loneoak.
Christian	Hopkinsville.
Daviess	Owensburg.
Ohio	Entire County.
Lyon	Entire County.
Trigg	Entire County.
Harlan	Entire County.
Clay	Entire County.
Knox	Entire County.
Harrison	Entire County.
Jefferson	Entire County.
Knott	Hindman, West Caney.
Letcher	Jenkins, Fleming.
Lincoln	The towns of Paducah, Concord, Farley, Heath, Hendron and Loneoak.
Owsley	The towns of Bowling Green, Rockfield, Albaton, Rich Panel, and Plano.
Bullitt	Mt. Washington.
Casey	Entire County.
Cumberland	Entire County.
Green	Entire County.
Taylor	Entire County.
Bell	Communities of Pineville, Middlesboro and Yellow Creek.
Whitley	Communities of Williamsburg and Oak Grove.
Louisiana:	
East Baton Parish	City of Baton Rouge: 1. The area located in North Baton Rouge starting at the center of Airline Highway and the Louisiana and Arkansas Railroad; east and then south to the center of Winbourne Avenue; west to the center of North Foster; south to the center of Choctaw Drive; west to the center of the north bound lane of N. Acadian Thruway; north to the south side of Linden; west to the center of Plank Road; north to the north side of Hollywood; west to the west side of Scenic Highway; north to Monte Sano Bayou; west to the Louisiana & Arkansas Railroad; north to the point of beginning. 2. Beginning at the west side of Plank Road and the center of Hopper Road; east to the south side of Mickens; southeast to the west side of Lanier Drive; south to the north of Oak Apple Avenue; west to the west end of Oak Apple Avenue; south to the south of Maplewood Avenue; east to the west side of Lanier Drive; south to the south of Greenwell Street; west on the south side of Greenwell Street to the center of Airline Highway; west to the west side of Plank Road; north to the point of beginning. 3. An area beginning at Long Allen Bridge (US Highway 190 Bridge/Mississippi River Bridge); east and south on US Highway 190 to Florida Blvd.; south on US Highway 61 to Bayou Manchac (parish line); southwest along the center of Bayou Manchac to Mississippi; north to point of beginning.
Bossier Parish	Entire Parish.
Iberia Parish	Entire Parish.
Lafayette Parish	Entire Parish.
St. Martin Parish	Entire Parish.
Rapides Parish	Entire Parish.
St. Charles Parish	Entire Parish.
St. Helena Parish	Entire Parish.
St. Tammany Parish	The Northern portion of St. Tammany Parish bordered on the North by the St. Tammany/Washington Parish Line, bordered on the East by the Pearl River/Mississippi State Line, bordered on the South by US Highway 190, and bordered on the West by the St. Tammany-Tangipahoa Parish.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Tangipahoa Parish	South portion of Tangipahoa Parish bordered on the North by Louisiana State Highway 16, bordered on the East by the Tangipahoa-St. Tammany Parish Line, bordered on the South by State Highway 22, and bordered on the West by the Tangipahoa-Livingston Parish Line.
Washington Parish	Entire Parish.
West Feliciana Parish	Entire Parish.
Maine:	
Androscoggin	City of Lewiston.
Franklin	Entire County; Towns of Livermore, Livermore Falls.
Cumberland	Entire County.
Northern Kennebec	Entire County.
Somerset	Entire County.
Southern Oxford	South Paris, Buckfield, Summer, Hartford.
Maryland:	
Allegany	Entire County.
Baltimore	City of Baltimore: (1) The communities of Edmondson Village Sandtown/Winchester, Reservoir Hill, Park Heights (upper and lower), Washington Village/Pigtown, Mideast, Forest Heights, Mondawmin, Howard Park, Rosemount, Franklin Square/Poppletown, Penn/Druid/Uppertown, Green Mount East, Hopkins Middleast, Madison East End, Cherry Hill, Brooklyn/Curtis Bay, Claremount, Armstead, Beechfield/Irvington, Belair/Edison, Waverly, Govans, Hampden/Woodbury, and Barclay (2) The area bounded on the North by Monument Street, on the South by the Waterfront, on the East by the City Line and on the West by Broadway Street; Caroline County; and Southern Anne Arundel County, including the towns of Harwood, West River, Galesville, Lothian, Churchton, Deale, Shady Side and Traceys Landing. The area bounded on the North by Monument Street, on the South by the Waterfront, on the East by the City Line and on the West by Broadway Street; Caroline County; and Southern Anne Arundel County, including the towns of Harwood, West River, Galesville, Lothian, Churchton, Deale, Shady Side and Traceys Landing.
Caroline	Entire County.
Anne Arundel	The towns of Harwood, West River, Galesville, Lothian, Churchton, Deale, Shady Side and Traceys Landing.
Cecil	Entire County.
Dorchester	Entire County.
Garrett	Entire County.
Harford	Entire County.
Montgomery	(1) Gaithersburg and Germantown; (2) Rockville South of Route 28, Silver Spring and Takoma Park.
Prince Georges	Hyattsville, Riverdale and Langley Park.
Massachusetts:	
Bristol	City of Fall River, and the Towns of Somerset, Swansea, Rehoboth, Dighton, Freetown, Berkley, Lakeville, and Seekonk Towns of Raynham and Taunton.
Essex	Cities/Towns of Lawrence, Methuen, Andover and N. Andover.
Franklin	Towns of Greenfield, Orange and Turners Falls.
Hampden	Cities of Holyoke, Chicopee and Springfield.
Middlesex	City of Somerville. City of Lowell.
Suffolk	City of Boston: North Dorchester, South Dorchester, Mattapan-Franklin, Roslindale, West Roxbury, Hyde Park, East Boston, Charlestown, South Boston, Central, South end, Fenway-Kenmore, Allston-Brighton, Jamaica Plain, Roxbury, except Back Bay-Beacon Hill neighborhood. City of Boston: North Dorchester, South Dorchester, Mattapan-Franklin, Roslindale, West Roxbury, Hyde Park, East Boston, Charlestown, South Boston, Central, South end, Fenway-Kenmore, Allston-Brighton, Jamaica Plain, Roxbury, except Back Bay-Beacon Hill neighborhood.
Worcester	Towns of Southbridge, Webster and Oxford.
Norfolk	Quincy, Braintree, Weymouth, and Milton.
Plymouth	Hull.
Michigan:	
Alger	Entire County.
Marquette	Entire County.
Alpena	Entire County.
Bay	Entire County.
Iosco	Entire County.
Arenac	Entire County.
Cheboygan	Entire County.
Ogemaw	Entire County.
Antrim	Entire County.
Benzie	Entire County.
Charlevoix	Entire County.
Emmet	Entire County.
Grand Traverse	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Jackson	North of I–94 to Seymore Rd., South of I–94 to US–12, East of US–127 to Clear Lake Rd., West of US–127 to M–99. The cities and towns of Brooklyn, Cement City, Clarke Lake, Concord, Grass Lake, Horton, Jackson, Michigan Center, Napolean, Parma, Spring Harbor, and Springport.
Kalkaska	Entire County.
Leelanau	Entire County.
Missaukee	Entire County.
Roscommon	Entire County.
Wexford	Entire County.
Delta	Entire County.
Menominee	Entire County.
	Hannahville Reservation.
Schoolcraft	Entire County
Baraga	Entire County.
	Keweehaw Reservation.
Houghton	Entire County.
Keweenaw	Entire County.
Genesee	(1) Carman-Ainsworth School District and Bendel School District. (2) Eligible families enrolled in the Michigan Job Corps, Mott Community College, U of MI–Flint, and the Career Alliance Program (Sylvester Broome Training Center); Flint School District including service areas of Holmes and Whittier; and School Districts of Clio, Montrose, Mt. Morris, Genesee, Kearsley, West Wood Heights and Flushing.
Clare	Entire County.
Gladwin	Entire County.
Mecosta	Entire County.
Midland	Entire County.
Osceola	Entire County.
Luce	Entire County.
Mackinac	Entire County.
Ionia	Entire County.
Isabella	Entire County.
Gratiot	Entire County.
Montcalm	Entire County.
Gogebic	Entire County.
	Lac Vieux Desert Reservation.
Ontonagon	Entire County.
Kent	City of Grand Rapids.
	(1) North Boundary-3 Mile Road; East Boundary-East Beltline Ave (except East Grand Rapids); South Boundary-28th Street; West Boundary-Byron Center Road/Covell Avenue/Walker Avenue; (2) South of Grand Rapids in an area bounded by 28th Street to the north, Patterson Avenue to the East, 68th Street to the south, and Byron Center Avenue to the West.
Manistee	Entire County.
Lake	Entire County.
Newaygo	Entire County.
Mason	Entire County.
Huron	Entire County.
LaPeer	Entire County.
Sanilac	Entire County.
Tuscola	Entire County.
Ottawa	Town of Ferrysburg, Grand Haven Township, Spring Lake Township, Crockery Township, and Robinson Township within Ottawa County.
Wayne	The following neighborhoods are being served within the city of Detroit: (1) Woodland St. /Oakland St./Warren Av./Byron St. (2) Fullerton St./Byron St./W. Grand Blvd./Holmur St. (3) Puritan St./Thomas St./Fullerton St./Meyers Rd. (4) 8 Mile Rd./Southfield Fwy./Puritan St./Five Points St. (5) Puritan St./Southfield Fwy./Fullerton St./Telegraph Rd.
Calhoun	Entire County.
St. Joseph	Entire County.
Mackinac	Entire County.
Luce	Entire County.
Delta	Entire County.
Schoolcraft	Entire County.
Marquette	Entire County.
Alger	Entire County.
Chippewa	Entire County.
	Bay Mills Reservation.
	Sault Ste. Marie Tribe of Chippewa Reservation.
Delta	Little Traverse Bay Band Reservation.
Emmet	Little Traverse Bay Band Reservation.
Charlevoix	Pokagom Reservation.
Otsego	Pokagom Reservation.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Cass	Pokagom Reservation.
Berrien	Entire County.
Van Buren	Entire County.
Ingham	City of Lansing, Lansing School District.
Minnesota:	
Anoka	Entire County.
Becker	White Earth Reservation.
Hubbard	White Earth Reservation.
Mahnomen	White Earth Reservation.
Beltrami	Entire County.
Cass	Entire County.
Crow Wing	Entire County.
Morrison	Entire County.
Todd	Entire County.
Kittson	Entire County.
Lake of the Woods	Entire County.
Marshall	Entire County.
Roseau	Entire County.
Ramsey	Western half of county and school districts Moundview/ Roseville School District and North St. Paul-Maplewood-Oak Dale School District, and White Bear Lake School District. Boundaries: City of St. Paul, Interstate 35, Interstate 94 and Lafayette Road.
Benton	Entire County.
Sherburne	Entire County.
Stearns	Entire County.
Mille Lacs	Mille Lacs Reservation.
Hennapin	City of Minneapolis.
	City of Minneapolis; Brooklyn Park, Golden Valley, & Richfield.
Mississippi:	
Leflore	Greenwood.
Harrison	Biloxi.
Hinds	Entire County.
Holmes	Lexington, Ebenezer, Bowling Green.
Jones	City of Laurel and Towns of Ellisville and Soso.
Copiah	Job Corp site-Crystal Springs.
Leake	Walnut Grove.
Newton	Entire County.
Monroe	Entire County.
Lee	Entire County, except Tupelo.
	Tupelo.
Lafayette	Oxford.
Grenada	Grenada.
Marshall	Byhalia, Holly Springs.
Panola	Batesville.
Pontotoc	Entire County.
Tallahatchie	Glendoro.
Tate	Senatobia.
Tunica	Entire County.
Chickasaw	Houston.
Oktibbeha	Starkville.
Clay	West Point.
DeSota	Walls.
Lowndes	Columbus.
Noxubee	Macon.
Washington	Hollandale, Arcola, Tralake, Murphy.
Henry	Eminence.
Leake	Mississippi Band of Choctaw Indians Reservation: Community of Redwater.
Neshoba	Mississippi Band of Choctaw Indians Reservation: Communities of Pearl River, Boguechitto, and Tucker.
Missouri:	
Adair	Entire County.
Barry	Entire County.
Bates	Entire County.
Christian	Entire County.
Dade	Entire County.
Dallas	Entire County.
Lawrence	Entire County.
Greene	City of Springfield: *North Boundary*—by I–44. South Boundary—by Battlefield Road. East Boundary—by Hwy 65. West Boundary—by Haseltine Road.
Polk	Entire County.
Stone	Entire County.
Taney	Entire County.
Webster	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Cass	City of Peculiar.
Henry	City of Clinton.
St. Clair	City of Osceola.
Buchanan	Entire County.
Cape Girardeau	Entire County.
Lafayette	Entire County.
Chariton	Entire County.
Johnson	Entire County.
Ray	Entire County.
Saline	Entire County.
Jackson	City of Kansas City bounded to the North by Missouri River; to the West: by the State Line Road; to the South by 112th Street and to the East by Hillcrest Road.
Jasper	Entire County.
Newton	Entire County.
Knox	Entire County.
St. Charles	Entire County, including: (1) City of St. Charles: an area bordered from south, east and west city limit boundary to the Hunters Ridge cutoff to the north; and;. (2) City of St. Peters: an area bordered from the south, west and north city limit to the Kimberly Street cut-off to the east.
Montgomery	Entire County.
Lincoln	Entire County.
Warren	Entire County.
Cooper	Entire County.
Moniteau	Entire County.
Morgan	Entire County.
Pettis	Entire County.
St. Louis	(1) St. Louis County—North—Missouri River. South: Meramec River. East—Mississippi River, except for St. Louis City which borders St. Louis County on the following streets: Riverview, Goodfellow, Skinker-McCausland, River Des Peres and Carondelet. West—Wild Horse Creek Road, Ossenfort Road, Boguett Road and Fox Creek Road. (2) St. Louis City—East—Mississippi River. North, South and West—Borders St. Louis County on the following streets: Riverview, Goodfellow, Skinker-McCausland, River Des Peres, and Carondelet. (3) St. Louis City—South—Forest Park Parkway and portions of Forest Park. West—Skinker Boulevard/Kienlen/Jennings Station Road. North—West Florissant Road. East Grand Boulevard. (4) St. Louis City: South—By Meramec Street. West—by Grand Avenue to Arsenal Avenue, Arsenal Avenue west to Kingshighway Blvd. North to Columbia Avenue west to Hampton, Hampton north to Highway 40(64) west to Skinker Avenue, north to Forest Park Parkway. North—by Forest Park Parkway to Grand Avenue, Grand Avenue north to St. Louis Avenue. St. Louis Avenue west to Clay Avenue. Clay Avenue north to Natural Bridge. Natural Bridge west to Clay Avenue. Clay Avenue north to West Florissant to Adelaide. Adelaide north to Highway 70. East—by Highway 70 to Chouteau Avenue. Chouteau Avenue east to the river and the river south to Meramec.
Marion	Entire County.
Boone	Entire County.
Montana:	
Beaverhead	Entire County.
Silver Bow	Entire County.
Lincoln	School District #4 boundary that includes the city of Libby.
Missoula	Entire County.
Yellowstone	City of Billings and School District #2 boundary that includes the city of Lockwood).
Glacier	Blackfeet Reservation.
Lake	Flathead Indian Reservation.
Nebraska:	
Adams	Entire County.
Clay	Entire County.
Franklin	Entire County.
Hall	Entire County.
Nuckolls	Entire County.
Webster	Entire County.
Box Butte	Entire County.
Dawes	Entire County.
Douglas	City of Omaha: an area bordered North—I-680. South—Harrison Street (Sarpy County Line). East—Missouri River. West by 72nd Street. City of Omaha: an area bordered North—I-680. South—Harrison Street (Sarpy County Line). East—Iowa State Line. West—72nd Street.
Gage	Entire County.
Garfield	Entire County.
Greeley	Entire County.
Holt	Entire County.
Howard	Entire County.
Colfax	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Platte	Entire County.
Sherman	Entire County.
Valley	Entire County.
Lancaster	City of Lincoln.
Saline	Entire County.
Scotts Bluff	Entire County.
Nevada:	
Clark	Las Vegas, North Las Vegas and Henderson.
Elko	Entire County.
Whitepine	Entire County.
Washoe	Cities of Reno and Sparks.
New Hampshire:	
Belknap	Entire County.
Hillsborough	City of Manchester.
Strafford	Entire County.
New Jersey:	
Atlantic	Entire County.
Camden	City of Camden.
Cape May	Entire County.
Cumberland	Cumberland County, Salem.
Essex	City of East Orange. Newark Central Ward; West Ward; North Ward (Verona Avenue to Orange Street and Lake Street to McCarter Highway); and Bakery Village. Cities of Montclair and Orange.
Glouster	Entire County.
Hudson	Union City. North Bergen, West N.Y., Weehawken, Guttenberg, Seacaucus.
Ocean	Lakewood Township.
Passaic	West Milford, Wayne, Ringwood, Bloomingdale, Little Falls, Haledon, Pompton Lakes, Hawthorne. Patterson, Prospect Park, and Clifton.
Sussex	Entire County.
Warren	Entire County.
Morris	Entire County.
New Mexico:	
Bernalillo	Entire County.
Doña Ana	City of Las Cruces.
Lea	Hobbs and Lovington.
Navajo Nation	Navajo Reservation, Navajo School Board.
San Juan	The Alamo Navajo Reservation. Entire County, except the Alamo Navajo Reservation.
Santa Fe	Entire County.
Torrance	Entire County.
Sandoval	Bernalillo, Cuba, and Rio Rancho.
Cibola	Pueblo Laguna Reservation.
New York:	
Bronx	(1) Spuyten Duyvil. (2) University Heights. (3) Fordham. (4) Riverdale. (5) Morris Heights. (6) Highbridge. (1) 3rd Ave. and Courtland Ave. through E. 161st Street; Grand Ave. through East Featherbed Lane; University Ave through West 182nd Street; East 146 Street through 156 Street; West on St Anns Ave and Union Ave; (2) Fulton Ave. to Park Ave.; (3) East 171st Street and Prospect Ave, through East 182nd; (4) East 183rd Street and East 187th St. to East Mosholu; (5) North on Longwood Ave. and Boston Rd and Jennings St.; (6) Charlotte St. and White Plains Rd; (7) Sedwick Ave. and Goulden Ave through West 242 St.; (8) West 183rd St. and Grand Concourse through Mosholu to Bruckner Blvd; (9) Mott Haven and Hunts Point (Community Board #1 & 2); (10) Spuyten Duyvil (Community Board #8) University Heights (Community Board #7).
Manhattan	(1) 125 St. to 218 St., Riverside Drive to Harlem River, Edgecomb Ave, St. Nicholas Ave; Washington Hgts: FDR Drive east, to Binery to the south; 14th Street to the West, North is bounded by East of Broad Street and South of 14th Street; and Lower East Side: East River across Delancey St. to Allen St., South on Allen St to Pike St to East River. (2) Lower East Side Manhattan bounded by 14th St., FDR Drive, and Bowery 125 St. to 218 St., Riverside Drive to Harlem River, Edgecomb Ave, St. Nicholas Ave; Washington Hgts: FDR Drive east, to Binery to the south; 14th Street to the West, North is bounded by East of Broad Street and South of 14th Street; and Lower East Side: East River across Delancey St. to Allen St., South on Allen St to Pike St to East River.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Kings	(1) Borough Park, Williamsburg, Crown Heights and Flatbush Staten Island : Park Hill, Clifton and Stapleton; Fort Green (Housing Projects Ingersol, Whitman, Farraget).
	(2) Teenage girls attending Board of Education LYFE program in Brooklyn; students live throughout the county.
Queens	Rockaway Peninsula.
Alleghany	Entire County.
Cattaraugus	Entire County.
Chautauqua	Entire County.
Chenango	Entire County.
Dutchess	Entire County.
Herkeimer	City of Herkeimer.
Monroe	City of Rochester.
Oneida	City of Rome.
Onondaga	City of Syracuse.
Rensselaer	Entire County.
Rockland	Spring Valley.
	The village of Haverstraw and outlying areas, the village of Nyak and outlying areas including Valley Cottage, Congeis, Piermont, and Sparkill.
Schenectady	City of Schenectady.
Seneca	Entire County.
Orange	Entire County.
Steuben	Entire County.
Yates	Entire County.
Sullivan	Entire County.
Wayne	Wolcott, Butler, Savannah, Huron, Rose Galen, Sodus, Lyons, Newark.
Westchester	Entire county, excluding the City of White Plains.
	City of White Plains.
Wyoming	Entire County.
Erie	In the City of Buffalo: Teen mothers and pregnant women attending the following High Schools: Bennett, Lafayette, Grover Cleveland, Emmerson Vocational, South Park, Riverside, Seneca, Kensington, Alternative, City of Schools, Performing Arts, Buffalo Traditional, Hutch Technical, McKinley, Burgard, and City Honors.
Orleans	Entire County.
Saratoga	Entire County.
Washington	Entire County.
Suffork/Nassau	Central Brookhaven, including Coram, Medford, No. Bellport, Seldon, and Ridge.
Madison	Entire County.
Otsego	Entire County.
North Carolina:	
Buncombe	City of Ashville; Towns of Woodson, Emma, and Johnstown.
Caswell	Yanceyville and entire county.
Guilford	Greensboro.
	Entire County outside of Greensboro.
Macon	Entire County.
McDowell	Entire County.
Orange	Entire County.
Pamlico	Entire County.
Cateret	Entire County.
Craven	Entire County.
Jones	Entire County.
Rowan	Entire County.
Davison	Entire County.
Montgomery	Entire County.
Moore	Entire County.
Stanley	Entire County.
Transylvannia	Entire County.
Henderson	Entire County.
Union	Monroe.
Wayne	Entire County.
Cumberland	Fayetteville.
Rutherford	Entire County.
Ohio:	
Adams	Entire County.
Brown	Entire County.
Clermont	Entire County.
Clark	Entire County.
Montgomery	City of Dayton.
Cuyahoga	City of Cleveland: Glenville, Hough, Detroit-Shoreway, Clark-Fulton; and City of East Cleveland.
Darke	Entire County.
Greene	Entire County.
Shelby	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Miami	Entire County.
Hamilton	City of Cincinnati: Communities of Over-the-Rhine, Mount Auburn, Price Hill, West End, Bond Hill, Roselawn, Avondale, Millvale, and Walnut Hills.
Lake	Entire County.
Lawrence	Entire County.
Lorain	Towns of Lorain, Elyria, Oberlin, Wellington, Columbia Station, and South Amherst.
Medina	Entire County.
Wayne	Entire County.
Morgan	Entire County.
Washington	Entire County.
Pike	Entire County.
Preble	Entire County.
Richland	Entire County.
Summit	City of Akron: Communities of N. Akron, S. Akron, W. Akron, E. Akron.
Guernsey	Entire County.
Monroe	Entire County.
Noble	Entire County.
Fairfield	Entire County.
Mahoning	Youngstown, Canfield, Austintown, Campbell, Struthers, Boardman.
Oklahoma:	
Choctaw	Entire County.
McCurtain	Entire County.
Pushmataha	Entire County.
Creek	Entire County.
Okmulgee	Entire County.
Tulsa	An area west of Peoria Avenue in Tulsa and the Arkansas River which parallels Highway 75.
	East Tulsa, Southwest Tulsa and North Tulsa.
Mays	Entire County.
Rogers	Entire County.
Wagner	Entire County.
Oklahoma	Oklahoma City: an area bounded by Meridian Avenue on the West, North 50th on the North, Bryant Avenue on the East, and South 44th on the South.
Payne	Entire County.
Seminole	Entire County.
Cleveland	Entire County.
Logan	Entire County.
Cherokee	Entire County.
Mayes	Entire County.
Craig	Entire County.
Potawatomi	The Sac, Fox and Absentee Shawnee Districts.
	Potawatomi Reservation, extending north to the North Canadian River, south to the South Canadian River, west to the Indian Meridian Line, and east to the county line.
Oregon:	
Hood River	Cities of Hood River, Pine Grove, Parkland and surrounding areas.
Wasco	The city of Dalles and surrounding areas.
Jackson	City of Medford and metropolitan area; and the Illinois Valley.
Josephine	Entire County.
Multnomah	City of Portland bounded by N.E. Skidmore to the North, N.E. Tillamook to the South, 82nd Street to the East and the Willamette River to the West.
	City of Portland: bounded by the Willamette River on the West, the Columbia River on the North, Holgate Blvd on the South and N.E. 122nd Ave to the East (excluding the Enterprise Zone between N.E. Skidmore and N.E. Tillamook Streets; Within South—Holgate Blvd, East—NE 122 Ave, West-Willamette River, North—Columbia River and at the Jobs corp site in Troutsdale, OR.
	City of Portland: bounded by: Holgate Ave on the North; the Multnomah County line to the South, S.E. 45th St. to the West and 122nd Ave., to the East. After 122nd, the service area extends North to Burnside and out to S.E. 162nd Avenue. (Lents Junction).
	East Multnomah County, including City of Gresham, Towns of Troutdale, Wood Village, Fairview, Corbert, and the eastern edge of Portland and surrounding areas.
Umatilla	The communities of Pendleton, Hermiston, Umatilla and Stanfield.
Washington	City of Hillsboro, OR.
Jefferson	Warm Springs Indian Reservation.
Pennsylvania:	
Allegheny	City of Pittsburgh including: Allentown, Arlington, Arlington Heights, Beltzhoover, Beechview, Brookline, Banksville, Carrick, Duquesne Heights, Glen Hazel, Greenfield, Hays, Hazelwood, Lincoln Place, Knoxville, Mt. Washington, Mt. Oliver, Overlook, St Clair Village, So. Side Flats, So. Side Slopes; and the *County communities:* Aspenwall, Blawnox, Cheswick, East Deer, Etna, Fox Chapel, Frazer, Harmar, Indiana, Milivale, Oakmont, O'Hara, Shaler, Sharpsburg, Springdale Borough, Springdale Township, Verona, West Deer.
	Towns of Terrace Village, Clairton, West Miflin, Elizabeth, McKees Rocks, and Stowe Township in the City of Pittsburgh.
Beaver	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Bedford	Entire County.
Bradford	Entire County.
Tioga	Entire County.
Butler.	Entire County.
Centre	Entire county, including the community of Snow Shoe, and the surrounding area; and community of Milheim (Penn's Valley) and surrounding areas.
Clearfield	Entire county, including the Clearfield Borough and the surrounding community.
Fayette	Entire county, including the towns of Uniontown, Connellsville, and Brownsville.
Fulton	Entire County.
Huntingdon	Entire County.
Indiana	Entire County.
Lackawanna	Entire County.
Wayne	Entire County.
Pike	Entire County.
Susquehanna	Entire County.
Lehigh	Entire County.
Luzerne	Entire County.
Mercer	Entire County.
Snyder	Entire County.
Union	Entire County.
Mifflin	Entire County, including Lewistown, Reedsville, and surrounding area.
Philadelphia	(1) City of Philadelphia: Area enclosed by the Schuylkill River north to Girard Avenue, west on Girard to Parkside Avenue, north on Parkside Avenue to Belmont Avenue, south on Belmont to Westminster Avenue, west on Westminster to 50th Street, south on 50th Street to Spruce Street, east on Spruce to 45th Street and south on 45th Street to the Schuylkill River. (2) City of Philadelphia: Pine Street on the north; Broad Street on the east, Philadelphia Naval Base on the South, Schuylkill River on the west. (3) City of Philadelphia North Central Philadelphia Empowerment Zone -6th Street to 23rd Street and from Montgomery Street to Poplar Street. (4) City of Philadelphia: The area bounded on the North by Allegheny Avenue, on the South by Norris Street, on the East by 5th Street and on the West by 17th Street, excluding the North Philadelphia Empowerment Zone area.
Venango	Entire County.
Washington	Washington City, and Bentleyville.
Greene	Entire County.
Westmoreland	Entire County.
Dauphin	City of Harrisburg.
Rhode Island:	
Bristol	Bristol, Warren and Barrington.
Newport	Entire County.
Providence	Town of E. Providence. 1. The City of Cranston. 2. City of Central Falls, South and Southwest Providence. 3. Towns of Burrillville, Johnston, N. Providence, Smithfield, N. Smithfield, Glocester, Scituate and Foster.
Kent	The City of Warwick and the towns of Coventry and W. Warwick.
South Carolina:	
Bamberg	Olar, Bamberg City, Denmark, Ehrhardt.
Charleston	West Ashley, Downtown Charleston, and Charleston Nech Area.
Greenville	City of Greenville: Communities of Nicholtown (including the Jesse Jackson Town Homes), Woodland-Pierce Homes, and Parker District (including Monaghan, San Souci).
Lancas	Entire County.
Sparta	Entire County.
Sumter	City of Sumter: Sumter School District, Maysville, Dalzell, Wedgefield, Shaw AFB, Pinewood, Rembert, within the eastern section of Sumter County.
Anderson	Honeapat.
Pickens	City of Pickens.
Greenville	Pleasant Valley.
Beauford	St. Helena.
Jasper	Robertville.
South Dakota:	
Brookings	Entire County.
Codington	Entire County.
Hamlin	Entire County.
Lake	Lake County.
Minnehaha	Entire County.
Moody	Entire County.
McCork	Entire County.
Clark	Entire County.
Deuel	Entire County.
Grant	Entire County.
Kingsbury	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Miner	Entire County.
Butte	Towns of Belle Fourche, Fruitdale, Newell, Nisland and Vale.
Harding	Towns of Buffalo and Reva.
Perkins	Towns of Bison and Lemmon.
Hughes	Hughes County.
Hyde	Hyde County.
Jones	Jones County.
Mellette	Mellette County.
Stanley	Stanley County.
Sully	Sully County.
Meade	Cities of Black Hawk and Sturgis.
Pennington	The cities of: Box Elder, Ellsworth Air Force Base, Rapid City, Rapid Valley, New Underwood & Hill City.
Custer	Hermosa.
Fall River	Edgemont, Hot Springs.
Haakon	Philip Midland.
Jackson	Kadoka.
Lawrence	Deadwood, Lead, Spearfish.
Jackson	Pine Ridge Reservation.
Shannon	Pine Ridge Reservation.
Roberts	Lake Traverse Reservation.
Day	Lake Traverse Reservation.
Marshall	Lake Traverse Reservation.
Pennington	Rapid City and the communities of Fox Elder and Rapid Valley within the incorporated limits of Rapid City.
Clay	Entire County.
Lincoln	Entire County.
Turner	Entire County.
Union	Entire County.
Tennessee:	
Anderson	Andersonville, Briceville, Claxton, Clinton, Dutch Valley, Fairview, Grand Oaks, Lake City, Norris, Norwood.
Carroll	Entire County.
Fayette	Entire County.
Lauderdale	Entire County.
Madison	Entire County.
Obion	Entire County.
Tipton	Entire County.
Bedford	Shelbyville city limits and 10 miles around Shelbyville.
Lawren	Lawrenceburg city limits and 10 miles around Lawrenceburg.
Giles	Pulaski city limits and 10 miles around Pulaski.
Hamilton	Communities of Soddy-Daisy, Cedar Hill, and the Avondale area of the City of Chattanooga.
Knox	North Knoxville.
Loudon	Entire County.
Roane	Entire County.
Shelby	Frayse, North Memphis, South Memphis, Midtown; Vincent, Alabaster, Columbiana.
Weakley	Entire County.
Gibson	Entire County.
Henry	Entire County.
Williamson	Franklin.
Wilson	Lebanon.
Cannon	Woodbury.
Cheatham	Ashland City.
Robertson	Springfield.
Rutherford	Murfresboro.
Sumner	Gallagin.
Trousdale	Hartsville.
Morgan	Entire County.
Texas:	
Bextar	The City of San Antonio, an area on the Westside bounded by Woodlawn on the North, U.S. Highway 90 on the South, by Interstate 35 on the East and by Callahan on the West. The communities of Fredericksburg II, Circle North, New Westwood, Terrell Plaza, Fort Sam and Mount Zion.
Brazos	City of Bryan: bounded by an area on the North by West 28th Street, on the South by Beck Bryan, Texas (Brazos Street, on the East by Sims Street and on the West by Palasota Street.
Brooks	Falfurrias: (1) bordered by San Saba Street to the South, West Garret Street to the North, North Center Street to the East and North Chester Street to the West. (2) area bordered by East Lamar on the North, East Forrest Street on the South, North Lincoln on the East and North Williams Street on the West.
Brown	Entire county.
Burnet	City of Burnet.
Cameron	City of Harlingen: an area bounded by Harrison Street on the South, by Expressway 77 on the West, by F.M. 507 on the North and by F.M. 509 on the East.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Willacy	Brownsville, San Benito, Port Isabel, and Raymoudville.
Collin	McKinney Independent School District.
Dallas	City of Dallas: the communities of: (1) Pleasant Grove—an area bounded by I–635 on the North and East, I–45 on the South and I–30 on the West); and (2) West Dallas—an area bounded by the Trinity River on the north, I–30 on the south, Jefferson Boulevard on the east, and Loop 12 on the west. City of Dallas: the communities of: (1) Irving—an area bounded by Walnut Hill Rd on the north, Hunter Ferrel St. on the south, Walton Walker (Loop 12) on the east and Beltline Rd on the west. (2) North Oak Cliff—an area bounded by I–30 on the north, Ledbetter (Loop 12) on the South, I–35 on the east and Westmoreland Rd. on the west.
Duval	City of San Diego.
El Paso	Rural communities of Fabens, San Elizario, Clint, Canutillo, and the following areas in the city limits of El Paso: (1) Socorro/Sparks: an area bounded by Horizon City on the north, I–10 on the South, Bufford Road on the east and Avenue of the Americas on the south. (2) Northeast: an area bounded by New Mexico state line on the north, Montana Avenue on the south, Loop 375 on the east and Patriot on the west. (3) Ysleta—an area bounded by I–10 on the north, Border Freeway on the south, Avenue of the Americas on the east and Delta Drive on the west. (4) Central Area—an area bounded by Montana Avenue on the north, Mexico border on the south, Alameda Avenue on the east and Paisano Avenue on the west.
Fort Bend	Cities of Richmond and Missouri City.
Garza	Entire County.
Gray	Entire County.
Harris	City of Houston, service areas bordered by: Tidwell on the North, Hardy and Maury on the East, Yale and Studewood on the West and IH–10 on the South; also known as Fifth Ward. City of Humble, service area bordered by: North to Montgomery County line, East to the middle of Lake Houston, South to Beltway 8, and West to McKay Boulevard up to Spring Creek where it intersects the Montgomery County line. Communities of Galena Park and Jacinto City & City of Houston, service area bordered by: North to East Fork of the San Jacinto River, East to Liberty County, South to the North side of Indian Shores and West to the middle of Lake Houston. City of Houston, service area bordered by: (1) Clinton Drive on the South, Lockwood on the East, Cavalcade on the North, and I–59 on the West; (2) North from the intersection of Green's Bayou and Highway 90 extending Eastward to Carpenter's Bayou, on the East by Carpenter's Bayou, on the South by the Houston Ship Channel, also known as Buffalo Bayou. West from the Houston Ship Channel Northward along Fidelity Road, turning Eastward to intersect with Oates Road, proceeding North on Oates Road to the T&NO Railroad line, then East along the T&NO Railroad parallel to Market Street, to Green's Bayou and Northward along Green's Bayou to intersect Highway 90. City of Houston, service area bordered by: Highway 59 to the North, Chimney Rock Road to the East, Bellaire Blvd. to the South and Hillcroft Street to the West.
Hays	Entire County.
Hood	Cities of: Granbury, Cresson, Lipan and Paluxy.
Erath	Entire County.
Palo Pinto	Entire County.
Hutchinson	Entire County.
Jim Hogg	City of Hebbronville.
Jim Wells	City of Alice: an area bordered by Loma Street on the North, on the East by Texas Blvd., on the South by Hill Street and on the West by Cameron Street; an area bounded by Sain Street on the North, Sea Breeze on the South, Texas Blvd. on the West and Stadium Road on the East.
Kleberg	City of Kingsville: (1) an area bordered by Corral Road on the South, Armstrong Road on the East, University Blvd. on the West and Avenue F on the North; (2) W. General Cavos on the South, Sixth Street to the West, Fourteen Street to the East and Aisle Avenue to the North.
Lubbock	City of Lubbock: The Cherry Point neighborhood bordered by Loop 289 and East Municipal Drive in the North, East Broadway on the South, East Idalou Road on the East, and Yellowhouse Canyon on the West.
Mclennan	Eligible residents of an empowerment zone in the City of Waco identified as East Waco, and nearby North and South sections of the city.
Houston	Entire County.
Nacogdoches	Entire County.
Nueces	Entire County.
Potter	Entire County. Amarillo School District Boundaries (teen parents within the School District).
Randall	Entire County. Amarillo School District Boundaries (teen parents within the School District).
Scurry	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Starr	Rio Grande City.
Taylor	Abilene Independent School District.
Titus	Entire County.
Tom Green	Entire County.
Travis	Entire County.
Uvalde	Entire County.
Williamson	Cities of Taylor, Georgetown, and Leander.
Zapata	Zapata City.
Zavala	Entire County.
Grayson	Entire County.
Rockwall	Entire County.
Brazoria	Entire County.
Nolan	Entire County.
Utah:	
Carbon	City of Price.
Grand	City of Moab.
San Juan	City of Blanding.
Davis	Davis County School District Boundary.
Box Elder	Brighman City, Fielding, Garden City, Garland, Thatcher, and Tremonton.
Cache	College Ward, Hyde Park, Hyrum, Logan, Mendon, Millville, Nibley, North Logan, Richmond, River Heights, Smithfield, and Wellsville.
Navajo Nation	Navajo Reservation, Navajo School Board.
Utah	Entire County.
Vermont:	
Caledonia	Entire County.
Franklin	Entire County.
Essex	Entire County.
Orleans	Entire County.
Lamoille	Entire County.
Orange	Entire County.
Washington	Entire County.
Windham	Entire County.
Virginia:	
Buchanan	City of Bristol.
Dickerson	Entire County.
Russell	Entire County.
Washington	Entire County.
Fairfax	Cities of Fairfax , Falls Church, and South Fairfax County from I–495 to Prince William County.
Arlington	City of Alexandria: (Rt.1 Corridor).
Isle of Wight	City of Franklin.
York	City of Williamsburg and James City.
Prince William	Manassas and Manassas Park.
Roanoke	City of Roanoke.
Newport News	City of Newport News: from Jefferson Street east.
Wise	Towns of Esserville and Appalachia.
Washington:	
Chelan	Entire County.
Douglas	Entire County.
Clark	Clark County.
Ferry	The communities of: Metaline Falls, Newport, Loon Lake, Colville, Kettle Falls, Northport and Republic.
Pend Oreille	Entire County.
Steven	Entire County.
Grant	Entire County.
Island	Entire County.
Skagit	Entire County.
San Juan	Entire County.
King	City of Seattle: Ballard, and West Seattle; East: Lake Washington, West: Puget Sound, North: 145th Street, Southwest: Roxbury Street, Southeast: Juniper Street. This service area excludes the garden communities of Holly Park, Yesler Terrace, Rainer Vista and High Point. City of Seattle: Central District of Seattle bounded on the North by East Madison St and Lake Washington Blvd, on the South by Interstate 90, on the East by Lake Washington and on the West by Rainier Avenue South, South Main Street, Interstate 5, James Street and 12th Avenue. City of Seattle: Yesler Terrace, Holly Park, High Point, Rainer Vista PHD's. Communities of Kent, Renton, Auburn, Skyway, Tukwila, Southeast King County, and Federal Way.
Kitsap	South Kitsap School District (Discovery High School) and Olympic College.
Klickitat	Entire County
Pierce	School Districts: Clover Park School District; the Bethel School District; Pennisula School District; the Tacoma School District (Oakland Alternative High School) and the Woman's Correctional Center in Purdy, Washington.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Snohomish	The City of Everett: 1. Area #1: north of 42nd Street, west of Marine View Drive, South of Highway 529 and east of Puget Sound; 2. Area #2: South of Casina Road, West of Mukulteo Speedway, east of Meridian Drive and North of Stickney Drive.
Spokane	The City of Spokane and surrounding metropolitan area; and students attending Community Colleges of Spokane.
Whatcom	Entire County.
Yakima	Towns of Grandview, Sunnyside, Mabtou, Granger, Toppenish, and White Swan.
Kitsap	Port Madison Indian Reservation and immediate surrounding area. Port Gamble S'Klallam Reservation and immediate surrounding area.
Jefferson	Entire County.
Clallam	Entire County.
Wyoming:	
Big Horn	Entire County.
Hot Springs	Entire County.
Washakie	Entire County.
Converse	Entire County.
Goshen	Entire County.
Natrona	Cities of Casper, Evansville, Mills and Paradise Valley.
Niobrara	Entire County.
Fremont	Wind River Indian Reservation and surrounding areas.
Platte	Entire County.
Campbell	Entire County.
Teton	Entire County.
Sublette	Entire County.
District of Columbia:	
	(1) Ward One an area enclosed by: Northeast—Spring Road, Northwest—Piney Branch Parkway, East—Michigan Avenue to Florida Avenue, Southeast—S Street, West—Rock Creek; (2) In Ward Two an area enclosed by: Northeast—New Jersey, Florida Avenue and S Street, Northwest—Florida Avenue, East—Florida Avenue and Southwest Freeway, Southeast—Anacostia River, West—Potomac River; (3) In Ward Four an area enclosed by: Northeast—Eastern Avenue, Northwest—Western Avenue, Southeast—Michigan Avenue, Southwest—Rock Creek; (4) In Ward Five an area enclosed by: Northeast—Eastern Avenue, Northwest—South Dakota, Southeast—Anacostia River, Southwest—Florida Avenue, West—Harewood Road; (1) Ward One an area enclosed by: Northeast—Spring Road, Northwest—Piney Branch Parkway, East—Michigan Avenue to Florida Avenue, Southeast—S Street, West—Rock Creek; (2) In Ward Two an area enclosed by: Northeast—New Jersey, Florida Avenue and S Street, Northwest—Florida Avenue, East—Florida Avenue and Southwest Freeway, Southeast—Anacostia River, West—Potomac River; (3) In Ward Four an area enclosed by: Northeast—Eastern Avenue, Northwest—Western Avenue, Southeast—Michigan Avenue, Southwest—Rock Creek; In Ward Five an area enclosed by: Northeast—Eastern Avenue, Northwest—South Dakota, Southeast—Anacostia River, Southwest—Florida Avenue, West—Harewood Road; Sections of Wards One, Two and Four, which include the areas of Shepherd Park, Upper Cordoza, Adams Morgan and Mount Pleasant.
Commonwealth of Puerto Rico:	
Municipality of Carolina	Carolina.
Municipality of Cayey	Cayey.
Municipality of Ceiba	Ceiba.
Municipality of Cidra	Cidra.
Municipality of Coamo	Las Flores.
Municipality of Humacao	Humacao.
Municipality of Junco	Juncos.
Municipality of Loiza	Loiza.
Municipality of Juncos	Entire Municipality.
Municipality of Canavanas	Barrio Cubny.
Municipality of Rio Grande	Entire Municipality.
Municipality of Ceiba	Entire Municipality.
Municipality of Naguabo	Entire Municipality.
Municipality of Luquillo	Luquillo.
Municipality of Ponce	Ponce.
Municipality of Rio Grande	Rio Grande.
Municipality of San Juan	San Juan (Cantera). Trujillo Alto, Cayey, Albonito and surrounding areas. Barrios: Hato Rey Norte, Cupey, Caimito, and Tortuga; and the sub-barrios of Puerto Nuevo, Nemesio R. Canales Public Housing Project.
Municipality of Toa	Toa Baja.
Municipality of Trujillo Alto	Trujillo Alto.
Municipality of Vega Alta	Vega Alta (Muachauchal and Santa Ana).

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Municipal Government of Santa Isabel.	Santa Isabel.
Municipality of Bayamon	Bayamon.
Municipality of Barceloneta	Barceloneta.
Municipality of Guaynabo	Guaynabo.
Municipality of Sabana Grande	Sabana Grande.
Municipality of Caguas	Caguas.
Municipality of Arecibo	Barrios of Hato Abajo, Obrero and Arecibo; sub-barrios of San Jose, Los Heides, La Puntilla, Vigia, Buenos Aires, Magallenos, and Santana.

Appendix B—Estimate of Funds Available in States

State	Allocation
Alabama	$863,000
Alaska	500,000
Arizona	1,541,000
Arkansas	500,000
California	5,470,000
Colorado	500,000
Connecticut	500,000
Delaware	500,000
Florida	1,436,000
Georgia	1,031,000
Hawaii	500,000
Idaho	500,000
Illinois	755,000
Indiana	758,000
Kansas	500,000
Kentucky	500,000
Louisiana	1,478,000
Maryland	927,000
Massachusetts	500,000
Michigan	500,000
Minnesota	745,000
Mississippi	500,000
Missouri	577,000
Montana	500,000
Nevada	500,000
New Hampshire	500,000
New Jersey	600,000
New Mexico	500,000
New York	3,222,000
North Carolina	1,104,000
Ohio	1,369,000
Oklahoma	592,000
Oregon	500,000
Pennsylvania	1,245,000
Puerto Rico	2,206,000
South Carolina	998,000
Tennessee	500,000
Texas	3,249,000
Utah	500,000
Virginia	1,296,000
Washington	573,000
West Virginia	500,000
Wisconsin	843,000
American Indian Program	1,200,000
The following States will compete in a multi-state pool of $2,600,000:	
District of Columbia, Iowa, Maine, Nebraska, North Dakota, Outer Pacific, Rhode Island, South Dakota, Vermont, Virgin Islands, and Wyoming.	
Total	46,678,000

[FR Doc. 01–5481 Filed 3–6–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

State Median Income Estimates for Four-Person Families (FY 2001); Notice of the Fiscal Year (FY) 2001 State Median Income Estimates for Use Under the Low Income Home Energy Assistance Program (LIHEAP) Administered by the Administration for Children and Families, Office of Community Services, Division of Energy Assistance

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Notice of estimated state median income for FY 2001.

SUMMARY: This notice announces the estimated median income for four-person families in each State and the District of Columbia for FY 2001 (October 1, 2000 to September 30, 2001). LIHEAP grantees may adopt the State median income estimates beginning with the date of this publication of the estimates in the **Federal Register** or at a later date as discussed below. This means that LIHEAP grantees could choose to implement this notice during the period between the heating and cooling seasons. However, by October 1, 2000, or by the beginning of a grantee's fiscal year, whichever is later, LIHEAP grantees using State median income estimates must adjust their income eligibility criteria to be in accord with the FY 2001 State median income estimates.

This listing of estimated State median incomes concerns maximum income levels for households to which LIHEAP grantees may make payments under LIHEAP.

EFFECTIVE DATE: The estimates are effective at any time between the date of this publication and October 1, 2000, or by the beginning of a LIHEAP grantee's fiscal year, whichever is later.

FOR FURTHER INFORMATION CONTACT: Leon Litow, Administration for Children and Families, HHS, Office of Community Services, Division of Energy Assistance, 5th Floor West, 370 L'Enfant Promenade, SW., Washington, DC 20447, Telephone: (202) 401–5304, Internet E-Mail: llitow@acf.dhhs.gov.

SUPPLEMENTARY INFORMATION: Under the provisions of section 2603(7) of Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, as amended), we are announcing the estimated median income of a four-person family for each state, the District of Columbia, and the United States for FY 2001 (the period of October 1, 2000, through September 30, 2001).

Section 2605(b)(2)(B)(ii) of the LIHEAP statute provides that 60 percent of the median income for each state, as annually established by the Secretary of the Department of Health and Human Services, is one of the income criteria that LIHEAP grantees may use in determining a household's eligibility for LIHEAP.

LIHEAP is currently authorized through the end of FY 2004 by the Coats Human Services Reauthorization Act of 1998, Pub. L. 105–285, which was enacted on October 27, 1998.

Estimates of the median income of four-person families for each State and the District of Columbia for FY 2001 have been developed by the Bureau of the Census of the U.S. Department of Commerce, using the most recently available income data. In developing the median income estimates for FY 2001, the Bureau of the Census used the following three sources of data: (1) The March 1999 Current Population Survey; (2) the 1990 Decennial Census of Population; and (3) 1998 per capita personal income estimates, by state, from the Bureau of Economic Analysis of the U.S. Department of Commerce.

Like the estimates for FY 2000, the FY 2001 estimates include income

estimates from the March Current Population Survey that are based on population controls from the 1990 Decennial Census of Population. Income estimates prior to FY 1996 from the March Current Population Survey had been based on population controls from the 1980 Decennial Census of Population. Generally, the use of 1990 population controls results in somewhat lower estimates of income.

For further information on the estimating method and data sources, contact the Housing and Household Economic Statistics Division, at the Bureau of the Census (301–457–3243).

A state-by-state listing of median income, and 60 percent of median income, for a four-person family for FY 2001 follows. The listing describes the method for adjusting median income for families of different sizes as specified in regulations applicable to LIHEAP, at 45 CFR 96.85(b), which was published in the **Federal Register** on March 3, 1988 at 53 FR 6824.

Dated: March 1, 2001.

Robert Mott,

Acting Director, Office of Community Services.

ESTIMATED STATE MEDIAN INCOME FOR 4-PERSON FAMILIES, BY STATE, FISCAL YEAR 2001 [1]

States	Estimated state median income 4-person families [2]	60 percent of estimated state median income 4-person families
Alabama	$51,156	$30,694
Alaska	59,726	35,836
Arizona	49,397	29,638
Arkansas	44,471	26,683
California	55,209	33,125
Colorado	63,428	38,057
Connecticut	75,534	45,320
Delaware	65,157	39,094
District of Col.	60,674	36,404
Florida	52,581	31,549
Georgia	55,989	33,593
Hawaii	61,838	37,103
Idaho	49,174	29,504
Illinois	61,672	37,003
Indiana	55,284	33,170
Iowa	53,230	31,938
Kansas	55,341	33,205
Kentucky	49,108	29,465
Louisiana	49,037	29,422
Maine	51,059	30,635
Maryland	71,404	42,842
Massachusetts	68,956	41,375
Michigan	59,019	35,411
Minnesota	67,140	40,284
Mississippi	43,907	26,344
Missouri	54,190	32,514
Montana	44,737	26,842
Nebraska	56,692	34,015
Nevada	53,054	31,832
New Hampshire	61,014	36,608
New Jersey	70,983	42,590
New Mexico	43,829	26,297
New York	57,142	34,285
North Carolina	54,331	32,599
North Dakota	51,002	30,601
Ohio	60,169	36,101
Oklahoma	47,436	28,462
Oregon	55,892	33,535
Pennsylvania	58,507	35,104
Rhode Island	62,339	37,403
South Carolina	52,111	31,267
South Dakota	49,702	29,821
Tennessee	50,310	30,186
Texas	51,148	30,689
Utah	54,946	32,968
Vermont	53,691	32,215
Virginia	60,860	36,516
Washington	61,059	36,635
West Virginia	43,239	25,943
Wisconsin	57,890	34,734
Wyoming	50,989	30,593

Note—FY 2001 covers the period of October 1, 2000 through September 30, 2001. The estimated median income for 4-person families living in the United States is $56,061 for FY 2001. The estimates are effective for the Low Income Home Energy Assistance Program (LIHEAP) at any time between the date of this publication and October 1, 2000, or by the beginning of a LIHEAP grantee's fiscal year, whichever is later.

[1] In accordance with 45 CFR 96.85, each State's estimated median income for a 4-person family is multiplied by the following percentages to adjust for family size: 52% for one person, 68% for two persons, 84% for three persons, 100% for four persons, 116% for five persons, and 132% for six persons. For family sizes greater than six persons, add 3% for each additional family member and multiply the new percentage by the State's estimated median income for a 4-person family.

[2] Prepared by the Bureau of the Census from the March 1999 Current Population Survey, 1990 Decennial Census of Population and Housing, and 1998 per capita personal income estimates, by state, from the Bureau of Economic Analysis (BEA). In 1999, BEA revised its methodology in estimating per capita personal income estimates. BEA's revised methodology is reflected in the FY 2002 state 4-person family median income estimates. For further information, contact the Housing and Household Economic Statistics Division at the Bureau of the Census (301–457–3242).

[FR Doc. 01–5536 Filed 3–6–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1599]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Use of Impact-Resistant Lenses in Eyeglasses and Sunglasses

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by April 6, 2001.

ADDRESSES: Submit written comment on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Use of Impact-Resistant Lenses in Eyeglasses and Sunglasses (OMB Control Number 0910–0182)—Extension

Under section 519 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360(i)), every manufacturer or importer of a device intended for human use shall establish and maintain records. This regulation is designed to protect the eyeglass and sunglass wearer from potential eye injury resulting from shattering of ordinary eyeglass lenses, and it requires that eyeglasses and sunglasses be fitted with impact-resistant lenses. The regulation in § 801.410(f) (21 CFR 801.410(f)) requires that the results of impact tests and description of the test method and apparatus also be kept for a period of 3 years. These records are valuable to FDA when investigating eye injury complaints.

The expected respondents to this collection are manufacturers of impact-resistant lenses.

In the **Federal Register** of November 28, 2000 (65 FR 70916), the agency requested comments on the proposed collection of information. One comment was received. The comment stated the estimate seems to include only the time for testing, but omitted the cost of the materials and their disposal. It stated that the estimate did not explicitly address whether this testing is destructive in nature. These costs are material.

FDA's attempt at addressing these issues was limited by the Vision Council of America's (VCA) reluctance to provide any more information than what had been included in FDA's original submission. VCA informed FDA that there was a restriction on information because VCA had promised their clients that they would not release certain data that was considered critical. Because of this limited amount of information from FDA's most reliable source (VCA), FDA was limited to the estimated burden that was included in the original submission (OMB control number 0910–0182).

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
801.410(f)	30	769,000	23,070,000	.0008	19,225

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

[2] Due to an inadvertent error, the recordkeeping burden hours for § 801.410(f) that appeared in a notice issued in the FEDERAL REGISTER of November 28, 2000, were incorrect. Table 1 of this document contains the correct estimates.

VCA provided sales figures (www.visionsite.org) that were used in estimating the burden for this collection. Beginning in 1998, a growth rate of 2.6 percent for the distribution of lenses began, and it was assumed that this growth rate continued in 1999 and 2000. This resulted in an increase in the number of eyeglasses shipped annually to 89 million lenses shipped by year 2000.

By also assuming that the glass/plastic lenses-produced ratio remained as in previous years (22 percent glass and 78 percent plastic), that glass lenses must be tested individually, and only 5 percent of the plastic lenses must be tested, then 23,070,000 lenses should be tested. This figure was derived by taking 22 percent of 89 million glass lenses (19,600,000) and adding it to 5 percent of the remaining plastic lenses (5 percent x 69,400,000 = 3,470,000).

Next, divide the total tests (23,070,000) by 30 manufacturers to return the annual frequency of recordkeeping figure of 769,000. Previously, FDA and industry experts estimated that on average, each test could be completed and recorded in 3 seconds. Industry, therefore, could complete 1,200 tests per hour. Therefore, it is estimated that the total burden for this collection is 19,225 hours, which is calculated by taking the total records figure (23,070,000) and dividing it by tests per hour (1,200). The total hours was calculated by multiplying the total number of records

(23,070,000) and the hours per record (.0008).

There is no burden estimated for maintaining sale or distribution records under § 801.410(e) because firms are retaining their records as a normal and customary business practice for reasons of product liability.

Dated: March 1, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–5472 Filed 3–6–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00E–1235]

Determination of Regulatory Review Period for Purposes of Patent Extension; Aciphex™

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Aciphex™ and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Regulatory Policy Staff (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Aciphex™ (rabeprazole sodium). Aciphex™ is indicated for healing of erosive or ulcerative gastroesophageal reflux disease (GERD), maintenance of healing of erosive or ulcerative GERD, healing of duodenal ulcer, and treatment of pathological hypersecretory conditions, including Zollinger-Ellison Syndrome. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Aciphex™ (U.S. Patent No. 5,045,552) from Eisai Co., Ltd., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated April 12, 2000, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Aciphex™ represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Aciphex™ is 2,922 days. Of this time, 2,415 days occurred during the testing phase of the regulatory review period, while 507 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective:* August 21, 1991. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on August 21, 1991.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act:* March 31, 1998. FDA has verified the applicant's claim that the new drug application (NDA) for Aciphex™ (NDA 20–973) was initially submitted on March 31, 1998.

3. *The date the application was approved:* August 19, 1999. FDA has verified the applicant's claim that NDA 20–973 was approved on August 19, 1999.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,713 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may submit to the Dockets Management Branch (address above) written comments and ask for a redetermination by May 7, 2001. Furthermore, any interested person may petition for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 4, 2001. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 16, 2001.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 01–5513 Filed 3–6–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)

Administration for Children and Families (ACF)

[Program Announcement CFDA Number 93.604]

Discretionary Funds for Assistance for Treatment of Torture Survivors

AGENCY: Office of Refugee Resettlement (ORR), ACF, DHHS.

ACTION: Request for applications for services to victims of torture including medical, psychological, legal and social services; and research and training for health care providers outside of treatment centers to enable the provision of services to victims of torture.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), announces that competing applications will be accepted for "Treatment and Services for Torture Survivors" grants to provide assistance to victims of torture, including treatment for the physical and psychological effects of torture and social and legal services, and to provide research and training for health care providers outside of treatment centers to provide rehabilitation services.

DATES: The closing date for submission of applications is May 7, 2001. See Part III of this announcement for more information on submitting applications.

Announcement Availability: The program announcement and the application materials are available from Marta Brenden, Office of Refugee Resettlement (ORR) 370 L'Enfant Promenade, SW., Washington DC 20447 and from the ORR website at *www.acf.dhhs.gov/programs/orr*

FOR FURTHER INFORMATION CONTACT: Marta Brenden, Refugee Program Specialist, Division of Community Resettlement, Office of Refugee Resettlement, Tel (202) 205–3589, Fax (202) 401–5772, *MBrenden@ACF.DHHS.GOV.*

SUPPLEMENTARY INFORMATION: This program announcement consists of four parts:

Part I: Background and General Information—background, legislative authority, funding availability, CFDA Number, eligible applicants, project and budget periods, purpose and objectives, allowable activities, and review criteria.

Part II. The Review Process—intergovernmental review, initial ACF screening, and competitive review.

Part III: The Application—application development: application forms, application submission and deadlines, late applications, extension of deadlines, certifications, general instructions for preparing a full project description, and length of applications.

Part IV: Post-award—applicable regulations, treatment of program income and reporting requirements.

Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Public reporting burden for this collection of information is estimated to average 30 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection information. The following information collections are included in the program announcement: OMB control number 0970–0139, ACF UNIFORM PROJECT DESCRIPTION (UPD) which expires 12/31/2003. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Part I. Background and General Information

Background

Torture and Torture Victims

The psychosocial and health consequences of violence and traumatic stress have emerged as one of the public health problems of our time. Torture constitutes one of the most extreme forms of trauma, with the potential for long-term psychological and physical suffering. The term torture has been defined in different ways by various organizations for multiple purposes.

This program authorized by the "Torture Victims Relief Act of 1998" uses the definition of torture found in 18 U.S.C. 2340 (1) and "includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control." The definition of "torture" at 18 U.S.C. 2340 (1) provides that:

'torture' means an act committed by a person under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

This provision also defines the term "severe mental pain or suffering" as: the prolonged mental harm caused by or resulting from—

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality.

It should be emphasized that, for purposes of this announcement, the experience of torture may include specific characteristics of torture as documented in personal testimony or in clinical, medical, or detention settings. Some specific examples of physical and psychological types of torture are: systemic beating, sexual torture, electrical torture, suffocation, burning, bodily suspension, pharmacological torture, mutilations, dental assaults, deprivation and exhaustion, threats about the use of torture, witnessing the torture of others, humiliation, and isolation.

Estimates of the number of torture survivors have been established primarily by extrapolating from the major populations at risk—refugees and internally displaced persons. In 1997, there were estimated to be more that 13,600,000 refugees and asylum seekers in the world and 20 million internally displaced persons. The estimates of refugees, asylum seekers and displaced persons who have been tortured vary widely from 5% to 35%. This announcement, which focuses on health, social and legal services for torture survivors, as well as education and training of providers, recognizes that torture may have been an experience of many members of groups residing in the United States, including refugees, asylees, immigrants, other displaced persons, and U.S. citizens. Using data cited above, it has been estimated that there may be more than 400,000 torture survivors in the United States.

Consequences of Torture and Services for Torture Survivors

Physical consequences of torture may be extensive and severe. Specific neuropsychological symptoms are often difficult to diagnose because of head injuries and the multiplicity of symptoms. Post-traumatic stress disorder, depression, substance abuse, and other anxiety disorders are common diagnoses among torture survivors. Therefore, for many severely tortured individuals, access to medical

practitioners and sophisticated diagnostic instruments and testing (e.g., neuro-imaging, cognitive functions, etc.), for the purpose of differential diagnosis, is paramount.

A high percentage of torture survivors are in need of social and legal services. Access to legal and immigration services is usually a priority. Social services, such as employment assistance and training, are also extremely important and correlate with successful psychosocial adjustment and well-being. From the national experience with refugees and survivors of wartime violence, it has been demonstrated that early and adequate access to social and legal services may also preclude the need for more specialized psychological treatment services.

The torture rehabilitation and treatment center movement, which was established in Denmark in the 1970's, and adopted in the US, Canada, France and other countries, has led to the growth of specialized torture survivor treatment centers in select parts of the nation. Although the treatment center movement has created opportunities for treatment and training in specific urban areas, many torture survivors do not have access to these highly specialized programs. Medical, social and legal services for torture survivors are needed in areas and in settings and institutions wherever torture survivors will seek assistance. Thus there is also a national need for more broad-based training of medical and mental health practitioners in the identification, diagnosis and treatment of torture survivors.

Torture survivors, now in the United States, should be provided with the rehabilitation services which would enable them to become productive community members. The Torture Victims Relief Act of 1998 provides for services for the treatment of the psychological and physical effects of torture, social and legal services for torture survivors, and research and training for health care providers.

Legislative Authority

In October 1998, Congress enacted the "Torture Victims Relief Act of 1998," Pub. Law 105–320 (22 U.S.C. 2152 note). Sec. 5 (a) of the law provides:

Assistance for Treatment of Torture Victims—The Secretary of Health and Human Services may provide grants to programs in the United States to cover the cost of the following services:

(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

(2) Social and legal services for victims of torture.

(3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).

In November 1999, Congress enacted the "Torture Victims Relief Reauthorization Act of 1999," Pub. Law 106–87 (22 U.S.C. 2151 note).

Funding Availability

Congress appropriated $10,000,000 for carrying out section 5 of the Torture Victims Relief Act of 1998 for the second year of implementation of FY 2001 Consolidated Appropriations Act, 2001, as enacted into law by section 1 (a)(1) of Public Law 106–554.

ORR anticipates that this increase in funding will permit the award of 4–6 new grants during FY 2001 at a total amount of approximately $2,000,000. The Director will award the new awards as well as the continuation awards subject to availability of funds, satisfactory progress of the FY 2000 awards, and a determination that the awards are in the best interest of the Government.

The ORR Director reserves the right to award less, or more, than the funds described, in the absence of worthy applications, or under such other circumstances as may be deemed to be in the best interest of the government. It is important to make torture treatment available to the greatest number of victims of torture and for that reason, the ORR Director reserves the right to award applications that will cover the largest number of geographic areas.

Applications for subsequent year continuation grants funded under these awards will be entertained on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee, and a determination that continued funding would be in the best interest of the Government.

CFDA Number: 93.604

Eligible Applicants

Eligible applicants are public or private organizations and institutions.

Project and Budget Periods

This announcement invites applications for project periods up to three years. Awards, on a competitive basis, will be for a one-year budget period although project periods may be for three years. Applications for continuation grants funded under these awards, beyond the one-year budget period but within the three-year project period, will be entertained in subsequent years on a noncompetitive basis, subject to availability of funds, satisfactory progress of the grantee and a determination that continued funding would be in the best interest of the Government.

Purpose and Objectives

Through this announcement, the Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF) intends to fund grant applications for 4–6 organizations to provide assistance to victims of torture.

The purpose of the torture treatment program is to provide services to persons who have experienced torture. It is also to conduct research and training for health care providers outside of treatment centers so that these providers may also provide rehabilitative services to victims of torture.

The persons who have been tortured may have one of several immigration statuses: they may be legally admitted as refugees or asylees, while others may be seeking asylum. Still other persons may be U.S. citizens. The services funded under this announcement should respond to the diversity of populations to be targeted in the project area whether they are immigrants, asylum seekers, asylees, refugees admitted under the U.S. refugee program, or citizens of the United States.

However, not all torture survivors have the same medical, psychological, social, or legal needs. It is encouraged that, within the clinical, social and legal service domains, proposals are encouraged that will address a broad menu of services for any of the torture victims in the project's specified geographic area. The applications may include several organizations in collaborative relationships in order to have all the services necessary for the clients. Partnerships are encouraged among organizations in order to reach all the torture victims in that area and to provide a comprehensive program of services. For example, an organization that currently provides legal advice to detained asylum seekers, who are torture survivors, might collaborate with a social service or treatment center organization to pool resources and expand their range of services for their clients.

Allowable Activities

Applicants may propose one or more of the following activities listed in the legislation: (1) services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture; (2) social and legal services for victims of torture; (3) research and training for health care providers outside of treatment centers. For example, applications may propose programs in treatment centers to provide medical, psychological, social and legal services. Applications may also propose programs for the purpose of enabling health care providers outside the treatment centers to provide medical, psychological, social and legal services. Applications should provide the rationale for activities describing how these activities meet the needs of the victims of torture to be served in the geographic area to be served.

Review Criteria

1. *Objectives and Need for Assistance.* The application clearly demonstrates experience with and knowledge of victims of torture and an assessment of their presence in the proposed geographic area of service. There is a clear description of the process by which the client has access to treatment and to the other allowable services. Where research and training activities are proposed, applicant clearly demonstrates interest and willingness of service providers outside the treatment centers to attend training. (15 Points)

2. *Approach.* The application provides a clear and feasible strategy for assisting torture survivors that demonstrates knowledge of the clients, experience in serving these clients, and community resources and has planned with other collaborative organizations to assist the clients in an effective and efficient manner. The service plan and collaborative relationships are reasonable, substantiated with appropriate documents, have a likelihood of success and provide a feasible strategy to work with the torture survivor in becoming a productive member of the community. Where research and training activities are proposed, applicant provides a plan for research and training demonstrating interest in the service providers to attend the training activities. (25 points)

3. *Organization Profiles.* The application demonstrates the organization's capacity to provide assistance appropriate to torture survivors (and, if appropriate to the activities in the approach, the service providers to be trained) that includes: (a.) agency mission and organizational chart; (b.) resumes of project staff demonstrating linguistic and cultural access for clients; (c.) history of experience with torture survivors, such as experience as a treatment center or an organization that provides social and legal services to survivors of torture; (d.) management plan for the project contains systems of client records, program records, and financial management; and (e.) timeline for implementation of project activities. (25 points)

4. *Results or Expected Benefits.* The outcomes and benefits of the assistance and training are clearly explained and are reasonable. There are clear and understandable outcome measures for the services, and a reasonable plan for reporting the outcomes to ORR. (25 points)

5. *Budget and Budget Justification.* The budget is reasonable and clearly justified. The methodologies for estimating the number of client/patients to be served are reasonable. The plan for program income generated by fees, including, Medicaid, Refugee Medical Assistance (RMA), and private health coverage for client fees for treatment, when available, is appropriate, reasonable and viable. (10 points)

Part II. The Review Process

Intergovernmental Review

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Program and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

Please Note: All States and Territories except Alabama, Alaska, Arizona, Colorado, Connecticut, Hawaii, Idaho, Indiana, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, Wyoming, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-eight jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or indicate "not applicable" if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, OCSE Office of Grants Management, 370 L'Enfant Promenade, S.W., 4th floor East, Washington, D.C. 20447.

A list of the Single Points of Contact for each participating State and Territory can be found on the web at: http//www.whitehouse.gov/omb/grants/spoc.html

Initial ACF Screening

Each application submitted under this program announcement will undergo a pre-review to determine that (1) the application was received by the closing date and submitted in accordance with the instructions in this announcement and (2) the applicant is eligible for funding.

Competitive Review and Evaluation Criteria

The applications that pass the initial ACF screening will be evaluated and rated by an independent review panel on the basis of evaluation criteria specified in Part I. The evaluation criteria are designed to assess the quality of a proposed project, and to determine the likelihood of its success. The evaluation criteria are closely related and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications that are responsive to the evaluation criteria within the context of this program announcement.

Part III. Application

Application Development

In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ACF. Application materials including forms and instructions are available from the contact named under the "Announcement Availability" section in the preamble of this announcement. Selected elements of the ACF Uniform Project Description (UPD) relevant to this program announcement are attached as Appendix A.

Application Forms

Applicants for financial assistance under this announcement must file the Standard Form (SF) 424, Application for Federal Assistance; SF 424A, Budget Information—Non-construction Programs; SF 424B, Assurances—Non-Construction Programs. The forms may be reproduced for use in submitting applications. Application materials including forms and instructions are also available from the Contact named in the "Announcement Availability" section of this announcement.

Application Submission and Deadlines

An application with an original signature and two clearly identified copies is required.

The closing date for submission of applications is May 7, 2001. Mailed applications postmarked after the closing date will be classified as late.

Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACF in time for the independent review to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Attention: Ms. Daphne Weeden.

Applicants must ensure that a legibly dated U.S. Postal Service postmark or a legibly dated, machine produced postmark of a commercial mail service is affixed to the envelope/package containing the application(s). To be acceptable as proof of timely mailing, a postmark from a commercial mail service must include the logo/emblem of the commercial mail service company and must reflect the date the package was received by the commercial mail service company from the applicant. Private Metered postmarks shall not be acceptable as proof of timely mailing. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

Applications hand-carried by applicants, applicant couriers, or by other representatives of the applicant shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., EST, at the U.S. Department of Health and Human Services, Administration for Children and Families, the Office of Refugee Resettlement, 6th Floor, Aerospace Building, 901 D Street, SW, Washington, DC 20447 between Monday and Friday (excluding Federal holidays). The address must appear on the envelope/package containing the application with the note "Attention: Ms. Daphne Weeden." (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

Late Applications

Applications that do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines

ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, etc.) occur, or when there are widespread disruptions of mail service. Determinations to extend or waive deadline requirements rest with the Chief Grants Management Officer.

For Further Information on Application Deadlines Contact: Ms. Daphne Weeden, Administration for Children and Families, Office of Refugee Resettlement, 370 L'Enfant Promenade SW, 6th Floor, Washington, DC 20447, Telephone: (202) 401–4577.

Certifications, Assurances, And Disclosure Required For Non Construction Programs

Applicants requesting financial assistance for non-construction projects must file the Standard Form 424B, "Assurances: Non-Construction Programs." Applicants must sign and return the Standard Form 424B with their applications.

Applicants must provide a signed certification regarding lobbying with their applications, when applying for an award in excess of $100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form to report lobbying.

Applicants must make the appropriate certification of their compliance with the Drug Free Workplace Act of 1988. By signing and submitting the application, the applicant is providing the certification and need not mail back the certification with the applications.

Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for an award. By signing and submitting the application, the applicant is providing the certification and need not mail back the certification with the applications.

General Instructions for Preparing a Full Project Description

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experience, and other information considered relevant. Awarding offices use this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must distinguish between resources directly related to the proposed project from those that will not be used in support of the specific project for which funds are requested. Please refer to the UPD sections in appendix A.

Length of Applications

Each application narrative portion should not exceed 25 double-spaced pages in a 12-pitch font. Attachments and appendices should not exceed 25 pages and should be used only to provide supporting documentation such as maps, administration charts, position descriptions, resumes, and letters of intent for partnership agreements. Please do not include books or video tapes as they are not easily reproduced and are therefore, inaccessible to the reviewers. Each page should be numbered sequentially, including the attachments or appendices.

Part IV. Post-award—Applicable Regulations and Reporting Requirements

Applicable Regulations

Applicable DHHS regulations can be found in 45 CFR Part 74 or Part 92.

Treatment of Program Income

Program income from activities funded under this program may be retained by the recipient and added to the funds committed to the project and used to further program objectives.

Reporting Requirements

Grantees are required to file the Financial status Report (SF–269) and Program Performance Reports on a semi-annual basis. Funds issued under these awards must be accounted for and reported upon separately from all other grant activities. ORR does not expect the proposed components/projects to include evaluation activities, however, it does expect grantees to maintain adequate records to track and report on project outcomes. The official receipt point for all reports and correspondence is the ORR Grants Officer. An original and one copy of each report shall be submitted within 30 days of the end of each reporting period directly to the Grants Officer. The mailing address is: Ms. Daphne Weeden, Administration for Children and Families, Office of Refugee Resettlement, 370 L'Enfant Promenade SW, 6th Floor, Washington, DC 20447. A final Financial and Program Report shall be due 90 days after the budget expiration date or termination of grant support.

Dated: February 28, 2001.

Carmel Clay-Thompson,

Acting Director, Office of Refugee Resettlement.

Appendix A—Uniform Project Description Overview OMB No. 0970–0139

The project description is approved under OMB control number 0970–0139 which expires 12/31/2003.

Part I The Project Description Overview

Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. In preparing your project description, all information requested through each specific evaluation criteria should be provided. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application.

General Instructions

ACF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. Cross referencing should be used rather than repetition. Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.

Pages should be numbered and a table of contents should be included for easy reference.

Part II General Instructions for Preparing a Full Project Description

Introduction

Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions and the specified evaluation criteria. The instructions give a broad overview of what your project description should include while the evaluation criteria expands and clarifies more program-specific information that is needed.

Project Summary/Abstract

Provide a summary of the project description (a page or less) with reference to the funding request.

Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Results or Benefits Expected

Identify the results and benefits to be derived. For example, the application would describe the torture victims to be treated, the number expected to use the service and the measures of improvement expected in the clients as a result of the treatment. Similarly, where research and training activities are proposed, the application would describe the training schedule and curriculum as well as the number expected to attend the training and the measures of information to be gained from the training.

Approach

Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished. For example, applicants might project the number of torture victims to be enrolled for services with the number of clinical hours, social services and legal hours to be provided. Where the application proposes training, applicants might project frequency of training activities, the content of training, projected attendance and knowledge gained. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any "collection of information that is conducted or sponsored by ACF."

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Geographic Location

Describe the precise location of the project and boundaries of the area to be served by the proposed project. Maps or other graphic aids may be attached.

Staff and Position Data

Provide a biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed.

Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission.

The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Dissemination Plan

Provide a plan for distributing reports and other project outputs to colleagues and the public. Applicants must provide a description of the kind, volume and timing of distribution.

Third-Party Agreements

Include written agreements between grantees and subgrantees or subcontractors or other cooperating entities. These agreements must detail scope of work to be performed, work schedules, remuneration, and other

terms and conditions that structure or define the relationship.

Letters of Support

Provide statements from community, public and commercial leaders that support the project proposed for funding. All submissions should be included in the application *OR* by application deadline.

Budget and Budget Justification

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

General

The following guidelines are for preparing the budget and budget justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. For purposes of preparing the budget and budget justification, "Federal resources" refers only to the ACF grant for which you are applying. Non-Federal resources are all other Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s), and last column, total budget. The budget justification should be a narrative.

Personnel

Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known. For each staff person, provide the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

Fringe Benefits

Description: Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

Travel

Description: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel).

Justification: For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored workshops should be detailed in the budget.

Equipment

Description: "Equipment" means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for the financial statement purposes, or (b) $5,000. (Note: Acquisition cost means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.)

Justification: For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy or section of its policy which includes the equipment definition.

Supplies

Description: Costs of all tangible personal property other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information which supports the amount requested.

Contractual

Description: Costs of all contracts for services and goods except for those which belong under other categories such as equipment, supplies, construction, etc. Third-party evaluation contracts (if applicable) and contracts with secondary recipient organizations, including delegate agencies and specific project(s) or businesses to be financed by the applicant, should be included under this category.

Justification: All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients and subrecipients, other than States that are required to use Part 92 procedures, must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 U.S.C. 403(11) currently set at $100,000. Recipients might be required to make available to ACF pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.

Other

Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development costs, and administrative costs.

Justification: Provide computations, a narrative description and a justification for each cost under this category.

Indirect Charges

Description: Total amount of indirect costs. This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant Federal agency.

Justification: An applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the grant. Also, if the applicant is requesting a rate which is less than what is allowed under the program, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

Program Income

Description: The estimated amount of income, if any, expected to be generated from this project.

Justification: Describe the nature, source and anticipated use of program income in the budget or refer to the pages in the application which contain this information.

Total Direct Charges, Total Indirect Charges, Total Project Costs

Self-explanatory.

[FR Doc. 01–5510 Filed 3–6–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–07]

Notice of Proposed Information Collection: Comment Request; Multifamily Contractor's, Mortgagor's, Borrower's Cost Breakdown and Certification

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 7, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, L'Enfant Building, Room 8202, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Michael McCullough, Director, Office of Multifamily Development, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone number (202) 708–3000 (this is not a toll-free number), for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1955 (44 U.S.C. Chapter 35, 12 amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Multifamily Contractor's, Mortgagor's, Borrower's Cost Breakdowns and Certification.

OMB Control Number, if Applicable: 2502–0044.

Description of the Need for the Information and Proposed Use: Form HUD–2328 is used by contractors to establish a schedule of values of construction items on which the monthly advances or mortgage proceeds are based. HUD–92330–A is used by contractors to convey actual construction costs in a standardized format of cost certification. In addition to assuring that the mortgage proceeds have not been used for purposes other than construction cost, form HUD–92330–A further protects the interest of the Department by directly monitoring the accuracy of the itemized trades in form HUD–2328, and also serves as project data to keep field office cost data banks and cost estimates current and accurate. HUD–2205 is used to certify the actual construction and improvement costs of Section 220 and 234 projects. HUD–2205–A is used to certify the actual costs of acquisition or refinancing of projects insured under the Section 223(f) program.

Agency Form Numbers, if Applicable: HUD–2328, HUD–92330–A, HUD–2205, HUD–2205–A.

Estimation of the Total Numbers of Hours Needed to Prepare the Information Collection Including Number of Respondents, Frequency of Response, and Hours of Response: The estimated number of respondents for form HUD–2328 is 500, the frequency of responses is 1, the number of hours per response is 8, for a total of 4,000 annual burden hours. The estimated number of respondents for form HUD–92330–A is 350, the frequency of responses is 1, the number of hours per response is 16, for a total of 5,600 annual burden hours. The estimated number of respondents for form HUD–2205 is 10, the frequency of responses is 1, the hours per response is 8, for a total of 80 annual burden hours. The estimated number of respondents for form HUD–2205–A is 75, the frequency of responses is 1, the number of hours per response is 8, for a total of 600 annual burden hours.

Status of the Proposed Information Collection: Revision of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 26, 2001.

Wayne Eddins,

Reports Management Officer, Office of the Chief Information Officer

[FR Doc. 01–5546 Filed 3–6–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–06]

Notice of Proposed Information Collection: Comment Request; Application for Multifamily Housing Project

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 7, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, L'Enfant Building, Room 8202, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Michael McCullough, Director, Office of Multifamily Development, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone number (202) 708–3000 (this is not a toll-free number), for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1955 (44 U.S.C. Chapter 35, as amended).

This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of

information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Application for Multifamily Housing Project.

OMB Control Number, if applicable: 2502–0029.

Description of the need for the information and proposed use: Form HUD–92013 is the basic application form used in all HUD/FHA multifamily insurance programs. HUD–92013 and its related exhibits are needed by the Department to determine project feasibility, and mortgagor/contractor acceptability. The Department is required to analyze specific information including financial data, cost data, drawings, and specifications to determine whether the proposed project meets program requirements for mortgage insurance. Form HUD–92013–NHICF is the basic application used specifically to insured nursing homes, intermediate care facilities, and board and care homes. HUD–92013–NHICF is used to determine project feasibility and mortgagor/contractor acceptability when insuring health care facilities. Form HUD–92013–Supp is used to determine the creditworthiness of principal sponsors and the general contractor, the existence of any federal debt, judgments, or bankruptcy claims. The collection of this information is required to reduce the risk of project defaults and claims against the FHA insurance funds.

Agency form numbers, if applicable: HUD–92013, HUD–92013–NHICF, HUD–92013–Supp.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents for form HUD–92013 is 1500, the frequency of responses is 1, the number of burden hours is 68 hours, for a total of 102,000 annual burden hours. The estimated number of respondents for HUD–92013–NHICF is 1,000, the frequency of responses is 1, the number of burden hours is 64, for a total of 64,000 annual burden hours. The estimated number of respondents for HUD–92013–Supp is 3,800, the frequency of responses is 1, the number of burden hours is 0.6, for a total of 2,280 annual burden hours.

Status of the proposed information collection: Reinstatement without change or previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 26, 2001.

Wayne Eddins,

Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–5547 Filed 3–6–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–11]

Announcement of OMB Approval Number for Historically Black Colleges and Universities (HBCUs) Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to Historically Black Colleges and Universities (HBCUs) Program.

FOR FURTHER INFORMATION CONTACT: Ms. Ophelia Wilson, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1590. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Historically Black Colleges and Universities (HBCUs) Program. The OMB approval number for this information collection is 2506–0122, which expires on February 29, 2004.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: February 28, 2001.

Donna M. Abbenante,

Acting, General Deputy Assistant Secretary.

[FR Doc. 01–5548 Filed 3–6–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Extension of Approved Information Collection, OMB Number 1018–0092, on Permit/License Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service is announcing its intention to request renewal of its existing approval to collect certain information from applicants who wish to obtain a permit or license to conduct activities under a number of wildlife conservation laws, treaties and regulations. We will submit the collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995. If you wish to obtain copies of the proposed information collection requirement, related forms, and explanatory material, contact the Collection Clearance Officer at the address listed below.

DATES: OMB has up to 60 days to approve or disapprove information collection, but may respond after 30 days. Therefore, to ensure maximum consideration you must submit comments on or before April 6, 2001.

ADDRESSES: Send your comments and suggestions on specific requirements to the Office of Management and Budget, Attention: Department of the Interior Desk Officer, 725 17th Street, NW, Washington, DC 20503, and to Rebecca Mullin, Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222–ARLSQ; 4401 N. Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact Rebecca A. Mullin, Collection Clearance Officer at 703–358–2287, or electronically to: rmullin@fws.gov.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and record keeping activities [see 5 CFR 1320.8(d)]. The U.S. Fish and Wildlife Service (We) has submitted a request to OMB to renew its approval of the collection of information for the Service's license/permit application form number 3–200–1 through 3–200–3 and 3–200–26. We are requesting a 3-year term of approval for this information collection activity. A previous 60-day notice on this information collection requirement was published in the November 29, 2000 (65 FR 30246) **Federal Register** inviting public comment. No comments on the previous notice were received. This notice provides an additional 30 days in which to comment on the following information.

We invite comments concerning this renewal on: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden, (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond. The information collections in this program are part of a system of record covered by the Privacy Act [5 U.S.C. 552(a)].

Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1018–0092.

The information collection requirements in this submission implement the regulatory requirements of the Endangered Species Act (16 U.S.C. 1539), the Migratory Bird Treaty Act (15 U.S.C. 704), the Lacey Act (18 U.S.C. 42–44), the Bald and Golden Eagle Protection Act (16 U.S.C. 668), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), (27 UST 108), the Marine Mammal Protection Act (16 U.S.C. 1361–1407), and Wild Bird Conservation Act (16 U.S.C. 4901–4916), and are contained in Service regulations in Chapter I, Subchapter B of Title 50 Code of Federal Regulations (CFR). Common permit application and record keeping requirements have been consolidated in 50 CFR 13, and unique requirements of the various statutes in the applicable Part.

OMB Control Number: 1018–0092.

Service Form Numbers: 3–200–1 through 3–200–3 and 3–200–26.

Frequency of Collection: On Occasion.

Description of Respondents: Individuals, biomedical companies, circuses, zoological parks, botanical gardens, nurseries, museums, universities, scientists, antique dealers, exotic pet industry, hunters, taxidermists, commercial importers/exporters of wildlife and plants, freight forwarders/brokers, local, State, tribal and Federal governments.

Total Annual Burden Hours: 8,232.64.

Total Annual Responses: 8,236.

Total Annual Non-Hour Cost Burden: $308,200 ($25 application fees and $50 license fee).

Dated: February 15, 2001.

Rebecca A. Mullin,

Information Collection Officer, U.S. Fish and Wildlife Service.

[FR Doc. 01–5551 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget (OMB) for Reinstatement Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interiors.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service has submitted the collection of information listed below to OMB for approval under the provisions of the Paperwork Reduction Act. A copy of the information collection requirement is included in this notice. Copies of the proposed information collection requirement, related forms, and explanatory material may be obtained by contacting the Service Information Collection Clearance Officer at the address listed below.

DATES: OMB has up to 60 days to approve or disprove information collection but may respond after 30 days. Therefore, to ensure maximum consideration, you must submit comments on or before April 6, 2001.

ADDRESSES: Comments and suggestions on the requirement should be sent directly to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Desk Officer for the Department of the Interior; 725 17th Street, N.W., Washington, DC 20503; and a copy of the comments should be sent to Rebecca A. Mullin, Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Mail Stop 224–ARLSQ; Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Mullin, Service Information Collection Clearance Officer at (703) 358–2287, or electronically at rmullin@fws.gov.

SUPPLEMENTARY INFORMATION: The Endangered Species Act (ESA) provides for the protection of listed species through establishment of programs for their recovery and through prohibition of harmful activities. The ESA also provides for a number of exceptions to its prohibitions against "take" of listed species. Under sections 6 and 10 of the ESA, regulations have been promulgated at 50 CFR 17.22 (endangered wildlife species), 17.32 (threatened wildlife species), 17.62 (endangered plant species), and 17.72 (threatened plant species) to guide implementation of these exceptions to the "take" prohibitions through permitting programs. The U.S. Fish and Wildlife Service's general permit regulations can be found at 50 CFR 13. Take authorized under this permit program would otherwise be prohibited by the ESA. The permit issuance criteria are designed to ensure that the requirements of the ESA are met, i.e., that conduct of the requested actions and issuance of the permit will enhance the survival of the species.

The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). The U.S. Fish and Wildlife Service (We) will submit a request to OMB to renew its existing approval of the collection of information for Native Endangered and Threatened Species Permit Applications, which expires on February 28, 2001. We are requesting a 3-year term of approval for this information collection activity.

A previous 60-day notice on this information collection requirement was published in the **Federal Register** on December 21, 2000 (65 FR 80449) inviting public comment. No comments on the previous notice were received as of February 20, 2001. This notice provides an additional 30 days in which to comment on the following information.

Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The current OMB control number for this collection of information is 1018–0094.

The information collection requirements in this submission implement the regulatory requirements of the Endangered Species Act (16 U.S.C. 1539), the Migratory Bird Treaty Act (16 U.S.C. 704), and the Bald Eagle Protection Act (16 U.S.C. 668) contained in Service regulations in Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations (CFR).

The information to be supplied on the application form and the attachments will be used to review the application and allow the Service to make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations on

the issuance, suspension, revocation, or denial of permits. The obligation to respond is, "required to obtain a benefit." An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number. We have revised the following requirements, and they are included in this submission:

1. *Title:* Native Endangered and Threatened Species—Enhancement of Survival Permits associated with Safe Harbor Agreements, and Candidate Conservation Agreements with Assurances.

Approval Number: 1018–0094.
Service Form Number: 3–200–54.
Frequency of Collection: Annually.
Description of Respondents: Individuals, households, businesses, State agencies, private organizations.
Total Annual Burden Hours: The reporting burden is estimated to average 2.5 hours per respondent for the application and 5 hours per respondent for the annual report of permitted activities. The Total Annual Burden hours is 125 hours for the application and 750 hours for the annual report on the permitted activities.
Total Annual Responses: The number of respondents is estimated to average 50 respondents for the application and 150 for the annual report of the permitted activities.

Regulations have been promulgated at 17.22(c) and (d) for endangered wildlife species and 17.32(c) and (d) for threatened wildlife species to guide implementation of these permitting programs for Enhancement of Survival permits associated with Safe Harbor Agreements and with Candidate Conservation Agreements with Assurances under section 10(a)(1)(A) of the ESA. Service form 3–200–54 was developed to facilitate collection of information required by these regulations.

An Enhancement of Survival permit authorizes incidental take that may occur under the Safe Harbor Agreement or Candidate Conservation Agreement with Assurances. Under the Safe Harbor policy, non-Federal property owners who voluntarily enter into a Safe Harbor Agreement for implementation of conservation measures for listed species will receive assurances from the Service that additional regulatory restrictions will not be imposed beyond those existing at the time of the Agreement. Under the Candidate Conservation Agreements with Assurances policy, non-Federal property owners who voluntarily enter into such an Agreement for implementation of conservation measures for species proposed for listing, species that are candidates for listing, or species that are likely to become candidates in the near future will receive assurances from the Service that additional conservation measures will not be required and additional regulatory restrictions will not be imposed should the species become listed in the future.

2. *Title:* Native Endangered and Threatened Species—Permits for Scientific Purposes, Enhancement of Propagation or Survival (i.e., Recovery Permits) and Interstate Commerce

Approval Number: 1018–0094.
Service Form Number: 3–200–55.
Frequency of Collection: Annually.
Description of Respondents: Individuals, scientific and research institutions.
Total Annual Burden Hours: The reporting burden is estimated to average 2 hours per respondent for the application and 2 hours per respondent for the annual report on the permitted activities. The Total Annual Burden hours is 1,050 hours for the application and 200 hours for the annual report on the permitted activities.
Total Annual Responses: The number of respondents is estimated to average 525 respondents for the application and 100 respondents for the annual report of the permitted activities.

Regulations have been promulgated at 17.22(a) for endangered wildlife species, 17.32(a) for threatened wildlife species, 17.62 for endangered plant species, and 17.72 for threatened plant species to guide implementation of these permitting programs for Recovery and Interstate Commerce permits under section 10(a)(1)(A) of the ESA. Service form 3–200–55 was developed to facilitate collection of information required by these regulations. Recovery permits allow "take" of listed species as part of scientific research and management actions, enhancement of propagation or survival, zoological exhibition, educational purposes, or special purposes consistent with the ESA designed to benefit the species involved. Interstate Commerce permits allow transport and sale of listed species across State lines as part of breeding programs enhancing the survival of the species. Detailed descriptions of the proposed taking, its necessities for success of the proposed action, and benefits to the species resulting from the proposed action are required under the implementing regulations cited above.

3. *Title:* Native Endangered and Threatened Species—Incidental Take Permits Associated With a Habitat Conservation Plan

Approval Number: 1018–0094.
Service Form Number: 3–200–56.
Frequency of Collection: Annually.
Description of Respondents: Individuals, households, businesses, local and State agencies.
Total Annual Burden Hours: The reporting burden is estimated to average 2.5 hours per respondent for the application and 5 hours per respondent for the annual report on the permitted activities. The Total Annual Burden hours is 250 hours for the application and 1,750 hours for the annual report on the permitted activities.
Total Annual Responses: The number of respondents is estimated to be 100 respondents for the application and 350 respondents for the annual report of the permitted activities.

Regulations have been promulgated at 17.22(b) for endangered wildlife species and 17.32(b) for threatened wildlife species to guide implementation of these permitting programs for Incidental Take permits associated with a Habitat Conservation Plan under section 10(a)(1)(B) of the ESA. Form number 3–200–56 was developed to facilitate collection of information required by these regulations. These permits allow "take" of listed species that is incidental to otherwise lawful non-Federal actions. The Service's Incidental Take permit program provides a flexible process for addressing situations in which a property owner's otherwise lawful activities might result in incidental take of a listed species. The Incidental Take permit program's major strength is that it provides a process that readily allows the development of local solutions to wildlife conservation as an alternative to comprehensive federal regulation. Local entities and private landowners are given assurances that they will not be required to make additional commitments of land, water, or money; or be subject to additional restrictions on the use of land, water, or other natural resources for species adequately covered by a properly implemented Habitat Conservation Plan.

We invite comments concerning this renewal on: (1) whether the collection of information is necessary for the proper performance of our endangered and threatened species management functions, including whether the information will have practical utility; (2) the accuracy of our estimate of the burden of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and, (4) ways to minimize the burden of the collection of information on respondents. The information collections in this program are part of a system of records covered by the Privacy Act (5 U.S.C. 552(a)).

Dated: February 23, 2001

Jack Kraus,

Chief, Division of Policy and Directives, Management.

[FR Doc. 01–5552 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Letters of Authorization To Take Marine Mammals

AGENCY: U.S. Fish and Wildlife Service–DOI.

ACTION: Notice of issuance of a Letter of Authorization to take marine mammals incidental to oil and gas industry activities.

SUMMARY: In accordance with section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972, as amended, and the U.S. Fish and Wildlife Service implementing regulations [50 CFR 18.27(f)(3)], notice is hereby given that a Letter of Authorization to take polar bears incidental to oil and gas industry exploration activities has been issued to the following company:

Company	Activity	Location	Date issued
Phillips Alaska, Inc.	Exploration	Cronus #1	February 8, 2001.

CONTACT: Mr. John W. Bridges at the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503, (800) 362–5148 or (907) 786–3810.

SUPPLEMENTARY INFORMATION: The Letters of Authorization are issued in accordance with U.S. Fish and Wildlife Service Federal Rules and Regulations "Marine Mammals; Incidental Take During Specified Activities (65 FR 16828; March 30, 2000)."

Dated: February 20, 2001.

David B. Allen,

Regional Director.

[FR Doc. 01–5514 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Alaska

[AK–962–1410–HY–P]

Notice for Publication; F–14870–A; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that the decision to issue conveyance (DIC) to Kaktovik Inupiat Corporation, notice of which was published in the **Federal Register**, Volume 66, Number 11, Pages 4038 and 4039, on January 17, 2001, is hereby modified in part.

Notice of the modified decision will be published once a week, for four (4) consecutive weeks, in the *Arctic Sounder*. Copies of the modified decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until April 6, 2001 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given January 17, 2001, is final.

Ronald E. Royer,

Land Law Examiner, Branch of ANCSA Adjudication.

[FR Doc. 01–5475 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–33–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Dakotas Advisory Council Meeting; Notice of Meeting

AGENCY: Bureau of Land Management, North Dakota Field Office, Interior.

SUMMARY: A meeting of the Dakotas Resource Advisory Council will be held March 26 & 27, 2001, at the Spearfish Canyon Resort, Savoy, South Dakota. The session will convene at 8 a.m. on March 26th and resume at 8 a.m. on the 27th. Agenda items will include Off Highway Vehicles, Homestake Exchange, Endangered Species (sage grouse and prairie dogs), Outfitting by FS and BLM, Fire and Fuel Reductions and Native American Consultation.

The meeting is open to the public and a public comment period is set for 8 a.m. on March 27th. The public may make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per-person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying.

The 15-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the Dakotas.

FOR FURTHER INFORMATION CONTACT: Patrick Gubbins, Field Office Manager, South Dakota Field Office, 310 Roundup St., Belle Fourche, South Dakota. Telephone (605) 892–7000.

Dated: February 1, 2001.

Patrick Gubbins,

Field Office Manager.

[FR Doc. 01–5476 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA920–1310–FI: CAS 019727B]

California: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97–451, a petition for reinstatement of oil and gas lease CAS 019272B for lands in Kern County, California, was timely filed and was accompanied by all the required rentals and royalties accruing from November 1, 2000, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to amend lease terms for rentals and royalties at the rate of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice.

The lessee has met all the requirements for reinstatement of the lease set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease CAS 019272B effective November 1, 2000, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

FOR FURTHER INFORMATION CONTACT: Bonnie Edgerly, Land Law Examiner, California State Office (916) 978–4370.

Dated: February 15, 2001.

Leroy M. Mehorich,

Chief, Branch of Energy, Mineral Science, and Adjudication.

[FR Doc. 01–5477 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Clean Air Act

Notice is hereby given that the United States, on behalf of the United States Environmental Protection Agency lodged a proposed Consent Decree in the United States District Court for the District of Hawaii, in *United States* v. *Chevron U.S.A.*, Civil Action No. 01–00117 HG/KSC, on February 19, 2001. This Consent Decree resolves the claims of the United States against Chevron U.S.A. ("Chevron"), pursuant to the Clean Air Act ("CAA"), 42 U.S.C. 7611. The Consent Decree concerns Chevron's ownership and operation of two bulk gas terminals on the islands of Hawaii and Maui, Hawaii, and a refinery on the island of Oahu, Hawaii.

The Consent Decree provides that Chevron will pay $650,000 as a penalty to the United States, will undertake a Supplemental Environmental Project of at least $150,000 at its Port Allen bulk gas Terminal on the island of Kauai, Hawaii, and will undertake injunctive work at its Kahului bulk gas terminal on the island of Maui, Hawaii. The Consent Decree further provides that the United States covenants not to bring a civil action or take administrative action against Chevron pursuant to the CAA, 42 U.S.C. 7611, for violations of the Act alleged in the Complaint which was simultaneously filed with the court.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Chevron U.S.A.*, DOJ #90–90–5–2–1–2187.

The proposed Consent Decree may be examined at the United States Attorney's Office, District of Hawaii, PJKK Federal Building, 300 Ala Mona Blvd., Honolulu, Hawaii 96850. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting a copy, please refer to the reference number given above and enclose a check in the amount of $7.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ellen M. Mahan,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–5483 Filed 3–6–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on January 5, 2001, a proposed consent decree in *United States* v. *Reland Mark Johnson*, Civ. Action No. 01–CV–005 (D. WY) was lodged with the United States District Court for the District of Wyoming.

In this action, the United States is recovering past response costs, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.* in connection with the R.J. Refinery Site located in La Barge, Wyoming. The consent decree that was lodged would resolve the United States' claims against Reland Mark Johnson ("Johnson"). Johnson will pay to the United States $5,000 to resolve claims against him and the settlement is based on Johnson's limited financial resources. The consent decree includes covenants not to sue by the United States under Section 107 of CERCLA.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, D.C. 20044, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Johnson*, D.J. Ref. 90–11–3–07235. The proposed consent decree may be examined at the Office of the United States Attorney, 2120 Capitol Ave. Cheyenne, WY, and at U.S. EPA Region VIII, 999 18th Street, Denver, CO 80202–2405. A copy of the consent decree may also be obtained by mail from the Consent Decree Library PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $4.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bob Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–5482 Filed 3–6–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petroleum Environmental Research Forum ("PERF") Project No. 99–05

Notice is hereby given that, on December 4, 2000, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Petroleum Environmental Research Forum ("PERF") Project No. 99–05 has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are BP Amoco Chemical Company, Alvin, TX; Berwanger, Inc., Houston, TX; Anderson Greenwood Crosby, Stafford, TX; Dresser Equipment Group, Inc., Alexandria, LA; ExxonMobil Research and Engineering, Fairfax, VA; Shell Oil Company, Houston, TX; and Texaco Inc., Bellaire, TX.

The nature and objectives of the venture are to conduct a joint research project to evaluate the stability of pressure relief devices.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5484 Filed 3–6–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petroleum Environmental Research Forum ("PERF")

Notice is hereby given that, on June 6, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Petroleum Environmental Research Forum ("PERF") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Petrozyme Technologies Inc., Guelph, Ontario, CANADA has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Petroleum Environmental Research Forum ("PERF") intends to file additional written notification disclosing all changes in membership.

On February 10, 1986, Petroleum Environmental Research Forum ("PERF") filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 14, 1986 (51 FR 8903).

The last notification was filed with the Department on August 18, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 6, 2000 (65 FR 59875).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5487 Filed 3–6–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Southwest Research Institute: Fuels, and Lubricants for Clean Heavy Duty Diesel Engines

Notice is hereby given that, on November 15, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Southwest Research Institute: Fuels and Lubricants for Clean Heavy Duty Diesel Engines ("SwRI") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status and project status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Equilon, Houston, TX has been added as a party to this venture and Texaco, Inc., Glenham, NY is no longer a member. Additionally, the parties to the cooperative research project have agreed to extend performance to April 1, 2001.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Southwest Research Institute: Fuels and Lubricants for Clean Heavy Duty Diesel Engines ("SwRI") intends to file additional written notification disclosing all changes in membership.

On September 1, 1994, Southwest Research Institute: Fuels and Lubricants for Clean Heavy Duty Diesel Engines ("SwRI") filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 7, 1994 (59 FR 55489). A Correction Notice to the notice of November 7, 1994 was published on February 1, 1995 at 60 FR 6295.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5485 Filed 3–6–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—the TRAAMS Venture Team

Notice is hereby given that, on May 19, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the TRAAMS Venture Team (the "TRAAMS Team") has filed notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Eastman Kodak Company, Rochester, NY; and Honeywell, Minneapolis, MN have been added as parties to this venture. In addition, Motorola Corporation, Tempe, AZ; Polaroid Corporation, Cambridge, MA; Terabank Systems, Inc., Santa Clara, CA; and Xerox Corporation, El Segundo, CA have been dropped as parties to the venture.

No other changes have been made in either the membership or planned activity of the group research project.

On May 13, 1996, the TRAAMS Venture Team filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 12, 1996 (61 FR 29770).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5486 Filed 3–6–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Notice of Charter Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2), and Title 41, Code of Federal Regulations, Section 101–6.1015, the Director, FBI, with the concurrence of the Attorney General, has determined that the continuance of the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) is in the public interest, in connection with the performance of duties imposed upon the FBI by law, and hereby gives notice of the renewal of its charter, effective January 4, 2001.

The APB recommends to the Director, FBI, general policy with respect to the philosophy, concept, and operational principles of the various criminal justice information systems managed by the FBI's CJIS Division.

The APB includes representatives from state and local criminal justice agencies; members of the judicial, prosecutorial, and correctional segments of the criminal justice community; a representative of federal agencies participating in the CJIS systems; and representatives of criminal justice professional associations (i.e., the American Probation and Parole Association American Society of Crime Laboratory Directors, International Association of Chiefs of Police, National District Attorneys Association, National

Sheriffs' Association, Major Cities Chiefs Association, Major County Sheriffs' Association, and a representative from a national professional association representing the courts or court administrators nominated by the Conference of Chief Justices). All members of the APB are appointed by the FBI Director.

The APB functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. The charter has been filed in accordance with the provisions of the Act.

Dated: February 20, 2001.

Louis J. Freeh,

Director.

[FR Doc. 01–5562 Filed 3–6–01; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act Allotments and Wagner-Peyser Act Preliminary Planning Estimates for Program Year (PY) 2001

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces States' Workforce Investment Act (WIA) allotments for Program Year (PY) 2001 (July 1, 2001-June 30, 2002) for WIA title I Youth, Adults and Dislocated Worker programs; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act for PY 2001. This is the second year in which allotments are made to States and outlying areas under WIA. The allotments for States are based on formulas defined in the Act. The allotments for the outlying areas are based on formula at the Secretary's discretion under WIA Title I. As required by WIA section 182(d), on February 17, 2000, a Notice of the discretionary formula for allocating PY 2000 funds for the outlying areas was published in the **Federal Register** at 65 FR 8236 (February 17, 2000). The rationale for the formula and methodology was fully explained in the February 17, 2000 Notice. The formula for PY 2001 is the same as PY 2000 and is described in detail in the section on Youth allotments.

Comments are invited upon the formula used to allot funds to the outlying areas.

DATES: Comments must be received by April 6, 2001.

ADDRESSES: Submit written comments to the Employment and Training Administration, Office of Financial and Administrative Management, 200 Constitution Ave, NW., Room N–4702, Washington, DC 20210, Attention: Ms. Sherryl Bailey, 202–693–2813, 202–693–2859 (fax), e-mail: sbailey@doleta.gov.

FOR FURTHER INFORMATION CONTACT: For WIA Title I allotments, contact: Youth Activities Allotments: Lorenzo Harrison at 202–693–3528; Adult and Dislocated Worker Employment and Training Activities Allotments: John Beverly at 202–693–3502; and Wagner-Peyser preliminary planning estimates: Gay Gilbert at 202–693–3428. (These are not toll-free numbers.) Information may also be found at the website—http://usworkforce.org.

SUPPLEMENTARY INFORMATION: The Department of Labor (DOL or Department) is announcing Workforce Investment Act (WIA) allotments for Program Year (PY) 2001 (July 1, 2001-June 30, 2002) for WIA title I Youth Activities, Adults and Dislocated Workers Activities; and, in accordance with Section 6 (b)(5) of the Wagner-Peyser Act, preliminary planning estimates for public employment service (ES) activities under the Wagner-Peyser Act for PY 2001. This document provides information on the amount of funds available during PY 2001 to States with an approved WIA title I and Wagner-Peyser 5-Year Strategic Plan and information regarding allotments to the outlying areas. The allotments and estimates are based on the funds appropriated by the Department of Labor Appropriations Act, 2001, part of the Consolidated Appropriations Act, 2001, Public Law 106–554.

Attached is a listing of the allotments for PY 2001 for programs under WIA title I Youth Activities, Adults and Dislocated Workers Employment and Training Activities; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act. Final Wagner-Peyser Act planning estimates will be published in the **Federal Register**.

Youth Activities Allotments

PY 2001 Youth Activities funds under WIA total $1,377,965,000 (including $275 million for Youth Opportunity grants). Attachment I contains a breakdown of the $1,102,965,000 in WIA title I Youth Activities program allotments by State for PY 2001 and provides a comparison of these allotments to PY 2000 Youth Activities allotments for all States, outlying areas, Puerto Rico and the District of Columbia.

Before determining the amount available for States, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Youth Activities, in accordance with WIA provisions, resulting in $3,444,913, an increase of $317,500, or 10.2 percent, over the PY 2000 level. From the total funds for outlying areas for the WIA Youth Activities program, WIA section 127(b)(1)(B) requires that competitive grants be awarded to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States, and further provides that the amount for such grants is not to exceed the amount reserved for the Freely Associated States for the JTPA II–B Summer Youth and the JTPA II–C Youth Training for PY 1997. WIA has corresponding requirements for competitive grants for the Adult Activities and Dislocated Worker Activities programs. The Secretary determined that a total of $1,000,000 would be reserved for the required competitive grants for all three programs for PY 2001, the same level as PY 2000. For the WIA Youth Activities program, the amount of competitive grants was set at $222,535, the maximum allowed by WIA which is the amount of JTPA PY 1997 total Youth allotments for the Freely Associated States, the same level as PY 2000. The method of distribution of the remaining WIA Youth Activities non-competitive funds to all outlying areas, including the Virgin Islands, is not specified by WIA, but is at the Secretary's discretion. The methodology used is the same as used for PY 2000, *i.e.*, distributed among the areas by formula based on relative share of number of unemployed, a 90 percent hold-harmless of the prior year share, a $75,000 minimum, and a 130 percent stop gain of the prior year share. Data used for the relative share calculation in the formula were the same as used for PY 2000 for all outlying areas. These data were obtained from the Bureau of the Census for American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Republic of Palau, and the U.S. Virgin Islands, based on mid-decade surveys for those areas conducted with the assistance of the Bureau. For Guam, data from a similar survey were not available from the Bureau, so data from the Guam June 1995 labor force survey were used. For the Republic of the Marshall Islands, where 1995 unemployment data were not available, 1988 survey data in combination with 1995 population estimates were used as the basis of the formula. Updated 2000 special Census data are expected to be available for next year's allotment calculations.

The total amount available for Native Americans is 1.5 percent of the total amount for Youth Activities excluding Youth Opportunity Grants, in accordance with WIA section 127. This total is $16,544,475, up $1,530,000, or 10.19 percent, from the PY 2000 Youth Activities level for Native Americans.

After determining the amount for the outlying areas and Native Americans, the amount available for allotment to the States for PY 2001 is $1,082,975,612, more than PY 2000 by $100,152,500, or an increase of 10.19 percent. This total amount was above the required $1 billion threshold specified in Section 127(b)(1)(C)(iv)(IV); therefore, for the first time, the WIA additional minimum provisions were triggered: (1) Minimum 1998 dollar (not percentage) (JTPA II–B and II–C combined) allotment, and (2) 2-tier small State minimum allotment (.3 percent of first $1 billion and .4 percent of amount over $1 billion), rather than .25 percent. These provisions were in addition to the traditional provision of a 90 percent hold-harmless from the prior year allotment percentage. Also, as required by WIA, the provision applying a 130 percent stop-gain of the prior year allotment percentage was used. The three formula factors required in WIA use the following data for the PY 2001 allotments:

(1) The number of unemployed for areas of substantial unemployment (ASU's) are averages for the 12-month period, July 1999 through preliminary June 2000;

(2) The number of excess unemployed individuals or the ASU excess (depending on which is higher) are averages for the same 12-month period used for ASU unemployed data; and

(3) The number of economically disadvantaged youth (age 16 to 21, excluding college students and military) are from the 1990 Census. (2000 Census data are not expected to be available for use until PY 2003 allotment calculations.)

Adult Employment and Training Activities Allotments

The total Adult Employment and Training Activities appropriation is $950,000,000, the same level as PY 2000. Attachment II shows the PY 2001 Adult Employment and Training Activities allotments and comparison to PY 2000 allotments by State.

Similarly to the Youth Activities program, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Adults, or $2,375,000, the same level as PY 2000. The Adult Activities program portion of the $1,000,000 total for competitive grants for all three programs (described above in Youth Activities) required for the outlying areas (Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States) was set at $290,780. This amount is less than the maximum allowed by WIA (PY 1997 Adult allotments for the Freely Associated States). The amount represents a 12.2 percent share of the total Adult Activities program funds for all outlying areas and is calculated to be the same share as for the Dislocated Worker Activities program, after subtracting the Youth Activities program portion from the $1,000,000 total described above. The remaining non-competitive WIA title I Adult Activities funds for grants to all outlying areas, including the Virgin Islands, for which the methodology is at the Secretary's discretion (described in the Youth Activities section), were distributed among the areas by the same principles, formula and data as used for outlying areas for Youth Activities.

After determining the amount for the outlying areas, the amount available for allotments to the States is $947,625,000, the same as PY 2000. Unlike the Youth Activities program, the WIA minimum provisions were not triggered for the PY 2001 allotments because the total amount available for the States was below the $960 million threshold required for Adults in section 132(b)(1)(B)(iv)(IV). Instead, as required by WIA, the minimum allotments were calculated using the JTPA section 202(a)(3) (as amended by section 701 of the Job Training Reform Amendments of 1992) minimums of 90 percent hold-harmless of the prior year allotment percentage and 0.25 percent State minimum floor. Also, like the Youth Activities program, a provision applying a 130 percent stop-gain of the prior year allotment percentage was used. The three formula factors use the same data as used for the Youth Activities formula, except that data for the number of economically disadvantaged adults (age 22 to 72, excluding college students and military) from the 1990 Census were used. (2000 Census data are not expected to be available for use until PY 2003 allotment calculations.)

Dislocated Worker Employment and Training Activities Allotments

The total Dislocated Worker appropriation is $1,590,040,000, an increase of $1,015,000, or .06 percent from the PY 2000 level. The total appropriation includes 80 percent allotted by formula to the States, while 20 percent is retained for National Emergency Grants, technical assistance and training, demonstration projects, and for the outlying areas Dislocated Worker allotments. Attachment III shows the PY 2001 Dislocated Worker Activities fund allotments by State.

Similarly to the Youth and Adults programs, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Dislocated Workers Activities, resulting in $3,975,100, an increase of $2,537 from PY 2000. The Dislocated Worker Activities program portion of the $1,000,000 total for competitive grants for all three programs (described above in Youth Activities) required for the outlying areas (Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States) was set at $486,685. This amount is less than the maximum allowed by WIA (PY 1997 Dislocated Worker allotments for the Freely Associated States). The amount represents a 12.2 percent share of the total Dislocated Worker Activities program funds for all outlying areas and is calculated to be the same share as for the Adult Activities program, after subtracting the Youth Activities program portion from the $1,000,000 total described above. The remaining non-competitive WIA Title I Dislocated Worker Activities funds for grants to all outlying areas, including the Virgin Islands, for which the methodology is at the Secretary's discretion, were distributed among the areas by the same pro rata share as the areas received for the PY 2001 WIA Adult Activities program, the same methodology used in PY 2000.

The amount available for allotments to the States is eighty percent of the Dislocated Workers appropriation, or $1,272,032,000, a gain of .06 percent over PY 2000. Since the Dislocated Worker Activities formula has no floor amount or hold-harmless provisions, funding changes for States directly reflect the impact of changes in number of unemployed. The three formula factors required in WIA use the following data for the PY 2001 allotments:

(1) The number of unemployed are averages for the 12-month period, October 1999 through September 2000;

(2) The number of excess unemployed are averages for the 12-month period, October 1999 through September 2000; and

(3) The number of long-term unemployed are averages for calendar year 1999.

Wagner-Peyser Act Preliminary Planning Estimates

The public employment service program involves a Federal-State partnership between the U.S. Department of Labor and the State Employment Security Agencies. Under the Wagner-Peyser Act, funds are allotted to each State to administer a labor exchange program responding to the needs of the State's employers and workers through a system of local employment services offices that are part of the One-Stop service delivery system established by the State. Total funding for Wagner-Peyser remained the same as PY 2000, but due to reduced reserves for postage, available funds for the States and outlying areas increased by $2 million. Attachment IV shows the Wagner-Peyser Act preliminary planning estimates for PY 2001. These preliminary planning estimates have been produced using the formula set forth at Section 6 of the Wagner-Peyser Act, 29 U.S.C. 49e. They are based on monthly averages for each State's share of the civilian labor force (CLF) and unemployment for the 12 months ending September 2000. Final planning estimates will be published in the **Federal Register**, based on calendar year 2000 data, as required by the Wagner-Peyser Act.

State planning estimates reflect $16,000,000, or 2.1 percent of the total amount appropriated, which is being withheld from distribution to States to finance postage costs associated with the conduct of Wagner-Peyser Act labor exchange services for PY 2001.

The Secretary of Labor is required to set aside up to three percent of the total available funds to assure that each State will have sufficient resources to maintain statewide employment service (ES) activities, as required under section 6(b)(4) of the Wagner-Peyser Act. In accordance with this provision, the three percent set-aside funds, or $22,372,050, are included in the total planning estimate. The set-aside funds are distributed in two steps to States which have lost in relative share of resources from the previous year. In Step 1, States which have a Civilian Labor Force (CLF) below one million and are also below the median CLF density are maintained at 100 percent of their relative share of prior year resources. All remaining set-aside funds are distributed on a pro-rata basis in Step 2 to all other States losing in relative share from the prior year but not meeting the size and density criteria for Step 1.

Under Wagner-Peyser Act section 7, ten percent of the total sums allotted to each State shall be reserved for use by the Governor to provide performance incentives for public ES offices; services for groups with special needs; and for the extra costs of exemplary models for delivering job services.

Signed at Washington, DC, this 2nd day of March, 2001.

Raymond J. Uhalde,

Deputy Assistant Secretary for Employment and Training.

BILLING CODE 4510-30-P

Attachment I

U. S. Department of Labor
Employment and Training Administration
Comparison of State Allotments
WIA PY 2000 vs PY 2001 Youth Activities

	WIA PY 2000	WIA PY 2001	Difference	% Change
Total	$1,000,965,000	$1,102,965,000	$102,000,000	10.19%
Alabama	14,066,303	18,759,175	4,692,872	33.36%
Alaska	3,215,719	4,064,241	848,522	26.39%
Arizona	16,578,123	19,506,301	2,928,178	17.66%
Arkansas	10,429,385	10,614,970	185,585	1.78%
California	171,424,027	176,044,587	4,620,560	2.70%
Colorado	6,550,692	7,246,178	695,486	10.62%
Connecticut	7,700,441	9,511,625	1,811,184	23.52%
Delaware	2,457,058	3,331,902	874,844	35.61%
District of Columbia	4,528,781	4,491,249	(37,532)	-0.83%
Florida	39,070,163	40,269,848	1,199,685	3.07%
Georgia	20,496,219	22,425,496	1,929,277	9.41%
Hawaii	6,045,743	5,995,639	(50,104)	-0.83%
Idaho	4,095,248	4,171,399	76,151	1.86%
Illinois	40,030,985	48,556,867	8,525,882	21.30%
Indiana	11,014,284	13,604,901	2,590,617	23.52%
Iowa	3,259,920	4,026,670	766,750	23.52%
Kansas	3,440,280	4,643,202	1,202,922	34.97%
Kentucky	15,511,193	17,117,753	1,606,560	10.36%
Louisiana	21,598,829	22,655,421	1,056,592	4.89%
Maine	3,720,413	3,835,799	115,386	3.10%
Maryland	13,787,590	13,673,327	(114,263)	-0.83%
Massachusetts	12,957,434	16,005,091	3,047,657	23.52%
Michigan	28,969,657	29,775,388	805,731	2.78%
Minnesota	8,048,735	9,941,839	1,893,104	23.52%
Mississippi	12,562,595	17,333,642	4,771,047	37.98%
Missouri	14,008,527	14,918,738	910,211	6.50%
Montana	4,149,252	4,154,205	4,953	0.12%
Nebraska	2,457,058	3,331,902	874,844	35.61%
Nevada	3,661,485	4,522,685	861,200	23.52%
New Hampshire	2,457,058	3,331,902	874,844	35.61%
New Jersey	23,699,434	29,273,666	5,574,232	23.52%
New Mexico	10,430,066	10,420,706	(9,360)	-0.09%
New York	81,034,703	84,458,703	3,424,000	4.23%
North Carolina	14,391,704	17,574,081	3,182,377	22.11%
North Dakota	2,457,058	3,331,902	874,844	35.61%
Ohio	41,633,629	49,106,758	7,473,129	17.95%
Oklahoma	10,326,811	10,241,228	(85,583)	-0.83%
Oregon	14,609,203	14,550,737	(58,466)	-0.40%
Pennsylvania	34,298,461	38,152,152	3,853,691	11.24%
Puerto Rico	54,369,986	57,574,911	3,204,925	5.89%
Rhode Island	2,490,640	3,331,902	841,262	33.78%
South Carolina	12,091,526	14,935,516	2,843,990	23.52%
South Dakota	2,457,058	3,331,902	874,844	35.61%
Tennessee	18,465,533	19,487,876	1,022,343	5.54%
Texas	88,620,250	98,498,412	9,878,162	11.15%
Utah	3,301,394	3,331,902	30,508	0.92%
Vermont	2,457,058	3,331,902	874,844	35.61%
Virginia	13,385,882	16,534,311	3,148,429	23.52%
Washington	21,370,932	23,156,595	1,785,663	8.36%
West Virginia	10,548,280	11,428,555	880,275	8.35%
Wisconsin	9,633,249	9,728,051	94,802	0.98%
Wyoming	2,457,058	3,331,902	874,844	35.61%
State Total	982,823,112	1,082,975,612	100,152,500	10.19%
American Samoa	134,797	139,502	4,705	3.49%
Guam	1,317,552	1,363,540	45,988	3.49%
Marshall Islands	152,810	220,366	67,556	44.21%
Micronesia	271,773	391,921	120,148	44.21%
Northern Marianas	106,153	153,082	46,929	44.21%
Palau	77,869	80,587	2,718	3.49%
Virgin Islands	843,924	873,380	29,456	3.49%
Outlying Areas Competitive	222,535	222,535	0	0.00%
Outlying Areas Total	3,127,413	3,444,913	317,500	10.15%
Native Americans	15,014,475	16,544,475	1,530,000	10.19%

Attachment II

U. S. Department of Labor
Employment and Training Administration
Comparison of State Allotments
WIA PY 2000 vs PY 2001 Adult Activities

	WIA PY 2000	WIA PY 2001	Difference	% Change
Total	$950,000,000	$950,000,000	$(0)	-0.00%
Alabama	13,600,837	17,044,406	3,443,569	25.32%
Alaska	3,089,722	3,728,842	639,120	20.69%
Arizona	15,648,932	17,399,189	1,750,257	11.18%
Arkansas	10,068,804	9,622,728	(446,076)	-4.43%
California	160,743,770	156,375,879	(4,367,891)	-2.72%
Colorado	6,409,369	5,768,432	(640,937)	-10.00%
Connecticut	7,486,306	6,737,675	(748,631)	-10.00%
Delaware	2,369,063	2,369,063	0	0.00%
District of Columbia	4,412,566	3,971,309	(441,257)	-10.00%
Florida	39,256,368	37,761,854	(1,494,514)	-3.81%
Georgia	19,518,990	20,011,763	492,773	2.52%
Hawaii	6,049,854	5,444,869	(604,985)	-10.00%
Idaho	3,872,663	3,712,935	(159,728)	-4.12%
Illinois	38,399,632	44,094,693	5,695,061	14.83%
Indiana	10,557,597	10,825,762	268,165	2.54%
Iowa	3,209,170	2,888,253	(320,917)	-10.00%
Kansas	3,434,681	4,279,240	844,559	24.59%
Kentucky	15,516,224	15,183,245	(332,979)	-2.15%
Louisiana	20,662,594	20,294,120	(368,474)	-1.78%
Maine	3,667,080	3,301,438	(365,642)	-9.97%
Maryland	13,552,128	12,196,915	(1,355,213)	-10.00%
Massachusetts	12,483,536	11,235,182	(1,248,354)	-10.00%
Michigan	27,277,938	24,550,144	(2,727,794)	-10.00%
Minnesota	7,782,432	7,827,789	45,357	0.58%
Mississippi	11,341,654	14,744,150	3,402,496	30.00%
Missouri	13,732,983	12,359,685	(1,373,298)	-10.00%
Montana	4,193,064	3,956,587	(236,477)	-5.64%
Nebraska	2,369,063	2,369,063	0	0.00%
Nevada	3,550,960	4,007,022	456,062	12.84%
New Hampshire	2,369,063	2,369,063	0	0.00%
New Jersey	23,265,426	20,938,883	(2,326,543)	-10.00%
New Mexico	9,968,030	9,393,723	(574,307)	-5.76%
New York	81,558,176	80,628,707	(929,469)	-1.14%
North Carolina	14,198,520	16,154,303	1,955,783	13.77%
North Dakota	2,369,063	2,369,063	0	0.00%
Ohio	40,353,010	45,060,208	4,707,198	11.67%
Oklahoma	10,261,832	9,235,649	(1,026,183)	-10.00%
Oregon	14,237,385	13,460,527	(776,858)	-5.46%
Pennsylvania	34,243,052	30,818,747	(3,424,305)	-10.00%
Puerto Rico	52,848,829	52,746,321	(102,508)	-0.19%
Rhode Island	2,478,859	2,369,063	(109,796)	-4.43%
South Carolina	11,664,248	12,698,373	1,034,125	8.87%
South Dakota	2,369,063	2,369,063	0	0.00%
Tennessee	18,118,821	16,306,939	(1,811,882)	-10.00%
Texas	82,451,236	86,576,669	4,125,433	5.00%
Utah	2,753,861	2,478,475	(275,386)	-10.00%
Vermont	2,369,063	2,369,063	0	0.00%
Virginia	12,992,562	12,478,418	(514,144)	-3.96%
Washington	20,455,166	21,031,292	576,126	2.82%
West Virginia	10,306,103	10,558,659	252,556	2.45%
Wisconsin	9,366,589	8,782,497	(584,092)	-6.24%
Wyoming	2,369,063	2,369,063	0	0.00%
State Total	947,625,000	947,625,000	0	0.00%
American Samoa	125,230	112,713	(12,517)	-10.00%
Guam	453,836	443,439	(10,397)	-2.29%
Marshall Islands	265,985	239,400	(26,585)	-9.99%
Micronesia	396,563	420,122	23,559	5.94%
Northern Marianas	153,481	199,536	46,055	30.01%
Palau	81,072	75,000	(6,072)	-7.49%
Virgin Islands	607,937	594,010	(13,927)	-2.29%
Outlying Areas Competitive	290,896	290,780	(116)	-0.04%
Outlying Areas Total	2,375,000	2,375,000	(0)	-0.00%

Attachment III

U. S. Department of Labor
Employment and Training Administration
Comparison of State Allotments
WIA PY 2000 vs PY 2001 Dislocated Workers Activities

	WIA PY 2000	WIA PY 2001	Difference	% Change
Total	$1,589,025,000	$1,590,040,000	$1,015,000	0.06%
Alabama	12,337,794	15,068,548	2,730,754	22.13%
Alaska	6,719,943	11,395,001	4,675,058	69.57%
Arizona	11,542,782	12,879,316	1,336,534	11.58%
Arkansas	12,375,366	7,103,656	(5,271,710)	-42.60%
California	297,723,349	273,391,437	(24,331,912)	-8.17%
Colorado	8,967,371	8,255,862	(711,509)	-7.93%
Connecticut	8,480,789	7,406,982	(1,073,807)	-12.66%
Delaware	1,664,457	2,184,617	520,160	31.25%
District of Columbia	10,174,200	8,433,959	(1,740,241)	-17.10%
Florida	41,053,379	39,311,417	(1,741,962)	-4.24%
Georgia	21,970,886	20,930,127	(1,040,759)	-4.74%
Hawaii	12,921,697	6,477,632	(6,444,065)	-49.87%
Idaho	6,033,643	3,898,217	(2,135,426)	-35.39%
Illinois	38,725,943	41,575,303	2,849,360	7.36%
Indiana	10,502,473	10,682,428	179,955	1.71%
Iowa	4,984,236	5,437,368	453,132	9.09%
Kansas	5,772,856	5,502,565	(270,291)	-4.68%
Kentucky	11,423,295	11,735,435	312,140	2.73%
Louisiana	24,339,414	23,158,418	(1,180,996)	-4.85%
Maine	3,854,255	3,214,945	(639,310)	-16.59%
Maryland	16,806,330	17,559,765	753,435	4.48%
Massachusetts	13,588,888	15,134,353	1,545,465	11.37%
Michigan	22,130,803	21,932,071	(198,732)	-0.90%
Minnesota	8,023,090	10,473,235	2,450,145	30.54%
Mississippi	13,390,794	30,701,477	17,310,683	129.27%
Missouri	15,326,715	12,374,521	(2,952,194)	-19.26%
Montana	6,417,081	7,084,638	667,557	10.40%
Nebraska	2,388,261	2,997,707	609,446	25.52%
Nevada	5,076,189	5,334,057	257,868	5.08%
New Hampshire	2,247,442	1,877,882	(369,560)	-16.44%
New Jersey	30,833,430	30,498,439	(334,991)	-1.09%
New Mexico	20,907,033	21,923,521	1,016,488	4.86%
New York	142,360,726	105,559,534	(36,801,192)	-25.85%
North Carolina	16,906,622	16,959,265	52,643	0.31%
North Dakota	1,421,909	1,279,725	(142,184)	-10.00%
Ohio	30,844,022	34,309,127	3,465,105	11.23%
Oklahoma	8,085,953	6,561,865	(1,524,088)	-18.85%
Oregon	30,420,464	28,811,913	(1,608,551)	-5.29%
Pennsylvania	38,179,716	38,706,830	527,114	1.38%
Puerto Rico	108,278,443	166,101,676	57,823,233	53.40%
Rhode Island	2,924,830	2,885,714	(39,116)	-1.34%
South Carolina	9,726,336	11,936,257	2,209,921	22.72%
South Dakota	1,477,871	1,283,809	(194,062)	-13.13%
Tennessee	14,194,628	12,771,543	(1,423,085)	-10.03%
Texas	74,756,662	63,747,179	(11,009,483)	-14.73%
Utah	4,343,544	4,430,131	86,587	1.99%
Vermont	1,220,468	1,240,882	20,414	1.67%
Virginia	12,359,788	12,424,713	64,925	0.53%
Washington	28,220,707	27,119,437	(1,101,270)	-3.90%
West Virginia	23,364,426	25,423,973	2,059,547	8.81%
Wisconsin	11,506,979	12,880,353	1,373,374	11.94%
Wyoming	1,921,722	1,663,175	(258,547)	-13.45%
State Total	1,271,220,000	1,272,032,000	812,000	0.06%
American Samoa	209,467	188,651	(20,816)	-9.94%
Guam	759,113	742,196	(16,917)	-2.23%
Marshall Islands	444,902	400,690	(44,212)	-9.94%
Micronesia	663,314	703,169	39,855	6.01%
Northern Marianas	256,721	333,969	77,248	30.09%
Palau	135,606	125,530	(10,076)	-7.43%
Virgin Islands	1,016,871	994,210	(22,661)	-2.23%
Outlying Area Competitive	486,569	486,685	116	0.02%
Outlying Area Total	3,972,563	3,975,100	2,537	0.06%
National Reserve	313,832,437	314,032,900	200,463	0.06%

Attachment IV

U. S. Department of Labor
Employment and Training Administration
Employment Service (Wagner-Peyser)
PY 2001 Preliminary vs PY 2000 Final Allotments

	Final PY 2000	Preliminary PY 2001	Difference	% Change
Total	$761,735,000	$761,735,000	$0	0.00%
Alabama	10,932,482	10,972,520	40,038	0.37%
Alaska	8,084,754	8,106,495	21,741	0.27%
Arizona	11,727,076	11,719,056	(8,020)	-0.07%
Arkansas	6,372,346	6,362,175	(10,171)	-0.16%
California	88,632,143	88,800,931	168,788	0.19%
Colorado	10,421,973	10,360,986	(60,987)	-0.59%
Connecticut	8,535,669	8,353,516	(182,153)	-2.13%
Delaware	2,077,382	2,082,968	5,586	0.27%
District of Columbia	3,481,968	3,407,662	(74,306)	-2.13%
Florida	35,215,846	36,044,113	828,267	2.35%
Georgia	19,635,506	19,645,449	9,943	0.05%
Hawaii	3,289,242	3,253,394	(35,848)	-1.09%
Idaho	6,736,039	6,754,153	18,114	0.27%
Illinois	31,410,419	31,942,342	531,923	1.69%
Indiana	14,363,969	14,335,356	(28,613)	-0.20%
Iowa	7,039,271	6,961,337	(77,934)	-1.11%
Kansas	6,564,128	6,620,269	56,141	0.86%
Kentucky	9,829,102	9,806,202	(22,900)	-0.23%
Louisiana	11,004,411	10,936,125	(68,286)	-0.62%
Maine	4,005,859	4,016,631	10,772	0.27%
Maryland	13,745,214	13,608,277	(136,937)	-1.00%
Massachusetts	15,683,634	15,485,131	(198,503)	-1.27%
Michigan	24,310,238	24,236,145	(74,093)	-0.30%
Minnesota	11,816,050	11,853,974	37,924	0.32%
Mississippi	6,659,019	7,084,697	425,678	6.39%
Missouri	13,675,963	13,515,219	(160,744)	-1.18%
Montana	5,504,726	5,519,529	14,803	0.27%
Nebraska	6,615,599	6,633,389	17,790	0.27%
Nevada	5,351,173	5,365,563	14,390	0.27%
New Hampshire	2,973,251	2,970,051	(3,200)	-0.11%
New Jersey	21,431,869	21,298,867	(133,002)	-0.62%
New Mexico	6,177,271	6,193,882	16,611	0.27%
New York	47,718,375	47,494,850	(223,525)	-0.47%
North Carolina	17,666,840	17,966,415	299,575	1.70%
North Dakota	5,605,458	5,620,532	15,074	0.27%
Ohio	28,254,643	28,755,451	500,808	1.77%
Oklahoma	8,326,514	8,169,208	(157,306)	-1.89%
Oregon	9,593,535	9,600,127	6,592	0.07%
Pennsylvania	30,262,541	30,126,443	(136,098)	-0.45%
Puerto Rico	10,536,279	10,430,630	(105,649)	-1.00%
Rhode Island	2,625,453	2,596,952	(28,501)	-1.09%
South Carolina	9,797,291	9,805,347	8,056	0.08%
South Dakota	5,180,731	5,194,663	13,932	0.27%
Tennessee	13,749,835	13,707,641	(42,194)	-0.31%
Texas	51,508,098	52,142,783	634,685	1.23%
Utah	10,486,819	10,263,027	(223,792)	-2.13%
Vermont	2,426,951	2,433,477	6,526	0.27%
Virginia	16,037,720	15,992,765	(44,955)	-0.28%
Washington	15,628,945	15,730,173	101,228	0.65%
West Virginia	5,929,859	5,945,805	15,946	0.27%
Wisconsin	13,263,090	13,664,192	401,102	3.02%
Wyoming	4,019,463	4,030,272	10,809	0.27%
State Total	741,922,032	743,917,157	1,995,125	0.27%
Guam	348,011	348,947	936	0.27%
Virgin Islands	1,464,957	1,468,896	3,939	0.27%
Postage	18,000,000	16,000,000	(2,000,000)	-11.11%

[FR Doc. 01–5537 Filed 3–6–01; 8:45 am]
BILLING CODE 4510–30–C

MEDICARE PAYMENT ADVISORY COMMISSION

Commission Meeting

AGENCY: Medicare Payment Advisory Commission.

ACTION: Notice of meeting.

SUMMARY: The Commission will hold its next public meeting on Thursday, March 15, 2001, and Friday, March 16, 2001, at the Ronald Reagan Building, International Trade Center, 1300 Pennsylvania Avenue, NW, Washington, DC. The meeting is tentatively scheduled to begin at 10 a.m. on March 15, and at 9 a.m. on March 16.

Topics for discussion include: Market conditions and rates of health service use in rural areas; access to care in rural areas; payment provisions for inpatient hospital care in rural areas; rural quality of care; payment for outpatient hospital care in rural areas; payments for nursing and allied health programs; Medicare+Choice issues in rural areas; payment update for physician services; the need for a payment adjustment for skilled nursing facilities in Alaska and Hawaii; payment issues for home health in rural areas; and psychiatric facilities in rural areas.

Agendas will be mailed on March 7, 2001. The final agenda will be available on the Commission's website (www.MedPAC.gov).

ADDRESSES: MedPAC's address is: 1730 K Street, NW, Suite 800, Washington, DC 20006. The telephone number is (202) 653–7220.

FOR FURTHER INFORMATION CONTACT: Diane Ellison, Office Manager, (202) 653–7220.

Murray N. Ross,

Executive Director.

[FR Doc. 01–5499 Filed 3–6–01; 8:45 am]
BILLING CODE 6820–BW–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–034)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that Modern Machine & Tool Co. Inc., of Newport News, VA 23606–2587, has applied for an exclusive license to practice the invention disclosed in NASA Case No. LAR 16020–1 entitled "Single Vector Force Balance Calibration System," which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Ms. Helen M. Galus, Patent Attorney, Langley Research Center.

DATES: Responses to this notice must be received by May 7, 2001.

FOR FURTHER INFORMATION CONTACT: Helen M. Galus, Patent Attorney, Langley Research Center, Mail Stop 212, Hampton, VA 23681–2199; telephone 757–864–3227.

Dated: March 1, 2001.

Edward A. Frankle,

General Counsel.

[FR Doc. 01–5553 Filed 3–6–01; 8:45 am]
BILLING CODE 7510–01–P

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Biological Sciences (1754).

Date/Time: March 28–30, 2001, 8am–5pm.

Place: Room 370, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Sylvia Spengler, Division of Biological Infrastructure, Rm 615, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, (703) 292–8470.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Biological Database & Informatics proposals as part of the selection process for awards.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5469 Filed 3–6–01; 8:45 am]
BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date/Time: Monday, April 2, 2001, 8:30 a.m. to 5 p.m.; Tuesday, April 3, 2001, 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 360, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Jorn Larsen-Basse, National Science Foundation, 4201 Wilson Blvd., Rm. 545, Arlington, VA 22230, (703) 292–8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'01 Surface Engineering and Material Design Review Panel as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5465 Filed 3–6–01; 8:45 am]
BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date/Time: Tuesday, March 27, 2001, 8:30 a.m. to 5 p.m. Wednesday, March 28, 2001, 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 530, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Jorn Larsen-Basse, Program Director, Surface Engineering and Materials Design, Division of Civil and Mechanical Systems, Room 545, (703) 292–8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'01 Surface Engineering and Material Design Review Panel as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under (4) and (6) of U.S.C. 552b(c), of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5470 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Economics, Decision and Management Sciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following five meetings:

Name: Advisory Panel for Economics, Decision, and Management Sciences.

Date/Time: April 20–21, 2001; 9 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA, Stafford II Conference Center Rooms 517 and 545.

Contact Person: Dr. Daniel H. Newlon, Program Director for Economics Program, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7276.

Agenda: To review and evaluate Economics proposals as part of the selection process for awards.

Date/Time: April 19–20, 2001; 9 a.m. to 5 p.m.

Place: National Science Foundation, Rooms 920 and 970.

Type of Meeting: Closed.

Contact Person: Dr. Ann Bostrom, Program Director for Decision, Risk & Management Sciences (DRMS) Program, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7263.

Agenda: To review and evaluate DRMS proposals as part of the selection process for awards.

Dates/Time: March 22–23 and March 26–27, 2001; 9 a.m. to 5 p.m.

Place: Stafford II Conference Center, 4121 Wilson Blvd., Arlington, VA, Rm. 545.

Type of Meeting: Closed.

Contact Person: Dr. Mariann (Sam) Jelinek, Program Director for Innovation and Organizational Change (IOC) Program, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7273.

Agenda: To review and evaluate IOC proposals as part of the selection process for awards.

Date/Time: April 2–3, 2001; 9 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA. Rooms 920 and 970.

Type of Meeting: Closed.

Contact Person: Dr. Ann Bostrom & Dr. Sandra Schneider, Program Directors for Decision, Risk & Management Sciences Program, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–8761.

Agenda: To review and evaluate DMVEP proposals as part of the selection process for awards.

Type of Meeting: Closed.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5463 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Geosciences. (1756).

Date/Time: March 26–28, 2001; 8:30 a.m. to 6 p.m.

Place: Southern California Earthquake Center (SCEC), California Institute of Technology.

Type of Meeting: Closed.

Contact Person: Dr. James H. Whitcomb, Acting Deputy Division Director, Division of Earth Sciences, Room 785, National Science Foundation, Arlington, VA 22230 (703) 292–8553.

Purpose of Meeting: To review the SCEC proposal for earthquake-related science, evaluate the past activities of the Southern California Earthquake Center, and make a recommendation concerning future funding of these activities.

Agenda: To evaluate: (a) the research program; (b) educational and outreach activities; and (c) the knowledge transfer activities and the management of the Southern California Earthquake Center. And, to make a recommendation on the future funding of these activities.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5464 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development (1199).

Date/Time: March 22–23, 2001; 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Margrete S. Klein, Program Director, Human Resource Development Division, Room 815, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292–4671.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate formal proposals submitted to the Program for Gender Equity in SMET elementary, middle school, and informal education.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5467 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development (#1199).

Date/Time: March 14–15, 2001 from 8:30 a.m. to 5 p.m.

Place: National Science Foundation, Stafford Place II—Conference Center, 4121 Wilson Boulevard, Room 565, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. A. James Hicks, Program Director, Human Resource Development Division, Room 815, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 Telephone: (703) 292–4661.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate the Louis Stokes Alliances for Minority Participation proposals as part of the selection process for awards.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management.

[FR Doc. 01–5468 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Social and Political Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, and amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social and Political Sciences (#1761).

Date/Time: March 23, 2001; 8 a.m. to 6 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 970; Arlington, VA.

Contact Person: Dr. Frank Scioli and Dr. James Granato, Program Directors for Political Science, National Science Foundation. Telephone: (703) 292–8762.

Agenda: To review and evaluate the political science proposals as part of the selection process for awards.

Type of Meeting: Closed.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These maters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5466 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meeting

DATE AND TIME: March 15, 2001: 12 Noon–12:30 p.m.: Closed Session; March 15, 2001: 1 p.m.–2 p.m.: Closed Session; March 15, 2001: 2 p.m.–5 p.m.: Open Session.

PLACE: The National Science Foundation, Room 1235, 4201 Wilson Boulevard, Arlington, VA 22230.

STATUS: Part of this meeting will be closed to the public; Part of this meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Thursday, March 15, 2001

Closed Session (12 Noon–12:30 p.m.)

—Closed Session Minutes, December 2000
—Personnel
—Vannevar Bush Award
—Alan T. Waterman Award
—NSB Member Proposal

Closed Session (1 p.m.–2 p.m.)

—Awards and Agreements
—FY 2002 and FY 2003 Budgets

Open Session (2 p.m.–5 p.m.)

—Swearing-in, Mark Wrighton
—Open Session Minutes, December 2000
—Closed Session Items for May 2001
—Chairman's Report
—Director's Report
—Polar Programs Recognition
—Report: Allocating Federal Resources for S&T
—Director's Merit Review Report
—Committee Reports
—Other Business

Marta Cehelsky,

Executive Officer.

[FR Doc. 01–5634 Filed 3–2–01; 4:43 pm]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

Nuclear Management Company, LLC; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–49, held by Nuclear Management Company, LLC (the licensee), for operation of the Duane Arnold Energy Center (the facility) located in Linn County, Iowa.

By letter dated November 17, 2000, as supplemented February 16, 2001, the licensee proposed an amendment to change the operating license. Specifically, the proposed amendment would change paragraph 2.B(2) of the license to allow refueling activities in accordance with a revised thermal-hydraulic analysis based upon use of advanced core designs employing General Electric-14 fuel, increased fuel burnup, increased cycle length, and increased reload batch size. The revised analysis also corrects several input parameter discrepancies in the existing analysis submitted to the Nuclear Regulatory Commission (NRC) by letter dated October 3, 1997.

The proposed change is related to a proposed increase in power level that is identified in the licensee's letter to the NRC dated September 19, 2000. The proposed increase in power will be addressed in a separate **Federal Register** notice.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 6, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike

(first floor), Rockville, Maryland 20855–2738, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20855–2738, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Al Gutterman, Morgan, Lewis, & Bockius LLP, 1800 M Street, NW., Washington, DC 20036–5869, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated November 17, 2000, as supplemented by letter dated February 16, 2001, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20855–2738, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 28th day of February 2001.

For the Nuclear Regulatory Commission.

Darl S. Hood,

Senior Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5508 Filed 3–6–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Intent To Prepare an Environmental Impact Statement for the Mixed Oxide Fuel Fabrication Facility

AGENCY: United States Nuclear Regulatory Commission.

ACTION: Notice of Intent (NOI).

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) announces its intent to prepare an Environmental Impact Statement (EIS) for construction, operation and deactivation of a proposed Mixed Oxide (MOX) Fuel Fabrication Facility (Facility) to be constructed at the Department of Energy's (DOE) Savannah River Site (SRS) in South Carolina. The EIS is being prepared pursuant to the National Environmental Policy Act (NEPA) and will examine the potential environmental impacts of manufacturing MOX fuel from surplus weapons plutonium. The MOX fuel is eventually planned to be used in two existing domestic commercial reactors, thus helping to ensure that plutonium produced for nuclear weapons and declared excess to national security needs is converted to forms that are inaccessible and unattractive for nuclear weapons.

TENTATIVE DATES; FUTURE NOTICES OF OPPORTUNITY FOR HEARINGS: The public scoping process required by NEPA begins with publication of this NOI in the **Federal Register** and continues until May 21, 2001. Written comments submitted by mail should be postmarked by that date to ensure consideration. Comments mailed after that date will be considered to the extent practical. However, this May 21 date, and the proposed meeting dates listed below, are subject to change for the following reasons. The NRC is presently conducting its initial administrative acceptance review of the construction authorization request (CAR) regarding the MOX Facility.

Following the acceptance review (if the CAR is acceptable), a detailed technical review of the CAR begins. The CAR was submitted to the NRC on February 28, 2001, by DCS (a consortium formed by Duke Engineering & Services, COGEMA, Inc., and Stone and Webster), the engineering firm which, if NRC grants approval, would build the MOX Facility. The acceptance review of the CAR is expected to take 30 days to complete. If the CAR is accepted and formally docketed, the EIS scoping process will continue. If, for any reason, the CAR is not accepted and formally docketed, the scoping process will be suspended, and a notice postponing the meetings listed below will be published in the **Federal Register**. Additionally, if the CAR passes the acceptance review, a notice of opportunity for hearing regarding the CAR will be published in the **Federal Register**.

DCS plans to submit to the NRC a separate license application requesting authority to operate the MOX Facility. This DCS request, which would also be subject to the NRC's acceptance review procedures, is expected in the summer of 2002. If this request is accepted and formally docketed, another notice of opportunity for hearing regarding operating authority would then be published in the **Federal Register**.

NRC will conduct public scoping meetings to assist it in defining the appropriate scope of the EIS, including the significant environmental issues to be addressed. NRC plans to hold scoping meetings in April 2001. Please note that meeting attendees will be requested to participate in the scoping process through small working groups within the larger meeting setting. (See Section entitled Scoping Meeting Format, below, for more details.) To effectively plan for this type of meeting, NRC staff will need to know how many participants to expect. If you do plan to attend any or all of the meetings, please help us by registering ahead of time. Contact information for registration is provided below in the section "Addresses." The meeting dates, times and locations are listed below. Prior to the Scoping Meetings, NRC staff will be available to informally discuss the MOX project and answer questions in an "open house" format.

April 17, 2001
North Augusta Community Center,
496 Brookside Drive,
North Augusta, SC
Scoping Meeting Time: 7 p.m. to 10 p.m.
Open House Time: 5:30 p.m. to 7 p.m.

April 18, 2001
Coastal Georgia Center,
305 Martin Luther King Boulevard,
Savannah, GA
Scoping Meeting Time: 7 p.m. to 10 p.m.
Open House Time: 5:30 p.m. to 7 p.m.

ADDRESSES: To register for a meeting, to provide comments or suggestions on the scope of the EIS, or to make requests for special arrangements to enable participation at scoping meetings (e.g., an interpreter for the hearing impaired), please contact: Tim Harris at (301) 415–6613 or Betty Garrett at (301) 415–5808.

FOR FURTHER INFORMATION CONTACT: For general or technical information associated with the license review of the MOX Facility, please contact: Tim Johnson at (301) 415–7299 or Drew Persinko at (301) 415–6522. For general information on the NRC NEPA process, please contact: Jennifer Davis at (301) 415–5874 or Tim Harris at (301) 415–6613.

Availability of Documents for Review: Information and documents associated with the MOX project, including the DCS Environmental Report submitted in December 2000, and the CAR, may be obtained from the Internet on NRC's MOX web page: *http://www.nrc.gov/NRC/NMSS/MOX/index.html* (case sensitive). In addition, documents are available for public review through our electronic reading room: *http://www.nrc.gov/NRC/ADAMS/index.html*. Documents may also be obtained from NRC's Public Document Room at U.S. Nuclear Regulatory Commission, Public Document Room, Washington, DC 20555.

DCS states that some of the detailed technical material in the CAR is confidential information which should be withheld from public disclosure. DCS has submitted an affidavit with its CAR, in support of its confidentiality statement. Until the NRC makes a determination as to whether the information at issue can be properly withheld, the publicly available copy of the CAR will be an edited version.

SUPPLEMENTARY INFORMATION:

Background

In January 2000, the DOE issued its Record of Decision (ROD) for the Surplus Plutonium Disposition Final EIS [65 FR 1608]. The fundamental purpose of the DOE program is to ensure that plutonium produced for nuclear weapons and declared excess to national security needs is converted to forms that are inaccessible and unattractive for nuclear weapons. In its ROD, DOE announced that it had decided to use two approaches for the disposition of surplus weapons plutonium, and that the facilities would be located at its SRS. The first approach is immobilization of approximately 8.4 metric tons of surplus plutonium. The immobilization will consist of placing the weapons-grade plutonium into canisters that will be filled with vitrified glass from the SRS high-level waste tanks. The second approach will convert up to 25.6 metric tons of surplus plutonium into MOX nuclear reactor fuel. (The scoping process discussed in this notice is focused on this second approach.) A third facility to disassemble the plutonium pits (the current form) and convert the recovered plutonium into plutonium dioxide suitable for disposition will also be located at SRS, but will not be reviewed by NRC and is not included in this scoping meeting.

The DOE has selected DCS to provide the MOX fuel fabrication and reactor irradiation services. DCS submitted its Environmental Report for MOX fuel fabrication to NRC on December 19, 2000. DCS submitted its CAR to NRC on February 28, 2001. NRC will evaluate the potential environmental impacts associated with MOX fuel fabrication in parallel with the review of the CAR. This evaluation will be documented in draft and final Environmental Impact Statements in accordance with NEPA and NRC's implementing regulations at 10 CFR Part 51.

MOX Fuel Fabrication at SRS (New Construction)

The MOX Facility, if licensed, would produce completed MOX fuel assemblies for use in two domestic, commercial nuclear power reactors. Feed materials would be plutonium dioxide from the pit conversion facility at SRS, and uranium dioxide made from either the DOE stockpile of depleted uranium hexafluoride from another DOE site, or another source selected by DCS and approved by DOE. MOX fuel fabrication involves purification of the plutonium dioxide to remove other metals present in the weapons pit; blending the plutonium dioxide with depleted uranium dioxide; pressing the mixed oxide into pellets; sintering the pellets; loading the pellets into fuel rods; and assembling the fuel rods into fuel assemblies. Once assembled, the fuel assemblies would be transported to a domestic, commercial reactor for use. (The McGuire and/or the Catawba nuclear power plants near Charlotte, NC, have been tentatively selected.) Following irradiation to generate electric power, the MOX fuel would be removed from the reactor, and managed at the reactor site as spent nuclear fuel.

Final disposition would be at a geologic repository in accordance with the Nuclear Waste Policy Act.

Purpose and Need for Agency Action

On October 17, 1998, Congress amended Section 202 of the Energy Reorganization Act, giving licensing authority to the NRC regarding any MOX Facility to be built (42 U.S.C. 5842(5)). Accordingly, in order for DCS to construct and operate the MOX Facility, it must be licensed/authorized by the NRC. Such action would be a major federal action, thus requiring NRC, pursuant to NEPA, to prepare an EIS for construction, operation and deactivation of the MOX Facility. The EIS will consider facility-specific environmental impacts (an earlier EIS prepared by DOE addressed generic impacts) associated with constructing and operating the MOX Facility. The EIS prepared by NRC will also consider indirect effects from MOX fuel fabrication, such as transportation to the domestic, commercial reactors, MOX fuel use in those reactors, and eventual spent fuel disposal.

Alternatives To Be Evaluated

No Action—Do Not Issue Construction Authorization for MOX Fuel Fabrication Facility at SRS

Alternative 1—Issue Construction Authorization for MOX Fuel Fabrication Facility at SRS

Note that NRC is limited to issuing or denying the construction authorization and/or license to operate the MOX Facility at SRS. The DOE has already decided to pursue the two disposition approaches for surplus weapons plutonium, and has already decided to site the MOX Facility at SRS. These decisions will not be revisited by NRC. Other alternatives not listed here may be identified through the scoping process.

Environmental Impact Areas To Be Analyzed

The following areas have been tentatively identified for analysis in the EIS. This list is neither intended to be all inclusive, nor is it a predetermination of potential environmental impacts. The list is presented to facilitate comments on the scope of the EIS. Additions to, or deletions from this list may occur as a result of the public scoping process.

- Health and Safety: potential public and occupational consequences from construction, routine operation, transportation, and credible accident scenarios;
- Waste Management/Pollution Prevention: types of wastes expected to be generated, handled, and stored; pollution prevention opportunities and the potential consequences to public safety and the environment;
- Hazardous Materials: handling, storage and use; both present and future;
- Background Radiation: cosmic, rock, soil, water, and air and the potential addition of radiation;
- Water Resources: surface and groundwater hydrology, water use and quality, and the potential for degradation;
- Air Quality: meteorological conditions, ambient background, pollutant sources, and the potential for degradation;
- Earth Resources: physical geography, topography, geology and soil characteristics;
- Land Use: plans, policies and controls;
- Noise: ambient, sources, and sensitive receptors;
- Ecological Resources: wetlands, aquatic, terrestrial, economically and recreationally important species, and threatened and endangered species;
- Socioeconomic: demography, economic base, labor pool, housing, transportation, utilities, public services/facilities, education, recreation, and cultural resources;
- Natural Disasters: floods, hurricanes, tornadoes, and seismic events;
- Cumulative Effects: impacts from past, present and reasonably foreseeable actions at, and near the site(s);
- Indirect Effects: transportation to the domestic, commercial reactors, MOX fuel use in those reactors, and eventual spent fuel disposal;
- Unavoidable Adverse Impacts;
- Natural and Depletable Resources: requirements and conservation potential; and
- Environmental Justice: any potential disproportionately high and adverse impacts to minority and low-income populations.

Alternatives other than those presented in this document may warrant examination, and new issues may be identified for evaluation.

Scoping Meetings

One purpose of this NOI is to encourage public involvement in the EIS process, and to solicit public comments on the proposed scope and content of the EIS. NRC will hold public scoping meetings in the SRS vicinity to solicit both oral and written comments from interested parties.

Scoping is an early and open process designed to determine the range of actions, alternatives, and potential impacts to be considered in the EIS, and to identify the significant issues related to the proposed action. It is intended to solicit input from the public and other agencies so that the analysis can be more clearly focused on issues of genuine concern. The principal goals of the scoping process are to:

- Ensure that concerns are identified early and are properly studied;
- Identify alternatives that will be examined;
- Identify significant issues that need to be analyzed;
- Eliminate unimportant issues; and
- Identify public concerns.

Scoping Meeting Format

Traditionally, scoping meetings begin with agency speakers, then attendees make oral comments. The scoping meetings for the MOX Facility will follow a different structure, which was recommended by the Council on Environmental Quality in its "Memorandum for General Counsels, NEPA Liaisons and Participants in Scoping," dated April 30, 1981.

"* * * The first part of the meeting is devoted to a discussion of the proposal in general, covering its purpose, proposed location, design, and any other aspects that can be presented in a lecture format. A question and answer period concerning this information is often held at this time. Then . . . the next step is to break . . . into small groups for more intensive discussion. At this point, * * * numbers held by the participants are used to assign them to small groups by sequence, random drawing, or any other method. Each group should be no larger than 12, and 8–10 is better. The groups are informed that their task is to prepare a list of significant environmental issues and reasonable alternatives for analysis in the EIS. These lists will be presented to the main group and combined into a master list, after the discussion groups are finished."

A member of the NRC staff, or NRC contractor staff will be part of each group to answer questions and listen to the participants' concerns. The agency person will *not* lead the group discussions, but will serve as the recording secretary for each group. This will ensure he/she is listening to group views. Each group will choose a member to lead the group discussions.

In addition to the group discussions, participants will be able to express their oral views to a recording secretary in five minute blocks. NRC encourages those providing oral comments to also submit them in writing. Comment cards will also be available for anyone who prefers to submit their comments in written form.

Scoping Comments

Written comments should be mailed to: Michael T. Lesar, Acting Chief, U.S. Nuclear Regulatory Commission, Rules & Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop T6D59, Washington, DC 20555.

Comments will also be accepted by e-mail. Interested parties may e-mail their comments to teh@nrc.gov. Comments will be accepted by fax at 301–415–5398, Attention: Tim Harris.

NRC will make the scoping summaries and project-related materials available for public review through our electronic reading room: *http://www.nrc.gov/NRC/ADAMS/index.html*. The scoping meeting summaries and project-related materials will also be available on the NRC's MOX web page: *http://www.nrc.gov/NRC/NMSS/MOX/index.html* (case sensitive).

The NEPA Process

The EIS for the MOX Facility will be prepared according to the National Environmental Policy Act of 1969, the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and NRC's NEPA Regulations (10 CFR Part 51).

The draft EIS is scheduled to be published in February 2002. A 45-day comment period on the draft EIS is planned, and public meetings to receive comments will be held approximately three weeks after distribution of the draft EIS. Availability of the draft EIS, the dates of the public comment period, and information about the public meetings will be announced in the **Federal Register**, on NRC's MOX web page, and in the local news media when the draft EIS is distributed. The final EIS, which will incorporate public comments received on the draft EIS, is expected in September 2002.

Signed in Rockville, MD, this 1st day of March 2001.

For the Nuclear Regulatory Commission.

Charlotte E. Abrams,

Acting Chief, Environmental and Performance Assessment Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–5509 Filed 3–6–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of March 5, 12, 19, 26, April 2, 9, 2001.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Weeks of March 5, 2001

There are no meetings scheduled for the Week of March 5, 2001.

Week of March 12, 2001—Tentative

Monday, March 12, 2001

1:25 p.m.

Affirmation Session (Public Meeting) (If needed).

1:30 p.m.

Discussion of Management Issues (Closed-Ex. 2)

Week of March 19, 2001—Tentative

Thursday, March 22, 2001

10:25 a.m.

Affirmation Session (Public Meeting) (If needed).

10:30 a.m.

Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, 301–415–7360).

This meeting will be webcast live at the Web address—*www.nrc.gov/live.html*.

Week of March 26, 2001—Tentative

There are no meetings scheduled for the Week of March 26, 2001.

Week of April 2, 2001—Tentative

There are no meetings scheduled for the Week of April 2, 2001.

Week of April 9, 2001—Tentative

Monday, April 9, 2001.

1:30 p.m.

Briefing on 10 CFR Part 71 Rulemaking (Public Meeting) (Contacts: Naiem Tanious, 301–415–6103; David Pstrak, 301–415–8486).

Tuesday, April 10, 2001

10:25 a.m.

Affirmation Session (Public Meeting) (If needed).

10:30 a.m.

Meeting on Rulemaking and Guidance Development for Uranium Recovery Industry (Public Meeting) (Contact: Michael Layton, 301–415–6676).

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

Additional Information:

By a vote of 5–0 on February 23, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Discussion of Intragovernmental Issues (Closed-Ex. 9)" be held on February 26, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, D.C. 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: March 1, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–5723 Filed 3–5–01; 2:21 pm]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 12, 2001, through February 23, 2001. The

last biweekly notice was published on February 21, 2001 (66 FR 11050).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By April 6, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Branch, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: December 20, 2000.

Description of amendments request: The amendments would revise the Technical Specifications to incorporate changes required to support operation with replacement steam generators. The proposed changes will (1) accommodate geometric differences between the original and replacement steam generators, (2) increase the reactor coolant flow rate from the current value which was recently established to accommodate more tube plugging, and (3) delete tube sleeving options approved for the original steam generators.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated

A. Technical Specification Table 3.3.1–1, Item 7

Technical Specification Table 3.3.1–1, "Reactor Protective System Instrumentation," Item 7 sets the allowable value for "Steam Generator Level-Low" function to greater than or equal to 10 inches below the top of the feed ring. To accommodate the geometric difference in the location of the top of the feed ring with respect to the pedestal between the original steam generators (OSG) (510.8 inches) and the replacement steam generators (RSG) (484.8 inches), the proposed amendment would change the allowable value for "Steam Generator Level-Low" function to greater than or equal to 50 inches below normal water level. Since normal water levels for RSG and OSG with respect to the pedestal are identical and the current steam generator level-low reactor trip setpoint "≥10 inches below top of feed ring" is "≥ 50 inches below normal water level" for both the RSG and OSG, the functionality of the steam generator level-low reactor trip setpoint will be unchanged. Furthermore, use of normal water level as the point of reference instead of top of the feed ring is more practical and appropriate since it is the frame of reference for steam generator water level indication used in the Control Room by the operators.

The design basis accident affected by the proposed change is the Loss of Feedwater Flow event. The Steam Generator Level-Low Reactor Trip Setpoint, in combination with the Auxiliary Feedwater Actuation System, ensures that adequate secondary side water inventory exists in both RSGs to remove decay heat following a Loss of Feedwater Flow event. To ensure that the acceptance criteria for the Loss of Feedwater Flow event are met with the RSGs, there must be at least as much mass in RSG at the Safety Analysis water level as in the OSG. The OSG Safety Analysis water level is 116.4 inches below normal water level. Using the same method to predict steam generator inventory, at this water level, OSG has 64,049 lbm water mass and RSG has 64,115 lbm water mass. Therefore, the RSG has more post-reactor trip secondary side inventory than the OSG which ensures the Loss of Feedwater event acceptance criteria are not challenged.

Therefore, the proposed revision to change the reference setpoint for steam generator low level reactor trip function will not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. LCO [limiting condition for operation] 3.4.1 and Surveillance Requirement 3.4.1.3

The proposed amendment would revise Technical Specification LCO 3.4.1 and Surveillance Requirement 3.4.1.3 to increase reactor coolant minimum required total flow rate back to the originally established value of 370,000 gpm [gallons per minute] from the current value of 340,000 gpm, which was recently established to accommodate more tube plugging in the OSG. The flow resistance of the RSG is equivalent to that of the OSG with zero plugged tubes. Therefore, the required minimum RCS [reactor coolant system] total flow rate can be increased to the value previously established for the original steam generators with zero plugged tubes, 370,000 gpm.

Increasing the required minimum RCS total flow rate has no adverse impact on the safety analysis. Crediting more RCS flow in the safety analysis allows for greater flexibility in core design and operation. The increase in RCS flow associated with the RSG is within the bounds previously analyzed for the OSG. The hydraulic forces experienced around the RCS loop, including the core uplift force, are acceptable. The change is more restrictive in nature in that more RCS flow will be required to meet Surveillance Requirement 3.4.1.3 and more RCS flow ensures enhanced core heat removal. The overall core thermal margin in the safety analysis will remain essentially the same.

Therefore, the proposed revision to increase reactor coolant minimum required total flow rate will not involve a significant increase in the probability or consequences of an accident previously evaluated.

C. Technical Specification Administrative Control 5.5.9

The proposed revision deletes three sleeving options from Administrative Technical Specification 5.5.9. The sleeving options are: Westinghouse Laser Welded sleeves, Asea Brown Boveri, Inc. (ABB)-Combustion Engineering Leak Tight sleeves, and the ABB-Combustion Engineering Alloy 800 Leak Limiting sleeves. One of the differences between the OSG and the RSG design is the use of thermally-treated Alloy 690 tube material instead of high temperature mill-annealed Alloy 600 used for the OSG. The three sleeving tube repair options described in Calvert Cliffs Nuclear Power Plant (CCNPP) Technical Specification

Administrative Control 5.5.9, are designed specifically for the OSGs' mill-annealed Alloy 600 tubes.

The three sleeving options were acquired by CCNPP for economic reasons to maintain OSG thermal output by minimizing the number of tubes plugged. Therefore, deletion of these repair options from Administrative Control 5.5.9 has no safety significance.

Therefore, the proposed revision will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different [kind] of accident from any accident previously evaluated

A. Technical Specification Table 3.3.1–1, Item 7

The RSGs are equivalent in function to the OSGs. Changing Technical Specification Table 3.3.1–1, Item 7 is required to provide a correct and practical reference point from which to measure the Reactor Trip Steam Generator Level-Low Setpoint. As described above in Item 1, the normal water levels for RSG and OSG with respect to the pedestal are identical and the current steam generator level-low reactor trip setpoint, "≥ 10 inches below top of feed ring" is "≥ 50 inches below normal water level" for both the RSG and OSG. Hence, the functionality of the reactor trip steam generator level-low setpoint will be unchanged. Furthermore, use of normal water level as the point of reference instead of top of the feed ring is more practical and appropriate since it is the frame of reference for steam generator water level indication used in the Control Room by the operators.

Therefore, the proposed revision to change the reference setpoint for steam generator low level reactor trip function will not create the possibility of a new or different [kind] of accident from any accident previously evaluated.

B. LCO 3.4.1 and Surveillance Requirement 3.4.1.3

As described above in Item 1, increasing the required minimum RCS total flow rate has no adverse impact on the plant's safety analyses. The increase in RCS flow associated with the RSG is within the bounds previously analyzed for the OSG. The hydraulic forces experienced around the RCS loop, including the core uplift force, are acceptable. The change is more restrictive in nature in that more RCS flow will be required to meet Surveillance Requirement 3.4.1.3 and more RCS flow ensures enhanced core heat removal.

Therefore, the proposed revision to increase reactor coolant minimum required total flow rate will not create the possibility of a new or different type of accident from any accident previously evaluated.

C. Technical Specification Administrative Control 5.5.9

As described in Item I above, the three sleeving options were acquired by CCNPP for economic reasons to maintain OSO thermal output by minimizing the number of tubes plugged. Therefore, deletion of these repair options from Technical Specification Administrative Control 5.5.9 has no safety significance.

Therefore, the proposed revision will not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Would not involve a significant reduction in the margin of safety

A. Technical Specification Table 3.3.1–1, Item 7

As described above in Item 1, the design basis accident affected by the proposed change is the Loss of Feedwater Flow event. The Steam Generator Level-Low Reactor Trip Setpoint, in combination with the Auxiliary Feedwater Actuation System, ensures that adequate secondary side water inventory exists in both RSGs to remove decay heat following a Loss of Feedwater Flow event. To ensure that the acceptance criteria for the Loss of Feedwater Flow event are met with the RSGs, there must be at least as much mass in RSG at the Safety Analysis water level as in the OSG. The OSG Safety Analysis water level is 116.4 inches below normal water level. Using the same method to predict steam generator inventory, at this water level, OSO has 64,049 lbm water mass and RSG has 64,115 lbm water mass. Therefore, the RSG has more post-reactor trip secondary side inventory than the OSG which ensures the Loss of Feedwater event acceptance criteria are not challenged.

Therefore, the proposed revision to change the reference setpoint for steam generator low level reactor trip function does not involve a significant reduction in the margin of safety.

B. LCO 3.4.1 and Surveillance Requirement 3.4.1.3

As described above in Item 1, increasing the required minimum RCS total flow rate has no adverse impact on the safety analysis. Crediting more RCS flow in the safety analysis allows for greater flexibility in core design and operation. The increase in RCS flow associated with the RSG is within the bounds previously analyzed for the OSG. The hydraulic forces experienced around the RCS loop, including the core uplift force, are acceptable. The change is more restrictive in nature in that more RCS flow will be required to meet Surveillance Requirement 3.4.1.3 and more RCS flow ensures enhanced core heat removal. The overall core thermal margin in the safety analysis will remain essentially the same.

Therefore, the proposed revision to increase reactor coolant minimum required total flow rate does not involve a significant reduction in the margin of safety.

C. Technical Specification Administrative Control 5.5.9

As described in Item 1C above, the three sleeving options were acquired by CCNPP for economic reasons to maintain OSG thermal output by minimizing the number of tubes plugged. Therefore, deletion of these repair options from Technical Specification Administrative Control 5.5.9 has no safety significance.

Therefore, the proposed revision does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Marsha Gamberoni.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: January 26, 2001.

Description of amendment request: The proposed amendment would change Technical Specification (TS) Surveillance Requirement (SR) 3.7.9.2, "Ultimate Heat Sink (UHS)," by increasing the maximum allowable temperature of Lake Michigan water from 81.5 °F to 85 °F. The licensee also proposes to reflect this change in the associated TS Bases.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The following evaluation supports the finding that operation of the facility in accordance with the proposed changes would not:

a. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The UHS is Lake Michigan which is completely passive and is not an accident initiator in any accident previously evaluated. Therefore, this change does not involve an increase in the probability of an accident previously evaluated.

The UHS, by design, mitigates the consequences of accidents by supplying a repository for the decay heat and other excess energy removed in the process of cooling the plant equipment. The safety analysis has been revised to use a maximum UHS water temperature of 85 °F. The results of these revised analyses still meet all of the required acceptance criteria. Therefore, the proposed changes do not affect any of the results of the FSAR [Final Safety Analysis Report] Chapter 14 accident analyses. Hence the consequences of accidents previously evaluated do not change.

Therefore, operation of the facility in accordance with the proposed changes to the Technical Specifications would not involve a significant increase in the probability or consequences of an accident previously evaluated.

b. Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change would not alter the design, configuration, or method of operation of the plant. The proposed temperature limit has been verified to be acceptable for UHS operability determinations by its documented use in plant equipment design considerations, and in the FSAR Chapter 14 accident analyses. Therefore, operation of the facility in accordance with the proposed change to the Technical Specifications would not create the possibility of a new or different kind of accident from any previously evaluated.

c. Involve a significant reduction in the margin of safety.

The proposed change to the Technical Specifications would impose temperature limits already in use in equipment designs and as an initial assumption of the plant accident analyses. The proposed SR limit has been utilized in the accident analyses since 1994. The results of these accident analyses meet all of the required acceptance criteria when using the 85 °F UHS water temperature limit. Therefore, the proposed change to the Technical Specifications would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Claudia M. Craig.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: February 12, 2001.

Description of amendment request: The proposed amendment would change Technical Specification (TS) Section 5.6.5b, "Reporting Requirements—Core Operating Limits Report (COLR)," by adding a reference to the existing references of approved analytical methods for determining core operating limits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The following evaluation supports the finding that operation of the facility in accordance with the proposed changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to the list of methodology documents in Specification 5.6.5.b. would not increase the probability or consequence of an accident previously evaluated. Accidents previously evaluated will be unaffected by the addition of a methodology reference because they were analyzed using approved methods. The results of these event analyses met their respective acceptance criteria.

Therefore, operation of the facility in accordance with the proposed change to the Technical Specifications would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change to the list of methodology documents in Specification 5.6.5.b. would not create the possibility of a new or different accident than previously analyzed. The proposed change only adds an approved methodology document. All accidents remain analyzed using applicable NRC approved methodologies.

Therefore, operation of the facility in accordance with the proposed change to the Technical Specifications would not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Involve a significant reduction in the margin of safety.

The proposed change to the list of methodology documents in Specification 5.6.5.b. would not reduce the margin of safety. Because all analyses use approved methodologies and their results satisfy their respective acceptance criteria, the margin of safety is not reduced.

Therefore, the proposed change to the Technical Specifications would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201

NRC Section Chief: Claudia M. Craig.

Entergy Gulf States, Inc., and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: January 24, 2001.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) to incorporate the provisions to perform routine diesel generator (DG) monthly testing by gradually accelerating the DG to operating speed, as opposed to requiring the DG to attain rated voltage and frequency within 10 seconds for DG 1A and DG 1B, and within 13 seconds for DG 1C. In addition, a new TS would be added to require fast start tests of the DGs on a 184-day frequency.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes affect the surveillance requirements for the emergency diesel generators. The emergency diesel generators are onsite standby power sources intended to provide redundant and reliable power to ESF [engineered safety feature] systems credited as accident mitigating features in design basis analyses. As discussed in Regulatory Guide (RG) 1.9, Revision 3, the proposed changes are intended to allow slower starts of the diesel generators during testing in order to reduce diesel generator aging effects due to excessive testing conditions. As such, the proposed changes should result in improved diesel generator reliability and availability, thereby providing additional assurance that the diesel generators will be capable of performing their safety function. The method of starting the emergency diesel generators for testing purposes does not affect the probability of any previously evaluated accident. Although the changes allow slower starts for the monthly tests, the more rapid start function assumed in the accident analysis is unchanged and will be verified on a 184 day frequency. Therefore the accident analysis consequences are not affected.

Therefore, these changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes affect the surveillance requirements for the onsite ac [alternating current] sources, i.e. the diesel generators. Accordingly, the proposed changes do not involve any change to the configuration or method of operation of any plant equipment that could cause an accident. In addition, no new failure modes have been created nor has any new limiting failure been introduced as a result of the proposed surveillance changes.

Therefore, these changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

The proposed changes are intended to bring the existing RBS [River Bend Station] TS requirements for the onsite ac sources in line with regulatory guidance. Under the proposed changes, the emergency diesel generators will remain capable of performing their safety function, and the effects of aging on the diesel generators will be reduced by eliminating unnecessary testing. The diesel generator start times assumed in the current accident analyses are unchanged and will be verified on a 6-month frequency.

Therefore, these changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mark Wetterhahn, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005.

NRC Section Chief: Robert A. Gramm.

Entergy Nuclear Generation Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: February 5, 2001.

Description of amendment request: The proposed amendment would change the Safety Limit Minimum Critical Power Ratio (SLMCPR) in Technical Specification (TS) 2.1.2 from 1.08 to 1.06. The proposed amendment would also change the parenthetical statements after certain references listed in TS 5.6.5.b to clarify that the analytical methods described in General Electric Nuclear Energy documents inclusive of the latest amendment or revision are used to determine core operating limits. Also, the proposed amendment would add a new reference to TS 5.6.5.b.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below:

1. The proposed changes to technical specification do not involve a significant increase in the probability of an accident previously evaluated.

The proposed Safety Limit MCPR (SLMCPR), and its use to determine the Cycle 14 thermal limits, have been derived using NRC approved methods [See application dated February 5, 2001]. These methods do not change the method of operating the plant and have no effect on the probability of an accident initiating event or transient.

The basis of the SLMCPR is to ensure no mechanistic fuel damage is calculated to occur if the limit is not violated. The new SLMCPR preserves the margin to transition boiling, and the probability of fuel damage is not increased.

Therefore, the proposed changes to technical specifications do not involve an increase in the probability or consequences of an accident previously evaluated.

2. The proposed changes to technical specifications do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes result only from revised methods of analysis for the Cycle 14 core reload. These methods have been reviewed and approved by the NRC, do not involve any new or unapproved method for operating the facility, and do not involve any facility modifications. No new initiating events or transients result from these changes.

Therefore, the proposed changes to technical specifications do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed changes to technical specifications do not involve a significant reduction in a margin of safety.

The margin of safety will remain the same. The new SLMCPR was derived using NRC approved methods which are in accordance with the current fuel design and licensing criteria. The SLMCPR remains high enough to ensure that greater than 99.9% of all fuel rods in the core will avoid transition boiling if the limit is not violated, which is the current margin of safety used to preserve the fuel cladding integrity.

Therefore, the proposed changes to technical specifications do not involve a significant reduction in the margin of safety.

Based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. M. Fulton, Esquire, Assistant General Counsel, Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts, 02360–5599

NRC Section Chief: James W. Clifford.

Entergy Nuclear Generation Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: February 16, 2001.

Description of amendment request: This amendment would substitute a surveillance interval of "Once/Operating Cycle" for the current surveillance interval of "Each Refueling Outage," for the following instruments in Technical Specification Table 4.2.F: Containment High Radiation Monitor, Reactor Building Vent Radiation Monitor, Main Stack Vent Radiation Monitor, and Turbine Building Vent Radiation Monitor.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

There are no physical changes to Pilgrim being introduced by the proposed changes to the specified instruments. The proposed changes do not modify Pilgrim, i.e., there are no changes in operating pressure, materials or seismic loading. No plant safety limits, setpoints, or design parameters are adversely affected by the proposed changes. The proposed changes do not adversely affect the integrity of the reactor coolant pressure boundary such that its function in the control of radiological consequences is affected. The proposed changes do enlarge the opportunity-period for performing the subject calibrations by substituting one established Technical Specification definition for another; hence, the proposed changes are administrative in nature because they do not change any methodology, interval, configuration or equipment at Pilgrim.

Thus, the proposed changes do not affect any significant parameter associated with the instruments or calibration interval; therefore, the ability of the instruments to perform their designed safety function is maintained. The change does not impact plant operation. Consequently, operating Pilgrim in conformance with the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change substitutes one Technical Specification definition for another concerning certain radiation-monitoring instruments. The ability of these instruments to perform their designed-function is not affected by this change, and the surveillance interval remains nominally 24 months. No new modes of operation are introduced by the proposed changes. No plant safety limits, setpoints, or design parameters are herein proposed, nor is any adverse consequence introduced by the proposed changes. The proposed changes will not create any failure mode not bounded by previously evaluated accidents. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not involve a significant reduction in a margin of safety.

The proposed changes entail the substitution of one Technical Specification definition for another concerning radiation-monitoring instruments. This is an administrative change because such substitution does not modify the operation, configuration, or processes of Pilgrim, nor does the change modify the nominal 24-month surveillance/calibration interval currently in force for these instruments.

The substitution of one Technical Specification definition for another concerning radiation monitoring instruments potentially reduces personnel exposure from calibration-source radiation because site population is less during non-refueling periods. No plant safety limits, setpoints, or design parameters are changed, nor is any adverse consequence introduced by the proposed changes. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. M. Fulton, Esquire, Assistant General Counsel, Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts, 02360–5599

NRC Section Chief: James W. Clifford.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: February 6, 2001

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) associated with the reactor coolant system (RCS) leakage detection systems, to make them consistent with the requirements in NUREG–1432, "Standard Technical Specifications, Combustion Engineering Plants."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1—Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The aforementioned revisions do not involve any physical change to plant design. Relocating the requirements associated with the RCS Leak Detection System from various TSs to ANO–2 [Arkansas Nuclear One, Unit 2] Specification 3.4.6.1 is administrative in nature and does not affect the accident analyses. The RCS water inventory balance is more accurate than normal leak detection methods in regard to actual RCS leak rates, and therefore is an excellent alternative when other leak detection components may become inoperable. Since the proposed changes only affect the requirements for the detection of RCS leakage, the probability that an accident previously evaluated will occur remains unchanged. The proposed changes do not prevent nor limit the diversity of acceptable detection of RCS leakage and, therefore, do not significantly affect the consequences of an accident previously evaluated since leak rate information will remain available to station personnel. Although the non-administrative revisions result in less restrictive requirements, the proposed changes remain within the acceptability of General Design Criteria (GDC) 30 of Appendix A to 10 CFR [Part] 50 and Regulatory Guide (RG) 1.45, and are consistent with the philosophies of the RSTS [Revised Standard Technical Specifications].

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2—Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The aforementioned revisions do not involve any physical change to plant design. Relocating the requirements associated with the RCS Leak Detection System from various TSs to ANO–2 Specification 3.4.6.1 is administrative in nature and does not affect the accident analyses. The RCS water inventory balance is more accurate than normal leak detection methods in regard to actual RCS leak rates, and therefore is an excellent alternative when other leak

detection components may become inoperable. The proposed changes do not prevent acceptable detection of RCS leakage by diverse methods. The detection of a RCS leak does not cause an accident or prevent an accident from occurring. Likewise, detecting a RCS leak while in its initial stages does not create the possibility of a new or different kind of accident than any previously analyzed. Therefore, a new or different kind of accident than that previously analyzed is not expected to result due to the proposed changes of this submittal. Although the non-administrative revisions result in less restrictive requirements, the proposed changes remain within the acceptability of General Design Criteria (GDC) 30 of Appendix A to 10 CFR [Part] 50, Regulatory Guide (RG) 1.45, and are consistent with the philosophies of the RSTS.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—Does Not Involve a Significant Reduction in the Margin of Safety

The aforementioned revisions do not involve any physical change to plant design. Relocating the requirements associated with the RCS Leak Detection System from various TSs to the ANO–2 Specification 3.4.6.1 is administrative in nature and does not affect the margin of safety. The RCS water inventory balance is more accurate than normal leak detection methods in regard to actual RCS leak rates, and therefore is an excellent alternative when other leak detection components may become inoperable. Maintaining diverse and accurate RCS leak detection methods available helps to ensure RCS leaks will be detected within an acceptable period of time and, therefore, the proposed changes do not significantly reduce the margin to safety. Although the non-administrative revisions result in less restrictive requirements, the proposed changes remain within the acceptability of General Design Criteria (GDC) 30 of Appendix A to 10 CFR [Part] 50 and Regulatory Guide (RG) 1.45, and are consistent with the philosophies of the RSTS.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Florida Power and Light Company, Docket No. 50–335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of amendment request: January 17, 2001

Description of amendment request: The licensee proposes to revise the Technical Specifications (TS) requirements for the Emergency Diesel Generator (EDG) 24-hour surveillance test run. Currently, the TS restrict performance of this test to shutdown periods due to historical concerns regarding the effects of a potential failure while the EDGs are paralleled to the off-site power system. The proposed amendment would allow the surveillance test to be conducted with the plant on-line. The licensee has performed an analysis, which shows that conducting the 24-hour EDG test run with the plant on-line results in a very small change in core damage frequency, and is acceptable under the guidelines of Regulatory Guide 1.174. The risks incurred by performing the test on-line will be substantially offset by plant benefits associated with avoiding unnecessary plant transitions and/or reducing risks during shutdown operations.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated for the following reasons:

The change relocating the "during shutdown" requirement from TS 4.8.1.1.2.e to the individual surveillance requirements under TS 4.8.1.1.2.e is strictly administrative in nature. Therefore, it does not involve any increase in the probability or consequences of an accident previously evaluated.

For the change that revises Unit 1 TS 4.8.1.1.2.e.6 to remove the restriction to perform the EDG 24-hour endurance test during shutdown, the emergency diesel generators (EDG) and their associated emergency busses are not accident initiating equipment. Therefore, there will be no impact on any accident probabilities by the approval of this amendment. The design of this equipment is not being modified by these proposed changes. In addition, the ability of the EDGs to respond to a design basis accident will not be significantly impacted by these proposed changes. Consequences are no different than presently when an EDG is out-of-service in the current TS allowed outage time during operation in Modes 1 and 2.

Therefore, performing the EDG 24-hour endurance test in Modes 1 and 2 does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Use of the modified specification would not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated for the following reasons:

No new accident causal mechanisms are created as a result of this amendment request. Equipment will be operated in the same configuration with the exception of the plant Mode in which testing is conducted. No changes are being made to the plant which introduce any new accident causal mechanisms. This amendment request does not impact any plant systems that are accident initiators; neither does it adversely impact accident mitigating systems.

The changes removing the restriction to perform the tests during shutdown for Unit 1 TS 4.8.1.1.2.e.6, in its simplest form, is just a request to extend the amount of time the EDG is synchronized to the grid in Modes 1 and 2 from approximately 18 hours (one hour per month) to approximately 42 hours per cycle. The existing surveillance requirement TS 4.8.1.1.2.a.5 requires, in part, that every 31 days each EDG be demonstrated operable by synchronizing to the grid for at least an hour. It is simply a time extension of the existing surveillance requirement. Therefore, performing the EDG 24-hour endurance test in Modes 1 and 2 does not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Use of the modified specification would not involve a significant reduction in a margin safety.

The AC electrical distribution system has been designed to provide sufficient redundancy and reliability to ensure the availability of the EDGs to provide the required safety function under design basis events to protect the power plant, the public, and plant personnel.

The proposed changes do not affect the limiting conditions for operation or their bases that are used in the deterministic analysis to establish any margin of safety. PSA evaluations were used to evaluate these changes, and these evaluations determined that the changes are not risk significant. The proposed activity involves changes to the allowed plant mode for the performance specific Technical Specification surveillance requirements.

During the performance of the EDG endurance surveillance test for a 24-hour period, at least one EDG will be available and will adequately respond within the time necessary to mitigate anticipated operational occurrences or postulated design basis accidents.

The calculated total change in CDF, including the conservatively estimated fire risk contribution, is less than 1E–06 per reactor year and the calculated total change in the LERF, including the conservatively estimated fire risk contribution, is less than 1E–07 per reactor year. The change in CDF and LERF is, therefore, within Region III of Regulatory Guide 1.174 Figures 3 and 4, and is considered very small. When the full scope of plant risk is considered, the risks incurred by performing the EDG 24-hour surveillance test during power operation will be substantially offset by plant benefits associated with avoiding unnecessary plant transitions and/or reducing risks during shutdown operations.

The proposed change does not involve a change to the plant design or operation, and thus, does not affect the design of the EDGs, the operational characteristics of the EDGs, the interfaces between the EDGs and other plant systems, or the function or reliability of the EDGs. Because EDG performance and reliability will continue to be ensured by the proposed Technical Specification changes, the proposed changes do not result in a significant reduction of the margin of safety.

Based on the above, FPL has determined that the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any accident previously evaluated; or involve a significant reduction in a margin of safety; and therefore, does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of amendment request: January 4, 2001.

Description of amendment request: The proposed amendment requests NRC's approval of the Maine Yankee Atomic Power Company's (MYAPC) Security Plan, Training and Qualification Plan, and Contingency Plan. These plans reflect the addition of provisions related to the loading and storage of spent fuel into the independent spent fuel storage installation (ISFSI) under construction on owner-controlled property adjacent to the plant site.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The approved Security Plan, or Defueled Security Program, currently implemented is not being changed. The FIT [Fuel in Transit] Security Program and the ISFSI Security Program are being added to the scope of the overall security scheme at the Maine Yankee site. The additions to the overall plan have been evaluated in accordance with 10 CFR 50.54(p) and 10 CFR 72.212(b)(4) and it has been determined that the implementation of the ISFSI and FIT Security Programs would not decrease the effectiveness of the Defueled Security Program, the Defueled Security Guard Training and Qualification Program, or the first four categories of the Defueled Safeguards Contingency Program.

The Defueled Security Program Staffing will be augmented as and if necessary to support Fuel in Transit evolutions. The ISFSI Security Program staffing will be separate from and parallel to the staffing requirements of the Defueled Security Program.

The operational and physical venues of the Defueled Security Program, the FIT Security Program, and the ISFSI Security Program are separate and distinct. The line of demarcation between the three programs is clearly defined and not overlapping. The implementation of any of the programs therefore does not degrade or inhibit the implementation of the other two programs.

The Defueled Program Guard Training and Qualification Plan and the Defueled Safeguards Contingency plan also have not been changed. A separate and parallel ISFSI Training and Qualification Plan and Contingency Plan is included in the ISFSI Security Program. The FIT program uses the Defueled Program, Training and Qualification Plan and Contingency Plan. The physical protection systems described in the ISFSI and FIT Programs are designed to protect against the loss of control of the facility that could be sufficient to cause a radiation exposure exceeding the dose as described in 10 CFR 72.106.

Therefore, the ISFSI Program revisions of the Security Plan, Guard Training and Qualification Plan and the Safeguards Contingency Plan will not increase the probability or the consequences of an accident previously evaluated since the previously approved Defueled Training and Qualification Plan and Contingency Plan remain unchanged.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The FIT and ISFSI Security Programs have no impact on the existing Defueled Security Program since they operate in different physical and licensing venues. The accidents considered for the Spent Fuel Pool, the venue of the Defueled Security Program, are described in the Maine Yankee Defueled Safety Analysis Report. The accidents considered for the FIT and ISFSI are contained in the NAC International, Inc. Final Safety Analysis Report for the UMS Universal Storage System Docket No. 72–1015.

The FIT and ISFSI Security Programs have been crafted to meet or exceed all of the assumptions of the NAC International FSAR concerning accident analyses and the programs meet or exceed all of the applicable requirements of 10 CFR 73.55 with approved exceptions or approved alternative measures. The physical protection systems described in the ISFSI and FIT Programs are designed to protect against the loss of control of the

facility that could be sufficient to cause a radiation exposure exceeding the dose as described in 10 CFR 72.106.

The proposed action does not affect plant systems, structures or components within the venue of the existing Security Plan. The ISFSI and FIT program additions to the Security Plan, Guard Training and Qualification Plan and the Safeguards Contingency Plan do not create the possibility of a new or different kind of accident from any accident previously evaluated since the previously approved Defueled Security Plan, Training and Qualification Plan and Contingency plan remain as is, unaltered.

3. The proposed change does not involve a significant reduction in a margin of safety.

The addition of a separate, parallel ISFSI and FIT Safeguards Program, Training and Qualification Plan, and Contingency Plan does not alter or reduce the effectiveness of the previously approved Defueled Program. The physical protection systems described in the ISFSI and FIT Programs are designed to protect against the loss of control of the facility that could be sufficient to cause a radiation exposure exceeding the dose as described in 10 CFR 72.106. Therefore, the margin of safety will not be reduced as a result of the ISFSI and FIT additions to the Security Plan, or an ISFSI specific addition of a Guard Training and Qualification Plan or an ISFSI specific addition of a Safeguards Contingency Plan

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendment involves no significant hazards consideration.

Attorney for licensee: Joseph Fay, Esquire, Maine Yankee Atomic Power Company, 321 Old Ferry Road, Wiscasset, Maine 04578.

NRC Section Chief: Michael T. Masnik.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of amendment requests: April 17, 2000, as supplemented February 2, 2001.

Description of amendment requests: The proposed amendments would change the Technical Specifications (TSs) for the removal of boric acid storage tanks (BASTs) from the safety injection (SI) system. These changes would accomplish two objectives: (1) Eliminate high concentration boric acid from the SI system and (2) align this specific Prairie Island TS section with the Standard TSs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed amendment will not involve a significant increase in the probability or consequences of accidents previously evaluated.

The proposed change to the CVCS [chemical volume control system] and SI system (increasing the concentration of boric acid in the RWST [refueling water storage tank] and eliminating the BAST as a suction source, respectively) and elimination of or change to associated Technical Specifications do not affect accident initiation. None of the equipment being removed from Sections 3.2 or 3.5 of Technical Specifications are accident initiators. Thus, the proposed changes will not significantly increase the probability of an accident previously evaluated.

Consequences are evaluated in terms of off-site and on-site (control room personnel) dose. Loss of coolant accident (LOCA) dose is unaffected by the proposed changes because the LOCA analysis input assumptions are not changed by the changes proposed in this amendment request. The approved steam line break (SLB) methodology (approved by the NRC in letter dated January 19, 2000) and the expected dose are unaffected by the proposed change.

Therefore, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to the plant and its Technical Specifications do not introduce any new accident initiators. The proposed changes reduce the number of automatic component actuations needed to support Safety Injection accident mitigation functions. The proposed changes also remove the Technical Specification requirements for the balance of the CVCS components. These requirements were in Technical Specifications to support the boration function of CVCS; however, all boration functions can be met by the safety-related SI system. All the other functions of the CVCS are either backed up by a safety related system or are not required to preclude an accident (reference NSP [Northern States Power] letter of June 14, 1995 and NRC letter of January 8, 1996).

Therefore, the proposed changes will not create the possibility of a new or different kind of accident.

(3) The proposed amendment will not involve a significant reduction in the margin of safety.

The proposed changes do not significantly impact the plant response to an accident with respect to the ability to protect fission product barriers. The proposed changes will not result in any significant increase in fuel cladding damage in the event of a postulated accident (accident analyses show the proposed changes meet all acceptance criteria related to maintaining cladding integrity). The proposed changes will not reduce the integrity of the RCS [reactor coolant system] (reduction of boric acid concentrations in the SI systems will not promote any degradation of the components that make up the RCS pressure boundary). The proposed changes will not result in a reduction in containment integrity in the event of a postulated accident (the changes proposed by this amendment do not change the results of the accident analyses with respect to containment response.)

Therefore, the proposed changes will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Claudia M. Craig.

Sacramento Municipal Utility District (SMUD), Docket No. 50–312, Rancho Seco Nuclear Station, Sacramento County, California

Date of amendment request: October 23, 2000.

Description of amendment request: The proposed amendment (PA–194) as supplemented by SMUD letter to the USNRC dated January 11, 2001, would change the Permanently Defueled Technical Specification (PDTS) by deleting the definitions for "site boundary" and "unrestricted area;" revising the definition of the "site;" deleting figures D5.1–1, "Emergency Planning Zone," D5.1–2, "Site Boundary for Gaseous Effluent," and D5.1–3, "Site Boundary for Liquid Effluent;" and making editorial changes to the other PDTSs because of the above proposed changes. The information proposed for removal from the PDTS is contained in or will be relocated to other licensee-controlled documents.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

SMUD has reviewed the proposed PDTS change against each of the criteria in 10 CFR 50.92 and has concluded that the amendment request involves no significant hazards consideration. The following provides SMUD's analysis of the issue of no significant hazards consideration:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed changes are administrative and involve deleting the definitions of SITE BOUNDARY and UNRESTRICTED AREA from the DEFINITIONS section, revising the definition of the site in Section 5.1 "SITE," deleting all three figures from the DESIGN FEATURES section [SMUD proposes, as described in its January 11, 2001, letter, that these or equivalent figures will be relocated to either the Emergency Plan or the Offsite Dose Calculation Manual, as appropriate], revising Sections D6.8.3.a(2) and D6.8.3.a(4) so that the term "unrestricted area" is lower case, and revising Sections D6.8.3.a(8), D6.8.3.a(9), D6.8.3.a(10), and D6.8.3.b(2) so that the term "site boundary" is lower case.

These changes do not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. Safety limits, limiting safety system settings, and limiting control systems are no longer applicable to Rancho Seco Technical Specifications in the permanently defueled mode, and are therefore not relevant.

The proposed changes do not affect the emergency planning zone, the boundaries used to evaluate compliance with liquid or gaseous effluent limits, and have no impact on plant operations. Therefore, the proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. As described above, the proposed changes are administrative. The safety analysis for the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid.

The operating procedures and emergency procedures are not affected. The proposed changes do not affect the emergency planning zone, the boundaries used to evaluate compliance with liquid or gaseous effluent limits, and have no impact on plant operations. Consequently, no new failure modes are introduced as the result of the proposed changes. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed license amendment involve a significant reduction in a margin of safety?

No. As described above, the proposed changes are administrative. There are no changes to the design or operation of the facility. The proposed changes do not affect the emergency planning zone, the boundaries used to evaluate compliance with liquid or gaseous effluent release limits, and have no impact on plant operations. Accordingly, neither the design basis nor the accident assumptions in the Defueled Safety Analysis Report (DSAR), nor the Technical Specification Bases are affected. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendment involves no significant hazards consideration.

Attorney for licensee: Dana Appling, Esq., Sacramento Municipal Utility District, P.O. Box 15830, Sacramento, California 95852–1830.

NRC Section Chief: Michael T. Masnik.

Southern Nuclear Operating Company, Inc, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: August 25, 2000.

Description of amendment request: The proposed amendments would revise the Updated Final Safety Analysis Report (UFSAR) described offsite dose analyses based on changes to the letdown flow rate and iodine spike postulated concurrent with a Main Steam Line Break or a Steam Generator Tube Rupture.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes do not significantly increase the probability or consequences of an accident previously evaluated in the UFSAR. The comprehensive engineering review included evaluations or re-analysis of all accident analyses. Calculations for letdown flow measurement and indication have verified the acceptability of the analyzed letdown flow rate. The letdown flow rate does not initiate any accident; therefore, the probability of an accident has not been increased. All dose consequences have been analyzed or evaluated with respect to the proposed changes, and all acceptance criteria continue to be met. Therefore, these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously analyzed?

The proposed changes do not create the possibility of a new or different kind of accident than any accident already evaluated in the UFSAR. No new accident scenarios, failure mechanisms or limiting single failures are introduced as a result of the proposed changes. The changes have no adverse effects on any safety-related system and do not challenge the performance or integrity of any safety-related system. Therefore, all accident analyses criteria continue to be met and these changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed changes do not involve a significant reduction in a margin of safety. All analyses and evaluations using letdown flow rate as an input have been revised to reflect the proposed value. The calculations are based on FNP instrumentation and test methods and include uncertainty allowances. The evaluations and analyses results [a small change] demonstrate applicable acceptance criteria are met. Therefore, the proposed

changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Esq., Balch and Bingham, Post Office Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201.

NRC Section Chief (Acting): Maitri Banerjee.

Southern Nuclear Operating Company, Inc, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: December 8, 2000.

Description of amendment request: The proposed amendments would either delete or modify existing license conditions from the Unit 1 and Unit 2 Operating Licenses, which have been completed or are otherwise no longer in effect. These activities have now been completed, and the license conditions are either obsolete or no longer needed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment deletes license conditions which are completed or are otherwise obsolete. As such, the change is strictly administrative. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously analyzed?

The proposed amendment deals with operating license reporting conditions and has no effect on the type of accidents that have been considered at Plant Farley. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The requirements associated with the deleted license conditions have been completed; the conditions are therefore obsolete. Removing these conditions from the license is an administrative and editorial activity. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Esq., Balch and Bingham, Post Office Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201.

NRC Section Chief (Acting): M. Banerjee.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application request: January 18, 2001 (ULNRC–04371).

Description of amendment request: The proposed amendment deletes Section 5.5.3, "Post Accident Sampling," from the administrative controls section of the Technical Specifications (TS). The proposed amendment deletes requirements from the TS (and, as applicable, other elements of the licensing bases) to maintain a Post Accident Sampling System (PASS). Licensees were generally required to implement PASS upgrades as described in NUREG–0737, "Clarification of TMI [Three Mile Island] Action Plan Requirements," and Regulatory Guide 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident." Implementation of these upgrades was an outcome of the lessons learned from the accident that occurred at TMI Unit 2. Requirements related to PASS were imposed by Order for many facilities and were added to or included in the TS for nuclear power reactors currently licensed to operate. Lessons learned and improvements implemented over the last 20 years have shown that the information obtained from PASS can be readily obtained through other means or is of little use in the assessment and mitigation of accident conditions.

The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 11, 2000 (65 FR 49271) on possible amendments to eliminate PASS, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on October 31, 2000 (65 FR 65018). The licensee affirmed the applicability of the following NSHC determination in its application dated January 18, 2001.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The PASS was originally designed to perform many sampling and analysis functions. These functions were designed and intended to be used in post accident situations and were put into place as a result of the TMI–2 accident. The specific intent of the PASS was to provide a system that has the capability to obtain and analyze samples of plant fluids containing potentially high levels of radioactivity, without exceeding plant personnel radiation exposure limits. Analytical results of these samples would be used largely for verification purposes in aiding the plant staff in assessing the extent of core damage and subsequent offsite radiological dose projections. The system was not intended to and does not serve as a function for preventing accidents and its elimination would not affect the probability of accidents previously evaluated.

In the 20 years since the TMI–2 accident and the consequential promulgation of post accident sampling requirements, operating experience has demonstrated that a PASS provides little actual benefit to post accident mitigation. Past experience has indicated that there exists in-plant instrumentation and methodologies available in lieu of a PASS for collecting and assimilating information needed to assess core damage following an accident. Furthermore, the implementation of Severe Accident Management Guidance (SAMG) emphasizes accident management strategies based on in-plant instruments. These strategies provide guidance to the plant staff for mitigation and recovery from a severe accident. Based on current severe accident management strategies and guidelines, it is determined that the PASS provides little benefit to the plant staff in coping with an accident.

The regulatory requirements for the PASS can be eliminated without degrading the plant emergency response. The emergency response, in this sense, refers to the methodologies used in ascertaining the condition of the reactor core, mitigating the consequences of an accident, assessing and projecting offsite releases of radioactivity, and establishing protective action recommendations to be communicated to offsite authorities. The elimination of the PASS will not prevent an accident management strategy that meets the initial intent of the post-TMI–2 accident guidance through the use of the SAMGs, the emergency plan (EP), the emergency operating procedures (EOP), and site survey monitoring that support modification of emergency plan protective action recommendations (PARs).

Therefore, the elimination of PASS requirements from Technical Specifications (TS) (and other elements of the licensing bases) does not involve a significant increase in the consequences of any accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated

The elimination of PASS related requirements will not result in any failure mode not previously analyzed. The PASS was intended to allow for verification of the extent of reactor core damage and also to provide an input to offsite dose projection calculations. The PASS is not considered an accident precursor, nor does its existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The elimination of the PASS, in light of existing plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, results in a neutral impact to the margin of safety. Methodologies that are not reliant on PASS are designed to provide rapid assessment of current reactor core conditions and the direction of degradation while effectively responding to the event in order to mitigate the consequences of the accident. The use of a PASS is redundant and does not provide quick recognition of core events or rapid response to events in progress. The intent of the requirements established as a result of the TMI–2 accident can be adequately met without reliance on a PASS.

Therefore, this change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: September 14, 2000.

Brief description of amendments: The amendments add two analytical methods to the list of approved core operating limit analytical methods in Technical Specification 5.6.5.b.

Date of issuance: February 8, 2001.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 241 and 215.

Renewed Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 18, 2000 (65 FR 62383).

The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated February 8, 2001.

No significant hazards consideration comments received: No.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: November 22, 1999, as supplemented on September 11, 2000.

Brief description of amendment: The amendment revises Technical Specification Sections 4.5.D, "Containment Air Filtration System," 4.5.E, "Control Room Air Filtration System," 4.5.F, "Fuel Storage Building Air Filtration System," and 4.5.G, "Post-Accident Containment Venting System," to address the testing requirements in Generic Letter 99–02, "Laboratory Testing of Nuclear-Grade Activated Charcoal." The laboratory testing of the engineered safeguards features ventilation system charcoal samples will meet the requirements of the American Society for Testing and Materials Standard D3803–1989.

Date of issuance: February 21, 2001.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 215.

Facility Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 15, 2000 (65 FR 69059).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 21, 2001.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: October 30, 2000.

Brief description of amendment: The amendment revises Surveillance Requirement 3.6.1.3.8 to allow a representative sample of reactor instrument line excess flow check valves (EFCVs) to be tested every 24 months such that each reactor instrument EFCV will be tested at least once every 10 years. The amendment also limits the surveillance requirement to only the reactor instrument line EFCVs.

Date of issuance: February 20, 2001.

Effective date: February 20, 2001, and shall be implemented within 30 days from the date of issuance.

Amendment No.: 170.

Facility Operating License No. NPF–21: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 29, 2000 (65 FR 71135).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 2001.

No significant hazards consideration comments received: No.

Entergy Nuclear Generation Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: November 22, 1999, as supplemented on November 21, 2000.

Brief description of amendment: This amendment approves changes related to Technical Specification (TS) Sections 3.7.B.1 and 3.7.B.2, "Containment Systems." TS Section 5.0, "Administrative Controls," was also modified to reflect the addition of an omitted page from a previous amendment.

Date of issuance: February 13, 2001.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 187.

Facility Operating License No. DPR–35: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** April 5, 2000 (65 FR 17913).

The November 21, 2000, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 13, 2001.

No significant hazards consideration comments received: No.

Exelon Generation Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois; Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of application for amendments: February 15, 2000, as supplemented on July 26, 2000. The July 26, 2000, letter provided clarifying information that did not change the scope of the February 15, 2000, application or the initial proposed no significant hazards consideration determination.

Brief description of amendments: The amendments allow the use of the Westinghouse core monitoring system know as Best Estimate Analyzer for Core Operations Nuclear.

Date of issuance: February 13, 2001.

Effective date: February 13, 2001.

Amendment Nos.: 116, 116, 110, and 110.

Facility Operating License Nos. NPF–37, NPF–66, NPF–72 and NPF–77: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** April 5, 2000 (65 FR 17909).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 13, 2001.

No significant hazards consideration comments received: No.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit 1, Oswego County, New York

Date of application for amendment: September 26, 2000.

Brief description of amendment: The amendment changes the Technical Specifications to (1) allow reactor vessel hydrostatic tests, leakage tests, scram time tests and excess flow check valve tests be performed; (2) require containment building integrity be maintained; and (3) establish a limit and a surveillance requirement on reactor coolant radioactive iodine activity, when coolant temperature is above 215 °F, the reactor is not critical, and primary containment integrity has not been established.

Date of issuance: February 20, 2001.

Effective date: As of the date of issuance to be implemented within 30 days of issuance.

Amendment No.: 170.

Facility Operating License No. DPR–63: Amendment revises the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 1, 2000 (65 FR 65344).

The staff's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: November 10, 2000.

Brief description of amendment: The amendment revised several sections of the Kewaunee Nuclear Power Plant (KNPP) Technical Specifications (TSs). These sections include administrative changes, Table 4.1–1, and Sections 1.0, 6.4, and 6.10.

Date of issuance: February 12, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 151.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 13, 2000 (65 FR 77923).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 12, 2001.

No significant hazards consideration comments received: No.

Portland General Electric Company, et al., Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: August 5, 1999, as supplemented by letters dated November 23, 1999, December 27, 1999, May 4, 2000, October 19, 2000, and November 22, 2000.

Brief description of amendment: The amendment revised the Facility Operating (Possession Only) License to annotate approval of the Trojan Nuclear Plant License Termination Plan.

Date of issuance: February 12, 2001.

Effective date: February 12, 2001, and shall be implemented within 30 days of the effective date.

Amendment No.: 206.

Facility Operating License No. NPF–1: The amendment changes the Facility Operating (Possession Only) License.

Date of initial notice in ***Federal Register:*** December 29, 1999 (64 FR 73083). The November 23, 1999, December 27, 1999, May 4, 2000, October 19, 2000, and November 22, 2000, supplemental letters provided additional clarifying information, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 12, 2001.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: August 4, 2000 (TS 99–20).

Brief description of amendments: Deletes Sequoyah License Condition for Shift Technical Advisor and revises Technical Specifications (TSs) that specify shift manning requirements.

Date of issuance: February 16, 2001.

Effective date: February 16, 2001.

Amendment Nos.: 266 and 257.

Facility Operating License Nos. DPR–77 and DPR–79: Amendments revise the Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** September 6, 2000 (65 FR 54088).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 16, 2001.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: November 21, 2000 (ULNRC–04346).

Brief description of amendment: The amendment changes Table 3.3.2–1, "Engineered Safety Feature Actuation System [ESFAS] Instrumentation," of the Technical Specifications. The change adds Surveillance Requirement (SR) 3.3.2.10 for the following two ESFAS instrumentation in the table: item 6.f, loss of offsite power, and item 6.h, auxiliary feedwater pump suction transfer on suction pressure—low.

Date of issuance: February 12, 2001.

Effective date: February 12, 2001, and shall be implemented prior to entering Mode 3 from Mode 4 during the startup from Refuel Outage 11, including the revision of the FSAR to reflect the ESFAS response times in accordance with the application.

Amendment No.: 141.

Facility Operating License No. NPF–30: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 27, 2000 (65 FR 81931).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 12, 2001.

No significant hazards consideration comments received: No.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: February 1, 2001.

Brief description of amendment request: The amendment would remove the inservice inspection requirements of Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code from the Monticello Technical Specifications and relocates them to a licensee-controlled program.

Date of publication of individual notice in ***Federal Register:*** February 15, 2001 (66 FR 10535).

Expiration date of individual notice: March 1, 2001.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an

opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By April 6, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of application for amendment: February 14, 2001, as supplemented February 16 and 19, 2001. The February 16 and 19, 2001, letters provided additional clarifying information which did not change the initial proposed no significant hazards consideration determination or expand the amendment beyond the scope of the original notice (Harrisburg, PA, Patriot News, February 18–20, 2001).

Brief description of amendment: The amendment allows a one-time exception to the system configuration and maintenance requirements in Technical Specification (TS) 3.3.2 related to the nuclear service river water (NR) system at TMI–1, in order to allow an up to 14-day repair of a leaking underground concrete pipe. The requirements of TS 3.3.1.4 to have two NR pumps OPERABLE are unchanged. During the 14-day repair period, the NR pumps flow will be realigned to pass through a portion of the nonseismic secondary services river water system.

Date of issuance: February 23, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 229.

Facility Operating License No. DPR–50. Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes.

The NRC published a public notice of the proposed amendment, issued a proposed finding of no significant hazards consideration and requested that any comments on the proposed no significant hazards consideration be provided to the staff by the close of business on February 23, 2001. The notice was published in the Harrisburg, PA, Patriot News, from February 18 through February 20, 2001.

The Commission's related evaluation of the amendment, finding of exigent circumstances, consultation with the State of Pennsylvania, and final no significant hazards consideration determination are contained in a Safety Evaluation dated February 23, 2001.

Attorney for licensee: Edward J. Cullen, Jr., Esquire, PECO Energy Company, 2301 Market Street (S23–1), Philadelphia, PA 19103.

NRC Section Chief: Marsha Gamberoni.

Dated at Rockville, Maryland this 27th day of February 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5216 Filed 3–6–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: RI 94–7

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. RI 94–7, Death Benefit Payment Rollover Election for Federal Employees Retirement System (FERS), provides FERS surviving spouses and former spouses with the means to elect payment of the FERS rollover-eligible benefits directly or to an Individual Retirement Account.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of OPM, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 700 RI 94–7 forms will be completed annually. We estimate it takes approximately 60 minutes to complete the form. The annual estimated burden is 700 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov

DATES: Comments on this proposal should be received on or before May 7, 2001.

ADDRESSES: Send or deliver comments to: John C. Crawford, Chief, FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3313, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–5517 Filed 3–6–01; 8:45 am]

BILLING CODE 6325–50–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–24681; 812–12266]

ING Pilgrim Investments, LLC, et al.; Notice of Application

February 28, 2001.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from sections 18(c) and 18(i) of the Act, under sections 6(c) and 23(c)(3) of the Act for an exemption from rule 23c-3 under the Act, and pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request on order to permit certain registered closed-end management investment companies to issue multiple classes of shares and to impose asset-based distribution fees and early withdrawal charges.

APPLICANTS: Pilgrim Senior Income Fund ("Fund"), ING Pilgrim Investments, LLC ("Investment Adviser"), and ING Pilgrim Securities, Inc. ("ING Pilgrim Securities").

FILING DATES: The application was filed on September 25, 2000 and amended on February 28, 2001.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 26, 2001, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants, 7337 East Doubletree Ranch Road, Scottsdale, Arizona, 85258.

FOR FURTHER INFORMATION CONTACT: Keith A. Gregory, Attorney-Adviser, at (202) 942–0611, or Janet M. Grossnickle, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549–0101, (202) 942–8090.

Applicants' Representations:

1. The Fund is a closed-end management investment company registered under the Act and organized as a Delaware business trust. The Investment Adviser is registered as an investment adviser under the Investment6 Advisers Act of 1940 and will serve as investment adviser to the Fund. ING Pilgrim Securities, a broker-dealer registered under the Securities Exchange Act of 1934, will distribute the Fund's shares. The Investment Adviser and ING Pilgrim Securities are both indirect, wholly-owned subsidiaries of ING Groep N.V. Applicants request that the order also apply to any other registered closed-end management investment company that may be organized in the future for which the Investment Adviser, or any entity controlling, controlled by, or under common control with the Investment Adviser acts as principal underwriter or investment adviser and which operates as an interval fund pursuant to rule 23c-3 under the Act.[1]

2. The Fund's investment objective is to provide a high level of monthly income. The Fund investment primarily in floating rate secured senior loans made by commercial banks, investment banks, finance companies and other lenders only to corporations or other business entities organized under U.S. laws or located in the U.S. ("Senior Loans"). Under normal circumstances, at least 80% of the Fund's total assets are invested in Senior Loans. The Fund may also invest up to 20% of its total assets in unsecured loans; subordinated loans; corporate debt securities; equity securities; and loans made to, or debt securities issued by, corporations or other business entities organized or located outside the U.S. Under normal circumstances, the Fund may also invest up to 10% of its total assets in cash and short-term instruments.

3. The Fund intends to continuously offer its shares to the public at net asset value, plus any applicable sales charges. The Funds shares will not be offered or traded in the secondary market and will not be listed on any exchange or quoted on any quotation medium. The Fund intends to operate as an "interval fund" pursuant to rule 23c-3 under the Act and to make quarterly repurchase offers to its shareholders.

4. The Fund seeks the flexibility to be structured as a multiple-class fund and currently intends to offer four classes of shares. The Fund will offer Class B shares at net asset value without a front-end sales charge, but subject to an early withdrawal charge ("EWC") on shares that are repurchased by the Fund within five years of the date of purchase. The Fund will offer Class C shares at net asset value without a front-end sales charge, but subject to an EWC on shares that are repurchased by the Fund within one year of the date of purchase. The Fund will also offer Class A and Class Q shares at net asset value without a front-end sales charge, and without a distribution fee or an EWC. Class A shares will only be available to investors upon the automatic conversion of Class B shares eight years after date of purchase or through exchange of Class A shares of certain other Pilgrim funds. Class A, Class B, Class C, and Class Q shares will be subject to an annual service fee of up to 0.25% of average daily net assets. Class B and Class C shares will be subject to an annual distribution fee of up to 0.75% of average daily net assets. Applicants represent that these service fees and asset-based distribution fees will comply with the provision of rule 2830(d) of the Conduct Rules of the National Association of Securities Dealers, Inc. ("NASD Sales Charge Rule"). The Fund may in the future offer additional classes of shares with a front-end sales charge, an EWC, and/or asset-based service or distribution fees. Applicants also represent that the Fund will disclose in its prospectus, the fees, expenses and other characteristics of each class of shares offered for sale by the prospectus, as is required for open-end multi-class funds under Form N–1A.

5. All expenses incurred by the Fund will be allocated among the various classes of shares based on the net assets of the Fund attributable to each class, except that the net asset value and expenses of each class will reflect distribution fees, service fees, and any other incremental expenses of that class. Expenses of the Fund allocated to a particular class of shares will be borne on a pro rata basis by each outstanding share of that class. The Fund may create additional classes of shares in the future that may have different terms from Class A, Class B, Class C and Class Q shares. Applicants state that the Fund will comply with the provisions of rule 18f–3 under the Act as if it were an open-end investment company.

6. The Fund may waive the EWC for certain categories of shareholders or transactions to be established from time to time. With respect to any waiver of, scheduled variation in, or elimination of the EWC, the Fund will comply with rule 22d–1 under the Act as if the Fund were an open-end investment company.

7. The Fund may offer its shareholders an exchange feature under which shareholders of the Fund may, during the Fund's quarterly repurchase periods, exchange their shares for shares of the same class of other registered open-end investment companies or registered closed-end investment companies that comply with rule 23c–3 under the Act and continuously offer their shares at net asset value, and that are in the Pilgrim group of investment companies. Fund shares so exchanged will count as part of the repurchase offer amount as specified in rule 23c–3 under the Act. Any exchange option will comply with rule 11a–3 under the Act as if the Fund were an open-end investment company subject to that rule. In complying with rule 11a–3, the Fund will treat the EWCs as if they were a contingent deferred sales charge ("CDSC").

Applicants' Legal Analysis

Multiple Classes of Shares

1. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of the Fund may be prohibited by section 18(c).

2. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of the Fund may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

3. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(c) and 18(i) to permit the Fund to issue multiple classes of shares.

4. Applicants submit that the proposed allocation of expenses and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit the Fund to facilitate the distribution of its securities and provide investors with a broader choice of shareholder services. Applicants assert that their proposal does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f–3 under the Act. Applicants state that the Fund will comply with the provisions of rule 18f–3 as if it were an open-end investment company.

Early Withdrawal Charges

5. Section 23(c) of the Act provides, in relevant part, that no registered closed-end investment company will purchase securities of which it is the issuer, except: (i) On a securities exchange or other open market; (ii) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (iii) under other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

6. Rule 23c–3 under the Act permits a registered closed-end investment company (an "interval fund") to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. Rule 23c–3(b)(1) under the Act provides that an interval fund may deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is reasonably intended to compensate the fund for expenses directly related to the repurchase.

7. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased. As noted above, section 6(c) provides that the Commission may exempt any person, security or transaction from any provision of the Act, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request relief under sections 6(c) and 23(c) from rule 23c–3 to permit them to impose EWCs on shares submitted for repurchase that have been held for less than a specified period.

8. Applicants believe that the requested relief meets the standards of sections 6(c) and 23(c)(3). Rule 6c–10 under the Act permits open-end investment companies to impose CDSCs, subject to certain conditions. Applicants state that EWCs are functionally similar to CDSCs imposed by open-end investment companies under rule 6c–10. Applicants state that EWCs may be necessary for the Investment Adviser to recover distribution costs. Applicants will comply with rule 6c–10 as if that rule applied to closed-end investment companies. The Fund also will disclose EWCs in accordance with the requirements of Form N–IA concerning CDSCs. Applicants further state that the Fund will apply the EWC (and any waivers or scheduled variations of the EWC) uniformly to all shareholders in a given class and consistently with the requirements of rule 22d–1 under the Act.

Asset-Based Distribution Fees

9. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d–1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

10. Rule 17d–3 under the Act provides an exemption from section 17(d) and rule 17d–1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b–1 under the Act. Applicants request an order under section 17(d) and rule 17d–1 under the Act to permit the Fund to impose asset-based distribution fees. Applicants have agreed to comply with rules 12b–1 and 17d–3 as if those rules applied to closed-end investment companies.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Applicants will comply with the provisions of rules 6c–10, 11a–3, 12b–1, 17d–3, 18f–3, and 22d–1 under the Act, as amended from time to time, as if those rules applied to closed-end management investment companies, and will comply with the NASD Sales Charge Rule, as amended from time to time.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5538 Filed 3–6–01; 8:45 am]

BILLING CODE 8010–01–M

[1] Any registered closed-end management investment company relying on this relief in the future will do so in a manner consistent with the terms and conditions of the application. Applicants represent that each entity presently intending to rely on the requested relief is listed as an applicant.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting, Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of March 5, 2001.

A closed meeting will be held on Monday, March 5, 2001, at 2 p.m.

Commissioner Hung, as duty officer, determined that no earlier notice thereof was possible.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(A) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will be: Institution of an administrative proceeding of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if

any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: March 2, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–5675 Filed 3–5–01; 12:26 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Ives Health Co. Inc.; Order of Suspension of Trading

March 5, 2001.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Ives Health Company, Inc., an Oklahoma corporation, with its principal place of business in Claremore, Oklahoma. Questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things, a product being marketed by Ives Health for treatment of human immunodeficiency virus (HIV).

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of Ives Health.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of Ives Health Company, Inc. is suspended for the period from 9:30 a.m. EST, March 5, 2001, through 11:59 p.m. EST, March 16, 2001.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5676 Filed 3–5–01; 1:12 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44013; File No. SR–AMEX–01–05]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Relating to Price Matching and Improvement Enhancements to Auto-Ex

February 28, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 12, 2001, the American Stock Exchange LLC (the "Amex" or the "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has designed the proposed rule change as constituting a "non-controversial" rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. On February 27, 2001, the Exchange Commission received Amendment No. 1 to the filing.[4]

The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

1. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to implement price improvement enhancements to the Exchange's Automatic Execution system. Below is the text of the proposed rule change. Proposed new language is in italics.

* * * * *

Automatic Execution of Options Orders

Rule 933

(a)–(b) No change.

Commentary

.01(a) Orders to buy or sell options that are multiply traded on one or more options exchanges in addition to the Exchange will not be automatically executed at prices inferior to the current best bid or offer displayed by any other options exchange, as such best bids or offers are identified by the Exchange's order routing system.

(b) Customer orders in those series of options that have been specifically designated by the Auto-Ex Enhancements Committee ("automatic price matching series"), under circumstances where the Exchange's best bid or offer is inferior to the current best bid or offer displayed by another options exchange by no more than the "price matching amount," as defined below, will be automatically executed at the current best bid or offer displayed by the other options exchange. If the Exchange's best bid or offer is inferior to the current best bid or offer displayed by another options exchange by more than the price matching amount, the order will be routed to the specialist and not automatically executed. Only customer orders within the order size parameters established by the Auto-Ex Enhancements Committee will be eligible for automatic price matching. A customer order that exceeds the established order size parameter will be routed to the specialist and not automatically executed.

(c) Customer orders in those series of options that have been specifically designed by the Auto-Ex Enhancements Committee ("automatic price improvement series") will be automatically executed when the Exchange's best bid or offer is equal to the current best bid or offer by the price improvement amount, as defined below. Only customer orders within the order size parameters established by the Auto-Ex Enhancements Committee will be eligible for automatic price improvement. A customer order that exceeds the established order size parameter will be either automatically executed at the Exchange's best bid or offer if it is within the Auto-Ex order size parameters, or it will be routed to the specialist and not automatically executed.

(d) Notwithstanding paragraphs (b) and (c) above, orders for automatic price matching series or automatic price improvement series will be routed to the specialist and not automatically executed in situations where: (i) the current best bid or offer for one of the series is crossed (e.g., 4.20 bid, 4 asked) or locked (e.g., 4 bid, 4 asked); (ii) the specialist in conjunction with a Floor governor or two Floor Officials determined quotes in such options or options exchange(s) are not reliable; or (iii) the Exchange is experiencing communications or systems problems, "fast markets," or delays in the dissemination of quotes by the Options Price Reporting Authority ("OPRA"). Members and member organizations will be notified when the Exchange has determined that quotes are not reliable and prior to one or both Auto-Ex Enhancements being shut off and customer orders being routed to the specialist for execution. The specialist will report the execution or non-execution of such orders to the firm that originally forwarded the order to Auto-Ex.[5]

(e) As used in this Commentary, the term "price matching amount" shall mean the minimum increment for options of that series established pursuant to Rule 952, or any greater amount established by the Auto-Ex Enhancements Committee in respect of specified automatic price matching series of options. As used in this Commentary, the term "price improvement amount" shall mean the minimum increment for options of that series established pursuant to Rule 952, or any greater amount established by the Auto-Ex Enhancements Committee in respect of specified automatic price improvement series of options.[6]

* * * * *

[1] 15 U.S.C. 78s(b)(1)

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b(f)(6).

[4] *See* letter from Claire McGrath, Vice President and Special Counsel, Amex to Nancy Sanow, Assistant Director, Division of Market Regulation ("Division"), Commission, dated February 26, 2001 ("Amendment No. 1"). In Amendment No. 1, the Exchange deleted Commentary .01(g) from the proposed rule text, and clarified the circumstances under which customer orders would be routed to the specialist instead of being automatically executed.

[5] Proposed subparagraph (d) of Commentary .01 of Amex Rule 933 is reorganized in this order to clarify that orders for automatic price matching series or automatic price improvement series will be routed to the specialist and will not be automatically executed if the specialist in conjunction with a Floor Governor or two Floor officials determines that quotes in such options or options exchange(s) are not reliable and if the Exchange is experiencing communications or systems problems, "fast markets," or delays in the dissemination of quotes by OPRA. Telephone conversation between Elizabeth King, Associate Director, Nancy Sanow, Assistant Director, and Jennifer Colihan, Special Counsel, Division, Commission, and Claire McGrath, Vice President and Special Counsel, Amex, on February 27, 2001.

[6] Proposed subparagraph (e) of Commentary .01 of Amex Rule 933 provides that that Auto-Ex Enhancement Committee shall determine the price improvement amounts and order size parameters. Telephone conversation between Nancy Sanow, Assistant Director and Jenifer Colihan, Special Counsel, Division, Commission, and Claire McGrath, Vice President and Special Counsel, Amex, on February 27, 2001.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to permit the implementation of enhancements to the Exchange's Automatic Execution ("Auto-Ex") system. Auto-Ex executes, at the displayed bid or offer, customer market and marketable limit option orders up to a specified number of contracts routed through the Amex Order File ("AOF"). There are, however, some situations in which orders otherwise eligible for execution on Auto-Ex are routed to the specialist's book (known as the Amex Options Display Book ("AODB")) for an execution. These situations occur when (i) the best bid or offer is represented by a limit order on the AODB, (ii) the best bid or offer is locked or crossed, or (iii) there is a better bid or offer being displayed by a competing market.

The Exchange now proposes to enhance its automatic execution system to provide automatic price matching and improvement for certain orders executed through Auto-Ex, thus eliminating the need for these orders to be routed to the AODB. The first proposed enhancement will provide automatic price matching on Auto-Ex when the best bid or offer for that series being displayed by a competing market is within a specified number of trading increments or "ticks" of the bid or offer being displayed by the Amex (*i.e.*, the "price matching amount"). The second proposed enhancement will provide automatic price improvement on Auto-Ex for orders within the established order size parameters when Amex is displaying the best bid or offer and specialists and registered options traders wish to improve upon their own bid or offer by a specified number of trading increments (*i.e.*, the "price improvement amount").

A newly created committee, the Auto-Ex Enhancement Committee (the "Committee"), will review and designate which option classes or series are eligible for either one or both of the Auto-Ex enhancements upon the request of a specialist. The Committee will be comprised of the Exchange's four Floor Governors and the Chairmen (or their designees) of the Specialists Association, the Options Market Makers Association and the Floor Brokers Association. In determining which option classes or series are eligible for either one or both of the Auto-Ex enhancements, the Committee may consider such factors as the open interest in the requested option; the average daily volume of the option; customer requests; and any other factors as the Committee deems appropriate. The Committee will also have the ability to delete options from the list of those eligible for the enhancements upon the request of the specialist using the same or similar criteria, including the specialists' ability to continue offering either of the enhancements. The Committee will also determine the price matching and price improvement amounts and the order size parameters. The Exchange will publish a list of all eligible options in an Information Circular distributed to members.

a. Automatic Price Matching

The first proposed enhancement will provide for the matching of the best bid or offer displayed by a competing market by allowing customer market and marketable limit orders to be automatically executed at that best bid or offer provided it is within the specified number of trading increments or ticks of the Amex's displayed bid or offer, and the order is within the established order size parameters. Currently, the trading increment for an option with a premium equal to or less than $3.00 is 5 cents and for an option with a premium greater than $3.00, the trading increment is 10 cents. Thus, for example, if the Amex displayed quote is 2–2.10, the best bid/offer displayed by a competing market is 2–2.05, the specified number of ticks is one and the order size parameter is five contracts, when an order is received on the Amex to buy 5 contracts at the market, the order will be automatically executed at the offer price of 2.05. The enhancement can be turned on at any level for an option, by symbol, class put/call or strike price. If an order is received and the competing market's best bid or offer was not within the specified number of ticks or the order size is larger than the order size parameters, then the order would be routed to the AODB for an execution.

b. Automatic Price Improvement

The second enhancement will provide for automatic price improvement anytime the Amex quote is equal to the best bid/offer and the option series has been designated by the Auto-Ex Enhancement Committee. Through this enhancement, automatic price improvement will be provided based upon a predefined number of ticks and for orders within the established order size parameter. For example, if the Amex displayed quote is the best bid and offer at 2–2.10, the predefined number of ticks is one and the order size parameter is five when an order is received on the Amex to buy 5 contracts at the market, the order will be automatically executed at an improved price of 2.05. If the order size is for a number of contracts that exceeds the order size parameters, such orders will be automatically executed at the best bid/offer. This enhancement may be turned on for any option, by symbol, class, put/call or strike price.

Neither enhancement will apply if the current best bid or offer is locked or crossed. Further, the enhancements will not apply when the specialist in conjunction with a Floor Governor or two Floor Officials determines that quotes in such options or market(s) are deemed not to be reliable. This authority would be expected to be exercised only in circumstances such as communications or systems problems; fast markets; delays in the dissemination of quotes because of queues on the Option Price Reporting Authority ("OPRA") (in which case the Exchange would know that there is a delay in the dissemination of quotes from the other exchanges, which would likely render such quotes stale) or if the Exchange is advised by another exchange that it is experiencing communications or system problems that would cause its disseminated quotes to be unreliable. Also, neither enhancement will apply if the Exchange is experiencing communications or systems problems; fast markets; or delays in the dissemination of quotes by OPRA.

The Exchange believes the implementation of the proposed price matching and improvement enhancements will benefit investors by providing investors with automatic executions at prices equal to or better than the current best bid/offer and greatly enhance speed of execution and order turn-around times.

2. Basis

The proposed rule change is consistent with section 6(b) of the Act[7] in general and furthers the objectives of section 6(b)(5)[8] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has been filed by the Exchange as a "non-controversial" rule change pursuant to Section 19(b)(3)(A) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10] Because the foregoing proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the filing date of the proposed rule change, it has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6).

The Exchange has requested that the Commission accelerate the operative date of the proposal. In addition, the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, more than five business days prior to the date of the filing of the proposed rule change. The Commission finds that it is appropriate to accelerate the operative date of the proposal and designate the proposal to become operative today.[11]

The Commission finds good cause for accelerating the operative date of the proposed rule change.[12] The Commission notes that it has approved similar proposals filed by the Chicago Board Options Exchange ("CBOE")[13] and the Philadelphia Stock Exchange, Inc. ("Phlx").[14] Approval of this proposal on an accelerated basis will enable the Amex to compete on an equal basis with these other exchanges and thus is consistent with section 6(b)(8) of the Act.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file fix copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to file number SR–Amex–01–05 and should be submitted by March 28, 2001.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 15 CFR 240.19b–4(f)(6).

[11] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] The Commission notes that its decision to accelerate the operative date of this rule change is not dispositive of whether all aspects of the new Commentary comply with the terms and conditions of section IV.h.(i)(bb) of the Order Instituting Public Administrative Proceedings Pursuant to section 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions (the "Order"). The parties to the Order, including the Exchange, are required to "specify the circumstances, if any, under which automated execution systems can be disengaged or operated in any manner other than the normal manner set forth in the exchange's rules and require the documentation of the reasons for each decision to disengage an automated execution system or operate it in any manner other than the normal manner." The Order further provides that parties to the Order must submit to the Commission staff draft proposed rule changes that comply with the requirements set forth above no later than six months from the date of the Order. *See* Securities Exchange Act Release No. 43268 (September 11, 2000).

[13] *See* Securities Exchange Act Release Nos. 43285 (September 12, 2000), 65 FR 58972 (September 20, 2000) (approving SR–CBOE–93–22); 40096 (June 16, 1998), 63 FR 34209 (June 23, 1998) (approving SR–CBOE–98–13); 41821 (September 1, 1999), 64 FR 50313 (September 16, 1999) (approving SR–CBOE–99–17); 42167 (November 22, 1999), 64 FR 66954 (November 30, 1999) (approving SR–CBOE–99–57).

[14] *See* Securities Exchange Act Release No. 43664 (December 6, 2000), 65 FR 78238 (December 14, 2000) (partially approving SR–Phlx–00–93).

[15] 15 U.S.C. 78f(b)(8).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5540 Filed 3–6–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44019; File No. SR–Amex–01–10]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change by the American Stock Exchange LLC to Extend for an Additional 90 Days Its Pilot Program Relating to Facilitation Cross Transactions

February 28, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 27, 2001, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to extend for an additional 90 days its pilot program relating to facilitation cross transactions, described in detail in Part II.A. below. The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend for an additional 90 days its pilot program relating to member firm facilitation cross transactions approved by the Commission on June 2, 2000.[3] Revised Commentary .02(d) to Amex Rule 950(d) establishes a pilot program to allow facilitation cross transactions in equity options.[4] The pilot program entitles a floor broker, under certain conditions, to cross a specified percentage of a customer order with a member firm's proprietary account before market makers in the crowd can participate in the transaction. The provision generally applies to orders of 400 contracts or more. However, the Exchange is permitted to establish smaller eligible order sizes, on a class by class basis, provided that the eligible order size is not for fewer than 50 contracts.

Under the current program, when a trade takes place at the market provided by the crowd, all public customer orders on the specialist's book or represented in the trading crowd at the time the market was established must be satisfied first. Following satisfaction of any customer orders on the specialist's book, the floor broker is entitled to facilitate up to 20% of the contracts remaining in the customer order. When a floor broker proposes to execute a facilitation cross at a price between the best bid and offer provided by the crowd in response to his initial request for a market—and the crowd then wants to take part or all of the order at the improved price—the floor broker is entitled to priority over the crowd to facilitate up to 40% of the contracts. If the floor broker has proposed the cross at a price between the best bid and offer provided by he crowd in response to his initial request for a market, and the trading crowd subsequently improves the floor broker's price, and the facilitation cross is executed at that improved price, the floor broker would only be entitled to priority to facilitate up to 20% of the contracts.

The program also provides that if the facilitation transaction takes place at the specialist's quoted bid or offer, any participation allocated to the specialist pursuant to Amex trading floor practices would apply only to the number of contracts remaining after all public customer orders have been filled and the member firm's crossing rights have been exercised.[5] However, in no case could the total number of contracts guaranteed to the member firm and the specialist exceed 40% of the facilitation transaction.

In the almost nine months since the pilot program began, the Exchange has found it to be generally successful. The Exchange seeks to extend the pilot program for an additional 90 days, pending consideration of a related proposed rule change it has filed with Commission[6] concerning revisions to the program that the Amex believes will provide further incentive for price improvement by using different procedures to determine specialist and registered option trader participation. The related proposal would also make the program permanent.

Because the pilot program is due to expire on February 27, 2001, the Amex has requested that the Commission expedite review of, and grant accelerated approval to, the proposal to extend it, pursuant to section 19(b)(2) of the Act.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[8] in general and furthers the objectives of section 6(b)(5) of the act[9] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] *See* Securities Exchange Act Release No. 42894 (June 2, 2000), 65 FR 36850 (June 12, 2000). The pilot program has since been extended twice. *See* Securities Exchange Act Release Nos. 43229 (August 30, 2000), 65 FR 54572 (September 8, 2000); and 43643 (November 29, 2000), 65 FR 76686 (December 7, 2000).

[4] Facilitation cross transactions occur when a floor broker representing the order of a public customer of a member firm crosses that order with a contra side order from the firm's proprietary account.

[5] Amex trading practices provide specialists with a greater than equal participation in trades that take place at a price at which the specialist is on parity with registered options traders in the crowd. These practices are subject to a separate filing that seeks to codify specialist allocation practices. *See* Securities Exchange act Release No. 42964 (June 20, 2000), 65 FR 39972 (June 28, 2000).

[6] *See* File No. SR–Amex–00–49, available for inspection at the Commission's Public Reference Room.

[7] 15 U.S.C. 78s(b)(2).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal offices of the Exchange. All submissions should refer to File No. SR–Amex–01–10 and should be submitted by March 28, 2001.

IV. Commission Findings and Order Granting Accelerated Approval of the Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In its original approval of the pilot program,[11] the Commission detailed its reasons for finding its substantive features consistent with the Act, and, in particular, the requirements of sections 6(b)(5) and 6(b)(8) of the Act.[12] The Commission has previously approved rules on other exchanges that establish substantially similar programs on a permanent basis,[13] and the extension of the pilot program on the Amex—pending review of its related proposal to revise the program and make it permanent—raises no new regulatory issues for consideration by the Commission.

The Commission finds good cause, consistent with sections 6(b) and 19(b)(2) of the Act, for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof in the **Federal Register**. The proposal will allow the pilot program, otherwise due to expire on February 27, 2001, to remain effective and in place uninterrupted while revisions are being considered, and does not raise any new regulatory issues.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved on an accelerated basis as a pilot program through May 28, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5543 Filed 3–6–01; 8:45 am]

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[10] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] *See supra*, note 3.

[12] 15 U.S.C. 78f(b)(5) and (b)(8).

[13] *See, e.g.*, Securities Exchange Act Release Nos. 42835 (May 26, 2000), 65 FR 35663 (June 5, 2000), and 42848 (May 26, 2000), 65 FR 36206 (June 7, 2000).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44017; File No. SR–ISE–00–20]

Self Regulatory Organizations; Order Approving Proposed Rule Change by the International Securities Exchange LLC Relating to Limitations on Orders

February 28, 2001.

I. Introduction

On November 20, 2000, the International Securities Exchange LLC ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend ISE Rule 717 relating to limitations on orders.[3] The proposed rule change was published for comment in the **Federal Register** on January 16, 2001.[4] The Commission received no comments on the proposed rule change. This order approves the proposal.

II. Description of the Proposal

Exchange market makers must be firm at their quotations for all orders, although they can set different sizes for customer and broker-dealer orders. When the size of a particular quote is exhausted, the Exchange's trading system automatically moves the quote to an inferior price according to parameters preset by the market maker. However, the system moves only the quotation in the options series in which there was a trade, leaving the market maker exposed to the risk that multiple orders may be executed nearly simultaneously in many series of the same option. This situation increases an ISE market maker's "delta risk" (the amount of underlying stock that would be necessary to hedge the options position), due to exposure across multiple series. This could result in ISE market makers providing more liquidity than may be available in the underlying stock. Under the ISE's proposed new paragraph (h), members shall not cause the entry of more than one order every fifteen seconds for the account of the same beneficial owner in options on the same underlying security.

The Exchange also proposes to amend paragraph (g) of ISE Rule 717, which currently prohibits an Electronic Access Member ("EAM") from entering an order for any other member of the Exchange. The amendment will limit the scope of ISE Rule 717(g) to only prohibit EAMs from entering orders for ISE market maker accounts.

III. Discussion

The Commission has reviewed the ISE's proposed rule change and finds, for the reasons set forth below, that the proposal is consistent with the requirements of section 6 of the Act[5] and the rules and regulations thereunder applicable to a national securities exchange.

The Commission notes that amending ISE Rule 717 to prohibit members from causing the entry of more than one order for the same beneficial account within a fifteen second period should help reduce ISE market maker risk exposure. The Commission believes that fifteen seconds is a sufficient time period to allow market makers to change their quotations following an execution, while at the same time not unduly long as to place a burden on investors seeking to execute transactions on the Exchange.

The Commission also notes that the amendment to ISE Rule 717(g), which will limit the scope of that rule solely to prohibit EAMs from entering orders for ISE market maker accounts, recognizes that there are legitimate reasons why a member may enter orders on the Exchange through an EAM. These reasons can vary. For example, some EAMs may desire a temporary means of routing orders to the ISE until they are connected directly to the Exchange. In addition, a few members have clearing relationships with EAMs and thus route orders through those EAMs.

Therefore, the Commission finds that the proposed revisions to ISE Rule 717 are consistent with section 6(b) of the Act[6] in general, and furthers the objectives of section 6(b)(5)[7] in particular, in that they are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.[8]

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (SR–ISE–00–20) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5541 Filed 3–6–01; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The ISE filed its proposed rule change on November 20, 2000. On December 18, 2000, the ISE filed Amendment No. 1 that entirely replaced the original rule filing.

[4] *See* Securities Exchange Act Release No. 43803 (January 4, 2001), 66 FR 3824 (January 16, 2001).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] In approving the proposal, the Commission has considered the rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44016; File No. SR–NYSE–01–04]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc., to Extend the Pilot Regarding Shareholder Approval of Stock Option Plans Through March 31, 2001

February 26, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 26, 2001, the New York Stock Exchange, Inc., ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend, until March 31, 2001, the effectiveness of the amendments to section 312.01, 312.03 and 312.04 of the Exchange's Listed Company Manual with respect to the definition of a "broadly based" stock option plan, which amendments were approved by the Commission on a pilot basis (the "Pilot") on June 4, 1999.[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 41479, 64 FR 31667 (June 11, 1999).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 12, 2000, the Exchange filed a proposed rule change seeking to extend the effectiveness of the Pilot until September 30, 2003.[4] Following receipt of comments from interested parties and the SEC staff, on January 19, 2001, the Exchange filed an Amendment No. 1 to that filing proposing to shorten the three-year extension until September 30, 2001, and to amend the definition of "broadly based" under the Exchange's rule.[5] Prior to the filing of Amendment No. 1, the Pilot had been extended to provide the Commission and the Exchange with additional time to review and evaluate comment letters submitted to the Commission regarding the Extension Proposal.[6]

The Exchange now proposes to further extend the effectiveness of the Pilot until March 31, 2001 to provide the Commission and the Exchange with additional time to complete the review and evaluation of the above-referenced comment letters.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Act,[7] which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

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[4] Securities Exchange Act Release No. 43111 (August 2, 2000), 65 FR 49046 (August 10, 2000) ("Extension Proposal").

[5] *See* letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Nancy J. Sanow, Assistant Director, Division of Market Regulation, SEC dated January 18, 2001 and accompanying amended Form 19b–4 ("Amendment No. 1").

[6] *See* Securities Exchange Act Release No. 43647 (November 30, 2000), 65 FR 77407 (December 11, 2000) (proposal to extend the effectiveness of the pilot through February 28, 2001). *See also* Securities Exchange Act Release No. 43329 (October 2, 2000), 65 FR 58833 (October 2, 2000) (proposal to extend the effectiveness of the pilot period through November 30, 2000).

[7] 15 U.S.C. 78f(b)(5).

any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change (1) does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6)[11] normally does not become operative prior to 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[12] the commission may designate a shorter time if such action is consistent with the protection of investors and public interest. The Exchange seeks to have the proposed rule change become operative on or before February 28, 2001, in order to allow the Pilot to continue in effect on an uninterrupted basis.

The Commission, consistent with the protection of investors and the public interest, has determined to make the proposed rule change operative immediately through March 31, 2001. The extension of the Pilot will provide the Commission with additional time to review and evaluate the Extension Proposal.

The Commission notes that unless the Pilot is extended, the Pilot will expire and the provisions of Sections 312.01, 312.03, and 312.04 of the Exchange's Listed Company Manual that were amended in the Pilot will revert to those in effect prior to June 4, 1999. The Commission believes that such a result could lead to confusion.

Based on these reasons, the Commission believes that it is consistent with the protection of investors and the public interest that the proposed rule change become operative immediately through March 31, 2001. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–01–04 and should be submitted by March 28, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5539 Filed 3–6–01; 8:45 am]

BILLING CODE 8010–01–M

[8] 15 U.S.C. 78s(b)93)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date or such shorter time as designated by the Commission.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44026; File No. SR–PCX–01–03]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. and Amendment No. 1 Thereto To Permit an Officer or Director of a Facility of PCX Equities To Serve on the PCX Equities Board of Directors

February 28, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 9, 2001, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the PCX. On February 20, 2001, PCX filed Amendment No. 1 to the proposal.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, as amended.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to amend the Bylaws of its wholly-owned subsidiary, PCX Equities, Inc. ("PCXE" or "Corporation") to permit an officer or director of a facility of PCXE to serve on its Board of Directors. The text of the amended PCXE Bylaw is as follows:

Proposed additions are *italicized.*

ARTICLE III

Board of Directors

Number; Election; Qualification; Term-Nomination

Sec. 3.02.

(a) The Board of Directors shall consist of not less than ten (10) or more than twelve (12) directors, with the Board of Directors currently contemplated to consist initially of ten (10) members. The authorized number of Directors shall be as determined from time to time by resolution of the Board of Directors. At least fifty percent (50%) of the Directors will be persons from the public and will not be, or be affiliated with, a broker or dealer in securities. At least twenty (20%) of the Directors (but no fewer than two (2) Directors) will be nominees of the ETP/Equity ASAP Nomination Committee, pursuant to Rule 3 of the Corporation. *An officer or director of a facility of the Corporation may serve on the Board of Directors.* The term of office of a Director shall not be affected by any decrease in the authorized number of Directors.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Cindy L. Sink, Senior Attorney, Regulatory Policy, PCX, to Marc F. McKayle, Special Counsel, Division of Market Regulation, Commission, dated February 16, 2001 ("Amendment No. 1"). In Amendment No. 1, the Exchange amended the filing to indicate its belief that the statutory basis for the Commission's approval of the proposed rule change is section 6(b)(3) of the Act, as opposed to section 6(b)(5). The Exchange also made clear that the proposed rule change would not alter the present compositional balance of the PCXE Board of Directors between public directors and directors affiliated with brokers or dealers, and that at least 20% of the PCXE Board of Directors, but no fewer than two, will continue to be nominated by the Equity Trading Permit Holders Nominating Committee whether the size of the Board remains at ten (10) or is expanded to twelve (12).

The PCX and PCXE have entered into various agreements with Archipelago Holding, L.L.C. ("Archipelago" or "Company") under which Archipelago Exchange, L.L.C. ("Arca"), a subsidiary of Archipelago Holdings, L.L.C. would operate Area as a facility of the PCXE.[5] PCX, through PCXE, recently proposed to create a new electronic trading facility of the PCXE called Archipelago Exchange. The proposed rule change would permit an Archipelago member, officer or director to serve on the Board of Directors.

The proposed Bylaw amendment calls for a designee of a "facility of the Corporation" to provide flexibility. Under the proposal, permitting a facility designee to serve on the PCXE Board of Directors would not decrease the number of public members or number of nominees of the ETP/Equity ASAP Nomination Committee serving on the Board.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, the Board of Directors may consist of not less than (10) or more then twelve (12) directors. Currently the Board of Directors consists of ten (10) members. The authorized number of Directors is determined from time to time by resolution of the Board of Directors. At least fifty percent (50%) of the Directors are persons from the public (*i.e.*, not a broker or dealer in securities or affiliate thereof). At least twenty (20%) of the Directors (but no fewer than two (2) Directors) will be nominees of the ETP/Equity ASAP Nomination Committee, pursuant to Rule 3 of the Corpotation.[4]

The Exchange and its wholly-owned subsidiary, PCXE, propose to change this PCXE Bylaw to permit an officer or director of a facility of PCXE (Corporation) to serve on the Board of Directors of PCXE.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of section 6(b)(3),[7] in particular, in that it is consistent with the fair representation principles set forth in the Act.[8]

B. Self-Regulatory Organization's Statement on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will—

(A) by order approve such rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–01–03 and should be submitted by March 28, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5544 Filed 3–6–01; 8:45 am]

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[4] The proposal will not alter the compositional or nomination criteria for the PCXE Board of Directors. *See* Amendment No. 1, *supra* note 3.

[5] *See* Securities Exchange Act Release No. 43608 (November 21, 2000), 65 FR 78822 (December 15, 2000) (Notice of File No. SR–PCX–00–25 proposing to create a new electronic trading facility of the PCXE called Archipelago Exchange).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(3).

[8] *See* Amendment No. 1, *supra* note 3.

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44021; File No. SR–PHLX–01–14]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to a Rebate for Certain Fees Incurred in Connection with the Exchange's Payment for Order Flow Fee Program

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19B–4.

30, 2001 the Philadelphia Stock Exchange, Inc. ("Phlx" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items the Phlx has prepared. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The Phlx proposes to allow for a debate of specified funds in connection with its payment for order flow program.

Effective August 1, 2000, the Phlx imposed a marketing fee of $1.00 per contract[3] on transactions by Phlx specialists and Registered Options Traders (ROTs) in the Top 120 Options on the Phlx.[4] The specialists make all determinations concerning the amount that is paid for orders and which order flow providers receive the payments.

Some Phlx specialist units have made payments to attract order flow and have requested reimbursement for those expenditures, but other specialist units have not participated in the payment for order flow program. As a consequence, some proceeds raised by the imposition of payment for order flow fees have remained unspent. Accordingly, the Phlx is instituting a payment for order flow rebate program to handle the unspent funds.

Pursuant to the rebate program, any money that has been billed or collected with respect to particular option symbol but has not been spent will be credited or returned according to the following guidelines: (1) Within 10 days from the date monthly bills are due, specialists must submit their requests for reimbursement; (2) the Phlx's accounting department will process the reimbursement requests and determine the amount of unspent funds for each month; (3) any unspent refunds will be returned to specialists and ROTs on a *pro rata* basis, with rebates calculated as a percentage of the unspent funds to the payment for order flow invoiced amounts,[5] (4) rebate checks will be given to specialists and ROTs approximately ten days after the reimbursement cutoff request date (20 days after monthly bills are due); and (5) credits will be calculated against any amounts that have been billed, but not collected. Late charges will continue to accrue on any amounts that remain outstanding, although based upon a lower "principal" amount after the rebates have been calculated.[6]

The Exchange intends to begin implementing this program by requesting that reimbursement requests for the months of August, September, and October be received by January 30, 2001, with rebates processed ten days thereafter.[7] Reimbursement requests for the month of November should be received by February 15, 2001, with rebates processed ten days thereafter. Post-November reimbursement requests will be processed according to the guidelines stated above.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Phlx's payment for order flow program was designed to generate a source of funds that specialists may use to attract order flow in the Top 120 Options. The Phlx believed that it was necessary for it to adopt this type of fee in order to maintain and enhance its competitive position. The purpose of the proposed rule change is to provide a rebate to specialists and ROTs of specified funds in connection with the Phlx's payment for order flow program.

Since the implementation of the payment for order flow fee on August 1, 2000, some funds have been billed or collected but not disbursed to order flow providers. Some order flow providers may maintain policies not to accept payment for order flow funds. The Phlx believes that holding unspent payment for order flow funds is inefficient and does not serve the best interests of the specialists and ROTs. The Phlx believes that returning the funds to the specialists and ROTs in a timely manner may allow them to use the funds in a more efficient manner, such as by increasing liquidity on the trading floor or investing the capital in their firms.

The Phlx believes that its proposal is consistent with section 6(b) of the Act in general, and furthers the objectives of sections 6(b)(4) and 6(b)(5) in particular. The Phlx believes that, because the specialists and ROTs will receive a rebate of the funds that were billed or collected but remain unspent, the rebate program will enable an equitable allocation of reasonable fees among the Phlx's members. Moreover, the Phlx believes that the payment for order flow rebate program, as described above, should promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market, and protect investors and the public interest by allowing a more efficient use of funds, which may result in increased liquidity, tighter markets, and more competition among Exchange members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Phlx did not solicit any written comments on the proposed rule change. The Phlx has received written comments addressed generally to its payment for order flow program. A letter from Merrill G. Davidoff of Berger & Montague, P.C., on behalf of the Independent Traders Association, Inc. and a letter from S.C. Hamilton stated that the payment for order flow program is in violation of Phlx by-laws. Mr. Davidoff's letter also expressed concerns over the implementation of the program. A letter from Edward Frank of Gateway Partners LLC requested an amendment to the program to allow for rebates in certain situations. A letter from the Independent Traders Association, Inc., stated concerns about the payment for order flow program and how the Phlx is implementing the program. A handout that the Independent Traders Association, Inc., distributed to the Board of Governors at its regular board meeting on January 24, 2001, summarized its concerns and proposed changes to the program. Although a number of the letters have disagreed with the payment for order flow program, the Phlx believes that it was necessary to adopt the program to remain competitive. None of the letters addressed the terms of the rebate program that is the subject of this filing. All of the letters are available for inspection at the principal offices of the Phlx and at the Commission.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Phlx has designated the foregoing proposed rule change as a fee change pursuant to section 19(b)(3)(A) of the Act and Rule 19b–4(f)(2) thereunder. Accordingly, the proposal has become immediately effective upon filing with the Commission. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

The Commission invites interested persons to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule changes between the commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal offices of the Phlx. All submissions should refer to File Nos. SR–Phlx–01–14 and should be submitted by March 28, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5542 Filed 3–6–01; 8:45 am]

BILLING CODE 8010–01–M

[3] Currently, this fee is not applicable to the following transactions: (1) Specialist-to-ROT; (2) ROT-to-ROT; (3) specialist-to-firm; (4) ROT-to-firm; (5) specialist-to-broker-dealer; and (6) ROT-to-broker-dealer. *See* Securities Exchange Act Release Nos. 41377 (August 16, 2000), 65 FR 51889 (Aug. 25, 2000) (SR–Phlx–00–77); 43480 (Oct. 25, 2000), 65 FR 66275 (Nov. 3, 2000) (SR–Phlx–00–87); and 43481 (Oct. 25, 2000), 65 FR 66277 (Nov. 3, 2000) (SR–Phlx–00–88, SR–Phlx–00–89).

[4] A Top 120 Option is defined as one of the 120 most actively traded equity options, in terms of national trading volume, as reflected by the Options Clearing Corporation. The Top 120 Options are calculated every six months. The proposed fees does not apply to index or currency options.

[5] For example, if a total invoiced amount for a Top 120 Option is $200,000 (composed of $120,000 received from the specialist; $25,000 received from ROT #1; and $55,000 received from ROT #2) and a specialist requests reimbursement in the amount of $75,000, there would be $125,000 in unspent funds. There would be a rebate of 62.5% ($125,000/$200,000) distributed on a pro rata basis. Therefore, the specialist would receive $75,000; ROT #1 would receive $15,625; and ROT #2 would receive $34,375.

[6] Late charges are assessed pursuant to Phlx Rule 50. The Phlx does not waive late fees for past due amounts even if some portion of the fee is later rebated.

[7] The Phlx will make pro-rata determinations for amounts from August 2000 to October 2000 on a month-by -month basis.

[8] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3595]

Culturally Significant Objects Imported for Exhibition Determinations: "A Breeze from the Gardens of Persia: New Art from Iran"

AGENCY: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, I hereby determine that the objects to be included in the exhibit, "A Breeze from the Gardens of Persia: New Art from Iran," imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects will be imported pursuant to loan agreements with foreign lenders. I also determine that the temporary exhibition or display of the exhibit objects at the Meridian International Center, Washington, DC, from on or about April 26, 2001, to on or about July 14, 2001; Queens Library Gallery, Jamaica, NY, from on or about September 7, 2001, to on or about November 9, 2001; ArtCentre of Plano, Plano, TX, from on or about November 19, 2001, to on or about January 11, 2002, and at other U.S. venues yet to be determined, is in the national interest. The exhibition is expected to end by August 31, 2003. Public Notice of these determinations is ordered to be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW, Room 700, Washington, DC 20547–0001.

Dated: March 1, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–5554 Filed 3–6–01; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7918]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: The FMCSA announces its decision to exempt 55 individuals from the vision requirement in 49 CFR 391.41(b)(10).

DATES: Effective March 7, 2001.

FOR FURTHER INFORMATION CONTACT: For information about the vision exemptions in this notice, Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366–2987; for information about legal issues related to this notice, Ms. Elaine Walls, Office of the Chief Counsel, (202) 366–1394; FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Document Management System (DMS) at: *http://dmses.dot.gov.*

Background

Sixty-five individuals petitioned the Federal Motor Carrier Safety Administration (FMCSA) for an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of commercial motor vehicles (CMVs) in interstate commerce. They are: Henry Ammons Jr., Wayne A. Anderson, Glenn A. Babcock Jr., Bobby J. Beall, Robert D. Bonner, James F.

Bower, Ben T. Brown, Terry L. Burgess, William A. Burgoyne, David S. Carman, Dennis J. Christensen, David L. Davis, Darrell B. Dean, Don W. Dotson, Terrance D. Faust, Edgar E. French, Glen T. Garrabrant, Doyle G. Gibson, Elias Gomez Jr., Jose E. Gonzalez, Anthony Grant, Joseph M. Graveline, Johnny C. Hall, William N. Hicks, Robert K. Hodge, William G. Holland, John R. Hughes, Frank Inigarida, Alan L. Johnston, David O. Kaiser Sr., Milena Kekerovic, Mark J. Koscinski, John N. Lanning, Robert C. Leathers, Richard L. Leonard, Calvin E. Lloyd, Roy E. Mathews, Jason B. Mazyck, William F. McCandless Jr., James T. McGraw Jr., Luther A. McKinney, Jose L. Melendez, Carl A. Michel Sr., Clarence M. Miles Jr., Robert A. Moss, Robert A. Murphy, Dennis I. Nelson, Martin D. Ortiz, John J. Partenio, Henry C. Patton, Rance A. Powell, John W. Purcell, Shannon E. Rasmussen, Merlyn L. Rawson, Thomas G. Raymond, James R. Rieck, Daniel J. Schaap, Dennis J. Smith, Garfield A. Smith, Gary L. Spelce, Frederick E. St. John, Daniel R. Viscaya, Michael P. Walsh, Jerry L. Whitefield, and Robert E. Wientjes.

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may grant an exemption for a renewable 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." Accordingly, the FMCSA has evaluated the 65 petitions on their merits and made a determination to grant the exemption requests in 55 of them. On November 3, 2000, the agency published notice of its receipt of applications from these 65 individuals, and requested comments from the public (65 FR 66286). After the agency published its notice of receipt of application, Mr. Mazyck indicated in a conversation with a member of our staff on November 30, 2000, that he had driven a CMV only part of the required 3-year period. The comment period closed on December 4, 2000. Two comments were received, and their contents were carefully considered by the FMCSA in reaching the final decision to grant the petitions.

In the case of applicant Jason B. Mazyck, the FMCSA has denied Mr. Mazyck's request for an exemption from the vision requirements of 49 CFR 391.41(b)(10) because he operated a CMV for only 28½ months of the 3-year review period preceding the date of his application. Thus, we are unable to conclude that granting him an exemption is likely to achieve a level of safety equal to that existing without the exemption, as required by 49 U.S.C. 31315 and 31136(e). By letter dated December 11, 2000, Mr. Mazyck was notified of his denial.

In the case of applicant Wayne A. Anderson, the FMCSA has denied Mr. Anderson's request for an exemption from the vision requirements because the medical reciprocity agreement between the United States and Canada does not permit drivers who do not meet the medical provisions in the National Safety Code of Canada to drive CMVs in the United States, even if they have a waiver issued by one of the Canadian provinces or territories. For additional information on the medical reciprocity agreement between the United States and Canada, see docket, FMCSA–2000–7918. The purpose of publishing their denials here is simply to comply with 49 U.S.C. 31315(b)(4)(c), by periodically publishing in the **Federal Register** the names of persons denied exemptions and the reasons for such denials.

The FMCSA has not made a decision on eight applicants (William A. Burgoyne, Don W. Dotson, Terrance D. Faust, Anthony Grant, William F. McCandless, Jr., José L. Melendez, John J. Partenio, and Thomas G. Raymond). Subsequent to the publication of the notice of application, the agency received additional information from its ongoing checks of these applicants' motor vehicle records, and we are evaluating that information. A decision on these eight petitions will be made in the future.

Vision and Driving Experience of the Applicants

The vision requirement provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber. 49 CFR 391.41(b)(10)

Since 1992, the Federal Highway Administration (FHWA) has undertaken studies to determine if this vision standard should be amended. The final report from our medical panel recommends changing the field of vision standard from 70° to 120°, while leaving the visual acuity standard unchanged. (See Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Paul Aiello, M.D., and James W. Rosenberg, M.D., "Visual Requirements and Commercial Drivers," October 16, 1998, filed in the docket, FHWA–98–4334.) The panel's conclusion supports the FMCSA's (and previously the FHWA's) view that the present standard is reasonable and necessary as a general standard to ensure highway safety. The FMCSA also recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

Fifty-five of the 65 applicants fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, corneal and macular scars, and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but 15 of the 55 applicants were either born with their vision impairments or have had them since childhood. The 15 individuals who sustained their vision conditions as adults have had them for periods ranging from 6 to 30 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye and, in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. The doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and performance tests designed to evaluate their qualifications to operate a CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State. The Federal interstate qualification standards, however, require more.

While possessing a valid CDL or non-CDL, these 55 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualifies them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 3 to 46 years. In the past 3 years, the 55 drivers had 9 convictions for traffic violations among them. Six of these convictions were for speeding. The other convictions consisted of: "Failure to obey directional signal," "Failure to yield right-of-way," and "Failure to obey a sign/traffic control device." Five drivers were involved in accidents in their CMVs, but did not receive a citation. One driver was suspended for failure to maintain required liability insurance, but the State set aside (canceled) the action after his insurance company sent proof that he had maintained his insurance.

The qualifications, experienco, and medical condition of each applicant were stated and discussed in detail in a November 3, 2000, notice (65 FR 66286). Except for one applicant (Jason B. Mazyck), the docket comments did not focus on the specific merits or qualifications of any applicant; therefore, we have not repeated the individual profiles here. The qualifications of Mr. Mazyck are further examined below in the discussion of comments. Our summary analysis of the applicants as a group, excluding Mr. Mazyck, is supported by the information published at 65 FR 66286.

Basis for Exemption Determination

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting these drivers to drive in interstate commerce as opposed to restricting them to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, the FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To be considered for an exemption from the vision standard, the FMCSA requires a person to present verifiable evidence that he or she has driven a commercial vehicle safely with the vision deficiency for 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of accidents and traffic violations. Copies of the studies have been added to the docket. (FHWA–98–3637)

We believe we can properly apply the principle to monocular drivers, because data from the vision waiver program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively. (See 61 FR 13338, 13345, March 26, 1996.) The fact that experienced monocular drivers with good driving records in the waiver program demonstrated their ability to drive safely supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that accident rates for the same individual exposed to certain risks for two different time periods vary only slightly. (See Bates and Neyman, University of California Publications in Statistics, April 1952.) Other studies demonstrated theories of predicting accident proneness from accident history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future accidents. (See Weber, Donald C., "Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process," Journal of American Statistical Association, June 1971.) A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall accident predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 55 applicants receiving an exemption, we note that cumulatively the applicants have had only 6 accidents and 9 traffic violations in the last 3 years. None of the accidents resulted in the issuance of a citation against the applicant. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, the FMCSA concludes their ability to drive safely can be projected into the future.

We believe 55 of the 65 applicants' intrastate driving experience provides an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances are more compact than on highways. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he or she has been performing in intrastate commerce. Consequently, the FMCSA finds that exempting 55 applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the agency will grant the exemptions for the 2-year period allowed by 49 U.S.C. 31315 and 31136(e).

We recognize that the vision of an applicant may change and affect his/her ability to operate a commercial vehicle as safely as in the past. As a condition for the exemption, therefore, the FMCSA will impose requirements on the 55 individuals consistent with the grandfathering provisions applied to drivers who participated in the agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

The FMCSA received two comments in this proceeding. The comments were considered and are discussed below.

Mr. Eugene Scalia, Esq., of Gibson, Dunn & Crutcher LLP, submitted a comment on behalf of United Parcel Service, Inc. (UPS), regarding the application of Mr. Jason B. Mazyck. Mr. Scalia stated that: (1) Mr. Mazyck does not meet the three-year requirement required to qualify for a vision exemption, since he drove only two years and four months during the three-year period preceding his date of application; (2) Mr. Mazyck had not driven for a three-week period during the two years and four months he was driving for the company, and he often worked substantially fewer than 40 hours a week; and (3) Mr. Mazyck's representation that he had been driving a straight truck for approximately four years was derived from his occasional driving as a substitute driver prior to the date he became a package car driver.

The comment from UPS provided no new information bearing on the decision to deny Mr. Mazyck's application. Mr. Mazyck himself had previously reported to the FMCSA, on November 30, 2000, that he had not driven the full three-year period; and the FMCSA has decided to deny his application because he does not have sufficient driving experience over the past three years under normal highway operating conditions that would serve as an adequate predictor of future safe performance. The number of hours he drove per week was not an issue, but to set the record straight, Mr. Mazyck had submitted a letter from UPS with his application, stating, "Our records indicate that you averaged 44.40 hours per week operating commercial vehicles with a gross vehicle weight rating (GVWR) over 10,001 pounds, on public roads."

The Advocates for Highway and Auto Safety (AHAS) expresses continued opposition to the FMCSA's policy to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs), including the driver qualification standards. Specifically, the AHAS: (1) Objects to the manner of presentation of exemption application information and safety analyses, (2) objects to the agency's reliance on conclusions drawn from the vision waiver program, (3) raises procedural objections to past proceedings, (4) claims the agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31315 and 31136(e)), and finally, (5) suggests that a recent Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by the AHAS were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), and 65 FR 57230 (September 21, 2000). We will not address these points again here, but refer interested parties to those earlier discussions. However, the AHAS has raised some new issues, and these are addressed in the following discussion.

The AHAS stated that the FMCSA should consider imposing a sliding scale standard for drivers with little driving experience, holding applicants with relatively low accumulations of mileage and years of experience to a higher safety standard during the three-year review period. The AHAS based this view on two factors: (1) Exposure is frequently used as a means of determining safety, as when the FMCSA uses the fatality rate as a measure of safety progress in truck-related crashes; and (2) greater driving experience would mean the drivers have had more time to adjust to driving with their vision deficiencies.

The AHAS uses this same line of reasoning to argue that there should be a minimum mileage requirement. This issue was addressed in a previous notice (65 FR 57233, September 21, 2000), where the FMCSA stated, "Defining a required minimum mileage for application would enact a spurious screening standard." This statement is based on data taken from the Vision Waiver Program which was shown to have an acceptable level of safety. There, the annual mileage ranged from as little as 1,000 miles to a maximum of 160,000, with 25 percent of the waiver holders driving less than 17,000 miles per year.

The agency also indicated that the accident rate (the number of accidents per some convenient unit of miles driven; for example, per one million miles) of an exempted group is the basis for determining the safety level of a program. Miles driven are an integral part of the safety determination, but not the only part. Miles driven are included with the number of accidents in a statistical model (Poisson regression) to develop an accident rate. Such a framework does not require a minimum amount of mileage for the determination of safety, nor does it suggest that there should be a minimum number of miles that could arbitrarily be used for screening purposes. Rather, the agency's screening criteria require that there is a consistent and ongoing exposure to public roads during the 3-year period as an aspect of employment.

In the earlier notice (65 FR 57233), the FMCSA pointed out that a 3-year screening period for driving records was sufficient to insure an acceptable level of safety. In *John C. Anderson* v. *Federal Highway Administration*, No. 98–3739 (8th Cir. May 1, 2000), the United States Court of Appeals for the Eighth Circuit recently affirmed the agency's 3-year requirement of driving with a vision impairment before being eligible for an exemption. This screening period was used in the Vision Waiver Program which was shown to have a level of safety that was better than the national norm. Moreover, as the AHAS has pointed out, not all States maintain records for more than 3 years. Thus, requiring some drivers to submit 3-year records and others to submit one for longer periods would impose requirements that are clearly arbitrary and capricious.

The AHAS objects to the FMCSA's past practice of making preliminary determinations to grant vision exemptions prior to the issuance of notice and receipt of comments, while expressing hopefulness that the agency's current notice announcing the receipt of applications for a vision exemption, signals a change in agency procedure indicative of "a new spirit of objective evaluation."

We believe, as previously stated at 64 FR 51568 and 64 FR 66962, that the agency's preliminary determinations to grant vision exemptions are analogous to a notice of proposed rulemaking, where the agency evaluates the basis for new or amended regulation and then proposes the new rule. Whether the FMCSA issues a preliminary determination or notice of application, a final determination to grant an exemption is made following careful consideration of all available information, and only after notice and comment. Our preliminary determinations are not "based entirely on self-reported information," as asserted by the AHAS. As previously stated at 65 FR 57234, the information used to determine an applicant's acceptability for an exemption is verified by sources other than the applicant. The 3 years of recent experience prior to application and type of vehicle driven are verified by the applicant's employer(s). The visual capacity of applicants is verified by his/her ophthalmologist or optometrist. The applicant's most recent 3-year driving record is verified through the Commercial Driver License Information System (CDLIS). The CDLIS is checked at the time of initial application and then periodically throughout the application process. When the agency receives additional information from its ongoing checks of applicants' motor vehicle records, this information is thoroughly considered and the determination to grant, or not grant, an exemption is based on *all* information received.

In a supplemental comment to the docket, the AHAS states additional concerns regarding agency reliance on self-reported information. We will not address these concerns again, but refer interested parties to the above discussions regarding Mr. Mazyck's application for an exemption and the agency's process for verification of information used to determine an applicant's acceptability for an exemption.

Notwithstanding the FMCSA's ongoing review of the vision standard, as evidenced by the medical panel's report dated October 16, 1998, and filed in this docket, the FMCSA must comply with *Rauenhorst* v. *United States Department of Transportation, Federal Highway Administration*, 95 F.3d 715 (8th Cir. 1996), and grant individual exemptions under standards that are consistent with public safety. Meeting those standards, the 55 veteran drivers in this case have demonstrated to our satisfaction that they can continue to operate a CMV with their current vision safely in interstate commerce, because they have demonstrated their ability in intrastate commerce. Accordingly, they qualify for an exemption under 49 U.S.C. 31315 and 31136(e).

Conclusion

After considering the comments to the docket and based upon its evaluation of the 55 exemption applications in accordance with the Rauenhorst decision, the FMCSA exempts Henry Ammons Jr., Glenn A. Babcock Jr., Bobby J. Beall, Robert D. Bonner, James F. Bower, Ben T. Brown, Terry L. Burgess, David S. Carman, Dennis J. Christensen, David L. Davis, Darrell B. Dean, Edgar E. French, Glen T. Garrabrant, Doyle G. Gibson, Elias Gomez Jr., Jose E. Gonzalez, Joseph M. Graveline, Johnny C. Hall, William N. Hicks, Robert K. Hodge, William G. Holland, John R. Hughes, Frank Inigarida, Alan L. Johnston, David O. Kaiser Sr., Milena Kekerovic, Mark J. Koscinski, John N. Lanning, Robert C. Leathers, Richard L. Leonard, Calvin E. Lloyd, Roy E. Mathews, James T. McGraw Jr., Luther A. McKinney, Carl A. Michel Sr., Clarence M. Miles Jr., Robert A. Moss, Robert A. Murphy, Dennis I. Nelson, Martin D. Ortiz, Henry C. Patton, Rance A. Powell, John W. Purcell, Shannon E. Rasmussen, Merlyn L. Rawson, James R. Rieck, Daniel J. Schaap, Dennis J. Smith, Garfield A. Smith, Gary L. Spelce, Frederick E. St. John, Daniel R. Viscaya, Michael P. Walsh, Jerry L. Whitefield, and Robert E. Wientjes from the vision requirement in 49 CFR 391.41(b)(10), subject to the following conditions:

(1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, so it may be presented to a duly authorized Federal, State, or local enforcement official.

In accordance with 49 U.S.C. 31315 and 31136(e), each exemption will be valid for 2 years unless revoked earlier by the FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136. If the exemption is still effective at the end of the 2-year period, the person may apply to the FMCSA for a renewal under procedures in effect at that time.

Authority: 49 U.S.C. 322, 31315 and 31136; 49 CFR 1.73.

Issued on: February 28, 2001.

Stephen E. Barber,

Acting Assistant Administrator and Chief Safety Officer.

[FR Doc. 01–5480 Filed 3–6–01; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Guidance to Federal Financial Assistance Recipients on the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

AGENCY: Department of the Treasury.

ACTION: Notice.

SUMMARY: The United States Department of the Treasury is publishing policy guidance on Title VI's prohibition against national origin discrimination as it affects limited English proficient persons.

DATES: This guidance is effective immediately. Comments must be submitted on or before May 7, 3001. Treasury will review all comments and will determine what modifications to the policy guidance, if any, are necessary.

ADDRESSES: Interested persons should submit written comments to Ms. Marcia H. Coates, Director, Office of Equal Opportunity Program, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Room 6071 Metropolitan Square, Washington, D.C. 20220; Comments may also be submitted by e-mail to: OEOPWEB@do.treas.gov.

FOR FURTHER INFORMATION CONTACT: John Hanberry at the Office of Equal Opportunity Program, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Room 6071 Metropolitan Square, Washington, D.C. 20220; (202) 622–1170 voice, (202) 622–0321 TTY, (202) 622–0367 fax. Arrangements to receive the policy in an alternative format may be made by contacting Mr. Hanberry.

SUPPLEMENTARY INFORMATION: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. The purpose of this policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of the Treasury ("recipients"), and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. The policy guidance reiterates the Federal government's longstanding position that in order to avoid discrimination against LEP persons on the grounds of national origin, recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information those recipients provide, free of charge.

The text of the complete guidance document appears below.

Dated: February 22, 2001.

James J. Flyzik,

Acting Assistant Secretary for Management and Chief Information Officer, United States Department of the Treasury.

Policy Guidance

A. Background

On August 11, 2000, President Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The purpose of this Executive Order is to eliminate to the maximum extent possible limited English proficiency (LEP) as an artificial barrier to full and meaningful participation in all federally *assisted* programs and activities.

The EO requires that federal agencies draft Title VI guidance specifically tailored to their recipients of federal financial assistance, taking into account the types of services provided, the individuals served, and the programs and activities assisted to ensure that recipients provide meaningful access to their LEP applicants and beneficiaries. To assist federal agencies in carrying out these responsibilities, the Department of Justice (DOJ) issued a Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency (LEP Guidance)". DOJ's LEP Guidance sets forth the compliance standards that recipients of federal financial assistance must follow to ensure that programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI.

This document contains guidance to recipients of financial assistance from the Department and its constituent bureaus. It is consistent with DOJ's policy guidance and provides recipients of Treasury assistance the necessary tools to assure language assistance to LEP persons. It is also consistent with the government-wide Title VI regulation issued by DOJ in 1976, "Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs," 28 CFR Part 42, Subpart F, that addresses the circumstances in which recipients must provide written language assistance to LEP persons.[1] This guidance will be provided to all recipients of Treasury assistance to ensure compliance with the nondiscrimination provisions of Title VI as it applies to language proficiency.

B. Introduction

English is the predominant language of the United States. According to the 1990 Census, English is spoken by 95% of its residents. Of those U.S. residents who speak languages other than English at home, the 1990 Census reports that 57% above the age of four speak English "well to very well."

The United States is also, however, home to millions of national origin minority individuals who are "limited English proficient" (LEP). That is, their primary language is not English, and they cannot speak, read, write or understand the English language at a level that permits them to interact effectively. Because of these language differences and their inability to speak or understand English, LEP persons may be excluded from participation, experience delays or denials of services, or receive services based on inaccurate or incomplete information in Treasury assisted programs.

Some recipients have sought to bridge the language gap by encouraging language minority clients to provide their own interpreters as an alternative to the agency's use of qualified bilingual employees or interpreters. Persons of limited English proficiency must sometimes rely on their minor children to interpret for them during visits to a service facility. Alternatively, these clients may be required to call upon neighbors or even strangers they encounter at the provider's office to act as interpreters or translators. These practices have severe drawbacks and may violate Title VI of the Civil Rights Act of 1964. (*See* Section D.6.(a) of this notice.)

In each case, the impediments to effective communication and adequate service are formidable. The client's untrained "interpreter" is often unable to understand the concepts or official terminology he or she is being asked to interpret or translate. Even if the interpreter possesses the necessary language and comprehension skills, his or her mere presence may obstruct the flow of confidential information to the provider. For example, clients of an IRS Taxpayer Clinic would naturally be reluctant to disclose or discuss personal details concerning their taxes, through relatives, minor children, or friends, in this IRS assisted program.

When these types of circumstances are encountered, the level and quality of services available to persons of limited English proficiency stand in stark contrast to Title VI's promise of equal access to federally assisted programs and activities. Services denied, delayed or provided under adverse circumstances for an LEP person may constitute discrimination on the basis of national origin, in violation of Title VI. Numerous federal laws require the provision of language assistance to LEP individuals seeking to access critical services and activities. For instance, the Voting Rights Act bans English-only elections in certain circumstances and outlines specific measures that must be taken to ensure that language minorities can participate in elections. *See* 42 U.S.C. 1973 b(f)(1). Similarly, the Food Stamp Act of 1977 requires states to provide written and oral language assistance to LEP persons under certain circumstances. 42 U.S.C. 2020(e)(1) and (2). These and other provisions reflect the judgment that providers of critical services and benefits bear the responsibility for ensuring that LEP individuals can meaningfully access their programs and services.

C. Legal Authority

1. Introduction

Over the last 30 years, federal agencies have conducted thousands of investigations and reviews involving language differences that impede the access of LEP persons to services. Where the failure to accommodate language differences discriminates on the basis of national origin, federal law has required recipients to provide appropriate language assistance to LEP persons. For example, one of the largest providers of federal financial assistance, the Department of Health and Human Services (HHS) has entered into voluntary compliance agreements and consent decrees that require recipients who operate health and social service programs to ensure that there are bilingual employees or language interpreters to meet the needs of LEP persons seeking HHS services. HHS has also required these recipients to provide written materials and post notices in languages other than English. *See Mendoza* v. *Lavine*, 412 F.Supp. 1105 (S.D.N.Y. 1976); and *Asociacion Mixta Progresista* v. *H.E.W.*, Civil Number C72–882 (N.D. Cal. 1976). The legal authority for Treasury's enforcement actions is Title VI of the Civil Rights Act of 1964, DOJ's government-wide implementing regulation for Executive Order 12250, the August 11, 2000 DOJ LEP Guidance, and a consistent body of case law, which are described below.

2. Statute and Regulation

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. section 2000d *et seq.* states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Treasury is in the process of drafting its own Title VI regulations consistent with the model regulations provided by DOJ, which require that:

(a) A recipient under any program to which these regulations apply, may not, directly or through contractual or other arrangements, on grounds of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(b) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program or the class of individuals to whom, or the situations in which such services, financial aid or other benefits, or facilities will be provided * * * *may not directly, or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination, because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular, race, color or national origin.*" (Emphasis added.)

3. Case Law

Extensive case law affirms the obligation of recipients of federal financial assistance to ensure that LEP persons can meaningfully access federally assisted programs.

The U.S. Supreme Court, in *Lau* v. *Nichols*, 414 U.S. 563 (1974), recognized that recipients of federal financial assistance have an affirmative responsibility, pursuant to Title VI, to provide LEP persons with a meaningful opportunity to participate in public programs. In *Lau*, the Supreme Court ruled that a public school system's failure to provide English language instruction to students of Chinese ancestry who do not speak English denied the students a meaningful opportunity to participate in a public educational program in violation of Title VI of the Civil Rights Act of 1964.

As early as 1926, the Supreme Court recognized that language rules were often discriminatory. In *Yu Cong Eng et al.* v. *Trinidad, Collector of Internal Revenue*, 271 U.S. 500 (1926), the Supreme Court found that a Philippine Bookkeeping Act that prohibited the keeping of accounts in languages other than English, Spanish and Philippine dialects violated the Philippine Bill of Rights that Congress had patterned after the U.S. Constitution. The Court found that the Act deprived Chinese merchants, who were unable to read, write or understand the required languages, of liberty and property without due process. In *Gutierrez* v. *Municipal Court of S.E. Judicial District*, 838 F.2d 1031,1039 (9th Cir. 1988), *vacated as moot*, 490 U.S. 1016 (1989), the court recognized that requiring the use of English only is often used to mask national origin discrimination. Citing McArthur, *Worried About Something Else*, 60 Int'l J. Soc. Language, 87, 90–91 (1986), the court stated that because language and accents are identifying characteristics, rules that have a negative effect on bilingual persons, individuals with accents, or non-English speakers may be mere pretexts for intentional national origin discrimination.

Another case that noted the link between language and national origin discrimination is *Garcia* v. *Gloor*, 618 F.2d 264 (5th Cir. 1980) *cert. denied*, 449 U.S. 1113 (1981). The court found that on the facts before it a workplace English-only rule did not discriminate on the basis of national origin since the complaining employees were bilingual. However, the court stated that "to a person who speaks only one tongue or to a person who has difficulty using another language other than the one spoken in his home, language might well be an immutable characteristic like skin color, sex or place of birth." *Id.* at 269.

The Fifth Circuit addressed language as an impermissible barrier to participation in society in *U.S.* v. *Uvalde Consolidated Independent School District*, 625 F.2d 547 (5th Cir. 1980). The court upheld an amendment to the Voting Rights Act which addressed concerns about language minorities, the protections they were to receive, and eliminated discrimination against them by prohibiting English-only elections.

Most recently, in *Sandoval* v. *Hagan*, 7 F. Supp. 2d 1234 (M.D. Ala. 1998), *affirmed*, 197 F.3d 484, (11th Cir. 1999), *petition for certiorari granted, Alexander* v. *Sandoval* 121 S. Ct. 28 (Sept. 26, 2000)(No. 99–1908), the Eleventh Circuit held that the State of Alabama's policy of administering a driver's license examination in English only was a facially neutral practice that had an adverse effect on the basis of national origin, in violation of Title VI. The court specifically noted the nexus between language policies and potential discrimination based on national origin. That is, in *Sandoval*, the vast majority of individuals who were adversely affected by Alabama's English-only driver's license examination policy were national origin minorities.

4. Department of Justice August 11, 2000 LEP Guidance

This Guidance is issued in compliance with EO 13166 and its requirement that agencies providing federal financial assistance provide guidance to recipients that is consistent with DOJ's August 11, 2000 LEP Guidance. That Guidance sets forth the compliance standards that recipients of federal financial assistance must follow to ensure that programs and activities are meaningfully accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI. A recipient's policies or practices regarding the provision of benefits and services to LEP persons need not be intentional to be discriminatory, but may constitute a violation of Title VI if they have an adverse effect on the ability of national origin minorities to meaningfully access programs and services. Accordingly, it is important for recipients to examine their policies and practices to determine whether they adversely affect LEP persons. This policy guidance provides a legal framework to assist recipients in conducting such assessments.

D. Policy Guidance

1. Coverage

All entities that receive federal financial assistance from Treasury either directly or indirectly, through a grant, contract or subcontract, are covered by this policy guidance. The term "federal financial assistance" to which Title VI applies includes but is not limited to grants and loans of federal funds, grants or donations of federal property, details of federal personnel, or any agreement, arrangement or other contract which has as one of its purposes the provision of assistance.

Title VI prohibits discrimination in any program or activity that receives federal financial assistance. What

[1] The DOJ coordination regulations at 28 CFR 42.405(d)(1) provide that "[w]here a significant number or proportion of the population eligible to be served or likely to be directly affected by a federally assisted program (e.g., affected by relocation) needs service or information in a language other than English in order effectively to be informed of or to participate in the program, the recipient shall take reasonable steps, considering the scope of the program and the size and concentration of such population, to provide information in appropriate languages to such persons. This requirement applies with regard to written material of the type which is ordinarily distributed to the public."

constitutes a program or activity covered by Title VI was clarified by Congress in 1988, when the Civil Rights Restoration Act of 1987 (CRRA) was enacted. The CRRA provides that, in most cases, when a recipient receives federal financial assistance for a particular program or activity, all operations of the recipient are covered by Title VI, not just the part of the program that uses the federal assistance. Thus, all parts of the recipient's operations would be covered by Title VI, even if the federal assistance is used only by one part.

2. Basic Requirements Under Title VI

A recipient whose policies, practices, or procedures exclude, limit, or have the effect of excluding or limiting, the participation of any LEP person in a federally assisted program on the basis of national origin may be engaged in discrimination in violation of Title VI. In order to ensure compliance with Title VI, recipients must take steps to ensure that LEP persons who are eligible for their programs or services have meaningful access to the services, information, and benefits that they provide. The most important step in meeting this obligation is for recipients of Treasury financial assistance to provide the language assistance necessary to ensure such access, at no cost to the LEP person.

The type of language assistance a recipient/covered entity provides to ensure meaningful access will depend on a variety of factors, including the total resources and size of the recipient/covered entity, the number or proportion of the eligible LEP population it serves, the nature and importance of the program or service, including the objectives of the program, the frequency with which particular languages are encountered, and the frequency with which LEP persons come into contact with the program. These factors are consistent with and incorporate the standards set forth in the Department of Justice "Policy Guidance Document: on Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency (LEP Guidance)," reprinted at 65 FR 50123 (August 16, 2000). There is no "one size fits all" solution for Title VI compliance with respect to LEP persons. Treasury will make its assessment of the language assistance needed to ensure meaningful access on a case by case basis, and a recipient will have considerable flexibility in determining precisely how to fulfill this obligation. Treasury will focus on the end result—whether the recipient has taken the necessary steps to ensure that LEP persons have meaningful access to its programs and services.

The key to providing meaningful access for LEP persons is to ensure that the recipient and LEP person can communicate effectively. The steps taken by a covered entity must ensure that the LEP person is given adequate information, is able to understand the services and benefits available, and is able to receive those for which he or she is eligible. The covered entity must also ensure that the LEP person can effectively communicate the relevant circumstances of his or her situation to the service provider.

Experience has shown that effective language assistance programs usually contain the four measures described in Section 4 below. In reviewing complaints and conducting compliance reviews, Treasury will consider a program to be in compliance when the recipient effectively incorporates and implements these four elements. The failure to incorporate or implement one or more of these elements does not necessarily mean noncompliance with Title VI, and Treasury will review the totality of the circumstances to determine whether LEP persons can meaningfully access the services and benefits of the recipient.

3. State or Local "English-Only" Laws

State or local "English-only" laws do not change the fact that recipients cannot discriminate in violation of Title VI. Entities in states and localities with "English-only" laws do not have to accept federal funding. However, if they do, they have to comply with Title VI, including its prohibition against national origin discrimination by recipients.

4. Ensuring Meaningful Access to LEP Persons

(a) The Four Keys to Title VI Compliance in the LEP Context

The key to providing meaningful access to benefits and services for LEP persons is to ensure that the language assistance provided results in accurate and effective communication between the provider and LEP applicant/client about the types of services and/or benefits available and about the applicant's or client's circumstances. Although Treasury recipients have considerable flexibility in fulfilling this obligation, effective programs usually have the following four elements:

- Assessment—The recipient conducts a thorough assessment of the language needs of the population to be served;
- Development of Comprehensive Written Policy on Language Access—The recipient develops and implements a comprehensive written policy that will ensure meaningful communication;
- Training of Staff—The recipient takes steps to ensure that staff understand the policy and are capable of carrying it out; and
- Vigilant Monitoring—The recipient conducts regular oversight of the language assistance program to ensure that LEP persons meaningfully access the program.

If implementation of one or more of these measures would be so financially burdensome as to defeat the legitimate objectives of a recipient's program, or if the recipient utilizes an equally effective alternative for ensuring that LEP persons have meaningful access to programs and services, Treasury will not find the recipient in noncompliance. However, recipients should gather and maintain documentation to substantiate any assertion of financial burden.

(b) Assessment

The first key to ensuring meaningful access is for the recipient to assess the language needs of the eligible population. A recipient assesses language needs by identifying:

- the number and proportion of LEP persons eligible to be served or encountered by the recipient, the frequency of contact with LEP language groups, the nature or importance of the activity, benefit, or service, and the resources of the recipient.
- the points of contact in the program or activity where language assistance is likely to be needed.
- the resources that will be needed to provide effective language assistance.
- the location and availability of these resources.
- the arrangements that must be made to access these resources in a timely fashion.

(c) Development of Comprehensive Written Policy on Language Access

A recipient can ensure effective communication by developing and implementing a comprehensive written language assistance program. This program should include: policies and procedures for identifying and assessing the language needs of its LEP applicants/clients; a range of oral language assistance options; notice to LEP persons in a language they can understand of the right to free language assistance; periodic training of staff; monitoring of the program; and

translation of written materials in certain circumstances.[2]

(1) *Oral Language Interpretation*—In designing an effective language assistance program, a recipient should develop procedures for obtaining and providing trained and competent interpreters and other oral language assistance services, in a timely manner, by taking some or all of the following steps:

- hiring bilingual staff who are trained and competent in the skill of interpreting;
- hiring staff interpreters who are trained and competent in the skill of interpreting;
- contracting with an outside interpreter service for trained and competent interpreters;
- arranging formally for the services of voluntary community interpreters who are trained and competent in the skill of interpreting;
- arranging/contracting for the use of a telephone language interpreter service.

See Section D.6.(b) of this notice for a discussion on "Competence of Interpreters."

The following provides guidance to recipients in determining which language assistance options will be of sufficient quantity and quality to meet the needs of their LEP beneficiaries:

- Bilingual Staff—Hiring bilingual staff for client contact positions facilitates participation by LEP persons. However, where there are a variety of LEP language groups in a recipient's service area, this option may be insufficient to meet the needs of all LEP applicants and clients. Where this option is insufficient to meet the needs, the recipient must provide additional and timely language assistance. Bilingual staff must be trained and must demonstrate competence as interpreters.
- Staff Interpreters—Paid staff interpreters are especially appropriate where there is a frequent and/or regular need for interpreting services. These persons must be competent and readily available.
- Contract Interpreters—The use of contract interpreters may be an option for recipients that have an infrequent need for interpreting services, have less common LEP language groups in their service areas, or need to supplement their in-house capabilities on an as-needed basis. Such contract interpreters must be readily available and competent.
- Community Volunteers—Use of community volunteers may provide recipients with a cost-effective method for providing interpreter services. However, experience has shown that to use community volunteers effectively, recipients must ensure that formal arrangements for interpreting services are made with community organizations so that these organizations are not subjected to *ad hoc* requests for assistance. In addition, recipients must ensure that these volunteers are competent as interpreters and understand their obligation to maintain client confidentiality. Additional language assistance must be provided where competent volunteers are not readily available during all hours of service.
- Telephone Interpreter Lines—A telephone interpreter service line may be a useful option as a supplemental system, or may be useful when a recipient encounters a language that it cannot otherwise accommodate. Such a service often offers interpreting assistance in many different languages and usually can provide the service in quick response to a request. However, recipients should be aware that such services may not always have readily available interpreters who are familiar with the terminology peculiar to the particular program or service. It is important that a recipient not offer this as the only language assistance option except where other language assistance options are unavailable.

(2) *Translation of Written Materials*—An effective language assistance program ensures that written materials that are routinely provided in English to applicants, clients and the public are available in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated. A document will be considered vital if it contains information that is critical for accessing the services, rights, and/or benefits, or is required by law. Thus, vital documents include, for example, applications; consent forms; letters and notices pertaining to the reduction, denial or termination of services or benefits; and letters or notices that require a response from the beneficiary or client. For instance, if a complaint form is necessary in order to file a claim with an agency, that complaint form would be vital information. Non-vital information includes documents that are not critical to access such benefits and services.

As part of its overall language assistance program, a recipient must develop and implement a plan to provide written materials in languages other than English where a significant number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively. (*See* 28 CFR 42.405(d)(1)). Treasury will determine the extent of the recipient's obligation to provide written translation of documents on a case by case basis, taking into account all relevant circumstances, including: (1) The nature, importance, and objective of the particular activity, program, or service; (2) the number or proportion of LEP persons eligible to be served or encountered by the recipient; (3) the frequency with which translated documents are needed; and (4) the total resources available to the recipient as compared to the length of the document and cost of translation.

One way for a recipient to know with greater certainty that it will be found in compliance with its obligation to provide written translations in languages other than English is for the recipient to meet the guidelines outlined in paragraphs (A) and (B) below, which outline the circumstances that provide a "safe harbor" for recipients. A recipient that provides written translations under these circumstances can be confident that it will be found in compliance with its obligation under Title VI regarding written translations.[3] However, the failure to provide written translations under these circumstances outlined in paragraphs (A) and (B) will not necessarily mean noncompliance with Title VI.

In such situations, Treasury will review the totality of the circumstances to determine the precise nature of a recipient's obligation to provide written materials in languages other than English as indicated earlier.

Treasury will consider a recipient to be in compliance with its Title VI obligation to provide written materials in non-English languages if:

(A) The recipient provides translated written materials, including vital

[1] The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 both provide similar prohibitions against discrimination on the basis of disability and require entities to provide language assistance such as sign language interpreters for hearing impaired individuals or alternative formats such as Braille, large print or tape for vision impaired individuals. In developing a comprehensive language assistance program, recipients should be mindful of their responsibilities under the ADA and Section 504 to ensure access to programs for individuals with disabilities.

[3] The "safe harbor" provisions are not intended to establish numerical thresholds for when a recipient must translate documents. The numbers and percentages included in these provisions are based on the balancing of a number of factors, including experience in enforcing Title VI in the context of Treasury programs, and Treasury's discussions with other agencies about experiences of their grant recipients with language access issues.

documents, for each eligible LEP language group that constitutes ten percent or 3,000, whichever is less, of the population of persons eligible to be served or likely to be directly affected by the recipient's program;[4]

(B) Regarding LEP language groups that do not fall within paragraph (A) above, but constitute five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be directly affected, the recipient ensures that, at a minimum, vital documents are translated into the appropriate non-English languages of such LEP persons. Translation of other documents, if needed, can be provided orally; and

(C) Notwithstanding paragraphs (A) and (B) above, a recipient with fewer than 100 persons in a language group eligible to be served or likely to be directly affected by the recipient's program, does not translate written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral translation of written materials.

The term "persons eligible to be served or likely to be directly affected" relates to the issue of what is the recipient's service area for purposes of meeting its Title VI obligation. There is no "one size fits all" definition of what constitutes "persons eligible to be served or likely to be directly affected" and Treasury will address this issue on a case by case basis. Ordinarily, these persons are those who are in the geographic area that has been approved by a federal grant agency as the recipient's service area. Thus, for language groups that do not fall within paragraphs (A) and (B), above, a recipient can ensure access by providing written notice in the LEP person's primary language of the right to receive free language assistance.

Recent technological advances have made it easier for recipients to store translated documents readily. At the same time, Treasury recognizes that recipients in a number of areas, such as many large cities, regularly serve LEP persons from many different areas of the world who speak dozens of different languages. It would be unduly burdensome to demand that recipients in these circumstances translate all written materials into these languages. As a result, Treasury will determine the extent of the recipient's obligation to provide written translations of documents on a case by case basis, looking at the totality of the circumstances.

It is also important to ensure that the person translating the materials is well qualified. In addition, in some circumstances verbatim translation of materials may not accurately or appropriately convey the substance of what is contained in the written materials. An effective way to address this potential problem is to reach out to community-based organizations to review translated materials to ensure that they are accurate and easily understood by LEP persons.

(3) *Methods for Providing Notice to LEP Persons*—A vital part of a well-functioning compliance program includes having effective methods for notifying LEP persons of their right to language assistance and the availability of such assistance free of charge. These methods include but are not limited to:

- Use of language identification cards that allow LEP persons to identify their language needs to staff. To be effective, the cards (*e.g.*, "I speak" cards) must invite the LEP person to identify the language he/she speaks.
- Posting and maintaining signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of entry. To be effective, these signs must inform LEP persons of their right to free language assistance services and invite them to identify themselves as persons needing such services.
- Translation of application forms and instructional, informational and other written materials into appropriate non-English languages by competent translators. For LEP persons whose language does not exist in written form, assistance from an interpreter to explain the contents of the document.
- Uniform procedures for timely and effective telephone communication between staff and LEP persons. This must include instructions for English-speaking employees to obtain assistance from interpreters or bilingual staff when receiving calls from or initiating calls to LEP persons.
- Inclusion of statements about the services available and the right to free language assistance services, in appropriate non-English languages, in brochures, booklets, outreach and recruitment information, and other materials that are routinely disseminated to the public.

(d) Training of Staff

Another vital element in ensuring that its policies are followed is a recipient's dissemination of its policy to all employees likely to have contact with LEP persons, and periodic training of these employees. Effective training ensures that employees are knowledgeable and aware of LEP policies and procedures, are trained to work effectively with in-person and telephone interpreters, and understand the dynamics of interpretation between clients, providers and interpreters. It is important that this training be part of the orientation for new employees and that all employees in client contact positions be properly trained. Recipients may find it useful to maintain a training registry that records the names and dates of employees' training. Effective training is one means of ensuring that there is not a gap between a recipient's written policies and procedures, and the actual practices of employees who are in the front lines interacting with LEP persons.

(e) Monitoring and Updating the LEP policy

Recipients should always consider whether new documents, programs, services, and activities need to be made accessible for LEP individuals. They should then provide needed language services and notice of those services to the LEP public and to employees. In addition, Treasury recipients should evaluate their entire language policy at least every three years. One way to evaluate the LEP policy is to seek feedback from the community. Recipients should assess:

- Current LEP populations in service area.
- Current communication needs of LEP individuals encountered by the program.
- Whether existing assistance is meeting the needs of such persons.
- Whether staff knows and understands the LEP policy and how to implement it.
- Whether identified sources for assistance are still available and viable.

5. Treasury's Assessment of Meaningful Access

The failure to take all of the steps outlined in Section D (4), above, will not necessarily mean that a recipient has failed to provide meaningful access to LEP clients. The following are examples of how meaningful access will be assessed by Treasury:

- A small recipient has about 50 LEP Hispanic clients and a small number of employees, and asserts that he cannot afford to hire bilingual staff, contract with a professional interpreter service, or translate written documents. To accommodate the language needs of LEP clients, the recipient has made arrangements with a Hispanic community organization for trained and competent volunteer interpreters, and with a telephone interpreter language line, to interpret during consultations and to orally translate written documents. There have been no client complaints of inordinate delays or other service related problems with respect to LEP clients. Given the resources, the size of the staff, and the size of the LEP population, Treasury would find this recipient in compliance with Title VI.
- A recipient with a large budget serves 500,000 beneficiaries. Of the beneficiaries eligible for services, 3,500 are LEP Chinese persons, 4,000 are LEP Hispanic persons, 2,000 are LEP Vietnamese persons and about 400 are LEP Laotian persons. The recipient has no policy regarding language assistance to LEP persons, and LEP clients are told to bring their own interpreters, are provided with application and consent forms in English and if unaccompanied by their own interpreters, must solicit the help of other clients or must return at a later date with an interpreter. Given the size of this program, its resources, the size of the eligible LEP population, and the nature of the program, Treasury would likely find this recipient in violation of Title VI and would likely require it to develop a comprehensive language assistance program that includes all of the options discussed in Section D.4. above.

6. Interpreters

Two recurring issues in the area of interpreter services involve (a) the use of friends, family, or minor children as interpreters, and (b) the need to ensure that interpreters are competent.

(a) Use of Friends, Family and Minor Children as Interpreters

A recipient may expose itself to liability under Title VI if it requires, suggests, or encourages an LEP person to use friends, minor children, or family members as interpreters, as this could compromise the effectiveness of the service. Use of such persons could result in a breach of confidentiality or reluctance on the part of individuals to reveal personal information critical to their situations. In addition, family and friends usually are not competent to act as interpreters, since they are often insufficiently proficient in both languages, unskilled in interpretation, and unfamiliar with specialized terminology.

If after a recipient informs an LEP person of the right to free interpreter services, the person declines such services and requests the use of a family member or friend, the recipient may use the family member or friend, if the use of such a person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The recipient should document the offer and decline in the LEP person's file. Even if an LEP person elects to use a family member or friend, the recipient should suggest that a trained interpreter sit in on the encounter to ensure accurate interpretation.

(b) Competence of Interpreters

In order to provide effective services to LEP persons, a recipient must ensure that it uses persons who are competent to provide interpreter services. Competency does not necessarily mean formal certification as an interpreter, though certification is helpful. On the other hand, competency requires more than self-identification as bilingual. The competency requirement contemplates demonstrated proficiency in both English and the other language, orientation and training that includes the skills and ethics of interpreting (e.g., issues of confidentiality), fundamental knowledge in both languages of any specialized terms, or concepts peculiar to the recipient's program or activity, sensitivity to the LEP person's culture and a demonstrated ability to convey information in both languages, accurately. A recipient must ensure that those persons it provides as interpreters are trained and demonstrate competency as interpreters.

7. Examples of Prohibited Practices

Listed below are examples of practices which may violate Title VI:

- Providing services to LEP persons that are more limited in scope or are lower in quality than those provided to other persons, or placing greater burdens on LEP than on non-LEP persons;
- Subjecting LEP persons to unreasonable delays in the delivery of services, or the provision of information on rights;
- Limiting participation in a program or activity on the basis of English proficiency;
- Failing to inform LEP persons of the right to receive free interpreter services and/or requiring LEP persons to provide their own interpreter.

E. Promising Practices

In meeting the needs of their LEP clients, some recipients have found unique ways of providing interpreter services and reaching out to the LEP community. Examples of promising practices include the following:

Language Banks—In several parts of the country, both urban and rural, community organizations and providers have created community language banks that train, hire and dispatch competent interpreters to participating organizations, reducing the need to have on-staff interpreters for low demand languages. These language banks are frequently nonprofit and charge reasonable rates.

Pamphlets—A recipient has created pamphlets in several languages, entitled "While Awaiting the Arrival of an Interpreter." The pamphlets are intended to facilitate basic communication between clients and staff. They are not intended to replace interpreters but may aid in increasing the comfort level of LEP persons as they wait for services.

Use of Technology—Some recipients use their internet and/or intranet capabilities to store translated documents online. These documents can be retrieved as needed.

Telephone Information Lines—Recipients have established telephone information lines in languages spoken by frequently encountered language groups to instruct callers, in the non-English languages, on how to leave a recorded message that will be answered by someone who speaks the caller's language.

Signage and Other Outreach—Other recipients have provided information about services, benefits, eligibility requirements, and the availability of free language assistance, in appropriate languages by (a) posting signs and placards with this information in public places such as grocery stores, bus shelters and subway stations; (b) putting notices in newspapers, and on radio and television stations that serve LEP groups; (c) placing flyers and signs in the offices of community-based organizations that serve large populations of LEP persons; and (d) establishing information lines in appropriate languages.

F. Model Plan

The following example of a model language assistance program may be useful for recipients in developing their plans. The plan incorporates a variety of options and methods for providing meaningful access to LEP individuals:

- A formal written language assistance program.
- Identification and assessment of the languages that are likely to be encountered and estimating the number of LEP persons that are eligible for services and that are likely to be affected by its program through a review of census and client utilization data and data from school systems and community agencies and organizations.

[4] See Section D.4.(c)(2) above for a description of vital documents. Large documents, such as enrollment handbooks, may not need to be translated in their entirety. However, vital information contained in large documents must be translated.

- Posting of signs in lobbies and in other waiting areas, in several languages, informing applicants and clients of their right to free interpreter services and inviting them to identify themselves as persons needing language assistance.
- Use of "I speak" cards by intake workers and other contact personnel so that they can identify their primary languages.
- Keeping the language of the LEP person in his/her record if such a record would normally be kept for non-LEP persons so that all staff can identify the language assistance needs of the client.
- Employment of a sufficient number of staff, bilingual in appropriate languages, in client contact positions. These persons must be trained and competent as interpreters.
- Contracts with interpreting services that can provide competent interpreters in a wide variety of languages, in a timely manner.
- Formal arrangements with community groups for competent and timely interpreter services by community volunteers.
- An arrangement with a telephone language interpreter line.
- Translation of application forms, instructional, informational and other key documents into appropriate non-English languages. Provision of oral interpreter assistance with documents, for those persons whose language does not exist in written form.
- Procedures for effective telephone communication between staff and LEP persons, including instructions for English-speaking employees to obtain assistance from bilingual staff or interpreters when initiating or receiving calls from LEP persons.
- Notice to and training of all staff, particularly client contact staff, with respect to the recipient's Title VI obligation to provide language assistance to LEP persons, and on the language assistance policies and the procedures to be followed in securing such assistance in a timely manner.
- Insertion of notices, in appropriate languages, about the right of LEP applicants and clients to free interpreters and other language assistance, in brochures, pamphlets, manuals, and other materials disseminated to the public and to staff.
- Notice to the public regarding the language assistance policies and procedures, and notice to and consultation with community organizations that represent LEP language groups, regarding problems and solutions, including standards and procedures for using their members as interpreters.
- Adoption of a procedure for the resolution of complaints regarding the provision of language assistance; and for notifying clients of their right to and how to file a complaint under Title VI with Treasury.
- Appointment of a senior level employee to coordinate the language assistance program, and assurance that there is regular monitoring of the program.

G. Compliance and Enforcement

Treasury will enforce recipients' responsibilities to LEP beneficiaries through procedures provided for in Title VI regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance. Treasury will always provide recipients with the opportunity to come into voluntary compliance prior to initiating formal enforcement proceedings.

In determining compliance with Title VI, Treasury's concern will be whether the recipient's policies and procedures allow LEP persons to overcome language barriers and participate meaningfully in programs, services and benefits. A recipient's appropriate use of the methods and options discussed in this guidance will be viewed by Treasury as evidence of a recipient's intent to comply with Title VI.

H. Complaint Process

Anyone who believes that he/she has been discriminated against because of race, color or national origin in violation of Title VI may file a complaint with Treasury within 180 days of the date on which the discrimination took place. The following information should be included:

- Your name and address (a telephone number where you may be reached during business hours is helpful, but not required);
- A general description of the person(s) or class of persons injured by the alleged discriminatory act(s);
- The name and location of the organization or institution that committed the alleged discriminatory act(s);
- A description of the alleged discriminatory act(s) in sufficient detail to enable the Office of Equal Opportunity Program (OEOP) to understand what occurred, when it occurred, and the basis for the alleged discrimination.
- The letter or form must be signed and dated by the complainant or by someone authorized to do so on his or her behalf.

A recipient may not retaliate against any person who has made a complaint, testified, assisted or participated in any manner in an investigation or proceeding under the statutes governing federal financial assistance programs.

Civil rights complaints should be filed with: Department of the Treasury, Office of Equal Opportunity Program 1500 Pennsylvania Avenue, NW, Room 6071 Metropolitan Square, Washington, DC 20220.

I. Technical Assistance

Treasury and its bureaus will provide technical assistance to recipients, and will continue to be available to provide such assistance to any recipient seeking to ensure that it operates an effective language assistance program. In addition, during its investigative process, Treasury is available to provide technical assistance to enable recipients to come into voluntary compliance.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

[BPG–132413–00]

Dealers in Securities Futures Contracts; Request for Comments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of solicitation of comments.

SUMMARY: The IRS and Treasury Department are soliciting comments on the criteria that should be used to determine whether a taxpayer is a dealer in securities futures contracts (or options on such contracts) for purposes of section 1256 of the Internal Revenue Code.

DATES: Written and electronic comments are requested on or before May 7, 2001.

ADDRESSES: Send submissions to: CC:M&SP:RU (BPG–132413–00), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:M&SP:RU (BPG–132413–00), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by submitting comments directly to the IRS Internet site at http://www.irs.gov/tax_regs/regslist.html.

FOR FURTHER INFORMATION CONTACT: Concerning the notice, Patrick E. White (202) 622–3920; concerning submission and delivery of comments, Treena Garrett, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The Commodities Futures Modernization Act of 2000, enacted as part of the Consolidated Appropriations Act, 2001 (Public Law 106–554, 114 Stat. 2763), authorizes the trading of securities futures contracts, a new type of derivative financial product. Another portion of the same enactment—the Community Renewal Tax Relief Act of 2000 (the Act)—prescribes the tax treatment of these financial products. In general, gain or loss is recognized on securities futures contracts upon disposition, and the character of such gain or loss is determined by newly enacted section 1234B.

The timing and character of gains and losses on dealer securities futures contracts, however, is determined by section 1256. Thus, dealer securities futures contracts are subject to mark-to-market treatment, and capital gains or losses are treated as 60 percent long-term capital gain or loss and 40 percent short-term capital gain or loss. Section 1256(g)(9) defines *dealer securities futures contracts* as securities futures contracts (and options on such contracts) that are traded on a qualified board or exchange and are entered into by a dealer in the normal course of the dealer's business of dealing in such contracts or options. For this purpose, a person is a dealer in securities futures contracts or options on such contracts if the Secretary of the Treasury determines that the person performs functions with respect to such contracts or options similar to the functions performed with respect to stock options by persons registered with a national securities exchange as a market maker or specialist in listed options. The Act requires the Secretary of the Treasury or his delegate to make this determination no later than July 1, 2001.

The legislative history of the Act states the following with respect to the determination process:

> The determination of who is a dealer in securities futures contracts is to be made in a manner that is appropriate to carry out the purposes of the provision, which generally is to provide comparable tax treatment between dealers in securities futures contracts, on the one hand, and dealers in equity options, on the other. Although traders in securities futures contracts (and options on such contracts) may not have the same market-making obligations as market makers or specialists in equity options, many traders are expected to perform analogous functions to such market makers or specialists by providing market liquidity for securities futures contracts (and options) even in the absence of a legal obligation to do so. Accordingly, the absence of market-making obligations is not inconsistent with a determination that a class of traders are dealers in securities futures contracts (and options), if the relevant factors, including providing market liquidity for such contracts (and options), indicate that the market functions of the traders is comparable to that of equity options dealers.
>
> H.R. Conf. Rep. No. 106–1033, 106th Cong., 2d Sess. 1036 (2000).

The IRS and Treasury Department, therefore, seek taxpayers' suggestions concerning both the substance of these determinations and the manner in which they should be made. As described in more detail below, of particular interest are comments that will aid in establishing objective criteria and processes for making the determinations. In addition, comments are solicited in certain specific areas.

First, comments are requested about the activities and obligations of equity options dealers, especially those activities and obligations that contribute to the establishment and maintenance of an orderly market. For purposes of this notice, the term *equity options dealer* means a market maker or specialist described in section 1256(g)(8) with respect to options that are described in section 1256(g)(6) without regard to the requirement that indices be narrow based. Any relevant way in which the activities and obligations of market makers differ from those of specialists should be described; and the significance of this difference for any comment or other response to this notice should be explained when relevant.

Among the questions on which information is sought are the following: What are the activities imposed on, or undertaken by, equity option dealers that are considered making a market? Do equity option dealers engage in activities that extend beyond making a market but that contribute to the establishment and maintenance of orderly markets? For example, equity options dealers trading for their own accounts (and not in response to orders placed by an off-exchange customer) may be a significant source of market volume. Is that the case? If so, to what extent does this added volume contribute to market liquidity? Are there other ways in which these dealers contribute to the markets in which they participate? What differences are there, in scale or kind, between the activities of equity options dealers and similar activities of other market participants?

Although some relevant activities of equity options dealers may be ongoing, other critical activities may commence, or change significantly in nature or scope, during periods of market disequilibrium. Information with respect to equity options dealers' activities at these times will be particularly welcome.

Second, information is requested regarding activities of traders [1] on futures markets. Although traders on futures markets may not have specific market-making obligations, their trading activities may contribute to the establishment and maintenance of orderly markets. Is that typically the case? Descriptions of trading activities on futures markets generally will be helpful, and insights and supporting data on the nature and extent of trading by specific groups of futures traders will be particularly useful. Relevant groups for this purpose may be based on the type of contract traded, the extent of trading for one's own account (as opposed to trading in response to orders from off-exchange customers), and the class of exchange membership.

This discussion should be accompanied, if possible, by an explanation of the extent to which the activities of traders in securities futures contracts are expected to resemble the activities of the specific groups described. In general, expectations of how trading in securities futures contracts may or may not differ from trading in current products will also be helpful.

Third, comments are solicited on administrable and economically meaningful criteria for identifying any traders that should be treated as dealers in securities futures contracts. Criteria for identifying these persons might include, among others, the nature and extent of trading activities (including the extent to which the person's trading is concentrated in certain products), class of exchange membership, capital, and share of net income derived from trading activities. Should it be possible for a person to be a dealer in securities futures contracts with respect to some such contracts but not with respect to others?

If a taxpayer's satisfaction of the suggested criteria may vary over time, comments are also requested respecting rules for determining when a taxpayer becomes, or ceases to be, a dealer in securities futures contracts. For example, should it be possible for the

[1] The references here, and in the following paragraphs, to *traders* are not intended to exclude any taxpayers who are not treated as traders for tax purposes but who may perform functions similar to the functions performed by equity options dealers.

status as a dealer in securities futures contracts to change within a single taxable year or only between taxable years? Does a taxpayer need to know before it enters a transaction whether it is treated as a dealer for purposes of that transaction? Will special rules be required for taxpayers who have not previously traded in the contracts? (Initially, all taxpayers fall into this category.) Comments regarding both substantive criteria and the method of application will be useful.

Comments

Written or electronic comments (a signed original and eight (8) copies, if written) should be timely submitted (in the manner described in the **ADDRESSES** portion of this notice) to the IRS. All comments will be available for public inspection and copying.

Drafting Information

The principal authors of this notice are Patrick E. White, Office of Associate Chief Counsel (Financial Institutions and Products), and Matthew J. Eichner, Office of Tax Analysis, United States Department of the Treasury. However, other personnel from the IRS and Treasury Department participated in its development.

Lon B. Smith,

Acting Associate Chief Counsel (Financial Institutions & Products).

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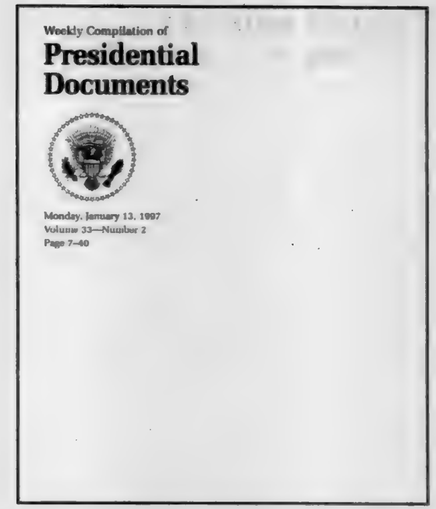
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Federal Register

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Federal Register
Vol. 66, No. 46
Thursday, March 8, 2001

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Parts 1469 and 1470

RIN 0560–AG35

Wool and Mohair Market Loss Assistance Program and Apple Market Loss Assistance Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule implements provisions of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (the 2001 Act), related to the Wool and Mohair Market Loss Assistance Payment Program and the Apple Market Loss Assistance Payment Program. Other provisions of the 2001 Act will be implemented under separate rules.

DATES: Effective March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Danielle Cooke, (202) 720–1919.

SUPPLEMENTARY INFORMATION:

Notice and Comment

Section 840 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Pub. L. 106–387) requires that the regulations necessary to implement these provisions be issued as soon as practicable and without regard to the notice and comment provisions of 5 U.S.C. 553 or the Statement of Policy of the Secretary of Agriculture (the Secretary) effective July 24, 1971 (36 FR 13804) relating to notices of proposed rulemaking and public participation in rulemaking. These provisions are thus issued as final and are effective immediately.

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and has been determined to be Economically Significant and has been reviewed by the Office of Management and Budget. A cost-benefit assessment was completed and is summarized after the background section explaining the actions this rule will take.

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies must be exhausted.

Unfunded Mandates

The provisions of Title II of the Unfunded Mandates Reform Act of 1995 are not applicable to this rule because the USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule. Further, in any case, these provisions do not impose any mandates on State, local or tribal governments, or the private sector.

Small Business Regulatory Enforcement Fairness Act of 1996

Section 840 of Pub. L. 106–387 requires that the regulations necessary to implement these provisions be issued as soon as practicable and without regard to the notice and comment provisions of 5 U.S.C. 553 or the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 FR 13804) relating to notices of proposed rulemaking and public participation in rulemaking. It also requires that the Secretary use the provisions of 5 U.S.C. 808 (the Small Business Regulatory Enforcement Fairness Act (SBREFA)), which provides that a rule may take effect at such time as the agency may determine if the agency finds for good cause that public notice is impracticable, unnecessary, or contrary to the public purpose, and thus does not have to meet the requirements of § 801 of SBREFA requiring a 60-day delay for Congressional review of a major regulation before the regulation can go into effect. This rule is considered a major rule for the purposes of SBREFA. However, the rule affects the incomes of a large number of agricultural producers who have been hit hard by natural disasters and poor market conditions. Accordingly, because it would be contrary to the public interest to delay those provisions of this rule, as expressed in Pub. L. 106–387, they are issued as final and are effective immediately.

Paperwork Reduction Act

Section 824 of Pub. L. 106–78 requires that the regulations implementing these provisions be promulgated without regard to the Paperwork Reduction Act. This means that the normal 60-day public comment period and OMB approval of the information collections required by this rule are not required before the regulations may be made effective. However, the 60-day public comment period and OMB approval under the provisions of 44 U.S.C. chapter 35 are still required after the rule is published, and Information Collection Packages and requests for approval will be submitted to OMB.

Background

This rule will implement requirements of Pub. L. 106–387 related to the Wool and Mohair and Apple Market Loss Assistance Programs.

Descriptions of this rule's provisions follow.

(1) 7 CFR Part 1469—Wool and Mohair Market Loss Assistance Payment Program

This rule implements the requirements of § 814 of Pub. L. 106–387 related to the Wool and Mohair Market Loss Assistance Payment Program. Section 814 provides that the Secretary shall use no more than $20 million of CCC funds to make payments directly to producers of wool, and producers of mohair, for the 2000 marketing year. Pub. L. 106–554 mandated a Government-wide rescission of 0.22 percent of appropriated funds, reducing the funding for the Wool and Mohair Market Loss Assistance Payment Program to $19.956 million. The 2001 Act requires the Secretary of Agriculture to make direct payments equal to 40 cents per pound for wool and mohair. Producers wanting to participate in the program must file an application for payment by April 13, 2001, or such other date as may be set by the Deputy Administrator for Farm Programs, CCC. Applications will be spot-checked and validated by FSA. Payment will be made only for wool and mohair shorn in the United States in 2000 from live domestic animals owned by the producer for 30 days or more. These restrictions are intended to insure that coverage is limited to actual wool producers, as opposed to meat producers, for wool actually produced as wool, not a by-product, during the relevant time period allowed for by the statute. Other restrictions will also apply.

(2) 7 CFR Part 1470—Apple Market Loss Assistance Payment Program

This rule implements § 811 of Pub. L. 106–387, which directs the Secretary of Agriculture to use $100 million of the Commodity Credit Corporation (CCC) funds to provide assistance to producers for their 1998 and 1999 apple production. The Government-wide 0.22% rescission of appropriated funds reduces that amount to $99.78 million.

During the past few years a number of factors have produced a serious economic crisis that threatens the existence of apple producers throughout the United States. Apples are grown in every State in the continental United States, and are grown commercially in 36 States. Twenty years of increasing world production, stagnant domestic consumption, natural disasters and low-priced imports converged 2 years ago, resulting in apple growers receiving the lowest prices since the late 1980's for 1998 and 1999 apples bound for fresh market sale. At the same time, a flood of cheap apple juice concentrate imports from the People's Republic of China dramatically reduced the demand for processing apples and caused juice apple prices to plummet, further eroding the industry's overall price structure. The revenue of apple producers plummeted in 1998 and recovered in 1999, but failed to reach revenue earned in previous years. U.S. apple growers received an average of 21.2 cents per pound for fresh market apples from the 1999 crop, up from 17.3 cents per pound in 1998, a historical low. Apple growers receive about 80 percent of their gross income by providing fresh fruit and 20 percent by providing fruit for juice, applesauce and other processed products. Without a significant improvement in the market price on sales of apples, many apple producers will not be able to remain in business.

This rule addresses that situation by providing for a new program to be administered by FSA utilizing the foregoing authority. Payments to apple operations under the program provided for by this rule will offset a portion of the per-bushel losses producers have incurred marketing apples in the U.S. Payments under this new program will provide those eligible for the payments with an immediate infusion of funds to help pay operating expenses and meet other financial obligations.

Producers of apples can receive a payment per pound for the higher of either 1998 or 1999 apple production from a qualifying apple operation. Producers will only be paid on a maximum quantity of 1,600,000 pounds per separate apple operation. Payments will not be subject to administrative offset or withholding, as provided by § 842 of Pub. L. 106–387.

To receive cash payments, eligible apple producers must: (1) have produced and harvested apples during the 1998 and/or 1999 crop year, (2) not have received a payment from any other Federal program, other that crop insurance, for the same market loss, and (3) apply for cash payments during the application period for each apple operation. Pub. L. 106–387, also specified that benefits under the program would not be subject, to the extent practicable, to the gross income means test and payment limitations, other than those provided in this part.

To participate in the program, eligible apple producers must: (1) self-certify to the gross pounds of production that were produced and harvested during the higher of their 1998 and 1999 crop year apple production, and (2) apply for payments during the sign-up period set by the CCC pursuant to these regulations. At the close of the sign-up period, a national per pound payment rate will be determined based on the factoring of the available $99.78 million divided by the total pounds of eligible apple production from each applying apple operation, with no operation exceeding 1,600,000 pounds of apple production. Because outlays for this program are a fixed amount, the national average payment rate and individual payments can only be calculated after the total eligible quantity of apple production has been determined from approved applications. Apple producers will be subject to random spot checks performed by local FSA personnel. Penalties for inaccurate certifications by producers can be easily assessed and will inhibit false reports.

Apple operations may, during the applicable period, apply in person at county FSA offices during regular business hours. Alternatively, program applications may be obtained by mail, telephone, and facsimile from their designated county FSA office or obtained via the Internet. The Internet website is located at www.fsa.usda.gov/dafp/psd/.

Cost-Benefit Assessment Summary

Wool and Mohair Market Loss Assistance (MLA) Payment Program

Payments of 40 cents per pound on 2000 wool production could amount to about $18 million, assuming wool production does not fall from 1999 levels, and could potentially double proceeds from wool production. Continuing low market prices for wool will likely further reduce wool production in 2001. However, some additional production may be stimulated in 2001 for producers who otherwise lack financing. Continued heavy textile imports likely will mean stagnant mill demand for wool. MLA payments may contribute to continued depressed prices in the future to the extent that they stimulate additional production.

Mohair producers will also receive 40 cents per pound, totaling about $2 million. The income impact of this program on mohair producers is not as significant as it is on wool producers, since prices are much higher for mohair than for wool. Consequently, its impact on the supply/use situation for mohair should be even less than its impact on the wool situation.

Apple Market Loss Assistance Payment Program

The principal benefit of the market loss assistance program will be the approximately $100 million in financial assistance that apple growers receive, which could determine if some of them remain in business. The per-pound payment hinges on the total eligible production reported by applicants, so FSA will be unable to calculate the final rate until around April 2001.

Using 2001 projected farm numbers, FSA's preliminary payment rate projection is about 2 cents per pound of eligible production. Payments to growers with the smallest apple acreages would be inconsequential—with those having less than an acre receiving average payments under $20. Many of those growers will be among those whose fruit is for home use only, or certainly is not expected to provide an important part of family income.

Given the input-intensive nature of apple production, many growers may need annual loans to cover operating expenses such as labor and pesticides. However, recent poor returns may make lenders wary of assuming the risk of loaning to apple growers. This program could improve the financial position of some producers enough to allow them to acquire the loans they need to continue operating

The Apple Market Loss Assistance Program could aid some producers on the brink of insolvency to remain in business but the effect of this program on the long-run viability of the industry will be minimal. In fact, if the program encourages overproduction it will slow structural changes needed to enhance industry viability.

List of Subjects

Part 1469

Loan programs—agriculture, Price support programs, Reporting and recordkeeping requirements.

Part 1470

Apple, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, 7 CFR Chapter XIV is amended as set forth below.

PART 1469—WOOL AND MOHAIR PRICE SUPPORT PROGRAMS

1. The authority citation for part 1469 is revised to read as follows:

Authority: Pub. L. 105–277, 112 Stat. 2681; Sec. 801, Pub. L. 106–78, 113 Stat. 1135; Sec. 204(d), Pub. L. 106–224; Sec. 814, Pub. L. 106–387 (114 Stat. 1549A–55).

2. Add subpart C to part 1469 to read as follows:

Subpart C—Wool and Mohair Market Loss Assistance Program II

Sec.

1469.201 Applicability.
1469.202 Administration.
1469.203 Definitions.
1469.204 Time and method of application.
1469.205 Eligibility.
1469.206 Availability of funds.
1469.207 Payment rate and amount.
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1469.212 Estates, trust and minors.
1469.213 Death, incompetency, or disappearance.
1469.214 Refunds; joint and several liability.

Subpart C—Wool and Mohair Market Loss Assistance Program II

§ 1469.201 Applicability.

The regulations of this subpart provide the terms and conditions under which the Commodity Credit Corporation (CCC) shall make payments directly to producers of wool, and producers of mohair, for the 2000 marketing year.

§ 1469.202 Administration.

(a) The Wool and Mohair Market Loss Assistance Program shall be administered under the general supervision of the Executive Vice President, CCC, or designee and shall be carried out in the field by State and county Farm Service Agency committees (State and county committees) and FSA employees.

(b) State and county committees, and FSA employees, do not have the authority to modify or waive any of the provisions of the regulations of this subpart.

(c) The State committee shall take any action required by these regulations that has not been taken by the county committee. The State committee shall also:

(1) Correct, or require the county committee to correct, any action taken by such county committee that is not in accordance with the regulations of this subpart; and

(2) Require a county committee to withhold taking any action that is not in accordance with the regulations of this subpart.

(d) No provision or delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by the State or county committee.

(e) The Deputy Administrator, Farm Programs, FSA, may authorize State and county committees to waive or modify deadlines and other program requirements in cases where lateness or failure to meet such other requirements does not adversely affect the operation of the Wool and Mohair Market Loss Assistance Program II and does not violate statutory limitations on the program.

§ 1469.203 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering the Wool and Mohair Market Loss Assistance Program II established by this subpart.

Application means Form CCC–1155, the Wool and Mohair Market Loss Assistance Program II Application.

Application period means March 5, 2001 through April 13, 2001.

CCC means the Commodity Credit Corporation.

County committee means the FSA county committee.

County office is the local FSA office.

Farm Service Agency or FSA means the Farm Service Agency of the United States Department of Agriculture.

Goat means an adult Angora goat or the kid of an Angora goat.

Grease mohair means mohair as it comes from the Angora goat or the kid of an Angora goat before applying any process to remove the natural oils or fats.

Grease wool means wool as it comes from the sheep or lambs before applying any process to remove the natural oils or fats.

Hide means thick tough skin of the animal.

Lamb means a young ovine animal that has not cut the second pair of permanent teeth. The term includes animals referred to in the livestock trade as lambs, yearlings, or yearling lambs.

Marketing year means a period beginning January 1, and ending the following December 31, both dates inclusive.

Mohair means the hair sheared from a live Angora goat before applying any process that removes the natural oils or fats or produces a mohair product. Mohair does not include grease mohair shorn from pelts or hides.

Pelt means the skin of the animal with wool still attached to the skin.

Person means any individual, group of individuals, partnership, corporation, estate, trust, association, cooperative, or other business enterprise or other legal entity who is, or whose members are, a citizen or citizens of, or legal resident alien or aliens, in the United States.

Producer means any person or group of persons who as a single unit produce wool or mohair and whose production and facilities are located in the United States.

Pulled mohair means mohair obtained from the pelts or hides of dead goat.

Pulled wool means wool obtained from the pelts or hides of dead sheep.

Shorn mohair means grease mohair sheared from a live Angora goat or the kid of an Angora goat. Shorn mohair does not include pelts, hides, or pulled mohair.

Shorn wool means grease wool sheared from live sheep or lambs. Shorn wool does not include pelts, hides, or pulled wool.

State committee is the FSA committee so designated for the applicable State.

United States means the 50 United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

Wool means the hair sheared from a live sheep before applying any process that removes the natural oils or fats or produces a wool product. Wool does not include grease wool shorn from pelts or hides.

§ 1469.204 Time and method of application.

(a) Wool and mohair producers may obtain an application, Form CCC–1155 (Wool and Mohair Market Loss Assistance Program II Application), in person, by mail, by telephone, or by facsimile from any county FSA office. In addition, applicants may download a copy of Form CCC–1155 at http://www.sc.egov.usda.gov

(b) A request for payments under this subpart must be submitted on a completed Form CCC–1155. Form CCC–1155 should be submitted to the FSA county office servicing the county where the producer is located but, in any case, must be received by the FSA county office by the close of business on April 13, 2001. Applications not received by the close of business on April 13, 2001, will be returned as not having been timely filed and the producer will not be eligible for payments under this program.

(c) The wool and mohair producer requesting payments under this subpart must certify with respect to the accuracy and truthfulness of the information provided in their application for payments. All information provided is subject to a spot check by CCC. Refusal to allow CCC or any other agency of the Department of Agriculture to verify any information provided will result in a determination of ineligibility. Data furnished by the applicant will be used to determine eligibility for program payments. Furnishing the data is voluntary; however, without it program payments will not be approved. Providing a false certification to the Government is punishable by imprisonment, fines and other penalties.

§ 1469.205 Eligibility.

(a) *Producers.* To be eligible to receive a payment under this subpart, a producer must:

(1) Have produced domestic wool and/or domestic mohair during the period of January 1, 2000, through December 31, 2000.

(2) Be engaged in the business of producing and marketing agricultural products at the time of filing the application; and

(3) Apply for payment during the application period.

(b) *Eligible wool and mohair.*

(1) Wool and mohair is eligible to generate payments under this subpart only if the wool or mohair was produced by shearing live animals (not wool or mohair which is pulled or which is shorn from hides or pelts) and only if such shearing occurred in 2000 and in the United States.

(2) The producer applying for payment must have owned the wool or mohair at the time of shearing and must have owned in the United States the sheep, lambs, or goats from which the wool or mohair was shorn for 30 days or more at any time prior to shearing and actually owned the animal at the time of shearing.

§ 1469.206 Availability of funds.

The total available program funds shall be $19.956 million as provided by section 814 of Public Law 106–387 and amended by section 1403 of Public Law 106–554.

§ 1469.207 Payment rate and amount.

(a) Benefits under this subpart may be made to producers of wool and mohair during the 2000 marketing year.

(1) *Payment rate.*

(i) The payment rate for wool is 40 cents per pound.

(ii) The payment rate for mohair is 40 cents per pound.

(2) *Payment amount.* The payment amount for wool or mohair will be calculated, after the conclusion of the sign-up period, by multiplying the certified pounds by the payment rate.

(b) In the event that approval of all eligible applications would result in expenditures in excess of the $19.956 million appropriated, CCC will calculate payments by tabulating all eligible pounds of wool and mohair and dividing the sum by $19.956 million to get a national payment rate per pound for wool and mohair.

§ 1469.208 Offsets.

(a) Any payment or portion thereof due any person under this subpart shall be allowed without regard to questions of title under State law, and without regard to any claim or lien against the wool, the sheep, the mohair or the angora goats thereof, or proceeds thereof, in favor of the producer or any other creditors except agencies of the U.S. Government.

(b) Any payments received by a producer are not subject to assignments, administrative offsets or withholdings, including administrative offset under chapter 37 of title 31, United States Code, as provided by section 842 of Public Law 106–387.

(c) The regulations governing offsets and withholdings found at 7 CFR Part 1403 shall not be applicable to this subpart.

§ 1469.209 Appeals.

Any producer who is dissatisfied with a determination made pursuant to this subpart may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at 7 CFR parts 11 and 780.

§ 1469.210 Misrepresentation.

(a) Whoever issues a false document or otherwise acts in violation of the provisions of this program so as to enable a producer to obtain a payment to which such producer is not entitled, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action.

(b) The issuance of a false document or the making of a false statement in an application for payment or other document, for the purpose of enabling the producer to obtain a payment to which such producer is not entitled, may subject the person issuing such document or making such statement to liability under applicable Federal civil and criminal statutes.

§ 1469.211 Maintaining records.

Producers making application for a payment under this program must maintain accurate records and accounts that will document that they meet all eligibility requirements specified herein. Such records and accounts must be retained for 3 years after the date of payment to the producer under this subpart.

§ 1469.212 Estates, trust, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is an otherwise eligible producer of wool or mohair shall be eligible for assistance under this subpart only if such producer meets one of the following requirements:

(1) The minor establishes that the right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and has executed the applicable program documents; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1469.213 Death, incompetency, or disappearance.

In the case of death, incompetency, disappearance or dissolution of a wool or mohair producer that is eligible to receive benefits in accordance with this subpart, such person or persons specified in part 707 of this title may receive such benefits, as determined appropriate by CCC.

§ 1469.214 Refunds; joint and several liability.

(a) In the event there is a failure to comply with any term, requirement, or condition for payment arising under the application or this subpart, and if any refund of a payment to CCC shall otherwise become due in connection with the application or this subpart, all payments made under this subpart to any producer shall be refunded to CCC together with interest as determined in accordance with paragraph (c) of this section and late payment charges as provided in part 1403 of this chapter.

(b) All producers signing an application for payment as having an interest shall be jointly and severally liable for any refund, including related charges, that is determined to be due for any reason under the terms and conditions of the application or this subpart.

(c) Interest shall be applicable to refunds required of any producer under this subpart if CCC determines that payments or other assistance were provided to a producer who was not eligible for such assistance. Such interest shall be charged at the rate of interest that the United States Treasury charges the CCC for funds, as of the date CCC made benefits available. Such interest shall accrue from the date of repayment or the date interest increases as determined in accordance with applicable regulations. CCC may waive the accrual of interest if CCC determines that the cause of the erroneous determination was not due to any action of the producer.

(d) Interest determined in accordance with paragraph (c) of this section may not be waived on refunds required of the producer when there was intentional misaction on the part of the producer, as determined by CCC.

(e) Late payment interest shall be assessed on all refunds in accordance with the provisions of, and subject to the rates prescribed in, part 1403 of this chapter.

(f) Producers must refund to CCC any excess payments made by CCC with respect to such application.

(g) In the event that a benefit under this subpart was provided as the result of erroneous information provided by any producer, the benefit must be repaid with any applicable interest.

2. Amend 7 CFR Chapter VII by adding a new part 1470 to read as follows:

PART 1470—APPLE MARKET LOSS ASSISTANCE PAYMENT PROGRAM

Sec.

1470.1 Applicability.
1470.2 Administration.
1470.3 Definitions.
1470.4 Time and method of application.
1470.5 Eligibility.
1470.6 Proof of production.
1470.7 Availability of funds.
1470.8 Applicant payment quantity.
1470.9 Payment rate and apple operation payment.
1470.10 Offsets.
1470.11 Appeals.
1470.12 Misrepresentation and scheme or device.
1470.13 Estates, trusts, and minors.
1470.14 Death, incompetency, or disappearance.
1470.15 Maintaining records.
1470.16 Refunds; joint and several liability.

Authority: Sec. 811, Pub. L. 106–387, 114 Stat 1549.

§ 1470.1 Applicability.

(a) The regulations in this subpart are applicable to producers of 1998 and 1999 crop of apple production. These regulations set forth the terms and conditions under which the Commodity Credit Corporation (CCC) shall provide payments to apple producers who have applied to participate in the Apple Market Loss Assistance Payment Program in accordance with section 811 of Public Law 106–387. Additional terms and conditions may be set forth in the payment application that must be executed by participants to receive a market loss payment for apples.

(b) Payments shall be available only for apples produced and harvested in the United States.

§ 1470.2 Administration.

(a) The Apple Market Loss Payment Program shall be administered under the general supervision of the Executive Vice President, CCC, or a designee, and shall be carried out in the field by State and county Farm Service Agency committees (State and county committees) and FSA employees.

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations of this subpart.

(c) The State committee shall take any action required by the regulations of this subpart that has not been taken by the county committee. The State committee shall also:

(1) Correct, or require the county committee to correct, any action taken by such county committee that is not in accordance with the regulations of this subpart; and

(2) Require a county committee to withhold taking any action that is not in accordance with the regulations of this subpart.

(d) No provision or delegation of this subpart to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by the State or county committee.

(e) The Deputy Administrator, Farm Programs, FSA, may authorize State and county committees to waive or modify deadlines and other program requirements in cases where lateness or failure to meet such other requirements do not affect adversely the operation of the Apple Market Loss Assistance Payment program and does not violate statutory limitations on the program.

(f) Payment applications and related documents not executed in accordance with the terms and conditions determined and announced by CCC, including any purported execution outside of the dates authorized by CCC, shall be null and void unless the Executive Vice President, CCC, shall otherwise allow.

§ 1470.3 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering the Apple Market Loss Assistance Payment program established by this subpart.

Apple Operation means any person or group of persons who as a single unit as determined by CCC, produce and market apples in the United States and which has elected to participate in the program authorized by the part.

Application means Form CCC–891, the Apple Market Loss Assistance Payment Application.

Application period means March 5, 2001 through April 13, 2001.

Commodity Credit Corporation or CCC means the Commodity Credit Corporation.

County committee means the FSA county committee.

County office means the local FSA office.

Department or USDA means the United States Department of Agriculture.

Deputy Administrator means the Deputy Administrator for Farm Programs (DAFP), Farm Service Agency or a designee.

Farm Service Agency or FSA means the Farm Service Agency of the Department.

Eligible production means apples that had been produced in the United States anytime during the 1998 and or 1999 crop year, subject to a maximum of 1,600,000 pounds per apple operation.

Higher production year means the crop year, either 1998 or 1999, as selected by the apple operation, during which apples were produced.

Payment pounds means the pounds of apples for which an operation is eligible to be paid under this subpart.

Person means any individual, group of individuals, partnership, corporation, estate, trust association, cooperative, or other business enterprise or other legal entity who is, or whose members are, a citizen of, or legal resident alien or aliens in the United States.

United States means the 50 States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

Verifiable production records means evidence that is used to substantiate the amount of production reported and that can be verified by CCC through an independent source.

§ 1470.4 Time and method of application.

(a) Apple producers may obtain an application, Form CCC–891 (Apple Market Loss Assistance Payment Application), in person, by mail, by telephone, or by facsimile from any county FSA office. In addition, applicants may download a copy of the CCC–891 at http://www.sc.egov.usda.gov.

(b) A request for benefits under this subpart must be submitted on a completed Form CCC–891. The Form CCC–891 should be submitted to the county FSA office serving the county where the apple operation is located but, in any case, must be received by the county FSA office by the close of business on April 13, 2001. Applications not received by the close of business on April 13, 2001, will be disapproved as not having been timely filed and the apple operation will not be eligible for benefits under this program.

(c) All persons who share in an apple operation's total production must certify on the same CCC–891 in order to obtain the maximum eligible quantity of the higher crop year of 1998 and 1999 of the apple operation before the application is complete.

(d) The apple operation requesting benefits under this subpart must certify with respect to the accuracy and truthfulness of the information provided in their application for benefits. All information provided is subject to verification and spot checks by CCC. Refusal to allow CCC or any other agency of the Department of Agriculture to verify any information provided will result in a determination of ineligibility. Data furnished by the applicant will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, without it program benefits will not be approved. Providing a false certification to the Government is punishable by imprisonment, fines and other penalties.

§ 1470.5 Eligibility.

(a) To be eligible to receive cash payment under this subpart, an apple operation must:

(1) Have produced apples in the United States anytime during the 1998 and/or 1999 crop year;

(2) Not have been compensated for the same market loss by any other Federal programs, except an indemnity provided under a policy or plan or insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501).

(3) Apply for payments during the application period.

(b) Payments may be made for losses suffered by an eligible producer who is now deceased or is a dissolved entity if a representative who currently has authority to enter into a contract for the producer signs the application for payment. Proof of authority to sign for the deceased producer or dissolved entity must be provided. If a producer is now a dissolved general partnership or joint venture, all members of the general partnership or joint venture at the time of dissolution or their duly authorized representatives must sign the application for payment.

(c) An apple operation must submit a timely application and comply with all other terms and conditions of this subpart and instructions issued by CCC, as well as comply with those instructions that are otherwise contained in the application to be eligible for benefits under this subpart.

§ 1470.6 Proof of production.

(a) Apple operations selected for spot-checks by CCC must, in accordance with instructions issued by the Deputy Administrator, provide adequate proof of the apples produced during the 1998 and/or 1999 crop year to verify the higher year of production. The documentary evidence of apple production claimed for payment shall be reported to CCC together with any supporting documentation under paragraph (b) of this section. The pounds of 1998 or 1999 crop year production must be documented using actual records developed at the time of production.

(b) All persons involved in an apple operation producing apples during the 1998 or 1999 crop year shall provide any available supporting documents to assist the county FSA office in verifying the operation's apple production indicated on Form CCC–891. Examples of supporting documentation include, but are not limited to: picking, packout, and payroll records, RMA records, sales documents, copies of receipts, ledgers of income, or any other documents available to confirm the production and production history of the apple operation. In the event that supporting documentation is not presented to the county FSA office requesting the information, the apple operation will be determined ineligible for benefits.

§ 1470.7 Availability of funds.

The total available program funds shall be $99.78 million as provided by Section 811 of Public Law 106–387 and amended by Section 1403 of Public Law 106–554.

§ 1470.8 Applicant payment quantity.

(a) The applicant's payment quantity of apples will be determined by the CCC, based on the higher production of 1998 or 1999 crop of apples that was produced by each operation, as selected by the apple operation.

(b) The maximum quantity of the 1998 or 1999 crop of apples for which producers are eligible for a payment for an operation under this subpart shall be 1,600,000 pounds.

§ 1470.9 Payment rate and apple operation payment.

(a) Payments under this subpart may be made to apple operations only up to 1,600,000 pounds of apples produced in the United States during the higher production year of 1998 or 1999. A payment rate will be determined after the conclusion of the application period, and shall be calculated by:

(1) Totaling the higher production of the eligible quantity (not to exceed 1,600,000 pounds) of apples produced from the 1998 or 1999 crop year from all approved applications; and

(2) Dividing the amount available for the Apple Market Loss Assistance Payment program by the total pounds of eligible production submitted and approved for payment (the quantity determined under paragraph (a)(1) of this section).

(b) Each apple operation payment will be calculated by multiplying the payment rate determined in paragraph (a) of this section by the apple operation's eligible production.

(c) In the event that approval of all eligible applications would result in expenditures in excess of the amount available, CCC shall reduce the payment rate in such manner as CCC, in its sole discretion, finds fair and reasonable.

§ 1470.10 Offsets.

(a) Any payment or portion thereof due any person under this part shall be allowed without regard to questions of title under State law, and without regard to any claim or lien against an operation, an operation's apple production, or proceeds thereof, in favor of the producer or any other creditors, including agencies of the U.S. Government.

(b) Payments received by an apple operation under this part are not subject to administrative offsets or withholdings, including administrative offset under chapter 37 of title 31, United States Code, as provided by Public Law 106–387.

(c) The regulations governing offsets and withholdings found at 7 CFR Part 1403 shall not be applicable to this part.

§ 1470.11 Appeals.

Any producer who is dissatisfied with a determination made pursuant to this part may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at 7 CFR parts 11 and 780.

§ 1470.12 Misrepresentation and scheme or device.

(a) An apple operation shall be ineligible to receive assistance under this program if it is determined by the State committee or the county committee to have knowingly:

(1) Adopted any scheme or device which tends to defeat the purpose of this program;

(2) Made any fraudulent representation; or

(3) Misrepresented any fact affecting a determination under this program. CCC will notify the appropriate investigating agencies of the United States and take steps deemed necessary to protect the interests of the government.

(b) Any funds disbursed pursuant to this part to any person or operation engaged in a misrepresentation, scheme, or device, shall be refunded to CCC, with interest together with such other sums as may become due. Any apple operation or person engaged in acts prohibited by this section and any apple operation or person receiving payment under this part shall be jointly and severally liable with other persons or operations involved in such claim for benefits for any refund due under this section and for related charges. The remedies provided in this part shall be in addition to other civil, criminal, or administrative remedies which may apply.

§ 1470.13 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is otherwise eligible for assistance under this part must also:

(1) Establish that the right of majority has been conferred on the minor by court proceedings or by statute;

(2) Show that a guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or

(3) Furnish a bond under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1470.14 Death, incompetency, or disappearance.

In the case of death, incompetency, disappearance or dissolution of a person that is eligible to receive benefits in accordance with this part, such person or persons specified in part 707 of this title may receive such benefits, as determined appropriate by CCC.

§ 1470.15 Maintaining records.

Apple operations making application for benefits under this program must maintain accurate records and accounts that will document that they meet all eligibility requirements specified herein, as may be requested by CCC. Such records and accounts must be retained for 3 years after the date of payment to the apple operation under this program. Such records shall be available at all reasonable times for an audit or inspection by authorized representatives of CCC, United States Department of Agriculture, or the Comptroller General of the United States. Failure to keep, or make available, such records may result in refund to CCC of all payments received plus interest thereon, as determined by CCC. Nothing in this section, shall, however, authorize the destruction of any records where there is an on-going dispute or where the party involved has reason to know that such records remain material to the operation of the program. Destruction of the records after such date shall be at the risk of the party undertaking the destruction.

§ 1470.16 Refunds; joint and several liability.

(a) In the event there is a failure to comply with any term, requirement, or condition for payment arising under the application, or this part, and if any refund of a payment to CCC shall otherwise become due in connection with the application, or this part, all payments made under this part to any apple operation shall be refunded to CCC together with interest as determined in accordance with paragraph (c) of this section and late payment charges as provided in part 1403 of this title.

(b) All persons signing an apple operation's application for payment as having an interest in the operation shall be jointly and severally liable for any refund, including related charges, that is determined to be due for any reason under the terms and conditions of the application or this part with respect to such operation.

(c) Interest shall be applicable to refunds required of any person under this part if CCC determines that payments or other assistance was provided to a person who was not eligible for such assistance. Such interest shall be charged at the rate of interest that the United States Treasury charges the CCC for funds, from the date CCC made such benefits available to the date of repayment or the date interest increases as determined in accordance with applicable regulations. CCC may waive the accrual of interest if CCC determines that the cause of the erroneous determination was not due to any action of the person.

(d) Interest determined in accordance with paragraph (c) of this section may be waived at the discretion of CCC alone for refunds resulting from those violations determined by CCC to have been beyond the control of the person committing the violation.

(e) Late payment interest shall be assessed on all refunds in accordance with the provisions of, and subject to the rates prescribed in, 7 CFR part 1403.

(f) Any excess payments made by CCC with respect to any application under this part must be refunded.

(g) In the event that a benefit under this subpart was provided as the result of erroneous information provided by any person, the benefit must be repaid with any applicable interest.

Signed in Washington, D.C., on March 1, 2001.

Diane Sharp,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 01–5491 Filed 3–5–01; 4:58 pm]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 00F–0175]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Natamycin (Pimaricin)

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of natamycin on cheese. This action is in response to a petition filed by Cultor Food Science, Inc.; DSM Food Specialities; and Protein Technologies International.

DATES: This rule is effective March 8, 2001. Submit written objections and requests for a hearing by April 9, 2001. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in 21 CFR 172.155(c), as of March 8, 2001.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Andrew J. Zajac, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204–001, 202–418–3095.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 24, 2000 (65 FR 3719), FDA announced that a food additive petition (FAP 0A4704) had been filed by Cultor Food Science, Inc., 430 Saw Mill River Rd., Ardsley, NY 10502; DSM Food Specialties, 700 American Ave., suite 300, King of Prussia, PA 19406; and Protein Technologies International, Checkerboard Square, St. Louis, MO 63164. The petitioners proposed that the food additive regulations in § 172.155 *Natamycin (pimaricin)* (21 CFR 172.155) be amended by listing only the use level of natamycin permitted in cheese and by eliminating the reference for the method of application.

Natamycin is currently approved in § 172.155 for use as an antimycotic agent on the surface of cuts and slices of cheese(s). Under the current regulation, natamycin may be applied to the surface of cuts and slices of cheese to inhibit mold spoilage with the following limitations: (1) The additive may be applied as a dry mix containing the additive and safe and suitable anticaking agents, resulting in no more than 20 parts per million (ppm) of the additive in the finished product, or by dipping or spraying, using an aqueous solution containing 200 to 300 ppm of the additive; (2) the additive may be applied to the surface of those cuts and slices of cheese(s) listed in part 133 (21 CFR part 133) only if the cheese standards provide for the use of "safe and suitable" mold-inhibiting ingredients.

The agency is revoking the limitations on the application of natamycin to the surface of cuts and slices of cheese in § 172.155(c)(1) and (c)(2), and is revising § 172.155(c) to set forth a limitation for the amount of natamycin on cheese that may remain in the finished product, regardless of the method of application.

The agency is setting forth a test method in revised § 172.155(c) that will ensure that natamycin does not exceed 20 milligrams per kilogram (20 ppm) in the finished product. This limitation will not restrict the process of application of natamycin to cheese nor the physical form (e.g., cuts, slices, or grated) of the cheese to which natamycin may be applied. The agency has concluded that the dietary exposure to natamycin will not change as a result of the use of the new test method for the application of natamycin to cheese and new physical forms of cheese to which natamycin may be applied. Further, because of the existing limitation in part 133 for when "safe and suitable" mold inhibiting ingredients, such as natamycin, may be used in cheese, the agency has determined that repeating such limitations in § 172.155 is not necessary. Therefore, omitting the previous limitation in § 172.155(c)(2) from revised § 172.155(c) does not change the varieties of cheeses in which natamycin may be used. Consequently, because the dietary exposure to natamycin in cheese remains the same as considered in the previous safety assessment for § 177.155(c)(1) and (c)(2), no new safety issues are raised and no new safety evaluation is needed for this rule.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 0A4704. No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by April 9, 2001. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Incorporation by reference, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

2. Section 172.155 is amended by revising paragraph (c) to read as follows:

§ 172.155 Natamycin (pimaricin).

* * * * *

(c) The additive may be applied on cheese, as an antimycotic, in amounts not to exceed 20 milligrams per kilogram (20 parts per million) in the finished product as determined by International Dairy Federation (IDF) Standard 140A:1992, "Cheese and Cheese Rind–Determination of Natamycin Content–Method by Molecular Absorption Spectrometry and by High-Performance Liquid Chromatography," which is incorporated by reference. The Director of the Office of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Division of Product Policy (HFS–206), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

Dated: February 9, 2001.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 01–5612 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor's Name and Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor's name and address for Moorman Manufacturing Co.

DATES: This rule is effective March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Norman J. Turner, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0214.

SUPPLEMENTARY INFORMATION: Moorman Manufacturing Co., Quincy, IL 62301, has informed FDA of a change of name and address to MoorMan's, Inc., 1000 North 30th St., Quincy, IL 62305–3115. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the changes.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by removing the entry for "Moorman Manufacturing Co." and adding a new entry in alphabetical order and in the table in paragraph (c)(2) by revising the entry for "021930" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
MoorMan's, Inc., 1000 North 30th St., Quincy, IL 62305–3115	021930

(2) * * *

Drug labeler code	Firm name and address
021930	MoorMan's, Inc., 1000 North 30th St., Quincy, IL 62305–3115

Dated: February 8, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–5682 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Clindamycin Hydrochloride Liquid

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental abbreviated new animal drug application (ANADA) filed by Phoenix Scientific, Inc. The supplemental ANADA provides for oral use of clindamycin hydrochloride liquid for treatment of soft tissue and dental infections in cats.

DATES: This rule is effective March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0212.

SUPPLEMENTARY INFORMATION: Phoenix Scientific, Inc., 3915 South 48th St. Terrace, P.O. Box 6457, St. Joseph, MO 64506–0457, filed a supplement to approved ANADA 200–193 for Clindamycin Hydrochloride Oral Liquid. The supplemental ANADA provides for use of clindamycin hydrochloride liquid for treatment of soft tissue and dental infections in cats caused by or associated with susceptible strains of certain bacterial species. The supplemental application is approved as of December 27, 2000, and the regulations are amended in 21 CFR 520.447 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.447 [Amended]

2. Section 520.447 *Clindamycin hydrochloride liquid* is amended in paragraph (b) in the first sentence by removing "No. 000009" and adding in its place "Nos. 000009 and 059130" and by removing the second sentence.

Dated: January 30, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–5683 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs; Milbemycin Oxime Solution

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Novartis Animal Health US, Inc. The supplemental NADA provides for veterinary prescription use of milbemycin oxime solution to treat ear mite infestations in cats and kittens 4 weeks of age and older and for a repeat treatment, if necessary.

DATES: This rule is effective March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540.

SUPPLEMENTARY INFORMATION: Novartis Animal Health US, Inc., 3200 Northline Ave., suite 300, Greensboro, NC 27408, filed a supplement to approved NADA 141–163 that provides for the veterinary prescription use of Milbemite ™ Otic Solution (0.1% milbemycin oxime) for the treatment of ear mite infestations in cats and kittens. The supplemental NADA provides for reducing the lower age limit from 8 weeks of age to 4 weeks of age and for repeating treatment one time, if necessary. The NADA is approved as of December 13, 2000, and the regulations are amended in 21 CFR 524.1446 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for nonfood-producing animals qualifies for 3 years of marketing exclusivity beginning December 13, 2000, because the application contains substantial evidence of effectiveness of the drug involved or any studies of animal safety required for approval of the application and conducted or sponsored by the applicant.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 524

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 524 is amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 524.1446 [Amended]

2. Section 524.1446 *Milbemycin oxime solution* is amended in paragraph (c)(1) by removing "as a single treatment" and in paragraph (c)(2) in the first sentence by removing "8" and adding in its place "4".

Dated: January 5, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–5684 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 275

[T.D. ATF–444]

RIN 1512–AC24

Puerto Rican Tobacco Products and Cigarette Papers and Tubes Shipped From Puerto Rico to the United States

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Temporary rule (Treasury decision).

SUMMARY: This temporary rule eliminates ATF on-site supervision of tobacco products and cigarette papers and tubes of Puerto Rican manufacture that are shipped from Puerto Rico to the United States and related ATF forms. Specifically, this temporary rule eliminates the requirements that persons who ship such articles notify ATF prior to the shipment and that an ATF officer inspects, certifies that the amount of tax on such articles has been calculated correctly for, and releases, each shipment. Consequently, four ATF forms are eliminated. However, this rule requires that persons who ship such articles maintain records so that the amount of tax is calculated and recorded for ATF audit and examination. Also, this temporary rule revises certain sections to simplify and clarify and corrects a few typographical errors. In the Proposed Rules section of this **Federal Register**, ATF is also issuing a notice of proposed rulemaking inviting comments on this temporary rule for a 60-day period following the publication of this temporary rule.

EFFECTIVE DATE: This rule is effective March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 (telephone 202–927–8210 or e-mail to alctob@atfhq.atf.treas.gov).

SUPPLEMENTARY INFORMATION:

Background

Elimination of On-Site Supervision and Forms

ATF is eliminating the on-site supervision of, and ATF forms for, shipments of tobacco products and cigarette papers and tubes of Puerto Rican manufacture from Puerto Rico to the United States. ATF believes that the elimination of this supervision and these ATF forms will benefit the companies involved with such shipments and the Government.

ATF has discussed the proposed changes with the three companies in Puerto Rico who currently ship Puerto Rican tobacco products from Puerto Rico to the United States. All of the companies were in favor of eliminating the on-site ATF supervision of shipments of Puerto Rican tobacco products and cigarette papers and tubes from Puerto Rico to the United States. In addition, all of the companies reported that they were ready to use commercial records immediately to replace the ATF forms 2987(5210.8) and 3075(5200.9). The replacement of these ATF forms with commercial records would not be an additional burden since the ATF forms repeat much of the information contained in the companies' commercial records. In fact, it would eliminate the time spent in preparing, distributing and maintaining these ATF forms and arranging for ATF personnel to supervise each shipment.

This temporary rule allows greater flexibility and choice in managing the limited resources of the Bureau. ATF now conducts audits of the commercial records of companies who ship Puerto Rican tobacco products or cigarette papers and tubes from Puerto Rico to the United States. This temporary rule eliminates the requirement that ATF personnel be present at a particular place and time to inspect and certify each shipment. In addition, this temporary rule relieves the Bureau from the costs associated with revising, printing, stocking and distributing the four ATF forms related to shipments of such products from Puerto Rico to the United States.

In addition, this temporary rule eliminates the requirement that an ATF officer prepare a certificate (ATF Forms 2989 and 3074) for each shipment of Puerto Rican tobacco products or cigarette papers or tubes. These certificates are affixed to the outside of the package of each container and state that the United States tax has been paid. We believe that these certificates are not necessary to protect the revenue and do not improve compliance with the Federal excise tax on tobacco products and cigarette papers and tubes. For commercial shipments, the records maintained by the manufacturer or shipper may be examined by an appropriate ATF officer to determine that the tax has been paid. In the case of noncommercial mail shipments, an appropriate ATF officer may request ATF Form 5000.25, Excise Tax Return—Alcohol and Tobacco (Puerto Rico), from the taxpayer as evidence that the tax has been paid.

Delegations

In the sections of the regulations that are affected by this document, we have removed references to specific ATF officers with whom an ATF Form is filed. The instructions on the ATF form specify the ATF officer with whom the ATF form is filed. Also, we changed "ATF officer" in § 275.106(b) to read "appropriate ATF officer". The "appropriate ATF officer" is specified in a delegation order, ATF O 1130.16A. Conforming changes for referencing this ATF order have also been made in this document. The titles of ATF officials in the sections of this part which are not revised by this temporary rule will be updated by a future technical amendment.

Other Changes

Whenever possible, we tried to simplify and clarify the format and language of the particular sections involved. For example, we revised § 275.121 by revising its language and used a chart to explain some of its requirements. Also, we have made a conforming and clarifying addition to the definition of "records" in § 275.11. This addition will ensure that persons in Puerto Rico who ship Puerto Rican tobacco products or cigarette papers or

tubes from Puerto Rico to the United States prepare and maintain appropriate records of each shipment. In addition, we have removed the reference to the ATF official and the requirement that ATF Form 5000.25 be filed in duplicate in the first sentence of § 275.105 from "repay" to "prepay" and the references to the ATF form number in section 275.114.

Regulatory Flexibility Act

Because a notice of proposed rulemaking is not required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) do not apply. A copy of this temporary rule was submitted to the Chief Counsel for Advocacy of the Small Business Administration in accordance with 26 U.S.C. 7805(f). No comments were received.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action because it will not: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Paperwork Reduction Act

The collection of information contained in this regulation has been reviewed under the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(j)), and pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under control numbers 1512–0560. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

The collection of information in this document is found in 27 CFR §§ 275.106, 275.110 and 275.121(b). This information ensures that the excise tax on Puerto Rican tobacco products and cigarette papers and tubes shipped from Puerto Rico to the United States is properly determined and recorded and that bond coverage, if applicable, is sufficient.

For further information concerning this collection of information, and where to submit comments on the collection of information, refer to the preamble of the cross-referenced notice of proposed rulemaking published in the proposed rules section of this **Federal Register**.

"Plain Language" Changes

During the revision of the regulations in this document, we also tried to simplify and clarify the language of the affected regulations. Any suggestions for improving the readability of these regulations may be submitted as comments to the cross-referenced notice of proposed rulemaking.

Administrative Procedure Act

We find that there is good cause for issuing this temporary rule without prior notice and public procedure under 5 U.S.C. 553(b) or subject to the effective date limitation under 5 U.S.C. 553(d). This document will relieve the burden on companies in Puerto Rico by eliminating the requirement that ATF personnel inspect and supervise each shipment of Puerto Rican tobacco products or cigarette papers and tubes from Puerto Rico to the United States. This document also eliminates two ATF forms that companies in Puerto Rico were required to prepare for ATF personnel to inspect and supervise such shipments and two ATF forms that ATF personnel were required to execute for each shipment.

Drafting Information

The principal author of this document is Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Claims, Electronic fund transfer, Customs duties and inspection, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, Tobacco products, U.S. possessions, Warehouses.

Authority and Issuance

Title 27, Code of Federal Regulations is amended as follows:

PART 275—IMPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

Paragraph 1. The authority citation for part 275 is revised to read as follows:

Authority: 18 U.S.C. 2342; 26 U.S.C. 5701, 5703, 5704, 5705, 5708, 5712, 5713, 5721, 5722, 5723, 5741, 5754, 5761, 5762, 5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7651, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 275.11 [Amended]

Par. 2. The definition of "Appropriate ATF officer" in § 275.11 is amended by the adding the capital letter "A" at the end of the numbers "1130.16".

Par. 3. Paragraphs (1), (3)(i) and (3)(ii) of the definition of "Records" in § 275.11 are amended by adding the phrases "or shipment into the United States from Puerto Rico" after the word "importation".

§ 275.29 [Amended]

Par. 4. Section 275.29 is amended by removing the numbers "1130.15" each place it appears and adding, in substitution, the numbers "1130.16A".

Par. 5. Section 275.105 is revised to read as follows:

§ 275.105 Prepayment of tax.

To prepay, in Puerto Rico, the internal revenue tax imposed by 26 U.S.C. 7652(a), on tobacco products and cigarette paper and tubes of Puerto Rican manufacture which are to be shipped to the United States, the shipper must file, or cause to be filed, a tax return, ATF Form 5000.25, with full remittance of tax which will become due on such tobacco products and cigarette papers and tubes.

* * * * *

Par. 6. Section 275.106 is revised to read as follows:

§ 275.106 Examination and record of shipment by taxpayer.

(a) *Shipments other than noncommercial mail shipment.* The taxpayer will ensure that the tax has been prepaid on the tobacco products and cigarette papers and tubes in each shipment. The taxpayer will identify the tobacco products or cigarette papers or tubes on the bill of lading or similar record to accompany the shipment with the following information:

(1) The marks and numbers on shipping containers;

(2) The number of containers;

(3) The kind of taxable article and the rate of tax, as specified by 275.30 through 275.35;

(4) The number of small cigarettes, large cigarettes or small cigars to be shipped;

(5) The number and total sale price of large cigars with a price of not more than $235.294 per thousand to be shipped;

(6) The number of large cigars with a sale price of more than $235.294 per thousand to be shipped;

(7) The pounds and ounces of chewing tobacco or snuff to be shipped;

(8) The pounds and ounces of pipe tobacco or roll-your-own tobacco to be shipped;

(9) The number of cigarette papers or tubes to be shipped;

(10) The amount of the tax paid on such articles under the provisions of this subpart; and

(11) The name and address of the consignee in the United States to whom such products are being shipped. The taxpayer will note such bills of lading or similar records to identify the particular ATF Form 5000.25 on which taxes have been prepaid.

(b) *Noncommercial mail shipments.* Noncommercial mail shipments of tobacco products and cigarette papers and tubes to the United States are exempt from the provisions of paragraph (a) of this section, except that the taxpayer will provide a copy of the ATF Form 5000.25 upon request of an appropriate ATF officer.

(Approved by the Office of Management and Budget under control number 1512–0560)

Par. 7. Section 275.110 is revised to read as follows:

§ 275.110 Record of tax computation and shipment by bonded manufacturer under deferred taxpayment.

Where tobacco products or cigarette papers or tubes are to be shipped to the United States involving deferred taxpayment, the bonded manufacturer must calculate the tax from the information contained in the bill of lading or a similar record. The bonded manufacturer will identify each shipment on such record with the following information:

(a) The marks and numbers on shipping containers;

(b) The number of containers;

(c) The kind of taxable article and the rate of tax as specified in 275.30 through 275.35;

(d) The number of small cigarettes, large cigarettes or small cigars to shipped;

(e) The number and total sale price of large cigars with a price of not more than $235.294 per thousand to be shipped;

(f) The number of large cigars with a sale price of more than $235.294 per thousand to be shipped;

(g) The pounds and ounces of chewing tobacco or snuff to be shipped;

(h) The pounds and ounces of pipe tobacco or roll-your-own tobacco to be shipped;

(i) The number of cigarette papers or tubes;

(j) The amount of the tax to be paid on such articles under the provisions of this subpart; and

(k) The name and address of the consignee in the United States to whom such products are being shipped. The date of completing such record will be treated as the date of computation of the tax. Tobacco products or cigarette papers or tubes may be shipped to the United States in accordance with the provisions of this section only after computation of the tax.

(Approved by the Office of Management and Budget under control number 1512–0560)

Par. 8. Section 275.111 is revised to read as follows:

§ 275.111 Agreement to Pay Tax.

Upon shipment of tobacco products and cigarette papers or tubes the bonded manufacturer agrees:

(a) To pay the tax on the shipment;

(b) That there is no default in payment of tax chargeable against the manufacturer's bond on ATF Form 2986 (5210.12); and

(c) That the amount of the manufacturer's bond is sufficient or in the maximum penal sum to cover the tax due on the shipment.

§ 275.114 [Amended]

Par. 9. Paragraphs (b)(1) and (b)(2) of § 275.114 are amended by removing the numbers "5000.24" each place that they appear and adding, in substitution, the numbers "5000.25".

Par. 10. Section 275.121 is revised to read as follows:

§ 275.121 Amount and Account of bond.

(a) *Bond amount.* Except for the maximum and minimum amounts stated in this paragraph, the total amount of the bond or bonds for tobacco products or cigarette papers or tubes under the provisions of this subpart must be in an amount not less than the amount of unpaid tax chargeable at any one time against the bond. A manufacturer who will defer payment of tax for a shipment of tobacco products or cigarette papers or tubes under the provisions of this subpart must have sufficient credit in this account to cover the taxes prior to making the shipment to the United States. The maximum and minimum amounts of such bond or bonds are as follows:

Taxable article	Bond amount maximum	Bond amount minimum
(1) Cigarettes	$250,000	$1,000
(2) Any combination of taxable articles	250,000	1,000
(3) One kind of taxable article other than cigarettes	150,000	1,000

(b) *Bond Account.* Where the amount of a bonded manufacturer's bond is less than the maximum amount prescribed in paragraph (a) of this section, a bonded manufacturer must maintain an account reflecting all outstanding taxes with which the manufacturer's bond is chargeable. A manufacturer must debit such account with the amount of tax that was agreed to be paid under § 275.111 or is otherwise chargeable against such bond and then must credit the account for the amount paid on Form 5000.25 or other ATF-prescribed document, at the time it is filed.

(Approved by the Office of Management and Budget under control number 1512–0560)

Signed: February 5, 2001.

Bradley A. Buckles,

Director.

Approved: February 13, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 01–5424 Filed 3–8–01; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1–01–024]

RIN 2115–AA97

Safety Zone: Fore River Bridge Repairs—Weymouth, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for

the Fore River (Route 3A) Bridge Repairs, starting February 21 and lasting until December 31, 2001, in Weymouth, MA. The safety zone is to ensure the safe operation of a fifty-five (55) foot wide crane barge underneath the Fore River Bridge in order to conduct repair operations, Monday through Saturday of each week in the effective time period and is necessary to protect maritime traffic in the area of the safety zone. The safety zone prevents vessels from approaching within thirty (30) feet of the barge.

DATES: This rule is effective from February 21 until December 31, 2001.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) Dave Sherry, Marine Safety Office Boston, Waterways Management Division, at (617) 223–3000.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Discussions were held with all interests most likely to be affected by this safety zone. These include Massachusetts Highway Department, TMC, Weymouth Fore River operators, barge and ferry companies, Massachusetts Coastal Zone Management, and recreational boater representatives. These interests agree that the parameters of the zone will not unduly impair business and unscheduled operations or transits of vessels. Therefore, notice and comment is unnecessary. Any delay encountered in this regulation's effective date would be unnecessary and contrary to public interest since immediate action is needed to protect marine traffic from bridge construction hazards while transiting a portion of the Fore River, Weymouth, Massachusetts, during the Fore River Bridge repair. This safety zone should have minimal impact on vessel transits due to the fact that the safety zone does not block the entire channel, procedures have been established for the movement of the construction barge should larger vessels that are unable to transit around the barge while in the channel need to transit the area, and advanced notice will be given through marine broadcasts.

Background and Purpose

The safety zone allows The Middlesex Corporation (TMC) to place its fifty-five (55) foot wide crane barge in the Fore River underneath the Fore River Bridge to conduct repair operations, Monday through Saturday of each week from February 21 through December 31, 2001. It also prevents vessels from approaching within thirty (30) feet of the barge. On August 7, 2000, December 4 and 20, 2000, and January 8, 2001 the Coast Guard hosted planning meetings with Massachusetts Highway Department, TMC, Weymouth Fore River operators, barge and ferry companies, Massachusetts Coastal Zone Management, and recreational boater representatives. The meetings explored bridge repair options, and on February 12, 2001 a final group consensus was achieved on which this rule is based. Most marine traffic may transit safely outside of the safety zone during the repairs. In the event a large vessel should need to transit the channel, the TMC barge shall move upon request. Requests to move the barge should be made directly to TMC at 781–665–3261 with as much advance notice as possible (at least 8 hours is preferred). The Captain of the Port anticipates minimal negative impact on vessel traffic due to this event. Public notifications will be made prior to the effective period via safety marine information broadcasts.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Although this regulation prevents traffic from transiting a portion of the Weymouth Fore River during this event, the effect of this regulation will not be significant for several reasons: maritime interests, which frequently use the channel, have provided input into the scheduling of the bridge repairs, the safety zone does not block the entire channel, advanced notice will be given through marine broadcasts, and the construction barge will be required to move upon request for larger vessels unable to transit around it while in the channel.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Weymouth Fore River between February 21 and December 31, 2001. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The safety zone does not block the entire channel, advanced notice will be given through marine broadcasts, and the construction barge will be required to move upon request for larger vessels unable to transit around it while in the channel.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard analyzed this rule under E.O. 13132 and has determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not pose an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, (34)(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.

2. Add temporary section 165.T01–024 to read as follows:

§ 165.T01–024 Safety Zone: Fore River Bridge Repairs—Weymouth, Massachusetts.

(a) *Location.* The following area is a safety zone:

All waters of Boston Inner Harbor within a thirty (30) foot radius of the TMC construction barge located under the Fore River Bridge.

(b) *Effective Date.* This section is effective from February 21 until December 31, 2001.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

Dated: February 20, 2001.

J.R. Whitehead,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 01–5602 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego, CA; 01–002]

RIN 2115–AA97

Safety Zone: Mission Bay, San Diego, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of the channel entrances to Mission Bay, San Diego, CA. This safety zone has been established to safeguard vessels from the severe swell and waves that are being encountered at the channel entrances to Mission Bay. The Captain of the Port retains the discretion to authorize entry into, transit through, or anchoring within this zone as weather and navigation conditions permit.

DATES: This temporary rule becomes effective at 8 a.m. (PST) on February 21, 2001, and runs until 8 p.m. (PST) on April 15, 2001. If the need for the safety zone ends before the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and announce the fact via Broadcast Notice to Mariners.

ADDRESSES: Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego, CA 92101–1064.

FOR FURTHER INFORMATION CONTACT: Petty Officer Nicole Lavorgna, USCG, c/o U.S Coast Guard Captain of the Port, telephone (619) 683–6495.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, a notice of proposed rule making (NPRM) was not published for this regulation and good cause exists for making it effective less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying the effective date would be contrary to the public interest because emergency weather and navigation conditions require the immediate closure of this area.

Discussion of Regulation

This safety zone is necessary to safeguard vessels from severe swell and waves that are being encountered at the channel entrances to Mission Bay. The safety zone is established to restrict vessels from capsizing, grounding, and other navigational mishaps that may occur due to severe weather and navigation conditions currently being encountered at the channel entrance to Mission Bay. Entry into, transiting through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port. The safety zone will be in place from 8 a.m. (PST) on February 21, 2001, and runs until 8 p.m. (PST) on April 15, 2001. The safety zone runs through mid April because past weather trends indicate sporadic harsh weather through this date. The safety zone will consist of all navigable waters located within a 400 yard circular radius surrounding the end of the Mission Bay Channel entrance north jetty.

Regulatory Evaluation

This temporary regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). Due to the short duration and limited scope of implementation for the safety zone, and because commercial traffic will have an opportunity to request authorization to transit, the Coast Guard expects the economic impact of this rule to be so minimal that full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. § 601 et seq), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include small businesses and not-for-profit

organizations that are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. § 605(b) that this rule is not expected to have a significant economic impact on any substantial number of entities, regardless of their size.

Assistance For Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Petty Officer Nicole Lavorgna, U.S. Coast Guard Marine Safety Office San Diego at (619) 683–6495.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq).

Federalism

The Coast Guard has analyzed this temporary regulation under the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this temporary regulation and concluded that under Chapter 2.B.2. of Commandant Instruction M16475.1C, Figure 2–1, paragraph (34)(g), it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local, or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this temporary final rule and reached the following conclusions:

Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This Rule will not effect a taking of private property or otherwise have taking implications under this Order.

Executive Order 12875, Enhancing the Intergovernmental Partnership. This Rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

Executive Order 12988, Civil Justice Reform. This Rule meets applicable standards in section 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This Rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new § 165.T11–030 is added to read as follows:

§ 165.T11–030 Safety zone: mission bay, San Diego, CA.

(a) *Location.* This safety zone consists of all navigable waters located within a 400 yard circular radius surrounding the end of the Mission Bay Channel entrance north jetty.

(b) *Effective Date.* This section is effective at 8 a.m. (PST) on February 21, 2001, and runs until 8 p.m. (PST) on April 15, 2001. If the Mission Bay closure reopens prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by all vessels is prohibited, unless authorized by the Captain of the Port, or his designated representative.

Dated: February 21, 2001.

J.M. Farley,

Commander, U.S. Coast Guard, Captain of the Port, San Diego.

[FR Doc. 01–5600 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Implementation Plans

CFR Correction

In Title 40 of the Code of Federal Regulations, Part 52 (§ 52.1019 to end), revised as of July 1, 2000, on page 460, § 52.2026 is corrected by removing the introductory sentence, and removing and reserving paragraphs (a) and (b).

[FR Doc. 01–55506 Filed 3–7–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 422

Medicare + Choice Program

CFR Correction

In Title 42 of the Code of Federal Regulations, parts 400 to 429, revised as of Oct. 1, 2000, in part 422, on page 777, § 422.156 is corrected by correctly revising paragraph (e)(1) to read as follows:

§ 422.156 Compliance deemed on the basis of accreditation.

* * * * *

(e) * * *

(1) HCFA determines, on the basis of its own investigation, that the M+C organization does not meet the Medicare requirements for which deemed status was granted.

* * * * *

[FR Doc. C1–55504 Filed 3–7–01; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–530, MM Docket No. 00–241, RM–9968]

Digital Television Broadcast Service; Hastings, NE

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of the Nebraska Educational Telecommunications Commission, licensee of noncommercial educational station KHNE(TV), substitutes DTV channel *28 for DTV channel *14 at Hastings, Nebraska. *See* 65 FR 76206, December 6, 2000. DTV channel *28 can be allotted to Hastings in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (40–46–20 N. and 98–05–21 W.) with a power of 200, HAAT of 366 meters and with a DTV service population of 221 thousand. With this action, this proceeding is terminated.

DATES: Effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–241, adopted March 5, 2001, and released March 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Nebraska, is amended by removing DTV channel *14 and adding DTV channel *28 at Hastings.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–5729 Filed 3–7–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–531, MM Docket No. 00–243, RM–9961]

Digital Television Broadcast Service; Orono, ME

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Maine Public Broadcasting Corporation, licensee of noncommercial educational station WMEB–TV, substitutes DTV channel *9 for DTV channel *22 at Orono, Maine. *See* 65 FR 76207, December 6, 2000. DTV channel *9 can be allotted to Orono in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (44–42–13 N. and 69–04–47 W.) with a power of 15.0, HAAT of 375 meters and with a DTV service population of 448 thousand. Since Orono is located within 400 kilometers of the U.S.-Canadian border, concurrence by the Canadian government has been obtained for this allotment. With this action, this proceeding is terminated.

DATES: Effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–243, adopted March 5, 2001, and released March 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Maine, is amended by removing DTV channel *22 and adding DTV channel *9 at Orono.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–5728 Filed 3–7–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–529, MM Docket No. 00–242, RM–9998]

Digital Television Broadcast Service; Weston, WV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Withers Broadcasting Company of West Virginia, licensee of station WDTV(TV), substitutes DTV channel 6 for DTV channel 58 at Weston, West Virginia. *See* 65 FR 7206, December 12, 2000. DTV channel 6 can be allotted to Weston in compliance with the principle community coverage requirements of section 73.625(a) at reference coordinates (39–04–29 N. and 80–25–28 W.) with a power of 10.0, HAAT of 253 meters and with a DTV service population of 501 thousand. With this action, this proceeding is terminated.

DATES: Effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–242, adopted March 5, 2001, and released March 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under West Virginia, is amended by removing DTV channel 58 and adding DTV channel 6 at Weston.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–5727 Filed 3–7–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–532, MM Docket No. 00–234, RM–9999]

Digital Television Broadcast Service; Reno, NV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Broadcast Development Corporation, licensee of station KAME–TV, substitutes DTV channel 20 for DTV channel 22 at Reno, Nevada. *See* 65 FR 71080, November 29, 2000. DTV channel 20 can be allotted to Reno in compliance with the principle community coverage requirements of section 73.625(a) at reference coordinates (39–35–04 N. and 119–47–51 W.) with a power of 50.0, HAAT of 189 meters and with a DTV service population of 281 thousand. With this action, this proceeding is terminated.

DATES: Effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–234, adopted March 5, 2001, and released March 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Nevada, is amended by removing DTV channel 22 and adding DTV channel 20 at Reno.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–5726 Filed 3–7–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ACQUISITION REGULATION

48 CFR Part 19

Small Business Programs

CFR Correction

In Title 48 of the Code of Federal Regulations, Chapter 1 (Parts 1 to 51), revised as of Oct. 1, 2000, in part 19, § 19.101 is corrected by moving paragraph (g)(5) which appears at the end of the section on page 328, and inserting it above "Annual receipts" on page 327.

[FR Doc. C1–55505 Filed 3–7–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000331092–0315–02; I.D. 030100F]

RIN 0648–AM42

Fisheries in the Exclusive Economic Zone Off Alaska; License Limitation Program for the Scallop Fishery; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: This document corrects regulatory text in the final rule that implements a license limitation program for the scallop fishery, which was published in the **Federal Register** on December 14, 2000.

DATES: Effective January 16, 2001.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION:

Background

A final rule was published in the **Federal Register** on December 14, 2000 (65 FR 78110), to implement a license limitatioh program for the scallop fishery. The regulatory text portion of the final rule describing the procedure for transfer of a scallop license incorrectly listed the social security number as required information.

Correction

In the final rule to implement a license limitation program for the scallop fishery, published at 65 FR 78110, December 14, 2000, FR Doc. 00–31649, the following corrections are made:

1. On page 78118, column one, § 679.4(g)(5)(iii)(A) is correctly revised to read as follows:

§ 679.4 Permits.

* * * * *

(g) * * *

(5) * * *

(iii) * * *

(A) Name, business address, telephone number, and FAX number of the license holder and of the designated transferee;

* * * * *

Dated: March 1, 2001.

Clarence Pautzke,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service

[FR Doc. 01–5760 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 46
Thursday, March 8, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–48–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron, Inc., Model 205A–1, 205B, 212, 412, 412EP, and 412CF Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) for Bell Helicopter Textron, Inc. (BHTI) Model 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters. The AD would require removing each existing tail rotor counterweight bellcrank (bellcrank) retention nut (retention nut), replacing each retention nut with a zero hours time-in-service (TIS) retention nut; and follow-up inspections of installed retention nuts. This proposal is prompted by an in-flight loss of a bellcrank due to failure of the retention nut. The actions specified by the proposed AD are intended to prevent failure of the retention nut, which could result in the bellcrank migrating off the crosshead spindle, loss of tail rotor control, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before May 7, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–48–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov*. Comments may be inspected at the Office of the Regional Counsel between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280–3391, fax (817) 280–6466. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Michael Kohner, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, Fort Worth, Texas 76193–0170, telephone (817) 222–5447, fax (817) 222–5783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2000–SW–48–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–48–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

This document proposes the adoption of a new AD for BHTI Model 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters. The document proposes to require:

- Removing the two existing retention nuts within 100 hours TIS or 90 days, whichever occurs first;
- Installing a retention nut, part number MS14145L6 or MS17826–6, which are limited to a one-time installation;
- Inspecting the corrosion preventive compound (CPC) coating of the retention nut for deficiencies;
- Inspecting the retention nut for corrosion, mechanical damage, a crack, or looseness; and
- Replacing each retention nut, when necessary.

This proposal is prompted by an in-flight loss of a bellcrank due to failure of the retention nut. The actions specified by the proposed AD are intended to prevent failure of the retention nut, which could result in the bellcrank migrating off the crosshead spindle, loss of tail rotor control, and subsequent loss of control of the helicopter

The FAA has reviewed the following BHTI Alert Service Bulletins, which describe procedures for installing, inspecting, and replacing the retention nut:

- Bell Helicopter Textron, Inc. Alert Service Bulletin No. 205–00–77, Revision A, dated September 13, 2000, which is applicable to Model 205A–1 helicopters;
- Bell Helicopter Textron, Inc. Alert Service Bulletin No. 205B–00–31, Revision A, dated September 13, 2000, which is applicable to Model 205B helicopters;
- Bell Helicopter Textron, Inc. Alert Service Bulletin No. 212–00–107, Revision A, dated September 13, 2000, which is applicable to Model 212 helicopters;
- Bell Helicopter Textron, Inc. Alert Service Bulletin No. 412–00–102, Revision A, dated September 13, 2000, which is applicable to Model 412 and Model 412EP helicopters; and
- Bell Helicopter Textron, Inc. Alert Service Bulletin No. 412CF–00–10, Revision A, dated September 13, 2000, which is applicable to Model 412CF helicopters.

Since an unsafe condition has been identified that is likely to exist or develop on other BHTI Model 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters of the same type design, the proposed AD would require:

- Removing the two existing retention nuts within 100 hours TIS or 90 days, whichever occurs first;
- Installing a retention nut, part number MS14145L6 or MS17826–6, which are limited to a one-time installation;
- Inspecting the CPC coating of the retention nut for deficiencies;
- Inspecting the retention nut for corrosion, mechanical damage, a crack, or looseness; and
- Replacing each retention nut, when necessary.

The actions would be required to be accomplished in accordance with the applicable alert service bulletins described previously.

The FAA estimates that 423 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 2.5 work hours per helicopter to replace each retention nut, and 0.5 work hour to inspect each retention nut once, and that the average labor rate is $60 per work hour. Required parts would cost approximately $7 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $155,241 to replace the retention nuts and inspect them once.

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Bell Helicopter Textron, Inc.: Docket No. 2000–SW–48–AD.

Applicability: Model 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the tail rotor counterweight bellcrank (bellcrank) retention nut (retention nut), which could result in the bellcrank migrating off the crosshead spindle, loss of tail rotor control, and subsequent loss of control of the helicopter, accomplish the following:

(a) For Model 205A–1 helicopters:

(1) Within 100 hours time-in-service (TIS) or 90 days after the effective date of this AD, whichever occurs first, remove the two existing retention nuts retaining the bellcranks, part number (P/N) 212–010–709–001 or 212–011–705–001, and install zero hours TIS retention nuts, P/N MS14145L6 or MS17826–6, in accordance with paragraphs (1) through (5) of the Accomplishment Instructions in Bell Helicopter Textron, Inc. Alert Service Bulletin (ASB) 205–00–77, Revision A, September 13, 2000 (205A–1 ASB). A used nut may not be installed.

(2) At intervals not to exceed 100 hours TIS after accomplishing paragraph (a)(1) of this AD, inspect the retention nuts and corrosion preventive compound (CPC) coating in accordance with paragraph (6) of the Accomplishment Instructions of the 205A–1 ASB. Reapply the CPC coating if deficiencies are found in the coverage and protection of the area. Replace any retention nut with any corrosion, mechanical damage, a crack, or looseness with an airworthy new retention nut before further flight.

(b) For Model 205B helicopters:

(1) Within 100 hours TIS or 90 days after the effective date of this AD, whichever occurs first, remove the two existing retention nuts retaining the bellcranks, P/N 212–011–705–001, and install retention nuts, P/N MS14145L6 or MS17826–6, in accordance with paragraphs (1) through (5) of the Accomplishment Instructions in Bell Helicopter Textron, Inc. ASB 205B–00–31, Revision A, dated September 13, 2000 (205B ASB). A used nut may not be installed.

(2) At intervals not to exceed 100 hours TIS after accomplishing paragraph (b)(1) of this AD, inspect the retention nuts and CPC coating in accordance with paragraph (6) of the Accomplishment Instructions in the 205B ASB. Reapply the CPC coating if deficiencies are found in the coverage and protection of the area. Replace any retention nut with any corrosion, mechanical damage, a crack, or looseness with an airworthy new retention nut before further flight.

(c) For Model 212 helicopters:

(1) Within 100 hours TIS or 90 days after the effective date of this AD, whichever occurs first, remove the two existing retention nuts retaining the bellcranks, P/N 212–010–709–001 or 212–011–705–001, and install retention nuts, P/N MS14145L6 or MS17826–6, in accordance with paragraphs (1) through (5) of the Accomplishment Instructions in Bell Helicopter Textron, Inc. Alert Service Bulletin 212–00–107, Revision A, dated September 13, 2000 (212 ASB). A used retention nut may not be installed.

(2) At intervals not to exceed 100 hours TIS after accomplishing paragraph (c)(1) of this AD, inspect the retention nuts and CPC coating in accordance with paragraph (6) of the Accomplishment Instructions in the 212 ASB. Reapply the CPC coating if deficiencies are found in the coverage and protection of the area. Replace any retention nut with any corrosion, mechanical damage, a crack, or looseness with an airworthy new nut before further flight.

(d) For Model 412 or 412EP helicopters:

(1) Within 100 hours TIS or 90 days after the effective date of this AD, whichever occurs first, remove the two existing retention nuts retaining the bellcranks, P/N 212–011–705–001, and install retention nuts, P/N MS14145L6 or MS17826–6, in accordance with paragraphs (1) through (5) of the Accomplishment Instructions in Bell Helicopter Textron, Inc. ASB 412–00–102, Revision A, dated September 13, 2000 (412 ASB). A used nut may not be installed.

(2) At intervals not to exceed 100 hours TIS after accomplishing paragraph (d)(1) of this AD, inspect the retention nuts and CPC coating in accordance with paragraph (6) of the Accomplishment Instructions in the 412 ASB. Reapply the CPC coating if deficiencies are found in the coverage and protection of the area. Replace any retention nut with any corrosion, mechanical damage, a crack, or looseness with an airworthy new retention nut before further flight.

(e) For Model 412CF helicopters:

(1) Within 100 hours TIS or 90 days after the effective date of this AD, whichever occurs first, remove the two existing retention nuts retaining the bellcranks, P/N 212–011–705–001, and install retention nuts, P/N MS14145L6 or MS17826–6, in accordance with paragraphs (1) through (5) of the Accomplishment Instructions in Bell Helicopter Textron, Inc. ASB 412CF–00–10, Revision A, September 13, 2000 (412CF ASB). A used nut may not be installed.

(2) At intervals not to exceed 100 hours TIS after accomplishing paragraph (e)(1) of this AD, inspect the retention nuts and CPC coating in accordance with paragraph (6) of the Accomplishment Instructions in the 412CF ASB. Reapply the CPC coating if deficiencies are found in the coverage and protection of the area. Replace any retention nut with any corrosion, mechanical damage, a crack, or looseness with an airworthy new nut before further flight.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Certification Office, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on February 28, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–5658 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 255

[Docket No. OST–2001–9054]

RIN 2105–AC75

Extension of Computer Reservations Systems (CRS) Regulations

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department is proposing to revise its rules governing airline computer reservations systems (CRSs) by changing the rules' expiration date from March 31, 2001, to March 31, 2002. If the expiration date is not changed, the rules will terminate on March 31, 2001. The proposed extension of the current rules will keep them in effect while the Department carries out its reexamination of the need for CRS regulations. The Department has tentatively concluded that the current rules should be maintained because they appear to be necessary for promoting airline competition and helping to ensure that consumers and their travel agents can obtain complete and accurate information on airline services. The rules were previously extended from December 31, 1997, to March 31, 1999, then to March 31, 2000, and then to March 31, 2001.

DATES: Comments must be submitted on or before March 19, 2001. Late filed comments will be considered to the extent possible.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them (marked with docket number OST–2001–9054) by only one of the following means:

(1) By mail to the Docket Management Facility, US Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By hand delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) Electronically through the Web Site for the Docket Management System at http://dms.dot.gov. Comments must be filed in Docket OST–2001–9054.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, 400 Seventh St. SW., Washington, DC 20590, (202) 366–4731.

Electronic Access: You can view and download this document by going to the webpage of the Department's Docket Management System (*http://dms.dot.gov/*). On that page, click on "search." On the next page, type in the last four digits of the docket number shown on the first page of this document. Then click on "search." An electronic copy of this document also may be downloaded by using a computer, modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara/ index.html.*

SUPPLEMENTARY INFORMATION: In 1992 the Department adopted its rules governing CRS operations, 14 CFR Part 255, because almost all airlines operating in the United States relied on the CRSs in marketing their airline services. 57 FR 43780 (September 22, 1992). We determined that the rules were necessary to ensure that each of the airlines and airline affiliates that then owned and controlled the systems did not use the systems to unfairly prejudice the competitive position of other airlines or to provide misleading or inaccurate information to travel agents and their customers. Travel agents depended on CRSs to provide airline information and make bookings for their customers, and almost all airlines received most of their bookings from travel agencies. CRS rules were necessary for these reasons. Our rules as revised will expire on March 31, 2001, unless we readopt them or extend the expiration date. 64 FR 15127 (March 30, 1999). We began a proceeding to determine whether the rules are necessary and should be readopted and, if so, whether they should be modified, by issuing an advance notice of proposed rulemaking. 62 FR 47606 (September 10, 1997). We are proposing here to extend the rules' expiration date to March 31, 2002, so that they will remain in force while we complete our reexamination of the rules.

We have set a ten-day comment period so that we can publish a final decision on this proposal before the rules' current expiration date. Our advance notice of proposed rulemaking and our supplemental advance notice of proposed rulemaking have given interested persons an opportunity to comment on whether the rules should be maintained.

The CRS Business

Four firms provide CRS services in the United States. Three of them are owned in whole or part by one or more U.S. or foreign airlines, and the two systems with little or no airline ownership are marketed by one or more U.S. airlines. A CRS provides information on airline services and other travel services sold through the system to its users. While most system users are travel agents (both traditional agencies and on-line agencies), consumers using Internet reservations services and corporate travel departments also use systems. Someone using a CRS can investigate what airline seats and fares are available and can book a seat on each airline that "participates" in the system, that is, that makes its services saleable through the CRS. Travel agents access a CRS through computer terminals.

The systems obtain most of their revenues from the fees paid by airlines and other travel suppliers participating in a system when a system user books travel services through the system or changes an existing booking (these fees are called "booking fees"). Many, but not all, travel agencies subscribing to a system also pay fees. Since the systems compete for subscribers, market forces discipline subscriber fees, and some travel agencies can obtain CRS equipment and services at little or no charge.

Regulatory Background

The Civil Aeronautics Board ("the Board"), the agency formerly responsible for the economic regulation of the airline industry, initially adopted CRS rules because the systems had become essential for airline distribution in the early 1980s due to the travel agents' reliance on the systems for investigating and booking airline services. 49 FR 32540 (August 15, 1984). At that time each system operating in the United States, with one minor exception, was owned by a single airline, and each owner airline used its system to prejudice competing airlines and to give consumers biased or incomplete information in order to obtain more bookings. The Board found that regulations were essential to keep the systems from substantially injuring airline competition and from misleading consumers. In adopting its regulations the Board primarily relied on its authority under section 411 of the Federal Aviation Act, later recodified as 49 U.S.C. 41712, to prevent unfair methods of competition and unfair and deceptive practices in air transportation and the sale of airline transportation. The Board's rules were affirmed on review. *United Air Lines* v. *CAB*, 766 F.2d 1107 (7th Cir. 1985).

The Board's major rules required each system to make participation available to all airlines on non-discriminatory terms, to offer at least one unbiased display, and to make available to each airline participant any marketing and booking data from bookings for domestic travel that it chose to generate from its system. The rules also prohibited certain CRS contract terms that unreasonably limited the travel agencies' ability to switch systems or use more than one system.

To ensure that the rules would be reexamined, the Board's rules contained a sunset date, December 31, 1990. After we assumed the Board's responsibilities for airline economic regulation, we conducted such a reexamination. During our reexamination we maintained the rules by extending their expiration date. 55 FR 53149 (December 27, 1990); 56 FR 60915 (November 29, 1991); 57 FR 22643 (May 29, 1992).

Our reexamination caused us to readopt the rules with several revisions designed to strengthen them. 57 FR 43780 (September 22, 1992). We determined that the rules were still necessary. Market forces did not discipline the price or level of service offered participating airlines by the systems. In addition, without rules CRS owners could use their control of the systems to prejudice airline competition, and the systems could bias their displays of airline services. 57 FR at 43783–43787.

Like the Board's rules, our rules included a sunset date, December 31, 1997. 14 CFR 255.12; 57 FR at 43829–43830 (September 22, 1992). To begin our current reexamination of the rules, we published an advance notice of proposed rulemaking requesting comments on whether we should readopt the rules and, if so, whether they should be changed. 62 FR 47606 (September 10, 1997). We then amended the rules twice to further promote competition. 62 FR 59784 (November 5, 1997); 62 FR 66272 (December 18, 1997). Last year we published a supplemental advance notice of proposed rulemaking that asked the parties to update their comments in light of recent developments and to comment on whether any rules should be adopted regulating the use of the Internet in airline distribution. 65 FR 45551 (July 24, 2000).

We have also been conducting informal studies of recent developments in airline distribution and of the proposed business plan and operational strategy of Orbitz, a travel website being developed by five major U.S. airlines.

Almost all of the parties responding to our advance notice of proposed rulemaking and supplemental advance notice of proposed rulemaking urged us to maintain CRS rules, although they also argued that the rules required changes, mostly changes that would strengthen them. Few parties have argued that we should eliminate the rules or that the continued regulation of the CRS business is unnecessary. An extension of the current rules pending completion of the current reexamination of those rules would be consistent with the positions taken by most of the commenters.

Previous Extension of the Rules' Sunset Date

Because we could not complete our reexamination of the rules by the original sunset date, December 31, 1997, we have amended the rules three times to extend them, first to March 31, 1999, then to March 31, 2000, and then to March 31, 2001. 62 FR 66272 (December 18, 1997); 64 FR 15127 (March 30, 1999); and 65 FR 16808 (March 30, 2000). We concluded that these extensions were necessary to prevent the harm that would arise if the CRS business were not regulated and that extending the rules would not impose substantial costs on the industry. The only party that commented on the first proposed extension—America West Airlines—supported it, as did three parties that commented on the second proposed extension—Amadeus Global Distribution System, America West, and the Association of Asia-Pacific Airlines. Worldspan's comment on the second proposed extension did not oppose the extension. The parties that took a position on the last proposed extension —Delta, Amadeus, Worldspan, and the American Society of Travel Agents —all supported the proposal.

Our Proposed Extension of the CRS Rules

We are again proposing to change the expiration date for our CRS rules to March 31, 2002, to keep the rules in effect while we complete our reexamination of the need for the rules and their effectiveness. The time needed to complete our overall reexamination of our rules, including the need to give parties an adequate opportunity to file comments and reply comments in response to our future notice of proposed rulemaking, will require more time than the few months remaining before the current expiration date, March 31, 2001. In addition, we wish to complete our informal studies of airline distribution developments before we determine whether to propose readopting the rules.

We are aware that the delay in completing the rules' reexamination is unfortunate due to the importance of adapting our rules on CRS operations to current industry conditions and of considering whether the rules should be extended to the Internet, which is becoming increasingly important in airline distribution. We have had to address other airline competition issues that appeared to be more urgent. While the current rules should be updated, they do appear to address the most serious potential competitive and consumer protection issues created by

the use of computer reservations systems in airline distribution.

We have taken steps to enable us to move forward promptly on the rules' reexamination. As noted, we issued a supplemental notice last year asking the parties to update their comments in light of recent developments, including the Internet's growing importance in airline distribution. We are also completing our informal studies of airline distribution.

A number of parties have requested prompt action on certain additional CRS regulations, such as rules limiting airline booking fees and giving travel agency subscribers additional rights to cancel CRS contracts. *See, e.g.*, the petition filed by America West on airline booking fees; the Emergency Petition for Rulemaking filed by the Association of Retail Travel Agents in Docket OST–98–4775 on travel agency contracts; and the petition filed by Amadeus in Docket OST–99–5888 on the tying of an airline's corporate discount fares with the agency's use of that airline's CRS. As indicated, we are also studying Orbitz, since we have received a number of informal complaints that its proposed plan of operation would undermine the current distribution system. We recognize that the importance of some issues, such as our review of Orbitz, may require us to decide them before we complete our overall reexamination of the rules.

We tentatively conclude that we should amend the rules to change the sunset date from March 31, 2001, to March 31, 2002. This amendment would preserve the status quo until we determine which rules, if any, should be adopted. Allowing the current rules to expire would be disruptive, since the systems, airlines, and travel agencies have been conducting their operations in the expectation that each system will comply with the rules. Systems, airlines, and travel agencies, moreover, would be unreasonably burdened if the rules were allowed to expire and we later determined that those rules (or similar rules) should be adopted, since they could have changed their business methods in the meantime.

Our principal reason for extending the rules is the need to protect airline competition and consumers against unreasonable and unfair practices. Our past examinations of the CRS business and airline marketing convinced us that CRSs were still essential for the marketing of the services of almost all airlines. 57 FR 43780, 43783–43784 (September 22, 1992). We found that rules were needed because the airlines depended on travel agencies as their principal distribution arm, because travel agencies relied on CRSs, because most travel agency offices used only one CRS, because creating alternatives for CRSs and getting travel agencies to use them had been difficult, and because non-owner airlines were unable to cause agencies to use a CRS that provided airlines better or less expensive service instead of another that provided poorer or more expensive service. 57 FR at 43783–43784, 43831. If an airline did not participate in a system used by a travel agency, that agency was less likely to book its customers on that airline. Since marginal revenues are important in the airline industry, an airline could not afford to lose access to a significant source of revenue. An airline (or other firm) could not practicably create a system that could compete with the existing systems. Almost all airlines therefore had to participate in each CRS, and CRSs did not need to compete for airline participants. 57 FR at 43783–43784.

We believe that these findings are still valid. Travel agencies still make most airline bookings in the United States, travel agencies still rely heavily on CRSs to determine what airline services are available and to make bookings, and few travel agency offices make extensive use of more than one CRS. That CRS participation is essential for almost all airlines is demonstrated by the decision of the low-fare airlines to participate in each system, even though several initially believed that they could reduce their costs while not forfeiting much traffic by declining to participate in the systems. 62 FR at 47608. The rapid growth in the use of the Internet by consumers may not reduce the importance of the systems, for Internet sites (except many airline sites) typically use a system as their booking engine.

We recognize, of course, that Sabre no longer has any airline owner, due to American's spin-off of its Sabre stock, and that airlines own less than a quarter of Galileo's stock. American and Southwest market Sabre, however, and United markets Galileo, so these two systems each have significant airline ties which could potentially lead to deceptive or unfair competitive practices if our rules expired. Whether the rules should be readopted in light of the changes in system ownership is, of course, an issue that we will consider carefully in our reexamination of the rules. 65 FR at 45554, 45556.

As noted above, most of the parties that responded to the advance notice of proposed rulemaking and the supplemental advance notice of proposed rulemaking stated that the rules remained necessary, and most of them urged us to strengthen them further to protect airlines and travel agencies against potential abuses by system owners.

Thus, while our staff has not completed its current study of the CRS business and we have not issued a notice of proposed rulemaking finding that the rules should be readopted, we tentatively find that our past findings on the need for CRS rules are still valid, at least for the purpose of a short-term extension of the rules' expiration date. Maintaining the current rules will protect airline competition and consumers against the injuries that would otherwise occur, given our earlier findings on the market power of the systems and each airline owner's potential interest in using its affiliated CRS to prejudice the competitive position of other airlines. Continuing the rules in effect should not impose significant costs on the systems and their owners, since they have already adjusted their operations to comply with the rules and since the rules do not impose costly burdens of a continuing nature on the systems.

Finally, our obligation under section 1102(b) of the Federal Aviation Act, recodified as 49 U.S.C. 40105(b), to act consistently with the United States' obligations under treaties and bilateral air services agreements further supports our continuation of the rules. Many of those bilateral agreements assure the airlines of each party a fair and equal opportunity to compete. We have held that the fair and equal opportunity to compete includes, among other things, a right to have an airline's services fairly displayed in CRSs. Our rules against display bias and discriminatory treatment help to provide foreign airlines with a fair and equal opportunity to compete in the United States. 57 FR at 43791–43792. The European Union, Canada, and Australia, for example, have adopted rules regulating CRS operations that help give U.S. airlines a fair opportunity to sell their services in the countries covered by the rules.

Regulatory Process Matters

Regulatory Assessment

This rulemaking is a nonsignificant regulatory action under section 3(f) of Executive Order 12866 and has not been reviewed by the Office of Management and Budget under that order. The proposal is also not significant under the regulatory policies and procedures of the Department of Transportation, 44 FR 11034.

Keeping the current rules in force should not impose significant costs on the systems. They have already taken all the steps necessary to comply with the rules' requirements on displays and functionality, and complying with those rules on a continuing basis does not impose a substantial burden on the systems. Maintaining the rules will benefit participating airlines, since otherwise they could be subjected to unreasonable terms for participation, and will benefit consumers, who might otherwise obtain incomplete or inaccurate information on airline services. The rules also contain provisions that are designed to prevent abuses in the systems' competition with each other for travel agency subscribers.

When we conducted our last major CRS rulemaking, we included a tentative economic analysis in our notice of proposed rulemaking and made that analysis final when we issued our final rule. We believe that analysis remains applicable to our proposal to extend the rules' expiration date. As a result, no new regulatory impact statement appears to be necessary. However, we will consider comments from any party on that analysis before we make our proposal final.

This rule does not impose unfunded mandates or requirements that will have any impact on the quality of the human environment.

Small Business Impact

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The act requires agencies to review proposed regulations that may have a significant economic impact on a substantial number of small entities. For purposes of this rule, small entities include smaller U.S. airlines and smaller travel agencies. Our notice of proposed rulemaking sets forth the reasons for our proposed extension of the rules' expiration date and the objectives and legal basis for that proposed rule.

Furthermore, maintaining the current rules will not modify the existing regulation of small businesses. Our final rule in our last major CRS rulemaking contained a regulatory flexibility analysis on the impact of the rules. As a result of that analysis, we determined that this regulation did not have a significant economic impact on a substantial number of small entities. Our analysis appears to be valid for our proposed extension of the rules' termination date. Accordingly, we adopt that analysis as our tentative regulatory flexibility statement and will consider any comments filed on that analysis in connection with this proposal.

The continuation of our existing CRS rules will primarily affect two types of small entities, smaller airlines and travel agencies. To the extent that airlines can operate more efficiently and reduce their costs, the rules will also affect all small entities that purchase airline tickets, since airline fares may be somewhat lower than they would otherwise be, although the difference may be small.

Continuing the rules will protect smaller non-owner airlines from several potential system practices that could injure their ability to operate profitably and compete successfully. No smaller airline has a CRS ownership interest. Market forces do not significantly influence the systems' treatment of airline participants. As a result, if there were no rules, the systems' airline owners could use them to prejudice the competitive position of other airlines. The rules provide important protection to smaller airlines. For example, by prohibiting systems from ranking and editing displays of airline services on the basis of carrier identity, they limit the ability of each system to bias its displays in favor of its owner airlines and against other airlines. The rules also prohibit charging participating airlines discriminatory fees. The rules, on the other hand, impose no significant costs on smaller airlines.

The CRS rules affect the operations of smaller travel agencies, primarily by prohibiting certain CRS practices that could unreasonably restrict the travel agencies' ability to use more than one system or to switch systems. The rules prohibit CRS contracts that have a term longer than five years, give travel agencies the right to use third-party hardware and software, and prohibit certain types of contract clauses, such as minimum use and parity clauses, that restrict an agency's ability to use multiple systems. By prohibiting display bias based on carrier identity, the rules also enable travel agencies to obtain more useful displays of airline services.

Our proposed rule contains no direct reporting, record-keeping, or other compliance requirements that would affect small entities. There are no other federal rules that duplicate, overlap, or conflict with our proposed rules.

Interested persons may address our tentative conclusions under the Regulatory Flexibility Act in their comments submitted in response to this notice of proposed rulemaking.

I certify under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. et seq.) that this regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposal contains no collection-of-information requirements subject to the Paperwork Reduction Act, Public Law No. 96–511, 44 U.S.C. Chapter 35.

Federalism Assessment

This proposed rule has been reviewed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and it has been determined that this action does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This proposed rule will not limit the policymaking discretion of the States. Nothing in this proposal would directly preempt any State law or regulation. We are proposing this amendment primarily under the authority granted us by 49 U.S.C. 41712 to prevent unfair methods of competition and unfair and deceptive practices in the sale of air transportation. We believe that the policy set forth in this proposed rule is consistent with the principles, criteria, and requirements of the Federalism Executive Order and the Department's governing statute. Comments on these conclusions are welcomed and should be submitted to the docket.

List of Subjects in 14 CFR Part 255

Air carriers, Antitrust, Consumer protection, Reporting and recordkeeping requirements, Travel agents.

Accordingly, the Department of Transportation proposes to amend 14 CFR Part 255 as follows:

PART 255—[AMENDED]

1. The authority citation for Part 255 continues to read as follows:

Authority: 49 U.S.C. 40101, 40102, 40105, 40113, 41712.

2. Section 255.12 is revised to read as follows:

§ 255.12 Termination.

The rules in this part terminate on March 31, 2002.

Issued in Washington, DC on March 2, 2001, under authority delegated by 49 CFR 1.56a(h)2.

Susan McDermott,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 01–5666 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–116468–00]

RIN 1545–AY43

Minimum Cost Requirement Permitting the Transfer of Excess Assets of a Defined Benefit Pension Plan to a Retiree Health Account; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed Income Tax Regulations relating to the minimum cost requirement under section 420, which permits the transfer of excess assets of a defined benefit pension plan to a retiree health account.

DATES: The public hearing originally scheduled for March 15, 2001, at 10 a.m., is canceled.

FOR FURTHER INFORMATION CONTACT: Treena Garrett of the Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning), (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on January 5, 2001 (66 FR 1066), announced that a public hearing was scheduled for March 15, 2001, at 10 a.m., in Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under section 420 of the Internal Revenue Code. The public comment period for these proposed regulations expired on March 6, 2001.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of March 5, 2001, no one has requested to speak. Therefore, the public hearing scheduled for March 15, 2001, is canceled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization and Strategic Planning).

[FR Doc. 01–5770 Filed 3–7–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 275

[Notice No. 912]

RIN 1512–AC24

Puerto Rican Tobacco Products and Cigarette Papers and Tubes Shipped From Puerto Rico to the United States

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking cross-referenced to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing temporary regulations to eliminate ATF on-site supervision of tobacco products and cigarette papers and tubes of Puerto Rican manufacture shipped from Puerto Rico to the United States and related ATF forms. Specifically, the temporary rule eliminates the requirements that persons who ship such articles notify ATF prior to the shipment and that an ATF officer inspects, certifies that the amount of tax on such articles has been calculated correctly for, and releases, each shipment. Consequently, four ATF forms are eliminated. However, the rule requires that persons who ship such articles maintain records so that the amount of tax is calculated and recorded for ATF audit and examination. Also, the temporary rule revises certain sections to simplify and clarify and corrects a few typographical errors. This notice of proposed rulemaking invites comments on the temporary rule.

DATES: Written comments must be received on or before May 7, 2001.

ADDRESSES: Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Room 5003, 650 Massachusetts Avenue, NW., Washington, DC 20226, (Attention: Notice Number 912). See the Public Participation section of this notice for alternative means of commenting.

FOR FURTHER INFORMATION CONTACT: Robert Ruhf, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226; (202) 927–8210; or alcohol/tobacco@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:

1. Temporary Regulations

The temporary regulations in this issue of the **Federal Register** amend the regulations in 27 CFR part 275. For the text of the temporary regulations see T.D. ATF–444, published in the Rules and Regulations section of this issue of the **Federal Register**.

2. Public Participation

Who May Comment on This Notice?

ATF requests comments on the temporary regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practicable to do so. However assurance of consideration can only be given if comments are received on or before the closing date.

Will ATF Keep My Comments Confidential?

ATF cannot recognize any material in comments as confidential. Comments may be disclosed to the public. If you consider your material to be confidential or inappropriate for disclosure to the public, you should not include it in the comment. We may also disclose the name of any person who submits a comment.

Can I Review Comments Received?

Yes. You may view and copy written comments on this project during normal business hours in the ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226, telephone (202) 927–8480. For information on filing a Freedom of Information Act request for a copy of the comments, please call (202) 927–8480, FAX (202) 927–8866 or E-mail: FOIAMail@atfhq.atf.treas.gov. (ATF cannot accept FOIA requests via E-mail).

How Do I Send Facsimile Comments?

You may submit comments of not more than three pages of facsimile transmission to (202) 927–8525. Facsimile comments must:

- Be legible;
- Be 8 ½″ × 11″ in size;
- Contain a legible written signature; and
- Be not more than three pages.

We will not acknowledge receipt of facsimile transmissions. We will treat facsimile transmissions as originals.

How Do I Send Comments by E-Mail?

If you send an e-mail, you must follow these instructions. E-mail comments must:

- Contain your name, mailing address, and e-mail address;
- Contain the word "Notice" and its number in the subject or reference line of the e-mail;
- Contain your company or association affiliation, if pertinent to your comment, and your reason for commenting (manufacturer, importer, consumer, etc.);
- Be legible when printed in a 8½″ × 11″ size (no special characters or symbols); and
- Be addressed to *nprm@atfhq.atf.treas.gov*.

We will not acknowledge receipt of e-mail. We will treat e-mail as originals.

How Do I Send Comments Through the ATF Internet Web Site?

Comments may be submitted electronically using ATF's web site. You may comment on this proposed notice by using the form provided through ATF's web site. You can reach this notice and the comment form through the address *http://www.atf.treas.gov/tobacco/rules/index.htm*.

Can I Request a Public Hearing?

If you desire the opportunity to comment orally at a public hearing on this proposed regulation, you must submit a request in writing to the Director within the 60-day comment period. The Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

3. Regulatory Analyses and Notices

Is This a Significant Regulatory Action as Defined by Executive Order 12866?

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

How does the Regulatory Flexibility Act Apply to this Proposed Rule?

It is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. The proposed changes reduce regulatory burdens for the three firms that currently ship tobacco products from Puerto Rico to the United States.

Does the Paperwork Reduction Act Apply to this Proposed Rule?

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection(s) of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (ATF), Office of Information and Regulatory Affairs, Washington, DC, 20503, with copies to the Chief, Document Services Branch, Room 3450, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226. Comments are specifically requested concerning:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Alcohol, Tobacco and Firearms, including whether the information will have practical utility;
- The accuracy of the estimated burden associated with the proposed collection of information;
- How the quality, utility, and clarity of the information to be collected may be enhanced; and
- How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology.

The collection of information in this proposed regulation is in 27 CFR 275.106, 275.110 and 275.121. This information is required to ensure proper excise payment of taxes on Puerto Rican tobacco products and cigarette papers and tubes shipped from Puerto Rico to the United States and that a person who defers taxes on such shipments does not exceed the amount of the bond allowing the person to defer taxes. This information will be used to determine whether excise taxes have been properly paid and that any bonds for deferring taxes are in a sufficient amount. The collection of information is mandatory. The likely respondents may include small businesses or organizations.

The estimated annual burden per respondent will vary depending on the number of shipments of Puerto Rican tobacco products and cigarette papers and tubes from Puerto Rico to the United States. Estimated total annual recordkeeping burden for each year is 1 hour. Estimated average annual burden 2 hours per respondent and/or recordkeeper is 20 minutes. The estimated number of recordkeepers is three (3).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

4. Drafting Information

The principal author of this document is Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of ATF and the Treasury Department participated in developing the document.

Signed: February 5, 2001.

Bradley A. Buckles,

Director.

Approved: February 13, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 01–5425 Filed 3–7–01; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF THE TREASURY

31 CFR Part 1

Internal Revenue Service: Privacy Act; Proposed Implementation

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury gives notice of a proposed amendment to this section to exempt a proposed new Internal Revenue Service (IRS) system of records, the Employee Tax Compliance Records (ETC—Treasury/IRS 36.888, from certain provisions of the Privacy Act. The exemption is intended to increase the value of the system of records for law enforcement purposes.

DATES: Comments must be received no later than April 9, 2001.

ADDRESSES: Please submit comments to the National Director, Governmental Liaison and Disclosure, 1111 Constitution Avenue, Washington, DC 20224. Comments will be made available for inspection at the IRS Freedom of Information Reading Room also located at Room 1621, 1111 Constitution Avenue, NW. The telephone number for the Reading Room is (202) 622–5164.

FOR FURTHER INFORMATION CONTACT: David Silverman, Office of Governmental Liaison and Disclosure, IRS, 1111 Constitution Avenue, NW., Washington, DC 20224. Telephone number (202) 622–6200. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Under 5 U.S.C. 552a(k)(2), the head of an agency may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a if the system is investigatory material compiled for law enforcement purposes. The IRS is hereby giving notice of a proposed rule to exempt the Employee Tax Compliance Records (ETC)—IRS 36.888, from certain provisions of the Privacy

Act of 1974 pursuant to 5 U.S.C. 552a(k)(2). The proposed exemption is from provisions 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H), (I), and (f) because the system contains investigatory material compiled for law enforcement purposes. The following are the reasons why this system of records maintained by the IRS is exempt pursuant to 5 U.S.C. 552a(k)(2) of the Privacy Act of 1974.

(1) 5 U.S.C. 552a(c)(3). This provision of the Privacy Act provides for the release of the disclosure accounting required by 5 U.S.C. 552a(c)(1) and (2) to the individual named in the record at his/her request. The reasons for exempting this system of records from the foregoing provision are:

(i) The release of disclosure accounting would put the subject of an investigation on notice that an investigation exists and that such person is the subject of that investigation.

(ii) Such release would provide the subject of an investigation with an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person or agency to whom the disclosure was made. The release of such information to the subject of an investigation would provide the subject with significant information concerning the nature of the investigation and could result in the altering or destruction of documentary evidence, the improper influencing of witnesses, and other activities that could impede or compromise the investigation.

(iii) Release to the individual of the disclosure accounting would alert the individual as to which agencies were investigating the subject and the scope of the investigation and could aid the individual in impeding or compromising investigations by those agencies.

(2) 5 U.S.C. 552a(d)(1), (d) (2), (d)(3), (d)(4), (e)(4)(G), (H), and (f). These provisions of the Privacy Act relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requested access to records; the agency procedures relating to access to records and the contest of the information contained in such records and the administrative remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in record systems. The reasons for exempting this system of records from the foregoing provisions are as follows: To notify an individual at the individual's request of the existence of an investigative file pertaining to such individual or to grant access to an investigative file pertaining to such individual could interfere with investigative and enforcement proceedings; deprive co-defendants of a right to a fair trial or an impartial adjudication; constitute an unwarranted invasion of the personal privacy of others; disclose the identity of confidential sources and reveal confidential information supplied by such sources; and disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(1). This provision of the Privacy Act requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The reasons for exempting this system of records from the foregoing are as follows:

(i) The IRS will limit the Employee Tax Compliance Records to those relevant and necessary for identifying, monitoring, and responding to employee tax compliance. However, an exemption from the foregoing is needed because, particularly in the early stages of an investigation, it is not possible to determine the relevance or necessity of specific information.

(ii) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when first received may subsequently be determined to be irrelevant or unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established with certainty.

(iii) When information is received by the IRS relating to violations of law within the jurisdiction of other agencies, the IRS processes this information through IRS systems in order to forward the material to the appropriate agencies.

(4) 5 U.S.C. 552a(e)(4)(1). This provision of the Privacy Act requires the publication of the categories of sources of records in each system of records. The reasons an exemption from this provision has been claimed are as follows:

(i) Revealing categories of sources of information could disclose investigative techniques and procedures;

(ii) Revealing categories of sources of information could cause sources that supply information to investigators to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality.

As required by Executive Order 12866, it has been determined that this proposed rule is not a significant regulatory action and, therefore, does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby certified that these regulations will not significantly affect a substantial number of small entities. The proposed rule imposes no duties or obligations on small entities.

In accordance with the provisions of the Paperwork Reduction Act of 1995, the Department of Treasury has determined that this proposed rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

List of Subjects in 31 CFR Part 1

Privacy.

Part 1, Subpart C of title 31 of the Code of Federal Regulations is amended as follows:

PART 1—[AMENDED]

1. The authority citation for part 1 continues to read as follows:

Authority: 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552 as amended. Subpart C also issued under 5 U.S.C. 552a.

2. Section 1.36 paragraph (g)(v)(iii) is amended by adding the following text in numerical order to the table under the heading INTERNAL REVENUE SERVICE.

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 522a and this part.

* * * * *

(g) * * *

(v) * * *

(iii) * * *

Number	System name
. . . . .	
IRS 36 .888	Employee Tax Compliance Records
. . . . .	

Dated: February 7, 2001.

W. Earl Wright, Jr.,

Chief Management and Administrative Programs Officer.

[FR Doc. 01–5686 Filed 3–7–01; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1–01–021]

RIN 2115–AA97

Safety Zone: McArdle Bridge Repairs—Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for repairs to the McArdle Bridge, during seven 3½ day closure periods between April 2, 2001 and August 24, 2001, in Boston, MA. The safety zone would temporarily close all waters of Boston Inner Harbor one hundred (100) yards upstream and downstream from the McArdle Bridge. The safety zone would prohibit entry into or movement within this portion of Boston Inner Harbor during the closure periods and is needed to allow The Middlesex Corporation (TMC) to conduct repairs on the McArdle Bridge.

DATES: Comments and related material must reach the Coast Guard on or before March 15, 2001.

ADDRESSES: You may mail comments and related material to Marine Safety Office Boston, 455 Commercial Street, Boston, MA. Marine Safety Office Boston maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of the docket and will be available for inspection or copying at Marine Safety Office Boston between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) Dave Sherry, Marine Safety Office Boston, Waterways Management Division, at (617) 223–3006.

SUPPLEMENTARY INFORMATION:

Request for Information

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD1–01–021), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know your comments reached us, please enclose a stamped, self addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

The Coast Guard plans to hold a public meeting on March 1, 2001 at the Tosco Terminal, located at 467 Chelsea Street in East Boston, MA, to discuss the scope of the bridge repairs and proposed rule. For information regarding this meeting contact LTjg Dave Sherry at the address listed under **ADDRESSES.** If you wish to hold additional meetings, you may contact LTjg Dave Sherry with a request in writing explaining why one would be beneficial. If we determine an additional meeting would aid in this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

This regulation proposes to establish a safety zone one hundred (100) yards upstream and downstream of the McArdle Bridge in Boston Harbor. The safety zone would be in effect for seven 3½ day periods spaced between 10 day channel openings on the following dates and times: from sunset on Monday, April 2, 2001 until sunrise on Friday, April 6, 2001; from sunset on Monday, June 11, 2001 until sunrise on Friday, June 15, 2001; from sunset on Monday, June 25, 2001 until sunrise on Friday, June 29, 2001; from sunset on Monday, July 9, 2001 until sunrise on Friday, July 13, 2001; from sunset on Monday, July 23, 2001 until sunrise on Friday, July 27, 2001; from sunset on Monday, August 6, 2001 until sunrise on Friday, August 10, 2001, and from sunset on Monday, August 20, 2001 until sunrise on Friday, August 24, 2001. Two contingency closures have been scheduled and will be used if previously scheduled closures need to be cancelled due to weather or other unavoidable events. The contingency closures are scheduledfrom sunset on Monday, September 3, 2001 until sunrise on Friday, September 7, 2001; and from sunset on Monday, September 17, 2001 until sunrise September 21, 2001.

The zone would restrict movement within this portion of Boston Harbor and is needed to allow TMC to conduct repairs on the McArdle Bridge. The Captain of the Port anticipates minimal negative impact on vessel traffic due to this event. Public notifications will be made prior to the effective period via safety marine information broadcasts and local notice to mariners.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979).

The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Although this proposed regulation will prevent traffic from transiting a portion of Boston Harbor during the effective periods, the effects of this regulation will not be significant due to the extensive planning that took place between marine and cargo stakeholders and Coast Guard Marine Safety Office Boston representatives. On November 30, 2000, December 14, 2000, and January 4, 2001 the Coast Guard hosted planning meetings with the City of Boston Department of Public Works, Massachusetts Highway Department, TMC, Chelsea River vessel operators, local barge companies, Massachusetts Port Authority, Logan Airport representatives and fuel suppliers, and Chelsea River marine terminals. The meetings explored bridge repair and channel closure options. On January 4, 2001 a final group consensus was achieved on which this proposed rule is based. Other elements reducing vessel impact include: the minimal time that vessels will be restricted from the area and the advance notifications which will be made to the local maritime community by safety marine information broadcasts and local notice to mariners.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have

a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Chelsea River between April 2, 2001 and August 24, 2001, during the designated 3½ day closures. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: the minimal time that vessels will be restricted from the area and the advance notifications which will be made to the local maritime community by safety marine information broadcasts and local notice to mariners.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LTjg Dave Sherry at the address listed under **ADDRESSES**.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard analyzed this proposed rule under E.O. 13132 and has determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not pose an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under figure 2–1, (34)(g), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.

2. Add temporary § 165.T01–021 to read as follows:

§ 165.T01–021 Safety Zone: McArdle Bridge Repairs—Boston, Massachusetts

(a) *Location.* The following area is a safety zone: All waters of Boston Inner Harbor one hundred (100) yards upstream and downstream of the McArdle Bridge, Boston, MA.

(b) *Effective Date.* This section is effective from sunset on Monday until sunrise on Friday for the following dates: April 2 until April 6, 2001; June 11 until June 15, 2001; June 25 until June 29, 2001; July 9 until July 13, 2001; July 23 until July 27, 2001; August 6, until August 10, 2001, and August 20 until August 24, 2001.

(c) *Regulations.*

(1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

Dated: February 21, 2001.

J.R. Whitehead,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 01–5601 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–15–U

POSTAL SERVICE

39 CFR Part 20

International Customized Mail Service

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The U.S. Postal Service is proposing to revise its regulations to enable mailers to additionally qualify for International Customized Mail (ICM) service if they are capable, on an annualized basis, of tendering at least 600 pieces of non letter-post mail (including Global Priority Mail), or paying at least $12,000 in international non letter-post postage to the Postal Service.

DATES: Comments regarding this proposed regulatory change must be received on or before April 9, 2001.

ADDRESSES: Written comments can be mailed or hand delivered to the Manager, International Marketing, International Business, U.S. Postal Service, 1735 North Lynn Street, Room 2018, Arlington, VA 22209–6020. Copies of all written comments will be available for public inspection between 9 a.m. and 4 p.m., Monday through Friday, at the office of International Business to which written comments may be sent.

FOR FURTHER INFORMATION CONTACT: Angus MacInnes, (703) 292–3601.

SUPPLEMENTARY INFORMATION: The Postal Reorganization Act grants the Postal Service the authority to establish international postage rates and fees. The Postal Service has the authority to enter into an ICM agreement with business mailers who meet the requirements of International Mail Manual (IMM) 297.2. The Postal Service provides ICM service to specific mailers pursuant to the terms and conditions of an ICM service agreement consistent with IMM 297.3. To qualify for ICM service, a mailer must currently be capable, on an annualized basis, of either tendering 1 million pounds of international mail or paying at least $2 million in international postage (IMM 297.2). The current qualifying criteria were adopted in a final rule on May 21, 1993.

The nature of the international mail marketplace has substantially changed in the past 7 years since the final rule was adopted, particularly with respect to the expedited and package segment of international business. International mail transactions are conducted in an increasingly complex and substantially competitive marketplace. Competition for U.S. origin and destination international mail and related services is intense. Private competitors and foreign posts compete for customers and business in the processing, transportation, and delivery of letters, printed matter, and parcels.

Over the past 7 years, the availability of pricing incentives has become an even larger factor in mailers' decisions to select one service provider over another, especially for parcels. It is common today for private competitors and foreign posts to establish specific prices and conditions by entering into individual contracts. Individual prices and conditions are set on a customer-by-customer basis; a region, country group, or country-by-country basis; and/or a product-by-product basis. Private competitors have in recent years set very low minimums when they offer individual contracts or price incentives to customers shipping parcels.

The international letter mail and printed matter business is concentrated among a few larger businesses and consolidators. The number of pieces, weight, and postage of letters and printed matter mailed annually by each such mailer is on average very high. Such mailers have the capability of mailing well in excess of $2 million or 1 million pounds. Thus, the existing criteria for qualifying for an ICM allows the Postal Service to be competitive for letter and printed matter business, because that segment is concentrated among a few customers annually mailing large volumes.

In contrast, the international package business is widely dispersed among a large number of customers who send fewer pieces per year. Only one of eight domestic shippers also ships internationally. Normally, the average volume per customer of international shipping is much lower than domestic shipping. Only a very small percentage of business customers ship as much as $2 million or 1 million pounds. Nevertheless, customers still expect discounts for their international packages.

The international package market is extremely price sensitive. Customers who ship as few as 5 packages per week, or 200 packages per year, are offered discounts by private competitors. Customers who ship 10 or more packages a week, or about 520 a year, generate over two-thirds of the international package revenues. These customers are offered discounts by private competitors that are as much as 65 percent below published rates. These discounts are offered under a number of agreement formats and are never made public. Hence, the current ICM qualifying criteria does not allow the Postal Service to offer an ICM to most of the international parcel mailers and compete effectively on the basis of price. This puts the Postal Service at a competitive disadvantage.

The Postal Service has several current ways to be price competitive for most international package business. It offers expedited and package services at published rates. While these rates are generally below the published rates of competitors, they are frequently not competitive for all size business customers because of the pervasive discounting offered by international package carriers.

The Postal Service offers a published discount for one product, Global Express Mail. This discount is 5 percent below published rates for those customers who have an Express Mail Corporate Account (EMCA). A customer can have an EMCA by depositing $250 with the Postal Service. This offer is attractive only to very small businesses that do not receive discounts from international package competitors.

The Postal Service offers an ICM agreement to customers capable of mailing $2 million or 1 million pounds per year. This positions the Postal Service very competitively for the largest international package customers. However, as is explained above, there are very few such customers. This leaves the Postal Service without a way to offer competitive prices or to customize services to thousands of business customers who ship international packages.

The Postal Service will be able to broaden its offerings and be more competitive by lowering the qualifications for entering into an ICM agreement to 600 parcels or $12,000 a year. Competitors offer discounts to shippers sending as few as 200 parcels a year and routinely offer discounts to shippers sending 600 parcels per year. Setting the qualifying criterion at 600 parcels a year will enable many mailers to qualify for an ICM agreement and make the Postal Service more competitive. The qualifying criterion that a mailer is capable of spending at least $12,000 in postage is reasonable since the average postage for a Global Express Mail item is almost $20. Six hundred pieces multiplied by $20 is $12,000. This would make the international package market more competitive, which benefits all customers.

In the international arena, the Postal Service seeks to better serve customers' needs and generate additional revenues and contribution to institutional costs. Both the Postal Service's customers and the public benefit from the contributions to the overall costs of the postal system that its international services provide. Thus, its success in the competitive markets contributes to its ability to provide reasonably priced postal services to all of its customers.

The Postal Service, therefore, concludes that to be competitive in the international marketplace, it needs to establish new qualifying criteria for mailers of international expedited and package services to qualify for an ICM agreement.

List of Subjects in 39 CFR Part 20

Foreign relations, incorporation by reference, international postal services.

PART 20—[AMENDED]

1. The authority citation for 39 CFR Part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. The International Mail Manual (IMM) is amended to incorporate the following changes to Subchapter 290.

International Mail Manual (IMM)

297 International Customized Mail

* * * * *

297.2 Qualifying Mailers

[Replace the current 297.2 with the following changes:]

To qualify for ICM service, a mailer must tender all of its ICM mail to the

Postal Service and must be capable, on an annualized basis, of:

a. Tendering at least 1 million pounds of international letter-post mail (excluding Global Priority Mail) to the Postal Service, or paying at least $2 million in international letter-post postage to the Postal Service; or

b. Tendering at least 600 pieces of international non letter-post mail (including Global Priority Mail) to the Postal Service, or paying at least $12,000 in international non letter-post postage to the Postal Service.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 01–5632 Filed 3–7–01; 8:45 am]

BILLING CODE 7710–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–496; MM Docket No. 01–58; RM–10071]

Radio Broadcasting Services; Morenci, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Copper Valley Radio, requesting the allotment of Channel 290A to Morenci, Arizona, as that community's first local aural transmission service. Coordinates used for this proposal are those of the Morenci city reference at 33–04–42 NL and 109–21–53 WL. Additionally, as Morenci, Arizona, is located within 320 kilometers (199 miles) of U.S.-Mexico border, concurrence of the Mexican government to this proposal is required.

DATES: Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Lee J. Peltzman, Esq., Shainis & Peltzman, Chartered, 1850 M Street, NW., Suite 240, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed RuleMaking, MM Docket No. 01–58, adopted February 14, 2001, and released February 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Morenci, Channel 290A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–5725 Filed 3–7–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 010110022–1022–01; I.D. 120600A]

RIN 0648–AO69

Magnuson-Stevens Fishery Conservation and Management Act; Amendment of Foreign Fishing Regulations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a fee schedule for foreign vessels fishing in the U.S. Exclusive Economic Zone (EEZ). The intent of this action is to comply with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which requires the establishment of a schedule of reasonable fees that apply non-discriminatorily to each foreign fishing nation.

DATES: Comments must be received on or before April 9, 2001.

ADDRESSES: Send comments to Bruce C. Morehead, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Robert A. Dickinson, 301–713–2276.

SUPPLEMENTARY INFORMATION: Regulations at 50 CFR part 600, subpart F govern foreign fishing under the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). The regulations provide for the application and issuance of foreign fishing permits under provisions of section 204(b) of the Magnuson-Stevens Act. Under section 204(b), foreign vessels may be permitted to catch, process, scout, support and transship in the EEZ.

Section 204(b)(10) of the Magnuson-Stevens Act requires the establishment of a schedule of reasonable fees to apply non-discriminatorily to each foreign fishing nation. Regulations at 50 CFR 600.518 require, among other things, that foreign vessels authorized to directly harvest fish in the EEZ pay fees based on the number of metric tons (mt) of allocated species harvested. The species potentially available for foreign fishing and the fees associated with those species have been in effect since 1992 and are in need of updating. The species and fees are found in the table at 50 CFR 600.518(b)(1). NMFS proposes to amend this table to remove species no longer available for allocation, clarify listings for certain species appearing in the table, add Atlantic herring as an allocable species, and establish the fees to be paid for the resulting list of allocable species.

Specifically, NMFS proposes to remove red and silver Hake and the associated fees from the table. These species are no longer available for harvest by foreign fishing vessels. NMFS proposes to amend the table to clarify that, instead of referring to "Herring," the table should refer to "Herring, River." NMFS proposes to amend the table to clarify that, instead of referring to "Other groundfish," the table should refer to "Other finfish." NMFS proposes to add "Atlantic herring" to the table as a potentially allocable species.

With respect to fees to be charged, in recommending a specification of a total allowable level of foreign fishing (TALFF) for Atlantic herring and Atlantic mackerel, the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council, respectively, intended each TALFF to be an incentive for increased joint venture activities between U.S. and foreign vessels. NMFS believes it would be reasonable to support the intent of the Councils by continuing the NMFS practice of keeping fees at a low level. Joint ventures are expected to be an integral part of foreign fishing operations in both the Atlantic herring and Atlantic mackerel fisheries and the costs of the foreign directed fisheries influence the ability of foreign owners and operators to purchase herring and mackerel at-sea from U.S. fishermen. Lower fees for allocated species should result in a greater likelihood that U.S. fishermen will receive closer to current ex-vessel values for herring and mackerel than they would receive with higher fees in effect. Fees set for directed fishing at prohibitively high levels could adversely affect U.S. fishermen engaged in joint ventures and U.S. opportunities to develop the Atlantic herring and Atlantic mackerel fisheries. Based on past experience, NMFS believes it would be both appropriate and reasonable to set foreign fees at 20 percent of ex-vessel value. Thus, NMFS proposes to calculate a fee per mt for each allocable species, or species group, equal to 20 percent of the ex-vessel value of each allocable species, or species group. NMFS proposes to calculate ex-vessel values based on a 5-year average ex-vessel value for each species, or species group, according to ex-vessel value records maintained by the NMFS Fisheries Statistics and Economics Division. However, in the case of Atlantic mackerel, an anomaly in ex-vessel value occurred in 1997 when the ex-vessel value of Atlantic mackerel rose to approximately $630.00 per mt from an average ex-vessel value of approximately $324.00 per mt. Although the reasons for this anomaly are not entirely clear, NMFS believes the higher ex-vessel value for Atlantic mackerel in 1997 is related to the higher world prices for mackerel that resulted from a severe reduction in the "Total Allowable Catch" for the North Sea mackerel fishery. The North Sea fishery is large enough to influence the world price of frozen mackerel. NMFS believes it is appropriate to factor out this anomaly when determining the 5-year ex-vessel value of Atlantic mackerel for purposes of calculating the foreign fee schedule. Not factoring out the anomaly would result in a fee for Atlantic mackerel of $78.97 per mt. Factoring out the anomaly results in, and NMFS proposes, a fee for Atlantic mackerel of $64.76 per mt.

NMFS believes fees so calculated will recover fees at a reasonable level, as required by section 204(b)(10) of the Magnuson-Stevens Act. Also, in accordance with section 204(b)(10), the proposed fees are non-discriminatory because the owners or operators of vessels of all nations receiving allocations for directed fishing would pay the same fees.

Under NOAA Administrative Order 205–11; 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated to the Assistant Administrator for Fisheries, NOAA, the authority to sign material for publication in the **Federal Register**.

Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities because the entities that would be affected by this regulation are not small entities within the meaning of the Regulatory Flexibility Act. As a result, an initial Regulatory Flexibility Analysis was not prepared.

List of Subjects in 50 CFR Part 600

Fisheries, Fishing, Foreign relations, Intergovernmental relations.

Dated: March 1, 2001.

Clarence Pautzke,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Chapter VI is proposed to be amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

2. In § 600.518(b)(1), the table is revised to read as follows:

§ 600.518 Fee schedule for foreign fishing.

* * * * *

(b) * * *

(1) * * *

TABLE—SPECIES AND POUNDAGE FEES

[Dollars per metric ton]

Species	Poundage fees
Northwest Atlantic Ocean fisheries:	
1. Butterfish	277.96
2. Herring, Atlantic	25.75
3. Herring, River	49.59
4. Mackerel, Atlantic	64.76
5. Other finfish	45.48
6. Squid, *Illex*	97.56
7. Squid, *Loligo*	321.68

* * * * * *

[FR Doc. 01–5759 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 66, No. 46
Thursday, March 8, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before May 7, 2001.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC, 20523, (202) 712–1365 or via e-mail bjohnson@usaid.gov.

SUPPLEMENTARY INFORMATION:

OMB No: OMB 0412–0552.
Form No.: N/A.
Title: Financial Status Report.
Type of Review: Renewal of Information Collection.
Purpose: USAID wants to continue to require expanded financial reporting from recipients of grant and cooperative agreements (CA) with places of performance covering multiple countries. Recipients would be required to provide financial reports with expenditure data by country. For assistance programs which cover programs in more than one country, USAID requires recipients to specify in the "remarks" section of SF–269 and SF–269A, or other applicable approved financial report form, by country, the amount of the total Federal Share which was expended for each country. USAID has sought a class deviation to the statute from the Office of Management and Budget (OMB) in accordance with the 22 CFR 226.4. The information is being collected so that USAID may report to Congress, OMB, and other requestors per the requirements of the Government Performance and Results Act and the Government Management Reporting Act. Also, the reporting requirements are necessary to ensure that USAID funds are expended in accordance with statutory requirements and USAID policies. USAID is seeking this waiver for a period of three years.
Annual Reporting Burden:
Respondents: 118.
Total annual responses: 472.
Total annual hours requested: 800 hours.

Dated: March 1, 2001.

Joanne Paskar,
Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 01–5702 Filed 3–7–01; 8:45 am]
BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of the National Agricultural Research, Extension, Education, and Economics Advisory Board Meeting

AGENCY: Research, Education, and Economics, USDA.
ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., the United States Department of Agriculture announces a meeting of the National Agricultural Research, Extension, Education, and Economics Advisory Board.

SUPPLEMENTARY INFORMATION: The National Agricultural Research, Extension, Education, and Economics Advisory Board, which represents 30 constituent categories, as specified in section 802 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. No. 104–127), has scheduled a National Agricultural Research, Extension, Education, and Economics Advisory Board meeting March 19–21, 2001.

On Monday, March 19 through Wednesday March 21, 2001, the Advisory Board will hold a general meeting in Washington, DC. A general business session of the Advisory Board will be held on March 19, from 9:00 a.m. until 12:00 noon, and will include a morning session to hear views on agricultural research from Congressional members and staff, a session on the ARS Peer Review Process for Intramural National Programs. The afternoon session will feature representatives from the office of the Under Secretary for Research, Education, and Economics (REE) and its agencies, representatives and other outside invitees who represent a variety of interests regarding funding and policy strategies for research and education. The meeting will adjourn at 5:00 p.m. for the day.

A National Stakeholder Symposium is scheduled for March 20, 2001, from 9:00 a.m. until 5:00 p.m., with the theme of "Reinventing Agriculture in the 21st Century through Research and Education." The objective of the Stakeholder Symposium is to hear diverse views from stakeholders across the country on how we can best shape 21st century American agriculture through research and education and to initiate dialogue that will help shape future Farm Bill legislation as it relates to research and education opportunities. On Wednesday, March 21, 2001, the Advisory Board will focus on future efforts of the Board in addressing the transition in the Administration, and include discussions on increasing funding support for agricultural research and education. They will be articulating their findings from the meeting and the previous day's focus sessions into formal recommendations for the Secretary of Agriculture. They will also start focusing on their agenda for the coming year, which will include establishment of a rapport with the new administration on communicating high priority USDA research and education opportunities. Limited time will be provided for comments from the public as noted in a forthcoming agenda. Also written comments will be accepted for public record up to 2 weeks following the Board meeting. The final agenda will be available to the public prior to the meeting.

DATES:

March 19—9:00 a.m. to Noon—General Business Session
March 19—1:00 p.m. to 5:00 p.m.—Special Presentations
March 20—8:00 a.m. to 5:00 p.m.—National Stakeholder Symposium
March 20—12–1:00 p.m.—Working Lunch w/Speaker
March 20—5:30 p.m. to 7:30 p.m.—Working Reception
March 21—8:00 a.m. to Noon—Focus Session Wrap-up and Discussion

Place: DoubleTree Park Terrace Hotel, 1515 Rhode Island Avenue, NW., Washington, DC.; Terrace Ballroom and State Room.

Type of Meeting: Open to the Public.

Comments: The public may file written comments before or after the meeting with the contact person. All statements will become a part of the official records of the National Agricultural Research, Extension, Education, and Economics Advisory Board and will be kept on file for public review in the Office of the Advisory Board; Research, Education, and Economics; U.S. Department of Agriculture; Washington, D.C. 20250–2255.

FOR FURTHER INFORMATION CONTACT: Deborah Hanfman, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board, Research; Education, and Economics Advisory Board Office, Room 344–A Jamie L. Whitten Building; U.S. Department of Agriculture; STOP: 2255, 1400 Independence Avenue, SW., Washington, DC 20250–2255; Telephone: 202–720–3684; Fax: 202–720–6199; or e-mail: *mhumphreys@reeusda.gov.*

Done at Washington, DC this 26th day of February 2001.

Dawn Riley,
Acting Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. 01–5820 Filed 3–7–01; 8:45 am]
BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health

AGENCY: Farm Service Agency, USDA.
ACTION: Notice of meeting.

SUMMARY: Executive Order No. 13168 published September 22, 2000, established the President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health (Commission). This notice announces that the Commission will conduct a public meeting on March 20, 2001. The purpose of the meeting will be to review comments received on the Commission's Preliminary Report since its February 21, 2001, meeting and to finalize recommendations from tobacco, economic development, and health working groups in preparation for work on the Commission's Final Report.

DATES: The Commission will meet on March 20, 2001, from 1 p.m. to 6 p.m. at 2101 L Street, NW., Room 303A, Washington, DC. If special accommodations are required, please contact Doug Richardson, at the address specified below, by COB March 16, 2001. All times are Eastern Standard Time. All meetings are open to the public; however, seating is limited and available on a first-come basis.

FOR FURTHER INFORMATION CONTACT: Doug Richardson, Executive Director, Tobacco Commission, United States Department of Agriculture, (USDA), 1400 Independence Avenue, SW., STOP 0574, Washington, DC, 20250–0574 or telephone (202) 418–4266 or toll free (866) 804–6698; FAX (202) 418–4270; Internet: tobcom@wdc.usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the Commission is to advise the President on changes occurring in the tobacco farming economy and recommend such measures as may be necessary to improve economic opportunity and development in communities that are dependent on tobacco production, while protecting consumers, particularly children, from hazards associated with smoking. The Commission collected and reviewed information about changes in the tobacco farming economy and Federal, State, and local initiatives intended to help tobacco growers, tobacco quota holders, and communities dependent on tobacco production pursue new economic opportunities. The Commission issued its Preliminary Report on January 26, 2001, with comments requested through March 8, 2001. Copies of the Preliminary Report are available on the Commission's website at http://www.fsa.usda.gov/tobcom/ or by contacting the Commission's office at the contact information listed above. All comments received through February 20, 2001, with respect to the Preliminary Report were reviewed by the Commission in its public meeting conducted on February 21, 2001.

The Commission, in its February 21, 2001, meeting, also reviewed draft recommendations from three working groups representing the farm, economic development and health areas of the Commission. After this review, the Commission directed that each working group revise their recommendations based on input received from the meeting and other recommendations to the Commission.

The purpose of the March 20, 2001, meeting is to review additional public input received on the Preliminary Report and to review the revised reports from the tobacco, economic development and health working groups in order to prepare the Final Report to the President.

Written comments may be sent to the contact person listed above.

Signed at Washington, D.C. on March 5, 2001.

James R. Little,
Acting Administrator, Farm Service Agency.

[FR Doc. 01–5775 Filed 3–5–01; 4:24 pm]
BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[00–04–C]

Opportunity to Comment on the Applicants for the Fremont (NE) Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).
ACTION: Notice.

SUMMARY: GIPSA requests comments on the applicants for designation to provide official services in the geographic areas assigned to Fremont Grain Inspection Department, Inc. (Fremont).

DATES: Comments must be postmarked, or sent by telecopier (FAX) by March 31, 2001.

ADDRESSES: Comments must be submitted in writing to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647-S, 1400 Independence Avenue,

SW., Washington, DC 20250–3604. Telecopier (FAX) users may send comments to the automatic telecopier machine at 202–690–2755, attention: Janet M. Hart. All comments received will be made available for public inspection at the above address at 1400 Independence Avenue, SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at 202–720–8525, e-mail janhart@gipsadc.usda.gov.

SUPPLEMENTARY INFORMATION: This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the December 1, 2000, **Federal Register** (65 FR 175237), GIPSA asked persons interested in providing official services in the Fremont area to submit an application for designation. There were two applicants for the Fremont area: Fremont and Sioux City Inspection and Weighing Service Company (Sioux City). Fremont applied for designation to provide official services in the entire area currently assigned to them. Sioux City, a designated official grain inspection agency operating in Iowa, Nebraska, and South Dakota, applied for designation to provide official services in all or part of the Fremont geographical area.

GIPSA is publishing this notice to provide interested persons the opportunity to present comments concerning the applicants. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of the applicants. All comments must be submitted to the Compliance Division at the above address. Comments and other available information will be considered in making a final decision. GIPSA will publish notice of the final decision in the **Federal Register**, and GIPSA will send the applicants written notification of the decision.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.).

Dated: February 20, 2001.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5648 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[01–01–A]

Opportunity for Designation in the Amarillo (TX), Cairo (IL), Fostoria (OH), Louisiana, North Carolina, Belmond (IA), and Wisconsin Areas, and Request for Comments on the Official Agencies Serving These Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Notice.

SUMMARY: The designations of the official agencies listed below will end in September and November 2001. GIPSA is asking persons interested in providing official services in the areas served by these agencies to submit an application for designation. GIPSA is also asking for comments on the services provided by these currently designated agencies: Amarillo Grain Exchange, Inc. (Amarillo); Cairo Grain Inspection Agency, Inc. (Cairo); Fostoria Grain Inspection, Inc. (Fostoria); Louisiana Department of Agriculture and Forestry (Louisiana); North Carolina Department of Agriculture (North Carolina); D. R. Schaal Agency, Inc. (Schaal); and Wisconsin Department of Agriculture, Trade and Consumer Protection (Wisconsin).

DATES: Applications and comments must be postmarked or sent by telecopier (FAX) on or before March 31, 2001.

ADDRESSES: Submit applications and comments to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604; FAX 202–690–2755. If an application is submitted by FAX, GIPSA reserves the right to request an original application. All applications and comments will be made available for public inspection at Room 1647–S, 1400 Independence Avenue, SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at 202–720–8525, e-mail janhart@gipsadc.usda.gov.

SUPPLEMENTARY INFORMATION: This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this Action.

Section 7(f)(1) of the United States Grain Standards Act, as amended (Act), authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act.

1. Current Designations Being Announced for Renewal

Official agency	Main office	Designation start	Designation end
Amarillo	Amarillo, TX	12/01/1998	11/30/2001
Cairo	Cairo, IL	11/01/1998	09/30/2001
Fostoria	Fostoria, OH	12/01/1998	11/30/2001
Louisiana	Baton Rouge, LA	10/01/1998	09/30/2001
North Carolina	Raleigh, NC	10/01/1998	09/30/2001
Schaal	Belmond, IA	12/01/1998	11/30/2001
Wisconsin	Madison, WI	12/01/1998	11/30/2001.

a. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Oklahoma and Texas, is assigned to Amarillo.

In Texas:

Bounded on the North by the Texas-Oklahoma State line to the eastern Clay County line;

Bounded on the East by the eastern Clay, Archer, Throckmorton, Shackelford, and Callahan County lines;

Bounded on the South by the southern Callahan, Taylor, and Nolan County lines;

Bounded on the West by the western Nolan, Fisher, Stonewall, King, and Cottle County lines; the western Childress County line north to U.S. Route 287; U.S. Route 287 northwest to Donley County; the southern Donley and Armstrong County lines west to Prairie Dog Town Fork of the Red River; Prairie Dog Town Fork of the Red River northwest to State Route 217; State Route 217 west to FM 1062; FM 1062 west to U.S. Route 385; U.S. Route 385 north to Oldham County; the southern Oldham County line; the western Oldham, Hartley, and Dallam County lines.

Beaver, Beckham, Cimarron, Ellis, Harper, Roger Mills, and Texas Counties, Oklahoma.

b. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Illinois, Kentucky, and Tennessee, is assigned to Cairo.

Randolph County (southwest of State Route 150 from the Mississippi River north to State Route 3); Jackson County (southwest of State Route 3 southeast to State Route 149; State Route 149 east to State Route 13; State Route 13 southeast to U.S. Route 51; U.S. Route 51 south to Union County); and Alexander, Johnson, Hardin, Massac, Pope, Pulaski, and Union Counties, Illinois.

Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Kentucky.

Benton, Dickson, Henry, Houston, Humphreys, Lake, Montgomery, Obion, Stewart, and Weakley Counties, Tennessee.

Cairo's assigned geographic area does not include the following grain elevator inside Cairo's area which has been and will continue to be serviced by the following official agency: Memphis Grain Inspection Service: Cargill, Inc., Tiptonville, Lake County, Tennessee.

c. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of Ohio, is assigned to Fostoria.

Bounded on the North by the northern and eastern Fulton County lines; the eastern Henry County line; the northern and eastern Wood County lines; the northern Sandusky County line east to State Route 590;

Bounded on the East by State Route 590 south to Seneca County; the northern Seneca County line east to State Route 53; State Route 53 south to Wyandot County; the northern Wyandot County line; the northern Crawford County line east to State Route 19; State Route 19 south to U.S. Route 30;

Bounded on the South by U.S. Route 30 west to the western Hancock County line; and

Bounded on the West by the western Hancock County line; the southern Henry County line west to State Route 108; State Route 108 north to U.S. Route 24; U.S. Route 24 southwest to the Henry County line; the western Henry and Fulton County lines.

d. Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of Louisiana, except those export port locations within the State which are serviced by GIPSA, is assigned to Louisiana.

e. Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of North Carolina, except those export port locations within the State which are serviced by GIPSA, is assigned to North Carolina.

f. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of Iowa, is assigned to Schaal.

Bounded on the North by the northern Kossuth County line from U.S. Route 169; the northern Winnebago, Worth, and Mitchell County lines;

Bounded on the East by the eastern Mitchell County line; the eastern Floyd County line south to B60; B60 west to T64; T64 south to State Route 188; State Route 188 south to C33;

Bounded on the South by C33 west to T47; T47 north to C23; C23 west to S56; S56 south to C25; C25 west to U.S. Route 65; U.S. Route 65 south to State Route 3; State Route 3 west to S41; S41 south to C55; C55 west to Interstate 35; Interstate 35 southwest to the southern Wright County line; the southern Wright County line west to U.S. Route 69; U.S. Route 69 to C54; C54 west to State Route 17; and

Bounded on the West by State Route 17 north to the southern Kossuth County line; the Kossuth County line west to U.S. Route 169; U.S. Route 169 north to the northern Kossuth County line.

Schaal's assigned geographic area does not include the following grain elevators inside Schaal's area which have been and will continue to be serviced by the following official agencies:

1. Central Iowa Grain Inspection Service, Inc.: North Central Farm Service, Chapin, Franklin County; and Land O'Lakes Elevator, d.b.a. Rockwell Ag Center, Rockwell, Cerro Gordo County.

2. A. V. Tischer and Son, Inc.: West Bend Elevator Co., Algona, Kossuth County; Stateline Coop, Burt, Kossuth County; Gold-Eagle, Goldfield, Wright County; and North Central Coop, Holmes, Wright County.

g. Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of Wisconsin, except those export port locations within the State, is assigned to Wisconsin.

2. Opportunity for Designation

Interested persons, including Amarillo, Cairo, Fostoria, Louisiana, North Carolina, Schaal, and Wisconsin, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

DESIGNATION TERMS

Amarillo	12/01/2001 to 09/30/2004.
Cairo	10/01/2001 to 09/30/2004.
Fostoria	12/01/2001 to 09/30/2004.
Louisiana	10/01/2001 to 09/30/2004.
North Carolina	10/01/2001 to 09/30/2004.
Schaal	12/01/2001 to 09/30/2004.
Wisconsin	12/01/2001 to 09/30/2004.

3. Request for Comments

GIPSA also is publishing this notice to provide interested persons the opportunity to present comments on the Amarillo, Cairo, Fostoria, Louisiana, North Carolina, Schaal, and Wisconsin official agencies. Commenters are encouraged to submit pertinent data concerning these official agencies including information on the timeliness, cost, quality, and scope of services provided. All comments must be submitted to the Compliance Division at the above address.

Applications, comments, and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.).

Dated: February 20, 2001.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5646 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[00–03–S]

Designation for the Detroit (MI), Keokuk (IA), Michigan (MI), Champaign (IL), Eastern Iowa (IA), and Enid (OK) Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA announces designation of the following organizations to provide official services under the United States Grain Standards Act, as amended (Act): Detroit Grain Inspection Service, Inc. (Detroit); Keokuk Grain Inspection Service (Keokuk); Michigan Grain Inspection Services, Inc. (Michigan); Champaign-Danville Grain Inspection Departments, Inc. (Champaign); Eastern Iowa Grain Inspection and Weighing Service, Inc. (Eastern Iowa); and Enid Grain Inspection Company, Inc. (Enid).

Enid is also designated to provide Class X or Class Y weighing services in their geographic area.

EFFECTIVE DATES: May 1, 2001, for Detroit, Keokuk, and Michigan; and June 1, 2001, for Champaign, Eastern Iowa, and Enid.

ADDRESSES: USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at 202–720–8525, e-mail janhart@gipsadc.usda.gov.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the September 1, 2000, **Federal Register** (65 FR 53263), GIPSA asked persons interested in providing official services in the geographic areas assigned to the official agencies named above to submit an application for designation. Applications were due by October 1, 2000.

Each was the sole applicant for designation to provide official services in the entire area currently assigned to them, so GIPSA did not ask for comments on the applicants.

GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(l)(A) of the Act and, according to Section 7(f)(l)(B), determined that each official agency is able to provide official services in the geographic areas, specified in the September 1, 2000, **Federal Register**, for which they applied. Additionally, Enid had asked GIPSA to amend their designation to include official weighing services. Section 7A(c)(2) of the Act authorizes GIPSA's Administrator to designate authority to perform official weighing to an agency providing official inspection services within a specified geographic area, if such agency is qualified under Section 7(f)(1)(A) of the Act. GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act, and determined that Enid is qualified to provide official weighing services in their currently assigned geographic area.

Interested persons may obtain official services by calling the telephone numbers listed below.

Official agency	Headquarters location and telephone	Designation start—end
Detroit	Emmett, MI, 810–395–2105	05/01/2001–03/31/2004
Keokuk	Keokuk, IA, 319–524–6482; Additional Service Location: Havana, IL	05/01/2001–03/31/2004
Michigan	Marshall, MI, 616–781–2711; Additional Service Locations: Carrollton, MI; Lima, OH.	05/01/2001–03/31/2004
Champaign	Champaign, IL, 217–398–0723; Additional Service Locations: Hoopeston,IL; Terre Haute, IN.	06/01/2001–03/31/2004
Eastern Iowa	Davenport, IA, 319–322–7140; Additional Service Locations: Dubuque, and Muscatine, IA; Gulfport, IL.	06/01/2001–03/31/2004
Enid	Enid, OK, 580–233–1121; Additional Service Location: Catoosa, OK	06/01/2001–03/31/2004

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.).

Dated: February 20, 2001.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5647 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Amendment to Certification of Central Filing System—Oklahoma

The Statewide central filing system of Oklahoma has been previously certified, pursuant to Section 1324 of the Food Security Act of 1985 on the basis of information submitted by the Oklahoma Secretary of State, for farm products produced in that State (52 FR 49056, December 29, 1987).

The certification is hereby amended on the basis of information submitted in September 1, 1999, and September 20, 1999, letters by Anita Charlson, Supervisor, Central Filing System for Agricultural Liens, to cover all farm products used or produced in farming operations, or a product of such crop or livestock in its unmanufactured state that is in the possession of a person engaged in farming operations in that State.

This is issued pursuant to authority delegated by the Secretary of Agriculture.

Authority: Sec. 1324(c)(2), Pub. L. 99–198, 99 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.22(a)(3)(v), 2.81(a)(5), 55 FR 22795.

Dated: February 5, 2001.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5644 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–U

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Posting of Stockyards

Pursuant to the authority provided under section 302 of the Packers and Stockyards Act (7 U.S.C. 202), it was ascertained that the livestock market named below was a stockyard as defined by Section 302(a). Notice was given to the stockyard owner and to the public as required by Section 302(b), by posting notice at the stockyard on the date specified below, that the stockyard was subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

Facility No., name, and location of stockyard	Date of posting
GA–224 Dixie Livestock Market, Inc., Oak Park, Georgia.	June 26, 2000.

Done at Washington, DC, this 2nd day of February 2001.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5645 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–U

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Deposting of Stockyards

Notice is hereby given, that the livestock markets named herein, originally posted on the dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under the Act and are therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
MN–170, Speldrich Feeder Pig Market, Belgrade, Minnesota.	July 22, 1977.
WA–120, Stockland Union Stockyards, Inc., Spokane, Washington.	November 1, 1921.

This notice is in the nature of a change relieving a restriction and, thus, may be made effective in less than 30 days after publication in the **Federal Register** without prior notice or other public procedure. This notice is given pursuant to section 302 of the Packers and Stockyards Act (7 U.S.C. 202) and is effective upon publication in the **Federal Register**.

Done at Washington, D.C. this 28th day of February 2001.

David R. Shipman,

Acting Administrator Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5693 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Task Force on Agricultural Air Quality

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The renewed Task Force on Agricultural Air Quality will have its initial meeting to identify critical issues that it will address during calendar year 2001. Special emphasis will be placed on obtaining a better understanding about the relationship between agricultural production and air quality. The meeting is open to the public.

DATES: The meeting will convene on Tuesday, March 27, 2001, at 9 a.m., and continue until 4 p.m. The meeting will resume Wednesday, March 28, from 9 a.m. to 4 p.m. Written material and requests to make oral presentations should reach the Natural Resources Conservation Service, at the address below, on or before March 16, 2001.

ADDRESSES: The meeting will be held at the Hall of States, 444 North Capitol Street, N.W., Room 333/335, Washington, DC 20001; telephone: (202) 624–8588. Written material and requests to make oral presentations should be sent to George Bluhm, University of California, Land, Air, and Water Resources, 151 Hoagland Hall, Davis, California 95616–6827.

FOR FURTHER INFORMATION CONTACT: Questions or comments should be directed to George Bluhm, Designated Federal Official; telephone: (503) 752–1018; fax: (530) 752–1552; email: bluhm@crocker.ucdavis.edu.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. Additional information about the Task Force on Agricultural Air Quality, including any revised agenda for the March 27 and 28 meeting that occurs after this **Federal Register** notice is published, may be found on the World Wide Web at http://www.nhq.nrcs.usda.gov/faca/aaqtf.html.

Draft Agenda of the March 27 and 28 Meeting

A. Welcome to Washington, DC
   1. Department of Agriculture (USDA) Official
   2. Environmental Protection Agency (EPA) Official
B. Introduction of Members
C. Approve Minutes of the July 18–19, 2000, AAQTF Meeting
D. Review Task Force Charter, FACA Rules and Procedures
E. Review Previous Task Force Accomplishments
   1. Memorandum of Understanding between USDA and EPA;
   2. Concentrated animal feeding operations and emission factors;
   3. Agricultural air quality research priorities and oversight;
   4. Guidance for an agricultural residue burning policy; and
   5. Voluntary air quality compliance program for agriculture.
F. Update of Ongoing Agricultural Air Quality Research
   1. USDA
   2. EPA
G. Establish Task Force Priorities for 2001
H. Organization of the Necessary Task Force Action Committees
I. Public Input (Time will be reserved, before lunch and at the close of each daily session, to receive public comment. Individual presentations will be limited to 5 minutes).

Procedural

This meeting is open to the public. At the discretion of the Chair, members of the public may present oral presentations during the meeting. Persons wishing to make oral presentations should notify George Bluhm no later than March 16, 2001. If a person submitting material would like a copy distributed to each member of the committee in advance of the meeting, that person should submit 25 copies to George Bluhm no later than March 16, 2001.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact George Bluhm.

USDA prohibits discrimination in its programs and activities on the basis of race, color, national origin, gender, religion, age, sexual orientation, or disability. Additionally, discrimination on the basis of political beliefs and marital or family status is also prohibited by statutes enforced by USDA. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternate means for communication of program information (braille, large print, audio tape, etc.) should contact the USDA's Target Center at (202) 720–2000 (voice and TDD).

To file a complaint of discrimination to USDA, write to Director, Office of Civil Rights, Room 326–W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250–9410; or call (202) 720–5964 (voice and TDD). The USDA is an equal opportunity provider and employer.

Signed in Washington, DC, on February 12, 2001.

Pearlie S. Reed,

Chief, Natural Resources Conservation Service.

[FR Doc. 01–5756 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Materials Processing Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Processing Equipment Technical Advisory Committee will meet on March 22, 2001, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

Agenda

Public Session

1. Opening remarks and introductions.
2. Presentation of papers or comments by the public.
3. Update on the Wassenaar Arrangement.
4. Status on post-shipment checks.
5. Status on "specially designed" entries to the Commerce Control List (CCL).
6. Status on Category 2 Matrix Guide for CCL users.

Closed Session

7. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

A limited number of seats will be available for the public session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials, the Committee suggests that presenters forward the materials prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OSIES/EA/BXA MS: 3876, U.S. Department of Commerce, 14th St. & Constitution Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formal determined on December 11, 1999, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC 20230. For more information, contact Lee Ann Carpenter on (202) 482–2583.

Dated: February 28, 2001.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 01–5594 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 13–2001]

Foreign-Trade Zone 77—Memphis, Tennessee; Application for Expansion and Reorganization

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the City of Memphis, Tennessee, grantee of Foreign-Trade Zone 77, requesting authority to expand its zone to include an additional site in Memphis, Tennessee, within the Memphis Customs port of entry, and to reorganize existing zone sites. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 27, 2001.

FTZ 77 was approved on April 2, 1982 (Board Order 189, 47 FR 16191, 4/15/82) and expanded on June 17, 1992 (Board Order 582, 57 FR 28483, 6/25/92). The general-purpose zone project currently consists of the following sites: *Site 1* (22 acres)—within the Port of Memphis at the intersection of Port Street and Channel Avenue, Memphis; *Site 2* (2 parcels, 410,000 sq. ft.)—Parcel 1 (115,000 sq. ft) located at 4594 Lamar Avenue, Memphis, and Parcel 2 (295,000 sq. ft.) located within a warehouse facility at 5000 East Raines Road, Memphis; and, *Site 3* (121 acres)—Parcel 1 (12 acres), warehouse facility at 4834 South Mendenhall Road, Parcel 2 (106-acres), warehouse facility at 4836 Hickory Hill Road, Memphis, and, Parcel 3 (125,000 sq. ft.), warehouse facility at 227 Highway 45 West, Humboldt.

The applicant is now requesting authority to expand the general-purpose zone to include an additional site (Proposed Site 4) in Memphis, and to delete certain sites which are currently inactive. *Proposed Site 4* (397 acres) is located at the Memphis Depot Business Park (formerly the Memphis Defense Depot), 2163 Airways Boulevard, Memphis. The U.S. Army is in the process of transferring property within the business park to the Depot Redevelopment Corporation, an agency established by the City of Memphis and Shelby County to operate and promote the redevelopment of the site. The applicant is also requesting that Parcel 1 within Site 2 and Parcel 1 within Site 3 be deleted from the zone project due to changed circumstances. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 7, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 22, 2001).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, Buckman Hall, Suite 348, 650 East Parkway South, Memphis, TN 38104.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: February 28, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–5774 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–805]

Preliminary Results of Antidumping Duty Administrative Review; Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

EFFECTIVE DATE: March 8, 2001.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on aramid fiber formed of poly para-phenylene terephthalamide (PPD–T aramid) from the Netherlands in response to requests by respondent, Teijin Twaron BV (formerly Twaron Products V.o.F.) and Teijin Twaron USA, Inc. (formerly Twaron Products, Inc.) (collectively Twaron), and petitioner, E.I. DuPont de Nemours and Company. This review covers sales of this merchandise to the United States during the period June 1, 1999, through December 31, 1999, by Twaron. The results of the review indicate that Twaron made sales of the subject merchandise at less than NV for the above period.

We invite interested parties to comment on these preliminary results. Parties who submit arguments are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Michael Grossman, AD/CVD Enforcement, Office 6, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0984 or (202) 482–3146, respectively.

The Applicable Statute and Regulations: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR part 351 (2000).

SUPPLEMENTARY INFORMATION:

Background

The Department published in the **Federal Register** the antidumping duty order on PPD–T aramid from the Netherlands on June 24, 1994 (59 FR 32678). On June 20, 2000, we published in the **Federal Register** (65 FR 38242) a notice of "Opportunity to Request an Administrative Review" of this order covering the period June 1, 1999, through May 31, 2000.

In accordance with 19 CFR 351.213(b), Twaron and petitioner requested that we conduct an administrative review for the aforementioned period. On July 31, 2000, the Department published a notice of "Initiation of Antidumping Review" (65 FR 46687). The Department is now conducting this administrative review pursuant to section 751 of the Act.

On February 8, 2001, the U.S. International Trade Commission (ITC) determined in the five-year (sunset) review that revoking the existing antidumping order on imports of PPD–T aramid from the Netherlands would not likely lead to continuation or recurrence of material injury within a reasonably foreseeable time. As a result of the ITC's negative determination, the existing antidumping duty order on imports of this product will be revoked retroactive to January 1, 2000. Therefore, our review covers sales of this merchandise to the United States during the period June 1, 1999, through December 31, 1999.

Scope of Review

The products covered by this review are all forms of PPD–T aramid from the Netherlands. These consist of PPD–T aramid in the form of filament yarn (including single and corded), staple fiber, pulp (wet or dry), spun-laced and spun-bonded nonwovens, chopped fiber, and floc. Tire cord is excluded from the class or kind of merchandise under review. This merchandise is currently classifiable under the *Harmonized Tariff Schedule of the United States* (*HTSUS*) item numbers 5402.10.3020, 5402.10.3040, 5402.10.6000, 5503.10.1000, 5503.10.9000, 5601.30.0000, and 5603.00.9000. The *HTSUS* item numbers are provided for convenience and Customs purposes. The written description of the scope remains dispositive.

Transactions Reviewed

In accordance with section 751 of the Act, the Department is required to determine the normal value (NV) and export price (EP) or constructed export price (CEP) of each entry of subject merchandise, and the dumping margin for each such entry. *See* Section 751(a)(2)(A). Because there can be a significant lag between entry date and sale date for CEP sales, it has been the Department's practice to examine U.S. CEP sales during the period of review (POR). *See Gray Portland Cement and Clinker from Japan; Final Results of Antidumping Duty Administrative Review*, 58 FR 48826, 48832 (September 20, 1993) (the Department did not consider ESP (now CEP) entries which were sold after the POR). The Court of International Trade (CIT) has upheld the Department's practice in this regard. *See The Ad Hoc Committee of Southern California Producers of Gray Portland Cement* v. *United States*, 914 F. Supp. 535, 544–45 (CIT 1995).

Comparisons to NV

In accordance with section 771(16) of the Act, we considered all products covered by the Scope of the Review which were sold by the respondent in the home market during the POR to be foreign like products for purposes of product comparisons to U.S. sales.

Pursuant to section 777A(d)(2) of the Act, where there were home market sales that passed the cost of production (COP) test, as discussed below, we compared the CEPs of individual U.S. transactions to the monthly weighted-average NV of the foreign like product. Where there were no sales of identical or similar merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the constructed value (CV) of the product sold in the home market during the comparison period.

Constructed Export Price

The Department based its margin calculation on CEP, as defined in sections 772(b), (c), and (d) of the Act, because all sales to the first unaffiliated purchaser in the United States took place after importation.

We calculated CEP based on delivered prices and FOB warehouse prices to unaffiliated purchasers in the United States. Where appropriate, we reduced these prices to reflect rebates. In accordance with section 772(d)(1) of the Act, we deducted direct selling expenses, *i.e.*, credit expenses, technical service expenses, warranty expenses, third-party payments, packing and repacking, and indirect selling expenses, including inventory carrying costs, which related to economic activity in the United States. We made deductions for movement expenses (international freight, brokerage and handling, U.S. duties, domestic inland freight, U.S. inland freight, and

insurance) in accordance with section 772(c)(2) of the Act. We also made deductions for further manufacturing in accordance with section 772(d)(2) of the Act. Finally, we also deducted from CEP an amount for profit in accordance with sections 772(d)(3) and (f) of the Act.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared the respondent's volume of home market sales of the foreign like product to the volume of its U.S. sales of the subject merchandise. Pursuant to sections 773(a)(1)(B) and (C) of the Act, because Twaron's aggregate volume of the home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market provides a viable basis for calculating NV on home market sales.

We calculated NV based on packed, ex-factory or delivered prices to unaffiliated purchasers in the home market. We made adjustments for discounts. Where applicable, we deducted home market packing costs and added U.S. packing costs. In accordance with section 773(a)(6) of the Act, where applicable, we made deductions from the starting price for inland freight and inland insurance. In addition, we made a circumstance of sale adjustment for imputed credit expenses, in accordance with section 773(a)(6)(C)(iii) of the Act. Prices were reported net of value added taxes (VAT) and, therefore, no deduction for VAT was necessary. We made adjustments, where appropriate, for physical differences in merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. We based this adjustment on the difference in the variable costs of manufacturing for the foreign like product and the subject merchandise.

We derived the CEP offset amount from the amount of the indirect selling expenses on sales in the home market. See *Level of Trade* section of this notice. We limited the home market indirect selling expense deduction by the amount of the indirect selling expenses deducted from CEP pursuant to section 772(d) of the Act.

Cost of Production Analysis

In the most recently completed administrative review of Twaron, we disregarded sales found to be below the COP. Therefore, in accordance with section 773(b)(2)(A)(ii) of the Act, the Department has reasonable grounds to believe or suspect that sales below the COP may have occurred during the POR. Thus, pursuant to section 773(b) of the Act, we initiated a COP investigation of Twaron in the instant review.

In accordance with section 773(b)(3) of the Act, we calculated the weighted-average COP, by model, based on the sum of the cost of materials and fabrication employed in producing the foreign like product, plus amounts for home market selling, general and administrative (SG&A) expenses and packing costs in accordance with section 773(b)(3) of the Act. We used the home market sales data and COP information provided by Twaron in its questionnaire responses.

After calculating a weighted-average COP, we tested whether home market sales of PPD–T aramid were made at prices below COP within an extended period of time in substantial quantities, and whether such prices permitted recovery of all costs within a reasonable period of time. We compared model-specific COP to the reported home market prices less any applicable movement charges, discounts, and indirect selling expenses.

Pursuant to section 773(b)(2)(C), where less than 20 percent of Twaron's sales of a given model were at prices less than COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." In accordance with section 773(b)(2)(B) and (D) where 20 percent or more of home market sales of a given product during the POR were at prices less than the COP, we found that such sales were made in substantial quantities within an extended period of time. Because the sales prices would not permit recovery of all costs within a reasonable period of time, we disregarded those below-cost sales and used the remaining sales to determine NV in accordance with section 773(b)(1). For those models of PPD–T aramid for which there were no home market sales available for matching purposes, we compared CEP to CV.

Constructed Value

In accordance with section 773(e) of the Act, we calculated CV based on the sum of Twaron's cost of materials and fabrication employed in producing the subject merchandise, SG&A and profit incurred and realized in connection with production and sale of the foreign like product, and U.S. packing costs. In accordance with section 773(e)(2)(A), we based SG&A and profit on the amounts incurred and realized by Twaron in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country.

We used the costs of materials, fabrication, and SG&A as reported in the CV portion of Twaron's questionnaire response. We used the U.S. packing costs as reported in the U.S. sales portion of Twaron's questionnaire response. We based selling expenses and profit on the information reported in the home market sales portion of Twaron's questionnaire response. *See Certain Pasta from Italy; Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 61 FR 1344, 1349 (January 19, 1996). For selling expenses, we used the average of the home market selling expenses weighted by the respective quantities sold. For actual profit, we first calculated the difference between the home market sales value and home market COP for all home market sales in the ordinary course of trade, and divided the sum of these differences by the total home market COP for these sales. We then multiplied this percentage by the COP for each U.S. model to derive the profit amount. Finally, the CEP offset was derived in the same manner described in the *Normal Value* section of this notice.

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade as the EP or CEP. The NV level of trade is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive SG&A expenses and profit. For EP, the U.S. level of trade is also the level of the starting-price sale, which is usually from exporter to importer. For CEP, the level of trade is based on the transaction between the exporter and the importer for which we construct the price.

To determine whether NV sales are at a different level of trade than EP or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different level of trade, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the level of trade of the export transaction, we make a level of trade adjustment pursuant to section 773(a)(7)(A) of the Act.

Finally, for CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731, 61732–33 (November 19, 1997) (*South Africa Final*).

For purposes of our analysis, we examined information regarding the distribution systems in both the United States and the Dutch markets, including the selling functions, classes of customer, and selling expenses. Upon consideration of the above mentioned factors, the Department determined that there is one level of trade and one channel of distribution in the home market (direct to end users) and a different level of trade in the U.S. market (sales to an affiliated distributor). As such, we were unable to make product comparisons at the same level of trade nor were we able to calculate a level of trade adjustment. We have determined that Twaron's NV sales to end-users/converters in the home market, as well as CV, are at a more advanced stage of distribution than CEP sales. As a result, the Department has preliminarily determined to grant Twaron an adjustment to NV in the form of a CEP offset.

Currency Conversion

For purposes of the preliminary results, we made currency conversions in accordance with section 773A of the Act, based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. *See* Change in Policy Regarding Currency Conversions, 61 FR 9434 (March 8, 1996). Section 773A(a) of the Act directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a "fluctuation." In accordance with the Department's practice, we have determined as a general matter that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. *See South Africa Final* 62 FR 61734. The benchmark is defined as the rolling average of rates for the past 40 business days. When we determine that a fluctuation exists, we substitute the benchmark for the daily rate, in accordance with established practice. Therefore, for purposes of the current review, we have made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales based on the methodology discussed above.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists:

Exporter/manufacturer	Weighted-average margin
Twaron	1.03%

We will disclose the calculations used in our analysis to parties to this proceeding within five days of the publication date of this notice. *See* 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of the date of publication of this notice. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Parties who submit case briefs in this proceeding should provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such written comments or at the hearing, within 120 days from the publication of these preliminary results.

Assessment Rate

Pursuant to 19 CFR 351.212(b), the Department shall determine, and the United States Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates by aggregating the dumping margins calculated for all U.S. sales and dividing this amount by the estimated entered value (provided by respondents) of the same merchandise on an importer-specific basis. Upon completion of this review, the Department will instruct the U.S. Customs Service to assess antidumping duties on all entries during the POR by applying the assessment rate to the entered value of the merchandise.

Furthermore, as a result of the ITC's negative sunset review determination with regard to PPD–T aramid from the Netherlands, the Department will revoke the antidumping duty order for this case, effective January 1, 2000. We will instruct the Customs Service to terminate suspension of liquidation for all entries of subject merchandise made on or after January 1, 2000. Therefore, we will not issue cash deposit instructions to Customs based on the results of this review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5623 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–830]

Coumarin From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on coumarin from the People's Republic of China (PRC). The review covers exports of this merchandise to the United States for the period February 1, 1999, through January 31, 2000, and two firms: Netchem, Inc. (Netchem) and Jiangsu Native Produce Import & Export Corporation (Jiangsu). The preliminary results of this review indicate that both Netchem and Jiangsu failed to

cooperate. Consequently, we have preliminarily determined that Jiangsu is part of the PRC entity, and have used adverse facts available to determine the margins for the PRC entity and Netchem.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Elfi Blum or Abdelali Elouaradia, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at (202) 482–0197 or (202) 482–1374, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Tariff Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (1999).

Background

On February 14, 2000, the Department published in the **Federal Register** (65 FR 7348–03) a notice of "Opportunity to Request Administrative Review" for the period February 1, 1999, through January 31, 2000. In accordance with 19 CFR 351.213, on February 21, 2000, Netchem requested a review of itself, and, on February 29, 2000, the petitioner, Rhodia Inc., requested a review of Jiangsu, for the aforementioned period. On March 30, 2000, we published a notice of "Initiation of Antidumping Review." *See* 65 FR 16875–01. The Department is now conducting this administrative review pursuant to section 751(a) of the Tariff Act.

On May 2, 2000, and July 28, 2000, we issued questionnaires to Jiangsu and Netchem, respectively. On July 31, 2000, Jiangsu submitted a letter stating that it was withdrawing its request to be reviewed. On August 2, 2000, the Department confirmed with Jiangsu's counsel that Jiangsu had not requested a review, and that the intent of the letter was to notify the Department that Jiangsu would no longer be participating in the review. *See Memorandum to File through Maureen Flannery from Mark Hoadley: Coumarin from the People's Republic of China, Jiangsu's Native Import & Export Corp. (Jiangsu), Letter of July 31, 2000*, dated August 4, 2000.

Netchem filed its section A response on September 5, 2000, and its sections C and D response on September 12, 2000. Upon the Department's verbal inquiry regarding verification, Netchem informed the Department by telephone on November 14, 2000 that the producer in China had gone bankrupt. On November 20, 2000, the Department issued a supplemental questionnaire for sections A through D to clarify deficient information in the response and to obtain information not yet provided. On the same day, the Department sent a separate letter to Netchem, referencing the November 14 conversation, and asking for clarification regarding which company had gone bankrupt, what the role of the company was in the production and sale of subject merchandise, who had provided Netchem with the necessary information for questionnaire responses, and the current owner and location of source documents. This letter also asked Netchem to confirm the dates for verification in China and Canada. Netchem submitted its response to the November 20 letter on December 1, 2000, indicating that the director of the producing company had provided Netchem with information pertaining to factors of production. Netchem further stated that there were no original documents available. On December 8, 2000, the Department received Netchem's supplemental questionnaire response. Again, Netchem stated that it was unable to provide the information pertaining to the producer of its subject merchandise due to the bankruptcy of the Chinese producer.

Scope of Review

The product covered by this order is coumarin. Coumarin is an aroma chemical with the chemical formula C sub9 H sub6 O sub2 that is also known by other names, including 2H-1-benzopyran-2-one, 1,2-benzopyrone, cis-o-coumaric acid lactone, coumarinic anhydride, 2-Oxo-1,2-benzopyran, 5,6-benzo-alpha-pyrone, ortho-hydroxyc innamic acid lactone, cis-ortho-coumaric acid anhydride, and tonka bean camphor. All forms and variations of coumarin are included within the scope of the order, such as coumarin in crystal, flake, or powder form, and "crude" or unrefined coumarin (i.e. prior to purification or crystallization). Excluded from the scope of this order are ethylcoumarins (C sub11 H sub10 O sub2) and methylcoumarins (C sub10 H sub8 O sub2). Coumarin is classifiable under subheading 2932.21.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

Period of Review

The review period is February 1, 1999 through January 31, 2000.

Separate Rates

It is the Department's standard policy to assign all exporters of the merchandise subject to review in non-market economy (NME) countries a single rate, unless an exporter can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (de facto), with respect to exports. To establish whether a company is sufficiently independent to be entitled to a separate, company-specific rate, the Department analyzes each exporting entity in an NME country under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991), as amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994). Because Jiangsu failed to cooperate, the Department is not granting a separate rate to Jiangsu.

Use of Facts Otherwise Available

Pursuant to sections 776(a)(1) of the Tariff Act, (1) if necessary information is not available on the record, or (2) if an interested party or any other person (A) withholds information that has been requested by the administering authority, (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, (C) significantly impedes a proceeding under the antidumping statute, or (D) provides such information, but the information cannot be verified as provided in section 782(i) of the Act, the administering authority shall, subject to section 782(d) of the Act, use the facts otherwise available in reaching the applicable determination.

Although Netchem provided the Department with some information, that information was too incomplete and too deficient for the Department to conduct a margin analysis. In addition, upon requests by the Department for further information, in accordance with section 782(d), Netchem repeatedly stated, verbally and in writing, that its supplier in the PRC went bankrupt, and that it would be unable to obtain any missing information pertaining to the supplier. Netchem further insisted that there were no source documents used to answer to the Department's questionnaire, but that the data was supplied by a former company official of the supplier. As a result, information necessary to conduct a margin analysis is not available on the record, and some of the limited information that is on the record cannot be verified in accordance with section 782(e)(2) of the Tariff Act. Therefore, pursuant to section 776(a)(1) and section 776(a)(2)(D), the Department must resort to facts otherwise available in reaching the applicable determination.

Jiangsu's withdrawal of its participation in the review deprives the Department of the information necessary to conduct its margin analysis and also constitutes a refusal to provide information necessary to conduct the Department's antidumping analysis, pursuant to sections 776(a)(1) and (2)(A) of the Tariff Act. Moreover, Jiangsu's withdrawal significantly impedes the review process. *See* section 776(a)(2)(C) of the Tariff Act. Therefore, the Department must resort to facts otherwise available in reaching the applicable determination. Absent any response on the record from Jiangsu, sections 782(d) and (e) do not apply.

Use of Adverse Facts Available

Section 776(b) of the Tariff Act further provides that, in selecting from among the facts otherwise available, the Department may use an inference adverse to the interests of a party that has failed to cooperate by not acting to the best of its ability to comply with a request for information (*see* also the Statement of Administrative Action (SAA), accompanying the URAA, H.R. Doc. No. 316, Vol. 1, 103rd Cong., 2d Sess. (1994), at 870). On three different occasions the Department asked Netchem in writing to provide the information necessary to conduct the margin analysis, namely, with the original questionnaire (issued on July 28, 2000), with the supplemental questionnaire (issued on November 20, 2000), and in a separate letter (issued on November 20, 2000).

In response to the Department's inquiry regarding verification, Netchem informed the Department by telephone on November 14, 2000, that its producer in China had gone bankrupt. *See* Department's letter to Netchem dated November 20, 2000. Based on this information, we issued a letter on November 20, 2000, asking for clarification regarding which company had gone bankrupt, what the role of the company was in the production and sale of subject merchandise, who had provided Netchem with the necessary information for questionnaire responses, and the current location of source documents. This letter also asked Netchem to confirm the dates for verification in China and Canada. In its response, Netchem provided the name of the company that went bankrupt, stated Netchem's intent to contact that company for a copy of the official documents, provided the names of Netchem's producer and supplier, named the individual providing the information for the questionnaire response, and stated that there are no original documents to support the claim that the supplier is bankrupt, or any other information pertaining to the supplier. The supplemental questionnaire response was still so highly deficient that we were unable to conduct an analysis based on the factor information provided. In its supplemental questionnaire, the Department asked three questions pertaining to organizational structure of Netchem's supplier. However, Netchem did not answer these questions, stating that it needed further clarification or that the supplier was bankrupt and therefore the information was unavailable. With respect to section D, factors of production, Netchem again did not provide an answer to six out of nine questions, other than to restate its assertion that the supplier is bankrupt and that the information is not available. Netchem also failed to satisfy the Department's request to provide a narrative response to each question issued in the original questionnaire. Rather, the company merely cross-referenced other sections of its response. Therefore, the Department has determined that Netchem has not complied with its responsibility to provide the information necessary to conduct a margin analysis.

Section 782(d) of the Tariff Act states that if the administering authority determines that a response to a request for information under this title does not comply with the request, the administering authority shall promptly inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person with an opportunity to remedy or explain the deficiency in light of the time limits established for the completion of investigations or reviews under this title. If that person submits further information in response to such deficiency and either (1) the administering authority finds that such response is not satisfactory, or (2) such response is not submitted within the applicable time limits, then the administering authority may, subject to subsection (e), disregard all or part of the original and subsequent responses. As discussed above, the Department requested Netchem to submit information necessary to conduct its margin analysis on three separate occasions; however, in each instance, Netchem's response was insufficient, failing to provide, for example, conversion factors used to calculate the reported amounts of water and ethyl alcohol, the quantity of by-products, and calculation worksheets demonstrating how Netchem's supplier calculated the reported usage for each source of energy to produce one unit of subject merchandise. Netchem, by not providing the Department with the necessary factor information to conduct a margin analysis, as described above, repeatedly failed to respond satisfactorily to the Department's request for information within the meaning of section 782(d)(1) of the Tariff Act. For Netchem to state that its supplier of subject merchandise went bankrupt is not sufficient, as there is no evidence that the responsive information is unavailable. The limited information available on the record is so deficient that it cannot serve as a reliable basis for reaching the applicable determination, and cannot be used without undue difficulties. Furthermore, this information cannot be verified since there are no source documents, as stated by Netchem. Therefore, the Department declines to consider in its determination the information submitted by Netchem, in accordance with sections 782(e)(2), (e)(3), and (e)(5) of the Tariff Act.

Jiangsu's withdrawal from this review constitutes a refusal to participate in the review, and demonstrates that Jiangsu failed to cooperate by not acting to the best of its ability to comply with the Department's request for information.

Pursuant to section 776(b) of the Act, the Department has determined that an adverse inference is warranted with respect to both companies, Netchem and Jiangsu, because they have failed to cooperate by not acting to the best of their ability, as discussed above.

When making adverse inferences, the SAA authorizes the Department to consider the extent to which a party may benefit from its own lack of cooperation (SAA at 870). Because the PRC-wide rate that was the cash deposit rate applicable during the period of review and that is applicable to current imports is 160.80 percent, a rate derived from the petition, the Department determines that assigning a 160.80 percent rate will prevent non-responding firms from benefitting from their failure to respond to the Department's requests for information. Anything less than the current cash deposit rate would effectively reward

non-responding firms for not cooperating by not acting to the best of their ability.

Corroboration

Section 776(c) of the Act provides that, when the Department relies on secondary information in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA defines secondary information as "information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review" (*see* SAA at 870). In addition, the SAA clarifies that "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value (*see id.*). The SAA also states that independent sources used to corroborate may include, for example, published price lists, official import statistics and customs data, as well as information obtained from interested parties during the particular investigation (*see id.*).

To corroborate the less-than-fair-value (LTFV) rate of 160.80 percent, we examined the basis of the rates contained in the petition of December 30, 1993, as revised in the final LTFV determination (59 FR 66895; December 28, 1994). The U.S. price in the petition, as amended, was based on average unit prices derived from U.S. Census import statistics, and on price lists from U.S. importers of coumarin. We were able to corroborate the average unit values listed in the amended petition by comparing those values to publicly available information compiled by the U.S. Census Bureau and made available by the International Trade Commission (ITC). The ITC reports quantity and value by HTSUS numbers. Using the same HTSUS number as listed in the petition (HTSUS 2932.21.000), we divided the total value by the total quantity for the periods referenced in the concurrence memorandum to the final antidumping duty determination for coumarin from the PRC, and noted the average unit values were very similar to those reported in the petition, as amended. *See Memorandum to File through Louis Apple from David J. Goldberger: Coumarin from the PRC; Alleged Margin Calculation Worksheet*, of January 18, 1994, on file in the Central Records Unit, located in Room B–099 main Department of Commerce Building.

The petition also states that, due to the NME status of the PRC, the foreign market value was calculated using a factors of production methodology. Based on the production experience of the petitioner, which it states is comparable to the PRC production process, the petition identified actual factors of production for subject merchandise. Such factors include: materials; labor; energy; utilities; overhead; general, selling and administrative expenses; profit; and packing. The petition relied, where possible, on publicly available information for India as surrogate values for the above-mentioned factors in the PRC. Where such information was not available, the petition relied on petitioner's own cost experience. *See Initiation of Antidumping Duty Investigation: Coumarin From the People's Republic of China*, 59 FR 3841–01 (January 27, 1994). Further, in the *Final Determination of Sales at Less Than Fair Value: Coumarin From the People's Republic of China*, 59 FR 66895–01 (December 28, 1994) (*Final Determination*), the Department revised the PRC-wide margin from the petition to reflect changes in the surrogate values of almost all inputs, including the most significant raw material for producing coumarin, as determined during the investigation. The source for this information was publicly available Indian and Indonesian import statistics. For detailed information, refer to *Concurrence Memorandum: Final Antidumping Duty Determination; Coumarin from the People's Republic of China (PRC)*, December 19, 1994, at 5, 8–9. Because petitioners used published, publicly available data for valuing inputs, and these data were revised by the Department with publicly available information, as stated above, we consider these data to have probative value.

The SAA specifically states that where "corroboration may not be practicable in a given circumstance," the Department may apply an adverse inference. *See* SAA at 870. Based on our efforts, described above, to corroborate information contained in the petition, as revised in the *Final Determination*, and mindful of the legislative history discussing facts available and corroboration, we consider the revised petition margin that we are assigning as adverse facts available in this review to be corroborated to the extent practicable. Furthermore, nothing on the record of this administrative review supports a determination that the highest margin rate from the petition in the underlying investigation, as revised, does not represent reliable and relevant information for purposes of adverse facts available. This rate has been used as the PRC-wide rate since the Department's *Final Determination*.

Preliminary Results of the Review

As a result of our review, we preliminarily determine the dumping margins for Netchem and the PRC entity, based on total adverse facts available for the period February 1, 1999 through January 31, 2000, to be as follows:

Manufacturer/exporter	Margin (percent)
Netchem, Inc	160.80
PRC-wide Rate	160.80

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five (5) days after the date of publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Case briefs are currently scheduled for submission within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, must be submitted no later than five (5) days after the time limit for filing case briefs. Parties who submit argument in this proceeding are requested to submit with the argument: (1) A statement of the issue, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the deadline for submission of rebuttal briefs. The Department plans to issue the final results of this administrative review, including its analysis of issues raised in any case or rebuttal brief or at a hearing, not later than 120 days after the date of publication of this notice.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, upon issuance of the final results of this review, the following deposit rates will be effective with respect to all shipments of coumarin from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this review, as provided for by section 751(a)(2)(c) of the Tariff Act: (1) The cash deposit rate for reviewed companies listed above will be the rates for those firms established in the final results of this review; (2) for companies previously found to be entitled to a separate rate and for which no review was requested, the cash deposit rate will be the rate established in the most recent review of that company; (3) for all other PRC exporters of subject merchandise, the cash deposit rate will be the PRC-wide rate of 160.80 percent; and (4) for non-PRC exporters of subject merchandise from the PRC not covered by this review, or by the LTFV investigation, or a previous review, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under section 351.402(f)(2) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 771 (i)(1) of the Tariff Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5773 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–862]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Foundry Coke From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Doreen Chen, Marlene Hewitt, and Alex Villanueva of Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0408, (202) 482–0165, and (202) 482–6412, respectively.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

Preliminary Determination

We preliminarily determine that foundry coke from the People's Republic of China (PRC) is being, or is likely to be, sold in the United States at less than fair value ("LTFV"), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the "Suspension of Liquidation" section of this notice.

Case History

This investigation was initiated on October 10, 2000. *See Initiation of Antidumping Duty Investigation: Foundry Coke from the People's Republic of China*, 65 FR 61303 (October 17, 2000). Since the initiation of this investigation the following events have occurred.

On November 7, 2000, the Department issued section A of its antidumping questionnaire to the Embassy of the People's Republic of China, as well as courtesy copies to the following possible producers/exporters of subject merchandise named in the petition: Shanxi Grand Coalchem Industrial Company[1] ("Shanxi Grand Coalchem"), Sinochem International ("Sinochem"), CITIC Trading Company Ltd. ("CITIC") and Minmetals Development Co. Ltd.[2] ("Minmetals").

On November 8, 2000, the Department requested comments from interested parties regarding the criteria to be used for defining products. We received no comments from interested parties on defining products.

On November 28, 2000, the following companies with shipments of subject merchandise to the United States during the period of investigation ("POI") submitted information regarding the quantity and value of their shipments: Shanxi Grand Coalchem, Sinochem, Minmetals, and CITIC.

We received complete Section A responses from Shanxi Grand Coalchem, Sinochem, Minmetals, CITIC and Taiyuan Yingxian Coal Carbonization Company ("Taiyuan"). Taiyuan reported that it did not have any sales of foundry coke to the United States; therefore, in accordance with Department practice, we decided not to investigate Taiyuan for this proceeding.

On November 14, 2000, the United States International Trade Commission ("ITC") preliminarily determined that "there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from China of foundry coke." *Foundry Coke from China*, (Investigation No. 731–TA–891 (Preliminary)), 65 FR 69573 (November 17, 2000).

On November 28, 2000, respondents submitted their complete section A responses. On December 19, 2000, the Department issued section A supplemental questionnaires to Sinochem and Shanxi Grand Coalchem. On December 29, 2000, the Department issued section A supplemental questionnaires to CITIC and Minmetals. On January 8, 2001, respondents submitted their responses to the Department's supplemental section A questionnaire. On January 23, 2001, Minmetals submitted its response to section D from its supplier. On January 23, 2001, CITIC, Sinochem and Shanxi Grand Coalchem provided section D responses from only some of their suppliers. Also on January 23, 2001, we requested respondents to provide section D information from all companies that supplied them subject merchandise for sales subject to this investigation. On January 26, 2001, we issued a second supplemental questionnaire for section A and supplemental section C and D questionnaires to respondents. On January 30, 2001, CITIC, Sinochem and Shanxi Grand Coalchem responded that they could not provide section D responses from all of their suppliers because these suppliers were shut down by the Chinese government for noncompliance with environmental standards. In addition, these respondents noted that these suppliers are unrelated to these respondents and

[1] Shanxi Grand Coalchem recently changed its name to Shanxi Dajin International (Group) Co. Ltd. However, in this notice, Shanxi Grand Coalchem will be referred to as Shanxi Grand Coalchem.

[2] Minmetals recently changed its name to Minmetals Townlord Technology Co., Ltd. However, in this notice, Minmetals will be referred to as Minmetals.

only supplied relatively small quantities to them. On February 8, 2001, respondents submitted their responses to supplemental sections C and D questionnaires and a second supplemental section A questionnaire.

On January 10, 2001, we requested publicly-available information for valuing the factors of production and comments on surrogate country selection. On January 23 and 30, 2001, petitioners and respondents submitted comments and rebuttal comments on the surrogate country selection and on surrogate values, respectively.

Period of Investigation

The period of investigation (POI) is January 1, 2000 through June 30, 2000. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition (September 20, 2000). 19 CFR 351.204(b)(1).

Scope of Investigation

For purposes of this investigation, the product covered is coke larger than 100 mm (4 inches) in maximum diameter and at least 50 percent of which is retained on a 100-mm (4 inch) sieve, of a kind used in foundries.

The foundry coke products subject to this investigation are currently classifiable under subheading 2704.00.00.10 (as of Jan 1, 2000) and 2704.00.00.11 (as of July 1, 2000) of the *Harmonized Tariff Schedules of the United States* (HTSUS). Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this investigation is dispositive.

On November 13, 2000, USG Interiors, Inc. ("USG Interiors") and Rock Wool Manufacturing Company ("Rockwool") submitted a written request for an amendment to the scope of this investigation to exclude foundry coke used for industrial purposes. Rockwool and USG Interiors argued that the scope of the investigation is over inclusive as the current scope definition includes industrial coke, which is not the intended subject merchandise for this investigation. Rockwool and USG Interiors explained that industrial coke results from foundry coke degraded during transit.

On November 17, 2000, petitioners submitted a response in opposition to USG Interiors and Rockwell's scope request, arguing that Rockwool and USG Interiors have no standing to make a scope exclusion request since they are not importers and that Rockwool and USG Interiors have failed to demonstrate that the material used by Rockwool and USG Interiors is imported as foundry coke. Petitioners argue that Rockwool and USG Interiors have not provided any information on the classification at entry of the merchandise. According to petitioners, Rockwool and USG Interiors have not established the legal and factual foundation for their claims, i.e., that the degradation occurs after entry of the merchandise and prior to delivery.

We agree with petitioners that Rockwool and USG Interiors have failed to provide any evidence substantiating their claim that Rockwool and USG Interiors use imported foundry coke that becomes degraded after entry of the merchandise and prior to delivery. Morever, in making their request for a scope exclusion, Rockwool and USG Interiors have failed to articulate a product description which distinguishes industrial coke from foundry coke other than by end-use. Since the Department determines the scope of its investigations by product description and not intended or actual use, we preliminary determine to deny this exclusion.

Nonmarket Economy Country Status

The Department has treated the PRC as a non-market economy (NME) country in all past antidumping investigations *(see, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Bulk Aspirin From the People's Republic of China*, 65 FR 33805 (May 25, 2000), and *Notice of Final Determination of Sales at Less Than Fair Value: Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China*, 65 FR 19873 (April 13, 2000). A designation as a NME remains in effect until it is revoked by the Department (*see* section 771(18)(C) of the Act). The respondents in this investigation have not requested a revocation of the PRC's NME status. We have, therefore, preliminarily determined to continue to treat the PRC as a NME country. When the Department is investigating imports from a NME, section 773(c)(1) of the Act directs us to base the normal value (NV) on the NME producer's factors of production, valued in a comparable market economy that is a significant producer of comparable merchandise. The sources of individual factor prices are discussed under the Normal Value section, below.

Furthermore, no interested party has requested that the foundry coke industry in the PRC be treated as a market-oriented industry and no information has been provided that would lead to such a determination. Therefore, we have not treated the foundry coke industry in the PRC as a market-oriented industry in this investigation.

Separate Rates

In proceedings involving NME countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to investigation in a NME country this single rate, unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. In this case, each respondent has requested a separate company-specific rate.

CITIC stated that it is wholly-owned by China International Trust and Investment Corporation and that it has no relationship to the provincial or local governments, other than having to obey generally applicable laws regarding taxation, labor, environmental protection and other matters. CITIC claimed that it makes independent business decisions without state involvement and that there is no state involvement in any manner in setting prices or quantities regarding the sale of the subject merchandise.

Minmetals stated that it is majority-owned by a company which is in turn owned by the government. Minmetals claimed that it has no relationship with the national, provincial or local governments, other than having to obey generally applicable laws regarding taxation, labor, environmental protection and other matters.

Shanxi Grand Coalchem stated that its majority shareholder is the Bureau of Foreign Trade and Economic Cooperation Shanxi (BOFTEC), which is described as a provincial governmental agency. Shanxi Grand Coalchem claimed that it operates independently from the national and local governments with respect to all significant export activities. Sinochem stated that it is majority owned by China National Chemicals Import & Export Corporation, which in turn is owned by the state. Sinochem claimed that it operates independently from the national, provincial and local governments with respect to all significant export activities.

Based on these claims, we considered whether each respondent is eligible for a separate rate. The Department's separate rate test to determine whether the exporters are independent from government control is not concerned, in general, with macroeconomic/border-type controls, *e.g.*, export licenses, quotas, and minimum export prices, particularly if these controls are imposed to prevent dumping. The test focuses, rather, on controls over the investment, pricing, and output decision-making process at the individual firm level. *See, e.g., Certain Cut-to-Length Carbon Steel Plate from Ukraine: Final Determination of Sales at Less than Fair Value*, 62 FR 61754, 61757 (November 19, 1997); *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 62 FR 61276, 61279 (November 17, 1997); and *Honey from the People's Republic of China: Preliminary Determination of Sales at Less than Fair Value*, 60 FR 14725, 14726 (March 20, 1995).

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each exporting entity under a test arising out of the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) and amplified in the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) ("*Silicon Carbide*"). Under the separate rates criteria, the Department assigns separate rates in NME cases only if respondents can demonstrate the absence of both de jure and de facto governmental control over export activities.

1. Absence of De Jure Control

The Department considers the following de jure criteria in determining whether an individual company may be granted a separate rate: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. The respondents have placed on the record a number of documents to demonstrate absence of de jure control, including the "Foreign Trade Law of the People's Republic of China" and the "Company Law of the People's Republic of China." In prior cases, the Department has analyzed these laws and found that they establish an absence of de jure control. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Certain Partial-Extension Steel Drawer Slides with Rollers from the People's Republic of China*, 60 FR 54472, 54474 (October 24, 1995); *see* also *Furfuryl Alcohol*. We have no information in this proceeding which would cause us to reconsider this determination.

As stated in previous cases, there is some evidence that the provisions of the above-cited 1988 Law and 1992 Regulations regarding enterprise autonomy have not been implemented uniformly among different sectors and/or jurisdictions in the PRC, (*see* "PRC Government Findings on Enterprise Autonomy," in Foreign Broadcast Information Service-China-93–133 (July 14,1993)). Therefore, the Department has determined that an analysis of de facto control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

2. Absence of De Facto Control

The Department typically considers four factors in evaluating whether each respondent is subject to de facto governmental control of its export functions: (1) Whether the export prices are set by or are subject to the approval of a governmental agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses. As stated in previous cases, there is some evidence that certain enactments of the PRC central government have not been implemented uniformly among different sectors and/or jurisdictions in the PRC. *See Silicon Carbide* and *Furfuryl Alcohol*. Therefore, the Department has determined that an analysis of de facto control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

The respondents asserted the following: (1) They establish their own export prices; (2) they negotiate contracts without guidance from any governmental entities or organizations; (3) they make their own personnel decisions; and (4) they retain the proceeds of their export sales, using profits according to their business needs. Additionally, none of the respondents' questionnaire responses suggest pricing is coordinated among exporters. Furthermore, our analysis of the respondents' questionnaire responses reveals no other information indicating government control. As stated in the *Silicon Carbide*, 59 FR at 22587 and in *Furfuryl Alcohol*, 60 FR at 22544, ownership of the company by a state-owned enterprise does not require the application of a single rate. Based on the information provided, we preliminary determine that there is an absence of de facto governmental control of the respondents' export functions. Consequently, we preliminarily determine that CITIC, Minmetals, Shanxi Grand Coalchem, and Sinochem have met the criteria for the application of a separate rate.

Facts Available

Section 776(a) of the Act provides that, if an interested party withholds information that has been requested by the Department, fails to provide such information in a timely manner or in the form or manner requested, significantly impedes a proceeding under the antidumping statute, or provides information which cannot be verified, the Department shall use, subject to sections 782(d) and (e) of the Act, facts otherwise available in reaching the applicable determination. Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if that information is necessary to the determination but does not meet all of the requirements established by the Department provided that all of the following requirements are met: (1) The information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties. Companies that failed to respond to our questionnaires or reported no shipments were assigned the PRC-wide rate.

The PRC-wide antidumping rate is based on the facts available. Section 776(a)(2)(B) of the Act requires the Department to use facts available when a party does not provide the Department with information by the established deadline or in the form and manner requested by the Department.

In addition, section 776(b) of the Act provides that, if the Department finds that an interested party "has failed to cooperate by not acting to the best of its ability to comply with a request for information," the Department may use information that is adverse to the interests of that party as facts otherwise available.

As discussed above, all PRC producers/exporters that do not qualify

for a separate rate are treated as a single enterprise. Because some exporters of the single enterprise failed to respond to the Department's requests for information, that single enterprise is considered to be uncooperative. In such situations, the Department generally selects as total adverse facts available the higher of the highest margin from the petition or the highest rate calculated for a respondent in the proceeding. *See Final Determination of Sales at Less Than Fair Value; Stainless Steel Sheet and Strip in Coils from Germany*, 64 FR 30710, 30714 (June 8, 1999). In the present case, the highest calculated margin is the rate calculated from the petition.

Section 776(c) of the Act provides that, when the Department relies on secondary information (such as the petition rates) as facts available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA clarifies that "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value (*see* SAA at 870). The SAA also states that independent sources used to corroborate may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *See id.*

We reviewed the adequacy and accuracy of the information in the petition during our pre-initiation analysis of the petition, to the extent appropriate information was available for this purpose. In accordance with section 776(c) of the Act, to the extent practicable, we examined the key elements of the U.S. price and normal value ("NV") calculations on which the petition margin was based and compared the sources used in the petition to publicly available information, where available, and respondent data as appropriate.

The petitioners based export price ("EP") on import values declared to the U.S. Customs Service. For the normal value calculation, petitioners based the factors of production ("FOP") as defined by section 773(c)(3) of the Act (raw materials, labor, energy, and representative capital costs) on the quantities of inputs used by petitioners. Petitioners asserted that detailed information is not available regarding the quantities of inputs used by the coke producers in China. Thus, petitioners assumed, for purposes of the petition, that the producers in China use the same inputs in the same quantities as a petitioners' most similar plants. Petitioners selected India as the appropriate primary surrogate country for purposes of valuing the factors. Petitioners valued factors of production, where possible, on reasonably available, public surrogate country data.

Our review of the EP and NV calculations indicated that the information in the petition has probative value as certain information included in the margin calculation in the petition is from public sources, concurrent, for the most part, with the POI. With regard to the EP calculation in the petition, the information relied upon was based on publicly available sources, that is, official U.S. government statistics; therefore, we find that the U.S. price from the petition margin is sufficiently corroborated.

With regard to NV, petitioners relied on both publicly available data and information obtained from a U.S. coke producer. The values for the factors of production were based on publicly available information for comparable inputs; therefore, we find that the factors of production values are sufficiently corroborated. We also find that with the exception of electricity, the usage rates based on a U.S. coke producer were sufficiently corroborated by information submitted by respondents in the course of this proceeding, as they fell within the range of the usage rates based data from the respondents. For factory overhead, SG&A expenses, and profit, we used the 1999–2000 financial statement from Gujarat NRE Coke, Ltd., an Indian producer of the subject merchandise. These are the same financial ratios we used for cooperating respondents.

We could not corroborate the energy usage rates used in the petition because we determined that the energy rates used in the petition reflected an energy process from the U.S. foundry coke production process, which differs from the energy process used in foundry coke production in the PRC. We recalculated the petition margin using an electricity usage rate based on information reported by respondents. We valued this electricity using the same data as for cooperating respondents. For further information, *see Preliminary Determination in the Investigation of Foundry Coke from the People's Republic of China—Facts Available Corroboration Memorandum from Alex Villanueva to James C. Doyle*, dated February 27, 2001.

Accordingly, for the preliminary determination, the PRC-wide rate is 214.89 percent. For the final determination, the Department will consider all margins on the record at that time for the purpose of determining the most appropriate margin.

Minmetals fully responded to all of our requests for information within the established deadlines. Therefore, for Minmetals, we did not resort to facts available in calculating a margin for Minmetals.

On the other hand, CITIC, Sinochem, and Shanxi Grand Coalchem did not fully respond to our Section D questionnaire within the established deadlines. Specifically, the aforementioned respondents did not comply with our request in the original questionnaire to provide Section D questionnaire responses from all of their suppliers of foundry coke.

CITIC, Sinochem, and Shanxi Grand Coalchem initially claimed that they could not obtain responses from all of their suppliers because certain suppliers were shut down for environmental reasons. Respondents further clarified that those suppliers for which they were unable to submit section D information are unrelated to respondents and represent only a small percentage of the sales quantity supplied to respondent exporters. Subsequently, in a supplemental questionnaire dated January 26, 2001, we asked CITIC, Sinochem, and Shanxi Grand Coalchem to provide evidence substantiating their claim that certain of their suppliers were shut down. We also requested that they provide a copy of the notification to the government of the company closure and to indicate when the company shutdown and to describe the nature of the shutdown. In response to these requests, CITIC, Sinochem and Shanxi Grand Coalchem submitted a copy of a government decree ordering the closure of environmentally hazardous foundry coke plants. (*See* February 8, 2001 Supplemental Questionnaire response.) In addition, CITIC and Shanxi Grand Coalchem provided letters from some of the non-responsive suppliers which indicated that these suppliers expressed that they would not participate in this investigation.

We preliminarily find that CITIC, Sinochem, and Shanxi Grand Coalchem did not act to the best of their ability in obtaining Section D responses from their suppliers. As for the suppliers which expressed a lack of interest in participating in this investigation, CITIC, Sinochem and Shanxi Grand Coalchem did not act to the best of their ability in urging these suppliers to comply with our requests for information. Furthermore, these suppliers are interested parties that, by withholding requested information, have failed to cooperate by not acting to the best of their abilities. As for the other non-responsive suppliers claimed to have been shutdown, we determined the information submitted did not sufficiently demonstrate their suppliers were in fact shut down by the government since the government document did not provide names of the foundry coke producers subject to the governmental decree or any other information that would suggest that any specific company had been shut down.

For the above reasons, we find that CITIC, Sinochem and Shanxi Grand Coalchem did not act to the best of their ability in obtaining section D responses from all of their suppliers; therefore, we find that the application of adverse facts available is warranted. As adverse facts available, we applied the highest calculated normal value for each respondent to the total volume of that respondent's merchandise produced by each non-responsive supplier. We then weight-averaged these resulting normal values with the calculated normal values to derive each appropriate respondent's preliminary margin.

One supplier of both Shanxi Grand Coalchem and Sinochem failed to provide freight information for the raw material input coking coal. Specifically, this supplier failed to list the number and names of the coking coal suppliers, distances from the supplier, and quantities purchased. This information was requested twice by the Department. (*See* Antidumping Questionnaire dated November 7, 2000 and Supplemental Questionnaire dated January 26, 2001.) Therefore, since this information was requested twice by the Department and not supplied, we have determined that Shanxi Grand Coalchem and Sinochem did not act to the best of their ability in obtaining freight information for coking coal, and, thus, adverse facts available is warranted. As adverse facts available, we used the highest calculated freight value for coking coal among the suppliers for each respondent.

Sinochem failed to report a portion of its sales of foundry coke that are subject to this investigation. In our supplemental questionnaires dated December 20, 2000 and January 26, 2001, we requested Sinochem to report this sale; however, Sinochem did not report this sale, claiming that the amount of subject merchandise in this sale is minimal. As Sinochem has failed to provide any information regarding a sale of subject merchandise to the United States and since this information was requested twice by the Department, as adverse facts available, we applied the rate from the petition, as applied for the PRC-wide rate, to the total volume of the sale potentially representing subject merchandise. We then weight-averaged this margin with the calculated margin to derive Sinochem's preliminary margin.

Surrogate Country

When investigating imports from an NME country, section 773(c)(1) of the Act directs the Department, in most circumstances, to base normal value ("NV") on the NME producer's factors of production, valued in a surrogate market economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, the Department, in valuing the factors of production, shall utilize, to the extent possible, the prices or costs of factors of production in one or more market economy countries that are at a level of economic development comparable to the NME country and are significant producers of comparable merchandise. The sources of the surrogate factor values are discussed under the NV section below.

The Department has determined that India, Pakistan, Sri Lanka, Egypt, Indonesia, and the Phillippines are countries comparable to the PRC in terms of economic development. *See Memorandum from Jeff May to Edward Yang: Antidumping Duty Investigation on Foundry Coke Products from the People's Republic of China*, dated January 9, 2001. Customarily, we select an appropriate surrogate based on the availability and reliability of data from these countries. For PRC cases, the primary surrogate has often been India if it is a significant producer of comparable merchandise. In this case, we have found that India is a significant producer of comparable merchandise.

We used India as the primary surrogate country and, accordingly, we have calculated NV using Indian prices to value the PRC producers' factors of production, when available and appropriate. *See* Surrogate Country Selection Memorandum to The File from James Doyle, Program Manager, dated February 27, 2001, ("*Surrogate Country Memorandum*"). We have obtained and relied upon publicly available information wherever possible. *See Factor Valuation Memorandum to The File from Alex Villanueva and Doreen Chen*, dated February 27, 2001 ("*Factor Valuation Memorandum*").

In accordance with section 351.301(c)(3)(i) of the Department's regulations, for the final determination in an antidumping investigation, interested parties may submit publicly available information to value factors of production within 40 days after the date of publication of this preliminary determination.

Fair Value Comparisons

To determine whether sales of foundry coke to the United States by CITIC, Minmetals, Sinochem, and Shanxi Grand CoalChem were made at less than fair value, we compared EP to NV, as described in the "Export Price" and "Normal Value" sections of this notice. In accordance with section 777A(d)(1)(A)(i) of the Act, we calculated weighted-average EPs.

Export Price

In accordance with section 772(a) of the Act, we used EP because the subject merchandise was sold directly to unaffiliated customers in the United States prior to importation and because constructed export price was not otherwise indicated. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI-wide weighted-average EPs to the NVs. *See Valuation Memorandum*. We calculated EP based on prices to unaffiliated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight and brokerage, billing adjustments and handling.

Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine the NV using a factors-of-production methodology if: (1) The merchandise is exported from an NME country; and (2) the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

Factors of production include: (1) Hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs. We calculated NV based on factors of production reported by each respondent. For a further discussion, see the *Analysis Memo*. We valued all the input factors using publicly available published information as discussed in the "Surrogate Country" and "Factor Valuations" sections of this notice.

Factor Valuations

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by respondents for the POI. To calculate NV, the reported per-unit factor quantities were multiplied by publicly available Indian surrogate values. In selecting the surrogate values, we considered the quality, specificity, and contemporaneity of the data. As

appropriate, we adjusted input prices by including freight costs to make them delivered prices. We added to Indian surrogate values a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory or the distance from the nearest seaport to the factory. This adjustment is in accordance with the Court of Appeals for the Federal Circuit's decision in *Sigma Corp.* v. *United States*, 117 F. 3d 1401 (Fed. Cir. 8342 1997). For those values not contemporaneous with the POI, we adjusted for inflation using wholesale price indices published in the International Monetary Fund's International Financial Statistics.

We valued the factors of production as follows: to value paper, coking coal, supplementary coke and wood, we used the weighted-average unit import values derived from the *Monthly Trade Statistics of Foreign Trade of India—Volume II—Imports* ("*Indian Import Statistics*") for the period of April 1998 through March 1999, adjusted for inflation through the POI. We rejected the surrogate value for coking coal provided by respondents since the coking coal value provided was for a significantly lower quality of coking coal than that which is actually used by foundry coke producers.

To value electricity, we used data reported as the average Indian domestic prices within the category "Electricity for Industry," published in the International Energy Agency's publication, *Energy Prices and Taxes*, Fourth Quarter, 1999.

We used Indian transport information to value transport for raw materials. For domestic inland freight (truck), we used a price quote from an Indian trucking company, adjusted for inflation through the POI. For domestic inland freight (rail), we used freight rates as quoted from Indian Railway Conference Association price lists, adjusted for inflation through the POI.

To value factory overhead, selling, general and administrative expenses ("SG&A"), and profit, we calculated simple average rates based on financial information from an Indian foundry coke producer. (For a further discussion of the surrogate values for overhead, SG&A and profit, see the *Factor Valuation Memorandum*.) For labor, consistent with section 351.408(c)(3) of the Department's regulations, we used the PRC regression-based wage rate at Import Administration's home page, Import Library, Expected Wages of Selected NME Countries, revised in May 2000 (*see http:// ia.ita.doc.gov/wages*). The source of the wage rate data on the Import Administration's Web site can be found in the *1999 Year Book of Labour Statistics*, International Labor Office (Geneva: 1999), Chapter 5B: Wages in Manufacturing.

Verification

As provided in section 782(i)(1) of the Act, we intend to verify all company information relied upon in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all imports of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct the U.S. Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP, as indicated below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin
Shanxi Grand Coalchem Industrial Co., Ltd.[3]	147.21
Sinochem International Co., Ltd	211.42
Minmetals Development Co., Ltd.[4]	140.18
CITIC Trading Company, Ltd	136.52
PRC-Wide	214.89

[3] Otherwise known as Shanxi Dajin International (Group) Co. Ltd.

[4] Otherwise known as Minmetals Townlord Technology Co., Ltd.

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination of sales at LTFV. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Import Administration no later than fifty days after the date of publication of this notice, and rebuttal briefs, limited to issues raised in case briefs, no later than fifty-five days after the date of publication of this preliminary determination. *See* 19 CFR 351.309(c)(1)(i); 19 CFR 351.309(d)(1). A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, any hearing will be held fifty-seven days after publication of this notice at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the date of publication of this notice. *See* 19 CFR 351.310(c). Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief, and may make rebuttal presentations only on arguments included in that party's rebuttal brief. *See* 19 CFR 351.310(c).

If this investigation proceeds normally, we will make our final determination no later than 75 days after the date of the preliminary determination.

This determination is issued and published in accordance with sections 733(d) and 777(i)(1) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 27, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5627 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A–351–828)

Administrative Review of the Suspension Agreement on Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Brazil: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Michael Ferrier at (202) 482–1394, Phyllis Hall at (202) 482–1398, or Dena Aliadinov at (202) 482–3362, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce ("the Department") to make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested, and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days and for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

Background

On July 6, 1999, the Department entered into Antidumping Duty Suspension Agreement regarding certain hot-rolled flat-rolled carbon-quality steel products ("hot-rolled steel") from Brazil produced by Companhia Siderurgica Nacional ("CSN"), Usinas Siderurgicas de Minas Gerais ("USIMINAS"), and Companhia Siderurgica Paulista ("COSIPA"). This agreement was entered into under section 734(c) of the Tariff Act of 1930, as amended, requiring, among other things, that the estimated margin of each entry under the suspension agreement does not exceed 15 percent of the margin found in the investigation. In addition, the Agreement requires that sales of subject merchandise are not made below the reference price (calculated quarterly, to match the market). On July 28, 2000, petitioners requested that the Department conduct an administrative review of the agreement. The Department initiated this review on September 6, 2000. See 65 FR 53980 (September 6, 2000). The preliminary results are due not later than April 2, 2001.

Extension of Time Limit for Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limits mandated by section 751 (a)(3)(A) of the Act. The Department is therefore extending the time limit for completion of the preliminary results by 120 days, until July 31, 2001. See Decision Memorandum from Richard Weible to Joseph A. Spetrini, dated February 26, 2001, which is on file in the Central Records Unit, Room B–099 of the main Commerce building.

This extension of the time limit is in accordance with section 751 (a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Dated: February 27, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement, Group III.

[FR Doc. 01–5626 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–810]

Mechanical Transfer Presses From Japan: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review: Mechanical transfer presses from Japan.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on mechanical transfer presses (MTPs) from Japan in response to a request by respondent, Komatsu, Ltd (Komatsu). Petitioner is Verson Division of Allied Products Corp. This review covers shipments of this merchandise to the United States during the period of February 1, 1999 through January 31, 2000. We have preliminarily determined that U.S. sales have not been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to liquidate entries without regard to antidumping duties. Interested parties are invited to comment on these preliminary results. Parties who submit argument are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley or Sally Gannon, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0666 or (202) 482–0162, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 351 (2000).

Background

The Department published an antidumping duty order on MTPs from Japan on February 16, 1990 (55 FR 5642). On March 30, 2000, we published a notice initiating an administrative review of MTPs (65 FR 16875). The review covers one manufacturer, Komatsu, which requested the review.

Due to complicated issues in this case, the Department extended the deadline for the preliminary results of this antidumping duty administrative review on October 24, 2000. *See Mechanical Transfer Presses From Japan: Extension of Time Limit for Preliminary Results of Antidumping Administrative Review*, 65 FR 64666 (October 30, 2000).

Scope of Review

Imports covered by this review include MTPs currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 8462.99.0035 and 8466.94.5040. The HTS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this order is dispositive. The term "mechanical transfer presses"

refers to automatic metal-forming machine tools with multiple die stations in which the work piece is moved from station to station by a transfer mechanism designed as an integral part of the press and synchronized with the press action, whether imported as machines or parts suitable for use solely or principally with these machines. These presses may be imported assembled or unassembled. This review does not cover certain parts and accessories, which were determined to be outside the scope of the order. (*See* "Final Scope Ruling on Spare and Replacement Parts," U.S. Department of Commerce, March 20, 1992; and "Final Scope Ruling on the Antidumping Duty Order on Mechanical Transfer Presses (MTPs) from Japan: Request by Komatsu, Ltd.," U.S. Department of Commerce, October 3, 1996.) This review covers one manufacturer of MTPs, and the period February 1, 1999 through January 31, 2000.

Verification

As provided in section 782(i) of the Act, we verified information provided by Komatsu using standard verification procedures, including on-site inspection of the manufacturer's facilities and the examination of relevant sales and financial records. Our verification results are outlined in public and proprietary versions of the verification report, which are on file in the Central Records Unit of the Department.

Normal Value Comparisons

To determine whether respondent's sales of the subject merchandise to the United States were made at less than NV, we compared its export price to NV, as described in the "Export Price" and "Normal Value" sections of this notice.

Export Price

We calculated an export price (EP) in accordance with section 772(a) of the Act. We calculated EP for Komatsu based on the packed, prepaid price to the U.S. customer. We made deductions from the starting price for Japanese inland freight and insurance, brokerage and handling, international freight, marine insurance, U.S. inland freight, and supervision, in accordance with section 772(c)(2) of the Act.

Normal Value

We preliminarily determine that the use of constructed value (CV) is warranted to calculate NV for Komatsu, in accordance with section 773(a)(4) of the Act. While the home market is viable, sales made to the United States do not permit proper price-to-price comparisons with sales made in the home market. MTPs are made to each customer's specifications, resulting in significant differences among machines. Therefore, we have resorted to the use of CV. This decision is consistent with Department precedent in this proceeding. *See, e.g., Mechanical Transfer Presses from Japan; Preliminary Antidumping Duty Administrative Review, and Intent to Revoke Order in Part*, 63 FR 11211, 11213 (March 6, 1998).

We note that in past proceedings involving large, custom-built capital equipment, in addition to prior reviews of this order, we have normally resorted to CV. *See, e.g., Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Japan: Preliminary Results of Antidumping Duty Administrative Review*, 65 FR 62700, 62702 (Oct. 19, 2000); *Large Power Transformers from France: Final Result of Antidumping Administrative Review*, 61 FR 40403, (Aug. 2, 1996). CV consists of cost of design, direct materials, direct labor, variable overhead, fixed overhead, product-line R&D, and loss on disposals of inventories (yielding total cost of manufacturing), plus general and administrative expenses, net interest expense, profit, and U.S. packing expenses. We added to CV amounts for direct selling expenses (i.e., warranties, credit, and commissions) for merchandise exported to the United States. We subtracted home market direct selling expenses (i.e., warranties and credit).

Preliminary Results of Review

We preliminarily determine that the following dumping margin exists:

Manufacturer/ exporter	Time period	Margin
Komatsu, Ltd ..	2/01/99–1/31/00	0.99

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication in accordance with 19 CFR 351.310(c). Any hearing, if requested, will be held 37 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice in accordance with 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, not later than 120 days after the date of publication of this notice.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service. Furthermore, the following deposit rate will be effective upon publication of the final results of this administrative review for all shipments of MTPs from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For Komatsu, the cash deposit rate will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will be the company-specific rate established for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be the rate established in the LTFV investigation, which is 14.51 percent. *See Notice of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Mechanical Transfer Presses from Japan*, dated September 15, 1997. These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are issued in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C 1677f(i)(1)). Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 26, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5621 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–506]

Notice of Preliminary Results of Antidumping Duty Administrative Review: Oil Country Tubular Goods From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request from the respondent, Atlas Tube, Inc. (Atlas), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on oil country tubular goods (OCTG) from Canada. This review covers one manufacturer/exporter, Atlas, and the period June 1, 1999 through December 31, 1999. The period of review (POR) specified by the Department's opportunity to request administrative review was June 1, 1999 through May 31, 2000. *See Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation* 65 FR 38242 (June 20, 2000). However, the Department revoked this antidumping duty order effective January 1, 2000; therefore, this administrative review only covers the period June 1, 1999 through December 31, 1999. *See Notice of Revocation of Antidumping Duty Orders: Circular Welded Non-Alloy Steel Pipe and Tube from Venezuela; Small Diameter Standard and Rectangular Pipe and Tube from Singapore; and Oil Country Tubular Goods from Canada and Taiwan* 65 FR 50954 (August 22, 2000).

We have preliminarily determined the dumping margin for Atlas to be 6.56 percent.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Nithya Nagarajan or Michele Mire, Office 4, Group II, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce; 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–5253 or (202) 482–4711 respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations at 19 CFR part 351 (2000).

Background

The Department published an antidumping duty order on OCTG from Canada on June 16, 1986 (51 FR 21782) and an amended order on August 19, 1986 (51 FR 29579). On June 20, 2000, the Department published an Opportunity to Request Administrative Review (65 FR 38242). On July 9, 2000, Atlas Tube, Inc. requested the Department to initiate an administrative review pursuant to section 751(a)(1) of the Act, and 19 CFR 351.213(b)(2). We initiated this administrative review on July 31, 2000 (65 FR 46687) for the period June 1, 1999, through May 31, 2000. On August 22, 2000, the Department revoked the antidumping duty order effective January 1, 2000 (65 FR 50954). Due to the revocation of the antidumping duty order, we analyzed sales of the subject merchandise for the period June 1, 1999, through December 31, 1999, rather than the entire POR specified by the Department's opportunity to request administrative review.

The Department issued its questionnaire on August 28, 2000, and received Atlas' responses to Sections A, B, C, and D (corporate structure, home market sales, U.S. sales, and cost of production/constructed value, respectively) on October 30, 2000, and supplemental responses on December 21, 2000.

The Department is conducting this administrative review in accordance with section 751(a)(1) of the Act.

Scope of the Review

The products covered by this review include shipments of OCTG from Canada. This includes American Petroleum Institute (API) specification OCTG and all other pipe with the following characteristics except entries which the Department determined through its end-use certification procedure were not used in OCTG applications: Length of at least 16 feet; outside diameter of standard sizes published in the API or proprietary specifications for OCTG with tolerances of plus 1/8 inch for diameters less than or equal to 8 5/8 inches and plus 1/4 inch for diameters greater than 8 5/8 inches, minimum wall thickness as identified for a given outer diameter as published in the API or proprietary specifications for OCTG; a minimum of 40,000 PSI yield strength and a minimum 60,000 PSI tensile strength; and if with seams, must be electric resistance welded. Furthermore, imports covered by this review include OCTG with non-standard size wall thickness greater than the minimum identified for a given outer diameter as published in the API or proprietary specifications for OCTG, with surface scabs or slivers, irregularly cut ends, ID or OD weld flash, or open seams; OCTG may be bent, flattened or oval, and may lack certification because the pipe has not been mechanically tested or has failed those tests. This merchandise is currently classifiable under the Harmonized Tariff Schedules (HTS) item numbers 7304.20, 7305.20, and 7306.20. The HTS item numbers are provided for convenience and U.S. Customs purposes. The written description remains dispositive.

United States Price

Atlas reported all United States sales of subject merchandise as export price (EP) transactions sold to unaffiliated U.S. customers prior to importation.

We calculated EP, in accordance with section 772(a) of the Act, because the merchandise was sold by the manufacturer/exporter Atlas in the exporting country to the first unaffiliated purchaser in the United States prior to importation and because evidence on the record did not otherwise warrant constructed export price (CEP) methodology. We based EP on the delivered price to unaffiliated purchasers in the United States. We adjusted the starting price by the amount Atlas reported for billing adjustments and made deductions from the starting price for discounts. We also made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act; these included foreign inland freight, U.S. inland freight, and U.S. brokerage and handling charges.

Normal Value

After testing (1) home market viability and (2) whether home market sales were made at below-cost prices, we calculated normal value (NV) as noted in the "Price-to-Price Comparisons" section of this notice.

1. Home Market Viability

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is equal to or greater than five percent of the aggregate volume of U.S. sales), we compared Atlas' volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1) of the Act. Because Atlas' aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable for Atlas.

2. Cost of Production Analysis

Section 773(b)(2)(A)(ii) of the Act provides that there are reasonable grounds to believe or suspect that sales of the foreign like product were made at prices that are less than the cost of production (COP) of the product if we disregarded some or all of a specific exporter's sales below COP in the last completed administrative review of that exporter. In the last administrative review of this order which covered the period December 1, 1998, through May 31, 1999, we found sales below COP for Atlas which were disregarded. *See Notice of Preliminary Results of Antidumping Duty Administrative Review* 65 FR 36407, 36409 (June 8, 2000). As a result, the respondent provided COP information in response to Section D of the Department's antidumping duty questionnaire, on which we based our COP analysis as described below.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated COP based on the sum of Atlas' cost of materials and fabrication for the foreign like product, plus an amount for home market selling, general and administrative expenses (SG&A), including interest expenses, and packing costs.

B. Test of Home Market Sales Prices

We compared the weighted-average COP figures to home market sales of the foreign like product as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below COP. In determining whether to disregard home market sales made at prices less than the COP, we examined whether (1) within an extended period of time, such sales were made in substantial quantities, and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP to the home market prices, less any applicable movement charges and rebates.

C. Results of the COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." Where 20 percent or more of respondent's sales of a given product during the POR were at prices less than the COP, we determined such sales to be made in "substantial quantities" within an extended period of time in accordance with section 773(b)(1)(A) of the Act. In the instant case, we compared Atlas' home market prices to weighted-average COPs for the POR, and therefore determined that below-cost sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(1)(B) of the Act. Therefore, we disregarded such below-cost sales.

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the EP or CEP transaction. The NV LOT is that of the starting-price sales in the comparison market or, when NV is based on constructed value (CV), that of the sales from which we derive SG&A expenses and profit. With respect to U.S. price for EP transactions, the LOT is also the level of the starting-price sale, which is usually from the exporter to the importer.

To determine whether NV sales are at a different LOT than the U.S. sales, we examined stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and home market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. *See Notice of Final Determination of Sales at Less Than Fair Value; Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

Atlas reported one customer category and one channel of distribution (i.e., sales to unaffiliated distributors) for its home market sales. For its EP sales, Atlas also reported one customer category and one channel of distribution (*i.e.*, direct sales to unaffiliated distributors). Atlas claimed in its response that its EP sales were made at the same LOT as home market sales to unaffiliated distributors. For this reason, Atlas has not asked for a LOT adjustment to NV for comparison to its EP sales.

In determining whether separate LOTs actually existed in the home market and U.S. market, we examined whether Atlas' sales involved different marketing stages (or their equivalent) based on the channel of distribution, customer categories and selling functions. Atlas reported that its selling functions for home market sales are arranging for freight, warehousing, and warranty service; however, we noted that Atlas did not report any warehouse or warranty expenses for home market sales during the POR. After reviewing the record evidence for this current review, we agree with Atlas that its home market sales comprise a single LOT.

In analyzing Atlas' selling activities for its EP sales, we noted that the sales generally involved the same selling functions associated with the home market LOT described above. Atlas reported that these selling activities included arranging for freight, warehousing, and warranty services; however, Atlas reported that it did not incur any warehouse or warranty expenses for U.S. market sales during the POR. Based upon the record evidence for this current review, we have determined that there is one LOT for all EP sales and that it is the same LOT as in the home market. Therefore, because we find that the U.S. sales and home market sales are at the same LOT, we determine that a LOT adjustment under section 773(a)(7)(A) is not warranted.

Price-to-Price Comparisons

We calculated NV based on delivered prices to unaffiliated customers. The NV price was reported on a Goods and Services Tax-exclusive basis. We adjusted the starting price by the amount Atlas reported for billing adjustments. We made deductions from the starting price for rebates, inland freight, and inland freight insurance. We made adjustments for differences in merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. We made further adjustments, under section 773(a)(6)(C)(iii) of the Act, for differences in circumstances of sale for imputed credit expenses. Finally, we deducted home market packing costs and added U.S. packing costs in accordance with sections 773(a)(6)(A) and (B) of the Act.

Currency Conversion

Pursuant to section 773A(a) of the Act, we made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Preliminary Results of Review

As a result of this review, we preliminarily determine that a 6.56 percent dumping margin exists for Atlas for the period June 1, 1999 through December 31, 1999.

The Department will disclose the calculations we performed within five days of the date of publication of this notice to the parties of this proceeding in accordance with 19 CFR 351.224(b). An interested party may request a hearing within thirty days of publication of these preliminary results. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication. The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results. Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument: (1) A statement of the issue; and (2) a brief summary of the argument. Further, we would appreciate it if parties submitting written comments also provide the Department with an additional copy of the public version of those comments on diskette.

Upon completion of this administrative review, the Department shall determine, and the U.S. Customs Service (Customs) shall assess, antidumping duties on all appropriate entries. There was only one importer during the POR for merchandise sold by Atlas. We have calculated an importer-specific duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of examined sales. Atlas reported entered value by subtracting discounts, freight, and brokerage and handling costs from the reported U.S. price. Where the importer-specific rate is above *de minimis*, we will instruct Customs to assess duties on that importer's entries of subject merchandise. The Department will issue appraisement instructions directly to Customs.

Pursuant to section 751(d)(2) of the Act, on August 22, 2000, the Department revoked the antidumping duty order on OCTG from Canada, effective January 1, 2000 (65 FR 50954). Therefore, we instructed Customs to liquidate all entries of subject merchandise made on or after January 1, 2000, without regard to antidumping duties. Therefore, we will not issue cash deposit instructions to Customs based on the results of this review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1). Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5628 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–001]

Potassium Permanganate From the People's Republic of China: Initiation of Antidumping New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Antidumping New Shipper Review.

SUMMARY: The Department of Commerce ("the Department") has received a request from Groupstars Chemical Co. Ltd. ("Shandong") ("Groupstars") to conduct a new shipper review of the antidumping duty order on potassium permanganate from the People's Republic of China ("PRC"). In accordance with 19 CFR 351.214(d) of the Department's regulations, we are initiating this new shipper review.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Howard Smith, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4474 or (202) 482–5193 respectively.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 ("the Act") by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, codified at 19 CFR part 351 (2000).

Background

On January 30, 2001 the Department received a request, in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(c), for a new shipper review of the antidumping duty order on potassium permanganate.

On February 7, 2001 the Department received comments from Carus Chemical Company ("petitioner") in response to Groupstars' request for a new shipper review. Petitioner argued that the Department should reject Groupstars' request based on errors in Groupstars' certifications and alleged that Groupstars is affiliated with a company that exported potassium permanganate to the United States during the period of investigation ("POI"). On February 20, 2001 the Department sent a letter to Groupstars requesting that it clarify inconsistencies with respect to, among other things, its certifications. On February 22, 2001, Groupstars responded to the Department's letter by clarifying and correcting these inconsistencies. Also on February 22, 2001, petitioner objected to the Department providing Groupstars with an opportunity to correct its request for review and restated its argument that respondent's request for review is deficient and thus, a review should not be initiated. On February 27, 2001, Groupstars clarified that it was requesting the review on behalf of Groupstars Chemical Co., Ltd.

(Shandong) People's Republic of China, the producer/exporter of the merchandise.

Pursuant to 19 CFR 351.214(b)(2)(i) and 19 CFR 351.214(b)(2)(iii)(A), Groupstars' January 30, 2001 request for review, as corrected in its February 22, 2001 submission, certified that it did not export the subject merchandise to the United States during the POI and that it is not affiliated with any company which exported subject merchandise to the United States during the POI. Pursuant to 19 CFR 351.214(b)(2)(iii)(B), Groupstars' corrected request certified that its export activities are not controlled by the central government of the PRC.

In addition, pursuant to 19 CFR 351.214(b)(2)(iv), Groupstars' request contained documentation establishing: the date after the POI on which Groupstars first shipped the subject merchandise for export to the United States, the volume of that shipment, and the date of the first sale to an unaffiliated customer in the United States.

It is the Department's usual practice in cases involving non-market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide de jure and de facto evidence of an absence of government control over the company's export activities. *See Certain Preserved Mushrooms from the People's Republic of China: Initiation of New Shipper Antidumping Duty Review*, 65 FR 17257 (March 31, 2000). Accordingly, we will issue a separate rates questionnaire to the above-named respondent. If the respondent provides sufficient evidence that it is not subject to either de jure or de facto government control with respect to its exports of potassium permanganate, this review will proceed. If, on the other hand, Groupstars does not meet its burden to demonstrate its eligibility for a separate rate, then Groupstars will be deemed to be affiliated with other companies that exported during the POI. This review will then be terminated due to failure of the exporter or producer to meet the requirements of section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(B).

Initiation of Review

The antidumping duty order on potassium permanganate from the PRC has a January anniversary month. *See Antidumping Duty Order: Potassium Permanganate From the People's Republic of China*, 49 FR 3897 (January 31, 1984). The Department received Groupstars' request for review on January 30, 2001. The Department's regulations provide that it will initiate a new shipper review in the calendar month immediately following the anniversary month if the request for the review is made during the six-month period ending with the end of the anniversary month. *See* 19 CFR 351.214(d)(1).

Although Groupstars' request may have been deficient in some respects, at the Department's request, Groupstars promptly clarified and corrected the deficiencies in its request prior to the Department's deadline for initiating this review, i.e. prior to the end of the month immediately following the anniversary month (February). With respect to petitioner's allegation of affiliation, the Department will examine this issue during the course of this review.

In accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(d), we are initiating a new shipper review of the antidumping duty order on potassium permanganate from the PRC. We intend to issue the preliminary results of this review not later than 180 days after the date on which the review is initiated.

Pursuant to 19 CFR 351.214(g)(1)(i)(A) of the Department's regulations, the period of review ("POR") for a new shipper review initiated in the month immediately following the anniversary month will be the twelve-month period immediately preceding the anniversary month. Therefore, the POR for this new shipper is:

Antidumping duty proceeding	Period to be reviewed
Potassium Permanganate from the PRC, A–570–001:	
Groupstars Chemical, Co. Ltd. ("Shandong")	1/1/00–12/31/00

Subject to receipt of an adequate separate rates questionnaire response from the respondent, we will instruct the U.S. Customs Service to suspend liquidation of unliquidated entries of subject merchandise from the above company and allow, at the option of the importer, the posting of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the company listed above, until the completion of the review.

Interested parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214.

Dated: February 28, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary, For Import Administration.

[FR Doc. 01–5771 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–813]

Certain Preserved Mushrooms from India: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to timely requests by three manufacturer/exporters and petitioners,[1] on March 30, 2000, the Department of Commerce published a notice of initiation of an administrative review of the antidumping duty order on certain preserved mushrooms from India with respect to twelve companies: Agro Dutch Foods Ltd., Alpine Biotech Ltd., Dinesh Agro Products Ltd., Flex Foods Ltd., Himalya International Ltd., Hindustan Lever Ltd. (formerly Ponds India Ltd.), Mandeep Mushrooms Ltd., Premier Mushroom Farms, Saptarishi Agro Industries Ltd., Techtran Agro Industries Limited, Transchem Ltd., and Weikfield Agro Products Ltd.

On June 22, 2000, we received a timely submission from the petitioners to withdraw their request for administrative review for Alpine Biotech, Ltd., Dinesh Agro Products Ltd., Flex Foods Ltd., Mandeep Mushrooms Ltd., Premier Mushroom Farms, Saptarishi Agro Industries Ltd., and Transchem Ltd. On July 18, 2000, the Department published a notice of partial recission of the antidumping duty administrative review with respect to the above-mentioned companies (65 FR 44522). The period of review is August 5, 1998, through January 31, 2000.

We preliminarily determine that sales have been made below normal value. Interested parties are invited to comment on these preliminary results. If these preliminary results are adopted in our final results of administrative review, we will instruct the Customs Service to assess antidumping duties on all appropriate entries.

[1] The petitioners are the Coalition for Fair Preserved Mushroom Trade which includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc., Modern Mushroom Farms, Inc., Monterey Mushrooms, Inc., Mount Laurel Canning Corp., Mushrooms Canning Company, Southwood Farms, Sunny Dell Foods, Inc., and United Canning Corp.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger, Katherine Johnson, or Dinah McDougall, Office 2, AD/CVD Enforcement Group I, Import Administration-Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4136, (202) 482–4929, or (202) 482–3773, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (April 1999).

Background

On December 31, 1998, the Department published in the **Federal Register** (63 FR 72246) the final affirmative antidumping duty determination on certain preserved mushrooms from India. On February 19, 1999, the Department published an amended final determination and antidumping duty order (64 FR 8311).

On February 14, 2000, the Department published a notice advising of the opportunity to request an administrative review of the antidumping duty order on certain preserved mushrooms from India (65 FR 7348). In response to timely requests by three manufacturer/exporters, Agro Dutch Foods Ltd. (Agro Dutch), Himalya International Ltd. (Himalya), and Hindustan Lever Ltd. (formerly Ponds India Ltd.) (HLL), and the petitioners, the Department published a notice of initiation of an administrative review with respect to twelve companies: Agro Dutch, Alpine Biotech Ltd. (Alpine Biotech), Dinesh Agro Products Ltd. (Dinesh Agro), Flex Foods Ltd. (Flex Foods), Himalya, HLL, Mandeep Mushrooms Ltd. (Mandeep), Premier Mushroom Farms (Premier), Saptarishi Agro Industries Ltd. (Saptarishi), Techtran Agro Industries Limited (Techtran), Transchem Ltd. (Transchem), Weikfield Agro Products Ltd. (Weikfield) (65 FR 16875, March 30, 2000). The period of review (POR) is August 5, 1998, through January 31, 2000.

On March 29, 2000, the Department issued antidumping duty questionnaires to the above-mentioned twelve companies. We received responses to the original questionnaire during the period March 2000 through May 2000. We issued supplemental questionnaires to the five respondents for which the reviews were not rescinded (see below) and received responses for them during the period August 2000 through February 2001.

On June 16, 2000, the Department received allegations from the petitioners that Techtran and Weikfield sold certain preserved mushrooms in India at prices below the cost of production (COP). On July 18, 2000, the Department initiated cost investigations of Techtran's and Weikfield's home-market sales of this merchandise.

On June 22, 2000, we received a timely submission from the petitioners withdrawing their request for administrative review for Alpine Biotech, Dinesh Agro, Flex Foods, Mandeep, Premier, Saptarishi, and Transchem. On July 18, 2000, the Department published a notice of partial recission of the antidumping duty administrative review with respect to the above-mentioned companies (65 FR 44522).

On July 28, 2000, the Department extended the time limit for the preliminary results in this review until February 28, 2001. *See Certain Preserved Mushrooms from India and Indonesia: Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 65 FR 46426.

We conducted verification of Weikfield's, Techtran's, and Himalya's questionnaire responses during the period November 2000 through January 2001. The verification reports are on file in Room B–099 of the Commerce Department. The Department is conducting this review in accordance with section 751(a) of the Act.

Scope of the Review

The products covered by this review are certain preserved mushrooms whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under this review are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Preserved mushrooms" refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including but not limited to cans or glass jars in a suitable liquid medium, including but not limited to water, brine, butter, or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this review are "brined" mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of this review are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including "refrigerated" or "quick blanched mushrooms"; (3) dried mushrooms; (4) frozen mushrooms; and (5) "marinated," "acidified," or "pickled" mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.

The merchandise subject to this review is classifiable under subheadings 2003.10.00.27, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, and 0711.90.4000 of the Harmonized Tariff Schedule of the United States (HTS). Although the HTS subheadings are provided for convenience and Customs purposes, our written description of the scope of this review is dispositive.

Verification

As provided in section 782(i) of the Act, we conducted verifications of Himalya, Techtran, and Weikfield from November 2000 through January 2001. We conducted the verifications using standard verification procedures including on-site inspection of the manufacturers' facilities, the examination of relevant accounting, sales, and other financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports which are on file in the Central Records Unit (CRU) in room B–099 of the Main Commerce Building.

Based on verification, we made certain changes to data in the sales listings submitted by Himalya, Techtran, and Weikfield used to calculate the preliminary margins (*see* below and the company-specific calculation memoranda dated February 28, 2001).

Fair Value Comparisons

To determine whether sales of certain preserved mushrooms by the respondents to the United States were made at less than normal value, we compared constructed export price (CEP) or export price, as appropriate, to the normal value, as described in the "Export Price/Constructed Export Price" and "Normal Value" sections of this notice.

Pursuant to section 777A(d)(2) of the Act, we compared the export prices of individual U.S. transactions to the weighted-average normal value of the foreign like product where there were sales made in the ordinary course of trade, as discussed in the "Cost of Production Analysis" section below.

In this proceeding, neither HLL nor Himalya had a viable home or third country market. Therefore, as the basis for normal value, we used constructed value when making comparisons in accordance with section 773(a)(4) of the Act.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by the respondents covered by the description in the "Scope of the Review" section, above, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. With respect to Agro Dutch, Techtran, and Weikfield, we compared U.S. sales to sales made in the home or third country market within the contemporaneous window period, which extends from three months prior to the U.S. sale until two months after the sale. Where there were no sales of identical merchandise in the home or third country market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade. For those U.S. sales of mushrooms for which there were no comparable home or third country market sales in the ordinary course of trade (*i.e.*, above cost), we compared U.S. sales to constructed value.

In making the product comparisons, we matched foreign like products based on the physical characteristics reported by the respondents in the following order: Preservation method, container type, mushroom style, weight, grade, container solution, and label type.

For HLL and Himalya, we compared U.S. sales to constructed value because these respondents had insufficient home market and/or third country sales during the POR. *See* "Normal Value" section below for further discussion.

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine normal value based on sales in the comparison market at the same level of trade (LOT) as the export price or CEP transaction. The normal value LOT is that of the starting-price sales in the comparison market or, when normal value is based on constructed value, that of the sales from which we derive selling, general and administrative (SG&A) expenses and profit. For export price, the U.S. LOT is also the level of the starting-price sale, which is usually from the exporter to an unaffiliated U.S. customer. For CEP, it is the level of the constructed sale from the exporter to an affiliated importer, after the deductions required under section 772(d) of the Act. To determine whether normal value sales are at a LOT different from export price or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which normal value is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. For CEP sales, if the normal value level is more remote from the factory than the CEP level, and there is no basis for determining whether the difference in the levels between normal value and CEP affects price comparability, we adjust normal value under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

We note that the U.S. Court of International Trade (CIT) has held that the Department's practice of determining LOTs for CEP transactions after CEP deductions is an impermissible interpretation of section 772(d) of the Act. *See Borden, Inc.* v. *United States*, 4 F. Supp. 2d 1221, 1241–42 (CIT 1998) (*Borden*). The Department believes, however, that its practice is in full compliance with the statute. On June 4, 1999, the CIT entered final judgement in *Borden* on the LOT issue. *See Borden Inc.* v. *United States*, Court No. 96–08–01970, Slip Op. 99–50 (CIT June 4, 1999). The government has filed an appeal of *Borden* which is pending before the U.S. Court of Appeals for the Federal Circuit. Consequently, the Department has continued to follow its normal practice of adjusting CEP under section 772(d) prior to starting a LOT analysis, as articulated by the Department's regulations at § 351.412.

Both Techtran and Weikfield claimed that they were unable to calculate a LOT adjustment and, instead, reported home market indirect selling expenses as a surrogate LOT adjustment. We have undertaken an evaluation to determine whether such an adjustment is necessary. In so doing, we examined both respondents' distribution systems, including selling functions, classes of customers, and selling expenses. Techtran sold to distributors in both markets. Weikfield provided no basis in its questionnaire responses to establish that it had multiple levels of trade in either market for purposes of this adjustment. With regard to Agro Dutch, all sales in both markets are made through one channel of distribution. Accordingly, all compafisons are at the same level of trade for Agro Dutch, Techtran and Weikfield and an adjustment pursuant to section 773(a)(7)(A) is not warranted.

With regard to HLL and Himalya, we compared all U.S. sales to constructed value, as noted above. As we could not determine the LOT of the sales from which we derived the profit for constructed value, we could not determine whether there is a difference in LOT between any U.S. sales and constructed value. Therefore, we made no LOT adjustment nor a CEP offset (in the case of Himalya) to normal value.

Export Price/Constructed Export Price

For Agro Dutch, HLL, Techtran and Weikfield, we used export price methodology, in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and CEP methodology was not otherwise indicated. With respect to Himalya, we calculated CEP in accordance with section 772(b) of the Act, because the subject merchandise was first sold by Trans Atlantic or Global Reliance after importation into the United States. We based export price and CEP on packed prices to unaffiliated purchasers in the United States. For all respondents, for those sales for which the payment date was not reported, we calculated credit based on the higher of either the average number of days between shipment and payment using the sales for which payment information was reported, or the most recent questionnaire response date.

Agro Dutch

We were unable to determine the appropriate date of sale for certain U.S. sales because Agro Dutch failed to provide the requested sales documentation for these sales. Section 776(a)(2)(B) of the Act provides that the Department will, subject to section 782(d), use the facts otherwise available in reaching a determination if a respondent fails to provide necessary information "by the deadlines for submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782" (of the Act). In accordance with section 776(a)(2)(B) of the Act, in these preliminary results we find it necessary to use partial facts available where Agro Dutch did not provide us with information necessary to conduct our date of sale analysis. Section 782(c)(1) does not apply because Agro Dutch did not provide a full explanation of why it was not able to submit this information on time. Moreover, pursuant to section 782(d), Agro Dutch was specifically informed that it was required to submit this information, yet it failed to do so and failed to provide any explanation for this deficiency. Finally, under section 782(e), the Department concludes that Agro Dutch did not act to the best of its ability in responding to requests for this information (see discussion below).

The date of sale affects the contemporaneous pool of home market sales to which the U.S. sale is to be compared, and the exchange rate for converting costs and expenses in foreign currencies. Because we cannot identify the appropriate date of sale for the transactions in question, we are unable to determine the appropriate contemporaneous home market comparison sales. Therefore, as facts available, we have compared these U.S. sales to a normal value based on constructed value. As we cannot identify the date of sale for purposes of currency conversions, we have applied the highest exchange rate during the POR for all currency conversions involving these sales, as facts available.

The Department is authorized, under section 776(b) of the Act, to use an inference that is adverse to the interest of a party if the Department finds that the party has failed to cooperate by not acting to the best of its ability to comply with the Department's request for information. In both the March 29, 2000, questionnaire and the July 18, 2000, supplemental questionnaire, we specifically requested copies of any sales contracts or agreements with its U.S. customers. At page 1 of the business proprietary version of the August 15, 2000, supplemental questionnaire response, Agro Dutch indicates that a relevant sales document exists with respect to these sales, but did not include it in its response. Accordingly, we find that Agro Dutch has not cooperated with respect to providing this information and an adverse inference is warranted in applying facts available for the dates of sale for these transactions.

Agro Dutch reported the per-unit expense incurred for the Indian Customs fee "CESS," which is incurred as a percentage of sales value, on a weight-basis. We recalculated this expense on a value basis using the 0.5% rate reported in the response.

Agro Dutch reported its U.S. sales as sold on an FOB, C&F, or CIF basis, indicating that, at a minimum, it was responsible for all movement expenses necessary to transport the goods to the Indian port and load them onto a vessel. However, Agro Dutch did not report foreign inland freight, foreign inland insurance, and foreign brokerage and handling on its FOB sales. As a result, pursuant to section 776(a)(2)(B) of the Act, it was necessary to use partial facts available to conduct our analysis. Since this information was missing for only a few sales, and we did not determine that the company did not act to the best of its ability, we applied the average expense incurred on the U.S. sales for which these expenses were reported as non-adverse facts available.

We made deductions from the starting price, where appropriate, for foreign inland freight, insurance and brokerage, export duty (CESS), and international freight in accordance with section 772(c)(1) of the Act and 19 CFR 351.402(a).

Himalya

We made deductions from the starting price, where appropriate, for foreign inland freight, brokerage and handling expenses, international freight, U.S. duty, U.S. inland freight, and U.S. warehousing expenses in accordance with section 772(c)(1) of the Act and 19 CFR 351.402(a). We also deducted indirect selling expense, credit expense, and inventory carrying costs pursuant to section 772(d)(1) of the Act and 19 CFR 351.402(b). We made an adjustment for profit in accordance with section 773(d)(3) of the Act.

At the beginning of the sales verification, Himalya provided new information on U.S. brokerage and handling expenses, which were previously unreported in the response. As explained above, section 776(a)(2)(B) of the Act provides that the Department will, subject to section 782(d), use the facts otherwise available in reaching a determination if a respondent fails to provide necessary information "by the deadlines for submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782" of the Act. Himalya neglected to submit this information in a timely manner. Section 782(c)(1) does not apply because Himalya did not provide a full explanation of why it was not able to submit this information on time. Moreover, pursuant to section 782(d), Himalya was specifically informed that it was required to submit this information, yet it failed to do so and failed to provide any explanation for this deficiency. Finally, under section 782(e), the Department concludes that Himalya did not act to the best of its ability in responding to requests for this information. Where a party has not acted to the best of its ability to comply with the Department's requests for information, the Department is authorized to use an inference that is adverse to the interest of that party, pursuant to section 776(b). Accordingly, as partial adverse facts available, we applied the highest brokerage and handling expense for any entry of subject merchandise made by Himalya during the POR. We recalculated imputed credit expenses using a single interest rate for all sales, as Himalya had calculated this expense using various interest rates. We also recalculated Himalya's home market and U.S. inventory carrying costs to reflect the Department's standard methodology. Finally, we recalculated the reported indirect selling expenses incurred in the United States by collapsing the revenues and expenses of Himalya's two affiliated U.S. importers, rather than using an average of the two companies' individual rates, as reported by Himalya. (*See* the Himalya Preliminary Results Calculation Memorandum dated February 28, 2001, for further detail).

HLL

We made deductions from the starting price, where appropriate, for foreign inland freight, foreign brokerage and handling, export duty, and international freight in accordance with section 772(c)(1) of the Act and 19 CFR 351.402(a). We recalculated export duty using the 0.5% rate reported in the response.

Techtran

We made deductions from the starting price, where appropriate, for foreign inland freight (includes brokerage and handling), export duty, international freight, and marine insurance in accordance with section 772(c)(1) of the Act and 19 CFR 351.402(a). We revised international freight expenses incurred on certain sales, based on our verification findings. (*See* the Techtran Preliminary Results Calculation Memorandum dated February 28, 2001, for further detail.)

Weikfield

We made deductions from the starting price, where appropriate, for foreign inland freight, foreign brokerage and handling, international freight, CESS, U.S. duty, and other U.S. transportation expenses in accordance with section 772(c)(1) of the Act and 19 CFR 351.402(a). Weikfield reported the per-unit expense incurred for CESS, which is incurred as a percentage of sales value, on a weight-basis. We recalculated this expense on a value basis using the 0.5% rate reported in the response. We also revised the U.S. duty and transportation expenses incurred on certain sales, based on our verification findings.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating normal value, we compared the respondents' volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act.

Techtran's and Weikfield's aggregate volume of home market sales of the foreign like product was greater than five percent of their aggregate volume of U.S. sales of the subject merchandise. Therefore, we determined that the home market provides a viable basis for calculating normal value for both Techtran and Weikfield.

With regard to Agro Dutch, we determined that the home market was not viable because Agro Dutch's aggregate volume of home market sales of the foreign like product was less than five percent of its aggregate volume of U.S. sales of the subject merchandise. However, we determined that the third country market of the Netherlands was viable, in accordance with section 773(a)(1)(B)(ii) of the Act. Therefore, pursuant to section 773(a)(1)(C) of the Act, we have used third country sales as a basis for normal value for Agro Dutch.

Both Himalya and HLL reported that during the POR they made no home market sales. Himalya did not make third country sales during the POR, while HLL's sales to third countries constituted less than five percent of its U.S. sales. Therefore, we determined that neither the home market nor any third country market was a viable basis for calculating normal value for HLL and Himalya. As a result, we used constructed value as the basis for calculating normal value for these two respondents, in accordance with section 773(a)(4) of the Act.

Cost of Production Analysis

The Department disregarded certain sales made by Agro Dutch and HLL in the less-than-fair-value (LTFV) investigation pursuant to a finding in that review that sales failed the cost test (*see Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Preserved Mushrooms from India*, 63 FR 41789 (August 5, 1998)). Thus, in accordance with section 773(b)(2)(A)(ii) of the Act, there are reasonable grounds to believe or suspect that respondents Agro Dutch and HLL made sales in the home market or third country at prices below the cost of producing the merchandise in the current review period. However, in the instant review, HLL's third country market was not viable. See "Normal Value" section, above. Accordingly, we cannot perform a cost test with regard to HLL. In addition, as stated in the "Background" section of this notice, based on a timely allegation filed by the petitioners, the Department initiated an investigation to determine whether Techtran's and Weikfield's home market sales were made at prices less than the cost of production. As a result, the Department initiated investigations to determine whether the respondents made home market or third country sales during the POR at prices below their COP within the meaning of section 773(b) of the Act.

A. Calculation of COP

We calculated the COP on a product-specific basis, based on the sum of the respondents' cost of materials and fabrication for the foreign like product, plus amounts for SG&A, interest expense, and the cost of all expenses incidental to placing the foreign like product in a condition packed ready for shipment in accordance with section 773(b)(3) of the Act.

We relied on COP information submitted by the respondents, except for the following adjustments:

Agro Dutch

We revised the general and administrative (G&A) expense rate calculation to include certain expenses that were written off. We adjusted the cost incurred used as the denominator in the calculation to exclude those expenses written off and to account for the change in work-in-process inventory.

We revised the interest expense rate to include interest expenses on working capital. We increased the denominator used in this calculation based on the same adjustments made in calculating the G&A expense rate. (*See* February 28, 2001, Calculation Memorandum to Neal Halper for a discussion of the above-referenced adjustments).

Techtran

We disallowed Techtran's capitalization of all its costs incurred from the beginning of the POR through October 13, 1999, and the claimed start-up adjustment that was calculated based on the same period. We revised Techtran's reported costs by allowing Techtran a start-up adjustment only for the period August 1998 through October 1998.

We adjusted Techtran's reported cost of manufacturing (COM) to reflect differences in its allocation methodologies from one period versus the other and to include costs related to the auditor's adjustments.

We revised the G&A expense rate calculation to include the auditor's adjustments and capitalized G&A expenses. We adjusted the cost incurred used as the denominator in the calculation to (1) include depreciation expenses; (2) include capitalized COM; (3) exclude packing costs; and (4) account for work-in-process inventory.

We revised the financial expense rate calculation to include capitalized interest expense. We increased the denominator used in this calculation based on the same adjustments made in calculating the G&A expense rate. (*See* February 28, 2001, Calculation Memorandum to Neal Halper for a discussion of the above-referenced adjustments).

Weikfield

We disallowed Weikfield's capitalization of production costs incurred during the POR by including the total capitalized amount net of related depreciation in the reported costs.

We adjusted Weikfield's reported COM to account for the change in the work-in-process inventory.

We revised the G&A expense rate calculation to include capitalized G&A expenses and exclude certain selling expenses. We adjusted the cost incurred used as the denominator in the calculation to include depreciation expense and exclude antidumping expenses and the change in work-in-process inventory.

We revised the financial expense rate calculation to include capitalized interest expenses, interest on affiliated party loans and exchange rate differences. We made the same adjustments to the denominator of this calculation that were made in calculating the G&A expense rate. (*See* February 28, 2001, Calculation Memorandum to Neal Halper for a discussion of the above-referenced adjustments).

B. Test of Home Market Prices

For all respondents except Himalya and HLL, we compared the weighted-average, per-unit COP figures for the POR to home market or third country sales of the foreign like product, as required by section 773(b) of the Act, in order to determine whether these sales were made at prices below the COP. In determining whether to disregard home market or third country sales made at prices below the COP, we examined whether: (1) Within an extended period of time, such sales were made in substantial quantities; and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP, consisting of the COM, G&A and interest expenses, to the net home market or third country prices, less any applicable movement charges, rebates, discounts, and direct and indirect selling expenses.

C. Results of COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of the respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." Where twenty percent or more of the respondent's sales of a given product during the POR were at prices less than the COP, we disregarded the below-cost sales where such sales were found to be made at prices which would not permit the recovery of all costs within a reasonable period of time (in accordance with section 773(b)(2)(D) of the Act).

The results of our cost tests for all three of these companies indicated for certain home market products, less than twenty percent of the sales of the model were at prices below COP. We therefore retained all sales of these models in our analysis and used them as the basis for determining normal value.

Our cost tests also indicated that for certain other home market products more than twenty percent of home market sales within an extended period of time were at prices below COP and would not permit the full recovery of all costs within a reasonable period of time. In accordance with section 773(b)(1) of the Act, we excluded these below-cost sales of these models from our analysis and used the remaining sales as the basis for determining normal value.

Price-to-Price Comparisons

For Agro Dutch, Techtran, and Weikfield, we based normal value on the price at which the foreign like product is first sold for consumption in the home market or third country, in the usual commercial quantities and in the ordinary course of trade, and at the same LOT as the export price or CEP, as defined by section 773(a)(1)(B)(i) of the Act.

We reduced normal value for inland freight, insurance and brokerage, and early payment and quantity discounts, where appropriate, in accordance with section 773(a)(6) of the Act and 19 CFR 351.401.

Agro Dutch reported the per-unit expense incurred for CESS on its Dutch sales, which is incurred as a percentage of sales value, on a weight-basis. We recalculated this expense on a value basis using the 0.5% rate reported in the response.

For comparisons to Agro Dutch's, Techtran's, and Weikfield's export price sales, we made a circumstance-of-sale adjustment, where appropriate, for differences in credit and commission expenses pursuant to section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410.

Techtran and Weikfield reported an imputed credit expense on U.S. sales based on the letter of credit settlement date. At verification, we found that these respondents incur actual bank financing expenses and fees for discounting the letters of credit issued on U.S. sales. Accordingly, we have recalculated the imputed credit expense and added the bank's letter of credit fee based on our verification findings, as detailed in the February 28, 2001, Memorandum entitled *Weikfield Preliminary Results Margin Calculation* (Weikfield Margin Memo) and the February 28, 2001, Techtran Preliminary Results Calculation Memorandum (Techtran Calculation Memo).

For these same respondents, the reported imputed credit expenses on home market sales were based on specific periods from shipment to payment. At verification, we were unable to support this reporting as Techtran's and Weikfield's customers generally pay on a line of credit system, which was not previously described to the Department (*see* January 16, 2001, Weikfield Sales Verification Report at page 5 and February 2, 2001, Techtran Sales Verification Report at page 6). Because we were unable to tie Techtran's and Weikfield's home market payment methodology to any information submitted in the questionnaire responses, we have disallowed a circumstance-of-sale adjustment for home market imputed credit expenses.

Weikfield reported commissions paid to both affiliated and unaffiliated parties in the home market. The Department's practice is to treat payments to affiliated parties providing services that relate to the sale of merchandise as commissions if they are actual expenditures resulting from specific sales and are not intra-company transfers. The Department allows these expenses as direct deductions to price if they are at arm's length and tie directly to sales. *See Final Results of Administrative Review: Large Newspaper Printing Presses from Germany*, 66 FR 11557 (February 26, 2001), and accompanying Decision Memorandum at Comment 5. To establish whether commissions are made at arm's-length, the Department normally compares the commissions paid to affiliated selling agents to those paid by the respondent to any unaffiliated selling agents in the same market (exporting or U.S.) or in any third-country market (*see Final Determination of Sales at Less Than Fair Value: Coated Groundwood Paper from Finland, France, Germany and the United Kingdom*, 56 FR 56359, 56363 (November 4, 1991)).

In this case, we have no evidence suggesting that the affiliated party payments at issue are intra-company transfers, as they are actual expenditures tied to specific sales. Therefore, we are accepting them as commissions and must determine their arm's-length nature in accordance with our normal practice. As there are no commissions paid in the U.S. market, and we have no information on any commissions paid in third country markets, the only comparison we can make is between the two sets of commissions paid in the home market. The unaffiliated commissions are paid at a significantly different rate than the affiliated commissions, but the responsibilities of each type of commissionaire are different, which may account for the difference in the commission rates (*see* sample commission agreements at Exhibit 5 of Weikfield's August 9, 2000, response). Since we have no other basis to determine the arm's-length nature of the affiliated commissions, for purposes of the preliminary results, we have accepted the affiliated commissions to the extent that the amount paid does not exceed the rate paid to unaffiliated commissions.

Weikfield did not report its indirect selling expenses separately from the G&A expenses reported with the COP and constructed value data.

Accordingly, we recalculated the G&A expenses and calculated an indirect selling expense for this purpose (*see* February 28, 2001, Calculation Memorandum to Neal Halper and Weikfield Margin Memo).

We also reduced normal value for packing costs incurred in the home or third country market, in accordance with section 773(a)(6)(B)(i), and increased normal value to account for U.S. packing expenses in accordance with section 773(a)(6)(A). With regard to Techtran, we revised U.S. and home market packing costs in accordance with verification findings. *See* Techtran Calculation Memo.

Finally, we made adjustments to normal value, where appropriate, for differences in costs attributable to differences in the physical characteristics of the merchandise, pursuant to section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411.

Calculation of Constructed Value

We calculated constructed value in accordance with section 773(e) of the Act, which indicates that constructed value shall be based on the sum of each respondent's cost of materials and fabrication for the foreign like product, plus amounts for SG&A expenses, profit and U.S. packing costs. We made the same adjustments to constructed value that were made to COP as described above for Agro Dutch, Techtran, and Weikfield.

Because Himalya and HLL had no viable home or third country market, we derived SG&A and profit for Himalya and HLL in accordance with section 773(e)(2)(B)(ii) of the Act and the Statement of Administrative Action accompanying the URAA, H.R. Doc. No. 103–316, Vol. 1 at 169–171 (SAA). *See* 19 CFR 351.405(b)(2) (clarifying that under section 773(e)(2)(B) of the Act, "foreign country" means the country in which the merchandise is produced). Under this provision, we may use an amount which reflects SG&A and profit based on actual amounts incurred or realized by other investigated companies on home market sales in the ordinary course of trade of the foreign like product. *See* section 773(e)(2)(B)(ii) of the Act. As a result, we calculated Himalya's and HLL's SG&A and profit as a weighted average of the SG&A and profit amounts incurred on home market sales by Techtran and Weikfield during the cost reporting period. For further details *see* Memorandum to Neal Halper, dated February 28, 2001, for Himalya and HLL.

Himalya

We relied on the constructed value data submitted by Himalya, except for the following adjustments:

We revised the production quantities for the different can types to correct for reporting errors made by Himalya.

We revised the direct material cost to reflect the cost of materials consumed during the entire POR.

We revised Himalya's allocation of variable and fixed costs to products by revising the fixed asset base used in the allocation formula.

We adjusted Himalya's reported COM to account for the change in work-in-process inventory.

We disallowed the start-up adjustment claimed by Himalya. (*See* the February 28, 2001, Calculation Memorandum from Laurens Van Houten to Neal Halper for a discussion of the above-referenced adjustments.)

HLL

For HLL we have requested, but will not receive in time for the preliminary results, the reconciliation of the submitted costs to the audited financial statements costs. As stated by the Department in *Certain Cut-to-Length Carbon Steel Plate From Mexico: Final Results of Antidumping Duty Administrative Review*, 64 FR 76, 78, (January 4, 1999) "{a}lthough the format of the reconciliation of submitted costs to actual financial statement costs depends greatly on the nature of the accounting records maintained by the respondent, the reconciliation represents the starting point of a cost response because it assures the Department that the respondent has accounted for all costs before allocating those costs to individual products." Therefore, due to the critical nature of this reconciliation, it is imperative that HLL provide the requested information. In order to minimize the burden placed on the respondent, in a supplemental questionnaire we agreed to allow HLL to provide the cost reconciliation for one fiscal year rather than for two fiscal years. In accordance with section 776 and 782 of the Act, failure to provide this information timely may result in the use of facts available for the final results.

Price-to-Constructed Value Comparisons

For Himalya and HLL, we based normal value on constructed value, in accordance with section 773(a)(4) of the Act. For comparisons to HLL's export price sales, and in those instances where we compared Agro Dutch's, Techtran's and Weikfield's export prices to constructed value, we made circumstance-of-sale (COS) adjustments by deducting from constructed value the weighted-average home market direct selling expenses and adding the U.S. direct selling expenses, in accordance with section 773(a)(8) of the Act and section 19 CFR 351.410. For comparisons to Himalya's CEP sales, we also deducted credit expenses from normal value.

Currency Conversion

We made currency conversions in accordance with section 773A of the Act using the rates posted at www.ita.doc.gov. With respect to Agro Dutch, we have applied the highest exchange rate during the POR for all currency conversions involving certain U.S. sales, as facts available. *See* "Export Price/Constructed Export Price" section, above.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the weighted-average dumping margins for the period August 5, 1998, through January 31, 2000, are as follows:

Manufacturer/Exporter	Percent margin
Agro Dutch Foods, Ltd	[1] 0.03
Himalya International, Ltd	25.34
Hindustan Lever, Ltd	42.08
Techtran Agro Industries Limited	66.24
Weikfield Agro Products, Ltd	26.44

[1] De minimus.

We will disclose the calculations used in our analysis to parties to this proceeding within five days of the publication date of this notice. *See* 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication. *See* 19 CFR 351.310(c). If requested, a hearing will be held 44 days after the publication of this notice, or the first workday thereafter.

Issues raised in the hearing will be limited to those raised in the respective case briefs. Case briefs from interested parties and rebuttal briefs, limited to the issues raised in the respective case briefs, may be submitted not later than 30 days and 37 days, respectively, from the date of publication of these preliminary results. *See* 19 CFR 351.309(c) and (d). Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice.

Interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room B–099, within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. *See* 19 CFR 351.310(c).

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties. We will instruct the Customs Service to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.*, 19 CFR 351.106(c)(1)). For assessment purposes, we intend to calculate importer-specific assessment rates for the subject merchandise by aggregating the dumping margins calculated for all U.S. sales examined and dividing this amount by the total entered value of the sales examined.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be those established in the final results of this review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(C)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.30 percent, the "All Others" rate made effective by the LTFV investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are published in accordance with sections 751(a)(1) of the Act and 19 CFR 351.221. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5620 Filed 3–7–01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–802]

Certain Preserved Mushrooms From Indonesia: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by three manufacturers/exporters of the subject merchandise: PT Dieng Djaya and PT Surya Jaya Abadi Perkasa,[1] PT Indo Evergreen Agro Business Corp., and PT Zeta Agro Corporation, and by The Pillsbury Company, an importer of the merchandise under review, the Department of Commerce is conducting an administrative review of the antidumping duty order on certain preserved mushrooms from Indonesia. The periods of reviews are August 5, 1998, through January 31, 2000, for PT Indo Evergreen Agro Business Corp. and PT Zeta Agro Corporation, and December 31, 1998 through January 31, 2000, for PT Dieng Djaya and PT Surya Jaya Abadi Perkasa.[2]

We preliminarily determine that sales have been made below normal value. Interested parties are invited to comment on these preliminary results. If these preliminary results are adopted in our final results of administrative review, we will instruct the Customs Service to assess antidumping duties on all appropriate entries.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Sophie E. Castro, Office 2, AD/CVD Enforcement Group I, Import Administration-Room B–099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–0588, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the U.S. Department of Commerce's (the Department's) regulations are to 19 CFR part 351 (2000).

Background

On December 31, 1998, the Department published in the **Federal Register** (63 FR 72268), the final affirmative antidumping duty determination of sales at less than fair value (LTFV) on certain preserved mushrooms from Indonesia. We published an antidumping duty order on February 19, 1999 (64 FR 8310).

On February 14, 2000, the Department published in the **Federal Register** a notice advising of the opportunity to

[1] In accordance with 19 CFR 351.401(f), PT Dieng Djaya and PT Surya Jaya Abadi Perkasa were determined to be affiliated companies in the original less-than-fair-value investigation, and therefore the two companies submitted a combined review request and questionnaire response.

[2] *See* Notice of Antidumping Duty Order: Certain Preserved Mushroom from Indonesia, 64 FR 8310 (February 19, 1999).

request an administrative review of this order for the period August 5, 1998, through January 31, 2000 (65 FR 7348). On February 29, 2000, in accordance with 19 CFR 351.213(b), three manufacturers/exporters of the subject merchandise, PT Dieng Djaya and PT Surya Jaya Abadi (Dieng/Surya), PT Indo Evergreen Agro Business Corp. (Indo Evergreen) and PT Zeta Agro Corporation (Zeta) as well as one importer of the subject merchandise, The Pillsbury Company, requested that the Department conduct an administrative review of exports to the United States by Dieng/Surya, Indo Evergreen and Zeta. We published a notice of initiation of the review on March 30, 2000 (65 FR 16875).

On March 29, 2000, the Department issued an antidumping questionnaire to Dieng/Surya, Indo Evergreen, and Zeta. We issued supplemental questionnaires in July, September, and October 2000, and in January 2001. In May and July through October 2000, we received timely responses to the original and supplemental questionnaires. Dieng responded to an additional supplemental questionnaire in February 2001.

In June 2000, we received below-cost-sales allegations for Indo Evergreen and Zeta from the petitioners, the Coalition for Fair Preserved Mushroom Trade.[3] In July 2000, we initiated a sales-below-cost investigation for both Indo Evergreen and Zeta.

On July 28, 2000, due to the reasons set forth in the *Notice of Extension of Time Limit for the Preliminary Results of Antidumping Administrative Review: Certain Preserved Mushrooms from Indonesia*, 65 FR 46426 (July 28, 2000), we extended the due date for the preliminary results. In accordance with section 751(a)(3)(A) of the Act, we extended the due date for the preliminary results by the maximum 120 days allowable.

Scope of the Review

The products covered by this review are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under this review are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Preserved mushrooms" refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including but not limited to cans or glass jars in a suitable liquid medium, including but not limited to water, brine, butter or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this review are "brined" mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of this review are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including "refrigerated" or "quick blanched mushrooms"; (3) dried mushrooms; (4) frozen mushrooms; and (5) "marinated," "acidified" or "pickled" mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.

The merchandise subject to this review is classifiable under subheadings 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, and 0711.90.4000 of the Harmonized Tariff Schedule of the United States ("HTS"). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

Fair Value Comparisons

To determine whether sales to the United States of certain preserved mushrooms by Dieng/Surya, Indo Evergreen and Zeta were made at less than normal value, we compared export price to the normal value, as described in the "Export Price" and "Normal Value" sections of this notice.

Pursuant to section 777A(d)(2) of the Act, we compared the export prices of individual U.S. transactions to the weighted-average normal value of the foreign like product where there were sales made in the ordinary course of trade at prices above the cost of production (COP), as discussed in the "Cost of Production Analysis" section below.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by Indo Evergreen and Zeta, covered by the description in the "Scope of the Review" section, above, sold by the respondents in the home market during the period of review ("POR"), to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. We compared U.S. sales to sales made in the home market within the contemporaneous window period, which extends from three months prior to the U.S. sale until two months after the sale. Where there were no sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade. Where there were no sales of identical or similar merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the constructed value of the product.

In making the product comparisons, we matched foreign like products based on the physical characteristics reported by the respondents in the following order: preservation method, container type, mushroom style, weight, grade, container solution and label type.

For Dieng/Surya, we compared U.S. sales to the constructed value of the product because Dieng/Surya had insufficient home market and third country sales during the POR. *See* "Normal Value" section below for further discussion.

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine normal value based on sales in the comparison market at the same level of trade (LOT) as the export price or constructed export price (CEP) transaction. The normal value LOT is that of the starting-price sales in the comparison market or, when normal value is based on constructed value, that of the sales from which we derive selling, general and administrative (SG&A) expenses and profit. For export price, the U.S. LOT is also the level of the starting-price sale, which is usually from the exporter to an unaffiliated U.S. customer. For CEP, it is the level of the constructed sale from the exporter to an affiliated importer, after the deductions required under section 772(d) of the Act. To determine whether normal value sales are at a LOT different from export price or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which normal value is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. For CEP sales, if the normal value level is more remote from the factory than the CEP level, and there is no basis for determining whether the difference in the levels between normal value and CEP affects price comparability, we adjust normal value under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

In this review, all three respondents made only export price sales during the POR. In their questionnaire responses all three respondents reported that comparison-market and export price sales to the unaffiliated customers were made at the same LOT. Furthermore, the respondents maintain that selling activities in both markets are identical. Although the information pertaining to selling functions on the record is limited, it does not appear to warrant granting a LOT adjustment.

Export Price

For all three respondents we used export price calculation methodology, in accordance with section 772(a) of the Act, because the subject merchandise was sold directly by the producer/exporter in Indonesia to the first unaffiliated purchaser in the United States prior to importation and CEP treatment was not otherwise indicated.

We calculated export price based on the packed FOB seaport prices charged to the first unaffiliated customer in the United States. We made deductions, where appropriate, for foreign inland freight, foreign inland insurance, and brokerage and handling, in accordance with section 772(c)(2)(A) of the Act.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating normal value, we compared the respondents' volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act.

Evergreen and Zeta's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise. Therefore, we determined that the home market provides a viable basis for calculating normal value for both Evergreen and Zeta.

Dieng/Surya reported that its aggregate volumes of home market and third country market sales, respectively, were less than five percent of its aggregate volume of U.S. sales of the subject merchandise. Petitioners allege that Dieng/Surya refused to provide complete information concerning its home market and third country sales in a timely fashion and may have overstated its U.S. sales figures for purposes of the viability test in an effort to avoid reporting third country price information. While we acknowledge the petitioners' allegation, we note that in this case Dieng/Surya has complied with our request for information as stated in our antidumping questionnaire on page A–2. Should its home market sales not be viable for purposes of calculating normal value, our questionnaire directs respondents to provide sales to each of their three largest third country markets, provided each market meets the five-percent threshold. In this case, since none of Dieng/Surya's third country markets reaches that threshold, Dieng was not required to provide a section B questionnaire response for its third country sales. In addition, we note that Dieng/Surya's reporting in this review is consistent with that in the LTFV investigation; in the LTFV investigation, the Department verified that Dieng/Surya did not have a viable home market or third country market during the period of investigation. For these reasons, we determined that neither the home market nor any third country market was a viable basis for calculating normal value for Dieng/Surya. As a result, we used constructed value as the basis for calculating normal value for Dieng/Surya, in accordance with section 773(a)(4) of the Act.

Arm's-Length Sales

Indo Evergreen and Zeta each reported a small percentage of sales of the foreign like product to affiliated customers. To test whether these sales to affiliated customers were made at arm's length, where possible, we compared the prices of sales to affiliated and unaffiliated customers, net of all movement charges, direct selling expenses, discounts, and packing. Where the price to the affiliated party was on average 99.5 percent or more of the price to the unaffiliated parties, we determined that the sales made to the affiliated party were at arm's length. *See Preamble—Department's Final Antidumping Regulations*, 62 FR 27,355 (May 19, 1997). Consistent with 19 CFR 351.403, we excluded from our analysis those sales where the price to the affiliated parties was less than 99.5 percent of the price to the unaffiliated parties.

Cost of Production Analysis

In response to the petitioners sales-below-cost allegations for Indo Evergreen and Zeta, we reviewed their allegations and determined that Indo Evergreen's and Zeta's submitted data provided reasonable grounds to believe or suspect that sales of the foreign like product under consideration for determining normal value in this review may have been at prices below the COP, pursuant to section 773(b)(2)(A)(i) of the Act. *See* July 7, 2000, Memorandum from the Team to Louis Apple, Office Director, AD/CVD Enforcement Group 1, Office 2, Re: Request to Initiate Cost Investigation for Respondents P.T. Zeta Agro Corporation and PT Indo Evergreen Agrobusiness Corporation. Therefore, pursuant to section 773(b)(1) of the Act, we initiated a sales-below-cost investigation of sales made by Evergreen and Zeta.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated COP based on the sum of Indo Evergreen's and Zeta's cost of materials and fabrication for the foreign like product, plus amounts for home-market SG&A, interest expenses, and the cost of all expenses incidental to placing the foreign like product in condition packed ready for shipment. We relied on the home market sales and cost of production information Indo Evergreen and Zeta provided in their questionnaire responses, except for the following adjustments:

For Indo Evergreen, we adjusted the cost of manufacture for beginning and ending work-in-process. We revised Indo Evergreen's interest expense rate calculation by excluding foreign exchange gains and losses related to the non-current portion of long-term debt and reclassifying foreign exchange gains on accounts payable to general and administrative (G&A) expense. In addition, we included certain other foreign exchange gains and losses and other miscellaneous items in their G&A rate calculation. For Zeta, we adjusted the reported production quantities by deducting waste production quantities. This reduction in production quantities resulted in higher per unit cost of manufacture (COM) for Zeta. In addition, because Zeta did not include interest expense on affiliated party loans, we included an amount for interest expense in accordance with section 773(f)(2). We also reclassified foreign exchange gains on accounts payable to G&A expense. Lastly, we revised Zeta's G&A expense rate calculation by including certain other foreign exchange gains and losses and

[3] The petitioners are the Coalition for Fair Preserved Mushroom Trade which includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc., Nottingham, PA; Modern Mushrooms Farms, Inc., Toughkenamon, PA; Monterrey Mushrooms, Inc., Watsonville, CA; Mount Laurel Canning Corp., Temple, PA; Mushrooms Canning Company, Kennett Square, PA; Southwood Farms, Hockessin, DE; Sunny Dell Foods, Inc., Oxford, PA; United Canning Corp., North Lima, OH.

other miscellaneous items. For further detail *see* Memoranda from Sheikh Hannan to Neal Halper, dated February 28, 2001, for Indo Evergreen and Zeta.

B. Test of Home Market Prices

We compared the weighted-average, per-unit COP figures for the POR to home market sales of the foreign like product, as required by section 773(b) of the Act, in order to determine whether these sales were made at prices below the COP. In determining whether to disregard home market sales made at prices below the COP, we examined whether: (1) Within an extended period of time, such sales were made in substantial quantities; and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP to the home market prices, less any applicable movement charges, rebates, discounts and direct and indirect selling expenses. Because Indo Evergreen and Zeta did not report home market indirect selling expenses, we have derived those expenses from their financial statements for purposes of deducting them from home market price. For further details *see* Memorandum from Sophie Castro, Financial Analyst, to Irene Darzenta Tzafolias, Program Manager, Office 2, AD/CVD Enforcement Group I, Import Administration, dated February 28, 2001.

3. Results of COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of the respondents' sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." Where twenty percent or more of the respondents" sales of a given product during the POR were at prices less than the COP, we disregard the below-cost sales where such sales were found to be made at prices which would not permit the recovery of all costs within a reasonable period of time (in accordance with section 773(b)(2)(D) of the Act).

The results of our cost tests for Indo Evergreen and Zeta indicated for certain home market products that less than twenty percent of the sales of the model were at prices below COP. We therefore retained all sales of these models in our analysis and used them as the basis for determining normal value.

Our cost tests also indicated, for both Indo Evergreen and Zeta, that for certain other home market products more than twenty percent of home market sales within an extended period of time were at prices below COP and would not permit the full recovery of all costs within a reasonable period of time. In accordance with section 773(b)(1) of the Act, we excluded these below-cost sales of these models from our analysis and used the remaining sales as the basis for determining normal value.

Price-to-Price Comparisons

For Indo Evergreen and Zeta, we based normal value on the price at which the foreign like product is first sold for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade, and at the same LOT as the export price, as defined by section 773(a)(1)(B)(i) of the Act.

Home market prices were based on either ex-factory or delivered prices. We reduced normal value for home market movement expenses, where appropriate, in accordance with section 773(a)(6)(B)(ii). We also reduced normal value for packing costs incurred in the home market, in accordance with section 773(a)(6)(B)(i), and increased normal value to account for U.S. packing expenses in accordance with section 773(a)(6)(A). We also made adjustments for differences in circumstances of sale ("COS") in accordance with 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410, by deducting home market direct selling expenses (*i.e.*, credit) and adding U.S. direct selling expenses (*i.e.*, credit, U.S. warranty and bank charges), where applicable.

Finally, we made adjustments to normal value, where appropriate, for differences in costs attributable to differences in the physical characteristics of the merchandise, pursuant to section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411.

Calculation of Constructed Value

We calculated constructed value for Indo Evergreen, Zeta and Dieng/Surya in accordance with section 773(e) of the Act, which indicates that constructed value shall be based on the sum of the respondent's cost of materials and fabrication for the foreign like product, plus amounts for SG&A, profit, and U.S. packing costs. We relied on the submitted constructed value information for Indo Evergreen and Zeta with the exception of the adjustments to COP noted above. For Dieng/Surya, we relied on the submitted constructed value information except for the following adjustments:

For Surya we revised the production quantities to be net of waste. This reduction in production quantities resulted in higher per unit COMs and packing for Surya. In addition, we disallowed Surya's cost offset for the sale of fresh mushrooms. *See* Memorandum from Sheikh Hannan to Neal Halper, dated February 28, 2001, for Dieng/Surya. For Dieng, we treated all reported grades as co-products with the same mushroom cost. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Preserved Mushroom from Indonesia*, 63 FR 72268, 72281 (December 31, 1998).

We derived SG&A and profit in accordance with section 773(e)(2)(B)(ii) of the Act and the Statement of Administrative Action accompanying the URAA, H.R. Doc. No. 316, 103d Cong, 2d Sess (1994), (SAA) at 169–171. *See* 19 CFR 351.405(b)(2) (clarifying that under section 773(e)(2)(B) of the Act, "foreign country" means the country in which the merchandise is produced), 62 FR 27296, 27412–13 (May 19, 1997). The statute directs us to use an amount which reflects SG&A and profit incurred in connection with the production and sale of a foreign like product in the ordinary course of trade, by exporters or producers that are subject to the review. *See* section 773(e)(2)(B)(ii) of the Act.

Because Indo Evergreen and Zeta both have a viable home market, and hence actual company-specific SG&A and profit data are available, we calculated Dieng/Surya's SG&A and profit as a weighted average of the SG&A and profit amounts experienced by Indo Evergreen and Zeta. For further details *see* Memorandum from Sheikh Hannan to Neal Halper, dated February 28, 2001, for Dieng/Surya.

Price-to-Constructed Value Comparisons

For Dieng/Surya, we based normal value on constructed value, in accordance with section 773(a)(4) of the Act. For price-to-constructed value comparisons; we made adjustments to constructed value for COS differences, in accordance with 773(a)(6)(C)(iii) of the Act, and 19 CFR 351.410. We made COS adjustments by deducting home market direct selling expenses (comprised of imputed credit) and adding U.S. direct selling expenses (comprised of imputed credit, warranties and bank charges).

Currency Conversion

We made currency conversions in accordance with section 773A of the Act based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the weighted-average dumping margins for the respective PORs are as follows:

Manufacture/exporter	Period	Margin (percent)
PT Dieng Djaya and PT Surya Jaya Abadi Perkasa	12/31/1998–01/31/2000	0.18 (*de minimis*).
PT Indo Evergreen Agro Business Corp	08/05/1998–01/31/2000	5.15
PT Zeta Agro Corporation	08/05/1998–01/31/2000	0.02 (*de minimis*).

We will disclose calculations used in our analysis to parties to this proceeding within five days of the publication date of this notice. *See* 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication. *See* 19 CFR 351.310(c). If requested, a hearing will be held 44 days after the date of publication of this notice, or the first work day thereafter.

Issues raised in the hearing will be limited to those raised in the respective case briefs and rebuttal briefs. Case briefs from interested parties and rebuttal briefs, limited to the issues raised in the respective case briefs, may be submitted not later than 30 days and 37 days, respectively, from the date of publication of these preliminary results. *See* 19 CFR 351.309(c) and (d). Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice.

Interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room B–099, within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. *See* 19 CFR 351.310(c).

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties. We will instruct the Customs Service to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*See* 19 CFR 351.106(c)(1)). For assessment purposes, we intend to calculate importer-specific assessment rates for the subject merchandise by aggregating the dumping margins calculated for all U.S. sales examined and dividing this amount by the total entered value of the sales examined. In order to estimate the entered value, we will subtract applicable movement expenses from the gross sales value.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be those established in the final results of this review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(C)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.26 percent, the "All Others" rate made effective by the LTFV investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are published in accordance with sections 751(a)(1) of the Act and 19 CFR 351.221. Effective January 20, 2001, Bernard T. Carreau, is fulfilling the duties of the Assistant Secretary of Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5622 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Publication of quarterly update to annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared its quarterly update to the annual list of foreign government subsidies on articles of cheese subject to an in-quota rate of duty during the period October 1, 2000 through December 31, 2000. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230, telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 (as amended) (the Act) requires the Department of Commerce (the Department) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(g)(b)(4) of the Act, and to publish an annual list and quarterly updates of the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on cheeses that were imported during the period October 1, 2000 through December 30, 2000.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(g)(b)(2) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

Appendix—Subsidy Programs on Cheese Subject to an In-Quota Rate of Duty

Country	Program(s)	Gross [1] subsidy ($/lb)	Net [2] subsidy ($/lb)
Austria	European Union Restitution Payments	0.14	0.14
Belgium	EU Restitution Payments	0.02	0.02
Canada	Export Assistance on Certain Types of Cheese	0.23	0.23
Denmark	EU Restitution Payments	0.08	0.08
Finland	EU Restitution Payments	0.16	0.16
France	EU Restitution Payments	0.09	0.09
Germany	EU Restitution Payments	0.05	0.05
Greece	EU Restitution Payments	0.00	0.00
Ireland	EU Restitution Payments	0.03	0.03
Italy	EU Restitution Payments	0.11	0.11
Luxembourg	EU Restitution Payments	0.07	0.07
Netherlands	EU Restitution Payments	0.04	0.04
Norway	Indirect (Milk) Subsidy	0.27	0.27
	Consumer Subsidy	0.12	0.12
Total		0.39	0.39
Portugal	EU Restitution Payments	0.05	0.05
Spain	EU Restitution Payments	0.02	0.02
Switzerland	Deficiency Payments	0.10	0.10
U.K.	EU Restitution Payments	0.08	0.08

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 01–5624 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Correction to the Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, prepared its annual list of foreign government subsidies on articles of cheese subject to an in-quota rate of duty during the period October 1, 1999 through September 30, 2000. On December 26, 2000, the Department published in the **Federal Register** the Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty at 65 FR 81488. The correct effective date is January 1, 2001, rather than January 2000.

EFFECTIVE DATE: January 1, 2001.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230, telephone: (202) 482–2786.

This determination and notice are in accordance with section 702(a) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–5625 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–815]

Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Italy; Final Results of Full Sunset Review of Countervailing Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of full sunset review: Small diameter circular seamless carbon and alloy steel standard, line and pressure pipe from Italy.

SUMMARY: On October 27, 2000, the Department of Commerce ("the Department") published in the **Federal Register** (65 FR 64426) the preliminary results of the full sunset review of the countervailing duty order on small diameter circular seamless carbon and alloy steel standard, line and pressure pipe ("seamless pipe") from Italy, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results and received comments from domestic and respondent interested parties. As a result of this review, the Department finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Becky J. Hagen or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution, NW., Washington, DC 20230; telephone: (202) 482–1277 or (202) 482–3330, respectively.

EFFECTIVE DATE: March 8, 2001.

Statute and Regulations

These reviews were conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*") and in 19 CFR part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Scope of Review

The merchandise subject to this review includes seamless pipes produced to the American Society for Testing and Materials ("ASTM") standards A–335, A–106, A–53, and American Petroleum Institute ("API") standard API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of this review also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters below, regardless of specification. For purposes of this review, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe, or pressure pipe, depending upon the application. They may also be used in structural applications. Pipes produced in non-standard wall thicknesses are commonly referred to as tubes. The seamless pipes subject to this review are currently classifiable under subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States ("HTSUS").

The following information further defines the scope of this review, which covers pipes meeting the physical parameters described above: Specifications, Characteristics and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas, and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM standard A–106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers ("ASME") code stress levels. Alloy pipes made to ASTM standard A–335 must be used if temperatures and stress levels exceed those allowed for A–106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–106 standard. Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification. Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53 and API 5L specifications. Such triple certification of pipes is common because all pipes meeting the stringent ASTM A–106 specification necessarily meet the API 5L and ASTM A–53 specifications. Pipes meeting the API 5L specification necessarily meet the ASTM A–53 specification. However, pipes meeting the A–53 or API 5L specifications do not necessarily meet the A–106 specification. To avoid maintaining separate production runs and separate inventories, manufacturers triple-certify the pipes. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers. The primary application of ASTM A–106 pressure pipes and triple-certified pipes is in pressure piping systems by refineries, petrochemical plants and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, A–106 pipes may be used in some boiler applications. The scope of this review includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications

listed above, regardless of application, and whether or not also certified to a non-covered specification. Standard, line and pressure applications and the above-listed specifications are defining characteristics of the scope of this review. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A–335, ASTM A–106, ASTM A–53, or API 5L standards shall be covered if used in a standard, line or pressure application. For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in A–106 applications. These specifications generally include A–162, A–192, A–210, A–333, and A–524. When such pipes are used in a standard, line or pressure pipe application, such products are covered by the scope of this review. Specifically excluded from this review are boiler tubing and mechanical tubing, if such products are not produced to ASTM A–335, ASTM A–106, ASTM A–53 or API 5L specifications and are not used in standard, line or pressure applications. In addition, finished and unfinished oil country tubular goods ("OCTG") are excluded from the scope of this review, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications. Finally, also excluded from this review are redraw hollows for cold-drawing when used in the production of cold-drawn pipe or tube. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Background

On October 27, 2000, the Department of Commerce ("the Department") published in the **Federal Register** a notice of preliminary results of the full sunset review of the countervailing duty order on seamless pipe from Italy (65 FR 64426), pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). In our preliminary results, we found that revocation of the order would likely result in continuation or recurrence of a net countervailable subsidy at the rate of 1.47 percent for all Italian seamless pipe producers/exporters.

On November 27, 2000, U.S. Steel Group, a unit of USX Corporation, and Vision Metals, Inc. ("domestic interested parties") requested a hearing in the sunset review. On December 11, 2000, within the deadline specified in 19 CFR 351.309(c)(1)(i), we received a case brief on behalf of Dalmine S.p.A ("Dalmine"). On December 18, 2000, domestic interested parties submitted a rebuttal brief. On December 19, 2000, domestic interested parties withdrew their request for a hearing and the Department canceled the hearing.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the "Issues and Decision Memorandum" ("Decision Memorandum") from Jeffrey A. May, Director, Office of Policy, Import Administration, to Bernard T. Carreau, Deputy Assistant Secretary, Import Administration, dated February 28, 2001, which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the automatic initiation of this sunset review, the likelihood of continuation or recurrence of countervailable subsidies, and the net countervailable subsidy likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B–099, of the main Commerce Building.

In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Review

As a result of this review, the Department finds that revocation of the countervailing duty order on seamless pipe from Italy would be likely to lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

Producer/exporter	Margin (percent):
All Italian producers/exporters	1.47

This notice serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act. This notice is published pursuant to section 703(c)(2) of the Act.

Dated: February 28, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

[FR Doc. 01–5630 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–817]

Oil Country Tubular Goods ("OCTG") From Italy; Final Results of Sunset Review of Countervailing Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of full sunset review: Oil country tubular goods ("OCTG") from Italy.

SUMMARY: On October 30, 2000, the Department of Commerce ("the Department") published a notice of preliminary results of the full sunset review of the countervailing duty order on oil country tubular goods ("OCTG") from Italy (65 FR 64668) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results. We received a case brief from respondent interested party, Dalmine S.p.A. ("Dalmine"). In addition, we received a rebuttal brief from domestic interested party, U.S. Steel Group, a unit of USX Corp ("U.S. Steel"). As a result of this review, the Department finds that revocation of this order would be likely to lead to continuation or recurrence of subsidies at the levels indicated in the **Final Results of Review** section of this notice.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Martha Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*") and in 19 CFR part 351 (2000) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Background

In our preliminary results, published on October 30, 2000 (65 FR 64668), we found that revocation of the order would likely result in continuation or recurrence of countervailable subsidies at the rate of 1.47 percent for all producers/exports from Italy.

On December 11, 2000, within the deadline specified in 19 CFR 351.309(c)(1)(i), we received a case brief on behalf of Dalmine. On December 18, 2000, we received a rebuttal brief on behalf of U.S. Steel. Although a hearing was requested by U.S. Steel, that request was subsequently withdrawn and no hearing was held in this sunset review.

Scope of Review

Imports covered by this order are oil country tubular goods, hollow steel products of circular cross-section, including oil well casing, tubing, and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The OCTG subject to this order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.21.30.00, 7403.21.60.00, 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.30.10, 7304.29.30.20, 7304.29.30.30, 7304.29.30.40, 7304.29.30.50, 7304.29.30.60, 7304.29.30.80, 7304.29.40.10, 7304.29.40.20, 7304.29.40.30, 7304.29.40.40, 7304.29.40.50, 7304.29.40.60, 7304.29.40.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.60.15, 7304.29.60.30, 7304.29.60.45, 7304.29.60.60, 7304.29.60.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Jeffrey A. May, Director, Office of Policy, Import Administration, to Bernard T. Carreau, Deputy Assistant Secretary, Import Administration, dated February 28, 2001, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the automatic initiation of this sunset review and the likelihood of continuation or recurrence of countervailable subsidies. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the countervailing duty order on OCTG from Italy would be likely to lead to continuation or recurrence of countervailable subsidies at the rate listed below:

Producers/exporters	Net countervailable subsidy (percent)
All Producers/exporters from Italy	1.47

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction. This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act. This notice is published pursuant to section 703(c)(2) of the Act.

Dated: February 28, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

[FR Doc. 01–5629 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–830]

Stainless Steel Bar From Italy: Postponement of Time Limit for Preliminary Determination of Countervailing Duty Investigation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of postponement of time limit.

SUMMARY: The Department of Commerce is extending the time limit for the preliminary determination of the countervailing duty investigation of stainless steel bar from Italy. The period of investigation is January 1, 2000 through December 31, 2000. This extension is made pursuant to section 703(c)(2) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam or Greg Campbell, Office of CVD/AD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482–0176 or (202) 482–2239, respectively.

Postponement of Preliminary Determination

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 ("the Act") by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's ("Department") regulations are

references to the provisions codified at 19 CFR Part 351 (2000).

Postponement

On January 17, 2001, the Department initiated the countervailing duty investigation of stainless steel bar from Italy. *See Notice of Initiation of Countervailing Duty Investigation: Stainless Steel Bar from Italy*, 66 FR 7739 (January 25, 2001). Currently, the preliminary determination must be issued by March 23, 2001.

On February 23, 2001, the petitioners made a timely request pursuant to section 703(c)(1)(A) of the Act and 19 CFR 351.205(e) of the Department's regulations for a postponement of the preliminary determination. The petitioners requested a postponement until May 29, 2001 in order to allow time for the petitioners to submit comments regarding the respondents' questionnaire responses and to allow time for the Department to analyze these responses.

The petitioners' request for the postponement was timely, and the Department finds no compelling reason to deny the request. Therefore, pursuant to 703(c) of the Act and 19 CFR 351.205(b)(2), the Department is postponing the preliminary determination until no later than May 29, 2001.

We are issuing and publishing this notice in accordance with sections 703(c)(2) and 777(i)(1) of the Act.

Dated: March 2, 2001.

Richard W. Moreland,

Deputy Assistant Secretary for AD/CVD Enforcement I.

[FR Doc. 01–5772 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030101D]

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Observer Committee will meet in Seattle, WA.

DATES: The meeting will begin at 9 a.m. on Thursday, March 22, and continue through Friday, March 23.

ADDRESSES: The meeting will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE, Building 4, Room 2039, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Nicole Kimball, North Pacific Fishery Management Council; telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The committee's agenda includes the following issues:

1. Review the specifics of a proposed no-cost contract module(s) which would establish a contractual relationship between NMFS and observer contractors for some portion of observer placements.
2. Review of overall program goals and objectives.
3. Discussion of potential long-term funding models for the observer program.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: March 5, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5761 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Short Supply Request Under the African Growth and Opportunity Act (AGOA)

March 6, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Request for public comments concerning a request for a determination that certain fabrics used for blouses and nightwear cannot be supplied by the domestic industry in commercial quantities in a timely manner.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUMMARY: On March 1, 2001, the Chairman of CITA received a petition from Esquel Enterprises Limited of Hong Kong and Textile Industries Limited in Mauritius alleging that certain fabrics, listed below, for use in blouses and nightwear, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim that such apparel articles of such fabrics be eligible for preferential treatment under the AGOA. CITA hereby solicits public comments on this request, in particular with regard to whether these fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by March 23, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

Fabrics named in the request:

(a) Fabrics of subheadings 5208.21, 5208.22, 5208.29, 5208.31, 5208.32, 5208.39, 5208.41, 5208.42, 5208.49, 5208.51, 5208.52 or 5208.59, of average yarn number exceeding 135 metric;

(b) Fabrics of subheading 5513.11 or 5513.21, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;

(c) Fabrics of subheadings 5210.21 or 5210.31, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;

(d) Fabrics of subheadings 5208.22 or 5208.32, not of square construction, containing more than 75 warp ends and fillings picks per square centimeter, of average yarn number exceeding 135 metric;

(e) Fabrics of subheadings 5407.81, 5407.82 or 5407.83, weighing less than 170 grams per square meter, having a dobby weave created by a dobby attachment, of average yarn number exceeding 135 metric;

(f) Fabrics of subheadings 5208.42 or 5208.49, not of square construction, containing more than 85 warp ends and filling picks per square centimeter, of average yarn number exceeding 85 metric, or exceeding 135 metric if the fabric is of oxford construction (a modified basket weave with a large filling yarn having no twist woven under and over two single, twisted warp yarns);

(g) Fabrics of subheading 5208.51, of square construction, containing more than 75 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 95 or greater metric;

(h) Fabrics of subheading 5208.41, of square construction, with a gingham pattern, containing more than 85 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 135 or greater metric, and characterized by a check effect produced by the variation in color of the yarns in the warp and filling;

(i) Fabrics of subheading 5208.41, with the warp colored with vegetable dyes, and the filling yarns white or colored with vegetable dyes, of average yarn number greater than 65 metric.

SUPPLEMENTARY INFORMATION:

Authority: Section 112(b)(5)(B) of the AGOA, Section 1 of Executive Order No. 13191 of January 17, 2001.

Background

The AGOA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The AGOA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country, if it has been determined that such fabric or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner and the President has proclaimed such treatment. In Executive Order No. 13191, the President has delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests (66 FR 13502).

On March 1, 2001, the Chairman of CITA received a petition from Esquel Enterprises Limited of Hong Kong and Textile Industries Limited in Mauritius alleging that certain fabrics, listed above, for use in blouses and nightwear, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim quota- and duty-free treatment under the AGOA for such apparel articles that are cut and sewn in one or more beneficiary sub-Saharan African countries from such fabrics.

CITA is soliciting public comments regarding this request, particularly with respect to whether such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other fabrics that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the fabrics for the purposes of the intended use. Comments must be received no later than March 23, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn or fabric stating that it produces the fabric that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure for the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–5836 Filed 3–6–01; 1:31 pm]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Short Supply Request Under the United States—Caribbean Basin Trade Partnership Act (CBTPA)

March 6, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA)

ACTION: Request for public comments concerning a request for a determination that yarns of cashmere and camel hair cannot be supplied by the domestic industry in commercial quantities in a timely manner.

FOR FURTHER INFORMATION CONTACT: Lori E. Mennitt, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUMMARY: On February 28, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that yarn of cashmere and yarn of camel hair, classified in heading 5108.10.60 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim that apparel articles of U.S. formed-fabric of such yarns be eligible for preferential treatment under the CBTPA. CITA hereby solicits public comments on this request, in particular with regard to whether cashmere and camel hair yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by March 23, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Section 6 of Executive Order No. 13191 of January 17, 2001.

Background

The CBTPA provides for quota-and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The CBTPA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more

CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or a CBTPA beneficiary country, if it has been determined that such fabric or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner and the President has proclaimed such treatment. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests. (66 FR 13502).

On February 28, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that yarn of cashmere and yarn of camel hair, classified in HTSUS heading 5108.10.60, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim quota- and duty-free treatment under the CBTPA for apparel articles that are cut and sewn in one or more CBTPA beneficiary countries from U.S.-formed fabric of such yarns.

CITA is soliciting public comments regarding this request, particularly with respect to whether yarn of cashmere and yarn of camel hair, classified in HTSUS heading 5108.10.60, can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other yarn that is supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the yarn for purposes of the intended use. Comments must be received no later than March 23, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that the cashmere or camel hair yarn can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn stating that it produces the yarn that is in the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure for the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–5835 Filed 3–6–01; 1:31 pm]

BILLING CODE 3510–DR–F

CONSUMER PRODUCT SAFETY COMMISSION

Petition Requesting Exemption For Certain Model Rocket Propellant Devices For Use With Ground Vehicles

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Commission has received a petition (HP 01–2) requesting that the Commission exempt certain model rocket propellant devices for vehicles that travel on the ground. The Commission solicits written comments concerning the petition.

DATES: The Office of the Secretary must receive comments on the petition by May 7, 2001.

ADDRESSES: Comments, preferably in five copies, on the petition should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504–0800, or delivered to the Office of the Secretary, Room 501, 4330 East-West Highway, Bethesda, Maryland 20814. Comments may also be filed by telefacsimile to (301) 504–0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned "Petition HP 01–2, Petition for Exemption for Model Rocket Propellant Devices for Ground Vehicles." A copy of the petition is available for inspection at the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0800, ext. 1232.

SUPPLEMENTARY INFORMATION: The Commission has received correspondence from Centuri Corporation requesting that the Commission issue a rule exempting certain model rocket propellant devices (motors) to be used for model rocket ground vehicles. The petitioner wants an exemption for race cars that travel on the ground along a tethered line and are propelled as rockets. The Commission is docketing the correspondence as a petition under provisions of the Federal Hazardous Substances Act ("FHSA"), 15 U.S.C. 1261–1278.

Model rocket propellant devices use materials that would be considered hazardous substances under the FHSA. 15 U.S.C. 1261(f). The FHSA bans toys that contain a hazardous substance accessible by a child. *Id.* 1261(q)(1)(A). However, the FHSA gives the Commission authority to exempt from the definition of banned hazardous substance an article that requires inclusion of a hazardous substance in order to function, has labeling giving adequate directions and warnings for safe use, and is intended for children who are mature enough that they may reasonably be expected to read and heed the directions and warnings. *Id.* Under this authority, the Commission's existing regulations exempt model rocket propellant devices designed for use in light-weight, recoverable, and reflyable model rockets, if they meet certain requirements. 16 CFR 1500.85(a)(8). The petitioner asks that similar requirements apply to certain propellant devices used for model rocket vehicles that would travel on the ground along a tethered line so that they too would be exempt from the definition of banned hazardous substance.

Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0800. A copy of the petition is also available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

Dated: March 5, 2001.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 01–5762 Filed 3–7–01; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form Number, and OMB Number: Statement of Claimant Requesting Recertified Check; DD Form 2660; OMB Number 0730–0002.

Type of Request: Reinstatement.

Number of Respondents: 108,500.

Responses per Respondent: 1.

Annual Responses: 108,500.

Average Burden per Response: 5 minutes.

Annual Burden Hours: 9,042.

Needs and Uses: The Statement of Claimant Requesting Recertified Check is used to ascertain pertinent information needed by the Department of Defense in order to reissue checks to payees. A check will be reissued if the check has not been negotiated to financial institutions within one year of the date of issuance, when an original check has been lost, not received, damaged, stolen, etc. The form will be completed by the payee who was issued the original check.

Affected Public: Individuals or Households; Business or Other For-Profit; Not-For-Profit Institutions; State, Local or Tribal government.

Frequency: On Occasion.

Respondents Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: March 2, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5662 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form Number, and OMB Number: Air Force ROTC Scholarship Nomination; AFOATS Form 36; OMB Number 0701–0103.

Type of Request: Extension.

Number of Respondents: 500.

Responses per Respondent: 1.

Annual Responses: 500.

Average Burden per Response: 42 minutes.

Annual Burden Hours: 350.

Needs and Uses: Respondents are college students who apply for an Air Force ROTC college scholarship. The AF Form 36 collects identification and academic performance data, academic aptitude scores, and the Professor of Aerospace Studies (PAS) evaluation of the applicant's performance and potential. The submitted data will be evaluated by Air Force ROTC In-College Scholarship selection boards to determine eligibility and to select individuals for the award of a college scholarship involving the expenditure of federal funds.

Affected Public: Individuals or Households.

Frequency: On Occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: March 2, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5663 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form Number, and OMB Number: Application for Air Force ROTC Membership; AFOATS Form 20; OMB Number 0701–0105.

Type of Request: Extension.

Number of Respondents: 12,000.

Responses Per Respondent: 1.

Annual Responses: 12,000.

Average Burden Per Response: 20 minutes.

Annual Burden Hours: 4,000.

Needs and Uses: The information collection is used to obtain the information needed by HQ, AFROTC and the AFROTC Detachment on which to base a decision of acceptance or non-acceptance to be a member of AFROTC. Respondents are college students who apply for membership in Air Force ROTC. The collected data is used to determine the eligibility to enter the ROTC program and if accepted, determine the enrollment status of the applicant within the program. Upon acceptance into the program, the information is used to establish personal records for Air Force ROTC cadets.

Affected Public: Individuals or Households.

Frequency: On Occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: March 2, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5688 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Finance and Accounting Service Board of Advisors

AGENCY: Department of Defense, Office of the Under Secretary of Defense (Comptroller).

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for the first meeting of the Defense Finance and Accounting Service (DFAS) Board of Advisors. The Board was chartered by the Deputy Secretary of Defense on October 4, 2000, to provide advice and recommendations to the Secretary of Defense regarding the mission of DFAS as it transforms its financial management operations, processes, and systems. The meeting will be open to the public. Notice of this meeting is required under the Federal Advisory Committee Act, (Pub. L. 92–463).

DATES: Tuesday, April 10, 2001.

ADDRESSES: Defense Finance and Accounting Service, Crystal Mall 3 (Room 438), 1931 Jefferson Davis Highway, Arlington, VA 22240.

PROPOSED SCHEDULE AND AGENDA: The Defense Finance and Accounting Service Board of Advisors will meet in open session from 1 p.m. to 4 p.m. on April 10, 2001. The meeting will include discussion on the DFAS Competitive Sourcing Program, DFAS Strategic Plan and Balanced Scorecard, and Capital Investment Strategy.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Codie Smith, Resource Management, DFAS, Crystal Mall 3 (room 206), 1931 Jefferson Davis Highway, Arlington, VA 22240. Telephone (703) 607–1162. Public seating for this meeting is limited, and is available on a first-come first-served basis.

Dated: March 1, 2001.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 01–5664 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Joint Advisory Committee on Nuclear Weapons Surety; Meeting

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Joint Advisory Committee on Nuclear Weapons Surety will conduct a closed session on March 23, 2001 at the Institute for Defense Analyses, Alexandria, VA.

The Joint Advisory Committee is charged with advising the Secretaries of Defense and Energy, and the Joint Nuclear Weapons Council on nuclear weapons surety matters. At this meeting the Joint Advisory Committee will receive classified briefings on nuclear weapons security and use control.

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended, Title 5, U.S.C. App. II (1988)), this meeting concerns matters sensitive to the interests of national security, listed in 5 U.S.C. Section 552b(c)(1) and accordingly this meeting will be closed to the public.

Dated: March 2, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5689 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Change of Advisory Committee Meetings

SUMMARY: The meeting of the Defense Science Board (DSB) Task Force on High Energy Laser Weapon Systems Applications, which was scheduled for April 17–18, 2001, has been rescheduled for April 16, 2001. In addition, the meeting scheduled for May 15–16, 2001, will now be held on May 15, 2001 only. The meeting will be held Strategic Analysis Inc., 3601 Wilson Boulevard, Arlington, VA 22201.

Dated: March 1, 2001.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5616 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Meeting Date Change of Advisory Committee Meeting

SUMMARY: The Defense Science Board (DSB) Task Force on Systems Technology for the Future U.S. Strategic Posture closed meeting scheduled for March 14–15, 2001, has been changed to March 29–30, 2001. The meeting will be held at Strategic Analysis Inc., 3601 Wilson Boulevard, Suite 600, Arlington, VA.

Dated: March 1, 2001.

L. M. Bynum,

Alternate OSC Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5617 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Interface Control Document (ICD) Configuration Management Activities

AGENCY: Department of the Air Force, DoD.

ACTION: Notice and Request for Review and Comment.

SUMMARY: This notice informs the public that the NAVSTAR GPS Joint Program Office (JPO) proposes to revise ICD–GPS–200, NAVSTAR GPS Space Segment/Navigation User Interface, for the following items: (1) Removal of all Letters of Exception (LOEs) and incorporation of contents of technical LOEs into the text of ICD–GPS–200; (2) Update of Coordinated Universal Time as maintained by the United States Naval Observatory (UTC (USNO)) time transfer accuracy; (3) Clarification of applicable UTC/GPS-time relationship; (4) Clarification of Table 20–VI. These proposed change items are described in draft Proposed Interface Revision Notice (PIRN), PIRN–200C–005. The draft PIRN can be reviewed at the following web site: http://www.gpsnavstar.com. Select the "GPS Public" tab, then select "DRAFT–PIRN–200C–005 (Public) (PDF)." This notice seeks comments on the changes presented in the draft PIRN.

ADDRESSES: Submit comments to SMC/CZER, 2435 Vela Way, Suite 1613, El Segundo, CA 90245–5500, ATTN: First Lieutenant Reginald C. Victoria. A comment matrix is provided for your convenience at the web site and is the preferred method of comment submittal. Comments may be submitted to the following e-mail address: cmdm@losangeles.af.mil. Comments may also be sent by fax to (310) 363–6387.

DATES: The suspense date for comment submittal is April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Capt. Eric Y. Moore, Configuration Management Processes Coordinator, (310) 363–5117, or First Lieutenant Reginald C. Victoria, ICD–GPS–200C Point of Contact, (310) 363–6329, GPS JPO System Engineering Division, address above.

SUPPLEMENTARY INFORMATION:

Background

The Global Positioning System employs a constellation of 24 satellites to provide continuously transmitted positioning/navigation signals for use with appropriately configured GPS user equipment. The proposed change applies to the interface control document that describes these signals. The civilian and military communities employ the Global Positioning System. All comments and their resolutions will be posted to the web site.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–5700 Filed 3–8–01; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 7, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 2, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Consolidated Data Collection on Students with Disabilities.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 58. Burden Hours: 18,312.

Abstract: This package provides a file layout for States to use in reporting district and school level data on students receiving services under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act, as amended. If used by States, it will meet the reporting requirements of the Office of Special Education Programs, the Office for Civil Rights (for students with disabilities only) and the National Center on Education Statistics (for students with disabilities only).

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–3651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–5652 Filed 3–7–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Energy Conservation Program for Consumer Products; Representative Average Unit Costs of Energy.

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: In this notice, the Department of Energy (DOE or Department) is forecasting the representative average unit costs of five residential energy sources for the year 2001. The five sources are electricity, natural gas, No. 2 heating oil, propane, and kerosene. The representative unit costs of these energy sources are used in the Energy Conservation Program for Consumer Products, established by Part B of Title III of the Energy Policy and Conservation Act.

EFFECTIVE DATE: The representative average unit costs of energy contained in this notice will become effective April 9, 2001 and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT:

Brian Card, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–41, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–9228

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC–72, 1000 Independence Avenue, SW., Washington, DC 20585–0103, (202) 586–9507

SUPPLEMENTARY INFORMATION: Section 323 of the EPCA (Act) [1] requires that DOE prescribe test procedures for the determination of the estimated annual operating costs or other measures of energy consumption for certain consumer products specified in the Act. These test procedures are found in 10 CFR Part 430, Subpart B.

Section 323(b) of the Act requires that the estimated annual operating costs of a covered product be computed from

[1] References to the "Act" refer to the Energy Policy and Conservation Act, as amended. 42 U.S.C. 6291—6309.

measurements of energy use in a representative average-use cycle and from representative average unit costs of energy needed to operate such product during such cycle. The section further requires DOE to provide information regarding the representative average unit costs of energy for use wherever such costs are needed to perform calculations in accordance with the test procedures. Most notably, these costs are used under the Federal Trade Commission's appliance labeling program, established by section 324 of the Act, and in connection with advertisements of appliance energy use and energy costs, which are covered by section 323(c) of the Act.

The Department last published representative average unit costs of residential energy for use in the Energy Conservation Program for Consumer Products Other Than Automobiles on February 7, 2000. (64 FR 5860). Effective April 9, 2001, the cost figures published on February 7, 2000 will be superseded by the cost figures set forth in this notice.

The Department's Energy Information Administration (EIA) has developed the 2001 representative average unit after-tax costs of electricity, natural gas, No. 2 heating oil, propane, and kerosene prices found in this notice. The cost projections for heating oil, electricity, and natural gas are found in the fourth quarter, 2000, EIA *Short-Term Energy Outlook*, DOE/EIA–0226 (00/4Q), and reflect the mid-price scenario. Projections for residential propane and kerosene prices are derived from their relative prices to that of heating oil, based on 1999 averages for these three fuels. The source for these price data is the September 2000, *Monthly Energy Review* (DOE/EIA–0035(00/09). The *Short-Term Energy Outlook* and the *Monthly Energy Review* are available at the National Energy Information Center, Forrestal Building, Room 1F–048, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8800.

We provide the 2001 representative average unit costs in Table 1 pursuant to section 323(b)(4) of the Act, and they will become effective April 9, 2001. They will remain in effect until further notice.

Issued in Washington, DC, on March 2, 2001.

Abraham E. Haspel,

Acting Director, Energy Efficiency and Renewable Energy.

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES

[2001]

Type of energy	Per million Btu[1]	In commonly used terms	As required by test procedure
Electricity	$24.30	8.29/kWh[2 3]	$.0829/kWh.
Natural gas	8.37	83.7/therm[4] or $8.63/MCF[5 6]	.00000637/Btu.
No. 2 Heating Oil	8.86	$1.23/gallon[7]	.00000886/Btu.
Propane	11.28	$1.03/gallon[8]	.00001128/Btu.
Kerosene	9.41	$1.27/gallon[9]	.00000941/Btu.

[1] Btu stands for British thermal units.
[2] kWh stands for kilowatt hour.
[3] 1 kWh = 3,412 Btu.
[4] 1 therm = 100,000 Btu. Natural gas prices include taxes.
[5] MCF stands for 1,000 cubic feet.
[6] For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,031 Btu.
[7] For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.
[8] For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.
[9] For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

[FR Doc. 01–5668 Filed 3–7–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency Information Collection Activities: Submission for OMB Review; Comment Request.

SUMMARY: The EIA has submitted the energy information collections listed at the end of this notice to the Office of Management and Budget (OMB) for review and a 3-year extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 et seq).

DATES: Comments must be filed on or before April 9, 2001. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to the OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–7318. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland, Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mrs. Sutherland may be contacted by telephone at (202) 287–1712, FAX at (202) 287–1705, or e-mail at Grace.Sutherland@eia.doe.gov.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (i.e., the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (i.e, new, revision, extension, or reinstatement); (5) response obligation (i.e., mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–1605 and 1605EZ, "Voluntary Reporting of Greenhouse Gases".

2. Energy Information Administration.

3. OMB Number 1905–0194.

4. Three-year extension to an existing approved request.

5. Voluntary.

6. EIA–1605 and EIA–1605EZ forms are designed to collect voluntarily reported data on greenhouse gas emissions, achieved reductions of these emissions, and carbon fixation. Data are used to establish a publicly available database. Respondents are participants in a domestic or foreign activity that either reduces greenhouse gas emissions or increases sequestration.

7. Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.

8. 7,000 hours (220 respondents × 1 response per year × 31.8 hours per response).

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13)(44 U.S.C. 3501 *et seq).*

Issued in Washington, D.C., February 28, 2001.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 01–5667 Filed 3–7–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: Submission for OMB review; comment request.

SUMMARY: The EIA has submitted the energy information collection listed at the end of this notice to the Office of Management and Budget (OMB) for review and a three-year approval under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq*).

DATES: Comments must be filed on or before April 9, 2001. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to the OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–7318. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Herbert Miller, Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mr. Miller may be contacted by telephone at (202) 287–1711, FAX at (202) 287–1705, or e-mail at Herbert.Miller@eia.doe.gov.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (i.e., the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (i.e, new, revision, extension, or reinstatement); (5) response obligation (i.e., mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–910, "Monthly Natural Gas Marketer Survey".

2. Energy Information Administration.

3. OMB number 1905–NEW.

4. New collection and three-year approval requested.

5. Mandatory.

6. EIA–910 will collect information necessary for developing accurate estimates of state-level prices paid by commercial and residential consumers of natural gas. The data will also be used for modeling and analytical efforts. Initially, respondents will be all natural gas marketers selling to residential and/or commercial customers in Georgia, Maryland, New York, Ohio and Pennsylvania.

7. Business or other for-profit.

8. 6,572 hours (176 respondents × 12 responses per year × an average burden of 3.11 hours per response over the three-year approval period).

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13)(44 U.S.C. 3501 *et seq*).

Issued in Washington, DC on February 27, 2001.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 01–5672 Filed 3–7–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–389–020]

Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

March 2, 2001.

Take notice that on February 27, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following Amendment Agreement to a recently filed negotiated rate transaction: Amendment Agreement to ITS–2 Service Agreement No. 70052 between Columbia Gulf Transmission Company and Amoco Energy Trading Corporation Dated November 30, 2000, as Amended February 23, 2001.

This transportation service was scheduled to commence December 1, 2000 and terminate December 31, 2000. On January 17, 2001, FERC approved an amendment to extend the term through January 31, 2001 (Docket No. RP96–389–017). On January 30, 2001, Columbia Gulf filed an amendment to extend further the Service Agreement's term through February 28, 2001. FERC issued a notice on February 6, 2001 (Docket No. RP96–389–019), and FERC approval is pending. The instant filing includes an executed Amendment Agreement that extends the Service Agreement's term through March 31, 2001. All other terms and provisions remain unchanged and in full force and effect.

Columbia Gulf states that copies of the filing have been served on all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceedings. Any person wishing to become a part must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5640 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1960]

Dairyland Power Cooperative; Notice of Authorization for Continued Project Operation

March 2, 2001.

On February 19, 1999, the Dairyland Power Cooperative, license for the Flambeau Project No. 1960, filed an application for a new or subsequent license pursuant to the Federal Power Act (EPA) and the Commission's regulations thereunder. Project No. 1960 is located on the Flambeau River in Rusk County, Wisconsin.

The license for Project No. 1960 was issued for a period ending February 28, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 1960 is issued to the Dairyland Power Cooperative for a period effective March 1, 2001, through February 28, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before March 1, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the Dairyland Power Cooperative is authorized to continue operation of the Flambeau Project No. 1960 until time as the Commission acts on its application for subsequent license.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5642 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–15–001]

PG&E Gas Transmission, Northwest Corporation; Notice of Compliance Filing

March 2, 2001.

Take notice that on November 27, 2000, PG&E Gas Transmission, Northwest Corporation (PG&E GTN) submitted its filing to comply with the Commission's October 27, 2000 order in Docket Nos. RM96–1–014, et al.

Pursuant to Commission directive, PG&E GTN explains why it will lose transportation revenue if it does not assess transportation and fuel reimbursement charges when certain nets or trades if imbalances occur.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 9, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5638 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–41–000]

Strategic Energy L.L.C. v. California Independent System Operator Corporation; Notice of Complaint

March 2, 2001.

Take notice that on February 28, 2001, Strategic Energy L.L.C. (Strategic Energy) submitted a complaint requesting fast track processing against the California Independent System Operator Corporation (ISO) pursuant to Section 206 of the Federal Power Act, 16 U.S.C. § 824e, and Section 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206. Strategic Energy requests that the Commission: (i) direct the ISO immediately to provide information to support its claim for costs under Section 11.2.4.2.1 of the ISO tariff, as required by Section 11.4.3 of the ISO tariff; and (ii) clarify that if the ISO enters into a forward contract during a scheduling interval for power to be delivered in a later scheduling interval, the costs of the forward contract are recoverable only for the scheduling interval in which power is to be delivered. Strategic Energy also seeks interim relief and requests that the Commission (i) issue an interim order permitting Strategic Energy to deposit the contested portion of its bill into an interest bearing escrow account on or before March 5, 2001 and declaring that, in so doing, the Strategic Energy will not be in default of its obligations under the ISO tariff; and (ii) issue its ruling on this complaint on or before March 5, 2001 to ensure that Strategic Energy will not, under any circumstances, be in violation of its obligations under the ISO tariff.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 20, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before March 20, 2001. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5678 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–20–001]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

March 2, 2001.

Take notice that on November 17, 2000, Tennessee Gas Pipeline Company (Tennessee) tendered for filing a Supplemental Response to the Protest filed by National Fuel Gas Distribution Corporation on October 13, 2000, in this proceeding.

Tennessee states that the purpose of this filing is to comply with the Commission's order issued November 1, 2000, in the above docket that directed Tennessee to respond to the protest filed by National Fuel Gas Distribution Corporation.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 9, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5637 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–93–000]

Texas Gas Transmission Corporation and Forest Oil Corporation; Notice of Application

March 2, 2001.

On February 23, 2001, pursuant to section 7 of the Natural Gas Act (NGA) and Part 157 of the Regulations of the Federal Energy Regulatory Commission (Commission), Texas Gas Transmission Corporation (Texas Gas) and Forest Oil Corporation (Forest Oil) filed in Docket No. CP01–093–000 and abbreviated application for: (1) Authorization for Texas Gas to abandon by sale to Forest Oil certain supply lateral facilities located in the South Marsh Island area, offshore Louisiana and (2) a declaratory order, that upon approval of the abandonment by sale, Forest Oil's ownership and operation of the subject supply lateral facilities will be exempt from the Commission jurisdiction under the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

The application states that Texas Gas has entered into an agreement with Forest Oil (successor to Force Energy, Inc.) whereby Texas Gas will, upon Commission approval, transfer by sale to Forest Oil certain supply lateral facilities consisting of approximately 2.12 miles of 8-inch diameter pipeline, 1.85 miles of 6-inch diameter pipeline and appurtenances located in blocks 10 and 11 of the South Marsh Island Area, offshore Louisiana.

Texas Gas states that the subject facilities, which are not contiguous to its mainline system, were originally constructed and operated to support its merchant function by connecting supplies in the South Marsh Island Area to the ANR Pipeline Company's pipeline system for ultimate delivery to Texas Gas' mainline system. Due to the elimination of Texas Gas' merchant function and termination of third party transportation agreements, for delivery of the subject gas supplies to Texas Gas' mainline system, Texas Gas no longer has a firm transportation commitment involving the utilization of these facilities. As such, these facilities are no longer integral to Texas Gas' role as an open-access transporter, and abandonment of these facilities will enable Texas Gas to streamline its transmission operations.

Texas Gas states that abandonment, by sale, of these supply lateral facilities will not adversely affect any of Texas Gas' customers, since for the past several years, records show that these supply facilities have not been utilized.

Questions regarding the details of this proposal and communications concerning this application should be directed to: David N. Roberts, Manager of Certificates and Tariffs, Texas Gas Transmission Corporation, PO Box 20008, Owensboro, Kentucky, 42304; call (270) 688–6712.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before March 23, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments

considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments and protests may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5643 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–288–013]

Transwestern Pipeline Company; Notice of Proposed Changes In FERC Gas Tariff

March 2, 2001.

Take notice that on February 27, 2001, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of Transwestern's FERC Gas Tariff, the following tariff sheets, proposed to become effective on February 2, 2001 and the February 6, 2001, respectively:

Second Revised Volume No. 1

Substitute Sixth Revised Sheet No. 5B.07
Substitute Seventh Revised Sheet No. 5B.07

Transwestern states that the above sheets are being filed to revise the tariff sheet setting forth the negotiated rate agreement with Richardson Products Company to reflect language that was inadvertently omitted from Transwestern's February 1 filing in this proceeding. Transwestern's February 1 filing was made in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the webat http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5639 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–73–000, et al.]

Nevada Power Company, et al.; Electric Rate and Corporate Regulation Filings

March 1, 2001.

Take notice that the following filings have been made with the Commission:

1. Nevada Power Company and Reliant Energy Sunrise, LLC

[Docket No. EC01–73–000]

Take notice that on February 23, 2001, Nevada Power Company (Nevada Power) and Reliant Energy Sunrise, LLC (Reliant), filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act and Part 33 of the Commission's Regulations for authorization of a disposition of jurisdictional facilities associated with Nevada Power's sale to Reliant of its interests in the 359 MW Sunrise Station. The Applicants state that they request confidential treatment of certain data used in the analysis of the effect of the transaction on competition, as well as the Asset Sales Agreement, and have submitted a proposed Protective Order governing such data.

Comment date: April 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Coastal Merchant Energy, L.P.

[Docket No. ER01–198–001]

Take notice that on February 26, 2001, Coastal Merchant Energy, L.P. submitted a compliance filing as part of its Notice of Succession, which initially was filed on October 23, 2000, pursuant to 18 CFR 35.16 and 131.15 of the Commission's regulations. The compliance filing provides revised rate schedules, required to be submitted under Order No. 614, Docket No. RM99–12–000, issued March 31, 2000.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Mesquite Power, LLC

[Docket No. EG01–105–000]

Take notice that January 24, 2001, Mesquite Power, LLC, a Delaware limited liability company, with its principal office located at 101 Ash Street, San Diego, California 92101, filed with the Federal Energy Regulatory Commission (Commission) an Application for Determination of Exempt Wholesale Generator Status pursuant to Part 365 of the Commission's regulations. Applicant will operate a combined-cycle, natural gas-fired electric generating plant and related facilities with the nominal generating capacity of 1,000 MW (the Facility). The Facility will be located in Maricopa County, Arizona, approximately 35 miles west of the Phoenix metropolitan area. The Facility has not yet been constructed, but one 500 MW power block is projected to commence commercial operations in June 2003 with the other 500 MW power block expected to commence commercial operations in January 2004. Upon the completion and commencement of commercial operation of each power block in the Facility, Applicant will be engaged directly and exclusively in the business of operating an "eligible facility" and selling electric energy at wholesale. The Facility constitutes an "eligible facility" under Section 32(a)(2) of PUHCA

because it will be used for the generation of electric energy exclusively for sale at wholesale.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. San Diego Gas & Electric Company, Complainant, v. Sellers of Energy and Ancillary Services into Markets Operated by the California Independent System Operator and the California Power Exchange, Respondents. Investigation of Practices of the California Independent System Operator and the California Power Exchange

[Docket No. EL00–95–015; Docket No. EL00–98–014]

Take notice that on February 26, 2001, California Power Exchange Corporation made a filing to comply with the Commission's January 29, 2001 order in this proceeding, 94 FERC ¶ 61,085.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Sithe Edgar LLC, Sithe New Boston LLC, Sithe Framingham LLC, Sithe West Medway LLC, Sithe Wyman LLC, Sithe Mystic LLC, AG–Energy, L.P., Power City Partners, L.P., Seneca Power Partners, L.P., Sterling Power Partners, L.P., Sithe Power Marketing, L.P., Sithe Power Marketing, Inc.

[Docket No. ER01–513–001]

Take notice that on February 26, 2001, Sithe Edgar LLC, Sithe New Boston LLC, Sithe Framingham LLC, Sithe West Medway LLC, Sithe Wyman LLC, Sithe Mystic LLC, AG–Energy, L.P., Power City Partners, L.P., Seneca Power Partners, L.P., Sterling Power Partners, L.P., Sithe Power Marketing, L.P. and Sithe Power Marketing, Inc. (together, the Sithe Jurisdictional Affiliates) tendered for filing proposed rate schedule designations in compliance with Order No. 614, for the Sithe Jurisdictional Affiliates' FERC Electric Rate Schedules Nos. 1 and 2, which were accepted for filing by the Commission in an Order issued in this proceeding on January 24, 2001.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Southern Company Services, Inc.

[Docket No. ER01–602–002]

Take notice that on February 26, 2001, Southern Company Services, Inc., as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (collectively, Southern Companies), tendered for filing rate schedule sheets compliant with Commission Order No. 614 for Southern Operating Companies Rate Schedules FERC Nos. 66, 67, and 68 pursuant to the letter order in Docket No. ER01–602, dated January 24, 2001. The three Order No. 614 compliant rate schedules tendered for filing concern 1988 Unit Power Sales agreements between Southern Companies and Florida Power Corporation, Florida Power & Light, and Jacksonville Electric Authority.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. PacifiCorp

[Docket No. ER01–798–001]

Take notice that on February 26, 2001, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, an amendment to its filing to revise Schedules 4, 7 and 8 as well as Attachment 7 to its open access transmission tariff, PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff). The revisions modify the procedures used in the handling of energy imbalances and transmission losses under the Tariff.

PacifiCorp has requested an effective date of January 1, 2001.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Electric Power Company

[Docket No. ER01–855–001]

Take notice that on February 26, 2001, Wisconsin Electric Power Company (Wisconsin Electric) resubmitted for filing a Coordinated Operating Agreement, designated as Rate Schedule Number 101, between Wisconsin Electric and Consumers Energy Company.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Cinergy Services, Inc.

[Docket No. ER01–1321–000]

Take notice that on February 26, 2001, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF#69542023).

This service agreement has a yearly firm transmission service with Louisville Operating Companies via the Gibson Unit Nos. 1—5 Generating Station.

Provider and Customer are requesting an effective date of March 1, 2001.

Comment date: March 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Wisconsin Electric Power Company

[Docket No. ER01–1322–000]

Take notice that on February 26, 2001, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing a Notice of Cancellation effective January 1, 2001 of an Interchange Agreement, as amended, designated as Rate Schedule FERC No. 68 on September 30, 1992, between Wisconsin Electric and Madison Gas and Electric Company.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Deseret Generation & Transmission Co-operative, Inc.

[Docket No. ER01–1323–000]

Take notice that on February 26, 2001, Deseret Generation & Transmission Co-operative, Inc. (Desert), tendered for filing with the Federal Energy Regulatory Commission (FERC) notices of cancellation of Service Agreement Nos. 21 and 23 to Deseret Generation & Transmission Co-operative, Inc., FERC Electric Tariff, Original Volume No. 2.

Deseret requests an effective date of February 26, 2001.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Cinergy Services, Inc.

[Docket No. ER01–1324–000]

Take notice that on February 22, 2001, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF#69543598).

This service agreement has a yearly firm transmission service with American Electric Power via the Gibson Unit Nos. 1—5 Generating Station.

Provider and Customer are requesting an effective date of March 1, 2001.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. PacifiCorp

[Docket No. ER01–1325–000]

Take notice that on February 26, 2001, PacifiCorp, tendered for filing in accordance with 18 CFR Part 35 of the

Commission's Rules and Regulations, a Long-Term Firm Transmission Service Agreement with Powerex Corporation (Powerex) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. American Electric Power Service Corporation

[Docket No. ER01–1327–000]

Take notice that on February 26, 2001, the American Electric Power Service Corporation (AEPSC) tendered for filing replacement blanket Service Agreements for existing customers under customers under the AEP Companies' Power Sales Tariffs. The Power Sales Tariffs were accepted for filing by the Commission as FERC Electric Tariff Original Volume No. 5, Effective October 10, 1997 in Docket Number ER 97–4143–00 and FERC Electric Tariff Original Volume No. 8, Effective January 8, 1998 in Docket Number ER 98–542–000.

AEPSC respectfully requests waiver of notice to permit the Service Agreements to be made effective to be effective on or prior to February 1, 2001.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. American Electric Power Service Corporation

[Docket No. ER01–1328–000]

Take notice that on February 26, 2001, the American Electric Power Service Corporation (AEPSC) tendered for filing a Request for Power (RFP) and associated Power Supply Agreement (Supply Agreement) for a firm power sale exceeding one year in length between AEPSC and Public Utility District No. 1 of Snohomish County (Snohomish) under the terms and conditions of the RFP, Supply Agreement, the Western System Power Pool (WSPP) Agreement effective July 1, 2000 in Docket ER99–541–000 as amended and AEPSC's Power Sales Tariff. The Power Sales Tariff was accepted for filing effective October 10, 1997, and has been designated AEP Companies' FERC Electric Tariff Original Volume No. 5 in Docket ER97–4143–000.

AEPSC respectfully requests waiver of notice to permit the RFP and Supply Agreement to be made effective on or prior to February 1, 2001.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Idaho Power Company IDACORP Energy Solutions, LP

[Docket No. ER01–1329–000]

Take notice that on February 26, 2001, Idaho Power Company (IPCO) and IDACORP Energy Solutions, LP (IES) filed the Agreement for Electricity Supply Management Services between Idaho Power Company and IDACORP Energy Solutions, LP. In addition, IES filed a Market Rate Power Sale Tariff and IPCO filed an amendment to its Market Rate Power Sale Tariff.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. El Paso Merchant Energy, L.P.

[Docket No. ER01–1330–000]

Take notice that on February 26, 2001, El Paso Merchant Energy, L.P. submitted a Notice of Succession pursuant to 18 CFR 35.16 and 131.15 of the Commission's regulations. El Paso Merchant Energy, L.P. is succeeding to the Rate Schedule FERC No. 1 filed by Coastal Merchant Energy, L.P. in Docket No. ER01–198–001. This rate schedule should now be designated as El Paso Merchant Energy, L.P., Original Rate Schedule No. 2, effective February 1, 2001.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Xcel Energy Operating Companies, Northern States Power Company

[Docket No. ER01–1332–000]

Take notice that on February 26, 2001, Northern States Power Company (NSP), a wholly-owned utility operating company subsidiary of Xcel Energy Inc., tendered for filing (a) a letter agreement to extend the Distribution Facilities Agreement between NSP and the City of Shakopee, Minnesota (City), and (b) a letter agreement to extend a previously approved interim rate for the period January 1, 2001, through December 31, 2001

NSP requests the letter agreements be accepted for filing effective January 1, 2001, and requests waiver of the Commission's notice requirements in order for the Agreements to be accepted for filing on the date requested.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5636 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2659–011 Oregon]

PacifiCorp; Notice of Availability of Draft Environmental Assessment

March 2, 2001.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for a new license for the Powerdale Hydroelectric Project, and has prepared a Draft Environmental Assessment (Draft EA). The project is located on the Hood River, near the town of Hood River, in Hood River County, Oregon. The Draft EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

Copies of the Draft EA are available for review in the Public Reference Room, Room 2A, of the Commission's offices at 888 First Street, NE., Washington, DC 20426.

Any comments should be filed within 45 days from the date of this notice and should be addressed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For further information, contact Bob Easton, Team Leader, at (202) 219–2782. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5641 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–1]

Proposed CERCLA Prospective Purchaser Agreement; Master Metals, Inc., Superfund Site; City of Cleveland, Cuyahoga County, OH

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9601 *et seq.*, and the authority of the Attorney General of the United States to compromise and settle claims of the United States as delegated, notice is hereby given of a proposed prospective purchaser agreement concerning a portion of the Master Metals, Inc., Superfund site at 2850 W. Third Street, Cleveland, Cuyahoga County, Ohio, 44113, with the Northern Ohio Lumber & Timber Company (NOLTCO). The agreement covers the entire facility portion of the site, approximately 4.3 acres. The agreement requires NOLTCO to pay $2,000 to the Hazardous Substance Superfund; to grant future access rights; to record appropriate deed notices; to undertake operation and maintenance of the site remedy in the future; and to provide for site security in the future. The agreement includes a covenant not to sue NOLTCO under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a) and contribution protection for NOLTCO under section 113(f)(2), 42 U.S.C. 9613(f)(2). For thirty (30) days following the date of publication of this notice, the United States will receive written comments relating to the agreement. The United States will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations which indicate that the agreement is inappropriate, improper, or inadequate. The United States' response to any comments received will be available for public inspection at U.S. EPA, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604. Please contact Gwén Massenburg, Remedial Project Manager, at (312) 886–0983 to make arrangements to inspect the comments.

DATES: Comments must be submitted on or before April 9, 2001.

ADDRESSES: The proposed settlement is available for public inspection at U.S. EPA, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604. A copy of the proposed agreement may be obtained from Kris Vezner, Assistant Regional Counsel, at U.S. EPA, Region 5, 77 W. Jackson Boulevard (C–14J), Chicago, IL 60604, phone (312) 886–6827. Comments should reference the "Master Metals, Inc., Superfund Site—Cleveland—prospective purchaser agreement," and should be addressed to Mr. Vezner.

FOR FURTHER INFORMATION CONTACT: Kris Vezner, Assistant Regional Counsel, at U.S. EPA, Region 5, 77 W. Jackson Boulevard (C–14J), Chicago, IL 60604, phone (312) 886–6827.

Dated: February 9, 2001.

William E. Muno,

Director, Superfund Division, U.S. EPA Region 5.

[FR Doc. 01–5599 Filed 3–7–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

Special Executive Session

DATE & TIME: *Thursday, March 1, 2001, following the open meeting.*

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This Meeting was Closed to the Public Pursuant to 11 CFR 2.4(b)(1).

ITEM TO BE DISCUSSED: Personnel.

DATE & TIME: *Tuesday, March 13, 2001 at 10 a.m.*

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This Meeting will be Closed to the Public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 2 U.S.C. 437g. Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C. Matters concerning participation in civil actions or proceedings or arbitration. Internal personnel rules and procedures or matters affecting a particular employee.

DATE & TIME: *Thursday, March 15, 2001 at 10 a.m.*

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This Meeting will be Open to the Public.

ITEMS TO BE DISCUSSED: Correction and Approval of Minutes. Draft Advisory Opinion 2000–30: Pac.com by counsel, Ronald B. Turovsky. Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Acting Secretary of the Commission.

[FR Doc. 01–5834 Filed 3–6–01; 12:42 pm]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011550–007.

Title: ABC Discussion Agreement.

Parties: A.P. Moller-Maersk Sealand, Evergreen Marine Corp. (Taiwan) Ltd., Hamburg-Sud, King Ocean Service, S.A., Seafreight Line, Ltd.

Synopsis: The proposed agreement modification, among other things, (1) adds authority for the parties to enter into joint service contracts, adopt voluntary contract guidelines, and share vessel space on an ad hoc basis; (2) revises agreement membership provisions; and (3) deletes Evergreen Marine as a party.

Agreement No.: 011672–003.

Title: CSAV Group Cooperative Working Agreement.
Parties: Compania Sud Americana de Vapores S.A., Companhia Libra de Navegacao, Norasia Container Lines Limited, Montemar Maritima S.A., CSAV Sud Americana de Vapores S.A.
Synopsis: The proposed amendment adds CSAV Sud Americana de Vapores S.A. to the agreement.
Agreement No.: 011733–001.
Title: Common Ocean Carrier Platform Agreement.
Parties: A.P. Moller-Maersk Sealand, P&O Nedlloyd Limited, Hamburg Sud, Mediterranean Shipping Company, S.A., CMA CGM, Hapag-LLoyd Container Line GmbH.
Synopsis: The proposed amendment clarifies that Inttra shall not negotiate or mediate between any member and their shipper customers, provides for class A voting stock and class B non-voting stock ownership in Inttra, provides procedures for appointing a director to the Board of Directors, provides for the appointment of a Chief Executive Officer, and makes clarifying changes and deletions in the text.
Agreement No.: 011743–002.
Title: Global Transportation Network Agreement.
Parties: ANZDL Limited, APL Co. PTE Ltd., Canada Maritime Limited, Cast Line Limited, Contship Containerlines Limited, CP Ships Holding Inc., Crowley Maritime Corporation, CSAV Group Cooperative Working Agreement, Compania Sud American De Vapores S.A., Norasia Container Lines Limited, Montemar Maritima S.A., Companhia Libra de Navagacao, Hanjin Shipping Co., Ltd, Kawasaki Kisen Kaisha, Ltd., Lykes Lines Limited, LLC, Mexican Line Limited, Mitsui O.S.K. Lines, Ltd., Senator Linie GmbH & Co., KG, Wan Hai Lines Ltd., Zim Israel Navigation Company, Hyundai Merchant Marine Co., Ltd, Yangming Marine Transport Corp.
Synopsis: The proposed modification adds the CSAV Group Cooperative Working Agreement (FMC Agreement No. 011672) as a single party. The parties have requested expedited review.
Agreement No.: 201073–001.
Title: Oakland—Hanjin Terminal Agreement.
Parties: Port of Oakland, Hanjin Shipping Co., Ltd.
Synopsis: The proposed amendment clarifies China National Foreign Trade Transportation Group Corp's. status as a primary user under the agreement.
Agreement No.: 201116.
Title: Marine Terminal Management Agreement between Broward County and South Stevedoring, Inc.
Parties: Broward County (a political subdivision of the State of Florida) South Stevedoring, Inc.
Synopsis: The proposed agreement assigns certain property to South Stevedoring, Inc. for use as a container terminal yard. The terminal agreement runs through February 28, 2021.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,
Secretary.

[FR Doc. 01–5598 Filed 3–7–01; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as Non-Vessel Operating Common Carriers and Ocean Freight Forwarders—Ocean Transportation Intermediaries pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants:
Central Ocean Freight Inc., 1 River Place, Rm. 2113, New York, NY 10036, Officer:, Joeson Ko, President, (Qualifying Individual)
Movingarrow Logistics, 13337 South Street, Suite 280, Cerritos, CA 90703, Officer: Norman Kao, President (Qualifying Individual)
Max Oshima Inc. d/b/a Maxway Freight Systems, 929 West Spruce Street, Inglewood, CA 90301, Officers: Kuniaki Alex Tamaki, Vice President (Qualifying Individual) Max Oshima, President
Sea-Go International, Incorporated, 400 Washington Street, Mount Holly, NJ 08060, Officers: Roy J. Lombardo, President (Qualifying Individual) Steven G. Ochs, CEO
V.I.P. Relocations, Ltd., 21–01, 44 Road, Long Island City, NY 11101, Officers: Robert Hendler, President (Qualifying Individual) Richard McCombie, Vice President
Smartlink (U.S.A.), Inc., 184–45 147th Avenue, Suite 102, Springfield Gardens, NY 11413, Officer: Horace Wang, President (Qualifying Individual)

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:
Skycel Inc. d/b/a Econcargo, 8220 NW 68th Street, Miami, FL 33166, Officers: Veronica Caraballo, Vice President (Qualifying Individual) Jose Luis Maza, President

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:
Fagioli USA, Inc., 3050 Post Oak Boulevard, Suite 205, Houston, TX 77056–6570, Officers: Lothar Kammerer, Vice President (Qualifying Individual) Giovanni Fagioli, President
Oceanic Container Line, Inc. d/b/a Global Logistics Solutions, 167–21 Porter Road, Suite 201, Jamaica, NY 11434, Officer: Kenney W. Whitman, President (Qualifying Individual)
Aero Logistics of the United States of America, Inc., 270 Lawrence Avenue, So. San Francisco, CA 94080, Officers: Kelly Kirk, Operations Manager Rick Baggetta, President (Qualifying Individuals) Tony Bonino, CEO

Bryant L. VanBrakle,
Secretary.

[FR Doc. 01–5595 Filed 3–7–01; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Revocations

The Federal Maritime Commission hereby gives notice that the following ocean transportation intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:

License Number: 4620F.
Name: Benjamin N.K. Ho d/b/a Horizon International Co.
Address: 1310 E. Ocean Blvd., #603, Long Beach, CA 90802.
Date Revoked: January 28, 2001.
Reason: Failed to maintain a valid bond

License Number: 15940N.
Name: Chunho Sea-Air Incorporated.
Address: 1360 Landmeier Road, Elk Grove Village, IL 60007.
Date Revoked: January 28, 2001.
Reason: Failed to maintain a valid bond

License Number: 4268F.
Name: J & S Universal Services, Inc. dba Patrick & Rosenfeld Shipping Corp.
Address: 1420 NW 82nd Avenue, Miami, FL 33126.
Date Revoked: January 26, 2001.
Reason: Failed to maintain a valid bond

License Number: 14718N.
Name: Kintetsu Flexipak, Inc.
Address: 3414 Yale Street, Houston, TX 77018.
Date Revoked: February 7, 2001.
Reason: Failed to maintain a valid bond

License Number: 14173NF.
Name: Pactrans Marine, Inc.
Address: 12801 South Figueroa Street, Los Angeles, CA 90061.
Date Revoked: January 26, 2001.
Reason: Failed to maintain a valid bond

License Number: 15474N.
Name: Phantom Transport, Inc.
Address: 18732 Crenshaw Blvd., Torrance, CA 90504.
Date Revoked: February 9, 2001.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,
Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–5596 Filed 3–7–01; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR 515.

License No.	Name/Address	Date reissued
4335NF ...	International Services, Inc., 2907 Empress Ct., Valrico, FL 33594.	December 1, 2000.
3863F	Tera Trading Group, Inc., d/b/a T.T.G. International Freight Forwarders, 1850 N.W. 82nd Avenue, Miami, FL 33126.	January 14, 2001.

Sandra L. Kusumoto,
Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–5597 Filed 3–7–01; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 22, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Eunice Barker, Dunlap, Tennessee; Flavius Barker, Naomi Barker, both of Columbia, Tennessee; Glenn Barker and Patsy Barker, both of Dunlap, Tennessee; Greg Barker, Dunlap, Tennessee; Glenda Mabry, and Carl D. Mabry, both of Lenoir City, Tennessee; Allen Barker, Dunlap, Tennessee; Ann Hale, and Harmon L. Hale, both of Dunlap, Tennessee; John Barker, Dunlap, Tennessee; Charles Barker, Dunlap, Tennessee; and Sara Hampton, Terry, Mississippi; all to retain voting shares of Sequatchie Valley Bancshares, Inc., Dunlap, Tennessee, and thereby indirectly retain voting shares of Citizens Tri-County Bank, Dunlap, Tennessee.

Board of Governors of the Federal Reserve System, March 2, 2001.

Robert deV. Frierson
Associate Secretary of the Board.

[FR Doc. 01–5606 Filed 3–7–01; 8:45 am]
BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 2, 2001.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. Citigroup Inc., New York, New York; Citigroup Holding Company, Wilmington, Delaware; and Citicorp, New York, New York; to acquire 100 percent of the voting shares of European American Bank, New York, New York.

B. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. BB&T Corporation, Winston-Salem, North Carolina; to merge with Virginia Capital Bancshares, Inc., Fredericksburg, Virginia, and thereby indirectly acquire voting shares of Fredericksburg State Bank, Fredericksburg, Virginia.

C. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. NBOG Bancorporation, Inc., Gainesville, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Gainesville, Gainesville, Georgia (in organization).

D. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Shamrock Bancshares Employee Stock Ownership Plan, Coalgate, Oklahoma; to become a bank holding company by acquiring 25 percent of the voting shares of Shamrock Bancshares, Inc., Coalgate, Oklahoma; and thereby indirectly acquire voting shares of First National Bank, Coalgate, Oklahoma; First National Bank, Mountain View, Oklahoma; Bryan County National Bank, Caddo, Oklahoma; Clayton State Bank, Clayton, Oklahoma; and First Bank of Apache, Apache, Oklahoma.

Board of Governors of the Federal Reserve System, March 2, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–5607 Filed 3–7–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 22, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. National Bancshares, Inc., Bettendorf, Iowa; to acquire FirstCity Mortgage Corp., Bettendorf, Iowa; and thereby engage in residential real estate lending, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, March 2, 1001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–5608 Filed 3–7–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 2, 2001.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. PSB Bancorp, Inc., Philadelphia; to acquire Jade Financial Corp., Feasterville, Pennsylvania, and IGA Federal Savings Bank, Feasterville, Pennsylvania, and thereby engage in owning, controlling, or operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, March 5, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–5722 Filed 3–7–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–01–23]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

National Public Health Performance Standards Program State Public Health System Assessment—New—Public Health Practice Program Office (PHPPO), Centers for Disease Control and Prevention (CDC).

Since 1998, the CDC National Public Health Performance Standards Program has convened workgroups with the National Association of County and City Health Officials (NACCHO), the Association of State and Territorial Health Officials (ASTHO), the National Association of Local Boards of Health (NALBOH), the American Public Health Association (APHA), and the Public Health Foundation (PHF) to develop performance standards for public health systems based on the essential services of public health. In the fall of 2000, CDC conducted field tests with the state public health survey instruments in Hawaii, Minnesota, and Mississippi.

CDC is now proposing to implement a formal, voluntary data collection, based on the lessons learned during field testing, to assess the capacity of state public health systems to deliver the Essential Services of Public Health. Electronic data submission will be the method of choice when state and territorial health departments complete the public health assessment.

An estimated 33% of the 59 state and territorial health departments are expected to participate in the National Performance Standards Program during the first year. In year 2, an additional 25% are expected to complete the assessment. There are no cost to respondents.

NATIONAL PERFORMANCE STANDARDS PROGRAM BURDEN TABLE

Respondents	Responses per respondent	Average burden response (in hrs.)	Total burden hours
Year 1			
20	1	15	300
Year 2			
15	1	15	225

Dated: March 2, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–5730 Filed 3–7–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–01–24]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

National Public Health Performance Standards Program Local Public Health System Assessment—Revised—Public Health Practice Program Office (PHPPO), Centers for Disease Control and Prevention (CDC).

Since 1998,the CDC National Public Health Performance Standards Program has convened workgroups with the National Association of County and City Health Officials (NACCHO), the Association of State and Territorial Health Officials (ASTHO), the National Association of Local Boards of Health (NALBOH), the American Public Health Association (APHA), and the Public Health Foundation (PHF) to develop performance standards for public health systems based on the ten Essential Services of Public Health. In the fall of 2000, CDC conducted field tests with the local public health survey instruments in the States of Hawaii, Minnesota, and Mississippi.

CDC is now proposing to implement a voluntary data collection to assess the capacity of local public health systems to deliver the Essential Public Health Services. Electronic data submission will be the method of choice. If computer technology in local jurisdictions does not support electronic submission, hard-copy survey instruments will be available. Local jurisdictions using hard-copy survey instruments will receive assistance from State or local level field coordinators for web-based data entry.

Local health departments will respond to the survey on behalf of the collective body of representatives from the local public health system. An estimated 25% of approximately 3,500 United States local health departments are expected to participate in the National Performance Standards Program during the first year. In year 2, an additional 30% are expected to complete the assessment. The remaining 25% of local health agencies are expected to collaborate with and submit survey data with other respondents. There are no cost to respondents.

NATIONAL PERFORMANCE STANDARDS PROGRAM BURDEN TABLE

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden per response (in hrs.)
Year 1				
Local Public Health Agencies	875	1	11	9,625
Year 2				
Local Public Health Agencies	1050	1	11	11,550
Total				22

Dated: March 2, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–5731 Filed 3–7–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–18–01]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

Supplement to HIV/AIDS Surveillance (SHAS) Project, OMB No. 0920–0262—Extension—National Center for HIV/STD and Tuberculosis Prevention, Centers for Disease Control and Prevention (CDC) is proposing to extend the currently approved questionnaire for the Supplement to HIV/AIDS Surveillance (SHAS) project. This questionnaire provides detailed information about persons with HIV infection which continues to be of significant interest to public health, community, minority groups and affected groups.

Since 1989, the CDC, in collaboration with 12 State and local health agencies, has collected data through the national Supplemental HIV/AIDS Surveillance project. The objective of this project is to obtain increased descriptive information on persons with newly reported HIV and AIDS infections, including sociodemographic characteristics, risk behaviors, use of health care services, sexual and substance abuse behaviors, minority issues and adherence to therapy. The revised questionnaire will address important emerging surveillance and prevention issues, particularly those related to the recent advances in therapy for HIV infection. This information supplements routine national HIV/AIDS surveillance and is used to improve CDC's understanding of minority issues related to the epidemic of HIV, target educational efforts to prevent transmission, and improve services for persons with HIV infection. The total annual burden hours are 3,625.

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (In hours)	Total burden hours
Arizona	250	1	1	250
California	400	1	1	400
Colorado	150	1	1	150
Connecticut	250	1	1	250
Delaware	250	1	1	250
Florida	400	1	1	400
Georgia	350	1	1	350
Kansas	125	1	1	125
Maryland	150	1	1	150
Michigan	200	1	1	200
Minnesota	150	1	1	150
New Jersey	250	1	1	250
New Mexico	100	1	1	100
S. Carolina	250	1	1	250
Texas	200	1	1	200
Washington	150	1	1	150

Dated: March 2, 2001.

Charles Gollmar,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–5732 Filed 3–7–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–01–22]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Tests and Requirements for Certification and Approval of Respiratory Protective Devices (42 CFR 84 Regulation) OMB No. 0920–0109—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC). The regulatory authority for the National Institute for Occupational Safety and Health (NIOSH) certification program for respiratory protective devices is found in the Mine Safety and Health Amendments Act of 1977 (30 U.S.C. 577a, 651 *et seq.*, and 657(g)) and the Occupational Safety and Health Act of 1970 (30 U.S.C. 3, 5, 7, 811, 842(h), 844). These regulations have, as their basis, the performance tests and criteria for approval of respirators used by millions of American construction workers, miners, painters, asbestos removal workers, fabric mill workers, and fire fighters. In addition to benefitting industrial workers, the improved testing requirements also benefit health care workers implementing the current CDC Guidelines for Preventing the Transmission of Tuberculosis. Regulations of the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) also require the use of NIOSH-approved respirators. NIOSH, in accordance with implementing regulations 42 CFR 84: (1) Issues certificates of approval for respirators which have met improved construction, performance, and protection requirements; (2) establishes procedures and requirements to be met in filing applications for approval; (3) specifies minimum requirements and methods to be employed by NIOSH and by applicants in conducting inspections, examinations, and tests to determine effectiveness of respirators; (4) establishes a schedule of fees to be charged applicants for testing and certification, and (5) establishes approval labeling requirements. There are no cost to respondents.

Section/data type	Average number of respondents	Responses per respondent	Average burden per response (in hours)	Total burden in hours
84.11/Applications	61	7	64	27,328
84.33/Labeling	61	7	2	854
84.35/Modifications	61	7	79	33,733
84.41/Reporting	61	7	23	9,821
84.43/Recordkeeping	61	7	57	24,339
84.257/Labeling	61	7	2	854
84.1103/Labeling	61	7	2	854
Total				97,783

Dated: February 28, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–5733 Filed 3–7–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Notice No. ACF/ACYF/RHYP 2001–01]

Notice of Availability of Financial Assistance for the Runaway and Homeless Youth Programs

AGENCY: Family and Youth Services Bureau, ACF, DHHS.

ACTION: This Notice announces the availability of financial assistance for the FY 2001 Basic Center Program for Runaway and Homeless Youth (BCP) and FY 2001 Street Outreach Program (SOP).

This Notice announces the availability of the official FY 2001 Program Announcement. The official announcement must be used to apply for grant funding under the competitive grant areas and is available by calling or writing the ACTF Operations Center (address below) or by downloading the announcement for the FYSB website at *http:/www.acf.dhhs.gov/programs/FYSB?fund-anncmt.htm.*

Legislative Authority: Grants for Runaway and Homeless Youth programs

are authorized by the Runaway and Homeless Youth Act (RHY Act) as amended by Pub. L. 106–71.

Deadlines: The deadlines for RECEIPT of applications for new grants under this announcement are as follows:

CFDA#	Programs	Deadline dates	Deadline times
93.623	Basic Center Program	May 4, 2001	4:30 p.m. (EDT).
93.557	Street Outreach Program	May 4, 2001	4:30 p.m. (EDT).

Mailing and Delivery Instructions: Applications must be in hard copy. Mailed applications and applications hand delivered by applicants, applicant couriers, overnight/express mail couriers or any other method of hand delivery shall be considered as meeting an announced deadline if they are received on or before the deadline, at the following address: ACYF Operations Center, 1815 North Fort Myer Drive, Suite 300, Arlington, VA 22209, Telephone: 1–800–351–2293, email: FYSB@lcgnet.com.

Applications may be hand delivered to the above address between the hours of 8:00 a.m. and 4:30 p.m. (EDT) Monday through Friday (excluding Federal Holidays.)

Applicants are responsible for mailing and delivering applications well in advance of deadlines to ensure that the applications are received on time. Applications received after 4:30 p.m. (EDT) on the deadline date will be classified as late. Postmarks and other similar documents do not establish receipt of an application.

ACF will not accept applications delivered by fax or e-mail regardless of date or time of submission and receipt.

Late Applications: Applications which do not meet the criteria stated above and are not received by the deadline date and time are considered late applications. The Administration for Children and Families (ACF) will notify each late applicant that its application will not be considered in the current competition.

Extension of Deadline: ACF may extend an application deadline for applicants affected by acts of God such as floods and hurricanes, or when there is widespread disruption of the mails. A determination to waive or extend deadline requirements rests with the Chief Grants Management Officer.

SUPPLEMENTARY INFORMATION: Grant awards for FY 2001 funds will be made by September 30, 2001, for the Basic Center and Street Outreach Programs.

The estimated funds available for new starts and the approximate number of new grants that may be awarded under this program announcement are as follows:

Competitive grant area	New start funds available	Estimated No. of new grants
A. BCP	$16,700,000	120
B. SOP	8,800,000	88

In addition to the new start grants, the Administration for Children and Families has provided for non-competitive continuation funds to current grantees in the following programs:

Grant area	Funds available	No. of grants
A. BCP	$24,997,929	241
B. SOP	4,817,193	53

Part 1. Competitive Grant Areas and Summaries of Evaluation Criteria

Applicants must refer to the specific evaluation criteria for each competitive area contained in the official Program Announcement in order to adequately prepare their applications.

A. Basic Centers Program, CFDA# 93.623 (Competitive Grant Area A)

Program Purpose, Goals and Objectives

The purpose of this program is to establish or strengthen locally controlled, community-based programs that address the immediate needs of runaway and homeless youth and their families. Services must be delivered outside of the law enforcement, child welfare, mental health and juvenile justice systems. The program goals and objectives of the Basic Center Program are to:

- Alleviate problems of runaway and homeless youth;
- Reunite youth with their families and encourage the resolution of intra-family problems through counseling and other services.
- Strengthen family relationships and encourage stable living conditions for youth; and
- Help youth decide upon constructive courses of action.

Eligible Applicants

Any State, unit of local government, combination of units of local government, public or private nonprofit agency, organization or institution is eligible to apply for these funds. Federally recognized Indian Tribes are eligible to apply for Basic Center grants. Indian Tribes that are not federally recognized and urban Indian organizations are also eligible to apply for grants as private, nonprofit agencies.

Current Basic Center grantees with project periods ending on or before September 30, 2001, and all other eligible applicants not currently receiving Basic Center funds, may apply for a new competitive Basic Center grant under this announcement.

Current Basic Center Program grantees (including subgrantees) with one or two years remaining on their current grant and the expectation of continuation funding in FY 2001 may not apply for a new Basic Center grant for the community they currently serve. These grantees will receive instructions from their respective ACF Regional Offices on the procedures for applying for noncompetitive continuation grants.

Federal Share of Project Costs

Priority will be given to applicants that apply for less than $200,000 per year. The maximum Federal share for a 3-year project period is $600,000.

Applicant Share of Project Costs

Grantees must provide a non-Federal share or match of at least ten percent of the Federal funds awarded. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a three-year project costing $300,000 in Federal funds (based on an award of $100,000 per 12-month budget period) must provide a match of at least $30,000 ($10,000 per budget period). Grantees will be held accountable for commitments of non-Federal resources even if over the amount of the required match. Failure to provide the amount will result in disallowance of Federal match.

Duration of Project

This announcement solicits applications for Basic Center programs of up to three years duration (36-month project periods). Initial grant awards, made on a competitive basis, will be for one-year (12-month) budget periods. Applications for non-competitive continuation grants beyond the one-year budget periods, but within the 36-month project periods, will be entertained in subsequent years, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

B. Street Outreach Program, CFDA# 93.557 (Competitive Grant Area B)

Program Purpose, Goals and Objectives

The overall purpose of SOP is to provide education and prevention services to runaway, homeless and street youth who have been subjected to or are at risk of sexual exploitation or abuse. The goal of the program is to establish and build relationships between street youth and program outreach staff in order to help youth leave the streets. The objective of the program is to provide support services that will assist the youth in moving and adjusting to a safe and appropriate alternative living arrangement. These services include, at a minimum, treatment, counseling, provision of information and referral services. Street outreach programs must have access to local emergency shelter space that is an appropriate placement for young people and that can be made available for youth willing to come in off the streets. In addition, street outreach staff must have access to the shelter in order to maintain interaction with the youth during the time they are in the shelter.

Eligible Applicants

Any private, nonprofit agency is eligible to apply for these funds. Non-Federally recognized Indian Tribes and urban Indian organizations are eligible to apply for grants as private, non-profit agencies. Please note that public agencies are NOT eligible to apply for these funds.

Current Street Outreach Program grantees with project periods ending on or before September 30, 2001, and all other eligible applicants not currently receiving SOP funds, may apply for a new competitive SOP grant under this announcement.

Current Street Outreach Program grantees (including subgrantees) with one or two years remaining on their current grant and the expectation of continuation funding in FY 2001 may not apply for a new Street Outreach grant for the community they currently serve. These grantees will receive instructions from their respective ACF Regional Offices on the procedures for applying for continuation grants.

Federal Share of Project Costs

Applicants may apply for up to $100,000 in Federal support each year, a maximum of $300,000 for a 3-year project period. The maximum Federal share of project costs is $100,000 for 12 months.

Applicant Share of Project Cost

SOP grantees must provide a non-Federal share or match of at least ten percent of the Federal funds awarded. (There are certain exceptions for Tribes with "638" funding pursuant to Pub. L. 93–638, under which certain Federal grants may qualify as matching funds for other Federal grant programs, e.g., those which contribute to the purposes for which grants under section 638 were made.) The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. For example, a project requesting $100,000 in Federal funds must include a match of at least $10,000.

Duration of Project

This announcement solicits applications for Street Outreach Program projects of up to three years (36-month project periods). Initial grant awards, made on a competitive basis, will be for one-year (12-month) budget periods. Applications for non-competing continuation grants beyond the one-year budget periods, but within the 36-month project periods, will be considered subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

Summary of Evaluation Criteria for Competitive Areas A and B (BCP and SOP)

Criterion 1: Objectives and Need for Assistance (15 points)

Applications will be judged on how clearly they identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated. Applications will need to specify the goals and objectives of the project and how implementation will fulfill the purposes of the program. Applications should describe the conditions of youth and families in the area to be served; the incidence and characteristics of runaway, homeless or street youth and their families; the existing support systems for at-risk youth and families in the area, including other agencies providing services to runaway and homeless youth in the area.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 2: Results or Benefits Expected (20 points)

Applications will be judged on how clearly they identify the results and benefits to be derived, specify services to be provided, who will receive services, where and how these services will be provided, and how the services will benefit the youth families and the community to be served.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 3: Approach (35 points)

Applications will be judged on how clearly they outline a plan of action which: Describes the scope and detail of how the proposed work will be accomplished; accounts for all functions or activities identified in the application; cites factors which might accelerate or decelerate the work and reasons for taking the proposed approach rather than others.

Applications are encouraged to describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Applicants must agree to cooperate with any research or evaluation efforts sponsored by the Administration for Children and Families and to submit the required Annual Report to the Secretary of HHS on program activities and accomplishments with statistical summaries and other required program and financial reports, as instructed by FYSB.

Applications will be judged on the extent to which they describe the program's youth development approach or philosophy and indicate how it underlies and integrates all proposed activities. Applicants will be expected to list organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution; describe formal service linkages and plans for coordination with other agencies; describe plans for conducting outreach and encouraging awareness of

and sensitivity to the diverse needs of runaway and homeless youth who represent particular ethnic and racial backgrounds and sexual orientations. Applicants are encouraged to describe the type, capacity and staff supervision of the shelter that will be available for youth.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 4: Staff and Position Data (10 points)

Applicants will be judged on whether they provide a resume and biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed. Applicants will be expected to list organizations and consultants who will work on the program along with a short description of the nature of their effort or contribution.

Applicants will be expected to provide information on plans for training project staff as well as staff of cooperating organizations and individuals and state the expected or estimated ratio of staff to youth.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 5: Organizational Profile (10 points plus 5 possible bonus points)

Applicants will be expected to provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. Bonus points shall be awarded to applicant organizations who have demonstrated experience in providing services to runaway, homeless and street youth.

Applicants will be expected to provide a plan for project continuance beyond grant support, including a plan for securing resources and continuing project activities after Federal assistance has ceased and an annotated listing of applicant's funding sources. Such plans should include written agreements, if applicable, between grantees and subgrantees or subcontractors or other cooperating and letters of support and statements from community, public and commercial leaders that support the project proposed for funding.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 6: Budget and Budget Justification (10 points)

Applicants will be expected to provide a detailed line item budget and a narrative budget justification that describes how the categorical costs are derived. Applicants will be judged on how clearly they discuss the necessity, reasonableness, and allocability of the proposed costs and how clearly they describe the fiscal control and accounting procedures that will be used to ensure prudent use, proper disbursement and accurate accounting of funds received.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Part 2. Required Notification of the Single Point of Contact

Most portions of this program are covered under Executive Order 12372, Intergovernmental Review of Federal Programs, and 45 CFR part 100, Intergovernmental Review of Department of Health and Human Services Program and Activities. Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, and American Samoa have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-three jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Application for Federal Assistance, Standard Form 424, item 16.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards. A list of the Single Points of Contact for each State and Territory can be found on the web site *http://www.whitehouse.gov/omb/grants/spoc.html.* or by calling the ACYF Operations Center at 1–800–351–2293.

Dated: March 2, 2001.

James A. Harrell,

Acting Commissioner, Administration on Children, Youth and Families.

[FR Doc. 01–5654 Filed 3–7–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of Child Support Enforcement; Statement of Organization, Functions and Delegations; Correction

AGENCY: Office of Child Support Enforcement (OCSE), ACF, DHHS.

ACTION: Notice; correction.

SUMMARY: This notice corrects the Office of Child Support Enforcement Statement of Organization, Functions and Delegations published in the **Federal Register** on January 29, 2001 (66 FR 8116). It corrects the standard administrative codes, and the responsibilities of one Division; and makes a technical correction.

FOR FURTHER INFORMATION CONTACT: Marilyn R. Cohen, Administration for Children and Families, Office of Child Support Enforcement, 370 L'Enfant Promenade, SW., Washington, DC 20447, Phone: 202–401–5366.

Correction

In the cited issuance on page 8117 in section b. KF.10 Organization, correct the standard administrative codes by removing them and replacing them as follows:

Office of Director/Deputy Director/ Commissioner (KFA)
Office of Audit (KFAA)
Office of Grants Management (KFAB)
Office of Mandatory Grants (KFAC)
Office of the Deputy Commissioner (KFB)
Office of Automation and Program Operations (KFB1)
Division of Federal Systems (KFB11)
Division of State and Tribal Systems (KFB12)
Division of Management Services (KFB2)
Division of Consumer Services (KFB3)
Division of Planning, Research, and Evaluation (KFB4)
Division of Policy (KFB5)
Division of Special Staffs (KFB6)
Division of State, Tribal and Local Assistance (KFB7)

Description of Division/Office Changes

In addition, we are making a technical correction by removing the last word of the first paragraph on page 8119, "Tries" and replacing it with "Tribes."

Also, on page 8119 we are removing in its entirety paragraph KFB6. Division of State, Tribal, and Local Assistance and replacing it with the following:

KFB6. Division of State, Tribal and Local Assistance, in concert with regional offices, provides information and assistance on CSE operations. It provides national direction and leadership for training and technical assistance activities and regional operations to increase CSE program effectiveness both at Federal and State/tribal levels; develops guides and resource materials and serves as a clearinghouse for specialized program techniques for use by ACF regional offices and States and tribes. The Division, through its Technical Assistance Branch, ensures the transfer of best practices among States/tribes and local CSE agencies and coordinates technical assistance nationally. The Division operates a national CSE training center which includes the operation of the National Electronic Resource System; provides logistical support for both training events and meetings; and monitors contracts with organizations affiliated with child support enforcement programs in the areas of training and technical assistance. The Division, through the Special Initiatives Branch, provides outreach and liaison services to a variety of special interest populations.

Dated: March 2, 2001.

Diann Dawson,

Acting Principal Deputy Assistant Secretary, Administration for Children and Families.

[FR Doc. 01–5758 Filed 3–7–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–2636]

Guidance for Industry on Levothyroxine Sodium; Questions and Answers; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled "Levothyroxine Sodium: Questions and Answers." The guidance is intended to answer questions concerning applications for orally administered levothyroxine sodium drug products.

DATES: Submit written comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Drug Information Branch (HFD 210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Dockets Management Branch (HFA 305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Christine F. Rogers, Center for Drug Evaluation and Research (HFD 7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301 594 2041.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled "Levothyroxine Sodium: Questions and Answers." In the **Federal Register** of August 18, 1999 (64 FR 44935), FDA announced the availability of a draft version of this guidance. The August 18, 1999, document gave interested persons 60 days to submit comments. FDA has revised the guidance in response to comments. Among the revisions being made is that FDA has extended the deadline for levothyroxine sodium drug products to have approved applications from August 14, 2000, to August 14, 2001. This extension was announced in the **Federal Register** on April 26, 2000 (65 FR 24488).

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The guidance represents the agency's current thinking on issues concerning applications, including applications under section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(2)), for levothyroxine sodium. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may, at any time, submit written comments on the guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at http://www.fda.gov/cder/guidance/index.htm.

Dated: March 1, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5609 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–1148]

Guidance for Industry on Levothyroxine Sodium Tablets—In Vivo Pharmacokinetic and Bioavailability Studies and In Vitro Dissolution Testing; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled "Levothyroxine Sodium Tablets—In Vivo Pharmacokinetic and Bioavailability Studies and In Vitro

Dissolution Testing." This guidance is intended to assist sponsors of new drug applications (NDA's) for levothyroxine sodium tablets who wish to conduct in vivo pharmacokinetic and bioavailability studies and in vitro dissolution testing for their products.

DATES: Submit written comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Mei-Ling Chen, Center for Drug Evaluation and Research (HFD–350), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5688.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled "Levothyroxine Sodium Tablets—In Vivo Pharmacokinetic and Bioavailability Studies and In Vitro Dissolution Testing." This guidance contains agency recommendations on how to design in vivo pharmacokinetics and bioavailability studies and perform in vitro dissolution testing for levothyroxine sodium tablets, which were identified as new drugs in a notice published in the **Federal Register** of August 14, 1997 (62 FR 43535).

FDA announced the availability of a draft version of this guidance in the **Federal Register** of June 10, 1999 (64 FR 31280). The June 1999 draft document gave interested persons 60 days to submit comments. FDA carefully considered the comments it received and has made appropriate revisions. A separate section on biowaiver has been added to clarify information that appeared elsewhere in the draft guidance. The guidance also specifies that plasma/serum profiles and pharmacokinetic measures should be presented without adjustment of baseline levels.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The guidance represents the agency's current thinking on in vivo pharmacokinetic and bioavailability studies and in vitro dissolution testing for levothyroxine sodium tablets. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may, at any time, submit written comments on the guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain this guidance at http://www.fda.gov/cder/guidance/index.htm.

Dated: March 1, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5610 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0331]

Medical Devices; Implementation of Third Party Programs Under the FDA Modernization Act of 1997; Final Guidance for Staff, Industry and Third Parties; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a revision to the guidance document entitled "Guidance for Staff, Industry and Third Parties: Implementation of Third Party Programs Under the FDA Modernization Act of 1997." The revised guidance supersedes the October 30, 1998, guidance. FDA has amended the October 30, 1998, guidance to include criteria for the review of additional moderate risk (class II) devices by accredited persons under the Federal Food, Drug, and Cosmetic Act (the act). The revised guidance will assist those who are interested in participating in the expanded program, which is now in effect.

DATES: Submit written comments at any time.

ADDRESSES: Submit written requests for single copies on a 3.5" diskette of the guidance entitled "Implementation of Third Party Programs Under the FDA Modernization Act of 1997; Final Guidance for Staff, Industry and Third Parties" to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments concerning this guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: John F. Stigi, Center for Devices and Radiological Health (HFZ–220), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–443–6597.

SUPPLEMENTARY INFORMATION:

I. Background

On August 1, 1996, FDA began a voluntary Third Party Review Pilot Program for selected medical device premarket notifications ("510(k)'s"). The purpose of the pilot program was to: (1) Provide manufacturers of eligible devices an alternative 510(k) review process that could yield more rapid marketing clearance decisions; and (2) enable FDA to target its scientific review resources at higher risk devices, while maintaining confidence in the review by third parties of low-to-moderate risk devices. Under the program, all class I devices that were not exempt from 510(k) at that time and 30 class II devices were eligible for third party review.

The Food and Drug Administration Modernization Act of 1997 (FDAMA) was signed into law by former President Clinton on November 21, 1997. Section 210 of FDAMA essentially codified and expanded the Third Party Review Pilot Program by establishing section 523 of the act (21 U.S.C. 360m). Section 523 of the act directs FDA to accredit third parties (accredited persons) in the private sector to conduct the initial review of 510(k)'s for low-to-moderate risk devices and make recommendations to FDA regarding the initial classification of these devices under section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)). FDA published criteria in the **Federal Register** of May 22, 1998 (63 FR 28388), to grant or deny accreditation to persons who request to review 510(k)'s. In addition, FDA issued a list of devices that were eligible for review by accredited persons (May 20, 1998), which was updated in June 2000 to include additional class II devices for which device-specific guidance exists. This list is available on the Internet at http//www.fda.gov/cdrh/thirdparty. FDA also issued a guidance document entitled "Guidance for Staff, Industry and Third Parties: Implementation of Third Party Programs Under the FDA Modernization Act of 1997" (October 30, 1998). On November 21, 1998, FDA began accepting reviews and recommendations from accredited persons. Concurrently, FDA terminated the Third Party Review Pilot Program that began on August 1, 1996.

Industry use of third parties has been low. In an effort to encourage greater use of the Accredited Persons Program, the agency announced in the **Federal Register** of July 18, 2000 (65 FR 44540), a proposal to initiate a pilot that would allow third parties to review a significantly greater number of devices (hereinafter referred to as the July 2000 notice). Accordingly, FDA issued a draft revision of the October 30, 1998, guidance document and made available a proposed list of additional devices that would be eligible under the pilot.

The pilot would expand the device list by allowing, subject to certain specified conditions, third party review of class II devices for which device-specific guidance does not exist. Until now, device-specific guidance has existed for each class II device that is eligible for third party review. The pilot program would also include devices for which there is an exemption from 510(k). That is, if a new version of an exempted device requires a 510(k) because it exceeds the limitations of the 510(k) exemption for that device (as described in FDA's device classification regulations), the device would be eligible for third party review. The pilot, together with the existing device list, would allow third party review of all class I and class II devices regulated by CDRH that the agency believes are not prohibited from such review under the statute. Section 523(a)(3)(A) of the act specifies that an accredited person may not review: (1) A class III device, (2) a class II device which is intended to be permanently implanted or life-supporting or life-sustaining, or (3) a class II device which requires clinical data in the report submitted under section 510(k). (Section 523 of the act sets limits on the number of class II devices that may be ineligible for accredited person review because clinical data are required.)

As with the current Accredited Persons Program, the pilot would not include 510(k)'s that require multi-Center review (e.g., 510(k)'s for drug/device combination products) or devices for which the Center for Biologics Evaluation and Research has primary responsibility for review. FDA believes that the expanded number of devices resulting from the pilot and the existing program will be sufficient to satisfy the criteria in section 523(c) of the act that trigger a 4- or 5-year timeframe for the duration of the Accredited Persons Program.

Both the draft revised guidance document and the July 2000 notice provided an opportunity for public comment, which closed September 1, 2000. Based on the comments received, the following substantive changes have been incorporated into the final version of the revised guidance.

1. Section II.B (Outline of the Accredited Persons Review Program—Purpose and Nature of the Program) has been revised as follows:

- FDA has clarified that accredited persons should receive expanded accreditation in order to review devices in the pilot.
- The recommended conditions for participation in the pilot have been revised. The condition that an accredited person complete three successful 510(k) reviews under the third party program in order to participate in the pilot has been retained. However, the condition that at least one of the reviews be in the same or a similar medical specialty area as the pilot devices that the accredited person intends to review has been removed. Also, the condition that an accredited person contact the appropriate CDRH Office of Device Evaluation (ODE) Branch Chief (or designee) before initiating a review of a device under the pilot has been revised. The revised condition for prereview contact applies only if the accredited person has not previously reviewed this type of device, i.e., a prereview contact is expected for the accredited person's first review of a particular device type but not for subsequent reviews of the same device type.
- The stated purpose of the prereview contacts has been revised for consistency with the above changes. Also, FDA has clarified that an accredited person's summary of prereview contacts: (1) Should be submitted to ODE with the accredited person's 510(k) review, (2) does not require prior ODE review or concurrence, and (3) is intended to be a simple record of the contacts rather than an "agreement" or de facto guidance.

2. Section II.B (Outline of the Accredited Persons Review Program—Devices Eligible for Accredited Person Review) has been revised to state that FDA will monitor the pilot continuously and will conduct a review 24 months, rather than 12 months, after it begins.

3. Section II.B (Outline of the Accredited Persons Review Program—Identification of an Accredited Person) has been revised to remove language encouraging manufacturers to use multiple accredited persons. In this context, the language was interpreted as suggesting that manufacturers should not interact repeatedly with the same accredited person, which was not FDA's intent.

FDA believes that the revised guidance will contribute to timely and consistent third party reviews of 510(k)'s for the expanded list of devices. Accredited persons who wish to expand their accreditation to include devices in the pilot should submit a request to FDA, as described in Section III of the revised guidance document.

II. Significance of Guidance

This guidance represents the agency's current thinking on expanding the scope of the Accredited Persons Program to include all devices not excluded by statute. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both.

The agency has adopted good guidance practices (GGP's), which set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (65 FR 56468, September 19, 2000). This guidance document is issued as a Level 1 guidance consistent with FDA's GGP's regulation.

III. Electronic Access

In order to receive "Implementation of Third Party Programs Under the FDA Modernization Act of 1997; Final Guidance for Staff, Industry, and Third Parties" via your fax machine, call CDRH Facts-on-Demand (FOD) system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. At the first

voice prompt press 1 to access DSMA Facts, at second voice prompt press 2, and then enter the document number (1160) followed by the pound sign (#). Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes the civil money penalty guidance documents package, device safety alerts, Federal Register reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh "Implementation of Third Party Programs Under the FDA Modernization Act of 1997; Final Guidance for Staff, Industry and Third Parties" is available at http://www.fda.gov/cdrh/thirdparty.

IV. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding the guidance at any time. Such comments will be considered when determining whether to amend the current guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 26, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–5611 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, Circles of Care, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est. No. of awards	Project period
Circles of Care	May 10, 2001	$2.4 million	7–9	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of application received. FY 2001 funds for the activity discussed in this announcement were appropriated by Congress under Public Law No. 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement application were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health Services Knowledge Exchange, Network (KEN), PO Box 42490, Washington, DC 20015, Telephone: 1–800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: http://www.samhsa.gov.

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for grants to federally recognized tribal governments and urban Indian organizations to plan, design, and assess the feasibility of implementing a culturally appropriate system of care for American Indian and Alaska Native (AI/AN) children and their families who are experiencing or are at risk of serious emotional/behavioral disturbance. This is the second issuance of the grant program which seeks to provide tribal communities with tools and resources to design systems of care for their children that reflect the unique needs of their communities. This grant program will not fund actual services. An important focus will be to integrate traditional healing methods indigenous to the communities with conventional treatment methodologies.

Eligibility: Tribal governments and urban Indian organizations as defined by the Indian Self Determination Act, Pub. L. 93–638, and the Indian Health Care Improvement Act, Pub. L. 94–437 can apply. The terms "Indian," "tribal," "AI/AN," and "Native American" include Alaska Native organizations. Collaboration with tribal colleges or universities is strongly encouraged. Previous Circle of Care grantees are not eligible to apply.

Availability of Funds: Approximately $2.4 million will be available for 7–9 awards. The average award will be approximately $275,000 per year in total costs (direct and indirect), with awards ranging from $250,000–$350,000. Actual funding levels will depend on the availability of funds, state population, problems identified in the National Household Survey on Drug Abuse, and other factors.

Period of Support: Support may be requested for up to 3 years. Annual non-competitive awards depend on the availability of funds and progress achieved.

Criteria for Review and Funding—General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues contact: Jill Shepard Erikson, M.S.W. and Gary De Carolis, M.Ed., Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 11C–16, Rockville, MD 20857, Telephone: 301–443–1333, Email: *jerickso@samhsa.gov,* gdecarol@samhsa.gov.

For questions regarding grants management issues, contact: Gwen Simpson, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rm 13–103, Rockville, MD 20857, (301) 443–4456, E-mail: gsimpson@samhsa.gov.

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 2, 2001.

Richard Kopanda,

Executive Officer, SAMHSA

[FR Doc. 01–5615 Filed 3–7–01; 8:45 am]

BILLING CODE 4162–20–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA) HHS.

ACTION: Notice of funding availability, revision of program announcement and notice of special racial and ethnic minority initiative.

SUMMARY: The Substance Abuse and Mental Health Services Administration's Center for Mental Health Services in partnership with the Center for Substance Abuse Treatment and the Center for Substance Abuse Prevention announces the availability of FY 2001 funds for the following activity. This activity has two parts. The first action is to announce a technical revision of the standing program announcement for the Community Action Grants Program. The second activity is to announce a Notification of Funding Availability for a Special Racial and Ethnic Priority Initiative under the Community Action Program.

This notice is not a complete description of the activity; potential applicants must obtain a copy of the Program Announcement, including Part I, Community Action Grants for Service Systems Change and a copy of the Special Racial and Ethnic Minority Initiative; and Part II, General Policies and Procedures Applicable to all SAMHSA Guidance for Applicants for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est. no. of awards	Project period
Re-issuance of Community Action Grant & Special Racial and Ethnic Minority Initiative.	May 10, 2001 & Sept. 10, 2001.	$5.1 million	34–51	1 year.

Activity	Application deadline	Est. funds FY 2001	Est. no. of awards	Project period
	May 10, 2001	$1.2 million	8–12	1 year.

The actual amount available for the award may vary, depending on the unanticipated program requirements and the number and quality of applications received. FY 2001 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions

Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health Services Knowledge Exchange, Network (KEN), P.O. Box 42490, Washington, DC 20015, Telephone: 1–800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: http://www.samhsa.gov.

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) in cooperation with the Center for Substance Abuse Treatment (CSAT) and the Center for Substance Abuse Prevention announce a technical revision to the Community Action Grant Program Announcement. This revision corrects typographical errors and includes information on the availability of Fiscal Year 2001 funds for these grants.

The grant program supports the adoption and implementation of exemplary practices related to the delivery and organization of services for children with serious emotional disturbances or adults with serious mental illness. The target population may also have co-occurring disorders, such as substance abuse or other mental, emotional, or behavioral disorders. This program is made up of two types of grants: Phase I grants focusing on consensus building and decision support, and Phase II grants focusing on implementation support.

In addition, an addendum is announced for a Racial and Ethnic Minority Priority Initiative. This addendum announces the availability of funds to support the adoption and implementation of exemplary practices related to the delivery and organization of services to racial and ethnic minority persons with serious emotional and substance abuse problems. Racial and ethnic minorities are African American, Asian American/Pacific Islander, Hispanic American, and American Indians/Alaskan natives adults and adolescents who are mentally ill and/or "at risk" for alcohol and illicit drug problems or are seriously chemically dependent. The review committee will determine whether the target population as identified in the application is responsive to the program announcement. If an application is determined to be unacceptable under the requirement of this addendum but addressed mental illness with or without co-occurring disorders, it will be reviewed under the general program announcement.

Eligibility: For the Community Action Grant Program, eligibility for Phase I is limited to units of State or local governments, tribal governments and organizations, and domestic private nonprofit organizations such as community-based organizations, faith-based organizations, provider and consumer groups, universities, colleges, and health care organizations. SAMHSA encourages applications from consumer and family organizations. For Phase II, applications are restricted to past or current Phase I grantees. To be eligible, Phase II applicants must demonstrate that they have met Phase I requirements and are ready to implement their exemplary practices.

For the Racial and Ethnic Minority Priority Initiative, eligibility is restricted to units of State and local governments, including tribal governments, and domestic private nonprofit organizations such as community-based organizations, faith-based organizations, universities, colleges, and hospitals. SAMHSA encourages applications from consumer and family organizations.

Availability of Funds: For the Community Action Grant Basic Program, approximately $5.1 million will be available for 24–36 Phase I awards and 10–15 Phase II awards. The average award will be approximately $100,000 per year in total costs (direct and indirect), with awards ranging from $50,000 to $150,000 under the general announcement. For the addendum, approximately $1.2 million will be available for 8–12 awards. The award amounts are expected to range from $50,000 to $150,000 in total costs (direct and indirect).

Period of Support: Support may be requested for a period of up to one year.

Criteria for Review and Funding—General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures: Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues, contact: Santo J. (Buddy) Ruiz, Program Director, Community Support Programs Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 11C–22, Rockville, MD 20857, (301) 443–3653.

For questions regarding grants management issues, contact: Steve Hudak, Division of Grants Management, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 13–103, Rockville, Maryland 20857, (301) 443–4456.

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 2, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–5685 Filed 3–7–01; 8:45 am]

BILLING CODE 4162–20–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) announces the availability of FY 2001 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants *must* obtain a copy of the Guidance for Applicants (GFA), including Part I, State Incentive Cooperative Agreements for Community-Based Action, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est. no. of awards	Project period
State Incentive Cooperative Agreements for Community-Based Action	April 18, 2001	$28,000,000	8–12	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2001 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Clearinghouse for Alcohol and Drug Information (NCADI), P.O. Box 2345, Rockville, MD 20847–2345, Telephone: 1–800–729–6686.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: http://www.samhsa.gov.

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) announces the availability of Fiscal year 2001 funds for cooperative agreements for implementing State Incentive Grant (SIG) Programs. This program calls for governors to develop and implement a comprehensive statewide substance abuse prevention strategy to optimize the use of all State and Federal substance abuse prevention funding streams and resources including: the 20 percent primary prevention set-aside from the SAPT Block Grant, the funds from this SIG program, and the additional financial support from

Federal agencies, States, and communities. The Sig program has three goals: (1) Coordination of funding; (2) development of a comprehensive prevention State system; and (3) assistance to States in measuring progress in reducing substance use by establishing targets for measure included in the National Household Survey on Drug Abuse.

Eligibility: Offices of the Governor for states and territories that currently receive the Substance Abuse Prevention and Treatment Block grant may apply. Eligible applicants are limited to: Governor of a state or territory; President of a territory that has a President; and the Chairman of the Tribal Council of the Red Lake Band of Chippewa. If you have received a SIG in FY 1997, 1998, 1999, or 2000 you may not apply.

Availability of Funds: Approximately $28 million will be available for 8–12 awards. The average award will be approximately $3 million per year in total costs (direct and indirect), with awards ranging from $2 million to $5 million. Actual funding levels will depend on the availability of funds, state population, problems identified in the National Household Survey on Drug Abuse and other factors.

Period of Support: Awards may be requested for up to 3 years. Annual continuation awards during this 3–year cycle will depend on the availability of funds and progress achieved by grantees.

Criteria for Review and Funding: General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues, contact: Dave Robbins or Patricia Getty, Division of State and Community Systems Development, Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration, Rockwall II, Suite 930, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–0369, E-Mail *drobbins@samhsa.gov Pgetty@samhsa.gov*.

For questions regarding grants management issues, contact: Edna Frasier, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, Rockwall II, 6th Floor, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6816, E-Mail: *efrazier@samhsa.gov*.

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 2, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–5613 Filed 3–7–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration(SAMHSA), HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, Grants for Statewide Consumer Networks, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est no. of awards	Project period
Grants for Statewide Consumer Networks	May 4, 2001	$1,500,000	25	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2001 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement application were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions

Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (eomplete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health Services Knowledge Exchange, Network (KEN), PO Box 42490, Washington, DC 20015, Telephone: 1–800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: http://www.samhsa.gov

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of Fiscal Year 2001 funds for implementing Grants for Statewide Consumer Networks. These will support State level consumer networks—organizations to manage a set of activities that will assist consumers to participate in the development of policies, programs, and quality assurance activities related to mental health. The program goals are: (1) Foster leadership and management skills; (2) engage consumers; (3) strengthen organizational relationships; and (4) identify and implement technical assistance needs.

Eligibility: Nonprofit entities that meet all of the following requirements are eligible to apply: Controlled and managed by mental health consumers; dedicated to the improvement of mental health services statewide; in existence as an operating organization for more than one year at the time of the receipt date for this GFA; and have a board of directors comprised of more than 50% consumers.

Availability of Funds: Approximately $1,500,000 will be available for approximately 25 awards. Individual awards should be no more than $60,000 in total cost (direct and indirect). Actual funding levels will depend upon the availability of funds.

Period of Support: Support may be requested for a period of up to three years. Annual continuation awards will be made subject to continued availability of funds and progress achieved.

Criteria for Review and Funding—General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues, contact: Risa Fox, Community Support Programs Branch, Division of Knowledge Development and Systems Change, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 11C–22, Rockville, MD 20857, (301) 443–3653, E-Mail: rfox@samhsa.gov.

Questions on grants management issues should be directed to: Gwen Simpson, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 13–105, Rockville, MD 20857, (301) 443–4456, E-Mail: gsimpson@samhsa.gov.

Public Health Grants Management System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine

education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 2, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–5614 Filed 3–7–01; 8:45 am]

BILLING CODE 4163–26–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–11]

Notice of Proposed Information Collection: Comment Request, Disaster Recovery Grant Reporting (DRGR) System

AGENCY: Office of the Assistant Secretary for Community Planning and Development HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 7, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Sheila E. Jones, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 7230, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Jan C. Opper, Senior Program Officer, Office of Block Grant Assistance, U.S. Department of Housing and Urban Development, 451 Seventh St., SW, Washington, DC 20410; telephone number (202) 708–3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. FAX inquiries may be sent to Mr. Opper at (202) 401–2044. (Except for the "800" number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Disaster Recovery Grant Reporting (DRGR) System.

OMB Control Number, if applicable: 2506–0165.

Description of the need for the information and proposed use: HUD requires that grantees submit quarterly reports to the Department on the use of HUD Community Development Block Grant (CDBG) disaster recovery funds (a.k.a. HUD Disaster Recovery Initiative). This information must be submitted to HUD no later than 30 days following each calendar quarter. HUD uses the information to submit quarterly reports to the Congress that are required by Public Laws 105–18, 105–174, and 105–277. The reports to Congress must cover the use of grant funds, especially those for or associated with buyouts.

This reporting also meets the requirement that cities, counties, and states must submit a performance report on the use of CDBG disaster recovery funds in accordance with 42 U.S.C. 5304(e) and 24 CFR 91.520 no later than 90 days following the end of each 12 month period.

Agency form numbers, if applicable: Not applicable. This is a computerized data system operating on the worldwide web.

Members of affected public: State and local governments.

Estimation of the total numbers of hours needed to prepare the information collection including number of responses, frequency of response, and hours of response:

Number of respondents—about 160;
Frequency of response—quarterly per grantee;
Hours of response—128 hours annually per grantee (116 hours for record keeping; 12 hours for reporting).

Status of the proposed information collection: Reinstatement.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 1, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–5699 Filed 3–7–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4666–N–01]

Waiver of Regulations Issued by HUD; Clarification of Authority During Transition Period

AGENCY: Office of the Secretary, HUD.

ACTION: Statement of policy.

SUMMARY: The purpose of this statement of policy is to clarify the scope of persons authorized to waive regulations under an earlier statement of policy published in the **Federal Register** on April 22, 1991.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General Counsel for Regulations, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW, room 10276, Washington, DC 20410; telephone (202) 708–3055 (this number is not a toll free number). Hearing- and speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235) added a new section 7(q) to the Department of Housing and Urban Development Act, 42 U.S.C. 3535(q). The provision provides that the Secretary may delegate authority to approve a waiver of HUD regulations "only to an individual of Assistant Secretary rank or equivalent rank" who is authorized to issue the regulation to be waived. On April 22, 1991, the Department published in the **Federal Register** (at 56 FR 16337) HUD's statement of policy on this provision. Among other things, the April 22, 1991 statement of policy provided that: "Individual of equivalent rank means an individual with rank equivalent to an Assistant Secretary." The 1991 policy statement also noted that the term includes the following HUD officers: the General Counsel, the Inspector General, and the President of the Government National Mortgage Association (GNMA).

Under this provision, the Department limited the authority to waive regulations to individuals occupying positions nominated by the President, by and with the consent of the Senate. This policy also prohibited individuals occupying positions requiring Senate confirmation from further re-delegating the authority to waive regulations, even to individuals who have been delegated authority concurrent with the individual occupying a position that required Senate confirmation.

This statement of policy, published in today's **Federal Register**, clarifies the scope of "individuals of equivalent rank" to include persons who are designated authority to perform the functions and duties of the vacant office under a published Order of Succession. The Department's Orders of Succession, consistent with 42 U.S.C. 3535(d), ensure that waivers of regulations will be exercised only by individuals who have authority to perform the functions and duties of the vacant office. The waiver authority and procedures covered in today's policy statement are interim and continue only until individuals nominated by the President to offices requiring Senate confirmation are confirmed by the Senate and sworn into office. Nothing in today's statement of policy otherwise changes the scope of the April 22, 1991 statement of policy.

Justification

Clarifying the scope of individuals of equivalent rank under the April 22, 1991 policy statement is essential to ensure that, during this period of critical vacancies in positions requiring Presidential appointment and Senate confirmation, the business of the Department is not seriously impaired by the absence of individuals occupying positions requiring Senate confirmation. The Department continues to receive a significant number of requests for waivers. Failing to respond to these requests in a timely, considered manner may have significant adverse effects on HUD grantees and undercut the Department's credibility with the public. This clarification is also consistent with the Department's April 22, 1991 statement of policy. In that statement, the Department noted that:

> The only other persons who are authorized to waive a regulation are those serving in an "acting" capacity. Thus, persons formally authorized to act for the Secretary, Deputy Secretary, or an Assistant Secretary in that officer's absence may exercise the waiver authority of that individual. Use of this power is limited to situations in which an official is designated as, and is performing the duties of, the absent official pursuant to a current, written order of succession signed by the appropriate official.

As contemplated by the April 22, 1991 statement of policy, the Department has put into place written Orders of Succession to ensure an orderly flow of the authority of those vacant positions which require Senate confirmation. The published orders are consistent with the Vacancies Reform Act of 1998 and may be found at 65 FR 51014, August 22, 2000 (for the Office of Community Planning and Development; 65 FR 6655, November 6, 2000 (for the Office of Public and Indian Housing); 65 FR 51015, August 22, 2000 (for the Office of Housing-Federal Housing Commissioner); 65 FR 66550, November 6, 2000 (for the Office of Fair Housing and Equal Opportunity); and 63 FR 66193, December 12, 1998 (for the Office of Policy, Development and Research).

Legal Concurrence in Waivers Procedure

All proposed waivers of regulations under today's statement of policy must be concurred in by the Associate General Counsel who serves as program counsel to the program office and by the General Counsel or the Deputy General Counsel for Housing Finance and Operations or his or her designee. It should be noted that this procedure is broader than that outlined in the statement of policy dated April 22, 1991, because this procedure now requires concurrence on all waivers.

Notification to the Public

The Department will continue to notify the public of all waivers of regulations subject to Section 106 of the Department of Housing and Urban Development Reform Act of 1989 and this Statement of Policy. Specifically, the provisions of the April 22, 1991 statement of policy addressing timing of notice, content of notice and public inspection continue unchanged.

Dated: March 2, 2001.

Mel Martinez,

Secretary.

[FR Doc. 01–5698 Filed 3–7–01; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

RIN 1035

Privacy Act of 1974: As Amended; Revisions to Existing System of Records; Office of the Special Trustee for American Indians

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Proposed revisions to an existing system of records

SUMMARY: Under the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Office of the Secretary is issuing public notice of our intent to change an existing Privacy Act system of records notice entitled, Interior BIA–03 "Indian Individual Monies". The revisions will change the name and number of the system to Interior OS–02, "Individual Indian Monies." Other changes to Interior BIA–03 include updating data in the following fields: System Locations, System Manager, Categories of Records Covered by the System, Authority for Maintenance of the System, Routine Uses of Records Maintained in the System, Storage, Retrievablility, Safeguards, Systems Manager, and Records Source Categories.

DATES: Any persons interested in commenting on the proposed revisions to this system of records may do so by submitting comments in writing to the Office of the Secretary Privacy Act Officer, U.S. Department of the Interior, MS 1414 MIB, 1849 C Street NW.,

Washington, DC 20240. Comments received on or before April 17, 2001 will be considered. The system will be effective as proposed unless we receive comments that lead us to change it. The Office of the Secretary will publish a revised notice if changes are made based upon a review of comments received.

FOR FURTHER INFORMATION CONTACT: Director, Office of Trust Records, 6301 Indian School Road NE., Suite 300, Albuquerque, NM 87110.

SUPPLEMENTARY INFORMATION: In this notice, the Department of the Interior is proposing to amend Interior BIA–03, "Individual Indian Monies," (now renamed and renumbered Interior OS–02) to reflect the organizational changes made by the transfer of the system from the Bureau of Indian Affairs to the Office of the Secretary, Office of the Special Trustee for American Indians (OST). These changes help the Secretary carry out fiduciary responsibilities required under the American Indian Trust Fund Management Reform Act of 1994, Pub. L. 103–412, 108 Stat. 4239.

Thus, the Office of the Secretary proposes to amend "Individual Indian Monies," BIA–03 to read as shown below.

Dated: March 5, 2001.

Sue Ellen Sloca,

Office of the Secretary Privacy Act Officer.

INTERIOR/OS–02

SYSTEM NAME:

Individual Indian Money (IIM) Trust Funds—Interior, OS–02

SYSTEM LOCATIONS:

(a) U.S. Department of the Interior, Office of Trust Records (OTR), 6301 Indian School Road NE., Suite 300, Albuquerque, NM 87110.

(b) U.S. Department of the Interior, Office of Trust Funds Management (OTFM), 505 Marquette NW, Suite 1000, Albuquerque, NM 87102.

(c) OTFM field locations including area, agency, and regional offices.

(d) Office of contractors processing individual Indian trust fund accounts under contract to OTFM or OTR.

(e) Tribal offices of tribes that have compacted or contracted the individual Indian trust fund management ftmction from OTFM under the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638, 88 Stat. 2203, as amended.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians, or their heirs, who have accounts held in trust status by the Department of the Interior.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Data on trust accounts in automated systems including the Trust Fund Accounting System (TFAS), the Trust Asset and Accounting Management System (TAAMS), and the Integrated Records Management System (IRMS).

(b) Imaged documents on individual Indian trust accounts.

(c) Data related to financial and investment activity from individual Indian trust accounts.

(d) Data related to custodianship of investments for individual Indian trust accounts.

(e) Paper records related to individual Indian trust accounts, including jacket folders, and financial documents such as accounting, reconciliation, and transaction data related to receipts, disbursements, investments, bonds, transfers, etc. This type of information includes a person's name, aliases, sex, birth date, address, Social Security Number, account number, tribal membership number, and blood quantum.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 116, 117(a)(b)(c), 118, 119, 120, 121, 151, 159, 161(a), 162(a), 4011, 4043(b)(2)(B).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system's main purposes are to:

(a) Manage the collection, investment, distribution, and disbursement of individual income for Indian trust land.

(b) Disclose to the account holders of Indian trust funds, the status of their holding (by quarterly statements and on request).

(c) Provide information for Indian trust funds program management purposes.

Disclosures outside the Department of the Interior may be made to:

(a) Individual Indian trust account holders (or their heirs).

(b) Contractors who service and maintain the system for the Department ensuring that all provisions of the Privacy Act, the Trade Secrets Act, the Indian Minerals Development Act and all other applicable laws, regulations, and policies relating to contracting and record security are met.

(c) The U.S. Department of Justice, or to a court, adjudicative or other administrative body, or to a party in litigation before a court or adjudicative or administrative body, when:

(1) One of the following is a party to the proceeding or has an interest in the proceeding:

(i) The Department or any component of the Department;

(ii) Any Department employee acting in his or her official capacity;

(iii) Any Department employee acting in his or her individual capacity where the Department or the Department of Justice has agreed to represent the employee; or

(iv) The United States, when the Department determines that the Department is likely to be affected by the proceeding; and

(2) We deem the disclosure to be:

(i) Relevant and necessary to the proceeding; and

(ii) Compatible with the purpose for which we compiled the information.

(c) Another Federal agency to enable that agency to respond to an inquiry by the individual to whom the record pertains.

(d) The appropriate Federal, state, tribal, or local or foreign governmental agency that is responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation order or license, when we become aware of an indication of a violation or potential violation of the statute, rule, regulation, order or license.

(e) A congressional office in response to an inquiry by that office by the individual to whom the record pertains.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

The OST stores records in one of two ways:

(a) Current paper records (such as jacket files, financial data files, ledgers, and reports) placed in file cabinets; others are stored in boxes on shelves.

(b) Automated data and images stored on magnetic tape and on optical disks in approved containers.

RETRIEVABILITY:

Records are retrieved using either:

(a) Identifiers linked to individual Indian trust account holders such as name, social security numbers, tribe, tribal enrollment, or census numbers, or

(b) Organizational links and identifiers such as account numbers, tribal codes, trust account codes, and other identifiers.

SAFEGUARDS:

Following the requirements under 5 U.S.C. 552(e)(10) and 43 CFR 2.51 (a)(b) for security standards, the Office of the Secretary has taken security measures to protect system documentation by equipping our offices and workplaces with the following safeguards:

(a) Cypher-lock access or storing documents in locked file cabinets.

(b) Warning signs posted to limit access to authorized people.

(c) Storage facilities protected by locked entryways or security guards.

(d) Sign-in and sign-out logs for access to storage facilities by requestors researching, acquiring, or delivering documents.

RETENTION AND DISPOSAL:

The OST receives and produces records that it sends to OTR and records service centers in Albuquerque, NM. After a period of time to be specified in an authorized OTFM Records Retention Schedule, OTR transfers records to the appropriate Federal Records Center or National Archives and Records Administration facility.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Trust Records, 6301 Indian School Road NE., Suite 300, Albuquerque, NM 87110.

NOTIFICATION PROCEDURES:

To determine whether your records are in this Privacy Act system of records, contact the System Manager at the address listed above in writing. The request must meet the requirements of 43 CFR 2.60. Provide the following information with your request:

(a) Proof of your identity.

(b) List of all of the names by which you have been known, such as maiden name or alias.

(c) Your Social Security Number.

(d) Mailing address.

(e) Tribe, tribal enrollment or census number.

(f) Bureau of Indian Affairs home agency.

(g) Time period(s) that records belonging to you may have been created or maintained, to the extent known by you. (See 43 CFR 2.60(b)(3)).

RECORD ACCESS PROCEDURES:

To request access to records, contact the System Manager at the address listed above in writing. The request must meet the requirements of 43 CFR 2.63. Provide the following information with your request:

(a) Proof of your identity.

(b) List of all of the names by which you have been known, such as maiden name or alias.

(c) Your Social Security Number.

(d) Mailing address.

(e) Tribe, tribal enrollment or census number.

(f) Bureau of Indian Affairs home agency.

(g) Time period(s) that records belonging to you may have been created or maintained, to the extent known by you.

(h) Specific description or identification of the records you are requesting (including whether you are asking for a copy of all of your records or only a specific part of them), and the maximum amount of money that you are willing to pay for their copying. (See 43 CFR 4.63(b)(5)).

CONTESTING RECORD PROCEDURES:

To request an amendment of a record, contact the System Manager at the address listed above in writing. The request must meet the requirements of 43 CFR 2.71.

RECORDS SOURCE CATEGORIES:

(a) Bureau of Indian Affairs, Office of Trust Funds Management, Minerals Management Service, Bureau of Land Management, Office of Hearings and Appeals, and other appropriate agencies in the Department of the Interior. Other Federal and State agencies.

(b) Individual Indian trust account holders, or their heirs. Depositors into the accounts and claimants against the accounts.

(c) Tribal offices if the IIM function is contracted or compacted under the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638, 88 Stat. 2203, as amended.

(d) Courts of competent jurisdiction, including tribal courts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–5665 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Renewal Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service has submitted to OMB the requirements for collection of information from applicants who wish to obtain a permit to conduct activities under the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the Convention on International Trade in Endangered Species, and for collection of report information about activities conducted under permits. OMB approval of information collections is required under the Paperwork Reduction Act. If you wish to obtain copies of the proposed information collection requirements, related forms, and explanatory material, contact the Collection Clearance Officer at the address listed below.

DATES: OMB has up to 60 days to approve or disapprove information collection but may respond after 30 days. Therefore, to ensure maximum consideration, you must submit comments on or before April 9, 2001.

ADDRESSES: Send your comments and suggestions on specific requirements to the Office of Management and Budget, Attention: Department of the Interior Desk Officer, 725 17th Street, NW, Washington, DC 20503, and to Rebecca Mullin, Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222–ARLSQ, 4401 North Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: For further information regarding this submission or to request a copy of the information collection request, explanatory information and related forms, contact Rebecca A. Mullin, Collection Clearance Officer at (703) 358–2287, or electronically to *rmullin@fws.gov*.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L., 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). We published a 60-day notice inviting public comment on this information collection in the **Federal Register** on September 6, 1999 (65 FR 54060). We received no comments.

We have submitted a request to OMB for renewal of their approval for the information collections assigned OMB control numbers 1018–0022 and 1018–0099, and to approve several new forms. We are not allowed to conduct or sponsor a collection of information, and a person is not required to respond to a request for information, unless it displays a currently valid OMB control number.

We requested renewed approval of the collection of information for Service license/permit application forms 3–200–6 through 3–200–18. We also requested approval for a new application form 3–200–67 for special Canada goose permits, for which the collection of information was assigned OMB approval number 1018–0099 during the rulemaking process (64 FR 32774, June 17, 1999). We have requested that the special Canada goose information collection be incorporated under OMB No. 1018–0022. We also requested

approval for permit reporting forms 3–202–1 through 3–202–5, which supersede forms 3–202a, 3–202c, 3–430b, and 3–430d. Also, we are requesting approval for three new report forms, 3–202–7, 3–202–8, and 3–202–9. These new report forms do not represent new information collections. Rather, we have taken existing report forms that covered several permit types and created new forms tailored to the specific permit activity. This will make each report form easier for permittees to understand and complete. We also requested approval for a streamlined application form that is specific to renewing expired or expiring permits (3–200–68). This does not represent a new information collection-merely a specific form to facilitate renewal requests. Finally, we requested approval for two new application forms, 3–200–69 and 3–200–70, which will assist individuals and entities in obtaining permits under the Convention on International Trade in Endangered Species and the Bald and Golden Eagle Protection Act to temporarily transport eagle parts into and out of the United States, as authorized by a recent amendment of 50 CFR 22.21 and 22.22 (64 FR 50467; September 17, 1999). We requested a 3-year term of approval for this information collection activity, which is the maximum term allowed.

We have reformatted and revised all of our application and report forms to improve clarity and presentation. This should improve the completeness of applications and reports we receive and reduce delays associated with having to contact applicants and permittees for additional information or clarification. Revisions were made to the annual report forms to (1) clarify the information being collected, (2) convert report form numbers to consecutive numbers, (3) eliminate collection of certain information that we no longer track, and (4) reorganize the forms to accommodate future electronic submission of data. For instance, on rehabilitation annual reports, instead of collecting certain information on each individual birds received by the permittee, we will collect a summary of the information by species. All of our forms will be available on the Internet following OMB approval.

We invite comments concerning this information collection, including on: (1) Whether the collection of information is necessary for the proper perWormance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. The information collections in this program are part of a system of records covered by the Privacy Act 95 U.S.C. 552(a)).

The information on the application forms will be used to determine whether an applicant meets criteria established in the various migratory bird treaties, laws, and regulations for issuance of a permit or whether a permit must be suspended, revoked, or denied. Information on the report forms will be used to monitor permit compliance and track species taken from the wild.

The information collection requirements in this submission implement the regulatory requirements of the Migratory Bird Treaty Act (16 U.S.C. 704) (50 CFR part 21), the Lacey Act (18 U.S.C. 42–44)(50 CFR part 14), the Bald and Golden Eagle Protection Act (16 U.S.C. 668)(50 CFR part 22), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (27 UST 108)(50 CFR part 23), and are contained in Service regulations in Chapter I, Subchapter B of Title 50 Code of Federal Regulations (CFR). Common permit application and recordkeeping requirements have been consolidated in 50 CFR part 13.

The individual permit types with information collection requirements, the estimated number of responses per year, the burden hours, and the applicable regulatory authority are included in the table below. Since the previous **Federal Register** notice, we changed the annual report form numbers to make them consecutive. In addition, some data in the table have been updated since the previous notice. With the exception of special Canada goose permits (5 years), depredation permits (1 year), golden eagle nest permits (2 years), and Indian religious permits (indefinite), most migratory bird permits are valid for 3 years. Most of these permits are renewable. To renew a permit, an applicant may complete a renewal application instead of the regular application for the type of permit he or she holds. Therefore, the figures in the Total No. of Responses column do not reflect the total number of requests received annually for a given type of permit.

Activity and application and report form number (* means report form used for more than one permit activity)	Total No. of responses (annually)	Estimated completion time (hr)	Total annual burden hours	Regulatory authority
Import/Export, 3–200–6	61	1	61	50 CFR 21.2, 21.11, 21.21.
Scientific Collecting, 3–200–7	91	4	364	50 CFR 21.2, 21.11, 21.23.
Annual Report, 3–202–1*	484	1	484	
Taxidermy, 3–200–8	604	1	604	50 CFR 21.2, 21.11, 21.24.
Waterfowl Sale and Disposal, 3–200–9	98	1	98	50 CFR 21.2, 21.11, 21.25.
Notice of Transfer, 3–186*	8,002	0.17 (10 min)	1,333	
Annual Report, 3–202–	1,540	0.5 (30 min)	770	
Canada Goose, 3–200–57	3	6	18	50 CFR 21.2, 21.11, 21.26.
Annual Report 3–202–9	3	1	3	
Special Purpose Permits:				
—Salvage, 3–200–10a	184	1	184	50 CFR 21.2, 21.11, 21.27.
AnnualReport-Salvage, 3–202–3	1,772	1	1,772	
—Rehabilitation, 3–200–10b	129	2.5	322	
Annual Report-Rehab., 3–202–4	2,134	1.5	3,201	
—Education Possession/Live, 3–200–10c	86	2.5	215	
Annual Report-Edu-Poss/Live, 3–202–5*	571	1	571	
—Education Possession/Dead, 3–200–10d	56	2	112	
Ann. Report-Edu-Poss/Dead, 3–202–5*	167	1	167	
—Game Bird Propagation, 3–200–10e	18	1	18	
Notice of Transfer, 3–186*	300	0.17 (10 min)	50	
Ann. Report Game Bird Prop., 3–202–6	73	0.5 (30 min)	36	

Activity and application and report form number (* means report form used for more than one permit activity)	Total No. of responses (annually)	Estimated completion time (hr)	Total annual burden hours	Regulatory authority
—Miscellaneous, 3–200–10f	20	1	20	
Ann. Report, 3–202–7	227	0.5 (30 min)	113	
Falconry, 3–200–11	283	1	283	50 CFR 21.2, 21.11, 21.28.
Disposition Report, 3–186 A*	11,000	0.17 (10 min)	1,833	
Raptor Propagation, 3–200–12	48	1.5	72	50 CFR 21.2, 21.11, 21.30.
Disposition Report, 3–186 A*	5,000	0.17 (10 min)	833	
Annual Report—Raptor Prop., 3–202–8	389	1	389	
Depredation, 3–200–13	788	1.5	1,182	50 CFR 21.2, 21.11, 21.41.
Annual Report—Depredation, 3–202–9*	2,542	1	2,542	
Bald & Golden Eagle:				
—Exhibition, 3–200–14a	31	2.5	77	50 CFR 22.1, 22.2, 22.12, 22.21.
Annual Report—Education, 3–202–5*	1,743	1	1,743	
—Scientific Collecting/Research, 3–200–14b	2	3	6	
Ann. Report—Sci. Collecting, 3–202–1*,	24	1	24	
Eagle—Native American Religious: Permit Application, Shipping Request, and Tribal Certification, 3–200–15/15a.	1,083	0.5 (30 min)	541	50 CFR 22.1, 22.2, 22.12, 22.22.
Take of Depredating Eagles, 3–200–16	11	1	11	50 CFR 22.1, 22.2, 22.12, 22.23.
Annual Report Depredation, 3–202–9*	11	1	11	
Eagle Falconry, 3–200–17	2	1	2	50 CFR 22.1, 22.2, 22.12, 22.24.
Take of Golden Eagle Nests, 3–200–18	2	4	8	50 CFR 22.1, 22.2, 22.12, 22.25.
Renewal of a Permit, 3–200–68	7,444	0.25 (15 min)	1,861	50 CFR 13.21, 13.22.
CITES Import/Export/Eagle Transport for Exhibition/Scientific Research, 3–200–69.	50	1	50	50 CFR 22.21, 23.11, 23.12, 23.13, 23.15.
CITES Import/Export/Eagle Transport for Indian Religious Purposes, 3–200–70.	250	1	250	50 CFR 22.22, 23.11, 23.12, 23.13, 23.15.

OMB Control Number: 1018–0022.
Service Form Numbers: 3–200–6 through 3–200–18, 3–200–67 through 3–200–70, 3–202–1 through 3–202–9, 3–186, 3–186A.
Description of Respondents: Individuals, zoological parks, museums, universities, scientists, taxidermists, businesses; State, local, Tribal and Federal governments.
Number of Respondents: 29,944.
Frequency of Collection: On Occasion.
Total Annual Burden hours: 22,234.
Total Annual Responses: 47,326.
Total Annual Non-hour Cost Burden: $245,775.

Dated: February 14, 2001.

Rebecca A. Mullin,

Service Information Collection Officer.

[FR Doc. 01–5656 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10 (a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit No. TE–037806

Applicant: Bureau of Land Management, Bakersfield, California

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (Branchinecta longiantenna), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) throughout each species range in conjunction with surveys for the purpose of enhancing their survival. These activities were previously authorized under subpermit No. BLMBD–1.

Permit No. TE–837310

Applicant: Philip E. Persons, Lompoc, California.

The applicant requests a permit amendment to take (locate and monitor nests) the California least tern (*Sterna antillarum browni*) in conjunction with monitoring in San Luis Obispo and Santa Barbara Counties for the purpose of enhancing its survival.

Permit Nos. TE–038271; TE–038065; TE–038109; TE–038697; TE–038583

Applicants: Jennifer Simmons, Ventura, California; Shannon Allen, San Diego, California; Theodore Noble Lee, San Diego, California; Jennifer Anderson, Solana Beach, California; Cynthia Wood, Julian, California.

Theses applicants each request a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the species' range in California for the purpose of enhancing its survival.

Permit No. TE–038716

Applicant: Frank Wegscheider, Orange, California.

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) and take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) throughout each species' range in conjunction with surveys for the purpose of enhancing their survival.

Permit No. TE–797665

Applicant: Regional Environmental Consultants, San Diego, California.

The permittee requests an amendment to take (harass by survey and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) and take (harass by survey) the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) in conjunction with surveys and population monitoring

throughout each species' range for the purpose of enhancing their survival.

Permit No. TE–038578

Applicant: Van Smith, Brea, California.

The applicant requests a permit to take (harass by survey and nest monitor) the southwestern willow flycatcher (*Empidonax traillii extimus*) and take (nest monitor) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and population monitoring throughout the state of California for the purpose of enhancing their survival.

Permit No. TE–807078

Applicant: William J. Sydeman, Point Reyes Bird Observatory, Stinson Beach, California.

The applicant requests a permit amendment to take (locate and monitor nests; capture and band) the California least tern (*Sterna antillarum browni*) in conjunction with monitoring in San Luis Obispo and Santa Barbara Counties for the purpose of enhancing its survival.

Permit No. TE–020548

Applicant: Western Ecological Science Center, Biological Resources Division of the U.S. Geological Survey, Vallejo, California.

The applicant requests an amendment to take (fur-clip) the salt marsh harvest mouse (*Reithrodontomys raviventris*) in conjunction with genetic research throughout the species' northern range in California for the purpose of enhancing its survival.

Permit No. TE–038717

Applicant: Pacificorp, Portland, Oregon.

The applicant requests a permit to take (capture, handle, and release) the shortnose sucker (*Chasmistes brevirostris*) and Lost River sucker (*Deltistes luxatus*) in conjunction with scientific research throughout the Klamath River and its major tributaries in Oregon and California for the purpose of enhancing their survival.

Permit No. TE–038718

Applicant: Robert C. Parker, Ramona, California.

The applicant requests a permit to take (harass) the California least tern (*Sterna antillarum browni*) in conjunction with predator control activities in San Diego County, California for the purpose of enhancing its survival.

Permit No. TE–038971

Applicant: Roger Thibault, Swansea, Massachusetts.

The applicant requests a permit to purchase, in interstate commerce, three female and three male captive bred Hawaiian (=nene) geese (*Nesochen [=Branta] sandvicensis*) for the purpose of enhancing the species propagation and survival. This notification covers activities conducted by the applicant over the next 5 years.

DATES: Written comments on these permit applications must be received on or before April 9, 2001.

ADDRESSES: Written data or comments should be submitted to the Chief, Endangered Species, Ecological Services, Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232–4181; Fax: (503) 231–6243. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (503) 231–2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: February 23, 2001.

Rowan W. Gould,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 01–5657 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Information Collection To Be Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below will be submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the USGS Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made within 60 days directly to the USGS Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192. As required by OMB regulations at CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments regarding the proposed information collection as to:

1. Whether the collection of information is necessary for the proper performance of the functions of the USGS, including whether the information will have practical utility;
2. The accuracy of the USGS estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
3. The utility, quality, and clarity of the information to be collected; and,
4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology.

Title: Ferrous Metals Surveys.

Current OMB approval number: 1028–0068.

Abstract: Respondents supply the U.S. Geological Survey with domestic production and consumption data on ferrous and related metals. This information will be published as monthly and annual reports for use by Government agencies, industry, and the general public.

Bureau form number: Various (17 forms).

Frequency: Monthly and Annual.

Description of respondents: Producers and Consumers of ferrous and related metals.

Annual Responses: 3,879.

Annual burden hours: 2,170.

Bureau clearance officer: John E. Cordyack, Jr., 703–648–7313.

Keith L. Harris,

Acting Chief Scientist, Minerals Information Team.

[FR Doc. 01–5660 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–YF–M

DEPARTMENT OF THE INTERIOR

Geological Survey

National Satellite Land Remote Sensing Data Archive Advisory Committee; Committee Meeting

AGENCY: U.S. Geological Survey.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, the National Satellite Land Remote Sensing Data Archive (NSLRSDA) Advisory Committee will meet at the U.S. Geological Survey (USGS) Earth Resources Observation Systems (EROS) Data Center (EDC) near Sioux Falls, South Dakota. The Committee, comprised of 15 members from academia, industry, government, information science, natural science, social science, and policy/law, will provide the USGS, EDC management with advice and consultation on defining and accomplishing the NSLRSDA's archiving and access goals to carry out the requirements of the Land Remote Sensing Policy Act; on priorities of the NSLRSDA's tasks; and, on issues of archiving, data management, science, policy, and public-private partnerships.

Topics to be reviewed and discussed by the Committee include determining the content of and upgrading the basic data set as identified by the Congress; metada content and accessibility; product characteristics, availability, and delivery; and, archiving, data access, and distribution policies.

DATES: March 28, 2001 commencing at 8:30 a.m. and adjourning at 12 noon on March 30, 2001.

CONTACT: Mr. Thomas M. Holm, Chief, Data Services Branch, U.S. Geological Survey, EROS Data Center, Sioux Falls, South Dakota, 57198 at (605) 594–6142 or email at *holm@usgs.gov.*

SUPPLEMENTARY INFORMATION: Meetings of the National Satellite Land Remote Sensing Data Archive Advisory Committee are open to the public. The required lead time for notification of this meeting could not be met due to the fact that we were awaiting final Congressional approval of reestablishing the Committee. Previous Committee meeting minutes are available for public review at *http://edc.usgs.gov/programs/nslrsda/advcomm.html.*

Barbara Ryan,

Associate Director for Geography.

[FR Doc. 01–5659 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–070–01–1020–PG]

Resource Advisory Council Meeting; Butte, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Western Montana Resource Advisory Council will convene on March 27, 2001, from 9:00 a.m. to 4:00 p.m., at the BLM Butte Field Office, 106 North Parkmont, Butte, Montana, 59701.

The topics for the meeting will be: Recommendation on Tailpipe Travel Management Plan by the Subcommittee, Summary of Range Standards and Guidelines by the Subcommittee, Field Manager Update, and a Sage Grouse Presentation at 2:00 p.m.

The meeting is open to the public and written comments can be given to the Council. Oral comments may be presented to the Council at 11:30 a.m. The time allotted for oral comment may be limited, depending on the number of persons wishing to be heard. Individuals who plan to attend and need further information about the meeting, or who need special assistance, such as sign language or other reasonable accommodations, should contact Jean Nelson-Dean, Resource Advisory Coordinator, at the Butte Field Office, 106 North Parkmont, P.O. Box 3388, Butte, Montana 59702–3388, telephone 406–533–7617.

FOR FURTHER INFORMATION CONTACT: Richard Hotaling, Field Manager, 406–533–7600 or Jean Nelson-Dean at the above address and telephone number.

Dated: February 27, 2001.

Steve Hartmann,

Acting Field Manager.

[FR Doc. 01–5703 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–DN–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0043).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled "30 CFR 250, Subpart F, Oil and Gas Well-Workover Operations."

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference "Information Collection 1010–0043" in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart F, Oil and Gas Well-Workover Operations.

OMB Control Number: 1010–0043.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior (Secretary) to preserve, protect, and develop sulphur resources on the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations "to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein" and to include provisions "for the prompt and efficient exploration and development of a lease area." These authorities and responsibilities are among those delegated to MMS under which we issue regulations to ensure that operations in the OCS will meet

statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This information collection request addresses the regulations at 30 CFR 250, subpart F, Oil and Gas Well-Workover Operations and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

MMS District Supervisors use the information collected to analyze and evaluate planned well-workover operations to ensure that operations result in personnel safety and protection of the environment. They use this evaluation in making decisions to approve, disapprove, or to require modification to the proposed well-workover operations. For example, MMS uses the information to:

- Review log entries of crew meetings to verify that safety procedures have been properly reviewed.
- Review well-workover procedures relating to hydrogen sulfide (H_2S) to ensure the safety of the crew in the event of encountering H_2S.
- Review well-workover diagrams and procedures to ensure the safety of well-workover operations.
- Verify that the crown block safety device is operating and can be expected to function and avoid accidents.
- Verify that the proposed operation of the annular preventer is technically correct and will provide adequate protection for personnel, property, and natural resources.
- Verify the reasons for postponing blowout preventer (BOP) tests, verify the state of readiness of the equipment and to ascertain that the equipment meets safety standards and requirements, ensure that BOP tests have been conducted in the manner and frequency to promote personnel safety and protect natural resources. Specific testing information must be recorded to verify that the proper test procedures were followed.
- Assure that the well-workover operations are conducted on well casing that is structurally competent.

Responses are mandatory. No questions of a sensitive nature are asked. MMS will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 250.196 (Data and information to be made available to the public), and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency varies by section, but is primarily monthly or "on occasion."

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: The currently approved "hour" burden for this information collection is a total of 7,920 hours. The following chart details the individual components of this burden and estimated burden per response or record. In calculating the burden, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart F	Reporting or recordkeeping requirement	Hour burden per response/record
	Reporting Requirements	
602	Request exceptions prior to moving well- workover equipment	.25 hour.
605; 613; 615(a)	Request approval to begin subsea well-workover operations; submit forms MMS–124 and/or MMS–125.	Burden included in 1010–0045 and 1010–0046.
614	Post number of stands of drill pipe or workover string and drill collars that may be pulled prior to filling the hole and equivalent well-control fluid volume.	.25 hour.
616(a)	Request exception to rated working pressure of the BOP equipment; request exception to annular-type BOP testing.	1 hour.
617(b)	Pressure test, caliper, or otherwise evaluate tubing & wellhead equipment casing; submit results (every 30 days during prolonged operations).	4 hours.
617(c)	Notify MMS if sustained casing pressure is observed on a well	.25 hour.
600 thru 618	General departure and alternative compliance requests not specifically covered elsewhere in subpart F regulations.	2 hours.
	Recordkeeping Requirements	
606	Instruct crew members in safety requirements of operations to be performed; document meeting (weekly for 2 crews × 2 weeks per workover = 4).	.5 hour.
611	Perform operational check of traveling-block safety device; document results (weekly × 2 weeks per workover = 2).	.25 hour.
616(a), (b), (d), (e)	Perform BOP pressure tests, actuations & inspections; record results; retain records 2 years following completion of workover activities (when installed; at a minimum every 7 days × 2 weeks per workover = 2).	6 hours.
616(b)(2)	Test blind or blind-shear rams; document results (every 30 days during operations). (Note: this is part of BOP test when BOP test is conducted.)	.25 hour.
616(b)(2)	Record reason for postponing BOP system tests	.1 hour.
616(c)	Perform crew drills; record results (weekly for 2 crews × 2 weeks per workover = 4).	.5 hour.

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified no "non-hour cost" burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *". Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the "hour" and "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of 30 CFR 250, subpart F. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 26, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5674 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0106).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled "30 CFR Part 253, Oil Spill Financial Responsibility."

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference "Information Collection 1010–0106" in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 253, Oil Spill Financial Responsibility.

OMB Control Number: 1010–0106.

Abstract: Title I of the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2701 *et seq.*), as amended by the Coast Guard Authorization Act of 1996 (Pub.L. 104–324), provides at section 1016 that oil spill financial responsibility (OSFR) for offshore facilities be established and maintained according to methods determined acceptable to the President. Section 1016 of OPA supersedes the offshore facility OSFR provisions of the Outer Continental Shelf Lands Act Amendments of 1978. These authorities and responsibilities are among those delegated to MMS under which we issue regulations governing oil and gas and sulphur operations in the OCS. This information collection request addresses the regulations at 30 CFR Part 253, Oil Spill Financial Responsibility for Offshore Facilities, and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

The MMS will use the information collected under 30 CFR part 253 to verify compliance with section 1016 of OPA. The information is necessary to confirm that applicants can pay for cleanup and damages from oil-spill discharges from covered offshore facilities (COFs). Routinely, the information will be used: (a) to establish eligibility of applicants for an OSFR Certification; and (b) as a reference source for clean-up and damage claims associated with oil-spill discharges from COFs; the names, addresses, and telephone numbers of owners, operators, and guarantors; designated U.S. agents for service of process; and persons to contact. To collect most of the information, MMS developed standard forms. The forms and their purposes are:

Form MMS–1016, Designated Applicant Information: The designated applicant uses this form to provide identifying information (company legal name, address, contact name and title, telephone numbers) and to summarize the OSFR evidence. This form is required for each new OSFR Certification application.

Form MMS–1017, Designation of Applicant: When there is more than one

responsible party for a COF, they must select a designated applicant. Each responsible party, as defined in the regulations, must use this form to notify MMS of the designated applicant. This form is also used to designate the U.S. agent for service of process for the responsible party(ies) should claims from an oil-spill discharge exceed the amount evidenced by the designated applicant; identifies and provides pertinent information about the responsible party(ies); and lists the covered offshore facilities for which the designated applicant is responsible for OSFR certification. The form identifies each COF by State or OCS region; lease, permit, right of use and easement, or pipeline number; aliquot section; area name; and block number. This form must be submitted with each new OSFRC application in which there is at least one responsible party who is not the designated applicant for a COF.

Form MMS–1018, Self-insurance or Indemnity Information: This form is used if the designated applicant is self-insuring or using an indemnity as OSFR evidence. As appropriate, either the designated applicant or the designated applicant's indemnitor completes the form to indicate the amount of OSFR coverage and effective and expiration dates. The form also provides pertinent information about the self-insurer or indemnitor and is used to designate a U.S. agent for service of process for claims up to the evidenced amount. This form must be submitted each time new evidence of OSFR is submitted using either self-insurance or an indemnity.

Form MMS–1019, Insurance Certificate: The designated applicant (representing himself as a direct purchaser of insurance) or his insurance agent or broker and the named insurers complete this form to provide OSFR evidence using insurance. The number of forms to be submitted will depend upon the amount of OSFR required and the number of layers of insurance to evidence the total amount of OSFR required. One form is required for each layer of insurance. The form provides pertinent information about the insurer(s) and designates a U.S. agent for service of process. This form must be submitted at the beginning of the term of the insurance coverage for the designated applicant's COFs.

Form MMS–1020, Surety Bond: Each bonding company that issues a surety bond for the designated applicant must complete this form indicating the amount of surety and effective dates. The form provides pertinent information about the bonding company and designates a U.S. agent for service of process for the amount evidenced by the surety bond. This form must be submitted at the beginning of the term of the surety bond for the named designated applicant.

Form MMS–1021, Covered Offshore Facilities: The designated applicant submits this form to identify the COFs to which the OSFR evidence applies. The form identifies each COF by State or OCS region; lease, permit, right of use and easement, or pipeline number; aliquot section; area name; block number; and potential worst case oil-spill discharge. This form is required to be submitted with each new OSFR Certification application which includes COFs.

Form MMS–1022, Covered Offshore Facility Changes: During the term of the issued OSFR Certification, the designated applicant submits changes to the current COF listings on this form, including changes to the worst case oil-spill discharge for a COF. This form must be submitted when identified changes occur during the term of an OSFR Certification.

Responses are mandatory. No questions of a "sensitive" nature are asked. Respondents are not required to submit confidential or proprietary information. All public requests for information about an applicant's OSFR Certification will be processed according to the Freedom of Information Act (5 U.S.C. 552) procedures.

Frequency: The frequency of submission will vary, but most will respond at least once per year.

Estimated Number and Description of Respondents: Some respondents are approximately 600 holders of leases, permits, and rights of use and easement in the OCS and in State coastal waters who will appoint approximately 200 designated applicants. Other respondents will be the designated applicants' insurance agents and brokers, bonding companies, and indemnitors. There are no recordkeeping requirements associated with this collection.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: The currently approved "hour" burden for this information collection is a total of 22,181 hours. The following chart details the individual components of this burden and estimated burden per response or record. In calculating the burden, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 253	Reporting requirement	Hour burden per response
Subpart B: 11(a)(1)	Form MMS–1016	1
Subpart D: 40; 41	Designated Applicant Information	
Subpart B: 11(a)(1)	Form MMS–1017	9
Subpart D: 40; 41	Designation of Applicant	
Subpart C: 21; 22; 23; 24; 26; 27; 30	Form MMS–1018	1
Subpart D: 40; 41	Self-insurance or Indemnity Information	
Subpart C: 29	Form MMS–1019	120
Subpart D: 40; 41	Insurance Certificate	
Subpart C: 31	Form MMS–1020	24
Subpart D: 40; 41	Surety Bond	
Subpart D: 40; 41	Form MMS–1021	3
	Covered Offshore Facilities	
Subpart D: 40; 41; 42	Form MMS–1022	1
	Covered Offshore Facilities Changes	
Subpart B: 12	Request for determination of OSFR applicability	2
Subpart B: 15(e)	Notice of change in ability to comply	1
Subpart B: 15(f)	Claims: MMS will not be involved in the claims process; assessment of the burden is the responsibility of the U.S. Coast Guard as part of its rulemaking on claims against the Oil Spill Liability Trust Fund (30 CFR parts 135, 136, 137).	
Subpart F		

Citation 30 CFR 253	Reporting requirement	Hour burden per response
Subpart C: 32	Proposal for alternative method to evidence OSFR	No proposals anticipated, but regs provide the opportunity.

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified no "non-hour cost" burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ". . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .". Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the "hour" and "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of 30 CFR part 253. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 26, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5694 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0018).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled "Form MMS–127, Request for Reservoir Maximum Efficient Rate (MER)."

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference "Information Collection 1010–0018" in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the form MMS–127.

SUPPLEMENTARY INFORMATION:

Title: Form MMS–127, Request for Reservoir Maximum Efficient Rate (MER).

OMB Control Number: 1010–0018.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior (Secretary) to preserve, protect, and develop sulphur resources on the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; preserve and maintain free-enterprise competition; and ensure that the extent of oil and natural gas resources of the OCS is assessed at the earliest practicable time. Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations "to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein" and to include provisions "for the prompt and

efficient exploration and development of a lease area."

To carry out these responsibilities, MMS has issued regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protect the environment; and result in diligent exploration, development, and production of OCS leases. Various sections of 30 CFR part 250, subpart K, require respondents to submit form MMS–127.

MMS Regional Supervisors use the information submitted on form MMS–127 to determine whether a rate-sensitive reservoir is being prudently developed. This represents an essential control mechanism that MMS uses to regulate production rates from each sensitive reservoir being actively produced. Occasionally, the information available on a reservoir early in its producing life may indicate it to be non-sensitive, while later and more complete information would establish the reservoir as being sensitive. Production from a well completed in the gas cap of a sensitive reservoir requires approval from the Regional Supervisor. The information submitted on form MMS–127 provides reservoir parameters that are revised at least annually or sooner if reservoir development results in a change in reservoir interpretation. The engineers and geologists use the information for rate control and reservoir studies.

Responses are mandatory. No questions of a "sensitive" nature are asked. MMS will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 250.196 (Data and information to be made available to the public), and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency is "on occasion," but not less than annual.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: The currently approved "hour" burden for this form is 1 hour.

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified no "non-hour cost" burden associated with form MMS–127.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ". . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .". Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the "hour" and "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of form MMS–127. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 26, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5695 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0086).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled "30 CFR 250, Subpart P, Sulphur Operations."

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference "Information Collection 1010–0086" in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart P, Sulphur Operations.

OMB Control Number: 1010–0086.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior (Secretary) to preserve, protect, and develop sulphur resources on the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations "to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein" and to include provisions "for the prompt and efficient exploration and development of a lease area." These authorities and responsibilities are among those delegated to MMS under which we issue regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This information collection request addresses the regulations at 30 CFR 250, subpart P, Sulphur Operations, and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

MMS uses the information collected to ascertain the condition of drilling sites for the purpose of preventing hazards inherent in drilling and production operations and to evaluate the adequacy of equipment and/or procedures to be used during the conduct of drilling, well-completion, well-workover, and production operations. For example, MMS uses the information to:

- Ascertain that a discovered sulphur deposit can be classified as capable of production in paying quantities.
- Ensure accurate and complete measurement of production to determine the amount of sulphur royalty payments due the United States; and that the sale locations are secure, production has been measured accurately, and appropriate follow-up actions are initiated.
- Ensure that the drilling unit is fit for the intended purpose.
- Review expected oceanographic and meteorological conditions to ensure the integrity of the drilling unit (this information is submitted only if it is not otherwise available).
- Review hazard survey data to ensure that the lessee will not encounter geological conditions that present a hazard to operations.
- Ensure the adequacy and safety of firefighting plans.
- Ensure the adequacy of casing for anticipated conditions.
- Review log entries of crew meetings to verify that crew members are properly trained.
- Review drilling, well-completion, and well-workover diagrams and procedures to ensure the safety of the proposed drilling, well-completion, and well-workover operations.
- Review production operation procedures to ensure the safety of the proposed production operations.
- Monitor environmental data during operations in offshore areas where such data are not already available to provide a valuable source of information to evaluate the performance of drilling rigs under various weather and ocean conditions. This information is necessary to make reasonable determinations regarding safety of operations and environmental protection.

Responses are mandatory. No questions of a "sensitive" nature are asked. MMS will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 250.196 (Data and information to be made available to the public), and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency varies by section, but is generally "on occasion" or annual.

Estimated Number and Description of Respondents: Approximately 1 Federal OCS sulphur lessee.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: The currently approved "hour" burden for this information collection is a total of 978 hours. The following chart details the individual components of this burden and estimated burden per response or record. In calculating the burden, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart P	Reporting or recordkeeping requirement	Hour burden per response/record
	Reporting Requirements	
1600	Submit exploration or development and production plan according to 30 CFR 250, subpart B.	Burden included in 1010–0049.
1603(a)	Request determination whether sulphur deposit can produce in paying quantities	1 hour.
1605(b)(3)	Submit data and information on fitness of drilling unit	4 hours.
1605(c)	Report oceanographic, meteorological, and drilling unit performance data upon request.	It has not been necessary to request these data.
1605(d)	Submit results of additional surveys and soil borings upon request	It has not been necessary to request these data.
1605(e)(5)	Request copy of directional necessary survey (by holder of adjoining lease)	It has not been to request these data.
1605(f)	Submit application for installation of fixed drilling platforms or structures according to 30 CFR subpart I.	Burden included in 1010–0058.
1607	Request establishment, amendment, or cancellation of field rules for drilling, well-completion, or well-workover.	8 hours.
1608	Submit well casing and cementing plan or modification	5 hours.

Citation 30 CFR 250 Subpart P	Reporting or recordkeeping requirement	Hour burden per response/record
1610(d)(8); 1611(b), (f); 1615; 1617; 1618; 1619(b); 1622; 1625(b), (f);	Submit forms MMS–123 (Application for Permit to Drill), MMS–124 (Sundry Notices and Reports on Wells), Form MMS–125 (Well Summary Report). Submissions include various exceptions and approvals required in subpart P.	Burden included in 1010–0044, 1010–0045, and 1010–0046.
1612	Request exception to § 250.408 requirements for well-control drills	1 hour.
1619(c), (d), (e)	Submit copies of records, logs, reports, charts, etc., upon request	1 hour.
1628(b), (d)	Submit application for design and installation features of sulphur production facilities and fuel gas safety system; certify new installation conforms to approved design.	4 hours.
1629(b)(3)	Request approval of firefighting systems	4 hours.
1630(a)(5)	Notify MMS of pre-production test and inspection of safety system and commencement of production.	½ hour.
1633(b)	Submit application for method of production measurement	2 hours.
1634(b)	Report evidence of mishandling of produced sulphur or tampering or falsifying any measurement of production.	1 hour.
1600 thru 1634	General departure and alternative compliance requests not specifically covered elsewhere in subpart P regulations.	2 hours.
Recordkeeping Requirements		
1604(f)	Check traveling-block safety device for proper operation weekly and after each drill-line slipping; enter results in log.	¼ hour.
1609(a)	Pressure test casing; record time, conditions of testing, and test results in log	2 hours.
1611(d)(3); 1625(c)(3)	Record in driller's report the date, time, and reason for postponing pressure testings.	10 minutes.
1611(f), (g); 1625(f), (g)	Conduct tests, actuations, inspections, maintenance, and crew drills of BOP systems at least weekly; record results in driller's report; retain records for 2 years following completion of drilling activity.	6 hours.
1613(e)	Pressure test diverter sealing element/valves weekly; actuate diverter sealing element/valves/control system every 24 hours; test diverter line for flow every 24 hours; record test times and results in driller's report.	2 hours.
1616(c)	Retain training records for lessee and drilling contractor personnel according to 30 CFR 250, subpart O.	Burden included in 1010–0128.
1619(a)	Retain records for 2 years for each well and all well operations.	12 hours
1621	Conduct safety meetings prior to well-completion or well-workover operations; record date/time.	1 hour.
1628(d)	Maintain information on approved design and installation features for the life of the facility.	1 hour.
1629(b)(1) (ii) and (iii)	Retain for 2 years pressure-recording charts used to determine operating pressure ranges; post firefighting system diagram.	12 hours.
1630(b)	Retain records for 2 years for each safety device installed	1 hour.
1631	Conduct safety device training prior to production operations and periodically thereafter; record date/time.	1 hour.

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified no "non-hour cost" burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ". . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . . ". Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the "hour" and "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of 30 CFR 250, subpart P. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 26, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5696 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0058).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled "30 CFR 250, Subpart I, Platforms and Structures."

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference "Information Collection 1010–0058" in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart I, Platforms and Structures.

OMB Control Number: 1010–0058.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, gives the Secretary of the Interior (Secretary) the responsibility to preserve, protect, and develop oil and gas resources in the OCS in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of human, marine, and coastal environments; ensure the public a fair and equitable return on offshore resources in the OCS; and preserve and maintain free enterprise competition. Specifically, the OCS Lands Act (43 U.S.C. 1356) requires the issuance of " * * * regulations which require that any vessel, rig, platform, or other vehicle or structure— * * * (2) which is used for activities pursuant to this subchapter, comply, * * * with such minimum standards of design, construction, alteration, and repair as the Secretary * * * establishes; * * * ." The OCS Lands Act (43 U.S.C. 1332(6)) also states, "operations in the [O]uter Continental Shelf should be conducted in a safe manner * * * to prevent or minimize the likelihood of * * * physical obstruction to other users of the water or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health." These authorities and responsibilities are among those delegated to MMS under which we issue regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This information collection request addresses the regulations at 30 CFR 250, subpart I, Platforms and Structures, and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

The MMS OCS Regions use the information submitted under subpart I to determine the structural integrity of all offshore structures and ensure that such integrity will be maintained throughout the useful life of these structures. We use the information to ascertain, on a case-by-case basis, that the platforms and structures are structurally sound and safe for their intended use to ensure safety of personnel and pollution prevention. The information is also necessary to assure that abandonment and site clearance are properly performed. More specifically, we use the information to:

- Review information concerning damage to a platform to assess the adequacy of proposed repairs.
- Review plans for platform construction (construction is divided into three phases—design, fabrication, and installation) to ensure the structural integrity of the platform.
- Review verification plans and reports for unique platforms to ensure that all nonstandard situations are given proper consideration during the design, fabrication, and installation phases of platform construction.
- Review platform design, fabrication, and installation records to ensure that the platform is constructed according to approved plans.
- Review inspection reports to ensure that platform integrity is maintained for the life of the platform.
- Ensure that any object (wellheads, platforms, etc.) installed on the OCS is properly removed and the site cleared so as not to conflict with or harm other users of the OCS.

Responses are mandatory. No questions of a "sensitive" nature are asked. MMS will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 250.196 (Data and information to be made available to the public) and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency varies by section, but is generally "on occasion" or annual.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: The currently approved "hour" burden for this information collection is a total of 31,893 hours. The following chart details the individual components of this burden and estimated burden per response or record. In calculating the burden, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and

customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart I	Reporting or recordkeeping requirement	Hour burden per response/record
	Reporting Requirements	
900(b), (g); 901; 902; 909(b)(4)(iii)	Submit application and plans for new platform or major modifications and notice to MMS.	24 hours.
900(e)	Request approval for major repairs of damage to platform and notice to MMS.	12 hours.
900(f)	Request approval for reuse or conversion of use of existing fixed or mobile platforms.	18.5 hours.
903(a), (b)	Submit nominations for Certified Verification Agent (CVA)	5 hours.
903(a)(1), (2), (3)	Submit interim and final CVA reports	200 hours.
912(a)	Request inspection interval that exceeds 5 years	20 hours.
912(b)	Submit annual report of platforms inspected and summary of testing results.	45 hours.
913(a), (b) Related NTLs	Submit plan for platform and structure removal and site clearance and exception requests.	6 hours.
913(c) Related NTLs	Submit results of location clearance survey	12 hours.
900–914	General departure and alternative compliance requests not specifically covered elsewhere in subpart I regulations.	2 hours.
	Recordkeeping requirements	
909, 911, 912, 914	Maintain records on as-built structural drawings, design assumptions and analyses, summary of nondestructive examination records, inspection results, etc., for the functional life of the platform.	50 hours.

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified no "non-hour cost" burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *". Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the "hour" and "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of 30 CFR 250, subpart I. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 26, 2001.

E. P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5697 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of revision of a currently approved information collection (OMB Control Number 1010–0067).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled "30 CFR 250, Subpart E, Oil and Gas Well-Completion Operations."

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference "Information Collection 1010–0067" in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the regulations and Notices to Lessees and Operators (NTL) that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart E, Oil and Gas Well-Completion Operations

OMB Control Number: 1010–0067.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, requires the Secretary of the Interior to preserve, protect, and develop oil and gas resources in the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environment; ensure the public a fair and equitable return on resources offshore; and preserve and maintain free enterprise competition. Section 1332(6) of the OCS Lands Act (43 U.S.C. 1332) requires that "operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health." This authority and responsibility are among those delegated to MMS. To carry out these responsibilities, MMS issues regulations governing oil and gas and sulphur operations in the OCS. This collection of information addresses 30 CFR part 250, subpart E, Oil and Gas Well-Completion Operations.

Last year we submitted a routine ICR to the Office of Management and Budget (OMB) to renew the information collection requirements of the subpart E regulations. That approved information collection covered the paperwork burdens specifically required in § 250.517 (tubing and wellhead equipment and their requirements). This included the requirement under § 250.517(c) to notify the District Supervisor if sustained casing pressure (SCP) is observed on a well. This situation represents an ongoing safety hazard and can cause serious or immediate harm or damage to human life, the marine and coastal environment, and property.

After receiving notification, the Region directs the lessee/operator on the procedures and requirements necessary to monitor and report SCP conditions, and the process for obtaining a departure to produce wells with SCP. Because the Gulf of Mexico Region (GOMR) now has over 8,000 wells affected by SCP, the GOMR plans to issue an NTL detailing the policy and procedures on SCP. The NTL will include additional reporting and recordkeeping requirements, which we will include in our ICR to OMB on subpart E regulations.

The MMS District Supervisors analyze and evaluate the information and data collected under subpart E to ensure that planned well-completion operations will protect personnel safety and natural resources. They use the analysis and evaluation results in the decision to approve, disapprove, or require modification to the proposed well-completion operations. Specifically, MMS uses the information to ensure: (a) compliance with personnel safety training requirements; (b) crown block safety device is operating and can be expected to function to avoid accidents; (c) proposed operation of the annular preventer is technically correct and provides adequate protection for personnel, property, and natural resources; (d) well-completion operations are conducted on well casings that are structurally competent; and (e) sustained casing pressures are within acceptable limits. The MMS district and regional offices will use paperwork requirements in the new GOMR NTL to determine that production from wells with SCP continues to afford the greatest possible degree of safety under these conditions.

Responses are mandatory. No items of a sensitive nature are collected. Proprietary information respondents submit is protected according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 250.196 (Data and information to be made available to the public), and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency of reporting varies by section, but is mostly "on occasion" or annual.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: The currently approved burden for this information collection is 5,672 hours (505 reporting and 5,167 recordkeeping hours). The paperwork requirements of the GOMR NTL will increase this burden by 3,743 hours. The following chart details the individual components of the burden and estimated burden per response or record. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart E & NTL Sec.	Reporting & recordkeeping requirement	Hour burden per response/record
	Reporting Requirements	
502	Request approval not to shut-in well during equipment movement	1 hour.
502 (MMS condition of approval)	Notify MMS of well-completion rig movement on or off platform or from well to well on same platform.	6 minutes.
505; 513; 515(a); 516(g), (j); NTL I.C, III.B.	Submit forms MMS–123, MMS–124, MMS–125 for various approvals, including remediation procedure for SCP.	Burden covered under 1010–0044, 1010–0045, 1010–0046.
512	Request field well-completion rules be established and canceled (on occasion, however, there have been no requests in many years).	1 hour.
515(a)	Submit well-control procedure	1 hour.

Citation 30 CFR 250 Subpart E & NTL Sec.	Reporting & recordkeeping requirement	Hour burden per response/record
517(b)	Pressure test, caliper, or otherwise evaluate tubing & wellhead equipment casing; submit results (every 30 days during prolonged operations).	4 hours.
517(c); NTL I, III.B	Notify MMS if sustained casing pressure is observed on a well	¼ hour.
NTL I.A, I.E, I.G, I.H, II, III Appendix.	Submit results of diagnostic tests, departure requests and supporting information, including plan of action for non-producing wells.	2 hours.
NTL I.C	Notify MMS when remediation procedure is complete	1 hour.
NTL I.D	Appeal departure request denial	Burden covered under 30 CFR part 290, 1010–0121.
NTL Appendix	Request approval to lube and bleed remediation attempts	10 hours.
	Recordkeeping Requirements	
506	Instruct crew members in safety requirements of operations to be performed; document meeting (weekly for 2 crews x 2 weeks per completion = 4).	10 minutes.
511	Perform operational check of traveling-block safety device; document results (weekly x 2 weeks per completion = 2).	6 minutes.
516 tests; 516(i)	Perform BOP pressure tests, actuations & inspections; record results; retain records 2 years following completion of well (when installed; minimum every 14 days; as stated for component).	6 hours.
516(d)(5) test; 516(i)	Function test annulars and rams; document results (every 7 days between BOP tests—biweekly; note: part of BOP test when conducted).	.16 hour.
516(e)	Record reason for postponing BOP system tests (on occasion)	6 minutes.
516(f)	Perform crew drills; record results (weekly for 2 crews × 2 weeks per completion = 4).	½ hour.
NTL I.F	Retain complete record of well's casing pressure and diagnostic tests for 2 years.	¼ hour.
NTL & Appendix	Perform diagnostic tests and record results; perform follow-up tests at least annually to determine departure status.	4 hours

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified no "non-hour cost" burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *". Agencies must specifically solicit comments to: (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the "hour" and "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of 30 CFR 250, subpart E. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: March 2, 2001.

E. P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5673 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–922 (Preliminary)]

Automotive Replacement Glass Windshields From China

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigation and scheduling of a preliminary phase investigation.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping investigation No. 731–TA–922 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of automotive replacement glass windshields, provided for in subheading 7007.21.10 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by April 16. The Commission's views are due at the Department of Commerce within five business days thereafter, or by April 23.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Fred Ruggles (202–205–3187), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on February 28, 2001, by PPG Industries, Pittsburgh, PA; Safelite Glass Corporation, Columbus, OH; and Apogee Enterprises, Inc., Minneapolis, MN.

Participation in the Investigation and Public Service List

Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on March 21, 2001, at the U.S. International Trade Commission Building (Courtroom B), 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Fred Ruggles (202–205–3187) not later than March 19 to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before March 26, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Dated: March 2, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–5745 Filed 3–7–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 1205–5]

Proposed Modifications to the Harmonized Tariff Schedule of the United States

AGENCY: United States International Trade Commission.

ACTION: Additional proposed amendments.

EFFECTIVE DATE: February 28, 2001.

SUMMARY: On November 18, 1999, the Commission instituted investigation No. 1205–5, Proposed Modifications to the Harmonized Tariff Schedule of the United States, pursuant to section 1205 of the Omnibus Trade and Competitiveness Act of 1988. Section 1205 directs the Commission to keep the Harmonized Tariff Schedule of the United States (HTS) under continuous review and to recommend modifications to the HTS (1) when amendments to the International Convention on the Harmonized Commodity Description and Coding System (Harmonized System), and the Protocol thereto, are recommended by the World Customs Organization (WCO) (formerly known as the Customs Cooperation Council) for adoption, and (2) as other circumstances warrant. The Commission's final report

will set forth the proposed changes and indicate the necessary changes in the HTS that would be needed to conform the HTS to the international nomenclature structure; the report will also include other appropriate explanatory information on the proposed changes. A preliminary report was submitted to the Office of the United States Trade Representative in March 2000. Since that time, the Commission has been informed of additional proposed amendments to the HTS that should be included in the final report.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director (202–205–2592), Office of Tariff Affairs and Trade Agreements, U.S. International Trade Commission, Washington, DC 20436. Hearing impaired individuals are advised that information on this investigation can be obtained by contacting the TDD terminal on (202) 205–1810.

Background

The majority of the changes proposed in the Commission's preliminary report are the result of the work of the WCO and its Harmonized System Committee (HSC) to update and clarify the Harmonized System nomenclature, as part of the WCO's long-term program to review the nomenclature structure on a formal basis. These proposed changes, which are to become effective on January 1, 2002, are available in the Office of the Secretary, Room 112, United States International Trade Commission, 500 E Street SW., Washington, DC 20436 (telephone 202–205–2000) and are posted on the Commission's website (http://www.usitc.gov). These changes encompass all decisions taken by the HSC since the implementation of the last set of WCO modifications to the Harmonized System, which were effective as of January 1, 1996. Future notices will be issued in this investigation indicating the final resolution of all matters and decisions taken by the HSC during the course of Commission consideration.

Other proposed changes included in this investigation are requested by the U.S. Customs Service, in order to clarify the proper tariff classification and duty treatment of particular goods due to decisions of the Court of International Trade, the HSC, or the U.S. Customs Service. These changes, including those which are the subject of this notice, will be treated separately in the Commission's final report.

The Commission has prepared non-authoritative cross-reference tables in its preliminary report to provide guidance to potentially affected parties and to show the likely existing and future tariff classifications of the goods concerned. The Customs Service has domestic legal authority for tariff classification and may provide information, both during the course of the investigation and after the Commission's report is submitted, that indicates different or additional tariff classifications of some goods. Moreover, the WCO will eventually issue a cross-reference table under Article 16 of the Harmonized System Convention, indicating the agreed international classifications (existing and future) of the goods affected by the proposed changes. The latter table may be released later in the Commission's investigation, and differences between international and domestic classification of a few goods may be suggested (in some cases due to reservations filed by WCO member countries or to theoretical or asserted classifications for some goods). Thus, the classifications shown in the Commission's cross-reference tables may be subject to change in the final report.

Additional Proposed Amendments to the HTS

In addition to the changes to the HTS already proposed in the Commission's preliminary report and in the **Federal Register** notices of December 29, 2000 (65 FR 83032) and of February 16, 2001 (66 FR 10743), the following changes are proposed:

(1) The following new subheadings 4202.92.05 and 4202.92.10 are inserted in numerical sequence, along with their superior heading and with the level of indentation as indicated below:

	[Trunks, suitcases, vanity cases, attaché cases, . . .]			
	[Other:]			
	[With outer surface of sheeting of . . .]			
	"Insulated food or beverage bags:			
4202.92.05	With outer surface of textile materials.	7%	Free (A,CA,E,IL,J,MX)	40%
4202.92.10	Other	3.4%	Free (A,CA,E,IL,J,MX)"	80%
	[Travel, sports and similar bags:]			

(2) Subheadings 4410.10.10 through 4409.10.90 are superseded by the following:

	[Wood (including strips and friezes . . .]			
	[Coniferous:]			
4409.10.05	Wood continuously shaped along any of its ends, whether or not also continuously shaped along any of its edges or faces, all the foregoing whether or not planed, sanded or edge-jointed.	3.2%	Free (A,CA,E,IL,J,MX)	33⅓%
	Other:			
4409.10.10	Wood siding	Free		2.2¢/m²
4409.10.20	Wood flooring	Free		33⅓%
	Wood moldings:			
	Standard wood molding:			
4409.10.40	Pine (Pinus spp.)	Free		5%
4409.10.45	Other	Free		5%
4409.10.50	Other	Free		40%
	Wood dowel rods:			
4409.10.60	Plain	Free		5%
4409.10.65	Sanded, grooved or otherwise advanced in condition.	4.9%	Free (A+,CA,D,E,IL,J,MX)	33⅓%
4409.10.90	Other	Free		$1.70/m³"

(3) Subheadings 4409.20.10 through 4409.20.90 are superseded by the following:

	[Wood (including strips and friezes . . .:]			
	[Nonconiferous:]			
"4409.20.05	Wood continuously shaped along any of its ends, whether or not also continuously shaped along any of its edges or faces, all the foregoing whether or not planed, sanded or edge-jointed.	3.2%	Free (A,CA,E,IL,J,MX)	33⅓%
	Other:			
4409.20.10	Wood siding	Free		4.3¢/m²
4409.20.25	Wood flooring	Free		8%
	Wood moldings:			
4409.20.40	Standard wood molding	Free		5%
4409.20.50	Other	Free		40%
	Wood dowel rods:			
4409.20.60	Plain	Free		5%
4409.20.65	Sanded, grooved, or otherwise advanced in condition.	4.9%	Free (A+,CA,D,E,IL,J,MX)	33⅓%
4409.20.90	Other	Free		$1.70/m³"

(4) The article description for subheading 9504.90.40 is superseded by the following:

"Game machines, other than those operated by coins, banknotes (paper currency), discs or other similar articles; parts and accessories thereof"

Written Submissions

Interested parties are invited to submit written statements concerning the proposed changes outlined above. Commercial or financial information that a submitter desires to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. To be assured of consideration by the Commission, written statements relating to the proposed changes above should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on March 23, 2001. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The Commission's rules do not authorize filing submissions with the Secretary by facsimile or by electronic means.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet site (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

List of Subjects

Tariffs/HTS, Harmonized System, WCO, and imports.

Issued: March 5, 2001.
By order of the Commission.
Donna R. Koehnke,
Secretary.
[FR Doc. 01–5747 Filed 3–7–01; 8:45 am]
BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–870 (Final)]

Steel Wire Rope From Malaysia

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On February 28, 2001, the Department of Commerce published notice in the **Federal Register** of a negative final determination of sales at less than fair value in connection with the subject investigation (66 FR 12759). Accordingly, pursuant to section 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR § 207.40(a)), the antidumping investigation concerning steel wire rope from Malaysia (investigation No. 731–TA–870 (Final)) is terminated.

EFFECTIVE DATE: February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Jeff Clark (202–205–3195), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server *(http://www.usitc.gov)*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

Authority: This investigation is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 201.10 of the Commission's rules (19 CFR 201.10).

Dated: March 5, 2001.
By order of the Commission.
Donna R. Koehnke,
Secretary.
[FR Doc. 01–5746 Filed 3–7–01; 8:45 am]
BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *City of Arkansas City, Kansas, et al.* Civil Action No. 01–1056–JTM was lodged on February 22, 2001, with the United States District Court for the District of Kansas. With regard to the Defendants, City of Arkansas City, Kansas, City of Winfield, Kansas, General Electric Company, Greif Bros. Corporation, Gordon-Piatt Energy Group, Inc., Strother Field Commission

and Tenneco Automotive Inc., ("Settling Defendants"), the Consent Decree resolves a claim filed by the United States on behalf of the United States Environmental Protection Agency ("EPA") pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601, *et seq.*

The United States entered into the Consent Decree in connection with the Strother Field Site located in Cowley County, Kansas. The Consent Decree provides that the Settling Defendants will be responsible for reimbursing the United States for past costs and implementing injunctive relief related to contaminated soil at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Settlement Order. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *City of Arkansas City, Kansas, et al.*, DOJ Ref. #90–11–3–1277.

The proposed Consent Decree may be examined at either of the following locations: (1) The Office of the United States Attorney, District of Kansas, 500 State Avenue, Suite 360, Kansas City, Kansas; or (2) Office of Regional Counsel, Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas. A copy of the consent decree can be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy of the consent decree (without attachments), please enclose a check in the amount of $17.00 (25 cents per page reproduction cost) payable to the Consent Decree Library. In requesting a copy of attachments only, please enclose a check in the amount of $30.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bruce S. Gelber,

Chief, Environmental Enforcement Section.

[FR Doc. 01–5704 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree; J.L. Land Development

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *J.L. Land Development, Inc.*, Civil Action No. 8:00–cv–329–T–EAJ (M.D. Fla.), was lodged with the United States District Court for the Middle District of Florida on February 15, 2001. This proposed Consent Decree concerns a complaint filed by the United States against J.L. Land Development, Inc., pursuant to sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1344 and imposes civil penalties against the Defendant for the unauthorized discharge of dredged or fill material into 7.26 acres of wetlands during peat mining activities and the construction of a golf course by the developer of Ridgewood Lakes, a residential development located in Davenport, Polk County, Florida.

The proposed Consent Decree requires: (1) The payment of civil penalties in the amount of $100,000; (2) the restoration of 2.59 acres of wetlands impacted by peat mining activities and (3) the performance of mitigation by restoring hydrology to 180.67 acres of forested wetlands that were previously artificially, though lawfully drained. At the same time, the defendant would receive a nationwide permit 32 allowing 0.5 acre of fill to remain in wetlands associated with golf course construction.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to Marianne Zaccaro, United States Attorney's Office, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602 and refer to *United States* v. *J.L. Land Development, Inc.*

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Middle District of Florida, Sam M. Gibbons U.S. Courthouse, 801 N. Florida Avenue, Tampa, Florida 33602.

Stephen Samuels,

Assistant Section Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 01–5705 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 221–2001]

Privacy Act of 1974; System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Immigration and Naturalization Service (INS), Department of Justice, proposes to establish and publish a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) have been published. This system of records is entitled:

The Job Swap/Job Exchange System (JOBX), JUSTICE/INS–030

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment on the new routine uses. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system. Therefore, please submit any comments by (30 days from the publication date of this notice). The public, OMB, and the Congress are invited to submit any comments to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress.

Dated: February 21, 2001.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/INS–030

SYSTEM NAME:

Job Swap/Job Exchange System (JOBX).

SYSTEM LOCATION:

Immigration and Naturalization Service (INS) Headquarters, Regional and District Offices, and sub-offices as detailed in JUSTICE/INS–999, last published April 13, 1999 (64 FR 18052).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system would include all permanent INS employees interested in applying to transfer to an identical position at another location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system of records contain personal data including social security number, name, Service Computation Date-leave, performance appraisal rating and date, home and work addresses, home and work telephone numbers, title, series, and grade, and personal resume information voluntarily submitted by the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR 335.102(a).

PURPOSE(S):

The records in this system are part of a Merit Promotion and Reassignment Program and consist of potential selectees for positions covered by the program. Records are maintained to allow selecting officials to make valid selections, as well as to provide a record of applicant requests for consideration. Also, records in the system are maintained as a means to track the transfers allowed in the JOBX program. The JOBX program supports the Job Swap program by facilitating the non-competitive swap of employees between two duty stations, provided they have the same title, series, and grade. The Job Swap Program allows employees of encumbered positions to apply for and receive changes in geological locations without waiting for vacancies to occur or new positions to be established.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A. To the Office of Personnel Management to enable the agency to make determination as required by 5 CFR 335.103.

B. In a proceeding before a court or adjudicative body before which INS or the Department of Justice (DOJ) is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by INS or DOJ to be arguably relevant to the litigation: (1) The DOJ, or any DOJ component or subdivision thereof; (2) any DOJ employee in his or her official capacity; (3) any DOJ employee in his or her individual capacity when the DOJ has agreed to represent the employee; and (4) the United States where INS or the DOJ determines that the litigation is likely to affect it or any of its subdivisions.

C. To the Merit Systems Protection Board or the Office of the Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of office rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, e.g., as prescribed in 5 U.S.C. Chapter 12, or as may be authorized by law.

D. To the Equal Employment Opportunity Commission, when requested, in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines or Employee Selection Procedures, or other functions vested in the Commission.

E. To a Member of Congress, or staff acting upon the Member's behalf, when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

F. To General Services Administration and National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

G. To the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

H. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal government, when necessary to accomplish an agency function related to this system of records.

I. To disclose information to an arbitrator to resolve disputes under a negotiated grievance procedure or to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation.

J. To the Union when required by contract as part of the processing of a grievance and/or to an arbitrator in the arbitration of a grievance.

K. Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Information is stored on computer tapes, magnetic disks, and in file cabinets.

RETRIEVABILITY:

Records may be retrieved by name, Social Security Number (SSN), or unique JOBX number.

SAFEGUARDS:

Most INS offices are located in buildings under security guard, and access to premises is by official identification. Offices are locked during non-duty hours. Access to this system is obtained through remote terminals that require the use of restricted passwords and a user ID. Paper records will be maintained in locked file cabinets. The JOBX server will be maintained in a secure computer facility.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedule 1, items 4, 15, 23(a), and 33b.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Hiring Center, Room 400, Whipple Federal Building, One Federal Drive, Fort Snelling, MN 55111.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager.

RECORD ACCESS PROCEDURE:

Requests for access to a record from this system shall be in writing (e.g., cc: Mail can also be used internally). If a request for access is made by mail the envelope and letter shall be clearly marked "Privacy Act Request." The requester shall also provide a return address for transmitting the records to be released. The requester shall include his or her full name and SSN. An applicant can access his or her own record by logging onto the system using his or her own SSN and password. This brings the applicant to the main menu screen. The applicant can select, "View Application." The form is printable. The applicant can also move among the screens. Authorized selecting officials and coordinators can access records within their own budget location code; and system administrators can access all records in the system.

CONTESTING RECORDS PROCEDURE:

Direct all requests to contest or amend information to the system manager noted above. State clearly and concisely the information being contested, the reason for or contesting it, and the proposed amendment thereof. Depending on the information, the coordinator or administrator will be able to make the correction. If the inaccurate information is from the National Finance Center records, the applicant should contact his or her servicing administrative center and report the erroneous information. Clearly mark the envelope "Privacy Act Amendment Request." The record must be identified in the same manner as described for making a request for access.

RECORD SOURCE CATEGORIES:

Information contained in this system or records is obtained from the individuals covered by the system, or

derived from information the individual supplied and from the National Finance Center database.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 01–5706 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Auto Body Consortium, Inc.: Intelligent Resistance Welding Joint Venture

Notice is hereby given that, on January 16, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Auto Body Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Medar, Inc., Farmington Hills, MI became a 100% owned subsidiary of Welding Technology Group. In addition, ComauPICO, Southfield, MI; and Oxford Automotive (formerly Lobdell-Emery Company), Troy, MI have been added as parties to this venture. Also, Progressive Tool and Industries Co., Southfield, MI has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Auto Body Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On September 18, 1995, Auto Body Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 6, 1995 (60 FR 62476).

The last notification was filed with the Department on April 28, 1999. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 1, 1999 (64 FR 53415).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5718 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Biztech for Energy ("BizTech")

Notice is hereby given that, on December 22, 2000, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), BizTech for Energy ("BizTech") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Crawley Petroleum Corporation, Oklahoma City, OK; Schlumberger Geoquest, Austin, TX; Oil India Limited, Duliajan, Assam, INDIA; Phillips Petroleum Co., Bellaire, TX; Quillion Inc., Houston, TX; Tobin International Ltd., Houston, TX; enertia-software.com, Midland, TX; NetworkOil, Inc., Houston, TX; Landmark Graphics Corporation, Houston, TX; Microsoft, Houston, TX; PricewaterhouseCoopers, LLP, Houston, TX; Oracle Corporation, Houston, TX; Chevron Information Technology Co., Houston, TX; SAP America, Inc., Houston, TX; Environmental Systems Research Institute, Redlands, CA: TietoEnator, Sandnes, NORWAY; Merrick Systems, Inc., Houston, TX; INT, Houston, TX; POSC, Houston, TX; Novistar, Inc., Englewood, CO; and Seismic Micro-Technology, Houston, TX. The nature and objectives of the venture are to develop and publish standards to facilitate communication and operations within a corporation engaged in the energy business and standards to facilitate communications among such corporations and their external vendors. The development of such standards will increase the efficiency of corporations in the energy business. In addition, it will allow corporations to have access to and utilize publicly available data in developing strategic plans and other goals for future research and operations.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5707 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Broadband Content Delivery Forum, Inc.

Notice is hereby given that, on July 25, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Broadband Content Delivery Forum, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identifies of the parties are 24/7 Media, Incorporated, New York, NY; 2Wire, San Jose, CA; 3NO Systems Incorporated, Tinton Falls, NJ; Akamai Technologies Incorporated, Cambridge, MA; AppsPoint Corporation, Sunnyvale, CA; AT&T Broadband LLC, Englewood, CA; BANDWIZ LTD., Tel Aviv, ISRAEL; Be Here Corporation, Cupertino, CA; Bertelsmann Broadband Group, Hamburg, GERMANY; British Broadcasting Corporation (BBC), London, England, UNITED KINGDOM; Broadband Digital Group, Incorporated, Newport Beach, CA; BroadJump Incorporated, Austin, TX; BT, London, England, UNITED KINGDOM; Brust, San Francisco, CA; Cidera, Laurel, MD; COLO.COM, Brisbane, CA; Context Media, Incorporated, Providence, RI; Digital Fountain Incorporated, San Francisco, CA; DSLnetworks.com, San Francisco, CA; Ellacoya Networks Incorporated, Merrimack, NH; Entera, Fremont, CA; FirstMark Communications International, London, England, UNITED KINGDOM; Funk Software, Cambridge, MA; Global Telesystems Group (GTS), London, England, UNITED KINGDOM; Gotham Broadband, New York, NY; Harris Corporation, Melbourne, FL; Hewlett-Packard Company, Cupertino, CA; Huawei Technologies Company Ltd., Shenzhen City, PEOPLE's REPUBLIC OF CHINA; Hughes Space & Communications, Los Angeles, CA; ICTV, Incorporated, Los Gatos, CA: iknowledge Incorporated, Lexington, MA: Image Power, Vancouver, British Columbia, CANADA; iMagic TV Incorporated, Saint John, New Brunswick, CANADA; Incanta Incorporated, Atlanta, GA; InfoLibria Incorporated, Waltham, MA; InfoSpace, Redmond, WA; Inktomi Corporation, Foster City, CA; Innovatia, Saint John, New Brunswick, CANADA; Interactive Enterprise, Dublin, IRELAND; Info Networks, Cambridge, MA; Lucent Technologies, Alpharetta, GA; Massive Media Group, Santa Monica, CA; Mirror Image Internet, Woburn, MA; Motorola, Mansfield, MA; MTVi Group, New York, NY; Net Continuum, Santa Clara, CA; NetActive Incorporated, Ottawa, Ontario, CANADA; Network Equipment Technologies, Fremont, CA; New Paradigm Ventures, Palo Alto, CA; Nokia Networks, Petaluma, CA; Nomadix, Westlake Village, CA; Nortel Networks, Santa Clara, CA; Northpoint Communications, San Francisco, CA; Omneon Video Networks, Sunnyvale, CA; OneSecure, Santa Clara, CA; Path 1 Network Technologies, Inc., San Diego, CA; Peak XV Networks, Pleasanton, CA; PixStream Incorporated, Waterloo, Ontario, CANADA; Pulsent Corporation, Milpitas, CA; Redback Networks Incorporated, Sunnyvale, CA; Reliacast Incorporated, Herndon, VA; Riverstone Networks, Reading, Berkshire, UNITED KINGDOM; Seabridge, Hod Hasharon, ISRAEL; SkyStream Networks, Mountain View, CA; Spacedisk Inc., Londonderry, NH; Speedera Networks, Santa Clara, CA; Sprint Corporation, Westwood, KS; StarGuide Digital Networks Incorporated, Reno, NV; Sun Microsystems Incorporated, Palo Alto, CA; Svenska Bredbandsbolaget AB, Stockholm, SWEDEN; Syndeo Corporation, Cupertino, CA; TelePacific Communications, Los Angeles, CA; Telseon, Palo Alto, CA; Texas Instruments, Dallas, TX; TRW Ventures, Redondo Beach, CA; Visual Media LLC, Chicago, IL; Williams Communications Group, Tulsa, OK; World Com, Colorado Springs, CO; XOSoft, Givataim, ISRAEL; Zhone Technologies, Oakland, CA; Zyan Communications Incorporated, Los Angeles, CA; and Broadband Content Delivery Forum, Inc., Mountain View, CA. The nature and objectives of the venture are to be an open, nonprofit independent organization that promotes the growth and development of the broadband content delivery industry; to bring together parties who are contributing to broadband content delivery; to discuss, to promote, and to develop the applications and services market for broadband content delivery; to explore methods for creating commercial benefits for service/content providers and network operators while increasing value to the end-user; to address issues relating to the development of broadband content delivery, including, without limitation, the protection of intellectual property rights, security, privacy, personalization, and economics; to recommend and to develop open architectures to deliver rich, multimedia content over the emerging broadband networks, to improve end-user experience through improved performance and personalization; and to be a liaison with other industry forums and associations in related industries and related technologies.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5708 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Die Products Consortium ("DPC")

Notice is hereby given that, on February 7, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Die Products Consortium ("DPC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Packard-Hughes Interconnect, Irvine, CA; Analog Devices, Inc., Limerick, IRELAND; and Dynalog Systems, Inc., Austin, TX have been added as parties to this venture. Also, Microelectronics and Computer Technology Corporation, Austin, TX, has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Die Products Consortium intends to file additional written notification disclosing all changes in membership.

On November 15, 1999, Die Products consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 26, 2000 (65 FR 39429).

The last notification was filed with the Department on September 22, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 26, 2000 (65 FR 64236).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5711 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—an Innovative Knowledge System for Rapid Expansion of Net Shape Manufacturing Industry Via Powder Metal Injection Molding

Notice is hereby given that, on June 21, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Honeywell International, Inc., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the propose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Honeywell International, Inc., Morristown, NJ; Ingersoll-Rand, Inc., Huntersville, NC; Polymer Technologies, Inc., Clifton, NJ; CM Furnaces, Inc., Bloomfield, NJ; CompAS Controls, Inc., Indiana, PA; and Pennsylvania State University, University Park, PA. The purpose of this joint venture is to conduct research to create a materials and manufacturing technology base and a knowledge management system to produce thick, complex, high-quality metal products by low-cost powder metal injection molding.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5710 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interoperability Consortium, Inc.

Notice is hereby given that, on November 30, 2000, pursuant to section 6(a) of the National Cooperative

Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Interoperability Consortium, Inc. (the "Corporation") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Visa International, Foster City, CA has left the Corporation.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Interoperability Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On January 13, 2000, Interoperability Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 21, 2000 (65 FR 38596).

The last notification was filed with the Department on July 20, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 13, 2000 (65 FR 55284).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5720 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—J Consortium, Inc.

Notice is hereby given that, on January 19, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), J Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Byzance Informatique, Grigny, FRANCE; Mercury Computer Systems, Chelmsford, MA; Object Management Group (OMG), Needham, MA; Syam Ch, Los Angeles, CA; Ken Dixon, Carlsbad, CA; Tom Haley, Tiverton, RI; The Queen's University of Belfast, Belfast, IRELAND, Rita Heinrich, Dresden, GERMANY; William Hopkins, Huldenberg, BELGIUM; Lar Kaufman, Concord, MA; Nilendu Pal, Koramangala, Bangalore, INDIA; Gerhard Pratl, Vienna, AUSTRIA; C. Nagraj Rao, Fremont, CA; K. Raut, Maharashtra, INDIA; Gunukula Srikanth Reddy, Malgonda, INDIA; Bhavin Shah, Guajaret, INDIA; Automobile Electronics, Chengdu Saichuan, PEOPLE'S REPUBLIC OF CHINA; Freightmax House, Durban, SOUTH AFRICA; The Open Group (TOG), Menlo Park, CA; Cesar Mataix, Madrid, SPAIN, Shinkyu Park, Palisade Park, NJ; and Tony Xiao, Chengdu Saichuan, PEOPLE'S REPUBLIC OF CHINA have been added as parties to this venture. Also, the filing published November 20, 2000 is hereby amended to reflect the following correction to one member listed in that filing: Pacific Numerics is corrected to be Grace Pacific Numerics, San Diego, CA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and J Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On August 9, 1999, J Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 21, 2000 (65 FR 15175).

The last notification was filed with the Department on October 20, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 20, 2000 (65 FR 69789).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5709 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Management Service Providers Association, Inc.

Notice is hereby given that, on February 5, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. section 4301 *et seq.* ("the Act"), Management Service Providers Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aprisma Management Technologies, Durham, NH; Atesto Technologies, Inc., Fremont, CA; Automatos, Inc., Boston, MA; Bangalore Labs Ltd., Bangalore, INDIA; Chapter 2, San Francisco, CA; Compaq Computer Corporation, Houston, TX; Euclid, Inc., Santa Clara, CA; Fujitsu Limited, Tokyo, JAPAN; NEXI, Inc., Peabody, MA; Objective Systems Integrators, Folsom, CA; Qualys, Inc., Sunnyvale, CA; S Net Systems, Inc., Seoul, REPUBLIC OF KOREA; TEKsystems Internet Business Services, Beaverton, OR; Trend Micro, Cupertino, CA; Arula Systems, Cupertino, CA; AVCOM, Sunnyvale, CA; Center 7, Lindon, UT; Check Point Software Technologies Ltd., Redwood City, CA; dbaDIRECT, Inc., Florence, KY; developNET Corporation, Portland, OR; Interloci, Inc., Leesburg, VA; Iworld Holdings Limited, Seoul, REPUBLIC OF KOREA; Keynote Systems, Inc., San Mateo, CA; Managed Objects, McLean, VA; Marimba, Mountain View, CA; NOCpulse, Inc., Sunnyvale, CA; Nuvo Network Management, Inc., Ottawa, Ontario, CANADA; Oblicore, Inc., Ramat Gan, ISRAEL; OMRON ALPHATEC Corporation, Tokyo, JAPAN; Opticom, Inc., Andover, MA; PatchLink.com Corporation, Scottsdale, AZ; Raymond James & Associates, Inc., St. Petersburg, FL; RiverSoft, San Francisco, CA and Servail, Fairfax, VA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Management Service Providers Association, Inc. intends to file additional written notification disclosing all changes in membership.

On October 20, 2000, Management Service Providers Association, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act of November 24, 2000 (65 FR 70613).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5714 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petrotechnical Open Software Corporation ("POSC")

Notice is hereby given that, on February 23, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Petrotechnical Open Software Corporation ("POSC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Jason Geosystems BV, Rotterdam, THE NETHERLANDS has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Petrotechnical Open Software Corporation ("POSC") intends to file additional written notification disclosing all changes in membership.

On January 14, 1991, Petrotechnical Open Software Corporation ("POSC") filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 7, 1991 (56 FR 5021).

The last notification was filed with the Department on October 25, 199. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on May 12, 2000, (65 FR 30612).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5721 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Portland Cement Association ("PCA")

Notice is hereby given that, on February 13, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Portland Cement Association has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Allentown Cement Company, Allentown, PA was absorbed by Lehigh Portland Cement Company, Blandon, PA; Magotteaux-Slegten has changed its name to Magotteaux, Inc., Brentwood, TN; and Fuller Company has changed its name to F.L. Smidth Inc., Bethlehem, PA. Also, Air Products and Chemicals, Inc., Allentown, PA; and Trinity Consultants, Inc., Olathe, KS have been added as parties to this venture. And Herzog Automation, Cleveland, OH has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Portland Cement Association intends to file additional written notification disclosing all changes in membership.

On January 7, 1985, Portland Cement Association filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 5, 1985 (50 FR 5015).

The last notification was filed with the Department on June 27, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 11, 2000 (65 FR 49266).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5712 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on November 22, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), PXI Systems Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are A&T Engineering Technology Center, Mystic, CT; Acqiris, Geneva, SWITZERLAND; Advanced Power Designs, Irvine, CA; Advanced Text Methods, Camberley, Surrey, UNITED KINGDOM; Alphi Technology, Tempe, AZ; Analogic Data Conversion Products, Wakefield, MA; ARVOO Engineering, Woerden, THE NETHERLANDS, ASCOR, Fremont, CA; ATEME, Velizy, FRANCE; B&B Technologies, Albuquerque, NM; Ballard Technology, Inc., Everett, WA; BittWare Research Systems, Concord, NH; Bloomy Controls, Windsor, CT; Bode Enterprises, San Diego, CA; Boulder Instruments, Longmont, CO; BRIME, Courtaboeuf Cedex, FRANCE, C&H Technologies, Austin, TX; CHROMA ATE Inc., Wu-Ku, Taipei Hsien, TAIWAN; ComputerBoards, Middleboro, MA; CORTEST, Willoughby, OH; Data Patterns, Chennai, INDIA; Datappli, Midland, MI; Datum, San Jose, CA; Dolch Computer Systems, Fremont, CA; ERNI Components, Chester, VA; GenRad, Westford, MA; Gespac Corporation, Geneva, SWITZERLAND; Goepel Electronic, Jena, GERMANY, GTE–ERS, Ontario, CA; Innovative Integration, Westlake Village, CA; Kinetic Systems, Lockport, IL; LeCroy, Chestnut Ridge, NY; MAC Panel, High Point, NC; Marconi Integrated Systems, San Diego, CA; MarekMicro GmbH, Sulzbach-Rosenberg, GERMANY; MEN Mikro Elektronik, Nuremberg, GERMANY; National Instruments, Austin, TX; Pickering Interfaces, Grants Pass, OR; PX Instrument Technology, Bray, County Wicklow, IRELAND; Quantum Controls, Plymouth, MI; Racal Instruments, Irvine, CA; Rohde & Schwarz GmbH & Co KG, Munchen, GERMANY; SBS GreenSpring Computers, Menlo Park, CA; Pentair Electronic Packaging, Warwick, RI; Shaanxi Hitech, Xi'an, PEOPLE'S REPUBLIC OF CHINA; Kaparel Corporation, Waterloo, Ontario, CANADA; SRC Corporation, Tokyo, JAPAN; Tracewell Systems, Westerville, OH; TTI Testron, Orlando, FL; Vero/APW Electronics, Southhampton, Hampshire, UNITED KINGDOM; Virginia Panel Corp., Waynesboro, VA; Znyx, Fremont, CA; United Electronic Industries, Inc., Watertown, MA; Modular Integration Technologies, Boonton, NJ; Alfautomazione S.r.l., Lissone, ITALY; and PLD Applications, Gardanne, FRANCE.

The nature and objectives of the venture are to promote the PXI specification as an extension to the CompactPCI industrial computer specification where the PXI specification defines extensions for instrumentation; to sponsor, actively participate in, and support the creation and maintenance of one or more card based specifications for instruments, measurement and automation systems, and/or protocols to enable manufacturers of various devices to achieve interoperability of such devices; to promote the adoption and use of specifications and protocols for card based instrumentation through the development of proof of concept/feasibility demonstrations, pilot/prototype projects, and a free and open exchange of technologies among the Members; and to undertake such other activities as may from time to time be appropriate to further the purposes and achieve the goals set forth above.

Constance K. Robinson,
Director of Operations, Antitrust Division.
[FR Doc. 01–5715 Filed 3–7–01; 8:45 am]
BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Semiconductor Research Corporation

Notice is hereby given that, on January 26, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Semiconductor Research Corporation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Conexant Systems, Newport Beach, CA; United Microelectronics Corporation Group of Taiwan, Hsin-Chu City, TAIWAN; Integrated Systems Engineering, Inc., San Jose, CA; Genus, Inc., Sunnyvale, CA; Torrex Equipment Corporation, Livermore, CA; and Ziptronix, Inc., Research Triangle, NC have been added as parties to the venture. In addition, Etec Systems, Inc., Hayward, CA; Harris Corporation, Melbourne, FL; Microbar Incorporated, Sunnyvale, CA; Northrop Grumman, Los Angeles, CA; Omniview, Inc., Pittsburgh, PA; Suss Advanced Lithography, Inc., Burlington, VT; and Verity Instruments, Inc., Carrollton, TX have been dropped as parties to the venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Semiconductor Research Corporation intends to file additional written notification disclosing all changes in membership.

On January 7, 1985, Semiconductor Research Corporation filed its original notification pursuant to section 6(a) of the Act. The Departent of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 30, 1985 (50 FR 4281).

The last notification was filed with the Department on August 4, 1999. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 14, 1999 (64 FR 69800).

Constance K. Robinson,
Director of Operations, Antitrust Division.
[FR Doc. 01–5717 Filed 3–7–01; 8:45 am]
BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Southwest Research Institute (SWRI): Clean Diesel III

Notice is hereby given that, on June 12, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. section 4301 *et seq.* ("the Act"), Southwest Research Institute: Clean Diesel III has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Detroit Diesel Corporation, Detroit, MI; and Jacobs Vehicle System, Inc., Bloomfield, CT have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Southwest Research Institute: Clean Diesel III intends to file additional written notification disclosing all changes in membership.

On January 12, 2000, Southwest Research Institute: Clean Diesel III filed its original notification pursuant to Section 6(a) of the Act. This notice was published by the Department of Justice in the **Federal Register** pursuant to section 6(b) of the Act on June 26, 2000 (65 FR 39429).

The last notification was filed with the Department on April 26, 2000. This notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 29, 2000 (65 FR 40132).

Constance K. Robinson,
Director of Operations, Antitrust Division.
[FR Doc. 01–5713 Filed 3–7–01; 8:45 am]
BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Spray Drift Task Force

Notice is hereby given that, on May 11, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Spray Drift Task Force has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission updating its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

As of May 5, 2000, the Spray Drift Task Force's membership consists of the following 39 companies: AH Marks and Company Limited, Yorkshire, UNITED KINGDOM; Agro Distribution, Sioux City, IA; Agro-Gor Company, Kansas City, MO; Albaugh, Inc., Ankeny, IA; American Cyanamid Company, Princeton, NJ; Amvac Chemical Corporation, Los Angeles, CA; Aventis CropScience, Research Triangle Park, NC; BASF Corporation, Research Triangle Park, NC; Bayer Corporation, Kansas City, MO; Cheminova, Inc., Wayne, NJ; Dow AgroSciences, Indianapolis, IN; Drexel Chemical Company, Memphis, TN; E. I. duPont de Nemours and Company, Wilmington, DE; Elf Atochem North America, Philadelphia, PA; FMC Corporation, Philadelphia, PA; Gharda USA, Inc., Brookfield, CT; Griffin, L.L.C., Hot Springs Village, AR; Helena Chemical Company, Princeton, CA; Industria Prodotti Chmimici SpA (I.Pi.Ci.), Milanese, ITALY, ISK Biosciences Corporation, Mentor, OH; Luxemborg Industries (PAMOL), Ltd., Memphis, TN; Makhteshim-Agan of North America, Inc., New York, NY; McLaughlin Gormley King Company, Minneapolis, MN: Merck & Co., Rahway, NJ; Micro-Flo Company, Memphis, TN; Monsanto, St. Louis, MO; NihonNohyaku America Inc., Hockessin, DE; Novartis Crop Protection, Inc., Greensboro, NC; Nufarm Platte Pty. Ltd., Greeley, CO; Rohm and Haas Company, Philadelphia, PA; Sipcam Agro USA, Inc., Roswell, GA; Tomen Agro, Inc., San Francisco, CA; Tri Corporation, Houston, TX; UCB Chemical Corporation, Smyrna, GA; Uniroyal Chemical Co. Inc., Middlebury, CT; United Phosphorus, Inc., Exton, PA; Valent U.S.A. Corporation, Walnut Creek, CA; Wilbur-Ellis Company, Fresno, CA; and Zeneca Ag Products Inc., Wilmington, DE.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Spray Drift Task Force intends to file additional written notification disclosing all changes in membership.

On May 15, 1990, Spray Drift Task Force filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 5, 1990 (55 FR 27701).

The last notification was filed with the Department on November 16, 1995. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on April 8, 1996 (61 FR 15522).

Constance K. Robinson,
Director of Operations, Antitrust Division.
[FR Doc. 01–5716 Filed 3–7–01; 8:45 am]
BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Teaming Agreement for Implementation of the Advanced Gun Systems Program

Notice is hereby given that, on April 17, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), United Defense, L.P. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identifies of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provision limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are United Defense, L.P., Arlington, VA; and General Dynamics Armament Systems, Inc., Burlington, VT which are controlled by UDLP Holding Corporation, Washington, DC; and United Defense Industries, Inc., Washington, DC respectively. The nature of the venture is the development of the Advanced Gun Systems ("AGS") Program. The U.S. Navy currently is developing its next generation class of destroyers, the DD–21. The overall requirement for the DD–21 is to provide the equivalent of land-based artillery gunfire until Marine and Army maneuver forces are established ashore, then assist those forces in fire support. The primary armament for the DD–21 is the AGS which is currently in the concept development and trade studies stage.

The objective of the parties is to form an exclusive team for all phases and stages of the AGS Program, including further system development and production.

Constance K. Robinson,
Director of Operations, Antitrust Division.
[FR Doc. 01–5719 Filed 3–7–01; 8:45 am]
BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: Generic clearance of customer service surveys.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on December 18, 2000 at 65 FR 79123, allowing for a 60-day public comment period. No comments were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 9, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725—17th Street, NW., Room 10235, Washington, DC 20530; Attention: Lauren Wittenberg, Department of Justice Desk Officer; 202–395–4318.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Generic Clearance of Customer Service Surveys.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No agency form number (File No. OMB–9), Office of Policy and Planning, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This information will be used to assess individual and agency needs, identify problems, and plan for programmatic improvements in the delivery of immigration services.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to*

respond: 150,000 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 75,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: March 2, 2001.

Richard A. Sloan,

Department Clearance Officer, Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–5633 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

February 28, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), on or before April 9, 2001.

The OMB is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration (ETA).

Title: Attestations by Facilities Temporarily Employing H–1C Nonimmigrant Aliens as Registered Nurses.

OMB Number: 1205–0415.

Affected Public: Business or other for-profit and Not-for-profit institutions.

Frequency: On Occasion.

Number of Respondents: 14.

Number of Annual Responses: 172.

Estimated Time Per Response: Varies from an estimated 15 minutes to provide a notification of registered nurses to 1.25 hours to submit a notice of strike/lockout or layoff (the time required to complete the ETA Form 9081 is estimated at 1 hour).

Total Burden Hours: 68.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $57.

Description: The ETA Form 9081 and the recordkeeping requirements required by 20 CFR Part 655, Subparts L and M are necessary for employers seeking to hire H–1C nonimmigrant nurses for certain facilities located in areas with severe health professional shortages. These reporting and recordkeeping requirements allow employers and the Department to comply with the requirements of the Nursing Relief for Disadvantaged Areas Act of 1999.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–5743 Filed 3–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension collection of the Work Opportunity Tax Credit (WOTC) Program and the Welfare-to-Work (WtW) Tax Credit's reporting and administrative forms.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before May 7, 2001.

ADDRESSES: Gay M. Gilbert, Division Chief, U.S. Employment Service/ALMIS, Office of Workforce Security, Room C–4514, Washington, DC 20210, (202) 693–3428 (this is not a toll-free number) and, Internet address: ggilbert@doleta.gov and/or fax number: 202/693–2874.

SUPPLEMENTARY INFORMATION:

I. Data collected on the WOTC and the WtW Tax Credits will be collected by the State Employment Security and/or Workforce Development Agencies and provided to the U.S. Employment Service/ALMIS Division, Unit of Operations, Office of Career Transition and Assistance, Office of Workforce Security, Washington, DC, through the appropriate Department of Labor regional offices. The data will be used, primarily, to supplement IRS Form 8850, help expedite the processing of, either, employer requests for Certifications generated through IRS Form 8850 or issuance of Conditional Certifications (CCs) and processing of employer requests for Certifications as a result of individuals' bearing SESAs or participating agencies' generated CCs, help streamline SESAs verification mandated activities, aid and expedite the preparation of the quarterly reports, and provide a significant source of information for the Secretary's Annual Report to Congress on the WOTC program. The data recorded through the use of these forms will also help in the preparation of an annual report to the Committee House Ways and Means of the U.S. House of Representatives.

II. *Review Focus:* The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. *Current Actions:*

- The Work Opportunity and Welfare-to-Work Tax Credits' reporting and administrative forms expire June 30, 2001. P.L. 106–170 reauthorized these two tax credits through December 31, 2001. Because the Congress reauthorizes these tax credits continuously for periods that range between one and three years, we are requesting a 2-year expiration date from approval date to continue the existing collection of information.

Type of Review: Extension.

Agency: Employment and Training Administration.

Title: Work Opportunity Tax Credit (WOTC) and Welfare-to-Work Tax (WtW) Credit.

OMB Number: 1205–0371.

Agency Number: ETA Forms 9057–59; 9061–63 and 9065.

Affected Public: State, Local or Tribal Government.

State Burden:

Cite/reference	Total respondents	Frequency	Total [1] responses	Average Time/response (hours)	Burden
Form 9057	52	Quarterly	208	8	1664
Form 9058	52	Quarterly	208	8	1664
Form 9059	52	Quarterly	208	8	1664
Form 9062	52	Quarterly	40	8	320
Form 9063	52	Quarterly	1000	1	1000
Form 9065	52	Quarterly	208	8	1664
Recordkeeping	52	Annually	52	997	51844
Total			1924		59820

[1] Nos. of "Total Responses" and "Average Time/Response" are only estimates and were obtained by calling several States and asking for the best possible estimates.

Cite/reference	Frequency	Total received	Average time response (hours)	Total hours
Form 9061	5 days	200	8 hours	1,600

Total Burden Hours: 61420.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request. They will also become a matter of public record.

Dated: February 28, 2001.

Gay M. Gilbert,

Signing Official, U.S. Employment Service/ALMIS, Division Chief, Office of Workforce Security.

[FR Doc. 01–5741 Filed 3–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comments and Recommendations; Program to Prevent Smoking in Hazardous Areas

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Submit comments on or before May 7, 2001.

ADDRESSES: Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 709A, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to bteaster@msha.gov, along with an original printed copy. Ms. Teaster can be reached at (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department

of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Ms. Teaster can be reached at bteaster@msha.gov (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 317(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 877(c), and 30 CFR 75.1702 prohibits persons from smoking or carrying smoking materials underground or in places where there is a fire or explosion hazard. Under the Mine Act and § 75.1702, coal mine operators are required to develop programs to prevent persons from carrying smoking materials, matches, or lighters underground and to prevent smoking in hazardous areas, such as in or around oil houses, explosives magazines, etc. The Mine Act and the standard further require that the mine operator submit the program plan to MSHA for approval. The purpose of the program is to insure that a fire or explosion hazard does not occur.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Program to Prevent Smoking in Hazardous Areas. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (*http://www.msha.gov*) and selecting "Statutory and Regulatory Information" then "Paperwork Reduction Act Submissions (http://www.msha.gov/regspwork.htm)", or by contacting the employee listed above in the **FOR FURTHER INFORMATION CONTACT** section of this notice for a hard copy.

III. Current Actions

It is necessary to continue this paperwork burden in order to ensure that mine operators continue to submit smoking materials search plans and that miners are continually protected from the hazards of igniting mine explosions or mine fires by the open flames of cigarette lighters and matches and smoldering tobacco products. Smoking continues to be a prevalent habit of underground coal miners when off work or when engaged in surface activities. Both the accidental or intentional carrying of smoking materials underground and the deliberate disregard for the safety of other miners can only be mitigated by the systematic programs to prohibit the carrying and use of smoking materials underground as required by 30 CFR 75.1702.

Type of Review: Extension (without change).

Agency: Mine Safety and Health Administration.

Title: Program to Prevent Smoking in Hazardous Areas.

OMB Number: 1219–0041.

Affected Public: Business or other for-profit institutions.

Cite/Reference/Form/etc: 30 CFR 75.1702.

Total Respondents: 188.

Frequency: On occasion.

Total Responses: 188.

Average Time per Response: 0.5 hour.

Total Burden Hours: 94 hours.

Total Burden Hour Cost: $4,932.

Total Burden Cost (capital/startup): $0..

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 28, 2001.

Brenda C. Teaster,

Acting Chief, Records Management Division.

[FR Doc. 01–5742 Filed 3–7–01; 8:45 am]

BILLING CODE 4510–23–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–035]

NASA Advisory Council (NAC), Aero-Space Technology Advisory Committee (ASTAC); Airframe Systems Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aero-Space Technology Advisory Committee, Airframe Systems Subcommittee.

DATES: Thursday, April 5, 2001, 8 a.m. to 5:45 p.m. and Friday, April 6, 2001, 8 a.m. to 12 Noon.

ADDRESSES: National Aeronautics and Space Administration, Langley Research Center, Building 1244, Room 223, Hampton, VA 23681–0001.

FOR FURTHER INFORMATION CONTACT: Dr. Darrel Tenney, National Aeronautics and Space Administration, Langley Research Center, Hampton, VA 23681, 757/864–6033.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—October 24 to 26, 2000, Subcommittee Report
—January 12 to 13, 2001, Report from the Turbulence Workshop
—Wind Tunnel Status and Strategy
—Aerospace Vehicle Systems Technology Program (AVSTP) Status
—AVSTP Vision and New Initiatives

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: March 5, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–5661 Filed 3–7–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before April 23, 2001. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to records.mgt@arch2.nara.gov. Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 713–7110. E-mail: records.mgt@arch2.nara.gov.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Agriculture, Food and Nutrition Service (N1–462–01–1, 5 items, 5 temporary items). Records relating to system testing for Y2K compliance. Included are test scripts, test results, and minutes of meetings.

2. Department of Housing and Urban Development, Office of Intergovernmental Relations (N1–207–01–1, 12 items, 10 temporary items). Subject files, records relating to trips taken by the Deputy Assistant Secretary, and correspondence with Federal, state, and local government officials. Also included are electronic copies of documents created using electronic mail and word processing and office web site records containing such information as calendars of events, telephone directories, and copies of congressional testimony. Recordkeeping copies of briefing materials prepared for the Secretary and others and files on agency partnerships with selected cities and states are proposed for permanent retention.

3. Department of Justice, Bureau of Prisons (N1–129–00–12, 4 items, 4 temporary items). Records accumulated by Regional Directors relating to such matters as strategic planning, emergency assistance, personnel, activities at individual facilities, program reviews, indoor air quality, and training. Also included are electronic copies of documents created using electronic mail and word processing.

4. Department of Justice, Bureau of Prisons (N1–129–00–13, 2 items, 2 temporary items). Records of the Regional Counsel relating to community service projects undertaken with such agencies and organizations as the National Park Service, the U.S. Army Corps of Engineers, and local hospitals. Also included are electronic copies of documents created using electronic mail and word processing.

5. Department of Justice, Bureau of Prisons (N1–129–00–14, 5 items, 5 temporary items). Records accumulated by regional Inmate Education Administrators relating to such matters as recreation programs, educational facilities, professional organizations, career counseling, budget, and enrollment in GED classes. Included are electronic copies of documents created using electronic mail and word processing.

6. Department of Justice, Bureau of Prisons (N1–129–00–15, 2 items, 2 temporary items). Records accumulated by Health Systems Administrators in regional offices relating to the operation and administration of institutional medical facilities. Included are correspondence, memoranda, reports, notifications, requests, and electronic copies of documents created using electronic mail and word processing.

7. Department of Justice, Bureau of Prisons (N1–129–00–16, 6 items, 6 temporary items). Records maintained in paper and electronic media accumulated by Food Services Administrators in regional offices. Included are menus and plans, monthly

nutrition reports, program reviews, staff meeting minutes, staff rosters, and electronic copies of documents created using electronic mail and word processing.

8. Department of Justice, Bureau of Prisons (N1–129–00–17, 4 items, 4 temporary items). Records accumulated by Mechanical Services and Facilities Administrators in regional offices. Records pertain to inspections, physical plant maintenance, and related matters. Included are correspondence, memoranda, reports, background files, and electronic copies of documents created using electronic mail and word processing.

9. Department of Justice, Bureau of Prisons (N1–129–00–18, 6 items, 6 temporary items). Records accumulated by regional Community Corrections Administrators relating to such matters as the location of individual inmates, timely admittance and release, accurate sentence computation, and statistical reporting. Also included are electronic copies of documents created using electronic mail and word processing.

10. Department of Justice, Bureau of Prisons (N1–129–00–19, 5 items, 5 temporary items). Administrative records common to regional offices. Included are such records as correspondence with inmates, responses to letters from Members of Congress concerning the status of inmates, files pertaining to assisting the staffs of institutions, and electronic copies of documents created using electronic mail and word processing.

11. Department of Justice, Bureau of Prisons (N1–129–00–20, 6 items, 6 temporary items). Records accumulated by regional Correctional Services Administrators relating to such matters as inmate transfers, day-to-day activities at correctional institutions, and the work of special investigative supervisors and special operations response teams. Also included are electronic copies of documents created using electronic mail and word processing.

12. Department of Justice, Bureau of Prisons (N1–129–01–3, 4 items, 4 temporary items). Records accumulated by the Safety Section, including life safety surveys, a breathing apparatus tracking system, subject files pertaining to such matters as workmen's compensation litigation and inmate injuries, and electronic copies of documents created using electronic mail and word processing.

13. Department of Justice, Bureau of Prisons (N1–129–01–4, 6 items, 6 temporary items). Records of the Quality Assurance Section pertaining to the quality of medical care at agency facilities. Records relate to such matters as the credentials of medical personnel, pre-certification of requests for non-emergency hospitalization, reviews of the circumstances surrounding inmate deaths, the accreditation of medical facilities, and the review of medical problems and issues at facilities. Electronic copies of documents created using electronic mail and word processing are also included.

14. Department of Justice, Bureau of Prisons (N1–129–01–5, 8 items, 8 temporary items). Records accumulated by the Personnel Management and Recruitment Section. Included are such records as working copies of personnel files, monthly staffing reports, health professional shortage area files, National Health Service Corps files, physicians' comparability allowance files, records relating to recruitment trips, an applicant/vacancy tracking system, and electronic copies of documents created using electronic mail and word processing.

15. Department of Justice, Bureau of Prisons (N1–129–01–6, 6 items, 6 temporary items). Records accumulated by the Medical Designations Section relating to determining medical needs of inmates with conditions requiring special treatment, including the identification of inmates with needs that cannot be addressed at the correctional institution. Electronic copies of documents created using electronic mail and word processing are included.

16. Department of Justice, Bureau of Prisons (N1–129–01–7, 7 items, 7 temporary items). Records accumulated by the Food Services Section maintained in paper or electronic format. Included are such records as 35-day master cycle menus, monthly nutrition reports, monthly staff meeting minutes, staff rosters, program reviews, and electronic copies of documents created using electronic mail and word processing.

17. Department of Justice, Bureau of Prisons (N1–129–01–8, 4 items, 4 temporary items). Records accumulated by the Health Promotion and Disease Prevention Section. Included are such records as subject files, policy files, health clinic administrative files, and electronic copies of documents created using electronic mail and word processing.

18. Department of Justice, Bureau of Prisons (N1–129–01–9, 2 items, 2 temporary items). Records accumulated by the Financial Management Section of the Health Services Division pertaining to fitness center applications. Included are such records as medical histories of applicants, liability waivers, and electronic copies of documents created using electronic mail and word processing.

19. Department of Justice, Bureau of Prisons (N1–129–01–10, 2 items, 2 temporary items). Records accumulated by the Drug Free Workplace Office relating in large part to the administration of drug tests by contractors. Electronic copies of documents created using electronic mail and word processing are included.

20. Department of Justice, Bureau of Prisons (N1–129–01–11, 7 items, 7 temporary items). Records accumulated by the Office of the Assistant Director of the Health Services Division. Included are such records as controlled correspondence, working copies of litigation case files, files relating to medical activities in facilities, subject files, chronological files, and electronic copies of documents created using electronic mail and word processing.

21. Department of the Treasury, Bureau of the Public Debt (N1–53–01–1, 23 items, 23 temporary items). Files accumulated by the Savings Bond Operations Office including such records as redemption tables, adjustment advice forms, and summary tax reporting information for various types of savings bonds. Also included are inputs and outputs from two previously scheduled electronic systems and electronic copies of documents created using electronic mail and word processing.

22. Department of the Treasury, Bureau of the Public Debt (N1–53–01–4, 13 items, 13 temporary items). Files accumulated by the Savings Bond Operations Office including such records as tables of redemption values, logs, and inventory reports used in the reconciliation of issued savings bonds. The schedule also proposes increases in the retention periods of procurement records relating to savings bond stock paper and a special study concerning the consolidation of bond processing centers. Also included are electronic copies of documents created using electronic mail and word processing.

23. Department of the Treasury, United States Mint (N1–104–00–4, 2 items, 1 temporary item). Electronic versions of architectural and engineering drawings of United States Mint facilities produced using computer assisted design. Paper copies of the drawings are proposed for permanent retention.

24. Federal Retirement Thrift Investment Board, Office of Automated Services (N1–474–01–1, 2 items, 2 temporary items). Feedback and utilization statistics relating to the agency web site and electronic copies of documents created using electronic mail and word processing that relate to programs and activities of the Office of Automated Services.

25. National Archives and Records Administration, Office of the Federal Register (N1–64–01–1, 4 items, 4 temporary items). Legal documents and related materials received but not filed for publication or withdrawn from publication and not retrieved by the issuing agency. This schedule also decreases the retention period for rules, proposed rules, and document control files predating 1979, which were previously approved for disposal.

26. National Aeronautics and Space Administration (N1–255–99–4, 18 items, 7 temporary items). Records accumulated by the National Aeronautics and Space Administration from 1959 to 1993, including real property reports to the General Services Administration, background information pertaining to construction projects, public opinion mail, and contracts and other administrative files pertaining to exhibits. Proposed for permanent retention are files relating to such matters as agency facilities, research activities, financial matters, and the activities of committees and boards.

27. National Aeronautics and Space Administration, Agency-wide (N1–255–00–3, 41 items, 37 temporary items). Case files and other records relating to investigations, inspections, assessments, and audits. Also included are the Inspector General's case file tracking system and electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of policy and procedure files, semi-annual reports to Congress, and significant investigative and inspection case files.

28. Nuclear Regulatory Commission, Office of Investigations (N1–431–00–11, 3 items, 3 temporary items). Records relating to the use of confidential sources in investigations. Included are such records as logs, reports, debriefings, and electronic copies of documents created using electronic mail and word processing.

29. Office of Government Ethics, Office of General Counsel and Legal Policy (N1–522–01–1, 1 item, 1 temporary item). Records relating to the issuance of waivers and other ethics determinations in response to submissions by Federal agencies.

Dated: March 1, 2001.

Howard P. Lowell,

Acting Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 01–5619 Filed 3–7–01; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: Under the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3501 *et seq.*), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other Federal agencies to comment on this proposed continuing information collection. This is the second notice for public comment; the first was published in the **Federal Register** at 65 FR 81902 and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: Comments regarding these information collections are best assured of having their full effect if received by OMB on or before April 9, 2001.

ADDRESSES: Written comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of NSF, including whether the information will have practical utility; (b) the accuracy of NSF's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725–17th Street, NW., Room 10235, Washington, DC 20503, and to Teresa R. Pierce, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to tpierce@nsf.gov. Copies of the submission may be obtained by calling (703) 292–7555.

FOR FURTHER INFORMATION CONTACT: Teresa R. Pierce, NSF Reports Clearance Officer at (703) 292–7555 or send e-mail to tpierce@nsf.gov.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: Medical Clearance Process for Deployment to the Polar Regions.

OMB Control No.: 3145–NEW.

Abstract:

A. Proposed Project

All individuals who anticipate deploying to Antarctica and to certain regions of the Arctic under the auspices of the National Science Foundation's Office of Polar Programs are required to take and pass a rigorous physical examination prior to deploying. The physical examination includes a medical history, medical examination, a dental examination and for those persons planning to winter over in Antarctica a psychological examination is also required. The requirement for this determination of physical status for Antarctic deployment is found in 42 U.S.C. 1870 (Authority) and 45 CFR 675, unless otherwise noted. This part sets forth the procedures for medical screening to determine whether candidates for participation in the United States Antarctic Program (USAP) are physically qualified and psychologically adapted for assignment or travel to Antarctica. Medical screening examinations are necessary to determine the presence of any physical or psychological conditions that would threaten the health or safety of the candidate or other polar participants or that could not be effectively treated by the limited medical care capabilities at the Arctic and Antarctic stations.

(b) Presidential Memorandum No. 6646 (February 5, 1982) (available from the National Science Foundation, Office of Polar Programs, room 755, 4201 Wilson Blvd., Arlington, VA 22230) sets forth the National Science Foundation's overall management responsibilities for the entire United States national program in Antarctica.

(c) The Arctic Research and Policy Act, As Amended (Public Law 98–373, July 31, 1984 amended as Public Law 101–609, November 16, 1990) (available from the National Science Foundation,

Office of Polar Programs, room 755, 4201 Wilson Blvd., Arlington, VA 22230) sets forth the National Science Foundation's responsibility as the lead agency responsible for implementing Arctic research policy.

B. Use of the Information

1. *Form NSF–1421, 1451, 1461,* National Science Foundation—Medical Risks for NSF–Sponsored Personnel Traveling to Antarctica/Polar Regions—will be used to inform the polar participants of the risks associated with traveling to the polar regions where there are only limited medical care capabilities and facilities.

2. *Form NSF–1422, 1452, 1462,* National Science Foundation—Polar Physical Examination—Medical History—Antarctica/Official Visitor/Arctic, will be used by the individual to record the individual's family and personal medical histories. It is a five-page form that includes the individual's and the individual's emergency point-of-contact's name, address, and telephone numbers. It contains the individual's email address, employment affiliation and dates and locations of current and previous polar deployments. It also includes a signed certification of the accuracy of the information and understandings of refusal to provide the information or providing false information. The agency's contractor's reviewing physician and medical staff complete the sections of the form that indicated when the documents were received and whether or not the participant is qualified for Antarctic deployment, in which season qualified to deploy and where disqualified the reasons.

3. *Form NSF–1423, 1453, 1463,* Polar Physical Examination—Antarctica/Official Visitor/Arctic, will be used by the individual's physician to document specific medical examination results and the overall status of the individual's health. It is a two-page form which also provides for the signatures of both the patient and the examining physician, as well as contact information about the examining physician. Finally, it contains the name, address and telephone number of the agency's contractor that collects and retains the information.

4. *Form NSF–1424, 1454, 1464,* National Science Foundation—Medical Screening for Blood-Borne Pathogens/Consent for HIV Antibody Blood Test—Antarctica/Official Visitor/Arctic will be used to notify individuals of the requirement for Hepatitis B and C and HIV screening for winter over participants and to encourage summer season participants to voluntarily be tested.

5. *Form NSF–1425, 1455, 1465,* Polar Dental Examination—Antarctica/Official Visitor/Arctic, will be used by the examining dentist to document the status of the individual's dental health and to document when the individual was examined. It will also be used by the contractor's reviewing dentist to document whether or not the individual is dentally cleared to deploy to the polar regions.

6. *Form NSF–1426, 1456, 1466,* National Science Foundation—Polar Physical Examination—Medical History Interval Screening—Antarctica/Official Visitor/Arctic, will only be used by individuals who are under the age of 40 and who successfully took and passed a polar physical examination the previous season or not more than 24 months prior to current deployment date. It allows the otherwise healthy individual to update his or her medical data without having to take a physical examination every year as opposed to those over 40 years of age who must be examined annually.

7. *Form NSF–1427, 1467,* National Science Foundation—Authorization for Treatment of Field-Team Member/Participant Under the Age of 18 Years—will be used by the individual's parent or guardian to authorize medical treatment while the under age participant is deployed, if needed.

8. *Form NSF–1428, 1468,* National Science Foundation—Request for Waiver of Medical Requirements—USAP/Arctic—Any individual who is determined to be not physically qualified for polar deployment may request an administrative waiver of the medical screening criteria. This allows the individual to request and receive an in-depth review of his or her disqualifying condition as it relates to him or her to determine the risk of deploying in spite of the disqualifying medical condition.

9. *Form NSF–1429, 1469,* National Science Foundation—Employer Statement of Support—Antarctica/Arctic will allow the individual's employer to acknowledge that his or her employee has been found not physically qualified in accordance with polar medical screening criteria and to make a determination of acceptable risk in accordance with the Americans with Disabilities Act. It ensures that the employer understands that NSF has determined there is a risk to the individual of deploying and allows the employer to determine whether to support the request or provide a replacement.

10. *Other information requested:* The polar medical screening packages also includes the NSF Privacy Notice, which is not numbered and the following documents added by the primary support contractor:

—the Dear participant, Dear Doctor and Dear Dentist letters and a list of all medical laboratory tests required. This information is provided in response to participants' requests for more definitive information regarding the screening requirements. The NSF will instruct its contractors to include the Estimate of Burden Statement in the Dear Participant Letter.

Estimate of Burden: Public reporting burden for this collection of information is estimated to be approximately 11.4 hours annually per participant for the Antarctic and Arctic forms and 9.8 hours for the Official Visitor forms.

Respondents: All individuals deploying to the Antarctic to Greenland and to other select areas of the Arctic that are under the auspices of the National Science Foundation's Office of Polar Programs must complete these forms. There are approximately 3,120 submissions per year, with a small percentage (c.3%) under the age of 40 who are required to provide annual submissions but only take a complete physical examination every two years.

Estimated Number of Responses per Form: 3,120.

Estimated Total Annual Burden on Respondents: The total annual burden in hours is 29,617.11, broken down by form:

NSF form number—Antarctica	Annual burden hours	NSF form number—official visitors	Annual burden hours	NSF form number—arctic	Annual burden hours
1421	3,000.00	1451	20.00	1461	50.000
1422	1,500.00	1452	10.00	1462	25.000
1423	18,000.00	1453	180.00	1463	300.000
1424	270.00	1454	1.80	1464	4.500
1425	6,000.00	1455	40.00	1465	100.000
1426*	37.50	*1456	0.50	*1466	0.625
1427**	0.09			**1467	0.090
1428***	25.0			***1468	<1.00
1429***	50.0			***1469	<1.00
Total	28,882.59		252.30		482.22

*These forms are completed by under age 40 participants only and are completed every other year.
**This form is only completed by participants who are under age 18.
***For those individuals who request a waiver after being not physically qualified.

Frequency of Responses: Individuals must complete the forms annually to be current within 12 months of their anticipated deployment dates. Depending on individual medical status some persons may require additional laboratory results to be current within two to six weeks of anticipated deployment.

Teresa R. Pierce,
Reports Clearance Officer.
[FR Doc. 01–5679 Filed 3–7–01; 8:45 am]
BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–146]

Saxton Nuclear Experimental Corporation and GPU Nuclear Corporation; Saxton Nuclear Experimental Facility Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Amended Facility License No. DPR–4 issued to GPU Nuclear Corporation and Saxton Nuclear Experimental Corporation (the licensees), for possession of the Saxton Nuclear Experimental Facility (SNEF), located in Saxton, Bedford County, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed action would revise Amended Facility License No. DPR–4 to change the legal name GPU Nuclear Corporation to GPU Nuclear, Inc. wherever it appears in the license to reflect the change in name of the corporation.

The proposed action is in accordance with the licensees' application for amendment dated November 30, 2000, as supplemented by letter dated January 18, 2001.

The Need for the Proposed Action

The proposed action is needed to conform the license to reflect the change in the legal name of GPU Nuclear Corporation to GPU Nuclear, Inc.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the proposed amendment to the SNEF amended facility license to reflect the change in the legal name of GPU Nuclear Corporation to GPU Nuclear, Inc. will have no impact on the continued safe possession of the facility. Also, the change does not alter the corporate existence of the company, or its obligations, responsibilities or liabilities as related to its responsibility as a licensee for the SNEF. All legal characteristics, other than the legal name of the company will remain the same. An identical change was previously approved by the NRC for the Oyster Creek Nuclear Generating Station (Amendment No. 194 issued on January 14, 1998) and for the Three Mile Island Nuclear Generating Station, Unit-1 (Amendment No. 207 issued on April 24, 1998).

Therefore, the proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action involves an administrative amendment that does not involve the use of irreversible or irretrievable resources. Therefore, there is no alternative use of resources to be considered.

Agencies and Persons Consulted

In accordance with its stated policy, on January 4, 2001, the staff consulted with the Pennsylvania State official, M. Murphy of the Bureau of Radiation Protection, Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 30, 2000, as supplemented by letter dated January 18, 2001, which are available for public inspection, and/or copied for a fee, at the U.S. Nuclear Regulatory Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from

the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 31st day of January, 2001.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Chief, Events Assessment, Generic Communications and Non-Power Reactors Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5744 Filed 3–7–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of the Subcommittee on Plant License Renewal; Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on March 27, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, March 27, 2001—8:30 a.m. until the conclusion of business.

The Subcommittee will review selected boiling water reactor Vessel and Internals Project (BWRVIP) reports applicable to Hatch license renewal and the proposed final revisions of license renewal regulatory guidance documents (Generic Aging Lessons Learned (GALL) report, Standard Review Plan, Regulatory Guide, and NEI 95–10, Industry Guideline for Implementing the Requirements of 10 CFR Part 54—The License Renewal Rule). The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, BWRVIP, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Sam Duraiswamy (telephone 301/415–7364) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: March 1, 2001.

James E. Lyons,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–5752 Filed 3–7–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Meeting of the Subcommittee on Plant License Renewal; Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on March 28, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, March 28, 2001—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the draft Safety Evaluation Report for the Southern Nuclear Operating Company, Inc., license renewal application for Hatch Units 1 and 2. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, Southern Nuclear Operating Company, Inc., and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Sam Duraiswamy (telephone 301/415–7364) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: March 1, 2001.

James E. Lyons,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–5753 Filed 3–7–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application to Withdraw from Listing and Registration; (Integrated Orthopaedics, Inc., Common Stock, $.001 Par Value) File No. 1–10677

March 2, 2001.

Integrated Orthopaedics, Inc., a Texas corporation ("Issuer"), has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Common Stock, $.001 par value ("Security"), from listing and registration on the American Stock Exchange ("Amex").

Amex listing guidelines require that, when a listed company is acquired by an unlisted company, even though the listed company is the nominal survivor, the Amex will apply its original listing criteria in evaluating the eligibility of the surviving company for listing. Representatives of the Amex have advised the Issuer that, upon completion of the Issuer's expected merger with PowerBrief, Inc., its Security will no longer be eligible to be listed on the Amex because the resultant combined company will not meet the Amex's original listing criteria. As a result, the Issuer has determined to voluntarily withdraw its Security from listing and registration on the Amex at this time. The Issuer has indicated that it will pursue the possibility of having the Security quoted in the unlisted over-the-counter market once it has ceased to trade on the Amex.

The Issuer has stated in its application that it has complied with the rules of the Amex governing the withdrawal of its Security and that the application relates solely to the withdrawal of the Security from listing on the Amex and registration under Section 12(b) of the Act.[3]

Any interested person may, on or before March 23, 2001, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–5690 Filed 3–7–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24884; 812–12338]

Barr Rosenberg Series Trust; AXA Rosenberg Investment Management LLC, and AXA Rosenberg Group LLC; Notice of Application

March 2, 2001.

AGENCY: Securities anti Exchange Commission ("Commission").

ACTION: Notice of an application under section 17(b) of the Investment Company Act of 1940 (the "Act") for an exemption from section 17(a) of the Act.

Summary of Application: Applicants request an order to permit a series of a registered open-end management investment company to acquire all of the assets, subject to the liabilities, of another series of the investment company. Because of certain affiliations, applicants may not rely on rule 17a–8 under the Act.

Applicants G: Barr Rosenberg Series Trust (the "Trust"), AXA Rosenberg Investment Management LLC (the "Adviser"), and AXA Rosenberg Group LLC ("AXA Rosenberg Group").

Filing Dates: The application was filed on November 27, 2000, and was amended on March 2, 2001.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 23, 2001 and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609; Applicants: c/o J.B. Kittredge, Jr., Esq., Ropes & Gray, One International Place, Boston, Massachusetts 02110–2624, Kenneth Reid and Sara Ronan, AXA Rosenberg Investment Management LLC, Four Orinda Way, Building E, Orinda, California 94563.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Senior Counsel, at (202) 942–0574 or Janet M. Grossnickle, Branch Chief, at (202) 942–0564, (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. The Trust, a Massachusetts business trust, is registered under the Act as an open-end management investment company and is currently comprised of ten series, including the AXA Rosenberg Japan Fund (the "Japan Fund") and the AXA Rosenberg International Equity Fund (the "International Fund" and together with the Japan Fund, the "Funds").

2. The Adviser is the investment adviser for the Funds, and is registered as an investment adviser under the Investment Advisers Act of 1940 (the "Advisers Act"). The Adviser is owned 100% by AXA Rosenberg Group. AXA Rosenberg Group is indirectly controlled by AXA Group, a French holding company for an international group of insurance and related financial services companies. AXA Group also controls The Equitable Assurance Society of the United States ("Equitable"). AXA Rosenberg Group owns for its own account approximately 82% of the outstanding voting securities of the Japan Fund, and Equitable owns for its own account approximately 100% of the outstanding voting securities of the International Fund.

3. On December 4, 2000, the board of directors of the Trust (the "Board"), including all of the directors who are not "interested persons" as defined in section 2(a)(19) of the Act ("Independent Directors"), unanimously approved an Agreement and Plan of Reorganization (the "Plan"). The Plan provides that, on a date in the first quarter of 2001 (the "Merger Date"), substantially all of the assets, subject to the liabilities, of the Japan Fund will be sold to the International Fund (the "Merger"). The Plan provides that, as payment for such assets, the International Fund will issue to the Japan Fund a number of shares of designated classes which will be calculated to equal in aggregate value the net assets attributable to the shares of the corresponding classes of the Japan Fund acquired by the International Fund. The shares issued by each class of the International Fund will then be distributed to the shareholders of the

corresponding class of the Japan fund on a *pro rata* basis. The Japan Fund will then be liquidated. Each Japan Fund shareholder will receive International Fund shares having an aggregate net asset value equal to the aggregate net asset value of the corresponding Japan Fund shares held by that shareholder, determined as of 4 p.m. on the Merger Date. The assets and liabilities of both funds will be valued at 4 p.m. on the Merger Date consistently in accordance with the valuation procedures set forth in the Trust's Registration Statement.

4. Applicants state that although not identical, the investment objectives, policies, and restrictions of the Funds are generally similar. The Japan Fund offers two classes of shares: Institutional Shares and Investor Shares. The International Fund offers five classes of shares: Class A, Class B, Class C, Institutional and Investor Shares. No shares of Classes A, B, and C are outstanding. Investor Shares of both Funds pay a distribution and shareholder service fee. Institutional and Investor Shares of both Funds are sold without any front-end or deferred sales charge. Institutional and Investor Shares of the International Fund have rights and obligations, and enjoy shareholders services that are identical in all respects to those of the corresponding class of Japan Fund shares. No sales charge or fee of any kind will be charged to either Fund's shareholders in connection with the Merger, and the Funds will incur no brokerage expenses or finders fee in connection with the transfer of assets of the Japan Fund to the International Fund.

5. On December 4, 2000, the Board determined that the Merger is in the best interests of each of the Funds and their shareholders and that the interests of existing shareholders of the Funds will not be diluted as a result of the Merger. In making this determination, the Board considered, among other things: (a) the terms and conditions of the Merger; (b) the tax-free nature of the Merger; (c) the anticipated expenses of the Merger, including the fact that the Adviser will pay such expenses except brokerage expenses, if any, in connection with the pre-Merger disposition of certain of the Japan Fund's assets; and (d) the compatibility of the Funds' investment objectives, policies and restrictions.

6. The Merger is subject to a number of conditions precedent, including: (a) the Plan shall have been approved by the holders of a majority of the outstanding shares of the Japan Fund; (b) the parties shall have complied with all material aspects of the Plan on or before the Merger Date; (c) the applicants shall have received from the Commission the exemptive relief requested in the application; (d) the registration statement filed with the Commission shall have become effective; (e) the Funds shall have received opinions of legal counsel concerning the tax-free nature of the Merger; and (f) the Japan Fund shall have declared and paid dividends and other distributions on or before the Merger Date. The Plan may be terminated and the Merger abandoned by mutual agreement of the parties at any time prior to the Merger Date. In addition, the Plan may be terminated by either party under certain circumstances specified in the Plan. The applicants agree that they will not make any material changes to the Plan without first obtaining the prior approval of the Commission.

7. A Registration and Information Statement on Form N–14 was filed with the Commission on February 2, 2001. It is anticipated that the Prospectus/Information Statement will be mailed to the Japan Fund's shareholders on or about March 6, 2001, and that AXA Rosenberg Group will execute a majority shareholder consent approving the Merger on or about March 27, 2001. Applicants state that because AXA Rosenberg Group has indicated that it will approve the Merger, no shareholder proxies will be solicited.

Applicants' Legal Analysis

1. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, from selling any security to, or purchasing any security from, the company. Section 2(a)(3) of the Act defines an "affiliated person" of another person to include (a) any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person; (b) any person 5% or more of whose securities are directly or indirectly owned, controlled, or held with power to vote by the other person; (c) any person directly or indirectly controlling, controlled by, or under common control with the other person; and (d) if the other person is an investment company, any investment adviser of that company. Applicants state that the Funds may be deemed affiliated persons and thus the Merger may be prohibited by section 17(a).

2. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons, or affiliated persons of an affiliated person, solely be reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions are satisfied.

3. Applicants state that they may not rely on rule 17a–8 because the Funds may be deemed to be affiliated for reasons other than those set forth in the rule. The Japan Fund and International Fund may also be deemed to be affiliated because of (a) AXA Rosenberg Group's estimated 82% ownership interest in the Japan Fund and its 100% ownership of the Adviser, and (b) the common control of AXA Rosenberg Group, the Adviser and Equitable, together with Equitable's ownership of approximately 100% of the outstanding shares of the International Fund.

4. Section 17(b) of the Act provides that the Commission may exempt a transaction from the provisions of section 17(a) if the evidence establishes that the terms of the proposed transaction, including the considerations to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

5. Applicants request an order under section 17(b) of the Act exempting them from section 17(a) of the Act to the extent necessary to complete the Merger. Applicants submit that the Merger satisfies the standards of section 17(b) of the Act. Applicants state that the Board, including all of the Disinterested Trustees, has determined that participation in the Merger is in the best interests of each Fund, and that the interests of the Funds' shareholders will not be diluted as a result of the Merger. The applicants also state that the Merger will be based on the Funds' relative net asset values.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5724 Filed 3–7–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44020; File No. SR–CBOE–01–07]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Extending for a Six-Month Period the Pilot Program for the Exchange's 100 Spoke RAES Wheel

February 28, 2001.

Pursuant to section 19(b)(1) of the Securities Act of 1934 ("Act")[1] and rule 19b–4[2] thereunder, notice is hereby given that on February 27, 2001, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. CBOE filed the proposal pursuant to section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)[4] thereunder, which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule

CBOE hereby proposes to extend, for an additional six-month period, the pilot program that permits the appropriate Floor Procedure Committee ("FPC") to allocate orders on the Exchange's Retail Automatic Execution System ("RAES") under the allocation system known as the 100 Spoke RAES Wheel. CBOE has designated this proposal as non-controversial and requests that the Commission waive both the five-day pre-filing notice and the 30-day pre-operative waiting period contained in Rule 19b–4(f)(6)(iii) under the Act,[5] to allow the proposal to be both effective and operative immediately upon filing with the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 25, 2000, the Commission approved on a pilot basis the Exchange's proposal to amend CBOE Rule 6.8, which governs the operation of RAES,[6] to provide the appropriate FPC with another choice for apportioning RAES trades among participating market makers, the 100 Spoke RAES Wheel.[7] In those classes where the 100 Spoke RAES Wheel is employed, the percentages of RAES contracts assigned to a participating market maker is essentially identical to the percentage of non-RAES in-person agency contracts traded by that market maker in that class. The Exchange now proposes to extend the pilot program for an additional six-month period ending August 28, 2001.[8] The pilot will continue to operate under its current terms and conditions.

CBOE believes that the 100 Spoke RAES Wheel pilot program has been used as anticipated. Use of the 100 Spoke RAES Wheel has expanded since its implementation, and it is currently used in approximately two-thirds to three-fourths of the equity options trading stations. CBOE believes that an extension of the pilot program will continue to provide the appropriate FPC with flexibility in determining the appropriate allocation system for a given class of options on RAES. In addition, CBOE believes that the continuation of the pilot program will continue to reward those market makers who are most active in providing liquidity to agency business in the assigned options class.

2. Statutory Basis

CBOE believes that the proposed rule change will continue to be consistent with the requirements of section 6(b)(5) Act.[9] Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to facilitate transactions in securities; to remove impediments to and perfect the mechanisms of a free and open market and a national market system; and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose a burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

CBOE has asserted that, because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed (or such shorter time as the Commission may designate) it has become effective pursuant to section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)[11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

CBOE has requested that the Commission waive the 30-day pre-operative waiting period, which will allow the Exchange to continue the pilot program without interruption until the Commission determines whether to approve the pilot on a permanent basis. The Commission believes that, with the continuation of the pilot program, market makers will continue to have greater incentive to compete effectively for orders in the crowd, which benefits investors and promotes the public interest. In addition, given the widespread use of the 100 Spoke RAES

[1] 15 U.S.C. 78s(b)(1).
[2] 17 CFR 240.19b–4.
[3] 15 U.S.C. 78s(b)(3)(A).
[4] 17 CFR 240.19b–4(f)(6).
[5] 17 CFR 240.19b–4(f)(6)(iii).
[6] RAES is the Exchange's automatic execution system for public customer market or marketable limit orders of less than a certain size.
[7] *See* Securities Exchange Act Release No. 42824 (May 25, 2000), 65 FR 37442 (June 14, 2000).
[8] The Exchange intends to submit a rule change in the near future proposing permanent approval of the 100 Spoke RAES Wheel allocation system.
[9] 15 U.S.C. 78f(b)(5).
[10] 15 U.S.C. 78s(b)(3)(A).
[11] 17 CFR 240.19b–4(f)(6).

Wheel in equity options trading stations, requiring the Exchange to discontinue the use of the 100 Spoke RAES Wheel as of March 1, 2001, would cause disruption to those trading stations, and thus, be disruptive to investors and the public interest. Accordingly, the Commission finds good cause to waive the 30-day operative waiting period and to designate that the proposal become operative immediately.[12]

The Commission has also waived the requirement that the Exchange provide written notice of its intent to file the proposed rule change at least five business days prior to the date of filing.[13]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CBOE–01–07 and should be submitted by March 29, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

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[12] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] *See* 17 CFR 240.19b–4(f)(6)(iii).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44025; File No. SR–PCX 01–12]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment No. 1 by the Pacific Exchange, Inc. Relating to Listing and Trading of Options on Exchange-Traded Fund Shares

February 28, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 27, 2001, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the PCX. On February 28, 2001, the PCX submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposal, as amended, on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to amend its rules to create listing criteria and amend trading rules to allow the Exchange to list options on Exchange-Traded Fund Shares. The text of the proposed rule change is available at the PCX or the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The PCX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. *Purpose*

The purpose of the proposed rule change is to provide for the trading of options and FLEX options on Exchange-Traded Fund Shares.[4] As noted above, Exchange-Traded Fund Shares are exchange-listed securities representing interests in open-end unit investment trusts or open-end management investment companies ("Funds") that hold securities based on an index or a portfolio of securities.[5] Exchange-Traded Fund Shares are issued in exchange for an "in kind" deposit of a specified portfolio of securities, together with a cash payment, in minimum size aggregations or multiples thereof ("Creation Units"). The size of the applicable Creation Unit size aggregation is set forth in the Fund's prospectus, and varies from one series of Exchange-Traded Fund Shares to another, but generally is of substantial size (*e.g.*, value in excess of $450,000 per Creation Unit). A Fund, generally, will issue and sell Exchange-Traded Fund Shares in Creation Unit size through a principal underwriter on a continuous basis at the net asset value per share next determined after an order to purchase Exchange-Traded Fund Shares and the appropriate securities are received. Following issuance, Exchange-Traded Fund Shares are traded on an exchange like other equity securities, and equity trading rules apply. Likewise, redemption of Exchange-Traded Fund Shares is made in Creation Unit size and "in kind," with a portfolio of securities and cash exchanged for the Exchange-Traded fund shares that have been tendered for redemption.

Generally, options on Exchange-Traded Fund Shares are proposed to be traded on the Exchange pursuant to the same rules and procedures that apply to trading in options on equity securities. However, the Exchange is also proposing to list FLEX options on Exchange-Traded Fund Shares and some options will have a unit of trading of 1000 Exchange-Traded Fund Shares. The Exchange will list option contracts covering either 100 or 1000 Exchange-Traded Fund Shares, or both, depending on the price and volatility of the underlying Exchange-Traded fund Shares and the popularity of the options.[6]

The proposed position, exercise and reporting limits for options on Exchange-Traded Fund Shares would be the same as those established for stock options as set forth in PCX Rules 6.8(a), 6.9, and 6.6(a), respectively. The PCX anticipates that most options on Exchange-Traded Fund Shares initially will qualify for only the lowest position limit. As with other equity options, the position limits will be increased for options if the volume of trading in the Exchange-Traded Fund Shares increases to meet the requirements of a higher limit. As is currently the case for all FLEX options, no position or exercise limits will be applicable to FLEX options overlying Exchange-Traded Fund Shares.

The listing and maintenance standards proposed for options on Exchange-Traded Fund Shares are set forth in proposed Commentary .06 under PCX Rule 3.6 and in proposed Commentary .10 under PCX Rule 3.7, respectively. Pursuant to the proposed initial listing standards, PCX will only list options on Exchange-Traded Fund Shares that are principally traded on a national securities exchange or through the facilities of a national securities association and reported as national market securities. In addition, the initial listing standards require that either: (1) The Exchange-Traded Fund Shares meet the uniform options listing standards set forth in PCX Rule 3.6(a), which include minimum public float, trading volume, and share price of the underlying security in order to list the option; [7] or (2) the Exchange-Traded Fund Shares must be available for creation or redemption each business day in cash or in kind from the Fund at a price related to the net asset value, and the Exchange will require that the investment company shall provide that Exchange-Trader Fund Shares may be created even though some or all of the securities needed to be deposited have not been received by the Fund.[8]

In addition, the initial listing standards require that: (1) Any Exchange-Traded Fund Share with non-U.S. stocks in the underlying index or portfolio that are not subject to comprehensive surveillance agreements do not in the aggregate represent more than 50% of the weight of the index or portfolio; (2) stocks for which the primary market is in any one country that is not subject to a comprehensive surveillance agreement do not represent 20% or more of the weight of the index or portfolio; and (3) stocks for which the primary market is in any two countries that are not subject to comprehensive surveillance agreements do not represent 33% or more of the weight of the index or portfolio.

The Exchange's proposed maintenance standards provide that if a particular series of Exchange-Traded Fund Shares should cease to trade on an exchange or as national market securities traded through the facilities of a national securities association, there will be no opening transactions in the options on the Exchange-Traded Fund Shares, and all such options will trade on a liquidation-only basis. In addition, the PCX will consider the suspension of opening transactions in any series of options of the class covering Exchange-Traded Fund Shares if: (1) The options fail to meet the uniform equity option maintenance standards in Commentary .01 to Rule 3.7,[9] when the options were listed pursuant to the equity option listing standards of PCX Rule 3.6(a); (2) following the initial twelve-month period beginning upon the commencement of trading of the Exchange-Traded Fund Shares on a national securities exchange or as national market securities through the facilities of a national securities association there are fewer than 50 record and/or beneficial holders of Exchange-Traded Fund Shares for 30 or more consecutive trading days; (3) the value of the index or portfolio of securities on which the Exchange-Traded Fund Shares are based is no longer calculated or available; or (4) such other event shall occur or condition exist that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable. Options on Exchange-Traded Fund Shares will be physically-settled and will have the American-style exercise feature used on all standardized equity options. The Exchange, however, also proposes to trade FLEX options, which will be available with both the American-style and European-style exercise feature, as well as other FLEX option features.[10]

The proposed margin requirements for options on Exchange-Traded Fund Shares are at the same levels that apply to options generally under PCX Rule 2.16, except, with respect to Exchange-Traded Fund Shares based on a broad-based index or portfolio, minimum margin must be deposited and maintained equal to 100% of the current market value of the option plus 15% of the market value of equivalent units of the underlying security value. Exchange-Traded Fund Shares that hold securities based upon a narrow-based index or portfolio must have options margin that equals at least 100% of the current market value of the contract plus 20% of the market value of equivalent units of the underlying security value. In this respect, the margin requirements proposed for options on Exchange-Traded Fund Shares are comparable to margin requirements that currently apply to broad-based and narrow-based index options.

The Exchange believes it has the necessary systems capacity to support the additional series of options that would result from the introduction of options on Exchange-Traded Fund Shares, and it has been advised that the Options Price Reporting Authority

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Hassan Abedi, Attorney, Regulatory Policy, PCX, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission, dated February 28, 2001. In Amendment No. 1, the PCX made certain technical changes to its proposed rule language and added various sections that were erroneously excluded from the original filing. In addition, PCX represented that holders of options on Fund Shares who exercise and receive the underlying Fund Shares must receive, like any purchaser of Fund Shares, a product description or prospectus, as appropriate.

[4] In general, FLEX options provide investors with the ability to customize basic option features including size, expiration date, exercise style, and certain exercise prices. *See* PCX Rule 8.

[5] Currently, the Exchange trades unit investment trust securities known as Portfolio Depository Receipts and Investment Company Units, which are issued by an open-end management investment company. Portfolio Depository Receipts and Investment Company Units are listed on the PCX pursuant to PCX Equities Rules 8.100(a) and 5.2(j)(3), respectively, and trade like shares of common stock. The Commission notes that not all Portfolio Depository Receipts and Investment Company Units trading on the PCX may meet the standards for options trading approved by this order.

[6] The 1000 share feature was proposed and approved by the American Stock Exchange ("Amex") and The Options Clearing Corporation. Securities Exchange Act Release Nos. 40157 (July 1, 1998), 63 FR 37426 (July 10, 1998) (SR–Amex–96–44) and 40132 (June 25, 1998), 63 FR 37467 (July 6, 1998) (SR–OCC–97–02). In the event the Exchange lists options covering both 100 and 1000 of the same underlying Exchange-Traded Fund Shares, the Exchange will assign separate trading symbols to the options and will issue an Information Circular to all its members advising of the trading symbols.

[7] Specifically, PCX Rule 3.6(a) requires the underlying security to have a public float of 7,000,000 shares, 2,000 holders, trading volume of 2,400,000 shares in the preceding 12 months, a share price of $7.50 for the majority of the business days during the three calendar months preceding the date of the selection, and that the issuer of the underlying security is in compliance with the Act.

[8] This assumes that the authorized creation participant has undertaken to deliver the shares as soon as possible and such undertaking has been secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the Fund which underlies the option, as described in the Fund prospectus.

[9] Specifically, Commentary .01 to PCS Rule 3.7(a) provides that an underlying security will not meet the Exchange's requirements for continued listing when, among other things; (1) there are fewer than 6,300,000 publicly-held shares; (2) there are fewer than 1,600 holders; (3) trading volume was less than 1,800,000 shares in the preceding twelve months; or (4) the share price of the underlying security closed below $5 on a majority of the business days during the preceding 6 months.

[10] An American-style option may be exercised at any time prior to its expiration. A European-style option, however, may be exercised only on its expiration date.

("OPRA")[11] also will have the capacity to support these additional series due to recent enhancements.

2. Statutory Basis

The PCX believes that the listing and trading of options on Exchange-Traded Fund Shares should provide investors with another choice of venue to conduct trading in these products. Thus, the Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Act[12] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PCX does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The PCX has neither solicited nor received written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX 01–12 and should be submitted by March 29, 2001.

[11] The Exchange confirmed with OPRA that it will have the capacity to support these additional series related to trading of Exchange-Traded Fund Shares.

[12] 15 U.S.C. 78f(b)(5).

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(5).[13] Specifically, the Commission believes that providing for the listing and trading of options and FLEX Equity options[14] on Exchange-Traded Fund Shares should give investors a better means to hedge their positions in the underlying Fund Shares. Further, the Commission believes that pricing of the underlying Fund Shares may become more efficient and market makers in these shares, by virtue of enhanced hedging opportunities, may be able to provide deeper and more liquid markets. In sum, the Commission believes that options on Fund Shares likely will engender the same benefits to investors and the market place that exist with respect to options on common stock, thereby serving to promote the public interest and remove impediments to a free and open securities market.[15]

As a general matter, the Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as options on Fund Shares, can commence trading on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. With regard to position and exercise limits, the Commission finds that it is appropriate to adopt the tiered approach used in setting position and exercise limits for standardized stock options. This approach should serve to minimize potential manipulation and market impact concerns. In addition, the Commission believes that the rationale for allowing FLEX Equity options generally to trade without position and exercise limits is equally applicable in the context of FLEX Equity options on Fund Shares.

Accordingly, because options and FLEX Equity options on Fund Shares will be subject to the same regulatory regime as the other options and FLEX Equity options currently traded on the Phlx, the Commission believe that adequate safeguards are in place to ensure the protection of investors in options and FLEX Equity options on Fund Shares.

The Commission also believes that it is appropriate to permit the PCX to list and trade options, including FLEX Equity options, on Exchange-Traded Fund Shares given that these options must meet specific requirements related to the protection of investors.[16] First, the Exchange's listing and delisting criteria for options on Fund Shares are adequate. With regard to initial listing, the proposal requires that either: (1) The underlying Fund Shares meet the PCX's uniform options listing standards; or (2) the Exchange-Traded Fund Shares must be available for creation or redemption each business day in cash or in kind from the Fund at a price related to the net asset value, and the Exchange will require that the underlying Fund Shares may be created even though some or all of the securities needed to be deposited have not been received by the Fund.[17] This listing requirement should ensure that there exists sufficient supply of the underlying Fund Shares so that a short call writer, for example, will have the ability to secure delivery of the Fund Shares upon exercise of the option.

The Commission believes the PCX has adequately addressed potential concerns about the ability to produce Fund Shares upon exercise of the option through the adoption of the listing standards set forth above. In particular, options listed pursuant to the uniform options listing standards will have to meet the options maintenance listing standards that require, among other things, that a minimum number of Fund Shares be outstanding to continue trading the options.[18] The alternative listing criteria, noted above, should also help to ensure that the underlying Fund Shares will be available upon exercise by requiring the Fund to allow market participants to create Fund Shares even though some or all of the necessary securities needed to be deposited are not available.[19] Although there is no absolute assurance that market participants will go ahead and create Fund Shares in the event a short call writer needs to purchase Fund Shares to meet an exercise notice, it is likely that arbitrage opportunities will create an incentive to do so. Further, in the event there are not enough Fund Shares to meet exercise requirements, as with other physically-settled equity options, the Options Clearing Corporation has rules that would apply to such situations.

Second, the Commission believes that the surveillance standard developed by the PCX for options on Fund shares is adequate to address the concerns associated with the listing and trading of such securities. Specifically, the PCX has proposed that: (1) Any Fund Share with non-US stocks in the underlying index or portfolio that are not subject to comprehensive surveillance agreements do not in the aggregate represent more than 50% of the weight of the index or portfolio; (2) stocks for which the primary market is in any one country that is not subject to a comprehensive surveillance agreement do not represent 20% or more of the weight of the index or portfolio; and (3) stocks for which the primary market is in any two countries that are not subject to comprehensive surveillance agreements do not represent 33% or more of the weight of the index or portfolio.

As a general matter, the Commission believes that comprehensive surveillance agreements provide an important deterrent to manipulation because they facilitate the availability of information needed to fully investigate a potential manipulation if it were to occur. These agreements are especially important in the content of derivative products based on foreign securities because they facilitate the collection of necessary regulatory, surveillance and other information from foreign jurisdictions. In evaluating the current proposal, the Commission believes that requiring comprehensive surveillance agreements to be in place between the PCX and the primary markets for foreign securities that comprise 50% or more of the weight of the underlying index or portfolio upon which Fund Shares are based, as well as the other conditions discussed above, provides an adequate mechanism for the exchange of surveillance sharing information necessary to detect and deter possible market manipulations. Although the Commission recognizes that up to 50% of the Portfolio's value may not be covered by comprehensive surveillance agreements, the other requirements will ensure that a significant percentage of the portfolio is not made up of securities from uncovered countries. Further, as to the domestically-traded Fund Shares themselves and the domestic stocks in the underlying index or portfolio upon which Fund Shares are based, the Intermarket Surveillance Group Agreement will be applicable to the trading of options on Fund Shares.

Finally, the Commission believes that it is appropriate to require minimum margin of 100% of the current market value of the option plus 15% of the market value of the underlying security value ("broad-based margin") for options on Fund Shares based on a broad-based index or portfolio and for options on Fund Shares which have been approved to date. Moreover, the Commission believes that requiring minimum margin of 100% of the current market value of the option plus 20% of the market value of the underlying security value ("narrow-based margin") for options on Fund Shares based on a narrow-based index or portfolio is appropriate. The Commission notes that these margin requirements for options on Exchange-Traded Fund Shares are comparable to margin requirements that currently apply to broad-based and narrow-based index options.

The Commission finds good cause for approving the proposed rule change (SR–PCX–01–12), as amended, prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Commission notes that the proposed rule change, as amended, is similar to rules previously approved by the Commission for the American Stock Exchange, LLC, the Chicago Board Options Exchange, Inc., and the Philadelphia Stock Exchange, Inc.[20] The Commission also observes that the proposed rule change, as amended, concerns issues that previously have been the subject of a full comment period pursuant to Section 19(b) of the Act.[21] The Commission does not believe that the proposed rule change, as amended, raises novel regulatory issues that were not addressed in the previous filings. Moreover, the Commission believes that approving the listing and trading of Exchange-Traded Fund Shares on the PCX will increase industry competitiveness by providing an additional venue for the trading of such issues, to the benefit of the investor. Accordingly, the Commission finds that there is good cause, consistent with section 6(b)(5) of the Act, to approve the amended proposal on an accelerated basis.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[22] that the proposed rule change (SR–PCX–01–12), as amended, is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[23]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5692 Filed 3–7–01; 8:45 am]

BILLING CODE 8010–01–M

[13] 15 U.S.C. 78f(b)(5).

[14] The Commission hereby incorporates by reference its findings and conclusions with respect to the appropriateness of FLEX Equity options generally. *See* Securities Exchange Act Release No. 37336 (June 19, 1996), 61 FR 33558 (June 27, 1996).

[15] In approving this rule, the Commission notes that it has also considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[16] The PCX represents that holders of options on Fund Shares who exercise and receive the underlying Fund Shares will receive, like any purchaser of Fund Shares, a product description or prospectus, as appropriate. *See* Amendment No. 1.

[17] *See* supra not 8.

[18] *See* supra note 7.

[19] *See* supra note 8.

[20] *See* Securities Exchange Act Release No. 40157 (July 1, 1998), 63 FR 37426 (July 10, 1998), (SR–Amex–96–44); Securities Exchange Release No. 43921 (February 2, 2001), 66 FR 9739 (February 9, 2001) (SR–Phlx–00–107); Securities Exchange Act Release No. 40166 (July 2, 1998), 63 FR 37430 (July 10, 1998) (SR–CBOE–97–03).

[21] 15 U.S.C. 78s(b).

[22] 15 U.S.C. 78s(b)(2).

[23] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Amendment #1]

Declaration of Disaster #3318; State of Mississippi

In accordance with a notice received from the Federal Emergency Management Agency, dated February 27, 2001, the above-numbered Declaration is hereby amended to include Alcorn, Attala, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, Grenada, Humphreys, Itawamba, Lafayette, Lee, Leflore, Madison, Monroe, Noxubee, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tippah, Tishomingo, Union, Washington, Webster, Winston, Yalobusha and Yazoo counties in the State of Mississippi as disaster areas due to damages caused by severe storms and tornadoes. This notice also amends the incident period for this disaster as beginning on February 16, 2001 and continuing.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Benton, Hinds, Issaquena, Kemper, Leake, Marshall, Montgomery, Neshoba, Rankin, Scott, Sharkey, Tate, Tunica and Warren in the State of Mississippi; Colbert, Franklin, Lauderdale, Marion, and Sumter Counties in the State of Alabama; Chicot, Desha and Phillips Counties in the State of Arkansas; East Carroll in the State of Louisiana; Hardeman, Hardin and McNairy Counties in the State of Tennessee. Any counties contiguous to the above named primary counties and

not listed here have been previously declared.

The economic injury disaster numbers are: 9K8800 for the State of Arkansas; 9K8900 for the State of Louisiana; and 9K9000 for the State of Tennessee.

All other information remains the same, i.e., the deadline for filing applications for physical damage is April 24, 2001 and for economic injury the deadline is November 23, 2001.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 1, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–5754 Filed 3–7–01; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

Declaration of Disaster #3320; State of Washington

As a result of the President's major disaster declaration on March 1, 2001, I find that King, Kitsap, Lewis, Mason, Pierce and Thurston Counties constitute a disaster area due to damages caused by an earthquake on February 28, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 30, 2001, and for loans for economic injury until the close of business on November 30, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853–4795.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties in Washington may be filed until the specified date at the above location: Chelan, Cowlitz, Grays Harbor, Jefferson, Kittitas, Pacific, Skamania, Snohomish, Wahkiakum and Yakima.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	7.000
Homeowners Without Credit Available Elsewhere	3.500
Businesses With Credit Available Elsewhere	8.000
Businesses And Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.000
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 332002 and for economic injury the number is 9K9100.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 2, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–5755 Filed 3–7–01; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF STATE

[Public Notice 3596]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: Small Grants Competition Designed To Promote Women's Leadership and Disability Issues in Latin America, the Caribbean and the Middle East

SUMMARY: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs announces a Small Grants Competition designed to promote Women's Leadership and Disability Issues in Latin America, the Caribbean and the Middle East. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals for exchanges and training programs that address women's leadership or disability issues in a single country in South America, Central America, the Caribbean, or the Arabian Peninsula states of the Middle East.

Announcement Title and Number

All communications with the Bureau concerning this Request for Grant Proposals (RFGP) should refer to the announcement title "Small Grants Competition designed to promote Women's Leadership and Disability Issues in Latin America, the Caribbean and the Middle East" and reference number ECA/PE/C–01–38.

Overview

The Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs (ECA) announces a small grants competition for community-based nonprofit, nongovernmental organizations and institutions that conduct programs focusing on women's leadership and disability issues. ECA seeks organizations that are interested in developing grassroots training programs and international exchanges in Latin America, the Caribbean or the Middle East. Only U.S. organizations that *have not received prior funding* directly from ECA are eligible to submit proposals.

The goal of this initiative is to provide support for small organizations or local chapters of national groups to expand the scope of their work and build or strengthen linkages with partner organizations in other countries. Programs should be designed so that the exchanges will operate on two levels: (1) They should enhance institutional partnerships and improve institutional capacity of the partner organizations, and (2) they should offer training sessions that include practical information and useful materials to enable the partners to conduct further training sessions after the grant period is over.

Competitive proposals will be creative and innovative with a clear implementation plan and well-articulated expected outcomes. Proposals should indicate that the program ideas were jointly developed between the American and foreign organization(s). Applicants should identify the foreign partner organization(s) and individuals with whom they are proposing to collaborate. Background information on the partner organization(s), and resumes for all American and foreign staff members and consultants should be included in the proposal.

The exchanges and training should combine elements of skill enrichment, experiential learning and exposure to American life and culture. The experiences should also provide Americans the opportunity to learn about and experience the culture of the partner's country. This program is not academic in nature; programs should be designed to provide practical, hands-on experience.

Program components may include, but are not limited to, "training of trainers (TOT)," job shadowing, hands-on workshops, internships, educational campaigns, consultations and short-term training. Orientation sessions must be included in the program and cultural programming may include mutually beneficial experiences hosted by local institutions and home stays with community members. The programming may take place in the United States and/or the partner country. Programs should be designed so that the sharing of information that occurs during the grant period will continue after the grant period is over. Strong proposals will have a clear, convincing plan outlining exactly how the program components will be carried out and how permanent results will be accomplished as a result of the grant. Proposals should be designed so that the majority of funding is directed toward participant program costs.

Organizations planning to submit a proposal must contact the program office for a consultation. Before calling, organizations should be ready to discuss a concrete concept specific to the guidelines supplied in this request for proposals.

For Latin America & the Caribbean, Laverne Johnson, *ljohnson@pd.state.gov*, (202) 619–5337.

For the Middle East/Arabian Peninsula states, James Ogul, *jogul@pd.state.gov*, (202) 205–0535.

Guidelines

To be considered for a grant award in this competition, the proposed training and exchange program must address one of the three themes listed below (Girls' Education, Women's NGO Development, or Disability Issues). ECA encourages potential grantees to be creative. The proposal narrative, excluding résumés and sample materials, should not exceed six (6) pages and should be double-spaced. Priority will be given to short (3 to 5 page) concise innovative proposals that are developed around the criteria outlined in the section called "Review Criteria" below. The budget should be contained on one page. Budget notes should be included as needed. The program start date should not be before June 1, 2001. Eligible countries are:

South America: Bolivia, Ecuador, Paraguay, Peru, Uruguay, Venezuela

Central America: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama

Caribbean: The Bahamas, Barbados, Dominican Republic, Haiti, Jamaica, Trinidad

Middle East/Arabian Peninsula states: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates, Yemen

Women's Issues

Girls' Education: The proposed program plan should focus on promoting and understanding the current and potential role of women and girls in society (i.e. education practices, community responsibility, cultural and political life, historical contributions); and providing training opportunities for young women educators and community leaders to develop skills in leadership, public awareness and conflict resolution. Emphasis will be on exchanges and training for grassroots educational and community leaders with current experience and active involvement with girls' education issues. Grant funds *may not* be used for student/youth exchanges.

Women's NGO Development: Proposals should focus on culturally sensitive organizational management for grassroots women's NGOs, identification of core issues, long term planning, steps for the development and implementation of programs, and effectiveness training. Thematic topics may include leadership training, awareness, PR/media strategies, networking, coalition building, conducting educational campaigns, fundraising, volunteerism and community responsibility, and women's social issues.

Disability Issues

Disability Exchanges: The proposed program should target disability NGOs and institutions, individuals involved in disability awareness and rights issues and disabled persons. Possible themes and activities include, *but are not limited to*, PR/media, awareness, educational campaigns, community involvement, leadership, dealing with challenges and overcoming barriers, professional/occupational training, skillbuilding, and NGO development/management. Exchanges and training program plans may either address a range of disability issues (for *example*, awareness, educational campaigns and PR/media), or may focus more deeply on one specific area. Plans addressing multiple topics should clearly explain how the chosen topics are complementary.

Selection of Participants

Proposals should include an open, merit-based participant selection process. A sample application may be submitted with the proposal. ECA and the U.S. Embassies retain the right to nominate participants and to approve or reject participants recommended by the grantee institution. For exchanges to the U.S., priority must be given to foreign participants who have not previously traveled to the United States.

VISA Regulations

Foreign participants on programs sponsored by ECA are granted J–1 Exchange Visitor visas by the U.S. Embassy in the sending country. All programs must comply with J–1 visa regulations.

Project Funding

Funding available for the Small Grants Competition will be disbursed through grants to several organizations. Funding for each program is limited to $50,000. Priority will be given to grant proposals with budgets ranging from $15,000 to $40,000. Organizations should not submit a budget that exceeds $50,000 in costs to be paid by ECA, however the overall budget may exceed $50,000 through cost sharing by the U.S. and foreign partner organization(s). Approximately $250,000 has been allotted for this competition, but may be subject to change. ECA expects to announce the small grants awards recipients around late May 2001.

Budget Guidelines

Allowable costs include the following (see the Proposal Submission Instructions for sample budget line items and formatting instructions):

(1) General Program Expenses (i.e. consultants, room rental, and materials)

(2) Participant Program Expenses (i.e. international travel and per diem)

(3) Administrative Expenses (i.e. salaries, benefits, telephone/fax and indirect costs)

Review Process

In support of first-time applicants, the grant proposal, budget and review process has been modified for this competition. Proposals will be reviewed in two tiers. First, all proposals will be reviewed by a team of qualified staff from the Office of Citizen Exchanges and the respective Department of State regional bureaus. Second, the most competitive proposals will be forwarded to embassies overseas and to panels of State Department officers for formal advisory review. Non-finalists will be advised at this point in the process. Please follow the enclosed Request for Grant Proposal (RFGP) Proposal Submission Instructions (PSI). ECA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Final funding decisions will be made at the discretion of the Acting Assistant Secretary of State for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the ECA Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. Proposals should adequately address each area of review. These criteria are not rank ordered.

1. Quality of Program Idea and Ability to Achieve Objectives: Program objectives should be clearly and precisely stated. Proposal objectives should respond to the priority topics in

this announcement and articulate the organization's ability to successfully carry out the objectives. U.S. and foreign staff and participant responsibilities should be outlined. A monthly timetable and schedule for the training session(s) should be included.

2. Cost Effectiveness and Cost Sharing: Administrative costs should be kept to a minimum. Proposals should maximize cost sharing through support and in-kind contributions from the U.S. and partner organization(s).

3. Program Evaluation: Proposals must include a plan and methodology to evaluate the program's successes, both as the activities unfold and at the program's conclusion. The evaluation plan should show a clear link between program objectives and expected outcomes and list performance indicators and measurement tools. A draft survey questionnaire may be attached to the proposal.

4. Support of Diversity: Proposals should demonstrate substantive support of the ECA's policy on diversity. Program content (orientation, evaluation, program sessions, resource materials, follow-on activities) and program administration (selection process, orientation, evaluation) should address diversity in a comprehensive and innovative manner. Applicants should refer to ECA's Diversity, Freedom and Democracy Guidelines on page four of the Proposal Submission Instructions (PSI).

Diversity, Freedom and Democracy Guidelines

Pursuant to ECA's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," ECA "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Deadline for Proposals

The U.S. Department of State, Bureau of Educational and Cultural Affairs must receive all copies by 5 p.m. Washington, D.C. time on Thursday, April 19, 2001. Faxed documents will not be accepted at any time. The mailroom closes at 5:00 p.m.; no late submissions will be accepted. Documents postmarked by April 19, 2001, but received at a later date, will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

To Download an Application Package Via the Internet

The entire Application Package may be downloaded from ECA's website at *http://exchanges.state.gov/education/rfps/.*

Submissions

Applicants must follow all instructions given in the Application Package. The applicant's original proposal and ten (10) copies should be sent to: U.S. Department of State, Ref.: ECA/PE/C/EUR–01–38, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in MSWord on a 3.5" diskette. ECA will transmit these files electronically to the Public Affairs Sections of the U.S. Embassies for review. Once the RFP deadline has passed, Bureau staff may not discuss this competition in any way with applicants until the proposal review process has been completed.

FOR FURTHER INFORMATION, CONTACT: By mail: United States Department of State, SA–44, Bureau of Educational and Cultural Affairs, Office of Citizen Exchanges (ECA/PE/C), Room 220, Washington, DC 20547, Attn: Small Grants Competition 2001, By phone: (202) 205–2209; By e-mail: *smallgrants@pd.state.gov.*

Interested applicants may request the Application Package, which includes the Request for Proposals (RFP) and the Proposal Submission Instructions (PSI). Please specify "Small Grants Competition" on all inquiries and correspondence. All potential applicants should read the complete announcement before sending inquiries or submitting proposals.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau or program officers that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the U.S. Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements. Organizations will be expected to cooperate with the Bureau in evaluating their programs under the principles of the Government Performance and Results Act (GPRA) of 1993, which requires federal agencies to measure and report on the results of their programs and activities.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal U.S. Department of State procedures.

Dated: March 2, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–5768 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–05–U

DEPARTMENT OF STATE

[Public Notice 3597]

Bureau of Educational and Cultural Affairs; Future Leaders Exchange (FLEX) Language and Culture Enhancement Program

NOTICE: Amendment to extend deadline.

SUMMARY: Due to an administrative error, the deadline for the Language and Culture Enhancement Program has been extended from March 29, 2001 to April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Interested organizations should contact Anna Mussman at (202) 619–5904 or (202) 619–5311 (fax).

The Language and Culture Enhancement Program was announced in the **Federal Register**, Volume 66, Number 36, page 11194, on February 22, 2001.

Dated: March 2, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–5769 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3584]

Fine Arts Committee; Notice of Meeting

The Fine Arts Committee of the Department of State will meet on Saturday, March 31, 2001, at 11:00 a.m. in the Benjamin Franklin State Dinning Room. The meeting will last until approximately 12:30 p.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting in October 2000 and the announcement of gifts of furnishings as well as financial contributions for calendar year 2000. Public access to Department of State is strictly controlled. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office by March 26, 2001, telephone (202) 647–1990 to make arrangements to enter the building. The public may take part in the discussion as long as time permits and at the discretion of the chairman.

Dated: March 2, 2001.

Gail F. Serfaty,

Vice Chairman, Fine Arts Committee, U.S. Department of State.

[FR Doc. 01–5767 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–36–U

DEPARTMENT OF STATE

[Public Notice 3581]

Advisory Committee on International Communications and Information Policy; Meeting Notice

The Department of State is announcing the next meeting of its Advisory Committee on International Communications and Information Policy.

The Committee provides a formal channel for regular consultation and coordination on major economic, social and legal issues and problems in international communications and information policy, especially as these issues and problems involve users of information and communication services, providers of such services, technology research and development, foreign industrial and regulatory policy, the activities of international organizations with regard to communications and information, and developing country interests.

There will be a featured guest speaker at the meeting who will speak on an important topic involving international communications and information policy.

This meeting will be held on Thursday, March 22, 2001, from 9:30 a.m.–12:30 p.m. in Room 1912 of the Main Building of the U.S. Department of State, located at 2201 "C" Street, NW., Washington, DC 20520.

Members of the public may attend these meetings up to the seating capacity of the room. While the meeting is open to the public, admittance to the State Department Building is only by means of a pre-arranged clearance list. In order to be placed on the pre-clearance list, please provide your name, title, company, social security number, date of birth, and citizenship to Timothy C. Finton at <fintontc@state.gov> no later than noon on Wednesday, March 21. All attendees for this meeting must use the 21st Street entrance. One of the following valid ID's will be required for admittance: any U.S. driver's license with photo, a passport, or a U.S. Government agency ID. Non-U.S. Government attendees must be escorted by State Department personnel at all times when in the State Department building.

For further information, contact Timothy C. Finton, Executive Secretary of the Committee, at (202) 647–5385 or <fintontc@state.gov>.

Dated: February 21, 2001.

Timothy C. Finton,

Executive Secretary of the Committee, U.S. Department of State.

[FR Doc. 01–5764 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–45–U

DEPARTMENT OF STATE

[Public Notice 3582]

U.S. Advisory Commission on Public Diplomacy; Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy, reauthorized pursuant to P.L. 106–113 (H.R. 3194, Consolidated Appropriations Act, 2000), will meet on Tuesday, March 13, 2001, in Room 600, 301 4th St., SW., Washington, DC from 9:30 a.m. to 12:00 Noon.

The Commission will discuss FSI training programs on public diplomacy, public diplomacy in the Far East, and the Smith-Mundt Act.

Members of the general public may attend the meeting, though attendance of public members will be limited to the seating available. Access to the building is controlled, and individual building passes are required for all attendees. Persons who plan to attend should contact David J. Kramer, Executive Director, at (202) 619–4463.

Dated: February 22, 2001.

David J. Kramer,

Executive Director, U.S. Advisory Commission on Public Diplomacy, U.S. Department of State.

[FR Doc. 01–5765 Filed 3–2–01; 8:45 am]

BILLING CODE 4710–11–U

DEPARTMENT OF STATE

[Public Notice 3548]

Shipping Coordinating Committee; United Nations Educational, Scientific and Cultural Organization Draft Convention on Underwater Cultural Heritage; Notice of Meeting

The Shipping Coordinating Committee will hold a meeting on March 14, 2001 from 2:00 pm to 5:00 pm to obtain public comment on issues to be addressed at the March 26–April 6, 2001 United Nations Educational, Scientific and Cultural Organization (UNESCO) meeting of governmental experts on the draft Convention on Underwater Cultural Heritage.

The meeting will be held in the Department of State located at 2201 C Street, NW., Washington, DC 20520, Room 1207. Interested members of the public are invited to attend, up to the capacity of the room. To expedite entry into the Department of State, please provide your name, social security number, and date of birth to Yvonne Seward (202) 647–3262, at least one week prior to the meeting. To enter the building you must present a photo ID, such as a driving license or passport. Please use the entrance to the Department of State on C Street.

For further information, please contact Mr. Harlan Cohen, Office of Oceans Affairs, telephone (202) 647–0237.

Dated: February 15, 2001.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee, U.S. Department of State.

[FR Doc. 01–5763 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–07–U

DEPARTMENT OF STATE

[Public Notice 3583]

Shipping Coordinating Committee, Subcommittee for the Prevention of Marine Pollution; Notice of Meeting

The Subcommittee for the Prevention of Marine Pollution, a subcommittee of the Shipping Coordinating Committee, will conduct an open meeting at 9:30 a.m. on Tuesday, April 17, 2001, in Room 2415 at U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C.

The purpose of this meeting will be to review the agenda items to be considered at the forty-sixth Session of the International Maritime Organization (IMO) Marine Environment Protection Committee (MEPC 46) to be held at the IMO headquarters in London from 23 through 27 April 2001. Proposed U.S. positions on the agenda items for MEPC 46 will be discussed. The major items for discussion for MEPC 46 include the following:

a. Consideration and adoption of amendments to mandatory instruments;

b. Harmful aquatic organisms in ballast water;

c. Implementation of the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC Convention) and the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances (OPRC–HNS Protocol);

d. Harmful effects of the use of anti-fouling paints for ships;

e. Identification and protection of Special Areas and Particularly Sensitive Sea Areas;

f. Recycling of ships;

g. Interpretation and amendments of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and related Codes;

h. Inadequacy of reception facilities;

i. Prevention of air pollution from ships;

j. Promotion of implementation and enforcement of MARPOL 73/78 and related Codes;

k. Preparation for the World Summit on Sustainable Development (RIO+10);

l. Matters related to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fule, Plutonium and High-Level Radioactive Wastes on board ships (INF Code);

m. The role of human element with regard to pollution prevention; and

n. Matters related to the 1973 Intervention Protocol.

Please note that hard copies of documents associated with MEPC 46 will not be available at this meeting. Requests for hard copies may be made in writing to the address provided below. Documents will be available in Adobe Acrobat format on CD–ROM on the day of the meeting or can be requested on-line at the web address provided below.

Members of the public are invited to attend the meeting up to the seating capacity of the room. For further information, or to submit views in advance of the meeting, please contact Lieutenant Dave Beck, U.S. Coast Guard, Environmental Standards Division (G–MSO–4), 2100 Second Street, SW., Washington, DC 20593–0001; telephone (202) 267–0713; fax (202) 267–4690, e-mail dbeck@comdt.uscg.mil; or on-line at http://www.uscg.mil/hq/g-m/mso/mso4/mepc.html.

Dated: February 28, 2001.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee, U.S. Department of State.

[FR Doc. 01–5766 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–07–U

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Industry Sector Advisory Committee on Small and Minority Business (ISAC–14)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of Meeting.

SUMMARY: The Industry Sector Advisory Committee on Small and Minority Business (ISAC–14) will hold a meeting on March 19, 2001, from 9:15 a.m. to 3:00 p.m. The meeting will be opened to the public from 9:00 a.m. to 3:00 p.m.

DATES: The meeting is scheduled for March 19, 2001, unless otherwise notified.

ADDRESSES: The meeting will be held at the Department of Commerce, Conference Room 3407, located at 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Millie Sjoberg or Pam Wilbur (202) 482–4792 Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230 (principal contact), or myself on (202) 395–6120.

SUPPLEMENTARY INFORMATION: During the opened portion of the meeting the following topics will be covered:

- Discussion with USTR on SME trade policy issues;
- Discussion on Dispute Resolution;
- Discussion on trade with Africa; and
- Committee business.

Christina Sevilla,

Acting Assistant United States Trade Representative for Intergovernmental Affairs and Public Liaison.

[FR Doc. 01–5757 Filed 3–7–01; 8:45 am]

BILLING CODE 3190–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. NAFTA/Ch20]

NAFTA Consultations Regarding Mexico—Allocation of Tariff-Rate Quota on Dry Beans

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representatives (USTR) is providing notice that on November 30, 2000, the United States requested consultations with Mexico under Chapter 20 of the North American Free Trade Agreement (NAFTA), regarding Mexico's allocation of the duty-free tariff rate quota (TRQ) for certain dry beans from the United States. The Schedule of Mexico set forth in Annex 302.2 of the NAFTA requires Mexico to provide a duty-free TRQ for certain dry beans (tariff item 0713.33.02) from the United States. Mexico did not allocate the 1999 or 2000 dry bean TRQs for the United States in a timely manner, effectively denying U.S. exporters the full market access to which they are entitled. These actions appear to be inconsistent with Mexico's obligations under Article 302 and Annex 302.2 of the NAFTA. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although the USTR will accept any comments received during the course of these dispute settlement proceedings, comments should be submitted on or before April 6, 2001 to be assured of timely consideration by USTR.

ADDRESSES: Comments may be submitted to Leah Mayo, Monitoring and Enforcement Unit, Office of the General Counsel, Room 222, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, Attn: Mexico Dry Beans NAFTA Dispute. Telephone: (202) 395–3582.

FOR FURTHER INFORMATION CONTACT: Juan A. Millán, Assistant General Counsel, Office of the United States Trade Representative, 600, 17th Street, NW., Washington, DC, (202) 395–3581.

SUPPLEMENTARY INFORMATION: Chapter 20 of the NAFTA establishes dispute settlement procedures to resolve disputes over any matter affecting the operation of the Agreement. Chapter 20 calls for three stages of efforts to resolve a dispute: Consultations by the parties, a meeting of the NAFTA Free Trade Commission, and, finally, arbitration before a panel. An arbitral panel formed under the Chapter 20 procedures would be expected to render its final report within five to six months after the request to establish the panel is filed.

Major Issues Raised by the United States

The United States considers that Mexico's allocation of the duty-free tariff rate quota (TRQ) for certain dry beans (tariff item 0713.33.02) from the United States fails to comply with Mexico's obligations under Article 302 and Annex 302.2 of the NAFTA. The Schedule of Mexico set forth in Annex 302.2 requires Mexico to provide a duty-free TRQ for certain dry beans from the United States. The annual quantity of the duty-free TRQ is specified in footnote 29 of its Annex 302.2 Schedule. Article 302(4) of the NAFTA permits a Party "to allocate in-quota imports made pursuant to a tariff rate quota set out in Annex 302.2, provided that such measures do not have trade restrictive effects on imports additional to those caused by the imposition of the tariff rate quota." In both 1999 and 2000, Mexico did not allocate the dry bean TRQs for the United States in a timely manner, effectively denying U.S. exporters the full market access to which they are entitled under the TRQ. The United States believes these actions are inconsistent with Mexico's obligations under Article 302 and Annex 302.2 of the NAFTA.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments must be in English and provided in fifteen copies. A persons requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the comments. Confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; and, if an arbitral panel is convened, the U.S. submissions to that panel and the final report of the panel. An appointment to review the public file (Docket NAFTA/Ch20, Mexico—Allocation of Tariff-Rate Quota on Dry Beans) may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 01–5631 Filed 3–7–01; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements filed during the week ending February 23, 2001

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2001–8955.

Date Filed: February 22, 2001.

Parties: Members of the International Air Transport Association.

Subject: PTC23 EUR–SASC 0075 dated February 2, 2001, TC23 Europe-South Asian Subcontinent, Resolutions r1–r15, Minutes—PTC23 EUR–SASC 0076 dated February 2, 2001, Tables—PTC23 EUR–SASC Fares 0024 dated February 2, 2001, Intended effective date: April 1, 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–5750 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending February 16, 2001

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–1995–370.

Date Filed: February 12, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 5, 2001.

Description: Application of United Air Lines, Inc., pursuant to 49 U.S.C. 41101, 14 CFR Parts 201 and 302, subpart B, applies for renewal of its certificate of public convenience and necessity for Route 703, which authorizes United to engage in scheduled foreign air transportation of persons, property and mail between the terminal point Miami, Florida, and the terminal point Lima, Peru.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–5749 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Informal Airspace Workshop; Air Traffic Control Airspace and Procedures Revisions for Anchorage Terminal Area, Anchorage, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public workshop.

SUMMARY: The FAA intends to hold an informal airspace workshop to solicit comments regarding operational and environmental concerns from airspace users and others concerning traffic flows for aircraft operating to, from, and in the vicinity of Ted Stevens Anchorage International Airport, Lake Hood Seaplane Base, Merrill Field, Elmendorf AFB, and various non-towered airports in the Anchorage area. The purpose of this workshop is to (1) provide interested parties an opportunity to comment on proposed revisions to Visual Flight Rules (VFR) routes/corridors in the Anchorage area and (2) gather input for consideration in the development of revised air traffic control procedures to accommodate the increase in aircraft operations and improve aviation safety in the airspace surrounding Anchorage, Alaska. Alternatives developed as a result of this and other meetings may involve changes to existing regulatory airspace.

Date/Time: The workshop will from 5:30 PM to 9:30 PM, Tuesday, April 17, 2001.

Place: Multi-Purpose Room, Spenard Community Recreation Center, 2020 West 48th Avenue, Anchorage, Alaska.

Public Comments: The FAA actively solicits public comments. Comments may be presented at the workshop or submitted afterwards via letter, fax, or email. Comments should be received on or before May 18, 2001 to be included as part of the workshop.

FOR FURTHER INFORMATION CONTACT: Jack Schommer, Operations Branch, AAL–532, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5903; fax: (907) 271–2850; email: *jack.schommer@faa.gov*. Internet address: *http://www.alaska.faa.gov/at*. The Spenard Community Recreation Center-telephone number is (907) 343–4160.

SUPPLEMENTARY INFORMATION:

History and Background

Aircraft operations in the Anchorage area have increased 21% for the period from January 1, 1996, to December 31, 2000, and are projected to increase at an approximate rate of 5% annually through the year 2020. Changes to existing air traffic routes and air traffic control procedures used in the Anchorage area are necessary in order to continue to provide safe and efficient air traffic control service to airspace users.

Workshop Agenda

This workshop is intended to be the first in a series of meetings designed to involve the community in our decision making process. The workshop will be set up in an open house fashion with multiple stations attended by FAA representatives. These stations are intended to provide information and collect comments in two specific areas.

1. The FAA proposes to make changes to the current VFR route structure and is seeking comments from the user community and general public concerning operational and environmental impacts of the proposal.

2. The FAA recognizes the need to change IFR and VFR traffic flows and procedures to accommodate the increases in air traffic operations within the Anchorage area and is seeking comments regarding operational and environmental concerns from interested parties that can be used in the formulation of potential alternatives.

Workshop Procedures

(a) The workshop will be informal in nature and will be conducted by representatives of the FAA Alaskan Region.

(b) The workshop will be open to all persons on a space-available basis. Every effort was made to provide a workshop site with sufficient capacity for expected participation. There will be no admission fee nor other charges to attend and participate.

(c) Representatives of Ted Stevens Anchorage International Airport Traffic Control Tower, Merrill Field Airport Traffic Control Tower, Anchorage Terminal Radar Approach Control and Anchorage Air Route Traffic Control Center will be present to discuss procedural concepts. FAA Air Traffic Division representatives will be present to discuss environmental concerns.

(d) Any person who wishes to submit a position paper to FAA representatives pertinent to the revision of ATC airspace or procedures may do so.

(e) The workshop will not be formally recorded. However, informal tape recordings may be made to ensure that each respondent's comments are noted accurately.

(f) An official verbatim transcript or minutes of the informal airspace workshop will not be made. However, a list of the attendees, written statements received from attendees during and after the workshop and a digest of discussions during the workshop will be included in the administrative record for the project.

(g) Every reasonable effort will be made to hear the concerns of interested persons consistent with a reasonable closing time for the workshop.

Issued in Anchorage, AK, on February 28, 2001.

Stephen P. Creamer,

Assistant Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 01–5605 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Research, Engineering and Development (R,E&D) Advisory Committee, Aerospace Transportation Advisory Group (ATAG); Meeting

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the Aerospace Transportation Advisory Group (ATAG), which is a Subcommittee of the FAA Research, Engineering and Development (R,E&D) Advisory Committee. The meeting will be held on March 12, 2001 at the DoubleTree Hotel San Francisco Airport, 835 Airport Boulevard, Burlingame, California. The meeting will begin at 1:00 p.m. and end at 5:00 p.m.

The meeting agenda will review the draft outline for an Aerospace System After Next Paper.

Persons wishing to attend the meeting or obtain information should contact Lee Olson at the Federal Aviation Administration, AAR–200, 800 Independence Avenue, SW, Washington, DC 20591 (202) 267–7358.

Issued in Washington, DC on March 1, 2001.

Mary Powers-King,

Deputy Director, Office of Aviation Research.

[FR Doc. 01–5837 Filed 3–6–01; 1:31 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application to Impose and use the revenue from a Passenger Facility Charge (PFC) at Reno/Tahoe International Airport, Reno, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Reno/Tahoe International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before April 9, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261, or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Christopher Horton, Manager of Finance, Airport Authority of Washoe County, Airport Department, at the following address: P.O. Box 12490, Reno, NV 89510. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Airport Authority of Washoe County under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervlde, Airports Program Analyst, San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303, Telephone: (650) 876–2806. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Reno/Tahoe International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 26, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport Authority of Washoe County was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 1, 2001. The following is a brief overview of the impose and use application No. 01–04–C–00–RNO:

Level of proposed PFC: $4.50.

Proposed charge effective date: August 1, 2001.

Proposed charge expiration date: August 1, 2003.

Total estimated PFC revenue: $23,535,063.

Brief description of the proposed impose and use projects: Letter of intent Entitlement Grant Shortfall Due to Implementatiuon of PFC, Environmental Assessment for Southwest Air Cargo Facility, Ramp Scrubber, Taxiway A North Reconstruction, Part 150 Study Update, Terminal Building Security System, and Eight Jet Bridges.

Impose only projects: Southern Portion of Southwest Air Cargo Ramp, and Southwest Air Cargo Facility Road and Utilities.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO) filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Airport Authority of Washoe County.

Issued in Hawthrone, California, on February 26, 2001.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 01–5604 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Putnam and Jackson Counties, Tennessee

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Putnam and Jackson Counties near Cookeville, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Doctor, Field Operations Team Leader, Federal Highway Administration, 640 Grassmere Park Suite 112, Nashville, Tennessee 37211, Telephone: (615) 781–5788.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Tennessee Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct a four-lane divided highway on new location from State Route 111 to State Route 56, a distance of about 14.5 kilometers (9 miles). The proposed project is part of Corridor "J" of the Appalachian Development Highway System.

Alternatives to be considered are: (1) Taking no action; (2) to build alternatives with the same design concept; and (3) other alternatives that may arise from public and agency input. Incorporated into and studied with the build alternatives will be design variations of grade and alignment.

Initial coordination letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. A public hearing will be held upon completion of the Draft EIS and public notice will be given of the time and place of the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Dated: February 27, 2001.

Charles S. Boyd,

Tennessee Division Administrator, Nashville.

[FR Doc. 01–5635 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Prevention of Prohibited Drug Use in Transit Operations; Prevention of Alcohol Misuse in Transit Operations

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of random drug and alcohol testing rates.

SUMMARY: This notice announces the random testing rates for employers subject to the Federal Transit

Administration's (FTA) drug and alcohol rules.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Snider, Drug and Alcohol Program Manager for the Office of Safety and Security, (202) 366–2896 (telephone) and (202) 366–7951 (fax). Electronic access to this and other documents concerning FTA's drug and alcohol testing rules may be obtained through the FTA World Wide Web home page at http://www.fta.dot.gov.

SUPPLEMENTARY INFORMATION: The FTA required large transit employers to begin drug and alcohol testing employees performing safety-sensitive functions on January 1, 1995, and to report, annually by March 15 of each year beginning in 1996, the number of such employees who had a verified positive for the use of prohibited drugs, and the number of such employees who tested positive for the misuse of alcohol. Small employers commenced their FTA-required testing on January 1, 1996, and began reporting the same information as the large employers beginning March 15, 1997. Employers are required annually to submit other data, not relevant here, in the same report; these data are available from the FTA as discussed below.

The 1994 rules established a random testing rate for prohibited drugs and the misuse of alcohol; specifically, the rules require that employers conduct random drug tests at a rate equivalent to at least 50 percent of their total number of safety-sensitive employees for prohibited drug use and at least 25 percent of the misuse of alcohol. The rules provide that the drug random testing rate may be lowered to 25 percent if the "positive rate" for the entire transit industry is less than one percent for two consecutive years. Once lowered, it may be raised to 50 percent if the positive rate equals or exceeds one percent for any one year ("Positive rate" means the number of positive results for random drug tests conducted under part 653 plus the number of refusals of random tests required by part 653, divided by the total number of random drug tests, plus the number of refusals of random tests required by part 653.)

The alcohol rule provides that the random rate may be lowered to 10 percent if the "violation rate" for the entire transit industry is less than .5 percent for two consecutive years. It will remain at 25 percent if the "violation rate" is equal to or greater than .5 percent but less than one percent, and it will be raised to 50 percent if the "violation rate" is one percent or greater for any one year. ("Violation rate" means the number of covered employees found during random tests given under part 654 to have an alcohol concentration of .04 or greater, plus the number of employees who refuse a random test required by part 654, divided by the total reported number of random alcohol tests conducted under part 654, plus the total number of refusals of random tests, required by part 654.)

FTA has received and analyzed the 1999 data from large and small transit employers. The "positive rate" for random drug tests was 1.004 percent and the "violation rate" for random alcohol tests was 0.18 percent; therefore, for 2001, transit employers will continue to be required to conduct random drug tests at a rate equivalent to at least 50 percent of the total number of their "safety-sensitive" employees for prohibited drugs. In 2000, the FTA retained the random alcohol testing rate at 10 percent. Because the random alcohol violation rate was lower than .5 percent for two consecutive years (0.22 percent for 1998 and 0.18 for 1999), the random alcohol testing rate will remain at 10 percent for 2001.

FTA will be publishing a detailed report on the 1999 data collected from large and small employers. This report may be obtained from the Office of Safety and Security, Federal Transit Administration, 400 Seventh Street, SW., Room 9301, Washington, DC 20590, (202) 366–2896.

Dated: March 2, 2001.

Hiram J. Walker,

Acting Deputy Administrator.

[FR Doc. 01–5677 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Delays in Processing of Exemption Applications

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), RSPA is publishing the following list of exemption applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion data for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: J. Suzanne Hedgepeth, Director, Office of Hazardous Materials, Exemptions and Approvals, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001, (202) 366–4535.

Key to "Reasons for Delay"

1. Awaiting additional information from applicant.
2. Extensive public comment under review.
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
4. Staff review delayed by other priority issues or volume of exemption applications.

Meaning of Application Number Suffixes

N—New application
M—Modification request
PM—Party to application with modification request

Issued in Washington, DC, on March 5, 2001.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTION APPLICATIONS

Application No.	Applicant	Reason for delay	Estimated date of completion
11862–N	The BOC Group, Murray Hill, NJ	4	03/30/2001
11927–N	Alaska Marine Lines, Inc., Seattle, WA	4	03/30/2001
12142–N	Aristech Chemical Corp., Pittsburgh, PA	4	03/30/2001
12158–N	Hickson Corporation, Conley, GA	4	03/30/2001
12181–N	Aristech, Pittsburgh, PA	4	03/30/2001
12248–N	Ciba Specialty Chemicals Corp., High Point, NC	1, 4	04/30/2001
12290–N	Savage Industries, Inc., Pottstown, PA	4	03/30/2001

NEW EXEMPTION APPLICATIONS—Continued

Application No.	Applicant	Reason for delay	Estimated date of completion
12339–N	BOC Gases, Murray Hill, NJ	4	03/30/2001
12353–N	Monson Companies, South Portland, ME	4	04/30/2001
12355–N	Union Tank Car Company, East Chicago, IN	4	03/30/2001
12381–N	Ideal Chemical & Supply Co., Memphis, TN	4	04/30/2001
12406–N	Occidental Chemical Corporation, Dallas, TX	4	03/30/2001
12412–N	Great Western Chemical Company, Portland, OR	4	03/30/2001
12422–N	Connecticut Yankee Atomic Power Co., East Hampton, CT	1, 4	04/30/2001
12434–N	Salmon Air, Salmon, ID	4	03/30/2001
12440–N	Luxfer Inc., Riverside, CA	4	04/30/2001
12454–N	Ethyl Corp., Richmond, VA	4	04/30/2001
12456–N	Baker Hughes, Houston, TX	4	04/30/2001
12469–N	Department of Energy, Germantown, MD	4	03/30/2001
12476–N	Fisher-Rosemount Petroleum, Tulsa, OK	4	04/30/2001
12479–N	Luxfer Gas Cylinders, Riverside, CA	4	03/30/2001
12495–N	South Carolina Electric & Gas Co., Jenkinsville, SC	4	04/30/2001
12497–N	Henderson International Technologies, Inc., Richardson, TX	4	04/30/2001
12515–N	FIBA Technologies, Inc., Westboro, MA	4	03/30/2001
12516–N	Poly-Coat Systems, Inc., Houston, TX	4	04/30/2001

MODIFICATIONS TO EXEMPTIONS

Application No.	Applicant	Reason for delay	Estimated date of completion
7060–M	Federal Express, Memphis, TN	4	04/30/2001
8013–M	Praxair, Inc., Danbury, CT	4	03/30/2001
8086–M	The Boeing Co (Mil Aircraft & Missiles Sys Group), Seattle, WA	4	03/30/2001
8308–M	Tradewind Enterprises, Inc., Hillsboro, OR	4	04/30/2001
8554–M	Orica USA Inc., Englewood, CO	4	04/30/2001
8696–M	Taylor-Wharton Gas Equipment (Div of Harsco Corp), Theodore, AL	1	03/30/2001
9048–M	Sulton Group—Div. of Daniel/Brooks Petroleum Opns, Tulsa, OK	4	04/30/2001
10656–M	Conf. of Radiation Control Program Directors, Inc., Frankfort, KY	4	04/30/2001
10672–M	Burlington Packaging, Inc., Brooklyn, NY	4	04/30/2001
11316–M	TRW Automotive, Queen Creek, AZ	4	04/30/2001
11537–M	JCI Jones Chemicals, Inc., Milford, VA	4	04/30/2001
11769–M	Great Western Chemical Company, Portland, OR	4	04/30/2001
11769–M	Great Western Chemical Company, Portland, OR	4	04/30/2001
11769–M	Hydrite Chemical Company, Brookfield, WI	4	04/30/2001
11798–M	Air Products and Chemicals, Inc., Allentown, PA	4	03/30/2001
11798–M	Anderson Development Company, Adrian, MI	4	04/30/2001
11911–M	Transfer Flow, Inc., Chico, CA	4	04/30/2001
12130–M	FIBA Technologies, Inc., Westboro, MA	4	03/30/2001
12178–M	STC Technologies, Inc., Bethlehen, PA	1	04/30/2001

[FR Doc. 01–5751 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–60–M

UNITED STATES INSTITUTE OF PEACE

Sunshine Act, Notice of Meeting

DATE/TIME: Thursday, March 22, 2001, 9 a.m.–5:30 p.m.

LOCATION: 1200 17th Street, NW., Suite 200, Washington, DC 20036

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institutes of Peace Act, Public Law 98–525.

AGENDA: March 2001 Board Meeting; Approval of Minutes of the Ninety-Eighth Meeting (January 18, 2001) of the Board of Directors; Chairman's Report; President's Report; Committee Reports; Consideration of fellowship applications and individual Grants; Other General Issues

CONTACT: Dr. Sheryl Brown, Director, Office of Communications, Telephone: (202) 457–1700.

Dated: March 4, 2001.

Charles E. Nelson,

Vice President for Management and Finance, United States Institute of Peace.

[FR Doc. 01–5866 Filed 3–6–01; 2:04 pm]

BILLING CODE 6820–AR–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0118]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register**

concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine whether an eligible person who is enrolled in a program at one school is entitled to receive education benefits for enrollment at a second school.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 7, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail comments to: *nancy.kessinger, VBAVACO@mail.va.gov.* Please refer to "OMB Control No. 2900–0118" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or fax (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Transfer of Scholastic Credit (Schools), VA Form Letter 22–315.

OMB Control Number: 2900–0118.

Type of Review: Extension of a currently approved collection.

Abstract: When a student receiving VA education benefits is enrolled at two training institutions, the institution at which the student pursues his or her approved program of education must verify that courses pursued at a second or supplemental institution will be accepted at full credit toward the student's course objective. Educational payment for courses pursued at the second institution are not payable unless evidence is received to verify that the student is pursuing his or her approved program while enrolled in these courses. VA Form Letter 22–315 serves as this certification of acceptance.

Affected Public: Not-for-profit institutions and State, Local or Tribal Government.

Estimated Annual Burden: 3,433 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Occasion.

Estimated Number of Respondents: 20,600.

Dated: February 27, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–5650 Filed 3–7–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0342]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to ensure that an individual meets the statutory requirements to enter an on the job training program.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 7, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail comments to: *nancy.kessinger@mail.va.gov.* Please refer to "OMB Control No. 2900–0342" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or fax (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Other On-The-Job Training And Apprenticeship Training Agreement And Standards, VA Form 22–8864.

b. Employer's Application To Provide Job Training, VA Form 22–8865.

OMB Control Number: 2900–0342.

Type of Review: Extension of a currently approved collection.

Abstract: VA uses the information on VA Form 22–8864 to ensure that a trainee is entering an approved training program. VA Form 22–8865 is used to ensure that training programs and agreements meet statutory requirements for approval of an employer's job training program.

Affected Public: Business or other for-profit, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Annual Burden: 450 hours.

a. Other On-The-Job Training And Apprenticeship Training Agreement And Standards, VA Form 22–8864—225 hours.

b. Employer's Application To Provide Job Training, VA Form 22–8865—225 hours.

Estimated Average Burden Per Respondent:

a. Other On-The-Job Training And Apprenticeship Training Agreement And Standards, VA Form 22–8864—30 minutes.

b. Employer's Application To Provide Job Training, VA Form 22–8865—90 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 600.

a. Other On-The-Job Training And Apprenticeship Training Agreement And Standards, VA Form 22–8864—450 Respondents.

b. Employer's Application To Provide Job Training, VA Form 22–8865—150 Respondents.

Dated: February 27, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–5651 Filed 3–7–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0222]

Agency Information Collection Activities Under OMB Review

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, (44 U.S.C., 3501 *et seq.*), this notice announces that the National Cemetery Administration (NCA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail *denise.mclamb@mail.va.gov.* Please refer to "OMB Control No. 2900–0222."

SUPPLEMENTARY INFORMATION:

Title: Application for Standard Government Headstone or Marker for Installation in a Private or State Veterans' Cemetery, VA Form 40–1330.

OMB Control Number: 2900–0222.

Type of Review: Reinstatement, without change, of a currently approved collection for which approval has expired.

Abstract: The form is used by the next of kin or other responsible parties to apply for Government-provided headstones or markers for unmarked graves of eligible veterans. The information is used by VA to determine the veteran's eligibility for and entitlement to this benefit.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 28, 2000, at pages 70877 and 70878.

Affected Public: Individuals or households and State, Local or Tribal Government.

Estimated Annual Burden: 83,500 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 334,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to "OMB Control No. 2900–0222" in any correspondence.

Dated: February 27, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–5649 Filed 3–7–01; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Thursday,
March 8, 2001

Part II

Department of Commerce

Bureau of the Census

Report of Tabulations of Population to States and Localities Pursuant to Title 13 U.S.C., Section 141(c), and Availability of Other Population Information; the Executive Steering Committee for Accuracy and Coverage Evaluation Policy (ESCAP) Report; and the Census Bureau Director's Recommendation; Notice

DEPARTMENT OF COMMERCE

Bureau of the Census

Report of Tabulations of Population to States and Localities Pursuant to Title 13 U.S.C., Section 141(c), and Availability of Other Population Information; the Executive Steering Committee for Accuracy and Coverage Evaluation Policy (ESCAP) Report; and the Census Bureau Director's Recommendation

AGENCY: Bureau of the Census.

ACTION: Notice of recommendation and report.

SUMMARY: This notice provides the United States Census Bureau (Census Bureau) Director's recommendation on methodology and the Executive Steering Committee on Accuracy and Coverage Evaluation (A.C.E.) Policy (ESCAP) report analyzing the methodologies that may be used in making the tabulations of population reported to states and localities pursuant to Title 13 U.S.C., Section 141(c), and the factors relevant to the possible choices of methodology. Concurrent with this notice to the public, the Census Bureau Director's recommendation and the ESCAP report have been delivered to the Secretary of Commerce. The recommendation and the report are attached as exhibits to the **SUPPLEMENTARY INFORMATION** section of this notice. In addition to publication in the **Federal Register**, the recommendation and the report will be posted on the Census Bureau Web site at *<http://www.census.gov/dmd/www/2khome.htm>*.

FOR FURTHER INFORMATION CONTACT: John H. Thompson, Associate Director for Decennial Census, U.S. Census Bureau, SFC–2, Room 2018, Washington, DC 20233. Telephone: (301) 457–3946; fax: (301) 457–3024.

SUPPLEMENTARY INFORMATION:

Background Information

The decennial census is mandated by the United States Constitution (Article I, Section 2, Clause 3) to provide the population counts needed to apportion the seats in the United States House of Representatives among the states. By December 28, 2000, the Census Bureau fulfilled its Constitutional duty by delivering to the Secretary of Commerce the state population totals used for congressional apportionment. In accordance with the January 25, 1999, Supreme Court ruling, *Department of Commerce* v. *House of Representatives*, 119 S.Ct. 765 (1999), the Census Bureau did not use statistical sampling to produce the state population totals used for congressional apportionment.

However, the Census Bureau did consider the use of statistical methods to produce the more detailed data required for legislative redistricting. The Census Bureau designed the A.C.E. to permit correction of the initial census results to account for systematic patterns of net undercount and net overcount. The Census Bureau preliminarily determined that the A.C.E., if properly conducted, should produce more accurate census data by improving coverage and reducing differential undercounts. A senior-level committee, the Executive Steering Committee for A.C.E. Policy (ESCAP), was formed to evaluate whether the data produced in Census 2000 support this initial determination. The ESCAP used analysis from reports on topics chosen for their usefulness in informing the decision on the suitability of using the A.C.E. data for legislative redistricting. The Committee also drew upon work from other Census Bureau staff, as appropriate.

As required by final rule, Title 15, Code of Federal Regulations, Part 101, issued by the Secretary of Commerce (66 FR 11232, February 23, 2001), the ESCAP has submitted its report (attached below), accompanied by the recommendation of the Director of the Census Bureau to the Secretary of Commerce. The Secretary will make the final determination regarding the methodology to be used in calculating the tabulations of population reported to states and localities for legislative redistricting. By April 1, 2001, the Census Bureau must provide these tabulations, as required by Public Law 94–171, to each state so that they can redraw congressional, state, and local legislative districts.

Dated: March 1, 2001.

William G. Barron, Jr.,

Acting Director, Bureau of the Census.

Attachment 1 to Preamble

March 1, 2001

Memorandum for Donald L. Evans, Secretary of Commerce

From: William G. Barron, Jr., Acting Director

Subject: Recommendation on Adjustment of Census Counts

I am forwarding the report of the Executive Steering Committee for A.C.E. Policy (ESCAP) on whether the Accuracy and Coverage Evaluation (A.C.E.) should be used to adjust the Census 2000 counts. I asked the ESCAP to provide a recommendation in its report because I rely on the knowledge, experience, and technical expertise of the Committee and Census Bureau staff who have worked extremely hard with tremendous dedication and expertise through every phase of Census 2000.

As a member of the ESCAP and as Acting Director, I concur with and approve the Committee's recommendation that unadjusted census data be released as the Census Bureau's official redistricting data. The law requires that the Census Bureau issue data for use in redistricting by April 1, 2001 (13 U.S.C. 141(c)). The Committee reached this recommendation because it is unable, based on the data and other information currently available, to conclude that the adjusted data are more accurate for use in redistricting. The primary reason for arriving at this conclusion is the apparent inconsistency in population growth over the decade as estimated by the A.C.E. and demographic analysis. These differences cannot be resolved in the time available for the Committee's work. The importance of completing this type of analysis has been emphasized clearly and explicitly in the Census Bureau's public presentations outlining the scope, intent, and purpose of ESCAP deliberations. For example, the June 2000 Feasibility Document contained various references to the importance of demographic analysis and demographic estimates as key components of data and analysis to inform the ESCAP recommendation. This point was reinforced in materials the Census Bureau presented on October 2, 2000, at a public workshop sponsored by the National Academy of Sciences. The inconsistency raises the possibility of an unidentified error in the A.C.E. estimates or Census 2000. This possibility cannot be eliminated by the legally mandated deadline.

I believe the attached report and this cover memo meet the requirements set forth in regulation 66 Fed. Reg. 11231 (February 23, 2001), "Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information; Revocation of Delegation of Authority."

Please let me know if I can provide you with additional information on these matters.

Attachment 2 to Preamble

Report of the Executive Steering Committee for Accuracy and Coverage Evaluation Policy

Recommendation Concerning the Methodology to be Used in Producing the Tabulations of Population Reported to States and Localities Pursuant to 13 U.S.C. 141(c), March 1, 2001

Recommendation

The Executive Steering Committee for A.C.E. Policy (ESCAP) is unable to conclude, based on the information available at this time, that the adjusted Census 2000 data are more accurate for redistricting. Accordingly, ESCAP recommends that the unadjusted census data be released as the Census Bureau's official redistricting data.

The Census Bureau publicly set forth the criteria it would use to evaluate the success of the Accuracy and Coverage Evaluation (A.C.E.), stating that the adjustment decision would be based on: (1) a consideration of operational data to validate the successful conduct of the A.C.E.; (2) whether the A.C.E. measures of undercount were consistent with historical patterns of undercount and independent demographic analysis benchmarks; and (3) a review of quality measures.

The ESCAP spent many weeks examining voluminous evidence, and has debated at great length whether adjustment based on the A.C.E. would improve Census 2000 data for use in redistricting. As described in the following Report, the Committee considered a wide variety of evidence relating to the accuracy of Census 2000 and the A.C.E. After careful consideration of the data, the Committee has concluded that there is considerable evidence to support the use of adjusted data, and that Census 2000 and A.C.E. operations were well designed and conducted. However, demographic analysis comparisons, and possible issues related to synthetic and balancing error, preclude a determination at this time that the adjusted data are more accurate.

As described in detail in the Report, demographic analysis indicates fundamental differences with the A.C.E. In particular, demographic analysis estimates are significantly lower than the A.C.E. estimates for important population groups. The Committee investigated this inconsistency extensively, but in the time available could not adequately explain the result.

The inconsistency between the A.C.E. and the demographic analysis estimates is most likely the result of one or more of the following three scenarios:

1. The estimates from the 1990 census coverage measurement survey (the Post-Enumeration Survey), the 1990 demographic analysis estimates, and the 1990 census were far below the Nation's true population on April 1, 1990. This scenario means that the 1990 census undercounted the population by a significantly greater amount and degree than previously believed, but that Census 2000 included portions of this previously unenumerated population.

2. Demographic analysis techniques to project population growth between 1990 and 2000 do not capture the full measure of the Nation's growth.

3. Census 2000, as corrected by the A.C.E., overestimates the Nation's population.

The inconsistency between the demographic analysis estimates and the A.C.E. estimates raises the possibility of an as-yet undiscovered problem in the A.C.E. or census methodology, scenario 3, above. The Census Bureau must further investigate this inconsistency, and the possibility of a methodological error, before it can recommend that adjustment would improve accuracy. Similarly, concerns with synthetic and balancing error must be more fully investigated and addressed.

The ESCAP's recommendation to use the unadjusted data was a difficult one. The Committee conducted a number of analyses directed at understanding the inconsistency with demographic analysis and the synthetic and balancing error issues, but could not find a complete explanation in the time available. The Committee believes it likely that further research may establish that adjustment based on the A.C.E. would result in improved accuracy. However, the uncertainty due to these concerns is too large at this time to allow for a recommendation to adjust. The Committee believes that further research will verify that Census 2000 improved on the coverage levels of past censuses, but that the unadjusted census totals will still reflect a net national undercount. The Committee further believes the evidence will confirm that the differential undercount (the lower than average coverage of minorities, renters, and children) was reduced, but not eliminated, in Census 2000.

The ESCAP finds that both the census and the A.C.E. were efficient and effective operations that produced high quality data. The Committee is proud of the Census Bureau's design work on both the census and the A.C.E. and believes that both produced measurably better results. The high quality of the census has made the adjustment decision more difficult than in 1990. The closeness of the A.C.E. and the census heightens the concern that an undiscovered problem with Census 2000 or the A.C.E. will result in a decrease in accuracy from adjustment. Today's recommendation is, however, in no way a reflection of weaknesses in data quality or in the quality of staff work.

The ESCAP makes this recommendation in light of the information now available. Additional evaluations, research, and analysis may allow the Census Bureau to resolve the noted concerns. The Census Bureau will continue to investigate these issues and will make the results of this research available, as is consistent with the Bureau's long-standing policy of openness.

Executive Summary

The ESCAP cannot recommend adjustment at this time. The Executive Steering Committee for Accuracy and Coverage Evaluation (A.C.E.) Policy (ESCAP) is required by regulation to prepare a written report analyzing the methodologies and factors involved in the adjustment decision. The Acting Director of the Census Bureau asked the ESCAP to include a recommendation in its Report. The ESCAP spent many weeks examining voluminous evidence, and has debated at great length whether adjustment would improve Census 2000 data for use in redistricting. After having evaluated a wide variety of evidence relating to the accuracy of Census 2000, and developed an extensive record of its deliberations, the ESCAP is unable to conclude, based on the information available at this time, that the adjusted Census 2000 data are more accurate for redistricting.

While the majority of the evidence indicates both the continued existence of a differential undercount of the population and the superior accuracy of the adjusted numbers, the ESCAP has concerns. There is a significant inconsistency between the A.C.E. estimates and demographic analysis estimates. Additionally, possible synthetic and balancing errors may affect the accuracy of the adjusted numbers. Until these concerns are more fully investigated and addressed, the ESCAP cannot recommend using adjustment. Accordingly, ESCAP has recommended that unadjusted census data be released as the Census Bureau's official redistricting data.

The ESCAP makes this recommendation in light of the information now available. Additional evaluations, research, and analysis may alleviate these concerns and support the evidence that indicates the superior accuracy of the adjusted data. Accordingly, the Census Bureau intends to continue its research into these concerns.

The Census Bureau relied on three prespecified decision criteria. The ESCAP based its adjustment recommendation on: (1) a consideration of operational data to validate the successful conduct of the A.C.E.; (2) whether the A.C.E. measures of undercount were consistent with historical patterns of undercount and independent demographic analysis benchmarks; and (3) a review of quality measures. These criteria were specified in advance in the Census Bureau's June, 2000 "Accuracy and Coverage Evaluation: Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000."

Both Census 2000 and the A.C.E. were of high quality. The ESCAP's recommendation against adjustment in no way suggests serious concern about the quality of the census or the A.C.E. operations, as the ESCAP believes that both Census 2000 and the A.C.E. were efficient and effective operations that produced high quality data. All major programs in the census were completed on schedule and within budget, and design improvements in both Census 2000 and the A.C.E. produced measurably better results. An innovative advertising and partnership program encouraged public participation, and adequate staffing and pay contributed to improved data quality. The ESCAP concludes that the unadjusted census data are of high quality.

The A.C.E. was also a design and operational success. The A.C.E. included a variety of design improvements that resulted in better data quality, including enhanced computer processing and bettering matching. The Census 2000 adjusted data have lower variances and comparable or improved missing data rates compared to the 1990 adjusted data. The Census Bureau followed the A.C.E."s prespecified design except for two specific instances that are easily explained by good and normal statistical practice. Both of these changes should be considered enhancements. The ESCAP has concluded that both Census 2000 and the A.C.E. were effective and efficient operations.

Demographic analysis estimates were inconsistent with the adjusted data. The demographic analysis estimates indicate fundamental differences with the results of the A.C.E. In particular, the demographic analysis estimates are significantly lower than both Census 2000 and the A.C.E. estimates for important population groups. The Committee investigated this inconsistency extensively, but in the time available could not adequately explain it. The inconsistency between the A.C.E. and the demographic analysis estimates is most likely the result of one or more of the following three scenarios:

1. The estimates from the 1990 census coverage measurement survey (the Post-Enumeration Survey), the 1990 demographic analysis estimates, and the 1990 census were far below the Nation's true population on April 1, 1990. This scenario means that the 1990 census undercounted the population by a significantly greater amount and degree than previously believed, but that Census 2000 included portions of this previously un-enumerated population.

2. Demographic analysis techniques to project population growth between 1990 and 2000 do not capture the full measure of the Nation's growth.

3. Census 2000, as corrected by the A.C.E., overestimates the Nation's population.

The inconsistency between the demographic analysis estimates and the A.C.E. estimates raises the possibility of an as-yet undiscovered problem in the A.C.E. or census methodology, scenario 3, above. The Census Bureau must further investigate this inconsistency, and the possibility of a methodological error, before it can recommend that adjustment would improve accuracy.

Quality measures indicate the adjusted data are more accurate overall, but concerns were identified. The ESCAP directed the preparation of several total error models and loss function analyses to evaluate whether the adjusted data are more accurate than the unadjusted data. The Committee examined the loss functions for evidence of a clearly measurable improvement under a variety of scenarios and found the following:

1. Under what the Committee considered reasonable assumptions, state, congressional district, and county level analyses showed a marked improvement for adjustment.

2. However, some less likely scenarios indicated that the unadjusted census was more accurate at all geographic levels.

3. The analysis of accuracy for counties with populations below 100,000 people indicated that the unadjusted census was more accurate.

The ESCAP believes that under reasonable scenarios, and absent the concerns noted above, adjustment would result in more accurate data at the state, congressional district, and county levels. Even though smaller counties would have been less accurate, the analysis indicated an overall improvement in accuracy from adjustment. However, the concerns noted above are all potentially indicative of undetected problems. The ESCAP is unable to conclude at this time that the adjusted data are superior because further research on these concerns could reverse the finding of the adjusted data's superior accuracy.

The ESCAP assessed other factors that might affect accuracy. The ESCAP examined the issues of synthetic and balancing error and concluded that the potential for these errors cannot be ignored, particularly when considered in conjunction with the inconsistency with demographic analysis. Finally, the ESCAP reviewed the treatment of late census additions and whole person imputations, because the number of these cases significantly increased from 1990, concluding that these cases did not raise serious new concerns.

Additional issues were considered. The ESCAP reiterated that the Census Bureau does not consider block-level accuracy to be an important criterion with which to evaluate either Census 2000 or the A.C.E., and explained that had adjusted data files been released, adjustments for overcounts would not have resulted in the removal of any records from Census 2000 files.

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Introduction

This report fulfills the responsibility of the Executive Steering Committee for Accuracy and Coverage Evaluation (A.C.E.) Policy ("the ESCAP" or "the Committee") to prepare a "written report to the Director of the Census analyzing the methodologies that may be used in making the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c), and the factors relevant to the possible choices of methodology."[1] As is required by regulation, the Director of the Census will forward this report and his recommendation regarding adjustment to the Secretary of Commerce. This report is also being released to the public at the same time that it is being forwarded to the Secretary of Commerce.[2] The Secretary of Commerce will make the final determination about whether to adjust the data that will be released pursuant to P.L. 94–171.

The Census Bureau released in June 2000 the report "Accuracy and Coverage Evaluation: Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000," (the Feasibility Document). The Feasibility Document stated that "the Census Bureau will make the determination to use the A.C.E. to correct Census 2000 after evaluating (1) the conduct of key operations, (2) the consistency of the A.C.E. to historical measures of undercount, and (3) measures of quality."[3] This report will, accordingly, evaluate the conduct of key operations, compare the Accuracy and Coverage Evaluation Survey (A.C.E.) estimates to historic measures of the undercount, and evaluate the quality of both the A.C.E. and the census.

[1] The phrase "the methodologies that may be used in making the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c)" refers to the decision about whether the Census Bureau should release adjusted or unadjusted data for the states to use in redistricting. Rather than repeating this cumbersome legal phrase, this document will often refer simply to "the adjustment decision."

[2] In addition to the requirement to make this report public, the Census Bureau firmly believes that full disclosure and a vigorous and informed debate will improve both the Census Bureau's internal processes and the public's understanding of statistical adjustment. Accordingly, the Bureau is also making available on its Internet site the documentation supporting the ESCAP report. This additional documentation includes the analytical reports outlined publicly to the National Academy of Sciences Panel to Review the 2000 Census in October, 2000, along with underlying data, analysis, and supporting documentation. An index to the supporting documentation is attached.

[3] Feasibility Document, p. 33.

Census and A.C.E. Results in Brief

As the Census Bureau has stated publicly, Census 2000 was an operational success, meeting or exceeding goals. This success may be attributed to a number of improvements, including the following:

- A multi-faceted marketing and partnership program that encouraged householders to complete and mail back their census forms,
- The ability to hire and retain enough highly skilled temporary staff throughout the course of the census, permitting timely completion of operations,
- The timely completion of nonresponse follow-up, which provided sufficient time and resources to conduct other operations designed to improve coverage, and
- The use of digital imaging and optical character recognition technology for the first time to recognize handwritten answers in addition to marks on the form, a vast improvement that allowed the Census Bureau to process the data faster and permitted multiple response options.

The A.C.E. was also an operational success that met or exceeded goals. The A.C.E. was completed on time and generally produced data equal or superior in quality to prior coverage measurement surveys.

The A.C.E. supports the conclusion that the quality of the initial census was generally good, finding that Census 2000 reduced both net and differential undercoverage from 1990 census levels. The A.C.E. estimates that the net national undercount was reduced from the 1990 rate of 1.61 percent to 1.18 percent in 2000.[4] This reduction is substantial and reflects high census quality. The A.C.E. further found that not only was the net undercount reduced, but there was a reduction in the differential undercount. According to the 1990 Post-Enumeration Survey, minorities, renters, and children were differentially undercounted in the 1990 census, and other methods indicate a differential undercoverage of minorities in earlier censuses. While these groups still have higher undercount rates than the population as a whole, the differential has dropped considerably.

The A.C.E. did not judge Census 2000 quality to be perfect, however. The A.C.E. indicated that while differential coverage was reduced, it was not eliminated, and that Census 2000 continued longstanding patterns of differential coverage, with minority groups, renters, and children all exhibiting lower coverage rates.[5]

Coverage measurement surveys such as the A.C.E. are not the only method available to estimate census coverage; the Census Bureau also uses demographic analysis (DA) to assess net and differential population coverage. DA uses records and estimates of births, deaths, legal immigration, and Medicare enrollments, and estimates of emigration and net undocumented immigration to estimate the national population, separately from the census. The Census Bureau has long relied on DA as an important independent benchmark for validation of the accuracy of both the census and coverage measurement surveys such as the A.C.E. Initial DA results, however, presented a major inconsistency with the A.C.E. results—instead of confirming a net undercount, DA estimates that Census 2000 overcounted the national population by 1.8 million individuals. Even an alternative DA that assumed a doubling of net undocumented immigration during the 1990's (compared with the initial DA) showed a small net undercount of 0.9 million, substantially below the net undercount of 3.3 million shown by the A.C.E. These inconsistencies and DA in general will be discussed in more detail later in this report. The DA and A.C.E. estimates did agree, however, that Census 2000 perpetuated the historical phenomenon of the differential undercount.

The following table sets forth the A.C.E.'s results in summary fashion:

TABLE 1a.—PERCENT NET UNDERCOUNT FOR MAJOR GROUPS: 2000 A.C.E.

Estimation grouping	Net undercount (percent)	Standard Error (percent)
Total population in Households	1.18	0.13
Race and Hispanic Origin:		
American Indian and Alaska Native (on reservation)	4.74	1.20
American Indian and alaska Native (off reservation)	3.28	1.33
Hispanic Origin (of any race)	2.85	0.38
Black or African American (not Hispanic)	2.17	0.35
Native Hawaiian and Other Pacific Islander (not Hispanic)	4.60	2.77
Asian (not Hispanic)	0.96	0.64
White or Some Other Race (not Hispanic)	0.67	0.14
Age and Sex:		
Under 18 years	1.54	0.19
18 to 29 years:		
Male	3.77	0.32
Female	2.23	0.29
30 to 49 years:		
Male	1.86	0.19
Female	0.96	0.17
50 years and over:		
Male	−0.25	0.18
Female	−0.79	0.17
Housing Tenure:		
In owner-occupied housing units	0.44	0.14

[4] These figures compare the 1990 and 2000 undercount rates as measured by coverage measurement surveys. The coverage measurement survey conducted in connection with the 1990 census was called the Post-Enumeration Survey (PES). As will be discussed below, Demographic Analysis presents an alternative measure of census coverage.

[5] The percent net undercount for owners was 0.44 percent compared to 2.75 percent for renters, and the non-Hispanic White undercount rate of 0.67 percent was lower than the rates for non-Hispanic Blacks (2.17 percent) and Hispanics (2.85 percent).

TABLE 1a.—PERCENT NET UNDERCOUNT FOR MAJOR GROUPS: 2000 A.C.E.—Continued

Estimation grouping	Net undercount (percent)	Standard Error (percent)
In nonowner-occupied units	2.75	0.26

Notes:
- The race and Hispanic categories shown on this table represent estimation groupings used in developing estimates based on the A.C.E. Survey and do not conform with race and Hispanic categories that will appear in the redistricting (P.L. 94–171) files and other Census 2000 data products. In developing the estimation groupings used to evaluate the coverage of Census 2000, the principal consideration was to combine people who were expected to have the same probability of being counted in Census 2000. Consequently, the race and Hispanic origin groupings used to create the A.C.E. estimates of coverage are exceedingly complex. For a complete description of the estimation groups, see DSSD Memorandum Q–37, which will be provided on request.
- In general, American Indians and Alaska Natives (AIAN) are included in that category, regardless of whether they marked another race or are Hispanic. A few exceptions apply, especially for those who do not live on a reservation, on trust lands, or in an AIAN statistical area.
- Similarly, Native Hawaiians and Other Pacific Islanders (NHPI) generally are included in that category, unless they lived outside of Hawaii and marked more than one race or marked Hispanic.
- Hispanics are mostly in that category, unless they marked AIAN and lived on a reservation, on trust lands, or in an AIAN statistical area, or marked NHPI and lived in Hawaii.
- People who marked Black or African American are generally in that category unless they fell in the categories described above; similarly those who marked Asian are generally in that category, unless they fell in the categories described above.
- The final category includes most people who marked only White or only Some Other Race or marked three or more races but did not fall into the categories described above.
- The data in this table contain sampling and non-sampling error; a minus sign denotes a net overcount.

The following table presents the results from the 1990 Census Post-Enumeration Survey:

TABLE 1b.—PERCENT NET UNDERCOUNT FOR MAJOR GROUPS: 1990 PES

Estimation grouping	Net undercount (percent)	Standard error (percent)
Total Population[1]	1.61	0.20
Race and Hispanic Origin:		
White or Some Other Race not Hispanic)[2]	0.68	0.22
Black or African American	4.57	0.55
Hispanic Origin[3]	4.99	0.82
Asian and Pacific Islander	2.36	1.39
American Indian and Alaska Native (on reservaton)	12.22	5.29
Age and Sex:		
Under 18 years	3.18	0.29
18 to 29 years:		
Male	3.30	0.54
Female	2.83	0.47
30 to 49 years:		
Male	1.89	0.32
Female	0.88	0.25
50 years and over:		
Male	−0.59	0.34
Female	−1.24	0.29
Housing Tenure:		
In owner-occupied housing units	0.04	0.21
In nonowner-occupied housing units	4.51	0.43

Notes:
- The data in this table contain sampling and non-sampling error.
- The race and Hispanic categories shown on this table represent selected population groupings used in conducting the PES and do not conform exactly with race and Hispanic tabulations that were released from the 1990 census.

[1] Includes household population and some Group Quarters; excludes institutions, military group quarters.
[2] Includes American Indians off reservations.
[3] Excludes Blacks or African Americans, Asian and Pacific Islanders, and American Indians on reservations.

The following table summarizes DA's estimates for Census 2000:

TABLE 2.—DEMOGRAPHIC ANALYSIS ESTIMATES OF PERCENT NET UNDERCOUNT BY RACE, SEX AND AGE: 2000

Category	DEMOGRAPHIC ANALYSIS—2000		
	Average	Model 1	Model 2
Black Male			
Total	5.10	6.94	3.26
0–17	1.47	4.86	−1.92
18–29	6.45	8.02	4.88
30–49	9.18	10.11	8.25
50+	3.29	4.08	2.49

TABLE 2.—DEMOGRAPHIC ANALYSIS ESTIMATES OF PERCENT NET UNDERCOUNT BY RACE, SEX AND AGE: 2000—Continued

Category	DEMOGRAPHIC ANALYSIS—2000		
	Average	Model 1	Model 2
Black Female			
Total	0.63	2.52	−1.27
0–17	1.92	5.39	−1.56
18–29	0.12	1.93	−1.70
30–49	0.98	2.06	−0.10
50+	−1.31	−0.45	−2.16
Nonblack Male			
Total	−0.93	−1.21	−0.65
0–17	−0.90	−1.56	−0.23
18–29	−4.17	−4.45	−3.89
30–49	0.10	−0.04	0.24
50+	−0.16	−0.24	−0.08
Nonblack Female			
Total	−1.44	−1.74	−1.14
0–17	−0.32	−1.01	0.38
18–29	−3.66	−4.00	−3.32
30–49	−1.21	−1.38	−1.04
50+	−1.45	−1.54	−1.35

(A minus sign denotes a net overcount.)
Note: Model 1 uses 2000 census tabulations for Blacks that include people who reported "Black" and no other race. Model 2 uses 2000 census tabulations for Blacks that include people who reported Black, whether or not they reported other races. People who reported only "Some other race" are reassigned to a specific race category (to be consistent with 1990 DA estimates and the historical demographic data series).

ESCAP Procedure and Process

After the Supreme Court ruled in January, 1999 that the Census Act barred the use of statistical sampling for reapportioning the House of Representatives,[6] the Census Bureau redesigned its plan for the census to assure that sampling was not used to arrive at the apportionment counts, and to provide for the possible use of sampling for all other purposes. This action was in accordance with the advice of the (then) General Counsel of the Department of Commerce that "Section 195 of the Census Act requires the Census Bureau, if feasible, to produce statistically corrected numbers from the decennial census for all non-apportionment purposes."[7]

The Associate Director for Decennial Census originally chartered the ESCAP on November 26, 1999 and charged the Committee to "advise the Director in determining policy for the A.C.E. and the integration of the A.C.E. results into the census for all purposes except Congressional reapportionment." Thereafter, on October 6, 2000, the Department of Commerce delegated to the Director of the Census Bureau the final determination "regarding the methodology to be used in calculating the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c)." This regulation further required the ESCAP to "prepare a written report to the Director of the Census Bureau recommending the methodology to be used in making the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141 (c)."[8] The initial regulation was revised on February 14, 2001 to provide that the Secretary of Commerce would make the final adjustment decision for the redistricting data, but only after receiving the recommendation, if any, of the Director of the Census Bureau, together with the ESCAP's report.[9] Accordingly, this document constitutes the official report of the ESCAP to the Director analyzing the adjustment methodologies and setting forth the relevant factors in the adjustment decision. The Acting Director of the Census Bureau asked the ESCAP to include a recommendation in the Report. This Report is limited to an analysis of whether adjustment would produce improved data for legislative redistricting.

The ESCAP held its first meeting on December 8, 1999 and met regularly until the date of this Report, meeting over 45 times, sometimes with more than one meeting per day. The analysis set forth in this document is supported by extensive staff work and many analytic reports on various aspects of the census and the A.C.E. The documents in these "B-series" reports represent diligent and thorough statistical, demographic, and analytic work conducted over many months of intensive effort. These more detailed reports are summarized in Report B–1, "Data and Analysis to Inform the ESCAP Report," from which this Report draws heavily.[10]

The ESCAP's membership was originally set forth in its charter and repeated in the regulations. There are twelve members on the ESCAP, with the Director functioning in an ex officio role. The Committee solicited needed assistance from the Associate Director for Field Operations, recognizing his unique contribution to the Committee's awareness of field operations and procedures. He contributed valuable input to the deliberative process and was, in effect, a member of ESCAP. The ESCAP represents a body of senior career Census Bureau professionals, with advanced degrees in relevant technical fields and/or decades of experience in the Federal statistical system. All are highly competent to evaluate the relative merits of the A.C.E. data versus the census data and are recognized for their extensive contributions to the professional community.

[6] *Dept. of Commerce v. House of Representatives*, 119 S.Ct. 765 (1999).
[7] Memorandum to the Secretary and the Director of the Census from Andrew J. Pincus, General Counsel, dated June 12, 2000 and entitled "Legal Obligation to Produce Statistically-Corrected Non-Apportionment Census Numbers."
[8] 65 Federal Register 59713, "Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information," October 6, 2000.
[9] 66 Federal Register 11231, "Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c); Revocation of Delegation of Authority," February 23, 2001.
[10] A list of these reports is attached to this Report.

The Committee proceeded through four distinct but overlapping stages. The Chair arranged that minutes be prepared for all sessions, except for the final sessions which were private deliberations. The early sessions were educational, designed to make the Committee members aware of the details of the upcoming operations and to explain possible adjustment issues. The second phase was devoted to the presentation of evidence. As data from the census and the A.C.E. became available, knowledgeable individuals in the Census Bureau made presentations to the Committee. The Committee reviewed data from all relevant census and A.C.E. operations, sometimes asking staff to provide additional and new information. The third phase was the deliberation phase. Unlike the first two phases, the deliberations were closed to all but Committee members and individuals invited for a specific purpose: individuals with specialized knowledge who could respond to specific inquiries from the Committee members. The final and briefest stage was the review stage, where Committee members circulated and commented on the draft report.

During the education and evidence presentation phases, the Chair generally arranged presentations on major issues, issues that he identified on his own initiative or on the suggestion of Committee members. During the evidence presentation stage, authors of the analysis reports known as "the B-series" presented their data and conclusions to the Committee. The deliberation and review phases were less structured with various members raising topics for discussion and asking for evidence. No formal vote was held; this Report reflects a consensus of the ESCAP.

This report and the analysis preceding it were prepared in light of the statutory April 1, 2001 deadline.[11] The Census Bureau clearly would have preferred to have additional time to analyze the data before it, and may well have reached a different recommendation had it had more time; however, the ESCAP believes that it has analyzed the available data sufficiently to make the findings contained in this report. This report is based on the best data available at the time. More data will be produced in the months and years to come that could affect the matters discussed in this report. As in past censuses, the Census Bureau will prepare a large number of detailed evaluations of both the census and the A.C.E. These evaluations will not be available for months, or in some cases, years, after the Census Bureau is required by law to provide redistricting data to the states. These final evaluations, as distinguished from the analysis reports that informed the ESCAP Committee, will be accomplished without the pressure of a legal deadline, will be based on additional information, and may, in some instances, reach conclusions different from those in the analysis reports.[12]

Findings

The ESCAP has evaluated the conduct of key operations in both the census and the A.C.E., the consistency of the A.C.E. to historical measures of undercount, and measures of both census and A.C.E. accuracy. Accordingly, this section will evaluate:

- The conduct of key operations (Census Quality Indicators, A.C.E. Quality Indicators),
- Historical measures of census coverage—comparison with Demographic Analysis,
- Measures of census and A.C.E. accuracy (Total Error Models and Loss Function Analysis), and
- Other factors that may affect accuracy.

Conduct of Key Operations

Census Quality Indicators

The ESCAP concludes that the unadjusted census was well designed and executed and that the results are of a high quality. There had been considerable concern about potential operational problems, given that the Census Bureau finalized its plans for Census 2000 very late in the census cycle in response to the Supreme Court ruling in January, 1999. However, Census 2000 was an operational success; all major programs were completed on schedule and within design parameters. Although there were some local problems and minor operational shortcomings, census operations were implemented in a controlled manner and within design expectations.

The ESCAP reviewed the results of the initial census to determine whether improved census operations could be expected to yield high quality results. The ESCAP heard presentations on the results of each major census operation and evaluated the extent to which these operations were under control. The discussion in this document is not meant to be a complete evaluation of census operations, but rather focuses on information relevant to the level and pattern of census omissions or erroneous inclusions, because this information is directly relevant to understanding and assessing the results of the A.C.E.

While several major improvements were introduced for Census 2000, including improved marketing, better questionnaire design, more ways to respond, higher pay rates, and improved processing,[13] the basic design of Census 2000 was similar to the design of the last two censuses. Address lists were prepared from a variety of sources. Questionnaires were delivered to each address on the list. Questionnaires were principally delivered by the U.S. Postal Service. In areas with rural-style addresses, census workers delivered the questionnaires. Households were asked to return the questionnaires by mail. Those addresses that did not return a questionnaire by mail were followed up by census workers in the nonresponse follow-up (NRFU) operation. NRFU was followed by a coverage improvement follow-up operation. Each major operation had its own quality control procedures.

The following is a brief discussion of the quality indicators associated with some of the major Census 2000 operations.

Address List Development. A foundation of the decennial census process is the list of housing units representing every known residence in the country. The address list is dynamic, with updates occurring at a number of phases throughout the census. One important measure of its quality is the time at which housing units were added. It is preferable for the address list to be largely complete before the majority of census operations begin, as this would indicate that the building of the address list had been successful, by using operations such as address listing and block canvassing, and local government input in the Local Update of Census Addresses (LUCA) program. The data confirm that the address list was largely complete early in the process, as census enumerators found few new addresses in the field. The address list was nearly 97 percent complete (overall and in each region of the nation) before the census forms were mailed out or delivered. The two fastest growing regions, the South and the West, not surprisingly, had slightly lower percentages of housing unit coverage before the census and higher rates of added housing units during questionnaire delivery. (See B–2, "Quality Indicators of Census 2000 and the Accuracy and Coverage Evaluation.")

Questionnaire Return—Census 2000 Mail Return Rates. One of the most important quality indicators for the census is the mail return rate, the proportion of occupied housing units that mailed back their questionnaires. A high mail return rate is crucial to the success of the census—operationally, budgetarily, and also in terms of data quality; data from mailback questionnaires tend to be more complete and of higher quality than the data from forms completed by enumerators.

Public cooperation is critical for the success of any census. The Census Bureau had projected that the mail return rate would be lower in Census 2000 than in 1990 and had accordingly developed an enhanced marketing and partnership program designed to increase awareness of the decennial census and public cooperation. The marketing program was designed around a first-ever paid advertising campaign, including a national media campaign aimed at increasing mail response, targeted advertising directed at raising mail response among historically undercounted populations, and special advertising messages and campaigns targeted to hard-to-enumerate populations. In the partnership program, the Census Bureau worked nationwide with state and local partners to encourage all individuals to respond to the census. Additionally, the Census Bureau worked with states and local jurisdictions to encourage residents of the jurisdictions to raise their mail response rates over their 1990 levels.

The success of the advertising campaign and the partnership program is reflected in the final Census 2000 national mail return rate of 72 percent. In 1990, this figure was 74 percent, but the mailback universe was different in Census 2000, including the addition of approximately five million (mostly rural) housing units to the universe in 2000. These units were enumerated differently in 1990 and the two figures are, thus, not wholly comparable. It is fair to say that the level of public cooperation in Census 2000 roughly equaled that of 1990, despite projections of lower cooperation.

Nonresponse Follow-up. The nonresponse follow-up (NRFU) operation involved field follow up of about 42 million housing units that did not return a census form within the specified time after Census Day. For most LCO's, NRFU was completed as scheduled in a 9-week period between April 27 and June 26. This performance is a significant improvement over 1990 when NRFU was generally conducted over a 14-week period from April 26 through July 30. The Census Bureau believes, based on past research, that NRFU interviews conducted closer to Census Day are likely to be of higher quality. Thanks in large part to adequate funding provided by the Congress, pay rates and levels of staffing in 2000 were far higher than in the past two censuses. We believe that this increased funding and the ability to hire adequate staff contributed to an improvement in NRFU quality, and thus improved Census 2000 data in general.

The Census Bureau identified local NRFU problems at a few Local Census Offices (LCOs), including the LCO in Hialeah, Florida. The Census Bureau responded to the localized problems in the Hialeah office by re-enumerating certain areas that were believed to have faulty data and does not believe that net coverage in the Hialeah or any other LCO was substantially affected by these local problems. The limited local imperfections do not detract from the conclusion that NRFU as a whole was successful. The local problems experienced were similar to problems encountered in previous censuses, and should be expected in any non-recurring operation of this magnitude.

Housing Unit Unduplication Program. The Census Bureau became concerned that the address list might contain a significant number of duplicate addresses, or duplicated persons living in duplicated addresses. The Census Bureau responded to this problem by designing and conducting the Housing Unit Unduplication Program. This program was a special operation designed and instituted to reduce the level of housing unit duplication. While this program was not prespecified, the Census Bureau believed that failure to address this potential problem could have seriously impaired the accuracy of the apportionment numbers. Using the results of an address matching operation and a person matching operation, 2,411,743 addresses were identified as potential duplicates and the person and housing records associated with these addresses temporarily removed from the census file. Based on more detailed analysis, 1,392,686 addresses of these were permanently removed from the address list and 1,019,057 addresses were re-instated and included in the census results. Although this operation certainly made mistakes of both exclusion and inclusion, the operation was necessary and resulted in improved census accuracy.

Data Processing. The large number of address sources used to compile the address list, along with an increased number of response opportunities, increased the chance of duplicate returns. Census 2000 included several data processing steps designed to handle multiple census returns for a single housing unit. More than 90 percent of Census 2000 housing units had only one census return. For households returning two or more forms, the Census Bureau conducted a computer operation to identify and remove duplicated responses. Imputation is discussed later in this Report.

A.C.E. Quality Indicators

The A.C.E. is based on an independent coverage measurement survey, meaning that it collects information in operations separate from the census to allow comparison with the initial census enumeration. The goal is to determine what proportion of the people living in the A.C.E. sample blocks were correctly included in the census, what proportion were erroneously included in the census, and what proportion were not included in the census, so that corrected data can be prepared.

The Census Bureau selected a stratified random sample of blocks to include in the A.C.E. and created an independent list of housing units in those blocks. Enumerators conducted initial A.C.E. interviews at the housing units on this independent list. Households with discrepant information between the A.C.E. and the census received a follow-up interview to find the correct answer or "true" situation. This process led to a determination for each individual regarding whether the A.C.E. response or the census response was correct. Missing data for households and/or individuals was supplied using prespecified procedures, including imputation.[14] The individuals in the A.C.E. sample were then categorized by age, sex, tenure (owner or renter) and other predefined variables into groupings called post-strata, and coverage correction factors (CCFs) were calculated for each post-stratum. The methodology used to create the coverage correction factors is called Dual System Estimation or DSE. The coverage correction factors measure the extent to which the total of people in each post-stratum is over-or undercounted in the initial census. These factors can be used

[11] The Census Act requires that redistricting data be "completed, reported, and transmitted to each respective State within one year after the decennial census date." 13 U.S.C. § 141(c).

[12] A list of the planned Census 2000 final evaluations can be found at Attachment 3.

[13] For more detail see "Census 2000 Operational Plan—December, 2000."

[14] B–7 "Missing Data Results" contains a description of the three types of missing data in the A.C.E. and the processes used to correct for them.

to correct the initial census data and to produce tabulated results.

The Census Bureau incorporated a variety of improvements into the 2000 A.C.E. compared with the 1990 PES:

- In order to reduce variance (sampling error), the Bureau doubled the size of the sample from the 1990 PES.
- The design included enhancements to the matching process, such as a more fully automated matching system with built-in edits and quality checks, centralization of matching in one site, and a change in the treatment of movers.
- Computer processing was improved in a number of ways, such as adoption of software validation and verification procedures, standardized nomenclature, and improved documentation for technical issues.
- Enhancements to minimize missing data were added to the design, including allowance of an additional two weeks for attempts to revisit any nonresponding households.

The ESCAP spent many hours reviewing the elements of A.C.E. quality and has concluded that these enhancements succeeded in their goal of improving the A.C.E., and that the operational quality of the A.C.E. was good.

The quality of the A.C.E. operations is particularly evident from the fact that the A.C.E. was completed on schedule without any major difficulties. That operations of the massive size of both the initial census and the A.C.E. could be finished on time and under budget is testimony to thoughtful design and careful implementation. Listing, interviewing, matching, and follow up were all conducted as designed and in a controlled manner. A.C.E. interview response rates met or exceeded expectations. The Quality Assurance operations were carried out as planned and assured that the A.C.E. was in control, resulting in few outliers.[15] Computer programs were thoroughly tested and improved from 1990. This evidence indicates that the A.C.E. was a clear operational success.[16]

A.C.E. prespecified procedures were followed except in two specific instances.[17] Both of these instances were actually enhancements to the A.C.E. design permitted by earlier than anticipated availability of data; both are consistent with good statistical practice and both improved the accuracy of the A.C.E. results.

Briefly, the first change was a modification of A.C.E. collapsing rules to permit the inclusion of variance as a criterion to collapse data cells. The second enhancement to the prespecified rules deals with imputation cell estimation, the process by which resident status, match status, or enumeration status is imputed for unresolved cases. Imputation cell estimation was modified because the results of the A.C.E. follow-up forms became available during the missing data estimation process. The changes were discussed with the ESCAP and documented.

The ESCAP was pleased with the reduction in sampling variance from 1990 levels. The A.C.E. was designed so that the coefficients of variation (CV) would be lower than in 1990 because of the increased sample size, because better measures of population size were available for the selection of sample clusters, and because sample weights were less variable. The overall CV decreased about 40 percent from 1990 levels, and forty-seven states saw their CV decline, with an average reduction of 37 percent. The A.C.E. design expectation of state-level CV of less than 0.5 percent was achieved. CVs at the congressional district, place, and county level all showed similar levels of improvement, as detailed in Analysis Report B–11, "Variance Estimates by Size of Geographic Area."

Other important quality indicators for the A.C.E. operations include the following:

- Consistent reporting of Census Day address may have been somewhat better than achieved in 1990 due to the better interview made possible by being held closer to Census Day and an improved interviewing instrument.
- Matching error in the A.C.E. was low, with indications that it is substantially lower than that achieved in 1990. Additionally, other processing errors are probably lower than those measured in 1990.
- A.C.E. fabrication was tightly controlled in 2000; an improved interviewing instrument, tighter management of field operations, and better detection of falsification through targeting, likely lowered the level of fabrication below 1990 levels.
- The level and pattern of missing data in the A.C.E. were near or below that in the 1990 PES and the effect of missing data on A.C.E. quality is similar to that experienced in 1990.

In short, the A.C.E. operations appear to have been in control, performed as expected, and produced data as good or better than the data produced by the 1990 PES.

Historical Measures of Census Coverage—Comparison With Demographic Analysis

By far the largest issue facing the ESCAP has been the surprising inconsistency between the DA and A.C.E. estimates. The initial DA figures estimate that Census 2000 resulted in a net overcount of 1.8 million individuals, that Census 2000 overcounted the population by 0.7 percent. DA has long provided the standard against which the accuracy of both censuses and coverage measurement surveys are measured, making this inconsistency troubling. The inconsistency between the A.C.E. estimates and the demographic analysis estimates is most likely the result of one or more of the following three scenarios:

1. The estimates from the 1990 census coverage measurement survey (the Post-Enumeration Survey), the 1990 demographic analysis estimates, and the 1990 census were far below the Nation's true population on April 1, 1990. This scenario means that the 1990 census undercounted the population by a significantly greater amount and degree than previously believed, but that Census 2000 included portions of this previously un-enumerated population.
2. Demographic analysis techniques to project population growth between 1990 and 2000 do not capture the full measure of the Nation's growth.
3. Census 2000, as corrected by the A.C.E., overestimates the Nation's population.

The inconsistency between the demographic analysis estimates and the A.C.E. estimates raises the possibility of an as-yet undiscovered problem in the A.C.E. or census methodology. The Census Bureau has determined that it must further investigate this inconsistency, and the possibility of a methodological error, before it can recommend that adjustment would improve accuracy.

DA assesses accuracy in a fundamentally different manner from the survey-based approach used in the A.C.E. Instead of comparing the results of an independent survey, DA uses administrative records of births, deaths, legal immigration, and Medicare enrollments along with calculated estimates of legal emigration and net undocumented immigration to estimate the national population. Most of these components of population change are well measured (especially for recent decades), but undocumented immigration is not directly measured and must be estimated by comparing detailed data between two consecutive censuses with administrative data on legal immigration. Given the uncertainty of the initial DA results, the Census Bureau has reexamined certain of these components and created an alternative set of DA estimates that allows for additional undocumented immigration in the 1990s. This alternative set estimates a net undercount of 0.9 million individuals. This would imply that the 2000 Census undercounted the population by 0.3 percent.[18]

For the decade between 1990 and 2000, the base demographic analysis relied on extrapolations of net undocumented immigration derived from data reflecting the changes between the 1980 and 1990 censuses. This analysis estimated the flow of undocumented immigration during the 1990's at 2.8 million. The accuracy of that assumption can only be assessed once the Census 2000 questions on country of birth and year of immigration become available. However, related data that examine the percent Hispanic and Non-Hispanic in Census 2000, and data on the percent foreign-born from the re-weighted March 2000 Current Population Survey (CPS), provide an indication of the accuracy of the original assumptions about immigration and emigration during the 1990's. These data show that the base DA implies a foreign-born percentage of the population below the value reported in the March 2000 CPS (10.3 percent versus 10.6 percent). Similarly, the base DA implies a percent Hispanic (12.1 percent) that is below the Census 2000 percent Hispanic (12.6 percent). Since the undocumented population has recently been predominantly Hispanic, these numbers would be consistent with an underestimate of the undocumented population component in the base DA.

Census Bureau researchers have therefore assumed that the base DA is a reasonable low estimate of net undocumented immigration in the 1990s, and examined several different scenarios to create a reasonable high estimate. For purposes of simplicity, researchers assumed a doubling of net undocumented immigration over the decade for the alternative DA. Doubling net undocumented immigration implies a percent foreign-born of 11.1, which is higher than the 10.6 percent from the re-weighted CPS, and a percent Hispanic of 12.7, which is higher than the 12.6 percent in the unadjusted Census 2000 results. Until data from Census 2000 on country of birth and year of immigration are available to recalibrate DA in detail, this alternative assumption should be considered a reasonable higher bound on net undocumented immigration during the 1990's.

DA and the A.C.E. do not differ completely. DA and the A.C.E. agree on a reduction in the net undercount in Census 2000 compared with 1990, but DA implies a greater change. DA estimated a 1.8 percent net undercount in 1990, compared with either a 0.7 percent net overcount (base set), or a 0.3 percent net undercount (alternative set) in 2000. The A.C.E. estimates show that the net undercount was reduced from 1.6 percent in 1990 to 1.2 percent in 2000. DA and the A.C.E. also concur that Census 2000 succeeded in reducing the differential undercount. Both DA and the A.C.E. measured a reduction in the net undercount rates for Black and non-Black children (aged 0–17) compared to 1990. Both methods also measure a reduction in the net undercount rates of Black men and women (aged 18 and over).

The DA estimates indicate that correlation bias has not been reduced from 1990 levels.[19] The A.C.E. sex ratios[20] for Black adults are lower than DA "expected" sex ratios, implying that the A.C.E. did not capture the high undercount rates of Black men relative to Black women. Historically, DA's important strength has been its ability to measure sex ratios accurately. (The ESCAP believes that correlation bias cannot be ignored. The correlation bias for 2000 measured by DA is about the same magnitude as that measured in 1990.)

It is important to understand the limitations and uncertainties associated with the DA estimates:

- Like the A.C.E., DA has an associated level of uncertainty; the ranges of DA uncertainty are a matter of judgment.
- DA estimates do not provide independent coverage benchmarks for all of the characteristics estimated in the A.C.E.[21]
- DA has difficulty in estimating the sub-national population.
- The DA method requires reconciling the reporting of race in the vital statistics system with race as reported in the census. The Census 2000 questionnaire used the instruction "mark one or more races," introducing a new consideration into the reconciliation of reported race data.
- DA provides estimates for the total population (people living in households and group quarters (GQ)), while the A.C.E. provides estimates only for the housing unit population, but excludes the group quarters population, which includes college dormitories and prisons.

DA estimates for the 1980 and 1990 censuses did not immediately confirm the results of the coverage measurement surveys in those censuses either. Initial DA estimates for the 1980 census implied a net overcount of 0.4 percent, but were later revised upward, partially to account for an increase in undocumented immigration. DA estimated a 1.8 percent undercount for the 1990 census, leading Secretary Mosbacher and others to question the accuracy of the 1990 adjusted counts. The Census Bureau, however, concluded that the differences between DA and the 1990 PES were explainable as within the bounds of DA uncertainty.[22]

However, in Census 2000 the differences between DA and the A.C.E. are larger than in 1990, with DA measuring an undercount from 1.9 to 0.9 percentage points less than the A.C.E. The Census Bureau acknowledges DA's inconsistency with the A.C.E. estimates and will continue to research this important issue.

Measures of Census and A.C.E. Accuracy

Total Error Model

The total error model and loss function analysis are methods used to compare the accuracy of the adjusted and unadjusted 2000 data. The total error model brings together all of the components of error that can be measured for the A.C.E. The total error model is used to correct the A.C.E. for biases and thus produces a measure of "truth" that can be used to assess the accuracy of both the adjusted and unadjusted census. The measures of the truth are referred to as targets since the components of error must be estimated. By using a range of targets as the basis of comparing the A.C.E and Census 2000, calculations can be done that indicate whether the adjusted or unadjusted census results are more accurate. Situations are defined by the methods and assumptions that are used to vary the components of error in the total error model.

[15] Outliers are extreme blocks with high effect on the estimates.

[16] B–1, "Data and Analysis to Inform the ESCAP Report."

[17] B–1, Ibid.

[18] Similarly, legal emigration from the U. S. must be measured indirectly and several scenarios were run that varied this component as well as undocumented immigration. Those scenarios did not fit the observed data as well as the those that simply varied undocumented immigration. Scenarios that changed smaller components such as legal temporary immigration will be examined in future research.

[19] Correlation bias is discussed in B–12, "Correlation Bias."

[20] The ratio of men per 100 women.

[21] DA estimates can be tabulated by year-specific age, sex, and Black/Non-Black; the A.C.E. permits tabulation for additional racial categories and other characteristics, such as whether the housing unit is owned or rented.

[22] Bureau of the Census, "Technical Assessment of the Accuracy of Unadjusted Versus Adjusted 1990 Census Counts," 4.

The total error model identifies and estimates the various components of error and their variances for groups of the A.C.E. post-strata designated as evaluation post-strata.[23] Estimates of the component errors are derived for each evaluation post-stratam, then a simulation methodology is used to create a range of target populations. Loss functions, described in the next section, are then used to determine which of the adjusted or unadjusted census populations is closer to the targets, taking into account the uncertainty in the targets and in the adjustment.[24]

The components of error for the total error model are as follows:[25]

1. P-sample matching error
2. P-sample data collection error
3. P-sample fabrication
4. E-sample data collection error
5. E-sample processing error
6. Correlation bias
7. Ratio estimator bias
8. Sampling error
9. Imputation error

The Census Bureau has data from DA, Census 2000, and the A.C.E. that can be used to produce estimates of components 6, 7 and 8 (Correlation Bias, Ratio Estimator Bias, and Sampling Error), and is relying on 1990 data to estimate the remaining components. The ESCAP discussed the use of 1990 measures for these error components, and determined that doing so would provide conservative estimates of the level of error in the A.C.E. The ESCAP noted that the A.C.E. is similar in design and operation to the 1990 PES, except that the A.C.E. was conducted with higher quality as noted above.[26]

The ESCAP analyzed the sensitivity of various components of the total error model, particularly the office processing components, because the Committee believes that it achieved better results for these components in 2000 than in 1990. Also, the ESCAP used a number of models of correlation bias in the total error model, given the importance of this component, and the understanding of the significant influence that this component has on the estimates of total error and thus on the target populations.

[23] The Census Bureau can only estimate error components for at most sixteen evaluation post-strata. The error components reflect, for the most part, measures of nonsampling error. Estimation of nonsampling error requires extensive methodology carried out by extremely well qualified staff. Because few such staff exist, this limits the size of the sample for which measures can be obtained. Therefore direct estimates of the targets can only be obtained for a smaller number of evaluation post-strata.

[24] Mary Mulry and Bruce D. Spencer. "Accuracy of the 1990 Census and Undercount Adjustments." *Journal of the American Statistical Association* 88 (September 1993): 1080–91; B–19, Mulry and Spencer.

[25] Ibid.

[26] B–19, Mulry and Spencer.

Loss Function Analysis

Loss function analysis is used to compare the adjusted and unadjusted census populations to the target populations derived from the total error model as described above. Loss functions are constructed to measure the loss or error associated with differences from the targets. Loss functions are defined to measure the loss in accuracy due to differences from the target populations. Loss functions are also specified based on various criteria related to the intended uses of the data. A general description of loss functions is as follows:

$$\text{Census Loss} = \sum_{i=1}^{n} W_i \left(\text{Cen}_i - T_i\right)^2$$

$$\text{ACE Loss} = \sum_{i=1}^{n} W_i \left(\text{ACE}_i - T_i\right)^2$$

Where:

n represents the number of entities for which the comparison is conducted;

T_i, Cen_i, and ACE_i represent the target population, unadjusted census population, and the adjusted census population, respectively for the ith entity; and

W_i represents a weight defined for the criterion to be studied for a particular use of the data.

If the Census loss is greater than the ACE loss, then the adjusted data are determined to be more accurate for the criterion represented by the loss function.

The Census Bureau believes that both numeric and distributive accuracy are important measures of census accuracy and accordingly designed loss functions to measure both types of accuracy. Numeric accuracy refers to how close the overall count of a particular geographic area is to the truth, whereas distributive accuracy refers to how close the relative proportion or share of a geographic area is to its true share relative to other areas.[27] As discussed in B–13, "Comparing Accuracy," the ESCAP directed the preparation of four types of loss functions:

1. Squared Error Loss
2. Weighted Squared Error Loss
3. Relative Squared Error Loss
4. Equal Congressional District Squared Error Loss

The Committee determined that the second and fourth loss functions, weighted squared error loss and equal CD squared error loss, were the most appropriate to measure accuracy for redistricting data. The ESCAP directed the preparation of loss functions at the state, congressional district and county levels, believing these geographic levels most relevant to the decision before the Secretary. County level data is intended to simulate state legislative districts, because these districts are usually smaller than congressional districts.

The ESCAP studied the sensitivity of the loss functions by varying the assumptions for various of the components in the total error model. As described above, extensive sensitivity analysis was conducted for the various models and levels of correlation bias that were used to generate the target populations.[28]

Loss functions that measure only a small gain in accuracy for the A.C.E. may be problematic, given the associated uncertainty with these estimates. Accordingly, the Committee examined the loss functions for evidence of a clearly measurable improvement and found the following:[29]

1. At the state and congressional district level, when only sampling variance was included, the loss functions showed that the change due to adjustment was significant in comparison to sampling error, that is, if sampling error were the only concern, adjustment would result in more accurate data. The ESCAP recognizes, of course, that sampling error is not the only error in the A.C.E., and thus this analysis was conducted to determine whether sampling error alone would result in finding that adjustment was less accurate. This was not the case so the ESCAP proceeded with more extensive analyses.

2. Correlation bias is a significant factor in influencing the results of the loss functions, and a variety of models were used to test the sensitivity of the analysis to correlation bias effects in creating the target populations. When full components of estimated correlation bias were used to construct the target populations, at the state, congressional district, and county levels, the loss functions showed a marked improvement for adjustment, regardless of the model. When only 50 percent of the estimated correlation bias was used in constructing the target populations, the loss functions continued to show a clear improvement. The ESCAP considered this to be an important finding because while there may be disagreement regarding the existence of correlation bias, assuming no correlation bias is clearly an unlikely possibility.

3. When either no or only a modest amount of correlation bias is factored into the loss functions, they tend to favor the unadjusted census at all geographic levels. The ESCAP noted that assuming no correlation bias would result in a lower bound for the degree of improvement for adjustment, since as noted above, it is not reasonable to assume no correlation bias.

4. The loss functions for counties with populations below 100,000 indicated that the unadjusted census was more accurate regardless of the level of correlation bias assumed. This caused some concern, since this was not the case for the 1990 census adjustment. However, the ESCAP found that the adjustment was more accurate when considered for all counties using both numeric and distributive accuracy. Therefore, the adjustment was improving the data for areas in which the majority of the population resided. This is further indication of the closeness of the A.C.E. estimates and Census 2000.

The conclusion that can be drawn from the loss function analysis is that, absent the concerns with consistency between DA and the A.C.E., the adjustment would result in data that are more distributively and numerically accurate at the state and congressional district levels if correlation bias is recognized at a likely level, but that the data are not more accurate for smaller counties. Even though smaller counties would have been less accurate; the analysis indicated an overall improvement in accuracy from adjustment. However, the ESCAP notes its concern regarding the unexplained differences between DA and the A.C.E. estimates, which may be indicative of an unmeasured problem in Census 2000 or in the A.C.E. The potential for a reversal of these findings is strong enough to preclude a conclusion at this time that adjustment would improve accuracy. When considering the additional concerns described below and taking into account the inconsistencies with DA, the Committee was not prepared to recommend at this time that adjustment would improve accuracy.

[27] The relationship between numeric and distributive accuracy is discussed in the Feasibility Document, pp. 15–18.

[28] B–13, "Comparing Accuracy."

[29] Ibid.

Other Factors That May Affect Accuracy

Synthetic Error

The A.C.E. methodology produced estimated coverage correction factors for each of the post-strata. These factors were carried down within the post-strata to the census block level in a process called synthetic estimation. The key assumption underlying synthetic estimation is that the net census coverage is relatively uniform within the post-strata. In other words, the probability that people in a particular post stratum will be missed by the census is assumed to be roughly the same. The failure of this assumption causes synthetic error.

The design underlying synthetic estimation methodology is directed at correcting a systematic under or over count in the census. The synthetic estimates will not correct random counting errors that occur at any geographic level (blocks, tracts, counties, etc). Therefore, the synthetic estimate will not result in extreme changes in small geographic entities, nor will it correct for extreme errors. Synthetic estimation is designed to remove the effects of systematic errors, so that when small entities are aggregated, systematic and differential coverage errors can be corrected.

The ESCAP was concerned with synthetic error, because this type of error is not included as a component of the total error model (which estimates error in post-stratum level DSE's, where there is, by definition, no synthetic error). Furthermore, synthetic error cannot be estimated directly, as direct estimation would require more sample observations for the A.C.E than practicable.

The ESCAP analyzed the effects of synthetic error by conducting artificial population analysis. This analysis creates artificial populations with surrogate variables thought to reflect the distribution of net coverage error. These surrogate variables are known for the entire population. An analysis of these artificial populations for the effect of synthetic error is the basis on which this otherwise unknown effect is studied.

The detailed analysis of synthetic error is described more fully in reports B–1, "Data and Analysis to Inform the ESCAP Report," and B–14, "Assessment of Synthetic Assumptions." Briefly, four artificial populations were constructed based on census variables thought to be related to census coverage. The Census Bureau calls these variables "surrogates."[30] The Census Bureau distributed the post-stratum level gross undercount (gross overcount) in proportion to the gross undercount surrogate variable (gross overcount surrogate variable) to the geographic levels to be studied. This process results in a population with surrogate values for coverage error which are known at all levels. Unlike other approaches, artificial population analysis provides measures of net coverage for all local areas, within a post-stratum. Therefore the effect of synthetic error can be assessed for these artificial populations.

The four artificial populations are described in Table 3 below:

TABLE 3.—SURROGATE VARIABLES USED TO CREATE ARTIFICIAL POPULATIONS

	Undercount surrogate	Overcount surrogate
Artificial Population 1	(# non-GQ persons)— (# persons in whole household substitutions).	(# non-GQ persons)—(# persons for whom date of birth was allocated consistent with reported age).
Artificial Population 2	(# non-GQ persons)—(# persons in whole household substitutions).	(# non-GQ persons)—(# persons in whole household substitutions).
Artificial Population 3	# non-GQ persons with 2 or more item allocations	# persons for whom date of birth was allocated consistent with reported age.
Artificial Population 4	# non-GQ persons whose household did not mail back the questionnaire.	# non-GQ persons whose household did not mail back the questionnaire.

[30] The methodology used is similar to that suggested by Freedman and Wachter (1994, Statistical Science).

GQ = Group Quarters

Three types of analysis were conducted using these artificial populations: [31]

1. The effect of relative bias for synthetic estimation was assessed by calculating the ratio of the absolute unadjusted census error to the absolute adjusted census error for state and congressional district population totals and shares. An analysis of the distribution of these relative biases indicated that within the artificial populations, synthetic estimation improved the majority of entities.

2. Biases for synthetic estimation were also calculated and compared to the level of bias in the dual system estimates, including correlation bias from the total error model. Since the total error model does not include synthetic bias, the purpose of this analysis was to determine whether the level of synthetic error was small enough to be ignored when compared to the other errors estimated for the A.C.E. This analysis showed that the level of synthetic error could not be ignored for several of the artificial populations. This finding led to the third analysis.

3. Because synthetic error affects both the unadjusted and adjusted census, the Census Bureau studied the effect of synthetic error on both unadjusted and adjusted census loss, as measured by the loss functions, and concluded that synthetic error would increase the loss of both the unadjusted and adjusted census. The question was how this error would affect the relative losses for the adjusted and unadjusted data.

Therefore, the ESCAP directed the addition of synthetic error to the loss measured for both the adjusted and unadjusted census. This study indicated that synthetic error could, in certain situations, affect the relative comparison of adjusted or unadjusted loss.

For the analyses based on several of the artificial populations for state and congressional district counts, the loss function analysis understated the true gains from adjustment. However, for some of the analyses, the loss function results understate the true gain for the unadjusted census. In these situations, the effect could be as high as 58 percent.

The ESCAP noted that a conservative view of the loss function results should be used in assessing the gain in accuracy from adjustment. Given the concerns described above, the ESCAP believes that this finding must be fully understood before recommending for an adjustment.

[31] See Analysis Report B–14, "Assessment of Synthetic Assumptions" for a detailed discussion.

Balancing Error

The A.C.E. actually consists of two surveys, based on two samples: " the P-sample and the E-sample. The P-sample is an enumeration independent from the census, used to measure omissions or missed persons. The E-sample is a sample of census records that are reexamined to measure erroneous inclusions. Balancing error occurs when cases are handled differently in the P- and E-samples. For example, the effort spent to identify gross omissions should be comparable to the effort spent to identify erroneous enumerations. The ESCAP examined whether balancing error may have been introduced during the Targeted Extended Search (TES) operation. TES was the A.C.E. operation designed to look for matches in surrounding A.C.E. block clusters. The DSE model attempts to match people in the A.C.E with people in the census. Balancing error occurs when the search area for the P-sample matching does not agree with the search area for E-sample erroneous enumerations. Specifically, if A.C.E. records are allowed to match to records that were not in the common area of search, the DSE ratio will be incorrectly estimated.

One can assess TES balance by seeing if the proportions of errors of inclusion and of exclusion are approximately equal after completion of the search, assuming that there is no geocoding error in the P-sample. In other words, the number of TES people found on the P-sample (coded as a Match) and E-sample (coded as a Correct Enumeration) sides should be about equal. In Census 2000, the much greater increase in the match rate (3.8 percent) than the correct enumeration rate (2.9 percent) may indicate that some aspect of A.C.E. is out of balance. The ESCAP directed a review of this situation. Preliminary results from an early A.C.E. evaluation indicate that a number of E-sample cases coded as correct enumerations were in fact outside of the search area. That means that they should have been coded as Erroneous Enumerations and subtracted from the DSEs. This error could introduce an upward bias in the DSE. In addition, there are also concerns that the search for census duplicate enumerations in surrounding blocks could have understated the estimate of duplicates used in the DSE. The net effect of correcting these two errors could have the effect of reducing the A.C.E. estimate of total net undercount. However, additional work must be completed to quantify this effect.

The ESCAP was concerned about the possibility of balancing error. The ESCAP noted that some measures of this error were included in the total error model. However, this result, in combination with the inconsistency between DA and the A.C.E., added to the concerns that adjustment could not be shown to improve accuracy at this time. The Committee also believes that balancing error must be further investigated before a recommendation can be made.

Late Adds and Whole Person Imputations

There are records included in Census 2000 that do not contain information sufficient for matching to the A.C.E independent sample. The methodology that has been established and used to produce coverage estimates, given that this situation will occur, is to produce the dual system estimate based on the census population that has sufficient information to be included into the A.C.E. matching process. In effect, this excludes records that do not contain sufficient information for matching from the dual system estimation. The dual system estimate then produces a measure of the correct population total. The undercount (or overcount) is estimated by comparing the complete census count to the dual system estimate of the correct population total. Therefore, the effect of these census records is included in the estimates of undercount produced by dual system estimation.

The key assumption underlying this methodology of estimating coverage error is that the probability of including the people represented by these records in the A.C.E. P-sample is the same as the probability of including the people who report sufficient information to be included in the matching procedures.

Census 2000 contains over five million records where imputation procedures were used to create all of the information. These are referred to as whole person imputations. Since these records do not contain information sufficient to be included in the matching, they are handled as described above. The Census Bureau plans to evaluate the causes for these imputations.

In addition, as discussed in the preceding section on census quality, the Housing Unit Unduplication Operation reinstated over a million previously removed housing units (representing over two million individual person records) into the census files. These reinstated "Late Additions" were incorporated into the estimates of coverage error using the same process as described for census records that do not contain sufficient information for matching. The same assumption underlies this treatment of late additions as described above for records without sufficient information for matching. That is, the probability of inclusion in the P-sample for the people Census 2000 correctly enumerated in the universe of late additions is assumed to be the same as for correctly enumerated people not in this universe.

The ESCAP reviewed the treatment of late additions and whole person imputations because the number of these cases had increased significantly from 1990. The ESCAP concluded that the key assumptions underlying the methodology for including these records into the estimates of A.C.E coverage error could be expected to hold. However, the ESCAP noted that these assumptions would not hold perfectly and examined the effects of deviations from this assumption. The ESCAP concluded that three effects were likely to result (1) the sampling variance of the dual system estimator would be increased; (2) the heterogeneity of the A.C.E inclusion probabilities would be increased, leading to increased correlation bias; and (3) to the extent that these records clustered geographically within the A.C.E. post-strata, synthetic error would be increased.

The ESCAP was comfortable that the measures available for assessing the effects of sampling variance and correlation bias would include the effects of the treatment of late additions and whole person imputations. However, the ESCAP was concerned that synthetic error might be increased and continued its review of the effect of increased synthetic error. The committee reviewed tabulations of late census additions and whole person imputations for A.C.E post-strata by census region. The committee found that these data did indicate some degree of geographic clustering within post-strata. The committee noted that the synthetic error analysis included the effect of clustering of whole person imputations. The committee concluded that there was a possibility for increased synthetic error, and that it was reflected to some degree in the analysis based on artificial populations. The committee concluded further that a higher degree of conservatism should be used in reviewing the results of the loss function analysis. The committee did not view the effect of increased synthetic error as large enough to change the findings described previously.

Misclassification Error

Misclassification error occurs when an individual is classified into different post-strata in the census and the A.C.E. While the Census Bureau has never detected a significant impact of misclassification error in earlier post-enumeration surveys, the introduction of multiple race reporting in both the census and the A.C.E. raised concerns about this type of error. The evidence reveals that misclassification error affected only two groups, the domains of American Indians off reservation and Native Hawaiians and Pacific Islanders. ESCAP has concluded that for these two groups, it appears that inconsistency may have contributed to having lower than anticipated undercount rates because of how they were classified. The misclassification error in these two domains had little or no effect on the validity of the dual system estimates as a whole, given their small sizes. Misclassification error, in general, was not a problem.

Additional Issues

There are several issues or concerns that have been raised regarding census adjustment. These issues did not concern the ESCAP, but are briefly discussed below.

Block Level Accuracy

Block level accuracy is not an important criterion to evaluate either Census 2000 or the A.C.E. The population of stand-alone blocks is not used to determine either congressional or state legislative districts, nor is block-level data used to distribute funds. Rather, blocks are added together to form the more meaningful levels of aggregation studied by the loss functions: states, congressional districts, and counties.

Block level accuracy has two components, random error and systematic errors or biases. Random error can be minimized through the conduct of census operations aimed at improving quality. Systematic biases, on the other hand, are caused by systematic errors that occur during the conduct of census operations. Random errors at the block level diminish greatly as blocks are added together to form larger aggregations of the data. Systematic errors, if not corrected, will remain in the data at all levels of aggregation, leading to data that systematically over or understate affected population groups. Therefore, it is more important for adjustment to remove systematic errors from block level data.

Adjustment for Overcounts

It is important to emphasize that the statistical correction of Census 2000 would involve some amount of downward adjustment for overcounts. While the A.C.E. would mostly result in an increase in the estimated size of most undercounted geographic entities, there are likely to be a small number of overcounted areas that would require decreasing the estimated size. The 2000 A.C.E. data do not show that any state or congressional district was overcounted; all states and congressional districts would increase in measured size. The data do reveal, however, that certain substate entities were overcounted and would thus be subject to downward adjustment.

There are concerns that an adjustment for overcounts removes people from Census 2000 data files. This is not the case; the downward adjustment is accomplished by creating statistical records with negative weights that, when added to Census 2000 tabulations, reduce the count to reflect overcounts. No records would have been removed from the Census 2000 files. However, the effects of the adjustment for overcounts may subtract a person's individual characteristics from the Census 2000 tabulations.

The ESCAP discussed the downward adjustment for overcounts, and noted that it was subject to the same concerns that are related to adjustment for undercounts. The ESCAP concluded that the analysis of the accuracy of the adjustment included the effects of uncertainties for adjustments of over and undercounts, and that any final determination on the potential improvement of accuracy would reflect these uncertainties.

Attachments

1. Index of Supporting Documentation
2. List of "B-Series" Analysis Reports

Attachment 1—Outline of Documents/Records Underlying the Report of the Executive Steering Committee for Accuracy and Coverage Evaluation Policy Regarding the Methodology To Be Used To Produce the Tabulations of Population Reported to States and Localities Pursuant to 13 U.S.C. 141(c)

A. Reports Supporting the Recommendation—Chapter B (Final reports)
B. Detailed Specifications for A.C.E. Methodology
C. Executive Steering Committee for A.C.E. Policy (ESCAP) Meetings
D. October 2, 2000, Presentation to the National Academy of Sciences
E. Prior Steps to Determining Feasibility

F. Prior Documentation of Adjustment Research
G. Census 2000 Decision Memoranda
H. Census 2000 Dress Rehearsal Evaluations Summary (1999)
I. Census 2000 Informational Memoranda
J. U.S. Census Monitoring Board Reports
K. U.S. General Accounting Office Reports
L. U.S. Department of Commerce Office of the Inspector General Reports

Note: Because of the large volume of underlying documentation, not all will be posted to the Census Bureau's website at the time that the ESCAP report is made available. The remaining documents will be posted in the near future.

Attachment 2—B-Series Documents

February 27, 2001

Title	Author
1. Accuracy and Coverage Evaluation: Data and Analysis To Inform the ESCAP Report	Hogan.
2. Quality Indicators of Census 2000 and the Accuracy and Coverage Evaluation	Farber.
3. Quality of Census 2000 Processes	Baumgardner/Moul/Pennington/Piegari/Stackhouse/Zajac/Alberti/Reichert/Treat.
4. Accuracy and Coverage Evaluation: Demographic Analysis Results	Robinson.
5. Accuracy and Coverage Evaluation: Person Interviewing Results	Byrne/Imel/Ramos/Stallone.
6. Accuracy and Coverage Evaluation: Person Matching and Follow-up Results	Childers/Byrne/Adams/Feldpausch.
7. Accuracy and Coverage Evaluation: Missing Data Results	Cantwell/McGrath/Nguyen/Zelena k.
8. Accuracy and Coverage Evaluation: Decomposition of Dual System Estimation Components.	Mule.
9. Accuracy and Coverage Evaluation: Dual System Estimation Results	Davis.
10. Accuracy and Coverage Evaluation: Consistency of Post-Stratification Variables	Farber.
11. Accuracy and Coverage Evaluation: Variance Estimates by Size of Geographic Area	Starsinic/Sissel/Asiala.
12. Correlation Bias	Bell.
13. Comparing Accuracy	Mulry/Navarro.
14. Accuracy and Coverage Evaluation: Assessment of Synthetic Assumptions	Griffin/Malec.
15. Census 2000: Service Based Enumeration Multiplicity Estimation	Griffin.
16. Demographic Full Count Review: 100% Data Files and Products	Batutis.
17. Census 2000: Missing Housing Unit Status and Population Data	Griffin.
18. Accuracy and Coverage Evaluation: Effect of Targeted Extended Search	Navarro/Olson.
19. Overview of Total Error Modeling and Loss Function Analysis	Mulry/Spencer.

Attachment 3 to Preamble

DSSD Census 2000 Procedures and Operations Memorandum Series B–1, March 1, 2001

Accuracy and Coverage Evaluation: Data and Analysis To Inform the ESCAP Report

Howard Hogan, U.S. Census Bureau

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TABLE 1.—SUMMARY TABLE: DATA AND ANALYSIS TO INFORM THE ESCAP REPORT

Finding	Evidence	Implication	Limitations [32]
What do we know about Census 2000?			
Census 2000 was similar in design to the 1980 and 1990 censuses.	Procedural histories and Census 2000 Operational Plan, 12/00.	We expected similar patterns of coverage error.	
Census 2000 included some important improvements such as paid advertising, intensive community outreach, local involvement with address list development, and competitive pay scales.	Census 2000 Operational Plan 12/00.	We expected these programs to have a modest impact in reducing the undercount.	
While there were some local problems and minor operational shortcomings, Census 2000 was generally well designed and executed.	Report B–3, "Quality of Census Processes".	We expect generally good and uniform patterns of coverage, with perhaps local exceptions.	
There is evidence of geographic heterogeneity in the application of some census processes.	Presentation at ESCAP, 12–20–99, 4–12–00, 5–24–00 and B–14, Feasibility, pp. 46–48.	Local heterogeneity will affect the accuracy of both the census and the adjusted estimates.	We cannot know the effects of this differential pattern on census net undercount at the local level.
There was a high level of advertising and outreach targeted at minority populations.	Census 2000 Operational Plan 12/00.	We expected these programs to have a modest impact in reducing the undercount.	
What does the A.C.E. tell us about Census 2000?			
The level and patterns of coverage in Census 2000 are substantially similar to those of the past two censuses, with incremental improvements rather than wholesale discontinuities.	Report B–2, "Overall Census and A.C.E. Quality Indicators;" Report B–3, "Quality of Census Processes;" Feasibility Doc.	This finding is consistent with what is known about the design and implementation of Census 2000.	
While Census 2000 reduced both the net and the differential undercount, the A.C.E. estimates that the census undercounted the total population by approximately 1.18 percent and continued previous patterns of differential coverage, with lower coverage rates for minorities, renters, and children.	Report B–9, "Dual System Estimation Results".	A lower undercount in the Census means the benefits from adjusting a loss.	All results are subject to sampling and nonsampling errors.
Was the A.C.E. conducted as designed?			
The A.C.E. was carried out as prespecified with only minor modifications, which were warranted and documented when important information became available earlier than expected.	Report B–7, "Missing Data Results;" Report B–8, "Decomposition of Dual System Estimate Components;" Report B–9, "Dual System Estimation Results".	The results of the A.C.E. were not manipulated.	There were two changes to prespecification, one concerning the collapsing rules and the other affecting the missing data imputation.
Was the A.C.E. an operational success?			
The A.C.E. was an operational success; listing, interviewing, matching, and follow-up were all conducted as designed and were well controlled.	Report B–5, "Person Interviewing Results;" Report B–6, "Person Matching and Followup Results;" Report B–7, "Missing Data Results".	There were no unforseen operational difficulties with a significant effect on the quality of the data.	
The A.C.E. significantly reduced sampling variance.	Report B–9, "Dual System Estimation Results;" Report B–11, "Variance Estimates by Size of Geographic Area".	There were no unforseen operational difficulties with a significant effect on the quality of the data.	
Consistent reporting of Census Day addresses may have been somewhat better than that achieved in 1990 due to better interviews made possible by the Computer Assisted Personal Interviewing instrument. Interviewing was conducted closer to Census Day.	Report B–6, "Person Matching and Followup Results".	Data collection error probably lower than in 1990.	

TABLE 1.—SUMMARY TABLE: DATA AND ANALYSIS TO INFORM THE ESCAP REPORT—Continued

Finding	Evidence	Implication	Limitations [32]
Matching error in the A.C.E. was low, with indications that it is substantially lower than that achieved in 1990.	Report B–6, "Person Matching and Followup Results;" Presentation to ESCAP, 11–30–00 and 2–2–01, Feasibility, p. 43.	A.C.E. processing errors are probably less than those measured in 1990.	
A.C.E. fabrication was more tightly controlled than in the 1990 PES; tighter field management reduced the opportunity for fabrication.	Report B–6, "Person Matching and Followup Results".	Data collection error probably lower than in 1990.	
The level and pattern of missing data in the A.C.E.'s comparable to that in the 1990 PES.	Report B–7, "Missing Data Results".	Effect on A.C.E. quality is similar to that experienced in the 1990 PES.	
Questions remain concerning the level of balancing error.	Report B–8, "Decomposition of Dual System Estimate Components;" Minutes, Feasibility p. 50, Report B–18, "Effect of Targeted Extended Search".	Increased balancing error could make the adjustment less accurate.	A full analysis has not been completed.
E-Sample coding errors were controlled comparable to 1990, except, perhaps, for e-sample geocoding.	Series T–6: "Additional Geographic Coding for Erroneously Enumerated Housing Units".	A.C.E. might over estimate the census undercount.	There was evidence of some A.C.E. mis-geocoding.
Correlation bias is almost certainly present for both Black and non-Black populations. The switch to PES–C may have increased correlation bias over 1990 levels, but the evidence on the level of correlation bias is weak.	Report B–4, "Demographic Analysis Results;" Report B–12, "Correlation Bias;" Presentation to ESCAP, 7–12–00, Feasibility pp. 35–36.	A.C.E. could underestimate the undercount.	Limited data on females, children etc.
The A.C.E. contains bias due to synthetic estimation.	Report B–14, "Synthetic Assumptions".	The A.C.E. will not remove local variations in the net undercount that are not correlated with the poststrata.	Only indirect evidence is available.
What does Demographic Analysis say about the census?			
Initial Demographic Analysis estimates indicate a net census overcount of 0.7 percent with large overcounts for the non-Black population age 18–29.	Report B–4, "Demographic Analysis Results".	The level and pattern of the A.C.E. estimates differs from the initial Demographic Analysis estimates.	The Demographic Analysis estimates are subject to their own patterns of uncertainities.
Alternate Demographic Analysis benchmarks indicate a net undercount of 0.9 million, or 0.32 percent.	.....	The A.C.E. may be overestimating the population size.	The Demographic Analysis estimates are subject to their own patterns of uncertainities.
Both the initial and revised Demographic Analysis indicates an improvement in coverage from the 1990 to the 2000 censuses.	B–4, "Demographic Analysis Results".	Census 2000 net coverage is higher than 1990.	
Both the initial and the revised Demographic Analysis indicate a differential undercount in Census 2000.	B–4, "Demographic Analysis Results".	Census 2000 did not eliminate the differential undercount.	
What does loss function analysis tell us about the relative accuracy of the adjusted and unadjusted census?			
If there is little or no correlation bias and the level of A.C.E. errors is the same as the 1990 PES, the A.C.E. is less accurate than the census.	Report B–13, "Comparing Accuracy".	If these conditions are true, the census is probably the more accurate.	These results are dependent on the model assumptions being approximately true.
If there is moderate correlation bias or if the level of A.C.E. processing errors is substantially reduced, the A.C.E. is more accurate.	B–13, "Comparing Accuracy"	If these conditions are true, the adjusted figures are probably the more accurate.	These results are dependent on the model assumptions being approximately true.
Accounting for local census heterogeneity is unlikely to reverse the findings for the loss function analysis.	B–14, "Synthetic Error"	Heterogeneity is a concern but probably not a deciding factor.	Measuring the effect of local variation is dependent on finding observable variables that have similar geographic distributions as the net undercount.

TABLE 1.—SUMMARY TABLE: DATA AND ANALYSIS TO INFORM THE ESCAP REPORT—Continued

Finding	Evidence	Implication	Limitations [32]
What does an analysis of the A.C.E./PES error of closure tell us about the level and pattern of DSE errors?			
The level and pattern of errors in the A.C.E. may differ from that of the 1990 PES.	B–13, "Comparing Accuracy" B–14, "Synthetic Error," and Overview of Total Error Modeling and Loss Function Analysis.	The findings from the loss function analysis, which depend upon an assumption of A.C.E./PES similarity in error structure, may be misleading.	This result depends upon Demographic Analysis's ability to place an upper bound on the level of population change between 1990 and 2000.

[32] All findings are based on the best available evidence as of today; further evaluations could modify them.

Accuracy and Coverage Evaluation: Accuracy and Coverage Evaluation: Data and Analysis To Inform the ESCAP Report

Prepared by Howard Hogan

Introduction

Background

The Census Bureau designed the Accuracy and Coverage Evaluation (A.C.E.) to permit correction of the initial census results to account for systematic patterns of net undercount. The Census Bureau preliminarily determined that the A.C.E., if properly conducted, should produce more accurate census data by improving coverage and reducing differential undercounts; the purpose of this document is to evaluate whether the data produced in Census 2000 support this initial determination.

This document summarizes and synthesizes the more detailed analysis reports that were written to inform the adjustment decision. No one analysis report is determinative; rather the information in the analysis reports, taken together, permits evaluation of the quality of both the census and the A.C.E. The topics of the analysis reports were selected because the Census Bureau believed that the information in those reports would provide the basis for informing the Census Bureau's adjustment decision. In the course of evaluating the conduct of both the census and the A.C.E., it became evident that other analyses should be completed; thus, two additional reports have been added to the 16 formal reports originally specified. The information in the analysis reports, and the reports themselves in draft form, have been shared with the Executive Steering Committee on A.C.E. Policy (ESCAP) on a flow basis so that the Committee could evaluate the data as they became available. The Committee has sometimes asked for additional information, either from the authors of the analysis reports or from other Census Bureau staff. Much of the analysis in the attached reports is applicable for all possible uses of adjusted data, but in some instances the reports focus on the ESCAP Committee's initial regulatory charge: to make a recommendation on the suitability of using the A.C.E. data for redistricting.

As this document is written, the ESCAP is in the process of evaluating which set of numbers, the adjusted or the unadjusted, is more accurate for redistricting purposes. If more than one set of numbers is available, each of the 50 states will then make its own decision on which set of data to use. The Census Bureau believes it is appropriate for it to make one determination on which set of data is more accurate, rather than 50 separate determinations, because the statistical determination of the relative accuracy of the census versus the A.C.E. results is meaningful when summarized across jurisdictions. However, we have not attempted, nor do we think it possible, to establish the relative accuracy of a particular state.

The authors of the attached reports have analyzed the best data available at this time. It should be noted that in the years following Census 2000, as in past censuses, the Census Bureau will prepare an extensive array of detailed evaluations of many aspects of both the initial census and the A.C.E. A list of the evaluation categories and their projected completion dates is attached. These evaluations will not be available for months, or in some cases, years, after the Census Bureau is required by law to provide redistricting data to the states. These final evaluations, as distinguished from these analytical reports that inform the ESCAP Committee, will be accomplished without the pressure of a legal deadline, will be based on additional information, and may, in some instances, reach conclusions different from those in certain of these reports.

Accuracy and Coverage Evaluation (A.C.E.) Dual System Estimates

The A.C.E. indicates that Census 2000 reduced both net and differential undercoverage over the levels measured by the 1990 Post-Enumeration Survey (PES). The net national undercount is estimated to have been reduced from the 1990 rate of 1.61 percent (0.20 percent standard error) to 1.18 percent (0.13 percent standard error). The estimated undercount rate for the Non-Hispanic Blacks domain dropped from 4.57 percent (0.55 percent standard error) to 2.17 percent (0.35 percent standard error), and the estimated undercount rate for the Hispanics domain dropped similarly from 4.99 percent (0.82 percent standard error) to 2.85 percent (0.38 percent standard error). In addition, the estimated undercount rate for children dropped from 3.18 percent (0.29 percent standard error) to 1.54 percent (0.19 percent standard error). (Report B–9, "Dual System Estimation Results")

Nonetheless, the improvements demonstrated in Census 2000 do not mean that complete coverage has been achieved or that differential coverage has been eliminated. On the contrary, the A.C.E. indicates that Census 2000 perpetuated longstanding patterns of differential coverage, with minority groups and children exhibiting lower coverage rates. The Census 2000 percent net undercount for the non-Hispanic Black and the Hispanic domains, 2.17 percent and 2.85 percent respectively, remain significant, as does the Census 2000 percent net undercount for children of 1.54 percent.

Tenure continues to be an important characteristic to distinguish coverage. The A.C.E. indicates that the pattern of differential coverage continues despite improvements in Census 2000. The percent net undercount for non-owners was 2.75 percent (0.26 standard error) as compared with an estimated net undercount for owners of 0.44 percent (0.14 standard error). While this is a distinct improvement over the percent net undercount for non-owners in the 1990 census, which is estimated at 4.51 percent (0.43 standard error), the A.C.E. indicates that the estimated undercount for this population is significant as well.

In addition, the undercount for minority renters also remains high. The

non-owner undercount for non-Hispanic Blacks was estimated to be 3.58 (0.48 standard error), for Hispanics 4.32 (0.55 standard error), for Asians 1.58 (0.98 standard error), for Hawaiians and Pacific Islanders 6.58 (4.07 standard error), and for American Indians not on reservations 5.57 (2.02 standard error).

Tables 2a and 2b provide the percent net undercount for the race/origin domains, tenure, and age/sex groups for Census 2000 and the 1990 census.

TABLE 2a.—PERCENT NET UNDERCOUNT FOR MAJOR GROUPS: 2000 A.C.E.

Estimation grouping	Net undercount (percent)	Standard error (percent)
Total population in Households	1.18	0.13
Race and Hispanic Origin:		
American Indian and Alaska Native (on reservation)	4.74	1.20
American Indian and Alaska Native (off reservation)	3.28	1.33
Hispanic Origin (of any race)	2.85	0.38
Black or African American (not Hispanic)	2.17	0.35
Native Hawaiian and Other Pacific Islander (not Hispanic)	4.60	2.77
Asian (not Hispanic)	0.96	0.64
White or Some Other Race (not Hispanic)	0.67	0.14
Age and Sex:		
Under 18 years	1.54	0.19
18 to 29 years:		
Male	3.77	0.32
Female	2.23	0.29
30 to 49 years:		
Male	1.86	0.19
Female	0.96	0.17
50 years and over:		
Male	−0.25	0.18
Female	−0.79	0.17
Housing Tenure:		
In owner-occupied housing units	0.44	0.14
In nonowner-occupied units	2.75	0.26

TABLE 2b—PERCENT NET UNDERCOUNT FOR MAJOR GROUPS: 1990 PES

Estimation grouping	Net undercount (percent)	Standard error (percent)
Total Population [1]	1.61	0.20
Race and Hispanic Origin:		
White or Some Other Race (not Hispanic) [2]	0.68	0.22
Black or African American	4.57	0.55
Hispanic Origin [3]	4.99	0.82
Asian and Pacific Islander	2.36	1.39
American Indian and Alaska Native (on reservation)	12.22	5.29
Age and Sex:		
Under 18 years	3.18	0.29
18 to 29 years:		
Male	3.30	0.54
Female	2.93	0.47
30 to 49 years:		
Male	1.89	0.32
Female	0.86	0.25
50 years and over:		
Male	−0.59	0.34
Female	−1.24	0.29
Housing Tenure:		
In owner-occupied housing units	0.04	0.21
In nonowner-occupied housing units	4.51	0.43

Review of the Quality of the Census Operations

Conclusions for This Section

While many elements of the design of Census 2000 were fundamentally similar to the 1990 census, there were numerous major changes. These included involving local governments in the address list building process, increasing methods for answering the census, designing a simplified questionnaire, developing a multi-step mailing strategy, creating a paid advertising campaign, and restructuring the pay scale for temporary workers. The paid advertising campaign (over $100 million dollars) allowed for a saturation of census awareness across the nation, particularly for the minority communities. The restructured pay scale meant that the census could compete successfully with other employers to hire the number and quality of field workers it needed to conduct the census well.

Operationally, Census 2000 was a success. The census data collection was accomplished on schedule with only a few exceptions. A review of the evidence from field reports and quality assurance processes indicates that Census 2000 programs functioned effectively within design parameters.

Analysis Reports Important to This Section

(All Analysis Reports cited in the text are in the DSSD Census 2000 Procedures and Operations Memorandum Series B)

- Report B–2: "Quality Indicators of Census 2000 and the Accuracy and Coverage Evaluation," by James Farber.
- Report B–3: "Quality of Census 2000 Processes," by James B. Treat, Nicholas S. Alberti, Jennifer W. Reichert et al.

Discussion

As documented extensively by Census Bureau and outside statisticians, every census since at least 1940 has experienced both a net undercount and a substantial differential undercount. In particular, the data reveal a persistent differential undercount between the Black and non-Black populations, as well as differential undercounts for other minority groups and for children.

Many elements of the design of Census 2000 were fundamentally similar to the design of the 1990 census. Address lists were prepared using a variety of sources, and questionnaires were delivered to each address on the list. Questionnaires were principally delivered by the U.S. Postal Service; however, in areas with rural style addresses, census workers delivered the questionnaires. Households receiving questionnaires were asked to return the questionnaires by mail, although in some very rural or isolated areas households were interviewed by census enumerators as the enumerators verified and updated the address list. Those addresses that did not return a questionnaire by mail were followed up by census workers in the Nonresponse Follow-up operation (NRFU). NRFU was followed by special coverage improvement follow-up operations, which, among other things, included contacting addresses listed as vacant or nonexistent by the NRFU field staff. Each of these operations had its own quality control procedures.

The Census 2000 plan, however, included several important innovations to the census process designed to improve census accuracy. Prior to Census 2000, the Census Bureau worked closely with local and tribal governments through the Local Update of Census Addresses (LUCA) program to review and update the address list. During LUCA, local and tribal government officials were given the opportunity to review the Census Bureau's address list and identify missing addresses for inclusion in the census. The Census Bureau also implemented the New Construction Program, during which local governments were invited to submit addresses for housing units that had been built subsequent to the completion of the address list in January 2000. The "Be Counted" program was also new in Census 2000. "Be Counted" forms were provided to individuals who believed that they might have been missed in the initial distribution of census questionnaires, as well as to individuals without any usual residence. The "Be Counted" forms were made available to the public at walk-in Census 2000 assistance centers and at a variety of public locations identified through consultation with local organizations. In addition, Census 2000 questionnaires were available upon request in six languages and language assistance guides were available in more than forty languages. Households also were given the opportunity to respond to Census 2000 by telephone or via the Internet.

To encourage households to respond to Census 2000, the Census Bureau initiated the largest promotion and outreach effort in its history for a decennial census. The Census Bureau established approximately 140,000 partnerships with a wide range of government and nongovernment organizations at the national and local levels. Organizations throughout the United States and Puerto Rico implemented promotional activities to educate the public about the importance of participating in the census. Then, starting in November 1999, the Census Bureau launched the first-ever paid advertising campaign for a census. This campaign was extended in targeted cities to encourage cooperation with enumerators during the NRFU operation. Other efforts included the distribution of numerous news releases and a number of video news feeds tailored to local areas to media outlets to generate media coverage during the various stages of Census 2000.

The Census Bureau then implemented the A.C.E. because it expected that, while these innovations would improve the results of the census, the phenomenon of the differential undercount would continue. The A.C.E. is designed to serve as a quality check on the census counts obtained after all other operations planned for Census 2000 were completed. In effect, the goal of the A.C.E. is to make a good census even better.

The discussion in this document is not meant to be a complete evaluation of census operations, but rather focuses on information relevant to the question of the level and pattern of census omissions or erroneous inclusions, because this information is directly relevant to understanding and assessing the results of the A.C.E.

We will discuss what is known about the following major operations:

- Address List Development
- Questionnaire Delivery and Return
- Nonresponse Follow-up
- The "Be Counted" Campaign
- Coverage Edit Follow-up
- Coverage Improvement Follow-up
- Housing Unit Duplication Operation [33]
- Primary Selection Algorithm
- Unclassified Unit and Missing Data Estimation

Address List Development

Address list development was conducted over several years, and the vast majority (96.7 percent) of addresses were listed before questionnaire delivery. One major change from previous censuses was the inclusion of the Local Update of Census Addresses (LUCA) program, during which the Census Bureau solicited the help of local governments in the address list building operation. LUCA was successful in adding approximately five million housing units to the address list [34]. However, anecdotal evidence suggests that the LUCA program may also have contributed duplicate addresses to the Master Address File (MAF). Duplicate addresses may have been erroneously added because the Census Bureau and local governments refer to the same address in different ways.

The address list development process included several quality assurance programs. These programs had the following objectives: to prevent errors due to lack of knowledge or understanding on the part of the lister, to control coverage and content errors, and to promote continuous improvement of performance. In general, the preliminary quality

[33] The Housing Unit Duplication Operation was a special operation designed and instituted after the Coverage Improvement Follow-up to reduce the level of housing unit duplication. This operation has special implications for census coverage and the conduct of the A.C.E.

[34] Many of the adds were also added by other operations. At this time, we do not know the extent of the overlap. That is, the five million figure cannot be considered as a net addition.

assurance results for address list development are within the expected range for each of the programs.

Questionnaire Delivery and Return

The United States Postal Service or census workers delivered questionnaires to the vast majority of addresses on the address list. As in previous censuses, a certain number of questionnaires were misdelivered. For example, the questionnaire intended for Apartment A might have been delivered to Apartment B and vice versa. We have not quantified the level of questionnaire mis-delivery.

Householders were asked to return the questionnaires by mail. Since the Census Bureau does not expect mail responses from vacant or nonexistent housing units, the relevant measure of cooperation is the return rate, that is, the proportion of occupied housing units that returned their questionnaire. This measure differs from the response rate, which while available earlier in the census process, includes vacant and nonexistent housing units in the denominator. As measured by the return rate, the cooperation of the public with Census 2000 was approximately the same as in the 1990 census. The 2000 return rate (72 percent) is approximately the same as the 1990 return rate (74 percent). The comparison is not exact because the universes are slightly different.

Considering the general trend downward in return rates between censuses and for survey interviews in general, the Census Bureau considers the Census 2000 return rate to be a major success.

Nonresponse Follow-up

During Nonresponse Follow-up (NRFU), census workers visited each household that the address list identified as not yet having returned a mail questionnaire. In Census 2000, approximately 42 million households were included in the NRFU process. Thanks in large part to adequate funding provided by Congress, pay rates and levels of staffing in 2000 were far better than in the past two censuses. We believe that this increased funding and the ability to hire adequate staff contributed to an improvement in NRFU quality.

For most LCOs, NRFU was completed as scheduled in a nine-week period between April 27, 2000, and June 26, 2000. This performance compares favorably with 1990, when NRFU was conducted over a 14-week period from April 26 though July 30. The Census Bureau believes that, all other things being equal, NRFU interviews conducted closer to Census Day are likely of higher quality.

Local NRFU problems were identified in a few local census offices, including the local census office in Hialeah, Florida. The Census Bureau responded to the localized problems in the Hialeah office by re-enumerating certain areas that were believed to have faulty data. The Census Bureau does not believe that net coverage in the Hialeah or any other local census office was substantially affected by these local problems; the NRFU operation for the nation as a whole was good to excellent.

The NRFU quality assurance program was conducted through a random and targeted reinterview program which had the following three objectives:

- Prevent errors due to lack of knowledge or understanding
- Control coverage and content errors
- Promote continuous improvement of performance

Preliminary NRFU quality assurance results show that the reinterview workload was 6 percent, slightly above the expected workload of five percent. Discrepant cases were found in approximately three percent of the reinterview cases. Some local census offices experienced delays in starting their reinterview programs, which may have hindered the reinterviewers' ability to accurately verify the census data. A significant number of quality assurance forms were lost and/or completed incorrectly. (Report B–3, "Quality of Census 2000 Processes")

In spite of local imperfections, the NRFU program as a whole was largely successful. The better pay and staffing seemed to have resulted in a more professional and controlled labor force. The local problems and quality assurance shortcomings were similar to problems encountered in previous censuses and should be expected in any nonrecurring operation of this magnitude.

Be Counted Campaign

The "Be Counted" campaign was designed to allow people who thought they may have been missed by the census to send in a "Be Counted" form, listing themselves and their April 1, 2000, address. The Census Bureau had hoped that this campaign would allow for improved cooperation and coverage. The National Academy of Science and others feared that large numbers of "Be Counted" forms would overwhelm the system and lead to increased person duplication.

Neither the hopes nor the fears relating to the "Be Counted" campaign were realized. The Be Counted workload was only approximately 600,000, with no large local clusters observed. Its impact on net coverage for any group or area was minimal, and it is not believed to have contributed to housing unit duplication.

Coverage Edit Follow-up

Under certain circumstances, the Census Bureau would call a responding household on the telephone to gain additional information. This extra effort, called Coverage Edit Follow-up (CEFU), was designed to improve within-household coverage, especially for large households. The census questionnaire had room to collect data for six people and asked the respondent living in a household with more than six people to list the additional residents. In CEFU, enumerators called these households and gathered the required information about the additional residents. In addition, CEFU was designed to follow up count discrepancies, or cases where the population count on the front of the questionnaire differed from the number of person responses inside the questionnaire.

Due to computer problems, the start of CEFU was delayed until May 8, 2000. It ran through August 13, 2000. Originally, it was planned for April 5, 2000, through June 19, 2000. This delay may have made it more difficult to obtain good information from households with more than six residents because some of the residents may have moved. In addition, CEFU had no provision to contact large households without telephones. When the Census Bureau could not secure good CEFU data on listed additional residents, it imputed their characteristics; to do otherwise would have decreased net coverage. Thus, the CEFU operation may have resulted in some small coverage loss compared to previous censuses, but this possible loss has not yet been quantified and is not expected to be significant, given the use of imputation.

Coverage Improvement Follow-up

Coverage Improvement Follow-up (CIFU) was designed as a check on addresses that were determined during the NRFU operation to be vacant or deleted (nonexistent). CIFU was also used for addresses requiring follow-up that were identified too late to be included in NRFU. CIFU was conducted from June 26 until September 13. Both the 1980 and the 1990 censuses included similar operations.

CIFU was conducted on 6.5 million addresses for which the housing unit was listed as vacant or non existent in NRFU. CIFU determined that 1.5 million of these units were, in fact, occupied. In addition, CIFU included 2.2 million other addresses that had been added to the MAF after the initial mail out, such as those that resulted from the New Construction or Update/Leave programs.

The quality assurance procedures on CIFU included a questionnaire review, a dependent review and data entry quality assurance. The dependent review was conducted on housing units identified as vacant or nonexistent and excluded certain occupied units for time and budgetary considerations. Some districts may have had a difficult time completing all of the dependent reviews. A significant number of quality assurance forms were lost and/or completed incorrectly. These lost/incorrect forms make any analysis of outgoing quality difficult. (Report B–3, "Quality of Census 2000 Processes")

Housing Unit Duplication Operation

The Census Bureau observed tentative indications as the census progressed that the MAF might contain a significant number of duplicate addresses. The Census Bureau also concluded that the Hundred Percent Census Unedited File (HCUF) might contain a significant number of duplicated persons, many of which are assigned to duplicated addresses. The Census Bureau responded to this problem by designing and conducting the Housing Unit Duplication Operation (HUDO). While this program was not prespecified, the Census Bureau believed that failure to address this potential problem could impair the accuracy of the apportionment numbers. Using the results of an address matching operation and a person matching operation, 2,411,743 address listings (address ID's) were analyzed on an aggregate basis to see whether these addresses were likely to correspond to other addresses already contained in the listing. Based on this analysis, 1,392,686 address IDs were permanently removed from the HCUF; after further review to identify units that may have been removed in error, the remaining 1,019,057 addresses were reinstated and included in the census results. The HUDO was designed solely to remove address/housing unit duplication. The software used for this process was carefully checked.

Primary Selection Algorithm

Census questionnaires contain a unique ID, an identifier that the Census Bureau uses to make sure it records the information for each household only once. Nonetheless, the Census Bureau sometimes receives more than one questionnaire for a single address ID. For example, a household might mail back its questionnaire after the Census Bureau had already created NRFU assignment lists; a NRFU interviewer would then get an interview for a household that had already mailed back its response. As a further example, a "Be Counted" form might be received for a household with a completed census questionnaire. Since NRFU households identified as vacant are sent to CIFU, sometimes multiple questionnaires are generated by design. That is to say that we expect to have one questionnaire from NRFU and another from CIFU. The Primary Selection Algorithm (PSA) examines these multiple questionnaires to form one household to represent the housing unit in the census, sometimes by combining information from more than one questionnaire. The PSA was designed to prevent both overcoverage (including people more than once) and undercoverage (deleting too many people).

Multiple returns were received for less than 10 percent of the address IDs. However, many of these multiple returns were from vacant units or multiple listings of the same people on two IDs. The number of people in a household was found to be larger than the number reported on the most complete questionnaire for fewer than 300,000 IDs. In other words, PSA resulted in an increase of individuals in fewer than 300,000 housing units.

Although no formal evaluation has been completed, the PSA was well programmed and well tested. The results are consistent with the overall design of the PSA and of the census.

Unclassified Unit and Missing Data Estimation

As in the past, Census 2000 had some housing unit records listed on the MAF for which the Census Bureau could not gain information. In addition, there were a small number of housing units which the Census Bureau knows to be occupied but for which it could not secure precise information about the individuals living in that unit. The census process could not always determine whether other units are occupied or vacant. Sometimes, the unit was determined to be occupied, but the number of residents could not be determined. In each of these cases, a statistical process known as "imputation" is used to estimate the number of people living in these units.

Preliminary results indicate that almost 0.4 percent of person records were in housing units on the preliminary HCUF were missing a status of occupied, vacant or nonexistent, indicating that the residents of the housing unit were imputed. For states, the imputation percent ranged from 0.2 percent to 1.1 percent. In 1990, about 0.02 percent of people in unclassified units were imputed.

In addition, Census 2000 encountered whole households where the number of people could be determined, but the person records for these residents were missing. In accordance with past practice, the Census Bureau used imputation techniques to estimate characteristics for these people. About 0.8 percent were imputed with this technique.

The total person substituted persons in the Census 2000 is approximately 1.3 percent. The percent of substituted persons in 1990 was only about 0.7 percent.

Review of A.C.E. Operations

Similar to its review of the operations in the initial census, the Census Bureau has reviewed the A.C.E. operations to identify any deviations from specified procedures and to assess the extent to which the operations were under management control.

Proper Execution of the Steps Between Processing and Estimation

Conclusions for This Section

The A.C.E. was carried out as designed, with only minor modifications. Each modification was well documented and justified by good statistical practice. No steps were skipped because of lack of time or resources, and there was no manipulation of the results or distortions resulting from outside pressures. There is a clear and traceable path from the data collected by the interviewer to the final results. The Census Bureau carried out the A.C.E. according to its public plan, and the steps between processing and estimation were properly executed.

Analysis Reports Important to This Section

- Report B–7: "Accuracy and Coverage Evaluation Survey: Missing Data Results," by Patrick J. Cantwell.
- Report B–8: "Accuracy and Coverage Evaluation Survey: Decomposition of Dual System Estimate Components," by Thomas Mule.
- Report B–9: "Accuracy and Coverage Evaluation Survey: Dual System Estimation Results," by Peter P. Davis.

Discussion

The A.C.E. methodology planned for Census 2000 involves comparing (matching) the information from an independent sample survey to initial census records. In this process, the

Census Bureau conducts field interviewing and computerized and clerical matching of the records. Using the results of this matching, the Census Bureau applies the statistical methodology of Dual System Estimation (DSE) to develop coverage correction factors for various population groups. The results are then applied to the census files to produce the adjusted census data.

One concern sometimes expressed about statistical correction is that statistical processes could be subject to manipulation. The Census Bureau believes that this notion is not well founded. The A.C.E. was publicly prespecified to assuage these concerns. The first step in reviewing the A.C.E. is to evaluate A.C.E. operations to determine whether the prespecified procedures were followed and documented. The Census Bureau's analysis found that all planned A.C.E. operations were carried out in close adherence to the prespecified design, with the two exceptions noted below.

The supporting analysis reports review each of the steps in the A.C.E. operation from the creation of the A.C.E. micro-records to the computation of the final adjustment factors. In particular, Report B–8, "Decomposition of Dual System Estimate Components," presents an accounting of the A.C.E. estimation components so that the results can be independently verified. Beginning with records with complete data (meaning records with both post-stratification variables and enumeration status) the accounting then proceeds through each stage of missing data adjustment and sample weighting until the final weighted "matched" results are provided (which are the results that are the input data for the dual system estimates). Report B–8 allows an informed reader to see clearly how the final results were derived and to understand the relative effect of the estimation steps on the results.

Report B–7, "Missing Data Results," shows in detail the effects of individual missing data estimation steps upon the weighted matching results. Report B–9, "Dual System Estimation Results," provides detailed DSE computations together with useful "roll-ups" that aggregate the results by age and sex, minority/nonminority, or other useful summations. This document allows the reader to verify how the final coverage correction factors are computed from the input data.

These three documents, taken together, demonstrate how the final coverage correction factors were derived from the micro-level data and document that the prespecified procedures were followed, with the following exceptions.

The following two changes from the prespecified procedures arose from the unexpected availability of important information in time to improve the A.C.E. estimation:

- The A.C.E. plan provided that cells could be collapsed because of cell size but did not explicitly include variance as a reason for collapsing. We modified these rules because the estimated variance for one cell was unusually large. The design had not anticipated having variance estimates available in time to permit their use in collapsing. When the variances became available earlier than anticipated, the Census Bureau's statistical staff determined the collapsing of "outlier" poststrata was appropriate. This change did not deviate from the purpose or spirit of the prespecified collapsing rules but allowed a more precise application. The change was discussed with the ESCAP and documented.
- Our method for imputing unresolved match and residency status, namely imputation cell estimation, was modified because the results of the A.C.E. follow-up forms became available during the missing data estimation process (Report B–7, "Person Matching and Follow-up Results"). The prespecified design had not anticipated that these data would be available in time to be used in missing data estimation. Analysis of the data indicated that some cases grouped together in the initial missing data design could be separated based on the keyed follow-up results, allowing for a more precise imputation. This change is consistent with normal statistical practice and was discussed with the ESCAP and documented.

Conduct and Control of the A.C.E. Operations

Conclusions for This Section

The A.C.E. was an operational success; it was properly conducted and encountered no unanticipated difficulties. Listing, interviewing, matching, and follow-up were all conducted as designed and were all in control.[35]

[35] A more extensive description of the A.C.E. can be found in Howard Hogan's paper, "Accuracy and Coverage Evaluation: Theory and Application," prepared for the February 2–3, 2000, DSE Workshop of the National Academy of Sciences Panel to Review the 2000 Census; and Danny R. Childers and Deborah A. Fenstermaker, "Accuracy and Coverage Evaluation: Overview of Design," DSSD Census Procedures and Operations Memorandum Series S–DT–02, U.S. Census Bureau, Washington, D.C., January 11, 2000.

Analysis Reports Important to This Section

- Report B–5: "Accuracy and Coverage Evaluation Survey: Person Interviewing Results," by Rosemary L. Byrne, Lynn Imel, and Phawn Stallone.
- Report B–6: "Accuracy and Coverage Evaluation Survey: Person Matching and Follow-up Results," by Danny R. Childers, Rosemary L. Byrne, Tamara S. Admas, and Roxanne Feldpausch.
- Report B–7: "Accuracy and Coverage Evaluation Survey: Missing Data Results," by Patrick J. Cantwell.

Discussion

The second aspect to this review is to establish that the A.C.E. operations were well conducted and well controlled. Reports B–5, "Person Interviewing Results," B–6, "Person Matching and Follow-up Results," and B–7, "Missing Data Results," taken together, establish that the operational quality of the A.C.E. was generally good and that the prespecified design was well followed.

Interviewing

One change from 1990 was the introduction of telephone interviewing. The Census Bureau implemented a telephone program to enhance the efficiency and quality of the A.C.E. interview. The Census Bureau believed that shortening the elapsed time from Census Day to the A.C.E. enumeration would improve data quality and that beginning interviewing early in a more easily controlled environment would allow the A.C.E. supervisors to gain valuable experience in conducting interviews and in operating their laptop computers before training the enumerators. The Census Bureau designed this process to maintain the independence between the A.C.E. and the other Census 2000 operations.

A.C.E. interviewing was an operational success. The A.C.E. interviewing finished on schedule by September 1, 2000, in every local census office except the Hialeah office, where census NRFU interviewing finished late (September 11, 2000) due to local difficulties. There were no major disruptions or delays introduced by the Computer Assisted Personal Interviewing (CAPI) instrument. The timely interviews allowed the Census Bureau to have an orderly completion of interviewing was a major accomplishment.

Twenty-nine percent of the total A.C.E. workload was completed during the telephone phase (April 24 through June 13). These A.C.E. interviews were conducted much closer to Census Day (April 1) than had been possible in 1990, thereby reducing recall bias (the phenomenon of a respondent not remembering the actual situation several months earlier). By design, the telephone phase was restricted to a limited universe of households that were deemed unlikely to have any exposure to continuing census operations. These were primarily households that had mailed back their questionnaires, that had included a telephone number on the questionnaire, and that did not live in certain multi-unit or rural structures. The Census Bureau's conservative use of this interview mode meant that more than 99 percent of the telephone cases were classified as complete or partial interviews and were conducted with a household member.

TABLE 3.—DISTRIBUTION OF INTERVIEWS BY WEEK—UNWEIGHTED

Phase	Week starting on	Number of cases	Cumulative percent of person interviewing workload
Telephone	April 23, 2000	7,699	2.6
	April 30, 2000	20,590	9.4
	May 7, 2000	25,638	17.9
	May 14, 2000	19,7282	4.5
	May 21, 2000	10,497	28.0
	May 28, 2000	3,232	29.1
	June 4, 2000	1,154	29.5
	June 11, 2000	35	29.5
Personal Visit	June 18, 2000	45,204	44.5
	June 25, 2000	57,241	63.5
	July 2, 2000	41,642	77.3
	July 9, 2000	31,344	87.7
	July 16, 2000	17,038	93.4
	July 23, 2000	7,764	96.0
	July 30, 2000	5,057	97.7
	Aug 6, 2000	3,982	99.0
	Aug 13, 2000	1,756	99.6
	Aug 20, 2000	939	99.9
	Aug 27, 2000	336	100.0
	Sept 3, 2000	36	100.0
	Sept 10, 2000	1	100.0

Source: Accuracy and Coverage Evaluation Survey 2000— housing unit data collected by the Computer Assisted Personal Interviewing (CAPI) instrument. Report B–5, "Person Interviewing Results."

The automated Computer Assisted Person Interviewing (CAPI) increased the quality of the data captured in the A.C.E. interviews, as the instrument included data edits to ensure a predetermined quality of data before the interview was considered complete. This was not possible with the paper and pencil 1990 instrument. It insured that the interviewer followed the correct path through the interview. CAPI also allowed quick feedback to the interviewers. The Census Bureau's observations and debriefings indicated that CAPI instilled the interviewers with a sense of professionalism and purpose. Observations also indicated that the use of laptop computers enhanced the respect and cooperation exhibited toward the interviewers by the respondent households thereby leading to improved A.C.E. data quality. However, there were a couple of small problems with the CAPI instrument that had minor impacts on quality.

The Nonresponse Conversion Operation (NRCO) was designed to "convert" nonresponse cases, that is, to obtain A.C.E. information for nonresponding households. On a national basis, the NRCO operation successfully converted 70.8 percent of its cases to complete interviews and 14.1 percent to partial interviews. Only 2.2 percent of the cases finished as refusals.

A.C.E. interview rates were very high. The A.C.E. asked questions about both the household living at the address on Census Day and the current household. Because of this, there are two measures of household nonresponse. The rate for occupied housing units on Census Day was 97.1 percent; on the date of the A.C.E. interview, the rate for occupied housing units was 98.8 percent.

These rates compare favorably to the approximately 98.4 percent (unweighted) in the 1990 Post-Enumeration Survey. The unweighted rates for 2000 were 97.0 and 98.9, respectively. Due to the high rate of response, most of the noninterview adjustment factors were very close to one. Consequently, this operation did not change the final weights very much. This helps to keep down the variance of the survey weights.

Missing data rates for characteristic data were very low, ranging from 1.4 percent to 2.4 percent. Compared to the 1990 PES, the rates of characteristic missing data are slightly higher for the age and sex characteristics and slightly lower for tenure and race. Again, this is indicative of good quality interviewing.

The goal of A.C.E. interviewing quality assurance was to ensure that the interviewers did, in fact, visit the designated households, and to prevent systematic errors caused by of lack of knowledge or understanding. The evidence indicates that the A.C.E. interviewing quality assurance operation was properly implemented and successful. A total of 11.6 percent of the cases were subject to random or targeted quality assurance checks. We assume that the 88.4 percent of the cases not in quality assurance share the favorable error rates of the randomly selected cases (0.13 percent). This may have been reduced further as 171 of the remaining errors were corrected in the targeted QA sample.

Matching and Follow-up

Matching refers to the process of determining whether an individual enumerated in the A.C.E. was the same person as an individual enumerated in the census. The matching and follow-up

process also determines whether a census record in the E-Sample [36] was complete and correct. Errors in matching can significantly affect undercount estimates; highly accurate matching and processing are an important component of A.C.E. methodology.

Although neither Secretary Mosbacher nor the Committee on Adjustment of Postcensal Estimates (CAPE) identified matching error as a significant problem with the 1990 PES, the Census Bureau made significant improvements to the matching process in the 2000 A.C.E. design. The A.C.E. computer matched the P-sample to the census using the Census Bureau's Statistical Research Division Record Linkage System, a system that the Census Bureau has been developing, testing and using for nearly two decades. Clerical personnel at a centralized location reviewed records that were not matched by the computer matcher. The Census Bureau utilized an ample staff of over 200 clerks, 46 technicians, and 16 analysts so that each successive level of review could perform quality assurance on the previous level. Higher level staff independently reviewed a sample of each employee's work, a process designed to identify random matching errors. Each of the matching levels improved on the previous level. The clerks matched what the computer could not. The technicians worked on any cases the clerks could not resolve and performed the quality assurance on the clerks' cases. Then the analysts finished any cases the technicians could not resolve and performed quality assurance on the technicians' cases.

The results indicate computer matching of 69.6 percent of the P-sample and 64.4 percent of the E-sample. The computer matcher assigned matches very conservatively. Numerous studies over the years have shown that this operation produces insignificant numbers of false matches. Therefore, all questionable matches, possible matches, and near matches are left for clerical review. All nonmatches were clerically reviewed.

We have quality assurance results only on the quality of the clerical matching in the before follow-up stage and the first three stages of after follow-up. The Census Bureau measures matching quality relative to the results that would be produced by the Census Bureau's most experienced and best trained matchers, the 16 analysts permanently employed by the Census Bureau. The quality of the matching process is further measured in terms of changes made by the next level of review; this process tends to overstate the matching error, as not all changes are the result of erroneous matching. However, given these caveats, the outgoing quality rate (the final match rate) for before follow-up was well more than 99 percent. For after follow-up, the outgoing quality rate was also well more than 99 percent. These rates are calculated based on the before follow-up and the after follow-up workload and not on the total number of sample cases, that is, they do not include the cases matched by computer. These rates exceed expectations and are indicative of high quality matching.

Person follow-up is also an important A.C.E. process. The follow-up resolves possible matches and, most importantly, determines which E-sample nonmatches are, nonetheless, correctly enumerated in the census. The person follow-up interviews were conducted either by permanent census field staff or by experienced decennial interviewers and the quality assurance operation was targeted at ensuring that the interview was conducted. Of the randomly selected person follow-up quality assurance cases, 0.45 percent resulted in a discrepancy, that is, only 0.45 percent determined that the person follow-up interview may not have been conducted. We can assume that the remaining 84,843 cases not randomly selected for quality assurance have the same rate of failure or roughly 400 cases total that may have not been conducted. In addition, we corrected 84 of those cases in the targeted samples.

Review of A.C.E. Quality

The review in the previous section established that the A.C.E. was conducted as designed. This section will take the next step and evaluate the quality of the A.C.E. as implemented.

Our review of A.C.E. quality has two aspects. First, we review the available data relating to selected individual components of A.C.E. error. The second part of the A.C.E. quality review synthesizes what is known about the components of error into a few indicators of overall relative accuracy for both the adjusted and the unadjusted census results.

Individual Components of A.C.E. Quality

Sampling Variance

Conclusions for This Section

The A.C.E. significantly reduced sampling variance relative to the 1990 PES. This result was achieved by nearly doubling the sample size coupled with significant improvements in the sample design.

Analysis Reports Important to This Section

- Report B–9: "Accuracy and Coverage Evaluation Survey: Dual System Estimation Results," by Peter P. Davis.
- Report B–11: "Accuracy and Coverage Evaluation Survey: Variance Estimates by Size of Geographic Area," by Michael D. Starsinic, Charles D. Sissel, and Mark E. Asiala.

Discussion

The dual system estimate shows that the Census 2000 undercount rate for the national household population is 1.18 percent, with a standard error of 0.13 percent. The net undercount for the 1990 census was estimated at 1.61 percent, with a standard error of 0.20 percent (see table 2, above). Comparisons by poststrata between 1990 and 2000 are necessarily inexact as the universe differs (2000 includes only the household population) and the exact poststrata definitions are different. Still, some comparisons are instructive. The standard error for owners was reduced from 0.21 percent to 0.14 percent, and the standard error for non-owners fell from 0.43 percent to 0.26 percent. The measured standard error fell for all comparable race/origin groups and for each age/sex group. The estimated standard error was comparatively high for the two groups estimated separately for the first time: Hawaiian and Pacific Islanders (2.77 percent) and American Indians and Alaskan Natives living off reservation (1.33 percent). As we will see, these groups also had high levels of inconsistent reporting between the census and the A.C.E. The estimated standard error for American Indians living on reservations fell dramatically from 5.29 percent to 1.2 percent. The standard error for Asians was 0.64 percent. For Hispanics, it was 0.38 percent, and for non-Hispanic Blacks it was 0.35 percent.

Table 4 gives the estimated percent net undercount and standard errors for the 64 major poststratum groups. The standard errors for several groups are above 1 percent and for a few small groups are up to 4 percent. Because the populations of these groups are small, their high variances will have only limited impact on geographic variance.

- For Census 2000, persons can self-identify with more than one race group. For post-stratification purposes, persons are included in a single Race/Hispanic Origin Domain. This classification does not change a person's actual response. Further, all official tabulations are based on actual responses to the census.
- A negative net undercount denotes a net overcount.

[36] The E-sample refers to the sample of census data defined person records selected for inclusion in the A.C.E. The P-sample refers to the independent sample of people included in the initial A.C.E. interview.

Table 4a: Census 2000 A.C.E. 64 Post-Stratum Groups - Percent Net Undercount

Race/Hispanic Origin Domain Number[a]	Tenure	MSA/TEA	High Return Rate				Low Return Rate			
			NE	MW	S	W	NE	MW	S	W
Domain 7 (Non-Hispanic White or "Some other race")	Owner	Large MSA MO/MB	0.81	0.01	0.36	-0.38	-3.62	-2.61	2.19	1.14
		Medium MSA MO/MB	0.30	-0.12	0.46	-0.28	-4.39	-0.33	0.66	1.81
		Small MSA & Non-MSA MO/MB	-0.25	0.14	0.44	0.30	2.29	2.61	2.09	2.71
		All Other TEAs	1.84	-1.11	1.34	0.85	0.56	-0.16	0.15	1.59
	Non-Owner	Large MSA MO/MB	1.82				1.02			
		Medium MSA MO/MB	0.61				2.83			
		Small MSA & Non-MSA MO/MB	2.45				3.61			
		All Other TEAs	1.64				4.08			
Domain 4 (Non-Hispanic Black)	Owner	Large MSA MO/MB	1.63				-1.31			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	0.07				0.46			
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	4.18				3.42			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.64				0.12			
		All Other TEAs								
Domain 3 (Hispanic)	Owner	Large MSA MO/MB	1.46				0.04			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.66				1.08			
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	3.52				4.98			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	4.88				10.74			
		All Other TEAs								
Domain 5 (Native Hawaiian or Pacific Islander)	Owner		2.71							
	Non-Owner		6.58							
Domain 6 (Non-Hispanic Asian)	Owner		0.55							
	Non-Owner		1.58							
American Indian or Alaska Native	Domain 1 (On Reservation)	Owner	5.04							
		Non-Owner	4.10							
	Domain 2 (Off Reservation)	Owner	1.60							
		Non-Owner	5.57							

- For Census 2000, persons can self-identify with more than one race group. For post-stratification purposes, persons are included in a single Race/Hispanic Origin Domain. This classification does not change a person's actual response. Further, all official tabulations are based on actual responses to the census.
- A negative net undercount denotes a net overcount.

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Table 4b: Census 2000 A.C.E. 64 Post-Stratum Groups - Standard Error of the Net Undercount

Race/Hispanic Origin Domain Number*	Tenure	MSA/TEA	High Return Rate				Low Return Rate			
			NE	MW	S	W	NE	MW	S	W
Domain 7 (Non-Hispanic White or "Some other race")	Owner	Large MSA MO/MB	0.43	0.36	0.87	0.45	1.05	1.43	1.54	2.09
		Medium MSA MO/MB	0.85	0.28	0.42	0.38	1.52	0.84	1.10	2.79
		Small MSA & Non-MSA MO/MB	1.33	0.40	0.43	0.57	3.60	2.12	1.08	1.49
		All Other TEAs	1.06	0.39	0.97	1.66	2.17	1.21	0.65	1.89
	Non-Owner	Large MSA MO/MB	0.63				1.01			
		Medium MSA MO/MB	0.71				1.24			
		Small MSA & Non-MSA MO/MB	0.51				1.24			
		All Other TEAs	0.94				1.67			
Domain 4 (Non-Hispanic Black)	Owner	Large MSA MO/MB	0.56				1.24			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.07				1.86			
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	0.66				1.05			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	0.96				2.08			
		All Other TEAs								
Domain 3 (Hispanic)	Owner	Large MSA MO/MB	0.52				1.26			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.01				2.09			
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	0.67				1.12			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.55				4.12			
		All Other TEAs								
Domain 5 (Native Hawaiian or Pacific Islander)	Owner		3.83							
	Non-Owner		4.07							
Domain 6 (Non-Hispanic Asian)	Owner		0.87							
	Non-Owner		0.98							
American Indian or Alaska Native	Domain 1 (On Reservation)	Owner	1.45							
		Non-Owner	1.42							
	Domain 2 (Off Reservation)	Owner	1.95							
		Non-Owner	2.02							

* For Census 2000, persons can self-identify with more than one race group. For post-stratification purposes, persons are included in a single Race/Hispanic Origin Domain. This classification does not change a person's actual response. Further, all official tabulations are based on actual responses to the census.

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At the state level, the median coefficient of variation (CV) for state population totals dropped from 0.41 percent in 1990 to 0.24 percent in 2000. More important, the median CV for the congressional districts dropped from 0.5 percent to 0.3 percent. Similar drops in the CV of 40 percent to 50 percent were estimated for counties and places larger than 100,000.

This decrease in sampling variance is due to the much larger sample size of the A.C.E. relative to the PES: 300,913 housing units in 11,303 clusters for the A.C.E., versus 165,000 housing units in approximately 5,000 clusters for the 1990 PES. Better measures of population size in the sample selection of block clusters, better subsampling methods, better methods of treating "small blocks," and a reduction in the variability of sampling weights all contributed to this reduction.

One simple analysis was to compare estimated undercount rates from the A.C.E. with estimated confidence levels. We can compare the undercounts among the 64 post-strata groups (collapsed over age and sex) with their confidence intervals. Of course, care must be taken in this analysis, with proper correction for multiple comparisons.

This analysis clearly showed that the A.C.E. results cannot be dismissed as "simply variance." (See Report B–9, "Dual System Estimation Results") A clear pattern of minority undercount and a most pronounced undercount of minority renters emerged. This pattern is consistent with differential undercount patterns found in all prior censuses.

Consistent Reporting of Census Day Residence

Conclusions for this Section

The consistency of reporting of Census Day address should be better than in 1990 due to the interviews occurring closer to Census Day and better quality interviewing made possible with the CAPI instrument.

Analysis Reports Important to This Section

- Report B–5: "Accuracy and Coverage Evaluation Survey: Person Interviewing Results," by Rosemary L Bryne, Lynn Imel, and Phawn Stallone.

Discussion

Proper application of the DSE model requires consistent reporting of Census Day residence between the P and E-samples. If a person who was sampled in the P-sample reports a different Census Day residence than he/she reported in the E-sample, then that person could be considered both missed (based on the P-sample) and correctly enumerated (based on the E-sample), or conversely, both enumerated (based on the P-sample) and not correctly enumerated (based on the E-sample). Since many people fall only into either the P or the E-sample, measuring consistent reporting is an important task. When a person is in both the P and the E-sample, consistent reporting between the two systems is not a problem because we use the same interview for both samples. However, some individuals have two interviews, one in the P-sample and one in the E-sample. For example, we use the initial A.C.E. interview for individuals in the P-sample to determine their correct Census Day residence. However, if an individual was missed by the A.C.E. but included in the initial census, we would use the A.C.E. follow-up interview to determine Census Day residence. Even for matched people, if the person was duplicated by the census, we might have a different interview at each identified census household. Since these interviews use different survey questionnaires, and are administered at different times by different interviewers to potentially different respondents, there is a chance that the two interviews could result in different correct Census Day residences for the same person. Inconsistency in Census Day address reporting can influence the dual system estimates.

The 1990 Evaluations (P studies) measured the consistency of reporting Census Day addresses in the PES by comparing the reinterview to the production results. (See P—4, "Address Misreporting"). One problem in 1990 was the misreporting of Census Day addresses, with an estimated 0.7 percent of the P-Sample being erroneously reported as nonmovers. (See P—4, "Address Misreporting") The 2000 A.C.E. improves on 1990 PES, in particular because the use of the CAPI instrument requires the interviewer to ask all questions in the interview form, a vast improvement over the 1990 PES pencil and paper interview.

There are two factors that should have increased the consistency of reporting census day addresses. First is the time schedule. The A.C.E. interviews were conducted much closer to Census Day than were the 1990 PES interviews. This would normally increase the accuracy of recall. In addition, the CAPI interview instrument forced the interviewers to ask all probes as to Census Day residence, again probably increasing consistency. In addition, the A.C.E. interview usually used proxy respondents for movers where the 1990 PES normally interviewed the mover household themselves. This has an unknown effect on consistency; however, we have no direct data on this at this time.

Matching Error

Conclusions for This Section

The matching error rate for 2000 is low with indications that it is substantially lower than that achieved in 1990.

Analysis Reports Important to This Section

- Report B–6: "Person Matching and Follow-up Results, by Danny R. Childers, Rosemary L. Byrne, Tamara S. Adams, and Roxanne Feldpausch".

Discussion

Matching error refers to assigning the incorrect code to a P-sample record. Matching error can consist of assigning a code of "matched" to a true nonmatch case and vice-versa. It can also consist of assigning an unresolved code to a case that has sufficient information. Matching errors can directly influence the final dual system estimates. Matching errors have both a random and a systematic component. The random component will be partially reflected in the overall variance estimates.

Matching error was measured in 1990 by conducting a rematch study, that is, by going back after the fact and rematching a sample of cases. (P–7, "Estimates of P-sample Matching Error from a Rematching Evaluation," P–10, "Measurement of the Census Erroneous Enumeration Clerical Error Made in the Assignment of Enumeration Status"). A study of clerical error in the 1990 PES found error in coding matches (P–5a, "Analysis of Fabrications from Evaluation Follow-up Data") and erroneous enumerations (P–6, "Fabrication in the P-sample—Interviewer Effect"). In 1990, codes were entered into a computer system, but the actual matching and duplicate searches were done using paper. We expected A.C.E. matching to be better controlled and more efficient because the clerical matching and quality assurance were fully automated and the matching was conducted at a single site. The automated interactive system does not prevent all matching error but should reduce the chances for error significantly. Our results confirmed these expectations.

The 1990 matching system matched both nonmovers (within E-sample area) and in-movers (who could be coded and matched in any area). The 1990 mover match system not only included several additional steps (mainly to

geographically code the Census Day address) but was also completely clerical. For the A.C.E., all matching was within the sample area or its surrounding blocks. The 2000 nonmover matching system was largely automated. The system was used to match both nonmovers and out-movers. The system was significantly more automated, with less clerical matching, and all clerical matching operations were conducted at one location. Comparisons to 1990 must take these changes into account.[37]

Other examples of the improvements in matching included:

- Electronic filtering allowed searching within a particular search area based on first name, last name, characteristics, and addresses. For example, the system allowed searching for all people named George, all people whose last name began with an H, all people on Elm Street, or all people between 30 and 40 years old.
- Only particular codes that fit the situation were allowed. For example, only P-sample nonmatch codes could be assigned a P-sample nonmatch after follow-up code.
- The electronic searches for duplicates reduced the tedious searching through paper lists of census people. The searching in 1990 was limited to printouts in two sorts: last name and household by address. In 2000, the clerks could search electronically by name, address, and other characteristics to help identify duplicates.
- Computer images of the Census questionnaire were easily accessible.
- The system monitored whether the matcher completed all the necessary searches such as looking for duplicates.
- Built in edits checked for consistent coding. For example, codes that applied to a household were assigned to all people in the household, such as a geographic code.
- The system automatically assigned certain codes, minimizing coding error.
- A code to indicate that the case needed review at the next level of matching was available to the clerical matchers. This code allowed them to flag unusual cases to be done by a person with more experience.
- All quality assurance for the clerical matching was automated. Therefore, the quality assurance component of the operation could not be skipped in 2000.
- Clerical matching was centralized at the National Processing Center instead of having different groups of matchers in seven processing offices, as was done in 1990. Forty-six technicians were hired in September 1999 and thoroughly trained in the design of the A.C.E. and matching of people and housing units. These technicians performed the quality assurance for the clerical matchers. Additionally, 16 analysts were our most experienced matchers. The analysts performed the quality assurance for the technicians and handled the most difficult cases.

The results of the matching quality assurance program constitute the primary information available for assessing the matching operation. This program gives us information about the level of error relative to that of our most experienced matching specialists. It should be noted that many of these same individuals participated in the 1990 PES. The results of the quality assurance process noted above and in B–6 show that we achieved a very high level of matching quality. The majority of cases were computer matched. The change rate for the clerical operation (the rate of cases that the next level of review concludes must be changed) is very low in any event an upper bound on the error rate.

A.C.E. Fabrications

Conclusions for This Section

Fabrication was more tightly controlled in the A.C.E. than it was in the 1990 PES because of the tighter field management control made possible by the CAPI instrument.

Analysis Reports Important to This Section

- Report B–6: "Accuracy and Coverage Evaluation Survey: Person Matching and Follow-up Results," by Danny R. Childers, Rosemary L. Byrne, Tamara S. Adams, and Roxanne Feldpausch.

Discussion

Inclusion of fictitious people in the dual system estimates can create a bias unless the number of fictitious people is controlled for a small level. Fictitious records have little chance of being matched between the P and E-samples, which means that they can erroneously increase the undercount estimates. Fictitious records, of course, should not be included in either the P-sample or the census. Fabrications in the initial census are measured by the E-sample (See below). Here we concentrate upon fabrications in the P-Sample.

In 1990, the level of fabrication in the P-sample was measured by three studies evaluating different measures of potential fabrication. The first study (P–5, "Analysis of P-sample Fabrications from PES Quality Control Data") evaluated interviewer fabrication detected in the quality control operation (and rectified by the QC operation), as well as fabrication detected in the follow-up operation. The estimated number of fabricated persons remaining, at the national level, after the quality control operation was approximately 0.13 percent. The second study, using data from the 1990 Evaluation Follow-up, concluded that an additional 0.09 percent (weighted to the PES unweighted totals this figure represents 0.03 percent of the total sample) of the P-sample follow-up interviews included in the evaluation sample should have been coded as fictitious. (P–5a, "Analysis of Fabrications from Evaluation Follow-up Data"). This evaluation was designed to identify P-sample fabrication not detected by the quality control procedure. A third study, (Project P8: "Fabrication in the P-sample—Interviewer Effect") compared the nonmatch rates of interviewers working in similar areas, while assuming that deviations from the nonmatch rate may have indicated undetected curbstoning. This study used a model to predict nonmatch rates and showed that between 0.9 percent and 6.5 percent overall of the interviewers were found to have high nonmatch rates, high rates that may have corresponded to dishonesty in their data collection.

We have evaluated potential fictitious records in the A.C.E. by reviewing detailed quality assurance results that document the level of detected fabrications in the initial A.C.E. interview, as well as measures of residual fabrication. In addition we have the results of the Person Follow-up interviewing, which should have detected whole household P-sample fabrications not detected by the interviewing quality assurance program. These sources allowed us to evaluate the level of A.C.E. fabrication.

The evidence indicates that the quality assurance was successful in controlling A.C.E. fabrications. Because the A.C.E. interview was taken on the CAPI instrument, it was "time stamped" so that field staff could use automated reports to quickly detect interviewers who reported odd interviews, such as rapid multiple interviews, interviews at odd hours (such as late night interviews), and other similarly unbelievable interview results. The CAPI instrument allowed field management staff to tightly monitor the behavior of the A.C.E. interviewers.

In addition, we examined the data to look for information relating to clusters, because fabrication is often highly clustered. An otherwise acceptable interviewer might, for example, suddenly fabricate his or her last assignment. The matching analysts kept a detailed record of any unusual clusters. These analysts could request special questions during follow-up or send additional cases to follow-up interviewing if they questioned the integrity of one interviewer's results. These records would provide an additional clue to whether there was substantial, clustered fabrication in the P-Sample. Analysts had the discretion to remove cases they believed to have been fabricated.

Missing Data

Conclusions for This Section

The level and pattern of missing data in the A.C.E. is comparable to that of the 1990 PES. The effect of the missing data on the overall A.C.E. quality is similar to that experienced by the 1990 PES and documented in the P studies.

Analysis Report Important to This Section

- Report B–7: "Accuracy and Coverage Evaluation Survey: Missing Data Results," by Patrick J. Cantwell.

Discussion

Missing data can introduce uncertainty into DSE results. Missing data can contribute to variance and, if the missing data models are poorly specified, can also contribute to bias and differential bias.

Missing data has three components:

- Whole household noninterviews
- Unresolved match, residence, or enumeration status
- Missing demographic characteristics

This section focuses on the first two components of missing data: whole household noninterviews and unresolved match, residence, or enumeration status. The third component of missing data, missing postratification variables, will generally result in correlation bias or synthetic error and will be evaluated in connection with the analysis reports on those topics. Missing post-stratification variables tend to lead to correlation bias or synthetic error because this omission can increase heterogeneity and inconsistent post-stratification between the initial census and the A.C.E. High levels of missing data, particularly for unresolved match, residence, or enumeration status, also tend to increase variance. We have not evaluated how this type of missing data by itself increases variance because this component is largely picked up in our measure of sampling variance.

The 1990 PES dealt with movers by using Procedure-B. Under Procedure-B, missing data can occur when the interviewer fails to get information from the respondent, in either the initial interview or the follow-up interview, or the missing data can occur during follow-up. The 1990 PES had low rates of initial missing data, but a greater number of unresolved cases in the follow-up process. Procedure-B required geocoding the matching, making it possible that completed "mover" cases could not be used because of ambiguities in the geographic coding. Procedure-B, therefore, resulted in initially low rates of missing data but was responsible for additional missing data in later processes.

The effects of missing data on the 1990 results were studied in two ways. First, the modeled results were compared to the results of further field work on the nonresponse cases (P–3, "Evaluation of Imputation Methodology for Unresolved Match Status Cases"). The field work largely validated the models. This alone is extremely important work as it clearly demonstrated that some of the extreme missing data adjustments sometimes proposed (for example assuming all nonresponse cases were missed) were not supported by the data. Second, additional 1990 studies (P–1, "Analysis of Reasonable Imputation Alternatives") tended to show the robustness of the results to reasonable alternatives.

There have been two important changes for Census 2000 that might affect missing data rates. First, we expected that the level of missing data in the A.C.E. interview might be higher because of a change in how we treated movers. In 1990 the Census Bureau only needed to interview the current residents, whereas in Census 2000, interviewers required information about both the current (A.C.E. Interview Day) residents and the Census Day residents. On the other hand, Procedure C, which we used in the A.C.E., eliminated the need to geographically code the Census Day address of "in-movers," thus eliminating one potential source of missing data. Second, the CAPI instrument kept the interviewer on the correct set of questions and allowed for tight managerial control.

The A.C.E. used a different missing data model for unresolved match and residence status. The 1990 model was based on hierarchical logistic regression, while the 2000 model used the far simpler "Imputation Cell Estimator." The input data and behavioral assumptions between the two models are similar but not identical.

The A.C.E. was able to maintain high quality interviewing and keep the level of missing data to low levels. This low level of missing data minimizes the effect on the final estimates of the missing data assumptions.

Noninterview in the P-sample: A.C.E. interview rates were very high. Among occupied housing units, the rates were 97.1 percent for Census Day and 98.8 percent for A.C.E. Interview Day. This compares to 98.4 percent (unweighted) in the 1990 PES. Due to the high response, most of the changes due to the noninterview adjustment factors applied were very small. This result helps to keep down the variance of the survey weights.

Unresolved resident status in the P-sample: The proportion of people with unresolved residence was very low, 2.2 percent. Thus, it appears that missing this item has only a minor effect on the estimation process. The missing data procedures assigned an average resident probability of 82.6 percent to people with unresolved resident status, which was, as designed, lower than the average rate among people with resolved status (98.2 percent).

Unresolved match status in the P-sample: Only 1.2 percent of the sample had unresolved match status, compared to 1.8 percent in the 1990 PES. We assigned an average match rate of 84.3 percent to people with unresolved match status, compared to 91.7 percent for those with resolved status. The low rate of unresolved match status implies only a small effect on the estimation.

Unresolved enumeration status in the E-sample: About 2.6 percent of the E-sample had unresolved enumeration status; it was 2.3 percent in the 1990 PES. The average rate of correct enumeration for people with unresolved status was 76.2 percent as compared with the 95.9 percent for those with resolved status.

The level and direction of the differences between resolved and unresolved cases are generally what we expected and are explainable by the design of the missing data estimation.

[37] The A.C.E. design treats movers differently than in 1990, using a procedure called PES–C, rather than the 1990 procedure, PES–B. In 1990, movers were sampled where they lived at the time of the PES interview. The Census Bureau then searched the census records at the movers' April 1 usual residence to determine if they had been correctly enumerated in the census. This procedure was PES–B. In the PES–C procedure, the Census Bureau combined information on movers from two sources to produce an estimate of movers who were missed in Census 2000. First, an estimate of the total number of movers was calculated based on people who moved into the A.C.E. sample blocks between April 1, 2000, and the time of the A.C.E. interview. Second, the rate at which movers matched to Census 2000 was calculated by matching the Census Day residents of the A.C.E. sample housing units to the initial census records.

Balancing Error

Conclusions for This Section

Although detailed information is not yet available, the evidence now available does not permit us to conclude that there was no balancing error in 2000. One concern is that a number of E-sample cases were coded as correct even though they were outside the search area. This concern is discussed in a following section.

Analysis Report Important to This Section

- Report B–8: "Accuracy and Coverage Evaluation Survey: Decomposition of Dual System Estimate Components," by Thomas Mule.
- Report B–18: "Accuracy and Coverage Evaluation Survey: Effect of Targeted Extended Search," by Douglas B. Olson.

Discussion

Balancing error occurs when the set of correct enumerations records defined and measured in the E-sample does not correspond to the set of records against which P-sample matching is allowed. An important type of balancing error occurs when the search area, as defined and implemented in the E-sample, does not correspond to the search area as defined and implemented in the P-sample. The dual system model first determines the number of individuals who are correctly in the initial census (through the E-sample) and then the proportion of the true population that is correctly in the census (through the P-sample). If the E-sample and the P-sample use different definitions of "correctly in the census," the model will not work. Specifically, if the P-sample allows matches, (that is, treats a person as correctly enumerated), if he/she was found anywhere in a wide area, but the E-sample treated as erroneous (that is, not correctly enumerated) any census record not in its correct block, then the P and E-samples are using different definitions about what constitutes a correct enumeration. Obviously, there would also be balancing error if the E-sample definition was broad, but the P-sample definition was narrow.

Balancing error, especially geographic balancing error, was a major concern in the 1980 post enumeration survey. The E-sample in 1980 counted a person as being correctly in the census only if he or she was counted in the correct Enumeration District. Enumerations outside the correct enumeration district were considered erroneous. However, the P-sample in 1980 searched several enumeration districts looking for a match. Thus some P-sample people were considered correctly enumerated because they matched to census records that would have been considered erroneous had these records been included in the E-sample. This particular problem was addressed in the 1990 PES by using identical search areas for nonmovers. A concern remained for movers. (P–11, "Balancing Error Evaluation").

The A.C.E. used a somewhat more complex balancing design than did the 1990 PES. One minor change was that the search area in 2000 was somewhat smaller, encompassing only the first ring of blocks of housing units around a census block. More important, not all cases were eligible for searching, coding, and matching in the surrounding ring; only whole household nonmatches and E-sample geocoding errors were eligible for surrounding block search. This search area is referred to as "Targeted Extended Search" or TES. The TES surrounding block search was also performed on a sample basis.

A major goal of extended search, whether targeted or not, is to reduce the variance of the estimators, especially for small estimation cells where census geocoding errors will not tend to cancel out. To assess the effect of TES, we compared correct enumeration rates and match rates for TES and non-TES cases.

Extended search can reduce A.C.E. bias due to A.C.E. P-sample and E-sample geocoding errors. If an A.C.E. address listing includes housing units outside the actual block, as defined by the census, an attempt to match only to the sample block will usually result in nonmatches for all units actually outside the block. This situation can lead to a high false measure of census omission and extending the search to the surrounding blocks reduces this bias. Extended search essentially converts a first order matching bias to a second or third order sampling bias.

In addition, it is possible for the A.C.E. E-sample follow-up to incorrectly code a housing unit as inside a block when the unit is actually just outside the block. Without extended search, this discrepancy would result in a unit coded "correctly enumerated" that was actually a geocoding error. With extended search, the enumeration of the unit is correct whether coded to the actual block or a surrounding block. Obviously, if the unit was actually located completely outside the search area, coding it to the block or a surrounding block (that is, "correctly enumerated") would be an error. There is evidence that this type of coding sometimes occurred, as discussed below.

A review of the results of Targeted Extended Search program (TES) has indicated an imbalance between P-sample matches to the surrounding block and E-sample enumerations coded as "correctly counted in the surrounding block." Ideally, these should be similar. This result raised concerns. However, it is consistent with the presence of a small amount of A.C.E. P and E-sample geocoding error. Similar results were encountered in 1990. An imbalance may be due to the geographic miscoding of E-sample cases discussed below.

Errors in Measuring Census Erroneous Enumerations

Conclusions for This Section

In general, the evidence suggests that with the possible exception of geographic mis-geocoding, E-sample coding errors were controlled at least as well as in 1990. However, preliminary results from an early A.C.E. evaluation indicate that a number of E-sample cases coded as correct enumerations were in fact outside of the search area. That means that they should have been coded as Erroneous Enumerations and subtracted from the DSEs. This error could introduce an upward bias in the DSE.

Analysis Report Important to This Section

- Report B–6: "Accuracy and Coverage Evaluation Survey: Person Matching and Follow-up Results," by Danny R. Childers, Rosemary L. Byrne, Tamara S. Adams, and Roxanne Feldpausch.

In addition,

- DSSD Memorandum Series T–6: "Additional Geographic Coding for Erroneously Enumerated Housing Units," by Danny R. Childers and Xijian Liu.

Discussion

Erroneous enumerations occur in the initial census in the following circumstances:

- When an individual had another residence where he or she should have been counted on Census Day.
- When an entry is fictitious.
- When entries are duplicated.
- When an individual lived in a housing unit subject to geocoding error.
- When the Census Bureau had insufficient information for matching and follow-up.

Errors in measuring census erroneous enumerations can have a serious and direct impact on the A.C.E. For example, a systematic tendency in A.C.E. processing to code census fictitious cases ("curbstoned cases") as

E-sample follow-up "noninterviews" leads to an incorrect estimate of the number of respondents correctly enumerated in the initial census. A tendency to "give the census the doubt" can result in people who move out before Census Day coded as correct enumerations. While the overlapping of the P and E-samples will lend considerable robustness to the A.C.E. estimates, both systematic and random errors can be expected to occur.

E-Sample cases are either coded during the initial matching operation or coded based on information gathered during A.C.E. follow-up. For the A.C.E., we assessed errors in measuring census enumeration by analyzing the matching systems' quality assurance results, as well as by using information from A.C.E. follow-up. The quality assurance program should have indicated any clerical problems in assigning enumeration status.

The Census Bureau found clerical error in assigning erroneous enumerations in 1990 (P–10, "Measurement of the Census Erroneous Enumeration Clerical Error Made in the Assignment of Enumeration Status"). The improvements in Census 2000 clerical matching (described earlier) should have improved the assignment of erroneous enumerations. The identification of duplicates was closely monitored to assure that the duplicate search was done within the block cluster and in the surrounding blocks for TES clusters. The follow-up interview has been improved to instruct the interviewer to conduct sufficient searches for people to allow accurate coding of fictitious people. The conclusion was that the follow-up interviewing was in both managerial and statistical control.

The A.C.E. matching and follow-up quality assurance results referenced in the Matching and Follow-up section above indicate that these processes were well controlled and that these errors were no worse than in 1990.

The one area of concern is the level of correct coding of E-sample cases that were actually outside the search area. Preliminary results from an early A.C.E. evaluation indicate that a number of cases that were coded as "correctly enumerated" were in fact outside the search area. This means that the E-sample process accepted a number of records, as correct when they were in fact erroneous. This would understate the gross census overcoverage rate and thus overstate the census net undercount.

Correlation Bias

Conclusions for This Section

Correlation bias is documented for the Black male population and is almost certainly present for certain non-Black populations, including the non-Black Hispanic population. Unfortunately, evidence on the level of correlation bias is weak.

Analysis Reports Important to This Section

- Document 12: "Accuracy and Coverage Evaluation Survey: Correlation Bias" by William R. Bell.
- Document 4: "Accuracy and Coverage Evaluation Survey: Demographic Analysis Results" by J. Gregory Robinson.

Discussion

Correlation bias is the term frequently used to refer to error caused by individuals systematically missed in both the initial census and the coverage measurement survey. In its purest form, dual system estimation assumes that the chance of being included in the P-sample is independent of the chance of being correctly included in the initial census. Although this assumption has proven useful in providing a better estimate of the population, it is, of course, unlikely to be absolutely true. Correlation bias can occur from two sources. First, it can be caused by inherent heterogeneity within the post-strata. It can also arise when the event of being enumerated in the census changes the probability of being included in the A.C.E.

Even within post-strata there may be unobservable sub-groups with differing chances of being included in each system. There is also quite likely some group (of an indeterminate size) whose probability of being included in any survey is so low as to be effectively zero. Correlation bias will tend, therefore, to lead to an underestimate of the population. Dual system estimation will estimate some, but not all, of the people omitted from the initial census.

Correlation bias is a bias in the dual system estimator. That is, it must be considered in light of both the initial census interview and the A.C.E. interviewing and processing. Correlation bias due to heterogeneity can be reduced either because the initial census was more successful in including the "hard to count," or because the A.C.E. was more successful in including the "hard to count." The census paid advertising and outreach campaign, especially that targeted to ethnic minorities including Hispanics, could have the effect of reducing correlation bias in the 2000 DSE.

To measure correlation bias, one would ideally like to have an external measure of "truth." Demographic analysis, especially demographic sex ratios, have in the past provided an external measure that, while not perfect, is useful because it is not subject to many of the limitations of the initial census or the dual system estimates. As discussed later in this document, comparisons with demographic analysis are increasingly difficult.

Using demographic results, the 1990 studies detected a clear pattern of correlation bias in the 1990 PES (P–13, "Use of Alternative Dual System Estimators to Measure Correlation Bias"). Correlation bias was especially strong for adult Black males, a group that dual system estimation methodology seems to underestimate.

Recent criticisms of the 1990 studies seem to point to the fact that these studies underestimated the level of correlation bias in the 1990 PES. This conclusion follows from the fact that, in general, correlation bias tends to lower the estimated population, while other measurement errors tend to raise the estimate. Correlation bias and the other kinds of errors therefore may have tended to cancel each other out. However, this reasoning applies to comparisons of the 1990 PES estimates to demographic analysis population totals. If comparisons are instead made to the demographic analysis sex ratios (as was done in the P–13 report), and if the other measurement errors are not very different between males and females, then these other measurement errors should tend to cancel out and have little effect on resulting estimates of correlation bias. Note that comparability problems arising from Black Hispanics, whom DA assigns to Black and A.C.E. assigns to non-Blacks, are expected to have minor effects on sex ratios for 2000. However, we have not fully analyzed the data that supports this expectation.

An additional problem is that since demographic analysis provides national results, one must model how these errors might distribute themselves by post-strata. Several alternative models have been tried. (P–13, "Use of Alternative Dual System Estimators to Measure Correlation Bias"; Bell, "Using Information from demographic analysis in Post-Enumeration Survey Estimation," 1993).

A final problem arises from the nature of the preliminary 2000 demographic analysis results, discussed below. These results imply a level and pattern of net undercount different from that in any

previous census studied or from that measured by the A.C.E. Indeed, even some of the comparisons of sex ratios, normally the most robust aspect of demographic analysis, are quite different from those observed in previous censuses. These results make quantifying correlation bias even more difficult for Census 2000 than in previous censuses.

The level of correlation bias in the A.C.E. might be larger than that in the 1990 PES because of the use of Procedure C for movers. Procedure C was designed to reduce matching error by eliminating mover matching. However, since this procedure calls for the reconstruction of the Census Day household, its use may increase correlation bias because it may result in the "missing" of individuals only tenuously connected to the household. Weighting the out-mover match-rate by the number of in-movers may partially, but probably not completely, compensate for the possible increase in correlation bias. Even among out-movers, those more likely to be enumerated in the initial census may be more likely to be picked up in the A.C.E. interview. Because of this potential correlation, we might overestimate the mover match rate.

Our analysis of correlation bias in the 2000 estimates was, as in 1990, based on the sex ratios from demographic analysis. It is limited to only measuring the correlation bias of Black adult males and non-Black adult males. The method assumes no correlation bias for females and cannot be applied to the A.C.E. estimates for children. Essentially, it assumes that any shortfall of the number of males relative to females, as implied by the demographic analysis sex ratios, is attributable to a correlation bias for males. This analysis demonstrates the presence of correlation bias for adult Black males. The implied level is similar to that observed in 1990. Specifically, our analysis concludes that there is significant correlation bias for adult Black males 18–29 and 30–49 at levels very similar to 1990. There also is significant correlation bias for adult Black males 50+ that is smaller in magnitude than in 1990. Comparisons to demographic analysis sex ratios suggest at most small amounts of correlation bias for non-Black males 30–49 and 50+. The correlation bias estimates for these groups are very small, though they were not much larger in 1990. Due to inconsistency of demographic analysis and A.C.E. data for non-Blacks 18–29, we cannot estimate correlation bias for males in this group.

Determining the level of correlation bias for the non-Black population is problematic because for some age groups, demographic analysis sex ratios imply fewer males than measured by the A.C.E. Taken at face value, this result would mean either negative correlation bias for males (which has never been observed and is difficult to explain) or larger correlation bias for females than for males. Positive correlation bias for females is not only possible but likely. However, what is also likely is that using initial DA to measure correlation bias for non-Blacks using sex ratios has become problematic. This conclusion is important since the majority of the Hispanics, as well as of course other minority groups, are non-Black. A frequently expressed concern about the DSE methodology is the possibly large level of correlation bias for Hispanics.

This analysis only detects differential correlation for the Black and non-Black population. We have no measure for correlation bias for children or females, nor any separate measure for Hispanics, Asians, or other separate "non-Black" groups.

We also examined records and reports for any indication of correlation bias due to causal dependence, that is, any indication that participation (or non-participation) in the initial census directly influenced participation in the A.C.E. For example, we looked at the number of letters (approximately 80) received from households that were reluctant to participate in the A.C.E. because they had already sent in their census form. We looked for reports from the regional offices to see if there was any indication of improper contact between the census enumerators and the A.C.E. interviewers. We found no reports or other evidence to support a problem with causal dependence.

There were also concerns about the effects on correlation bias of the "late census adds" and the higher level of imputations. This is discussed below. (See Other Measurement and Technical Errors.)

Synthetic Assumptions

Conclusions for This Section

Local census heterogeneity exists and affects the quality of both the adjusted and unadjusted census results. Properly accounting for the synthetic bias in the basic functions could potentially reverse a finding of small improvement, or small deterioration, from adjustment. This effect warrants further examination.

Analysis Report Important to This Section

- Report B–14: "Accuracy and Coverage Evaluation 2000: Assessment of Synthetic Assumptions" by Donald J. Malec and Richard A. Griffin.

Discussion

Synthetic estimation error differs from the other measurement errors discussed in this document because it is not directly related to the accuracy of the dual system estimates themselves, but rather to the distribution of the measured net undercount to local areas and demographic subgroups.

Another important difference between synthetic error and other types of A.C.E. error is that local heterogeneity is present in the unadjusted census; this local heterogeneity will affect the quality of census results even before A.C.E. adjustment. While this local heterogeneity is not, strictly speaking, synthetic error, since no synthetic estimation is involved, the effect of local heterogeneity on the accuracy of the population estimates is similar. If local heterogeneity in the initial census is correlated with post-stratification variables, then the DSE/synthetic estimation process can reduce this heterogeneity. However, if a crew leader applied the census procedures in a way that resulted in a locally higher net undercount, then the DSE/synthetic model would not correct for this effect locally. Evaluations of the synthetic assumption help us to understand residual heterogeneity in both the initial and the corrected census.

Evaluations of the synthetic assumption are necessarily indirect. Because the A.C.E. is based on a sample, it may be inefficient at detecting truly local heterogeneity. Attempts at measuring local heterogeneity at the block cluster level suffer from the problem that the A.C.E. is not designed to directly measure the undercount, even for the sample clusters. Targeted extended search and large-block subsampling, for example, both allow matching beyond the sample segments. The A.C.E. is designed to measure undercount at high levels, not at the local level.

However, other data are available for all census areas. Some of these data may be related to the net undercount, although in perhaps complex ways. These data include the level of census whole person imputations and the level of census ID's removed from the census as part of HUDO and then reinstated. These can be tabulated at different levels than the A.C.E. poststrata. For example they can be tabulated for census region crossed by the other A.C.E. post-stratification variables (Attached). These analyses show that individual census procedures had different impacts in different census regions, even controlling for A.C.E. post-stratification variables. What one does not know, of course, is whether these procedures corrected for an underlying differential in coverage or created a new level of geographic differential in coverage.

The analysis of the data indicates variation within the poststrata for variables that might be related to the net undercoverage. If indeed, these indications are correct, the undercount in the unadjusted census varies not only between poststrata but also within poststrata. The A.C.E. adjustment process will not remove any differential patterns of undercount within poststrata. They will still be present within the data. Since this uneven census coverage is present in both the adjusted and unadjusted results, it does not seem to greatly affect the relative accuracy of the two sets of population estimates.

A productive approach is to use "artificial population" analysis. This analysis looks at census operational measures available for all areas, scales them to be the size of the gross undercount or overcount, and then analyzes the results to assess the impact of local geographic heterogeneity on census and A.C.E. accuracy. This analysis looked at several variables, these included:

Surrogates for Gross Omissions

Number of non-GQ [38] persons less the number of persons in whole household substitutions.

Number of non-GQ persons with two or more item allocations.

Number of non-GQ persons whose household did not return a questionnaire by mail, etc.

Surrogates for Gross Erroneous Enumerations

Number of non-GQ persons less those for whom the date of birth was allocated consistent with age.

Number of non-GQ persons less the number of whole household substitutions.

Number of non-GQ persons whose household did not return a questionnaire by mail, etc.

These surrogates were chosen because they roughly correlated with the number of the A.C.E. nonmatches and A.C.E. E-Sample erroneous and incomplete enumerations for the sampled block clusters. Of course, for the artificial population analyses, we looked at both sample and nonsample blocks.

[38] GQ means Group Quarters, that is, prisons, long-term care facilities, college dorms, and other group living arrangements.

Assessments of the 1990 PES were concerned with the accuracy of the synthetic assumption for low levels of geography, such as blocks. Our assessment of the synthetic assumption in the A.C.E. accepts that perfect homogeneity cannot exist at the block level. The Census Bureau's evaluation of synthetic error, therefore, focuses on whether heterogeneity at the local level is so great as to prevent an improvement from using the A.C.E., not on whether the post-strata are absolutely homogeneous.

The analysis of the relative effect of synthetic error indicated that for state level count estimates (numeric state accuracy) three out of four loss functions are probably underestimating the true gains from adjustment (Report B–14, "Assessment of Synthetic Assumptions"). Thus, correcting for the bias would not change the loss function results.

For state shares, the analysis indicated a small effect of synthetic error on the loss function. Thus, for cases where the census loss and the A.C.E. loss were quite close showing a small improvement for adjustment, correcting for synthetic error could reverse the direction indicating a small decrease in accuracy by adjusting. This result warrants further investigation.

For congressional district share estimates, the evidence is mixed. That is, some analyses indicated that ignoring synthetic error in the loss function would overstate A.C.E. accuracy. Other analyses indicated that this would overstate census accuracy. That is, some analyses indicated that the loss function measures would be conservative. For other analyses, the results were that the effect could be large enough that they could reverse a favorable finding for adjustment. These analyses would indicate that for congressional districts, loss function results that indicate a small or even moderate improvement from adjustment could be misleading. Correctly accounting for synthetic error would reverse the finding implying greater census accuracy in these cases.

Other Measurement and Technical Errors

Conclusions for this Section

Available evidence does not indicate any appreciable increase in the level of any of these other measurement and technical errors over what was experienced in 1990.

Analysis Reports Important to This Section

Document 10: "Accuracy and Coverage Evaluation Survey: Consistency of Post-Stratification Variables," by James Farber.

Discussion:

The coverage measurement process is subject to several other kinds of measurement errors that need to be noted, including technical ratio bias, contamination error, and inconsistent post-stratification.

Technical ratio bias is well documented in the statistical literature and occurs when the expectation (statistical average) of a ratio differs from the expectation of the numerator divided by the expectation of the denominator. Technical ratio bias in survey estimates is usually not important unless the sample size is small. Usually, a sample size of thirty independent observations is adequate (Cochran, 1963). The dual system estimator is a ratio estimator and as such is subject to ratio bias. Further, since the Procedure C treatment of movers is also a ratio estimator, that may introduce a further ratio bias. The A.C.E. is designed to guard against large ratio bias by requiring a minimum cell size for both the post-stratum and the number of out-movers in the Procedure C estimate. While we did not expect technical ratio bias to be a problem in the A.C.E.

Technical ratio bias was shown to be small, as expected. (B–2, "Quality Indicators of Census 2000 and the Accuracy and Coverage Evaluation")

Contamination error occurs when the conduct of the coverage measurement survey affects how people react to the initial census in the sample areas. If contamination occurs, the coverage measurement survey may no longer reflect the error for the population as a whole, even if it correctly measures the coverage ratios for the sample areas. Contamination error has affected past coverage measurement surveys. The 1980 coverage measurement study (the PEP) was based on the April Current Population Survey, which had been conducted between Census Day and the start of NRFU. Evidence pointed to contamination error (See Fay et al., 1988). Prior to the 1998 Dress Rehearsal, contamination error was a major concern. See, for example, Griffiths, "Results from the 1995 Census Test: The Contamination Study" (1996). Because the Census Bureau planned to conduct NRFU on a sample basis for all blocks except those blocks that were to be included in the PES, where NFRU would be conducted on a 100 percent basis. If there was any sampling bias due to the nonresponse sampling, this bias could differentially affected the Integrated Coverage Measurement and

the non-Integrated Coverage Measurement blocks. The Census Bureau evaluated this possibility and did not detect any contamination. In any case, sampling for NRFU was not used.

With respect to possible contamination, the A.C.E. is, with one exception, quite similar to the 1990 PES. In both surveys, housing unit listing was conducted before census mailout and NRFU. Personal visit interviewing was, in both cases, conducted after the end of NRFU, but concurrently with various census coverage follow-up field interviews.

One possible cause of contamination in the A.C.E. was that approximately one third of the A.C.E. interviews were conducted by telephone concurrent with census NRFU. The telephone interviews were restricted to cases that had a completed census questionnaire that provided a telephone number and excluded units in small multi-units structures and units without house-number-street-name. It is possible that some of these cases might have been visited later during NRFU, and that their responses to that operation were influenced by the A.C.E. interview.

We have not been able to detect serious contamination since moving away from the 1980 design. The ESCAP analysis of possible contamination was restricted to reviewing any available reports. The only report of possible contamination was from a Government Accounting Office debriefing. They reported that they were told by a few A.C.E. interviewers that the interviewers observed census personnel conducting CIFU. Contamination could have occurred, although no actual sharing of information was reported. The 1990 PES was also run concurrently with CIFU.

Next, we turn to inconsistency in post-stratification between the A.C.E. and the census. Some individuals may be classified in the initial census into different post-strata than in the P-sample. The initial census will certainly misclassify some individuals, causing them to be included in the wrong category. For example, some Hispanics may be classified as non-Hispanic, or some American Indians as White. To the extent that the coverage probabilities are equal only for the correct characteristics, census mis-classification (that is, incorrect post-stratification) may introduce correlation bias and synthetic error.

The introduction of multiple race reporting in both the census and the A.C.E. raised concerns about this type of error.

The impact of inconsistent post-stratification is a function of the proportion of misclassified records and the differences in coverage rates between the two post-strata. If only a few records are inconsistently classified, there will be little impact. Further, there is little impact on coverage if the misclassifications occur between post-strata with similar census coverage rates. Misclassification will only affect the quality of the estimates if there are large inconsistencies between post-strata with highly differential coverage rates.

One must note that inconsistent misclassification is not possible for all A.C.E. postratification variables. Region, metropolitan area size, type of enumeration area, and census mail return rate are all measured at the block level and are inevitably assigned the same value in both the P and E-samples. Inconsistent classification is only possible for the race/ethnicity, owner/renter, and age/sex domains.

We studied the differences in post-stratification for those people matched between the A.C.E. and the initial census. By assuming that these patterns apply equally to missed people and by working with the observed (estimated) coverage rates, we assessed the impact of these inconsistencies on the coverage estimates. Of course, this analysis took into account both the directly reported characteristics and the imputed characteristics in both the initial census and the A.C.E.

Of the two tenure groups, seven age/sex groups, and seven race/Hispanic origin domains, two groups stand out with particularly high rates of inconsistency: the domains of American Indian off reservation and Native Hawaiian and Pacific Islander. Both of these domains were new for 2000. In 1990 the American Indian off reservation population was combined with the non-Hispanic White and Other while the Native Hawaiian and Pacific Islander population was combined with the Asian population. The effect of the inconsistency for the American Indian off reservation is to push the resulting estimates toward that of the non-Hispanic White and Other population.

Another concern has been the treatment in the DSE of the cases involved in the Housing Unit Unduplication Operation (HUDO). As noted earlier, 1,019,057 housing units were analyzed during the HUDO and later re-instated into the census files. These units included 2,366,140 person records (including census imputations as well as data defined records). These records are referred to as "late census adds." These records were not included in the A.C.E. matching, processing, or follow-up processes. They were also excluded from the DSE. It is possible that, had these records been included in the A.C.E. and the DSE, the estimated undercount would have differed. To understand this difference, one must consider several factors.

Any of these person records that were not data defined would not have been included in the DSE in any case. Excluding them as late census adds rather than as whole person imputations makes no difference on the final DSE. Some of these person records were duplicates or other erroneous enumerations. Had they been included, the A.C.E. would have sampled and processed them and estimated the level of erroneous enumerations. Excluding these records from the DSE should reduce sampling error since sampling is no longer involved. It is possible that excluding them affected the nonsampling error. For example, it is possible that some of these cases might have been mis-coded had they been included. Further, given the way these were excluded and reinstated, it is possible that this process could have affected duplicate search or targeted surrounding block search. We were not able to quantify the nonsampling effect.

Some of these cases were, of course, correct enumerations. Including them in the A.C.E. would have had two effects. First, this would have raised the number of estimated correct data-defined enumerations. Second, it would have raised the number of matches from the P-sample to the census, since some of these people would have been included in the A.C.E. P-sample. If the ratio of matches to correct enumerations in the excluded cases is the same as the ratio matches to correct enumeration is the included cases, the DSE expected value should be nearly the same. However, if the people referred to in these correct cases were either much more likely to have been included in the A.C.E. or much less likely to have been included, then excluding these cases from the A.C.E. would have changed the level of correlation bias and affected the A.C.E. We have no reason to believe this to be the case. Finally, excluding these cases would have affected the sampling variances, especially if they were clustered. This effect, however, should be fully accounted for in the reported sampling error.

Finally, if these late census adds included geographic clustering of erroneous enumerations, they would increase the geographic heterogeneity in the census net undercount. Geographic clustering in net undercount that is not correlated with the A.C.E. poststratification variables will not be corrected by the A.C.E.

In 1990, the effect of late census adds on the DSE was studied and evaluated. Based on the 1990 experience, the treatment of the late census adds in the 2000 DSE was specified based on the theory noted above. In short, one cannot compare or project the effect of the late census adds in 1990 to the effect in 2000.

A related issue concerns the census whole person imputations. These are cases included in the census counts that are not data defined. These include three groups: cases where the number of people in the housing unit had to be estimated, cases where the number of people was known but all the characteristics of the household had to be estimated, and cases where there was a person reported on the questionnaire but with so little data that the census substituted the characteristics of another person. There were 5,691,184 whole person imputations in Census 2000 as opposed to 2,195,716 in the 1990 census. So while the A.C.E. design anticipated whole person imputations, the level was greatly increased.

Again, the effect of these whole person imputations will depend upon several factors. Some of these will be erroneous. For example, they may impute people into a unit that was vacant on Census Day or into a group of seasonal vacant units. Such imputations will, obviously, decrease the net undercount rate and could lead to an overcount. However, they should not affect the DSE in any way. However, if the imputation was, indeed, correct, then there were people living in the unit on April 1 who were not elsewhere counted, that is, not included in a duplicate housing unit. Had these people been included in the census, then some of them would have matched. Therefore, the number of census correct data-defined enumerations would have increased and the number of matches would have increased. If the ratio of matches to correct enumerations in the "imputed" cases is the same as the ratio matches to correct enumeration in the "non-imputed" cases, the DSE expected value should be the same. However, if people living in these units were either much more likely to have been included in the A.C.E. or much less likely to have been included, then imputing these cases (rather than enumerating them) would have changed the level of correlation bias and affected the A.C.E. Finally, the increased level of imputation would have affected the sampling variances, especially if they were clustered. This effect, however, should be fully accounted for in the reported sampling error.

Again, if incorrectly imputed cases were geographically clustered, they would increase the geographic heterogeneity in the census net undercount. Geographic clustering in net undercount that is not correlated with the A.C.E. poststratification variables will not be corrected by the A.C.E.

Synthesizing A.C.E. Quality

Comparison With Demographic Analysis and Demographic Estimates

Conclusions From This Section

The disagreement between the results of demographic analysis and the A.C.E. removes an important independent verification of A.C.E. results. In 1990, demographic analysis clearly demonstrated that an adjustment based on the PES would have been conservative, that is, the true population would almost certainly have been higher still. In 2000, demographic analysis presents no such support, leaving the possibility that the A.C.E. would "over adjust."

Analysis Reports Important to This Section

- Report B–4: "Accuracy and Coverage Evaluation Survey: Demographic Analysis Results," by J. Gregory Robinson.
- Report B–16: "Demographic Full Count Review: 100 percent Data Files and Products," by Michael J. Batutis, Jr.

Discussion Demographic analysis has long provided the standard against which census accuracy is measured. See, for example, Committee on National Statistics, "Modernizing the U.S. Census" (1995) ("Demographic estimates are the primary means for comparing coverage for censuses over time for the nation as a whole."). Indeed, when people discuss the "steady improvement in census accuracy" or say that the 1990 census was the "first to be less accurate than its predecessor," they are using demographic analysis as a benchmark. See, for example, the "Report to Congress—The Plan for Census 2000" (1997, p. i), and Darga, "Sampling and the Census" (1999, page 14–15).

Demographic analysis, as the term is usually used, is the construction of an estimate of the "true" population using birth, death, migration and other data sources independent from either the current census or the A.C.E. demographic analysis provides independent measures of the net undercount by age, sex, and Black/non-Black. It represents a generally accepted historic data series, although, of course, it is subject to its own limitations and uncertainties. Among demographic analysis's important limitations is the lack of an historical data series to independently estimate the Hispanic, Asian, or American Indian populations. In addition, the level of emigration and undocumented immigration must be estimated using indirect methods. These limitations and uncertainty are documented in Robinson (1993), and Himes and Clogg (1992), as well as in the 1990 "D" studies.

Due to the uncertainty in the estimates of undocumented immigration, DA in 2000 uses a high and low range for making comparisons to the census and A.C.E. results. The "base" DA set of estimates include the current estimate of undocumented immigrants entering during the 1990's (2.76 million); the "alternative" DA set increases the DA estimate by doubling the assumed net flow of undocumented immigrants in the 1990's (5.52 million). The A.C.E. measures a net undercount of 3.3 million, or 1.15 percent for Census 2000. DA measures a lower net undercount than the A.C.E., according to either of the two sets of DA estimates developed. The "base" DA set estimates a net overcount of 1.6 million, or −0.67 percent in 2000. The "alternative" set, which increases the DA estimate to allow for additional undocumented immigration in the 1990's, gives a net undercount of 0.9 million, or 0.32 percent. The DA and A.C.E. estimates both measure a reduction in the net undercount in Census 2000 compared to 1990, but DA implies a greater change. Under the base set, the estimated DA net undercount rate fell by 2.5 percentage points from 1.85 percent net undercount in 1990 to −0.65 percent net undercount in 2000.

Further, the comparison of census counts to auxiliary data sets (such as school enrollment data for children and Medicare enrollment for the population 65 and older) are consistent in indicating Census 2000 is more complete relative to 1990. Both DA and A.C.E. measure a reduction in the net undercount rates of Black and non-Black children (ages 0–17) compared to 1990. Both methods also measure a reduction in the net undercount rates of Black men and women (ages 18+). DA finds a reduction in the net undercount rates of non-Black men and women in Census 2000 compared to the rates of previous censuses. The reduction is large under the base DA set and moderate under the alternative DA set. The A.C.E. indicates no change or a slight increase in undercount rates for non-Black adults as a group.

The A.C.E. sex ratios (ratio of males per 100 females) for Black adults are much lower than DA "expected" sex ratios, implying that A.C.E. is not capturing the high undercount rates of Black men relative to Black women (the well-known "correlation bias"). The size of this bias is about the same as in the 1990 PES.

A more recent complication warrants mention. The demographic analysis method requires reconciling the reporting of race in the vital statistics system with race as reported in the census. For example, in the birth registration system the race of the mother and the father are reported, rather than the race of the child. For the first time, the census questionnaire instruction was to "mark one or more races." This change introduces a new consideration into the reconciliation of reported race data. Depending on the treatment of people who report Black and at least one other race, the Black undercount estimate ranges from 0.9 percent to 4.7 percent. However, in either case a clear differential undercount between the Black and non-Black population is evident, ranging from at least 1.8 percent to perhaps 6.2 percent.

If we take DA as representing a reasonable low estimate of population in 2000, what would represent a reasonable high? Although we tried several different scenarios raising undocumented immigration, for purposes of simplicity, we have assumed a doubling of the undocumented population for our alternative demographic assumption. Doubling undocumented immigration would result in an alternative DA that implies a percent foreign-born of 11.13 (compared to 10.61 in the unweighted CPS) and a percent Hispanic of 12.72 (compared to 12.55 in the unadjusted Census 2000 results). Until we can get a fuller set of data from Census 2000 to recalibrate the DA estimates in detail, this alternative would seem to be a reasonable upper bound on the total number of undocumented immigration in the 1990s.

The demographic analysis estimates may have underestimated the population and, thus, the net undercount, in 1990. Indeed, Robinson et al. (1993, p. 1070) states that "the demographic net undercount estimates are biased in that they may underestimate the "true" net undercount" (See also 1990 DA Evaluation Project D–10). Thus in 1990, the DA production or preferred estimate is as a net undercount of 4.55 million. Analysis showed that it was very unlikely that the true undercount was less than 4 million. This showed that the 1990 PES almost certainly did not overestimate the net national undercount. However, the upper range of the demographic analysis uncertainty estimates was a net undercount of over eight million people. Indeed, the midpoint of the range (6.2 million) is higher than the 1990 demographic analysis production estimates. (Estimates are based on Robinson 1993, Table 4 times 249 million).

It is important to note that errors in estimating the 1990 population will affect a comparison with the A.C.E. with respect to the level and pattern of the undercount. It will not affect the measured change between censuses. The internal consistency of the demographic estimates permits trends and changes in the coverage pattern over time to be estimated more accurately than the exact level of net coverage in any given census. (Report B–4, "Demographic Analysis Results")

Historically, demographic analysis' important strength has been its ability to measure sex ratios accurately. While inconsistency in reporting racial data may introduce uncertainty into the demographic analysis estimates of a specific population group, in many instances the inconsistency will affect both sexes equally, so that the inconsistency's effect on the expected sex ratio should be quite small. In 1990, many of the comparisons between the initial census, the PES, and demographic analysis centered on the sex ratios.

Post-Enumeration Survey—A.C.E. Error of Closure

The estimated population from the 1990 dual system estimates based on the PES can be projected forward and compared to the estimated population from the 2000 dual system estimates based on the A.C.E. To the extent that the population change during the decade is well estimated, the difference must be attributable to changes in the level and patterns of errors in the two dual system estimates. The following table is instructive:

TABLE 5.—A COMPARISON OF THE 1990 PES TOTAL POPULATION WITH THE A.C.E. ACCOUNTING FOR POPULATION CHANGE

	Base demographic analysis estimates	Alternative demographic analysis estimates
1990 Post-Enumeration Survey Dual System Estimates	252,756,428	252,756,428
Natural Growth	17,331,261	17,331,261
Legal Immigration	9,266,974	9,266,974
Emigration	2,652,597	2,652,597
Undocumented Immigration	2,765,196	5,530,392
"Expected 2000 Population"	279,467,262	282,332,458
2000 Accuracy and Coverage Evaluation Survey Dual System Estimates	284,683,782	284,683,782
Error of Closure	5,216,520	2,451,324
Error of Closure Percent	1.9 percent	0.9 percent

Estimates are for the total population, including populations excluded from the 1990 and 2000 Dual System Estimation estimates.

Unless the demographic analysis estimates of change are inaccurate, it is clear from this table that the error level of the 1990 PES DSE must differ from that of the 2000 A.C.E.. There are several possible causes. Assuming change is correctly measured, the difference between the 1990 PES carried forward and the 2000 A.C.E. must be due to either sampling or non-sampling errors in the PES or A.C.E. Further, to account for differences beyond sampling error, one must assume that the non-sampling error levels were different in the two surveys.

The A.C.E. universe differed from that of the PES. The A.C.E. excluded the noninstitutional nonmilitary group quarters, while the 1990 PES had included this group. The A.C.E. DSE implicitly attributes zero coverage error to this group. The PES DSE attempted to measure the coverage of this group. However, there is no evidence that this coverage of this group was so very far from correct as to explain much of the PES/A.C.E. error of closure.

Another explanation would be that the 1990 PES DSE had much higher levels of correlation bias overall than did the A.C.E.. It is certainly possible, even likely, that the 1990 PES underestimated the net undercount. This is the implication of any comparisons with the 1990 demographic analysis estimates and is reinforced by comparing the 1990 PES net undercount (1.65 percent) the range of uncertainty surrounding the 1990 demographic estimates (1.63 percent to 3.36 percent).

Noting that the 1990 PES most certainly was affected by correlation bias and almost certainly underestimated the net national undercount does not, however, explain the change between censuses. One possibility is that the improved publicity campaign and improved community outreach surrounding the census may indeed have persuaded people to participate in the census (both initial and A.C.E. phases) while they, or at least similarly situated people, did not participate in 1990. It must be noted that at this point, this explanation remains no more than an interesting hypothesis.

The analysis of errors in the 1990 PES indicated that except for correlation bias, the other errors tended to increase the estimated population. That is, corrections for the bias would lower the estimates. Thus, to explain the error of closure one must posit that the errors in the A.C.E. were considerably higher than those in the 1990 PES.

However, the analyses of the 2000 A.C.E. seems to indicate that the errors were better controlled and probably smaller in 2000 than they were in 1990. The one exception noted above is errors from coding an E-sample case as correct when, in fact, it was physically located outside the search area and should have been coded as erroneous. We have documented that this occurred, but not to the scale indicated by the error of closure. Since this kind of error was also present in the 1990 census, one must assume a large increase in this or some other positive error to explain the error of closure.

A fundamental assumption of the loss function analysis conducted in connection with the A.C.E. and discussed below is that the pattern of errors for the A.C.E. is similar to the pattern measured in the PES. If the error level or structure of the A.C.E. differs substantially from that of the PES, then findings from the loss function analysis are far less certain.

Comparing the Accuracy of the A.C.E. to the Accuracy of the Uncorrected Census

Conclusions for This Section

Analysis shows that if one assumes that A.C.E. processing errors are assumed at or near the level measured in 1990 and assumes that there is little or no correlation bias, then either the unadjusted census is more accurate or the two are of nearly equal accuracy. If one assumes that the A.C.E. processing errors have been greatly reduced or if moderate or substantial correlation bias is present, then the A.C.E. adjusted results are more accurate, often by a large margin. Allowing for synthetic error does not reverse these findings. However, these findings are dependent on the assumption of similar pattern of errors as was measured in 1990. If this assumption is not valid, no conclusions can be drawn.

Analysis Reports Important to This Section

- Report B–13: "Accuracy and Coverage Evaluation Survey: Comparing Accuracy" by Mary H. Mulry and Alfredo Navarro.
- Report B–14: "Accuracy and Coverage Evaluation Survey: Assessment of Synthetic Assumptions" by Donald J. Malec and Richard A. Griffin.

Discussion

Knowing the level of error in the A.C.E. is not enough because the A.C.E. decision will not be made in a vacuum; rather the A.C.E. will be compared to the unadjusted census to determine which is more accurate for redistricting purposes. Both the adjusted and the unadjusted data sets will have their own patterns of error.

As discussed at length in the June 2000 "Accuracy and Coverage Evaluation: Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000," there are several important criteria in assessing accuracy. For purposes of the ESCAP decision, the Census Bureau has evaluated both numeric and distributive accuracy. Both types of accuracy are important criteria for numbers that will be used in the redistricting process, and both types of accuracy have independent importance as tools in assessing A.C.E. and census quality. Additionally, as discussed in the above document, accuracy can be measured at different geographic levels.

Another way to measure overall accuracy is to prepare Loss Functions. Mean squared error is a form of loss function. The Census Bureau prepared Loss Function Analyses in connection with the 1990 adjustment decision and also in connection with the 1993 decision regarding use of adjusted data as a base for the intercensal estimates. These Loss Functions were able to account for estimated bias in the PES estimates. The accuracy criteria discussed above guided our design of the loss functions. We prepared loss functions to determine the comparative accuracy of the adjusted and unadjusted data sets at the state and Congressional district levels, to measure both numeric and distributive accuracy.

The 1990 studies and subsequent analyses addressed this issue through complex simulation procedures (See, P–16, as well as Mulry and Spencer [1993]). The Census Bureau concluded that adjustment of the 1990 census would have improved distributive accuracy for states and for areas with populations of more than 100,000. Later Census Bureau work revealed that in general one could not distinguish an improvement in distributive sub-state accuracy for areas with populations of less than 100,000 (Obenski and Fay, 2000).

The Loss Function Analyses that we conducted to inform the ESCAP decision should not be considered determinative for several reasons.

Although A.C.E. variances are available, complete information on A.C.E. biases is not. Accurate bias data are a vital component of any Loss Function. For the purpose of ascertaining preliminary Loss Function information to guide the ESCAP decision, therefore, the Census Bureau assumed that the bias in the A.C.E. was similar to biases in the 1990 PES. To some extent, the PES biases were modified based on an analysis of differences in the PES and the A.C.E., but the extent of this analysis was limited. Finally, one should keep in mind that more complete Loss Functions will be prepared as part of the final evaluation process, many months after the ESCAP recommendation. These more complete Loss Functions, performed after more data are available, may well reach results different from those of the preliminary Loss Functions.

Although several loss functions were computed, three are of principal importance.

The Weighted Squared Error Loss for all levels is a measure of numeric accuracy. For example, it treats a 1 percent error in estimating the population total for a state proportional

to the state's size. If state A is twice the size as state B, then a 1 percent error in estimating the size of state A is considered twice as serious.

The Weighted Squared Error Loss for shares is a measure of proportional or share accuracy. It treats a 1 percent (not percentage point) error in the share of a state proportional to that state's size. If state A is twice the size of state B, that is, state comprises 2 percent of the nation's population while state B is 1 percent, then a 1 percent error in estimating state A's share of the national population is weighted at twice the error as a 1 percent error in estimating state B's share.

Equal Congressional District Squared Error Loss is a measure of within state share accuracy closely related to state congressional redistricting. This measure only looks at shares within state. The shares are computed on the current congressional districts, and errors from the census and A.C.E. are estimated. Errors within state shares are then summed over the fifty states to produce a national index of relative accuracy.

For each measure of accuracy, we computed the relative loss. This is a measure or estimate of how the census and A.C.E. losses compare. It is computed as the Census Loss divided by the A.C.E. loss. Relative loss of less than one indicates that, for that measure and those assumptions, the census is estimated to be more accurate.

To estimate the relative accuracy for the census and the A.C.E., one must properly account for several things. First is the estimated levels of undercount in the census as measured by the A.C.E. Second is the sampling variance in the A.C.E.. Third is the level of bias present in the A.C.E. As we had no direct measures of the level of bias in the A.C.E. (Except for ratio and correlation bias), we assumed the level measured in the 1990 PES. The analysis also took into account the variance of the estimated biases in 1990. See B–13 and B–19 for a full description.

Models were run using many variations on the assumptions, which are documented in B–13. Most important to the results are the following assumptions.

- The Level of A.C.E. processing error: This includes A.C.E. matching error and E-sample coding error: One hundred percent error indicates that there was no improvement from the 1990 measured levels.
- The level of correlation bias for adult men: Zero correlation bias indicates that there is not allowance for this bias. One hundred percent indicates that the full level of correlation bias for adult men implied by the demographic analysis sex ratios. In addition, some runs were made assuming that the correlation bias for Hispanics was at the same level measured for Blacks.
- The 2000 estimated undercounts and their estimated sampling variances were used. All other A.C.E. biases were assumed at their 1990 levels, including an allowance for the variances on estimating these in 1990.

Some principal findings are summarized in Table 6:

TABLE 6.—RELATIVE LOSS BY DEGREE OF PROCESSING ERROR AND CORRELATION BIAS

Model	Degree of correlation bias (percent)	Degree of processing error (percent)	Census loss/ A.C.E. loss (St. Levels)	Census loss/ A.C.E. loss (St. Shares)	Census loss/ A.C.E. loss (CD shares)
NA	0	100	0.519	1.783	0.995
1	100	0	17.488	1.125	2.068
1	100	25	18.565	1.318	1.975
1	100	50	14.108	1.500	1.870
1	100	75	8.242	1.656	1.759
1	100	100	4.413	1.780	1.651
2	10	90	0.770	1.761	1.147
2	20	90	0.897	1.792	1.265
2	50	90	1.416	1.838	1.554
2	75	90	2.048	1.821	1.688

Model 1—correlation bias is present for males except for Non-black males age 18 to 29.

Model 2—correlation bias is present for Black males only.

States use weighted squared error loss and congressional districts use equal CD squared error loss.

The reader can see that if one assumes no reduction in processing error over 1990 as well as little or no correlation bias, the census is as accurate or more accurate than the adjusted A.C.E. for state levels, less accurate for state shares, and about as accurate for CD shares. This clearly demonstrates how sensitive the results are to the model assumptions. As noted above, an analysis of the Error of Closure between the A.C.E. and the PES indicates that the patten and level of error of A.C.E. may not necessarily follow that found in the PES.

Therefore, the results of the loss functions must be interpreted cautiously. If the assumptions of similar patterns of errors do not hold even approximately, no direct conclusion can be drawn.

To assess the impact of synthetic error (local heterogeneity in the unadjusted census results) on comparison between Census and A.C.E. relative accuracy, several models were run including both the local heterogeneity and the assumed level of bias in the A.C.E. (B–14, "Assessment of Synthetic Assumptions"). These analysis indicated gains in accuracy from adjustment even accounting for synthetic bias. However, these results are subject to the same limitations noted above.

The loss functions run for counties with populations below 100,000 indicated that the unadjusted census was more accurate regardless of the level of correlation bias assumed. This caused some concern, since this was not the case for the 1990 census adjustment. One should remember, however, that counties below 100,000 are not the same or even representative of all areas of less than 100,000. However, the analysis found that the adjustment was more accurate when considered in terms of all counties for both numeric and distributive accuracy.

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B–8, "Accuracy and Coverage Evaluation Survey: Decomposition of Dual System Components" by Thomas Mule

B–9, "Accuracy and Coverage Evaluation Survey: Dual System Estimation Results" by Peter P. Davis

B–10, "Accuracy and Coverage Evaluation Survey: Consistency of Post-Stratification Variables" by James Farber

B–11, "Accuracy and Coverage Evaluation Survey: Variance Estimates by Size of Geographic Area" by Michael D. Starsinic, Charles D. Sissel, and Mark E. Asiala

B–12, "Accuracy and Coverage Evaluation Survey: Correlation Bias" by William R. Bell

B–13, "Accuracy and Coverage Evaluation Survey: Comparing Accuracy" by Mary H. Mulry and Alfredo Navarro

B–14, "Accuracy and Coverage Evaluation 2000: Assessment of Synthetic Assumptions" by Donald J. Malec and Richard A. Griffin

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P–5a, "Analysis of Fabrications from Evaluation Follow-up Data"

P–6, "Fabrication in the P-sample—Interviewer Effect"

P–7, "Estimates of P-Sample Clerical Matching Error from a Rematching Evaluation"

P–10, "Measurement of the Census Erroneous Enumeration Clerical Error made in the Assignment of Enumeration Status."

P–11, "Balancing Error Evaluation"

P–13, "Use of Alternative Dual System Estimators to Measure Correlation Bias"

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BILLING CODE 3510–07–P

Table A-1: Census 2000 A.C.E. 64 Post-Stratum Groups by region - Percent Late Adds

Race/Hispanic Origin Domain Number*	Tenure	MSA/TEA	High Return Rate				Low Return Rate			
			NE	MW	S	W	NE	MW	S	W
Domain 7 (Non-Hispanic White or "Some other race")	Owner	Large MSA MO/MB	0.5	0.2	0.2	0.3	2.1	1.4	0.3	0.5
		Medium MSA MO/MB	0.4	0.2	0.3	0.3	1.0	0.6	0.4	0.4
		Small MSA & Non-MSA MO/MB	0.4	0.3	0.3	0.3	0.8	0.4	0.4	0.5
		All Other TEAs	1.3	1.3	1.6	1.4	1.9	1.9	2.3	2.2
	Non-Owner	Large MSA MO/MB	1.2	0.8	0.5	0.5	1.7	1.6	0.7	0.6
		Medium MSA MO/MB	1.3	0.7	0.6	0.6	1.8	0.9	0.6	0.6
		Small MSA & Non-MSA MO/MB	1.3	0.7	0.7	0.7	1.5	0.7	0.7	0.7
		All Other TEAs	3.2	2.2	2.4	2.7	3.8	2.5	2.8	3.5
Domain 4 (Non-Hispanic Black)	Owner	Large MSA MO/MB	0.8	0.6	0.3	0.3	3.2	1.7	0.4	0.3
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.0	0.4	1.3	0.7	0.8	0.7	2.3	1.4
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	0.9	1.0	0.6	0.5	1.6	1.7	0.8	0.6
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.5	0.6	1.2	0.7	1.9	0.6	1.7	1.2
		All Other TEAs								
Domain 3 (Hispanic)	Owner	Large MSA MO/MB	1.2	0.5	0.4	0.4	3.3	2.7	0.6	0.5
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.1	0.6	1.2	0.9	1.2	1.1	2.2	2.4
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	1.2	1.0	0.6	0.5	1.9	2.2	0.5	0.6
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.1	1.0	1.4	1.4	1.7	0.9	2.1	3.3
		All Other TEAs								
Domain 5 (Native Hawaiian or Pacific Islander)	Owner		1.6		0.5		0.4		0.9	
	Non-Owner		1.2		0.6		0.6		1.0	
Domain 6 (Non-Hispanic Asian)	Owner		1.8		0.5		0.4		0.5	
	Non-Owner		1.3		0.8		0.5		0.6	
American Indian or Alaska Native	Domain 1 (On Reservation)	Owner	1.6		0.8		1.5		0.9	
		Non-Owner	0.8		0.7		1.4		1.1	
	Domain 2 (Off Reservation)	Owner	1.4		0.7		1.5		0.9	
		Non-Owner	1.7		1.0		1.3		1.0	

For Census 2000, persons can self-identify with more than one race group. For post-stratification purposes, persons are included in a single Race/Hispanic Origin Domain. This classification does not change a person's actual response. Further, all official tabulations are based on actual responses to the census.

Table A-2: Census 2000 A.C.E. 64 Post-Stratum Groups by region - Percent iis

Race/Hispanic Origin Domain Number*	Tenure	MSA/TEA	High Return Rate				Low Return Rate			
			NE	MW	S	W	NE	MW	S	W
Domain 7 (Non-Hispanic White or "Some other race")	Owner	Large MSA MO/MB	0.9	0.9	1.0	1.1	2.6	2.6	1.8	1.8
		Medium MSA MO/MB	0.8	0.8	1.1	1.2	1.8	1.6	1.6	1.9
		Small MSA & Non-MSA MO/MB	0.8	0.9	0.9	1.1	1.2	1.8	1.5	1.9
		All Other TEAs	1.6	1.1	1.1	2.8	1.6	1.5	1.5	2.5
	Non-Owner	Large MSA MO/MB	2.1	2.0	2.7	1.9	4.4	5.4	3.9	3.1
		Medium MSA MO/MB	1.6	1.6	2.4	2.3	3.5	3.0	3.4	3.2
		Small MSA & Non-MSA MO/MB	1.4	1.6	2.0	1.9	2.2	3.3	2.8	2.8
		All Other TEAs	2.1	1.6	1.8	3.7	3.0	2.1	2.5	3.9
Domain 4 (Non-Hispanic Black)	Owner	Large MSA MO/MB	2.7	2.4	2.4	2.5	5.3	4.9	3.3	3.4
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.6	2.3	2.2	2.9	2.8	3.4	3.3	5.2
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	4.4	3.3	3.5	3.1	6.6	6.0	4.4	4.5
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.5	3.0	2.9	3.2	3.7	5.9	3.9	5.6
		All Other TEAs								
Domain 3 (Hispanic)	Owner	Large MSA MO/MB	2.5	2.5	2.6	4.0	5.9	5.3	4.2	5.0
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.4	2.3	4.0	3.9	3.8	3.5	4.1	4.5
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	3.6	3.2	3.2	3.8	5.4	5.7	4.0	4.3
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.5	2.8	3.7	4.1	3.9	4.0	4.9	5.4
		All Other TEAs								
Domain 5 (Native Hawaiian or Pacific Islander)	Owner		3.3		3.7		2.8		3.7	
	Non-Owner		5.1		4.3		4.3		3.6	
Domain 6 (Non-Hispanic Asian)	Owner		2.8		2.3		2.2		2.4	
	Non-Owner		3.8		3.3		3.3		3.1	
American Indian or Alaska Native	Domain 1 (On Reservation)	Owner	5.8		4.9		4.2		5.0	
		Non-Owner	6.7		4.7		3.7		4.6	
	Domain 2 (Off Reservation)	Owner	2.7		2.1		1.9		3.0	
		Non-Owner	3.6		2.7		2.7		3.2	

For Census 2000, persons can self-identify with more than one race group. For post-stratification purposes, persons are included in a single Race/Hispanic Origin Domain. This classification does not change a person's actual response. Further, all official tabulations are based on actual responses to the census.

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TABLE A–3.—CENSUS 2000 EVALUATIONS PROGRAM CATEGORY REPORT SCHEDULE

Category	Availability of Category Report
A: Response Rates & Behavior Analysis	Spring 2002.
B: Content/Data Quality	Summer 2003.
C: Data Products	Summer 2001.
D: Partnership and Marketing Programs	Winter 2001.
E: Special Populations	Winter 2001.
F: Address List Development	Fall 2002.
G: Field Recruiting & Management	Summer 2001.
H: Field Operations	Winter 2002.
I: Coverage Improvement	Winter 2002.
J: Ethnographic Studies	Spring 2003.
K: Data Capture	Fall 2002.
L: Processing Systems	Winter 2002.
M: Quality Assurance Evaluations	Spring 2003.
N: Accuracy & Coverage Evaluation Survey Operations	Fall 2002.
O: Coverage Evaluations of the Census & of A.C.E. Survey	Summer 2002.
P: A.C.E. Survey Statistical Design & Estimation	Winter 2003.
Q: Organization/Budget & MIS	Fall 2001.
R: Automation of Census Processes	Summer 2001.

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Federal Register

Thursday,
March 8, 2001

Part III

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Community Food Projects; Competitive Grants Program, Fiscal Year 2001; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Community Food Projects Competitive Grants Program, Fiscal Year 2001

AGENCY: Cooperative State Research, Education, and Extension Service (CSREES), USDA.

ACTION: Notice of request for proposals and request for input.

SUMMARY: The Federal Agriculture Improvement and Reform Act of 1996 established new authority for a program of Federal grants to: support the development of community food projects designed to meet the food needs of low-income people; increase the self-reliance of communities in providing for their own food needs; and promote comprehensive responses to local food, farm, and nutrition issues.

This RFP sets out the objectives for these projects, the eligibility criteria for projects and applicants, and the application procedures. Proposals are requested for projects designed to increase food security in a community (termed Community Food Projects).

This RFP contains the entire set of instructions needed to apply for a Fiscal Year (FY) 2001 Community Food Projects Competitive Grants Program (CFPCGP) grant.

By this notice, CSREES additionally solicits stakeholder input from any interested party regarding the FY 2001 Community Food Projects Competitive Grants Program for use in development of any future requests for proposals for this program.

DATES: Proposals must be received on or before May 18, 2001.

User comments are requested on or before September 10, 2001. Comments received after that date will be considered to the extent practicable.

ADDRESSES: The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Community Food Projects Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Center; 800 9th Street, SW.; Washington, DC 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address: Community Food Projects Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW.; Washington, DC 20250–2245.

Written user comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; USDA—CSREES; STOP 2299; 1400 Independence Avenue, SW.; Washington, DC 20250–2299; or via e-mail to: *RFP-OEP@reeusda.gov*. In your comments, please include the name of the program and the fiscal year of the RFP to which you are responding.

FOR FURTHER INFORMATION CONTACT: Dr. Mark R. Bailey, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2241, 1400 Independence Avenue, SW., Washington, DC 20250–2241; telephone: (202) 401–1898; *mbailey@reeusda.gov*, or Dr. Elizabeth Tuckermanty, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2241, 1400 Independence Avenue, SW., Washington, DC 20250–2241, telephone: (202) 205–0241; *etuckermanty@reeusda.gov*.

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Stakeholder Input

CSREES is requesting comments regarding the FY 2001 Community Food Projects Competitive Grants Program solicitation for applications from any interested party. In your comments, please include the name of the program and the fiscal year solicitation for applications to which you are responding. These comments will be considered in the development of any future RFP for the program. CSREES has determined that this program is not an agricultural research, extension, or education program for the purposes of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998, 7 U.S.C. 7613(c)(2). Therefore, CSREES is not required by statute to solicit stakeholder input regarding this RFP. CSREES, however, always welcomes constructive comments from interested parties regarding a RFP or particular program. Comments should be submitted as provided in the **ADDRESSES** and **DATES** portions of this Notice. The e-mail address in the **ADDRESSES** portion is intended only for receiving comments regarding the FY 2001 CFPCGP solicitation, and not for requesting information or forms.

Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under 10.225, Community Food Projects Competitive Grants Program.

Part I—General Information

A. Authorities

Section 25 of the Food Stamp Act of 1977, as amended by Section 401(h) of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. No. 104–127) (7 U.S.C. 2034), authorized a new program of Federal grants to support the development of community food projects.

CSREES intends to publish in the near future proposed regulations governing the administration of this program. CSREES anticipates finalizing the proposed regulations prior to the award of grants under this RFP. Awards resulting from this RFP will be subject to the final regulations.

Currently, the RFP and draft proposed regulations are consistent. Because of the nature of the rule making process, these requirements are subject to change based upon comments received. Applicants whose proposals are recommended for funding must agree to be bound by the final rule as a condition of receiving an award under this program.

B. Purpose, Scope and Fund Availability

1. Purpose and Scope

The purpose of the Community Food Projects Competitive Grants Program (CFPCGP) is to support the development of Community Food Projects with a one-time infusion of Federal dollars to make such projects self-sustaining. Community Food Projects should be designed to: (i) Meet the food needs of low-income people; (ii) increase the self-reliance of communities in

providing for their own food needs; and (iii) promote comprehensive responses to local food, farm, and nutrition issues.

Community Food Projects are intended to take a comprehensive approach to developing long-term solutions that help to ensure food security in communities by linking the food production and processing sectors to community development, economic opportunity, and environmental enhancement. Comprehensive solutions may include elements such as: (i) Improved access to high quality, affordable food among low-income households; (ii) expanded economic opportunities for community residents through local businesses or other economic development, improved employment opportunities, job training, youth apprenticeship, school-to-work transition, and the like, and (iii) support for local food systems, from urban gardening to local farms that provide high quality fresh foods, ideally with minimal adverse environmental impact. Any solution proposed must tie into community food needs.

Project goals should integrate multiple objectives into their design. Proposed projects should seek to address impacts beyond a specific goal such as increasing food produced or available for a specific group. Goals and objectives should integrate economic, social, and environmental impacts such as job training, employment opportunities, small business expansion, neighborhood revitalization, open space development, transportation assistance or other community enhancements.

Proposed projects should seek comprehensive solutions to problems across all levels of the food system, not only short-term food relief. This point is emphasized because some proposals submitted previously were primarily for expanding applicant efforts in food relief and assistance, or for connecting established or partially established programs (such as community gardens and farmers' markets), with little evidence of strategic planning and participation by stakeholders in the proposed project design. Proposals should emphasize a food system and/or food security approach and show evidence of information sharing, coalition building, and substantial community linkages.

Applicants should be aware of several USDA and Federal activities that have the potential to strengthen the impact and success of some Community Food Projects. These include food recovery and gleaning efforts; connecting low-income urban consumers with rural food producers; aiding citizens in leaving public assistance and achieving self-sufficiency; and utilizing microenterprise and/or development projects related to community food needs. Other relevant and ongoing Federal initiatives include: USDA farmers' markets; USDA's Office of Sustainable Development and Small Farms; USDA and U.S. Department of Housing and Urban Development designated Empowerment Zones and Enterprise Communities; and the AmeriCorps National Service Program.

Applicants should recognize the role played by food and nutrition assistance programs administered by USDA. Applicants may choose to discuss, in their proposals, the utilization of these programs by the community in connection with the proposed Community Food Project. These programs include: The Food Stamp Program; child nutrition programs such as the School Lunch, School Breakfast, Women, Infants, and Children (WIC) Supplemental Nutrition, Child and Adult Care Food, and Summer Food Service Programs; and commodity distribution programs.

Resources available from other Federal programs such as the Community Food and Nutrition Program (CFNP) and Job Opportunities for Low-Income Individuals (JOLI) program (administered by the Office of Community Services within the U.S. Department of Health and Human Services), may also impact Community Food Projects.

The primary objectives of the CFPCGP are to increase the food self-reliance of communities; promote comprehensive responses to local food, farm and nutrition issues; develop innovative linkages between the public, for-profit, and nonprofit food sectors; and encourage long-term planning activities and comprehensive multi-agency approaches.

Community Food Projects are intended to bring together stakeholders from the distinct parts of the food system. Solutions to hunger and access to food should reflect a process that involves partnership building among the public, private nonprofit, and for-profit sectors. Together, these parties can address issues such as: The capacity of the community to produce food and support local growers; the need for, and location of, grocery stores that market affordable, high quality food; transportation to provide access to food supplies; economic opportunities for residents to increase income, thereby increasing economic access to high quality nutritious food; community development issues; and the environment. Wherever possible, Community Food Projects should support food systems based on strategies that improve the availability of high-quality locally or regionally produced foods to low-income people. Community Food Projects should build on these local experiences andencourage innovative long-term efforts. A project should be designed to endure and outlive the one-time infusion of Federal funds. Community Food Projects should be designed to become self-supporting (or have a sustainable funding source). Projects also should have the potential to be a replicable model. Examples of previously funded Community Food Projects may be viewed on the Internet in the CFPCGP website at *http://www.reeusda.gov/crgam/cfp/community.htm*.

2. Fund Availability

The amount of funds available in FY 2001 for support of grant awards under this program is approximately $2,400,000.

Applicants should request a budget commensurate with the proposed project. However, no single grant shall exceed $100,000 in any single year or more than $250,000 over three years.

Applicants may request one, two, or three years of funding, but in all cases, the grant term may not exceed three years for any one project. A Community Food Project may be supported by only a single grant under this program.

Awards will be made based on the merit of the proposed project with budgets considered only after the merits of the project have been determined. USDA reserves the right to negotiate final budgets with successful applicants. The grantee shall perform a substantive portion of the project. No more than one-third of a Community Food Project award, as determined by budget expenditures, may be subawarded to for-profit organizations. For additional knowledge or expertise that is not available within the applicant organization, funds for expert consultation may be included in the "All Other Direct Costs" section of the proposed budget.

C. Definitions

For the purpose of awarding grants under this program, the following definitions are applicable:

Administrator means the Administrator of CSREES and any other officer or employee of the Department to whom the authority involved is delegated.

Authorized departmental officer means the Secretary or any employee of the Department who has the authority to

issue or modify grant instruments on behalf of the Secretary

Authorized organizational representative means the president, director, or chief executive officer or other designated official of the applicant organization who has the authority to commit the resources of the organization.

Budget period means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

Cash contributions means the applicant's cash outlay, including the outlay of money contributed to the applicant by non-Federal third parties.

Community Food Project is a community-based project that requires a one-time infusion of Federal assistance to become self-sustaining and is designed to increase food security in a community by: (i) Meeting the food needs of low-income people; (ii) increasing the self-reliance of communities in providing for their own food needs; and (iii) promoting comprehensive responses to local food, farm, and nutrition issues.

Department or *USDA* means the United States Department of Agriculture.

Expert reviewers means individuals selected from among those recognized as uniquely qualified by training and experience in their respective fields to give expert advice on the merit of grant applications in such fields who evaluate eligible proposals submitted to this program in their respective area(s) of expertise.

Grant means the award by the Secretary of funds to an eligible entity to assist in meeting the costs of conducting, for the benefit of the public, an identified Community Food Project.

Grantee means the organization designated in the grant award document as the responsible legal entity to which a grant is awarded.

Matching means that portion of project costs not borne by the Federal Government, including the value of in-kind contributions.

Prior approval means written approval evidencing prior consent by an authorized departmental officer.

Private non-profit entity means any nongovernmental corporation, trust, association, cooperative or other organization which: (i) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (ii) is not organized primarily for profit; and (iii) uses its net proceeds to maintain, improve, and/or expand its operations.

Project means the particular activity within the scope of the program supported by a grant award.

Project director (PD) means the single individual designated by the grantee in the grant application and approved by the Secretary who is responsible for the direction and management of the project.

Project period means the period, as stated in the award document, during which Federal sponsorship begins and ends.

Secretary means the Secretary of Agriculture and any other officer or employee of the Department of Agriculture to whom the authority involved is delegated.

Third party in-kind contributions means non-cash contributions of property or services including real property, equipment, supplies and other expendable property, provided by non-Federal third parties and directly benefitting and specifically identifiable to the project.

D. Eligibility

Private, nonprofit entities meeting the following three requirements are eligible to receive a Community Food Project grant:

a. Have experience in the area of:

i. Community food work, particularly concerning small and medium-size farms, including the provision of food to people in low-income communities and the development of new markets in low-income communities for agricultural producers; or

ii. Job training and business development activities for food-related activities in low-income communities;

b. Demonstrate competency to implement a project, provide fiscal accountability, collect data, and prepare reports and other necessary documentation; and

c. Demonstrate a willingness to share information with researchers, practitioners, and other interested parties.

2. Partners and Collaborators

Applicants are encouraged to seek and create partnerships with public or private, nonprofit or for-profit entities, including links with academic and/or other appropriate professionals, community-based organizations, and local government entities. Only the applicant must meet the eligibility requirements. Project partners and collaborators need not meet the eligibility requirements.

E. Matching Requirements

Successful Community Food Project applicants must provide matching funds amounting to at least 50 percent of the total cost of the project during the term of the grant award. The Federal share of Community Food Project costs can be no more than 50 percent of the total.

Community Food Project grantees may provide matching funds through cash and/or in-kind contributions, including third-party in-kind contributions, fairly evaluated, including facilities. The non-Federal share of the funding may come from State government, local government, other non-profit entities, or private sources. Examples of qualifying matching contributions may include direct costs such as: rent for office space used exclusively for the funded project; duplication or postage costs; and staff time from an entity other than the applicant for job training or nutrition education.

Part II—Preparation of a Proposal

A. Program Application Materials

Program application materials are available at the CFPCGP website (*http://www.reeusda.gov/crgam/cfp/community.htm*). Program application materials also are available from the Proposal Services Unit, Office of Extramural Programs, USDA/CSREES at (202) 401–5048. These materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail) and phone number to psb@reeusda.gov. If calling or sending e-mail, please indicate that you want a copy of the application materials for the Fiscal Year 2001 Community Food Projects Competitive Grants Program.

B. Content of Proposals

1. General

The proposal should follow these guidelines, enabling reviewers to more easily evaluate the merits of each proposal in a systematic, consistent fashion:

(a) The proposal should be prepared on only one side of the page using standard size (8½" x 11") white paper, one inch margins, typed or word processed using no type smaller than 12 point font, and single or double spaced. Use an easily readable font face (e.g., Geneva, Helvetica, Times Roman).

(b) Each page of the proposal, beginning after the Project Summary, and including the budget pages, required forms, and any appendices, should be numbered sequentially in the top right hand corner.

(c) The proposal should be stapled in the upper left-hand corner. Do not bind. An original and 8 copies (9 total) must be submitted in one package.

2. Cover Page

Each copy of each grant proposal must have as its cover page an "Application for Funding," Form CSREES–661. One copy of the application, preferably the original, must contain the pen-and-ink signature(s) of the proposing project director(s) (PD) and the authorized organizational representative who possesses the necessary authority to commit the organization's time and other relevant resources to the project. Any proposed PD or co-PD whose signature does not appear on Form CSREES–661 will not be listed on any resulting grant award. Complete both signature blocks located at the bottom of the "Application for Funding" form.

Form CSREES–661 serves as a source document for the CSREES grant database; it is therefore important that it be completed accurately. The following items are highlighted as having a high potential for errors or misinterpretations:

(a) Title of Proposed Project (Block 6). The title of the proposed project must be brief (80-character maximum), yet represent the major thrust of the effort being proposed.

(b) Blocks 7., 13., 18., 19., 20., and 21. have been completed for you.

(c) In Block 8., enter "Community Food Project."

(d) Principal Investigator(s)/Project Director(s) (PI/PD) (Block 15). Note that providing a Social Security Number is voluntary, but is an integral part of the CSREES information system and will assist in the processing of the proposal.

(e) Other Funding Agencies (Block 22). List the names or acronyms of all other public or private funding agencies, including other agencies within USDA, and other programs funded by CSREES to whom your application has been or might be sent. In the event you decide to send your application to another organization or agency at a later date, you must inform the identified CSREES Program Director as soon as practicable. Submitting your proposal to other potential funding agencies will not prejudice its review by CSREES; however, duplicate support for the same project will not be provided.

3. Table of Contents

For consistency and ease in locating information, each proposal must contain a detailed Table of Contents just after the cover page. The Table of Contents should contain page numbers for each component of the proposal.

4. Project Summary

The Project Summary must be 250 words or less, on a separate page which should be placed immediately after the Table of Contents and should not be numbered. The names and organizations of all PDs and co-PDs should be listed on this form, in addition to the title of the project. The summary should be a self-contained, specific description of the activity to be undertaken and should focus on overall project goal(s) and supporting objectives, and plans to accomplish the project goal(s). The importance of a concise, informative Project Summary cannot be overemphasized.

5. Prior CFPCGP Funding

If an applicant has previously received CFPCGP support, information on the results from prior funding must be included. For each award received, list the CFPCGP award number, the title of the project, the amount and period of support, a brief summary of the results completed, and the actual and anticipated long-term effects of these results. This information should be provided on a separate page, immediately following the project summary.

6. Project Narrative

For Community Food Project Proposals, the Project Narrative shall not exceed 10 single- or double-spaced pages of written text. To ensure fair and equitable competition, reviewers are instructed to read only the first 10 pages of a project narrative and may ignore information on additional pages. The Project Narrative must repeat and respond to the eight points in (a) through (h) below:

a. *The Community To Be Served and the Needs To Be Addressed.* Identify and succinctly describe the critical elements and needs of the local food economy or food system, including demographics, income, and geographic characteristics of the area to be served.

b. *The Organizations Involved in the Project.* List the organizations to be involved in carrying out the proposed project and the segments of the local food economy or system they link.

Include a description of the relevant experience of each organization, including the applicant organization, that will be involved, and any project history. Proposals should demonstrate extensive community linkages and coalitions. Letters from the organizations involved acknowledging their support and contributions must be provided in an appendix to the proposal. Letters specifying the type and amount of support, where appropriate, are strongly encouraged to provide evidence of community involvement.

c. *Project Goals and Purposes.* List the goals and/or purposes of the project and a justification for the goals in terms of the identified need(s).

d. *Activities to Achieve the Goals.* Discuss how the goals will be achieved. Provide a systematic description of the approach by which the goals will be accomplished.

e. *Timeline.* Identify the major milestones that will indicate progress toward achieving the project goals. Provide a timeline or systematic description of the approach for accomplishing major project objectives.

f. *Relationship to Program Objectives.* Discuss how the project will make progress toward addressing the three major objectives of the CFPCGP. Each Community Food Project, by definition, must be designed to: (i) meet the food needs of low-income people; (ii) increase the self-reliance of communities in providing for their own food needs; and (iii) promote comprehensive responses to local food, farm and nutrition issues.

In addressing the objectives, applicants may want to describe how the project fosters: innovative linkages and coalitions between two or more sectors of the food system; entrepreneurial, job training, and microenterprise opportunities; and short-term and long-term planning to promote community food security through multiple activities conducted in collaboration with other entities.

g. *Evaluation.* Community Food Project proposals should contain a strong evaluation component. Innovative evaluation strategies are especially encouraged. Evaluations should focus on the measurement of success in meeting the three objectives of the CFPCGP.

Through CFPCGP project operations and an evaluation of them, USDA also hopes to learn more about what happens to make such projects succeed, partially succeed, or fail. Therefore, proposals are encouraged that include both process evaluations (developing and monitoring indicators of progress towards the objectives) and outcome evaluations (to determine whether the objectives were met). Applicants should seek the help of experts in evaluation design and implementation, as appropriate.

h. *Self-Sustainability.* Describe how a one-time infusion of Federal funds will be sufficient for the proposed Community Food Project to advance local capacity-building and achieve sustainability. Entrepreneurial projects should provide evidence (e.g., a market analysis or the outline of a business plan) to demonstrate that it is likely to

become self-sustaining and provide employees with important job skills.

7. Key Personnel

Identify the key personnel to be involved in the project, including the project director, if known, and describe their relevant experience. In the Appendix, include resumes or vitae that provide adequate information for reviewers to make an informed judgment as to the capabilities and experience of the key personnel. For new positions in the project or for positions that are currently unfilled, a job description should be provided. An applicant should include an organizational chart, if available, detailing where the project fits in the overall organization.

8. Collaborative and/or Subcontractual Arrangements

If it will be necessary to enter into formal consulting or collaborative arrangements with others, such arrangements should be fully explained and justified. Evidence, in the form of a letter, signed and dated, from the collaborator/subcontractor that details the services that will be provided, and a budget and a budget narrative, should be provided as an appendix to the grant application. If the need for consultant services is anticipated, the proposal narrative should provide a justification for the use of such services, a statement of work to be performed, the rate of pay, and a resume or curriculum vita for each consultant. For purposes of proposal development, informal day-to-day contacts between key project personnel and outside experts are not considered to be collaborative arrangements and thus do not need to be detailed.

All anticipated subcontractual arrangements also should be explained and justified in this section. A proposed statement of work and a budget and budget narrative for each arrangement involving the transfer of substantive programmatic work or the providing of financial assistance to a third party must be provided.

If you expect to enter into subcontractual arrangements, please note that the provisions contained in 7 CFR part 3019, USDA Uniform Administrative Requirements for Grant and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and the general provisions contained in 7 CFR part 3015.205, USDA Uniform Federal Assistance Regulations, flow down to subrecipients. In addition, required clauses from Sections 40–48 ("Procurement Standards") and Appendix A ("Contract Provisions") to 7 CFR part 3019 should be included in final contractual documents, and it is necessary for the subawardee to make a certification relating to debarment/suspension.

9. Budget

a. *Budget Form*—Prepare the Community Food Projects Competitive Grants Program budget form in accordance with instructions provided. A separate budget form is required for each year of requested support. In addition, a cumulative budget and budget narrative (see section b. below) is required detailing the total support requested for the overall project period. The budget form may be reproduced as needed by applicants. Funds may be requested under any of the categories listed on the form, provided that the item or service for which support is requested is allowable under the authorizing legislation, the applicable Federal cost principles, and these program guidelines, and can be justified as necessary for the successful conduct of the proposed project.

The following guidelines should be used in developing your proposal budget(s):

1. *Salaries and Wages.* Salaries and wages are allowable charges and may be requested for personnel who will be working on the project in proportion to the time such personnel will devote to the project. If salary funds are requested, the number of Senior and Other Personnel and the number of CSREES-Funded Work Months must be shown in the spaces provided. Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for time in addition to a regular full-time salary covering the same general period of employment. Salary funds requested must be consistent with the normal policies of the institution.

2. *Fringe Benefits.* Funds may be requested for fringe benefit costs if the usual accounting practices of your organization provide that organizational contributions to employee benefits (social security, retirement, etc.) be treated as direct costs. Fringe benefit costs may be included only for those personnel whose salaries are charged as a direct cost to the project.

3. *Nonexpendable Equipment.* Nonexpendable equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 (or lower, depending on institutional policy) or more per unit. As such, items of necessary instrumentation or other nonexpendable equipment should be listed individually by description and estimated cost in the Budget Narrative. This applies to revised budgets as well, as the equipment item(s) and amount(s) may change.

4. *Materials and Supplies.* The types of expendable materials and supplies which are required to carry out the project should be indicated in general terms with estimated costs in the Budget Narrative. Please do not use words such as "miscellaneous items."

5. *Travel.* The type and extent of travel and its relationship to project objectives should be described briefly and justified. Airfare allowances normally will not exceed round-trip jet economy air accommodations. U.S. flag carriers must be used when available. See 7 CFR part 3015.205(b)(4) for further guidance.

6. *All Other Direct Costs.* Anticipated direct project charges not included in other budget categories must be itemized with estimated costs and justified in the Budget Narrative. This also applies to revised budgets, as the item(s) and dollar amount(s) may change. Examples may include space rental at remote locations, subcontractual costs, postage and printing costs, and charges for consulting services, telephone, facsimile, shipping costs, and fees necessary for laboratory analyses. You are encouraged to consult the "Instructions for Completing the Community Food Projects Competitive Grants Program Budget" for additional guidance relating to this budget category. Form AD–1048 must be completed by each subcontractor or consultant and retained by the grantee.

7. *Indirect Costs.* If available, the current rate negotiated with the cognizant Federal negotiating agency should be used. Indirect costs may not exceed the negotiated rate. If a negotiated rate is used, the percentage and base should be indicated in the space allotted under item K. on the Budget Form. If no rate has been negotiated, a reasonable dollar amount for indirect costs may be requested, which will be subject to approval by USDA. In the latter case, if a proposal is recommended for funding, an indirect cost rate proposal must be submitted prior to award to support the amount of indirect costs requested. CSREES will request an indirect cost rate proposal and provide instructions, as necessary. A proposer may elect not to charge indirect costs and, instead, use all grant funds for direct costs. If indirect costs are not charged, the phrase "None requested" should be written in this space.

b. *Budget Narrative.* All budget categories, with the exception of Indirect Costs for which funding is requested, must be individually listed (with costs) and justified on a separate sheet of paper and placed immediately behind the cumulative Budget Form.

c. *Matching Funds.* As stated in part I.E., matching funds are mandatory for Community Food Projects. All the applicants matching support should be shown on the original budget in the appropriate categories (salary, material and supplies, equipment, etc.) A budget narrative for these items should also be included. Proposals should include written verification of commitments of matching support (including both cash and in-kind contributions) from third parties. Written verification means:

(i) For any third party cash contributions, a separate pledge agreement for each donation, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (1) The name, address, and telephone number of the donor; (2) the name of the applicant organization; (3) the title of the project for which the donation is made; (4) the dollar amount of the cash donation; (5) a statement that the donor will pay the cash contribution during the grant period; and (6) whether the applicant can designate cash as the applicant deems necessary or the cash contribution has been designated to a particular budget item; and

(ii) For any third party in-kind contributions, a separate pledge agreement for each contribution, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (1) The name, address, and telephone number of the donor; (2) the name of the applicant organization; (3) the title of the project for which the donation is made; (4) a good faith estimate of the current fair market value of the third party in-kind contribution; and (5) a statement that the donor will make the contribution during the grant period.

The sources and amounts of all matching support from outside the applicant institution should be summarized on a separate page and placed in the proposal immediately following the Budget Narrative. All pledge agreements must be placed in the proposal immediately following the summary of matching support.

The value of applicant contributions to the project shall be established in accordance with applicable cost principles. Applicants should refer to the following for further guidance and other requirements relating to matching and allowable costs: 7 CFR part 3019, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations; OMB Circular A–21, Cost Principles for Educational Institutions; OMB Circular A–122, Cost Principles for Non-Profit Organizations; Federal Acquisition Regulations (48 CFR subpart 31.2, Principles for determining costs with profitmaking firms and those nonprofit organizations that are specifically excluded from the provisions of OMB Circular No. A–122); and 7 CFR part 3015, the USDA Uniform Federal Assistance Regulations.

10. Current and Pending Support

All proposals must contain Form CSREES–663 listing other current publicly or privately supported (including in-house) projects to which key personnel identified in the proposal have committed portions of their time, whether or not salary support for person(s) involved is included in the budget for this proposed project. Analogous information must be provided for any pending proposals including, Community Food Projects, that are being considered by, or that will be submitted in the near future to other possible sponsors, including other USDA Programs or agencies. Concurrent submission of identical or similar proposals to other possible sponsors will not prejudice proposal review or evaluation by CSREES for this purpose. However, a proposal that duplicates or overlaps substantially with a proposal already reviewed and funded (or to be funded) by another organization or agency will not be funded under this program. Note that the project being proposed should be included in the pending section of the form.

11. Certifications

By signing Form CSREES–661 the applicant is providing the certifications required by 7 CFR part 3017, regarding Debarment and Suspension and Drug Free Workplace, and 7 CFR part 3018, regarding Lobbying. The certification forms are included in the application package for informational purposes only. These forms should not be submitted with the proposal since by signing form CSREES–661 your organization is providing the required certifications. If the project will involve a subcontractor or consultant, the subcontractor/consultant should submit a form AD–1048 to the grantee organization for retention in their records. This form should not be submitted to USDA.

12. Compliance With the National Environmental Policy Act (NEPA) Form CSREES–1234

As outlined in 7 CFR part 3407 (CSREES supplemental regulations implementing NEPA), the environmental data for any proposed project is to be provided to CSREES so that CSREES may determine whether any further action is needed. In most cases, however, the preparation of environmental data may not be required. Certain categories of actions are excluded from the requirements of NEPA.

In order for CSREES to determine whether any further action is needed with respect to NEPA, pertinent information regarding the possible environmental impacts of a particular project is necessary; therefore, Form CSREES–1234, "NEPA Exclusions Form," must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion, the specific exclusion, and the reasons therefore. Form CSREES–1234 and supporting documentation should be included as the last component of the proposal.

Even though a project may fall within the categorical exclusions, CSREES may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for an activity. This will be the case in rare instances when substantial controversy on environmental grounds exists or other extraordinary conditions or circumstances are present which may cause such activity to have a significant environmental effect.

C. Submission of Proposals

1. When To Submit (Deadline Date)

Proposals must be received on or before May 18, 2001. Proposals received after this date will not be considered for funding.

2. What To Submit

An original and eight copies must be submitted. All copies of the proposal must be submitted in one package.

3. Where To Submit

Applicants are strongly encouraged to submit completed proposals via overnight mail or delivery service to ensure timely receipt by the USDA. The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Community Food Projects Competitive

Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Centre; 800 9th Street, S.W.; Washington, DC 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address: Community Food Projects Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW., Washington, DC 20250–2245.

D. Acknowledgment of Proposals

The receipt of proposals will be acknowledged by e-mail. Therefore, applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES–661. If the applicant's e-mail address is not indicated, CSREES will acknowledge receipt of the proposal by letter.

Once the proposal has been assigned an identification number, please cite that number on all future correspondence. If the applicant does not receive an acknowledgment within 60 days of the submission deadline, please contact the Program Director.

Part III—Review Process

A. General

Each proposal will be evaluated in a two-part process. First, each proposal will be screened to ensure it meets the basic eligibility requirements as set forth in this RFP. Proposals not meeting the eligibility requirements will be returned without review. Second, each proposal that meets the eligibility requirements will be evaluated and judged on its merits by expert reviewers.

Since the award process must be completed by September 30, 2001, applicants should submit fully developed proposals that meet all the requirements set forth in this RFP and have fully developed budgets as well. However, USDA does retain the right to conduct discussions with applicants to resolve technical and/or budget issues as it deems necessary.

A number of expert reviewers will conduct the merit review based on the evaluation criteria. These reviewers will be drawn from a number of areas, among them government, universities, non-profit organizations, and other pertinent entities involved in community food security or similar activities. The views of the individual reviewers will be used by CSREES to determine which proposals will be recommended to the Administrator for funding. Evaluated proposals will be ranked based on merit. Final approval for those proposals recommended for an award will be made by the Administrator.

There is no commitment by USDA to fund any particular proposal or to make a specific number of awards. Care will be taken to avoid actual, potential, and the appearance of conflicts of interest among reviewers. Evaluations will be confidential to USDA staff members, expert reviewers, and the project director(s), to the extent permitted by law.

B. Evaluation Factors

The evaluation of Community Food Project proposals by expert reviewers will be based on the following criteria, weighted relative to each other, and assigned a point value, as noted in the parentheses following each criteria discussion.

1. How well the proposed project addresses the three statutory CFPCGP objectives of: (i) meeting the food needs of low-income people; (ii) increasing the self-reliance of communities in providing for their own food needs; and (iii) promoting comprehensive responses to local food, farm, and nutrition issues (20 points);

2. How significant are the food security issues that will be addressed by the proposed project, and is there an informative description of the community, its characteristic, assets, and needs (15 points);

3. The appropriateness of the goals and purposes of the project and how these goals will be achieved. Proposed project activities should be designed to address one or more of the following goals, which will be given equal weight: (i) Developing linkages between two or more sectors of the food system; (ii) supporting the development of entrepreneurial activities; (iii) developing innovative linkages between the for-profit and nonprofit food sectors; and (iv) encouraging long-term planning activities and multi-system, interagency approaches (20 points);

4. The relevance of the experience of the organizations that are involved in the proposed project, including the applicant entity, and the type and extent of support that other organizations will be providing. Applicant organizations should demonstrate a history of commitment to and direct involvement in food security projects in low-income communities or in communities with low-income groups. The qualifications of staff involved with the proposed project and/or organizational leadership should reflect the expertise necessary to carry out the proposed activities or similar types of activities. Experience in and connections with the community will be considered as important as academic or professional credentials in this regard (15 points);

5. The viability of plans for realistically achieving self-sufficiency with a one-time infusion of Federal funds. Entrepreneurial projects should provide evidence (*e.g.*, a market analysis or the outline of a business plan) to demonstrate that it is likely to become self-sustaining. Other projects should identify actual or potential funding sources for continuation of the project after Federal funding has ended (15 points);

6. The strength of the proposed project's evaluation component and how it will contribute to the evaluation of the CFPCGP on a national basis (10 points); and

7. The time line for accomplishing project goals and objectives is realistic and achievable (5 points).

C. Conflicts-of-Interest and Confidentiality

During the evaluation process, extreme care will be taken to prevent any actual or perceived conflicts-of-interest that may impact review or evaluation. For the purpose of determining conflict-of-interest the academic and administrative autonomy of an institution shall be determined by reference to the January 1998 issue of the Codebook for Compatible Statistical Reporting of Federal Support to Universities, Colleges, and Nonprofit Institutions, prepared by Quantum Research Corporation for the National Science Foundation.

Names of submitting institutions and individuals, as well as proposal content and evaluations, will be kept confidential, except to those involved in the review process, to the extent allowed by law. In addition, the identities of expert reviewers will remain confidential throughout the entire review process. Therefore, the names of reviewers will not be released to applicants.

Part IV—Additional Information

A. Access to Review Information

Copies of summary reviews, not including the identity of reviewers, will be sent to the applicant PD after the review process has been completed.

B. Grant Awards

(1) General

Within the limit of funds available for such purpose, the awarding official of CSREES shall make grants to those responsible, eligible applicants whose proposals are judged most meritorious under the procedures set forth in this RFP. The date specified by the Administrator as the effective date of the grant shall be no later than September 30. It should be noted that the project need not be initiated on the grant effective date, but as soon thereafter as practical so that project goals may be attained within the funded project period. All funds granted by CSREES under this RFP shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations (parts 3015, 3016, and 3019 of 7 CFR).

(2) Organizational Management Information

Specific management information relating to an applicant shall be submitted on a one-time basis as part of the responsibility determination prior to the award of a grant identified under this RFP, if such information has not been provided previously under this or another CSREES program. CSREES will provide copies of forms recommended for use in fulfilling these requirements as part of the preaward process.

(3) Grant Award Document and Notice of Grant Award

The grant award document shall include at a minimum the following:

(a) Legal name and address of performing organization or institution to whom the Administrator has awarded the grant;

(b) Title of project;

(c) Name(s) and address(es) of project director(s) chosen to direct and control approved activities;

(d) Identifying grant number assigned by the Department;

(e) Project period, specifying the amount of time the Department intends to support the project;

(f) Total amount of Departmental financial assistance approved by the Administrator during the project period;

(g) Legal authority(ies) under which the grant is awarded;

(h) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award; and

(i) Other information or provisions deemed necessary by CSREES to carry out its respective granting activities or to accomplish the purpose of a particular grant.

The notice of grant award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the grantee that is not included in the grant award document. All grants awarded under this program will be awarded using a funding mechanism whereby CSREES agrees to support a specified level of effort for a predetermined time period without additional support at a future date.

C. Use of Funds; Changes

(1) Delegation of Fiscal Responsibility

Unless the terms and conditions of the grant state otherwise, the grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

(2) Changes in Project Plans

(a) The permissible changes by the grantee, PD(s), or other key project personnel in the approved project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee or the PD(s) is uncertain as to whether a change complies with this provision, the question must be referred to the CSREES Authorized Departmental Officer (ADO) for a final determination.

(b) Changes in approved goals or objectives shall be requested by the grantee and approved in writing by the CSREES ADO prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

(c) Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the awarding official of CSREES prior to effecting such changes.

(d) Transfers of actual performance of the substantive programmatic work in whole or in part and provisions for payment of funds, whether or not Federal funds are involved, shall be requested by the grantee and approved in writing by the ADO prior to effecting such transfers, unless prescribed otherwise in the terms and conditions of the grant.

(e) Changes in Project Period: The project period may be extended by CSREES without additional financial support, for such additional period(s) as the ADO determines may be necessary to complete or fulfill the purposes of an approved project. Any extension of time shall be conditioned upon prior request by the grantee and approval in writing by the ADO, unless prescribed otherwise in the terms and conditions of a grant, but in no case shall a grant period of performance exceed three (3) years.

(f) Changes in Approved Budget: Changes in an approved budget must be requested by the grantee and approved in writing by the ADO prior to instituting such changes if the revision will involve transfers or expenditures of amounts requiring prior approval as set forth in the applicable Federal cost principles, Departmental regulations, or in the grant award.

D. Applicable Federal Statutes and Regulations

Several other Federal statutes and regulations apply to grant proposals considered for review and to grants awarded under this program. These include but are not limited to:

7 CFR part 1.1—USDA implementation of the Freedom of Information Act.

7 CFR part 3—USDA implementation of OMB Circular No. A–129 regarding debt collection.

7 CFR part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives, (*e.g.*, Circulars Nos. A–21 and A–122) and incorporating provisions of 31 U.S.C. 6301–6308, as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR part 3016—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7 CFR part 3017—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

7 CFR part 3018—USDA implementation of Restrictions on Lobbying. Imposes on recipients of Federal contracts, grants, cooperative agreements, and loans prohibitions and requirements for disclosure and certification related to lobbying.

7 CFR part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR part 3052—USDA implementation of OMB Circular No. A–133, Audits of States, Local Governments, and Non-profit Organizations.

7 CFR part 3407—CSREES supplemental regulations for implementation of the National Environmental Policy Act of 1969, as amended.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR Part 15d (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200, *et seq.*, Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR part 401).

E. Confidential Aspects of Proposals and Awards

(1) When a proposal results in a grant, it becomes a part of the record of the Agency's transactions, available to the public upon specific request. Information that the Secretary determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as confidential, privileged, or proprietary should be clearly marked within the proposal.

(2) When a proposal does not result in a grant the original copy will be retained by the CSREES for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to the final action thereon.

F. Regulatory Information

For the reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372 which requires intergovernmental consultation with State and local officials. Under the provisions of the Paperwork Reduction Act of 1995 as amended (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, DC, this 1st day of March, 2001.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 01–5592 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–22–P



Federal Register

Thursday,
March 8, 2001

Part IV

Department of Labor

Office of the Secretary

Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Disability Employment Policy; Notice

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 1–2001]

Departmental Policy to Ensure that Agency Policies and Activities Fully Address the Needs and Concerns of People With Disabilities; Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Disability Employment Policy

1. Purpose

To delegate authority and assign responsibility to the Assistant Secretary for Disability Employment Policy and to affirm that all components of the Department of Labor (DOL) have the responsibility to work cooperatively to ensure that their missions fully address the needs and concerns of people with disabilities.

2. Authority

This Order is issued pursuant to Section 1(a)(1) of the Consolidated Appropriations Act, 2001 (Pub. L. 106–554) (enacting H.R. 5656, see Title I, "Departmental Management"); 29 U.S.C. §§ 551 *et seq.*; 5 U.S.C. 301; and Executive Order 13187, "The President's Disability Employment Partnership Board" (PDEPB) (January 10, 2001).

3. Background

The Office of Disability Employment Policy (ODEP) has responsibility, under its enabling legislation (Pub. L. 106–554), for providing leadership, developing policy and initiatives, and awarding grants furthering the objective of eliminating barriers to the training and employment of people with disabilities.

Under Executive Order 13187 (EO 13187), the PDEPB's general functions include providing advice and information to the Secretary of Labor about "facilitating the employment of people with disabilities," and assisting "in other activities that promote the formation of public-private partnerships, the use of economic incentives, the provision of technical assistance regarding entrepreneurship, and other actions that may enhance employment opportunities for people with disabilities." In implementing these general functions, the PDEPB is charged with providing reports to and coordinating with the ODEP. DOL, under EO 13187, is responsible for providing funding and appropriate support for the PDEPB; performing the functions of the President under the Federal Advisory Committee Act, as amended (except that of reporting to the Congress), that are applicable to the PDEPB; and, to the extent permitted by law, providing the PDEPB with such information as it may need for purposes of carrying out its functions.

4. Policy

It is the policy of the DOL that all of its activities and programs promote the welfare of all workers and that the needs of young people and adults with disabilities in the labor force are properly addressed in the development and implementation of DOL policy, programs, research, evaluation, and materials. Therefore, DOL activities and programs that relate to or that may affect the participation of people with disabilities in the Nation's work force or in the economic or social development of the Nation shall be coordinated with the ODEP.

5. Delegation of Authority and Assignment of Responsibility

a. *The Assistant Secretary for Disability Employment Policy* is delegated authority and assigned responsibility for:

(1) Advising and assisting the Secretary of Labor in the development of DOL policies and programs that promote the training and employment of people with disabilities;

(2) Ensuring coordination among DOL agencies on matters or programs related to or affecting people with disabilities;

(3) Keeping the Secretary fully informed concerning the results of DOL's efforts and the status of workers with disabilities by preparing timely reports on critical issues;

(4) In accordance with the policies and procedures established by the Assistant Secretary for Administration and Management (see Secretary's Order 4–76), awarding grants furthering the objective of eliminating barriers to the training and employment of people with disabilities; and

(5) Acting as liaison between DOL and the PDEPB, including the performance of the responsibilities assigned to DOL under EO 13187 which involve the President's functions under the Federal Advisory Committee Act.

b. *The Assistant Secretary for Administration and Management* is responsible for providing or assuring that appropriate administrative and management support is furnished, as required, for the efficient and effective operation of the ODEP and PDEPB.

c. *The Solicitor of Labor* is delegated authority and assigned responsibility for providing legal advice and counsel to the Department and agencies on all matters arising in the administration of this Order.

d. *DOL Agency Heads* are responsible for coordinating with the ODEP on policies and programs which affect or may affect people with disabilities. This coordination shall include (but is not limited to):

(1) Reviewing current practices which affect the training and employment of people with disabilities and their participation in the economic and social development of the Nation and developing appropriate policies and programs to improve/enhance the impact of their agency's activities on people with disabilities in the labor force;

(2) Consulting with the ODEP in the development of policy materials (for example, regulations, standards, and other material for publication in the **Federal Register**, proposed legislation), Congressional testimony, statistical surveys, publications, and similar items;

(3) Consulting with the ODEP during the development of agency strategic plans to assure that the needs of people with disabilities in the labor force are addressed and that efforts are coordinated with the ODEP;

(4) Providing the ODEP with up-to-date information concerning developments relating to policies, plans, projects, studies, evaluations, proposals, and programs and copies of agency publications;

(5) Utilizing the expertise of the ODEP in the development and implementation of task forces, meetings, conferences, seminars, training sessions, and similar activities;

(6) Briefing their staff on a regular basis (at least annually) on their agency's commitment to address the needs of people with disabilities in the labor force and the status of workers with disabilities; and

(7) Inviting ODEP participation in agency programmatic training and involving agency staff in ODEP training.

6. Reservation of Authority and Responsibility

(a) The submission of reports and recommendations to the President and the Congress concerning the administration of statutory or administrative provisions is reserved to the Secretary.

(b) This Secretary's Order does not affect the authorities or responsibilities of the Office of Inspector General under the Inspector General Act of 1978, as amended, or under Secretary's Order 2–90 (January 31, 1990).

(c) This Order does not affect the authorities and responsibilities assigned by any other secretary's order, such as the following: 4–76; 9–78; 2–82; 6–82; 7–83; 8–83; 3–96; 5–96; and 4–2000.

7. Effective Date

This Order is effective immediately.

Dated: January 18 2001.

Alexis M. Herman,

Secretary of Labor.

[FR Doc. 01–5739 Filed 3–7–01; 8:45 am]

BILLING CODE 4510–23–P

Federal Register

Thursday,
March 8, 2001

Part V

Department of Labor

Office of the Secretary

Order of Succession to the Secretary of Labor and Continuity of Executive Direction; Notice

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 2–2001]

Order of Succession to the Secretary of Labor and Continuity of Executive Direction

1. Purpose

To provide for succession to act as Secretary of Labor in case of death or resignation of the Secretary, or if the Secretary is otherwise unable to perform the functions and duties of the office, including in case of absence or sickness; to provide lines of succession for executive continuity within the Department and its Agencies during vacancies arising in a period of national emergency or in the course of business; and to identify the first assistant to officers of the Department whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate.

2. Authority and Directives Affected

This Order is issued pursuant to the Federal Vacancies Reform Act of 1998 (the FVRA) (codified generally at 5 U.S.C. 3345, *et seq.*); the Act of March 4, 1913, as amended; the Act of April 17, 1946; Reorganization Plan No. 6 of 1950; Reorganization Plan No. 1 of 1958; Reorganization Plan No. 1 of 1973; Federal Civil Defense Act of 1950; Disaster Relief Act of 1974; Executive Order 12656; Executive Order 12148, as amended; and Executive Order 10513, to the extent it is not overridden by the FVRA.

Secretary's Order 5–93 is canceled. All agency delegations in conflict with this Order and its Attachment are hereby superseded.

3. Background

Prior to the enactment of the FVRA, the order of succession of officers to act as Secretary of Labor in periods of vacancy was determined, in part, by reference to an order of the Secretary. This line of succession worked effectively for decades. Secretary's Order 5–93 (October 13, 1993), the latest Secretary's Order issued under Executive Order 10513, established the following order of succession: the Deputy Secretary; the Solicitor of Labor; the Assistant Secretary for Administration and Management; then, the other Assistant Secretaries appointed by the President in the order of the respective dates of their commissions [in the event that two or more of their commissions bear the same date, succession will follow the order in which they have taken their oaths of office]; the Commissioner of Labor Statistics; the Director of the Women's Bureau; and the Deputy Under Secretary for International Affairs. However, the FVRA has established a new framework for identifying the order of succession to the position of Secretary of Labor, as well as other positions within the Department.

4. Order of Succession

In case of absence, sickness, resignation, or death and during periods of national emergency declared by the President, the functions and duties of the officers of the Department of Labor and their respective responsibilities for operational management will be performed in an acting capacity by the incumbents of the positions designated:

a. To the Secretary of Labor

(1) Deputy Secretary of Labor.

(2) Assistant Secretaries and the Solicitor of Labor in the order of the respective dates of their commissions; or in the event that two or more of their commissions bear the same date, in the order in which they shall have taken their oath of office.

b. To All Other PAS Positions and Heads of Other Principal Organizational Units

(1) Within the Department of Labor are offices and agencies headed by officers whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate (PAS). In the event of a vacancy in any of these PAS positions, the FVRA provides that except in certain narrow circumstances, the "first assistant [to the PAS position] shall perform the functions and duties of the [PAS position] temporarily in an acting capacity" (subject to certain time limitations), unless and until the President makes an alternative designation under the FVRA. The functions and duties of the PAS officers of the Department and the operational management of the respective agency will be performed by the incumbent first assistant to the PAS position, as designated in the Memorandum attached to this Order.

(2) In the event that (a) there is a vacancy in the position of the first assistant, or (b) the first assistant position is occupied by a person who is statutorily barred from serving as an acting officer, the operational management of the agency headed by the PAS shall be performed by the person whose designation closest follows that of the first assistant, unless and until the President makes an alternative designation under the FVRA. However, the "functions and duties" of the PAS may not be performed by any person other than the person serving in an acting capacity (or, in the absence of an acting officer, by the Secretary pursuant to the FVRA). The "functions and duties" are those non-delegable responsibilities (a) established by law (statute or regulation); and (b) required to be performed by, and only by, the PAS.

(3) The Memorandum described in Section 3(b)(1) above, shall include succession to the heads of other Departmental organizational units which report to the Secretary.

(4) Nothing in this Order or the Memorandum shall: (1) be construed to override the provisions in the FVRA with respect to the Inspector General or the Chief Financial Officer [5 U.S.C. 3349(e)]; or (2) limit the Secretary's authority to reassign functions or duties of officers unless otherwise precluded by law or regulation.

(5) That Memorandum shall be published in the **Federal Register** and codified in the Department of Labor Manual Series. It is also subject to periodic revision by the Secretary, as necessary, and is effective on the date indicated above.

5. Effective Date

This Order is effective immediately.

Dated: January 18, 2001.

Alexis M. Herman,

Secretary of Labor.

January 18, 2001.

Memorandum for DOL Executive Staff

From: Alexis M. Herman.

Subject: To Provide for the Order of Succession for Executive Continuity.

This memorandum is issued pursuant to Secretary's Order 2–2001 and the authorities cited therein, in order to provide lines of succession in case of absence, sickness, resignation, or death of agency heads and during periods of national emergency declared by the President and to provide for ongoing operational management of agency programs and personnel.

Functions and duties and ongoing operational management responsibilities of the officers of the Department whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate (PAS), will be performed in an acting capacity by the below designated "first assistants," unless and until the President makes an alternative designation under the Federal Vacancies Reform Act of 1998 [FVRA].[1] Functions and duties are those non-delegable responsibilities established by law (statute or regulation) and required to be performed by, and only by, the PAS.

In the event that the first assistant does not serve or is barred from serving, unless and until the President makes an alternative designation under the FVRA, the person whose designation closest follows that of the first assistant shall perform the operational management of the agency. However, the functions and duties of the PAS may not be performed by any person other than the person serving in an acting capacity, in accord with FVRA (or, in the absence of an acting officer, by the Secretary pursuant to the FVRA).

The Bureau of International Labor Affairs, which is not covered by the statute, (because it is not headed by a PAS position) is included in this memorandum for the purpose of consolidating the presentation of the Department's program for establishing orderly internal succession in the event of vacancies.

This memorandum supersedes all inconsistent agency delegations. Agency Heads shall assure that agency delegations, position descriptions, and other pertinent documents are maintained consistently with the designations provided below.

This memorandum shall be published in the **Federal Register** and codified in the Department of Labor Manual Series. This memorandum is subject to periodic revision by the Secretary, as necessary, and is effective on the date indicated above.

Agency Head Succession

F. *PAS Positions*

Deputy Secretary of Labor

Designation to be made by Presidential direction, as provided in 5 U.S.C. § 3345.

Solicitor of Labor

Deputy Solicitor

Deputy Solicitor for Planning and Coordination

Deputy Solicitor for Regional Operations

Associate Solicitor

Assistant Secretary for Administration and Management

Deputy Assistant Secretary for Operations

Deputy Assistant Secretary for Budget and Strategic and Performance Planning

Assistant Secretary for the Employment Standards Administration

Deputy Assistant Secretary

Deputy Assistant Secretary for Federal Contract Compliance

Deputy Assistant Secretary for Workers' Compensation Programs

Deputy Assistant Secretary for Labor-Management Programs

Deputy Director for Workers' Compensation Programs

Assistant Secretary for the Employment and Training Administration

Deputy Assistant Secretary[2]

Deputy Assistant Secretary

Deputy Assistant Secretary for Field Operations

Associate Deputy Secretary

Assistant Secretary for the Mine Safety and Health Administration

Deputy Assistant Secretary for Policy

Deputy Assistant Secretary for Operations

Assistant Secretary for the Occupational Safety and Health Administration

Deputy Assistant Secretary[3]

Deputy Assistant Secretary

Associate Assistant Secretary

Assistant Secretary for the Office of the Assistant Secretary for Policy

Deputy Assistant Secretary

Deputy Assistant Secretary for Regulatory Economics and Economic Policy Analysis

Associate Assistant Secretary

Assistant Secretary for the Office of Congressional and Intergovernmental Affairs

Deputy Assistant Secretary

Associate Assistant Secretary

Internal Management and Support

Assistant Secretary for the Office of Disability Policy

Deputy Assistant Secretary

Deputy Assistant Secretary for Administration

Assistant Secretary for the Office of Public Affairs

Deputy Assistant Secretary

Associate Assistant Secretary

Director of Information and Public Affairs

Assistant Secretary for the Pension and Welfare Benefits Administration

Deputy Assistant Secretary for Policy

Deputy Assistant Secretary for Program Operations

Assistant Secretary for the Veterans' Employment and Training Service

Deputy Assistant Secretary

Director for Operations and Programs

Director of the Women's Bureau

Deputy Director[4]

Deputy Director for Operations

Administrator of the Wage and Hour Division

Deputy Administrator for Policy

Deputy Administrator for Operations

Commissioner of the Bureau of Labor Statistics

Deputy Commissioner

Chief Financial Officer

Deputy Chief Financial Officer

Inspector General

Deputy Inspector General

G. *Non-PAS Position*

Deputy Under Secretary for International Affairs of the Bureau of International Labor Affairs

Associate Deputy Under Secretary for Policy

Associate Deputy Under Secretary and Director of International Economic Affairs.

[FR Doc. 01–5740 Filed 3–7–01; 8:45 am]

BILLING CODE 4510–23–P

[1] The first assistants are designated below as the position immediately following the PAS position title.

[2] This Deputy Assistant Secretary position is responsible for the formulation of policies and development of multi-year goals, objectives and strategies, among other responsibilities.

[3] This Deputy Assistant Secretary position is responsible for Congressional and intergovernmental liaison and national litigation, among other responsibilities.

[4] This position is first assistant pursuant to 29 U.S.C. 14.

Federal Register

Thursday,
March 8, 2001

Part VI

The President

Proclamation 7413—Save Your Vision Week, 2001

Proclamation 7414—Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2001

Federal Register
Vol. 66, No. 46
Thursday, March 8, 2001

Presidential Documents

Title 3—

The President

Proclamation 7413 of March 5, 2001

Save Your Vision Week, 2001

By the President of the United States of America

A Proclamation

As part of our regular health routine, we often overlook vision. Good vision affects how we work, communicate, and learn. According to the Department of Health and Human Services, about 80 million Americans suffer from potentially blinding eye diseases, 3 million have low vision, and 200,000 more are severely visually impaired.

Visual impairment can strike at any time. Some eye diseases, such as diabetic retinopathy, can develop and damage the eye without warning. Also, visual impairment can develop more often in certain groups. For example, some groups of Americans have a higher risk for glaucoma, including those over the age of 60, African Americans over the age of 40, and people who have a family history of the disease.

Visual impairment can also strike the future of this country: our children. Infants and young children are not immune to eye disorders. Amblyopia, poor vision in an eye that did not develop normal sight during early childhood, causes problems in very early life. Early vision screening is important for our young people to ensure that their eyes receive immediate treatment if problems are found. Also, myopia, or nearsightedness, affects 15 percent of those entering high school.

Many occupations and forms of recreation can present dangers to the eye. Eye protection is a necessity when jobs create the possibility of eye injury. Wearing protective eyewear when playing sports can cut down on eye injury by as much as 90 percent, and wearing eye protection when working in the yard can also reduce the number of serious eye injuries.

The best way to detect eye diseases and disorders is through a dilated eye exam. Many eye problems can be prevented or reversed with early detection and appropriate intervention.

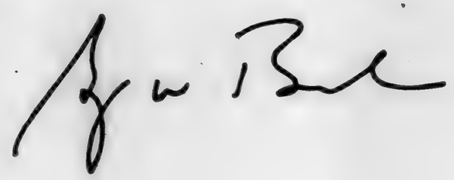
There are many other ways we can help reduce vision disorders. We can make healthy lifestyle choices for ourselves and our families, clinicians can emphasize prevention in their practices, and scientists can pursue new treatments and prevention strategies through research. Using both traditional and innovative approaches, we can all work to make better vision and vision protection an important part of our Nation's public health agenda.

The Congress, by joint resolution approved December 30, 1963 (77 Stat. 629; 36 U.S.C. 138), has authorized and requested the President to proclaim the first week in March of each year as "Save Your Vision Week."

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 4 through March 10, 2001, as "Save Your Vision Week." I urge all Americans to participate by making eye care and eye safety an important part of their lives and to ensure that dilated eye examinations are included in their regular health maintenance programs. I invite eye care professionals, the media, and all public and private organizations dedicated to preserving eyesight to join

in activities that will raise awareness of the measures we can take to protect and sustain our vision.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of March, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–6043
Filed 3–7–01; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7414 of March 5, 2001

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2001

By the President of the United States of America

A Proclamation

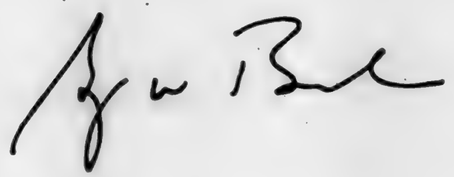
Our democratic system of government traces its earliest roots back to ancient Greece. The leaders of the Revolution and the Framers of the Constitution often drew inspiration from Athenian lawgivers and philosophers and called the Greek example to mind as they sought to build the new nation on the foundations of representative government and free political discourse. The Greeks of 1821 drew inspiration, in turn, from the ideals and institutions of the fledgling United States as they waged their own struggle for liberty. In 2001, a vibrant Greek democracy serves once again as an inspiration to its neighbors and the world.

Our two countries have stood together as friends and allies from the time America embraced modern Greece's struggle for independence 180 years ago. We fought together in every major war of the last century: World War I through the Persian Gulf. For more than 50 years, we have worked together in NATO: first to keep the peace in Europe and now to build peace and stability in the Balkans. We look forward to continued cooperation as we celebrate the Games of the XXVIII Olympiad together in Athens in 2004. Our alliance with Greece remains strong, and its future is promising.

Greeks and Americans share a love of freedom, liberty, and individual rights. The friendship between our two Nations is based on mutual respect, a commitment to common goals, and the sharing of fundamental values. Ties of blood and kinship also unite us: the modern community of approximately 3 million Greek Americans has established a natural and enduring bridge between our nations. Today, we take special note of those citizens and thank them for their innumerable contributions to our Nation's cultural, economic, and political heritage.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 25, 2001, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." I call upon all the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of March, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–6044
Filed 3–7–01; 8:45 am]
Billing code 3195–01–P

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H.J. Res. 7/P.L. 107–1
Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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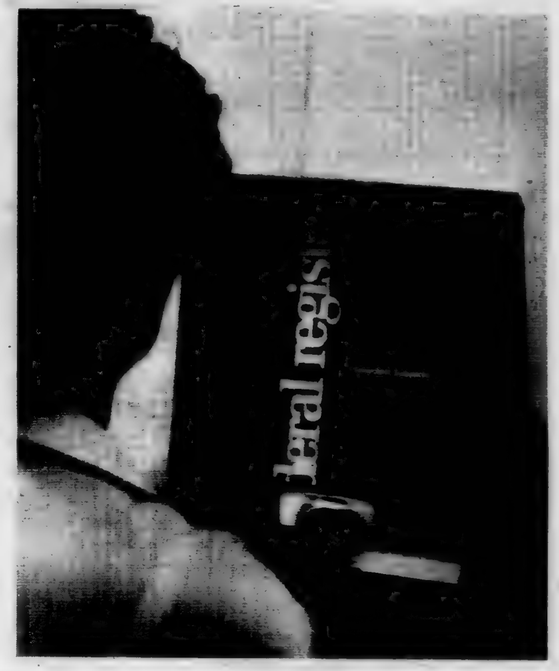
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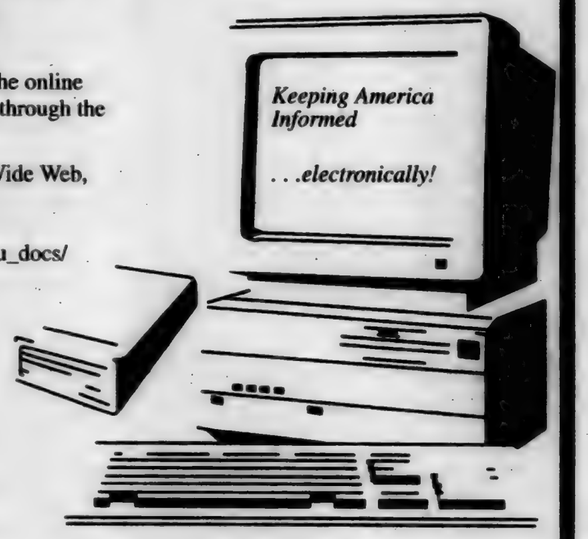
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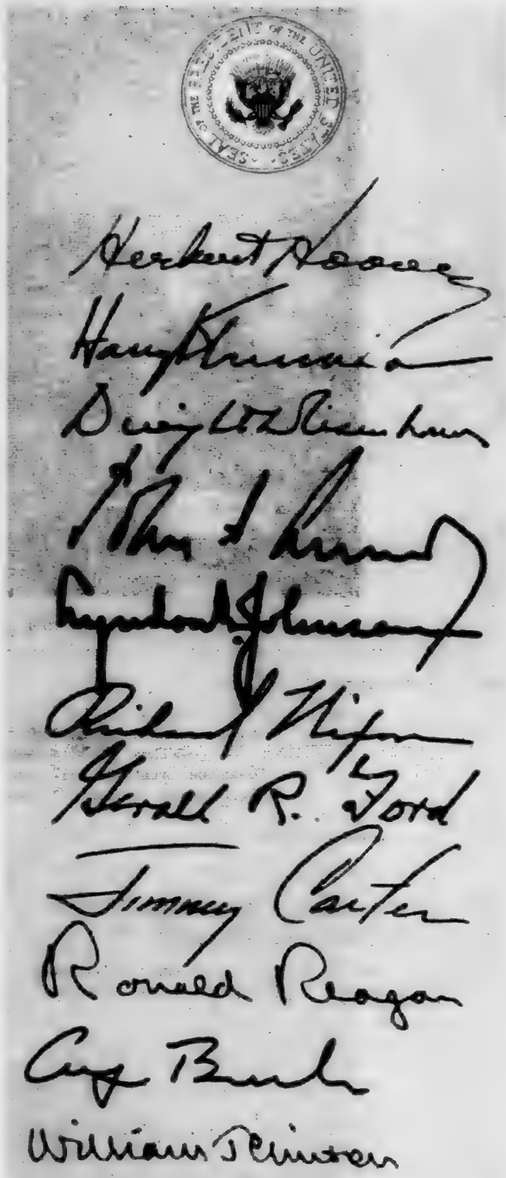
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Rules and Regulations

Federal Register
Vol. 66, No. 47
Friday, March 9, 2001

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 346

RIN 3064–AC33

Disclosure and Reporting of CRA-Related Agreements; Correction

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule; correction.

SUMMARY: This document makes technical corrections to the Federal Deposit Insurance Corporation's version of a final rule issued jointly by the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Corporation (FDIC), and the Office of Thrift Supervision. The joint final rule was published Wednesday, January 10, 2001 (66 FR 2052), and concerned the disclosure and reporting of certain agreements related to the Community Reinvestment Act of 1977 (CRA). The FDIC's version of the joint final rule established a new Part 346 to its regulations.

EFFECTIVE DATE: April 1, 2001.

FOR FURTHER INFORMATION CONTACT: A. Ann Johnson, Counsel, Regulation and Legislation Section (202) 898–3573, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Background

The rule that is the subject of these corrections implements the CRA sunshine provisions of section 48 of the Federal Deposit Insurance Act and prescribes procedures for the disclosure and reporting of certain covered agreements related to the CRA. The corrections contained in this document will affect only the FDIC's version of the joint final rule.

Because these corrections are technical in nature and have no substantive impact, the FDIC finds that notice and public comment is unnecessary. Further, because the corrections are technical in nature, they are effective upon publication in the **Federal Register**.

Need for Correction

As published, the FDIC's version of the joint final rule contains technical errors, which may be misleading or confusing and are in need of correction.

Correction of Publication

Accordingly, the FDIC's version of the joint final rule published on January 10, 2001, at 66 FR 2052, is corrected as follows:

§ 346.9 [Corrected]

On page 2105, in the first column, in § 346.9(a)(1), the reference in the third line to "§§ 346.4 or 346.5" is corrected to refer to "§§ 346.6 or 346.7".

§ 346.11 [Corrected]

On page 2106, in the first column, in § 346.11(j)(2)(iv), the reference in the fifth and sixth lines to "paragraphs (h)(2)(i) through (iii) of this section" is corrected to refer to "paragraphs (j)(2)(i) through (iii) of this section".

Dated at Washington, DC, this 5th day of March, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–5804 Filed 3–8–01; 8:45 am]

BILLING CODE 6714–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 274

[Release Nos. 33–7959; IC–24886]

Technical Amendments to Instructions for Registration Form for Certain Investment Company Securities

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: This release makes technical amendments to the instructions to Form 24F–2, the form under the Investment Company Act of 1940 that prescribes the method by which certain investment companies calculate and pay registration fees on securities they issue. The revisions are intended to explain more clearly where investment company issuers should look to find the correct rate to use in calculating registration fees, and the correct interest rate applicable to late payments of registration fees.

EFFECTIVE DATE: March 12, 2001.

FOR FURTHER INFORMATION CONTACT: Penelope W. Saltzman, Senior Counsel, Office of Regulatory Policy at (202) 942–0690, or Carolyn A. Miller, Senior Financial Analyst, Office of Financial Analysis at (202) 942–0513, Division of Investment Management, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549–0506.

SUPPLEMENTARY INFORMATION: Form 24F–2 is the form on which certain investment companies file an annual notice of securities sold, pursuant to rule 24f–2 under the Investment Company Act [17 CFR 270.24f–2]. Instruction C.9 specifies the rate used to calculate the registration fee, but that rate is subject to change from time to time by act of Congress through appropriations for the Commission or other laws. Although we have updated the form when rates have changed, filers with older copies of the form have made filings with incorrect fees, sometimes overpaying.[1] We are revising the instructions to Form 24F–2 to direct filers to the appropriate statutory provision and to the latest fee advisory on our web site to find the correct rate to use in calculating their securities registration fees. We also are revising the instruction that advises issuers that they must pay interest on registration fees that are not timely filed.[2] The revised instruction directs issuers where to look to find the interest rate applicable to these late payments.

Certain Findings

Under the Administrative Procedure Act ("APA"), notice of proposed

[1] The fee rate was last updated in a release issued November 4, 1998. Update of Registration Form to Reflect Fee Rate Change for Registration of Certain Investment Company Securities, Investment Company Act Release No. 23522 (Nov. 4, 1998) (63 FR 62936 (Nov. 10, 1998)). On December 21, 2000, legislation was enacted that set the fee rate at $250 per $1,000,000 offered or sold (prorated for amounts less than $1,000,000). Pub. L. 106–553, 114 Stat. 2762 (2000).

[2] *See* amended Form 24F–2, Instruction D.1 (Item 7).

rulemaking is not required when an agency, for good cause, finds "that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." [3] The amendments to the instructions in Form 24F–2 regarding the applicable fee rate and interest rate on late fees are technical changes that simply advise investment company issuers where to find the applicable rate for calculating registration fees and the interest rate applicable to late payments (neither of which is set by the Commission). The amendments are needed now because late winter and early spring is the peak time for registration of investment company securities.[4] Accordingly, we find that there is no need to publish notice of these amendments.[5]

The APA also requires publication of a rule at least 30 days before its effective date unless the agency finds otherwise for good cause.[6] For the same reasons described with respect to opportunity for notice and comment, we find there is good cause for the amendments to take effect on March 12, 2001.

List of Subjects in 17 CFR Part 274

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Form Amendments

For the reasons set forth in the preamble, Form 24F–2, referenced in § 274.24, Title 17, Chapter II of the Code of Federal Regulations, is amended as follows:

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

1. The authority citation for part 274 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78c(b), 78*l*, 78m, 78n, 78o(d), 80a–8, 80a–24, and 80a–29, unless otherwise noted.

[3] 5 U.S.C. 553(b)(3)(B).

[4] Form 24F–2 must be filed within 90 calendar days after the end of an issuer's fiscal year. 17 CFR 270.24f–2(a). Many issuers' fiscal year coincides with the calendar year. To register securities issued in fiscal year 2000, these issuers must file Form 24F–2 by April 2, 2001 (the first business day following the 90-day period, which ends March 31, 2001).

[5] For similar reasons, the amendments do not require analysis under the Regulatory Flexibility Act or analysis of major rule status under the Small Business Regulatory Enforcement Fairness Act. *See* 5 U.S.C. 601(2) (for purposes of Regulatory Flexibility Act analyses, the term "rule" means any rule for which the agency publishes a general notice of proposed rulemaking); 5 U.S.C. 804(3)(C) (for purposes of Congressional review of agency rulemaking, the term "rule" does not include any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties).

[6] *See* 5 U.S.C. 553(d)(3).

2. Form 24F–2 (referenced in § 274.24) is amended by revising Instruction C.9 and Instruction D.1 to read as follows:

Note: Form 24F–2 does not, and the amendments will not, appear in the *Code of Federal Regulations*.

Form 24F–2

Annual Notice of Securities Sold Pursuant to Rule 24f–2

* * * * *

Instructions

* * * * *

C. Computation of Registration Fee

* * * * *

9. Item 5(vii)—The Commission determines the rate for calculating the registration fee (the "fee rate") according to section 6(b) of the Securities Act [15 U.S.C. 77f(b)]. The registration fee is calculated by multiplying the net sales amount (Item 5(v)) by the fee rate. The fee rate is subject to change from time to time, without notice, by act of Congress through appropriations for the Commission or other laws. Issuers should determine the current fee rate before they file by referring to section 6(b) and any law or regulation affecting section 6(b). Issuers also may check the Commission's latest fee rate advisory, which is available under "Press Releases" on the "News & Public Statements" page of the Commission's Internet site at http://www.sec.gov. Unless otherwise specified by act of Congress, the fee rate in effect at the time of filing applies to all securities sold during the fiscal year, regardless of whether the fee rate changes during the year.

* * * * *

D. Computation of Interest Due If Form Is Filed Late

1. Item 7—Section 24(f) requires any issuer that pays its registration fee after the Due Date (see Instruction A.2) to pay interest to the Commission on fees that are not paid on time. The payment of interest does not preclude the Commission from bringing an action to enforce the requirements of section 24(f). Under section 11 of the Debt Collection Act [31 U.S.C. 3717(a)], the interest rate is published by the Secretary of the Treasury. The rate is computed annually and is effective on January 1 each year. In some circumstances the rate may be changed on a quarterly basis. Filers owing interest should verify the current interest rate. Filers can find the rate by looking for the "current value of funds rate" on the Treasury Department's Financial Management Service Internet site at *http://www.fms.treas.gov*, or by calling (202) 874–6995.

* * * * *

Dated: March 5, 2001.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5791 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, 526, and 558

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor for 25 approved new animal drug applications (NADA's) from Merial Ltd. to Bimeda, Inc.

DATES: This rule is effective March 9, 2001.

FOR FURTHER INFORMATION CONTACT: Norman J. Turner, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0214.

SUPPLEMENTARY INFORMATION: Merial Ltd., 2100 Ronson Rd., Iselin, NJ 08830–3077, has informed FDA that it has transferred ownership of, and all rights and interests in, the following approved NADA's to Bimeda, Inc., 288 County Rd. 28, LeSueur, MN 56058–9322.

Accordingly, the agency is amending the regulations in 21 CFR parts 510, 520, 522, 524, 526, and 558 to reflect the change of sponsor. The agency is also amending § 510.60(c)(1) and (c)(2) to add the sponsor name and drug labeler code for Bimeda, Inc.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, 524, and 526

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, 522, 524, 526, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by alphabetically adding an entry for "Bimeda, Inc." and in the table in paragraph (c)(2) by numerically adding an entry for "061133" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	* * * * * * *
Bimeda, Inc., 288 County Rd. 28, LeSueur, MN 56058–9322	061133
* * * * * * *	* * * * * * *

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	* * * * * * *
061133	Bimeda, Inc., 288 County Rd. 28, LeSueur, MN 56058–9322
* * * * * * *	* * * * * * *

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.390a [Amended]

4. Section 520.390a *Chloramphenicol tablets* is amended in paragraph (b)(2) by removing "050604" and by adding in its place "061133".

§ 520.540b [Amended]

5. Section 520.540b *Dexamethasone tablets and boluses* is amended in paragraph (b)(2) by removing "050604" and by adding in its place "061133".

§ 520.622a [Amended]

6. Section 520.622a *Diethylcarbamazine citrate tablets* is amended in paragraph (a)(3) by removing "050604" and by adding in its place "061133".

§ 520.622c [Amended]

7. Section 520.622c *Diethylcarbamazine citrate chewable tablets* is amended in paragraph (b)(4) by removing "050604" and by adding in its place "061133".

§ 520.823 [Amended]

8. Section 522.823 *Erythromycin phosphate* is amended in paragraph (b) by removing "050604" and by adding in its place "061133".

§ 520.1484 [Amended]

9. Section 520.1484 *Neomycin sulfate soluble powder* is amended in paragraph (b) by removing "050604, and" and by adding ", and 061133" after "051259".

§ 520.1660d [Amended]

10. Section 520.1660d *Oxytetracycline hydrochloride soluble powder* is amended in paragraph (b)(7) by removing "050604" and by adding in its place "061133".

§ 520.1696b [Amended]

11. Section 520.1696b *Penicillin G potassium in drinking water* is amended in paragraph (b) by removing "050604, and" and by adding ", and 061133" after "053501".

§ 520.1720a [Amended]

12. Section 520.1720a *Phenylbutazone tablets and boluses* is amended in paragraph (b)(3) by removing "and 059130" and by adding in its place "059130, and 061133".

§ 520.1720d [Amended]

13. Section 520.1720d *Phenylbutazone gel* is amended in paragraph (b) by removing "050604" and by adding in its place "061133".

§ 520.2123a [Amended]

14. Section 520.2123a *Spectinomycin dihydrochloride pentahydrate tablets* is amended in paragraph (b), by removing "050604" and by adding in its place "061133".

§ 520.2123b [Amended]

15. Section 520.2123b *Spectinomycin dihydrochloride pentahydrate soluble powder* is amended in paragraph (b) by removing "050604" and by adding in its place "061133".

§ 520.2260b [Amended]

16. Section 520.2260b *Sulfamethazine sustained-release boluses* is amended in paragraphs (c)(1) and (e)(1) by removing "050604" and by adding in its place "061133".

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

17. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.820 [Amended]

18. Section 522.820 *Erythromycin injection* is amended in paragraph (a) by removing "050604" and by adding its place "061133".

§ 522.2444b [Amended]

19. Section 522.2444b *Sodium thiopental, sodium pentobarbital for injection* is amended in paragraph (b) by removing "050604" and by adding in its place "061133".

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

20. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 524.1580b [Amended]

21. Section 524.1580b *Nitrofurazone ointment* is amended in paragraph (b) by removing "and 051259" and by adding in its place "051259, and 061133".

PART 526—INTRAMAMMARY DOSAGE FORMS

22. The authority citation for 21 CFR part 526 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 526.820 [Amended]

23. Section 526.820 *Erythromycin* is amended in paragraph (b) by removing "050604" and by adding in its place "061133".

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

24. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.58 [Amended]

25. Section 558.58 *Amprolium and ethopabate* is amended in the table in paragraph (d)(1), in item (iii), for the entry "Arsanilic acid 90 (0.01 pct) plus erythromycin 4.6 to 18.5", under the "Sponsor" column by adding "061133".

26. Section 558.62 is amended by revising paragraph (a)(1), by adding paragraph (a)(3), and in the table in paragraph (c)(1) by redesignating entries (c)(1)(iii), (c)(1)(iv), and (c)(1)(v) as entries (c)(1)(iv), (c)(1)(vi), and (c)(1)(vii), respectively, and by adding new entries (c)(1)(iii) and (c)(1)(v) to read as follows:

§ 558.62 Arsanilic acid.

(a) * * *

(1) To 015565: 20, 50, and 100 percent for use as in the table in paragraph (c)(1), entry (ii), item 1; entry (ii), item 2; entry (iv); entry (vi); and entry (vii) of this section.

* * * * * *

(3) To 061133: 90 grams per pound arsanilic acid and 4.6 grams per pound erythromycin equivalents as erythromycin thiocyanate for use as in paragraph (c)(1), entry (iii); 90 grams per pound arsanilic acid and 9.25 grams per pound erythromycin equivalents as erythromycin thiocyanate for use as in paragraph (c)(1), entry (v).

* * * * * *

(c) * * *

(1) * * *

Arsanilic acid in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
.	.	.	.	.
(iii)	Erythromycin 4.6	Chickens; growth promotion and feed efficiency; improving pigmentation.	As erythromycin thiocyanate; withdraw 5 days before slaughter; as sole source of organic arsenic.	012487
.	.	.	.	.
(v)	Erythromycin 9.25	Chickens; growth promotion and feed efficiency; improving pigmentation.	As erythromycin thiocyanate; withdraw 5 days before slaughter; as sole source of organic arsenic.	012487
.	.	.	.	.

* * * * * *

§ 558.248 [Amended]

27. Section 558.248 *Erythromycin thiocyanate* is amended in paragraphs (a)(1) and (a)(2) by removing "050604" and by adding in its place "061133", and in the table in paragraph (d)(1), in entries (i) through (vi), under the "Sponsor" column by removing "050604" wherever it appears and by adding in its place "061133".

§ 558.625 [Amended]

28. Section 558.625 *Tylosin* is amended in paragraph (b)(39) by removing "50604" and by adding in its place "061133".

Dated: January 29, 2001

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–5680 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 884

[Docket No. 97P–0350]

Medical Devices; Reclassification and Codification of Home Uterine Activity Monitor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it has issued an order in the form of a letter to GE Marquette Medical Systems, Inc., reclassifying from class III to class II (special controls) the Corometrics Model 770 Home Uterine Activity Monitoring System for use in women with a previous preterm delivery to aid in the detection of preterm labor. Accordingly, the order is being codified in the Code of Federal Regulations. Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of a guidance document that will serve as the special control for this device.

DATES: This rule is effective April 9, 2001. The reclassification was effective January 5, 2001.

FOR FURTHER INFORMATION CONTACT: Colin M. Pollard, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1180.

SUPPLEMENTARY INFORMATION:

I. Background (Regulatory Authorities)

The Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et seq.*), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Public Law 94–295), the Safe Medical Devices Act of 1990 (the SMDA) (Public Law 101–629), and the Food and Drug Administration Modernization Act of 1997 (the FDAMA) (Public Law 105–115), established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the act (21 U.S.C. 360c) established three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513 of the act, devices that were in commercial distribution before May 28, 1976 (the date of enactment of the 1976 amendments), generally referred to as preamendments devices, are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976, generally referred to as postamendments devices, are classified automatically by statute (section 513(f) of the act) into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval, unless and until: (1) The device is reclassified into class I or II; (2) FDA issues an order classifying the device into class I or II in accordance with new section 513(f)(2) of the act, as amended by the FDAMA; or (3) FDA issues an order finding the device to be substantially equivalent, under section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously offered devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and 21 CFR part 807 of the regulations.

A preamendments device that has been classified into class III may be marketed, by means of premarket notification procedures, without submission of a premarket approval application (PMA) until FDA issues a final regulation under section 515(b) of the act (21 U.S.C. 360e(b)) requiring premarket approval.

Reclassification of postamendments devices is governed by section 513(f)(2) of the act. This section provides that FDA may initiate the reclassification of a device classified into class III under section 513(f)(1) of the act, or the manufacturer or importer of a device may petition the Secretary of Health and Human Services (the Secretary) for the issuance of an order classifying the device in class I or class II. FDA's regulations in § 860.134 (21 CFR 860.134) set forth the procedures for the filing and review of a petition for reclassification of such class III devices. In order to change the classification of the device, it is necessary that the proposed new class have sufficient regulatory controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use.

The FDAMA added a new section 513(f)(2) to the act that addresses classification of postamendments devices. New section 513(f)(2) of the act provides that, upon receipt of a "not substantially equivalent" determination, a 510(k) applicant may request FDA to classify a postamendments device into class I or class II. Within 60 days from the date of such a written request, FDA must classify the device by written order. If FDA classifies the device into class I or II, the applicant has then received clearance to market the device and it can be used as a predicate device for other 510(k)'s. It is expected that this process will be used for low risk devices. This process does not apply to devices that have been classified by regulation into class III, i.e., preamendments class III devices, or class III devices for which a PMA is appropriate.

Under section 513(f)(3)(B)(i) of the act, formerly section 513(f)(2)(B)(i) of the act, the Secretary may, for good cause shown, refer a petition to a device classification panel. If a petition is referred to a panel, the panel shall make a recommendation to the Secretary respecting approval or denial of the petition. Any such recommendation shall contain: (1) A summary of the reasons for the recommendation, (2) a summary of the data upon which the recommendation is based, and (3) an identification of the risks to health (if any) presented by the device with respect to which the petition was filed.

II. Regulatory History of the Device

On August 15, 1997, FDA filed the reclassification petition submitted by GE Marquette Medical Systems, Inc., requesting reclassification of the Corometrics Model 770 Home Uterine Activity Monitoring System from class III to class II. FDA consulted with the Obstetrics and Gynecology Devices Panel (the Panel). During an open public meeting on October 7, 1997, the Panel recommended that FDA reclassify from class III to class II the Model 770 Home Uterine Activity Monitoring System for use in women with a previous preterm delivery to aid in the detection of preterm labor. The Panel also recommended patient registries, bench testing, consensus standards, and clinical validation studies as special controls.

FDA considered the Panel's recommendations and tentatively agreed that the generic type of device, home uterine activity monitor, for use in women with a previous preterm delivery to aid in the detection of preterm labor, be reclassified from class III to class II. Subsequently, in the **Federal Register** of July 30, 1999 (64 FR 41435), FDA issued the Panel's recommendation for public comment.

After reviewing the data in the petition and presented before the Panel, and after considering the Panel's recommendation and the comments, FDA, based on the information set forth, issued an order to the petitioner on January 5, 2001, reclassifying the Model 770 Home Uterine Activity Monitoring System, and substantially equivalent devices of this generic type, from class III to class II.

Accordingly, as required by § 860.134(b)(6) and (b)(7) of the regulations, FDA is announcing the reclassification of the generic Home Uterine Activity Monitor from class III into class II. The special control for this device will be a guidance document entitled "Class II Special Controls Guidance Document for Home Uterine Activity Monitors." The guidance document addresses labeling, patient registries, design controls, consensus standards, and pre-clinical and clinical testing. In addition, FDA is issuing the notice to codify the reclassification of the device by adding new § 884.2760.

III. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this reclassification is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by subtitle D of the Small Business Regulatory

Fairness Enforcement Act of 1996 (Public Law 104–121), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4)). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety and other advantages, distributive impacts, and equity). The agency believes that this reclassification action is consistent with the regulatory philosophy and principles identified in the Executive order. In addition, this final rule is not a significant regulatory action as defined by the Executive order and so is not subject to review under the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Reclassification of the device from class III to class II will relieve all manufacturers of the device of the cost of complying with the premarket approval requirements in section 515 of the act. Because reclassification will reduce regulatory costs with respect to this device, it will impose no significant economic impact on any small entities, and it may permit small potential competitors to enter the marketplace by lowering their costs. The agency therefore certifies that this final rule will not have a significant economic impact on a substantial number of small entities. In addition, this final rule action will not impose costs of $100 million or more on either the private sector or State, local, and tribal governments in the aggregate, and therefore a summary statement or analysis pursuant to section 202(a) of the Unfunded Mandates Reform Act of 1995 is not required.

V. Paperwork Reduction Act of 1995

FDA concludes that this final rule contains no information that is subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995. The special controls do not require the respondent to submit additional information to the public.

VI. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

List of Subjects in 21 CFR Part 884

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 884 is amended as follows:

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

1. The authority citation for 21 CFR part 884 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 884.2730 is added to subpart C to read as follows:

§ 884.2730 Home uterine activity monitor.

(a) *Identification.* A home uterine activity monitor (HUAM) is an electronic system for at home antepartum measurement of uterine contractions, data transmission by telephone to a clinical setting, and for receipt and display of the uterine contraction data at the clinic. The HUAM system comprises a tocotransducer, an at-home recorder, a modem, and a computer and monitor that receive, process, and display data. This device is intended for use in women with a previous preterm delivery to aid in the detection of preterm labor.

(b) *Classification.* Class II (special controls); guidance document (Class II Special Controls Guidance for Home Uterine Activity Monitors).

Dated: January 31, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–5813 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

[TD 8931]

RIN 1545–AW02

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Part 2590

RIN 1210–AA77

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

45 CFR Part 146

RIN 0938–AI08

Interim Final Rules for Nondiscrimination in Health Coverage in the Group Market

AGENCIES: Internal Revenue Service, Department of the Treasury; Pension and Welfare Benefits Administration, Department of Labor; Health Care Financing Administration, Department of Health and Human Services.

ACTION: Interim final rules; delay of effective date and conforming amendments.

SUMMARY: Consistent with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001 (66 FR 7702), this action delays for 60 days the effective date for the rules entitled "Interim Final Rules for Nondiscrimination in Health Coverage in the Group Market," published in the **Federal Register** on January 8, 2001 (66 FR 1378). This document also makes conforming amendments to reflect the delay in effective date.

DATES: The effective date of the Interim Final Rules amending 26 CFR Part 54, 29 CFR Part 2590, and 45 CFR Part 146, published in the **Federal Register** on January 8, 2001, at 66 FR 1378, is delayed for 60 days, from March 9, 2001, until May 8, 2001. The conforming amendments in this document are effective May 8, 2001.

FOR FURTHER INFORMATION CONTACT: Russ Weinheimer, Internal Revenue Service, Department of the Treasury, at (202) 622–6080; Amy J. Turner, Pension and Welfare Benefits Administration, Department of Labor, at (202) 219–7006; or Ruth A. Bradford, Health Care Financing Administration, Department of Health and Human Services, at (410) 786–1565.

SUPPLEMENTARY INFORMATION: Consistent with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001 (66 FR 7702), this action delays for 60 days the effective date and, for consistency, certain applicability dates for the rules entitled "Interim Final Rules for Nondiscrimination in Health Coverage in the Group Market," published in the **Federal Register** on January 8, 2001 (66 FR 1378). These rules implement statutory provisions prohibiting discrimination based on a health factor by group health plans and issuers offering health insurance coverage in connection with a group health plan. The rules implement changes made to the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, and the Public Health Service Act, enacted as part of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and most of the guidance contained in these rules remains applicable for plan years beginning on or after July 1, 2001. This document also makes conforming amendments to reflect the delay in effective date.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(3)(A). Alternatively, the Departments' implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(3)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. The 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this delay would have been impractical, unnecessary, and contrary to the public interest in the orderly promulgation and implementation of regulations. Because the delay is only for 60 days, a 30-day comment period before the delay could be effective would exhaust a substantial amount of time that group health plans, health insurance issuers, and State insurance commissioner's offices could otherwise use to review their plan documents, insurance policies, and State laws for purposes of the orderly implementation of the interim regulations. In addition, it would create confusion among State agencies, employers, plan administrators, issuers, and third party administrators as to the effective date of certain provisions, impeding their compliance and enforcement efforts.

List of Subjects

26 CFR Part 54

Excise taxes, Health care, Health insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 2590

Employee benefit plans, Employee Retirement Income Security Act, Health care, Health insurance, Reporting and recordkeeping requirements.

45 CFR Part 146

Health care, Health insurance, Reporting and recordkeeping requirements, and State regulation of health insurance.

Conforming Amendments to the Regulations

Internal Revenue Service

26 CFR Chapter I

Accordingly, the publication on January 8, 2001 of the temporary and final rules, 26 CFR Part 54, is amended as follows:

PART 54—PENSION EXCISE TAXES

Paragraph 1. The authority citation for part 54 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 54.9802–1 [Amended]

Par. 2. Section 54.9802–1 is amended by removing the date "March 9, 2001" in each place it appears in paragraph (i)(1) and adding in its place "May 8, 2001".

§ 54.9802–1T [Amended]

Par. 3. Section 54.9802–1T is amended by:

1. Removing the date "March 9, 2001" and adding in its place "May 8, 2001" in paragraph (i)(1).

2. Removing the date "March 9, 2001" and adding in its place "May 8, 2001" in paragraph (i)(3)(ii)(A) introductory text.

3. Removing the date "March 9, 2001" and adding in its place "May 8, 2001" in paragraph (i)(3)(ii)(C) *Example 2* (ii).

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: March 2, 2001.

Pamela F. Olsen,

Deputy Assistant Secretary of the Treasury.

Pension and Welfare Benefits Administration

29 CFR Chapter XXV

For the reasons set forth above, the publication on January 8, 2001 of the interim final rule, 29 CFR Part 2590, is amended as follows:

PART 2590—RULES AND REGULATIONS FOR HEALTH INSURANCE PORTABILITY AND RENEWABILITY FOR GROUP HEALTH PLANS

Paragraph 1. The authority citation for part 2590 continues to read as follows:

Authority: Secs. 107, 209, 505, 701–703, 711–713, and 731–734 of ERISA (29 U.S.C. 1027, 1059, 1135, 1171–1173, 1181–1183, and 1191–1194), as amended by HIPAA (Public Law 104–191, 110 Stat. 1936), MHPA and NMHPA (Public Law 104–204, 110 Stat. 2935), and WHCRA (Public Law 105–277, 112 Stat. 2681–436), section 101(g)(4) of HIPAA, and Secretary of Labor's Order No. 1–87, 52 FR 13139, April 21, 1987.

§ 2590.702 [Amended]

Par. 2. Section 2590.702 is amended by:

1. Removing the date "March 9, 2001" and adding in its place "May 8, 2001" in the heading to paragraph (i)(1).

2. Removing the date "March 9, 2001" and adding in its place "May 8, 2001" in paragraph (i)(1).

3. Removing the date "March 9, 2001" and adding in its place "May 8, 2001" in paragraph (i)(3)(ii)(A) introductory text.

4. Removing the date "March 9, 2001" and adding in its place "May 8, 2001" in paragraph (i)(3)(ii)(C) *Example 2* (ii).

Signed at Washington, DC this 16th day of February, 2001.

Alan D. Lebowitz,

Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor.

Health Care Financing Administration

45 CFR Subtitle A

For the reasons set forth above, the publication on January 8, 2001 of the interim final rule, 45 CFR part 146, is amended as follows:

PART 146—RULES AND REGULATIONS FOR HEALTH INSURANCE PORTABILITY AND RENEWABILITY FOR GROUP HEALTH PLANS

Paragraph 1. The authority citation for part 146 continues to read as follows:

Authority: Secs. 2701 through 2763, 2791 and 2792 of the Public Health Service Act, 42 U.S.C. 300gg through 300gg–63, 300gg–91, 300gg–92 as amended by HIPAA (Public Law 104–191, 110 Stat. 1936), MHPA and NMHPA (Public Law 104–204, 110 Stat. 2935), and WHCRA (Public Law 105–277, 112 Stat. 2681–436), and section 102(c)(4) of HIPAA.

§ 146.121 [Amended]

Par. 2. Section 146.121 is amended by:

1. Removing the date "March 9, 2001" and adding in its place "May 8, 2001" in the heading to paragraph (i)(1).

2. Removing the date "March 9, 2001" and adding in its place "May 8, 2001" in paragraph (i)(1).

3. Removing the date "March 9, 2001" and adding in its place "May 8, 2001" in paragraph (i)(3)(ii)(A) introductory text.

4. Removing the date "March 9, 2001" and adding in its place "May 8, 2001" in paragraph (i)(3)(ii)(C) *Example 2* (ii).

Dated: February 20, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

Approved: March 5, 2001.

Tommy G. Thompson,

Secretary, Department of Health and Human Services.

[FR Doc. 01–5895 Filed 3–8–01; 8:45 am]

BILLING CODE 4830–01–P; 4510–29–P; 4120–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[UT–001–0022a, UT–001–0024a, UT–001–0025a, UT–001–0026a, UT–001–0027a, UT–001–0030a, UT–001–0031a; FRL–6938–9]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Ogden City Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Revisions to the Oxygenated Gasoline Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On December 9, 1996, the Governor of Utah submitted a request to redesignate the Ogden City "moderate" carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). The Governor also submitted a CO maintenance plan. In addition, on July 8, 1998, the Governor submitted revisions to Utah's Rule R307–8 "Oxygenated Gasoline Program." In this action, EPA is approving the Ogden City CO redesignation request, the maintenance plan, and the revisions to Rule R307–8.

DATES: This direct final rule is effective on May 8, 2001 without further notice, unless EPA receives adverse comments by April 9, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following offices:

United States Environmental Protection Agency, Region VIII, Air and Radiation Program, 999 18th Street, Suite 300, Denver, Colorado 80202–2466; and,

United States Environmental Protection Agency, Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460.

Copies of the State documents relevant to this action are available for public inspection at: Utah Division of Air Quality, Department of Environmental Quality, 150 North 1950 West, P.O. Box 144820, Salt Lake City, Utah 84114–4820.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466; Telephone number: (303) 312–6479.

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we," "us," or "our" are used we mean the Environmental Protection Agency.

I. What is the Purpose of this Action?

In this action, we are approving a change in the legal designation of the Ogden City area from nonattainment for CO to attainment, we're approving the maintenance plan that is designed to keep the area in attainment for CO for the next 10 years, and we're also approving changes to the State's Rule R307–8 addressing the oxygenated fuels program.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). Under section 107(d)(1)(C) of the Clean Air Act (CAA), we designated the Ogden City area as nonattainment for CO because the area had been designated as nonattainment before November 15, 1990. We originally designated Ogden City as nonattainment for CO on March 3, 1978 (see 43 FR 8962) under the provisions of the 1977 CAA Amendments. This designation was reaffirmed by the 1990 CAA Amendments and Ogden City was classified as a "moderate" CO nonattainment area with a design value of less than or equal to 12.7 parts per million (ppm). *See* 56 FR 56694, November 6, 1991. Further information regarding this classification and the accompanying requirements are described in the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990." *See* 57 FR 13498, April 16, 1992.

Under the CAA, we can change designations if acceptable data are available and if certain other requirements are met. See CAA section 107(d)(3)(D). Section 107(d)(3)(E) of the CAA provides that the Administrator may not promulgate a redesignation of a nonattainment area to attainment unless:

(i) The Administrator determines that the area has attained the national ambient air quality standard;

(ii) the Administrator has fully approved the applicable implementation plan for the area under CAA section 110(k);

(iii) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

(iv) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and,

(v) the State containing such area has met all requirements applicable to the area under section 110 and part D of the CAA.

Before we can approve the redesignation request, we must decide that all applicable SIP elements have been fully approved. Approval of the applicable SIP elements may occur simultaneously with final approval of the redesignation request. That's why we are also approving the revisions to Rule R307–8.

II. What is the State's Process to Submit These Materials to EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a SIP. The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to us. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This must occur prior to the revision being submitted by a State to us.

The Utah Air Quality Control Board (UAQB) held a public hearing June 25, 1996, for the Carbon Monoxide (CO) Redesignation Request and Maintenance Plan for Ogden City. The UAQB adopted the redesignation request and maintenance plan September 4, 1996. This SIP revision became State effective November 1, 1996, and was submitted by the Governor to us on December 9, 1996.

We have evaluated the Governor's submittal and have determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. By operation of law under section 110(k)(1)(B) of the CAA, the Governor's December 6, 1996, submittal became complete on June 6, 1997.

For the Rule R307–8 revisions, UAQB held public hearings on March 16, 1998, and March 24, 1998. The UAQB adopted these changes on April 21, 1998, and they became State effective on April 22, 1998.

We have evaluated the Governor's submittal and have determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. By operation of law under section 110(k)(1)(B) of the CAA, the Governor's July 8, 1998, submittal became complete on January 8, 1999.

III. EPA's Evaluation of the Redesignation Request and Maintenance Plan

EPA has reviewed the State's redesignation request and maintenance plan and believes that approval of the request is warranted, consistent with the requirements of CAA section 107(d)(3)(E). The following are descriptions of how the section 107(d)(3)(E) requirements are being addressed.

(a). Redesignation Criterion: The Area Must Have Attained The Carbon Monoxide (CO) NAAQS.

Section 107(d)(3)(E)(i) of the CAA states that for an area to be redesignated to attainment, the Administrator must determine that the area has attained the applicable NAAQS. As described in 40 CFR 50.8, the national primary ambient air quality standard for carbon monoxide is 9 parts per million (10 milligrams per cubic meter) for an 8-hour average concentration not to be exceeded more than once per year. 40 CFR 50.8 continues by stating that the levels of CO in the ambient air shall be measured by a reference method based on 40 CFR part 50, appendix C and designated in accordance with 40 CFR part 53 or an equivalent method designated in accordance with 40 CFR part 53. Attainment of the CO standard is not a momentary phenomenon based on short-term data. Instead, we consider an area to be in attainment if each of the CO ambient air quality monitors in the area doesn't have more than one exceedance of the CO standard over a one-year period. 40 CFR 50.8 and 40 CFR part 50, appendix C. If any monitor in the area's CO monitoring network records more than one exceedance of the CO standard during a one-year calendar period, then the area is in violation of the CO NAAQS. In addition, our interpretation of the CAA and EPA national policy[1] has been that an area seeking redesignation to attainment must show attainment of the CO NAAQS for at least a continuous two-year calendar period. In addition, the area must continue to show attainment through the date that we promulgate the redesignation in the **Federal Register**.

Utah's CO redesignation request for the Ogden City area is based on an analysis of quality assured ambient air quality monitoring data that are relevant to the redesignation request. As presented in section IX.C.8.c of the State's maintenance plan, ambient air quality monitoring data for calendar years 1991 through 1996 show a measured exceedance rate of the CO NAAQS of 1.0 or less per year, per monitor, in the Ogden City nonattainment area. Due to a lease cancellation, the State was unable to collect monitoring data for the 1993/1994 winter season. However, EPA finds this lack of data for the 1993/1994 winter season to be unimportant because monitoring data show the area had no exceedances of the CO standard from the fall of 1994 forward.

All of the data discussed above were collected and analyzed as required by EPA (see 40 CFR 50.8 and 40 CFR part 50, appendix C) and have been archived by the State in our Aerometric Information and Retrieval System (AIRS) national database. Further information on CO monitoring is presented in section IX.C.8.c of the maintenance plan and in the State's Technical Support Document (TSD). We have evaluated the ambient air quality data and have determined that the Ogden City area has not violated the CO standard and continues to demonstrate attainment. Therefore, the Ogden City area has met the first component for redesignation: demonstration of attainment of the CO NAAQS. We note too that the State of Utah has also committed, in section IX.C.8.c (5) of the maintenance plan, to continue the operation of the CO monitoring site in compliance with all applicable federal regulations and guidelines.

(b). Redesignation Criterion: The Area Must Have Met All Applicable Requirements Under Section 110 And Part D Of The CAA.

To be redesignated to attainment, section 107(d)(3)(E)(v) requires that an area must meet all applicable requirements under section 110 and part D of the CAA. We interpret section 107(d)(3)(E)(v) to mean that for a redesignation to be approved by us, the State must meet all requirements that applied to the subject area prior to or at the time of the submission of a complete redesignation request. In our evaluation of a redesignation request, we don't need to consider other requirements of the CAA that became due after the date of the submission of a complete redesignation request.

1. CAA Section 110 Requirements

On August 15, 1984, we approved revisions to Utah's SIP as meeting the requirements of section 110(a)(2) of the CAA (see 45 FR 32575). Although section 110 of the CAA was amended in 1990, most of the changes were not substantial. Thus, we have determined that the SIP revisions approved in 1984 continue to satisfy the requirements of section 110(a)(2). For further detail, please see 45 FR 32575. In addition, we have analyzed the SIP elements that we are approving as part of this action and we have determined they comply with the relevant requirements of section 110(a)(2).

2. Part D Requirements

The Ogden City area was originally designated as nonattainment for CO on

[1] Refer to EPA's September 4, 1992, John Calcagni policy memorandum entitled "Procedures for Processing Requests to Redesignate Areas to Attainment."

March 3, 1978 (see 43 FR 8962). On September 20, 1982, the Governor submitted to EPA revisions to the SIP, however, EPA could only partially approve this submittal as deficiencies were noted in the transportation control plan and there was a lack of legislative authority to adopt and enforce an I/M program. After rectifying these deficiencies, the Governor submitted a SIP revision on February 6, 1984, that was approved by EPA on August 15, 1984 (see 49 FR 32575). The 1984 SIP element's emission control plan was based on emission reductions from the Federal Motor Vehicle Control Program (FMVCP), Automobile Inspection and Maintenance Program (I/M), and transportation improvements. The anticipated date for attaining the 8-hour CO NAAQS was December 31, 1987.

Through a letter dated May 26, 1988, we notified the Governor of Utah that the Ogden City area did not attain the CO NAAQS by the end of 1987. This letter stated that Utah was to address deficiencies in the SIP and that the State would also have to address requirements in our forthcoming post-1987 policy for carbon monoxide.

EPA did not finalize its post-1987 policy for carbon monoxide because the Clean Air Act (CAA) was amended on November 15, 1990. Under section 186 of the CAA, Ogden City was designated nonattainment for CO, was classified as "moderate" with a design value of less than 12.7 parts per million (ppm), and was required to attain the CO NAAQS by December 31, 1995. See 56 FR 56694, November 6, 1991. Based on ambient air quality monitoring data, as described further in section III(a) above, the Ogden City area attained the CO NAAQS in 1992.

Before the Ogden City CO nonattainment area may be redesignated to attainment, the State must have fulfilled the applicable requirements of part D of the CAA. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, whether the area is classified or nonclassifiable for CO.

The relevant Subpart 1 requirements are contained in sections 172(c) and 176. Our General Preamble (see 57 FR 13498, April 16, 1992) provides EPA's interpretations of the CAA requirements for moderate CO areas with design values of less than 12.7 ppm.

Under section 172(b), the applicable section 172(c) requirements, as determined by the Administrator, were due November 15, 1992, for the Ogden City nonattainment area. As the Ogden City CO redesignation request and maintenance plan were not submitted by the Governor until well after November 15, 1992 (actually, December 9, 1996), the General Preamble (see 57 FR 13529) provides that the applicable requirements of CAA section 172 were 172(c)(3) (emissions inventory), 172(c)(5) (new source review permitting program), and 172(c)(7) (the section 110(a)(2) air quality monitoring requirements). We interpret the requirements of sections 172(c)(1) (reasonable available control measures—RACM), 172(c)(2) (reasonable further progress—RFP), 172(c)(6) (other measures), and 172(c)(9) (contingency measures) as being irrelevant to a redesignation request because they only have meaning for an area that is not attaining the standard. See EPA's September 4, 1992, John Calcagni memorandum entitled, "Procedures for Processing Requests to Redesignate Areas to Attainment", and the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 (57 FR 13564, April 16, 1992). Finally, the State has not sought to exercise the options that would trigger sections 172(c)(4) (identification of certain emissions increases) and 172(c)(8) (equivalent techniques). Thus, these provisions are also not relevant to this redesignation request.

Section 176 of the CAA contains requirements related to conformity. Although EPA's regulations (see 40 CFR 51.396) require that states adopt transportation conformity provisions in their SIPs for areas designated nonattainment or subject to an EPA-approved maintenance plan, we have decided that a transportation conformity SIP is not an applicable requirement for purposes of evaluating a redesignation request under section 107(d) of the CAA. This decision is reflected in EPA's 1996 approval of the Boston carbon monoxide redesignation. (See 61 FR 2918, January 30, 1996.)

The applicable requirements of CAA section 172 are discussed below.

A. Section 172(c)(3)—Emissions Inventory

Section 172(c)(3) of the CAA requires a comprehensive, accurate, current inventory of all actual emissions from all sources in the Ogden City nonattainment area. As stated below for CAA section 187(a)(1), the Governor submitted a 1990 base year emissions inventory for Ogden City on July 11, 1994. We approved this 1990 base year CO emissions inventory on June 29, 1995 (see 60 FR 33745).

B. Section 172(c)(5) New Source Review (NSR)

The CAA requires all nonattainment areas to meet several requirements regarding NSR, including provisions to ensure that increased emissions will not result from any new or modified stationary major sources and a general offset rule. The State of Utah has a fully-approved NSR program (60 FR 22277, May 5, 1995) that meets the requirements of CAA section 172(c)(5). The State also has a fully approved Prevention of Significant Deterioration (PSD) program (56 FR 29436, June 27, 1991) that will apply after the redesignation to attainment is approved by us.

C. Section 172(c)(7)—Compliance With CAA Section 110(a)(2): Air Quality Monitoring Requirements

According to our interpretations presented in the General Preamble (57 FR 13498), CO nonattainment areas are to meet the "applicable" air quality monitoring requirements of section 110(a)(2) of the CAA as explicitly set forth in sections 172(b) and (c) of the CAA. With respect to this requirement, the State indicates in section IX.C.8.c of the maintenance plan ("Carbon Monoxide Monitoring"), that ambient CO monitoring data have been properly collected and uploaded to EPA's Aerometric Information and Retrieval System (AIRS) for the Ogden City area. Air quality data through 1996 are included in section IX.C.8.c of the maintenance plan and in the State's TSD. We recently polled the AIRS database and verified that the State has also uploaded additional ambient CO data through 1999. The data in AIRS indicate that the Ogden City area has shown, and continues to show, attainment of the CO NAAQS. Information concerning CO monitoring in Utah is included in the Monitoring Network Review (MNR) prepared by the State and submitted to EPA. Our personnel have concurred with Utah's annual network reviews and have agreed that the Ogden City network remains adequate. Finally, in section IX.C.8.c(5) of the maintenance plan, the State commits to the continued operation of the existing CO monitor, according to all applicable Federal regulations and guidelines, even after the Ogden City area is redesignated to attainment for CO.

The new CAAA of 1990 requirements for moderate CO areas, such as Ogden City, required that the SIP be revised to include a 1990 base year emissions inventory (CAA section 187(a)(1)), corrections to existing motor vehicle inspection and maintenance (I/M) programs (CAA section 187(a)(4)), periodic emission inventories (CAA section 187(a)(5)), and the implementation of an oxygenated fuels program (CAA section 211(m)(1)). How the State met these requirements and our approvals, are described as follows:

D. Section 187(a)(1)—1990 Base Year Emissions Inventory

The Governor submitted a 1990 base year emissions inventory for Ogden City on July 11, 1994. We approved this 1990 base year CO emissions inventory on June 29, 1995 (see 60 FR 33745).

E. Section 187(a)(4)—Corrections to the Ogden City Basic I/M Program

On November 13, 1993, the Governor submitted revisions to the Utah basic I/M program portion of its SIP which included the program in Ogden City. We approved these basic I/M program revisions on July 17, 1997 (see 62 FR 38213).

F. Section 187(a)(5)—Periodic Emissions Inventories

As the Governor did not submit a complete redesignation request and maintenance plan before September 30, 1995, a periodic emission inventory (for calendar year 1993) was required for Ogden City. On November 12, 1997, the Governor submitted a SIP revision for a 1993 periodic emission inventory for Ogden City. We approved this revision on April 14, 1998 (see 63 FR 18122).

G. Section 211(m)—Oxygenated Gasoline Program

Section 211(m) of the CAA required an oxygenated gasoline program in the Ogden City nonattainment area and surrounding Consolidated Metropolitan Statistical Area (CMSA). On May 19, 1994, the Governor submitted Utah's Oxygenated Gasoline Program, contained in Rule R307–8, effective December 16, 1993. We approved this SIP revision on November 8, 1994 (see 59 FR 55585). We are approving revisions to the Oxygenated Gasoline Program as part of this action. See section V below.

(c). Redesignation Criterion: The Area Must Have A Fully Approved SIP Under Section 110(k) Of The CAA.

Section 107(d)(3)(E)(ii) of the CAA states that for an area to be redesignated to attainment, it must be determined that the Administrator has fully approved the applicable implementation plan for the area under section 110(k).

As noted above, EPA previously approved (or sufficiently explained otherwise) SIP revisions based on the pre-1990 CAA as well as SIP revisions required under the 1990 amendments to the CAA. In this action, we are approving revisions to Rule R307–8 "Oxygenated Gasoline Program" and the State's commitment to maintain an adequate monitoring network (contained in section IX.C.8.c of the maintenance plan.) Thus, we have fully approved the Ogden City CO SIP under section 110(k) of the CAA.

(d). Redesignation Criterion: The Area Must Show That The Improvement In Air Quality Is Due To Permanent And Enforceable Emissions Reductions

Section 107(d)(3)(E)(iii) of the CAA provides that for an area to be redesignated to attainment, the Administrator must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan, implementation of applicable Federal air pollutant control regulations, and other permanent and enforceable reductions.

The CO emissions reductions for Ogden City, that are further described in sections IX.C.8.d "Verification of Air Quality Improvements" of the December 9, 1996, Ogden City maintenance plan, were achieved primarily through the Federal Motor Vehicle Control Program (FMVCP), and a Basic motor vehicle Inspection and Maintenance (I/M) program with improvements.

In general, the FMVCP provisions require vehicle manufacturers to meet more stringent vehicle emission limitations for new vehicles in future years. These emission limitations are phased in (as a percentage of new vehicles manufactured) over a period of years. As new, lower emitting vehicles replace older, higher emitting vehicles ("fleet turnover"), emission reductions are realized for a particular area such as Ogden City. For example, EPA promulgated lower hydrocarbon (HC) and CO exhaust emission standards in 1991, known as Tier I standards for new motor vehicles (light-duty vehicles and light-duty trucks) in response to the 1990 CAA amendments. These Tier I emissions standards were phased in with 40% of the 1994 model year fleet, 80% of the 1995 model year fleet, and 100% of the 1996 model year fleet.

As stated in section IX.C.8.d of the maintenance plan, significant additional emission reductions were realized from Ogden City's basic I/M program. Utah's rule UACR R307–2–34 incorporates by reference Section X, part E of the Utah State Implementation Plan (Vehicle Inspection and Maintenance Program, Weber County) which contains a full description of the requirements for Ogden City's I/M program. We note that further improvements to the Ogden City area's basic I/M program were implemented in July, 1994, to meet the requirements of EPA's November 5, 1992 (57 FR 52950) I/M rule and were approved by us into the SIP on July 17, 1997 (62 FR 38213).

We have evaluated the various State and Federal control measures, the original 1990 base year emission inventory (see 60 FR 33745, June 29, 1995), and the 1993 attainment year emission inventory (see 63 FR 18122, April 14, 1998), and have concluded that the improvement in air quality in the Ogden City nonattainment area has resulted from emission reductions that are permanent and enforceable.

(e). Redesignation Criterion: The Area Must Have A Fully Approved Maintenance Plan Under CAA Section 175A

Section 107(d)(3)(E)(iv) of the CAA provides that for an area to be redesignated to attainment, the Administrator must have fully approved a maintenance plan for the area meeting the requirements of section 175A of the CAA.

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the promulgation of the redesignation, the State must submit a revised maintenance plan that demonstrates continued attainment for the subsequent ten-year period following the initial ten-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for adoption and implementation, that are adequate to assure prompt correction of a violation. In addition, we issued further maintenance plan interpretations in the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (57 FR 13498, April 16, 1992), "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Supplemental" (57 FR 18070, April 28, 1992), and the EPA guidance memorandum entitled "Procedures for Processing Requests to Redesignate Areas to Attainment" from John Calcagni, Director, Air Quality Management Division, Office of Air Quality and Planning Standards, to Regional Air Division Directors, dated September 4, 1992. In this **Federal Register** action, EPA is approving the

maintenance plan for the Ogden City nonattainment area because we have determined, as detailed below, that the State's maintenance plan submittal meets the requirements of section 175A and is consistent with the documents referenced above. Our analysis of the pertinent maintenance plan requirements, with reference to the Governor's December 9, 1996, submittal, is provided as follows:

1. Emissions Inventories—Attainment Year and Projections

EPA's interpretations of the CAA section 175A maintenance plan requirements are generally provided in the General Preamble and the September 4, 1992, policy memorandum referenced above. Under our interpretations, areas seeking to redesignate to attainment for CO may demonstrate future maintenance of the CO NAAQS either by showing that future CO emissions will be equal to or less than the attainment year emissions or by providing a modeling demonstration. For the Ogden City area, the State selected the emissions inventory approach for demonstrating maintenance of the CO NAAQS.

The maintenance plan that the Governor submitted on December 9, 1996, included comprehensive inventories of CO emissions for the Ogden City area. These inventories include emissions from stationary point sources, area sources, non-road mobile sources, and on-road mobile sources. The State selected 1992 as the year from which to develop the attainment year inventory and included interim-year projections out to 2007. More detailed descriptions of the 1992 attainment year inventory and the projected inventories are documented in the maintenance plan, sections IX.C.8.e and IX.C.8.f., and in the State's TSD. The State's submittal contains detailed emission inventory information that was prepared in accordance with EPA guidance. Summary emission figures from the 1992 attainment year and the interim projected years are provided in Table III.—1 below.

TABLE III.–1—SUMMARY OF CO EMISSIONS IN TONS PER DAY FOR OGDEN CITY

	1992	1997	2000	2003	2007
Point Sources	N/D**	N/D	N/D	N/D	N/D
Area Sources	5.96	6.34	6.62	6.81	7.07
Non-Road Mobile Sources	0.93	1.09	1.13	1.18	1.24
On-Road Mobile Sources	63.93	46.52	42.26	37.67	36.71
Total	70.82	53.95	50.01	45.66	45.02

NOTE: N/D** = Negative Declaration; no point sources equal to or greater than 100 TPY.

2. Demonstration of Maintenance—Projected Inventories

As noted above, total CO emissions were projected by the State year-by-year from 1993 through 2007. These projected inventories were prepared in accordance with EPA guidance (further information is provided in section IX.C.8.f of the maintenance plan). EPA notes, however, that CAA section 175A(a) requires that the maintenance demonstration "... provide for the maintenance of the national primary ambient air quality standard for such air pollutant in the area concerned for at least 10 years after the redesignation." Therefore, based on this CAA provision, the maintenance demonstration now needs to project emissions to at least 2010, not just 2007. To address this issue, EPA consulted with the State to identify the specific materials that were provided at the Ogden City CO redesignation public hearing and which were subsequently adopted by the Utah Air Quality Board (UAQB). In a letter dated February 19, 1998, from Ursula Trueman, Director, Utah Division of Air Quality, to Richard Long, Director, Air Program, EPA Region VIII, the State provided an excerpt from the Ogden City CO redesignation Technical Support Document (TSD) that provided additional projected CO daily emissions for all years from 1993 through 2017. As indicated in the State's February 19, 1998, letter, these additional projected CO emissions were part of the TSD that was provided with the public hearing for the Ogden City CO redesignation and that was also adopted, along with the redesignation request and maintenance plan, by the UAQB. The projected inventories show that CO emissions are not estimated to exceed the 1992 attainment level during the time period 1993 through 2010 and, therefore, the Ogden City area has satisfactorily demonstrated maintenance. EPA has also extracted daily projected CO emissions for 2011 in the event that publication of this action in the **Federal Register** is delayed until early 2001. The additional projected CO daily emissions for 2008, 2009, 2010, and 2011 are provided in the Table III.—2 below:

TABLE III.–2—SUMMARY OF CO EMISSIONS IN TONS PER DAY FOR OGDEN CITY

	1992	2008	2009	2010	2011
Point Sources	N/D**	N/D	N/D	N/D	N/D
Area Sources	5.96	7.13	7.20	7.26	7.31
Non-Road Mobile Sources	0.93	1.26	1.28	1.29	1.31
On-Road Mobile Sources	63.93	37.52	38.17	38.80	39.46
Total	70.82	45.91	46.65	47.35	48.08

Note: N/D** = Negative Declaration; no point sources equal to or greater than 100 TPY.

3. Monitoring Network and Verification of Continued Attainment

Continued attainment of the CO NAAQS in the Ogden City area depends, in part, on the State's efforts to track indicators throughout the maintenance period. This requirement is met in two sections of the maintenance plan. In section IX.C.8.c(5) of the maintenance plan, the State commits to continue the operation of the CO monitor in the Ogden City area and to annually review this monitoring network and make changes as appropriate. Also, in section IX.C.8.i(1), the State commits to prepare a periodic emission inventory of CO emissions every three years after the maintenance plan is approved by EPA. With this action, we are approving these commitments as satisfying relevant requirements. Our approval renders the State's commitments federally enforceable.

4. Contingency Plan

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions. To meet this requirement, the State has identified appropriate contingency measures along with a schedule for the development and implementation of such measures. As stated in section IX.C.8.h of the maintenance plan, the contingency measures for the Ogden City area will be initially triggered by an exceedance of the CO NAAQS. Upon a violation of the CO NAAQS, (i.e., the second non-overlapping 8-hour average ambient CO measurement that exceeds 9 ppm at a single monitoring site during one calendar year, or the second one-hour average ambient CO measurement that exceeds 35 ppm at a single monitoring site during one calendar year) the Director of the Utah Division of Air Quality (UDAQ) will provide written notification to the Weber-Morgan District Board of Health. Contingency measures will be implemented one year after such notification is given by the Director of UDAQ.

The potential contingency measures that are identified in section IX.C.8.h.(3) of the Ogden City maintenance plan include an Employer-Based Trip Reduction Program, Basic Inspection and Maintenance Program Improvement, and a 2.7 % Oxygenated Gasoline Program.[2] A more complete description of the triggering mechanism and these contingency measures can be found in section IX.C.8.h of the maintenance plan.

Based on the above, we find that the contingency measures provided in the State's maintenance plan are sufficient and meet the requirements of section 175A(d) of the CAA.

5. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, Utah has committed to submit a revised maintenance plan SIP revision eight years after the approval of the redesignation. This provision for revising the maintenance plan is contained in section IX.C.8.i(4) of the Ogden City maintenance plan.

IV. EPA's Evaluation of the Transportation Conformity Requirements

Transportation Conformity—

One key provision of EPA's conformity regulation requires a demonstration that emissions from the transportation plan and Transportation Improvement Program are consistent with the emissions budgets in the SIP (40 CFR 93.118 and 93.124). The emissions budget is defined as the level of mobile source emissions relied upon in the attainment or maintenance demonstration to maintain compliance with the NAAQS in the nonattainment area. The rule's requirements and EPA's policy on emissions budgets are found in the preambles to the November 24, 1993, and August 15, 1997, transportation conformity rules (58 FR 62193–62196 and 62 FR 43780 *et seq.*) and in the sections of the rule referenced above.

The maintenance plan discusses the emissions budget in section IX, parts C.8.f (1) and (2). Section IX, part C.8.f.(1), page 143 states that "the Utah Air Quality Board established the conformity CO planning cap at 55 Tons CO/winter week day to the year 2017." Section IX, part C.8.f.(2), page 144 states that "emission budgets for the respective source categories, including on-road mobile sources, for the years 1992 through 2007 have been taken from the projection inventories for those years and are presented in Table IX.C.42." (With the exception of the 1992 attainment year budget, these budgets are all lower than 55 tons per day.) Later on this same page, the maintenance plan states that "The CO projection of motor vehicle emissions in the maintenance plan establishes the motor vehicles emission budget beyond the attainment year to the horizon year 2017. Conformity CO planning cap = 55.00 Tons CO/winter week day."

EPA was concerned that the maintenance plan was not clear as to whether the 55 ton budget or the budgets in Table IX.C.42 were intended to apply during the 1993–2007 period. We also note that the maintenance plan uses some of the "safety margin" in establishing the 55 ton per day emission budget. EPA defines the safety margin as the amount by which total emissions in any given year are less than the total emissions which provide for attainment of the CO standard. No safety margin calculations are documented in the maintenance plan, but it appears that the State has added some of the safety margin to the budgets listed in Table IX.C.42 to arrive at the final budget of 55 tons per day.

In a letter dated July 17, 2000, from Richard Long, Director, Air and Radiation Program, EPA Region VIII, to Ursula Kramer, Director, Division of Air Quality, Utah Department of Environmental Quality, we asked the State to clarify the applicability of the various budgets, provide calculations to address how the 55 ton per day budget was arrived at, show how the safety margin was calculated and how much was being used, and document the validity of the 55 ton per day budget when considered with emissions from other (non—mobile) emission categories.

The State responded to our request in a letter dated September 11, 2000, from Rick Sprott, Acting Director, Division of Air Quality, Utah Department of Environmental Quality to Richard Long, EPA that adequately addressed all our concerns regarding the mobile source conformity emission budgets.

Pursuant to the State's request, EPA is approving the mobile source emission budgets listed in Table IX.C.42, and as presented in Table IV–1 below, as the applicable emission budgets for the years 1993–2007. These budgets are based on the mobile source emission projections for those years, and do not include any safety margin.

[2] With this redesignation request, the State is seeking to remove the oxygenated Gasoline Program from the SIP as a control measure and make it a contingency measure. We are approving this change through our approval of the maintenance plan and the revisions to Utah Rule R307–8 because the area does not need the Oxygenated Gasoline Program to show maintenance of the CO NAAQS.

TABLE IV.—1

Year	1993	1994	1995	1996	1997	1998	1999
Mobile Source Emissions in tons per day of CO	54.03	54.22	51.01	47.74	46.52	45.17	44.16

Year	2000	2001	2002	2003	2004	2005	2006	2007
Mobile Source Emissions in tons per day of CO	42.26	39.87	39.21	37.67	36.47	35.92	36.14	36.71

EPA is also approving the 55 ton per day emission budget for the years 2008 and beyond. This budget is consistent with attainment and maintenance of the CO standard; that is, this budget, in combination with all other sources of emissions, results in total emissions lower than the attainment emissions inventory of 70.82 tons per day in each year from 2008 onward. The State has documented its use of the safety margin in developing this budget.

The State discusses the potential allocation of year-by-year emission credits in section (3), "Emissions Credit Allocation," on page 144, section IX, part C.8.f of the maintenance plan. Section (3) states that "The emissions credit, or any portion of the emissions credit may be allocated to any source category contributing to the inventory; i.e., area sources, non-road mobile sources, or on-road mobile sources. The allocation of emission credits shall be made by order of the Utah Air Quality Board and shall not be inconsistent with this plan."

This language is inconsistent with EPA's requirements for allocating the safety margin, and, thus, is not sufficient to allow for additional safety margin to be used for transportation conformity determinations, or for any of the safety margin to be used for other purposes. For example, EPA's longstanding interpretation is that the SIP itself must include some or all of the safety margin in the motor vehicle emissions budget before the safety margin may be used in transportation conformity determinations. *See* 58 FR 62195, November 24, 1993. Similarly, EPA has taken the position that conformity determinations may not trade emissions among SIP budgets for highway/transit versus other sources unless a SIP revision for the specific trade is submitted and approved by EPA or the SIP establishes appropriate mechanisms for such trading. *Id.* EPA's transportation conformity rule reflects these concepts at 40 CFR 93.124(a), (b), and (c).

The maintenance plan does not explicitly include the safety margin in the motor vehicle emission budget or any other budget (apart from establishing the 2008 and beyond 55 ton per day motor vehicle budget, which uses some of the safety margin). Instead, the maintenance plan attempts to allow the Utah Air Quality Board to make an allocation of the safety margin to one or more of the budgets at some future date. This is not the explicit SIP allocation contemplated by EPA's conformity rule. Nor does this approach constitute an appropriate trading mechanism. Thus, under the language of the maintenance plan as it now stands, the remaining safety margin may not be used for conformity determinations or any other purpose. All conformity determinations must demonstrate conformity with the emission budgets in the maintenance plan as cited above. The State may seek EPA approval of a SIP revision to allocate some or all of the available safety margin for transportation conformity, general conformity, or other purposes.

Consistent with the foregoing, and to avoid confusion, EPA is taking no action on section IX, part C.8.f.(3) of the maintenance plan.

V. EPA's Evaluation of the Revisions to Rule R307–8, Oxygenated Gasoline Program

Utah's Rule R307–8 is entitled "Oxygenated Gasoline Program." In this action, we are approving Utah's July 8, 1998, revisions to R307–8, as adopted by the UAQB on April 21, 1998, and State effective on April 22, 1998, and note that these revisions supersede and replace the version of R307–8 that we approved on November 8, 1994 (see 59 FR 55585). We note that the Governor submitted several other revisions to R307–8 prior to July 8, 1998, that we never approved and that the Governor's July 8, 1998, submittal also supersedes and replaces these other revisions to R307–8. The revisions we are approving remove the Oxygenated Gasoline Program from the SIP as a control measure and instead make it a contingency measure. The area does not need the Oxygenated Gasoline Program to show maintenance, and thus, it may be removed from the SIP as a control measure.

VI. Final Action

In this action, EPA is approving the Ogden City carbon monoxide redesignation request, maintenance plan, and the revisions to Rule R307–8.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective May 8, 2001 without further notice unless the Agency receives adverse comments by April 9, 2001.

If EPA receives such comments, then we will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 8, 2001 and no further action will be taken on the proposed rule.

Administrative Requirements

(a) Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

(b) Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

(c) Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

(d) Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

(e) Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2). Redesignation of an area to attainment under sections 107(d)(3)(D) and (E) of the Clean Air Act does not impose any new requirements on small entities. Redesignation to attainment is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. Therefore, I certify that the approval of the redesignation request will not affect a substantial number of small entities.

(f) Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves a redesignation to attainment and pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

(g) Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United

States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective May 8, 2001 unless EPA receives adverse written comments by April 9, 2001.

(h) National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

(i) Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: October 4, 2000.

William P. Yellowtail,

Regional Administrator, Region VIII.

Chapter I, title 40, parts 52 and 81 of the Code of Federal Regulations are amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart TT—UTAH

2. Section 52.2320 is amended by adding paragraph (c)(45) to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(45) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide ("Carbon Monoxide Maintenance Provisions for Ogden City") as submitted by the Governor on December 9, 1996, excluding section IX, part C.8.f.(3) of the plan, "Emissions Credit Allocation," as EPA is not taking any action on that section of the plan. UACR R307–8; Oxygenated Gasoline Program as submitted by the Governor on July 8, 1998.

(i) Incorporation by reference.

(A) UACR R307–2–12, section IX, part C of the Utah State Implementation Plan (SIP), adopted by the Utah Air Quality Board on August 7, 1996, and September 4, 1996, effective November 1, 1996. EPA's incorporation by reference of UACR R307–2–12 only extends to the following Utah SIP provisions and excludes any other provisions that UACR R307–2–12 incorporates by reference:

Section IX, part C.8 (except for section IX, part C.8.f.(3)), "Carbon Monoxide Maintenance Provisions for Ogden City," adopted by Utah Air Quality Board on August 7, 1996, and September 4, 1996, effective November 1, 1996.

(B) UACR R307–8, Oxygenated Gasoline Program, as adopted by the Utah Air Quality Board on April 21, 1998, effective April 22, 1998.

(ii) Additional materials.

(A) February 19, 1998, letter from Ursula Trueman, Director, Utah Division of Air Quality, Department of Environmental Quality to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, entitled "DAQS–0188–98; Technical Support Documents—Ogden City and Salt Lake City CO Maintenance Plans." This letter confirmed that all the emission projections contained in the technical support documents for both the Salt Lake City and Ogden City redesignation requests were properly adopted by the Utah Air Quality Board in accordance with the Utah Air Quality Rules.

(B) July 17, 2000, letter from Richard Long, Director, Air and Radiation Program, EPA Region VIII, to Ursula Kramer, Director, Utah Division of Air Quality, Department of Environmental Quality, entitled "Federal Register Action for the Ogden City Carbon Monoxide (CO) Redesignation—Resolution of Issues with the Conformity Budgets."

(C) September 11, 2000, letter from Rick Sprott, Acting Director, Utah Division of Air Quality, Department of Environmental Quality, to Richard Long, Director, Air and Radiation Program, EPA Region VIII, entitled "DAQP–131–00; Ogden City Carbon Monoxide (CO) Redesignation—Resolution of Issues with the Conformity Budgets." This letter provided clarification regarding the transportation conformity budgets in section IX.C.8 of the Ogden City maintenance plan SIP revision.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401—et seq.

2. In § 81.345, the table entitled "Utah-Carbon Monoxide" is amended by revising the entry for "Ogden Area" to read as follows:

§ 81.345 Utah.

* * * * *

UTAH—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Ogden Area, Weber County (part), City of Ogden	May 8, 2001	Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 01–5852 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MN61–01–7286a; MN62–01–7287a; FRL–6901–1]

Approval and Promulgation of Implementation Plans; Minnesota Designation of Areas for Air Quality Planning Purposes; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency is approving a State Implementation Plan (SIP) revision for Olmsted County, Minnesota, for the control of sulfur dioxide (SO_2) emissions in the city of Rochester. EPA is also approving a request to redesignate the Rochester nonattainment area to attainment of the SO_2 National Ambient Air Quality Standards (NAAQS). In conjunction with these actions, EPA is also approving the maintenance plan for the city of Rochester, Olmsted County nonattainment area, which was submitted to ensure that attainment of the NAAQS will be maintained. The SIP revision, redesignation request and maintenance plan were submitted by the Minnesota Pollution Control Agency (MPCA) on November 4, 1998, and are approvable because they satisfy the requirements of the Clean Air Act (Act). The rationale for the approval and other information are provided in this notice.

DATES: This action is effective on May 8, 2001 without further notice, unless EPA receives relevant adverse comments by April 9, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to: Carlton Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the documents relevant to this action are available for inspection during normal business hours at the above address. (Please telephone Christos Panos at (312) 353–8328, before visiting the Region 5 office.)

FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Programs Branch (AR–18J), Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328.

SUPPLEMENTARY INFORMATION: This supplemental information section is organized as follows:

I. General Information
  1. What action is EPA taking today?
  2. Why is EPA taking this action?
II. Background on Minnesota Submittal
  1. What is the background for this action?
  2. What information did Minnesota submit, and what were its requests?
  3. What is a "Title I Condition?"
III. State Implementation Plan Approval
  1. What requirements do SO_2 nonattainment areas have to meet?
  2. How does the state's SIP revision meet the requirements of the Act?
IV. Redesignation Evaluation
  1. What are the criteria used to review redesignation requests?
  2. How are these criteria satisfied for the city of Rochester?
V. Maintenance Plan
  What are the maintenance plan requirements?
VI. Final Rulemaking Action
VII. Administrative Requirements

I. General Information

1. What Action Is EPA Taking Today?

In this action, EPA is approving into the Minnesota SO_2 SIP for the city of Rochester, Olmsted County, certain portions of the five permits and two permit amendments that MPCA submitted to EPA as a SIP revision. Specifically, EPA is only approving into the SIP those portions of the permits cited as "Title I condition: State Implementation Plan for SO_2." EPA is also approving the SO_2 redesignation request submitted by the State of Minnesota for Olmsted County to redesignate the Rochester SO_2 nonattainment area to attainment of the SO_2 NAAQS. Finally, EPA is approving the maintenance plan submitted for this area.

2. Why Is EPA Taking This Action?

EPA is taking this action because the state's submittal for the Rochester SO_2 nonattainment area is fully approvable. The SIP revision provides for attainment and maintenance of the SO_2 NAAQS and satisfies the requirements of part D of the Act applicable to SO_2 nonattainment areas. Further, EPA is approving the maintenance plan and redesignating the Rochester SO_2 nonattainment area to attainment because the state has met the redesignation and maintenance plan requirements of the Act. A more detailed explanation of how the state's submittal meets these requirements is contained in EPA's July 28, 2000 Technical Support Document (TSD).

II. Background on Minnesota Submittal

1. What Is the Background for This Action?

On March 3, 1978, at 43 FR 8962, EPA designated the city of Rochester as a primary SO_2 nonattainment area based on monitored violations of the primary SO_2 NAAQS in the area between 1975 and 1977. EPA approved an SO_2 SIP revision for the city of Rochester on April 8, 1981 (46 FR 20996), consisting of an SO_2 control plan and emission limitations contained in operating permits for Rochester Public Utilities—Silver Lake Plant, Rochester Public Utilities—Broadway Plant, Rochester State Hospital, and Associated Milk Producers.

On July 8, 1985 (50 FR 27892), EPA promulgated a Good Engineering Practice stack height rule that resulted in a July 31, 1986 revision and a subsequent July 31, 1989 modification to the Rochester SO_2 SIP. In these submittals the MPCA requested EPA approval of new permit conditions for the facilities previously included in the SO_2 SIP and redesignation of the city of Rochester to attainment for SO_2. Approval of the Part D plan for Olmsted County was delayed pending the passage of the 1990 Amendments to the Act. EPA determined, however, that the 1989 submittal did not supply sufficient information to allow EPA to consider redesignating the Rochester SO_2 area to attainment.

The state informed EPA in a letter dated February 24, 1992, that it was in the process of revising several SIP submittals and redesignation requests and was therefore withdrawing them from EPA review. This included the SO_2 SIP and redesignation requests for Rochester submitted in 1986 and 1989.

2. What Information Did Minnesota Submit, and What Were Its Requests?

The SIP revision submitted by MPCA on November 4, 1998, consists of five permits and two permit amendments issued to the following facilities: Rochester Public Utilities—Silver Lake Plant, Rochester Public Utilities—Cascade Creek Combustion Turbine, Associated Milk Producers, St. Mary's Hospital, Olmsted Waste-to-Energy Facility, Franklin Heating Station, and IBM. The Rochester Public Utilities—Broadway Plant, and the three boilers at the Rochester State Hospital that were part of the 1981 SIP, no longer exist.

The state has requested that EPA approve the following:

(1) the removal from the Rochester SO_2 SIP of all emission limits and other conditions approved in the 1981 SIP related to the Rochester Public Utilities Broadway Plant, since this facility no longer exists;

(2) the removal from the Rochester SO_2 SIP of all emission limits and other conditions approved in the 1981 SIP related to the Rochester State Hospital, since the boilers that were part of the approved SIP no longer exist; and,

(3) the inclusion into the Rochester SO_2 SIP only the portions of the permits cited as "Title I condition: State Implementation Plan for SO_2."

3. What Is a "Title I Condition?"

SIP control measures were contained in permits issued to culpable sources in Minnesota until 1990 when EPA determined that limits in state-issued permits are not federally enforceable because the permits expire. The state then issued permanent Administrative Orders to culpable sources in nonattainment areas from 1991 to February of 1996.

Minnesota's Title V permitting rule, approved into the state SIP on May 2, 1995 (60 FR 21447), includes the term "Title I condition" which was written, in part, to satisfy EPA requirements that SIP control measures remain permanent. A "Title I condition" is defined as "any condition based on source-specific determination of ambient impacts imposed for the purposes of achieving or maintaining attainment with the national ambient air quality standard and which was part of the state implementation plan approved by EPA or submitted to the EPA pending approval under section 110 of the act * * *" The rule also states that "Title I conditions and the permittee's obligation to comply with them, shall not expire, regardless of the expiration of the other conditions of the permit." Further, "any title I condition shall remain in effect without regard to permit expiration or reissuance, and shall be restated in the reissued permit."

Minnesota has since resumed using permits as the enforceable document for imposing emission limitations and compliance requirements in SIPs. The SIP requirements in the permits submitted by MPCA are cited as "Title I condition: State Implementation Plan for SO_2," therefore assuring that the SIP requirements will remain permanent and enforceable. In addition, EPA has found the state's procedure for using permits to implement site-specific SIP requirements to be acceptable. The MPCA has committed to using this procedure if the Title I SIP conditions in the permits included in the Rochester SO_2 SIP submittal need to be revised in the future.

III. State Implementation Plan Approval

1. What Requirements Do SO_2 Nonattainment Areas Have To Meet?

The part D SIP requirements for SO_2 nonattainment areas are contained in section 172(c) of the Act, and pertain to: Reasonably Available Control Measures; Reasonable Further Progress; Inventory; Identification and Quantification; Permits for New and Modified Major Stationary Sources; Other Measures; Compliance with section 110(a)(2); Equivalent Techniques; and, Contingency Measures.

2. How Does the State's SIP Revision Meet the Requirements of the Act?

With this submission, Minnesota will have a fully approvable SO_2 SIP. As described below, Minnesota's submitted revision to its SO_2 SIP for the Rochester nonattainment area, fully complies with the part D requirements, as set forth in section 172(c) of the Act.

A. *Reasonably Available Control Measures (RACM).* The plan complies with the requirements to implement RACM by providing for immediate attainment of the SO_2 NAAQS through the emission limits and operating restrictions imposed on the culpable sources by their permits.

B. *Reasonable Further Progress.* Reasonable further progress is achieved due to the immediate effect of the emission limits required by the plan.

C. *Inventory.* An inventory of the SO_2 emissions in the Rochester nonattainment area was provided by the state and has been found to be acceptable.

D. *Identification and Quantification.* This information is unnecessary because the area has not been identified as a zone for which economic development should be targeted.

E. *Permits for New and Modified Major Stationary Sources.* Any new or modified sources constructed in the area must comply with a state submitted and federally approved New Source Review program. Minnesota's Offset Rule (Minn. R. 7007.4000–4030) contains the state's federally approved program. (See 59 FR 21939).

F. *Other Measures.* The plan provides for immediate attainment of the SO_2 NAAQS through the emission limitations, operating requirements, and compliance schedules that are set forth within the permits.

G. *Compliance with section 110(a)(2).* This submission complies with section 110(a)(2). All of the applicable provisions of section 110(a)(2) are already required by the statutory provisions discussed in this plan, or they have already been met by Minnesota's original 1971 SIP submission to the EPA.

H. *Equivalent Techniques.* The modeling for this SIP submittal was conducted using EPA's "Guideline on Air Quality Models (Revised)." No equivalent techniques were used for modeling, emission inventory, or planning procedures.

I. *Contingency Measures.* Section 172(c)(9) of the CAA defines contingency measures as measures in a SIP which are to be implemented if an area fails to make RFP or fails to attain the NAAQS by the applicable attainment date and shall consist of other control measures that are not included in the control strategy. However, the General Preamble for the Implementation of Title I of the CAA Amendments of 1990, (57 FR 13498), states that SO_2 measures present special considerations because they are based upon what is necessary to attain the NAAQS. Because SO_2 control measures are well established and understood, they are far less prone to uncertainty. It would be unlikely for an area to implement the necessary emissions control yet fail to attain the SO_2 NAAQS. Therefore, for SO_2 programs, contingency measures mean that the state agency has the ability to identify sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement. The MPCA has the necessary enforcement and compliance programs, as well as the means to identify violators, thus satisfying the contingency measures requirement.

IV. Redesignation Evaluation

1. What Are the Criteria Used To Review Redesignation Requests?

Section 107(d)(3)(E) of the Act establishes the requirements to be met before an area may be redesignated from nonattainment to attainment. Approvable redesignation requests must meet the following conditions: the area has attained the applicable NAAQS; the area has a fully approved SIP under section 110(k) of the Act; the air quality improvement in the area is due to permanent and enforceable emission reductions; the maintenance plan for the area has met all the requirements of section 175A of the Act; and, the state has met all the requirements applicable to the area under section 110 and part D of the Act.

2. How Are These Criteria Satisfied for the City of Rochester?

A. *Demonstrated Attainment of the NAAQS.* Minnesota's submittal includes ambient air monitoring data showing that there have been no exceedances of the SO_2 NAAQS in the city of Rochester since 1979.

Dispersion modeling is commonly used to demonstrate attainment of the SO_2 NAAQS. The state's modeling analysis was initially submitted in 1986 and last updated in 1998. The modeling demonstrates that, under all the operating scenarios allowed for in the SIP, the SO_2 emission limits for the culpable sources in the Rochester area are adequate to show attainment and maintenance of the SO_2 standards. A more detailed discussion of the modeling evaluation is included in appendix A of the TSD.

B. *Fully Approved SIP.* The SIP for the area must be fully approved under section 110(k) of the Act and must satisfy all requirements that apply. The SIP revision included as part of the state's submittal meets the part D requirements of the Act, as discussed in other sections of this rulemaking. Therefore, both the SIP revision and the redesignation request for Olmsted County comply with the section 110(k) requirements of the Act.

C. *Permanent and Enforceable Reductions in Emissions.* The city of Rochester was designated nonattainment of the SO_2 NAAQS based on violations that occurred between 1975 and 1977. Air quality improvement in the Rochester SO_2 nonattainment area is attributed to SO_2 emission limits and operating restrictions imposed on the facilities that contribute to the nonattainment status in Rochester. These limits are permanent and enforceable by means of non-expiring Title I conditions set forth in the state permits. Emissions from these sources were modeled with all the control measures in place. The data submitted by the state shows modeled attainment of the SO_2 NAAQS in the city of Rochester.

D. *Fully Approved Maintenance Plan.* EPA has concluded that the SO_2 emissions limitations contained in the plan submitted by the state will assure maintenance of the SO_2 standards. EPA is approving the maintenance plan in today's action as discussed below.

E. *Part D and Other Section 110 Requirements.* Section 107(d)(3)(E)(v) of the Act states that the Administrator may not redesignate an area to attainment unless the area has met the applicable requirements under section 110 and part D. The requirements under section 110 and part D are met with the approval of the SIP revision submitted simultaneously with this redesignation request.

V. Maintenance Plan

What Are the Maintenance Plan Requirements?

Section 175A of the Act requires states to submit a SIP revision which provides for the maintenance of the NAAQS in the area for at least 10 years after approval of the redesignation. Consistent with the Act's requirements, EPA developed procedures for redesignation of nonattainment areas that are contained in a September 4, 1992, memorandum from John Calcagni, EPA, titled, "Procedures for Processing Requests to Redesignate Areas to Attainment." This EPA guidance document contains a number of maintenance plan provisions that a state should consider before it can request a change in designation for a federally designated nonattainment area. The basic components needed to ensure proper maintenance of the NAAQS are: attainment inventory, maintenance demonstration, verification of continued attainment, ambient air monitoring network, and a contingency plan.

A. *Attainment Inventory.* The air dispersion modeling included in the state's submittal contains the emission inventory of SO_2 sources for the city of Rochester.

B. *Maintenance Demonstration and Verification of Continued Attainment.* Operating permits were issued to seven culpable sources in the city of Rochester. Results from the modeling were used for establishing the SO_2 emissions limits in the permits. Conditions cited as "Title I condition" in the permits do not expire and automatically become part of any reissued permit, therefore providing for maintenance of the SO_2 NAAQS for at least 10 years.

The air dispersion modeling shows there is approximately a 1 or 2 percent growth margin of the ambient standards. Growth in the area will be monitored by MPCA by keeping track of new permit applications, keeping track of requests for permit amendments, and observing the annual emission inventories that all facilities with permits must submit to the MPCA. Future SO_2 emissions are not likely to exceed the ambient standards because of Minnesota's permitting program and the state's requirements for dispersion modeling. Further, MPCA staff believe incentives to reduce emissions such as Minnesota's Clean Fuels Project and the state's "registration permit" rule, will provide for continued attainment of the SO_2 NAAQS in the city of Rochester.

C. *Monitoring Network.* In a letter dated March 17, 1998, EPA clarified Region 5's position regarding the need for continued SO_2 monitoring in the Rochester area. In that letter EPA stated that if Minnesota can show attainment of the NAAQS through EPA approved air dispersion modeling, has an approvable SIP revision showing that the control strategies have been implemented, and shows that it can continue to attain the standard for a period of 10 years following the redesignation, then an SO_2 monitoring network does not need to be maintained. Because the MPCA has met the requirements as outlined in that letter, a monitoring network does not need to be maintained in the city of Rochester.

D. *Contingency Plan.* Section 175A of the CAA requires that the maintenance plan include contingency provisions to correct any violation of the NAAQS after redesignation of the area. Section 175A of the Act also requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. These contingency measures are distinguished from those generally required for nonattainment areas under section 172(c)(9). As mentioned before, however, the General Preamble to the 1990 Amendments to the Act (57 FR 13498) states that SO_2 provisions require special considerations. A primary reason is that SO_2 control methods are well established and understood, resulting in less uncertainty in the modeled attainment demonstrations. It is considered unlikely that an area would fail to attain the standards after it has demonstrated, through modeling, that attainment is reached after the limits and restrictions are fully implemented and enforced.

Therefore, contingency measures for SO_2 need only consist of a comprehensive program to identify sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement. The MPCA has the necessary enforcement and compliance programs, as well as means by which to identify violators.

VI. Final Rulemaking Action

EPA is approving the SIP revision for the control of SO_2 emissions in the city of Rochester, located in Olmsted County, Minnesota, as requested by the state on November 4, 1998. EPA is also approving a request to redesignate the Rochester nonattainment area to

attainment of the SO_2 NAAQS. In conjunction with these actions, EPA is also approving the maintenance plan for the Olmsted County nonattainment area, which was submitted to ensure that attainment of the NAAQS will be maintained. The SIP revision, redesignation request and maintenance plan meet the applicable requirements of the Act.

The EPA is publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse comments are filed. This rule will be effective May 8, 2001 without further notice unless relevant adverse comments are received by April 9, 2001. If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective May 8, 2001.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future implementation plan. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

VII. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

B. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with, those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective May 8, 2001 unless EPA receives adverse written comments by April 9, 2001.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovermental relations, Reporting and recordkeeping requirements, Sulfur dioxide.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: October 27, 2000.

Gary Gulezian,

Acting Regional Administrator, Region 5.

Title 40, Chapter I, of the Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.1220 is amended by adding paragraph (c)(56) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(56) On November 4, 1998, the State of Minnesota submitted a SIP revision for Olmsted County, Minnesota, for the control of emissions of sulfur dioxide (SO_2) in the city of Rochester. The state also submitted on that date a request to redesignate the Rochester nonattainment area to attainment of the SO_2 National Ambient Air Quality Standards. The state's maintenance plan is complete and the submittals meet the SO_2 nonattainment area SIP and redesignation requirements of the Clean Air Act.

(i) Incorporation by reference

(A) Air Emission Permit No. 10900011–001, issued by the Minnesota Pollution Control Agency (MPCA) to City of Rochester—Rochester Public Utilities—Lake Plant on July 22, 1997, Title I conditions only.

(B) Air Emission Permit No. 00000610–001, issued by the MPCA to City of Rochester—Rochester Public Utilities—Cascade Creek Combustion on January 10, 1997, Title I conditions only.

(C) Air Emission Permit No. 10900010–001, issued by the MPCA to Associated Milk Producers, Inc. on May 5, 1997, Title I conditions only.

(D) Air Emission Permit No. 10900008–007 (989–91–OT–2, AMENDMENT No. 4), issued by the MPCA to St. Mary's Hospital on February 28, 1997, Title I conditions only.

(E) Air Emission Permit No. 10900005–001, issued by the MPCA to Olmsted County—Olmsted Waste-to-Energy Facility on June 5, 1997, Title I conditions only.

(F) Amendment No. 2 to Air Emission Permit No. 1183–83–OT–1 [10900019], issued by the MPCA to Franklin Heating Station on June 19, 1998, Title I conditions only.

(G) Air Emission Permit No. 10900006–001, issued by the MPCA to International Business Machine Corporation—IBM—Rochester on June 3, 1998, Title I conditions only.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q

2. Section 81.324 is amended by revising the entry for Olmsted County in the table entitled "Minnesota—SO_2" to read as follows:

§ 81.324 Minnesota.

* * * * *

MINNESOTA—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be Classified	Better than national standards
Olmsted County				X

* * * * *

[FR Doc. 01–5850 Filed 3–8–01; 8:45 am]
BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 66, No. 47
Friday, March 9, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL HOUSING FINANCE BOARD

12 CFR Parts 915, 917, 925, 930, 931, 932, 933, 956, 966

[No. 2001–05]

RIN 3069–AB06

Capital Requirements for Federal Home Loan Banks

AGENCY: Federal Housing Finance Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: On December 20, 2000, the Federal Housing Finance Board (Finance Board) approved regulations to implement a new capital structure for the Federal Home Loan Banks (Banks) as required by the Gramm-Leach-Bliley Act. At that time, the Finance Board recognized that, as the Banks begin to determine their capital plans, unforeseen issues may arise that would require the Finance Board to refine, clarify or otherwise amend the final capital regulations to assure that each Bank can successfully develop and implement the new capital structure. Accordingly, to better consider the potential need for amendments to the final capital regulations, the Finance Board is seeking information and comment on the specific issues discussed in this Advanced Notice of Proposed Rulemaking (ANPR), as well as any other unforeseen issues or uncertainties that were not resolved in the final capital rule or that have arisen as the Banks have begun to develop their capital plans and could affect the development or implementation of the Banks' required capital plans.

DATES: The Finance Board will consider written comments on the advance notice of proposed rulemaking that are received on or before April 9, 2001.

ADDRESSES: Send comments to: Elaine L. Baker, Secretary to the Board, by electronic mail at *bakere@fhfb.gov*, or by regular mail to the Board, at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. Comments will be available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: James L. Bothwell, Managing Director, (202) 408–2821; Scott L. Smith, Acting Director, (202) 408–2991; Ellen Hancock, Senior Financial Analyst, (202) 408–2906; or Julie Paller, Senior Financial Analyst, (202) 408–2842, Office of Policy, Research and Analysis; or Deborah F. Silberman, General Counsel, (202) 408–2570; Neil R. Crowley, Deputy General Counsel, (202) 408–2990; Thomas F. Hearn, Senior Attorney-Advisor, (202) 408–2976; or Thomas E. Joseph, Attorney-Advisor, (202) 408–2512, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

Background

The Gramm-Leach-Bliley Act, Pub. Law No. 106–102, 133 Stat. 1338 (Nov. 12, 1999) (GLB Act), amended the Federal Home Loan Bank Act (Bank Act) to change, among other things, the capital structure of the Banks from a "subscription" structure to one that includes both risk-based and minimum leverage requirements. The GLB Act also required the Finance Board to prescribe uniform capital standards for the Banks and required each Bank to adopt and implement a capital plan consistent with provisions of the GLB Act and Finance Board regulations. Under the GLB Act, each Bank must submit a capital plan to the Finance Board for approval within 270 days after the publication of the final capital regulations, in other words by no later than October 29, 2001. *See* 66 FR 8262. (Jan. 30, 2001) (publication of final capital rule).

In addition to approving the new capital regulations, the Finance Board adopted on December 20, 2000 a resolution directing its staff to develop an ANPR that would seek comment on any issues that could arise in the capital planning process, actions of other regulatory bodies or other events in the general economy that could affect the capital development of the Banks, and could require further action by the Finance Board. Accordingly, the Finance Board is issuing this ANPR to help identify issues or uncertainties that were not contemplated by, or fully addressed in, the final capital rule or that have arisen only after the Banks have begun to develop their capital plans.

This ANPR does not alter or delay the statutory deadline of October 29, 2001 by which the Banks must submit their capital plans to the Finance Board for approval. If the Finance Board determines that it should amend the capital regulations as a result of this ANPR, it would do so in accordance with the Administrative Procedures Act, either through a full notice and comment rulemaking or by interim final rule, depending on the nature and urgency of the change. Therefore, to best assure that any needed amendments will take effect by a date reasonably prior to the October 29 deadline, the Finance Board has established a 30-day comment period for the ANPR and intends to review comments received during the ANPR comment period expeditiously. For similar reasons, the Finance Board requests that commenters be as specific as possible in describing potential problems that could arise under the final capital regulations, discuss with specificity changes to the regulation that the commenters believe are needed to address such problems, and provide a legal analysis detailing the Finance Board's authority to adopt these suggested rule amendments, where applicable. The specific issues on which the Finance Board requests comment and discussion are described below.

Dividends on Class A Stock

As was discussed as part of the final rule, the decision by Congress to confer on the Class B stockholders an ownership interest in the retained earnings of the Banks has created some uncertainty as to the ability of a Bank to pay dividends to its Class A stockholders. Briefly stated, the language of the GLB Act that created the ownership interest in favor of the Class B stockholders might be interpreted as creating a property interest for the Class B stockholders that would effectively preclude that property from being used as a source for dividends on the Class A stock. Further discussion of this issue is set out in some detail in the **SUPPLEMENTARY INFORMATION** section of the adopting release for the final rule. *See* 66 FR 8272, 8777–78 (Jan. 30, 2001). Rather than address the issue as part of the final rule, the Finance Board at that

time decided to defer consideration of this issue until it could have an opportunity to solicit comments. Nonetheless, because it is unlikely that the Congress intended the GLB Act to preclude the payment of dividends on the Class A stock, the Finance Board is inclined to propose an amendment to its capital regulations to make clear that a Bank that issues Class A stock will be permitted to pay dividends on that stock as determined by the board of directors of the Bank. Before issuing such a proposed rule, however, the Finance Board requests comments on how best to address the issue of payment of dividends on the Class A stock.

Capitalizing Out-of-District Assets

The investment by one Bank in the assets of another Bank (such as through the purchase of a participation interest) or in transactions that originated with the member of another Bank has been increasing in recent years. Such "out-of-district" assets may include Acquired Member Assets (AMA) and, as allowed under a recently adopted Finance Board rule, advances originated by another Bank or a participation interest in such advances. *See* 65 FR 43969, 43981 (July 18, 2000), *as corrected by* 65 FR 46049 (July 26, 2000) (adopting 12 CFR 950.25). Because the GLB Act and Finance Board regulations require a Bank to sell its stock only to its members, however, these out-of-district assets may present special problems to the extent that a Bank contemplated acquiring the incremental capital necessary to support these transactions through an activity-based stock purchase requirement. *See* 12 U.S.C. 1426(c)(5)(A), *as amended;* and 12 CFR 933.2(e)(2) *as adopted at* 66 FR 8320.

In addition, the GLB Act defines permanent capital specifically to "include the amounts paid for [C]lass B stock and the retained earnings of the [B]ank (as determined in accordance with generally accepted accounting principles) * * *." 12 U.S.C. 1426(a)(5)(A), *as amended.* Further, under both the GLB Act and the capital regulations, only permanent capital can be used to satisfy a Bank's minimum risk-based capital requirement. *See id.* at 1426(a)(3), and 66 FR 8313 (adopting 12 CFR 932.3). Thus, the Finance Board is limited in its ability to define additional sources of permanent capital to meet the incremental risk-based capital requirements associated with new out-of-district assets. By contrast, the GLB Act provides that total capital may include an amount from any source that is available to absorb losses incurred by a Bank and that has been determined by the Finance Board to be appropriately included in total capital. 12 U.S.C. 1426(a)(5)(B), *as amended.* Thus, the Finance Board has greater flexibility to define sources of total capital that could be used to satisfy the Banks' minimum leverage requirements. *See id.* at 1426(a)(2) and 66 FR 8313 (adopting 12 CFR 932.2).

The Finance Board did not address the issue of capitalizing out-of-district assets in the final capital rule.[1] The Finance Board is soliciting comment on how the Banks may capitalize their out-of-district assets, such as by use of subordinated debt. It seeks discussion on whether there is merit in considering the concept of capitalizing out-of-district assets at all, assistance in identifying problems that may hinder a Bank in implementing its capital plan or in meeting its capital requirements, and, if problems are identified, suggestions for solutions to such problems (including legal analysis to support the adoption of the suggested approach).

Other Unresolved Matters

In addition to the specific issues discussed above, the Finance Board seeks comments and discussion on other unforeseen issues that were not resolved in the final rule and that may introduce uncertainty or impediments into the process of developing and implementing the required capital plans. In particular, the Finance Board is interested in any tax or accounting issues or other regulatory issues that may have come to light as the Banks have begun development of their capital plans. The Finance Board requests that commenters be as specific as possible in describing any problems or potential problems arising under the capital rule and provide a complete analysis, including any supporting legal analysis, of any proposed solutions to these problems.

Dated: March 2, 2001.

By the Board of Directors of the Federal Housing Finance Board.

Alan L. Mendelowitz,

Chairman.

[FR Doc. 01–5802 Filed 3–8–01; 8:45 am]

BILLING CODE 6725–01–P

[1] In the SUPPLEMENTARY INFORMATION section of the proposing release for the capital rule, the Finance Board did request comment on the concept of the issuance of joint or pooled stock by Banks that were jointly managing assets as one solution to the problem of capitalizing out-of-district assets. *See* 65 FR 43408, 43412 (July 13, 2000). Commenters' responses to this proposal were mixed, and in the whole did not provide the Finance Board with a sufficient basis for designing a practical solution to the problem.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–268–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 767–300 series airplanes. This proposal would require a one-time general visual inspection to find chafing and determine adequate clearance of certain wire bundles in the ceiling panel near the main passenger door, and corrective actions. This action is necessary to prevent damage to the wires in the bundles due to contact between the bundles and the adjacent ceiling support bracket.

Such damage could result in electrical arcing, smoke, or fire in the cabin, and failure of certain systems essential to safe flight and landing of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 23, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–268–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–268–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Elias Natsiopoulos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1279; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–268–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–268–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating two incidents, on a Boeing Model 767–300 series airplane, of wire bundle chafing and subsequent arcing against a ceiling support bracket attached to the F–4/G–2 galley at body station 355. In the first incident, approximately 20 wire segments were burnt and severed, which resulted in smoke in the cabin, release of oxygen masks, tripping of various circuit breakers, loss of flight-essential systems, and an air turnback. In the second incident, there was a flash and static noise followed by a shower of sparks and ash. During an inspection on a recently delivered Model 767–300 series airplane, a potential chafing condition was found between the same wire bundles and support bracket described above.

Because these wires are connected to such flight-essential systems as the fuel shutoff valves for the engines, oxygen deployment for passengers, emergency lighting, passenger signs, and the signal for emergency evacuation, worn or broken wires can cause one or more of these systems to fail. Failure of the fuel shutoff valves, for example, would prevent the flight crew from stopping the flow of fuel to the engines in the event of a fire. This action is necessary to prevent damage to the wires in the bundles due to contact between the bundles and the adjacent ceiling support bracket, which could result in electrical arcing, smoke, or fire in the cabin, and failure of certain systems essential to safe flight and landing of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–33A0085, Revision 2, dated December 7, 2000, which describes, among other things, procedures for a one-time inspection to find chafing and determine adequate clearance of certain wire bundles in the ceiling panel near the main passenger door, and corrective actions. The corrective actions include, but are not limited to, repair or replacement of worn wires in the wire bundles with new wires; installation of a bracket assembly on the wire bundle support bracket for certain airplanes, installation of nut spacer plates for certain other airplanes, and re-routing of the wire bundles to provide adequate clearance between the bundles and the adjacent structure. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Difference Between Service Bulletin and This Proposed AD

Operators should note that, although the service bulletin specifies accomplishment of the actions as soon as manpower and facilities are available, the FAA has determined that a six-month compliance time for accomplishment of the actions would address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the actions. In light of all of these factors, the FAA finds a six-month compliance time for completion of the actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Cost Impact

There are approximately 135 airplanes of the affected design in the worldwide fleet. The FAA estimates that 53 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $3,180, or $60 per airplane.

It would take approximately 2 work hours per airplane to accomplish the proposed repair or replacement, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the repair or replacement proposed by this AD on U.S. operators is estimated to be $6,360, or $120 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The

cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–268–AD.

Applicability: Model 767–300 series airplanes, as listed in Boeing Alert Service Bulletin 767–33A0085, Revision 2, dated December 7, 2000, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to the wires in certain wire bundles due to contact between the bundles and the adjacent ceiling support bracket, which could result in electrical arcing, smoke, or fire in the cabin, and failure of certain systems essential to safe flight and landing of the airplane, accomplish the following:

One-Time Inspection/Corrective Actions

(a) Accomplish the requirements in paragraphs (a)(1) and (a)(2) of this AD, as applicable, at the times specified.

(1) Within 6 months after the effective date of this AD: Do a one-time general visual inspection to find chafing and determine adequate clearance of the wire bundles above the F4/G2 galley, per Figure 1 or Figure 3, as applicable, of the Accomplishment Instructions of Boeing Alert Service Bulletin 767–33A0085, Revision 2, dated December 7, 2000.

Note 2: For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to find obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

(2) If chafing and/or inadequate clearance is found: Before further flight, repair or replace damaged wires in the wire bundles; install a bracket assembly on the wire bundle support bracket; install nut spacer plates; and re-route the wire bundles away from the ceiling support bracket, as applicable, as specified by and per Figure 2 or Figure 3, as applicable, of the Accomplishment Instructions of the alert service bulletin.

Note 3: Accomplishment of the one-time inspection and corrective actions before the effective date of this AD per Boeing Alert Service Bulletin 767–33A0085, dated May 11, 2000, or Revision 1, dated August 31, 2000, is considered acceptable for compliance with paragraph (a) of this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permit

(c) Special flight permits may be issued per sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 5, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–5808 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–310–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, and –200C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–100, –200, and –200C series airplanes. This proposal would require inspection of certain floor beams and transverse beams, and corrective actions, if necessary. The actions specified in the proposed AD are intended to detect and correct cracking at the aileron control quadrant cutouts and in the cabin floor beams and pressure web transverse beams above the main wheelwell, which could result in rapid loss of cabin pressure and reduced structural integrity of the airframe.

DATES: Comments must be received by April 23, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–310–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 99–NM–310–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Scott Fung, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1221; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA–public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NM–310–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–310–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that, on numerous Boeing Model 737 series airplanes, cracks have been detected in the left and right buttock line (LBL and RBL) 24.8 floor beams in the area of the aileron control quadrant cutout, and in the floor beams and pressure web transverse beams above the main wheelwell. This cracking has been attributed to stress concentration at the aileron control quadrant cutout and to fatigue at beam intersections resulting from pressurization flexure, respectively. This condition, if not corrected, could result in rapid loss of cabin pressure and reduced structural integrity of the airframe.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992. That service bulletin describes procedures for repetitive detailed visual inspections to detect cracking of the LBL and RBL 24.8 floor beams at the aileron control quadrant cutout; corrective actions, if necessary; and eventual modification of that area. That service bulletin also describes procedures for repetitive detailed visual inspections for cracking of the transverse beams and floor beams at the beam intersections, and eventual modification of that area. The modifications eliminate the need for the repetitive inspections. For any cracking of the LBL and RBL 24.8 floor beams at the aileron control quadrant cutout, if the cracking is within certain limits specified in the service bulletin, corrective actions include repair and accomplishment of the modification of the LBL and RBL 24.8 floor beams. For any cracking of the LBL and RBL 24.8 floor beams at the aileron control quadrant cutout that is outside the limits specified in the service bulletin, or any cracking of the transverse beams and floor beams at the beam intersections, the service bulletin specifies to contact Boeing for repair instructions.

Other Relevant Rulemaking

The FAA previously has issued AD 90–06–02, amendment 39–6489 (55 FR 8372, March 7, 1990), and AD 93–17–08, amendment 39–8679 (58 FR 46076, September 1, 1993), which apply to certain Boeing Model 737 series airplanes. AD 90–06–02 requires incorporation of structural modifications listed in Boeing Document No. D6–38505, Revision C, dated December 11, 1989; and AD 93–17–08 requires incorporation of structural modifications listed in Appendices A.3 and B.3 of Boeing Document No. D6–38505, Revision F, dated April 23, 1992. The modifications specified in Boeing Service Bulletin 737–57–1139, Revision 4, are listed in Boeing Document No. D6–38505, Revisions C and F. Because the modifications in Boeing Service Bulletin 737–57–1139, Revision 4, are already required by AD 90–06–02 and AD 93–17–08, this proposed AD would require only the inspections in the service bulletin, not the modifications. "Note 3" has been included in the body of this notice of proposed rulemaking to clarify that the modifications in the service bulletin are already required by other AD's. In addition, accomplishment of the modifications in the service bulletin in accordance with AD 90–06–02 and AD 93–17–08 is terminating action for the inspections in this proposed AD, and paragraphs (c)(1) and (c)(2) of this proposed AD clarify this point.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the inspections specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposed AD would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Cost Impact

There are approximately 971 airplanes of the affected design in the worldwide fleet. The FAA estimates that 333 airplanes of U.S. registry would be affected by this proposed AD, and that it would take approximately 10 work

hours per airplane to accomplish the proposed inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspections on U.S. operators is estimated to be $199,800, or $600 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 99–NM–310–AD.

Applicability: Model 737–100, –200, and –200C series airplanes; line numbers 1 through 1585 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously. To detect and correct cracks in the floor beams at the aileron control quadrant cutout and in the floor beams and pressure web transverse beams above the main wheelwell, which could result in rapid loss of cabin pressure and reduced structural integrity of the airplane, accomplish the following:

Initial Inspection and Follow-On Actions: Groups 1, 2, and 5

(a) For airplanes in Groups 1, 2, and 5; as listed in Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992: Prior to the accumulation of 12,000 total flight cycles, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking of the left and right buttock line (LBL and RBL) 24.8 floor beams in the area of the aileron control quadrant cutout, in accordance with Part II of the Accomplishment Instructions of the service bulletin.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriated by the inspector. Inspection aids such as mirror, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required.

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles, until the modification in paragraph (c)(1) of this AD is done.

(2) If cracking is detected that is within the limits specified in Part II, Paragraphs C.1. and C.2., of the Accomplishment Instructions of the service bulletin, prior to further flight, repair the crack per the service bulletin, and accomplish the modification specified in paragraph (c)(1) of this AD.

(3) If cracking is detected that is outside the limits identified in Part II, Paragraphs C.1. and C.2., of the Accomplishment Instructions of the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with a method approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For the repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Initial Inspection and Follow-On Actions: Groups 1, 2, 3, and 4

(b) For airplanes in Groups 1, 2, 3, and 4; as listed in Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992: Prior to the accumulation of 20,000 total flight cycles, or within 6,000 flight cycles after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking of the transverse beams and floor beams at the beam intersections in accordance with Part II of the Accomplishment Instructions of the service bulletin.

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 6,000 flight cycles, until the modification in paragraph (c)(2) of this AD is done.

(2) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, Seattle ACO, or in accordance with a method approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings. For the repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Modifications (Terminating Action)

(c) The following modifications in accordance with Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992, constitute terminating action for certain requirements of this AD.

(1) For airplanes in Groups 1, 2, and 5; as listed in the service bulletin: Modification of the LBL and RBL 24.8 floor beams in the area of the aileron control quadrant cutout in accordance with Part I of the Accomplishment Instructions of the service bulletin constitutes terminating action for the repetitive inspection requirements of paragraph (a) of this AD.

(2) For airplanes in Groups 1, 2, 3, and 4; as listed in the service bulletin: Modification of the transverse beams and floor beams at the beam intersections in accordance with Part III or Part I, as applicable, of the Accomplishment Instructions of the service bulletin constitutes terminating action for the repetitive inspections required by paragraph (b) of this AD.

Note 3: The modifications specified in Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992, are required by AD 90–06–02, amendment 39–6489, and AD 93–17–08, amendment 39–8679.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 5, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–5807 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–13–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 255

[Docket No. RM 2000–7]

Mechanical and Digital Phonorecord Delivery Compulsory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: The Copyright Office of the Library of Congress requests public comment on the interpretation and application of the mechanical and digital phonorecord compulsory license, 17 U.S.C. 115, to certain digital music services.

DATES: Comments are due no later than April 23, 2001. Reply comments are due May 23, 2001.

ADDRESSES: If sent by mail, and original and ten copies of comments and reply comments should be addressed to: Office of the Copyright General Counsel, PO Box 70977; Southwest Station, Washington, DC 20024. If hand delivered, an original and ten copies should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, Room LM–403, First and Independence Avenue, SE, Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or William J. Roberts, Jr., Senior Attorney for Compulsory Licenses, Copyright Arbitration Royalty Panel, PO Box 70977, Southwest Station, Washington, DC 20024 Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION:

Background

The copyright laws of the United States grant certain rights to copyright owners for the protection of their works of authorship. Among these rights is the right to make, and to authorize others to make, a reproduction of the copyrighted work, and the right to distribute, and to authorize others to distribute, the copyrighted work. Both the reproduction right and the distribution right granted to a copyright owner inhere in all works of authorship and are, for the most part, exclusive rights. However, for copyright holders of nondramatic musical works, the exclusivity of the reproduction right and distribution right are limited by the compulsory license of section 115 of the Copyright Act. Often referred to as the "mechanical license," section 115 grants third parties a nonexclusive license to make and distribute phonorecords of nondramatic musical works.

The license can be invoked once a nondramatic musical work embodied in a phonorecord is distributed "to the public in the United States under the authority of the copyright owner." 17 U.S.C. 115(a)(1). Unless and until such an act occurs, the copyright owner's rights in the musical work remain exclusive, and the compulsory license does not apply. Once it does occur, the license permits anyone to make and distribute phonorecords of the musical work provided, of course, that they comply with all of the royalty and accounting requirements of section 115. It is important to note that the mechanical license only permits the making and distribution of phonorecords of a musical work, and does not permit the use of a sound recording created by someone else. The compulsory licensee must either assemble his own musicians, singers, recording engineers and equipment, or obtain permission from the copyright owner to use a preexisting sound recording. One who obtains permission to use another's sound recording is eligible to use the compulsory license for the musical composition that is performed on the sound recording.

The mechanical license was the first compulsory license in U.S. copyright law, having its origin in the 1909 Copyright Act. It operated successfully for many years, and it continued under the 1976 Copyright Act with only some technical modifications. However, in 1995, Congress passed the Digital Performance Right in Sound Recordings Act ("Digital Performance Act"), Public Law 104–39, 109 Stat. 336, which amended sections 114 and 115 of the Copyright Act to take account of technological changes which were beginning to enable digital transmission of sound recordings. With respect to section 115, the Act expanded the scope of the mechanical license to include the right to distribute, or authorize the distribution of, a phonorecord by means of a digital transmission which constitutes a "digital phonorecord delivery." 17 U.S.C. 115(c)(3)(A). A "digital phonorecord delivery" is defined as "each individual delivery of a phonorecord by digital transmission of a sound recording which results in a specifically identifiable reproduction by or for any transmission recipient of a phonorecord of that sound recording * * *." 17 U.S.C. 115(d).

As a result of the Digital Performance Act, the mechanical license applies to two kinds of disseminations of nondramatic musical works: (1) The traditional making and distribution of physical, hard copy phonorecords; and (2) digital phonorecord deliveries, commonly referred to as DPDs. However, in including DPDs within section 115, Congress added a wrinkle by creating a subset of DPDs, commonly referred to as "incidental DPDs." It did this by requiring that royalty fees established under the compulsory license rate adjustment process of chapter 8 of the Copyright Act distinguish between "(i) digital phonorecord deliveries where the reproduction or distribution of a phonorecord is incidental to the transmission which constitutes the digital phonorecord delivery, and (ii) digital phonorecord deliveries in general." 17 U.S.C. 115(c)(3)(D). However, Congress did not define what constitutes an incidental DPD, and that omission is the source of today's Notice of Inquiry.

As required by the Digital Performance Act, in 1996 the Library of Congress initiated a Copyright Arbitration Royalty Panel ("CARP") proceeding to adjust the royalty rates for

DPDs and incidental DPDs. 61 FR 37213 (July 17, 1996). The parties to the proceeding avoided arbitration by reaching a settlement as to new rates for DPDs and the time periods for conducting future rate adjustment proceedings for DPDs. The parties could not reach agreement, however, on new rates for incidental DPDs because the representatives of both copyright owners and users of the section 115 license could not agree as to what was, and what was not, an incidental DPD. The resolution of this impasse was to defer establishing rates for incidental DPDs until the next scheduled rate adjustment proceeding.

The Librarian of Congress accepted the settlement agreement of the parties and adopted new regulations governing section 115 royalties for DPDs. 64 FR 6221 (February 9, 1999). Section 255.5 of 37 CFR establishes royalty rates for DPDs "in general," while § 255.6 of the rules expressly defers consideration of incidental DPDs. And § 255.7 sets the time table for rate adjustment proceedings for general DPDs and incidental DPDs, providing for proceedings at two-year intervals upon the filing of a petition by an interested party. The year 2000 was a window year for the filing of such petitions.

Petition for Rulemaking

1. RIAA Petition

On November 22, 2000, the Copyright Office received a pleading from the Recording Industry Association of America ("RIAA") styled as a "Petition for Rulemaking and to Convene a Copyright Arbitration Royalty Panel If Necessary." The RIAA petition requests that the Office resolve, through a rulemaking proceeding, the issue of what types of digital transmissions of prerecorded music are general DPDs, and what types are incidental DPDs. In addition, RIAA petitions the Library of Congress to conduct a CARP proceeding to set rates for incidental DPDs. MP3.com, Inc. ("MP3.com"), Napster, Inc. ("Napster"), and the Digital Media Association ("DiMA") responded to the RIAA petition. The Office also received a petition to convene a CARP to set rates for general DPDs and incidental DPDs from the National Music Publishers Association, Inc. and the Songwriters Guild of America (collectively, "NMPA/SGA").

The RIAA petition focuses on two types of digital music deliveries: "On-Demand Streams" and "Limited Downloads." RIAA defines an "On-Demand Stream" as an "on-demand, real-time transmission using streaming technology such as Real Audio, which permits users to listen to the music they want when they want and as it is transmitted to them." RIAA Petition at 1. A "Limited Download" is defined as an "on-demand transmission of a time-limited or other use-limited (i.e. non-permanent) download to a local storage device (e.g. the hard drive of the user's computer), using technology that causes the downloaded file to be available for listening only either during a limited time (e.g. a time certain or a time tied to ongoing subscription payments) or for a limited number of times." *Id.* RIAA asserts that a rulemaking is necessary to determine the status of On-Demand Streams and Limited Downloads (i.e. whether they are general DPDs or incidental DPDs) because record companies and music publishers cannot reach agreement as to their treatment under section 115.

According to RIAA, music publishers take the position that both On-Demand Streams and Limited Downloads implicate their mechanical rights. In RIAA's view, On-Demand Streams may be incidental DPDs, for which there are currently no established royalty rates. RIAA therefore requests that the Office determine whether On-Demand Streams are incidental DPDs and, if they are, to convene a CARP to set rates for these incidental DPDs.

RIAA also submits that for services offering On-Demand Streams and Limited Downloads to work, it is necessary that the section 115 license be interpreted in such a way as to cover all the copies necessary to operate such services.[1] In general, the operator of a service must make multiple phonorecords of musical works on its servers, and those works may be further reproduced, at least in part and for short periods of time, as part of the transmission process. While some of these reproductions may be exempt from copyright liability under 17 U.S.C. 112(a), RIAA asserts that it is likely that certain reproductions necessary for the operation of the services are not exempt and that they should be covered by the section 115 license.

With respect to Limited Downloads, RIAA suggests that they may be either (1) incidental DPDs or (2) more in the nature of record rentals, leases or lendings. The section 115 license authorizes the maker of a phonorecord to rent, lease or lend it, provided that a royalty fee is paid. The statute states:

> A compulsory license under this section includes the right of the maker of a phonorecord of a nondramatic musical work * * * to distribute or authorize distribution of such phonorecord by rental, lease, or lending (or by acts or practices in the nature of rental, lease, or lending). In addition to any royalty payable under clause (2) and chapter 8 of this title, a royalty shall be payable by the compulsory licensee for every act of distribution of a phonorecord by or in the nature of rental, lease, or lending, by or under the authority of the compulsory licensee. With respect to each nondramatic musical work embodied in the phonorecord, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such act of distribution of the phonorecord under this clause equal to the proportion of the revenue received by the compulsory licensee from distribution of the phonorecord under clause (2) that is payable by a compulsory licensee under that clause and under chapter 8. The Register of Copyrights shall issue regulations to carry out the purpose of this clause.

17 U.S.C. 115(c)(4). RIAA notes that the Copyright Office has yet to adopt such regulations.

This provision was added to section 115 in the Record Rental Amendment of 1984, Pub. L. 98–450, which also amended the first sale doctrine codified in section 109 to restrict the owner of a phonorecord from disposing of the phonorecord for direct or indirect commercial advantage by rental, lease or lending without authorization of the sound recording copyright owner. The legislative history of the amendment to section 115 states that the amendment was made to emphasize "that the right of authorization accorded to copyright owners of recorded musical works under revised section 109(a) is subject to compulsory licensing under revised section 115" and that it gives the copyright owner of a nondramatic musical work recorded under a compulsory license the right to a share of the royalties for rental received by a compulsory licensee (a record company) in proportion equal to that received for distribution under section 115(c)(2). H.R. Rep. 98–987, at 5 (1984).

The Office was to issue appropriate regulations relating to the royalty for rental, lease or lending "as and when necessary to carry out the purposes" of section 115(c)(4). S.Rep. No. 98–162, at 9 (1983). Thus far, there has been no need to issue such regulations because the Office has been unaware of any activity by sound recording copyright owners engaging in or authorizing the rental, lease or lending of phonorecords.

In sum, RIAA asserts that it is unclear whether the section 115 license permits

[1] It would probably be more precise to characterize such "copies" as "phonorecords," since presumably they include the fixation of sounds. Compare the definitions of "copies" and "phonorecords" set forth in 17 U.S.C. 101. However, because discussions of this issue usually refer more colloquially to "copies," we will frequently use that term in this notice.

all of the activities necessary to make On-Demand Streams or Limited Downloads, and if so, at what royalty rates. Consequently, RIAA petitions the Office to determine (1) whether On-Demand Streams are incidental DPDs covered by the license; (2) whether the license includes the right to make server copies or other copies necessary to transmit On-Demand Streams and Limited Downloads; and (3) the royalty rate applicable to On-Demand Streams (if they are covered by the license) and Limited Downloads.

Napster opposes RIAA's petition and urges the Copyright Office to defer to Congress, which Napster contends is the appropriate forum for resolving the issues raised by the petition. MP3.com submits that the Office should conduct a rulemaking proceeding to determine whether copies made in the course of On-Demand Streams are incidental DPDs, and whether the copies made that are necessary to stream musical works are covered by the section 115 license.[2] If they are, MP3.com also petitions the Library to convene a CARP to "determine the appropriate rate or rates (if any)" for incidental DPDs.

MP3.com also asks the Copyright Office to consider additional matters in a rulemaking proceeding. First, MP3.com questions whether distinctions can and should be drawn among streaming audio services. MP3.com's service streams music to recipients who select the streams from a "locker" containing the recipients' personally purchased music collections. MP3.com requests that the Office consider whether this type of service—where the copyright owner has received compensation from the recipient who has already purchased the music—should be distinguished from a service that indiscriminately transmits streams of music to the public at large.

Second, MP3.com requests that the Office consider the effect of the decision to defer adoption of a royalty rate for incidental DPDs to a later date, and what effect that has on services that are currently streaming music. Finally, MP3.com requests that the Office reconsider its current procedural regulations for invoking and complying with the section 115 license with respect to incidental DPDs.

Like RIAA and MP3.com, DiMA is especially concerned with the status of copies of musical works made in the course of streaming. In particular, DiMA notes that the status of temporary RAM buffer copies created in a user's personal computer during audio streaming was raised at the November 29, 2000, Copyright Office/National Telecommunications and Information Administration hearing on the section 104 study mandated by the Digital Millennium Copyright Act of 1998 ("DMCA") and urges that consideration of the same issue in a rulemaking proceeding be done in such a way as not to prejudice the outcome of that study. Thus, DiMA submits that either this should be resolved in the section 104 study, or the Office should conduct a separate rulemaking proceeding devoted solely to the issue. DiMA suggests, however, that the complexity of the issue counsels for legislative action rather than agency interpretation of the existing statute.

The NMPA/SGA petition does not request any rulemaking from the Copyright Office and simply requests that the Library convene a CARP to set rates for both general DPDs and incidental DPDs. As discussed above, the year 2000 was a window year for filing such petitions with the Library.

Notice of Inquiry

The foregoing discussion of the petitions and filings with the Copyright Office reveals that there is considerable uncertainty as to interpretation and application of the copyright laws to certain kinds of digital transmissions of prerecorded musical works. It is also apparent that the impasse presented by these legal questions may impede the ability of copyright owners and users to agree upon royalty rates under section 115 for both general DPDs and incidental DPDs. Therefore, the Copyright Office deems it appropriate to seek public comment on the advisability of conducting a rulemaking proceeding and on the issues that would be addressed in such a proceeding.

1. Agency Action

Before addressing the matters raised in the parties' petitions and comments, a threshold matter must first be resolved. It appears that when Congress passed the Digital Performance Act in 1995 and amended the section 115 mechanical license, current delivery mechanisms for digital transmission of musical works were unknown. Consequently, On-Demand Streaming and Limited Downloads, as described in the RIAA petition, and the applicability of the section 115 license to these services do not appear to have been anticipated. DiMA and Napster assert that to fully address the copyright implications of all aspects of these services, the law needs to be reconsidered and amended. While amendment of the law is a time-consuming proposition, Congress does have the power, unlike the Copyright Office, to balance the specific concerns of the interested parties and enact a legal regime that addresses those concerns. Must or should the Copyright Office defer to congressional action on some or all of the issues raised by the RIAA and MP3.com petitions? In other words, are there matters raised by these petitions that the Office lacks statutory authority to resolve? If the Office does have authority to interpret the meaning of section 115 as applied to these new services, is agency rulemaking the best forum for addressing such matters, or is congressional (or judicial) action more appropriate? We seek public comment on the extent of our authority to act, as well as the advisability of exercising any such authority.

2. Issues Presented

Assuming that the Copyright Office does have the authority to act, and assuming that a rulemaking proceeding is the best forum, the RIAA and MP3.com petitions raise a number of questions. Central to RIAA's petition is a determination of the meaning of an incidental DPD under section 115. Is it possible to define "incidental DPD" through a rulemaking proceeding? How should it be defined? Could such a definition be one of general application, or can incidental DPDs be defined only in a manner that is specific to the service offered (such as On-Demand Streams)? If the latter, how can this be accomplished?

As discussed above, there is considerable interest in the streaming of recorded music. Streaming necessarily involves a making of a number of copies of the musical work—or portions of the work—along the transmission path to accomplish the delivery of the work. RIAA and MP3.com relate that copies are made by the computer servers that deliver the musical work (variously referred to as "server," "root," "encoded," or "cache" copies), and additional copies are made by the receiving computer to better facilitate the actual performance of the work (often referred to as "buffer" copies). Some of these copies are temporary; some may not necessarily be so. Are some or all the copies of a musical work made that are necessary to stream that work incidental DPDs? If temporary copies can be categorized as incidental DPDs, what is the definition of "temporary"? Some "temporary" copies may exist for a very short period of time; others may exist for weeks. Is the concept of a "transient" copy more

[2] MP3.com does not take a position as to whether there should be a rulemaking for Limited Downloads as well, since this is not part of its business.

relevant than the concept of a "temporary" copy? If fragmented copies of a musical work are made, can each fragment, or the aggregation of the fragments of a single work, be considered an incidental DPD? If a fragmented copy can be an incidental DPD, does it make a difference in the analysis whether the copy is temporary or is permanent? Aren't incidental DPDs subject to section 115's definition of digital phonorecord deliveries? If so, does the requirement that a DPD result in a "specifically identifiable reproduction" by or for a transmission recipient rule out some of the copies discussed above from consideration as incidental or general DPDs?

DiMA argues that all temporary copies of a musical work that are made to stream that work can be deemed to be covered by the fair use doctrine of section 107 of the Copyright Act. This would mean, of course, that these copies would not be subject to any royalty fee because there is no copyright liability. What is the statutory support for this argument? Should the Copyright Office, in a rulemaking proceeding, declare whether any particular use of a copyrighted work constitutes a fair use, or should it leave that determination to a court of competent jurisdiction?

It is apparent from the filings received by the Copyright Office that currently there are different types or services for the streaming of music. RIAA refers to On-Demand Streams, whereby subscribers can receive real-time transmissions, using technology such as Real Audio, of the musical works that they request. MP3.com transmits streamed performances of musical works to subscribers who select the works from a "locker" containing recorded music that the subscriber has already purchased. MP3.com suggests that a distinction should be drawn between its service and those that indiscriminately transmit streamed music to the public because users of MP3.com have already compensated copyright holders of the music they stream for the reproduction and distribution of the phonorecord. Can and should such distinctions be made between these two streaming services and, if so, what should they be? Are there difficulties in determining whether the subscriber actually has purchased a phonorecord containing the music that is being streamed, and if there are, what impact should that have on how the Office addresses the issue? Are there additional types of streaming services that should be addressed?

MP3.com also calls into question the status of the current royalty structure for incidental DPDs. As discussed above, the rate adjustment proceeding for DPDs in 1998 resulted in a settlement as to the royalty rates for general DPDs, and an agreement to a royalty determination for incidental DPDs. *See* 64 FR 6221 (February 9, 1999) (adopting 37 CFR 255.6, which provides that royalty rates for incidental DPDs are "deferred until the next digital phonorecord delivery rate adjustment proceeding pursuant to the schedule set forth in § 255.7"). If it is determined in a rulemaking proceeding that streaming does result in the creation of incidental DPDs, is there liability for parties that have been engaging in such streaming activities? In other words, when a CARP is ultimately convened to establish royalty rates for incidental DPDs, can the CARP set rates for the 1998–2000 period, in addition to the current period? What is the meaning of a "deferral" of royalty rates, and is such action statutorily permissible? If the CARP did set rates for incidental DPDs for 1998–2000, would such action constitute impermissible retroactive rulemaking if the Librarian adopted those rates? How would a service account for such incidental DPDs that have already occurred?

In addition to streaming, RIAA seeks clarification of the status of Limited Downloads. It defines a Limited Download as an on-demand transmission of a time-limited or other use-limited download to a storage device (such as a computer's hard drive), using technology that causes the downloaded file to be available for listening only either during a limited time or for a certain number of times. Are the copies made of musical works for Limited Downloads incidental DPDs? Do the time period or the number of times the music is available have any bearing on this determination?

RIAA suggests that if Limited Downloads are not incidental DPDs, then they may be record rentals, leases or lendings under section 115(c)(4). Are Limited Downloads phonorecords distributed by rentals, leases or lendings, and what is the statutory support for such a determination? If Limited Downloads are record rentals, leases or lendings, RIAA requests that the Copyright Office adopt regulations under section 115(c)(4) for assessing the royalty fee for such uses. What should those regulations include? Should they be adopted as part of this rulemaking proceeding, or a separate proceeding? How should the statutory requirement to set a royalty rate at a "proportion of the revenue received by the compulsory licensee" be interpreted? [3]

3. Petitions for Ratemaking

In addition to the RIAA's petition for rulemaking, the Copyright Office has before it several requests to convene a CARP to set rates either for general DPDs or incidental DPDs, or both. As noted above, the year 2000 was a window year for petitioning for an adjustment of the royalty rates for DPDs. There is a difference of opinion, however, as to how and when a CARP should be convened.

The NMPA/SGA petition requests the Librarian to convene a general rate adjustment proceeding for DPDs, asking that the CARP establish rates for both general DPDs and incidental DPDs. NMPA/SGA's request is not conditioned upon the conduct or outcome of a rulemaking proceeding regarding incidental DPDs:

RIAA requests the Library to convene a CARP if and only if the Copyright Office makes a determination that copies of musical works made in the course of On-Demand Streams and/or Limited Downloads are incidental DPDs. RIAA does not seek adjustment of the rates for general DPDs. MP3.com makes a similar request.

DiMA does not petition the Library to convene a CARP, but does suggest a course of action. First, DiMA recommends that the Copyright Office consider the status of temporary copies of musical works made in the course of streaming those works in the context of the study it is conducting under section 104 of the DMCA. If that study concludes that such copies are not fair use, then DiMA recommends that the Office conduct a rulemaking proceeding to determine if the copies are incidental DPDs. If the Office determines that they are not incidental DPDs, then DiMA supports the NMPA/SGA petition to conduct a rate adjustment for DPDs and for Limited Downloads. DiMA submits that the Library should not convene a CARP for incidental DPDs "unless the petitioners first demonstrate that there currently exists some class of known or cognizable incidental digital phonorecord deliveries." DiMA comments at 3.

The Copyright Office, on behalf of itself and the Library of Congress, seeks comments on these proposals for handling a rate adjustment proceeding in the context of a rulemaking proceeding on the status of DPDs.

[3] If a Limited Download is an activity in the nature of rental, lease or lending, it may be that nonprofit libraries and educational institutions that engage in Limited Downloads for nonprofit purposes may do so without liability. See 17 U.S.C. 109(b)(1)(A). Persons submitting comments on whether Limited Downloads are in the nature of rentals, leases or lending pursuant to section 115(c)(4) are invited to address the implications of that issue with respect to libraries and educational institutions.

Conclusion

The advent of new means of digitally delivering record music to consumers presents new challenges and questions to the interpretation and application of the section 115 license. Some of these new means, as described by the parties seeking action from the Copyright Office, are discussed above. There may be others, existing or contemplated. We also invite comment on whether there are other technologies and services whose existence might affect our interpretation and application of section 115.

Dated: March 6, 2001.

David O. Carson,

General Counsel.

[FR Doc. 01–5832 Filed 3–8–01; 8:45 am]

BILLING CODE 1410–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[UT–001–0022b, UT–001–0024b, UT–001–0025b, UT–001–0026b, UT–001–0027b, UT–001–0030b, UT–001–0031b; FRL–6889–1]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Ogden City Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Revisions to the Oxygenated Gasoline Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On December 9, 1996, the Governor of Utah submitted a request to redesignate the Ogden City "moderate" carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). The Governor also submitted a CO maintenance plan. In addition, on July 8, 1998, the Governor submitted revisions to Utah's Rule R307–8 "Oxygenated Gasoline Program". In this action, EPA is proposing approval of the Ogden City CO redesignation request, the maintenance plan, and the revisions to Rule R307–8. In the Final Rules Section of this **Federal Register**, EPA is approving the State's redesignation request and State Implementation Plan (SIP) revisions, involving the maintenance plan and the changes to Rule R307–8, as a direct final rule without prior proposal because the Agency views the redesignation and SIP revisions as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by April 9, 2001.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following office: United States Environmental Protection Agency, Region VIII, Air Program, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466; Telephone number (303) 312–6479.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules section of this **Federal Register**.

Dated: October 4, 2000.

William P. Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 01–5853 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MN61–01–7286b; MN62–01–7287b; FRL–6901–2]

Approval and Promulgation of Implementation Plans; Minnesota Designation of Areas for Air Quality Planning Purposes; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We are proposing to approve a State Implementation Plan (SIP) revision for Olmsted County, Minnesota, for the control of emissions of sulfur dioxide (SO_2) in the city of Rochester. The Environmental Protection Agency is also proposing to approve the State's request to redesignate the Rochester nonattainment area to attainment of the SO_2 National Ambient Air Quality Standards (NAAQS). In conjunction with these actions, EPA is also proposing to approve the maintenance plan for the city of Rochester, Olmsted County nonattainment area, which was submitted to ensure that attainment of the NAAQS will be maintained. The SIP revision, redesignation request and maintenance plan were submitted by the Minnesota Pollution Control Agency on November 4, 1998, and are approvable because they satisfy the requirements of the Clean Air Act. In the final rules section of this **Federal Register**, we are conditionally approving the SIP revision as a direct final rule without prior proposal, because we view this as a noncontroversial revision amendment and anticipate no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If we receive adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received by April 9, 2001.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Programs Branch (AR–18J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final notice which is located in the Rules section of this **Federal Register**. Copies of the request and the EPA's

analysis are available for inspection at the above address. (Please telephone Christos Panos at (312) 353–8328 before visiting the Region 5 Office.)

Authority: 42 U.S.C. 7401 *et seq.*

Dated: October 27, 2000.

Gary Gulezian,

Acting Regional Administrator, Region 5.

[FR Doc. 01–5851 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 22

[WT Docket No. 01–32; FCC 01–36]

Implementation of Competitive Bidding Rules To License Certain Rural Service Areas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, we propose rules for awarding licenses for four cellular rural service areas (RSAs) that remain unlicensed because the initial lottery winner was disqualified or otherwise withdrew its application. Specifically, we propose competitive bidding rules for these licenses and seek comment on our proposals.

DATES: Comments are due on or before March 19, 2001 and reply comments are due on or before April 3, 2001.

ADDRESSES: Federal Communications Commission, 445 12th St., SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Katherine M. Harris, Wireless Telecommunications Bureau, Commercial Wireless Division at (202) 418–0609.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's Notice of Proposed Rule Making (NPRM), FCC 01–36, in WT Docket No. 01–32, adopted on January 31, 2001, and released on February 12, 2001. The full text of this NPRM is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW, Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC 20037. The full text may also be downloaded at: http://www.fcc.gov. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

Synopsis of Notice of Proposed Rule Making

I. Introduction

1. In this Notice of Proposed Rule Making (NPRM), we propose rules for awarding licenses for four cellular Rural Service Areas (RSAs) that remain unlicensed because the initial lottery winner was disqualified or has otherwise withdrawn its application. Under the Balanced Budget Act of 1997 (1997 Budget Act), we are now required, with certain exceptions not applicable here, to resolve mutually exclusive applications for initial licenses by competitive bidding. Balanced Budget Act of 1997, Public Law 105–33, section 3002(a), 111 Stat. 251, at 258–80 (1997). We propose to: (1) Allow all eligible parties to apply for these initial licenses; and (2) license these markets on an RSA basis under our Part 22 rules. As discussed below, we also propose to use our Part 1 competitive bidding rules to auction these licenses.

II. Background

2. The Commission has been awarding cellular licenses since 1982. Although we awarded the first thirty Metropolitan Statistical Area (MSA) licenses pursuant to comparative hearing rules, we adopted rules in 1984 to award the remaining cellular MSA and RSA licenses through lotteries. By 1991, lotteries had been held for every MSA and RSA, and licenses were awarded to the lottery winners in most instances. In some RSA markets, however, the initial RSA license was never awarded.

3. On August 5, 1997, President Clinton signed the 1997 Budget Act into law, which modified the Commission's auction authority by amending Section 309(j) of the Communications Act to require that all mutually exclusive applications for initial licenses or construction permits be auctioned, with certain exceptions not applicable here. 1997 Budget Act, Public Law 105–33, section 3002(a), 111 Stat. 251, 258–60 (1997) (amending 47 U.S.C. 309(j)). The 1997 Budget Act expressly repealed Section 6002(e) of the 1993 Budget Act, *id.* at Section 3002(a)(4), and terminated the Commission's authority to award licenses through random selection, even in the case of applications filed prior to July 26, 1993, except for licenses for noncommercial educational and public broadcast stations. *Id.* at Section 3002(a)(2)(B). Because the 1997 Budget Act terminated the Commission's remaining lottery authority, the Commission's Wireless Telecommunications Bureau dismissed all pending RSA lottery applications by separate orders released April 2, 1999, and April 29, 1999. *See* Certain Cellular Rural Service Area Applications, *Order*, 14 FCC Rcd 4619 (1999); Certain Cellular Rural Service Area Applications in Market Nos. 599A and 672A, *Order*, DA 99–814 (rel. Apr. 29, 1999).

III. Discussion

4. We propose to allow all eligible applicants to apply for licenses for the four remaining unlicensed cellular RSAs. Further, we propose to license these markets on an RSA basis, subject to the same construction and operational rules as previously licensed RSAs. Finally, if there are mutually exclusive applications for these markets, we propose to use the general competitive bidding rules set forth in Part 1, Subpart Q, of the Commission's rules to conduct the auction. We seek comment on these issues, which we address in greater detail below.

A. Eligibility for Licenses

5. We propose to allow all eligible entities and persons to apply for the licenses at issue in this proceeding. Our competitive bidding program seeks to award each license to the applicant who values it most highly, as determined by the marketplace, and who is therefore most likely to offer valued service to the public. To the extent that former lottery applicants continue to have an interest in applying for these markets, open eligibility allows them to do so. We therefore tentatively conclude that it would be in the public interest to permit all eligible entities to participate in an RSA auction. We seek comment on this proposal.

6. In all of the four unlicensed RSAs, the Commission has granted interim operating authority (IOA) to one or more cellular operators to provide cellular service on the Channel A block pending the ultimate permanent licensing of these RSAs. We propose to permit current IOA holders to participate in the auction of licenses for the unlicensed RSAs on an equal basis with other applicants. We also note that under the terms of each of the existing IOAs, the IOA operator must cease operations immediately upon initiation of service by the new licensee, provided that the new licensee gives at least 30 days written notice of its intent to provide service. In order to prevent unnecessary interruption of service to existing cellular customers, we propose that, in the event that any of the current IOA holders do not obtain the RSA license for their markets, they should be allowed to continue providing service on a temporary basis subject to these conditions, *i.e.*, until the auction winner provides the required notice and is prepared to commence service. We seek comment on these proposals.

B. Market Areas To Be Auctioned

7. We also seek comment on whether the unlicensed markets for which licenses are to be awarded through competitive bidding should be licensed on an RSA basis, or whether alternative licensing models should be considered. For the reasons discussed below, we tentatively conclude that the unlicensed cellular markets should be licensed on an RSA basis under our Part 22 rules.

8. We also propose that licenses awarded for these markets would be subject to the same construction and operational rules as licenses granted to prior RSA lottery winners, including the exclusive right of the licensee of the first cellular system on each channel block to expand its system within that market for a period of five years. *See* 47 CFR 22.947. After the expiration of the five-year expansion period, any areas within the RSA market that remained unserved would be available for licensing pursuant to our Part 22 unserved areas Phase I and Phase II filing procedures. *See* 47 CFR 22.949.

C. Competitive Bidding Procedures

9. We propose to conduct the auction of cellular RSA licenses in conformity with the general competitive bidding rules set forth in Part 1, Subpart Q, of the Commission's rules, and consistent with the bidding procedures that have been employed in previous auctions. Specifically, we propose to employ the Part 1 rules governing competitive bidding design, designated entities, application and payment procedures, reporting requirements, collusion issues, and unjust enrichment. Under this proposal, such rules would be subject to any modifications that the Commission may adopt in the Part 1 proceeding. We also note that under the Part 1 rules, winning bidders would be eligible to obtain a bidding credit for serving qualifying tribal lands pursuant to Section 1.2110(f)(3). *See* 47 CFR 1.2110(f)(3). In this regard, we note that only one RSA subject to these proposals—RSA 582A–Barnes, ND—contains any federally recognized tribal lands. In addition, consistent with current practice, matters such as the appropriate competitive bidding design, as well as minimum opening bids and reserve prices, would be determined by WTB pursuant to its delegated authority. Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures, Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd 374, 448–49, 454–55, paragraphs 125, 139 (1997), modified by Erratum, DA 98–419 (rel. Mar. 2, 1998). We seek comment on this approach.

10. We also seek comment on whether to adopt special provisions for small businesses that participate in the auction of cellular RSA licenses. We propose to provide small businesses with bidding credits in order to meet our Congressional mandate to promote competition and to disseminate licenses among a wide variety of applicants. *See* 47 U.S.C. 309(j)(3)(B). Specifically, we propose to establish three small business definitions. We would define an entrepreneur as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, a small business as an entity with average annual gross revenues for the preceding three years not exceeding $15 million, and a very small business as an entity with average annual gross revenues for the preceding three years not exceeding $3 million. As provided in 47 CFR 1.2110(f)(2) of our rules, we propose to offer entrepreneurs a bidding credit of 15 percent, small businesses a bidding credit of 25 percent, and very small businesses a bidding credit of 35 percent. We seek comment on whether this approach is appropriate here, or whether there is anything about the characteristics and capital requirements of cellular service that would require a different approach.

11. We also seek comment on whether the small business provisions we propose today are sufficient to promote participation by businesses owned by minorities and women, as well as rural telephone companies. To the extent that commenters propose additional provisions to ensure participation by minority-owned or women-owned businesses, they should address how such provisions should be crafted to meet the relevant standards of judicial review. *See Adarand Constructors* v. *Peña*, 515 U.S. 200 (1995) (requiring a strict scrutiny standard of review for Congressionally mandated race-conscious measures); *United States* v. *Virginia*, 518 U.S. 515 (1996) (applying an intermediate standard of review to a state program based on gender classification).

IV. Procedural Matters

A. Ex Parte Rules

12. Pursuant to 47 CFR 1.1206 of the Commission's *ex parte* rules, this rulemaking proceeding proposing rules for awarding licenses for cellular RSAs for which the tentative selectee has been disqualified is a permit-but-disclose proceeding. Provided they are disclosed in accordance with the Commission's rules, *ex parte* presentations are permitted, except during the Sunshine Agenda period.

B. Filing Procedures

13. Pursuant to 47 CFR 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on this *NPRM* on or before March 19, 2001, and reply comments on or before April 3, 2001. Comments and reply comments should be filed in WT Docket No. 01–32. All relevant and timely filings will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, interested parties must file an original and four copies of each comment or reply comment. Commenters who wish each Commissioner to receive personal copies of their submissions must file an original and nine copies of each comment and reply comment. Comments and reply comments must be directed to the Office of the Secretary, Federal Communications Commission, 445 12th St., SW., Room TW–A325, Washington, DC 20554. Copies of all comments also should be provided to (1) the Commission's copy contractor, and (2) Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

14. Comments may also be filed using the Commission's Electronic Comment Filing System (ECFS). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your e-mail address>. A sample form and directions will be sent in reply. Or you may obtain a copy of the ASCII Electronic Transmittal Form (FORM–ET) at <http://www.fcc.gov/e-file/email.html>.

15. Comments and reply comments will be available for public inspection during regular business hours at the

FCC Reference Information Center, Room CY–A257, at the Federal Communications Commission, 445 12th St., SW., Washington, DC 20554. Copies of comments and reply comments are available through the Commission's duplicating contractor: International Transcription Service, Inc. (ITS, Inc.), 1231 20th Street, NW., Washington, DC 20037, (202) 857–3800.

V. Initial Regulatory Flexibility Analysis

16. As required by Section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in this NPRM. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as the comments on the rest of the NPRM, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. 603(a). In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**. *See id.*

A. Need for and Objectives of the Proposed Rules

17. We originally initiated this rulemaking proceeding in response to a petition filed by Cellular Communications of Puerto Rico, Inc. (CCPR) on September 9, 1996, which requested that the Commission award certain RSA licenses through competitive bidding, rather than random selection. Cellular Communications of Puerto Rico, Inc. Petition for Declaratory Ruling, Or, in the Alternative, for Rulemaking, RM–8897 (filed Sept. 9, 1996). However, we dismissed CCPR's petition as moot in response to the enactment of the Balanced Budget Act of 1997, which requires the Commission to resolve mutually exclusive applications for initial licenses through competitive bidding instead of random selection, with certain exceptions not applicable here. *See* Certain Cellular Rural Service Area Applications, *Order*, 14 FCC Rcd 4619 (1999); Certain Cellular Rural Service Area Applications in Market Nos. 599A and 672A, *Order*, DA 99–814 (rel. April 29, 1999). Our objective in this rulemaking proceeding is to determine, for cellular RSA markets for which a tentative selectee has been disqualified, whether to allow all eligible applicants to participate in the auction of licenses, which competitive bidding rules to use, and the type of market area to be used for licensing.

B. Legal Basis

18. The proposed action is authorized under the Communications Act of 1934 as amended, Sections 4(i), 303(r), 303(c) and 309(j), 47 U.S.C. 154(i), 303(c), 303(r) and 309(j), as amended.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

19. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 603(b)(3). The Regulatory Flexibility Act defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small business concern" under section 3 of the Small Business Act. *Id.* at 601(3). A small business concern is one which (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. *Id.* at 632.

20. The Commission is required to estimate in its Final Regulatory Flexibility Analysis the number of small entities to which any new rules would apply, provide a description of such entities, and assess the impact of the rule on such entities. To assist in this analysis, commenters are requested to provide information regarding how many total entities, existing and potential, will be considered small businesses.

21. According to the most recent Telecommunications Industry Revenue data, 808 carriers reported that they were engaged in the provision of either cellular service or Personal Communications Services (PCS), which are placed together in that data. Trends in Telephone Service, Table 19.3 (March 2000). The rules proposed in the NPRM would affect all small entities that seek to acquire any of the four cellular RSA licenses discussed therein. In the NPRM, we propose to define three tiers of small businesses for the purpose of providing bidding credits to small entities. We propose to define these three tiers of small businesses as follows: an "entrepreneur" would be an entity with average annual gross revenues not exceeding $40 million for the preceding three years; a "small business" would be an entity with average annual gross revenues not exceeding $15 million for the preceding three years; and a "very small business" would be an entity with average annual gross revenues not exceeding $3 million for the preceding three years. The Small Business Administration approved these proposed small business definitions on January 30, 2001. *See* Letter from Fred P. Hochberg, Acting Administrator, Small Business Administration, to Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, dated Jan. 30, 2001. We will not know how many entities meeting these proposed definitions will apply for or win cellular RSA licenses until an auction is held. In view of our lack of knowledge about the entities that will seek to acquire the cellular RSA licenses in question, we assume that, for purposes of our evaluations and conclusions in this IRFA, all prospective licensees are entrepreneurs, small businesses, or very small businesses under our proposed definitions. We invite comment on this analysis.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

22. In making the transition to award the cellular RSA licenses at issue in this proceeding by competitive bidding, the NPRM proposes (1) to accept new license applications, and (2) to use our general Part 1 competitive bidding rules to conduct the auction. If adopted, these proposals would require all applicants to electronically submit FCC Form 175 in order to participate in the auction and, at the conclusion of the auction, all high bidders to electronically submit FCC Form 601 to apply for a license. The purposes of these forms are to ensure that applicants are eligible to participate in the auction and that high bidders are eligible to hold the cellular RSA licenses at issue. The Office of Management and Budget has already approved both of these forms. Under our Part 1 rules, any entity wishing to receive a bidding credit for serving qualifying lands must comply with 47 CFR 1.2110(f)(3).

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

23. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

24. To provide opportunities for small entities to participate in the auction of cellular RSA licenses discussed in the NPRM, we propose to provide bidding credits for entrepreneurs, small businesses, and very small businesses as defined in Section C of this IRFA. The bidding credits proposed are 15 percent for entrepreneurs, 25 percent for small businesses, and 35 percent for very small businesses. We believe these bidding credits will benefit a range of small entities. In the NPRM, we seek comment on these proposed small business definitions and bidding credits, thus providing interested parties with an opportunity to suggest alternatives.

F. Federal Rules That May Overlap, Duplicate, or Conflict With the Proposed Rules

25. None.

VI. Ordering Clauses

26. Authority for the issuance of this NPRM is contained in Sections 4(i), 303(r) and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r) and 309(j).

27. The Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this NPRM, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–5830 Filed 3–8–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH46

Endangered and Threatened Wildlife and Plants; Proposal To Establish a Nonessential Experimental Population of Whooping Cranes in the Eastern United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; availability of supplemental information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to reintroduce whooping cranes (*Grus americana*) into historic habitat in the eastern United States with the intent to establish a migratory flock that would summer and breed in Wisconsin, and winter in west-central Florida. We propose that this reintroduced population be designated a nonessential experimental population (NEP) according to section 10(j) of the Endangered Species Act of 1973 (Act), as amended. We also announce the availability of the draft environmental assessment for this action. The area proposed for NEP designation includes the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. We are considering including the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, and Vermont within the eastern United States NEP area.

The objectives of the reintroduction are: to advance recovery of the endangered whooping crane; to further assess the suitability of Wisconsin and west-central Florida as whooping crane habitat; and to evaluate the merit of releasing captive-reared whooping cranes, conditioned for wild release, as a technique for establishing a self-sustaining, migratory population. The only natural wild population of whooping cranes remains vulnerable to extirpation through a natural catastrophe or contaminant spill, due primarily to its limited wintering distribution along the Texas gulf coast. If successful, this action will result in the establishment of an additional self-sustaining population, and contribute towards the recovery of the species. No conflicts are envisioned between the whooping crane's reintroduction and any existing or anticipated Federal, State, Tribal, local government, or private actions such as agricultural practices, pesticide application, water management, construction, recreation, trapping, or hunting.

DATES: Comments on both the proposed rule and the draft environmental assessment must be received by April 23, 2001. We will hold public hearings at the following locations within the proposed NEP area on the dates indicated.

1. Stevens Point, Wisconsin on April 5, 2001 at the Laird Room in the University Center at the University of Wisconsin-Stevens Point, 1015 Reserve Street, Stevens Point, Wisconsin.

2. Indianapolis, Indiana on April 4, 2001 at the Holliday Park Nature Center, 6345 Spring Mill Road—2 blocks west of the Meridian and 64th Street intersection, Indianapolis, Indiana

3. Nashville, Tennessee on April 3, 2001 at the Union Station Hotel, 1001 Broadway, Nashville, Tennessee

4. Crystal River, Florida on April 2, 2001 at the Plantation Inn and Golf Resort, 9301 West Fort Island Trail, Crystal River, Florida

We will hold public informational open houses at the same locations prior to each public hearing. The informational open houses will be held from 6:00 p.m. to 7:00 p.m. The public hearings will be held from 7:00 p.m. to 9:00 p.m. See additional information on these public hearings in **SUPPLEMENTARY INFORMATION.**

ADDRESSES: Send your comments on this proposed rule or on the draft environmental assessment to Janet M. Smith, Field Supervisor, U.S. Fish and Wildlife Service, 1015 Challenger Court, Green Bay, Wisconsin 54311. You may also send comments by facsimile equipment to 920–465–7410 or by email to the following address: whoopingcrane@fws.gov. We request that you identify whether you are commenting on the proposed rule or draft environmental assessment. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address. You may obtain copies of the draft environmental assessment from the above address or by calling 920–465–7440, or from our World Wide Web site at *http://midwest.fws.gov/whoopingcrane.*

FOR FURTHER INFORMATION CONTACT: Janet M. Smith, Field Supervisor, Green Bay Field Office, (telephone 920–465–7440, facsimile 920–465–7410). Additional information is also available on our World Wide Web site at *http://midwest.fws.gov/whoopingcrane.*

SUPPLEMENTARY INFORMATION:

Background

1. Legislative

Congress made significant changes to the Endangered Species Act of 1973, as amended (Act), with the addition of section 10(j), which provides for the designation of specific reintroduced populations of listed species as "experimental populations." Previously, we had authority to reintroduce populations into unoccupied portions of

a listed species' historical range when doing so would foster the conservation and recovery of the species. However, local citizens often opposed these reintroductions because they were concerned about the placement of restrictions and prohibitions on Federal and private activities. Under section 10(j), the Secretary of the Department of the Interior can designate reintroduced populations established outside the species' current range, but within its historical range, as "experimental."

Under the Act, species listed as endangered or threatened are afforded protection primarily through the prohibitions of section 9 and the requirements of section 7. Section 9 of the Act prohibits the take of a listed species. "Take" is defined by the Act as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. Section 7 of the Act outlines the procedures for Federal interagency cooperation to conserve federally listed species and protect designated critical habitats. It mandates all Federal agencies to determine how to use their existing authorities to further the purposes of the Act to aid in recovering listed species. It also states that Federal agencies will, in consultation with the Service, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Section 7 of the Act does not affect activities undertaken on private lands unless they are authorized, funded, or carried out by a Federal agency.

Section 10(j) is designed to increase our flexibility in managing an experimental population by allowing us to treat the population as threatened, regardless of the species' designation elsewhere in its range. Threatened designation gives us more discretion in developing and implementing management programs and special regulations for a population, such as this rule, and allows us to develop any regulations we consider necessary to provide for the conservation of a threatened species. In situations where we have experimental populations, most of the section 9 prohibitions that apply to threatened species no longer apply, and the special rule contains the prohibitions and exceptions necessary and appropriate to conserve that species.

Based on the best available information, we must determine whether experimental populations are "essential," or "nonessential," to the continued existence of the species. An experimental population that is essential to the survival of the species is treated as a threatened species. An experimental population that is nonessential to the survival of the species is also treated as a threatened species. However, for section 7 interagency cooperation purposes, if the NEP is located outside of a National Wildlife Refuge or National Park, it is treated as a species proposed for listing. Regulations for NEPs may be developed to be more compatible with routine human activities in the reintroduction area.

For the purposes of section 7 of the Act, in situations where there is an NEP located within a National Wildlife Refuge or National Park (treated as threatened), section 7(a)(1) and the consultation requirements of section 7(a)(2) of the Act would apply. Section 7(a)(1) requires all Federal agencies to use their authorities to conserve listed species. Section 7(a)(2) requires that Federal agencies consult with the Service before authorizing, funding, or carrying out any activity that would likely jeopardize the continued existence of a listed species or adversely modify its critical habitats. When NEPs are located outside a National Wildlife Refuge or National Park, only two provisions of section 7 would apply: section 7(a)(1) and section 7(a)(4). Federal agencies are not required to consult with us under section 7(a)(2). Section 7(a)(4) requires Federal agencies to informally confer with the Service on actions that are likely to jeopardize the continued existence of a species proposed for listing. However, since we determined that the NEP is not essential to the continued existence of the species, it is very unlikely that we would ever determine jeopardy for a project impacting a species within an NEP.

Individuals used to establish an experimental population may come from a donor population, provided their removal is not likely to jeopardize the continued existence of the species, and appropriate permits are issued in accordance with our regulations (50 CFR 17.22) prior to their removal.

2. Biological

The whooping crane (*Grus americana*) was listed as an endangered species on March 11, 1967 (32 FR 4001). The whooping crane is classified in the family Gruidae, Order Gruiformes. It is the tallest bird in North America; males approach 1.5 meters (m) (5 feet (ft)) tall. In captivity, adult males average 7.3 kilograms (kg) (16 pounds (lb)) and females 6.4 kg (14 lbs). Adult plumage is snowy white except for black primary feathers, black or grayish alulae, sparse black bristly feathers on the carmine (red) crown and malar region (side of the head), and a dark gray-black wedge-shaped patch on the nape. The bill is dark olive-gray which becomes lighter during the breeding season. The iris of the eye is yellow; legs and feet are gray-black.

Adults are potentially long-lived. Current estimates suggest a maximum longevity in the wild of 22 to 24 years (Binkley and Miller 1980). Captive individuals are known to have survived 27 to 40 years (McNulty 1966, Moody 1931). Mating is characterized by monogamous lifelong pair bonds. Individuals re-mate following death of their mate. Fertile eggs are occasionally produced at age 3 years but more typically at age 4. Experienced pairs may not breed every year, especially when habitat conditions are poor. Whooping cranes ordinarily lay two eggs. They will renest if their first clutch is destroyed or lost before mid-incubation (Erickson and Derrickson 1981, Kuyt 1981). Although two eggs are laid, whooping crane pairs infrequently fledge two chicks. Only about one of every four hatched chicks survives to reach the wintering grounds (U.S. Fish and Wildlife Service 1986)

The whooping crane first appeared in fossil records from the early Pleistocene (Allen 1952) and probably was most abundant during that 2-million-year epoch. They once occurred from the Arctic Sea to the high plateau of central Mexico, and from Utah east to New Jersey, South Carolina, and Florida (Allen 1952, Nesbitt 1982). In the 19th century, the principal breeding range extended from central Illinois northwest through northern Iowa, western Minnesota, northeastern North Dakota, southern Manitoba, and Saskatchewan to the vicinity of Edmonton, Alberta. A nonmigratory breeding population existed in southwestern Louisiana until the early 1900s (Allen 1952, Gomez 1992).

Through the use of two independent techniques of population estimation, Banks (1978) derived estimates of 500 to 700 whooping cranes in 1870. By 1941, the migratory population contained only 16 individuals. The whooping crane population decline in the 19th and early 20th century was a consequence of hunting and specimen collection, human disturbance, and conversion of the primary nesting habitat to hay, pastureland, and grain production (Allen 1952, Erickson & Derrickson 1981).

Allen (1952) described several historical migration routes. One of the most important led from the principal

nesting grounds in Iowa, Illinois, Minnesota, North Dakota, and Manitoba to coastal Louisiana. Another went from Texas and the Rio Grande Delta region of Mexico northward to nesting grounds in North Dakota and the Canadian Provinces. A route through west Texas into Mexico probably followed the route still used by sandhill cranes (*Grus canadensis*). These whooping cranes would have wintered in the interior tablelands of western Texas and the high plateau of central Mexico.

Another migration route crossed the Appalachians to the Atlantic Coast. These birds apparently nested in the Hudson Bay area of Canada. Coastal areas of New Jersey, South Carolina, and river deltas farther south were the wintering grounds. The latest specimen records or sighting reports for some eastern locations are Alabama, 1899; Arkansas, 1889; Florida, 1927 or 1928; Georgia, 1885; Illinois, 1891; Indiana, 1881; Kentucky, 1886; Manitoba, 1948; Michigan, 1882; Minnesota, 1917; Mississippi, 1902; Missouri, 1884; New Jersey, 1857; Ohio, 1902; Ontario, 1895; South Carolina, 1850; and Wisconsin, 1878 (Allen 1952, Burleigh 1944, Hallman 1965, Sprunt and Chamberlain 1949).

Atlantic coast locations used by whooping cranes included the Cape May area and Beesley's Point at Great Egg Bay in New Jersey; the Waccamaw River in South Carolina; the deltas of the Savannah and Altamaha Rivers, and St. Simon's Island in Georgia; and the St. Augustine area of Florida. Gulf coast locations include Mobile Bay, Alabama; Bay St. Louis in Mississippi; and numerous records from southwestern Louisiana, where the last bird was captured in 1949. Coastal Louisiana contained both a nonmigratory flock and wintering migrants (Allen 1952, Gomez 1992).

There is evidence to suggest that whooping cranes occurred in Florida, perhaps well into the 20th century (Nesbitt 1982). Nesbitt described various sighting reports including one by O. E. Baynard, a respected field naturalist, who stated that the last flock of whooping cranes (14 birds) he saw in Florida was in 1911 near Micanopy, southern Alachua County. Two whooping cranes were reported east of the Kissimmee River on January 19, 1936, and a whooping crane was shot (and photographed) north of St. Augustine, St. Johns County, in 1927 or 1928 (Nesbitt 1982).

Records from more interior areas of the Southeast include the Montgomery, Alabama, area; Crocketts Bluff on the White River, and near Corning in Arkansas; in Missouri at sites in Jackson County near Kansas City, in Lawrence County near Corning, southwest of Springfield in Audrain County, and near St Louis; and in Kentucky near Louisville and Hickman. It is unknown whether these records represent wintering locations, remnants of a nonmigratory population, or wandering birds.

The historic breeding range of the whooping crane in the United States included Illinois, Iowa, North Dakota, and Minnesota, with the largest number of confirmed nesting records in Iowa (Allen 1952). There are at least five reliable reports from Wisconsin; although there are no confirmed records of nesting in Wisconsin, there is a nesting record from Dubuque County, Iowa (Allen 1952), which is adjacent to Grant County, Wisconsin.

Whooping cranes currently exist in three wild populations and at six captive locations. The only self-sustaining natural wild population nests in the Northwest Territories and adjacent areas of Alberta, Canada, primarily within the boundaries of Wood Buffalo National Park. These birds winter along the central Texas Gulf of Mexico coast at Aransas National Wildlife Refuge and adjacent areas. Fifty pairs from this population nested in 2000, and 187 adult whooping cranes were reported in spring 2000. The flock recovered from a population low of 15 or 16 birds in 1941. This population is hereafter referred to as the Aransas/Wood Buffalo National Park population (AWP).

The second largest wild population is found in the Kissimmee Prairie area of central Florida. We designated this population as an experimental nonessential population in January 1993 (58 FR 5647–5658). Since 1993, 233 isolation-reared whooping cranes have been released in this area, in an ongoing reintroduction effort to establish a nonmigratory flock. As of October 2000, there are 75 surviving individuals in the project area. Birds in this population have reached breeding age within the past several years. During the 2000 nesting season, a total of 15 pairs defended territories, 3 pairs laid eggs, and 2 of these pairs failed prior to hatching. The remaining pair hatched both eggs, but no chicks survived to fledging.

The third wild flock consists of two remaining individuals from an effort to establish a migratory population in the Rocky Mountains through cross-fostering with greater sandhill cranes (*Grus canadensis tabida*) (Drewien and Bizeau 1977, Bizeau *et al.* 1987), and an experiment in 1997 when four whooping cranes were led behind an ultralight aircraft between Idaho and New Mexico (Clegg *et al.* 1997). The cross-fostering project began in 1975 and has failed to produce any chicks or mated pairs (Ellis *et al.* 1992a). The term, "cross-fostering" refers to the foster rearing of the whooping crane chicks by another species, the sandhill crane. The cross-fostered whooping cranes have never bred with other whooping cranes. The females in that group may be improperly sexually imprinted on male sandhill cranes. As a consequence of the lack of breeding, and the inordinately high mortality experienced by this population, the project was phased out.

The whooping crane captive breeding program, initiated in 1967, has been very successful. The Service and the Canadian Wildlife Service (CWS) began taking eggs from the nests of the wild population in 1967, and raising the resulting young in captivity. Between 1967 and 1993, 181 eggs were taken from the wild to captive sites. Birds raised from those eggs form the nucleus of the captive flock (USFWS 1994). The captive population is now located at three primary locations: Patuxent Wildlife Research Center in Laurel, Maryland; the International Crane Foundation (ICF) in Baraboo, Wisconsin; and the Calgary Zoo in Alberta, Canada. An additional captive population was started in 1998 at the Audubon Species Survival Center in New Orleans, Louisiana.

The total captive population as of September 2000 stood at 146 birds, with 135 birds present in the 3 primary captive breeding centers, and an additional 11 birds present at 3 other locations. Six whooping cranes are located at the San Antonio Zoological Gardens, Texas; four at the Audubon Institute, New Orleans, Louisiana; and one at the Lowery Park Zoo in Tampa, Florida.

Whooping cranes adhere to ancestral breeding areas, migratory routes, and wintering grounds, leaving little possibility of pioneering into new regions. The only wild, self-sustaining breeding population can be expected to continue utilizing its current nesting location with little likelihood of expansion, except on a local geographic scale. This population remains vulnerable to destruction through a natural catastrophe (hurricane), a red tide outbreak, or a contaminant spill, due primarily to its limited wintering distribution along the intracoastal waterway of the Texas coast. The Gulf Intracoastal Water Way (GIWW) experiences some of the heaviest barge traffic of any waterway in the world. Much of the shipping tonnage is

petrochemical products. An accidental spill could destroy whooping cranes and/or their food resources. With the only wild breeding population so vulnerable, it is urgent that additional wild self-sustaining populations be established as soon as practical.

3. Recovery Efforts

The first recovery plan developed by the Whooping Crane Recovery Team (Team) was approved January 23, 1980. The first revision was approved on December 23, 1986, and the second revision on February 11, 1994. The short-term goal is to downlist the whooping crane from endangered to threatened. The criteria for attaining this downlisting goal is achieving a population level of 40 nesting pairs in the AWP and establishing 2 additional, separate, and self-sustaining populations consisting of 25 nesting pairs each. The recovery plan recommends these goals should be attained for 10 consecutive years before the species is reclassified to threatened. These new populations may be migratory or nonmigratory.

In 1985, the Director-General of the Canadian Wildlife Service and the Director of the U.S. Fish and Wildlife Service signed a memorandum of understanding (MOU) entitled "Conservation of the Whooping Crane Related to Coordinated Management Activities." The MOU was revised and signed again in 1990 and 1995. It discusses disposition of birds and eggs, postmortem analysis, population restoration and objectives, new population sites, international management, recovery plans, consultation and coordination. All captive whooping cranes and their future progeny are jointly owned by the U.S. Fish and Wildlife Service and the Canadian Wildlife Service. Consequently, both nations are involved in recovery decisions.

4. Reintroduction Sites

In early 1984, pursuant to the recovery plan goals and the recommendation of the Team, potential whooping crane release areas were selected in the eastern United States. At that time the prognosis was favorable for successfully establishing a western population by use of the cross-fostering technique. Consequently, key considerations in selecting areas to evaluate for the eastern release were (1) large areas of potentially suitable wetland habitat; (2) a healthy sandhill crane population sufficient to support recovery using the cross-fostering technique; (3) public and State agency support for such a recovery effort in the release locale; (4) low-to-moderate levels of avian disease pathogens, environmental contaminants, and powerlines; (5) the potential of the habitats to simultaneously support whooping cranes and sandhill cranes; and (6) a reasonable certainty that the new population would not have contact with the AWP.

The areas identified were the Upper Peninsula of Michigan and adjacent areas of Ontario, the Okefenokee Swamp in southern Georgia, and three sites in Florida. The Michigan site was projected to eventually support a migratory population. The Georgia and three Florida sites would each support a nonmigratory population. The Michigan/Ontario wetlands are occupied by greater sandhill cranes that winter in Florida and the Okefenokee Swamp of Georgia. The wetlands in Georgia and Florida are occupied by the nonmigratory Florida sandhill crane (*Grus canadensis pratensis*) and in winter by greater sandhill cranes, which nest primarily in southern Ontario, Michigan, eastern Minnesota, and Wisconsin. Three-year studies were initiated at each site in October 1984 to evaluate their respective suitabilities.

Results of the studies were presented in written final reports to the Whooping Crane Recovery Team in fall 1987 (Bennett and Bennett 1987, Bishop 1988, McMillen 1987, Nesbitt 1988) and in verbal reports in February 1988. By 1988, the Team recognized that cross-fostering was not working to establish a migratory population in the West. The possibility of inappropriate sexual imprinting associated with cross-fostering, and the lack of a proven technique for establishing a migratory flock influenced the Team to favor establishing a nonmigratory flock. A nonmigratory population has features that make it easier to achieve success: (1) released birds do not face the hazards of migration (over one half of the losses of fledged, cross-fostered birds occurred during migration); and (2) released birds inhabit a more geographically limited area year-round than do migratory cranes, which increases the opportunity for the cranes to find a compatible mate.

Studies of whooping cranes (Drewien and Bizeau 1977) and greater sandhill cranes (Nesbitt 1988) have shown that, for these species, knowing when and where to migrate is learned rather than innate behavior. Captive-reared whooping cranes released in Florida were expected to develop a sedentary population.

In summer 1988, the Team selected Kissimmee Prairie in central Florida as the area most suitable for the next experiment to establish a self-sustaining population. Since 1993, captive-reared birds have been released annually in an attempt to establish a resident, nonmigratory flock. We expect releases to continue for the foreseeable future.

In 1996, the Team decided to investigate the potential for another reintroduction site in the eastern United States, with the intent of establishing an additional migratory population. Following a study of potential wintering sites by Dr. John Cannon (Cannon 1998), the Team selected the Chassahowitzka NWR /St. Martin's Marsh Aquatic Preserve as the top wintering site for a new migratory flock of whooping cranes. Based on concerns that a reintroduced population in Saskatchewan or Manitoba might mix with the wild AWP, the Team requested that Dr. Cannon see if suitable summering sites were present in Wisconsin, an area well east of the AWP migration corridor. The location of the proposed release area was chosen to fulfill the criteria set forth by the Whooping Crane Recovery Team, that is, to establish a new migratory flock in a location where there would be a minimal chance of contact with the existing natural wild flock. This criterion was established out of concern for adverse impacts to the wild flock due to exchange of disease or undesirable behavior between any newly established migratory flock and the existing wild flock.

After preliminary data were gathered, a decision was made in 1998 to focus on three potential release sites in Wisconsin: Crex Meadows State Wildlife Management Area (WMA), central Wisconsin including Necedah NWR and several Wisconsin WMAs, and Horicon NWR.

Detailed analysis was presented at the Team's meeting in September 1999 (Cannon 1999), and the Team then recommended that releases be started in central Wisconsin. This recommendation was based on the presence of suitable habitat and food resources, favorable local attitudes, and geographic separation from the AWP population. The recommendation also was contingent upon the results of studies to further clarify the level of risk to cranes at this location from two separate sources. These were risks from local contaminants in the form of agricultural chemicals, and the disturbance caused by aircraft overflights associated with operations at the nearby Hardwood Air-to-Surface Bombing Range. The two issues were investigated to the satisfaction of the Team with results indicating a minimal likelihood of occurrence for both

concerns, although the Patuxent Wildlife Research Center may conduct noise impact studies on whooping crane chicks. The proposed wintering site is the Chassahowitzka NWR in Florida.

The objectives of the reintroduction are: (1) To implement a primary recovery action for a federally listed endangered species; (2) to further assess the suitability of Wisconsin and the Gulf coast of Florida as whooping crane habitat; and (3) to evaluate the suitability of releasing captive-reared whooping cranes, conditioned for wild release, as a technique for establishing a self-sustaining, migratory population. Information on survival of released birds, movements, behavior, causes of losses, reproductive success, and other data will be gathered throughout the project. Project progress will be evaluated annually.

The likelihood of the releases resulting in a self-sustaining population is believed to be good. Whooping cranes historically occurred in the Upper Midwest, and the release area is similar to that which supported nesting whooping cranes in adjacent Illinois and Iowa. The minimum goal for numbers of cranes to be released annually is based on the research of Griffith *et al.* (1989). As captive production increases, annual release numbers will be increased, dependent upon availability. For a long-lived species like the whooping crane, continuing releases for a number of years increases the likelihood of reaching a population level that can sustain fluctuating environmental conditions. The rearing and release techniques have proven successful in building the wild population of the endangered Mississippi sandhill cranes.

It is expected that whooping cranes released in Wisconsin and wintering in Florida will eventually interact with the existing flock present in the Kissimmee Prairie area. Whooping cranes led to Chassahowitzka NWR behind the ultralight may choose not to stay in the coastal saltmarsh when released, or may return to the Kissimmee Prairie the following winter and interact with the nonmigratory flock. The nonmigratory population is prone to wander considerable distances, and has been observed outside of the area where introduction efforts are under way (Marty Folk, pers. comm.). Some interaction during winter between migratory and nonmigratory cranes is expected to occur. This raises the possibility that individual birds of each of the two flocks may acquire either migratory or nonmigratory behavior through association, especially if pairs form between members of the different populations. However, research with sandhill cranes in Florida has shown that migratory and nonmigratory populations mix during winter and yet maintain their own migratory and nonmigratory behaviors. The same would be expected with whooping cranes. In light of this knowledge, we expect that any shift in individual migratory behavior would be limited. Therefore, we expect that, even though individuals of the two populations may associate, the two flocks will remain distinct and each will represent a separate population as specified in the Whooping Crane Recovery Plan (USFWS 1994). As such, while the levels of protection will be the same, the two populations may be managed differently.

We may select additional release sites later during the project life to increase potential breeding range. Multiple release areas may increase the opportunity for successful pairing because females tend to disperse from their natal site when searching for a mate. Males, however, have a stronger homing tendency towards establishing their nesting territory near the natal area (Drewien *et al.* 1989). When captive-reared birds are released at a wild location, the birds may view the release site as a natal area. If they do, females would disperse away from the release area in their search for a mate. In such a circumstance it may be advantageous to have several release sites to provide a broader distribution of territorial males. It is impossible, however, to predict which areas will be chosen by the birds. To allow for adapting release techniques that will maximize the chances for success, some flexibility will likely be necessary in the future. Therefore, it is possible that we will pursue future releases at other sites, which we may select based upon dispersal patterns observed in the birds from initial releases. Several areas previously examined for suitability that may be candidates for future releases (Cannon 1999) include Horicon NWR and Crex Meadows State WMA in Wisconsin, and Seney NWR in the Upper Peninsula of Michigan.

The proposed rule is being coordinated with potentially affected State and Federal agencies, private landowners, and the general public. The Wisconsin Department of Natural Resources manages several wildlife management areas in the primary release area, will be actively involved as a cooperator in releases, and has actively endorsed the project. The Canadian Wildlife Service, a partner with the U.S. Fish and Wildlife Service as noted in the Memorandum of Understanding, has approved the proposed project. We have informed the Florida Department of Environmental Protection, the Department of Defense (Hardwood Air-to-Surface Bombing Range), and other entities about the proposed release, and these parties are aware of the possibility that whooping cranes may be introduced on or move to their project areas.

5. Reintroduction Protocol

We propose an initial release of 10 to 25 juvenile, captive-reared whooping cranes in the central Wisconsin area. These birds will be captive-reared to 20–40 days of age at Patuxent Wildlife Research Center in Laurel, Maryland, the International Crane Foundation in Baraboo, Wisconsin, and at other captive-rearing facilities. They will then be transferred to facilities at the Wisconsin release site, and conditioned for wild release to increase post-release survival (Ellis *et al.* 1992b, Zwank and Wilson 1987) and adaptability to wild foods. The cranes will be radio-tagged at release and monitored to discern movements, habitat use, other behavior, and survival. Whooping cranes would be released in the fall. The primary technique associated with migration will be leading the cranes by ultralight aircraft to the proposed wintering site in Florida. If results of this initial proposed release are favorable, releases will be continued with the goal of releasing up to 30 whooping cranes annually for about 10 years. Total numbers available for release will be dependent upon production at captive propagation facilities and the future need for additional releases into the Kissimmee flock.

Since the migration route is a learned rather than an innate behavior, captive-reared whooping cranes released in Wisconsin, or other northern areas of suitable habitat, will need to be taught where to migrate in order to develop the habit of migrating to a suitable wintering area. Captive-reared cranes are conditioned for wild release by being reared in isolation from humans; by use of conspecific role models (puppets), and by exercising with animal care personnel in crane costumes to avoid imprinting on humans (Ellis *et al.* 1992a, Horwich 1989, Urbanek and Bookhout 1992). This technique has been successful in supplementing the population of endangered nonmigratory Mississippi sandhill cranes (*Grus canadensis pulla*) (Zwank and Wilson 1987, Ellis *et al.* 1992b). Aircraft motor sounds are played to young crane chicks to get them acclimatized to engine noise. The "following" instinct of crane chicks is

utilized to get them conditioned to walk behind motorized vehicles and/or aircraft. Once acclimatized, the cranes will follow the taxiing ultralight aircraft and soon learn to fly behind the ultralight. Using this technique (Clegg *et al.* 1997, Lishman *et al.* 1997), sandhill cranes were led in migration between Ontario and Virginia in 1997; four whooping cranes and eight sandhill cranes were taught a migration between Idaho and New Mexico in 1997. Cranes led south in the fall have returned north on their own the following spring.

Several different strategies for accomplishing migration to the Florida wintering site may be utilized: (1) Leading the birds using an ultralight aircraft which the birds have been conditioned to follow; (2) allowing the released birds to migrate guided by wild sandhill cranes (Urbanek & Bookhout 1994), or after the first year, guided by whooping cranes; (3) some combination of these two techniques. The rationale is to use the technique that is thought to have the highest probability of success, but to retain the option of using another potentially promising technique if conditions warrant. As the project proceeds, the intent is to use techniques that seem reasonable in light of present understanding of whooping crane biology. However, for the first fall migration season, the primary technique is expected to be use of the ultralight aircraft to lead the cranes to the chosen wintering site in Florida; birds not trainable to follow aircraft may be released with wild sandhills and then relocated to the appropriate wintering area.

Status of Reintroduced Population

We proposed to designate all whooping cranes in the eastern U.S. NEP area (see Nonessential Experimental Population Area, below) as an NEP according to the provisions of section 10(j) of the Act. This designation can be justified because no adverse effects to extant wild or captive whooping crane populations will result from release of progeny from the captive flock. We also have a reasonable expectation that the experiment will result in the successful establishment of a self-sustaining, migratory flock, which will contribute to the recovery of the species. The special rule contained within this proposal is expected to ensure that this reintroduction is compatible with current or planned human activities in the release area.

We have concluded that this experimental population is nonessential to the continued existence of the whooping crane for the following reasons:

(a) For the time being, the AWP and the captive populations will be the primary species populations. With approximately 146 birds in captivity at 6 discrete sites, and approximately 187 birds in the AWP, the experimental population is not essential to the continued existence of the species. The species has been protected against the threat of extinction from a single catastrophic event by gradual recovery of the AWP and by increase and management of the cranes at the captive sites. Loss of the experimental population will not jeopardize the species' survival.

(b) For the time being, the primary repository of genetic diversity for the species will be the approximately 333 wild and captive whooping cranes mentioned in (a) above. The birds selected for reintroduction purposes will be as genetically redundant as possible with the captive population, hence any loss of reintroduced animals in this experiment will not significantly impact the goal of preserving maximum genetic diversity in the species.

(c) Any birds lost during the reintroduction attempt can be replaced through captive breeding. Production from the extant captive flock is already large enough to support the wild release with over 30 juveniles available annually. We expect this number to increase to over 40 as young pairs already in captivity reach breeding age. This illustrates the potential of the captive flock to replace individual birds proposed for release in reintroduction efforts. Levels of production are expected to be sufficient to support both this proposal, and continued releases into the Kissimmee flock.

The hazards and uncertainties of the reintroduction experiment are substantial, but a decision not to attempt to utilize the existing captive breeding potential to establish a second, wild, self-sustaining population could be equally hazardous to survival of the species in the wild. The AWP could be annihilated by catastrophic events such as a Gulf coast hurricane or a contaminant spill on the wintering grounds that would necessitate management efforts to establish an additional wild population. We believe 3 self-sustaining wild populations—consisting of 40 nesting pairs in the AWP and 2 additional, separate and self-sustaining, populations consisting of 25 nesting pairs each—should be in existence before the whooping crane can be downlisted to threatened status. Dependent upon future events, the nonmigratory Florida population would potentially be the second such population. An eastern U.S. migratory flock could be the third population. If this reintroduction effort is successful, conservation of the species will have been furthered considerably by establishing another self-sustaining population in currently unoccupied habitat. It would also confirm that captive-reared cranes can be used to establish a migratory, wild population.

Location of Reintroduced Population

Section 10(j) of the Act requires that an experimental population be geographically separate from other populations of the same species. The proposed NEP area will involve a large part of the eastern United States, with the expectation that most whooping cranes would be concentrated within the States of Wisconsin and Florida, as well as adjacent States, and those States within the migration corridor. States within the NEP area include Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. All of these States are considered to be within the probable historic range of the species. Any whooping crane found within this area will be considered part of the experimental population. Initial releases are planned for central Wisconsin, with plans for a wintering location on the Florida Gulf coast. It is impossible to predict where individual whooping cranes may disperse following release within the project area. One pair of whooping cranes from the Kissimmee Florida flock is known to have traveled as far away as Illinois and Michigan during the summer of 2000. Designation of this NEP allows for the possible occurrence of cranes in a large area of the eastern United States.

The whooping cranes also occurred in, or migrated through, the remaining northeastern States not proposed for inclusion in the NEP area. However, this occurrence is not as well documented as it is for other eastern States. Given the propensity for the species to wander and the potential future dispersal of the proposed whooping crane population in the eastern United States, we are considering including the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, and Vermont within the eastern United States NEP area.

a. Potential Release Areas

The proposed potential release areas in Wisconsin include Necedah NWR, Horicon NWR, and Crex Meadows State Wildlife Management Area. Initial releases are proposed for the Necedah NWR in Juneau County, Wisconsin. The location of future releases will depend upon habitat use and dispersal patterns of released cranes.

A majority of the movements of the released cranes are expected to occur within the central Wisconsin area, which comprises approximately 2,000 square kilometers characterized by a mosaic of forest and open wetlands. Numerous small streams cut across the landscape, many of which have been ditched for purposes of agricultural drainage. Much of the landscape is forested, consisting of mixed forests interspersed with open expanses of sedge and shrub wetlands, small streams and ponds.

On surrounding private lands, a significant amount of historic wetland habitat has been converted to cranberry culture. Land ownership includes a number of larger private holdings devoted to cranberry production and six large public ownerships totaling 83,222 hectares (ha) (205,651 acres). County-owned lands within the four-county area surrounding Necedah NWR include significant acreage, primarily devoted to forestry, totaling 65,810 ha (162,624 ac).

The principal private land uses are forestry, cranberry culture and other agriculture, and recreational hunting. Upland forests are managed for sawtimber and firewood production, on either a clear-cut rotational basis or selective harvest, dependent upon forest type and management objectives. Wetland habitat utilized for cranberry culture is managed mainly through the manipulation of water regime, in the form of seasonal flooding. The public lands are managed for wildlife values, recreation, water conservation, and to maintain natural habitat conditions. Compared to other areas in Wisconsin, the central Wisconsin area has experienced limited human population growth over the past 30 years due to its distance from major population centers and low suitability for agriculture. The presence of large public land holdings is at least in part a result of unsuccessful agricultural development. Cannon (1999) has estimated that approximately 37,000 ha (92,000 ac) of suitable whooping crane habitat exists in the central Wisconsin area.

b. Primary Wintering Area

The proposed primary wintering site is on the Chassahowitzka NWR, of which 55 percent (6,908 ha or 17,070 ac) is suitable crane habitat. The refuge comprises over 12,500 ha (31,000 ac) of saltwater bays, estuaries, and brackish marshes with a fringe of hardwood swamps along the eastern boundary. Dispersed throughout the salt marsh in a jigsaw puzzle fashion is 4,046 ha (10,000 ac) of estuarine habitat in the form of shallow bays and tidal streams; the largest of the streams being the Chassahowitzka and Homosassa Rivers. Because of three transitional salinity stages (ranging from fresh spring water, to brackish, and then to the saline waters of the Gulf of Mexico), a wide range of aquatic plant and animal life flourishes within all parts of the system. A wintering site study (Cannon 1998) rated Chassahowitzka NWR as an excellent site for wintering whooping cranes based on available habitat, adjacent expansion possibilities, adequate isolation, and abundant food resources.

Adjacent to the Chassahowitzka NWR, are two State of Florida-owned properties that support suitable crane habitat the wintering cranes may occasionally use. These areas are the 36,000-acre (14,568 ha) St. Martin's Marsh Aquatic Preserve and the 9,308 ha (23,000 ac) Crystal River State Buffer Preserve. Both sites contain habitats similar to those in Chassahowitzka NWR.

Management

a. Monitoring

Whooping cranes will be intensively monitored by project personnel prior to and after release. The birds will be observed daily while they are in the conditioning pen. Facilities for captive maintenance of the birds will be modeled after facilities at the U.S. Geological Survey's Patuxent Wildlife Research Center (PWRC) and the International Crane Foundation. They will conform to standards set forth in the Animal Welfare Act and Florida Wildlife Code (Title 39.6 F.A.C). To further ensure the well-being of birds in captivity and their suitability for release to the wild, facilities will incorporate features of their natural environment (e.g., feeding, loafing, and roosting habitat) to the extent possible. The conditioning pens will be similar to those being used successfully to release Mississippi sandhill cranes. Pre-release conditioning will occur at facilities near the release site.

To ensure contact with the released birds, each crane will be equipped with legband-mounted radio telemetry transmitters. Subsequent to gentle-release, the birds will be monitored regularly to assess movements and dispersal from the area of the release pen. Whooping cranes will be checked regularly for mortality or indications of disease (listlessness, social exclusion, flightlessness, or obvious weakness). Social behavior (e.g., pair formation, dominance, cohort loyalty) will also be evaluated.

A voucher blood serum sample will be taken for each crane prior to its arrival in Wisconsin. A second sample will be taken just prior to release. Any time a bird is handled after release, a blood sample may be taken to monitor disease exposure and physiological condition. One year after release, when possible, all surviving whooping cranes may be captured and an evaluation made of their exposure to disease/parasites through blood, fecal, and other sampling regimens. Monitoring will continue, opportunistically, for multiple years whenever cranes are recaptured to replace radio transmitters. If preliminary results are favorable, the releases will be continued annually, with the goal of releasing up to 30 birds per year for about 10 years and then evaluating the success of the recovery effort.

b. Disease/Parasite Considerations

Both sandhill and whooping cranes are known to be vulnerable, in part or all of their natural range, to avian herpes (inclusion body disease), avian cholera, acute and chronic mycotoxicosis, eastern equine encephalitis (EEE), and avian tuberculosis. Additionally, *Eimeria* spp., *Haemogroteus* spp., *Leucocytozoon* spp., avian pox, lead poisoning, and *Hexamita* sp. have been identified as debilitating or lethal factors in wild or pre-release, captive populations.

A group of crane veterinarians and disease specialists have developed protocols for pre-release and pre-transfer health screening for birds selected for release to prevent introduction of diseases and parasites into the eastern flyway. Exposure to disease and parasites will be evaluated through blood, serum, and fecal analysis of any individual crane handled post-release or at the regular monitoring interval. Remedial action will be taken to return to good health any sick individuals taken into captivity. Sick birds will be held in special facilities and their health and treatment monitored by veterinarians. Special attention will be given to EEE because an outbreak at the PWRC in 1984 killed 7 of 39 whooping cranes present there. After the outbreak a vaccine was developed for use on captive cranes. In 1989, EEE was documented in sentinel bobwhite quail and sandhill cranes at the PWRC. No whooping cranes became ill, and it appears the vaccine may provide protection. EEE is present in Wisconsin, so the released birds may be

vaccinated. Other strains of encephalitis (St. Louis, Everglades) also occur in Wisconsin. The vaccine for EEE may also provide protection against these arboviruses.

When appropriate, other avian species may be used to assess the prevalence of certain disease factors. This could mean using sentinel turkeys for ascertaining exposure probability to encephalitis or evaluating a species with similar food habits for susceptibility to chronic mycotoxicosis.

c. Genetic Considerations

The ultimate genetic goal of the reintroduction program is to establish wild reintroduced populations that possess the maximum level of genetic diversity available from the captive population. Early reintroductions will likely consist of a biased sample of the genetic diversity of the captive gene pool, with certain genetic lineages over-represented. This bias will be corrected at a later date by selecting and re-establishing breeding whooping cranes that, theoretically, compensate for any genetic biases in earlier releases.

d. Mortality

Although efforts will be made to minimize mortality, some will inevitably occur as captive-reared birds adapt to the wild. Collision with power lines and fences are known hazards to wild whooping cranes. No major power lines cross the proposed release or wintering sites. Tall woven-wire and barbed-wire fencing is commonly used in the central Wisconsin area and presents some collision hazard. If whooping cranes begin regular use of areas traversed by power lines or fences, the Service and Wisconsin DNR will consider placing markers on the obstacles to reduce the probability of collisions.

Wolves are known predators of adult sandhill cranes and would be potential predators of adult whooping cranes, as would coyotes and bald eagles. Red fox, bobcats, owls, and raccoons are potential predators of young cranes. Natural mortality from predators, fluctuating food availability, disease, and wild feeding inexperience will be reduced through predator management, vaccination, gentle release, supplemental feeding for a post-release period, and pre-release conditioning. This conditioning will include teaching the habit of roosting in standing water. Predation by bobcats has been a significant source of mortality in the Kissimmee flock, and teaching this roosting behavior to young birds should help to reduce losses to wolves, coyotes, and bobcats. Human-caused mortality will be reduced by information and education efforts directed at landowners and land users, and review and management of human activities in the area.

Recently released whooping cranes will need protection from natural sources of mortality (predators, disease, and inadequate foods) and from human-caused sources of mortality. Natural mortality will be reduced through pre-release conditioning, gentle release, vaccination, and predator control. We will minimize human-caused mortality through a number of measures such as: (a) Placing whooping cranes in an area with low human population density and relatively low development; (b) working with and educating landowners, land managers, developers, and recreationists to develop means for conducting their existing and planned activities in a manner that is compatible with whooping crane recovery; and (c) conferring with developers on proposed actions and providing recommendations that will reduce any likely adverse impacts to the cranes.

e. Special Handling

The Service, State employees, and their agents will be authorized to relocate whooping cranes to avoid conflict with human activities; relocate whooping cranes that have moved outside the appropriate release area or the NEP area when removal is necessary or requested; relocate whooping cranes within the NEP area to improve survival and recovery prospects; and aid animals that are sick, injured or otherwise in need of special care. If a whooping crane is determined to be unfit to remain in the wild, it will be returned to captivity. The Service, State employees, and their agents will be authorized to salvage dead whooping cranes.

f. Potential Conflicts

Conflicts have resulted in the central and western United States from the hunting of migratory birds in areas utilized by whooping cranes, particularly the hunting of sandhill cranes and snow geese (*Chen caerulescens*), which to novice hunters may appear similar to whooping cranes.

In recent years, only two to three crane mortalities have been documented incidental to hunting activities. Sandhill cranes are not hunted in Wisconsin although a future hunting season is being considered, and snow geese are an uncommon migrant and have not been present in large numbers. Sandhill cranes and snow geese are not hunted in the area of the proposed wintering site in Florida. Accidental shooting of a whooping crane in this experimental population occurring in the course of otherwise lawful hunting activity is exempt from take restrictions under the Act in this proposed special regulation. Applicable Federal penalties under the Migratory Bird Treaty Act and/or State penalties, however, may still apply. There will be no federally mandated hunting area or season closures or season modifications for the purpose of protecting whooping cranes (see Protection, below). We will minimize mortality due to accidental shootings by providing educational opportunities and information to hunters to assist them in distinguishing whooping cranes from other legal game species.

The bulk of traditional hunting in the primary release area has been for deer (*Odocoileus virginianus*), turkey (*Meleagris gallopavo*), and small game. Conflict with traditional hunting in the release area is not anticipated. Access to some limited areas at release or wintering sites and at ultralight migration stopover points could be temporarily restricted at times when whooping cranes might be particularly vulnerable to human disturbance (i.e., around rearing and training facilities in the spring/summer and conditioning and holding pens in the fall/winter). Any temporary restricted access to areas for these purposes will be of the minimum size and duration necessary for protection of the proposed NEP cranes, and will be closely coordinated with and at the discretion of the respective States. Any such access restrictions will not require Federal closure of hunting areas or seasons.

States within the NEP area maintain their management prerogatives regarding the whooping crane. They are not directed by this rule to take any specific actions to provide any special protective measures, nor are they prevented from imposing restrictions under State law, such as protective designations, and area closures. None of the States within the NEP area have indicated that they would propose hunting restrictions or closures related to game species because of the proposed whooping crane reintroduction.

Overall, the presence of whooping cranes is not expected to result in placement of constraints on hunting of wildlife or to affect economic gain landowners might receive from hunting leases. The potential exists for future hunting seasons to be established for other migratory birds that are not currently hunted in some of the States within the NEP area. The proposed action will not prevent the establishment of future hunting seasons approved for other migratory bird species by the Mississippi or Atlantic Flyway Councils.

The principal activities on private property adjacent to the release area are agriculture and recreation. Use of these private properties by whooping cranes will not preclude such uses. The proposed special regulation accompanying this proposed rule authorizes incidental take of the whooping crane in the proposed NEP area when the take is accidental and incidental to an otherwise lawful activity.

An additional issue identified as a possible conflict is the potential for crop depredation. There is evidence that some sandhill cranes have caused locally significant losses of emerging corn in some areas in Wisconsin. It is possible that whooping cranes could engage in this type of behavior as well. Whooping cranes are socially less gregarious than sandhill cranes, and tend to restrict the bulk of their foraging activities to wetland areas. Therefore, they are believed to be less likely to cause significant crop depredations. If such depredations occur, they can be eliminated through use of bird scaring devices and other techniques. Ongoing research on seed treatments as a deterrent to corn depredation is promising (Blackwell, Helon and Dolbeer, in press).

Other agricultural crops found in the release area include cranberries. Some concern has been expressed that whooping cranes may consume cranberries. Although potential habitat is present near cranberry operations, cranberries are not likely to be an attractive food item as compared to animal matter, during most of the time period that whooping cranes would be present in Wisconsin. Cranberry beds are flooded at harvest time, and when large numbers of berries are gathered they could be more vulnerable to depredation. However, this event occurs in late fall, after whooping cranes would have departed for their wintering grounds. In addition, the numerous sandhill cranes in Wisconsin have not caused cranberry crop depredation. Therefore, we do not expect that whooping cranes will pose a significant threat to crop depredation on cranberries.

Released whooping cranes might wander into other States or other locations in the eastern United States outside of the expected migration corridor, or even outside the NEP area. We believe the frequency of such movements is likely to be low. Any whooping cranes that leave this experimental population area will be considered as endangered. However, for any whooping cranes that move outside the eastern United States NEP area, including those that move into the migration corridor of the AWP, attempts will be made to capture and return them to the appropriate area if a reasonable possibility exists for contact with the AWP population or if removal is requested by the State which they enter.

Birds from the AWP flock have rarely been observed in any of the States within the NEP area except as a result of an extreme weather event; they are expected to be in the NEP area very infrequently and only temporarily. Any whooping cranes that occur within the NEP area will be considered to be part of the NEP and will be subject to the protective measures in place for the NEP. Because of the extremely limited number of incidents anticipated, the decreased level of protections afforded AWP cranes that cross into the NEP is not expected to have any significant adverse impacts to the AWP.

For at least the first year of project life, whooping cranes will be led to the Florida wintering site utilizing an ultralight aircraft and stopping at a series of previously chosen stopover locations en route. During subsequent migration periods, it will be difficult to predict which specific sites will be utilized by the birds, and some cranes may use stopover sites with which they have no previous experience. Whooping cranes that appear in undesirable locations while in migration will be considered for relocation by capture and/or hazing of the birds. Possible conflicts with recreation and agriculture interests within the migration corridor will be minimized through an extensive public education program.

Access to whooping cranes may be temporarily restricted in limited areas near rearing and acclimatization facilities and at ultralight migration stopover locations to minimize disturbance at times of greatest vulnerability and sensitivity. Any temporarily restricted access to areas for these purposes will be of the minimum size and duration necessary for protection of the proposed NEP cranes, will not require Federal closure of hunting areas or seasons, and will be closely coordinated with and at the discretion of the respective States.

Previous Federal Action

Public meetings were held in Florida in December of 1997 and in Wisconsin in May of 1999, to determine public interest and concerns regarding the potential reintroduction of a migratory flock of whooping cranes to the eastern United States. In 1999, the Service, the Wisconsin DNR, and International Crane Foundation representatives met to identify issues and concerns related to whooping crane reintroduction.

The Wisconsin and Florida informational meetings offered the general public an opportunity to review and offer informal comments on the proposed action. The public has appeared extremely supportive of the proposed action, provided it does not interfere with existing lifestyles and current and potential income. We will attempt to notify all known or determinable affected parties and other interested agencies, groups, and individuals of the opportunity to comment on this proposed rule. We will hold a series of public hearings during the public comment period as a further measure to encourage public input on the proposed action. We will incorporate information and comments into the final rule.

The Service has made presentations to numerous organizations and potentially affected interest groups, government representatives of States along the potential migration route, the Atlantic and Mississippi Flyway Councils and their Technical Sections, the Wisconsin Natural Resources Board, the Florida Fish and Wildlife Conservation Commission (FLFWCC), and other interested agencies to obtain input on the potential for reintroduction of a migratory whooping crane population in the eastern United States. We have conducted extensive coordination, both formal and informal, with all States within the proposed NEP area. All States have been asked to give their formal endorsement to the project prior to implementation.

An extensive sharing of information about the program and the species, via educational efforts targeted toward the public throughout the NEP area and nationally, will enhance public awareness of this species and its reintroduction. We will encourage the public to cooperate with the Service, Wisconsin DNR, and the Florida FWCC in attempts to maintain and protect whooping cranes in the release areas and wintering area.

Public Comments Solicited

Whooping crane chicks intended for wild release are transported to field release facilities at about 20–40 days of age, where they are then conditioned for wild release. Because of the nesting phenology (recurring natural phenomena) of the captive breeding pairs at the rearing facilities, these chicks are ready for transport to field facilities on or about May 1 in any given year. In order to facilitate the timely initiation of this reintroduction project

and not delay whooping crane recovery efforts, we must expedite this nonessential experimental rulemaking process. Therefore, we are providing a 45-day comment period on this rule, instead of the standard 60 days.

We want the final rule to be as effective as possible and the environmental assessment on the proposed action to effectively evaluate all potential issues associated with this action. Therefore, we invite the public, concerned Tribal and government agencies, the scientific community, industry and other interested parties to submit comments or recommendations concerning any aspect of this proposed rule and the draft environmental assessment. Comments should be as specific as possible. To issue a final rule to implement this proposed action and to determine whether to prepare a finding of no significant impact or an environmental impact statement, we will take into consideration all comments and any additional information we receive. Such communications may lead to a final rule that differs from this proposal.

In particular, we are seeking comments on the appropriateness of including the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, and Vermont within the eastern U.S. NEP area.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we will withhold a respondent's identity from the rulemaking record, as allowable by law. If you wish for us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, available for public inspection in their entirety.

Public Hearings

The purpose of the public informational open houses is to provide additional opportunities for the public to gain information and ask questions about the proposed rule. These open house sessions should assist interested parties in preparing substantive comments on the proposed rule. All comments we receive at the hearings, both verbal and written, will be considered in making our final decision on the proposed NEP.

Required Determinations

Regulatory Planning and Review

In accordance with the criteria in Executive Order 12866, the proposed rule to designate NEP status for the whooping crane reintroduction into the eastern United States is not a significant regulatory action subject to Office of Management and Budget review. This rule will not have an annual economic effect of $100 million and will not have an adverse effect upon any economic sector, productivity, competition, jobs, the environment, or other units of government. Therefore, a cost-benefit economic analysis is not required.

Lands where releases are proposed include Necedah and Horicon National Wildlife Refuges, and the Crex Meadows State Wildlife Area in Wisconsin. The proposed wintering site in Florida is Chassahowitzka National Wildlife Refuge and the adjacent St. Martin's Marsh Aquatic Preserve and Crystal River State Buffer Preserve. Following release, birds from the NEP are likely to utilize private lands adjacent to both the release areas and the wintering site. Because of the substantial regulatory relief provided by NEP designations, we do not believe the reintroduction of whooping cranes would conflict with existing human activities or hinder public or private use of lands within the NEP area. Likewise, no governments, individuals or corporations will be required to manage specifically for reintroduced whooping cranes.

This rule will not create inconsistencies with other agency's actions or otherwise interfere with an action taken or planned by another agency. Federal agencies most interested in this rulemaking are primarily other Department of the Interior bureaus (e.g., National Park Service). The action proposed by this rulemaking is consistent with the policies and guidelines of other Interior bureaus.

This rule will not materially affect entitlements, grants, user fees, loan programs or the rights or obligations of their recipients. This rule will not raise novel legal or policy issues. We have previously designated an experimental population of whooping cranes in Florida and for other species at numerous locations throughout the nation.

Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The area affected by this rule includes 20 States within the eastern United States. We do not expect this rule to have any significant effect on recreational, agricultural, or development activities within the NEP area. There will be no federally mandated closures of seasons or areas to hunting for protection of the proposed NEP. We expect only temporary access restrictions to limited areas in the vicinity of rearing and release facilities at times during the spring/summer rearing period, during migration with ultralight aircraft, or at the wintering site. In the primary release area, this is not expected to occur outside of existing, long-established closed areas on Necedah NWR. Any temporarily restricted access to areas will be of the minimum size and duration necessary to provide for protection to the proposed NEP cranes during rearing or release activities, and will be conducted in close coordination with the States. Because any such access restrictions will be of short duration and will not require Federal closure of hunting areas or seasons, we do not expect any significant effect on recreational activities. Because there will be no new or additional economic or regulatory restrictions imposed upon States, Federal agencies, or members of the public due to the presence of members of the proposed NEP, this rulemaking is not expected to have any significant adverse impacts to recreation, agriculture, or any development activities. The designation of an NEP in this rule will significantly reduce the regulatory requirements regarding the reintroduction of these whooping cranes, will not create inconsistencies with other agency actions, and will not conflict with existing or proposed human activity, or State, Tribal or private use of lands within the NEP area.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule will not have an annual effect on the economy of $100 million or more for reasons outlined above. It will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The rule does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

The NEP designation will not place any additional requirements on any city, county, or other local municipalities. The proposed NEP designation has been endorsed by all of the States within the proposed NEP area. A Small Government Agency Plan is not required. Because this rulemaking does not require that any action be taken by local or State government or private entities, we have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities (i.e., it is not a "significant regulatory action").

Takings

In accordance with Executive Order 12630, the rule does not have significant takings implications. We do not expect this rule to have a potential takings implication under Executive Order 12630 because it would exempt individuals or corporations from prosecution for take that is accidental and incidental to an otherwise lawful activity. In addition, private entities would also be exempt from any restrictions imposed by consultation requirements under section 7(a)(2) of the Act, as consultation will not be conducted except on National Wildlife Refuges or National Parks. Because of the substantial regulatory relief provided by NEP designations, we do not believe the reintroduction of whooping cranes would conflict with existing human activities or hinder public use of lands within the proposed NEP area. None of the States within the proposed NEP area will be required to manage specifically for reintroduced whooping cranes, and all of those States have endorsed the proposed NEP designation. A takings implication assessment is not required.

Federalism

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rule will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. As stated above, designation of this population as nonessential experimental will preclude any additional regulatory burdens on public and private entities within the NEP area. A Federalism assessment is not required.

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951) and E.O. 13175, we have notified the Native American Tribes within the nonessential experimental population area about this proposal. They have been advised through verbal and written contact, including informational mailings from the Service. Information was also sent to the Great Lakes Indian Fish and Wildlife Commission, 1854 Authority, Chippewa Ottawa Resource Authority, and Native American Fish and Wildlife Society. If future activities resulting from this proposed rule may affect Tribal resources, a Plan of Cooperation will be developed with the affected Tribe or Tribes.

Paperwork Reduction Act

This proposed rule contains information collection activity for experimental populations. The Fish and Wildlife Service has Office of Management and Budget approval for the collection under OMB Control Number 1018–0094. The Service may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

We have prepared a draft environmental assessment as defined under the authority of the National Environmental Policy Act of 1969. It is available from Service offices identified in the **ADDRESSES** section.

Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposed rule? What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street NW, Washington, DC 20240. You may also e-mail the comments to this address: Exsec@ios.doi.gov.

References Cited

A complete list of all references cited in this proposed rule is available upon request from the Green Bay Field Office (see **ADDRESSES** section).

Authors

The principal authors of this rule are Joel Trick and Janet Smith, U.S. Fish and Wildlife Service, Green Bay, WI (Phone: 920–465–7440); Tom Stehn, U.S. Fish and Wildlife Service, Austwell, TX (Phone 361–286–3559); and Linda Walker, U.S. Fish and Wildlife Service, Jacksonville, FL (Phone: 904–232–2580).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.11(h) by revising the existing entry for "Crane, whooping" under "BIRDS" to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
•	•	•	•	•	•	•	
BIRDS							
•	•	•	•	•	•	•	
Crane, whooping	*Grus americana*	Canada, U.S.A. (Rocky Mountains east to Carolinas), Mexico.	Entire, except where listed as an experimental population.	E	1, 3	17.95(b)	NA
Do	...do	...do	U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN. UT, VA, WI, WV, WY).	XN	487, 621, ____	NA	17.84(h)
•	•	•	•	•	•	•	

3. Amend § 17.84 by revising paragraphs (h)(1), (h)(2), (h)(4)(ii), (h)(5), (h)(8), (h)(9), and (h)(10), adding paragraph (h)(11), and adding a map at the end of paragraph (h) to read as follows:

§ 17.84 Special rules—vertebrates.

* * * * *

(h) Whooping crane (*Grus americana*).

(1) The whooping crane populations identified in paragraphs (h)(9)(i), (h)(9)(ii), and (h)(9)(iii) of this section are nonessential experimental populations.

(2) No person may take this species in the wild in the experimental population areas except when such take is accidental and incidental to an otherwise lawful activity, or as provided in paragraphs (h)(3) and (4) of this section. Examples of otherwise lawful activities include, but are not limited to, agricultural practices, pesticide application, water management, construction, recreation, trapping, or hunting, when such activities are in full compliance with all applicable laws and regulations.

* * * * *

(4) * * *

(ii) Relocate a whooping crane that has moved outside the eastern U.S. population area identified in paragraph (h)(9)(iii) of this section, or the Kissimmee Prairie or Rocky Mountain range of the experimental populations when removal is necessary or requested and is authorized by a valid permit under § 17.22.

* * * * *

(5) Any taking pursuant to paragraphs (h)(3) and (4) of this section must be immediately reported to the National Whooping Crane Coordinator, U.S. Fish and Wildlife Service, P.O. Box 100, Austwell, Texas 77950 (Phone: 361–286–3559), who, in conjunction with his counterpart in the Canadian Wildlife Service, will determine the disposition of any live or dead specimens.

* * * * *

(8) The Service will not mandate any closure of areas, including National Wildlife Refuges, during hunting seasons or closure or modification of hunting seasons for the purpose of avoiding take of the nonessential experimental population identified in paragraph (h)(9)(iii) of this section.

(9) All whooping cranes found in the wild within the boundaries listed in paragraph (h)(9)(i) through (iii) of this section will be considered nonessential experimental animals. Geographic areas the nonessential experimental populations may inhabit include the following—

(i) The entire State of Florida. The reintroduction site is the Kissimmee Prairie portions of Polk, Osceola, Highlands, and Okeechobee Counties. Current information indicates that the Kissimmee Prairie is within the historic range of the whooping crane in Florida. No other natural populations of whooping cranes are likely to come into contact with the experimental population. The only natural extant population occurs well west of the Mississippi River. The Aransas/Wood Buffalo National Park population nests in the Northwest Territories and adjacent areas of Alberta, Canada, primarily within the boundaries of the Wood Buffalo National Park, and winters along the Central Texas Gulf of Mexico coast at Aransas National Wildlife Refuge. The only other extant eastern U.S. population is the nonessential experimental population described in paragraph (h)(9)(iii) of this section. Remnant individuals of the Rocky Mountain nonessential experimental population occur in the western United States as described in paragraph (h)(9)(ii) of this section. Whooping cranes adhere to ancestral breeding grounds, leaving little possibility that individuals from the extant population will stray into Florida or the Rocky Mountain Population. Studies of whooping cranes have shown that migration is a learned rather than an innate behavior. The experimental population released at Kissimmee Prairie is expected to mostly remain within the prairie region of central Florida.

(ii) The States of Colorado, Idaho, New Mexico, Utah, and the western half of Wyoming. Birds in this area do not come in contact with whooping cranes of the Aransas/Wood Buffalo Population; and

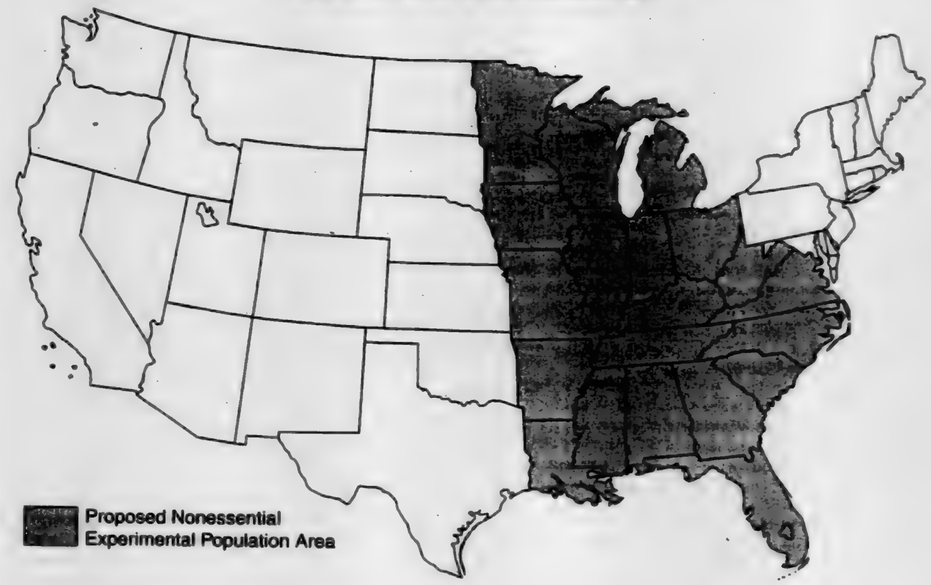
(iii) That portion of the eastern contiguous United States which includes the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin (see map). Whooping cranes within this population are expected to mostly occur within the States of Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Georgia, and Florida, which is within the historic range of the whooping crane in the United States. The additional States included within the experimental population area are those expected to receive occasional use by the cranes, or which may be used as breeding or wintering areas in the event of future population expansion. Whooping cranes in this population are not expected to come in contact with whooping cranes of the Aransas/Wood Buffalo National Park Population.

(10) The reintroduced populations will be monitored during the duration of the projects by the use of radio telemetry and other appropriate measures. Any animal that is determined to be sick, injured, or otherwise in need of special care will be recaptured to the extent possible by Service and/or State wildlife personnel or their designated agent and given appropriate care. Such animals will be released back to the wild as soon as possible, unless physical or behavioral problems make it necessary to return them to a captive breeding facility.

(11) The status of the experimental populations will be reevaluated periodically to determine future management needs. This review will take into account the reproductive success and movement patterns of the individuals released within the experimental population areas.

BILLING CODE 4310-55-U

Whooping Crane Nonessential Experimental Population Area in the Eastern U.S.



Dated: March 5, 2001.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 01–5821 Filed 3–8–01; 8:45 am]

BILLING CODE 4310-55-U

Notices

Federal Register
Vol. 66, No. 47
Friday, March 9, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Advisory Council on Historic Preservation will meet on Friday, March 16, 2001. The meeting will be held in the Quapaw Parlor, The Capital Hotel, 1111 West Markham Street, Little Rock, Arkansas, beginning at 8:30 a.m.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. 470) to advise the President and the Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol; the Secretaries of the Interior, Agriculture, Housing and Urban Development, and Transportation; the Administrators of the Environmental Protection Agency and General Services Administration; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor; a Mayor; a Native Hawaiian; and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

I. Chairman's Welcome
II. Swearing-In Ceremony
III. Chairman's Report
IV. Policy Issues
  A. Council Agenda for 2001—Action
  B. Preservation Initiatives for the Administration and Congress—Action
V. Improving Federal Stewardship
  A. Task Force on Balancing Cultural and Natural Values in National Parks—Action
  B. Proposed Alternate Section 106 Procedures for the Army—Report
  C. Council Report on Manhattan Project Historic Properties—Action
  D. Preservation and the Military Construction Process—Action
  E. Historic Preservation Awards—Action
VI. Section 106 Issues
  A. Cellular Communications Towers and Section 106—Report
  B. Small Federal Handles: Review of Federal Permits—Action
VII. Executive Director's Report
  A. Major Section 106 Cases—Report and Possible Action
VIII. New Business
IX. Adjourn

Note: The meetings of the Council are open to the public. If you need special accommodations due to a disability, please contact the Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW., Room 809, Washington, DC 20004, 202–606–8503, at least seven (7) days prior to the meeting.

For further information contact: Additional information concerning the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW., #809, Washington, DC 20004, 202–606–8503.

Dated: March 6, 2001.

John M. Fowler,

Executive Director.

[FR Doc. 01–5686 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. FV01–357]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request a extension for and revision to a currently approved information collection for the Reporting and Recordkeeping Requirements Under Regulations Under the Perishable Agricultural Commodities Act, 1930, as amended.

DATES: Comments on this notice must be received by May 8, 2001 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Contact James R. Frazier, Chief, PACA Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Rm. 2095-So. Bldg., P.O. Box 96456, Washington, D.C. 20090–6456, telephone (202) 720–2272. Email—jim.frazier@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Reporting and Recordkeeping Requirements Under Regulations (Other than Rules of Practice) Under the Perishable Agricultural Commodities Act, 1930.

OMB Number: 0581–0031.

Expiration Date of Approval: July 31, 2001.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The PACA was enacted by Congress in 1930 to establish a code of fair trading practices covering the marketing of fresh and frozen fruits and vegetables in interstate or foreign commerce. It protects growers, shippers, and distributors dealing in those commodities by prohibiting unfair and fraudulent trade practices.

The law provides for the enforcement of contracts by providing a forum for resolving contract disputes, and a mechanism for the collection of damages from anyone who fails to meet contractual obligations and for excluding from the industry firms or individuals who violate the law's standards for fair business practices. In addition, the PACA imposes a statutory trust on licensees for perishable agricultural commodities received, products derived from them, and any receivables or proceeds due from the sale of the commodities for the benefit of produce suppliers, sellers, or agents that have not been paid.

The PACA is enforced through a licensing system. All commission merchants, dealers, and brokers engaged in business subject to the PACA must be licensed. Retailers and grocery wholesalers must renew their licenses every three years. All other licensees have the option of a one, two, or three-year license term. Those who engage in practices prohibited by the PACA may have their licenses suspended or revoked.

The information collected is used to administer licensing provisions under the PACA, to adjudicate contract disputes, and for the purpose of enforcing the PACA and the regulations. The purpose of this notice is to solicit comments from the public concerning our information collection.

We estimate the paperwork and time burden on the above to be as follows:

Form FV–211 (or 211–1, or 211–2, or 211–3, or 211–4, or 211–5), Application for License: average of .25 hours per application per response.

Form FV–231–1 (or 231–1A, or 231–2, or 231–2A), Application for Renewal or Reinstatement of License: Average of .05 hours per application per response.

Regulations Section 46.13—Letters to Notify USDA of Changes in Business Operations: Average of .05 hours per notice per response.

Regulations Section 46.4—Limited Liability Company Articles of Organization and Operating Agreement: Average of .083 hours with approximately 220 recordkeepers.

Regulations Section 46.18-Record of Produce Received: Average of 5 hours with approximately 18,400 recordkeepers.

Regulations Section 46.20—Records Reflecting Lot Numbers: Average of 8.25 hours with approximately 1,000 recordkeepers.

Regulations Section 46.46(d)(2)—Waiver of Rights to Trust Protection: Average of .25 hours per notice with approximately 100 principals.

Regulations Sections 46.46(f) and 46.2(aa)(11)—Copy of Written Agreement Reflecting Times for Payment: Average of 20 hours with approximately 2,670 recordkeepers.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3.8203 hours per response.

Respondents: Commission merchants, dealers (including restaurants), and brokers engaged in the business of buying, selling, or negotiating the purchase or sale of commercial quantities of fresh and/or frozen fruits and vegetables in interstate or foreign commerce are required to be licensed under the PACA (7 U.S.C. 499(c)(a)).

Estimated Number of Respondents: 15,829.

Estimated Number of Responses per Respondent: 2.5654.

Estimated Total Annual Burden on Respondents: 155,138.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to James R. Frazier, Chief, PACA Branch, Fruit and Vegetable Programs, USDA, Room 2095—So. Bldg., P.O. Box 96456, Washington, DC 20090–6456. Email—jim.frazier@usda.gov.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: March 5, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5780 Filed 3–8–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[DA–01–02]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection for report forms under the Federal milk marketing order program.

DATES: Comments on this notice must be received by May 8, 2001 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact William F. Newell, Chief, Order Operations Branch, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2753–S., P.O. Box 96456, Washington, DC 20090–6456, (202) 690–2375, e-mail address: William.Newell@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Report Forms Under Federal Milk Orders (From Milk Handlers and Milk Marketing Cooperatives).

OMB Number: 0581–0032.

Expiration Date of Approval: September 30, 2001.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: Federal milk marketing order regulations authorized under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), require milk handlers to report in detail the receipts and utilization of milk and milk products handled at each of their plants that are regulated by a Federal order. The data are needed to administer the classified pricing system and related requirements of each Federal order.

Formal rulemaking amendments to the orders must be approved in referenda conducted by the Secretary.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.07 hours per response.

Respondents: Milk handlers and milk marketing cooperatives.

Estimated Number of Respondents: 692.

Estimated Number of Responses per Respondent: 29.

Estimated Total Annual Burden on Respondents: 21,397 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to William F. Newell, Chief, Order Operations Branch, USDA–AMS, Room 2753–S, PO Box 96456, Washington, DC 20090–6456, (202) 690–2375, e-mail address: William.Newell@usda.gov. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: March 5, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5781 Filed 3–8–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Kachina Village EIS; Southwestern Region, Arizona, Coconino County, Coconino National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Coconino National Forest is planning to prepare an Environmental Impact Statement on a proposal to improve the resiliency of the forest ecosystem by reducing the threat of catastrophic fire, and overall improving forest health. This project will be planned in cooperation with the Grand Canyon Forests Partnership and all interested publics.

DATES: Comments in response to this Notice of Intent concerning the scope of the analysis should be received in writing on or before April 9, 2001.

ADDRESSES: Send written comments to USDA Forest Service, Coconino National Forest, Flagstaff, AZ 86004. Electronic mail may be sent to tkrandall@fs.fed.us

Responsible Official: The Forest Supervisor of the Coconino National Forest, Supervisor's Office 2323 E. Greenlaw Lane, Flagstaff, AZ 86004, will decide what actions are most appropriate for the Kachina Village Project Area.

FOR FURTHER INFORMATION CONTACT: Tammy Randall-Parker, Peaks Ranger District, 5075 North Highway 89, Flagstaff, AZ 86004. (520) 527–8254 or *tkrandall@fs.fed.us*

SUPPLEMENTARY INFORMATION: The proposal will focus on improving forest health and improving forest resiliency. The project will include the following:

1. Removal of ponderosa pine trees to reduce hazardous fuel loads in the Flagstaff Urban Interface.

Simultaneously this action will improve forest health by thinning dense stands of trees, which will improve tree growth, improve the herbaceous understory, protect cultural resources from wildfire, improve and protect wildlife habitat, and watershed functions. Thinning of ponderosa pine will include thinning of smaller diameter ponderosa pine. We estimate ninety-percent of the tree thinned will be small than 12" dbh. Large old trees, mature ponderosa pine and Douglas-fir will not be removed from the area. These trees are important to wildlife, aesthetic values, and the overall health of the ecosystem. The mature trees are very important and the thinning conducted will help to improve the longevity of these old trees by reducing competition and will also help to protect them in the event of a wildfire event.

2. Prescribed burning and removal of slash created by thinning will be conducted. Prescribed burning will be used to reduce fuel loads and will simultaneously benefit forest health by stimulating understory vegetation. Wildlife, soils, and watershed function will benefit from prescribed fire. Slash created by thinning will be managed and mitigated so that only short-term impacts will occur from thinning slash.

3. Roads will be needed to access areas during thinning. Many roads exist in this area currently and there will be reconstruction needs due to the poor condition of some roads. Very few new roads are anticipated, other than development of temporary roads. A road management plan will focus on the desired future condition that will best manage for wildfire access, recreation access, water quality improvement, and wildlife protection.

4. Recreation management including dispersed camping, trails, recreational opportunities and developments will be woven into our efforts to reduce fire risk (human caused fires), improve forest health, improve watershed and soil function, and improve wildlife habitat, and most importantly better serve the needs of our publics. Caring for the land and serving the people must be balanced and will be integrated into a proposal to improve forest health and resiliency.

Alternatives for this project will be based on public comment to this notice and scoping which will occur during March and April of 2001. A scoping document to include a more detailed proposed action is expected to be available to the public in April. We encourage all interested parties to provide input and suggestions during the month of March. Meetings will be held at the Peaks Ranger District Office on March 1, 15, 22, and 23 to provide comment into the development of a proposed action.

The month of April will include a 30-day comment period on a proposed action for the project area. Based on public comment and issues that come forth from scoping, alternatives will be developed by the USFS Interdisciplinary team assigned to this project. A draft EIS will be developed and available for public comment July or August 2001. A final EIS would be anticipated in September/October of 2001.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see Council of Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' positions and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC* 435 US 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel* 9th Circuit, 1986) and *Wisconsin Heritages, Inc* v. *Harris*, 490 F.Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: February 28, 2001.

Karyl Georgio,

Acting Forest Supervisor.

[FR Doc. 01–5782 Filed 3–8–01; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities and services previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 9, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information. The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Marker, Dry Erase
7520–00–NIB–1429
7520–00–NIB–1430
7520–00–NIB–1431
7520–00–NIB–1432
7520–00–NIB–1433
7520–00–NIB–1434
7520–00–NIB–1435
7520–00–NIB–1436
NPA: Dallas Lighthouse for the Blind, Inc., Dallas, Texas

Table, Field Operating
6530–01–321–5592
NPA: Arizona Industries for the Blind, Phoenix, Arizona

Wipes, White Board
7510–01–454–1159
NPA: Winston-Salem Industries for the Blind, Winston-Salem, North Carolina

Services

Food Service Attendant
Fort Custer Training Center, 2725 27th Street, Augusta, Michigan
NPA: Calhoun County Community Mental Health Services Board, Battle Creek, Michigan

Janitorial/Custodial
U.S. Army Reserve Center, Aberdeen Proving Ground, Aberdeen, Maryland
NPA: CHI Centers, Inc., Silver Spring, Maryland

Office Supply Store
Defense Supply Service-Washington, Presidential Towers, Arlington, Virginia
NPA: Virginia Industries for the Blind, Richmond, Virginia

Provision of Customized Recognition & Awards Program
NPA: The Lighthouse for the Blind, Inc., Seattle, Washington

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for deletion from the Procurement List.

The following commodities and services have been proposed for deletion from the Procurement List:

Commodities

Stepladder, Fiberglass
5440–00–061–8898
5440–00–061–8900
5440–01–110–7763
5440–01–460–5352
5440–01–460–5363
5440–01–460–5364

Stepladder, Wood
5440–00–227–1592

Printing and Binding "En Garde" Newsletter
7690–00–NSH–0079

Securities & Exchange Commission Confidential Microfiche
7690–00–NSH–0083

Services

Food Service
Pascagoula Naval Station
Pascagoula, Mississippi
Management of Bachelors Quarters
Pascagoula Naval Station
Pascagoula, Mississippi

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 01–5914 Filed 3–8–01; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List a commodity and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodity and services previously furnished by such agencies.

EFFECTIVE DATE: April 9, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: On December 29, 2000, January 5 and 22, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (65 F.R. 82974, 66 F.R. 1076 and 6573) of

proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and service and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and service to the Government.
2. The action will not have a severe economic impact on current contractors for the commodity and service.
3. The action will result in authorizing small entities to furnish the commodity and service to the Government.
4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and service proposed for addition to the Procurement List.

Accordingly, the following commodity and service are hereby added to the Procurement List:

Commodity

Tape, Duct
5640–00–103–2254

Service

Janitorial/Custodial
Federal Building, 1520 Market Street, St. Louis, Missouri
This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action will not have a severe economic impact on future contractors for the commodity and service.
3. The action will result in authorizing small entities to furnish the commodity and service to the Government.
4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and service deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. Accordingly, the following commodity and services are hereby deleted from the Procurement List:

Commodity

Kit, Computer Maintenance
7035–01–452–9066;
7045–01–315–0850;
7045–01–450–8599

Services

Grounds Maintenance
Rogue River National Forest, J. Herbert Stone Nursery, 2606 Old Stage Road, Central Point, Oregon, Support Activities for Forestry (TSI), Crane Division, Naval Surface Warfare Center, Crane, Indiana

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 01–5915 Filed 3–8–01; 8:45 am]

BILLING CODE 6353–01–P

BROADCASTING BOARD OF GOVERNORS

Submission for OMB Review; Comment Request

AGENCY: Broadcasting Board of Governors.

ACTION: Submission for OMB review; comment request.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces that the information collection activity titled, "Interviews and Other Audience Research for Radio and TV Marti" has been forwarded to the Office of Management and Budget (OMB) for review and comment. The Broadcasting Board of Governors (BBG) is requesting reinstatement of this collection for a three-year period and approval of a revision to the burden hours.

The information collection activity involved with this program is conducted pursuant to the mandate given to the BBG (formerly the United States Information Agency) in accordance with Pub.L. 98–111, the Radio Broadcasting to Cuba Act, dated, October 4, 1983, to provide for the broadcasting of accurate information to the people of Cuba and for other purposes. This act was then amended by Pub.L. 101–246, dated, February 16, 1990, which established the authority for TV Marti.

DATES: Comments are due on or before April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Ms. Jeannette Giovetti, BBG, M/AO, Room 1657A–1, 330 Independence Avenue, SW., Washington, DC 20237, telephone (202) 205–9692, internet address JGiovett@IBB.GOV; or OMB Desk Officer for BBG, Mr. David Rostker, Office of Information And Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10202, NEOB, Washington, DC 20503, Telephone (202) 395–3897.

Copies: Copies of the Request for Clearance (OMB 83–I), supporting statement, and other documents that have been submitted to OMB for approval may be obtained from the BBG Clearance Officer or the OMB Desk Officer for BBG.

SUPPLEMENTARY INFORMATION: An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 8, 2001, Volume 66, Number 5, Page 1303.

Public reporting burden for this proposed collection of information is estimated to average .11 hours per response (6.6 minutes), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Responses are voluntary and respondents will be required to respond only one time. Comments are requested on the proposed information collection concerning:

(a) Whether the proposed collection of information is necessary for the proper performance of the agency, including whether the information has practical utility;

(b) The accuracy of the Agency's burden estimates;

(c) Ways to enhance the quality, utility, and clarity of the information collected; and

(d) Ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

Send comments regarding this burden estimate or any other aspect of this collection of information to the Agency Clearance Officer, Ms. Jeannette Giovetti, BBG, M/AO, Room 1657A–1, 330 Independence Avenue, SW., Washington, DC 20237, telephone (202) 205–9692, e-mail address JGiovett@IBB.GOV; or to the OMB Desk Officer for BBG, Mr. David Rostker, Office of Information And Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10202, NEOB, Washington, DC 20503, Telephone (202) 395–3897.

Current Actions: BBG is requesting reinstatement of this collection for a three-year period and approval for a revision to the burden hours.

Title: Interviews and Other Audience Research for Radio and TV Marti

Abstract: Data from this information collection are used by BBG's Office of Cuba Broadcasting (OCB) in fulfillment of its mandate to evaluate effectiveness of Radio and TV Marti operations by estimating the audience size and composition for broadcasts; and assess signal reception, credibility and relevance of programming through this research.

Proposed Frequency of Responses:
No. of Respondents—4880.
Recordkeeping Hours—.11.
Total Annual Burden—560.

Dated: January 16, 2001.

Dennis D. Sokol,

Director of Administration.

[FR Doc. 01–5502 Filed 3–8–01; 8:45 am]

BILLING CODE 8610–01–U

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995, Public Law 104–13.

Bureau: International Trade Administration.

Title: Non-Tariff Barriers Survey.

Agency Form Number: N/A.

OMB Number: N/A.

Type of Request: Regular Submission.

Burden: 33 hours.

Number of Respondents: 200.

Avg. Hours Per Response: 10 minutes.

Needs and Uses: The International Trade Administration's Office of Environmental Technologies Industries (ETI) office is the principal resource and key contact point within the U.S. Department of Commerce for American environmental technology companies. ETI's goal is to facilitate and increase exports of environmental technologies, goods and services by providing support and guidance to U.S. exporters. One aspect of increasing exports is to reduce trade barriers and non-tariff measures. ETI works closely with the Office of the U.S. Trade Representative on trade negotiations and trade liberalization initiatives. The information collected will be used to evaluate the Asia Pacific Economic Cooperation (APEC) trade liberalization with the World Trade Organization (WTO) negotiations by ETI's office. The type of information asked on the survey includes such items as (1) name of firm; (2) country of interest; and (3) a list of non-tariff barriers for environmental products in the respondents sales territory. This information will allow ETI to maintain a current, up-to-date list of non-tariff measures that create trade barriers for U.S. exports of environmental goods and services.

Affected Public: Businesses or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Forms Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution, N.W., Washington, DC 20230 (or via the Internet at MClayton@doc.gov.).

Written comments and recommendations for the proposed information collection should be sent to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503 within 30 days of the publication of this notice in the **Federal Register**.

Dated: March 6, 2001.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–5920 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

Census Bureau

Survey of Income and Program Participation (SIPP) Wave 3 of the 2001 Panel

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 8, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Judith H. Eargle, Census Bureau, FOB 3, Room 3387, Washington, DC 20233–0001, (301) 457–3819.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau conducts the SIPP which is a household-based survey designed as a continuous series of national panels. New panels are introduced every few years with each panel usually having durations of one to four years. Respondents are interviewed at 4-month intervals or "waves" over the life of the panel. The survey is molded around a central "core" of labor force and income questions that remain fixed throughout the life of the panel. The core is supplemented with questions designed to address specific needs, such as obtaining information on taxes, the ownership and contributions made to an Individual Retirement Account, Keogh, and 401K plans, examining patterns in respondent work schedules, and child care arfangements. These supplemental questions are included with the core and are referred to as "topical modules."

The SIPP represents a source of information for a wide variety of topics and allows information for separate

topics to be integrated to form a single, unified database so that the interaction between tax, transfer, and other government and private policies can be examined. Government domestic-policy formulators depend heavily upon the SIPP information concerning the distribution of income received directly as money or indirectly as in-kind benefits and the effect of tax and transfer programs on this distribution. They also need improved and expanded data on the income and general economic and financial situation of the U.S. population. The SIPP has provided thesekinds of data on a continuing basis since 1983 permitting levels of economic well-being and changes in these levels to be measured over time.

The 2001 Panel is currently scheduled for three years and will include nine waves of interviewing beginning February 2001. Approximately 50,000 households will be selected for the 2001 Panel, of which 37,500 are expected to be interviewed. We estimate that each household will contain 2.1 people, yielding 78,750 interviews in Wave 1 and subsequent waves. Interviews take 30 minutes on average. Three waves of interviewing will occur in the 2001 SIPP Panel during FY 2002. The total annual burden for 2001 Panel SIPP interviews would be 118,125 hours in FY 2002.

The topical modules for the 2001 Panel Wave 3 collect information about:

- Medical Expenses and Utilization of Health Care (Adults and Children)
- Work Related Expenses and Child Support Paid
- Assets, Liabilities, and Eligibility

Wave 3 interviews will be conducted from October 2001 through January 2002.

A 10-minute reinterview of 2,500 persons is conducted at each wave to ensure accuracy of responses. Reinterviews would require an additional 1,253 burden hours in FY 2002.

An additional 1,050 burden hours is requested in order to continue the SIPP Methods Panel testing which will be conducted during the period of Wave 3 interviewing. The test targets SIPP Wave 2 items and sections that require thorough and rigorous testing in order to improve the quality of core data.

II. Method of Collection

The SIPP is designed as a continuing series of national panels of interviewed households that are introduced every few years with each panel having durations of one to four years. All household members 15 years old or over are interviewed using regular proxy-respondent rules. During the 2001 Panel, respondents are interviewed a total of nine times (nine waves) at 4-month intervals making the SIPP a longitudinal survey. Sample people (all household members present at the time of the first interview) who move within the country and reasonably close to a SIPP primary sampling unit will be followed and interviewed at their new address. Individuals 15 years old or over who enter the household after Wave 1 will be interviewed; however, if these individuals move, they are not followed unless they happen to move along with a Wave 1 sample individual.

III. Data

OMB Number: 0607–0875.

Form Number: SIPP/CAPI Automated Instrument.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 78,750 persons per wave.

Estimated Time Per Response: 30 minutes per person on average.

Estimated Total Annual Burden Hours: 120,428.

Estimated Total Annual Cost: The only cost to respondents is their time.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for the Office of Management and Budget approval of this information collection. They also will become a matter of public record.

Dated: March 6, 2001.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–5919 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 14–2001]

Foreign-Trade Zone 126—Sparks, Nevada Application for Subzone Taiyo America, Inc. (Electronic Chemicals) Carson City, NV

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Economic Development Authority of Western Nevada, grantee of FTZ 126, requesting special-purpose subzone status for the manufacturing and warehousing facilities of Taiyo America, Inc. (Taiyo), located in Carson City, Nevada. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 2, 2001.

The Taiyo facility (38 employees, 4.2 acres) is located at 2675 Antler Drive, Carson City, Nevada. The Taiyo facility is used for the manufacturing, testing, packaging and warehousing of solder mask (HTS 3208.90 and 3215.90, duty rate ranges from 1.8% to 3.2%), which is used in the production of printed circuit boards. Components and materials sourced from abroad (representing about 50% of all parts consumed in manufacturing) include: quartz, bentonite clay, natural steatite, barium sulfates, calcium carbonates, ketones and quinones, esters of acrylic acid, acyclic polyamines, dicyandiamide, aromatic sulphur compound, ethylene thiourea, melamine, carbon, phenothiazine, acrylic polymers, epoxy resins, and silicones (HTS 2506, 2508, 2526, 2811, 2833, 2836, 2914, 2916, 2921, 2926, 2930, 2933, 2934, 3802, 3906, 3907, 3909 and 3910, duty rate ranges from duty free to 9.4%+$.11/kg).

FTZ procedures would exempt Taiyo from Customs duty payments on the foreign components used in export production. Some 14 percent of the plant's shipments are exported. On its domestic sales, Taiyo would be able to choose the duty rates during Customs entry procedures that apply to finished solder masks (1.8 –3.2%) for the foreign inputs noted above. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 8, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 23, 2001).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Export Assistance Center, 1755 East Plumb Lane, Room 152, Reno, NV 89502.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230.

Dated: March 2, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–5918 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Forged Stainless Steel Flanges From India; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain forged stainless steel flanges (stainless steel flanges) from India (A–533–809) manufactured by Echjay Forgings Ltd. (Echjay), Isibars Ltd. (Isibars), Panchmahal Steel Ltd. (Panchmahal), Patheja Forgings and Auto Parts Ltd. (Patheja), and Viraj Forgings Ltd. (Viraj). The period of review (POR) covers the period February 1, 1999, through January 31, 2000. We preliminarily determine that sales of stainless steel flanges have been made below the normal value (NV) for some of the respondents. If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between United States price and the NV. Interested parties are invited to comment on these preliminary results. Parties who submit argument in these proceedings are requested to submit with the argument (1) a statement of the issues and (2) a brief summary of the argument.

EFFECTIVE DATE: March 9, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam, Steve Bezirganian, or Robert James, AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–5222, (202) 482–1131, or (202) 482–0649, respectively.

Applicable Statute and Regulations: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (April 1, 2000).

SUPPLEMENTARY INFORMATION:

Background

On February 9, 1994, the Department published the antidumping duty order on stainless steel flanges from India (59 FR 5994). On February 14, 2000, the Department published the notice of "Opportunity to Request Administrative Review" for this order covering the period February 1, 1999 through January 31, 2000 (65 FR 7348). In accordance with 19 CFR 351.213 (b)(1), Echjay requested a review of its sales, and the petitioners requested reviews of Isibars, Panchmahal, Patheja, and Viraj. The petitioners are Gerlin Inc., Ideal Forging Corporation, and Maas Flange Corporation. On March 30, 2000, the Department published in the **Federal Register** a notice of initiation of these antidumping duty administrative reviews covering the period February 1, 1999 through January 31, 2000 (65 FR 16875). The initiation notice also listed Pushpaman Exports: through subsequent correspondence with the company officials we determined that Pushpaman and Echjay are one and the same entity.

On August 16, 2000, we published in the **Federal Register** our notice of the continuation of the antidumping duty order on stainless steel flanges from India (65 FR 49964), which referenced the findings of the Department and of the International Trade Commission with respect to the sunset review of this order.

On November 2, 2000, we extended the time limit for the preliminary results of this administrative review to February 28, 2001 (65 FR 65835).

Scope of the Reviews

The products under review are certain forged stainless steel flanges, both finished and not finished, generally manufactured to specification ASTM A–182, and made in alloys such as 304, 304L, 316, and 316L. The scope includes five general types of flanges. They are weld-neck, used for butt-weld line connection; threaded, used for threaded line connections; slip-on and lap joint, used with stub-ends/butt-weld line connections; socket weld, used to fit pipe into a machined recession; and blind, used to seal off a line. The sizes of the flanges within the scope range generally from one to six inches; however, all sizes of the above-described merchandise are included in the scope. Specifically excluded from the scope of this order are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A–351. The flanges subject to this order are currently classifiable under subheadings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule ("HTS"). Although the HTS subheading is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the review.

The POR is February 1, 1999, through January 31, 2000.

Verification

As provided in section 782(i) of the Tariff Act, we verified information provided by Panchmahal and Viraj, using standard verification procedures, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports, on file in Room B–099 in the main Commerce building.

Use of Facts Available

Section 776(a)(2) of the Tariff Act provides that, "if an interested party or any other person—(A) withholds information that has been requested by the administering authority; (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782; (C) significantly

impedes a proceeding under this title; or (D) provides such information but the information cannot be verified as provided in section 782(i), the administering authority * * * shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title." Pursuant to section 776(a) of the Tariff Act, we have determined that the use of facts available is appropriate in determining the preliminary dumping margin for Patheja.

Patheja failed to respond to our April 7, 2000 questionnaire, and our May 9 and July 11, 2000 queries. Consequently, Patheja has withheld requested information and significantly impeded this proceeding, warranting use of facts available under section 776(a). Moreover, as Patheja has supplied no information, sections 782(d) and (e) are inapplicable. By not responding to our requests, Patheja did not cooperate to the best of its ability. Section 776(b) of the Tariff Act provides that the Department may use adverse inferences, including information derived from the petition, in selecting facts otherwise available, if a party has failed to cooperate by not acting to the best of its ability to comply with a request for information. *See* also Statement of Administrative Action (SAA) accompanying the URAA, H.R. Rep. No. 103-316 at 829–831 and 870 (1994).

Because we were unable to calculate margins for this respondent, we have assigned it the highest margin from any segment of this proceeding. *See e.g., Certain Cased Pencils from the People's Republic of China; Preliminary Results and Rescission In Part of Antidumping Duty Administrative Review*, 66 FR 1638, 1640, (January 9, 2001).

The highest margin for flanges from India is 210 percent. *See Amended Final Determination and Antidumping Duty Order; Certain Forged Stainless Steel Flanges from India*, 59 FR 5994 (February 9, 1994) (the Order). This margin was based on the petition.

Section 776(c) of the Tariff Act provides that when the Department relies on secondary information (such as the petition) in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA clarifies that "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value (*see* SAA at 870). The SAA also states that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and U.S. Customs Service data, and information obtained from interested parties during the particular investigation (see SAA at 870. Thus, to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used.

To assess the reliability of the petition margin, in accordance with section 776(c) of the Tariff Act, to the extent practicable, we examined the key elements of the calculations of export price and normal value upon which the petitioners based their margins for the petition. The U.S. prices in the petition were based on quotes to U.S. customers, most of which were obtained through market research. *See Petition for the Imposition of Antidumping Duties*, December 29, 1993. We were able to corroborate the U.S. prices in the petition by comparing these prices to publicly available information based on IM–145 import statistics. See Memorandum from Thomas Killiam, Case Analyst to the File, *Corroboration of Petition Rate for Use as Facts Available*, February 14, 2001.

The normal values in the petition were based on actual price quotations obtained through market research. The Department did not receive any useful information from Patheja or other interested parties and is aware of no other independent sources of information that would enable it to corroborate the margin calculations in the petition further. We note that four Indian manufacturers currently have a 210% rate under this order.

The implementing regulation for section 776 of the Tariff Act, codified at 19 CFR 351.308(d), states, "(t)he fact that corroboration may not be practicable in a given circumstance will not prevent the Secretary from applying an adverse inference as appropriate and using the secondary information in question." Additionally, the SAA at 870 states specifically that, where "corroboration may not be practicable in a given circumstance," the Department may nevertheless apply an adverse inference. The SAA at 869 emphasizes that the Department need not prove that the facts available are the best alternative information. Therefore, based on our efforts, described above, to corroborate information contained in the petition and in accordance with 776(c) of the Tariff Act, which discusses facts available and corroboration, we consider the margins in the petition to be corroborated to the extent practicable for purposes of these preliminary determinations (*see* CTL Plate from Mexico, 64 FR at 84).

U.S. Price

For sales of all respondents in the United States, we used export price (EP) in accordance with sections 772(a) and 772(b) of the Tariff Act, as the merchandise was sold directly to the first unaffiliated purchaser prior to importation and constructed export price (CEP) was not otherwise warranted based on the facts of record. We based EP on the packed C&F, CIF duty paid, FOB, or ex-dock duty paid prices to the first unaffiliated purchasers in the United States. We added to U.S. price amounts for duty drawback, when reported, pursuant to section 772(c)(1)(B) of the Tariff Act. We also made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Tariff Act, including: foreign inland freight, foreign brokerage and handling, bank export document handling charges, ocean freight, and marine insurance.

Normal Value

A. Viability

In order to determine whether there is sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product during the POR is equal to or greater than five percent of the aggregate volume of U.S. sales of subject merchandise during the POR), for each respondent we compared the volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise. We found no reason to determine that quantity was not the appropriate basis for these comparisons, so value was not used. *See* 351.404(b)(2).

We based our comparisons of the volume of U.S. sales to the volume of home market and third country sales on reported stainless steel flange weight, rather than on number of pieces. The record demonstrates that there can be large differences between the weight (and corresponding cost and price) of stainless steel flanges based on relative sizes, so comparisons of aggregate data would be distorted for these products if volume comparisons were based on the number of pieces.

Because the volume of Viraj's and Echjay's home market sales were less than five percent of the volume of their U.S. sales, we determined that the home markets was not viable for them. Based on Viraj's questionnaire response, we determined that Germany was the appropriate comparison market, given that the German market was viable and that the volume of sales to that market exceeded the volume of sales to any other third country market. Based on Echjay's questionnaire response, we determined that the United Kingdom was the appropriate comparison market, given that the U.K. market was viable and that the volume of sales to that market exceeded the volume of sales to any other third country market.

Isibars indicated that Austria was a viable comparison market, and submitted an Austria sales database. However, since the volume of POR sales in that sales file was less than five percent of the volume of sales Isibars reported in its U.S. sales file, Austria was not a viable comparison market. Consequently, pursuant to section 351.404(f) of the Department's regulations, for Isibars we based NV on constructed value (CV), as there does not appear to be a viable comparison market. Because Panchmahal's volume of home market sales of the foreign like product was less than five percent of its U.S. sales volume, pursuant to 19 CFR 351.404(f) we based NV on CV.

B. Arm's Length Sales

Since no information on the record indicates any sales to affiliates, we did not use an arm's-length test for comparison market sales.

C. Cost of Production Analysis

The petitioners in this proceeding filed timely sales-below-cost allegations with regard to Isibars, Panchmahal, and Viraj. *See* petitioners' letters of June 19, June 26, and July 6, 2000. The petitioners' allegations were based on the respondents' questionnaire responses. We found that petitioners' methodology provided the Department with a reasonable basis to believe or suspect that sales in the home market had been made at prices below the COP. Accordingly, pursuant to section 773(b)(1) of the Tariff Act, we initiated investigations to determine whether the three companies' sales of flanges were made at prices below COP during the POR. *See* memoranda from Thomas Killiam, Case Analyst, to Richard Weible, Office Director, *Petitioners' Allegation of Sales Below the Cost of Production*, dated July 6, 2000 (Viraj) and July 11, 2000 (Panchmahal, Isibars).

Each respondent defined its unique products, and thus its costs, based on different product characteristics. We determined that only grade, type, size, pressure rating, and finish were required to define models for purposes of matching. To make the model definitions for the cost test identical to those in the model match, we used the above criteria to define models and recalculate costs. We performed these calculations for Isibars and Viraj, respondents subject to cost investigations or for which difference of merchandise adjustments and/or use of CV might be required. We used the cost information provided by these respondents, and also, where necessary, we converted costs from a per-piece basis to a per-kilogram basis.

No such cost recalculations were required for Echjay, because its U.S. sales matched identically to comparison market sales, and no cost investigation is being conducted for Echjay.

No redefinition of models was required for Panchmahal because its models (CONNUMs) had been defined using the same five criteria listed above. *See* the Department's company-specific analysis memoranda for Echjay, Isibars, Panchmahal, and Viraj, dated concurrently with this notice and available in the Central Records Unit.

In accordance with section 773(b)(3) of the Tariff Act, for Viraj we calculated COP based on the sum of the costs of materials and fabrication employed in producing the foreign like product, plus selling, general, and administrative expenses (SG&A) and packing. We relied on the home market sales and COP information provided by Viraj except where otherwise noted in this notice and in the Department's Preliminary Analysis Memoranda.

After calculating COP, we tested whether home market sales of stainless steel flanges were made at prices below COP within an extended period of time in substantial quantities and whether such prices permit the recovery of all costs within a reasonable period of time. We compared model-specific COPs to the reported home market prices less movement charges, discounts, and rebates.

Pursuant to section 773(b)(2)(C) of the Tariff Act, where less than 20 percent of a respondent's home market sales for a model are at prices less than the COP, we do not disregard any below-cost sales of that model because we determine that the below-cost sales were not made within an extended period of time in "substantial quantities." Where 20 percent or more of a respondent's home market sales of a given model are at prices less than COP, we disregard the below-cost sales because they are (1) made within an extended period of time in substantial quantities in accordance with sections 773(b)(2)(B) and (C) of the Tariff Act, and (2) based on comparisons of prices to weighted-average COPs for the POR, were at prices which would not permit the recovery of all costs within a reasonable period of time in accordance with section 773(b)(2)(D) of the Tariff Act.

The results of our cost test for Viraj indicated that for certain comparison market models, less than 20 percent of the sales of the model were at prices below COP. We therefore retained all sales of these comparison market models in our analysis and used them as the basis for determining NV. Our cost test also indicated that within an extended period of time (one year, in accordance with section 773(b)(2)(B) of the Tariff Act), for certain comparison market models, more than 20 percent of the comparison market sales were sold at prices below COP. In accordance with section 773(b)(1) of the Tariff Act, we therefore excluded these below-cost sales from our analysis and used the remaining above-cost sales as the basis for determining NV.

As noted above, neither Isibars nor Panchmahal had a viable comparison market, and therefore we conducted no cost test for these companies.

D. Product Comparisons

We compared Echjay's U.S. sales with contemporaneous sales of the foreign like product in the United Kingdom; Isibars' and Panchmahal's U.S. sales with constructed value; and Viraj's U.S. sales with contemporaneous sales of the foreign like product in Germany. As noted, we considered stainless steel flanges identical based on the following five criteria: grade, type, size, pressure rating, and finish. We used a 20 percent difference-in-merchandise (difmer) cost deviation cap as the maximum difference in cost allowable for similar merchandise, which we calculated as the absolute value of the difference between the U.S. and comparison market variable costs of manufacturing divided by the total cost of manufacturing of the U.S. product.

E. Level of Trade

In accordance with section 773(a)(1)(B) of the Tariff Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the EP or CEP transaction. The LOT in the comparison market is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive SG&A expenses and profit. With respect to U.S. price for EP transactions, the LOT is also that of the starting-price sale, which is usually from the exporter to the importer. For CEP, the LOT is that of the sale from the exporter to the importer.

To determine whether comparison market sales are at a different level of trade than U.S. sales, we examined stages in the marketing process and

selling functions along the chain of distribution between the producer and the unaffiliated customer. In analyzing the selling activities of the respondents, we did not note any significant differences in functions provided in any of the markets. Based upon the record evidence, we have determined that for each respondent there is one LOT for all EP sales, the same LOT as for all comparison market sales. Accordingly, because we find the U.S. sales and comparison market sales to be at the same LOT, no LOT adjustment under section 773(a)(7)(A) is warranted.

F. Comparison Market Price

We based comparison market prices on the packed, ex-factory or delivered prices to the unaffiliated purchasers in the comparison market. We made adjustments for differences in packing and for movement expenses in accordance with sections 773(a)(6)(A) and (B) of the Tariff Act. In addition, we made adjustments for differences in cost attributable to differences in physical characteristics of the merchandise pursuant to section 773(a)(6)(C)(ii) of the Tariff Act, and for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Tariff Act and 19 CFR 351.410. For comparison to EP we made COS adjustments by deducting comparison market direct selling expenses and adding U.S. direct selling expenses.

In accordance with section 773(a)(4) of the Tariff Act, we based NV on CV if we were unable to find a contemporaneous comparison market match for the U.S. sale. As noted, we recalculated the reported cost used for the determination of CV. We calculated CV based on the cost of materials and fabrication employed in producing the subject merchandise, SG&A, and profit. In accordance with 773(e)(2)(A) of the Tariff Act, we based SG&A expenses and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the foreign country. For selling expenses, we used the weighted-average comparison market selling expenses. Where appropriate, we made COS adjustments to CV in accordance with section 773(a)(8) of the Tariff Act and 19 CFR 351.410. We also made adjustments, where applicable, for comparison market indirect selling expenses to offset commissions in EP comparisons.

As noted above, for Isibars and Panchmahal, we based NV on CV because there were no viable comparison markets. Because there was no viable comparison market upon which to base SG&A and profit expenses for these two respondents, we based SG&A, interest expense, and profit on the Echjay*s audited public financial statements for the year ended March 31, 1999, in accordance with section 773(e)(2)(B)(iii) of the Tariff Act.

Preliminary Results of Review

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period February 1, 1999, through January 31, 2000, to be as follows:

Manufacturer/exporter	Margin (percent)
Echjay	0
Isibars	24.05
Panchmahal	0.81
Patheja	210.00
Viraj	21.10

The Department will disclose calculations performed within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). An interested party may request a hearing within 30 days of publication. *See* CFR 351.310(c). Any hearing, if requested, will be held 37 days after the date of publication, or the first business day thereafter, unless the Department alters the date per 19 CFR 351.310(d). Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed no later than 35 days after the date of publication of this notice. Parties who submit argument in these proceedings are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument and (3) a table of authorities. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. The Department will issue final results of these administrative reviews, including the results of our analysis of the issues raised in any such written comments or at a hearing, within 120 days of publication of these preliminary results.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we will calculate assessment rates for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total quantity (in kilograms) of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of merchandise of that manufacturer/exporter made during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of the review.

Furthermore, the following deposit requirements will be effective upon completion of the final results of these administrative reviews for all shipments of flanges from India entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be the rates established in the final results of administrative review; (2) for merchandise exported by manufacturers or exporters not covered in these reviews but covered in the original less-than- fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in these reviews, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of these reviews, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews, the cash deposit rate will be 162.14 percent, the "all others" rate established in the LTFV investigation (59 FR 5994, February 9, 1994).

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary' presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5916 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–817]

Oil Country Tubular goods ("OCTG") From Mexico; Final Results of Sunset Review of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of full sunset review: Oil country tubular goods ("OCTG") from Mexico.

SUMMARY: On October 30, 2000, the Department of Commerce ("the Department") published a notice of preliminary results of the full sunset review of the antidumping duty order on oil country tubular goods ("OCTG") from Mexico (65 FR 64667) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results. We received comments on the issues raised in our preliminary results from respondent interested party, Hylsa, S.A. de C.V. ("Hylsa"), and a case brief from respondent interested party, Tubos de Acero de Mexico, S.A. ("TAMSA"). In addition, we received rebuttal briefs, responding separately to Hylsa and TAMSA, from domestic interested party, U.S. Steel Group, a unit of USX Corp. As a result of this review, the Department finds that revocation of this order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

EFFECTIVE DATE: March 9, 2001.

FOR FURTHER INFORMATION CONTACT: Martha Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*") and in 19 CFR Part 351 (2000) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Background

In our preliminary results, published on October 30, 2000 (65 FR 64667), we found that revocation of the order would likely result in continuation or recurrence of dumping with net margins of 21.70 percent for Hylsa, TAMSA, and "all others."

On December 11, 2000, within the deadline specified in 19 CFR 351.309(c)(1)(i), we received a case brief on behalf of TAMSA. On December 12, 2000, we received comments on the issues raised in the preliminary results on behalf of Hylsa. On December 18, 2000, we received rebuttal briefs on behalf of U.S. Steel Group responding separately to Hylsa and TAMSA. Although a hearing was requested by U.S. Steel Group, that request was subsequently withdrawn and no hearing was held in this sunset review.

Scope of Review

Imports covered by this review are oil country tubular goods, hollow steel products of circular cross-section, including oil well casing, tubing, and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The OCTG subject to this review are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.21.30.00, 7403.21.60.00, 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.30.10, 7304.29.30.20, 7304.29.30.30, 7304.29.30.40, 7304.29.30.50, 7304.29.30.60, 7304.29.30.80, 7304.29.40.10, 7304.29.40.20, 7304.29.40.30, 7304.29.40.40, 7304.29.40.50, 7304.29.40.60, 7304.29.40.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.60.15, 7304.29.60.30, 7304.29.60.45, 7304.29.60.60, 7304.29.60.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive. The Department has determined that couplings, and coupling stock, are not within the scope of the antidumping order on OCTG from Mexico. *See* Letter to Interested Parties; Final Affirmative Scope Decision, August 27, 1998.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Jeffrey A. May, Director, Office of Policy, Import Administration, to Bernard T. Carreau, fulfilling the duties of the Assistant Secretary for Import Administration, dated February 26, 2001, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked.

Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at *http://ia.ita.doc.gov*. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty order on OCTG from Mexico would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporters	Margin (percent)
Hylsa	21.70

Manufacturer/exporters	Margin (percent)
TAMSA	21.70
All Others	21.70

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction. This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: February 28, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

[FR Doc. 01–5917 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Government Owned Inventions Available for Licensing

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Government owned inventions available for licensing.

SUMMARY: The inventions listed below are owned in whole or in part by the U.S. Government, as represented by the Department of Commerce, and are available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of result of federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Building 820, Room 213, Gaithersburg, MD 20899; Fax 301–869–2751. Any request for information should include the NIST docket No. and Title for the relevant invention as indicated below.

SUPPLEMENTARY INFORMATION: The invention listed below was made jointly by scientists from NIST and from Schott Glass Technologies Inc. under the auspices of a Cooperative Research and Development agreement (CRADA). In 1995 all rights in the invention were assigned to the United States, as represented by the Secretary of Commerce. Pursuant to the terms of the CRADA, Schott Glass currently retains the rights to negotiate, on Schott Glass's behalf, the terms of a non-exclusive commercialization license to the invention. NIST may enter into a CRADA with the licensee to perform further research on the invention for purposes of commercialization. The invention available for licensing is:

NIST Docket Number: 93–039CIP

Title: Integrated Optic Laser

Abstract; A laser waveguide medium is provided comprising:

A laser glass substrate wherein the substrate is a glass comprising (on an oxide composition basis):

	Mole%
P_2O_2	50–70
$A1_2O_3$	4–13
Na_2O	10–35
La_2O_3	0–8
Ln_2O_3	>0–6
R^1O	0–20
R_2O	0–18

Wherein Ln_2O_3 is the sum of the oxides, of active lasing lanthanides of atomic number 58–71, R^1O is the sum of oxides of Mg, Ca, Cr, Ba, Zn and Pb, and R_2O is the sum of oxides of Li, K, Rb and Cs; and

A waveguide region embedded in the substrate, the waveguide region having a higher refractive index than the substrate and the waveguide region having an inlet region through which light can enter and an outlet region through which light can exit.

Dated: March 5, 2001.

Karen H. Brown,

Acting Director.

[FR Doc. 01–5848 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of a Meeting To Discuss an Opportunity To Join a Cooperative Research and Development Consortium on High Resolution Diffraction and Reflectometry Standards

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) invites interested parties to attend a meeting on March 29, 2001 to discuss the possibility of setting up a cooperative research consortium. The objectives of this consortium are (1) To define the factors that limit accuracy and precision in high resolution X-ray diffraction and reflectometry analyses of semiconductor materials, and (2) to assist the consortium members in implementing high resolution X-ray diffraction and reflectometry measurements.

DATES: The meeting will take place on March 29, at 10:00 a.m. Interested parties should contact NIST to confirm their interest at the address, telephone number or FAX number shown below.

ADDRESSES: The meeting will take place in NIST North (820), Room 201, National Institute of Standards and Technology, Gaithersburg, MD 20899–8422.

FOR FURTHER INFORMATION CONTACT: Dr. Richard J. Matyi, Physics Building (221), Room A143, National Institute of Standards and Technology, Gaithersburg, MD 20899–0001. Telephone: 301–975–4272; FAX: 301–975–3038; e-mail: richard.matyi@nist.gov.

SUPPLEMENTARY INFORMATION: Any program undertaken will be within the scope and confines of The Federal Technology Transfer Act of 1986 (Public Law 99–502, 15 U.S.C. 3710a), which provides federal laboratories including NIST, with the authority to enter into cooperative research agreements with qualified parties. Under this law, NIST may contribute personnel, equipment, and facilities but no funds to the cooperative research program. This is not a grant program.

The R&D staff of each industrial partner in the consortium will be able to interact with NIST researchers on generic needs for high resolution X-ray diffraction and reflectometry measurements on semiconductor materials. Partners will have an opportunity to work with NIST researchers to identify the factors that limit accuracy and precision in high resolution X-ray diffraction and reflectometry analysis, and to participate in programs to improve the accuracy and precision of these measurements in their own facilities.

Dated: March 5, 2001.

Karen H. Brown,

Acting Director.

[FR Doc. 01–5849 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030101E]

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council's Administrative Committee will hold a meeting.

DATES: The Administrative Committee will convene on Wednesday, March 28, 2001, from 1 p.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Embassy Suites Hotel, located at 8000 Tartak Street, Isla Verde, Carolina, Puerto Rico 00979.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–2577; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Administrative Committee will hold a public meeting to discuss the items contained in the following agenda:

Call to Order
Adoption of Agenda
Budget Status
Retirement Plan
Scientific and Statistical Committee/ Advisory Panel Membership
Other Business

The meeting is open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–2577; telephone: (787) 766–5926. at least 5 days prior to the meeting date.

Dated: March 5, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5870 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030101C]

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) committee formed to study reasonable and prudent alternatives (RPAs) for Steller sea lion protection in Alaska fisheries will meet.

DATES: The meeting will begin at 8 a.m. on Monday, March 26, and will continue through Wednesday, March 28.

ADDRESSES: The meeting will be held at the Hilton Hotel, in the Denali Room, 500 W. 3rd Avenue, Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: David Witherell, North Pacific Fishery Management Council; telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The committee will discuss recommendations for open and closure areas for the groundfish fisheries for the second half of 2001, and continue development of RPA alternatives for 2002 and beyond.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: March 5, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5869 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board; Notice of Open Meeting

AGENCY: Office of Oceanic and Atmospheric Research, NOAA, DOC.

ACTION: Notice of open meeting.

SUMMARY: The Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on long- and short-range strategies for research, education, and application of science to resource management. SAB activities and advice provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

DATES: The meeting will be held Tuesday, March 20 2001, from 10:00 a.m. to 5:00 p.m., Wednesday, March 21, 2001, from 8:30 a.m. to 5:00 p.m., and Thursday, March 22, from 8:30 a.m. to 11:30 a.m.

ADDRESSES: The meeting on Tuesday, March 20 and Thursday, March 22 will be held at the Department of Commerce Herbert C. Hoover Building, 14th and Constitution Avenues, Washington, DC. On Wednesday, March 21, the meeting will be held at the NOAA Science Center, 1305 East West Highway, Silver Spring, Maryland.

Status: The meeting will be open to public participation with two 30-minute time periods set aside for direct verbal comments or questions from the public. The SAB expects that public statements

presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments (at least 35 copies) should be received in the SAB Executive Director's Office by March 12, 2001, in order to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after March 12 will be distributed to the SAB, but may not be reviewed prior to the meeting date. Approximately thirty (30) seats will be available for the public including five (5) seats reserved for the media. Seats will be available on a first-come, first-served basis.

Matters to be Considered: The meeting will include the following topics: (1) National Undersea Research Program Strategic Plan, (2) Reviews of the Office of Global Program's September 2000 Panel Meeting, the Report of the Panel Review of the National Environmental Satellite and Data Information Service's (NESDIS) Office of Research and Applications and the Report of the Panel on Strategies for Climate Monitoring, (3) the National Science Foundation's Geosciences Programs, (4) the National Sea Grant College Program, (5) Public Input Sessions with SAB discussion, (6) SAB Sub-Committee and Working Group Reports, (7) NOAA's Long-term Climate Monitoring Council, and (8) the U.S. Weather Research Program.

FOR FURTHER INFORMATION CONTACT: Dr. Michael Uhart, Executive Director, Science Advisory Board, NOAA, Rm. 11142, 1315 East-West Highway, Silver Spring, Maryland 20910. (Phone: 301–713–9121, Fax: 301–713–3515, E-mail: Michael.Uhart@noaa.gov); or visit the NOAA SAB website a http://www.sab.noaa.gov.

Dated: March 5, 2001.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research.

[FR Doc. 01–5871 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–KD–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030501B]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of an application for a scientific research permit (1299); NMFS has issued modification #2 to permit 1190.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has received an application for a scientific research permit from Dr. Raymond Carthy, of the Florida Cooperative Fish & Wildlife Research Unit; NMFS has issued modification #2 to permit 1190 to the Regional Administrator of the National Marine Fisheries Service Southwest Region (NMFS-SWR) (1190).

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on April 9, 2001.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment: For permits 1299, 1190: Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone:301–713–1401, fax: 301–713–0376).

FOR FURTHER INFORMATION CONTACT: Terri Jordan, Silver Spring, MD (phone: 301–713–1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov)

SUPPLEMENTARY INFORMATION: Authority Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under Section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species are covered in this notice:

Sea turtles

Threatened and endangered Green turtle (*Chelonia mydas*)

Endangered Hawksbill turtle (*Eretmochelys imbricata*)

Endangered Kemp's ridley turtle (*Lepidochelys kempii*)

Endangered Leatherback turtle (*Dermochelys coriacea*)

Threatened Loggerhead turtle (*Caretta caretta*)

Threatened and endangered Olive ridley turtle (*Lepidochelys olivacea*)

New Applications Received

Application 1299

The applicant requests a 3-year permit to take juvenile and adult turtles along the St. Joseph Peninsula, in St. Joseph Bay, Florida. The applicant proposes to examine the inter-nesting movements and habitat usage of adult loggerhead turtles along the northwestern coast of Florida, while also examining species composition, population densities and habitat utilization in coastal bays in the same area.

Permits and Modified Permits Issued

Permit #1190

Notice was published on August 31, 2000 (65 FR 52988) that the Regional Administrator, NMFS-SWR had applied for a modification to scientific research permit #1190. The modification request asked for an increase in the authorized take of all five listed turtle species. The increases were necessary due to higher numbers of turtles expected to be handled by observers expected under court mandated requirements. On August 4, 2000 a court order was issued and filed in U.S. District Court, District of Hawaii, requiring the National Marine Fisheries Service (NMFS) to increase its observer coverage to over 20% for the Hawaii longline fishery (historically, NMFS has had a 3%–5% coverage level for the fishery). The modification increased the proposed numbers of turtles to be handled, measured, tagged and have samples collected by observers on longline vessels to: 40 green turtles; 100 leatherback turtles; 600 loggerhead turtles; 40 hawksbill turtles and 100 olive ridley turtles. The increases in maximum takes requested are proportional to the increase in observer coverage required.

The purpose of the research is to document and evaluate the incidental take of pelagic turtles by the longline fishery, to help estimate the impact of the fishery on listed turtles as individuals and as populations, and to determine methods to reduce that impact. Research will evaluate how incidental captures affect sea turtle anatomy and physiology as a function of season, location of take, water temperature, species, size, time of day, and gear configuration. The results of the research will help NMFS to better meet the goals and objectives of the Pacific Sea Turtle Recovery Plans, the Hooking Mortality Workshop, and the requirements of Section 7 Biological Opinions developed for this fishery, and ultimately, to fulfill ESA responsibilities to protect, conserve, and recover listed species.

Modification #2 to Permit #1190 was issued on February 20, 2001, authorizing take of listed species. Permit 1190 expires March 31, 2004.

Dated: March 2, 2001.

Margaret Lorenz,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–5868 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.022701C]

Marine Mammals; File No.775–1600

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Dr. Micheal P. Sissenwine, Northeast Fisheries Science Center, NMFS,166 Water Street, Woods Hole, Massachusetts 02543–1026, has been issued a permit to take harbor seals (*Phoca vitulina*), gray seals (*Halichoerus grypus*), harp seals (*Phoca groenlandica*), and hooded seals (*Cystophora cristata*) for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before April 9, 2001.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (508)281–9250; fax (508)281–9371.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: On October 27, 2000, notice was published in the **Federal Register** (65 FR 64432) that a request for a scientific research permit to take seven species of baleen whale, twenty species of odontocetes, and four species of pinnipeds had been submitted by the above-named organization.

The requested permit has been issued for the four species of pinniped only under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: March 6, 2001.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–5867 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Strategic Command Strategic Advisory Group; Meeting

AGENCY: USSTRATCOM, Department of Defense.

ACTION: Notice.

SUMMARY: The Strategic Advisory Group (SAG) will meet in closed session on April 16 and 27, 2001. The mission of the SAG is to provide timely advice on scientific, technical, and policy-related issues to the Commander in Chief, U.S. Strategic Command, during the development of the nation's strategic war plans. At this meeting, the SAG will discuss strategic issues that relate to the development of the Single Integrated Operational Plan (SIOP). Full development of the topics will require discussion of information classified in accordance with Executive Order 12958, April 15, 1995. Access to this information must be strictly limited to personnel having requisite security clearances and specific need-to know. Unauthorized disclosure of the information to be discussed at the SAG meeting could have exceptionally grave impact upon national defense.

In accordance with section 10(d) of the Federal Advisory Committee Act, (5 U.S.C. App 2), it has been determined that this SAG meeting concerns matters listed in 5 USC 552b(c) and that, accordingly, this meeting will be closed to the public.

Dated: March 1, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 01–5838 Filed 3–8–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 13, 14, and 15 March 2001.

Time of Meeting: 8:00 am to 5:00 pm.

Place: Main Conference Room, SAIC, 1710 Solutions Dr., McLean, VA.

Agenda: The Army Science Board's (ASB) Objective Force Soldier/Soldier Teams study will meet for the second of three Plenary Meeting to receive updates from panel breakouts, receive presentations of various subject topics as it pertains to the study, and discuss/plans for forthcoming meetings. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please contact Mr. Mike Hendricks on (703) 617–7048.

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 01–5783 Filed 3–8–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-235-000]

National Fuel Gas Supply Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 2, 2001.

Take notice that on February 26, 2001, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Third Revised Sheet No. 434 and Fourth Revised Sheet No. 435, with a proposed effective date of March 28, 2001.

National Fuel states that the purpose of the instant filing is to facilitate compliance with Order No. 637 and the revised reporting requirements in Section 161.3(1)(2) of the Commission's Regulations.

National Fuel states that copies of this filing were served upon its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5831 Filed 3–8–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–3]

Agency Information Collection Activities: Proposed Collection; Comment Request; National Oil and Hazardous Substance Contingency Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): National Oil and Hazardous Substances Pollution Contingency Plan, EPA ICR No. 1463.05, OMB No. 2050–0096, expiring on July 3, 2001. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before May 8, 2001.

ADDRESSES: Comments must be submitted to the Community Involvement and Outreach Center, Office of Emergency and Remedial Response, 1200 Pennsylvania Avenue, NW., Ariel Rios Building, Washington, DC 20460, Mail Code: 5204–G, 703–603–8889. Persons interested in obtaining a copy of the ICR without charge may call the telephone number above to request a free copy.

FOR FURTHER INFORMATION CONTACT: Lois Gartner, telephone number: 703–603–8889, facsimile number: 703–603–9100, e-mail address: gartner.lois@epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those states and members of the public that voluntarily participate in the remedial phase of the Superfund process and those members of the public that voluntarily participate in community involvement activities during some or all phases of the Superfund process.

Title: National Oil and Hazardous Substances Pollution Contingency Plan (OMB Control No. 2050–0096, EPA ICR No. 1463.05) expiring on July 3, 2001.

Abstract: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund; 42 U.S.C. 9601 *et seq.*), as amended, establishes broad Federal authority to undertake removal and remedial actions in response to releases or threats of releases of hazardous substances and certain pollutants and contaminants into the environment. The National Contingency Plan sets forth requirements for carrying out the response authorities established under CERCLA. In addition, the Government Performance and Results Act of 1993 (GPRA) requires EPA to determine and report to Congress on its effectiveness, including community involvement activities.

For states, this ICR addresses the recordkeeping and reporting provisions of the NCP that affect those states that voluntarily participate in the remedial phase of the Superfund program. (Recordkeeping and reporting requirements of the pre-remedial phase—except those tied to community involvement—have been addressed in the ICR prepared for the revisions to the Hazard Ranking System (HRS) (OMB Control No. 2050–0095). Recordkeeping and reporting provisions for the removal program—except, again, those tied to community involvement—also are not included in this ICR because the Federal government has the lead for removal actions.) Remedial responses under the Superfund program fall into the pre-remedial phase (during which the extent of site contamination is assessed) and the remedial phase (during which investigations are conducted to identify and characterize contaminants present and to determine viable remedies for a site, the remedy is chosen and the cleanup or construction is completed). The NCP includes the following reporting and recordkeeping provisions for the remedial phase of the Superfund program:

(1) States that voluntarily take the lead in remedial activities at Superfund sites must conduct the activities in a manner consistent with CERCLA (40 CFR 300.515(a)). Therefore, at a state-lead site, the state must: develop a Remedial Investigation and Feasibility Study (RI/FS); prepare a Proposed Plan; issue a Record of Decision (ROD); complete community interviews; prepare a Community Involvement Plan (CIP), and provide information to the public; and

(2) States must identify and communicate potential state applicable or relevant and appropriate requirements (ARARs) at all Superfund sites within the state (40 CFR 300.400(g)).

In addition, this ICR addresses the recordkeeping and reporting provisions of the NCP that affect communities voluntarily providing their concerns to the lead agency about the Superfund process. This ICR also addresses the recordkeeping and reporting provisions

imposed on communities when those communities provide feedback on community involvement activities that may be used for GPRA reporting. Community involvement related to NCP requirements and GPRA reporting may occur during all phases of the Superfund process including, pre-remedial, remedial, removal (short-term response actions), and operation and maintenance (which may include such activities as ground water and air monitoring, inspection and maintenance of the treatment equipment remaining on site, and maintenance of any security measures or institutional controls.) Specifically, members of the community surrounding a Superfund site may participate in community interviews (40 CFR 300.43(c)) conducted by EPA in order to prepare a CIP or serve on Technical Assistance Grant (TAG) groups, as provided for in Superfund Amendments and Reauthorization Act (SARA) of 1986, as well as in Community Advisory Groups (CAG), as provided in Superfund Administrative Reforms. Community groups focused on the technical assistance provided through the Technical Outreach Services for Communities (TOSC) program may also participate. Participation may also take the form of attending informal and formal meetings, open houses and public availability sessions, responding to questionnaires and telephone interviews, and/or participation in focus groups.

EPA uses the information provided by the states to ensure state actions are consistent with the provisions of CERCLA and SARA and that their decisions are protective of human health and the environment. EPA uses the information gathered from private citizens to plan activities geared to educating them where necessary, keeping them informed of activities within the community, and ensuring they have had an opportunity to assume an active role in the decision making process that affects their community. EPA also uses information from private citizens to obtain feedback on the effectiveness of community involvement activities, in order to improve those activities as needed. EPA believes involvement of the members of the community surrounding a Superfund site is critical to ensuring effective site cleanups.

Burden Statement

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to: review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

EPA estimates that 40 new sites will be added to the NPL each year over the three-year period of this ICR. Of those 40 sites, EPA estimates ten will be state-lead cleanups. It is estimated that states will incur an annual burden of 6,026 hours per site, for a cost $226,939, of which $226,826 is reimbursed by EPA. States are reimbursed from the CERCLA Hazardous Substances Trust Fund (the Fund) for state-lead activities via cooperative agreements with EPA as provided in CERCLA section 104(d)(1). States are not reimbursed from the Fund for identification of state ARARs. It is also estimated that communities will incur a collective annual burden of 539 hours per site, for a cost of $20,298 (assuming the value of their time at $37.66) or an estimated average annual burden of 11 hours per person. While EPA does not reimburse community members for their participation, this ICR nonetheless estimates the monetary value of burden their participation imposes on them.

The burden data in this section are based on estimates by EPA personnel knowledgeable of the remedial program's recordkeeping and reporting requirements and the costs and level of effort required to meet the requirements.

Estimated Unit Burdens to State Governments

A "unit" burden is the burden incurred by a respondent for performing an individual site-specific activity. States incur burdens at: (1) an estimated ten new state-lead sites per year for several reporting and recordkeeping activities; and (2) all of the estimated 40 NPL sites on an annual basis with RI/FS starts for identifying and reporting ARARs.

The burden is calculated using a weighted average hourly rate of $37.66 multiplied by the number of hours to undertake a given activity. For purposes of this ICR, wage rates for state government personnel are estimated to be comparable to those for Federal government personnel. Labor rates for government workers reflect the median GS level salaries for managerial, technical and clerical positions. These rates include direct salary and fringe benefits (calculated at 60 percent of direct salary.) The hourly rates, as of January 2001, are:

Management (GS 13, Step 5):$49.82/hour.

Technical (GS 11, Step 5): $34.96/hour.

Clerical: $23.61/hour.

Based on these assumptions, the weighted hourly wage rate for state and Federal personnel is $37.66((0.1)X(49.82) + (0.8)X(34.96) + (0.1)X(23.61)).

At a state-lead site, states incur a burden for the following activities:

- Development of the RI/FS—5,200 hours/yr/site, $195,832.
- Development of the Proposed Plan—160 hours/yr/site, $6,025.
- Preparation of the ROD—360 hours/yr/site, $13,557.
- Development of the CIP—150 hours/yr/site, $5,649.
- Providing information to the public—153 hours/yr/site, $5,761.

At all sites, states incur a unit burden of three hours per site per year, or a cost of $113, for providing information on state ARARs.

Estimated Unit Burdens to Community Members

During their participation in the Superfund process, community members may perform any or all of the following activities (as with burden estimates for state activities, an hourly rate of $37.66 is used to estimate the value of community members' time):

- Participate in interviews—20 hours/yr/site, $753.
- Attend informal and formal meetings, open houses, and public information availability sessions—240 hours/yr/site, $9,038.
- Participate in community groups—160 hours/yr/site with such groups. $6,025.
- Respond to surveys—47 hours/yr/site, $1,770.
- Participate in focus groups—72 hours/yr/site with such groups, $2,711.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Comments

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Please send comments to the address appearing in the **ADDRESSES** segment of this notice.

Dated: February 22, 2001.

David Evans,

Acting Director, Office of Emergency and Remedial Response.

[FR Doc. 01–5861 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–8]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Notification of Episodic Releases of Oil and Hazardous Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: "Notification of Episodic Releases of Oil and Hazardous Substances," OMB No. 2050–0046; expiration date February 28, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 9, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1049.09 and OMB Control No. 2050–0046, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at Farmer.sandy@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1049.09. For technical questions about the ICR contact Lynn Beasley, (703) 603–9086.

SUPPLEMENTARY INFORMATION:

Title: Notification of Episodic Releases of Oil and Hazardous Substances, EPA ICR Number 1049.09, expiring February 28, 2001. This is a request for extension of a currently approved collection.

Abstract: Section 103(a) of CERCLA, as amended, requires the person in charge of a facility or vessel to immediately notify the National Response Center (NRC) of a hazardous substance release into the environment if the amount of the release equals or exceeds the substance's reportable quantity (RQ) limit. The RQ of every hazardous substance can be found in Table 302.4 of 40 CFR 302.4. Section 311 of the CWA, as amended, requires the person in charge of a vessel to immediately notify the NRC of an oil spill into U.S. navigable waters if the spill causes a sheen, violates applicable water quality standards, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. The reporting of a hazardous substance release that is above the substance's RQ allows the Federal government to determine whether a Federal response action is required to control or mitigate any potential adverse effects to public health or welfare or the environment. Likewise, the reporting of oil spills allows the Federal government to determine whether cleaning up the oil spill is necessary to mitigate or prevent damage to public health or welfare or the environment. The hazardous substance and oil release information collected under CERCLA section 103(a) and CWA section 311 also is available to EPA program offices and other Federal agencies who use the information to evaluate the potential need for additional regulations, new permitting requirements for specific substances or sources, or improved emergency response planning. Release notification information, which is stored in the national Emergency Response Notification System (ERNS) database, is available to State and local government authorities as well as the general public. The database resides at the National Response Center. The web address for the National Response Center is: *http://www.nrc.uscg.mil/index.html*. State and local government authorities and the regulated community use release information for purposes of local emergency response planning. Members of the general public, who have access to release information through the Freedom of Information Act, may request release information for purposes of maintaining an awareness of what types of releases are occurring in different localities and what actions, if any, are being taken to protect public health and welfare and the environment.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published initially published on June 13, 2000 (65 FR 37128); three comments were received. That **Federal Register** document was subsequently withdrawn on August 22, 2000 (65 FR 50985) so that additional information could be included in the Information Collection Request. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was republished on December 5, 2000 (65 FR 75930); two comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 4.1 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Facilities or vessels that manufacture, process, transport, or use specified hazardous substances and oil.

Estimated Number of Respondents: 23,726.

Frequency of Response: When a reportable release occurs.

Estimated Total Annual Hour Burden: 97,277 hours.

Estimated Total Annualized Capital, Operating/Maintenance Cost Burden: 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1049.09 and OMB Control No. 2050–0046 in any correspondence.

Dated: February 27, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–5857 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–5]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Non-road Compression-Ignition Engine and On-road Heavy Duty Engine Application for Emission Certification, and Participation in the Averaging, Banking, and Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Non-road Compression-Ignition Engine and On-road Heavy Duty Engine Application for Emission Certification, and Participation in the Averaging, Banking, and Trading Program, OMB Control Number 2060–0287, expiration date February 28, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 9, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1684.05 and OMB Control No. 2060–0287, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1684.05. For technical questions about the ICR contact Nydia Yanira Reyes-Morales at 202–564–9264.

SUPPLEMENTARY INFORMATION:

Title: Non-road Compression-Ignition Engine and On-road Heavy Duty Engine Application for Emission Certification, and Participation in the Averaging, Banking, and Trading Program, OMB Control Number 2060–0287, EPA ICR Number 1684.05, expiration date February 28, 2001. This is a request for extension of a currently approved collection.

Abstract: This ICR is combining two previously existing ICRs (number 1851.01 OMB Control No. 2060–0404, and 1684.04 OMB Control No. 2060–0287) into ICR number 1684.05. The ICRs are being combined to incorporate all certification and averaging, banking and trading collection activities in the non-road and on-highway sectors into one ICR. The Burden Hours for 1851.01 was 53,168 with a cost of $ 1,606,196 and for 1684.04 was 78,005 Burden Hours and a cost of $ 0 Capital, O&M. The consolidated 1684.05 has 70,300 Burden Hours and a cost of $1,477,900.

Under Title II of the Clean Air Act (42 U.S.C. 7521 *et seq.*; CAA), EPA is charged with issuing certificates of conformity for those engines that comply with applicable emission standards. Such a certificate must be issued before engines may be legally introduced into commerce. To apply for a certificate of conformity, manufacturers are required to submit descriptions of their planned production line, including detailed descriptions of the emission control system, and test data. This information is organized by "engine family" groups expected to have similar emission characteristics. There are also recordkeeping requirements.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on December 11, 2000; no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 10 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Non-Road Compression-Ignition Engine Mfgs.

Estimated Number of Respondents: 66.

Frequency of Response: Quarterly, Annually.

Estimated Total Annual Hour Burden: 98,548.

Estimated Total Annualized Capital, O&M Cost Burden: $1,477,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1684.05 and OMB Control No. 2060–0287 in any correspondence.

Dated: February 27, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–5858 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–6]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Control Technology Determinations for Constructed and Reconstructed Major Sources of Hazardous Air Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Control Technology Determinations for Constructed and Reconstructed Major Sources of Hazardous Air Pollutant, EPA ICR No. 1658.03, OMB Control Number 2060–0373, expiration date February 28, 2001. The ICR describes the nature of the information collection its burden and cost; where appropriate, it includes the actual date collection instrument.

DATES: Comments must be submitted on or before April 9, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1658.03 and OMB Control No. 2060–0373, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1658.03. For technical questions about the ICR contact Katherine Kaufman at 919–541–0102.

SUPPLEMENTARY INFORMATION:

Title: Control Technology Determinations for Constructed and Reconstructed Major Sources of Hazardous Air Pollutant, OMB Control Number 2060–0373, EPA ICR Number 1658.03, expiration date February 28, 2001. This is a request for extension of a currently approved collection.

Abstract: Section 112(g)(2)(B) of the Clean Air Act as amended in 1990 requires that maximum achievable control technology (MACT), determined on a case-by-case basis, be met by constructed or reconstructed major sources of hazardous air pollutants. In order to receive a permit to construct or reconstruct a major source, the applicant must conduct the necessary research, perform the appropriate analyses and prepare the permit application with documentation to demonstrate that their project meets all applicable statutory and regulatory requirements. Permitting agencies, either State, local or Federal, review and approve or disapprove the permit application. Specific activities and requirements are listed and described in the Supporting Statement for the ICR.

The information collected in the section 112(g) applications provides (for the purposes of compliance determination) documentation of the selection of a particular control technology for case-by-case MACT. Applications are reviewed by a state or local agency for which authority has been delegated by EPA to make the requisite determinations. In addition, EPA will review some applications as an oversight function.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection was published on December 15, 2000. No comments were received concerning the ICR renewal.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 153 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Entities potentially affected by this action are those who must submit an application for a permit to construct or reconstruct a major source of hazardous air pollution, permitting agencies who review the permit applications, and EPA staff who review some permitting authority decisions.

Estimated Number of Respondents: 3,000.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 92,210.

Estimated Total Annualized Capital, O&M Cost Burden: 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1658.03 and OMB Control No. 2060–0373 in any correspondence.

Dated: February 27, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–5859 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Certification and Averaging, Banking, and Trading Program for Non-Road Spark-Ignition Engines At or Below 19 Kilowatts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Certification and Averaging, Banking, and Trading Program for Non-road Spark-Ignition Engines At or Below 19 Kilowatts, OMB Control Number 2060–0338, expiration date February 28, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 9, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1695.07 and OMB Control No. 2060–0338, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1695.07. For technical questions about the ICR contact Joe Hresko at 202–564–9275.

SUPPLEMENTARY INFORMATION:

Title: Certification and Averaging, Banking, and Trading Program for Non-road Spark-Ignition Engines At or Below 19 Kilowatts, OMB Control Number 2060–0338, EPA ICR Number 1695.07, expiration date February 28, 2001. This is a request for extension of a currently approved collection.

Abstract: This request is a renewal of an existing ICR (OMB #2060–0338) which covers applications for engine emission certification and the Averaging, Banking, and Trading (ABT) program by manufacturers of Spark Ignition (SI) nonroad engines. The information to be collected consists of descriptions of engine emission control systems, test results and sales information. This data is reviewed to verify that necessary tests have been performed and the manufacturers' product lines meet emission standards. The emission values achieved during certification testing greatly influences the ABT credits for an engine family. For example, if a manufacturer does a certification test for an engine and gets a value of 10 for a pollutant. It is common for a manufacturer to use this value in ABT calculations. Manufacturers electing to participate in the ABT are also required to submit information regarding the calculation, actual generation and usage of credits in the certification application, and final report. These reports are used for certification and enforcement purposes. Manufacturers will also maintain records for eight years on the engine families included in the program. For clarification purposes, throughout this ICR Supporting Statement the category of nonroad SI engines is comprised of non-handheld engines and handheld engines. It has been estimated that a total of 54 manufacturers will respond to this collection with an approximate cost of $6,573,440.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on December 11, 2000 (65 FR 77373); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 73 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Non-road SI Engine Manufacturers.

Estimated Number of Respondents: 54.

Frequency of Response: Bi-annually, Annually.

Estimated Total Annual Hour Burden: 47,736.

Estimated Total Annualized Capital, O&M Cost Burden: $3,240,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1695.07 and OMB Control No. 2060–0338 in any correspondence.

Dated: February 27, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–5860 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6616–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 www.epa.gov/oeca/ofa.

Weekly receipt of Environmental Impact Statements

Filed February 26, 2001 Through March 02, 2001

Pursuant to 40 CFR 1506.9.

EIS No. 010060, Draft EIS, NPS, OK, Washita Battlefield National Historic Site, General Management Plan, Implementation, Roger Mill County, OK, Comment Period Ends: May 18, 2001, Contact: Sarah Craighead (580) 497–2742.

EIS No. 010061, Final EIS, FHW, NH, Manchester Airport Access Road Highway Improvement Project, Bedford-Manchester-Londonderry-Litchfield-Merrimack, Funding and NPDES Permit and COE Section 404 Permit, Hillsborough and Rockingham Counties, NH , Wait Period Ends: April 09, 2001, Contact: William F. O'Donnell (603) 228–3057.

EIS No. 010062, Final EIS, COE, CA, Adoption—CA–125 South Route Location, Adoption and Construction, between CA–905 on Otay Mesa to CA–54 in Spring Valley, Funding and COE Section 404 Permit, San Diego County, CA, Wait Period Ends: April 09, 2001, Contact: Terry Dean (858) 674–5386. Corps of Engineers (COE) has adopted the Department of Transportation's #000043 filed 02–10–2000. COE was not a Cooperating Agency for the above final EIS. Recirculation of the document is necessary under Section 1506.3(b) of the Council on Environmental Quality Regulations.

EIS No. 010063, Draft EIS, AFS, OR, Silvies Canyon Watershed Restoration Project, To Improve the Ecosystem Health of the Watershed, Grant and Harney Counties, OR , Comment Period Ends: April 23, 2001, Contact: Lori Bailey (541) 573–4300.

EIS No. 010064, Final EIS, BLM, NV, Marigold Mine Expansion Project, Implementation, COE Section 404 Permit, Special-Use-Permit, Humboldt County, NV, Wait Period Ends: April 09, 2001, Contact: Jeff Johnson (775) 623–1500.

EIS No. 010065, Final Supplement, AFS, WA, Huckleberry Land Exchange Consolidate Ownership and Enhance Future Conservation and Management, Updated Information,

Proposal to Exchange Land and Mineral Estates, Federal Land and Non-Federal Land, Mt. Baker-Snoqualmie National Forest, Skagit, Snohomish, King, Pierce, Kittitas, and Lewis Counties, WA, Wait Period Ends: April 09, 2001, Contact: Everett White (425) 744–3442.

EIS No. 010066, Final EIS, NPS, MD, Glen Echo Park Management Plan, Implementation, Town of Glen Echo, Potomac River Valley, part of the George Washington Memorial Parkway, Montgomery County, MD , Wait Period Ends: April 09, 2001, Contact: Audrey Calhoun (703) 289–2500.

EIS No. 010067, Draft EIS, FHW, TX, IH–10 West from Taylor Street to FM–1489, Construction and Reconstruction, Central Business District (CBD), Funding, Right-of-Way Permit and COE Section 404 Permit, Harris, Fort Bend and Waller Counties, TX, Comment Period Ends: April 23, 2001, Contact: James G. Darden (713) 802–5241.

EIS No. 010068, Final Supplement, NOA, Atlantic Sea Scallop Fishery Management Plan (FMP), Updated Information, Framework Adjustment 14 to adjust the annual Amendment 7 day-at-sea allocation for 2001 and 2002 and to re-open portions of the Hudson Canyon and Virginia/North Carolina Areas for Scallop Fishing, Wait Period Ends: March 23, 2001, Contact: George Darcy (978) 281–9331. Under Section 1506.10(d) of the Council on Environmental Quality Regulations for Implementating the Procedural Provisions of the National Environmental Policy Act the US Environmental Protection Agency has Grafnted a 15-Day Wavier for the above EIS.

Amended Notice

EIS No. 010028, Draft EIS, FHW, IL, Illinois Route 3 (FAP–14) Relocation, Improved Transportation from Sauget to Venice, Funding, NPDES Permit and COE Section 404 Permit, Madison and St. Clair Counties, IL, Comment Period Ends: April 02, 2001, Contact: Ronald C. Marshall (217) 492–4640. Revision of FR notice published on 02/02/2001: CEQ Comment Date has been extended from 03/19/2001 to 04/02/2001.

Dated: March 6, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–5912 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6616–2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–AFS–J65046–WY Rating LO, Bridger-Teton National Forest, Oil and Gas Leasing in Management Areas: 21-Hoback Basin; 45 Moccasin Basin; 71 Union Pass and 72 Upper Basin River, Fremont, Sublette and Teton Counties, WY.

Summary: While EPA expressed lack of objections with the preferred alternative there was concern due to potential adverse impacts should alternative 2, 3 or 5 be selected.

ERP No. D–AFS–J65328–SD Rating EC2, Jasper Fires Value Recovery Area Project, Implementation, Revised Forest Plan for the Black Hills National Forest, Hell Canyon and Mystic Ranger District, Custer and Pennington Counties, SD.

Summary: EPA expressed environmental concerns over potential impacts to ground water and suggests that the FEIS include information to make this determination. In addition, potential for adverse impacts to old growth and snags as well as an analysis of the impacts from related salvage activity on other structures (fences, tanks, etc) should be addressed.

ERP No. D–FAA–F51047–00 Rating LO, Chicago Terminal Airspace Project (CTAP), For Proposed Air Traffic Control Procedures and Airspace Modification for Aircraft Operating To/From the Chicago Region, Including Chicago O'Hare International Airport, Chicago Midway Airport, Milwaukee Mitchell International Airport, IL, IN and WI.

Summary: EPA has no objection to the proposed action since documention indicates that no significant noise impacts or adverse impacts on other environmental resources are likely to occur following project implementation.

ERP No. D–NPS–G61040–TX Rating LO, Fort Davis National Historic Site, General Management Plan, Implementation, Fort Davis, TX.

Summary: EPA had no objections to the selection of the preferred alternative.

Final EISs

ERP No. F–BLM–J65318–00 Montana, North Dakota and Portions of South Dakota Off-Highway Vehicle Management and Plan Amendment, Implementation, MT, ND and SD.

Summary: While this plan attempts to balance environmental protection with recreational use EPA continues to express concerns about potential environmental degradation of non-system roads and trails on public lands.

Dated: March 6, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–5913 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6951–6]

Availability of "Allocation of Fiscal Year 2001 Operator Training Grants"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability.

SUMMARY: EPA is announcing availability of a memorandum entitled "Allocation of Fiscal Year 2001 Operator Training Grants" issued on March 1, 2001. This memorandum provides National guidance for the allocation of funds used under section 104(g)(1) of the Clean Water Act.

ADDRESSES: Municipal Assistance Branch, U.S. EPA, 1200 Pennsylvania Avenue, NW (4204–M), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Curt Baranowski, (202) 564–0636 or baranowski.curt@epa.gov.

SUPPLEMENTARY INFORMATION: The subject memorandum may be viewed and downloaded from EPA's homepage, *www.epa.gov/owm/mab/owm0317.pdf.*

Dated: March 1, 2001.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 01–5855 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6951–5]

Availability of "Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2001 Appropriations Act and the FY 2001 Consolidated Appropriations Act"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability.

SUMMARY: EPA is announcing availability of a memorandum entitled "Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2001 Appropriations Act and the FY 2001 Consolidated Appropriations Act." This memorandum provides information and guidelines on how EPA will award and administer grants for the special projects and programs identified in the State and Tribal Assistance Grants (STAG) account of the Agency's fiscal year (FY) 2001 Appropriations Act (Public Law 106–377) and the FY 2001 Consolidated Appropriations Act (Public Law 106–554). The STAG account provides budget authority for funding identified water, wastewater and groundwater infrastructure projects, as well as budget authority for funding the United States-Mexico Border program and the Alaska Rural and Native Villages program. Each grant recipient will receive a copy of this document from EPA.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** section for electronic access of the guidance memorandum.

FOR FURTHER INFORMATION CONTACT: Valerie G. Martin, (202) 564–0623 or martin.valerie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The subject memorandum may be viewed and downloaded from EPA's homepage, http://www.epa.gov/owm/mab/owm0316.pdf.

Dated: February 27, 2001.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 01–5856 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6951–4]

Notice of Gulf of Mexico Programs Citizen's Advisory Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Act, Pub.L. 92463, EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Citizens Advisory Committee (CAC).

DATES: The CAC meeting will be held on Tuesday, March 27, 2001 from 1:00 to 5:30 p.m. and on Wednesday, March 28, 2001 from 9:00 a.m. to 1:30 p.m.

ADDRESSES: The meeting will be held at the River House, Stennis Space Center, Mississippi, 39529, (228) 688–3726.

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Building 1103, Room 202, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: Proposed agenda items will include: Update on Gulf of Mexico Program Workplan and activities, presentation and discussion on Agricultural Best Management Practices, election of secretary, and roundtable discussions on top issues in each state.

The meeting is open to the public.

Dated: February 28, 2001.

Gloria D. Car,

Designated Federal Officer.

[FR Doc. 01–5862 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6948–4]

Public Participation in Activities Relating to the 1998 Agreement on Global Technical Regulations; Statement of Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public workshop.

SUMMARY: EPA is holding a public workshop and soliciting public comments with regard to the development of the Agency's policy concerning its participation in the United Nations/Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations (WP.29) and the development of regulations under the 1998 "Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts." This notice is also soliciting comment on the involvement of the public in the Agency's participation in the development of regulations under the 1998 Agreement. Finally, this notice sets forth the Agency's priorities in participating in the global regulatory harmonization process. The Agency intends to issue its policy following the receipt of comments solicited here.

The National Highway Traffic Safety Administration (NHTSA) which, together with EPA, negotiated the Agreement on behalf of the U.S., will participate in this workshop.

DATES: Public workshop: The public workshop will be held on March 19, 2001, from 9:00 a.m. to 1:00 p.m.

ADDRESSES: Public workshop: The public workshop will be held in room 1332A of the EPA Headquarters, Ariel Rios Building North, 1300 Pennsylvania Avenue, NW, Washington DC.

Contact: Those persons wishing to participate in the workshop should contact Ms. Catrice Jefferson by telephone, (202) 564–1668, or email, "jefferson.catrice@epa.gov" no later than March 15, 2001.

Written Comments: Written comments to the Agency must be received by April 18, 2001. Comments must refer to docket number A–2001–08 and be submitted (preferably 2 copies) to EPA's Air Docket at the following address: U.S. Environmental Protection Agency (EPA), Air Docket (6102), Room M–1500, 401 M Street S.W., Washington, D.C. 20460. The Docket Office is open between 8 a.m. and 5:30 p.m., Monday through Friday except on government holidays. You can reach the Air Docket by telephone at (202) 260–7548, and by facsimile at (202) 260–4400. We may charge a reasonable fee for copying docket materials, as provided in 40 CFR part 2.

FOR FURTHER INFORMATION CONTACT: Ms. Catrice Jefferson, Office of Air and Radiation, Mail Code 6103A, U.S. Environmental Protection Agency, Washington, DC. 20460, Telephone: (202) 564–1668; Fax: (202) 564–1557; email "jefferson.catrice@epa.gov".

SUPPLEMENTARY INFORMATION:

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I. Introduction

A. The 1998 Agreement

The U.S. became the first signatory to the United Nations/Economic Commission for Europe (UN/ECE) Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts Which Can Be Fitted And/or Be Used on Wheeled Vehicles (the "Agreement"). The 1998 Agreement entered into force on August 28, 2000. The Agreement provides for the establishment of global technical regulations regarding wheeled vehicle safety, environmental performance, energy sources and theft prevention.

B. Purpose of and Need for 1998 Agreement

The decision of the U.S. to become a Contracting Party to the 1998 Agreement and participate in a global regulation development process is a critical step toward a cooperative worldwide identification of best safety, environmental and energy practices.

Becoming a Contracting Party to the 1998 Agreement accomplishes several purposes for the U.S. and the EPA in particular. It gives the U.S. a vote in the establishment of voluntary global environmental regulations for wheeled vehicles, equipment and parts under the United Nations. Such participation enables the U.S. to take a leading role in the design and development of globally harmonized mobile source environmental regulations that can be adopted worldwide. Further, the 1998 Agreement ensures that U.S. mobile source regulatory standards will be considered in any effort to develop such harmonized global technical regulations for mobile sources.

C. Purpose of This Notice

The purpose of this notice is twofold. First, it announces the procedures that EPA intends to follow to ensure that its activities under the 1998 Agreement are open and transparent to the public. Second, it specifies the priorities that will guide the Agency during its participation in activities under the 1998 Agreement. Foremost of these priorities is to promote and establish environmental standards for mobile sources that reflect the best environmental practices around the world.

II. Highlights of 1998 Agreement

The key aspects of the 1998 Agreement are summarized below to aid persons unfamiliar with its provisions. The complete text of the Agreement can be found in docket A–2001–08 and on the Internet at the address provided herein.

- The Agreement establishes a global process under the United Nations, Economic Commission for Europe (UN/ECE), for developing and harmonizing global technical regulations ensuring high levels of environmental protection, safety, energy efficiency and anti-theft performance of wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles. (Preamble, Art. 1).
- Members of the ECE, as well as members of the United Nations that participate in ECE activities, are eligible to become Contracting Parties. Specialized agencies and organizations that have been granted consultative status by the UN/ECE may participate in that capacity without voting privilege. (Art. 2)
- The Agreement was entered into force on August 28, 2000, when the required minimum of eight (8) countries or regional economic integration organizations became Contracting Parties. (Art. 11) The current list of Contracting Parties is: the United States, Canada, Japan, France, the United Kingdom, the European Community, Germany, the Russian Federation, the People's Republic of China, and the Republic of Korea.
- The Agreement explicitly recognizes the importance of continuously improving and seeking high levels of safety and the right of national and subnational authorities, (e.g., California's authority under the Clean Air Act to set separate emission standards), to adopt and maintain technical regulations that are more stringently protective of health and the environment than those established at the global level. (Preamble)
- The Agreement explicitly states that one of its purposes is to ensure that actions under the Agreement do not promote, or result in, a lowering of environmental protection or safety within the jurisdiction of the Contracting Parties, including the subnational level. (Art. 1)
- To the extent consistent with achieving high levels of environmental protection and vehicle safety, the Agreement also seeks to promote global harmonization of wheeled vehicle regulations. (Preamble)
- The Agreement emphasizes that the development of global technical regulations will be transparent. (Art. 1)
- To complement the Agreement's transparency provisions, EPA will take steps to ensure transparency in its consideration of global regulations being developed under the Agreement. EPA will ensure that key documents developed under the Agreement are placed in the established public docket for this activity and on the Internet as they become available. Further, EPA will accept public comments on such documents.
- The Agreement provides two different paths to the establishment of global technical regulations. The first is the harmonization of existing national regulatory standards or their improvement. The second is the development of new global technical regulations where there are no existing regulatory standards. (Article 6.2 and 6.3)
- The process for developing a harmonized global technical regulation includes a technical review of existing regulations of the Contracting Parties, relevant UN/ECE regulations and international voluntary standards. If available, comparative assessments of the benefits of these regulations (also known as functional equivalence assessments) will be reviewed. (Art. 1.1.2, Article 6.2)
- The process for developing a new global technical regulation includes the assessment of technical and economic feasibility and a comparative evaluation of the potential benefits and cost effectiveness of alternative regulatory requirements and test method(s) by which compliance is to be demonstrated. (Article 6.3)
- To establish any global technical regulation, there must be a consensus vote. Thus, if any Contracting Party votes against a recommended global technical regulation, it would *not* be established. (Annex B, Article 7.2)
- The establishment of a global technical regulation *does not* obligate Contracting Parties to adopt that regulation. Contracting Parties retain the right to choose whether or not to adopt any technical regulation established as a global technical regulation under the Agreement. (Preamble, Article 7)
- Consistent with the recognition of that right, Contracting Parties have only a limited obligation when a global technical regulation is established under the Agreement. Any Contracting Party that voted to establish the regulation must initiate those national procedures that are used to adopt any domestic regulation. (Article 7)
- For the U.S., this would mean initiating the rulemaking process either by issuing an Advanced Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM). If the U.S. EPA were to adopt a global technical regulation into national law, it would do so in accordance with all applicable procedural and substantive statutory provisions, including the Administrative Procedure Act, the Clean Air Act, the Noise Control Act and comparable provisions of other relevant statutes.
- The Agreement allows for global technical regulations to contain a "global" level of stringency for most parties and 'alternative' levels of stringency for developing countries. In this way, all countries can participate in the development, establishment and adoption of global technical regulations. The Agreement notes that a developing country may initially adopt one of the lower levels of stringency and later successively adopt higher levels of stringency. (Article 4)

III. Notice of EPA Participation Under the Global Agreement and Mechanisms for Public Involvement

The Agency believes that it must have flexibility so that its activities and procedures attendant to the 1998 Global Agreement can evolve easily and quickly as the U.S. gains experience in implementing the Agreement in a manner that advances environmental protection and involves the public.

EPA recognizes that its activities under the 1998 Agreement could lead to the modification of its existing regulations or the possible adoption of new globally harmonized regulations. Accordingly, EPA plans to provide the public with access to pertinent information developed under the global process. The EPA will also provide the public with adequate time to review and comment on any potential international regulatory activity that the US is considering for adoption. To this end, the Agency intends to provide:

A. Access to Information

The agency intends to publish an annual calendar of meetings and listing of global technical regulations under consideration by Working Party—29. As documents generated under the Global Agreement become available in English to EPA, the agency intends to place them in a docket and, whenever possible, make them Internet accessible as well.

B. Notice of Participation in Regulatory Activity Under the 1998 Global Agreement

The EPA intends to publish in the **Federal Register** a list of those regulatory activities under the Global Agreement where the U.S. intends to participate in their development. The Agency will provide in the notice a description of the issues and the basis for U.S. participation.

Many or all of these documents are currently available on the website of the UNECE World Forum for the Harmonization of Vehicle Regulations: *http://www.unece.org/trans/main/welcwp29.htm*.

C. Opportunity to Comment

The agency proposes to seek public comment at key points during the development of global technical regulations. In the case of a proposal submitted by the U.S. for a new global technical regulation or the harmonization of existing regulations, the EPA will give notice, as stated above, and request comment. However, if the contemplated international regulation concerns a top environmental priority which needs to be addressed by the issuance of a regulation in the U.S., then the Agency will publish a **Federal Register** notice under the appropriate environmental statute.

When the administrative body (Working Party 29) determines that a draft global regulation is suitable for submission to the Contracting Parties of the 1998 Agreement for their consideration, the EPA will seek public review and comment. The EPA will provide for adequate time for receipt and review of any comments before the U.S. exercises its vote on whether to adopt such regulation as a global regulation under the United Nations Agreement. It should be emphasized that a U.S. vote to adopt a regulation under the Agreement only obligates the U.S., or any other Contracting Party, to initiate its domestic regulatory process. The U.S., or any other Contracting Party, is not compelled to adopt the global regulation into domestic law.

D. Establishment of a Continuing Forum

The Agency seeks comment regarding the desirability of holding periodic public meetings to provide interested parties an opportunity to comment on any information they have gained from various sources including the **Federal Register** and the Internet.

IV. The Agency's Priorities in Participating in the Global Harmonization Process

The Agency reaffirms its commitment to the harmonization of environmental regulations for wheeled vehicles, equipment and components, including engines. However, it will, as a matter of U.S. policy, recognize the sovereign right of any country to set regulations that provide an appropriate level of protection for that country. To that end, the EPA is committed to the development or harmonization of global regulations that will raise the level of environmental protection on a worldwide basis. As a matter of policy, the U.S. will not consider the adoption of global regulations that would diminish the level of environmental protection of existing regulations in the United States solely to achieve harmonization.

The Agency is also developing a list of recommended regulations that it believes should be candidates for future harmonization actions. This list, which will be formally submitted to the United Nations under this Agreement and kept in a compendium of technical regulations, will include both final U.S. EPA regulations that we believe should be seriously considered for adoption by other countries as well as future technical regulations in areas where new requirements should be developed. Examples of regulations that could be included in the compendium include the Tier 2 program, the 2007 Heavy-duty diesel engine standards, the On-board diagnostic program, the development of driving cycles for on-highway motorcycles, and the next phase of standards for compression-ignition nonroad engines. We are interested in receiving comments on the types of actions EPA should be including in the compendium of regulations that will be submitted under the guidelines of the Agreement.

V. Public Workshop

All interested persons and organizations are invited to attend a workshop on the issues raised in this notice. The agency intends to conduct the workshop informally. The National Highway Traffic Safety Administration (NHTSA) which, together with EPA, negotiated the Agreement on behalf of the U.S., will participate in this workshop. An EPA official will briefly describe the topics discussed in this notice and then open the floor for public comment.

Any person planning to participate should contact Mr. Kenneth Feith at the address and telephone number given at the beginning of this notice, no later than 10 calendar days before the workshop.

VI. Comments

The Agency invites all interested parties to submit written comments. The agency notes that participation in the public workshop is not a prerequisite for submission of written comments. Written comments should be sent to the address specified above and follow the requirements stated therein.

Dated: February 16, 2001.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 01–5863 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–60–U

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

March 1, 2001.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0855.

Expiration Date: 08/31/2001.

Title: Telecommunications Reporting Worksheet and Associated Requirements, CC.

Docket No. 96–45.

Form No.: FCC Form 499–A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 5,000 respondents; 15 minutes—9.5 hours per respondent; 9.7 hours per response (avg.); 48,662 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $9,000.

Frequency of Response: On occasion; Annually; Semi-annually; Recordkeeping; Third Party Disclosure.

Description: The Telecommunications Act of 1996 directs the Commission to implement several Congressionally-mandated goals. These include the advancement of universal service, the administration of numbering, and the administration of local number portability. Specifically, section 251 of the Communications Act of 1934, as amended, requires all telecommunications carriers to bear the costs of numbering administration and number portability on a competitively neutral basis, as determined by the Commission. Similarly, section 254 of the Act directed the Commission to initiate a rulemaking to reform the system of universal service so that universal service is preserved and advanced as markets move toward competition. In addition, section 225 of the Communications Act of 1934 requires the Commission to provide for telecommunications relay services. Pursuant to the Communications Act of 1934, as amended, telecommunications carriers (and certain other providers of telecommunications services) must contribute to the support and cost recovery mechanisms for telecommunications relay services, numbering administration, number portability, and universal service. Contributors to the federal universal service support mechanisms, the TRS fund, the cost recovery mechanism for numbering administration, and the cost recovery mechanism for the shared costs of local number portability must file the revised Telecommunications Reporting Worksheet, FCC Form 499–A (April 2001 Worksheet). All of these entities must complete and file the April 2001 Worksheet on or before April 2, 2001. Data filed on the April 2001 Worksheet will be used to calculate contributions to the universal service support mechanisms, as well as the TRS fund, the cost recovery for numbering administration, and the cost recovery for the shared costs of local number portability. Information filed on the April 2001 Worksheet will also be used to satisfy the Commission's recently adopted registration requirement for new and existing carrier providing interstate telecommunications service pursuant to 47 CFR section 64.1195. In CC Docket No. 94–129, (FCC 00–255) released August 15, 2000, the Commission concluded that all new or and existing common carriers providing interstate telecommunications service must register with the Commission. The Commission determined that this registration requirement will enable it to better monitor the entry of carriers into the interstate telecommunications market and any associated increases in slamming activity, and will also enhance its ability to take appropriate enforcement action against carriers that have demonstrated a pattern or practice of slamming. The April 2001 Worksheet has been revised to collect this additional information. Where a facilities-based carrier is currently providing a reseller with service, the reseller must notify its underlying facilities-based carrier that it has submitted the registration information to the Commission, within a week of having done so. Contributors must use the April 2001 Worksheet for their filings due on April 2, 2001. Copies of the April 2001 Worksheet (FCC Form 499–A) and instructions may be downloaded from the Commission's Forms Web Page (*www.fcc.gov/formpage.html*). Copies may also be obtained from NECA at 973–560–4400. Small common carriers and small pay telephone providers should complete the table contained in Figure 1 of FCC Form 499–A to determine whether they meet the de minimis standard. Telecommunications providers that do not file because they are de minimis should retain Figure 1 and documentation of their contribution base revenues for 3 calendar years after the date each worksheet is due. These carriers may be required to file the table upon request by the Commission. If a reseller qualifies for the de minimis exemption, it must notify its underlying carriers that it is not contributing directly to universal service. Filers of the April 2001 Worksheet are invited to complete a one-page survey concerning the implementation of electronic filing.

Obligation to respond: Mandatory.

OMB Control No.: 3060–0681.

Expiration Date: 9/30/2003.

Title: Toll-Free Service Access Codes—CC Docket No. 95–165, 47 CFR Part 52, Subpart D, Sections 52.101–52.111.

Form No.: N/A.

Respondents: Business or other for-profit; Not-for-profit institutions.

Estimated Annual Burden: 168 respondents; 15 hours per response (avg.); 2520 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third party disclosures.

Description: Responsible Organizations (RespOrgs) requesting that specific toll free numbers be placed in unavailable status are required to submit written requests, with appropriate documentation, to the toll free database administrator. This requirement will hold those RespOrgs more accountable and will decrease abuses of the lag time process. It will prevent numbers from being held in unavailable status without demonstrated reasons, and will make more numbers available for subscribers who need and want them. Current industry guidelines already require that RespOrgs requesting that a toll free number be made unavailable submit written requests with appropriate documentation. The requirement simply codified the existing industry guidelines. The information is used to determine if a particular toll free number appropriately can be placed in unavailable status. This will prevent the fraudulent use of toll free numbers.

Obligation to respond: Required to obtain or retain benefits.

OMB Control No.: 3060–0298.

Expiration Date: 12/31/2003.

Title: Tariffs (Other than Tariff Review Plan)—Part 61.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 2000 respondents; 64.5 hours per response (avg.); 129,000 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $1,965,000.

Frequency of Response: On occasion.

Description: Sections 201–205 of the Communications Act of 1934, as amended, require that common carriers establish just and reasonable charges, practices and regulations for the service they provide. The schedules containing these charges, practices and regulations must be filed with the Commission, which is required to determine whether such schedules are just, reasonable and not unduly discriminatory. Part 61 of the Commission's Rules establishes the procedures for filing tariffs which contain the charges, practices, and regulations of the common carriers, supporting economic data and other related documents. The supporting data must also conform to other parts of the Commission's rules such as Parts 36 and 69. Part 61 prescribes the framework for the initial establishment of and subsequent revisions to tariffs. Tariffs that do not conform to Part 61 may be rejected. In addition to tariffs filed with the Commission, carriers may be required to post their schedules or rates and regulations. The information collected through a carrier's tariff is used by the Commission to determine whether the services offered are just and reasonable as the Act requires. The tariffs and any supporting documentation are examined in order to determine if the services are offered in a just and reasonable manner.

Obligation to respond: Mandatory.

OMB Control No.: 3060–0942.

Expiration Date: 01/31/2004.

Title: Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Joint Board on Universal Service.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 108 respondents; 61.82 hours per response (avg.); 6,677 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion.

Description: In CC Docket Nos. 96–262, 94–1, 99–249, and 96–45, the Commission adopted an integrated interstate access reform and universal service proposal put forth by the members of the Coalition for Affordable Local and Long Distance Service (CALLS). The CALLS Proposal resolves major outstanding issues concerning access charges. In order to implement the CALLS Proposal, the Commission imposed several information collections. The Report and Order requires price cap LECS to modify their annual access tariff filings; the Report and Order requires each price cap or competitive LEC that wishes to receive support from the interstate access universal service support mechanism to submit quarterly to USAC data showing the number of lines it served in a study areas as of the last business day of the previous quarter. In addition to line count information, price cap LECs must file with USAC on June 30, 2000, October 15, 2000, April 16, 2001 and annually after that, price cap revenue data, prices for unbundled network element loops and line ports, and UNE zone boundary information. See 47 CFR section 54.802. The Report and Order requires price cap LECs who choose not to follow the voluntary portions of the CALLS Proposal to submit cost support information, which the Commission would use to set their access rate levels. The Commission will use the modified tariff information filed by the price cap LECs to ensure compliance with the various interstate access reforms of the CALLS Proposals. USAC will use the line count and other information to determine, on a per-line basis, the amount that the carrier will receive from the interstate access universal service support mechanism. The Commission will use the cost support information to ensure that the interstate access rates are just and reasonable, as required by section 201(b) of the Communications Act. *Obligation to respond:* Required to obtain or retain benefits.

Public reporting burden for the collection of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–5827 Filed 3–8–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

February 26, 2001.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 9, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *lesmith@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0308.

Title: Section 90.505, Development Operation, Showing Required.

Form Number: N/A.

Type of Review: Extension of a currently approved collection

Respondents: Businesses or other for-profit entities; and State, local, or tribal governments.

Number of Respondents: 100.

Estimated Time per Response: 2 hrs.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 200 hours.

Total Annual Costs: None.

Needs and Uses: This information collection, 47 CFR Section 90.505, is used to gather data on development programs for which a developmental authorization is sought. The FCC uses this information to evaluate the desirability of issuing such an authorization from spectrum use and interference potential considerations. If the information were not collected, the value of development programs would be severely limited.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–5826 Filed 3–8–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Federal Emergency Management Agency (FEMA) Individual Disaster Assistance Customer Satisfaction and Program Effectiveness Surveys.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0256.

Abstract: In response to Executive Order 12862 and the Government Performance and Results Act, the Response and Recovery Directorate (R&R) of the Federal Emergency Management Agency conducts surveys to obtain information about customer satisfaction and program effectiveness. The surveys help measure performance against standards and goals and helps interpret the effects of disaster-related policy changes or innovations. R&R will collect data via phone, mail and internet surveys and focus groups and plans to survey individual disaster applicants, state and local officials, other federal agencies, and voluntary agencies.

Affected Public: Individuals or households, Not-for-profit institutions, Federal Government, State, Local or Tribal Government, Business or other for-profit and Farms.

Number of Respondents: 96,720.

Estimated Total Annual Burden Hours: See Table Below.

Estimated Total Annual Cost to the Respondent: $386,880 or $4.00 per survey.

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Individuals or Households	Individual Assistance Survey	400	50	0.25	20000	5,000
	Inspection Services Survey	400	50	0.25	20000	5,000
	Teleregistration Survey (Proposed)	400	50	0.25	20000	5,000
	Helpline Survey (Proposed)	400	50	0.25	20000	5,000
	Disaster Recovery Center Survey	400	10	0.25	4000	1,000
	Community Relations Survey of Households	400	4	0.25	1600	400
	Office of Cerro Grande Fire Assistance Claims Survey of Households (Proposed)	800	1	0.25	800	200
	As Needed Surveys of Households (Proposed)	1000	4	0.25	4000	1,000
Non-households	Public Assistance Survey	30	60	0.25	1800	450
	Other Federal Agencies Survey (Proposed)	15	60	0.25	900	225
	Voluntary Agencies Survey (Proposed)	10	60	0.25	600	150
	Community Relations Survey of Non-Households	30	4	0.25	120	30
	Response and Recovery Regional Division Directors Survey	400	1	0.25	400	100
	Office of Cerro Grande Fire Assistance Claims Survey of Non-Households (Proposed)	500	1	0.25	500	125
	As Needed Surveys (Proposed)	500	4	0.25	2000	500
				TOTAL	96,720	24,180

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COMMENTS: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 on or before April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Program Services Division, Operations Support Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472, telephone number (202) 646–2625, FAX

Respondent Group	Survey	No. of Respondents (A)	Frequency of Response (B)	Burden Hour Per Respondent (C)	Annual Response (AXB)	Total Annual Burden Hours (AXBXC)
Individuals or Households	Individual Assistance Survey	400	50	0.25	20000	5,000
	Inspection Services Survey	400	50	0.25	20000	5,000
	Teleregistration Survey (Proposed)	400	50	0.25	20000	5,000
	Helpline Survey (Proposed)	400	50	0.25	20000	5,000
	Disaster Recovery Center Survey	400	10	0.25	4000	1,000
	Community Relations Survey of Households	400	4	0.25	1600	400
	Office of Cerro Grande Fire Assistance Claims Survey of Households (Proposed)	800	1	0.25	800	200
	As Needed Surveys of Households (Proposed)	1000	4	0.25	4000	1,000
Non-households	Public Assistance Survey	30	60	0.25	1800	450
	Other Federal Agencies Survey (Proposed)	15	60	0.25	900	225
	Voluntary Agencies Survey (Proposed)	10	60	0.25	600	150
	Community Relations Survey of Non-Households	30	4	0.25	120	30
	Response and Recovery Regional Division Directors Survey	400	1	0.25	400	100
	Office of Cerro Grande Fire Assistance Claims Survey of Non-Households (Proposed)	500	1	0.25	500	125
	As Needed Surveys (Proposed)	500	4	0.25	2000	500
				TOTAL	**96,720**	**24,180**

BILLING CODE 6718–01–C

COMMENTS: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 on or before April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Program Services Division, Operations Support Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472, telephone number (202) 646–2625, FAX

number (202) 646–3524, or e-mail address: muriel.anderson@fema.gov.

Dated: February 28, 2001.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 01–5846 Filed 3–8–01; 8:45am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: The Federal Emergency Management Agency/Federal Insurance Administration's Cover America II Project.

Type of Information Collection: Revision of a currently approved collection. approved collection.

OMB Number: 3067–0267.

Abstract: FEMA/Federal Insurance Administration will conduct research with consumers, business-owners and insurance agents to (1) establish flood insurance in the minds of consumers as the best method for recovering from flood damage, (2) promote flood insurance as must-have protection that is easily available and relatively inexpensive; and (3) stimulate demand for flood insurance by linking it to strong positive motivators, such as peace of mind and financial security.

Affected Public: Individuals or households, Business or Other For-Profit, Not For-Profit Institutions and State, Local or Tribal Government.

Number of Respondents: 6,490.

Estimated Total Annual Burden Hours: 2,164.

Cost to the Respondent: $44,000.

Comments: Interested persons are invited to submit written comments on the proposed information collection to David Rostkler, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 on or before April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472. Telephone number (202) 646–2625, FAX number (202) 646–3524, or email address: muriel.anderson@ fema.gov.

Dated: March 1, 2001.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 01–5847 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1354–DR]

Arkansas; Amendment No. 9 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas, (FEMA–1354–DR), dated December 29, 2000, and related determinations.

EFFECTIVE DATE: March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice is hereby given that, in a letter dated March 1, 2001, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as amended by the Disaster Mitigation Act of 2000, Pub. L. No. 106–390, 114 Stat. 1552 (2000), in a letter to Joe M. Allbaugh, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from a severe winter ice storm beginning on December 12, 2000, and continuing through January 8, 2001, is of sufficient severity and magnitude that the provision of additional Federal assistance to ensure public health and safety is warranted under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121.

Therefore, I amend the declaration of December 29, 2000, to provide that the Federal Emergency Management Agency (FEMA) may reimburse 100 percent of the costs of debris removal through April 28, 2001. This adjustment of the cost share may be provided to all counties under the major disaster declaration. You may extend this assistance for an additional period of time, if requested and warranted.

Please notify the Governor of Arkansas and the Federal Coordinating Officer of this amendment to the major disaster declaration.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

John W. Magaw,

Acting Deputy Director.

[FR Doc. 01–5840 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1360–DR]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–1360–DR), dated February 23, 2001, and related determinations.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 23, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the damage in certain areas of the State of Mississippi, resulting from severe storms and tornadoes on February 16, 2001, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, (Stafford Act). I, therefore, declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint John D. Hannah of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster:

Holmes, Lowndes, and Oktibbeha Counties for Individual and Public Assistance.

All counties within the State of Mississippi are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Joe M. Allbaugh,

Director.

[FR Doc. 01–5842 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1360–DR]

Mississippi; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi (FEMA–1360–DR), dated February 23, 2001, and related determinations.

EFFECTIVE DATE: February 27, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the reopening of the incident period for this disaster. The incident period for this declared disaster is now February 16, 2001 and continuing.

The notice is further amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 23, 2001:

The counties of Bolivar, Lee, Leflore, Pontotoc, Prentiss, and Tallahatchie, and the contiguous counties of Alcorn, Attala, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, Grenada, Humphreys, Itawamba, Lafayette, Madison, Monroe, Noxubee, Panola, Quitman, Sunflower, Tippah, Tishomingo, Union, Washington, Webster, Winston, Yalobusha, and Yazoo for Individual Assistance

The counties of Attala, Choctaw, Clay, Noxubee, Winston, and Yazoo for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Joe M. Allbaugh,

Director.

[FR Doc. 01–5843 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1360–DR]

Mississippi; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi, (FEMA–1360–DR), dated February 23, 2001, and related determinations.

EFFECTIVE DATE: March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Mississippi is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 23, 2001:

Leflore, Lee, Pontotoc, Prentiss, and Tallahatchie Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 01–5844 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1356–DR]

Texas; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas, (FEMA–1356–DR), dated January 8, 2001, and related determinations.

EFFECTIVE DATE: January 29, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Texas is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 8, 2001:

Fannin County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–5841 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1361–DR]

Washington; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Washington (FEMA–1361–DR), dated March 1, 2001, and related determinations.

EFFECTIVE DATE: March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 1, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the damage in certain areas of the State of Washington, resulting from an earthquake on February 28, 2001 and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121(Stafford Act). I, therefore, declare that such a major disaster exists in the State of Washington.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint William Lokey of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Washington to have been affected adversely by this declared major disaster:

King, Kitsap, Lewis, Mason, Pierce, and Thurston Counties for Individual Assistance and Public Assistance.

All counties within the State of Washington are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

John W. Magaw,

Acting Deputy Director.

[FR Doc. 01–5845 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: 10:00 a.m., Wednesday, March 14, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: March 6, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–5951 Filed 3–6–01; 4:14 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: AFIA IDA In-depth Participant Interview.

OMB No.: New Collection.

Description: Part of a Congressionally mandated evaluation of demonstrations carried out under AFIA to address the effects on savings behavior, differential savings rates, homeownership, education and self-employment. To identify lessons to be learned and whether the program should be made permanent.

Respondents: AFIA, IDA Demonstration Participants.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
In-depth Interview	540	1	2/3	360

Estimated Total Annual Burden Hours: 360.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: March 1, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–5777 Filed 3–8–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99E–1071]

Determination of Regulatory Review Period for Purposes of Patent Extension; Provigil

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Provigil and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Regulatory Policy Staff (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Provigil (modafinil). Provigil is indicated to improve wakefulness in patients with excessive daytime sleepiness associated with narcolepsy. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Provigil (U.S. Patent No. 4,177,290) from Cephalon, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated May 10, 1999, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Provigil represented the first permitted commercial marketing or use of the product. Later, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Provigil is 1,975 days. Of this time, 1,250 days occurred during the testing phase of the regulatory review period, while 725 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective*: July 30, 1993. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on July 30, 1993.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act*: December 30, 1996. FDA has verified the applicant's claim that the new drug application (NDA) for Provigil (NDA 20–717) was initially submitted on December 30, 1996.

3. *The date the application was approved*: December 24, 1998. FDA has verified the applicant's claim that NDA 20–717 was approved on December 24, 1998.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 985 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may submit to the Dockets Management Branch (address above) written comments and ask for a redetermination by May 8, 2001. Furthermore, any interested person may petition FDA for a determination regarding whether the

applicant for extension acted with due diligence during the regulatory review period by September 5, 2001. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 16, 2001.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 01–5812 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–1817]

Final Guidance for Industry and FDA Reviewers: Class II Special Controls Guidance for Home Uterine Activity Monitors; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance entitled "Final Guidance for Industry and FDA Reviewers: Class II Special Controls Guidance for Home Uterine Activity Monitors." This guidance describes the special controls FDA believes will provide reasonable assurance of the safety and effectiveness of these devices. Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule reclassifying the home uterine activity monitors (HUAM's) from class III to class II.

DATES: Submit written comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies on a 3.5 diskette of the guidance document entitled "Final Guidance for Industry and FDA Reviewers: Class II Special Controls Guidance for Home Uterine Activity Monitors" to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments concerning this guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Colin M. Pollard, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1180.

SUPPLEMENTARY INFORMATION:

I. Background

This guidance document describes a means by which manufacturers of HUAM's may comply with the requirements of special controls for class II devices. Designation of this guidance as a special control means that manufacturers attempting to establish that their device is substantially equivalent to a predicate HUAM should demonstrate that the proposed device complies with either the specific recommendations of this guidance or some alternate control that provides equivalent assurances of safety and effectiveness.

The guidance document addresses such areas as: Intended use and indications for use; labeling; design controls; clinical data; patient registry; preclinical data including electrical safety testing, electromagnetic compatibility, software, device accuracy, material safety, and cleaning and disinfection.

This guidance document was issued for public comment in the **Federal Register** of July 30, 1999 (64 FR 41443), as a draft guidance entitled "Home Uterine Activity Monitors; Guidance for the Submission of 510(k) Premarket Notifications." The document has been modified from the original draft version for purposes of clarity and adding detail regarding the device description, bench testing, and design controls.

II. Significance of Guidance

This guidance document represents the agency's current thinking on premarket notifications for HUAM's. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both.

The agency has adopted good guidance practices (GGP's), and published the final rule which set forth the agency's regulations for the development, issuance, and use of guidance documents (65 FR 56468, September 19, 2000). This guidance document is issued as a Level 1 final guidance in accordance with the GGP regulations.

III. Electronic Access

In order to receive "Final Guidance for Industry and FDA Reviewers: Class II Special Controls Guidance for Home Uterine Activity Monitors" via your fax machine, call the CDRH Facts-on-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At the second voice prompt press 1 to order a document. Enter the document number (820) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes "Final Guidance for Industry and FDA Reviewers: Class II Special Controls Guidance for Home Uterine Activity Monitors," device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh.

IV. Comments

Interested persons may, at any time, submit written comments regarding the guidance to the Dockets Management Branch (address above). Such comments will be considered when determining whether to amend the current guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 31, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–5814 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0107]

Guidance for Industry: Expedited Review for New Animal Drug Applications for Human Pathogen Reduction Claims; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry (#121) entitled "Expedited Review for New Animal Drug Applications for Human Pathogen Reduction Claims." The guidance provides advice to industry about the process that the Center for Veterinary Medicine (CVM) plans to use to grant expedited review status (ERS) for applications for new animal drugs intended to reduce human pathogens in food-producing animals.

DATES: Submit written comments on the guidance at any time.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the full title of the guidance and the docket number found in brackets in the heading of this document. Submit written requests for single copies of the guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855: Send one self-addressed adhesive label to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Steven D. Vaughn, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7580, e-mail: svaughn@cvm.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled "Expedited Review for New Animal Drug Applications for Human Pathogen Reduction Claims." The guidance advises industry about the process that CVM intends to use to grant expedited review status for applications for new animal drugs designed to reduce human pathogens in food-producing animals and to thereby potentially decrease the incidence of human illness. Specifically, it provides procedures for requesting and criteria for granting expedited review status for new animal drug applications and investigational new animal drug applications for new animal drugs that will have human pathogen reduction claims on their labels. The guidance reflects the agency's current thinking on these procedures and criteria.

This Level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). FDA has determined that obtaining public participation prior to issuance of this guidance is not appropriate. The goal of this guidance is to allow products to be approved more quickly if they potentially offer important advances in reducing human pathogens in food animals, and thereby may result in a decrease of the incidence of human illness, and are supported by appropriate data. Implementing the guidance immediately, prior to receiving public comment, will further advance this goal. The concern for public health is supported by Congress. The committee reports for the fiscal year 2001 agriculture appropriations bills (H. Rept. 106–619 and S. Rept. 106–288) state that: "In view of the significant public health benefits of competitive exclusion products, the FDA should review new animal drug applications for these products on an expedited basis."

While FDA will immediately implement this guidance, the agency is inviting public comment and will revise the document as appropriate. The guidance represents the agency's current thinking on the procedures for requesting and criteria for granting ERS for applications for new animal drugs designed to reduce human pathogens in food-producing animals. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the guidance at any time. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Copies of this guidance document may be obtained on the Internet from the CVM home page at http://www.fda.gov/cvm/.

Dated: March 6, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5952 Filed 3–6–01; 4:25 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–2728]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* End Stage Renal

Disease Medical Evidence Report Medicare Entitlement and/or Patient Registration and Supporting Regulations in 42 CFR, Section 405.2133; *Form No.:* HCFA–2728 (0938–0046); *Use:* This form captures the necessary medical information required to determine Medicare eligibility of an end stage renal disease claimant. It also captures the specific medical data required for research and policy decisions on this population as required by law. *Frequency:* Weekly, Monthly, Quarterly, Semi-annually, and Annually; *Affected Public:* Individuals or households, Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 60,000; *Total Annual Responses:* 60,000; *Total Annual Hours Requested:* 25,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Melissa Musotto, Room: N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 14, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5784 Filed 3–8–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10016]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Oxygen Consumer Survey: Medical Equipment and Supplies Consumer Survey; *Form No.:* HCFA–10016 (OMB# 0938–0807); *Use:* The Oxygen Consumer Survey and Medical Equipment and Supplies Consumer Survey will be used to collect information from Medicare beneficiaries who use oxygen equipment, hospital beds, wheelchairs, orthotics, and inhalation drugs used with a nebulizer. This information will be used to evaluate the Health Care Financing Administration's (HCFA's) Competitive Bidding Demonstration for Durable Medicare Equipment (DME) and Prosthetics, Orthotics, and Supplies (POS). In the demonstration, HCFA will use competitive bidding to set Medicare Part B fees for selected types of DME and POS.

The purpose of the evaluation is to determine whether the demonstration affects Medicare expenditures, access to care, quality of care, diversity of product selection, and industry competitiveness. The evaluation will also examine any problems associated with implementing competitive bidding for Part B services. Results of the evaluation will be used by HCFA and Congress to determine whether it is feasible to expand competitive bidding.

The research questions to be addressed by the surveys focus on access, quality, and product selection. Our information collection process will include fielding a survey for oxygen users and a survey for other medical equipment and supplies users before the demonstration begins and again after the new demonstration prices have been put into effect. Beneficiaries within the demonstration area will be surveyed; we will also survey beneficiaries within a control site that is similar to the demonstration site in terms of population, managed care penetration, volume of services, and number of beneficiaries. We will also control the socioeconomic factors when analyzing the date. This design will allow us to separate the effects of the demonstration from beneficiary-or site-specific effects.

This evaluation was expanded to a second site, San Antonio, Texas as of March 2000. The Balanced Budget Act of 1997 allowed for the demonstration to be conducted in up to three different regions. The demonstration has been ongoing in the first site, Polk County, Florida, since 1999. The baseline Polk County beneficiary surveys were conducted between March and June of 1999. The follow-up Polk County beneficiary surveys were conducted during the fall of 2000.

We are seeking approval for the new beneficiary surveys (Baseline and Follow-up) for the San Antonio demonstration and comparison site and any subsequent demonstration and comparison sites that include the same DME and POS products. The surveys for the second site, San Antonio, are almost identical to the surveys used in the first site, Polk County, Florida; *Frequency:* Annually; *Affected Public:* Individuals and Households; *Number of Respondents:* 2,500; *Total Annual Responses:* 725; *Total Annual Hours:* 725.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Melissa Musotto, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5785 Filed 3–8–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–39]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Home health Medicare Conditions of Participation (CoP) Information Collection Requirements and Supporting Regulations in 42 CFR 484; *Form No.:* HCFA–R–39 (OMB# 0938–0365); *Use:* 42 CFR 484 outlines Home Health Agency Medicare CoP to ensure HHAs meet the Federal patient health and safety regulations; *Frequency:* Annually; *Affected Public:* Business or other for-profit, not-for-profit institutions; *Number of Respondents:* 7,500; *Total Annual Responses:* 7,500; *Total Annual Hours:* 56,209.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5786 Filed 3–8–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–667]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Alternate Quality Assessment Survey; *Form No.:* HCFA–667 (OMB# 0938–0650); *Use:* The HCFA–667 is used in lieu of an onsite survey for those Clinical Laboratories Improvement Amendment (CLIA) laboratories with good performance as determined by their last onsite survey. This form is designed to determine current CLIA compliance as well as prepare laboratories for future onsite surveys. This system rewards good performance and facilitates quality assurance. *Frequency:* On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, State, Local or Tribal Government; *Number of Respondents:* 4,000; *Total Annual Responses:* 4,000; *Total Annual Hours:* 10,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5787 Filed 3–8–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1188–N]

Medicare Program; March 26, 2001, Meeting of the Practicing Physicians Advisory Council

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Practicing Physicians Advisory Council. This meeting is open to the public.

DATES: The meeting is scheduled for March 26, 2001, from 8:30 a.m. until 5 p.m. e.s.t.

ADDRESSES: The meeting will be held in Room 800, 8th Floor, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Paul Rudolf, M.D., J.D., Executive Director, Practicing Physicians Advisory Council, Room 435–H, Hubert H. Humphrey Building, 200 Independence Avenue,

SW., Washington, DC 20201, (202) 690–7874. News media representatives should contact the HCFA Press Office, (202) 690–6145. Please refer to the HCFA Advisory Committees Information Line (1–877–449–5659 toll free)/(410–786–9379 local) or the Internet (*http://www.hcfa.gov/fac*) for additional information and updates on committee activities.

SUPPLEMENTARY INFORMATION: The Secretary of the Department of Health and Human Services (the Secretary) is mandated by section 1868 of the Social Security Act to appoint a Practicing Physicians Advisory Council (the Council) based on nominations submitted by medical organizations representing physicians. The Council meets quarterly to discuss certain proposed changes in regulations and carrier manual instructions related to physicians' services, as identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the consultation must occur before publication of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and the Administrator of the Health Care Financing Administration not later than December 31 of each year.

The Council consists of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under Medicare in the previous year. Members of the Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members must be doctors of medicine or osteopathy authorized to practice medicine or surgery by the States in which they practice. Members have been invited to serve for overlapping 4-year terms. In accordance with section 14 of the Federal Advisory Committee Act, terms of more than 2 years are contingent upon the renewal of the Council by appropriate action before the end of the 2-year term.

The Council held its first meeting on May 11, 1992.

The current members are: Jerold M. Aronson, M.D.; Richard Bronfman, D.P.M.; Joseph Heyman, M.D.; Sandral Hullett, M.D.; Stephen A. Imbeau, M.D.; Angelyn L. Moultrie, D.O.; Derrick K. Latos, M.D. (Pending re-appointment); Dale Lervick, O.D.; Sandra B. Reed, M.D.; Amilu Rothhammer, M.D.; Victor Vela, M.D.; Kenneth M. Viste, Jr., M.D.; and Douglas L. Wood, M.D.

Council members will be updated on the status of recommendations made during the past year.

The agenda will provide for discussion and comment on the listed following topics:

- Benefits Improvement and Protection Act of 2000 (BIPA) provisions affecting payment to physicians.
- Risk adjustment update, and the uses of encounter data by physicians.
- Physician Regulatory Issues Team (the team will seek advice on physician issues and elicit suggestions for improving agency responsiveness).

For additional information and clarification on the topics listed, call the contact person in the "For Further Information Contact" section of this notice.

Individual physicians or medical organizations that represent physicians wishing to make 5-minute oral presentations on agenda issues should contact the Executive Director by 12 noon, March 19, 2001, to be scheduled. Presentations are limited to listed agenda issues only. The number of oral presentations may be limited by the time available. A written copy of the presenter's oral remarks should be submitted to the Executive Director no later than 12 noon, March 19, 2001, for distribution to Council members for review prior to the meeting. Physicians and organizations not scheduled to speak may also submit written comments to the Executive Director and Council members. The meeting is open to the public, but attendance is limited to the space available. Individuals requiring sign language interpretation for the hearing impaired or other special accommodation should contact John Lanigan at (202) 690–7418 at least 10 days before the meeting.

(Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Public Law 92–463 (5 U.S.C. App. 2, section 10(a)); 45 CFR Part 11)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 7, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 01–6061 Filed 3–8–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources And Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Healthy Schools, Healthy Communities Program Data Collection and Progress Report (OMB No. 0915–0188)—Revision.

This is a request for revision of approval of the Healthy Schools, Healthy Communities Program Data Collection, which contains the annual reporting requirements for the Healthy Schools, Healthy Communities grantees funded by the Bureau of Primary Health Care (BPHC), HRSA. Authorizing legislation is found in Public Law 104–299, Health Center Consolidation Act of 1996, enacting Section of the Public Health Service Act.

The Healthy Schools, Healthy Communities program provides comprehensive primary and preventive health care services. The purpose of the progress report is to collect data specific to school health services, such as service utilization, health problems and risk behaviors.

The estimated response burden is as follows:

Form	Number of respondents	Responses per respondent	Hours per response	Total burden hour
Progress Report	400	1	2	800

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received on or before May 8, 2001.

Dated: March 3, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–5815 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of April 2001:

Name: Council on Graduate Medical Education (COGME).

Date and Time: April 11, 2001, 8:30 a.m.–4:30 p.m.; April 12, 2001, 8:30 a.m.–2:00 p.m.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

The meeting is open to the public.

Agenda: The agenda for the first day, April 11, will include: Welcome and opening comments from the Administrator, Health Resources and Services Administration, the Associate Administrator for Health Professions, and the Acting Executive Secretary of COGME. The Council will present a one-day stakeholders meeting in which presenters will be given the opportunity to respond to the recommendations put forth in the recently published COGME 15th Report, *Financing Graduate Medical Education in a Changing Health Care Environment*. Representative stakeholders have been invited to present their perspectives in a series of panels. This will be followed by the opportunity for other interested stakeholders to comment during an open forum. Those wishing to speak must contact Ms. Hannah Davis at 301–443–7095 no later than April 4 to be included in the open forum.

The agenda for the second day, April 12, will include a report on the recent Fifth International Medical Workforce Conference held in Australia. The GME Financing and Physician Workforce workgroups will meet and report back to the full Council. There will be a discussion of future Council projects.

Anyone requiring information regarding the meeting should contact Stanford M. Bastacky, D.M.D., M.H.S.A., Acting Executive Secretary, Council on Graduate Medical Education, Division of Medicine and Dentistry, Bureau of Health Professions, Room 9A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone (301) 443–6326.

Agenda items are subject to change as priorities dictate.

Dated: March 5, 2001.

James J. Corrigan,

Associate Administrator for Management and Program Support.

[FR Doc. 01–5817 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program: Revised Amount of the Average Cost of a Health Insurance Policy

The Health Resources and Services Administration is publishing an updated monetary amount of the average cost of a health insurance policy as it relates to the National Vaccine Injury Compensation Program (VICP).

Subtitle 2 of Title XXI of the Public Health Service Act, as enacted by the National Childhood Vaccine Injury Act of 1986 and as amended, governs the VICP. The VICP, administered by the Secretary of Health and Human Services (the Secretary), provides that a proceeding for compensation for a vaccine-related injury or death shall be initiated by service upon the Secretary and the filing of a petition with the United States Court of Federal Claims. In some cases, the injured individual may receive compensation for future lost earnings, less appropriate taxes and the "average cost of a health insurance policy, as determined by the Secretary."

Section 100.2 of the VICP's implementing regulations (42 CFR Part 100) provides that the revised amounts of an average cost of a health insurance policy, as determined by the Secretary, are to be published from time to time in a notice in the **Federal Register**. The previously published amount of an average cost of a health insurance policy was $248.61 per month (64 FR 10664, March 5, 1999). This amount was based on data from a survey by the Health Insurance Association of America, updated by a formula using changes in the medical care component of the Consumer Price Index (CPI) (All Urban Consumers, U.S. City Average) for the period January 1, 1999, through September 30, 2000.

The Secretary announces that for the 12-month period, January 1, 1999, through December 31, 1999, the medical care component of the CPI increased 3.7 percent. According to the regulatory formula (§ 100.2), 2 percent is added to the actual CPI change for each year. Therefore, the adjusted CPI change results in an increase of 5.7 percent for this 12-month period. Applied to the baseline amount of $248.93, this results in the amount of $263.12 per month.

The CPI change for the 9-month period, January 1, 2000, through September 30, 2000, was 3.5 percent. According to the regulatory formula, three-quarters of the annual adjustment, or 1.5 percent, is added to the actual CPI change for this 9-month period. Therefore, according to the regulatory formula, the adjusted CPI change results in an increase of 5.0 percent for this 9-month period. Applied to the $263.12 amount, this results in a new amount of $276.28 per month.

Therefore, the Secretary announces that the revised average cost of a health insurance policy under the VICP is $276.28 per month. In accordance with § 100.2, the revised amount was effective upon its delivery by the Secretary to the United States Court of Federal Claims (formerly known as the United States Claim Court). Such notice was delivered to the Court on December 28, 2000.

Dated: March 2, 2001.

Claude Earl Fox,

Administrator.

[FR Doc. 01–5816 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–10]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–0386; NAVY: Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5065; (202) 685–9200; VA: Mr. Anatolij Kushnir, Director, Asset & Enterprise Development Service, Department of Veterans Affairs, 811 Vermont Avenue, NW, Room 419, Lafayette Bldg., Washington, DC 20420; (202) 565–5941; (These are not toll-free numbers).

Dated: March 2, 2001.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

Title V, Federal Surplus Property Program, Federal Register Report for 3/9/01

Suitable/Available Properties

Buildings (by State)

California

Bldg. 301
Naval Support Activity
Monterey Co: CA 93943–
Landholding Agency: Navy
Property Number: 77200020041
Status: Excess
Comment: 18,608 sq. ft., presence of asbestos/lead paint, needs major rehab.

Bldg. 371
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 77200020080
Status: Unutilized
Comment: 29,800 sq. ft., needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 402
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 77200020081
Status: Unutilized
Comment: presence of lead paint, most recent use—storage, off-site use only.

Bldg. 417
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 77200020082
Status: Unutilized
Comment: 110 TR, needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 418
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 77200020083
Status: Unutilized
Comment: 288 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. 426
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 77200020084
Status: Unutilized
Comment: presence of asbestos/lead paint, off-site use only.

Bldg. 434
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 77200020085
Status: Unutilized

Comment: 11,440 sq. ft., needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 210
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020086
Status: Unutilized
Comment: 17,708 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—police station, off-site use only.

Bldg. 541
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020087
Status: Unutilized
Comment: 3857 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—lab, off-site use only.

Bldg. 804
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020088
Status: Unutilized
Comment: 3119 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 805
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020089
Status: Unutilized
Comment: 3732 sq ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 806
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020090
Status: Unutilized
Comment: 3110 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 807
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020091
Status: Unutilized
Comment: 3110 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. 23027, 23025
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Landholding Agency: Navy
Property Number: 77200040023
Status: Unutilized
Comment: 400 sq. ft., metal siding, most recent use—loading facility, off-site use only.

Bldg. 12174
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110048
Status: Excess
Comment: 480 sq. ft., most recent use—change house, off-site use only.

Bldg. 16007
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110049
Status: Excess
Comment: 300 sq. ft., most recent use—firing station, off-site use only.

Bldg. 16009
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110050
Status: Excess
Comment: most recent use—camera station, off-site use only.

Bldg. 16025
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110051
Status: Excess
Comment: 4220 sq. ft., most recent use—offices, off-site use only.

Bldg. 16052
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110052
Status: Excess
Comment: 560 sq. ft., most recent use—storage, off-site use only.

Bldg. 31497
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110053
Status: Excess
Comment: most recent use—fragmentation pool, off-site use only.

Bldg. 31501
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110054
Status: Excess
Comment: 3666 sq. ft., most recent use—lab, off-site use only.

Bldg. 31520
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110055
Status: Excess
Comment: 693 sq. ft., most recent use—storage, off-site use only.

Bldg. 31522
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110056
Status: Excess
Comment: 144 sq. ft., most recent use—equip. bldg., off-site use only.

Bldg. 31584
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110057
Status: Excess
Comment: 113 sq. ft., most recent use—storage, off-site use only.

Bldg. 31585
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110058
Status: Excess
Comment: most recent use—testing tower, off-site use only.

Bldg. 31587
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110059
Status: Excess
Comment: most recent use—obsv. tower, off-site use only.

Bldg. 32527
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110060
Status: Excess
Comment: most recent use—equip. shelter, off-site use only.

Bldg. 32528
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110061
Status: Excess
Comment: 192 sq. ft., most recent use—control station, off-site use only.

Bldg. 32529
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110062
Status: Excess
Comment: 300 sq. ft., most recent use—control bldg., off-site use only.

Bldg. 32574
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110063
Status: Excess
Comment: most recent use—hazmat pad, off-site use only.

Bldg. 32575
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110064
Status: Excess
Comment: most recent use—hazmat pad, off-site use only.

Bldg. 7
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110074
Status: Unutilized
Comment: 47,442 sq. ft., needs rehab, presence of lead paint, most recent use—warehouse, off-site use only.

Bldg. 117
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110075
Status: Unutilized
Comment: 17,682 sq. ft., needs rehab, most recent use—machine shop, off-site use only.

Bldg. 149
Naval Station

San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110076
Status: Unutilized
Comment: 1617 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 245
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110077
Status: Unutilized
Comment: 1200 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—valve shop, off-site use only.

Bldg. 3123
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110078
Status: Unutilized
Comment: 3360 sq. ft., needs rehab, presence of asbestos, most recent use—cafeteria, off-site use only.

Bldg. 3327
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110079
Status: Unutilized
Comment: 240 sq. ft., needs rehab, presence of lead paint, most recent use—flame spray, off-site use only.

Bldg. 3442
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110080
Status: Unutilized
Comment: 1080 sq. ft., needs rehab, most recent use—picnic canopy, off-site use only.

Bldg. 3482
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110081
Status: Unutilized
Comment: 280 sq. ft., needs rehab, off-site use only.

Connecticut

Bldgs. 31, 78, 91
Naval Submarine Base
New London
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77200030055
Status: Unutilized
Comment: total sq. ft. = 41,809, presence of asbestos, most recent use—storage/training/repair, off-site use only.

Bldg. 406
Naval Submarine Base
New London
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77200030056
Status: Unutilized
Comment: 13,546 sq. ft., needs rehab, presence of asbestos, most recent use—shop, off-site use only.

Bldg. 392
Naval Sub Base New London
Groton Co: CT 06349–
Landholding Agency: Navy
Property Number: 77200030065
Status: Unutilized
Comment: 996 sq. ft., needs repair, possible asbestos/lead paint, most recent use—storage, off-site use only.

Hawaii

Bldg. S87, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 77199240011
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 64, Radio Trans Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 77199310004
Status: Unutilized
Comment: 3612 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only.

Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199630088
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only.

Bldg. S180
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640039
Status: Unutilized
Comment: 3412 sq. ft., 2-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible.

Bldg. S181
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640040
Status: Unutilized
Comment: 4258 sq. ft., 1-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible.

Bldg. 219
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640041
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible.

Bldg. 220
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible.

Bldg. 160
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199840002
Status: Excess
Comment: 6070 sq. ft., needs rehab, presence of lead paint, most recent use—storage/office, off-site use only.

Illinois

Milo Comm. Tower Site
350 N. Rt. 8
Milo Co: Bureau IL 56142–
Landholding Agency: GSA
Property Number: 54200020018
Status: Excess
Comment: 120 sq. ft. cinder block bldg.
GSA Number: 1–D–IL–795.

LaSalle Comm. Tower Site
1600 NE 8th St.
Richland Co: LaSalle IL 61370–
Landholding Agency: GSA
Property Number: 54200020019
Status: Excess
Comment: 120 sq. ft. cinder block bldg. and a 300' tower GSA Number: 1–D–IL–724.

Army Reserve Center
PVT Perry F. Modrow
5020 State Street
E. St. Louis Co: St. Clair IL 62205–1398
Landholding Agency: GSA
Property Number: 54200030001
Status: Excess
Comment: 16,300 sq. ft. training center & 2656 sq. ft. garage, presence of lead paint
GSA Number: 1–D–IL–726.

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places.

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house.

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810003

Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810005
Status: Unutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Maine

Bldg. 4
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930005
Status: Excess
Comment: 16,644 sq. ft., presence of asbestos/lead paint, most recent use—headquarters building, off-site use only.

Bldg. 8
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930006
Status: Excess
Comment: 7413 sq. ft., presence of asbestos/lead paint, most recent use—public works building, off-site use only.

Bldg. 12
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930007
Status: Excess
Comment: 25,354 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 41
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930008
Status: Excess
Comment: 10,526 sq. ft., presence of asbestos/lead paint, most recent use—security building, off-site use only.

Maryland

Bldg. 139
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Landholding Agency: Navy
Property Number: 77200010032
Status: Unutilized
Comment: 4950 sq. ft., possible asbestos/lead paint, most recent use—wind tunnel, off-site use only.

Minnesota

GAP Filler Radar Site
St. Paul Co: Rice MN 55101–
Landholding Agency: GSA
Property Number: 54199910009
Status: Excess
Comment: 1266 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—storage, zoning requirements.
GSA Number: 1–GR(1)–MN–475.

Missouri

Hardesty Federal Complex
607 Hardesty Avenue
Kansas City Co: Jackson MO 64124–3032
Landholding Agency: GSA
Property Number: 54199940001
Status: Excess
Comment: 7 warehouses and support buildings (540 to 216,000 sq. ft.) on 17.47 acres, major rehab, most recent use—storage/office, utilities easement.
GSA Number: 7–G–MO–637.

Natl Weather Svc Ofc
4100 Mexico Road
St. Peters Co: St. Charles MO 00000–
Landholding Agency: GSA
Property Number: 54200020015
Status: Excess
Comment: 4774 sq. ft., presence of asbestos, good condition, most recent use—office.
GSA Number: 7–C–MO–641.

New Hampshire

Bldg. 128
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830015
Status: Excess
Comment: 10,900 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 185
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830016
Status: Excess
Comment: 2310 sq. ft., needs rehab, presence of asbestos, most recent use—office, off-site use only.

Bldg. 314
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830017
Status: Excess
Comment: cement block bldg., needs rehab, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 336
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830018
Status: Excess
Comment: metal bldg w/cement block foundation, off-site use only.

Bldg. 160
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199910046
Status: Unutilized
Comment: 6080 sq. ft., possible asbestos, most recent use—storage, off-site use only.

Bldg. 179
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200020099
Status: Excess
Comment: 1452 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—quarters, off-site use only.

Bldg. 201
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200020100
Status: Excess
Comment: 450 sq. ft., presence of asbestos/lead paint, off-site use only.

Bldg. 304
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200020101
Status: Excess
Comment: 1320 sq. ft., presence of asbestos/lead paint, most recent use—garb. house, off-site use only.

Bldg. 10
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200030018
Status: Excess
Comment: 12,000 sq. ft., presence of asbestos/lead paint, most recent use—shop facility, off-site use only.

Bldg. 239
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200030019
Status: Excess
Comment: 897 sq. ft., presence of asbestos/lead paint, off-site use only.

New Jersey

Old Bridge Housing
Route 9
Old Bridge Co: NJ 06857–
Landholding Agency: GSA
Property Number: 54199940010
Status: Excess
Comment: 12 three bedroom housing units, no long-term wastewater treatment system for property, presence of asbestos/lead paint, needs repair
GSA Number: 0–0–NJ–000.

Holmdel Housing Site
Telegraph Hill Road
Holmdel Co: Monmouth NJ 07733–
Landholding Agency: GSA
Property Number: 54200040005
Status: Excess
Comment: 12 housing units on 5.59 acres, 1196 sq. ft. each, extreme disrepair
GSA Number: 1–N–NJ–622.

Bldg. D1–A
Naval Weapons Station
Colts Neck Co: NJ 07722–
Landholding Agency: Navy
Property Number: 77199940024
Status: Unutilized
Comment: 1134 sq. ft., presence of lead paint, most recent use—smokehouse/lunchroom, off-site use only.

Bldg. HA–1A
Naval Weapons Station
Colts Neck Co: NJ 07722–
Landholding Agency: Navy
Property Number: 77199940025
Status: Unutilized
Comment: 120 sq. ft., most recent use—storage, off-site use only.
Bldg. C–16
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010014
Status: Unutilized
Comment: 34,811 sq. ft., presence of asbestos/lead paint, off-site use only.
Bldg. C–25
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010015
Status: Unutilized
Comment: 4,448 sq. ft., presence of asbestos/lead paint, off-site use only.
Bldg. C–40
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010016
Status: Unutilized
Comment: 6,924 sq. ft., presence of asbestos/lead paint, off-site use only.
Bldg. 511
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010017
Status: Unutilized
Comment: 1,871 sq. ft., presence of asbestos/lead paint, off-site use only.
Bldgs. 553, 554, 555
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010018
Status: Unutilized
Comment: guard towers, off-site use only.
Bldg. 557
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010019
Status: Unutilized
Comment: 9,670 sq. ft., presence of asbestos/lead paint, off-site use only.

New York

"Terry Hill"
County Road 51
Manorville NY
Landholding Agency: GSA
Property Number: 54199830008
Status: Surplus
Comment: 2 block structures, 780/272 sq. ft., no sanitary facilities, most recent use—storage/comm. facility, w/6.19 acres in fee and 4.99 acre easement, remote area
GSA Number: 1–D–NY–864.
Binghampton Depot
Nolans Road
Binghampton Co: NY 00000–
Landholding Agency: GSA
Property Number: 54199910015
Status: Excess
Comment: 45,977 sq. ft., needs repair, presence of asbestos, most recent use—office
GSA Number: 1–G–NY–760A.
Naval Reserve Center
Frankfort Co: Herkimer NY
Landholding Agency: GSA
Property Number: 54200040006
Status: Excess
Comment: 23,800 sq. ft., brick, good condition, most recent use—training center
GSA Number: 1–D–NY–874.

Pennsylvania

Uniontown Fed. Bldg.
34 West Peter Street
Uniontown Co: Fayette PA 15401–3336
Landholding Agency: GSA
Property Number: 54200110009
Status: Excess
Comment: 24,031 sq. ft., office space, possible lead paint/asbestos, historic property
GSA Number: 4–G–PA–789.
Bldg. 38
Naval Support Activity
Philadelphia Co: PA 19111–5098
Landholding Agency: Navy
Property Number: 77200010020
Status: Unutilized
Comment: 6525 sq. ft., metal butler bldg., needs rehab, presence of asbestos/lead paint, off-site use only.
Bldg. 5
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030071
Status: Unutilized
Comment: 286,824 sq. ft., needs rehab, presence of asbestos, most recent use—warehouse, off-site use only.
Bldg. 47
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030072
Status: Unutilized
Comment: 16,343 sq. ft., presence of asbestos, most recent use—office, off-site use only.
Bldg. 55
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030073
Status: Unutilized
Comment: 5603 sq. ft., needs repair, presence of asbestos, most recent use—store, off-site use only.
Bldg. 531
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030074
Status: Unutilized
Comment: 5102 sq ft., presence of asbestos, most recent use—office, off-site use only.
Bldg. 996
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030075
Status: Unutilized
Comment: 1800 sq. ft., presence of asbestos, most recent use—storage, off-site use only.
Bldg. 25—VA Medical Center
Delafield Road
Pittsburgh Co: Allegheny PA 15215–
Landholding Agency: VA
Property Number: 97199210001
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab.
Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 97199230012
Status: Underutilized
Comment: portion of bldg. (4046 sq. ft.), most recent use—storage, second floor—lacks elevator access.

Rhode Island

Bldg. 1
Old Naval Hospital
One Riggs Road
Newport Co: RI 02841–
Landholding Agency: Navy
Property Number: 77200010022
Status: Unutilized
Comment: 49,189 sq. ft., presence of asbestos/lead paint, needs major repair, NEPA requirements, boiler plant which provides heat and hot water to bldg. will be shut down.
Bldg. K–61
Naval Station
Newport Co: RI 02841–
Landholding Agency: Navy
Property Number: 77200030079
Status: Unutilized
Comment: 32,836 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.
Bldg. 685
Naval Station
Middletown Co: Newport RI 02842–
Landholding Agency: Navy
Property Number: 77200030080
Status: Unutilized
Comment: 25,090 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—navy lodge, off-site use only.

Virginia

Bldg. CEP–6
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200030063
Status: Excess
Comment: 1056 sq. ft., most recent use—storage, off-site use only.
Bldg. CEP–210
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200030064
Status: Excess
Comment: 2346 sq. ft., off-site use only.

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized

Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

Arkansas

7 acres
Army Reserve
Installation 05572
West Memphis Co: Crittenden AR 72301–
Landholding Agency: GSA
Property Number: 54200040003
Status: Surplus
Comment: 7 acres, subject to existing easements
GSA Number: 7–D–AR–0557

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area.

Idaho

25' x 100' Site
1520 N St. & 2290 E St.
Rogerson Co: Twin Falls ID 00000–
Landholding Agency: GSA
Property Number: 54200010007
Status: Unutilized
Comment: lot too small to meet minimum size for residence, zoning/agriculture, no sewer service
GSA Number: 9–A–ID–545.

Iowa

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740002
Status: Unutilized
Comment: golf course, easement requirements.

Maryland

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052–
Landholding Agency: VA
Property Number: 97199010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Nebraska

0.34 acres
Offutt AFB
adjacent to 36th St.
Bellevue Co: Sarpy NE 68113–
Landholding Agency: GSA
Property Number: 54200040002
Status: Surplus
Comment: 0.34 acres, subject to existing easements
GSA Number: 7–D–NE–0527.

Ohio

Jersey Tower Site
Tract No. 100 & 100E
Jersey Co: Licking OH 00000–
Landholding Agency: GSA
Property Number: 54199910013
Status: Surplus
Comment: 4.24 acres, subject to preservation of wetlands
GSA Number: 1–W–OH–813.
Licking County Tower Site
Summit & Haven Corner Rds.
Pataskala Co: Licking OH 43062–
Landholding Agency: GSA
Property Number: 54200020021
Status: Excess
Comment: Parcel 100 = 3.67 acres, Parcel 100E = 0.57 acres
GSA Number: 1–W–OH–813.

Pennsylvania

Gwen Site #868
Bonneauville
Smith Road
Gettysburg Co: Adams PA
Landholding Agency: GSA
Property Number: 54200040007
Status: Surplus
Comment: 13.85 acres, most recent use—to support communication
GSA Number: 4–D–PA–0788.

Texas

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Virginia

Land
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200040034
Status: Unutilized
Comment: 4900 sq. ft. open space.

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Wyoming

Flying J
Shoshone Project
Park Co: WY 82414–
Landholding Agency: GSA
Property Number: 54200020022
Status: Excess
Comment: approx. 46.35 acres, no utilities, most recent use—oil refinery.
GSA Number: 7–1–WY–0530A.

Suitable/Unavailable Properties

Buildings (by State)

Alabama

Residence 1223
204 Akin Drive
Tuskegee Co: Macon AL 36083–
Landholding Agency: GSA
Property Number: 54200020023
Status: Excess
Comment: 1375 sq. ft., brick veneer, most recent use—residential.
GSA Number: 4–A–AL–768.

California

112 Bldgs.—Skaggs Island
Naval Security Group
Skaggs Island Co: Sonoma CA
Landholding Agency: GSA
Property Number: 54199730001
Status: Excess
Comment: 32–13,374 sq. ft., temp. quonset huts to perm. wood/concrete most recent use—housing, admin., support facilities, remote location, below sea level, high maintenance.
GSA Number: 9–N–CA–1488.
Marine Culture Laboratory
Granite Canyon
34500 Coast Highway
Monterey CA 93940–
Landholding Agency: GSA
Property Number: 54199830011
Status: Surplus
Comment: 3297 sq. ft. office bldg. & lab on 4.553 acres, envir. clean–up plans scheduled.
GSA Number: 9–C–CA–1499.
Natl Weather Svc Station
Blue Canyon Airport
Emigrant Gap CA 95715–
Landholding Agency: GSA
Property Number: 54199840007
Status: Surplus
Comment: 3140 sq. ft., presence of asbestos, most recent use—ofc/ residential/storage, land agreements w/U.S. Forest Service exist, special use permit.
GSA Number: 9–C–CA–1521.
Naval & Marine Corps Readiness
1700 Stadium Way
Los Angeles Co: Los Angeles CA 90012–
Landholding Agency: GSA
Property Number: 54199910005
Status: Excess
Comment: 133,484 sq. ft., suffered seismic damage, presence of asbestos/lead paint, historic convenants, 45% of property will revert to City.
GSA Number: 9–N–CA–1523.
Eureka Federal Building
5th & H Streets
Eureka Co: CA 95501–
Landholding Agency: GSA
Property Number: 54199930024
Status: Surplus
Comment: 23,959 gross sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—post office/office, listed on the National Register of Historic Places.
GSA Number: 9–G–CA–1529.

Georgia

Federal Building

109 N. Main Street
Lafayette Co: Walker GA 30728–
Landholding Agency: GSA
Property Number: 54199910014
Status: Excess
Comment: approx. 4761 sq. ft., does not meet ADA requirements for accessibility, easements/reservations restrictions, historic protective covenants.
GSA Number: 4–G–GA–858.

Illinois

Radar Communication Link
1/2 mi east of 116th St.
Co: Will IL
Landholding Agency: GSA
Property Number: 54199820013
Status: Excess
Comment: 297 sq. ft. concrete block bldg. with radar tower antenna, possible lead based paint, most recent use—air traffic control.
GSA Number: 2–U–IL–696.

Army Reserve Center
1881 East Fremont Street
Galesburg Co: Knox IL 61401–
Landholding Agency: GSA
Property Number: 54199940008
Status: Excess
Comment: 2 brick buildings (6117 & 1325 sq. ft.), utilities turned off, need repairs, most recent use—storage.
GSA Number: 1–D–IL–720.

Indiana

Bldg. 24, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230005
Status: Underutilized
Comment: 4135 sq. ft. 2-story wood structure, needs minor rehab, no sanitary or heating facilities, presence of asbestos, Natl Register of Historic Places.

Bldg. 122
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810006
Status: Unutilized
Comment: 37,135 sq. ft., presence of asbestos, most recent use—former dietetics bldg., National Register of Historic Places.

Maryland

Washington Court Apartments
Maryland Rt. 755
Edgewood Co: Harford MD 21040–
Landholding Agency: GSA
Property Number: 54199940005
Status: Excess
Comment: 55 bldgs. housing 276 apartments, (2 to 4 bedrooms), need repairs, presence of lead based paint, property published in error as available on 2/11/00.
GSA Number: 4–D–MD–559.

De LaSalle Bldg.
4900 LaSalle Road
Avondale Co: Prince George MD 20782–
Landholding Agency: GSA
Property Number: 54200020007
Status: Excess
Comment: 130,000 sq. ft., multi-story on 17.79 acres, extensive rehab required, presence of asbestos/lead paint/pigeon infestation, subj. to easements, eligible for Natl Register.
GSA Number: 4–G–MD–565A.

Cheltenham Naval Comm. Dtchmt.
9190 Commo Rd., AKA 7700 Redman Rd.
Clinton Co: Prince George MD 20397–5520
Landholding Agency: GSA
Property Number: 77199330010
Status: Excess
Comment: 32 bldgs., various sq. ft., most recent use—admin/comm, & 39 family housing units on 230.35 acres, presence of lead paint/asbestos, 20.09 acres leased to County w/improvements; GSA Number : 4–N–MD–544A.

Michigan

Detroit Job Corps Center
10401 E. Jefferson & 1438 Garland; 1265 St. Clair
Detroit Co: Wayne MI 42128–
Landholding Agency: GSA
Property Number: 54199510002
Status: Surplus
Comment: Main bldg. is 80,590 sq. ft., 5-story, adjacent parking lot, 2nd bldg. on St. Clair Ave. is 5140 sq. ft., presence of asbestos in main bldg., to be vacated 8/97; GSA Number : 2–L–MI–757.

Parcel 1
Old Lifeboat Station
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 54199730011
Status: Excess
Comment: 2062 sq. ft. station bldg., garage, boathouse, oilhouse, possible asbestos/lead paint, eligible for listing on National Register of Historic Places; GSA Number: 1–UU–MI–500.

Minnesota

MG Clement Trott Mem. USARC
Walker Co: Cass MN 56484–
Landholding Agency: GSA
Property Number: 54199930003
Status: Excess
Comment: 4320 sq. ft. training center and 1316 sq. ft. vehicle maintenance shop, presence of environmental conditions; GSA Number: 1–D–MN–575.

Mississippi

Federal Building
236 Sharkey Street
Clarksdale Co: Coahoma MS 38614–
Landholding Agency: GSA
Property Number: 54199910004
Status: Excess
Comment: 15,233 sq. ft., courthouse; GSA Number: 4–G–MS–553.

Montana

VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301–
Landholding Agency: VA
Property Number: 97200030001
Status: Underutilized
Comment: 18 buildings, total sq. ft. = 123,851, presence of asbestos, most recent use—clinic/office/food production.

North Carolina

Tarheel Army Missile Plant
Burlington Co: Alamance NC 27215–
Landholding Agency: GSA
Property Number: 54199820002
Status: Excess
Comment: 31 bldgs., presence of asbestos, most recent use—admin., warehouse, production space and 10.04 acres parking area, contamination at site—environmental clean up in process; GSA Number : 4–D–NC–593.

Vehicle Maint. Facility
310 New Bern Ave.
Raleigh Co: Wake NC 27601–
Landholding Agency: GSA
Property Number: 54200020012
Status: Excess
Comment: 10,455 sq. ft., most recent use—maintenance garage; GSA Number: NC076AB.

Goldsboro Federal Bldg.
134 North John Street
Goldsboro Co: Wayne NC 27530–
Landholding Agency: GSA
Property Number: 54200020016
Status: Excess
Comment: 24,492 sq. ft., presence of asbestos/lead paint.
GSA Number: 4–G–NC–736.

Ohio

Zanesville Federal Building
65 North Fifth Street
Zanesville Co: Muskingum OH
Landholding Agency GSA
Property Number: 54199520018
Status: Excess
Comment: 18750 sq. ft., most recent use—office, possible asbestos, eligible for listing on the Natl Register of Historic Places.
GSA Number: 2–G–OH–781A.

Oklahoma

Fed. Bldg./Courthouse
N. Washington & Broadway Streets
Ardmore Co: Carter OK 73402–
Landholding Agency: GSA
Property Number: 54199820009
Status: Excess
Comment: 4000 sq. ft. bldg. w/parking, 3 story plus basement, most recent use—office, subject to historic preservation covenants.
GSA Number: 7–G–TX–559.

Puerto Rico

Bldgs. 501 & 502
U.S. Naval Radio Transmitter Facility
State Road No. 2
Juana Diaz PR 00795–
Landholding Agency: Navy
Property Number: 77199530007
Status: Underutilized
Comment: Reinforced concrete structures, limited access, needs rehab, most recent use—transmitter and power house.

Tennessee

3 Facilities, Guard Posts
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930011
Status: Surplus
Comment: 48–64 sq. ft., most recent use—access control, property was published in error as available on 2/11/00.
GSA Number: 4–D–TN–594F

4 Bldgs.
Volunteer Army Ammunition Plant

Railroad System Facilities
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930012
Status: Surplus
Comment: 144–2,420 sq. ft., most recent use—storage/rail weighing facilities/dock, potential use restrictions, property was published in error as available on 2/11/00.
GSA Number: 4–D–TN–594F.

200 bunkers
Volunteer Army Ammunition Plant
Storage Magazines
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930014
Status: Surplus
Comment: approx. 200 concrete bunkers covering a land area of approx. 4000 acres, most recent use—storage/buffer area, potential use restrictions, property was published in error as available on 2/11/00.
GSA Number: 4–D–TN–594F.

Bldg. 232
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930020
Status: Surplus
Comment: 10,000 sq. ft., most recent use—office, presence of asbestos, approx. 5 acres associated w/bldg., potential use restrictions, property was published in error as available on 2/11/00.
GSA Number: 4–D–TN–594F.

2 Laboratories
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930021
Status: Surplus
Comment: 2000–12,000 sq. ft., potential use/lease restrictions, property was published in error as available on 2/11/00; GSA Number: 4–D–TN–594F.

3 Facilities
Volunteer Army Ammunition Plant
Water Distribution Facilities
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930022
Status: Surplus
Comment: 256–15,204 sq. ft., 35.86 acres associated w/bldgs., most recent use—water distribution system, potential use/lease restrictions, property was published in error as available on 2/11/00; GSA Number: 4–D–TN–594F.

Naval Hospital
5720 Integrity Drive
Millington Co: Shelby TN 38054–
Location: Bldgs. 98, 100, 103, 105, 111, 114, 116, 117, 118
Landholding Agency: GSA
Property Number: 54200020005
Status: Excess
Comment: 9 bldgs., various sq. ft., need major rehab; GSA Number: 4–N–TN–648.

Virginia

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Landholding Agency: Navy
Property Number: 77199010109
Status: Unutilized
Comment: 3665 sq ft., 1 story, possible asbestos, most recent use-laundry.

West Virginia

Moundsville Federal Bldg.
7th Street
Moundsville Co: Marshall WV 26041–
Landholding Agency: GSA
Property Number: 54200020024
Status: Excess
Comment: 9674 sq. ft., good condition, presence of asbestos, most recent use—office space; GSA Number: 4–G–WV–535.

Old Post Office
Maple & King Streets
Martinsburg Co: Berkeley WV 25401–
Landholding Agency: GSA
Property Number: 54200030004
Status: Excess
Comment: 22,845 sq. ft., presence of asbestos/lead paint, most recent use—office/storage, included on the Natl Register of Historic Places; GSA Number: 4–G–WV–537.

Former Army Rsv Ctr
201 Kanawha Avenue
Rainelle Co: WV 25962–1107
Landholding Agency: GSA
Property Number: 54200030006
Status: Excess
Comment: needs repair, possible asbestos/lead paint; GSA Number: 4–D–WV–536.

Wisconsin

Wausau Federal Building
317 First Street
Wausau Co: Marathon WI 54401–
Landholding Agency: GSA
Property Number: 54199820016
Status: Excess
Comment: 30,500 sq. ft., presence of asbestos, eligible for listing on the Natl Register of Historic Places, most recent use—office
GSA Number: 1–G–WI–593.

Army Reserve Center
401 Fifth Street
Kewaunee Co: WI 54216–1838
Landholding Agency: GSA
Property Number: 54199940004
Status: Excess
Comment: 2 admin. bldgs. (15,593 sq. ft.), 1 garage (1325 sq. ft.), need repairs, property was published in error as available on 2/11/00; GSA Number: 1–D–WI–597.

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295–
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comment: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage.

Land (by State)

Arizona

0.322 acres
Madison Street Property
Yuma Co: AZ 00000–
Landholding Agency: GSA
Property Number: 54200020025
Status: Excess
Comment: 14,026 sq. ft., irregular in shape, most recent use—former railroad right-of-way.
GSA Number: 9–I–AZ–814.

Iowa

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comment: golf course.

Maryland

12.52 acres
Casson Neck
Cambridge Co: Dorchester MD 00000–
Landholding Agency: GSA
Property Number: 54200020020
Status: Excess
Comment: 12.52 acres, possible restrictions due to wetlands.
GSA Number: 4–U–MD–600A.

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities.

Mississippi

Proposed Site
Army Reserve Center
Waynesboro Co: Wayne MS 39367–
Landholding Agency: GSA
Property Number: 54200010005
Status: Excess
Comment: 7.60 acres, most recent use—pine plantation, periodic flooding, possible wetlands on 30–40% of property.
GSA Number: 4–D–MS–0555.

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 97199010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased.

North Carolina

6.45 acres
Portion of McKinney Lake Fish Hatchery
Millstone Church Road
Hoffman Co: Richmond NC 28347–
Landholding Agency: GSA
Property Number: 54200020011
Status: Excess
Comment: 6.45 acres, most recent use—outdoor horticulture classes.
GSA Number: 4–GR–NC–570.

Pennsylvania

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized

Comment: Approx. 9.29 acres, used for patient recreation, potential utilities.
Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets.
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Comment: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls.
Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comment: 34.16 acres, open field, most recent use—recreation/buffer.

Puerto Rico

La Hueca—Naval Station
Roosevelt Roads
Vieques PR 00765–
Landholding Agency: GSA
Property Number: 54199420006
Status: Excess
Comment: 323 acres, cultural site.
Bahia Rear Range Light
Ocean Drive
Catano Co: PR 00632–
Landholding Agency: GSA
Property Number: 54199940003
Status: Excess
Comment: 0.167 w/skeletal tower, fenced, aid to navigation.
GSA Number: 1–T–PR–508.

Tennessee

1500 acres
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930015
Status: Surplus
Comment: scattered throughout facility, most recent use—buffer area, steep topography, potential use restrictions, property was published in error as available on 2/11/00.
GSA Number: 4–D–TN–594F.
44 acres
VA Medical Center
3400 Lebanon Rd.
Murfreesboro Co: Rutherford TN 37129–
Landholding Agency: VA
Property Number: 97199740003
Status: Underutilized
Comment: intermittent use, partially landlocked, flooding.

Virginia

Naval Base
Norfolk Co: Norfolk VA 23508–
Location: Northeast corner of base, near Willoughby housing area.
Landholding Agency: Navy
Property Number: 77199010156
Status: Unutilized
Comment: 60 acres; most recent use—sandpit; secured area with alternate access.
Land—CD area
Naval Base Norfolk
Norfolk VA 23511–2797
Landholding Agency: Navy
Property Number: 77199830022
Status: Unutilized
Comment: 2 acres, open space.

Suitable/To Be Excessed

Buildings (by State)

Puerto Rico

Bldg. 561
Former Ramey AFB
Aguadilla PR 00604–
Landholding Agency: Navy
Property Number: 77199630001
Status: Unutilized
Comment: 102666 sq. ft. bldg. on 5.006 acres, most recent use—manufacturing, office and freight distribution center, presence of asbestos.

Unsuitable Properties

Buildings (by State)

Alabama

Sand Island Light House
Gulf of Mexico
Mobile AL
Landholding Agency: GSA
Property Number: 54199610001
Status: Excess
Reason: Inaccessible.
GSA Number: 4–U–AL–763.
Mobile Point Light
Gulf Shores Co: Baldwin AL 36542–
Landholding Agency: GSA
Property Number: 54199940011
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 4–U–AL–767.
Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reason: Secured Area.
Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reason: Secured Area.

Arizona

Portion
Colorado River Basin
Salinity Project
Yuma Co: AZ 00000–
Landholding Agency: GSA
Property Number: 54200030005
Status: Surplus
Reason: Secured Area.
GSA Number: 9–I–AZ–810.
Bldg. 958
Marine Corps Air Station
Yuma Co: AZ 85369–
Landholding Agency: Navy
Property Number: 77200040001
Status: Excess
Reason: Extensive deterioration.
Bldg. 1216
Marine Corps Air Station
Yuma Co: AZ 85369–
Landholding Agency: Navy
Property Number: 77200040002
Status: Excess
Reason: Extensive deterioration.
Bldg. 676
Marine Corps Air Station
Yuma Co: AZ 85369-
Landholding Agency: Navy
Property Number: 77200040003
Status: Excess
Reason: Extensive deterioration.

California

Old SF Mint
88 5th Street
San Francisco Co: CA 94103–
Landholding Agency: GSA
Property Number: 54199910017
Status: Excess
Reason: Extensive deterioration.
GSA Number: 9–G–CA–1531.
Bldg. 210
Naval Station, San Diego
San Diego CA 92136–
Landholding Agency: Navy
Property Number: 77199830001
Status: Excess
Reason: Extensive deterioration.
Bldg. 444
Naval Station
San Diego CA 92136–5294
Landholding Agency: Navy
Property Number: 77199830122
Status: Excess
Reason: Extensive deterioration.
Bldg. 209
Naval Station, San Diego
San Diego CA 92136–5065
Landholding Agency: Navy
Property Number: 77199840001
Status: Excess
Reason: Extensive deterioration.
Bldgs. 20106, 20195
Naval Air Weapons Station
China Lake Co: CA 93555–
Landholding Agency: Navy
Property Number: 77199930001
Status: Excess
Reasons: Secured Area; Extensive deterioration.
Bldgs. 40, 62
Naval Air Station, North Island
Imperial Beach Co: CA 91932–
Landholding Agency: Navy
Property Number: 77199930024
Status: Excess
Reason: Extensive deterioration.
Bldg. 5UT4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930081
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5US4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930082
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 127
Marine Corps Recruit Depot
San Diego Co: CA 92140–

Landholding Agency: Navy
Property Number: 77199930083
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5A6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930084
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5A7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930085
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5A8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930086
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5A9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930087
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5B6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930088
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5B7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930089
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5B8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930090
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5B9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930091
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5C6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930092
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5C7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930093
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5C8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930094
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5C9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930095
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5D1
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930096
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5D2
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930097
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5D3
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930098
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5D4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930099
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 5D5
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930100
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 206
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930105
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 432
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930106
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 433
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930107
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 435
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930108
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 456
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930109
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 921
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930110
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 201
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940002
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 205
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940003
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 227
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940004
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 230
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940005
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 232
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940006
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 337
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940007
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 338
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940008
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 339
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940009
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 349

Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940010
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 362
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940011
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 363
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940012
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 410
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940013
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 438
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940014
Status: Unutilized
Reason: Extensive deterioration.
Bldg. Q100
Naval Amphibious Base
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940067
Status: Excess
Reason: Extensive deterioration.
Bldg. Q102
Naval Amphibious Base
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940068
Status: Excess
Reason: Extensive deterioration.
Bldg. 106
Naval Amphibious Base
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940069
Status: Excess
Reason: Extensive deterioration.
Bldg. 111
Naval Amphibious Base
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940070
Status: Excess
Reason: Extensive deterioration.
Bldg. 112
Naval Amphibious Base
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940071
Status: Excess
Reason: Extensive deterioration.
Bldg. 613
NAS, North Island
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940072
Status: Excess
Reason: Extensive deterioration.
Bldg. 55
Naval Amphibious Base
Imperial Beach Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940073
Status: Excess
Reason: Extensive deterioration.
Bldg. 154
Naval Air Station
North Island Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200010037
Status: Excess
Reason: Extensive deterioration.
OT68
Space & Navy Warfare
Systems Center
San Diego Co: CA 92152–5001
Landholding Agency: Navy
Property Number: 77200010076
Status: Unutilized
Reason: Floodway
Bldg. 1234
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010077
Status: Excess
Reason: Extensive deterioration.
Bldg. 1439
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010078
Status: Excess
Reason: Extensive deterioration.
Bldg. 1443
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010079
Status: Excess
Reason: Extensive deterioration.
Bldg. 2231
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010080
Status: Excess
Reason: Extensive deterioration.
Bldg. 2232
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010081
Status: Excess
Reason: Extensive deterioration.
Bldg. 2582
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010082
Status: Excess
Reason: Extensive deterioration.
Bldg. 2583
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010083
Status: Excess
Reason: Extensive deterioration.
Bldg. 21544
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010084
Status: Excess
Reason: Extensive deterioration.
Bldg. 21549
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010085
Status: Excess
Reason: Extensive deterioration.
Bldg. 25131
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010086
Status: Excess
Reason: Extensive deterioration.
Bldg. 32927
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010087
Status: Excess
Reason: Extensive deterioration.
Bldg. 130167
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010088
Status: Excess
Reason: Extensive deterioration.
Bldg. 130175
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010089
Status: Excess
Reason: Extensive deterioration.
Bldg. 201076
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010090
Status: Excess
Reason: Extensive deterioration.
Bldg. 201487
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010091
Status: Excess
Reason: Extensive deterioration.
Bldg. 1684
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010092
Status: Excess
Reason: Extensive deterioration.
Bldg. 16146
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010093
Status: Excess
Reason: Extensive deterioration.
Bldg. 43332
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010094
Status: Excess
Reason: Extensive deterioration.
Bldg. 43333
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010095
Status: Excess
Reason: Extensive deterioration.
Bldg. 43334
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010096
Status: Excess
Reason: Extensive deterioration.
Bldg. 43335
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010097
Status: Excess
Reason: Extensive deterioration.
Bldg. 43336
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010098
Status: Excess
Reason: Extensive deterioration.
Bldg. 43337
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010099
Status: Excess
Reason: Extensive deterioration.
Bldg. 52651
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010100
Status: Excess
Reason: Extensive deterioration.
Bldg. 17A
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311
Landholding Agency: Navy
Property Number: 77200020001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 62327
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020024
Status: Excess
Reason: Extensive deterioration.
Bldg. 3314
Marine Corps Air Station
Miramar Co: CA 92145–
Landholding Agency: Navy
Property Number: 77200020025
Status: Excess
Reason: Extensive deterioration.
Bldgs. 5157, 5158
Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200020045
Status: Unutilized
Reason: Secured Area.
Facility 13181
Camp Pendleton
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020046
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Facility 14220
Camp Pendleton
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020047
Status: Unutilized
Reasons: Secured Area Extensive deterioration.
Facility 24151
Camp Pendleton
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020048
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.
Bldg. 22074
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020092
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 62324
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020093
Status: Unutilized
Reason: Extensive deterioration.
Bldg. H–62
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020094
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 1442
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020106
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 1651
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020107
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 13162
Marine Corps Base
Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020108
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 14100
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020109
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 25131
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020110
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 23025
Marine Corps Air Station
Miramar Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200030001
Status: Unutilized
Reason: Secured Area.
Bldg. 23027
Marine Corps Air Station
Miramar Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200030002
Status: Unutilized
Reason: Secured Area.
Bldg. 731
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030003
Status: Excess
Reason: Extensive deterioration.
Bldg. 731A
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030004
Status: Excess
Reason: Extensive deterioration.
Bldg. 865
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030005
Status: Excess
Reason: Extensive deterioration.
Bldg. 868
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030006
Status: Excess
Reason: Extensive deterioration.
Bldg. 474
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030007
Status: Excess
Reason: Extensive deterioration.
Bldg. 5021
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030008
Status: Excess
Reason: Extensive deterioration.
Bldg. 5022
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030009
Status: Excess

Reason: Extensive deterioration.
Bldg. 5025
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030010
Status: Excess
Reason: Extensive deterioration.
Bldg. 5113
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–
Landholding Agency: Navy
Property Number: 77200030011
Status: Excess
Reason: Extensive deterioration.
Bldg. 5114
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030012
Status: Excess
Reason: Extensive deterioration.
Bldgs. 82 & 84
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030013
Status: Excess
Reason: Extensive deterioration.
Bldg. 6–1
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030014
Status: Excess
Reason: Extensive deterioration.
Bldg. 479
Naval Construction Battalion Ctr.
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030015
Status: Excess
Reason: Extensive deterioration.
Bldg. 1131
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030025
Status: Excess
Reason: Extensive deterioration.
Bldg. 1132
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030026
Status: Excess
Reason: Extensive deterioration.
Bldg. 1141
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030027
Status: Excess
Reason: Extensive deterioration.
Bldg. 1145
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030028
Status: Excess
Reason: Extensive deterioration.
Bldg. 1256
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030029
Status: Excess
Reason: Extensive deterioration.
Bldg. 1362
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030030
Status: Excess
Reason: Extensive deterioration.
Bldg. 1363
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030031
Status: Excess
Reason: Extensive deterioration.
Bldg. 1622
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030032
Status: Excess
Reason: Extensive deterioration.
Bldg. 1623
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030033
Status: Excess
Reason: Extensive deterioration.
Bldg. 13115
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030034
Status: Excess
Reason: Extensive deterioration.
Bldg. 13125
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030035
Status: Excess
Reason: Extensive deterioration.
Bldg. 13142
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030036
Status: Excess
Reason: Extensive deterioration.
Bldg. 16134
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030037
Status: Excess
Reason: Extensive deterioration.
Bldg. 16135
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030038
Status: Excess
Reason: Extensive deterioration.
Bldg. 16136
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030039
Status: Excess
Reason: Extensive deterioration.
Bldg. 16137
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030040
Status: Excess
Reason: Extensive deterioration.
Bldg. 43432
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030041
Status: Excess
Reason: Extensive deterioration.
Bldg. 62408
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030042
Status: Excess
Reason: Extensive deterioration.
Bldg. 801
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 77200030043
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 41
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030044
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 103
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030045
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 259
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030046
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 260
Naval Const. Battalion Ctr
Port Hueneme Co: CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030047
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 274
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030048
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 462
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy

Property Number: 77200030049
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 488
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030050
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 1150
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030051
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 1156
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030052
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 1275
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030053
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 1321
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030054
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 21091
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Landholding Agency: Navy
Property Number: 77200030058
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 21127
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Landholding Agency: Navy
Property Number: 77200030059
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 9919
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Landholding Agency: Navy
Property Number: 77200030060
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 9920
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Landholding Agency: Navy
Property Number: 77200030061
Status: Unutilized
Reason: Extensive deterioration.
Bldg. OT33
Old Town Campus
Naval Space & Warfare Systems
San Diego Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200040004
Status: Unutilized
Reason: Extensive deterioration.
Bldg. OT–5
Old Town Campus
Naval Space & Warfare Systems
San Diego Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200040005
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 1393
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200040024
Status: Excess
Reason: Extensive deterioration.
Bldg. 25155
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200040025
Status: Excess
Reason: Extensive deterioration.
Bldg. 25158
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200040026
Status: Excess
Reason: Extensive deterioration.
Bldg. 25159
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200040027
Status: Excess
Reason: Extensive deterioration.
Bldg. 12041
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110065
Status: Excess
Reason: Extensive deterioration.
Bldg. 12052
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110066
Status: Excess
Reason: Extensive deterioration.
Bldg. 16066
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110067
Status: Excess
Reason: Extensive deterioration.
Bldg. 16074
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110068
Status: Excess
Reason: Extensive deterioration.
Bldg. 16085
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110069
Status: Excess
Reason: Extensive deterioration.
Bldg. 16086
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110070
Status: Excess
Reason: Extensive deterioration.
Bldg. 16100
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110071
Status: Excess
Reason: Extensive deterioration.
Bldg. 16115
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110072
Status: Excess
Reason: Extensive deterioration.
Bldg. 16117
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110073
Status: Excess
Reason: Extensive deterioration.
Bldg. 1235
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110082
Status: Excess
Reason: Extensive deterioration.
Bldg. 1682
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110083
Status: Excess
Reason: Extensive deterioration.
Bldg. 1683
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110084
Status: Excess
Reason: Extensive deterioration.
Bldg. 1691
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110085
Status: Excess
Reason: Extensive deterioration.
Bldg. 16109
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110086
Status: Excess
Reason: Extensive deterioration.
Bldg. 16110
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110087
Status: Excess
Reason: Extensive deterioration.
Bldg. 16128
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110088
Status: Excess
Reason: Extensive deterioration.

Bldg. 33378
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110089
Status: Excess
Reason: Extensive deterioration.
Bldg. 33566
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110090
Status: Excess
Reason: Extensive deterioration.
Bldg. 33967
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110091
Status: Excess
Reason: Extensive deterioration.
Bldg. 41318
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110092
Status: Excess
Reason: Extensive deterioration.
Bldg. 41319
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110093
Status: Excess
Reason: Extensive deterioration.
Bldg. 43454
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110094
Status: Excess
Reason: Extensive deterioration.
Bldg. 43455
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110095
Status: Excess
Reason: Extensive deterioration.
Bldg. 1231
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110096
Status: Excess
Reason: Extensive deterioration.
Bldg. 1687
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110097
Status: Excess
Reason: Extensive deterioration.
Bldg. 2622
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110098
Status: Excess
Reason: Extensive deterioration.
Bldg. 31523
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110099
Status: Excess
Reason: Extensive deterioration.
Bldg. 467
Marine Corps Recruit Depot
San Diego Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200110100
Status: Unutilized
Reason: Secured Area.

Connecticut

DG1–DG8, DG10–DG–27
Dolphin Gardens
Naval Submarine Base New London
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77199930025
Status: Unutilized
Reason: Extensive deterioration
Bldg. 480
Naval Submarine Base
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77200010075
Status: Unutilized
Reason: Secured Area 10
Bldgs./84.62 acres
Naval Weapons Ind. Rsv. Pl.
Bloomfield Co: Hartford CT 06002–0002
Landholding Agency: Navy
Property Number: 77200020096
Status: Unutilized
Reason: Secured Area
Bldg. 308
Naval Submarine Base
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77200030016
Status: Unutilized
Reason: Extensive deterioration

Florida

Cape St. George Lighthouse
St. George Island Co: Franklin FL 32328–
Landholding Agency: GSA
Property Number: 54199940012
Status: Excess
Reasons: Floodway Extensive deterioration
GSA Number: 4–U–FL–1167.
Boca Grande Range
Rear Light
Gasparilla Island Co: Lee FL 33921–
Landholding Agency: GSA
Property Number: 54199940013
Status: Excess
Reason: Floodway
GSA Number: 4–U–FL–1169.
Sanibel Island Light
Sanibel Co: Lee FL 33957–
Landholding Agency: GSA
Property Number: 54199940014
Status: Excess
Reason: Floodway
GSA Number: 4–U–FL–1162.
Bldg. 648
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920087
Status: Unutilized
Reason: Secured Area.
Bldg. 1862
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920088
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 3228
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920089
Status: Unutilized
Reason: Secured Area.
Bldg. 3604
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920090
Status: Unutilized
Reason: Secured Area.
Bldg. 3605
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920091
Status: Unutilized
Reason: Secured Area.
Bldg. 3626
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920092
Status: Unutilized
Reason: Secured Area.
Bldg. 3674
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920093
Status: Unutilized
Reason: Secured Area
Bldg. A–146
Boca Chica Annex
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77199930027
Status: Unutilized
Reason: Extensive deterioration.
Bldg. A–232
Boca Chica Annex
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77199930028
Status: Unutilized
Reason: Extensive deterioration.
Bldg. A–4020
Boca Chica Annex
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77199930029
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 3451
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199940066
Status: Unutilized
Reason: Secured Area.
Bldg. 1558
NAS Jacksonville
Jacksonville Co: Duval FL 32212–

Landholding Agency: Navy
Property Number: 77200010001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 592
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010002
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 610
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 7L
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 7M
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010005
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 7N
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010006
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 70
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010007
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. A–952
Naval Air Station
Boca Chica
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200010034
Status: Unutilized
Reason: Extensive deterioration.
Bldg. A–962
Naval Air Station
Boca Chica
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200010035
Status: Unutilized
Reason: Extensive deterioration.
Bldg. A–1105
Naval Air Station
Boca Chica
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200010036
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 44
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010038
Status: Unutilized
Reason: Secured Area.
Bldg. 58
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010039
Status: Unutilized
Reason: Secured Area.
Bldg. 365
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010040
Status: Unutilized
Reason: Secured Area.
Bldg. 455
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010041
Status: Unutilized
Reason: Secured Area.
Bldg. 467
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010042
Status: Unutilized
Reason: Secured Area.
Bldg. 475
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010043
Status: Unutilized
Reason: Secured Area.
Bldg. 605A
Naval Air Station
Pensacola Co: Escambia FL 43508–
Landholding Agency: Navy
Property Number: 77200010044
Status: Unutilized
Reason: Secured Area.
Bldg. 689
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010045
Status: Unutilized
Reason: Secured Area.
Bldg. 802A
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010046
Status: Unutilized
Reason: Secured Area.
Bldg. 835
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010047
Status: Unutilized
Reason: Secured Area.
Bldg. 859B
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010048
Status: Unutilized
Reason: Secured Area.
Bldg. 859C
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010049
Status: Unutilized
Reason: Secured Area.
Bldg. 869
Naval Air Station
Pensacola Co: Escambia FL 32598–
Landholding Agency: Navy
Property Number: 77200010050
Status: Unutilized
Reason: Secured Area.
Bldg. 1713
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010051
Status: Unutilized
Reason: Secured Area.
Bldg. 2437
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010052
Status: Unutilized
Reason: Secured Area.
Bldg. 2462
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010053
Status: Unutilized
Reason: Secured Area.
Bldg. 3446
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010054
Status: Unutilized
Reason: Secured Area.
Bldg. 3478
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010055
Status: Unutilized
Reason: Secured Area.
Bldg. 3878
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010056
Status: Unutilized
Reason: Secured Area.
Bldg. 7H
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020064
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 7J
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy

Property Number: 77200020065
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 7K
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020066
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 106
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020067
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 135
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020068
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 142
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020069
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 584
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020070
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 610
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020071
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 702
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020072
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 703
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020073
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 725
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020074
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 740A
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020075
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 54
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200020076
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 211
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200020077
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 62
NAS Jacksonville
Altoona Co: Marion FL 32702–
Landholding Agency: Navy
Property Number: 77200020111
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 94
NAS Jacksonville
Altoona Co: Marion FL 32702–
Landholding Agency: Navy
Property Number: 77200020112
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 114
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040006
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 133
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040007
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 141
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040008
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

16 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 142, 151, 153, 156, 164, 170, 171, 176, 178, 180, 182–187
Landholding Agency: Navy
Property Number: 77200040009
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

11 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 103, 105, 112, 113, 115–119, 121, 122
Landholding Agency: Navy
Property Number: 77200040010
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

23 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 143–150, 152, 154, 155, 157, 158, 160–163, 165, 166, 168, 169, 179, 181
Landholding Agency: Navy
Property Number: 77200040011
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 173, 174, 175, 177, 188
Landholding Agency: Navy
Property Number: 77200040012
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

6 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 130–132, 134–136
Landholding Agency: Navy
Property Number: 77200040013
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldgs. 159, 167, 172
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040014
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 124, 127, 138–140
Landholding Agency: Navy
Property Number: 77200040015
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 107, 109, 111, 120, 123
Landholding Agency: Navy
Property Number: 77200040016
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 102, 104, 106, 108, 110
Landholding Agency: Navy
Property Number: 77200040017
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 36
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040021
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 348
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040022
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1801
Naval Station Mayport
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040035
Status: Unutilized
Reasons:
Within 2000 ft. of flammable or explosive material; Floodway; Secured Area; Extensive deterioration.

Bldg. 1802
Naval Station Mayport
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040036
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area; Extensive deterioration.

Bldg. 1803
Naval Station Mayport
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040037
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area; Extensive deterioration.

Bldg. 1859
Naval Station Mayport
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area; Extensive deterioration.

Georgia

Stored Products Insects
R&D Lab
3401 Edwin Street
Savannah Co: Chatham GA 31403–
Landholding Agency: GSA
Property Number: 54200010003
Status: Excess
Reason: Floodway
GSA Number: 4–A–GA–861.

Range Rear Light
Blythe Island
Brunswick Co: Glynn GA 31525–
Landholding Agency: GSA
Property Number: 54200020001
Status: Excess
Reason: Extensive deterioration
GSA Number: 4–U–GA–863.

Bldg. 3012
Naval Submarine Base
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 77199910001
Status: Unutilized
Reason: Extensive deterioration.

Facility 5001
Naval Submarine Base
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 77199940016
Status: Unutilized
Reason: Secured Area.

Facility 5002
Naval Submarine Base
Kings Bay Co: Camaden GA 31547–
Landholding Agency: Navy
Property Number: 77199940017
Status: Unutilized
Reason: Secured Area.

Facility 5003
Naval Submarine Base
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 77199940018
Status: Unutilized
Reason: Secured Area.

Facility 5935
Naval Submarine Base
Kings Bay Co: Camden GA 31547
Landholding Agency: Navy
Property Number: 77199940019
Status: Unutilized
Reason: Secured Area.

Guam

Structures 312, 1792
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–
Landholding Agency: Navy
Property Number: 77199930002
Status: Excess
Reason: Secured Area.

Structures 2020, 2021
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–
Landholding Agency: Navy
Property Number: 77199930003
Status: Excess
Reason: Secured Area.

Bldg. 3171
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–
Landholding Agency: Navy
Property Number: 77199930004
Status: Excess
Reasons: Secured Area; Extensive deterioration.

Bldg. 264
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930048
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 4400
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930057
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 4402
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930058
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 4414
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930059
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 4425
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930060
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldgs. 4426–4428
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930061
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 26
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020049
Status: Unutilized
Reason: Secured Area.

Bldg. 264
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020050
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 3112
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020051
Status: Unutilized
Reason: Secured Area.

Bldg. 3116
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051

Landholding Agency: Navy
Property Number: 77200020052
Status: Unutilized
Reason: Secured Area.

Bldg. 3117
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020053
Status: Unutilized
Reason: Secured Area.

Bldg. 3118
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020054
Status: Unutilized
Reason: Secured Area.

Bldg. 3120
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020055
Status: Unutilized
Reason: Secured Area.

Bldg. 3121
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020056
Status: Unutilized
Reason: Secured Area.

Bldg. 4400
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020057
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 4402
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020058
Status: Unutilized
Reason: Secured Area.

Bldg. 4414
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020059
Status: Unutilized
Reason: Secured Area.

Bldg. 4425
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020060
Status: Unutilized
Reason: Secured Area.

Bldgs. 4426, 4427, 4428
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020061
Status: Unutilized
Reason: Secured Area.

Hawaii

Portion, Bellows AFS
DE #1, Parcel 5A
Waimanalo Co: Oahu HI 96795–
Landholding Agency: GSA
Property Number: 54199930025
Status: Surplus
Reason: Floodway;
GSA Number: 9–D–HI–574.

Bldg. 126, Naval Magazine
Waikele Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 77199230012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Extensive Deterioration; Secured Area.

Bldg. Q75, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 77199230013
Status: Unutilized
Reasons: Extensive Deterioration; Secured Area.

Bldg. 7, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 77199230014
Status: Unutilized
Reasons: Extensive Deterioration; Secured Area.

Bldg. 6, Pearl Harbor
Richardson Recreational Area.
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199410003
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 10, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199410004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9
Navy Public Works Center
Kolekole Road
Lualualei Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 77199530009
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. X5
Nanumea Road
Pearl Harbor Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 77199530010
Status: Excess
Reason: Secured Area.

Bldg. SX30
Nanumea Road
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199530011
Status: Excess
Reason: Secured Area.

Bldg. 98
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199620032
Status: Excess
Reason: Extensive deterioration.

Bldg. Q13
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640035
Status: Unutilized
Reason: Extensive deterioration.

Bldg. Q14
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640036
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 40
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830028
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 50
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830029
Status: Unutilized
Reason: Extensive deterioration.

Bldg. Q76
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830030
Status: Unutilized
Reason: Extensive deterioration.

Bldg. Q334
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830031
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S380
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830032
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S381
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830033
Status: Unutilized
Reason: Extensive deterioration.

Bldg. Q410
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830034
Status: Unutilized
Reason: Extensive deterioration.

Bldg. Q422
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830035
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 429
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830036
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 431
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830037
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 447
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830038
Status: Unutilized
Reason: Extensive deterioration.

Facility S–721
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199840042
Status: Excess
Reason: Secured Area.

Facility S–897
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199840043
Status: Excess
Reason: Secured Area.

Facility S–937
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199840044
Status: Excess
Reason: Secured Area.

Facility 19
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199840045
Status: Excess
Reason: Secured Area.

Facility 63
Naval Computer & Telecomm. Station
Wahiawa Co: HI 96786–
Landholding Agency: Navy
Property Number: 77199920013
Status: Excess
Reason: Extensive deterioration.

Facility SX30
Navy Public Works Center
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199920027
Status: Excess
Reasons: Secured Area; Extensive deterioration.

Idaho

Moore Hall U.S. Army Rsve Ctr
1575 N. Skyline Dr.
Idaho Falls Co: Bonneville ID 83401–
Landholding Agency: GSA
Property Number: 21199720207
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–D–ID–544.

Illinois

Navy Family Housing
18-units
Hanna City Co: Peoria IL 61536–
Landholding Agency: GSA
Property Number: 54199940018
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–N–IL–723.

Bldg. 415
Naval Training Center
201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840023
Status: Unutilized
Reason: Secured Area.

Bldg. 1015
Naval Training Center
201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840024
Status: Unutilized
Reason: Secured Area.

Bldg. 1016
Naval Training Center
201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840025
Status: Unutilized
Reason: Secured Area.

Bldg. 910
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920055
Status: Unutilized
Reason: Secured Area.

Bldg. 800
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920056
Status: Unutilized
Reason: Secured Area.

Bldg. 1000
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920057
Status: Unutilized
Reason: Secured Area.

Bldg. 1200
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920058
Status: Unutilized
Reason: Secured Area.

Bldg. 1400
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920059
Status: Unutilized
Reason: Secured Area.

Bldg. 1600
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920060
Status: Unutilized
Reason: Secured Area.

Bldg. 2600
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920061
Status: Unutilized
Reason: Secured Area.

Indiana

Bldg. 3
Naval Surface Warfare
Naval Investigation Ofc.
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010057
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

3 Bldgs.
Naval Surface Warfare
157, 166, 171
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010058
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

3 Bldgs.
Naval Surface Warfare
#22, 2792, 2794
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010059
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

3 Bldgs.
Naval Surface Warfare
#158, 167, 172
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010060
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 162, 163
Naval Surface Warfare
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010061
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 169D, 169E
Naval Surface Warfare
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010062
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

4 Bldgs.
Naval Surface Warfare
#173, 2171, 2172, 2179
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010063
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

5 Bldgs.
Naval Surface Warfare
#2174, 2175, 2176, 2193, 2784
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010064
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 2500, 2501
Naval Surface Warfare
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010065
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

3 Bldgs.
Naval Surface Warfare
#2502, 2503, 2715
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010066
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

10 Bldgs.
Naval Surface Warfare
#2803, 2855–2863
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010067
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 2905, 3074
Naval Surface Warfare
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010068
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230001
Status: Excess
Reason: Extensive deterioration.

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230002
Status: Excess
Reason: Extensive deterioration.

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reason: Extensive deterioration.

Kansas

Sunflower AAP
DeSoto Co: Johnson KS 66018–
Landholding Agency: GSA
Property Number: 54199830010
Status: Excess
Reason: Extensive deterioration.
GSA Number: 7-D-KS–0581.

Maine

Aircraft Hangar #2
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 77199810015
Status: Excess
Reason: Extensive deterioration.

Bldg. 13
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 77199840005
Status: Excess
Reason: Extensive deterioration.

Bldg. 15
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 77199840006
Status: Excess
Reason: Extensive deterioration.

Bldg. 16
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 77199840007
Status: Excess
Reason: Extensive deterioration.

Bldg. 90
Naval Security Group Activity
Winter Harbor Co: ME 00000–
Landholding Agency: Navy
Property Number: 77200020098
Status: Excess
Reason: Extensive deterioration.

Maryland

15 Bldgs.
Naval Air Warfare Center
Patuxent River Co: St. Mary's MD 20670–5304
Landholding Agency: Navy
Property Number: 77199730062
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 163
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Landholding Agency: Navy
Property Number: 77200010033
Status: Unutilized
Reason: Extensive deterioration.

Massachusetts

Frederick Murphy Federal Ctr
424 Trapelo Road
Waltham Co: MA 00000–
Landholding Agency: GSA
Property Number: 54199920005
Status: Surplus
Reason: Extensive deterioration.
GSA Number: 1–G–MA–0848.

Westview Street Wells
Lexington Co: MA 02173–
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reason: Extensive deterioration.

Michigan

15 Offshore Lighthouses
Great Lakes MI
Landholding Agency: GSA
Property Number: 54199630014
Status: Excess
Reason: Extensive deterioration.

Parcel 14, Boat House
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 54199730014
Status: Excess
Reason: Extensive deterioration.
GSA Number: 1–N–MI–500

Round Island Passage Light
Lake Huron
Lake Huron Co: Mackinac MI
Landholding Agency: GSA
Property Number: 54199730019
Status: Excess
Reason: Inaccessible.
GSA Number: 1–U–MI–444B.

Tract 100–1
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: GSA
Property Number: 54199840003
Status: Excess
Reason: No legal access
GSA Number: 1–D–MI–659A.

Tracts 100–2, 100–3
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: GSA
Property Number: 54199840004
Status: Excess
Reason: No legal access
GSA Number: 1–D–MI–659A.

Federal Bldg.
Benton Harbor 174/5 Territorial Road
Benton Harbor Co: Berrien MI 49022–
Landholding Agency: GSA
Property Number: 54200020003
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 1–G–MI–796.

Navy Housing
64 Barberry Drive
Springfield Co: Calhoun MI 49015–
Landholding Agency: GSA
Property Number: 54200020013
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 1–N–MI–795.

Stroh Army Reserve Center
17825 Sherwood Ave.
Detroit Co: Wayne MI 00000–
Landholding Agency: GSA
Property Number: 54200040001
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 1–D–MI–798.

Minnesota

Naval Ind. Rsv Ordnance Plant
Minneapolis Co: MN 55421–1498
Landholding Agency: GSA
Property Number: 54199930004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 1–N–MN–570.

Nike Battery Site, MS–40
Castle Rock Township
Farmington Co: Dakota MN 00000–
Landholding Agency: GSA
Property Number: 54200020004
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 1–I–MN–451–B.

Mississippi

Bldg. 78
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–5001
Landholding Agency: Navy
Property Number: 77199830047
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 113
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–5001
Landholding Agency: Navy
Property Number: 77199830048
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 147
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–5001
Landholding Agency: Navy
Property Number: 77199830049
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 187
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–5001
Landholding Agency: Navy
Property Number: 77199830050
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 7
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 75
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930011
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 179
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Structure 262
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930013
Status: Unutilized.
Reason: Secured Area.

Bldg. 279
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 326
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930015
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 412
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930016
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 49
CBC Gulfport
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200010024
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 130
CBC Gulfport
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200010025
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 368
CBC Gulfport
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200010026
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 390
CBC Gulfport
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200010027
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 43
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200030076
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 44
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200030077
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 164
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200030078
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reason: Floodway.

Bldg. 67
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 68
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reason: Extensive deterioration.

Missouri

Steam Line/Support Structure
Marine Corps Support Activity
Kansas City Co: Jackson MO 64147–
Landholding Agency: Navy
Property Number: 77200030017
Status: Unutilized
Reason: Extensive deterioration.

Nevada

Former Weather Service Office
Winnemucca Airport
Winnemucca Co: Humbolt NV 89445–
Landholding Agency: GSA
Property Number: 54199810001
Status: Excess
Reason: Within airport runway clear zone.
GSA Number: 9–C–NV–509.

6 Bldgs.
Dale Street Complex
300, 400, 500, 600, Block Bldg, Valve House
Boulder City Co: NV 89005–
Landholding Agency: GSA
Property Number: 54200020017
Status: Excess
Reason: Extensive deterioration
GSA Number: LC–00–01–RP.

New Hampshire

Bldg. 89
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830086
Status: Unutilized
Reason: Secured Area.

Bldg. 99
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830088
Status: Unutilized
Reason: Secured Area.

Bldg. 115
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830089
Status: Unutilized
Reason: Secured Area

Bldg. 178
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830090
Status: Unutilized
Reason: Secured Area.

Bldg. 298
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000

Landholding Agency: Navy
Property Number: 77199830091
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. H–21
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830092
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Dry Dock 1
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199840012
Status: Underutilized
Reason: Secured Area.

Dry Dock 3
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199840013
Status: Underutilized
Reason: Secured Area.

Berth 2
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199840014
Status: Underutilized
Reason: Secured Area.

Berth 11
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199840015
Status: Underutilized
Reason: Secured Area.

Parcel #1
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199910002
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Parcel #2
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199910003
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Parcel #3
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199910004
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldg. 55
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199940020
Status: Unutilized
Reason: Secured Area.

Bldg. 150
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199940021
Status: Unutilized
Reason: Secured Area.

New Jersey

Telephone Repeater Site
U.S. Coast Guard
Monmouth Beach Co: Monmouth Beach NJ 07750–
Landholding Agency: GSA
Property Number: 54199910001
Status: Excess
Reason: Extensive deterioration
GSA Number: 1–U–NJ–628.

Parcel A–1, Bldg. 228
Raritan Center
2890 Woodbridge Avenue
Edison Co: NJ 08837–
Landholding Agency:
GSA
Property Number: 54200020009
Status: Excess
Reasons: landlocked; Extensive deterioration
GSA Number: 1–Z–NJ–440–O.

Bldg. 188
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77199830065
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 473
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77199920024
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 474
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77199920025
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 220, 234, 236
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77199930017
Status: Unutilized
Reason: Extensive deterioration.

28 Sheds
Naval Weapons Station
Colts Neck Co: NJ 07722–
Landholding Agency: Navy
Property Number: 77199940026
Status: Unutilized
Reason: Extensive deterioration.

Bldg. FA–1
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010008
Status: Unutilized
Reason: Extensive deterioration.

Bldg. GB–1
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010009
Status: Unutilized
Reason: Extensive deterioration.

Bldg. R–18
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010010
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S–62
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010011
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S–412
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010012
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S–457
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010013
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1042
Naval Air Eng. Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77200040039
Status: Unutilized
Reason: Extensive deterioration.

Hangar 1
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77200110101
Status: Underutilized
Reason: Secured Area.

Bldg. B–33
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77200110102
Status: Underutilized
Reason: Secured Area.

Bldg. B–487A
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77200110103
Status: Excess
Reason: Secured Area.

New Mexico

Bldg. N149
Naval Air Warfare
White Sands Co: NM 88002–
Landholding Agency: Navy
Property Number: 77200110104
Status: Excess
Reason: Extensive deterioration.

New York

Offshore Lighthouses
Great Lakes NY
Landholding Agency: GSA
Property Number: 54199630015
Status: Excess
Reason: Extensive deterioration.

North Carolina

Structure 7
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110105
Status: Unutilized
Reason: Extensive deterioration.

Structure 103
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC
Landholding Agency: Navy
Property Number: 77200110106
Status: Unutilized
Reason: Extensive deterioration.

Structure 110
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110107
Status: Unutilized
Reason: Extensive deterioration.

Structure 115
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110108
Status: Unutilized
Reason: Extensive deterioration.

Structure 1099
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110109
Status: Unutilized
Reason: Extensive deterioration.

Structure 3990
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110110
Status: Unutilized
Reason: Extensive deterioration.

Structure 8040
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110111
Status: Unutilized
Reason: Extensive deterioration.

Structure 8050
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110112
Status: Unutilized
Reason: Extensive deterioration.

Structure 8077
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110113
Status: Unutilized
Reason: Extensive deterioration.

Bldg. TC462
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004

Landholding Agency: Navy
Property Number: 77200110114
Status: Excess
Reason: Secured Area.

Bldg. TC817
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 77200110115
Status: Excess.
Reason: Secured Area.

Bldg. 202
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 77200110116
Status: Excess
Reason: Secured Area.

Bldg. 206
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 77200110117
Status: Excess
Reason: Secured Area.

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reason: Extensive deterioration.

Ohio

Toledo Harbor Lighthouse
Lake Erie
Toledo Co: Lucas OH 43611–
Landholding Agency: GSA
Property Number: 54199710014
Status: Excess
Reason: Inaccessible
GSA Number: 1–U–OH–801.

Toledo Federal Building
234 Summit Avenue
Toledo Co: Lucas OH 43604–
Landholding Agency: GSA
Property Number: 54199810014
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–G–H–804.

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 402
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reason: Extensive deterioration.

Oregon

Portion, Former Kingsley Field
Air Force Base
Arnold Ave. & Joe Wright Rd.
Klamath Falls Co: Klamath OR 97603–
Landholding Agency: GSA
Property Number: 54199810003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 10–D–OR–434–J.

Troutdale Materials Lab
Troutdale Co: Multnomah OR 97060–9501
Landholding Agency: GSA
Property Number: 54199830009
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–D–OR–729.

Pennsylvania

Bldg. 524
Naval Systems Engineering Station
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830023
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 152
Naval Air Station Willow Grove
Willow Grove Co: Montgomery PA 19113–
Landholding Agency: Navy
Property Number: 77199930018
Status: Excess
Reason: Extensive deterioration.

Bldg. 185
Naval Air Station Willow Grove
Willow Grove Co: Montgomery PA 19113–
Landholding Agency: Navy
Property Number: 77199930019
Status: Excess
Reason: Extensive deterioration.

Bldg. 603
Naval Support Station
Mechanicsburg Co: Cumberland PA 17055–0788
Landholding Agency: Navy
Property Number: 77199940015
Status: Unutilized
Reason: Extensive deterioration.

Facility 22
Naval Support Station
Philadelphia Co: PA 19111–5098
Landholding Agency: Navy
Property Number: 77199940060
Status: Excess
Reason: Extensive deterioration.

Bldg. 85
Naval Support Activity
Philadelphia Co: PA 19111–5098
Landholding Agency: Navy
Property Number: 77200010021
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030066
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 51
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030067
Status: Unutilized

Reason: Extensive deterioration.
Bldg. 52
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030066
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 84
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030069
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 950
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030070
Status: Unutilized
Reason: Extensive deterioration.

Puerto Rico

Dry Dock & Ship Repair Fac.
U.S. Navy
San Juan PR
Landholding Agency: GSA
Property Number: 54199710012
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Floodway
GSA Number: 1–N–PR–491.
B–38
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830075
Status: Unutilized
Reason: Extensive deterioration.

Rhode Island

Bldg. 52
Gould Island, Naval Station
Newport Co: RI 00000–
Landholding Agency: Navy
Property Number: 77199930020
Status: Excess
Reasons: Not accessible by road; Extensive deterioration.

South Carolina

Bldg. 49
Naval Public Works Center
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020062
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 38
Naval Air Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020105
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
4 Industrial Bldgs.
Naval Weapons Station Charleston
88, 92, 94, 354
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020113
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
4 Heat Plant Bldgs.
Naval Weapons Station Charleston
89, 95, 355, 438
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020114
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
8 Security Bldgs.
Naval Weapons Station Charleston 313, 859, 860, 897, 918, 1654, 1655, 3217
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020115
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
8 Storage Bldgs.
Naval Weapons Station Charleston
307, 353, 799, 831, 861, 933, 984, 994
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020116
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
6 Bldgs.
Naval Weapons Station Charleston
183, 855, 868, 968, 3238, 408
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020117
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.
Bldg. 2012
Naval Weapons Station
Charleston
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200030057
Status: Excess
Reason: Extensive deterioration.
Bldg. 7
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200040030
Status: Unutilized
Reason: Secured Area.
Bldg. 314
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200040031
Status: Unutilized
Reason: Secured Area.
Bldg. 316
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200040032
Status: Unutilized
Reason: Secured Area.

Tennessee

22 Bldgs.
Volunteer Army Ammunition Plant
Warehouses (Southern Portion)
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930016
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 4–D–TN–594F.
17 Bldgs.
Volunteer Army Ammunition Plant
Acid Production
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930017
Status: Surplus
Reasons: Within 2000 ft. of flammable or explosive material contamination
GSA Number: 4–D–TN–594F.
41 Facilities
Volunteer Army Ammunition Plant
TNT Production
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930018
Status: Surplus
Reason: Contamination
GSA Number: 4–D–TN–594F.
5 Facilities
Volunteer Army Ammunition Plant
Waste Water Treatment
Chattanooga Co: Hamilton TN 37421-
Landholding Agency: GSA
Property Number: 54199930019
Status: Surplus
Reason: Extensive deterioration
GSA Number: 4–D–TN–594F.
6 Bldgs.
Volunteer Army Ammunition Plant
Offices (Southern Portion)
Chattanooga Co: Hamilton TN 37421-
Landholding Agency: GSA
Property Number: 54199930023
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 4–D–TN–594F.
20 Bldgs.
Naval Support Activity
Millington Co: Shelby TN 38054-
Location: 766, 1597–1598, 5238, 435–446, S239, S75, 1211, 1379
Landholding Agency: Navy
Property Number: 77199940027
Status: Excess
Reasons: Secured Area; Extensive deterioration.

Texas

Station Port Mansfield
Port Mansfield Co: Willary TX 78598-
Landholding Agency: GSA
Property Number: 54199930008
Status: Surplus
Reason: Floodway
GSA Number: 7–U–TX–1057.
Portion-Port O'Connor Housing
1125 Brook Hollow Drive
Port Lavaca Co: Calhoun TX 77979–
Landholding Agency: GSA
Property Number: 54199940006
Status: Excess
Reason: Extensive deterioration
GSA Number: 7–U–TX–1056.
Bldgs. 1561, 1562, 1563
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77199820050
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1190
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77199820053
Status: Unutilized
Reason: Secured Area.
Bldg. 1820
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77199820054
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Facilities 105 and 105C
Naval Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199910012
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 101
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940052
Status: Excess
Reason: Extensive deterioration.
Bldg. 198
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940053
Status: Excess
Reason: Extensive deterioration.
Bldg. 1104
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940054
Status: Excess
Reason: Extensive deterioration.
Bldg. 1198
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940055
Status: Excess
Reason: Extensive deterioration.
Bldg. 1823
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940056
Status: Excess
Reason: Extensive deterioration.
Bldg. H–9
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940057
Status: Excess
Reason: Extensive deterioration.
Bldg. H–45
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940058
Status: Excess
Reason: Extensive deterioration.
Bldg. H–54
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940059
Status: Excess
Reason: Extensive deterioration.

Virginia

Bldg. O2
Naval Weapons Station
Yorktown Co: York VA 23691–Landholding Agency: Navy
Property Number: 77199810073
Status: Excess
Reason: Extensive deterioration.
Bldg. 2208
Naval Medical Clinic
Quantico VA
Landholding Agency: Navy
Property Number: 77199820001
Status: Unutilized
Reason: Extensive deterioration.
Bldgs. 358, 359
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199820023
Status: Excess
Reason: Extensive deterioration.
Bldg. CAD–43
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199820024
Status: Excess
Reason: Extensive deterioration.
Bldg. CAD–102
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199820025
Status: Excess
Reason: Extensive deterioration.
Bldg. CAD–102A
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199820026
Status: Excess
Reason: Extensive deterioration.
Bldg. CAD–127
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199820027
Status: Excess
Reason: Extensive deterioration.
CAD–40
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199830084
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.
Bldg. 3074
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77199820026
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 449
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920068
Status: Excess
Reason: Extensive deterioration.
Bldg. 450
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920069
Status: Excess
Reason: Extensive deterioration.
Bldg. 451
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920070
Status: Excess
Reason: Extensive deterioration.
Bldg. 453
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920071
Status: Excess
Reason: Extensive deterioration.
Bldg. 454
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920072
Status: Excess
Reason: Extensive deterioration.
Bldg. 708
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920073
Status: Excess
Reason: Extensive deterioration.
Bldg. 709
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920074
Status: Excess
Reason: Extensive deterioration.
Bldg. 710
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920075
Status: Excess
Reason: Extensive deterioration.
Bldg. 711
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920076
Status: Excess
Reason: Extensive deterioration.
Bldg. 712
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920077
Status: Excess
Reason: Extensive deterioration.
Bldg. 713
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920078
Status: Excess
Reason: Extensive deterioration.
Bldg. 714

Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920079
Status: Excess
Reason: Extensive deterioration.

Bldg. 715
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920080
Status: Excess
Reason: Extensive deterioration.

Bldg. 716
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920081
Status: Excess
Reason: Extensive deterioration.

Bldg. 717
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920082
Status: Excess
Reason: Extensive deterioration.

Bldg. 718
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920083
Status: Excess
Reason: Extensive deterioration.

Bldg. 1454
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920084
Status: Excess
Reason: Extensive deterioration.

Bldg. 3170
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77199940064
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 1252, 1277
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77199940065
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 7
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 12
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 24
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 34
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 108
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 299
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 400
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 436
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 442, 443
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 530
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020018
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 532
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020019
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 646–651
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 758, 759
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 764
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 784
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 786
Naval Weapons Station Yorktown
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 788
Naval Weapons Station
Yorktown Co: VA 23691
Landholding Agency: Navy
Property Number: 77200020025
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 790
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020026
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 814
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020027
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 1955–1957
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020028
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 1960, 1961, 1964
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020029
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 1980, 1981
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020030
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 160
Cheatham Annex
Williamsburg Co: VA 23185–5830
Landholding Agency: Navy
Property Number: 77200020031
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1453
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–5000
Landholding Agency: Navy
Property Number: 77200020063
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 2185
Marine Corps Base
Quantico Co: VA 00000–
Landholding Agency: Navy
Property Number: 77200040018
Status: Excess
Reason: Extensive deterioration.

Washington

Bldg. 844
Former Park Place Enlisted Club
808 Burwell St.
Bremerton Co: Kitsap WA 98314–
Landholding Agency: GSA
Property Number: 54199840002
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–D–WA–1164.

Federal Building
403 West Lewis Street
Pasco Co: Franklin WA 99301–
Landholding Agency: GSA
Property Number: 54200030003
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–G–WA–1178.

Ft. Lawton Comsite
California Ave.
Seattle Co: King WA
Landholding Agency: GSA
Property Number: 54200040009
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–C–WA–1189.

Bldg. 6661
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315–6499
Landholding Agency: Navy
Property Number: 77199730039
Status: Unutilized
Reason: Secured Area.

Bldg. 604
Manchester Fuel Department
Port Orchard WA 98366–
Landholding Agency: Navy
Property Number: 77199810170
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 288
Fleet Industrial Supply Center
Bremerton WA 98314–5100
Landholding Agency: Navy
Property Number: 77199810171
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 47
Naval Radio Station T Jim Creek
Arlington Co: Snohomish WA 98223–
Landholding Agency: Navy
Property Number: 77199820056
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 48
Naval Radio Station T Jim Creek
Arlington Co: Snohomish WA 98223–
Landholding Agency: Navy
Property Number: 77199820057
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Coal Handling Facilities
Puget Sound Naval Shipyard
#908, 919, 926–929
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77199820142
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 193
Puget Sound Naval Shipyard
Bremerton WA 98310–
Landholding Agency: Navy
Property Number: 77199820143
Status: Unutilized
Reason: Contamination.

Bldg. 202
Naval Air Station Whidbey Island
Oak Harbor WA 98278–
Landholding Agency: Navy
Property Number: 77199830019
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 2649
Naval Air Station Whidbey Island
Oak Harbor WA 98278–
Landholding Agency: Navy
Property Number: 77199830020
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldgs. 35, 36
Naval Radio Station T Jim Creek
Arlington Co: Snohomish WA 98223–
Landholding Agency: Navy
Property Number: 77199830076
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 918
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77199840020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 894
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77199920085
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 73
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199920152
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 210A
Naval Station Bremerton
Bremerton Co: WA 98314–
Landholding Agency: Navy
Property Number: 77199930021
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 511
Naval Station Bremerton
Bremerton Co: WA 98314–
Landholding Agency: Navy
Property Number: 77199930022
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 527
Naval Station Bremerton
Bremerton Co: WA 98314–
Landholding Agency: Navy
Property Number: 77199930023
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 97
Naval Air Station
Whidbey Island
Oak Harbor Co: WA 98278–
Landholding Agency: Navy
Property Number: 77199930040
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 331
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199930041
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 786
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199930042
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 15
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930071
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 119
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930072
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 853
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930073
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 854
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930074
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 166
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930101
Status: Excess
Reason: Secured Area.

Bldg. 287
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930102
Status: Excess
Reason: Secured Area.

Bldg. 418
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930103
Status: Excess
Reason: Secured Area.

Bldg. 858
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930104
Status: Excess
Reason: Secured Area.

Bldg. 17
Naval Radio Station
Jim Creek
Arlington Co: WA 98223–8599
Landholding Agency: Navy
Property Number: 77200010073
Status: Excess
Reasons: Secured Area; Extensive deterioration.

Bldg. 47
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200010074
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Whitney Point Complex
Brinnon Co: Jefferson WA 98320–9899
Landholding Agency: Navy
Property Number: 77200010102
Status: Excess
Reason: Extensive deterioration.

Bldg. 398
Naval Station
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77200020038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 976
Naval Station
Bremerton Co: WA 98314–5020
Landholding Agency: Navy
Property Number: 77200020039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

8 Bldgs.
Naval Station 902, 903, 905, 907, 909–911, 915
Bremerton Co: WA 98314–5020
Landholding Agency: Navy
Property Number: 77200020040
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 109
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 157
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 161
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 170
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 262
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 482
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040019
Status: Excess
Reason: Secured Area.

Bldg. 529
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040020
Status: Excess
Reason: Secured Area.

Wisconsin

2 Offshore Lighthouses
Great Lakes WI
Landholding Agency: GSA
Property Number: 54199630016
Status: Excess
Reason: Extensive deterioration.

Land (by State)

Arizona

56 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reason: Floodway.

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630002
Status: Underutilized
Reason: Floodway.

California

Space Surv. Field Station
Portion/Off Heritage Road
San Diego CA 90012–1408
Landholding Agency: Navy
Property Number: 77199820049
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Land
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77199940001
Status: Underutilized
Reason: Secured Area.

PCL–4 (11.60 acres)
Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200020095
Status: Underutilized
Reason: Secured Area.

Connecticut

FAA Direction Finder
11 Quarry Rd.
Killingly Co: CT 06241–
Landholding Agency: GSA
Property Number: 54200110008
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–U–CT–544.

District Of Columbia

Square 62
2216 C St., NW
Washington Co: DC 20037–
Landholding Agency: GSA
Property Number: 54200040004
Status: Excess
Reason: contamination
GSA Number: 4–G–DC–0478.

Florida

(P) Ponce de Leon Inlet
2999 N. Peninsula Ave.
New Smyrna Beach Co: Volusia FL 32169–
Landholding Agency: GSA
Property Number: 54199940015
Status: Excess
Reason: Floodway
GSA Number: 4–U–FL–1170.

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reason: Inaccessible.

Guam

Submerged Lands
Ritidian Point GU
Landholding Agency: GSA
Property Number: 54199640003
Status: Excess
Reason: Inaccessible
GSA Number: 9–N–GU–437.

Kentucky

9 Tracts
Daniel Boone National Forest
Co: Owsley KY 37902–
Landholding Agency: GSA
Property Number: 54199620012
Status: Excess
Reason: Floodway
GSA Number: 4–G–KY–607.

Maryland

6 Acres
Naval Air Station
Patuxent River Co: MD 20670–
Landholding Agency: Navy
Property Number: 77199940023
Status: Unutilized
Reason: Secured Area.

Land—5000 sq. ft.
Naval Air Station
Patuxent River Co: MD 20670–1603
Landholding Agency: Navy
Property Number: 77200010023
Status: Unutilized
Reason: Secured Area.

Massachusetts

Comm. Annex #1
(Former)
Granby Co: Hampshire MA 01033–
Landholding Agency: GSA
Property Number: 54200010002
Status: Excess
Reason: Within airport runway clear zone
GSA Number: 1–D–MA–0856.

USCG Loran Station
Siasconset Co: Nantucket MA 02564–0880
Landholding Agency: GSA
Property Number: 54200040008
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–U–MA–858.

Michigan

Port/EPA Large Lakes Rsch Lab
Grosse Ile Twp Co: Wayne MI
Landholding Agency: GSA
Property Number: 54199720022
Status: Excess
Reason: Within airport runway clear zone
GSA Number: 1–Z–MI–554–A.

Minnesota

3.85 acres (Area #2)
VA Medical Center 4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reason: landlocked.

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reason: Secured Area.

New Hampshire

Parcel #4
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200010028
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Parcel #5
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200010029
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Parcel #6
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200010030
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Parcel #7
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200010031
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010011
Status: Unutilized
Reason: Secured Area.

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Reason: Secured Area.

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Reason: Secured Area.

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010014
Status: Unutilized
Reason: Secured Area.

North Carolina

0.85 parcel of land
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77199740074
Status: Unutilized
Reason: Secured Area.

0.1291 acres
Camp Lejeune
off Dogwood
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 77200010069
Status: Unutilized
Reason: Secured Area.

0.1291 acres
Camp Lejeune
off Brewster Rd.
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 77200010070
Status: Unutilized
Reason: Secured Area.

Ohio

Lewis Research Center
Cedar Point Road
Cleveland Co: Cuyahoga OH 44135–
Landholding Agency: GSA
Property Number: 54199610007
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone.
GSA Number: 2–Z–OH–598–I.

Pennsylvania

Novak Estate Land
off the Parkway West
Moon Township Co: Allegheny PA 15222–
Landholding Agency: GSA
Property Number: 54200010006
Status: Excess
Reason: Inaccessible
GSA Number: 4–G–PA–787.

Washington

Tract B–201
Geiger Heights Lagoon
Spokane Co: WA 99210–
Landholding Agency: GSA
Property Number: 18199930014
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–D–WA–1180.

Land-Port Hadlock Detachment
Naval Ordnance Center Pacific Division
Port Hadlock Co: Jefferson WA 98339–
Landholding Agency: Navy
Property Number: 77199640019
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Wisconsin

0.51 acre
Portion, Fox River Proj.
Kaukauna Co: Outgamie WI 00000–
Landholding Agency: GSA
Property Number: 54200030007
Status: Excess
Reason: landlocked
GSA Number: 1–D–WI–533–A

Wyoming

Cody Industrial Area
Cody Co: Park WY 82414–
Landholding Agency: GSA
Property Number: 54199740008
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 7–I–WY–0539

[FR Doc. 01–5545 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–29–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Endangered Species Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application for endangered species permit.

SUMMARY: The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to "victoria_davis@fws.gov". Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not; however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written data or comments on these applications must be received, at the address given below, by April 9, 2001.

ADDRESSES: Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Victoria Davis, Permit Biologist). Telephone: 404/679–4176; Facsimile: 404/679–7081.

FOR FURTHER INFORMATION CONTACT: Victoria Davis, Telephone: 404/679–4176; Facsimile: 404/679–7081.

SUPPLEMENTARY INFORMATION:

Applicant: Edward B. Pivorun, Clemson University, Clemson, South Carolina TE039303–0.

The applicant requests authorization to take (harass) the Carolina northern flying squirrel, *Glaucomys sabrinus*, for the purpose of conducting a small mammal survey of specific locations within the Great Smoky Mountains National Park. Captured individuals will be ear tagged for identification purposes.

Applicant: Geological Survey of Alabama, Thomas E. Shepard, Tuscaloosa, Alabama TE039314–0.

The applicant requests authorization to take (capture and release) the Cahaba shiner, *Notropis cahabae*, for the purpose of identifying the current distributions in the Locust Fork system.

Applicant: Timothy A. Micale, Falls Creek, Pennsylvania, TE039258–0.

The applicant requests authorization to take through interstate commerce, five unsexed hatchling captive bred American Crocodiles, *Crocodylus acutus*, for the purposes of expanding the knowledge of captive propagation of the species. The American Crocodiles will be shipped by air on Delta dash from Mr. Jerry Motta of Bushnell, Florida.

Dated: February 22, 2001.

H. Dale Hall,

Acting Regional Director.

[FR Doc. 01–5805 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit No. TE–038221

Applicant: Central Nebraska Public Power and Irrigation District, Gothenburg, Nebraska.

The applicant requests a permit to take American burying beetles (*Nicrophorus americanus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing survival and recovery.

Permit No. TE–038344

Applicant: Turner Endangered Species Fund, Atlanta, Georgia.

The applicant requests a permit to take gray wolves (*Canis lupus*) throughout the species' range in conjunction with recovery activities for the purpose of enhancing species survival and recovery.

Permit Nos. TE–038450, TE–038480, TE–038481, TE–038483–038489, and TE–038471–384501

Applicant: Forty private landowners, Montana and central Idaho.

The applicants request a permit to take gray wolves (*Canis lupus*) in the nonessential experimental population area of Montana and central Idaho to reduce conflicts with livestock operations for the purpose of enhancing species survival and recovery.

Permit No. TE–038510

Applicant: City of Wichita, Wichita, Kansas.

The applicant requests a permit to take Arkansas River shiners (*Notropis girardi*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing survival and recovery.

Permit No. TE–038527

Applicant: Scott Campbell, Kansas Biological Survey, Lawrence, Kansas.

The applicant requests a permit to take Topeka shiners (*Notropis topeka*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing survival and recovery.

Permit No. TE–038530

Applicant: Mike Fitzgerald, Ecosphere Environmental Services, Durango, Colorado.

The applicant requests a permit to take southwest willow flycatchers (*Empidonax traillii extimus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing survival and recovery.

Permit No. 704930

Applicant: Assistant Regional Director, Ecological Services, Region 6, U.S. Fish and Wildlife Service, Denver, Colorado.

The permittee requests renewal of this current permit for take activities for all listed species in the States of Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. This permit possessed by the Regional Director allows Fish and Wildlife Service employees and subpermittees to lawfully conduct threatened or endangered species activities, in conjunction with recovery activities throughout the species' range for the purpose of enhancing survival and recovery as outlined in Fish and Wildlife Service employee's position descriptions.

Written data or comments in regard to the applications should be sent to the address provided below. Documents and other information submitted in conjunction with this application are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice—U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225–0486 (Attn: ARD–Ecological Services); phone (303) 236–7400 or fax (303) 236–0027.

Dated: March 2, 2001.

John A. Blankenship,

Regional Director, Denver, Colorado.

[FR Doc. 01–5806 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Sisseton and Wahpeton Mississippi Sioux Enrollment Application Deadline

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of the deadline for filing enrollment applications to share in the Sisseton and Wahpeton Mississippi Sioux judgment fund distribution to the lineal descendants authorized under 25 U.S.C. 1300d–3(b). This notice is published in accordance with the enrollment regulations contained in 25 CFR 61.4(s)(2).

FOR FURTHER INFORMATION CONTACT: Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, MS–4631–MIB, 1849 C Street, NW., Washington, DC 20240. Telephone number: (202) 208–2475.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Sisseton and Wahpeton Mississippi Sioux Enrollment Application Deadline

The regulations governing the enrollment application process were published in the **Federal Register** on April 23, 1999, 64 FR 19896. The three-step process for establishing the application deadline date was set forth as follows:

Step 1. On August 23, 1999, we will count all applications that we have received.

Step 2. We will note the date on which we complete processing 90 percent of the applications that we receive by August 23, 1999.

Step 3. The application deadline will be 90 days after the date in Step 2.

On August 23, 1999, we received 2,597 enrollment applications. On February 1, 2001, we completed processing 2,338 applications which is 90 percent of the applications received as of August 23, 1999. The deadline date for filing enrollment applications to share in the Sisseton and Wahpeton Mississippi Sioux judgment fund distribution to the lineal descendants is hereby established as of close of business on Wednesday, May 2, 2001.

Application forms filed by mail must be postmarked no later than midnight on May 2, 2001. Where there is no postmark date showing on the envelope or the postmark is illegible, applications forms mailed from within the United States, including Alaska and Hawaii, received more than 15 days and application forms mailed from outside of the United States received more than 30 days after May 2, 2001, in the office of the Great Plains Region Director (formerly the Aberdeen Area Director) will be denied for failure to file in time.

Applications forms filed by personal delivery must be received in the office of the Great Plains Region Director no later than 4:30 p.m. Central Daylight Savings time on May 2, 2001.

The enrollment applications can be obtained from the Bureau of Indian Affairs website at *http://www.doi.gov/bureau-indian-affairs.html* or by mail from the Great Plains Region Office, Bureau of Indian Affairs, 115 4th Avenue, SE, Aberdeen, SD 57401.

Dated: February 26, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–5833 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO640 1020 XQ 24 1E]

Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Resource Advisory Council call for nominations.

SUMMARY: The purpose of this notice is to solicit public nominations for each of the Bureau of Land Management (BLM) Resource Advisory Councils (RACs) that

have member terms expiring this year. The RACs provide advice and recommendations to BLM on land use planning and management of the public lands within their geographic areas. Public nominations will be considered for 45 days after the publication date of this notice.

The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by BLM.

Section 309 of FLPMA directs the Secretary to select 10 to 15 member citizen-based advisory councils that are established and authorized consistent with the requirements of the Federal Advisory Committee Act (FACA). As required by the FACA, RAC members appointed to the RAC must be balanced and representative of the various interests concerned with the management of the public lands. These include three categories:

Category One—Holders of federal grazing permits and representatives of energy and mineral development, timber industry, transportation or rights-of-way, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic interests, dispersed recreation, and wild horse and burro groups;

Category Three—Holders of State, county or local elected office, employees of a State agency responsible for management of natural resources, academicians involved in natural sciences, representatives of Indian tribes, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State or States in which the RAC has jurisdiction. Nominees will be evaluated based on their education, training, and experience and their knowledge of the geographical area of the RAC. Nominees should have demonstrated a commitment to collaborative resource decisionmaking. All nominations must be accompanied by letters of reference from represented interests or organizations, a completed background information nomination form, as well as any other information that speaks to the nominee's qualifications.

Simultaneous with this notice, BLM State Offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the State. Nominations for RACs should be sent to the appropriate BLM offices listed below.

Alaska

Alaska RAC

Theresa McPherson, Alaska State Office, BLM, 222 West 7th Avenue, #13, Anchorage, Alaska 99513–7599, (907) 271–3322

Arizona

Arizona RAC

Deborah Stevens, Arizona State Office, BLM, 222 N. Central Avenue, Phoenix, Arizona 85004–2203, (602) 417–9215

California

Central California RAC

Larry Mercer, Bakersfield Field Office, BLM, 3801 Pegasus Avenue, Bakersfield, California 93308, (661) 391–6000

Northeastern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 257–0456

Northwestern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 257–0456

Colorado

Front Range RAC; Southwest RAC; Northwest RAC

Sheri Bell, Colorado State Office, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215, (303) 239–3671

Idaho

Upper Columbia RAC; Upper Snake RAC; Lower Snake RAC

Jerry Rohnert, Idaho State Office, BLM, 1387 Vinnell Way, Boise, Idaho 83709, (208) 373–4017

Montana and Dakotas

Eastern Montana RAC; Central Montana RAC; Western Montana RAC; Dakotas RAC

Jodi Weil, Montana State Office, BLM, 5001 Southgate Drive, Billings, Montana 59101, (406) 896–5258

Nevada

Mojave-Southern RAC; Northeastern Great Basin RAC; Sierra Front Northwestern RAC

Bob Stewart, Nevada State Office, BLM, 1340 Financial Boulevard, Reno, Nevada 89502–7147, (775) 861–6586

New Mexico

New Mexico RAC

Mary White, New Mexico State Office, BLM, P.O. Box 27115 Sante Fe, New Mexico 87502–0115, (505) 438–7404

Oregon/Washington

Eastern Washington RAC; John Day/Snake RAC; Southeast Oregon RAC

Pam Robbins, Medford District Office, BLM, 3040 Biddle Road, Medford, Oregon 97504, (541) 618–2456

Utah

Utah RAC

Sherry Foot, Utah State Office, BLM, 324 South State Street, Suite 301, P.O. Box 45155, Salt Lake City, Utah 84145–0155, (801) 539–4195

DATES: All nominations should be received by the appropriate BLM State Office by April 23, 2001.

FOR FURTHER INFORMATION CONTACT: Melanie Wilson, U.S. Department of the Interior, Bureau of Land Management, Intergovernmental Affairs, MS–LS–406, Washington, DC, 20240; 202–452–0377.

Dated: March 1, 2001.

Nina Rose Hatfield,

Acting Director, Bureau of Land Management.

[FR Doc. 01–5687 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–020–1990–EX]

Final Environmental Impact Statement; Glamis/Marigold Mine Expansion Project, Humboldt Co., NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, notice is given that the Winnemucca Field Office of the Bureau of Land Management (BLM) has prepared, by third party contractor, a Final Environmental Impact Statement on the Glamis/Marigold Mine Expansion Project, located in Humboldt County, Nevada.

EFFECTIVE DATES: The Final Environmental Impact Statement will be distributed and made available to the public on March 9, 2001. The period of availability for public review for the Final Environmental Impact Statement ends April 9, 2001. At that time a Record of Decision will be issued regarding the Proposed Action.

ADDRESSES: A copy of the Final Environmental Impact Statement can be obtained from: Bureau of Land Management, Winnemucca Field Office, 5100 East Winnemucca Blvd., Winnemucca, Nevada 89445.

FOR FURTHER INFORMATION CONTACT: Jeffrey D. Johnson, Project Manager, at the above Winnemucca Field Office address or telephone (775) 623–1500.

SUPPLEMENTARY INFORMATION: The Final Environmental Impact Statement has been produced in its entirety the analysis originally presented in the Draft Environmental Impact Statement (issued February 11, 2000). The Final Environmental Impact Statement analyzes the direct, indirect and cumulative impacts related to expansion of existing mine facilities (pits, overburden dumps & heap leach pads) and development of the 8-North and 5-North deposits. Development of these deposits includes construction of two new pits, overburden disposal areas, additional heap leach facilities, new tailing impoundment, drainage diversions, haul and exploration roads and ancillary facilities.

Alternatives analyzed include the Proposed Action, No Action, and the 8-South Partial Pit Backfill alternative. The Bureau of Land Management's preferred alternative is the 8-South Partial Pit backfill as described in the Final Environmental Impact Statement. The Final Environmental Impact Statement also responds to issues raised during the scoping period and comments received on the Draft Environmental Impact Statement.

Dated: February 22, 2001.

Douglas Dodge,

Acting Associate Field Manager.

[FR Doc. 01–5655 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–HC–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–020–1610–DH]

Notice To Terminate Future Planning Action on the Sonoma-Gerlach and Paradise-Denio Management Framework Plan Amendment and Draft Environmental Impact Statement for the Black Rock Desert, Nevada

AGENCY: Bureau of Land Management, Winnemucca Field Office, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management has terminated any future planning action on the Sonoma-Gerlach and Paradise-Denio Management Framework Plan Amendment and Draft Environmental Impact Statement (SG/PDMFPDEIS) for the Black Rock Desert. The decision to terminate this planning effort was made as a result of the recently enacted Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 or Public Law 106–554. The recently enacted legislation states that "Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this Act." Because the area specially designated by Public Law 106–554 overlaps the earlier planning area and is significantly larger, and to comply with the management plan criteria established in the Act, the existing planning effort will be terminated and a new site-specific Resource Management Plan will be developed for the National Conservation Area and associated Wilderness Areas.

Public input and issue identification obtained through the SG/PDMFPDEIS planning effort will be incorporated into the NCA plan where applicable.

DATES: Effective immediately.

FOR FURTHER INFORMATION CONTACT: Jeff Johnson, Planning/Environmental Coordinator, Winnemucca Field Office, 5100 E. Winnemucca Boulevard, Winnemucca, Nevada 89445, or call (775) 623–1500.

SUPPLEMENTARY INFORMATION: A separate Notice of Intent will be published in the **Federal Register** to initiate the planning effort associated with the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000.

Dated: February 27, 2001.

Douglas S. Dodge,

Associate Field Manager, Winnemucca, Nevada.

[FR Doc. 01–5891 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–030–01–1220–AA: GP01–0113]

Notice of Meeting of the Oregon Trail Interpretive Center Advisory Board

AGENCY: National Historic Oregon Trail Interpretive Center, Vale District, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is given that a meeting of the Advisory Board for the National Historic Oregon Trail Interpretive Center will be held on Thursday, April 19, 2001 from 8:00 a.m. to 12:00 noon in the Library Room at the Best Western Sunridge Inn, One Sunridge Lane, Baker City, Oregon. Public comments will be received from 12:00 noon to 12:15 p.m., April 19, 2001. Topics to be discussed are, Approval of Minutes, Standing Committees' Report, District Manager's Report, Center Director's Report and Board recommendations for FY2001–2002.

DATES: The meeting will begin at 8:00 a.m. and end at 12:00 noon, April 19, 2001.

FOR FURTHER INFORMATION CONTACT: David B. Hunsaker, Bureau of Land Management, National Historic Oregon Trail, Interpretive Center, P.O. Box 987, Baker City, OR 97814, (Telephone 541–523–1845)

Jerry L. Taylor,

(Acting) District Manager.

[FR Doc. 01–5893 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–33–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW130586]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

February 26, 2001.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW130586 for lands in Campbell County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $158 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW130586 effective November 1, 2001, subject to the original terms and conditions of the lease and the

increased rental and royalty rates cited above.

Carmen E. Lovell,

Acting Chief, Leasable Minerals Section.

[FR Doc. 01–5788 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–5854–EU; N–54086 and N–66239]

Notice of Realty Action: Public Law 106–113, as Amended, Non-Competitive Sale of Public Lands and the Conveyance of Public Lands for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTIONS: A Non-Competitive Sale of Public Lands and A Recreation and Public Purpose Conveyance in Nye County, Nevada.

SUMMARY: The following described public lands in Amargosa Valley, Nye County, Nevada, were segregated on September 5, 1997, for exchange purposes under serial number N–61968. That segregation on the lands listed below will be terminated upon publication of this notice in the **Federal Register**. Public Law 106–113, as amended, provides for the non-competitive sale of approximately 342.46 acres of public land and the Recreation and Public Purposes Act of June 14, 1926 conveyance of 470.10 acres of public lands, to Nye County, Nevada. Approximately 10.66 acres of public land abutting the legislative sale area will be conveyed under Section 203 and Section 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) and Public Law 106–248. Two separate realty actions are proposed in this notice. Both proposed realty actions affect public land in Amargosa Valley at the intersection of U.S. Highway 95 and Nevada State Route 373, known as Lathrop Wells, Nye County, Nevada.

First Realty Action (N–66239) The following described public land has been examined and found suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is Section 203 and Section 209 of FLPMA and Public Law 106–113.

Mount Diablo Meridian, Nevada

T. 15 S., R. 50 E., section 18, Lots 39, 41, E½NW¼, E½W½NW¼, NE¼SW¼, N½NE¼NW¼SW¼, SE¼NE¼NW¼SW¼, SE¼NW¼SW¼, E½NE¼SE¼SW¼, NE¼NW¼SE¼SW¼, E½SE¼, NW¼SE¼, N½SW¼SE¼, E½SE¼SW¼SE¼, NW¼SE¼SW¼SE¼.
T. 15 S., R. 50 E., section 19, Lots 8, 59, 61, 63, 65, 67, 70.

Sale Area Contains a Total of 353.12 Acres, More or Less.

This parcel of land, situated in Nye County, Nevada, is being offered in accordance with Public Law 106–113 as a non-competitive sale to Nye County for a period of five years, beginning November 29, 1999, the date of enactment of the legislation and expiring on November 28, 2004. That portion of sale area located within section 19 will be conveyed under the authority of FLPMA and Public Law 106–248. The sale of the above described public land could occur in either one sales transaction or under multiple sales transactions. This land is not required for any federal purposes. The sale is consistent with current Bureau planning for this area and would be in the public interest.

In the event of a sale, conveyance of the available mineral interests will occur simultaneously with the sale of the land. The mineral interests being offered for conveyance have no known mineral value. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a $50.00 nonreturnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Right-of-way CC–018078 issued to Nevada Department of Transportation, under the Act of November 9, 1921; 042 Stat 0216, for a Federal Aid Highway.

3. Right-of-way CC–018323 issued to Nevada Department of Transportation, under the Act of November 9, 1921; 042 Stat 0216, for a Federal Aid Highway.

4. Oil, gas, and saleable mineral estates.

And will be subject to:

1. Right-of-way CC–21488 issued to Nevada Bell March 10, 1950, under the Act of October 21, 1976; 090 Stat 2776.

2. Right-of-way CC–021745 issued to Nevada Bell May 23, 1944, under the Act of October 21, 1976 for a telephone line.

3. Right-of-way Nev–058116 issued to Valley Electric Association, under the Act of February 15, 1901; 031 Stat 0790,for power line purposes.

4. Mining Claims NMC647491 and NMC647492 both filed by Bartz Lawrence on April 18, 1992.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for sales and disposals under the mineral disposal laws. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication, whichever occurs first.

Second Realty Action (N–54086): The following described public land has been examined and found suitable for conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act (R&PP), as amended (43 U.S.C. 869 *et seq.*), and Public Law 106–113, as amended. Nye County proposes to lease the following public lands to the Nevada Science and Technology Center, a non-profit corporation, for the development of the Nevada Space Museum, outdoor exhibit areas, and associated facilities.

Mount Diablo Meridian

T. 15 S., R. 49 E., section 13, Lots 2, 9, 7, 5, 3, 12, 14, NE¼, E½NW¼, NW¼NW¼.
T. 15 S., R. 50 E., section 18, Lots 6–24, 26–29, 34, 37.

R&PP Area Contains a Total of 470.10 Acres, More or Less.

This land is not required for any federal purpose. The conveyance is consistent with current Bureau planning for this area and would be in the public interest. The patent when issued will be subject to the provision of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior and contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Right-of-way CC–018078 issued to Nevada Department of Transportation, under the Act of November 9, 1921; 042 Stat 0216, for a Federal Aid Highway.

3. All minerals will be reserved to the United States of America, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe. and will be subject to:

1. Right-of-way CC–21488 issued to Nevada Bell March 10, 1950, and amended, January 7, 1994, under the Act of October 21, 1976; 090 Stat 2776.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments pertaining to either of the above actions to the Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Sale Comments: Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, these realty actions will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA, or other applicable laws. The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

R&PP Classification Comments: Interested parties may submit comments involving the suitability of the land for the Nevada Science and Technology Center, outdoor exhibit area, and associated facilities. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use of uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

R&PP Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the Bureau of Land Management followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a Space Museum, outdoor exhibit area, and associated facilities.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in the Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for conveyance until after the classification becomes effective.

Dated: February 23, 2001.

Rex Wells,

Assistant Field Manager, Las Vegas, NV.

[FR Doc. 01–5892 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–HC–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–190–1610–DM–024B]

Notice of Intent To Participate in a Multi-Jurisdictional Land-Use Planning Effort, With Environmental Impact Analysis, for the Coast Dairies Property, Santa Cruz County, CA, and Prepare an Amendment to the Hollister Resource Management Plan

AGENCY: Bureau of Land Management.

ACTION: Notice of intent to participate in a multi-jurisdictional land-use planning effort, with environmental impact analysis, for the Coast Dairies Property, Santa Cruz County, California, and prepare an amendment to the Hollister Resource Management Plan.

SUMMARY: The U.S. Department of the Interior's Bureau of Land Management (BLM) provides formal notice that it will participate in a multi-jurisdictional land-use planning effort with the California Department of Parks and Recreation (DPR) and the Trust for Public Land (TPL), a California non-profit public corporation. The planning effort is being conducted by the TPL for the Coast Dairies Property located in northern Santa Cruz County, California. As part of this planning effort, the BLM will prepare an amendment to the Hollister Resource Management Plan (RMP). The RMP amendment will be conducted in order to assess the feasibility of transferring part or all of the property to BLM, or BLM and DPR, for joint management between BLM and DPR, and to include the implementation of the final planning decision, if appropriate, under the Hollister RMP. This planning effort will include the preparation of a companion environmental impact analysis. This notice also announces the first public scoping meeting associated with the planning effort and that subsequent meetings will be held.

DATES: A scoping meeting will be held beginning at 10 a.m., on March 10, 2001, at the Loudon Nelson Community Center Auditorium, 301 Center Street, Santa Cruz, California. Written comments will be accepted on topics related the scoping meeting until April 10, 2001. Subsequent meetings will be announced in regional and local news media and the webpages listed below, as these dates are established. At this time, the draft plan and the BLM's draft Hollister RMP amendment are anticipated to be available for public review and comment in summer 2002, and the final plan and proposed Hollister RMP amendment will be completed by winter 2002. It is anticipated that notice of a Record of Decision and the final Hollister RMP amendment will be published in the **Federal Register** in winter 2002/2003.

ADDRESSES: Comments should be sent to the Field Manager, USDI Bureau of Land Management, 20 Hamilton Court, Hollister, CA 95023, ATTN: Coast Dairies Planning Project

FOR FURTHER INFORMATION CONTACT: Rick Hanks, BLM, at (831) 630–5036.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management and the California Department of Parks and Recreation intend to cooperate and collaborate with the Trust for Public Land in a land-use planning effort that will result in the development of the Long-Term Resource Protection and Use Plan (plan) for the Coast Dairies Property. The Coast Dairies Property (property) is approximately 7,000 acres located in northern Santa Cruz County, California. The property is currently held by the Coast Dairies & Land Co. (CDLC)., which in turn is owned by TPL. The purpose of the plan is to assess the value of the natural, cultural, and social resource attributes and develop management strategies that can best balance and protect the identified values.

TPL is now developing a Long-Term Resource Protection and Use Plan for the Coast Dairies property. It is the intent of this planning effort that, upon successful completion of the plan and the planning process, the property would be transferred to BLM and DPR for joint long-term stewardship for the benefit of the American people, provided that the completed plan is consistent with the laws and authorities of each of the two public agencies. This cooperative undertaking provides the opportunity for the two public agencies, BLM and DPR, to be involved from the beginning with the planning effort associated with a unique parcel of private land. BLM will prepare an amendment to the Hollister RMP in order to ensure that the Long-Term Resource Protection and Use Plan

process is consistent with BLM's statutory and regulatory requirements.

The plan will include information necessary for the planning documents of each of the two public agencies. This information will assist the agencies' preparation of environmental documents that meet the requirements of the National Environmental Protection Act (NEPA) and the California Environmental Quality Act (CEQA) to support a final decision of whether or not to accept the property and adoption of the agencies' respective management plans. The BLM and DPR will each serve as the lead agency in their respective NEPA/CEQA processes.

TPL and CDLC have entered into a Memorandum of Understanding (MOU), completed in August 8, 2000, with BLM and DPR that commits these agencies to engage in the Coast Dairies planning process. The MOU also indicates that if BLM and DPR were to take the property, the plan would be accepted by the agencies as conditions or restrictions that would protect the land and guide the agencies' long-term policy for the property.

The plan will be prepared consistent with the following vision statement:

It is the purpose of the Coast Dairies Steering Committee to protect and preserve in perpetuity those intrinsic natural and pastoral qualities that make this 7,000-acre coastal area important to the people of the region, the local community, the state, and the nation.

Sound long-term stewardship of this land will be achieved through cost-effective, adaptive management of the property designed to conserve and enhance its biological, open space and agricultural values, restore wetland riparian, native grassland, forested and other sensitive habitats, and provide compatible recreation.

Adaptive management—continual monitoring of the property's resources as the basis for decisions related to the land's use—will allow for responsible stewardship of the natural and economic resources of the property. It will also create valuable opportunities for education in the field of integrating traditional economic and recreational activities, including sustainable coastal agriculture, with programs designed to protect native biodiversity and other natural landscape values.

In addition to adherence to this vision statement, the plan will generally be designed in accordance with the following conservation objectives:

- Conserve and enhance the biological and open space values afforded by the resources, size, and connectivity of the property;
- Restore key resources such as stream, riparian, and watershed habitats and coastal prairies;
- Protect natural forested areas from commercial harvest, except to the extent determined necessary or desirable for public safety or the health of the forest;
- Create opportunities for public access for recreation and enjoyment that maximize the potential for linkages with nearby lands and are compatible with protection of existing uses and natural resource values;
- Maintain and enhance the feasibility of continued agricultural use in ways that are consistent with protection of natural resource values; and,
- Allow for other economic uses of the land, provided they are consistent with overriding biological and open space conservation needs and objectives.

During the planning process, alternatives will be developed that will identify a reasonable range of options for protecting resources while allowing certain specified sustainable uses. BLM and DPR will identify/cooperating agencies for the environmental analysis portion of the planning effort. In addition, the public will be invited to participate in the scoping process, review of the draft and proposed plans, and attend public comment meetings.

Herrick E. Hanks,

Assistant Field Manager, Hollister Field Office.

[FR Doc. 01–6065 Filed 3–8–01; 8:45 am]

BILLING CODE 3710–FE–M

DEPARTMENT OF THE INTERIOR

National Park Service

Santa Cruz Island Primary Restoration Plan Draft Environmental Impact Statement, Channel Islands National Park, Santa Barbara County, California; Notice of Availability

SUMMARY: Pursuant to § 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 81–190 as amended), the National Park Service, Department of the Interior, has undertaken a conservation planning and environmental impact analysis effort assessing the potential impacts of restoring Santa Cruz Island by eradicating feral pigs from the island. A draft Environmental Impact Statement (DEIS) has been prepared which analyzes the foreseeable effects of implementing proposed actions that accomplish the following objectives: (1) Restore native plant communities; (2) protect plant species that have been listed as endangered or threatened under the Endangered Species Act; (3) reduce the spread of noxious weeds; (4) protect the native Island fox; (5) protect archeological sites; and (6) conserve soil resources on the island. The proposed action was developed in coordination with The Nature Conservancy, owners of 75% of Santa Cruz Island. The actions proposed in this DEIS are necessary because of the adverse ecological impacts the pigs are having on Santa Cruz Island.

Proposal: The proposal for eradicating pigs from Santa Cruz Island is to divide the island into six fenced zones and to sequentially eradicate pigs zone by zone. Approximately 45 miles of fence would be constructed along existing fence lines, thereby creating six distinct management units of about 12,000 acres each. Complete eradication would be achieved in each of the zones in a coordinated effort lasting approximately one year using trained, professional hunters. The techniques and tools for achieving the eradication goal would be similar to other pig eradication efforts such as neighboring Santa Rosa Island and Santa Catalina Island. A helicopter may occasionally be used to transport hunters or serve as a hunting platform.

The eradication campaign would occur in four distinct phases. Phase I (Administration, Infrastructure, and Acquisition) includes putting in place the necessary staff to oversee, manage, direct, and carry out the project including fencing and hunting contractors. It also includes bolstering current housing structures and establishing adequate communications on the island. Necessary equipment and supplies would also be secured at this time. Phase II (Fencing) involves constructing six distinct zones of pig-proof fence across the island. Hunting and trapping in a zone may begin as soon as the zone fence is completed, and prior to the next sequential zone fence being completed. Phase III (Hunting) involves eradicating pigs within a zone, then moving to the next zone in sequential order. Eradication techniques include trapping and baiting, as well as ground hunting with dogs. Once hunting commences, it is estimated that a near complete island-wide eradication could be achieved within six years. Phase IV (Final Hunting and Monitoring) is perhaps the most important, as the intention is to exhaustively search the island for remnant pigs and pig sign. A systematic protocol of monitoring for remnant feral pigs would be developed for the island. Monitoring of the island would continue for five years after elimination of the "last pig" in order to insure success. Long term ecological monitoring to assess ecosystem changes due to pig eradication would continue into the foreseeable future.

It has been determined that in order to successfully eradicate pigs from Santa Cruz Island that fennel will have to be controlled in areas where it has formed large dense thickets. These dense thickets of fennel create a safe harbor for pigs to escape from being hunted, and thus potential failure of the project. Fennel would be burned in the fall with a follow-up treatment of herbicide (Garlon 3A) in the two springs following the burn. The Nature Conservancy developed this protocol in an extensive 600-acre test program in the Central Valley of Santa Cruz Island. The fire and herbicide treatment would involve application by hand, from a vehicle, and from a helicopter.

Alternatives: After identifying the significant environmental issues associated with the proposed action, the Park began developing alternatives to the proposed action. Modifying the eradication strategies to address the environmental issue concerns was the basis used to develop alternatives. In all, three alternatives were developed, including the *"No Action" Alternative* (which maintains the existing minimal management). The two "action" alternatives are as follows: *Alternative Two,* "Simultaneous Island-wide Eradication of Pigs", involves eradicating pigs island-wide without the use of fenced zones. A simultaneous island-wide operation would require several teams of hunters and dogs repeatedly working sections of the island. This is considered to be a high intensity effort for a short period of time, approximately 2–3 years in duration to have near complete eradication island-wide. *Alternative Three* would eradicate pigs from eastern Santa Cruz Island but only exclude pigs from selected sensitive resources on central and western Santa Cruz Island. Selected sensitive resources including archeological sites, and threatened and endangered plant species, would be protected from pigs by constructing and maintaining pig-proof fence around these selected sensitive sites.

SUPPLEMENTARY INFORMATION: Public meetings will be held in the area, with confirmed dates and locations to be announced on the park's website. The DEIS is now available for public review (distribution began during mid-February); copies can be obtained at the park, on the Park's website *(http:www.nps.gov/chis/homepage/restoringsci.html)*, Ventura's Foster Library, and Santa Barbara's Central Library. After a reasonable number of printed copies have been made available, CD copies will be the preferred method of distribution of the DEIS. Inquiries and comments regarding the DEIS should be directed to: Superintendent, Channel Islands National Park, 1901 Spinnaker Dr, Ventura, California 93001. The telephone number for the park is (805) 658–5700.

All written comments must be postmarked on or before May 8, 2001 (as soon as this date has been determined it will be confirmed on the park's website). Persons wishing to express any new concerns about management issues and future land management direction are encouraged to address these to the Superintendent, as noted above. If individuals submitting comments request that their name or/and address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent's identity as allowable by law. As always, NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

Decision: After the formal draft EIS review period has concluded, all comments and suggestions received will be considered in preparing a final EIS. The park expects to complete the final EIS during July 2001. Its availability will be announced in the **Federal Register** and in local and regional news media. Subsequently a Record of Decision would be executed no sooner than 30 (thirty) days after release of the final EIS. The official responsible for the final decision is the Regional Director, Pacific West Region; the official responsible for implementation is the Superintendent, Channel Islands National Park.

Dated: February 14, 2001.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region.

[FR Doc. 01–5948 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan/Environmental Impact Statement, Glen Echo Park, MD

ACTION: Availability of the Final Management Plan/Environmental Impact Statement for Glen Echo Park.

SUMMARY: In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service announces the availability of a Management Plan/Environmental Impact Statement (MP/EIS) for Glen Echo Park, Glen Echo, Maryland.

DATES: 30-day no-action period will follow the Environmental Protection Agency's notice of availability of the MP/EIS.

ADDRESSES: Public reading copies of the MP/EIS will be available for review at the following locations:

In Maryland: Glen Echo Park, 7300 MacArthur Boulevard, Glen Echo, Maryland 20812; Bethesda Public Library, 7400 Arlington Road, Bethesda, Maryland 20814; Davis Public Library, 6400 Democracy Boulevard, Bethesda, Maryland 20817; Gaithersburg Public Library, 18330 Montgomery Village Avenue, Gaithersburg, Maryland 20879; Little Falls Public Library, 5501 Massachusetts Avenue, Bethesda, Maryland 20816; Potomac Public Library, 99 Maryland Avenue, Rockville, Maryland 20850; Silver Spring Public Library, 8901 Colesville Road, Silver Spring, Maryland 20910; Wheaton Public Library, 11701 Georgia Avenue, Wheaton, Maryland 20902.

In Virginia: Arlington Central Library, 1015 North Quincy Street, Arlington, Virginia 22201; Chantilly Library, 4000 Stringfellow Road, Chantilly, Virginia 20151; Fairfax City Regional Library, 3915 Chain Bridge Road, Fairfax, Virginia 20130; Pohick Public Library, 6450 Sydenstricker Road, Burke, Virginia 22015.

The responsible official is Terry R. Carlstrom, Regional Director, National Capital Region, National Park Service.

Terry R. Carlstrom,

Regional Director, National Capital Region.

[FR Doc. 01–5934 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Manzanar National Historic Site Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Manzanar National Historic Site Advisory Commission will be held at 1 p.m. on Friday April 27, 2001 at the Sierra Baptist Church Social Hall, 346 North Edwards Street (U.S. Highway 395), Independence, California, to hear presentations on issues related to the

planning, development, and management of Manzanar National Historic Site.

The Advisory Commission was established by Public Law 102–248, to meet and consult with the Secretary of the Interior or his designee, with respect to the development, management, and interpretation of the site, including preparation of a general management plan for the Manzanar National Historic Site.

Members of the Commission are as follows:

Rose Ochi, Chairperson
William Michael, Vice Chairperson
Keith Bright
Martha Davis
Sue Kunitomi Embrey
Gann Matsuda
Vernon Miller
Mas Okui
Dennis Otsuji
Glann Singley
Richard Stewart

The main agenda will include:

- Status reports on the development of Manzanar National Historic Site by Superintendent Debbie Bird;
- General discussion of miscellaneous matters pertaining to future Commission activities and Manzanar National Historic Site development issues;
- Public comment period.

This meeting is open to the public. It will be recorded for documentation and transcribed for dissemination. Minutes of the meeting will be available to the public after approval of the full Commission. For a copy of the minutes, contact the Superintendent, Manzanar National Historic Site, PO Box 426, Independence, CA 93526.

Dated: February 13, 2001.

Misty Knight,

Superintendent, Manzanar National Historic Site.

[FR Doc. 01–5950 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Natural Landmarks Committee of the National Park Advisory Board; Meeting

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the National Landmarks Committee of the National Park System Advisory Board will be held at 9:00 a.m. on the following dates and at the following location.

DATES: May 8 and May 9, 2001.

LOCATION: Ann Pamela Cunningham Building, Mount Vernon, Mount Vernon, Virginia 22121.

FOR FURTHER INFORMATION CONTACT: Patricia Henry, National Historic Landmarks Survey, National Register, History, and Education (2280); National Park Service, 1849 C Street, NW., Room NC–400; Washington, DC 20240. Telephone (202) 343–8163.

SUPPLEMENTARY INFORMATION: The purpose of the meeting of the National Landmarks Committee of the National Park System Advisory Board is to evaluate nominations of historic properties in order to advise the full National Park System Advisory Board (meeting on May 21–23, 2001) of the qualifications of properties being proposed for National Historic Landmark (NHL) designation, and to recommend to the National Park System Advisory Board those properties that the Landmarks Committee finds meet the criteria for designation as National Historic Landmarks. The members of the National Landmarks Committee are:

Mr. Parker Westbrook, CHAIR
Dr. Allyson Brooks
Dr. Ian W. Brown
Mr. S. Allen Chambers, Jr.
Dr. Elizabeth Clark-Lewis
Mr. Jerry L. Rogers
Dr. Richard Guy Wilson
Ms. Marie Ridder

The meeting will include presentations and discussions on the national historic significance and the historic integrity of a number of properties being nominated for National Historic Landmark designation. The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file for consideration by the committee written comments concerning nominations and matters to be discussed pursuant to 36 CFR part 65.

Comments should be submitted to Carol D. Shull, Chief, National Historic Landmarks Survey and Keeper of the National Register of Historic Places; National Register, History, and Education (2280); National Park Service; 1849 C Street, NW., Room NC–400; Washington, DC 20240.

The committee will consider the following nominations:

Alaska
  Sheldon Jackson School
California
  Fresno Sanitary Landfill
  Hume Lake Dam
Connecticut
  Samuel Wadsworth Russell House
District of Columbia
  John Philip Souza School
Illinois
  S.R. Crown Building
  Nicholas Jarrot Mansion
Maryland
  J.C. Lore Oyster House
Massachusetts
  Gibson House
Montana
  Fort Peck Dam
New York
  Dutch Reformed Church
  Priscilla
  Modesty
  Rudolph Oyster House
North Carolina
  Bethania Historic District
Pennsylvania
  Merchant's Exchange Building
Texas
  Randolph Field Historic District
Virginia
  New Kent County Schools
Washington
  Grand Coulee Dam
Wyoming
  Tygart River Reservoir Dam

The Committee will also consider the following boundary adjustments, added documentation and withdrawals of designation:

California
  Coso Rock Art District (Boundary and Name Change)
  Mendocino Woodlands National Recreational Demonstration Area (Boundary Increase)
Missouri
  USS Inaugural (Withdrawal of Designation)
Ohio
  Hotel Breakers (Withdrawal of Designation)
Texas
  USS Cabot (Withdrawal of Designation)

Dated: March 1, 2001.

Carol D. Shull,

Chief, National Historic Landmarks Survey and Keeper of the National Register of Historic Places; National Park Service, Washington, DC.

[FR Doc. 01–5935 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 17, 2001. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by March 26, 2001.

Carol D. Shull,

Keeper of the National Register Of Historic Places.

COLORADO

Denver County

Overland Cotton Mill, 1314 W. Evans Ave., Denver, 01000288

FLORIDA

Broward County

Gilliam, Sam, House, 11 SW 15th St., Ft. Lauderdale, 01000289

Sarasota County

Blackburn Point Bridge, Blackburn Point Rd. at Gulf Intracoastal Waterway, Osprey, 01000290

NEW YORK

Columbia County

Copake Grange Hall, Empire Rd., S of Old Rte 22, Copake, 01000291

Dutchess County

Maple Grove, 301 S. Rd., US 9, Poughkeepsie, 01000293

Monroe County

Emmanuel Presbyterian Church, Jefferson Ave. at 9 Shelter St., Rochester, 01000295

Warren County

Hamlet of Warrensburgh Historic District, (Warrensburgh, New York MPS) Roughly along Schroon River and the Camp Echo Lake, Warrenburgh, 01000292

Westchester County

Homestead, The, 36 Mead St., Waccabuc, 01000294

Yates County

Garrett Memorial Chapel, Skyline Dr., Bluff Point, 01000296

SOUTH CAROLINA

Bamberg County

Denmark High School, N. Palmetto Ave., Denmark, 01000297

Orangeburg County

Cope Depot, Cope Rd., Cope, 01000298

WISCONSIN

Iowa County

Thomas Stone Barn, 7777 WI 18–151, Brigham, 01000299

WYOMING

Carbon County

Willis House, 621 Winchell Ave., Encampment, 01000300

[FR Doc. 01–5937 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 24, 2001. Pursuant to 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW., NC400, Washington, DC 20240. Written comments should be submitted by March 26, 2001.

Paul R. Lusignan,

Acting Keeper of the National Register of Historic Places.

ARKANSAS

Clark County

Thompson, C.E., General Store and House, (Arkansas Highway History and Architecture MPS), 3100 Hollywood, Arkadelphia, 01000302

Pulaski County

Bragg Guesthouse, 1615 Cumberland, Little Rock, 01000301

COLORADO

Conejos County

S.P.M.D.T.U. Concilio Superior, 603 Main St., Antonito, 01000322

DISTRICT OF COLUMBIA

District of Columbia

Meridian Manor, 1424 Chapin St., NW, Washington, 01000324

FLORIDA

Alachua County

Lake Pithlachocco Canoe Site, N end of Newman's Lake, Gainesville, 01000303

Polk County

Roosevelt School, 115 East St. N, Lake Wales, 01000306

GEORGIA

Tattnall County

Smith—Nelson Hotel, 118 S. Main St., Reidsville, 01000305

MASSACHUSETTS

Middlesex County

Dutton—Holden Homestead, 28 Pond St., Billerica, 01000307

Suffolk County

Dorchester—Milton Lower Mills Industrial District (Boundary Increase, Roughlys Adams, River, Medway Sts., Millers Lane, Eliot and Adams Sts., Boston, 01000304

MONTANA

Broadwater County

Crow Creek Water Ditch, Helena National Forest—Headwaters Resource Area, Townsend, 01000323

Silver Bow County

Matt's Place Drive-In, 2339 Placer St., Butte, 01000308

NEW YORK

Columbia County

Turtle House, 14 Fabiano Blvd., Greenport, 01000309

SOUTH CAROLINA

Horry County

Galivants Ferry Historic District, Jct. of US 501, Pee Dee Rd., and Galivants Ferry Rd., Galivants Ferry, 01000321

Orangeburg County

Springfield High School, Brodie St., bet. SC 4 and Georgia St., Springfield, 01000313

Pickens County

Morgan House, 416 Church St., Central, 01000312

Spartanburg County

Hotel Oregon, 247 and 249 Magnolia St., Spartanburg, 01000311

TEXAS

Bexar County

Harris, Ethel Wilson, House, 6519 San Jose Dr.—San Antonio Missions NHP, San Antonio, 01000325

UTAH

Box Elder County

Holmgren Farmstead, 460 N 300 E, Tremonton, 01000319

Kane County

Johnson, William Derby, Jr., House, (Kanab, Utah MPS) 54 S. Main St., Kanab, 01000315

Rider—Pugh House, (Kanab, Utah MPS) 17 W 100 S, Kanab, 01000316
Stewart—Woolley House, (Kanab, Utah MPS) 106 W 100 N, Kanab, 01000314

SALT LAKE COUNTY

Salt Lake Northwest Historic District, Roughly bounded by 1100 West, 600 North, 500 West, and North Temple, Salt Lake City, 01000320

Uintah County

Smith, Francis "Frank" and Eunice, House, 1847 N 3000 W, Vernal, 01000317

VERMONT

Chittenden County,

Richmond Congregational Church, Jct. of Bridge and Church St., Richmond, 01000326

WISCONSIN

Milwaukee County

Gimbels Parking Pavilion, 555 N. Plankinton Ave., Milwaukee, 01000310

Sheboygan County

Kohler Company Factory Complex, 444 Highland Dr., Kohler, 01000318

[FR Doc. 01–5949 Filed 3–8–01; 8:45 am]
BILLING CODE 4310–70–U

DEPARTMENT OF THE INTERIOR

National Park Service

CORRECTION-Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Kawaihae, Kohala, Island of Hawaii, HI, in the Possession of the Bernice Paushi Bishop Museum, Honolulu, HI

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects from Kawaihae, Kohala, Island of Hawaii, HI, in the possession of the Bernice Pauahi Bishop Museum, Honolulu, HI.

This notice corrects the list of culturally affiliated groups cited in the Notice of Inventory Completion published April 5, 2000. The list of culturally affiliated groups is corrected by adding the following groups: the Kekumano 'Ohana, the Keohokalole 'Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana. Paragraphs seven and eight of the April 5, 2000, notice are corrected by substituting the following two paragraphs:

Based on the style and type of the associated funerary object and unassociated funerary objects from this lava tube complex, manner of interments, and recovery locations, these individuals have been determined to be Native American. In consultation with the Hawai'i Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, and the Office of Hawaiian Affairs, the Bernice Pauahi Bishop Museum decided that no attempt would be made to determine the age of the human remains. Due to the lack of identifiable individuals, the museum has been unable to make any lineal descent determinations. Museum officials believe that the claims of the Hawai'i Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano 'Ohana, the Keohokalole 'Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana** address and encompass individual, family, and community interests.

Based on the above mentioned information, officials of the Bernice Pauahi Bishop Museum have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of a minimum of 16 individuals of Native American ancestry. Officials of the Bernice Pauahi Bishop Museum have also determined that, pursuant to 43 CFR 10.2(d)(2), the one object listed above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Bernice Pauahi Bishop Museum have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary object and the Hawai'i Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano 'Ohana, the Keohokalole 'Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana.**

This notice also corrects the list of organizations to which this is notice is sent by deleting Henry A. Auwae and Melvin Kalahiki, Jr., adding the groups listed above, providing new contact information, and providing a new response date. The last paragraph of the April 5, 2000, notice is corrected by substituting the following paragraph: This notice has been sent to officials of the Hawai'i Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano 'Ohana, the Keohokalole 'Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana.** Representatives of any other tribe that believes itself to be culturally affiliated with these human remains and objects should contact **Guy Kaulukukui, Assistant NAGPRA Program Manager, Bernice Pauahi Bishop Museum, 1525 Bernice Street, Honolulu, HI 96817, telephone (808) 847–8274,** before April 9, 2001. Repatriation of the human remains and associated funerary objects to the Hawai'i Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano 'Ohana, the Keohokalole 'Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana** may begin after that date if no additional claimants come forward.

Dated: February 23, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5940 Filed 3–8–01; 8:45 am]
BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

CORRECTION—Notice of Intent To Repatriate Cultural Items from Kawaihae, Kohala, Island of Hawaii, HI, in the Possession of the Bernice Pauahi Bishop Museum, Honolulu, HI

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Bernice Pauahi Bishop Museum, Honolulu, HI, that meet the definition of "unassociated funerary objects" under Section 2 of the Act.

This notice corrects a typographic error in paragraph 15 of the notice of Intent to Repatriate published April 5, 2000. Paragraph 15 of the April 5, 2000, notice is corrected by substituting the following paragraph:

The 20 cultural items include samples of cordage, mat, and bark cloth. In 1985, these cultural items from a lava tube complex in Kawaihae, Kohala, HI were donated to the Bernice Pauahi Bishop Museum by Catherine Summers, who compiled these samples from museum collections.

This notice also corrects the list of culturally affiliated groups cited in the Notice of Intent to Repatriate published April 5, 2000. The list of culturally affiliated groups is corrected by adding the following groups: the Kekumano 'Ohana, the Keohokalole 'Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana. Paragraph 17 of the April 5, 2000, notice is corrected by substituting the following paragraph:

Based on the above mentioned information, officials of the Bernice Pauahi Bishop Museum have determined that, pursuant to 43 CFR 10.2(d)(2)(ii), these 168 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Hawai'i Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, the Department of Hawaiian Homelands, and the Office of Hawaiian Affairs, **the Kekumano 'Ohana, the Keohokalole Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana.**

Finally, this notice corrects the list of organizations to which this notice is sent by deleting Henry A. Auwae and Melvin Kalahiki, Jr., adding the groups listed above, providing new contact information, and providing a new response date. The last paragraph of the April 5, 2000, notice is corrected by substituting the following paragraph: This notice has been sent to officials of the Hawai'i Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano 'Ohana, the Keohokalole 'Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana.** Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and objects should contact **Guy Kaulukukui, Assistant NAGPRA Program Manager, Bernice Pauahi Bishop Museum, 1525 Bernice Street, Honolulu, HI 96817, telephone (808) 847–8274,** before April 9, 2001. Repatriation of these objects to the Hawai'i Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano 'Ohana, the Keohokalole 'Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana** may begin after that date if no additional claimants come forward.

Dated: February 23, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5941 Filed 3–8–01; 8:45 am]
BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Effigy Mounds National Monument, Harpers Ferry, IA.

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Effigy Mounds National Monument, Harpers Ferry, IA. This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships, is not responsible for the determinations within this notice.

A detailed assessment and inventory of the human remains and associated funerary objects was made by National Park Service professional staff in consultation with representatives of the Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Ho-Chunk Nation of Wisconsin; Sac and Fox Tribe of the Mississippi in Iowa; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac and Fox Nation, Oklahoma; Winnebago Tribe of Nebraska; and the Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota. A NAGPRA delegate from the Minnesota Indian Affairs Council, a non-Federally recognized Indian group, was present at the consultation meeting sponsored by Effigy Mounds National Monument and was a representative on behalf of the Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; and Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota.

In 1952, human remains representing 12 individuals were recovered during

legally authorized National Park Service sponsored excavations at Mound #57, a site located within Effigy Mounds National Monument boundaries. These 12 sets of human remains are comprised of 8 adults and 4 children. No known individuals were identified. The three associated funerary objects include one copper breastplate, one sandstone drill pivot, and one piece of obsidian. On August 3, 2000, these sets of human remains and associated funerary objects were returned to Effigy Mounds National Monument after having been in the possession of an individual (now deceased) since the 1950s. Based on archeological context, these 12 individuals were identified as Native American.

In 1952, human remains representing one individual were recovered during legally authorized National Park Service-sponsored excavations at Mound #27, a site located within Effigy Mounds National Monument boundaries. This set of human remains is comprised of 12 teeth from a child who was approximately 8 or 9 years old. No known individual was identified. No associated funerary objects are present. On August 3, 2000, this set of human remains was returned to Effigy Mounds National Monument after having been in the possession of an individual (now deceased) since the 1950s. Based on archeological context, this set of human remains was identified as Native American.

In 1957, human remains representing one individual were recovered from a mound on private lands near Effigy Mounds National Monument. This set of human remains is comprised of 94 bone fragments from a bundle burial. These human remains were given to Effigy Mounds National Monument in 1962, and were transferred to the National Park Service's Midwest Archeological Center in 1973. No known individual was identified. No associated funerary objects are present. Based on archeological context, these human remains were identified as Native American.

In 1998, human remains representing one individual were received by and taken into the possession of Effigy Mounds National Monument. These human remains are comprised of a cranium and mandible, which were mailed to the monument by an anonymous individual who claimed to have purchased the skull for an art class and was told it came from the mounds in the area of Effigy Mounds National Monument. No known individual was identified. No associated funerary objects are present. Based on physical attributes of the skull, the Office of the State Archaeologist in Iowa identified these remains as Native American.

On the basis of archeological context, material culture, and geographic location, the mounds at Effigy Mounds National Monument have been identified as belonging to the Late Woodland Period culture (1700–750 B.P.). The Oneota culture (800–300 B.P.), which replaced the Effigy Mounds culture, occupied the area surrounding Effigy Mounds National Monument and is identified as being clearly ancestral to the Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Otoe-Missouria Tribe of Oklahoma, Ho-Chunk Nation of Wisconsin, and Winnebago Tribe of Nebraska. Linguistic, oral tradition, temporal and geographic evidence reasonably indicates that the following Sioux Indian tribes possess ancestral ties to the Effigy Mounds National Monument region and the human remains and associated funerary objects described above: Upper Sioux Indian Community of the Upper Sioux Reservation, Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake), Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota, and Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation.

The Treaty of September 21, 1832 (Stat. L. VII, 374) between the Sauk and Fox and the United States, a cession required of the Sauk and Fox as indemnity for the expenses of the Black Hawk War, demonstrates that the Sac and Fox Tribe of the Mississippi in Iowa, Sac and Fox Nation of Missouri in Kansas and Nebraska, and Sac and Fox Nation of Oklahoma are the aboriginal occupants of the lands encompassing the present-day Effigy Mounds National Monument. Based upon an examination of the historical and geographical information, the Effigy Mounds National Monument superintendent determined that the Sac and Fox Tribe of the Mississippi in Iowa, Sac and Fox Nation of Missouri in Kansas and Nebraska, and Sac and Fox Nation of Oklahoma share a historic and continuing affiliation with Effigy Mounds National Monument lands, but do not possess a cultural affiliation with the human remains and associated funerary objects described above.

Based on the above-mentioned information, the Effigy Mounds National Monument superintendent has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 15 individuals of Native American ancestry. The Effigy Mounds National Monument superintendent also has determined that, pursuant to 43 CFR 10.2 (d)(2), the three objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, the Effigy Mounds National Monument superintendent determined that, pursuant to 43 CFR 10.2 (e), there is the relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Ho-Chunk Nation of Wisconsin; Winnebago Tribe of Nebraska; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; and Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota.

This notice has been sent to officials of the Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Ho-Chunk Nation of Wisconsin; Sac and Fox Tribe of the Mississippi in Iowa; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac and Fox Nation, Oklahoma; Winnebago Tribe of Nebraska; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; and Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Phyllis Ewing, Superintendent, Effigy Mounds National Monument, 151 Highway 76, Harpers Ferry, IA 52146–7519, telephone (319) 873–3491, before April 9, 2001. Repatriation of the human remains and associated funerary objects to the Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Ho-Chunk Nation of Wisconsin; Winnebago Tribe of Nebraska; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; or Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota will begin after that date if no additional claimants come forward.

Dated: February 14, 2001

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5944 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of Energy, Richland Operations Office, Richland, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of Energy, Richland Operations Office, Richland, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the U.S. Department of Energy, Richland Operations Office professional staff and contract specialists in archeology, ethnography, and human osteology, in consultation with representatives of the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington; the Confederated Tribes of the Colville Reservation, Washington; the Confederated Tribes of the Umatilla Reservation, Oregon; the Nez Perce Tribe of Idaho; and the Wanapum Band, a non-Federally recognized Indian group.

In 1968, human remains representing one individual were recovered from site 45–BN–128, Benton County, WA, by Dr. David Rice, Washington State University, Pullman, WA, during an archeological survey. No known individual was identified. The seven associated funerary objects are fragments of dentalium shells, one of which exhibits intricately etched designs.

Site 45–BN–128 is a burial site located on an island about 4 miles downriver from Tacht, a major Native American village. Tacht, located near the East White Bluffs townsite, was occupied until 1943 by members of the Wanapum Band, as well as members of other tribes whose descendants now reside on the Yakama, Umatilla, Colville and Nez Perce reservations. Artifacts observed at the burial site included chipped stone tools, a bone needle, glass trade beads, and shell beads.

Based on skeletal morphology, the archeological context, the condition of the human remains, and the associated funerary objects, these human remains have been identified as Native American dating prior to European contact. Historic documents, ethnographic sources, and oral history indicate that the Wanapum Band, also known as the Priest Rapids Indians, occupied this section of the Columbia River since precontact times. The treaties of 1855 and other historic documents, ethnographic sources, and oral history identify site 45–BN–128 as located on the ceded lands boundary between the Confederated Tribes of the Umatilla Reservation, Oregon, and the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington, in an area routinely visited by bands associated with both groups. Bands associated with the Nez Perce Tribe of Idaho and the Confederated Tribes of the Colville Reservation, Washington, are also known to have used the area routinely.

In 1974–75, human remains representing one individual were recovered from Taks'sah' (45–BN–157), Benton County, WA, during legally-authorized archeological excavations conducted by the Mid-Columbia Archaeological Society under the direction of Dr. David Rice, University of Idaho, Moscow, ID. The remains were transferred to the U.S. Department of Energy, Richland Operations Office in 1994. No known individual was identified. The eight associated funerary objects are stone flakes.

Taks'sah', also known as Jaeger's Island, was a principle Wanapum sedentary village that was occupied until 1943. Based on skeletal morphology, the archeological context, the condition of the human remains, and the associated funerary objects, these human remains have been identified as Native American dating prior to European contact. Historic documents, ethnographic sources, and oral history indicate that the Wanapum Band occupied this section of the Columbia River since precontact times. The treaties of 1855 and other historic documents, ethnographic sources, and oral history identify site 45–BN–157 as located within the ceded lands of the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington, in an area routinely visited by bands associated with this tribe. Bands associated with the Confederated Tribes of the Umatilla Reservation, Oregon; the Confederated Tribes of the Colville Reservation, Washington; and the Nez Perce Tribe of Idaho are also known to have used the area routinely.

In 1987, human remains representing one individual were recovered from site 45–BN–163, Benton County, WA, during archeological surface collection by Hanford Cultural Resources Laboratory staff. No known individual was identified. No associated funerary objects are present.

Site 45–BN–163 is a housepit containing materials typically associated with the late precontact settlement of the area, including fire-cracked rock, cobble tools, notched pebble sinkers, corner-notched projectile points, flakes, and shell. These remains were recovered in an area traditionally associated with the Wanapum Band and within the ceded lands of the Confederated Tribes of the Umatilla Reservation, Oregon. Bands associated with the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington; the Nez Perce Tribe of Idaho; and the Confederated Tribes of the Colville Reservation, Washington, are also known to have used this area routinely.

Based on the above-mentioned information, officials of the U.S. Department of Energy, Richland Operations Office have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of three individuals of Native American ancestry. Officials of the U.S. Department of Energy, Richland Operations Office also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 15 objects listed above are reasonably

believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the U.S. Department of Energy, Richland Operations Office have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington; the Confederated Tribes of the Colville Reservation, Washington; the Confederated Tribes of the Umatilla Reservation, Oregon; the Nez Perce Tribe of Idaho; and the Wanapum Band, a non-Federally recognized Indian group.

This notice has been sent to officials of the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington; the Confederated Tribes of the Colville Reservation, Washington; the Confederated Tribes of the Umatilla Reservation, Oregon; the Nez Perce Tribe of Idaho; and the Wanapum Band. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Dee W. Lloyd, Site Preservation Officer, U.S. Department of Energy, Richland Operations Office, P.O. Box 550, Richland, Washington 99352, telephone (509) 372–2299, before April 9, 2001. Repatriation of the human remains and associated funerary objects to the affiliated tribes may begin after that date if no additional claimants come forward.

Dated: February 20, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5939 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Knife River Indian Villages National Historical Site, Stanton, ND.

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Knife River Indian Villages National Historical Site, Stanton, ND. This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships, is not responsible for the determinations within this notice.

A detailed assessment and inventory of the human remains and associated funerary objects was made by National Park Service professional staff in consultation with the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. Additionally, Dr. Randall R. Skelton, University of Montana, Department of Anthropology, performed a physical anthropological examination of the human remains at the request of the Montana Division of Forensic Sciences.

Prior to coming into the possession of the Knife River Indian Villages National Historical Site, the human remains at issue were comprised of a single skull, lower jaw, and eight teeth.

Documentary evidence indicates that in October 2000 Agent Reed Scott, Montana Division of Criminal Investigation (DCI), received a telephone call from the Broadwater County Sheriff's Office reporting that a human skull had been found in the closet of a rented residence in Townsend, MT. On October 16, 2000, Agent Scott took custody of the skull and signed it over to DCI Agent Will Cordes on October 17, 2000, who transported the remains to the Montana Division of Forensic Sciences. On October 18, 2000, Agent Scott contacted the owner of the residence, Mrs. Bevan Carson, and was informed by her that the Carson family received the skull around 1990 from Forest Kreiger, now deceased, of Stanton, ND. Agent Scott then contacted Mr. Kreiger's son, Jesse Kreiger, who stated that his father had moved to their farm in Stanton, ND, during the 1950s and while farming had located a number of bones. Jesse Kreiger had no recollection of this specific human skull; however, he stated that tribal burial grounds had been located on or near the Kreiger properties. He also indicated that his father's farm was near or part of the Knife River Indian Village National Historic Site. On October 20, 2000, Agent Scott contacted Pam Piatz, Jesse Kreiger's sister, of Stanton, ND. Mrs. Piatz recalled that human remains had been on her family's farm and that the human skull at issue had either been exhumed by her father while he was farming or ranching, or had been unearthed by a fox. On October 20, 2000, Agent Scott received a report from Dr. Skelton, who had been asked to examine the skull by the Montana Division of Forensic Sciences. The report indicated that the skull represents a male individual with an age ranging between 26 and 83 years and who possessed prehistoric Native American physical characteristics. On October 30, 2000, Agent Scott had the human skull transported to the Mercer County Sheriff's Office in Stanton, ND.

On October 31, 2000, Major Colin Peterson, Mercer County Sheriff's Department, contacted John A. Moeykens at Knife River Indian Villages National Historical Site, and informed him about the human remains' recent recovery and background. After taking custody of the skull on November 13, 2000, Mr. Moeykens conducted a follow-up investigation. Upon contacting Jesse Kreiger and Mrs. Piatz, Mr. Moeykens was informed that the Kreiger family had bought their property in the vicinity of the park in approximately 1958. Further, except for the known Native American burial sites, most of the lands had been farmed during the early 1960s. According to Jesse Kreiger and Mrs. Piatz, their father unearthed Native American artifacts and human remains while farming, but they had no specific recollection of the human skull at issue. They also stated that the Carsons had resided in the Stanton, ND, area for about one year, possibly in the 1960s, and occasionally returned for visits. Jesse Kreiger and Mrs. Piatz did not believe the skull could have been given to the Carsons in 1990 and that Mrs. Carson was confused about this date. Rather, they believe that the Carsons would have obtained the remains 30 years ago if they were recovered from their father's land.

On November 13, 2000, human remains representing one individual were received by and taken into the possession of Knife River Indian Villages National Historical Site. These human remains, which are comprised of a single skull, lower jaw, and eight teeth, were delivered with documentary evidence to Knife River Indian Villages National Historical Site by Major Colin Peterson of the Mercer County Sheriff's Department, Stanton, ND. Supporting documentation indicates that the skull was removed 10 to 30 years ago from private land adjacent to Knife River Indian Villages National Historical Site. Although the date of exhumation is not known, it most likely occurred before the National Park Service acquired the private land from which it was removed. No known individual was identified. No associated funerary objects are present.

Based upon an anthroposcopic assessment, Dr. Skelton identified these human remains as Native American. On the basis of documentary, testimonial, and geographic evidence, the human remains described above are reasonably believed to have been removed 10 to 30 years ago from private land adjacent to Knife River Indian Villages National Historical Site. Further, it is reasonably believed that the remains were exhumed from a slope above Big Hidatsa Village, where Native American burials are known to exist. The Hidatsa is one of the three tribes that comprise the Three Affiliated Tribes of the Fort Berthold Reservation (Arikara, Hidatsa, and Mandan).

Based on the above-mentioned information, the Knife River Indian Villages National Historical Site superintendent determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. The Knife River Indian Villages National Historical Site superintendent also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

This notice has been sent to officials of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Lisa Eckert, Superintendent, Knife River Indian Villages National Historical Site, P.O. Box 9, Stanton, ND 58571, telephone (701) 745–3309, before April 9, 2001. Repatriation of the human remains to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota will begin after that date if no additional claimants come forward.

Dated: February 14, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5945 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Essex Museum, Salem, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Essex Museum, Salem, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Peabody Essex Museum professional staff in consultation with representatives of Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs.

Between 1820 and 1868, human remains representing a minimum of three individuals were collected as part of a refuse bowl with human teeth by Rev. Asa Thurston and his wife, Lucy Goodale. At an unknown time, this bowl was sent to Goodale relatives in Marlboro, MA. In 1925, the Goodale collection was purchased by Stephen W. Phillips and Mrs. Stephen H. Phillips who donated the collection to the Peabody Essex Museum the same year. No known individuals were identified. No associated funerary objects are present.

Based on 43 CFR 10.2 (d)(2–4), Peabody Essex Museum officials have determined that this refuse bowl is not an unassociated funerary object, sacred object, or object of cultural patrimony. Human remains are defined under NAGPRA regulations 43 CFR 10.2 (d)(1) as "the physical remains of the body of a person of Native American ancestry." The definition excludes from consideration under the statute human remains or portions of human remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body the remains were obtained.

Based on historical and anthropological evidence, Peabody Essex Museum officials have determined that these teeth were not freely given or naturally shed from the individuals from whose bodies the teeth were obtained. Based on this evidence, the definition in 43 CFR 10.2 (d)(1), and regulatory critieria provided by the Departmental Consulting Archeologist for consideration by the museum, Peabody Essex Museum officials have determined these human remains are most likely those of Native Hawaiians. In making this determination, the Peabody Essex Museum also considered a previously published Notice of Inventory Completion in which the Bernice Pauahi Bishop Museum determined that human teeth set into a refuse bowl and other similar objects such as kahili and handles containing human remains are human remains for the purposes of NAGPRA.

Based on the above-mentioned information, officials of the Peabody Essex Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of three individuals of Native American ancestry. Officials of the Peabody Essex Museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs.

This notice has been sent to officials of Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs. Representatives of any other Native Hawaiian organization that believes itself to be culturally affiliated with these human remains should contact Christina Hellmich, Director of Collections Management, Peabody Essex Museum, East India Square, Salem, MA 01970, telephone (978) 745–1876, facsimile (978) 744–0036, before April 9, 2001. Repatriation of the human remains to the Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs may begin after that date if no additional claimants come forward.

Dated: February 21, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5947 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Repatriate Cultural Items in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given that the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meet the definition of "unassociated funerary objects" under section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not responsible for the determinations within this notice.

The cultural items are 58 shell beads and shell fragments, and 1 ceramic bowl and 15 sherds from that vessel.

In 1896, Clarence B. Moore recovered 29 shell beads and shell fragments from Ossabaw Island, Middle Settlement, Mound A, Chatham County, GA, and donated these cultural items to the Peabody Museum of Archaeology and Ethnology the same year. Museum documentation indicates that these cultural items were recovered in association with human remains that were interred inside a ceramic vessel. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial. Because museum documentation describes the ceramic vessel as containing human remains, the vessel is considered to be an associated funerary object and is described in a Notice of Inventory Completion.

The ceramic style of the vessel is dated to the Irene phase of the late Mississippian period (A.D. 1300–1550), and the cultural items found in association with the vessel belong to the same period. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the Middle Settlement, Mound A site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1897, Clarence B. Moore collected 29 shell beads from St. Catherine's Island, "Mound near South End Settlement" site, Long County, GA, and donated these cultural items to the Peabody Museum of Archaeology and Ethnology the same year. Museum documentation indicates that these cultural items were recovered with human remains that were interred inside a ceramic vessel. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial. Because museum documentation describes the ceramic vessel as containing human remains, the vessel is considered an associated funerary object and is described in a Notice of Inventory Completion.

The ceramic style of the vessel dates to the Irene phase of the late Mississippian period (A.D. 1300–1550), and the cultural items found in association with the vessel belong to the same period. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the "Mound near South End Settlement" site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1898, Clarence B. Moore recovered 1 ceramic bowl and 15 sherds from that bowl from the "Mounds near Lake Bluff" site, Long County, GA, and donated the bowl to the Peabody Museum of Archaeology and Ethnology the same year. Museum documentation indicates that the bowl was associated with a burial. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial.

The bowl dates to the Savannah II phase of the Late Mississippian period (A.D. 1300–1550). Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the "Mounds near Lake Bluff" site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these 74 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these cultural items and Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

This notice has been sent to officials of Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these unassociated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before April 9, 2001. Repatriation of these unassociated funerary objects to Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma may begin after that date if no additional claimants come forward.

Dated: February 22, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5942 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains and associated funerary objects was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1858, a cultural item was recovered from a mound on Ossabaw Island, Chatham County, GA, by A.M. Harrison. The item is an Irene Complicated Stamped jar and was donated to the Peabody Museum of Archaeology and Ethnology by Dorothy Merrick in 1965.

Based on ceramic style, this jar is dated to the Irene phase of the Late Mississippian period (A.D. 1300–1550). The cultural item has been determined to be an associated funerary object because museum documentation indicates that it contained human remains. The burial context indicates that the burial was Native American. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the mound on Ossabaw Island is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1896, Clarence B. Moore recovered cultural items from Ossabaw Island, Middle Settlement, Mound A, Chatham County, GA, and donated the items to the Peabody Museum of Archaeology and Ethnology that same year. The 31 items are 1 complete jar with stamped decorations represented by 3 sherds, 1 large reconstructed bowl represented by 15 ceramic sherds, 1 large jar with stamped decorations, and 1 large jar represented by 12 sherds.

Based on ceramic style, the vessels are dated to the Irene phase of the Late Mississippian period (A.D. 1300–1550). The cultural items have been determined to be associated funerary objects because museum documentation indicates that the vessels contained human remains. The burial context indicates that the burials were Native American. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from these burials. These vessels contained additional funerary objects that are considered unassociated funerary objects due to the absence of human remains. These unassociated funerary objects are described in a Notice of Intent to Repatriate. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the Middle Settlement, Mound A site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1897, Clarence B. Moore recovered human remains representing one individual from the "Mound near Contentment" site, McIntosh County, GA, and donated these remains to the Peabody Museum of Archaeology and Ethnology that same year. No known individual was identified. The 30 associated funerary objects are 1 undecorated ceramic jar represented by 29 ceramic sherds, and 1 complete ceramic jar with check stamp decoration.

Based on the ceramic style of the vessels, the burial is dated to the Savannah II phase of the Late Mississippian period (A.D. 1200–1300) and the individual has been identified as Native American. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the "Mound near Contentment" site is located within the aboriginal and historical homelands of the Creek Confederacy during the Savannah II phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1897, Clarence B. Moore recovered cultural items from St. Catherine's Island, "Mound near South End Settlement" site, Long County, GA, and donated the items to the Peabody Museum of Archaeology and Ethnology that same year. The 33 cultural items are 1 jar with stamped decoration, 31 sherds from that vessel, and 1 large bowl.

Based on ceramic style, these items are dated to the Irene phase of the Late Mississippian period (A.D. 1300–1550). The cultural items have been determined to be associated funerary objects because museum documentation indicates that the vessels contained human remains. The burial context indicates that the burial was Native American. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial. These vessels contained additional funerary objects that are considered unassociated funerary objects due to the absence of human remains. These unassociated funerary objects are described in a Notice of Intent to Repatriate. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the "Mound near South End Settlement" site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1897, Clarence B. Moore recovered cultural items from the "Creighton Island-North End" site, McIntosh County, GA, and donated the items to the Peabody Museum of Archaeology and Ethnology that same year. The 91 items are 1 jar with stamped decorations and 50 sherds from that vessel, and 1 jar with stamped decoration and 39 sherds from that vessel.

Based on ceramic style, these vessels are dated to the Late Mississippian/ Protohistoric period (A.D. 1300–1650). The cultural items have been determined to be associated funerary objects because museum documentation indicates that the vessels contained human remains. The burial context indicates that these burials were Native American. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the "Creighton Island-North End" site is located within the aboriginal and historic homelands of the Creek Confederacy during the Late Mississippian/Protohistoric period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1897, Clarence B. Moore recovered cultural items from Ossabaw Island, Middle Settlement, Mound A, Chatham County, GA, and donated the items to the Peabody Museum of Archaeology and Ethnology that same year. The 11 items are 1 jar with stamped decoration, and 1 jar with stamped decoration represented by 10 sherds.

Based on ceramic style, these cultural items are dated to the Irene phase of the Late Mississippian period (A.D. 1300–1550). The cultural items have been determined to be associated funerary objects because museum documentation indicates that the vessels contained human remains. The burial context indicates that the burials were Native American. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from these burials. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the Middle Settlement, Mound A site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1898, Clarence B. Moore recovered human remains representing five individuals from the "Mounds 1 and 2 near Lake Bluff" site, Long County, GA, and donated these remains to the Peabody Museum of Archaeology and Ethnology that same year. No known individuals were identified. The 113 associated funerary objects are 1 undecorated bowl, 1 undecorated bowl represented by 15 ceramic sherds, 1 jar with stamped decorations, 95 shell beads, 1 bottle of shell beads, and floral remains.

Based on ceramic style, the burial is dated to the Savannah II phase of the Late Mississippian period (A.D. 1200–1300), and the individuals have been identified as Native American. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the "Mounds 1 and 2 near Lake Bluff" site is located within the aboriginal and historical homelands of the Creek Confederacy during the Savannah II phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1916, human remains representing one individual were donated to the Peabody Museum of Archaeology and Ethnology by the Boston Society of Natural History. No known individual was identified. No associated funerary objects are present.

The human remains were collected from an unknown locale in Georgia by Dr. Josiah C. Nott. Museum documentation, which describes the human remains as a "Creek Chief," indicates that the individual is Native American. The attribution of such a specific cultural affiliation to the human remains also indicates that the interment postdates sustained contact between indigenous groups and Europeans beginning in the 17th century. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that Georgia was occupied by the Creek Confederacy in historic times. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains described above represent the physical remains of seven individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (d)(2), 143 of the objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony, and 167 of the objects listed above are reasonably believed to have been made to contain human remains. Lastly, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

This notice has been sent to officials of Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before April 9, 2001. Repatriation of the human remains and associated funerary objects to Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma may begin after that date if no additional claimants come forward.

Dated: February 22, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5943 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion of Native American Human Remains and Associated Funerary Objects in the control of the Robert S. Peabody Museum of Archaeology, Andover, MA.

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of inventory of human remains and associated funerary objects in the control of the Robert S. Peabody Museum of Archaeology, Andover, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Robert S. Peabody Museum of Archaeology professional staff in consultation with representatives of the Narragansett Indian Tribe of Rhode Island, the Mashantucket Pequot Tribe of Connecticut, and the Mohegan Indian Tribe of Connecticut.

In 1921, human remains representing one individual were recovered from the Niantic Shellheap Site in East Lyme, CT, by Warren King Moorehead under the auspices of the Robert S. Peabody Museum of Archaeology. No known individual was identified. No associated funerary objects are present.

Stylistic attributes of ceramics excavated from the site indicate that the Niantic Shellheap Site was occupied in the Late Woodland-Early Contact period, circa A.D. 1550–1700. Based on cultural continuities, it is likely that the historic Niantic people in the Connecticut area developed out of Late Woodland culture. The population of Niantic people diminished after European contact due to disease and war, and the remaining tribal members joined neighboring tribes in A.D. 1850. Oral tradition and historic documentation indicate that the Niantic people joined the Mohegan Tribe and Narragansett Tribe at that time.

Based on the above-mentioned information, officials of the Robert S. Peabody Museum of Archaeology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Robert S. Peabody Museum of Archaeology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Narragansett Indian Tribe of Rhode Island and the Mohegan Indian Tribe of Connecticut.

This notice has been sent to officials of the Narragansett Indian Tribe of Rhode Island, the Mashantucket Pequot Tribe of Connecticut, and the Mohegan Indian Tribe of Connecticut. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact James W. Bradley, Director, Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA 01810, telephone (978) 749–4490, before April 9, 2001. Repatriation of the human remains to the Narragansett Indian Tribe of Rhode Island and the Mohegan Indian Tribe of Connecticut may begin after that date if no additional claimants come forward.

Dated: February 9, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5936 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for an Associated Funerary Object in the Possession of the U.S. Department of the Interior, National Park Service, Salinas Pueblo Missions National Monument, Mountainair, NM

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of the inventory of an associated funerary object in the possession of the U.S. Department of the Interior, National Park Service, Salinas Pueblo Missions National Monument, Mountainair, NM. This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of this Native American associated funerary object. The Assistant Director, Cultural Resources Stewardship and Partnerships, is not responsible for the determinations within this notice.

A detailed assessment and inventory of the associated funerary object has been made by professional staff of the National Park Service, in consultation with representatives of the Pueblo of Acoma, New Mexico; Hopi Tribe of Arizona; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Kiowa Tribe of Oklahoma; Mescalero Apache Tribe, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Wichita Tribe of Oklahoma; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico.

Representatives of the Piro-Manso-Tiwa, a non-Federally recognized Indian group, were also present at one of the consultation meetings.

According to a notice of inventory completion published in the Federal Register on August 29, 2000 (FR Doc. 00–21974) by the Museum of Indian Arts and Culture/Laboratory of Anthropology, Museum of New Mexico, human remains representing 14 individuals were recovered in 1941 from site LA 83 (Pueblo Pardo Ruin or Grey Town), Socorro County, NM. No known individuals were identified. The one associated funerary object was a single lot of corn kernels. The Museum of Indian Arts and Culture/Laboratory of Anthropology, Museum of New Mexico repatriated these Native American human remains and the associated funerary object to Ysleta del Sur Pueblo of Texas following the required 30 day notice period.

On August 16, 1941, a second associated funerary object, a glaze bowl originally recovered with the above-described 14 individuals, was transferred to the possession of Salinas Pueblo Missions National Monument. The site (LA 83) from which these human remains and associated funerary objects were recovered is located in Socorro County and, based on material culture and architectural features, has been dated to the Pueblo III and Pueblo IV period (A.D. 1300–1630).

The Jumano culture is considered by anthropologists to be a blend of both

Anasazi and Mogollon, shifting through time from Mogollon to Rio Grande Anasazi characteristics. Oral tradition evidence acquired from consultation meetings between National Park Service professional staff and the above-mentioned Indian tribes, as well as the archeological and ethnographic evidence, indicates that there is a cultural affiliation between the human remains and associated funerary objects removed from LA 83 and the Pueblo of Acoma, New Mexico; Hopi Tribe of Arizona; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. In addition, the Piro-Manso-Tiwa, a non-Federally recognized Indian group, are believed to be culturally affiliated with the human remains and associated funerary objects from LA 83.

Based on the above-mentioned information, the Salinas Pueblo Missions National Monument superintendent determined that, pursuant to 43 CFR 10.2 (d)(2), the object listed above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. The Salinas Pueblo Missions National Monument superintendent also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between this Native American associated funerary object and the Pueblo of Acoma, New Mexico; Hopi Tribe of Arizona; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. In addition, the Salinas Pueblo Missions National Monument superintendent determined that a cultural affiliation exists between this associated funerary object and the Piro-Manso-Tiwa, a non-Federally recognized Indian group.

This notice has been sent to officials of the Pueblo of Acoma, New Mexico; Caddo Tribe of Oklahoma; Hopi Tribe of Arizona; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Kiowa Tribe of Oklahoma; Mescalero Apache Tribe, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; White Mountain Apache Tribe of Arizona; the Wichita Tribe of Oklahoma; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico; as well as to the Piro-Manso-Tiwa Indian group. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this associated funerary object should contact Glenn M. Fulfer, Superintendent, Salinas Pueblo Missions National Monument, P.O. Box 517, Mountainair, NM 87036, telephone (505) 847–2585, Extension 25, before April 9, 2001. Repatriation of the associated funerary object will begin after that date if no additional claimants come forward.

Dated: February 14, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5946 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate a Cultural Item in the Possession of the University of Michigan Museum of Anthropology, Ann Arbor, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.10 (a)(3), of the intent to repatriate a cultural item in the possession of the University of Michigan Museum of Anthropology, Ann Arbor, MI, that meets the definition of "object of cultural patrimony" under section 2 of the Act.

The one cultural item is a headdress made of wood, string, cotton cloth, and pigments. The gray cotton hood has 2 small eye holes and is attached to 12 slats of wood radiating out from the top, forming a wide "V" shape. Attached between the "V" is a full circle made of a reed covered three-quarters in wooden feathers, and within the circle is a suspended four-point cross. Both sides of the wood are painted.

Prior to 1950, this headdress was collected from person(s) and locations unknown. In 1966, this headdress was donated to the University of Michigan Museum of Anthropology through a bequest of the estate of Mrs. Louise Shepard Corbrusier. Following consultation with representatives of the Tonto Apache Tribe of Arizona, the White Mountain Apache Tribe of the Fort Apache Reservation, and the San Carlos Apache Tribe of the San Carlos Reservation, this headdress has been identified as a cultural item playing an integral role in the Apache ceremonies involving the *Dilzini Gaan*. The headdress is an element of the *Na'ii'ees*, the Western Apache girls' puberty rite or Changing Woman ceremony. After further consultation with the Tonto Apache Tribe of Arizona; the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the San Carlos Apache Tribe of the San Carlos Reservation, Arizona, the University of Michigan agrees that the most appropriate recipient is the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.

Officials of the University of Michigan Museum of Anthropology have determined that, pursuant to 43 CFR 10.2 (d)(4), this cultural item has ongoing historical, traditional, and cultural importance central to the tribe itself, and could not have been alienated, appropriated, or conveyed by any individual.

Officials of the University of Michigan Museum of Anthropology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between this cultural item and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona. This notice has been sent to officials of the Tonto Apache Tribe of Arizona; the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the San Carlos Apache Tribe of the San Carlos Reservation, Arizona. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this cultural item should contact Karen O'Brien, Collections Manager, University of Michigan Museum of Anthropology, 1109 Geddes Avenue, Ann Arbor, MI 48109, telephone (734) 764–6299, before April 9, 2001. Repatriation of this cultural item to the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona may begin after that date if no additional claimants come forward.

Dated: February 15, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5938 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Implementation Agreement for Secretarial Actions Associated With California Parties' Proposed Quantification Settlement Agreement and Other Related Federal Actions, Including Implementation of an Inadvertent Overrun Policy, Lower Colorado River, Arizona, California, and Nevada

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare an environmental impact statement (EIS) and initiation of scoping process.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA, the Bureau of Reclamation (Reclamation) proposes to prepare an environmental impact statement (EIS) concerning execution of an Implementation Agreement (IA), and implementation of other interrelated Federal actions. The IA is required to implement actions by the Secretary of the Interior (Secretary), that are necessary to make operative a proposed Colorado River Quantification Settlement Agreement (QSA) among certain California water agencies that hold contracts with the Secretary, for delivery of Colorado River water. The EIS will describe the potential environmental consequences of the following: Secretarial execution of the IA which, generally, would result in a change in the point of delivery of up to approximately 400,000 acre-feet (AF) of Colorado River water per year; implementation of a lower Colorado River inadvertent overrun accounting and payback policy (IOP), intended to be implemented for a 30-year time period (see **Federal Register**, Vol. 66, No. 12, pages 4856–4858); and implementation of biological conservation measures related to the IA that were identified in the Fish and Wildlife Service's (FWS) "Biological Opinion for Interim Surplus Criteria, Secretarial Implementation Agreements, and Conservation Measures on the Lower Colorado River, Lake Mead to the Southerly International Boundary Arizona, California and Nevada," (Biological Opinion), dated January 12, 2001. This is to provide notice to potentially interested entities and the public regarding Reclamation's intent to prepare an EIS, and to request comments regarding the scope of the issues to be addressed and identification of significant issues related to the proposed action.

ADDRESSES: Send written comments concerning the proposed action or issues to be addressed in the EIS to Mr. Bruce D. Ellis, Phoenix Area Office, Bureau of Reclamation, PXAO–1500, P.O. Box 81169, Phoenix AZ 85069–1169, with a copy to Ms. Gracie Chirieleison, Lower Colorado Region, Bureau of Reclamation, BCOO–1001, P.O. Box 61470, Boulder City, NV 89006–1470. Comments should be received by April 10, 2001.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

FOR FURTHER INFORMATION CONTACT: Questions concerning the process, potential alternatives, or this notice should be directed to Mr. Ellis at the Phoenix Area Office address above, telephone (602) 216–3854. To be placed on a mailing list for any subsequent information, please write or telephone Ms. Chirieleison at the Lower Colorado Regional Office address above, telephone (702) 293–8415 or fax (702) 293–8156.

SUPPLEMENTARY INFORMATION: Reclamation intends to prepare an EIS to describe the potential environmental consequences that would result from execution of the proposed IA with Coachella Valley Water District (CVWD), Imperial Irrigation District (IID), The Metropolitan Water District of Southern California (MWD), and San Diego County Water Authority (SDCWA) (collectively referred to as the "California Parties"). The IA enumerates Secretarial approvals and/or actions that are needed to implement the proposed QSA. The proposed QSA is a consensual agreement among the California Parties for distribution and use of Colorado River water for a period of up to 75 years. The QSA is anticipated to be considered by the boards of directors of IID, CVWD, and MWD by December 2001, following completion of a final environmental impact report regarding implementation of the QSA. The QSA and IA are integral to the successful implementation of California's Draft Colorado River Water Use Plan (CA Plan), released for public review by the Colorado River Board of California. The purpose of the CA Plan is to ensure California limits its annual use of Colorado River water, starting in year 2016, to no more than 4,400,000 AF per year in normal years. Normal years are those in which 7,500,000 acre-feet are made available by the Secretary for beneficial consumptive use collectively in Lower Colorado River Division States (Arizona, California, and Nevada). The Department of Interior believes the proposed QSA cannot be lawfully carried out absent a fully executed IA.

Federal actions identified in the IA to be covered by the EIS include approving changes in the point of delivery of up to approximately 400,000 AF of Colorado River water annually, from Imperial Dam to the intake of the Colorado River Aqueduct (CRA), located in Lake Havasu upstream of Parker Dam. Of this amount, between 130,000 and 300,000 AF per year would be made available through conservation by IID. Of the total amount conserved by IID, between 130,000 and 200,000 AF per year would be transferred to SDCWA. In accordance with an IID/SDCWA Water Transfer Agreement, SDCWA and MWD have executed an Exchange Agreement providing for delivery of the conserved water into the CRA and the delivery of a like amount of water to SDCWA through MWD's facilities. Through the QSA, an additional amount of up to 100,000 AF per year of water to be conserved by IID, would be made available to CVWD and, if not used by CVWD, to MWD. The change in the point of delivery of up to an additional 93,700 AF per year of Colorado River water would be authorized upon the conservation of an equal amount of water through the concrete lining of portions of the All American Canal (AAC) and Coachella Canal (CC). This conserved water would be used by MWD and the San Luis Rey Indian Water Rights Settlement parties in accordance with the terms of a proposed Allocation Agreement.

Under the EIS' proposed action, in addition to the change in the point of delivery of Colorado River water, the Secretary, as Water Master, would deliver Priority 3a Colorado River contract water to IID in quantified amounts not to exceed 3,100,000 AF per year, less the amount of water conserved by IID and by the All American Canal Lining Project. The Secretary would also

deliver Priority 3a Colorado River contract water to CVWD in quantified amounts not to exceed 330,000 AF per year exclusive of amounts associated with water conserved by IID and made available to CVWD and amounts exchanged by MWD with CVWD, less the amount of water conserved by the Coachella Canal Lining Project. This quantification would result from execution of the IA, in conjunction with the QSA.

The EIS will also address potential effects of implementing an inadvertent overrun accounting and payback policy (IOP) regarding use of Colorado River by the Lower Colorado River Division States. In addition, the EIS will programmatically address the implementation of biological conservation measures related to the IA that have been identified in the FWS' Biological Opinion dated January 12, 2001.

The project area of the EIS will generally include the lower Colorado River and its 100-year floodplain between Lake Mead and the southerly international boundary. The EIS will address effects in river flow between these two points along the lower Colorado River that would occur from the suite of Federal approvals/actions included in the Proposed Action. Changes in river flow could, in turn, potentially affect resources along the river (e.g., biological, cultural and recreational), Colorado River water quality, and power generation at Parker and Headgate Rock power plants. The EIS will also incorporate, by reference, analyses identified in various other NEPA and California Environmental Quality Act (CEQA) documents related to local and regional effects resulting from implementation of the QSA.

As indicated above, Reclamation received the Biological Opinion from the FWS and has completed Endangered Species Act (ESA) consultation requirements for the transfer of water and change in its point of delivery from Imperial Dam to Lake Havasu, and for the previously referenced conservation measures associated with the water transfers. Reclamation will work with the FWS, as appropriate, to determine if additional ESA compliance is necessary.

Having reached agreement through the QSA, the California Parties are requesting Secretarial execution of the IA, which constitutes the proposed action that will be described in the EIS. A No Action Alternative will be included, against which potential environmental consequences resulting from implementing the proposed Federal actions will be compared.

Reclamation is circulating this notice to provide the public with an opportunity to identify issues and concerns regarding this proposed action, to ensure that all relevant issues are evaluated in the EIS. All comments received in response to Reclamation's request for comments on the IOP, found in the **Federal Register**, Vol. 66, No. 12, pages 4856–4858, will also be taken into consideration as part of the scoping process for this EIS. Reclamation will consult other Federal, State, Tribal and local agencies having specific expertise regarding environmental impacts related to the proposed actions.

Dated: March 2, 2001.

Lorri J. Gray,

Assistant Regional Director.

[FR Doc. 01–5909 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Definition and Payback of Inadvertent Overruns for Delivery of Lower Colorado River Water; Notice of Extension of Public Comment Period

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public comment period extension.

SUMMARY: Reclamation published a Notice of public comment period in the **Federal Register**, (66 FR 4856), on January, 18, 2001, requesting comments on a proposed policy that will identify inadvertent overruns, establish procedures that account for inadvertent overruns, and define subsequent payback requirements to the Colorado River mainstream. This notice extends the original comment period, as identified below in the **DATES** section.

DATES: The comment period for receiving comments on the proposed policy regarding definition and payback of inadvertent overruns for delivery of Lower Colorado River water, has been extended from March 24, 2001, to April 10, 2001.

FOR FURTHER INFORMATION CONTACT: If you wish to comment, you may mail comments to Deputy Area Manager, Boulder Canyon Operations Office, Lower Colorado Region, Bureau of Reclamation, BCOO–1010, PO Box 61470, Boulder City, Nevada 89006. You may also comment via the Internet at InadvertentOverrun@lc.usbr.gov. If you comment via the Internet, please submit comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation via e-mail that we have received your Internet message, please contact us directly at (702) 293–8592.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

FOR FURTHER INFORMATION CONTACT: Mr. John Redlinger, (702) 293–8592.

SUPPLEMENTARY INFORMATION: The period for receiving public comments on the proposed inadvertent overrun policy, described in detail in the **Federal Register** dated January 18, 2001, (66 FR 4856), has been extended until April 10, 2001. The comment period has been extended in response to several requests, and because Reclamation intends to prepare an environmental impact statement that will evaluate the potential environmental effects of implementing the inadvertent overrun policy (see the Notice of intent to prepare an environmental impact statement (EIS) and initiation of scoping process for the "Implementation Agreement for Secretarial Actions Associated with California Parties' Proposed Quantification Settlement Agreement and other Related Federal Actions, including Implementation of an Inadvertent Overrun Policy, Lower Colorado River, Arizona, California, and Nevada," elsewhere in this **Federal Register**. The public scoping comment period for this EIS ends on April 10, 2001. Comments received on the inadvertent overrun policy will also be taken into consideration during the scoping process for the EIS.

Dated: March 2, 2001.

Lorri J. Gray,

Assistant Regional Director.

[FR Doc. 01–5907 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–01–009]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: March 14, 2001 at 2:00 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 731–TA–678–679 and 681–682 (Review) (Stainless Steel Bar from Brazil, India, Japan, and Spain)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on March 26, 2001.)
5. Outstanding action jackets:

(1.) Document No. GC–01–010: Concerning Inv. No. 337–TA–432 (Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: March 6, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–6059 Filed 3–7–01; 12:23 pm]

BILLING CODE 7020–02–U

DEPARTMENT OF JUSTICE

[AAG/A Order No. 219–2001]

Privacy Act of 1974; Computer Matching Agreement

AGENCY: Department of Justice.

ACTION: Notice—computer matching between the Department of Justice and the Internal Revenue Service, Department of Treasury.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818, June 19, 1989), OMB Bulletin 89–22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public," and OMB Circular No. A–130, Revised February 8, 1996, "Management of Federal Information Resources", the Department of Justice is issuing a public notice of its intent to conduct a computer matching program with the Internal Revenue Service, Department of Treasury. Under this matching program, entitled Taxpayer Address Request, the IRS will provide return information relating to taxpayers' mailing addresses to the DOJ for the purposes of locating delinquent debtors to notify them of enforcement action to collect debts owed by the taxpayers to the United States.

DATES: Effective date: The matching program will become effective 40 days after a copy of the agreement, as approved by the Data Integrity Board of each agency, is sent to Congress and the Office of Management and Budget, or April 9, 2001, whichever is later. The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

Reporting

In accordance with Pub. L. 100–503, the Computer Matching and Privacy Protection Act of 1988, as amended, Office of Management and Budget bulletin 89–22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public" and Circular No. A–130, Revised February 8, 1996, "Management of Federal Information Resources", copies of this notice and report are being provided to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.

Authority

This matching program is being conducted under the authority of the Internal Revenue Code (IRC) 6103(m)(2). This provides for disclosure, upon written request, of a taxpayer's mailing address for use by officers, employees, or agents of a Federal agency for the purpose of locating such taxpayer to notify him/her of enforcement action to collect or compromise a Federal claim against the taxpayer in accordance with sections 3711, 3717, and 3718 of title 31 of the United State Code, statutory provisions which authorize DOJ to collect debts on behalf of the United States through litigation.

Objectives To Be Met by the Matching Program

The purpose of this program is to provide DOJ with the most current addresses of taxpayers to notify debtors of legal actions that may be taken by DOJ and the rights afforded them in the litigation to enforce collection of debts owed to the United States.

Records To Be Matched

DOJ will provide records from the Debt Collection Management System, JUSTICE/JMD–006. This system of records contains information on persons indebted to the United States who have allowed their debts to become delinquent and whose debts have been sent by client Federal agencies to DOJ for enforced collection through litigation. DOJ records will be matched against records contained in the Privacy Act System of Records: Individual Master File (IMF), Treasury/IRS 24.030, which contains taxpayer entity records and tax modular records which contain all records relative to specific tax returns for each applicable tax period or year.

Categories of Records/Individuals Involved

DOJ will submit the nine digit Social Security Number (SSN) and four character Name Control (the first four letters of the surname) of each individual whose current address is requested. IRS will provide an address for each taxpayer whose SSN and Name Control matches the records submitted by DOJ. IRS will provide a code explaining the type of error, if any, encountered during processing if no address information is provided, or no match is found.

Notice Procedures

IRS provides direct notice to taxpayers in the instructions to Forms 1040, 1040A, and 1040EZ, that information provided on U.S. Individual Income Tax Returns may be given to other Federal agencies, as provided by law. Both IRS and DOJ have provided constructive notice to record subjects through the publication of system of records notices in the **FEDERAL REGISTER** for the records involved in this match that contain routine uses permitting disclosures for this matching program.

Address for Receipt of Public Comments or Inquiries

Interested persons are invited to submit written comments regarding this notice to Imogene McCleary, Deputy Director, Debt Collection Management, Justice Management Division, 325 7th

Street NW., 2nd Floor South, Washington, DC 20530.

Dated: March 1, 2001.

Stephen R. Colgate,

Assistant Attorney General for Administration.

[FR Doc. 01–5819 Filed 3–8–01; 8:45 am]

BILLING CODE 4410–CN–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2125–01; AG Order No. 2404–2001]

RIN 1115–AE26

Designation of El Salvador Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice designates El Salvador for the Temporary Protected Status (TPS) program for a period of 18 months. Under section 244(b)(1) of the Immigration and Nationality Act, as amended (Act), the Attorney General is authorized to grant TPS to eligible nationals of designated foreign states or parts of such states (or to eligible aliens who have no nationality and who last habitually resided in such designated states) upon finding that such states are experiencing ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions.

EFFECTIVE DATES: This designation is effective on March 9, 2001 and will remain in effect until September 9, 2002.

FOR FURTHER INFORMATION CONTACT: Rebecca K. Peters, Residence and Status Branch, Adjudications, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514–4754.

SUPPLEMENTARY INFORMATION:

What Is Temporary Protected Status?

TPS is a temporary immigration status granted to eligible nationals of designated countries or part of a designated country. During the period for which the Attorney General has designated a country under the TPS program, TPS beneficiaries are not required to leave the United States and may obtain work authorization. The granting of TPS does not lead to permanent resident status. When the Attorney General terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS (unless that status had since expired or been terminated) or to any other status they may have been granted while registered for TPS.

Why Is El Salvador Being Designated for the TPS Program?

El Salvador suffered a devastating earthquake on January 13, 2001, and experienced two more earthquakes on February 13 and 17, 2001. Based on a thorough review by the Departments of State and Justice, the Attorney General has determined that, due to the environmental disaster and substantial disruption of living conditions caused by the earthquakes, El Salvador is "unable, temporarily, to handle adequately the return" of its nationals. 8 U.S.C. 1254a(b)(1)(B).

A recent Department of State report indicates that the January 13 and February 13 earthquakes have resulted in at least 1,100 deaths, 7,859 injuries, and over 2,500 missing. In addition, the earthquakes have displaced an estimated 1.3 million persons out of El Salvador's population of 6.2 million (*e.g.* 17%), over 80,000 of whom are living in temporary camps. The Department of State further reports that approximately 220,000 homes, 1,696 schools, and 856 public buildings have been damaged or destroyed. Earthquake-caused losses in housing, infrastructure, and the agricultural sector exceed $2.8 billion.

The significant damage from the earthquakes has resulted in a "substantial, but temporary, disruption of living conditions" in El Salvador, such that El Salvador "is unable, temporarily, to handle adequately the return" of its nationals. 8 U.S.C. 1254a(b)(1)(B)(i) and (ii). The Government of El Salvador submitted a formal request for TPS designation to the Secretary of State on January 17, 2001. 8 U.S.C. 1254a(b)(1)(B)(iii). Accordingly, the Attorney General has determined that conditions in El Salvador warrant the designation of El Salvador under the TPS program. This order will designate El Salvador under the TPS program for an initial period of 18 months.

Who Is Eligible for El Salvador TPS?

Nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) who have been "continuously physically present" in the United States since March 9, 2001, and have "continuously resided" in the United States since February 13, 2001, may apply for TPS within the registration period that begins on March 9, 2001 and ends on September 9, 2002. 8 U.S.C. 1254a(c)(1)(A)(i) and (ii).

Any national of El Salvador who has already applied for, or plans to apply for, any other immigration benefit or protection, may also apply for TPS. An application for TPS does not preclude or adversely affect an application for any other immigration benefit. Similarly, denial of an application for another immigration benefit does not affect an alien's ability to register for TPS, although the underlying basis for denying one form of relief may also affect one's eligibility for TPS. For example, an alien who has been convicted of an aggravated felony would be ineligible for both asylum and TPS.

An alien who is granted TPS during an initial period of designation may register for any extension of the TPS program that may be made. Nationals of El Salvador who do not file a TPS application during the initial registration period may be eligible to register during any subsequent extension of such designation if, at the time of the initial registration period, the applicant: (1) Is a nonimmigrant; (2) had been granted voluntary departure status or any relief from removal; (3) had made an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal that was pending or subject to further review or appeal; (4) was a parolee or had a pending request for parole; or (5) was a spouse or child of an alien eligible to be a TPS registrant. An applicant for late initial registration must register within 60 days of the expiration or termination of one of the conditions described in items (1) through (5) of this paragraph. 8 CFR 244.2(f)(2), and (g).

How Do I Register for TPS?

During the registration period that begins on March 9, 2001 and ends September 9, 2002, applicants for TPS may register by submitting:

- An Application for Temporary Protected Status, Form I–821;
- Supporting evidence, as provided in 8 CFR 244.9 (describing evidence necessary to establish eligibility for TPS benefits);
- An Application for Employment Authorization, Form I–765;
- Two identification photographs (1½" x 1½"); and
- For every applicant who is 14 years of age or older, a twenty-five dollar ($25) fingerprint fee. 8 CFR 103.7(b). While a complete application must include the fingerprint fee for every applicant who is 14 years of age or older, applicants should not submit a completed fingerprint card (FD–258, Applicant Card) with the application package. Upon receipt of the application, the Service will mail an appointment letter with instructions to appear for fingerprinting at a Service-authorized Application Support Center (ASC).

A $50 fee must accompany the TPS application Form I–821. If the applicant requests employment authorization, he or she must submit a $100 fee with Form I–765. An applicant who does not seek employment authorization does not need to submit the $100 fee, but still must submit the Form I–765. A $25 fingerprint fee must also be submitted for every applicant who is 14 years of age or older. The applicant may request a fee waiver(s) in accordance with the regulations at 8 CFR 244.20.

If	Then
You are a national of El Salvador (or an alien having no nationality who last habitually resided in El Salvador) registering for TPS and employment authorization.	You must complete and file: Form I–821, Application for Temporary Protected Status, with fee ($50), Form I–765, Application for Employment Authorization, with fee ($100), and Fingerprint fee ($25).
You already have employment authorization or do not want employment authorization.	You must complete and file: Form I–821, with fee ($50), Form I–765, with no fee, and Fingerprint fee ($25).
You are registering for TPS and employment authorization and are requesting a fee waiver for the Form I–821 fee ($50) and Form I–765 fee ($100).	You must complete and file: Appropriately documented fee waiver request and requisite affidavit (and any other information) in accordance with 8 CFR 244.20, Form I–821, with no fee, Form I–765, with no fee, and Fingerprint fee ($25).

Where Should I Register for TPS?

Submit the completed forms and applicable fees to the Immigration and Naturalization Service (INS) Service Center that has jurisdiction over your place of residence. 8 CFR 244.7(a).

If you live in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia, or in the U.S. Virgin Islands, mail your application to: Vermont Service Center, ATTN: TPS, 75 Lower Welden Street, St. Albans, VT 05479.

If you live in Arizona, California, Guam, Hawaii, or Nevada, mail your application to: California Service Center, ATTN: TPS, P.O. Box 10821, Laguna Niguel, CA 92607–0821.

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your application to: Texas Service Center, P.O. Box 850997, Mesquite, TX 75185–0997.

If you live elsewhere in the United States, please mail your application to: Nebraska Service Center, P.O. Box 87821, Lincoln, NE 68501–7821.

Where Can I Find Information About the TPS Program?

Information concerning the TPS program for nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) will be available at the Service Internet Website, located at *www.ins.usdoj.gov*, the INS National Customer Service Center, at 1–800–375–5283, and at local Immigration and Naturalization Service offices upon publication of this notice.

Notice of Designation of El Salvador Under Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244 of the Immigration and Nationality Act, as amended (8 U.S.C. 1254a), and after consultation with the appropriate agencies of the Government, I find that:

(1) El Salvador has endured three severe earthquakes resulting in a substantial, but temporary, disruption of living conditions in El Salvador;

(2) El Salvador is unable, temporarily, to handle adequately the return of its nationals;

(3) The Government of El Salvador officially has requested designation of El Salvador for TPS; and

(4) Permitting nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) to remain temporarily in the United States is not contrary to the national interest of the United States.

Accordingly, it is ordered as follows:

(1) El Salvador is designated for TPS under section 244(b)(1)(B) of the Act. Nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) who have been "continuously physically present" since March 9, 2001 and have "continuously resided in the United States" since February 13, 2001, may apply for TPS within the registration period that begins on March 9, 2001 and ends on September 9, 2002.

(2) I estimate that there are no more than 150,000 nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) in the United States who are eligible for TPS.

(3) Except as specifically provided in this notice, applications for TPS by nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) must be filed pursuant to the provisions of 8 CFR part 244. Aliens who wish to apply for TPS must file an Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, during the registration period that begins on March 9, 2001 and will remain in effect until September 9, 2002.

(4) A fee prescribed in 8 CFR 103.7(b)(1) of $50 dollars will be charged for each Application for Temporary Protected Status, Form I–821, filed during the registration period.

(5) A fee prescribed in 8 CFR 103.7(b)(1) of $100 dollars will be charged for each Application for Employment Authorization, Form I–765, filed by an alien requesting employment authorization. An alien who already has employment authorization or who does not wish to request employment authorization still must file Form I–765 for data gathering purposes without the $100 filing fee, together with Form I–821.

(6) A fee prescribed 8 CFR 103.7(b)(1) of $25 for fingerprinting must be submitted with the Form I–821.

(7) Applicants may request (a) fee waiver(s) in accordance with 8 CFR 244.20.

(8) Pursuant to section 244(b)(3)(A) of the Act, and after consultation with appropriate agencies of the Government, the Attorney General will review, at least 60 days before the expiration of the initial period of designation on September 9, 2002, the conditions in El Salvador to determine whether the conditions for designation of El Salvador under the TPS program continue to be met. Notice of that determination, including the basis for the determination, will be published in the **Federal Register**. If there is an

extension of designation, late initial registration for TPS shall be allowed only pursuant to the requirements of 8 CFR 244.2(f)(2).

Dated: March 1, 2001.

John Ashcroft,

Attorney General.

[FR Doc. 01–5818 Filed 3–8–01; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request on Revision of a Currently Approved Collection

ACTION: Notice of Information Collection; Revision of a Currently Approved Collection; Firearms Addendum to the Arrestee Drug Abuse Monitoring (ADAM) Program Instrument.

The Department of Justice, Office of Justice Programs, National Institute of Justice, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until May 8, 2001.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Dr. Henry Brownstein, Director, Arrestee Drug Abuse Monitoring (ADAM) Program, at 202–305–8705 or write to him at the National Institute of Justice, 810 7th Street NW, Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have any practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Firearms Addendum to the Arrestee Drug Abuse Monitoring (ADAM) Program Instrument.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form number is AD–1. The sponsoring component of the Department of Justice is the Office of Research and Evaluation, National Institute of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Misdemeanor and felony arrestees in city and county jails. The ADAM program monitors the extent and types of drug use among arrestees. Currently the program operates in 38 counties. Data are collected in each county every three months from a new, county-based representative sample of arrestees. Participation is voluntary and confidential and data collected include a personal interview and urine specimen.

In the next 6 months, OJP proposes to introduce a supplemental instrument to the currently approved ADAM instrument (OMB No. 1121–0137). This supplemental instrument is termed the Firearms Addendum and is intended to collect information from ADAM, program arrestees about their participation in legal and illegal firearms markets. The respondents to the firearms questionnaire will be arrestees selected for the ADAM study, who are asked to participate in a supplemental interview immediately following the ADAM interview.

The firearms instrument initially will be implemented in 2 ADAM sites for testing, and subsequently finalized and made available to all ADAM sites for their use.

(5) *An estimate of the total number of respondents and amount of time estimated for an average respondent to respond/reply:* The total number of respondents is estimated to be a maximum of 70,000 (revised from current inventory of 100,000 respondents). Each response for the core instrument averages 30 minutes. The Firearms Addendum questionnaire will be administered to a maximum of 52,550 respondents at full implementation, taking 10 minutes a response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 43,750 hours (for core questionnaire and Firearms Addendum together).

If additional information is required, contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Ave NW, Washington, DC 20530.

Dated: March 2, 2001.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 01–5822 Filed 3–8–01; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersede as decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Withdrawn General Wage Determination Decision

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination No. AR010047. See AR010042.

Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

New General Wage Determination Decision

The number of the decisions added to the Government Printing Office document entitled "General Wage Determination Issued Under the Davis-Bacon and related Acts" are listed by Volume and States:

Volume V

Arkansas
AR010042 (Mar. 2, 2001)

Modification to General Wage Determination Decisions

The number of decisions listed to the Government Printing Office document entitled "General Wage determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut
CT010001 (Mar. 02, 2001)
CT010003 (Mar. 02, 2001)
CT010004 (Mar. 02, 2001)
CT010005 (Mar. 02, 2001)
New Hampshire
NH010007 (Mar. 02, 2001)
New Jersey
NJ010002 (Mar. 02, 2001)
NJ010003 (Mar. 02, 2001)
NJ010004 (Mar. 02, 2001)
NJ010005 (Mar. 02, 2001)
NJ010007 (Mar. 02, 2001)
New York
NY010003 (Mar. 02, 2001)
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NY010013 (Mar. 02, 2001)
NY010018 (Mar. 02, 2001)
NY010026 (Mar. 02, 2001)
NY010060 (Mar. 02, 2001)

Volume II

Maryland
MD010017 (Mar. 02, 2001)
MD010050 (Mar. 02, 2001)
Pennsylvania
PA010004 (Mar. 02, 2001)
PA010042 (Mar. 02, 2001)
Virginia
VA010003 (Mar. 02, 2001)
VA010006 (Mar. 02, 2001)
VA010018 (Mar. 02, 2001)
VA010035 (Mar. 02, 2001)
VA010039 (Mar. 02, 2001)
VA010055 (Mar. 02, 2001)
VA010069 (Mar. 02, 2001)
VA010084 (Mar. 02, 2001)
VA010085 (Mar. 02, 2001)

Volume III

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Kentucky
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Indiana
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MI010003 (Mar. 02, 2001)
MI010005 (Mar. 02, 2001)
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Ohio
OH010001 (Mar. 02, 2001)
OH010002 (Mar. 02, 2001)
OH010006 (Mar. 02, 2001)
OH010008 (Mar. 02, 2001)
OH010009 (Mar. 02, 2001)
OH010012 (Mar. 02, 2001)
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OH010029 (Mar. 02, 2001)

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Missouri
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MO010064 (Mar. 02, 2001)

Nebraska
NE010001 (Mar. 02, 2001)
NE010003 (Mar. 02, 2001)
NE010011 (Mar. 02, 2001)
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NE010021 (Mar. 02, 2001)
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NM010001 (Mar. 02, 2001)
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Texas
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TX010114 (Mar. 02, 2001)

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CO010004 (Mar. 02, 2001)
CO010005 (Mar. 02, 2001)
CO010006 (Mar. 02, 2001)
CO010008 (Mar. 02, 2001)
CO010009 (Mar. 02, 2001)
CO010010 (Mar. 02, 2001)
CO010011 (Mar. 02, 2001)
Idaho
ID010001 (Mar. 02, 2001)
Oregon
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Washington
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CA010036 (Mar. 02, 2001)
CA010037 (Mar. 02, 2001)
CA010038 (Mar. 02, 2001)
CA010039 (Mar. 02, 2001)
CA010040 (Mar. 02, 2001)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon*. They are also available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, D.C. this 2nd day of March 2001.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–5588 Filed 3–8–01; 8:45 am]

BILLING CODE 4510–27–M

MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection Activities; Proposed Collection

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: The U.S. Merit Systems Protection Board (MSPB) is requesting the reinstatement of an approval by the Office of Management and Budget (OMB) to collect information over a three year period via periodic voluntary customer surveys. The original approval for this information collection was provided by OMB on February 28, 1994, as a three year generic clearance request for voluntary customer surveys under Executive Order 12862, "Setting Customer Service Standards," and in accord with section 3506 of the Paperwork Reduction Act of 1995. Surveys under this approval are assigned OMB Control Number 3124–0012. That approval expired on February 28, 1997. A limited term approval from OMB reinstated that authority through April 30, 2001.

As part of the process for requesting reinstatement of the OMB approval, MSPB is soliciting comments regarding the public reporting burden of the proposed customer surveys. The reporting burden for the collection of information on this form is estimated to vary from 10 minutes to 30 minutes per response, with an average of 15 minutes, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

ESTIMATED ANNUAL REPORTING BURDEN

5 CFR section	Annual number of respondents	Frequency per response	Total annual responses	Hours per response (average)	Total hours
1201 and 1209	2,000	1	1,500	.25	375

In addition, the MSPB invites comments on (1) Whether the proposed collection of information is necessary for the proper performance of MSPB's functions, including whether the information will have practical utility; (2) the accuracy of MSPB's estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate and other forms of information technology.

DATES: Comments must be received on or before May 8, 2001.

ADDRESSES: Comments concerning the paperwork burden should be address to Mr. John Crum, Merit Systems Protection Board, 1615 M Street, NW, Washington, DC 20419 or by calling (202) 653–8900.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 01–5803 Filed 3–8–01; 8:45 am]

BILLING CODE 7400–01–M

MISSISSIPPI RIVER COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETINGS: Mississippi River Commission.

Time and Date: 8:30 a.m., April 2, 2001.

Place: On board MISSISSIPPI V at City Front, Caruthersville, MO.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Memphis District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time and Date: 9 a.m., April 3, 2001.

Place: On board MISSISSIPPI V at Helena Harbor, Helena, AR.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Memphis District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time: 9 a.m., April 4, 2001.

Place: On board MISSISSIPPI V at City Front, Vicksburg, MS.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Vicksburg District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time and Date: 8:30 a.m., April 6, 2001.

Place: On board MISSISSIPPI V at Julia Street Wharf, New Orleans, LA.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within New Orleans District area; and (3) presentations by public participants on Corps of Engineers issues.

CONTACT PERSON FOR MORE INFORMATION: Mr. Stephen Gambrell; telephone 601–634–5766.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 01–6055 Filed 3–7–01; 11:38 am]

BILLING CODE 3710–GX–U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–036]

Proposed Information Collection; Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of agency report forms under OMB review.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)). This information is required to monitor contract compliance in support of NASA's mission and in response to procurement requirements.

DATES: All comments should be submitted on or before May 8, 2001.

ADDRESSES: All comments should be addressed to Mr. Paul Brundage, Code HK, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Kaplan, NASA Reports Officer, (202) 358–1372.

Title: Patents, Data, and Copyrights, FAR Supplement, Part 1827.

OMB Number: 2700–0052.

Type of Review: Extension.

Need and Uses: The information is used by NASA legal and contracting offices to ensure disposition of inventions in accordance with statutes and to determine the Government's rights in data. Collection is prescribed in the NASA Federal Acquisition Regulation Supplement, Part 1827, Patents, Data and Copyrights (48 CFR Part 1827.)

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government.

Number of Respondents: 1,988.

Responses Per Respondent: 1.2.

Annual Responses: 2,386.

Hours Per Request: 30 minutes to 8 hours.

Annual Burden Hours: 7,276.

Frequency of Report: Annually; Biennially; Other (Per Contract).

Andrea T. Norris,

Deputy Chief Information Officer, Office of the Administrator.

[FR Doc. 01–5776 Filed 3–8–01; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL COUNCIL ON DISABILITY

Advisory Committee Meeting/ Conference Call, Meeting

AGENCY: National Council on Disability (NCD).

SUMMARY: This notice sets forth the schedule of the forthcoming meeting/ conference call for NCD's advisory committee—International Watch. Notice of this meeting is required under section 10(a)(1)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

International Watch: The purpose of NCD's International Watch is to share information on international disability issues and to advise NCD's Foreign Policy Team on developing policy proposals that will advocate for a foreign policy that is consistent with values and goals of the Americans with Disabilities Act.

Date and Time: April 12, 2001, 12 p.m.–1 p.m. EDT.

For International Watch Information, Contact: Kathleen A. Blank, Attorney/ Program Specialist, NCD, 1331 F Street NW, Suite 1050, Washington, D.C. 20004; 202–727–2004 (Voice), 202–272–2074 (TTY), 202–272–2022 (Fax), kblank@ncd.gov (e-mail).

Agency Mission: NCD is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

This committee is necessary to provide advice and recommendations to NCD on international disability issues.

We currently have balanced membership representing a variety of disabling conditions from across the United States.

Open Meeting/Conference Call: This NCD advisory committee meeting/conference call will be open to the public. However, due to fiscal constraints and staff limitations, a limited number of additional lines will be available. Individuals can also participate in the conference call at the NCD office, which is located at 1331 F Street, NW., Suite 1050, Washington, DC. those interested in joining this conference call should contact the appropriate staff member listed above.

Records will be kept of all International Watch meetings/conference calls and will be available after the meeting for public inspection at NCD.

Signed in Washington, DC, on March 5, 2001.

Ethel D. Briggs,

Executive Director.

[FR Doc. 01–5779 Filed 3–8–01; 8:45 am]

BILLING CODE 6820–MA–M

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting; Notice of Change in Subject of Meeting

The National Credit Union Administration Board determined that its business requires the addition of the following item to the previously announced open meeting (**Federal Register**, Vol. 66, No. 44, Page 13594, Tuesday, March 6, 2001) scheduled for Thursday, March 8, 2001.

4. Delegation of Authority Regarding Community Charter Applications.

The Board voted two-to-one, Board Member Wheat voting no, that agency business requires that this item be considered with less than the usual seven days notice, that it be open to the public, and that no earlier announcement of this change was possible.

The previously announced items were:

1. Request from a Federal Credit Union to Convert to a Community Charter.

2. Part 702—Prompt Corrective Action Risk Mitigation Credit Guidelines.

3. Notice of Proposed Rulemaking: Part 742 and Amendment to Part 722, NCUA's Rules and Regulations, Regulatory Flexibility Program.

4. Amendments to the Field of Membership and Chartering Manual Regarding Requirements for Community Charters.

5. National Credit Union Share Insurance Fund (NCUSIF) Dividend and Insurance Premium.

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 01–6081 Filed 3–7–01; 2:16 pm]

BILLING CODE 7535–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Bioengineering and Environmental Systems: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Bioengineering and Environmental Systems (1189).

Date/Time: March 28, 2001 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA Room 340.

Type of Meeting: Closed.

Contact Person: A. Frederick Thompson and Nicholas L. Clesceri, Program Directors, Division of Bioengineering and Environmental Systems, National Science Foundation; 4201 Wilson Boulevard; Arlington, VA 22230; Telephone: (703) 292–8320.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5881 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biological Infrastructure; Notice of Meeting

In accordance with the federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting;

Name: Advisory Panel for Biological Infrastructure (#1215).

Date/Time: Wednesday, Thursday and Friday, March 28, 29 and 30th 2001, 8 a.m.–6 p.m. and Wednesday, Thursday and Friday, April 4, 5, and 6 2001, 8 a.m.–6 p.m.

Place: 4121 Wilson Blvd., Stafford II Room 525, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Judith Skog and Lawrence Fritz, Program Director Biological Instrumentation and Major Research Instrumentation, National Science Foundation, Rm. 615, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone (703) 292–8470.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposal for acquisition of Biological Instrumentation and Major Research Instrumentation (MRI) Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under (4) and (6) of 5 U.S.C. 552b(c), of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5874 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date/Time: Monday, April 16, 2001, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Ken P. Chong, Program Director, Mechanics and Structures of Materials, Division of Civil and Mechanical Systems, Room 545, (703) 292–8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'01 Surface Engineering and Material Design Review Panel as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5876 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Computer-Communications Research (1192).

Date/Time: March 26–27, 2001, 8:30 a.m.–6 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Rodger Ziemer, Program Director, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA 22230. Telephone: (703) 292–8912.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as a part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5885 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel for Geosciences: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel for Geosciences (1756).

Date and Time: May 3–4, 2001, 8:30 AM–5:00 PM, Room 730.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Donald Heinrichs, Acting Section Head, Division of Ocean Sciences, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–8580.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate the proposals submitted to the Margins Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in The Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5880 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Physiology and Ethology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting.

Name: Advisory Panel for Physiology and Ethology (1160).

Date and Time: April 23, 24 and 25, 2001, 8:30 a.m.–6 p.m.

Place: NSF, Room 390, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Part-Open.

Contact Person; Dr. William E. Zamer, Program Director, Integrative Animal Biology, Division of Integrative Biology and Neuroscience, Room 685N, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 292–8421.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda: Open Season: April 25, 2001, 11 a.m. to 12 a.m.—discussion on research trends, opportunities and assessment procedures in Integrative Animal Biology.

Closed Session: April 23, 2001, 8:30 a.m. to 6 p.m.; April 24, 2001, 8:30 a.m. to 6 p.m.; and April 25, 2001, 8:30 a.m. to 11 a.m. and from 12 a.m. to 6 p.m. To review and evaluate Integrative Animal Biology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Meeting Officer.

[FR Doc. 01–5877 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Physiology and Ethology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name: Ecological and Evolutionary Physiology (1160).

Date/Time: April 4–6, 2001, 8:30 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 380, Arlington, VA.

Type of Meeting: Part-open.

Contact Person: Dr. Kimberly Williams and Dr. Jack Hayes, Program Directors, Ecological and Evolutionary Physiology, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 292–8421.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda: Open Session: April 6, 2001; 10 a.m. to 11 a.m.—discussion on research trends, opportunities and assessment procedures in Integrative Biology and Neuroscience with Dr. Mary Clutter, Assistant Director, Directorate for Biological Sciences.

Closed Session: April 4, 2001, 8:30 a.m. to 5 p.m.; April 5, 2001, 8:30 a.m. to 5 p.m.; April 6, 2001, 8:30 a.m. to 10 a.m. and 11 a.m. to 5 p.m. To review and evaluate the Ecological & Evolutionary Physiology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as

salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Meeting Officer.

[FR Doc. 01–5878 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Small Business Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended) the National Science Foundation announces the following meetings:

Name: Advisory Committee for Small Business Industrial Innovation (61).

Date/Time: April 3–5, 2001; 8:30 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Joseph Hennessey, National Science Foundation, 4201 Wilson Boulevard, VA 22230. Telephone (703) 292–7000.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5873 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Small Business Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings:

Name: Advisory Committee for Small Business Industrial Innovation (61).

Date/Time: March 12–15, 19–23, 27 and 29 2001; 8:30 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 130, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Joseph Hennessey, National Science Foundation, 4201 Wilson Boulevard, VA 22230, Telephone (703) 292–7000.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 52b(c), (4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Conflicting schedules of members and the necessity to proceed with review of proposals.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5884 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Social and Political Science; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, and amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social and Political Science (#1761).

Date/Time: April 26–27, 2001; 9 a.m. to 5 p.m.

Place: Department of Political Science, National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 970; Arlington, VA.

Contact Person: Dr. Frank Scioli and Dr. James Granato, Program Directors for Political Science, National Science Foundation. Telephone: (703) 292–8762.

Agenda: To review and evaluate the political science proposals as part of the selection process for awards.

Date/Time: May 3–4, 2001; 9 a.m. to 5 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 365, Arlington, VA.

Contact Person: Dr. Paul Wahlbeck, Program Director, Law and Social Science, National Science Foundation. Telephone (703) 292–8762.

Agenda: To review and evaluate the Law and Social Science Proposals as a part of the selection process for awards.

Date/Time: April 26–27, 2001; 9 a.m. to 5 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 920, Arlington, VA.

Contact Person: Dr. Patricia White and Dr. Fred Pampel, Department of Sociology, National Science Foundation, Telephone (703) 292–8762.

Agenda: To review and evaluate the Sociology proposals as a part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5875 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Social, Behavioral, and Economic Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Social, Behavioral, and Economic Sciences (1766).

Date/Time: March 30, 2001; 9:00 a.m. to 5:00 p.m.

Place: National Science Foundation Room 375, Wilson Blvd., Arlington, VA .

Type of Meeting: Open.

Contact Person: M. Marge Machen, Project Officer, Division of Science Resources Studies, Research and Development Statistics Program, 4201 Wilson Blvd., Suite 965, Arlington, VA 22230, Telephone: (703) 292–7786, Fax: (703) 292–9091. Minutes may be obtained from the contact person at the above address.

Purpose of Meeting: To review and comment on issues affecting the annual Survey of Research and Development Expenditures at Universities and Colleges.

Agenda:

- The extent of academic research and development performed through organizations that overlap the government, industry or nonprofit sectors of the science and engineering enterprise in the U.S. institutions.
- The viability of capturing these activities through the present format on the Academic R&D Expenditures Survey.
- Unreimbursed indirect costs and related sponsored research.
- It is anticipated that items 2A (current fund R&D expenditures by non-science & engineering fields) and 2B (current fund R&D expenditures from individual Federal agencies) will no longer be optional and will become part of the FY 2001 survey.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5879 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Undergraduate Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Undergraduate Education (1214).

Date/Time: April 10, 2001; 8:00 AM to 5:00 PM.

Place: Rooms 360 and 365 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Joan Prival, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: 703–292–4635.

Purpose of Meeting: To provide advice and recommendations concerning the continuation of proposals submitted to NSF for financial support.

Agenda: To review and evaluate the progress of CETP projects under consideration for continued funding.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5882 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Undergraduate Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Undergraduate Education (1214).

Date/Time: June 12–13, 2001; 8:00 AM to 5:00 PM.

Place: Rooms 320, 330, 340, 365, 370, 380, and 390 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Herbert Levitan, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 Telephone: (703) 292–8670.

Purpose of Meeting: To provide advice and recommendations concerning the continuation of proposals submitted to NSF for financial support.

Agenda: To review and evaluate Distinguished Teaching Scholars proposals as part of the selection process for awards.

Reason for Closing: The project being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individual associated with the proposals. These matters are exempt under 5 U.S.C. 552(b)(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5883 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–286]

Entergy Nuclear Operations, Inc; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 205 to Facility Operating License No. DPR–64 issued to Entergy Nuclear Operations, Inc. (the licensee), which revised the Technical Specifications (TSs) for operation of the Indian Point Nuclear Generating Unit No. 3 located in Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment modified the TSs by replacing them with Improved Standard Technical Specifications. The amendment also changed requirements regarding setpoints or allowable values associated with power range flux, pressurizer pressure, overtemperature delta T, overpower delta T, low reactor coolant loop flow, high pressurizer water level, steam generator water level, containment pressure, auto stop oil pressure, high steam line differential pressure and high steam flow; it extended the allowable time to restore an inoperable power operated relief valve to service; it extended the frequency for the pressure isolation valve leakage testing surveillance from 18 to 24 months; it changed current TS requirements by focusing on ensuring containment integrity at individual component level rather than at a zone level; and it added main steam check valve operability conditions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing in connection with this action was published in the **Federal Register** on January 3, 2001 (66 FR 388). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment (66 FR 11609).

For further details with respect to the action see (1) the application for amendment dated December 11, 1998, as supplemented December 15, 1998, May 17, 1999, August 16, 2000, September 8, 2000, September 14, 2000, September 27, 2000, November 30, 2000, January 8, 2001, and January 11, 2001, (2) Amendment No. 205 to License No. DPR–64, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 27th day of February 2001.

For the Nuclear Regulatory Commission.

George F. Wunder,

Project Manager, Section, Directorate 1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5811 Filed 3–8–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NUREG–1600]

Proposed Revision of the NRC Enforcement Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy Statement: notification of proposed revision.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering a revision to its General Statement of Policy and Procedure for NRC Enforcement Actions (NUREG–1600) (Enforcement Policy or Policy). This proposed revision primarily clarifies the guidance in Section VIII, "Enforcement Actions Involving Individuals." The intent of the revision is to more clearly identify the thresholds and outcomes for taking enforcement actions that involve individuals. The proposed revision is available for review on the Office of Enforcement's "Public Participation" page of its website (*www.nrc.gov/OE/*).

DATES: The proposed policy revision will be available for review until April 22, 2001.

FOR FURTHER INFORMATION CONTACT: Nick Hilton, Enforcement Specialist, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, (301) 415–2741, email *ndh@nrc.gov*.

Dated at Rockville, Maryland, this 5th day of March, 2001.

For the Nuclear Regulatory Commission.

Richard W. Borchardt,

Director, Office of Enforcement.

[FR Doc. 01–5809 Filed 3–8–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Subject Matter Expert Review and Workshop on NRC Program on Human Performance

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: NRC Staff, representatives of the nuclear industry, other government agencies, other industries and academia will meet to peer review SECY–00–0053, "NRC Program on Human Performance (PHP)," and participate in a workshop to further develop the PHP for the next 5–7 years. Risk, operational experience, emerging technologies, and deregulation of the nuclear industry will play a significant role in determining activities needed for the next revision of the PHP. The meeting is open to the public and all interested parties may attend.

DATES: April 3–6, 2001.

TIMES: 8 a.m. to 6 p.m. (April 3–5), 8 a.m. to 12:30 p.m. (April 6).

ADDRESSES: Belleview Biltmore Hotel, 25 Belleview Boulevard, Clearwater, Florida 33756, 1–800–237–8947.

FOR FURTHER INFORMATION CONTACT: Joel J. Kramer, Mail Stop T–10 F13A, Telephone; (301) 415–5891; Internet: *jjk1@nrc.gov*, or Julius Persensky, Mail Stop T–10 F13A, Telephone: (301) 415–6759; *Internet:jjp2@nrc.gov*, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For material related to the meeting, please contact U.S. NRC Public Affairs Office (301) 415–8200.

SUPPLEMENTARY INFORMATION: In order to further develop the PHP for the next 5–7 years and help focus the Workshop, the NRC is requesting views from the public and all interested parties on the following questions:

(1) How important is human performance to nuclear safety?

(2) What is the risk impact of human performance?

(3) What role should operating experience in the nuclear industry and other industries have in assessing human performance?

(4) What is the impact of deregulation on human performance?

(5) What activities and research should be performed by the NRC; what activities might better be done by industry?

Dated at Rockville, Maryland this 2nd day of March, 2001.

For the Nuclear Regulatory Commission.

Farouk Eltawila,

Acting Director, Division of Systems Analysis and Regulatory Effectiveness, Office of Nuclear Regulatory Research.

[FR Doc. 01–5810 Filed 3–8–01; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Placement Service; OMB 3220–0057 Section 12(i) of the Railroad Unemployment Insurance Act (RUIA), authorizes the Railroad Retirement Board (RRB) to establish maintain, and operate free employment offices to provide claimants for unemployment benefits with job placement opportunities. Section 704(d) of the Regional Railroad Reorganization Act of 1973, as amended, and as extended by the consolidated Omnibus Budget Reconciliation Act of 1985, required the RRB to maintain and distribute a list of railroad job vacancies, by class and craft, based on information furnished by rail carriers to the RRB. Although this requirement under the law expired effective August 13, 1987, the RRB has continued to obtain this information in keeping with its employment service responsibilities under section 12(k) of the RUIA. Application procedures for the job placement program are prescribed in 20 CFR part 325. The procedures pertaining to the RRB's obtaining and distributing job vacancy reports furnished by rail carriers are described in 20 CFR 346.1.

The RRB utilizes six forms to obtain information needed to carry out its job placement responsibilities. Form ES–2, Supplemental Information for Central Register, is used by the RRB to obtain information needed to update a computerized central register of separated and furloughed railroad employees available for employment in the railroad industry. Form ES–20a, Notice of Employment Referral and Form ES–20b, Notice of Employment Referral (Employer), are used by the RRB to refer unemployed railroad employees to local employers (railroad and nonrailroad). Form ES–21, Referral to State Employment Service, and ES–21c, Report of State Employment Service Office, are used by the RRB to provide placement assistance for unemployed railroad employees through arrangements with State Employment Service offices. Form UI–35, Field Office Record of Claimant Interview, is used primarily by RRB field Office staff to conduct in-person interviews of claimants for unemployment benefits. Completion of these forms is required to obtain or maintain a benefit. The RRB proposes minor, nonburden impacting, editorial and formatting changes to all of the forms in the collection.

In addition, the RRB also collects Railroad Job Vacancies information received voluntarily from railroad employers. Minor nonburden impacting changes are being proposed to the Railroad Job Vacancies Report portion of the information collection.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

[The estimated annual respondent burden for this collection is as follows:]

Forms #(s)	Annual responses	Completion time (min)	Burden (hrs)
ES–2	7,500	0.25	31
ES–20a	2,000	0.75	25
ES–20b	2,000	0.50	17
ES–21	3,500	0.68	40
ES–21c	1,250	1.50	31
UI–35 (in-person)	9,000	7.00	1,050
UI–35 (by mail)	1,000	10.50	175
Railroad Job Vacancies Report	750	10.00	125
Total	27,000		1,494

FOR FURTHER INFORMATION CONTACT: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–5789 Filed 3–8–01; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27352]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

March 2, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 27, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 27, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Dominion Resources, Inc. (70–9555)

Dominion Resources, Inc., ("DRI"), a public utility holding company registered under the Act, 120 Tredegar Street, Richmond VA 23219, has filed, on behalf of itself and its subsidiaries, and application-declaration ("Application") under sections 6(a), 7, 9(a), 10, 12(b), 12(c), 12(f), 32 and 33 of the Act and rules 42, 45, 46, 53 and 54.

The Application seeks to update and supersede the authorization and approval for ongoing financial activities granted to DRI and its subsidiaries in a previous Commission order [1] ("Initial Financing Order") for the period through December 31, 2005 ("Authorization Date").

DRI's principal utility subsidiaries are: (1) Virginia Electric and Power Company ("Virginia Power"), a regulated public utility engaged in the generation, transmission and distribution of electric energy in Virginia and northeastern North Carolina, (2) The Peoples Natural Gas Company ("Peoples"), a regulated public utility engaged in the distribution of natural gas in Pennsylvania, (3) The East Ohio Gas Company ("East Ohio"), a regulated public utility engaged in the distribution of natural gas in Ohio, and (4) Hope Gas, Inc. ("Hope"), a regulated public utility engaged in the distribution of natural gas in West Virginia. Virginia Power is a direct subsidiary of DRI. Peoples, East Ohio and Hope are each direct subsidiaries of Consolidated Natural Gas Company ("CNG"), a direct subsidiary of DRI that is also a registered holding company under the Act.

DRI's nonutility activities are conducted through: (1) Dominion Energy, Inc., which, through its direct and indirect subsidiaries, is active in the competitive electric power generation business and in the development, exploration and operation of natural gas and oil reserves; (2) direct and indirect subsidiaries of Virginia Power that are engaged in acquiring raw materials for the fabrication of nuclear fuel for use at power stations which are owned and operated by Virginia Power, providing telecommunications services utilizing fiber optic lines which are owned by Virginia Power, fuel procurement for Virginia Power, energy marketing and nuclear consulting services; and (3) direct and indirect subsidiaries of CNG which are engaged in all phases of the natural gas business other than retail distribution including transmission, storage and exploration and production. As of the date of this Application, DRI has another significant non-utility subsidiary, Dominion Capital, Inc.

[1] HCAR No. 27112 (Dec. 15, 1999).

("DCI" and, together with its subsidiaries, the "DCI Companies"), a diversified financial services company with several subsidiaries engaged in commercial lending, merchant banking and residential lending. By order dated December 15, 1999 (HCAR No. 27113), the Commission approved the merger of DRI and CNG ("Merger"). That order required DRI to dispose of its interest in the DCI Companies (other than certain interests in specified independent power projects) no later than January 28, 2003. DRI and all of its subsidiaries are referred to as the "DRI System."

In summary, DRI requests authority through December 31, 2005, for DRI to: (1) Increase its total capitalization (excluding retained earnings and accumulated other comprehensive income) by $6 billion by way of the issuance of equity, preferred and unsecured debt securities, other than guarantees, and, with respect to the issuance of preferred securities, as authorized by the Initial Financing Order, to restate and clarify DRI's authority to form special purpose financing subsidiaries and to guarantee the obligations of such special purpose financing subsidiaries as described below; (2) increase the aggregate amount of the guarantee authorization for DRI to $9.6 billion for all subsidiaries of DRI; (3) make investments in exempt wholesale generators as defined in section 32 of the Act ("EWGs") and foreign utility companies as defined in section 33 of the Act ("FUCOs") in an aggregate amount not to exceed the sum of 100% of DRI's consolidated retained earnings plus $8 billion ("EWG/FUCO Investment Limit");[2] and (4) extend through the Authorization Date the period of time during which DRI may amend, renew, extend, replace and otherwise modify any securities, credit facilities, financing arrangements, indebtedness and similar obligations (including obligations incurred to finance the Merger) and any guarantees, financing arrangements and other credit support in respect of subsidiaries of DRI (collectively, the "Existing Obligations"), existing as of the date of the Commission's order approving the Application. The Application also seeks Commission authorization for: (1) An extension through the Authorization Date of the financing authority granted the subsidiaries of DRI in the Initial Financing Order, subject to all of the other representations, covenants and restrictions set forth in the Initial Financing Application, except to the extent expressly modified in the Application; (2) DRI and its subsidiaries to enter into the Tax Allocation Agreement described below, and (3) DRI to manage and exploit DRI System non-utility real estate as described below.

DRI proposes that the requested financings will be subject to the following limitations (collectively, "Financing Conditions"), unless otherwise indicated: (1) Except as expressly modified by the Application, all terms, conditions and restrictions set forth in the application made in respect of the Initial Financing Order will remain applicable; (2) DRI will not issue any additional debt securities to finance those investments if upon its original issuance DRI's senior debt obligations are not rated investment grade by at least two of the major ratings agencies, *viz.*, Standard & Poor's Corporation ("S&P"), Fitch Investor Service ("Fitch"), or Moody's Investor Service ("Moody's"); (3) common equity will constitute at least 30 percent of DRI's consolidated capitalization (based upon the financial statements included in DRI's most recent quarterly report on Form 10–Q or annual report on Form 10–K); (4) the interest rate on any series of debt security with a maturity of one year or less will not exceed the greater of (a) 300 basis points over the comparable term London Interbank Offered Rate, or (b) a rate that is consistent with similar securities of comparable credit quality and maturities issued by other companies; (5) the interest rate on any series of debt security with a maturity greater than one year will not exceed the greater of (a) 300 basis points over the comparable term U.S. Treasury securities or other market-accepted benchmark securities, or (b) a rate that is consistent with similar securities of comparable credit quality and maturities issued by other companies; (6) as set forth in the application made in respect of the Initial Financing Order, the final maturity of any long-term debt securities issued by DRI will not exceed 50 years; (7) the distribution rate on any series of preferred security will not exceed the greater of (a) 400 basis points over the comparable term U.S. Treasury securities or other market-accepted benchmark securities, or (b) a rate that is consistent with similar securities of comparable credit quality and structure issued by other companies; and (8) the underwriting fees, commissions or similar remuneration paid in connection with the issue, sale or distribution of any securities authorized hereunder (excluding interest rate risk management instruments, as to which separate provisions governing fees and expenses are proposed below) will not exceed 700 basis points of the principal of face amount of the securities issued or gross proceeds of the financing.

The proceeds from the financings will be used for general corporate purposes, including: (1) Payments, redemptions, acquisitions, and refinancings of outstanding securities issued by DRI; (2) acquisitions of and investments in EWGs and FUCOs, provided that DIR's aggregate investment in EWGs and FUCOs does not exceed the EWG/GUCO Investment Limit; (3) acquisitions of and investments in energy-related companies under rule 58; (4) loans to and investments in other system companies; and (5) other lawful corporate purposes. As described below and defined, in the event DRI utilizes Financing Conduits to issue securities covered by the Application, those entities would apply the proceeds of securities nominally issued by them to make loans dividends or other transfers to DRI or an entity designated by DRI, which would then be applied for any of the purposes set forth in the preceding sentence.

Subject to the Financing Conditions and the other conditions noted above, DRI proposes to issue debt securities consisting of short-term notes, commercial paper and long-term notes as well as equity securities consisting of common stock and preferred securities. DRI also seeks authorization to issue up to $9.6 billion at any one time outstanding of guarantees in support of DRI subsidiaries. In addition, DRI requests authority to acquire, directly or indirectly, the equity securities of one or more corporations, trusts, partnerships or other entities ("Financing Conduits") created specifically for the purpose of facilitating the financing of the authorized and exempt activities (including exempt and authorized acquisitions) of such companies through the issuance of long-term debt or equity securities, including but not limited to hybrid securities, to third parties and the transfer of the proceeds of the financings by the Financing Conduits to DRI or another DRI subsidiary.

The parent of a Financing Conduit may, if required, guarantee or enter into support or expense agreements in respect of the obligations of its Financing Conduits. Any amounts issued by a Financing Conduit to third parties will be included in the proposed financing limit, if any, applicable to its immediate parent. However, if a parent guarantees these issuances by the Financing Conduit, the guarantee would not be counted against the proposed limits on guarantees.

DRI, on behalf of itself and, to the extent not exempt under rule 52, its subsidiaries, requests authorization to enter into interest rate hedging transactions with respect to outstanding indebtedness ("Interest Rate Hedges"), subject to certain limitations and restrictions, in order to reduce or manage interest rate costs. Interest Rate Hedges would only be entered into with counterparties ("Approved Counterparties") whose senior debt ratings, or the senior debt ratings of the parent companies of the counterparties, as published by S&P, are equal to or greater than BBB-, or an equivalent rating from Moody's, Fitch or Duff and Phelps.

Interest Rate Hedges will involve the use of financial instruments commonly used in today's capital markets, such as interest rate swaps, caps, collars, floors, and structured notes (*i.e.*, debt instruments in which the principal and/or interest payments are indirectly linked to the value of an underlying asset or index), or transactions involving the purchase or sale, including short sales, of U.S. Treasury obligations.

DRI also request approval of an agreement for the allocation of consolidated tax among DRI and its subsidiaries ("Tax Allocation Agreement"). DRI states that it requires this approval because the proposed Tax Allocation Agreement may provide for the retention by DRI certain payments for tax losses incurred from time to time, rather than the allocation of those losses to subsidiaries without payment as would otherwise be required by rule 45(c)(5). As a result of its financing, DRI will be creating tax credits that are non-recourse to the subsidiaries. DRI believes that it should retain the benefits of those tax credits and requests that the Commission reserve jurisdiction over the Tax Allocation Agreement, pending completion of the record.

Finally, DRI, on behalf of itself and its subsidiaries, requests authorization to lease, sell or otherwise grant third parties access to or rights in excess or unwanted real estate and to permit the extraction or harvesting of mineral or other resources contained on or in that real estate and to form a new non-utility subsidiary to manage that business.

The Connecticut Light and Power Company (70–9697)

The Connecticut Light and Power Company ("CLP"), 107 Selden Street, Berlin, Connecticut 06037 ("Applicant"), an electric utility subsidiary company of Northeast Utilities ("NU"), a registered holding company, has filed a post-effective amendment under sections 6(a), 7, 9(a), 10, and 13(b) of the Act and rules 45, 46, 90 and 91 under the Act to an application-declaration previously filed under the Act.

CLP provides electric power at retail to customers in Connecticut. Connecticut enacted an electric utility restructuring law ("Restructuring Law"), which introduces retail competition for electric services. To facilitate the transition to completion, the Restructuring Law contains provisions that permit electric utilities to recover some, or all, of certain costs resulting from the transition to competition ("Transition Costs").[3] The recovery will take place through the collection, from electricity consumers, of a non-bypassable special charge that is based on the amount of electricity purchased ("Market Transition Charge"). The Market Transition Charge may be securitized, in part, by the utility through the issuance of transition bonds ("Transition Bonds"). Utility companies who wished to securitize a portion of their Transition Costs had to apply to the Connecticut Department of Public Utility Control ("CDPUC") and receive an order authorizing the utility to issue a specific amount of Transition Bonds. CLP submitted a request to CDPUC to approve the recovery of Transition costs and to allow the issuance of Transition Bonds by special purpose entities ("SPEs") to be organized by CLP.

CLP requested authority from the Commission, through August 31, 2005, (1) to create and acquire interests in SPEs, (2) for the SPEs to issue transition bonds in an aggregate amount not to exceed $1.489 billion either to investors or to state government-sponsored trusts and (3) to enter into agreements to provide services to the SPEs at other than cost.

The Commission issued a notice on August 25, 2000 (HCAR No. 27222), reflecting CLP's request to issue Transition Bonds in an aggregate amount not to exceed $1.489 billion through August 31, 2005. Subsequent to the issuance of this notice, the CPSC authorized CLP to issue $1.551 billion in Transition Bonds. By order dated December 26, 2000 (HCAR No. 27319), CLP was only authorized to issue up to $1.489 billion in Transition Bonds, due to the Commissions's inability to approve the issuance of a greater amount of Transition Bonds than requested in the notice issued concerning the transaction. Accordingly, CLP now requests authority to increase the amount of Transition Bonds it may issue through August 31, 2005 to $1.551 billion.

Allegheny Energy, Inc., et al. (70–9801)

Allegheny Energy, Inc. ("Allegheny"), a registered holding company, and its wholly owned utility subsidiary Allegheny Energy Supply Company, LLC ("AE Supply" and collectively, "Applicants"), have filed an application-declaration ("Application") under sections 6(a), 8, 9(a), 10, 12(b), and 32 of the Act and rules 45, 53, and 54 under the Act.

Under a Purchase and Sale Agreement between AE Supply and Enron North America Corp. ("Enron") dated November 13, 2000, AE Supply will purchase from Enron, for approximately $1.028 billion, all outstanding membership interests in five limited liability companies (collectively, "Enron LLCs"): Des Plaines Green Land Development, LLC ("DPGL Development"), Gleason Power I, LLC ("Gleason"), West Fork Land Development, LLC ("West Fork"), all exempt wholesale generators, Energy Financing Company, LLC. ("Energy Financing"), a company that purchased equipment that was installed in DPGL Development's facility,[4] and Lake Acquisition Company, LLC ("Lake Acquisition"), a company that leases land to West Fork. Therefore, Applicants request authority for AE Supply to acquire Energy Financing and Lake Acquisition.

Applicants also request authority to issue various types of securities whose proceeds will be used to finance the acquisition of the Enron LLCs and for other corporate purposes. Specifically, Applicants request authority for Allegheny to provide guaranties and other forms of credit support through July 31, 2005 ("Authorization Period") on behalf of AE Supply in an aggregate amount not to exceed $400 million.[5] This credit support may take the form

[2] Excluded from that total, however, is the amount of DRI's Aggregate Investment in Restructured Assets. As used in the Application, "Restructured Assets" denotes generation assets owned by Virginia Power that become owned, directly or indirectly, by any subsidiary of DRI that is qualified as an EWG. "Aggregate Investment in Restructured Assets" means the net book value of those generation assets immediately prior to their designation as Restructured Assets.

[3] Transition Costs include regulatory assets, long-term purchased power commitments and other costs, including investments in generating plants, spent-fuel disposal, retirement costs and reorganization costs, for which an opportunity for recovery is allowed in an amount determined by the state public utility commissions to be just and reasonable.

[4] Applicants state that DPGL Development will continue to receive monthly payments through May 14, 2015 from Energy Financing for this equipment under an Equipment Sale Agreement dated October 5, 2000.

[5] Allegheny is currently authorized to issue to up to $250 million in guaranties and other credit support on behalf of AE Supply through the Authorization Period. *See Allegheny Energy*, HCAR No. 27199 (July 14, 200) ("Prior Order").

of reimbursement agreements, assumptions of liability for issuances of bonds, letters of credit, and other performance and financial guaranties. Allegheny will charge AE Supply a fee for each guaranty provided on its behalf, and that fee will not exceed its cost of obtaining the liquidity necessary to perform the guaranty.

Applicants request authority for Allegheny to issue and sell up to $1 billion of its common stock ("Common Stock") through the Authorization Period. Applicants state that all Common Stock will be sold on terms determined by competitive capital markets. Specifically, Applicants state that, for Common Stock distributed to the public, the terms may be determined during negotiations with underwriters, dealers, or agents, or through competitive bidding processes among underwriters. Applicants state that Common Stock may be distributed through private placements or other non-public offerings to one or more persons.

Applicants request authority for AE Supply to borrow from Allegheny up to $500 million of the proceeds from the sales of Common Stock. The maturities, terms and interest rates will be identical to those that AE Supply would be able to obtain in the market, but will not exceed the reference United States Treasury Rate plus 300 basis points. Fees and expenses associated with these borrowings will be comparable to those obtainable by similar utilities, issuing comparable securities, containing the same or similar terms and maturities.

Applicants request authority for AE Supply to issue to banks and/or other financial institutions non-recourse debt securities to finance its acquisition of the Enron LLCs. Specifically, Applicants request authority for AE Supply to issue and sell, for a one year-period, up to $550 million in debt securities having maturities of 364 days or less ("Short-Term Debt").[6] Applicants also request authority for AE Supply to issue and sell during the Authorization Period up to $550 million in debt securities having maturities of between five and thirty years ("Long-Term Debt").[7] The maturities, terms, and interest rates of the Long-Term Debt and the Short-Term Debt will be established through negotiations with financial institutions.[8] The total amount of Short-Term Debt and Long-Term Debt at any time outstanding will not exceed $550 million.

Applicants request authority for AE Supply to acquire as its direct subsidiary Allegheny Energy Supply Capital, Inc. ("Supply Capital"), which is being organized to engage in tax efficient transactions relating to the acquisition of the Enron LLCs with AE Supply and its subsidiaries. Allegheny will contribute $1.05 billion in cash to Supply Capital in exchange for all ownership interests in the company.

Applicants request authority for AE Supply to issue up to $1.05 billion in interest bearing promissory notes to Supply Capital ("LLC Loans") through the Authorization Period. These notes will mature within five to thirty years.[9] Applicants state that AE Supply will use the proceeds of the LLC Loans to acquire the Enron LLCs. Further, Applicants request authority for Supply Capital to make other loans to AE Supply through the Authorization Period, in amounts up to the interest and principal payments made on the LLC Loan. These notes will mature within five or thirty years.[10] The proceeds of all loans from Supply Capital to AE Supply will be used to finance authorized acquisitions, engage in activities authorized by rule 58 under the Act, and other capital expenditures (including the construction of pollution control equipment).

Applicants state that neither Allegheny nor any of its subsidiaries will undertake to effect any of the proposed transactions if the action will result in either the common stock equity of Allegheny, on a consolidated basis, or any of its utility subsidiaries falling below thirty percent.

AGL Resources, Inc. (70–9813)

AGL Resources, Inc. ("AGL"), a registered holding company, located at 817 West Peachtree Street, NW., 10th Floor, Atlanta, Georgia 30308, has filed an application-declaration with the Commission under sections 6(a), 7, 9(a), and 10 of the Act and rules 43 and 86 under the Act.

Currently, the AGL system ("System") self-insures up to $1 million of its own risk. Specifically, on behalf of the AGL system, AGL Service Company ("AGSC"), a wholly owned service company subsidiary of AGL , maintains a per-occurrence deductible of $1 million for automobile and general liability exposures, $200,000 for directors and officers liability, $125,000 for "all-risk" property coverage, and $500,000 for workers compensation liability (the levels collectively, "Self-Insurance Limit"), and purchases insurance to cover risks over and above that amount.[11]

AGL requests authority to acquire directly, for $100,000, all of the common stock of a captive insurance company ("Captive") that it proposes to organize. The System will maintain the Self-Insurance Limit and, to reduce the amount of premiums it pays, the Captive will underwrite a certain portion of the insurance purchased by the System, that is coverage over the Self-Insurance Limit.[12] The Captive will then transfer its risks to third-party reinsurance companies. Applicants state that traditional insurance programs are supported and underwritten through a reinsurance market that is generally accessible only to insurance companies. By eliminating the middleman for selected transactions and coverage, AGL intends to create opportunities for significant savings.

Initially, the Captive will focus on providing the following types of coverage: Automobile, general liability, risk property, boiler and machinery, directors and officers, crime, fiduciary and workers compensation. In the future, the Captive may seek to underwrite additional insurance coverage and retain a small amount of risk within the Self-Insurance Limit. With one exception, the Captive proposes to sell insurance only to its associates.[13]

[6] Currently, AE Supply is authorized to incur up to $300 million in short-term debt through the Authorization Period.

[7] AE Supply is currently authorized to incur up to $400 million in long-term debt through the Authorization Period. *See* Prior Order.

[8] Applicants state that the interest rate on all Long-Term Debt will not exceed the United States Treasury Rate plus 400 basis points, and the interest rate on all Short-Term Debt will not exceed the London International Offered Rate plus 300 basis points.

[9] The interest rates on these notes will not exceed the reference United States Treasury Rate plus 300 basis points or the cost of acquisition. Applicants state that the fees and expenses associated with these debt securities will be comparable to those obtainable by similar utilities, issuing comparable securities, containing the same or similar terms and maturities.

[10] The interest rates on these notes will not exceed the reference United States Treasury Rate plus 300 basis points or the cost of acquisition. Applicants state that the fees and expenses associated these debt securities will be comparable to those obtainable by similar utilities, issuing comparable securities, containing the same or similar terms and maturities.

[11] AGL states that certain of its subsidiaries maintain separate deductibles and purchase separate coverage limits outside the System program described above.

[12] AGL states that, initially, the Captive will underwrite approximately thirty percent of the System's insurance, and that the remaining seventy percent will continue to be provided by non-affiliated traditional insurers.

[13] Applicants state that the Captive may provide performance bonds and construction-related insurance ("Wrap-Up Construction Coverage") for nonassociate contractors working on projects for the System. At present, each contractor purchases a separate insurance plan in connection with System projects. Applicants state that the provision of the Wrap-Up Construction Coverage will eliminate costly insurance duplication by providing the general contractor and all sub-contractors access to the same insurance program, and that these cost savings can then be passed on to the System companies. Applicants further state that Wrap-Up Construction Coverage will be provided only for the duration of the particular construction program undertaken in connection with System company business.

[14] These administrative functions will include: (1) Accounting and reporting activities; (2) legal, actuarial, banking and audit services; (3) negotiating reinsurance contracts, policy terms and conditions; (4) invoicing and making payments, and; (5) managing regulatory affairs.

The Captive will be authorized to operate as an insurance company in the British Virgin Islands. AGL states that no additional staff will be required to operate the Captive because a British Virgin Islands management company will be retained to provide administrative services. AGSC employees will be directors and principal officers of the Captive and, through the management company, will oversee administrative functions.[14] The existing AGSC self-administration claim staff will continue to perform the claims adjusting function. All goods and services provided by the AGSC to the Captive will be provided in accordance with section 13 of the Act and the rules under the Act. The cost incurred by the Captive will be recovered in premiums charged by the Captive to the System. AGL states that the Captive will not be operated to maintain a surplus beyond what will be necessary to remain adequately capitalized.

Entergy Corporation, et al. (70–8899)

Entergy Corporation, a registered holding company, 639 Loyola Avenue, New Orleans, Louisiana 70113, and its retail public subsidiary companies, Entergy Arkansas, Inc., 425 West Capitol Avenue, Little Rock, Arkansas 72201, Entergy Gulf States, Inc., 350 Pine Street, Beaumont, Texas 77701, Entergy Louisiana, Inc., 4809 Jefferson Highway, Jefferson, Louisiana 70121, Entergy Mississippi, Inc., 308 East Pearl Street, Jackson, Mississippi 39201, Entergy New Orleans, Inc. ("New Orleans"), 1600 Perdido Building, New Orleans, Louisiana 70112, as well as Entergy's service company subsidiary, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113, System Energy Resources, Inc., a generating public utility subsidiary company of Entergy, Entergy Operations, Inc., a nuclear management public utility of Entergy, both located at 1340 Echelon Parkway, Jackson, Mississippi 39213, and System Fuels, Inc., a nonutility subsidiary, 350 Pine Street, Beaumont, Texas 77701, have filed a post-effective amendment to their application-declaration under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and rules 43, 45 and 54 under the Act. The Commission issued a notice of the filing on February 16, 2001 (HCAR No. 27347).

The notice stated that New Orleans requested an increase in its short-term borrowing limits of "$35 million, for a total of $60 million." The notice should be and is corrected to state, in pertinent part, that New Orleans is requesting an increase in its short-term borrowing limits of "$65 million, for a total of $100 million * * *."

GPU, Inc. (70–9835)

GPU, Inc. ("GPU"), a registered public-utility holding company located at 300 Madison Avenue, Morristown, New Jersey 07960, has filed a declaration ("Declaration") under sections 6(a), 7 and 12(b) of the Act and rules 45 and 54 under the Act.

By order dated April 14, 2000 (HCAR No. 27165), the Commission authorized GPU to acquire for cash all of the issued and outstanding common shares of MYR. On April 26, 2000, MYR was merged with and into GPU Acquisition Corp., wholly owned subsidiary of GPU, and became a wholly owned nonutility subsidiary of GPU.[15] At the time of the acquisition, MYR was party to a Credit Agreement dated September 21, 1999 ("Old Credit Agreement") with Harris Trust and Savings Bank and Comerica Bank ("Comerica"), providing for revolving credit borrowings by MYR of up to $30 million outstanding at any one time, of which up to $10 million could be in the form of letter of credit ("L/C") obligations. Effective upon GPU's acquisition of MYR, the old Credit Agreement was amended to, among other things, reduce the aggregate amount of available credit to $20 million to reflect Comerica's withdrawal as a lender under the facility. At September 30, 2000, $13,333,337 of borrowings were outstanding under the Old Credit Agreement.

On November 28, 2000, MYR entered into a New Credit Agreement ("New Credit Agreement"), with Bank One, NA ("Bank One") as administrative agent and as the initial lender. The New Credit Agreement permits borrowings by MYR from time to time in an aggregate amount not to exceed $50 million outstanding at any one time. Bank One may assign a portion of its rights and obligations to new lenders which will become parties to the New Credit Agreement. As described below, the New Credit Agreement provides that if GPU does not enter into a guaranty of MYR's obligations under that agreement by April 1, 2001, the interest rate on loans and fees payable under the New Credit Agreement will increase. Accordingly, GPU now proposes to guarantee MYR's obligations under the New Credit Agreement ("GPU Guaranty"). Under the GPU Guaranty, Declarant would unconditionally and irrevocably guarantee the punctual payment when due of all obligations of MYR under the New Credit Agreement. GPU will not charge any fee for the issuance of the GPU Guaranty.

Loans made under the New Credit Agreement ("Loans"), at MYR's election, will bear interest at one of the three following rates, each of which is described below: (1) The Eurodollar Rate; (2) the Floating Rate; or (3) the Fixed Rate. The Eurodollar Rate fixes an interest rate for an interest period of, at MYR's election, either one, two, three, or six months. The Floating Rate may vary on any day and a Fixed Rate fixes an interest rate for periods of up to 30 days. In selecting an interest rate option, GPU states that MYR will endeavor to achieve, over the term of the New Credit Agreement, the lowest overall interest expense.

The Eurodollar Rate is the sum of a specified British Bankers' Association Interest Settlement Rate for United States ("U.S.") dollar deposits [16] (as adjusted for any applicable reserve requirements) and the Applicable Margin. The Applicable Margin, as defined in the New Credit Agreement, ranges from 50 to 200 basis points, depending on the credit rating of GPU's senior unsecured debt, plus, after the Non Guaranty Date, 10 basis points. The Non Guaranty Date, as defined in the New Credit Agreement, is April 1, 2001. If GPU delivers the GPU Guaranty proposed in this Declaration, the Non Guaranty Date will not occur.

The Floating Rate for each day is equal to (1) the Alternate Base Rate minus 200 basis points, plus, after the Non Guaranty Date, 10 basis points. The Alternative Base Rate for any day is the higher of (1) Bank One's prime rate and (2) the Federal Funds effective rate [17]

[15] MYR's principal business involves providing utility transmission and distribution, infrastructure and related commercial and industrial electrical contracting services to utility, industrial, mining, institutional, and governmental entities on a nationwide basis.

[16] The British Bankers' Association Interest Settlement Rate for deposit in U.S. dollars is a published interest rate for offers to place deposits in U.S. dollars with first-class banks in the London interbank market for one, two, three, and six-month interest periods.

[17] The Federal Funds effective rate means, for any day, an interest rate equal to the weighted average of the rates on overnight Federal funds transactions with members of the Federal Reserve System arranged by Federal Funds brokers on that day, as

Continued

plus 50 basis points. The Fixed Rate is a fixed rate for an interest period of up to 30 days determined by mutual agreement of MYR and the lender under the New Credit Agreement. The Fixed Rate is only available under the New Credit Agreement when there is only one lender.

MYR may borrow and repay Loans through November 1, 2003. MYR paid Bank One a one-time commitment fee at the initial closing of the New Credit Agreement of $25,000. MYR also will pay the lenders a facility fee on the unused commitment which ranges from 10 basis points to 40 basis points, depending on the credit rating of GPU's senior unsecured debt, plus, after the Non Guaranty Date, 2.5 basis points.

Under the New Credit Agreement, MYR also may request lenders to issue L/Cs in a maximum aggregate amount for all L/Cs outstanding of up to $10 million. The aggregate amount that MYR may borrow under the New Credit Agreement is reduced by the face amount of all outstanding L/Cs.[18]

MYR will use the proceeds of the Loans: (1) To refinance borrowings under the Old Credit Agreement; (2) to repay outstanding open account advances made by GPU; and (3) for working capital, acquisition financing, and other general corporate purposes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5794 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24885; 812–12095]

Global High Income Dollar Fund Inc.; Notice of Application

March 2, 2001.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from section 19(b) of the Act and rule 19b–1 under the Act.

Summary of Application: Global High Income Dollar Fund Inc. (the "Fund") requests an order to permit it to make up to twelve distributions of net long-term capital gains in any one taxable year, so long as it maintains in effect a distribution policy with respect to its common stock calling for monthly distributions of a fixed percentage of its net asset value ("NAV").

Filing Dates: The application was filed on April 18, 2000 and amended on January 22, 2001.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 27, 2001, and should be accompanied by proof of service on the applicant, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609; Applicant, c/o Dianne E. O'Donnell, Vice President and Secretary, Global High Income Dollar Fund Inc., 1285 Avenue of the Americas, New York, New York 10019–6028.

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 942–0527, or Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicant's Representations

1. The Fund is registered under the Act as a closed-end, non-diversified management investment company and organized as a Maryland corporation. The Fund's primary investment objective is to achieve a high level of current income; as a secondary objective, the Fund seeks capital appreciation, to the extent consistent with its primary objective. The Fund's shares are listed on the New York Stock Exchange and have historically traded at a discount to NAV. Mitchell Hutchins Asset Management Inc., an investment adviser registered under the Investment Advisers Act of 1940, serves as the Fund's investment adviser.

2. On December 17, 1999, the Fund's board of directors ("Board"), including all of the directors who are not "interested persons" of the Fund, as defined in section 2(a)(19) of the Act, adopted a distribution policy ("Distribution Policy") with respect to the Fund's common stock. Under the Distribution Policy, the Fund will make regular monthly distributions at an annualized rate equal to 11% of the Fund's NAV. Any amount paid under the Distribution Policy which exceeds the sum of the Fund's investment income and net realized capital gains will be treated as a return of capital. The Fund states that the Distribution Policy provides a steady cash flow to the Fund's shareholders. The Fund further states that the Distribution Policy can have a moderating effect on market discounts to NAV and is in the best interests of its shareholders.

3. The Fund requests relief to permit it, so long as it maintains in effect the Distribution Policy, to make up to twelve capital gains distributions in any one taxable year.

Applicant's Legal Analysis

1. Section 19(b) of the Act provides that a registered investment company may not, in contravention of such rules, regulations, or orders as the Commission may prescribe, distribute long-term capital gains more often than once every twelve months. Rule 19b–1(a) under the Act permits a registered investment company, with respect to any one taxable year, to make one capital gains distribution, as defined in section 852(b)(3)(C) of the Internal Revenue Code of 1986, as amended (the "Code"). Rule 19b–1(a) also permits a supplemental distribution to be made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year. Rule 19b–1(f) permits one additional long-term capital gains distribution to be made to avoid the excise tax under section 4982 of the Code.

2. The Fund asserts that rule 19b–1, by limiting the number of net long-term capital gains distributions the Fund may make with respect to any one year, would prohibit the Fund from including available net long-term capital gains in certain of its fixed monthly distributions. As a result, the Fund states that it could be required to fund these monthly distributions with returns of capital (to the extent net investment income and net realized short-term capital gains are insufficient to cover a monthly distribution). The Fund further asserts that, to distribute all of its long-term capital gains within the limits in rule 19b–1, the Fund may be required to make total distributions in excess of the annual amount called for by the Distribution Policy or retain and pay taxes on the excess amount. The Fund asserts that the application of rule 19b–1 to the Fund's Distribution Policy may create pressure to limit the realization of long-term capital gains based on considerations unrelated to investment goals.

3. The Fund submits that the concerns underlying section 19(b) and rule 19b–1 are not present in the Fund's situation. One of the concerns leading to the adoption of section 19(b) and rule 19b–1 was that shareholders might be unable to distinguish between frequent distributions of capital gains and dividends from investment income. The Fund states that its Distribution Policy has been described in the Fund's periodic communications to its shareholders. The Fund further states that, to the extent required under rule 19a–1 under the Act, a separate statement showing the source of the distribution will accompany each distribution. In addition, a statement showing the amount and source of each monthly distribution during the year will be included with the Fund's IRS Form 1099–DIV report sent to each shareholder who received distributions during the year (including shareholders who sold shares during the year).

4. The Fund submits that another concern underlying section 19(b) and rule 19b–1 is that frequent capital gains distributions could facilitate improper fund distribution practices, including, in particular, the practice of urging an investor to purchase shares of a fund on the basis of an upcoming dividend ("selling the dividend"), when the dividend results in an immediate corresponding reduction in NAV and is, in effect, a return of the investor's capital. The Fund states that this concern does not apply to a closed-end management investment company, such as the Fund, that does not continuously distribute its shares.

5. The Fund states that increased administrative costs also are a concern underlying section 19(b) and rule 19b–1. The Fund asserts that this concern is not present because the Fund will continue to make monthly distributions regardless of whether capital gains are included in any particular distribution.

6. Section 6(c) of the Act provides that the Commission may exempt any person or transaction from any provision of the Act or any rule under the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. For the reasons stated above, the Fund believes that the requested relief satisfies this standard.

Applicant's Condition

The Fund agrees that the order granting the requested relief will terminate upon the effective date of a registration statement under the Securities Act of 1933 for any future public offering by the Fund of its common shares other than:

(i) A non-transferable rights offering to shareholders of the Fund, provided that such offering does not include solicitation by brokers or the payment of any commissions or underwriting fee; and

(ii) An offering in connection with a merger, consolidation, acquisition, spin-off or reorganization;

unless the Fund has received from the staff of the Commission written assurance that the order will remain in effect.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5793 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24883; 812–12222]

Advantus Bond Fund, Inc. et al.; Notice of Application

March 2, 2001.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of an application under section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements.

Summary of the Application: Applicants seek an order to permit certain registered open-end investment companies to deposit their uninvested cash balances and their cash collateral in one or more joint accounts to be used to enter into short-term investments.

Applicants: Advantus Bond Fund, Inc., Advantus Cornerstone Fund, Inc., Advantus Enterprise Fund, Inc., Advantus Horizon Fund, Inc., Advantus Index 500 Fund, Inc., Advantus International Balanced Fund, Inc., Advantus Money Market Fund, Inc., Advantus Mortgage Securities Fund, Inc., Advantus Real Estate Securities Fund, Inc., Advantus Spectrum Fund, Inc., Advantus Venture Fund, Inc., and Advantus Series Fund, Inc. (collectively, the "Companies"); Advantus Capital Management, Inc. ("Advantus Capital").

Filing Dates: The application was filed on August 15, 2000, and amended on January 10, 2001.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing tot he SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 27, 2001, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington DC 20549–0609. Applicants, James D. Alt, Esq., Dorsey & Whitney LLP, 220 South Sixth Street, Minneapolis, MN 55402.

FOR FURTHER INFORMATION CONTACT: Maura McNulty, Senior Counsel, at (202) 942–0621, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. 202–942–8090).

Applicant's Representations

1. Each of the Companies is an open-end management investment company organized under Minnesota law and registered under the Act. One of the Companies, Advantus Series Fund, Inc., offers 19 series of shares through variable life insurance policies and annuity contracts issued by Minnesota Life Insurance Company ("Minnesota Life"). Each of the other Companies

published by the Federal Reserve Bank of New York.

[18] Drawings on an L/C would bear interest at the Floating Rate if these amounts are repaid by MYR on the same day the drawing is made on the L/C. If MYR repays this drawing later, the drawing will bear interest at the Floating Rate plus 200 basis points. If MYR elects not to reimburse the issuing bank immediately and the conditions for a borrowing under the New Credit Agreement are satisfied, MYR may obtain a Loan to satisfy its reimbursement obligation. In this case, MYR would pay a letter of credit fee equal to the Applicable Margin for Eurodollar Rate Loans on the undrawn stated amount of outstanding L/Cs.

offers series of shares directly to the public.

2. Advantus Capital, a wholly-owned subsidiary of Minnesota Life, is registered under the Investment Advisers Act of 1940.[1] Advantus Capital serves as investment adviser for each series of the Companies, subject to the general oversight of the Companies' boards of directors (the "Boards"). With respect to several such series, Advantus Capital has engaged sub-advisers that are not affiliated with Advantus Capital or any of its affiliates. Wells Fargo Bank Minnesota, N.A. ("Wells Fargo") serves as custodian for the assets of several of the Companies' series, and Bankers Trust Company serves as custodian for the assets of the other series. Neither custodian is affiliated with the Companies or Advantus Capital.

3. Applicants request that any relief granted pursuant to the application also apply to future series of the Companies and any other registered management investment company and each series thereof that is advised by Advantus Capital in the future (together with the existing series of the Companies, the "Funds").[2]

4. All of the existing Funds are authorized by their investment policies and restrictions to invest at least a portion of their uninvested cash balances in short-term liquid assets such as repurchase agreements, rated commercial paper, U.S. Government securities and other short-term debt obligations.

5. All of the existing Funds also are authorized to engage in securities lending transactions. In connection with these transactions, the Funds may receive collateral in the form of either cash ("Cash Collateral") or securities. When Cash Collateral is received, it is expected to be invested in a manner consistent with customary securities lending practices. Wells Fargo serves as the securities lending agent for those funds that currently engage in securities lending transactions. Wells Fargo, in such capacity, and any other entity that may in the future act as securities lending agent for any of the Funds, is referred to as a "Securities Lending Agent."[3]

6. Applicants propose to invest uninvested cash balances of the Funds that remain at the end of the trading day and cash for investment purposes ("Uninvested Cash"), and/or Cash Collateral (collectively, with Uninvested Cash, "Cash Balances") into one or more joint accounts (the "Joint Accounts") established at the Fund's custodian. The daily balances in the Joint Accounts would be invested only in the following types of investments: (a) Repurchase agreements "collaterlized fully" as defined in rule 2a–7 under the Act,[4] (b) interest-bearing or discounted commercial paper, including U.S. dollar-denominated commercial paper of foreign issuers; and (c) any other short-term taxable and tax-exempt money market instruments, including government securities and variable rate demand notes, that constitute "Eligible Securities" as defined in rule 2a–7 under the Act (collectively, "Short-Term Investments").

7. Funds participating in a Joint Account will invest through the Joint Account only to the extent that, regardless of the Joint Accounts they would desire to invest in short-term liquid investments that are consistent with their respective investment objectives, policies and restrictions. A Fund's decision to use a Joint Account will be based on the same factors as its decision to make any other short-term liquid investment. The sole purposes of the Joint Accounts would be to provide a convenient means of aggregating what otherwise would be one or more daily transactions for some or all Funds necessary to manage their respective Cash Balances.

8. Advantus Capital will be responsible for investing Cash Balances held by the Joint Accounts, establishing accounting and control procedures, operating the Joint Accounts in accordance with the procedures discussed below, and ensuring fair treatment of the participating Funds. Advantus Capital may establish guidelines for the investment of Cash Collateral received in connection with the participating Funds' securities lending transactions and may delegate the investment of such Cash Collateral to the Securities Lending Agent in accordance with any applicable Commission or staff guidelines. Advantus Capital will pre-approve securities for investment and the Securities Lending Agent will invest Cash Collateral only in investments that are pre-approved by Advantus Capital.

9. All investments of Cash Collateral through the Joint Accounts will comply with all present and future SEC or staff positions relating to the investment of cash collateral in connection with securities lending activities. Any repurchase agreements entered into through the Joint Accounts will comply with any applicable Commission or staff guidelines. Applicants acknowledge that they have a continuing obligation to monitor the SEC's published statements on repurchase agreements, and represent that repurchase agreement transactions will comply with future positions of the SEC and its staff to the extent that such positions set forth different or additional requirements regarding repurchase agreements. If the SEC sets forth guidelines with respect to other Short-Term Investments, all investments made through the Joint Accounts will comply with those guidelines.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, from participating in any joint enterprise or arrangement in which that investment company is a participant, unless the Commission has issued an order authorizing the arrangement. In determining whether to grant such an order, the Commission considers whether the participation of the registered investment company in the proposed joint arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants in the arrangement.

2. Under section 2(a)(3)(C) of the Act, each Fund may be deemed to be an "affiliated person" of each other Fund if each Fund were deemed to be under the common control of their investment adviser Advantus Capital. Applicants state that each Fund participating in a Joint Account and Advantus Capital, by managing the Joint Account, may be deemed to be "joint participants" in a transaction within the meaning of section 17(d) of the Act. Applicants further state that each Joint Account may be deemed to be a "joint enterprise or other joint arrangement" within the meaning of rule 17d–1.

3. Applicants submit that the proposed Joint Accounts meet the criteria of rule 17d–1 for issuance of an order. Applicants assert that no Fund would be in a less favorable position than any other Fund as a result of its participating in one or more Joint Accounts. Applicants also assert that the proposed operation of the Joint Accounts will not result in any conflicts of interest among any of the participating Funds or Advantus Capital. Each Fund's liability on any Short-Term Investment invested in through the Joint Accounts will be limited to its interest in such Short-Term Investment.

4. Applicants state that the operation of the Joint Accounts could result in certain benefits to the Funds. The Funds may earn a higher rate of return on investments through the Joint Accounts relative to the returns they could earn individually. Under most market conditions, applicants assert, it is possible to negotiate a rate of return on larger investments that is higher than the rate available on smaller investments. In addition, applicants state that the aggregation of Cash Balances in a Joint Account may make more investment opportunities available to the Funds and may reduce the possibility that a Fund's Cash Balance would remain uninvested. Finally, the Joint Accounts may result in certain administrative efficiencies and lessen the potential for error by reducing the number of trade tickets and cash wires that counterparties and the Fund's custodian and administrator must process.

5. Applicants state that although Advantus Capital may realize some benefit through administrative convenience and reduced clerical costs, prior to a Fund's participating in a Joint Account, the Boards will determine that the Funds will be the primary beneficiaries of the Joint Accounts due to the potential for higher returns and increased efficiencies through the use of Joint Accounts.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Joint Accounts will not be distinguishable from any other accounts maintained by the Funds at their custodian except that Cash Balances from the Funds will be deposited in the Joint Accounts on a commingled basis. The Joint Accounts will not have a separate existence and will not have indicia of a separate legal entity. The sole function of the Joint Accounts will be to provide a convenient way of aggregating individual transactions that would otherwise require daily management of uninvested Cash Balances.

2. Cash Balances in the Joint Accounts will be invested in Short-Term Investments as directed by Advantus Capital (or, in the case of Cash Collateral, the Securities Lending Agent in instruments pre-approved by Advantus Capital). Uninvested Cash in the Joint Accounts will be invested in repurchase agreements that have a remaining maturity of 60 days or less and other Short-Term Investments that have a remaining maturity of 90 days or less, each as calculated in accordance with rule 2a–7 under the Act. Cash Collateral in a Joint Account will be invested in Short-Term Investments that have a remaining maturity of 397 days or less, as calculated in accordance with rule 2a–7 under the Act.

3. All assets held in the Joint Accounts will be valued on an amortized cost basis to the extent permitted by applicable Commission releases, rules, or orders.

4. Each Fund valuing its net assets in reliance on rule 2a–7 under the Act will use the average maturity of the instruments in the Joint Account in which the Fund has an interest (determined on a dollar-weighted basis) for the purpose of computing its average portfolio maturity with respect to its portion of the assets held in a Joint Account on that day.

5. In order to assure that there will be no opportunity for any Fund to use any part of a balance of a Joint Account credited to another Fund, no Fund will be allowed to create a negative balance in any Joint Account for any reason, although each Fund will be permitted to draw down its entire balance at any time, provided that Advantus Capital determines that such draw-down will have no significant adverse impact on any other Fund participating in that Joint Account. Each Fund's decision to invest in a Joint Account will be solely at its option, and no Fund will be obligated to invest in a Joint Account or to maintain any minimum balance in a Joint Account. In addition, each Fund will retain the sole rights of ownership to any of its assets invested in a Joint Account, including interest payable on such assets in the Joint Account.

6. Advantus Capital will administer the investment of Cash Balances in and the operation of the Joint Accounts as part of its general duties under its existing or any future investment advisory agreements with the Funds and will not collect any additional or separate fees for advising any Joint Account.

7. The administration of the Joint Accounts will be within the fidelity bond coverage required by section 17(g) of the Act and rule 17g–1 under the Act.

8. Each Board will adopt procedures pursuant to which the Joint Accounts will operate, which will be reasonably designed to provide that the requirements of the application will be met. Each Board will make and approve such changes as it deems necessary to ensure that such procedures are followed. In addition, each Board will determine, no less frequently than annually, that the Joint Accounts have been operated in accordance with the adopted procedures and will permit a Fund to continue to participate therein only if it determines that there is a reasonable likelihood that the Fund and its shareholders will benefit from the Fund's continued participation.

9. Any Short-Term Investment made through the Joint Accounts will satisfy the investment policies and restrictions of all Funds participating in that investment.

10. Advantus Capital, each Fund, and custodian for each Fund will maintain records documenting, for any given day, each Fund's aggregate investment in a Joint Account and each Fund's pro rata share of each investment made through such Joint Account. The records maintained for each Fund shall be maintained in conformity with section 31 of the Act and the rules and regulation thereunder.

11. Short-Term Investments held in a Joint Account generally will not be sold prior to maturity unless: (a) Advantus Capital believes the investment no longer presents minimal credit risks; (b) the investment no longer satisfies the investment criteria of all Funds participating in the investment because of a credit downgrading or otherwise; or (c) in the case of a repurchase agreement, the counterparty defaults. Advantus Capital may, however, sell any Short-Term Investment (or a fractional portion thereof) on behalf of some or all Funds prior to the maturity of the investment if the cost of such transactions will be borne solely by the selling Funds and the transaction will not adversely affect other Funds participating in that Joint Account. In no case will an early termination by less than all Funds participating in a Joint Account be permitted if it would reduce the principal amount or yield received by other Funds participating in the applicable Joint Account or otherwise adversely affect the other Funds. Each Fund participating in a Joint Account will be deemed to have consented to

[1] For purposes of this application, the term "Advantus Capital" includes, in addition to such entity itself, any other entity controlling, controlled by or under common control with Advantus Capital that acts in the future as an investment adviser to the Companies or other registered management investment companies.

[2] Each entity that currently intends to rely on the requested order is named as an applicant. Any future series of the Companies and any other registered management investment companies or series thereof that are in the future advised by Advantus Capital that rely upon the requested order in the future will do so only in compliance with the terms and conditions of the application.

[3] No affiliated person of the Funds or of Advantus Capital will serve as a Securities Lending Agent unless applicants have received further appropriate exemptive relief from the SEC.

[4] Repurchase agreements will be entered into on a "hold-in-custody" basis (i.e., where the counterparty or one of its affiliated persons may have possession of, or control over, the collateral subject to the agreement) only if cash is received late in the business day and otherwise would be unavailable for investment.

such sale and partition of the investments in the Joint Account.

12. Short-Term Investments held through a Joint Account with a remaining maturity of more than seven days, as calculated pursuant to rule 2a–7 under the Act, will be considered illiquid and will be subject to the restriction that a Fund may not invest more than 15% or, the case of a money market fund, more than 10% (or such other percentage as set forth by the Commission from time to time) of its net assets in illiquid securities, and any similar restriction set forth in the Fund's investment policies and restrictions, if Advantus Capital cannot sell the instrument, or the Fund's fractional interest in such instruments, pursuant to the preceding condition.

13. Not every Fund participating in Joint Account will necessarily have its Cash Balances invested in every Joint Account. However, to the extent a Fund's Cash Balances are applied to a particular Joint Account, the Fund will participate in and own a proportionate share of the investment in such Joint Account, and the income earned or accrued thereon, based upon the percentage of such investment in such Joint Account purchased with Cash Balances contributed by the Fund.

14. Each Joint Account will be established as a separate cash account on behalf of the Funds participating in such Joint Account at the custodian for one or more of the Funds (the "Joint Account Custodian" with respect to such Joint Account). Each Fund may deposit daily all or a portion of its Cash Balances into the Joint Accounts. Each Fund whose regular custodian is a custodian other than the Joint Account Custodian with respect to the applicable Joint Account and that wishes to participate in such Joint Account will appoint such Joint Account Custodian as sub-custodian for the limited purposes of (a) receiving and disbursing Cash Balances; (b) holding Short-Term Investments; and (c) holding any collateral received from a transaction effected through such Joint Account. All Funds that so appoint such Joint Account Custodian will have taken all necessary actions to authorize the Joint Account Custodian as its legal custodian, including all actions required under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5792 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44039; File No. SR–NASD–01–04]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Dual Reporting of Transactions in Certain Fixed Income Securities

March 5, 2001.

I. Introduction

On January 5, 2001, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to dual reporting of transactions in certain fixed income securities. The **Federal Register** published the proposed rule change for comment on February 2, 2001.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

In conjunction with the Commission's approval of rules governing the NASD's Trade Reporting and Comparison Entry Service ("TRACE Rules" or "Rule 6200 Series") (SR–NASD–99–65).[4] NASD is proposing to amend one of the TRACE Rules, NASD Rule 6230(b). The proposed amendment requires a member to submit a trade report to the NASD if the member is either the buy- or the sell-side of a member-to-member transaction in an eligible fixed income security under the Rule 6200 Series. Rule 6230(b) currently requires only the member who represents the sell-side to submit a trade report to the NASD.

The NASD is proposing the amendment to Rule 6230(b) to provide for reporting by both the buy- and sell-sides of a transaction by two NASD members ("dual trade reporting") in order to improve the quality of the transaction data that the NASD collects for surveillance purposes. The amendment is proposed in lieu of previously proposed Rule 6231, which would have required that both sides to a trade submit to the NASD duplicate copies of the clearing reports submitted to their registered clearing agency.[5] The NASD proposed Rule 6231 in Amendment No. 2 to SR–NASD–99–65, but withdrew it in Amendment No. 4 in response to industry comment that it was overly burdensome.[6] Although the proposed amendment to Rule 6230(b) requires the dual real-time reporting to sell-side and buy-side trade information, only the sell-side information will be disseminated, thus avoiding the dissemination of two trade reports for the same trade. The buy-side information that is collected will be used strictly for regulatory purposes.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered securities association.[7] In particular, the Commission finds that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act, which requires among other things, that the NASD's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and in general, to protect investors and the public interest.[8]

The rule change requires both the buy- and sell-side of a transaction between two NASD members to report transaction information to the NASD. The NASD has represented that such dual trade reporting will improve the quality of the transaction data that the NASD collects for surveillance purposes. The Commission recognizes the value of crosschecking trade data submitted by one reporting dealer with information from the counterparty, and believes that the proposed amendment is an appropriate way to encourage complete and accurate transaction reporting without placing undue regulatory burdens on market

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 66 FR 8822 (February 2, 2001).

[4] On January 23, 201, the Commission approved NASD Rules 6210 through 6260 relating to reporting and dissemination of transaction information on eligible fixed income securities, and granted accelerated approval to Amendment No. 4 to those Rules. Securities Exchange Act Release No. 43873 (January 23, 2001); 66 FR 8131 (January 29, 2001). The NASD has represented that it will rename TRACE, as it does not include a comparison feature.

[5] The NASD proposed Rule 6231 in Amendment No. 2 to SR–NASD–99–65. *See* Securities Exchange Act Rel. No. 43616 (November 24, 2000); 65 FR 71174 (November 29, 2000).

[6] *See* note 9, *infra*. The MASD withdrew previously proposed Rule 6231 at the same time it amended the TRACE proposal to eliminate the proposed optional comparison feature of the TRACE facility. *See* Amendment No. 4 to SR–NASD–99–65, Securities Exchange Act Rel. No. 43873 (January 23, 2001); 66 FR 8131 (January 29, 2001).

[7] In approving the proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78o–3(b)(6).

participants. The Commission finds that the proposed rule change requiring dual transaction reporting will contribute to the reliability of transaction information and thereby enhance price transparency in and regulatory surveillance of the corporate bond market, which are the twin goals of the TRACE Rules. In addition, the Commission notes that several comments on previously proposed Rule 6231 indicated that dual trade reporting would require fewer programming changes.[9]

IV. Conclusion

For the foregoing reasons, the Commission finds that the proposal to amend NASD Rule 6230(b) is consistent with the requirements of the Act and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–NASD–01–04) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5796 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44030; File No. SR–NASD–01–09]

Self-Regulatory Organizations; Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Regarding Trading Ahead of Customer Limit Orders and Short Sales on a Pilot Basis and Transaction Reporting Pursuant to Decimal Pricing in the Nasdaq Market

March 2, 2001.

I. Introduction

On January 25, 2001, the National Association of Securities Dealers, Inc. (NASD or Association), through its subsidiary, the Nasdaq Stock Market, Inc. (Nasdaq), filed with the Securities and Exchange Commission (Commission or SEC), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (Act)[1] and Rule 19b–4 thereunder,[2] a proposed rule change that would modify several NASD rules to support the implementation of decimal pricing in the Nasdaq market. Notice of the proposed rule change appeared in the **Federal Register** on February 2, 2001.[3] The Commission received no comments on the proposed rule change. This order approves the proposed rule changes regarding trading ahead of customer limit orders and short sales on a pilot basis ending on Friday, March 1, 2002, and grants approval for the proposed rule change concerning transaction reporting pursuant to decimal pricing in the Nasdaq Market.

II. Description of the Proposal

In preparation for decimal pricing, the NASD proposes to amend certain of its rules that contain references to fractions through the addition of language and decimal-based values so as to govern trading activity in securities when they transition from fractional to decimal pricing.[4] After Nasdaq's full implementation of decimal pricing, Nasdaq will automatically remove, where appropriate, any remaining references to fractions in NASD rules.[5] Specifically, Nasdaq is proposing to amend the following: IM–2110–2 (Trading Ahead of Customer Limit Order); IM–3350 (Short Sale Rule); and NASD Rule 4632 (Transaction Reporting). A summary of the proposed changes is provided below.

IM–2110–2. Trading Ahead of Customer Limit Order

Nasdaq is amending NASD IM–2110–2 and the related interpretation of IM–2110–2 (Manning Interpretation or Interpretation)[6] to add language that the minimum amount of price improvement that an NASD member holding an unexecuted customer limit order in a decimal-priced Nasdaq National Market (NNM) or SmallCap security must provide when executing an incoming order in that same security to avoid a violation of the Interpretation is $0.01. The Interpretation is also being amended to incorporate the price improvement standard for NMS and SmallCap securities trading in fractions currently contained in NASD's NTM 97–57.

According to Nasdaq, the Manning Interpretation is designed to ensure that customer limit orders are executed in a fair manner and at similar prices at which a firm has indicated it is willing to trade for its own account. To provide customers with the greatest opportunity to have their orders executed, NASD's Manning Interpretation requires NASD member firms to provide a minimum level of price improvement to incoming orders in NMS and SmallCap securities if the firm chooses to trade as principal with those incoming orders at prices superior to customer limit orders they currently hold. If a firm fails to provide the minimum level of price improvement to the incoming order, the firm must execute the customer limit orders it holds. Generally, if a firm trades for its own account and fails to provide the requisite amount of price improvement and also fails to execute its held customer limit orders, it is in violation of the Manning Interpretation. Currently, the minimum price improvements necessary to avoid a Manning violation, as outlined in NTM 97–57, are:

- If actual spread is equal to or greater than 1/16th of a point: Firm must price improve incoming order by at least a 1/16th.
- If actual spread is the minimum quotation increment: Firm must price improve incoming order by one-half the minimum quotation increment.[7]

In a decimal environment, Nasdaq is proposing the following Manning Interpretation price improvement standards for NNM and SmallCap securities:

- A firm must always price improve an incoming order by at least $0.01.[8]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43893 (January 26, 2001), 66 FR 8823.

[4] Nasdaq will implement these rule changes starting on March 12, 2001, for each security converted to decimal pricing. Securities not trading in decimal increments will continue to be governed by the current versions of these proposed rules.

[5] Many NASD Rules and interpretations do not contain, and are not enforced based on, any particular value, fractional or otherwise. Nothing in Nasdaq's move to decimal pricing should be construed as relieving NASD members from their ongoing obligation to comply with all current NASD Rules.

[6] *See* Securities Exchange Act Release No. 39049 (September 10, 1997), 62 FR 48912 (order approving Interpretation). The Interpretation was announced to the NASD membership in NASD's Notice to Members 97–57 (September 1997) (NTM 97–57).

[7] For stocks priced under $10 (which are quoted in 1/32nd increments) the firm must price improve by at least 1/64th. Nasdaq notes that, for securities quoted in decimals, under the proposal there would no longer by any differentiation in the amount of price improvement required based on the price of a particular security.

[8] Pursuant to the terms of the Decimals Implementation Plan (Implementation Plan) submitted to the Commission on July 24, 2000, the minimum quotation increment for Nasdaq

Continued

[9] *See* Letters from Noland Cheng, Chairman, Fixed Income Transparency Subcommittee of the Securities Industry Association's Operations Committee (December 20, 2000) and Messrs. William H. James, III, 1999 Chairman, Vincent Murray, 2000 Chairman, and Thomas Thees, 2001 Chairman, Corporate Bond Division, The Bond Market Association (December 20, 2000). These comments noted that previously Rule 6231, contained in the original TRACE Rules in SR–NASD–99–65, would have required member firms to engage in additional software development efforts and would have required member firms to duplicate the existing clearance data transmission and retention process by re-sending this data to the NASD after having sent it to the clearing entities.

[10] 17 CFR 200.30–3(a)(12).

Nasdaq chose to propose the $0.01 price improvement standard for securities quoting in decimals, taking the position that the current 1/16th price improvement values contained in NTM 97–57 discussing the Interpretation generally approximate the existing minimum quotation increment for most Nasdaq securities.[9] One exception to this approach is price improvement when the spread equals the minimum quotation increment. Recognizing that retaining the Interpretation's current "one-half the spread" price improvement alternative standard when the spread equals the minimum quote increment would result in a firm being able to price ahead of a customer order for one-half a penny ($0.005), Nasdaq proposes to strengthen that standard by requiring at least a penny price improvement before executing ahead of a held customer limit order. Nasdaq believes that, given the size of the new decimal quotation increment, uniform price improvement of a penny, particularly for stocks that are already trading with a penny spread, is an appropriate price improvement standard for the initiation of decimal pricing.

As contemplated in the Implementation Plan, Nasdaq and NASD Regulation will monitor the protection of customer limit orders during the implementation of decimal pricing in the Nasdaq market, and will analyze and evaluate trading activity to determine if future changes to the price improvement standard are warranted.

IM–3350. Short Sale Rule

Nasdaq proposes to amend IM–3350 to add language indicating that when the current best bid in a decimalized NNM security is lower than the preceding best bid in that security, a "legal" short sale must be executed at a price at least $0.01 above the current best bid.

NASD's Short Sale Rule requires that no member execute a short sale in an NNM security for a customer or proprietary account at or below the current best bid (unless operating pursuant to an exemption to the rule) when the current best bid is below the preceding best bid in the security. Under the current rule, a valid short sale in an NNM security must be executed at the following specified amounts above the current bid in a bid context:

- Spread 1/16th or greater: Legal Short Sale must be executed at least 1/16th above current best (inside) bid.
- Spread less than 1/16th: Legal Short Sale must be executed at price equal or greater than current best (inside) offer.

In a decimal environment, Nasdaq proposes the following standard for "legal" short sales:

- A valid short sale on a down bid would have to be executed at least $0.01 above the current best (inside) bid.

Nasdaq believes that the current 1/16th increment contained in the short sale rule generally approximates the current minimum 1/16th quotation increment for most Nasdaq securities. Nasdaq believes that short sale regulation should reflect the minimum quotation increment once trading commences in a decimals environment, *i.e.*, where there is a down bid in a security a legal short sale must be executed at a price at least $0.01 above the current best bid.

As contemplated in the Implementation Plan, Nasdaq and NASD Regulation will monitor the operation of the short sale rule in Nasdaq's decimal environment, and will analyze and evaluate trading activity to determine if the short sale price improvement standard adopted here adequately advances the market quality goals of the rule.

Rule 4632 Transaction Reporting

Nasdaq proposes to amend Rule 4632 to provide alternative reporting examples for securities trading in decimals.[10]

III. Discussion

The Commission has reviewed carefully the proposed rule change, and finds that it is consistent with the Act and the rules and regulations promulgated thereunder.[11] Specifically, the Commission finds that approval of the proposed rule change is consistent with section 15A(b)(6) of the Act.[12]

The Commission finds that the proposed amendment to the Interpretation to IM–2110–2 is consistent with section 15A(b)(6) of the Act,[13] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposal is intended to ensure that customer limit orders are executed fairly, and to require firms to provide price improvement of at least $0.01 before trading ahead of customer limit orders that they hold.

Regarding Nasdaq's proposed amendment to IM–3350, the Commission finds that the proposal is consistent with section 15A(b)(6) of the Act,[14] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Nasdaq is setting the $0.01 increment standard for legal short sales in securities quoting in decimals to mirror current operation of this rule for most Nasdaq securities quoting in fractions.

The Commission believes the proposed amendments to the Manning Interpretation and IM–3350 are a reasonable approach during the initial stages of the Nasdaq conversion to decimal pricing. However, we believe that the amendments should be reexamined once Nasdaq decimal trading behavior can be analyzed. As a result, the Commission is approving the amendment on a one-year pilot program basis. The primary purpose of pilot program is to allow Nasdaq, participants, and the Commission to examine the operation of the Interpretation and the Short Sale Rule. Ninety days prior to the end of the pilot period, Nasdaq must submit to the Commission a study analyzing the operation of these rules as amended.[15] The study must include, but is not limited to, an analysis of whether the rules are effective in achieving their investor protection and market quality goals with a $0.01 minimum increment.[16] The Commission finds that the proposed amendments are appropriate during the pilot period.[17]

With regard to the amendments to NASD Rule 4632, the Commission finds that providing alternative reporting examples for securities quoting in decimals is consistent with the Act in general, and in particular with section 15A(b)(6).[18] By providing examples of trade reporting for securities quoting in decimals, Nasdaq clarifies how trade reporting will operate in a decimals environment, which should help to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice of the filing in the **Federal Register**. Notice of the proposal indicated that the Commission would consider granting accelerated approval of the proposed rule change after a 15-day comment period.[19] The Commission received no comments on the proposal. Given the absence of comments, and Nasdaq's resolve to begin decimal pricing in certain Nasdaq securities on March 12, 2001, the Commission finds good cause to approve the proposal on an accelerated basis to ensure that the amendments are approved in advance of March 12, 2001.

IV. Conclusion

For the above reasons, the Commission finds that the proposed rule change is consistent with the provisions of the Act, in general, and with section 15A(b)(6),[20] in particular.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[21] that the proposed rule change (SR–NASD–01–09), be and hereby is approved on a pilot basis for the proposed rule changes to IM–2110–2 and the related Interpretation to IM–2110–2, and IM–3350 on a pilot basis ending on Friday, March 1, 2002;

It is further ordered, pursuant to section 19(b)(b) of the Act,[22] that the proposed rule change (SR–NASD–01–09), be and hereby is approved as to the amendment to NASD Rule 4632.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[23]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5797 Filed 3–8–01; 8:45 am]

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securities (both National market and SmallCap) at the outset of decimal pricing is $0.01. As such, Nasdaq will only display priced quotations to two places beyond the decimal point (to the penny). Quotations submitted to Nadaq that do not meet this standard will be rejected by Nasdaq systems. *See* Securities Exchange Act Release No. 43676 (January 23, 2001), 66 FR 8251.

[9] Originally, Nasdaq's Manning Interpretation required that member firms price improve an incoming order by the then minimum trade reporting increment of 1/64th. *See* NASD's Notice To Members 95–43 (June 1995). In response to changing market conditions, including a move to a 1/32th minimum quotation increment, Nasdaq adopted the current 1/16th price improvement standard. *See* NTM 97–57. *See also* Securities Exchange Act Release No. 39049 (September 10, 1997), 62 FR 48912.

[10] *Supra* note 3.

[11] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78o–3(b)(6).

[13] *Id.*

[14] *Id.*

[15] Requiring this study does not alleviate NASD of its obligations to provide any other reports required to be submitted to the Commission as a part of its conversion to decimal pricing. Specifically, NASD has agreed, pursuant to the Implementation Plan, to perform a detailed statistical analysis of quoting and trading activity that will be used to form the basis for a study or studies on systems capacity, liquidity, and trading behavior. This report is required to be delivered to the Commission no later than 60 days after the full implementation of decimals. Securities Exchange Act Release No. 42914 (June 8, 2000), 65 FR 38010.

[16] We note that concerns have been raised recently about the effect of a penny increment on trading behavior. *See* Norris, Big Board Will Study Effects of Decimal Trading, The New York Times, Feb. 17, 2001, at C1. We also note that the NASD has previously expressed concerns that transactions based on very small price changes could undermine the operation of the Short Sale Rule in a fractional pricing context. *See* Securities Exchange Act Release No. 31003 (August 6, 1992), 57 FR 36421, 36426 (Amended Notice Proposing NASD Short Sale Rule). The Commission will separately study the effect of decimal pricing on the operation of self-regulatory organization and Commission rules containing provisions that are designed to give public orders precedence over member orders, *e.g.*, Exchange Act Rule 11a1–1(T). In addition, we will study the effect of decimal pricing on the operation of short sale rules.

[17] Approving the amendment on a one-year pilot basis does not prevent Nasdaq from proposing a rule change regarding the Interpretation and the Short Sale Rule before the end of the one-year pilot should Nasdaq believe it is appropriate.

[18] *Id.*

[19] *Supra* note 3.

[20] 15 U.S.C. 78o–3(b)(6).

[21] 15 U.S.C. 78s(b)(2).

[22] *Id.*

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44032; File No. SR–NSCC–00–09]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to Certain Securities Undergoing Reorganization

March 3, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on July 12, 2000, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would permit NSCC to process otherwise ineligible securities in the continuous net settlement ("CNS"), balance order or other related system.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.[2]

A. Self-Regulator Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC's rules permit NSCC to continue to process certain securities undergoing reorganization or issuing dividends and specify how NSCC shall handle those issues. However, not all types of reorganizations or dividends fit the procedures specifically set forth in the rules. Ordinarily, this would require that the affected security be exited from the applicable system. Exiting the affected security from the applicable system poses a burden on the financial investment community when the issue is widely traded.

The purpose of the proposed rule filing is to permit NSCC the flexibility to process in the CNS, balance order, or other related system, on an exception basis, securities that would not otherwise have been eligible for processing to the extent NSCC has the capability to do so. The proposed rule change would provide that in such circumstance, NSCC would issue a notice to its members setting forth how NSCC would process the security. The proposed rule change further would provide that the procedures set forth in the notice would have the same effect as if they were set forth in NSCC's rules.

NSCC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder. In particular, NSCC believes that the proposed rule change is consistent with section 17A(b)(3)(F) of the Act[3] which requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] 15 U.S.C. 78q–1(b)(3)(F).

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. NSCC will notify the Commission of any other written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which NSCC consents, the Commission will:

(a) By order approve the proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR–NSCC–00–09 and should be submitted by March 30, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5796 Filed 3–8–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44031; File No. SR–NSCC–00–10]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving a Proposed Rule Change Relating to Processing Certain Securities Undergoing Reorganization

March 2, 2001.

On October 10, 2000, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR–NSCC–00–10) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on December 18, 2000.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change modifies NSCC's Rules and Procedures to permit securities that are subject to certain voluntary corporate action which previously would have caused them to be exited from NSCC's continuous net settlement ("CNS") system to continue to be processed in CNS.[3] NSCC has enhanced the CNS system to enable it to process securities with reorganization events that have a wider and more varied range of features. The proposed rule change provides that when NSCC determines that it has the operational capability to continue to process such an issue, the issue will continue to be CNS eligible, and NSCC will establish procedures necessary for NSCC to accommodate the issue in CNS. NSCC will issue an Important Notice to its members detailing how the security will be processed.

NSCC's Rules and Procedures permit NSCC to continue to process certain securities undergoing corporate reorganizations and specify how NSCC shall handle those issues. For example, currently NSCC's Procedure VII provides for the processing in CNS of securities subject to tender offers with protect periods of three or more days. Securities subject to tender offers with protect periods of less than tree days cannot currently be processed in CNS, and NSCC would normally exit such securities from the CNS system. In that case, NSCC would issue receive/deliver instructions to participants with long or short positions in the subject security. The proposed rule change allows securities subject to tender offers with no protect periods or protect periods of less than three days to be processed in CNS.

Another example, would be issues subject to multiple tender offers. Currently, NSCC's Rules and Procedures provide for the establishment of up to two CNS reorganization subaccounts for issues subject to two tender offers. Under NSCC's proposed rule change, it could, provided it has the operation capability to do so, establish multiple CNS subaccount for issues subject to multiple tender offers.

In addition, in order to eliminate the possibility of error which arises from manual processing, NSCC has determined not to continue providing certain features which were processed on a manual basis. For example, the rule no longer permits new input on the list day of the protect period.

II. Discussion

The Commission finds that the proposed rule change is consistent with the requirement of the Act and the rules and regulations thereunder and particularly with the requirements of section 17A(b)(3)(F).[4] Section 17A(b)(3)(F) requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. The Commission believes that NSCC's rule change meets this standard because the proposed rule change allows additional corporate actions to be processed in and receive the benefits of NSCC's CNS system. Thus, the proposed rule change facilitates the prompt and accurate clearance and settlement of such securities transactions.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of section 17A(b)(3)(F) of

[4] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 43699 (December 11, 2000), 65 FR 79144.

[3] The proposed rule change also modified NSCC's Rules and Procedures to refer to reorganization events as voluntary and mandatory instead of as voluntary and involuntary.

[4] 15 U.S.C. 78q–1(b)(3)(F).

the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NSCC–00–10) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5798 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44033; File No. SR–NYSE–00–30]

Self-Regulatory Organizations; Notice of Filing of a Proposed Rule Change and Amendment No. 1 Thereto by the New York Stock Exchange, Inc. Amending NYSE Rule 104

March 2, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 29, 2000, the New York Stock Exchange, Inc. ("NYSE") or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. On February 21, 20001, the Exchange filed Amendment No. 1 ("Amendment No. 1") to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the amended proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of an amendment to NYSE Rule 104 to permit specialists to make certain destabilizing transactions for his or her own account without Floor Official approval to bring the price of a listed foreign security into parity with the price of the foreign ordinary security.

The text of the proposed rule change is available at the NYSE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filling with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NYSE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed rule Change

1. Purpose

The Exchange is proposing to amend NYSE Rule 104 to facilitate specialist market making in foreign securities traded on the Exchange. Currently, NYSE Rule 104 requires specialists to obtain Floor Official approval when purchasing on a direct plus tick or selling on a direct minus tick, or when purchasing on a zero plus tick more than 50% of the stock offered. These transactions are seen as destabilizing, and may be effected by the specialist only with Floor Official approval. The Exchange is proposing to amend NYSE Rule 104 to provide that, without first obtaining Floor Official approval, specialists may engage in these destabilizing transactions, under certain circumstances to be discussed below, to bring a listed foreign security into parity with the price of the foreign ordinary security.[4]

With respect to a listed foreign security, the price of the transaction to bring the security into parity (a) must be based on the last sale price in the home country market, if that market is open, or (b) if the home country market is not open, the parity price must be between the then current bid and offer in the London (UK) market, *i.e.*, the London Stock Exchange, or (c) must be based at any time on changes in the home country-U.S. dollar exchange rate.[5] The transactions described above to bring a listed foreign security into parity with the price of the foreign ordinary security in any other market would continue to require Floor Official approval.

NYSE Rule 104.10(7), as amended, also clarifies specialists' responsibilities with respect to consecutive direct tick destabilizing parity transactions in foreign securities.[6] The Exchange proposes that a specialist must not effect consecutive direct tick destabilizing trades unless these transactions are effected to bring a listed foreign security into parity with the price of the foreign ordinary security and a Floor Official has approved the transaction. For example, a specialist may want to trade on consecutive direct tick destabilizing transactions for his or her own account to bring the security into parity when a stock is not actively traded on the Exchange, but is active in its home country. The NYSE believes that the specialist's transactions in this situation could benefit the market and public investors by maintaining parity if there is an absence of public orders. Such consecutive direct tick destabilizing transactions would require Floor Official approval. Floor Officials would look at all circumstances surrounding the request.

The main change being effected by the proposal is that non-consecutive destabilizing transactions as described above, which are effected to achieve parity, would not require Floor Official approval as currently mandated by NYSE Rule 104. The Exchange represents that this proposal is analogous to the provisions currently in NYSE Rule 104 with respect to transactions effected to bring the price of an investment company unit into parity with the value of the index on which it is based or with the net asset

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange proposed to: (1) Revise the proposed rule text to clarify that the relief afforded from obtaining Floor Official approval for destabilizing transactions to bring a listed foreign security into parity with the price of a foreign ordinary security is available only where the Exchange is not the principal market for the security; (2) add language to the proposed rule text that affirmatively states that specialists must not effect consecutive direct tick destabilizing trades unless the transaction is effected to bring a foreign listed security into parity with the price of a foreign ordinary security and a Floor Official has approved the transaction; (3) clarify that it will consider the home country market as the principal market for a foreign security, unless a significant volume of the shares traded in that security take place otherwise than in that market; (4) require that specialists keep a record of the source of exchange rate information they utilize; and (5) issue a memorandum to all specialists and Floor Officials to explain the relief afforded by the proposed rule change and to provide specific reference to the interaction between specialists destabilizing parity transactions and certain Exchange rules, upon receiving Commission approval of the proposed rule change.

[4] The proposed rule defines a listed foreign security as a security traded on the Exchange, which is a foreign ordinary security, or a depositary receipt that represents a foreign company's publicly traded security.

[5] Currency exchange rate information is displayed on the Floor of the Exchange utilizing information from Reuters. Specialists may also utilize other sources of vendor-supplied exchange rate information. Specialists must keep a record of the source of the exchange rate information they utilize. *See* Amendment No. 1, *supra* note 3.

[6] *See* Amendment No. 1, *supra* note 3.

value of the securities comprising the unit.[7]

Proposed NYSE Rule 104.10(7), as amended, also clarifies that the relief afforded from obtaining Floor Official approval for destabilizing transactions to bring a listed foreign security into parity with the price of the foreign ordinary security is available only where the Exchange is not the principal market for the foreign security. The Exchange will consider the home country market as the principal market for a foreign security, unless a significant volume of the shares traded in that security take place outside that market.[8]

Finally, the Exchange will issue a memorandum to all specialists and Floor Officials explaining the relief afforded by the change to NYSE Rule 104 upon receiving approval of the proposed rule change.[9] This memorandum will provide specific reference to the interaction between specialists destabilizing parity transactions and certain Exchange rules, including NYSE Rule 123A.30 on percentage orders, NYSE Rule 123A.40 on election of stop orders, NYSE Rule 127 on specialists trading as principal in parity adjustment situations, and NYSE Rule 440B on the short sale rule.[10] Specialists will also be informed that destabilizing parity trades must be reported on Form 81. Specialists will remain subject to all other requirements of NYSE Rule 104 with respect to their affirmative and negative obligations to maintain a fair and orderly market.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under section 6(b)(5)[11] that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed amendment is consistent with these objectives in that it fosters efficient market making in foreign securities traded on the Exchange.

[7] Securities Exchange Act Release No. 37016 (March 22, 1996), 61 FR 14185 (March 29, 1996) (approving SR–NYSE–96–04).

[8] See Amendment No. 1, *supra* note 3.

[9] See Amendment No. 1, *supra* note 3.

[10] The Exchange will reference NYSE Rule 440B on the short sale in the memorandum that will be issued to specialists and Floor Officials. Telephone conversation between Donald Siemer, Director, Market Surveillance, NYSE, and Jennifer Colihan, Special Counsel, Division of Market Regulation, Commission, on February 15, 2001.

[11] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether it is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room.

Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File Number SR–NYSE–00–30 and should be submitted by March 30, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5799 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–M

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3599]

Culturally Significant Objects Imported for Exhibition; Determinations; "Gauguin Tahiti"

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 et seq.], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended by Delegation of Authority No. 236–3 of August 28, 2000 [65 FR 53795], I hereby determine that the object to be included in the exhibit, "Gauguin Tahiti," imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with a foreign lender. I also determine that the temporary exhibition or display of the object at the Museum of Fine Arts, Boston, Massachusetts, from on or about February 1, 2004, to on or about May 31, 2004, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit object, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is Room 700, United States Department of State, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: March 5, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–5889 Filed 3–8–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3598]

Culturally Significant Objects Imported for Exhibition Determinations: "Impressionist Still Life"

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended by Delegation of Authority No. 236–3 of August 28, 2000 [65 FR 53795], I hereby determine that the object to be included in the exhibit, "Impressionist Still Life," imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with a foreign lender. I also determine that the temporary exhibition or display of the object at The Phillips Collection, Washington, DC, from on or about September 22, 2001, to on or about January 13, 2002, and at the Museum of Fine Arts, Boston, Massachusetts, from on or about February 17, 2002, to on or about June 9, 2002, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit object, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is Room 700, United States Department of State, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: March 5, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 01–5888 Filed 3–8–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3590]

Office of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to sections 36(c) and 36(d) and in compliance with section 36(e) of the Arms Export Control Act (22 U.S.C. 2776).

EFFECTIVE DATE: December 14, 2000 and January 19, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202 663–2700).

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: February 14, 2001.

William J. Lowell,

Director, Office of Defense Trade Controls, U.S. Department of State.

December 14, 2000.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of major defense equipment sold under a contract in the amount of $14,000,000 or more.

The transaction described in the attached certification involves the sale of eight (8) S80E–1 helicopters to the Government of Turkey.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure:

Transmittal No. DTC 065–00

The Honorable J. Dennis Hastert,

Speaker of the House of Representatives.

January 19, 2001.

Dear Mr. Speaker: Consistent with section 36(c) of the Arms Export Control Act and Title IX of Public Law 106–79, I am transmitting herewith certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive certain sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested re-export consistent with these provisions.

The transaction described in the attached certification involves the transfer of certain S–61 helicopter parts from the United Kingdom to India.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure:

Transmittal No. DTC 001–01

The Honorable J. Dennis Hastert,

Speaker of the House of Representatives.

[FR Doc. 01–5887 Filed 3–8–01; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice—3600]

Extension of the Restriction on the Use of United States Passports for Travel To, In or Through Iraq

On February 1, 1991, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.73 (a) (2) and (a) (3), all United States passports, with certain exceptions, were declared invalid for travel to, in, or through Iraq unless specifically validated for such travel. The restriction was originally imposed because armed hostilities then were taking place in Iraq and Kuwait, and because there was an imminent danger to the safety of United States travelers to Iraq. American citizens then residing in Iraq and American professional reporters and journalists on assignment there were exempted from the restriction on the ground that such exemptions were in the national interest. The restriction has been extended for additional one-year periods since then, and was last extended through March 9, 2001.

Conditions in Iraq remain hazardous for Americans. Iraq continues to refuse to comply with UN Security Council resolutions to fully declare and destroy its weapons of mass destruction and missiles while mounting a virulent public campaign in which the United States is blamed for maintenance of U.N. sanctions. The United Nations has withdrawn all U.S. citizen UN humanitarian workers from Iraq because of the Government of Iraq's stated inability to protect their safety. Iraq regularly fires anti-aircraft artillery and surface-to-air missiles at U.S. and coalition aircraft patrolling the no-fly zones over northern and southern Iraq, and regularly illuminates U.S. and coalition aircraft with target-acquisition radar.

U.S. citizens and other foreigners working inside Kuwait near the Iraqi borders have been detained by Iraqi authorities in the past and sentenced to lengthy jail terms for alleged illegal entry into the country. Although our interests are represented by the Embassy of Poland in Baghdad, its ability to obtain consular access to detained U.S. citizens and to perform emergency services is constrained by Iraqi unwillingness to cooperate. In light of these circumstances and pursuant to the authorities set forth in 22 U.S.C 211 a, Executive Order 11295, and 22 CFR 51.73, I have determined that Iraq continues to be a country "where there is imminent danger to the public health or the physical safety of United States travelers".

Accordingly, United States passports shall continue to be invalid for use in, travel to, in, or through Iraq unless specifically validated for such travel under the authority of the Secretary of State. The restriction shall not apply to American citizens residing in Iraq on February 1, 1991, who continue to reside there, or to American professional reporters or journalists on assignment there.

The Public Notice shall be effective from the date it is published in the **Federal Register** and shall expire at midnight on the same date in the year 2002, unless sooner extended or revoked by Public Notice.

Dated: February 28, 2001.

Colin L. Powell,

Secretary of State.

[FR Doc. 01–5890 Filed 3–8–01; 8:45 am]

BILLING CODE 4710–10–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determinations Under the African Growth and Opportunity Act

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The United States Trade Representative has determined that Madagascar has adopted an effective visa system and related procedures to prevent unlawful transshipment and the use of counterfeit documents in connection with shipments of textile and apparel articles and has implemented and follows, or is making substantial progress toward implementing and following, the customs procedures required by the African Growth and Opportunity Act. Therefore, imports of eligible products from Madagascar qualify for the enhanced trade benefits provided under the AGOA.

EFFECTIVE DATE: March 6, 2001.

FOR FURTHER INFORMATION CONTACT: James Roth, Deputy Director for African Affairs, Office of the United States Trade Representative, (202) 395–9514.

SUPPLEMENTARY INFORMATION: The African Growth and Opportunity Act (Title I of the Trade and Development Act of 2000, Pub. L. No. 106–200) (AGOA) provides preferential tariff treatment for imports of certain textile and apparel products of beneficiary sub-Saharan African countries. The textile and apparel trade benefits under the AGOA are available to imports of eligible products from countries that the President designates as "beneficiary sub-Saharan African countries," provided that these countries (1) have adopted an effective visa system and related procedures to prevent unlawful transshipment and the use of counterfeit documents, and (2) have implemented and follow, or are making substantial progress toward implementing and following, certain customs procedures that assist the Customs Service in verifying the origin of the products.

In Proclamation 7350 of October 2, 2000, the President designated 34 countries, including Madagascar, as "beneficiary sub-Saharan African countries." Proclamation 7350 delegated to the United States Trade Representative (USTR) the authority to determine whether these countries have met the two requirements described above. The President directed the USTR to announce any such determinations in the **Federal Register** and to implement them through modifications of the Harmonized Tariff Schedule of the United States (HTS). Based on actions that Madagascar has taken, I have determined that Madagascar has satisfied these two requirements.

Accordingly, pursuant to the authority vested in the USTR by Proclamation 7350, U.S. note 7(a) to subchapter II of chapter 98 of the HTS and U.S. note 1 to subchapter XIX of chapter 98 of the HTS are each modified by inserting "Madagascar" in alphabetical sequence in the list of countries. The foregoing modifications to the HTS are effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after the effective date of this notice. Importers claiming preferential tariff treatment under the AGOA for entries of textile and apparel articles should ensure that those entries meet the applicable visa requirements. *See Visa Requirements Under the African Growth and Opportunity Act*, 66 FR 7837 (2001).

Robert B. Zoellick,

United States Trade Representative.

[FR Doc. 01–5872 Filed 3–8–01; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending February 16, 2001

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2001–8896.
Date Filed: February 12, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC1 0179 dated February 6, 2001, Mail Vote 106—Resolution 010q, TC1 Within South America Special Passenger, Amending Resolution, Intended effective date: March 1, 2001.

Docket Number: OST–2001–8909.
Date Filed: February 14, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 0775 dated February 13, 2001, Mail Vote 107 Resolution 010h, Special Passenger Currency Conversion Resolution—euro, Intended effective date: March 1, 2001.

Docket Number: OST–2001–8923.
Date Filed: February 15, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC12 NMS–ME 0123 dated February 9, 2001, TC12 North Atlantic-Israel Expedited Resolutions r1–r7, Intended effective date: March 15, 2001.

Docket Number: OST–2001–8924.
Date Filed: February 15, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC12 NMS–ME 0122 dated February 9, 2001, North Atlantic-Middle East Expedited Resolution 002w, Intended effective date: March 15, 2001.

Docket Number: OST–2001–8926.
Date Filed: February 16, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC12 NMS–ME 0129 and PTC12 NMS–ME 0130 dated February 16, 2001, Mail Votes 108 and 109—Resolutions 010r and 010s (Amending), TC12 Mid/South Atlantic Special Amending Resolutions from Kuwait, Yemen, Intended effective date: March 15, 2001.

Docket Number: OST–2001–8931.
Date Filed: February 16, 2001.
Parties: Members of the International Air Transport Association.
Subject: PAC/Reso/410 dated December 21, 2000, Mail Vote A101 (Reso 850), Intended effective date: January 31, 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–5748 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number ACE–00–23.683–01A]

Proposed Issuance of Policy Memorandum, Discussion of Compliance Methods in Advisory Circular (AC) 23–17, Systems and Equipment Guide for Certification of Part 23 Airplanes, Paragraph 23. 683, Operation Tests

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of policy statement; request for comments.

SUMMARY: This document announces a Federal Aviation Administration (FAA) proposed general statement of policy applicable to the type certification of normal, utility, acrobatic, and commuter category airplanes. This document advises the public, in particular manufacturers of normal, utility, acrobatic, and commuter category airplanes, of more information related to the compliance methods in Advisory Circular (AC) 23–17, Systems and Equipment Guide for Certification of Part 23 Airplanes, Paragraph 23.683, Operation Tests. This notice is to tell the public about proposed FAA policy and give all interested people an opportunity to present their views on the proposed policy statement.

DATES: Comments sent must be received by April 9, 2001.

ADDRESSES: Send all comments on this policy statement to the individual identified under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT:

—Comments. Pat Nininger, FAA, Small Airplane Directorate, ACE–111, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone (816) 329–4129; fax 816–329–4090; e-mail <*Pat.Nininger@faa.gov*>.

—Technical. Lester Cheng, FAA, Small Airplane Directorate, ACE–111, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone (816) 329–4120; fax 816–329–4090; e-mail: <*Lester.Cheng@faa.gov*>

SUPPLEMENTARY INFORMATION:

Comments Invited

How Do I Comment on This Proposed Policy?

We invite your comments on this proposed policy statement. Send written data, views, or arguments. Mark your comments, "Comments to policy statement ACE–00–23.683–01A," and send two copies to the above address. We will consider all comments received by the closing date. We may change the proposals contained in this notice because of the comments received.

You may also send comments using the Internet to the following address: <Pat. Nininger@faa.gov>. Comments sent by fax or the Internet must contain, "Comments to policy statement ACE–00–23.683–01A" in the subject line. You do not need to send two copies. Writers should format in Microsoft Word 97 or ASCII any file attachments that are sent by the Internet.

Send comments using the following format:

—Organize comments issue-by-issue. For example, discuss a comment about proof of structure and a comment about load static tests as two separate issues.

—For each issue, state what specific change you are requesting to the proposed policy memorandum.

—Include justification (for example, reasons or data) for each request.

Background

What Events Have Caused This Proposed Policy?

After reviewing the compliance methods in Advisory Circular (AC) 23–17, the directorate determined there was additional information related to the compliance methods in AC 23–17, paragraph 23.683, that might be beneficial. A proposed policy memorandum, ACE–00–23.683–01, was published on January 12, 2000 (65 FR 1941) for review and comment. We received several comments. Nevertheless, after the closing date of comments (February 11, 2000), the FAA received a few requests to extend the comment period and accept more comments on the proposed policy statement. On April 25, 2000, AC 23–17 incorporated paragraph 23.683 and cancelled AC 23.683–1.

After publishing the proposed policy, we learned it would be beneficial to clarity that this modified method, which accounts for the deformation effects of adjacent structure through testing, may not be necessary for some designs. In some cases, analysis may be used to account for these effects. This clarification is inserted under the "General Statement of Policy" of the policy memo ACE–00–23.683–01.

This notice announces the revised policy memo and gives all interested persons the opportunity to present their comments.

What Is the General Effect of This Proposed Policy

The FAA is presenting this information as a set of guidelines suitable for use. However, this document is not intended to establish a binding norm; it does not constitute a new regulation and the FAA would not apply or rely on it as a regulation. The FAA Aircraft Certification Offices (ACO's) that certify normal, utility, acrobatic, and commuter category airplanes should try to follow this policy when appropriate.

Applicants should expect the certificating officials to consider this policy when making findings of compliance relevant to new certificate actions. Applicants also may consider the material contained in this proposed policy statement as a supplement to that contained in AC 23–17, paragraph 23.683, when developing a means of compliance with the relevant certification standards.

As with all advisory material, this statement of policy identifies one method, but not the only method, of compliance.

Because this proposed general statement of policy only announces what the FAA seeks to establish as policy, the FAA considers it an issue suitable for public comment. Therefore, the FAA invites comments on the following proposed general statement of policy relevant to compliance with § 23.305, paragraph (a), and other related regulations.

The Proposed Policy

General Statement of Policy

The method of showing compliance with § 23.683 presented in AC 23–17, paragraph 23.683, Operation Tests, discusses only the control system. It does not explicitly specify the consideration of loading on adjacent structures and elements. This is consistent with the wording in § 23.683 of the regulations. Testing, not analysis, must be used to show compliance with § 23.683. There are other regulations, related to § 23.683, which must also be met. These include the following:

The first one, which is noted in AC 23–17, is section 23.305, paragraph (a), [Subpart C—Structure, General] Strength and Deformation. It requires that "At any load up to limit loads, the deformation may not interfere with safe operation."

Section 23.307, [Subpart C—Structure, General] Proof of Structure, states that "Compliance with the strength and deformation requirements of § 23.305 must be shown for each critical load condition. Structural analysis may be used only if the structure conforms to those for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made."

Section 23.655, paragraph (a), [Subpart D—Design and Construction, Control Surfaces] Installation, requires that "Moveable surfaces must be installed so that there is no interference between any surfaces, their bracing, or adjacent fixed structure, when one surface is held in its most critical clearance positions and the others are operated through their full movement."

Section 23.681, paragraph (a), [Subpart D—Design and Construction, Control Surfaces] Limit Load Static Tests, requires that "Compliance with the limit load requirements of this part must be shown by tests in which—

(1) The direction of the test loads produces the most severe loading in the control system; and

(2) Each fitting, pulley, and bracket used in attaching the system to the main structure is included."

To ensure that these requirements will be satisfied in the conduct of the control system operation test, inclusion of loads on the adjacent structures or elements in the testing set-up is generally required.

While testing is required for demonstration of compliance to § 23.683, in some cases, analysis may be acceptable for showing compliance with § 23.305, paragraph (a). Section 23.307, paragraph (a), provides the criterion for when analysis is not acceptable and testing must be performed.

It is not appropriate to define specific quantitative criterion to determine when testing is required to demonstrate compliance with § 23.305, paragraph (a), in accordance with § 23.307, paragraph (a). One specific criterion will not work for all possible airplane designs. It is better that such determinations are made on a case-by-case basis, in which the appropriate details of a particular design can be considered.

However, this policy will describe some of the factors that should be considered when determining if testing is required to demonstrate that clearance between controls and adjacent structure under load meets § 23.305, paragraph (a). These factors include, but are not limited to, the following:

(1) *The clearance between control surfaces and adjacent structure, when at rest.* Suppose an applicant has experience with other airplanes that have a half-inch of clearance between controls and adjacent structure at rest. However, a new design is similar except it now has only a tenth of an inch clearance when at rest. Testing to demonstrate compliance with § 23.305, paragraph (a), may be required because the new structure may not conform to those for which experience has shown this method to be reliable in the past. The accuracy of past methods may not be suitable for the smaller clearances. Conditions assessed in past analysis may not have included a condition that is critical for the new smaller clearance.

(2) *The amount of deformation (under limit loads) in the control surface or adjacent structure.* If analysis had been shown to be reliable in the past for a wing that had much smaller deflections than a current design, the current structure may not conform to those for which experience has shown this method to be reliable, and testing may be required. Previous analytical methods may no longer be reliable because the new design behaves in a more non-linear manner. It is possible that types of deflection that were neglected in past analysis may now become critical.

(3) *New control surface attachment configurations or other local design changes that could create new types of deformation that are critical for the new design but were not included in past analysis.* If the FAA requires (or if an applicant voluntarily chooses) compliance with § 23.305, paragraph (a), to be shown by test, the following test procedure is one means to simultaneously demonstrate compliance with both § 23.305, paragraph (a), and § 23.683. It also demonstrates compliance with § 23.681, paragraph (a). This testing may be conducted as follows:

Except where otherwise specified, the tests described below in sections (1), (2), and (3) should be conducted within the following parameters.

a. Conduct the control system operation tests by operating the controls from the pilot's compartment.

b. All the control surfaces must be installed in accordance with the type design to their adjacent fixed surface on the airframe.

c. The entire control system and adjacent fixed structure should be loaded.

d. The adjacent fixed surfaces (wings, horizontal stabilizers, vertical stabilizers, and so forth) should be loaded to provide deflections equivalent to critical limit load flight conditions.

e. The structure deflections should correspond to the limit flight conditions that represent the worst case conditions for increased cable tension, decreased cable tension, and control/fixed surface proximity for each control system as appropriate.

f. The entire control system must be loaded to either the limit airloads or the limit pilot forces, whichever is less (§ 23.683, paragraph (b)(1)).

g. Minimum clearances around control surfaces and minimum tensions in cable systems should be defined to be incorporated in the airplane's instructions for continued airworthiness. The test article should incorporate these minimum clearances and tensions, unless you otherwise account for them.

h. If reductions in the minimum clearances described in paragraph g above are possible due to environmental conditions expected in service, you must account for this. This can be accomplished through analysis or during testing by adjusting the test article clearances to encompass these effects.

(1) The tests described in this section support the demonstration that the control system is free from jamming, excessive friction, and excessive deflection as required by § 23.683, paragraphs (a)(1), (2), and (3). They also support the demonstration that structural deformations not interfere with safe operation as required by § 23.305, paragraph (a). Accomplish the following:

(i) Load the adjacent fixed aerodynamic surface (wing, horizontal tail, or vertical tail) in accordance with one of the conditions of paragraphs d and e above.

(ii) Support the control surface being tested while it is located in the neutral position.

(iii) Load the control surfaces to the critical limit loads, as described in paragraph f above, and evaluate their proximity to the fixed adjacent structure for interference (contact).

(iv) Load the pilot's control until the control surface is just off the support.

(v) Determine the available control surface travel, which is the amount of movement of the surface from neutral when the cockpit control is moved through the limits of its travel.

(vi) The control surface under loads described in paragraph f above should travel a minimum of 10 percent of the total unloaded travel, as measured from the neutral position. This should be demonstrated for both directions of travel.

(vii) To address the possibility of a critical intermediate control surface loading, gradually remove load from the control surface (while maintaining the load on the adjacent fixed surface) until maximum control surface travel is achieved.

(viii) The above procedure should be repeated in the opposite direction.

(ix) With limit load applied to the adjacent fixed surface and limit or intermediate load applied to the control surface, no signs of jamming, or of any permanent set of any connection, bracket, attachment, and so forth, may be present.

(x) The control system should operate freely without excessive friction.

(xi) Cable systems should be checked with the loads applied to ensure that excessive slack does not develop in the system.

(xii) Repeat this process for each of the critical loading conditions as defined by paragraphs d and f above.

(2) The tests described in this section support the demonstration that structural deformations not interfere with safe operation as required by § 23.305, paragraph (a). Accomplish the following:

(i) Load the adjacent fixed aerodynamic surface (wing, horizontal tail, or vertical tail) in accordance with one of the conditions of paragraph d and e above.

(ii) Operate the unloaded control system from stop to stop.

(iii) No signs of interference (contact) may be present.

(iv) The control system should operate freely without excessive friction.

(v) Repeat this process for each of the critical adjacent fixed surface loading conditions as defined by paragraphs d and e above.

Note 1: An alternate procedure may be used to accommodate the testing described in sections (1) and (2) above during structural tests of a partial airplane. This method requires that all control system components that are attached to or enclosed by the loaded test structure be installed per type design. A sufficiently representative mockup of remaining control system components must be used to ensure that the full length of any cables which extend from the loaded test structure are included. This is necessary to make a reasonable assessment that slack that could develop in control cables is not excessive enough to cause an entanglement or jam. The control surface activation may be input at any convenient location between the mockup terminus and the cockpit.

(3) The tests described in this section will demonstrate that the control system is free from excessive deflection as required by § 23.683, paragraph (a)(3). These tests complete the demonstration that the control system is free from jamming and excessive friction, as required by § 23.683, paragraphs (a)(1) and (2). They also demonstrate that structural deformations do not interfere with safe operation, as required by § 23.305, paragraph (a). These tests meet the limit load static test requirements of § 23.681, paragraph (a). Accomplish the following:

(i) With the adjacent fixed surface (wing, horizontal tail, or vertical tail) unloaded, support the control surface being tested while it is located in the neutral position.

(ii) Load the control surfaces to the critical limit loads, as described in paragraph f above, and evaluate their proximity to the fixed adjacent structure for jamming or contact.

(iii) Load the pilot's control until the control surface is just off the support.

(iv) Operate the cockpit control in the direction opposite the load to the extent of its travel.

(v) The above procedure should be repeated in the opposite direction.

(vi) The minimum loaded control surface travel from the neutral position in each direction is 10 percent of the total unloaded control surface travel.

(vii) Under limit load, no signs of jamming, or of any permanent set of any connection, bracket, attachment, and so forth, may be present.

(viii) The control system should operate freely without excessive friction.

Note 2: The tests described in section (3) above are normally accomplished using a complete airplane. As a minimum, they must be completed using an airframe/control system that completely represents the final product from the cockpit controls to the control surface.

Regardless of the amount of travel of a control surface when tested as described above, the airplane must have adequate flight characteristics as specified in § 23.141. Any airplane that is a close derivative of a previous type certificated airplane need not exceed the control surface travel of the original airplane; however, the flight characteristics should be tested to ensure compliance.

Issued in Kansas City, Missouri, on February 22, 2001.

David R. Showers,

Acting Manager, Small Airplane Directorate Aircraft Certification Service.

[FR Doc. 01–5603 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Champaign County, OH

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement may be prepared for a proposed transportation project in Champaign County, Ohio.

FOR FURTHER INFORMATION CONTACT: Mark L. Vonder Embse, Urban Programs Engineer, Federal Highway Administration, 200 North High Street, Room 328, Columbus, Ohio 43215, Telephone: (614) 280–6854.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Ohio Department of Transportation, will prepare an Environmental Impact Statement (EIS) for a proposed improvement in the vicinity of the City of Urbana, Ohio, in the corridor of United States Route 68 (US–68). The project termini are approximately the Clark/Champaign County Line to the south and 1.5 miles south of the Champaign/Logan County Line to the north. The southern terminus overlaps with the recently-constructed final segment of the City of Springfield US–68 Bypass. The study area is approximately 14 miles in length.

The purpose and need of the project are to enhance access to highways in west-central Ohio, and improve roadway operations and safety in the

City of Urbana. Alternatives under consideration include: (1) Taking no action; (2) constructing a new highway on new location; (3) and upgrading existing facilities. FHWA, ODOT, and local agencies will be invited to participate in defining the alternatives to be evaluated in the EIS, and any significant social, economic, or environmental issues related to the alternatives.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public meetings will be held in the project area. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. Scoping activities will be conducted.

To ensure that the full range of issues related to this proposed action are identified and addressed, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be sent to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: February 23, 2001.

Mark L. Vonder Embse,

Urban Programs Engineer, Federal Highway Administration, Columbus, Ohio.

[FR Doc. 01–5790 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9047]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel STEP TWO.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9047. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: STEP TWO. Owner: Glenn & Linda Westervelt.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Size of Vessel—Length: 46.2', Beam 14.5", Tonnage of Vessel—Gross: 29, Net 23."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

The vessel would be used as a "Boat & Breakfast" of sorts, with the clients keeping the boat in one marina for a week-end or weekly period. Or they would be given the option charter similar to a bareboat situation, which I understand is presently allowed. The difference from a bareboat situation would be that a Licensed Captain would be aboard to do the navigation in order to protect our investment. The charterers would pick from a number of destinations and itinerary to suit their needs and desires. As a minor or side opportunity, the vessel would be available for private sunset cruises or inshore fishing excursions. We plan to base the operation of the vessel out of Atlantic City, New Jersey for the summer months, beginning in the latter part of June and ending in September. Depending on the period of charter, clients would have a range of destinations from New York City down the coast to Ocean City, Maryland including Delaware Bay and Philadelphia, Pennsylvania.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1985. Place of construction: China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

Research has found that there are no other commercial vessels operating a venture of this nature in the Atlantic City and Southern New Jersey area. We are not aware of any bareboat vessels. There are about a dozen commercial fishing vessels taking passengers for hire out of Absecon Inlet. Our vessel is a slow trawler and is not really set for serious fishing. Therefore, we should not impede on any other operator. This is due also to the fact that fishing will only be a minor side attraction to what we are offering. Since we live aboard, this business is only a part-time operation to help defray the cost of maintaining our floating home. In order not to create too much of a hardship on our boat and ourselves, we haved set a limit of a dozen charters a season, if in fact, we are fortunate enough to reach that goal. Therefore, we should not impose a threat to any operation working full-time.

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:

To our knowledge, this would have little or not effect on U.S. Shipyards. In fact, this operation could be deemed an enhancement to local yards that will be helping to maintain this vessel, with the additional wear and tear associated with operating this venture. Presently, these vessels are already permitted to operate as bareboat entities. The only change we are attempting to make is the addition of a professional Captain, which should be a desired attribute to avoid incidents on the water.

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5897 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9049]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel PAPA II.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9049. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter*s interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: PAPA II. Owner: Jasper L. Shidler.

(2) Size, capacity and tonnage of vessel. According to the applicant: "PAPA II is 42 feet long with a breadth of 14.2 feet and a depth of 5 feet. Her gross tonnage is 19.6 tons. Tonnage was measured pursuant to 46 U.S.C. 14502 specifications."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

I intend to use this vessel to conduct day and evening, 1 day, or weekend charters which will involve sunset viewing, exploring local harbors and islands, and occasionally trolling a fishing line. It is not my intention to conduct a fishing charter business. The region in which I would like to operate is the coastal waters of Massachusetts, specifically between Rockport and Cape Cod.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1972. Place of construction: Wallace, Nova Scotia, Canada.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

Considering the type of activities I intend to conduct, and the area in which I intend to conduct them, I am confident that if this waiver is granted it will have no adverse effects upon commercial passenger vessel operators. The vessels operating in my area are; large whale watch vessels, commercial fishing vessels, large fishing vessels, and sport-fishing charter vessels.

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:

The granting of this waiver will not affect the business of U.S. shipbuilders adversely. Ultimately, not granting this waiver will however, because it is my intention to start my operation using PAPA II and use the profits to help fund the eventual purchase of a U.S. built, more modern vessel, to conduct my business. Considering the activities I plan to pursue, a U.S. built vessel would best suit my needs, however, my current financial situation is impeding my goal. I see the use of PAPA II as my only viable option. As stated the granting of this waiver will have only a positive affect on U.S. shipbuilders.

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5896 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9048]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel CRYSTAL.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S.

that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9048. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: CRYSTAL. Owner: CRYSTAL YACHT CHARTERS, INC., a California corporation.

(2) Size, capacity and tonnage of vessel. According to the applicant: "The vessel measurements are: length: 82', breadth: 22', depth: 11'. The tonnages are 163 gross and 59 net as measured under the Convention Measurement System pursuant to 46 CFR 69 and 46 U.S.C. Chapter 143."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

This vessel will operate for short periods of time with captain, crew, and 12 or less passengers on harbor cruises and corporate executive sightseeing tours within Newport Harbor, and the Pacific Ocean between Newport Beach and San Diego and out to Catalina Island. The geographic limits will also include the Pacific Ocean between Pt. Conception and San Diego and out to Catalina Island.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1994. Place of construction: Kha Shing Enterprises Co., Ltd., Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

The impact will be negligible as we will address the charter needs of smaller groups than most of the vessels in our area. Most of the commercial passenger vessels have capacities of 50 to 500 passengers.

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:

There is no negative impact on our U.S. shipyards and we anticipate that all of the repair work to this vessel will be done in U.S. shipyards. A majority of the components, including engines, generators, navigation equipment, propellers, running gear, etc., are all U.S. built.

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5898 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9042]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ELIZA.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9042. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: ELIZA. Owner: Herbert W. Goodall, III.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Gross 68 Tons, Net 65 Tons, Length 75.5', Breadth 20.6', Depth 8.2'."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

ELIZA operates as a term charter vessel, taking eight guests or fewer, on one week or longer cruises, mainly in New England, but also south from New England as far as South Florida.

As above, the main areas of operation for ELIZA are the Atlantic seaboard states of New England during the months of June through September: New York, Connecticut, Massachusetts, New Hampshire and Maine. But, the waters of New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia and Florida come into play from time to time as the vessel runs north and south. The vessel's main winter operations area is the Eastern Caribbean, so the states south of New England come into play solely during the yacht's semi-annual delivery between her main theaters of operation.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1981. Place of construction: Poole, Dorset, United Kingdom.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "ELIZA is not engaged in the day charter business so the impact on other commercial passenger vessels would be minimal to non-existent."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "There are no shipyards, that I know of, building vessels like or even similar to ELIZA."

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5899 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9050]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel RUFFINIT.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9050. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: RUFFINIT. Owner: KMM, an Alaska Partnership, composed of William McGrew, Dennis Kelly, and John McGrew.

(2) Size, capacity and tonnage of vessel. According to the applicant: "The overall length of the "RUFFINIT" is 48'4": with the load length waterline being 43'. The gross tonnage of the vessel is 43, with the net tons being 34. The displacement is approximately 39,500 lbs. It is my understanding the tonnage was measured pursuant to 46 U.S.C. 14502."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "The "RUFFINIT" will be docked and operated out of the small boat harbor at the port of Valdez, Alaska. The intended use of this vessel will be to transport not more than 12 passengers, along with kayaks, to various scenic bays and inlets within Prince William Sound. It is contemplated that most of the trips will be day trips, leaving Valdez in the morning and returning to Valdez that same evening. The "RUFFINIT" will serve as a "base of operations" for the kayakers once we reach our destination within Prince William Sound. The Kayakers will launch from the "RUFFINIT" and then return to the ship for lunch, rest, take advantage of the rest room facilities on board, or perhaps even have a hot shower. Plans are also being developed to have an overnight or perhaps a somewhat longer trip if the passengers so desire. This vessel will not be used as a charter vessel for fishing."

(4) Date and Place of construction and (if applicable) rebuilding. Date of

construction: 1985. Place of construction: Tien Mou Tapei, Taiwan, Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "I believe that the described operations will have minimal effect on other commercial vessel operators in the Valdez Alaska area. In fact, I believe that by granting this waiver, several business owners will directly benefit from the granting of the waiver. The "RUFFINIT" is presently the largest vessel docked at the Valdez small boat harbor. It is uniquely suited because of its size and appointments to transport a number of kayaks and passengers within Prince William Sound in a manner and style that is not presently available in this area. At the present time most kayak operators in the Valdez area are using much smaller vessels with little or none of the facilities found on our 49 ft. vessel. We have been encouraged to request this waiver by several of these small kayak operators in the Valdez area. They foresee increased business opportunity from being able to utilize our vessel and thereby offer a more "first class" and perhaps overnight kayaking experience to visitors to our state from the lower 48. To my knowledge, there is presently very limited opportunity in the Valdez area to book an overnight or longer kayaking trip utilizing the "First Class" type of accommodation that we contemplate having to offer. We are currently evaluating this option to determine if this type of operation is in demand and economically feasible."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "I believe that our operation will have little or no effect on U.S. Shipyards. No one would build a 49 ft. vessel to go into this type of business for it would just be too expensive in relationship to the return. Only an existing, older and less expensive vessel is justified in this type of endeavor."

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5900 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Docket Number: [MARAD–2001–9051]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel OCKHAM'S RAZOR.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9051. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: OCKHAM'S RAZOR. Owner: David M. Ahlers.

(2) Size, capacity and tonnage of vessel. According to the applicant: "11.7 GT (Measured according to 46 CFR 69.209 (a) "vessel designed for sailing—GT=.5LBD.100" L=34'5"; B=11'6"; D=5'11")"

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Sailing instruction for not more than 12 passengers on Cayuga Lake (New York State Finger Lake)"

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1983. Place of construction: Dorion, Quebec, Canada J7V 5V8.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

No negative impact is expected on current sailing instruction operations on Cayuga Lake which are very limited to non-existent. I believe a positive impact on sailing education and safety is expected if this waiver is granted. A number of individuals, including the management of the Ithaca Yacht Club, have indicated that a formal course in the practical aspects of handling a cruising sailboat, particularly if a spouse is incapacitated or falls overboard or if weather conditions deteriorate suddenly, is needed locally and would be well received. As a life long sailor—both cruising and competitive racing, an experienced educator—Cornell University Graduate School professor and adult professional educator and a recent recipient of a 100 GT master Coast Guard License with a Sailing Endorsement, I believe I could successfully offer this type of course.

For the past 18 years I have been sailing the Tanzer 10.5 for which this waiver is being requested. Thus, I know the boat very well—a significant safety factor in an instructional program. In addition, this vessel is well founded and fully equipped, including inboard diesel power and all required Coast Guard safety gear. The pilothouse design permits operation under sail or motor from a protected internal helm or operation with the 360 degree visibility of an external helm. Despite its size, the Tanzer 10.5 is rigged to be sailed, even in extreme conditions, by a single person. The modified center cockpit design provides for a flat aft deck ideally suited as a place for beginners to be close to the action, but not at any risk from their inexperience. All winches are self-tailing and all lines have sufficient purchase to permit handling with a minimal effort. Anchoring systems are power driven and rigged for immediate deployment. Even though this cruising sailboat is 18 years old, I am not aware of any other cruising sailboat currently produced by a U.S. manufacturer, which would provide in a single vessel of this size these same safety and training advantages. Unfortunately, the Tanzer plants in the U.S. and Canada ceased operation over ten years ago. No new Tanzer 10.5's have been built in the U.S. or in Canada since then nor will any be built in the future.

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "None."

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5901 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9039]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ALREADY THERE.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9039. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, S.W., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: ALREADY THERE. Owner: Richard T. Davis.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Length 32', Beam 11'6", Draft 3'4", Displacement 15,500 lbs., 14 Net Tons by Calculation."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

I will be using the vessel to give narrated historical Boston Harbor & Island tours also *very limited* fishing. I will be using the vessel in Boston Harbor and around the small islands that surround Boston Harbor.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1985. Place of construction: Taipei, Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "My vessel should have little impact on other commercial passenger vessel operators. In fact I can't even find a 6-person harbor tour in my marina (Marina Bay, Quincy, Mass.)."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "This waiver will have no impact on U.S. shipyards."

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5902 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9052]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel SYBARIS.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub.

11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9052. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: SYBARIS. Owner: Elliot Storm, Kendell Storm.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Size: 40'6" (loa), Cap./Tonnage: 12 Tons (gross) 11 (net) (46 U.S.C. 14502), Displacement: 20,878 lbs. (dry)".

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Coastal cruising for up to 6 persons (daytime, weekend, week); (educational and leisure) East Coast United States (initially Maine to Virginia: later to the southeast and the U.S. Virgin Islands.)"

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1988. Place of construction: Portsmouth, Hampshire, England.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

> It is our intent to *supplement* our income in order to support a *cruising family* lifestyle. We believe that the effect of our vessel on existing commercial or small private operators will be nil to nonexistent. We plan to cruise as a family with our *children* (ages 9 and 11) and teach cruising or other educational values to supplement our income afloat. We would not be in any one location longer than a few weeks, so local impact would be negligible to none at all. Existing operations pursuing the intent we desire are few and far between. We believe that it is far more important to spend time together as a family and go while you are still young enough to be able to cruise. Our children are already being home schooled and are eager and ready to sail/cruise at a moments notice. Again, we are not looking to encroach upon anyone's income, just to be able to supplement ours in a way that will allow us to achieve our goal."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "In regards to US Shipyards, We have owned this boat (acquired used) since 1995. It is a certified blue water cruiser with a Lloyds of London hull registry. We are not in the market for another vessel, nor do we perceive that this particular vessel would have any impact on US shipyards."

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5903 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9040]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the coastwise trade laws for the vessel WINDSHIP.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9040. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Gordon Angell, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–5129.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: WINDSHIP. Owner: Gary T. Watkins.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Size—36'.6" length, 11'.5" breadth, 5'.6" depth; Capacity—6–12 passengers/crew; Tonnage—11 gross, 10 Net—based on displacement of vessel."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Intended use—to be operated as a chartered sailing vessel for sailing instruction and pleasure sailing. Geographic Region of use—Texas coastal waters—Galveston Bay and upper Gulf of Mexico."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: October 1981. Place of construction: Lin Yuan Kaohsiung, Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "This vessel's operation will have no impact on any other vessel's operation in this area. Current charter operations are very minimal with respect to the population base in Houston and Galveston area of over 4 million people. There is a population of over 5000 boats in this area (Galveston Bay) with only several sailing vessel's being available for private charter with a licensed U.S.C.G. captain on board."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "To my knowledge there are no U.S. shipyards in this area. There are no manufactures of sailing vessels along the Texas coast."

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5904 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9041]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ACCORD.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9041. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: ACCORD. Owner: Accord Charters, LLC.

(2) Size, capacity and tonnage of vessel. According to the applicant: "The principal characteristics of the ACCORD are as follows: Documented Length: 81.4 feet, Actual Length: 85 feet, Breadth: 19.4 feet, Capacity: 6 passengers, Gross Registered Tons: 102, Net Registered Tons: 30, The Vessel's tonnage is measured pursuant to 46 U.S.C. 14502."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

"The ACCORD will offer charter service departing from the port of Seattle for the San Juan Islands of Washington State traveling to the Canadian Gulf Island and Desolation Sound, British Columbia. The Vessel currently operates one-way between a U.S. port and a Canadian port. The proposed new service will offer guests the opportunity to board at one port in Seattle or the San Juan Islands and to depart in Seattle or any other port in the San Juan Islands.

Typically, the ACCORD is contracted to one individual with a party of no more than six for a minimum of seven (7) days. The average cost of a seven (7) day charter is $25,000, including standard expenses. Charters are offered in this region from May 1st to October 31st."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: Constructed in 1984 and underwent modifications and repairs in Seattle, Washington in 2000. Place of construction: Vancouver, British Columbia, Canada.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

"This waiver will have minimal impact on other commercial passenger vessel operators in this region. The ACCORD has offered charters in this region from time to time since July 1999. The charters currently offered in this region operate in the waters of Puget Sound and the San Juan Islands and most spend a portion of a seven (7) day charter in British Columbia. The reason for requesting this waiver is for convenience in arranging the arriving and departing float plane and ferry arrangements for the Vessel's charter parties. This waiver will not substantially change the service offered by the ACCORD and will not affect the competition in the charter market in this region.

The tourist industry in this region is significant yet fewer than half a dozen vessels offer multi-day private charters. Some of these spend a significant portion of the season operating outside the area directly affected by this waiver. In addition, despite the increased interest in water-based travel and the need for more charter companies, there are limited small passenger operations in this region and only a few small certified passenger vessels cruising in the area in late spring on the way to Alaska."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "Granting this waiver will not have a negative impact on U.S. shipyards. In fact, almost $100,000 has been spent in 2000 alone in U.S. shipyards in maintaining and upgrading the ACCORD. The ACCORD is now permanently berthed in its boathouse which is moored in Lake Union, Seattle, Washington. Consequently, U.S. shipyards will benefit by additional repairs, modifications, and upgrades that will be necessary as a result of the work required to keep the Vessel in the charter service in this area.

The ACCORD is a wood yacht. It was designed by Ed Monk Sr., a resident of Bainbridge Island, Washington. A U.S.-built vessel of this type today would be difficult to obtain in the U.S. and would be prohibitively expensive to build new. Most U.S. builders have ceased production of this type of vessel or have moved production to the far east. As a consequence, the low production output and the high cost to obtain a U.S.-built vessel of this type would make it too expensive for a Seattle/San Juan Islands charter operation to acquire a new U.S.-built vessel.

Under these circumstances, the applicant believes that the issuance of the waiver sought will not 'unduly adversely affect' U.S.-flag vessel operators or U.S. shipbuilders."

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5905 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket Number NHTSA–2000–8273, Notice 2]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Extension of comment period.

SUMMARY: This document grants a request by the Association of International Automobile Manufacturers, Inc. to extend for 30 days from release of the agency's evaluation study of the Parts Content Labeling Regulations, the comment period on the agency's request for public comment on the proposal to extend and reinstate two information collections previously approved by the Office of Management and Budget (OMB), 49 CFR 537—Automotive Fuel Economy Reports and 49 CFR 583—Automobile Parts Content Labeling.

DATES: Comments must be received on April 9, 2001.

ADDRESSES: Comments should refer to Docket No. NHTSA–2000–8273 and be submitted to U.S. Department of Transportation Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Henrietta L. Spinner, NHTSA, Office of Planning and Consumer Programs, (202) 366–0846 or FAX to (202) 366–4490. The mailing address is National Highway Traffic Safety Administration, NPS–32, 400 Seventh St., SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On Monday, January 8, 2001, NHTSA published a request for comment on the agency's proposed collections of information. The document described two collections, 49 CFR Part 537—Automotive Fuel Economy Reports and 49 CFR Part 583—Automobile Parts Content Labeling.

Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. OMB has promulgated regulations describing what must be included in such a document pursuant to 5 CFR 1320.8 (d).

In compliance with OMB's regulations, NHTSA sought comment on 49 CFR 537, Automotive Fuel Economy Reports (OMB Control No. 2127–0019). 49 CFR Part 537 requires automobile manufacturers to submit semi-annual reports to NHTSA regarding their efforts to improve fuel economy.

This information assists NHTSA in evaluating automobile manufacturers' plans for complying with average fuel economy standards and in preparing an annual review of the average fuel economy standards. The information is collected by NHTSA by having the automobile manufacturers mail their semi-annual automotive fuel economy reports and/or submit a copy on computer diskette to the agency. The required information is used for four basic purposes. These purposes are: (a) to give NHTSA advance indication if any manufacturer will fail to comply with the applicable average fuel economy standards; (b) to give NHTSA necessary information to prepare fuel economy reports; (c) to assist NHTSA in responding to general information requests concerning automotive fuel economy, which are routinely received from Congress, other parts of the Executive branch, and the public; and (d) to provide NHTSA with detailed and accurate technical and economic information used to evaluate possible future average fuel economy standards which may be established by NHTSA.

NHTSA also requested comment on 49 CFR 583—Automobile Parts Content Labeling (OMB Control No. 2127–0573), which establishes requirements for the disclosure of information relating to the countries of origin of the equipment of new passenger motor vehicles.

This information will be used by NHTSA to determine whether manufacturers are complying with the American Automobile Labeling Act (49 United States Code 32304). The American Automobile Labeling Act requires all new passenger motor vehicles (including passenger cars, certain small buses, all light trucks and multipurpose passenger vehicles with a gross vehicle weight rating of 8,500 pounds or less), to bear labels providing information about domestic and foreign content of their equipment. With the affixed label on the new passenger motor vehicle, it serves as an aid to potential purchasers in the selection of new passenger motor vehicles by providing them with information about the value of the U.S./Canadian and foreign parts of each vehicle, the countries of origin of the engine and transmission, and the site of the vehicle's final assembly.

The notice specified a comment closing date of March 9, 2001 (60 days after date of publication). However, on February 22, 2001, we received a request for an extension of the comment closing date from the Association of International Automobile Manufacturers, Inc. (AIAM). The AIAM stated that it would need at least 30 days from release of the agency's evaluation study of the Parts Content Labeling Regulations for review and to allow for public comment thereon in the context of the Paperwork Reduction Act Clearance for 49 CFR Part 583.

NHTSA wants the public to have adequate time to analyze the evaluation study which was released in early March for public comment. Therefore, the request for an additional 30 days from release of the evaluation does not seem excessive. Thus, to provide the AIAM and other interested parties ample time and opportunity to analyze the evaluation study of the Parts Content Labeling Regulations and to present its comment on this proposal, NHTSA believes that there is good cause for the extension of the comment period and that such an extension is consistent with the public interest. Accordingly, the AIAM's request to extend the comment for an additional 30 days from release of the evaluation is granted. The comment period will now close on April 9, 2001.

Dated: March 6, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–5906 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Pipeline Safety: Closure of Gas Shut-Off Valves Serving Permanently Moored Vessels (PMV) During High-Water Conditions

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice; issuance of an advisory bulletin.

SUMMARY: The Office of Pipeline Safety (OPS) is issuing this advisory to gas distribution pipeline system operators. Operators should examine the shut-off valves controlling gas service to permanently moored vessels (PMV) and ensure that gas service can be quickly shut down, if necessary, even during high-water conditions. In addition, operators should review their operations and maintenance manual and their emergency response manual to ensure that procedures are in place to successfully shut down the flow of gas to PMVs when necessary, including during high-water conditions.

ADDRESSES: This document can be viewed at the OPS home page at: *http://ops.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Richard Huriaux, (202) 366-4565, or by e-mail, *richard.huriaux@rspa.dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 27, 2000, the National Transportation Safety Board (NTSB) recommended that the Research and Special Programs Administration "require corrective action as appropriate to ensure that pipeline operators have the means to shut off the flow of natural gas to permanently moored vessels in a timely manner, even during periods of high-water conditions" (Safety Recommendation P–00–14).

This recommendation resulted from NTSB's investigation of a natural gas leak on a permanently moored vessel (PMV), the President Casino on the Admiral *(Admiral)*, on April 4, 1998. The *Admiral* was struck by barges that detached from a tow during high-water conditions on the Mississippi River in downtown St. Louis, Missouri. The *Admiral* lost most of its mooring lines, causing the barge to rotate away from the quay, severing the gas service line. The natural gas did not ignite, but an emergency repair crew was unable to shut off the gas supply because the flooded regulator pit made it impossible to reach the shut-off valve. After three hours the crew was able to clamp-off the line and stop the flow of gas.

The local gas distribution company has taken action to ensure that all service line shut-off valves controlling gas flow to PMVs are provided with a means to stop the flow of gas, even during high-water conditions. It will either locate gas service line valves where they will not be affected by flooding or install equipment, such as extra-height operators or valve key guides, that will allow service valves to be readily operated during flood conditions.

There are hundreds of PMVs in U.S. waters. This incident highlights the need to evaluate the accessibility and operability of gas service line valves serving PMVs. Although not all these valves are subject to potential high-water conditions, gas distribution pipeline system operators serving PMVs should ensure that they can promptly shut down the flow of natural gas to PMVs, even during high-water conditions.

The Federal pipeline safety regulations require that "each service line must have a shut-off valve in a readily accessible location * * *" (49 CFR 192.365(b)). This implies that the valve must be operable under all reasonably anticipated conditions. For PMVs, it is reasonable to anticipate that high-water and flooding might occur. Operators should review their operations and maintenance manual and their emergency response manual to ensure that procedures are in place to successfully shut down the gas to PMVs when necessary, including during high-water conditions. (49 CFR 192.605).

II. Advisory Bulletin (ADB–01–01)

To: Owners and Operators of Gas Distribution Systems.

Subject: Closure of Gas Shut-Off Valves Serving Permanently Moored Vessels (PMV) During High-Water Conditions

Purpose: To advise gas distribution pipeline system owners and operators of the need to examine the location and functionality of shut-off valves to make sure they can promptly shut down the flow of gas, even in the event of high-water conditions.

Advisory: Owners and operators of gas distribution pipeline systems should examine the location of gas shut-off valves serving PMVs to ensure that they can be located and used, even during high-water conditions. If not, the valves should be moved to a location above the reasonably anticipated high-water mark or equipped to be readily accessible during high-water events. In addition, operators should review their operations

and maintenance manual and their emergency response manual to ensure that procedures are in place to successfully shut down the gas to PMVs, when necessary, including during high-water conditions.

Issued in Washington, DC on February 20, 2001.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

[FR Doc. 01–5824 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration (RSPA)

[Docket No. RSPA–00–8452; Notice 2]

Duke Energy; Grant of Waiver and Finding of No Significant Impact

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice of grant of waiver and finding of no significant impact.

SUMMARY: The Office of Pipeline Safety (OPS) is approving a waiver of certain regulatory requirements relating to class location changes on fifteen natural gas pipeline segments (the "waiver segments") operated by Duke Energy (Duke) and is permitting Duke to carry out alternative risk control activities (the "Activities") in lieu of compliance with these requirements. The waiver segments are located on the three parallel lines 10, 15, and 25, downstream from the Mt. Pleasant Compressor Station. The waiver segments lie in Maury and Williamson Counties, Tennessee. The waiver segments include five locations in a 3-line system, ranging from 0.5 miles to 0.88 miles in length and totaling 12.2 miles.

Background

In 1997, OPS selected Duke Energy (Duke) as a candidate for participation in the Risk Management Demonstration Program; subsequently, OPS and Duke held discussions as part of a consultation process. During the consultation, Duke identified a portion of its system where it believed performing alternative risk control activities (the "Activities") in lieu of compliance with current pipeline safety regulations addressing class location changes would result in a comparable margin of safety and environmental protection. While OPS and Duke continued to consult, Duke applied for a temporary waiver of certain regulatory requirements for the waiver segments and implementation of the Activities in lieu of compliance. Duke had previously reduced the operating pressure along the fifteen waiver segments in accordance with these requirements and sought to return the pipeline to its historical operating pressure. Duke had completed many of the proposed alternative risk control activities related to assuring integrity of the pipeline in the segments for which regulatory waiver was sought. Discussions continue between OPS and Duke regarding programmatic aspects of the company's risk management demonstration project.

Alternative Approach

Rather than replacing pipe, as required for each waiver segment under 49 CFR § 192.611 in order to increase operating pressure, Duke proposed to perform the following alternative risk control activities, with the objective of providing a margin of safety and environmental protection comparable to pipe replacement:

1. Internally inspect the waiver segments using geometry and magnetic flux leakage in-line inspection tools, which are not required under current regulations. These tools identify indications of wall loss (e.g. corrosion), as well as dents and gouges from initial construction damage or third party excavators working along the pipeline right-of-way. These internal inspections have been performed and the OPS Southern Region has reviewed the inspection results.
2. Internally inspect approximately 166 miles of additional pipe on the three parallel lines in the Mt. Pleasant Discharge. These internal inspections have been performed and the OPS Southern Region has reviewed the inspection results.
3. Investigate dents upon completion of the dent inspections for an extended length of pipe (the "extended segments") bordering and including each waiver segment to further extend the benefits of the integrity analysis. The extended segments cover a length of pipe totaling 660 feet on both ends of each waiver segment. These internal inspections have been performed and the OPS Southern Region has reviewed the inspection results.
4. Repair indications of corrosion, existing construction damage, and existing outside force damage identified by the internal inspection. Duke used more conservative investigation and repair criteria in the proposed waiver and extended segments than is currently required by the pipeline safety regulations. The criteria used by Duke call for investigation and repairs of small dents and anomalies that are well below the threshold where pipeline integrity might be compromised.
5. Perform hydrostatic tests of the portions of Line 10 which have not previously been tested to 100 percent (SMYS). This includes two of the waiver segments, 2.5 miles northwest of Rally Hill in Maury County and 3.5 miles east-northeast of Arrington in Williamson County. These hydrostatic tests have been completed.
6. Perform enhanced damage prevention activities including implementing selected recommendations from a recent study of one-call systems and damage prevention programs best practice, "Common Ground". Duke will also install, for a trial period of one year, the TransWave monitoring system covering all of the waiver segments. This system will be tested to determine its reliability and usefulness for detecting third-party encroachments (construction, excavation, etc.) in the pipeline right-of-way.

Notice 1

In response to Duke's application and justification for performing the Activities in lieu of current regulatory requirements, OPS issued a Notice of Intent to Consider Waiver and Environmental Assessment of Waiver, inviting persons to submit written comments (65 FR 77419; December 11, 2000) (Notice 1). In that Notice, OPS explained its finding that Duke's implementation of the Activities in lieu of compliance with 49 CFR 192.611 is consistent with safety. OPS received no public comments in response to Notice 1.

OPS Review

OPS has compared the expected risk reduction produced by the Activities to that which would be achieved by compliance with 49 CFR § 192.611 and concluded that the Activities will likely achieve a comparable margin of safety and environmental protection.

OPS has determined that the conduct of the Activities in lieu of compliance with 49 CFR § 192.611 is consistent with pipeline safety. The following factors were considered when making this determination:

1. The proposed Activities will provide a comparable margin of safety and protection for the environment and the communities in the vicinity of Duke's pipelines.
2. Duke's risk-based justification of the alternatives to the class location change regulations is technically sound.
3. The fifteen waiver segments have a good integrity history, with no leaks recorded during operation or hydrostatic testing.
4. Duke has internally inspected a total of 191 miles of pipe on the three parallel lines in the Mt. Pleasant discharge, including all of the waiver segments. These inspections provide added protection against pipeline failures from corrosion, manufacturing and construction defects, and outside third-party damage along the full 191 mile length. Compliance with 49 CFR § 192.611 would require replacement of pipe within the waiver segments only (approximately 12 miles of pipe) with no added protection for the extended segments (approximately 181 miles of pipe). The proposed Activities provide added protection by including the additional pipe. Duke also conducted hydrostatic tests to 100% SMYS on Line 10. In addition, Duke has installed the TransWave system and will be evaluating it over the coming year.
5. Duke was selected as a candidate for the Risk Management Demonstration Program and has participated in a rigorous consultation process with OPS, which required a greater sharing of information with OPS related to the integrity of Duke's pipeline. The consultation process is nearly complete and may result in acceptance of Duke into the Risk Management Demonstration Program including enforceable commitments for the additional risk control activities.

Action on Application for Waiver

In accordance with the foregoing and by this order, OPS finds that Duke's requested waiver is consistent with pipeline safety. Accordingly, Duke's application for waiver from compliance with the requirements of 49 CFR 192.611 is granted, provided that Duke carries out all the alternative risk control activities described in the "Alternative Approach" section of this notice. This waiver will expire upon approval of Duke's risk management demonstration project.

OPS is considering whether or not additional regulations to enhance pipeline integrity in high consequence areas are warranted for natural gas transmission pipelines. Additional information on integrity management rule-related activities is available on the OPS web site at http://ops.dot.gov. No more than 90 days after OPS adopts new rules related to integrity management of natural gas pipelines, Duke will be required to re-evaluate the terms and effects of this waiver and report to OPS on its findings. If final action is taken on Duke's risk management demonstration project and this waiver therefore expires earlier than 90 days after OPS adopts new rules related to integrity management of natural gas pipelines, then this re-evaluation will not be required.

OPS will review Duke's report, evaluate Duke's assessment, and determine whether the waiver remains appropriate and consistent with pipeline safety. If the OPS evaluation finds that the waiver is no longer appropriate or no longer consistent with pipeline safety, then OPS will revoke the waiver and require Duke to comply with 49 CFR 192.611 and all other applicable regulations.

Finding of No Significant Impact (FONSI)

OPS has reviewed the Duke waiver for conformity with section 102(2)(c) of the National Environmental Policy Act (42 U.S.C. section 4332), the Council on Environmental Quality regulations (40 CFR sections 1500–1508), and Department of Transportation (DOT) Order 5610.1c, Procedures for Considering Environmental Impacts.

OPS conducted an Environmental Assessment of granting the Duke waiver (65 FR 77419, "Pipeline Safety: Intent to Consider Waiver and Environmental Assessment of Waiver for Duke Energy," December 11, 2000).

OPS received no public comment on the Environmental Assessment. Based on the analysis and conclusions of the Environmental Assessment, OPS has determined that no significant impacts on the environment are associated with granting this waiver. The Environmental Assessment is incorporated by reference into this FONSI.

In summary, OPS believes that the Activities performed under the waiver by Duke in lieu of regulatory requirements are consistent with pipeline safety and environmental protection. Although the waiver is expected to provide net environmental benefits, these beneficial impacts are not expected to be significant, because of the minimal environmental impact associated with gas pipeline failures. In addition, if OPS denied the proposed waiver, Duke would be required to replace pipe in the waiver segments in order to increase operating pressure. Pipe replacement would likely introduce some adverse environmental impacts that are avoided with the proposed action. Denying the waiver request would likely result in Duke replacing pipe along portions of the waiver segments, thereby causing environmental disruption due to excavation activity.

Issued in Washington, DC on January 23, 2001.

Jeffrey D. Wiese,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 01–5825 Filed 3–8–01; 8:45 am]

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Federal Register

Friday,
March 9, 2001

Part II

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Chaper 1

Federal Acquisition Regulation; Delay of Effective Date; Final Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Federal Acquisition Circular 97–22 (Delay of Effective Date)]

Federal Acquisition Regulation; Delay of Effective Date

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rules: delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, this action delays for 60 days the effective date of Items I, III, IV, and V of Federal Acquisition Circular (FAC) 97–22 published in the **Federal Register** on January 10, 2001 (66 FR 2116). The 60-day delay in the effective date is necessary to give agency officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001.

DATES: Effective Date: The effective date of Item I of FAC 97–22, the final rule amending 48 CFR parts 1 through 9, 11, 13, 14, 15, 17, 19, 22, 23, 24, 26 through 29, 31 through 37, 39, 42, 43, 44, 46 through 50, and 52, published in the **Federal Register** on January 10, 2001 at 66 FR 2117 is delayed until May 11, 2001.

The effective date of Item III of FAC 97–22, the final rule amending 48 CFR parts 32 and 52, published in the **Federal Register** on January 10, 2001 at 66 FR 2137 is delayed until May 11, 2001.

The effective date of Item IV of FAC 97–22, the final rule amending 48 CFR part 52, published in the **Federal Register** on January 10, 2001 at 66 FR 2139 is delayed until May 11, 2001.

The effective date of Item V of FAC 97–22, the final rule amending 48 CFR part 52, published in the **Federal Register** on January 10, 2001 at 66 FR 2140 is delayed until May 11, 2001.

Applicability Date: The FAR, as amended by these rules, is applicable to solicitations issued on or after May 11, 2001, per FAR 1.108(d).

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. Please cite FAC 97–22 (delay of effective date).

SUPPLEMENTARY INFORMATION: This document extends, for 60 days, the effective date of the following FAR rules published in FAC 97–22 in the **Federal Register** at 66 FR 2116, January 10, 2001:

FAR Case 1999–403—Definitions

This final rule clarifies the applicability of definitions used in the FAR, eliminates redundant or conflicting definitions, and makes definitions easier to find. The rule—

- Relocates definitions of terms that are used in more than one FAR part with the same meaning to 2.101;
- Relocates other definitions of terms to the "Definitions" section of the highest level FAR division (part, subpart, or section) where the term as defined is used. For example, if a term was defined in a FAR section, but the term is used as defined in another section of that subpart, then the definition was moved to the "Definitions" section of that subpart;
- Clarifies that a term, defined in FAR 2.101, has the same meaning throughout the FAR unless the context in which the term is used clearly requires a different meaning; or unless another FAR part, subpart, or section provides a different definition for that particular part, subpart, or section;
- Adds cross-references to definitions of terms in FAR 2.101 that are defined differently in another part, subpart, or section of the FAR; and
- Makes technical corrections throughout the FAR.

FAR Case 1999–016—Advance Payments for Non-Commercial Items

This final rule amends the FAR to permit federally insured credit unions, in addition to banks, to participate in the maintenance of special accounts for advance payments. The rule will only affect contracting officers that provide contract financing using advance payments for non-commercial items.

FAR Case 1999–021—Part 12 and Assignment of Claims

This final rule amends the FAR to correct an inconsistency between two clauses related to the assignment of claims. FAR 52.232–36, Payment by Third Party, prohibits a contractor from assigning its rights to receive payment under the contract if payment is made by a third party, such as when a Governmentwide commercial purchase card is used. This clause is cited in the contract clause at FAR 52.212–5 that addresses terms and conditions required to implement statutes or Executive orders for commercial items.

FAR 52.212–4, Contract Terms and Conditions—Commercial Items, addresses assignment of claims but does not include the third party prohibition. This rule revises FAR 52.212–4(b) to add the prohibition.

FAR Case 1996–023—Clause Flowdown—Commercial Items

This final rule amends the clause at FAR 52.244–6, Subcontracts for Commercial Items, to revise the listing of clauses the contractor must flow down to subcontractors. The rule revises the listing to add the clause at FAR 52.219–8, Utilization of Small Business Concerns, when specified circumstances have been met. In addition, the rule adds language to inform contractors that they may flow down a minimal number of additional clauses to subcontractors to satisfy their contractual obligations.

Dated: February 27, 2001.

Deidre A. Lee,

Director, Defense Procurement, Department of Defense.

Dated: March 1, 2001.

David A. Drabkin,

Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration.

Dated: February 26, 2001.

Anne Guenther,

Acting Associate Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 01–5653 Filed 3–8–01; 8:45 am]

BILLING CODE 6820–EP–U

Federal Register

Friday,
March 9, 2001

Part III

Commodity Futures Trading Commission

17 CFR Parts 1, et al.

A New Regulatory Framework for Trading Facilities, Intermediaries and Clearing Organizations; Proposed Rule

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 5, 15, 36, 37, 38, 40, 41, 100, 166, 170 and 180

RIN 3038–AB63

A New Regulatory Framework for Trading Facilities, Intermediaries and Clearing Organizations

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) is proposing rules to implement the Commodity Futures Modernization Act of 2000 and the Commission's new regulatory framework. These proposed rules apply to trading facilities. The proposed rules implement the new statutory framework establishing three new market categories, including exempt markets and two categories of markets subject to Commission regulatory oversight—designated contract markets and registered derivatives transaction execution facilities. These proposed rules implement statutory changes that profoundly alter federal regulation of commodity futures and option markets. Nothing in these rules, however, diminishes the Commission's responsibility for overseeing and enforcing compliance by self-regulatory organizations, Commission registrants and market participants with the provisions of the Commodity Exchange Act.

The remaining parts of the framework relating to clearing organizations and to intermediaries will be reproposed shortly.

DATES: Comments must be received by April 9, 2001.

ADDRESSES: Comments should be sent to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, attention: Office of the Secretariat. Comments may be sent by facsimile transmission to (202) 418–5521 or, by e-mail to secretary@cftc.gov. Reference should be made to "Regulatory Reinvention."

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economic Analysis; Alan L. Seifert, Deputy Director, Division of Trading and Markets; Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets; or Riva Spears Adriance, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418–5260. E-mail: (PArchitzel@cftc.gov), (ASeifert@cftc.gov), (LPatent@cftc.gov) or (RAdriance@cftc.gov).

SUPPLEMENTARY INFORMATION:

I. Background

The Commission on June 22, 2000, proposed (65 FR 38986) and on December 13, 2000, issued (65 FR 77962) final rules promulgating a new regulatory framework to apply to multilateral transaction execution facilities that trade contracts for sale of a commodity for future delivery or commodity options. The final rules were to become effective on February 12, 2001. However, Congress on December 15, 2000, passed, and the President on December 21, 2000, signed into law, the Commodity Futures Modernization Act of 2000 (CFMA),[1] which substantially amended the Commodity Exchange Act, 7 U.S.C. 1 *et seq.* (Act). The Commission on December 28, 2000, withdrew most of the final rules in order to determine their consistency with the Act as amended. 65 FR 82272.

The Commission's new regulatory framework was intended to "promote innovation, maintain U.S. competitiveness, and at the same time reduce systemic risk and protect customers," 65 FR 38986, and to provide U.S. futures exchanges greater flexibility with which to respond to the competitive challenges brought about by new technologies.[2] Specifically, the framework replaced "one-size-fits-all" regulation for futures markets with broad, flexible "core principles," and established three regulatory tiers for markets.

In general, the framework provided a lower level of regulatory oversight where access to an exchange or facility would have been restricted to eligible participants or commercial participants or where the nature of the underlying commodity would have posed a relatively low susceptibility to manipulation. This reflects the reduced need to monitor closely such markets. The Commission also provided that markets serving a price discovery function, irrespective of the product traded or market participants, offer a degree of price transparency. The framework therefore balanced the public interests of market and price integrity, protection against manipulation and customer protection with the need to permit exchanges and other trading facilities to operate more flexibly in today's competitive environment.

II. The Statutory Scheme

The Act, as amended by the CFMA, establishes two tiers of regulated markets, designated contract markets (contract markets) and registered derivatives transaction execution facilities (DTFs). In addition, the Act, as amended, provides for two markets exempt from regulation, exempt boards of trade and, under section 2(h)(3) of the Act, as amended, exempt commercial markets.

The CFMA, in both its broad contours and in many of its specific provisions, codifies the Commission's regulatory framework without significant change. It varies from the rules withdrawn by the Commission in a number of its details and renders unnecessary a number of Commission rules by enacting their provisions into statute. The Commission therefore is reproposing rules conforming to and implementing the amended statutory scheme.

III. The Proposed Rules

A. Designated Contract Markets

Proposed part 38 governs designated contract markets. Under the Act as amended, "designated contract markets" are those approved boards of trade or trading facilities on which contracts for future delivery on any commodity may be traded by any type of market participant.[3] Proposed rule 38.2 exempts designated contract markets operating under this part from all other Commission rules not specifically reserved.[4]

Proposed rule 38.3 establishes the application and approval procedure for designation of new contract markets.[5] As proposed, applicants meeting the criteria will be deemed to be designated by the Commission 60 days after receipt of the application.[6] The proposed procedure permits the Commission to designate a contract market upon conditions. Applications must demonstrate that the contract market satisfies the criteria for designation under section 5(b) of the Act and the core principles for operation under section 5(d) of the Act. The application also must include a copy of the contract market's rules and, to the extent that compliance with the conditions for designation is not self-evident, a brief explanation of how the conditions for designation are satisfied. As provided under the Commission's current fast-track review rules, the applicant may not make substantive amendments to the application during the 60-day review period unless requested to do so by the Commission. Amended applications would be treated as being filed anew for purposes of fast-track review.

As proposed, the Commission may terminate the 60-day fast-track review if it appears during that period that the application violates or appears to violate, or if there is insufficient information to determine whether it would violate, the Act or Commission rules. The Commission, after terminating a fast-track review, will continue to review the application under the deadlines of section 6 of the Act. Alternatively, within ten days of receiving a termination notification, the applicant may seek to have the Commission determine whether or not to institute a proceeding to deny a proposed designation application under section 6 of the Act.

Section 5 of the Act, as amended, requires that an applicant meet a number of designation requirements. Under the proposed rules, an applicant must also demonstrate its ability to comply with core regulatory principles. The Commission has proposed rules giving notice of how it will interpret the meaning of several of the statutory requirements.[7] In addition, the Commission has provided an appendix containing general guidance regarding application criteria and guidance with regard to acceptable practices for meeting the core principles.[8] As the Commission previously noted, the guidance establishes non-exclusive safe harbors. It does not establish a mandatory means of compliance with the core principles.

Section 5c of the Act permits designated contract markets to request that the Commission provide "prior" approval of the facility's rules and products. Proposed rule 38.4, pursuant to the Commission's exemptive authority under section 4(c) of the Act, provides designated contract markets the additional flexibility to request such approval at any time. Contract markets, for competitive reasons, may wish to choose to list a new product for trading by certification and subsequently to request Commission approval. The Commission believes that, in light of the increased competitiveness of these markets, such procedural flexibility is in the public interest. Based on the Commission's prior administrative experience, it has simplified and streamlined the review procedures. Under these procedures, qualifying contract market rules that are voluntarily submitted for review would be eligible for review and approval in 45 days, half the time permitted under the Act.[9]

The Commission further proposes to exercise its section 4(c) exemptive authority to make less burdensome the statutory certification provision regarding contract market rules. Section 5c of the Act requires contract markets to certify that each and every rule or rule change does not violate the Act and Commission rules. However, based upon its experience administering the Act prior to its recent amendment, the Commission is of the view that many rules need not be so certified. Indeed, under prior practice, contract markets were required only to provide notice to the Commission when amending certain types of administrative rules, and in some instances, no notice was required. In light of the past successful conduct of its oversight duties without the submission of every rule change, the Commission believes that it is in the public interest to exempt contract markets from the requirement that they certify all rules. The Commission also believes that this additional flexibility is consistent with the overall intent and structure of the recent amendments to the Act.

As proposed, the Commission would permit contract markets simply to notify the Commission on a weekly basis of amendments to some types of rules, and would not require a certification or

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[1] See Commodity Futures Modernization Act of 2000, Appendix E, Pub. L. No. 106–554, 114 Stat. 2763 (2000).

[2] The President's Working Group on Financial Markets (PWG) and the chairmen of the Commission's congressional oversight committees encouraged the Commission to consider proposing such major revisions to the regulatory framework. 65 FR at 38987. Recognizing the importance of the OTC derivatives markets, the chairmen of the Senate and House Agriculture Committees asked the PWG to conduct a study of OTC derivatives markets. After studying OTC derivatives, the PWG on November 9, 1999, reported to Congress its recommendations. *See* Over-the-Counter Derivatives Markets and the Commodity Exchange Act, Report of the President's Working Group. The PWG report focused on promoting innovation, competition, efficiency, and transparency in OTC derivatives markets and in reducing systemic risk. Although specific recommendations about the regulatory structure applicable to ∞change-traded futures were beyond the scope of its report, the PWG suggested that the Commission review existing regulatory structures (particularly those applicable to markets for financial futures) to determine whether they were appropriately tailored to serve valid regulatory goals.

Subsequently, by letter dated November 30, 1999, the Chairmen of the Senate and House Agriculture Committees, joined by additional senior Senators and Members of the House of Representatives, "encourage[d] the Commission to use the exemptive authority granted it by the Commodity Exchange Act to lessen regulatory burdens on United States' futures markets so that they may compete more effectively."

[3] Prior to its recent amendment, the Act referred to "designated contract markets" as the Commission-approved products traded on a board of trade. Commission rules were consistent with that usage. The Act, as amended, however, uses the term "designated contract market" to refer to the approved or licensed market on which futures contracts and commodity options are traded. Part 38 refers to "designated contract markets" in this sense. The meaning of "designated contract market" in all other Commission rules must be inferred from the context.

[4] In addition, the Commission is proposing to delete a number of rules herein. With respect to those rules not reserved or deleted, the Commission intends to review its rulebook in its entirety and to remove all rules that have been superseded or that are otherwise no longer in force following completion of all of the rulemakings necessary to implement the CFMA.

[5] Section 5(c) of the Act, as amended, provides that existing boards of trade designated as a contract market are considered to be designated contract markets under the Act as amended.

[6] This 60-day review period is one-third of the 180-day review period permitted by the Act. *See* 7 U.S.C. 8(a).

[7] In particular, in proposed rule 38.3(b)(1) the Commission notes that the statutory designation requirement relating to preventing market manipulation includes the requirement that designated contract markets have a dedicated regulatory department or delegate that function. Proposed rule 38.3(b)(2) provides that the designation requirement relating to fair and equitable trading rules includes fair and timely availability to market participants of information regarding prices, bids and offers. This requirement may be satisfied by making such information available to traders through commercial vendors.

In addition, proposed rule 38.3(b)(3) makes clear that a trading facility applying for designation may satisfy the requirement that it have disciplinary procedures with respect to non-members by having the capacity to sanction non-member violations by expelling them or by denying them future access. The proposed guidance with respect to acceptable practices for core principles applicable to contract markets and DTFs has similar provisions.

[8] Separate from the Appendix providing guidance on compliance with the core principles, proposed rule 38.3(b)(4) clarifies that the core principle on fitness standards, in the context of proprietary, rather than mutually-owned exchanges, applies to natural persons with greater than a ten percent ownership interest in the facility or in its owners. Moreover, fitness requirements that apply to members are required by the Act. However, the Commission, in providing guidance with regard to this requirement, has made clear that some types of members, such as those who do not have voting rights or exercise disciplinary or governing responsibilities, meet the fitness requirements by meeting the applicable requirements for market access or participation.

[9] As noted above, prior to adoption of the CFMA, a board of trade or trading facility was required to be designated as a contract market in each specific contract traded thereon. As amended by the CFMA, however, the trading facility itself and not each contract is required to be designated as a contract market and contracts may be listed for trading pursuant to exchange certification. The facility also may request that the Commission review and approve new products.

Proposed rule 38.4(a) provides that any contract that has been submitted for Commission review and approved by the Commission may be labeled in the facility's rules as "Listed for trading pursuant to Commission approval." Contracts that were designated by the Commission as contract markets prior to December 21, 2000, may be labeled as approved by the Commission. Contracts listed for trading by exchange certification under the procedures then in effect under rule 5.3 are not eligible to be so labeled.

notification of changes to rules that relate solely to administrative or ministerial matters. Nevertheless, each contract market is required to have available a full and accurate record of the procedural history of each of its rules.

Proposed rule 38.5 provides for information requests to contract markets regarding compliance with the conditions for designation. These requests may be made for any oversight purpose.[10] In this regard, for example, the Commission may request designated contract markets to provide information relating to their operations or their practices in connection with their compliance with particular core principles or other conditions of their designation or in connection with the Commission's formulation of statements of acceptable practice and its general oversight responsibilities under the Act.

Proposed rule 38.6 makes clear that a violation of these part 38 rules is not intended to and does not constitute a basis for voiding an agreement, contract, or transaction that has been duly entered into. Under rule 38.6, a Commission proceeding to alter or supplement a rule, term, or condition of a contract for trading on the facility under section 8a(7) of the Act, to declare an emergency under section 8a(9), or to take any other action to require a designated contract market to take or refrain from taking specific action would not constitute grounds for rescinding contracts. This provision does not change applicable law and merely restates the existing understanding of the effect of such a Commission action on contracts entered into already.

B. Derivatives Transaction Execution Facilities

Proposed part 37 implements section 5a of the Act, as amended. Section 5a of the Act provides for registration by the Commission of a board of trade or trading facility under an intermediate level of regulation as a DTF. This new category of market is available to eligible traders for futures and option contracts on commodities that have a nearly inexhaustible deliverable supply; are highly unlikely to be susceptible to the threat of manipulation; have no cash market; security futures products; or futures and option contracts on commodities that the Commission may determine, on a case-by-case basis, are highly unlikely to be susceptible to the threat of manipulation. In addition, except as provided in section 5(e)(2) of the Act, eligible commercial entities trading for their own account may do so on a DTF with respect to futures and option contracts on commodities other than those enumerated in section 1a(4) of the Act. Furthermore, a board of trade operating as a DTF may trade on the facility agreements, contracts, or transactions involving commodities excluded or exempt pursuant to sections 2(c), 2(d), 2(g), or 2(h) as provided by section 5a(g) of the Act, subject to the Commission's exclusive jurisdiction. Proposed rule 37.2 exempts DTFs from all Commission regulations applicable to a trading facility that are not reserved. It also makes clear that the reserved regulations apply as though DTFs were specifically referenced therein.

Proposed rule 37.3 identifies the commodities eligible to be traded on a DTF under section 5a of the Act. Specifically, proposed rule 37.3 identifies those commodities that qualify under the requirements of section 5a(b)(2)(A) through (C) of the Act[11] as those commodities defined as an "excluded commodity" in section 1a(13) of the Act.[12] Excluded commodities under section 1a(13) of the Act include exempt securities. Unlike the provisions governing exempt boards of trade, the CFMA imposes no specific limitations or requirements for exempt securities to trade on a DTF. The Commission is requesting comment on whether additional regulatory requirements, such as large trader reporting, should be imposed as a condition for such trading on a DTF.

Proposed rule 37.3 also establishes a procedure whereby a specific DTF would be able to make a showing under section 5a(b)(2)(E) of the Act that a contract is highly unlikely to be susceptible to the threat of manipulation and should be eligible for trading on that DTF in light of the characteristics of the commodity and the market's surveillance history, including its self-regulatory record, capacity and undertakings. Proposed rule 37.3(a)(3)(ii)(B) lists those factors that are relevant in making such a showing. The rule does not require that the written demonstration include explanations of information that is self-evident. Agricultural commodities that are not enumerated in the Act, such as soft, world commodities, may trade on a DTF upon successfully making such a demonstration, or under section 5a(b)(2)(F) of the Act, by limiting trading access to eligible commercial entities.[13]

Consistent with section 5(e)(2) of the Act, as amended, the Commission will determine in a future rulemaking whether those agricultural commodities that are enumerated in the Act should be eligible for trading on a DTF and, if so, the appropriate conditions for such trading. The Commission has reserved a paragraph in rule 37.3 for this purpose.

Proposed part 37 includes a number of procedural provisions to provide greater administrative flexibility in the registration and oversight of DTFs. For example, proposed rule 37.5(b) permits the Commission to register a DTF upon conditions. This would enable the Commission to register a facility conditioned upon its subsequent compliance with a particular condition for registration. In addition, the Commission is proposing a fast-track review procedure for applications for registration that are not amended while under review. Such applicants would be deemed to be registered 30 days after receipt.[14]

Section 5a(c)(1) of the Act provides that applicants for DTF registration shall be required to demonstrate only that they comply with the requirements for trading specified in section 5a(b) and the criteria for registration specified in section 5a(c).[15] However, to maintain registration, DTFs must be in compliance with the core principles of section 5a(d) of the Act. Accordingly, the Commission is proposing that an applicant for DTF registration may, if it chooses, become registered without demonstrating its capacity to comply with the core principles for trading. A new DTF that chooses not to make such a demonstration, however, must certify to the Commission that it has the capacity to, and upon commencing operations will, operate in compliance with the core principles. This certification may be made separately or as part of the initial application.

As with the rules regarding contract markets, the Commission is proposing in an appendix general guidance regarding applications and acceptable practices for core principles. The proposed acceptable practices are not mandatory in nature, but rather provide a non-exclusive safe-harbor for compliance. Proposed rule 37.6(d) interprets application of certain of the core principles in the circumstances specified in the rule. For example, the Commission proposes that an electronic platform that is accessible for trading only by eligible commercial entities and that trades only tailored products may satisfy the requirement to monitor trading in a manner "appropriate to the market" by assuring compliance with its rules regarding access limitations.

In addition, the Commission is proposing in rule 37.1(b) to include within the definition of "eligible commercial entity" a registered floor broker or floor trader, trading for its own account, whose trading obligations are guaranteed by a futures commission merchant. This is consistent both with the Commission's withdrawn rules and with the CFMA's inclusion of certain types of liquidity providers within the statutory definition of "eligible commercial entity." In this regard, it has been suggested that electronic markets may have functional counterparts to floor brokers and floor traders, and that these persons should also be included within the definition of eligible commercial entity. The Commission is requesting comment on how and by whom this market making function may be performed on electronic trading facilities, the similarities and differences in this market making function and its regulation when performed on an electronic platform rather than in a physical trading environment, and whether such persons should be included within the definition of eligible commercial entity.

The Commission has proposed to interpret the core principle regarding disclosure of information relevant to market participants as including the principle of providing market participants information regarding prices, bids and offers on a fair, equitable and timely basis. Such transparency is key to protecting market participants from fraud and other types of abusive trading practices. Price transparency has been the hallmark of regulated markets and should be so recognized in the core principles. Finally, the Commission has proposed to interpret the core principle concerning fitness standards as including a DTF's owners, defined as natural persons that directly or indirectly have greater than a ten percent interest in the facility. By this interpretation, the Commission is proposing to clarify the application of the core principle on fitness to proprietary trading facilities.

Like contract markets, DTFs may request that the Commission approve their trading rules, which may be trading protocols, and the products that they trade. The Commission has used its section 4(c) exemptive authority to permit DTFs to request such approval at any time, before or after the rule's implementation or the product's listing. Although this modification to the statutory scheme is modest, it may provide DTFs with far greater flexibility in bringing products to market.

Proposed section 37.7 includes several special call provisions. Under these provisions, the Commission may issue special calls to the DTF, its market intermediaries or participants upon a determination that the Commission needs certain information to conduct limited surveillance of trading in one or more products traded on the DTF. On occasion, it may need to examine trading activity for a specific period of time to ensure against excessive speculation, manipulation, controls, corners or squeezes.

C. Exempt Markets

In addition to the types of markets subject to the regulatory oversight of the Commission—designated contract markets and DTFs—the Act as amended authorizes two categories of markets that are exempt from regulatory oversight by the Commission. They are: exempt commercial markets and exempt boards of trade. The Commission in part 36 has proposed rules necessary to implement these statutory exemptions.

1. Exempt Commercial Markets

Transactions by eligible commercial entities in exempt commodities traded on an electronic trading facility are exempt commercial markets under section 2(h)(3) of the Act. These markets that satisfy the initial and ongoing requirements of sections 2(h)(3) through (5) of the Act as amended are excluded from the Act's other requirements.[16] The Commission is proposing rules for these markets that implement the qualifying conditions of the exemption.

Proposed rule 36.3(a) implements the notification requirements of section 2(h)(5)(A) of the Act. Proposed rule 36.3(b)(1) establishes information requirements for exempt commercial markets consistent with section 2(h)(5)(B) of the Act. In this regard, an exempt commercial market may satisfy reporting requirements by providing the Commission with electronic access to transactions conducted on the facility. Alternatively, an exempt commercial market may choose to satisfy its reporting requirements for such transactions by providing the Commission with information regarding such positions by large traders by an alternative means, the form and content of which the Commission may determine is acceptable pursuant to a petition to the Commission for such a determination. Such an alternative should provide the Commission with information comparable in coverage and frequency to that provided to the Commission by its large trader reporting system.

As required by section 2(h)(6) of the Act, proposed rule 36.3(b)(3) establishes procedures for a foreign person named in a subpoena issued by the Commission under section 2(h)(5)(C) to challenge the Commission's action. In this regard, the Commission is proposing to use its existing hearing procedures found in rules 21.03(g) through (h) and to incorporate them by reference.

Although the Act as amended exempts these electronic markets from Commission regulatory oversight, the

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[10] Section 5c(d) of the Act provides a mechanism for notifying contract markets (and other registered entities) that they are violating a core principle. The request for a demonstration of compliance operates independently of the section 5c(d) procedure. Indeed, the request for such a demonstration from a registered entity, and the Commission's consideration of the entity's response may constitute a useful alternative to the more formal procedures of section 5c(d) of the Act. It would be the Commission's intent to explore such informal methods of resolving issues of compliance with core principles by registered entities prior to invoking more formal mechanisms.

[11] Section 5a(b)(2)(A) through (C) of the Act as amended provides that a registered derivatives transaction execution facility may trade any contract of sale of a commodity for future delivery (or option on such a contract) only if—

"(A) the underlying commodity has a nearly inexhaustible deliverable supply;

(B) the underlying commodity has a deliverable supply that is sufficiently large that the contract is highly unlikely to be susceptible to the threat of manipulation; (or)

(C) the underlying commodity has no cash market[.]"

[12] Section 1a(13) of the Act as amended defines an "excluded commodity" to mean among other things an interest rate, exchange rate, currency, credit risk or measure, debt instrument, measure of inflation, or other macroeconomic index or measure.

[13] The Commission, pursuant to section 1a(11)(C) of the Act, has proposed to include within the definition of eligible commercial entity floor traders or floor brokers whose trading obligations are guaranteed by a futures commission merchant, trading for their own account. This is consistent with the Commission's withdrawn rules and with Congress' inclusion in the statutory definition (under section 1a(11)(B)) of certain other specified liquidity providers.

[14] Again, the proposed rule provides for a review period that is substantially less than that permitted by the statute. *See* 7 U.S.C. 8(a).

[15] Existing contract markets need not make such a demonstration. As proposed, they must simply notify the Commission of their intent to operate as a DTF, and file with the Commission the DTF's rules and a certification that they meet all of the requirements for registration as a DTF.

[16] *See* Sections 2(e)(1) and 2(h)(3) of the Act, as added by sections 104 and 106 of the CFMA. The Act refers to electronic commercial markets as "excluded" from the Act's regulatory requirements that are not qualifying conditions for the exemption. These qualifying conditions are found in paragraphs 2(h)(4) and (5). Moreover, it should be noted that among these qualifying conditions, the Commission is authorized to promulgate rules to ensure disclosure of prices and to specify procedures regarding redress by participants to an order denying them access in response to a determination that the participant did not comply with a subpoena issued by the Commission. *See* sections 2(h)(4)(D), 2(h)(5)(C)(ii) and 2(h)(6) of the Act as amended.

Act at the same time affirmatively vests the Commission with comprehensive antimanipulation and antifraud enforcement authority over these trading facilities. Section 2(h)(4)(A) of the Act provides that an agreement, contract or transaction entered into on a qualifying exempt commercial market shall be subject to sections 6(c) and 9(a)(2) of the Act "to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and to the extent the agreement, contract or transaction would otherwise be subject to such sections[.]" Section 2(h)(4)(B) of the Act provides that such transactions are subject to sections 4b and 4o, as well as regulations promulgated pursuant to 4c(b) proscribing fraudulent activity. Thus, the Commission is charged with monitoring these markets for manipulation and fraudulent conduct, and enforcing the antimanipulation and antifraud provisions of the Act. The informational requirements imposed by the Act and by these proposed rules are designed to ensure that the Commission can effectively perform these functions.

2. Exempt Boards of Trade

Section 5d of the Act, as added by section 114 of the CFMA, establishes a category of market exempt from Commission regulatory oversight referred to as an "exempt board of trade." The Commission in rule 36.2 is proposing implementing regulations for section 5d of the Act. First, the Commission is proposing to define those commodities that are eligible to trade on an exempt board of trade to include commodities defined in section 1a(13) of the Act as "excluded commodities," other than securities, and such other commodities as the Commission may define by rule, regulation or order. *See* proposed rule 36.2(a). The Commission believes that this definition provides legal certainty and further satisfies section 5d's requirements that the underlying commodity has "(A) a nearly inexhaustible deliverable supply; (B) a deliverable supply that is sufficiently large, and a cash market sufficiently liquid, to render any contract traded on the commodity highly unlikely to be susceptible to the threat of manipulation; or (C) no cash market[.]" In addition, proposed rule 36.2(b) implements the notification requirements of section 5d of the Act.

3. Additional Requirements

Consistent with sections 2(h)(5)(F) and 5d(g) of the Act, the proposed rules prohibit exempt boards of trade and exempt commercial markets from representing that they are registered with, designated, recognized, licensed or approved by the Commission. The Commission invites comment on whether the rule also should require that such exempt entities affirmatively disclose to traders that the facility and trading on the facility are not so regulated or approved by the Commission.

D. Anti-Fraud Provisions

One of the purposes for which the CFMA was enacted was "to clarify the jurisdiction of the Commodity Futures Trading Commission over certain retail foreign exchange transactions and bucket shops that may not be otherwise regulated." CFMA, section 2(5). The Commission is proposing rule 1.1, which applies in scope to such retail foreign exchange transactions not otherwise regulated, pursuant to its authority in sections 3 and 8a(5) of the Act. Congress recently amended section 3 of the Act through enactment of the CFMA. Section 3(a) expressly finds that the transactions subject to the Act are regularly entered into in interstate and international commerce and are affected with a "national public interest by providing a means for managing and assuming price risks, discovering prices, or disseminating pricing information through trading in liquid, fair and financially secure trading facilities." Section 3(b) provides, as pertinent here, that it is the purpose of the Act

> to deter and prevent price manipulation or any other disruptions to market integrity; to ensure the financial integrity of all transactions subject to this Act and the avoidance of systemic risk; to protect all market participants from fraudulent or other abusive sales practices and misuse of customer assets; and to promote responsible innovation and fair competition among boards of trade, other markets and market participants.

Section 8a(5) authorizes the Commission "to make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of this Act."

In the judgment of the Commission, proposed rule 1.1 is reasonably necessary to effectuate the express purpose of the Act to protect retail foreign exchange market participants from fraudulent or other abusive sales practices. It is the Commission's intention that proposed rule 1.1 not replace the applicability of any existing antifraud rule, including rules 32.9 (fraud in connection with commodity option transactions), and 33.10 (fraud in connection with domestic exchange-traded option transactions), which were promulgated under section 4c(b) of the Act, rule 30.9 (fraud involving any foreign futures contract or foreign options transaction), rule 4.41 (fraudulent advertising by commodity pool operators, commodity trading advisors, and principals thereof) and rule 31.3 (fraud in connection with leverage transactions).

E. Arbitration

Section 110 of the CFMA removed the Act's previous requirements for contract market designation, including former section 5a(11) of the Act, governing exchange arbitration proceedings. The Commission is therefore proposing to delete Part 180 of its rules, which was based, in part, on the provisions of former Section 5a(11) of the Act, and to repropose its withdrawn rule 166.5, incorporating certain amendments required by the new legislation. For example, the reproposed version provides that an FCM may require an eligible contract participant to sign an agreement waiving the right to reparations as a condition to using the FCM's services.[17] The CFMA is silent as to whether pre-dispute arbitration agreements must be entered into voluntarily. Compare former § 5a(11) of the Act with § 5(d)(13) of the Act, as amended. The proposed rule retains this requirement.

IV. Section 4(c) Findings

Some of the proposals contained in this **Federal Register** notice are being proposed under section 4(c) of the Act, which grants the Commission broad exemptive authority. Section 4(c) of the Act provides that, in order to promote responsible economic or financial innovation and fair competition, the Commission may by rule, regulation or order exempt any class of agreements, contracts or transactions, either unconditionally or on stated terms or conditions, from any of the requirements of any provision of the Act (except certain provisions governing a group or index of securities and security futures products). As relevant here, when granting an exemption pursuant to section 4(c), the Commission must find that the exemption would be consistent with the public interest.

The Commission is proposing to use its section 4(c) exemptive authority here to provide registered entities with greater procedural flexibility than is contained in the Act. For instance, pursuant to proposed rule 38.4, designated contract markets may request

[17] This provision is consistent with section 118 of the CFMA.

approval of their contracts following certification of those contracts, notwithstanding the Act's limitation of the Commission's approval authority to "prior" approval. Furthermore, the Commission is proposing a less burdensome certification procedure than that provided in the Act. The Commission believes that providing this additional flexibility to registered entities is consistent with the public interest. The Commission invites public comment on this finding.

V. Cost-Benefit Analysis

Section 15 of the Act, as amended by section 119 of the CFMA, requires the Commission to consider the costs and benefits of its action before issuing a new regulation under the Act. The Commission is applying the cost-benefit provisions of section 15 for the first time in this rulemaking and understands that, by its terms, section 15 as amended does not require the Commission to quantify the costs and benefits of a new regulation or to determine whether the benefits of the proposed regulation outweigh its costs. Nor does it require that each proposed rule be analyzed in isolation when that rule is a component of a larger package of rules or rule revisions. Rather, section 15 simply requires the Commission to "consider the costs and benefits" of its action.

The amended section 15 further specifies that costs and benefits shall be evaluated in light of five broad areas of market and public concern: protection of market participants and the public; efficiency, competitiveness, and financial integrity of futures markets; price discovery; sound risk management practices; and other public interest considerations. Accordingly, the Commission could in its discretion give greater weight to any one of the five enumerated areas of concern and could in its discretion determine that, notwithstanding its costs, a particular rule was necessary or appropriate to protect the public interest or to effectuate any of the provisions or to accomplish any of the purposes of the Act.

The new regulatory framework constitutes a package of related rule provisions. The Commission has considered their costs and benefits as a totality. The rules impose reporting, recordkeeping and other informational requirements on trading facilities that are either mandated by or fully consistent with the new provisions of the CFMA. The Commission has considered the costs and benefits of this rule package in light of the specific areas of concern identified in the CFMA:

1. Protection of market participants and the public. In general, the proposed rules would be expected to cost little in terms of diminishing the protection of market participants and the public. The rules impose limited costs in terms of informational requirements. The countervailing benefit of these costs, however, is that the Commission will have the necessary information to perform its oversight functions and thus carry out its mandate of assuring the continued existence of competitive and efficient markets.

2. Efficiency and competition. The rules are expected to benefit competition and market efficiency broadly by providing more options for market structure and greater legal certainty for covered instruments. The rules do not impose a cost on market efficiency or competition.

3. Financial integrity of futures markets. The rules permit but do not require clearing for DTFs and contract markets. Nevertheless, the proposed rules require that such markets have and disclose their framework for financial integrity. Thus, consistent with the statute, the benefits of clearing are available but not mandated, and the facility may establish a financial integrity framework appropriate to its market.

4. Price discovery. Consistent with the statute, markets that serve a price discovery function are required to disseminate publicly certain market information. While such a requirement may impose a cost on markets required to disseminate such information, the cost would be expected to be minimal since such price discovery markets are likely to make available such information anyway in the interest of attracting additional liquidity to the market. Moreover, many markets use this price information as a source of revenue and would therefore make it available even in the absence of a requirement to do so. Nevertheless, this information provides a great benefit to the public in terms of ensuring the supply of economic guidance to commodity producers and users and is important to a market participant's ability to protect him or herself from fraudulent and other abusive practices.

5. Sound risk management practices. It is anticipated that the creation of the new regulatory structure will encourage better risk management practices by making available additional market outlets and more customized products for risk management purposes. The added competition for offering these products will tend to reduce the cost of risk management.

6. Other public interest considerations. The rules also include an antifraud rule for certain retail foreign exchange transactions and bucket shops that may not otherwise be regulated. The Commission believes that this provision will benefit market participants and the public and will further serve the public interest by deterring illegal behavior. The nonrepudiation provisions included in the rules benefit the public interest by furthering legal certainty.

After considering these factors, the Commission has determined to propose the revisions to its rules discussed above. The Commission invites public comment on its application of the new cost-benefit provision. Commenters also are invited to submit any data that they may have quantifying the costs and benefits of the proposed rules with their comment letters.

VI. Related Rulemakings

As part of the final rules promulgating the new regulatory framework,[18] the Commission also issued final rules and rule amendments that would have applied to market intermediaries and to clearing organizations.[19] They too, for the most part, were withdrawn following the enactment of the CFMA.[20]

Upon further consideration, the Commission has determined that many of the withdrawn final rules and rule amendments relating to intermediaries are substantively unaffected by the CFMA's statutory revisions. Accordingly, the Commission intends, at a future date, to repropose and readopt those rules and rule amendments relating to intermediaries that are not implicated by the statutory revisions to the Act, with any necessary technical, conforming changes. These rules and rule amendments address, among other things, the definition of the

[18] Implementation of the CFMA requires the Commission to undertake a number of rulemakings in addition to those that were part of the Commission's new regulatory framework, such as rules relating to security futures products. Moreover, the initial rules of the new regulatory framework contemplated a number of subsequent rulemakings, such as permitting risk-based net capital requirements for intermediaries. Those rulemaking proceedings are separate from the rules that are referenced herein and also will be considered by the Commission within the coming year.

[19] *See* Rules Relating to Intermediaries of Commodity Interest Transactions, 65 FR 77993 (Dec. 13, 2000), and A New Regulatory Framework for Clearing Organizations, 65 FR 78020 (Dec. 13, 2000).

[20] With respect to those rules concerning the investment of customer funds, the Commission determined to move forward their effective date to December 28, 2000, as well as to make certain technical corrections to the rule amendments. See 65 FR 82270 (Dec. 28, 2000).

term "principal," the addition of a principal, certified financial reports, ethics training, disclosure, account opening procedures, trading standards, reporting requirements, and offsetting positions. The Commission also intends to repropose rules for clearing organizations shortly, with the intention of promulgating final rules for registered derivatives clearing organizations. The Commission encourages interested persons to review the **Federal Register** releases discussing the background and purpose of the rules and rule amendments mentioned above for further information.[21]

VII. Implementation Issues; Comment Period and No-action

The amendments to the Act contained in the CFMA generally became effective on December 21, 2000, the date that the CFMA was enacted into law.[22] In light of the need to promulgate implementing regulations without delay, the Commission encourages commenters to submit their comments as early as possible during the comment period. The early filing of comments will assist the Commission in acting expeditiously to adopt the necessary implementing regulations. In any event, comments should be filed with the Commission by the end of the comment period. To the extent that the promulgation of implementing regulations is necessary to effectuate certain statutory provisions, any extension of the comment period likely would be contrary to the public interest and contrary to the intent of Congress that these statutory changes be made effective without delay.

In light of the Congressional intent to implement these statutory changes without delay, during this transition period between the effective date of the amendments to the Act and the adoption of final implementing regulations, the Commission will not bring any enforcement action against any person who complies with the rules proposed herein. Persons that do comply with the proposed rules, however, will be required to bring their conduct into compliance with the final rules to the extent that the final rules differ from the proposed rules.

[21] See 65 FR 77993 and 65 FR 78020. *See also* 65 FR 39006 and 65 FR 39027 (June 22, 2000) (proposing rules).

[22] Certain provisions of the CFMA, however, have a delayed effective date. The Commission will adopt implementing rules for those provisions of the CFMA at a later date.

VIII. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires federal agencies, in promulgating rules, to consider the impact of those rules on small entities. The rules adopted herein would affect contract markets and other trading facilities. The Commission has previously established certain definitions of "small entities" to be used by the Commission in evaluating the impact of its rules on small entities in accordance with the RFA.[23] In its previous determinations, the Commission has concluded that contract markets are not small entities for the purpose of the RFA.[24] The Commission is proposing to determine that the other trading facilities covered by these rules, for reasons similar to those applicable to contract markets, are not small entities for purposes of the RFA. In any event, the rules being proposed today authorize these trading facilities to operate in a less regulated environment than may currently be the case; consequently, these rules should not have any, or result in only a de minimus, increase in the regulatory requirements that apply to contract markets and other trading facilities.

Accordingly, the Commission does not expect the rules, as proposed herein, to have a significant economic impact on a substantial number of small entities. Therefore, the Acting Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the proposed amendments will not have a significant economic impact on a substantial number of small entities. The Commission invites the public to comment on this finding and on its proposed determination that the trading facilities covered by these rules would not be small entities for purposes of the RFA.

B. Paperwork Reduction Act of 1995

This proposed rulemaking contains information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3504(h)), the Commission has submitted a copy of this section to the Office of Management and Budget (OMB) for its review.

Collection of Information: Rules Relating to Part 37, Establishing Procedures for Entities to be Registered as Derivatives Transaction Execution Facilities (DTFs), OMB Control Number 3038–0053. The proposed rules will not change the burden previously approved by OMB.

The estimated burden was calculated as follows:

Estimated number of respondents: 10.
Annual responses by each respondent: 1.
Total annual responses: 10.
Estimated average hours per response: 200.
Annual reporting burden: 2,000.

Collection of Information: Rules Relating to Part 38, Establishing Procedures for Entities to become Designated as Contract Markets, OMB Control Number 3038–0052. The proposed rules will not change the burden previously approved by OMB.

The estimated burden was calculated as follows:

Estimated number of respondents: 10.
Annual responses by each respondent: 1.
Total annual responses: 10.
Estimated average hours per response: 300.
Annual reporting burden: 3,000.

Collection of Information: Rules Pertaining to Large Trader Reports, OMB Control Number 3038–0009. The proposed rules will not change the burden previously approved by OMB.

Estimated number of respondents: 4,731.
Annual responses by each respondent: 14.67.
Total annual responses: 69,392.
Estimated average hours per response: .35213.
Annual reporting burden: 24,435.

Collection of Information: Rules Relating to Part 36, Establishing Procedures for Exempt Markets, OMB Control Number 3038–XXXX.

The estimated burden was calculated as follows:

Estimated number of respondents: 10.
Annual responses by each respondent: 1.
Total annual responses: 10.
Estimated average hours per response: 1.
Annual reporting burden: 10.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10202, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503; Attention: Desk Officer for the Commodity Futures Trading Commission.

The Commission considers comments by the public on this proposed collection of information in:

- Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- Evaluating the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of collecting information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Commission on the proposed regulations.

Copies of the information collection submission to OMB are available from the CFTC Clearance Officer, 1155 21st Street, NW., Washington DC 20581, (202) 418–5160.

[23] 47 FR 18618–21 (Apr. 30, 1982).

[24] 47 FR 18618, 18619 (discussing contract markets).

List of Subjects

17 CFR Part 1

Commodity futures, Contract markets, Designation application, Reporting and recordkeeping requirements.

17 CFR Part 5

Commodity futures, Contract markets, Designation application, Reporting and recordkeeping requirements.

17 CFR Part 15

Commodity futures, Contract markets, Reporting and recordkeeping requirements.

17 CFR Part 36

Commodity futures, Commodity Futures Trading Commission.

17 CFR Part 37

Commodity futures, Commodity Futures Trading Commission.

17 CFR Part 38

Commodity futures, Commodity Futures Trading Commission.

17 CFR Part 40

Commodity futures, Contract markets, Designation application, Reporting and recordkeeping requirements.

17 CFR Part 41

Security Futures, Commodity Futures Trading Commission.

17 CFR Part 100

Commodity futures, Commodity Futures Trading Commission.

17 CFR Part 166

Brokers, Commodity futures, Consumer protection, Reporting and recordkeeping requirements.

17 CFR Part 170

Commodity futures, Reporting and recordkeeping requirements.

17 CFR Part 180

Claims, Commodity futures, Consumer protection, Reporting and recordkeeping requirements.

In consideration of the foregoing, and pursuant to the authority contained in the Act, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000), and in particular, sections 1a, 2, 3, 4, 4c, 4i, 5, 5a, 5b, 5c, 5d, 6 and 8a thereof, the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. The authority citation for Part 1 is proposed to be amended to read as follows:

Authority: 7 U.S.C. 1a, 2, 2a, 4, 4a, 5, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a-1, 16, 16a, 19, 21, 23, and 24, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. No. 106–554, 114 Stat. 2763 (2000).

2. Section 1.1 is proposed to be revised to read follows:

§ 1.1 Fraud in or in connection with transactions in foreign currency subject to the Commodity Exchange Act.

(a) *Scope.* The provisions of this subsection shall be applicable to accounts, agreements, or transactions described in section 2(c)(1) of the Act, to the extent that the Commission exercises jurisdiction over such accounts, agreements, or transactions as provided in section 2(c)(2)(B) of the Act (except that this section shall not be applicable to persons described in section 2(c)(2)(B)(ii)(II) or 2(c)(2)(B)(ii)(III) of the Act).

(b) *Fraudulent conduct prohibited.* It shall be unlawful for any person, directly or indirectly, in or in connection with any account, agreement, or transaction that is subject to paragraph (a) of this section:

(1) To cheat or defraud or attempt to cheat or defraud any person;

(2) Willfully to make or cause to be made to any person any false report or statement or cause to be entered for any person any false record; or

(3) Willfully to deceive or attempt to deceive any person by any means whatsoever.

3. Section 1.3 is proposed to be amended by revising the undesignated introductory paragraph to read as follows:

§ 1.3 Definitions.

Words used in the singular form in the rules and regulations in this chapter shall be deemed to import the plural and vice versa, as the context may require. The following terms, as used in the Commodity Exchange Act, or in the rules and regulations in this chapter, shall have the meanings hereby assigned to them, unless the context otherwise requires:

* * * * *

4. Section 1.37 is proposed to be amended by adding paragraphs (c) and (d) to read as follows:

§ 1.37 Customer's or option customer's name, address, and occupation recorded; record of guarantor or controller of account.

* * * * *

(c) Each designated contract market shall keep a record in permanent form, which shall show the true name, address, and principal occupation or business of any foreign trader executing transactions on the facility or exchange. In addition, upon request, a designated contract market shall provide to the Commission information regarding the name of any person guaranteeing such transactions or exercising any control over the trading of such foreign trader.

(d) Paragraph (c) of this section shall not apply to a designated contract market on which transactions in futures or option contracts of foreign traders are executed through and the resulting transactions are maintained in accounts carried by a registered futures commission merchant or introducing broker subject to the provisions of paragraph (a) of this section.

5.–6. Sections 1.41, 1.41b, 1.43, 1.45, 1.50 and 1.51 are proposed to be removed and reserved.

PART 15—REPORTS—GENERAL PROVISIONS

7. The authority citation for Part 15 is proposed to be revised to read as follows:

Authority: 7 U.S.C. 2, 4, 5, 6(c), 6a, 6c(a)–(d), 6f, 6g, 6i, 6k, 6m, 6n, 7, 9, 12a, 19 and 21, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

8. Section 15.05 is proposed to be amended by revising the heading and adding paragraphs (e) through (h) to read as follows:

§ 15.05 Designation of agent for foreign brokers, customers of a foreign broker and foreign traders.

* * * * *

(e) Any designated contract market or derivatives transaction execution facility that permits a foreign broker to intermediate contracts, agreements or transactions, or permits a foreign trader to effect contracts, agreements or transactions on the facility or exchange, shall be deemed to be the agent of the foreign broker and any of its customers for whom the transactions were executed, or the foreign trader, for purposes of accepting delivery and service of any communication issued by or on behalf of the Commission to the foreign broker, any of its customers or the foreign trader with respect to any contracts, agreements or transactions executed by the foreign broker or the foreign trader on the designated contract market or derivatives transaction execution facility. Service or delivery of any communication issued by or on behalf of the Commission to a designated contract market or derivatives transaction execution facility shall constitute valid and effective service upon the foreign broker, any of its customers, or the foreign trader. A designated contract market or derivatives transaction execution facility which has been served with, or to which there has been delivered, a communication issued by or on behalf of the Commission to a foreign broker, any of its customers, or a foreign trader shall transmit the communication promptly and in a manner which is reasonable under the circumstances, or in a manner specified by the Commission in the communication, to the foreign broker, any of its customers or the foreign trader.

(f) It shall be unlawful for any designated contract market or derivatives transaction execution facility to permit a foreign broker, any of its customers or a foreign trader to effect contracts, agreements or transactions on the facility unless the designated contract market or derivatives transaction execution facility prior thereto informs the foreign broker, any of its customers or the foreign trader in any reasonable manner the facility deems to be appropriate, of the requirements of this section.

(g) The requirements of paragraphs (e) and (f) of this section shall not apply to any contracts, transactions or agreements traded on any designated contract market or derivatives transaction execution facility if the foreign broker, any of its customers or the foreign trader has duly executed and maintains in effect a written agency agreement in compliance with this paragraph with a person domiciled in the United States and has provided a copy of the agreement to the designated contract market or derivatives transaction execution facility prior to effecting any contract, agreement or transaction on the facility. This agreement must authorize the person domiciled in the United States to serve as the agent of the foreign broker, any of its customers or the foreign trader for purposes of accepting delivery and service of all communications issued by or on behalf of the Commission to the foreign broker, any of its customers or the foreign trader and must provide an address in the United States where the agent will accept delivery and service of communications from the Commission. This agreement must be filed with the Commission by the designated contract market or derivatives transaction execution facility prior to permitting the foreign broker, any of its customers or the foreign trader to effect any transactions in futures or option contracts. Unless otherwise specified by the Commission, the agreements required to be filed with the Commission shall be filed with the Secretary of the Commission at Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581. A foreign broker, any of its customers or a foreign trader shall notify the Commission immediately if the written agency agreement is terminated, revoked, or is otherwise no longer in effect. If the designated contract market or derivatives transaction execution facility knows or should know that the agreement has expired, been terminated, or is no longer in effect, the designated contract market or derivatives transaction execution facility shall notify the Secretary of the Commission immediately. If the written agency agreement expires, terminates, or is not in effect, the designated contract market or derivatives transaction execution facility and the foreign broker, any of its customers or the foreign trader are subject to the provisions of paragraphs (e) and (f) of this section.

(h) The provisions of paragraphs (e), (f) and (g) of this section shall not apply to a designated contract market or derivatives transaction execution facility on which all transactions in futures or option contracts or other instruments subject to the Act pursuant to section 5a(g) of the Act of foreign brokers, their customers or foreign traders are executed through or the resulting transactions are maintained in accounts carried by a registered futures commission merchant or introduced by a registered introducing broker subject to the provisions of paragraphs (a), (b), (c) and (d) of this section.

9. Part 36 is proposed to be revised to read as follows:

PART 36—EXEMPT MARKETS

Sec.
36.1 Scope.
36.2 Exempt boards of trade.
36.3 Exempt commercial markets.

Authority: 7 U.S.C. 2, 5, 6, 6c, and 12a, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

§ 36.1 Scope.

The provisions of this part apply to any board of trade or electronic trading facility eligible for exemption under sections 5d and 2(h)(3) through (5) of the Act, respectively.

§ 36.2 Exempt boards of trade.

(a) *Eligible commodities.* Commodities eligible under section 5d(b)(1) of the Act to be traded by an exempt board of trade are:

(1) Commodities having—

(i) A nearly inexhaustible deliverable supply;

(ii) A deliverable supply that is sufficiently large, and a cash market sufficiently liquid, to render any contract traded on the commodity highly unlikely to be susceptible to the threat of manipulation; or

(iii) No cash market.

(2) The commodities that meet the criteria of paragraph (a)(1) of this section are:

(i) The commodities defined in section 1a(13) of the Act as "excluded commodities" (other than a security, including any group or index thereof or any interest in, or based on the value of, any security or group or index of securities); and

(ii) Such other commodity or commodities as the Commission may determine by rule, regulation or order.

(b) *Notification.* Boards of trade operating under section 5d of the Act as

exempt boards of trade shall so notify the Commission. This notification shall be filed with the Secretary of the Commission at its Washington, DC headquarters, in either electronic or hard copy form, shall be labeled as "Notification of Operation as Exempt Board of Trade," and shall include:

(1) The name and address of the exempt board of trade; and

(2) The name and telephone number of a contact person.

(c) *Additional requirements.* (1) A board of trade notifying the Commission that it meets the criteria of section 5d of the Act and elects to operate as an exempt board of trade shall not represent to any person that it is registered with, designated, recognized, licensed or approved by the Commission.

(2) If the Commission finds by order, after notice and an opportunity for a hearing through submission of written data, views and arguments, that the facility serves as a significant source for the discovery of prices in the cash market for the underlying commodity, the facility must on a daily basis disseminate publicly trading volume, opening and closing price ranges, open interest and other trading data to the extent appropriate to that market with respect to transactions executed in reliance on the exemption as specified in the order.

§ 36.3 Exempt commercial markets.

(a) *Notification.* An electronic trading facility relying upon the exemption in section 2(h)(3) of the Act shall notify the Commission of its intention to do so. This notification, and subsequent notification of any material changes in the information initially provided, shall be filed with the Secretary of the Commission at its Washington, DC headquarters, in either electronic or hard copy form, shall be labeled as "Notification of Operation as Exempt Commercial Market," and shall include the information and certifications specified in section 2(h)(5)(A) of the Act.

(b) *Required information.* (1) A facility operating in reliance on the exemption in section 2(h)(3) of the Act, initially and on an on-going basis, must provide the Commission with access to the facility's trading protocols and electronic access to transactions conducted on the facility in reliance on such exemption. Alternatively, the facility may attach its initial trading protocols and any amendments thereto in hard copy form to the notification required in paragraph (a) of this section and may provide in a form and manner acceptable to the Commission, as determined by the Commission in response to a petition by the exempt market relying upon the exemption in section 2(h)(3) of the Act, information regarding transactions by large traders on the facility.

(2) *Special calls.* (i) All information required upon special call of the Commission under section 2(h)(5)(B)(iii) of the Act shall be prepared in the form and manner and in accordance with the instructions, and shall be transmitted at the time and to the office of the Commission, as may be specified in the call.

(ii) The Commission hereby delegates, until the Commission orders otherwise, the authority to make special calls as set forth in section 2(h)(5)(B)(iii) of the Act to the Director of the Division of Trading and Markets and to the Director of Economic Analysis to be exercised by either Director or by such other employee or employees as the Director may designate. The directors may submit to the Commission for its consideration any matter that has been delegated in this paragraph. Nothing in this paragraph prohibits the Commission, at its election, from exercising the authority delegated in this paragraph.

(3) *Subpoenas to foreign persons.* A foreign person whose access to a trading facility is limited or denied at the direction of the Commission based on the Commission's belief that the foreign person has failed timely to comply with a subpoena as provided under section 2(h)(5)(C)(ii) of the Act shall have an opportunity for a prompt hearing under the procedures provided in § 21.03(g) and (h) of this chapter.

(c) *Additional requirements.* (1) An electronic trading facility relying upon the exemption in section 2(h)(3) of the Act shall not represent to any person that it is registered with, designated, recognized, licensed or approved by the Commission.

(2) If the Commission finds by order, after notice and an opportunity for a hearing through submission of written data, views and arguments, that the facility performs a significant price discovery function for transactions in the cash market for the underlying commodity, the facility must disseminate publicly price, trading volume and other trading data to the extent appropriate with respect to transactions executed in reliance on the exemption as specified in the order.

(3) The facility must require that each participant agree to comply with all applicable laws and the facility must have a reasonable basis for believing that authorized participants are "eligible commercial entities" as defined in section 1a(11) of the Act.

10. Part 37 is proposed to be added to read as follows:

PART 37—DERIVATIVES TRANSACTION EXECUTION FACILITIES

Sec.
37.1 Scope and definition.
37.2 Exemption.
37.3 Requirements for underlying commodities.
37.4 Election to trade excluded and exempt commodities.
37.5 Procedures for registration.
37.6 Compliance with core principles.
37.7 Additional requirements.
37.8 Information relating to transactions on derivative transaction execution facilities.
37.9 Enforceability.
Appendix A to Part 37—Application Guidance
Appendix B to Part 37—Guidance on Compliance with Core Principles

Authority: 7 U.S.C. 2, 5, 6, 6c, 6(c), 6(i), 7a and 12a, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

§ 37.1 Scope and definition.

(a) *Scope.* The provisions of this part apply to any board of trade or trading facility operating as a registered derivatives transaction execution facility.

(b) *Definition.* As used in this part, the term "eligible commercial entity" means, and shall include, in addition to a party or entity so defined in section 1a(11) of the Act, a registered floor trader or floor broker trading for its own account, whose trading obligations are guaranteed by a registered futures commission merchant.

§ 37.2 Exemption.

Contracts, agreements or transactions traded on a derivatives transaction execution facility registered as such with the Commission under section 5a of the Act, the facility and the facility's operator are exempt from all Commission regulations for such activity, except for the requirements of this part 37 and §§ 1.3, 1.31, 15.05, 33.10, part 40 and part 190 of this chapter; and as applicable to the market, parts 15 through 21 of this chapter, which are applicable to a registered derivatives transaction execution facility as though they were set forth in this section and included specific reference to derivatives transaction execution facilities.

§ 37.3 Requirements for underlying commodities.

(a) *Trading facilities limited to eligible traders.* Trading facilities limited to eligible traders as defined by section 5a(b)(3) of the Act, may trade any contract of sale of a commodity for future delivery (or option on such a contract) on any of the following underlying commodities:

(1) Commodities having—

(i) A nearly inexhaustible deliverable supply;

(ii) A deliverable supply that is sufficiently large that the contract is highly unlikely to be susceptible to the threat of manipulation; or

(iii) No cash market.

(iv) The commodities defined in section 1a(13) of the Act as "excluded commodities," meet the criteria of paragraphs (a)(1)(i) through (iii) of this section.

(2)(i) Commodities that are a security futures product, and

(ii) The registered derivatives transaction execution facility is a national securities exchange registered under the Securities Exchange Act of 1934;

(3)(i) Commodities for which the Commission has determined, based on the market characteristics, surveillance history, self-regulatory record, and capacity of the facility, that trading in the contract (or option) based on that commodity is highly unlikely to be susceptible to the threat of manipulation.

(ii) The Commission may make such a determination by rule, regulation or order, after notice and an opportunity for a hearing through submission of written data, views and arguments. A registered derivative transaction execution facility may request that the Commission make such an individualized determination by filing with the Commission at its Washington, DC headquarters a petition that includes:

(A) The terms and conditions of the product to be listed; and

(B) A demonstration, supported by data, that the underlying commodity has a sufficiently liquid and deep cash market and a surveillance history based on actual trading experience and in light of any self-regulatory undertakings of the facility, to provide assurance that the contract or product is highly unlikely to be manipulated. The demonstration should address the following specific factors to the extent that the factor is not self-evident:

(*1*) A high level of cash-market liquidity;

(*2*) Cash-market bid-ask spreads that are narrow relative to traded values;

(*3*) Relatively frequent cash market transactions involving participants that represent major segments of the industry;

(*4*) The absence of material impediments to participation in the cash market by commercial entities;

(*5*) Transfer of ownership of the cash commodity that is easily and readily accomplished at minimal cost;

(*6*) A pattern of cash market pricing that exhibits continuity and the absence of frequent, sharp price changes such that a person cannot readily move materially the price of the product in normal cash market channels;

(*7*) A history of actual trading experience that the contract or product's terms and conditions provide for a deliverable supply that is adequate to minimize the threat of market abuses such as price manipulation and distortions, congestion, and defaults; and

(*8*) Procedures to effectively oversee the market, including a large trader reporting system, as well as a history of active surveillance to prevent or mitigate market problems; or

(*4*) Commodities that are agricultural commodities enumerated in section 1a(*4*) of the Act that have been so approved by the Commission under the procedures of paragraph (c) of this section;

(b) *Trading facilities limited to eligible commercial entities.* Any commodity, other than the agricultural commodities enumerated in section 1a(*4*) of the Act, is eligible under section 5a(b)(2)(F) of the Act to be traded on a derivatives transaction execution facility that limits participants on the facility to eligible commercial entities as defined by § 37.1(b) trading for their own account. *Provided, however,* an agricultural commodity enumerated in section 1a(4) of the Act may be so approved by the Commission under the procedures of paragraph (c) of this section.

(c) *Enumerated agricultural commodities.* [Reserved]

§ 37.4 Election to trade excluded and exempt commodities.

A board of trade that is or elects to become a registered derivatives transaction execution facility may, pursuant to section 5a(g) of the Act, trade agreements, contracts, or transactions that are excluded or exempt from the Act pursuant to sections 2(c), 2(d), 2(g), or 2(h).

§ 37.5 Procedures for registration.

(a) *Notification by contract markets.* To operate as a derivatives transaction execution facility pursuant to section 5a of the Act, a board of trade, facility or entity that is designated as a contract market, must:

(1) Comply with the core principles for operation under section 5a(d) of the Act and the provisions of this part 37; and

(2) Notify the Commission of its intent to so operate by filing with the Commission at its Washington, DC headquarters a copy of the facility's rules, which may be trading protocols, and a certification by the contract market that it meets:

(i) The requirements for trading of section 5a(b) of the Act; and

(ii) The criteria for registration under section 5a(c) of the Act.

(b) *Registration by application.* A board of trade, facility or entity shall be deemed to be registered as a derivatives transaction execution facility thirty days after receipt by the Commission of an application for registration as a derivatives transaction execution facility unless notified otherwise during that period, or, as determined by Commission order, registered upon conditions, if:

(1) The application demonstrates that the applicant satisfies the requirements for trading and the criteria for registration of sections 5a(b) and 5a(c) of the Act, respectively;

(2) The submission is labeled, "Application for DTF Registration";

(3) The submission includes:

(i) The derivatives transaction execution facility's rules, which may be trading protocols;

(ii) Any agreements entered into or to be entered into between or among the facility, its operator or its participants, technical manuals and other guides or instructions for users of such facility, descriptions of any system test procedures, tests conducted or test results, and descriptions of the trading mechanism or algorithm used or to be used by such facility, to the extent such documentation was otherwise prepared; and

(iii) To the extent that compliance with the requirements for trading or the criteria for recognition is not self-evident, a brief explanation of how the rules or trading protocols satisfy each of the conditions for registration;

(4) The applicant does not amend or supplement the application for recognition, except as requested by the Commission or for correction of typographical errors, renumbering or other nonsubstantive revisions, during that period; and

(5) The applicant has not instructed the Commission in writing during the review period to review the application pursuant to the time provisions of and procedures under section 6 of the Act.

(c) *Guidance for applicants.* Appendix A to this part provides guidance to applicants for registration as a derivatives transaction execution facility on how the conditions for registration in section 5a(b) and 5a(c) of the Act could be satisfied.

(d) *Termination of fast track review.* During the thirty-day period for review pursuant to paragraph (b) of this section, the Commission shall notify the applicant seeking registration that the Commission is terminating review under this section and will review the proposal under the time period and procedures of section 6 of the Act, if it appears that the application's form or substance fails to meet the requirements of this part. This termination notification will state the nature of the issues raised and the specific condition of registration that the applicant would violate, appears to violate, or the violation of which cannot be ascertained from the application. Within ten days of receipt of this termination notification, the applicant seeking registration may request that the Commission render a decision whether to register the derivatives transaction execution facility or to institute a proceeding to deny the proposed application under procedures specified in section 6 of the Act by notifying the Commission that the applicant seeking registration views its submission as complete and final as submitted.

(e) *Request for withdrawal of application for registration or withdrawal of registration.* An applicant to be registered, or a registered derivatives transaction execution facility may withdraw its application or its registration by filing with the Commission at its Washington, DC, headquarters such a request. Withdrawal from registration shall not affect any action taken or to be taken by the Commission based upon actions, activities or events occurring during the time that the application for registration was pending with, or that the facility was registered by, the Commission.

(f) *Delegation of authority.* (1) The Commission hereby delegates, until it orders otherwise, to the Director of the Division of Trading and Markets and separately to the Director of Economic Analysis or the Director's delegatee, with the concurrence of the General Counsel or the General Counsel's delegatee, authority to exercise the functions provided under paragraph (b) of this section.

(2) The directors may submit to the Commission for its consideration any matter that has been delegated in this paragraph.

(3) Nothing in this paragraph prohibits the Commission, at its election, from exercising the authority delegated in paragraph (f)(1) of this section.

§ 37.6 Compliance with core principles.

(a) *In general.* To maintain registration as a derivatives transaction execution facility upon commencing operations by listing products for trading or otherwise and on a continuing basis thereafter, the derivatives transaction execution facility must have the capacity to be, and be, in compliance with the core principles of section 5a(d) of the Act.

(b) *New derivatives transaction execution facilities.* (1) *Certification of compliance.* Unless an applicant for registration has chosen to make a voluntary demonstration under paragraph (b)(2) of this section, a newly registered derivatives transaction execution facility at the time it commences operations must certify to the Commission that it has the capacity to, and will, operate in compliance with the core principles under section 5a(d) of the Act.

(2) *Voluntary demonstration of compliance.* An applicant for registration may choose to make a voluntary demonstration of its capacity to operate in compliance with the core principles as follows:

(i) At least thirty days prior to commencing operations, the applicant for registration must file with the Commission at its Washington, D.C. headquarters, either separately or with the application required by § 37.4, a submission that includes:

(A) The label, "Demonstration of Compliance with Core Principles for Operation;"

(B) The derivatives transaction execution facility's rules, which may be trading protocols, that enable or empower the facility to comply with the core principles;

(C) Any agreements entered into or to be entered into between or among the facility, its operator or its participants that enable or empower the facility to comply with the core principles, including where applicable, technical manuals and other guides or instructions for users of the facility; and

(D) To the extent that capacity to comply with a core principle is not self-evident, a brief explanation of how the facility has the capacity to meet the core principle.

(ii) Unless the applicant requests an extension of time, the applicant shall be deemed to have demonstrated its capacity to comply with the core principles thirty days after receipt by the Commission, unless notified otherwise.

(iii) If it appears that the applicant has failed to make the requisite showing, the Commission will so notify the applicant at the end of that period. Upon commencement of operations by the derivatives transaction execution facility, such a notice may be considered by the Commission in a determination to issue a notice of violation of core principles under section 5c(d) of the Act.

(c) *Existing derivatives transaction execution facilities.* Upon request by the Commission, a registered derivatives transaction execution facility shall file with the Commission such data, documents and other information as the Commission may specify in its request that demonstrates that the registered derivatives transaction execution facility is in compliance with one or more core principles as specified in the request or that is requested by the Commission to enable the Commission to satisfy its obligations under the Act.

(d) *Guidance regarding compliance with core principles.* A derivatives transaction execution facility may meet the following core principles of section 5a(d) of the Act as specified in this paragraph:

(1) *Compliance with rules.* The core principle regarding compliance with rules under section 5a(d)(2) of the Act may be met, as appropriate to the facility, through the effective monitoring of limitations on access to the facility;

(2) *Monitoring of trading.* The core principle regarding monitoring of trading under section 5a(d)(3) of the Act may be met, as appropriate to the market and the products traded thereon, by providing information to the Commission as requested to satisfy the Commission's obligations under the Act;

(3) *Disclosure of general information.* The core principle regarding disclosure of general information relevant to participation in trading on the facility under section 5a(d)(4)(D) of the Act also includes providing to market participants on a fair, equitable and timely basis information regarding prices, bids and offers, and such other information that the Commission may determine by rule, regulation or order, after notice and an opportunity for a hearing through submission of written data, views and arguments;

(4) *Daily publication of trading information.* The Commission will determine by order, after notice and an opportunity for a hearing through submission of written data, views and arguments, whether the requirement of the core principle on publication of trading information under section

5a(d)(5) of the Act applies to a particular product or products traded on a facility;

(5) *Fitness.* Appropriate minimum standards for participants having direct access to the facility under the core principle on fitness pursuant to section 5a(d)(6) of the Act also includes natural persons that directly or indirectly have greater than a ten percent ownership interest in the facility; and

(6) *In general.* Appendix B to this part provides guidance to registered derivatives transaction execution facilities on how the core principles under section 5a(d) of the Act could be satisfied.

§ 37.7 Additional requirements.

(a) *Products.* Notwithstanding the provisions of section 5c(c) of the Act and § 40.2 of this chapter, derivative transaction execution facilities need only notify the Commission of the listing of new products for trading, posting of new product descriptions, terms and conditions or trading protocols or providing for a new system product functionality, by filing with the Commission at its Washington, D.C. headquarters, a submission labeled "DTF Notice of Product Listing" that includes the text of the product's terms or conditions, product description, trading protocol or description of the system functionality or by electronic notification of the foregoing at the time traders or participants in the market are notified, but in no event later than the close of business on the business day preceding initial listing, posting or implementation of the trading protocol or system functionality.

(b) *Material modifications.* Notwithstanding the provisions of section 5c(c) of the Act, registered derivative transaction execution facilities need not certify rules or rule amendments under § 40.6 of this chapter, and must only notify the Commission prior to placing into effect or amending such a rule, which includes trading protocols, by:

(1) Filing with the Commission at its Washington, D.C. headquarters at the time traders or participants in the market are notified, but (unless taken as an emergency action) in no event later than the close of business on the business day preceding implementation of the rule, a submission labeled, "DTF Rule Notice." The submission shall include the text of the rule or rule amendment, (deletions and additions must be indicated); or

(2) By electronic notification to the Commission of the rule to be placed into effect or to be changed, in a format approved by the Secretary of the Commission, at the time traders or participants in the market are notified, but (unless taken as an emergency action) in no event later than the close of business on the business day preceding implementation. *Provided, however,* the derivatives transaction execution facility need not notify the Commission of rules or rule amendments for which no certification is required under § 40.6(c) of this chapter.

(3) The derivatives transaction execution facility must maintain documentation regarding all changes to rules, terms and conditions or trading protocols.

(c) *Voluntary request for Commission approval of rules or products.* (1) A board of trade or trading facility seeking to be registered as, or registered as, a derivatives transaction execution facility, may request that the Commission approve under section 5c(c) of the Act, any or all of its rules and subsequent amendments thereto, including both operational rules and the terms or conditions of products listed for trading on the facility, prior to their implementation or, notwithstanding the provisions of section 5c(c)(2) of the Act, at anytime thereafter, under the procedures of §§ 40.5 or 40.3 of this chapter, as applicable. A derivatives transaction execution facility may label a product in its rules as, "Listed for trading pursuant to Commission approval," if the product and its terms or conditions have been approved by the Commission and it may label as, "Approved by the Commission," only those rules that have been so approved.

(2) An applicant for registration, or a registered derivatives transaction execution facility may request that the Commission consider under the provisions of section 15(b) of the Act any of the derivatives transaction execution facility's rules or policies, including both operational rules and the terms or conditions of products listed for trading, at the time of registration or thereafter.

(d) *Identify participants.* Registered derivative transaction execution facilities must keep a record in permanent form, which shall show the true name, address, and principal occupation or business of any foreign trader executing transactions on the facility. In addition, upon request, a derivative transaction execution facility shall provide to the Commission information regarding the name of any person exercising control over the trading of such foreign trader. *Provided, however,* this paragraph shall not apply to a derivatives transaction execution facility insofar as transactions in futures or option contracts of foreign traders are executed through and the resulting transactions are maintained in accounts carried by a registered futures commission merchant or introducing broker subject to § 1.37 of this chapter.

(e) *Identify persons subject to fitness requirement.* Upon request by the Commission, a registered derivatives transaction execution facility shall furnish to the Commission a current list of persons subject to the fitness requirements of section 5a(d)(6) of the Act.

§ 37.8 Information relating to transactions on derivatives transaction execution facilities.

(a) *Special calls for information from derivatives transaction execution facilities.* Upon special call by the Commission, a registered derivatives transaction execution facility shall provide to the Commission such information related to its business as a derivatives transaction execution facility, including information relating to data entry and trade details, in the form and manner and within the time as specified by the Commission in the special call.

(b) *Special calls for information from futures commission merchants.* Upon special call by the Commission, each person registered as a futures commission merchant that carries or has carried an account for a customer on a derivatives transaction execution facility shall provide information to the Commission concerning such accounts or related positions carried for the customer on that or other facilities or markets, in the form and manner and within the time specified by the Commission in the special call.

(c) *Special calls for information from participants.* Upon special call by the Commission, any person who enters into or has entered into an agreement, contract or transaction on a derivatives transaction execution facility shall provide information to the Commission concerning such agreements, contracts or transactions or related agreements, contracts or transactions, or concerning related positions on other facilities or markets, in the form and manner and within the time specified by the Commission in the special call.

(d) *Delegation of authority.* The Commission hereby delegates, until the Commission orders otherwise, the authority set forth in paragraphs (a) through (c) of this section to the Directors of the Division of Trading and Markets and separately to the Director of Economic Analysis or such other employee or employees as the Directors may designate from time to time. The Directors may submit to the Commission for its consideration any matter that has been delegated in this paragraph. Nothing in this paragraph prohibits the Commission, at its election, from exercising the authority delegated in this paragraph.

§ 37.9 Enforceability.

An agreement, contract or transaction entered into on, or pursuant to, the rules of a registered derivatives transaction execution facility shall not be void, voidable, subject to rescission or otherwise invalidated or rendered unenforceable as a result of:

(a) A violation by the registered derivatives transaction execution facility of the provisions of section 5a of the Act or this part 37; or

(b) Any Commission proceeding to alter or supplement a rule, term or condition under section 8a(7) of the Act, to declare an emergency under section 8a(9) of the Act, or any other proceeding the effect of which is to disapprove, alter, supplement, or require a registered derivatives transaction execution facility to adopt a specific term or condition, trading rule or procedure, or to take or refrain from taking a specific action.

Appendix A to Part 37—Application Guidance

This appendix provides guidance to applicants for registration as derivatives transaction execution facilities under section 5a(c) of the Act and § 37.5. The guidance following each registration criterion is illustrative only of the types of matters an applicant may address, as applicable, and is not intended to be a mandatory checklist. Addressing the issues and questions set forth in this appendix would help the Commission in its consideration of whether the application has met the criteria for registration. To the extent that compliance with, or satisfaction of, a criterion for registration is not self-explanatory from the face of the derivatives transaction execution facility's rules, which may be terms and conditions or trading protocols, the application should include an explanation or other form of documentation demonstrating that the applicant meets the registration criteria of section 5a(c) of the Act and § 37.5.

Registration Criterion 1 of section 5a(c) of the Act: *IN GENERAL—To be registered as a registered derivatives transaction execution facility, the board of trade shall be required to demonstrate to the Commission only that the board of trade meets the criteria specified in subsection (b) and this subsection.*

A board of trade preparing to submit to the Commission an application to operate as a registered derivatives transaction execution facility is encouraged to contact Commission staff for guidance and assistance in preparing its application. Applicants may submit a draft application for review prior to the submission of an actual application without triggering the application review procedures of § 37.5.

Registration Criterion 2 of section 5a(c) of the Act: *DETERRENCE OF ABUSES—The board of trade shall establish and enforce trading and participation rules that will deter abuses and has the capacity to detect, investigate, and enforce those rules, including means to—(A) obtain information necessary to perform the functions required under this section; or (B) use technological means to—(i) provide market participants with impartial access to the market; and (ii) capture information that may be used in establishing whether rule violations have occurred.*

An application of a board of trade to operate as a registered derivatives transaction execution facility should include arrangements and resources for effective and affirmative rule enforcement, including documentation of the facility's authority to do so. The submission should include documentation on the ability of the facility either to obtain necessary information or to provide participants with impartial access and capture information for use in establishing possible rule violations.

Registration Criterion 3 of section 5a(c) of the Act: *TRADING PROCEDURES—The board of trade shall establish and enforce rules or terms and conditions defining, or specifications detailing, trading procedures to be used in entering and executing orders traded on the facilities of the board of trade. The rules may authorize—(A) transfer trades or office trades; (B) an exchange of—(i) futures in connection with a cash commodity transaction; (ii) futures for cash commodities; or (iii) futures for swaps; or (C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the registered derivatives transaction execution facility or a derivatives clearing organization.*

(a) A submission of a board of trade to operate as an electronic registered derivatives transaction execution facility should include the system's trade-matching algorithm and order entry procedures. A submission involving a trade-matching algorithm that is based on order priority factors other than price and time should include a brief explanation of the algorithm.

(b) A board of trade's specifications on initial and periodic objective testing and review of proper system functioning, adequate capacity, and security for any automated systems should be included in its submission. The Commission believes that the guidelines issued by the International Organization of Securities Commissions (IOSCO) in 1990 (which have been referred to as the "Principles for Screen-Based Trading Systems"), and subsequently adopted by the Commission on November 21, 1990 (55 FR 48670), are appropriate guidelines for an electronic trading facility to apply to electronic trading systems. Any program of objective testing and review of the system should be performed by a qualified independent professional.

(c) A registered derivatives transaction execution facility that authorizes transfer trades or office trades; an exchange of futures for physicals or futures for swaps; or any other non-competitive transactions, including block trades, should have rules particularly authorizing such transactions and establishing appropriate recordkeeping requirements. Block trading rules should ensure that the block trading does not operate in a manner that compromises the integrity of the prices or price discovery on the relevant market.

Registration Criterion 4 of section 5a(c) of the Act: *FINANCIAL INTEGRITY OF TRANSACTIONS—The board of trade shall establish and enforce rules or terms and conditions providing for the financial integrity of transactions entered on or through the facilities of the board of trade, and rules or terms and conditions to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.*

(a) A board of trade operating as a registered derivatives transaction execution facility should provide for the financial integrity of transactions by setting appropriate minimum financial standards for users and/or members, appropriate margin forms and levels, and appropriate default rules and procedures. If cleared, transactions executed on the facility must be cleared through a derivatives clearing organization. The Commission believes ensuring and enforcing the financial integrity of transactions and intermediaries, and the protection of customer funds should include monitoring compliance with the facility's minimum financial standards. In order to monitor for minimum financial requirements, a facility should routinely receive and promptly review financial and related information.

(b) A registered derivatives transaction execution facility that allows customers that qualify as "eligible traders" under the definition found in section 5a(b)(3) of the Act only by trading through a futures commission merchant pursuant to section 5a(b)(3)(B), should have rules concerning the protection of customer funds that address appropriate minimum financial standards for intermediaries, the segregation of customer and proprietary funds, the custody of customer funds, the investment standards for customer funds, related recordkeeping procedures and related intermediary default procedures.

Appendix B to Part 37—Guidance on Compliance With Core Principles

1. This appendix provides guidance concerning the core principles with which a registered derivatives transaction execution facility must comply to maintain registration under section 5a(d) of the Act and § 37.5(a). This guidance is illustrative only and is not intended to be a mandatory checklist.

2. If a registered derivatives transaction execution facility chooses to certify that it has the capacity to, and upon initiation will, operate in compliance with the core principles under section 5a(d) of the Act and § 37.6, it should consider the issues set forth in this appendix prior to certification.

3. Alternatively, if a registered derivatives transaction execution facility chooses pursuant to § 37.6(b)(2) to provide the

Commission with a demonstration of its compliance with core principles, addressing the issues set forth in this appendix would help the Commission in its consideration of such compliance. To the extent that compliance with, or satisfaction of, the core principles is not self-explanatory from the face of the derivatives transaction execution facility's rules, which may be terms and conditions or trading protocols, a submission under § 37.6(b)(2) should include an explanation or other form of documentation demonstrating that the derivatives transaction execution facility complies with the core principles.

Core Principle 1 of section 5a(d) of the Act: *IN GENERAL—To maintain the registration of a board of trade as a derivatives transaction execution facility, a board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which the board of trade complies with the core principles.*

A board of trade newly registered to operate as a derivatives transaction execution facility must certify or satisfactorily demonstrate its capacity to operate in compliance with the core principles under section 5a(d) of the Act prior to the commencement of its operations. The Commission also may require that a board of trade operating as a registered derivatives transaction execution facility demonstrate to the Commission that it is operating in compliance with one or more core principles.

Core Principle 2 of section 5a(d) of the Act: *COMPLIANCE WITH RULES—The board of trade shall monitor and enforce the rules of the facility, including any terms and conditions of any contracts traded on or through the facility and any limitations on access to the facility.*

(a) A board of trade operating as a registered derivatives transaction execution facility should have arrangements, resources and authority for effectively and affirmatively enforcing its rules (which, in the case of a facility that restricts traders to eligible commercial entities, may be the effective monitoring of limitations on access to the facility), including the authority and ability to collect or capture information and documents on both a routine and non-routine basis and to investigate effectively possible rule violations.

(b) This should include the authority and ability to discipline, limit or suspend, and terminate a member/participant's activities or access or, in the case of a derivatives transaction execution facility restricting its traders to eligible commercial entities, the authority and ability to terminate a member/participant's activities or access. In either case, any termination should be carried out pursuant to clear and fair standards.

Core Principle 3 of section 5a(d) of the Act: *MONITORING OF TRADING—The board of trade shall monitor trading in the contracts of the facility to ensure orderly trading in the contract and to maintain an orderly market while providing any necessary trading information to the Commission to allow the Commission to discharge the responsibilities of the Commission under the Act.*

(a) Arrangements and resources for effective trade monitoring programs should facilitate, on both a routine and nonroutine basis, direct supervision of the market. Appropriate objective testing and review of any automated systems should occur initially and periodically to ensure proper system functioning, adequate capacity and security. The analysis of data collected should be suitable for the type of information collected and should occur in a timely fashion. A board of trade operating as a registered derivatives transaction execution facility should have the authority to collect the information and documents necessary to reconstruct trading for appropriate market analysis as it carries out its programs to ensure orderly trading and to maintain an orderly market. The facility also should have the authority to intervene as necessary to maintain an orderly market.

(b) Alternatively, if a board of trade operating as a registered derivatives transaction execution facility restricts contracts traded pursuant to those under §§ 37.3(a)(1) and 37.3(b), it may choose to satisfy this core principle by providing information to the Commission as requested by the Commission to satisfy its obligations under the Act. The facility should have the authority to collect or capture and retrieve all necessary information.

Core Principle 4 of section 5a(d) of the Act: *DISCLOSURE OF GENERAL INFORMATION—The board of trade shall disclose publicly and to the Commission information concerning—(A) contract terms and conditions; (B) trading conventions, mechanisms, and practices; (C) financial integrity protections; and (D) other information relevant to participation in trading on the facility.*

A board of trade operating as a registered derivatives transaction execution facility should have arrangements and resources for the disclosure and explanation of contract terms and conditions, trading conventions, trading mechanisms, trading practices, system functioning, system capacity, system security, system testing and review, and financial integrity protections, including whether eligible contract participants will have the right to opt out of segregation of customer funds. The facility must also disclose any limitations of liability (which may not include limitations of liability for violations of the Act or Commission regulations by fraud, or wanton or willful misconduct). Such information may be made publicly available through the derivatives transaction execution facility's website. The facility should also make information regarding prices, bids and offers, or other information as determined by the Commission, readily available to market participants on a fair, equitable and timely basis. Furthermore, the facility should make available information concerning steps taken by the facility in response to an emergency.

Core Principle 5 of section 5a(d) of the Act: *DAILY PUBLICATION OF TRADING INFORMATION—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for contracts traded on the facility if the Commission determines that the contracts perform a significant price discovery function for transactions in the cash market for the commodity underlying the contracts.*

A board of trade operating as a registered derivatives transaction execution facility should provide to the public information regarding settlement prices, price range, trading volume, open interest and other related market information for all applicable contracts, as determined by the Commission. The Commission will determine by order, after notice and an opportunity for a hearing through submission of written data, views and arguments, whether the requirement of the core principle on publication of trading information under section 5a(d)(5) of the Act applies to a particular product or products traded on a facility. Provision of information for any applicable contract could be through such means as providing the information to a financial information service or by timely placing the information on a facility's website.

Core Principle 6 of section 5a(d): *FITNESS STANDARDS—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members, and any other persons with direct access to the facility, including any parties affiliated with any of the persons described in this paragraph.*

A derivatives transaction execution facility should have appropriate eligibility criteria for the categories of persons set forth in the core principle that would include standards for fitness and for the collection and verification of information supporting compliance with such standards. Minimum standards of fitness for persons who have member voting privileges, governing obligations or responsibilities, or who exercise disciplinary authority are those bases for refusal to register a person under section 8a(2) of the Act, or a history of serious disciplinary offenses, such as those which would be disqualifying under § 1.63 of this chapter. Eligible contract participants or eligible commercial entities who have direct access but do not have these privileges, obligations, responsibilities or disciplinary authority could satisfy minimum fitness standards by meeting the standards that they must meet to qualify under the Act's respective definitions of eligible contract participants or eligible commercial entities. Natural persons who directly or indirectly have greater than a ten percent interest in a facility should meet the fitness standards applicable to members with voting rights. A demonstration of the fitness of the applicant's directors, members, or natural persons who directly or indirectly have a greater than ten percent interest in a facility may include providing the Commission with registration information for such persons, certification to the fitness of such persons, an affidavit of such persons' fitness by the facility's Counsel or other information substantiating the fitness of such persons.

Core Principle 7 of section 5a(d) of the Act: *CONFLICTS OF INTEREST—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decision making process of the derivatives transaction execution facility and establish a process for resolving such conflicts of interest.*

The means to address conflicts of interest in decision-making of a board of trade operating as a registered derivatives transaction execution facility should include methods to ascertain the presence of conflicts of interest and to make decisions in the event of such a conflict. The Commission also believes that a board of trade operating as a registered derivatives transaction execution facility should provide for appropriate limitations on the use or disclosure of material non-public information gained through the performance of official duties by board members, committee members and facility employees or gained through an ownership interest in the facility.

Core Principle 8 of section 5a(d) of the Act: *RECORDKEEPING—The board of trade shall maintain records of all activities related to the business of the derivatives transaction execution facility in a form and manner acceptable to the Commission for a period of 5 years.*

Section 1.31 of this chapter governs recordkeeping obligations under the Act and the Commission's regulations thereunder. In order to provide broad flexible performance standards for recordkeeping, § 1.31 was updated and amended by the Commission in 1999. Accordingly, § 1.31 itself establishes the guidance regarding the form and manner for keeping records.

Core Principle 9 of section 5a(d) of the Act: *ANTITRUST CONSIDERATIONS—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—(A) adopting any rules or taking any actions that result in any unreasonable restraint of trade; or (B) imposing any material anticompetitive burden on trading on the derivatives transaction execution facility.*

A board of trade seeking to operate as a registered derivatives transaction execution facility may request that the Commission consider under the provisions of section 15(b) of the Act any of the board of trade's rules, which may be trading protocols or policies, and including both operational rules and the terms or conditions of products listed for trading, at the time it submits its registration application or thereafter. The Commission intends to apply section 15(b) of the Act to its consideration of issues under this core principle in a manner consistent with that previously applied to contract markets.

11. Chapter I of 17 CFR is amended by adding new Part 38 as follows:

PART 38—DESIGNATED CONTRACT MARKETS

Sec.

38.1 Scope.
38.2 Exemption.
38.3 Procedures for designation by application.
38.4 Procedures for listing products and implementing contract market rules.
38.5 Information relating to contract market compliance.
38.6 Enforceability.
Appendix A to Part 38—Application Guidance
Appendix B to Part 38—Guidance on, and Acceptable Practices in, Compliance with Core Principles

Authority: 7 U.S.C. 2, 5, 6, 6c, 7 and 12a, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

§ 38.1 Scope.

The provisions of this part 38 shall apply to every board of trade or trading facility that has been designated as a contract market in a commodity under section 6 of the Act. *Provided, however,* nothing in this provision affects the eligibility of designated contract markets to operate under the provisions of parts 36 or 37 of this chapter.

§ 38.2 Exemption.

Agreements, contracts, or transactions traded on a designated contract market under section 6 of the Act, the contract market and the contract market's operator are exempt from all Commission regulations for such activity, except for the requirements of this part 38 and §§ 1.3, 1.31, 1.38, 33.10, part 9, parts 15 through 21, part 40, and part 190 of this chapter.

§ 38.3 Procedures for designation by application.

(a) *Application.* A board of trade or trading facility shall be deemed to be designated as a contract market sixty days after receipt by the Commission of an application for designation unless notified otherwise during that period, or, as determined by Commission order, designated upon conditions, if:

(1) The application demonstrates that the applicant satisfies the criteria for designation of section 5(b) of the Act, the core principles for operation under section 5(d) of the Act and the provisions of this part 38;

(2) The application is labeled as being submitted pursuant to this part 38;

(3) The application includes a copy of the applicant's rules and, to the extent that compliance with the conditions for designation is not self-evident, a brief explanation of how the rules satisfy each of the conditions for designation;

(4) The applicant does not amend or supplement the designation application, except as requested by the Commission or for correction of typographical errors, renumbering or other nonsubstantive revisions, during that period; and

(5) The applicant has not instructed the Commission in writing during the review period to review the application pursuant to procedures under section 6 of the Act.

(b) *Guidance regarding application for designation.* An applicant for contract market designation may meet the following conditions for designation as specified in this paragraph:

(1) *Prevention of market manipulation.* The designation criterion to prevent market manipulation under section 5(b)(2) of the Act also includes the requirement that the designated contract market have a dedicated regulatory department, or delegation of that function;

(2) *Fair and equitable trading.* The designation criterion requiring fair and equitable trading rules under section 5(b)(3) of the Act also includes fair, equitable and timely availability to market participants of information regarding prices, bids and offers;

(3) *Disciplinary procedures.* The designation criterion to enforce disciplinary procedures under section 5(b)(6) of the Act may be satisfied by an organized exchange or a trading facility with respect to non-member participants of the contract market by expelling or by denying future access to such a person found to have violated the contract market's rules;

(4) *Governance fitness standards.* The requirement to establish appropriate minimum fitness standards for participants in a facility having direct access to the facility under the core principle on fitness pursuant to section 5(d)(14) of the Act includes natural persons that directly or indirectly have greater than a ten percent ownership interest in the facility; and

(5) *In general.* Appendix A to this part provides guidance to applicants for designation as contract markets on how the criteria for designation under section 5(b) of the Act can be satisfied and Appendix B to this part provides guidance to applicants for designation and designated contract markets on how the core principles of section 5(d) of the Act can be satisfied;

(c) *Termination of fast track review.* During the sixty-day period for review pursuant to paragraph (a) of this section, the Commission shall notify the applicant seeking designation that the Commission is terminating review under this section and will review the proposal under the time period and procedures of section 6 of the Act, if it appears that the application's form or substance fails to meet the requirements of this part. This termination notification will state the nature of the issues raised and the specific condition of designation that the applicant would violate, appears to violate, or the violation of which cannot be ascertained from the application. Within ten days of receipt of this termination notification, the applicant seeking designation may request that the Commission render a decision whether to designate the

contract market or to institute a proceeding to deny the proposed application under procedures specified in section 6 of the Act by notifying the Commission that the applicant views its submission as complete and final as submitted.

(d) *Request for withdrawal of application for designation or vacation of designation.* An applicant to be designated, or a designated contract market, may withdraw its application or vacate its designation under section 7 of the Act by filing with the Commission at its Washington, D.C., headquarters such a request. Withdrawal from registration or vacation of designation shall not affect any action taken or to be taken by the Commission based upon actions, activities or events occurring during the time that the application for designation was pending with, or that the facility was designated by, the Commission.

(e) *Delegation of authority.* (1) The Commission hereby delegates, until it orders otherwise, to the Director of the Division of Division of Trading and Markets and separately to the Director of Economic Analysis or the Directors' delegatee, with the concurrence of the General Counsel or the General Counsel's delegatee, authority to notify the entity seeking designation under paragraph (a) of this section that review under those procedures is being terminated or to designate the entity as a contract market upon conditions.

(2) The Directors may submit to the Commission for its consideration any matter that has been delegated in this paragraph.

(3) Nothing in this paragraph prohibits the Commission, at its election, from exercising the authority delegated in paragraph (e)(1) of this section.

§ 38.4 Procedures for listing products and implementing contract market rules.

(a) *Request for Commission approval of rules and products.* An applicant for designation, or a designated contract market, may request that the Commission approve under section 5c(c) of the Act, any or all of its rules and subsequent amendments thereto, including both operational rules and the terms or conditions of products listed for trading on the facility, prior to their implementation or, notwithstanding the provisions of section 5c(c)(2) of the Act, at anytime thereafter, under the procedures of §§ 40.5 or 40.3 of this chapter, as applicable. A designated contract market may label a product in its rules as, "Listed for trading pursuant to Commission approval," if the product and its terms or conditions have been approved by the Commission and it may label as, "Approved by the Commission," only those rules that have been so approved.

(b) *Self-certification of rules and products.* Rules of a designated contract market and subsequent amendments thereto, including both operational rules and the terms or conditions of products listed for trading on the facility, not voluntarily submitted for prior Commission approval pursuant to paragraph (a) of this section must be submitted to the Commission with a certification that the rule, rule amendment or product complies with the Act or rules thereunder pursuant to the procedures of §§ 40.6 and 40.2 of this chapter, as applicable. Provided, however, any rule or rule amendment that would, for a delivery month having open interest, materially change a term or condition of a contract for future delivery in an agricultural commodity enumerated in section 1a(4) of the Act, or of an option on such a contract or commodity, must be submitted to the Commission prior to its implementation for review and approval under § 40.4 of this chapter.

(c) An applicant for designation, or a designated contract market, may request that the Commission consider under the provisions of section 15(b) of the Act any of the contract market's rules or policies, including both operational rules and the terms or conditions of products listed for trading.

§ 38.5 Information relating to contract market compliance.

(a) Upon request by the Commission, a designated contract market shall file with the Commission such information related to its business as a contract market, including information relating to data entry and trade details, in the form and manner and within the time as specified by the Commission in the request.

(b) Upon request by the Commission, a designated contract market shall file with the Commission a written demonstration, containing such supporting data, information and documents, in the form and manner and within such time as the Commission may specify, that the designated contract market is in compliance with one or more core principles as specified in the request.

§ 38.6 Enforceability.

An agreement, contract or transaction entered into on, or pursuant to the rules of a designated contract market shall not be void, voidable, subject to rescission or otherwise invalidated or rendered unenforceable as a result of:

(a) A violation by the designated contract market of the provisions of section 5 of the Act or this part 38; or

(b) Any Commission proceeding to alter or supplement a rule, term or condition under section 8a(7) of the Act, to declare an emergency under section 8a(9) of the Act, or any other proceeding the effect of which is to alter, supplement, or require a designated contract market to adopt a specific term or condition, trading rule or procedure, or to take or refrain from taking a specific action.

Appendix A to Part 38—Application Guidance

This appendix provides guidance for applicants for designation as a contract market under section 5(b) of the Act and § 38.3. The guidance following each designation criterion is illustrative only of the types of matters an applicant may address, as applicable, and is not intended to be a mandatory checklist. Addressing the issues and questions set forth in this appendix would help the Commission in its consideration of whether the application has met the criteria for designation. To the extent that compliance with, or satisfaction of, a criterion for designation is not self-explanatory from the face of the contract market's rules, which may be trading protocols or terms and conditions, the application should include an explanation or other form of documentation demonstrating that the applicant meets the designation criteria of section 5(b) of the Act.

Designation Criterion 1 of section 5(b) of the Act: *IN GENERAL—To be designated as a contract market, the board of trade shall demonstrate to the Commission that the board of trade meets the criteria specified in this subsection.*

A board of trade preparing to submit to the Commission an application for designation as a contract market is encouraged to contact Commission staff for guidance and assistance in preparing an application. Applicants may submit a draft application for review and feedback prior to the submission of an actual application without triggering the application review procedures of § 38.3.

Designation Criterion 2 of section 5(b) of the Act: *PREVENTION OF MARKET MANIPULATION—The board of trade shall have the capacity to prevent market manipulation through market surveillance, compliance, and enforcement practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.*

A designation application should demonstrate a capacity to prevent market manipulation, including that the contract market has trading and participation rules deterring abuses and a dedicated regulatory department, or an effective delegation of that function.

Designation Criterion 3 of section 5(b) of the Act: *FAIR AND EQUITABLE TRADING—The board of trade shall establish and enforce trading rules to ensure fair and equitable trading through the facilities of the contract market, and the capacity to detect, investigate, and discipline any person that violates the rules. The rules may authorize—(A) transfer trades or office trades; (B) an exchange of—(i) futures in connection with a cash commodity transaction; (ii) futures for cash commodities; or (iii) futures for swaps; or (C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the contract market or a derivatives clearing organization.*

(a) Ensuring fair and equitable trading on a contract market, among other things, includes:

(1) Providing to market participants, on a fair, equitable and timely basis, information regarding prices, bids and offers; and

(2) Limitations of contract market liability (or of any of its officers, directors, employees, licensors, contractors and/or affiliates) only if such limitations of liability do not arise from a person's violation of the Act or Commission regulations by fraud, or wanton or willful misconduct.

(b) A contract market that authorizes transfer trades or office trades; an exchange of futures for physicals or futures for swaps; or any other non-competitive transactions, including block trades, should have rules particularly authorizing such transactions and establishing appropriate recordkeeping requirements.

Designation Criterion 4 of section 5(b) of the Act: *TRADE EXECUTION FACILITY—The board of trade shall—(A) establish and enforce rules defining, or specifications detailing, the manner of operation of the trade execution facility maintained by the board of trade, including rules or specifications describing the operation of any electronic matching platform; and (B) demonstrate that the trade execution facility operates in accordance with the rules or specifications.*

(a) An application of a board of trade to be designated as a contract market should include the system's trade-matching algorithm and order entry procedures. An application involving a trade-matching algorithm that is based on order priority factors other than price and time should include a brief explanation of the algorithm.

(b) A designated contract market's specifications on initial and periodic objective testing and review of proper system functioning, adequate capacity and security for any automated systems should be included in its application. A board of trade should submit in the contract market application, information on the objective testing and review carried out on its automated system. The Commission believes that the guidelines issued by the International Organization of Securities Commissions (IOSCO) in 1990 (which have been referred to as the "Principles for Screen-Based Trading Systems"), subsequently adopted by the Commission on November 21, 1990 (55 FR 48670), are appropriate guidelines for an electronic trading facility to apply to electronic trading systems. Any program of objective testing and review of the system should be performed by a qualified independent professional.

Designation Criterion 5 of section 5(b) of the Act: *FINANCIAL INTEGRITY OF TRANSACTIONS—The board of trade shall establish and enforce rules and procedures for ensuring the financial integrity of transactions entered into by or through the facilities of the contract market, including the clearance and settlement of the transactions with a derivatives clearing organization.*

(a) A designated contract market should provide for the financial integrity of transactions by setting appropriate minimum financial standards for users and/or members, appropriate margin forms and levels, and appropriate default rules and procedures. Clearing of transactions executed on the contract market should be provided through a derivatives clearing organization. The Commission believes ensuring and enforcing the financial integrity of transactions and intermediaries, and the protection of customer funds should include monitoring compliance with the contract market's minimum financial standards. In order to monitor for minimum financial requirements, a contract market should routinely receive and promptly review financial and related information.

(b) A designated contract market should have rules concerning the protection of customer funds that address appropriate minimum financial standards for intermediaries, the segregation of customer and proprietary funds, the custody of customer funds, the investment standards for customer funds, related recordkeeping procedures and related intermediary default procedures.

Designation Criterion 6 of section 5(b) of the Act: *DISCIPLINARY PROCEDURES—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.*

The disciplinary procedures established by a designated contract market should give the contract market both the authority and ability to discipline and limit or suspend a member's activities as well as the authority and ability to terminate a member's activities pursuant to clear and fair standards. The authority to discipline or limit or suspend a member or participant's activities could be found in a contract market's rules, user agreements or other means. An organized exchange or a trading facility could satisfy this criterion for non-members by expelling or denying future access to such persons upon a finding that such a person has violated the board of trade's rules.

Designation Criterion 7 of section 5(b) of the Act: *PUBLIC ACCESS—The board of trade shall provide the public with access to the rules, regulations, and contract specifications of the board of trade.*

A board of trade operating as a contract market may provide information to the public by placing the information on its web site.

Designation Criterion 8 of section 5(b) of the Act: *ABILITY TO OBTAIN INFORMATION—The board of trade shall establish and enforce rules that will allow the board of trade to obtain any necessary information to perform any of the functions described in this subsection, including the capacity to carry out such international information-sharing agreements as the Commission may require.*

A designated contract market should have the authority to collect information and documents on both a routine and non-routine basis including the examination of books and records kept by members/participants of the contract market. Appropriate information-sharing agreements could be established with other boards of trade or the Commission could act in conjunction with the contract market to carry out such information sharing.

Appendix B to Part 38—Guidance on, and Acceptable Practices in, Compliance with Core Principles

1. This appendix provides guidance concerning the core principles with which a board of trade must comply to maintain designation under section 5(d) of the Act and §§ 38.3 and 38.5. The guidance is provided in subsection (a) following each core principle and it can be used to demonstrate to the Commission core principle compliance, under §§ 38.3(a) and 38.5. The guidance for each core principle is illustrative only of the types of matters a board of trade may address, as applicable, and is not intended to be a mandatory checklist. Addressing the issues and questions set forth in this appendix would help the Commission in its consideration of whether the board of trade is in compliance with the core principles. To the extent that compliance with, or satisfaction of, a core principle is not self-explanatory from the face of the board of trade's rules, which may be terms and conditions or trading protocols, an application pursuant to § 38.3, or a submission pursuant to § 38.5 should include an explanation or other form of documentation demonstrating that the board of trade complies with the core principles.

2. Acceptable practices meeting the requirements of the core principles are set forth in subsection (b) following each core principle. Boards of trade that follow the specific practices outlined under subsection (b) for any core principle in this appendix will meet the applicable core principle. Subsection (b) is for illustrative purposes only, and does not state the exclusive means for satisfying a core principle.

Core Principle 1 of section 5(d) of the Act: *IN GENERAL—To maintain the designation of a board of trade as a contract market, the board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which it complies with the core principles.*

A board of trade applying for designation as a contract market must satisfactorily demonstrate its capacity to operate in compliance with the core principles under section 5(d) of the Act and § 38.3. The Commission may require that a board of trade

operating as a contract market demonstrate to the Commission that it is in compliance with one or more core principles.

Core Principle 2 of section 5(d) of the Act: *COMPLIANCE WITH RULES—The board of trade shall monitor and enforce compliance with the rules of the contract market, including the terms and conditions of any contracts to be traded and any limitations on access to the contract market.*

(a) *Application Guidance.* (1) A designated contract market should have arrangements and resources for effective trade practice surveillance programs, with the authority to collect information and documents on both a routine and non-routine basis including the examination of books and records kept by members/participants of the contract market. The arrangements and resources should facilitate the direct supervision of the market and the analysis of data collected. Trade practice surveillance programs could be carried out by the contract market itself or through delegation to a third party. If the contract market out-sources its trade practice surveillance program to a third party, such third party should have the capacity and authority to carry out such program, and the contract market should retain appropriate supervisory authority over the third party.

(2) A designated contract market should have arrangements, resources and authority for effective rule enforcement. The Commission believes that this should include the authority and ability to discipline and limit, or suspend, a member/participant's activities as well as the authority and ability to terminate a member/participant's activities pursuant to clear and fair standards. An organized exchange or a trading facility could satisfy this criterion for non-members by expelling or denying such persons future access upon a finding that such a person has violated the board of trade's rules.

(b) *Acceptable Practices.* An acceptable trade practice surveillance program generally would include:

(1) Maintenance of data reflecting the details of each transaction executed on the contract market;

(2) Electronic analysis of this data routinely to detect potential trading violations;

(3) Appropriate and thorough investigative analysis of these and other potential trading violations brought to the contract market's attention; and

(4) Prompt and effective disciplinary action for any violation that is found to have been committed. The Commission believes that the latter element should include the authority and ability to discipline and limit or suspend the activities of a member or participant pursuant to clear and fair standards. *See, e.g.,* 17 CFR part 8.

Core Principle 3 of section 5(d) of the Act: *CONTRACTS NOT READILY SUBJECT TO MANIPULATION—The board of trade shall list on the contract market only contracts that are not readily susceptible to manipulation.*

(a) *Application Guidance.* Contract markets may list new products for trading by self-certification under § 40.2 of this chapter or may submit products for Commission approval under § 40.3 and part 40, Appendix A, of this chapter.

(b) *Acceptable Practices.* Guideline No. 1, 17 CFR Part 40, Appendix A may be used as guidance in meeting this core principle for both new product listings and existing listed contracts.

Core Principle 4 of section 5(d) of the Act: *MONITORING OF TRADING.—The board of trade shall monitor trading to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process.*

(a) *Application Guidance.* A contract market could prevent market manipulation through a dedicated regulatory department, or by delegation of that function to an appropriate third party.

(b) *Acceptable Practices.* (1) An acceptable program for monitoring markets will generally involve the collection of various market data, including information on traders' market activity. Those data should be evaluated on an ongoing basis in order to make an appropriate regulatory response to potential market disruptions or abusive practices.

(2) The designated contract market should collect data in order to assess whether the market price is responding to the forces of supply and demand. Appropriate data usually include various fundamental data about the underlying commodity, its supply, its demand, and its movement through marketing channels. Especially important are data related (1) to the size and ownership of deliverable supplies—the existing supply and the future or potential supply, and (2) to the pricing of the deliverable commodity relative to the futures price and relative to similar, but nondeliverable, kinds of the commodity. For cash-settled markets, it is more appropriate to pay attention to the availability and pricing of the commodity making up the index to which the market will be settled, as well as monitoring the continued suitability of the methodology for deriving the index.

(3) To assess traders' activity and potential power in a market, at a minimum, every contract market should have routine access to the positions and trading done by the members of its clearing facility. Although clearing member data may be sufficient for some contract markets, an effective surveillance program for contract markets with substantial numbers of customers trading through intermediaries should employ a much more comprehensive large-trader reporting system (LTRS). The Commission operates an industry-wide LTRS. As an alternative to having its own LTRS or contracting out for such a system, contract markets may find it more efficient to use information available from the Commission's LTRS data for position monitoring.

Core Principle 5 of section 5(d) of the Act: *POSITION LIMITATIONS OR ACCOUNTABILITY—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the board of trade shall adopt position limitations or position accountability for speculators, where necessary and appropriate.*

(a) *Application Guidance.* [Reserved]

(b) *Acceptable Practices.*

(1) In order to diminish potential problems arising from excessively large speculative positions, the Commission sets limits on traders' positions for certain commodities. These position limits specifically exempt bona fide hedging, permit other exemptions, and set limits differently by markets, by futures or delivery months, or by time periods. For purposes of evaluating a contract market speculative-limit program, the Commission considers the specified limit levels, aggregation policies, types of exemptions allowed, methods for monitoring compliance with the specified levels, and procedures for enforcement to deal with violations.

(2) In general, position limits are not necessary for markets where the threat of excessive speculation or manipulation is very low. Thus, contract markets do not need to set position-limit levels for futures markets in major foreign currencies and in certain financial futures having very liquid and deep underlying cash markets. Where speculative limits are appropriate, acceptable speculative-limit levels typically are set in terms of a trader's combined position in the futures contract plus its position in the option contract (on a delta-adjusted basis).

(3) Spot-month levels for physical-delivery markets should be based upon an analysis of deliverable supplies and the history of spot-month liquidations. Spot-month limits for physical-delivery markets are appropriately set at no more than 25 percent of the estimated deliverable supply. For cash-settled markets, spot-month position limits may be necessary if the underlying cash market is small or illiquid such that traders can disrupt the cash market or otherwise influence the cash-settlement price to profit on a futures position. In these cases, the limit should be set at a level that minimizes the potential for manipulation or distortion of the futures contract's or the underlying commodity's price. Markets may elect not to provide all-months-combined and non-spot month limits.

(4) A contract market may provide for position accountability provisions in lieu of position limits for contracts on financial instruments, intangible commodities, or certain tangible commodities. Markets appropriate for position accountability rules include those with large open-interest, high daily trading volumes and liquid cash markets.

(5) Contract markets should have aggregation rules that apply to those accounts under common control, those with common ownership, *i.e.*, where there is a ten percent or greater financial interest, and those traded according to an express or implied agreement. Contract markets will be permitted to set more stringent aggregation policies. For example, one major board of trade has adopted a policy of automatically aggregating the position of members of the same household, unless they were granted a specific waiver. Contract markets may grant exemptions to their position limits for bona fide hedging (as defined in § 1.3(z) of this chapter) and may grant exemptions for reduced risk positions, such as spreads, straddles and arbitrage positions.

(6) Contract markets should establish a program for effective monitoring and enforcement of these limits. One acceptable enforcement mechanism is a program whereby traders apply for these exemptions by the contract market and are granted a position level higher than the applicable speculative limit. The position levels granted under hedge exemptions are based upon the trader's commercial activity in related markets. Contract markets may allow a brief grace period where a qualifying trader may exceed speculative limits or an existing exemption level pending the submission and approval of appropriate justification. A contract market should consider whether it wants to restrict exemptions during the last several days of trading in a delivery month. Acceptable procedures for obtaining and granting exemptions include a requirement that the contract market approve a specific maximum higher level.

(7) Contract markets with many products with large numbers of traders should have an automated means of detecting traders' violations of speculative limits or exemptions. Contract markets should monitor the continuing appropriateness of approved exemptions by periodically reviewing each trader's basis for exemption or requiring a reapplication.

(8) Finally, an acceptable speculative limit program should have specific policies for taking regulatory action once a violation of a position limit or exemption is detected. The contract market policy will need to consider appropriate actions where the violation is by a non-member and should address traders carrying accounts through more than one intermediary.

(9) A violation of contract market position limits that have been approved by the Commission is also a violation of section 4a(e) of the Act.

Core Principle 6 of section 5(d) of the Act: *EMERGENCY AUTHORITY—The board of trade shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority to—(A) liquidate or transfer open positions in any contract; (B) suspend or curtail trading in any contract; and (C) require market participants in any contract to meet special margin requirements.*

(a) *Application Guidance.* A designated contract market should have clear procedures and guidelines for contract market decision-making regarding emergency intervention in the market, including procedures and guidelines to carry out such decision-making without conflicts of interest. A contract market should also have the authority to intervene as necessary to maintain markets with fair and orderly trading as well as procedures for carrying out the intervention. Procedures and guidelines should also include notifying the Commission of the exercise of a contract market's regulatory emergency authority, preventing conflicts of interest, and documenting the contract market's decision-making process and the reasons for using its emergency action authority. Information on steps taken under such procedures should be included in a submission of a certified rule under § 40.6 of this chapter and any related submissions for rule approval pursuant to § 40.5 of this chapter, when carried out pursuant to a contract market's emergency authority.

(b) *Acceptable Practices.* As is necessary to address perceived market threats, the contract market, among other things, should be able to impose position limits in particular in the delivery month, impose or modify price limits, modify circuit breakers, call for additional margin either from customers or clearing members, order the liquidation or transfer of open positions, order the fixing of a settlement price, order a reduction in positions, extend or shorten the expiration date or the trading hours, suspend or curtail trading on the market, order the transfer of customer contracts and the margin for such contracts from one member of the contract market to another, or alter the delivery terms or conditions.

Core Principle 7 of section 5(d) of the Act: *AVAILABILITY OF GENERAL INFORMATION—The board of trade shall make available to market authorities, market participants, and the public information concerning—(A) the terms and conditions of the contracts of the contract market; and (B) the mechanisms for executing transactions on or through the facilities of the contract market.*

(a) *Application Guidance.* A designated contract market should have arrangements and resources for the disclosure of contract terms and conditions and trading mechanisms to the Commission, users and the public. Procedures should also include providing information on listing new products, rule amendments or other changes to previously disclosed information to the Commission, users and the public.

(b) *Acceptable Practices.* [Reserved]

Core Principle 8 of section 5(d) of the Act: *DAILY PUBLICATION OF TRADING INFORMATION—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for actively traded contracts on the contract market.*

(a) *Application Guidance.* A contract market should provide to the public information regarding settlement prices, price range, volume, open interest and other related market information for all actively traded contracts, as determined by the Commission, on a fair, equitable and timely basis. The Commission believes that section 5(d)(8) requires contract markets to publicize trading information for any non-dormant contract. Provision of information for any applicable contract could be through such means as provision of the information to a financial information service and by timely placement of the information on a contract market's web site.

(b) *Acceptable Practices.* [Reserved]

Core Principle 9 of section 5(d) of the Act: *EXECUTION OF TRANSACTIONS—The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions.*

(a) *Application Guidance.* (1) Appropriate objective testing and review of any automated systems should occur initially and periodically to ensure proper system functioning, adequate capacity and security. A designated contract market's analysis of its automated system should address appropriate principles for the oversight of automated systems, ensuring proper system function, adequate capacity and security. The Commission believes that the guidelines issued by the International Organization of Securities Commissions (IOSCO) in 1990 (which have been referred to as the "Principles for Screen-Based Trading Systems"), subsequently adopted by the Commission on November 21, 1990 (55 FR 48670), are appropriate guidelines for a designated contract market to apply to electronic trading systems. Any program of objective testing and review of the system should be performed by a qualified independent professional. The Commission believes that information gathered by analysis, oversight or any program of objective testing and review of any automated systems regarding system functioning, capacity and security should be made available to the Commission and the public.

(2) A designated contract market that determines to allow block trading should ensure that the block trading does not operate in a manner that compromises the integrity of prices or price discovery on the relevant market.

(b) *Acceptable Practices.* A professional that is a certified member of the Informational Systems Audit and Control Association experienced in the industry would be an example of an acceptable party to carry out testing and review of an electronic trading system.

Core Principle 10 of section 5(d) of the Act: *TRADE INFORMATION—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the contract market to use the information for purposes of assisting in the prevention of customer and market abuses and providing evidence of any violations of the rules of the contract market.*

(a) *Application Guidance.* A designated contract market should have arrangements and resources for recording of full data entry and trade details and the safe storage of audit trail data. A designated contract market should have systems sufficient to enable the contract market to use the information for purposes of assisting in the prevention of customer and market abuses through reconstruction of trading.

(b) *Acceptable Practices.* (1) The goal of an audit trail is to detect and deter customer and market abuse. An effective contract market audit trail should capture and retain sufficient trade-related information to permit contract market staff to detect trading abuses and to reconstruct all transactions within a reasonable period of time. An audit trail should include specialized electronic surveillance programs that would identify potentially abusive trades and trade patterns, including for instance, withholding or disclosing customer orders, trading ahead, and preferential allocation. An acceptable audit trail must be able to track a customer order from time of receipt through fill allocation. The contract market must create and maintain an electronic transaction history database that contains information

with respect to transactions effected on the designated contract market.

(2) An acceptable audit trail, therefore, should include the following: original source documents, transaction history, electronic analysis capability, and safe storage capability. A contract market whose audit trail satisfies the following acceptable practices would satisfy Core Principle 9.

(i) *Original Source Documents.* Original source documents include unalterable, sequentially identified records on which trade execution information is originally recorded, whether recorded manually or electronically. For each customer order (whether filled, unfilled or cancelled, each of which should be retained or electronically captured), such records reflect the terms of the order, an account identifier that relates back to the account(s) owner(s), and the time of order entry. For floor-based contract markets, the time of report of execution of the order should also be captured.

(ii) *Transaction History.* A transaction history which consists of an electronic history of each transaction, including (a) all data that are input into the trade entry or matching system for the transaction to match and clear; (b) whether the trade was for a customer or proprietary account; (c) timing and sequencing data adequate to reconstruct trading; and (d) the identification of each account to which fills are allocated.

(iii) *Electronic Analysis Capability.* An electronic analysis capability that permits sorting and presenting data included in the transaction history so as to reconstruct trading and to identify possible trading violations with respect to both customer and market abuse.

(iv) *Safe Storage Capability.* Safe storage capability provides for a method of storing the data included in the transaction history in a manner that protects the data from unauthorized alteration, as well as from accidental erasure or other loss. Data should be retained in accordance with the recordkeeping standards of Core Principle 17.

Core Principle 11 of section 5(d) of the Act: *FINANCIAL INTEGRITY OF CONTRACTS—The board of trade shall establish and enforce rules providing for the financial integrity of any contracts traded on the contract market (including the clearance and settlement of the transactions with a derivatives clearing organization), and rules to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.*

(a) *Application Guidance.* Clearing of transactions executed on a designated contract market should be provided through a Commission-designated clearing facility. In addition, a designated contract market should maintain the financial integrity of its transactions by maintaining minimum financial standards for its members and having default rules and procedures. The minimum financial standards should be monitored for compliance purposes. The Commission believes that in order to monitor for minimum financial requirements, a designated contract market should routinely receive and promptly review financial and related information. Rules concerning the protection of customer funds should address the segregation of customer and proprietary funds, the custody of customer funds, the investment standards for customer funds, related recordkeeping and related intermediary default procedures.

(b) *Acceptable Practices.* [Reserved]

Core Principle 12 of section 5(d) of the Act: *PROTECTION OF MARKET PARTICIPANTS—The board of trade shall establish and enforce rules to protect market participants from abusive practices committed by any party acting as an agent for the participants.*

(a) *Application Guidance.* A designated contract market should have rules prohibiting conduct by intermediaries that is fraudulent, noncompetitive, unfair, or an abusive practice in connection with the execution of trades and a program to detect and discipline such behavior. The contract market should have methods and resources appropriate to the nature of the trading system and the structure of the market to detect trade practice abuses.

(b) *Acceptable Practices.* [Reserved]

Core Principle 13 of section 5(d) of the Act: *DISPUTE RESOLUTION—The board of trade shall establish and enforce rules regarding and provide facilities for alternative dispute resolution as appropriate for market participants and any market intermediaries.*

(a) *Application Guidance.* A designated contract market should provide customer dispute resolution procedures that are fair and equitable and that are made available to the customer on a voluntary basis, either directly or through another self-regulatory organization.

(b) *Acceptable Practices.* (1) Under Core Principle 13, a designated contract market is required to provide for dispute resolution mechanisms that are appropriate to the nature of the market.

(2) In order to satisfy acceptable standards, a designated contract market should provide a customer dispute resolution mechanism that is fundamentally fair and is equitable. An acceptable customer dispute resolution mechanism would provide:

(i) The customer with an opportunity to have his or her claim decided by a decision-maker that is objective and impartial,

(ii) Each party with the right to be represented by counsel, at the party's own expense,

(iii) Each party with adequate notice of claims presented against him or her, an opportunity to be heard on all claims, defenses and permitted counterclaims, and an opportunity for a prompt hearing,

(iv) For prompt written final settlement awards that are not subject to appeal within the contract market, and

(v) Notice to the parties of the fees and costs that may be assessed.

(3) The procedure employed also should be voluntary, and could permit counterclaims as provided in § 166.5 of this chapter.

(4) If the designated contract market also provides a procedure for the resolution of disputes that do not involve customers (*i.e.*, member-to-member disputes), the procedure for resolving such disputes must be independent of and shall not interfere with or delay the resolution of customers' claims or grievances.

(5) A designated contract market may delegate to another self-regulatory organization or to a registered futures association its responsibility to provide for customer dispute resolution mechanisms, *provided, however,* that, if the designated contract market does delegate that responsibility, the contract market shall in all respects treat any decision issued by such other organization or association as if the decision were its own including providing for the appropriate enforcement of any award issued against a delinquent member.

Core Principle 14 of section 5(d) of the Act: *GOVERNANCE FITNESS STANDARDS—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the contract market, and any other persons with direct access to the facility (including any parties affiliated with any of the persons described in this paragraph).*

(a) *Application Guidance.* (1) A designated contract market should have appropriate eligibility criteria for the categories of persons set forth in the Core Principle that should include standards for fitness and for the collection and verification of information supporting compliance with such standards. Minimum standards of fitness for persons who have member voting privileges, governing obligations or responsibilities, or who exercise disciplinary authority are those bases for refusal to register a person under section 8a(2) of the Act or a history of serious disciplinary offenses, such as those that would be disqualifying under § 1.63 of this chapter. Participants who have direct access to trade on the contract market, but do not have these privileges, obligations, responsibilities or disciplinary authority could satisfy minimum fitness standards by meeting the standards that they must meet to qualify as a "participant." Natural persons who directly or indirectly have greater than a ten percent interest in a designated contract market should meet the fitness standards applicable to members with voting rights.

(2) The Commission believes that such standards should include providing the Commission with fitness information for such persons, whether registration information, certification to the fitness of such persons, an affidavit of such persons' fitness by the contract market's counsel or other information substantiating the fitness of such persons. If a contract market provided certification of the fitness of such a person, the Commission believes that such certification should be based on verified information that the person is fit to be in his or her position.

(b) *Acceptable Practices.* [Reserved]

Core Principle 15 of section 5(d) of the Act: *CONFLICTS OF INTEREST—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decision making process of the contract market and establish a process for resolving such conflicts of interest.*

The means to address conflicts of interest in decision-making of a contract market should include methods to ascertain the presence of conflicts of interest and to make decisions in the event of such a conflict. In addition, the Commission believes that the

contract market should provide for appropriate limitations on the use or disclosure of material non-public information gained through the performance of official duties by board members, committee members and contract market employees or gained through an ownership interest in the contract market.

Core Principle 16 of section 5(d) of the Act: *COMPOSITION OF BOARDS OF MUTUALLY OWNED CONTRACT MARKETS—In the case of a mutually owned contract market, the board of trade shall ensure that the composition of the governing board reflects market participants.*

The composition of a mutually-owned contract market should fairly represent the diversity of interests of the contract market's market participants.

Core Principle 17 of section 5(d) of the Act: *RECORDKEEPING—The board of trade shall maintain records of all activities related to the business of the contract market in a form and manner acceptable to the Commission for a period of 5 years.*

(a) *Application Guidance.* [Reserved]

(b) *Acceptable Practices.* Section 1.31 of this chapter governs recordkeeping obligations under the Act and the Commission's regulations thereunder. In order to provide broad flexible performance standards for recordkeeping, § 1.31 was updated and amended by the Commission in 1999. Accordingly, § 1.31 itself establishes the guidance regarding the form and manner for keeping records.

Core Principle 18 of section 5(d) of the Act: *ANTITRUST CONSIDERATIONS—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—(A) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or (B) imposing any material anticompetitive burden on trading on the contract market.*

(a) *Application Guidance.* An entity seeking designation as a contract market may request that the Commission consider under the provisions of section 15(b) of the Act any of the entity's rules, including trading protocols or policies, and including both operational rules and the terms or conditions of products listed for trading, at the time of designation or thereafter. The Commission intends to apply section 15(b) of the Act to its consideration of issues under this core principle in a manner consistent with that previously applied to contract markets.

(b) *Acceptable Practices.* [Reserved]

12. Chapter I of 17 CFR is proposed to be amended by adding new Part 40 as follows:

PART 40—PROVISIONS COMMON TO CONTRACT MARKETS, DERIVATIVES TRANSACTION EXECUTION FACILITIES AND DERIVATIVES CLEARING ORGANIZATIONS

Sec.

40.1 Definitions.
40.2 Listing products for trading by certification.
40.3 Voluntary submission of new products for Commission review and approval.
40.4 Amendments to terms or conditions of enumerated agricultural contracts.
40.5 Voluntary submission of rules for Commission review and approval.
40.6 Self-certification of rules by designated contract markets and registered derivatives clearing organizations.
40.7 Delegations.
Appendix A to Part 40—Guideline No. 1.
Appendix B—Schedule of fees.
Appendix C—Information that a foreign board of trade should submit when seeking no-action relief to offer and sell, to persons located in the United States, a futures contract on a foreign securities index traded on that foreign board of trade.

Authority: 7 U.S.C. 1a, 2, 2a, 5, 6, 6c, 7, 7a, 8 and 12a, as amended by the Commodity Futures Modernization Act of 2000, Appendix ___ of Pub. L. No. 106–554, 114 Stat. 2763 (2000).

§ 40.1 Definitions.

As used in this part:

Contract market includes a clearing organization that clears trades for the contract market, unless reference also is made within the same section of the Code of Federal Regulations to derivatives clearing organization, as defined in § 39.1 of this chapter.

Dormant contract means any commodity futures or option contract or other instrument in which no trading has occurred in any future or option expiration for a period of six complete calendar months; *provided, however,* no contract or instrument shall be considered to be dormant until the end of 60 complete calendar months following initial listing.

Emergency means any occurrence or circumstance which, in the opinion of the governing board of the contract market or derivatives transaction execution facility, requires immediate action and threatens or may threaten such things as the fair and orderly trading in, or the liquidation of or delivery pursuant to, any agreements, contracts or transactions on such a trading facility, including any manipulative or attempted manipulative activity; any actual, attempted, or threatened corner, squeeze, congestion, or undue concentration of positions; any circumstances which may materially affect the performance of agreements, contracts or transactions traded on the trading facility, including failure of the payment system or the bankruptcy or insolvency of any participant; any action taken by any governmental body, or any other board of trade, market or facility which may have a direct impact on trading on the trading facility; and any other circumstance which may have a severe, adverse effect upon the functioning of a designated contract market or derivatives transaction execution facility.

Rule means any constitutional provision, article of incorporation, bylaw, rule, regulation, resolution, interpretation, stated policy, term and condition, trading protocol, agreement or instrument corresponding thereto, in whatever form adopted, and any amendment or addition thereto or repeal thereof, made or issued by a contract market, derivatives transaction execution facility or derivatives clearing organization or by the governing board thereof or any committee thereof.

Terms and conditions mean any definition of the trading unit or the specific commodity underlying a contract for the future delivery of a commodity or commodity option contract, specification of settlement or delivery standards and procedures, and establishment of buyers' and sellers' rights and obligations under the contract. Terms and conditions include provisions relating to the following:

(1) Quality or quantity standards for a commodity and any applicable premiums or discounts;

(2) Trading hours, trading months and the listing of contracts;

(3) Minimum and maximum price limits and the establishment of settlement prices;

(4) Position limits and position reporting requirements;

(5) Delivery points and locational price differentials;

(6) Delivery standards and procedures, including alternatives to delivery and applicable penalties or sanctions for failure to perform;

(7) Settlement of the contract; and

(8) Payment or collection of commodity option premiums or margins.

§ 40.2 Listing products for trading by certification.

To list a new product for trading, to list a product for trading that has become dormant, or to accept for clearing a product (not traded on a designated contract market or a derivatives transaction execution facility), a registered entity must file with the Commission at its Washington, D.C., headquarters no later than the close of business of the business day preceding the product's listing or acceptance for clearing, either in electronic or hard-copy form, a copy of the product's rules, including its terms and conditions, and a certification by the registered entity that the trading product or other instrument complies with the Act and rules thereunder.

§ 40.3 Voluntary submission of new products for Commission review and approval.

(a) *Request for approval.* A designated contract market or registered derivatives transaction execution facility may request under section 5c(c)(2) of the Act that the Commission approve new products under the following procedures:

(1) The submitting entity labels the request as "Request for Commission Product Approval";

(2) The request for product approval is for a commodity other than a security future or a security futures product as defined in sections 1a(31) or 1a(32) of the Act, respectively;

(3) The submission complies with the requirements of Appendix A to this part—Guideline No. 1;

(4) The submission includes the fee required under Appendix B to this part.

(b) *Forty-five day review.* All products submitted for Commission approval under this paragraph shall be deemed approved by the Commission forty-five days after receipt by the Commission, or at the conclusion of such extended period as provided under paragraph (c) of this section, unless notified otherwise within the applicable period, if:

(1) The submission complies with the requirements of paragraphs (a)(1) of this section; and

(2) The submitting entity does not amend the terms or conditions of the proposed product or supplement the request for approval, except as requested by the Commission or for correction of typographical errors, renumbering or other such nonsubstantive revisions, during that period. Any voluntary, substantive amendment by the requestor will be treated as a new submission under this section.

(c) *Extension of time.* The Commission may extend the forty-five day review period in paragraph (b) of this section for:

(1) An additional forty-five days, if within the initial forty-five day review period, the Commission notifies the submitting entity that the proposed rule raises novel or complex issues that require additional time for review or is of major economic significance. This notification shall briefly describe the nature of the specific issues for which additional time for review is required; or

(2) Such period as the submitting entity so instructs the Commission in writing.

(d) *Notice of non-approval.* The Commission at any time during its review under this section may notify the submitting entity that it will not, or is unable to, approve the product or instrument. This notification will briefly specify the nature of the issues raised and the specific provision of the Act or regulations, including the form or content requirements of paragraph (a) of this section, that the proposed rule would violate, appears to violate or the violation of which cannot be ascertained from the submission.

(e) *Effect of non-approval.* (1) Notification to a submitting entity under paragraph (d) of this section of the Commission's refusal to approve a proposed product or instrument does not prejudice the entity from subsequently submitting a revised version of the product or instrument for Commission approval or from submitting the product or instrument as initially proposed pursuant to a supplemented submission.

(2) Notification to a submitting entity under paragraph (d) of this section of the Commission's refusal to approve a proposed rule or rule amendment shall be presumptive evidence that the entity may not truthfully certify under § 40.2 that the same, or substantially the same, product does not violate the Act or rules thereunder.

§ 40.4 Amendments to terms or conditions of enumerated agricultural contracts.

Designated contract markets and registered derivatives transaction execution facilities must submit for Commission approval under the procedures of § 40.5, prior to its implementation, any rule or rule amendment that would, for a delivery month having open interest, materially change a term or condition as defined in § 40.1(f), of a contract for future delivery in an agricultural commodity enumerated in section 1a(4) of the Act, or of an option on such a contract or commodity. *Provided, however,* the following rules or rule amendments would not be material changes:

(a) Changes in trading hours;

(b) Changes in lists of approved delivery facilities pursuant to previously set standards or criteria;

(c) Changes to terms and conditions of options on futures other than those relating to last trading day, expiration date, option strike price delistings, and speculative position limits; and

(d) Reductions in the minimum price fluctuation (or "tick").

§ 40.5 Voluntary submission of rules for Commission review and approval.

(a) *Request for approval of rules.* A registered entity may request pursuant to section 5c(c) of the Act that the Commission approve any rule or proposed rule or rule amendment under the following procedures:

(1) Three copies of each rule or rule amendment submission under this section shall be furnished in hard copy form to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581 or electronically in a format specified by the Secretary of the Commission. Each request for approval under this section shall be in the following order and shall:

(i) Label the submission as "Request for Commission rule approval";

(ii) Set forth the text of the rule or proposed rule (in the case of a rule amendment, deletions and additions must be indicated);

(iii) Describe the proposed effective date of a proposed rule and any action taken or anticipated to be taken to adopt the proposed rule by the registered entity or by its governing board or by any committee thereof, and cite the rules of the entity that authorize the adoption of the proposed rule;

(iv) Explain the operation, purpose, and effect of the proposed rule, including, as applicable, a description of the anticipated benefits to market participants or others, any potential anticompetitive effects on market participants or others, how the rule fits into the registered entity's framework of self-regulation, and any other information which may be beneficial to the Commission in analyzing the proposed rule. If a proposed rule affects, directly or indirectly, the application of any other rule of the submitting entity, set forth the pertinent text of any such rule and describe the anticipated effect;

(v) Note and briefly describe any substantive opposing views expressed with respect to the proposed rule that were not incorporated into the proposed rule prior to its submission to the Commission; and

(vi) Identify any Commission regulation that the Commission may need to amend, or sections of the Act or Commission regulations that the Commission may need to interpret in order to approve or allow into effect the proposed rule. To the extent that such an amendment or interpretation is necessary to accommodate a proposed rule, the submission should include a reasoned analysis supporting the amendment to the Commission's rule or interpretation.

(2) [Reserved]

(b) *Forty-five day review.* All rules submitted for Commission approval under paragraph (a) of this section shall be deemed approved by the Commission under section 5c(c) of the Act, forty-five days after receipt by the Commission, or at the conclusion of such extended period as provided under paragraph (c) of this section, unless notified otherwise within the applicable period, if:

(1) The submission complies with the requirements of paragraphs (a)(1)(i) through (vi) of this section, and

(2) The submitting entity does not amend the proposed rule or supplement the submission, except as requested by the Commission, during the pendency of the review period. Any amendment or supplementation not requested by the Commission will be treated as the submission of a new filing under this section.

(c) *Extensions of time.* The Commission may extend the review period in paragraph (b) of this section for:

(1) An additional forty-five days, if the Commission, within the initial forty-five day review period, notifies the submitting entity that the proposed rule raises novel or complex issues that require additional time for review or is of major economic significance. This notification shall briefly describe the nature of the specific issues for which additional time for review is required; or

(2) Such additional period as the submitting entity has so instructed the Commission in writing.

(d) *Notice of non-approval.* The Commission at any time during its review under this section may notify the submitting entity that it will not, or is unable to, approve the proposed rule or rule amendment. This notification will briefly specify the nature of the issues raised and the specific provision of the Act or regulations, including the form or content requirements of this section, that the proposed rule would violate, appears to violate or the violation of which cannot be ascertained from the submission.

(e) *Effect of non-approval.* (1) Notification to a registered entity under paragraph (d) of this section of the Commission's refusal to approve a proposed rule or rule amendment of a registered entity does not prejudice the entity from subsequently submitting a revised version of the proposed rule or rule amendment for Commission approval or from submitting the rule or rule amendment as initially proposed pursuant to a supplemented submission.

(2) Notification to a registered entity under paragraph (d) of this section of the Commission's refusal to approve a proposed rule or rule amendment of a registered entity shall be presumptive evidence that the entity may not truthfully certify that the same, or substantially the same, proposed rule or rule amendment does not violate the Act or rules thereunder.

(f) *Expedited approval.* Notwithstanding the provisions of paragraph (b) of this section, changes to terms and conditions of a product that are consistent with the Act and Commission regulations and with standards approved or established by the Commission in a written notification to the registered entity of the applicability of this paragraph (f) shall be deemed approved by the Commission at such time and under such conditions as the Commission shall specify in the notice, provided, however, that the Commission may, at any time, alter or revoke the applicability of such a notice to any particular product.

§ 40.6 Self-certification of rules by designated contract markets and registered derivatives clearing organizations.

(a) *Required certification.* A designated contract market or a registered derivatives clearing organization may implement any new rule or rule amendment only if:

(1) The rule or rule amendment does not materially change a term or condition of a contract for future delivery of an agricultural commodity enumerated in section 1a(4) of the Act or an option on such a contract or commodity in a delivery month having open interest;

(2) The designated contract market or registered derivatives clearing organization has filed a submission for the rule or rule amendment, and the Commission has received the submission at its Washington, D.C. headquarters by close of business on the business day preceding implementation of the rule; provided, *however,* rules or rule amendments implemented under procedures of the governing board to respond to an emergency as defined in § 40.1(d), must be filed with the Commission at the time of implementation of the rule or rule amendment, if implementation is sooner than the next business day; and

(3) The rule submission includes:

(i) The label, "Rule Certification" or, in the case of a rule or rule amendment that responds to an emergency, "Emergency Rule Certification";

(ii) The text of the rule (in the case of a rule amendment, deletions and additions must be indicated);

(iii) The date of implementation;

(iv) A brief explanation of any substantive opposing views not incorporated into the rule; and

(v) A certification by the entity that the rule complies with the Act and regulations thereunder.

(b) *Stay.* The Commission may stay the effectiveness of a rule implemented pursuant to paragraph (a) of this section during the pendency of Commission proceedings for filing a false certification or to alter or amend the rule pursuant to section 8a(7) of the Act. The decision to stay the effectiveness of a rule in such circumstances shall not be delegable to any employee of the Commission.

(c) *Notification of rule amendments.* Notwithstanding the rule certification requirement of section 5c(c)(1) of the Act, and paragraphs (a)(2) and (a)(3) of this section, a designated contract market or a registered derivatives clearing organization may place the following rules or rule amendments into effect without certification to the Commission if the following conditions are met:

(1) The designated contract market or registered derivatives clearing organization provides to the Commission at least weekly a summary notice of all rule changes made effective pursuant to this paragraph during the preceding week. Such notice must be labeled "Weekly Notification of Rule Changes" and need not be filed for weeks during which no such actions have been taken. One copy of each such submission shall be furnished in hard copy to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street N.W., Washington, DC 20581, or electronically in a format specified by the Secretary of the Commission; and

(2) The rule governs:

(i) *Nonmaterial revisions.* Corrections of typographical errors, renumbering, periodic routine updates to identifying information about approved entities and other such nonsubstantive revisions of a product's terms and conditions that have no effect on the economic characteristics of the product;

(ii) *Delivery standards set by third parties.* Changes to grades or standards of commodities deliverable on a product that are established by an independent third party and that are incorporated by reference as product terms, provided that the grade or standard is not established, selected or calculated solely for use in connection with futures or option trading and such changes do not affect deliverable supplies or the pricing basis for the product;

(iii) *Index products.* Routine changes in the composition, computation, or method of selection of component entities of an index (other than a stock index) referenced and defined in the product's terms, that do not affect the pricing basis of the index, which are made by an independent third party whose business relates to the collection or dissemination of price information and that was not formed solely for the

purpose of compiling an index for use in connection with a futures or option product; or

(iv) *Option contract terms.* Changes to option contract rules relating to the strike price listing procedures, strike price intervals, and the listing of strike prices on a discretionary basis.

(3) *Notification of rule amendments not required.* Notwithstanding the rule certification requirements of section 5c(c)(1) of the Act and of paragraphs (a)(2) and (a)(3) of this section, designated contract markets and registered derivatives clearing organizations may place the following rules or rule amendments into effect without certification or notice to the Commission if the following conditions are met:

(i) The designated contract market or registered derivatives clearing organization maintains documentation regarding all changes to rules; and

(ii) The rule governs:

(A) *Transfer of membership or ownership.* Procedures and forms for the purchase, sale or transfer of membership or ownership, but not including qualifications for membership or ownership, any right or obligation of membership or ownership or dues or assessments;

(B) *Administrative procedures.* The organization and administrative procedures of a contract market's governing bodies such as a Board of Directors, Officers and Committees, but not voting requirements, Board of Directors or Committee composition requirements, or procedures or requirements relating to conflicts of interest;

(C) *Administration.* The routine, daily administration, direction and control of employees, requirements relating to gratuity and similar funds, but not guaranty, reserves, or similar funds; declaration of holidays, and changes to facilities housing the market, trading floor or trading area; and

(D) *Standards of decorum.* Standards of decorum or attire or similar provisions relating to admission to the floor, badges, or visitors, but not the establishment of penalties for violations of such rules.

§ 40.7 Delegations.

(a) Procedural matters. (1) *Review of products or rules.* The Commission hereby delegates, until it orders otherwise, to the Director of the Division of Trading and Markets and separately to the Director of Economic Analysis or to the Director's delegatee with the concurrence of the General Counsel or the General Counsel's delegatee, authority to request under § 40.3(b)(2) or § 40.5(b)(2) that the entity requesting approval amend the proposed product, rule or rule amendment or supplement the submission, to notify a submitting entity under § 40.3(c) or § 40.5(c) that the time for review has been extended, and to notify the submitting entity under § 40.3(d) or § 40.5(d) that the Commission is not approving, or is unable to approve, the proposed product, rule or rule amendment.

(2) *Emergency rules.* The Commission hereby delegates authority to the Director of the Division of Trading and Markets, or the delegatees of the Director, authority to receive notification and the required certification of emergency rules under § 40.6(a)(2).

(b) *Approval authority.* The Commission hereby delegates, until the Commission orders otherwise, to the Director of the Division of Trading and Markets and separately to the Director of Economic Analysis, with the concurrence of the General Counsel or the General Counsel's delegatee, to be exercised by either of such Directors or by such other employee or employees of the Commission under the supervision of such Directors as may be designated from time to time by the Directors, the authority to approve, pursuant to section 5c(c)(3) of the Act and § 40.5, rules or rule amendments of a designated contract market, registered derivatives transaction execution facility or registered derivatives clearing organization that:

(1) Relate to, but do not materially change, the quantity, quality, or other delivery specifications, procedures, or obligations for delivery, cash settlement, or exercise under an agreement, contract or transaction approved for trading by the Commission; daily settlement prices; clearing position limits; requirements or procedures for governance of a registered entity; procedures for transfer trades; trading hours; minimum price fluctuations; and maximum price limit and trading suspension provisions;

(2) Reflect routine modifications that are required or anticipated by the terms of the rule of a registered entity;

(3) [Reserved].

(4) Are in substance the same as a rule of the same or another registered entity which has been approved previously by the Commission pursuant to section 5c(c)(3) of the Act;

(5) Are consistent with a specific, stated policy or interpretation of the Commission; or

(6) Relate to the listing of additional trading months of approved contracts.

(c) The Directors may submit to the Commission for its consideration any matter that has been delegated pursuant to paragraph (a) or (b) of this section.

(d) Nothing in this section shall be deemed to prohibit the Commission, at its election, from exercising the authority delegated in paragraph (a) or (b) of this section to the Directors.

* * * * *

Appendix B—Schedule of fees

(a) *Applications for product approval.* Each application for product approval under § 40.3 must be accompanied by a check or money order made payable to the Commodity Futures Trading Commission in an amount to be determined annually by the Commission and published in the **Federal Register**.

(b) Checks and applications should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, DC 20581. No checks or money orders may be accepted by personnel other than those in the Office of the Secretariat.

(c) Failure to submit the fee with an application for product approval will result in return of the application. Fees will not be returned after receipt.

* * * * *

12–a. Appendix A to Part 5 is redesignated as Appendix A to Part 40 and the heading is revised; Appendix E to Part 5 is redesignated as Appendix C to Part 40; and Part 5 is removed and reserved. The revised heading reads as follows:

Appendix A to Part 40—Guideline No. 1

13. Chapter I of 17 CFR is proposed to be amended by adding new Part 41 as follows:

PART 41—SECURITY FUTURES

Sec.
41.1 [Reserved]

PART 166—CUSTOMER PROTECTION RULES

14. The authority citation for Part 166 is proposed to be revised to read as follows:

Authority: 7 U.S.C. 1a, 2, 4, 6b, 6c, 6d, 6g, 6h, 6k, 6l, 6o, 7, 12a, 21, and 23, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

15. § Section 166.5 is proposed to be added to read as follows:

§ 166.5 Dispute settlement procedures.

(a) *Definitions.* (1) The term *claim or grievance* as used in this section shall mean any dispute that:

(i) Arises out of any transaction executed on or subject to the rules of a designated contract market,

(ii) Is executed or effected through a member of such facility, a participant transacting on or through such facility or an employee of such facility, and

(iii) Does not require for adjudication the presence of essential witnesses or third parties over whom the facility does not have jurisdiction and who are not otherwise available.

(iv) The term claim or grievance does not include disputes arising from cash market transactions that are not a part of or directly connected with any transaction for the purchase or sale of any commodity for future delivery or commodity option.

(2) The term *customer* as used in this section includes an option customer (as defined in § 1.3(jj) of this chapter) and any person for or on behalf of whom a member of a designated contract market, or a participant transacting on or through such designated contract market, except another member of or participant in such designated contract market. *Provided, however,* a person who is an "eligible contract participant" as defined in section 1a(12) of the Act shall not be deemed to be a customer within the meaning of this section.

(3) The term *Commission registrant* as used in this section means a person registered under the Act as a futures commission merchant, introducing broker, floor broker, commodity pool operator, commodity trading advisor, or associated person.

(b) *Voluntariness.* The use by customers and eligible contract participants of dispute settlement procedures shall be voluntary as provided in paragraphs (c) and (g) of this section.

(c) *Customers.* No Commission registrant shall enter into any agreement or understanding with a customer in which the customer agrees, prior to the time a claim or grievance arises, to submit such claim or grievance to any settlement procedure except as follows:

(1) Signing the agreement must not be made a condition for the customer to utilize the services offered by the Commission registrant.

(2) If the agreement is contained as a clause or clauses of a broader agreement, the customer must separately endorse the clause or clauses containing the cautionary language and provisions specified in this section. A futures commission merchant or introducing broker may obtain such endorsement as provided in § 1.55(d) of this chapter for the following classes of customers only:

(i) A plan defined as a government plan or church plan in section 3(32) or section 3(33) of title I of the Employee Retirement Income Security Act of 1974 or a foreign person performing a similar role or function subject as such to comparable foreign regulation; and

(ii) A person who is a "qualified eligible participant" or a "qualified eligible client" as defined in § 4.7 of this chapter.

(3) The agreement may not require any customer to waive the right to seek reparations under section 14 of the Act and part 12 of this chapter. Accordingly, such customer must be advised in writing that he or she may seek reparations under section 14 of the Act by an election made within 45 days after the Commission registrant notifies the customer that arbitration will be demanded under the agreement. This notice must be given at the time when the Commission registrant notifies the customer of an intention to arbitrate. The customer must also be advised that if he or she seeks reparations under section 14 of the Act and the Commission declines to institute reparations proceedings, the claim or grievance will be subject to the pre-existing arbitration agreement and must also be advised that aspects of the claim or grievance that are not subject to the reparations procedure (*i.e,* do not constitute a violation of the Act or rules thereunder) may be required to be submitted to the arbitration or other dispute settlement procedure set forth in the pre-existing arbitration agreement.

(4) The agreement must advise the customer that, at such time as he or she may notify the Commission registrant that he or she intends to submit a claim to arbitration, or at such time as such person notifies the customer of its intent to submit a claim to arbitration, the customer will have the opportunity to elect a qualified forum for conducting the proceeding.

(5) *Election of forum.* (i) Within ten business days after receipt of notice from the customer that he or she intends to submit a claim to arbitration, or at the time a Commission registrant notifies the customer of its intent to submit a claim to arbitration, the Commission registrant must provide the customer with a list of organizations whose procedures meet Acceptable Practices established by the Commission for dispute resolution, together with a copy of the rules of each forum listed. The list must include:

(A) The designated contract market, if available, upon which the transaction giving rise to the dispute was executed or could have been executed;

(B) A registered futures association; and

(C) At least one other organization that will provide the customer with the opportunity to select the location of the arbitration proceeding from among several major cities in diverse geographic regions and that will provide the customer with the choice of a panel or other decision-maker composed of at least one or more persons, of which at least a majority are not members or associated with a member of the designated contract market or employee thereof, and that are not otherwise associated with the designated contract market (mixed panel): *Provided, however,* that the list of qualified organizations provided by a Commission registrant that is a floor broker need not include a registered futures association unless a registered futures association has been authorized to act as a decision-maker in such matters.

(ii) The customer shall, within forty-five days after receipt of such list, notify the opposing party of the organization selected. A customer's failure to provide such notice shall give the opposing party the right to select an organization from the list.

(6) *Fees.* The agreement must acknowledge that the Commission registrant will pay any incremental fees that may be assessed by a qualified forum for provision of a mixed panel, unless the arbitrators in a particular proceeding determine that the customer has acted in bad faith in initiating or conducting that proceeding.

(7) *Cautionary Language.* The agreement must include the following language printed in large boldface type:

Three Forums Exist for the Resolution of Commodity Disputes: Civil Court litigation, reparations at the Commodity Futures Trading Commission (CFTC) and arbitration conducted by a self-regulatory or other private organization.

The CFTC recognizes that the opportunity to settle disputes by arbitration may in some cases provide many benefits to customers, including the ability to obtain an expeditious and final resolution of disputes without incurring substantial costs. The CFTC requires, however, that each customer individually examine the relative merits of arbitration and that your consent to this arbitration agreement be voluntary.

By signing this agreement, you: (1) May be waiving your right to sue in a court of law; and (2) are agreeing to be bound by arbitration of any claims or counterclaims which you or [name] may submit to arbitration under this agreement. You are not, however, waiving your right to elect instead to petition the CFTC to institute reparations proceedings under Section 14 of the Commodity Exchange Act with respect to any dispute that may be arbitrated pursuant to this agreement. In the event a dispute arises, you will be notified if [name] intends to submit the dispute to arbitration. If you believe a violation of the Commodity

Exchange Act is involved and if you prefer to request a section 14 "Reparations" proceeding before the CFTC, you will have 45 days from the date of such notice in which to make that election.

You need not sign this agreement to open or maintain an account with [name]. *See* 17 CFR 166.5.

(d) *Enforceability.* A dispute settlement procedure may require parties utilizing such procedure to agree, under applicable state law, submission agreement or otherwise, to be bound by an award rendered in the procedure, provided that the agreement to submit the claim or grievance to the procedure was made in accordance with paragraph (c) or (g) of this section or that the agreement to submit the claim or grievance was made after the claim or grievance arose. Any award so rendered shall be enforceable in accordance with applicable law.

(e) *Time limits for submission of claims.* The dispute settlement procedure established by a designated contract market shall not include any unreasonably short limitation period foreclosing submission of customers' claims or grievances or counterclaims.

(f) *Counterclaims.* A procedure established by a designated contract market under the Act for the settlement of customers' claims or grievances against a member or employee thereof may permit the submission of a counterclaim in the procedure by a person against whom a claim or grievance is brought. The designated contract market may permit such a counterclaim where the counterclaim arises out of the transaction or occurrence that is the subject of the customer's claim or grievance and does not require for adjudication the presence of essential witnesses, parties, or third persons over whom the designated contract market does not have jurisdiction. Other counterclaims arising out of a transaction subject to the Act and rules promulgated thereunder for which the customer utilizes the services of the registrant may be permissible where the customer and the registrant have agreed in advance to require that all such submissions be included in the proceeding, and if the aggregate monetary value of the counterclaims is capable of calculation.

(g) *Eligible contract participants.* (1) A person who is an "eligible contract participant" as defined in section 1a(12) of the Act may negotiate any term of an agreement or understanding with a Commission registrant in which the eligible contract participant agrees, prior to the time a claim or grievance arises, to submit such claim or grievance to any settlement procedure, except that signing the agreement must not be made a condition for the eligible contract participant to use the services offered by the registrant.

(2) The agreement may require an eligible contract participant, to waive the right to seek reparations under section 14 of the Act and part 12 of this chapter.

(3) If the agreement is contained as a clause or clauses of a broader agreement, the eligible contract participant must separately endorse the clause or clauses containing the agreement; *Provided, however,* a futures commission merchant may obtain such endorsement as provided in § 1.55(d) of this chapter.

PART 170—REGISTERED FUTURES ASSOCIATIONS

Subpart A—Standards Governing Commission Review of Applications for Registration as a Futures Association Under Section 17 of the Act

16. The authority citation for Part 170 is proposed to be revised to read as follows:

Authority: 7 U.S.C. 6p, 12a, and 21, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

17. Section 170.8 is proposed to be revised to read as follows:

§ 170.8 Settlement of customer disputes (section 17(b)(10) of the Act).

A futures association must be able to demonstrate its capacity to promulgate rules and to conduct proceedings that provide a fair, equitable and expeditious procedure, through arbitration or otherwise, for the voluntary settlement of a customer's claim or grievance brought against any member of the association or any employee of a member of the association. Such rules shall conform to and be consistent with section 17(b)(10) of the Act and be consistent with the guidelines and acceptable practices for dispute resolution found within Appendix A and Appendix B to Part 38 of this chapter.

PART 180—ARBITRATION OR OTHER DISPUTE SETTLEMENT PROCEDURES

18. Part 180 is proposed to be removed.

Issued in Washington, D.C., this 2nd day of March, 2001, by the Commission.

Jean A. Webb,

Secretary of the Commission.

Concurring Statement of Commissioner Thomas J. Erickson

A New Regulatory Framework for Trading Facilities, Intermediaries, and Clearing Organizations

I concur with the release of these proposed rules. First, the Commodity Futures Modernization Act of 2000 ("CFMA")[1] is now law, and it is imperative that the Commission provide some regulatory structure and guidance so that the intent behind the CFMA might be fully effectuated. Second, the CFMA represents profound change for the derivatives industry, and I therefore believe that it is important to solicit as much comment as is possible from as broad a cross-section of the public as is possible. This brings me to my primary concern.

Over the past year, this Commission has devoted a tremendous amount of time and resources to devising a new regulatory framework,[2] working with Congress on the CFMA, and drafting today's proposed rules which implement the CFMA. Throughout this process, the Commission has provided draft rules to certain interested parties for their review and comment—at times, prior to their publication in the **Federal Register** for general comment. Certainly, discussion and dialogue with the industry is to be encouraged, and I am pleased that the Commission has reached out to the industry and made every effort to accommodate its views. However, I fear that this process has given great weight to the views of a select few, depriving the Commission of an opportunity to hear from the broader community of interests on a broader range of issues. In particular, I believe the Commission would benefit from input on two additional issues: disclosure and fraud.

Disclosure

The CFMA is based largely on a regulatory reform package initially proposed by the Commission. From the very inception of this reform effort, the Commission has referred to its new regulatory framework as a "disclosure-based" system.[3] The Commission today rightly asks whether, in the case of exempt markets, it should require that exempt entities affirmatively disclose to traders that the facility and trading on the facility are not regulated or approved by the Commission. It seems self-evident to me that rules implementing such a disclosure-based system ought to require disclosure. I would further suggest that it may be appropriate for the Commission to consider requiring all trading facilities at each of the tiers of regulation to disclose to their participants the type of regulation to which they are subject (if any). I am interested in hearing comment regarding the merits of a disclosure obligation. In the absence of such an obligation, should the Commission publish a listing of exchange markets identifying their regulatory status?

Fraud

One of the points about which there has been a great deal of discussion from the earliest days of the reform effort involves the Commission's antifraud authority. In the past, the Commission has had difficulty applying the antifraud provisions of the Act in some novel situations. In particular, the Commission's efforts to address fraud against retail customers has been hamstrung by some courts' interpretation of Section 4b of the Commodity Exchange Act.[4] Given the inevitability of new market structures and classes of participants, the Commission has been wise to consider how its antifraud authority might be clarified through rulemaking. Nevertheless, throughout the reform process, the Commission has repeatedly heard from industry representatives that this would be a bad idea.

With the passage of the CFMA, members of Congress acknowledged the problems faced by the Commission in enforcing its antifraud provisions and stated their understanding that Section 4b was intended to be read broadly so as to give the Commission maximum enforcement authority.[5] This intent is reflected in the "Findings and Purpose" section of the CFMA. That provision explicitly provides that, among other things, it is the purpose of the Act "to protect all market participants from fraudulent or other abusive sales practices and misuses of customer assets * * *."[6]

Today, the Commission proposes rules that include a free-standing fraud provision. But the proposed rule, Rule 1.1, applies only to forex bucket shops because of expressed concerns about a broader rule of application. I believe it is in the public interest to propose a more comprehensive antifraud rule. While I concur generally with the publication of these proposed rules and certainly support the Commission asserting its authority under the CFMA to address forex bucket shops, I would like to hear precisely why adoption of such a comprehensive fraud rule in any way violates the public interest, overrides the intent of Congress, or oversteps the Commission's authority.

Dated: March 2, 2001.

Thomas J. Erickson,

Commissioner.

[FR Doc. 01–5618 Filed 3–8–01; 8:45 am]

BILLING CODE 6351–01–U

[1] *See* Consolidated Appropriations Act 2001, Appendix E, Pub. L. No. 106–554, 114 Stat. 2763 (2000).

[2] *See* A New Regulatory Framework for Multilateral Transaction Execution Facilities, Intermediaries and Clearing Organizations (final rulemaking), 65 FR. 77961 (Dec. 13, 2000); A New Regulatory Framework for Clearing Organizations (final rulemaking), 65 FR 78020 (Dec. 13, 2000); Exemption for Bilateral Transactions (final rules), 65 FR 78030 (Dec. 13, 2000); and Rules Relating to Intermediaries of Commodity Interest Transactions (final rules), 65 FR 77993 (Dec. 13, 2000). The final rules were subsequently withdrawn following the passage of the CFMA. *See* A New Regulatory Framework for Multilateral Transaction Execution Facilities, Intermediaries and Clearing Organizations; Rules Relating to Intermediaries of Commodity Interest Transactions; A New Regulatory Framework for Clearing Organizations; Exemption for Bilateral Transactions (final rules; partial withdrawal), 65 FR 82272 (Dec. 28, 2000).

[3] *See* A New Regulatory Framework: Report of the Commodity Futures Trading Commission Task Force, Feb. 2000, p. 2 (describing the taskforce's mission as providing recommendations regarding, among other things, "moving the Commission * * * from merit to disclosure-based regulation"); A New Regulatory Framework for Multilateral Transaction Execution Facilities, Intermediaries and Clearing Organizations (proposed rulemaking), 65 FR 38985, 38986 (June 22, 2000) ("the proposed framework to a large degree relies more heavily on disclosure rather than merit regulation"); A New Regulatory Framework for Multilateral Transaction Execution Facilities, Intermediaries and Clearing Organizations (final rulemaking), 65 FR 77961, 77962 (Dec. 13, 2000) ("the new framework relies more heavily on disclosure rather than merit regulation"); *see also id.* at 77974.

[4] *See Commodity Trend Service, Inc.* v. *Commodity Futures Trading Comm'n*, 233 F.3d 981 (7th Cir. 2000) (Section 4b held not to apply to a financial publisher because the prohibition on fraud in connection with certain contracts of sale of a commodity for future delivery made for or on behalf of any other person applies only to brokers or others who have an agency relationship with their clients).

[5] "It is the intent of Congress in retaining Section 4b in this bill that the provision not be limited to fiduciary, broker-client or other agency-like relationships. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce and other markets that will develop under this new statutory framework." 146 Cong. Rec. S11924 at S11926 (daily ed. Dec. 15, 2000) (statement of Sen. Lugar). *See also* 146 Cong. Rec. H12488 at H12489 (daily ed. Dec. 15, 2000)(statement of Rep. Ewing) (same).

[6] Consolidated Appropriations Act 2001, Appendix ___, Pub. L. No. 106–554 § 108, 114 Stat. 2763 (2000) (amending Section 3 of the Commodity Exchange Act (7 U.S.C. 5)).

Federal Register

Friday,
March 9, 2001

Part IV

Department of Education

Office of Special Education and Rehabilitative Services; List of Correspondence; Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; List of Correspondence

AGENCY: Department of Education.

ACTION: List of correspondence from July 1, 2000 through September 30, 2000.

SUMMARY: The Secretary is publishing the following list pursuant to section 607(d) of the Individuals with Disabilities Education Act (IDEA). Under section 607(d) of IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of IDEA or the regulations that implement IDEA.

FOR FURTHER INFORMATION CONTACT: Melisande Lee or JoLeta Reynolds. Telephone: (202) 205–5507. If you use a telecommunications device for the deaf (TDD) you may call (202) 205–5465 or the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued between July 1, 2000 through September 30, 2000.

Included on the list are those letters that contain interpretations of the requirements of IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law and its regulations. The date and topic addressed by a letter are identified, and summary information is also provided, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been deleted, as appropriate.

Part A—General Provisions

Section 602—Definitions

Topic Addressed: Child With a Disability

- Letter dated July 25, 2000 to individual, (personally identifiable information redacted), regarding the provision of appropriate instructional methodologies, educational services, and placements under individualized education programs (IEP) for children with autism.

Part B—Assistance for Education of All Children With Disabilities

Section 611—Authorization; Allotment; Use of Funds; Authorization of Appropriations.

Section 619—Preschool Grants.

Topic Addressed: Allocation of Grants

- Letter dated July 28, 2000 to Wyoming Department of Education Special Programs Unit Director, Rebecca Walk, regarding Wyoming's implementation of the new Preschool Grants and Grants to States formulas and the options available for distribution of funds under sections 611 and 619.
- Letter dated September 18, 2000 to Arizona Superintendent of Public Instruction, Lisa Graham Keegan, regarding adjustments to Arizona's distribution of the population payment allocation under sections 611 and 619.

Topic Addressed: Use of Funds

- Letter dated July 20, 2000 to U.S. Senator John Breaux regarding the availability of Part B funds to purchase playground equipment.
- Letter dated September 21, 2000 to Louisiana State Director of Special Education, Virginia C. Beridon, regarding the availability of pre-award costs and Part B funds under the Cash Management Improvement Act of 1990 and the Education Department General Administrative Regulations (EDGAR).

Topic Addressed: Authorization of Appropriations

- Memorandum dated August 29, 2000 to Governors and Chief State School Officers regarding nonregulatory guidance pertaining to Federal education programs, including section 611 of IDEA, with advance appropriations in fiscal year (FY) 2000.

Section 612—State Eligibility

Topic Addressed: Free Appropriate Public Education

- Letter dated August 22, 2000 to Illinois State Board of Education Special Education Director, Dr. Gordon M. Riffel, regarding the availability of compensatory education services after the right to a free appropriate public education (FAPE) has terminated.

Topic Addressed: Procedural Safeguards

- OSEP memorandum 00–20 dated July 17, 2000 to Chief State School Officers regarding State complaint resolution procedures under Part B of IDEA.
- Letter dated July 25, 2000 to U.S. Representative Sue Myrick regarding options available to parents to resolve disputes relating to the identification, evaluation, educational placement, or provision of FAPE to a child with a disability and in addressing such concerns as they relate to an existing school's compliance with the IDEA's least restrictive environment requirements.

Topic Addressed: Confidentiality

- Letter dated July 20, 2000 to the Honorable Kenneth Apfel, Social Security Administration Commissioner, regarding applicability of the Family Educational Rights and Privacy Act's (FERPA) consent and IDEA, Part B's confidentiality provisions to disclosure of personally identifiable information contained in education records in order to determine the eligibility of children with disabilities for benefits under the Supplemental Security Income program.

Topic Addressed: General Supervision

- Letter dated June 20, 2000 to U.S. Congressman Charles W. Stenholm regarding the flexibility Federal regulations provide States in establishing due process and alternative dispute resolution mechanisms.

Topic Addressed: Assessments

- OSEP memorandum 00–24 dated August 24, 2000 to State Directors of Special Education clarifying requirements for including students with disabilities in State and district-wide assessments.

Section 613—Local Educational Agency Eligibility

Topic Addressed: Charter Schools

- Letter dated July 20, 2000 to individual, (personally identifiable information redacted), regarding the status of charter schools established as local educational agencies (LEAs) in the District of Columbia, a jurisdiction that performs both State and local functions, and the procedural safeguards available to parents of children with disabilities who attend these charter schools.

Section 615—Procedural Safeguards

Topic Addressed: Manifestation Determination Review

- Letter dated July 25, 2000 to David P. Osterhout clarifying the circumstances that constitute a change in placement that would trigger a manifestation determination review and the use of positive behavioral interventions, strategies, and supports to address the needs of students with behavioral issues.

Topic Addressed: Transfer of Rights

- Letter dated July 20, 2000 to Kansas State Department of Education General Counsel, Rodney J. Bieker, regarding the circumstances under which a school district can, without the consent of the student to whom educational rights have transferred, invite the student's parents to an IEP meeting or disclose information from the student's educational records to the parents.

Topic Addressed: Student Discipline

- Letter dated August 3, 2000 to Kansas State Department of Education General Counsel, Rodney J. Bieker, regarding calculating disciplinary removals of up to 10 school days in determining whether a change in placement has occurred.
- Letter dated August 11, 2000 to U.S. Representative J.D. Hayworth regarding the options available to school authorities in disciplining students with disabilities under IDEA, Part B and the Americans with Disabilities Act and whether parents of other students have the right to be notified of incidents involving unusual or threatening behavior by students with disabilities given the confidentiality requirements under IDEA, Part B and FERPA.

PART C—Infants and Toddlers with Disabilities

Sections 631–641

Topic Addressed: Definitions

- Letter dated September 18, 2000 to Illinois Department of Human Services Secretary, Linda Renee Baker, regarding the State's inability to serve as a "parent" under the Part C regulatory definition for a child who is a "ward" of the State.

Topic Addressed: Early Intervention Services

- Letter dated August 16, 2000 to Bureau of Indian Affairs Education Specialist, Julie Goings, regarding the role and responsibilities of the Bureau of Indian Affairs, States and tribes in providing services to children with disabilities from birth to age five who are members of the tribe.

Topic Addressed: Infant or Toddler With a Disability

- Letter dated September 25, 2000 to individual, (personally identifiable information redacted), regarding the flexibility Part C provides States in defining the developmental delay category of eligibility of infants and toddlers with disabilities and in establishing standards that exceed Federal requirements.

Topic Addressed: Procedural Safeguards

- OSEP memorandum 00–21 dated July 17, 2000 to Chief State School Officers regarding guidance on State complaint resolution procedures under Part C of IDEA.

Topic Addressed: Federal Interagency Coordinating Council

- Letter dated August 11, 2000 regarding application of Section 644 of the IDEA and other Federal requirements to activities of the Federal Interagency Coordinating Council.

Part D—National Activities To Improve Education of Children With Disabilities

Subpart 1—State Program Improvement Grants for Children With Disabilities

Section 653—Applications

Topic Addressed: Information About State Program Improvement Grants

- OSEP memorandum 00–25 dated September 28, 2000 to State Directors of Special Education regarding the State Improvement Grant application process and procedures.

Other Letters Relevant to the Administration of Idea Programs

Topic Addressed: Disability Harassment

- Dear Colleague Letter dated July 25, 2000 providing an overview of the existing legal and educational principles related to disability harassment.

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(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

Dated: March 5, 2001.

Andrew J. Pepin,

Executive Administrator, Office of Special Education and Rehabilitative Services.

[FR Doc. 01–5778 Filed 3–8–01; 8:45 am]

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Federal Register

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March 9, 2001

Part V

Department of Education

Office of Special Education and Rehabilitative Services; Grant Applications Under Part D, Subpart 2 of the Individuals With Disabilities Education Act; Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Grant Applications Under Part D, Subpart 2 of the Individuals With Disabilities Education Act

AGENCY: Department of Education.

ACTION: Extension notice.

SUMMARY: On January 22, 2001, a notice inviting applications for new FY 2001 awards under the Office of Special Education and Rehabilitative Services; Grant Applications under part D, subpart 2 of the Individuals with Disabilities Education Act was published in the **Federal Register** (66 FR 6832). The notice provided information regarding the transmittal of applications for fiscal year (FY) 2001 competitions under three programs authorized by the Individuals with Disabilities Education Act (IDEA), as amended. The purpose of this notice is to extend the deadline for the transmittal of applications for the priorities included in the notice. The notice contained a "chart" on page 6847 that provided closing dates and other specific information regarding the transmittal of applications for the FY 2001 competitions.

The following is a list of the new deadline dates for the transmittal of applications and the intergovernmental review (Not applicable to Research competitions):

84.324K Research and Training Center on the Development of Infants, Toddlers, and Preschool Children With or At Risk of Disabilities—April 20, 2001

84.324Q Research Institute on Early Literacy for Infants, Toddlers, and Young Children with Visual Impairments—April 20, 2001

84.324T Model Demonstration Projects for Children with Disabilities—April 27, 2001

84.324W Improving Post School Outcomes: Identifying and Promoting What Works—April 20, 2001

84.326H National Clearinghouse on Postsecondary Education—April 20, 2001

Intergovernmental Review—June 19, 2001

84.326T National Technical Assistance Project for Infants, Toddlers, and Children Who Are Deaf-Blind—April 20, 2001

Intergovernmental Review—June 19, 2001

84.327C Video Description—April 20, 2001

Intergovernmental Review—June 19, 2001

84.327E Accessible Educational TV—April 27, 2001

Intergovernmental Review—June 26, 2001

84.327N Open-Captioned Educational Media: Selection, Captioning and Distribution—April 20, 2001

Intergovernmental Review—June 19, 2001

84.327S Closed Captioned Daytime Television Programs—May 4, 2001

Intergovernmental Review—July 3, 2001

84.327X Research Institute on Technology for Early Intervention—May 4, 2001

Intergovernmental Review—July 3, 2001

Note to Applicants

The notice published on January 22, 2001, provides other information that applies to these competitions. Specifically, the priorities in the notice identify the requirements for applications submitted in response to this notice. This notice extends only the closing dates for the transmittal of applications.

Potential applicants should consult the statement of the final priority published in the **Federal Register** on January 22, 2001 (66 FR 6832) to ascertain the substantive requirements for their applications.

FOR FURTHER INFORMATION CONTACT: For further information on this notice contact Debra Sturdivant, U.S. Department of Education, 600 Independence Avenue, SW, room 3317, Switzer Building, Washington, DC 20202–2641. FAX: (202) 205–8717 (FAX is the preferred method for requesting information). Telephone: (202) 205–8038. Internet: Debra_Sturdivant@ed.gov

If you use a TDD you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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(Catalog of Federal Domestic Assistance Number 84.328, Training and Information for Parents of Children with Disabilities).

Dated: March 5, 2001.

Andrew J. Pepin,

Executive Administrator, Office of Special Education and Rehabilitative Services.

[FR Doc. 01–5800 Filed 3–8–01; 8:45 am]

BILLING CODE 4000–01–U

Federal Register

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March 9, 2001

Part VI

Department of Education

Office of Special Education and Rehabilitative Services; Applications Under Part D, Subpart 2 of the Individuals With Disabilities Education Act; Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services;

[CFDA NO. 84.324D]

Applications Under Part D, Subpart 2 of the Individuals With Disabilities Education Act

AGENCY: Department of Education.

ACTION: Reopening notice.

SUMMARY: On January 22, 2001, a notice inviting applications for new fiscal year (FY) 2001 awards under the Office of Special Education and Rehabilitative Services; Grant Applications under Part D, Subpart 2 of the Individuals with Disabilities Education Act was published in the **Federal Register** (66 FR 6832). The notice provided closing dates and other information regarding the transmittal of applications for FY 2001 competitions under three programs authorized by the Individuals with Disabilities Education Act (IDEA), as amended. The purpose of this reopening notice is to invite applications for the Directed Research Projects (CFDA 84.324D) priority under the Research and Innovation to Improve Services and Results for Children with Disabilities Program.

Deadline for Transmittal of Applications: April 13, 2001

Note to Applicants: The notice published on January 22, 2001, provides other information that applies to this competition. Specifically, the priority in that notice, entitled Directed Research Projects (84.324D), identifies the requirements for applications submitted in response to this notice.

Potential applicants should consult the statement of the final priority published in the **Federal Register** on January 22, 2001 (66 FR 6833) to ascertain the substantive requirements for their applications.

FOR FURTHER INFORMATION CONTACT: For further information on this notice contact Debra Sturdivant, U.S. Department of Education, 600 Independence Avenue, SW., room 3317, Switzer Building, Washington, DC 20202–2641. FAX: (202) 205–8717 (FAX is the preferred method for requesting information). Telephone: (202) 205–8038. Internet: Debra_Sturdivant@ed.gov

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(Catalog of Federal Domestic Assistance Number 84.328, Training and Information for Parents of Children with Disabilities)

Dated: March 5, 2001.

Andrew J. Pepin,

Executive Administrator, OSERS.

[FR Doc. 01–5801 Filed 3–8–01; 8:45 am]

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H.J. Res. 7/P.L. 107–1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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FARM CREDIT ADMINISTRATION

12 CFR Part 620

RIN 3052–AB94

Disclosure to Shareholders; Annual Report

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA) issues a final rule amending the disclosure requirements in part 620 of its regulations. The final rule provides that a bank need not distribute its annual report to the shareholders of its related associations unless it experiences a "significant event." The final rule also requires all associations to disclose, in a separate section of their annual report, specified information about their financial and supervisory relationship with their funding bank. This final rule benefits banks, associations, and their shareholders because it allows the banks and associations to share necessary information with shareholders at a reduced cost.

EFFECTIVE DATE: This regulation will become effective 30 days after publication in the **Federal Register** during which either or both houses of Congress are in session. Notice of the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tong-Ching Chang, Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4461, TDD (703) 883–4444; or Alison C. Samarias, Attorney Advisor, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION:

I. Objectives

The objectives of our final rule are to:

- Ensure that association shareholders continue to receive the information they need about how their associations' relationships with related banks affect their own investments in the associations; and
- Allow banks (and indirectly their related associations and their shareholders) to save significant printing and mailing costs by relaxing the requirement that they must routinely distribute their annual reports to the shareholders of their related associations.

II. Background

This final rule is part of the FCA's continuing efforts to reduce unnecessary regulatory burden on the Farm Credit System (FCS or System). On August 18, 1998, we published a notice in the **Federal Register** that invited the public to identify existing regulations that impose unnecessary burden on the System.[1] Two FCS institutions asked us to repeal § 620.4(b)(1), which requires any Farm Credit bank that presents its financial statements on a combined basis with its related associations to distribute its annual report separately to the associations' shareholders.

On March 17, 2000, the FCA proposed amendments to the disclosure requirements in part 620 of its regulations (65 FR 14494). The proposed rule provided, in general, that a bank need not distribute its annual report to the shareholders of any related association that disclosed, in a separate section of its annual report, specified information about its financial and supervisory relationship with the bank. The proposed rule, however, required any System bank that experienced a "significant event" to distribute its annual report to the shareholders of its related associations.

The rule that we proposed had two objectives. First, the proposed rule ensured association shareholders would continue to receive information about the associations' relationship with its funding bank and how that relationship may affect the shareholders' investments in the association. Second, the proposed rule relaxed the requirement that System banks must routinely distribute their annual reports to the shareholders of their related associations. Relaxing this requirement allows banks to save significant printing and mailing costs. The banks, in turn, can pass these cost savings on to their related associations, which can pass the savings on to their shareholders.

The FCA received four comment letters on the proposed rule; one each from: the Accounting Standards Work Group (ASWG), the Farm Credit Council (FCC), a Farm Credit bank, and a System association. All commenters supported the proposed rule. However, the commenters asked us to clarify certain provisions of the proposed rule and offered suggestions to improve the regulations. We have responded to the commenters' requests in the final rule.

A. Disclosure of FCS Banks' Annual Reports

Existing § 620.4(b) requires FCS banks that present their financial statements on a combined basis with their related associations to distribute their annual reports to association shareholders. However, the regulation permits FCS banks that present their financial statements on a bank-only basis to distribute their annual reports to the shareholders of their related associations only when the bank experiences a significant event that has a material effect on its associations.

The proposed rule would no longer have required an FCS bank to routinely distribute its annual report to the shareholders of a related association that disclosed, in a separate section of its annual report, specified information about its financial and supervisory relationship with the bank. Distribution of the report by the bank would have been required, however, whenever an FCS bank experienced a "significant event," as defined in existing § 620.1(r).[2]

The "separate section" would not have required any "new" disclosure. Currently, §§ 620.5 and 620.2(h)(2) specify the information that associations must include in this separate section.

[1] *See* 63 FR 44176.

[2] Section 620.1(r) provides that "*Significant event* means any event that is likely to have a material impact on the reporting institution's financial condition, results of operations, cost of funds, or reliability of sources of funds. The term 'significant event' includes, but is not limited to, actual or probable noncompliance with the regulatory minimum permanent capital standards or capital adequacy requirements, stock impairment, the imposition of or entering into enforcement actions, execution of financial assistance agreements with other institutions, collateral deficiencies that impact a bank's ability to obtain loan funds, or defaults on debt obligations."

The proposed rule, however, would have provided banks with relief from the distribution requirement only if each related association presented this information in a separate section of its annual report. The separate section about the association's financial and supervisory relationship with the bank could have incorporated "by reference" information from other sections of the annual report. This separate section of the association's annual report would have included the following information, which is already required by § 620.5, when applicable:

- The association's obligation to borrow only from the bank (unless the bank gives the association approval to borrow elsewhere);
- The major terms of any capital preservation, loss sharing, or financial assistance agreements between the association and the bank;
- Any statutory or bank bylaw provisions authorizing bank access to the capital of the association;
- The extent the bank assumed the association's exposure to interest rate risk; and
- Any other material operational and financial conditions contributing to an interdependent relationship between the association and the bank.

The commenters supported the FCA's proposal to apply the same regulatory standards to all FCS banks, regardless of whether they prepare their financial statements on a bank-only basis or a combined basis with their affiliated associations. In addition, the commenters were not opposed to association disclosure of information about the financial and supervisory relationship with their funding banks in a separate section of their annual reports.

Three commenters, however, expressed concern that a bank's obligation to distribute its annual report to association shareholders hinged on a related association's decision to disclose relevant information about its relationship with its funding bank in a separate section of its annual reports. The FCS bank commented that it does not control the annual financial statements of its associations, which are audited by independent certified public accountants and, therefore, "the bank is fundamentally dependent on the actions of the associations to determine whether a distribution of annual reports is required." In addition, the commenter stated that the proposed rule places "the onus on the bank for distributing bank annual reports for failure of its related association(s) to comply with FCA regulations."

As an alternative, the ASWG, which is made up of staff from both banks and associations, suggested that the final rule require each association to disclose in a separate section of its annual report adequate information about its relationship with its funding bank. The ASWG also stated that a bank should be responsible for distribution of its annual report to its associations' shareholders only when the requirement to distribute is triggered by a "significant event."

The FCA responds to the commenters' concerns by adopting a final rule that requires all FCS associations to disclose in a separate section of their annual reports specified information about their financial and supervisory relationship with their funding bank. The final rule, like the proposed rule, does not create any new disclosure requirements for banks or associations. In fact, the final rule only requires that associations reorganize information in their annual reports they have always disclosed. Final § 620.5(a)(10) now requires associations to address their relationship with their funding bank in a separate section of their annual report. As a result, the final rule does not impose any additional burdens on FCS associations.

The new separate section requirement replaces the existing provision on FCS banks' annual report distribution. Final § 620.4(b) no longer requires any FCS bank to distribute its annual report to association shareholders unless it "experiences a significant event that has a material effect on the associations." Under the final rule, the same shareholder disclosure standards apply to all FCS banks. FCS banks that prepare their financial statements on a combined basis with their related associations are subject to the same requirement for distributing annual reports to association shareholders as FCS banks that prepare their financial statements on a bank-only basis.

The final rule addresses the commenters' concerns about the disclosure obligations of both FCS banks and associations. The final rule clarifies that System banks are not responsible for ensuring that each related association disclose in a separate section of its annual report information about its relationship with the funding bank. Under the final rule, a System bank must distribute its annual report directly to association shareholders only when it experiences a significant event that has a material effect on its related associations. As a result, the final rule saves banks the significant costs of routinely distributing its annual report to association shareholders. Additionally, FCS banks will not need to oversee the preparation of annual reports by their related associations because final § 620.5 specifies the information that associations must disclose in their annual reports.

Two commenters expressed concern that FCS banks could not distribute their annual report within the 90-day time frame established by proposed § 620.4(b)(2) if an association's annual report failed to disclose information about its financial and supervisory relationship with the bank. The final rule addresses the concerns by removing the proposed bank disclosure requirement that was based on an association's failure to disclose.

Our approach in the final rule also simplifies disclosure by FCS associations without sacrificing safety and soundness. By requiring a separate section of each association's annual report to disclose information already contained in the annual report about its relationship with the bank, the association's shareholders will have easy access to information that could affect their own investments in the FCS. In addition, we made two clarifying changes in § 620.5(a)(10)(iii) and (v) to explain the existing requirements. These changes are not substantive and they impose no new or additional burden on associations.

B. Obtaining Copies of Financial Reports

Existing § 620.2(h) requires System institutions to provide telephone numbers and addresses where shareholders may obtain copies of certain financial reports. The proposed amendments would have expanded this requirement by providing that annual reports must contain the telephone numbers and addresses (including, if available, electronic mail and Web site addresses) where shareholders may obtain copies of the reports.

The FCC construed the proposed regulation as requiring all institutions to make their financial reports available on their Web sites. Further, the ASWG stated the regulations should not "attempt to address all possible means for obtaining reports." Accordingly, final § 620.2(h) permits, but does not require, System institutions to offer their shareholders additional means to request copies of financial reports, beyond the traditional telephone numbers and mailing addresses. If an institution has no other available means besides traditional telephone numbers and mailing addresses, the rule does not require the institution to take action to make other options available to its shareholders.

Existing § 620.4(a) requires a System institution to prepare and distribute to its shareholders an annual report. While the proposed rule did not include any suggested changes to this section, the FCC noted the FCA does not specify the medium to be used by System institutions for providing information to their shareholders. The FCC stated that "delivery of information through an electronic medium generally could satisfy delivery or transmission obligations under the Farm Credit Act and Regulations." While the FCC did not specifically recommend that FCA amend § 620.4(a) to allow both paper and electronic distribution of shareholder reports, the FCC suggested that we should address this issue.

In this regard, the FCA has an internal task force that is reviewing electronic commerce issues. This task force will present its findings and make recommendations to the FCA Board that may address this issue. Meanwhile, existing § 620.4(a) requires System institutions to "distribute" their annual reports on paper until the issuance of additional guidance in this area. However, our regulations do not prevent System institutions, if they so choose, from making their annual reports available on their Web sites.

List of Subjects in 12 CFR Part 620

Accounting, Agriculture, Banks, banking, Reporting and recordkeeping requirements, Rural areas.

For the reasons stated in the preamble, we amend part 620 of chapter VI, title 12 of the Code of Federal Regulations to read as follows:

PART 620—DISCLOSURE TO SHAREHOLDERS

1. The authority citation for part 620 continues to read as follows:

Authority: Secs. 5.17, 5.19, 8.11 of the Farm Credit Act (12 U.S.C. 2252, 2254, 2279aa–11); secs. 424 of Pub. L. 100–233, 101 Stat. 1568, 1656.

Subpart A—General

2. Revise § 620.2(h)(1) and (2) to read as follows:

§ 620.2 Preparing and filing the reports.

* * * * *

(h)(1) Each institution's annual report or notice must state, in a prominent location within the report or notice:

(i) That the institution's quarterly reports are available free of charge on request;

(ii) The approximate dates the quarterly reports will be available; and

(iii) The telephone numbers and addresses (including information on any other distribution method the institution makes available) where shareholders can request or obtain copies of the quarterly reports.

(2) Each association must state, in a prominent location within each report:

(i) That the shareholders' investment in the association may be materially affected by the financial condition and results of operations of the related bank;

(ii) That (if not otherwise provided) a copy of the bank's financial reports to shareholders will be made available free of charge on request; and

(iii) The telephone numbers and addresses (including information on any other distribution method the association makes available) where shareholders can request or obtain copies of the related bank's financial reports.

* * * * *

Subpart B—Annual Report to Shareholders

3. Revise § 620.4(b) to read as follows:

§ 620.4 Preparing and distributing the annual report.

* * * * *

(b)(1) A bank must distribute its annual report to the shareholders of all related associations if the bank experiences a significant event that has a material effect on those associations.

(2) Any bank that is required by paragraph (b)(1) of this section to distribute its annual report must coordinate its distribution with its related associations.

* * * * *

4. Add new § 620.5(a)(10) to read as follows:

§ 620.5 Contents of the annual report to shareholders.

(a) *Description of business.* * * *

* * * * *

(10) For associations, in a separate section of the annual report, discuss the institution's financial and supervisory relationship with its funding bank. This separate section may incorporate by reference information from other sections of the annual report. At a minimum, the separate section must include the statement required by § 620.2(h)(2)(i) and the following information required elsewhere in this section, if applicable:

(i) The association's obligation to borrow only from the bank unless the bank gives the association approval to borrow elsewhere;

(ii) The major terms of any capital preservation, loss sharing, or financial assistance agreements between the association and the bank;

(iii) Any statutory or bank bylaw provisions authorizing bank access to the capital of the association;

(iv) The extent the bank assumed the association's exposure to interest rate risk; and

(v) Any other material operational and financial conditions that may affect the interdependent relationship between the association and the bank.

* * * * *

Dated: March 6, 2001.

Kelly Mikel Williams,

Secretary, Farm Credit Administration Board.

[FR Doc. 01–5976 Filed 3–9–01; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–13–AD; Amendment 39–12132; AD 2001–04–13]

RIN 2120–AA54

Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SE.3160, and SA.319B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) for Eurocopter France (ECF) Model SA.315B, SA.316B, SA.316C, SE.3160, and SA.319B helicopters. That AD requires initial and recurring inspections of the main rotor blade (blade) spar for cracks. This amendment requires initial and recurring dye penetrant or eddy current inspections for a cracked blade spar at 100-hour time-in-service (TIS) intervals or 600 cycles, whichever occurs first, rather than the 25-hour TIS intervals currently required. This amendment is prompted by an accident in which an ECF Model SA.315B helicopter blade failed due to fatigue cracking. The actions specified by this AD are intended to prevent separation of a blade and subsequent loss of control of the helicopter.

DATES: Effective April 16, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 16, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas

75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jim Grigg, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5490, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98–10–09, Amendment 39–10725 (63 FR 46160, August 31, 1998), which applies to ECF Model SA.315B, SA.316B, SA.316C, SE.3160, and SA.319B helicopters, was published in the **Federal Register** on December 1, 2000 (65 FR 75198). That action proposed to require, within 25 hours TIS and thereafter at intervals not to exceed 100 hours TIS or 600 cycles, whichever occurs first, inspecting each blade spar for a crack, using dye penetrant or eddy current, and inspecting each blade cuff to ensure an adequate sealant bead. A "cycle" is any landing, regardless of whether the main rotor rotation is continued or stopped, or any completion of an external load operation; e.g. load release. If a crack is found, the proposed AD would require replacing the blade with an airworthy blade before further flight.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed but with one minor editorial change. Notes 4 and 5 in the proposal should have been Notes 3 and 4 respectively, and this AD corrects that error. The FAA has determined that this change will neither increase the economic burden on an operator nor increase the scope of the AD.

The FAA estimates that 93 helicopters of U.S. registry will be affected by this AD, that it would take approximately 4 hours to inspect and 4 hours to replace a blade, if necessary, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $66,960, assuming three inspections per year and no blade replacement.

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–10725 (63 FR 46160), and by adding a new airworthiness directive (AD), Amendment 39–12132, to read as follows:

2001–04–13 Eurocopter France: Amendment 39–12132. Docket No. 2000–SW–13–AD. Supersedes AD 98–10–09, Amendment 39–10725, Docket No. 98–SW–23–AD.

Applicability: Model SA.315B, SA.316B, SA.316C, SE.3160, and SA.319B helicopters with a main rotor blade (blade), with any of the following part numbers (P/N): 3160S11–10000 all dash numbers, 3160S11–30000 all dash numbers, 3160S11–35000 all dash numbers, 3160S11–40000 all dash numbers, 3160S11–45000 all dash numbers, 3160S11–50000 all dash numbers, or 3160S11–55000 all dash numbers, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent a blade separation and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time-in-service (TIS) or before the next flight following the onset of any one-per-rev vibration, whichever occurs first, and thereafter at intervals not to exceed 100 hours TIS or 600 "cycles" (a "cycle" is any landing, regardless of whether the main rotor rotation is continued or stopped, or any completion of an external load operation; e.g., load release), whichever occurs first,

(1) Inspect each blade spar for a crack.

(i) Without removing the blade from the helicopter, clean each blade root area using "Teepol" or an equivalent product.

(ii) Support the blade tip to eliminate blade droop while inspecting the lower blade surface.

(iii) By either a dye penetrant or eddy current method, inspect each blade along the hatched area indicated in Figure 1, beginning on the blade lower surface, then on the flat section of the trailing edge (B), on the blade upper surface, and then on the flat section of the leading edge (A).

Note 2: Eurocopter France Service Bulletins (SB) SA 315 No. 05.39 and SA 316/319 No. 05.98, dated November 12, 1999, pertain to the subject of this AD.

(iv) If a crack is found, replace the blade with an airworthy blade before further flight.

BILLING CODE 4910–13–P

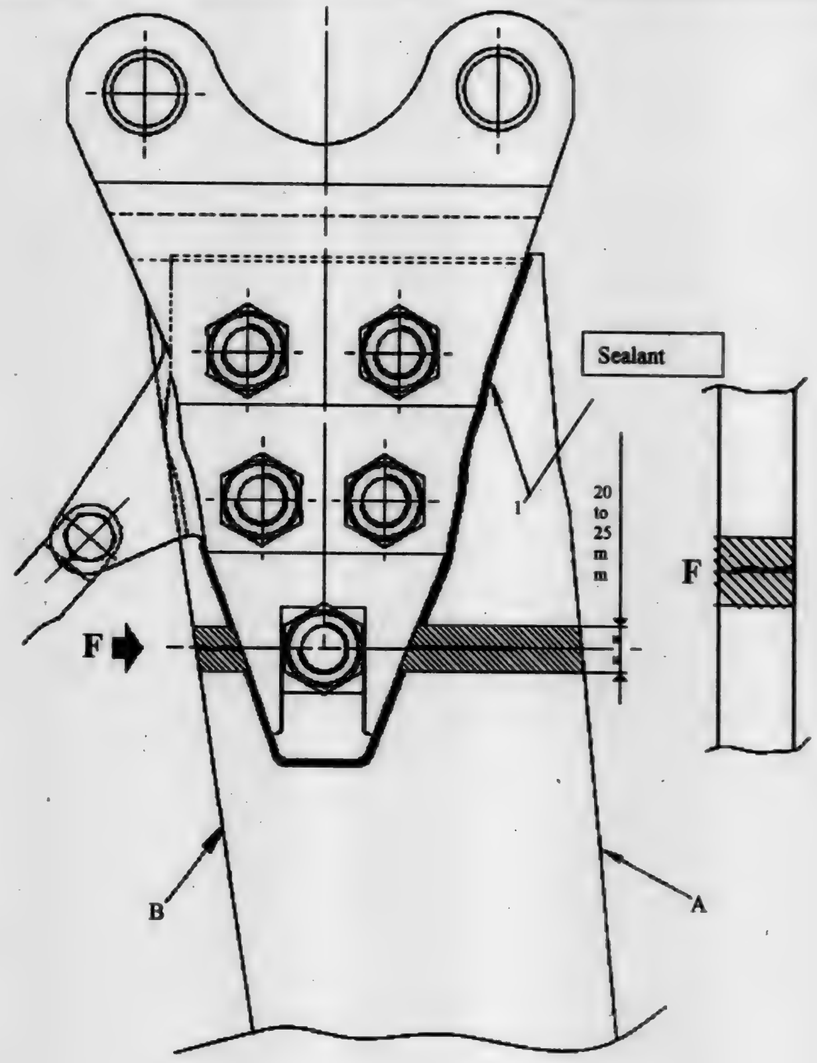


Figure 1

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(2) Ensure that there is a sealant bead (1) around the edge of each blade cuff. If no sealant bead exists or if a sealant bead shows excessive wear, before further flight, apply a sealant bead in accordance with paragraph 2.2 of the Accomplishment Instructions of Eurocopter France SB 65.137 R1, dated November 17, 1993.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(c) Special flight permits will not be issued.

(d) The modification shall be done in accordance with paragraph 2.2 of the Accomplishment Instructions of Eurocopter France SB 65.137 R1, dated November 17, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on April 16, 2001.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 1998–171–039(A)R2 and 1998–170–056(A)R2, both dated January 12, 2000.

Issued in Fort Worth, Texas, on February 20, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–5164 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–89–AD; Amendment 39–12137; AD 2001–05–01]

RIN 2120–AA64

Airworthiness Directives; DG Flugzeugbau GmbH Model DG–500MB Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain DG Flugzeugbau GmbH (DG Flugzeugbau) Model DG–500MB sailplanes equipped with a SOLO 2625 02 engine. This AD requires you to install additional access holes in the propeller mount and modify the engine. This AD also requires you to do a ground test run and replace the digital engine indicator circuit breaker. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the Federal Republic of Germany. The actions specified by this AD are intended to correct an inadequate circuit breaker and unsatisfactory drive belt tension that could cause damage to the engine crankshaft. Such damage could lead to engine failure and loss of control of the sailplane.

DATES: This AD becomes effective on April 27, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 27, 2001.

ADDRESSES: You may get the service information referenced in this AD from DG Flugzeugbau GmbH, Postbox 41 20, D–76646 Bruchsal, Federal Republic of Germany; telephone: +49 7257–890; facsimile: +49 7257–8922. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–89–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for the Federal Republic of Germany, notified FAA that an unsafe condition may exist on all DG Flugzeugbau Model DG–500MB sailplanes equipped with a SOLO 2625 02 engine. The LBA reports that the service history for the SOLO 2625 02 engine shows a need to modify the front crank shaft bearing. Additionally, the digital engine indicator circuit breaker amperage is too low for use and needs replacement.

What are the consequences if the condition is not corrected? The actions specified by this AD are intended to correct an inadequate circuit breaker and unsatisfactory drive belt tension that could cause damage to the engine crankshaft. Such damage could lead to engine failure and loss of control of the sailplane.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain DG Flugzeugbau Model DG–500MB sailplanes equipped with a SOLO 2625 02 engine. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 27, 2000 (65 FR 81782). The NPRM proposed to require you install additional access holes in the propeller mount and modify the engine. The NPRM also proposed to require you to do a ground test run and replace the digital engine indicator circuit breaker.

Was the public invited to comment? Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

FAA's Determination

What is FAA's final determination on this issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

—Will not change the meaning of the AD; and

—Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many sailplanes does this AD impact? We estimate that this AD affects 1 sailplane in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected sailplanes? We estimate the following costs to accomplish the modification:

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. operators
12 workhours × $60 per hour = $720.	The manufacturer will do the engine modification and provide the new circuit breaker under warranty.	$720	$720 × 1 = $720

Regulatory Impact

Does this AD impact various entities? The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2001–05–01 DG Flugzeugbau GMBH: Amendment 39–12137; Docket No. 99–CE–89–AD.

(a) *What sailplanes are affected by this AD?* This AD affects Model DG–500MB sailplanes, all serial numbers equipped with a SOLO 2625 02 engine, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above sailplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to correct an inadequate circuit breaker and unsatisfactory drive belt tension that could cause damage to the engine crankshaft. Such damage could lead to engine failure and loss of control of the sailplane.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Remove the engine from the propeller mount.	Within the next 25 hours time-in-service (TIS) after April 27, 2001 (the effective date of this AD).	In accordance with the maintenance manual. Ship engine to the engine manufacturer, SOLO, or a licensed repair station, for modification according to the SOLO Technical Note (TN) 4600–1.
(2) Install additional access holes in the propeller mount.	Before further flight after removing the engine and before installing the modified engine to the propeller mount.	In accordance with drawing 5M102 of DG Flugzeugbau Technical Note 843/13, dated November 3, 1999.
(3) Install the modified engine to the propeller mount.	Before further flight after rermoving the engine and after the engine modification.	In accordance with the maintenance manual.
(4) Do a gound test run	Before further flight after the previous action ..	In accordance with DG Flugzeugbau Technical Note 843/13, dated November 3, 1999.
(5) Replace the digital engine indicator (DEI) circuit breaker with a new 5 ampere Klixon 7277–2–5A circuit breaker (or FAA-approved equivalent part number).	Before further flight after the previous actions	In accordance with DG Flugzeugbau Technical Note 843/13, dated November 3, 1999.
(6) Do not install any engine that has not been modified following SOLO TN 4600–1.	As of April 27, 2001 (the effective date of this AD).	Not Applicable.
(7) Do not install any DEI circuit breaker that is not a 5 ampere Klixon 7277–2–5A circuit breaker (or FAA–approved equivalent part number).	As of April 27, 2001 (the effective date of this AD.	Not applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: This AD applies to each sailplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of

compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; facsimile: (816) 329–4090.

(g) *What if I need to fly the sailplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your sailplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with DG Flugzeugbau GmbH Technical Note No. 843/13, dated November 3, 1999. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from DG Flugzeugbau GmbH, Postbox 41 20, D–76646 Bruchsal, Federal Republic of Germany. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on April 27, 2001.

Note 2: The subject of this AD is addressed in German AD Number 1999–383, dated December 1, 1999.

Issued in Kansas City, Missouri, on February 26, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–5276 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–46–AD; Amendment 39–12138; AD 2001–05–02]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 98–08–22, which currently requires inspecting the elevator and rudder attachment brackets for cracks and corrosion on certain Pilatus Aircraft Ltd. (Pilatus) Model PC–7 airplanes and replacing any cracked or corrosion-damaged parts. Since the issuance of AD 98–08–22, Pilatus has redesigned the brackets. Installation of these brackets should inhibit corrosion, which resulted in cracks or corrosion damage. This AD requires you to replace the elevator and rudder attachment brackets with parts of improved design. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by this AD are intended to prevent failure of the elevator and rudder attachment brackets because of cracks or corrosion damage. Such failure could result in the elevator or rudder separating from the airplane with consequent loss of airplane control.

DATES: This AD becomes effective on April 27, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 27, 2001.

ADDRESSES: You may get the service information referenced in this AD from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6509; facsimile: +41 41 610 3351. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–46–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roman Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

Has FAA taken any action to this point? Reports received from the Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, revealed instances of corrosion and cracking in the elevator and rudder attachment brackets on Pilatus Model PC–7 airplanes that have been operated in areas of high humidity or salt content. This caused FAA to issue AD 98–08–22, Amendment 39–10471 (63 FR 19175, April 17, 1998). That AD requires you to inspect the elevator and rudder attachment brackets for cracks and/or corrosion, and replace any cracked or corrosion-damaged parts, as applicable.

What has happened since AD 98–08–22 to initiate this action? The FOCA recently notified FAA of the need to change AD 98–08–22. The FOCA reports that Pilatus has redesigned the elevator and rudder attachment brackets. Installation of these brackets should inhibit the cause of corrosion, which resulted in cracks or corrosion damage.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Pilatus Model PC–7 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on January 2, 2001 (66 FR 57). The NPRM proposed to supersede AD 98–08–22. AD 98–08–22 currently requires inspecting the elevator and rudder attachment brackets for cracks and corrosion, and replacing any cracked or corrosion-damaged parts. Since the issuance of AD 98–08–22, Pilatus has redesigned the brackets. Installation of these brackets should inhibit corrosion, which resulted in cracks or corrosion damage. The NPRM also proposed to require you to replace the elevator and rudder attachment brackets with parts of improved design.

Was the public invited to comment? Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

FAA's Determination

What is FAA's final determination on this issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

—Will not change the meaning of the AD; and

—Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 8 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
8 workhours × $60 per hour = $480.	Parts will be provided by the manufacturer free of charge	$480	$480 × 8 = $3,840

Why is the compliance in hours time-in-service (TIS) and calendar time? The affected airplanes are used in general aviation operations. Some operators may accumulate 100 hours TIS on the airplane in less than 6 months. We have determined that the dual compliance time:

—Gives all owners/operators of the affected airplanes adequate time to schedule and do the actions in this AD; and

—Ensures that the unsafe condition referenced in this AD will be corrected within a reasonable time period without inadvertently grounding any of the affected airplanes.

Regulatory Impact

Does this AD impact various entities? The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by removing Airworthiness Directive (AD) 98–08–22, Amendment 39–10471 (63 FR 19175, April 17, 1998), and by adding a new AD to read as follows:

2001–05–02 Pilatus Aircraft LTD: Amendment 39–12138; Docket No. 2000–CE–46–AD; Supersedes AD 98–08–22, Amendment 39–10471.

(a) *What airplanes are affected by this AD?* This AD affects Model PC–7 airplanes, serial numbers MSN 001 through MSN 612, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent failure of the elevator and rudder attachment brackets because of cracks or corrosion damage, which could result in the elevator or rudder separating from the airplane with consequent loss of airplane control.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Replace the horizontal stabilizer brackets with new parts using replacement kit No. 500.50.07.132 and replace the vertical stabilizer bracket with new parts using replacement kit No. 500.50.07.133.	Within the next 100 hours time-in-service (TIS) or 6 months after April 27, 2001 (the effective date of this AD), whichever occurs first, unless already accomplished.	In accordance with the Accomplishment Instructions of Pilatus Service Bulletin No. 55–005, dated March 23, 2000, the aircraft maintenance manuals, and illustrated parts catalogs.
(2) Do not install any parts identified as old parts in replacement kit No. 500.50.07.132 (or FAA-approved equivalent part numbers) or 500.50.07.133 (or FAA-approved equivalent part number).	As of April 27, 2001 (the effective date of this AD).	Not Applicable.

(e) *Can I comply with this AD in any other way?*

(1) You may use an alternative method of compliance or adjust the compliance time if:

(i) Your alternative method of compliance provides an equivalent level of safety; and

(ii) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

(2) Alternative methods of compliance approved under AD 98–08–22, which is superseded by this AD, are not approved as alternative methods of compliance with this AD.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Roman Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and

21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Pilatus Service Bulletin No. 55–005, dated March 23, 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *Does this AD action affect any existing AD actions?* This amendment supersedes AD 98–08–22, Amendment 39–10471.

(j) *When does this amendment become effective?* This amendment becomes effective on April 27, 2001.

Note 2: The subject of this AD is addressed in Swiss AD HB 2000–411, dated September 27, 2000.

Issued in Kansas City, Missouri, on February 26, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–5275 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–61–AD; Amendment 39–12139; AD 2001–05–03]

RIN 2120–AA64

Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain SOCATA—Groupe AEROSPATIALE (Socata) Model TBM 700 airplanes. This AD requires you to apply Loctite on attaching bolt/screw threads of inboard, central, and outboard carriages; increase tightening torques of associated hardware; and replace central carriage attaching bolts. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by this AD are intended to prevent loose, or the loss of, flap attaching bolts/screws, which could cause rough or irregular control. Such rough or irregular control could lead to the loss of control of the airplane.

DATES: This AD becomes effective on April 27, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 27, 2001.

ADDRESSES: You may get the service information referenced in this AD from SOCATA Groupe AEROSPATIALE, Customer Support, Aerodrome Tarbes-Ossun-Lourdes, BP 930–F65009 Tarbes Cedex, France; telephone: (33) (0)5.62.41.73.00; facsimile: (33) (0)5.62.41.76.54; or the Product Support Manager, SOCATA—Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023; telephone: (954) 894–1160; facsimile: (954) 964–4191. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–61–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified FAA that an unsafe condition may exist on certain Socata Model TBM 700 airplanes. The DGAC reports two occurrences on Socata model TBM 700 airplanes where, following a flight, a screw of a flap attachment fitting was found partly unscrewed and another was missing. These occurrences are the result of flap vibration.

What are the consequences if the condition is not corrected? Loose or the loss of flap attaching bolts/screws could result in rough or irregular control. Such rough or irregular control could lead to loss of control of the airplane.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Socata Model TBM 700 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on January 2, 2001 (66 FR 64). The NPRM proposed to require you to apply Loctite on attaching bolt/screw threads of inboard, central, and outboard carriages; increase tightening torques of associated hardware; and replace central carriage attaching bolts.

Was the public invited to comment? Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

Socata has revised Service Bulletin No. SB 70–087 57, dated September 2000 (Amendment 1, dated November 2000), to incorporate minor procedural changes. This AD requires no further action if the original service bulletin is accomplished.

FAA's Determination

What is FAA's final determination on this issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for the addition of the revised service information and minor editorial corrections. We determined that this addition and these minor corrections:

—Will not change the meaning of the AD; and

—Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 75 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
6 workhours × $60 per hour = $360	$10	$360 + $10 = $370	$370 × 75 = $27,750

Regulatory Impact

Does this AD impact various entities? The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2001–05–03 Socata—Groupe Aerospatiale: Amendment 39–12139; Docket No. 2000–CE–61–AD.

(a) *What airplanes are affected by this AD?* This AD affects Model TBM 700 airplanes, serial numbers 1 through 164, and 166 through 173, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent loose, or the loss of, flap attaching bolts/screws, which could cause rough or irregular control. Such rough or irregular control could lead to the loss of control of the airplane.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Apply Loctite on attaching bolt/screw threads of inboard, central, and outboard carriages; increase tightening torques of associated hardward; and replace central carriage attaching bolts with new bolts, part number Z00.N5109337315.	Within the next 25 hours time-in-service (TIS) after April 27, 2001 (the effective date of this AD), if not already done.	In accordance with the ACCOMPLISHMENT INSTRUCTIONS in Socata Service Bulletin SB 70–087, Amendment 1, dated November 2000, and applicable maintenance manual. No further action is required if accomplished in accordance with Socata Service Bulletin SB 70–087, dated September 2000, and the applicable maintenance manual.
(2) Do not install any central carriage attaching bolts that are not part number Z00.N5109337315 (or FAA-approved equivalent part number).	As of April 27, 2001 (the effective date of this AD).	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; facsimile: (816) 329–4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Socata Service Bulletin No. SB 70–087 57, Amendment 1, dated November 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from SOCATA Groupe AEROSPATIALE, Customer Support, Aerodrome Tarbes-Ossun-Lourdes, BP 930–F65009 Tarbes Cedex, France; or the Product Support Manager, SOCATA—Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on April 27, 2001.

Note 2: The subject of this AD is addressed in French AD 2000–375(A), dated September 20, 2000.

Issued in Kansas City, Missouri, on February 26, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–5274 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–67–AD; Amendment 39–12140; AD 2001–05–04]

RIN 2120–AA64

Airworthiness Directives; Piaggio Aero Industries S.p.A Model P–180 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Piaggio Aero Industries S.p.A (PIAGGIO) Model P–180 airplanes. This AD requires you to inspect the flap actuators for incorrect maneuvering and evidence of grease and oxidation around the gear box (actuators with any of these conditions are referred to as problem actuators). If you find a problem actuator, this AD requires you to immediately replace the flap actuators with improved design actuators or repair the existing actuators to the improved design level. If you do not find a problem actuator, this AD requires you to repeat the inspection until the installed actuators are of improved design. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy. The actions specified by this AD are intended to detect and remove problem flap actuators from service. Continued operation with problem actuators could result in flap system failure, with consequent reduction in, or loss of, control of the airplane.

DATES: This AD becomes effective on April 27, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 27, 2001.

ADDRESSES: You may get the service information referenced in this AD from Piaggio Aero Industries S.p.A, Via Cibrario 4, 16154 Genoa, Italy. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–67–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roman Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Ente Nazionale per l' Aviazione Civile (ENAC), which is the airworthiness authority for Italy, recently notified FAA that an unsafe condition may exist on all PIAGGIO Model P–180 airplanes. The ENAC reports incidents of malfunctions of the flap actuators. Investigation of these incidents reveals problems inside the gearbox of the outboard flap actuators. Investigation results indicate incorrect maneuvering of the flap system and evidence of grease and oxidation around the gear box.

What are the consequences if the condition is not corrected? Continued operation with problem actuators could result in flap system failure, with consequent reduction in, or loss of, control of the airplane.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all PIAGGIO Model P–180 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on January 2, 2001 (66 FR 61). The NPRM proposed to require you to:

—Inspect the flap actuators for incorrect maneuvering and evidence of grease and oxidation around the gear box (actuators with any of these conditions are referred to as problem actuators);

—If you find a problem actuator, immediately replace the flap actuators with improved design actuators or repair the existing actuators to the improved design level; and

—If you do not find a problem actuator, repeat the inspection until you install improved design flap actuators.

Was the public invited to comment? Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

FAA's Determination

What is FAA's final determination on this issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

—Will not change the meaning of the AD; and

—Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 11 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 workhour × $60 per hour = $60	No parts required for the inspection	$60	$60 × 11 = $660

We estimate the following costs to accomplish any necessary replacements that will be required based on the results of the inspection. We have no way of determining the number of airplanes that may need such repair/replacement:

Labor cost	Parts cost	Total cost per airplane
32 workhours × $60 per hour = $1,920	$8,000 per airplane	$1,920 + $8,000 = $9,920

Regulatory Impact

Does this AD impact various entities? The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2001–05–04 Piaggio Aero Industries S.p.A.: Amendment 39–12140; Docket No. 2000–CE–67–AD.

(a) *What airplanes are affected by this AD?* This AD affects Model P–180 airplanes, all serial numbers, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and remove problem flap actuators from service. Continued operation with problem actuators could result in flap system failure, with consequent reduction in, or loss of, control of the airplane.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Inspect the flap actuators for incorrect maneuvering and evidence of grease and oxidation around the gear box (actuators with any of these conditions are referred to as problem actuators)	Upon accumulating 600 hours time-in-service (TIS) on the flap actuators or within the next 100 hours TIS after April 27, 2001 (the effective date of this AD), whichever occurs later	In accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Piaggio Mandatory Service Bulletin No. SB–80–0120, Original Issue: July 20, 2000.
(2) If you do not find any problem actuators, repeat the inspection until you have either: (i) replaced all flap actuators with part number (P/N) C154183–1 and C154184–1 (or FAA-approved equivalent part numbers) actuators; or (ii) repaired or modified the P/N C132277–3 and C132277–4 (or FAA-approved equivalent part numbers) to the P/N C154183–1 and C154184–1 design level	Within 100 hours TIS after the inspection required in paragraph (d)(1) of this AD and thereafter at intervals not to exceed 100 hours TIS	Inspect in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Piaggio Mandatory Service Bulletin No. SB–80–0120, Original Issue: July 20, 2000. Accomplish the replacement in accordance with the instructions in the maintenance manual. Accomplish the repair or modification in accordance with instructions received from Piaggio at the address given in paragraph (h) of this AD.
(3) If you find problem actuators during any inspection required by this AD, immediately replace the flap actuators with P/N C154183–1 and C154184–1 (or FAA-approved equivalent part numbers); or repair to the P/N C154183–1 and C154184–1 design level	Prior to further flight after the inspection where you find a problem actuator	Accomplish the replacement in accordance with the instructions in the maintenance manual. Accomplish the repair or modification in accordance with instructions received from Piaggio at the address given in paragraph (h) of this AD.

Actions	Compliance	Procedures
(4) Only install flap actuators that are one of the following: (i) P/N C154183–1 and C154184–1 (or FAA-approved equivalent part numbers); or (ii) P/N C132277–3 and C132277–4 (or FAA-approved equivalent part numbers) that have been repaired or modified to the P/N C154183–1 and C154184–1 design level.	As of April 27, 2001 (the effective date of this AD)	Not applicable.

Note 1: Inspecting the flap actuators for incorrect maneuvering involves running a complete cycle of flap extension and retraction and monitoring the time of movement and observing for abnormal noise coming from the actuator gear box. The service information describes this procedure.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Roman Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Piaggio Mandatory Service Bulletin No. SB–80–0120, Original Issue: July 20, 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Piaggio Aero Industries S.p.A, Via Cibrario 4, 16154 Genoa, Italy. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on April 27, 2001.

Note 3: The subject of this AD is addressed in Italian AD N2000–392, dated August 7, 2000.

Issued in Kansas City, Missouri, on February 26, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–5495 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30235; Amdt. No. 2040]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on March 2, 2001.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
02/05/2001	IN	Gary	Gary/Chicago	1/1175	NDB or GPS Rwy 30, Amdt 7A (corrected)...
02/14/2001	MO	Columbia	Columbia Regional	1/2116	ILS Rwy 2, Amdt 13A...
02/15/2001	AR	Batesville	Batesville Regional	1/1632	NDB or GPS Rwy 7, Amdt 5B...
02/15/2001	NM	Socorro	Socorro Muni	1/1642	VOR/DME–A, Orig-A...
02/15/2001	AR	Batesville	Batesville Regional	1/1665	SDF Rwy 7, Amdt 8...
02/16/2001	MO	Kansas City	Kansas City Downtown	1/1651	ILS Rwy #3, Amdt 1E...
02/16/2001	MO	West Plains	West Plains Muni	1/1652	GPS Rwy 18, Amdt 1...
02/16/2001	IA	Fairfield	Fairfield Muni	1/1653	RNAV (GPS) Rwy 18, Orig...
02/16/2001	SD	Brookings	Brookings Muni	1/1662	VOR Rwy 30, Amdt 11...
02/16/2001	AL	Tuscaloosa	Tuscaloosa Muni	1/1672	VOR or TACAN Rwy 22 Amdt 14B...
02/16/2001	AL	Tuscaloosa	Tuscaloosa Muni	1/1673	VOR or TACAN Rwy 4 Amdt 11B...
02/16/2001	AL	Tuscaloosa	Tuscaloosa MUNI	1/1674	ILS Rwy 4 Amdt 14C...
02/16/2001	AL	Tuscaloosa	Tuscaloosa MUNI	1/1675	NDB Rwy 4 Amdt 10B...
2/16/2001	AL	Tuscaloosa	Tuscaloosa MUNI	1/1676	GPS Rwy 22 Orig-B...
02/16/2001	AL	Tuscaloosa	Tuscaloosa Muni	1/1678	GPS Rwy 4 Orig-B...

FDC date	State	City	Airport	FDC No.	Subject
02/16/2001	PA	Scranton	Wilkes-Barre/Scranton Intl	1/1683	ILS Rwy 22 Amdt 4...
02/16/2001	MO	Mosby	Clay County Regional	1/1706	GPS Rwy 18, Orig-C...
02/20/2001	MD	Baltimore	Baltimore-Washington Intl	1/1582	ILS Rwy 28 Amdt 15A...
02/20/2001	CA	Stockton	Stockton Metropolitan	1/1657	ILS Rwy 29R Amdt 18B...
02/20/2001	CA	Stockton	Stockton Metropolitan	1/1658	GPS Rwy 29R Orig...
02/20/2001	CA	Stockton	Stockton Metropolitan	1/1659	NDB Rwy 29R Amdt 14B...
02/20/2001	MD	Baltimore	Baltimore-Washington Intl	1/1764	ILS Rwy 33L Amdt 9A...
02/20/2001	TN	Bristol-Johnson-Kingsport	Bristol/Tri Cities Regional	1/1797	ILS Rwy 5 Amdt 2...
02/20/2001	GA	Gainesville	Gilmer Memorial	1/1803	NDB or GPS Rwy 4 Amdt 4B...
02/20/2001	GA	Gainesville	Gilmer Memorial	1/1807	LOC Rwy 4 Amdt 5C...
02/22/2001	NE	Kearney	Kearney Muni	1/1836	ILS Rwy 36, Orig...
02/22/2001	ND	Bismarck	Bismarck Muni	1/1838	RNAV (GPS) Rwy 21, Orig-A...
02/22/2001	IA	Sioux City	Sioux Gateway	1/1863	NDB Rwy 35, Orig-A...
02/22/2001	NJ	Atlantic City	Atlantic City Muni/Bader Field	1/1875	VOR or GPS–A Amdt 4...
02/22/2001	TN	Pulaski	Pulaski/Abernathy	1/1894	VOR/DME Rwy 33, Amdt 1...
02/22/2001	FL	Tampa	Vandenberg	1/1958	GPS Rwy 23, Orig-C...
02/22/2001	GA	Douglas	Douglas Muni	1/1966	LOC Rwy 4, Amdt 2B...
02/22/2001	MS	Bay St. Louis	Stennis Intl	1/1972	NDB Rwy 18, Orig-B...
02/26/2001	VT	Springfield	Hartness State (Springfield)	1/2071	LOC/DME Rwy 5 Amdt 3B...
02/27/2001	IL	Mattoon-Charleston	Coles County Memorial	1/2123	VOR or GPS Rwy 24, Amdt 10A...

[FR Doc. 01–6092 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30234; Amdt. No. 2039]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (an FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on March 2, 2001.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective March 22, 2001*

Holland, MI, Tulip City, RNAV (GPS) RWY 26, Orig
Reno, NV, Reno/Tahoe International, RNAV (GPS) RWY 16R, Orig
Reno, NV, Reno/Tahoe International, GPS RWY 16R, Orig-A, CANCELLED
Reno, NV, Reno/Tahoe International, RNAV (GPS) RWY 16L, Orig
Reno, NV, Reno/Tahoe International, RNAV (GPS) RWY 34L, Orig
Reno, NV, Reno/Tahoe International, RNAV (GPS) RWY 34R, Orig
Dallas, TX, Dallas-Love Field, RNAV (GPS) RWY 13R, Orig
Dallas, TX, Dallas-Love Field, RNAV (GPS) RWY 13L, Orig
Dallas, TX, Dallas-Love Field, RNAV (GPS) RWY 31R, Orig
Dallas, TX, Dallas-Love Field, RNAV (GPS) RWY 31L, Orig
Spokane, WA, Spokane Intl, RNAV (GPS) RWY 3, Orig
Spokane, WA, Spokane Intl, RNAV (GPS) RWY 21, Orig
Spokane, WA, Spokane Intl, RNAV (GPS) RWY 25, Orig
Spokane, WA, Spokane Intl, GPS RWY 3, Orig (CANCELLED)
Spokane, WA, Spokane Intl, GPS RWY 25, Orig (CANCELLED)

** * * Effective April 19, 2001*

Washington, DC, Ronald Reagan Washington National, NDB RWY 15, Amdt 4A, CANCELLED
Perry, OK, Perry Muni, VOR/DME RWY 17, AMDT 3

** * * Effective May 17, 2001*

Wainwright, AK, Wainwright, NDB RWY 5, Orig
Wainwright, AK, Wainwright, NDB RWY 23, Orig
Wainwright, AK, Wainwright, GPS RWY 4, Orig (CANCELLED)
Wainwright, AK, Wainwright, GPS RWY 22, Orig (CANCELLED)
Wainwright, AK, Wainwright, RNAV (GPS) RWY 5, Orig
Wainwright, AK, Wainwright, RNAV (GPS) RWY 23, Orig
Keokuk, IA, Keokuk Muni, LOC/DME RWY 26, Amdt 1
West Plains, MO, West Plains Muni, NDB RWY 36, Amdt 1 (CANCELLED)
Red Wing, MN, Red Wing Muni, NDB RWY 9, Amdt 3 (CANCELLED)
Red Wing, MN, Red Wing Muni, GPS RWY 9, Orig (CANCELLED)
Red Wing, MN, Red Wing Muni, RNAV (GPS) RWY 9, Orig
Red Wing, MN, Red Wing Muni, RNAV (GPS) RWY 27, Orig
Fulton, NY, Oswego County, VOR RWY 33, Amdt 5
Fulton, NY, Oswego County, GPS RWY 24, Orig, CANCELLED
Martinsburg, WV, Eastern West Virginia Regional/Shepherd Field, LOC/DME BC RWY 8, Amdt 6

Note: The FAA published the following procedures in Docket No. 30232, Amdt. No. 2037 to Part 97 of the Federal Aviation Regulations (**Federal Register** Vol. 66, No. 38, Page 11535 dated February 26, 2001) under Sections 97.25 and 97.27 effective April 19, 2001 which are hereby amended as follows:

Change effective date to 22 March 2001 for the following procedures:

Del Rio, TX, Del Rio Intl, LOC RWY 13, Amdt 4 (CANCELLED)
Del Rio, TX, Del Rio Intl, LOC RWY 13, Orig
Del Rio, TX, Del Rio Intl, NDB RWY 13, Amdt 3 (CANCELLED)
Del Rio, TX, Del Rio Intl, NDB RWY 13, Orig

[FR Doc. 01–6091 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 403

RIN 0960–AE95

Testimony by Employees and the Production of Records and Information in Legal Proceedings; Correction

AGENCY: Social Security Administration.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations which were published on January 12, 2001 (66 FR 2805). The regulations implement procedures governing testimony by SSA employees and the production of official records and information in legal proceedings to which SSA is not a party.

EFFECTIVE DATE: April 13, 2001.

FOR FURTHER INFORMATION CONTACT: Suzanne DiMarino, 410–965–1769.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published, the final regulations contain an error in the mailing address where an individual or entity shall submit a request for records, information or testimony.

List of Subjects in 20 CFR Part 403

Courts, Government employees.

20 CFR part 403 is corrected by making the following correcting amendments:

PART 403—TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF RECORDS AND INFORMATION IN LEGAL PROCEEDINGS

1. The authority citation for part 403 continues to read as follows:

Authority: Secs. 702(a)(5) and 1106 of the Act, (42 U.S.C. 902(a)(5) and 1306); 5 U.S.C. 301; 31 U.S.C. 9701.

2. Section 403.120 is amended by revising the first sentence of paragraph (c) to read as follows:

§ 403.120 How do you request testimony?

* * * * *

(c) You must send your application for testimony to: Social Security Administration, Office of the General Counsel, Office of General Law, P.O. Box 17779, Baltimore, MD 21235–7779, Attn: Touhy Officer. * * *

* * * * *

Georgia E. Myers,

SSA Regulations Officer.

[FR Doc. 01–5823 Filed 3–9–01; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Phenylbutazone Tablets and Boluses

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Phoenix Scientific, Inc. The supplemental NADA provides for oral use of a 200-milligram (mg) strength phenylbutazone tablet for relief of inflammatory conditions associated with the musculoskeletal system in dogs and horses.

DATES: This rule is effective March 12, 2001.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540.

SUPPLEMENTARY INFORMATION: Phoenix Scientific, Inc., 3915 South 48th Street Terrace, P.O. Box 6457, St. Joseph, MO 64506–0457, filed a supplement to approved NADA 094–170 for Phenylbutazone Tablets, USP. The supplemental NADA provides for use of a 200-mg strength phenylbutazone tablet for relief of inflammatory conditions associated with the musculoskeletal system in dogs and horses. The supplemental NADA is approved as of January 12, 2001, and the regulations are amended in 21 CFR 520.1720a to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule " in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.1720a [Amended]

2. Section 520.1720a *Phenylbutazone tablets and boluses* is amended in paragraph (b)(2) by removing "No. 000010" and by adding in its place "Nos. 000010 and 059130"; and in paragraph (b)(3) by removing "015579, 059130" and by adding in its place "015579".

Dated: February 26, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–5681 Filed 3–9–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 816 and 817

RIN 1029–AB40

Surface Coal Mining and Reclamation Operations; Technical Amendment; Permanent and Temporary Impoundments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; technical amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are making technical revisions to our regulations to correct errors in cross references and to change an address.

EFFECTIVE DATE: March 12, 2001.

FOR FURTHER INFORMATION CONTACT: Andy DeVito, Office of Surface Mining Reclamation and Enforcement, Room 117, South Interior Building, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone (202) 208–2701. E-Mail: adevito@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion of Final Rule
II. Procedural Matters

I. Background and Discussion of Final Rule

We published a final rule (RIN 1029–AB40) on October 20, 1994 at 59 FR 53022. The rule revised regulations in 30 CFR parts 816 and 817. In both 30 CFR 816.49 and 817.49, OSM redesignated paragraphs (a)(8), (a)(9), and (a)(10) as (a)(9), (a)(10), and (a)(11) respectively. Redesignated paragraph (a)(9) still contains cross references to paragraphs (a)(8), (a)(8)(i) and (a)(8)(ii). Those cross references should have been revised to read (a)(9), (a)(9)(i) and (a)(9)(ii) when paragraph (a)(8) was redesignated as paragraph (a)(9). Similarly, redesignated paragraph (a)(11) contains cross references to paragraphs (a)(10)(i) and (a)(10)(iv). Those cross references should have been revised to read (a)(11)(i) and (a)(11)(iv) when paragraph (a)(10) was redesignated as paragraph (a)(11). In addition, both 30 CFR 816.49(c)(2) and 817.49(c)(2) contains a cross reference to (a)(8)(i) which, under the redesignation, should have been revised to (a)(9)(i). This rule corrects those errors. Finally, 30 CFR 816.49(a)(1) and 817.49(a)(1) contains references to OSM's Administrative Record Room which was located at 800 North Capitol Street, NW., Washington, DC when the rule was published. Since publication of the rule, we have moved the Administrative Record Room to 1951 Constitution Avenue, NW., Washington, DC. This rule revise paragraphs 816.49(a)(1) and 817.49(a)(1) to indicate the new address.

II. Procedural Matters

Administrative Procedure Act

This final rule has been issued without prior public notice or opportunity for public comment. The Administrative Procedure Act (APA) (5 U.S.C. 553) provides an exception to the notice and comment procedures when an agency finds that there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary or contrary to the public interest. OSM has determined that under 5 U.S.C. 553(b)(3)(B) good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule. Specifically, this rule merely corrects references contained in the regulations and does not impose any new OSM regulatory requirements. These same reasons also provide OSM with good cause under 5 U.S.C. 553(d)(3) of the APA to have the regulation become effective on a date that is less than 30 days after the date of publication in the **Federal Register**.

Executive Order 12866

This rule is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. As previously stated, this rule corrects references contained in the regulations and does not impose any new OSM regulatory requirements.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency for the reasons stated above.

(3) This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does not raise novel legal or policy issues for the reasons stated above.

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). As previously stated, the rule merely corrects references contained in the regulations and does not impose any new OSM regulatory requirements.

Unfunded Mandates Reform Act

For purposes of compliance with the Unfunded Mandates Reform Act of 1995, this rule does not impose any obligations that individually or cumulatively would require an aggregate expenditure of $100 million or more by State, local, and Tribal governments and the private sector in any given year.

Federal Paperwork Reduction Act

This rule does not contain collections of information which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

This rule has been reviewed by OSM and it has been determined to be categorically excluded from the requirement to prepare an environmental document under the National Environmental Policy Act of 1969. This determination was made in accordance with the Departmental Manual (516 DM 2, Appendix 1.10).

Executive Order 12988 on Civil Justice Reform

The Department of the Interior has determined that this rule meets the requirements of sections (3)(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform (61 FR 4729).

Effect in Federal Program States and on Indian Lands

The rule will apply through cross-referencing to the following Federal program states: California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee and Washington. The Federal programs for these States appear at 30 CFR Parts 905, 910, 912, 921, 922, 933, 937, 939, 941, 942 and 947, respectively. The rule also applies through cross-referencing to Indian lands under the Federal program for Indian lands as provided in 30 CFR part 750.

Effect on State Programs

Following promulgation of the final rule, OSM will evaluate State programs approved under section 503 of SMCRA to determine any changes in those programs that will be necessary. When OSM determines that a particular State program provision should be amended in order to be made no less stringent than the revised Federal regulations, the particular States will be notified in accordance with the provisions of 30 CFR 732.17.

List of Subjects

30 CFR Part 816

Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 817

Environmental protection, Reporting and recordkeeping requirements, Underground mining.

Dated: February 23, 2001.

Piet deWitt,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons given in the preamble, 30 CFR Parts 816 and 817 are amended as set forth below.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

1. The authority citation for Part 816 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*; and sec. 115 of Pub. L. 98–146.

§ 816.49 [Amended]

2. Amend § 816.49 as follows:

a. In paragraph (a)(1), the words "Room 660, 800 North Capitol Street" are revised to read "1951 Constitution Avenue, NW."

b. In paragraph (a)(9), the references to "(a)(8)(i)" and "(a)(8)(ii)" are revised to read "(a)(9)(i)" and "(a)(9)(ii)," respectively.

c. In paragraph (a)(9)(ii), the reference to "(a)(8)" is revised to read "(a)(9)."

d. In paragraph (a)(11), the references to "(a)(10)(i)" and "(a)(10)(iv)" are revised to read "(a)(11)(i)" and "(a)(11)(iv)," respectively.

e. In paragraph (a)(11)(ii), the references to "(a)(10)(i)" and "(a)(10)(iv)" are revised to read "(a)(11)(i)" and "(a)(11)(iv)," respectively.

f. In paragraph (c)(2), the reference to "(a)(8)(i)" is revised to read "(a)(9)(i)."

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

4. The authority citation for Part 817 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

§ 817.49 [Amended]

5. Amend § 817.49 as follows:

a. In paragraph (a)(1), the words "Room 660, 800 North Capitol Street" are revised to read "1951 Constitution Avenue, NW."

b. In paragraph (a)(9), the references to "(a)(8)(i)" and "(a)(8)(ii)" are revised to read "(a)(9)(i)" and "(a)(9)(ii)," respectively.

c. In paragraph (a)(9)(ii), the reference to "(a)(8)" is revised to read "(a)(9)."

d. In paragraph (a)(11), the references to "(a)(10)(i)" and "(a)(10)(iv)" are revised to read "(a)(11)(i)" and "(a)(11)(iv)," respectively.

e. In paragraph (a)(11)(ii), the references to "(a)(10)(i)" and "(a)(10)(iv)" are revised to read "(a)(11)(i)" and "(a)(11)(iv)," respectively.

f. In paragraph (c)(2), the reference to "(a)(8)(i)" is revised to read "(a)(9)(i)."

[FR Doc. 01–6105 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA–01–082–7212a; A–1–FRL–6931–3]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to the Massachusetts Port Authority/Logan Airport Parking Freeze and City of Boston/East Boston Parking Freeze

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision establishes a state process to allow the transfer of parking spaces from the East Boston Parking Freeze to the Logan Parking Freeze provided the total Logan Parking Freeze inventory number remains at or below 21,790 parking spaces. This action is being taken under the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on April 11, 2001.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA-New England, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room M–1500, 401 M Street, (Mail Code 6102), SW., Washington, DC; and Planning and Evaluation Division, Bureau of Waste Prevention, Massachusetts Department of Environmental Protection, One Winter Street, 9th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, (617) 918–1668 or e-mail Cooke.donald@epa.gov.

SUPPLEMENTARY INFORMATION: On November 27, 2000 (65 FR 70676–70678), EPA published a Notice of Proposed Rulemaking (NPR) for the Commonwealth of Massachusetts. The NPR proposed approval of amendments to the Massachusetts Port Authority (Massport)/Logan Airport Parking Freeze and City of Boston/East Boston Parking Freeze. The revisions allows the Commonwealth to automatically approve the transfer of parking spaces from the East Boston Parking Freeze to the Logan Parking Freeze provided the total parking space inventory number for the Logan Parking Freeze remains at or below 21,790 parking spaces. Future modifications in the parking freeze inventories for the Logan Airport and East Boston Parking Freezes will be regulated by the Commonwealth's revisions to Massachusetts State Regulations 310 CMR 7.30 and 310 CMR 7.31. The formal SIP revision was submitted by Massachusetts on December 6, 2000 and December 26, 2000.

Originally, Massachusetts requested that EPA parallel process this SIP revision. In accordance with this process, EPA held a thirty day comment period which overlapped the Commonwealth's public participation period. During the Commonwealth's comment period, two comments were submitted to the Massachusetts Department of Environmental Protection (MA DEP) from Massport and from EPA-New England. Massport's comment provided substitution of the language in 310 CMR 7.30(5)(b) which enables MA DEP to keep an up-to-date administrative record of the Logan and East Boston Parking Freeze inventories. EPA-New England's comment addressed public access to information on the number of MA DEP-certified parking spaces in the Logan Airport and East Boston Parking Freeze areas. MA DEP has made a commitment to make these parking freeze inventory numbers available on its web site (*http://www.magnet.state.ma.us/dep/dephome.htm*) and will also encourage Massport and the City of Boston to do the same.

Other specific requirements of Massport/Logan Airport Parking Freeze and City of Boston/East Boston Parking Freeze, and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received by EPA on the NPR.

Final Action

EPA is approving the modifications to Massachusetts State Regulations 310 CMR 7.30 "Massport/Logan Airport Parking Freeze" and 310 CMR 7.31 "City of Boston/East Boston Parking Freeze" as revisions to the Massachusetts SIP.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 11, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: December 28, 2000.

Mindy S. Lubber,

Regional Administrator, EPA-New England.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart W—Massachusetts

2. Section 52.1120 is amended by adding paragraph (c)(130) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(130) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on December 8, 2000 and December 26, 2000.

(i) Incorporation by reference.

(A) Massachusetts State Regulation 310 CMR 7.30 "Massport/Logan Airport Parking Freeze," effective in the Commonwealth of Massachusetts on December 22, 2000.

(B) Massachusetts State Regulation 310 CMR 7.31 "City of Boston/East Boston Parking Freeze," effective in the Commonwealth of Massachusetts on December 22, 2000.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 8, 2000 submitting a revision to the Massachusetts State Implementation Plan.

(B) Letter from the Massachusetts Department of Environmental Protection dated December 26, 2000 submitting the final state certified copies of State regulations 310 CMR 7.30 "Massport/Logan Airport Parking Freeze" and 310 CMR 7.31 "City of Boston/East Boston Parking Freeze."

3. In § 52.1167, Table 52.1167 is amended by revising entries "310 CMR 7.30 Massport/Logan Airport Parking Freeze" and "310 CMR 7.31 City of Boston/East Boston Parking Freeze" to read as follows:

§ 52.1167 EPA-approved Massachusetts State regulations.

* * * * *

TABLE 52.1167.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.30.	Massport/Logan Airport Parking Freeze.	12/26/00	March 12, 2001	[Insert *FR* citation from published date].	130	Applies to the parking of motor vehicles on Massport property.
310 CMR 7.31.	City of Boston/East Boston Parking Freeze.	12/26/00	March 12, 2001	[Insert *FR* citation from published date].	130	Applies to the parking of motor vehicles within the area of East Boston.

[FR Doc. 01–5854 Filed 3–9–01; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–6882–2]

Approval of the Clean Air Act, Section 112(l), Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards for Dry Cleaning Facilities; State of Washington; Puget Sound Clean Air Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Pursuant to section 112(l) of the Clean Air Act (CAA), the State of Washington Department of Ecology (Ecology) submitted a request on behalf of the Puget Sound Clean Air Agency (Puget Sound Clean Air) for approval to implement and enforce Puget Sound Clean Air's Regulation III, section 3.03, Perchloroethylene Dry Cleaners in place of federal National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities ("dry cleaning NESHAP"), as it applies to area sources. EPA has reviewed this request and found that it satisfies the requirements necessary to qualify for approval. Thus, EPA is hereby granting Puget Sound Clean Air the authority to implement and enforce its Perchloroethylene Dry Cleaners regulation in place of the federal dry cleaning NESHAP, for area sources under Puget Sound Clean Air's jurisdiction. This approval makes Puget Sound Clean Air's rules federally enforceable and reduces the burden on area sources within Puget Sound Clean Air's jurisdiction such that they will only have one rule with which they must comply. Major sources remain subject to the federal dry cleaning NESHAP, as adopted into Puget Sound Clean Air Regulation III, Section 2.02.

DATES: This action will be effective on May 11, 2001 without further notice, unless EPA receives relevant adverse comments by April 11, 2001. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 11, 2001.

ADDRESSES: Written comments should be mailed concurrently to the addresses below:

Doug Hardesty, U.S. Environmental Protection Agency, Region X, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, WA, 98101.

Dennis McLerran, Director, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101.

Copies of the requests for approval are available for public inspection at EPA's Region X office during normal business hours.

FOR FURTHER INFORMATION CONTACT: Doug Hardesty, US EPA, Region X (OAQ–107), 1200 Sixth Avenue, Seattle, WA, 98101, (206) 553–6641.

SUPPLEMENTARY INFORMATION:

This Supplementary Information section is organized as follows:

I. Background and Purpose
II. EPA Evaluation and Action
A. Puget Sound Clean Air's Dry Cleaning Rule
1. Classification of Sources
2. Applicability of Major Sources
3. New Facilities Constructed After 12/09/91
4. Technical Reference for Definitions
5. Washer Shall Not Share Refrigerated Condensers with Any Other Equipment
6. Put Perc Into Solvent Tank or Container with "No Perceptible Leaks"
7. Dry Cleaning System Inspection
8. Conditions for Refrigerated Condensers and Carbon Absorbers That are Performing Out of Parameter Limits
9. Use of Colorimetric Tubes
10. Maintain Records for at Least 5 Years
11. On-site Design Specs and Operating Manuals for Each System
12. Authority to Determine Equivalent Emission Control Technology for Dry Cleaning Facilities
B. EPA's Action
C. Puget Sound Clean Air's Authorities to Implement and Enforce Section 112 Standards
1. Penalty Authorities
2. Variances
D. Effect of EPA's Action on Tribal Lands
III. Opportunity for Public Comment
IV. Summary of EPA's Action
V. Administrative Requirements

I. Background and Purpose

Under CAA section 112(l), EPA may approve state or local rules or programs to be implemented and enforced in place of certain otherwise applicable CAA section 112 federal rules, emission standards, or requirements. The federal regulations governing EPA's approval of state and local rules or programs under section 112(l) are located at 40 CFR part 63, subpart E (*see* 59 FR 62262, November 26, 1993). Under these regulations, a local air pollution control agency has the option to request EPA's approval to substitute a local rule for the applicable federal rule (i.e., the federal National Emission Standards for Hazardous Air Pollutants (NESHAP)). Upon approval, the local agency is given the authority to implement and enforce its rule in place of the NESHAP. To receive EPA approval using this "rule substitution" option, the requirements of 40 CFR 63.91 and 63.93 must be met.

On December 1, 1998, (*see* 63 FR 66054), EPA promulgated direct final approval of the State of Washington Department of Ecology's (Ecology) request, on behalf of the Puget Sound Clean Air Agency [1] (Puget Sound Clean Air), for delegation of authority to implement and enforce certain 40 CFR parts 61 and 63 NESHAP rules, as they apply to both part 70 and non-part 70 sources (i.e., "area sources"). Ecology had submitted a request on behalf of Puget Sound Clean Air for approval of a rule adjustment for 40 CFR part 63, subpart M (dry cleaning NESHAP). The original request was dated January 16, 1997, with a correction letter dated September 4, 1997. EPA did not address this request in the December 1, 1998, rulemaking because EPA anticipated that approval of the requested rule adjustments would require a more detailed review under 40 CFR 63.92, and decided to address Puget Sound Clean Air's request for rule adjustments in a separate notice. After completing its review of Puget Sound Clean Air's request, EPA has determined that Puget Sound Clean Air's request does not qualify as a rule adjustment under 40 CFR 63.92. Instead, the request shall be treated as a request for a rule substitution as defined in 40 CFR 63.93. Therefore, EPA is acting on this request as a rule substitution according to 40 CFR 63.93.

II. EPA Evaluation and Action

A. Puget Sound Clean Air's Dry Cleaning Rule

Puget Sound Clean Air's dry cleaning rule differs in several ways from the federal dry cleaning NESHAP. Many of these differences make Puget Sound Clean Air's regulations more stringent than the federal NESHAP. However, some of the provisions of Puget Sound Clean Air's dry cleaning regulations require further clarification to explain how they are at least equivalent to the federal dry cleaning NESHAP. In a letter dated June 9, 2000, Puget Sound Clean Air committed to interpreting and implementing its dry cleaning rule consistent with the explanations provided in this section so that its rule is more stringent or as stringent as the federal dry cleaning NESHAP.

[1] Puget Sound Clean Air was formerly known as the Puget Sound Air Pollution Control Agency (PSAPCA). Federal Register rules that were published prior to January 2000 regarding this agency have used the PSAPCA name.

1. Classification of Sources

In 40 CFR 63.320(g), the federal NESHAP classifies dry cleaning sources based on either annual perchloroethylene ("perc") emissions or annual perc consumption. Major sources are those sources with either 10 tpy perc emissions or perc consumption greater than 8000 Liters (2100 gallons) for dry to dry machines or greater than 6800 liters (1800 gallons) for transfer or transfer & dry to dry machines. Puget Sound Clean Air's regulation use only perc emissions to identify major sources. Puget Sound Clean Air Regulation I, section 1.07(aa) defines Major Source of Hazardous Air Pollutant (HAP) as one that emits 10 tpy of a single HAP (such as perc). EPA believes that this definition adequately captures all major source dry cleaning facilities within Puget Sound Clean Air's jurisdiction. For both the federal and the Puget Sound Clean Air regulations, area sources are those sources which do not meet the criteria listed above. Puget Sound Clean Air's regulation applies to all dry cleaning systems using perc (Puget Sound Clean Air Regulation III, section 3.03(a)). Therefore, EPA believes that this requirement captures all area source dry cleaning facilities within Puget Sound Clean Air's jurisdiction.

2. Applicability of Major Sources

Puget Sound Clean Air's request for approval included only those provisions of the dry cleaning NESHAP that apply to area sources. Thus, percholorethylene dry cleaning facilities that qualify as major sources, will remain subject to the federal NESHAP (40 CFR part 63, subpart M), as adopted by reference into Puget Sound Clean Air Regulation III, section 2.02. Additionally, major sources are required to obtain a Title V permit (Puget Sound Clean Air Regulation III, section 3.03[h]).

3. New Facilities Constructed After 12/09/91

In 40 CFR 63.320(b), the federal dry cleaning NESHAP states that new facilities constructed after 12/09/91 must comply upon startup. Puget Sound Clean Air's regulations do not specifically address this because Puget Sound Clean Air has been regulating its dry cleaning facilities since before 12/09/91, and all sources constructed after this date would be required to install Best Available Control Technology (BACT) upon startup. BACT is more stringent than MACT (in this case, BACT would be a nonventing, closed loop machine, while MACT would not be closed loop and would allow venting), so Puget Sound Clean Air's regulation would be more stringent for new sources. Also, for existing sources that are modified or upgraded, they would be required by Puget Sound Clean Air's regulations to vent to a refrigerated condenser which EPA considers to be equivalent to the MACT.

4. Technical Reference for Definitions

Puget Sound Clean Air's dry cleaning regulation does not include all of the same definitions as the federal dry cleaning NESHAP. Puget Sound Clean Air determined that some of the terms are defined elsewhere in its regulations, and that some definitions are not necessary for its dry cleaning regulation. In its equivalency determination, Puget Sound Clean Air stated that if a conflict arises in defining terms, it will defer to the definitions in the federal dry cleaning NESHAP.

5. Washer Shall Not Share Refrigerated Condensers With Any Other Equipment

The federal dry cleaning NESHAP states in 40 CFR 63.322(f)(3), that washers shall not share refrigerated condensers (RC) with any other equipment. Puget Sound Clean Air's regulations do not address this section because no current facilities share the RC and no new transfer machines are permitted. This is acceptable to EPA based on the understanding that no new transfer machines will be permitted and that there are no new (or existing) facilities that couple their RC with any other equipment.

6. Put Perc Into Solvent Tank or Container With "No Perceptible Leaks"

In 40 CFR 63.322(j), the federal dry cleaning NESHAP requires that perc must be put into a solvent tank or solvent container with "no perceptible leaks." Puget Sound Clean Air Regulation I, section 3.03(c)(4) requires that perc be put into a "closed container." Puget Sound Clean Air has clarified that a "closed container" will be interpreted as a container that has "no perceptible leaks."

7. Dry Cleaning System Inspection

In 40 CFR 63.322(k), the federal dry cleaning NESHAP requires weekly perceptible leak inspections and identifies the specific components which must be inspected. Puget Sound Clean Air's rule at Regulation III, section 3.03(c)(1) requires a visual inspection of the "dry cleaning system." EPA has confirmed that Puget Sound Clean Air's interpretation of the requirement in section 3.03(c)(1) to conduct a visual inspection is that this inspection must include a weekly inspection of all the parts listed in 40 CFR 63.322(k) and must be conducted when the dry cleaning system is operating.

8. Conditions for Refrigerated Condensers and Carbon Absorbers That Are Performing Out of Parameter Limits

In 40 CFR 63.322(n), the federal dry cleaning NESHAP states that if a RC or carbon absorber (CA) does not meet the monitoring parameter limits, then adjustments or repairs shall be made to the dry cleaning system or control device to meet those values. It also states that if repair parts must be ordered, then a written or verbal order for these parts shall be initiated within 2 working days of detecting such parameter value. Additionally, these repair parts shall be installed within 5 working days after receipt. Puget Sound Clean Air Regulation III, section 3.03(f)(1), does not specify the time period in which to repair the dry cleaning system. Instead, it refers to Puget Sound Clean Air Regulation I, section 5.05(e), which states that a dry cleaner's operation and maintenance plan shall include "prompt" repair of any defective equipment or control equipment. EPA and Puget Sound Clean Air interpret this regulation as requiring repair within the time frames required by the federal dry cleaning NESHAP.

9. Use of Colorimetric Tubes

Puget Sound Clean Air's Regulation III, section 3.03(e)(2) does not provide a specific requirement regarding the use of a colorimetric tube. In 40 CFR 63.323(b)(2) and (3), the federal dry cleaning NESHAP describes where to place a sampling port and states that the colorimetric tube should be used according to the manufacturer's instructions. Puget Sound Clean Air has agreed to implement Puget Sound Clean Air Regulation III, section 3.03(e)(2) consistent with the requirements of section 63.323(b) of the federal dry cleaning NESHAP regarding the use of the colorimetric tubes, including the correct placement of the sampling port.

10. Maintain Records for at Least 5 Years

In 40 CFR 63.324(d), the federal dry cleaning NESHAP requires a facility to maintain records on site for a minimum of 5 years. Puget Sound Clean Air's Regulation I, section 5.05(e) does not specify a time frame that a facility must maintain records on site. Both EPA and Puget Sound Clean Air interpret section 5.05(e) to require that records must be maintained indefinitely.

11. On-site Design Specs and Operating Manuals for Each System

In 40 CFR 63.324(e), the federal dry cleaning NESHAP requires a facility to maintain on-site design specs and operating manuals for each system and control device. Puget Sound Clean Air's Regulation III, section 3.03(c)(5) states that facilities shall operate and maintain the dry cleaning system according to manufacturer's specifications and recommendations. EPA agrees with Puget Sound Clean Air's interpretation of section 3.03(c)(5) that, in order to follow a manufacturer's specifications, a dry cleaner must maintain an operating manual.

12. Authority To Determine Equivalent Emission Control Technology for Dry Cleaning Facilities

Under the federal dry cleaning NESHAP, any person may petition the EPA Administrator for a determination that the use of certain equipment or procedures is equivalent to the standards contained in the dry cleaning NESHAP (see 40 CFR 63.325). In its request, Puget Sound Clean Air requested approval for the provisions in Puget Sound Clean Air Regulation I, section 3.23, that would allow for the use of alternative emission control technology without previous approval from EPA. However, CAA section 112(h)(3) limits EPA's authority to approve alternative standards solely to the EPA Administrator. A source seeking permission to use an alternative means of emission limitation under CAA section 112(h)(3) must receive approval, after notice and opportunity for comment, from EPA before using such alternative means of emission limitation for the purpose of complying with CAA section 112. Therefore, EPA cannot approve Puget Sound Clean Air's request for authority to approve alternative emission control technologies.

B. EPA's Action

After reviewing the request for approval of Puget Sound Clean Air's dry cleaning rules, EPA has determined that this request meets all of the requirements necessary to qualify for approval under CAA section 112(l) and 40 CFR 63.91 and 63.93. EPA has determined that Puget Sound Clean Air's dry cleaning rule is equivalent or more stringent than the federal dry cleaning NESHAP. Therefore, EPA hereby approves Puget Sound Clean Air's dry cleaning rule to be used in place of the federal dry cleaning NESHAP, as it applies to area sources in Puget Sound Clean Air's jurisdiction. As of the effective date of this action, Puget Sound Clean Air's dry cleaning rule is enforceable by the EPA and citizens under the CAA. Although Puget Sound Clean Air has primary implementation and enforcement responsibility, EPA retains the right, pursuant to CAA section 112(l)(7), to enforce any applicable emission standard or requirement under CAA section 112.

C. Puget Sound Clean Air's Authorities To Implement and Enforce Section 112 Standards

1. Penalty Authorities

In response to Puget Sound Clean Air's original request for NESHAP program approval and delegation of authority, EPA had only granted interim approval to Puget Sound Clean Air (see 61 FR 43675) because Ecology's statute addressing criminal authorities, RCW 70.94.430, which Puget Sound Clean Air implements, did not meet the stringency requirements of 40 CFR 70.11 and 40 CFR 63.91. Ecology addressed these issues in a letter dated October 7, 1996. This letter included a legal memorandum from the Washington State Attorney General's Office dated May 23, 1996, explaining how the statutory authority in RCW 70.94.430(1) may be interpreted to provide the required authority for criminal penalties. Ecology also amended the State regulation at Washington Administrative Code (WAC) 173–400–105(7) and (8) to include prohibitions against knowingly making false statements and knowingly rendering inaccurate any monitoring device. In a letter dated February 28, 1997, Ecology provided supporting documentation from Puget Sound Clean Air. In this documentation, Puget Sound Clean Air committed to enforcing WAC 173–400–105(7) and (8) until such time as it might adopt its own equivalent regulations. Based on this information, EPA determined that Puget Sound Clean Air has adequate criminal authorities to meet the requirements of 40 CFR 70.11 and 40 CFR 63.91 (see 63 FR 66054 for Puget Sound Clean Air's final NESHAPs approval and delegation of authority).

As stated in section II.B. above, EPA retains the right, pursuant to CAA section 112(l)(7), to enforce any applicable emission standard or requirement under CAA section 112, including the authority to seek civil and criminal penalties up to the maximum amounts specified in CAA section 113.

2. Variances

Puget Sound Clean Air Regulation I, section 3.23, "Alternate Means of Compliance," provides for the granting of variances under certain circumstances. EPA regards these provisions as wholly external to Puget Sound Clean Air's request for approval to implement and enforce a CAA section 112 program or rule and, consequently, does not approve this provision as part of this action. EPA does not recognize the ability of a State or local agency who has received delegation of a CAA section 112 program or rule to grant relief from the duty to comply with such Federally-enforceable program or rule, except where such relief is granted in accordance with procedures allowed under CAA section 112. As stated above, EPA retains the right, pursuant to CAA section 112(l)(7), to enforce any applicable emission standard or requirement under CAA section 112. As mentioned in section II.A.12 above, a source seeking permission to use an alternative means of emission limitation under CAA section 112 must also receive approval, after notice and opportunity for comment, from EPA before using such alternative means of emission limitation for the purpose of complying with CAA section 112.

D. Effect of EPA's Action on Tribal Lands

Under the Puyallup Tribe of Indians Settlement Act of 1989, Congress provided state and local agencies, such as Puget Sound Clean Air, authority over activities on non-trust lands within the 1873 Survey Area. As of the effective date of this action, Puget Sound Clean Air will be implementing and enforcing its dry cleaning rule, as it applies to area sources on the non-trust lands within the 1873 Survey Area, in place of the federal dry cleaning NESHAP. EPA consulted with the Puyallup Tribe by letter dated January 11, 2000 regarding this action, and received no adverse comments from the Tribe.

III. Opportunity for Public Comment

EPA views the approval of Puget Sound Clean Air's request to use its Perchloroethylene Dr Cleaners regulation as a substitute for the federal dry cleaning NESHAP as a noncontroversial action and anticipates no adverse comments. Therefore, EPA is publishing this direct final rule without prior proposal. However, in the Proposed Rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal for this action should relevant adverse comments be filed. This action will be effective on May 11, 2001 without further notice, unless EPA receives relevant adverse comments by April 11, 2001.

If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this rule. Any parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 11, 2001 and no further action will be taken on the proposed rule.

IV. Summary of EPA's Action

Pursuant to section 112(l) of the CAA and 40 CFR 63.91 and 63.93, EPA is approving Ecology's request for Puget Sound Clean Air to implement and enforce Puget Sound Clean Air's Regulation III, section 3.03, Perchloroethylene Dry Cleaners (section 3.03) in place of 40 CFR part 63, subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, as it applies to area sources. This approval makes Puget Sound Clean Air's rules federally enforceable and reduces the burden on area sources within Puget Sound Clean Air's jurisdiction such that they only have one rule with which they must comply. Major sources remain subject to 40 CFR part 63, subpart M, as adopted into Puget Sound Clean Air Regulation III, section 2.02.

V. Administrative Requirements

A. Executive Orders 12866 and 13045

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866, entitled "Regulatory Planning and Review."

This rule is not subject to Executive Order 13045, entitled, "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under Executive Order 12866.

B. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a State program and rules implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. Thus, Executive Order 13132 does not apply to this rule.

Although section 6 of the Executive Order does not apply to this rule, EPA did consult with representatives of State and local governments in developing this rule, and this rule is in response to the State's and local's delegation request.

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

This rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 600, *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small government entities with jurisdiction over populations of less than 50,000.

This final rule will not have a significant impact on a substantial number of small entities because approvals under 40 CFR 63.93 do not create any new requirements, but simply approve requirements that the state or local agency is already imposing. Therefore, because this action does not impose any new requirements, I certify that it does not have a significant economic impact on a substantial number of small entities.

E. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated annual costs to state, local, or tribal governments in the aggregate, or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the delegation action promulgated does not include a federal mandate that may result in estimated annual costs of $100

million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under state or local law, and imposes no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

F. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

G. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 11, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*see* section 307(b)(2)).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 2, 2000.

Charles E. Findley,

Acting Regional Administrator, Region X.

Title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Section 63.14 is amended by adding paragraph (d)(2) to read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(d) * * *

(1) * * *

(2) Revisions to Puget Sound Clean Air Regulation III, section 3.03, Perchloroethylene Dry Cleaners adopted on November 9, 1995, IBR approved for section 63.99 (a)(47)(ii) of subpart E of this part.

Subpart E—Approval of State Programs and Delegation of Federal Authorities

3. Section 63.99 is amended by revising the table in paragraph (a)(47)(i) and by adding paragraph (a)(47)(ii) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) * * *

(47) * * *

(i) * * *

DELEGATION STATUS FOR PART 63 STANDARDS—WASHINGTON

Subpart	Description	Ecology[1]	BCAA[2]	NWAPA[3]	OAPCA[4]	PSCAA[5]	SCAPCA[6]	SWAPCA[7]	YRCAA[8]
A	General Provisions[9]			X		X		X	
D	Early Reductions			X		X		X	
F	HON–SOCMI			X		X		X	
G	HON-Process Vents			X		X		X	
H	HON-Equipment Leaks			X		X		X	
I	HON-Negotiated Leaks			X		X		X	
L	Coke Oven Batteries			X		X		X	
M	Perc Dry Cleaning			X		X[5]		X	
N	Chromium Electroplating			X		X		X	
O	Ethylene Oxide Sterilizers			X		X		X	
Q	Industrial Process Cooling Towers.			X		X		X	
R	Gasoline Distribution			X		X		X	
S	Pulp and Paper[10]			X		X		X	
T	Halogenated Solvent Cleaning			X		X		X	
U	Polymers and Resins I			X		X		X	
W	Polymers and Resins II—Epoxy			X		X		X	
X	Secondary Lead Smelting			X		X		X	
Y	Marine Tank Vessel Loading			X		X		X	
AA	Phosphoric Acid Manufacturing Plants.			X		X			
BB	Phosphate Fertilizers Production Plants.			X		X			
CC	Petroleum Refineries			X		X		X	
DD	Off-Site Waste and Recovery			X		X		X	
EE	Magnetic Tape Manufacturing			X		X		X	
GG	Aerospace Manufacturing & Rework.			X		X		X	
HH	Oil and Natural Gas Production Facilities.			X		X			
II	Shipbuilding and Ship Repair			X		X		X	
JJ	Wood Furniture Manufacturing Operations.			X		X		X	
KK	Printing and Publishing Industry.			X		X		X	

DELEGATION STATUS FOR PART 63 STANDARDS—WASHINGTON—Continued

Subpart	Description	Ecology[1]	BCAA[2]	NWAPA[3]	OAPCA[4]	PSCAA[5]	SCAPCA[6]	SWAPCA[7]	YRCAA[8]
LL	Primary Aluminum[11].								
OO	Tanks—Level 1			X		X			
PP	Containers			X		X			
QQ	Surface Impoundments			X		X			
RR	Individual Drain Systems			X		X			
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or Process.			X		X			
TT	Equipment Leaks—Control Level 1.			X		X			
UU	Equipment Leaks—Control Level 2.			X		X			
VV	Oil-Water Separators and Organic-Water Separators.			X		X		X	
WW	Storage Vessels (Tanks)—Control Level 2.			X		X			
YY	Source Categories: Generic MACT.			X		X			
CCC	Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants.			X		X			
DDD	Mineral Wool Production			X		X			
EEE	Hazardous Waste Combustors			X		X			
GGG	Pharmaceuticals Production			X		X			
HHH	Natural Gas Transmission and Storage Facilities.			X		X			
III	Flexible Polyurethane Foam Production.			X		X			
JJJ	Polymers and Resins IV			X		X		X	
LLL	Portland Cement Manufacturing			X		X			
MMM	Pesticide Active Ingredient Production.			X		X			
NNN	Wool Fiberglass Manufacturing			X		X			
PPP	Polyether Polyols Production			X		X			
TTT	Primary Lead Smelting			X		X			
XXX	Ferroalloys Production: Ferromanganese & Silicomanganese.			X		X			

[1] Washington Department of Ecology.
[2] Benton Clean Air Authority.
[3] Northwest Air Pollution Authority (7/1/99).
[4] Olympic Air Pollution Control Authority.
[5] Puget Sound Clean Air Agency (7/1/99).
Note: For area source drycleaners within Puget Sound Clean Air's jurisdiction, see 40 CFR 63.99(a)(47)(ii).
[6] Spokane County Air Pollution Control Authority.
[7] Southwest Air Pollution Control Authority (8/1/98).
[8] Yakima Regional Clean Air Authority.
[9] Authorities which may not be delegated include: 40 CFR 63.6(g); 63.6(h)(9); 63.7(e)(2)(ii) and (f) for approval of major alternatives to test methods; 63.8(f) for approval of major alternatives to monitoring; 63.10(f); and all authorities identified in the subparts (i.e., under "Delegation of Authority") that cannot be delegated. For definitions of *minor*, *intermediate*, and *major* alternatives to test methods and monitoring, see memorandum from John Seitz, Office of Air Quality Planning and Standards, dated July, 10, 1998, entitled, "Delegation of 40 CFR part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies."
[10] Subpart S of this part is delegated to these agencies as applies to all applicable facilities and processes as defined in 40 CFR 63.440, *except* kraft and sulfite pulping mills. The Washington Department of Ecology (Ecology) retains the authority to regulate kraft and sulfite pulping mills in the State of Washington, pursuant to Washington Administrative Code (WAC) 173–405–012 and 173–410–012.
[11] Subpart LL of this part cannot be delegated to any local agencies in Washington because Ecology retains the authority to regulate primary aluminum plants, pursuant to WAC 173–415–012.
Note to paragraph (a)(47): Dates in parenthesis indicate the effective date of the federal rules that have been adopted by and delegated to the state or local air pollution control agency. Therefore, any amendments made to these delegated rules after this effective date are not delegated to the agency.

(ii) Affected area sources within Puget Sound Clean Air's jurisdiction must comply with Puget Sound Clean Air's Regulation III, sections 3.03, Perchloroethylene Dry Cleaners, (incorporated by reference as specified in 40 CFR 63.14) as follows:

(A) The material incorporated in Puget Sound Clean Air's Regulation III, section 3.03, Perchloroethylene Dry Cleaners, pertains to the perchloroethylene dry cleaning source category in the Puget Sound Clean Air jurisdiction, and has been approved under the procedures in 40 CFR 63.93 to be implemented and enforced in place of the federal NESHAPs for Perchloroethylene Dry Cleaning Facilities (40 CFR part 63, subpart M), for area sources, as defined in 40 CFR 63.320(h).

(1) Authorities not delegated.

(i) Puget Sound Clean Air is not delegated the authority to implement and enforce Puget Sound Clean Air Regulation III, sections 3.03 in lieu of those provisions of Subpart M which

applies to major sources, as defined in 40 CFR 63.320(g). Dry cleaning facilities which are major sources remain subject to subpart M.

(ii) Puget Sound Clean Air is not delegated the authority of 40 CFR 63.325 to determine equivalency of emissions control technologies. Any source seeking permission to use an alternative means of emission limitation under Puget Sound Clean Air Regulation I, section 3.23 must also receive approval from the Administrator before using such alternative means of emission limitation for the purpose of complying with section 112.

(B) [reserved].

[FR Doc. 01–1343 Filed 3–9–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301104; FRL–6769–8]

RIN 2070–AB78

Butene, Homopolymer; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of butene, homopolymer; when used as an inert ingredient in or on growing crops, when applied to raw agricultural commodities after harvest, or to animals. Miller Chemical and Fertilizer Corporation, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996 requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of butene, homopolymer.

DATES: This regulation is effective March 12, 2001. Objections and requests for hearings, identified by docket control number OPP–301104 must be received by EPA on or before May 11, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VIII. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301104 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Indira Gairola, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–6379 and e-mail address: gairola. indira@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301104. The official record consists of the documents specifically referenced in this action, andother information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of December 20, 2000 (65 FR 79839) (FRL–6760–6), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP 1E6239) by Miller Chemical and Fertilizer Corporation, P.O. Box 333, Radio Road, Hanover, PA 17331. This notice included a summary of the petition prepared by the petitioner. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.1001 (c) and (e) be amended by establishing an exemption from the requirement of a tolerance for residues of butene, homopolymer; (CAS Reg. No. 9003–29–6).

Section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(c)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section

408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue..." and specifies factors EPA is to consider in establishing an exemption.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers that should present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b). The following exclusion criteria for identifying these low risk polymers are described in 40 CFR 723.250(d).

1. The polymer, butene, homopolymer, is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its compostion the atomic elements carbon, hydrogen, and oxygen.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

Additionally, the polymer, butene, homopolymer, also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

7. The polymer's number average molecular weight (MW) of 1,330 is greater than 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000, and the polymer does not contain any reactive functional groups.

Thus, butene, homopolymer meets all the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the above criteria, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to butene, homopolymer.

V. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that butene, homopolymer could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of butene, homopolymer is 1330 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since butene, homopolymer conforms to the criteria that identify a low risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

VI. Cumulative Effects

Section 408 (b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance or tolerance exemption, the Agency consider "available information" concerning the cumulative effects of a particular chemical's residues and "other substances that have a common mechanism of toxicity." The Agency has not made any conclusions as to whether or not butene, homopolymer shares a common mechanism of toxicity with any other chemicals. However, butene, homopolymer conforms to the criteria that identify a low risk polymer. Due to the expected lack of toxicity based on the above conformance, the Agency has determined that a cumulative risk assessment is not necessary.

VII. Determination of Safety for U.S. Population

Based on the conformance to the criteria used to identify a low risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population from aggregate exposure to residues of butene, homopolymer.

VIII. Determination of Safety for Infants and Children

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin safety will be safe for infants and children. Due to the expected low toxicity of butene, homopolymer, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

IX. Other Considerations

A. Endocrine Disruptors

There is no available evidence that butene, homopolymer is an endocrine disruptor.

B. Existing Exemptions from a Tolerance

Currently there is an existing tolerance exemption under (40 CFR 180.1037) for polybutylene, which is also known as butene, homopolymer.

C. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

D. International Tolerances

The Agency is not aware of any country requiring a tolerance for butene, homopolymer nor have any CODEX Maximum Residue Levels (MRLs) been established for any food crops at this time.

X. Conclusion

Accordingly, EPA finds that exempting residues of butene, homopolymer from the requirement of a tolerance will be safe.

XI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301104 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 11, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VIII.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301104 to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

XII. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

XIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 23, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. In § 180.1001 the tables in paragraphs (c) and (e) are amended by adding alphabetically the following inert ingredient to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * *	* * *	
Butene, homopolymer minimum number average molecular weight (in amu) 1,330 (CAS Reg. No. 9003–29–6)		Sticker, surfactant and related adjuvant.
* * * *	* * *	

(e) * * *

Inert ingredients	Limits	Uses
* * * *	* * *	
Butene, homopolymer minimum number average molecular weight (in amu) 1,330 (CAS Reg. No. 9003–29–6)		Sticker, surfactant and related adjuvant.
* * * *	* * *	

[FR Doc. 01-6086 Filed 3-9-01; 8:45 am]
BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-301088; FRL-6759-4]

RIN 2070-AB78

Chlorothalonil; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for combined residues of chlorothalonil and its metabolite, 4-hydroxy-2,5,6-trichloroisophthalonitrile (SDS-3701) in or on almonds (nutmeats), almond hulls, asparagus, mangoes, non-bell peppers, and pistachios. In addition, tolerances for the metabolite SDS-3701 are established for milk and meat commodities. ISK Biosciences Corporation and the Interregional Research Project Number 4 (IR-4) requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective March 12, 2001. Objections and requests for hearings, identified by docket control number OPP-301088, must be received by EPA on or before May 11, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP-301088 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: 703-305-7740; and e-mail address: giles-parker.cynthia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of potentially affected entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations", "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-301088. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

II. Background and Statutory Findings

In the **Federal Register** of February 13, 1997 (PP 5F4558) (62 FR 6780) (FRL-5587-3), April 2, 1997 (PP 6F4676) (62 FR 15700) (FRL-5594-9), July 11, 1997 (PP 6F4611) (62 FR 37246) (FRL-5723-1), and September 17, 1997 (PP 2E4042, 2E4018 and 6E4672) (62 FR 48849) (FRL-5735-8), EPA issued notices pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104-170) announcing the filing of pesticide petitions (PP) for tolerances by ISK Biosciences Corporation, 15966 Heisley Road, P.O. Box 8000, Mentor, OH 44061-8000 and Interregional Research Project Number 4 (IR-4), New Jersey Agricultural Experimental Station, P.O. box 231, Rutgers University, New Brunswick, NJ 08903. These notices included a summary of the petition prepared by ISK Biosciences Corporation and IR-4, the registrants. The active ingredient has since been transferred to GB Biosciences Corporation, 1800 Concord Pike, P.O. Box 15458, Wilmington, DE 19850-5458. There were no comments received in response to the notices of filing.

The petitions requested that 40 CFR 180.275 be amended by establishing tolerances for combined residues of the fungicide chlorothalonil, tetrachloroisophthalonitrile and its metabolite, 4-hydroxy-2,5,6-trichloroisopthalonitrile (SDS-3701), in or on almonds (nutmeats) at 0.05 part per million (ppm), almond hulls at 1.0 ppm, asparagus at 0.1 ppm, mangoes at 1.0 ppm, non-bell peppers at 5 ppm, and pistachios at 0.2 ppm, and for residues of the metabolite SDS-3701 in or on the following milk and meat commodities: fat of cattle, hogs, goats, horses, and sheep at 0.1 ppm; kidney of cattle, hogs, goats, horses and sheep at 0.5 ppm; meat byproducts (mbyp) (except kidney) of cattle, goats, hogs, horses and sheep at 0.05 ppm and meat of cattle, goats, hogs, horses, and sheep at 0.03 ppm and milk at 0.1 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL-5754-7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for combined residues of chlorothalonil and its metabolite SDS-3701 in or on almonds (nutmeats) at 0.05 ppm, almond hulls at 1.0 ppm, asparagus at 0.1 ppm, mangoes at 1.0 ppm, non-bell peppers at 5 ppm, and pistachios at 0.2 ppm, and for residues of the metabolite SDS-3701 in or on the following milk and meat commodities: fat of cattle, hogs, goats, horses, and sheep at 0.1 ppm; kidney of cattle, hogs, goats, horses and sheep at 0.5 ppm; meat byproducts (mbyp) (except kidney) of cattle, goats, hogs, horses and sheep at 0.05 ppm and meat of cattle, goats, hogs, horses, and sheep at 0.03 ppm and milk at 0.1 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by chlorothalonil, SDS-3701, the major metabolite of chlorothalonil, and hexachlorobenzene (HCB), an impurity in chlorothalonil and other pesticide products, are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY; CHLOROTHALONIL AND SDS-3701

Study Type	Results
21-Day dermal toxicity in rats-chlorothalonil	Dermal NOAEL = <60 mg/kg/day based on dermal irritation and lesions; Systemic LOAEL = 600 mg/kg/day.
Prenatal developmental in rodents -chlorothalonil	Maternal NOAEL = 100 mg/kg/day; LOAEL = 400 mg/kg/day based on increased mortality and reduced body weight gain. Developmental LOAEL = 400 mg/kg/day based on an increase total resorptions and resorptions per dam with a related increase in post-implantation loss. No decrease in litter size was reported.
Prenatal developmental in nonrodents - SDS-3701	Maternal NOAEL = 1 mg/kg/day; LOAEL = 2.5 mg/kg/day based on increase in maternal death and abortion. Developmental NOAEL = 5 mg/kg/day, the highest dose tested. No developmental toxicity observed.
Reproduction and fertility effects - chlorothalonil	Parental/Systemic NOAEL = <38 mg/kg/day; LOAEL = 38 mg/kg/day based on hyperplasia of renal and forestomach tissues. Offspring toxicity NOAEL = 115 mg/kg/day; LOAEL = 234 mg/kg/day based on lower neonatal body weights by day 21.
Carcinogenicity rats - chlorothalonil	NOAEL = 2 mg/kg/day; LOAEL = 4 mg/kg/day based on increased kidney weights as well as ulcers and forestomach hyperplasia. Renal tubular adenomas and carcinomas were seen in male Fisher 344 rats at 15 and 175 mg/kg/day and in females at 175 mg/kg/day. The incidence of forestomach papillomas and carcinomas was increased at 175 mg/kg/day in males and at both 15 and 175 mg/kg/day in females.
Carcinogenicity rats - chlorothalonil	NOAEL = <40 mg/kg/day; Chronic hyperplasia of cortical tubules and pelvic/papillary epithelium, tubular cysts were found at all dose levels. Renal adenomas and carcinomas as well as stomach papillomas were also present at all dose levels. Female rat renal (adenomas and/or carcinomas) tumor rates were 0/60 in the control, 2/60 at 40 mg/kg/day, 7/61 at 80 mg/kg/day, and 19/59 at 175 mg/kg/day.
Carcinogenicity mice - chlorothalonil	NOAEL = <112.5 mg/kg/day; Bone marrow and spleen red pulp hyperplasia, increased kidney weights with surface irregularities, pelvic dilation, cysts and nodules, and stomach /esophageal hyperplasia were found at all dose levels (equivalent to 112.5, 225, or 450 mg/kg/day) in CD-1 mice.
Carcinogenicity rats - SDS-3701	NOAEL = 3.0 mg/kg/day; LOAEL = 10 mg/kg/day based on reduced body weight. There was no evidence of carcinogenicity in either sex of Sprague-Dawley rats.
Carcinogenicity mice - SDS-3701	LOAEL = <54 mg/kg/day based on increased liver-to-body weight ratios in males. There was no evidence of carcinogenicity in either sex of CD-1 mice.

TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY; CHLOROTHALONIL AND SDS–3701—Continued

Study Type	Results
Gene Mutation	In light of considerable body of evidence from acceptable whole animal testing, it is concluded that chlorothalonil is also not calstogenic or aneugenic in rats, mice or Chinese hamsters.
Cytogenetics	A weak positive response was seen under non-activated conditions in an *in vivo* cytogenetic CHO assay and in the subchronic phase of an *in vivo* bone marrow Chinese hamster cytogenetic assay.
Metabolism and pharmacokinetics	Oral absorption was low (approximately 33% of the administered dose). Peak blood levels were considered low (less than 1% of the dose present in blood). Elimination was primarily by the gastrointestinal tract, with 80 – 90% in feces and approximately 15 – 20% was observed in bile.
Dermal penetration	An upper limit of 0.15% of chlorothalonil that contacts the skin during a workday is estimated to be absorbed. The dermal absorption rate is calculated using the lowest LOAEL from the subchronic oral dosing studies in rats, the oral absorption rate obtained from the rat metabolism study and the LOAEL from the 21–day dermal toxcity study.
Cell proliferation study in male Fisher 344 rats - chlorothalonil	LOAEL = 175 mg/kg/day based on increased cell proliferation correlated with histopathological lesions of degeneration of the proximal convoluted tubules and epithelial hyperplasia.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the ariations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences. In the case of acute dietary risk, effects were seen at the only dose tested in the subchronic dietary toxicity study in rats; therefore, no NOAEL was identified. Since the LOAEL was used for acute dietary risk assessment, an additional UF of 3X was added to the conventional UF of 100X for a total UF of 300X.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non–dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q^*) is the primary method currently used by the Agency to quantify carcinogenic risk. The (Q^*) approach assumes that any amount of exposure will lead to some degree of cancer risk. A (Q^*) is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non–linear approach, a "point of departure" is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for chlorothalonil used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR CHLOROTHALONIL FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary general population including infants and children	LOAEL = 175 mg/kg/day UF = 300 Acute RfD = 0.58 mg/kg/day	FQPA SF = 1 aPAD = acute RfD/FQPA SF = 0.58 mg/kg/day	Subchronic dietary toxicity study in rats LOAEL = 175 mg/kg/day based on increased cell proliferation correlated with histopathological lesions of degeneration of the proximal convoluted tubules and epithelial hyperplasia.

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR CHLOROTHALONIL FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Chronic Dietary general population including infants and children	NOAEL= 2 mg/kg/day; UF = 100; Chronic RfD = 0.02 mg/kg/day	FQPA SF = 1 cPAD = chronic RfD/FQPA SF = 0.02 mg/kg/day	Chronic toxicity/ carcinogenicity study in rats LOAEL = 14 mg/kg/day based on increased kidney weights and hyperplasia of the proximal convoluted tubules in the kidneys as well as ulcers and forestomach hyperplasia.
Short–Term Dermal (1 to 7 days) (Residential)	dermal NOAEL = 600 mg/kg/day (dermal absorption rate = 0.15%)	LOC for MOE = 100 (Residential)	21–day dermal toxicity study in rats; LOAEL = 600 mg/kg/day based on No treatment-related systemic toxicity in the highest dose tested.
Intermediate-Term Dermal (1 week to several months) (Residential)	dermal NOAEL = 600 mg/kg/day (dermal absorption rate = 0.15%	LOC for MOE = 100 (Residential)	21–day dermal toxicity study in rats; LOAEL = 600 mg/kg/day based on no treatment-related systemic toxicity in the highest dose tested.
Short-, Intermediate, Long-Term Inhalation (Residential)	Oral NOAEL = 2 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Residential)	Chronic toxicity/ carcinogenicity study in rats; LOAEL = 4 mg/kg/day based on increased kidney weights and hyperplasia of the proximal convoluted tubules in the kidneys as well as ulcers and forestomach hyperplasia.
Cancer (oral, dermal, inhalation)	$Q^* = 7.66 \times 10^{-3}$ (mg/kg/day)$^{-1}$		Chronic toxicity/ carcinogenicity study in rats Based on evidence of increased incidence of renal adenomas, carcinomas, and adenomas/carcinomas combined in rats and mice following chronic dosing at 15 and 175 mg/kg/day, as well as increased incidence of forestomach carcinomas in CD–1 mice and papillomas and/or carcinomas combined in Fisher 344 rats. A 3/4 scaling factor was applied to the Q^*.
Cancer (oral, dermal, inhalation)	NOAEL = 1.5 mg/kg/day	LOC for MOE = 9,500	Cell proliferation study in rats LOAEL = 15 mg/kg/day based on toxic response of the kidney and forestomach

* The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

1. *Mechanistic data.* In a cell proliferation study, 28 male Fischer 344 rats received technical chlorothalonil (97.9%) in the diet at 175 mg/kg/day for up to 91 days. Mean labeling index was statistically increased in the kidneys of male rats treated with 175 mg/kg/day chlorothalonil at all scheduled sacrifice times. From Day 7 to Day 28, the increase in labeling index was relatively stable (approximately 10–fold over control), with a decrease to approximately 3.5–fold over control on Day 91. Increased cell proliferation correlated with histopathological lesions of degeneration of the proximal convoluted tubules and epithelial hyperplasia. The results of this study demonstrate a sustained cell proliferative response as a result of dietary administration of technical chlorothalonil at a dose of 175 mg/kg/day.

In another study, 96 male SPF rats were divided into test groups of 6 animals per group. Rats received technical chlorothalonil (98.98% a.i.) in the diet at dose levels of 0, 1.5, 15, or 175 mg/kg/day for either 7, 14, 21, or 28 days (total of 24 rats per time point). Histological examination of kidney and stomach tissue was performed for each group after the appropriate exposure. In addition, kidneys were subjected to PCNA staining and stomachs to BrdU staining, and the labeling index and labeling count of cell nuclei were performed. Duodenum was used as a negative control for PCNA and BrdU staining. Increased absolute and relative weight of the kidneys was observed at 175 mg/kg/day at all time points, and, in one animal, at 15 mg/kg/day on Day 28. Increased incidence of vacuolization of the epithelium of the proximal convoluted tubules was observed at all time points at 175 mg/kg/day on Days 7, 14, and 21 at 15 mg/kg/day. PCNA immunostaining of the proximal convoluted tubule epithelial cells showed increased labeling of cells at the 175 mg/kg/day dose level at all time points, and increased labeling at 15 mg/kg/day on Days 7, 14, and 21. BrdU labeling of the rat forestomach showed marked labeling at 175 mg/kg/day at all time points, and increased labeling on Day 28 at 15 mg/kg/day. The results of this study demonstrate a toxic response of the kidney and forestomach to repeated dietary administration of chlorothalonil at doses of 15 and 175 mg/kg/day.

2. *Summary of toxicological dose and levels of concern for SDS–3701 for use in human risk assessment.* There is no evidence of carcinogenicity for the SDS–3701 metabolite in either rats or mice. For the acute and chronic non-cancer exposure assessments, residues of SDS –3701 were combined with residues of chlorothalonil and the sum compared to chlorothalonil levels of concern (the LOAEL for acute dietary risk and the RfD for chronic non-dietary risk).

3. *Summary of toxicological dose and levels of concern for HCB for use in human risk assessment.* A summary of the toxicological endpoints for HCB used for human risk assessment is shown in the following Table 3:

TABLE 3.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR HCB FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Endpoint for Risk Assessment	Study and Toxicological Effects
Chronic Dietary all populations	NOAEL= 0.08 mg/kg/day UF = 100	Chronic RfD = 0.0008 mg/kg/day	130–week feeding study in rats. Effects observed were hepatic centrilobular basophilic chromogenesis.
Cancer (oral, dermal, inhalation)	Q^* = 1.02 $(mg/kg/day)^{-1}$		Carcinogenicity study in rodents. Based on increased tumor incidences in hamsters and rats. A 3/4 scaling factor was applied to the Q^*.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.275) for the combined residues of chlorothalonil and its metabolite SDS–3701, in or on a variety of raw agricultural commodities. At levels ranging from 0.05 ppm in cocoa beans and bananas, edible pulp to 15 ppm in celery and papayas. Risk assessments were conducted by EPA to assess dietary exposures from chlorothalonil and its metabolite SDS–3701 in food as follows:

Food uses evaluated in the dietary (food) risk assessments were the published uses of chlorothalonil in 40 CFR 180.275 and pending uses. U.S. Food and Drug Administration monitoring data (1988–1993), USDA Pesticide Data Program (PDP) (1992–1994 partial), and field trial data are types of anticipated residue data provided for chlorothalonil and HCB. Anticipated residues were used for pending tolerances for pistachios (0.068 ppm), mangoes (0.3 ppm), asparagus (0.03 ppm) and non-bell peppers (5 ppm). Percent of crop treated information was used for most crops with established tolerances. Residues of HCB in plant commodities were estimated to be present at 0.05% of the residues of chlorothalonil. This level is equivalent to the maximum level of HCB that is allowed in formulations of chlorothalonil. In meat products, anticipated residues were estimated based on HCB feeding studies.

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The following assumptions were made for the acute exposure assessments: The computerized modeling system (Dietary Risk Evaluation System (DRES) was used to estimate acute dietary exposure. The analysis evaluates individual food consumption as reported by respondents in the USDA 1977–1978 Nationwide Food Consumption Survey (NFCS) and accumulates exposure to chlorothalonil for each commodity. Each analysis assumes uniform distribution of chlorothalonil in the commodity supply. Acute dietary exposure was estimated based on the theoretical maximum residue contribution (TMRC) or anticipated residues for combined residues of chlorothalonil and SDS–3701.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the computerized modeling system (Dietary Risk Evaluation System (DRES) was used. The following assumptions were made for the chronic exposure assessments: Tolerance level residues and percent of crop treated information were used in the analysis for chlorothalonil and SDS–3701. Anticipated residues were used in the chronic dietary exposure analysis from food for HCB.

iii. *Cancer.* In this analysis, dietary exposure from chlorothalonil was estimated based on anticipated residues (excluding meat and milk, eggs and poultry). Meat and milk, eggs and poultry were not included in this analysis since chlorothalonil residues are not expected in these commodities. SDS–3701 was not included in this analysis since it is not carcinogenic. The dietary exposure from food from HCB was estimated based on anticipated residues (includes meat and milk, eggs and poultry). Since HCB is a contaminant in several other pesticides, an aggregate exposure assessment for HCB was conducted with food uses of chlorothalonil, pentachlorobenzene, picloram, and dacthal. HCB is present in five other food-use pesticides but at low levels which do not significantly add to the aggregate dietary exposure. Pentachlorobenzene (PCB) is also present in PCNB, and the Agency has concluded that the carcinogenic potential of PCB is comparable to HCB. In estimating dietary carcinogenic risk from HCB in these four pesticides, the Q^* for PCB is assumed to be equal to that for HCB. The assumption was made that the impurities would occur on food commodities at the same ratio to the active ingredient as was present in the formulation applied to these crops. It is also assumed that the impurity would dissipate from the food commodity at an equal or greater rate than the active ingredient. The Agency believes these are reasonable assumptions because there are data from studies with chlorothalonil, picloram and dacthal which support this approach.

iv. *Anticipated residue and percent crop treated information.* Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: Condition 1, that the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; Condition 2, that the exposure estimate does not underestimate exposure for any significant subpopulation group; and Condition 3, if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of percent crop treated (PCT) as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used percent crop treated (PCT) information as described in the following Table 4:

TABLE 4.—ESTIMATION OF PERCENTAGE OF CROPS TREATED WITH CHLOROTHALONIL

Commodity	Processing factors	Anticipated Residues (ppm)		% crop treated
		Chlorothalonil	HCB	
Apricots	None	0.0078	3.9×10^{-6}	35
Banana pulp	None	0.0005	0.3×10^{-6}	10
Beans, dry	None	0.0087	4.4×10^{-6}	2
Beans, snap	0.05 for all cooked, canned or frozen beans	0.0133	6.7×10^{-6}	40
Broccoli	None	0.0015	$0.8\ 10^{-6}$	15
Brussels sprouts	None	0.0135	6.8×10^{-6}	42
Cabbage	0.2 for all food forms	0.0137	6.9×1010^{-6}	50
Cabbage, Chinese	0.2 for all food forms	0.0116	5.8×10^{-6}	100
Cattle fat	None	0	1.65×10^{-4}	None
Cattle meat	None	0	1.24×10^{-5}	None
Cattle liver	None	0	8×10^{-6}	None
Cattle kidney	None	0	8×10^{-6}	None
Cocoa	0.1 for all food forms	0.05	2.5×10^{-6}	100
Cantaloupe	None	0.0191	9.6×10^{-6}	30
Carrots	0.005 for all cooked or processed food forms	0.0036	1.8×10^{-6}	35
Cauliflower	None	0.0115	5.8×10^{-6}	20
Celery	None	0.0874	43.7×10^{-6}	85
Cherries	0.05 for all processed food forms	0.002	1×10^{-6}	40
Cranberries	None	0.4125	206×10^{-6}	60
Coffee	0.1 for all food forms	0.20	1×10^{-4}	100
Corn, sweet	None	0.0002	0.1×10^{-6}	5
Cucumbers	0.2 for cold-canned pickles; 0.04 for hot-canned pickles	0.0062	3.1×10^{-6}	35
Garlic	None	0.0005	0.3×10^{-6}	10
Honeydew	None	0.0033	1.7×10^{-6}	20
Nectarines	None	0.00175	0.9×10^{-6}	35
Onions, bulb	None	0.0033	1.7×10^{-6}	65
Onions, green and leeks	None	0.0262	13.1×10^{-6}	65
Papayas	None	0.005	2.5×10^{-6}	100
Parsnips	None	0.0052	2.6×10^{-6}	10
Passion fruit	None	3	1.5×10^{-3}	100
Peaches	0.02 for all cooked or canned food forms	0.0018	0.9×10^{-6}	35
Peanuts	0.5 for peanut oil	0.0045	2.3×10^{-6}	90

TABLE 4.—ESTIMATION OF PERCENTAGE OF CROPS TREATED WITH CHLOROTHALONIL—Continued

Commodity	Processing factors	Anticipated Residues (ppm)		% crop treated
		Chlorothalonil	HCB	
Plums	0.33 for dried prunes	0.0005	0.3×10^{-6}	10
Potatoes	None	0.0030	1.5×10^{-6}	30
Poultry fat	None	0	2.2×10^{-6}	None
Pumpkins	0.002 for raw pumpkin	0.0065	3.3×10^{-6}	30
Soybeans	0.5 for soybean oil	0.00005	2.5×10^{-8}	1
Squash	None for summer squash; 0.002 for raw winter squash; 0.001 for cooked winter squash	0.0058	2.9×10^{-6}	15
Tomatoes	0.25 for juice; 0.02 for paste, puree and catsup	0.0716	35.8×10^{-6}	70
Watermelon	None	0.0228	11.4×10^{-6}	55

The Agency believes that the three conditions listed above have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. EPA uses a weighted average PCT for chronic dietary exposure estimates. This weighted average PCT figure is derived by averaging State-level data for a period of up to 10 years, and weighting for the more robust and recent data. A weighted average of the PCT reasonably represents a person's dietary exposure over a lifetime, and is unlikely to underestimate exposure to an individual because of the fact that pesticide use patterns (both regionally and nationally) tend to change continuously over time, such that an individual is unlikely to be exposed to more than the average PCT over a lifetime. For acute dietary exposure estimates, EPA uses an estimated maximum PCT. The exposure estimates resulting from this approach reasonably represent the highest levels to which an individual could be exposed, and are unlikely to underestimate an individual's acute dietary exposure. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which chlorothalonil may be applied in a particular area.

2. *Dietary exposure from drinking water*—i. *Ground water exposure -chlorothalonil and SDS–3701.* Exposure to chlorothalonil in drinking water is derived from the monitoring data. The metabolites of chlorothalonil have been found in ground water in Long Island, New York, and have been attributed to potato use. These metabolites (SDS–46851, SDS–47525, SDS–3701, and SDS–19221) were measured at a combined concentration of approximately 16 parts per billion (ppb) in Suffolk County, Long Island in 1981. Chlorothalonil itself has been detected in the States of California, Florida, Massachusetts, and Maine at levels typically below 1 ppb. These observations are predictable based on laboratory mobility studies and evidence of metabolite persistence. It is expected that the levels of chlorothalonil metabolites detected in the ground water in New York are relatively high compared to the country as a whole, because (a) they were the highest values reported in the database, (b) potatoes are a major crop on Long Island, and (c) Long Island ground water is generally shallow and vulnerable. The Long Island values were used to represent a high-end potential exposure. In the absence of data demonstrating otherwise, this assessment is based on the conservative assumption that the detected metabolites of chlorothalonil have the same toxicity as the parent. As indicated above, this assessment relies on other conservative factors.

ii. *Surface water exposure—chlorothlonil and SDS–3701.* Chlorothalonil can contaminate surface water at application via spray drift or after application through runoff and erosion. The intermediate soil/water partitioning of chlorothalonil indicates that its concentration is suspended and bottom sediment will be substantially greater than its concentration in water. The major degradate of chlorothalonil in the soil under aerobic conditions is SDS–3701. SDS–3701 appears to be more persistent and mobile than chlorothalonil, based on ground water detections. Substantial amounts of SDS–3701 could be available for runoff for longer periods than chlorothalonil, and SDS–3701 may be more persistent in water/sediment systems than chlorothalonil. The apparent greater mobility of SDS–3701 suggests that it exhibits lower soil/water partitioning than chlorothalonil. Therefore, the ratio of SDS–3701 runoff loss via dissolution in runoff to runoff loss via adsorption to eroding soil for SDS–3701 may be greater than for chlorothalonil. In addition, the ratios of concentrations dissolved in the water column to concentrations adsorbed to suspended and bottom sediment may be higher for SDS–3701 than for chlorothalonil. The Agency was unable to calculate drinking water risk for SDS–3701 in surface water because no monitoring data were available.

The South Florida Water Management District (SFWMD) summarized chlorothalonil detections in samples collected every 2 to 3 months from 27 surface water sites within the SFWMD from November 1988 through November 1993. Approximately 810 samples (30 sampling intervals × 27 sites sampled/interval) were collected during that time. Chlorothalonil was detected in 25 samples at concentrations ranging from 0.003 ppb to 0.35 ppb. Six of the samples had concentrations ≥0.01 ppb.

iii. *Ground and surface water exposure - HCB and PCB.* HCB and pentachlorobenzene are present in ground water and surface water from sources other than current usage of contaminated pesticides, including manufacturer of solvents and tires, incineration of wastes, and coal combustion. HCB and PCB are persistent and relatively immobile in the environment; the major route of dissipation is through sorption to soil, sediment, and suspended particulates in water. HCB and PCB contamination of ground water sources is relatively unlikely due to the high binding potential of both compounds. Detections of HCB in ground water generally have ranged between 0.0002 to 0.100 ppb. Based on monitoring data and fate properties, it seems unlikely that long-term HCB and PCB concentrations in surface water would exceed 10 parts per trillion (ppt) (0.01 ppb).

Surface water detections show much more variability than concentrations in ground water and have been measured at up to 750 ppb. These high values appear to include sorbed HCB. The HCB concentrations which actually appear to be dissolved in the water are generally less than 0.001 ppb. Great Lakes region concentrations generally ranged from 0.00002 to 0.0001 ppb. When concentrations exceeded this range, they appeared to be related to industrial areas or areas of historic contamination (more than 20 years ago). Concentrations of PCB in surface water have ranged between 0.00002 and 0.0001 ppb. Concentrations of HCB and PCB in drinking water can be greatly reduced through treatment with activated granular charcoal.

Higher concentrations of HCB and PCB have been reported in surface and ground water, but tend to be related to hazardous waste, landfill sites, and suspended sediment. The U.S. Department of Health and Human Services in 1996 estimated that the average exposure in the United States from drinking HCB contaminated water is 0.00085 µg/kg/year (-0.000082 ppb). Since potential exposures are generally so low, and because pesticides are just one source of HCB and PCB in drinking water, the Agency concluded that there are insufficient data to quantify risk and that drinking water risk estimates from HCB in pesticides do not exceed the Agency's level of concern.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Chlorothalonil is currently registered for use on the following residential non-dietary sites: home vegetable gardens, ornamentals, paint, stain, and wood preservatives. The risk assessment was conducted using the following residential exposure assumptions: The Agency completed an exposure assessment for uses of chlorothalonil as an additive containing 40.4% active ingredient for use in caulks, sealants, polymer lattices, grouts, joint compounds, and paper coatings. All relevant occupational and residential exposures were considered. Data were not available to estimate application and post application exposure and risk for primary and secondary homeowner exposure. Primary homeowner exposure occurs in individuals who use or install chlorothalonil-containing material; secondary residential exposure occur when other individuals live and work in places where chlorothalonil-containing materials have been used. For these exposures, no risk assessment could be conducted, but the Agency believes that secondary and homeowner exposures to these products by themselves are generally lower than primary occupational application exposures.

Since other residential risks could not be quantified, risk concerns and uncertainties about exposure resulted in the following agreements with the registrants. To mitigate potential residential exposure concerns and uncertainties about the packaging and concentration of chlorothalonil additives for paint, the registrants have agreed that chlorothalonil mildewicidal additives must be labeled to prohibit sale over-the-counter in retail outlets. The registrants have committed to working with the Agency to develop measures for the protection of employees of paint sales outlets who mix mildewicidal additives into paint for sale. To mitigate potential residential exposure concerns and uncertainties about the in-container preservative use of chlorothalonil, particularly because the chlorothalonil content of products in which the preservative is used may not be known to the purchaser, and because such preservatives may be used in paints intended for use by children, the registrants have agreed that the in-container preservative use of chlorothalonil is prohibited.

The contact rate for activities with ornamentals (5,800 cm^2/hr) is based on a study by Brouwer et al., in which chlorothalonil was applied to carnation sprays and carnations grown for cut flowers. Rates for dermal contact with treated turf by adults (1,000 cm^2/hr) and toddlers (8,700 cm^2/hr) are based on EPA estimates for low exposure activities. Contact rates for hand-to-mouth transfer by toddlers (1.56 events/hour), ingestion of treated grass by toddlers (25 cm^2/day), and ingestion of soil from treated areas by children (100 mg/day) are default values which originate with high-end exposure scenarios. For the cancer risk estimates, the Agency assumed that activities with ornamentals occur 4 days per year for 50 years, and that an application is made once a year, for adults in dermal contact with treated turf, that contact occurred 40 days per year for 50 years, and that three applications were made each year. The Agency also assumed that reentry occurred on the day of treatment.

For residential post-application exposures related to the use of chlorothalonil on turf and ornamentals, short- and intermediate-term MOEs ranged from 14 to 26,000. Only the MOEs for toddlers exposed to treated turf were at a risk level of concern at which the EPA typically takes regulatory action. To address this risk, the registrants have agreed to delete the home lawn use from their manufacturing-use and end-use product labels and have requested voluntary cancellation of their end-use products registered solely for this use. When considering the elimination of the home lawn use of chlorothalonil, EPA had determined that residential post-application exposures to toddlers exposed to treated turf do not exceed EPA's level of concern.

A summary of the residential post-application scenarios and cancer risks from chlorothalonil is shown in the following Table 5:

TABLE 5.—SURROGATE RESIDENTIAL POST-APPLICATION SCENARIOS AND CANCER RISKS FROM CHLOROTHALONIL

Exposure Activity/Crop or Target	Application Rate (lb ai/acre)	DFR (μg/cm²)	LADD* (mg/kg/day)	Cancer Risk (based on Q*)
Ornamentals (Transplanting/Pruning/Bundling Flowers)	0.183	0.41	2.6E-7	2.0E-9
	8.7	20	1.3E–5	9.6E–8
	15.7	35	2.3E–5	1.8E–7
Vegetables (Harvesting)	0.183	0.41	4.6E–7	3.5E–9
	0.74	1.7	1.9E–6	1.4E–8
	8.7	20	2.2E–5	1.7E–7
Adult Dermal Contact with Turf	8.7	20	3.3E–5	2.5E–7
	11.8	26	4.4E–5	3.4E–7
	15.7	35	5.5E–5	4.2E–7

*Lifetime average daily dose

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether chlorothalonil has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, chlorothalonil does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that chlorothalonil has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children—i. In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity.* The developmental and reproductive data for chlorothalonil indicate that there is no evidence of increased sensitivity to chlorothalonil from pre- or post-natal exposures. In the rat developmental toxicity study, the developmental NOAEL and LOAEL were based on an increase in total resorptions per dam with a related increase in post-implantation loss. These observations occurred at a dose (400 mg/kg/day) which produced increased mortality and reduced body weight gain in maternal animals. No developmental toxicity was observed in the rabbit developmental toxicity study, and no maternal toxicity was observed at the highest dose tested (20 mg/kg/day).

iii. *Conclusion.* There is a complete toxicity database for chlorothalonil and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be removed. The FQPA factor is removed because no reproductive effects were observed in any study and developmental effects occurred only in the presence of significant maternal toxicity. HCB was not considered in this evaluation of the special sensitivity of infants and children. HCB will be considered at a future date when the Agency is better equipped to understand the implications of FQPA for HCB, which is a common contaminant of at least nine other pesticides and which also enters the environment from non-pesticidal sources.

E. Aggregate Risks and Determination of Safety

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the estimated MOEs from exposure to chlorothalonil and SDS–3701 residues from food and water do not exceed the Agency's LOC. A summary of the aggregate risk assessment for acute exposure to chlorothalonil is shown in the following Table 6:

TABLE 6.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO CHLOROTHALONIL AND SDS–3701

Population Subgroup	LOC for MOE	MOE
Food - U.S. Population	300	1166
Food - Infants <1 year old	300	875
Food - Children (1-6 years)	300	875
Food - Females (13+ years)	300	1,750
Food - Males (13+ years)	300	1750
Drinking water (ground water) - Children	300	110,000
Drinking water (ground water) - Adults	300	380,000
Drinking water (surface water) - Children	300	50,000,000
Drinking water (surface water) - Adults	300	175,000,000

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to combined residues of chlorothalonil and SDS–3701 from food and water will utilize 34% of the cPAD for the U.S. population, and 68% of the cPAD for children. Based on the use pattern, chronic residential exposure to residues of chlorothalonil is not expected. EPA does not have chronic non-cancer concerns for HCB in chlorothalonil. EPA does not expect the aggregate exposure to exceed 100% of the cPAD.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). The estimated MOEs from residential uses ranged from 310 for adults transplanting, pruning or bundling flowers to 110,000 for infants ingesting paint chips. Though residential exposure could occur with the use of chlorothalonil, the potential short- and intermediate-term exposure were not aggregated with chronic food and water exposures because the toxic effects are different. Therefore, based on the best available data and current policies, potential risks do not exceed the Agency's level of concern.

4. *Aggregate cancer risk for U.S. population.* HCB and pentachlorobenzene are present in ground water and surface water from sources other than current usage of contaminated pesticides, including manufacturing of solvents and tires, incineration of wastes, and coal combustion. Both are persistent and relatively immobile in the environment; the major route of dissipation is through sorption to soil, sediment, and suspended particulates in water.

HCB and PCB contamination of ground water sources is relatively unlikely due to the high binding potential of both compounds. Detections of HCB in ground water generally have ranged between 0.0002 to 0.100 μg/L. PCB levels in ground water at a hazardous waste site ranged from 0.001 to 62.1 μg/L.

Based on monitoring data and fate properties, its seems unlikely that long-term HCB and PCB concentrations in surface water would exceed 10 ppt (0.01 μg/L). As discussed previously, surface water detections show much more variability than concentrations in ground water but concentrations which actually appear to be dissolved in the water are generally less than 0.001 μg/L.

The upper bound carcinogenic risk from food uses of HCB for the general U.S. population was calculated using the follow equation:

HCB Upper Bound Cancer Risk = Dietary Exposure (ARC) × Q^*

Based on Q^* of 1.02 $(mg/kg/day)^{-1}$, the upper bound cancer risk was calculated to be 2.4×10^{-7}, contributed through all the published, pending and new uses for chlorothalonil.

The upper bound risk for HCB in chlorothalonil is in the range the Agency generally considers negligible for excess lifetime cancer risk. The exposure assessment for carcinogenic risk from HCB in chlorothalonil includes many assumptions and uncertainties which impact the Agency's confidence in the calculated risk.

HCB is also a contaminant in several other pesticides, and an aggregate risk assessment for HCB from chlorothalonil and these other sources has been conducted. The exposure assessment for aggregate risk is subject to the same kinds of uncertainties and assumptions as the risk assessment for HCB in chlorothalonil. For some of the individual pesticide contributors, these limitations impact the assessment to an even greater extent.

Four pesticides that are used on food/feed crops have been assessed for cancer risk due to contamination with HCB—chlorothalonil, dacthal, picloram, and pentachlornitrobenzene (PCNB). Pentachlorobenzene (PCB) is also present in PCNB, and the Agency has concluded that the carcinogenic potential of PCB is comparable to HCB, based on the similarities of the chemical structures and toxicities of HCB and PCB. In estimating dietary risk from HCB in these four pesticides, the Q^* for PCB is assumed to be equal to that for HCB.

HCB is also present in pentachlorophenol, but pentachlorophenol is not a food-use pesticide and so the contaminant in pentachlorophenol does not contribute to aggregate dietary risk (the contribution to drinking water risk is discussed below). HCB and/or PCB is present in five other food-use pesticides, but at low levels which do not significantly add to the aggregate dietary exposure.

The estimated aggregate dietary cancer risk from HCB from all known pesticidal sources is 1.34×10^{-6}. An additional 0.46×10^{-6} may be attributed to PCB for a total of 1.8×10^{-6}.

A summary of the cancer risks for chlorothalonil, HCB, and PCB are shown in the following Table 7:

TABLE 7.—CANCER RISKS FOR CHLOROTHALONIL, HCB, AND PCB

Chemical	Q*	Upperbound cancer risk (food)	Cancer MOE for Food	Upperbound Cancer Risk (Water)	Cancer MOE for Water
Chlorothalonil	0.00766	$1.2 - 10^{-6}$	9,500	8×10^{-9}	<1.5 million
HCB from Chlorothalonil		2.4×10^{-7}	Not applicable	5×10^{-9}	Not applicable
HCB and PCB - all pesticide sources		1.8×10^{-6}	Not applicable	Does not exceed Agency's level of concern	Not applicable

EPA has estimated cancer risk using both the Q* and MOE approaches. Under the MOE approach, cancer risk is estimated at MOE = 9,500. At this point in time, EPA is not able to conclusively determine that chlorothalonil is a non-linear carcinogen nor to apply approved policy determinations on non-linear carcinogens to chlorothalonil, and so cannot determine whether the MOE of 9,500 represents an excess lifetime risk. Under the Q* approach, cancer risk is estimated at 1.2×10^{-6}. This figure is at a level which the EPA considers negligible for excess lifetime cancer risk estimates.

Cancer risk for HCB is estimated at 2.4×10^{-7}, and EPA does not have cancer risk concerns for chlorothalonil alone. Although subject to considerable uncertainty, cancer risk from HCB from chlorothalonil and other pesticides, combined with cancer risk from the related contaminate PCB present in other pesticides, is estimated at 1.8×10^{-6}, a level at which the EPA typically takes regulatory action. To address this risk, the registrants of chlorothalonil have agreed that the level of HCB in all chlorothalonil products must be reduced to no greater than 0.004% (40 ppm). This is the lowest level that has been shown to be technologically feasible for chlorothalonil. All registrations are conditional on achieving this level, and failure to achieve this level will result in a suspension of manufacture or import of the subject products. In addition, registrants of chlorothalonil products will maintain approximately historic levels of production and import of chlorothalonil manufacuring-use product to assure that chlorothalonil with higher levels of HCB will not be stockpiled and formulated. When this decrease in the amount of HCB is considered, EPA has determined that the cancer risk estimates do not exceed the level for regulatory action.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to combined residues of chlorothalonil and SDS-3701 or from residues of the contaminant HCB.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology is available in PAM II for non-bell peppers and almonds. Residue analytical methods are available for purposes of reregistration. The Pesticide Analytical Manual (PAM) Vol. II lists Method I, a gas chromatography method with electron capture detection (ECD), for the enforcement of tolerances for plant commodities. Residue data for plant commodities were collected using methods based on the enforcement method. An acceptable enforcement method for residues of SDS–3701 tolerances for peanuts, potatoes, and tomatoes which is a modification of the current enforcement method is available. This method underwent successful validation and is suitable for enforcement of tolerances for SDS–3710 in meat and milk.

B. International Residue Limits

There are no Codex, Mexican or Canadian MRLs for almonds, almond hulls, asparagus, mango, and pistachio.

C. Conditions

All data pertaining to rotational crops have been evaluated and deemed adequate. In response to Agency evaluations of confined rotational crop data, there is a 12-month rotational crop restriction on all pertinent product labels. Available data indicate that only residue that was detected in rotated crops was the soil metabolite (SDS–46851). Because of the low toxicity of this metabolite, an exemption for the requirement of a tolerance for residues of the soil metabolite 2-carbamyl-2,4,5-trichlorobenzoic acid (SDS–46851) as inadvertent residues in rotated crops has been established (40 CFR 180.110).

V. Conclusion

Therefore, tolerances are established for combined residues of chlorothalonil, chlorothalonil and its metabolite SDS–3701, in or on almonds (nutmeats) at 0.05 ppm, almond hulls at 1.0 ppm, asparagus at 0.1 ppm, mangoes at 1.0 ppm, non-bell peppers at 5 ppm, and pistachios at 0.2 ppm, and for residues of the metabolite, 4-hydroxy-2,5,6 trichloroisopthalonitrile (SDS–3701), in or on the following milk and meat commodities: fat of cattle, hogs, goats, horses, and sheep at 0.1 ppm,; kidney of cattle, hogs, goats, horses and sheep at 0.5 ppm; mbyp (except kidney) of cattle, goats, hogs, horses and sheep at 0.05 ppm, meat of cattle, goats, hogs, horses, and sheep at 0.03 ppm and milk at 0.1 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301088 in the subject line on the first page of your submission. All requests must be in writing, and must be

mailed or delivered to the Hearing Clerk on or before May 11, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301088, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure

"meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 24, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321 (q), (346a) and 371.

2. Section 180.275 is amended by revising paragraph (a) introductory text and redesignating it as paragraph (a)(1); by adding in alphabetical order entries for "almonds (nutmeat)"; "almond hulls"; "mango"; "peppers, non-bell"; and "pistachio" to the table in newly designated paragraph (a)(1), and by adding new paragraph (a) (2) to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

(a) *General.* (1) Tolerances are established for the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the following food commodities.

Commodity	Parts per million
Almonds (nutmeats)	0.05
Almond hulls	1.0
Asparagus	0.1
* * * * *	*
Mango	1.0
* * * * *	*
Peppers, (non-bell[1])	5
* * * * *	*
Pistachio	0.2
* * * * *	*

[1]There are no U.S. registrations as of January, 2001.

(2) Tolerances are established for the metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the following food commodities.

Commodity	Parts per million
Cattle, fat	0.1
Cattle, kidney	0.5
Cattle, mbyp (except kidney)	0.05
Cattle, meat	0.03
Goat, fat	0.1
Goat, kidney	0.5
Goat, mbyp, (except kidney)	0.05
Goat, meat	0.03
Hog, fat	0.1
Hog, kidney	0.5
Hog, mbyp (except kidney)	0.05
Hog, meat	0.03
Horses, fat	0.1
Horses, kidney	0.5
Horses, mbyp (except kidney)	0.05
Horses, meat	0.03
Milk	0.1
Sheep, fat	0.1
Sheep, kidney	0.5
Sheep, mbyp (except kidney)	0.05
Sheep, meat	0.03

* * * * * *

[FR Doc. 01–6087 Filed 3–9–01; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 413 and 422

[HCFA–1685–F2]

RIN 0938–AE79

Medicare Program; Payment for Nursing and Allied Health Education: Delay of Effective Date

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the January 24, 2001 **Federal Register**, this action temporarily delays for 60 days the effective date of the rule entitled "Payment for Nursing and Allied Health Education" published in the January 12, 2001 **Federal Register** (66 FR 3358). That final rule sets forth in regulations Medicare policy for the payment of costs of approved nursing and allied health education programs and clarifies the payment methodology for certified registered nurse anesthetist education programs. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553 (b)(A). Alternatively, HCFA's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553 (b) (B) and 553 (d) (3), in that seeking public comment and delaying the effective date of this final rule is impracticable, and contrary to the public interest.

The temporary 60-day delay in the effective date is necessary to give Department officials the opportunity for further review and consideration of regulations that had been published in the **Federal Register** as of January 20, 2001 but had not yet taken effect as of that date, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impracticable, as well as contrary to the public interest, in the orderly promulgation and implementation of regulations.

DATES: The effective date of the final rule, Payment for Nursing and Allied Health Education, published in the **Federal Register** on January 12, 2001 (66 FR 3358), is delayed for 60 days, from March 13, 2001 to a new effective date of May 14, 2001.

FOR FURTHER INFORMATION CONTACT: Rebecca Hirshorn, (410) 786–3411.

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance and Program; No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 27, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

Approved: March 8, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–6194 Filed 3–9–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 435

[HCFA–2086–F2]

RIN 0938–AJ96

Medicaid Program; Change in Application of Federal Financial Participation Limits: Delay of Effective Date

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff entitled "Regulatory Review Plan," published on January 24, 2001 in the **Federal Register**, this action temporarily delays for 60 days the effective date of the rule entitled "Change in Application of Federal Financial Participation Limits" published in the January 11, 2001 **Federal Register** (66 FR 2316). That final rule changes the current requirement that limits Federal financial participation that must be applied before States use less restrictive income methodologies than those used by related cash assistance programs in determining eligibility for Medicaid. The effective date of that final rule, which would have been March 12, 2001, is now May 11, 2001.

The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, HCFA's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest, in the orderly promulgation and implementation of regulations.

DATES: The effective date of the rule amending 42 CFR part 435 published in the January 11, 2001 **Federal Register** (66 FR 2316) is delayed 60 days until May 11, 2001.

FOR FURTHER INFORMATION CONTACT: Roy Trudel, (410) 786–3417.

(Catalog of Federal Domestic Assistance Program No. 93.778 Medical Assistance Program)

Dated: February 27, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

Approved: March 8, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–6193 Filed 3–9–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013–1013–01; I.D. 030601B]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure, notice of opening.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in the Western Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2001 A season harvest specification of Atka mackerel. NMFS announces also some Steller sea lion critical habitat areas in the Western Aleutian District, not otherwise subject to year-round closures or transiting prohibitions, are open to fishing with trawl gear for species for which directed fisheries are open.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 7, 2001, until 1200 hrs, A.l.t., September 1, 2001.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2001 A season Atka mackerel total allowable catch (TAC) in the Western Aleutian District of the BSAI is 12,904 metric tons (mt) as established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2001 A season Atka mackerel TAC in the Western Aleutian District will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 12,654 mt, and is setting aside the remaining 250 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Western Aleutian District of the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

On February 13, 2001, NMFS prohibited trawling within Steller sea lion critical habitat in the Western Aleutian District because the allowable harvest of Atka mackerel in the Steller Sea lion protection areas in the Western Aleutian District had been reached (66 FR 10637, February 16, 2001).

Regulations at 679.22(a)(12)(iii)(C) authorize opening Steller sea lion critical habitat in the Western Aleutian District to fishing with trawl gear after NMFS closes Atka mackerel to directed fishing within that district. NMFS, therefore, announces that the above mentioned, previously closed areas of the Steller Sea lion critical habitat in the Western Aleutian District are open to fishing with trawl gear for species in areas open to directed fishing. This action does not open critical habitat areas that are closed to transiting or fishing with trawl gear year round.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the amount of the 2001 A season harvest specification of Atka mackerel in the Western Aleutian District of the BSAI constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the 2001 A season harvest specification of Atka mackerel in the Western Aleutian District of the BSAI constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by §§ 679.20 and 679.22 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 7, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–6060 Filed 3–7–01; 4:31 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 48
Monday, March 12, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–17–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. Models LTS101–600A–2 and LTS101–600A–3 Turboshaft Engines; and LTP101–600A–1A and LTP101–700A–1A Turboprop Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) Models LTS101–600A–2 and LTS101–600A–3 turboshaft engines; and LTP101–600A–1A and LTP101–700A–1A turboprop engines. This proposal would require replacing certain fuel controls that have beryllium-copper bellows with improved fuel controls that incorporate Inconel 718 stainless steel welded bellows. This proposal is prompted by a report of an uncommanded power loss on a Textron Lycoming LTS101 engine due to a corrosion damaged fuel control bellows. The actions specified by the proposed AD are intended to prevent the engine from reducing the fuel flow to minimum flow resulting in an uncommanded power loss.

DATES: Comments must be received by May 11, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–17–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov." Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (562) 627-5245, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NE–17–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–17–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The FAA has received a report of an uncommanded engine power loss on a Textron Lycoming LTS101 turboshaft engine. The current Type Certificate holder has determined that the power loss was due to corrosion damage to the beryllium-copper bellows of the fuel control. The same beryllium-copper bellows was used in fuel controls on Allison Engine Co. 250–B and 250–C turboshaft and turboprop engines. The FAA issued AD 98–24–28 that was published in the **Federal Register** on December 3, 1998 (63 FR 66735) to require replacement of those beryllium-copper bellows with Inconel 718 stainless steel welded bellows. This condition, if not corrected, could result in the engine reducing the fuel flow to minimum flow resulting in an uncommanded power loss.

Evaluation of the Unsafe Condition

Since an unsafe condition has been identified that is likely to exist or develop on other LTS101–600A–2 and LTS101–600A–3 turboshaft; and LTP101–600A–1A and LTP101–700A–1A turboprop engines of the same type design, the proposed AD would require replacement of fuel controls with the following part numbers with an improved design fuel control that incorporates an Inconel 718 stainless steel welded bellows.

4–301–098–01, 4–301–098–04, 4–301–098–10, 4–301–098–15, 4–301–288–01, 4–301–288–04, 4–303–023–01, 4–303–023–02, 4–303–023–03, 4–303–023–04, 4–303–033–01, 4–303–033–02, and 4–303–033–04

Economic Impact

The FAA estimates that 40 engines installed on aircraft of U.S. registry would be affected by this proposed AD and that it would take approximately 3 work hours per engine to accomplish the proposed actions. The average labor rate is $60 per work hour. There are no required parts costs. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $7,200.

Regulatory Impact

This proposed rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship

between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposed rule.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Honeywell International, Inc.: Docket No. 99–NE–17–AD.

Applicability: This airworthiness directive (AD) is applicable to Honeywell International, Inc. (formerly AlliedSignal Inc. and Textron Lycoming) Models LTS101–600A–2 and LTS101–600A–3 turboshaft and LTP101–600A–1A and LTP101–700A–1A turboprop engines with fuel controls with the following part numbers (P/N's) installed:

TABLE 1.—FUEL CONTROL P/N'S

Engine model No.	Fuel Control P/N
1. LTS101–600A–2	4–301–098–01, 4–301–098–04, 4–301–098–10, 4–301–098–15.
2. LTS101–600A–3	4–301–288–01, 4–301–288–04.
3. LTP101–600A–1A	4–303–023–01, 4–303–023–02, 4–303–023–03, 4–303–023–04.
4. LTP101–700A–1A	4–303–033–01, 4–303–033–02, 4–303–033–04.

These engines are used on, but not limited to, Aerospatiale AS350 helicopters and Air Tractor AT–302, Page Thrush, Piaggio P.166–DL3, and Riley International R421 airplanes.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Compliance with this AD is required at the next replacement of the fuel control or within 12 calendar months after the effective date of this AD, whichever occurs first.

To prevent a decrease in fuel flow to minimum flow that could result in an uncommanded power loss, do the following:

(a) Remove any fuel control that has one of the P/N's listed in Table 1 of this AD, and replace with a fuel control that does not have one of the part numbers listed in Table 1 of this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (LAACO). Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, LAACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the LAACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on March 1, 2001.

David A. Downey,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–5738 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–16–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International, Inc. LTP 101 Series Turboprop and LTS101 Series Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Honeywell International, Inc. (formerly AlliedSignal, Inc. and Textron Lycoming) LTP 101 series turboprop and LTS101 series turboshaft engines. This proposal would require a new life limitation and removal of rigid tube fuel manifold assemblies and replacement with serviceable assemblies. This proposal is prompted by reports of cracking and fuel leakage of rigid tube fuel manifolds. The actions specified by the proposed AD are intended to prevent engine fuel leakage due to low-cycle fatigue (LCF) cracking of the rigid tube fuel manifold, which could result in an in-flight fire.

DATES: Comments must be received by May 11, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–16–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov." Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (562) 627–5245; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NE–16–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–16–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Events Leading to This Proposed AD

The FAA has received reports of approximately 48 instances of fuel leakage from rigid tube fuel manifolds since 1990. None of the reported instances involved fires. The engine manufacturer has determined that the leaks were caused by cracking of the rigid tubes in fuel manifolds due to low-cycle fatigue (LCF). This condition, if not corrected, could result in engine fuel leakage due to LCF cracking of the rigid tube fuel manifold, which could result in an in-flight fire.

FAA's Determination and Explanation of Proposed Rule

The FAA has examined all available data, including relevant service information, and determined that an unsafe condition exists or is likely to develop on other products of this same type design.

Accordingly, this proposed AD would require the removal of certain rigid tube fuel manifolds with part numbers (P/N's) specified in this proposed rule, before exceeding the new cyclic life limits.

Since an unsafe condition has been identified that is likely to exist or develop on other Honeywell International, Inc. LPT 101 series turboprop and LTS101 series turboshaft engines of the same type design with the affected fuel manifolds installed, the proposed AD would establish life limits for the rigid tube fuel manifolds.

Economic Analysis

There are approximately 1600 engines of the affected design in the worldwide fleet. The FAA estimates that 670 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per engine to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $6,000 per engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $4,100,400.

Regulatory Impact

This proposed rule does not have federalism implications, as defined in Executive Order 13132, because it does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposed rule.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Honeywell International, Inc.: Docket No. 99–NE–16–AD.

Applicability: This proposed airworthiness directive (AD) is applicable to Honeywell International, Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LTP 101 series turboprop and LTS101 series turboshaft engines with the following part numbers (P/N's) rigid tube fuel manifolds installed:

TABLE 1.—P/N'S OF AFFECTED RIGID TUBE FUEL MANIFOLDS

4–301–042–02	4–301–236–03
4–301–042–04	4–301–236–04
4–301–042–05	4–301–286–01
4–301–042–06	4–301–286–02
4–301–236–01	4–301–376–01
4–301–236–02	

These engines are installed on, but not limited to Aerospatiale AS350, Eurocopter MBB–BK117 and HH–65A, Bell 222, Page Thrush, Air Tractor AT–302, Piaggio P. 166–DL3, Riley International R421, and Pacific Aero 08–600 aircraft.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Compliance with this AD is required as specified below, unless already done. To prevent engine fuel leakage due to low-cycle fatigue (LCF) cracking of the rigid tube fuel manifold, which could result in an in-flight fire, do the following:

(a) Replace fuel manifolds that have accumulated the following gas generator rotor (Ng) cycles-since-new (CSN) on the effective date of this AD or Ng cycles-in-service (CIS) on the effective date of this AD since all tubes were replaced:

TABLE 2.—FUEL TUBE REPLACEMENT SCHEDULE

Ng CSN, or Ng CIS Since Total Tube Replacement	Replacement schedule
(1) 2,750 or less	Before accumulating 3,000 total Ng cycles.
(2) More than 2,750	Within 250 CIS after the effective date of this AD.
(3) Unknown	(i) Within 2,000 CIS after the effective date of this AD, or (ii) At the next engine removal, or (iii) At the removal of the fuel manifold for cause, whichever is first.

New Life Limitation

(b) Do not install fuel manifolds with P/N's that are listed in Table 1 of this AD after the effective date of this AD if they meet ANY of the following conditions:

(1) The manifold has accumulated 3,000 or more total Ng cycles; OR

(2) The manifold has had partial tube replacements; OR

(3) The manifold has an unknown number of Ng cycles.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (LAACO). Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, LAACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the LAACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on March 2, 2001.

David A. Downey,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–5737 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NE–05–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Co. CF6–80C2 Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to General Electric Company (GE) CF6–80C2 turbofan engines with certain stage 1 high pressure turbine (HPT) rotor disks installed. This proposal would require initial and repetitive inspections of certain HPT rotor disks for cracks in the bottom of the dovetail slot. This proposed AD is prompted by a report of an uncontained failure of an engine during a high-power ground run for maintenance. The actions specified by this proposed AD are intended to detect cracks in the bottoms of the dovetail slots that could propagate to failure of the disk and cause an uncontained engine failure.

DATES: Comments must be received by April 11, 2001.

ADDRESSES: Submit comments to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001–NE–05–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone (513) 672–8400, fax (513) 672–8422. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel,

12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Ann Mollica, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: 781–238–7740, fax: 781–238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001–NE–05–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001–NE–05–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

On September 22, 2000, a Boeing 767–2B7(ER), equipped with GE CF6–80C2B2 model engines, experienced an uncontained failure of the stage 1 HPT rotor disk during a high-power ground run for maintenance. The investigation of the failure has indicated that the stage 1 HPT rotor disk separation was the result of a crack that initiated in the aft corner radius of the bottom of a dovetail slot. The FFA had received two additional reports of stage 1 HPT rotor disks that were found to have cracks in the aft corner radius of the bottom of the dovetail slots. The cracks were found during shop visits in 1996 and 1999. In both cases, the cracks initiated from handling type damage to the aft corner radius of the bottoms of the dovetail slots. The actions specified by this proposed AD are intended to detect cracks in the bottoms of the dovetail slots that could propagate to failure of the disk and cause an uncontained engine failure.

Manufacturer's Service Information

The FAA has reviewed and approved the technical contents of GE alert service bulletin (ASB) CF6–80C2 72–A1026, dated January 17, 2001, that describes procedures for fluorescent penetrant, visual and eddy current inspections of the bottoms of the dovetail slots.

Differences Between the Manufacturer's Service Information and This AD

Although the GE ASB CF6–80C2 72–A1026, dated January 17, 2001, only requires a one-time inspection, the FAA has determined that repetitive inspections are required to achieve an acceptable level of safety.

Determination of an Unsafe Condition

Since an unsafe condition has been identified that is likely to exist or develop on other GE CF6–80C2 engines of the same type design, this AD is being proposed to detect cracks in the bottoms of the dovetail slots that could propagate to failure of the disk and cause an uncontained engine failure. For stage 1 HPT rotor disks with greater than 1,500 cycles-since-new (CSN), this proposed AD would require an initial inspection at the next shop visit before accumulating 3,500 cycles-in-service (CIS) after the effective date of this AD. For disks with 1,500 CSN or fewer on the effective date of this AD, this proposed AD would require an initial inspection at the next shop visit before accumulating 5,000 CSN. This proposed AD would also require repetitive inspections at piece-part opportunity, and if cracked, replacement with a serviceable disk. The actions would be done in accordance the service bulletin described previously.

Economic Impact

There are approximately 2,954 engines of the affected design in the worldwide fleet. The FAA estimates that 637 engines installed on aircraft of U.S. registry would be affected by this proposed AD. The FAA estimates that it would take approximately 3 work hours per engine to accomplish the proposed actions, and the average labor rate is $60 per work hour. Required parts would cost approximately $283,480 per engine. The FAA also estimates that approximately 191 engines per year will have shop visits, and that of those 191 engines, approximately two disks per year will have to be replaced. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $601,340 per year.

Regulatory Impact

This proposal does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposal. For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

General Electric Co.: Docket 2001–NE–05–AD.

Applicability: This airworthiness directive (AD) is applicable to General Electric Company (GE) CF6–80C2 series turbofan engines with stage 1 high pressure turbine (HPT) rotor disks, part numbers (P/N's) 1531M84G02, 1531M84G06, 1531M84G08, 1531M84G10, 9392M23G10, 9392M23G12, 9392M23G21, and 1862M23G01 installed. These engines are installed on, but not limited to Airbus Industrie A300 and A310 series, Boeing 747 and 767 series, and McDonnell Douglas MD–11 series airplanes.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alternation, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Compliance with this AD is required as indicated below, unless already done.

To detect cracks in the bottoms of the dovetail slots that could propagate to failure of the disk and cause an uncontained engine failure, perform the following inspections:

(a) Inspect the stage 1 HPT rotor disk in accordance with 3.A(1) through 3.C.(10)(i) of the Accomplishment Instructions of GE alert service bulletin (ASB) CF6–80C2 72–A1026, dated January 17, 2001, and Table 1 of this AD, and replace if necessary, as follows:

TABLE 1.—COMPLIANCE TIMES FOR STAGE 1 HPT DISK INSPECTIONS

Stage 1 HPT rotor disk cycles-since-new (CSN) on the effective date of this AD	Initial inspection	Repetitive inspection
(1) 1,500 CSN or fewer	At the next engine shop visit (ESV) after the effective date of this AD, but not to exceed 5,000 CSN.	At each piece-part exposure.
(2) More than 1,500 CSN	At the next ESV after the effective date of this AD, but not to exceed 3,500 cycles-in-service (CIS) after the effective date of this AD.	At each piece-part exposure.
(3) Any number of CSN if the disk has been inspected using CF6–80C2 72–A1024, dated October 13, 2000, before the effective date of this AD.	At the next ESV after the effective date of this AD.	At each piece-part exposure.

(b) After the effective date of this AD, do not install any stage 1 HPT rotor disk with greater than zero CSN until it has been inspected in accordance with 3.A.(1) through 3.C.(10)(i) of the Accomplishment Instructions of GE ASB CF6–80C2 72–A1026, dated January 17, 2001.

(c) Thereafter, inspect the disk at each piece-part exposure, and replace if necessary.

Definitions

(d) The following definitions apply for this AD:

(1) Piece-part exposure means the stage 1 HPT rotor disk is considered completely disassembled as follows:

(i) When done in accordance with the disassembly instructions in the engine manufacturer's Engine Manual, AND

(ii) the disk has accumulated more than 100 CIS since the last piece-part opportunity inspection, if the disk was not damaged or related to the cause for its removal from the engine.

(2) An ESV is defined as the induction of an engine into a shop where the separation of a major engine flange will occur after the effective date of this AD. The following actions, either separately or in combination, are not considered ESV's for the purpose of this AD.

(i) Induction of an engine into a shop solely for removal of the upper compressor stator case for airfoil maintenance.

(ii) Induction of an engine into a shop solely for the module level inspection of the high pressure compressor rotor 3–9 spool.

Reporting Requirements

(e) Report the following information on all disks that equal or exceed the reject criteria of GE ASB CF6–80C2 72–A1026, within 5 calendar days of the inspection, to the Manager, Engine Certification Office. Reporting requirements have been approved by the Office of Management and Budget and assigned OMB control number 2120–0056.

(1) Engine model in which the stage 1 HPT rotor disk was installed, AND

(2) Disk P/N, AND

(3) Disk serial number, AND

(4) CSN on the disk, AND

(5) Cycles-since-last-inspection, AND

(6) Date and location of the inspection

Alternative Methods of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

(g) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on February 27, 2001.

David A. Downey,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–5496 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–116050–99]

RIN 1545–AX65

Stock Transfer Rules: Carryover of Earnings and Taxes; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains corrections to a notice of proposed rulemaking and notice of public hearing that was published in the **Federal Register** on Wednesday, November 15, 2000 (65 FR 69138), relating to the carryover of certain tax attributes, such as earnings and profits and foreign income tax accounts, when two corporations combine in a section 367(b) transaction.

FOR FURTHER INFORMATION CONTACT: Anne O'Connell Devereaux (202) 622–3850 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking and notice of public hearing (REG–116050–99) that is the subject of these corrections is under section 367 of the Internal Revenue Code.

Need for Correction

As published the notice of proposed rulemaking and notice of public hearing (REG–116050–99), contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking and notice of public hearing (REG–116050–99), which was the subject of FR Doc. 00–28950, is corrected as follows:

1. On page 69139, column 3, in the preamble under the paragraph heading *C. Specific Policies Related to Foreign 381 Transactions (Prop. Reg. § 1.367(b)–7)*, first full paragraph in the column, line 6, the language "corporation as defined in section 957" is corrected to read "corporation as defined in section 953 or 957".

2. On page 69140, column 3, in the preamble under the paragraph heading *C. Specific Policies Related to Foreign 381 Transactions (Prop. Reg. § 1.367(b)–7)*, the first full paragraph, the last 2 lines, the language "opportunities to traffic in foreign tax credits." is corrected to read "opportunities to traffic in foreign taxes.".

PART 1—INCOME TAXES

§ 1.367(b)–3 [Corrected]

3. On page 69149, column 3, § 1.367(b)–3(f), last line in the column, the language "specifically provided (see, e.g., 89–79" is corrected to read "specifically provided (see, e.g., Notice 89–79".

§ 1.367(b)–8 [Corrected]

4. On page 69176, § 1.367(b)–8(d)(6), paragraph (ii)(D) of *Example 3*, the table is corrected to read as follows:

§ 1.367(b)–8 Allocation of earnings and profits and foreign income taxes in certain foreign corporate separations.

* * * * *

(d) * * *

(6) * * *

Example 3. * * *

(ii) * * *

(D) * * *

Separate category	E&P	Foreign taxes
General	150u	$30
Shipping	100u	40
	250u	70

* * * * *

5. On page 69176, column 1, § 1.367(b)–8(d)(6), paragraph (ii)(E) of *Example 3*, line 12, the language "stock to $525. Because the fair market value" is corrected to read "stock to $425. Because the fair market value".

6. On page 69176, column 1, § 1.367(b)–8(d)(6), paragraph (ii)(E) of *Example 3*, the last line in the column preceding the second table, the language "$75. See also paragraph (d)(2)(iii)(C) of this" is corrected to read "$175. See also paragraph (d)(2)(iii)(C) of this".

7. On page 69176, column 3, § 1.367(b)–8(e)(6), paragraph (ii)(B) of *Example 2*, lines 5 through 9 from the bottom of the paragraph, the language "shipping separate category (along with $50 of foreign income taxes) and 166.67u (200u − (100u × (200u ÷ 600u))) of available earnings in the section 904(d)(1)(D) shipping separate category (along with $80 of foreign income" is corrected to read "shipping separate category (along with $80 of foreign income".

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–5284 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–106030–98]

RIN 1545–AW50

Source of Income From Certain Space and Ocean Activities; Also, Source of Communications Income; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Change of date of public hearing; extension of time to submit outlines of oral comments.

SUMMARY: This document changes the date of the public hearing on the proposed regulations under sections 863(a)(d) and (e) governing the source of income from certain communications activities. It also extends the time to submit outlines of oral comments for the hearing.

DATES: The public hearing will be held May 23, 2001, beginning at 10 a.m. Additional outlines of oral comments must be received by May 2, 2001.

ADDRESSES: The public hearing will be held in Room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Send submissions to: Regulations Unit CC (REG–106030–98), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: Regulations Unit CC (REG–106030–98), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington DC. Alternatively, taxpayers may submit outlines of oral comments electronically directly to the IRS Internet site at *http://www.irs.gov/tax regs/reglist.html*.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Anne Shelburne, (202) 874–1490; concerning submission, LaNita Van Dyke, (202) 622–7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

A notice of proposed rulemaking and notice of public hearing, appearing in the **Federal Register** on Wednesday, January 17, 2001 (66 FR 3903), announced that a public hearing on the proposed regulations under sections 863(d) and 863(e), governing the source of income from certain space and ocean activities would be held on March 28, 2001, in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Subsequently, the date of the public hearing has changed to May 23, 2001, at 10 a.m. in room 2615. Outlines of oral comments must be received by May 2, 2001.

Cynthia Grigsby,

Chief, Regulations Unit, Office of Special Counsel, (Modernization & Strategic Planning).

[FR Doc. 01–5908 Filed 3–6–01; 2:56 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–107101–00]

RIN 1545–AY13

Treaty Guidance Regarding Payments With Respect to Domestic Reverse Hybrid Entities; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to a notice of proposed rulemaking that was published in the **Federal Register** on Tuesday, February 27, 2001 (66 FR 12445), relating to treaty guidance regarding payments with respect to domestic reverse hybrid entities.

FOR FURTHER INFORMATION CONTACT: Elizabeth U. Karzon or Karen Rennie-Quarrie at (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking (REG–107101–00) that is the subject of this correction is under section 894 of the Internal Revenue Code.

Need for Correction

As published the notice of proposed rulemaking contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking which was the subject of FR Doc. 01–1687, is corrected as follows:

PART 1—INCOME TAXES

On page 12447, column 2, following amendatory instruction Paragraph 1, correct the authority citation to read as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.894–1(d)(2) also issued under 26 U.S.C. 894 and 7701(l). * * *

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–5958 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–6882–3]

Approval of the Clean Air Act, Section 112(l), Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards for Dry Cleaning Facilities; State of Washington; Puget Sound Clean Air Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve Puget Sound Clean Air Agency's (Puget Sound Clean Air) request for approval to implement and enforce its Regulation III, section 3.03, Perchloroethylene Dry Cleaners in place of federal National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities ("Drycleaning NESHAP"), as it applies to area sources. Approval of this request would make Puget Sound Clean Air's rules federally enforceable and would reduce the burden on area sources within Puget Sound Clean Air's jurisdiction such that they would only have one rule with which they must comply. Major sources would remain subject to the federal drycleaning NESHAP, as adopted into Puget Sound Clean Air Regulation III, section 2.02.

In the final rules section of this **Federal Register**, EPA is approving Puget Sound Clean Air's request as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, EPA will not take action on this proposed rule. If the EPA receives relevant adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will then address all public comments received in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: Written comments must be received by April 11, 2001.

ADDRESSES: Written comments should be mailed concurrently to the addresses below:

Doug Hardesty, U.S. Environmental Protection Agency, Region X, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, WA, 98101.

Dennis McLerran, Director, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101.

Copies of the requests for approval are available for public inspection at EPA's Region X office during normal business hours.

FOR FURTHER INFORMATION CONTACT: Doug Hardesty, Office of Air Quality (OAQ–107), US EPA, Region X, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–6641.

SUPPLEMENTARY INFORMATION: For additional information see the direct final action which is published in the Rules section of this **Federal Register**.

Dated: August 2, 2000.

Charles E. Findley,

Acting Regional Administrator, Region X.

[FR Doc. 01–1344 Filed 3–9–01; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 18

RIN 1018–AH86

Marine Mammals: Incidental Take During Specified Activities

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Advance notice of proposed rulemaking and request for comments.

SUMMARY: Pursuant to the Marine Mammal Protection Act we, the U.S. Fish and Wildlife Service, intend to develop a rule that would allow authorization for the incidental, unintentional take of small numbers of Florida manatees (*Trichechus manatus latirostris*) that results from government activities related to watercraft and watercraft access facilities within the geographic area of the species' range in Florida for a period of not more than 5 years.

Under provisions of the MMPA, it is unlawful for any person to take a Florida manatee in waters or on lands under the jurisdiction of the United States. Nonetheless, incidental take shall be allowed if we find, based on the best available scientific information, that the total taking during the specified time period will have a negligible impact on the species and will not have an unmitigable adverse impact on the availability of the species for subsistence uses. In making these findings, we would establish specific regulations for the activities that set forth permissible methods of taking and means of effecting the least practicable adverse impact on the species and their habitat; and requirements for monitoring and reporting.

The rule-making process will determine if watercraft-related incidental, unintentional take by us and other entities that choose to seek coverage will have a negligible impact on manatees, and allow authorization of take caused by activities permitted, funded, or carried out by participants in the rule-making process that has no more than a negligible impact on manatees.

DATES: You must submit comments to us by April 11, 2001.

ADDRESSES: You should submit written comments by mail to Field Supervisor, Jacksonville Field Office, U. S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216. You may also submit written comments by FACSIMILE MAIL to (904) 232–2404 (Attn: Peter Benjamin), or INTERNET to *FW4esjacksonville@fws.gov*.

FOR FURTHER INFORMATION CONTACT: Peter Benjamin, Jacksonville Field Office, U.S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216, Telephone: (904) 232–2580 extension 106; Facsimile Mail to (904) 232–2404, or Internet to *FW4esjacksonville@fws.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Marine Mammal Protection Act (MMPA) of 1972, as amended (16 U.S.C. 1361–1421h), sets a general moratorium on the taking and importation of marine mammals. Section 102 of the MMPA makes it unlawful for any person to take, possess, transport, purchase, sell, export, or offer to purchase, sell, or export any marine mammal or marine mammal product unless otherwise allowed. "Take," as defined by section 3(13) of the MMPA "means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal." Our implementing regulations at 50 CFR 18.3 further define take as follows: To harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal.

"Harassment" is defined under the MMPA as any act of pursuit, torment, or annoyance which—(i) has the potential to injure a marine mammal or marine mammal stock in the wild; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to migration, breathing, nursing, breeding, feeding, or sheltering. You can find other definitions relevant to our proposed action at 50 CFR 18.27(c).

Nonetheless, the MMPA contains exceptions to the moratorium, including section 101(a)(5)(A) which allows us, on request, to authorize for a specified activity (other than commercial fishing) in a specified geographical region the incidental, but not intentional, take of small numbers of a species or stock of marine mammal if certain findings are made and regulations prescribed. We must find that the total of such taking during the specified time period (of up to five years) will have a negligible impact on the species or stock and will not have an unmitigable impact on the availability of such species or stock for subsistence uses.

If we make these findings, we must set forth permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat, and requirements pertaining to the monitoring and reporting of such taking. The subsistence provision requiring that the total taking not have an unmitigable impact on the availability of the species or stock for subsistence uses is not applicable to Florida manatees.

Following promulgation of incidental take regulations, a Letter of Authorization, which may be issued by us to U.S. Citizens (including government agencies), would authorize incidental take associated with an applicant's activities. Procedures for obtaining a Letter of Authorization are described at 50 CFR 18.27(f).

The manatee is protected under the MMPA and is also listed as an endangered species under the Endangered Species Act. The largest known human-related cause of manatee deaths is collisions with watercraft. Between 1976 and 1999, watercraft-related deaths increased at an average of 7.2 percent per year. From 1996 to 2000, watercraft-related deaths have been the highest on record, ranging from 54 to 82.

In the State of Florida, County, State, and Federal agencies engage in a variety of activities that may result in the incidental, unintentional take of manatees by watercraft. Many of these activities relate to the use and regulation of watercraft operated in Florida waters accessible to manatees, including: (1) Regulating boater behavior on the water (e.g., speed zones and vessel registration); (2) permitting construction of watercraft access facilities (marinas, docks, boat ramps); (3) funding construction of watercraft access facilities; (4) operating watercraft access facilities; and (5) operating watercraft. To date, there is no authorization for the incidental, unintentional death, injury, or harassment of manatees caused by these otherwise legal activities.

We engage in, or have the authority to engage in, each of the above five categories of activities; therefore, Service activities could result in the incidental, unintentional take of manatees. As such, we will request development of incidental take regulations for our own activities and initiate promulgating such regulations to allow authorization of take associated with government activities related to watercraft in Florida. Through this rulemaking we will determine whether take associated with watercraft use and regulation in Florida will have a negligible impact on manatees, after taking into account mitigating measures that would render the impact negligible when it may not otherwise meet that standard.

Other Federal, State, and local agencies involved in these same types of activities are encouraged to join us in this rulemaking effort in order to gain authorization and liability coverage for take that is otherwise prohibited under the MMPA. Persons wishing to provide relevant information and comments regarding this activity should submit these to the above address. For information, please contact the individual identified above in the section entitled **FOR FURTHER INFORMATION CONTACT**.

Public Comments Solicited

Interested persons are invited to submit comments relating to our projected development of incidental take regulations for manatees in Florida. We request suggestions, materials, and recommendations to assist and guide us in this endeavor.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their name and home address from the rulemaking record, which we will honor to the extent allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or

business, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: March 6, 2001.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 01–6041 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 030701C]

Western Pacific Fishery Management Council; Notice of Availability of Draft Biological Opinion

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of the draft biological opinion on authorization of the pelagic fisheries under the Fishery Management Plan for the Pelagics Fisheries of the Western Pacific Region.

SUMMARY: NMFS announces the availability of a draft biological opinion on authorization of the pelagic fisheries under the Fishery Management Plan for the Pelagics Fisheries of the Western Pacific Region.

DATES: The draft document is now available.

ADDRESSES: For copies of the document contact Dr. Charles Karnella, NMFS, Pacific Islands Area Office (PIAO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814–4700.

FOR FURTHER INFORMATION CONTACT: Charles Karnella, PIAO, at 808–973–2937.

SUPPLEMENTARY INFORMATION: The Endangered Species Act draft biological opinion on authorization of the pelagic fisheries under the Fishery Management Plan for the Pelagics Fisheries of the Western Pacific Region is now available for review. The document is available from the NMFS Southwest Region at *http://swr.ucsd.edu/*; hard copies are available upon request (see **ADDRESSES**).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 7, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–6106 Filed 3–9–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 66, No. 48

Monday, March 12, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service; Notice of the Advisory Committee on Agriculture Statistics Meeting

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. app. 2, the National Agricultural Statistics Service (NASS) announces a meeting of the Advisory Committee on Agriculture Statistics.

FOR FURTHER INFORMATION CONTACT: Rich Allen, Executive Director, Advisory Committee on Agriculture Statistics, U.S. Department of Agriculture, National Agricultural Statistics Service, 1400 Independence Avenue SW., Room 4117 South Building, Washington, D.C. 20250–2000. Telephone: 202–720–4333, Fax: 202–720–9013, or e-mail: rallen@nass.usda.gov.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Agriculture Statistics, which consists of 25 members appointed from 7 categories covering a broad range of agricultural disciplines and interests, has scheduled a meeting on April 3–4, 2001. The Committee meeting will be held 8:00 a.m.-4:30 p.m. on Tuesday, April 3, and 8:00 a.m.-11:30 a.m. on Wednesday, April 4. During this time the Advisory Committee will discuss: (1) 2002 Census of Agriculture data products, (2) NASS environmental survey program, (3) mandatory reporting on NASS business surveys and (4) 2002 Census of Agriculture content.

Dates and Locations: April 3–8:00 a.m. to 4:30 p.m., Advisory Committee Meeting, with an opportunity for public questions and comments at 3:45 p.m., Crowne Plaza Hotel, 1001 14th & K Streets, NW, Washington, DC.

April 4–8:00 a.m. to 11:30 a.m., Advisory Committee Meeting, with an opportunity for public questions and comments at 10:00 a.m., Crowne Plaza Hotel, 1001 14th & K Streets, NW, Washington, DC.

Type of Meeting: Open to the public.

Comments: The public may file written comments to the USDA Advisory Committee contact person before or within a reasonable time after the meeting. All statements will become a part of the official records of the USDA Advisory Committee on Agriculture Statistics and will be kept on file for public review in the office of the Executive Director, Advisory Committee on Agriculture Statistics, U.S. Department of Agriculture, Washington, DC 20250.

Dated: March 6, 2001, at Washington, DC.

R. Ronald Bosecker,

Administrator, National Agricultural Statistics Service.

[FR Doc. 01–5981 Filed 3–9–01; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Associated Electric Cooperative; Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact with respect to a request from Associated Electric Cooperative for financing assistance from RUS to finance the construction of a natural gas fired combustion turbine electric generation plant in Johnson County, Missouri.

FOR FURTHER INFORMATION CONTACT: Bob Quigel, Environmental Protection Specialist, Engineering and Environmental Staff, RUS, Stop 1571, 1400 Independence Avenue, SW., Washington, D.C. 20250–1571, telephone (202) 720–0468, e-mail at bquigel@rus.usda.gov.

SUPPLEMENTARY INFORMATION: Associated Electric Cooperative proposes to construct and operate three, 100-megawatt, simple cycle combustion turbine generators on an 80 acre site. The entire plant would use about 11 acres of the site. The site is located approximately 2 miles north of Holden, Missouri. State Highway 131 borders the eastern edge of the site.

The primary fuel for the units would be natural gas with fuel oil backup. The generators are Siemens Westinghouse V84.2 dry low-nitrogen combustors. Each generating unit would be approximately 60 feet wide and 150 feet long. The exhaust stacks would be 90 feet high. An electric substation, a 100-foot by 60-foot maintenance building, water storage tanks, fuel oil storage tank and unloading area, a gas conditioning area and pump house would be located near the combustion turbines. A 150-foot microwave tower would be located on site to enable the control of the plant from a remote location. A 1,300-foot natural gas pipeline and approximately 2.6 miles of electric transmission lines will be needed at the site to supply natural gas to the units and connect them to the existing electric transmission grid. The electric transmission lines will be made up of two 161 kV circuits and two, 69 kV circuits. Single steel, self weathering, poles will be used to support the conductors. The circuits will be made up of two parallel lines on a 150-foot wide right-of-way. Each line will support one 161 kV circuit and one 69 kV underbuild.

Copies of the Finding of No Significant Impact are available from RUS at the address provided herein or from Jerry Bindel of Associated Electric Cooperative, P.O. Box 754, Springfield, Missouri 65801–0754 telephone (417) 885–9272. Mr. Bindel's e-mail address is jbindel@aeci.org.

Dated: February 22, 2001.

Blaine D. Stockton, Jr.,

Assistant Administrator, Electric Program, Rural Utilities Service.

[FR Doc. 01–6074 Filed 3–9–01; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

East Kentucky Power Cooperative; Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact with respect to a request from East Kentucky Power Cooperative for financing assistance from RUS to finance the construction of the J.K. Smith Unit 5 Combustion Turbine and a 12 mile, 138 kV electric transmission line.

FOR FURTHER INFORMATION CONTACT: Bob Quigel, Environmental Protection Specialist, Engineering and Environmental Staff, RUS, Stop 1571, 1400 Independence Avenue, SW., Washington, DC 20250–1571, telephone (202) 720–0468, e-mail at bquigel@rus.usda.gov.

SUPPLEMENTARY INFORMATION: The J.K. Smith Unit 5 Combustion Turbine will be installed adjacent to existing combustion turbines located at East Kentucky Power Cooperative's J.K. Smith Combustion Turbine Site located in Clark County, Kentucky, approximately 9 miles southeast of Winchester on Kentucky Highway 89. The combustion turbine will be fired by natural gas or #2 fuel oil. Natural gas will be supplied by an existing natural gas pipeline on site. Fuel oil will be trucked to the site and stored in a 4 million gallon storage tank located on the site. Twelve miles of 138 kV electric transmission line will need to be constructed to tie the power output of Unit 5 to East Kentucky Power Cooperative's electric transmission gird. The transmission line will begin at the J.K. Smith Combustion Turbine Site and traverse in a southerly direction into Madison County, Kentucky.

Copies of the Finding of No Significant Impact are available from RUS at the address provided herein or from Jeff Hohman, East Kentucky Power Cooperative, PO Box 707, Winchester, Kentucky 40391, telephone (606) 744–4812.

Dated: February 20, 2001.

Blaine D. Stockton,

Assistant Administrator, Electric Program.

[FR Doc. 01–6075 Filed 3–9–01; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030701B]

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public meetings.

DATES: The meetings will be held on March 26-30, 2001.

ADDRESSES: These meetings will be held at the Adam's Mark Hotel, 64 South Water Street, Mobile, AL 36602; telephone: 334–438–4000.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION:

Council

March 28

8:30 a.m.—Convene.

8:45 a.m.–12 noon—Receive public testimony on the Charter Vessel/Headboat Permit Moratorium Amendment. Persons who will testify must turn in a registration card before the start of the testimony period on Wednesday.

1:30 p.m.–4 p.m.—Continue public testimony if needed.

4 p.m.–5:30 p.m.(CLOSED SESSION)—Receive a report of the Advisory Panel (AP) Selection Committee and the Scientific and Statistical Committee (SSC) Selection Committee.

March 29

8:30 a.m.–8:45 a.m.—Receive a report of the AP Selection Committee and the SSC Selection Committee.

8:45 a.m.–12:30 p.m.—Receive a report of the Joint Reef Fish/Mackerel Management Committees.

1:30 p.m.–2:30 p.m.—Receive a report of the Shrimp Management Committee.

2:30 p.m.–5:30 p.m.—Receive a report of the Reef Fish Management Committee.

March 30

8:30 a.m.–9 a.m.—Receive a report of the Mackerel Management Committee.

9 a.m.–9:15 a.m.—Receive the South Atlantic Fishery Management Council Liaison report.

9:15 a.m.–9:30 a.m.—Receive the Mid-Term Council Chairmen's Meeting report.

9:30 a.m.–9:45 a.m.—Receive the International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee report.

9:45 a.m.–10 a.m.—Receive the Gulf & South Atlantic Fishery Foundation Bycatch Workshop report.

10:00 a.m.–10:15 a.m.—Receive enforcement reports.

10:15 a.m.–10:30 a.m.—Receive the NMFS Regional Administrator's Report.

10:30 a.m.–10:45 a.m.—Receive Director's Reports.

10:45 a.m.–11 a.m.—Other Business

March 26

8 a.m.–10 a.m. (CLOSED SESSION)—Convene the the AP Selection Committee to develop its recommendations to the Council on appointment of AP members.

10 a.m.–12 noon (CLOSED SESSION)—Convene the SSC Selection Committee to develop its recommendations to the Council on appointment of SSC, stock assessment panel (SAP), and socioeconomic panel (SEP) members.

1 p.m.–5:30 p.m.—Convene the Reef Fish Management Committee to select preferred alternatives on Reef Fish Amendment 18 Options Paper and hear a legal opinion on individual fishing quota (IFQ) development.

March 27

8 a.m.–11:30 a.m.—Convene the Reef Fish Management Committee and the Mackerel Management Committee to develop recommendations to the Council for final action on the Charter Vessel/Headboat Permit Moratorium Amendment. The Council will hear their report and take final action on Thursday, March 29.

1 a.m.–2:30 p.m.—Continue the joint meeting of the Reef Fish Management Committee and the Mackerel Management Committee if necessary.

2:30 p.m.–4 p.m.—Convene the Shrimp Management Committee to discuss Shrimp Amendment 10 Options Paper.

4 p.m.–5:30 p.m.—Convene the Mackerel Management Committee to discuss control rule risk levels.

Although non-emergency issues not contained in the agenda may come before the Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the MSFCMA, provided the public has been notified of the Council's intent to take final action to address the emergency.

A copy of the Committee schedule and agenda can be obtained by calling (813) 228–2815.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by March 19, 2001.

Dated: March 7, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–6109 Filed 3–9–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Sea Grant Review Panel

AGENCY: National Sea Grant College Program, Office of Oceanic and Atmospheric Research, NOAA, DOC.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The meeting will have several purposes. Panel members will discuss and provide advice on the National Sea Grant College Program in the areas of program evaluation, education and extension, science and technology programs, and other matters as described below:

DATES: The announced meeting is scheduled during two days: Sunday, March 25 and Wednesday, March 28, 2001.

ADDRESSES: (To be held in conjunction with the national "Sea Grant Week" Meetings, March 25–28, 2001), Crowne Plaza Hotel, 130 Shipyard Drive, Hilton Head Island, South Carolina 29928, Telephone: (843) 842–2400.

FOR FURTHER INFORMATION CONTACT: Dr. Francis M. Schuler, Designated Federal Official, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, Maryland 20910, (301) 713–2445.

SUPPLEMENTARY INFORMATION: The Panel, which consists of a balanced representation from academia, industry, state, government and citizens groups, was established in 1976 by section 209 of the Sea Grant Improvement Act (Pub. L. 94–461, 33 U.S.C. 1128). The Panel advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations under the Act, and such other matters as the Secretary refers to them for review and advice. The agenda for the meeting is as follows:

Sunday, March 25, 2001

9 a.m.–3:30 p.m.
Panel Committee Reports
Executive Committee
Review of the National Sea Grant Office, NOAA
Implementation Committee—Sea Grant Extension Report
Program Evaluation Committee
Allocation Committee
Technology Transfer Committee
Minority Serving Institutions
Report of the Director, National Sea Grant Office

Wednesday, March 28, 2001

8:30 a.m. to 10:30 a.m.
Committee Summary and Follow-up on Sea Grant Week Sessions:
Review of the National Sea Grant Office, NOAA
Implementation Committee—Sea Grant Extension Report
Program Evaluation Committee
Allocation Committee
This meeting will be open to the public.

Dated: March 7, 2001.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research.

[FR Doc. 01–6107 Filed 3–9–01; 8:45 am]

BILLING CODE 3510–KA–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030101G]

Permits; Foreign Fishing

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of foreign fishing application.

SUMMARY: NMFS publishes for public review and comment a summary of an application submitted by the Government of the Russian Federation requesting authorization to conduct fishing operations in the U.S. Exclusive Economic Zone (EEZ) in 2001 under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

ADDRESSES: Comments may be submitted to NMFS, Office of Sustainable Fisheries, International Fisheries Division, 1315 East-West Highway, Silver Spring, MD 20910; and/or to the Regional Fishery Management Councils listed here:

Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01905, Phone (978) 465–0492, Fax (978) 465–3116;

Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, 300 South New Street, Dover, DE 19904, Phone (302) 674–2331, Fax (302) 674–4136.

FOR FURTHER INFORMATION CONTACT: Robert A. Dickinson, Office of Sustainable Fisheries, (301) 713–2276.

SUPPLEMENTARY INFORMATION: In accordance with a Memorandum of Understanding with the Secretary of State, NMFS publishes, for public review and comment, summaries of applications received by the Secretary of State requesting permits for foreign fishing vessels to fish in the U.S. EEZ under provisions of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*).

This notice concerns the receipt of an application from the Government of the Russian Federation requesting authorization to conduct joint venture (JV) operations in 2001 in the Northwest Atlantic Ocean for Atlantic mackerel and Atlantic herring. The factory ship DAURIYA is identified as the Russian vessel that would receive Atlantic mackerel and Atlantic herring from U.S. vessels in JV operations.

Dated: March 6, 2001

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–6079 Filed 3–9–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Short Supply Request Under the United States—Caribbean Basin Trade Partnership Act (CBTPA)

March 8, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Request for public comments concerning a request for a determination that crushed panne velour fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA.

FOR FURTHER INFORMATION CONTACT: Lori E. Mennitt, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUMMARY: On March 6, 2001 the Chairman of CITA received a petition on behalf of Granada Sales Corporation of New York City alleging that crushed panne velour fabric, classified in subheading 6001.92.00.30 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim that apparel articles of such fabric be eligible for preferential treatment under the CBTPA. CITA hereby solicits public comments on this request, in particular with regard to whether crushed panne velour fabric can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by March 27, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND: The CBTPA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The CBTPA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or a CBTPA beneficiary country, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner and the President has proclaimed such treatment. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests. 66 FR 13502.

On March 6, 2001 the Chairman of CITA received a petition on behalf of Granada Sales Corporation of New York City alleging crushed panne velour fabric, classified in HTSUS subheading 6001.92.00.30, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim quota- and duty-free treatment under the CBTPA for apparel articles that are cut and sewn in one or more CBTPA beneficiary countries from such fabric.

CITA is soliciting public comments regarding this request, particularly with respect to whether crushed panne velour fabric, classified in HTSUS subheading 6001.92.00.30, can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other fabrics that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the fabric for purposes of the intended use. Comments must be received no later than March 27, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

If a comment alleges that crushed panne velour fabric can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the fabric stating that it produces the fabric that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, NW., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non confidential version and a non-confidential summary.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–6178 Filed 3–8–01; 3:02 pm]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Short Supply Petition Under the North American Free Trade Agreement (NAFTA)

March 8, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Request for public comments concerning a petition for a modification of the NAFTA rules of origin for products made from yarn of camel hair and yarn of cashmere.

FOR FURTHER INFORMATION CONTACT: Lori E. Mennitt, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUMMARY: On February 28, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that yarn of cashmere and yarn of camel hair, classified in heading 5108.10.60 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim a modification of the NAFTA rules of origin. Such a proclamation may be made only after reaching agreement with the other NAFTA countries on the modification. CITA hereby solicits public comments on this petition, in particular with regard to whether cashmere and camel hair yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by April 11, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 USC 1854); Section 202(q) of the North American Free Trade Agreement Implementation Act (19 USC 3332(q)); Executive Order 11651 of March 3, 1972, as amended.

BACKGROUND: Under the North American Free Trade Agreement (NAFTA), NAFTA countries are required to eliminate customs duties on textile and apparel goods that qualify as originating goods under the NAFTA rules of origin, which are set out in Annex 401 to the NAFTA. The NAFTA provides that the rules of origin for textile and apparel products may be amended through a subsequent agreement by the NAFTA countries. In consultations regarding such a change, the NAFTA countries are to consider issues of availability of supply of fibers, yarns, or fabrics in the free trade area and whether domestic producers are capable of supplying commercial quantities of the good in a timely manner. The Statement of Administrative Action (SAA) that accompanied the NAFTA Implementation Act stated that any interested person may submit to CITA a request for a modification to a particular rule of origin based on a change in the availability in North America of a particular fiber, yarn or fabric and that the requesting party would bear the burden of demonstrating that a change is warranted. The SAA provides that CITA may make a recommendation to the President regarding a change to a rule of origin for a textile or apparel good. The NAFTA Implementation Act provides the President with the authority to proclaim modifications to the NAFTA rules of origin as are necessary to implement an agreement with one or more NAFTA country on such a modification.

On February 28, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that yarn of cashmere and yarn of camel hair, classified in HTSUS heading 5108.10.60, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim a modification of the NAFTA rules of origin. Amicale Industries requests that the NAFTA rules of origin for fabrics of HTSUS heading 5111 and for woven apparel of Chapter 62 be modified to permit the use of non-North American yarns of camel hair or yarns of cashmere classified in HTS heading 5108.10.60.

CITA is soliciting public comments regarding this request, particularly with respect to whether yarn of cashmere and yarn of camel hair, classified in HTSUS heading 5108.10.60, can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant are whether there has been a change in availability and whether other products that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the yarn for purposes of the intended use. Comments must be received no later than April 11, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that yarn of cashmere or yarn of camel hair can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn stating that it produces the yarn that is in the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged, to include a non-confidential version and a non-confidential summary.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–6177 Filed 3–8–01; 3:02 pm]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Meeting

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Intelligence Needs for Homeland Defense Bio Panel will meet in closed session on March 12, 2001; April 23–24, 2001; May 29–30, 2001; June 25–26, 2001; July 23–24, 2001; and August 27–28, 2001, at Strategic Analysis, Inc., 3601 Wilson Boulevard, Arlington, VA 22201. This Task Force will explore the intelligence ramifications posed by a changing spectrum of threat regimes, including biological, chemical, information, nuclear, and radiological weapons.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. The Task Force's Bio Panel will: Consider the broad spectrum of intelligence issues as they relate to biological warfare issues, from early threat detection to deterrence, through response including attribution; evaluate the collection and analysis of target-related information and weapon unique information; examine the role of HUMINT against these missions as well as the technology that the HUMINT collectors need to be equipped with; consider strategic indications and warning and tactical warning dissemination and how the two need to be merged; analyze methodology to correlate large data flows spatially temporally and functionally; and assess the robustness of today's intelligence apparatus for coping with these challenges.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and Subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR part 106–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: March 5, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5839 Filed 3–9–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Proposed Revision to MTMC Freight Rules Publication No. 1B (MFTRP 1B), Item 70 ("Capacity Load")

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice (request for comments).

SUMMARY: The Military Traffic Management Command (MTMC) as the Department of Defense (DOD) Traffic Manager for surface and surface intermodal traffic management services (DTR vol. 2, pgs 201–13 through 201–14) intends to replace the entire text of the existing MFTRP 1B item 70 ("Capacity Load") with the revised item outlined herein. The purpose of this change is to streamline and clarify the application of

capacity load by motor carriers doing business with DOD shippers.

DATES: Comments must be submitted on or before May 11, 2001.

ADDRESSES: Comments may be mailed to: MTMC Deployment Support Command, ATTN: MTDC–OPCF, Room 207, 661 Sheppard Place, Fort Eustis, VA 23604–1644.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Lord at (757) 878–8547 (e-mail at lords@mtmc.army.mil) or Mr. Tom Mutchek at (757) 878–8503 (e-mail mutchekt@mtmc.army.mil).

SUPPLEMENTARY INFORMATION: The proposed effective date for this change is 1 July 2001 and it will modify the way in which the Global Freight Management System (GFM) calculates line-haul charges for capacity load shipments. The intent of this proposed change is to simplify and clarify the existing item in order to facilitate accurate upfront costing by the GFM system and to reduce the potential for post-shipment cost disputes between shippers and carriers. The current MFTRP 1B item reads as follows: Capacity Load (Item 70):

1. A shipment is considered a *capacity* load (also known as "*loaded to full visible capacity*", "*loaded to capacity*") when it occupies the full visible capacity of a vehicle or requires additional vehicles and consists of that quantity of freight which:

a. Occupies at least 90 percent of the available loading space; or

b. Because of unusual shape or dimensions, or because of the necessity for segregation or separation from other freight, requires the entire vehicle; or

c. Fills a vehicle so that no additional article in the shipping form tendered can be loaded in or on the vehicle.

2. For the purposes of this ITEM, a "vehicle" or "trailer" means:

a. A van trailer of not less than forty (40) feet in length and not less than 2,700 cubic feet capacity; or

b. A double-type van trailer (equipment Code AY1) thirty (30) feet and less in length and not less than 1,800 cubic feet in capacity; or

c. An open top trailer of not less than forty (40) feet in length, propelled or drawn by a single power unit and used on the highways in the transportation of property.

3. This rule does not apply to: charges based on rate qualifiers DH, DL, DZ, PG, PJ, PV, PY, ST; charges based upon equipment code designators AD, AD6, A10, A16, or A20.

4. a. The charge for each vehicle loaded to full visible capacity will be based on either the truckload charge, when Rate Qualifiers PL and PM are used; or the highest truckload minimum weight (or actual weight if in excess of the applicable minimum weight) and accompanying truckload rate applicable to the equipment ordered and loaded.

b. When line-haul charges are based upon Rate Qualifier PQ and the equipment offered in item 13, section A of the tender, is a double-type van trailer (equipment code AY1), the highest minimum weight for capacity load charges will be 30,000 pounds rated at the carrier's PQ rate for 30,000 pounds, applicable to the shortest route mileage from point of origin to final destination, determined by use of the governing mileage guide. When line-haul charges are based upon Rate Qualifiers other than PL, PM, or PQ, and the equipment offered in item 13, section A of the tender is a double-type van trailer (equipment code AY1), the highest minimum weight for capacity load will also be 30,000 pounds. Carriers offering AY1 equipment will provide this minimum weight and applicable truckload rate in their appropriate tenders. This proposal will replace Item 70 with the text shown below: Capacity Load (Item 70):

1. A shipment is considered a *capacity* load (also known as "*loaded to full visible capacity*", "*loaded to capacity*") when it occupies the full visible capacity of a vehicle, as defined in paragraph 2 below. In order for a shipment to be classified as a capacity load, the BoL must be annotated as "Vehicle Fully Loaded" with an authorized person (e.g., Transportation Officer, Transportation Assistant, etc.), having full knowledge of the shipment, initialing the BoL at the time of pick-up. Shipments are to be considered as capacity loads if:

a. The shipment occupies 90% of the cargo carrying capacity of the vehicle; or

b. Because of unusual shape or dimensions the shipment requires the entire vehicle.

c. Fills a vehicle so that no additional article, equivalent in size to the largest piece tendered, can be loaded in or on the vehicle.

2. For the purposes of this ITEM, a "vehicle" is defined as:

a. A van trailer of not less than forty (40) feet in length and not less than 2,700 cubic feet capacity; or

b. An open top trailer of not less than forty (40) feet in length, or

c. A flatbed trailer of not less than forty (40) feet in length.

3. Under no circumstances shall a carrier bill a shipment as a capacity load if the equipment requested by the shipper, or provided by the carrier, fails to meet the definitions shown in paragraph 2 above. Additionally, it is the carrier's responsibility to efficiently load freight (e.g., stacking items when appropriate, etc.) on the vehicle provided.

4. a. The charge for each vehicle loaded to full visible capacity will be based on either the truckload charge, when Rate Qualifiers PL and PM are used; or the highest truckload minimum weight (or actual weight if in excess of the applicable minimum weight) and accompanying truckload rate applicable to the equipment ordered and loaded. Under no circumstances will a line-haul charge be calculated using a minimum weight greater than 45,000 lbs.

b. Shipments rated using line-haul charges based upon Rate Qualifier PQ (MTMC Class 100 Rates) will be calculated using the greater of the actual weight or 45,000 lbs.

Note: All over-dimensional or overweight shipments, as defined in ITEM *415* and ITEM *416*, respectively, are subject to the Spot Bid provisions of ITEM *18*, paragraph *7*.

5. This policy does not apply to charges based on rate qualifiers: DH (Per CWT per Dromedary Shipment), DL (Per Dromedary Service Shipment), DZ (Per CWT Per Mile Per Dromedary Shipment), PG (Per Gallon), and ST (Per Short Ton). Additionally, this policy does not apply to equipment types: AD (Dromedary Box without mechanical restraining devices), AD6 (Dromedary Box with mechanical restraining devices), A10 (410 Dromedary Box without mechanical restraining devices), A16 (410 Dromedary Box with mechanical restraining devices), or A20 (Motor Vehicle Transport Trailer). In the event that additional dromedary rate qualifiers and/or dromedary equipment codes are developed, this change shall not apply to them as well.

6. The application of capacity load will in no way restrict the carrier from adding additional freight to the equipment and should not be interpreted as a request for Exclusive Use of the vehicle.

Regulatory Flexibility Act

This change is not considered rule making within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. *et seq.*, does not apply because no information collection requirements or recordkeeping responsibilities are imposed on offerors, contractors, or members of the public.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 01–6056 Filed 3–9–01; 8:45 am]

BILLING CODE 3710–08–U

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Disposal and Reuse of Surplus Navy Property Identified in the Guam Land Use Plan Update (GLUP '94)

SUMMARY: The Department of the Navy (Navy), pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C) (1994), and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 CFR parts 1500–1508, hereby announces its decision to dispose of surplus Navy property identified in the GLUP 94, Guam Land Use Plan Update (A Plan for Department of Defense Real Estate on Guam), dated April 1995 (GLUP '94). This surplus property is located in the United States Territory of Guam.

Navy analyzed the impacts of the disposal and reuse of GLUP '94 surplus Navy property in an Environmental Impact Statement (EIS) as required by NEPA. The EIS analyzed three reuse alternatives and identified the Reuse Plan for GLUP '94 Navy Properties, dated October 1996 (Reuse Plan), prepared by the GLUP '94 Reuse Planning Committee and the Guam Economic Development Authority (GEDA), as the GEDA Recommended Alternative. The Government of Guam is the Local Redevelopment Authority for these surplus properties, as defined in the Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance, 32 CFR § 176.20(a).

The alternative chosen will use the GLUP '94 Navy properties for parks and recreation, historic and natural resource conservation, residential, commercial, resort, industrial, and agricultural land uses, and extensive regional roadway improvements. These land uses will meet the Navy goals of achieving local economic redevelopment, creating new jobs, and providing additional housing, while limiting adverse environmental impacts and ensuring land uses that are compatible with adjacent property. Selection of the specific means to achieve the proposed redevelopment is in the hands of the acquiring entities and the local zoning authorities.

Background

In 1993, the Commander in Chief, United States Pacific Command assigned Navy to lead a review of all military land requirements on the island of Guam and develop a master plan for future DoD land use. Navy and the Department of the Air Force (Air Force) established the Guam Land Use Working Group to do a comprehensive review of military mission related land requirements on Guam.

Navy prepared and distributed a resulting master plan, known as the GLUP '94. The GLUP '94 recommended consolidation of military activities in the northern and southern parts of the island and it identified more than 8,000 acres of releasable Air Force and Navy properties.

Under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, 10 U.S.C. 2687 note (1994), the 1995 Base Realignment and Closure (BRAC) Commission recommended that Navy dispose of the property declared releasable under the GLUP '94, with appropriate restrictions. These recommendations were approved by President Clinton and accepted by the One Hundred Fourth Congress in 1995.

Description of the Property

The EIS analyzed the disposal and reuse of 2,798 acres of the 8,081 acres identified in the GLUP '94. The analysis excluded the GLUP '94 property owned by Air Force, Naval Air Station (NAS) Agana property covered under separate environmental documentation, 50 acres at Barrigada that will be transferred to the National Guard Bureau, 24 acres consisting of the Agana, Piti and Tanguisson Power Plants that Navy plans to convey by special legislation and agreement, and 23 acres at New Apra Heights which was conveyed by the Secretary of Health and Human Services to the Government of Guam for the construction of the Agat-Santa Rita Wastewater Treatment Plant. In addition to the GLUP '94 properties, the EIS analyzed the 92-acre NAS Agana Officers Housing property that was recommended for closure by the 1995 BRAC Commission.

During the Federal screening process, the National Guard Bureau requested an interagency transfer of base closure property on Guam. Navy plans to transfer about 50 acres located in Barrigada to the National Guard Bureau for use in training activities and construction of additional facilities to support the Guam Army National Guard. This property consists of about 24 acres currently leased to the Guam Army National Guard and an additional 26 acres contiguous to the 24-acre site.

The 20 GLUP '94 surplus Navy properties considered in the present NEPA study range in size from 2 acres to 698 acres and are found in the northern, Barrigada, central, and southern regions of Guam. Navy currently has no operations at any of the 20 properties slated for disposal. Combined, the 20 properties contain about 320 residential units and 17 structures that were formerly used for operations, training, printing, communications, storage, commercial, recreation, agriculture, infrastructure, and support activities. The open space and undeveloped areas contain vacant fields, closed landfills, a beach park, wetlands, ravine forests and forests with limestone soils, savanna grassland, and steeply sloped, heavily vegetated areas. There is a commercial quarry operation located on one property. There are also archaeological sites eligible for listing on the National Register of Historic Places on nine of the properties.

Navy designated, in GLUP '94, the names and location numbers for each property. The northern region contains five properties totaling 824 acres: The Federal Aviation Administration (FAA) Housing (N2) property; the Harmon Annex (N3) property; the Marine Drive Utility (N4b) property; the Tamuning Telephone Exchange (N4c) property; and the NAS Officers Housing property (a non-GLUP '94 property) located at former NAS Agana.

The Barrigada region contains four GLUP properties totaling 773 acres: The Barrigada Route 16 (N5a) property; the Barrigada Route 15 (N5b) property; the Barrigada Hawaiian Rock (N5c) property; and the Barrigada Antenna Site (N5d) property.

The central region contains five GLUP properties totaling 953 acres: The Nimitz Hill Enlisted Housing (N10a) property; Nimitz Hill Vacant Lands (N10b) property; the Sasa Valley (N12a) property; the Tenjo Vista (N12b) property; and the Polaris Point (N14) property.

The southern region contains six GLUP properties totaling 271 acres: The New Apra Heights (N15) property; the Route 2A (N16) property; the Afilleje/Rizal Beach (N17) property; the Old Apra Heights (N18) property; the Navy Ordnance Annex North (West Parcel) (N19a) property; and the Navy Ordnance Annex North (East Parcel) (N19b) property.

The Environmental Analysis Process

Navy published a Notice Of Intent in the **Federal Register** on April 10, 1998, announcing that Navy would prepare an

EIS for the disposal and reuse of surplus Navy property on Guam. On May 7, 1998, Navy held a public scoping workshop at the Chamorro Village in Agana, Guam; The scoping period concluded on May 26, 1998.

Navy distributed the Draft EIS on May 14, 1999, and commenced a 45-day public review and comment period that was extended until September 15, 1999. Both oral and written comments were received. On August 26, 1999, Navy held a public hearing at the Guam Hilton hotel in Agana.

Navy's responses to the public comments concerning the Draft EIS were incorporated in the Final EIS (FEIS), which was distributed to the public on September 27, 2000, for a review period that concluded on October 23, 2000. Navy received one letter commenting on the FEIS.

Alternatives

In the FEIS, Navy analyzed the environmental impacts of three reuse alternatives. Navy also evaluated a "No Action" alternative that considered leaving the property in caretaker status with Navy maintaining the physical condition of the property, providing a security force, and making repairs essential to safety.

In Guam Executive Order No. 96–19, dated July 9, 1996, the Governor of Guam, Carl T.C. Gutierrez, assigned the requirement to develop and implement a reuse plan for the GLUP '94 properties to Guam Economic Development Authority (GEDA). Also in this order, the Governor created the GLUP '94 Reuse Planning Committee to assist GEDA in this task. In October 1996, the Reuse Planning Committee and GEDA prepared the Reuse Plan for GLUP '94 Navy Properties. The Reuse Plan was approved by the Guam Legislature on December 23, 1996, and signed by the Governor of Guam on January 2, 1997.

The Reuse Plan provides general land use descriptions and estimated acreage. The Reuse Plan does not quantify development densities, such as number of and sizes of buildings and structures. The Reuse Plan also does not provide details of the infrastructure and roadway improvements required to support its proposed redevelopment of the properties.

In order to analyze potential impacts on the environment, such as infrastructure, traffic, population change, and socioeconomic conditions, Navy made projections of the future development to estimate the number and size of the buildings and structures at each property that would be consistent with the Reuse Plan. Navy considered roadway expansion, easements, site constraints and used the then-applicable *I Tano-ta Land Use Plan* to estimate development densities.

The *I Tano-ta* provided a framework to manage growth and land development on Guam. The plan provided guidelines for development intensities and zoning code performance standards. The *I Tano-ta* was passed by the Guam Legislature on April 17, 1998, as Guam Public Law 24–171, and went into effect on May 1, 1999. However, the Guam Legislature repealed the law within a few days. Currently, the Governor of Guam has responsibility to act on the future of the *I Tano-ta*. GEDA has indicated that regardless of the status of the *I Tano-ta*, the proposed land uses under the Reuse Plan remain valid.

The Alternative Selected

The selected alternative, identified in the FEIS as the GEDA Recommended Alternative, proposes a mix of land uses for the 20 properties including development of parks, recreational areas, historical and natural resource conservation projects, residential, commercial, resort, industrial, and agricultural land uses, as well as extensive regional roadway improvements.

The FAA Housing (N2) property covers about 698 acres along the coast of the Philippine Sea less than one mile south of Anderson Air Force Base. There were 89 residential units on this property that provided housing for FAA and Navy personnel, and these units were demolished due to irreparable damage from Typhoon Paka in 1997. The remainder of the land contains undeveloped forests with limestone soils. The selected alternative will develop a 128-room resort hotel, a 225-acre 18-hole golf course, and 390 single-family residential units. Conservation and recreational areas will be set aside to protect the natural and cultural resources located on the cliff line.

The Harmon Annex (N3) property, covering seven acres in an undeveloped area south of the FAA Housing property, contains a two-story building (Building 50) and a storage shed. The structures are surrounded by grass fields and paved areas. The selected alternative will develop Building 50 as a community center.

The Marine Drive Utility (N4b) property, covering 25 acres north of Marine Drive (Route 1) and west of Route 3, contains Building 169, a former Stars and Stripes facility. This grassy property is divided by an electric substation and is constrained by utility easements. The selected alternative will develop 150,000 square-feet of space for commercial activities.

The two-acre Tamuning Telephone Exchange (N4c) property is found below the cliff line of Tiyan (NAS Agana) on the south side of Marine Drive. The exchange contains two buildings surrounded by paved areas. The selected alternative plans demolition of the two buildings an development of about 27,000 square feet of space of commercial activities.

The NAS Officers Housing property at Tiyan covers 92 acres on top of a steep bluff. The selected alternative plans demolition of the existing 136 residential units. This alternative will also develop the Navy Post Exchange building as a neighborhood commercial center. The Government of Guam plans to build the Laderan Tiyan Parkway along the property's perimeter, which will provide an alternate access across the Tiyan plateau for the A.B. Won Pat Guam International Airport.

The Barrigada Route 16 (N5a) property, covering 345 acres, is found about one half mile southwest of Tiyan, south of the Naval Communication Areas Master Station Western Pacific Barrigada, and east of the National Guard Armory and P.C. Lujon School. Most of the property is open area for agriculture, athletic fields, and closed landfills. The selected alternative will develop a 42-acre recreational park, a 20-acres sports complex, and 100,000 square feet of space for industrial activities and warehouses. The remainder of the property will support agriculture.

The Barrigada Route 15 (N5b) property, located east of the Barrigada Route 16 parcel and the Navy's Admiral Nimitz Golf Course, covers 358 acres. Most of the land is undeveloped except for a vacant FAA Communications Building used most recently for golf course maintenance equipment storage. This property also contains closed landfills. The selected alternative will build about 1,500 affordable single-family residential units here.

The Barrigada Hawaiian Rock (N5c) property, covering 15 acres, is found east of Route 15 and adjacent to the southeastern corner of the Barrigada Route 15 (N5b) property. Hawaiian Rock Products Corporation operates a quarry facility of 10 acres of the property. The selected alternative will allow the quarry operations to continue. This alternative will also permit development of about 3,000 square feet of space for industrial facilities and warehouses.

The Barrigada Antenna Site (N5d) parcel is found east of Route 15 and covers 55 acres that formerly supported a Navy transmitter antenna. One building and four homes built by trespassers are located on the property's north end. The selected alternative will demolish these buildings; it will allow for construction of about 220 affordable single-family residential units and 10,000 square feet of space for commercial activities.

The Nimitz Hill Enlisted Housing (N10a) property covers 120 acres in the central region in the municipality of Asan. This property contains 78 residential units, recreational facilities, and a Quonset hut. The enlisted housing was part of the larger United States Naval Station, Nimitz Hill Annex that extended to the southeast. The Department of Defense Education Activity High School and Navy's Flag Circle housing are located to the southwest. The selected alternative will use the existing residential units for affordable and social service housing and it will allow for construction of an additional 80 single- and multi-family residential units here. This alternative will use the recreational facilities and it will preserve the property's steep slopes and dense vegetation.

The Nimitz Hill Vacant Lands (N10b) parcel covers 183 acres south of Route 6 and the Nimitz Hill Enlisted Housing (N10a) property. A Navy Public works Center sewage pumping station is located in the northern part of the property. The selected alternative will develop about 100,000 square feet of space in the northern part of the property for commercial and cultural facilities, such as hotels, shopping centers, theaters, museums and art galleries. In the southern part of the property, this alternative will build about 200 affordable residential townhouses along Mount Alutom Road. The remaining undeveloped forests will be set aside for hiking trails and conservation.

The nine-acre Sasa Valley (N12a) property, found in the central region municipality of Piti, was part of a former Navy tank farm. There are no structures on the property and it is steeply sloped and heavily vegetated. The selected alternative will allow for possible expansion of the Guam Veterans Cemetery located to the north and set aside the remainder of the property for conservation.

The Tenjo Vista (N12b) parcel, covering 559 acres, contains steeply sloped forests and wetlands. The property is located to the east of Route 1 (Marine Drive), the Polaris Point (N14) property, and both Inner and Outer Apra Harbor. There are active and inactive petroleum lines that lie beneath the property; the center of the property was a tank farm. The selected alternative will develop about 3,000 square feet of space for commercial activities along Marine Drive and it will set aside about 480 acres for conservation.

The Polaris Point (N14) property covers 82 acres and is found west of Marine Drive across from the Tenjo Vista (N12b) property. Polaris Point Access Road crosses the property from east to west and provides access to the retained Polaris Point Navy facilities. Outer Apra Harbor lies northeast of the property and Inner Apra Harbor lies southwest. There are wetlands on the northern part of the property. The southern part of the property contains one building and concrete berms remaining from the former Naval Supply Depot drum storage and waste facility. The selected alternative will develop about 50,000 square feet of space for industrial activities and warehouses and it will also preserve the wetlands.

The New Apra Heights (N15) property, covering 102 acres of undeveloped land, is found in the southern region municipality of Santa Rita. Steep slopes and swamp forest wetlands characterize the site. The selected alternative will support the development of a Government of Guam wastewater treatment plant, the widening of Routes 2A and 5, and set aside the remainder of the property for conservation.

The Route 2A (N16) property, covering 15 acres, is found in the southern region in the municipality of Sanata Rita and west of the New Apra Heights (N15) property. The property contains foundations from a demolished building. The selected alternative plans development of about 32,000 square feet of space for commercial and office uses.

The Afflejo/Rizal Beach (N17) property covers 16 acres and is found in the southern region in the municipality of Santa Rita. The property is bounded on the north by the Apra Harbor Naval Complex; on the east by Shoreline Drive (Route 2) and the Public Works Center Guam landfill; on the south by The War in the Pacific National Historical Park; and on the west by Agat Bay. The selected alternative will continue use of the property as a beach park and for conservation.

The Old Apra Heights (N18) property, a linear strip of undeveloped land located east of Cross Island Road (Route 17) in the municipality of Santa Rita, covers 13 acres. The property is traversed by access roads (driveways) that lead to private residence found further to the east. There is a Guam Power Authority electrical substation adjacent to the southern part of the property. The selected alternative will develop industrial activities on about 4.5 acres to support the Guam Power Authority's activities. This alternative will also develop 5,000 square feet of space for small neighborhood businesses on the remaining 8.5 acres.

The Navy Ordnance Annex North (west) (N19a) property covers 50 acres and it consists of undeveloped land with steep slopes and dense vegetation. It is found in the municipality of Santa Rita along Route 5 and surrounds the Tupo Reservoir. The selected alternative uses the property for parks and recreational activities.

The Navy Ordnance Annex North (east) (N19b) property, covering 52 acres, is found directly east of the Navy Ordnance Annex North (west) property on the other side of Route 5. Seventeen vacant residential units are in the southern part of the property, while the northern part of the property is undeveloped. The selected alternative will use the existing residential units and allow for development of about 11,000 square feet of space to support development of a youth camp.

Other Alternatives

Navy analyzed a second "action" alternative, described in the FEIS as the Lower Intensity Alternative. This alternative considers development of the GLUP '94 properties with more open space and less construction. Under this scheme, some existing facilities will be renovated rather than expanded, and fewer new buildings will be built.

In general, the Lower Intensity Alternative reduces the build-out proposed by the selected alternative by one-half. It proposes a smaller resort at the FAA Housing parcel, and would not develop a golf course. Residential development is reduced, with most of the residential units to be located in the northern and Barrigada regions. There would be less commercial development in residential neighborhoods. The Lower Intensity Alternative develops about half of the square footage proposed by the selected alternative for commercial facilities and warehouses. This alternative develops no industrial facilities at the Polaris Point (N14) property. Finally, the Guam Veterans Cemetery, the barrigada Sports Complex, and agricultural activities in Barrigada are not expanded.

Navy analyzed a third "action" alternative, described in the FEIS as the Higher Intensity Alternative. Reuse would be similar to that proposed under the selected alternative, but with an increase in development densities approaching the maximum allowed

under Guam's then-applicable I Tano-ta land use and zoning guidelines. The Higher Intensity Alternative would allow for more new construction and development than that proposed under the selected alternative.

The Higher Intensity Alternative develops a larger resort in the northern region and it builds a 27-hole golf course at the FAA Housing (N2) property. This alternative builds a larger building at the Harmon Annex (N3) property for educational, office or community center activities. The Higher Intensity Alternative also develops larger residential subdivisions on all the properties where housing was proposed under the selected alternative. Compared to the selected alternative, the Higher Intensity Alternative would double the amount of proposed square footage of commercial and industrial facilities on several properties. This alternative also allows the Guam Power Authority to build a base load-generating power plant on the Rizal/Afflejo Beach (N17) property.

Environmental Impacts

Navy analyzed the direct, indirect, and cumulative impacts of each alternative. Effects on soils, geology, topography, hydrology, air quality, land use compatibility, noise, cultural resources, terrestrial biota and habitat, marine environment, roads and traffic, infrastructure, socioeconomic conditions, public services, and public health and safety are discussed in detail in the Environmental Impact Statement.

Significant Effects

The selected alternative will have a significant impact on land use compatibility. The proposed residential development on the Barrigada Route 15 (N5b) property is incompatible with the existing Hawaiian Rock Products Corporation quarry operations located on the Barrigada Hawaiian Rock (N5c) property. These incompatibilities could be mitigated by the use of buffers, screening, setbacks, and noise attenuation measures. This alternative would not have a significant impact on visual resources.

The selected alternative will have significant noise impacts on the new housing to be built on the NAS Officers Housing property and in the Barrigada region. The proposed residential development at the NAS Officers Housing property would be subject to vehicular noise along the proposed Laderan Tiyan Parkway. The proposed residential development in Barrigada would be subject to noise generated by the Hawaiian Rock Products Corporations' quarry operations. The impacts from noise could be mitigated by the use of buffers and noise attenuation measures.

The selected alternative could have a significant unmitigable impact on cultural resources. Pursuant to Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470f, (1994), and its implementing regulations, Protection of Historic Properties, 36 CFR part 800, Navy conducted a cultural resource assessment and determined that nine GLUP properties are known to contain historic sites, structures, or objects that are either listed or eligible for listing on the National Register of Historic Places. These nine properties are FAA Housing (N2), Barrigada Route 15 (N5A), Barrigada Route 16 (N5B), Nimitz Hill Enlisted Housing (N10A), Nimitz Hill Vacant Lands (N10B), Sasa Valley (N12A), Tenjo Vista (N12B), Polaris Point (N14), and Rizal/Afflejo Beach (N17).

Navy has completed consultation with the Advisory Council on Historic Preservation and the Guam Historic Preservation Officer pursuant to Section 106 and its implementing regulations. These consultations identified actions that Navy must take before it conveys GLUP '94 property and actions that the acquiring entities must take to avoid or mitigate adverse impacts on the archaeological sites that are listed or eligible for listing on the National Register. These obligations were set forth in a Programmatic Agreement, dated July 13, 2000, among Navy, the Advisory Council on Historic Preservation, and the Guam Historic Preservation Officer.

Navy will include a protective deed covenant in the conveyance documents for all historic properties. The provisions in the deed covenant will require that the acquiring entities: Obtain the express written permission of the Guam Historic Preservation Officer prior to undertaking actions that would disturb the ground of a historic site, make reasonable efforts to prevent vandalism or other disturbances, and permit the Guam Historic Preservation Officer the right to inspect the archaeological site at all reasonable times.

Under terms of the Programmatic Agreement, all projects sponsored, funded or authorized by the Government of Guam or GEDA that have the potential to affect historic properties will undergo review in accordance with Title 21 Guam Code Annotated, Chapter 76, Historical Objects and Sites (1994). As the selected alternative will develop several properties containing historic sites, the Guam Historic Preservation Officer's permission must be obtained and archaeological data recovery or other protective measures may be required.

The selected alternative will have significant impacts on traffic and circulation. By the year 2010, traffic volumes on affected roadway segments will increase from as little as one percent to as much as 40 percent on heavily affected routes. Implementation of this alternative will impact key intersections in the northern, Barrigada, and southern regions of Guam. With the exception of one northern region intersection at Routes 1 and 16, these impacts could be mitigated by the installation of traffic signals and turning lanes, realignment of intersection approaches, widening of roads, and increasing alternative transportation programs.

The selected alternative will have a significant cumulative impact on the demand for electricity. The demand for electricity by this alternative and other planned developments on Guam would require the Guam Power Authority to develop new electrical capacity earlier than previously projected. The selected alternative will upgrade or replace the electrical distribution systems at each property during redevelopment.

The selected alternative will have a significant impact on schools. This alternative's proposed residential development will substantially increase the number of students in the northern, Barrigada, and southern regions of the island. Local schools in Guam are already at capacity and in some cases the schools are over capacity. The Reuse Plan does not propose to build new schools on the GLUP properties.

The selected alternative will have significant cumulative impacts on Guam's health care, police, fire protection, and civil defense services. The new residential development in the northern and Barrigada regions proposed by the selected alternative and other planned developments on Guam will substantially increase the demand for these public services.

Less Than Significant Impacts of Disposal and Reuse

The selected alternatives will not have a significant impact on soils, geology, or topography. The Guam Environmental Protection Agency requires soil erosion control measures for new construction that will minimize soil erosion. Guam is located in a highly active seismic region. New construction activities will be required to meet current building codes governing seismic safety.

The selected alternative will not have a significant impact on storm water runoff and drainage patterns, surface and groundwater quality, or aquifer recharge potential. This alternative will alter drainage patterns and substantially increase the quantity of storm water runoff on eight properties (Harmon Annex, Marine Drive Utility, Tamuning Telephone Exchange, NAS Officer Housing, Barrigada Route 15, Antenna Site, Nimitz Hill Enlisted Housing, and Nmitz Hill Vacant Lands), with the largest increase (48 percent) at the proposed Barrigada Route 15 residential development. Runoff will be controlled by measures imposed by the Guam Environmental Protection Agency. Compliance with regulatory requirements, Best Management Practices, and spill prevention plans will minimize the potential for future groundwater contamination. The selected alternative will not have a significant impact on aquifer recharge potential.

Six GLUP '94 properties contain flood hazard zones: Tamuning Telephone Exchange, Barrigada Route 16, Tenjo Vista, Polaris Point, Route 2A, and Afflejo/Rizal Beach. Development in flood zones must comply with Guam's floodplain management regulations. Additionally, in accordance with Executive Order 11988, Floodplain Management, 3 CFR 117 (1978), Navy will place a notice in the conveyance document that describes those uses that are restricted under Federal and local floodplain regulations.

Five properties contain wetlands: Barrigada Route 16, Barrigada Route 15, Tenjo Vista, Polaris Point, and New Apra Heights. Compliance with Federal and local regulations governing development in wetlands will prevent significant impacts. Additionally, in accordance with Executive Order 11990, Protection of Wetlands, 3 CFR 121 (1978), Navy will place a notice in the conveyance document that describes those uses that are restricted under Federal and local wetland regulations.

The selected alternative will not have a significant impact on air quality. Compliance with the regulatory requirements that control emissions, such as the Clean Air Act, 42 U.S.C. 7401–7671q (1994), and Guam's Air Pollution Control Standards and Regulations, Guam Public Law 24–322 (1998), will prevent significant impacts from stationary sources. Emissions from vehicular sources are not expected to exceed Federal regulations; therefore, no significant impacts on air quality are anticipated.

The selected alternative will not have a significant impact on terrestrial biota and habitats. Navy consulted with the United States Fish and Wildlife Service under section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536 (1994). In a letter dated January 18, 2000, the Fish and Wildlife Service concurred with Navy's determination that the proposed disposal and reuse, as outlined in the Reuse plan, of the surplus Navy properties is not likely to adversely affect the following Federally-listed endangered species on Guam: the fire tree (*Serianthes nelsonii*), Mariana crow (*Corvus kubayi*), Mariana fruit bat (*Pteropus mariannus mariannus*), Mariana common moorhen (*Gallinula chloropus guami*), and the Federally-listed threatened green sea turtle (*Chelonia mydas*).

The acquiring entities will be required to prepare Environmental Protection Plans (EPPs) pursuant to the Water Pollution Control Act, Title 10, Guam Annotated Code, Part 2, Ch. 47. EPPs are management plans that identify protective measures and constraints for individual projects that must be submitted to Guam environmental Protection Agency for review and approval. The Government of Guam and the Fish and Wildlife Service executed a Memorandum of Understanding (MOU) to establish and maintain a program for the conservation of Federally listed threatened and endangered species.

The selected alternative will not have significant impact on marine resources or Federally listed threatened or endangered marine species. Navy engaged in consultation with the National Marine Fisheries Service under section 7 of the Endangered Species Act. In a letter dated December 23, 1999, the National Marine Fisheries Service concurred that the proposed disposal and reuse of the surplus Navy properties would not likely adversely affect Federally listed threatened or endangered marine species.

The selected alternative will not have significant impacts on potable water, wastewater collection and treatment facilities, and the capacity for solid waste disposal. The Guam Waterworks Authority has projected that the island will have an excess capacity of 10 million gallons per day (mgd) of potable water in 2010. The projected demand for potable water under the selected alternative will be about 1.5 mgd, which is below the available excess capacity of 10 mgd.

There is adequate capacity available at the three wastewater treatment plants (the Northern District Wastewater Treatment Plant (WWTP), the Agana WWTP, and the Agat WWTP) that are planned to service the GLUP properties. The selected alternative will upgrade or replace the wastewater and treatment distribution systems at each property during redevelopment.

The selected alternative assumed that new solid waste facilities would be developed because the Ordot Landfill, which has no excess capacity, will close. The amount of solid waste generated by this alternative is projected to be less than three percent of the total municipal solid waste generated on Guam in the year 2008. Guam's Integrated Solid Waste Management Plan recommends the reuse, recovery, and recycling of solid waste to lessen the impacts on solid waste facilities.

The selected alternative will not have significant adverse socioeconomic impacts. This alternative will create over 2,000 jobs that will generate a payroll of about $32 million per year. It is expected that residents of Guam will fill the new commercial and industrial jobs.

The selected alternative will not have a significant impact on the environment as a result of the use of petroleum products or the use or generation of hazardous substances by the acquiring entity. Hazardous materials used and hazardous wastes generated by the Reuse Plan will be managed in accordance with Federal and local laws and regulations.

Implementation of the selected alternative will not have an impact on public health and safety at the GLUP '94 properties. Navy will inform future property owners about the environmental condition of the property and may, when appropriate, include restrictions, notifications, or covenants in deeds to ensure the protection of human health and the environment in light of the intended use of the property. After the property is conveyed, Navy will assist the acquiring entities in the removal and disposal of newly discovered unexploded ordnance to the extent required by then-applicable federal laws and regulations and then-applicable Navy and DoD policies, subject to Congressional authority and the availability of appropriated funds.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 3 CFR 859 (1995), requires that Navy determine whether any low income and minority populations will experience disproportionately high and adverse human health or environmental effects from the proposed action. Navy analyzed the impacts on low income and minority populations pursuant to Executive Order 12898. The FEIS addressed the potential human health,

socioeconomic, and environmental effects of the various proposed alternatives. Minority and low-income populations residing within the regions where the GLUP properties are located will not be disproportionately affected.

Navy also analyzed the impacts on children pursuant to Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, 3 CFR 198 (1998). Under the selected alternative, the largest concentration of children would be present in the residential, educational, and recreational areas. The selected alternative would not pose any disproportionate environmental health or safety risks to children.

Mitigation

Implementation of Navy's decision to dispose of the surplus property does not require Navy to implement any mitigation measures. Navy will take certain actions to implement existing agreements and regulations. These actions are treated as agreements or regulatory requirements rather than mitigation.

The FEIS identified and discussed those actions that will be necessary to minimize or avoid the impacts associated with the reuse and redevelopment of the GLUP '94 Navy surplus property. The acquiring entities, under direction of Federal and local agencies with regulatory authority over protected resources, will be responsible for implementing necessary mitigation measures following disposal of the property.

Comments Received on the Final EIS

Navy received comments on the FEIS from the Earthjustice Legal Defense Fund, a private organization writing on behalf of the Center for Biological Diversity. All of the substantive comments concerned issues already discussed in the FEIS.

Regulations Governing the Disposal Decision

Since the proposed action contemplates a disposal under the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101–510, 10 U.S.C. 2687 note (1994), Navy's decision was based upon the environmental analysis in the FEIS and application of the standards set forth in the DBCRA, the Federal Property Management Regulations, 41 CFR part 101–47, and the Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance, 32 CFR parts 174 and 175.

Conclusion

The Local Redevelopment Authority has determined in its Reuse Plan that the GLUP '94 surplus Navy properties should be used for various purposes including parks and recreational, historical and natural resource conservation, residential, commercial, resort, industrial, and agricultural activities. The property's location, physical characteristics, existing infrastructure, as well as current uses of adjacent property make it appropriate for the proposed uses.

Although the "No Action" Alternative has less potential for causing adverse environmental impacts, this alternative would not result in more efficient Navy operations or lower operational costs. Additionally, it would not foster local economic redevelopment and would not create new jobs.

The acquiring entities, under the direction of Federal and local agencies with regulatory authority over protected resources, will be responsible for adopting practicable means to avoid or minimize environmental harm that may result from implementing the Reuse Plan.

Accordingly, Navy will dispose of the GLUP '94 surplus Navy property in a manner that is consistent with the Government of Guam's Reuse Plan for the property.

Dated: March 2, 2001.

Duncan Holaday,

Deputy Assistant Secretary, (Installations and Facilities).

[FR Doc. 01–6047 Filed 3–9–01; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF ENERGY

[Docket Nos. FE C&E 01–48, C&E 01–49, C&E 01–50 and C&E 01–51, Certification Notice—197]

Office of Fossil Energy; Notice of Filings of Coal Capability of GenPower McIntosh, LLC, FPLE Rhode Island State Energy, L.P., Freestone Power Generation, L.P., and Carville Energy, LLC, Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of filing.

SUMMARY: GenPower McIntosh, LLC, FPLE Rhode Island State Energy, L.P., Freestone Power Generation, L.P., and Carville Energy, LLC, submitted coal capability self-certifications pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the proposed new baseload powerplants have filed a self-certification in accordance with section 201(d).

Owner: GenPower McIntosh, LLC, (C&E 01–48).

Operator: General Electric International, Inc.

Location: Effingham County, Georgia.

Plant Configuration: Combined-cycle.

Capacity: 529 MW.

Fuel: Natural gas.

Purchasing Entities: Wholesale power market.

In-Service Date: January 2004.

Owner: Rhode Island State Energy Partners, L.P., (C&E 01–49).

Operator: FPLE Rhode Island State Energy, L.P.

Location: Johnston, Rhode Island.

Plant Configuration: Combined-cycle.

Capacity: 535 MW.

Fuel: Natural gas.

Purchasing Entities: The New England wholesale energy market..

In-Service Date: July 1, 2002.

Owner: Freestone Power Generation, L.P., (C&E 01–50).

Operator: Freestone Power Generation, L.P.

Location: Freestone County, Texas.

Plant Configuration: Combined-cycle.

Capacity: 1,050 MW.

Fuel: Natural gas.

Purchasing Entities: Calpine Energy Services, L.P. and other wholesale purchasers.

In-Service Date: May 1, 2002.

Owner: Carville Energy LLC, (C&E 01–51).

Operator: Calpine Central, L.P.

Location: Carville, Louisiana.

Plant Configuration: Combined-cycle.

Capacity: 508 MW.

Fuel: Natural gas.

Purchasing Entities: Wholesale market.

In-Service Date: June 2002.

Issued in Washington, DC, February 28, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 01–6054 Filed 3–9–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–959–000]

Allegheny Energy Global Markets, LLC; Notice of Issuance of Order

March 6, 2001.

Allegheny Energy Global Markets, LLC (AEGM) submitted for filing a rate schedule under which AEGM will engage in wholesale electric power and energy transactions at market-based rates. AEGM also requested waiver of various Commission regulations. In particular, AEGM requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by AEGM.

On March 1, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by AEGM should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, AEGM is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of AEGM's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 2, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–6049 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–240–000]

ANR Pipeline Company, Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on February 28, 2001, ANR Pipeline Company (ANR) tendered for filing, as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets proposed to become effective March 1, 2001:

Forty-sixth Revised Sheet No. 8
Forty-sixth Revised Sheet No. 9
Forty-fifth Revised Sheet No. 13
Fifty-fifth Revised Sheet No. 18

ANR states that the above-referenced tariff sheets are being filed to implement recovery of approximately $4.0 million of above-market costs that are associated with its obligations to Dakota Gasification Company (Dakota). ANR proposes a reservation surcharge applicable to its Part 284 firm transportation customers to collect ninety percent (90%) of the Dakota costs, and an adjustment to the maximum base tariff rates of Rate Schedule ITS and overrun rates applicable to Rate Schedule FTS–2, so as to recover the remaining ten percent (10%). ANR also advises that the proposed changes would increase current quarterly Above-Market Dakota Cost recoveries from $2,023,299 to $4,003,607.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5991 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Regulatory Commission

[Docket No. RP01–257–000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on February 28, 2001, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet, proposed to become effective March 1, 2001.

Fifty-sixth Revised Sheet No. 18

ANR states that the above-referenced tariff sheet is being filed to implement the annual reconciliation of the recovery of its Above-Market Dakota Costs, as required by its tariff recovery mechanism. ANR advises that the filing proposes a reservation surcharge adjustment of $0.005 applicable to its currently effective, firm service Rate Schedules. Pursuant to this surcharge, ANR proposes to recover, over the twelve month period of March 1, 2001

to February 28, 2002, the $308,585 of Above-Market Dakota Cost undercollections, inclusive of interest, which are reflected in the filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–6007 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–259–000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet proposed to be effective April 1, 2001.

Fifteenth Revised Sheet No. 19

ANR states that the purpose of this filing is to comply with the annual redetermination of the levels of ANR's Transporter's Use (%) as required by ANR's currently effective tariff, to become effective April 1, 2001. This redetermination reflects a decrease in the fuel use percentages for a majority of the transportation rate routes on ANR's system, as well as for storage.

ANR states that all of its Volume No. 1 and Volume No. 2 customers and interested State Commissions have been mailed a copy of this filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–6008 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–255–000]

Cove Point LNG Limited Partnership; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, Cove Point LNG Limited Partnership (Cove Point) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, First Revised Sheet no. 7, with a proposed effective date of April 1, 2001.

Cove Point states that the tariff sheet sets forth the restatement and adjustment to its retainage percentages, pursuant to the section 1.37 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1.

Cove Point states that copies of the filing is being served to its affected customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–6005 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–570–000, ER01–570–001]

Dearborn Industrial Generation, L.L.C.; Notice of Issuance of Order

March 6, 2001.

Dearborn Industrial Generation, L.L.C. (Dearborn) submitted for filing a rate schedule under which Dearborn will engage in wholesale electric power and energy transactions at market-based rates. Dearborn also requested waiver of various Commission regulations. In particular, Dearborn requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Dearborn.

On February 27, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Dearborn should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Dearborn is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Dearborn's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 29, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm.* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–6051 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Dockets No. ER01–748–000; ER01–748–001]

Harquahala Generating Company, LLC; Notice of Issuance of Order

March 6, 2001.

Harquahala Generating Company, LLC (Harquahala) submitted for filing a rate schedule under which Harquahala will engage in wholesale electic power and energy transactions at market-based rates. Harquahala also requested waiver of various Commission regulations. In particular, Harquahala requested that the Commission grant blanket approval under 18 CFR Part 34 of all future of issuances of securities and assumptions of liability by Harquahala.

On February 28, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Harquahala should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Harquahala is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Harquahala's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 30, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–6052 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–943–000]

Heard County Power, L.L.C.; Notice of Issuance of Order

March 6, 2001.

Heard County Power, L.L.C. (Heard County) submitted for filing a rate schedule under which Heard County will engage in wholesale electric power and energy transactions at market-based rates. Heard County also requested waiver of various Commission regulations. In particular, Heard County requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Heard County.

On February 27, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Heard County should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Heard County is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Heard County's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 29, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–6050 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–905–000]

MEP Pleasant Hill Operating, LLC; Notice of Issuance of Order

March 6, 2001.

MEP Pleasant Hill Operating, LLC (MEP) submitted for filing a rate

schedule under which MEP will engage in wholesale electric power and energy transactions at market-based rates. MEP also requested waiver of various Commission regulations. In particular, MEP requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by MEP.

On February 20, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by MEP should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, MEP is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of MEP's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 22, 2001.

Copies of the full text of the Order are available fro the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistnace).

David P. Boergers,

Secretary.

[FR Doc. 01–5984 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–241–000]

Mississippi River Transmission Corporation; Notice of Tariff Filing

March 6, 2001.

Take notice that on February 28, 2001, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1.

MRT hereby files a true-up of MRT's Gas Supply Realignment Costs (GSRC) for the period of recovery from September 1, 2000 through November 30, 2000.

MRT states that a copy of this filing is being mailed to each of MRT's customers and to the state commissions of Arkansas, Missouri and Illinois.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5992 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–237–000]

National Fuel Gas Supply Corporation; Notice of Tariff Filing

March 6, 2001.

Take notice that on February 28, 2001, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, First Rev Thirty-Second Rev Sheet No. 9, to become effective March 1, 2001.

National states that under Article II, section 2, of the settlement, it is required to recalculate the maximum Interruptible Gathering (IG) rate monthly and to charge that rate on the first day of the following month if the result is an IG rate more than 2 cents above or below the IG rate as calculated under section 1 of Article II. The recalculation produced an IG rate of $1.11 per dth. In addition, Article III, section 1 states that any overruns of the Firm Gathering service provided by National shall be priced at the maximum IG rate.

National states that copies of the filing have been served upon all customers on the service list.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the

Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5988 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–246–000]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing to be part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets listed on Appendix A to the filing, to be effective April 1, 2001.

Natural states that the purpose of this filing is to implement new Rate Schedule LPS, under which Natural would provide an interruptible park and loan service based on system operating conditions and line pack, without reliance on storage. Natural is also proposing other conforming changes in the General Terms and Conditions of the Tariff, particularly in section 5.7 relating to the priority of service. This proposed new service will assist a Shipper in managing its imbalances, in avoiding penalties, imbalance charges and cashouts and in handling its overall portfolio of services.

Natural states that copies of the filing have been mailed to its customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5997 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–10–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–244–000]

Northwest Alaskan Pipeline Company; Notice of Tariff Filing

March 6, 2001.

Take notice that on February 28, 2001, Northwest Alaskan Pipeline Company (Northwest Alaskan) tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 2, Fiftieth Revised Sheet No. 5, proposed to be effective January 1, 2001.

Northwest Alaskan states that the purpose of the instant filing is to remove its administrative charges from the demand charges stated in its tariff and to provide for payment by Pan-Alberta Gas (U.S.) Inc. (Pan-Alberta) of the net amount (i.e., the total amount Pan—Alberta has agreed to pay to Northwest Alaskan, less the litigation costs that it already has paid through Northwest Alaskan's administrative charges) owed by Northwest Alaskan under the parties' Settlement Agreement of November 28, 2000. Northwest Alaskan further states that the Commission approved the parties' settlement on February 7, 2001, by letter order in Northwest Alaskan's Docket Nos. RP99–308–003, et al., 94 FERC ¶ 61,098.

Northwest Alaskan states that it is serving copies of the instant filing on its affected customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(ii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5995 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–252–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff the following tariff sheets, to be effective April 1, 2001:

Third Revised Volume No. 1

Thirteenth Revised Sheet No. 14

Original Volume No. 2

Thirtieth Revised Sheet No. 2.1

Northwest states that the purpose of this filing is to propose new fuel reimbursement factors (Factors) for Northwest's transportation and storage rate schedules. The Factors allow Northwest to be reimbursed in-kind for the fuel used during the transmission and storage of gas and for the volumes of gas lost and unaccounted-for that occur as a normal part of operating the transmission system.

Northwest states that a copy of this filing has been served upon Northwest's customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–6002 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–40–000]

Panhandle Eastern Pipeline Company; Notice of Informal Settlement Conference

March 6, 2001.

An informal settlement conference will be held in the above docket regarding the Kansas ad valorem tax refund issues in the proceedings involving the Panhandle Eastern Pipeline Company system. The conference will be held on March 13, 2001, at the Hilton Kansas City Airport hotel, 8801 112th Street, NW., Kansas City, Missouri. The conference will begin at 8:00 a.m. For questions concerning the conference, please call Deborah Osborne, Dispute Resolution Service. Her telephone number is 202–208–0831 and her e-mail address is *deborah.osborne@ferc.fed.us*. All interested parties in the above-referenced docket are requested to attend.

David P. Boergers,

Secretary.

[FR Doc. 01–5987 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–250–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective April 1, 2001.

Panhandle states that this filing is made in accordance with section 24 (Fuel Reimbursement Adjustment) of the General Terms and Conditions in Panhandle's FERC Gas Tariff, First Revised Volume No. 1. The revised tariff sheets filed herewith reflect the following changes to Fuel Reimbursement Percentages:

(1) No change in the Gathering Fuel Reimbursement Percentage;

(2) No change in the Field Zone Fuel Reimbursement Percentage;

(3) A 0.03% increase in the Market Fuel Reimbursement Percentage;

(4) No change in the Injection and Withdrawal Field Area Storage Reimbursement Percentages; and

(5) No change in the Injection and Withdrawal Market Area Storage Reimbursement Percentages.

Panhandle further states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and area available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–6000 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–243–000]

Pine Needle LNG Company, LLC; Notice of Tariff Filing

March 6, 2001.

Take notice that on February 28, 2001, Pine Needle LNG Company, LLC (Pine Needle) tendered for filing to its FERC Gas Tariff, Original Volume No. 1, certain new and revised tariff sheets, which are enumerated in Appendix A to the filing, with an effective date of March 31, 2001.

Pine Needle proposes herein to revise its tariff to reflect new customer services and business practices that will be available on Pine Needle's Electronic Bulletin Board (EBB). As is described more fully herein, Pine Needle's proposed tariff modifications relate specifically to the following areas:

- Formalizing and establishing certain pipeline business practices including those relating to capacity release and scheduling equality;
- Revising certain billing and payment practices; and
- Modifying and formalizing certain pipeline business practices including establishing daily rates and adopting the GISB standard Trading Partner Agreement.

Pine Needle states that it is serving copies of the filing to its affected customers, interested State Commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5994 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–242–000]

Southern Natural Gas Company; Notice of Tariff Filing

March 6, 2001.

Take notice that on February 28, 2001, Southern Natural Gas Company (Southern), tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, listed in Attachment A to the filing, with an effective date of April 1, 2001.

Southern states that the purpose of the filing is to permit Southern to implement a park and loan (PAL) service on its system. Southern states that the tariff sheets include a new Rate Schedule PAL, a new proforma service agreement for the PAL service, the applicable rate sheet and various changes to its General Terms and Conditions describing the priority of service and creditworthiness standards for the PAL service.

Southern states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5993 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–248–000]

Southwest Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, Southwest Gas Storage Company (Southwest) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Third Revised Sheet No. 5, proposed to become effective April 1, 2001.

Southwest states that this filing is made in accordance with Section 16 (Fuel Reimbursement Adjustment) of the General Terms and Conditions in Southwest's FERC Gas Tariff, First Revised Volume No. 1. The Fuel Reimbursement Adjustment filed herewith reflects the following Fuel Reimbursement Percentages: (1) West Area Storage Facilities Injection 1.36% and Withdrawal 0.63%; and (2) East Area Storage Facilities Injection 2.56% and Withdrawal 1.21%.

Southwest further states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5985 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–236–000]

Tennessee Gas Pipeline Company; Notice of Proposed Changes to FERC Gas Tariff

March 6, 2001.

Take notice that on February 28, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, First Revised Sheet No. 240, with an effective date of April 1, 2001.

Tennessee states that this revised sheet is being filed to clarify certain imbalance provisions of its Park and Loan (PAL) service under Rate Schedule PAL.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties of the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on the file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in

lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5989 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–239–000]

Tennessee Gas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on February 28, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Sheet No. 159 and Fifth Revised Sheet No. 220. Tennessee requests that the tariff sheets be made effective April 1, 2001.

Tennessee is proposing to provide flexibility for customer's use of their Transportation Path under Extended Delivery Service and Extended Receipt Service (ED/ERS) and remove any requirement that receipt and delivery points used under EDS/ERS, be either upstream or downstream, respectively, of the customer's Transportation Path. Tennessee is also updating the language used for EDS/ERS in Rate Schedule FT–A.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5990 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–251–000]

TransColorado Gas Transmission Company; Notice of Reimbursement Report and Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing its annual Fuel Gas Reimbursement Percentage (FGRP) report and proposed a 0.1% variance adjustment to be effective April 1, 2001.

TransColorado also tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Sixth Revised Sheet No. 247 and Second Revised Sheet No. 247A, to be effective April 1, 2001.

TransColorado states that the filing it being made to revise its FGRP provision to allow for the recovery or return of lost, gained, or unaccounted-for gas in connection with transportation service for future Phase I shippers.

TransColorado states that it does not intend to apply the Lost and Unaccounted for provisions to existing Phase I contracts. The Phase I Lost and Unaccounted-for gas provision will only be applied to contracts entered into after March 1, 2001, because TransColorado's existing Phase I shippers contracted that they would not be subject to a fuel or lost and unaccounted-for gas reimbursement and TransColorado believe that it is bound to honor those agreements.

TransColorado stated that a copy of this filing has been served upon its customers, the New Mexico Public Utilities Commission and the Colorado Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before March 13, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www/ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–6001 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–245–000]

Transcontinental Gas Pipe Line Corporation; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed in appendix A to that filing, to become effective April 1, 2001.

Transco states that the tariff sheets submitted in the filing reflect a general rate increase. Transco states that the cost of service proposed in the filing is $876,958,109, compared to a cost of service of $649,115,408 underlying Transco's rates found just and reasonable in Docket No. RP97–71, as more fully described in the filing. Transco states that the principal factors supporting the increase in cost of service are (1) an increase in rate base resulting from additional plant, (2) an increase in rate of return and related taxes, and (3) an increase in operation and maintenance expenses.

Transco further states that the filing reflects the following changes from its pre-filed methods: (1) A proposed decrease in the annual depreciation accrual rate for three of its plant categories, (2) the application of established cost allocation methods to the NIPPS/IEC transportation service, (3) the inclusion of the Commission approved Maiden Lateral Surcharge, (4) the roll-in of Transco's Mobile Bay expansion project approved in Docket No. CP97–92 which was placed into service in August 1998, (5) a revision to Transco's revenue sharing provisions related to Rate Schedules ISS, ICTS, and PBS, (6) the allocation of 100% of the costs of the capacity formerly used to provide the Rate Schedule X–140 service to Mid-Louisiana Gas Company to non-incrementally priced transportation services, and (7) the elimination of the Mobile Bay "at risk" condition.

Transco states that the instant filing also proposes on a prospective only basis the following changes to pre-filed methods: (1) To roll-in the costs of its SunBelt, Pocono and Cherokee expansion transmission facilities, which are currently subject to incremental pricing, and (2) the amendment of its transmission electric power tracking mechanism in Section 41 of the General Terms and Conditions of Transco's FERC Gas Tariff to include costs associated with the operation of gas coolers at Transco's various compressor station locations, which amendment is reflected in a pro forma tariff sheet included with the filing.

Transco states that copies of the filing are being mailed to each of its affected customers, interested State Commissions, and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5996 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–253–000]

Transcontinental Gas Pipe Line Corporation; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001 Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, certain revised tariff sheets which sheets are enumerated in Appendix A attached to the filing, with an effective date of April 1, 2001.

Transco states that the instant filing is submitted pursuant to section 38 of the General Terms and Conditions of Transco's FERC Gas Tariff which provides that Transco will file, to be effective each April 1, a redetermination of its fuel retention percentages applicable to transportation and storage rate schedules. The derivations of the revised fuel retention percentages included therein are based on Transco's estimate of gas required for operations (GRO) for the forthcoming annual period April 2001 through March 2002 plus the balance accumulated in the Deferred GRO Account at January 31, 2001.

Transco states that included in the filing is an increase of 3.52 MMDt in the estimated GRO for the forthcoming annual period due to the results of an inventory verification study conducted in 2000 at Transco's Eminence Storage Facility, a salt-cavern storage facility located in Mississippi. Appendix B attached to the filing contains workpapers supporting the derivation of the revised fuel retention factors contained therein.

Transco states that copies of the filing are being mailed to its affected customers and interested State Commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be flied in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be flied electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Deputy Secretary.

[FR Doc. 01–6003 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–248–000]

Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed in Appendix A attached to the filing, to become effective April 1, 2001.

Trunkline states that this filing is being made in accordance with section 22 (Fuel Reimbursement Adjustment) of Trunkline's FERC Gas Tariff, First Revised Volume No. 1. The revised tariff sheets listed on Appendix A reflect: a 0.24% decrease (Field Zone to Zone 2), a 0.23% decrease (Zone 1A to Zone 2), a 0.18% decrease (Zone 1B to Zone 2), a 0.3% increase (Zone 2 only), a 0.46% decrease (Field Zone to Zone 1B), a 0.39% decrease (Zone 1A to Zone 1B), a 0.34% decrease (Zone 1B only), a 0.19% decrease (Field Zone to Zone 1A), a 0.18% decrease (Zone 1A only) and a 0.14% decrease (Field Zone only) to the currently effective fuel reimbursement percentages.

Trunkline states that copies of this filing are being served on all affected shippers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Rules Regulations.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5999 Filed 3–12–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–852–000]

Twelvepole Creek, LLC, Notice of Issuance of Order

March 6, 2001.

Twelvepole Creek, LLC (Twelvepole) submitted for filing a rate schedule under which Twelvepole will engage in wholesale electric power and energy transactions at market-based rates. Twelvepole also requested waiver of various Commission regulations. In particular, Twelvepole requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Twelvepole.

On February 21, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Twelvepole should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard within this period, Twelvepole is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatable with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Twelvepole's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 23, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–6046 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–247–000]

Viking Gas Transmission Company; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, Viking Gas Transportation Company (Viking) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Seventh Revised Sheet No. 6B, to become effective April 1, 2001.

Viking states that the purpose of this filing is to make Viking's annual adjustment to its Fuel and Loss Retention Percentages in accordance with section 154.403 of the Commission's Rules and Regulations, 18 CFR 154.403 and section 26 of the General Terms and Conditions of Viking's FERC Gas Tariff. The new Fuel and Loss Retention Percentages for Rate Schedules FT–A, FT–B, FT–C, FT–D, It and AOT are respectively: 1.66 percent for Zone 1–1, 2.02 percent for Zone 1–2, and .37 percent for Zone 2–2.

Viking states that copies of the filing have been mailed to all of its jurisdictional customers and to affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http:/www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5998 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–254–000]

Viking Gas Transmission Company; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, Viking Gas Transmission Company (Viking) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective April 1, 2001.

Eighth Revised Sheet No. 6B

Viking states that the purpose of this filing is to make Viking's annual adjustment to its Load Management Cost Reconciliation Adjustment in accordance with section 154.403 of the Commission's Rules and Regulations, 18 CFR 154.403 and section 27 of the General Terms and Conditions of Viking's FERC Gas Tariff.

Viking states that copies of the filing have been mailed to all of its jurisdictional customers and to affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–6004 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–256–000]

Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, certain revised tariff sheets listed on Appendix A to the filing, with an effective date of March 1, 2001.

Williston Basin states that the revised tariff sheets are being filed pursuant to the Service Agreement applicable to Rate Schedule X–13 service between Williston Basin and Northern States Power Company. The rate for firm transportation hereunder has been restated to reflect the fourth biennial restatement under the terms of the Service Agreement. The restated rate reflects a reservation charge of $17.52627 per Mcf per month, excluding applicable surcharges.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–6006 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–72–000, et al.]

Consolidated Edison Company, et al.; Electric Rate and Corporate Regulation Filings

March 2, 2001.

Take notice that the following filings have been made with the Commission:

1. Consolidated Edison Company of New York, Inc. and Entergy Nuclear Indian Point 2, LLC

[Docket No. EC01–72–000]

Take notice that on February 23, 2001, Consolidated Edison Company of New York, Inc. (Con Edison) and Entergy Nuclear Indian Point 2, LLC (ENIP2) filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby Con Edison will divest, and ENIP2 will acquire, for cash and other consideration, Indian Point Generating Station Unit 1, which is retired, Indian Point Generating Station Unit 2, a 941 Megawatt (MW) pressurized water reactor, Indian Point Gas Turbine Units 1, 2 and 3, which together comprise 47 MW, and the Toddville Training Center. The total generation capacity of the generation assets is 988 MW. Pursuant to section 203 of the Federal Power Act, Federal Energy Regulatory Commission approval is required for both Con Edison's divestiture and ENIP2's acquisition of the jurisdictional assets.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Kansas City Power & Light Company

[Docket No. EC01–74–000]

Take notice that on February 23, 2001, Kansas City Power & Light Company (KCPL) filed with the Federal Energy Regulatory Commission (Commission), an application pursuant to section 203 of the Federal Power Act and Part 33 of the Commission's Regulations for authorization to implement a new holding company structure. The Applicant states that the proposed transaction is an internal corporate reorganization that raises no issues under the Commission's Merger Guidelines.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Mountain View Power Partners II, LLC

[Docket No. EG01–135–000]

Take notice that on February 27, 2001, Mountain View Power Partners II, LLC (Mountain View II), whose sole member is currently SeaWest WindPower, Inc., located at 1455 Frazee Road, San Diego, California, 92108, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Mountain View II will construct, own or lease and operate a wind-powered generating facility with a maximum planned output of 22.2 MW in the San Gorgonio Pass of Riverside County, California, near the City of Palm Springs. The proposed wind power plant is expected to deliver test power to the grid no later than April 1, 2001 and to commence commercial operations by June 2001.

Comment date: March 23, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Black Hills Generation, Inc., (Formerly Wygen, Inc.)

[Docket No. EG01–136–000]

Take notice that on February 23, 2001 Black Hills Generation, Inc. (BHG) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale

generator status pursuant to Part 365 of the Commission's regulations. The eligible facilities include an 80 MW coal plant and a 40 MW combustion turbine both located in Campbell County, Wyoming near Gillette, Wyoming. BHG's principal business offices are located at 625 Ninth Street, P.O. Box 1400, Rapid City, SD 57709.

Comment date: March 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Reliant Energy Aurora, LP

[Docket No. ER01–687–002]

Take notice that on February 27, 2001 Reliant Energy Aurora, LP (Reliant Aurora) tendered for filing its FERC Electric Rate Schedule No. 1 authorizing Reliant Aurora to make sales at market-based rates.

Reliant Aurora has requested this rate schedule become effective on February 1, 2001.

Comment date: March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Ameren Services Company

[Docket No. ER01–1331–000]

Take notice that on February 27, 2001, Ameren Services Company (ASC) tendered for filing a Transmission System Interconnection Agreement and Parallel Operating Agreement between ASC and Duke Energy Audrain, LLC. ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to Duke Energy Audrain, LLC pursuant to Ameren's Open Access Tariff.

Comment date: March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Central Vermont Public Service Corporation

[Docket No. ER01–1333–000]

Take notice that on February 27, 2001, Central Vermont Public Service Corporation (Central Vermont), tendered for filing executed Service Agreements for Firm Point-to-Point Transmission Service and Non-Firm Point-to-Point Transmission Service with Merchant Energy Group of the Americas, Inc. under Central Vermont's FERC Electric Tariff, First Revised Volume No. 7.

Copies of the filing were served upon the above-mentioned company and the Vermont Public Service Board.

Comment date: March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Magnolia Energy LP

[Docket No. ER01–1335–000]

Take notice that on February 27, 2001, Magnolia Energy LP (Magnolia) tendered for filing an application for waivers and blanket approvals under various regulations of the Commission and for an order accepting Magnolia's Electric Rate Schedule FERC No. 1 to be effective on April 16, 2001.

Magnolia intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where Magnolia sells electric energy, it proposes to make such sales on rates, terms and conditions to be mutually agreed to with the purchasing party. Magnolia's proposed Rate Schedule also permits it to reassign transmission capacity.

Comment date: March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Mountain View Power Partners II, LLC

[Docket No. ER01–1336–000]

Take notice that on February 27, 2001, Mountain View Power Partners II, LLC (Mountain View II) applied to the Commission for acceptance of Mountain View II's Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electric energy, capacity and ancillary services at market-based rates; and the waiver of certain Commission regulations.

Comment date: March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Cinergy Capital & Trading, Inc.

[Docket No. ER01–1337–000]

Take notice that on February 27, 2001, Cinergy Capital & Trading, Inc. tendered for filing a notice of change in status to reflect its pending acquisition of Brownsville Power I, L.L.C. and Caledonia Power I, L.L.C., and amendments to its market-based rate tariff and code of conduct.

Comment date: March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Commonwealth Edison Company

[Docket No. ER01–1338–000]

Take notice that on February 27, 2001, Commonwealth Edison Company (ComEd) submitted for filing a Short-Term Firm Transmission Service Agreement and a Non-Firm Transmission Service Agreement with Axia Energy, LP (Axia) under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of February 20, 2001 for the Agreements with Axia and accordingly, seeks waiver of the Commission's notice requirements.

Comment date: March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. San Diego Gas & Electric Company

[Docket No. ER01–1339–000]

Take notice that on February 27, 2001, San Diego Gas & Electric Company (SDG&E) tendered for filing as service agreements to its FERC Electric Tariff, First Revised Original Volume No. 6 two interconnection agreements. Both agreements relate to the interconnection of a new generation plant to be owned by Otay Mesa Generation Company, LLC (OMG). The plant, with a capacity of up to 592 megawatts, will be located in San Diego County, California and is expected to begin service in 2003.

Service Agreement No. 1 is an Interconnection Facilities Agreement dated February 16, 2001 between SDG&E and OMG, under which SDG&E will construct, operate, and maintain the proposed interconnection facilities. Service Agreement No. 2, the Interconnection Agreement between SDG&E and OMG dated February 16, 2001, establishes interconnection and operating responsibilities and associated communications procedures between the parties.

SDG&E states that copies of the filing have been served on OMG and on the California Public Utilities Commission.

Comment date: March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Black Hills Corporation, n/k/a Black Hills Power, Inc.

[Docket No. ER01–1340–000]

Take notice that on February 27, 2001, Black Hills Corporation, n/k/a Black Hills Power, Inc., tendered for filing an individual long-term service agreement with Public Service Company of Colorado under Black Hills' Market-Based Rate Wholesale Power Sales Tariff, FERC Electric Tariff, Original Vol. No. 3.

Comment date: March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Automated Power Exchange, Inc.

[Docket No. ER01–1359–000]

Take notice that on February 27, 2001, Automated Power Exchange, Inc. (APX) submitted for filing an annual report for 2000.

Comment date: March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Otay Mesa Generating Company, LLC

[Docket No. TX01–2–000]

Take notice that on February 27, 2001, Otay Mesa Generating Company, LLC ("OMG") applied in the above-numbered docket for an order, under Section 211 of the Federal Power Act (FPA), 16 U.S.C. 824j, compelling San Diego Gas & Electric (SDG&E) to provide interconnection and transmission service under the terms and conditions of the Transmission Control Agreement (TCA) between SDG&E and the California Independent System Operator Corporation (ISO), the Transmission Owner's Tariff, the ISO Tariff, the Interconnection Agreement (IA) between OMG and SDG&E and the Interconnection Facilities Agreement (IFA) between OMG and SDG&E, as they may be in effect from time to time. SDG&E's concurrence is submitted with this application.

OMG states that this filing has been served upon SDG&E, the Public Utilities Commission of the State of California, and the California Electricity Oversight Board.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5982 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR01–5–000]

Magic Valley Pipeline, L.P., Notice of Rate Election

March 6, 2001.

Take notice that on January 23, 2001, Magic Valley Pipeline, L.P. (Magic Valley) filed, pursuant to section 284.123(b)(1)(ii) of the Commission's regulations, an election to use rates set forth in its effective state transportation rate schedule for comparable services under subpart C of part 284 of the Commission's regulations. This rate will be applicable to the firm transportation of natural gas under section 311(a)(2) of the Natural Gas Policy Act of 1978.

Magic Valley has also submitted its Statement of Operating Conditions in compliance with section 284.123(e) of the Commission's regulations.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date of Magic Valley's Petition, Magic Valley's rates for firm and interruptible storage services will be deemed to be fair and equitable. The Commission may within such 150 days period extend the time for action or institute a proceeding in which all interested parties will be afforded an opportunity for written comments and the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All motions must be filed with the Secretary of the Commission on or before March 21, 2001. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instruction on the Commission's web site at *http://www.ferc.fed.us.efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5986 Filed 3–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–42–000, et al.]

Universal Studios, Inc., et al. Electric Rate and Corporate Regulation Filings

March 5, 2001.

Take notice that the following filings have been made with the Commission:

1. Universal Studios, Inc., v. Southern California Edison

[Docket No. EL01–42–000]

Take notice that on March 2, 2001, Universal Studios, Inc. (Universal), tendered for filing a complaint against Southern California Edison (SCE) pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, and section 206 of the Federal Power Act, 16 U.S.C. 824d.

Universal is primarily engaged in the production and distribution of filmed entertainment and recorded music, and in the operation of theme parks and entertainment/retail complexes. Universal purchases power from SCE for its Universal City, California site under an interruptible rate schedule, I–6, and contract.

Universal alleges willful misconduct on the part of SCE involving deliberate under scheduling of power needs, precipitating calls upon Universal to cease taking electric service. Universal seeks a declaration from the Commission that Universal owes no penalties to SCE for failure to interrupt its electrical demand during the relevant period.

Comment date: March 22, 2001, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall also be due on or before March 22, 2001.

2. Public Service Company of New Mexico v. California Power Exchange Corporation

[Docket No. EL01–43–000]

Take notice that on March 2, 2001, Public Service Company of New Mexico (PNM), tendered a Complaint Requesting Fast Track Processing against the California Power Exchange Corporation (PX) pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e (1994). PNM alleges that the PX is violating the default provisions in its tariff by charging other PX participants for payments owed to the PX by Southern California Edison Company (Edison) and Pacific Gas & Electric Company (PG&E) and by issuing

improper notices of default to PX Participants who decline to pay amounts owed by Edison and PG&E. PNM requests that the Commission direct the PX immediately to: (i) Cease applying the chargeback provisions of its tariff; (ii) in the event that the currently-effective Federal district court injunction expires, take no action to issue further default notices pursuant to the chargeback provisions of its tariff; (iii) refund to PNM all amounts it has offset against amounts owed to PNM in violation of the tariff, with interest; and (iv) in the event that the PX issues a default notice to PNM prior to Commission action on this Complaint, to rescind such notice and cease any action to enforce PNM's letter of credit. PNM further requests that its complaint be consolidated with complaints filed in Docket Nos. EL01–36–000 and EL01–37–000, which also address application of the chargeback mechanism by the PX.

Copies of the filing were served upon the PX, the California Public Utilities Commission, and all persons designated on the official service list compiled by the Secretary in Docket Nos. EL00–95–000, et al.

Comment date: March 22, 2001, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall also be filed on or before March 22, 2001.

3. PacifiCorp

[Docket No. ER01–1355–000]

Take notice that on February 28, 2001, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, a Network Integration Transmission Service Agreement, a Network Operating Agreement, and a Long-Term Firm Point-to-Point Transmission Service Agreement with Deseret Generation and Transmission Cooperative (Deseret) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 Tariff.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Niagara Mohawk Power Corporation, New York State Electric & Gas Corporation, Rochester Gas and Electric Corporation, Central Hudson Gas & Electric Corporation, Constellation Nuclear, LLC, and Nine Mile Point Nuclear Station, LLC

[Docket No. EC01–75–000]

Take notice that on February 28, 2001, Niagara Mohawk Power Corporation (NMPC), New York State Electric & Gas Corporation (NYSEG), Rochester Gas and Electric Corporation (RG&E), Central Hudson Gas & Electric Corporation (CHGEC), Constellation Nuclear, LLC (Nuclear LLC), and Nine Mile Point Nuclear Station, LLC (Nine Mile LLC) (collectively, the Applicants) filed with the Federal Energy Regulatory Commission (Commission) an application pursuant to Section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby NMPC will transfer to Nine Mile LLC NMPC's 100% jurisdictional interest in the Nine Mile Point Unit No. 1 nuclear generating station; NMPC, NYSEG, RG&E, and CHGEC will transfer to Nine Mile LLC NMPC's 41% jurisdictional interest, NYSEG's 18% jurisdictional interest, RG&E's 14% jurisdictional interest, CHGEC's 9% jurisdictional interest in Nine Mile Point Unit No. 2 (NMP–2) nuclear generating station; RG&E and CHGEC will transfer to NMPC their respective jurisdictional interests in transmission and interconnection facilities that directly interconnect NMP–2 with NMPC's transmission system; and NMPC will acquire Long Island Lighting Company's interest in the same transmission and interconnection facilities being transferred to NMPC by RG&E and CHGEC. As a result of these dispositions, Nine Mile LLC will own 1,550 MW of Nine Mile Point Nuclear Station's 1,757 MW total generating capacity. These dispositions will be accomplished in a cash sale as set forth and described in the transaction agreements. Applicants have served a copy of this filing on the state commission of New York.

Pursuant to 18 CFR 388.112(b) of the Commission's regulations, Applicants further request confidential treatment for the computer program methodology and electronic CD ROM containing the computer program provided in this application by Mr. Rodney Frame. Finally, Applicants propose to close the sale on or before July 1, 2001, and therefor request expeditious action by the Commission no later than May 15, 2001.

Comment date: April 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Illinois Power Company

[Docket Nos. ER99–4415–006, ER99–4530–005, E100–7–005]

Take notice that on February 26, 2001, Illinois Power Company (Illinois Power), tendered for filing revisions to tariff sheets filing with the Commission on February 9, 2001, in the above-referenced docket.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. American Electric Power Service Corporation

[Docket No. ER01–741–000]

Take notice that on December 21, 2000, the American Electric Power Service Corporation (AEPSC), tendered for filing executed Interconnection and Operation Agreement between Kentucky Power Company and Riverside Generating Company, LLC, as construction agent for the Lawrence County Riverside Trust 2000. The agreement is pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Second Revised Volume No. 6, effective June 15, 2000.

AEP requests an effective date of December 22, 2000.

A copy of the filing was served upon the Kentucky Public Service Commission and the parties to this docket.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. LG&E Power Monroe LLC

[Docket No. ER01–1310–001]

Take notice that on February 28, 2001, LG&E Power Monroe LLC, (Power Monroe), tendered for filing pursuant to section 205 of the Federal Power Act, and Part 35 of the Commission's Regulations, as supplemented on February 28, 2001 an application for authorization to engage in the sale of electric energy and capacity at market-based rates, waiver of certain Commission regulations, and certain blanket approvals under such regulations. Power Monroe proposes to own and operate three combustion turbine electric generating units in Georgia.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Ocean State Power

[Docket No. ER01–1341–000]

Take notice that on February 28, 2001, Ocean State Power (Ocean State), tendered for filing revised pages to its initial rate schedules, which update Ocean State's rate of return on equity (ROE) with respect to Rate Schedule FERC Nos. 1–4.

Ocean State requests an effective date for the rate schedule changes of April 29, 2001.

Copies of the Supplements have been served upon, among others, Ocean State's power purchasers, the Massachusetts Department of Public Utilities, and the Rhode Island Public Utilities Commission.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Ocean State Power II

[Docket No. ER01–1342–000]

Take notice that on February 28, 2001, Ocean State Power II (Ocean State II) tendered for filing revised pages to its initial rate schedules, which update Ocean State II's rate of return on equity (ROE) with respect to Rate Schedule FERC Nos. 5–8.

Ocean State II requests an effective date for the rate schedule changes of April 29, 2001.

Copies of the Supplements have been served upon, among others, Ocean State II's power purchasers, the Massachusetts Department of Public Utilities, and the Rhode Island Public Utilities Commission.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. PJM Interconnection, L.L.C.

[Docket No. ER01–1343–000]

Take notice that on February 28, 2001, PJM Interconnection, L.L.C. (PJM), tendered for filing PJM's FERC Electric Tariff, Fourth Revised Volume No. 1 to conform to the requirements of Designation of Electric Rate Schedule Sheets, Order No. 614, III FERC Stats. & Regs., Regs. Preambles ¶ 31,096 (2000).

Copies of this filing were served via email upon the PJM members, and by hard copy to the state commissions within the PJM control area.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Maine Public Service Company

[Docket No. ER01–1344–000]

Take notice that on February 28, 2001, Maine Public Service Company (MPS), tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the Commission's Regulations, revisions to its Open Access Transmission Tariff (OATT) to implement a formula for determining the loss factor.

MPS proposes that the OATT revisions become effective March 1, 2002.

Copies of this filing were served on the current customers under the OATT, parties to the Loss Study Settlement Agreement, parties to the settlement in Docket No. ER00–1053–000, the Northern Maine Independent System Administrator, Inc., the Maine Public Utilities Commission, and the Maine Public Advocate.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Sacramento Municipal Utility District

[Docket No. ER01–1345–000]

Take notice that on February 28, 2001, the Sacramento Municipal Utility District (SMUD), tendered for filing a Notice of Termination of its Participatien Agreement with the California Power Exchange Corporation (PX). SMUD states that it makes this filing from an abundance of caution, as it has already provided termination notice to the PX consistent with the terms of the PX tariff that should be sufficient to effectuate termination.

SMUD requests any waivers as may be necessary to make this termination effective as of 12:01 a.m. PST, February 13, 2001.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Lockhart Power Company

[Docket No. ER01–1346–000]

Take notice that on February 28, 2001, Lockhart Power Company (Lockhart), tendered for filing a proposed revision to its FERC Electric Tariff, Original Volume No. 1. Lockhart states that this change will be revenue-neutral.

Lockhart requests that the Commission accept the change effective May 1, 2001.

Copies of this filing have been served upon the city of Union and the South Carolina Public Service Commission.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Florida Power Corporation

[Docket No. ER01–1347–000]

Take notice that on February 28, 2001, Florida Power Corporation (FPC), tendered for filing a Short-Form Market-Based Wholesale Power Sales Tariff (Short-Form Tariff). The Short-Form Tariff will not replace FPC's existing market-based rate tariff, FERC Electric Tariff, First Revised Volume No. 8.

FPC requests waiver of the Commission's notice of filing requirement to allow the Short-Form Tariff to become effective March 1, 2001, the day after filing.

Copies of the filing were served upon FPC's existing market-based rate tariff customers and the Florida Public Service Commission.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Virginia Electric and Power Company

[Docket No. ER01–1348–000]

Take notice that on February 28, 2001, Virginia Electric and Power Company (Dominion Virginia Power or the Company), tendered for filing a Service Agreement with FirstEnergy Services Corp., for Firm Point-to-Point Transmission Service designated as Service Agreement No. 314 under the Company's FERC Electric Tariff, Second Revised Vol. No. 5.

The foregoing Service Agreements are tendered for filing under the Open Access Transmission Tariff to Eligible Purchasers effective June 7, 2000. Under the tendered Service Agreements, Dominion Virginia Power will provide point-to-point service to FirstEnergy Services Corp. under the rates, terms and conditions of the Open Access Transmission Tariff.

Dominion Virginia Power requests an effective date of February 28, 2001, the date of filing of the Service Agreements.

Copies of the filing were served upon FirstEnergy Services Corp., the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Detroit Edison Company

[Docket No. ER01–1349–000]

Take notice that on February 28, 2001, Detroit Edison Company tendered for filing a letter approving its application for membership in the Western System Power Pool (WSPP).

Detroit Edison Company requests the Commission to allow its membership in the WSPP to become effective on March 1, 2001.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Cinergy Services, Inc.

[Docket No. ER01–1350–000]

Take notice that on February 28, 2001, Cinergy Services, Inc. (Provider), tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Axia Energy, LP (Customer).

Provider and Customer are requesting an effective date of February 23, 2001.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Avista Corporation

[Docket No. ER01–1351–000]

Take notice that on February 28, 2001, Avista Corporation (AVA), tendered for filing with the Federal Energy Regulatory Commission pursuant to Section 35.12 of the Commissions, 18 CFR Part 35.12, an executed Service Agreement, Exhibit B, to be assigned Rate Schedule No. 286 for Avista Corporation under AVA's FERC Electric Tariff First Revised Volume No. 9, with PacifiCorp.

AVA requests waiver of the prior notice requirement and requests that the Service Agreement be accepted for filing effective February 21, 2001.

A copy of this filing has been served upon PacifiCorp.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Cinergy Services, Inc.

[Docket No. ER01–1352–000]

Take notice that on February 28, 2001, Cinergy Services, Inc. (Provider), tendered for filing a Non-Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Cinergy and Axia Energy, LP (Customer).

Provider and Customer are requesting an effective date of February 23, 2001.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. PacifiCorp

[Docket No. ER01–1353–000]

Take notice that PacifiCorp on February 28, 2001, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, a Network Integration Transmission Service Agreement and a Network Operating Agreement with the Utah Associated Municipal Power Systems (UAMPS) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. PacifiCorp

[Docket No. ER01–1354–000]

Take notice that on February 28, 2001, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, a Network Integration Transmission Service Agreement and a Network Operating Agreement with the Utah Municipal Power Agency (UMPA) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5983 Filed 3–9–01; 8:45 am]

BILLING CODE 5717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6952–6]

Science Advisory Board; Emergency Notification of Public Advisory Committee Meeting(s)

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that one committee of the US EPA Science Advisory Board (SAB) will hold a public teleconference meet on the date and time noted below. All times noted are Eastern Daylight Time. All meetings are open to the public, however, seating is limited and available on a first come basis.

Executive Committee (EC) Workgroup—Teleconference March 22, 2001

A workgroup of the Science Advisory Board's (SAB) Executive Committee (EC) will conduct a public teleconference meeting on Friday, March 22, 2001 between the hours of 11:00 a.m. and 1:00 p.m. (Eastern Daylight Time). The meeting will be coordinated through a conference call connection in Room 6013 in the USEPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20004. The public is encouraged to attend the meeting in the conference room noted above, however, the public may also attend through a telephonic link if lines are available. Additional instructions about how to participate in the conference call can be obtained by calling Mrs. Diana Pozun one week prior to the meeting (March 15, 2001) at (202) 564–4544, fax (202) 501–0323, or via e-mail at *pozun.diana@epa.gov*.

Purpose of the Meeting

At this meeting, the EC workgroup will discuss and take public comment on a draft commentary letter it is developing. This draft Commentary, "Improving Science-Based Environmental Stakeholder Processes," (this draft Commentary will be available on the SAB website *www.epa.gov/sab*, directions below) results from a commitment of the EC to examine the use of science in stakeholder processes, as documented in an earlier SAB Commentary "Science Advisory Board Commentary on the Role of Science in 'New Approaches' to Environmental Decision Making that Focuses on Stakeholder Involvement," EPA–SAB–EC–COM–00–002, October 7, 1999 (This Commentary is available on the SAB website *www.epa.gov/sab*, directions below). In that earlier Commentary, the EC noted that: (1) The SAB "enthusiastically support[s] the Agency's efforts to develop and promote new, more flexible, adaptive approaches to environmental regulations;" (2) involving representatives of specific interested or affected parties in environmental decision making is clearly important; (3) the Agency has a responsibility to represent the broad public interest; (4) it is in the broad public interest to base environmental decisions on a "full and careful consideration of all available science;" and (5) in "newer decision environments, which involve a greater focus on consultation and negotiation among directly involved stakeholders," there is a risk that full consideration of all available science may receive too little attention.

The SAB EC has held four workshops (see 64 FR 58840–58841, November 1, 1999; 65 FR 7549–7550, February 15, 2000; 65 FR 39614, June 27, 2000; and 65 FR 60663–60664, October 12, 2000) with the objective of better understanding the way in which scientific and technical knowledge is being developed and used in stakeholder processes, and identifying strategies which might allow such knowledge to be better developed and used in such processes in the future. Based on information gained in these workshops and published information on the use of science in stakeholder processes, the SAB will finalize its Commentary (Improving Science-Based Environmental Stakeholder Processes) to the Administrator. The Commentary will provide advice to help Agency improve public involvement processes for environmental protection and the use of science in those processes.

At the March 22 teleconference, the SAB EC will be seeking public input on: (1) Whether the draft Commentary makes factual errors; (2) whether there is important evidence or published literature that the draft Commentary needs to better acknowledge or incorporate; and (3) suggestions for ways the draft Commentary may be improved. Given the fact-finding nature of this teleconference call, the SAB EC requests that members of the public seeking to provide oral comments provide a text of their comments in writing to the Designated Federal Officer, Dr. Angela Nugent by noon on March 19, 2001 via e-mail, fax or mail (see contact information below) so that she can plan the agenda.

Availability of Review Materials

The draft document, Improving Science-Based Environmental Stakeholder Processes will be posted on the SAB website *www.epa.gov/sab* (under the DRAFT REPORTS heading) seven business days in advance of the meeting or will be available from Mrs. Pozun (see previous contact information, above). The earlier Science Advisory Board Commentary on the Role of Science in 'New Approaches' to Environmental Decision Making that Focuses on Stakeholder Involvement, EPA–SAB–EC–COM–00–002, October 7, 1999 is available on the SAB website *http://www.epa.gov/sab* (under the REPORTS heading and then the FISCAL YEAR 2000 REPORTS subheading).

For Further Information

Any member of the public wishing further information concerning this meeting or wishing to submit brief oral comments must contact Dr. Angela Nugent, Designated Federal Officer, US EPA Science Advisory Board (Mail Code 1400A), Room 6450, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564–4562; FAX (202) 501–0323; or via e-mail at *nugent.angela@epa.gov*. Requests for oral comments must be *in writing* (e-mail, fax or mail) and received by Dr. Nugent no later than noon Eastern Time on March 19, 2001.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. *Oral Comments:* For this teleconference meeting, opportunities for oral comment will usually be limited to no more than five minutes per speaker. Deadlines for getting on the public speaker list for a meeting are given above. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information

Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (*http://www.epa.gov/sab*) and in The FY2000 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0323. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access

Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact the Dr. Nugent at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: March 6, 2001.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 01–6176 Filed 3–9–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–181079; FRL–6768–3]

Acetamiprid; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Texas Department of Agriculture to use the pesticide acetamiprid (CAS No. 135410–20–7) to treat up to 1.8 million acres of cotton to control cotton aphid. The Applicant proposes the use of a new chemical which has not been registered by EPA. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments, identified by docket control number OPP–181079, must be received on or before March 27, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–181079 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Barbara Madden, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6463; fax number: (703) 308–5433); e-mail address: madden.barbara@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you petition EPA for emergency exemption under section 18 of FIFRA. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
State government	9241	State agencies that petition EPA for section 18 pesticide exemption

This listing is not intended to be exhaustive, but rather provides a guide

for readers regarding entities likely to be regulated by this action. Other types of entities not listed in the table in this unit could also be regulated. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–181079. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–181079 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–181079. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the proposed rule or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Texas Department of Agriculture has requested the Administrator to issue a specific exemption for the use of acetamiprid on cotton to control cotton aphid. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that the state of Texas is likely to experience non-routine infestations of aphids during the 2000 cotton growing season. The cotton aphid, *Aphis gossypii Glover*, has infested cotton acreage in Texas since 1916. However, by 1989 aphids were more difficult to control since they had developed resistance to available pesticides. Since 1994 the Texas Department of Agriculture has been granted emergency exemptions for the use of carbofuran to control cotton aphid. They are now requesting the use of acetamiprid as well. The applicant claims that, without a specific exemption of FIFRA for the use of acetamiprid on cotton to control cotton aphids, cotton growers in the state will suffer significant economic losses.

The Applicant proposes to make no more than four applications of acetamiprid per season formulated as a flowable liquid containing 70% active ingredient (a.i.). A maximum of 0.2 pound of a.i. will be applied per season. The state proposes to treat up to 1.8 million acres of cotton in Texas. Applications will be made from March 1, 2001 to September 30, 2001. If all of the 1.8 million acres are treated with the maximum amount of acetamiprid proposed (0.2 pound a.i. per acre), then a maximum of 360,000 pound active ingredient would be applied.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient) which has not been registered by the EPA. The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the specific emergency exemption requested by the Texas Department of Agriculture.

List of Subjects

Environment protection, Pesticides and pests.

Dated: February 20, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 01–5865 Filed 3–9–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50882; FRL–6771–1]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits (EUPs) to the following pesticide applicants. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

In person or by telephone: Contact the designated person at the following address at the office location, telephone number, or e-mail address cited in each EUP: 1921 Jefferson Davis Hwy., Arlington, VA.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this action, consult the designated contact person listed for the individual EUP.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

II. EUPs

EPA has issued the following EUPs:

73815–EUP–1. Issuance. Pacific Island Ecosystems Research Center, Biological Resources Division, USGS, P.O. Box 44, Hawaii National Park, HI 96718. This EUP allows the use of 3,000 pounds of the rodenticide diphacinone on 120 acres of forested area to evaluate the control of ramik green rodent bait for control of commensal rats and other introduced species. The program is authorized only in the State of Hawaii. The EUP is effective from February 2, 2001 to February 2, 2002. (Daniel Peacock; Rm. 223, Crystal Mall #2; telephone number: (703) 305–5407; e-mail address: peacock.dan@epa.gov).

72500–EUP–1. Issuance. Scimetrics, Ltd., P.O. Box 100, Nunn, CO 80648. This EUP allows the use of 150 pounds of the rodenticide warfarin on 150 acres of bare ground around ground squirrel or black-tailed prairie dog burrows in non-crop areas, rangeland, or pasture to evaluate the control of field rodent bait to control ground squirrels and black-tailed prairie dogs. The program is authorized only in the States of California, Colorado, and Montana. The EUP is effective from January 24, 2001 to January 24, 2002. (Daniel Peacock; Rm. 223, Crystal Mall #2; telephone number: (703) 305–5407; e-mail address: peacock.dan@epa.gov).

Persons wishing to review these EUPs are referred to the designated contact person. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 22, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 01–5864 Filed 3–9–01; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained

from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 6, 2001.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Alliance Bank Shares Corporation, Andover, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of 1st Regions Bank, Andover, Minnesota.

Board of Governors of the Federal Reserve System, March 7, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–6064 Filed 3–9–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Public Health and Science; Announcement of Availability of Grants for Adolescent Family Life Demonstration Projects

AGENCY: Office of Adolescent Pregnancy Programs, Office of Population Affairs, OPHS, HHS.

ACTION: Notice.

SUMMARY: The Office of Adolescent Pregnancy Programs (OAPP) requests applications for care demonstration grants under the Adolescent Family Life (AFL) Demonstration Projects Program, as authorized by Title XX of the Public Health Service Act. Funds will be available for approximately 15–20 care demonstration projects, which may be located in any State, the District of Columbia, and United States territories, commonwealths and possessions. These grants are for community-based and community-supported demonstration projects to establish comprehensive and integrated approaches to the delivery of care services to pregnant adolescents, adolescent parents, their partners, children, and extended family members. Faith-based organizations are eligible to apply for these demonstration grants. Funds are not currently available for primary prevention/abstinence education demonstration projects targeting nonpregnant adolescents.

DATES: The closing date for this grant announcement is April 30, 2001. Applications will be considered as meeting the deadline if they are postmarked on or before the closing date. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. All hand delivered applications must be received between the hours of 8:30 a.m. and 5 p.m. on or before the above closing date. Applications which do not meet the deadline will be considered late applications and will be returned to the applicant. Applications will not be accepted by fax or e-mail. The submission deadline will not be extended.

ADDRESSES: Application kits consisting of the appropriate forms, a copy of the Title XX legislation, and guidance on the preparation of the application may be downloaded from the following Internet address: www.dhhs.gov/opa. If you do not have access to the Internet, you may obtain a kit from the Grants Management Office by calling (301) 594–4012 or by writing to the Office of Grants Management, Office of Population Affairs, 4350 East-West Highway, Suite 200, Bethesda, MD 20814. Written requests for application kits may be faxed to (301) 594–5981. All completed applications must be submitted to the Grants Management Office at the above mailing address. In preparing the application, it is important to follow ALL instructions contained in the application kit.

FOR FURTHER INFORMATION CONTACT: The OAPP Program Office at (301) 594–4004. OAPP staff members are available to answer questions and provide limited technical assistance in the preparation of grant applications. Questions also may be sent to OAPP staff via e-mail at *opa@osophs.dhhs.gov*. If contacting the OAPP by e-mail, please place the phrase "AFL Care Application Question" in the subject heading.

SUPPLEMENTARY INFORMATION: Title XX of the Public Health Service Act, 42 U.S.C. 300z, *et seq.*, authorizes the Secretary of Health and Human Services to award grants for demonstration projects to provide services to pregnant and nonpregnant adolescents, adolescent parents and their families. (Catalog of Federal Domestic Assistance Number 93.995) Title XX authorizes grants for three types of demonstration projects: (1) Projects which provide "care services" only (*i.e.*, services for the provision of care to pregnant adolescents, adolescent parents, their children, young fathers, and their families); (2) projects which provide "prevention services" only (*i.e.*, services to prevent adolescent sexual relations); and (3) projects which provide a combination of care and prevention services.

Under this program announcement, OAPP intends to make available approximately $5 million to support an estimated 15–20 new care services demonstration projects. The awards for care projects will range from $250,000 to $350,000 per year. Please note, in Fiscal Year (FY) 2000, OAPP issued a similar Request for Applications (RFA) announcing approximately $4 million for new care demonstration projects. In response to the FY 2000 RFA, OAPP received 143 grant applications and was able to fund 19 new projects. With $5 million available for care grants in FY 2001, we anticipate funding approximately 15–20 new projects under this program announcement.

Grants may be approved for project periods of up to five years. Grants are funded in annual increments (budget periods). Funding for all approved budget periods beyond the first year of the grant is contingent upon the availability of funds, satisfactory progress of the project, and adequate stewardship for Federal funds. Cost sharing by the grantee is a requirement per Title XX of the PHS Act. A grant award may not exceed 70 percent of the total costs of the project for the first and second years, 60 percent of the total costs for the third year, 50 percent for the fourth year and 40 percent for the fifth year. The non-Federal share of the project costs may be provided in cash expenditures or fairly evaluated in-kind contributions, including facilities, equipment and services.

Applications are encouraged from experienced organizations which are currently operating programs and which have the capability of expanding and enhancing these services to serve significant numbers of adolescents according to the guidance specified in this announcement.

The specific services which may be funded under Title XX are listed below under the heading entitled **Care Services.** Care Services, under this program announcement, should be provided primarily to pregnant adolescents and adolescent parents, their partners, children, and extended family members. There are no funds available for primary prevention/abstinence education demonstration projects under this announcement.

The following application requirements contain information collections subject to the Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (Pub. L. 104–13). These information collections have been approved by OMB under control number 0937–0198.

Technical Assistance

The OAPP has scheduled a series of technical assistance workshops to help prospective applicants. At each of the one-day workshops, the public will be able to learn more about the purposes and requirements of the Title XX program, how to apply for funds under this program announcement, program eligibility requirements, the application selection process, and considerations that might help to improve the quality of grant applications. This workshop is offered at no cost. However, all participants must preregister using the form at *http://www.hhs.gov/opa/titlexx/oapp.html*. If you do not have access to the Internet, you may obtain a registration form from the Office of Adolescent Pregnancy Programs (OAPP) at (301) 594–4004. Written requests for registration forms may be faxed to (301) 594–5981. The address of workshop and logistical information will be faxed or e-mailed back to you upon receipt of your registration.

Workshop Dates and Locations

March 26, 2001: Washington, DC
March 27, 2001: Kansas City, MO
March 28, 2001: Chicago, IL
March 30, 2001: San Francisco, CA

Eligible Applicants

Any public or private nonprofit organization or agency is eligible to apply for a grant. However, only those organizations or agencies which demonstrate the capability of providing the proposed services and meet the statutory requirements are considered for grant awards.

Care Services

Under this announcement, funds are available for local (not national or regional) care demonstrations only. The project site must be identified in the application rather than selected after the grant is awarded.

Under the statute, the purpose of care programs is to establish innovative, comprehensive, and integrated approaches to the delivery of care services for pregnant adolescents and adolescent parents under 19 years of age at program entry, with primary emphasis on unmarried adolescents who are 17 years old or younger and for their families. This includes young fathers and their families.

Adolescent health experts, public health officials, sociologists, and the medical community have long agreed that to effectively implement programs for youth, Federal, state and local level programs must include multiple and complementary approaches to providing services. The OAPP encourages a holistic approach to preventing secondary teen pregnancies and providing services to pregnant and parenting adolescents. It has been documented that successful projects are those where adolescents themselves are an integral part of the design, implementation, and evaluation phases over the life of the project. Adolescents need to see hope for a future, acquire the skills necessary to turn hopes into reality, and be provided with an array of opportunities to get them to reach that reality. In addition, the OAPP encourages applicants to provide opportunities for improving an adolescent's sense of self through cultural understanding and other activities that build an adolescent's sense of self-worth and self-efficacy. All services provided by AFL grantees, however, including all activities that are part of a holistic and comprehensive approach, must be within the scope of the Title XX care services listed below.

The OAPP encourages the submission of care applications which propose to do the following: (1) Add care services to supplement existing adolescent health services in school, hospital or other community settings, (2) provide care services to minority or disadvantaged populations, (3) continue services to clients after the delivery of the baby to enable them to acquire good parenting skills and to ensure that their children are developing normally physically, intellectually and emotionally, (4) stress self-sufficiency skills, such as school completion (in mainstream or alternative schools and GED programs) and job training and placement, (5) involve males and promote male responsibility, and (6) provide Sexually Transmitted Infection (STI) and HIV prevention counseling. Applicants should base their approach upon a review of current literature and an assessment of existing programs. Where appropriate, applicants should propose to establish better coordination, integration and linkages among such existing programs or replicate existing programs in their own community. Letters of commitment by partner or linkage agencies should be included with the application.

Applicants for care projects are required to provide, either directly or by referral, the following 10 core services:

(1) Pregnancy testing and maternity counseling;

(2) Adoption counseling and referral services which present adoption as an option for pregnant adolescents, including referral to licensed adoption agencies in the community if the eligible grant recipient is not a licensed adoption agency;

(3) Primary and preventive health services, including prenatal and postnatal care;

(4) Nutrition information and counseling;

(5) Referral for screening and treatment of STIs, including HIV/AIDS;

(6) Referral to appropriate pediatric care;

(7) Educational services relating to family life and problems associated with adolescent premarital sexual relations including:

(a) Information about adoption;

(b) Education on the responsibilities of sexuality and parenting;

(c) The development of material to support the role of parents as the providers of sex education; and

(d) Assistance to parents, schools, youth agencies and health providers to educate adolescents and preadolescents concerning self-discipline and responsibility in human sexuality;

(8) Appropriate educational and vocational services;

(9) Mental health services and referral to mental health services and to other appropriate physical health services; and

(10) Counseling and referral for family planning services.

Note: Funds provided under Title XX may not be used for the provision of family planning services other than counseling and referral services unless appropriate family planning services are not otherwise available in the community. In accordance with section 2006(a)(17) of Title XX (42 U.S.C. 300z–5(a)(17)), applicants must make maximum use of funds available under the Title X Family Planning Program in providing this required core service.

In addition to the 10 required core services listed above, applicants for care projects may provide any of the following supplemental services:

(1) Referral to licensed residential care or maternity home services;

(2) Child care sufficient to enable the adolescent parent to continue education or to enter into employment;

(3) Consumer education;

(4) Counseling for the immediate and extended family members of the eligible person;

(5) Transportation; and

(6) Outreach services to families of adolescents to discourage sexual relations among unemancipated minors.

Evaluation

Section 2006(b)(1) of Title XX requires each grantee to expend at least one percent but not more than five percent of the Federal funds received

under Title XX on evaluation of the project. Waivers above the five percent limit on evaluation may be granted in cases where a more rigorous or comprehensive evaluation effort is proposed (*see* sec. 2006(b)(1)). As this is a demonstration program, all applications are required to have an evaluation component of high quality consistent with the scope of the proposed project and the funding.

The OAPP encourages applications to include a proposed goal(s) and related outcome objectives. A goal is a general statement of what the project hopes to accomplish and it should reflect the long-term desired impact of the project on the target group(s) as well as reflect the program goals of the OAPP contained in this program announcement. An outcome objective is a statement which defines a measurable result the project expects to accomplish. Outcome objectives should be described in terms that measure the result the project will bring about (e.g., decrease in repeat adolescent births among treatment group, increase in parenting skills). Good applications should contain a few outcome objective that are specific, measurable, achievable, realistic and time-framed (S.M.A.R.T.).

Specific: An objective should specify one major result directly related to the program goal, state who is going to be doing what, to whom, by how much, and in what time-frame. It should specify what will be accomplished and how the accomplishment will be measured.

Measurable: An objective should be able to describe in realistic terms the expected results and specify how such results will be measured.

Achievable: the accomplishment specified in the objective should be achievable within the proposed time line and as a direct result of program activities.

Realistic: the objective should be reasonable in nature. The specified outcomes, expected results, should be described in realistic terms.

Time-framed: An outcome objective should specify a target date or time for its accomplishments. It should state who is going to be doing what, by when, etc.

How to Get Grants. San Francisco, CA: The Public Management Institute, 1981.

Section 2006(b)(2) of Title XX requires that the evaluations be conducted by an organization or entity independent of the grantee providing services. To assist in conducting the evaluations, each grantee shall develop a working relationship with an evaluator associated with a college or university located in the grantee's state which will assist in providing monitoring and evaluation of the proposed program. The OAPP strongly recommends extensive collaboration between the applicant organization and the proposed evaluator in the development of the program goals and objectives of the intervention, identification of the variable to be measured, a clear and organized timetable for initiation of the intervention, baseline measurement, and ongoing evaluation data collection and analysis strategies. Additionally, it is also important to establish this collaborative relationship between the applicant organization and the proposed evaluator early to ensure that the project's proposed goals and objectives and the evaluation are consistent with each other. The proposed evaluator should be included in program planning activities to ensure that there is uniformity in the intended outcomes of the program.

Application Requirements

Applications must be submitted on the forms supplied in the application kit provided by the OAPP (PHS 5161–1, Revised 7/00). The PHS 5161–1 can also be downloaded from the INTERNET at the following address: *http://forms.psc.gov/forms/PHS/phs.html*. These forms must be completed in the manner prescribed in the application kits provided by the OAPP. Incomplete applications will be returned to the applicant. Applicants are required to submit an application signed by an individual authorized to act for the applicant agency or organization and to assume for the organization the obligations imposed by the terms and conditions of the grant award.

Applicants must be familiar with Title XX in its entirety to ensure that they have complied with all applicable requirements. A copy of the legislation is included in the application kit.

Additional Requirements

Applicants for grants must also meet both of the following requirements (each year):

(1) *Requirements for Review of an Application by the Governor.* Section 2006(e) of Title XX requires that each applicant shall provide the Governor of the State in which the applicant is located a copy of each application submitted to OAPP for a grant for a demonstration project for services under this Title. The Governor has 60 days from the receipt date in which to provide comments to the applicant.

An applicant may comply with this requirement by submitting a copy of the application to the Governor of the State in which the applicant is located at the same time the application is submitted to OAPP. To inform the Governor's office of the reason for the submission, a copy of this notice should be attached to the application.

(2) *Requirements for Review of an Application Pursuant to Executive Order 12372 (SPOC) Requirements).* Applicants under this announcement are subject to the review requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs," as implemented by 45 CFR part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Executive Order 12372 sets up a system for state and local government review of proposed Federal assistance applications. As soon as possible, the applicant (other than Federally-recognized Indian tribal governments) should contact the States Single Point of Contact (SPOC) for each state in the area to be served. The application kit contains the currently available listing of the SPOCs which have elected to be informed of the submission of applications. For those states not represented on the listing, further inquiries should be made by the applicant regarding submission to the relevant SPOC. The SPOC's comment(s) should be forwarded to the Grants Management Office, Office of Population Affairs, 4350 East-West Highway, Suite 200, Bethesda, MD 20814. The SPOC has 60 days from the closing date of this announcement to submit any comments.

Application Assessment and Evaluation Criteria

Applications which are judged to be late, incomplete or which do not conform to the requirements of this program announcement will not be accepted for review. Applicants will be so notified, and the application will be returned. All other applications will be reviewed by multi-disciplinary panels of independent reviewers and assessed according to the following criteria:

(1) The applicant's provision of a clear statement of mission, goals, measurable (outcome) objectives, reasonable methods for achieving the objectives, a reasonable work plan and timetable, and clear statements of expected results. (25 points)

(2) The capacity of the applicant to implement the program, including personnel and other resources, and the applicant's experience and expertise in providing programs for adolescents. (15 points)

(3) The population the project proposes to serve, including ethnic composition, number of pregnant and/or parenting adolescent clients, infants, male partners, family members and community members. [Healthy People 2010 is a set of health objectives for the Nation to achieve over the first decade of the new century. The two goals of Healthy People 2010 are to increase quality of years of healthy life and to eliminate health disparities. In evaluating this criterion, priority will be given to programs who serve minority populations in order to eliminate health disparities.] (15 points)

(4) The applicant's presentation of a detailed evaluation plan, indicating an understanding of program evaluation methods, and reflecting a practical and technically sound approach to assessing the project's achievement of program objectives. (15 points)

(5) The applicant's presentation of the need for the project, including the incidence of adolescent pregnancy in the geographic area to be served and the availability of services for adolescents within this geographic area. (10 points)

(6) The applicant's presentation of an organizational model for service delivery with appropriate design, consistent with the requirements of Title XX. (10 points)

(7) The community commitment to and involvement in planning and implementation of the project, as demonstrated by letters of commitment and willingness to participate in the project's implementation, acceptance of referrals, etc. (10 points)

Final grant award decisions will be made by the Deputy Assistant Secretary for:

Population Affairs. In making these decisions, the Deputy Assistant Secretary for Population Affairs will take into account the extent to which grants recommended for approval will provide an appropriate geographic distribution of resources, the priorities in section 2005(a) of Title XX, and the other factors including consideration of:

1. Recommendations and scores submitted by the review panels;

2. The geographic area to be served, particularly the needs of rural areas;

3. The reasonableness of the estimated cost of the project based on factors such as the incidence of adolescent pregnancy in the geographic area to be served and the availability of services for adolescents in this geographic area;

4. The usefulness for policymakers and service providers of the proposed project and its potential for replication.

Applicants will be notified by letter of the outcome of their applications, after final funding decisions are made. The official document notifying an applicant that an application has been approved for funding is the Notice of Grant Award, which specifies to the grantee the amount of money awarded, the purpose of the grant, the terms and conditions of the grant award, and the amount of funding to be contributed by the grantee to project costs.

Dated: March 2, 2001.

Mireille B. Kanda,

Acting Director for Population Affairs.

[FR Doc. 01–6058 Filed 3–9–01; 8:45 am]

BILLING CODE 4150–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Standards and Security.

Times and Dates: 9 a.m. to 5 p.m., March 19, 2001; and 9 a.m. to 5 p.m., March 20, 2001.

Place: Room 505A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The purpose of this hearing is for NCVHS to obtain public input for the process of making recommendations to the HHS Secretary about specific standards for Patient Medical Record Information (PMRI). The process will include developing (1) criteria for the selection of PMRI message format standards for recommendation to the HHS Secretary, (2) a draft set of questions to PMRI standards developers which is intended to assist the NCVHS select PMRI standards, (3) a proposed list of PMRI transactions that may be considered in the first phase for recommendation to the HHS Secretary, and (4) making any additional comments or critiques about this process.

Notice: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey building by non-government employees. Thus, persons without a government identification card will need to have the guard call for an escort to the meeting.

Contact Person for More Information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from J. Michael Fitzmaurice, Ph.D., Senior Science Advisor for Information Technology, Agency for Health Care Research and Quality, 2101 East Jefferson Street, #600, Rockville, MD 20852, phone: (301) 594–3938; or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS home page of the HHS website: *http://www.ncvhs.hhs.gov/* where an agenda for the meeting will be posted when available.

Dated: March 2, 2001.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 01–5972 Filed 3–9–01; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: The OCSE–157 Child Support Enforcement Annual Data Report.

OMB No.: 0970–0177.

Description: The information obtained from this form will be used to report Child Support Enforcement activities to the Congress as required by law, to complete incentive measure and performance indicators utilized in the program, and to assist the Office of Child Support Enforcement in monitoring and evaluating State Child Support Enforcement programs.

Respondents: State, Local and Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
OCSE–157	54	1	4	216
Estimated Total Annual Burden Hours				216

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: March 6, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–5971 Filed 3–9–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 00M–1640, 00M–1664, 00M–1591, 00M–1613, 00M–1597, 00M–1593, 00M–1583, 00M–1615, 00M–1612, 00M–1569, 00M–1650, 00M–1570, 00M–1616, 00M–1659, 00M–1649, 00M–1650, 00M–1660, 00M–1651, 00M–1683, 00M–1684]

Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of premarket approval applications (PMA's) that have been approved. This list is intended to inform the public of the availability of safety and effectiveness summaries of approved PMA's through the Internet and the agency's Dockets Management Branch.

ADDRESSES: Submit a written request for copies of summaries of safety and effectiveness to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Please cite the appropriate docket number listed in table 1 of this document when submitting a written request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the summaries of safety and effectiveness.

FOR FURTHER INFORMATION CONTACT: Thinh X. Nguyen, Center for Devices and Radiological Health (HFZ–402), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2186.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 30, 1998 (63 FR 4571), FDA published a final rule to revise §§ 814.44(d) and 814.45(d) (21 CFR 814.44(d) and 814.45(d)) to discontinue publication of individual PMA approvals and denials in the **Federal Register**. Instead, revised §§ 814.44(d) and 814.45(d) state that FDA will notify the public of PMA approvals and denials by posting them on FDA's home page at http://www.fda.gov on the Internet; by placing the summaries of safety and effectiveness on the Internet and in FDA's Dockets Management Branch; and by publishing in the **Federal Register** after each quarter a list of available safety and effectiveness summaries of approved PMA's and denials announced in that quarter.

FDA believes that this procedure expedites public notification of these actions because announcements can be placed on the Internet more quickly than they can be published in the **Federal Register**, and FDA believes that the Internet is accessible to more people than the **Federal Register**.

In accordance with section 515(d)(4) and (e)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(4) and (e)(2)), notification of an order approving, denying, or withdrawing approval of a PMA will continue to include a notice of opportunity to request review of the order under section 515(g) of the act. The 30-day period for requesting reconsideration of an FDA action under § 10.33(b) (21 CFR 10.33(b)) for notices announcing approval of a PMA begins on the day the notice is placed on the Internet. Section 10.33(b) provides that FDA may, for good cause, extend this 30-day period. Reconsideration of a denial or withdrawal of approval of a PMA may be sought only by the applicant; in these cases, the 30-day period will begin when the applicant is notified by FDA in writing of its decision.

The following is a list of approved PMA's for which summaries of safety and effectiveness were placed on the Internet in accordance with the procedure explained previously from October 1, 2000, through December 31, 2000. There were no denial actions during this period. The list provides the manufacturer's name, the product's generic name or the trade name, and the approval date.

TABLE 1.—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMA'S MADE AVAILABLE OCTOBER 1, 2000, THROUGH DECEMBER 31, 2000

PMA Number/Docket No.	Applicant	Trade Name	Approval Date
P970053/00M–1640	Nidek Technologies, Inc.	EC–5000 Excimer Laser System	December 17, 1998
P970053(S1)/00M–1664	Nidek Technologies, Inc.	EC–5000 Excimer Laser System (PARK)	September 29, 1999
P930034(S13)/00M–1591	Summit Technologies	SVS Apex Plus Excimer Laser Workstation	October 21, 1999
P990019/00M–1613	DUSA Pharmaceuticals, Inc.	BLU–U Light Photodynamic Therapy Illuminator	December 3, 1999

TABLE 1.—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMA'S MADE AVAILABLE OCTOBER 1, 2000, THROUGH DECEMBER 31, 2000—Continued

PMA Number/Docket No.	Applicant	Trade Name	Approval Date
P990027/00M–1597	Bausch & Lomb Surgical, Inc.	Technolas® 217 Excimer Laser System	February 23, 2000
P970043(S5)/00M–1593	Autonomous Technologies Corp.	LADAR Vision® Excimer Laser System	May 9, 2000
P990052/00M–1583	Symphonix Devices, Inc.	Vibrant P/Vibrant D Soundbridge System	August 31, 2000
P980010/00M–1615	Osteometer MediTech, Inc.	DTU–One Ultrasound Scanner	September 19, 2000
P970043(S7)/00M–1612	Autonomous Technologies Corp.	LADAR Vision® Excimer Laser System	September 22, 2000
P990040/00M–1569	Cordis Neurovascular, Inc.	Trufill N–Butyl Cyanoacrylate Liquid Embolic System	September 25, 2000
P000014/00M–1658	Ortho–Clinical Diagnostics, Inc.	VITROS Immunodiagnostic Anti-HBS Reagent Pack and Calibrators	September 29, 1999
P990046/00M–1570	ATS Medical, Inc.	ATS Open Pivot® Bileaflet Heart Valve	October 13, 2000
N18286(S12)/00M–1616	Pharmacia & Upjohn Co.	Gelfoam® Sterile Powder	October 16, 2000
P000015/00M–1659	Cochlear Corp.	Nucleus 24 Auditory Brainstem Implant (ABI) System	October 20, 2000
P000018/00M–1649	Novoste Corp.	Beta-Cath™ System	November 3, 2000
P990036/00M–1650	Cordis Corp.	Cordis Checkmate™ System	November 3, 2000
P990056/00M–1660	Roche Diagnostics, Corp.	Elecsys® Total PSA Immunoassay and Calset	November 22, 2000
P990081/00M–1661	Ventana Medical Systems, Inc.	Pathway™ HER 2	November 28, 2000
P000027/00M–1683	Roche Diagnostics Corp.	Elecsys® Free PSA Immunoassay/Calset/Calcheck	December 12, 2000
P980020/00M–1684	Q Care International, LLC	Q–103 Needle Management Systems	December 21, 2000

II. Electronic Access

Persons with access to the Internet may obtain the documents at http://www.fda.gov/cdrh/pmapage.html.

Dated: March 1, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–5954 Filed 3–9–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0056]

Draft Guidance for Industry on Postmarketing Safety Reporting for Human Drug and Biological Products Including Vaccines; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled "Postmarketing Safety Reporting for Human Drug and Biological Products Including Vaccines." This draft guidance is intended to assist applicants and other responsible parties in fulfilling FDA's postmarketing safety reporting requirements for marketed human drugs and biological products.

DATES: Submit written comments on the draft guidance by May 11, 2001. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your request. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

For information concerning human drug products: Min C. Chen, Center for Drug Evaluation and Research (HFD–430), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3169.

For information concerning human biological products: Miles M. Braun, Center for Biologics Evaluation and Research (HFM–220), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3974.

SUPPLEMENTARY INFORMATION:

I. Description of the Guidance

FDA is announcing the availability of a draft guidance for industry entitled "Postmarketing Safety Reporting for Human Drug and Biological Products Including Vaccines." This draft guidance discusses postmarketing safety reporting requirements for prescription drugs marketed for human use without an approved application § 310.305 (21 CFR 310.305), human drugs with approved new drug applications (NDA) § 314.80 (21 CFR 314.80), human drugs with approved abbreviated new drug applications (21 CFR 314.98), and human biological products with approved biologics license applications (BLA) §§ 600.80 and 600.81 (21 CFR 600.80 and 600.81).

This draft guidance does not apply to in vitro diagnostic products, whole blood or its components, or product manufacturing defects (unless the defect is associated with an adverse experience in humans). Moreover, it does not discuss the following: Investigational new drug application safety reports (21 CFR 312.32), safety update reports for drugs (21 CFR 314.50(d)(5)(vi)), approved NDA annual reports (21 CFR 314.81(b)(2)), or approved BLA annual reports (21 CFR 601.28).

Currently, FDA has three guidances for industry on postmarketing safety reporting: "Guideline for Postmarketing Reporting of Adverse Drug Experiences" (March 1992), "Guideline for Adverse Experience Reporting for Licensed Biological Products" (October 1993), and "Postmarketing Adverse Experience Reporting for Human Drug and Licensed Biological Products: Clarification of What to Report" (August 27, 1997). This draft guidance for industry consolidates the three existing guidances into a single document and revises the information contained within them to be consistent with the final rulemaking described below.

FDA has undertaken a major effort to clarify and revise its regulations regarding pre- and postmarketing safety reporting requirements for human drug and biological products. With regard to the postmarketing expedited safety reporting regulations for human drug

and biological products, the agency published a final rule in the **Federal Register** of October 7, 1997 (62 FR 52237), amending these requirements, as well as others, to implement certain definitions, reporting periods, and formats recommended by the International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). In addition, FDA published a final rule in the **Federal Register** of June 25, 1997 (62 FR 34166), that revokes the postmarketing safety reporting requirement to submit increased frequency reports for human drug and biological products in an expedited manner. This draft guidance for industry revises the agency's existing guidances on postmarketing safety reporting to be consistent with the final rules of June 25, 1997, and October 7, 1997.

At this time, the agency is considering additional recommendations developed by ICH and plans to propose other amendments to its postmarketing safety reporting regulations. As additional amendments are made to these regulations, the agency intends to develop guidances for industry to provide recommendations on how industry can fulfill these requirements.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The draft guidance represents the agency's current thinking on postmarketing safety reporting for human drug and biological products including vaccines. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Paperwork Reduction Act of 1995

This notice contains no new collections of information. The information requested for marketed human drug and biological products is already covered by the collection of information on postmarketing safety reporting regulations (§§ 310.305, 314.80, 600.80, and 600.81) submitted to the Office of Management and Budget (OMB) for review and clearance. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), OMB approved the information collection for MedWatch—The FDA Medical Products Reporting Program (Forms FDA 3500 and FDA 3500A) and assigned it OMB control number 0910–0291. The approval for 0910–0291 expires on March 31, 2001; an extension has been requested and is pending at OMB. OMB also approved the information collection for adverse experience reporting for marketed drugs and licensed biological products and assigned them OMB control numbers 0910–0230 and 0910–0308, respectively. The approval for 0910–0230 expires on May 31, 2002, and the approval for 0910–0308 expires on May 31, 2001.

IV. Electronic Access

Copies of this draft guidance for industry are available on the Internet at http://www.fda.gov/cder/guidance/index.htm and at http://www.fda.gov/cber/guidelines.htm.

Dated: March 2, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–6053 Filed 3–9–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10008]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a previously approved collection;

Title of Information Collection: Recognition of New Technology/Pass-Through Items Under the Prospective Payment System for Hospital Outpatient Services;

Form No.: HCFA–10008 (OMB# 0938–0802);

Use: This information is necessary to determine items eligible for payment as new technology within the ambulatory payment classification (APC) system as well as items eligible for the transitional pass-through payment provision as required by section 201 of the BBRA. This collection will enable HCFA to implement those special payment provisions;

Frequency: On Occasion;

Affected Public: Business or other for-profit;

Number of Respondents: 500;

Total Annual Responses: 500;

Total Annual Hours: 1,500.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Melissa Musotto, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: March 1, 2001.

John P. Burke, III,

Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5980 Filed 3–9–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Children's Hospitals Graduate Medical Education (CHGME) Program Conference

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of public hearing.

SUMMARY: This document announces a public hearing to receive information and views on the notice that proposed criteria for the Children's Hospitals Graduate Medical Education (CHGME) Payment Program, published in the **Federal Register** on March 1, 2001 (66 FR 12940–12954). The proposed criteria included the following: (1) The determination of full-time equivalency (FTE) resident count, (2) the treatment of new children's teaching hospitals, and (3) the methodology for indirect medical education (IME) payments. The notice also announced final eligibility, funding criteria, payment methodology and performance measures for the CHGME Program. This conference will brief the public on the above criteria and methodologies as well as also hear public comments on the above proposed criteria for the CHGME program. The public also may participate in the conference by telephone as described below.

DATES: The public hearing will be held on March 14, 2001, at 2:00 p.m. to 4:00 p.m. EST.

ADDRESSES: The public hearing will be held in Conference Room C in the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Ayah E. Johnson, Ph.D., telephone: (301) 443–1058; Division of Medicine and Dentistry, Bureau of Health Professions, Room 9A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; or by e-mail at: *ajohnson@hrsa.gov*.

SUPPLEMENTARY INFORMATION: The CHGME Program, as authorized by section 340E of the Public Health Service (PHS) Act (the Act) (42 U.S.C. 256e), provides funds to children's hospitals to address disparity in the level of Federal funding for children's hospitals that result from Medicare funding for graduate medical education (GME). Pub. L. 106–310 amended the CHGME statute to extend the program through Federal fiscal year 2005.

On June 19, 2000, the Secretary published a notice in the **Federal Register** (65 FR 37985) setting forth proposed rules to implement the CHGME Program. The Department received 21 public comments and made numerous revisions and clarifications as reflected in the notice published March 1, 2001 in the **Federal Register**.

The conference will again provide information on the proposed criteria contained in the March 1, 2001, CHGME notice. The agenda for the briefing and hearings will include: (1) The determination of FTE resident count, (2) the treatment of new children's teaching hospitals, and (3) the methodology for IME payments. It also will include information on the Government Performance and Results Act (GPRA) and other laws applicable to the CHGME Payment Program. Time will also be available for a question and answer period. Information about the program can be found on the CHGME web site (*http://www.bhpr.hrsa.gov/childrenshospitalgme*).

In order for individuals to participate by telephone, they must dial: (888) 829–8672 and enter the corresponding pass code 55591. For security reasons, the pass code 55591 and Dr. Ayah Johnson's name, as call leader, are required to join the call. Telephone participants should call no later than 1:45 p.m. in order for the logistics to be set up.

Dated: March 7, 2001.

Claude Earl Fox,

Administrator.

[FR Doc. 01–6113 Filed 3–9–01; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of March 2001:

Name: National Advisory Council on Migrant Health.

Date and Time: March 23, 2001; 9 a.m. to 5 p.m.; March 24, 2001; 9 a.m. to 5 p.m.

Place: Hilton Washington and Towers Hotel, 1919 Connecticut Avenue, NW., Washington, DC 20009, Phone: (202) 483–3000; Fax (202) 232–0428.

The meeting is open to the public.

Agenda: This will be a meeting of the Council. The agenda includes an overview of general Council business activities and priorities. Topics of discussion will include development of the Year 2001 recommendations and background statements, as well as Committee mission statements and action plans. In addition, the Council will explore Area Health Education Centers and opportunities for collaboration with Migrant Health, and will receive updates from a variety of Migrant Health advocacy organizations. Finally, the Council will be reviewing nominations for Council membership for terms beginning November 2001.

Anyone requiring information regarding the subject Council should contact Judy Rodgers, Migrant Health Program, staff support to the National Advisory Council on Migrant Health, Bureau of Primary Health Care, Health Resources and Services Administration, 4350 East West-Highway, Bethesda, Maryland 20814, Telephone (301) 594–4304.

Agenda items are subject to change as priorities indicate.

Dated: March 7, 2001.

James J. Corrigan,

Associate Administrator for Management and Program Support.

[FR Doc. 01–6114 Filed 3–9–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung and Blood Institute; Submission for OMB Review; Comment Request; The Cardiovascular Health Study

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 4, 2000, pages 75722–3 and allowed 60-days for public comment. No pubic comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: The Cardiovascular Health Study. *Type of Information Collection Request:* Revision (OMB No. 0925–0334). *Need and Use of Information Collection:* This study will quantify association between conventional and hypothetical risk factors and coronary heart disease

(CHD) and stroke in people age 65 years and older. The primary objectives include quantifying association of risk factors with subclinical disease; characterize the natural history of CHD and stroke; and identify factors associated with clinical course. The findings will provide important information on cardiovascular disease in an older U.S. population and lead to early treatment of risk factors associated with disease and identification of factors which may be important in disease prevention. *Frequency of Response:* Twice a year (participants) or once per cardiovascular disease event (proxies and physicians); *Affected Public:* Individuals. *Type of Respondents:* Individuals recruited for CHS and their selected proxies and physicians. The annual reporting burden is as follows: *Estimated Number of Respondents:* 4,606; *Estimated Number of Responses Per Respondent:* 4.55; and *Estimated Total Annual Burden Hours Requested:* 1,719. There are no capital, operating, or maintenance costs to report.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent*	Average burden hours per response	Estimated Total annual burden hours requested
Participants	3,580	5.6	0.25	1,665
Physicians	606	1.0	0.10	20
Participants proxies	420	1.0	0.25	35
Total	4,606	4.55	0.246	1,719

*Total over 3-pear period.

Request for Comments: Written comments and/or suggestions from the pubic and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility, (2) the accuracy of the agency's estimated of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Diane Build, National Institutes of Health, Division of Epidemiology and Clinical Applications, Epidemiology and Biometry Program, NHLBI, II Rockledge Centre, 6701 Rockledge Drive, MSC # 7934, Bethesda, MD, 20892–7934, or call non-toll-free number (303) 435–0707, or e-mail your request, including your address to: bild@nih.gov.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before April 11, 2001.

Dated: March 1, 2001.

Peter J. Savage,

Acting Director, Division of Epidemiology and Clinical Applications, National Heart, Lung, and Blood Institute.

[FR Doc. 01–6009 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Survey of IRB Chairs Concerning the Implementation of Pediatric Research Regulations

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Clinical Center, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on October 17, 2000, page 61341 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: Survey of IRB Chairs Concerning the Implementation of Pediatric Research Regulations. *Type of information Collection Request:* New. *Need for Use of Information Collection:* In order to assess the protection of children who are enrolled in clinical research, it is important to determine how Institutional Review Boards (IRBs) reviewing such research interpret and implement the Federal Regulations for research with children set forth in 45 CFR 45 subpart D. This study aims to gather this information through telephone interviews with chairpersons of IRBs that review clinical research with children. In addition, we will solicit background information on each IRB from the IRB chair. In particular, the survey aims to assess how IRBs assess risk/benefit levels of research with children, when IRBs permit children's assent to be waived, what information IRBs require children to be presented during the assent process, and which children are excluded from participation in riskier research. In addition, the survey will attempt to determine how the recent NIH Policy and Guidelines on the Inclusion of Children as Participants in Research Involving Human Subjects has affected IRB review. *Frequency of Response:* Onco. *Affected Public:* Individuals. *Type of Respondents:* IRB chairpersons. The annual reporting burden follows in the table below. The annualized cost to respondents is estimated at: $10,000. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

RESPONDENT AND BURDEN ESTIMATE INFORMATION

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
IRB chairs	400	1	0.5	200
Total	400			200

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dave Wendler, Ph.D., Head, Unit on Vulnerable Populations, Department of Clinical Bioethics, NIH, Building 10, Room 1C118, 9000 Rockville Pike, Bethesda, MD 20892, or call non-toll-free number (301) 435–8726 or fax or e-mail your request, including your address, to: Facsimile number (301) 496–0760 and email address *DWendler@cc.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before April 11, 2001.

Dated: March 2, 2001.

David K. Henderson,

Deputy Director, Warren G. Magnuson Clinical Center, National Institutes of Health.

[FR Doc. 01–6010 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute (NCI) Collaborative Development of Methods for Selective T Cell Depletion To Improve Bone Marrow Transplantation Procedures

Opportunities for Collaborative Research and Development Agreements are available for collaboration with the Biological Resources Branch (BRB), Developmental Therapeutics Program (DTP), Division of Cancer Treatment and Diagnosis (DCTD), National Cancer Institute (NCI) to develop methods that could be applicable, in the setting of clinical bone marrow transplants, to deplete selected populations of T cells prior to the infusion of donor cells into the recipient. Selective T cell population depletion has been suggested as a possible approach to the goal of reducing the incidence of Graft versus Host Disease (GVHD) associated with bone marrow transplants, with the goal of also retaining clinical antitumor efficacy.

AGENCY: National Cancer Institute, National Institutes of Health, PHS, DHHS.

ACTION: Notice of opportunities for cooperative research and development agreements (CRADAs).

SUMMARY: Pursuant to the Federal Technology Transfer Act of 1986 (15 U.S.C. 3710a; and Executive Order 12591 of April 10, 1987) as amended, the National Cancer Institute (NCI) of the National Institutes of Health (NIH) of the Public Health Service (PHS) of the Department of Health and Human Services (DHHS) seeks one or more Cooperative Research and Development Agreements (CRADAs) with pharmaceutical or medical device companies to discover and develop potential new methods of *ex vivo* depletion of selected populations of donor T cells with the goal of reducing Graft versus Host Disease (GVHD) in the transplant recipient, while still retaining antitumor efficacy. Each CRADA would have an expected duration of one (1) to five (5) years. The goals of the CRADA include the rapid publication of research results and timely commercialization of products, and methods of treatment or prevention that may result from research. The CRADA collaborator will have an option to negotiate an exclusive or non-exclusive license to subject inventions arising under the CRADA and which are a subject of the CRADA Research Plan.

Proposals and questions about this CRADA opportunity may be addressed to Donna L. Bialozor, Technology Development Specialist, Technology Development & Commercialization Branch, National Cancer Institute-Frederick, 1003 West Seventh Street, Fairview Center, Room 502, Frederick, MD 21701 (Phone 301–846–5465; Fax: 301–846–6820; E-mail: *bialozod@mail.nih.gov*).

Scientific inquiries should be submitted to Dr. Stephen Creekmore, Chief, Biological Resources Branch (BRB), Developmental Therapeutics Program (DTP), National Cancer Institute-Frederick Research & Development Center, Building 1052, Room 251, NCI-Frederick, P.O. Box B, Frederick, MD 21702–1201 (Phone: 301–846–1100; Fax: 301–846–5429; E-mail: *creekmor@mail.ncifcrf.gov*).

Inquiries regarding CRADA proposals and scientific matters may be forwarded at any time. Confidential, preliminary CRADA proposals, preferably five pages or less, must be submitted to the NCI within 90 days from the date of this publication. Guidelines for preparing final CRADA proposals will be submitted shortly thereafter to all respondents with whom initial confidential discussions will have established sufficient mutual interest. CRADA proposals submitted at a later date may be considered if a suitable CRADA collaborator has not been selected.

Technology Available

The Biological Resources Branch (BRB) of the Developmental Therapeutics Program (DTP) is an NCI extramural research activity with a mission to evaluate and support development of innovative

biopharmaceutical approaches to cancer therapy. To this end, the BRB has established contracts to manufacture biopharmaceuticals to be used in late preclinical and early clinical studies. The goal of these efforts is to provide scientific and technical expertise and key resources for the development of selected concepts through phase I/II and proof-of-concept clinical trials. Through its contract resources, the BRB possesses scientific and technical expertise in process development, manufacture, purification, vial filling, documentation, testing, and release of a wide range of monoclonal antibody, recombinant protein, natural product, peptide, oligonucleotide, viral, and bacterial-based clinical agents, devices, and vaccines. DTP also possesses expertise in toxicological and pharmaceutical support for these efforts. Depending on the circumstances and subject to future review and approval, the NCI may elect to provide resources for regulatory affairs support and IND filing through the Regulatory Affairs Branch of the Cancer Therapy Evaluation Program (CTEP), or through the offices of the outside collaborators. NCI may also elect to provide resources for design and execution of clinical trials at collaborating extramural sites, or intramural NCI clinics, or through the efforts of CTEP. Background and contact information for BRB and DTP resources are available at the following web sites: *http://www.ncifcrf.gov/brb/* and *http://www.dtp.nci.nih.gov.*

Technology Sought

BRB now seeks potential collaborators having expertise in one or more of the component approaches, molecules, or devices for development in the clinical setting of bone marrow transplantation:

(1) Monoclonal antibodies directed at normal T cell populations;

(2) Other targeting molecules appropriate for *ex vivo* selection of appropriate populations of donor T-cells;

(3) Devices that employ these targeting molecules to deplete appropriate populations of donor T-cells;

(4) Alternative approaches to the problem of *ex vivo* depletion of selected populations of donor T-cells.

Primary consideration will be given to collaborators having significant and relevant preclinical and/or clinical experience in the development of these or similar approaches, molecules, or devices.

Collaborators Sought

Accordingly, DHHS now seeks collaborative agreements for the joint BRB and Collaborator discovery, research and development of novel, clinically useful approaches for the selective *ex vivo* depletion of donor T-cell populations, for use in the setting of bone marrow transplantation. For collaborations with the commercial sector, a Cooperative Research and Development Agreement (CRADA) will be established to provide for equitable distribution of intellectual property rights developed under the CRADA. CRADA aims will include rapid publication of research results as well as timely exploitation of commercial opportunities.

At a minimum, the successful Collaborator should either possess broad experience in, or possess highly specialized experience or unique expertise in one or more of the areas particularly pertinent to drug or device lead-discovery and development within the scope of this project.

NCI will provide no funding to the Collaborator inasmuch as financial contributions by the U.S. Government to non-Federal parties under a CRADA are not authorized under the Federal Technology Transfer Act (15 U.S.C. 3710a(d)(1)).

NCI and Collaborator Responsibilities

The role of the National Cancer Institute in this CRADA may include, but not be limited to:

(1) Providing intellectual, scientific, and technical expertise and experience to the research project.

(2) Providing facilities for process development and production of monoclonal antibodies or relevant targeting molecules, to support preclinical development of these approaches.

(3) Providing the Collaborator(s) with process development, production and QC test data for evaluation.

(4) Provision of Quality Assurance and Quality Control of targeting molecules with or without devices used in T cell depletion, to support preclinical development of these approaches.

(5) Planning preclinical (*in vivo* and *in vitro* testing) research studies and interpreting research results.

(6) Publishing research results.

(7) Depending on the results of these preclinical investigations, NCI may elect to provide additional support for clinical-grade (cGMP) production of the targeted monoclonal antibodies or molecules derived from the CRADA. Commitment of substantial resources would require specific review and approval by the NCI's Division of Cancer Treatment and Diagnosis.

The role of the CRADA Collaborator may include but not be limited to:

(1) Providing significant intellectual, scientific, and technical expertise or experience to the research project.

(2) Providing monoclonal antibody clones or other production expression systems and test data to the research project.

(3) Providing other targeting molecules and test data to the research project.

(4) Providing devices that can employ targeting molecules, along with test data to the research project.

(5) Planning research studies and interpreting research results.

(6) Publishing research results.

Selective criteria for choosing the CRADA collaborator may include, but not be limited to:

(1) The ability to collaborate with the NCI on research and development of this technology involving discovery, optimization, production, testing, and biological evaluation. This ability can be demonstrated through experience, expertise, and the ability to contribute intellectually in this or related areas of drug discovery, research, and development.

(2) The demonstration of adequate resources to perform the research, development and commercialization of this discovery, optimization and biological evaluation technology (e.g., facilities, personnel, and expertise) and to accomplish objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.

(3) The willingness to commit best effort and demonstrated resources to the research, development and commercialization of this technology as defined above.

(4) The willingness to cooperate with the National Cancer Institute in the timely publication of research results.

(5) The agreement to be bound by the appropriate DHHS regulations relating to human subjects, and all PHS policies relating to the use and care of laboratory animals.

(6) The willingness to accept the legal provisions and language of the CRADA with only minor modifications, if any. These provisions govern the equitable distribution of patent rights to CRADA inventions. Generally, the rights of ownership are retained by the organization that is the employer of the inventor, with (1) the grant of a license for research and other Government purposes to the Government when the CRADA Collaborator's employee is the sole inventor; or (2) the grant of an option to elect an exclusive or non-exclusive license to the CRADA Collaborator when the Government employee is the sole inventor.

Dated: February 22, 2001.

Kathleen Sybert,

Chief, Technology Development & Commercialization Branch, National Cancer Institute, National Institutes of Health.

[FR Doc. 01–6039 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Child Health and Human Development (NICHD); Opportunity for Cooperative Research and Development Agreement

SUMMARY: The National Institute of Child Health and Human Development (NICHD) is seeking research statements from parties interested in entering into a Cooperative Research and Development Agreement (CRADA). The purpose of the CRADA is to develop new strategies for the identification of MATER (Maternal Effect Gene) specific to the remodeling of chromosomal architecture, and the transcription and translation that support healthy mammalian oocytes and early embryonic development. The project is part of the ongoing activities of the Developmental Endocrinology Branch (DEB), Division of Intramural Research, NICHD. The term of the CRADA will be up to five (5) years.

DATES: Interested parties should notify this office in writing of their intent to file a formal proposal no later than April 11, 2001. Formal proposals must be submitted to this office no later than May 11, 2001.

ADDRESSES: Research Statements should be submitted to Kate Sinclair Dunn, Technology Development Specialist, Technology Development and Commercialization Branch, National Cancer Institute, National Institutes of Health, Executive Plaza South, Room 450, 6120 Executive Blvd., MSC 7182, Bethesda, MD 20892–7182, Phone: 301–496–0477, Fax: 301–402–2117, e-mail *sinclaik@otd.nci.nih.gov.* Scientific questions should be addressed to Lawrence M. Nelson, M.D., Head, Gynecological Endocrinology Unit Developmental Endocrinology Branch, NICHD, NIH, Building 10, Room 10N262, Bethesda, MD 20892–1862; Phone (direct): 301–402–6608, Office: 301–496–4686; Fax: 301–402–0574, e-mail: *Lawrence_Nelson@nih.gov.* Inquiries directed to obtaining patent license(s) related to participation in the CRADA opportunity should be addressed to Dennis Penn, Pharm.D., MPH, Senior Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Blvd., Suite 325, Rockville, MD 20852–3804, Phone: 301–496–7735, Fax: 301–402–0220, e-mail: penn d@od.nih.gov.

SUPPLEMENTARY INFORMATION: A CRADA is the anticipated joint agreement to be entered into by NICHD and a collaborator pursuant to the Federal Technology Transfer Act of 1986 (15 U.S.C. 3710 a), as amended. A CRADA is an agreement designed to enable certain collaborations between Government laboratories and non-Government laboratories. It is not a grant, and is not a contract for the procurement of goods/services. The NICHD is prohibited from transferring funds to a CRADA Collaborator. Under a CRADA, the NICHD can offer the selected collaborator access to facilities, staff, materials, and expertise. The collaborator may contribute facilities, staff, materials, expertise, and funding to the collaboration. A CRADA collaborator may elect an option to an exclusive or non-exclusive license to Government intellectual property rights arising under the CRADA, and may qualify as a co-inventor of new technology developed under the CRADA. As between two or more sufficient, overlapping research proposals (where the overlap cannot be cured), the NICHD, as specified in 15 U.S.C. 3710a(c)(4), will give special consideration to small businesses, and will give preference to business units located in the U.S. that agree to manufacture CRADA products in the U.S.

The CRADA will employ a MATER null mouse line to examine the role of MATER in effecting the embryonic program switch from the maternal genome to the zygotic genome. The project's goal is to define MATER's role in embryonic transcription, transition from control by the maternal to the zygotic genome, signal transduction, cell cycle control, and to identify proteins that interact with MATER. A strategy should be developed to extract RNA from oocytes and early stage mouse embryos to create cDNA libraries to identify the genes that are critical to oocyte function and early embryonic development. Furthermore, a strategy will be implemented for development of a chip technology for oocyte and embryonic gene activation. Preimplantation mouse embryos may also be used for protein analysis and profiling. Specific gene loci or gene sequences that are identified will be analyzed and may be employed in the molecular manipulation of animal oocytes or early embryos.

The described methods are the subject of a U.S. provisional patent application filed October 18, 2000 by the Public Health Service on behalf of the Federal Government. Furthermore, the initial report and characterization of the invention is described in: Tong *et al., Mamm. Genome* 11:281–287, 2000. Commercialization of new CRADA technology may require obtaining an appropriate PHS license.

The collaborator in this endeavor is expected to commit scientific personnel commensurate with the level of research activities defined by the CRADA Research Plan. It is anticipated that PHS laboratories and/or those of the collaborator will be utilized, as appropriate, for the research activities as defined by the Research Plan. NICHD anticipates, in addition, that the Collaborator, as appropriate, will provide funding for the project.

Party Contributions

The NICHD anticipates that its role may include, but not be limited to, the following:

(1) Plan research studies, interpret research results, and, as appropriate, jointly publish the conclusions with the collaborator;

(2) Provide collaborator with access to existing NICHD research data (both already collected and yet to be collected);

(3) Provide staff, expertise, and materials for the development and testing of promising products;

(4) Provide work space and equipment for testing of any prototype compositions developed.

The NICHD anticipates that the role of the successful collaborator will include the following:

(1) Provide significant intellectual, scientific, and technical expertise in the development and manufacture of relevant products;

(2) Plan research studies, interpret research results, and, as appropriate, jointly publish the conclusions; and

(3) Provide NICHD a supply of necessary materials, access to necessary proprietary technology and/or data, and as necessary for the project, staff and funding in support of the research goals.

Other contributions may be necessary for particular proposals.

Selection Criteria

Proposals submitted for consideration should address, as best as possible and to the extent relevant to the proposal, each of the following:

(1) Expertise

A. Scientific advisors and staff with a demonstrated record of research success related to remodeling of chromosomal architecture, transcription, and translation, and

(i) Technical expertise of the Collaborator's Principal Investigator and laboratory group in the technology described above,

(2) Reliability as a Research Partner

A. Willingness to commit best effort and to provide adequate and sustained resources and/or funding, as appropriate, to support the CRADA studies, and

B. Development of this technology, as outlined in the CRADA Collaborator's proposal, and

C. Ability to develop and produce products in a timely manner, as applicable (for example, as demonstrated by a history of meeting benchmarks in licenses), and

D. Commitment to supporting the advancement of scientific research, as evidenced by a willingness to jointly publish research results in a prompt manner, and

E. Willingness to be bound by DHHS and PHS policies regarding:

(i) the public distribution of unmodified genetic sequences and research tools,

(ii) the care and handling of animals, and

(iii) testing in human subjects.

(3) Physical Resources

A. An established headquarters, with office space and basic office equipment, and

B. Access to the organization during business hours by telephone, facsimile, courier, U.S. Post, e-mail, the World-Wide-Web, and, as appropriate, other evolving information technologies, and

C. Sufficient financial and material resources to support, at a minimum, the anticipated activities of the CRADA to meet the needs of NICHD under the proposal.

The collaborator is encouraged to propose, in the written research statement, related applications and technologies other than those specifically described herein.

Dated: February 26, 2001.

Kathleen Sybert,

Chief, TDCB/NCI/NIH.

[FR Doc. 01–6038 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institutes Board of Scientific Advisors, March 5, 2001, 8 a.m. to March 6, 2001, 1 p.m. National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892 which was published in the **Federal Register** on February 2, 2001, 66 FR 8809.

The meeting has been changed to a one day meeting, to be held March 5, 2001 from 8 a.m. to 5 p.m. The meeting is partially closed to the public.

Dated: February 27, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6018 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group Subcommittee H—Clinical Groups.

Date: March 15, 2001.

Time: 9:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Grants Review Branch, 6116 Executive Boulevard, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Deborah R. Jaffe, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8038, MSC 8328, Bethesda, MD 20892, (301) 496–7721.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 27, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6028 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel SBIR Topic 180.

Date: March 19, 2001.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute, 6130 Executive Boulevard, Conference Room H, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Timothy C. Meeker, MD, Scientific Review Administrator, Special Referral and Resources Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8088, Rockville, MD 20852, 301/594–1279.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 26, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6029 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Research Infrastructure.

Date: April 22–25, 2001.

Time: April 22, 2001, 6:30 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: C. William Angus, Ph.D., Scientific Review Administrator, Office of Review, National Center for Research Resources, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, 301–435–0812.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Research Infrastructure.

Date: May 31–June 1, 2001.

Time: May 31, 2001, 8 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Sheryl K. Brining, Ph.D., Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Center, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, 301–435–0809, brinings@ncrr.nih.gov.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Research Infrastructure.

Date: June 7–8, 2001.

Time: June 7, 2001, 8 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, One Bethesda Metro, Bethesda, MD 20814.

Contact Person: Sheryl K. Brining, Ph.D., Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Center, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, 301–435–0809, brinings@ncrr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: March 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6011 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4 and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel.

Date: March 27, 2001.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Cecelia Maryland, Grants Technical Assistant, National Center for Complementary and Alternative Medicine, National Institutes of Health, Building 31, Room 5B50, Bethesda, MD 20892, (301) 480–2419.

Dated: March 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6012 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities.

Date: May 23–24, 2001.

Open: May 23, 2001, 8:00 a.m. to 9:00 a.m.

Agenda: To discuss program planning and other issues.

Place: Hilton Gaithersburg, 620 Perry Parkway, Gaithersburg, MD 20877.

Closed: May 23, 2001, 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Gaithersburg, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: D.G. Patel, Ph.D., Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6705 Rockledge Drive, Room 6018, Bethesda, MD

20892–7965, (301) 435–0824, dgpatel@ncrr.nih.gov.

Name of Committee: National Center for Research Resources Initial Review Group, General Clinical Research Centers Review Committee.

Date: June 13–14, 2001.

Open: June 13, 2001, 8:00 a.m. to 9:30 a.m.

Agenda: To discuss program planning and other issues.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Closed: June 13, 2001, 9:30 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John L. Meyer, Ph.D., Deputy Director, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Centre, Room 6018, 6705 Rockledge Drive, MSC 7965, Bethesda, MD 20892–7965, 301–435–0806, meyerj@ncrr.nih.gov.

(Catalogue of Federal Domestic Assistance Programs Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: March 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6015 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personalinformation concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, The Heritage Family Study (Phase 3).

Date: March 9, 2001.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Valerie Prenger, Ph.D., Health Scientist Administrator, NIH, NHLBI, DEA, Review Branch, Rockledge Center II, 6701 Rockledge Drive, Suite 7198, Bethesda, MD 20892–7924, (301) 435–0297.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6024 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Genetics of Coronary and Aortic Calcification (GENCAC).

Date: March 8, 2001.

Time: 7 p.m. to 11 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Valerie Prenger, Ph.D., Health Scientist Administrator, NIH, NHLBI, DEA, Review Branch, Rockledge Center II, 6701 Rockledge Drive, Suite 7198, Bethesda, MD 20892–7924, (301) 435–0297.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6025 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: March 16, 2001.

Time: 11:30 a.m. to 1:30 p.m.

Agenda: To provide concept review of proposed concept review.

Place: 6000 Executive Blvd., Suite 409, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Ronald Suddendorf, Ph.D., Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2926.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: March 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6013 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: April 19, 2001.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Raul A. Saavedra, Ph.D., Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, Ninds/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6014 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussion could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 8, 2001.

Time: 9 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn at Congressional Park, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Gopal M. Bhatnagar, Ph.D., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, PHS, DHHS, 9000 Rockville Pike, 6100 Bldg., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: March 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6016 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 28, 2001.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: David I. Sommers, Ph.D., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6144, MSC 9606, Bethesda, MD 20892–9606, 301–443–6470, dsommers@mail.nih.gov.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 30, 2001.

Time: 10:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Sue Krause, MED, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, Bethesda, MD 20892–9606, 301–443–6470.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 30, 2001.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Sue Krause, MED, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, Bethesda, MD 20892–9606, 301–443–6470.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: March 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6017 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: April 9, 2001.

Time: 10:30 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John R. Lymangrover, Ph.D., Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6019 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: March 21, 2001.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Aftab A. Ansari, Ph.D., Scientific Review Administrator, NIH/NIAMS, Natcher Building, 45 Center Drive, Room 5AS25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6020 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–29, Review of R42 Grants.

Date: March 13, 2001.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Philip Washko, Ph.D., DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–30, Review of RFA-Health Disparity Centers.

Date: March 22, 2001.

Time: 12:15 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Philip Washko, Ph.D., DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–21, Review of P01 Grant.

Date: March 26–27, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Hotel, Congressional Salon Conference Room, 5100 Pook's Hill Road, Bethesda, MD.

Contact Person: Philip Washko, Ph.D., DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–37, Review of R01s.

Date: March 30, 2001.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Anna Sandberg, Ph.D., Scientific Review Administrator, National Institute of Dental & Craniofacial Res., 45 Center Drive, Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (301) 594–3089.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–26, Review of R01s.

Date: April 2, 2001.

Time: 2:15 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Rm, 4AN44F, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Philip Washko, Ph.D., DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Date: March 19, 2001.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Sue Krause, MED, Scientific Review Administrator, Division of Extramural Activities, National Institutes of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, Bethesda, MD 20892–9606, 301–443–6470.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 27, 2001.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Sue Krause, MED, Scientific Review Administrator, Division of Extramural Activities, National Institutes of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, Bethesda, MD 20892–9606, 301–443–6470.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 27, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6021 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 27, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Sue Krause, MED, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, Bethesda, MD 20892–9606, 301–443–6470.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 27, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6023 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–4(C1).

Date: March 16, 2001.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: 2 Democracy Plaza, 6707 Democracy Boulevard, 6th Floor, Room 647, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: William E. Elzinga, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 647, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–15, Review of R01s.

Date: April 2, 2001.

Time: 2:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Anna Sandberg, Ph.D., Scientific Review Administrator, National Institute of Dental & Craniofacial Res., 45 Center Drive, Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (301) 594–3089.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–03, RFA Review-Disparity Centers.

Date: May 17–18, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Sheraton Inn, 8400 Wisconsin Avenue, Bethesda, MD.

Contact Person: H. George Hausch, Ph.D., Chief, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6022 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Health, Bethesda, MD 20892–6600, (301) 594–8895.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–4(M3).

Date: April 18–19, 2001.

Time: 7 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Richmond Marriott Hotel, 500 East Broad Street, Richmond, VA 23219.

Contact Person: William E. Elzinga, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 647, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8895.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6026 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel ZDK1 GRB–3 (C2B).

Date: March 13, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: 2 Democracy Plaza, 6707 Democracy Blvd., Rm 645, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 657, 6707 Democracy Boulevard, Bethesda, MD 20892, 301/594–8896.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive Kidney Diseases Special Emphasis Panel ZDK1 GRB–B M1.

Date: April 19–20, 2001.

Time: 7 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 1750 Rockville Pike, Rockville, MD 20850.

Contact Person: Ned Feder, MD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 645, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–8890.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6027 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIAID.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIAID.

Date: June 11–13, 2001.

Time: June 11, 2001, 8 a.m. to adjournment on June 13

Agenda: To review and evaluate personal qualifications and performance, competence of individual investigators.

Place: National Institutes of Health, Building 4, Conference Room 433, 10 Center Drive, Bethesda, MD 20892.

Contact Person: Thomas J. Kindt, Ph.D., Director, Division of Intramural Research, National Inst. of Allergy & Infectious Diseases, Building 10, Room 4A31, Bethesda, MD 20892. 301 496–3006, tk9c@nih.gov,

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6031 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIDCD.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Board of Scientific Counselors, NIDCD.

Date: March 30, 2001.

Time: 3 p.m. to 4:45 p.m.

Agenda: Program documents.

Place: 5 Research Court, Conference Room 2A07, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Robert J. Wenthold, Ph.D., Director, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, 5 Research Court, Room 2B28, Rockville, MD 20852, 301–402–2829.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: March 1, 2001.

Laverne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6032 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: April 24, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn at Congressional Park, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Laurence R. Stanford, Ph.D., Director, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Building, Room 5E03, 9000 Rockville Pike, MSC 7510, Bethesda, MD 20892, (301) 496–1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: March 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6033 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: April 6, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn Gaithersburg, The Washington Room, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

Contact Person: Vassil S. Georgiev, Ph.D., Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC–7610, Bethesda, MD 20892–7610, 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6034 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institutes of Allergy and Infectious Diseases Special Emphasis Panel.

Date: March 22, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: 6700–B Rockledge Drive, Rm 2222, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550, gm145e@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6035 Filed 3–9–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.
Date: March 29, 2001.
Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: 6100 Executive Blvd., 5th Floor, Rockville, MD 20852, (Telephone Conference Call).
Contact Person: Robert H. Stretch, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Blvd., Room 5E01, MSC 7510, Bethesda, MD 20892, (301) 435–6912.
(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: March 1, 2001.
LaVerne Y. Stringfield,
Director, Office of Federal Advisory Committee Policy.
[FR Doc. 01–6036 Filed 3–9–01; 8:45 am]
BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.
The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel Population Research Infrastructure Program.
Date: April 17–18, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Contract Person: Robert H. Stretch, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, HIH, 6100 Executive Blvd., Room 5E01, MSC 7510, Bethesda, MD 20892, (301) 435–6912.
(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: March 1, 2001.
LaVerne Y. Stringfield,
Director, Office of Federal Advisory Committee Policy.
[FR Doc. 01–6037 Filed 3–9–01; 8:45 am]
BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.
The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 20, 2001.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda MD 20892, (Telephone Conference Call).
Contact Person: Ellen K. Schwartz, EDD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3168, MSC 7770, Bethesda, MD 20892, 301–435–0681, schwarte@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 22–23, 2001.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn—Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Janet Nelson, Ph.D., Scientific Review Administrator, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892 301–435–1723, nelson@csr.nih.gov
Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1–TMP–1 Study Section.
Date: March 22–23, 2001.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, Versailles IV Room, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jean Hickman, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7808, Bethesda, MD 20892, 301–435–1146.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 22–23, 2001.
Time: 1 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.
Contact Person: Nancy Shinowara, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7814, Bethesda, MD 20892–7814, (301) 435–1173, shinowan@drg.nih.gov.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 22, 2001.
Time: 6 p.m. to 9 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Holiday Inn, Versailles III, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jean D. Sipe, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892–7814, (301) 435–1743, sipej@csr.nih.gov.
Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1–TMP–1 Study Section.
Date: March 22–23, 2001.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, Versailles IV Room, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jean Hickman, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7808, Bethesda, MD 20892, 301–435–1146.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 22–23, 2001.
Time: 1 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.
Contact Person: Nancy Shinowara, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7814, Bethesda, MD 20892–7814, (301) 435–1173, shinowan@drg.nih.gov.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 22, 2001.
Time: 6 p.m. to 9 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Holiday Inn, Versailles III, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jean D. Sipe, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892–7814, (301) 435–1743, sipej@csr.nih.gov.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 23, 2001.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, N.W., Washington, DC 20007.
Contact Person: Eugene Vigil, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, (301) 435–1025.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 23, 2001.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jean D. Sipe, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892–7814, (301) 435–1743, sipej@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 23, 2001.
Time: 9:30 a.m. to 10:30 a.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Samuel Rawlings, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5160, MSC 7844, Bethesda, MD 20892, (301) 435–1243.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 23, 2001.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn—Georgetown, 2101 Wisconsin Avenue, N.W., Washington, DC 20007.
Contact Person: Arnold Revzin, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, (301) 435–1153.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 23, 2001.
Time: 1 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Stephen M. Nigida, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7812, Bethesda, MD 20892, (301) 435–3565.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 23, 2001.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Gamil C. Debbas, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 23, 2001.
Time: 2 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Nancy Hicks, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3158, MSC 7770, Bethesda, MD 20892, (301) 435–0695.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 23, 2001.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Paul K. Strudler, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 4100, MSC 7804, Bethesda, MD 20892, (301) 435–1716.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 23, 2001.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Robert T. Su, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 4134, MSC 7840, Bethesda, MD 20892, (301) 435–1195.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 23, 2001.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Nancy Hicks, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3158, MSC 7770, Bethesda, MD 20892, (301) 435–0695.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 25–27, 2001.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Dallas Marriot Suites Market Center, 2493 N. Stemmons Freeway, Dallas, TX 75207.
Contact Person: Nadarajen A. Vydelingum, Ph.D., Scientific Review Administrator, Special Study Section—8, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, MSC 7854, Room 5122, Bethesda, MD 20892, (301) 435–1176, vydelinn@csr.nih.gov.
Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 CDF–1 01S.
Date: March 25–27, 2001.
Time: 7 p.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Radisson Hotel Metrodome, 615 Washington Ave. SE., Minneapolis, MN 55414.
Contact Person: Michael H. Sayre, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435–1219.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 26, 2001.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jerrold Fried, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, (301) 435–1777.
Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 26, 2001.
Time: 9 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott, 5151 Pooks Hill Rd, Bethesda, MD 20814.
Contact Person: Gopa Rakhit, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435–1721.
(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306, 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 1, 2001.
LaVerne Y. Stringfield,
Director, Office of Federal Advisory Committee Policy.
[FR Doc. 01–6030 Filed 3–9–01; 8:45 am]
BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, Grants for Statewide Family Networks, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est. number of awards	Project period
Grants for Statewide Family Networks	May 21, 2001	$2.9 million	50	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2001 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement application were published in the **Federal Register** (Vol. 58, No. 126, page 35962) on July 2, 1993.

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health Services Knowledge Exchange Network (KEN), P.O. Box 42490, Washington, DC 20015, Telephone: 1–800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: *http://www.samhsa.gov.*

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of Fiscal Year 2001 funds for implementing Grants for Statewide Family Networks. Projects will assist family members around the country to work with policy makers and service providers to improve service access and quality of services for children and adolescents with serious emotional disturbances and their families. When effective, groups of such individuals serve as catalysts in reforming service systems for this population. The Statewide Family Network Grant Program is designed to strengthen coalitions among family members, and between family members and policy makers and service providers; recognizing that family members are the best and most effect change agents.

Eligibility: Nonprofit private entities, including currently funded Statewide Family Network grantees, which meet the following requirements are eligible to apply:

1. Nonprofit private entities that have a board of directors comprised of no less than 51 percent family members whose children are currently receiving service and are age 18 and under or age 21 and under if served with an Individual Education Plan and have a serious emotional, behavioral or mental disorder.

2. The entities' organizational mission and scope of work must have a statewide scope and focus solely on families who have children, youth and adolescents age 18 and under or 21 and under if served by an Individual Education Plan; with a serious emotional, behavioral, or mental disorder.

Statewide Family Networks located in the 50 States, the District of Columbia and the federally recognized territories are eligible to apply. Inasmuch as there appear to be no nonprofit private family organizations representing a specific tribe, any nonprofit private tribal family organization can apply on behalf of tribal families overall.

Availability of Funds: The program goal is to fund one award per State. Approximately $2.9 million will be available for approximately 50 awards. Individual awards should be no more than $60,000 in total cost (direct and indirect). Actual funding levels will depend upon the availability of funds. Additional funds will be available for 10 grantees for up to $10,000 for each award; to include provisions for youth involvement in the network. Youth involvement funds will be included in awards to successful applicants, not awarded separately.

Period of Support: Support may be requested for a period of up to three years. Annual continuation awards for years 2 and 3 will be made subject to continued availability of funds and progress achieved.

Criteria for Review and Funding

General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues, contact: Elizabeth Sweet, M.Ed. and Gary DeCarolis, M.Ed., Child, Adolescent, and Family Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 11C–16, Rockville, MD 20857, (301) 443–1333, E-Mail: *esweet@samhsa.gov*, gdecarol@samhsa.gov.

Questions on grants management issues should be directed to: Steve Hudak, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 13–103, Rockville, MD 20857, (301) 443–4456, E-Mail: shudak@samhsa.gov.

Public Health Grants Management System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 5, 2001.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–5955 Filed 3–9–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, Cooperative Agreement for a Technical Assistance Center for Statewide Family Networks (short title: Statewide Networks Technical Assistance), and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est. number of awards	Project period
Statewide Networks Technical Assistance Center	May 21, 2001	$300–600,000	1	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2001 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement application were published in the **Federal Register** (Vol. 58, No. 126 page 35962) on July 2, 1993.

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health Services Knowledge Exchange Network (KEN), P.O. Box 42490, Washington, DC 20015, Telephone: 1–800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: *http://www.samhsa.gov.*

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of Fiscal Year 2001 funds for implementing a cooperative agreement for a Technical Assistance Center for Statewide Family Networks. The Technical Assistance Center will serve Networks receiving a grant under SAMHSA GFA No. SM01–004. The purpose of the Technical Assistance Center is to provide training, mentoring by peers in the field, help with problem solving, a communications link for the Center for Mental Health Services to the grantees, and logistical arrangements for a mandatory annual technical assistance meeting.

Eligibility: Nonprofit private entities that meet all of the following requirements are eligible to apply:

(1) Nonprofit private entities that have a board of directors comprise of no less than 51 percent family members whose children, youth, or adolescents have a serious emotional, behavioral, or mental disorder.

(2) The entities organizational mission and scope of work must solely focus on families whose children, youth, and adolescents age 18 and under or 21 and under if served by an Individual Education Plan (IEP); with serious

emotional, behavioral, or mental disorder.

Availability of Funds: Approximately $300,000 to $600,000 will be available for one award. Actual funding levels will depend upon the availability of funds.

Period of Support: The project period is three years. Annual continuation awards will be made subject to continued availability of funds and progress achieved.

Criteria for Review and Funding

General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

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Executive Order 12372: Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 5, 2001.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–5956 Filed 3–9–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Procedures for Resubmitting Revised Applications in Response to Program Announcements

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of procedures for resubmitting revised applications in response to SAMHSA program announcements.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA), HHS issues Program Announcements (PAs) when inviting applications for consideration on an ongoing basis. Beginning with the May 10, 2001 receipt date, the following procedures are to be followed for all revised and resubmitted applications that are submitted in response to ongoing SAMHSA Program Announcements. Current SAMHSA Program Announcements are listed at the end of this Notice. However, this process will apply equally to any new PA published after the date of this Notice.

SUPPLEMENTARY INFORMATION: When soliciting applications for its grant programs, the Substance Abuse and Mental Health Services Administration and its three Centers, the Center for Substance Abuse Treatment (CSAT), the Center for Mental Health Services (CMHS), and the Center for Substance Abuse Prevention (CSAP) publish either Program Announcements (PAs) for ongoing receipt dates or Guidance for Applicants (GFAs) for single receipt dates. Because of the ongoing receipt dates, applicants applying under Program Announcements may revise and resubmit their applications for a later receipt date if an application that was reviewed by a SAMHSA review group was not successful in being funded.

SAMHSA is providing requirements on revised and resubmitted applications in the interest of efficiency and fairness. If an application, in response to a PA, is a revision of one previously submitted and reviewed, the following instructions must be followed. Applicants may wish to consult with the appropriate SAMHSA program staff named in the PA before rewriting and resubmitting the application.

The instructions set out below are to be followed for revised and resubmitted applications.

1. Resubmitted applications which are essentially identical to prior ones will not be accepted for review and will be returned to the applicant. Revisions in resubmitted applications must be significant and be readily identifiable as explained below.

2. In an "Introduction" section that precedes the Table of Contents and does not exceed two (2) pages, identify the original application by number and indicate the receipt date for which it was previously submitted. If there is a different project director named on the revised application, note this as well.

3. Summarize in the "Introduction" any substantive additions, deletions, and changes that have been made to the application. Using the summary statement, which provides feedback on the review of the application, include responses to questions, criticisms or weaknesses communicated. Incorporate any work that affects the proposed project that occurred since the prior version of the application was submitted. The "Introduction" will not be counted against the total page limit of the application.

4. Within the text of the application, identify the changes either by appropriate bracketing, indenting, or changing of typography. DO NOT indicate changes by underlining or shading.

A revised application will be returned if an "Introduction" is not included and/or substantial revisions are not apparent. The revised and resubmitted application will be reviewed in its entirety. Review committee members will be instructed to review all aspects of the revised application, not just areas that have been changed. Acceptance of a revised application automatically withdraws the prior version and the score assigned to it.

Whenever possible and appropriate, the revised application will be reviewed by the same committee that reviewed the previous application. The Director, Division of Extramural Activities, Policy and Review, SAMHSA will make the final assignment to a review committee. Revised applications will be reviewed in accordance with the same policies and procedures as all other applications contemporaneously reviewed by the committee.

Current SAMHSA PA(s) are:

Center for Substance Abuse Treatment

PA 99–050 Comprehensive Community Treatment Program for the Development of New and Useful Knowledge—(Short Title: Community Treatment Program)

PA 00–001 Grants to Expand Substance Abuse Treatment Capacity in Targeted Areas of Need—(Short Title: Targeted Capacity Expansion)

PA 00–050 Community Action Grants for Service Systems Change—(Short Title: CSAT Action Grant Program)

Center for Mental Health Services

PA 00–003 Community Grants for Service Systems Change— (Short Title: Community Action Grants)

SAMHSA Cross-Agency

PA 98–090 Substance Abuse and Mental Health Services Administration Knowledge Dissemination Conference Grants—(Short Title: SAMHSA Conference Grants)

Dated: March 2, 2001.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–5957 Filed 3–9–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–09]

Notice of Proposed Information Collection: Comment Request; Multifamily Housing Rehabilitation Loan Program for Capital Repairs 236(s)

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 11, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Office, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Building, Room 6202, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Michael McCullough, Director, Office of Multifamily Development, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone number (202) 708–3000 (this is not a toll-free number), for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1955 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Multifamily Housing Rehabilitation Loan Program for Capital Repairs.

OMB Control Number, if applicable: 2502–0544.

Description of the need for the information and proposed use: Owners of eligible projects (applicants) will be required to submit to HUD information to show that the project meets the basic eligibility criteria, that rehabilitation is necessary to address the physical needs that exist at the property, and that they do not have the financial resources available to address these needs. These requirements will enable them to resolved the physical deficiencies at the property.

The information includes (a) an application cover letter and description

of the proposed use of funds; (b) a worksheet that demonstrates the calculation of the loan amount; (c) an updated Comprehensive Needs Assessment (CNA) including HUD forms 96001, 96002, and 96003; (d) the project's REAC physical and financial assessment scores; and creditworthiness of principal sponsors and the general contractor, the existence of any federal debt, judgments, or bankruptcy claims. The collection of this information is required to reduce the risk of project defaults and claims against the FHA insurance funds.

Agency forms numbers, if applicable: HUD–96001, HUD–96002, HUD–96003.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents is 400, the frequency of responses is 1, the number of burden hours is average 4–24, and the annual burden hours requested are 1600–9500.

Status of the proposed information collection: Reinstatement without change or previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: March 2, 2001.

Wayne Eddins,

Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–5973 Filed 3–9–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4652–N–06]

Notice of Proposed Information Collection for Public Comment for the Office of Public and Indian Housing Pet Ownership for the Elderly or Persons With Disabilities

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: May 11, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB control number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4238, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202) 708–3642 extension 4128, for copies of the proposed forms and other available documents. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35, as amended].

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information: (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of response.

This Notice also list the following information:

Title of Proposal: Pet Ownership for the Elderly or Persons with Disabilities.

OMB Control Number: 2577–0078.

Description of the need for the information and proposed use: This information collection is under the authority of Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 170r–1). HUD issued regulations in 24 CFR part 5, subpart C, necessary to ensure attaining the goal of providing decent, safe, and sanitary housing for elderly or persons with disabilities. The statute also requires that these regulations establish guidelines under which Public Housing Agencies (PHAs), owners and managers may prescribe reasonable rules for the keeping of pets by tenants and must consult with tenants in prescribing the rules. The PHAs give written notices to applicants that pets are permitted, working animals are excluded from regulation requirements, and where leases prohibit pets, tenants may request lease amendment. A copy of pet rules and written notice are given to each applicant when offered a unit.

Agency form number, if applicable: None.

Members of affected public: State, Local or Tribal Government; Individuals or households.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response: 256 burden hours (32,000 respondents, .008 hour average per response).

Status of the proposed information collection: Reinstatement.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 5, 2001.

Gloria J. Cousar,

Acting General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 01–5974 Filed 3–9–01; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

National Invasive Species Council

AGENCY: Office of the Secretary, Interior.

ACTION: Final Version of the National Invasive Species Management Plan; Notice of Availability.

SUMMARY: The National Invasive Species Council is announcing the availability of the final version of the *National Invasive Species Management Plan, "Meeting the Challenge."*

DATES: The National Invasive Species Management Plan was approved on January 18, 2001.

ADDRESSES: National Invasive Species Council, 1951 Constitution Avenue NW., Suite 320, Washington, DC 20240.

The final version of the National Invasive Species Management Plan is available on the Council's website, *http://www.invasivespecies.gov*. Copies may be obtained by contacting the Council Staff at (202) 208–6336; fax at (202) 208–1526; or e-mail at *invasivespecies@ios.doi.gov*.

FOR FURTHER INFORMATION CONTACT: Kelsey Passe, Program Analyst, National Invasive Species Council; E-mail: *Kelsey_Passe@ios.doi.gov*; Phone (202) 208–6336; Fax: (202) 208–1526.

SUPPLEMENTARY INFORMATION: Executive Order 13112 on Invasive Species established the National Invasive Species Council (Council), which is chaired by the Secretaries of Agriculture, Commerce, and the Interior and includes the Departments of State, Treasury, Defense, and Transportation and the Environmental Protection Agency. The Order directed the Secretary of the Interior to establish an Invasive Species Advisory Committee (ISAC) including diverse stakeholders to advise the Council. The Order applies to all Federal agencies whose actions may affect the status of invasive species and requires agencies to identify such actions and to the extent practicable and permitted by law (1) take actions specified in the Order to address the problem consistent with their authorities and budgetary resources; and (2) not authorize, fund, or carry out actions that they believe are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, "pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions." Although Executive Order 13112 applies to all Federal agencies, most of the duties required by the Executive Order are the responsibility of the eight Council Departments.

The Council was directed by the President to release the first edition of a National Invasive Species Management Plan (Plan) 18 months after the Order was issued, and to include performance-oriented goals and objectives and specific measures of success for Federal agency efforts concerning invasive species, update the Plan biennially, and evaluate and report on the success in achieving the goals and objectives of the Plan. The Plan is also to identify the personnel, other resources, and additional levels of coordination needed to achieve its goals and objectives. The purpose of the Plan is to provide a blueprint for Federal action in coordination with State, local, and private programs and international cooperation to prevent the introduction of invasive species, provide for their control, and minimize their economic, environmental, and human health impacts. The focus of the Plan is on those non-native species that cause or may cause significant negative impacts and do not provide an equivalent benefit to society.

In preparing the first edition of the Plan, the Council engaged in extensive consultation with many organizations and individuals with differing interests. Valuable guidance came from ISAC and members of six working groups made up of both Federal and non-federal experts under the auspices of the Advisory Committee, including: (1) International, (2) communication, outreach, and education, (3) policy and regulation, (4) risk analysis and prevention, (5) management, and (6) research, information sharing, documentation, and monitoring. The Plan contains a number of actions recommended by the working groups and discussed in the reports of the groups which are posted on the Council's website. The Council also heard from a wide range of organizations and individuals at five public listening sessions held in July 2000 around the country and through numerous written comments.

A draft Plan was made available for comment on the Council's website in early August of 2000, before the deadline set by the Executive Order. However, due to extensive revisions made in response to public comment and delays in hiring Council staff, the final version was not issued until January 18, 2001. On October 2, 2000, a **Federal Register** notice (65 FR 58783–58784) announced the availability of the draft Plan. In that notice, the Council solicited comments on the Plan for 45 days ending on November 16, 2000. In response to a number of requests submitted by interested persons, the Council extended the comment period by 15 days in a second notice published in the **Federal Register** on November 16, 2000 (65 FR 69320).

By December 1, 2000, the close of the extended comment period, the Council had received a total of 181 written comments. The comments were from private citizens; a Native American association; businesses and industry groups; academic institutions; scientific, conservation, and other non-governmental organizations; State, local, and Federal Government agencies; and several public/private partnerships. The commenters generally supported the goals of the Executive Order and the Plan; however, nearly all of the commenters offered specific opinions, suggestions, or criticisms regarding the content of the draft Plan.

The Council carefully considered each of the comments received and made numerous changes to the Plan to reflect many of the points raised in the comments. In some cases, however, commenters brought up issues that were outside the scope of the Plan, made specific recommendations regarding detailed operational matters, or questioned why the activities of particular groups were either mentioned or overlooked. Other commenters sought firm funding or action commitments that cannot be made until the implementation stage of the Plan. Wherever possible and appropriate, the Council will consider those comments that were not integrated into the final version of the Plan that deal with implementation issues during the implementation phase of the Plan.

The first edition of the Plan provides a general blueprint for action to deal with the threats posed by invasive species; however, many of the details of the actions called for will require further development in the implementation phase. At that point, specific measures of success, as well as the personnel and other resources needed to achieve the Plan's goals, will be described. The action items included in the Plan outline an array of prospective approaches for preventing the introduction and spread of invasive species. The Plan provides for development of an oversight mechanism to ensure agency accountability and calls on Council Departments to submit annual reports summarizing their progress in implementing the Plan.

The final version of the Plan was approved by the eight Council member agencies on January 18, 2001, and is now available to the public. The Plan is available on the Council's website; in addition, you may request a hard copy of the Plan by contacting the Council staff. In the near future, printed copies of the Plan will be made available and an order form will be posted on the Council's website.

Specific information regarding the availability of the Plan can be found in the **ADDRESSES** section of this notice.

Lori Williams,

Executive Director, National Invasive Species Council.

[FR Doc. 01–5979 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability, Response to Comments on Restoration Plan and Environmental Assessment for Natural Resources Injured by Releases of Pesticides From the United Heckathorn Superfund Site

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service, on behalf of the Department of the Interior, the National Oceanic and Atmospheric Administration, and the

State of California, announces the availability of the response to public comments on the Final Tubbs Island Restoration Plan and Environmental Assessment (Plan/Assessment) for a wetland restoration project at Lower Tubbs Island, Sonoma County, California. The Tubbs Island Restoration Project was selected by the United Heckathorn Natural Resource Trustee Council (Trustees), consisting of representatives of the agencies listed above, as the preferred alternative to compensate the public for impairment of fish and wildlife habitat resulting from releases of dichlorodiphenoltrichloroethane (DDT) at the United Heckathorn Superfund Site in Richmond, California. Funds to carry out the restoration program were obtained via Consent Decrees between the government and the responsible parties in July 1996, and the Final Tubbs Island Restoration Plan and Environmental Assessment was completed in August 1998, along with a Finding of No Significant Impact (FONSI) under the National Environmental Policy Act (NEPA). The Plan/Assessment describes the approach, schedule, and budget for completing and monitoring the restoration project. A public hearing was held on March 22, 2000, to present the Trustees' proposal to fund the Tubbs Island Restoration Project with funds from the United Heckathorn settlement, and all interested parties were invited to submit comments on the proposal. Following a review of comments and consideration of additional proposals submitted by the City of Richmond and the East Bay Regional Parks District, the Council ratified its original decision to fund the project at Lower Tubbs Island.

ADDRESSES: Written requests for the Response to Comments or the Final Restoration Plan/Environmental Assessment should be sent to: Field Supervisor, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, CA 95825 (facsimile 916/414–6713). Documents will also be available for public inspection, by appointment, during normal business hours at the above address. The Response to Comments and Plan/Assessment are also on file at the U.S. Fish and Wildlife Service, San Pablo Bay National Wildlife Refuge P.O. Box 2012, 1404 Mesa Road, Mare Island, CA 94952; (707) 562–3000. They are available for public inspection during normal business hours, by appointment, at that address.

FOR FURTHER INFORMATION CONTACT: James Haas, Fish and Wildlife Service, Sacramento Fish and Wildlife Office (see **ADDRESSES** section) at (916) 414–6604.

Author

The primary author of this notice is James Haas (see **ADDRESSES** section).

Authority

The authority for this action is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 *et seq.*).

Dated: February 15, 2001.

Elizabeth H. Stevens,

Acting Manager, California-Nevada Operations Office, Sacramento, California.

[FR Doc. 01–5975 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–1050–FD]

Pedestrian and Vehicular Closure on Certain Public Lands Managed by the Bureau of Land Management, Las Vegas Field Office

AGENCY: Bureau of Land Management, Interior.

ACTION: Pedestrian and vehicular closure on selected public lands in Clark County, Nevada.

SUMMARY: The Manager of the Las Vegas Field Office announces a pedestrian and vehicular closure on selected public lands under the Office's administration. The perimeter of the subject lands has been previously fenced to aid in the protection of sensitive heritage and traditional values. Closure will aid in law enforcement efforts to protect these lands. This action is being taken to ensure public safety, prevent unnecessary environmental degradation and prevent impacts from pedestrian or vehicular use of these lands. In the area subject to this closure, ongoing access-related damage to significant resources is adversely affecting their continuing importance to Indian tribes and the public.

EFFECTIVE DATE: The closure is effective immediately and will remain in effect for a period of one year.

Closure Area: Public lands affected are within the following described area: Township 15 South, Range 66 East, Sections 7 and 8. Maps depicting the area affected by this closure order are available for public inspection at the Las Vegas, Field Office, Bureau of Land Management at the address listed below.

Exceptions to Closure: Certain persons authorized or permitted by the Las Vegas Field Manager may be allowed within the selected lands.

Closure Restrictions: Unless otherwise authorized by the Las Vegas Field Office Manager, no person shall be allowed within the boundaries of the presently fenced enclosure legally described above. This applies to all types of access.

Definitions: "Authorized persons refers to those groups or individuals specifically authorized for official business. This includes certain BLM employees and contractors, volunteers, tribal members, University personnel or any other persons authorized by the Las Vegas Field Manager."

This closure order is issued under the authority of 43 CFR 8364.1. Violation of any of the terms, conditions, or restrictions contained within this closure order, may subject the violator to citation or arrest, with a penalty of fine or imprisonment or both as specified by law.

FOR FURTHER INFORMATION CONTACT: Stanton D. Rolf, District Archaeologist, at the Bureau of Land Management, Las Vegas, Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada 89108, telephone number (702) 647–5055.

Dated: February 20, 2001.

Mark T. Morse,

Field Manager.

[FR Doc. 01–6089 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–610–01–1610–DL]

Draft Northern & Eastern Colorado Desert Coordinated Management Plan and Environmental Impact Statement: an Amendment to the California Desert Conservation Area Plan, 1980 and Sikes Act Plan With the California Department of Fish and Game

AGENCY: Bureau of Land Management, California Desert District Office, Riverside, California.

ACTION: Notice of availability of draft Northern & Eastern Colorado Desert Coordinated Management Plan and Environmental Impact Statement.

SUMMARY: Notice is hereby given that the Draft Northern and Eastern Colorado Desert Coordinated Management Plan (Plan) and Environmental Impact Statement is available for public review and comment. The Plan will amend BLM's 1980 California Desert Conservation Area Plan, complement the existing Joshua Tree National Park General Management Plan and Backcountry and Wilderness Management Plan, and serve as a basis for a biological resources management plan for the Chocolate Mountains Aerial Gunnery Range, managed by U.S. Marine Corps. The Plan also will provide for strategic, ecosystem-comprehensive management, including a programmatic biological opinion for the desert tortoise, provide for desert tortoise recovery, reduce the need to further species listings, and streamline the processing of land use permits on public land in the southeastern portion of the California Desert Conservation Area.

DATES: The 90-day public review and comment period for the draft Plan and EIS will begin February 26, 2001. Written statements on the Draft Plan and EIS must be submitted and postmarked no later than May 26, 2001.

ADDRESSES: Comments on the document should be mailed to the Bureau of Land Management, Attn: Northern & Eastern Colorado Desert Coordinated Management Plan, 6221 Box Springs Blvd., Riverside, CA 92507. Comments on the draft Plan and the EIS will be considered in preparing the Proposed Plan and Final EIS. Public meetings also will be held in various cities in and around the planning area to receive comments. The dates, times, and locations of these meetings will be announced later.

FOR FURTHER INFORMATION CONTACT: Dick Crowe, California Desert District, 6221 Box Springs Blvd., Riverside, California 92507; phone (909) 697–5216.

SUPPLEMENTARY INFORMATION: A bound or CDRom copy of the draft is available at the California District Office in Riverside (address above) and offices listed below. The Draft Plan also is available online at *http://www.ca.blm.gov/cdd/landuseplanning.html*. Reading copies are available at most local libraries and the following BLM and Park Service offices: BLM California Desert District Office, 6221 Box Springs Blvd., Riverside, CA (909) 697–5200; BLM Barstow Field Office, 2601 Barstow Road, Barstow, CA (760) 252–6000; BLM El Centro Field Office, 1661 S. 4th Street, El Centro, CA (760) 337–4400; BLM Needles Field Office, 101 West Spikes Road, Needles, CA (760) 326–7000; BLM Palm Springs Field Office, 690 West Garnet, North Palm Springs, CA (760) 251–4800; BLM Ridgecrest Field Office, 300 S. Richmond Road, Ridgecrest, CA (760) 384–5400; Joshua Tree National Park 54485 Joshua Tree National Park, Twentynine Palms, CA (760) 367–5502.

The planning area covers 5.5 million acres in the southeastern California Desert. The document describes and analyzes four alternatives for managing species and habitats on federal lands administered by the BLM, Joshua Tree National Park, and the U.S. Marine Corps Chocolate Mountains Aerial Gunnery Range. The alternatives address issues identified during public scoping: (1) recovery of the desert tortoise, a listed (threatened) species under both federal and state endangered species acts; (2) conservation of the variety of other species and habitats; and (3) public lands access and uses. BLM is the lead agency for the Plan.

Dated: February 22, 2001.

Alan Stein,

Acting District Manager.

[FR Doc. 01–6111 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–080–1610–DH]

Environmental Impact Statement; Vernal Resource Management Plan, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to plan, prepare an environmental impact statement, and call for information. The public is invited to nominate potential areas of critical environmental concern (ACEC) and river segments for wild and scenic river consideration during the planning process.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM), Vernal Field Office, Utah, is initiating a planning effort to prepare the Vernal Resource Management Plan (RMP). Sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1711) and the regulations in 43 CFR 1600 direct this planning effort. Involved is preparation of an Environmental Impact Statement (EIS). Upon completion, the Vernal RMP will replace the existing Book Cliffs and Diamond Mountain RMPs. The Vernal RMP will establish land use management policy for multiple resource uses on approximately 1.8 million acres of public land and 2.1 million acres of federal mineral resources in the Vernal Field Office.

Scoping information on potential issues and nominations for the Vernal RMP may be submitted at this time. Other public participation activities will be announced in the local news media, or in letters sent to interested and potentially affected parties. Persons desiring to participate in the scoping and issue identification process for the RMP, and that would like to be placed on mailing lists, must notify the Vernal Field Office at the address listed below, or by calling (435) 781–4400. Another **Federal Register** Notice will be published identifying the dates and locations of future scoping meetings, which are anticipated to be held in the fall of 2001.

Freedom of Information Act Considerations: Public comments submitted for this planning effort, including names and street addresses of respondents, will be available for public review at the Vernal Field Office during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law.

ADDRESSES: Please submit scoping information and nominations to: Vernal Field Office, Bureau of Land Management, Attn: David E. Howell, 170 South, 500 East, Vernal, Utah 84078.

FOR FURTHER INFORMATION CONTACT: Resource Management Plan Project Manager, Vernal Field Office, Vernal, Utah, (435) 781–4400.

SUPPLEMENTARY INFORMATION: The planning area will include all of the public land and federal mineral ownership managed by the Vernal Field Office, in Daggett, Duchesne, and Uintah Counties in northeastern Utah, and about 3,000 acres in Grand County. The planning area will encompass the public lands currently managed under the Diamond Mountain and Book Cliffs RMPs. This area includes approximately 1.8 million acres of BLM administered surface lands and 2.1 million acres of federal mineral lands under federal, state, private, and Ute Tribal surface in the three county area.

A list of preliminary issues that could be addressed during development of the Vernal RMP include, but is not limited

to, the following: (1) Identification and management of summer and winter ranges for mule deer, (2) forage competition between wildlife and livestock, (3) the cumulative effect of land uses and human activities on threatened, endangered or sensitive species and their habitats, including sage grouse, ferruginous hawks and other raptors, (4) off highway vehicle (OHV) management, (5) revision of Reasonable Foreseeable Development (RFD) scenarios for oil and gas development, (6) concerns about water and air quality, (7) sensitive fish species in the White and Green Rivers as components of the Colorado River System, (8) fire management opportunities and potential effects on vegetative communities, (9) Area of Critical Environmental Concern (ACEC) considerations, (10) Wild and Scenic River considerations, that include making determinations on river eligibility, suitability, and tentative classification, and (11) Wilderness study areas (WSAs). The preliminary list of issues is not final and may be added to and refined through the public participation process.

As part of the land use planning process, the Federal Land Management Policy Act mandates that the Bureau of Land Management give priority to the designation and protection of ACECs in developing and revising land use plans. As part of the Vernal RMP planning effort, the Bureau of Land Management will determine what areas, if any, should be designated as Areas of Critical Environmental Concern. To be considered as a potential ACEC, and analyzed in a management plan alternative, an area must meet the criteria of relevance and importance as established and defined in 43 CFR 1610.7–2, Designations of Areas of Critical Environmental Concern. An area meets "relevance" criteria if it contains one or more of the following: (1) Significant historic, cultural, or scenic values, (2) a fish and wildlife resource (including sensitive species, relative habitat, or habitat essential for maintaining species diversity), (3) natural processes or systems (including rare, endemic, relict plants or communities, and riparian areas), and (4) natural hazards such as severe avalanche, flooding, seismic activity, etc.

The "importance" criteria are used to insure that a specific resource or value, process or hazard has substantial significance and value. Importance can be characterized as follows: (1) has more than local significance having special worth, (2) has qualities or circumstances that make it fragile, sensitive, rare, irreplaceable, unique, endangered or threatened, meaningful or distinctive, (3) has been recognized as warranting protection in order to satisfy national priorities or to carry out the mandates of the Federal Land Policy Management Act, and (4) has qualities which warrant concern to satisfy public welfare and safety needs.

As a result of a previous planning effort for the Diamond Mountain Resource Management Plan several nominations have already been recorded, evaluated, and designated as ACECs. It is proposed that these areas be brought forward into the Draft Vernal Resource Management Plan/Draft EIS. Potential "relevance" and "importance" values, and potential issues, associated with the designated areas are as follows:

(1) Browns Park ACEC Complex, located in Township 1 and 2 North, Range 23, 24 and 25 East, encompassing 55,700 acres; To protect and enhance crucial deer winter range, outstanding scenic, cultural, riparian, fisheries, and special status species resource values.

(2) Lears Canyon ACEC, located in Township 11 South, Range 13 East, encompassing 1,400 acres; To retain the areas present natural douglas fir/mountain browse and pinion-juniper communities as a comparison or control area and to provide/set aside an area in a late to climax ecological stage.

(3) Lower Green River ACEC, located in Township 9, 10 and 11 South, Range 18, and 19 East, encompassing 7,900 acres; To enhance and protect the delicate riparian community adjacent to the Green River for special status fish, bird, and plant species while maintaining the wild and scenic river qualities of this river.

(4) Nine Mile Canyon ACEC, located in Township 11 South, and Range 14, 15, 16, and 17 East; encompassing 50,600 acres; To protect and enhance the cultural and special status plant species values of the canyon while enhancing its scenic, recreation, and wildlife resource values.

(5) Pariette Wetlands ACEC, located in Township 8, and 9 South, and Range 18, and 19 East, encompassing 11,600 acres; To enhance and protect the wetlands community and associated habitat adjacent to Pariette and Castle Peak Washes, ensuring continued waterfowl production and no long-term deterioration of the water quality in Pariette Wash. Meet management objectives of the final recovery plans for the special status species associated with the area.

(6) Red Creek Watershed ACEC, located in Township 2, and 3 North, and Range 23, 24, and 25 East, encompassing 24,600 acres; To continue the reduction of sedimentation into Red Creek and the Green River by stabilizing channels and streambanks and maintaining or increasing vegetative cover throughout the watershed to enhance wildlife habitat.

(7) Red Mountain-Dry Fork ACEC Complex, located in Township 2, and 3 South, and Range 20, 21, and 22 East, encompassing 25,800 acres; To protect cultural sites eligible for listing on the National Register of Historic Places; protect significant paleontological sites; protect relict vegetation communities; enhance wildlife habitat, municipal watersheds, riparian, and scenic values.

In addition to the above areas, the BLM is requesting nominations for areas that the public believes meet ACEC criteria. All such nominations will receive a preliminary evaluation by an interdisciplinary team to determine if the area meets "relevance" and "importance" criteria.

Additional public nominations are also being sought for those rivers which may be eligible for inclusion into the National Wild and Scenic River System. In order to be considered, the body of water must be free flowing and contain outstandingly remarkable values. A segment can be determined free flowing if it is a flowing body of water, estuary, or section, portion, or tributary thereof including, rivers, streams, creeks, runs, kills, rills, and small lakes. The river can be any size and must be existing or flowing in natural conditions without major modification. All nominations should be accompanied by detailed maps, descriptions of the river segment, and river related values. Those values determined to be outstandingly remarkable are: scenic, recreational, geologic, fish and wildlife habitat or populations, cultural, historic, hydrologic, ecologic/biologic diversity, paleontologic, botanic, or scientific study opportunities. Rivers are also tentatively classified as wild, scenic or recreational as part of the planning process.

The following are nominations that BLM has received from the public to date:

Green River Basin:

Ashley Creek, 1½ miles from the Ashley National Forest Boundary to the water treatment plant—recommended classification: Wild,

Green River, 46 miles from Flaming Gorge Dam to the Ladore Ranger Station—recommended classification: Scenic,

Green River, 79 miles from Split Mountain Campground to boundary of the Uintah and Ouray Indian Reservation—recommended classification: Recreational,

Green River, 25 miles from the boundary of the Uintah and Ouray Indian Reservation to Sand Wash Ranger Station—recommended classification: Scenic:

Green River, 76 miles from the Sand Wash Ranger Station to Nefertiti Rock—recommended classification: Wild,

White River, 23 miles from the Colorado Border to T. 15 S. R. 23 E. Sec. 24,—recommended classification: Recreational,

White River, 21 miles from T. 15 S. R. 23 E. Sec. 24, to the Uintah and Ouray Indian Reservation Boundary—recommended classification: Wild.

The information provided with additional nominations will be carefully considered. Preliminary findings of river eligibility and tentative classification will be made available for public review and comment. Only then will the determination be made as to which rivers will be considered further in the Vernal Field Office Resource Management Plan.

Preliminary Planning Criteria identified to guide resolution of the issues that will be considered in the RMP revision are as follows:

(1) The plan will recognize the existence of valid existing rights,

(2) Lands covered in the RMP will be public lands, which include split estate lands, managed by BLM. Decisions on lands not managed by BLM will not be made in the RMP,

(3) The BLM will use a collaborative and multi-jurisdictional approach, where possible, to jointly determine the desired future condition of Public Lands,

(4) The BLM will make all possible attempts to ensure that its management prescriptions and planning actions are as complimentary as possible with other planning jurisdictions, within the boundaries described by law and policy,

(5) The BLM will consider the management prescriptions on adjoining lands to attempt to minimize inconsistent management on lands covered by this planning effort. To the extent possible, BLM will coordinate inventories, planning, and management programs with other Federal, State, Tribal, and local governments and agencies,

(6) Management prescriptions will focus on the relative values of resources and not the combination of uses that will give the greatest economic return or economic output, and

(7) To the extent possible the BLM will use current scientific information, research, new technologies and the results of resource assessments, monitoring and coordination to determine appropriate local, and regional management strategies that will enhance or restore impaired ecosystems.

Complete records of all phases of the planning process will be available for public review at the Vernal Field Office throughout this planning effort.

This notice announces the beginning of scoping. The Vernal Field Office is seeking public involvement in the early stages of this planning effort to enhance collaboration. If you have information or concerns you would like to share, including ideas or opportunities, that could enhance data collection, inventories, or formulation of issues that could be addressed in the plan, please submit them to the above address. Comments will be accepted and considered until the alternatives to be analyzed in the plan are finalized.

Alternatives will be developed and analyzed to resolve the issues that are identified during the scoping process. A Draft RMP and Draft EIS will be published and made available for public review. Comments made on the Draft RMP will be addressed in a Proposed RMP and Final EIS.

Currently, there is one proposed RMP amendment being considered for the Book Cliffs RMP that could result in decisions to amend the RMP. This is an independent planning effort and will take place concurrently with the new planning effort. Any decisions made during the amendment process will be carried forward and will not affect the RMP revision process announced in this notice.

Sally Wisely,

Utah State Director.

[FR Doc. 01–6067 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–310–0777–AC]

Notice of Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Northeast California Resource Advisory Council, Susanville, California, and Sierra Front/Northwestern Great Basin Resource Advisory Council, Carson City, Nevada.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Public Law 92–463) and the Federal Land Policy and Management Act (Public Law 94–579), the U.S. Bureau of Land Management's Northeast California Resource Advisory Council and the Sierra Front/Northwestern Great Basin Resource Advisory Council will hold a joint session Thursday, April 5, 2001, at the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada.

SUPPLEMENTARY INFORMATION: The meeting will run from 9 a.m. to 4:30 p.m. Agenda items include updates on the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and the upcoming planning process. Council members may discuss other natural resource management issues common to the Northwest Nevada-Northeast California region. Time will be set aside for public comments. Depending on the number of persons wishing to speak, a time limit may be established.

FOR FURTHER INFORMATION: Contact BLM Public Affairs Officer Joseph J. Fontana at (530) 257–5381.

Susan T. Stokke,

Surprise Field Office Manager.

[FR Doc. 01–6068 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–957–00–1420–BJ: GP01–0108]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 5 S., R. 7 W., accepted December 18, 2000

Washington

T. 2 N., R. 14 E., accepted December 23, 2000

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Portland, Oregon 97201, and will be available to the public as a matter of information only. Copies of

the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey, and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, (1515 S.W. 5th Avenue), P.O. Box 2965, Portland, Oregon 97208.

Dated: February 21, 2001.

Robert D. DeViney, Jr.,

Branch of Realty and Records Services.

[FR Doc. 01–6066 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a revision of a currently approved information collection (OMB Control Number 1010–0042).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) of 1995, we are submitting to OMB for review and approval an information collection request (ICR) titled "Sale of Federal Royalty Oil, 30 CFR Part 208" which includes Form MMS–4070, Application for the Purchase of Royalty Oil." We are revising this ICR to include a change of title to more closely reflect the information that we are collecting and to add reporting requirements that were not included in the previous OMB-approved submission. The original title for this ICR was "Application for the Purchase of Royalty Oil." We are also soliciting comments from the public on this ICR.

DATES: Submit written comments on or before April 11, 2001.

ADDRESSES: You may submit written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0042), 725 17th Street, NW., Washington, DC 20503. Also, please submit copies of your written comments to Dennis C. Jones, Regulations and FOIA Team, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 320B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A–613, Denver Federal Center, Denver, Colorado 80225.

Public Comment Procedure: Please submit your comments to the offices listed in the **ADDRESSES** section, or email your comments to us at *MRM.comments@mms.gov*. Include the title of the information collection and the OMB Control Number in the "Attention" line of your comments; also, include your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your email, contact Mr. Jones at (303) 231–3046, FAX (303) 231–3385. We will post all comments at *http://www.rmp.mms.gov* for public review.

Also, contact Mr. Jones to review paper copies of the comments. The comments, including names and addresses of respondents, are available for public review during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we withhold their home address from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the public record a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Dennis C. Jones, Regulations and FOIA Team, phone (303) 231–3046, FAX (303) 231–3385, email *Dennis.C.Jones@mms.gov*. You may also contact Dennis Jones to obtain at no cost a copy of our submission to OMB which includes Form MMS–4070.

SUPPLEMENTARY INFORMATION:

Title: Sale of Federal Royalty Oil, 30 CFR Part 208 (originally titled—Application for the Purchase of Royalty Oil).

OMB Control Number: 1010–0042.

Bureau Form Number: Form MMS–4070.

Abstract: The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian Lands and the Outer Continental Shelf (OCS). The Secretary of the Interior (Secretary) is responsible for managing the production of minerals from Federal and Indian Lands and the OCS; for collecting royalties from lessees who produce minerals; and for distributing the funds collected in accordance with applicable laws.

The Mineral Lands Leasing Act of 1920 and the OCS Lands Act of 1953 authorize the Secretary to sell royalty oil accruing to the United States from oil and gas leases issued pursuant to those acts. "Royalty oil" is crude oil produced from leased Federal lands, both onshore and offshore, in instances in which the Government exercises the option to accept a lessee's royalty payment in oil rather than in money. Title to the oil is transferred to the Government and then sold to an eligible refiner. When the Secretary determines that small refiners do not have access to adequate supplies of oil, the Secretary may dispose of any oil taken as royalty by conducting a sale of such oil, or by allocating it to eligible refiners.

When the Secretary decides to offer royalty oil taken in kind for sale to eligible refiners, we publish a Notice of Availability of Royalty Oil in the **Federal Register** and other printed media, when appropriate. The Application for the Purchase of Royalty Oil, Form MMS–4070, is submitted by refiners interested in purchasing royalty oil in accordance with instructions in the Notice and with instructions issued by MMS for completion of the form. The information collected is used by MMS to determine if the applicant meets eligibility requirements to contract to purchase royalty oil. Information collected also provides a basis for the allocation of available royalty oil among qualified refiners. Applicants are required to submit a letter of intent from a qualified financial institution stating that the applicant will be granted surety coverage for the royalty oil. The letter of intent must accompany Form MMS–4070.

We are revising the ICR to add reporting requirements that were not covered in the last OMB-approved submission. These requirements are (1) Eligible refiners, who purchase royalty oil, must also submit to MMS two copies of any written third-party agreements, or two copies of a full written explanation of any oral third-party agreements, relating to the method and costs of delivery of royalty oil, or crude oil exchanged for the royalty oil, from the point of delivery under the contract to the purchaser's refinery; (2) the purchaser must submit copies of agreements pertaining to quality differentials which may occur between leases and delivery points; and (3) eligible refiners, who purchase royalty oil, cannot transfer, assign, or sell the rights of interest in a royalty oil contract without written approval of the Director, MMS.

Eligible purchasers shall also furnish an "MMS-specified surety instrument" in an amount equal to the estimated value of royalty oil that could be taken by the purchaser in a 99-day period, plus related administrative charges. If a letter of credit is furnished as the surety instrument, the purchaser must notify MMS of its intent not to renew at least 30 days prior to the anniversary date. (**Note:** These requirements have been approved by OMB under another ICR and assigned OMB Control Number 1010–0135.)

Submission of these information collection requirements is required for eligible refiners to participate in the RIK Small Refiner Sale Program. Proprietary information is protected, and there are no questions of a sensitive nature included in this information collection.

Frequency: On occasion.

Estimated Number and Description of Respondents: 8 refiners.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: 19 hours.

Estimated Annual Reporting and Recordkeeping "Non-hour Cost" Burden: N/A.

Comments: The PRA provides that an agency shall not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. Section 3506(c)(2)(A) of the PRA requires each agency " * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *." Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, we published a **Federal Register** Notice on August 1, 2000 (65 FR 46943), with the required 60-day comment period announcing that we would submit this ICR to OMB for approval. No comments were received.

If you wish to comment in response to this notice, please send your comments directly to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection by may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by April 11, 2001.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, telephone (202) 208–7744.

Dated: February 27, 2001.

Lucy Querques Denett,

Associate Director for Minerals Revenue Management.

[FR Doc. 01–5953 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–MR–W

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Cod National Seashore Advisory Commission Two Hundred Thirty Third Meeting; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. app 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, April 6, 2001.

The Commission was reestablished pursuant to Public Law 87–126 as amended by Public Law 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1:00 p.m. at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:

1. Adoption of Agenda
2. Approval of minutes of previous meeting (February 9, 2001)
3. Reports of Officers
4. Reports of Subcommittees
5. Superintendent's Report
   Highlands Center Call for Interest Responses
   Dune Shacks
   Penniman House Schedule
   Bog House and Friends of CCNS
   Personal Watercraft
   Doane Road Resurfacing
   Summer Shuttles and other transportation initiatives 40th Anniversary
   News from Washington
6. Old Business
   Advisory Commission Handbook
7. New Business
8. Date and agenda for next meeting
9. Public comment and
10. Adjournment

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: February 13, 2001.

Maria Burks,

Superintendent.

[FR Doc. 01–6045 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Bay-Delta Advisory Council's Ecosystem Roundtable Meeting and Ecosystem Roundtable Amendments Subcommittee Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meetings.

SUMMARY: The Bay-Delta Advisory Council's (BDAC) Ecosystem Roundtable will meet on March 22, 2001 to discuss the 2002 Ecosystem Restoration Program Implementation Plan, project selection process, and other issues. The Amendments Subcommittee will also meet the day before on March 21, 2001 to discuss proposed contract modifications for several ongoing ecosystem restoration projects. These meetings are open to the public. Interested persons may make oral statements to the Ecosystem Roundtable and Amendments Subcommittee or may file written statements for consideration.

DATES: The BDAC's Ecosystem Roundtable meeting will be held from

9:30 a.m. to 3:30 p.m. on Thursday, March 22, 2001. The Ecosystem Roundtable Amendments Subcommittee meeting will be held from 2:00 p.m. to 4:00 p.m. on Wednesday, March 21, 2001.

ADDRESSES: The Ecosystem Roundtable will meet at the Clarion Hotel, 700 16th Street, Sacramento, CA 95814. The Amendments Subcommittee will meet in Room 1142, Dept. of Water Resources, 1416 9th Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Terry Mills, CALFED Bay-Delta Program, at (916) 657–2666. If reasonable accommodation is needed due to a disability, please contact the Equal Employment Opportunity Office at (916) 653–6952 or TDD (916) 653–6934 at least one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta system) is a critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made, the state of California and the Federal government are working together to stabilize, protect, restore, and enhance the Bay-Delta system. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta system are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-term solutions to problems in the Bay-Delta system related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan that addresses all of the resource problems. This effort, the CALFED Bay-Delta Program (Program), is being carried out under the policy direction of CALFED. The Program is exploring and developing a long-term solution for a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta ecosystem, provide for a variety of beneficial uses, and minimize Bay-Delta system vulnerability. A group of citizen advisors representing California's agricultural, environmental, urban, business, fishing, and other interests who have a stake in finding long-term solutions for the problems affecting the Bay-Delta system has been chartered under the Federal Advisory Committee Act (FACA). The BDAC provides advice CALFED on the program mission, problems to be addressed, and objectives for the Program. BDAC provides a forum to help ensure public participation, and will review reports and other materials prepared by CALFED staff. BDAC has established a subcommittee called the Ecosystem Roundtable to provide input on annual workplans to implement ecosystem restoration projects and programs.

Minutes of the meeting will be maintained by the Program, Suite 1155, 1416 Ninth Street, Sacramento, CA 95814, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: March 6, 2001.

Lester A. Snow,

Regional Director, Mid-Pacific Region.

[FR Doc. 01–6088 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collections of information for: State processes for designating areas unsuitable for surface coal mining operations, 30 CFR part 764; and Special permanent program performance standards—operations in alluvial valley floors, 30 CFR part 822.

DATES: Comments on the proposed information collection must be received by May 11, 2001 to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Room 210—SIB, Washington, DC 20240. Comments may also be submitted electronically to jtrelease@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection requests, explanatory information and related forms, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (MB) regulations at 5 CFR 1320, which implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies information collections that OSM will be submitting to OMB for extension. These collections are contained in 30 CFR 764 and 822.

OSM as revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents. OSM will request a 3-year term of approval for these information collection activities.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collections, and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submissions of the information collection requests to OMB.

This notice provides the public with 60 days in which to comment on the following information collection activities:

Title: State processes for designating ares unsuitable for surface coal mining operations, 30 CFR part 764.

OMB Control Number: 1029–0030.

Summary: This part implements the requirement of section 522 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, which provides authority for citizens to petition States to designate lands unsuitable for surface coal mining operations, or to terminate such designation. The regulatory authority uses the information to identify, locate, compare and evaluate the area requested to be designated as unsuitable, or terminate the designation, for surface coal mining operations.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: The 4 individuals, groups or businesses that petition the States, and the 4 State regulatory authorities that must process the petitions.

Total Annual Responses: 4.

Total Annual Burden Hours: 7,284.

Title: Special permanent program performance standards—operations in alluvial valley floors, 30 CFR part 822.

OMB Control Number: 1029–0049.

Summary: Sections 510(b)(5) and 515(b)(10)(F) of the Surface Coal Mining and Reclamation Act of 1977 (the Act) protect alluvial valley floors from the adverse effects of surface coal mining operations west of the 100th meridian. Part 822 requires the permittee to install, maintain, and operate a monitoring system in order to provide specific protection for alluvial valley floors. This information is necessary to determine whether the unique hydrologic conditions of alluvial valley floors are protected according to the Act.

Bureau Form Number: None.

Frequency of Collection: Annually.

Description of Respondents: 10 surface coal mining operators who operate on alluvial valley floors.

Total Annual Responses: 10.

Total Annual Burden Hours: 1,000.

Dated: March 5, 2001.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 01–6106 Filed 3–9–01; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–451]

In the Matter of Certain CMOS Active Pixel Image Sensors and Products Containing Same; Notice of Investigation

AGENCY: US International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 7, 2001, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Photobit Corporation and the California Institute of Technology, both of Pasadena, California. A supplement to the complaint was filed on February 27, 2001. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain CMOS active pixel image sensors and products containing same by reason of infringement of claims 1 and 2 of U.S. Letters Patent 5,841,126, claims 15–19 of U.S. Letters Patent 5,990,506, and claims 6–8 and 31 of U.S. Letters Patent 6,005,619. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public*.

FOR FURTHER INFORMATION CONTACT: David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2576.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2000).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 5, 2001, *Ordered That*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain CMOS active pixel image sensors or products containing same by reason of infringement of claims 1 or 2 of U.S. Letters Patent 5,841,126, claims 15–19 of U.S. Letters Patent 5,990,506, or claims 6–8 or 31 of U.S. Letters Patent 6,005,619, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Photobit Corporation, 135 North Los Robles Avenue, Pasadena, CA 91101

California Institute of Technology, 1200 East California Boulevard, Pasadena, CA 91125

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Omnivision Technologies, Inc., 930 Thompson Place, Sunnyvale, CA 94086

Creative Labs, Inc., 1901 McCarthy Boulevard, Milpitas, CA 95035

X10 Wireless Technology Inc., 15200 52nd Avenue South, Seattle, WA 98188

(c) David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401M, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a) of the Commission's Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: March 6, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–6077 Filed 3–9–01; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computing-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Computing-Communications Research (1192).

Date/Time: March 27–28, 2001; 8:30 a.m.–6:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: John Cozzens, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA 22230. Telephone: (703) 292–8912.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as a part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 7, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–6062 Filed 3–9–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computing-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings:

Name: Special Emphasis Panel in Computing-Communications Research (1192).

Date/Time: April 3–4 and April 5–6, 2001; 8:30 a.m.–6:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Yavuz Oruc, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA 22230. Telephone (703) 292–8936.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as a part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 7, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–6063 Filed 3–9–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Joint Meeting of the ACRS Subcommittees on Materials and Metallurgy, Thermal-Hydraulic Phenomena, and Reliability and Probabilistic Risk Assessment; Revised

The ACRS Subcommittees on Materials and Metallurgy, Thermal-Hydraulic Phenomena, and Reliability and Probabilistic Risk Assessment will hold a joint meeting on March 16, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The agenda for this meeting has been revised to include a discussion of the proposed final ACRS report on the NRC Safety Research Program between 8:30 and 9:30 a.m. Notice of this meeting was published in the **Federal Register** on Thursday, March 1, 2001 (66 FR 12964). All other items pertaining to this meeting remain the same as previously published.

For further information contact: Mr. Michael T. Markley, cognizant ACRS staff engineer, (telephone 301/415–6885) between 7:30 a.m. and 4:15 p.m. (EST).

Dated: March 6, 2001.

James E. Lyons,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–6046 Filed 3–9–01; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Supplement to Claim of Person Outside the United States; OMB 3220–0155.

Under the Social Security Amendments of 1983 (Public Law 98–21), which amends Section 202(t) of the Social Security Act, the Tier I or the O/M (overall minimum) portion of an annuity and Medicare benefits payable under the Railroad Retirement Act to certain beneficiaries living outside the U.S., may be withheld effective January 1, 1985. The benefit withholding provision of Pub. L. 98–21 applies to divorced spouses, spouses, minor or disabled children, students, and survivors of railroad employees who (1) initially became eligible for Tier I amounts, O/M shares, and Medicare benefits after December 31, 1984; (2) are not U.S. citizens or U.S. nationals; and (3) have resided outside the U.S. for more than six consecutive months starting with the annuity beginning date. The benefit withholding provision does not apply, however to a beneficiary who is exempt under either a treaty obligation of the U.S., in effect on August 1, 1956, or a totalization agreement between the U.S. and the country in which the beneficiary resides, or to an individual who is exempt under other criteria specified in Pub. L. 98–21.

RRB Form G–45, Supplement to Claim of Person Outside the United States, is currently used by RRB to determine applicability of the withholding provision of Pub. L. 98–21. Completion of the form is required to obtain or retain a benefit. One response is requested of each respondent. The RRB proposes non-burden impacting minor editorial changes to Form G–45. The RRB estimates that 100 Form G–45's are completed annually. The completion time for Form G–45 is estimated at 10 minutes per response.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092. Written comments should be received by May 11, 2001.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–5977 Filed 3–9–01; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Application for Employee Annuity Under the Railroad Retirement Act.

(2) *Form(s) submitted:* AA–1, AA–1d, G–204.

(3) *OMB Number:* 3220–0002.

(4) *Expiration date of current OMB clearance:* 4/30/2001.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or Households.

(7) *Estimated annual number of respondents:* 13,400.

(8) *Total annual responses:* 19,100.

(9) *Total annual reporting hours:* 11,634.

(10) *Collection description:* The Railroad Retirement Act provides for payment of age, disability and supplemental annuities to qualified employees. The application and relate forms obtain information about the applicant's family work history, military service, disability benefits from other government agencies and public or private pensions. The information is used to determine entitlement to and the amount of the annuity applied for.

Additional Information or Comments

Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Joe Lacke (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–5978 Filed 3–9–01; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of March 12, 2001.

A closed meeting will be held on Wednesday, March 14, 2001, at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(A) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matters of the closed meeting scheduled for Wednesday, March 14, 2001 will be:

- Institution and settlement of injunctive actions;
- Institution and settlement of administrative proceedings of an enforcement nature; and
- Formal order.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: the Office of the Secretary at (202) 942–7070.

Dated: March 7, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–6112 Filed 3–7–01; 4:17 pm]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Submit comments on or before May 11, 2001.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Jacqueline Fleming, National Training Coordinator, Business Development, Small Business Administration, 409 3rd Street, SW., Suite 8000.

FOR FURTHER INFORMATION CONTACT: Jacqueline Fleming, National Training Coordinator, 202–205–6177 or Curtis B. Rich, Management Analyst, (202) 205–7030.

SUPPLEMENTARY INFORMATION:

Title: "Client's Report of 7(j) Task Order Service Received".

Form No: 1540.

Description of Respondents: Client's that require the completion of the 7(j) Task Order.

Annual Responses: 1,000.

Annual Burden: 100.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to John Bebris, Deputy Assistant Administrator, Business Community Initiatives, Small Business Administration, 409 3rd Street, SW., Suite 6100.

FOR FURTHER INFORMATION CONTACT: John Bebris, Deputy Assistant Administrator 202–205–6665 or Curtis B. Rich, Management Analyst, (202) 205–7030.

SUPPLEMENTARY INFORMATION:

Title: "Request for Counseling".
Form No's: 641 & 641A.
Description of Respondents: Individuals requesting management counseling from SBA.
Annual Responses: 600,000.
Annual Burden: 150,000.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Doris Young, Grants Management Specialist, Procurement & Grants Management, Small Business Administration, 409 3rd Street, SW., Suite 5000.

FOR FURTHER INFORMATION CONTACT: Doris Young, Grants Management Specialist 202–205–7091 or Curtis B. Rich, Management Analyst, (202) 205–7030.

SUPPLEMENTARY INFORMATION:
Title: "Notice of Award Grant/Cooperative Agreement Cost Sharing Proposal".
Form No's: 1222 & 1224.
Description of Respondents: SBA Grant Application and Recipients.
Annual Responses: 427.
Annual Burden: 30,141.

ADDRESSES: Send all comments regarding whether these information collections are necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to Saunders Miller, Investment Policy Analyst, Investment Division, Small Business Administration, 409 3rd Street, SW., Suite 6300.

FOR FURTHER INFORMATION CONTACT: Saunders Miller, Investment Policy Analyst 202–205–3646 or Curtis B. Rich, Management Analyst, (202) 205–7030.

SUPPLEMENTARY INFORMATION:
Title: "New Markets Venture Capital Program".
Form No: 468.
Description of Respondents: New Market Candidates.
Annual Responses: 25.
Annual Burden: 1,200.

SUPPLEMENTARY INFORMATION:
Title: "Financing Eligibility Statement Social Disadvantaged-Economic Disadvantaged".
Form No's: 1941A, 1941B, 1941C.
Description of Respondents: SBA Business Seeking Financing from Specialist; Small Business Investment Companies (SBIC).
Annual Responses: 1,000.
Annual Burden: 2,000.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Delorice Ford, Associate Administrator for Business Development, Small Business Administration, 409 3rd Street, SW., Suite 8000.

FOR FURTHER INFORMATION CONTACT: Delorice Ford, Associate Administrator for Business Development 202–205–7340 or Curtis B. Rich, Management Analyst, (202) 205–7030.

SUPPLEMENTARY INFORMATION:
Title: "BusinessLINC Program."
Form No: 2184.
Description of Respondents: Small Business Owners.
Annual Responses: 40.
Annual Burden: 4,000.

Jacqueline White,
Chief, Administrative Information Branch.
[FR Doc. 01–6104 Filed 3–9–01; 8:45 am]
BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3319]

State of Alabama

Jefferson County and the contiguous counties of Bibb, Blount, Shelby, St. Clair, Tuscaloosa, and Walker constitute a disaster area due to damages caused by severe storms and straight-line winds that occurred on February 16, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 30, 2001 and for economic injury until the close of business on November 30, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.000
Homeowners without credit available elsewhere	3.500
Businesses with credit available elsewhere	8.000
Business and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.000
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 331911. The number assigned to this disaster for economic injury is 9K8700.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 28, 2001.

John Whitmore,
Acting Administrator.
[FR Doc. 01–6103 Filed 3–9–01; 8:45 am]
BILLING CODE 8025–01–U

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request

In compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, the Social Security Administration (SSA) is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Written comments and recommendations regarding the information collections should be submitted to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer at (410) 965–4145, or by writing to him at the address listed above.

1. *Internet Direct Deposit Application—0960—NEW.* SSA uses Direct Deposit/Electronic Funds Transfer (DD/EFT) enrollment information received from beneficiaries to facilitate DD/EFT of their social security benefits with a financial institution. The respondents are Social Security beneficiaries who use the Internet to enroll in DD/EFT.
Number of Respondents: 3,485.
Frequency of Response: 1.
Average Burden Per Response: 10 minutes.
Estimated Average Burden: 581 hours.

2. *Request to Have Supplemental Security Income Overpayment Withheld from My Social Security Benefits-0960—0549.* Form SSA–730–U2 is used by SSA to confirm that a request has been made by a Social Security beneficiary for SSA to recover his/her SSI overpayment from title II benefits and that the request was made voluntarily by the beneficiary. The respondents are Social Security beneficiaries who received SSI overpayments.
Number of Respondents: 10,000.
Frequency of Response: 1.
Average Burden Per Response: 5 minutes.
Estimated Average Burden: 833 hours.

3. *Farm Self-Employment Questionnaire—0960–0061.* Section 211(a) of the Social Security Act requires the existence of a trade or business as a prerequisite for determining whether an individual or partnership may have "net earnings from self-employment." Form SSA–7156 elicits the information necessary to determine the existence of an agricultural trade or business and subsequent covered earnings for Social Security entitlement purposes. The respondents are applicants for Social Security benefits, whose entitlement depends on whether the worker has covered earnings from self-employment as a farmer.
Number of Respondents: 47,500.
Frequency of Response: 1.
Average Burden Per Response: 10 minutes.
Estimated Average Burden: 7,917 hours.

Dated: March 6, 2001.

Frederick W. Brickenkamp,
Reports Clearance Officer, Social Security Administration.
[FR Doc. 01–6057 Filed 3–9–01; 8:45 am]
BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 3601]

Culturally Significant Objects Imported for Exhibition Determinations: "Marc Chagall: Early Works From Russian Collections"

AGENCY: Department of State.
ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition, "Marc Chagall: Early Works from Russian Collections", imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lender. I also determine that the exhibition or display of the exhibit objects at The Jewish Museum, New York, NY from on or about April 29, 2001, through on or about October 14, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Jacqueline Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6982). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: March 1, 2001.

Helena Kane Finn,
Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.
[FR Doc. 01–6076 Filed 3–9–01; 8:45 am]
BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determinations Under the African Growth and Opportunity Act

AGENCY: Office of the United States Trade Representative.
ACTION: Notice.

SUMMARY: The United States Trade Representative has determined that South Africa has adopted an effective visa system and related procedures to prevent unlawful transshipment and the use of counterfeit documents in connection with shipments of textile and apparel articles and has implemented and follows, or is making substantial progress toward implementing and following, the customs procedures required by the African Growth and Opportunity Act. Therefore, imports of eligible products from South Africa qualify for the enhanced trade benefits provided under the AGOA.

EFFECTIVE DATE: March 7, 2001.

FOR FURTHER INFORMATION CONTACT: Bethany Schwartz, Director for Africa Trade Policy, Office of the United States Trade Representative, (202) 395–9514.

SUPPLEMENTARY INFORMATION: The African Growth and Opportunity Act (Title I of the Trade and Development Act of 2000, Pub. L. No. 106–200) (AGOA) provides preferential tariff treatment for imports of certain textile and apparel products of beneficiary sub-Saharan African countries. The textile and apparel trade benefits under the AGOA are available to imports of eligible products from countries that the President designates as "beneficiary sub-Saharan African countries," provided that these countries (1) have adopted an effective visa system and related procedures to prevent unlawful transshipment and the use of counterfeit documents, and (2) have implemented and follow, or are making substantial progress toward implementing and following, certain customs procedures that assist the Customs Service in verifying the origin of the products.

In Proclamation 7350 of October 2, 2000, the President designated 34 countries, including South Africa, as "beneficiary sub-Saharan African countries." Proclamation 7350 delegated to the United States Trade Representative (USTR) the authority to determine whether these countries have met the two requirements described above. The President directed the USTR to announce any such determinations in the **Federal Register** and to implement them through modifications of the Harmonized Tariff Schedule of the United States (HTS). Based on actions that South Africa has taken, I have determined that South Africa has satisfied these two requirements.

Accordingly, pursuant to the authority vested in the USTR by Proclamation 7350, U.S. note 7(a) to subchapter II of chapter 98 of the HTS and U.S. note 1 to subchapter XIX of chapter 98 of the HTS are each modified by inserting "South Africa" in alphabetical sequence in the list of countries. The foregoing modifications to the HTS are effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after the effective date of this notice. Importers claiming preferential tariff treatment under the AGOA for entries of textile and apparel articles should ensure that those entries meet the applicable visa requirements. *See* Visa *Requirements Under the African Growth*

and Opportunity Act, 66 FR 7837 (2001).

Robert B. Zoellick,

United States Trade Representative.

[FR Doc. 01–6110 Filed 3–9–01; 8:45 am]

BILLING CODE 3190–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comments; Notice of intent of waiver with respect to land.

SUMMARY: The FAA is considering a proposal that a portion of airport property (approximately .55 acres) associated with the Manchester Airport, Manchester, New Hampshire is no longer needed for aeronautical use, as shown on the Airport Layout Plan. There appear to be no impacts to the airport by allowing the disposal of the property. The land was conveyed to the City of Manchester, New Hampshire by the United States of America by deed dated June 4, 1975, recorded in Book 2243, Page 378, as described on page 12 of the deed as Tract 13 of Parcel 4 and known as 1001 Harvey Road, Manchester, New Hampshire.

In accordance with Section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** thirty (30) days before modifying the land-use assurance which requires that the property be used for an aeronautical purpose. The purpose of the release of land will allow the City to utilize proceeds for capital development at the Airport.

DATES: Comments must be received on or before April 11, 2001.

FOR FURTHER INFORMATION CONTACT: Donna R. Witte, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803. Telephone No. 781–238–7624/Fax 781–238–7608. Documents reflecting the proposed FAA action may be reviewed in person at 16 New England Executive Park, Burlington, Massachusetts or the office of the Assistant Director of Aviation, Engineering and Planning at Manchester Airport, Manchester, New Hampshire.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is considering the release of the subject airport property at Manchester Airport, Manchester, New Hampshire in accordance with Federal Aviation Regulation Part 155. The disposition of proceeds from the disposal of airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

Issued in Burlington, Massachusetts on February 23, 2001.

Vincent A. Scarano,

Manager, Airports Division, New England Region.

[FR Doc. 01–6094 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities Under OMB Review

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICR) abstracted below have been forwarded to the Office of Management and Budget (OMB) requesting extension of the currently approved collections. The ICRs describe the nature of the information collection and the expected burdens. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collections of information was published on 12/28/2000, page 82454.

DATES: Comments must be submitted on or before April 11, 2001. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

1. Title: Federal Aviation Administration, Flight standards Customer Satisfaction Survey.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2120–0568.

Forms(s): N/A.

Affected Public: Customers of FAA Flight standards Organization: Pilots, aviation maintenance technicians, domestic air operators, corporate flight departments and air agencies.

Abstract: The FAA Flight Standards Service proposes to continue to survey customers in keeping with their strategic initiative to improve the quality of their service by anticipating customer's needs and responding to the public interest. Office managers and staff have used this information to identify where service performance can be improved.

Estimated Annual Burden Hours: 8,333 hours annually.

2. Title: Certifications and Operations: 14 CFR part 125.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2120–0085.

Forms(s): N/A.

Affected Public: Operators with airplanes with seating capacity of 20 or more passengers, maximum payload of 6,000 pounds or more, and applying for a FAR part 125 certificate and those with part 125 certificates. The number of respondents is estimated to be 57.

Abstract: 14 CFR part 125 will prescribe requirements for leased aircraft, aviation service firms and air travel clubs. Information collected shows compliance and the applicant's eligibility.

Estimated Annual Burden Hours: 29,445 hours annually.

3. Title: Office of Rulemaking Customer Standards Survey.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2120–0623.

Forms(s): N/A.

Affected Public: An estimated 325 FAA Office of Rulemaking exemption customers.

Abstract: The FAA Office of Rulemaking (ARM) proposes to continue to survey exemption customers on customer standards that were developed and published. The data collected will be analyzed by ARM to determine the quality of services provided by ARM to its exemption customers, and make any changes or improvements to the exemption process.

Estimated Annual Burden Hours: 81 hours annually.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on March 2, 2001.

Steve Hopkins,

Manager, Standards and Information Division, APF–100.

[FR Doc. 01–6093 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; General Aviation Certification and Operations Issues—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA has assigned the Aviation Rulemaking Advisory Committee a new task to develop recommendations for improving occupant protection standards. This notice is to inform the public of this ARAC activity.

FOR FURTHER INFORMATION CONTACT: Leslie Taylor, 901 Locust, Kansas City, Missouri 64106, (816) 329–4134, *leslie.b.taylor@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA has established the Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues.

The Task

Review occupant protection standards and recommend rulemaking in the form of a Notice of Proposed Rulemaking (NPRM) to address criteria for improved occupant protection more commonly used on part 23 airplanes and requirements that would improve the safety of part 23 airplanes. The NPRM should include the preamble and rule language, along with any supporting legal analysis.

The following are to be included in the ARAC evaluation:

- Flammability Standards for Seat Fireblocking Provisions,
- Standardization of Emergency Landing Dynamic Conditions,
- Thermal/Acoustic Insulation Flammability,
- Airworthiness Certification of Airplanes Used in Cargo/Passenger Combination Operations,
- Emergency Exit Markings,
- Emergency Exit Access, and
- Electric Cables and Equipment.

Schedule: ARAC should forward its recommendations to the FAA within 1 year of task assignment.

ARAC Acceptance of Tasks

ARAC accepted the task and assigned the task to the Flammability Standards for Commuter Airplane Seats Working Group, General Aviation Certification and Operations Issues. The working group will serve as staff to ARAC and assist in the analysis of the assigned task. ARAC must review and approve the working group's recommendations. If ARAC accepts the working group's recommendations, it forwards them to the FAA as ARAC recommendations. The agency seeks ARAC's advice and recommendations on these important issues. Recommendations that are received from ARAC will be submitted to the agency's Rulemaking Management Council to address the availability of resources and prioritization.

Working Group Activity

The Flammability Standards for Commuter Airplane Seats Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan for consideration at the meeting of the ARAC General Aviation Certification and Operations Issues held following publication of this notice.

2. Give a detailed conceptual presentation of the proposed recommendations, prior to proceeding with the work stated in item 3 below.

3. Draft the appropriate documents and required analyses and/or any other related materials or documents.

4. Provide a status report at each meeting of the ARAC held to consider ARAC General Aviation Certification and Operations Issues.

Participation in the Working Group

The Flammability Standards for Commuter Airplane Seats Working Group is composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task and stating the expertise he or she would bring to the work group. All requests to participate must be received by March 30, 2001. The requests will be reviewed by the co-assistant chairs, the co-assistant executive directors, and the working group chair. Individuals will be advised whether or not their request can be accommodated.

Individuals chosen for membership on the working group are expected to represent their aviation community segment and participate actively in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). They also are expected to devote the resources necessary to support the working group in meeting any assigned deadlines. Members are expected to keep their management chain and those they may represent advised of working group activities and decisions to ensure that the proposed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the co-assistant chairs, the co-assistant executive directors, and the working group chair.

The Secretary of Transportation has determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Flammability Standards for Commuter Airplane Seats Working Group will not be open to the public, except to the extent that individuals with the interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on March 1, 2001.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 01–6095 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; General Aviation Certification and Operations Issues—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee a new task to develop recommendations to update certification requirements for airplanes in the normal, utility, acrobatic, and commuter categories to reflect the use of new technologies and improve the safety of these airplanes. This notice is to inform the public of this ARAC activity.

FOR FURTHER INFORMATION CONTACT: Randy Griffith, 901 Locust, Kansas City, Missouri 64106, (816) 329–4134, *randy.griffith@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA has established the Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitments to harmonize Title 14 of the Code of Federal Regulations (14 CFR) with its partners in Europe and Canada.

The Task

Review part 23 standards and recommend rulemaking in the form of a Notice of Proposed Rulemaking (NPRM) to address criteria for propulsion technologies being used more commonly on part 23 airplanes and requirements that would improve the safety of part 23 airplanes. The NPRM should include the preamble and rule language, along with any supporting legal analysis.

Items to be addressed in the ARAC evaluation include:

- Turbofan/jet installations,
- Single level power controls,
- Electronic engine controls,
- Fuel quantity calibration and low-fuel warning for reciprocating engines,
- New technology reciprocating engines (for example, diesel engines),
- New technology powerplant displays, and
- Various miscellaneous updates to part 23 powerplant requirements.

Schedule: ARAC should forward its recommendations to the FAA within 1 year of task assignment.

ARAC Acceptance of Tasks

ARAC accepted the task and assigned the task to the newly formed Propulsion Systems Harmonization Working Group, General Aviation Certification and Operations Issues. The working group will serve as staff to ARAC and assist in the analysis of the assigned task. ARAC must review and approve working group recommendations. If ARAC accepts the working group's recommendations, it forwards them to the FAA as ARAC recommendations. The agency seeks ARAC's advice and recommendations on this important safety issue. Recommendations that are received from ARAC will be submitted to the agency's Rulemaking Management Council to address the availability of resources and prioritization.

Working Group Activity

The Propulsion Systems Harmonization Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan for consideration at the meeting of the ARAC General Aviation Certification and Operations Issues held following publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations, prior to proceeding with the work stated in item 3 below.
3. Draft the appropriate documents and required analyses and/or any other related materials or documents.
4. Provide a status report at each meeting of the ARAC held to consider General Aviation Certification and Operations Issues.

Participation in the Working Group

The Propulsion Systems Harmonization Working Group will be composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task and stating the expertise he or she would bring to the working group. All requests to participate must be received no later than March 30, 2001. The requests will be reviewed by the co-assistant chairs, the co-assistant executive directors, and the working group chair. The individuals will be advised whether or not their request can be accommodated.

Individuals chosen for membership on the working group will be expected to represent their aviation community segment and actively participate in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). they also will be expected to devote the resources necessary to support the working group in meeting any assigned deadlines. Members are expected to keep their management chain and those they may represent advised of working group activities and decisions to ensure that the proposed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the co-assistant chairs, the co-assistant executive directors, and the working group chair.

The Secretary of Transportation has determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Propulsion Systems Harmonization Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on March 1, 2001.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 01–6096 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Establishment of a National Parks Overflight Advisory Group

AGENCIES: Federal Aviation Administration, DOT; and National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service (NPS) and Federal Aviation Administration (FAA) in accordance with the National Parks Air Tour Management Act of 2000, announce the establishment of the National Parks Overflights Advisory Group (NPOAG). The NPOAG is formed to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks. This notice informs the public of the establishment of the advisory group and delineates the nomination procedures.

DATES: The National Parks Overflights Advisory Group will be established on April 5, 2001.

FOR FURTHER INFORMATION CONTACT: Howard Nesbitt, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, telephone: (202) 493–4981, or Marvin Jensen, Soundscapes Office, National Park Service, 1201 Oak Ridge Drive, Suite 200, Ft. Collins, Colorado 80525, telephone: (970) 225–3563. Persons interested in serving on the advisory group should contact Mr. Nesbitt or Mr. Jensen on or before April 2, 2001.

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106–181 (Pub. L. 106–181). The Act applies to "commercial air tour operations" occurring over a unit of the national park system or tribal lands within or abutting a national park. A commercial air tour operation is defined in the Act as a "flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—(i) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft) or (ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary)." See Section 803 of the Act, to be codified at 49 U.S.C. Section 40128(f)(4)(A). In making the determination as to whether a flight is a commercial air tour operation, the Act lists eight factors that the Administrator may consider. *Id.* at 40128(f)(4)(B). The term "tribal land" is defined in the Act as "Indian Country (as that term is defined in section 1151 of title 18 of the U.S. Code) that is within or abutting a national park." The term "National Park" is defined in the Act as "any unit of the national park system." All commercial air tour operations must be conducted in accordance with the following: (1) Title 49 of the U.S. Code (U.S.C.) Section 40128; (2) conditions and limitations prescribed for that operator by the FAA; and (3) any applicable air tour management plans.

The Act states that "Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park or tribal lands." See Section 803 of the Act, to be codified at 49 U.S.C. Section 40128(a)(2)(A). This application then triggers the process for the FAA and NPS to cooperatively develop an air tour management plan (ATMP) for that park or tribal land. the objective of the ATMP process is to "develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands." See Section 803 of the Act, to be codified at 49 U.S.C. Section 40128(b)(1)(B).

The Act also provides that "upon application for operating authority, the Administrator shall grant interim operating authority under 49 U.S.C. section 40128(c) to a commercial air tour operator for commercial air tour operations over a national park or tribal lands for which the operator is an existing commercial air tour operator. See Section 803 of the Act to be codified at 49 U.S.C. section 40128(c)(1). Such interim operating authority is subject to a number of requirements and limitations, including a limit on the number of commercial air tour operations that may be conducted on an interim basis pending issuance of the ATMP for that park."

In accordance with Pub. L. 106–181, the FAA and NPS have prepared a notice of proposed rulemaking proposing an altitude that will complete the definition of a "commercial air tour operation". It can be expected that this NPRM will be issued shortly. In the meantime, to meet the mandate of the public law, the FAA and NPS publish this notice establishing the advisory group that will serve to advise and counsel the persons implementing the regulations when they are adopted.

Advisory Group Requirements of Public Law 106–181

Pub. L. 106–181 requires the establishment of the advisory group within 1 year after its enactment. the advisory group is to be comprised of a balanced group of representatives of general aviation; commercial air tour operations; environmental concerns; and Indian tribes. The Administrator and the Director (or their designees) are to serve as ex officio members of the group. Representatives of the Administrator and Director will serve alternating 1-year terms as chairman of the advisory group. The Administrator's representative will serve the first term, which will terminate at the end of the calendar year following the year in which the advisory group is established.

The advisory group will provide advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title [the Act] and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.

Members of the advisory group may be allowed certain travel expenses as authorized by section 5703 of title 5, United States Code, for intermittent Government service.

Public Participation in the Advisory Group

The FAA and NPS invite members of the public who are interested in serving on the advisory group to contact the person listed under **FOR FURTHER**

INFORMATION CONTACT. Requests to participate should be made in writing and postmarked on or before April 12, 2001. The request should indicate whether or not they are a member or an official of a particular interest group. The request should also state whether or not they are proposing to represent air tour, conservation, or Native American interests while serving on the group. The term of service of advisory group members will be determined by the group itself once it is convened.

At this time all persons who anticipate being covered by the regulation are invited to submit their requests. Once an altitude is established the FAA will once again allow any parties who did not convey an interest because they didn't think they were within the scope of the act to indicate their interest. Membership of the advisory group will be representative of the balanced interests of overflights of national parks as enumerated by Pub. L. 106–181 discussed above. Membership will be limited in number to facilitate efficiency in advice and counsel.

Issued in Washington, DC on March 7, 2001.

L. Nicholas Lacey,

Director, Flight Standards Service.

[FR Doc. 01–6101 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent To Prepare an Environmental Impact Statement and Hold Scoping Meetings for Phoenix Sky Harbor International Airport, Phoenix, AZ

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice to hold one (1) public scoping meeting and one (1) Governmental and Public Agency scoping meeting.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for development of the proposed West Terminal Complex at the Phoenix Sky Harbor International Airport, Phoenix, Arizona. To ensure that all significant issues related to the proposed action are identified, one (1) public scoping meeting and one (1) governmental and public agency scoping meeting will be held.

FOR FURTHER INFORMATION CONTACT: Kevin B. Flynn, Supervisor, Arizona Standards Section, AWP–623, Airports Division, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, Los Angeles, California 90009–2007, Telephone: 310/725–3632. Comments on the scope of the EIS should be submitted to the address above and must be received no later than Wednesday, May 23, 2001.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) will prepare an Environmental Impact Statement for development of the proposed West Terminal Complex at the Phoenix Sky Harbor International Airport (PHX), Phoenix, Arizona. The need to prepare an Environmental Impact Statement (EIS) is based on the procedures described in FAA Order 5050.4A Airport Environmental Handbook. PHX is a commercial service airport located within a standard metropolitan statistical area and the proposed development includes the development of a new terminal complex; and the proposed development is likely to be controversial. The alternatives to be evaluated in the EIS include, but will not necessarily be limited to, the No-Action Alternative; the Proposed Action Alternative; the Modification of Existing Facilities Alternative, and the Combination of Constructing New and Modifying Existing Facilities Alternative. Comments and suggestions are invited from Federal, State, and local agencies, and other interested parties to ensure that the full range of issues related to these proposed projects are addressed and all significant issues are identified. The FAA reserves the right to the option of converting the study to an Environmental Assessment (EA), if the agency finds that the projected environmental impacts would not be significant. If the EA option is selected, the FAA will then issue a Finding of No Significant Impact (FONSI), which will allow the City of Phoenix to implement the Proposed Action Alternative. Written comments and suggestions concerning the scope of the EIS may be mailed to the FAA informational contact listed above and must be received no later than Wednesday, May 23, 2001.

Public Scoping Meetings

The FAA will hold one (1) public and one (1) governmental agency scoping meeting to solicit input from the public and various Federal, State, and local agencies which have jurisdiction by law or have specific expertise with respect to any environmental impacts associated with the proposed project. The public scoping meeting will be held Monday, April 23, 2001, at the Holiday Inn Select Phoenix Airport, 4300 East Washington Street, Phoenix, Arizona 85034. The meeting will be held from 5:00 p.m. to 8:00 p.m. local time. A scoping meeting will be held specifically for governmental and public agencies on Monday, April 23, 2001, at the Holiday Inn Select Phoenix Airport,. 4300 East Washington Street, Phoenix, Arizona 85034. The meeting will be held from 1:00 p.m. to 3:00 p.m. local time.

Issued in Hawthorne, California on Wednesday, February 28, 2001.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region, AWP–600.

[FR Doc. 01–6100 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–17]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received and disposition of prior petition.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 2, 2001.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov*. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on March 7, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petition for Exemption

Docket No.: FAA–2001–8678.
Petitioner: Lufthansa Technik AG.
Section of 14 CFR Affected: 14 CFR 25.785(j).
Description of Relief Sought: To permit installation of an executive interior on a Boeing 737–700IGW airplane without the required "firm handhold" in the passenger cabin.

Disposition of Petitions

Docket No.: FAA–2000–8428.
Petitioner: Delta Air Lines, Inc.
Section of 14 CFR Affected: 14 CFR 25.791(a) and 121.317(a).
Description of Relief Sought/Disposition: To permit Delta to operate its McDonnell Douglas MD–90 aircraft with "No Smoking" signs that always are illuminated.

Grant, 02/26/2001, Exemption No. 6034C

[FR Doc. 01–6099 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held from April 2–5, 2001, from 9 a.m. to 5 p.m. each day.

ADDRESSES: This meeting will be held at the Federal Aviation Administration, Conference Rooms 8ABC, 800 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Harrell, Executive Director, ATPAC, Terminal and En Route Procedures Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3725.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the ATPAC to be held April 2 through April 5, 2001, at the Federal Aviation Administration, Conference Rooms 8ABC, 800 Independence Avenue, SW., Washington, DC.

The agenda for this meeting will cover: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. it will also include:

1. Approval of Minutes.

2. Submission and Discussion of Areas of Concern.

3. Discussion of Potential Safety Items.

4. Report from Executive Director.

5. Items of Interest.

6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than March 26, 2001. The next quarterly meeting of the FAA ATPAC is planned to be held from July 9–12, 2001, in San Francisco, California.

Any member of the public may present a written statement to the Committee at any time at the address given above.

Issued in Washington, DC, on February 28, 2001.

Eric Harrell,

Executive Director, Air Traffic, Procedures Advisory Committee.

[FR Doc. 01–6097 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Program Management Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., appendix 2), notice is hereby given for Program Management Committee meeting to be held March 27, 2001, starting at 9:00 a.m. The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will include: (1) Welcome and Introductory Remarks; (2) Review Meeting Agenda; (3) Review Previous Meeting Minutes; (4) Publication Consideration/Approval: (a) Final Draft, Minimum Aviation System Performance Standards (MASPS) for Flight Information Service Broadcast (FIS–B) Data Link, RTCA Paper No. 040–01/PMC–129, prepared by SC–195; (b) Final Draft, Concept of Operations, Night Vision Imaging System for Civil Operators, RTCA Paper No. 47–01/PMC–131, prepared by SC–196; (5) Discussion: (a) Special Committee 194, Air Traffic Data Link Implementation: Status Report; (b) Special Committee 198, NEXCOM: Status Report; (c) Special Committee 147, Traffic Alert and Collision Avoidance System: Status Report; (d) Proposed New Special Committee, National Airspace Redesign; (e) Special Committee 193, Terrain and Airport Databases: Progress Report; (f) Proposed New Special Committee to update DO–214, Minimum Operational Performance (MOPS) for Aircraft Audio System: Status Report; (g) Special Committee 159, Second Interim Report on Ultra Wide Band (UWB)/Global Positioning System (GPS) Interference: Consider for approval to forward to the Department of Transportation; (h) Review nominations for Annual RTCA Awards; (6) Action Item Review: (a) Action Item 00–09, Proposed revision to SC–181 Navigational Standards, Terms of Reference; (b) Action Item 00–15, Revised Document Guidance; (7) Other Business: (a) Status of ICAO Standards and Recommended Practices (SARPs) for Next Generation Satellite Systems (NGSS); (b) Ultra Wide Band (UWB) Portable Electronic Devices Interference;

(8) Document Production; (9) Date and Location of Next Meeting; (10) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or *http://www.rtca.org* (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 1, 2001.

Janice L. Peters,

Designated Official.

[FR Doc. 01–6098 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number ACE–00–23.777–01]

Proposed Issuance of Policy Memorandum, Automatic Pilot (Control Wheel Steering) Applications for Part 23/CAR 3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of policy statement; extension of the comment period.

SUMMARY: This document provides additional time for the public to comment on a proposal to adopt new policy for certification of normal, utility, acrobatic, and commuter category turbine powered airplanes with automatic pilot (autopilot) (control wheel steering) applications. Comments received on the original notice of policy statement (66 FR 4055, January 17, 2001) specify additional time to respond to the proposed action.

DATE: Comments sent must be received by May 11, 2001. This is extended from February 16, 2001.

ADDRESSES: Send all comments on this proposed policy statement to the individual identified under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT:

Sending comments: Bill Marshall, Federal Aviation Administration (FAA), Small Airplane Directorate, Regulations and Policy Branch, ACE–111, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4116; fax (816) 329–4090; email: Bill.Marshall@faa.gov.

Asking technical questions: Jon Hannan, FAA, Small Airplane Directorate, Regulations and Policy Branch, ACE–111, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4127; fax (816) 329–4090; email: Jon.Hannan@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on the proposed policy? We invite your comments on this proposed policy statement, ACE–00–23.777–01. You may send whatever written data, views, or arguments you choose. We will consider all comments received by the closing date. We may change the proposals contained in this notice because of the comments received.

Please send comments using the following Internet address: Bill.Marshall@faa.gov. Comments sent using the Internet must contain "Comments to Policy Statement ACE–00–23.777–01" in the subject line. Writers should format in Microsoft Word 97 or ASCII any file attachments that are sent using the Internet.

Send comments using the following format:

- Organize comments issue-by-issue. For example, discuss a comment about the automatic pilot control panel and a comment about primary flight controls as two separate issues.
- For each issue, state what specific change you are requesting to the proposed policy memorandum.
- Include justification (for example, reasons or data) for each request. If sending your comments using the Internet will cause you extreme hardship, you may send comments using the U.S. Mail, overnight delivery, or facsimile machine. You should mark your comments, "Comments to Policy Statement ACE–00–23.777–01" and send two copies to the above address in the section **FOR FURTHER INFORMATION CONTACT:** *Sending comments.*"

Issued in Kansas City, Missouri on March 6, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–6090 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Safety Advisory

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of safety advisory.

SUMMARY: FRA is issuing Safety Advisory 01–01 addressing the structural integrity of cast steel draft sills, manufactured by American Steel Foundries, and installed in certain covered hopper cars. When in normal condition and used under normal train operations, these cast draft sills appear not to pose a safety hazard to railroad employees or the general public.

FOR FURTHER INFORMATION CONTACT: Gary Fairbanks, Mechanical Engineer, Motive Power & Equipment Division, Office of Safety Assurance & Compliance, FRA, 400 Seventh Street, SW., RRS–14, Mail Stop 25, Washington, DC 20590 (Telephone 202–493–6322/Fax 202–493–6230).

SUPPLEMENTARY INFORMATION: Recently, FRA discovered that several Type C–114 covered hopper cars, manufactured by Trinity Industries, have experienced failures of their cast steel draft sills. A cast draft sill that apparently contained a pre-existing crack caused one train separation on main line track on the Montana Rail Link. Also, several of these cast draft sills failed in torsion as a result of a number of minor, low speed yard derailments. To date, all of the cars involved in such failures are owned and principally operated by The Burlington Northern and Santa Fe Railway Company (BNSF). At this time, there have been no reported failures of this type of cast draft sill on any other railroad; however, FRA and the industry are still in the process of investigating this matter. There have been no reported injuries or fatalities due to the failure of these draft sills.

On January 18, 2001 at Winston, Montana, approximately 20 miles east of Helena, Montana, a westbound BNSF loaded unit grain train, G–CVNKAL9–16, experienced a broken draft sill on the B-end of covered hopper BNSF 472398. The draft sill broke forward of the inboard draft lugs and separated from the car, allowing the draft gear, coupler, and a portion of the draft sill to fall to the rails. When the separation took place, the train's air brake train line pipe also separated, causing an emergency air brake application on the train. At this time, it appears as though there was an approximately 30-percent old break in the walls of the involved draft sill (a break that existed before the train separation occurred), with the remaining sill breaking with rapid brittle fracture at the time of the incident. The old crack appears to have started in the area of the side wall of the draft sill where an inspection port was cast in, and directly in front of, the rear draft lugs. No derailment occurred in this instance.

On January 30, 2001, at the West Havre yard in Havre, Montana, the same series of Type C–114 covered hoppers were involved in the derailment of BNSF train GSPLTAC 9–26. A total of 19 cars derailed as the train was leaving the yard, traveling approximately 8 miles per hour. Five (5) of the cars overturned onto their sides and experienced failures of the cast steel draft sills. Furthermore, an attempt was made to re-rail one of the derailed loaded cars using a mobile crane with a sling passing under the draft sill. The car had no damage other than having one pair of wheels derailed. The draft sill on the car was inspected prior to lifting the car, and it was found to be free of any cracks or damage from the derailment. While the car was being lifted with the sling, the draft sill failed catastrophically, which caused the car to fall to the ground. The draft sill fractured on both sides just outboard of the rear draft lugs; but remained attached by a severely bent section on the top portion of the sill. No injuries or fatalities resulted from this incident, nor were the broken draft sills the cause of the derailment.

On January 31, 2001, BNSF transferred two of the broken draft sills involved in the above incident to its testing facility at Topeka, Kansas for a metallurgical analysis. The draft sills were then forwarded to the manufacturer for further inspection. The initial report from BNSF and the manufacturer stated that the material used in the draft sills met the Association of American Railroads' (AAR) requirement for a Grade "B" steel casting. A subsequent design review between BNSF, the car builder, and the draft sill manufacturer found the design acceptable, and at this time did not recommend any subsequent changes. However, fatigue and impact testing of the fractured draft sills is still being conducted by both BNSF and the manufacturer. The AAR is also investigating nationwide if any of the cast draft sills of this same design have been installed on car owners equipment other than BNSF.

The cars currently in question are Type C–114 covered hopper cars, with a capacity of 5,161 cubic-feet, series BNSF 471500 through 477012 and series BNSF 450000 through 450649, a total of 5,999 cars. The cars were built by Trinity Industries from 1998 through 2000, and the draft sills were manufactured by American Steel Foundries (ASF). Examples of the casting nomenclature on the draft sills that have failed are: ASF 6/98 3952 A–2 and ASF 6/99 3952 B–2. BNSF has initiated a systemwide inspection of the draft sills on these two car series, looking especially for cracks in the area of the inspection ports ahead of the rear draft lugs. BNSF is inspecting both sides and both ends of each of these cars. The inspection instructions issued by the BNSF to their inspectors regarding these cars, loaded or empty, provides for the following:

Initial Terminal, 1000-Mile, Terminating Inspection Points, and All Repair Tracks

1. Inspect cars paying particular attention to the cast draft sill. Inspect for cracks propagating from the bottom flange or the side inspection holes of the cast draft sill, see attached photographs.
2. Determine if car is defective per 49 CFR § 215.121(b)(2), if crack is 6" or less and car is safe to move to destination, if loaded forward for unloading. If empty "BH" car home for repair.
3. If crack is greater than 6" and car is safe to move, then car must be "BH" home and moved under 49 CFR § 215.9.
4. Report defect code "DS" when bad ordering these cars.
5. Place a white dot, using spray paint, on both sides of the draft sill on both ends of the car once inspection is completed.

A cast draft sill is considered a component of a car's center sill structure. FRA's Freight Car Safety Standards prescribe that a car may not be placed or remain in service if the car center sill is broken; cracked more than 6 inches; or permanently bent or buckled more than 2½ inches in any six foot length. Car inspections required by FRA safety regulations will normally detect this type of defect.

Action Recommended by FRA

When in normal condition and used in normal train operations, these cast draft sills appear not to pose a safety hazard to railroad employees or the general public. However, if any of the cars listed above is involved in a derailment, regardless of how minor, it should be considered to be a significant safety risk to all personnel and the following steps taken:

- Exercise caution if the car is positioned such that it applies a torsional load to the draft sill;
- Avoid lifting the car by the draft sill with a crane to re-rail; or
- If the car's draft sill has a crack of 6 inches or more, request home shop disposition, complying with 49 CFR 215.9.

For additional information concerning car series BNSF 471500 through BNSF 477012 and BNSF 450000 through BNSF 450649, and to obtain a copy of System Mechanical Alert BNSF MA–01/01, FRA recommends that the railroad contact Mr. Rick Stauffer, System Mechanical Department, Burlington Northern and Santa Fe Railway Company, P.O. Box 961056, Fort Worth, TX 76131–2830, telephone (817) 352–1465.

FRA may modify Safety Advisory 01–01, issue additional safety advisories, or take other appropriate action to ensure the highest level of safety on the Nation's railroads.

Issued in Washington, DC on March 8, 2001.

George Gavalla,

Associate Administrator for Safety.

[FR Doc. 01–6182 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–01–8978; Notice 1]

United Nations Economic Commission for Europe; World Forum for the Harmonization of Vehicle Regulations: Meetings for Calendar Year 2001

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of schedule of meetings.

SUMMARY: NHTSA is publishing this notice to inform the public of the schedule of meetings of the World Forum for the Harmonization of Vehicle Regulations (WP.29) and its working parties of experts for the current calendar year. Publication of this information is consistent with NHTSA's Statement of Policy regarding Agency Policy Goals and Public Participation in the Implementation of the 1998 Agreement on Global Technical Regulations.

FOR FURTHER INFORMATION CONTACT: Mr. Martin Koubek, International Policy Advisor, Office of International Policy and Harmonization (NPP–01), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; phone number (202) 366–2114, fax number (202) 366–2559.

SUPPLEMENTARY INFORMATION: On August 23, 2000, NHTSA published (65 FR 51236) a policy statement that it will publish each year a calendar of scheduled meetings of WP.29 participants and working parties of experts, as well as meetings of the Executive Committee of the 1998 Global Agreement. This document announces the meeting dates and places for 2001. They were approved by the Inland

Transport Committee at its meeting February 13–15, 2001.

List of Meetings of the World Forum for the Harmonization of Vehicle Regulations and Its Working Parties of Experts in 2001

January

8–13 Working Party on Lighting (GRE) Informal Working Group on Lighting Installation
16–19 Working Party on Pollution and Energy (GRPE) (forty-first session)
29–2 Feb. Working Party on Brakes and Running Gear (GRRF) (forty-ninth session)

February

20–23 Working Party on Noise (GRB) (thirty-fourth session)

March

6 Administrative Committee for the Coordination of Work (WP.29/AC.2) (seventy-fifth session)
6–9 World Forum for Harmonization of Vehicle Regulations (WP.29) (one-hundred-and-twenty-third session), Executive Committee to the 1998 Global Agreement (first session), and Administrative Committee to the 1958 Agreement (AC.1) (seventeenth session)
27–30 Working Party on Lighting and Light-Signalling (GRE) (forty-sixth session)

April

2–6 Working Party on General Safety Provisions (GRSG) (eightieth session), including Informal Meeting on Vehicle Classification

May

7–11 Working Party on Passive Safety (GRSP) (twenty-ninth session)
29–1 June Working Party on Pollution and Energy (GRPE) (forty second session)

June

25–27 Working Party on Brakes and Running Gear (GRRF) Informal Meeting on Tires
25 Administrative Committee for the Coordination of Work (WP.29/AC.2) (seventy-sixth session)
26–29 World Forum for Harmonization of Vehicle Regulations (WP.29) (one-hundred-and-twenty-fourth session), Executive Committee of the 1998 Global Agreement (second session), and Administrative Committee to the 1958 Agreement (AC.1) (eighteenth session)

September

10–12 Working Party on Brakes and Running Gear (GRRF) (fiftieth session)
13–14 Working Party on Noise (GRB) (thirty-fifth session)

October

1–5 Working Party on Lighting and Light-Signalling (GRE) (forty-seventh session)
6–13 Working Party on General Safety Provisions (GRSG) (eighty-first session), including Informal Meeting on Vehicle Classification

November

5 Administrative Committee for the Coordination of Work (WP.29/AC.2) (seventy-seventh session)
6–9 World Forum for Harmonization of Vehicle Regulations (WP.29) (one-hundred-and-twenty-fifth session), Executive Committee of the 1998 Global Agreement (third session) and Administrative Committee to the 1958 Agreement (AC.1) (nineteenth session)

December

3–6 Working Party on Passive Safety (GRSP) (thirtieth session)

Issued on February 26, 2001.

Julie Abraham,

Director, Office of International Policy and Harmonization.

[FR Doc. 01–6102 Filed 3–9–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–478 (Sub–No. 2X)]

Charles City Area Development Corporation d/b/a Charles City Railway—Abandonment Exemption—In Floyd County, IA

Charles City Area Development Corporation d/b/a Charles City Railway (Applicant) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 3.6-mile line of railroad extending from milepost 0.0 to milepost 3.6 within Charles City, Floyd County, IA. The line traverses United States Postal Service Zip Code 50616.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has been handled over the line for at least 2 years; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 11, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 22, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 2, 2001, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: T. Scott Bannister, 1300 Des Moines Building, 405—Sixth Avenue, Des Moines, IA 50309.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 16, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), Applicant shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by Applicant's filing of a notice of consummation by March 12, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Decided: March 5, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–5910 Filed 3–9–01; 8:45 am]

BILLING CODE 4915–00–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 347 (Sub-No. 3)]

General Procedures for Presenting Evidence in Stand-Alone Cost Rate Cases

AGENCY: Surface Transportation Board.

ACTION: Notice of procedural guidelines.

SUMMARY: The Surface Transportation Board (Board) has issued procedural guidelines governing the filing of evidence in stand-alone cost (SAC) rate cases.

EFFECTIVE DATE: April 11, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas J. Stilling, (202) 565–1567. (Assistance for the hearing impaired is available through TDD services (202) 565–1695.)

SUPPLEMENTARY INFORMATION: In recent months, the Board has received several new complaints challenging the reasonableness of rates charged by railroads. The Board's SAC test developed in *Coal Rate Guidelines, Nationwide*, 1 I.C.C.2d 520 (1985) will be used in many of the cases to evaluate the reasonableness of the rates. Because it requires a significant commitment of agency resources to review the SAC presentations of the litigants, the Board has developed procedures to streamline and standardize evidence. In a decision served March 12, 2001, the Board explained that the procedures are "designed to standardize the format for submitting written presentations, workpapers and electronic spreadsheets, and better focus the evidence so that [the Board] can more efficiently and effectively evaluate the records in [SAC] cases."

A printed copy of the Board's decision in Ex Parte No. 347 (Sub-No. 3) is available for a fee by contacting Dā-To-Dā Office Solutions, Room 405, 1925 K Street, NW., Washington, DC 20006, telephone (202) 466–5530. The decision is also available for viewing and downloading on the Board's website at www.stb.dot.gov.

By the Board, Chairman Morgan, Vice Chairman Clyburn and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 01–6078 Filed 3–9–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[CO–24–95 and CO–11–91]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning existing final regulations, CO–24–95 (TD 8660), Consolidated Groups—Intercompany Transactions and Related Rules, and CO–11–91 (TD 8597), Consolidated Groups and Controlled Groups—Intercompany Transactions and Related Rules (§ 1.1502–13).

DATES: Written comments should be received on or before May 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: CO–24–95, Consolidated Groups—Intercompany Transactions and Related Rules, and CO–11–91, Consolidated Groups and Controlled Groups—Intercompany Transactions and Related Rules.

OMB Number: 1545–1433.

Regulation Project Numbers: CO–11–91 and CO–24–95.

Abstract: The regulations require common parents that make elections under regulation section 1.1502–13 to provide certain information. The information will be used to identify and assure that the amount, location, timing and attributes of intercompany transactions and corresponding items are properly maintained.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,200.

Estimated Time Per Respondent: 29 minutes.

Estimated Total Annual Burden Hours: 1,050.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information

technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5960 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–362–88]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, INTL–362–88 (TD 8618), Definition of a Controlled Foreign Corporation, Foreign Base Company Income and Foreign Personal Holding Company Income of a Controlled Foreign Corporation (§§ 1.954–1 and 1.954–2).

DATES: Written comments should be received on or before May 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Definition of a Controlled Foreign Corporation, Foreign Base Company Income and Foreign Personal Holding Company Income of a Controlled Foreign Corporation.

OMB Number: 1545–1068.

Regulation Project Number: INTL–362–88.

Abstract: A U.S. shareholder of a controlled foreign corporation is subject to current U.S. taxation on the subpart F income of the foreign corporation, which consists of several categories of income. The election and recordkeeping requirements in the regulation are necessary to exclude certain high-taxed or active business income from subpart F income or to include certain income in the appropriate category of subpart F income. The recordkeeping and election procedures allow the U.S. shareholders and the IRS to know the amount of the controlled foreign corporation's subpart F income.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/Recordkeepers: 50,500.

Estimated Time Per Respondent/Recordkeeper: 1 hour.

Estimated Total Annual Reporting/Recordkeeping Hours: 50,417.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5961 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[TD 8172]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, TD 8172, Qualification of Trustee or Like Fiduciary in Bankruptcy (§ 301.6036–1).

DATES: Written comments should be received on or before May 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Qualification of Trustee or Like Fiduciary in Bankruptcy.

OMB Number: 1545–0773.

Regulation Project Number: TD 8172.

Abstract: Internal Revenue Code section 6036 requires that receivers, trustees in bankruptcy, assignees for the benefit of creditors, or other like fiduciaries, and all executors shall notify the district director within 10 days of appointment. This regulation provides that the notice shall include the name and location of the Court and when possible, the date, time, and place of any hearing, meeting or other scheduled action. The regulation also eliminates the notice requirement under section 6036 for bankruptcy trustees, debtors in possession and other fiduciaries in a bankruptcy proceeding.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 12,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5962 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8328

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8328, Carryforward Election of Unused Private Activity Bond Volume Cap.

DATES: Written comments should be received on or before May 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Carryforward Election of Unused Private Activity Bond Volume Cap.

OMB Number: 1545–0874.

Form Number: Form 8328.

Abstract: Internal Revenue Code section 146(f) requires that an annual volume limit be placed on the amount of private activity bonds issued by each State. Code section 146(f)(3) provides that the unused amount of the private activity bonds for specific programs can be carried forward for 3 years depending on the type of project. In order to carry forward the unused amount of the private activity bond, an irrevocable election can be made by the issuing authority. Form 8328 allows the issuer to execute the carryforward election.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and state, local, or tribal governments.

Estimated Number of Respondents: 10,000.

Estimated Time Per Respondent: 11 hours, 2 minutes.

Estimated Total Annual Burden Hours: 110,300.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5963 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8821

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed

and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8821, Tax Information Authorization.

DATES: Written comments should be received on or before May 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Tax Information Authorization.

OMB Number: 1545–1165.

Form Number: 8821.

Abstract: Form 8821 is used to appoint someone to receive or inspect certain tax information. The information on the form is used to identify appointees and to ensure that confidential tax information is not divulged to unauthorized persons.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not for profit institutions, and farms.

Estimated Number of Respondents: 200,000.

Estimated Time Per Respondent: 1 hour, 3 minutes.

Estimated Total Annual Burden Hours: 210,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5964 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–163–84]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–163–84 (TD 8439), Treatment of Transactions Between Partners and Partnerships §§ 1.707–3(c)(2), 1.707–5(a)(7)(ii), 1.707–6(c) and 1.707–8).

DATES: Written comments should be received on or before May 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Treatment of Transactions Between Partners and Partnerships.

OMB Number: 1545–1243.

Regulation Project Number: PS–163–84.

Abstract: Internal Revenue Code section 707(a)(2) provides that if there are transfers of money or property between a partner and a partnership, the transfer will be treated, in certain situations, as a disguised sale between the partner and the partnership. The regulations require that the partner or the partnership should disclose the transfer and certain attendant facts in some situations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Time Per Respondents: 7,500.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 2,500.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5965 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–103–90]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–103–90 (TD 8578), Election Out of Subchapter K for Producers of Natural Gas (§ 1.761–2).

DATES: Written comments should be received on or before May 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Election Out of Subchapter K for Producers of Natural Gas.

OMB Number: 1545–1338.

Regulation Project Numbers: PS–103–90.

Abstract: This regulation contains certain requirements that must be met by co-producers of natural gas subject to a joint operating agreement in order to elect out of subchapter K of chapter 1 of the Internal Revenue Code. Under regulation section 1.761–2(d)(5)(i), gas producers subject to gas balancing agreements must file Form 3115 and certain additional information to obtain the Commissioner's consent to a change in method of accounting to either of the two permissible accounting methods described in the regulations.

Current Actions: There is no change to this existing regulation.

Type of review: Extension of OMB approval.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 10.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 5.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5966 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[IA–30–95]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA–30–95 (TD 8672), Reporting of Nonpayroll Withheld Tax Liabilities (§ 31.6011(a)–4).

DATES: Written comments should be received on or before May 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Reporting of Nonpayroll Withheld Tax Liabilites.

OMB Number: 1545–1413.

Regulation Project Number: IA–30–95.

Abstract: This regulation relates to the reporting of nonpayroll withheld income taxes under section 6011 of the Internal Revenue Code. The regulations require a person to file Form 945, Annual Return of Withheld Federal Income Tax, only for a calendar year in which the person is required to withhold Federal income tax from nonpayroll payments.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

The burden for the collection of information is reflected in the burden for Form 945, Annual Return of Withheld Federal Income Tax.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5967 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–870–89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, INTL–870–89, Earnings Stripping (Section 163(j)).

DATES: Written comments should be received on or before May 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Earnings Stripping [Section 163(j)).

OMB Number: 1545–1255.

Regulation Project Number: INTL–870–89.

Abstract: Internal Revenue Code section 163(j) concerns the limitation on the deduction for certain interest paid by a corporation to a related person. This provision generally does not apply to an interest expense arising in a taxable year in which the payer corporation's debt-equity ratio is 1.5 to 1 or less. Regulation section § 1.163(j)–5(d) provides a special rule for adjusting the basis of assets acquired in a qualified stock purchase. This rule allows the taxpayer, in computing its debt-equity ratio, to elect to write off the basis of the stock of the acquired corporation over a fixed stock write-off period, instead of using the adjusted basis of the assets of the acquired corporation.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,300.

Estimated Time Per Respondent: 31 minutes.

Estimated Total Annual Burden Hours: 1,196.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5968 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–55–89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–55–89 (TD 8566), General Asset Accounts Under the Accelerated Cost Recovery System (§ 1.168(i)–1).

DATES: Written comments should be received on or before May 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: General Asset Accounts Under the Accelerated Cost Recovery System.

OMB Number: 1545–1331.

Regulation Project Number: PS–55–89.

Abstract: Section 168(i)(4) of the Internal Revenue Code authorizes the Secretary of the Treasury to provide rules under which a taxpayer may elect to account for property in one or more general asset accounts for depreciation purposes. The regulations describe the time and manner of making the election described in Code section 168(i)(4). Basic information regarding this election is necessary to monitor compliance with the rules in Code section 168.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and farms.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondents: 15 minutes.

Estimated Total Annual Burden Hours: 250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5969 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–66–93 and PS–120–90]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning existing final regulations, PS–66–93 (TD 8609), Gasohol; Compressed Natural Gas, and PS–120–90 (TD 8241), Gasoline Excise Tax (§§ 48.4041–21, 48.4081–2(c)(3), 48.4081–3(d)(2)(iii), 48.4081–3(e)(2)(ii), 48.4081–3(f)(2)(ii), 48.4081–4(b)(2)(ii), 48.4081–4(b)(3)(i), 48–4081–4(c), 48.4081–6(c)(1)(ii), 48.4081–7, and 48.4081–9).

DATES: Written comments should be received on or before May 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: PS–66–93, Gasohol; Compressed Natural Gas; and PS–120–90, Gasoline Excise Tax.

OMB Number: 1545–1270.

Regulation Project Number: PS–66–93 and PS–120–90.

Abstract: PS–66–93: This regulation relates to gasohol blending and the tax on compressed natural gas (CNG). The sections relating to gasohol blending affect certain blenders, enterers, refiners, and throughputters. The sections relating to CMG affect persons that sell or buy CNG for use as a fuel in a motor vehicle or motorboat. PS–120–90: This regulation relates to the federal excise tax on gasoline. It affects refiners, importers, and distributors of gasoline and provides guidance relating to taxable transactions, persons liable for tax, gasoline blendstocks, and gasohol.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, farms and state, local or tribal governments.

Estimated Number of Respondents: 3,170.

Estimated Time Per Respondent: 7 minutes.

Estimated Total Annual Burden Hours: 371.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate

of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5970 Filed 3–9–01; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 66, No. 48

Monday, March 12, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE TREASURY

Guidance to Federal Financial Assistance Recipients on the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

Correction

In notice document 01–5412 beginning on page 13829 in the issue of Wednesday, March 7, 2001, make the following correction:

On page 13829, in the third column under the heading **DATES**, in the third line, "May 7, 3001 " should read, "May 7, 2001 ".

[FR Doc. C1–5412 Filed 3–9–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–116050–99]

RIN 1545–AX65

Stock Transfer Rules: Carryover of Earnings and Taxes

Correction

In proposed rule document 00–28950 beginning on page 69138 in the issue of Wednesday, November 15, 2000, make the following corrections:

§1.367(b)–7 [Corrected]

1. On page 69158, in §1.367(b)–7(e)(2)(iv), *Example 2–(i) Facts.*, in the first table, in the column titled "E&P", "(200u)" should read "200u".

§1.367(b)–8 [Corrected]

2. On page 69178, in §1.367(b)–8(e)(6), *Example 2(ii)(B) Application of §1.367(b)–5(c).*, in the third column, in the 23rd line, remove "(along with $50 of foreign income taxes) and 166.7u (200u–(100u × (200u ÷ 600u))) of available earnings in the section 904(d)(1)(D) shipping separate category".

[FR Doc. C0–28950 Filed 3–9–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
March 12, 2001

Part II

Federal Retirement Thrift Investment Board

5 CFR Part 1605
Correction of Administrative Errors; Final Rule

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1605

Correction of Administrative Errors

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule.

SUMMARY: The Executive Director of the Federal Retirement Thrift Investment Board (Board) is amending the Board's regulations on correction of administrative errors to change the period of time for submission of claims for the correction of errors in a participant's Thrift Savings Plan (TSP) account. As presently written, certain sections of the regulations impose conflicting duties upon participants to file claims for correction of errors in their TSP accounts within one year of receipt of notice of an error, and also upon employing agencies or the Board to correct an error without regard to when the error is discovered. The amended regulation resolves this conflict by specifying when errors must be corrected by the employing agency, the Board, or the TSP record keeper, as the case may be, and when they may be corrected in the sound discretion of these parties.

In addition, the amended regulation provides that lost earnings in back pay cases involving separations from service will be calculated based upon the G Fund rates of return, as the regulation presently provides, or as otherwise requested by the parties or ordered by a court or other tribunal with jurisdiction over the back pay case.

EFFECTIVE DATE: March 12, 2001.

FOR FURTHER INFORMATION CONTACT: Salomon Gomez on (202) 942–1661, Patrick J. Forrest on (202) 942–1659, FAX (202) 942–1676, or Merritt A. Willing on (202) 942–1666.

SUPPLEMENTARY INFORMATION: The Board administers the TSP, which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514, codified, as amended, largely at 5 U.S.C. 8351 and 8401–8479. The TSP is a tax-deferred retirement savings plan for Federal employees, similar to a cash or deferred arrangement established under section 401(k) of the Internal Revenue Code. Sums in a TSP participant's account are held in trust for that participant.

On December 27, 1996, and May 1, 1998, the Board published final rules in the **Federal Register** concerning the correction of administrative errors (61 FR 67472 and 63 FR 24380). These rules were codified at 5 CFR part 1605 and explain how employing agencies, the TSP record keeper, and the Board identify and correct administrative errors in TSP contributions or account balances. The Board published an amendment to part 1605 in proposed form in the **Federal Register** on April 13, 2000 (65 FR 19862). The Board received five comments, three from Federal agencies and two from individuals.

One agency endorsed the idea of holding participants accountable for ensuring that their transactions are completed correctly, pointing out that it was often difficult for an agency to correct an error after an extended period of time. Another agency asked what types of errors would warrant the exercise of sound discretion in deciding whether to correct them and who would be responsible for making such decisions.

The regulation provides that an agency may exercise its sound discretion to correct any error that it discovers or is brought to its attention after the time period has passed for mandatory correction. *See* § 1605.6(b). Each agency will have to decide how to handle these issues. The document in which the agency describes its claims process (whether a regulation or internal directive) should also identify those persons responsible for making the decision. The Board expects that agencies will decide to give responsibility for exercising the agency's discretion to the same persons that presently have responsibility for considering participant claims for TSP error correction.

The Board expects that, in designing the claims procedures that are required by this part, agencies will describe the types of errors which might warrant correction even if notice was untimely. Examples of situations where an agency might exercise its discretion to correct an error that it is not otherwise required to correct are situations in which the employee has a reasonable explanation for failing to identify the error in a timely fashion.

One agency pointed out that an employee might be out of the country for months at a time or may have had a long illness. Where such an absence or illness has prevented the participant from reviewing his or her participant statement, the agency may exercise its discretion to correct the error. On the other hand, where the participant simply has neglected to look at his or her participant statement in a timely fashion, the agency may decline to exercise its discretion to correct the error.

A third agency was concerned with the proposed change to the method by which earnings would be calculated in back pay cases involving separation from service. The agency pointed out that some back pay cases involving separation are resolved by an appeal within the agency, without the intervention of a court or other tribunal. In the proper case, the agency might agree that, but for the separation, the participant would have continued to contribute to the TSP in accordance with his or her contribution allocation on file at the time of the separation. The agency therefore suggested that the TSP also accept an agreement by the parties that lost earnings on such TSP contributions should be calculated based on the returns of the funds to which the employee was contributing at the time of separation.

It was the Board's intent to include cases in which the back pay issue was settled by the parties before it reached the courts. However, the Board recognizes that the proposed language might not be interpreted to permit that result. Therefore, the Board has changed the language of § 1605.4 to permit explicitly the payment of earnings at a rate other than at the G Fund rate upon agreement of the parties in back pay cases that do not reach the courts.

The other two commenters objected to the amendment. The first suggested that the Board give a participant 60 days, rather than 30, after receipt of a TSP participant statement to file a claim for correction. The commenter asserted that in other situations, such as errors in bank statements or credit card statements, an account holder generally has 60 days to bring the error to the attention of the financial institution. One of the agency commenters also suggested that 30 days may not always be sufficient time for a participant to seek correction. (This agency offered the examples given above, such as absence or illness, which the Board believes would be appropriate for the exercise of agency discretion.)

In light of these comments, the Board again reviewed the types of errors that can be made by an employing agency, the Board, or the TSP record keeper to determine the applicability of the 30-day claim period. Effective May 1, 2001, the TSP will modify its current record keeping system to introduce two new investment funds. Also at this time, participants will submit contribution allocation elections directly to the TSP, not to their employing agencies. Following these changes, the Board can identify only two TSP transactions that will be performed by employing agencies that can directly affect the value of participants' accounts, both generically involving payment: remitting contributions and remitting loan repayments. The Board can discern no reason to differentiate the time for correction of errors made with respect to these payments. Thus, the Board has amended § 1605.6(a) to provide that an employing agency must correct any error in a TSP *payment*, whenever the error is discovered (by either the agency or by the participant) within six months of its occurrence.

Presently, employing agencies also perform a third type of transaction, *i.e.*, effecting participant's chosen contribution allocation. A contribution allocation error affects the investment of future contributions and, when the current record keeping system is modified, loan payments. Thus, a contribution allocation error does not entail an incorrect remittance; it entails the erroneous investment of a correct remittance. To provide too long a time period to file a claim for an erroneous investment would allow a participant to use hindsight to make an investment decision.

After May 1, 2001, agencies will no longer report the allocation of contributions among the investment funds (and, thus, agency errors in contribution allocations will not be possible). Instead, participants will submit contribution allocations directly to the TSP record keeper, and the TSP will use these allocations to invest the contributions remitted by their agencies. Although participants will then be able to change their contribution allocations at any time (which will affect the investment of future contributions), it will be difficult to correct contribution allocation errors made by agencies after the TSP begins processing contribution allocations. For these reasons, the Board has retained the 30-day claim period, but has limited its applicability to errors involving contribution allocations processed by agencies before May 1, 2001.

The proposed regulation concerning correction of Board and TSP record keeper errors (§ 1605.8) requires correction of an error made within six months of its discovery if the error involves the withdrawal of an account, the change of a withdrawal election, or the distribution of a death benefit. "Other" errors would be corrected only if discovered within 30 days after issuance of a TSP participant statement or a transaction confirmation. "Other" errors may occur in the posting of a loan repayment, the restoration of a forfeited account, the issuance of a court-ordered payment, the disbursement of a loan, or the processing of a contribution allocation or an interfund transfer. With the exception of contribution allocations or interfund transfers, each of these potential errors concerns the TSP's processing of a receipt or disbursement. The Board has decided that there is no reason to differentiate the time for correction among the explicitly enumerated errors and the foregoing "other" errors (except for contribution allocations and interfund transfers). Thus, the Board has amended § 1605.8 to provide that the TSP must correct any error involving a receipt or disbursement if the error is discovered within 6 months of its occurrence.

In contrast, contribution allocations and interfund transfers involve neither a receipt nor a disbursement. As indicated above, a contribution allocation affects the investment allocation of a participant's future contributions and loan payments among the TSP investment funds; an interfund transfer is initiated by a participant to shift monies among different investment funds. At the time the contribution allocation or interfund transfer request is processed, the TSP mails the participant a confirmation notice. Application of a 30-day time limit for (mandatory) correction will require a participant to be vigilant in assuring his or her instructions have been carried out correctly; it will also prevent a participant from using extended hindsight to decide whether to request a correction.

The Board had considered whether a different time limitation might be more appropriate for the correction of contribution allocations or interfund transfers. For example, the Uniform Commercial Code (§ 8–319) provides that, where a sale or purchase of a security is confirmed in writing, the transaction is enforceable if no written objection is made to it within 10 days after receipt of the confirmation. The Board believes that this error correction period is relevant to both contribution allocations and interfund transfers, which entail an explicit written confirmation. However, the Board also believes that 10 days is too short and that 30 days is more reasonable. For these reasons, the Board has retained the 30-day period in the final regulation, but for contribution allocations and interfund transfers only.

The second individual commenter objected because the Board's regulations require that participants take an active role in correcting errors in their accounts. The commenter stated that participants should be relieved of any responsibility because employing agencies, and not participants, have the information necessary to discover and correct an error. However, participants do have access to relevant TSP information. Participants know the amount of their basic pay from the pay and leave statements that they receive from their employing agencies every pay period. Participants know the amount of employee contributions they have elected to make to the TSP, and can determine from the pay and leave statement whether the proper amount is being deducted. Participants know how they elected to have their contributions allocated among the TSP's investment funds, and can determine from the participant statements issued by the TSP whether their contributions have been deposited in the correct fund. Participants can also determine from their participant statements whether agency contributions have been made to their TSP accounts at the correct time and in the correct amount. Further information, such as the rates of return for each fund, is available from the TSP Web site. Thus, just as users of commercial services are expected to review statements recording transactions in their accounts and to assert their rights in the event of an error, so are TSP participants.

The commenter also stated that employing agencies and the Board fail to provide information to participants concerning the payment of lost earnings or the deposit of makeup contributions. However, lost earnings are shown on the participant statement and makeup contributions are shown on both the pay and leave statement and the participant statement. Furthermore, before makeup contributions can be made, participants must prepare, with their agencies, a schedule of makeup contributions against which participants can compare the activity in their accounts. *See* 5 CFR 1605.2(c). Thus, participants have sufficient information available to determine whether makeup contributions and lost earnings are being properly credited to their accounts.

The commenter objected at length about the problems arising out of retirement system misclassification. The Office of Personnel Management and the employing agencies, not the Board, are responsible for retirement system classification. However, the Federal Erroneous Retirement Coverage Corrections Act, Public Law 106–265, signed on September 19, 2000, addresses the commenter's concerns. The Office of Personnel Management is responsible for its implementation.

Finally, the commenter objected to the Board's lack of authority to penalize agencies that fail to follow its regulations concerning error correction.

However, the Board is unaware of an agency that has refused to follow its error correction regulations to correct an error.

For these reasons, the Board is adopting the proposed regulation, but with the changes as discussed above.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities. They will affect only employees of the Federal Government.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, and 1501–1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by state, local, and tribal governments in the aggregate, or by the private sector. Therefore, a statement under section 1532 is not required.

Submission to Congress and the General Accounting Office

Pursuant to 5 U.S.C. 801(a)(1)(A), the Board submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in today's **Federal Register**. This rule is not a major rule as defined at 5 U.S.C. 804(2).

List of Subjects in 5 CFR Part 1605

Claims, Employment benefit plans, Government employees, Pensions, Retirement.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons set out in the preamble, 5 CFR part 1605 is amended as set forth below:

PART 1605—CORRECTION OF ADMINISTRATIVE ERRORS

1. The authority citation for part 1605 continues to read as follows:

Authority: 5 U.S.C. 8351 and 8474.

§ 1605.4 [Amended]

2. Section 1605.4 is amended by adding after the word "account" at the end of paragraph (a)(3) the words "unless otherwise requested by the agency (with the concurrence of the participant) or as ordered by a court or other tribunal with jurisdiction over the participant's back pay case".

3. Section 1605.6 is revised to read as follows:

§ 1605.6 Procedures for claims against employing agencies; time limitations.

(a) *Agency's discovery of error.* (1) Upon discovery of an error made within the past six months involving the correct or timely remittance of payments to the TSP (other than a contribution allocation error as covered in paragraph (a)(2) of this section or a retirement system misclassification error, as covered in paragraph (c) of this section), an employing agency must promptly correct the error on its own initiative. If the error was made more than six months before its discovery, the agency may exercise sound discretion in deciding whether to correct it, but, in any event, the agency must act promptly in doing so.

(2) An employing agency must promptly correct a contribution allocation error that occurred before May 1, 2001, on its own initiative if it is discovered within 30 days of its first occurrence. No contribution allocation error which occurred before May 1, 2001 may be corrected if it is not the subject of a timely discovery.

(b) *Participant's discovery of error.* (1) If an agency fails to discover an error of which a participant has knowledge involving the correct or timely remittance of a payment to the TSP (other than a contribution allocation error as covered by paragraph (b)(2) of this section, or a retirement system misclassification error as covered by paragraph (c) of this section), the participant may file a claim for correction thereof with his or her employing agency without limitation of time. The agency must promptly correct any such error for which the participant files a claim within six months of its occurrence; the correction of any such error for which the participant files a claim after that time is in the agency's sound discretion.

(2) A participant may file a claim for correction of a contribution allocation error made before May 1, 2001, with his or her employing agency no later than 30 days after the participant receives a TSP participant statement first reflecting the error. The agency must promptly correct such errors.

(3) If a participant fails to file a claim for correction of an error described in paragraph (b)(2) of this section in a timely manner, no such error may be corrected.

(c) *Retirement system misclassification error.* Errors arising from retirement system misclassification must be corrected no matter when they are discovered, whether by an agency or a participant.

(d) *Agency procedures.* Each employing agency must establish procedures for participants to submit claims for correction under this subpart. Each employing agency's procedures must include the following:

(1) The employing agency must provide the participant with a decision on any claim within 30 days of its receipt, unless the employing agency provides the participant with good cause for requiring a longer period to decide the claim. A decision to deny a claim in whole or in part must be in writing and must include the reasons for the denial, citations to any applicable statutes, regulations, or procedures, a description of any additional material that would enable the participant to perfect the claim, and a statement of the steps necessary to appeal the denial.

(2) The employing agency must permit a participant at least 30 days to appeal the employing agency's denial of all or any part of a claim for correction under this subpart. The appeal must be in writing and addressed to the agency official designated in the initial decision or in procedures promulgated by the agency. The participant may include with his or her appeal any documentation or comments that the participant deems relevant to the claim.

(3) The employing agency must issue a written decision on a timely appeal within 30 days of receipt of the appeal, unless the employing agency provides the participant with good cause for requiring a longer period to decide the appeal. The employing agency decision must include the reasons for the decision, as well as citations to any applicable statutes, regulations, or procedures.

(4) If the agency decision on the appeal is not issued in a timely manner, or if the appeal is denied in whole or in part, the participant will be deemed to have exhausted his or her administrative remedies and will be eligible to file suit against the employing agency under 5 U.S.C. 8477. There is no administrative appeal to the Board of a final agency decision.

4. Section 1605.8 is revised to read as follows:

§ 1605.8 Claims for correction of Board or TSP record keeper errors; time limitations.

(a) *Filing claims.* Claims for correction of Board or TSP record keeper errors under this subpart may be submitted initially either to the TSP record keeper or the Board. The claim must be in writing and may be from the affected participant or beneficiary.

(b) *Board's or TSP record keeper's discovery of error.* (1) Upon discovery of an error made within the past six months involving a receipt or a disbursement, the Board or TSP record keeper must promptly correct the error on its own initiative. If the error was made more than six months before its discovery, the Board or TSP record keeper may exercise sound discretion in deciding whether to correct the error, but, in any event, must act promptly in doing so.

(2) For errors concerning contribution allocations or interfund transfers, the Board or TSP record keeper must promptly correct the error if it is discovered before 30 days after the issuance of the earlier of the most recent TSP participant (or loan) statement or transaction confirmation that reflected (or would reflect) the error. If it is discovered after that time, the Board or TSP record keeper may use its sound discretion in deciding whether to correct it, but, in any event, must act promptly in doing so.

(c) *Participant's or beneficiary's discovery of error.* (1) If the Board or TSP record keeper fails to discover an error of which a participant or beneficiary has knowledge involving a receipt or a disbursement, the participant or beneficiary may file a claim for correction thereof with the Board or TSP record keeper without limitation of time. The Board or TSP record keeper must promptly correct any such error for which the participant or beneficiary filed a claim within six months of its occurrence; the correction of any such error for which the participant or beneficiary filed a claim after that time is in the sound discretion of the Board or TSP record keeper.

(2) For errors involving contribution allocations or interfund transfers of which a participant or beneficiary has knowledge, he or she may file a claim for correction thereof with the Board or TSP record keeper no later than 30 days after receipt of the earlier of a TSP participant (or loan) statement or transaction confirmation reflecting the error. The Board or TSP record keeper must promptly correct such errors.

(3) If a participant or beneficiary fails to file a claim for correction of contribution allocations or interfund transfers in a timely manner, the Board or TSP record keeper may nevertheless, in its sound discretion, correct any such error that is brought to its attention.

(d) *Processing claims.* (1) If the initial claim is submitted to the TSP record keeper, the TSP record keeper may either respond directly to the claimant, or may forward the claim to the Board for response. If the TSP record keeper responds to a claim, and all or any part of the claim is denied, the claimant may request review by the Board within 90 days of the date of the record keeper's response.

(2) If the Board denies all or any part of a claim (whether upon review of a TSP record keeper denial or upon an initial review by the Board), the claimant will be deemed to have exhausted his or her administrative remedy and may file suit under 5 U.S.C. 8477. If the claimant does not submit a request to the Board for review of a claim denial by the TSP record keeper within the 90 days permitted under paragraph (d)(1) of this section, the claimant shall be deemed to have accepted the TSP record keeper's decision.

[FR Doc. 01–6042 Filed 3–9–01; 8:45 am]

BILLING CODE 6760–01–P

Federal Register

Monday,
March 12, 2001

Part III

The President

Memorandum of March 5, 2001—Delegation of Authority Under Section 1307 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001

Presidential Determination No. 2001–12 of March 1, 2001—Certification for Major Illicit Drug Producing and Drug Transit Countries

Federal Register
Vol. 66, No. 48
Monday, March 12, 2001

Presidential Documents

Title 3—

The President

Memorandum of March 5, 2001

Delegation of Authority Under Section 1307 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001

Memorandum for the Secretary of Defense

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of Defense the authority vested in me under section 1307 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398).

The authority delegated by this memorandum may be redelegated not lower than the Assistant Secretary level.

Any reference in this memorandum to the provision of any Act shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this memorandum in the **Federal Register**.

THE WHITE HOUSE,
Washington, March 5, 2001.

[FR Doc. 01–6295
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Billing code 5000–04–M

Presidential Documents

Presidential Determination No. 20001–12 of March 1, 2001

Certification for Major Illicit Drug Producing and Drug Transit Countries

Memorandum for the Secretary of State

By virtue of the authority vested in me by section 490 (b) (1) (A) of the Foreign Assistance Act of 1961, as amended (the "Act"), I hereby determine and certify that the following major illicit drug producing and/or major illicit drug transit countries have cooperated fully with the United States, or have taken adequate steps on their own, to achieve full compliance with the goals and objectives of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances:

The Bahamas, Bolivia, Brazil, People's Republic of China, Colombia, Dominican Republic, Ecuador, Guatemala, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Thailand, Venezuela, and Vietnam

By virtue of the authority vested in me by section 490 (b) (1) (B) of the Act, I hereby determine and certify that, for the following major illicit drug producing and/or major illicit drug transit countries that do not qualify for certification under section 490 (b) (1) (A), the vital national interests of the United States require that assistance not be withheld and that the United States not vote against multilateral development bank assistance:

Cambodia and Haiti

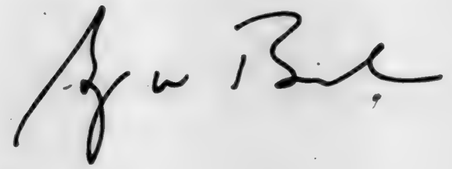
Analysis of the relevant U.S. vital national interests and risks posed thereto, as required under section 490 (b) (3) of the Act, is attached for these countries.

I have determined that the following major illicit drug producing and/or major illicit drug transit countries do not meet the standards for certification set forth in section 490 (b):

Afghanistan and Burma

In making these determinations, I have considered the factors set forth in section 490 of the Act, based on the information contained in the International Narcotics Control Strategy Report of 2001. Given that the performance of each of these countries has differed, I have attached an explanatory statement for each of the countries subject to this determination.

You are hereby authorized and directed to report this determination to the Congress immediately and to publish it in the **Federal Register**.



THE WHITE HOUSE,
Washington, March 1, 2001.

Billing code 4710–10–M

Annual Drug Certification Determinations Pursuant to the Foreign Assistance Act

Statements of Explanation

Afghanistan

Afghanistan continues to be the world's largest opium producer after another year of major increases. Despite severe drought conditions in much of the country, reliable United States Government estimates indicate that cultivation increased by 25 percent and potential production reached 3,656 metric tons. Afghanistan was responsible for 72 percent of the world illicit opium supply. Traffickers of Afghan heroin continued to route most of their production to Europe, but also targeted the United States. United States seizure data suggest that at least five percent (approximately one metric ton) of the heroin imported into the United States originates in Afghanistan.

The Taliban and Northern Alliance factions vie for national control of Afghanistan and both control territory used by cultivators, refiners and traffickers. United Nations Drug Control Programme (UNDCP) and non-governmental organization (NGO) efforts at supply and demand reduction have had little success due to the lack of cooperation and support from the Afghan factions. The factions, especially the Taliban, which controls 96 percent of the territory where poppy is grown, promote poppy cultivation to finance weapons purchases as well as military operations. Those in positions of authority have made proclamations against poppy cultivation, but they have had little or no effect on the drug trade, which continues to expand.

The Taliban issued in late July a new ban on poppy cultivation. At the end of the year, evidence showed that the area under cultivation was down substantially over the previous year. However, it is not clear to what extent the Taliban will enforce the ban on a continuing basis. Nor is it clear that a ban on poppy cultivation will impede a drug trade suspected by the international community to have large quantities of opium in storage. The announcement of the opium ban has caused opium prices to rise, a boon for traffickers sitting on large stockpiles. Neither the Taliban nor the Northern Alliance has taken any significant action to seize stored opium or precursor chemicals, or to arrest and prosecute drug traffickers. On the contrary, authorities continue to tax the opium poppy crop at about ten percent, and allow it to be sold in open bazaars, and to be traded and transported. While there have been credible reports of significant reductions in poppy cultivation, it will not be possible to assess the extent of any eradication or reduction in cultivation until mid-2001. The Taliban made no discernible attempt to enforce earlier decrees in 1997 and 1999 that banned or reduced poppy. Rather, cultivation increased countrywide in those years.

Drug production in and trafficking from Afghanistan has a negative effect on the region. The drug trade corrupts local authorities, is the major factor behind skyrocketing regional heroin addiction in refugee and indigenous populations, and is responsible for increased levels of terrorism and drug-related violence in neighboring countries. The Afghan drug trade also undermines the rule of law by generating large amounts of cash, contributing to regional money laundering and official corruption in countries with weak economies and institutions.

United States officials have repeatedly urged Taliban officials to respect and implement Afghanistan's international obligations on terrorism, illicit drugs, and human rights. No Afghan faction took any significant steps to achieve the goals and objectives of the 1988 UN Drug Convention. In the absence of an effective central government, a trained anti-drug force, and an operational drug policy, there is virtually no counterdrug law enforcement in Afghanistan.

The Bahamas

The Bahamas is a major transit country for U.S.-bound cocaine and marijuana from South America and the Caribbean. The Government of the Commonwealth of the Bahamas cooperates with the United States Government to interdict drugs in Bahamian territory, reduce drug demand, combat exploitation of the offshore financial sector by money launderers and other financial criminals, and enhance the ability of the Bahamian judicial system to prosecute and convict drug traffickers and money launderers.

During 2000, The Bahamas continued its active participation in Operation Bahamas and Turks and Caicos (OPBAT), a three-nation interdiction effort against air and maritime drug smuggling. Total Bahamian cocaine seizures were 47 percent higher than in 1999; marijuana seizures were up five percent.

In June 2000, the Financial Action Task Force (FATF) named The Bahamas a non-cooperative jurisdiction due to deficiencies in its anti-money laundering regime, and in July 2000, the United States Treasury Department advised U.S. banks to closely scrutinize all transactions with Bahamian banks. In response, the Government of the Commonwealth of the Bahamas passed legislation to strengthen its anti-money laundering regime, to create a Financial Intelligence Unit (FIU), to reform its strict banking secrecy rules, and to more effectively regulate International Business Companies (IBCs). The Bahamas also created a separate unit within the Attorney General's Office to process Mutual Legal Assistance Treaty (MLAT) requests and cleared its backlog of outstanding United States Government requests. With full implementation of its new anti-money laundering legislation, establishment of the FIU, and continued improvement in international cooperation via full and rapid responses to MLAT requests, The Bahamas could become less attractive to financial criminals.

The Government of the Commonwealth of the Bahamas has not begun to implement the recommendations of a May 2000 assessment by the Organization of American States Inter-American Drug Abuse Commission (OAS/CICAD) of The Bahamas precursor chemical control system, which included legislative actions, awareness-raising, and institutional development.

During 2000, the Government of the Commonwealth of the Bahamas ratified the Inter-American Convention Against Corruption and successfully prosecuted two corrupt police officers for drug trafficking. The Bahamas is a party to the 1988 UN Drug Convention and works to meet the goals and objectives of that Convention.

Bolivia

In 2000, the Government of Bolivia eliminated all commercially significant coca cultivation in the Chapare, Bolivia's principal coca-growing region. With only 14,600 hectares remaining under cultivation in all of Bolivia, largely in the Yungas region, Bolivia's potential cocaine production was reduced from 70 metric tons in 1999 to 43 metric tons in 2000.

Plans are underway to initiate coca eradication and counterdrug alternative development in the Yungas region, where 12,000 hectares of legal and 1,700 hectares of illegal coca remain. The Government of Bolivia is also undertaking a reevaluation of the needs of the legal coca market, with a view to revising downward the legal maximum amount that can be grown. There are no reports of diversion to the illegal markets of the 300 hectares of illegal coca in the Apolo region. Eradication forces will remain in the Chapare to eliminate the last 600 hectares of coca and to fully enforce the provisions of Bolivia's anti-drug law.

Violent disturbances in October failed to derail the progress in coca eradication; however, their negative impact on overall economic activity in Bolivia was significant. The disturbances also threatened counterdrug alternative development production infrastructure and hard-won market linkages with Argentine and Chilean buyers.

Enforcement of Bolivia's anti-money laundering legislation was not effective in 2000, and there were no arrests or prosecutions. The asset seizure and forfeiture regime remains mired in bureaucratic and legal ambiguities.

It is unclear if new regulations planned to take effect in May 2001 will resolve attendant constitutional questions. The chemical interdiction program, however, was highly successful in 2000, and continued to force Bolivian traffickers to rely on inferior substitutes for scarce and expensive chemicals smuggled in from neighboring countries and to streamline the cocaine base and hydrochloride (HCl) production process. This resulted in the further reduction of the purity of Bolivian cocaine, causing most foreign traffickers to purchase base in Bolivia or import Peruvian base through Bolivia for transshipment and processing into HCl in Brazil where essential chemicals are readily available.

Brazil

Brazil continues to be a major transit country for illicit drugs shipped to the United States and Europe as well as a major producer of precursor chemicals. The Government of Brazil's two main counterdrug events of 2000 were the launch of Operation Cobra and the clarification of the division of counterdrug responsibilities. Operation Cobra reinforces Brazil's northern border with Colombia against any spillover resulting from implementation of Plan Colombia by the Government of Colombia. In addition, the Government of Brazil reorganized its counterdrug effort to give responsibility for supply reduction (interdiction) to the Ministry of Justice and its sub-agencies (including the Federal Police) and responsibility for demand reduction (treatment and prevention) to SENAD, its federal anti-drug agency.

Brazil's domestic drug problem is increasing. Regionally, Brazil continues to cooperate, particularly with Colombia and Peru, to effectively control the remote frontier regions where illicit drugs are transported. Federal Police reported seizing more than four metric tons of cocaine in 2000, a figure which does not reflect the additional drug seizures made by state, local, and highway police forces. A record amount of cannabis, 157 tons, was also reported seized. Brazil improved its precursor chemical controls.

Law enforcement cooperation overall increased, as well, among Brazilian law enforcement agencies and regionally, particularly with Paraguay. Brazil made progress in implementing its money laundering legislation. In its bilateral relationship with the United States, the Brazilian Congress ratified the Mutual Legal Assistance Treaty in December, and resumed negotiations on a Customs Mutual Assistance Agreement.

Burma

The world's second largest source of illicit opium and heroin, Burma accounts for approximately 80 percent of the total production of Southeast Asian opium, although production has declined yearly since 1996. Poppy cultivation expanded in 2000 to 108,700 hectares, a 21 percent increase over the 89,500 hectares cultivated in 1999. Because of localized bad weather, Burma produced 1,085 metric tons of opium in 2000, a decrease of 5 metric tons from the 1,090 metric tons produced in 1999. Heroin seizures declined for the third straight year, and opium seizures rose only slightly. Heroin seized in 2000 totaled 171 kilograms compared to 273 kilograms in 1999 and 404 kilograms in 1998. Opium seizures in 2000 totaled 1,528 kilograms compared to 1,445 kilograms seized in 1999 and 5,394 kilograms seized in 1998. Only two heroin refineries were destroyed through November 2000. The Government of Burma claimed to have eradicated 10,985 acres under poppy cultivation in 2000.

In 2000, Burmese officers seized approximately 27 million methamphetamine tablets, a decrease from the nearly 29 million seized in 1999 and only a small fraction of the total produced in Burma. Seizures of ephedrine, the precursor used to manufacture methamphetamines, also declined from nearly 6,500 kilograms in 1999 to approximately 2,700 kilograms in 2000.

The Government of Burma pursued a cautious, low-risk counterdrug program, introduced no new counterdrug policies, continued to exert little direct pressure on major drug organizations, and made almost no attempt to seize drugs or destroy illegal drug factories in United Wa State Army-controlled territories.

The Government of Burma continued to pursue and arrest individual drug traffickers, including members of some former insurgent groups, but has been unwilling or unable to take on the most powerful groups directly. The cease-fire agreements signed with these insurgent groups often implicitly condone their continued participation in drug production and trafficking, at least over the short term. The ethnic drug-trafficking armies, such as the United Wa State Army and the Myanmar National Democratic Alliance Army, remain armed and heavily involved in the heroin trade.

The Government of Burma expressed support for poppy eradication and crop substitution, but allocated few resources to such projects. Its policy is to force the leaders in the ethnic areas to spend their own revenues, including from the drug trade, on social and physical infrastructure. The approach limits the Government of Burma's ability to continue or expand its counterdrug efforts.

Burma's 1993 Narcotic Drugs and Psychotropic Substances Law conforms to the 1988 UN Drug Convention and contains useful legal tools for addressing money laundering, seizing drug-related assets, and prosecuting drug conspiracy cases. Government officials, claiming they lack sufficient expertise, have been slow to implement the law, targeting few, if any, major traffickers and their drug-related assets. Money laundering in Burma and the return of drug profits laundered elsewhere are thought to be significant factors in the overall Burmese economy, although the extent is impossible to measure accurately.

The Government of Burma continued to refuse to transfer to U.S. custody drug lord Chang Qifu on grounds that he had not violated his 1996 surrender agreement. The 1988 UN Drug Convention obligates parties, including Burma, to prosecute such traffickers.

The Government of Burma's counterdrug efforts in 2000 showed progress in a number of areas: crop eradication continued with modest expansion; anti-drug forces conducted more vigorous law-enforcement efforts; and members of some cease-fire groups were arrested for drug trafficking. Such efforts must be expanded, however, if they are to have a significant impact on the overall trafficking problem.

On balance, the United States Government remains concerned that Burma's efforts are not commensurate with the extent of the illicit drug problem within its borders. Large-scale poppy cultivation and opium production continues, and enormous quantities of methamphetamines are produced. The Government of Burma's effective toleration of money laundering, its unwillingness to implement its counterdrug laws, and its failure to transfer notorious traffickers under indictment in the United States are all serious concerns.

Cambodia

Cambodia remained a weak link in the region's efforts to combat the drug trade. Through 1998, chronic political instability hindered Cambodia's ability to mount a sustained counterdrug effort. Cambodia's institutions are now only slowly improving. The Government of Cambodia recognizes that its counterdrug performance to date has been inconsistent and often ineffective, and there is widespread recognition that the country must be more aggressive in tackling drug-related issues.

There was some progress in improving law enforcement and limiting corruption in 2000, but there was insufficient progress for Cambodia to qualify for full certification.

There were positive developments reported. Cambodia's lead counterdrug agency, the National Authority for Combating Drugs (NACD), cooperates closely with the U.S. Drug Enforcement Administration, regional counterparts, and the UNDCP. Cambodia is a party to the 1993 Regional Memorandum of Understanding on Drug Control, and is also a party to a six-country Subregional Action Plan for Drug Control. In mid-2000, the United States Government permitted mid-level Cambodian officials to participate

in courses at the International Law Enforcement Academy (ILEA) in Bangkok, an initial step toward fulfilling critical training shortcomings.

The Government of Cambodia continued to have some success in combating illegal cultivation of marijuana. The military conducted numerous sweeps against marijuana producers in the major growing zones and destroyed 60 hectares in 2000, three times the previous total. However, seizures of harvested marijuana declined. The Prime Minister spoke out forcefully against corruption. He fired some high level officials, including a provincial governor and his staff, for involvement in illegal logging, and publicly threatened to fire another governor for failure to act against illegal marijuana cultivation.

Despite those positive developments, corruption in Cambodia remained prevalent. Until this crucial problem is more fully addressed, effective law enforcement will remain elusive. The institutions needed to combat illegal drugs remain in a nascent state, and neither the institutions nor many of the officials within them are sufficiently competent to address the problems they face. This combination of a lack of competence and continued corruption results in Cambodia failing to meet the standards for full certification.

A vital national interests certification is necessary again this year to protect U.S. vital national interests in Cambodia. Democracy in Cambodia is progressing. This year the legislature passed laws to create an international tribunal to bring to trial the former leaders of the Khmer Rouge, a major step towards greater international acceptance and one that will require donor assistance to Cambodia. Should sanctions be imposed, it would not be possible for the United States Government to assist in strengthening Cambodia's democratic development. Cambodia remains vulnerable to drug trafficking and other crime due to the weakness of its institutions, a vulnerability that will also put at risk its immediate neighbors. This vulnerability would only be exacerbated by the consequences of decertification. The risks to democracy in Cambodia and to regional stability outweigh the risks posed by Cambodia's failure to fully implement effective drug control.

China

The People's Republic of China (hereafter, China) continued a multifaceted approach to combat the use and trafficking of illicit drugs. Preliminary figures suggest that heroin seizures will mirror those in 1999, which fell steeply from record levels in 1998, but most seizures of Burmese heroin now take place in China. Seizures of amphetamine-type stimulants (ATS) skyrocketed in 2000, demonstrating the growing threat from synthetic drugs in China.

For the first time, Chinese authorities provided the United States Government with samples of drugs seized en route to the United States. China cooperated with the United States and other countries in providing pre-export notification of dual-use precursor chemicals, and continues to cooperate actively on operational issues with the U.S. Drug Enforcement Administration through its office in Beijing. China eliminated new anonymous bank accounts to combat money laundering.

China's domestic counterdrug strategy emphasizes both education and rehabilitation. The approach includes anti-drug education for all school children, warnings to citizens of the link between intravenous drug use and HIV/AIDS, and a pilot "drug free communities" program.

During 2000, China cooperated with the UNDCP and regional states on projects on demand-reduction and on crop-substitution in Burma and Laos. The United States and China signed a Mutual Legal Assistance Agreement in June 2000, but China has not yet activated the bilateral Customs Mutual Assistance Agreement signed in 1999. In October, China signed a Memorandum of Understanding with Thailand to enhance counterdrug cooperation and in November signed a bilateral cooperation accord with Laos on transnational crimes, including illicit drug trafficking. China is a party to the 1988 UN Drug Convention, the 1961 UN Single Convention on Narcotic Drugs and its 1972 Protocol, and the 1971 UN Convention on Psychotropic Substances.

Law enforcement cooperation with the United States Government has advanced over the last three years, but China frequently does not respond to U.S. requests for information or responds too late to be of operational value. China has also continued its nonengagement in the Asia-Pacific Group on Money Laundering and did not pursue membership in the Financial Action Task Force.

Despite some shortcomings, China has acted forcefully to stop the production, trafficking in, and use of illicit drugs within its borders and within the region and is committed to achieving the goals of the 1988 UN Drug Convention.

Colombia

Colombia remains the world's largest cocaine source, with 80 percent of the world's cocaine hydrochloride produced, processed or transported through Colombia. Still, Colombia met the certification criteria in 2000 due to significant gains it made in combating illicit drugs and its full cooperation with U.S. counterdrug efforts throughout the year. The Government of Colombia continues to demonstrate its resolve in combating the illegal drug industry and had a number of concrete achievements in 2000.

In December, the Government of Colombia initiated the counterdrug component of "Plan Colombia," the comprehensive strategy to address the many interrelated challenges facing the country. The United States Government supports this multi-year Colombian initiative and provided partial funding for it through a supplemental appropriation in 2000. Importantly, both "Plan Colombia" and the Pastrana administration's National Drug Control Strategy couple alternative development with aerial eradication of illicit crops, recognizing that neither can succeed without the other.

In 2000, major cooperative efforts, such as Operation New Generation, resulted in the arrests of key traffickers. Meanwhile, important judicial cooperation resulted in the extradition of 12 fugitives to the United States, nine of whom are Colombian nationals.

The Colombian National Police (CNP) continued its outstanding counterdrug efforts. The CNP received increased support from the Colombian Armed Services and began joint operations in southern Colombia with the Army's counterdrug battalions.

The Government of Colombia once again made significant advances in combating maritime trafficking, independently and bilaterally. The port security program resulted in the seizure of 29 metric tons of cocaine and demonstrated the potential of cooperation between government and private industry. The Colombian Navy has described a shipboarding agreement (signed in 1997) as one of its most effective counterdrug tools and has credited this agreement with the capture of over 23 tons of cocaine in 2000. The Government of Colombia also enacted resolutions meant to disrupt the logistics support to drug traffickers at sea by improving monitoring of ships and boats and increasing the penalties associated with carrying fuel in excess of levels specified in issued permits.

The Government of Colombia has improved the Colombian Air Force's (FAC) monitoring and interdiction abilities. In 2000, the FAC effectively prevented illegal aircraft from entering Colombia's north coast. The CNP's civil aviation registration program, begun in 1999, inspected 398 aircraft in 2000, finding 58 violations with 20 testing positive for drug residue.

The aerial eradication program succeeded in treating approximately 47,370 hectares of coca, a slight decrease from last year's level, and roughly 9,000 hectares of opium poppy, the most ever in Colombia. The CNP also had another strong year in the realm of enforcement, with seizures of large amounts of cocaine hydrochloride and base, coca leaf, heroin, morphine and opium.

The Government of Colombia also took an important step in combating financial crime when it joined the Governments of Aruba, Panama and Venezuela, as well as the United States, in establishing a multilateral initiative to address the Black Market Peso Exchange (BMPE). The BMPE is a highly organized money-laundering system through which products such as liquor and domestic appliances are purchased abroad with drug-generated dollars, smuggled into Colombia, and then sold on the domestic market, thereby generating pesos which can be introduced into the legitimate economy.

Overall, Colombia continued as a leader in counterdrug efforts in 2000 and demonstrated its staunch commitment to cooperate fully with the United States in combating this shared problem.

Dominican Republic

The Dominican Republic is a major transit country for South American drugs, mostly cocaine, moving to the United States. The country is used by drug smugglers as both a command-and-control center and transshipment point. Increasing amounts of designer drugs, especially ecstasy, are being moved from Europe through the Dominican Republic to Puerto Rico and the U.S. mainland.

While extradition of fugitives to the United States has become more routine as our bilateral extradition relationship continues to improve, there still is no regular process. A more consistent and predictable extradition process remains a key U.S. objective in its bilateral relations with the Dominican Republic. The Dominican Republic is designated a major money laundering country, but is not a regional financial center. The Dominican Republic is a party to the 1988 UN Drug Convention and its counterdrug efforts are consistent with the goals of the Convention.

In 2000, the Government of the Dominican Republic continued to cooperate fully with the United States Government on counterdrug goals and objectives. In April, the Government of the Dominican Republic submitted legislation to strengthen money-laundering regulations; the legislation is currently awaiting passage by the legislature. The new administration of Hipolito Mejia, installed in August 2000, has pledged full cooperation with the United States and other countries in counterdrug activities. A National Drug Plan for the years 2000-2005, published in August, will guide its efforts.

Through December, with U.S. cooperation and assistance, the Dominican Republic's National Drug Control Agency (DNCD) seized 1,270 kilograms of cocaine, 2,900 kilograms of cannabis and 20 kilograms of heroin, and also made 4,625 drug-related arrests. In November, the United States and the Dominican Republic concluded a new, four-year, overflight agreement that permits United States Government aircraft to fly through the airspace of the Dominican Republic in pursuit of smugglers' aircraft. Also in 2000, the DNCD and the military established three special land control units and three coastal units to protect the country's border with Haiti and its coastline from drugs transiting the country.

Ecuador

Ecuador continues to be a major transit area for drugs and precursor chemicals. Traffickers exploit Ecuador's porous borders with Colombia and Peru to consolidate smuggled cocaine and heroin into larger loads for bulk shipment to the United States and Europe hidden in containers of legitimate cargo.

Ecuador continued to struggle with economic and political crises, including events in January 2000 which led to the ouster of the elected president and replacement by his constitutional successor. Also in 2000, Ecuador became the first South American country to adopt the U.S. dollar as its national currency.

The Ecuadorian National Police (ENP) seized more than three tons of cocaine and coca base, 109 kilograms of heroin, and 18 tons of marijuana.

The ENP established a unified anti-drug division to strengthen the management of drug law enforcement, and created an internal affairs unit. Ecuador's depressed economy and continued lack of police/military coordination, however, hamper counterdrug efforts. Ecuador improved its enforcement of regulations on controlled precursor chemicals.

The Ecuadorian Congress enacted a new criminal justice procedural code, which will fundamentally change its legal system from an inquisitorial to an accusatory-style one. Ecuador also began to enact legislative reforms related to money laundering, and to legalize the use of controlled deliveries and undercover operations as law enforcement tools. A joint Ecuadorian task force, including financial intelligence units, addressed coordination of drug trafficking and money laundering investigations. Ecuador participated in the OAS/CICAD initiative, the Mutual Evaluation Mechanism (MEM).

Ecuador has cooperated with the United States in a very significant way by permitting the United States Government to establish and operate, at an Ecuadorian Air Force base in Manta, a forward operating location (FOL) for regional aerial counterdrug detection and monitoring missions.

Guatemala

The Government of Guatemala cooperated with the United States Government in combating drug trafficking in Guatemala. Guatemala is a party to the 1988 UN Drug Convention, and most Guatemalan law enforcement activities are consistent with its goals and objectives. Once a major producer of opium, Guatemala's sustained eradication efforts have reduced opium cultivation and maintained it at insignificant levels. Nevertheless, Guatemala remains a major drug-transit country for South American cocaine en route to the United States and Europe. In 2000, the Government of Guatemala made an effort to increase its law enforcement capabilities to counter the constant flow of drugs transiting the country. However, drug seizures declined significantly due to the tremendous turnover in personnel in law enforcement and other government agencies, corruption, and an acute lack of resources.

Professionalization of the National Civilian Police's Department of Anti-Narcotics Operations (DOAN), the main Guatemalan counterdrug force, is a primary objective for the Government of Guatemala. It is attempting to develop an effective, integrated counterdrug and related law enforcement training program that will improve the quality of the DOAN and to enhance interdiction and eradication operations.

The Government of Guatemala increased the Public Ministry's special anti-drug staff and continued with a U.S.-funded program of professionalization for prosecutors and the judiciary that included anti-corruption training. The Guatemalan Supreme Court established special "high impact" courts to handle drug-trafficking and other cases deemed too sensitive for the regular court system. Despite these measures, success in prosecuting major traffickers has been limited. With U.S. assistance, the Public Ministry created the Anti-Corruption Prosecutor's office which has initiated nearly a thousand cases against government officials although none have gone to trial.

The Government of Guatemala is considering draft money laundering legislation and has signed (but not ratified) the Central American Convention for the Prevention of Money Laundering and Related Crimes.

Haiti

The record does not support certification of Haiti as having fully cooperated with the United States or taken adequate steps on its own to achieve full compliance with the goals and objectives established by the 1988 UN Drug Convention, to which Haiti is a party. However, it is in the vital national interests of the United States to continue to provide U.S. foreign assistance to Haiti.

Haiti remains a significant transshipment point for drugs, primarily cocaine, moving through the Caribbean from South America to the United

States. Although cocaine flow through Haiti decreased during 2000, only some of the decrease is attributable to the efforts of the Haitian Government.

The Government of Haiti cooperated with the United States Government in a limited number of areas. These areas included: U.S. Coast Guard and multilateral maritime interdiction efforts; expulsion of two non-Haitian fugitives; ratification of both a bilateral maritime law enforcement agreement and the Inter-American Convention Against Corruption; and enactment of a National Drug Control Strategy and anti-money laundering laws.

However, the Government of Haiti failed to take other significant counterdrug actions. It did not: enact asset forfeiture and precursor chemical legislation; draft and introduce anti-corruption legislation; expand the anti-drug unit of the National Police to the agreed-upon size; or fully implement a Memorandum of Understanding among key law enforcement and related agencies to ensure interagency counterdrug cooperation. In addition, it showed no increase in seizures of illegal drugs, including cocaine, nor in the number of arrests of major traffickers. Neither did it successfully prosecute money-laundering cases, nor secure the forfeiture of trafficker assets. Finally, the Government of Haiti did not conclude a counterdrug Letter of Agreement with the United States Government.

Vital national interests of the United States require that assistance to Haiti be maintained. Continued assistance for programs to alleviate hunger, increase access to education, combat environmental degradation, and incubate civil society in the hemisphere's poorest country is vital to strengthening democracy, promoting economic growth, and reducing pressure for illegal immigration. Terminating these programs could prompt Haitian authorities to end their cooperation in the repatriation of Haitian immigrants interdicted at sea. These programs also address the root causes of poverty and hopelessness in Haiti, which are important contributing factors behind Haitian involvement in the drug trade.

Therefore, the risks posed to the vital national interests of the United States by a cutoff of bilateral assistance outweigh the risks posed by Haiti's failure to cooperate fully with the United States Government, or to take adequate steps on its own, to achieve full compliance with the goals and objectives established by the 1988 UN Drug Convention.

India

India is one of the world's top producers of licit opium and is the sole producer of licit opium gum. It is a key heroin transshipment country due to its location between Southeast Asia and Southwest Asia, the two main world sources of illicitly grown opium. India is a modest but apparently growing producer of heroin for the international market. The Government of India continues to tighten controls to curtail diversion of licit opium, but an unknown yet significant quantity of licit opium finds its way to illicit markets. There was a significant increase in diversion of licit opium from the 1999 crop, but the 2000 crop suffered much less diversion.

Under the terms of internationally agreed covenants, and to meet U.S. certification requirements, India is required to maintain licit production of opium and carry over stocks at levels no higher than those consistent with world demand, i.e., to avoid excessive production and stockpiling which could "leak" into illicit markets. India has complied with this requirement.

Though the 1999 and 2000 licit opium gum harvests had identical weather conditions, enhanced enforcement during the harvest and weighing period prompted farmers to turn in higher yields in 2000. The level of diversion from the licit opium crop, while always difficult to estimate, clearly declined from an alarming level in 1999, when up to 300 metric tons of opium gum may have been diverted to the black market. The success seen in 2000 appears due in large part to the more aggressive Government of India drug control efforts during the harvest and collection period of the crop. Licit opium diversion controls included re-surveys of plots after the planted

crop reached a particular stage of growth to ensure that the area under cultivation matched that licensed. Cultivation more than five percent above the licensed amount was destroyed, and the cultivator was liable to prosecution. India has continued to tighten controls on diversion and in 2000 agreed to a Joint Licit Opium Poppy Survey (JLOPS) agreement with the United States, a significant step in fighting diversion. The survey will provide a firmer scientific basis for minimum qualifying yields for farmers.

Poppies are grown illicitly in India in the Himalayan foothills of Kashmir and Uttar Pradesh, and in northeast India near the Bangladesh and Burmese borders. The quantities of illicit production appear relatively small. "Brown sugar" heroin, originating in India, is available in Nepal, Bangladesh, Sri Lanka, and the Maldives. Since January 1999, Indian authorities have seized more than 337 kilograms of refined "white-powder" heroin, at least part of which was produced in India, destined for Sri Lanka. The Central Bureau of Narcotics (CBN) began organized poppy eradication campaigns in Arunachal Pradesh four years ago. In its first campaign in 1997, the CBN destroyed 35 hectares of opium poppy. This increased to 95 hectares in 1998, and 248 hectares in 1999. In 2000, 153 hectares were destroyed.

In 2000 an estimated 1,089 kilograms of heroin were seized, up 27 percent from 1999 (861) and 66 percent over 1998 (655). Opium seizures totaled 2,218 kilograms, up from 1,635 in 1999 and 2,031 in 1998, occurring mostly in the poppy growing areas.

Indian controls on precursor chemicals have reduced the availability of these chemicals to the illicit market. Nevertheless, illicit diversion of precursor chemicals from India continued to occur. Indian authorities have been very cooperative with the U.S. Drug Enforcement Administration in sharing information from no-objection certificates, in verifications of end-users, and in notifications of seizures of India-produced chemicals.

Jamaica

Jamaica is a major transit point for South American cocaine en route to the United States as well as the largest Caribbean producer and exporter of marijuana. During 2000, the Government of Jamaica made some progress toward meeting the goals and objectives of the 1988 UN Drug Convention. Increased trafficking through Jamaica indicates the need for its Government to intensify and focus its law enforcement efforts and to enhance its international cooperation.

In 2000, the Government of Jamaica amended its 1996 Money Laundering Act to add fraud, corruption, and firearms trafficking as predicate offenses. Further action is needed, however, to bring Jamaica in line with international standards, including an improved asset forfeiture regime and an operational financial analysis unit. In 1999, the Government of Jamaica enacted legislation enabling asset-sharing agreements with other governments; an agreement with the United States is pending.

In April 2000, the Government of Jamaica brought into force a Precursor Chemicals Act, budgeted for implementation of chemical controls, and is taking action, with U.S. assistance, to comply with recommendations provided by the Organization of American States Inter-American Drug Abuse Control Commission's Precursors Control Project. Although the Government of Jamaica made progress in implementing the recommendations contained in a 1997 port security assessment and increased security presence at its ports, drug traffickers continue to use Jamaica's air and seaports. The United States Customs Service reports that Jamaica is the embarkation point of the largest number of passengers arrested with drugs at U.S. airports. While evidence from drug detection technology, such as ion scan, can be exploited under certain conditions, the Government of Jamaica should consider providing specific legislation to admit this type of evidence in Jamaican courts. In December 2000, the Government of Jamaica introduced a wiretap bill in Parliament.

The Fugitive Apprehension Team, a special police unit dedicated to the apprehension and eventual extradition of criminals wanted by the United States, aided by officers of the United States Marshals Service, made over 20 arrests in 2000, more than double the number in 1999. The Government of Jamaica extradited 10 people to the United States in 2000 and is actively working on over 40 cases. Legislation creating drug courts came into force in 2000; the courts should begin sitting in 2001.

Corruption continues to undermine law enforcement and judicial efforts against drug-related crime in Jamaica. The Government of Jamaica reintroduced in Parliament its anti-corruption bill, which passed in December, and amendments to strengthen the Parliament (Integrity of Members) Act. Implementation of these bills and ratification of the Inter-American Convention Against Corruption could help the Government of Jamaica root out corruption in the public sector.

A significant increase in the flow of cocaine through Jamaica in the first half of 2000, coupled with reduced cocaine seizures and marijuana eradication by the Government of Jamaica, indicates that more intensive law enforcement action with enhanced international cooperation is necessary to disrupt drug trafficking and production activities in Jamaican territory and waters. Such actions include the arrest and prosecution of significant drug traffickers operating in Jamaica, dismantling of small independent groups that conduct the drug trade, and increased drug seizures and eradication. As it agreed to do in 1998, the Government of Jamaica should develop a vetted special investigative unit to identify and target significant drug traffickers. Jamaican forces participated in combined operations with the United States under a bilateral maritime agreement, but should take full advantage of the agreement in order to reduce the drug flow through Jamaica. U.S. law enforcement agencies note that cooperation with their Jamaican counterparts is generally good, but could be significantly improved.

The Government of Jamaica has in place a national drug control strategy that covers both supply and demand reduction; specific goals and objectives, together with measures of effectiveness, should be incorporated in this strategy. Jamaica is a party to the 1988 UN Drug Convention.

Laos

Laos remains the world's third largest producer of illicit opium, behind Burma and Afghanistan. For the 2000 growing season, the United States Government estimates Laos's potential production at 210 metric tons, which is substantially greater than the 1999 estimate of 140 metric tons. Opium cultivation increased six percent. The higher production estimate can be attributed to improved weather conditions and an increase in estimated yields, although the increase in cultivation also contributed to a lesser degree.

Laos continued to cooperate with the United States Government in crop substitution projects. Most crop substitution project areas funded by the United States Government continued to show low levels of opium cultivation. As a first step for the new Lao-American project in Phongsali Province, construction began on a 72-kilometer road that will link remote, opium-cultivating villages. The Government of Laos also continued cooperation in Houapanh Province.

In March, the Government of Laos held its first national conference on drug control, at which counterdrug strategies and work plans were formulated. In October, Laos formally committed itself to eliminating opium by 2008 and all drugs by 2015, in accordance with the political statement and plan of action enacted by the Association of Southeast Asian Countries at a UNDCP Congress in Bangkok. The Government of Laos continued to work closely with the UNDCP to develop a master plan for opium elimination and to raise funds for that effort.

Cooperative efforts on law enforcement also continued. New counterdrug law enforcement offices opened in Champasak and Houapanh provinces,

and the office in Udomxai moved to quarters refurbished with U.S. assistance. Seizures of heroin and methamphetamine increased sharply, and the Lao police cooperated with United States Government officials in counterfeit U.S. currency investigations. Police performance and law enforcement in general, however, continued to fall short of goals. Counterdrug police units need more training and better coordination. The Government of Laos is not yet a party to the 1988 UN Drug Convention; its stated goal is ratification of the convention in the near future, as agreed by all participants in the 1998 UN General Assembly Special Session on Drugs.

Mexico

Sharing a nearly 2000-mile border with the United States, much of the drug-related criminal activity in Mexico is linked to the U.S. illicit drug market. Mexico is a major source of opium poppy and cannabis. It is also a major drug transit country for cocaine, heroin, methamphetamine and cannabis, and Mexican-based organized crime plays a significant role in drug distribution in the United States.

Both the Governments of Mexico and the United States recognize that bilateral cooperation is essential to effective action against these transborder criminal groups as well as against other aspects of the shared drug problem. The drug issue is among the top issues on the bilateral agenda. Greater information sharing and the establishment of formal mechanisms to achieve our shared goals, particularly on drug interdiction and money laundering, characterized bilateral counterdrug cooperation in 2000.

The Government of Mexico continued its broad-based program to combat drug trafficking and related crimes, as well as to address a worrisome increase in drug abuse. Drug-related violence, particularly along the border with the United States, remained a major concern. The Government of Mexico made progress in its efforts to dismantle the transborder drug cartels, particularly the Tijuana-based Arellano Felix Organization. Mexican military and law enforcement authorities arrested both the cartel's chief of operations and its financial manager. These and other high profile arrests represent significant accomplishments for Mexico's counterdrug agencies.

Mexico's eradication program is one of the largest and most aggressive in the world. Eradication, coupled with severe drought, reduced cultivation by almost 50 percent from 1999 to approximately 1,900 hectares. This resulted in record low levels of opium poppy production, and heroin production fell from just over 4 metric tons in 1999 to only 2.5 metric tons in 2000, a record low.

The Mexican financial system remains vulnerable to international money laundering, particularly given the large amounts of drug proceeds being laundered by Mexico-based criminal organizations. The Government of Mexico took important steps in 2000 to strengthen its anti-money laundering infrastructure. Recent legislative modifications and regulations lowered the threshold for declarations of large amounts of currency or monetary instruments and imposed requirements on non-bank financial institutions; this should improve the Government of Mexico's ability to detect money laundering and to prosecute money laundering cases.

Since much of the money laundered in Mexico originates in the United States, there is extensive bilateral cooperation in this area. In 2000, the Governments of Mexico and the United States signed an agreement to facilitate tracking the movement of large sums of money between the two countries. In June 2000, Mexico became a member of the Financial Action Task Force, the leading international body dedicated to fighting money laundering. The Government of Mexico also enacted legislation to strengthen reporting requirements for large-value domestic currency transactions. Aggressive enforcement of these regulations will be needed to safeguard the integrity of Mexico's financial institutions.

Regarding the return of fugitives, the Mexican Supreme Court ruled that the extradition of Mexican nationals is permissible under Mexican law.

This reversed several lower court rulings that prevented the extradition of Mexican nationals facing criminal charges in the United States. Although issued in 2001, the decision represents the culmination of a sustained effort by the Zedillo Administration to strengthen bilateral law enforcement cooperation. In addition, the Mexican Senate ratified the temporary surrender protocol to the bilateral extradition treaty, which, likewise, will enhance cooperation in bringing fugitives to justice.

The Government of Mexico increased its efforts to reduce the demand for drugs domestically, giving special attention to the northern border, where the incidence of drug abuse and drug-related violence, is up to three times the national average. Cross-border cooperation on drug abuse and crime prevention has been increasing. For example, Baja California's Secretariat of Education and the San Diego School District have initiated a pilot project introducing a curriculum on the "culture of lawfulness" to help young people better understand and thus resist involvement in crime and corruption. The appointment of a "drug czar" for demand reduction brought new attention to federal efforts to reduce drug use.

In its struggle against drugs, Mexico still faces daunting challenges. One of the most difficult is corruption within the law enforcement institutions fostered by drug trafficking organizations. The Zedillo Administration continued to promote reform efforts, but these were undermined by such factors as administrative shortcomings in its law enforcement agencies, i.e., low salaries and a lack of operational funds and equipment. President Fox campaigned on a platform of fighting crime and corruption, and has undertaken reorganization and reform of the justice sector, sending a strong signal of commitment.

The Governments of Mexico and the United States continue to build upon the existing infrastructure of counterdrug policy coordination mechanisms, training and information sharing, equipment and technical assistance, as well as bilateral law enforcement cooperation, through the development of bilateral agreements, multilateral mechanisms, and working-level communications. Step by step, the United States and Mexico will expand this infrastructure and work to remove legal impediments and other roadblocks to effective cooperation against transnational criminal organizations.

Nigeria

The Government of Nigeria made significant efforts in 2000 to address its drug trafficking problem. Democratically elected President Obasanjo has publicly denounced drug trafficking. The Nigerian National Assembly passed tough anti-corruption legislation that created an anti-corruption commission with broad powers. The Obasanjo Administration supported the 1990 National Drug and Law Enforcement Agency (NDLEA) Act Number 33, which dictates that Nigerians convicted of drug offenses abroad will be arrested upon their deportation back to Nigeria, and, if convicted, be liable for a minimum of five years additional imprisonment.

In 2000, the Government of Nigeria demonstrated its commitment to counterdrug cooperation by transferring to U.S. custody four fugitives, including two individuals indicted for serious drug and drug-related offenses and designated under the Foreign Narcotics Kingpin Designation Act. Alhaji Bello Lafiaji, the new chief of the NDLEA (which has primary responsibility for combating drug smuggling and drug abuse), also declared an all-out offensive against drug trafficking, called for the harmonization of Nigeria's drug legislation, and sought increased international assistance for the drug agency.

Nigerian counterdrug efforts during 2000 primarily focused on the interdiction of couriers transiting Nigeria's airports as well as a public campaign focused on destroying plots of cultivated marijuana throughout the country. The NDLEA's most successful interdictions have taken place at Nigeria's international airports, forcing smugglers to change tactics and ship contraband via Nigeria's five major seaports or across its porous land borders. The NDLEA reported a total of 107 kilograms of cocaine and heroin seized during 2000, as well as the arrest of 1,881 drug traffickers during the first ten months of the year. Several Nigerian customs officials involved in an attempt to smuggle heroin to the United States were apprehended and now face trial for their crime. In addition, a Nigerian military general was court martialed, stripped of his rank, and dismissed from the Army; he remains in the custody of military officials after being implicated in a heroin smuggling case, while he was stationed in Pakistan.

The NDLEA conducted an active eradication campaign in 2000 and reported a total of 961,345 kilograms of cannabis destroyed. Recently, the NDLEA has highlighted this eradication campaign by inviting dignitaries to the various destruction ceremonies around the country and releasing press reports highlighting their eradication activities.

Cooperation between Nigerian and U.S. law enforcement agencies was good during 2000. However, law enforcement efforts are often stymied by the slow pace of the Nigerian judicial system, which can be attributed to both intimidation and corruption of the judiciary by criminal organizations. In addition, within the judicial system, the Government of Nigeria needs to establish a reliable extradition process that will allow extradition requests to be heard expeditiously and fairly.

Nigeria is a hub of money laundering and criminal financial activity, not only for the West African sub-region, but also increasingly for the entire continent. Nigerian money laundering is directly linked to drug trafficking, as well as such related activities as document, immigration and financial fraud. In response to international concerns, the Government of Nigeria has taken positive steps to combat criminal activity and has become closely involved with U.S. law enforcement agencies in attempting to address financial crimes and money laundering in Nigeria.

Pakistan

Pakistan is an important transit country for Afghan opiates and cannabis. In 2000, Pakistan sharply reduced poppy cultivation, dropping from 1,670 to 515 hectares, a 67 percent decrease from 1999. Government of Pakistan counterdrug cooperation with the United States Government was excellent. Interdictions of heroin increased 85 percent and several major traffickers were arrested. The Government of Pakistan has prevented the reemergence of large heroin/morphine processing laboratories. However, there was little progress in 2000 on pending extradition cases of drug fugitives.

Pakistan almost achieved its ambitious goal of eliminating opium production by the year 2000. While Pakistani opium production has plummeted, the tripling of poppy cultivation in Afghanistan since 1993 and growth in sophistication of the Afghan drug trade are putting enormous pressure on the Government of Pakistan's border control efforts and Pakistani society. This means more drugs transiting Pakistan, a growing addiction problem, and more cash available for bribery and official corruption.

Pakistan's illicit drug seizures were up significantly compared to the same period in 1999. During the first 10 months of 2000, 7.4 metric tons of heroin, 7.8 metric tons of opium, and 108.1 metric tons of hashish were seized (compared to 4.0, 12.9 and 70.0 metric tons, respectively, in 1999). Seizures of acetic anhydride, an important precursor chemical for producing illicit drugs, consisted of small consignments originating in India. The Anti-Narcotics Force's (ANF) seizures of heroin and cannabis set records in 2000.

The prosecutions of most drug and other criminal cases in Pakistan are protracted. Corruption and low salaries threaten the integrity of law enforcement and judicial institutions throughout Pakistan. Judges grant continuances; defendants file delaying interlocutory appeals; witnesses are reluctant to testify; and bribery can influence case outcomes. The trial of Sakhi Dost Jan Notezai, a prominent drug trafficker and suspected member of the Quetta Alliance trafficking syndicate, finally concluded this year after seven years of proceedings. He received a sentence of life in prison and forfeited his

assets. The case of another alleged drug trafficker, Munawar Hussain Manj, a former member of Pakistan's National Assembly, is still pending in the superior court, after five years of proceedings. The case of Rahmat Shah Afridi, owner of an English-language daily and an influential politician from the Northwest Frontier Province, arrested in early 1999, also is pending. One positive step was the establishment of five special drug courts in 2000, although they are not yet fully operational and lack realistic operating budgets.

The ANF continues to cooperate effectively with the U.S. Drug Enforcement Administration to raise investigative standards. The creation of the Special Investigative Cell (SIC), trained and equipped by the United States, has been a milestone in improving the Government of Pakistan's counterdrug efforts. The SIC targets major drug trafficking organizations and first year results have been encouraging. With this success, plans are underway to expand SIC operations.

Panama

The Government of Panama continued to demonstrate its willingness to combat transnational drug trafficking. Panama is a major transshipment point for illicit drugs smuggled from Colombia. Cocaine is stockpiled in Panama prior to being repackaged for passage to the United States and Europe. Panama's location, largely unpatrolled coastlines, advanced infrastructure, weak judicial system, and well-developed financial services sector make it a crossroads for transnational crime, such as drug trafficking, money laundering, illicit arms sales, and alien smuggling.

The Government of Panama's interdiction of illicit drugs in 2000 increased significantly over 1999, with record seizures of heroin and first ever seizures of MDMA (Ecstasy). It enacted two laws and issued two executive decrees that greatly strengthen Panama's money laundering laws and the ability to share information with international counterparts. Panama took steps toward implementing its comprehensive chemical control program by establishing a control board that will coordinate government entities and the private sector. In addition, as a step towards combating financial crime, the Government of Panama joined the multinational initiative to address the Black Market Peso Exchange.

The highest U.S. bilateral counterdrug priorities in the coming year will be signing a full six-part counterdrug maritime agreement and assisting the Government of Panama in curbing corruption, implementing anti-money laundering legislation, increasing security and oversight of the Colon Free Zone, and improving prosecutions of money launderers and drug traffickers. Other U.S. priorities in Panama include supporting the Government of Panama's efforts to: build a highly professional interagency counterdrug task force; develop the capability to control sea lanes, rivers, island and coastal regions, and the Canal area; and limit cross-border criminal influence. With the commitment of the Moscoso administration, the United States Government is hopeful that there will be measurable progress in these areas in 2001.

Paraguay

Paraguay remains a transit country for approximately 10 metric tons of mostly Bolivian cocaine annually, as well as a source country for high-quality marijuana that is not trafficked to the United States. Paraguay is a large money-laundering center in Latin America, but it remains unclear how much may be drug-related. Paraguay is a party to the 1988 UN Drug Convention.

The Government of Paraguay improved its anti-drug cooperation with the United States Government in 2000. It named a new head of the anti-drug secretariat (SENAD) who reenergized anti-drug efforts by forming a new unit to investigate major traffickers and their organizations. This initiative led to the arrest of 4 major traffickers and the destruction of an aircraft ferrying cocaine to Brazil. Cocaine seizures remained stable at 1999 levels. Paraguay enhanced its cooperation with its neighbors by signing agreements

on judicial cooperation and information sharing, and by expelling a major trafficker to Brazil. While judicial cooperation remains weak, the Paraguayan Attorney General named special prosecutors with national jurisdiction to strengthen SENAD's counterdrug operations.

Although anti-drug cooperation with the United States Government improved in 2000, the Government of Paraguay still has much to accomplish. The Paraguayan Senate is considering a complete modernization of existing drug law, but it failed to pass long sought authorities for police to use informants and to conduct undercover operations and controlled deliveries. These authorities will be key to investigating and prosecuting major drug traffickers, and sustaining the successes of 2000 against trafficking organizations in Paraguay.

The Government of Paraguay provided the Anti-Money Laundering Secretariat with its first independent budget, but has not shown much improvement on combating money laundering. Only one money-laundering case was recommended for prosecution, and no arrests were made in 2000. A cumbersome judicial process is largely responsible for consistently minimal success in the Government of Paraguay's enforcement of its drug-related asset seizure and forfeiture laws. The Government of Paraguay also made little progress against official corruption and has not made progress in developing an effective anti-drug and organized crime investigative and operational capability for the border areas.

While action against money laundering and official corruption, passage of legislation for modern police authorities, and controlling its borders remain important areas needing improved cooperation by the Government of Paraguay, the United States Government is impressed with the steps taken against some of the major trafficking organizations operating in Paraguay.

Peru

Despite the political turbulence in Peru during 2000, the Government of Peru made progress on all major components of its counterdrug program. Over 6,200 hectares of coca were eradicated manually, which contributed to a 12 percent cultivation reduction in 2000, and an overall 70 percent reduction in coca cultivation over the past six years. The Peruvian transition government has restated its commitment to the reduction of coca cultivation. There was a significant increase in the number of opium poppy fields discovered and destroyed by the Government of Peru during 2000; however, information on the extent of opium poppy cultivation throughout Peru remained scarce.

In January 2000, the Peruvian National Police arrested Adolfo Cachique Rivera, co-head of a major Peruvian cocaine base trafficking organization. His arrest effectively ended the illegal cocaine operations of this organization, which had exported multi-kilogram quantities of cocaine base to Brazil and Colombia for over nine years. Luis and Jose Aybar-Cancho, the heads of a major arms and drugs trafficking organization, were also arrested.

While the total amount of drugs seized in 2000 declined, the Peruvian National Police destroyed several cocaine hydrochloride laboratories. The police chemical control unit conducted over 1,000 regulatory and criminal investigations of suspected chemical companies in 2000, making 41 arrests, seizing over 158 metric tons of controlled precursor chemicals, and closing six chemical companies. The Government of Peru cooperated with the U.S. Drug Enforcement Administration and Chilean authorities in the nine-ton seizure of cocaine from a maritime shipment in the Chilean seaport of Arica. There were also two successful interceptions of trafficker aircraft by the Peruvian Air Force (FAP) during 2000. One of these interceptions highlighted significant interagency Peruvian cooperation between the air force and police, which forced the traffickers to burn their aircraft and sacrifice its drug payload.

The counterdrug alternative development program achieved significant results, increasing the gross value of licit agricultural production to $64.6

million in targeted areas. This exceeds the gross value of coca leaf production in the same areas by ten percent, and marks a notable decline in the illicit economy based on coca. Alternative development has also assisted in raising the percentage of coca area households with access to basic services from 16 percent to 49 percent.

New elections and a policy to fight corruption bode well for counterdrug work. Peru's significant reduction in the amount of coca cultivated proves that its strategy is working. However, with higher prices being paid for coca, farmers will be tempted to abandon licit crops. It is essential that manual eradication of illegal coca crops, counterdrug-related alternative development, the airbridge denial program, and land and maritime/riverine interdiction all continue as closely coordinated complementary programs. The Government of Peru should also refine relevant laws, especially as they pertain to money laundering, asset seizure, and chemical controls.

Thailand

Thailand has one of the world's most effective illicit drug crop control programs. United States analysts estimate that Thailand's opium production in the 2000 growing season remained at a maximum of 6 metric tons. Cultivation remained under 1,000 hectares for the second year in a row, although there was a slight increase to 890 hectares. Continuing trends established in previous years, opium farmers are cultivating smaller, more isolated fields and engaging in multiple cropping to avoid eradication.

Thailand remains a major drug transit country; a significant amount of heroin transits Thailand on its way to the United States. Throughout 2000, Thailand continued its long tradition of cooperation with the United States and the international community in anti-drug programs. With U.S. Drug Enforcement Administration support, the Royal Thai Police (RTP) established the fourth in a series of specially trained drug law enforcement units to target major trafficking groups. Despite treatment, epidemiology of substance abuse, and demand reduction programs, the epidemic of methamphetamine abuse grew, especially among the young. The methamphetamine problem underscored the need for cost effective community-based models of addiction treatment and additional abuse-prevention training for both public and private sector health professionals.

Thailand enhanced its leadership role in transnational crime issues by co-managing the International Law Enforcement Academy (ILEA) in Bangkok with the United States. The bilateral extradition relationship continues to be highly successful, and Thailand continues to extradite its nationals to the United States under the treaty. Indeed, Thailand is one of the top countries in the world in cooperating with the United States on extradition requests. Extensive cooperative law enforcement programs continued to bear fruit. According to Royal Thai Government figures, 290 kilograms of heroin were seized and 9 methamphetamine labs were destroyed during the first 10 months of 2000. Despite Thailand's good record on counterdrug enforcement, many elements of government and society remain rampantly corrupt.

2000 was also a productive year for legislation and regulation. Implementing regulations for the 1999 Money Laundering Control Act came into effect in October, 2000. The Act requires reporting for most financial transactions of more than 2 million baht (approximately $50,000). A senior police official has been named to head the 64-person money laundering control office. The Thai Cabinet approved accession to the 1988 UN Drug Convention and final arrangements are being undertaken by the Ministry of Foreign Affairs.

Venezuela

Venezuela is a significant transit route for illegal drugs destined for the United States and Europe; by some United States Government estimates, over 100 metric tons of cocaine transit Venezuela annually. The vast majority of this traffic consists of cocaine and heroin from neighboring Colombia.

Cooperation with U.S. law enforcement agencies was very good, with one complex joint operation leading to the seizure of 8.8 metric tons of

cocaine, numerous arrests in Venezuela, and the expulsion of two significant third-country drug traffickers to the United States for trial. The Government of Venezuela expanded its already extensive cooperation with the United States through counterdrug programs focusing on interdiction, money laundering, chemical control and reinforcement of the judicial system. The Organization of American States Inter-American Drug Abuse Commission (CICAD) elected Venezuela to its Vice-Presidency. The Government of Venezuela continued to attempt to conduct aerial interdiction operations against drug smuggling aircraft unilaterally in 2000; while these actions were largely ineffective, during the same period air transits through Venezuelan airspace by drug smugglers decreased significantly.

The Government of Venezuela continued to combat drug trafficking and consumption in 2000, despite considerable change in the political system (including a new constitution adopted in December 1999 that mandated the election of a new unicameral National Assembly). New policy initiatives were introduced, and the Government of Venezuela enhanced law enforcement efforts to combat drug trafficking and related crime. Seizure figures for the calendar year were up from the preceding year for both cocaine (15 metric tons from 12) and heroin (134 kilograms from 40).

During 2000, Venezuelan prosecutors took steps to fulfill their new responsibilities under the new penal code introduced in 1999. The National Antidrug Commission introduced new initiatives in 2000 to expand demand reduction programs, to increase Venezuelan participation in multilateral antidrug initiatives, and to improve eradication efforts aimed at small areas of coca and opium poppy cultivation that spill over into Venezuelan territory from Colombia. Venezuela prepared draft legislation to improve chemical precursor control, and participated in a multilateral effort to improve regional cooperation countering precursor chemical diversion.

The Government of Venezuela continued to place a high priority on reducing corruption. Reorganization of law enforcement agencies and the customs service led to large-scale dismissals of those suspected of involvement in corruption. However, new legislation to give police necessary tools to aid investigations was not adopted, partly because the new National Assembly did not begin work until October 2000.

The Government of Venezuela enhanced its efforts to collect information to deter money laundering, introducing new regulations to further strengthen already stringent currency transaction reporting based on U.S. reporting requirements, and taking steps to implement Caribbean Financial Action Task Force recommendations. The Government of Venezuela should adopt appropriate legislation to criminalize the laundering of proceeds from all serious crimes.

Vietnam

Vietnam intensified its efforts to combat the production, trafficking, and use of illicit drugs. Due to improved weather, Vietnam saw a 10 percent increase in poppy cultivation to 2,300 hectares in 2000 from 2,125 hectares in 1999. Potential opium production in 2000 increased 36 percent to 15 metric tons from 11 metric tons in 1999. The Government of Vietnam continued its efforts to reduce poppy cultivation through education, eradication, and crop-substitution programs. Drug seizures increased in most categories, although amounts seized were still small. Law enforcement officers seized 60 kilograms of heroin, 567 kilograms of opium, 2,200 kilograms of marijuana, 119,465 vials of addictive drugs, 66,192 doses of heroin, and 6,783 tablets of amphetamine-type stimulants (ATS), including methamphetamine. The quantities of opium, vials of addictive drugs, and tablets of ATS interdicted increased by 26.5 percent. Vietnam cooperated with the U.S. Drug Enforcement Administration, which opened an office in Hanoi in February 2000, and signed a counterdrug agreement with Japan in February 2000 providing for information sharing and training.

The Government of Vietnam received increased counterdrug funding from the United States, up from $11.6 million in 1999 to $14.3 million in 2000.

The Government of Vietnam drafted a new two-stage Master Plan for 2001-2010. The Plan entailed 14 projects to combat drug production and trafficking and to strengthen education and drug-treatment programs, as well as an intensified one-year, six-point counterdrug program. The Government of Vietnam restructured and rationalized its drug control institutions. The National Assembly passed a counterdrug law, drafted with U.S. assistance, and legislation criminalizing money laundering.

The United States and Vietnam have not yet concluded a counterdrug agreement. Vietnam has not fully eradicated poppy crops, and farmers reverted to poppy cultivation in some high-poverty rural areas, increasing the total to 2,300 hectares devoted to poppy crops. Revisions to the Penal Code that criminalize money laundering took effect on July 1, 2000. Vietnam's new banking law also requires financial institutions to report suspicious transactions, although they are only reported to a central authority upon request.

Despite some notable shortcomings, Vietnam has made a vigorous effort to combat drug production and trafficking. There is no question that the Government of Vietnam at the highest levels fully realizes the threat drugs present to Vietnamese society and is doing everything possible to counter the availability and use of illicit drugs.

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Federal Register

Monday,
March 12, 2001

Part IV

The President

Proclamation 7415—National Colorectal Cancer Awareness Month, 2001

Federal Register
Vol. 66, No. 48
Monday, March 12, 2001

Presidential Documents

Title 3—

The President

Proclamation 7415 of March 8, 2001

National Colorectal Cancer Awareness Month, 2001

By the President of the United States of America

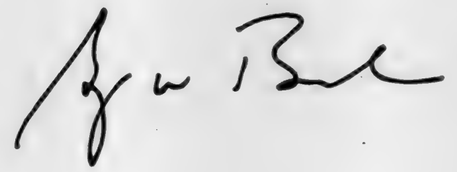
A Proclamation

Last year, approximately 130,000 new cases of colorectal cancer were diagnosed in the United States. This is a startling number. Late diagnosis is one reason why colorectal cancer, cancer of the colon and rectum, is the second leading cause of cancer-related deaths for Americans. The disease strikes men and women with almost equal frequency and often progresses without symptoms. Fortunately, colorectal cancer is usually curable when discovered early, and early diagnosis is possible through regular screenings. Regular screenings are particularly important for persons age 50 or older. Regular screenings are also important for individuals considered at higher risk for the disease.

Widespread screening for colorectal cancer could save up to 30,000 lives a year, if all cases were found at an early stage. To raise awareness about the disease and to encourage regular screening, the Cancer Research Foundation of America, the National Colorectal Cancer Roundtable, and the American Digestive Health Foundation have joined together to encourage Americans to observe March 2001 as National Colorectal Cancer Awareness Month.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution of the United States, do hereby proclaim March 2001 as National Colorectal Cancer Awareness Month. By supporting continued education about this disease and research into treatment and prevention, Americans can help stop colorectal cancer and save many lives.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of March, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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  - Clause flowdown; published 1-10-01
- Definitions; published 1-10-01
- Non-commercial items—
  - Advance payments; published 1-10-01

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- Oklahoma; published 1-9-01

Air quality implementation plans; approval and promulgation; various States:
- Maryland; published 2-8-01
- Rhode Island; published 2-9-01

Air quality planning purposes; designation of areas:
- Washington; published 2-9-01

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Butene, homopolymer; published 3-12-01
- Chlorothalonil; published 3-12-01

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Common carrier services:
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Thrift savings plan:
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HEALTH AND HUMAN SERVICES DEPARTMENT
Health Care Financing Administration
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Surface and underground mining activities:
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- Securities registration; fee rate change; registration form update; published 3-9-01

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Coast Guard
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- Events requiring permits, written notices, or neither; identification; final rule and withdrawal of interim rule; published 1-9-01

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- National Organic Program; establishment; comments due by 3-21-01; published 12-21-00

AGRICULTURE DEPARTMENT
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- Karnal bunt; comments due by 3-19-01; published 1-16-01
- West Indian fruit fly; comments due by 3-23-01; published 1-22-01

Plant-related quarantine, foreign:
- Mangoes from Philippines; comments due by 3-23-01; published 1-22-01

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COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration
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- Southern California steelhead; comments due by 3-22-01; published 2-21-01

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- Alaska; fisheries of Exclusive Economic Zone—
  - Bering Sea and Aleutian Islands and Gulf of Alaska groundfish and king and tanner crab; comments due by 3-19-01; published 1-17-01
- Caribbean, Gulf, and South Atlantic fisheries—
  - Gulf of Mexico reef fish and Gulf of Mexico and South Atlantic coastal migratory pelagic resources; comments due by 3-23-01; published 2-1-01
- Northeastern United States fisheries—
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  - National charters; requirements; comments due by 3-19-01; published 2-16-01

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- Federal-State Joint Board on Universal Service—
  - Local telephone service competition status and advanced telecommunications capability (broadband) deployment; comments due by 3-19-01; published 2-15-01
- Wireless telecommunications services—
  - Rural service areas licensing; competitive bidding rules; comments due by 3-19-01; published 3-9-01

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- Montana; comments due by 3-19-01; published 2-1-01
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HEALTH AND HUMAN SERVICES DEPARTMENT
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LIST OF PUBLIC LAWS

This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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H.J. Res. 7/P.L. 107–1
Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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600-End	(869-042-00095-1)	12.00	Apr. 1, 2000
27 Parts:			
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28 Parts:			
0-42	(869-042-00098-6)	43.00	July 1, 2000
43-end	(869-042-00099-4)	36.00	July 1, 2000
29 Parts:			
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31 Parts:			
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

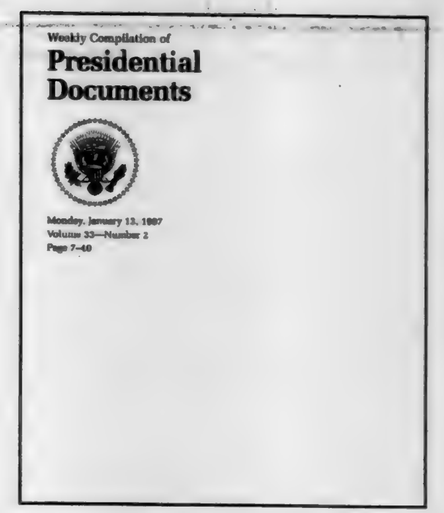
[4] No amendments to this volume were promulgated during the period January 1, 1999, through January 1, 2000. The CFR volume issued as of January 1, 1999 should be retained.

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